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CONGRESSIONAL RECORD:

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ALSO

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CONGRESSIONAL RECORD.

FIRST SESSION, FORTY-FOURTH CONGRESS.

seventy-nine men employed. Between November 1 and 15 there were twenty-four hundred and eighty-eight men employed, more than a thousand increase; and this was for political purposes. I do not say that those men were employed there and performed no labor; I believe they did perform labor; work was done; but the increase was made for the purpose, if possible, of helping the democratic party. So I have no doubt that has been done since; in some yards the force has been increased prior to elections; that is, certain work has been done in order to give strength possibly to some local candidate of the republican party. Look at Philadelphia, where this was more especially noticeable. In May, 1858, there were ten hundred and sixty-four men employed there, and between the 16th and the 31st of October, when the Pennsylvania State election was pending, there were seventeen hundred and twenty-two men employed; an increase of nearly seven hundred. In fact this report shows that in May, 1858, there were employed in all the yards sixty-six hundred and sixty-nine men, and in November of that identical year there were employed 10,038 men; an increase of nearly four thousand men from May to November. I refer to this simply as an offset to the remarks of the Senator from Delaware. I will read a few words from the report of the committee. Speaking of the Brooklyn yard they say:

> This system, added to the abuses previously existing, has reduced the navy-yard to a mere political machine, where idleness, theft, insubordination, fraud, and gross neglect of duty prevailed to an alarming degree. Members of Congress, officers of the yard, both naval and civil, master workmen, contractors, and laborers, have all testified to many abuses.

Mr. MERRIMON. Will the Senator allow me to ask him a question? Taking it to be true that Mr. Van Buren and Mr. Buchanan did as the Senator has suggested, does he not regard it as a shameful and criminal prostitution of power and one that ought be condemned in the strongest terms by the American people?

Mr. CRAGIN. I did not hear the Senator.

Mr. MERRIMON. I ask the Senator from New Hampshire whether taking the allegation to be true that Mr. Van Buren as President and Mr. Buchanan as President did as it is suggested they did do, does he not regard such conduct as a criminal and outrageous prostitution of power and acts which the American people ought to condemn in the strongest possible manner?

Mr. CRAGIN. There were three vessels of the Navy to be repaired. They needed repair. Mr. Van Buren and the Secretary of the Navy concluded to order those vessels to the Brooklyn navy-yard to be repaired. I have no reason to believe that the labor that was performed on those vessels was not well and honestly performed. They were sent to Brooklyn because it was better to have men employed there at that particular time to influence the election than it was to have them employed down at Norfolk. I do not see anything very criminal in that, although it may have been very bad policy.

Mr. THURMAN. Will the Senator allow me to ask him a question?

Mr. CRAGIN. I would go further than that in my opinion.

Mr. THURMAN. If that is his explanation of it, how can he justify the severe censures of the committee from whose report he has read?

Mr. CRAGIN. In the case in 1858, Mr. Buchanan, or his Secretary of the Navy, Mr. Toucey, did just as every Secretary of the Navy has done since the organization of this Government. Work is to be done; it is done irregularly. I have always believed that it would be better to employ a given number of men through the year in all the navy-yards, the number necessary to do the work; but that has not been the practice. The work is irregular. A vessel comes home from a foreign cruise out of repair, needing repair immediately; she goes to some particular navy-yard; a force of men is employed to repair her; it may be in November, it may be in any other month of the year, so that the force in the yards cannot be maintained at a regular number and perform the work necessary to repair the vessels.

Mr. MERRIMON. The point I make is this——

The PRESIDENT *pro tempore*. The time of the Senator from New Hampshire has expired.

Mr. MERRIMON. I ask permission to propound a question to the Senator. The question I propound to the Senator is, if the President or any person else bearing authority shall send workmen into a navy-yard or elsewhere for the purpose of inducing them to vote one way or another, is it not in itself criminal and to be condemned in the most unqualified manner by the American people?

Mr. CRAGIN. I do not suppose they were sent there for the purpose of voting in any particular way. Men were out of employment. They were liable to go away, to move off, to go somewhere else possibly.

Mr. MERRIMON. Then why does the honorable Senator bring this matter to the attention of the Senate?

Mr. CRAGIN. It has been brought to the attention of the Senate before, and I merely wish to bring forward an offset. The Senator from Delaware has read from a report recently made by a committee of the House showing that some abuses, as he claims, have been practiced at the navy-yards at Boston and other points, because men were employed just before elections. I have only referred to these facts to show that men were employed just before the elections in 1858; that the force was increased from six thousand to ten thousand in the navy-yards in this country during that year; not that I assume that every one of these men voted the democratic ticket. I suppose they were democrats before; but they needed employment and they might go away somewhere and their votes might not be available in Philadelphia.

Mr. MERRIMON. Take it to be true that democrats did it and that the republicans have done it; I submit whether it is not the duty of the Senate and of all good men to frown it down.

Mr. CRAGIN. Two wrongs do not make a right. If one is wrong the other was wrong.

Mr. MERRIMON. If it is wrong here or anywhere else, is it proper to apologize for it by argument or otherwise?

Mr. THURMAN. Mr. President, I was not fortunate enough to hear the remarks of the Senator from Delaware which have drawn forth the reply of the Senator from New Hampshire; but I gather from the remarks of the Senator from New Hampshire that the abuses referred to by the Senator from Delaware had their origin far back of republican rule in this country. That is the purport of the remarks of the Senator from New Hampshire; in other words, his remarks imply that whatever political party has been in power in this country the public patronage and the public purse have been prostituted for party and election purposes. If that be the case, it is only the stronger reason for our putting a stop to such an abuse; it is only the stronger reason for our agreeing to the proposition of the House.

In the remarks that I submitted before I cast no imputation upon the republican party. I did not say that this abuse was *sui generis* with republicans. I did not know how the matter was. All I have to say is that, if unfortunately for my party this abuse existed when it was in power, my republican friend, the Senator from New Hampshire, who, I know, wants a pure administration of the Government, and every one else ought to join with us in the most effective mode that has been suggested to stop this thing now and forever.

Mr. EDMUNDS. Mr. President, I think the Senator from Ohio is perfectly correct in desiring to have this abuse and every other corrected, if this be an abuse and if it exists; but he ought to remember in candor and justice that it is a little odd that in the long career of the democratic party in managing this Government down to 1861, when it had possession of all the Departments of the Government, this abuse had its origin and nobody like my friend, if he had been here, none of his predecessors or anybody else seemed to be in the least desirous of correcting it.

Mr. THURMAN. I will say to the Senator that I do not know that that is the truth of history.

Mr. EDMUNDS. No; my friend's knowledge, when knowledge is disagreeable, is very small; when knowledge can be applied to his side, it is very great. It is very charming to have one of those convenient minds that drink in the knowledge that will make for your side and cannot possibly take up any that makes against it. But if my friend will read, with the assiduity that he reads everything else, the history of the democratic administrations from the beginning of General Jackson, the great war-horse of the democracy I believe he was called, or something of that kind, down to 1861, when democratic administrations (with the accidental exception of from 1865 to 1869) disappeared, as I hope, forever from the face of this republican earth, he will find that precisely the things that this amazingly economical and pure bill that was brought to us from the House of Representatives attempts or professes to correct have been the rule and not the exception. And it so happened by some curious coincidence, or misfortune, or something, that none of the wise and great men in either House who have preceded us, and who as democrats ruled affairs, seems to have had his attention brought to it, or, like my good friend from Ohio, to know anything about it. But now inasmuch as there are still navy-yards—more than there used to be, probably, because we have had rather a troublesome difficulty, that my friend may not have forgotten entirely, that required a good many navy-yards and the employment of a good many people—there has come in, and with them this House bill says has come in, the legacy, or rather the hereditary descent, of an abuse by increasing the employments in these navy-yards about election-time.

If that is true, it ought to be corrected undoubtedly. No man will go further than I will (and I think I can speak for every republican in that) in correcting that and every other abuse, although it has descended to us as hereditary diseases descend among men, from its birthplace in the democratic party. I do not think, therefore, that this debate ought to be shunted off, as it seems to have been designed, not by any Senator, but by the course of events, into an assault upon the republican party. That is not what we ought to be about on a bill of this kind. We ought to be about, as I suppose we are endeavoring to do, the correction of every abuse and the diminution of every unnecessary expenditure, and seeking in the most rigidly economical manner to carry on the Government, but we ought not to destroy it under the pretense of economy. We ought not, for fear that some republican or democratic member of Congress living in a district where there is a navy-yard can manage to increase its force about election-time, to put the Navy in a condition that no ship can be repaired under all possible circumstances. There ought to be a means—I do not know but the bill provides it; if it does not, it ought to—there ought to be a means in a case of public exigency of preventing all work from being stopped in navy-yards about the time of an election. In 1864, when it was said that the war was wrong in itself and a failure in practice, and that we ought not to take any means, therefore, to carry it on, it would have been very inconvenient if the law had pro-

vided that all the work in the navy-yards of the United States should stop for two months, in October and November. That would have been rather an advantage to the public enemy, I take it. And yet it seems that this bill provides by an up-and-down provision, if I correctly understand it—if I am wrong somebody will correct me—that under all circumstances, for two months in every year, in peace or war, in rebellion or distress, whatever may be the state of the case, everything in respect of strengthening the executive arm of the Government in the Navy Department shall stop; for fifty men in a navy-yard that amounts to anything, if it is a navy-yard at all, can do nothing except protect the public property.

That is not, I assume, what the House of Representatives mean, because I am bound to treat them with respect. What they desire to do, I am bound to assume, is to correct what is asserted to be an abuse; and if what is said to have taken place has taken place, with the purposes named, it is an abuse unquestionably, and the sharp hand of the law should be laid to it, but in such a wise way as not in some time of extreme public peril and emergency to by law absolutely paralyze the arm of the Government in defending the liberty or the honor of the country. That is my proposition.

So, Mr. President, all I have risen to say is that I deprecate, to use a very mild phrase, any drift of this debate which is to assail one party or another party because it is said that, as in all parties in certain localities at certain times, contrivances are resorted to which are not right to increase votes. So far as we can see that they are not right, they must not be resorted to, and I am quite ready to assist in preventing them.

Mr. THURMAN. I move to strike out the word "fifty" in the amendment of the committee.

The PRESIDENT *pro tempore*. The Senator has two more minutes of his time.

Mr. THURMAN. Does not the amendment I have moved entitle me to five minutes?

The Senate will bear me witness that I made no remark that could by any possibility be tortured into a partisan remark in what I have said on this bill; and if this discussion is drifting off into a party discussion, it is not my fault. I say, as I have just said, that if this abuse has existed for many years, long before the republicans came into power, (which I do not admit, for I do not know what the facts are,) it is only so much the more reason for putting a stop to it now.

But the Senator from Vermont says that it is a little singular that no democrat found it convenient to condemn this abuse while it existed under democratic administrations. I might reply to him that it is a little singular that no republican or whig Senator or whig Representatives in Congress found it convenient to propose some remedy for it then. But what kind of an argument is that against reformation? What kind of an argument is that which makes abuse eternal by arguing that it has not been opposed and condemned in the past? My friend from Vermont is a civil-service reformer. What would he say if I should get up and assert "There was a necessity for civil-service reform under Jackson, under Adams before him; under every President there was a necessity for civil-service reform, and nobody proposed what you propose; nobody then thought it necessary to propose your mode of civil-service reform?" Would it be any answer to his proposition for civil-service reform? Would he not say at once, "It is so much the stronger reason why we should now address ourselves to the subject of civil-service reform that it has been neglected in the past?" So I say now, it matters not when this abuse originated; that it is an abuse, that it is an improper exercise of the power of the Government, that it is an improper use of the public money, every one admits. It is time, then, to put a stop to it; and if now when a democratic House of Representatives offers to do it you refuse to do it, I want to know where the responsibility will rest.

Mr. SARGENT. Will my friend allow me one moment?

Mr. THURMAN. Certainly.

Mr. SARGENT. I should like to ask him if it is putting an end to it to make the provision in the bill apply only to the year 1876? That is all the House propose to do. They simply propose that the republicans shall not use this method of electioneering now, but if they succeed they shall enjoy the privilege themselves. That is the theory of the bill.

Mr. THURMAN. I am very glad to answer that question. There are certain provisions in the British statutes that never last longer than from year to year and yet are repeated from year to year.

Mr. EDMUNDS. What are they?

Mr. THURMAN. A number of them. I have no time in five minutes to tell them all.

Mr. EDMUNDS. You can tell one easier than a number.

Mr. THURMAN. Yes, there are a number.

Mr. EDMUNDS. Then name one.

Mr. THURMAN. The mutiny clause is one.

Mr. EDMUNDS. That is so.

Mr. THURMAN. The Senator from Vermont has said that this ought not to be in all the time; we may get to be in war; we may then need more than fifty men in a navy-yard. The House of Representatives has therefore wisely provided that this limitation shall apply but this year, and in the next appropriation bill next year they may apply it to another year, and so on from time to time according to the exigencies of the country. They ought not to make it a perpetual provision. They do wisely to provide that it shall apply to this year, and then they will do wisely, if the circumstances are the same, to make it apply to the next.

Mr. CRAGIN. There is one view of this question which the Senator from Ohio has not looked at. This bill provides that during the months of October and November there shall not be more than fifty men employed in any navy-yard. Suppose there are two thousand men employed during the month of September in the Brooklyn yard and in the Philadelphia yard. When you come to the 1st day of November you must turn out nineteen hundred and fifty of those men from Brooklyn and from Philadelphia. Do you suppose those men are likely to vote for the democratic party if they are turned out? That is what the House want to do.

Mr. THURMAN. There can be no use for two thousand men in either one of those yards.

Mr. CRAGIN. Suppose there are one thousand, or five hundred in each yard?

Mr. THURMAN. There can be no use for five hundred men the whole year in those yards, and the effect of saying that in October and November the service shall be limited to fifty men is simply to say that those who administer those yards shall use their force in the proper manner. That is all there is. There is no stinting of the service at all.

Mr. CRAGIN. Their average is more than five hundred men in the Brooklyn and Philadelphia yards, the year round, every month.

Mr. THURMAN. There ought not to be that many.

Mr. SARGENT. That question is not involved in this amendment. This is simply the question whether we shall have sufficient coal for steamers' use, and anchors, and things of that kind, and I hope we shall take the vote on it.

Mr. THURMAN. I withdraw the amendment which I offered to the amendment.

Mr. EDMUNDS. When we come to page 13 I shall have something to say on the subject to which my friend from Ohio has referred.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Committee on Appropriations in lines 183 and 189, on which the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. COOPER. (when his name was called.) I am paired with the Senator from Illinois, [Mr. LOGAN.] If present he would vote "yea," and I should vote "nay."

Mr. WITHERS, (when Mr. JOHNSTON's name was called.) My colleague [Mr JOHNSTON] was obliged to retire in consequence of sickness, and he paired with the Senator from Minnesota, [Mr. WINDOM.] Mr. JOHNSTON would vote "nay," and Mr. WINDOM would vote "yea."

The roll-call having been concluded, the result was announced—yeas 24, nays 22; as follows:

YEAS—Messrs. Alcorn, Allison, Anthony, Booth, Christiancy, Conover, Cragin, Dawes, Ferry, Frelinghuysen, Hamlin, Harvey, Hitchcock, Mitchell, Morrill of Maine, Morrill of Vermont, Oglesby, Paddock, Robertson, Sargent, Sherman, Wadleigh, West, and Wright—24.

NAYS—Messrs. Bogy, Caperton, Cockrell, Davis, Eaton, Edmunds, Goldthwaite, Hamilton, Kelly, Kernan, Key, McCreery, Maxey, Merrimon, Norwood, Ransom, Saulsbury, Stevenson, Thurman, Wallace, Whyte, and Withers—22.

ABSENT—Messrs. Barnum, Bayard, Boutwell, Bruce, Burnside, Cameron of Pennsylvania, Cameron of Wisconsin, Clayton, Conkling, Cooper, Dennis, Dorsey, Gordon, Howe, Ingalls, Johnston, Jones of Florida, Jones of Nevada, Logan, McDonald, McMillan, Morton, Patterson, Randolph, Sharon, Spencer, and Windom—27.

So the amendment was agreed to.

The next amendment of the Committee on Appropriations was in the appropriations for the Bureau of Yards and Docks to increase the item "for general maintenance of yards and docks, namely: For freight and transportation of materials and stores; printing, stationery, and advertising, including the commandants' office; books, models, maps, and drawing; purchase and repair of fire-engines; machinery, and patent-rights to use the same; repairs on steam-engines, and attendance on the same; purchase and maintenance of oxen and horses, and driving teams, carts, and timber-wheels for use in the navy-yards, and tools and repairs of the same; postage and telegrams; furniture for Government houses and offices in the navy-yards; coal and other fuel; candles, oil, and gas; cleaning and clearing up yards and care of public buildings; attendance on fires; lights; fire-engines and apparatus; incidental labor at navy-yards; water tax, and for toll and ferriages; pay of the watchmen in the navy-yards; and for awnings and packing-boxes," from $440,000 to $760,000.

Mr. THURMAN. This is an increase of $320,000, in an appropriation that is not very large itself. It nearly doubles the appropriation. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. EDMUNDS. Let us have it explained.

Mr. SARGENT. The amount recommended by the Senate committee is the same as the amount appropriated for the present fiscal year, and is something like $100,000 less than the estimates.

There must be some symmetry in the bill. The amendment which has just been adopted proposes that we shall have enough coal and cordage and articles of that kind. Now, the Bureau of Yards and Docks has its own work to do, corresponding to the amount which is performed by the Bureau of Equipment and Recruiting. The strength of a chain, of course, is the strength of its weakest part. If you give the amount that has just been given to the Bureau of Recruiting and Equipment, you want to give a corresponding amount, according to the scale of the bill, to the Bureau of Yards and Docks. If you pro-

pose to defeat either one of the amendments, perhaps it would be better to defeat the first, and so go clear through, or otherwise reconsider the action on the first amendment.

Now, to show that the amount asked for is not extravagant, is not disproportionate to the size of the Navy, I should like to call attention to the fact that the Bureau of Yards and Docks in 1858 had the amount of $3,157,500; and to show that that was not exceptional, in 1857 it had $2,352,000. Starting in 1848, ten years before, it had over a million dollars; the next year, $1,797,000; in 1850, $2,320,000; and so it ran on year after year, this very Bureau expending the last year named twice as much as is now proposed to be given. It cannot be held, certainly, that this is very extravagant.

Mr. SAULSBURY. Will the Senator from California inform me whether in 1858 by a special provision in a bill eight or ten or twelve vessels were not built for the Navy?

Mr. SARGENT. That is very true, but it is not included in this account. The amounts I have given, running from 1848 to 1858, were exclusive of special provisions for single vessels. They were the ordinary appropriations made for the benefit of the Bureau of Yards and Docks.

Mr. SAULSBURY. In order to meet the requirements of that special demand for the building of those vessels, the expenditures for the other object became necessary. In 1858, or about that time, as I remember—I have not the facts before me—eight, or ten, or twelve excellent vessels were built for the Navy. There was an unusual expenditure of money at that time, so that in 1860 our Navy was in a most excellent condition in the number of new vessels.

Mr. SARGENT. I know there was a special appropriation, running over two years, for building the new vessels; in 1860 those new vessels were built; but why that should make the other ordinary expenses of the Bureau larger I do not see. If that applies to 1858, what applies to 1857, when the expenditures were $2,300,000, or to 1856, when they were $2,567,000, or to 1855, when over $2,000,000 was expended, and so running back, starting in 1848 with $1,053,000 and coming to $3,157,500 in 1858?

Mr. THURMAN. Will the Senator allow me to interrupt him one moment? He must observe that the Navy appropriations have been the most singular things in the world. You would have items covering two, three, and four pages, and then a gross sum appropriated for all those items. I always thought that an evasion of the constitutional provision, and certainly very bad policy if it were not an evasion of that provision. It is pretty difficult to compare any appropriation made under the head of "Bureau of Yards and Docks" in the past with the appropriation in this bill, where for the first time almost, if not the very first time, an attempt has been made to confine appropriations to their proper objects.

The PRESIDENT *pro tempore*. The question is on the amendment to lines 217 and 218, on which the yeas and nays have been ordered. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. KERNAN, (when Mr. CHRISTIANCY'S name was called.) The Senator from Michigan [Mr. CHRISTIANCY] has gone out, and I agreed to pair with him. He, if here, would vote "yea," and I should vote "nay."

Mr. COOPER, (when his name was called.) On this question I am paired with the Senator from Illinois, [Mr. LOGAN.] He would vote "yea," and I should vote "nay."

Mr. INGALLS, (when the name of Mr. DORSEY was called.) On the preceding vote I omitted to mention that the Senator from Arkansas [Mr. DORSEY] sent me word that he was detained by bodily ailment that prevented his attendance in the Chamber. I state it now to explain his absence.

The roll-call was concluded.

Mr. WHYTE. I am under the impression that the Senator from Iowa [Mr. WRIGHT] is paired with my colleague, [Mr. DENNIS.] My colleague informed me before he left that he had paired with the Senator from Iowa on all questions of this character.

Mr. WRIGHT. I will state to the Senator from Maryland that his colleague did call upon me, and I asked him whether the pair would be regarded as applying to appropriation bills. My recollection is that the pair was not to apply to appropriation bills. The Senator from Tennessee, [Mr. COOPER,] however, can state as to that, as he was present at the time the pair was made. I had an impression that it did not apply to appropriation bills, but if my friend thinks it does, I shall withdraw my vote.

Mr. COOPER. I understood that it did not apply to appropriation bills.

Mr. WHYTE. Very well. My colleague did not mention this fact when he spoke to me in regard to the matter.

Mr. WRIGHT. That was the understanding, for I said jocularly if there was any question between us at any time my good friend from Tennessee [Mr. COOPER] would determine it. Therefore I voted understanding that the pair did not apply to this subject.

The result was announced—yeas 22, nays 22; as follows:

YEAS—Messrs. Alcorn, Allison, Anthony, Conkling, Conover, Cragin, Dawes, Ferry, Frelinghuysen, Hamlin, Hitchcock, Howe, Jones of Nevada, Mitchell, Morrill of Maine, Oglesby, Robertson, Sargent, Sherman, Wadleigh, West, and Wright—22.

NAYS—Messrs. Caperton, Cockrell, Davis, Eaton, Edmunds, Goldthwaite, Hamilton, Ingalls, Kelly, Key, McCreery, Maxey, Merrimon, Morrill of Vermont, Norwood, Ransom, Saulsbury, Stevenson, Thurman, Wallace, Whyte, and Withers—22.

ABSENT—Messrs. Barnum, Bayard, Bogy, Booth, Boutwell, Bruce, Burnside, Cameron of Pennsylvania, Cameron of Wisconsin, Christiancy, Clayton, Cooper, Dennis, Dorsey, Gordon, Harvey, Johnston, Jones of Florida, Kernan, Logan, McDonald, McMillan, Morton, Paddock, Patterson, Randolph, Sharon, Spencer, and Windom—29.

So the amendment was not agreed to.

Mr. SARGENT. I move to reconsider the vote by which the Senate agreed to the previous amendments increasing the appropriations in this bill, if the Senate will not go with me. Of course, if my republican friends think that the action of the Committee on Appropriations was indiscreet and unwise in increasing the appropriations, it is no use for me to attempt to struggle for the amendments of the committee. I can only act with the support of my fellow-republicans on the floor. If they think the committee I represent and myself are unwise in asking an increase of these appropriations and would rather take the bill as it comes from the House, I do not want to make a vain struggle. Then we shall at least have one appropriation bill, although the service will go on crutches through the coming fiscal year.

The PRESIDENT *pro tempore*. Does the Senator from California move to reconsider the vote on the several amendments?

Mr. EDMUNDS. That he cannot do. He must move to reconsider a specific amendment.

Mr. ANTHONY. If the Senator from Vermont will allow me, I hope the Senator from California will not make that motion. Some Senators were absent when the last vote was taken who will be in soon.

Mr. SARGENT. Very well; I will try the matter once more in the Senate.

Mr. EDMUNDS. The motion was made and I have the floor upon it. While it is up I wish to say a word. I have voted against the committee on two amendments. If I fall within the description—and I hope I do—of my friend from California, of being a republican, I may say that the first one in respect of which I voted against the committee was the general provision, entirely discretionary, not carrying out any requirement of law, but purely a matter of congressional discretion from year to year, found on pages 8 and 9, for equipment of vessels, for coal for steamers, transportation, storage, labor, hemp, wire, hides, cordage, canvas, leather, anchors, galleys, detaching apparatus, cables, furniture, hose—and I suppose that means trowsers for the sailors, but I cannot say about that—bake-ovens, cooking-stoves, life-rafts, heating apparatus, labor in equipping vessels, manufacture of articles in the several navy-yards, &c. The committee proposed to increase the appropriation from $970,000 to $1,250,000. After the statements which have been made respecting the current income of the Government and the current expenses on the basis of the appropriation bills, likely to come short or very near it, it appeared to me that it would be wiser on these mere matters of discretion, where there is no other obligation than the mere wisdom of Congress, to take the lowest sum possible, and if we should find in December either that the revenues had increased or that the exigency of the service made it apparent then that some further sum would be absolutely indispensable we could provide for it. That was my motive.

And so in respect to the next amendment, which I will not take up the time of the Senate in recapitulating; it is of the same general character. I do not think that my friend from California ought to do what seems to me to be a rebuke to his political friends in suggesting that we are not as much disposed as he can be to stand by the law and to stand by the necessities of the Government in supporting him in carrying through this bill. We must be left, on mere matters of discretion, where if we underestimate or underappropriate now the mistake can be rectified in December, not to get into a dispute with our excellent co-ordinate or omnipotent branch, whatever it may turn out to be, on a question of this kind.

That is my reason for voting against these two amendments. I hope my friend from California will understand that it is not from any disposition to cripple this bill, but to see if it were not possible, tentatively at least, on these mere matters of discretionary detail, to meet the House on their own proposition for the time being.

Mr. SHERMAN. I hope the Senator from California will withdraw his motion to reconsider. At the same time I desire to say that, while I voted with the Committee on Appropriations on these amendments, I did it with some doubt on two or three of them, simply because, whether we wish to do it or no, we are bound to reduce the expenses of the Government below the appropriations estimated and asked for by the Departments about $26,000,000. There is no help for it. There is no use talking about it. The estimates submitted to us by the Departments called for an expenditure of $314,000,000. The Secretary of the Treasury, however, reduced them, as recommended by him in his annual report, down to $303,000,000. The estimated receipts of the Government at the beginning of the year were $304,000,000. If these estimates hold good we shall be able to appropriate and pay what is estimated by the Secretary of the Treasury, $303,000,000; but since that estimate was made, during the current year, the receipts have fallen short, according to the statements I read the other day, which were official, $11,284,331. If the revenues for the next fiscal year fall off at the same rate, there will be a falling off of revenue of $14,945,000 from the estimated receipts. The Senator from California says a part of that was caused by the tax bill. No doubt the tax bill operated very differently from what was expected by those who voted for it. I do not want to go into that question; but it is manifest that if the present depression of

trade continues during the next fiscal year the Committee on Appropriations must either reduce their appropriations about $15,000,000 from the revised estimates of the Secretary of the Treasury, or we shall not be able to keep the sinking fund good, or must make it up in taxes, which is out of the question.

The Senator from Maine [Mr. MORRILL] has assured me over and over again—and I believe what he says is always reliable—that the committee on the part of the Senate have already contemplated a reduction to the full amount proposed. I believe that is so, so far as I have kept an eye upon the appropriation bills. At the same time I would rather be on the safe side than otherwise.

Therefore my friend from California, while I voted with him here, must not feel sensitive when members of his own party, seeing these figures before them, go wherever they can to reduce the expenses of the Government. I certainly will do so. We must do it. My friend from California has the natural feeling of a person in charge of an appropriation bill, and I sympathize with him from the bottom of my heart; but he must not be discontented when any of his political friends, feeling the force of the facts presented, which cannot be gainsaid, seeing that there is an item before them which can be reduced without breaking up the service, fall into the habit of voting to reduce it.

These two items are of that character. They are contingent. When you come to the pay of the Navy, there is a difference. There the amount is fixed by law; it is salary. Therefore the Senate, without a division I think, voted for the first amendment of the committee to appropriate the full amount required for the pay of the Navy. But there are other items here contingent in their character. I intend to vote with the Committee on Appropriations, on the ground that they have already reduced their bills now, as I am assured, to the amount required to bring us within the reduced estimates of our receipts. I will follow them in voting on these amendments, because I am not prepared to say whether $700,000 or $550,000 is necessary for a particular service. I know they rest under the same obligation that I rest under to reduce these estimates, and I will follow them until I become satisfied that they have not cut deep enough to come within our receipts. Then I certainly shall vote for any reduction whatever, by whoever proposed, that will keep the expenses of the Government within the receipts of the Government.

Entertaining these views, I shall continue to vote with the Senator from California on the ground that I have confidence in the Committee on Appropriations, keeping the facts in view and knowing them as well as I and all the rest of us do, that they have made a reduction in these bills that will be sufficient to keep our expenditures within the receipts. It is their responsibility. I am not prepared from any information I have to gainsay their proposition that a certain amount rather than a smaller one is indispensably necessary to carry on the service.

The PRESIDENT *pro tempore*. The Senator from California has withdrawn his motion to reconsider, and the next amendment will be reported.

Mr. ALCORN. Mr. President, I desire to say a single word. How is it possible for one like myself to know what is necessary to be appropriated for the efficiency of the Navy? I have no means of knowing, and I presume that my means of ascertaining are equal to those of at least one-half the Senators now upon this floor. These are round numbers to use, $500,000, $600,000, a million dollars. How do I arrive at a conclusion as to what it is proper for me to vote for? The recommendation of the committee; because of the fact that the officers in charge of these Departments, the Secretary of the Navy and those who by law are intrusted with the discharge of these duties have presented for the consideration of the committee the figures upon each and every item that is here given. That committee, whose duty it is to watch the interests of the Government, whose duty it is to reduce by every possible means the expenditure upon every item that is presented to them, take, analyze, scrutinize, and digest, if you please, each and every proposition that is brought before them, and they here come and report that these are the sums that are necessary to go forward with the Navy and the duties and work appertaining to that Department of the public service.

These men are responsible. I hold the chairman of the committee and the officers of the Government who have made these estimates responsible to me, declaring in my place that I stand here opposed to voting either for the democratic party or the republican party one single dollar of the public money that is not necessary to the public service. No party considerations could induce me to vote one dollar of money for any other purpose than that of an absolute necessity. But how am I to arrive at the line of duty that is marked out for me to observe? How am I to reach it? Upon what estimate? It would be just as well, as far as I am concerned, for the chairman of the committee to have said "fifteen hundred thousand dollars" as "a million dollars," and if he had made the same statement that he makes now upon that basis, I should have voted for the larger sum just as cheerfully. This is guess-work to me, cutting down 40 per cent., or dividing the thing in half. I do not understand the rule by which any sum is arrived at. The Secretary of the Navy and his subordinates gave us the figures. They appeared before the committee. They placed the figures, the necessities, and the estimates for those necessities before the committee. The committee scrutinized them. The members of it were appointed upon that committee by reason of their efficiency. They become the experts of the Senate for the purpose of ascertaining the economy of these appropriations. They declare that they have gone down to the minimum appropriation, and that these are the proper figures. I vote for them, believing that it is the only criterion, the only rule by which I can vote understandingly.

The PRESIDENT *pro tempore*. There is no amendment pending. The Secretary will report the next amendment.

The next amendment of the Committee on Appropriations was in the appropriations for the Bureau of Medicine and Surgery, in line 256, after the word "the" to strike out "same" and insert "former;" so as to make the paragraph read:

For necessary repairs of naval laboratory, hospitals, and appendages, including roads, wharves, outhouses, steam-heating apparatus, sidewalks, fences, gardens and farms, cemeteries, furniture, head-marks for graves, $10,000. And the Secretary of the Navy is hereby directed to report to the next session of this Congress the best method of making sale of the naval hospitals at Annapolis and Washington, and the former shall be closed during the coming year.

Mr. MORRILL, of Vermont. I know the patient labor of the Committee on Appropriations in going through these regular appropriation bills. Gentlemen on both sides of the Chamber spare no time or labor in investigating the facts upon which all these appropriations are made, and there is no gentleman who has more of my confidence than the honorable Senator from California in reporting these bills. I know with what assiduity he always investigated all the "bottom facts" in relation to any appropriation. At the same time, in looking over the bill, I found two places where I thought I should exercise my own judgment in voting for a lower amount than was recommended by the committee, and those two points were where construction and repairs were embraced. I thought at the present time it would be enough if we kept our Navy in good repair and spent nothing for the purpose of further construction of vessels for the navy. I have voted for the lowest sum in one case, and propose to do it in another unless I shall be convinced by something the Senator from California may say in regard to the other amendment that may come up. Those are the only two places where I found any disposition to disagree with the conclusions of the Committee on Appropriations.

Mr. WHYTE. The proposition which I am about to make is really in the interest of economy. I propose to strike out of the amendment offered by the Committee on Appropriations in line 256 the word "former" and insert "latter." This clause of the bill submits to the Secretary of the Navy the inquiry as to the best method of making sale of the naval hospitals at Annapolis and Washington. In the original bill as it came from the House it was proposed that both of these naval hospitals at Annapolis and Washington should be closed during the coming year. For some reasons—not knowing them I cannot say whether wise or unwise—it is proposed by the Senate committee to close only the hospital at Annapolis, and leave the naval hospital at Washington still open for the coming year. In the absence of the reasons which actuated the committee it strikes me that the very reverse of that proposition would be the correct one.

Mr. EDMUNDS. Probably it was done on account of the presidential election, inasmuch as nobody can vote in the District of Columbia.

Mr. WHYTE. On the contrary, the diseased republicans should be taken somewhere else than in Maryland upon that occasion. We do not desire to have them there. They will probably be scattered all over the country for the November election.

Mr. EDMUNDS. My friend misunderstood me. I said the amendment proposed by the committee was probably for these wicked republicans, by reason of getting everybody in the District of Columbia where no one can vote.

Mr. WHYTE. I beg the Senator's pardon. I did not appreciate the witticism of his remark.

Mr. EDMUNDS. That is not very strange.

Mr. WHYTE. I thought the Senator had some reference to my own State.

Mr. EDMUNDS. O, no.

Mr. WHYTE. Where we have, I admit, diseased republicans; but the hospital can do their party no good. We have fewer diseased democrats, however.

Abandoning all witticisms or joking upon the subject and coming to the serious question, while the amount involved is very small apparently, the Government may lose a considerable amount of money by this procedure. If the committee consider that it is important to the Government to close the hospital at Washington, not being sufficiently familiar with the surroundings of that institution I shall express no views upon that subject; but in regard to the naval hospital at Annapolis, nothing could be more unwise than to close that building for a year. It can be conducted as a hospital at an expense of some three or four thousand dollars, one-half of which is contributed by the naval-hospital fund. I venture to affirm that to close it for one year would cost the Government not less than $10,000.

Mr. EDMUNDS. How many people are in it now?

Mr. WHYTE. I think there are thirty or forty in it at this time. It is outside of the grounds of the Naval Academy. It is therefore exposed to the tramps and to the pillagers who are to be found in every country. The shutters would be carried off, the spouting would be taken, and the lead pipes in the building, as I think my friend from Vermont, [Mr. MORRILL,] the chairman of the Committee on Public Buildings and Grounds, will bear me witness, is the fate of all the public buildings that are abandoned and closed and left without

people to take care of them. They are pillaged and plundered, and the property is rendered not only useless for the purposes of the Government afterward if it be retained, but if offered for sale it is actually given away. That is the case with this hospital at Annapolis. It was a building constructed at a cost probably of $70,000, in addition to which—I do not now remember the amount—a large sum was appropriated to purchase the grounds. They have been put in nice order. Everything about the building is in good condition.

Mr. EDMUNDS. How long has it been established?

Mr. WHYTE. Only a few years, not over ten years in all, I suppose. It is almost a new building, a beautiful building, utterly worthless for any other purpose than as a hospital or connected in some manner with the public buildings at Annapolis. I am satisfied none of the officers of the Naval Academy would recommend the closing of this building.

Mr. MERRIMON. Is it a wooden building?

Mr. WHYTE. It is a wooden building. It could not be sold at this time for one-tenth of its cost; probably it would not bring $6,000 to-day in the market if put up at sale, owing to the depressed condition of things in the State of Maryland at this time. I submit this proposition in the hope of saving the building.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Maryland to the amendment of the committee.

Mr. ANTHONY. I think the Senator from Maryland is quite right when he says that to close this hospital for a year and then open it would cost the Government $10,000; but I submit if that is not the principle upon which the bill as it comes to us has gone. All the reductions that have been made as the bill comes to us, from the ordinary service of the Navy, will have to be paid for next year at a greatly enhanced cost. If we reject the additions to the appropriations which the committee have reported, we shall have to put them on next year, in this case and all the others. I think this is in no sense an exception to the general tenor of the reductions which are proposed in the bill as it came from the House. If we are to have a Navy we ought to keep it up to a certain extent, within certain limits, all the time. We should keep it in good repair. We should have a sufficiency of the imperishable materials, and we should keep such a force afloat as will give our young officers an opportunity to learn their profession and keep the old officers from getting rusty.

Mr. SARGENT. The Washington hospital is important as long as the Washington navy-yard is kept open and the marine barracks are near it. It is a very important hospital as long as we have these stations. If we abolish the navy-yard and the marine barracks at Washington or locate them elsewhere, then we shall not want the Washington hospital.

The original bill which was reported from the House committee provided that both of these hospitals should be stricken out and at the same time abolished the Washington navy-yard. There was a consistency in the bill in that shape. When finally the House refused to abolish the Washington navy-yard the necessity was at once created for keeping up the Washington hospital. Therefore we have proposed that it shall be retained. It will be found to be a very important hospital. For the purposes of comparison I have a table here for the last fiscal year. I will compare it with Annapolis, Maryland. For instance, there remained in the hospital, December 31, 1874, at Annapolis, Maryland, 5 patients; there were 21 remaining in the Washington hospital. The total number treated in 1874 at Annapolis was 35; at the other, 127. One died in the Annapolis hospital and 2 in the other. There were discharged in 1874 29 from Annapolis and 104 from the Washington hospital. There were admitted in 1874 32 in Annapolis and 111 in the Washington hospital.

These figures give the proportion of about 5 to 1, and show the importance of the Washington hospital over the Annapolis hospital; so that if either be closed it should not be the one of the greatest importance and the most busy work. I think I am prepared, however, from personal investigation into the matter and from the investigations of the Senate Naval Committee, which gave special attention to the subject, to say that the Annapolis hospital is an entirely useless institution to us. It would be better to give it away at once if the State of Maryland would accept it, or give it to anybody else, or let it be carried off by piecemeal. It makes no difference how we dispose of it, provided the expense of keeping it up be saved. It is at no naval station. They have a hospital there for the Naval Academy which takes care of the students and the sick connected with the academy.

Mr. COCKRELL. How far is this hospital from the Naval Academy?

Mr. SARGENT. It is outside of the walls, I should judge about half a mile. It is really of no use at all. Naval vessels never stop there, unless for the purpose of discharging the sick, and very rarely indeed for that purpose. It is much more convenient to send them to Norfolk, which itself is a naval rendezvous, or to send them up to Washington, where there is every acommodation, and where vessels come for new armament and frequently to be repaired, or to send them to New York, where there is a very fine hospital; or if they come from tropical countries send them to the Chelsea naval hospital.

In other words, here is a building without any legitimate use. The Government has been maintaining it at an expense of $6,000 or $7,000 a year, simply because we cannot give it away and cannot sell it. I think the House did a very wise thing in providing that it should be closed. If, however, Senators fear there may be a dilapidation of the property or danger to the material that may be of some use to the Government or to somebody, a single watchman could take care of the building, just as gentlemen who go away from their country houses leave a single servant, or two servants if necessary, at an expense of $300 apiece, to watch their property; but for any practical purpose as a hospital it is of no use whatever, and ought never to have been put there. It ought to be abolished now.

I speak very plainly and clearly and positively upon this subject, because it is a matter which the Naval Committee, under instructions of the Senate, two years ago inquired into particularly as to which of all our hospitals could be abandoned; and we came to the conclusion that this hospital should be disposed of, and made a written report on the subject, which was printed.

Mr. WHYTE. I am not making any objection to the sale of this hospital at the proper time, but the bill does not provide for the sale of the hospital. It provides that the Secretary of the Navy shall report at the next session of Congress what would be the best method of making a sale, and in the mean while closes up the building. My proposition is only for a temporary sustentation of the hospital until the next session of Congress; that is all. The officers are all there, the attendants are all there, and the hospital can be kept up at a cost to the Government of $2,000 out of the public Treasury. That is all, and it would cost that much to put watchmen in the building.

Mr. SARGENT. It costs nearly $7,000 to run the hospital.

Mr. WHYTE. Four thousand dollars at the outside it would cost to run it for a year.

Mr. SARGENT. Then there must be some special fund out of which to run it.

Mr. WHYTE. It cost $6,000 before, but the expenses have been reduced. According to the showing of the medical inspector it can be run for about $4,000 a year, and it would be worth that much more next year if it is not closed.

Mr. SARGENT. That is not $2,000; it is nearer $7,000.

Mr. WHYTE. Two thousand dollars of this sum are contributed out of the hospital fund, and the other two thousand paid out of the Treasury.

Mr. SARGENT. That is true of all hospitals. It has no special privilege in the hospital fund.

Mr. WHYTE. But it is made up out of a fund not raised by general taxation.

Mr. SARGENT. It is made up from the resources of the Government.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Maryland to the amendment of the committee to strike out the word "former," in line 256, and insert "latter."

Mr. MORRILL, of Vermont. I suggest to the Senator from Maryland to move to strike out all after the word "Washington" if he wants to accomplish his purpose.

Mr. WHYTE. I will withdraw my amendment and move to strike out all after the word "Washington," in line 256.

And the same shall be closed during the coming year.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Maryland, as modified.

Mr. EDMUNDS. I ask for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 21, nays 18; as follows:

YEAS—Messrs. Cameron of Pennsylvania, Caperton, Cockrell, Cooper, Davis, Ferry, Frelinghuysen, Goldthwaite, Hitchcock, Jones of Florida, Kelly, McCreery, Maxey, Merrimon, Norwood, Ransom, Saulsbury, Stevenson, Thurman, Whyte, and Withers—21.

NAYS—Messrs. Alcorn, Allison, Booth, Conover, Cragin, Dawes, Edmunds, Hamilton, Howe, Key, Mitchell, Morrill of Maine, Morrill of Vermont, Sargent, Wadleigh, Wallace, West, and Wright—18.

ABSENT—Messrs. Anthony, Barnum, Bayard, Bogy, Boutwell, Bruce, Burnside, Cameron of Wisconsin, Christiancy, Clayton, Conkling, Dennis, Dorsey, Eaton, Gordon, Hamlin, Harvey, Ingalls, Johnston, Jones of Nevada, Kernan, Logan, McDonald, McMillan, Morton, Oglesby, Paddock, Patterson, Randolph, Robertson, Sharon, Sherman, Spencer, and Windom—34.

So the amendment was agreed to.

Mr. SARGENT. I move that at five o'clock the Senate take a recess until half past seven o'clock.

Several SENATORS. Let us sit the bill out.

Mr. SARGENT. I am willing to accede to the wishes of the Senate. If Senators prefer remaining here another hour in order to pass the bill, very well.

Mr. EDMUNDS. We will remain until we do pass it.

Mr. SARGENT. Then I withdraw the motion.

The next amendment of the Committee on Appropriations was in line 287, in the appropriations for the Bureau of Construction and Repair, to increase the appropriation "for preservation of vessels on the stocks and in ordinary; purchase of materials and stores of all kinds; labor in navy-yards and on foreign stations; preservation of materials; purchase of tools; wear, tear, and repair of vessels afloat, and for general care and protection of the Navy in the line of construction and repair; incidental expenses, namely, advertising and foreign postages," from $1,500,000 to $2,000,000.

Mr. SARGENT. This amendment has been discussed by a number of Senators and alluded to by myself. I wish to say only a single word, not to detain the Senate, in order to explain why the committee made this apparently large increase. As it looks in the bill, the

amendment is a large increase; but, on looking to the appropriations for the present fiscal year, it is a very large decrease. It is a decrease of $800,000 in this single Bureau, which is the very heart, the very life of the Navy; because if you do not repair your ships you cannot keep them afloat. Is not that a large decrease for a single object in the Navy for a year? The House put it down to $1,500,000, and we added another million, which in itself, as I say, looks like a very large increase. Suppose the House had put it down to $250,000, and we had come in and moved to make it a million, or a million and a quarter, or a million and a half; Senators would have said, "What an enormous increase over the House!" The trouble is that the proposition of the House is entirely inadequate. It does not come near the necessities of the service. The service during the present fiscal year required $3,300,000, and that was after a very close, careful paring down. The appropriation bill for the coming fiscal year is only $17,000,000, and for the year before it was $20,000,000. We had cut it down three millions arbitrarily, forced it down, and if we still cut it down to the extent the House proposes, the result would be simply to leave our ships unrepaired. My friend from Vermont said he was opposed to further construction. There can be no construction under this item as the committee fixed it. Not a single ship can be built.

Mr. MORRILL, of Vermont. May I ask the Senator from California if under the same appropriation for years past there have not been built several vessels which are now in the service of the Navy?

Mr. SARGENT. There have been most extensive repairs unquestionably, and it is to the credit of the Navy Department that it has utilized all the funds which we gave, and created out of rotten hulks a valuable Navy, which we have at the present time. The Navy is in a better condition now than it has been at any time since the war. When the war closed we had vessels of the most ridiculous description for war-vessels. We had side-wheelers; we had ferry-boats; we had scows, with tea-kettles upon them; we had vessels that would not float, vessels that had been knocked to pieces by cannon-shot, a ragged, bob-tailed mass of stuff called a navy. Out of that terrible confusion, very much through the persistent economy and the genius of the present Secretary of the Navy, an orderly and efficient, but small, navy has been created, and except a few new vessels which have been built, small cruisers, where express appropriations have been made for them, it has not been by means of large appropriations, but the ordinary annual appropriations have been economized. Wherever a dollar could be saved it has been put into repairs. We have got nearly through with that. There are a few of the double-turreted and single-turreted monitors that need to be finished, and when finished they will be worth hundreds of thousands more than they were when they were first launched from the stocks. They will have iron hulls, imperishable, instead of wooden hulls liable to be destroyed by the *teredo* or to decay, as the best live oak will do. That work is nearly finished, and ought to be finished, but it cannot be finished under the appropriations proposed by the Senate committee. All we can do will be to keep in repair the vessels which are occasionally arriving from the Asiatic squadron, the West India squadron, and elsewhere throughout the globe where our vessels are scattered, and send them off again on their necessary mission.

Senators may say that this is a large increase; but let me remind them that last year we appropriated nearly a million more, and the Senate has continued in a reduction of about a third of the appropriations for the annual expenditures. In that view it seems not unreasonable to agree to the amendment proposed by the committee.

Mr. CRAGIN. I think every year for twelve years the appropriation for this Bureau has been over $3,000,000 continually, without an exception.

Mr. EDMUNDS. Would it be in order to move to make $2,000,000 the sum appropriated, which by the House bill is a million and a half and by the committee's proposed amendment two millions and a half?

Mr. SARGENT. The Senator can move to strike out "500,000" in line 290.

Mr. EDMUNDS. The amendment of the committee is to strike out one word and insert another, and I cannot by perfecting the text move to strike out one word and insert another.

The PRESIDENT *pro tempore*. The Senator might move to strike out the whole.

Mr. EDMUNDS. I was afraid that would be liable to the queer idea we have here, although it is the law of the Senate, that the present amendment is to perfect the text. I am only desiring to strike out part of the text. Then I move to strike out all the words after "postages" in that paragraph, "$1,500,000," and the amendment of the committee which makes it $2,500,000, and insert "$2,000,000," so as to make the appropriation $2,000,000. Last year the appropriation was $3,300,000.

I agree entirely with what the Senator from California has said, that the Secretary of the Navy has with great tact and ability, in my opinion, devoted his energies, out of the small appropriations that were given him, to improving the condition of the Navy in strict pursuance of law, in repairing those old ships and putting them into condition. If we are to have a navy at all, it is worth while out of the money appropriated to have as good a one as can be got. I suppose everybody will agree to that; but I think it possible to get on this coming year, considering the fact that so much has been done, with perhaps a little less than the committee has reported. Therefore, I move to strike out all after the word "postages" in that clause, and insert words which will make it read "$2,000,000."

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Vermont to the amendment of the committee.

Mr. THURMAN. It is simply to strike out "500,000" in line 290.

Mr. EDMUNDS. That is the effect of it, although I have to make the motion in the way I have made it to get within the rule. It makes the appropriation instead of a million and a half, as proposed by the House, and instead of two millions and a half, as proposed by the committee, $2,000,000 as against $3,300,000 last year.

Mr. THURMAN. It splits the difference.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Vermont.

The amendment was agreed to.

The PRESIDENT *pro tempore*. That strikes out the amendment of the committee to lines 289 and 290. The next amendment will be reported.

The next amendment of the Committee on Appropriations was to strike out from line 290 to line 300 the following words:

And that the sum of $200,000 of the above sum, or so much thereof as may be necessary, shall be used in employment of labor to put the live-oak timber in the different yards in wet docks, and labor for that purpose shall be employed during the months of July, August, or September, and shall be discharged before the 1st of October, 1876; and during the months of October and November of the year 1876 there shall not be exceeding fifty persons borne on the lists as laborers at any navy-yard at the expense of the Government.

Mr. EDMUNDS. In order to perfect the text, before these words are stricken out, I move to amend the clause by striking out all after the first word "and" and inserting:

No increase of the force at any navy-yard shall be made at any time within sixty days next before any election to take place for President of the United States or member of Congress, except when the Secretary of the Navy shall certify that the needs of the public service make such increase necessary at that time.

Mr. SARGENT. Is that a substitute?

Mr. EDMUNDS. It is to perfect the text.

Mr. SARGENT. Instead of what there is in the bill?

Mr. EDMUNDS. Instead of what there is in the bill.

Mr. THURMAN. To whom shall he certify? How is the Secretary of the Navy to certify? I do not understand it exactly.

Mr. EDMUNDS. I will take the opinion of the Senator, if he has any trouble on the subject. I perceive that my friend is not anxious to come to a vote on the direct question of preventing this so-called, and if correctly described real, abuse for this one year which the House bill provides, and which is certainly the most extraordinary proposition that I ever saw in a bill that had passed one branch of any legislative body, which no mutiny act (and my friend has referred to that as existing from year to year in Great Britain for the protection of liberty and private rights) can justify or furnish an apology for. For the first time that I remember in any legislative contrivance that has got through a deliberative body the idea that in order to correct what is called an abuse, and truly so called if the things alleged are facts, you are to say that for this one year, when one particular party happens to have control of the executive branch of the Government, you will not allow navy-yards to be filled up, but leave it for the next political party, if any prejudice designed by Providence to this nation should let it come in, to then fill them up for all time afterward, would be the most extraordinary philosophy in legislation that ever I heard of, I confess. If we are in earnest about this business—and for one I humbly submit that I am—and we wish to guard against this abuse all the time, then let us say that never shall the force in these navy-yards be increased about the time of the elections with which we have anything to do, (that of the Chief Magistrate of the nation, which of course includes that of the Vice-President, for they must take place together, and that of members of Congress,) unless the responsible head of that Department shall certify that the necessities of the public service require that this work should go on more rapidly at that time.

My friend from Ohio asks, "What does certify mean? It is vague." I thought the meaning of the word was very clear. "To whom shall he certify?" he asks. I never was aware that a certificate absolutely required that it should be addressed to anybody. I have seen a good many, and so has my friend, that certified "to whom it may concern." We cannot have any very great trouble on the subject of the meaning and the application of the word "certify." Its plain import is, I submit to my friend from Ohio, that the Secretary of the Navy shall declare in writing, by his public certificate, or proclamation, or order, or whatever you call it, in a responsible way, that he cannot get away from, that the public necessity requires that this work should be stimulated and increased at the particular time named, so that in time of imminent public peril or warfare there shall be a power, a responsible power in the head of this Department to have the work go on notwithstanding; and, if he violates his duty and debases the operations of his Department to political ends, he is amenable to the law, which can reach him if he does not get out of office too soon, as the saying is; and, if he does, you have got rid of him and can apply the proper redress.

That is the object of this amendment, and I had supposed it would meet with the concurrence of everybody.

Mr. THURMAN. The navy-yards are under the command of officers of the Navy, and not in charge of civilians. I do not believe

that a single commandant of a navy-yard ever willingly, much less voluntarily and anxiously, employed the patronage of his navy-yard for party purposes. I believe that wherever men have been "taken on," as it is called, who were not needed, for political purposes, it has been against the wishes of the commandant of the navy-yard. I believe that if the Secretary of the Navy discharges his duty no such thing can ever take place.

This provision in the House bill is aimed at that very abuse of discretion that rests in the head of the Navy Department, and the amendment offered by the Senator from Vermont does not remove in any degree either the temptation to permit the abuse or the probability of its occurrence. There can be no such "taking on" of men not needed now without the sanction, if not the direct order, of the Secretary of the Navy. If the men are actually needed, then it is proper for him to order their employment; but this abuse, if it exists, is an abuse consisting in the employment of men who are not needed.

Mr. EDMUNDS. May I ask my friend a question?

Mr. THURMAN. Certainly.

Mr. EDMUNDS. If, as the Senator says with entire correctness, the men are needed, the Secretary ought to have the power to employ them. How can he do it if you take this provision as it came from the House? He can do it if you take the proposition which I have offered; but he must do it, let me say as a part of the suggestive question, in a public and responsible way, so that there is no dodging, or doubt, or difficulty about it. He is obliged to take the open and public responsibility. Is not that a safeguard?

Mr. THURMAN. I grant that that is something. I grant that that is much better than a private order or intimation, or whatever you may call it. If I knew what "certify" meant, whether it meant putting a paper on the files of the Department that so many men were needed at the Kittery yard, or so many men at the Brooklyn yard, or so many men at Mare Island; if I knew precisely what this certificate meant, I might be willing to agree more than I now am that there would be some restraint in the provision offered by the Senator from Vermont.

Mr. EDMUNDS. If my friend has really any difficulty about the word "certify," if my friend is really in earnest about that, if it is not a mere jocose criticism, and it will help him, I will change it to say "shall by proclamation declare," so that the head of the Department shall make a public declaration that the public service requires it. If he will go for it in that way I will change it.

Mr. THURMAN. That is better, although it would be a singular thing for an executive officer, except the President, to be issuing proclamations. Yet that would still be something better, I grant that; and I hope, as my friend is progressing, he will finally come up to the House bill.

My answer to him is that there is no reasonable probability that any more men will be needed at the navy-yards in the months that are named than the number named in the bill. Perhaps it is too broad a statement to say the number named, because I have not investigated the subject. I do not know how many men are employed during those times or before those times. I only take it for granted that the committee who have examined this subject have found that fifty men would be all that would be needed in a navy-yard at that time. If that is not enough, double it and make it a hundred men.

Mr. EDMUNDS. But my friend seems to think the House committee is "the be-all and the end-all." We have a committee of our own which declares exactly the reverse.

Mr. THURMAN. I do not do any such thing as that; but I say if fifty men are not enough, then double the number; or if you do not like that, if you think there is any great public exigency likely to arise that would require a larger force, and if that is the opinion of the majority of the Senate, then frame the section in a different way, different from that proposed by the Senator from Vermont, which leaves it all in the discretion of the Secretary of the Navy just as it is now, different from that proposed by the House, and provide that after such a day, the 1st of September, if you please, or the 1st of October, if you please, there shall be no increase of the laborers in the navy-yards up to the 15th day of November.

Mr. CRAGIN. I would agree to that. By this provision there will be a large reduction necessary in every navy-yard. Besides, this would not apply to the Kittery yard at all, especially so far as New Hampshire is concerned. Our election takes place in March and we should have the right to increase under the bill, if we wished to do so. I want it to apply everywhere.

Mr. EDMUNDS. It is very strange that my friend from Ohio fails to see the point of public exigency which he himself has stated, for he said in the beginning of his remarks that if the public necessity required it, it ought to be done. Everybody must agree to that. The bill as it stands absolutely prohibits its being done, necessity or no necessity. My friend says that it is not at all probable that next October and November there will be any public exigency. Are you to make absolutely prohibitive laws on the ground that you cannot now see that a public function may necessarily be brought into exercise at some future period? Can you stand on such a proposition as that? I think not. How long ago is it that suddenly, owing to our relations with a foreign power, all the activities of the navy-yards were brought into exercise and a large number of ships were fitted out at the various navy-yards in order to defend the interests and protect the honor of the United States? Not long ago. Suppose that event had occurred in October or November, and the Secretary of the Navy and the President of the United States, in order to defend our interests and our honor, wished to increase the force and the whole nation wished that we should increase the force at all these yards in order to put in proper condition a naval force at once; where should we have been? Absolutely with our hands tied.

If this Government has got so low, or is hereafter to get so low, that you cannot trust the responsible exercise of executive power with that part of the Government to which the Constitution has remitted it, then we had better give up. To declare that the vessels of war of the United States for two particular months in one year, or in any year, shall not be put in fighting condition, is to declare what no other government has ever declared, and what no wise government, in my opinion, ever would declare.

You must have the capacity for the exercise of your force always in existence. You cannot calculate in advance that the months of October and November are to be the months when the gates of the temple of war are to be shut, and that you can fold up your arms and run the risk of having the courtesy or the magnanimity or the contempt of other powers protect you from injury and from danger. That never will do. You must have power somewhere that can be exercised all the time within the amount of money that Congress chooses to appropriate, and sometimes altogether beyond it, the executive arm taking the risk of having his action approved by the representatives of the States and of the people. And yet here comes this bill which declares that for two months in this year the navy-yards shall lie absolutely idle for fear that, whatever may be the public peril, somebody may get there who may vote in the wrong place or vote the wrong way.

Now, what I have proposed is to meet what is said to be the abuse and what in old times, if not in present ones, plainly has been an abuse, by providing that the responsible head of this Department in a public and responsible way shall be authorized at his peril, without leaving it open to any doubt as to what he has done, to carry on the necessary operations of the Government even in the months of October and November.

Mr. HOWE. Will my friend allow me to ask him a question? It is whether he supposes that a democrat or a republican either can hurt the country any worse by voting from a navy-yard than anywhere else?

Mr. EDMUNDS. I intimated that when I said that it was supposed somebody who got into the navy-yard would either vote in the wrong place or in the wrong way; that is all.

Mr. HOWE. But if he votes from the navy-yard he will not vote anywhere else?

Mr. EDMUNDS. That is perfectly true; but at the same time it has been said that there was born in the good old democratic times this wicked local contrivance of stimulating the election of some member of Congress in a particular district where there was a navy yard, and whichever party the member happens to belong to generally takes, they say, a deep interest in the navy-yard and its employés so as to get men into place in order to help them. As far as that evil has extended I am perfectly willing to correct it; and you do correct it, if you are wholly in earnest, by providing that the head of the Navy Department shall take the responsibility in a public way and by a formal official act of saying that the public necessities require the increase of force at this particular time. That is all there is about it and there is no danger in it. But as I said before, I am absolutely astonished at the provision that this House bill contains.

Mr. MERRIMON. I ask to have the amendment of the Senator from Vermont reported.

The PRESIDENT *pro tempore*. The amendment of the Senator from Vermont will be read.

The CHIEF CLERK. After the word "and," in line 290, it is proposed to strike out all the words to line 300, and insert:

> No increase of the force at any navy-yard shall be made at any time within sixty days next before any election to take place for President of the United States or member of Congress, except when the Secretary of the Navy shall certify that the needs of the public service make such increase necessary at that time.

Mr. EATON. Mr. President, I am very much disposed to support the amendment of the Senator from Vermont for this reason: I had drawn one embracing nearly the same language and entirely the same idea, that unless a public emergency arose which in the opinion of the Secretary of the Navy demands an increase of the force at any or all of the yards——

Mr. EDMUNDS. That is the same thing.

Mr. EATON. It is about the same thing, and therefore I find no fault with the amendment of the Senator from Vermont except in this particular which I wish to suggest to the Senator: As his amendment is applied to this section, and possibly he intended it should have that effect, it does away with the application of a certain amount to the purchase of certain timber, which I suppose to be exceedingly proper.

Mr. SARGENT. That is not for the purchase of timber. It is simply to take timber that is in the various navy-yards and put it in wet docks; and at a number of navy-yards there are no wet docks, as, for instance, at Mare Island. There are hundreds of thousands of dollars' worth of this lumber stored there under shelter, such shelter as they have; not adequate, I admit.

Mr. EDMUNDS. We have such a large amount of live-oak timber,

I understand, already accumulated that, in the present exigencies of the Government, we probably can get on without an accumulation of any more for the present year.

Mr. EATON. I had supposed differently.

Mr. SARGENT. This does not accumulate any.

Mr. MERRIMON. I wish to ask the Senator from Vermont a question. What is to be done with the certificate the Secretary of the Navy is to make? Where is it to be lodged?

Mr. EDMUNDS. I do not know what is to be done with it. I know that in a great many statutes and other things public officers are required to certify a certain state of facts as the ground of action or as the testimony of what has taken place. I take it, inasmuch as this certificate is a public official document, like any other public act of the Secretary of the Navy, if there is an application or a suggestion, or if in his opinion, without any application or suggestion, the work at the Kittery navy-yard, for instance, or the Washington navy-yard next October, owing to the state of our public affairs, ought to be put on a war footing, so to speak, he makes his certificate, his public official certificate, and follows that, according to the law, with the order that the force at that yard may be increased. It becomes an official archive like any other of the public acts in writing that the Secretary of the Navy or any other head of Department or the President of the United States is to do.

Mr. THURMAN. I move to add to the amendment of the Senator from Vermont:

Which certificate shall be immediately published when made.

Mr. EDMUNDS. I have not the least objection. I accept the suggestion.

The PRESIDENT *pro tempore*. The amendment of the Senator from Vermont will be so modified. The question is on the amendment of the Senator from Vermont.

Mr. WHYTE. Before the vote is taken on that, I wish to call the attention of the Senator from Vermont to the fact, as stated by members of the committee who visited these yards, that a great deal of live-oak timber there now is rotting, going to pieces, drying up because of the want of that care which is necessary to preserve it.

Mr. EDMUNDS. This is not intended to assail that; but it is all in one clause, and if the whole is struck out and what I propose inserted, it will be perfectly in order then to re-insert such part of it as the Committees on Naval Affairs and Appropriations or my friend from Maryland shall suggest. It is not intended to express any opinion upon that topic at the present time.

Mr. WHYTE. I propose to vote for the proposition of the Senator from Vermont, but there ought to be some provision to require that this timber should be taken care of; for, according to the report of these gentlemen, it is really being destroyed by reason of the allegation of the officers in charge that appropriations are exhausted and they are not able to do it.

Mr. CRAGIN. There is no doubt whatever that the Secretary of the Navy or the Department will see that this timber is taken care of in the way suggested by this provision just so far as there are facilities for doing it. They have been very anxious to do it heretofore, and as soon as there is money appropriated it will be attended to.

Mr. EATON. Therefore the necessity of making some portion of this appropriation applicable to that identical work.

Mr. SARGENT. Then strike out all after the word "docks" in line 294.

Mr. WHYTE. I understand there are some places where there are no wet-docks. The timber ought to be under cover if not in water.

Mr. MERRIMON. The reason I propounded a question to the Senator from Vermont a while ago was that, while I saw the general purpose, I did not see the special effect that this certificate was to have. I take it the purpose is that the Secretary of the Navy shall give notice to the public at that particular time that an increase of the service in the navy-yards or a particular navy-yard is necessary, and in order to place a check upon his power to employ men with a view to prostitute suffrage, he is required to give this certificate. The amendment proposed by the Senator from Ohio obviates the difficulty that occurred to my mind to some extent; but it seems to me, with all respect and deference, that the provision might be rendered more forcible by requiring on such occasions the Secretary of the Navy to certify to the President that an increase of service was necessary, and let that certificate be approved by the President, so that the responsibility for an increase of service at a time like that would be shared both by the President and the Secretary. It would increase the public confidence in a requisition for an increase of service just preceding an election.

Mr. EDMUNDS. That is perfectly true; and it would be still further increased if it should be provided that it should be submitted to Congress and they should assent. Of course it is a question of degree. You can add to the number of the people who are to certify; but I submit to my friend from North Carolina that in a matter of this kind, which is really a matter of detail in executing public work according to public exigencies, it would be rather a strong implication against the fitness and honor of high public officials, the heads of Departments, to require that in any case the Secretary of the Navy, exercising his responsibility publicly and under a definite certificate of a definite public exigency, about how many men he should employ in a particular yard, must always have the approval of the President of the United States. It implies that, as a rule, or at least as an exception, you may expect to have the head of the Navy Department so debased by political prejudice that he would make, on his own responsibility, liable to impeachment and to punishment, a public certificate which was a lie.

I think we have gone far enough when we make the head of the Navy Department responsible in the exercise of this power in the first place to examine the particular occasion at the time, and to be personally and officially responsible by his own declaration made public that the exigencies of the public service demand that then, "at that time," as the amendment says, more laborers shall be employed. It appears to me that that goes far enough.

Mr. MERRIMON. My idea was that if we are going to check this evil we ought to do it in the most effectual manner; and while there ought not be any reason why there should be distrust of high functionaries—cabinet officers—long experience in this country shows that this power has been prostituted to the shame of all parties and to the shame of the American people. I believe that if the Secretary of the Navy is required to certify this necessity to the President, and the President approve of the employment of an increased number of hands, it would go much further toward bringing about the reformation which all seem to desire.

Mr. EDMUNDS. You might provide that they should not do anything without the approval of the President.

Mr. SARGENT. Let us have the vote.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Vermont.

The amendment was agreed to.

The PRESIDENT *pro tempore*. The question recurs on the amendment of the committee, to strike out the clause as amended.

Mr. EATON. It seems to me that some portion of the money appropriated by this clause should be applied to the care of this timber.

Mr. EDMUNDS. I do not dispute that; I do not know anything about it.

Mr. EATON. I prefer that the Senator from California, who has the bill in his hand and in his mind, should perfect it in that respect.

Mr. EDMUNDS. The moment this matter is disposed of an amendment can be moved to provide for that. Anything can be added after this is adopted.

The PRESIDENT *pro tempore*. The question is on striking out from the word "and," in line 290.

The amendment was agreed to.

Mr. EDMUNDS. Let me understand the question. It is to strike out "and."

The PRESIDENT *pro tempore*. That is all that is now left of the committee's amendment.

Mr. EDMUNDS. I hope the word "and" will not be stricken out as matter of grammar, for it should precede the clause I have had inserted.

The PRESIDENT *pro tempore*. The Senator can move to prefix the word "and" prior to the words agreed to.

Mr. EDMUNDS. I move to prefix it.

The amendment was agreed to.

Mr. SARGENT. I move to add the following words:

And that the sum of $200,000, or so much thereof as may be necessary, shall be used in the employment of labor to put the live-oak timber in the different yards in wet docks.

Mr. MORRILL, of Vermont. I suggest to the Senator from California that that had better come in before the last amendment adopted; it would be just as well.

Mr. SARGENT. Very well; put it in before that.

Mr. EDMUNDS. As a distinct paragraph, right after the word "dollars," in line 290.

The PRESIDENT *pro tempore*. The amendment will be so inserted if agreed to. The question is on inserting the amendment at that point.

The amendment was agreed to.

Mr. SARGENT. The only remaining amendment which increases the appropriations is line 307. Let it be stated.

The CHIEF CLERK. The next amendment of the Committee on Appropriations is in the appropriation for the Bureau of Steam-Engineering, to increase the item for repairs and preservation of boilers and machinery on naval vessels; for fitting, repairs, and preservation of machinery and tools in the several navy-yards; for labor in navy-yards and stations not included above, and incidental expenses; and for purchase and preservation of oils, coals, metals, and all materials and stores, from $885,000 to $1,500,000.

Mr. EDMUNDS. I should like to hear that explained.

Mr. SARGENT. This is the last amendment increasing appropriations which I am instructed by the committee to urge. I can give the reasons in general terms as I have heretofore.

The amount appropriated for the present fiscal year is $1,800,000. Senators will observe that the House does not only strike off one-half but more; it strikes off a million at once, leaving an entirely insufficient amount for the service. We propose, not the amount appropriated this year, but $1,500,000, which is $300,000 less than the present service. Out of this appropriation all boilers and machinery on vessels have to be repaired and preserved; and it is for fitting, repairs, and preservation of machinery and tools in the navy-yards. The life of a boiler is three years. All experts testify to that and long expe

rience shows it. Our vessels come home and must renew their boilers. The boilers are expensive. The boiler of a war vessel is a very large and expensive article, and it requires a great deal of money to replace it or make large repairs. The committee therefore propose to allow $1,500,000.

Mr. EDMUNDS. This is one of the class of items to which reference has been made before, that are in an entire degree discretionary and where economy can be practiced down to a very narrow compass. Of course what the Senator from California says in respect to the life of a boiler and the necessity of having boilers in good repair is true, because it not only involves questions of the capacity of the vessels but the safety of human life that they should be in order. What he says is very forcible; but at the same time I should be glad to appeal to him, for the reasons that have generally already been stated, to let us try for this year the experiment of getting on with $1,000,000 instead of $885,000, which the House propose, and instead of $1,500,000, that the committee propose; and, in the same spirit that I have suggested one or two amendments before, I venture to move to amend the amendment of the committee so as to make it read "$1,000,000" instead of "$1,500,000."

The PRESIDENT *pro tempore*. The Senator from Vermont moves to amend the amendment by striking out "five hundred thousand;" so as to read "one million dollars."

The amendment to the amendment was agreed to.

The amendment, as amended, was agreed to.

Mr. SARGENT. I should like now to ask the Senate if it will be so kind as to indulge me by going back to page 10 before proceeding to the remaining amendments, which are formal. The amendment of the committee for $760,000, in lines 217 and 218, was utterly rejected. I should like to ask the Senate, in the spirit that has actuated the Senator from Vermont in making his suggestions, that the $440,000 as it stands in the bill as it came from the House, in that item for the Bureau of Yards and Docks, be changed to $500,000. That is a very slight increase.

Mr. EDMUNDS. Very good. That is round numbers.

The PRESIDENT *pro tempore*. Is there objection to the suggestion of the Senator from California? The Chair hears none, and the amendment is made. Five hundred thousand dollars is inserted instead of $440,000, in lines 217 and 218.

The PRESIDENT *pro tempore*. The next amendment of the Committee on Appropriations will be reported.

The next amendment was in the appropriation for the Marine Corps, line 422, after the word "appointments" to insert "except by promotion:" and after line 425 to insert "and hereafter all appointments of second lieutenants in the Marine Corps shall be made from the graduates at the Naval School;" so as make the paragraph read:

For pay of officers of the Marine Corps, and for pay of non-commissioned officers, musicians, privates, and others of the corps, and for transportation of officers traveling without troops, and for payments to discharged soldiers for clothing undrawn, $624,000. And from and after the passage of this act there shall be no appointments, except by promotion, to fill vacancies occurring in the list of commissioned officers of the Marine Corps until the number of such officers shall have been reduced, by casualties or otherwise, to seventy-five. And hereafter all appointments of second lieutenants in the Marine Corps shall be made from graduates at the Naval School.

Mr. SARGENT. The words "except by promotion" are put in there in order to complete the sense of the passage, and, as I understand, do not vary the intention of the provision of the House bill. The last amendment proposed, "and hereafter all appointments to second lieutenants in the Marine Corps shall be made from graduates at the Naval School," is for the purpose of absorbing some of the graduates of the Naval School, instead of making the appointments from civil life. The complaint of the Navy is that we have too many officers, and the Senator from Ohio recently called attention to the fact that both at the Naval and Military Schools we are making too many graduates to become officers. We propose to take some of them and put them in the Marine Corps instead of creating the officers out of civilians. That is recommended by the Secretary of the Navy in his annual report, and I have no doubt will work well.

Mr. CRAGIN. I suggest to the Senator whether it would not be better to change the word "hereafter" to "thereafter." It means, of course, after the number of officers is reduced to seventy-five.

Mr. SARGENT. I think it would be better.

The PRESIDENT *pro tempore*. The change of "hereafter" to "thereafter" will be made, if there be no objection.

Mr. EDMUNDS. Then you want to strike out the period and make it a semi-colon before "and."

Mr. SARGENT. Very well.

Mr. EATON. I had supposed that the peculiar qualifications necessary for officers of the Marine Corps were different from those necessary for officers of the Navy. I had not supposed that a person who had gone through a series of years' instruction in acquiring a knowledge to become a naval officer would be a desirable or proper person to be made a marine officer. The qualifications of the two arms of the service I think are entirely different. One is more military than naval. I supposed it would require a different line of studies to qualify a man to be an officer of marines than had been pursued by a youth who has spent two, three, or four years in the acquisition of naval information.

Mr. SARGENT. The learning which would be acquired at either the Naval or Military school would be very valuable to officers of the Marine Corps. My impression is that as the Marine officer is a quasi naval officer, it would be better to educate him at the Naval school rather than the Military school; but a graduate of either would probably be better fitted to make an accomplished officer than a person taken up from civil life who may not have had that careful training.

Mr. THURMAN. Mr. President, the plain truth about it is that the whole Marine Corps might be abolished without any great injury to the public service, and perhaps with some good to the public service. The Marine Corps was a very good thing when they used to fight in the old wooden ships and had no bigger gun than a twenty-four-pounder, when they used the marines by putting them all around in the yards and everywhere else with muskets in their hands to shoot at the enemy, and also used them as a police to keep the sailors in order. That is about the whole use they were put to. Now, when the number of sailors and seamen on board of a man-of-war has so materially diminished, and when the mode of naval warfare has almost entirely changed, the truth is that the Marine Corps is an obsolete institution, or pretty nearly so, for all practical purposes. But if we need any marines at all, there is no education that ever was given that can better qualify a man to be an officer of marines than that which is given at Annapolis. The truth about it is that anybody who will witness the maneuvers of the cadets at Annapolis and those at West Point will be a good deal troubled to know which of them would be the better land force. So far as you use marines on land in any land service, or so far as it is necessary to drill men or drill sailors, or make a sailors' brigade like that which Commodore Stockton operated in Mexico, you could not have better officers in the world than those who graduate at Annapolis.

Mr. CRAGIN. I want to add my hearty commendation to this last clause of the amendment:

And hereafter all appointments of second lieutenants in the Marine Corps shall be made from graduates of the naval school.

I think that is one of the best amendments in the bill. The great fault of the Marine Corps, especially with the appointment of second lieutenants, has been that poor men have been appointed; young men who have become unruly, whose parents or guardians could not take care of them properly, have been by some contrivance put into the Marine Corps, and the result is that corps, although having very many gallant and worthy officers, has lost by this system of appointments. I hope that with this amendment it may be brought up to its ancient standard and be made measurably, if not quite, equal to the Navy.

I desire to say, Mr. President, that in my long acquaintance with the officers of the Navy, and it is very extensive, I have never found a more intelligent, honorable, or gallant class of men. I believe today that the *personnel* of the American Navy can be equaled by that of no other navy on the face of the earth. Our Navy is small; it always will be small; but, with a large number of officers always ready in every emergency to command any number of men which can be called for, we shall always be safe and secure.

Mr. SARGENT. Now I hope we shall have a vote.

Mr. EDMUNDS. I will not take one-half minute of time. I entirely agree to this amendment; it is a very good one; but I wish to say that differing from the former amendments, which merely regulated the employment of people who are only employed because money is appropriated, we have here an amendment which changes the general regulations of law, and on principle I am opposed to it in an appropriation bill; but as it meets the general concurrence of the Senate it is not of any consequence, and I shall not ask any division upon it.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments made as in Committee of the Whole were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

AMENDMENT OF ENFORCEMENT ACTS.

Mr. EDMUNDS. Mr. President, before I make the motion to adjourn, which I am about to do, I wish to say that to-morrow morning, if I am correctly advised, I shall move to take up the bill I have tried to call up once or twice about the enforcement act; and, so giving notice, I move that the Senate adjourn.

The motion was agreed to; and (at five o'clock and forty-five minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, *June* 22, 1876.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. I. L. TOWNSEND.

The Journal of yesterday was read and approved.

WILLIAM M'INDOE.

Mr. COCHRANE, by unanimous consent, from the Committee of Claims, reported back, with the recommendation that it do pass, the

bill (H. R. No. 422) for the relief of William McIndoe, postmaster at Lonaconing, Alleghany County, Maryland, which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

JOHN I. THOMAS.

Mr. COCHRANE also, by unanimous consent, from the same committee, reported back, with the recommendation that it do pass, the bill (H. R. No. 420) for the relief of John I. Thomas, postmaster of Hancock, in Washington County, Maryland, which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

C. H. WALKER.

Mr. COCHRANE also, by unanimous consent, from the same committee, reported back, with the recommendation that it do pass, the bill (H. R. No. 421) for the relief of C. H. Walker, postmaster at Frostburgh, in Alleghany County, Maryland; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

INDUSTRIAL SCHOOL FOR GIRLS IN THE DISTRICT.

Mr. WALSH, by unanimous consent, from the Committee on Public Buildings and Grounds, reported as a substitute for House bill No. 718, a bill (H. R. No. 3765) providing for the erection of an industrial school for girls in the District of Columbia; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

MARCUS RADICH.

Mr. WILLIAMS, of Wisconsin, by unanimous consent, from the Committee on Foreign Affairs, introduced a joint resolution (H. R. No. 130) referring the claim of Marcus Radich to the Court of Claims; which was read a first and second time.

Mr. WILSON, of Iowa. That resolution must go to the Committee of the Whole.

The joint resolution was referred to the Committee of the Whole on the Private Calendar, and ordered to be printed.

GOVERNMENT BUILDING IN DOVER, DELAWARE.

Mr. WELLS, of Missouri, from the Committee on Public Buildings and Grounds, reported back, with a favorable recommendation, the bill (S. No. 558) making a further appropriation for the erection of Government buildings in Dover, Delaware.

The bill was read. It appropriates the sum of $15,000, in addition to the appropriation heretofore made for the erection of a post-office in Dover, Delaware, for the purpose of adding an additional story to said post-office building now in course of erection, to be used as a United States court-room and other offices of the Government.

Mr. WELLS, of Missouri. I will state that in 1873 Congress passed a bill appropriating $40,000 for the purpose of buying a site and erecting a building for a post-office at Dover, Delaware; but the site cost at the time of the purchase $10,030, leaving less than $30,000 for the erection of the building. The Federal courts sit in that city and have to use this building, and this bill is merely designed for the purpose of putting up a second story to accommodate the United States courts.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. WELLS, of Missouri, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PERSONAL EXPLANATION.

Mr. WILLIAMS, of Indiana. I rise to a personal explanation, a question of personal privilege. I send to the Clerk's desk an article from some newspaper which was sent to me yesterday reflecting upon myself and upon the Committee of Accounts, and I ask that the Clerk read it.

The Clerk read as follows:

Is Fitzhugh crazy or is he too honest for the democrats in the House? Some time ago he refused to turn over certain books relating to the document-room until an invoice of the contents of that department had been taken. He urged several of the democratic members to investigate the matter. He called their attention to the fact that many thousand volumes of valuable public documents are missing from that department. The missing documents consist of such works as The Medical History of the War, which is valued at $50 a set in open market. He besought them to look into the matter, and bring the guilty parties to justice. Who are the guilty parties? There is a man named Fletcher in the folding-room who, perhaps, can answer this question. He was Mr. SAMUEL RANDALL's man to succeed Fitzhugh, but the majority of the democrats acquainted with his character refused to support him, and he was defeated. The charge has been made that he has spirited these books away. Is this the reason that Blue Jean WILLIAMS refuses to take an invoice of this room? Does he want to shield this man? Will he and the rest of the ex-confederate House of Representatives stand indifferently by while the document-room of the national Capitol is being ruthlessly robbed of its best treasures? Something should be done immediately to ferret out the rascality of this clandestine transaction, and bring the miserable culprit to the bar of rigid justice. It was intimated to Mr. WILLIAMS and others of his party weeks ago that robbery and pilfering were going on in the document-room, and yet they have not raised a hand to stay the crime. These are the men who are howling "reform! reform!" while they see thieves of their own making with both hands plundering the property of the people and lift not the first finger in opposition to the crime.

Mr. WILLIAMS, of Indiana. In order to show what the duties of the Doorkeeper are, and what the duties of the Committee of Accounts are, I ask the Clerk to read the twenty-seventh rule.

The Chief Clerk read as follows:

27. The Doorkeeper shall execute strictly the one hundred and thirty-fourth and one hundred and thirty-fifth rules, relative to the privilege of the Hall.—*March* 1, 1838. And he shall be required at the commencement and close of each session of Congress to take an inventory of all the furniture, books, and other public property in the several committee and other rooms under his charge, and shall report the same to the House; which report shall be referred to the Committee of Accounts, who shall determine the amount for which he shall be held liable for missing articles.—*March* 2, 1865. It is the duty of the Doorkeeper ten minutes before the hour for the meeting of the House each day, to see that the floor is cleared of all persons except those privileged to remain during the session of the House.—*March* 31, 1869.

Mr. WILLIAMS, of Indiana. Now, Mr. Speaker, there was no report made by the Doorkeeper who preceded Mr. Fitzhugh that was ever laid before the Committee of Accounts, as should have been done. I presume that Mr. Fitzhugh took an invoice of the property of the House, but it was never reported to the Committee of Accounts. When Mr. Fitzhugh went out there was no report, and there has been no report from the present occupant of the office showing what he had on hand. Now, if the Doorkeeper will comply with the law and the rule of the House there is no fear that the Committee of Accounts will not do their duty. I cannot tell whether there is anything wrong or not, but if the officer of the House will do his duty you may then place no censure on the Committee of Accounts for a failure to perform, and until this officer does his duty the Committee of Accounts must be exonerated from all blame.

Mr. RANDALL. I hope the Committee of Accounts will make diligent inquiry on this subject; that is all I have to say.

Mr. FOSTER. What steps have the Committee of Accounts taken to obtain information in regard to this matter?

Mr. HOLMAN. I hope the Committee of Accounts will take immediate steps to inquire into the allegations contained in that article. I offer the following resolution:

Resolved, That the Committee of Accounts be, and are hereby, instructed to make a full inquiry into the accounts of the present and previous Doorkeepers of this House touching the public property heretofore in their charge.

Mr. HENDEE. Give them power to send for persons and papers.

Mr. RANDALL. They have every power necessary.

Mr. FORT. As there is some reflection upon the Committee of Accounts, I suggest that this matter be referred to the Committee on Printing.

Mr. HOLMAN. We have entire confidence in your committee, all of us.

Mr. FORT. I hope it will not be made my duty to enter into any of these investigations. I think the Committee on Printing would be a better committee to investigate this matter.

Mr. WILLIAMS, of Indiana. In answer to the question asked by the gentleman from Ohio [Mr. FOSTER] as to what steps have been taken by the Committee of Accounts in regard to this matter——

Mr. FOSTER. To ascertain whether there has been any dereliction of duty on the part of the Doorkeeper.

Mr. WILLIAMS, of Indiana. The rule which I have had read shows what is the duty of the Doorkeeper and the duty of the Committee of Accounts.

Mr. FOSTER. Is that all?

Mr. RANDALL. I move the previous question on the resolution offered by the gentleman from Indiana.

The previous question was seconded and the main question ordered; and under the operation thereof the resolution of Mr. HOLMAN was agreed to.

ORDER OF BUSINESS.

Mr. RANDALL. I move that the House resolve itself into Committee of the Whole on the state of the Union upon the sundry civil appropriation bill.

Mr. HOLMAN. Pending that motion, I move that all debate upon the pending paragraph close in five minutes.

Mr. RANDALL. O, no; make it twenty minutes.

Mr. FORT. Will the gentleman allow me to submit a report from the Committee of Accounts?

Mr. RANDALL. I cannot yield now.

Mr. HOLMAN. This subject is well understood, and I hope that ten minutes will be deemed sufficient time to debate it.

Mr. RANDALL. I move to amend by making the time twenty minutes.

Mr. HOLMAN. If this bill is to be passed to-day, very little time must be consumed in debate.

Mr. RANDALL. My object in making the motion to amend is this: Three gentlemen have already spoken to me to be allowed time to debate this paragraph, which will be fifteen minutes, and I would like at least the opportunity of making a reply.

Mr. REAGAN. If the House could have heard the remarks made by the gentleman from Indiana [Mr. HOLMAN,] I would have been content; but it is evident those remarks were not generally heard.

Mr. CHITTENDEN. This is a very important measure, and I hope the time for debate will not be limited.

The SPEAKER *pro tempore*. The question will be first taken on the longest time.

Mr. HOLMAN. I will withdraw my motion for ten minutes, and allow the question to be taken on the proposition for twenty minutes.

The motion to limit debate on the pending paragraph to twenty minutes was agreed to.

The motion of Mr. RANDALL to go into Committee of the Whole was then agreed to.

SUNDRY CIVIL APPROPRIATION BILL.

The House accordingly resolved itself into Committee of the Whole, (Mr. BLACKBURN in the chair,) and resumed the consideration of the bill (H. R. No. 3749) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1877, and for other purposes.

The pending paragraph of the bill was the following:

That the Secretary of the Treasury shall reserve of the revenues of the District of Columbia a sum sufficient to meet the interest accruing on the 3.65 bonds of the District during the fiscal year beginning July 1, 1876, and apply the same to that purpose.

The pending amendment, offered by Mr. RANDALL, was to add to the paragraph the following:

And in case there shall not be a sufficient sum of said revenues in the Treasury of the United States at such time as said interest may be due, then the Secretary of the Treasury is authorized and directed to advance from any money in the Treasury not otherwise appropriated a sum sufficient to pay said interest, and the same shall be re-imbursed to the Treasury of the United States from time to time as said revenues may be paid into said Treasury, until the whole amount shall have been refunded.

Mr. CHITTENDEN. I have never supposed that under any possible conjunction of circumstances I should venture to teach the veteran member from Indiana [Mr. HOLMAN] anything. But I understood him to say distinctly that the Government of the United States, the people of the United States are not bound for the 3.65 bonds of the District of Columbia. I want to read him from the bond.

Mr. HOLMAN. The bond is not the law.

Mr. CHITTENDEN. The bond copies the law. I read from the face of the bond, [holding up a 3.65 bond of the District of Columbia:]

The District of Columbia funding bond; guaranteed by the United States of America; the faith of the United States pledged for the interest and principal.

And on the back of the bond is copied from the law, of which I will read only a brief extract:

And the faith of the United States is hereby pledged that the United States will by proper proportional appropriation, as contemplated in this act, and by causing to be levied upon the property within said District such taxes as will provide the revenues necessary to pay the interest on said bonds, as the same may become due and payable, and create a sinking fund for the payment of the principal thereof at maturity.

Now I do not understand why that bond is treated by Congress and by the Committee on Appropriations as a bastard. It is either the bond of the United States or it is not. As I said here when the interest was to be paid in February last, while the money to pay it, be it remembered, was then in the Treasury, and the payment of the interest was delayed only because the House refused to take the necessary steps to use the money—I said then, let us acknowledge the bond or let us repudiate it; and I say that now.

I move to amend the amendment of the gentleman from Pennsylvania [Mr. RANDALL] by adding to it that which I send to the Clerk's desk.

The Clerk read as follows:

And the Secretary of the Treasury is hereby authorized and directed to pay the interest on the 3.65 bonds of the District of Columbia when and as the same shall hereafter mature, at the Treasury of the United States and at the office of the assistant treasurer in New York.

Mr. CHITTENDEN. A single word more. An eminent London banking-house, having issued a large number of railroad bonds several years ago with their recommendation, gave notice last spring that the coupons of those bonds due in March and September of this year would be paid. The fair and reasonable inference was that after that time they might not be paid. Now the Congress of the United States has acted precisely in that way in respect to these 3.65 bonds, except that they delayed action for five or six weeks in regard to paying the interest due on the 1st day of February last, to the great prejudice of the bonds.

I do not own one of these bonds, and I have no relative who owns one of them, so far as I know. I borrowed this one, [referring to the one in his hand,] and I am sorry to say that on loaning it to an eminent lawyer and member yesterday for a minute or two, he returned it to me immediately, intimating that it had already ruined his reputation. I say that the holders of these bonds are entitled to know whether the Government of the United States, in any sense or measure, repudiates its responsibility for them.

Mr. HEWITT, of New York. It seems to me that the real duty of Congress is to comply with the law. The gentleman from Indiana [Mr. HOLMAN] has stated that these bonds are not the obligations of the United States, and he has stated the law correctly. They are not the obligation of the people of the United States; but the faith of the people of the United States is pledged for certain legislation. That pledge is as follows:

And the faith of the United States is hereby pledged that the United States will by proper proportional appropriation, as contemplated in this act, and by causing to be levied upon the property within said District such taxes as will provide revenues necessary to pay the interest on said bonds, as the same may become due and payable, and create a sinking fund for the payment of the principal thereof at maturity.

Now, if the Congress of the United States has failed to assess upon the District the necessary taxes and to provide the proportional appropriations contemplated in the act, then it is right that we here should make a temporary provision, and that is exactly what has been done by the amendment offered by the chairman of the Committee on Appropriations. As the bill stands, without that amendment, it is quite certain that the interest on these bonds would not be paid, and the plighted faith of the United States would be violated.

Therefore let us agree to the amendment of the Committee on Appriations; let us pay the interest and then adopt the necessary legislation to have it refunded by taxes upon the District of Columbia. But for one I will not consent, and I hope this House will never consent, that the Government shall take upon its shoulders the payment of the principal and the interest of these bonds except in the way required by the bond itself. Let us keep the bond; let us maintain good faith with the holders of the bonds. Let the interest always be paid either out of the assessments upon the District, or, if those assessments are not made in time, then by a provision such as the chairman of the Committee on Appropriations now proposes.

These are not the bonds of the United States; they are the bonds of the District; but for their interest and for the ultimate payment of the principal the faith of the United States is pledged in a specific way. That pledge we have not fulfilled. Therefore let us take the money temporarily from the Treasury and fulfill the pledge as soon as we can.

Mr. REAGAN. Mr. Chairman, the prodigality and recklessness with which an enormous debt has been created by this District have attracted the attention of this whole country. The District has been authorized to create a debt; but is this Congress to assume the payment of that debt and its interest? If so, by what authority shall we make the assumption, and impose a portion of this debt of the plundered city of Washington upon the plundered city of New Orleans, or any other city of this Union which has a large debt? It is said this must be done because it is so "nominated in the bond." I desire to call attention in the first place to the nature of that bond, the import of which, it seems to me, has not been correctly stated to this committee. What is it that the faith of the Government is pledged to do? The law itself answers that question:

And the faith of the United States is hereby pledged that the United States will by proper proportional appropriations, as contemplated in this act, and by causing to be levied upon the property of said District such taxes as will provide the revenues necessary to pay the interest on said bonds, as the same may become due and payable, and create a sinking fund for the payment of the principal at maturity.

Now, the obligation of the Government (and that is all to which its faith is pledged) is that it will make appropriations for its proportional part of this debt, as provided by law; that it will levy taxes to enable the District to pay its proportion of this debt. What is the amendment? In the first place let us look at the provision reported by the committee:

That the Secretary of the Treasury shall reserve of the revenues of the District of Columbia a sum sufficient to meet the interest accruing on the 3.65 bonds of the District during the fiscal year beginning July 1, 1876, and apply the same to that purpose.

That is the provision reported by the committee, which seems to be sufficient to meet the requirements of the case. But it is proposed to amend that by appropriating out of the Federal Treasury the money to pay this interest. [Here the hammer fell.] I would have liked to make one further remark.

The CHAIRMAN. Is there objection to allowing the gentleman from Texas to proceed?

Mr. HOLMAN. If so, it must come out of the twenty minutes allowed for this debate.

Mr. HARTRIDGE. Then I object.

The CHAIRMAN. The Chair recognizes the gentleman from Georgia, [Mr. HARTRIDGE.]

Mr. HARTRIDGE. Mr. Chairman, in the view which I take of this case it makes no difference whether, as the gentleman from Texas [Mr. REAGAN] says, this District has been injured and robbed by the issue of these bonds or not. The Government of the United States put it in the power of the parties who issued these bonds to make that issue. Now, according to a well-established principle of law and of equity, if one of two innocent parties is to suffer by reason of the fraudulent acts of a third party, that innocent party must suffer who has put it in the power of the third party to commit the injury. The United States Government, then, is bound to the extent of its pledge—the pledge contained in the law which has been read—to provide not only for the payment of the interest upon these bonds, but for a sinking fund which shall eventually pay the principal of these bonds.

Mark the language of the law. It does not say that the Government gives its pledge to raise revenues alone by taxes upon the property of the District to pay this interest; it says that it shall by proportional appropriations and by taxation make such provision. The two go together; both are contemplated; the act contemplates the fact that the Government of the United States shall appropriate from the Treasury money to pay the interest upon these bonds.

The amendment offered by the gentleman from Pennsylvania contemplates what? That in the event there shall not be means in the local treasury of this District to pay this interest for the coming fiscal year then the deficiency shall be made up by appropriations from the Treasury of the United States, in strict accordance with the act which gentlemen have heard read, in strict accordance with the faith of the Government pledged to the people of the country, pledged to the people of the District, pledged to the purchasers and holders of the bonds, that this Government will in one way or the other see that this interest is paid. If the interest is not paid by revenues derived from local taxation, then the amendment provides that it shall be paid from money appropriated out of the United States Treasury. This is a means in strict accordance with the act itself, in strict accordance with the faith of the Government pledged to this payment; and, sir, it is demanded by every principle of justice and of right, by every principle of honor, that this money should be so appropriated and paid.

It makes no difference, as I have said, by what means these bonds were issued. I am free to confess that I believe some of these bonds have been issued illegally, issued for purposes not contemplated by this act. But the Government has placed in the hands of these parties the power to issue these bonds; and for that reason it concerns the honor of this Government that the innocent holders of the bonds shall not suffer by the act of the Government's agents.

I maintain that irrespective of every consideration of party or anything of that kind we are bound as representatives, not only of the people of this country, but of their pledged honor and faith, to adopt at least the amendment of the gentleman from Pennsylvania, and see that this interest is properly paid according to the language and spirit and honest obligation of the bond which the Government has issued through its agents.

[Here the hammer fell.]

Mr. RANDALL. Mr. Chairman, the gentleman from Georgia has so clearly and so fully stated this proposition that he has left nothing for me to say in advocacy of my amendment. The motive I had in view was a single one, and that was not to allow during our absence from this Capitol those bonds to go to default, or rather that the payment of the interest upon those bonds should not fail. I was unwilling that further criticism should be made against Congress in this respect. In order to make sure I went to the utmost limit of our power as a committee; that is, I covered the fiscal year. I do not extend it to all time, because I thought that part of the duty belonged to the Committee for the District of Columbia.

Mr. REAGAN. This discussion, with the exception of five minutes, has been on that side of the question. Why should we not in good faith do precisely that which is contemplated by the law, and that is, provide for levying taxes and the payment of this interest as the law requires, instead of coming here and putting the whole burden for the payment of the interest of those 3.65 bonds upon the Treasury of the United States?

Mr. RANDALL. I do not put the whole of it upon the Treasury of the United States. This does not put any of it upon the Treasury of the United States. Whatever money shall be advanced under my amendment it is provided shall be refunded to the Treasury of the United States out of the revenues accruing to this District. If this House taxes at the rate of $2 a hundred or even $1.75 a hundred upon the taxable property of this District, I do not think the Government need pay a single dollar of this $501,000 during the fiscal year. But I do say we should not leave to doubt and uncertainty the payment of the interest on those 3.65 bonds.

Mr. BUCKNER. One word.

The CHAIRMAN. The time to which the debate has been limited has expired.

Mr. FOSTER. I desire to offer an amendment to the amendment.

The CHAIRMAN. Two amendments are pending already, the amendment of the gentleman from Pennsylvania and the amendment to that amendment by the gentleman from New York, [Mr. CHITTENDEN.] Further amendment, therefore, is not in order under the rule.

Mr. CHITTENDEN's amendment to the amendment was again read.

Mr. HOLMAN. That amendment, I think, is open to the point of order that it is entirely new legislation.

The CHAIRMAN. The gentleman from Indiana will recognize the fact without being reminded by the Chair that the amendment to the amendment has been discussed and it is too late to raise the point of order.

Mr. HOLMAN. I did not hear it read until this moment at the Clerk's desk.

Mr. REAGAN. And not one single member alluded to it in discussion.

Mr. RANDALL. It was read.

Mr. HOLMAN. It was read as part of the gentleman's speech.

Mr. REAGAN. But never from the Clerk's desk as the pending proposition.

Mr. RANDALL. My belief is that it was read at the Clerk's desk. It certainly was proposed by the gentleman, and has been pending and under discussion.

The CHAIRMAN. The Chair is informed by the Clerk that the amendment was read at the Clerk's desk by direction of the Chair.

Mr. CHITTENDEN. I withdraw the amendment if you will allow me to say that the object of the proposition was merely to make permanent the payment of this interest, whereas the amendment of the gentleman from Pennsylvania [Mr. RANDALL] provides only for the payment of the interest during the next fiscal year.

Mr. REAGAN. And both make it a debt upon the people.

Mr. BUCKNER. One is in accordance with the law, while the other is not.

Mr. CHITTENDEN. I withdraw my amendment to the amendment.

Mr. FOSTER. I move to amend so as to strike out the words "out of any money in the Treasury not otherwise appropriated," and in lieu thereof to insert "$501,000." I want to make the amendment specific, and to fix the exact sum which we are told by the chairman of the Committee on Appropriations will be required to pay this interest.

The amendment to the amendment was rejected.

The question recurred on Mr. RANDALL's amendment.

The committee divided; and there were ayes 110, noes not counted.

Mr. HOLMAN. We are entitled to vote on this in the House, and therefore I do not demand any further count.

So the amendment was agreed to.

Mr. KASSON. I now ask that we go back to the reserved paragraph in reference to the publishing of advertisements and executive proclamations and treaties in two daily papers published in this District. The gentleman from Pennsylvania [Mr. RANDALL] and myself have agreed upon a substitute for that paragraph, which I send to the Clerk's desk, and ask to have read.

The Clerk read as follows:

That all executive proclamations and treaties and all notices, advertisements, and proposals for contracts which by law are required to be published by newspapers in the District of Columbia shall be hereafter published in only two newspapers in said District, to be of opposite politics, and designated by the head of the Department from which said advertisements are issued.

Mr. RANDALL. I have agreed to that as a substitute for the paragraph which was passed over a little while ago.

Mr. HOAR. I object.

Mr. RANDALL. We had unanimous consent to go back to that paragraph. Why does the gentleman object?

Mr. HOAR. I did not propose to speak on this, but as the gentleman asks why I object I will say that although I agree in the gross abuse of the public printing for almost generations, yet, recognizing in the public law of a difference of political parties as entitled to office, the approval by law that a man should have such politics before he shall have an office seems to me a violation of all just principles of legislation.

Mr. KASSON. I have only to say this: It follows the policy in my own and other States in the Union designing to get general circulation of the object of the advertisement, irrespective of the policy. This is a substitute for a clause of the bill and is, in my judgment, a great improvement upon it.

Mr. HOAR. I thought this related to the choice of the Public Printer.

Mr. KASSON. O, no; it is in reference to the publishing of advertisements in newspapers in this city.

Mr. HOAR. Then the remarks I made have no application, and I withdraw them.

The amendment was adopted.

The Clerk read as follows:

To provide a full record of births, marriages, and deaths in the District of Columbia, and for a general sanitary inspection, which shall include the prevention of the exposure for sale of unwholesome food and the daily inspection of streets, alleys, yards, and all places where nuisances may exist injurious to health, and for the removal thereof, and of all nuisances, including night-soil, beyond the limits of the District of Columbia, and to prevent domestic animals from running at large, and for the protection of the public parks and grounds, $15,920: *Provided*, That an equal sum shall be paid out of the treasury of the District of Columbia, the combined sum to be expended as follows: For salaries of three members of the board of health, at $500 each; treasurer, (*ex officio* member,) $500; secretary and attorney of board, $1,000; medical sanitary inspector, (*ex officio* member,) $1,000; registrar of vital statistics, $1,000; health officer, $2,500; four clerks, $4,800; five sanitary inspectors, $6,000; one pound-master, $1,000, and one messenger, $720; and for rent, $1,320; printing, advertising, stationery, and blanks, $1,000; transportation, $7,500; laborers and pound-men, $600; disinfectants, $500; postage, fuel, and lights, $400; and contingent expenses, $500: *Provided further*, That the treasurer shall be *ex officio* a member of said board, as well as the secretary, registrar of vital statistics, and the medical sanitary inspector; and the secretary shall perform the duties of attorney of said board without additional compensation: *And provided further*, That in case of the prevalence of an epidemic within the District of Columbia the commissioners of the District may expend, through the board of health, such sum as they may think proper, not exceeding the sum of $10,000. And so much of section 72 of the Revised Statutes of the District of Columbia as provides for the number of persons constituting the board of health or conflicts with the provisions of the foregoing organization is hereby repealed.

Mr. WILLARD. I am instructed by the Committee for the District of Columbia to offer the amendment which I send to the Clerk.

The Clerk read as follows:

Strike out from the words "expended as follows," in line 206, down to and including the words "health officer, $2,500," in line 212, and insert:

For salaries of five members of the board of health $500 each—treasurer, secretary, attorney, registrar of vital statistics, who shall each be selected from the board, $500 each, in addition to salary as members of the board: *Provided*, That any two of the above-named offices may be filled by the same person at the discretion of the board; medical sanitary inspector, $1,000; health officer, $2,000.

Strike out all after the words "and contingent expenses, $500," in line 221, down to and including the word "compensation," in line 226.

Strike out all in the paragraph after the words "not exceeding the sum of $10,000," in line 231.

Mr. WILLARD. I am instructed by the Committee for the District of Columbia——

Mr. HOLMAN. Let it go.

Mr. RANDALL. I have examined that amendment, and it is all right. I do not desire that time shall be taken unnecessarily in debate.

Mr. WILLARD. Very well.

The amendment of Mr. WILLARD was agreed to.

Mr. BUCKNER. I desire to call the attention of the chairman of the Committee on Appropriations to what seems to be an omission in line 218. There is an item there "transportation, $7,500." It ought to be "transportation of offal."

Mr. RANDALL. That is what it means.

Mr. BUCKNER. I move to amend by inserting the words "of offal" after the word "transportation."

The amendment was agreed to.

The Clerk resumed the reading of the bill, and read the following paragraph:

Revenue-cutter service:

For the pay of captains, lieutenants, engineers, and pilots, and for rations for the same, and for pay of petty officers, seamen, cooks, stewards, boys, coal-passers, and firemen, and for rations for the same, and for fuel for vessels, repairs and outfits for same, ship-chandlery and engineers' stores for same, traveling expenses of officers traveling on duty under orders from the Treasury Department, commutation of quarters, and contingent expenses, including wharfage, towage, dockage, freight, advertising, surveys, and miscellaneous expenses which cannot be included under special heads, $747,647.19, in addition to the unexpended balance of the appropriation for the same purpose for the service for the fiscal year 1874, which is hereby continued and rendered available for the year ending June, 30, 1877.

Mr. HARTZELL. I offer the following amendment:

The Clerk read as follows:

Add at the end of line 301 as follows:

Provided, That hereafter, upon the occurring of a vacancy in the grade of third lieutenant in the revenue-marine service, the Secretary of the Treasury may appoint a cadet, not less than eighteen nor more than twenty-five years of age, with rank next below that of third lieutenant, whose pay shall be three-fourths that of a third lieutenant, and who shall not be appointed to a higher grade until he shall have served a satisfactory probationary term of two years and passed the examination required by the regulations of said service; and upon the promotion of such cadet another may be appointed in his stead; but the whole number of third lieutenants and cadets shall at no time exceed the number of third lieutenants now authorized by law.

Mr. HARTZELL. I addressed a letter to the Chief of the Revenue Marine Bureau, asking his opinion upon this question, and his reply I presume it will be proper to have read, together with my letter to him.

The Clerk read as follows:

HOUSE OF REPRESENTATIVES,
Washington D. C., June 13, 1876.

SIR: Please indorse on the inclosed proposed proviso your opinion and any recommendation in relation thereto, suggested by your experience as Chief of Bureau.

Should the proviso become a law, would the service be greatly improved by such an apprentice system and would actual economy be the ultimate result?

Respectfully,

WM. HARTZELL.

CHIEF OF REVENUE-MARINE BUREAU,
Treasury Department.

Provided, That hereafter upon the occurring of a vacancy in the grade of third lieutenant in the revenue-marine service, the Secretary of the Treasury may appoint a cadet, not less than eighteen nor more than twenty-five years of age, with rank next below that of third lieutenant, whose pay shall be three-fourths that of a third lieutenant, and who shall not be appointed to a higher grade until he shall have served a satisfactory probationary term of two years and passed the examination required by the regulation of said service; and upon the promotion of such cadet another may be appointed in his stead; but the whole number of third lieutenants and cadets shall at no time exceed the number of third lieutenants now authorized by law.

TREASURY DEPARTMENT,
Washington, D. C., June 16, 1876.

The enactment of the within proviso would certainly be productive of economy, as a saving of $300 per annum would be effected in each case of the substitution of a cadet for a third lieutenant.

It would also establish an apprentice system, in my judgment long needed, which would greatly improve the discipline and efficiency of the service and afford a superior class of officers.

S. I. KIMBALL,
Chief of the Revenue-Marine Division.

Mr. RANDALL. I understand that no additional expenditure is involved in this amendment and it is a change of law which the Department desires. Is that so?

Mr. HARTZELL. It is. It involves a reduction of $300 a year in each case.

Mr. REAGAN. Before the amendment is adopted I desire to say that it is proposed to change existing law. It appears to me that, before we enter on a new system like this, creating a new class of officers, this proposition should be considered by some committee.

The CHAIRMAN. Does the gentleman from Texas make the point of order on the amendment?

Mr. REAGAN. Yes, sir.

Mr. FOSTER. Is it not too late to make the point of order after the letter has been read?

The CHAIRMAN. The Chair can hardly believe it is too late to make the point of order when the gentleman offering the amendment has not himself discussed it.

Mr. FOSTER. He asked to have the letter read and it was read.

The CHAIRMAN. He asked to have the letter read as explanatory of the amendment he had offered. The Chair does not see how the point of order could be made until the purpose of the amendment was understood.

Mr. FOSTER. The reading of a letter has always been held to be debate.

The CHAIRMAN. The Chair cannot reasonably hold that it is too late for a point of order to be made on an amendment when the gentleman offering the amendment is called upon to yield the floor to allow the point of order to be made before he himself engages in discussion.

Mr. FOSTER. He engages in discussion when the letter is read.

The CHAIRMAN. The Chair is well aware of the fact that the reading of letters constitutes a part of the discussion of measures. But he cannot believe, when a gentleman offered an amendment, and desired to have read a letter from a responsible officer of the Government in explanation of it, that the point of order should be cut off, which the gentleman from Texas has risen to make.

Mr. HARTZELL. In reference to the point of order, I will state that there are now in the service thirty-four third lieutenants. Their pay is $1,200 per year each. This proviso is that hereafter each vacancy is to be filled by the appointment of a cadet not less than eighteen nor more than twenty-five years of age, and that for two years he is to receive three-fourths pay, which will be $900, a reduction of $300 per year for each cadet that is appointed for this service. At the expiration of the two years he would have to be examined, and if he came up to the requirements of that examination he would then be promoted to third lieutenant, and then the vacancy caused by his promotion would be filled by another cadet. But under no circumstances, as required in this proviso, can the number exceed thirty-four. And if the whole number could be now substituted, that is, if thirty-four cadets could be substituted for the thirty-four third lieutenants, there would be a reduction of $10,200 per annum in expenditures. This is certainly in the line of retrenchment, and Mr. Kimball's letter shows that it would be productive of much good to the service. It is known to many persons that many of these third lieutenants in the revenue service are old men, worn out in the merchant-marine service, but through the influence of members of Congress and Senators they obtained these appointments; and the object of my amendment is to secure a more efficient service.

The CHAIRMAN. The Chair is disposed to believe that the amendment offered by the gentleman from Illinois [Mr. HARTZELL] does look to retrenchment.

Mr. REAGAN. I have only one word to say upon the point of order. I regret very much to make it upon my friend from Illinois; but this is a proposition to retrench by adding to the number of Federal officers who are to be paid out of the United States Treasury.

Mr. HARTZELL. This proposes no addition to the force.

Mr. REAGAN. I understand that in addition to these officers who are to be promoted there are to be appointed a number of cadets. Is not that an addition to the number of officers? Is it not an increase of expenditures? The reason given for this increase of officers and new expenses is because of the appointment of old and broken-down men. Surely it is not in the line of reform to increase the expenses of the Government and leave inefficient supernumeraries in the service.

Mr. HURLBUT. I would like to hear the proviso read in regard to increasing the number of officers.

The Clerk again read the proviso.

Mr. HURLBUT. I desire to say that the number of officers is not increased, and that the pay of a cadet is three-fourths of that of a third lieutenant; and the amendment therefore is evidently not subject to the rule.

The CHAIRMAN. The Chair is sufficiently advised to rule upon the point of order. The Chair is disposed to regard the amendment of the gentleman from Illinois as not looking to an increase of expenditures, and therefore that the point of order does not apply. The Chair proposes to leave it to the committee to decide the question as they may deem best.

The question was taken on Mr. HARTZELL'S amendment, and it was agreed to.

The Clerk resumed the reading of the bill, and read as follows:

JUDICIARY.

For defraying the expenses of the Supreme Court and circuit and district courts of the United States, including the District of Columbia; and also for jurors and witnesses and expenses of suits in which the United States are concerned, of prosecutions for offenses committed against the United States; for the safe-keeping of prisoners; and for defraying the expenses which may be incurred in the enforcement of the act of February 28, 1871, relative to the right of citizens to vote, or any acts amendatory thereof or supplementary thereto, $2,500,000: *Provided*, That the maximum compensation allowed to marshals and regulated by section 841 of the Revised Statutes, from and after the 1st day of July, 1876, shall not exceed $6,000 a year, or that rate for any time less than a year; and marshals are forbid issuing any certificates or due-bills to witnesses, jurors, guards, deputies, or others for fees or services, and the payment of any such certificates or due-bills is forbidden by any Department of the Government; and no advance of money shall be made to any marshal whose accounts have not been adjusted at the Treasury for a period of more than six months; and hereafter no charge for mileage shall be allowed to any marshal, and, in lieu of mileage, marshals shall only be paid for their actual traveling expenses incurred in the performance of their official duties, to be rendered upon oath. The allowance to any deputy shall not exceed $5 per day while actually employed, or exceeding $1,200 per year for services rendered by such deputy, and

said sums may be reduced below the said rates by the Attorney-General whenever, in his opinion, said reductions should be made: *Provided*, That all of the provisions of title 26 of the Revised Statutes of the United States in relation to the registration of voters and the appointment of supervisors of elections, and deputy and special deputy marshals, and touching the supervision of elections, are hereby repealed.

Mr. CANDLER. I offer the following amendment. I move in line 308 to strike out the following words:

And for defraying the expenses which may be incurred in the enforcement of the act of February 28, 1871, relative to the right of citizens to vote, or any acts amendatory thereof or supplementary thereto.

I move also to amend that clause in line 308 by inserting between the word "States" and "for" the word "and."

These words should be stricken out from this proviso at the end of the paragraph, because the words are meaningless if intended only to cover the expenses which may be legitimately incurred under the act of 1871.

Mr. CONGER. I wish to make a point of order upon the proviso at the end of this paragraph; and I do not think that debate should go on until the point of order is decided.

Mr. RANDALL. It is too late.

Mr. CONGER. No, it is not too late. I make the point of order on the proviso that it is new legislation.

Mr. RANDALL. It is too late; points of order were not reserved upon this bill.

Mr. CONGER. I make the point of order upon the proviso, and I wish to make it before the discussion proceeds. It is not too late to make it; and this is new legislation.

Mr. RANDALL. I make the point of order that it is too late to raise any question about this now.

The CHAIRMAN. The Chair is ready to rule on the point of order made by the gentleman from Michigan, and may as well do it now, so as to cover all cases of the same kind which may arise hereafter. The point of order made by the gentleman from Michigan is too late, because this bill was committed to the Committee by the House, no points of order being reserved upon it; and therefore under the rules the Chair cannot sustain the point of order made by the gentleman from Michigan.

Mr. CONGER. According to that ruling no point of order can be made upon the bill.

The CHAIRMAN. The rule expressly states that unless points of order are reserved before the bill is committed to the Committee of the Whole on the state of the Union they cannot be made in committee.

Mr. CONGER. I was not in the House. I was absent on other duty by order of the House when this bill was reported; but if points of order were not reserved on the bill, I am free to say that gentlemen were negligent of their duty.

Mr. RANDALL. It may be that the points of order should have been reserved, but they were not.

Mr. CONGER. I do not know whether points of order were reserved or not on the bill.

Mr. RANDALL. My recollection is that they were not.

The CHAIRMAN. The Chair has no recollection of points of order being reserved on this bill.

Mr. CONGER. I think, then, it is the first appropriation bill ever introduced into this House upon which points of order were not reserved.

Mr. RANDALL. It is an exception.

The CHAIRMAN. The Clerk informs the Chair that no points of order were reserved on this bill, and such is the recollection of the Chair.

Mr. RANDALL. That is in accordance with my own recollection.

Mr. FOSTER. I recollect when the bill was introduced; it was brought in in a great hurry, and I think the gentlemen on this side of the House overlooked the necessity of reserving points of order; but I do not think the chairman of the Committee on Appropriations ought to take advantage of that neglect.

Mr. CONGER. I submit to gentlemen that it would be better for them to allow this point of order to be raised and ruled upon. By the yielding of this House to the reporting of this bill and its reference to the Committee of the Whole without points of order being reserved upon it and its consideration without having been read, it is in this position either by carelessness or inadvertence or by some trick, one or the other. No man presumes that this bill could have been introduced and referred or read through without points of order being reserved on several of these paragraphs.

Mr. RANDALL. The bill was reported just as any other appropriation bill is reported. I have discovered upon an examination of the Journal this morning that no points of order were reserved upon it, and I mean to take advantage of that.

Mr. CONGER. You do mean to take advantage of that?

Mr. RANDALL. So far as concerns what was reported by the Committee on Appropriations.

Mr. CONGER. Does the gentleman mean to take advantage of what passed by his urgency in bringing forward this bill?

Mr. RANDALL. No assent was given, for I had the right to report the bill at any time.

Mr. CONGER. But there must have been unanimous consent that the reading of the bill be dispensed with.

Mr. RANDALL. It was reported just as all other appropriation bills are.

Mr. CONGER. I know; but the reading of the bill was dispensed with.

Mr. RANDALL. Just as in the case of other appropriation bills.

Mr. CONGER. This bill has never been read in full.

Mr. RANDALL. It has been read the same as other appropriation bills have been read.

The CHAIRMAN. Upon information furnished by the Clerk and upon an examination of the Journal, it appears that no points of order were reserved upon this bill. Under the peremptory rule of the House and in accordance with the unbroken practice of the House, the Chair is bound to overrule the point of order made by the gentleman from Michigan, [Mr. CONGER,] by reason of the omission to reserve points of order upon this bill.

Mr. CONGER. I do not object to the ruling of the Chair; I have no doubt it is correct. But in view of the fact that members of this House interested in this proposition were absent by order of the House, as I was——

Mr. HOLMAN. I call for the regular order.

Mr. CONGER. I ask unanimous consent that the point of order may be entertained and ruled upon.

Mr. SPRINGER. I object.

Mr. KASSON. I rise to a parliamentary inquiry. In view of the present ruling of the Chair it is important that the Clerk should know, and all of us would like to know, whether the clause in relation to Mr. Green, contestee, is in the bill.

The CHAIRMAN. The paragraph referred to by the gentleman is out of the bill by a ruling of the Chair.

Mr. KASSON. The Chair sustained the point of order made against the paragraph.

The CHAIRMAN. The point of order was made upon that clause of the bill by the gentleman from Massachusetts, [Mr. HOAR,] which point of order was sustained by the Chair and the clause was excluded from the bill.

Mr. KASSON. But the gentleman from Massachusetts withdrew the point of order.

The CHAIRMAN. The gentleman from Massachusetts asked leave to withdraw it, but the gentleman from Pennsylvania [Mr. RANDALL] objected to the withdrawal, and the point of order was not withdrawn.

Mr. KASSON. But now that through an examination of the RECORD it is ascertained that the point of order was not well taken, the paragraph should be restored to the bill.

Mr. HOLMAN. I object to going back.

Mr. SPRINGER. The decision of the Chair was not correct, the point of order not having been reserved upon the bill; and it appears to me that the Chair had no more right to strike out that paragraph than any other member of the House.

The CHAIRMAN. That paragraph is not in the bill. It was stricken out under a ruling of the Chair made at the time, which ruling the Chair has since modified upon another paragraph in accordance with the precedents of the House.

Mr. HURLBUT. I think the Chair is mistaken in his recollection of that case. I believe the point of order was withdrawn.

The CHAIRMAN. The gentleman from Illinois [Mr. HURLBUT] is mistaken. The gentleman from Massachusetts [Mr. HOAR] asked leave to withdraw it, and the gentleman from Pennsylvania [Mr. RANDALL] objected to the withdrawal. The gentleman from Georgia [Mr. CANDLER] is entitled to the floor.

Mr. CANDLER. There are no expenses under the act of 1871 which are legitimate if the proviso of this paragraph remains in the bill; for the provisions in the Revised Statutes under the title referred to, in relation to the registration of voters, the appointment of supervisors, and the appointment of deputy marshals, cover all the expenses authorized by the act of 1871.

There is nothing in the act of 1871 except provisions for the appointment of supervisors, for the appointment of the chief supervisor, for the appointment of deputy marshals, and the prescribing of the duties of those several officers, and then a section which provides for the payment of the expenses thereby incurred. Therefore, to leave in the bill the words that I propose to strike out of this paragraph is but an excuse for lawlessness and an invitation to plunder.

There is nothing in the act of 1871 which is necessary to secure to any voter the right to vote. That act was passed for a purpose, that purpose being not to secure the right to vote to anybody, but to prevent men from voting. The act of 1871 is amendatory of an act which does provide security to the citizen in his right to vote; but it re-enacts, with some change only, a single section of the act of 1870. It contains a number of sections providing a system by which voters are to be intimidated, by which fraudulent registration is to be effected, by which men are to be driven from the polls, and others who attempt wrongfully to vote are permitted to vote whether they vote according to law or not.

[Here the hammer fell.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. HURLBUT. The question which is raised by the gentleman from Georgia [Mr. CANDLER] is to be considered in connection with this proviso at the end of the section:

Provided, That all of the provisions of title 26 of the Revised Statutes of the United States, in relation to the registration of voters and the appointment of supervisors of elections and deputy and special deputy marshals, and touching the supervision of elections, are hereby repealed.

As I understand, the effect of the legislation proposed by the Committee on Appropriations in this bill is to remove all the safeguards of elections which have existed since 1865 and 1871; all supervision on the part of the United States of any elections, whether for President, Vice-President, Representative in Congress, or any other election affecting directly the interests of the United States. This sweeping provision is designed to strike out nearly the whole of title 26 of the Revised Statutes. By the proviso at the end of this paragraph twenty sections of the existing law are struck out. Within my memory or reading, there has been no attempt at such a sweeping reversal of the whole policy and conduct of the Government as is attempted in this measure; and it comes in such a form that under the rules, as expounded by the Chair, we are precluded from any free and full discussion upon it.

The provisions of law proposed to be repealed are, in the opinion of the great majority of the people of this country, the only safeguards for fair elections, not only at the South but in the great cities of the North. Every man who knows anything of the history of the country knows that the only pretense at fair elections in the great city of New York has been under this system of registration and supervision. And this attempted reversal of the whole policy of the Government since 1871, to say the least, is brought here in a form which does not admit of any fair consideration. It is not brought here, as it ought to have been, manfully and above-board, in a bill plainly showing its purpose, a bill referred to one of the legal committees of this House and determined upon by them with full opportunity for debate and for the free expression of opinion. But in the last hours of this session and by a bill pretending to be one of "retrenchment, economy, and reform"—the only watch-cries of the other side, with no reality in them—these great safeguards approved by the American people, by which the Government of the United States is able to exercise some supervision for the repression of fraud and violence in elections directly affecting the seats of members on this floor and the tenure of office of the President and Vice-President, are to be abrogated. I hope the pending amendment will not be agreed to and that an amendment which I propose to offer shortly, to strike out the proviso at the end of this paragraph, will be adopted.

Mr. RANDALL. Both the gentleman from Georgia [Mr. CANDLER] and the gentleman from Illinois [Mr. HURLBUT] give an undue importance to this paragraph. It has been inserted simply because we desire to save $160,000 which has heretofore been expended for "registration of voters and the appointment of supervisors of elections and deputy and special deputy marshals, and touching the supervision of elections."

I disagree entirely with the gentleman from Georgia in reference to the propriety of adopting his amendment. There are other features of the law referred to in the proviso—title 26 of the Revised Statutes—which will still continue in force and will require money for their execution. But we deemed $160,000, the probable amount heretofore expended in the appointment of supervisors mainly in the northern cities, an unnecessary expenditure; and this proviso was proposed simply in the direction of economy. It should not receive, I think, any political significance whatever.

Generally, and I believe in every case where these supervisors have been appointed, the State laws are adequate, as we think, to protect voters and secure the proper polling and counting of the votes. I can see nothing in this proviso which interferes with quiet and honest elections throughout the United States, especially in the South.

Mr. CONGER. Mr. Chairman, I do not know that any legislation proposed in this House has struck me with so much surprise as the insertion of this proviso in this bill. The people of this country have been gratified for the last few years to know that there was a law which attempted to preserve the purity of elections; that it was being enforced, and that its tendency was good, and only good from year to year.

And now on the eve of an exciting election, involving all public offices from President down, we find in this bill—a bill printed hastily, reported but a day or two since, laid upon the desks of members when the first reading was commenced, without an opportunity for examination in any respect whatever—a provision by which this committee publish to the people of the United States that they are willing at the very commencement of the political strife of this year to take away all the safeguards of a pure election.

Sir, I challenge the examination of the American people for the kind of legislation proposed by the majority of this House. I challenge the democrats of this House to repeal in this underhanded way the safeguards which the people have demanded should be thrown around the ballot-box. I call upon the democracy of this House, who pretend to be in favor of purity of elections, to pause ere by one stroke, in a proviso of this sort, they throw aside the safeguards which have been sanctioned by all parties and by all honest men in the United States for the last five or six years.

The anomaly is here presented of a committee stretching its power beyond all limits heretofore known, and undertaking to sweep from the statute-books whole volumes of legislation by one simple proviso. I tell gentlemen they must beware how they tamper with the probable purity of elections this year. Returning to my place from the performance of a duty assigned to me by this House, and having now the first opportunity to see this bill, I find in it this proviso sweeping away the whole system of registration, supervision, and purity of elections. I warn gentlemen that they cannot in this underhanded way destroy a law which has met with the universal favor of all honest men in the country, and to that I defy contradiction here or anywhere throughout the land.

Mr. COOK. Will the gentleman permit me one question?

Mr. CONGER. I do not wish to be interrupted in the word or two more I have to say. I have asked the democracy in this House to permit the point of order to be raised against this provision, that we may have a ruling upon it, and I have been refused.

I have asked the chairman of the Committee on Appropriations—if he is as honest as he pretends to be and this amendment is as harmless as he says it is—I have asked him to let it go through the usual form of being ruled upon by the Chair as to the propriety of coming in this bill, and he has refused.

[Here the hammer fell.]

Mr. COCHRANE. Mr. Chairman, I should not have risen in my place at this time but for the remarks of the gentleman from Michigan [Mr. CONGER] who is upon the Committee on Expenditures in the Department of Justice with myself. In that committee we have taken considerable testimony in reference to the purity of elections talked of by the gentleman from Michigan, and in reference to the beneficial results which are said to flow from the appointment of these deputy marshals, supervisors, and chief supervisors; and it seems to me it does not come at this time with proper grace from that gentleman, in view of the sworn testimony which has been taken before that committee, to say the section of the law proposed to be repealed meets with the approbation of all honest men to whatever political party they may belong. I wish to say, sir, that instead of meeting with the commendation of all honest people in the city of New York and elsewhere, that provision of law has been used by those men for the purpose of intimidating voters at the polls and keeping them away from the exercise of the elective franchise. The committee of which I speak, sir, I trust, will soon have an opportunity of reporting to this House the testimony which they have taken in regard to the manner in which these supervisors have conducted themselves.

The chairman of the Committee on Appropriations has very properly stated here that it is not the intent by the introduction of this provision to the appropriation bill to repeal the whole of title 26 of the Revised Statutes, but simply to repeal it so far as it relates to the registration of voters and the appointment of supervisors of election and deputy and special deputy marshals.

Mr. RANDALL. That is to repeal the expensive and useless features.

Mr. COCHRANE. Yes; the expensive feature of the law from which no benefits are derived.

Why, Mr. Chairman, the manner in which this thing has been conducted is substantially this: A lot of deputy marshals are appointed, a lot of election supervisors are appointed, they are paid large sums of money for their services, and carriages are furnished to them.

A MEMBER. At what price?

Mr. COCHRANE. They are paid $5 a day, as the chairman of the Committee on Appropriations has correctly stated. They are paid by the Government. In addition to that carriages are furnished to them, and some of these deputy marshals themselves under oath ridiculed the idea of a carriage being necessary for the purpose of properly conducting the business. Enormous bills are presented, extraordinary accounts against the Government of the United States. Enormous sums of money outside of the provisions of law are demanded.

Now for my part, Mr. Chairman, I see nothing "underhanded" or "sneaking" in a committee of this House endeavoring to save the money of the people of this country. This House has determined in every possible way to prevent lavish expenditure of the public money. They propose to have pure elections. They will do no act, and I am sure I can speak for myself when I say I will consent to no act, which will in any way interfere with the purity of elections throughout this country; but I stand here to declare myself in favor of a reduction of useless expenditures which have been going on in this country.

[Here the hammer fell.]

Mr. JOYCE rose.

Mr. RANDALL. I ask that debate be closed.

Mr. CONGER. I do not wonder the gentleman asks that debate be closed.

Mr. RANDALL. I am used to that.

Mr. JOYCE. I have the floor.

Now, a word in regard to this matter. This proviso which the Committee on Appropriations have incorporated into this bill proposes, as has been said here in this debate, to strike down and strike out from our statutes and from our law every national safeguard which has been cast by Congress around our elections. There may have been abuses under this law; it may be necessary even that amendments should be made to it; but is that any reason why this whole legislation should be stricken out?

What is the history of this matter in this country? What is the history of this matter in the great city of New York? Do you not know, Mr. Chairman, and is it not known to every member of the House, that such a state of things existed only a few years ago in the city of New York as mantled the cheek of every citizen of this country with shame? Elections in that city became a perfect farce. It was carried to such a degree of iniquity and corruption that the people rose in their majesty and might. What was the result? I appeal

to gentlemen from New York who know in regard to it; I appeal to gentlemen who have attended in New York in the taking of testimony as committee-men, to know whether I am not correct? What was the result? The result was, as I have stated, that the people rose in their majesty and in their might and took this matter into their own hands. What did they do? They got together and appointed a committee, the memorable committee of seventy, and that committee sent its members here to procure legislation in order that they should be protected in their rights. Men were smitten down at noon-day in attempting to go to the polls. No respectable, no decent man could go the polls and vote in the city of New York without being intimidated, without being in danger of life or limb. The result was this very legislation we are now talking about, and which the party in power in this House are now attempting to strike from the statute-book; these very acts were passed by Congress for the very purpose of protecting the rights of voters not only in that city, but throughout the South and in other cities of this great country.

And, sir, I want to say one word further.

[Here the hammer fell.]

Mr. KASSON rose.

The CHAIRMAN. Debate on the amendment is exhausted.

Mr. KASSON. I offer an amendment to the amendment. The pending amendment is to strike out. I move to insert in lieu thereof the following:

And for defraying the expenses of protecting the purity of the elective franchise as provided in title 26 of the Revised Statutes of the United States.

The first and evident reason for this amendment is that the committee refer in the text of the bill to an extinct act. All that remains of that act is in the Revised Statutes, and my amendment is designed to perfect the text of the bill as proposed by the committee. I am, therefore, in this amendment with the Committee on Appropriations.

But, sir, I rose for an additional purpose, and that is to call the attention of gentlemen on both sides of the House to the character of the issue which is to be made and is made by the propositions submitted to the House. On the one hand, the Revised Statutes expressly provide for the purity of the elective franchise in its relation to the national elections. The proposition of the committee is, immediately before the great national election which is to secure a President of the United States for four years and a House of Representatives for two years, so to modify the law that these rules established to secure the right of exercising the franchise to every authorized voter shall be demolished and swept from the statute-book.

What is the conclusion to be drawn from such a proposition when made immediately preceding an election? The committee tell us, and let us treat them fairly, that they made this proposition for the purpose of saving $160,000. If it be just to attack and abolish the guards of purity that surround our elections to save $160,000, why not save $2,500,000 by a proposition to abolish your courts and your trials in the courts for the next year? If our franchise as freemen and electors is not worth $160,000 to protect it, abolish your courts which convict the criminals whom the present law is designed to arrest and bring before them.

Sir, I submit that this cannot be the real object which this committee has; the object of saving $160,000 in the proposed repeal of the law of elections.

For what does a member record himself in this House when he casts a vote to repeal, or to refuse an appropriation to carry out, this law to protect the elective franchise? He says practically that he wants no guards for the purity of election. And when he says that, what class of men is he relying upon, what class of votes is he seeking to carry the next election? Not those who are registered honestly. Not the men who make an honest oath to justify their casting of a ballot when they are challenged. But it is that class of men who present themselves unlawfully, who are criminals in the face of the franchise law, who demand a right to vote which does not belong to them, and who rob honest men of their lawful election.

I put it squarely. I believe it is the issue, as we vote one way or the other, between an honest election and a dishonest election. And, as the gentleman from Vermont [Mr. JOYCE] has said, it is not a question that concerns the South alone, or the North alone, the East alone, or the West alone. It concerns you and me and our constituents in all parts of the country that the men who govern us should be the men who are elected honestly by the people of the United States.

[Here the hammer fell.]

Mr. DURHAM. I rise to oppose the amendment. I apprehend that most of the gentlemen who discuss this question misapprehend the real point at issue. Gentlemen are discussing this question on the floor of the House as if this affected every single individual in the United States. Now, the portion of this statute proposed to be repealed by the Committee on Appropriations only affects cities having more than 20,000 inhabitants.

Mr. KASSON. That is where the fraud is. It is usually found in those cities.

Mr. DURHAM. Ah! my dear sir, I will respond to that in a moment. Why is it the gentleman speaks so eloquently about the large cities? I will controvert the position assumed by the gentleman from Iowa, [Mr. KASSON,] and say there are as many or more frauds committed throughout the length and breadth of the rural districts than there are in very many of the cities.

Mr. KASSON. No, no.

Mr. DURHAM. Why is it that your whole registration law has been concentrated on the city of New York? I am sorry to be compelled to make this statement that you have concentrated the whole of the force of this registration law and the illegal appropriation of moneys on the city of New York and other democratic cities throughout the United States. Why is that the case?

Mr. JOYCE. Because New York is the most corrupt city.

Mr. KASSON. Because there are the most frauds there.

Mr. DURHAM. Why is it you have not sent your registrars to the city of Philadelphia, where there is twice as much corruption and fraud as ever were perpetrated in the city of New York? I undertake to say that so far as this proviso is concerned, without committing myself to tacking that species of legislation on appropriation bills, of all the measures that have been proposed by the Committee on Appropriations, I most heartily approve of this. And if we cannot get it through in the usual way, I say let it be attached to this appropriation bill; because there is no more fruitful source of intimidation and fraud, as is proved by the investigation before the Committee on Expenditures in the Department of Justice, than this registration system.

So far from protecting the elective franchise, you have sent these emissaries into these States who have absolutely issued warrants for the purpose of intimidating men who were as legal and lawful voters as much so as the gentleman from Iowa or myself. Men hired by the political leagues that exist in the great city of New York actually issued five hundred warrants in one instance to keep them from voting.

Mr. JOYCE. They ought to have issued five thousand.

Mr. DURHAM. Of these five hundred men against whom warrants were issued only twenty-odd dared to approach the polls, because they were afraid of being arrested and tried by that commissioner. And so far as I have investigated the matter, I undertake to say that instead of protecting the elective franchise the law has been the best protection of fraud and corruption ever conceived or perpetrated upon an intelligent people.

[Here the hammer fell.]

Mr. CANDLER obtained the floor.

The CHAIRMAN. Debate is exhausted on the amendment of the gentleman from Iowa. Does the gentleman from Iowa withdraw his amendment?

Mr. KASSON. I cannot withdraw my amendment; I wish the vote of the committee upon it.

Mr. CANDLER. If the gentleman withdraws his amendment I will renew it.

Mr. KASSON. I will withdraw it in order to enable the gentleman from Georgia to be heard, on condition that he will renew it, for I wish to keep it before the committee.

Mr. CANDLER. This discussion has been directed to the proviso which has been proposed by the Committee on Appropriations. The question is upon striking out all the words in reference to the act of 1871. Objection is made to that, because it is said that this is striking down all the legislation from 1865 to the present time in reference to guarding the purity of elections. This is a mistake. The act of 1871 does not provide for the protection and guarding either of the registration or the voting. It is an act in order to protect the citizen in his right to vote, and there is no provision made here in this bill in reference to the act of 1871.

This is an effort to strike down expenditures for the employment of deputy marshals and supervisors of election. The act of 1871 involves no expense except the expenses that pertain to the registration of voters and the employment of supervisors and deputy marshals. If I understood the chairman of the Committee on Appropriations he seems to think that there is some expense of this sort. There is no effort, as has been stated by the gentleman from Iowa and the gentleman from Illinois, to strike down the safeguards to the purity and fairness of elections, but there is an effort to prevent men who are not connected with the courts of the United States from interfering with the registration and interfering with voting. The proviso repeals only those provisions of the Revised Statutes which have relation to the appointment of supervisors and deputy marshals to be used in the management of registration and elections.

[Here the hammer fell.]

Mr. RANDALL. I ask unanimous consent that debate now close upon this paragraph.

Mr. JOYCE. I object.

Mr. RANDALL. I move, then, that the committee do now rise.

The question was taken; and there were—ayes 97, noes 57.

So the motion was agreed to.

The committee accordingly rose; and Mr. SCALES having taken the chair as Speaker *pro tempore*, Mr. BLACKBURN reported that the Committee of the Whole on the state of the Union had, according to order, had under consideration the bill (H. R. No. 3749) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1877, and for other purposes, and had come to no resolution thereon.

Mr. RANDALL. I move that the House resolve itself into Committee of the Whole on the state of the Union for the purpose of resuming the consideration of the sundry civil appropriation bill; and, pending that motion, I move that all debate be closed in half a minute.

Mr. HOAR. I demand the yeas and nays upon the motion to close debate.

Mr. RANDALL. I thought you wanted this bill disposed of.

Mr. HOAR. This is to be a political issue and we want the record made, and let the other side take the responsibility.

Mr. RANDALL. I guess we can take the responsibility.

Mr. HOAR. You have to take it whether you want to or not.

Mr. BAKER, of Indiana. We propose that you shall take it.

The yeas and nays were ordered.

Mr. RAINEY. Before the question is put upon this matter, I desire to make a proposition to the gentleman from Pennsylvania.

Mr. RANDALL. I object to debate; I believe the yeas and nays have been ordered.

The question was taken; and there were—yeas 121, nays 75, not voting 93; as follows:

YEAS—Messrs. Ainsworth, Anderson, Atkins, Banning, Blackburn, Bland, Blount, Boone, Bradford, Buckner, Cabell, John H. Caldwell, William P. Caldwell, Candler, Cate, Caulfield, Chapin, John B. Clark, jr., of Missouri, Clymer, Cochrane, Cook, Cowan, Culberson, Cutler, Davis, De Bolt, Dibrell, Durham, Ely, Felton, Finley, Forney, Franklin, Fuller, Gause, Glover, Goode, Gunter, Andrew H. Hamilton, Robert Hamilton, Hancock, Henry R. Harris, John T. Harris, Harrison, Hartridge, Hartzell, Hatcher, Henkle, Abram S. Hewitt, Goldsmith W. Hewitt, Hill, Holman, Hooker, House, Hunton, Jenks, Frank Jones, Thomas L. Jones, Kehr, Franklin Landers, George M. Landers, Levy, Luttrell, Lynde, L. A. Mackey, Maish, McMahon, Meade, Metcalfe, Mills, Mutchler, Neal, Odell, Parsons, Payne, Phelps, John F. Philips, Piper, Powell, Randall, Rea, John Reilly, James B. Reilly, Rice, Riddle, John Robbins, William M. Robbins, Savage, Sayler, Scales, Schleicher, Sheakley, Singleton, William E. Smith, Southard, Sparks, Spencer, Springer, Stenger, Tarbox, Terry, Thompson, Thomas, Throckmorton, Turney, John L. Vance, Robert B. Vance, Charles C. B. Walker, Walling, Warren, Erastus Wells, Whitehouse, Whitthorne, Wigginton, Wike, James D. Williams, Jeremiah N. Williams, Willis, Fernando Wood, Yeates, and Young—121.

NAYS—Messrs. Adams, John H. Baker, William H. Baker, Ballou, Banks, Blair, William R. Brown, Samuel D. Burchard, Cannon, Cason, Caswell, Chittenden, Conger, Crapo, Crounse, Davy, Denison, Dobbins, Dunnell, Eames, Fort, Foster, Frost, Frye, Goodin, Hendee, Henderson, Hoar, Hoge, Hubbell, Hurlbut, Hyman, Joyce, Kasson, Kelley, Ketcham, Kimball, Leavenworth, Lynch, McCrary, McDill, Miller, Monroe, Norton, Oliver, O'Neill, Packer, Page, Pierce, Plaisted, Potter, Rainey, Robinson, Rusk, Sampson, Seelye, Strait, Stevenson, Thornburgh, Washington Townsend, Tufts, Van Vorhes, Wait, Waldron, Alexander S. Wallace, John W. Wallace, Whiting, Willard, Andrew Williams, Charles G. Williams, William B. Williams, James Wilson, Alan Wood, jr., Woodburn, and Woodworth—75.

NOT VOTING—Messrs. Ashe, Bagby, George A. Bagley, John H. Bagley, jr., Bass, Beebe, Bell, Blaine, Bliss, Bradley, Bright, John Young Brown, Horatio C. Burchard, Burleigh, Campbell, John B. Clarke of Kentucky, Collins, Cox, Danford, Darrall, Douglas, Durand, Eden, Egbert, Ellis, Evans, Faulkner, Freeman, Garfield, Gibson, Hale, Haralson, Hardenbergh, Benjamin W. Harris, Hathorn, Haymond, Hays, Hereford, Hopkins, Hoskins, Hunter, Hurd, King, Knott, Lamar, Lane, Lapham, Lawrence, Le Moyne, Lewis, Lord, Edmund W. M. Mackey, Magoon, MacDougall, McFarland, Milliken, Money, Morgan, Morrison, Nash, New, O'Brien, William A. Phillips, Platt, Poppleton, Pratt, Purman, Reagan, Roberts, Miles Ross, Sobieski Ross, Schumaker, Sinnickson, Slemons, Smalls, A. Herr Smith, Stone, Stowell, Swann, Teese, Martin I. Townsend, Tucker, Waddell, Gilbert C. Walker, Walsh, Ward, G. Wiley Wells, Wheeler, White, Alpheus S. Williams, James Williams, Wilshire, and Benjamin Wilson—93.

So the motion to limit debate was agreed to.

During the roll-call the following announcements were made:

Mr. BOONE. I desire to state that my colleague, Mr. J. B. CLARKE, of Kentucky, is absent from the House on important business.

Mr. STONE. On this question I am paired with Mr. BRADLEY, of Michigan. If here he would vote "no," and I would vote "ay."

Mr. BAKER, of Indiana. My colleagues, Mr. EVANS and Mr. HUNTER, are absent from the House by leave of the House. If present they would vote "no."

Mr. MONROE. I desire to state that my next neighbor here, Mr. ROSS, of Pennsylvania, is absent by leave of the House on account of sickness.

Mr. BURCHARD, of Illinois, (having voted in the negative.) I desire to withdraw my vote. I am paired with Mr. TUCKER, of Virginia, who, if present, would vote "ay," and I would vote "no."

Mr. DANFORD. On this question I am paired with Mr. WILLIAMS, of Delaware. If he were present I would vote "no."

Mr. HOSKINS. I am paired on all political questions with Mr. WALKER, of Virginia, and I suppose this comes within the rule. If present he would probably vote "ay," and I would vote "no."

Mr. DOUGLAS, (having voted in the affirmative.) I desire to withdraw my vote. I am paired with Mr. MACDOUGALL, of New York, who, if present, would vote "no," and I would vote "ay."

Mr. J. H. BAGLEY, (having voted in the affirmative.) I desire to withdraw my vote. I am paired with Mr. EVANS, of Indiana, who, if present, would vote "no."

Mr. LORD, (having voted in the affirmative.) I desire to withdraw my vote. I am paired with Mr. NORTON, of my State, which I had forgotten.

Mr. MORGAN, (having voted in the affirmative.) I desire to withdraw my vote. I am paired with Mr. PLATT, of New York. If present he would vote "no," and I would vote "ay."

Mr. O'NEILL. My colleague, Mr. FREEMAN, is absent on important business by leave of the House; if he were present he would vote "no."

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, informed the House that the Senate had passed, without amendment, bills of the House of the following titles:

A bill (H. R. No. 1846) authorizing the retirement of Colonel W. H. Emory with the rank and pay of a brigadier-general;

A bill (H. R. No. 1989) granting a pension to Robert Cavanaugh;

A bill (H. R. No. 2198) granting a pension to Mrs. Martha R. Robinson, of Portsmouth, Ohio; and

A bill (H. R. No. 2849) for the relief of William Rule, postmaster at Knoxville, Tennessee.

The message further announced that the Senate had passed with amendments, in which the concurrence of the House was requested, a bill of the House of the following title:

A bill (H. R. No. 3478) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1877, and for other purposes.

The message also announced that the Senate had passed, and requested the concurrence of the House in, a bill of the following title:

A bill (S. No. 823) for the relief of John G. Taylor, of Annapolis, Maryland.

SUNDRY CIVIL APPROPRIATION BILL.

The question recurring on the motion of Mr. RANDALL that the House resolve itself into Committee of the Whole, it was agreed to.

The House accordingly resolved itself into Committee of the Whole, (Mr. BLACKBURN in the chair,) and resumed the consideration of the bill (H. R. No. 3749) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1877, and for other purposes.

The pending paragraph of the bill was the following:

JUDICIARY.

For defraying the expenses of the Supreme Court and circuit and district courts of the United States, including the District of Columbia; and also for jurors and witnesses and expenses of suits in which the United States are concerned, for prosecutions for offenses committed against the United States; for the safe-keeping of prisoners; and for defraying the expenses which may be incurred in the enforcement of the act of February 28, 1871, relative to the right of citizens to vote, or any acts amendatory thereof or supplementary thereto, $2,500,000: *Provided*, That the maximum compensation allowed to marshals and regulated by section 841 of the Revised Statutes, from and after the 1st day of July, 1876, shall not exceed $5,000 a year, or that rate for any time less than a year; and marshals are forbid issuing any certificates or due-bills to witnesses, jurors, guards, deputies, or others for fees or services, and the payment of any such certificates or due-bills is forbidden by any Department of the Government; and no advance of money shall be made to any marshal whose accounts have not been adjusted at the Treasury for a period of more than six months; and hereafter no charge for mileage shall be allowed to any marshal, and in lieu of mileage marshals shall only be paid for their actual traveling expenses incurred in the performance of their official duties, to be rendered upon oath. The allowance to any deputy shall not exceed $5 per day while actually employed, or exceeding $1,200 per year for services rendered by such deputy, and said sums may be reduced below the said rates by the Attorney-General whenever, in his opinion, said reductions should be made: *Provided*, That all of the provisions of title 26 of the Revised Statutes of the United States in relation to the registration of voters and the appointment of supervisors of elections and deputy and special deputy marshals, and touching the supervision of elections, are hereby repealed.

The amendment moved by Mr. CANDLER was to strike out these words:

And for defraying the expenses which may be incurred in the enforcement of the act of February 28, 1871, relative to the right of citizens to vote, or any acts amendatory thereof or supplementary thereto.

The amendment of Mr. KASSON was to insert in place of that proposed to be stricken out these words:

And for defraying the expenses of protecting the purity of the elective franchise, as provided in title 26 of the Revised Statutes of the United States.

The question was taken on the amendment of Mr. KASSON to the amendment of Mr. CANDLER, and it was not agreed to.

The amendment of Mr. CANDLER was then agreed to.

Mr. FOSTER. I move to strike out the proviso at the close of the paragraph. I desire to say that this side of the House will resist to the last extremity the striking down of this protection of the elective franchise. We want an honest vote.

Mr. RANDALL. Debate is not in order.

The proviso proposed by Mr. FOSTER to be stricken out was as follows:

Provided, That all of the provisions of title 26 of the Revised Statutes of the United States in relation to the registration of voters and the appointment of supervisors of elections, and deputy and special deputy marshals, and touching the supervision of elections, are hereby repealed.

The question was then taken on the motion to strike out; and on a division there were—ayes 55, noes 91.

Before the result of this vote was announced,

Mr. FOSTER and Mr. PAGE called for tellers.

Tellers were ordered; and Mr. FOSTER and Mr. RANDALL were appointed.

Mr. KASSON. I ask the chairman of the Committee on Appropriations [Mr. RANDALL] to consent that we may have a vote in the House on this question; if he will do that, we will not object to proceeding with the bill?

Mr. RANDALL. The committee is now dividing.

The question was again taken; and the tellers reported that there were—ayes 4, noes 108; no quorum voting.

The CHAIRMAN. Is any further count demanded?

Mr. KASSON. I would suggest once more to the gentleman from Pennsylvania to allow us to submit a motion in the House to strike out this proviso and allow us to have a vote upon it, so that we can make a record on our side of the House.

Mr. RANDALL. You have already made a record.

Mr. KASSON. No; we have not.

Mr. RANDALL. I myself have no objection.

The CHAIRMAN. Is there objection to the proposition of the gentleman from Iowa, [Mr. KASSON?]

No objection was made, and it was so ordered.

The CHAIRMAN. Is there a further count demanded on the amendment of the gentleman from Ohio, [Mr. FOSTER?]

No further count being demanded, the amendment of Mr. FOSTER was declared to be rejected.

The Clerk read as follows:

For the support and maintenance of convicts transferred from the District of Columbia, $8,000.

Mr. HAMILTON, of New Jersey. I move to amend by inserting after the paragraph just read the following:

For defraying the contingent expenses of the courts, and the fees per diem and traveling expenses of the United States marshal in the Territory of Utah, arising under the act of June 23, 1874, in relation to courts and judicial officers in the Territories of Utah; also, the expenses under said act of summoning jurors and subpœnaing witnesses, of arresting, guarding, and punishing prisoners, hiring and feeding guards, and supplying and caring for the penitentiary, to be paid under the direction and order of the Department of Justice, upon accounts duly verified and certified, $20,000; this amount to be in full for all matters covered herein as against the United States.

The amendment was agreed to.

The Clerk read as follows:

For expenses to be incurred in the prosecution and collection of claims due the United States, $2,500.

Mr. KASSON. I ask the chairman of the committee whether the amount here appropriated will be sufficient for the collection of these various dues? The object is one which we all have in common; but it struck me that $2,500 was a very small sum for this purpose.

Mr. RANDALL. The amount asked for was small.

Mr. KASSON. How much?

Mr. RANDALL. Five thousand dollars. We deemed that $2,500 would be sufficient; and we have not heard any serious objection to the report.

Mr. KASSON. If the gentleman thinks it sufficient, I defer of course to his opinion.

Mr. RANDALL. The gentleman will find this item on page 53 of the estimates, at the bottom of the page.

Mr. FOSTER. I desire to say that the Attorney-General is of opinion that the appropriation of $2,500,000, as well as these other appropriations, will not be sufficient. I wish to say that in justice to him.

The CHAIRMAN. There is no amendment pending.

The Clerk read as follows:

For the detection and prosecution of crimes against the United States, $25,000.

Mr. CANDLER. I move to amend by striking out the clause just read. In the first clause of the appropriations under the head of "judiciary," provision is made for the prosecution of "offenses committed against the United States." In the legislative, executive, and judicial appropriation bill, provision was made for the prosecution of all offenses growing out of interference with the internal-revenue laws, the amount being I believe $60,000. There is another appropriation for the prosecution of offenses in reference to the currency. So that outside this paragraph there appears to be provision for the prosecution of every offense against the United States. The first general provision under the appropriation of $2,500,000 in this bill covers generally offenses against the United States. In the legislative appropriation bill $60,000 is appropriated for the prosecution of offenses against the internal revenue. In this bill $100,000 is appropriated for the prosecution of offenses in reference to the currency. There are other provisions in reference to the offenses in the Indian services and under the intercourse act. There is then generally provision made everywhere for the prosecution of every crime against the United States; and I am at a loss to know why this provision is made to appropriate $25,000 more.

Mr. RANDALL. I have no objection to its being struck out.

Mr. FOSTER. I do not think the appropriation ought to be struck out. This appropriation is for the Department of Justice. One of the appropriations to which the gentleman refers was for the Internal-Revenue Department and the other for the Treasury Department. This appropriation was, I believe, investigated by the Committee on Expenditures in the Department of Justice and was, I believe, recommended by them to the Committee on Appropriations.

Mr. CAULFIELD. No, sir; the gentleman is mistaken on that point. The Committee on Expenditures in the Department of Justice recommended that the appropriation be struck out.

Mr. FOSTER. Then our subcommittee recommended it to the main committee.

Mr. JOYCE. I do not think the Committee on Expenditures in the Department of Justice made any such recommendation as has been stated. At any rate, the minority of the committee never agreed to any such proposition and never heard of it.

Mr. CAULFIELD. The minority of the committee never do agree to anything.

Mr. JOYCE. They never ought to agree to any such propositions as this.

Mr. FOSTER. I want to say that this appropriation is in the interest of the collection of the revenue in the Southern States.

Mr. CAULFIELD. O, no.

Mr. FOSTER. I do not see why the southern people should be fearful of appropriations for the detection and punishment of crime. What is there in the condition of the South which should make them so fearful in this regard? Little distilleries all over the South are violating the law; yet gentlemen come here to make arguments against appropriating money for prosecuting and punishing such offenses.

Mr. RANDALL. This has nothing to do with that.

Mr. REAGAN. This appropriation to be expended by the Attorney-General can have nothing to do with the enforcement of the internal-revenue laws.

Mr. BURCHARD, of Illinois. I desire to call the attention of the chairman of the Committee on Appropriations and the Committee of the Whole to what appears to be a just distinction between the appropriations mentioned in the first clause, relating to the judiciary, and this particular clause. The first is for the prosecution of offenses; the clause under consideration is "for the detection and prosecution of crimes." Now, I have in my mind a case occurring in the postal service, where a post-office had been robbed and a reward offered for the detection of the offenders. Such a case as that, it seems to me, would not come strictly under the language "prosecution of offenses."

It has been, I think, the practice to charge up these expenditures to this particular appropriation.

Mr. BLOUNT. There was an appropriation in the post-office bill in reference to the detection and punishment of crimes in the Post-Office Department.

The CHAIRMAN. Debate on the pending amendment is exhausted.

Mr. BURCHARD, of Illinois. I move to strike out the last word.

Mr. Chairman, I refer to that only as an illustration. I suppose for the detection of the class of offenses to which I allude there is in the post-office appropriation bill an appropriation. This appropriation relating to the detection and prosecution of crime is to be under the Judiciary Department. It has been usual to charge up such rewards for the detection of crimes to this appropriation. I hope, Mr. Chairman, this House will not cripple the administration of justice by refusing to make the necessary appropriation.

I believe, Mr. Chairman, there has been a fatal blow struck at the administration of justice in the prevention of fraud in the elections by the adoption of the clause in this bill by vote of the committee a few moments ago doing away with supervisors and registration of voters. The law as it now stands, which the provision in this bill attempts to repeal, secures the appointment of supervisors, one from each party, appointed by the court. In a public speech made by a member of Congress from the city of New York, and a democrat too, he stated that they never had a fair election in that city until that law was passed. I hope the committee will not proceed further in the same line of legislation, and refuse to appropriate $25,000 for the detection and prosecution of offenses against the United States.

Mr. CAULFIELD. Mr. Chairman, the clause referred to by the gentleman from Illinois is that very provision of law under which money has been used for election purposes as the Committee on Expenditures in the Department of Justice has demonstrated. It is the very clause under which $34,000 was paid out in New York to Mr. Davenport for so-called election expenses. We have taken the testimony of those who had charge of the fund for several years. Detective Whitely testified in the early part of this session, before the Committee on Expenditures in the Department of Justice, that he used this fund, drawing it from the Attorney-General's Office, and that he never accounted for one single dollar of it. For one I am not willing to vote $25,000 to the Attorney-General's Office unless at the end of the year the Attorney-General can show how that money has been spent. I defy any gentleman of this House to show how during the last four years one single dollar of the $50,000 which has been voted at every session of Congress has been spent by those who had charge of the fund. If this fund is to be administered in the same way hereafter that it has been heretofore, then you will not be able to show in the Attorney-General's Office or any other Department of the Government how one single dollar has been expended. I want to know if we are called upon here to spend the people's money without knowing in advance how it is to be spent or how it has been spent when the money is gone. It seems to me this clause should be stricken out and no appropriation of money should be made to be used and not accounted for.

Mr. REAGAN. The first part of the provision relating to the judiciary was for defraying the expenses of the Supreme Court and circuit and district courts of the United States, including the District of Columbia; and also for jurors and witnesses and expenses of suits in which the United States are concerned, of prosecutions for offenses committed against the United States; for the safe-keeping of prisoners; and for defraying the expenses which may be incurred in the enforcement of the act of February 28, 1871, relative to the right of citizens to vote, or any acts amendatory thereof or supplementary thereto, $2,500,000. Under this and in various other bills, without reference to the clause under consideration, provision has been made for every special subject connected with crime for which appropriations can be made. Then this clause for the detection and prosecution of offenses against the United States, $25,000, is thrown in in a general way. Under such appropriations extraordinary expenditures have been made

by the head of the Department nominally to secure the purity of elections, but actually to control, coerce, and improperly influence elections in the various States.

The gentleman from Illinois in this discussion stated it was likely a fatal blow would be struck at the elective franchise by the action of this House in the adoption of the clause a few moments ago. I desired to say then when that was up, and I desire to say now, that at the date of the Declaration of Independence, and at the date of the formation of the Constitution of the United States, and all along through the political history of the American people up to very recently, they have been supposed to be capable of self-government. It was the underlying principle of our American system, that the people are capable of self-government. The legislation which it is now sought to support and uphold, and which began in 1871, after nearly one hundred years of practice had demonstrated to the world that our people were capable of self-government, originated in a purpose to establish a great central machine here for the repression of the opinions of the people, and to control elections against their will.

I have not the time in five minutes to show the instances in which the power of the Government under this legislation has been used to control, coerce, and repress the people, and to defeat the expression of their will. It is so marked in our political history that it is not necessary to repeat it to members of this House, nor is it necessary to repeat it to the American people. It is one of those things showing the remarkable drift in the political course of this country toward centralization and the embodiment of ideas which look to the capital and to the Federal Government for repression and control of the popular will, instead of doing as we were taught to believe we ought to do for nearly the first century of the Government, trusting to the intelligence and virtue of the people for their own government in their own localities.

[Here the hammer fell.]

Mr. CONGER. I move to strike out the last word.

I am not surprised to-day or any other day to see the gentleman from Texas [Mr. REAGAN] prove, earnestly and eloquently to this House, from time to time whenever he speaks, that the Government of this country is straying so far from its original intent that revolution is the only remedy. The gentleman has tried another remedy. But he comes here now and attempts to prove in every speech he makes that we wander so far from the principles of the Declaration of Independence and the principles of the founders of the Government and its course through a hundred long years, a revolution is not only permissible but demandable.

Mr. REAGAN. I hope the gentleman will not make such a statement as that. I never made any such statement.

Mr. CONGER. I cannot yield. The whole tenor of the gentleman's arguments on many occasions—and I have taken pains to pick them out and put them together—is that we wander so far from the true intent of the Government that at last revolution is permissible and is demanded.

I do not wonder, then, at the gentleman's objection to these laws that preserve the purity of elections. I do not wonder at his raising his voice against a law for the detection of crime. We have here an appropriation for the punishment of crime. But this is to detect crime.

But I pass from the gentleman from Texas. I regret that he makes the issue that the American people every day so far forget and misuse their power of self-government that he has to arraign the whole American people for wandering from his sublime line of duty.

Mr. REAGAN. Mr. Chairman——

Mr. CONGER. I have not finished.

Mr. REAGAN. I desire to be permitted to say one word, as the gentleman from Michigan has done me injustice.

Mr. HOLMAN. I move that the committee rise for the purpose of obtaining an order from the House to close debate.

Mr. CONGER. I have not yielded the floor.

However offensive it may be to gentlemen to have us discuss this question of preserving the purity of elections and providing means for detecting crime, they must hear of it and will hear of it from the press and from the people. For we have called the attention of the people to this subject to-day, and the people will understand that the democratic majority of this House refused even twenty minutes' discussion on the repeal of a law which all the people look upon with favor, democrats and republicans alike, who are in favor of the purity of elections.

This is but another step in that direction, to detect crime. No appropriation is to be made, as has always been made in previous bills, for the detection of crimes against the United States. I submit to the gentlemen of the majority here that as regards the record they make this day they will have to file affidavits with their constituents to show them that they were mistaken in their record or that they were put down by mistake on the roll. The gentleman from Illinois, [Mr. CAULFIELD,] the chairman of the Committee on Expenditures in the Department of Justice, has brought in here his individual ideas of what the report of his committee on this subject will be.

[Here the hammer fell.]

Mr. MILLS rose.

Mr. REAGAN. I desire, Mr. Chairman, to say a word, because I think wrong has been done me.

The CHAIRMAN. The Chair has recognized the gentleman from Texas [Mr. MILLS] on the right of the Chair, who has not been heard on the amendment.

Mr. MILLS. I yield to my colleague.

Mr. REAGAN. I must confess my astonishment at the remarks made by the gentleman from Michigan. For myself, I think after considerable length of public service that I am able to say with truthfulness and candor this day that I never did attempt to pervert or misstate the position of any one, whether friendly to me or adverse to me in politics. The gentleman from Michigan has made the statement that on all occasions, or at least whenever I have spoken of it, I have advocated revolution. Does he not know that he makes that statement directly against the truth, and that it was done for political effect, in violation of truth and honor?

Mr. HARRIS, of Virginia. That is right.

Mr. CONGER. Will the gentleman allow me to state——

Mr. REAGAN. No, sir. The gentleman would not yield to me.

The gentleman from Michigan alludes to my position during the recent contest. That is in history, and that I have no need to refer to now. From the close of that contest to this day there has been no man in this Government, North or South, who has more sincerely sought the peace, the prosperity, and the welfare of the whole American people, or who has been willing to make greater sacrifices of feeling and of interest to secure that mutual good-will and charity which are so necessary to the well-being of this country. The gentleman makes this attack upon me because I say that legislation introduced over five years ago, in 1871, is hostile to popular liberty, favoring only the retention of power by a political party, for the benefit of a political party, an innovation upon and an overthrowing of the foundations of American liberty and the traditional policy of the Government. And because I appeal to the principles of the Declaration of Independence, to the principles of the Constitution of the United States, to the principles imbedded in the constitutions of the various States for the protection of their people, their liberty, and their rights, and for the protection of their prosperity and welfare, the gentleman from Michigan has the boldness to rise in his place, in the face of this House which has noticed my course and knows that his statement is not correct, and to assume that this means revolution. No, sir; it means a security for the peace of the country through the peaceful means of the ballot-box and the law. We seek to repeal those laws that trench upon popular liberty, pervert the character of our Government, and establish a great central machine intended to overawe, repress, and control the American people, either with or without their consent. This is all I have to say on that point. [Applause.]

Mr. CONGER. I desire to make one remark.

The CHAIRMAN. Does the gentleman from Texas [Mr. MILLS] yield to the gentleman from Michigan, [Mr. CONGER?]

Mr. MILLS. I yield to the gentleman for a moment.

Mr. CONGER. Sir, I stated that the legitimate result of such remarks as were made by the gentleman from Texas meant only that there were evils sprung up in this country that could only be remedied by revolution. I stand to that proposition, and I say that in the charges he has made against the administration of this Government, comparing it with former times, if his assertions in regard to this Government and its policy be true, he has laid the foundation for that last resort of all citizens and of all citizenship: a revolution of the Government. That is what I say. The gentleman says my remarks are untrue. It is the logical conclusion to which I come, from remarks made by the gentleman to-day and on former occasions, to the effect that in his judgment this Government has wandered so far from its original position as a republican government, that it is no longer a republic, and that therefore revolution is proper. The gentleman cannot escape the logic of these conclusions. He cannot cut down the logic of them by asserting that what I have said is untrue.

Mr. MILLS. Gentlemen talk about the purity of elections. That is no new subject to the American people; it is no new subject here; it is a subject which has been talked about by the republican leaders all over the country for the last eight or nine years. They have been the most longing people that I know of for purity of elections; and let me give you an illustration of some of the results of their ideas of the purity in elections. In the State in which I live, and a part of which I have the honor to represent on this floor, but a few months ago a majority of 100,000 was given for the democratic candidate for governor, but under the republican idea of purity in elections the chosen official of the Administration returned a few years ago a republican candidate as governor. That is what purity in election did in Texas, and they extended this purity in election so far that the county in which I live was not deemed high enough in the scale of purity to have its vote counted, and this was done by an accredited agent of the Government of the United States. At another election a gentleman bearing upon his bosom the badge of a deputy marshal, appointed to officiate at the ballot-box in my county, when he had purified the ballot-box was subsequently arraigned and brought before the grand jury for violating the law, having aided in committing the highest crime that was possible to commit against a free people by stealing the sovereignty of the people. He admitted that he and his republican purifiers had stolen from the ballot-box three hundred democrat ballots and injected three hundred republican ballots in their place, and that testimony was brought to this House in the contested-election case between Giddings and Clark. Gentlemen on the other side of the House will certainly not fail to remember

that case. Be it said to the honor of human nature and the honor of the republican party that, deeply stained as we are by political wrongs arising from partisan prejudice, the republican party could not stand before the record brought before the House, and voted unanimously to eject Clark from the House and place in his seat the man for whom the citizens of my district had voted and whom they had sent to represent them in this House. They ejected a man that came here with a false certificate of a purified republican governor, a gentleman who boasted a few days ago before one of the committees of this House that he was so popular in Texas that he was elected United States Senator, aided in so purifying elections as to have returned to a Legislature that would return him as a Senator from Texas.

This is what you call purity of elections, and it is for the purpose of carrying out such elections that you want this appropriation. A few years ago you said the Constitution of the United States was a "covenant with death and a league with hell," and you would hold it to be so to-day if you could not make it subserve your partisan purposes.

[Here the hammer fell.]

Mr. RANDALL. I now ask unanimous consent that debate be closed upon this paragraph.

Mr. WAIT. I ask the gentleman to allow me a few moments.

Mr. RANDALL. I yield to the gentleman.

Mr. WAIT. I differ entirely from what has been stated here by the gentleman just on the floor, that the evidence before any committee of the House, so far as I had any personal knowledge of the same, is that the moneys which have heretofore been appropriated for the detection and prosecution of crimes against the United States have been perverted from the legitimate purposes for which they were set apart and applied in aid of any particular party in the State elections. The evidence before the committee of which the gentleman from Illinois [Mr. CAULFIELD] is chairman, and of which I have the honor to be a member, was clear and positive that the money has been appropriated and used in all instances for lawful purposes. Never in one single instance was it used to elect the candidates of any particular party to office, but for the purpose of suppressing the worst and most glaring frauds, which were proved to have been perpetrated in New York, that have ever been perpetrated in any city in this Union. It was established by the clearest and most positive evidence that many votes were cast on fraudulent naturalization papers by men not entitled to exercise the elective franchise. It was also in evidence before the committee that many others, known as repeaters, went from ward to ward and from district to district casting votes in each. The evidence before the committee is that this repeating and this voting on these fraudulent naturalization papers and on the naturalization papers of men who were dead was for the benefit of one party almost exclusively in the city of New York. The testimony taken by the committee shows that the money which was disbursed by the Department of Justice under the provisions of existing laws was used in the city of New York to prevent fraudulent voting and that the fraudulent voting was almost entirely upon one side. It goes to show that in some voting districts in the city of New York the votes which were polled exceeded in number the men, women, and children who lived within their limits. It was to suppress this state of things, this invasion of the rights of the people, that this money was appropriated and expended by the officers of the Government, so far as I have any knowledge acquired as a member of the committee.

Let me say that there was no evidence before the committee coming from any man that to his own personal knowledge any legal voter in the city of New York was denied the right of suffrage or prevented from casting his vote for the candidates of his choice. Men were arrested by warrants, it is true; but for what? For attempting to vote upon fraudulent naturalization papers, upon the papers of dead men, and for repeating. They were arrested because they had never been made electors in the State of New York, and upon various other charges that fastened upon them kindred crimes. But I claim here, and the gentlemen connected with me on that committee I believe will bear me out in the statement which I make, that there was no witness who came before the committee who was willing to swear of his own personal knowledge that he knew of any man who had the right to exercise the elective franchise in New York who was impeded in or stopped from exercising that right.

The pitiful sum of $25,000 which it is proposed by the bill under consideration to appropriate "for the detection and prosecution of crimes against the United States" is not merely for the suppression of fraudulent voting, but to guard against counterfeiting and the circulation of counterfeit coin and bills, the violation of the excise laws, the robbery of the mails, and every criminal act of like kind in contravention of the laws of the United States. This money is to be appropriated to enable the officers of the law to detect the offender and to bring the guilty to punishment.

Now let me ask this House if it is proper legislation—legislation that the people will sanction—to weaken the arm of justice by striking out this small sum of $25,000, which is to be spread over the entire Union for the legitimate and laudable purposes which I have already stated? Sir, there is not a house burned in your village, not a barn burned on your farm by an incendiary, but what the public authorities of any town or village of any size in this country would appropriate from one thousand to five thousand dollars to detect and punish the persons who set fire to the property with the felonious intent to destroy the same.

[Here the hammer fell.]

Mr. WOOD, of New York. I would not have risen to participate in this debate but for the very frequent reference to the city of New York, which I have the honor in part to represent. I think there is either a very great misapprehension or a very great intention to misrepresent with reference to the character of the people of the State of New York. There is not a State in this Union, not one, where the laws of the State are better framed for the security of the elective franchise than the State of New York. In my judgment the State of New York has provided by every possible provision of law for a fair election in the city of New York as well as in every other part of the State.

If there have been frauds in elections in the city of New York, then the officials of the State and city must have been responsible for those frauds. For seven out of the last ten years the administration and the whole State and city governments have been in the hands of our political opponents. The laws have been framed by a republican Legislature and approved by a republican governor.

The police authorities in the city of New York execute all our election laws, and those police authorities during the same period for a very large portion of the time in the city of New York have been under republican control. If, therefore, notwithstanding the law, and notwithstanding the character of the people who vote at our elections, there have been frauds, I hold the party in power responsible for those frauds. They had the power to secure a pure election, and if we have not had that pure election they are responsible for the result.

What is the fact? I admit that there have been frauds in New York. There is no State of like population in the world, where the elective franchise is as free as it is with us, in which frauds have not existed. But we have to the extent of our power remedied those frauds. The only obstructions that we have had in the city of New York to an entirely pure election have been through the administration of the General Government by its supervisors and marshals. They have protected frauds instead of detecting them; they have encouraged frauds instead of preventing them; they have exercised the power of the Federal Government to overawe and intimidate voters, upon occasions arresting them without cause and keeping them in jail, not discharging them until the morning after the election, so as to deprive them of the right to vote.

It is all very well for gentlemen when they design to accomplish a purpose to endeavor to continue a system antagonistic to the genius of our institutions to select the city of New York as an example in support of their arguments. I tell these gentlemen that they are not to hoodwink the people of this country any longer by these professions of reform and honest elections. They have themselves given the people too many examples of the grossest frauds, not only in the city of New York, but everywhere throughout the Union, wherever they have had the means to attempt to overawe and intimidate voters and to encourage fraudulent voting.

[Here the hammer fell.]

Mr. FOSTER. I would like to ask the gentleman from New York a question.

The CHAIRMAN. The time of the gentleman has expired.

Mr. RANDALL. I call for a vote.

Mr. HOSKINS. I desire to be heard a few minutes.

Mr. RANDALL. This debate is not germane to the pending paragraph any way; it is altogether irrelevant.

The CHAIRMAN. The point of order made by the gentleman from Pennsylvania [Mr. RANDALL] is well taken.

Mr. HOSKINS. I move to strike out the last two words.

The CHAIRMAN. The gentleman from Pennsylvania has the floor, and calls for a vote on the pending paragraph without further debate.

Mr. HOSKINS. Have I not the right to move an amendment?

The CHAIRMAN. Not while the gentleman from Pennsylvania is on the floor with a request to be submitted to the committee that all debate on the pending paragraph be now closed. Is there objection to the request of the gentleman from Pennsylvania?

Mr. PAGE and others objected.

Mr. RANDALL. Then I move that the committee rise, for the purpose of obtaining an order from the House to close debate upon the pending paragraph.

The question was taken upon the motion that the committee rise; and upon a division there were—ayes 94, noes 52.

Before the result of this vote was announced,

Mr. HOSKINS called for tellers on the motion that the committee rise.

The question was taken upon ordering tellers; and there were 31 in the affirmative.

So (the affirmative being one-fifth of a quorum) tellers were ordered; and Mr. HOSKINS and Mr. HOLMAN were appointed.

The committee again divided, and the tellers reported that there were—ayes 108, no 1.

Mr. HOSKINS. No quorum has voted.

The CHAIRMAN. A quorum is not necessary on a motion that the committee rise.

So the motion of Mr. RANDALL was agreed to.

The committee accordingly rose; and the Speaker *pro tempore* hav-

ing resumed the Chair, Mr. BLACKBURN reported that the Committee of the Whole on the state of the Union, pursuant to the order of the House, had had under consideration the bill (H. R. No. 3749) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1877, and for other purposes, and had come to no resolution thereon.

Mr. RANDALL. I move that the House resolve itself into the Committee of the Whole on the sundry civil appropriation bill, and pending that motion I move that all debate in committee on the pending paragraph terminate as soon as the committee shall resume its session.

Mr. CONGER. On the motion to close debate I call for the yeas and nays.

Mr. RANDALL. All right.

Mr. HOLMAN. How much time do gentlemen on the other side desire?

Mr. RANDALL. I object to discussion. I have made my motion.

Mr. HOLMAN. I hope I shall have an answer. How much time do gentlemen desire?

Mr. CONGER. Gentlemen on this side have asked for five minutes to speak on this subject, and it has been refused.

Mr. HOSKINS. I ask only a few minutes to discuss this question.

Mr. RANDALL. I call for a vote on my proposition.

Mr. HOLMAN. In the interest of economy of time——

Mr. RANDALL. I object to debate, and call for the regular order.

Mr. HOLMAN. The public interests are too important to be interfered with by any trivial considerations.

Mr. HOSKINS. I only wanted a brief time. If gentlemen on the other side prefer to take up the time in calling the yeas and nays, let them go ahead.

Several MEMBERS. Regular order!

Mr. HOLMAN. I rise to make a parliamentary inquiry. Is it in order to ask the gentleman on the other side whether he will be satisfied with five minutes? [Laughter.]

Mr. RANDALL. That is not a parliamentary inquiry.

The SPEAKER *pro tempore*. The Chair cannot answer that question.

The question was taken, and there were—yeas 130, nays 76, not voting 83; as follows:

YEAS—Messrs. Ainsworth, Anderson, Atkins, Banning, Blackburn, Bland, Blount, Boone, Bradford, Bright, Buckner, Samuel D. Burchard, Cabell, John H. Caldwell, William P. Caldwell, Campbell, Candler, Cate, Caulfield, Chapin, John B. Clarke of Kentucky, John B. Clark, jr., of Missouri, Clymer, Collins, Cook, Cowan, Cutler, Davis, De Bolt, Dibrell, Durham, Eden, Ellis, Ely, Felton, Finley, Forney, Franklin, Fuller, Gause, Glover, Goode, Gunter, Andrew H. Hamilton, Robert Hamilton, Henry R. Harris, John T. Harris, Harrison, Hartridge, Hartzell, Hatcher, Haymond, Hereford, Abram S. Hewitt, Goldsmith W. Hewitt, Hill, Holman, Hooker, Hopkins, House, Hunton, Jenks, Frank Jones, Thomas L. Jones, Kehr, Knott, George M. Landers, Lane, Lord, Luttrell, Lynde, Maish, McFarland, McMahon, Meade, Metcalfe, Mills, Morgan, Morrison, Mutchler, Neal, Odell, Payne, Phelps, John F. Philips, Piper, Randall, Rea, Reagan, John Reilly, James B. Reilly, Rice, Riddle, William M. Robbins, Roberts, Savage, Sayler, Scales, Schleicher, Singleton, William E. Smith, Southard, Sparks, Spencer, Springer, Stenger, Stone, Tarbox, Terry, Thomas, Thompson, Throckmorton, Turney, John L. Vance, Robert B. Vance, Charles C. B. Walker, Walling, Walsh, Warren, Erastus Wells, Whitehouse, Whiting, Whitthorne, Wigginton, Wike, James D. Williams, Jeremiah N. Williams, Fernando Wood, Yeates, and Young—130.

NAYS—Messrs. Adams, John H. Baker, William H. Baker, Ballou, Banks, Blair, William R. Brown, Cannon, Cason, Caswell, Chittenden, Conger, Crapo, Crounse, Danford, Davy, Denison, Dobbins, Dunnell, Eames, Fort, Foster, Frye, Goodin, Hoar, Hoge, Hubbell, Hurlbut, Hyman, Joyce, Kelley, Ketcham, Kimball, Leavenworth, Lynch, McCrary, McDill, Miller, Monroe, Norton, O'Brien, Oliver, O'Neill, Packer, Page, William A. Phillips, Pierce, Plaisted, Potter, Purman, Rainey, Robinson, Rusk, Sampson, Seelye, Smalls, A. Herr Smith, Strait, Stevenson, Stowell, Thornburgh, Washington Townsend, Tufts, Van Vorhes, Wait, Waldron, Alexander S. Wallace, John W. Wallace, Willard, Andrew Williams, Charles G. Williams, William B. Williams, James Wilson, Alan Wood, jr., Woodburn, and Woodworth—76.

NOT VOTING—Messrs. Ashe, Bagby, John H. Bagley, jr., George A. Bagley, Bass, Beebe, Bell, Blaine, Bliss, Bradley, John Young Brown, Horatio C. Burchard, Burleigh, Cochrane, Cox, Culberson, Darrall, Douglas, Durand, Egbert, Evans, Faulkner, Freeman, Frost, Garfield, Gibson, Hale, Hancock, Haralson, Hardenbergh, Benjamin W. Harris, Hathorn, Hays, Hendee, Henderson, Henkle, Hoskins, Hunter, Hurd, Kasson, King, Lamar, Franklin Landers, Lapham, Lawrence, Le Moyne, Levy, Lewis, Edmund W. M. Mackey, L. A. Mackey, Magoon, MacDougall, Milliken, Money, Nash, New, Parsons, Platt, Poppleton, Powell, Pratt, John Robbins, Miles Ross, Sobieski Ross, Schumaker, Sheakley, Sinnickson, Slemons, Swann, Teese, Martin I. Townsend, Tucker, Waddell, Gilbert C. Walker, Ward, G. Wiley Wells, Wheeler, White, Alpheus S. Williams, James Williams, Willis, Wilshire, and Benjamin Wilson—83.

So the motion of Mr. RANDALL that all debate in Committee of the Whole on the pending paragraph be closed was agreed to.

During the roll-call the following announcements were made:

Mr. BURCHARD, of Illinois. On all political questions I am paired with the gentleman from Virginia, Mr. TUCKER. If I were at liberty to vote, I should vote "no." He if present would vote "ay."

Mr. HOSKINS. I desire to say that I am paired on all political questions with the gentleman from Virginia, [Mr. WALKER.] Were he present he would probably vote "ay," and I should vote "no."

Mr. DOUGLAS. On all political questions (and this seems to assume that character) I am paired with the gentleman from New York, [Mr. MACDOUGALL.]

The result of the vote was announced as above stated.

REPORT OF THE DOORKEEPER.

Mr. FORT. By the record made to-day it might seem that Mr. Patterson, the present Doorkeeper, had neglected to make his report to the House. In point of fact his first official act was to make his report according to Rule 27, which requires him to make a full inventory of all public property under the charge of the Doorkeeper's department. That report was laid upon the Speaker's table; and it was not his fault that it was not referred to the Committee of Accounts; the fault, if any, belonged to the House. I now hold the report in my hand; and I move that it be referred to the Committee of Accounts.

The motion was agreed to.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. RANDALL. I move that the House again resolve itself into Committee of the Whole upon the sundry civil appropriation bill.

The motion was agreed to.

The House again resolved itself into Committee of the Whole on the state of the Union, (Mr. BLACKBURN in the chair,) and resumed the consideration of the bill (H. R. No. 3749) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1877, and for other purposes.

The pending question was on the amendment of Mr. CANDLER, to strike out the following clause:

For the detection and prosecution of crimes against the United States, $25,000.

The amendment was agreed to; there being—ayes 101, noes 61.

Mr. CONGER. I give notice that I shall ask for a separate vote on this amendment in the House and shall there call the yeas and nays upon it.

The CHAIRMAN. That is the right of the gentleman.

The Clerk read as follows:

For payment of the necessary expenses incurred in defending suits against the Secretary of the Treasury or his agents for the seizure of captured or abandoned property, and for the examination of witnesses in claims against the United States pending in any Department, and for the defense of the United States in the Court of Claims, to be expended under the direction of the Attorney-General, $25,000.

Mr. ATKINS. I think the amount of $25,000 is too much, and I therefore move to strike it out and in lieu thereof insert $10,000.

Mr. RANDALL. Vote!

Mr. ATKINS. If the chairman wishes a vote I will not detain the House by saying anything on the amendment.

Mr. RANDALL. I propose to vote for it, and therefore do not think it necessary to take up time in debate. It is all right.

The committee divided; and there were—ayes 99, noes 52.

So the amendment was agreed to.

Mr. CONGER. I give notice that I shall ask for a separate vote on that amendment in the House.

The CHAIRMAN. That is the right of the gentleman from Michigan.

The Clerk read as follows:

Government Hospital for the Insane:

For the support, clothing, and medical and moral treatment of the insane of the Army, Navy, and Marine Corps, and revenue-cutter service, and of all persons who may have become insane since their entry into the military or naval service of the United States and who are indigent, and of the indigent insane of the District of Columbia in the Government Hospital for the Insane, $150,000; and hereafter one-half of the expense of the indigent persons who may be admitted from the District of Columbia shall be paid from the treasury of said District.

Mr. BOONE. I move to amend by inserting after the word "indigent," in line 371, the following:

And whose insanity occurred while in the military or naval service of the United States, or has occurred within three years after discharge from such military or naval service from causes arising during such service.

Mr. Chairman, the language of this bill is similar to that used in a former appropriation bill on this subject, and I understand it has been the custom, perhaps sanctioned by the opinion of the Attorney-General of the United States, that all persons who have been in the military service of the United States and have been discharged from it, without regard to the time they were discharged, or when they became insane, are entitled to be admitted into the Government Hospital for the Insane. I think there should be some limitation placed upon the time when persons shall receive the benefit of this institution. I have incorporated in my amendment three years after discharge. I think that in that time all persons who have been in the military or naval service of the Government shall have acquired a home in some of the States.

The object of this amendment is not to throw any obstacle in the way of taking care of discharged soldiers who may become insane; but I think when they become citizens of a State, or have been residents of a State for a length of time to entitle them to become citizens, the State should take care of them and they should not be a burden upon the Government.

If the policy that has been pursued, as I understand it, is still pursued, it will not be long before we will have to extend this institution or build a new one. I understand there is an application in this House to appropriate $350,000 to build another asylum. There are now in this institution seven hundred and fifty patients. They are much crowded, and, unless we shall throw some safeguards around it, it will be so crowded as to call for still greater expense on the part of the Government. Whereas, if only such persons as are entitled to go in there are admitted, there will be ample room for all such insane persons as ought to be taken care of.

Mr. BLOUNT. I ask the gentleman whether he does not find as a matter of fact that the abuse there, if any such does exist, arises from the crowding of that institution, not by soldiers or sailors, but from the fact that people come into this District from the surrounding States and after getting a residence here secure admission into this

Government Asylum for the Insane? I ask him whether the abuse does not lie there?

Mr. BOONE. There is no doubt there is an abuse in that direction, and that persons are admitted from the District who are really residents of the States. I am satisfied, while there is that abuse, there is also an abuse in the direction I have pointed out. I suppose there will be an amendment offered to this or some subsequent bill to remedy the abuse of which the gentleman from Georgia has spoken.

Mr. RANDALL. This amendment, or one having a similar object, was considered in the Committee on Appropriations, and met with an adverse decision. The point at issue is just this, that any insane persons who were in the various branches of the service indicated in the body of the paragraph can come and be admitted into the Government Asylum for the Insane without regard to the time when they were discharged. The gentleman's amendment proposes to make insanity within three years from the discharge from the military or naval service a necessary qualification for admission into this asylum. That provision we thought best not to incorporate into this bill. I should prefer to lean toward favoring those insane persons who had served their country in the Army or Navy, and to make no limitation as to the period when the insanity made itself manifest, whether three years or any other period after their discharge.

Mr. MUTCHLER. This Government Hospital for the Insane was established about the year 1854. In the year 1866 Congress passed an act which permitted all soldiers and sailors who had been discharged from the Army and Navy for a period of three years and became insane within that time, if their insanity was caused by the service in the Army or Navy, to be admitted there. That is the law as it now stands. The purpose of the institution is, in the first place, to provide an asylum for the insane of the Army, Navy, revenue-cutter service, and Marine Corps; secondly, for insane people who have been in the Army and Navy and have become insane within three years after their discharge if their insanity was caused by such service; and, thirdly, for the indigent insane of the District of Columbia.

Under the peculiar wording of the appropriation bills for the last four or five years, whether unintentionally or otherwise it is difficult to say, the Attorney-General has decided that any person who had served in the Army at any time, without regard to the length of time he had served there or without regard to the cause which had produced his insanity, is entitled to admission to this hospital. It will be seen, therefore, that the Government may be very easily imposed upon; because a person who had served only one day in the Army and who had become insane by the habitual use of intoxicating liquors or from any other imprudence of his own would be entitled to be kept in that institution. It strikes me, therefore, that the present system is unjust to the Government, and that there should be some regulation made that would provide that no person should be admitted there from the Army and Navy unless it clearly appears that the insanity was produced by his service in either of those branches of the Government.

There are to-day in the Army and Navy together but 35,000 men. If there be, as statistics say, but one insane person in every thousand, there should be but thirty-five insane persons in the Army and Navy. Yet we find that the number admitted to the asylum is over four hundred, showing that the States empty out of their soldiers' homes all persons who are imbeciles in any way, bring them to Washington, and put them in the Insane Asylum.

Mr. RANDALL. Let me say just one word more. These people are the wards of the nation, and just as we give pensions to our soldiers and sailors we should give entrance to the asylum in case of insanity.

Mr. RAINEY. I ask that the amendment may be again read.

The amendment was again read.

Mr. KELLEY. I would ask the gentleman from Kentucky if he would not permit an amendment striking out the term of three years, so that any man whose insanity is traced directly to causes arising during the war may be admitted?

Mr. HOLMAN. This has been the law for many years.

Mr. KELLEY. But cannot the law be improved so as to admit any man whose insanity is clearly traceable to causes arising during his service?

Mr. HOLMAN. If he has been in the service and becomes insane, let him have the benefit of this asylum.

The question being taken on Mr. BOONE's amendment, there were ayes 29, noes not counted.

So the amendment was not agreed to.

Mr. KASSON. I have called the attention of the gentleman from Pennsylvania [Mr. RANDALL] to the last clause of the paragraph, and I think he will probably agree to a modification of it, if not to the striking of it out.

I offer the following amendment:

Strike out these words at the end of the paragraph: "And hereafter one-half of the expense of the indigent persons who may be admitted from the District of Columbia shall be paid from the treasury of said District."

The reason for my offering this amendment is that probably nine-tenths of those nominally from the District of Columbia belong to that floating population that drifts in from other parts of the country, and it seems hardly a matter of justice, let alone generosity, for Congress to impose one-half of the burden of the support of those people on the District of Columbia.

If the gentleman from Pennsylvania shall think it unwise to strike it out, I would ask his consent then for me to insert the words "born in and" before the word "admitted," in line 375; so that it will read:

And hereafter one-half of the expenses of the indigent persons who may be born in and admitted from the District of Columbia shall be paid from the treasury of said District.

Mr. RANDALL. That would cut it all off.

Mr. BUCKNER. I wish to suggest that the treasury of the District of Columbia, which has to pay $1,100,000 interest, under a bill which has passed here, during the next six months or the next twelve months at the furthest, will be very short of funds, and if this expense can be put upon the Government I think it ought to be.

Mr. RANDALL. This bill applies to all hereafter sent to the asylum. There is an enormous number of patients there from the District now.

Mr. BLOUNT. Two hundred and seventy.

Mr. RANDALL. My colleague on the committee informs me that there are two hundred and seventy patients from the District now in the asylum. This does not interfere with them at all, but the complaint is that from the surrounding States, and perhaps from remote States, insane persons are brought here and get a domicile here, and then are sent into this institution as from the District of Columbia. This provision will make the District of Columbia authorities more careful in determining who shall go in there and enjoy this bounty. I think it is a wise provision.

Mr. KASSON. I do not think that this provision will effect the gentleman's object unless he inserts the word "hereafter."

Mr. RANDALL. The word "hereafter" is already in, and was placed there so as not to interfere in any way with such patients as are now there.

Mr. KASSON. I would suggest that the gentleman amend the latter clause of the paragraph by striking out the word "hereafter" where it occurs and inserting it between the word "be" and the word "admitted;" so that it will read:

And hereafter one-half of the expense of the indigent persons who may be hereafter admitted from the District of Columbia shall be paid from the treasury of said District.

Mr. RANDALL. I have no objection to that amendment.

Mr. KASSON. Then I offer it.

The amendment was agreed to.

The Clerk resumed the reading of the bill, and read as follows:

For general repairs, absolutely necessary, for the buildings of the institution, $5,000.

Mr. BOONE. I do not know that the amendment which I now offer is exactly germane to this bill, but I do not see any other place where it would properly come in. I move to amend the bill by inserting after the clause just read the following:

That hereafter it shall not be lawful for the superintendent of the asylum to hold any other office of profit or trust while superintendent of said asylum.

Mr. CONGER. I make the point of order that this is new legislation.

The CHAIRMAN. The Chair is not yet informed how the gentleman from Kentucky offers this amendment. Does he offer it as an independent section?

Mr. BOONE. Yes, sir.

Mr. CONGER. I make the point that it is new legislation, and it is therefore not in order.

Mr. RANDALL. I would suggest to the gentleman from Kentucky that there is a general clause in the bill which reaches the result which his amendment aims to accomplish, and therefore there is no occasion for his amendment.

Mr. BOONE. Where is that general clause?

Mr. RANDALL. I will read it to the gentleman:

Provided, That hereafter no person in the employ of the Government of the United States, or of any Department thereof, or of the District of Columbia, shall hold two places of honor, trust, emolument, or salary: *And provided also*, That no officer, clerk, or employé of Congress shall hold any other office of honor, trust, emolument, or salary while receiving pay from the Senate or House of Representatives.

Mr. BOONE. I think that covers the point I seek to attain, and I therefore withdraw the amendment.

The Clerk resumed the reading of the bill, and read as follows:

For the support of the National Soldiers' and Sailors' Orphans' Home, Washington City, District of Columbia, including salaries and incidental expenses, to be expended under the direction of the Secretary of the Interior, $10,000.

Mr. BUCKNER. I offer the following amendment:

After line 405 insert the following:

To the Industrial Home School of the District of Columbia, $10,000, to be expended in erecting a machine-shop and other needful buildings for the inmates of said industrial school.

Does the gentleman from Pennsylvania object to that?

Mr. RANDALL. No, sir.

The amendment was agreed to.

The Clerk resumed the reading of the bill, and read as follows.

To aid in the support of the Children's Hospital, Washington, District of Columbia, $5,000.

For the Freedmen's Hospital and Asylum in Washington, District of Columbia, namely, for subsistence, salaries and compensation, fuel and light, clothing, rent of hospital buildings, medicines and medical supplies, forage and transportation, and miscellaneous expenses, $45,000.

Mr. HARTRIDGE. I offer the following amendment, to come in

immediately after that paragraph, and I think the chairman of the Committee on Appropriations will not object to it:

For the National Association for the Relief of the Colored Women and Children of the District of Columbia, $10,000;
For Saint Ann's Infant Asylum, $10,000; and
For the Georgetown General Hospital, $5,000.

Mr. RANDALL. There is no objection to that.

The amendment was agreed to.

The Clerk resumed the reading of the bill, and read as follows:

For expenses in detecting and bringing to trial and punishment persons engaged in counterfeiting Treasury notes, bonds, national-bank notes, and other securities of the United States, and the coinage thereof, and for detecting other frauds upon the Government, $100,000, to be disbursed under the direction of the Secretary of the Treasury.

Mr. WHITE. I desire to offer an amendment, to come in at the close of that paragraph, and it is as follows:

Provided, That no part of said sum shall be paid to spies for information.

Mr. FOSTER. I make the point of order that that is new legislation.

Mr. WHITE. I desire to say that I am not opposed to having detectives or to paying for detectives, but I think that those detectives should have regular salaries; and I am opposed to this system of spies and informers, for a great deal of evil results therefrom.

The CHAIRMAN. Is the point of order insisted upon?

Mr. FOSTER. It is.

Mr. FORT. Is the point of order good?

The CHAIRMAN. The Chair has not passed upon the point of order.

Mr. FORT. It occurs to me that this amendment is in the interest of economy.

The CHAIRMAN. The Chair is prepared to rule upon the point of order, unless the gentleman desires to be heard.

Mr. FORT. I do not wish to be heard upon it.

The CHAIRMAN. The Chair, in the exercise of that liberality of ruling which he thinks the occasion requires and merits, is disposed to overrule the point of order, and to permit the Committee of the Whole to pass upon the amendment.

Mr. WHITE. I desire to say a word in support of my amendment. I agree with the ruling of the Chair.

The CHAIRMAN. The gentleman will proceed.

Mr. WHITE. As I said before, I am not opposed to punishing those who counterfeit the notes of the Government or who pass such counterfeit notes. But I am opposed to paying spies, who go into remote parts of the country and, as they have not infrequently done, encourage persons to pass these counterfeit notes, and then turn upon them and have them punished for the offense. I am opposed to paying for that information. I am opposed to appropriating any money for paying spies upon people living in these remote localities. It is for that reason that I have offered this amendment, "that no part of this sum shall be paid to spies for information." I might add "that this sum shall be paid only to persons who have annual salaries fixed by law."

Mr. LUTTRELL. I hope the amendment offered by the gentleman from Kentucky [Mr. WHITE] will be adopted. I think the time has come when we should do away with this system of spies and informers.

The question being taken upon the amendment of Mr. WHITE, upon a division there were—ayes 34, noes 69.

No further count being demanded, the amendment was declared to be rejected.

The Clerk resumed the reading of the bill, and read the following:

REFORM SCHOOL OF THE DISTRICT OF COLUMBIA.

For the superintendent, assistant superintendent, matron, three teachers, for medicines and physicians' fees, gardener, farmer, baker, and night-watchman, seamstress, cook, and laundress, and four female servants, and for fuel, clothing, and incidentals, $10,000.

Mr. BUCKNER. I move to amend by inserting after the paragraph just read that which I send to the Clerk's desk.

The Clerk read as follows:

For purchase of the remainder of the "Peter farm" or other farming lands adjoining or near the Reform School lands: *Provided*, That they can be obtained at a price not exceeding $100 per acre, $10,000.
For erecting work-shops, chimney, purchase of steam-engine, machinery, belting, and tools, $11,000.
For fencing, outbuildings, hedge-plants, and trees, $5,000.
For annual repairs of the buildings, building conservatory and stocking the same, purchase of library, and cows, $2,000.

Mr. RANDALL. I make the point of order on that amendment.

Mr. BUCKNER. I understood that the Committee on Appropriations agreed to this amendment. It has been considered by the Committee for the District of Columbia and is unanimously recommended by that committee.

Mr. RANDALL. The Committee on Appropriations have decided that they will not enter upon any new purchase of property or land.

Mr. BUCKNER. The gentleman declines to accept this amendment?

Mr. RANDALL. I am not instructed by the committee to do so.

Mr. BUCKNER. It is very important for the success of this institution that it should have this piece of land. It is one of the best-managed institutions in the District. There is no charge of corruption or wrong-doing on the part of any of its officers. It is altogether one of the most useful and humane institutions to be found anywhere.

The CHAIRMAN. Is this institution established by and now existing under law?

Mr. BUCKNER. Certainly it is.

Mr. STEVENSON. I hope the gentleman from Pennsylvania will withdraw his point of order and allow this amendment to be voted on.

Mr. HOAR. The point of order does not lie against the amendment.

Mr. STEVENSON. I presume that is true, from the fact that this is an institution already in existence, having been provided for by previous acts of Congress. This matter has been before the Committee for the District of Columbia. I think the appropriations proposed by this amendment are necessary and proper. The amounts are not extravagant, and are necessary for the purpose of making this institution what it should be. It is a well-conducted institution, necessary for this District, and I hope this amendment may be made a part of this bill.

Mr. RANDALL. No one would experience more pleasure than I would in extending our charities. This, however, is not a time when we should enter upon a new field or engage in any increased expenditures in this respect. This amendment proposes to purchase additional land. I know nothing about the value of the land; but I would suggest that we had better not go further than the $10,000 which the Committee on Appropriations have reported for this institution. I now call for a vote.

Mr. STEVENSON. In reply to what the gentleman from Pennsylvania has said, I desire to say that this is not a matter of charity at all; it is an appropriation absolutely necessary for this District.

Mr. RANDALL. The Reform School is a charity.

Mr. STEVENSON. It is absolutely necessary for this class of people. I think this institution a necessary one. It is well conducted and reflects credit upon all who are connected with it. I think this appropriation should be made.

Mr. RANDALL. I will not insist upon my point of order; I have no objection to allowing the committee to vote upon the amendment.

The question was taken upon agreeing to the amendment moved by Mr. BUCKNER, and upon a division there were—ayes 43, noes 87.

No further count being demanded, the amendment was declared to be rejected.

Mr. HUNTON. I desire to offer the following amendment, which is the first paragraph of the amendment that was offered by the gentleman from Missouri, [Mr. BUCKNER:]

For purchase of the remainder of the "Peter farm," or other farming lands adjoining or near the Reform School land: *Provided*, That they can be obtained at a price not exceeding $100 per acre, $10,000.

I will give my reasons for offering this amendment.

Mr. RANDALL. I reserve a point of order on the amendment.

Mr. HUNTON. We might just as well have a vote on this as on the other.

Mr. RANDALL. This has already been voted on.

Mr. HUNTON. No, sir; it has not been voted on at all, except in conjunction with other matters. I desire now a vote of the committee upon this single proposition; and I will state my reasons. In the rear of the grounds now occupied by the Reform School there is a piece of land known as the "remainder of the Peter farm." This property will pass into other and strange hands unless it be bought by the Government for the use of the Reform School; and if it should pass into other hands, that may tend strongly to break up the Reform School or injure it very materially. If it be not bought now, the opportunity to buy it may perhaps pass away forever.

I am informed by those who profess to know, and who I believe do know, that this piece of ground is absolutely necessary to the proper conduct of the school. If it be purchased for that school, the grounds of the institution will then be bounded on one side by a turnpike, on another by the District boundary, and on another by Rock Creek, making a most beautiful property for the conduct of the school.

I hope no point of order will be made on the amendment and that it will be adopted.

Mr. RANDALL. I make the point of order that the Committee of the Whole has already voted upon this proposition.

Mr. HUNTON. No, sir; it has not been voted upon in its present form.

The CHAIRMAN. In the judgment of the Chair, the point of order is not well taken, as this is only a portion of the proposition upon which the committee has already voted.

Mr. RANDALL. I hope the amendment will not be adopted.

The amendment was not agreed to; there being ayes 47, noes not counted.

The Clerk read as follows:

Metropolitan police:

For salaries and other necessary expenses of the Metropolitan police for the District of Columbia, $150,000: *Provided*, That a like sum shall concurrently be paid to defray the expenses of the said Metropolitan police force, out of the treasury of the District of Columbia: *And provided further*, That the duties devolved and the authority conferred upon the board of Metropolitan police by law, for police purposes, in said District, shall extend to and include all public squares or places; and said board is hereby authorized and required to make appropriate rules and regulations in relation thereto.

Mr. BUCKNER. I move to amend this paragraph by striking out "$150,000" and inserting "$200,000;" also by striking out the words "a like sum" and inserting in lieu thereof the words "one-half of said sum."

I would like the chairman of the Committee on Appropriations to explain upon what principle the committee has acted in departing from the previous legislation of Congress with reference to the Metropolitan police. For years past the Government of the United States has paid two-thirds of the expense of maintaining this force. Now the proposition is that the Government shall pay but one-half. A gentleman near me says, "That is right." I do not know upon what principle it is right. The District of Columbia is less able to pay this money now than it has ever been before; and there seems to be good reason for amending this paragraph so as to adhere to the old rule which has prevailed, so far as my knowledge goes, for years. That rule has been, that the Government of the United States should pay two-thirds of the cost of maintaining the Metropolitan police, and the District government one-third. Unless the chairman of the committee can give some good reason why we should abandon that rule, I think it should still be adhered to by Congress.

Mr. RANDALL. The amount heretofore appropriated by the Government for the Metropolitan police has been, as the gentleman from Missouri [Mr. BUCKNER] states, two-thirds of the total expense of maintaining that force. The Committee on Appropriations have, however, come to the conclusion that one-half of that expense is as much as should be the share of the Government. We do not see any equitable reason why the Government of the United States should pay more than one-half.

Gentlemen will remember that we have officers of our own—watchmen and other persons—throughout the city protecting the Government property; and I have heard it stated that in fact the Metropolitan police do not consider that they are bound for the protection of the public property.

Mr. KASSON. Does not this bill make a change in that respect? I do not observe any appropriation for watchmen on the public grounds, but I do observe a provision that hereafter the police shall take charge of them.

Mr. RANDALL. Yes, sir, we have provided in various bills here for dismissing quite a number of watchmen; and hereafter we intend that the police shall take care of and preserve order in those places where we have seen fit to reduce the number of watchmen. The whole question is whether the Government of the United States is equitably bound to pay more than one-half of the expense of the police force of this city. We have thought that two-thirds, the proportion which the Government has heretofore paid, is too much, and therefore we have made a reduction.

Mr. BUCKNER. I move to amend by striking out the last word. It seems to me that the chairman of the Committee on Appropriations has not given any good reason why there should be a change of what has been the policy of Congress for years past on this subject. On the contrary, the fact that these policemen are hereafter to have charge of the public buildings and reservations of this city, where the Government of the United States owns such a large amount of property requiring protection, would demand that the Government should pay even a larger sum than has heretofore been provided; for nearly one-half of the entire property of this District is owned by the Government of the United States, yet it does not pay one dollar of taxation. Although the Government of the United States may be very poor, I say that the District of Columbia is still poorer. We have not yet passed a bill for raising a dollar of revenue for this District for the next fiscal year. The bill which passed this House and went to the Senate is there still, and there is strong probability it will be inoperative unless passed soon. Hence there is no reason for this change, and we therefore ought to go back to the policy in existence for years, unless a change be made in the relation which the Government bears to this District. I withdraw the formal amendment.

Mr. BUCKNER'S amendment was disagreed to.

The Clerk read as follows:

Court-house and post-office, Atlanta, Georgia: For continuation of the building, $15,000.

Mr. LORD. I move to strike out lines 451 and 452, being the whole paragraph.

Mr. Chairman, I find appropriated under the head of "Treasury Department," if I have figured the amount correctly, over $2,400,000 for the purpose of completing or extending buildings for the service of the United States. I think now is a very bad time to expend this amount of money for such a purpose. I apprehend there is hardly one of these buildings, perhaps not one, which cannot afford to wait one or two or three years.

I think I have a right to say something on this subject, and for this reason: In the city of Utica, where I reside, the United States has paid $150,000, or about that sum, for a lot of land, and has torn down some of the old buildings, so as to make it very unsightly. The city of Utica really needs a post-office and a court-house for the United States courts, but considering the state of the times and the state of the Treasury the Representative of that district concluded not to make an application for an appropriation. I think, should I state all the facts relating to the demand for a court-house and post-office in the city of Utica, I could make as strong a claim as is made for any building provided for in this appropriation bill. Therefore, having concluded, in view of the public necessity, in view of the depletion of the Treasury, in view of the fact, as I understand it, that we are more than $15,000,000 short in the revenues on the estimates of last year, not to apply for an appropriation for a court-house and post-office in the city of Utica, I think I have the right to make this motion and to ask the attention of the House to it. This is the question: Whether it is not better to postpone until some future day the paying out of this $2,500,000? The interest on this money proposed to be appropriated will more than protect the unfinished buildings from injury. I make the motion on this paragraph, intending it to apply to all the appropriations for United States buildings in the bill.

Mr. HILL. Mr. Chairman, in reply to what the gentleman from New York said, I desire simply to say to the House that if the proposition were now to commence this building in Atlanta I would appreciate the force of what he has said. But the building has been commenced. Appropriations have been made by previous Congresses authorizing the construction of the custom-house and post-office at Atlanta, Georgia, and the work is now in actual progress. To leave it unfinished, in my judgment, would do the country more harm than to appropriate this small additional sum for the purpose of completing this work.

Mr. LORD. Let me ask the gentleman from Georgia a question. What amount of money will be required to put this building under cover and keep it for two or three years?

Mr. HILL. It would take this full amount to do that. I say this to the gentleman who proposes to postpone the completion of this work for several years—to a future year—to an indefinite period: The Government has already made an outlay. It has purchased the ground, or at least the ground was given to it. I believe it has made an appropriation to build a custom-house and post-office, and until that work is completed it is paying rent for the building used as court-house and post-office.

Mr. LORD. So we are doing in Utica.

Mr. HILL. Certainly; but I say this small sum would in a short time be swallowed in the rent of other buildings. As a simple question of economy this appropriation ought to be made so this building can be completed at an early day, and then the United States would be relieved of paying rent for other buildings for these public purposes. As a simple question of economy, then, this appropriation ought to be made, and I trust the House therefore will not strike out this clause of the bill.

Mr. COOK. I wish to state that the citizens of Atlanta paid $60,000 for the ground, and gave it to the United States.

Mr. HILL. I am glad my colleague has reminded me of that fact. The citizens of Atlanta paid $60,000 for this ground and gave it to the United States. Now to allow the building to remain incomplete would be allowing so much dead capital, and the Government in the mean time will be paying rent for other buildings. We only ask $15,000.

[Here the hammer fell.]

Mr. BLOUNT. Mr. Chairman, I am surprised at the position taken by the gentleman from New York when he rose and made his motion to strike out the paragraph about the court-house and post-office at Atlanta, Georgia. I supposed there was in that paragraph within itself something to which he had objection. As he proceeded, however, he assumed the position that the work on all public buildings in this country should be suspended; and that is the question before the House. In the first place, in the effort to reduce expenditures in this branch of the Government service, the gentleman will find before we pass through with this bill that the committee have gone much further than a great many gentlemen in this House are prepared to go. They have gone further in the line of reduction of expenditures than has ever been done before.

I think, sir, we have gone just as far as we can safely go in the way of reduction. A great many buildings simply need covering; but without it there will be a great destruction and a great loss to the Government. I think there will be no one on this floor who will be prepared to take the position that we must stop everywhere the work on these buildings throughout the country. With reference to the appropriation for Atlanta, Georgia, the gentleman from New York [Mr. LORD] asks whether the amount of $15,000 will cover that building. I will answer the gentleman that five times that amount will not do so.

Mr. LORD. My question had reference to how much it would cost to finish the building, and whether $15,000 would complete it.

Mr. BLOUNT. I say it will not.

Mr. LORD. What is the estimated cost?

Mr. BLOUNT. Two hundred and fifty thousand dollars.

Mr. LORD. How much has been expended?

Mr. BLOUNT. I do not know the exact amount that has been expended.

Mr. CANDLER. The sum of $40,000 has been already paid.

The amendment was not agreed to.

The Clerk resumed the reading of the bill, and read the following paragraph:

Subtreasury and post-office, Boston, Massachusetts: For purchase of additional land condemned by the United States courts, including interest and expenses incident, $235,000.

Mr. PIERCE. I desire to offer the following amendment, which has the approval of the chairman of the Committee on Appropriations:

Amend in lines 454 and 455 by striking out the words "United States;" and in line 455, after the word "courts," insert "of the State of Massachusetts."

Mr. HOLMAN. I ask that that paragraph be read as it will be if amended.

The Clerk read as follows:

Subtreasury and post-office, Boston, Massachusetts: For purchase of additional land condemned by the courts of the State of Massachusetts, including interest and expenses incident, $235,000.

Mr. HOLMAN. Was not this condemnation in the United States court?

Mr. PIERCE. No, sir; it was in the courts of the State of Massachusetts. The Legislature passed an act authorizing proceedings to be brought in the State courts, and proceedings were had similar to those in the case of land condemned by the United States courts.

Mr. HOLMAN. I thought we passed an act with a view to the condemnation of that land.

Mr. PIERCE. No, sir; it was done by the courts of the State of Massachusetts.

Mr. HOLMAN. If the gentleman from Massachusetts knows of his own knowledge that this condemnation was made in a State court, then I will not object to his amendment.

Mr. PIERCE. It was made by the superior court of Massachusetts under a special act passed by the Legislature for that purpose.

The amendment was adopted.

The Clerk read the following paragraph:

Custom-house and post-office, Cincinnati, Ohio: For continuation of building, $200,000.

Mr. SAYLER. I offer the following amendment:

Strike out "$200,000" and insert "$400,000."

I do not propose to antagonize the general purpose of economy that has been evinced by the present Appropriations Committee. I believe as much as they do in retrenchment and reform. But I undertake to say that there is neither retrenchment nor reform in a proposition to build a house and not appropriate a sufficient sum of money to carry through the necessary work on it.

These gentlemen profess to be wise politicians, but I have only this to say, and I say it for the benefit of my friends on the republican side, that if you stop this work in these cities, you will probably have republican Representatives here from every leading city in the United States. If you stop the work you increase the expense, and you do not accomplish the purpose that the people of the country want accomplished. Now, sir, we had an appropriation last year for this building of $600,000. This is the amount that really ought to be appropriated for this year. After the most careful estimate, and after reducing it from time to time, the architect has brought this down to $400,000. The committee has chosen to make the appropriation $200,000. The result will be that the work will be stopped in the city of Cincinnati about the middle of September, as I am assured by the supervising architect.

Mr. RANDALL. That is in time for the election.

Mr. SAYLER. Yes; in good time for the election. The work will be stopped in Cincinnati, and under this appropriation it will be stopped in Saint Louis; and under this appropriation it will be stopped in Chicago. And what do you make by it? A man might as well say that he would fasten up his pocket-book and not pay his grocer's bill.

We are putting up these buildings; they are started; they are going on; and now you undertake to make an appropriation of less than is sufficient to carry on the work. No private individual would do his work in that way if he were building for himself.

I hope, therefore, that this amendment will be adopted. I appeal to the gentlemen of the committee to accept it. I have no charges to make against the Committee on Appropriations. I see the chairman of that committee is looking a little bit wolfish just now.

Mr. RANDALL. I am not aware of it.

Mr. SAYLER. Perhaps he does not want to be so. I sympathize with his general purpose; but he is doing that which is not a measure of economy, which is injuring his own party, and injuring the public service of the country.

Mr. RANDALL. This is the first time I have heard it announced that we ought to put up public buildings for the purpose of electing members of Congress. But, as regards the merits of this question, we propose to go slowly in all these public buildings, especially the larger ones, and they will suffer nothing thereby. We give to Cincinnati $200,000; and there are $82,000 there unexpended which can be used. Therefore, there is within a fraction of $300,000 for that building. We deemed that that, in the present condition of the finances of the country, was quite adequate.

Some of the committee were rather inclined to the sentiments of the gentleman from New York, [Mr LORD,] who wishes to strike out all the appropriations for public buildings. We think it better not to do that, for the reason that some buildings might be injured and their present structures impaired if no appropriations were made. Therefore, we went as far as we considered it possible to go, and have appropriated something over $2,000,000 for public buildings, against something over $4,000,000 appropriated last year.

Now, the gentleman alludes to Saint Louis and Chicago. I may as well meet the case of these two cities just at the threshold of this discussion. For Saint Louis we appropriated $450,000, and I do not think that the gentlemen from Saint Louis will, in view of the condition of the Treasury, urgently ask for more. Now, as to Chicago, there is to-day unexpended on the account of the Chicago building $596,000; in fact there is more money on hand to expend on the building at Chicago than any other public building in the United States. These are the only three points upon which I wish to speak. [Cries of "Vote!" "Vote!"]

Mr. BANNING. I hope the House will not make haste to vote upon this question. I hold in my hand a letter which I received this morning from Mr. Hannaford, the architect of the building at Cincinnati, which I ask to have read, and I hope that members of the House will listen to it and vote in accordance with his recommendations.

I wish to say one word in addition. Cincinnati pays the Government more money in internal-revenue tax than the whole State of Pennsylvania, and yet there is an appropriation here for a building in Philadelphia of $350,000 and Cincinnati only $200,000.

Mr. RANDALL. We cut down the estimate $400,000.

Mr. BANNING. Unfortunately Cincinnati did not have a man upon the Committee on Appropriations.

Mr. RANDALL. Now, that is a reflection on the Committee on Appropriations.

Mr. BANNING. I do not mean it in an unkind or offensive way.

Mr. RANDALL. That is very unjust; it is not in accordance with the facts. I have acted here in regard to my own State precisely as in regard to other States.

Mr. BANNING. In Cincinnati we pay $9,000,000 of internal revenue.

Mr. KELLEY. Do you drink the whisky that pays that tax?

Mr. BANNING. Not all of it.

Mr. KELLEY. I take it that the consumer pays that tax.

Mr. BANNING. It is consumed after we have paid the tax on it.

Now, Mr. Chairman, I hope that I may have the letter read and that gentlemen may listen to it. It is from the man who superintends the construction of this building, and shows its present condition.

Mr. LUTTRELL. California pays $16,000,000 of internal revenue, and has no representative on any important committee.

The Clerk read as follows:

OFFICE OF SUPERINTENDENT OF CONSTRUCTION,
UNITED STATES CUSTOM-HOUSE AND POST-OFFICE,
Cincinnati, June 20, 1876.

SIR: The telegraphic dispatches from Washington state that only $200,000 have been recommended by the committee to be appropriated for the construction of this building. This, if true, is a grave error and in no wise true economy. I doubt if there be a point in the United States where quarters for official business are more imperatively demanded than here.

The post-office is so cramped for room and in such miserably lighted apartments that it is with the greatest difficulty that the public business can be transacted at all. The difficulties attending the proper and prompt distribution of the mail from this point on account of the insufficient accommodation provided is liable at any time to bring our city into disrepute in all localities depending upon this office for the regular transmission of mail matter. Still another point worthy of consideration is that the business of the Cincinnati office is steadily increasing, and that under the most favorable auspices the building under process of construction cannot be finished for many years.

Regarding the custom-house department, its accommodations are as limited and contracted as the post-office. Appraiser's stores, bonded warehouses, &c., in connection with this portion of the service, are scattered broadcast over the city, involving an expense for rent, watchmen, store-keepers, &c., which will also grow with the necessary increase in our trade as a port of entry. While this scattering abroad is at the same time a burden upon the public, as under the present condition of affairs, it is half a day's journey to properly transact business.

As far as the United States court-rooms are concerned, you well know their condition. They are a disgrace to a civilized community, indeed but little better than the "black hole of Calcutta" or the hold of a revolutionary prison-ship.

The pension office is in rented quarters; so also the surgeon of marine; so also one or more of the route or post-office agents located in this city.

There can be no question raised as far as the necessity of the new building is concerned.

A business view of the progress of the work will also lead to the same conclusion. Building material and labor, both skilled and unskilled, are both alike very low in price. And now is the time to build. Again, the thousands of laborers and mechanics in our city and vicinity that have been seeking work and finding none are certainly entitled to consideration. If you could stand in my place for just one day and take note of the applicants for work, you would appreciate how great a boon the Government work is to the hundreds now employed and the many hundreds more of dependent wives and little ones. Neither are the benefits confined to Cincinnati. The stone used in the construction of the foundations and piers of the "subbasement" are furnished from Greensburgh and Saint Paul, Indiana, either in Mr. HOLMAN's present district or the one he formerly represented. The pitiable appropriation contemplated will even cramp these contractors, who are still delivering stone. The iron-work for the basement and first story is under contract in Louisville; a portion of the granite is furnished from Missouri; the cement from Louisville; the mills are, however, in Indiana; and so on throughout the several departments of the building.

Regarding another matter in connection with building, I crave your indulgence to say that the money heretofore expended, as far as I have controlled it, I know has been judiciously and honestly applied. Our record is clean. Neither has the building and the work connected therewith been made a mere channel of partisan aggrandizement. I am free to say that as far as politics are concerned I am now and always have been a republican; but in the discharge of official duties I have kept an eye single to the good of the public service and the interest committed to my care.

In conclusion, I would urge you and Mr. SAYLER to use your best endeavors to largely increase the contemplated appropriation. It is certainly a just, economical, and an every way wise thing to do.

Respectfully,

SAMUEL HANNAFORD,
Superintendent United States Custom-house and Post-office,
Cincinnati, Ohio.

Hon. H. B. BANNING,
House of Representatives.

Mr. RANDALL. I ask for a vote.

Mr. ATKINS. Would it be in order to move to amend the amendment?

The CHAIRMAN. The Chair would state to the gentleman from Tennessee that it is undoubtedly in order to move an amendment to the amendment.

Mr. ATKINS. Then I move as a compromise the proposition to amend the amendment of the gentleman from Ohio [Mr. SAYLER] by substituting $300,000 for $400,000.

Mr. RANDALL. You might as well compromise in that way all through the bill.

Mr. SAYLER. I believe that $300,000 would carry us through the summer, and therefore I will accept the amendment offered by the member of the Committee on Appropriations.

Mr. RANDALL. I ask for a vote.

Mr. SAYLER. I object to being interrupted by the chairman of the Committee on Appropriations; he does not quite own this House, so far as I know.

Mr. RANDALL. I believe the Chair recognized me to ask for a vote.

The CHAIRMAN. The Chair recognized the gentleman from Pennsylvania.

Mr. RANDALL. Then I move that the committee rise for the purpose of closing the debate on the pending paragraph.

Mr. O'NEILL. Does that include the whole of the appropriations for public buildings?

The CHAIRMAN. It does not; it includes only the clause now under consideration.

The motion was agreed to.

The committee accordingly rose; and the Speaker *pro tempore* having taken the chair, Mr. BLACKBURN reported that the Committee of the Whole on the state of the Union having had under consideration the Union generally, and particularly the bill (H. R. No. 3749) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1877, and for other purposes, had come to no resolution thereon.

ENROLLED BILLS SIGNED.

Mr. HARRIS, of Georgia, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

An act (H. R. No. 1846) authorizing the retirement of Colonel W. H. Emory with the rank and pay of a brigadier-general;

An act (H. R. No. 1989) granting a pension to Robert Cavanaugh;

An act (H. R. No. 2198) granting a pension to Mrs. Martha R. Robinson, of Portsmouth, Ohio;

An act (H. R. No. 2824) to change the name of the steamboat Paragon, of Pittsburgh, Pennsylvania;

An act (H. R. No. 2849) for the relief of William Rule, postmaster at Knoxville, Tennessee;

An act (S. No. 558) making a further appropriation for the erection of Government buildings in Dover, Delaware; and

An act (S. No. 770) for the relief of Judson S. Post, of Missouri, late disbursing officer of the United States Navy.

LEAVE OF ABSENCE.

Mr. CLYMER was granted leave of absence for two weeks.

Mr. HEWITT, of New York, was granted leave of absence until the 6th of July.

Mr. MONROE was granted leave of absence for ten days on account of ill-health.

Mr. VAN VORHES was granted leave of absence until Saturday next.

Mr. COCHRAN was granted leave of absence until the 6th of July.

Mr. CHAPIN was granted leave of absence for fifteen days.

Mr. MACKEY, of South Carolina, was granted leave of absence for ten days.

Mr. WILLIAMS, of Wisconsin, was granted leave of absence for twenty days.

Mr. ELY was granted leave of absence for one week.

Mr. WALKER, of Virginia, was granted leave of absence for ten days.

Mr. HOAR was granted leave of absence for one week.

Mr. MUTCHLER was granted leave of absence until July 2.

WITHDRAWAL OF PAPERS.

Mr. WHITTHORNE asked, and obtained, leave for the withdrawal of the papers in the case of F. F. McLaurin, now before the Committee on War Claims and not acted on.

ORDER OF BUSINESS.

Mr. RANDALL. I now move that the House resolve itself into Committee of the Whole for the purpose of proceeding with the consideration of the sundry civil appropriation bill. Pending that motion, I move that debate on all the paragraphs relating to public buildings shall be limited to five minutes for and five minutes against each paragraph.

Mr. THORNBURGH. Pending that motion, I move that the House now adjourn.

Mr. PAGE. I move that the House take a recess until to-morrow morning at ten o'clock.

The SPEAKER *pro tempore*. The motion to adjourn takes precedence of the motion for a recess.

The question was taken upon the motion to adjourn; and it was not agreed to, upon a division—ayes 16, noes not counted.

Mr. RANDALL. I will modify my motion in regard to limiting debate, and will move that all debate on the pending paragraph be closed when the consideration of the sundry civil bill is again resumed in Committee of the Whole.

Mr. PAGE. I insist upon my motion for a recess until to-morrow morning at ten o'clock.

Mr. LUTTRELL. I move to amend so as to take a recess until eight o'clock this evening.

The amendment of Mr. LUTTRELL was not agreed to; and the motion of Mr. PAGE was not agreed to.

The question recurred upon the motion of Mr. RANDALL to close debate on the pending paragraph of the sundry civil bill.

Mr. BANNING. I wish to ask the gentleman a question.

Mr. RANDALL. Let us have a vote.

Mr. BANNING. Will not the gentleman listen to a question?

Mr. RANDALL. Not now.

The motion to limit debate was then agreed to; and the motion to go into Committee of the Whole was agreed to.

SUNDRY CIVIL APPROPRIATION BILL.

The House accordingly resolved itself into Committee of the Whole, and resumed the consideration of the bill (H. R. No. 3749) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1877, and for other purposes.

The pending paragraph was the following:

Custom-house and post-office, Cincinnati, Ohio; for continuation of building, $200,000.

The pending amendment was the amendment of Mr. SAYLER, as modified by accepting the amendment of Mr. ATKINS, to strike out $200,000 and insert $300,000.

The CHAIRMAN. By order of the House all debate upon the pending paragraph is exhausted.

The question was taken upon the amendment of Mr. SAYLER, as modified; and upon a division there were—ayes 68, noes 66.

Mr. RANDALL. No quorum has voted, and I call for tellers.

Tellers were ordered; and Mr. RANDALL and Mr. BANNING were appointed.

The committee again divided; and the tellers reported that there were—ayes 67, noes 68.

Pending the announcement of the result of the vote,

Mr. RANDALL said: A majority having voted against the amendment, it is rejected. In order to avoid the point of order that no quorum has voted, I am willing to consent that the amendment may be offered in the House and a vote taken upon it. If the House will make a record to increase the amounts for public buildings, it will relieve the Committee on Appropriations from all responsibility.

The CHAIRMAN. Is there objection to the proposition of the gentleman from Pennsylvania?

There was no objection, and it was so ordered.

Mr. CAULFIELD. I move to insert after the pending paragraph the following:

Custom-house and post-office, Chicago, Illinois, for continuing the building, $250,000.

The custom-house and post-office building at Chicago, in consequence of some defect in the foundation, was delayed during nearly the whole building season of last year, and hence after the work was recommenced in the month of August or September but a comparatively small amount of work could be done.

The CHAIRMAN, (there being much confusion in the Hall.) The gentleman from Illinois will suspend until order is restored in the committee.

Mr. RANDALL. As the committee seems to be somewhat restive I move that the committee now take a recess until eight o'clock this evening.

Mr. PAGE. I move to amend so as to take a recess until ten o'clock to-morrow morning.

Mr. HOAR. I rise to a parliamentary inquiry. If the committee now takes a recess, what becomes of the House in the mean time? My point of order is that the Committee of the Whole cannot take a recess.

The CHAIRMAN. In the judgment of the Chair it is competent for the committee to take a recess without rising and going back into the House.

Mr. HOAR. The Chair will permit me to bow in wonder at his decision.

The CHAIRMAN. The question is on the motion of the gentleman from California [Mr. PAGE] to take a recess until to-morrow morning at ten o'clock.

The question was taken; and upon a division there were—ayes 54, noes 71.

So the motion was not agreed to.

The CHAIRMAN. The Chair desires now to say that upon consultation with the Speaker *pro tempore* of the House, whose conviction seems to be clear that it is not competent for the Committee of the Whole to take a recess without rising and going back into the House, in deference to that opinion the Chair asks to withdraw his ruling, although the present occupant of the chair is still thoroughly and clearly convinced that it is competent for the committee to take a recess.

Mr. RANDALL. I want to say that if I were in the chair I would give the same decision. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker *pro tempore* having resumed the chair, Mr. BLACKBURN reported that the Committee of the Whole on the state of the Union had, according to order, had under consideration the Union generally, and particularly the bill (H. R. No. 3749) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1877, and for other purposes, and had come to no resolution thereon.

INDIAN APPROPRIATION BILL.

Mr. RANDALL. I ask unanimous consent that the amendments of the Senate to the Indian appropriation bill be taken from the Speaker's table and non-concurred in, and, for the sake of expedition, that a committee of conference be appointed on the part of the House.

The SPEAKER *pro tempore*. If there be no objection, that order will be made.

There was no objection; and it was ordered accordingly.

Mr. RANDALL. I move also that the Senate amendments be printed.

The motion was agreed to.

The SPEAKER *pro tempore* announced the appointment of Mr. RANDALL, Mr. SPARKS, and Mr. HURLBUT as the committee of conference.

Mr. RANDALL. I move that the House now take a recess till eight o'clock.

Mr. PAGE. I move to amend the motion so as to provide that the recess be until eleven o'clock to-morrow morning.

The amendment was not agreed to.

The motion of Mr. RANDALL was agreed to; and accordingly (at five o'clock and thirty-five minutes p. m.) the House took a recess.

EVENING SESSION.

The recess having expired, the House re-assembled at eight o'clock p. m. and was called to order by the Speaker *pro tempore*.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. RANDALL. I move the House resolve itself into Committee of the Whole on the state of the Union on the sundry civil appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, (Mr. BLACKBURN in the chair,) on the bill (H. R. No. 3749) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1877, and for other purposes.

The pending amendment was that offered by Mr. CAULFIELD, to insert after line 458 the following:

Custom-house and post-office, Chicago, Illinois, for the continuation of building, $250,000.

Mr. CAULFIELD. Mr. Chairman, at the time the recess was taken I was showing that the progress of the building in Chicago had been impeded by the fact that a defect was discovered in the foundation of the building just before the building season commenced last year. The construction of the building was thus delayed, and was not recommenced, I think, until September. During the interval, however, stone had accumulated upon the ground and at the places where it was being dressed, and when the work was recommenced it was necessary that large amounts of money then on hand should be paid out in consummation of contracts already begun. The work has been going on since that time until now. The walls of the building are yet by no means completed.

It is alleged by the chairman that there is now on hand a large amount of money with which to go on with the construction of this building. In the presence of the chairman of this committee and Mr. HOLMAN, of the Committee on Appropriations, I had an interview the other day with the Government Architect, Mr. Potter, to whom I put the question whether the money now on hand was sufficient to go on with the building until another appropriation could be made in course of time. He replied that the money now on hand would not put the building under cover; that if it should be allowed to remain without cover for the winter, it would be materially damaged; but if $250,000 were appropriated now, it would enable him to put the building under cover and to go on with the work upon the interior of the building during the winter season. In that state of affairs he would expect to be able to complete the building in a year from this time.

Instead of the appropriation of this $250,000 being contrary to economy, it would be a matter of great economy, for the reason that if it be not appropriated the completion of the building will be postponed probably for another year. The Government is now paying from $40,000 to $50,000 annually as rent for buildings occupied for court-rooms, marshal's offices, and for the post-office. That expenditure will have to be continued as long as the building remains in an incomplete condition.

It will also be remembered that Chicago has suffered very much by the fire which occurred in 1871; that thousands of her working-people were deprived of employment, and that the construction of this building afforded to those poor men the means of a scanty livelihood when their homes had been burned and they had been thrown upon the cold world's charity. Those men were again thrown out of work for the whole season of last year, until September, when a few of them were again employed. As the work progressed the ordinary number of men was finally engaged upon the building; but if the work be stopped, they will be again out of employment. They will then have no means of sustenance; for in these dull times it is impossible for them to obtain other employment.

[Here the hammer fell.]

Mr. CAULFIELD. I ask for two minutes more in order that I may be enabled to read a letter which I hold in my hand from the Supervising Architect.

The CHAIRMAN. If there be no objection, the gentleman will proceed.

Mr. CAULFIELD. Mr. Potter, the architect, says:

TREASURY DEPARTMENT, OFFICE OF THE SUPERVISING ARCHITECT,
June 14, 1876.

I have to inform you that the amount, $250,000, included in the "estimate of appropriations required for the service of the fiscal year ending June 30, 1877," is absolutely necessary to be appropriated for the proper and economical continuation of the work upon the construction of the United States custom-house, court-house, and post-office at Chicago, Illinois. With this sum made available, in addition to the balance now in the Treasury, I feel confident of being able to place the roof upon the building and protect the work from the severities of the coming winter season, and advance the entire work during that season to such a point as will enable me to fit the building for the accommodation of the Post-Office Department on or before the 4th of July, 1877. I cannot urge too strongly the making of this appropriation, the necessity for which is apparent from the fact that the public offices in Chicago are now located in buildings totally unsuited to their wants, and for which enormous rentals are paid annually. The work upon the new building has been delayed by a series of events unequaled in the construction of any building under the direction of this office, and its completion at an early day is not only a necessity to supply the demands of the public service, but will result in a large saving to the Government from rentals and furnish proper facilities for the citizens of Chicago.

Very respectfully,

WM. A. POTTER,
Supervising Architect.

Mr. RANDALL. Mr. Chairman, the amount which remained there when the committee made the investigation on this subject was $631,892 unexpended, but there were claims against that which reduced the amount to $596,216.

Mr. CAULFIELD. Will the gentleman allow me to ask whether there were not claims against that sum?

Mr. RANDALL. I have given the statement as it was given to me, and I believe it to be correct. Now, the gentleman is mistaken, for this $250,000 which is asked is for the continuation of the building.

Mr. CAULFIELD. Certainly.

Mr. RANDALL. So that the $250,000 is not sufficient to complete the building at all. There are $596,000 to be expended during this year, which is $150,000 more than we have allowed to be expended during the next fiscal year on any other building in the United States, and yet they are not satisfied. They want to add $250,000 more, which makes $850,000 on this building; $400,000 more than we have recommended on any public building in the United States.

Under these circumstances I think the gentleman ought not to press the amendment. The policy of the committee has been in respect to these public buildings as far as possible to finish as many of the small buildings as possible. And you will observe in these appropriations that the smaller buildings have been given the preference in this respect and that the cutting off has been in reference to the larger buildings. For instance, we cut off Philadelphia $400,000; we cut off Saint Louis $300,000; we cut off Cincinnati $200,000; we cut off New York $200,000. We cut off from the larger buildings which could not be completed during the next fiscal year where we could do the work slowly and threw in toward the smaller buildings enough money in that way so as to complete them.

I think it was a wise proceeding, and I hope the House will not disturb the policy agreed upon by the committee. We feel that at this time two millions and more of dollars was all that could properly be expended from the Treasury of the United States for these public buildings. Last year when we had struck the decrease in the revenue which we are now beginning to realize, we gave more than four millions. Now, we thought there was great liberality in proposing to give $2,000,000 and more to public buildings of the United States out of the public Treasury.

Mr. CAULFIELD. Let me correct an erroneous statement.

Mr. RANDALL. Go on.

Mr. CAULFIELD. The gentleman misunderstood me or I did not make myself intelligible if he supposed I said that the $250,000 was sufficient to complete the building. I did not say so, and I did not intend to be so understood. What I say is that if $250,000 is appropriated it will enable the Architect to put the roof on the building, and to do work on the inside of the building during the winter season. Otherwise if the roof is not put on the building it will be damaged for the want of a roof during the winter.

Mr. RANDALL. One word more. This letter of the Architect is the same old story as to every public building. It is the same statement before our committee. It is a natural statement, and I am not surprised at it. Here is an officer of the Government who has made his estimates. He has made them $5,300,000, and it is the most natural thing in the world that he should adhere rigidly, so far as he can, to them. He does not realize, as we do, the terrible embarrassment to commerce and trade of every description, to the manufacturing, industrial, and agricultural interests of the country. We see it and hear of it every day.

Mr. HARRISON. I make the *pro forma* amendment of striking out the last word.

Now, Mr. Chairman, the chairman of the Committee on Appropriations assumes that of course the Architect will make a false statement

to this House. What right has the chairman to say he knows better than the Architect what ought to be done there? Does the chairman of the Committee on Appropriations understand these things so well? There are five hundred and odd thousand dollars yet unexpended, but owing to the fact that the materials have been accumulating for nearly a year while that building was stopped without any fault of our people, this five hundred and odd thousand dollars will be exhausted. The stone will be cut and placed in that building before the middle of next October. Then what will be its condition? Under the laws of the United States the Architect can make no contract for the roof of that building until the appropriation has been made. In the middle of next October you will find that building with $3,000,000 expended in one of the worst climates for a building in such condition in the world, subject to larger vicissitudes of weather than any other city in America is subject to. Three million dollars' worth of building without a roof! And I know whereof I speak, because I am an owner and builder in Chicago. I know that this building now erected to the cost of $3,000,000 will deteriorate inside of the six months of winter a large part of the amount now asked by the Architect if left exposed during the winter weather. The gentleman laughs. I have seen a building in Chicago thrown out of plumb six inches by one winter's "freeze." It was a question last year whether the freeze itself was not what was the matter with that building, instead of the fault of the architect. Six or seven architects there consulted, and they never determined whether it was the fault of the original architect in laying his foundations or the freeze.

Now, sir, are you going to leave three millions of property uncovered and unprotected—for what? To save $250,000? No, sir; but to save an advance of $250,000 for one year. In the city of Chicago we pay $17,000 for a post-office; $25,000 for a custom-house; $2,500 for an appraiser's office and stores; in all, $44,500. And here, with two million five hundred thousand dollars' worth of buildings already erected, this economical committee, that has got economy on the brain so much that it cannot see out of the rut in which it is placed, refuses to advance simply $250,000, and allows $2,500,000 to be destroyed.

[Here the hammer fell.]

Mr. BURCHARD, of Wisconsin. I rise to oppose the *pro forma* amendment, and yield my time in opposition to it to my distinguished friend from Chicago, [Mr. HARRISON.]

Mr. HARRISON. I thank the gentleman from Wisconsin for his courtesy.

Now, Mr. Chairman, we as agents of this great country should act here as business men. If I have to rent a store for $10,000 and I can borrow money enough to build it at a cost per annum of $500, would not I be thought a simpleton if I did not borrow the money and go on and build, and by building save my rent?

They say here that the Government has no money. Sir, the Government has the best of all money; it has boundless credit. It can borrow as much as it pleases at 5 per cent. Two hundred and fifty thousand dollars costs the Government $12,500 per annum by borrowing this money, if we have it not. But I do not believe that we will have to borrow a single dollar. We simply put it out of one pocket and it returns to the other. We simply circulate it. We are rich today; but we seem to be poor because the money stands still in the vaults of the Treasury. Let it circulate. Erect buildings, or rather finish those buildings commenced. Give labor employment, and thus make money do its legitimate duty. Finish the buildings which winter may find in an unprotected condition; and thus you will do a triple service: You will employ idle labor, you will protect the buildings now in course of erection, and you will save a large rental.

The gentlemen of this committee seem to think that money idle in the Treasury is wealth. Sir, money is the grandest machine to move the world; but money must move or it moves not the world. Idle money is the most useless of all commodities. Money moving is a blessing from high heaven. Now, by the expenditure here of $12,500 a year in interest we save $44,500 in the way of rent and save $2,500,000 of public property already reared up in the city of Chicago and liable to destruction from the vicissitudes of our climate.

Will this committee go before the city of Chicago, a city the very center of the labor union, a city in which four or five papers are published pouring out to the country every day appeals to the wants and to the passions of the laboring-man? Are you going there to stop work on this building and let them say, "Here this democratic Congress has not brains enough to see that by the expenditure of $250,000 it saves from destruction three millions of property?" Sir, this is no small matter. We may have in Chicago bread riots, and this blow will fall just before the election, when we are going to elect Tilden or Hancock, or some other of the "great unknowns. [Cries of "No, never!" from the republican side of the House, and laughter.] Yes, sir, we are going to have an election. And my friend from Illinois [Mr. FORT] and Judge KELLEY will get up and say, "See what these democrats have brought upon you," and they will say it with some show of reason.

I ask this House to save this building. Chicago pays $8,000,000 of revenue every year into the Treasury of the United States. Says Judge KELLEY, "But do you drink it?" Ay, we drink five times, man for man, as much as does any city in the East. [Laughter.] Five times, sir! We make the whisky; but they say, "Ah, you are the makers; we are the consumers." Let us see how that is. We make whisky to be shipped to the East to manufacturers, and they ship it back to us, doctored up, watered, and adulterated with 100 per cent of profit, and we consume it. That is the way the West pays the taxes of this Government. And why? Because the East keeps men in Congress here who manage to do something for it. The East keeps them here, and they work for the interest of the East and the detriment of the West. And my republican friends will drive out every single democrat from the West, and this fall we may have the misfortune to elect another republican President, [cries from the democratic side of "No, never!" and laughter,] if you gentlemen on the democratic side of this House do not act more wisely.

Mr. LE MOYNE. I take the liberty of trespassing for a few moments on the patience of the committee to make a very short statement in explanation of the reasons why Chicago asks for a small appropriation. As I look over this bill I see how large appropriations are made for some of the other cities, and at the same time the chairman of the committee stated that these are greatly reduced from former appropriations, and when I consider the amount that Chicago asks I can only again be reminded of the extreme modesty of Chicago.

Now, sir, I have always been in favor of retrenchment and economy, but I am opposed to this kind of economy which takes in at the spigot and lets out at the bung-hole, and it seems to me that this matter is going in that direction. In 1871, prior to the fire, Chicago had a building which accommodated the post-office and custom-house and the courts of the United States. The fire consumed the roof of that building and the inside part of it, but did not destroy the walls. The walls were left standing. Sir, that building could have been repaired for the use of the Government at the estimated cost of $400,000. Some enterprising person, conceiving that it would be better for individual purposes to put up a new building and rent it to the Government instead of improving what remained of the old building by putting a roof on, constructed a new building, which was rented to the Government, and the rent agreed upon was $25,000 a year on a three years' lease. That lease was taken. Now at that time that was an extremely high rent, but the Government was at the mercy of the man who owned that building. I do not know why, but I suppose because the Government could not do otherwise than pay the rent.

I understand gentlemen here to say that the reason why the Government had to pay so high a rent was because the Government had nothing but greenbacks to pay it with. That building did not accommodate all the wants of the Government in the city of Chicago. The Government was compelled to rent a church and paid for that church $20,000 a year. They could not refit the building which the Government owned but they could fit up the church. The total amount now paid for rent for Federal offices in Chicago is $54,000 a year. Now this lease has been made for the accommodation of the United States courts for three years. I never knew why this church was taken for the use of the Government except that it adjoins the rooms of the Young Men's Christian Association, and it might be that when the distillers came there to pay their taxes they would be influenced by the sanctity of the Young Men's Christian Association and make honest returns. I am sorry to say that the experiment failed. Even then the wants of the Government were not supplied, and they had to make a new lease for three years for the post-office at a rent of $25,000 for that same back-building. The post-office needed another building, and they had to rent an additional one for which they paid $30,000. I have the figures here from the Post-Office Department to-day, so that the Government is now paying rent for buildings to the amount of about $60,000 a year and refused to go on and finish this building; so that the Government has perpetrated what is really a gross extravagance instead of economy.

[Here the hammer fell.]

Mr. FOSTER. I am gratified beyond measure to find my democratic friends from Illinois and Ohio preaching the doctrine that it is not economy to save at the spigot while the bung-hole is running. Now I want to say to this House that Chicago is as well treated as any other locality in the country in this bill.

The gentleman from Chicago says that there are $3,000,000 worth of property in Chicago without a roof. Why, Mr. Chairman, that same gentleman has been voting for a Navy Department without a roof, standing by the chairman of the Committee on Appropriations. He is an excellent watch-dog, but he does not bark when any of the family are around. He has been voting for a consular and diplomatic bill without a roof, for a post-office appropriation bill without a roof, but when we come to the Chicago post-office, where $3,000,000 worth of property are without a roof, then he rises in a terrible way. Now I want to say to you democrats who stand by the chairman of the Committee on Appropriations that when the matter comes home to you, if you have any part or lot in this reduction of $30,000,000 that you are about to make, stand by it faithfully. I know that the whole principle here is wrong. I know that you ought to have given for the public buildings of the country $4,000,000 instead of $2,000,000, but the whole principle is wrong. You have stood by the chairman of the Committee on Appropriations whenever anybody else was hurt; now stand by him when you are hurt yourselves.

Mr. RANDALL. Something has been said here about the stone used in these buildings. Now I want to tell the committee something about the manner of conducting the erection of public buildings. I

want to tell the committee about my own city of Philadelphia. Now in that city we are in this situation, that an enormous sum of money has been expended on stone for the first, second, and third stories of the building; so that all the stone needed for the first story is ready, and nearly all needed for the second and third stories is ready; but the stone for the foundations has not been contracted for, and therefore I have found it necessary to insert the proviso that this money should be expended for the completion of the foundation and the putting up of the first story.

Now, this reminds me very much of something that occurred when I first came to Congress. I happened at that time to live upon the outskirts of Georgetown, and a man who had been in the Army settled in my immediate neighborhood, and people generally supposed that he was not very sound in his mind. He put down four large poles. I do not know that he had "economy on the brain," but he certainly had "music on the brain," for he sang all day; it was not the music of the Marine Band, but he supplied his music himself. The first thing that we saw him do was to put the roof upon the four poles and proceed with the building and carry it story by story toward the foundation. It was a very low ceiling; for he had too much roof. He lived in the third story, climbing up the poles to get in there. Then he built the second story; and finally he managed to get a parlor.

Now, I submit to the gentleman from Chicago that that man was generally credited with being insane. He had not economy on the brain, I suppose, although he was a very industrious man, but we all thought he had music on the brain.

Mr. HARRISON. I would like to ask the gentleman if that is the way he is disposed to build the public building in Chicago, to build from the top down?

Mr. RANDALL. I want to build steadily up from the foundation, just as every other house should be built. But I was very much reminded of the man who built his house from the roof downward when I was listening to the gentleman from Chicago.

Now, to be serious, and I want to treat this House with good humor, as I have been in good humor in relating this story, the truth is there is money enough already appropriated to go on slowly with this building. I hope, therefore, that the House will not disturb the condition of the $600,000 which will have to be expended in Chicago.

Mr. CANNON, of Illinois, obtained the floor.

Mr. HARRISON. Will the gentleman from Pennsylvania answer one question?

The CHAIRMAN. The gentleman from Illinois on the left of the Chair [Mr. CANNON] is entitled to the floor.

Mr. CANNON, of Illinois. I want to say that I live in Illinois, away down in the country. There are many of my constituents who have never seen the public buildings of Chicago or anywhere else. But once in a while we from the country journey up to Chicago, which, by the way, is our principal city, I believe, and we like to see the public buildings there. We like to travel around Chicago to pay for our whisky and cigars, and have a good time generally.

I am therefore in favor of the amendment of the gentleman from Chicago [Mr. HARRISON] for several reasons. One reason is that I have been on this side of the House protesting against the cutting down of appropriations ever since I have been here this year, and I believe I have been beaten every time. It is a great deal like rubbing salt on a sore back, to be beaten all the time. I do not want my friends from Chicago—there are three of them, I believe, on that side of the House—to feel as I have felt this session. It is not a good feeling to have. It has been some time, gentlemen, since you have felt bad on that side of the House.

Another thing; Chicago is a pretty smart little city if it is in Illinois, or Illinois in Chicago, whichever way it may be. We in Illinois think that we pay some internal-revenue tax. It is said that we pay this year over $20,000,000. I think that is about six millions more than is paid by any other State.

There is nothing in this bill for Chicago, yet when I turn to page 20 of the printed bill the very first paragraph I find is this: "Custom-house, court-house, and post-office, Evansville, Indiana, for continuation of building, $50,000." I was surprised, and I must say thunder-struck, when I turned to the estimates and found that the entire estimate for Evansville was $50,000. I suppose it must be on account of the large amount of internal-revenue tax paid by Indiana. I want to call attention to the fact that Chicago does not get anything in this bill for her public building, while Indiana gets for the public building at Evansville all that is asked for.

Now I have no doubt that that is a mistake. But I want to call the attention of the Committee on Appropriations to it, especially the attention of the gentleman from Indiana, [Mr. HOLMAN,] for somebody might say that because he was on the Committee on Appropriations therefore the committee give full up for Evansville all that was asked, but did not give Chicago anything.

Now let me say in cool, hard earnest that, while there are some things about Chicago that I do not like, and while I expect after the next election to like her a great deal better than I do now, yet personally I like the gentleman from Chicago. Chicago is a grand, noble city, the metropolis of a grand, noble, wealthy, fast-growing State; a city doing more business to-day, I take it, than any other city in the Union, unless it be New York, and crowding fast on the heels of New York, which has its magnificent public building completed, or about finished. It is right and proper that Chicago should have its public building, and I ask in fairness that this side of the House and the other side of the House will do what is right and proper for Chicago.

Mr. HENDERSON obtained the floor.

Mr. RANDALL. After the gentleman from Illinois [Mr. HENDERSON] has spoken, I will ask consent of the committee that all debate upon this amendment be considered as closed.

The CHAIRMAN. Is there objection to the proposition of the gentleman from Pennsylvania that, after the five minutes to which the gentleman from Illinois [Mr. HENDERSON] is entitled have expired, all debate upon the pending amendment be considered as closed?

Objection was made.

The CHAIRMAN. The gentleman from Illinois [Mr. HENDERSON] will proceed.

Mr. HENDERSON. I do not wish to occupy the attention of the committee for more than a few moments; but living as I do in the neighborhood of the city of Chicago, and knowing how much the people of that city are suffering for the want of this very building, I feel that it is but an act of justice to the State in which I live and to one of the great and prosperous cities of the country for me to say a word in behalf of this amendment.

It is said that there is an unexpended balance for this building which is re-appropriated. I do not know whether that is the fact or not. I suppose, however, it is or will be re-appropriated. But, Mr. Chairman, if that be true, it grows out of the simple fact that on account of some supposed defect in the foundation of that building this money has not been expended, as it should have been, during the present fiscal year. Yet during all this time that city of now nearly half a million of inhabitants has been compelled to transact its great business, the business of the United States courts, of the custom-house, of the internal-revenue offices, and other business of the General Government in most inconvenient and unsuitable buildings. And I think, Mr. Chairman, it is not true economy for us to postpone from year to year the erection of this public building so much needed in the city of Chicago, paying, as the Government is doing, very high rents, and allowing the community to suffer from the inconvenient places necessarily used for the transaction of the public business. I say that where it is necessary to erect public buildings for the convenience of the people in the transaction of the public business, and where we can thereby give employment to the distressed laboring-men and mechanics of the country, it is the duty of the Government to do so. Let us erect these public buildings where they are needed, and give employment, so far as the Government may have it to give, to these mechanics and laborers of the country who we hear so much said about their being out of employment. It will be a relief to them, and the Government will only be doing what it ought to do.

I believe that this building in Chicago ought to be erected at the earliest practicable day. If there is any unexpended balance on hand, it is only because the work for the last year has been suspended. And the people of Chicago having suffered so much inconvenience for the want of this building, it is all the more necessary to push forward the work now and complete it.

Mr. Chairman, there is a large amount of business done in the United States courts of Chicago and in the Government offices of that great city. Chicago pays a large amount of money into the Treasury of the United States, larger perhaps than any city in the Union, of internal revenue. This is a building, as I believe, much needed, and I hope it will be completed at the earliest practicable day, and for that purpose I think the amendment should be adopted.

Mr. RANDALL. I now ask for a vote.

The question being taken on the amendment of Mr. CAULFIELD, it was not agreed to; there being ayes 33, noes not counted.

Mr. ADAMS. I move to amend by inserting after the pending paragraph the following:

Custom-house and post-office at Albany, New York: For continuation of building, the sum of $50,000.

I desire to say a few words in advocacy of this amendment. For this custom-house and post-office at Albany, New York, the Secretary of the Treasury has recommended an appropriation of $150,000, which the Committee on Appropriations have seen fit to disregard. I understand it has been the policy of that committee, or at least a majority of its members, not to vote an appropriation for any public building not actually in process of construction. Now, while this determination may seem to be a broad stride in the way of economy, it in some instances is grossly unjust and will prove in the end a niggardly and false economy, not only unworthy of the committee, but seriously injurious and detrimental to the best interests of the Government.

I ask attention while I endeavor to demonstrate by statistical information and otherwise the urgent necessity for progressing at once the erection of the building at Albany, which, in my opinion, has already been commenced.

The first act of Congress looking to the construction of a building for Government purposes in the city of Albany was approved March 12, 1872. (Statutes at Large, volume 17, page 39.) This act limited the cost of the building to $350,000, but made no appropriation, and required the site to be given by the city. The second act, approved June 10, 1872, appropriated $100,000 to commence the work. Pending the passage of these acts much time was spent by the Supervis-

ing Architect of Government buildings and committees of citizens and of the common council of the city in the selection of a proper site on which to erect the building. After a careful examination of all the questions relating to the subject—the amount and importance of postal, internal-revenue, pension, and court business, the value of property and papers to be protected, the convenience of officials and citizens—it was decided that the property located on the corner of State street and Broadway, known as the Exchange Building, together with a building known as the Mechanics and Farmers' Bank, should be purchased at a cost of about $300,000, the city agreeing to close a street known as Exchange street running between the above-named buildings and to pay one-half, the Government paying the balance for the property.

Upon this understanding Congress passed an act March 30, 1873, appropriating $150,000, and subsequently on June 23, 1874, an act appropriating $5,000, its portion for the payment of the site; the city appropriating a like sum and vesting the title to the property in the Government. Thus it will be seen that $155,000 has already been expended by the Government for the land, and $100,000 appropriated toward the construction of the new building.

During the past fall and winter a portion of the latter sum has been expended in taking down the exchange and bank buildings, the materials of which now lie piled up on two of the most important thoroughfares in the city, to the great inconvenience of business men in the vicinity and the citizens generally. This was done by order of the Government; and if the building had not been taken down the Government might have realized by rental from 10 to 12 per cent. per annum. This would seem to be virtually, if not actually, the commencement of a new building. Now, at any time the common council of the city may pass an ordinance ordering the removal of the *débris*, which, as I have said, is blocking up the streets, and which, a large portion being blocks of granite, would be an expense of several thousand dollars to the Government; and to replace them again for the purposes of the building would cost as much more. This certainly would seem to be a short-sighted and narrow-minded species of economy.

Exchange street has been closed and all the conditions and promises to be performed on the part of the city have been honestly and faithfully carried out; and I most respectfully submit that the Government on its part should in good faith perform the obligations and contract entered into by its Congress with the city of Albany. The unexpended balance in the Treasury is totally inadequate to any further progress of the work, for the reason that the foundation and a portion of the superstructure should be built and well covered up to secure protection from the rigor of our northern winter, which will require an expenditure of a much larger sum.

It is also desirable and important that additional ground, say twenty-five feet, adjoining that already secured be purchased at once, thus taking advantage of the present depreciation in real estate, to obtain the necessary protection from fire from contiguous property. By the action of Congress in this matter and the progress which has already been made some idea may be formed of the importance attached to this question by those who have given it due consideration.

It may be proper right here to submit additional reasons, if they be deemed necessary, why this work should at once be progressed and carried on to completion as rapidly as possible.

The business of the post-office in the city of Albany is among the most important of any in the country, the office there ranking among the first in the amount of postal matter distributed and fourteenth in the list of amounts received and disbursed. For the transaction of this vast business the first floor of a building 27 feet wide by 270 feet deep is now used. Its safety is endangered from many causes by occupants of other portions of the building. Owing to its peculiar dimensions, the cost for heating and lighting is over $2,000 per annum. It has few conveniences for employés, is out of the way and inconvenient for the people, and costs the Government $4,000 per annum rent.

The Government pension agency in that city is also one of the most important in the country, the number of pensioners paid there every three months averaging over ten thousand, and the annual disbursements amounting to over $1,500,000. The apartments occupied for this purpose are wholly inadequate and unfit for the magnitude of the business transacted.

The internal revenue collected in the Albany district is also equaled by few in the country, the annual amount averaging during the past fourteen years about $1,500,000 and the aggregate over $20,000,000. The apartments for this service are situated in a hired building and subject to the usual objection in such cases, and also inconvenient and expensive.

This value of goods, lumber, &c., on which duty is paid in Albany amounts every year to over $1,000,000, and the duties to over $300,000, and increasing at the rate of 25 per cent. per annum. For this branch of the service there is almost no convenience at all.

For the United States courts, three terms of which are held in Albany each year, there is absolutely no accommodation whatever, the marshal having to look for a room sometimes a month before the term, and a forced removal has been endured more than once and an adjournment made necessary for want of a regular place in which to hold court.

It is perhaps needless to add that Albany, the capital of the Empire State, is a city of about one hundred thousand inhabitants; that its citizens are among the most intelligent, enterprising, and respectable of any in the land; that it has contributed more to the Government and received less from it than any other city of like population; that, having performed all its stipulations with the Government in good faith, now that labor and material are cheap and the expense of building less than at any other time, it feels that it has the right not only to ask but to demand that at least a portion of the appropriation recommended by the Secretary of the Treasury be at once made for the speedy completion of this building. The recommendation was $150,000, but the Supervising Architect is of opinion that $50,000 is sufficient to complete the foundation, as shown by the following letter:

TREASURY DEPARTMENT, OFFICE OF THE SUPERVISING ARCHITECT,
June 21, 1876.

SIR: In reply to yours of this date, relative to the funds required for the construction of the United States custom-house, court-house, and post-office building at Albany, New York, I have to inform you that, in addition to the balance now in the Treasury available for the work, the sum of $50,000 will be required to complete the excavation, lay the concrete foundation, and construct the building up to the grade of the surrounding streets. In the construction of this portion of the work the material reserved from the old buildings formerly upon the site, now stored on the streets surrounding the work, will be consumed, and the work can be protected from the frosts of the winter. I understand that the city authorities of Albany are very much dissatisfied with the occupation of the streets by this material, and will demand, if it is not used within a reasonable time, that it shall be removed therefrom to the site of the building. The cost of this removal will add to that of the building without any benefit to the Government arising therefrom, and the material cannot be stored upon any portion of the premises without materially interfering with the progress of the work.

Very respectfully,

WM. A. POTTER,
Supervising Architect.

Hon. C. H. ADAMS,
House of Representatives.

Mr. RANDALL. I ask for a vote on the amendment. I think the disposition of the committee is manifest.

The amendment of Mr. ADAMS was not agreed to, there being ayes 47, noes not counted.

The Clerk read as follows:

Custom-house, court-house, and post-office, Evansville, Indiana: For continuation of building, $50,000.

Mr. LORD. I move to amend by reducing this appropriation to $25,000. I regret that the gentleman from Indiana [Mr. HOLMAN] is not present; but I am informed that this appropriation for Evansville, Indiana, is the only appropriation which is fully up to the estimate of the engineer or architect, as the case may be. Therefore I think it ought to be reduced one-half.

Mr. ATKINS. I hope that will not be done. The gentleman from Indiana is not present. This was agreed to by the Committee on Appropriations, and I believe there is only a very small unexpended balance. [To Mr. RANDALL:] How much?

Mr. RANDALL. Forty-nine thousand dollars.

Mr. ATKINS. Well, that will make about $100,000 altogether.

Mr. RANDALL. If the committee seriously entertains the thought of cutting down this appropriation, I wish the gentleman from Indiana [Mr. HOLMAN] to be present. I have sent for him. Speaking for no one else than myself, I want to say (as I have a right to do) that in committee I voted to make the appropriation for this building $25,000. I would like, however, to have the gentleman from Indiana present when this matter is acted on, and I suggest that the paragraph be passed over for a moment. I have sent for the gentleman.

Mr. EAMES. I hope that the paragraph will be passed over until the gentleman from Indiana is here.

Mr. HURLBUT. I know he wants to strike it all out; and, if he does not come, I shall have to make that motion. [Laughter.]

Mr. HARRISON. I move to amend by striking out the last word. I am opposed to practicing this sort of false economy. I hold that the time for the Government to erect buildings is when labor is cheap, when poor laboring-men are on the verge of starvation. When private individuals are building, when they are going into the market and making their demand for laborers, that is the time when the Government should not interfere to raise the prices of labor. But when the people of the country are suffering because money does not circulate, that is the time the Government should go on and erect buildings.

Some gentlemen seem to think that when a public building is erected the money expended for it is lost. But, sir, it is only a change in the character of property. The money simply goes out of one pocket into others. But there stands the building, the evidence of wealth; and it is the thing that the people want.

In every country under heaven where there have been enlightened rulers the periods when the people were starving were the periods when public improvements were erected. But in this country when labor is idle on the street and begging for leave to toil, when men cannot earn their bread because there is no employment, gentlemen come here with false principles of economy and propose to stop work upon buildings in course of erection, and to allow those buildings to be destroyed. This they call "economy."

Sir, I am in favor of the appropriation for this building at Evansville. It is already in progress of construction. The Government will gain by finishing it. It will save the large amount which it now annually pays as rent; it will be a measure of economy. Let

the Government do as a private individual would do if he wanted to build. They ask where is the money coming from? This money comes like all other money of the Government. Money passes from hand to hand. I once saw a ten-dollar bill marked on court day and track was kept to see what that $10 would pay in passing from hand to hand, and it paid eight hundred and odd dollars during one single day. But here they keep money hoarded. They tie it up when circulation would make it abundant. I am opposed to any such economy.

Mr. FULLER. I am obliged to the gentleman from Illinois for the speech he has made in favor of this measure. I desire to inform the committee that this building is in my district in the city of Evansville, and not in the district of my colleague, [Mr. HOLMAN,] as some gentlemen seemed to suppose. And it is important, Mr. Chairman, that this $50,000 should be appropriated at this time in order to place this building in a condition to be covered in before winter. I ask that the report of the Committee on Appropriations in this regard be sustained.

Mr. RANDALL. There is a balance of $49,000 remaining unexpended.

Mr. FULLER. I have a letter from the superintendent of that building in which he states that money on hand would be exhausted on the 1st of June or the last of May and that unless appropriation is made the building would have to stop, as there would be no money on hand.

Mr. RANDALL. Let it go over until the gentleman from Indiana comes in.

Mr. LANDERS, of Indiana. I wish to say a word in regard to this appropriation. I have been disposed to sustain the Committee on Appropriations. They have given Indiana only $50,000. This appropriation is not to be laid out in my district. It is for a building in the extreme southwestern portion of my State. Inasmuch as Indiana only gets $50,000 I am somewhat surprised at the motion to strike out $25,000 of that amount. Indiana has never had any appropriation worth talking about from the Federal Government. She has no extensive public buildings. The Federal Government has received millions of dollars from Indiana in the way of taxes without laying out any money there compared to what other States has received. This building at Evansville, Indiana, is the only custom-house in the entire State.

I hope the report of the committee will be sustained. It has been acting wisely. I have been voting with that committee throughout, and I am disposed to stay with them on this as well as on other matters.

Mr. HURLBUT. Was it not agreed by the House that this should be passed over until the gentleman from Indiana [Mr. HOLMAN] came in? If so, what is the use of us arguing it?

The CHAIRMAN The Chair did not understand there was any such agreement, although it was submitted to the House.

Mr. HURLBUT. I heard no objection.

Mr. LANDERS, of Indiana. I think the House thoroughly understands the question, and I hope the vote will be taken.

Mr. LORD's amendment was rejected.

Mr. HURLBUT. I move to strike out the whole paragraph, and I do it because I am satisfied if my friend from Indiana, [Mr. HOLMAN,] who is the high priest of economy, were present he would make a sacrifice of his neighborhood and State to carry out the great principles of economy, retrenchment, and reform. [Laughter.]

Now, sir, this building has cost—I am told the gentleman from Indiana is not here, but I do not know why he is not here—this building has already cost $300,000. There is now unexpended of appropriations, as I learn from the chairman of the Committee on Appropriations, the sum of $49,000. Three hundred thousand dollars for a building in a "tupenny-hapenny" town in the southwest corner of Indiana! There is joy in heaven (which is our side of the House) over one who repents, and we have taken much pleasure in the eleventh-hour repentance of the gentleman from Illinois, [Mr. HARRISON.]

Mr. COOK. Heaven is not on your side.

Mr. HURLBUT. It does me good, though the process is hard, to see him converted, for there is no gentleman who has stood up more hard-facedly and more iniquitously in reducing every other interest that has been before this House than my colleague from Chicago, [Mr. HARRISON.] It is a good thing when those things come home to gentlemen. I have not heard their eloquent voices in behalf of any of the other interests which in my opinion have been struck down by this committee. But when the question comes home, when that terrible calamity is presented, when the unintelligent or the intelligent voters of their districts may by possibility remember those things against them—a consideration so small I exceedingly hate to hear any gentleman use it on this floor—when that consideration arises, then for the first time the rut of economy they have been pursuing in the train of this Committee on Appropriations, just as a wagon-load of hoop-poles is dragged behind a team, is abandoned, and they turn out asking large and liberal appropriations for their own neighbors, and as a means of getting at it they log-roll with gentlemen desiring appropriations.

There has been no reason shown here at all by any one why $650,000 should be appropriated at Evansville. No gentleman has got up and said that the $49,000 which remains unexpended is not sufficient to keep up that building. That is the policy upon which this committee has been proceeding, and the rule they apply to one I say they ought to apply to the others. If it is proper sauce for one style of animal it is proper sauce for another. I hope this motion, which, in the interest of economy, retrenchment, and reform, I offer in the name of my absent friend, whose silvery voice has not been heard for two hours and whose cheering presence we miss, for his sake will be agreed to.

Mr. LANDERS, of Indiana. I see very clearly, Mr. Chairman, that this motion is not made for any other purpose than to annoy my colleague, [Mr. HOLMAN,] who is not here. It is well understood that this appropriation is necessary in order to secure this building at Evansville. My friend from Illinois [Mr. HURLBUT] exhibits a great deal of the spirit that is common in some cities of Illinois. They do not know that there is any other place but Illinois. I know that Illinois is a very fine State. I know she has many very fine cities. But, sir, the city of Evansville is a very flourishing city. A large business is transacted there. There is a large wholesale trade in many articles imported there. The navigation of the Ohio is not obstructed at Evansville at all. It is below the falls. I do not understand that there is any earnestness whatever in this motion. I understand it is more particularly to annoy my friend from Indiana, [Mr. HOLMAN,] who is a man of economy and to whom the country is deeply indebted for his services upon this floor.

Mr. PHILIPS, of Missouri. May I ask the gentleman a question?

Mr. LANDERS, of Indiana. Certainly.

Mr. PHILIPS, of Missouri. Is Evansville in the district of Mr. HOLMAN or not?

Mr. LANDERS, of Indiana. It is not. Gentlemen should recollect when they talk of Evansville to annoy Mr. HOLMAN that it is very far distant from his district, about one hundred and fifty miles. Mr. HOLMAN's district is in the extreme eastern portion of the State, while Evansville is in the southwestern portion of the State, more than one hundred and fifty miles from Mr. HOLMAN's district. I wish Mr. HOLMAN were here. No man could defend himself better than he could.

Mr. O'NEILL. I understand the gentleman from Indiana [Mr. HOLMAN] is on a committee of conference. Could he not be sent for?

Mr. RANDALL. He is unable to come. I ask for a vote.

Mr. CHITTENDEN. I move to restore the paragraph. I sympathize with the gentleman from Indiana, [Mr. HOLMAN,] and if the gentleman from Ohio has not exaggerated the number of roofless buildings that are to be exhibited in this centennial year throughout the country we shall all have occasion to sympathize with the entire Committee on Appropriations and with the democratic party. I never claimed, Mr. Chairman, in my life to be anything but a pure republican, but for three or four minutes I am going to try to say something for the benefit of the democrats.

If the statements that have been made are correct—and, mind you, I base what I have to say upon the truth of those statements—if there is to be exhibited to the world in Chicago a post-office and custom-house roofless, upon which two millions and a half of good money have been spent by the Government of the United States, I say to the Appropriations Committee and to the democratic party that they cannot go hopefully to the next election with such an exhibit. And if you add to them all the other roofless buildings to which the gentleman from Ohio has referred, why you may as well do as my friend from Indiana did to-day in voting against paying the interest on the 3.65 bonds. He found that he was the only man against it and suggested that there should be no vote taken in the negative. Now, you may just as well give up the election and yield to the other side at once if you are to exhibit all these roofless buildings.

Mr. LANDERS, of Indiana. To whom does the gentleman from New York refer?

Mr. CHITTENDEN. In addition to the roofless buildings the policy of the Appropriations Committee in regard to the suspension of labor upon public buildings will in my judgment a few years hence appear most extraordinary.

Mr. LANDERS, of Indiana. Will the gentleman permit me a question?

Mr. CHITTENDEN. Yes, sir.

Mr. LANDERS, of Indiana. You spoke of the gentleman from Indiana. What gentleman from Indiana did you refer to?

Mr. CHITTENDEN. I referred to Mr. HOLMAN and will refer to you directly. [Laughter.]

Mr. LANDERS, of Indiana. I want to say one word to the gentleman from New York. If this attack that is being made here is to be directed at Mr. HOLMAN, I desire to say that Mr. HOLMAN is no more interested in this matter than the gentleman from New York.

Mr. CHITTENDEN. I am supporting Mr. HOLMAN. The gentleman misunderstands the drift of my remarks. I moved that Mr. HOLMAN'S proposition be restored.

I was going to say that if the policy of the Appropriations Committee in suspending labor on all these public buildings is carried out there will be too many roofless families in this country for the political success of the democratic party this year.

I say, Mr. Chairman, that there is at this hour every facility for carrying on in a reasonable manner and very economically these public works. There never has been—and this is to the other gentleman from Indiana, (addressing Mr. LANDERS)—there never has been any day—I state this upon figures that do not lie—there never has been at any time so much currency, currency lying idle in the United States in proportion to the amount of business as there is this

hour. There is more inflation of the currency now than ever. We hear a great deal about contraction of the currency and the dreadful resumption act. But I say again, upon my knowledge, that there is more inflation of the currency to-day really and relatively to the amount of business being transacted than there ever has been at any other time in the history of the country.

Labor is cheap. You can hire a man for about a dollar a day in greenbacks to carry on all these works, and there never has been a time in the history of the country when the Government might with so much propriety honestly and with a firm, stern hand continue the public works as now. I mean seriously to say that the Committee on Appropriations, in cutting down to the lowest cent the expenditures on all public buildings and works, use an instrument that cuts both ways, for they impoverish labor at the same time that they have the Government property going to destruction.

[Here the hammer fell.]

Mr. WHITEHOUSE. I would like to ask my colleague a question.

Mr. CHITTENDEN. I will answer the question.

Mr. WHITEHOUSE. My question is whether my colleague was elected by democrats or by republicans?

Mr. CHITTENDEN. I was elected from the city of Brooklyn, where I have lived for thirty years, and in my judgment I had a few more democratic votes than republican; but I wish to say that before the election democrats came to me saying that they were going to vote for me, and warned me not to be anything else but a republican. I should disgrace them if I were to pretend to be anything else but a republican. I am not what is popularly known as an independent republican or a liberal republican. I am a strait republican, but I am also an independent man, who dares to do his duty.

Mr. YOUNG. I do not rise to address the committee either in support or in opposition to the amendment now pending, but I rise simply to ask in favor of Judge HOLMAN, who has been frequently alluded to in this debate, that this clause be passed over until he can be present to explain to the committee his action in the Committee on Appropriations. It places him in a false attitude before the House and before the country, and it is due to him that this matter should not go out to the country until he shall have an opportunity to give the reasons which influenced him in his vote in committee. I ask unanimous consent that this paragraph be passed over for the present.

Mr. BUCKNER and others objected.

Mr. CONGER. I do not object to the proposition of the gentleman from Tennessee, but I want to call the attention of the members of the House to the fate of any man who attempts "retrenchment and reform" in this country. A man who has stood here year by year as Judge HOLMAN has in favor of retrenchment and reform, except in his own district, the moment his back is turned his enemies attempt to cut down the appropriation that belongs to him honestly. I wish that gentlemen may see the danger of reform and retrenchment. The moment their backs are turned, their enemies turn on them and rend them. [Laughter.]

Mr. RANDALL. We have had fun enough; now let us have a vote.

The CHAIRMAN. Is there objection to passing over this clause for the present?

Mr. BUCKNER and others objected.

Mr. YOUNG. I ask for a vote on my proposition.

The CHAIRMAN. Objection is made to the proposition of the gentleman from Tennessee.

The question was taken on Mr. HURLBUT'S amendment, and it was not agreed to.

The Clerk read as follows:

Court-house and post-office, Lincoln, Nebraska: For fencing, grading, approaches, and furniture and carpets, $15,000.

Mr. JONES, of New Hampshire. I move to amend the paragraph by striking out "$15,000" and inserting in lieu thereof "$5,000." My reason for doing this is that at the custom-house and court-house building in Portsmouth, New Hampshire, a number of years ago an appropriation was made to put an expensive fence around it, and last year that fence was taken down at a very great expense.

Mr. RANDALL. I can state the facts about this matter. There is $48,000 unexpended at this point. The estimate was for fencing and grading, and approaches, $25,000, and a large appropriation in addition for furniture. The committee gave $15,000 for fencing and grading and approaches, and for furniture.

Mr. ATKINS. The word "furniture" is not in the bill.

Mr. RANDALL. It is in the estimates.

Mr. ATKINS. It is not in the bill.

Mr. RANDALL. I want to say that we cut down the estimate for furniture and carpets from $25,000 to $10,000. We propose to turn over a new leaf in reference to the furnishing of public buildings. We do not need magnificent furniture and the finest carpets. It is proposed to give them substantial furniture and what any member here would think fine carpets for his parlor. Heretofore large sums of money have been wasted on furniture and fine carpets, foreign at that. I see my friend and colleague [Mr. KELLEY] is looking at me, but in order to make the paragraph complete I will move to insert the words "furniture and carpets" after the word "approaches."

Mr. CROUNSE. I offer the following amendment, to come in after the pending paragraph:

For carpeting and furnishing the same, $25,000.

Mr. Chairman, the appropriation as proposed by the committee is $15,000 for the court-house at Lincoln, Nebraska, and it is so small that I thought no one could have objected to it, but to my surprise that little pittance that has been awarded to my State seems to provoke the hostility of some gentlemen for reasons to me unknown.

Now, I am not one of those gentlemen who advertise themselves in advance as being in favor of retrenchment and reform. If there are any words of which I am sick and if there are any words which have been used to cover up hypocrisy, they are those words. And the insincerity of gentlemen who raise this cry is shown whenever it comes home to themselves; when that happens, they squirm. They remind me of Artemus Ward's patriotism. He was willing to fight the rebellion so long as his wife's cousins held out. So, as long as the practice of economy does not affect them, they are for it heartily; but when the matter comes home to these gentlemen, as it has in the proposition to cut down the amount they desire for their localities, they insist that the retrenchment reform should begin and end elsewhere.

Now, the Supervising Architect of the Treasury has recommended an appropriation of $20,000 to finish this building. I do not know upon what estimates gentlemen think that the work can be done for $5,000. It must be in harmony with the rule that seems to prevail here, that when $3,000 is asked for $1,000 is appropriated. I am surprised that they do not cut off the appropriation entirely; that would be retrenchment. Why do they not shut up the courts of justice, discontinue the mails, and stop the administration of the Government generally? That would result in great saving of expense. I insist that this appropriation shall remain as it is, at $15,000, to complete this building in that populous city situated in a rapidly-growing country. And not only that, but the other amount recommended here of $25,000 for furniture should be voted. There is no economy in giving $15,000 necessary in completing a building and then leave it unfurnished. The Government now has to rent buildings for the purposes for which this building would be used. The supervisor asks nothing extravagant. I hope the amendment will be adopted.

The CHAIRMAN. The amendment of the gentleman from Nebraska [Mr. CROUNSE] is not now in order. The first question is upon the amendment of the gentleman from New Hampshire, [Mr. JONES,] to strike out the word "fencing," and also to reduce the appropriation to $5,000.

The amendment of Mr. JONES, of New Hampshire, was not agreed to.

The CHAIRMAN. The next question is upon the amendment of the gentleman from Pennsylvania, [Mr. RANDALL,] to insert after the word "approaches" the words "and for furniture and carpets."

The amendment of Mr. RANDALL was agreed to.

The next question was upon the amendment of Mr. CROUNSE to add to the paragraph these words:

For carpeting and furnishing the same, $25,000.

The question was taken upon the amendment, and was not agreed to.

Mr. CROUNSE. That is just what I expected. [Laughter.]

Mr. BROWN, of Kansas. I move to insert the following after the pending paragraph, as a new paragraph:

For court-house and post-office at Topeka, Kansas, $50,000; the entire cost of the building to be erected not to exceed $250,000.

Last winter Congress appropriated the sum of $10,000 for the purpose of procuring a site for the erection of a court-house and post-office at the capital of our State, the city of Topeka. After that appropriation was made, the people of our city raised $10,000 more and procured a first-rate site for the erection of the building, and it is now owned by the Government of the United States, with a fee-simple title, and is ready to have a building erected upon it.

The circuit in which Kansas is situated contains, I believe, nine district courts of the United States, and the Kansas district is the second of the nine in the amount of business there transacted, and is among the first three of the districts in the whole country in reference to the amount of business transacted in the United States courts. Yet up to the present time not a dollar has ever been expended in the State of Kansas for public buildings, although that State contains to-day a population of 600,000 and its capital city has a population of about ten thousand.

I believe that the Committee on Appropriations of the last House, which thoroughly investigated this question, agreed that there has never been more reason for the erection of a public building in any city than in Topeka. We are compelled to-day to depend upon the county for a room in which to hold our courts. The court-room is insufficient for the purpose; there are no rooms in the building for the clerks' offices, and they are now in insecure buildings at least fifteen hundred to two thousand feet away from the room in which the court is held. There is no room for the United States marshal, for the district attorney, or for any other of our officers.

Last fall, owing to the pressure of business in that district, the United States district court was held in the common council room of the city of Topeka, a room only twenty by forty feet in size, while the circuit court was running at the same time in the court-house of the city.

[Here the hammer fell.]

Mr. RANDALL. This building is not yet begun.

Mr. BROWN, of Kansas. An appropriation has been made for the purchase of the site.

Mr. RANDALL. Simply for the purchase of a site. The Committee on Public Buildings and Grounds recommend that no new buildings be commenced. I ask a vote on the amendment.

The question being taken upon the amendment of Mr. BROWN, of Kansas, upon a division there were—ayes 39, noes 67.

No further count being demanded, the amendment was declared to be rejected.

The Clerk resumed the reading of the bill, and read the following:

For the remodeling and reconstruction of the building now on the lot and premises in Jersey City, New Jersey, belonging to the United States, for the purpose of a post-office, all the unexpended balance of the amount heretofore appropriated for purchasing the said lot and premises for the site of a post-office building in said city, and also in addition thereto the sum of $12,000.

Mr. LORD. I would like to inquire of the chairman of the Committee on Appropriations what amount is included in the term "unexpended balance?"

Mr. RANDALL. I would state that the original act in reference to the building in Jersey City—the gentlemen from New Jersey will correct me if I make an incorrect statement—was for the purpose of purchasing the site, upon which a building was already standing, in which the business of the post-office was being carried on. They desired to have that building torn down and a new building erected, which the Committee on Appropriations decided had better not be done. It was then suggested that, in addition to the balance of the appropriation which was left after the purchase of that lot, (the lot now belongs to the United States,) we should give $12,000 to change the building standing on the lot so as to adapt it to the post-office and for court-rooms. By this additional expenditure of $12,000 we would save altogether the expense of a very costly building in that city.

Mr. DOBBINS. I move to amend by inserting after the paragraph just read the following:

For completion of the United States court-house and post-office at Trenton, New Jersey, $34,923.37.

I hold in my hand a letter from the Supervising Architect, in which he states that the sum proposed in my amendment will be necessary to complete the building which is in course of erection in Trenton, New Jersey. I think it must be apparent to the mind of every business man that as a matter of economy purely it would be well to make this appropriation. In the event of its not being made, the money already appropriated will be expended by the month of August next; the building will be left without a roof during the coming winter, and the Government will necessarily be put to the expense of renting for another year the buildings both for post-office and court-house purposes. The sum paid annually for the rent of those two buildings is the larger part of the amount of money necessary to finish the building already so nearly completed.

These considerations, if there were no others, it strikes me, are sufficient to induce every candid, honest-minded man who is disposed to economy, who if he had a matter of business on hand of the same kind would be sure to pursue the course of finishing it under the circumstances, to vote for this appropriation. I am of the opinion that Solomon in his day knew almost as much as some of our modern financiers know to-day. You know that he uttered this proverb: "There is that which scattereth, and yet increaseth; and there is that withholdeth more than is meet, but it tendeth to poverty." I think that is good doctrine to-day. We farmers understand that. When we become so stingy that we will not properly feed our stock, they get poor. When we become so penurious that we will not feed our land, we fail to get a crop. I think it evident that this proverb may be applied to the case in hand. The application of about $34,000 is all that is needed to save that amount in rent in the short space of two years.

Besides, the practical result will be good in giving employment to men who are willing and anxious to work. We are not asking the Government to issue gold-bearing bonds to be sent into a foreign country in order to finish this building. These men, perhaps, would be idle if this work were not done. This view of the subject seems to me a powerful reason in favor of doing the work and doing it now. I undertake to say, without fear of successful contradiction, that no intelligent business man within the sound of my voice would fail to finish the building if his own personal interests were involved and if the surrounding circumstances were such as they are here.

[Here the hammer fell.]

Mr. RANDALL. There is an unexpended balance of appropriation for this building of more than $18,000. The committee deemed that sufficient for the present.

Mr. HAMILTON, of New Jersey. That is not sufficient to put a roof on the building. Several hundred thousand dollars have been expended on this building; and it only needs the roof. I hope there will be no objection to this appropriation of $34,000.

Mr. RANDALL. I call for a vote.

The amendment was not agreed to; there being ayes 49, noes not counted.

Mr. COX. For the purpose of making a remark, I move to strike out the last word. I know very well that a great many appropriations made in this bill and in other bills were rendered necessary by certain beginnings in the outgoing administration. Gentlemen know to what administration I refer, without making myself more explicit.

Mr. KELLEY. That of Andrew Johnson?

Mr. COX. The gentleman will find out before I am through.

A great many criticisms upon this side have been made because the Committee on Appropriations of this democratic House has endeavored in some matters to further economy, while in some other matters pursuing what has been done by the previous administration. I heard the gentleman from Illinois speaking a moment ago about "so much saving at the spigot and losing at the bung." I have heard that before. Whenever gentlemen on the other side undertake to defeat the economy and retrenchment which are begun in this House, they invariably appeal to little matters; and we have had, I am told, a debate this evening, which I missed, between two little men—my honored friend from Brooklyn [Mr. CHITTENDEN] and the gentleman who represents the Hudson River, [Mr. WHITEHOUSE.] I think I ought to have been here and taken part in it. [Laughter.]

But I would not despise the day of small things. If I quoted Solomon, like my friend from New Jersey, [Mr. DOBBINS,] I would apply that allusion about scattering abroad to the last ten or twelve years; and I would deduce from it the moral which I once had occasion to tell the other side of the House they ought to learn from the Sunday-school scholar, that—

Little drops of water,
Little grains of sand,

have something to do with both ocean and continent; they make up the sum-total.

Why, do not you gentlemen know that your appropriations have already been cut down below this year's estimates by this side of the House $63,000,000?

A MEMBER. Sixty-four million dollars.

Mr. COX. Yes, $64,000,000, according to the tables produced here yesterday. There is a reduction upon the appropriations of last year, not to speak of the estimates, thirty-nine and one-third millions.

Mr. FOSTER. Thirty-two million dollars.

Mr. COX. Well, let it be so, if it satisfies the gentleman. These reductions are made up of little items. All human things are little, considered comparatively. Why, my friend from Ohio [Mr. FOSTER] is not as large as the Rocky Mountains; he could not touch the Himalayas, nor the Andes, nor the Alps, and, compared to the moons of Jupiter, he is nowhere in creation. [Laughter.]

All things are comparative. Let us not despise small men or small things. Why, sir, Isaac Newton, who discovered the great law of gravitation, which holds by its unseen hands all the stars together, was born a very little baby, that went into a quart cup. [Laughter.] All things are little. Why, sir, the human race fell because of some person—I think it was a female—eating a little apple. [Laughter.] The apple that William Tell shot at was little; and the apple that fell on the head of Newton and taught him gravitation was little. The acorn is little compared with the oak.

I once had occasion here to speak about the moth, and to kill an appropriation which I supposed was of little account. But when my distinguished friend from Pennsylvania, in a subsequent session, I think, looked after it, he found it running up to nearly half a million dollars which you had been voting. It was nothing but the little moth eating out the very vitals of the country, and feeding on clothing besides. [Laughter.]

You call these little things. Why, sir, I read the other day that if all the power used in Illinois during a single summer to crush out the flies—to say "shoo fly!" to those little creatures—were properly collected and utilized, it would suffice to run the gigantic Corliss engine at Philadelphia.

Do not despise the day of small things. Sixty-three million dollars we have saved already in the appropriations! We would save more but for your filibustering to-day. Do you remember how you did it? O, I was mortified after all your profession of economy. How good you were at the beginning of the session! How you declared that you wanted to assist us! Yet to-day, when we were doing all we could to further the bill, the Senate being so much behind, the end of the fiscal year near at hand, and a dead lock threatened, you filibustered to avert, if possible, some catastrophe, I suppose, on the 1st of July.

Mr. RANDALL. I now ask for a vote.

Mr. COX. I withdraw my amendment.

The Clerk read as follows:

Post-office and court-house, Philadelphia, Pennsylvania: For continuation of building, $350,000; to be used in completing the foundation and setting the stone of the first story.

Mr. LORD. I move in line 487 to strike out "three" and insert "two;" so it will read $250,000, instead of $350,000.

Mr. Chairman, I will say in regard to that amendment that I am so much pleased with the work of the Committee on Appropriations that I think the House ought to encourage it. I do not think the gentleman from Philadelphia will seriously oppose it. Two hundred and fifty thousand dollars is sufficient for the object proposed, at least at the present time.

Mr. RANDALL. The House must exercise its best judgment on this amendment.

Mr. LORD. I want to state to the gentleman from Pennsylvania that I propose to deduct the same sum of $100,000 from the appropriation for the post-office of the State of New York.

Mr. RANDALL. I hope you will not do that. We have cut New York.

Mr. LORD. Then I will confine myself at present to this amendment.

Mr. LE MOYNE. I move to amend in line 487 by striking out the words "300," so as to leave the appropriation $50,000 instead of $350,000.

Mr. Chairman, a few days ago, while on a visit to Philadelphia, I was put in a room in the hotel where the window opened out upon the ground where these public buildings are to be erected. I saw the ground upon which it is proposed to erect this post-office and court-house at Philadelphia, and I never saw a more promising field for economy in my life. There is nothing on the lot except some derricks and a board-fence. There is nothing there which needs protection. There are no walls to be finished. Now it is proposed by this provision which is recommended by the Committee on Appropriations, not to fence in the lot, not to cover in any building which may be destroyed if not protected, but to put $350,000 in the foundation which has yet to be commenced.

I heard the chairman of the Committee on Appropriations a moment ago say that it was a sufficient reason for not making an appropriation for some place out West that the building had not yet been begun. Well, if the same reason be applied in this case, why should $350,000 be appropriated to put in a foundation for these public buildings in the city of Philadelphia which have not yet been begun? If the stone has been contracted for, as I am told it is, it will keep. The stone will keep there just as it has done in the city of Chicago. They have been kept in Chicago, and it is proposed by this committee to keep them a while longer. If they will keep in Chicago, they will keep in Philadelphia just as well.

Mr. Chairman, I have heard it stated on this floor that the people are demanding to have in all things economy; that the Treasury is depleted, and that economy is now compulsory. I therefore persist in saying that Philadelphia, to which we have given one million and a half as bounty, is a bad place to begin now to put in foundations.

[Here the hammer fell.]

Mr. PAGE. I hope the appropriation for the post-office at Philadelphia will not be cut down. The well-known liberality of the chairman of the Committee on Appropriations ought to satisfy this House, in my judgment, that in his own city this appropriation ought to be made at $350,000. The gentleman from Indiana had an appropriation for the Evansville post-office fully up to the estimate while all other appropriations have been cut down. I think it no more than just this House should recognize the distinguished services of the gentleman from Pennsylvania just as well as those of the gentleman from Indiana, and it should give them for their respective cities and States all they ask. I think it would be a gross act of injustice if this House should vote, after the magnanimity displayed by the gentleman from Pennsylvania and the gentleman from Indiana, to cut down a dollar on the appropriations asked for their respective States.

Mr. RANDALL. I take no favor from anybody in connection with any appropriation. If it is not in the public interest, vote it out. But I wish to say a word more. The committee has cut this appropriation more severely than any other appropriation of the bill relating to public buildings. These are the facts: There has been appropriated for that building $3,000,000. Nearly $1,500,000 went for the lot. Eight hundred and odd thousand was expended in the purchase of stone in the State of Maine for the first, second, and third stories. They purchased improperly, as I think, for the first, second, and third stories under contract before they had made a contract for supplying the foundation stone. I cannot condemn in too severe language such a contract.

If that building is to be gone on with at all, the foundation, in my opinion, should be completed. That is all we ask, or all that is asked, so far as I know, by the committee—that the foundation stone shall be supplied and the stone for the first story shall be set during the next year. The architect of that post-office has been knocking at the door of the Committee on Appropriations all this winter asking for that deficiency in order that the work may be continued.

But lest I should be charged—I say it here—with some sort of favoritism because of the position I occupy, I have not urged a dollar of deficiency for that building to continue the work. The building has stood idle in consequence, and I have received severe condemnation at home because of that fact, of my determination to be consistent upon these matters.

Mr. HURLBUT. Will the gentleman allow me to ask him whether any part of the foundation has yet been laid?

Mr. RANDALL. O, yes.

Mr. HURLBUT. This says, "to be used in completing the foundation."

Mr. RANDALL. There has, I think, been three hundred thousand dollars' worth of stone placed in the foundation. There has, however, been not more than $325,000 expended in the city of Philadelphia in connection with this building, omitting the money expended for the purchase of the lot.

Now, all I want is that the appropriation shall be sufficient to buy the balance of the foundation-stone necessary, and to set the stone of the first story, already paid for; and I want that this money shall be expended in the manner in which every man who has a house to build builds it—right from the foundation up.

The CHAIRMAN. Gentlemen will remember that it is contrary to the rules to smoke within the bar of the House.

Mr. RANDALL. I am not smoking. [Laughter.]

The CHAIRMAN. The Chair does not refer to the gentleman from Pennsylvania.

Mr. ATKINS. I ask my colleague on the committee what was the estimate for this building at Philadelphia?

Mr. RANDALL. The estimate was $750,000.

Mr. ATKINS. Then the appropriation is less than half the estimate?

Mr. RANDALL. It is less than half the estimate. I think after the statement of facts I have given the House will see that I have been entirely consistent in all my acts in the Committee on Appropriations, whether in regard to my own city or in regard to other cities.

Mr. WHITE. Will the gentlemen allow me to ask him, is this one of the little things spoken of by the gentleman from New York?

Mr. RANDALL. I had nothing to do with the starting of this building. When this building was started my voice was very small in this House.

Mr. WHITE. Is this one of the little drops of water or one of the grains of sand spoken of by the gentleman from New York?

Mr. LORD. I wish to ask the gentleman from Pennsylvania what the estimate of $750,000 was intended to cover?

Mr. RANDALL. I am told that it was to pay for more stone. That is the reason I am in a measure reconciled to the reduction. They have got stone for the first, second, and third stories there, and they want more money to buy more stone from the State of Maine. I do not want any more stone bought or paid for until the stone they have has been set. It is a plain business transaction.

Mr. O'NEILL. I have been somewhat responsible to the extent of my vote and to the extent of my action in the last Congress in the Committee on Appropriations for continuing the building of the post-office and court-house at Philadelphia, and I have been responsible in other Congresses in trying to get the Congress of the United States to give Philadelphia a building worthy of that city. In former Congresses I have voted for millions upon millions for the New York post-office, and I did it willingly and with pleasure. I also have voted for millions upon millions for the post-office in the city of Boston; the New York post-office, I think, costing some $12,000,000 and the Boston post-office $8,000,000.

I intend to propose before we get through with this paragraph to strike out the $350,000 put in by the Committee on Appropriations and to insert in its place $750,000, that being the amount for each of the past two years given by Congress toward the completion of that building. There was first expended about one and a half millions in the purchase of a lot in a situation very convenient to the business of Philadelphia. I stand by the estimate made by the Supervising Architect of the Treasury, for I think he understands what he is about, and I think he is a gentleman upon whom we can rely.

I care not whether this money has been expended for cutting granite or not. You cannot put up a large building without having the stone cut long in advance of the day when you are to use it. I think the chairman of the Committee on Appropriations ought to understand, after all the attention he has given to these public buildings all over the United States, that you cannot put up a large building unless you have the stone cut and prepared days and weeks and months before it is to be used. And if the money heretofore appropriated has gone principally for the purpose of getting out the granite, it has gone well and properly. And now we want the appropriation to continue to build that post-office and court-house, and the amount for the next fiscal year to be $750,000.

Perhaps, Mr. Chairman, I am too fond of referring to the city of Philadelphia. But I will state it as a fact—I do not refer to it with a view of bragging up the city of Philadelphia, but it is right that the House should know it—that that city is increasing at the rate of one square mile of houses every two years, and that that increase has gone on for the last eight years. And, wonderful to relate, in spite of all the hard times, in spite of all the difficulties in the last six years, that city has built within its borders over five thousand houses in each of those years.

I often hear my colleague [Mr. KELLEY] speak of the want of employment for labor in the city of Philadelphia. I grant that he knows a great deal about it, for he has given to that subject the study of years. But, in spite of that, in the last twelve months and in the twelve months preceding that, eleven thousand houses have been built within its limits and thousands of mechanics and laboring-men, willing to take employment at such wages as offered, have had it upon these buildings——

[Here the hammer fell.]

Mr. WHITE. If I understand this proposition, it is to appropriate for the city of Philadelphia $350,000 to build a post-office that is not needed. If I am correctly informed, they have a post-office there that is good for a century. And not only is it proposed to appropriate this $350,000 now, but it is intimated by the gentleman from Pennsylvania [Mr. O'NEILL] that he desires to ask in the future, if not just now, for as much more.

Now, I desire to enter my protest here against this reckless expenditure of the public money. The chairman of the Committee on Appropriations has told us all along that he is in favor of retrenchment and reform. In evidence of that, the Committee on Appropriations went into the Interior Department and propose to cut off one hundred clerks in the Pension Bureau, when I am informed by the

Commissioner of Pensions that that Bureau has been running behind at the rate of one thousand cases per month for the last nine months, and that it requires, instead of a reduction of one hundred clerks, one hundred additional clerks to enable them to catch up with the business by the 1st of January next. Is this the economy, retrenchment, and reform that the gentleman from Pennsylvania proposes to give us? Three hundred and fifty thousand dollars to Philadelphia for a post-office! Three hundred and fifty thousand dollars more at the next opportunity! You cut off the clerks of the Pension Office, whose duty it should be to see that the poor pensioners scattered all over the country are paid the pittance which the Government grants them. Sir, I protest against it.

Again, if you go to distant portions of the country, we have no post-office buildings for us in the remote portions of the country. The Postmaster-General is compelled by the lack of funds not to put service on routes established by law, and yet the gentleman proposes to give $350,000 for a post-office in Philadelphia. He is not satisfied with having a great centennial humbug there this year, but he must have a new post-office there.

A little while ago a post-office was burned down in a town in my district, and a little box worth $50 was destroyed. They applied to the Post-Office Department to get a new box, and the Post-Office Department replied that there was no appropriation for that purpose; and yet the gentleman from Pennsylvania proposes to give $350,000 for a post-office in his own city; and, sir, I protest against it. It is unjust. If you are in favor of economy and reform, I ask you to show it by your acts, and not by your preaching.

Mr. O'NEILL. I do not want to consume the time unnecessarily. I want to go right along with the business before us; and hence I will not reply to anything that has been said by the gentleman from Kentucky or other gentlemen about the Centennial. But I want to say this: that Congress granted a million and a half of dollars to the exposition, which was well and good; it was in the interest of our country in a national point of view and in an international point of view. I will say nothing of the millions of dollars contributed by the city of Philadelphia and the State of Pennsylvania and the million and a half contributed by the Government to the centennial exposition, excepting that all this money gave employment to hundreds and thousands of men, which was a great blessing in these hard times.

Now the policy of the democratic majority is to depress labor, to depress the poor man. I have seen it during the whole of this session of Congress, and in all the years I have had an opportunity of being in public life I have never known anything else when the democratic party was in power, either in the States or in the National Government, than that the laboring-man was made poorer and the rich man no richer by their legislation.

But I desire to speak of the necessity of a large appropriation for this purpose, because the city of Philadelphia wants a post-office commensurate with the business done there.

Why, our foreign business has vastly increased during the last year or two. Philadelphia is the greatest manufacturing city almost in the world, and its business men have vast correspondence with people of foreign countries, as well as with our own citizens. We want a post-office that will meet the wants of the people. I desire to see the post-office there completed, and I want to see it done speedily. I do not want to see it dragged along and the erection of this building continued for six or seven years.

I say let us make these appropriations in accordance with the estimates made by the Supervising Architect; let us make the appropriation for the Philadelphia post-office, for which I am now speaking, according to his estimate. That building, with $750,000 appropriated this year, can be built up to the top of the first story; I do not think there is any doubt of that; and then in a year or two more we can have the building completed. As we have made liberal appropriations for post-offices in all the great cities of the country, let us make the necessary appropriations to finish the post-offices in the cities where they are not yet finished.

[Here the hammer fell.]

Mr. FORT. The city of Chicago does more mail business than the city of Philadelphia, considerably more. Gentlemen may wonder at that statement, but it is nevertheless true. The city of Chicago has had a post-office building under construction for some time. Although that city has suffered severely by a calamity which was really appalling, and although the Supervising Architect of the Treasury has recommended that she should have an appropriation of $250,000 to complete the post-office building there, we find that this liberal Committee on Appropriations have allowed her simply nothing at all, not one cent.

It is true that the city of Chicago has no member upon the Committee on Appropriations. But there are one or two districts away down in West Virginia that are well represented upon this floor, and they get $450,000 from the Committee on Appropriations to improve a few dry creeks that have not water enough to float a goose.

Mr. RANDALL. The gentleman certainly does not want to misstate facts.

Mr. FORT. I refer to the river and harbor bill.

Mr. RANDALL. The Committee on Appropriations had nothing to do with that bill. The gentleman has made a statement which I wish him to correct.

Mr. FORT. The chairman of the Committee on Commerce, I believe, is from West Virginia.

Mr. RANDALL. You said that the Committee on Appropriations made it.

Mr. FORT. The appropriations were made by this House.

Mr. LUTTRELL. While the gentleman is speaking in favor of Chicago, allow me to say that in San Francisco we have no post-office building.

Mr. FORT. I submit that in all fairness if the Committee on Appropriations is going to turn its back on Chicago, a city which I think has claims here, you should not see that Philadelphia, because she happens to have the chairman of that committee representing her, gets an appropriation of $350,000 to be expended upon her post-office. It has been said that the gentleman from Indiana [Mr. HOLMAN] has got every single cent for public buildings in his State that the estimates call for. Why is it? It is really wonderful how the Committee on Appropriations will take care of their own cities and then turn upon another city that has no representative upon that committee and strike out every dollar recommended for that city.

Mr. SPARKS. Does not the gentleman from Illinois [Mr. FORT] know that the city of Philadelphia is asking for $750,000, and the chairman of the Committee on Appropriations has cut it down to $350,000?

Mr. FORT. Why should she have $350,000?

Mr. RANDALL. Why do you not stick to facts?

Mr. FORT. Keep cool. The spirit of economy has come to the gentleman very lately; since the last presidential election. He now gets up here and lectures this side of the House almost every day for its want of economy.

Mr. RANDALL. It does not have any effect.

Mr. FORT. Judging of the future by the past, we do not know what the next session of Congress may make out of the gentleman.

[Here the hammer fell.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. FORT. I have been interrupted.

The CHAIRMAN. If the gentleman had declined to be interrupted, it would not have been taken out of his time.

The question was then taken upon the motion of Mr. LE MOYNE to reduce the appropriation for Philadelphia post-office to $50,000; and it was not agreed to.

The question recurred upon the motion of Mr. LORD to reduce the appropriation for Pfiiladelphia to $250,000; and being taken by a *viva voce* vote, the Chairman announced that it was not agreed to.

Mr. O'NEILL. I desire to offer an amendment.

Mr. RANDALL. I call for a division on the amendment to reduce the appropriation for the Philadelphia post-office building, in order to show that the republicans are voting to cut it down.

The CHAIRMAN. The Chair is of opinion that the call for a division is too late.

Mr. O'NEILL. I am a republican, and I did not vote to cut it down. I intend to vote to put it up.

Mr. PAGE. I hope that by unanimous consent a division will be granted on that question.

There was no objection; and the question was again submitted to the committee; and upon a division there were none in the affirmative.

Mr. RANDALL. Ah, ha! [Laughter.]

The CHAIRMAN. The noes evidently have it.

Mr. O'NEILL. I move to amend the paragraph now pending by striking out "350,000" and inserting "750,000;" also by striking out the words "to be used in completing the foundation and setting the stone of the first story." I want a vote upon that proposition. I want to assert here again that I am a republican, and I believe I represent here not only the republicans of my city who sent me here, but also the democracts of my district, in asking for this appropriation. I have never seen or heard any man in Philadelphia who approved the cutting down of appropriations as they are being cut down by the Committee on Appropriations of this Congress.

I will let what I say on this subject go out to my constituents and to the country; for I am responsible for it and I believe it to be the truth. The people who sent me here to represent them (and I try to do it to the best of my ability) do not believe in such economy as does not permit appropriations to be made for new light-houses. The people who sent me here want the rivers and the bays of the country lighted in the interest of commerce. The republicans who sent me here from the city of Philadelphia and the democrats, many of them my personal friends, who live in that city, do not send me here to concur in cutting down estimates of three or four million dollars for fortifications to three hundred or four hundred thousand dollars, or for cutting down the consular and diplomatic bill from nearly a million and a half to less than a million, or the Army and Navy bills so much as to decrease in a marked degree the efficiency of those branches of the service. Those people send me here to vote for appropriations which will give progress to every interest of this country. They send me here to vote for river and harbor improvements; and that bill making an expenditure of five or six million dollars passed here with scarcely a voice on the democratic side of the House daring to raise itself against it. The people who send me here send me to represent them as citizens of a commercial city, a manufacturing city, a city that has grown faster and greater than any other city on this conti-

nent. They send me here to vote for just propositions, such as will promote the progress of the country; and I am not afraid to avow my purpose to do so.

[Here the hammer fell.]

Mr. RANDALL. I do not know whether this amendment is offered to embarrass me in any degree.

Mr. O'NEILL. No, sir; not at all.

Mr. RANDALL. If it was, it fails of its object, because I stand here equal to the emergency. I shall vote against the amendment.

Mr. O'NEILL. I have no doubt of that.

Mr. RANDALL. Because I think that the bill appropriates for this post-office for the coming year sufficient to accomplish all that is possible to be done this year; that is, to reach the top of the first story. This appropriation is large enough for that; and I stand here ready to do right even though it is in opposing an unnecessary appropriation for my own city.

Mr. O'NEILL. Well, Mr. Chairman, this is not an unnecessary appropriation. It is an appropriation for the convenience of the business people of that city. My colleague knows that last April the appropriation made last year ran out, and there was not a dollar to carry on that building.

[Here the hammer fell.]

Mr. CONGER. I move to strike out the last word. I yield my time to my friend from Philadelphia, [Mr. O'NEILL.]

Mr. O'NEILL. I am much obliged to the gentleman.

Mr. Chairman, I think I know as much about the post-office and custom-house building in Philadelphia as does my colleague.

Mr. RANDALL. A great deal more.

Mr. O'NEILL. No, sir; no more. But if I had had the opportunities of the chairman of the Committee on Appropriations I would have proposed to appropriate $750,000 for that building, so that it could have progressed toward completion. He may talk about the stone that has been cut and not yet used. Why, sir, $350,000 will not set that stone five feet above the basement of the building. By January every dollar of this appropriation will be exhausted, and the work on that building stopped again to its great detriment, and the people of that city, now doing their post-office business in a building so crowded that it has been a wonder to me how they could get along with the insufficient space, are to be put to continued inconvenience by the loss in this building of many months in its completion. I am in earnest in urging this appropriation of $750,000, because I believe it is demanded by the requirements of the public service.

Mr. FORT. Did not the gentleman vote against giving the city of Chicago anything at all?

Mr. O'NEILL. No, sir; I voted for the appropriation for the city of Chicago.

The question being taken on the amendment of Mr. O'NEILL, it was not agreed to.

Mr. DOBBINS. I move to amend by inserting after the pending appropriation the following:

Provided, That of the said sum of $350,000 the sum of $34,973.37 be used in completing the United States court-house at Trenton, New Jersey.

Mr. RANDALL. It is not germane, and, in addition, we have voted it down practically.

The CHAIRMAN. The amendment is not in order.

The Clerk read as follows:

Court-house and post-office, Raleigh, North Carolina: For completion of building, $50,000.

Mr. DAVIS. I move to strike out "50" and insert "100;" so it will read $100,000.

Mr. Chairman, on that amendment I desire to say a single word. The State of North Carolina has had but little in the way of appropriation from this House. She is one of the original thirteen States, and not one of the old States, or indeed one of the new States, but has been the recipient of more benefits at the hands of the Government than that old State. There is not a Federal court-house in our borders. This appropriation is just $45,000 less than the estimate. The building now being erected in Raleigh is one that is creditable to the Federal Government as well as just to that State. The Architect, in his report, said it will take $145,000 to complete it. It can be completed in the next fiscal year. I ask the appropriation be increased as I have moved, as a matter of justice to that State.

Mr RANDALL. There is $22,000 unexpended balance, and we give $50,000, making in all $72,000. And we thought that would be sufficient for Raleigh, to go slowly.

The amendment was rejected.

The Clerk read as follows:

Appraisers' stores, San Francisco, California: For continuation of building, $50,000.

Mr. PIPER. I move, in line 493, to strike out "50" and insert "100," so it will read "$100,000."

Mr. Chairman, this is one of those small things which the gentleman from New York [Mr. COX] talked about. The building this appropriation is estimated for is intended for a court-house to accommodate the Federal courts, the circuit and district courts of that State. The building is 265 by 120 feet. It is also intended for appraisers' stores, for the accommodation of the appraisers of the city of San Francisco, as well as to be used as a bonded warehouse. It will have a capacity of 20,000 tons of storage as a bonded warehouse, and the Government does not own in the city of San Francisco any bonded warehouse at this time.

There has been already expended on this building $508,000, less $43,000 of unexpended balance. The estimate for the completion of this building is $300,000. The Architect estimated for $100,000, which the Committee on Appropriations, in my judgment inadvertently, cut down to $50,000. [Laughter.] Probably it is a misprint in the bill, [renewed laughter,] for I do not suppose for one moment that committee, which is endued with such a desire for economy, could possibly have appropriated only $50,000 for continuing a building that has already had expended on it $508,000, a building that is a necessity for that community.

Certainly, Mr. Chairman, it is not in the line of economy, when the Federal Government is paying for the use of the courts alone which this building will accommodate when completed the sum of $12,000 per annum. That is nearly the interest on the $300,000 required to complete the building.

And in addition, as I have already stated, there are no appraisers' stores in the city of San Francisco one-quarter large enough for the business, and the appraisers are compelled to do the greater portion of their work on the sidewalks and streets. The twenty thousand tons of storage capacity of this building will net the Government at least $40,000 a year, thereby saving to the Treasury the sum of $52,000.

Now at the rate this committee is making appropriations it will take six years to finish this building. During those six years the Government would be losing the interest on $508,000, which is $25,000 a year, and that would be $150,000 of loss in six years. By completing the building in two years, as ought to be done, the Government would gain $52,000 a year net profit on the transaction. It would gain in completing this building the interest of six years, netting $185,000. I ask, therefore, in the interest of economy and reform this appropriation be increased to $100,000. It should be $150,000. I ask the House to sustain the amendment.

Mr. RANDALL. There are two buildings in San Francisco in the course of erection, the appraisers' stores and the subtreasury building. The committee give enough to finish the subtreasury building and $50,000 to go on with these appraisers' stores.

Mr. PIPER. How much to finish the building?

Mr. RANDALL. All they ask, $27,000.

Mr. PAGE. That is not to erect a building.

Mr. RANDALL. It is to complete a building.

Mr. PAGE. It is to repair an old building now belonging to the Government.

Mr. RANDALL. We finish it so as to make it useful.

Mr. PAGE. I take the floor and yield to my colleague.

Mr. PIPER. I am glad to know that the chairman of the Committee on Appropriations did appropriate that $27,000, and I am surprised that they did, because that appropriation saved $11,000 a year to the Government. The Government is paying for the subtreasury and the surveyor-general's office $11,000 a year now.

Mr. LUTTRELL. Will my colleague state what rents we are now paying there?

Mr. PIPER. I will come to that. There is now being paid by the Federal Government in the city of San Francisco for rents $76,000 annually. There is not one public building in that city except the mint that deserves the name of a public building. The gentleman has talked a great deal about the large cities around here. I know they are large cities, but every intelligent gentleman on this floor and every intelligent gentleman in the United States knows that to-day, outside of the city of New York, San Francisco is the next most important city in the American Republic. The trade and commerce of San Francisco this year will be greater than that of Boston, and the revenue collected there for duties on merchandise alone is more than that of any other city except New York. And the driveling, contemptible, parsimonious attempt at economy by this committee toward the Pacific coast deserves the denunciation of every decent man.

Mr. RANDALL. Your language does not amount to anything.

Mr. ATKINS. It is quite unnecessary.

The question being taken on Mr. PIPER's amendment, there were—ayes 31, noes 54.

Mr. PIPER. A quorum has not voted. I call for tellers.

The CHAIRMAN. A quorum not having voted, the Chair will order tellers; and will appoint the gentleman from California, Mr. PIPER, and the gentleman from Tennessee, Mr. ATKINS.

The committee again divided; and the tellers reported—ayes 51, noes 59.

Mr. PIPER. A quorum has not voted.

The CHAIRMAN. Does the gentleman from California make the point of order that no quorum has voted?

Mr. PIPER. I do.

Mr. PAGE. I suggest that a quorum will not be insisted on if we are allowed to take a vote on this in the House.

Mr. ATKINS. I object.

Mr. RANDALL. I move the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker *pro tempore* having resumed the chair, Mr. BLACKBURN reported that the Committee of the Whole had had under consideration the bill (H. R. No. 3749) making appropriations for sundry civil expenses of the Government

for the fiscal year ending June 30, 1877, and for other purposes, and had come to no resolution thereon.

Mr. RANDALL. I move that the House take a recess until eleven o'clock to-morrow morning.

The motion was agreed to; and accordingly (at ten o'clock and fifty minutes p. m.) the House took a recess until eleven o'clock to-morrow.

AFTER RECESS.

The recess having expired, the House re-assembled at eleven o'clock a. m., Friday, June 23, Mr. COX, Speaker *pro tempore*, in the chair.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. RANDALL. I move that the rules be suspended and that the House resolve itself into Committee of the Whole on the state of the Union on the sundry civil appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, (Mr. BLACKBURN in the chair,) and resumed the consideration of the bill (H. R. No. 3749) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1877, and for other purposes.

The CHAIRMAN. The Clerk will report the pending amendment, which is that offered by the gentleman from California, [Mr. PIPER.]

The Clerk read as follows:

In line 493 strike out "$50,000" and insert "$100,000;" so that it will read:
Appraiser's stores, San Francisco, California: For continuation of building, $100,000.

Mr. RANDALL. Let us have a vote on that.

The question being taken, the amendment was not agreed to.

Mr. LUTTRELL. I offer the following amendment.

In line 493 strike out $50,000 and insert $70,000.

Mr. Chairman, I believe this is a necessity. As my colleague [Mr. PIPER] stated last night, we pay some seventy-odd thousand dollars in San Francisco as rent for public buildings. We pay that annually. I know, sir, that when the eastern mails by steamer arrive in that city they are piled up under a shed and a guard placed over them. We have no room to store them. The building is now in course of construction, and the recommendation of the Architect, I believe, was for an appropriation of $100,000. The Committee on Appropriations has placed the appropriation at $50,000; but I believe the necessities of the case require it should be at least $70,000.

Mr. PIPER. Mr. Chairman——

The CHAIRMAN. Does the gentleman yield to his colleague?

Mr. LUTTRELL. I give way to my colleague, who represents the district in which the building is being constructed.

Mr. PIPER. I insist that we shall have $100,000 for that building or nothing. If we can get but $50,000—if that is all they will give us—we do not want any more, unless we get the $100,000.

Mr. LUTTRELL. I differ with my colleague on that proposition.

Mr. PIPER. My colleague one day on the floor of this House, in a very ungentlemanly manner——

The CHAIRMAN. Does the gentleman from California yield to his colleague?

Mr. LUTTRELL. No, sir. The fact is that the House has voted down my colleague's proposition for $100,000. I voted for the $100,000 and aided my colleague in endeavoring to pass that amendment, and desired it should pass. But the House saw fit to vote it down, and now I have offered this amendment in good faith, believing that if we can obtain $20,000 more it will aid us very much. I should have liked an appropriation of $100,000, because the necessities of the case require it; but if we cannot get $100,000 I am willing that we should take $70,000. This is a matter which concerns every inhabitant of the Pacific coast. We pay an enormous amount of Government taxes; and I can corroborate everything my colleague has stated as to the wants of that city. I hope the amendment will be adopted.

Mr. PIPER. I move to amend the amendment by striking out $75,000 and inserting $99,000.

The question was put upon the amendment to the amendment; and on a division there were—ayes 16, noes 35.

No further count being demanded, the amendment was declared to be rejected.

Mr. PIPER. I move now to amend the amendment by inserting $98,000.

If this were not a necessity, if it were not in the line of economy, I would not be captious about this matter; but every gentleman must know from the statement which I made, and which I defy any gentleman to refute, that this appropriation is in the line of economy and retrenchment. By the completion of this building within two years the Government will save $50,000, and I will say further, that on a certain occasion when I offered an amendment in relation to the navy-yard at Mare Island my colleague was very offensive to me, saying that I had no right to offer an amendment in relation to it; but yet he seems to think that he has the right to interfere with the local affairs of the city which I have the honor to represent.

I do not want $75,000; I want $100,000. If I cannot get that, let the appropriation go.

Mr. LUTTRELL. I desire to say one word only, and then I am done. My colleague [Mr. PIPER] was out of his seat and I offered the amendment in good faith, and held the floor for the purpose of giving him an opportunity to be heard should he appear. Had he been in his seat I should not have made the amendment, but would have left the matter to be conducted by him, giving to him my hearty support. For so doing my colleague, [Mr. PIPER,] in his arbitrary manner and with intemperate language, would take me to task. I did not offer the amendment with a view to interfere with matters within his district. I am not given to such practices. Can my colleague say as much?

His intemperate language and overbearing manner toward the Committee on Appropriations and myself on this occasion reminds me of a passage from one of the famous Dr. Watts's hymns:

False are the men of high degree,
The baser sort are vanity;
Laid in a balance, both appear
Light as a puff of empty air.

I have acted in good faith, and now the gentleman can take the matter into his own control.

The question was taken on the amendment to the amendment; and on a division there were—ayes 7, noes 26.

Mr. PIPER. I ask for tellers.

The CHAIRMAN. No quorum having appeared, the Chair will order tellers, and appoint Mr. PIPER and Mr. LUTTRELL to act as tellers.

Mr. LUTTRELL. I am not opposing the amendment of my colleague; I am on his side.

The CHAIRMAN. The Chair does not understand that it is necessary to have a gentleman who is opposed to an amendment to act as teller; but if the gentleman from California wishes to be excused, the Chair will appoint Mr. ATKINS in his place.

The committee divided; and the tellers reported—ayes 20, noes 32; no quorum voting.

Mr. PIPER. No quorum has voted, and I insist upon a further count.

Mr. ATKINS. I suggest that this clause of the bill be passed over for the present, and that we proceed with the consideration of other portions of the bill.

Mr. RANDALL. O, no; let us go on with this.

The CHAIRMAN. No quorum having voted, it is the duty of the Chair to cause the roll to be called.

The Clerk accordingly proceeded to call the roll; when the following members failed to answer to their names:

Messrs. Anderson, Ashe, Bagby, George A. Bagley, John H. Bagley, jr., John H. Baker, Banks, Bass, Beebe, Bell, Blaine, Bliss, Bradley, Bright, John Young Brown, Samuel D. Burchard, Burleigh, Campbell, Cannon, Cason, Cate, Chapin, John B. Clarke of Kentucky, John B. Clark, jr., of Missouri, Clymer, Cochrane, Cowan, Crapo, Crounse, Danford, Darrall, Davy, Denison, Eames, Eden, Egbert, Ely, Evans, Faulkner, Finley, Franklin, Freeman, Frost, Fuller, Garfield, Gibson, Glover, Hale, Haralson, Hardenbergh, Benjamin W. Harris, Harrison, Hartridge, Hartzell, Hathorn, Haymond, Hays, Henkle, Abram S. Hewitt, Goldsmith W. Hewitt, Hoge, Hubbell, Hunter, Hurd, Hyman, Jenks, Kasson, King, Lamar, Lapham, Lawrence, Le Moyne, Edmund W. M. Mackey, Magoon, Maish, MacDougall, McMahon, Milliken, Money, Mutchler, Nash, New, O'Brien, Odell, Packer, Phelps, William A. Phillips, Plaisted, Platt, Poppleton, Powell, Pratt, Purman, Rainey, James B. Reilly, Rice, William M. Robbins, Roberts, Miles Ross, Sobieski Ross, Sayler, Schumaker, Sinnickson, Slemons, Southard, Spencer, Strait, Stenger, Stevenson, Stowell, Swann, Teese, Martin I. Townsend, Tucker, John L. Vance, Waddell, Gilbert C. Walker, John W. Wallace, Walsh, Ward, G. Wiley Wells, Wheeler, Wigginton, Andrew Williams, Charles G. Williams, James Williams, William B. Williams, Benjamin Wilson, Fernando Wood, Woodworth, and Yeates.

The committee then rose, and the Speaker *pro tempore* having resumed the chair, Mr. BLACKBURN reported that the Committee of the Whole on the state of the Union having, according to order, had under consideration the bill (H. R. No. 3749) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1877, and for other purposes, and finding itself without a quorum, the chairman had, under the rules, caused the roll to be called, and reported the names of the absentees to the House.

The SPEAKER *pro tempore*. A quorum having appeared, the Committee of the Whole on the state of the Union will resume its session.

The Committee of the Whole on the state of the Union resumed its session, Mr. BLACKBURN in the chair.

The CHAIRMAN. The question is upon the amendment of the gentleman from California [Mr. PIPER] to the amendment of his colleague, [Mr. LUTTRELL.]

Mr. LUTTRELL. As my colleague is opposed to my amendment, I will withdraw it. I merely offered the amendment to allow my colleague time to make a speech.

Mr. RANDALL. I object to the withdrawal

The CHAIRMAN. Then the tellers, Mr. PIPER and Mr. ATKINS, will resume their places.

The committee divided; and the tellers reported—ayes 45, noes 68; no quorum having voted.

Mr. FORT. I submit to the gentleman from Pennsylvania [Mr. RANDALL] that a vote be allowed in the House on this question.

Mr. HOLMAN. O, no!

Mr. RANDALL. That will take another half hour.

Mr. PAGE. There is evidently no quorum voting here, and I would ask that the gentleman from Pennsylvania consent that a vote be taken on this amendment in the House.

Mr. RANDALL. I have several times declined that proposition.

The CHAIRMAN. There is a quorum in the Hall, as appeared upon the roll-call just made.

Mr. DUNNELL. There must be a quorum in the Hall.

The CHAIRMAN. There is a quorum in the Hall, but if it is the pleasure of members not to vote, the Chair will direct the roll to be again called.

After a further count, the tellers reported—ayes 59, noes 83.

Mr. PIPER, (one of the tellers.) That is not a quorum.

Mr. RANDALL. How much does it lack of a quorum?

The CHAIRMAN. It lacks four of a quorum. The Clerk will proceed to call the roll.

Mr. RANDALL. O, no; we will make up a quorum.

After a still further count, the tellers reported—ayes 61, noes 85.

So the amendment was not agreed to.

The CHAIRMAN. The question recurs upon the amendment offered by the gentleman from California, [Mr. LUTTRELL.]

Mr. LUTTRELL. I offered that amendment merely to gain time, in order that my colleague [Mr. PIPER] might be present.

Mr. PIPER. I do not want it.

Mr. LUTTRELL. Then I withdraw the amendment.

The Clerk resumed the reading of the bill, and read the following:

State, War, and Navy Department building: For continuation of the building, $250,000.

Mr. WELLS, of Missouri. I move to amend the paragraph just read by adding the following:

To be expended under the direction of the Secretary of War.

Mr. RANDALL. I have no objection to that.

The amendment was agreed to.

Mr. HURLBUT. I move to further amend the paragraph by striking out "$250,000" and inserting in lieu "$750,000;" and I desire to state to the Committee of the Whole my reasons for offering this amendment. Gentlemen are doubtless aware that the valuable records of the War Department, of the Navy Department, and of the Pension Bureau are scattered all over this city in insecure and unsafe buildings, for which the Government is paying, if I am correctly informed, about $150,000 a year rent. The risk of loss is something enormous. They are records which if burned or destroyed could not in any way be replaced; records that every member of this House is interested in who has constituents, as all of us have, who would be benefited by them.

In addition to that fact, this is a great public building, necessary for the United States Government, not located in any small or distant place, but a building in which every member of this House is interested. It is important to the best interests of the Government that a full and adequate sum of money should be supplied in order to bring this building to a completion as early as possible.

I understand the sum estimated for by the Architect for this purpose is $1,300,000. The sum of $750,000 can be well and properly used during this season to advance this building to such a point that we will be able to preserve our records and save the rent the Government is now paying.

Mr. DUNNELL. I think the amendment offered by the gentleman from Illinois [Mr. HURLBUT] ought to be accepted by the Committee on Appropriations and also by the Committee of the Whole House. One million of dollars was appropriated last year for this building, if I remember rightly. I speak upon this amendment now only for the reason that no one can visit the War Department or the Navy Department building without feeling that the time has come when those old buildings should give way to something permanent in its character, something in which the important records of the Government may be safely preserved. The gentleman from Illinois has called attention to that fact, and probably that is enough to be said upon it.

We appropriate by this bill $350,000 for the foundation of the post-office building at Philadelphia; we also appropriate $450,000 for a court house and post-office in the city of Saint Louis; but when we come to the State, Navy, and War Department building, a building for the accommodation of those three great Departments of the Government here in Washington, a portion of the building now uncovered, a building for which we appropriated a million of dollars last year, it is now proposed by the Committee on Appropriations to give simply $250,000 to this great work.

I think it is due to the Government, to the honor and dignity of the Government, that this great work shall go on to completion. Gentlemen know that last year the Navy Department caught on fire, and the keeping of it now from destruction is the result of great care. It is liable to take fire at any time. The records of that great Department were put in peril last year by the fire that then occurred, and the building is now utterly unsafe.

Now, I do not believe that we are in a condition to stop that work. Those records absolutely demand preservation. When we go into the State Department we realize the security which that building now gives to the important records stored there. Two years ago they were in the building on Fourteenth street, and everybody felt that the archives of this Government were in peril. By the transfer of those records from that unsuitable building on Fourteenth street to the present structure we now feel a sense of security with regard to them.

I think that this work ought to go on, and that the building for these three important Departments of the Government should be completed and the proper preservation of our records secured. The sum proposed in the bill is altogether too small. Before I sit down I would like to ask the chairman of the Committee on Appropriations whether there is not some unexpended balance which may serve as an addition to this amount?

Mr. RANDALL. The amount appropriated last year was $700,000; the estimate for the next year will be found in the Book of Estimates, appendix G, signed O. E. Babcock, Colonel of Engineers, United States Army. He gives as the estimate of the necessary amount $1,940,428.44, from which he deducts (and this is the point to which I wish to direct attention) "amount of appropriations available, $562,000." Now, this $562,000 added to the $250,000 which we propose to appropriate in this bill will make more than $800,000 to be expended next year, while the appropriation last year was only $700,000.

Mr. KELLEY. Mr. Chairman, I desire to call the attention of the committee to the fact that while any question relating to my district or city was pending I abstained from expressing any opinion. I desire now to offer some general reflections.

I do not think the country will credit the majority of this House with the practice of sound economy or wise statesmanship. When the question of purchasing a site and constructing new buildings in Chicago was up and one of my colleagues proposed to make the amount $3,000,000 I insisted upon $4,000,000, that the money might be thrown into that stricken city to revive industries; and I hoped that the purchase of land would be made immediately. When more recently the question of a building for Memphis was up I took ground in favor of a liberal appropriation. In one of these cases my own party was responsible, and in the other the opposing political party; but in each case I followed the same sound system.

Our officials report the public debt diminished so much each month; but it is diminished by transferring the debt to another account. We owe to the immediate future the improvement of the rivers and harbors. We owe to the immediate future the public buildings which have been begun and which are needed. The debt is not reduced by paying on one side and increasing on the other side of the account, as we are doing.

Sir, the majority in this House have determined that we are able to pay $2,000,000 annually for the purchase of an inconvenient and costly fractional currency to substitute it for a convenient and cheap one; yet we cannot apply $2,000,000 this one year to the completion of our public buildings! We can buy with money that would redeem 5 or 6 per cent. bonds $40,000,000 of silver at the cost of $2,000,000 annually, yet we cannot make appropriations for the completion of our buildings!

Sir, money put in circulation for those buildings would employ tens of thousands of men. The barefoot, ragged, famishing working-people would thus be enabled to buy shoes and clothes and food. Two million dollars expended in that way would do $40,000,000 of business. But once invested in silver, it is gone. And let us look at the economy of it. If I lose a ten-cent fractional note, I lose it, and the Government gains ten cents. If I lose a dime, I lose the money as I did in the other case, and the Government loses the value of the silver in it, and must replace it when the stock runs low. Millions a year to the Bonanza mines; but let the laborers starve and the country go without public buildings!

The question being taken on the amendment of Mr. HURLBUT, it was not agreed to; there being ayes 35, noes not counted.

Mr. GOODE. I offer the following amendment, to come in at the end of line 499:

For necessary repairs upon the ordnance depot, magazine, and wharves of the United States at the naval station at Norfolk, Virginia, the sum of $50,000, to be expended by the Bureau of Ordnance, under the direction of the Navy Department.

Mr. HURLBUT. I make the point of order that this amendment is not germane to this bill; it is a military appropriation.

Mr. GOODE. I suggest to the gentleman from Illinois [Mr. HURLBUT] that there is an appropriation in this bill for magazines; and he will see that one object of the amendment is the preservation and repair of the magazine at Norfolk station. It is entirely germane.

The CHAIRMAN. The Chair is not clearly of opinion that the amendment is germane; but being in doubt, he regards it as safest to overrule the point of order, admit the amendment, and let the Committee of the Whole pass upon it.

Mr. RANDALL. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker *pro tempore* having taken the chair, Mr. BLACKBURN reported that the Committee of the Whole on the state of the Union, having had under consideration the Union generally, and particularly the bill (H. R. No. 3749) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1877, and for other purposes, had come to no resolution thereon.

And then, on motion of Mr. RANDALL, (at eleven o'clock and fifty-eight minutes a. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk under the rule, and referred as stated:

By Mr. GOODIN: Papers relating to the claim of Hon. M. W. Delahay, late United States district judge for the district of Kansas, to the Committee on Appropriations.

By Mr. MORRISON: The petition of citizens of Madison County, Illinois, for an appropriation for the protection of the levees and dikes on the Mississippi River in said county, to the Committee on Commerce.

By Mr. O'BRIEN: The petition of Mary A. Miller, of Washington, District of Columbia, for a pension, to the Committee on Invalid Pensions.

IN SENATE.

FRIDAY, *June* 23, 1876.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Second Auditor of the Treasury, transmitting copies of all accounts received at his office from persons charged or intrusted with the disbursement or application of money, goods, or effects of any kind for the benefit of the Indians, from the 1st of July, 1874, to the 30th of June, 1875; which was ordered to lie on the table.

DISTRICT OLDEST INHABITANTS' CELEBRATION.

The PRESIDENT *pro tempore* laid before the Senate the following communication; which was ordered to lie on the table and be printed:

SOCIETY OF THE OLDEST INHABITANTS DISTRICT OF COLUMBIA,
City of Washington, June —, 1876.

The President and members of the United States Senate:

GENTLEMEN: The Society of the "Oldest Inhabitants" respectfully invite you to be present at their celebration of the centennial anniversary of American Independence, which will take place at Ford's Opera-House at twelve o'clock m. The Declaration of Independence will be read by Colonel Horatio N. Easby, and an oration delivered by L. A. Gobright, esq.

I have the honor to be, very respectfully, your obedient servant,
JNO. B. BLAKE, *President.*

ADMISSION TO THE FLOOR OF THE SENATE.

Mr. SHERMAN. The commissioners of the District have constant business here, and there is some doubt whether they are entitled to admission to the floor of the Senate under the rules. They ought to have admission to the floor. I submit a motion that the commissioners of the District have the privileges of the floor.

Mr. EDMUNDS. For this session.

Mr. SHERMAN. For this session, the Senator suggests. They have really business here.

Mr. EDMUNDS. It requires unanimous consent; but I have no objection.

The PRESIDENT *pro tempore*. Is there objection? The Chair hears none. Admission is granted.

REPORTS OF COMMITTEES.

Mr. CLAYTON, from the Committee on Indian Affairs, to whom was referred the bill (S. No. 741) for the relief of such members of the Menomonee tribe of Indians as may desire to become citizens of the United States, reported it with an amendment, which was ordered to be printed; and the bill was, on motion of Mr. CLAYTON, recommitted to the Committee on Indian Affairs.

Mr. OGLESBY. The Committee on Indian Affairs have instructed me to report back the bill (S. No. 716) to authorize the execution of a resolution of the national council of the Osage Indians. This bill was reported from the committee once before, with a recommendation that it be indefinitely postponed, after due consideration by the committee. It was again, on the motion of some Senator, referred back to the committee, and has been again considered by the committee. It relates to a claim for $180,000 for attorneys' fees of two Indian attorneys for the Great and Little Osage Nations for valuable services that they claim to have rendered under a contract and under an order of the council of the Osage Nation. They submitted their claims to the Government, which finally came to the Secretary of the Interior, and under his discretion $50,000 were paid as attorney fees. This bill now asks for $180,000 more. The committee again report adversely upon the bill, believing that it has no merits and ought not to pass this body now or at any time hereafter.

The report was agreed to; and the bill was postponed indefinitely.

Mr. SHERMAN, from the Committee on Finance, to whom was referred the bill (H. R. No. 3398) for the issue of coin, and for other purposes, reported it with an amendment.

BILLS INTRODUCED.

Mr. WRIGHT asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 936) to provide for the expenses of district judges when holding court out of their own district; which was read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed.

Mr. MITCHELL asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 937) establishing a mail-route in Oregon; which was read twice by its title, referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

Mr. FRELINGHUYSEN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 938) for the relief of George T. Olmsted, jr.; which was read twice by its title, referred to the Committee on Military Affairs, and ordered to be printed.

ORDER OF BUSINESS.

Mr. EDMUNDS. I move to take up, according to the notice I gave yesterday, Senate bill No. 686, amending the statutes to conform to the opinion of the Supreme Court about the enforcement acts, so called.

Mr. SHERMAN. I ask whether the special order does not come up at one o'clock?

Mr. EDMUNDS. No, sir; there is none.

Mr. SHERMAN. There was a special order, made dependent on the appropriation bills.

The PRESIDENT *pro tempore*. The Chair is not aware of any special order.

Mr. SHERMAN. There was a special order, made by unanimous consent, by which the silver bill was to be taken up, subject to appropriation bills. I do not wish to interfere with the Senator from Vermont in taking up his proposition, but I wish the special order, as I understand it to be, to come up under the rule. By unanimous consent it was agreed that the silver bill should be postponed and made a special order to come up after the appropriation bills.

Mr. EDMUNDS. I should like to hear the Journal entry read. If there is any such order, I did not know it. At any rate we ought to take up this bill. It ought to occupy but a little while. I do not propose to debate it at any length. It is perfectly understood. It is only amendatory of the old law, in order to bring it into harmony with the opinion of the Supreme Court, bad as that opinion is; and I cannot help supposing that everybody will agree to this bill at once.

The PRESIDENT *pro tempore*. The Secretary will read the order of the Senate.

The Chief Clerk read the following minute:

Bill (S. No. 263) relating to legal tender of silver coin. Made a special order for Tuesday, June 20, at one o'clock: *Provided*, There will be at that time no appropriation bill to be considered.

Mr. SHERMAN. As I understand it, the silver bill continued a special order until the pending appropriation bills were disposed of.

Mr. EDMUNDS. O, no.

Mr. SHERMAN. I will state to the Senator that the silver bill was made a special order by unanimous consent. I presume the Senator was not present at the time or does not remember the circumstance.

Mr. EDMUNDS. I was not here when any such thing was done.

Mr. SHERMAN. I stated that I would be willing to give way to the appropriation bills. The Indian appropriation bill had then been reported. I have no desire, however, to have a controversy or waste time about the order of business, but I think it necessary to act upon the silver bill definitely. We may have it understood that it shall be taken up after this bill is over, for there must be some action upon it.

Mr. EDMUNDS. I have no objection to that.

Mr. SPENCER. I shall object after the enforcement bill is concluded to taking up the silver bill, as I shall then ask the Senate to proceed to the consideration of the District tax bill.

Mr. EDMUNDS. The special order was a conditional one, and the condition has never attached.

The PRESIDENT *pro tempore*. The Chair sent for the Journal in order to see what the record is. From the minute read by the Clerk the special order has been lost. As appropriation bills had been taken up at that time the special order would not arise and did not, unless something more special was agreed upon.

Mr. EDMUNDS. It was a conditional order.

Mr. SHERMAN. The order was made in the broadest terms, I think upon the motion of the Senator from Missouri, [Mr. BOGY,] and was intended to continue until the appropriation bills were over.

Mr. EDMUNDS. That would not make any difference, because a majority of the Senate, if it were taken up, could postpone it for this bill, or postpone this bill for that one. There is no use in wasting time upon the subject. I hope the Senate will let me get this bill up.

The PRESIDENT *pro tempore*. Is there objection to taking up the bill named by the Senator from Vermont?

Mr. WHYTE. Would one objection carry it over?

The PRESIDENT *pro tempore*. It would not. It is subject to a majority of the Senate. The bill has been reported heretofore.

Mr. THURMAN. What is the question before the Senate?

The PRESIDENT *pro tempore*. The question is, will the Senate proceed to the consideration of the bill which the Secretary will now report by title.

The Chief Clerk read the bill (S. No. 686) to amend the second, fourth, and fifth sections of the act entitled "An act to enforce the right of citizens of the United States to vote in the several States of this Union, and for other purposes," approved May 31, 1870, and as a substitute for sections 5506 and 5507 of the Revised Statutes by its title.

Mr. THURMAN. The motion, I understand, is to take up this bill in the morning hour?

The PRESIDENT *pro tempore*. The motion is to take up the bill now.

Mr. THURMAN. That motion is amendable, I believe.

The PRESIDENT *pro tempore*. The motion to take up is not amendable.

Mr. THURMAN. Is it not amendable by substituting another bill?

The PRESIDENT *pro tempore*. No; the question is on the motion to take up the bill, and such a motion as the Senator indicates would not be in order. The Journal being here, the Secretary will now read the order made in regard to the question which the Senator from Ohio [Mr. SHERMAN] called to the attention of the Senate.

The Chief Clerk read as follows from the Journal:

The PRESIDENT *pro tempore* announced that the morning hour had expired, and called up the unfinished business of the Senate at its adjournment yesterday, to wit, the bill (S. No. 263) to amend the laws relating to the legal tender of silver coin.

The Senate resumed, as in Committee of the Whole, the consideration of said bill, and the question being on the amendment proposed by Mr. BOGY,

After debate,

On motion of Mr. BOGY, two-thirds of the Senators present concurring.

Ordered, That the bill be postponed to, and made the special order for, Tuesday, the 20th instant, at one o'clock; *Provided*, That it will not interfere with the consideration of any appropriation bill.

The PRESIDENT *pro tempore*. That order only applies to the day named.

Mr. SHERMAN. That was not the understanding of the Senator from Missouri and myself.

Mr. EDMUNDS. It does not make any difference. Let us dispose of this bill and then of the silver bill.

Mr. BOGY. My understanding was that the silver bill was to be taken up and was to give way only to an appropriation bill.

Mr. EDMUNDS. We must stand by the record.

Mr. BOGY. It was to be taken up when the pending appropriation bills were disposed of if no other one was ready.

Mr. EDMUNDS. Certainly one o'clock has not arrived, when the special order would come up if there were one.

The PRESIDENT *pro tempore*. The Chair has no other way than to be guided by the Journal, which met the approval of the Senate upon the following day.

Mr. THURMAN. Is debate in order upon the motion to take up the bill?

Mr. EDMUNDS. Not upon the merits; but on the propriety of taking up, certainly.

Mr. THURMAN. I hope this motion will not prevail. I beg leave now to make a statement, and then I think the Senator from Vermont will hardly press it. There are a number of Senators from this side of the Chamber who are now absent, and I do not think it would be right in their absence to press this measure, which is a debatable measure, to which those absent Senators are, as I may infer from their past action, opposed. I think that during the week in which another convention was held no measure of any considerable character was pressed in the absence of Senators from the other side.

I hope my friend from Vermont, in view of this fact, will not undertake to press this bill until after next week. There is no necessity that I can conceive for pressing it now. If the bill can become a law at all, it may become a law just as well if passed week after next as if it were passed now. No good reason can be given, it seems to me, for taking the bill up now; while to take it up in the absence of Senators who wish to be heard upon the bill, and vote upon it, would be an act of injustice to them.

Mr. EDMUNDS. Mr. President, nothing could be further from my intention or my wish than to incommode any Senator on the other side, or to do anything in his absence that the public interest did not imperatively require. I think it will be found on inquiring around that the Senators of the other side who are absent are paired on all political questions; and my friend from Ohio can perceive, as he cannot fail to have perceived in the last few days, that quite as large a proportion of Senators of this side of the Chamber are absent to-day, and have been yesterday and the day before and so on, as of that side; so that there will be no relative disparity of votes or opinions if this bill be taken up and considered now. If Senators of the other side of the Chamber have gone away without pairs and for the purpose that my friend indicates, not expecting that a political motion would be taken up, and that being taken up the result would be somewhat different in some way from what it would be otherwise, I certainly should not press it; but I feel quite confident—and I shall be glad to be corrected if I am in error—that every one of the gentlemen on the other side who would be by instinct opposed to this bill, who is away, is paired; and if that be so, I submit to my friend of Ohio that there can be no impropriety in taking up and having a vote upon it. The general question involved in the bill has been discussed over and over again; and all there is in this bill (because I do not intend to debate its merits, but only to state what they are) is to bring the statutes of the United States into harmony with what is the present opinion of a majority of the judges of the Supreme Court.

Mr. THURMAN. Mr. President, I cannot say who of the Senators on this side of the Chamber are paired, if indeed any of them are. I have no definite knowledge on that subject. I dare say some of them are paired. I should think it very likely that out of abundant caution and according to the usages of the Senate under such circumstances they have obtained pairs, though I do not know the fact to be so in reference to any one of them, and therefore I cannot make it now a predicate of my action that they are paired; but I think there are some of them who desire, and as to one of them I know that he desires to be heard upon this bill, and he left last night and will not be back for some days.

If the Senator will propose to fix the bill for some time when these Senators can be back, I shall not then oppose its being taken up and letting the Senate vote on the bill. I do not want to discuss it except one section of it. There is one section which is entirely novel and which I do wish to discuss. Upon the other sections I have already expressed my opinion at previous sessions of the Senate so fully that I have no desire to repeat it again. Upon one section I do wish to be heard. But there are other Senators who have not heretofore expressed their opinions on this measure and who would like to speak both in regard to its constitutional aspects and in regard to its policy. I hope, therefore, the Senator will let the bill lie over until, say, Monday week or Tuesday week, and then I will do all I can to help him take it up.

Mr. EDMUNDS. I will not spend much of the time of the Senate on this matter; but there is one fact that I wish to call the attention of the Senate to and also the attention of my friend from Ohio. It is about six or eight days ago—I do not remember the precise day—when all the gentlemen on the other side of the Chamber were present, and when there was no excuse for not going on with this bill, that I moved to take it up, and I found every one of my friends on the other side voting to prevent it; and they did prevent it because our side of the Chamber happened to be thin at that moment. Therefore, Mr. President, I do not think there is any strong obligation out of mere general courtesy to restrain us from going on with this bill now, unless it would appear that some of the gentlemen on the other side have gone away not expecting that it would be taken up and without pairs. I think when you get at it it will be found otherwise; but in the face of my attempt when the other side was full to get up this bill, and their then defeating it, within a week or ten days, I do not think it comes with very good grace to ask that it shall be put off now.

Mr. THURMAN. One word about that. It is a novel idea to me that there was any want of courtesy in the members of the Senate on this side who voted against taking up the bill in so voting. Where was the want of courtesy in their voting against taking up a particular measure is more than I can see, unless indeed there was some special reason that appealed to their courtesy and required them to exercise it in the taking up of the bill. I do not think there was anything of that kind.

Mr. EDMUNDS. I did not say that there was; I only spoke of the contest that seems to be going on to get rid of acting on this bill.

Mr. MORTON rose.

Mr. EDMUNDS. I was about to make a proposition, but I will first hear my friend from Indiana.

Mr. MORTON. I was simply going to say that I regard the bill which the Senator from Vermont proposes to take up as one of the greatest possible importance. It is a bill which is likely to affect the political and private rights of a great many people in this country in the next few months. We all understand that, without going into the discussion of that question this morning. It is a proposition simply to amend a law so as to bring it within the late decision of the Supreme Court of the United States. That decision has virtually destroyed it, and in doing that has left the rights of a great many people at the mercy of their enemies; and I know of no more important measure that can come before the Senate at this session or any other than the question of amending this law.

Mr. WHYTE. I agree with the Senator from Indiana that this is probably one of the most important bills that can be brought at this session before the Senate of the United States; and it is for that reason that I hope it will not be taken up at this time. There are bills relating to the finances which are ready or will be ready to be acted upon by the Senate.

More than that, if that were a bill merely to supply some defect in the laws of Congress as they now exist, about which there was no dispute, it might be important to take it up and hurriedly act upon it; but there is a very wide difference of opinion whether this bill is such a law as is contemplated by the Supreme Court of the United States as "appropriate legislation" to carry out and perfect the amendments to the Constitution. This bill ought not to be passed in a hurry; it cannot be passed in a hurry, because the duty of every Senator is to examine carefully the provisions of this bill, and to discuss it, and to discuss it fully before it is put to a vote. It is therefore of very little importance how many Senators are paired upon the question. It is not votes that are important; but it is discussion and intelligent discussion of this bill that is needed.

The bill as presented originally by the Senator from Indiana [Mr. MORTON] is almost entirely altered by the report of the Committee on the Judiciary. There was such a diversity of opinion between the Senator from Indiana in the original bill as introduced by him and the action of the Judiciary Committee as to make the bill present a most remarkable contradiction between its features, showing that the Senator from Indiana and the majority of the Judiciary Committee were entirely at variance as to what was appropriate legislation in accordance with the views of the Supreme Court of the United States.

There are Senators in this Chamber who were not here in 1870 when the act was passed upon which the Supreme Court was called upon to decide, who are unfamiliar with the discussions at that time; and, while there are Senators here who participated in them, some of whom thought that that legislation was improper and stated their reasons for that opinion, there are other Senators who were not here, who did not hear that debate, and who are unfamiliar with the reasons given by those Senators. For my own part, I do not think that any legislation which operates upon the individual is "appropriate legislation" under the recent amendments to the Constitution, but that that legislation shall operate upon the States; and in looking at this act as presented by the Judiciary Committee it seems to me to be faulty. But I am unprepared to-day to go into such a discussion. I am quite sure that scarcely any Senators upon this side of the Chamber are prepared to enter into a general discussion of the subject to-day. Under these circumstances, I think the Senator from Vermont might give us some fixed time when we might direct our attention to this particular bill and be prepared to discuss it.

Mr. EDMUNDS. Mr. President, I gave notice two weeks ago, and in pursuance of this notice I moved to take up the bill, and nobody was ready then, and I lost the motion because my friend and his associates resisted it until there was not a quorum here and we went away. Then yesterday I gave notice again. Now my friend from Ohio says it ought to be put off until Monday week. What day is that, sir? The day before the Fourth of July; Fourth-of-July week in the centennial year! It might as well be put off until 1976 so far as anything we can do in that week is concerned. After the Fourth of July comes the impeachment trial, and it is in effect saying, as it looks to me at present, that this bill shall not be acted on this session unless it is acted on now. Gentlemen have had full notice over and over again, and if there be any fault it is not the fault of those having charge of the bill that it has not been disposed of before, but the fault of those who resisted it by their votes and their speeches getting it before the Senate. I hope we shall take it up.

The PRESIDENT *pro tempore*. The question is on the motion to proceed to the consideration of Senate bill No. 686.

Mr. MERRIMON and Mr. WHYTE called for the yeas and nays, and they were ordered.

The Chief Clerk proceeded to call the roll.

Mr. COOPER, (when his name was called.) On this question I am paired with the Senator from Minnesota, [Mr. MCMILLAN.] He would, if present, vote "yea," and I should vote "nay."

Mr. MITCHELL, (when his name was called.) I am paired on all political questions with the Senator from Delaware, [Mr. SAULSBURY;] and, as this is considered one of that kind, I shall not vote. If he were here he would vote "nay," and I should vote "yea."

Mr. WINDOM, (when his name was called.) I am paired with the Senator from West Virginia, [Mr. DAVIS.] If present, I presume he would vote "nay," and I should vote "yea."

Mr. WRIGHT, (when his name was called.) I am paired with the Senator from Maryland, [Mr. DENNIS.] If he were present he would vote "nay," and I should vote "yea," on this motion.

The call of the roll was concluded.

Mr. PATTERSON. On all political questions I am paired with the Senator from Pennsylvania, [Mr. WALLACE.] If he were present he would vote "nay," and I should vote "yea," on this motion.

Mr. SPENCER. On this question I am paired with the Senator from Connecticut, [Mr. BARNUM.] If he were here he would vote "nay," and I should vote "yea," on this motion.

Mr. MORTON. On this subject I am paired with my colleague, [Mr. MCDONALD.] If he were here, he would vote "nay," and I should vote "yea," on this motion.

Mr. CAMERON, of Pennsylvania. I believe I am paired with the Senator from Delaware, [Mr. BAYARD.] I should vote "yea," if at liberty to do so.

Mr. CHRISTIANCY. Upon all political questions I am paired with the Senator from New York, [Mr. KERNAN.] I suppose this may be put upon that ground; and hence I decline to vote.

Mr. SHERMAN. Although this is not according to the understanding I had about the order of business, I vote "yea," but I give notice that I shall feel at liberty to move to lay this bill aside after some time, if it is not disposed of, to take up the silver bill.

Mr. ALCORN. Without committing myself to the bill, not having yet read it or had the opportunity to do so, I vote to take it up.

The result was announced—yeas 23, nays 14; as follows:

YEAS—Messrs. Alcorn, Allison, Anthony, Clayton, Conkling, Dawes, Edmunds, Ferry, Frelinghuysen, Hamilton, Hamlin, Harvey, Hitchcock, Howe, Logan, Morrill of Maine, Morrill of Vermont, Oglesby, Paddock, Robertson, Sargent, Sherman, and Wadleigh—23.

NAYS—Messrs. Bogy, Caperton, Cockrell, Eaton, Johnston, Kelly, Key, McCreery, Maxey, Merrimon, Ransom, Thurman, Whyte, and Withers—14.

ABSENT—Messrs. Barnum, Bayard, Booth, Boutwell, Bruce, Burnside, Cameron of Pennsylvania, Cameron of Wisconsin, Christiancy, Conover, Cooper, Cragin, Davis, Dennis, Dorsey, Goldthwaite, Gordon, Ingalls, Jones of Florida, Jones of Nevada, Kernan, McDonald, McMillan, Mitchell, Morton, Norwood, Patterson, Randolph, Saulsbury, Sharon, Spencer, Stevenson, Wallace, West, Windom, and Wright—36.

So the motion of Mr. EDMUNDS was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. G. M. ADAMS, its Clerk, announced that the House disagreed to the amendments of the Senate to the bill (H. R. No. 3478) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1877, and for other purposes, asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. SAMUEL J. RANDALL of Pennsylvania, Mr. WILLIAM A. J. SPARKS of Illinois, and Mr. STEPHEN A. HURLBUT of Illinois managers at the conference on its part.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore*:

A bill (H. R. No. 1846) authorizing the retirement of Colonel W. H. Emory with the rank and pay of a brigadier-general;

A bill (H. R. No. 1989) granting a pension to Robert Cavanaugh;

A bill (H. R. No. 2198) granting a pension to Mrs. Martha R. Robinson, of Portsmouth, Ohio;

A bill (H. R. No. 2824) to change the name of the steamboat Paragon, of Pittsburgh, Pennsylvania;

A bill (H. R. No. 2849) for the relief of William Rule, postmaster at Knoxville, Tennessee;

A bill (S. No. 558) making a further appropriation for the erection of Government buildings in Dover, Delaware; and

A bill (S. No. 770) for the relief of Judson S. Post, of Missouri, late disbursing officer of the United States Navy.

INDIAN APPROPRIATION BILL.

The Senate proceeded to consider its amendments to the bill (H. R. No. 3478) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1877, and for other purposes, disagreed to by the House of Representatives; and

On motion of Mr. MORRILL, of Maine, it was

Resolved, That the Senate insist on its amendments to the said bill disagreed to by the House of Representatives and agree to the conference asked by the House of Representatives on the disagreeing votes of the two Houses thereon.

By unanimous consent, it was

Ordered, That the conferees on the part of the Senate be appointed by the President *pro tempore*.

Mr. WINDOM, Mr. LOGAN, and Mr. RANSOM were appointed the committee of conference on the part of the Senate.

AMENDMENT OF ENFORCEMENT ACTS.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 686) to amend the second, fourth, and fifth sections of the act entitled "An act to enforce the right of citizens of the United States to vote in the several States of this Union, and for other purposes," approved May 31, 1870, and as a substitute for sections 5506 and 5507 of the Revised Statutes.

The bill was reported from the Committee on the Judiciary with amendments.

The first amendment was in section 1, line 4, after the word "laws," to insert the words "of the United States or;" in line 7, after the word "laws," to insert "any;" in line 11, after the word "give," to insert the words "and every such person and officer respectively shall give;" in line 16, after the word "to" where it occurs the first time, insert the words "execute and;" in the same line, after the word "to" where it occurs the second time, insert the words "the foregoing provisions of;" so as to make the section read:

That if, by or under the authority of the Constitution or laws of the United States, or of any State, or the laws of any Territory, any act is or shall be required to be done as a prerequisite or qualification for voting, and by such constitution or laws any persons or officers shall be charged with the performance of duties in furnishing to citizens an opportunity to perform such prerequisite or to become qualified to vote, it shall be the duty of every such person and officer to give, and every such person and officer respectively shall give, to all citizens of the United States the same and equal opportunity to perform such prerequisite and to become qualified to vote, without distinction of race, color, or previous condition of servitude; and if any such person or officer shall refuse or knowingly omit to execute and give full effect to the foregoing provisions of this section on account of the race, color, or previous condition of servitude of the applicant or person seeking to perform such prerequisite or qualification for voting, he shall, for every such offense, forfeit and pay the sum of $500 to the person aggrieved thereby, to be recovered by an action on the case, with full cost, and such allowance for counsel fees as the court shall deem just; and shall also, for every such offense, be deemed guilty of a misdemeanor, and shall, on conviction thereof, be fined not less than $500 or be imprisoned not less than one month and not more than one year, or both, at the discretion of the court.

The amendment was agreed to.

The next amendment was to insert as section 2:

That if any person or officer of the United States, or officer of any State, or any person exercising power or authority under the United States or any State, shall deny or abridge to any citizen of the United States, entitled by the laws of such State or by the Constitution or laws of the United States to vote at any election, the right and opportunity so to vote at such election by reason of his race, color, or previous condition of servitude, or shall for said cause fail to allow and furnish to such citizen, so entitled to vote as aforesaid, a full, fair, impartial, and equal opportunity, under the laws, with all other citizens entitled to vote at any such election, to exercise his right of voting, every person and officer so offending shall be deemed guilty of a misdemeanor, and shall, on conviction thereof, be punished by a fine not exceeding $1,000, and be imprisoned not exceeding two years.

Mr. THURMAN. I move to strike out in the first line of the amendment the words "person or." The section provides—

That if any person or officer of the United States, or officer of any State, or any person exercising power or authority under the United States or any State, shall deny or abridge to any citizen of the United States, entitled by the laws of such State or by the Constitution or laws of the United States to vote at any election, the right and opportunity so to vote at such election by reason of his race, color, or previous condition of servitude, &c—

he shall be punished. You will observe that it is not said "if any person exercising power or authority under the United States or under the constitution or laws of any State," but the word "person," in the grammatical construction of this section, is as broad as any signification of that word can be; and that is made more clear by the fact that when the word "person" appears in the next line of the section it is qualified by the words "exercising power or authority under the United States or any State," so as to be applied there only to a person who is exercising such power or authority. Where the word first occurs it is used apparently in the broadest possible sense of the term "person." I do not know how any mere person exercising no official or quasi-official function at all can properly be said to deny or abridge the right of any other person to vote, unless indeed he employs some force

or duress or intimidation or the like. That is not what is intended here, because those specific cases are provided for further along in the bill. They are provided for in section 4 of the bill, originally section 2. They are also provided for in section 5, the original section 3 of the bill. So, then, so far as the employment of force or intimidation or bribery is concerned, those cases are all provided for in the subsequent sections of this bill. I do not know what interpretation will be given to this section if this word "person" is left in the first line of the second section; and until I can have some explanation of what is meant by it, what propriety there is in having that word in this unqualified sense in that connection, I must insist that it shall be stricken out.

There are other objections to this section, but I prefer to limit what I have to say just now to this particular point that I make in favor of striking out that word.

Mr. EDMUNDS. Mr. President, I cannot afford, considering the state of the business of the Senate, to take any time that is not strictly necessary in the discussion of any part of this bill. In one or two minutes, therefore, I think I can reply to the observations of my friend satisfactorily even to him, if we are to have the law at all.

The right of suffrage of every citizen of the United States and of the States to whom the law gives it, is universal and sacred; and this section proposes to punish any person who invades that right, under whatever pretext it may be; and if it may happen that the cases may be rare or difficult to find where a person in his character of person may do that thing, so much the better; but if any such cases can possibly exist, then the man ought to be punished.

But more than that, we put in this word industriously. We did not intend when somebody pretending to be an officer of the United States or of a State should invade this sacred right and should be indicted for it that he should escape the just punishment for his crime by showing that there was some technical defect in his appointment under State authority and that he was not a State officer, but a mere intruder at the polls, in point of law, although good enough to receive all the votes of one side, but having no legal authority to receive them on the other. We intend to reach him in his personal capacity; and whoever about the polls or elsewhere prevents a citizen from voting who has a right to vote we intend to punish, and not allow him to escape by showing that in point of law he did not happen to be the State officer that he pretended to be.

Mr. THURMAN. Mr. President, it seems to me, if that is the explanation of it, that it is a very far-fetched contingency which it is supposed this section is intended to meet. What are the operative words of this section which describe the offense? They are, first, "that if any person or officer," &c., "shall deny or abridge to any citizen of the United States, entitled by the laws of such State or by the Constitution or laws of the United States to vote at any election, the right and opportunity so to vote." That is the first. The second words descriptive of the offense are, "or shall for said cause"—that is, on account of race, color, or previous condition of servitude—"fail to allow and furnish to such citizen so entitled to vote as aforesaid a full, fair, impartial, and equal opportunity under the laws with all other citizens entitled to vote at any such election to exercise his right of voting."

The first is "if any person shall deny or abridge." How can a mere private individual holding no official function whatever, either *de jure* or *de facto*, deny to another his right to vote? And if it is said that he may abridge it, or if it is said that under the other clause he may "fail to allow and furnish to such citizen a full, fair, impartial, and equal opportunity," the answer to it is complete, that the succeeding sections of this bill apply to all cases in which any person by any improper means shall deny or abridge the right of any one to vote. I am opposed to an offense being described in such general terms as this. If you say that a man who denies or abridges the right of another to vote shall be punished, you should state the offense in such clear and precise words that a man may know whether he is violating the law or not; that he may know what the law is. The committee has attempted to do so in the succeeding sections of this bill, and to a certain extent has succeeded. It has said in section 4 of the bill as it now stands:

> That if any person, by force, bribery, threats, or intimidation, or other unlawful means, shall hinder, delay, prevent, or obstruct, or shall combine and confederate with others to hinder, delay, prevent, or obstruct, any citizen from doing any act required *by law* to be done to qualify him to vote, or from voting at any election as aforesaid on account of the race, color, or previous condition of servitude of such citizen, such person shall, for every such offense, forfeit and pay the sum of $500 to the person aggrieved thereby, to be recovered by an action on the case, with full cost and such allowance for counsel fees as the court shall deem just; and shall also, for every such offense, be guilty of a misdemeanor, and shall, on conviction thereof, be fined not less than $500, or be imprisoned not less than one month and not more than one year, or both, at the discretion of the court.

Here is a section that attempts to define an offense with something like legal accuracy, and covers every possible case supposed by the Senator from Vermont. There is no necessity, therefore, for this second section, and it can only give rise to obscurity in the law, and may give rise to injustice in its execution.

I ask again, how will you draw an indictment under this against a private individual in that he denied or abridged the right of a citizen to vote on account of his race, color, or previous condition of servitude? How would you draw an indictment under it that would not fall precisely within the fourth or the fifth section of this bill? I think I might defy the ingenuity of my friend the chairman of the Committee on the Judiciary—and there is no more astute lawyer than he—to draw an indictment under this second section against a private individual or against a man, if you please, who is *de facto*, but not *de jure*, an election officer, that would not be necessarily a statement of some one of the offenses provided for in the fourth or fifth section of this act. If that is so, this word ought to be stricken out. You ought not to have any such vague, uncertain, ill-defined, or rather not defined at all, offense upon your statute-book.

Again, sir, let us look at this word in connection with the ninth line of the section:

> That if any person * * * shall fail to allow and furnish to such citizen, so entitled to vote as aforesaid, a full, fair, impartial, and equal opportunity.

What is meant by that, pray? What is meant by a mere private individual failing to furnish to a citizen an equal opportunity to vote? Here he is required to do some positive act, to act affirmatively, to furnish to an individual a free, equal opportunity to vote; and if he does not do that, he is on conviction to be punished by a fine of not exceeding $1,000, "and," not "or," "be imprisoned not exceeding two years;" and that punishment is denounced against a man who has no official character whatever, and upon whom therefore no official duty rests to furnish to anybody an opportunity to vote.

Mr. EDMUNDS. Let us have the question, Mr. President.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Ohio to the amendment of the Committee on the Judiciary.

Mr. WHYTE. Mr. President, the Senator from Vermont will not vouchsafe to us any argument in response to the Senator from Ohio, and therefore I presume he has not one at hand to present. It strikes me as extraordinary that this section of this bill should be called "appropriate legislation" to enforce the fifteenth amendment of the Constitution, an amendment which prohibited the States or the United States from denying or abridging to citizens of the United States equal political rights on account of race or color or previous condition of servitude. The fifteenth amendment applies, in my judgment, to the States; and, as I understand it, until the State is in default or until the State has refused to grant these rights, which Congress meant to protect in the colored man as in the white man, until the State has done some act, it is not in the power of Congress to pass any law operating upon the State. But suppose Congress in its wisdom chooses to anticipate the action of the States; suppose Congress chooses to presume that a State will act in violation of the fifteenth amendment, and will deny or will abridge to the colored man the political rights which the white man has in the State, and Congress undertakes to pass laws in advance of such act on the part of the State, then those laws ought to operate upon the State; or, if you will go a step further, they ought to operate upon officers of the States and not upon private individuals and citizens within the territory of the States. The act of the individual is not the act of the State. An individual within the State may commit some act in violation of this amendment to the Constitution, and yet neither the State nor the officers representing the State do a single act in opposition to the expressed will of the people in this fifteenth amendment.

This section of the bill provides not only for officers of the United States, not only for officers of the State, but it goes a step further and provides for cases where men are acting as quasi officers of the United States or of the State, intending to prohibit any man from shielding himself when ostensibly acting as an officer by saying that he was not *de jure* an officer either of the United States or of the State within which he committed the violation of the fifteenth amendment. But it goes beyond all that, and undertakes to punish a man who a court shall say has denied or abridged the right of a citizen to vote in a certain State. Any individual standing on the curb-stone in front of a poll, any drunken fellow that may be riotously disposed in the neighborhood of a polling-place, who commits any act whatever which in the judgment of any court may be a denial or an abridgment of the right of a colored citizen to vote, is to be punished by fine and imprisonment. Could there be a more complete trap laid for an individual? Who is to determine what is a denial or an abridgment of the right to vote? Are such words as these put into the fifteenth amendment to apply to the States to be applied in all their broad latitude to the individual act of every private citizen in every State of this Union?

That is not all in regard to this section. As the distinguished Senator from Ohio said in calling our attention to this section of the bill, when you go a step further, what do you find? As an amplification of this broad charge of denial or abridgment of the right to vote, you actually punish a man for failing to furnish the colored man the right and the opportunity of voting, not neglecting, not refusing upon the part of an officer; but a private citizen who, in the language of the dictionary, neglects to assist a negro man in voting is to be punished by fine and imprisonment by the courts of the United States.

Mr. President, can it be possible that such a proposition can go forth from the Senate of the United States? A man omitting to conduct his colored brother up to the ballot-box and enable him to cast his ballot must go to jail and be fined! Why? Because he does not offer the right hand of fellowship or extend his arm to him and march him up to the ballot-box! Has it come to this, that suffrage is not to be a right of volition, but every man is made a conductor of colored vot-

ers to the polling-place and then to the ballot-box? And if you do not do it, if you, a private citizen, do not undertake to carry your colored brethren up, you shall be punished for it by a fine and by imprisonment.

Why, Mr. President, can the fifteenth amendment be stretched to meet such a case as this? The colored man, by the thirteenth amendment, had received emancipation and freedom; by the fourteenth amendment he had received equality of civil rights; and the fifteenth amendment was to guarantee to him equal political rights; but did the people of the United States suppose when they ingrafted that amendment into the Constitution that they were compelling every citizen to conduct and to see that his colored brother was taken to the polls, or to pay by languishing for two years within a jail of the country or submitting to a fine as the penalty for failing to do his duty by his colored brother? No, Mr. President, the people never understood such a thing; the people will not be content that such shall be the law of this land; and I trust the Senate of the United States, if they choose to anticipate the action of the States, if they choose, before the States have denied or abridged the right of suffrage to the colored man on account of his color, will make the law apply to officers of the United States and to officers of the States for refusing, or denying, or abridging this right. I hope they will not go any further than that, but will let the law operate only upon officers of the States and officers of the United States, or those men who claim to act under the panoply either of the Government of the United States or the State of Maryland or any other State, that those men shall be punished for doing that which the people said should not be done by the States themselves. But make no man-traps; pass no laws operating upon private citizens in such general terms as these, putting it in the power of courts to punish men for not doing that which no one ever contemplated it was the duty of a citizen to do.

Mr. EDMUNDS. Mr. President, nothing but the fear I have that my friend from Maryland will think I am disrespectful to him leads me to rise again to defend this section as it stands. The law that we already have on the statute-book has fallen through the meshes of the Supreme Court, on account of the want of a word or of the want of understanding by the Supreme Court of the meaning of the word "aforesaid;" and the Committee on the Judiciary, so far as they have any responsibility about it, do not intend that this supplementary act shall meet with the fate of its predecessor from the want of sufficiently comprehensive language in every section to catch even a reluctant judge or a reluctant statesman.

The Senator says that we are not to punish anybody but officers of the United States or officers of a State, and that it never will do to invade the privilege of a citizen by punishing him in his private capacity because he in his private capacity denies and abridges the most sacred right secured by the Constitution that his fellow-man has. That may be democratic logic, but it is not in my opinion just logic. On my friend's theory, a grand mob of Marylanders may assemble at the polls of Baltimore, there being no affirmative statute of the State of Maryland to authorize them to do so, and without any pretense of authority may exclude the whole body of the colored people of Baltimore, citizens of the United States and of that State, entitled to vote, from voting at all. This section, therefore, speaks of persons in their personal capacity who invade this particular right of their fellow-citizens on account of their race, color, or previous condition of servitude.

I do not think that it will require a great deal of discussion to demonstrate the propriety of a provision of that kind. My honorable friend, if he is sincere—and I have not the least doubt he is sincere as St. Paul was on the way to Damascus, before he got his eyes opened—has fallen into the error of not understanding, I think, correctly the meaning of this phrase in the Constitution and in this act "deny or abridge." I take it that it does not mean, in the sense of the Constitution or of the statute, a man's standing up and expressing his opinion in denial of a man's right to vote. It is reserved to the ingenuity of my friend from Maryland, if he suggested that, to put that interpretation upon the word "deny." The word "denial" is as old as Magna Charta; that very word has been in the Magna Charta of Great Britain from the eleventh century. The "denial" named in the Constitution is an act, just as "abridgement" is. It is standing between, by force, against the law, the right of the citizen and the place where he is to exercise it; and, I say, if any private citizen does that because his fellow-man happens to have a different color from his own, in the face of the Constitution, he ought to be punished.

But, Mr. President, on a question of this kind, where of course the obvious policy of those who do not like this kind of law would be to break out a word here and stick in another there, &c., in order that it might fall through again, it is not worth while, I take it, to spend a great deal of time in discussing criticisms of this character.

Mr. WHYTE. Mr. President, the Senator from Vermont is entirely mistaken when he supposes that I maintained any such doctrine as he chooses to put into my mouth. I made no such statement. I said that here in this section those words ought not to be, because this section is intended, as I suppose, to be "appropriate legislation" to carry out the terms of the fifteenth amendment. The fourth section of this bill provides for the very case of private persons conspiring as a mob to prevent others from exercising the right to vote or getting to the registration office where they can be registered.

Mr. EDMUNDS. We have not got to the fourth section yet.

Mr. WHYTE. My friend from Vermont says we have not got to the fourth section, but I have read the fourth section, and the fourth section provides for the very case that he puts, and the provision in this section is out of place. This is a section intending to enforce the provisions of the fifteenth amendment on the States or on the officers of the United States representing the United States, or the officers of the States representing the States. It is intended to enforce that, and to prevent them as officers representing the States from denying or abridging, by failing to do certain acts, the rights of the colored citizen. The fourth section provides for the very case that he puts; and neither can there be a mob in Vermont nor in Maryland nor anywhere else to obstruct and hinder and delay men in the exercise of their franchise under this law, if you pass this bill, without punishment, because the fourth section as originally provided in the bill introduced by the Senator from Indiana meets that very case. I knew it when I rose. Therefore the Senator from Vermont cannot take my argument and change it to suit his purpose and put me in a false position. I never maintained any such proposition as he attributes to me. I maintain that this phrase "any person," separating and distinguishing the individual from the officer, ought not to be here, because this section applies to the State or the United States through the officers of those respective governments; and therefore when you put that language here and use the words "deny or abridge," as taken from the Constitution, you enact a drag-net, and leave it in the discretion of the judges of Louisiana, whose judicial decisions have been a marvel to lawyers in the past few years—you leave it to that class of judges to decide what is a denial or abridgment of a colored man's right.

No, Mr. President, let the wayfaring man understand what your law is; let him know what he violates when he runs counter to it; let him know that words are used which are plain to ordinary comprehension, and not words that you have to look for mainly in the far-off past to find out what they mean. Deny or abridge the right of a colored man to vote! A citizen ought to know what is the denial or abridgment of such a right; what word may turn a man away from the poll; what cross look may be construed as a denial or abridgment of his right; what motion, what act which a man may say was a denial of his right shall consign him to a jail or penitentiary and make him pay a fine. This is not the place for that provision. The provision of the fourth section of this bill, originally the second section, is one intended to cover the private citizen who interferes and obstructs the colored voter as he approaches the poll. This other section is a section applying to the officers of the United States and the officers of the States who have certain duties to perform, laid down by the laws of the States both in regard to registration and in regard to the deposit of the ballot in the ballot-box.

Mr. MAXEY. Mr. President, the Constitution of the United States, as framed by the fathers, left the elective franchise and the control of elections exclusively to the States. The fourteenth amendment to the Constitution of the United States did not attempt to dictate to the States who should or should not be voters; it only in that respect regulated the number of representatives in a certain event where the States saw proper to exclude certain parties from the right of suffrage. The fifteenth amendment is in these words:

> The right of citizens of the United States to vote—

And I would here say that it was only by the fourteenth amendment that citizens of the United States were created—

> The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

The tenth amendment to the Constitution of the United States is:

> The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

Turning, then, to the fifteenth amendment, what power is conferred upon the Federal Government? Is there a power conferred upon the Congress of the United States or upon the Federal Government to operate upon the individual in so far as the elective franchise or elections are concerned? Not in the slightest degree.

> The right of citizens of the United States to vote shall not be denied or abridged

By whom?

> By the United States or by any State.

Does it say "by any individual?" The expression "the United States" and "the State" exclude the idea that anybody was designed or intended to be reached except those specifically pointed out and named in the fifteenth amendment; that is, "the right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude." Applying, then, the tenth amendment, which declares that "the powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people;" this clause in the second section of the bill now pending, "any person," is without authority of the Constitution. The Constitution has reference to the United States and to the States, and therefore would apply to officers of the United States and to officers of the States, and not to an individual in his individual capacity. Hence, I think the expression used by the Senator from Maryland, that this is a drag-net, is true and correct.

In my humble judgment, the Congress of the United States has no right whatever to legislate in reference to the action of a citizen in his individual capacity, but only has a right to see that the United States do not deny or abridge the right of a citizen of the United States, and to see that a State in its sovereign capacity, in its corporate capacity as a State, shall not by any law of that State deny or abridge to a citizen of the United States the right to vote on account of race, color, or previous condition of servitude.

There is nothing in the fifteenth amendment that can by possibility be construed to refer to the power of the United States to act upon the individual; but it is the power of the United States by the fifteenth amendment to prevent this Government, the Congress of the United States, denying or abridging by any law the right of a citizen to vote on account of race, color, or previous condition of servitude; and the power is here conferred also to prevent a State from denying or abridging the right of a citizen to vote on account of race, color, or previous condition of servitude; but there is nothing in this fifteenth amendment that does authorize the United States to operate directly on the individual in his individual capacity. This being a Government of delegated powers, and Congress having no power whatever save that which is delegated upon the face of the written instrument, and there being no power delegated by the fifteenth amendment or anywhere in the Constitution for this Government to act directly on the citizen in this respect, this portion of the second section which says "any person" is not in accordance with any part of the Constitution of the United States from the preamble down to the last amendment, in my humble judgment.

Mr. THURMAN. Mr. President, the Senator from Maryland has very well answered the illustration put by the chairman of the Judiciary Committee of a mob in the city of Baltimore. Such an occurrence would be a case precisely under the fourth section of this act. And now, mark it, if that be the effect of the second section of the act, owing to the presence of the word "persons" in the first line of the section which I have moved to strike out, then we should have this anomaly, that the very same act is punishable under one section of the bill and under another section of the same bill, and if punished under one section, the punishment is just precisely double what it is if it be punished under the other. If those rioters at Baltimore supposed by my friend the chairman of the committee should be indicted, then the fourth section of the act would precisely fit their case; then their punishment on conviction would be a fine not less than $500, or imprisonment not less than one month and not more than one year, or both, at the discretion of the court; not necessarily both fine and imprisonment, but fine or imprisonment, or both, at the discretion of the court, the fine not to exceed $500, the imprisonment not to exceed one year. But if those same rioters should be prosecuted under the second section, as the remarks of the Senator from Vermont seem to imply they might be, then upon conviction they are to be punished by a fine not exceeding $1,000, instead of $500, and be imprisoned not exceeding two years; they are to be both fined and imprisoned, and the fine may amount to $1,000 instead of $500, as provided for in the fourth section, and the imprisonment may extend to two years instead of one year, as provided for in the fourth section. Thus you would put it in the power of a district attorney by indicting under the one or the other section of this law to make the the offender punishable either with fine and imprisonment, the fine going to the extent of a thousand dollars and imprisonment being for the period of two years, or if he saw fit, to indict under the other section limiting the punishment to less than one-half of that penalty.

What is the reason of this distinction in the punishment? I cannot help but believe that this section 2 was originally intended to apply simply to persons exercising official duty; and as it was intended to apply to them alone, it was thought right by the draughtsman of the section, undoubtedly, to make the penalty greater in the case of this official misconduct than it would be in the case of the offense of a mere private individual; and that has good reason to support it. When an officer corruptly fails to do his duty or acts improperly in office, we all agree that he should be punished more severely than a mere private individual who had committed a similar offense; and hence the penalty in this second section is double the penalty provided in the other sections of the act for the punishment of private individuals.

But, sir, I think this word "person" has crept into the first line of this second section inadvertently, or I did think so until my friend defended its presence here. I think it was intended to be in harmony with the first section. The first section has the word "persons" in it. The first section is:

That if, by or under the authority of the Constitution or laws of the United States, or of any State, or the laws of any Territory, any act is or shall be required to be done as a prerequisite or qualification for voting, and by such Constitution or laws any persons or officers shall be charged with the performance of duties in furnishing to citizens an opportunity to perform such prerequisite or to become qualified to vote, it shall be the duty of every such person and officer to give, and every such person and officer respectively shall give,

There the word "persons" is very properly used, because it is qualified by the provision that the person shall be charged by the Constitution or by the laws "with the performance of duties in furnishing to citizens an opportunity to perform such prerequisite or to become qualified to vote." That is the first section as it was draughted by the Senator from Indiana, [Mr. MORTON,] who introduced the bill. There the word "person" can very properly be found. The same section, going on, says:

It shall be the duty of every such person—

That is the person charged with the duty of furnishing to citizens the opportunity to perform such prerequisite—

It shall be the duty of every such person and officer to give, and every such person and officer respectively shall give, to all citizens of the United States the same and equal opportunity to perform such prerequisite and to become qualified to vote, without distinction of race, color, or previous condition of servitude; and if any such person—

That is the person charged by the Constitution or law with the duty—

or officer, shall refuse or knowingly omit to execute and give full effect to the foregoing provisions of this section, on account of the race, color, or previous condition of servitude of the applicant or person seeking to perform such prerequisite or qualification for voting, he shall, for every such offense, forfeit and pay the sum of $500 to the person aggrieved thereby, to be recovered by an action on the case, with full cost, and such allowance for counsel fees as the court shall deem just; and shall also, for every such offense, be deemed guilty of a misdemeanor, and shall, on conviction thereof, be fined not less than $500, or be imprisoned not less than one month and not more than one year, or both, at the discretion of the court.

That is the first section. There the word "person" is very properly used, because he is described as a person charged by the Constitution or laws with the performance of this duty, which he refuses or omits to perform; but when we come to the second section, the words are:

That if any person or officer of the United States or officer of any State.

If it stopped there, certainly the words "any person" would be construed *in pari materia* with the first section, and would be construed as meaning the person named in the first section; that is, a person charged by the Constitution or laws with the performance of this duty. That would be the fair interpretation of the word "person" in the section if it stopped there, but it does not do so; it goes on:

That if any person or officer of the United States, or officer of any State—

Then comes in—

or any person exercising power or authority under the United States or any State.

The insertion of these words necessarily makes the word "person" where it first appears in this section import what that word in its broadest sense means, any person. It necessarily does it, because, when you have provided expressly for the case of a person exercising power or authority under the United States or any State, who is the person described in the first section, when you have done that in the enumeration of those who are to be affected by this act, when you have said "any person, or any person exercising authority," thus making two classes, you necessarily give the word "person" where it first appears its most broad and general signification. Then comes the anomaly that if you punish the man under this section, this private individual, his punishment may be double and more than double the punishment which is denounced against him if you indict him under the fourth or fifth section of the bill.

But, Mr. President, that is not all of the objection. I beg the attention of my friend, the chairman of the committee, to what I am about to say, for I am not speaking in any spirit of hypercriticism at all, and certainly not with any desire to prevent any man, whatever may be his race, color, or previous conditon, from having all the rights to which he is entitled. I am speaking in the interest of good legislation, of proper laws, and especially of proper criminal laws. I want to put this question to my friend: Can he find a case in which a man would be indictable under the second section, if these words "or any person" were out in which he would not be indictable under the first?

Mr. EDMUNDS. I do not want to take time, as I said, but my friend seems to omit to see that the first section applies to registration entirely and the second section applies to voting entirely.

Mr. THURMAN. No, not to "voting entirely." I was going to limit my remark. The second section is broader than the first, but I say the second section includes the first. I put the sections wrong in my inquiry. The question I intended to put was, Is there a case in which a man could be indicted under the first section in which he could not be indicted under the second? That is the question that I intended to put. I got the sections reversed in hasty speaking.

Mr. EDMUNDS. Then I answer that in the negative, just as I did the other.

Mr. THURMAN. Is there a case in which he could be indicted under the first section in which he could not be indicted under the second?

Mr. EDMUNDS. Every case. One applies to registration and the other applies to voting.

Mr. THURMAN. Let us see whether that is the case. Undoubtedly the first section applies to registration; but it applies to more than registration. It applies to the case where a man must have paid his taxes before he can be entitled to vote. It punishes, as it would be very proper if we have the authority to punish, the tax-collector who would refuse to take the tax and enable the man to exercise his right of suffrage. If we had the power to punish that offense, it would be very proper for us to do it. It certainly would be very proper for the State to do it by its laws, and I think it is perhaps done in every State where that is a prerequisite to voting. The first section, therefore, goes beyond registration; it goes to the performance of every prerequisite to the right to vote. Let us come, then, to the second section, and see if the second section does not cover the same thing:

That if any person or officer of the United States, or officer of any State, or any person exercising power or authority under the United States or any State, shall

deny or abridge to any citizen of the United States, entitled by the laws of such State or by the Constitution or laws of the United States to vote at any election, the right and opportunity so to vote at such election by reason of his race, color, or previous condition of servitude.

That is one thing. Under that, could not the registrar who refused to register a qualified voter be punished? Would that not be denying him his right? Would not that be abridging his right? Under that provision could not the tax-collector be punished who refused to receive the man's taxes, and thereby deprived him of his right to vote when he would be entitled to vote? Would that not be a denial of his right? Would it not be an abridgment of his right? What difficulty in the world would there be in indicting the registrar or in indicting the tax-collector under this section for doing the very things which are denounced in the first section? That is not all:

Or shall for said cause fail to allow and furnish to such citizen, so entitled to vote as aforesaid, a full, fair, impartial, and equal opportunity, under the laws, with all other citizens entitled to vote at any such election, to exercise his right of voting.

That is the next thing. Does not the registrar who refuses to register a lawful voter "fail to allow and furnish" him an opportunity to vote? Does not the tax-collector who refuses to receive his tax, the payment of which is a prerequisite to his right to vote, "fail to allow and furnish" him a fair and equal opportunity with others to vote? Therefore, I say that there is not one offense described in the first section of this bill that might not be punished under the second section of the bill. It is true a court might interpret them in this way: that inasmuch as the first section is specific in regard to registration or these prerequisites the second section taken in *pari materia* must be construed not to relate to the same subject as the first. I do not say a court might not so construe it; I do not say that would not be a proper construction; I am inclined to think it would be; I think if I had the decision of it, or if my friend, the chairman of the Judiciary Committee, had the decision of it, or if any one else within my hearing who ever sat on the bench had the decision of it, he would be very apt to construe these sections, in *pari materia*, in this way and say that although the words of the second section would include words in the first, still as the first is specific the cases provided by it are excepted out of the general words contained in the second section. But that is the obscurity of the thing. A court might so hold or a court might not so hold. A good judge I think would so hold; but what assurance have we that it will be so ruled in every court of the United States? Then comes the anomaly, if I am right in this view, that the one section denounces twice the penalty for the same offense that is denounced by the other section.

To come back to the point, it is perfectly clear, reading the first section and then the second, and then the fourth and fifth, that the original object of the second section was to punish the persons described in the first section of the bill, to wit: Persons who are performing official duties or are charged with some duties connected with elections either by the laws of the United States or by the constitution and laws of a State. That being the case, and that being made more apparent by the fact that the penalty denounced in the second section is double the penalty provided for in the first, and double the penalty provided for in the fourth and fifth sections, it does not seem to me that there ought to be a moment's hesitation in sustaining the amendment which I have offered to strike out the words "person or," in the first line of the second section, which extend the provisions of that section to every individual in the land.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Ohio to strike out the words "person or."

Mr. CHRISTIANCY. I move to insert between the third and fourth lines of the section the words:

Or pretending to be such officer, or assuming to exercise such authority.

Mr. EDMUNDS. That is not in order.

The PRESIDENT *pro tempore*. The amendment suggested by the Senator from Michigan is not now in order, being a separate amendment, the pending amendment being in the second degree already.

Mr. MERRIMON. Mr. President, I regret that the Senator having this bill in charge has felt called upon to precipitate a hasty discussion of it upon the Senate.

Mr. EDMUNDS. I have not done that.

Mr. MERRIMON. It is a subject of the utmost difficulty, one that involves a constitutional question which is likely to give trouble in the future, as it has done in the past.

Mr. EDMUNDS. This bill was reported on the 16th of May. I do not think that is very precipitate.

Mr. MERRIMON. That is very true; but I take it no one except the honorable Senator himself expected that we would debate this serious question to-day.

Mr. EDMUNDS. I gave notice yesterday and a week ago.

Mr. MERRIMON. It seems to me, in point of justice—and I go further and say in point of common fairness—a time ought to be fixed for taking up and discussing this bill, so that every Senator might have an opportunity to inform himself upon it, to think about it, study it, and express himself in a way that would be entirely satisfactory to himself, to the Senate, and to the country, and elucidate a very difficult subject. If that were done it is more likely that we would succeed in perfecting a law that would in all respects answer the purposes of the Constitution. A statute which was intended to embrace the very subject embraced by this bill was passed some years ago. According to my recollection of the history of that statute, it also was passed in a great hurry. Political antipathies were allowed to prevail. The bill was discussed from a partisan stand-point; it was passed hastily and without due consideration; and the result was that as soon as the courts came to pass upon it the highest judicial tribunal in the country declared that it was in contravention of the Constitution and inoperative. I shall not be surprised, if the honorable Senator and a majority of this body shall in a like hasty manner pass this bill, if, when it becomes a statute, or what purports to be a statute, it shall meet a like fate. Such a course of action is, to say the least of it, unwise and ill-calculated to subserve any good purpose.

For one, I am ready to do whatever is necessary to effectuate this provision of the Constitution. I recognize the fifteenth amendment as an article of the Constitution, one that has become a part of our organic law, and one whose policy ought in good faith to be carried out by every American citizen. I hold myself ready, here and everywhere, to see that it is faithfully executed; that everything that ought to be done under it and in order to effectuate its purpose shall be done by every officer and everybody; but it is due to this section of the Constitution, it is due to the Government, it is due to the American people, collectively and individually, and it is particularly due that class of our population whom it is specially intended to benefit, that we should candidly, not from a partisan stand-point, endeavor to pass a statute which will certainly effectuate the great purpose contemplated. This bill, if I understand it correctly, rests entirely, exclusively, and absolutely upon the fifteenth amendment.

Mr. EDMUNDS. I do not know what authority the Senator has for saying that.

Mr. MERRIMON. I notice that in this discussion, as carried on by the honorable Senator himself and by other Senators, they refer only to this article, and treat it as the foundation, the ground-work upon which the bill rests.

Mr. EDMUNDS. I do not agree with the Senator.

Mr. MERRIMON. If any other ground-work has been indicated or assigned I have not heard it, and I should like to hear it. Let us consider this article in a spirit of candor and fairness—legal fairness, judicial fairness; in that spirit which is calculated and intended to elicit the truth and to arrive at the exact meaning of the article. The fifteenth amendment of the Constitution is in these words:

The right of citizens of the United States to vote shall not be denied or abridged—

Now, by whom? These are material words that I am now going to read—

by the United States—

First; second—

or by any State.

That right shall not be abridged, first, by the United States, secondly, by any State—

On account of—

What? Any one of three things, to wit—

race, color, or previous condition of servitude.

Would any lawyer, much less would any judge, putting aside all political discussion and controversy, ever think of saying or adjudging that the words "abridged by the United States or by any State on account of race, color, or previous condition of servitude," embraced anybody or anything except the United States and the several States that compose the Union? I take it not. How it is possible to construe the words "the United States or any State" to imply any person or any collection or combination of persons is beyond my comprehension. If the purpose which the Senator in charge of this bill has assigned to it had been intended, the fifteenth article of which I am now speaking would have read in this way:

The right of citizens of the United States to vote shall not be denied or abridged by the United States, or by any State, *or by any person*—

That is the material word to give this section the effect which the Senator seeks to assign to it—

or by any person on account of race, color, or previous condition of servitude.

Why were the words "any person" omitted? They are material, necessary for the purpose contended for. Every one upon looking at that article, and then reading this bill in connection with it and seeing the purposes of the friends of the bill in connection with it, must see that the words "any person" are essential in order that they may give the bill the compass that they endeavor to give it. In no conceivable view can the words "any State" be construed to imply any person. The plain limitation is on the *States*, and not on persons. The States are by the provision restrained from abridging the right of persons to vote, for the three causes specified.

In order, Mr. President, to make this view of mine more manifest and add weight to it, I will suppose a case. Suppose that a State should provide in its constitution or by statute that no man of the African race or who had been a slave or who had been in a condition of servitude should have the right to vote, what would be the condition of the African or the freedman or the man who had been in a condition of servitude in that State? Plainly he could not vote by virtue of the laws of the State. If it were a constitutional provision, he could not vote because the constitution of the State forbade it. If it were by virtue of a statute of the State which the constitution authorized the

Legislature to pass, he could not vote because the statute forbade it. Neither could any officer under the State government allow him to vote, although the statute of the United States should command it. Wherefore? Because the constitution and the statute of the State forbade him to do it. I ask the Senator from Vermont how he would remedy an evil of that sort, and whether his bill as it now stands embraces a case of that kind? That that was the evil which the Constitution intended to cut off and to provide against I have not the slightest doubt. It was apprehended after negro slavery had been abolished in the Southern States and it had become the policy of the nation that all men should have equal rights before the law that it was necessary to allow the negro race to exercise the right of suffrage in order to their protection and to maintain the harmony of our system of government. It was apprehended that the Southern States or some of them might provide by law in their organic law, or in their statutes that the colored race, the negroes, men who had been slaves, men who had been in a condition of servitude, should not be allowed to exercise the elective franchise. It was deemed necessary, as the whole history of this article shows, to provide in the article this restriction upon the power of the State which forbids the State to pass any law or to do any act as a State which abridges the right to vote on account of race, color, or previous condition of servitude. For fear the States might provide that the negro should not vote and thus protect his rights, the fifteenth article provides that his right to vote shall not be abridged because of his race, that he was a slave, or in a condition of servitude.

There is another important fact in connection with the history of this article which tends to strengthen the view that I am now presenting. It was seriously debated by many friends of the freedmen whether it was wise to confer upon the colored man the right to vote immediately upon his becoming a free man. It was doubted whether, on account of his previous condition of servitude, his lack of opportunity and training, he was qualified in point of intelligence to vote. The debates upon this amendment to the Constitution show that that sentiment was entertained by many statesmen, and that it was a serious question in the minds of the warmest friends of the colored man as to whether it was wise to confer upon him suffrage. It was an experiment, a dangerous experiment, and the warmest friends of the colored man were apprehensive of the result; but they finally came to the conclusion that, in order to his reasonable protection in his rights as a freeman, it was absolutely essential to confer suffrage upon him. They made the venture, and the experiment is now going on. They thought that if he had the right to vote it would be such protection, and sufficient protection as to enable him to maintain his civil rights under the Constitution. And hence, when it was provided that he should not be denied the right to vote on account of race, color, or previous condition of servitude, it was not further provided that he should not be denied the right to hold office. I take it that it will not be denied that it is competent for any State in the Union this day to provide by her organic law that no man of the African race shall have the right to hold office because of his race, color, or previous condition of servitude. More than that, you might go into a State like South Carolina, where the colored race predominates, and there it would be competent for the colored race, if they saw fit to do it, to make a provision in their organic law that a man shall not hold office because he is a white man. You may exclude men from office because of race, color, or previous condition of servitude, but under the Constitution of the United States, under article 15, a State cannot abridge their right to vote.

Then this article of the Constitution operates upon two powers: First upon the United States. It is a limitation upon the power of the United States. Secondly it is a limitation upon the power of the several States, so that no State can pass a law providing that a man shall not vote because of his race, his color, or his previous condition of servitude. Surely that does not imply the power to say that John Smith or William Jones shall not deny or abridge or interfere in any way, however wrongful, with the black man's right to vote or the white man's right to vote. They for such offense must be punished by the laws of the several States. Such a construction would make this provision of the Constitution operate upon individual persons. There is no word in the clause that shows any such purpose; no word that can be warped into such a meaning. Therefore this bill would be inoperative and void.

It may be asked, if this view is correct, if the limitation contained in the fifteenth amendment clearly operates upon the United States and the several States, what is meant by section 2 of article 15, to wit?

> The Congress shall have power to enforce this article by appropriate legislation.

It is easier to ask this question than to answer it. It may be said that it means that where a State shall provide by its constitution or by statute, either negatively or affirmatively, that any person shall not be allowed to vote because of his race, color, or previous condition of servitude, in that case it shall be competent for Congress to pass a law whereby the right shall be secured to him as the laws of the State secure the like to other citizens.

Mr. EDMUNDS. Would that be necessary? Could he not defend under the Constitution without any act of Congress?

Mr. MERRIMON. How could he vote? Where is the machinery for his voting? Can Congress by a mere statute like this make the officers of the several States who control and manage the elections, officers of the United States for that purpose?

Mr. EDMUNDS. Does the Senator mean to say that if a State should pass an act of that kind that would authorize Congress to set up machinery of its own?

Mr. MERRIMON. I think it probable that was contemplated. Congress has passed an act——

Mr. EDMUNDS. Is that the Senator's opinion?

Mr. MERRIMON. I do not say that I have a definite opinion on that subject; indeed, I have not.

Mr. EDMUNDS. Ah!

Mr. MERRIMON. For you have forced this debate on me and others, so that I am not prepared to point out and throw the light that I ought and would be glad to do on the proper remedy. I would be glad to co-operate with the Senator and the Senate and the Congress and the American people to effectuate this article of the Constitution. I am not prepared to say just now, without opportunity for study and reflection, what appropriate legislation is, as suggested by the Supreme Court, but I want to say to the honorable Senator, and I believe he supported the law, there is a law upon the statute-book of the United States to-day which regulates the subject of elections in the several States to a very considerable extent. It is competent under that statute—I shall not say now whether it is valid or invalid—to appoint marshals and inspectors of election to go into the several States to see that the laws of the United States upon the subject of suffrage are faithfully executed and that justice is done. If that statute is valid, and if marshals and other officers of the United States may be sent into the several States to supervise the elections, why may not the Congress provide officers and machinery for holding an election even for State officers in the several States where the right shall be denied? I apprehend that no case of that sort ever will arise. I do not believe the time will ever come when any State will make such distinction of race, but I think it possible that it is within the power of Congress to pass a law whereby, if a State should venture to do that thing in violation of this article, the right should be secured. It might be very difficult to frame such a statute; it might be very impracticable in its operation, but that the exercise of some such power was contemplated this article and its whole history show. At the same time it is just as manifest that it never was intended that the article should operate on natural persons.

Now let us take another view of this subject. Suppose, as is the case I believe in every southern State and in every State where the colored man resides, that his political right of suffrage is provided for and he stands upon the same footing with the white citizen and every other citizen; that the occasion for an election shall come on; inspectors of election, judges of election, and all proper officers of the election shall have been appointed; and a faithless officer shall violate the law of the State, shall refuse to allow a colored man to register because he is a colored man, and afterward he shall refuse to allow him to vote because he is a colored man, avowing that his refusal is upon the ground that he is a colored man, under the laws of the several States that officer would be subject to indictment, he would be subject to such penalties as have been provided by the statutes of the several States; and yet, if those who advocate this bill are correct in their views, he is not only subject to the State tribunal, to be indicted and convicted before them and fined and imprisoned, but after he shall be so indicted, fined, and imprisoned under the State law he is to be amenable also to this proposed law, and he is to be twice punished for the same offense. That is the practical result. And how absurd, how outrageous such a proposition! It contravenes every principle of justice and subverts one of our great principles of liberty, that no man shall be twice convicted and punished for the same offense.

This proposed statute is a mere effort to aid in the execution of State laws. I never heard before of such a statutory provision of the United States. It is novel and striking. Every State in the Union, I believe, has made like provision for all races. An officer of a State willfully violates the law of his State by refusing to allow a black man to register because he is a black man, or a black officer refuses to allow a white man to register because he is a white man, and the refusal is put upon the avowed fact that he is a white man or a black man; he is indicted under the State laws, punished under the State laws, and at the same moment, for the same offense, he is to be indicted and punished under this proposed act of the Congress of the United States. Why, sir, the Constitution never contemplated a thing that leads to such a practical absurdity as that. The Constitution operates on the States; it is a limitation on their power in this respect. Where the States shall deny the right to vote on any one of the three grounds named, it is competent for Congress to pass some law whereby the person so denied his right shall have the benefit of it. What that law is, as I have said, I am not now prepared to say; but such a law I am prepared to support when we shall ascertain what it is.

Mr. EDMUNDS. I suppose the Senator is aware that the Supreme Court has already determined, and upon that point apparently unanimously, that Congress has power now to provide by legislation of this character (which in one respect they have found fault with, but which is cured in this bill) for this class of cases.

Mr. WHYTE. May I ask the Senator from Vermont whether the opinion of the Supreme Court is such as that it indicates that legislation operating upon the individual is "appropriate legislation?"

Mr. EDMUNDS. Most decidedly.

Mr. WHITE. In what opinion?

Mr. EDMUNDS. In the opinions delivered this very last session: the United States *vs.* Reese.

Mr. WHYTE. In which opinion does the Senator find it?

Mr. EDMUNDS. That is exactly what I am trying to tell the Senator, if he can wait a minute. The United States *vs.* Reese and Fonshee, and The United States *vs.* Cruikshank.

Mr. WHYTE. But in which of those two cases? I have read them both.

Mr. EDMUNDS. I will not waste time by reading them. I will send them over to the Senator and he can read them for himself.

Mr. WHYTE. I am much obliged to the Senator. I have asked him to point out to me in the opinions where the Supreme Court so say. I have read them both, and I cannot find it; it may be obtuseness in me; and I should like the Senator to point out to me where the Supreme Court has said so in either of those opinions?

Mr. MERRIMON. The truth is, Mr. President, that the Supreme Court carefully abstained from suggesting what appropriate legislation would be. They were sensible of the same difficulty that I am sensible of, and that every Senator here ought to be sensible of if we mean to pass a law that is going to be operative. They did not know themselves, I venture to say, what appropriate legislation was, and they did not venture to suggest it, and I was peculiarly impressed with the absence of any such suggestion when I read those opinions. It is a very difficult task to determine what is appropriate legislation and to devise an appropriate statute; and, for one, I apprehend we shall not be able to devise it in an hour's debate in the Senate. It will require the most serious and scrutinizing reflection and examination on the part of learned lawyers after they have taken ample time for the purpose, to devise a statute that will effectuate the purpose of the Constitution. The question is not how the article in the Constitution ought to have been made; the question is, what is it in the organic law? We must confine our action to it when we ascertain what its meaning is. Our duty is not to make it, but to ascertain what it is and abide by it, and do as it obliges us to do.

Now, sir, I should like the Senator from Vermont, or any other Senator, to point out to me what provision there is in this bill as a remedy for the case where a State shall provide that a man shall not have a right to vote because of his race, color, or previous condition of servitude. Suppose that Vermont to-day had a statute upon her statute-book providing that colored men should not vote because of their race, color, or previous condition of servitude, how would this bill afford any remedy in that case? I have read it; I have not had the opportunity to study it very thoroughly, but, according to my reading, there is no provision for the very case contemplated by the fifteenth article of the amendments. It is strange to me that that Senator, having the subject so much at heart, and having had such ample opportunity, should have failed to provide for and against the very difficulty that the fifteenth article was intended to cure and obviate. There is no provision, I repeat, in this bill of a remedy for the colored man if his right shall be abridged in Vermont or in any other State because of his race, color, or previous condition of servitude. That is the point to which this remedy ought to be directed, but it is absolutely and entirely omitted and ignored.

If the construction the Senator places upon this article of the Constitution is the correct one; if by the term "State" this article can be so construed as to operate upon every individual citizen of the several States, it is very much as if we were living to-day in a great consolidated, centralized form of government. That is a view which contravenes the whole theory, history, and practice of the Constitution, and it must be alarming to every citizen of the Union who takes a candid view of his rights under that system of Government which was established by Washington and our fathers.

Sir, we are called upon to-day to pass this strange bill, this bill so far-reaching in its provisions, this bill affecting most injuriously, if it should pass, the very vital features of our Government, in two hours, those who question its constitutional propriety protesting that they have not had an opportunity to examine it or to prepare anything as a substitute for it. If I had the opportunity I would be glad, if I should find I had the ability to do it, to submit something as a substitute that would meet the purpose contemplated by the fifteenth amendment; but that opportunity is denied me as the matter stands. This bill is to pass to-day without proper scrutiny. I have great respect for the Judiciary Committee, for all its members. They are able lawyers and excellent gentlemen and citizens; but, upon a matter that has for years engaged the attention of this country, of the Congress, the lawyers of the country, and the Supreme Court, the members of that committee might make a mistake as well as other people, as they did before; for the former bill passed the scrutiny of the Judiciary Committee of this body. They may err now as they certainly have done in the past, and they ought to be willing to give the largest opportunity for examination, reflection, and discussion. I repeat, I regret the course the Senator in charge of the bill has taken.

If the bill is to pass in this shape, if, by the term "State," this article is to be construed so as to operate upon individuals, why not put in another clause which will provide that any man who shall commit an assault upon another because he is a black man, or a black man who shall commit an assault upon a white man because he is a white man, shall be indictable in the Federal courts? Why not? The force of the logic of this bill goes that length. If, sir, you can make the term "State" mean "persons" in this article of the Constitution, you may provide that, if a white man and black man shall engage in a street fight, because one is black and the other is a white man, they shall be indictable in the circuit courts of the United States. That is the logical effect of the doctrine that underlies and permeates this bill; and I believe that some of the statutes supported by gentlemen whose zeal outruns their judgment looked to that end, went to that length, and it was only after the touch-stone of truth and judicial judgment was applied that it was found that such statutes could not operate, being in contravention of the Constitution. It is strange indeed, to me, that some gentlemen of ability and learning lose sight of reason and truth when the wish is father to the thought. We might as well apply the touch-stone of the law now; it must come to that in the end.

There are many things I should like to say on this bill that I have not said. I should like to take it up section by section, and scrutinize it in connection with this fifteenth article of amendment to the Constitution, but I am not prepared to do it. I had no idea that this the most important bill which has been before the Senate at this session would pass after two hours' desultory and hasty debate. I had supposed that the honorable Senator from Vermont would desire and extend the largest opportunity for discussion, and would be glad to have all the light possible thrown upon the bill; but with all his abilities, with all his opportunity to investigate this matter and manifest purpose to pass the bill at once, he does not deign in opening the debate, as he has a right to do under parliamentary usage, to give us an explanation, an exposition of this bill. I was anxious to hear him say and show that this bill rests firmly upon certain provisions of the Constitution, that it is essential, and to show with his keen logical mind how it would fit the Constitution and rest there like a great structure set upon a rock; but he has not done it. I take it he cannot. I believe he cannot. I know he cannot; he goes on with his mind and eyes closed, leaving the Supreme Court to again declare the invalidity of this proposed legislation. This, it seems to me, is not right. I deprecate and deplore such a course of action about a matter of so much moment.

Mr. MAXEY. May I be allowed to make a suggestion to the Senator?

Mr. MERRIMON. Certainly.

Mr. MAXEY. I understand the chairman of the Committee on the Judiciary to say, in response to a remark made by the Senator from Maryland, that he did not rely exclusively on the fifteenth amendment for this power of Congress to legislate on individuals in respect of the matters contained in the bill. I should like to have the Senator from North Carolina, while he is up, get out what provisions of the Constitution it is that justifies this legislation.

Mr. MERRIMON. I was going, before I took my seat, to ask the honorable Senator from Vermont, for my own information and benefit, if no one else desired it, to tell me the constitutional provisions upon which this bill rests and upon which it can stand, if not upon the fifteenth amendment. I think it was due the Senate. I expected to hear him go into a learned exposition of the constitutional provisions that warranted this bill; but it seemed as if he was in a hurry, and notwithstanding my protestation and the protestation of other Senators of an honest desire to get at the truth and to do right about this business, he would not heed us; he goes on in hot haste; and I tell the honorable Senator now that I apprehend if he goes on in this hot haste and this bill passes as it is the Supreme Court, in the exercise, not of partisan haste and feeling, but in the line of truth in the application of the touch-stone of the law, will go through the meshes of this bill again, just as they did through the other. That is what I expect. I do not believe this bill can stand, and therefore I am against it. It is not going to effectuate the purpose that ought to be effectuated; and then, besides, it goes to the country and to the world as a manifestation of a purpose on the part of Congress to wipe out those limitations upon Federal power which are essential to the preservation of free institutions in this country. I am against it, sir, upon all these grounds.

The PRESIDING OFFICER, (Mr. MITCHELL in the chair.) The question is on the amendment of the Senator from Ohio [Mr. THURMAN] to the amendment reported by the Committee on the Judiciary as section 2, to strike out the words "person or" in the first line.

Mr. WHYTE. I call for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. SPENCER, (when his name was called.) On this question and all other questions connected with this bill, I am paired with the Senator from Connecticut, [Mr. BARNUM.] If he were here he would vote "yea," and I should vote "nay."

Mr. HAMILTON, (when Mr. WINDOM's name was called.) I am requested by the Senator from Minnesota [Mr. WINDOM] to say that he is paired with the Senator from West Virginia [Mr. DAVIS] on these questions. If the Senator from Minnesota were here he would vote "nay," and the Senator from West Virginia would vote "yea" on this amendment.

The call of the roll was concluded.

Mr. MORTON, (who had at first voted in the negative.) As this appears to be a political question, I ask leave to withdraw my vote. I

am paired on all political questions with my colleague, [Mr. McDONALD,] who is now absent from the Senate.

The PRESIDING OFFICER. The Senator's vote will be withdrawn.

Mr. PATTERSON. I am paired with the Senator from Pennsylvania, [Mr. WALLACE.] If he were present he would vote for the amendment of the Senator from Ohio, and I should vote against it.

Mr. CAMERON, of Pennsylvania. I am paired with the Senator from Delaware, [Mr. BAYARD.]

Mr. BOGY. I am paired with the Senator from Arkansas, [Mr. CLAYTON.] If he were here he would vote against this amendment, and I should vote for it.

Mr. CHRISTIANCY. I am paired with the Senator from New York, [Mr. KERNAN.] If he were here he would vote "yea;" and if other words were inserted in place of those proposed to be stricken out here, or rather at the end of the third line, I should vote "nay." As it is now, it is not necessary to state how I should vote on this precise amendment.

The result was announced—yeas 14, nays 25; as follows:

YEAS—Messrs. Caperton, Cockrell, Eaton, Goldthwaite, Johnston, Kelly, McCreery, Maxey, Merrimon, Norwood, Ransom, Thurman, Whyte, and Withers—14.

NAYS—Messrs. Alcorn, Allison, Anthony, Booth, Conkling, Dawes, Dorsey, Edmunds, Ferry, Frelinghuysen, Hamilton, Hamlin, Harvey, Howe, Ingalls, Logan, Mitchell, Morrill of Maine, Morrill of Vermont, Oglesby, Paddock, Robertson, Sargent, Sherman, and Wadleigh—25.

ABSENT—Messrs. Barnum, Bayard, Bogy, Boutwell, Bruce, Burnside, Cameron of Pennsylvania, Cameron of Wisconsin, Christiancy, Clayton, Conover, Cooper, Cragin, Davis, Dennis, Gordon, Hitchcock, Jones of Florida, Jones of Nevada, Kernan, Key, McDonald, McMillan, Morton, Patterson, Randolph, Saulsbury, Sharon, Spencer, Stevenson, Wallace, West, Windom, and Wright—34.

So the amendment to the amendment was rejected.

The PRESIDING OFFICER. The question recurs on the amendment of the Committee on the Judiciary proposed to be inserted as section 2.

Mr. WHYTE. I move to strike out the word "fail" in the ninth line; and insert in lieu thereof "refuse;" so as to read:

Or shall for said cause refuse to allow and furnish to such citizen.

Mr. EDMUNDS. That amendment is only calculated, I do not say designed, to emasculate the force of the bill. That is all I wish to say. I hope it will not be adopted.

Mr. WHYTE. It is not intended for any such purpose, nor do I believe the effect of it, if the change is made, would have any such purpose, if the law itself be worth a rush after it is passed; but it is intended not to put such a word as "fail" in the law, which in the dictionary means to neglect to assist a voter in voting or in getting to the polls that he may vote. I do not think that Congress has any power, nor do I think that any State has power to compel any citizen to assist anybody in executing or obtaining a right to which he is entitled, unless that person be officially charged with such a duty by the law; and as the words "any person" have been left in the section, the word "fail" ought not to remain here, but a word ought to be put in which requires some active resistance, some active refusal on the part of the citizen to do some duty which he ought to perform.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Maryland [Mr. WHYTE] to the amendment of the committee.

Mr. WHYTE called for the yeas and nays, and they were ordered.

The Secretary proceeded to call the roll.

Mr. BOGY (when his name was called.) As already stated on a previous occasion, I am paired with the Senator from Arkansas, [Mr. CLAYTON.]

Mr. CAMERON, of Pennsylvania, (when his name was called.) I am paired with the Senator from Delaware, [Mr. BAYARD.]

Mr. COOPER (when his name was called.) I am paired on this question with the Senator from Minnesota, [Mr. MCMILLAN.] If he were present he would vote "nay" and I should vote "yea."

Mr. PATTERSON, (when his name was called.) I am paired with the Senator from Pennsylvania, [Mr. WALLACE,] who, if present, would vote "yea," and I should vote "nay."

Mr. SPENCER, (when his name was called.) I am paired with the Senator from Connecticut, [Mr. BARNUM.] If he were present he would vote "yea," and I should vote "nay."

The roll-call having been concluded, the result was announced—yeas 15, nays 26; as follows:

YEAS—Messrs. Caperton, Cockrell, Eaton, Goldthwaite, Johnston, Kelly, Key, McCreery, Maxey, Merrimon, Norwood, Ransom, Thurman, Whyte, and Withers—15.

NAYS—Messrs. Alcorn, Allison, Anthony, Booth, Bruce, Conkling, Cragin, Dawes, Dorsey, Edmunds, Ferry, Frelinghuysen, Hamilton, Hamlin, Harvey, Hitchcock, Howe, Ingalls, Logan, Mitchell, Morrill of Maine, Morrill of Vermont, Oglesby, Robertson, Sargent, and Sherman—26.

ABSENT—Messrs. Barnum, Bayard, Bogy, Boutwell, Burnside, Cameron of Pennsylvania, Cameron of Wisconsin, Christiancy, Clayton, Conover, Cooper, Davis, Dennis, Gordon, Jones of Florida, Jones of Nevada, Kernan, McDonald, McMillan, Morton, Paddock, Patterson, Randolph, Saulsbury, Sharon, Spencer, Stevenson, Wadleigh, Wallace, West, Windom, and Wright—32.

So the amendment to the amendment was rejected.

The PRESIDING OFFICER. The question recurs on the amendment proposed by the Committee on the Judiciary as section 2.

Mr. NORWOOD. For the reasons that have been pointed out by the Senators from Ohio and Maryland, which I will not repeat, I move to strike out the words "and furnish" in line 9, and on that motion I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BOGY, (when his name was called.) On this and all other questions growing out of this bill I am paired with the Senator from Arkansas, [Mr. CLAYTON.]

Mr. CAMERON, of Pennsylvania, (when his name was called.) On this question I am paired with the Senator from Delaware, [Mr. BAYARD.]

Mr. PATTERSON, (when his name was called.) On this question I am paired with the Senator from Pennsylvania, [Mr. WALLACE.] If present he would vote "yea," and I should vote "nay."

Mr. SPENCER, (when his name was called.) On this question I am paired with the Senator from Connecticut, [Mr. BARNUM.] If he were present he would vote "yea," and I should vote "nay."

Mr. HAMILTON, (when Mr. WINDOM's name was called.) The Senator from Minnesota [Mr. WINDOM] is paired with the Senator from West Virginia, [Mr. DAVIS.] The Senator from Minnesota would vote "nay" and the Senator from West Virginia "yea," if they were present.

The roll-call having been concluded, the result was announced—yeas 15, nays 26; as follows:

YEAS—Messrs. Caperton, Cockrell, Eaton, Goldthwaite, Johnston, Kelly, Key, McCreery, Maxey, Merrimon, Norwood, Ransom, Thurman, Whyte, and Withers—15.

NAYS—Messrs. Alcorn, Anthony, Booth, Bruce, Conkling, Cragin, Dawes, Dorsey, Edmunds, Ferry, Frelinghuysen, Hamilton, Hamlin, Hitchcock, Howe, Ingalls, Logan, Mitchell, Morrill of Maine, Morrill of Vermont, Oglesby, Paddock, Robertson, Sargent, Sherman, and Wadleigh—26.

ABSENT—Messrs. Allison, Barnum, Bayard, Bogy, Boutwell, Burnside, Cameron of Pennsylvania, Cameron of Wisconsin, Christiancy, Clayton, Conover, Cooper, Davis, Dennis, Gordon, Harvey, Jones of Florida, Jones of Nevada, Kernan, McDonald, McMillan, Morton, Patterson, Randolph, Saulsbury, Sharon, Spencer, Stevenson, Wallace, West, Windom, and Wright—32.

So the amendment to the amendment was rejected.

The PRESIDING OFFICER. The question recurs on the amendment proposed by the committee as a second section.

Mr. CHRISTIANCY. I offer the following amendment to the amendment: Strike out in the first line the words "person or" and insert at the end of the third line "or pretending to be such officer, or assuming to exercise such authority."

The PRESIDING OFFICER. The Chair would suggest to the Senator from Michigan that the first part of the amendment is not in order, as the Senate has already voted on the question of striking out the words "person or" on the motion of the Senator from Ohio.

Mr. CHRISTIANCY. But that was while it stood alone; and it is very easy to see that the propositions are quite different and that the effect of the two would be quite different. Striking out simply and striking out and adding other words, it seems to me, are quite different propositions.

The PRESIDING OFFICER. There are really two distinct amendments offered by the Senator from Michigan.

Mr. CHRISTIANCY. I think my proposition is in order.

Mr. THURMAN. Is it not in order to move to strike out those words in connection with a motion to add other words?

Mr. EDMUNDS. It is not a motion to add words in the same place, but in another part.

Mr. THURMAN. That can make no particle of difference in my judgment. The general effect is to modify the bill. You can move to strike out and insert other words, though a motion to strike out alone has been refused.

The PRESIDING OFFICER. If the words were to be added in the same place, the Chair would have no doubt that it was in order; but as it is, the Chair has doubts.

Mr. EDMUNDS. It is not in order as proposed.

The PRESIDING OFFICER. The Chair will hold——

Mr. EATON. Let the amendment be reported again.

The CHIEF CLERK. It is proposed to strike out in the first line the words "person or" and to add at the end of the third line "or pretending to be such officer, or assuming to exercise such authority."

Mr. SHERMAN. Is it in the same paragraph?

Mr. CHRISTIANCY. The same paragraph and the same section, bearing on the same proposition.

Mr. EDMUNDS. The motion to strike out and insert that the rules provide for, as I supposed everybody understood, is a motion to strike out and insert in place of the words stricken out. That is what parliamentary law and the rule refer to; and you cannot evade that by moving to strike out words that have been ordered to stand and insert something else somewhere else in a different part of the section.

The PRESIDING OFFICER. The Chair will hold that inasmuch as the proposition of the Senator from Michigan is in effect two amendments, moving to strike out certain words and then to insert others in another place, it is not in order, especially as the first portion of it has been passed on by the Senate.

Mr. THURMAN. Do I understand the Chair to rule that the motion to strike out the words "person or" is out of order?

Mr. EDMUNDS. It has been voted that those words shall stand.

Mr. THURMAN. I did not ask the Senator from Vermont; I asked the Chair.

Mr. EDMUNDS. That is true.

The PRESIDING OFFICER. The Chair rules that, inasmuch as the words "person or" were moved to be stricken out by the Senator from Ohio and the Senate has passed upon that question, it is not in

order now to move to strike them out again unless there is included in the same motion the insertion of other words in the same connection, which is not done by the amendment proposed by the Senator from Michigan.

Mr. THURMAN. Then I beg leave to appeal from the decision of the Chair.

The PRESIDING OFFICER. The Senator from Ohio appeals from the decision of the Chair.

Mr. THURMAN. Now, Mr. President, as I understand, the ruling of the Chair is that, notwithstanding the vote refusing to strike out those words, it would be in order to move to strike them ont and insert other words in lieu of them in precisely the same place that those words now occupy. While I pretend to no great knowledge of the rules of parliamentary proceeding, it does strike me that that is a limited effect given to the right that surely cannot be the sound one. A motion is made to strike out these same words which the Senate has refused to do, to strike out; but, coupled with them, and bearing upon the very same subject, and relating to the same subject, and in the very same paragraph of the same section of the bill, to insert other words, the effect of the striking out and of inserting the other words being to qualify the section. Now the Senator from Michigan can achieve his purpose by striking out these words and inserting other words in precisely that same place; but it might require a phraseology that would be awkward; it might not leave the section so symmetrical as it would be by inserting the words in another place; it might require more words, more provisions. But if he can do that by inserting the new words right in that very place where the words are stricken out, why shall he not be allowed to do so by inserting words in the same section, in the same paragraph of the section, the effect of which is precisely the same as if he had inserted them in the same place or if other words having the same effect were inserted in the same place?

I always speak with great diffidence about any question of rules, because I never have made them a study, and I do not suppose I should be very successful if I were to do so; but I do appeal to those who are conversant with such rules in the Senate to say whether or not this extremely narrow and limited interpretation of the right to move to strike out and insert which is placed by the Chair in this case is the correct rule.

The PRESIDING OFFICER. The question is, Shall the decision of the Chair stand as the judgment of the Senate? The Chair desires to state before the question is put, that, regardless of the fact that a motion has already been made to strike out the words "person or" and the Senate has passed upon that, the present occupant of the chair would hold that it would not be in order for any Senator to move to strike out several words and insert other words in different places in this amendment of the committee. That is the proposition of the Senator from Michigan. He moves to strike out and insert. His motion refers to two different parts of the section, and is not to strike out a definite, specific portion of the section. Therefore the Chair holds that upon that ground it would not be in order; and for the further reason that the words "person or" have already been passed upon by the Senate and retained in the section.

Mr. EDMUNDS. I do not mean to be betrayed into wasting the time of the Senate on a collateral subject, when I do not feel at liberty to occupy its time on the main question, that has been gone over so many times and is understood by everybody; but I will say to the Senator from Ohio that his remarks now have reminded me of what he said two or three days ago very positively, and has intimated again, and that is, that he is less familiar with the rules of parliamentary law and of this body than almost anybody in it. I have no doubt he said that in good faith; and he has gone far to convince me that he is correct in the statement.

The twelfth rule says:

> On a motion to strike out and insert, it shall not be in order to move for a division of the question; but the rejection of a motion to strike out and insert one proposition shall not prevent a motion to strike out and insert a different proposition, nor prevent a subsequent motion simply to strike out; nor shall the rejection of a motion simply to strike out prevent a subsequent motion to strike out and insert.

Now, I submit to my friend according to the little knowledge that I have—I do not pretend to have quite so little as my friend does, but I do not claim to have much more—according to the little knowledge and experience I have, I never heard it claimed before that under this provision a motion to strike out simply should not prevent a motion to strike out and insert words, applied to any other proposition than a motion to strike out certain words and insert in lieu of them certain others.

Mr. THURMAN. Now may I interrupt the Senator? The Senator from Michigan proposes to do that very thing, to strike out those words and insert in lieu of them other words.

Mr. EDMUNDS. No; he does not.

Mr. THURMAN. But the Senator from Vermont thinks he must insert them in identically the same place. That is the point.

Mr. EDMUNDS. That is exactly what I am saying. I say that I never heard it contended before, and I do not believe I shall ever hear it contended again, that this rule which says that the rejection of a motion simply to strike out shall not prevent a motion to strike out and insert can mean anything else than striking out certain words and inserting in lieu of them—I emphasize the term as I did before—certain other words. The Senator from Michigan does not propose to do that. He proposes to strike out the words that the Senate has said shall stand there, and in another part of the section to insert other words. That does not fall within the rule, and nobody before ever contended that it did that ever I heard of.

Mr. WHYTE. I hope the Senator from Ohio will withdraw the appeal, for this reason: The Senator from Michigan can reach his point in a moment without any question as to the order of proceeding by moving to strike out all after the word "any" in the first line down to the word "shall" in the fourth line, and to insert the words just as he desires:

> Officer of the United States, or officer of any State, or any person exercising power or authority under the United States or any State, or pretending to be such officer, or assuming to exercise such authority, &c.

By moving to strike out the whole of the clause as it stands and inserting these words I suggest to the Senator he would be strictly in order.

Mr. THURMAN. I have no doubt that that would accomplish the purpose of the Senator from Michigan; but, if I am able to judge of anything, his motion is perfectly in order, with due respect to those who understand the subject better than I do. His right to move to strike out and insert, notwithstanding the refusal of the Senate to strike out those particular words, is not denied; but his right to move to strike those words out and insert others in lieu of them, in the way he has done, is questioned. Is not that within the object of the rule which authorizes him to make the motion? But the Senator from Vermont says that he must insert them in identically the same place where the words moved to be stricken out now stand. I say that that is too narrow a construction of the rule and might destroy its utility altogether. When he moves to strike out those words and insert other words which are to take their place, which are to form a substitute for the words stricken out, which are to be in lieu of the words stricken out, he has the right to move to insert the words in such part of the section as will be most appropriate for the purpose, and he need not confine it to the particular hole that is made in the section by striking those words out. If that is not the case, the rule authorizing him to strike out and insert is emasculated, or at least deprived of half its force.

However, I am perfectly willing to withdraw the appeal, because I am afraid that if the question were taken on my appeal now, with this bill before us, the ruling of the Chair would be sustained, and a very bad precedent would be set. I want to raise the question on some bill which has no party in it, if the question ever arises again, when I hope my views in regard to the rule will prevail. I withdraw the appeal.

The PRESIDING OFFICER, (Mr. MITCHELL in the chair.) The appeal is withdrawn.

Mr. CHRISTIANCY. I think perhaps it may not be out of order for me to say that unless the Senator from Ohio is right in what he said as to striking out and inserting, the rule as it now stands is a mere mechanical rule without sense or logic. But I do not rise for the purpose of going into that question. I rise to move the amendment precisely as it was suggested by the Senator from Maryland, [Mr. WHYTE,] which I undertook to do three or four times before, but could not get the floor. I propose to amend by striking out all after the word "any" in the first line of the second section down to the end of the third line, in these words:

> Person or officer of the United States, or officer of any State, or any person exercising power or authority under the United States or any State.

And in lieu of them to insert:

> Officer of the United States, or officer of any State, or any person exercising power or authority under the United States or any State, or pretending to be such officer, or assuming to exercise such authority.

Mr. EDMUNDS. I might make a point of order upon the amendment in that form, but I will not waste the time to do it.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Michigan [Mr. CHRISTIANCY] to the amendment.

Mr. CHRISTIANCY. I wish to say a few words at least to show my idea of the propriety of this language. I look upon this section as it is now drawn as intended really to control officers or those who assume to act or pretend to have the authority of officers. The whole section shows that that is really the design:

> Shall deny or abridge to any citizen of the United States entitled by the laws of such State or by the Constitution or laws of the United States to vote at any election, the right and opportunity so to vote at such election by reason of his race, color, or previous condition of servitude.

Thus far there is no inconsistency in leaving the word "person" to stand in its present context, without amendment; but when we go further and speak of allowing and furnishing to citizens "so entitled to vote as aforesaid, a full, fair, impartial, and equal opportunity under the laws," that is an apparent discrepancy and an apparent inconsistency, as suggested by the Senator from Maryland. It seems to me with the amendment which I have proposed, the section will cover all that it could now cover by retaining the word "person" in its present connection; and by inserting the words which I have proposed all apparent discrepancy and inconsistency will be removed. I will not say that the section will necessarily be inconsistent as it now stands; but all apparent inconsistency would be removed, and the remedy would be just as perfect if it be amended as I propose. It would include all the cases that it could now include. For this reason I hope the amendment I have offered may be adopted.

Mr. EDMUNDS. I merely wish to say one word, because I know that the amendment proposed by my friend is proposed in good faith and with the desire to relieve a difficulty which he thinks he sees. I merely wish to say to the Senate that the committee considered this subject with the utmost diligence and care, and we designed to make this section cover every act of the character named that could be performed by an officer or by anybody else, that nothing should stand between the effort of a citizen having a right to vote and his exercise of that right by putting his vote into the proper ballot-box, and not allow anybody by any technicality to escape by showing that when he did that thing he was not a legal officer, or was exercising office by wrong, or not pretending to exercise it at all, if he did the thing.

Therefore I hope that the amendment of my friend will not be adopted, because the language he uses, "assuming to exercise official function," might be held to apply to a case which would require the Government to prove, in the instance of a great outrage, for example, that the persons who did it did it in the pretended exercise of official authority when in point of fact they might have taken possession of the ballot-boxes without any pretense at all and carried on an election which would be very good to count for one party and not good to count for the other.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Michigan to the amendment.

Mr. WHYTE. I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. BOGY, (when his name was called.) I am paired on this bill with the Senator from Arkansas, [Mr. CLAYTON.] I presume he would vote one way and I the other.

Mr. CAMERON, of Pennsylvania, (when his name was called.) I am paired with the Senator from Delaware, [Mr. BAYARD.]

Mr. SPENCER, (when his name was called.) On this question I am paired with the Senator from Connecticut, [Mr. BARNUM.] He, if present, would vote "yea" and I should vote "nay" on this proposition.

Mr. WRIGHT, (when his name was called.) I desire to say, as I have already stated, that I am paired on this bill with the Senator from Maryland, [Mr. DENNIS.] If he were here he would vote "yea" and I should vote "nay" on this question. I make this statement now, and shall not again refer to the pair in the subsequent stages of the bill.

The roll-call was concluded and the result announced—yeas 16, nays 26; as follows:

YEAS—Messrs. Caperton, Christiancy, Cockrell, Eaton, Goldthwaite, Johnston, Kelly, Key, McCreery, Maxey, Merrimon, Paddock, Ransom, Thurman, Whyte, and Withers—16.

NAYS—Messrs. Alcorn, Allison, Anthony, Booth, Bruce, Conkling, Cragin, Dawes, Dorsey, Edmunds, Ferry, Frelinghuysen, Hamilton, Hamlin, Harvey, Hitchcock, Howe, Ingalls, Logan, Mitchell, Morrill of Maine, Morrill of Vermont, Oglesby, Robertson, Sargent, and Sherman—26.

ABSENT—Messrs. Barnum, Bayard, Bogy, Boutwell, Burnside, Cameron of Pennsylvania, Cameron of Wisconsin, Clayton, Conover, Cooper, Davis, Dennis, Gordon, Jones of Florida, Jones of Nevada, Kernan, McDonald, McMillan, Morton, Norwood, Patterson, Randolph, Saulsbury, Sharon, Spencer, Stevenson, Wadleigh, Wallace, West, Windom, and Wright—31.

So the amendment to the amendment was rejected.

The PRESIDENT *pro tempore*. The question recurs on the amendment proposed by the Committee on the Judiciary.

Mr. THURMAN. The amendment proposed by the committee now under consideration is simply shall the second section be inserted, I understand.

The PRESIDENT *pro tempore*. That is the amendment.

Mr. THURMAN. It does not touch the other sections.

The PRESIDENT *pro tempore*. The question is on the amendment of the committee inserting the second section.

The amendment was agreed to; there being on a division—ayes 25, noes 16.

The next amendment was to insert the following as section 3:

That whenever, by or under the authority of the constitution or laws of any State, or the laws of any Territory, or the laws of the United States, any act is or shall be required to be done by any citizen as a prerequisite to qualify or entitle him to vote, the offer of any such citizen to perform the act required to be done as aforesaid shall, if it fail to be carried into execution by reason of the wrongful act or omission of the person or officer charged with the duty of receiving or permitting such performance or offer to perform or acting thereon, proceeding from the race, color, or previous condition of servitude of such citizen, be deemed and held as a performance in law of such act, and of the due performance by such person or officer of his duty in the premises; and the person so offering and failing as aforesaid, and being otherwise qualified, shall be entitled to vote in the same manner and to the same extent as if he had in fact performed such act, and as if such person or officer had done his duty in the premises; and any judge, inspector, or other officer of election whose duty it is or shall be to receive, count, certify, register, report, or give effect to the lawful vote of any citizen, who shall wrongfully refuse or omit to receive, count, certify, register, report, or give effect to the vote of such citizen so having offered and failed to perform as aforesaid, upon the presentation by him of his affidavit stating that he had a right to qualify as a voter, and such offer, and the time and place thereof, and the name of the officer or person whose duty it was to act thereon, and that he was wrongfully prevented by such officer or person from performing such act by reason of his race, color, or previous condition of servitude, shall for every such offense forfeit and pay the sum of $500 to the person aggrieved thereby, to be recovered by an action on the case, with full costs and such allowance for counsel fees as the court shall deem just; and shall also for every such offense be deemed guilty of a misdemeanor, and shall on conviction thereof be fined not less than $500, or be imprisoned not less than one month and not more than one year, or both, in the discretion of the court.

Mr. WHYTE. Mr. President, apart from the broad invasion of the right of a State to regulate the mode of registration and the mode of conducting the exercise of the right of suffrage, I do say, with great respect to the intelligence of the distinguished chairman of the Committee on the Judiciary and his colleagues, that the ingenuity of man could not devise a scheme for the perpetration of fraud upon the elective franchise more perfect than this section. Scarcely any Senator on this floor will undertake to deny that at this time such a provision as this is unwise and impolitic, apart from the invasion of the constitutional rights of the States; a question which I do not choose to discuss. Here is a provision of law intended to set at naught and to nullify the registration acts of every State in this Union. Here is a provision which undertakes to set up the affidavit of a party denied the right of registration as conclusive evidence of his right to vote, and to inflict punishment upon the judges of election who do not accept his ballot upon his simple affidavit alone.

The reason stated by the party in his affidavit why he was denied registration is to be the conclusive evidence of his right to vote, and on that affidavit he is to trample under foot the registration laws of every State in this Union. No system of registration in a State where colored men reside would be worth a baubee under this section. A man himself, on his own affidavit, furnishes to the officer who receives the ballot the reason why he was denied the right of registration. There is to be no investigation before a court, no application to a court to have him registered where he was denied the right of registration, but in a State where the law prohibits any man from voting unless his name appears upon the registration list, a law enacted in the interest of purity of elections, so that a man can be identified before the day of election, the party offering to be registered, no matter upon what ground he was refused the right of registration, goes to the ballot-box and on his oath alone deposits his vote in the ballot-box, and it may be nullifies and destroys the vote of the honest citizen. No punishment is provided for him for perpetrating his fraud and committing perjury in casting his ballot. O, no; you let him go scot-free; but the man who stands by the law of his State and requires the proof of the right of registration, and who denies registration when no proof can be produced, must be punished, although the party making the affidavit be steeped in perjury. There is no State law to convict the man of the crime of perjury in making such an affidavit, because the State law does not recognize the right to vote upon such an affidavit, and there is no law of Congress to punish the man who swears falsely to corrupt the ballot-box.

We are told that this is in the interest of purity of election and to protect the rights of the people. Look at the fraud that can be perpetrated under this section of the bill. Hundreds of men may be denied the right of registration, because they do not come under the provisions of the State law, and not upon the ground of their color, or their race, or their previous condition of servitude. They may be denied for other grounds, and yet if they choose to swear that they were denied upon those grounds they are entitled under the bill to vote and enabled to go scot-free, though steeped to their chin in perjury. Can that be the intelligent legislation of the Senate of the United States?

Mr. EDMUNDS. May I ask the Senator a question?

Mr. WHYTE. Certainly.

Mr. EDMUNDS. Will the Senator be kind enough to recur to the fourteenth and fifteenth lines on page 4 and tell me the meaning of the words "and being otherwise qualified," in connection with the criticism he is now making?

Mr. WHYTE. Who is to determine whether he is otherwise qualified? You make his affidavit the conclusive evidence of his right to vote and he determines it for himself. Ah! the Senator from Vermont may laugh, but a laugh is no answer to an argument.

Mr. EDMUNDS. No; but it is an answer to what is not an argument.

Mr. WHYTE. Perhaps the Supreme Court of the United States will make the same answer to this bill if enacted into a law that it made to your previous law, that it is not "appropriate legislation."

Mr. EDMUNDS. That is possible.

Mr. WHYTE. Then perchance the laugh will be on the other side. I may not make any impression upon the mind of the Senator from Vermont, but it is my duty here to point out that which seems to me to be an imperfection in the bill. I do not appeal to him as my judge whether it is argument or not argument. Nothing is ever argument, probably, in his view which is hostile to the views of the Senator from Vermont; but as a lawyer I state my opinion (which may not weigh in the scales with the opinion of the Senator from Vermont, though I am somewhat elevated in my belief, I must say, in view of the action of the Supreme Court upon his former law) that this section is the grossest—I speak in parliamentary language and respectfully—the grossest perversion of the purity of the ballot-box that can possibly be devised. It puts in the hands of every dishonest negro man in a State power to cast his ballot upon his own say-so as to his right to registration within the State and under the State laws. It is not intended for that, of course. I trust I have too much respect for myself and for the Senate of the United States to say anything that would be discourteous to any Senator or to the action of any committee; but I do say that practically this is providing the grandest engine for fraud that could be conceived by man. It actually opens the door to all sorts of corruption.

There are as many bad colored men almost—I shall probably be allowed to say that—in proportion to number as white men who are open to corruption; and here is actually a *carte blanche* provided for dishonest colored men to vote on their own affidavit. Let us apply it practically. A man presents himself to be registered under this bill. He is denied the right on the ground that he does not reside in the county or that he has not resided there long enough, and he is turned away upon that ground. What does he do? The day of the election comes on, and he walks up to the ballot-box with his affidavit and swears that he was not registered in the ninth district in such a county in such a State, because of his race, his color, or his previous condition of servitude, and that he was otherwise qualified to vote. What is the judge of election bound to do under this proposed law? He is bound to take that vote or stand the penalty provided in this law. He is not only bound to stand the penalty of indictment and trial in courts of criminal jurisdiction, but is liable to a suit on the civil side of the United States court for the amount which he is to forfeit in case he refuses it. This is to be done without the slightest guard at all thrown around the ballot-box against the man who makes the affidavit. There is no provision in the bill punishing for false swearing in a case of this kind. Can it be possible that such crude legislation as this shall go forth from the Senate of the United States, composed of intelligent lawyers, distinguished in their profession at home, that it shall go forward to be riddled again by the astute judges who sit in the Supreme Court of the United States?

I appeal to Senators not to let party feeling sway them in looking at the principle involved in this case; but, if they want to protect the black man, to protect him with legislation that will do honor and credit to their intelligence as men and to their knowledge as lawyers.

Mr. MERRIMON. Mr. President, I join with the Senator from Maryland in expressing astonishment at the provisions of this section. It opens the widest door to the grossest fraud. Not only that, but it virtually offers a reward for it. Of course, no such purpose was intended by the committee, but that is the effect of it.

Every one who is experienced in the manner of elections in the Southern States, particularly for the last few years, has some knowledge of how easy it is to procure affidavits, and any number of them. I need only call the attention of the Senate now to the report of the Committee on Privileges and Elections in the Louisiana case. It appears there that affidavits which were absolutely false, shown to be false affidavits, were procured by thousands in order to change the result of the election there. A committee of this body reported the fact, and it stands now in a report made to the Senate. Not only that; but while such a door is opened wide for the perpetration of fraud there is no provision whatsoever made for the punishment of anybody who shall participate in it after he shall have sworn falsely. He is to go scot-free. Affidavits by the thousands may be made in Mississippi or Louisiana, or any other of the Gulf States, to carry an election if men are allowed to vote upon making an affidavit; and if it should appear that every one of them was guilty of false swearing, they are not to be punished at all, but to go scot-free.

I do not know, however, that I shall gain anything by discussing this matter. I rose simply to express my astonishment at the provisions of this section and to offer an amendment to it. I move to add at the end of the section:

> And if any person so offering such affidavit shall swear falsely he shall be deemed guilty of perjury, and, on conviction before any district or circuit court of the United States having jurisdiction, shall be punished as in other cases of perjury.

Mr. MORTON. There is a statute now covering every case of perjury.

Mr. MERRIMON. The statute is not broad enough to cover this case, and does not cover it at all.

Mr. EDMUNDS. My friend from North Carolina has expressed his astonishment. I will express mine. He proposes to make it perjury if any person swears falsely, whether he does it corruptly or whether it is an innocent mistake. Where does my honorable friend get his knowledge of human rights or criminal law, when he proposes to punish a man as a perjurer who happens to state an untruth under oath, unless he does it knowingly? In addition to that, as my friend from Iowa [Mr. WRIGHT] suggests, he makes it perjury if the man offers an affidavit of that kind. Perjury, under the statutes of the United States, under the statutes of all States, and of all countries that profess to have any civilization, does not consist in swearing falsely alone. It consists in swearing falsely, knowing that the statement made by the witness or the person making the affidavit is false and untrue, and for the purpose of misleading and perverting the course of justice and of truth.

My honorable friend from North Carolina says this is a hasty and precipitate discussion, after a month's notice.

Mr. MERRIMON. So it is.

Mr. EDMUNDS. He seems a little sensitive about anything that can be proposed in regard to these amendments. Nothing suits him; something will suit him, he says, to-morrow or next day, or some other day, or some other time, but never in this way and never at this time. Great lawyer as he is, in the haste and warmth of his enthusiasm he rises and tells us that if anybody offers an affidavit which does not state the truth, however innocent the mistake may have been, he shall be deemed guilty of perjury. That is a greater innovation upon the course of jurisprudence than anything that even my friend's imagination, or that of any other gentleman, has conceived about this bill.

It is said this man may commit perjury—put it in its strongest sense, a real perjury, a willful, corrupt falsehood under oath—and you do not provide any punishment for it. The committee had the impression—perhaps they were wrong; we shall gain information as we go on—that it was not necessary to re-enact all the laws of the United States every time we pass a statute. Here is section 5392 of the Revised Statutes, which says:

> Every person who, having taken an oath before a competent tribunal, officer, or person, in any case in which a law of the United States authorizes an oath to be administered, that he will testify, declare, depose, or certify truly, or that any written testimony, declaration, deposition, or certificate—

And "deposition" covers "affidavit," as everybody knows—

> by him subscribed is true, willfully and contrary to such oath states or subscribes any material matter which he does not believe to be true, is guilty of perjury, and shall be punished by a fine, &c.

The committee did not think it was necessary to re-enact the criminal code every time we provided for an affidavit. As I say, I cannot waste time, but the object—I beg pardon, not the object, but the effect—is to waste time upon subjects to be gone over and over again.

I come to my friend from Maryland, [Mr. WHYTE.] He remarked that perhaps what he said would produce no impression upon my mind. My friend from Maryland is greatly mistaken. What he says always produces an impression upon my mind. Precisely the character of the impression, of course, differs with the different occasions on which my friend speaks. When he gets out of the whirlwind of politics and of prejudice—and that is perfectly natural, I agree, because a hundred years of particular institutions and particular views cannot be expected to be gotten over in no time—when he gets out of that whirlwind and fog and comes into regions where his mind is perfectly level, the impressions he produces upon me are always of the most favorable character; but he will give me leave to say that upon these topics I think that he does not see with exactly his usual well-balanced consideration. He objects to this section because we interfere with the registration laws of the States. In that he is mistaken. We do not undertake to do anything of the kind. We only undertake to make the registration laws of States under the Constitution of the United States effective and to protect every citizen of every State, entitled to vote and to register under these laws, in the exercise of that highest right and privilege that belongs to him; so that when a citizen having the right to vote, like the Senator or myself, offers to register and is wrongfully refused on account of his race, color, or previous condition of servitude, be he white or black, be he Scandinavian or Slavonic, Caucasian or Mongolian, or whatever, his offer to do what the law requires him to do shall be taken as a performance, just as when I owe my friend money and it becomes due and I offer to pay him and he refuses to take it, the law and justice both agree in saying that I have in fact paid it, and the offer of performance, so far as my rights are concerned, is equivalent to performance.

Mr. WHYTE. May I ask the Senator whether the tender of the money pays the debt?

Mr. EDMUNDS. No, sir; it does not pay the debt.

Mr. WHYTE. This bill does that.

Mr. EDMUNDS. But it secures me from a suit.

Mr. WHYTE. No, it does not.

Mr. EDMUNDS. I have done all that the law requires me to do by the offer, and having made the offer, if I bring the money into court, as this man brings his vote to the ballot-box, I have a right to put it into the court as he has a right to put his vote into the ballot-box. In either case I have lost no right that the law gives me because my honorable friend refuses to take that which the law entitles him to take and me to offer. So, a thousand other illustrations, many of them a great deal better, might be given.

The simple question is whether there is any body of men or any party in this country now who are willing to say that citizens of the United States and of the States, entitled under the Constitution of the United States to vote, shall be deprived of their suffrage by the wrongful act of some registering-officer of a State, against the law of his own State, against the constitutional right of the citizen, and against the general principles of public justice and republican government. That is the proposition.

When this offending officer comes to be indicted, my friend again is wrong in saying that he is to be convicted upon a false affidavit. There is nothing like it. The Government must prove, in the first instance, that the party who had offered to vote and was refused had a right to vote, and that when he offered to register he was wrongfully and against the law refused the right to register, and thus having been refused, that he furnished all the evidence that this bill requires; that he had thus been wrongfully refused the right to put in his ballot. That being done, the law says that the officer who refused to receive the vote shall be punished.

But I have taken more time, Mr. President, than I intended to do in explaining this section, which is perfectly plain.

Mr. MORTON. Mr. President, I should be glad if I were able to agree to this amendment proposed by the committee; but I have very great doubt myself about the constitutionality of this clause. It is intended to take the place of the third section in the original act. I doubted the constitutionality of that section at the time of its pas-

sage, and a recurrence to the Globe will show that I suggested the doubt at that time. The fifteenth amendment provides that no person shall be deprived of the right to vote on account of his race, color, or previous condition of servitude. The colored voters are entitled to vote upon the same terms and conditions with everybody else; but they are not exempt from the terms and conditions imposed on everybody else. The fifteenth amendment secures the right to every colored man to vote upon the same precise terms and conditions with every other person in any of the States, and that is the right that we are trying to enforce.

This amendment of the committee, which I did not include in the original bill that I introduced, provides that if a person has offered to register, and has been wrongfully precluded on account of race, color, or previous condition, then, upon filing his affidavit, the offer shall be taken as a performance, and he shall be entitled to vote the same as if he had been registered. The question is, have we a right to do that? We have a right to punish the registering officer for refusing to allow him to register; we can punish the persons who have intruded between him and the performance of this preliminary condition; but can we declare that the offer to perform shall be, under the State law, the same as performance? I doubt that very much; I doubted it originally. The State has the right to require every voter to be registered, white and black. If the State makes that condition, is it competent for us to come in and say that where a colored man has offered to register but has been refused, he shall be treated as if he had registered? I should say not, unless the State had made the same provision with regard to everybody else. If the State provides that where any person of any color has offered to register, and has been wrongfully precluded, that person, upon proof made at the polls, may vote as if registration had taken place, then we have a right to enforce that provision in an act of this kind beyond all question. But suppose the State has made no such provision; take for example a State where registration is required, as I believe it is in New York. Take the case of a white person there being improperly precluded from registration. If the State law provides that that white person, upon proof of the offer to register, shall be held to have registered, and may vote just as if registration had taken place, we can undoubtedly enforce a similar provision in regard to colored men; but we cannot, in my judgment—at least I have very great doubt about it—dispense with the requirement of the State law. If the registration has been improperly rejected, and under the State law the person loses his vote in consequence of it, and the punishment of the officers is all that is left, it is not for us to come in and alter that State law.

In the decision of the Supreme Court in the Kentucky case that subject is referred to by the Chief Justice, but in very vague terms. It is a disagreeable matter ever to find fault with a decision of the Supreme Court of the United States. By my education I have as much veneration for courts as anybody else; but I read the decision, not only in the Kentucky case but in the Louisiana case, with regret; first, because of their general effect, and, secondly, because I thought the reasoning in each of them was contradictory. While the specific reasoning in each case in regard to the counts of the indictment affirms the power of Congress to legislate upon the averment being made that the right was refused on account of race, color, or previous condition of servitude, yet the general reasoning in both cases went to the point that Congress could not interfere at all, except where the State affirmatively, as a State, prevented the exercise of that right. I call the attention of the Senate to what the court said on this precise question involved in this amendment:

> The statute contemplates a most important change in the election laws. Previous to its adoption, the States, as a general rule, regulated in their own way all the details of all elections. They prescribed the qualifications of voters and the manner in which those offering to vote at an election should make known their qualifications to the officers in charge. This act interferes with this practice and prescribes rules not provided by the laws of the States. It substitutes, under certain circumstances, performance wrongfully prevented for performance itself. If the elector makes and presents his affidavit in the form and to the effect prescribed, the inspectors are to treat this as the equivalent of the specified requirement of the State law. This is a radical change in the practice, and the statute which creates it should be explicit in its terms. Nothing should be left to construction if it can be avoided. The law ought not to be in such a condition that the elector may act upon one idea of its meaning and the inspector upon another.

They do leave the impression, or rather, you may draw the inference from this clause of the decision, that if the statute is specific it may be good; that is, the offer to perform may be taken for performance, but it is obscure in this as in regard to many other very important particulars, in my judgment. I put it, however, upon general grounds, and I should be sorry to see this measure weakened, I should be sorry to see its character impaired, by the insertion of a provision the constitutionality of which I doubt.

The great point I make is that it is not in our power to dispense with the State law. We can require that the colored man shall vote upon the same terms and conditions with any other man, and if a registrar or any officer of election probibits him, or if a private person interferes by violence, we can punish that officer, we can punish that private person; but whether we can dispense with the performance of the requirements of a State law, although performance is prevented wrongfully, presents a very different question, for in that case they would not vote upon like conditions.

Mr. EDMUNDS. Mr. President, I am very glad my friend from Indiana has presented this question, and that he has presented it, as he always does, with perfect clearness, so that we can see the exact point. It is a point which had originally great force, although it appeared to me and to the committee and to the Senate, when we passed the act of the 31st of May, 1870, that it was one which was not well founded. The ground upon which we passed it then, in opposition to the doubt suggested by my friend from Indiana and to the violent objurgation of all our friends on the other side, was that the fifteenth amendment of the Constitution, to say nothing about the fourteenth, (and when I speak of the fifteenth I do not mean at any time to exclude all the benefits that can be got for human rights out of all the rest of the Constitution,) speaks of "the right to vote." All that precedes the voting is merely a method of machinery to ascertain what citizen is qualified according to law. It does not make the test of citizenship, the test of the elective franchise, but it is merely a method, wisely provided by States where they have great masses of condensed populations that cannot know each other well, for the purity of the ballot-box. That is the object of registration. It is merely a means to an end of securing to every person entitled the right to vote, and excluding from the right to vote every person not entitled. That is what it is. It is incidental and auxiliary to and in aid of the right of every man qualified to put in his ballot, and not to have it prostituted by the ballot of any man not qualified. That is the fundamental idea. Keeping that in mind, I submit to my honorable friend from Indiana that it relieves us of a great deal of difficulty. Here is the Constitution which he and I both agree to; we all agree to it upon this side; and in a vague and uncertain way, looking to States, &c., our friends over the way agree to it. It is designed to secure to every citizen of the United States equality in the right of voting. The Supreme Court of the United States has said in these very opinions that it belongs to Congress to carry that into effect. As we must all see, it belongs to Congress and nobody else to carry every affirmative provision and every securative provision, as it respects private rights, into effect. The Constitution cannot enforce the laws of the United States, and the Constitution is nothing but the supreme law of the United States. What the Constitution authorizes to be done Congress must do. We agree to that. How is Congress to do this thing? The thing to be done is to secure to every citizen, without distinction of race—I will not name the others, because I wish to be short and will take one word—equal rights under the law to vote. Therefore, if the officers of any State exclude a man from doing what the State law requires to be done generally on that account, they keep him from voting on that account; whereas the Constitution says that the thing that he has a right to do is to vote. It does not say anything about registration. That is merely machinery, means, preliminary steps to sift out the good and the true from the bad and the spurious. The Supreme Court, looking to that, and in a case arising under the third section of the old act, (which is exactly like the one we have here, almost letter for letter, with this difference, that the act of 1870 in the third section did not repeat what the previous sections contained, the words "on account of race, color, or previous condition of servitude,") say in respect to this subject:

> The second count in the indictment is based upon the fourth section of this act and the fourth upon the third section.

Which is the one we now have under consideration, by putting in the words that the Supreme Court said were left out, the words "on account of race, color, or previous condition of servitude." What do they say, speaking of this very subject, remember:

> Rights and immunities created by or dependent upon the Constitution of the United States can be protected by Congress. The form and the manner of the protection may be such as Congress, in the legitimate exercise of its legislative discretion, shall provide. These may be varied to meet the necessities of the particular right to be protected.

Then they go on:

> It follows that the amendment has invested the citizens of the United States with a new constitutional right which is within the protecting power of Congress.

And that is the right to vote, to actually put his vote into the ballot-box.

> That right is exemption from discrimination in the exercise of the elective franchise on account of race, color, or previous condition of servitude. This, under the express provisions of the second section of the amendment, Congress may enforce by "appropriate legislation." This leads us to inquire whether the act now under consideration is "appropriate legislation" for that purpose.

The court go on to say:

> It has not been contended, nor can it be, that the amendment confers authority to impose penalties for every wrongful refusal to receive the vote of a qualified elector at State elections. It is only when the wrongful refusal at such an election is because of race, color, or previous condition of servitude that Congress can interfere and provide for its punishment. If, therefore, the third and fourth sections of the act are beyond that limit, they are unauthorized.

What could be clearer, as a distinct statement, that within that limit they are authorized, because it follows what is said about this protection that the Constitution does give being within the power and duty of Congress to enforce? But the court say that if the third section, which is enough for this purpose, is beyond this limit of protection on account of race, then it is unauthorized; if within the limit, it is authorized. Then the opinion proceeds:

> The third section—

In order to make it perfectly clear that that is what is in the mind of the court. Of course if the Senator or I had written this opinion we should perhaps have stated it in different language; it might have been more clear, or perhaps not.

The third section does not in express terms limit the offense of an inspector of elections, for which the punishment is provided, to a wrongful discrimination on account of race, &c. This is conceded, but it is urged that when this section is construed with those which precede it, and to which, as is claimed, it refers, it is so limited. The argument is that the only wrongful act on the part of the officer whose duty it is to receive or permit the requisite qualification, which can dispense with actual qualification under the State laws, and substitute the prescribed affidavit therefor, is that mentioned and prohibited in section 2, to wit, discrimination on account of race, &c., and that consequently section 3 is confined in its operation to the same wrongful discrimination.

This is a penal statute and must be construed strictly; not so strictly, indeed, as to defeat the clear intention of Congress.

* * * * * * *

The statute contemplates—

Then follows what my friend just read—

a most important change, &c.

There is not a single word besides these words I have read in the whole opinion, or in any expression of any of the judges (I believe only one other delivered an opinion, and that was dissenting) on this point which intimates that there is any doubt of the power of Congress to legislate directly upon the person and not upon the States, as our friends over the way say, or a single hint that there is any doubt at all about the constitutional power of Congress to provide that when, on account of race or color, a citizen otherwise qualified is denied the right to pay his tax, for instance, and the State law requires a tax to be paid before he can vote, his offer to pay it shall entitle him to vote, so that if the law had said so, for that reason it would have been perfectly constitutional and appropriate.

The court admit that all the way through, but they say the fatal point with the third section is the simple one that it does not repeat what was contained in the previous section, "on account of race, color, or previous condition of servitude." This section of the bill, as reported, provides for supplying exactly that deficiency, and says that where there is a wrongful refusal on that account, and that is made known by an affidavit based upon this constitutional right to not be excluded from any of the steps necessary to reach voting on that ground, it shall stand as performance, and the vote ought to be received. Now if this Constitution is to carry into effect what it says on its face, that the right that is secured is the ultimate one to have the ballot of that citizen have its fair effect in the election, we cannot stop short and say "the elections may go wrong every time; your vote may be offered, but it cannot be received, because the State may make a contrivance in advance that shall enable its inspecting officers to keep you out; they may be punished, but that does not help you. The State may impose restrictions in advance that will never let you come within sight of a polling-place, and the Constitution of the United States does not protect you in your right to vote, and you, being in the minority in your State, have no remedy; the Constitution only enables us to punish somebody that the Constitution does not name at all who prevented your paying a tax that the State had imposed on people before they could vote."

Mr. President, it appears to me that, on further reflection, my friend from Indiana will be satisfied that, looking to the true effect and meaning of this provision of the Constitution bearing upon the ultimate right of voting, this difficulty disappears. When you go on further in this opinion, speaking of this matter, you find that the court say:

The elector, under the provisions of the statute, is only required to state in his affidavit that he has been wrongfully prevented by the officer from qualifying. There are no words of limitation in this part of the section. In a case like this, if no affidavit is in the language of the statute, it ought to be sufficient both for the voter and the inspector. Laws which prohibit the doing of things and provide a punishment for their violation should have no double meaning. A citizen should not unnecessarily be placed where, by an honest error in the construction of a penal statute, he may be subjected to a prosecution for a false oath, and an inspector of elections should not be put in jeopardy because he, with equal honesty, entertains an opposite opinion. If this statute limits the wrongful act which will justify the affidavit to discrimination on account of race, &c., then a citizen who makes an affidavit that he has been wrongfully prevented by the officer, which is true in the ordinary sense of that term, subjects himself to indictment and trial, if not to conviction, because it is not true that he has been prevented by such a wrongful act as the statute contemplated; and if there is no such limitation, but any wrongful act of exclusion will justify the affidavit and give the right to vote without the actual performance of the prerequisite, then the inspector who rejects the vote because he reads the law in its limited sense and thinks it is confined to a wrongful discrimination on account of race, &c., subjects himself to prosecution if not to punishment, because he has misconstrued the law. Penal statutes ought not to be expressed in language so uncertain. If the Legislature undertakes to define, by statute, a new offense and provide for its punishment, it should express its will in language that need not deceive the common mind. Every man should be able to know with certainty when he is committing a crime.

There you see, Mr. President, that the whole decision of the Supreme Court turned upon the one simple circumstance that the third section of the old law did not contain the words which we have reported in this in order to meet their views.

Mr. MORTON. Mr. President, I am anxious to have this law passed and to have it so clearly right that it shall not be subject to future doubt. The fifteenth amendment provides that no person shall be deprived of the right of suffrage on account of race, color, or previous condition of servitude. Whatever conditions to voting the States may attach or create must apply equally to men of all colors and races. If a State establishes the condition of registration, it cannot be made applicable to colored men and not equally applicable to white men, and it cannot be made applicable to white men and not equally applicable to colored men. In other words, the colored man is to have the same right that the white man has, absolutely upon like terms and conditions. If the State reqnires registration as a condition to voting and does not provide that where registration is wrongfully precluded the party on proof may vote anyhow, and make that right applicable to all persons, the question is how can Congress do it? If the State makes registration a condition-precedent of voting and the white man who has not registered and who has been prevented by fraud or violence cannot, upon proof of that fraud or violence, still exercise the right, can we come in and give a right of that kind to the colored man? Is it not a dangerous thing to insist upon?

Mr. EDMUNDS. We do not give it to the colored man any more than to the white man. The Constitution does not speak of registration; it speaks of different things which apply to all races and all conditions.

Mr. MORTON. Have we a right to provide for anybody voting without registration in a State where the State has not provided for it itself? If the State provides that, where a person has been wrongfully prevented from registration, upon proof of that fact he may vote, we can enforce that right; but if the State, in a case of that kind, leaves the voter who has been wronged to the punishment of the registrar, or officer, or person, the question is, are we not bound to leave it there also?

Mr. WRIGHT. Will the Senator from Indiana allow me to ask a question?

Mr. MORTON. Yes, sir.

Mr. WRIGHT. If his doubt is well founded, I submit to him whether, as applied to a presidential election or a congressional election, it does not leave the power entirely in the States on this subject. Would they not have the complete power to nullify and defeat the whole purpose and object of this constitutional amendment if his doubts are well founded?

Mr. MORTON. So far as the congressional election is concerned, we have agreed in the Constitution to leave the question as to who may vote for member of Congress to the States by providing that every person who may vote for members of the most numerous branch of the State Legislature may vote for a Representative in Congress. We have no power over that. The fifteenth amendment, however, guarantees that the colored man shall have the full right that everybody else has; that is, he shall not be prevented from voting on account of his race or color. So far as the election of President is concerned, that is a matter that belongs absolutely to the States. They may choose the electors by the Legislature, they may authorize the supreme court to appoint them, or they may provide for their being elected by the people. They may provide for a different class of voters for presidential electors from those who are entitled to vote for members of Congress. As the Constitution stands now, the States can provide just as they please in that regard. The State of Iowa to-morrow by her Legislature, notwithstanding the law she has upon her statute-book for electing her electors by the people, may in defiance of that law choose the electors who shall vote for President and Vice-President. There is no power under the Constitution to prevent it. So I think that, so far as that is concerned, it does not meet the point.

Mr. WRIGHT. The point I make is this: If the Senator's doubt is well founded, then the provision of the Constitution that prohibits any person being deprived of the right to vote by reason of race, color, or previous condition of servitude, and gives to Congress the power to provide by law for the enforcement of the provision, would leave it in the power of the States to make distinctions that in the end would absolutely nullify this provision of the Constitution; would allow the States to make distinctions in their statutes in reference to those who should have the right to vote and those who should not have the right.

Mr. DAWES. Does the Senator from Indiana mean to say that the State of Iowa could provide that white voters in Iowa alone should choose the electors?

Mr. MORTON. No, sir; I do not mean to say that, because the fifteenth amendment comes in there. If she submits the question to an election, if she has an election of any kind, under the operation of the fifteenth amendment the colored man has a right to vote on the same terms and conditions as the white man, and it is not in the power of the State to provide for any other sort of an election. The State of Iowa may attach other qualifications to the right of voting for an elector of President, but she is bound to make them applicable alike to white and black. She may require a property qualification or she may require a different residence from that required of those who vote for other officers. The question of choosing electors is absolutely in the control of the State Legislatures. There is where it is put by the Constitution.

Mr. DAWES. Does the Senator understand the Constitution to allow the States to impose conditions upon the voters for electors of President and Vice-President that they cannot and do not impose on voters for other officers?

Mr. MORTON. Certainly. The State Legislatures may choose the electors themselves or may, as was once done in Pennsylvania, authorize the chief justice to appoint them.

Mr. DAWES. I am aware of that; but suppose they should provide that all the voters in the State who had an estate of $1,000, and no others, should vote for electors, while as to everything else anybody might vote without a property qualification?

Mr. MORTON. I suppose a State has a right to provide different qualifications for voting for different officers, but under the fifteenth amendment it cannot make any discrimination against the colored

man. He has a right to vote for each officer on the same terms and conditions with other people precisely. There is where the amendment comes in. It gives this equality; they may subject him to the same conditions that they subject everybody else to. If they do establish any condition outside of color where they can establish conditions, it is very questionable whether Congress can dispense with it, in my opinion.

Mr. EDMUNDS. I think the Senator from Indiana has not kept in view the circumstance that the Constitution of the United States does not say anything about registration at all. He suggests a doubt, and I am glad he does not go further, because the Supreme Court in going over this very question have not even hinted a doubt such as he has suggested. If his doubt was turned into a certainty it would deprive us of all power of legislation about registration at all. The Constitution does not say that every voter otherwise qualified with respect to race shall have a right to register or a right to pay taxes. We only get our power in respect to these other sections about registration, &c., solely because they are mere methods incidental to the ultimate security that the Constitution gives to the citizen, the right to vote, which is to put in his ballot and have it counted with that of every other citizen standing upon equal grounds. That is the sole source of our authority; and, as I repeat, all our power to provide that he should not be refused registration and should not be refused the right to pay taxes, or whatever may be the thing, arises merely from the circumstances that this is a means to the great end of security that the Constitution has declared, and that is the vote.

Now, on the suggestion of my friend from Indiana you can exclude everybody from voting, so that any particular race in any State, white or black, Anglo-Saxon or Mongolian or African, may be denied the right to vote forever, and still the Constitution not be infracted. How? Some tax officer says, the law requiring the payment of taxes, "I will not take your tax," and the man cannot pay it. He goes to the voting officer, with his other fellow-citizens, and offers to vote. The voting officer says, "No, I cannot take your vote, because you have not paid your tax; go away." Putting the two things together, the man is ruled out altogether. My friend says, "Punish the tax officer." In order to do that you have got to borrow by implication—a just and fair implication, I admit, out of the Constitution, from the words "right to vote"—the power to go clear through all forms and methods and see to it that this test, discrimination by race, is not applied anywhere; and therefore, when it is applied as the first step, Congress says that that application as a first step shall be absolutely void. That is all there is to it. He has done the thing which the law requires, because you have no right to prevent him from it on account of the ground that you state. Then he stands exactly as pure, exactly as qualified as the citizen whom the testing, registering officer or tax officer has chosen to admit to go through his gate. Now, we tell the voting officer, who is the one alone whom the Constitution speaks to in direct terms, "If any of your fellows before you, either taxing or otherwise, have kept this man from bringing to you a certain piece of evidence on the ground that the Constitution forbids them to keep him away from you upon, you shall take his vote as you ought to do, just as you take the vote of anybody else." That is all it says; and therefore I submit that this bill must fall altogether on its main provisions, based upon this article of the Constitution, or else we are forced to hold that the Constitution looks through all forms and all contrivances and brings the citizen, regardless of his race, up with his fellow-citizens to the ballot-box, where he can have his voice in carrying on the Government.

There is only one other word that I want to say, because I wish to save time; and that is again to suggest to my friend from Indiana that this very section, excepting that we have put in what the Supreme Court said was lacking, has undergone the sharpest argument and the severest scrutiny; and this point, although it was known to the Supreme Court—because it was opened in the other debate, where my friend says they had it—although it was pressed upon them, they did not even allude to. I mean the point that was made in the argument and made in the old debate, that this provision was unconstitutional in its nature. They only say that the provision was unconstitutional because it omitted to state that this rejection had been on account of race. They treat it from beginning to end, in all their statements, assume it to be without a hint or a qualification, perfectly within the scope of the Constitution, as merely a means to the end, and then say, "the one thing lacking," as the Scripture says, is that you did not have in that section, as you did in the preceding one, the words "race or color." Those we now put in. I appeal to my friend to let us try the Supreme Court, after this invitation, upon their own ground; because it seems to me it is fatal to the rights of these citizens whom we are endeavoring to protect if their right to vote is absolutely and forever gone, (however much you may punish the tax officer or registering officer,) if they do all their part and cannot be allowed to come near the polls at all.

Mr. MORTON. The great object of this law and of all laws to enforce the amendments is to put the colored man on the precise level in regard to rights with the white man. When we have done that, we have accomplished our purpose. If we do less, we come short of our duty. If we undertake to do more, we are likely to endanger all.

Now, the Constitution does not say anything about registration; it does not say anything about paying poll-tax and a condition to vote; it does not say anything about any condition or any qualification to vote in the States. All that is left to the States with this single prohibition, that there shall be no distinction on account of race or color—that the colored man shall have the right to vote upon like terms and conditions with the white man.

Mr. EDMUNDS. Is he not deprived of that right, may I ask my friend, if he is refused registration because he is black, and then is refused the right to vote because he is not registered?

Mr. MORTON. No; it hardly amounts to that, for this reason: If the State makes registration a condition of voting, provides that no man shall vote who is not registered, though he may have been wrongfully prevented from registering——

Mr. EDMUNDS. And for that reason——

Mr. MORTON. Though he may have been wrongfully prevented from registering, they are still upon the same terms. But if Congress comes in under this amendment and gives the right to vote although there is no registration, then the condition established by the State in one respect is destroyed. That is very clear. If the State says no man shall vote who is not registered, whatever may be his color, race, or condition, that places all upon the same footing; but if we say that the offer to perform the condition established by the affidavit of the man himself is equivalent to performance, we have changed the law of the State in a very important particular.

Mr. FRELINGHUYSEN. Let me ask my friend a question. If a State says that no man shall vote unless he is registered, and then the registering officer says to a man, "You shall not be registered because you are a black man," is not that a direct violation of the fifteenth amendment?

Mr. MORTON. Yes, sir.

Mr. FRELINGHUYSEN. That is just exactly what this section provides for, as I understand.

Mr. MORTON. If the registering officer says, "You shall not be registered because you are a black man," Congress can provide for punishing him as this bill does, can send him to prison, or can assess a heavy fine upon him as this bill undertakes to do; but if the State says that no man shall vote who is not registered, and Congress undertakes to say that in the case of the colored man he shall vote although he is not registered, then you have overcome the State law in regard to one class, and the equality no longer exists. If the white man is refused the right to vote because he does not live in the State or has not lived there long enough, or is not of the proper age, and the objection is a wrongful one, is fraudulent, he cannot vote, but he can sue the registrar, he can punish the man who deprives him of this right. He cannot vote because the law says no man shall vote who has not registered.

Mr. FRELINGHUYSEN. As I understand, this law simply says that the man's affidavit shall be considered as equivalent to his vote if he is prevented from registration, and therefore from voting, on account of race, color, or previous condition of servitude.

Mr. MORTON. But if under the law of the State the man's affidavit will not entitle anybody else to vote, although he has been wrongfully prevented from registration, it is clear that the equality does not exist.

Mr. EDMUNDS. But it will if he makes the same affidavit that it was wrongfully done and it is true.

Mr. MORTON. For that particular cause. But bear in mind—and here is where the distinction comes in, and I think my friends rather lose sight of it—that so far as all conditions of voting are concerned they are left with the State. The State of Georgia requires men to pay a poll-tax; it is used fraudulently; we all know it; we know that an accumulated poll-tax is demanded as the condition of the right to vote, and we understand perfectly well that this poll-tax in the State of Georgia is used as a fraudulent means to keep the colored people from voting, and has operated in that way. I can point you to congressional districts at the last election where comparatively few colored votes were cast, and where the body of them were kept from voting because this poll-tax was demanded of them and the demand was not made of white men. Georgia has a right to make the payment of that tax a condition of voting, but she must make it equally applicable to all, white and black. If she says that colored men cannot vote without paying a poll-tax, but white men may, she violates the Constitution, and when the inspectors of election demand of colored men the payment of poll-tax, and because they cannot do it turn them away, and do not make a similar demand of white men, they are guilty of fraud, and ought to be punished, beyond all question. That is the case now in the State of Georgia, I undertake to say; it is the case in the State of Alabama; perhaps it is so in other States. Various means are resorted to. But, Mr. President, I am looking to the question of the law, and I want this law to stand upon a solid foundation. I do not want it to be in a condition that the Supreme Court can pick it to pieces.

Mr. EDMUNDS. So do I; and they admit they cannot if you put this in.

Mr. MORTON. I will say to my friend that the reasoning of the Supreme Court on this point is entirely obscure, and the reasoning in both these cases is, in my judgment, contradictory.

Mr. EDMUNDS. But not on this point that we are talking of.

Mr. MORTON. In the opinion in the Kentucky case the general reasoning of the court is against the notion that Congress has any power to interfere in any case except where the State affirmatively comes in as a State and denies the right; but when the court come

to speak of particular counts in the indictment, under particular sections of the law, it seems to recognize that they would be good if they contained the averment that these rights were denied on account of race, color, or previous condition of servitude. Let me read from this opinion:

The fifteenth amendment does not confer the right of suffrage upon any one. It prevents the States or the United States, however, from giving preference in this particular to one citizen of the United States over another on account of race, color, or previous condition of servitude. Before its adoption this could be done.

There the Supreme Court say that the purpose of it is to prevent the United States or prevent the States, as such, from taking away this right; and if my friend will recur to the other opinion in the Colfax Parish cases, he will find still stronger language used in regard to the fourteenth amendment, which says that no State shall deny the equal protection of the laws.

Mr. NORWOOD. Mr. President——

The PRESIDENT *pro tempore*. Does the Senator from Indiana yield to the Senator from Georgia?

Mr. MORTON. In a moment. I want to read a short extract from this opinion. Here is what the Supreme Court say in the Colfax Parish cases, speaking of the fourteenth amendment, where the same phraseology is used:

The fourteenth amendment prohibits a State from denying to any person within its jurisdiction the equal protection of the laws; but this provision does not, any more than the one which preceedes it and which we have just considered, add anything to the rights which one citizen has under the Constitution against another.

I confess I was not more astonished at anything in these decisions than I was at that language:

The equality of the rights of citizens is a principle of republicanism. Every republican government is in duty bound to protect all its citizens in the enjoyment of this principle, if within its power. That duty was originally assumed by the States, and it still remains there. The only obligation resting upon the United States is to see that the States do not deny the right. This the amendment guarantees, but no more.

Hence, as I said before, where these two opinions reason in a general way in regard to these amendments, they do deny the validity of these laws altogether; but when they come to speak of particular counts, and refer to the defective averments, they seem to recognize the fact that the sections would be good if they contained the averment that these rights were withheld on account of race, color, or previous condition of servitude, although the section and the counts do not refer to States as such, but refer simply to the conduct of individuals; so that, so far as the reasoning in these two opinions is concerned, it is not very satisfactory. I prefer to take that which is specific in its character and applies to the counts and to the sections.

Mr. NORWOOD. Mr. President, I wish to ask the Senator from Indiana to repeat what he said about the colored people in Georgia being refused the right to vote on account of the non-payment of taxes. I do not know that I understood him correctly.

Mr. MORTON. I have been informed, and I believe very often informed, that in Georgia the tax law, which requires the payment of a poll-tax as a condition of voting—am I right about that?

Mr. NORWOOD. Yes, sir.

Mr. MORTON. I have been informed that that law is enforced against the colored people, and is not enforced against the white people. That may not be universally the case, but it is largely so, and has operated, as I am informed and believe, in keeping a great many colored men from the polls who were entitled to vote as well as others. That condition has been exacted of them, but has not been exacted of others.

Mr. NORWOOD. Mr. President, all I wished to do was to ask the Senator from Indiana for his proof. To indulge in such a loose and vague statement on what he has heard I think is hardly fair, though I suppose it amounts to very little or nothing. A republican convention, composed largely of colored men, that was elected under the reconstruction acts which my honorable friend assisted in passing, adopted the clause to which he has made reference. It was a republican measure; it was a colored man's measure. They required a poll-tax of $1 as a condition precedent to suffrage, and they put that upon the white people of Georgia against their will; and that law has been enforced, so far as I know, impartially ever since. It has been brought to bear upon the white man as well as upon the colored man. It may be true, as the Senator has said, that some colored men have not voted on account of that law; but it was not because the law was rigorously and unjustly enforced against them, but because they value the dollar better than they do the right to vote, and rather than pay the dollar which they themselves have imposed upon themselves as citizens of that State they stay away from the polls. But I challenge the honorable Senator—and I started to say that I defy him—to produce proof that in any instance the white people of Georgia have ever refused to allow a colored man to pay his poll-tax, and then afterward to vote. If his charge means anything it means that, and I challenge him for the proof.

Mr. THURMAN. Mr. President, no amount of ingenuity, no amount of sophistry, can conceal the true nature of the section now under consideration. It is a plain, bald attempt to alter the election laws of the States, and whether it be an attempt to alter them by adding to them or by taking from them, its nature is precisely the same. If a State law says that no man shall vote who is not registered, this section proposes to alter that State law and to say that he shall vote although he is not registered. It proposes to say that a certain act shall be equivalent to registration when the State law says no such thing. Now, it is as obvious as anything can be that if Congress has a right thus to add to or thus to alter a State law under the pretense of securing to every man the right to vote under this guarantee of the Constitution as it has been called, it may, for the same reason, repeal any State law that in its judgment it thinks interferes with perfect equality of right in respect to suffrage.

I repeat, if it can add a provision that is not in the State law, and much more if it can give the right of suffrage in direct opposition to the plain text and demand of the State law upon the ground that the State law is defective and that under it frauds may be perpetrated, officers may act wrongfully, and thereby a person may be deprived of his right to vote on account of race, color, or previous condition of servitude—if it can thus supplement what it supposes to be defects in the law or change the law so as to prevent this result, it may go further and repeal the law out and out or any provision of the law that it sees fit to repeal.

Where is it to stop, sir? It does not stop anywhere. It is made to apply by this very bill to every election from that of President of the United States down to that of the humblest township officer who may be voted for in any hamlet by the people in any part of the United States. It embraces everything, and its principle embraces every provision of any State law that Congress may see fit in its discretion to say might operate, not by means of any provision in the law itself, but by the misconduct of some person charged with its execution, to deprive some person of his right to vote on account of race, color, or previous condition of servitude.

You propose to alter a law of a State which requires registration. Why? Because the law is unconstitutional? No such thing. Nobody pretends that it is unconstitutional. Because it is an unwise law? No such thing. You say that it is a wise law, or at least the people of the State in which it prevails deem it to be a wise law, and you have no right to question their judgment upon that subject. You propose to alter that law; you propose that when that law, perfectly constitutional under the constitution of the State, perfectly constitutional under the Federal Constitution, says that a man shall not vote unless he is registered, or he shall not vote unless he has paid a certain tax, he shall vote nevertheless in defiance of that law. You propose to change a perfectly constitutional and valid law which meets the approbation of the people of the State by whose representatives it has been enacted, and to say that that law shall be altered because you think it is necessary to do so in order to secure to this man the right to vote. Why, sir, I say once more, if that is the case, you can enact all the election laws of the States; you can, by such legislation as this, enact the whole code of election laws of every State and of every municipality down to the lowest municipality in the whole length and breadth of the United States, under the pretense that there is a necessity to do so in order to secure to the colored race a right to vote; and to secure it to them how? To secure them against the misconduct of officials, the misconduct of officers; and under the pretense of securing them against the misconduct of officials you claim the power to utterly change and alter all the election laws of a State and to enact yourselves a code of election laws for that State for all the elections down to the lowest municipality within its borders. That is what this is, and it is nothing less than this; and no amount of ingenuity or sophistry can make it anything less than this.

Is that "appropriate" means of enforcing the provision of the Constitution? You claim that it is under the right to pass "appropriate legislation." Is it "appropriate legislation" to alter the election laws of the States confessedly constitutional? Is it "appropriate legislation" to add to the laws of a State which are confessedly constitutional? Is it "appropriate legislation" for you to enact for a State a code of election laws? If it is, pray what is not "appropriate legislation?" Why is not a total abolition of all State election laws and a code of election laws enacted by Congress itself for every State and every municipality in every State "appropriate legislation" under the pretense, forsooth, of securing to the people of a particular race or of a particular color their right to vote, while the same security in other cases quite as flagrant and needing protection quite as much is not accorded at all? There are men who are denied registration, white and black, from other causes than their race, color, or previous condition of servitude. It has been done again and again and again by fraud. There have been men registered who had no right to be registered without regard to their color, their race, or their previous condition of servitude. Such enormities have happened again and again and again, not in the South alone, but in the North more than in the South, and especially in the great cities of the North. In all such cases the white man is denied registration not because he is white—nobody pretends that—but because the registrars are opposed to him in political sentiment; that is the reason I refer to; it is corrupt; it is because they know that that man will vote for the party to which they are opposed, and therefore he is denied registration.

Mr. EDMUNDS. But let me ask my friend, supposing the Constitution of the United States said that no man should be denied the right to vote on account of his political opinions, and then a registrar should refuse him the right to vote on account of his politics?

Mr. THURMAN. Then you would have no right to change the State law.

Mr. EDMUNDS. Then you would have a parallel case.

Mr. THURMAN. But the Senator diverts me from what I was say-

ing. I say there is as much necessity to protect white men against corrupt registrars who refuse them registration because of a difference in political opinion as there is to protect the black man.

Mr. EDMUNDS. But the Constitution only allows us to protect on account of race. If it had said "on account of politics," we should be able to pass a law covering that case, but you would oppose it I suppose.

Mr. THURMAN. The Senator knows well enough what I am speaking about. I am speaking about this "appropriate legislation," and I say there is no necessity which makes this legislation appropriate; that there is quite as much necessity for protecting men from being rejected from registration or rejected at the polls by corrupt officials who are opposed to them in political sentiment as there is on account of race, color, or previous condition of servitude, and much more, sir. Who believes that any negro man who was improperly rejected was ever rejected because he was a negro man? Take any State you please; take Georgia, that has been alluded to, if they have a registration law, (and I do not know whether they have or not;) take Louisiana; who believes that any republican board of registrars or any republican registrar ever rejected a colored man because he was a colored man? Never in the world; never on account of race, color, or previous condition of servitude. If he rejected that colored man, it was because he thought he would vote the democratic ticket.

Mr. EDMUNDS. It was always for some reason that the law did not reach, undoubtedly.

Mr. THURMAN. That is the reason. So, too, if there was a corrupt democratic registrar who rejected a negro man from registration, or refused to accept his poll-tax, he did not refuse because he was a negro; he did not refuse because he had been a slave; but he refused because he thought he would vote the republican ticket. Everybody knows that is the truth of it. Therefore, if you come to the real essence and truth of this business, there is no necessity whatever for the passage of this law; and it is a false pretense to say that there is a necessity for it because people are denied registration on account of their race, their color, or their previous condition of servitude. No man is rejected for any such cause as that anywhere in this land; and to make that the pretext, to make that the foundation for the assertion of a power on the part of Congress to absolutely annihilate the election laws of a State and to erect Congress into a power to prescribe the code of election laws for every State—for that is the length and breadth, and nothing short of the length and breadth, of this proposition—is simply to say that the States have no rights whatsoever that Congress is bound to respect.

Now I do say that this provision is not at all in the interest of the purity of elections; this provision is not at all in the interest of the rights of any man, white or black.

Mr. EDMUNDS. Is it not like the State laws in many States in this very respect?

Mr. THURMAN. Suppose it is like the State laws in many respects; the right to pass those laws belongs to the States, and not to you. There are plenty of other laws you might pass that would be like their laws.

Mr. EDMUNDS. But the Senator is talking now about the propriety of the thing in itself, in its philosophic nature. In all well-regulated States, where they intend to give a man his rights, they do not allow any registrar to prevent the right to vote. If that registrar wrongfully refuses to register a man, they give him leave to go to the polls and make the proper proof, and then put in his vote; and that is exactly what under this Constitution we undertake to do in this case.

Mr. THURMAN. Then leave it to the State law.

Mr. EDMUNDS. But the Constitution of the United States imposes upon us the duty, in respect of race, of taking care of it, and does not give it to the State.

Mr. THURMAN. The Constitution of the United States imposes no duty on you to alter or change the constitutions or laws of the States.

Mr. EDMUNDS. Yes; but it does impose on us the duty of protecting men from being rejected on account of race, and that is what we undertake to do, and it does not give the States any such right.

Mr. THURMAN. The Constitution of the United States gives you a right to see to it that no State shall abridge the right of any man to vote on account of race, color, or previous condition of servitude; but the Constitution never told you that some petty registrar in one of the parishes of Louisiana was the State of Louisiana; it never told you that some petty collecter of a tax in some city or town or village of Ohio was the great State of Ohio; and that you, under the pretense of his official misconduct, should change the election law of the Commonwealth of Ohio. It never did any such thing as that. But according to this new doctrine, the implication that is drawn, this guarantee, that simply is a prohibition on the powers of a State as a State, just as the prohibition upon the power of the State to impair the obligation of a contract, is to be stretched, forsooth, into a power to override the very laws of the State which are confessedly constitutional both under the State constitution and under the Federal Constitution. No, Mr. President, argue it as you may, let there be as much ingenuity as there may be upon it, this is a bald, naked proposition to assert for Congress the power to make the election laws of all the States, under the false pretense of preventing discrimination on account of race, color, or previous condition of servitude.

Mr. President, I did propose to say something about some of the details of this bill, although they have been so well exposed by the Senator from Maryland and others that I hardly think it is necessary that I should do so. I have only to say one thing, however, in respect to the amendment offered by the Senator from North Carolina. I concur with him, so far as my investigation has gone, in the statement that if this bill pass there is no law of the United States under which a man making a false affidavit in order to vote can be punished. I have looked over the laws. The law cited by the Senator from Vermont has certain limitations upon it which are to be found in other statutes of the United States, and so far as I have been able to examine them they make it almost a demonstration that under this law a man would not be indictable however false the affidavit might be. But, sir, I do not care about speaking of these minor matters, although that is not an insignificant matter by any manner of means if you have the power to pass this bill. What shocks me is that this power should be asserted on the part of Congress to change, to alter, to annihilate the election laws of the States and to enact a code of State election laws by act of Congress.

Mr. President, if there is no objection, as I do not think we can get through with this bill to-night, I move that the Senate proceed to the consideration of executive business.

Mr. EDMUNDS. I hope not. We ought to finish this bill. We have had so good a speech from my friend that it is a good time now to finish it.

Mr. THURMAN. What did the Senator say?

Mr. EDMUNDS. I said that, impressed now with the force of my friend's remarks, it was a good time to finish this bill.

Mr. THURMAN. It would be an excellent thing if the Senator from Vermont were oftener impressed in the same way.

Mr. EDMUNDS. I am always impressed in exactly the same way.

The PRESIDENT *pro tempore*. The Senator from Ohio moves that the Senate proceed to the consideration of executive business.

The motion was not agreed to.

Mr. WHYTE. Mr. President, the Senator from Vermont does not often make assertions without authority, I know; but when he intimates that in any State of the Union where there exist registration laws parties are privileged to vote on their own affidavit who have been refused registration, I must really ask him to show me the State where such a law as that exists. I do not mean to assert anything from investigation, because I have not examined the laws of all the States of the Union; I have examined some of them, and I am impelled to assert that no such law can be found from Maine to Texas. On the contrary, the law of my State, for which we are indebted to a republican Legislature during the war, which we have continued since the war and since the democratic party has come into power in that State, only with modifications making more ample the protection of the colored man, gives protection to every man who is refused the right of registration on any ground which is unlawful; I care not whether it be because of his race, color, or previous condition of servitude, or whatever may be the ground, if it be an unlawful ground the party has his redress just as every colored man has his redress in Maryland to-day if any officer of registration denies him the right to be registered when he is lawfully qualified for registration. I venture to affirm that the same law in its effects, if not precisely similar in detail, exists throughout all the States where registration is a prerequisite to voting. In Maryland—

If any person shall deem himself aggrieved by the refusal of any officer of registration to register his name as a qualified voter by reason of the decision of the said officer that he has not the requisite constitutional qualifications of age, citizenship, or residence, or is disqualified under the provisions of the second and third sections of the third article of the constitution—

That was at that time disqualified by going South and participating in the rebellion—

or by the refusal to register his name as a qualified voter for any other cause.

Then the party so refused has a right to go before the circuit court in the county or the supreme bench in Baltimore City and, upon proving those facts, to have his name entered upon the registration-list so that he may be entitled to vote at the next election. What can be fairer, what can be more proper than that provision of law? I venture to assert that no man in Maryland who has been improperly denied the right of registration has failed to obtain the privilege of registration on application to the court. More than that, the law provides that, if he maintains before the court his right to vote, the expense of his appeal to the court shall be paid by the county or by the city of Baltimore, where he is denied the right to vote. That is not all; a clause is inserted in the law punishing any registrar who shall deny to such man the right to vote at the election.

Here, Mr. President, is a provision of law in the interest of the purity of election; here is a mode of redress, a fair, proper legal mode of redress to every man denied his right by enabling him to go before the courts and prove that he has all the other qualifications to entitle him to vote, and that he has been denied because of his race, of his color, or his previous condition of servitude, and thus that wrong can be righted; he can be put upon the list. But, instead of that, here he is made the judge of his rights, and by his own affidavit he injects, in violation of the State law, his ballot into the ballot-box of the State.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from North Carolina to the amendment of the committee proposed as section 3.

Mr. MERRIMON. I have been very much edified, sir, by this debate. I am glad that the Senator from Indiana has expressed his thoughts on the subject, and that he thinks so well as he does. He has thrown a flood of light on the subject. His points are well taken, and he argues well, and I am not surprised that the other side have so signally failed to answer the points that he made.

I wish that this morning before the hurried remarks that I made I had had an opportunity to look into the case of Cruikshank and the other case decided by the Supreme Court lately. I was endeavoring to show that the fifteenth amendment did not operate on individuals, but on the United States and on the States only. I beg now, although I am not going into a re-argument of that matter, to read a short paragraph from the decision of the Supreme Court in the case of the United States *vs.* Cruikshank which supports the view I have submitted. The clause reads as follows:

Every republican government is in duty bound to protect all its citizens in the enjoyment of this principle, if within its power. That duty was originally assumed by the States, and it still remains there. The only obligation resting upon the United States is to see that the States do not deny the right. This the amendment guarantees, but no more. The power of the National Government is limited to the enforcement of this guarantee.

And yet, in the face of that express language and decision of the Supreme Court upon the very point at issue between us, it is insisted that this bill is to have validity if it shall be passed into a statute. My principal purpose in rising now was to insist that I should not be laughed out of court. I do not mean to be. The Senator from Vermont has a very happy way when argument fails him of resorting to an unhandsome sneer at his adversary and getting rid of him in that way. On another occasion he will deal in fulsome compliments, and on another occasion he will indulge in handsome platitudes and take his benefit by such a course as that. On this occasion he has endeavored to laugh me out of court. I mean to give him to understand that I do not intend he shall do so. I maintain that the amendment I propose is reasonable, just, and proper, and I intend to stand by it until the Senate votes it down. If it shall be the judgment of the Senate that it is not proper to be incorporated in this bill, all well, I submit; but my friend cannot laugh me out of court. I know where I stand. I see the right in this matter, and I intend to endeavor to pursue the right. I think it not improbable that in the haste of preparing this amendment I omitted a word that I ought to have inserted, but I had to draw it in a hurry, just as we have had to debate this case in a hurry. This great question, that ought to engage the attention of the Senate for a week, is to be disposed of on a desultory debate of three hours.

Mr. EDMUNDS. I hope the Senator did not think I was laughing, if I did laugh, at what he did not put into his amendment. I do not know that I laughed at all; but if I did, I was laughing at what he did have in it.

Mr. MERRIMON. I do not know whether the Senator laughed because of the amendment or laughed because he did not have an argument to answer the place of that laugh. I think it very likely that the latter was the reason; for generally when he has an argument he employs that. It is only when he has not an argument at command that he employs laughter or those platitudes that I talked about. The amendment as I offer it now is in these words:

And if any person so offering such affidavit shall therein knowingly swear falsely—

Mr. EDMUNDS. Is that the amendment which was offered before?

Mr. MERRIMON. It is with the exception of the words "therein" and "knowingly." I have amended it so as to insert the word "knowingly," which I think myself is material, though I am not sure that it would not have done without it.

he shall be deemed guilty of perjury, and on conviction before any district or circuit court of the United States having jurisdiction shall be punished as in other cases for perjury.

That amendment is to come in at the end of line 38 of section 3. I offer the amendment because, if the bill is to pass, it is essential to make it perfect; to make those who would indulge in perjury—and I endeavored to show a while ago that we might expect a great deal of perjury if this bill passes—liable to be punished for it as other persons who shall be guilty of perjury.

The Senator then turns to the Revised Statutes, and tells me that there is a general law which embraces this case. I deny it. I say that he cannot show any general law which, in my judgment, upon a fair construction of it, embraces this case. The statute to which he referred is in these words:

Every person who, having taken an oath before a competent tribunal, officer, or person, in any case in which a law of the United States authorizes an oath to be administered, that he will testify, declare, depose, or certify truly, or that any written testimony, declaration, deposition, or certificate by him subscribed is true, willfully and contrary to such oath states or subscribes any material matter which he does not believe to be true, is guilty of perjury, and shall be punished, &c.

This statute is confined by the limiting words "in any case." In order to embrace this matter the section must have said "in any case or matter." "Case" has a technical meaning. It means a suit, a litigation properly instituted before some tribunal competent to determine it. It has been so decided over and over again. In order to embrace this case, it ought to have said "any case or matter." In a criminal proceeding the court must construe the statute most strictly, and the court would be bound to say that "case" there did not embrace a proceeding or matter of this sort, one that is entirely *ex parte*, one that is entirely outside of the ordinary course of justice, one that does not happen at all before a court of justice or in any regularly instituted legal proceeding. The words "or matter," or some words like them of a comprehensive nature must have been used if this statute was intended to embrace a case like that covered by this bill.

Furthermore, the term "affidavit" is not used in this section of the Revised Statutes at all. It might be that in civil proceedings a court would hold that the language is broad enough to embrace an affidavit; but in criminal proceedings, where statutes are construed strictly and always in favor of the prisoner, I think the strong probability is that the court would hold that an affidavit of this sort was not embraced by this statute.

So then I say, sir, this amendment is right and proper, and even in the minds of those who have the impression of the Senator from Vermont this amendment can do no harm; it can answer no evil purpose. While the right created by the statute should exist, the punishment for perjury committed in ascertaining it should be provided for in the same act, so that the offender shall have not only the advantage but the penalty for perjury before his eyes at the same time and in the same way. I insist that the amendment is pertinent and proper; and upon its adoption I ask for the yeas and nays.

Mr. EDMUNDS. I do not want to waste the time of the Senate, as I have said before; but I do not wish to leave my friend to suppose that the word "case" that he refers to means "suit." Sometimes it means "suit" and sometimes it means "instance." If my friend will read the whole section through, I think he will be convinced himself, if he has not got too warm about it, that it means "instance." This is the only section of the statutes of the United States that applies to affidavits anywhere, that applies to official oaths anywhere, and to the ten thousand instances——

Mr. MERRIMON. My friend is mistaken about that.

Mr. EDMUNDS. Let us see where.

Mr. MERRIMON. If you will turn to section 1750, page 311, you will find that there is express provision made there for cases where affidavits and depositions may be taken before consuls, and so on.

Mr. EDMUNDS. Yes, taken before consuls in a foreign country. That is another thing. I am referring to the administration of the laws of the United States in its own territory. The language is this:

Every person who, having taken an oath before a competent tribunal, officer, or person—

"Tribunal" refers to a suit that is before it; "officer or person" applies to the ten thousand instances happening every day as to customs officers and others before whom you swear to an affidavit—

In any case in which a law of the United States authorizes an oath to be administered—

Take one simple illustration; that is enough, because I cannot spare time to go over the ten thousand; the laws of the United States require an invoice and entry in the custom-house to be sworn to, and that is done before an officer—

In any case in which a law of the United States authorizes an oath to be administered that he will testify, declare, depose, or certify truly, or that any written testimony, declaration, deposition, or certificate by him subscribed is true, willfully and contrary to such oath states or subscribes any material matter which he does not believe to be true, is guilty of perjury.

That is the statute which comes down from 1790, under which in a general way—although there may be some other special statutes in particular cases which I do not remember—the sanction of an oath and the penalty of perjury apply to the ten thousand instances that happen every week in the United States where an affidavit is subscribed and sworn to out of court before some officer authorized to administer an oath to some independent fact that has not anything to do with a suit at law at all. I assure my friend that I have the best reason for so believing. Therefore I submit to him that his proposition is quite unnecessary. If, however, he thinks it is needed, if he will put his amendment into the same frame that this law is, "swearing willfully falsely to a matter which he does not believe to be true," so as to make it exactly the perjury that this section describes, I shall not take up the time of the Senate in discussing whether it is necessary or not, because I do not care; but I ask you not to adopt entirely different language, which does not even now, as my friend has corrected it after being laughed at, as he says, reach anything like the true definition of perjury.

The PRESIDENT *pro tempore*. The Senator from North Carolina has called for the yeas and nays on his amendment.

The yeas and nays were ordered.

Mr. MERRIMON. I have no objection to accepting the suggestion of the Senator from Vermont. All I want to do is to make the offense perjury. I did not have the statute before me at the time, and I drew the amendment very hastily. I think it covers the point.

The Secretary proceeded to call the roll.

Mr. CAMERON, of Pennsylvania, (when his name was called.) I am paired with the Senator from Delaware, [Mr. BAYARD.]

Mr. MORTON, (when his name was called.) I am paired with my colleague, [Mr. MCDONALD.] If he were present he would vote in favor of this amendment, and I should vote against it.

Mr. PATTERSON, (when his name was called.) I am paired with the Senator from Pennsylvania, [Mr. WALLACE.] He would if present vote "yea," and I should vote "nay."

Mr. SPENCER, (when his name was called.) On this question and all other questions connected with this bill I am paired with the

Senator from Connecticut, [Mr. BARNUM.] If he were here he would vote "yea" and I should vote "nay" on this amendment.

I also desire to state that the Senator from Kansas [Mr. HARVEY] is paired with the Senator from Oregon, [Mr. KELLY.] If present the Senator from Kansas would vote "nay," and the Senator from Oregon "yea."

Mr. COCKRELL. I ought to state that the Senator from Oregon [Mr. MITCHELL] is paired with the Senator from Delaware, [Mr. SAULSBURY.] If present the Senator from Delaware would vote "yea" and the Senator from Oregon would vote "nay" on this question.

The roll-call having been concluded, the result was announced—yeas 16, nays 21, as follows:

YEAS—Messrs. Bogy, Booth, Caperton, Cockrell, Eaton, Goldthwaite, Johnston, Key, McCreery, Maxey, Merrimon, Norwood, Ransom, Thurman, Whyte, and Withers—16.

NAYS—Messrs. Alcorn, Anthony, Bruce, Clayton, Conkling, Conover, Cragin, Dawes, Edmunds, Ferry, Frelinghuysen, Hitchcock, Howe, Ingalls, Logan, Morrill of Maine, Morrill of Vermont, Oglesby, Robertson, Sargent, and Wadleigh—21.

ABSENT—Messrs. Allison, Barnum, Bayard, Boutwell, Burnside, Cameron of Pennsylvania, Cameron of Wisconsin, Christiancy, Cooper, Davis, Dennis, Dorsey, Gordon, Hamilton, Hamlin, Harvey, Jones of Florida, Jones of Nevada, Kelly, Kernan, McDonald, McMillan, Mitchell, Morton, Paddock, Patterson, Randolph, Saulsbury, Sharon, Sherman, Spencer, Stevenson, Wallace, West, Windom, and Wright—36.

So the amendment to the amendment was rejected.

The PRESIDENT *pro tempore*. The question recurs on the amendment of the committee proposed as section 3.

Mr. EATON, (at five o'clock and thirty-five minutes p. m.) I move that the Senate take a recess until half past seven o'clock.

Mr. EDMUNDS. I hope not; let us finish this matter now.

Mr. EATON. I have no idea that it can be finished.

Mr. EDMUNDS. It can be finished in half an hour if we are all quiet, and vote as hard as we can.

Mr. EATON. I submit the motion.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Connecticut.

The motion was not agreed to.

The PRESIDENT *pro tempore*. The question is on the amendment of the Committee on the Judiciary, proposed as section 3.

Mr. CHRISTIANCY. Mr. President, I have been troubled somewhat with the same doubts and perplexities that affect the Senator from Indiana in regard to the third section; and to overcome that difficulty I propose the following amendment to be added to the section:

Provided, That this section shall not apply in any State where by the laws of such State no person of any race or color shall be allowed to vote without being previously actually registered.

The amendment to the amendment was rejected.

The PRESIDENT *pro tempore*. The question recurs on the amendment proposed by the Committee on the Judiciary as section 3.

The amendment was agreed to.

The next amendment of the Committee on the Judiciary was in section [2] 4, line 5, after the word "required," insert the words "by law;" so as to make the section read:

That if any person, by force, bribery, threats, or intimidation, or other unlawful means, shall hinder, delay, prevent, or obstruct, or shall combine and confederate with others to hinder, delay, prevent, or obstruct any citizen from doing any act required by law to be done to qualify him to vote, or from voting at any election as aforesaid, on account of the race, color, or previous condition of servitude of such citizen, such person shall, for every such offense, forfeit and pay the sum of $500 to the person aggrieved thereby, to be recovered by an action on the case, with full cost, and such allowance for counsel fees as the court shall deem just; and shall also, for every such offense, be guilty of a misdemeanor, and shall, on conviction thereof, be fined not less than $500, or be imprisoned not less than one month and not more than one year, or both, at the discretion of the court.

The amendment was agreed to.

The next amendment was in section [3] 5, line 3, after the word "person," to insert "having the right to vote;" so as to read:

That if any person shall prevent, hinder, control, or intimidate, or shall attempt to prevent, hinder, control, or intimidate, any person having the right of suffrage from exercising.

Mr. THURMAN. I have a word to say on that section. I hope my friend, the chairman of the committee, will be able to expound the section to the satisfaction of the Senate; there is no doubt he can to his own satisfaction. I shall not undertake to go into the details of the section, but there is one thing about it that I really need light upon. The section provides—

That if any person shall prevent, hinder, control, or intimidate, or shall attempt to prevent, hinder, control, or intimidate, any person having the right of suffrage from exercising, or in exercising, the right of suffrage, on account of the race, color, or previous condition of servitude of such person, by means of bribery, force, or intimidation, or by threats of depriving any such person of employment.

And the like. What troubles me is to know how a man is to be bribed and made not to vote on account of his race, color, or previous condition of servitude.

Mr. EDMUNDS. Does my friend wish an answer?

Mr. THURMAN. Wait until I get through, and you can give the answer.

Mr. EDMUNDS. I was going to tell my friend to apply to some of his democratic brethren in the South, and he could find out.

Mr. THURMAN. I can very well conceive how you might bribe a man to vote for John Smith; but how that bribing would be influenced by the color of the voter or his previous condition of servitude, is a little beyond my comprehension. My impression is that the fellow who bribed a man, would bribe him if he were white just as soon as he would bribe him if he were black.

Mr. EDMUNDS. It might not cost so much.

Mr. THURMAN. Then colored voters are cheaper commodities than the whites; are they?

Mr. EDMUNDS. No; higher. I said it might not cost so much.

Mr. THURMAN. They could be bought for less money.

Mr. EDMUNDS. No; I said it might not cost so much to bribe a white man as a colored man.

Mr. THURMAN. Then the Senator thinks white men have less respect for themselves than colored men.

Mr. EDMUNDS. A good many of them have, I notice.

Mr. THURMAN. I differ with that opinion. I think all good men, whether white or black, have about the same respect for themselves, and all bad men, white or black, are equally wanting in respect for themselves. That is the way I look at it. The Senator makes a discrimination on account of race. [Laughter.] I do not.

Mr. EDMUNDS. My friend will have a race next week. [Laughter.]

Mr. THURMAN. I should like to see the Senator from Vermont frame an indictment to convict a man in which he must say—for he is attempting to bring it within the decision of the Supreme Court—that the fellow was bribed to vote for John Smith, or not to vote for John Brown, or not to vote at all, and the reason for bribing him was that he was a black man, or had been in a previous condition of servitude. He was not bribed to vote for John Smith, because John Smith wanted his vote; he was not bribed to vote against John Brown, because the briber was afraid John Brown would be elected; but he was bribed purely on account of the fact that he was a negro and for no other reason. If he had been a white man he might have voted for whom he pleased, and they would not bribe him at all; but they bribed him not to vote, because they did not want a colored man to vote at all, and so paid him not to vote.

If you can possibly conceive a case of that sort, then there is some reason for this section; but if anybody can actually conceive it happening, he has a more lively imagination than I have; and yet one of the wisest and most learned committees of the Senate, presided over by one of the ablest men in the nation, has reported this provision. I have no doubt he can give good reasons for it. I think there are very few propositions that some reasons cannot be given for, and perhaps some imaginable case can be supposed in which a fellow is bribed to vote for "A" or to vote against "B" or not to vote at all, not in respect to how he would vote or what would have been the influence of his vote, but simply because the briber did not want that fellow to vote on account of the fact that he was a colored man or had been a slave.

Mr. EDMUNDS. Mr. President, I will give the reasons at the same time that my friends, who say they are ready, bring in some bill to carry out this amendment of the Constitution and make it effective—some other time. I will not waste the time of the Senate now in chaffing about words here with my friend. This is in the law already, in the act of 1870.

Mr. THURMAN. Now upon my word I do not think that the chairman of the Judiciary Committee is treating fairly the poor district judges, some of whom are *inops consilii*, and who love to try these cases properly, or, what is perhaps more to the point, the district attorneys, who are to frame the indictments. He ought to give them some sort of a chart by which they can predicate an indictment on this section; for they will say "if the chairman of the Judiciary Committee of the Senate, one of the ablest lawyers in the country, and the framer of this bill, cannot tell what this thing means, cannot advise us how we are to frame an indictment upon it, we give it up;" and consequently the law of my friend will be a perfect dead letter. If he wants the law to be of any effect, I beg him to set up a guide-board for his subordinates.

Mr. EDMUNDS. Ah! Mr. President, when my friend comes in he will select such district attorneys as will not have any difficulty, loving liberty, in securing these rights under this section. I shall feel perfectly safe when that happens.

Mr. THURMAN. Ah!

The PRESIDENT *pro tempore*. The question is on the amendment of the committee.

Mr. EDMUNDS. It is merely verbal.

The amendment was agreed to.

The next amendment was in section [3] 5, in line 6, after the word "person," to strike out "to whom the right of suffrage is secured or guaranteed by the fifteenth amendment to the Constitution of the United States;" after the word "bribery," in line 8, to insert "force or intimidation;" and after the word "or," in line 8, to insert the word "by."

The amendment was agreed to.

The next amendment was in the same section, line 10, after the word "from," to strike out "rented" and insert "any;" in line 11, to strike out the word "lands" and insert land;" and in line 13, after the word "family," to insert "every;" so as to make the section read:

SEC. —. That if any person shall prevent, hinder, control, or intimidate, or shall attempt to prevent, hinder, control, or intimidate, any person having the right of

suffrage from exercising, or in exercising, the right of suffrage, on account of the race, color, or previous condition of servitude of such person, by means of bribery, force, or intimidation, or by threats of depriving any such person of employment or occupation, or of ejecting such person from any house, land, or other property, or by threats of refusing to renew leases or contracts for labor, or by threats of violence to himself or family, every such person so offending shall be deemed guilty of a misdemeanor, and shall, on conviction thereof, be fined not less than $500, or be imprisoned not less than one month and not more than one year, or both, at the discretion of the court.

The amendment was agreed to.

The bill was reported to the Senate as amended.

The PRESIDENT *pro tempore*. The question is on concurring in the amendments made as in Committee of the Whole.

Mr. THURMAN. I ask for a separate vote on the amendment inserting the third section.

Mr. MERRIMON. I want at the proper time to offer an amendment.

The PRESIDENT *pro tempore*. The Senator from North Carolina will have an opportunity to offer it. The Senator from Ohio reserves the amendment known as the third section. The question will be put on concurring in the other amendments in gross.

The amendments were concurred in.

The PRESIDENT *pro tempore*. The question now is on concurring in the amendment inserting the third section.

Mr. THURMAN. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CAMERON, of Pennsylvania, (when his name was called.) I am paired with the Senator from Delaware, [Mr. BAYARD.]

Mr. CLAYTON, (when Mr. MITCHELL's name was called.) I am requested by the Senator from Oregon [Mr. MITCHELL] to state that on this question he is paired with the Senator from Delaware, [Mr. SAULSBURY.] The Senator from Oregon if present would vote "yea," and the Senator from Delaware "nay."

Mr. PATTERSON, (when his name was called.) On this question I am paired with the Senator from Pennsylvania, [Mr. WALLACE.] If he were present he would vote "nay," and I should vote "yea."

Mr. SPENCER, (when his name was called.) On this question I am paired with the Senator from Connecticut, [Mr. BARNUM.] If he were here he would vote "nay," and I should vote "yea." I wish to state further that the Senator from Kansas [Mr. HARVEY] is paired on this question with the Senator from Oregon, [Mr. KELLY.] The Senator from Kansas if he were here would vote "yea," and the Senator from Oregon would vote "nay."

Mr. CAPERTON, (when Mr. WINDOM's name was called.) The Senator from Minnesota [Mr. WINDOM] is paired with my colleague, [Mr. DAVIS.] If present my colleague would vote "nay," and the Senator from Minnesota "yea."

The roll-call having been concluded, the result was announced—yeas 21, nays 16; as follows:

YEAS—Messrs. Alcorn, Anthony, Bruce, Clayton, Conkling, Conover, Cragin, Dawes, Edmunds, Ferry, Frelinghuysen, Hamilton, Hitchcock, Howe, Ingalls, Morrill of Vermont, Oglesby, Paddock, Robertson, Sargent, and Wadleigh—21.

NAYS—Messrs. Bogy, Booth, Caperton, Cockrell, Eaton, Goldthwaite, Johnston, Key, McCreery, Maxey, Merrimon, Norwood, Ransom, Thurman, Whyte, and Withers—16.

ABSENT—Messrs. Allison, Barnum, Bayard, Boutwell, Burnside, Cameron of Pennsylvania, Cameron of Wisconsin, Christiancy, Cooper, Davis, Dennis, Dorsey, Hamilton, Harvey, Jones of Florida, Jones of Nevada, Kelly, Kernan, Logan, McDonald, McMillan, Mitchell, Morrill of Maine, Morton, Patterson, Randolph, Saulsbury, Sharon, Sherman, Spencer, Stevenson, Wallace, West, Windom, and Wright—35.

So the amendment was concurred in.

Mr. MERRIMON. I desire to offer an amendment to come in at the end of section 3. I think that the amendment which I proposed awhile ago, and which was voted down, was a very important one. If a man were indicted in a court under this section and I were employed to defend him, I should confidently expect to get him off on the ground that it was not perjury in contemplation of law. I have provided in the amendment I am now about to offer substantially what is provided in the revised code. I have made it conform to the revised code as nearly as I could:

And if any person so making and presenting such affidavit shall willfully and contrary to his oath in that behalf state or subscribe any material matter which he does not believe to be true, he shall be deemed guilty of perjury, and shall, on conviction, be punished as in other cases of perjury.

Mr. EDMUNDS. I suggest to my friend (because I do not want to take time in showing that it is not necessary) that there is difficulty about "other cases of perjury," because there are several statutes with different punishments; and we have found difficulty in other instances in leaving it in that way, and no punishment at all could be applied. If he says "subject to the penalties provided in section 5392 of the Revised Statutes of the United States" I will make no objection.

Mr. MERRIMON. Let the amendment be changed in that way.

Mr. EDMUNDS. Otherwise, it will not be of any value.

Mr. MERRIMON. I accept the modification.

The PRESIDENT *pro tempore*. The amendment will be read as modified.

The Chief Clerk read as follows:

And if any person so making and presenting such affidavit shall willfully and contrary to his oath in that behalf state or subscribe any material matter which he does not believe to be true, he shall be deemed guilty of perjury and shall on conviction be liable to the penalty provided in section 5392 of the statutes of the United States.

Mr. EDMUNDS. That is right.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, and read the third time.

The PRESIDENT *pro tempore*. The question is, Shall the bill pass?

Mr. THURMAN. On that I ask for the yeas and nays.

Mr. EDMUNDS. Let us have the yeas and nays by all means.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. ALLISON. On this bill my colleague [Mr. WRIGHT] is paired with the Senator from Maryland, [Mr. DENNIS.] If my colleague were here he would vote "yea," and the Senator from Maryland would vote "nay."

Mr. COOPER, (when his name was called.) On this question I am paired with the Senator from Minnesota, [Mr. MCMILLAN.] If he were here he would vote "yea," and I should vote "nay."

Mr. CAPERTON, (when Mr. DAVIS's name was called.) On this question my colleague [Mr. DAVIS] is paired with the Senator from Minnesota, [Mr. WINDOM.] My colleague would vote "nay," and the Senator from Minnesota would vote "yea."

Mr. CHRISTIANCY, (when his name was called.) On all political questions I am paired with the Senator from New York, [Mr. KERNAN.] If present the Senator from New York would vote "nay," and with some slight doubts and misgivings I might vote "yea."

Mr. CLAYTON, (when Mr. DORSEY's name was called.) I desire to state that my colleague [Mr. DORSEY] is necessarily compelled to be absent on account of sickness. He would vote for the passage of the bill if here.

Mr. SPENCER, (when Mr. HARVEY's name was called.) I desire to state that the Senator from Kansas [Mr. HARVEY] is paired on this question with the Senator from Oregon, [Mr. KELLY.] If he were here he would vote "yea," and the Senator from Oregon would vote "nay."

Mr. CLAYTON, (when Mr. MITCHELL's name was called.) I desire to state that the Senator from Oregon [Mr. MITCHELL] is paired with the Senator from Delaware, [Mr. SAULSBURY.] The Senator from Oregon, if he were here, would vote "yea," and the Senator from Delaware would vote "nay."

Mr. MORTON, (when his name was called.) On the passage of the bill I am paired with my colleague, [Mr. MCDONALD.] If he were here he would vote against it and I should vote for it.

Mr. PATTERSON, (when his name was called.) On this question I am paired with the Senator from Pennsylvania, [Mr. WALLACE.] If present the Senator from Pennsylvania would vote "nay," and I should vote "yea."

Mr. SPENCER, (when his name was called.) On this question I am paired with the Senator from Connecticut, [Mr. BARNUM.] If he were here he would vote "nay," and I should vote "yea."

The roll-call was concluded; and the result was announced—yeas 25, nays 13; as follows:

YEAS—Messrs. Alcorn, Allison, Anthony, Booth, Bruce, Clayton, Conkling, Conover, Cragin, Dawes, Edmunds, Ferry, Frelinghuysen, Hamilton, Hitchcock, Howe, Ingalls, Logan, Morrill of Maine, Morrill of Vermont, Oglesby, Paddock, Robertson, Sargent, and Wadleigh—25.

NAYS—Messrs. Caperton, Cockrell, Eaton, Goldthwaite, Johnston, Key, McCreery, Maxey, Merrimon, Ransom, Thurman, Whyte, and Withers—13.

ABSENT—Messrs Barrum, Bayard, Bogy, Boutwell, Burnside, Cameron of Pennsylvania, Cameron of Wisconsin, Christiancy, Cooper, Davis, Dennis, Dorsey, Gordon, Hamlin, Harvey, Jones of Florida, Jones of Nevada, Kelly, Kernan, McDonald, McMillan, Mitchell, Morton, Norwood, Patterson, Randolph, Saulsbury, Sharon, Sherman, Spencer, Stevenson, Wallace, West, Windom, and Wright—35.

So the bill was passed.

The title was amended so as to read, "A bill supplementary to the present statutes in aid and defense of the constitutional rights of citizens."

NAVAL APPROPRIATION BILL.

A message from the House of Representatives, by Mr. G. M. ADAMS, its Clerk, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. No. 3375) making appropriations for the naval service for the year ending June 30, 1877, and for other purposes, asked a conference on the disagreeing votes of the two Houses thereon, and had appointed Mr. JAMES H. BLOUNT of Georgia, Mr. W. C. WHITTHORNE of Tennessee, and Mr. EUGENE HALE of Maine managers at the same on its part.

The Senate proceeded to consider its amendments, disagreed to by the House of Representatives, to the bill (H. R. No. 3375) making appropriations for the naval service for the year ending June 30, 1877, and for other purposes.

On motion of Mr. SARGENT, it was

Resolved, That the Senate insist upon its amendments disagreed to by the House and agree to the conference asked by the House of Representatives on the disagreeing votes of the two Houses thereon.

By unanimous consent, it was

Ordered, That the President *pro tempore* appoint the managers on the part of the Senate.

Mr. SARGENT, Mr. CRAGIN, and Mr. WITHERS were appointed the committee of conference on the part of the Senate.

AMENDMENT TO APPROPRIATION BILL.

Mr. MORRILL, of Vermont, from the Committee on Public Buildings and Grounds, submitted an amendment intended to be proposed

by him to the bill (H. R. No. 3749) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1877, and for other purposes; which was referred to the Committee on Appropriations, and ordered to be printed.

PROPOSED ADJOURNMENT TO MONDAY.

Mr. WHYTE. I have remained here this evening at very great inconvenience, suffering from severe sickness, in order that the Senate might be assured of a quorum. The vote was so very small on the last two or three amendments that as I was going out of the Chamber I discovered that my absence might possibly leave the Senate without a quorum, and to maintain a quorum I remained. I think it very probable that the Senate will to-morrow be without a quorum, and I therefore move that when the Senate adjourns to-day it be to meet on Monday next.

Mr. ALLISON. I hope the Senator will not press that motion, because there is some business that ought to be done to-morrow.

Mr. MORTON. There are so many important measures outside of the appropriation bills that I think we ought to meet to-morrow. I hope the motion will not be adopted.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Maryland, [Mr. WHYTE.]

The motion was not agreed to.

DISTRICT TAX-BILL.

Mr. SPENCER. I move that the Senate proceed to the consideration of the bill (H. R. No. 2676) to regulate the assessment and collection of taxes for the support of the government of the District of Columbia, and for other purposes.

The motion was agreed to.

The PRESIDENT *pro tempore*. The bill is before the Senate.

Mr. INGALLS. I move that the Senate adjourn.

The motion was agreed to; and (at five o'clock and fifty-six minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, *June* 23, 1876.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. I. L. TOWNSEND.

The SPEAKER *pro tempore*. The Chair will state that owing to the fact that the proceedings of the House have not been fully journalized, the reading of the Journal will be postponed for the present. That has been customary heretofore in like circumstances.

CARTER & CRARY.

The SPEAKER *pro tempore*, by unanimous consent, laid before the House a letter from the Secretary of War, asking for the return of the papers in the claim of Carter & Crary, transmitted to the House January 19, 1874; which was referred to the Committee on Military Affairs.

SPRINGFIELD ARMORY.

The SPEAKER *pro tempore* also, by unanimous consent, laid before the House a letter from the Secretary of the Treasury, transmitting an itemized account of the expenditures for the present fiscal year for the Springfield armory, &c.; which was referred to the Committee on Appropriations.

CHEROKEE LANDS.

The SPEAKER *pro tempore* also, by unanimous consent, laid before the House a letter from the Secretary of the Interior, transmitting a communication from the Commissioner of Indian Affairs, relating to the subject of the appraisements of certain Cherokee lands in the Indian Territory; which was referred to the Committee on Appropriations.

LAND GRANTS, INDIAN TERRITORY.

Mr. SCALES. I am directed by the Committee on Indian Affairs to report back the following resolution and move its reference to the Committee on the Judiciary. It involves some legal points, and the committee thought it should go to that committee.

The Clerk read as follows:

Resolved by the House of Representatives, That the Committee on Indian Affairs be, and they are hereby, instructed to ascertain whether or not the railroad corporations mentioned, or any of them, under acts entitled "An act granting lands to the State of Kansas to aid in the construction of the Kansas and Neosho Valley Railroad and its extension to Red River," approved July 25, 1866; and "An act granting lands to the State of Kansas to aid in the construction of a southern branch of the Union Pacific Railway and Telegraph from Fort Riley, Kansas, to Fort Smith, Arkansas," approved July 26, 1866; and "An act granting lands to aid in the construction of a railroad and telegraph line from the States of Missouri and Arkansas to the Pacific coast," approved July 27, 1866, have issued any bonds or securities of any kind predicated upon the conditional grants of the lands of the Indians of the Indian Territory claimed by said companies under the said acts. And if it be ascertained that such bonds or securities have been issued, then it shall be the duty of said committee to ascertain the amount of the same, in what hands they are held, and whether or not the public faith of the United States has been pledged for their payment or redemption.

Be it further resolved, That the said committee in the discharge of their duties be authorized to call for persons and papers, and to report the result of their investigation to the House as early as practicable.

The resolution was referred to the Committee on the Judiciary.

IDAHO CONTESTED-ELECTION CASE.

Mr. HOUSE. I rise to a question of privilege, and call up the contested-election case of Fenn *vs.* Bennett, from the Territory of Idaho. It will occasion no debate, as it is a unanimous report from the Committee on Elections. I ask the Clerk to read the resolution accompanying the report.

The Clerk read as follows:

1. *Resolved*, That T. W. Bennett was not elected, and is not entitled, to a seat in the House of Representatives for the Forty-fourth Congress as a Delegate from the Territory of Idaho.

2. *Resolved*, That S. S. Fenn was elected, and is entitled, to a seat in the House of Representatives of the Forty-fourth Congress as a Delegate from the Territory of Idaho.

Mr. HOUSE. I demand the previous question on the adoption of those resolutions.

The previous question was seconded and the main question ordered; and under the operation thereof the resolutions were adopted.

Mr. HOUSE moved to reconsider the vote by which the resolutions were adopted; and also moved that the motion to reconsider be laid on the table.

The motion was agreed to.

Mr. HOUSE. Mr. Fenn is now present, and I ask that he be sworn in.

Mr. S. S. FENN appeared at the bar of the House, and was duly qualified by taking the oath prescribed by law.

ADVERSE REPORTS.

Mr. TERRY. I ask unanimous consent to submit the following adverse reports from the Committee on Military Affairs, and to move that they be laid on the table and the reports ordered to be printed.

The memorial of Andrew Wescott and others, of Hillsdale County, Michigan, in behalf of William Butcher, who asks an honorable discharge as a soldier in the late war;

The petition and papers of Captain James F. Blount, of Beattyville, Kentucky, for relief; and

The petition of Second Lieutenant James T. Knox to be relieved from the responsibility for certain public funds alleged to have been stolen from him.

The adverse reports were laid on the table and ordered to be printed.

MINNESOTA CONTESTED-ELECTION CASE.

Mr. HARRIS, of Virginia. I rise to a question of privilege, and call up the contested-election case of E. Saint Julien Cox *vs.* Horace B. Strait. It is a unanimous report from the Committee on Elections, and will require only a moment's time. I ask for the reading of the resolution accompanying the report.

The Clerk read as follows:

Resolved, That Horace B. Strait was duly elected, and is entitled, to retain the seat which he now holds from the second congressional district of Minnesota.

Mr. HARRIS, of Virginia. I call for the previous question.

The previous question was seconded and the main question ordered, and under the operation thereof the resolution was adopted.

Mr. HARRIS, of Virginia, moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SOUTH CAROLINA CONTESTED-ELECTION CASE.

Mr. HARRIS, of Virginia. I call up the contested-election case of Lee *vs.* Rainey. There is a unanimous report also in this case, and I ask the Clerk to read the resolution accompanying the report.

The Clerk read as follows:

Resolved, That Joseph H. Rainey, the sitting member, was duly elected a Representative of the Forty-fourth Congress of the United States from the first congressional district in South Carolina, and is entitled to his seat.

Mr. HARRIS, of Virginia. I demand the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof the resolution was adopted.

Mr. HARRIS, of Virginia, moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. RANDALL. I move that the House resolve itself into Committee of the Whole on the state of the Union on the sundry civil appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, (Mr. BLACKBURN in the chair,) on the bill (H. R. No. 3749) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1877, and for other purposes.

The pending amendment was that offered by Mr. GOODE, to insert after line 1499 the following:

For necessary repairs upon the ordnance depots, magazines, wharves, and buildings of the United States at the naval station at Norfolk, Virginia, the sum of $50,000; to be expended by the Bureau of Ordnance, under the direction of the Navy Department.

Mr. GOODE. In order to show, Mr. Chairman, the propriety and the necessity for this appropriation, I send to the Clerk's desk a communication from Commodore Jeffers, the chief of the Bureau of Ordnance, which I ask the Clerk to read.

The Clerk read as follows:

BUREAU OF ORDNANCE, NAVY DEPARTMENT,
Washington City, May 3, 1876.

SIR: H. R. No. 1869 providing for the repairs and preservation of the public property at Norfolk, Virginia, was introduced at my instance by Hon. Mr. GOODE.

The sum of $50,000 asked for is urgently required for the construction of shell-houses for loaded shell, a receiving-house for ammunition landed from ships in commission, and a magazine at Craney Island; repairs to shell-house at Saint Helena, and repairs of wharves at Fort Norfolk and Saint Helena.

In the present condition there is always danger of disastrous accidents, as well as present damage to valuable stores imperfectly sheltered.

I have to request that you will urge its importance upon the committee.

I am, sir, your obedient servant,

WILLIAM N. JEFFERS,
Chief of Bureau.

Hon. JOHN ROBBINS,
United States House of Representatives.

Mr. GOODE. I do not want to occupy the time of the House. If the statements contained in that paper do not convince the House, nothing that I could say would.

But there is one fact to which I desire to invite the special attention of the Committee on Appropriations. Here is an opportunity to save $25,000 to the Treasury. At Ellis Island, near New York and Jersey City, is a powder-magazine dangerous to the people in that vicinity. The Representative of the people on the New Jersey side in that neighborhood [Mr. HARDENDERGH] is desirous of having it removed, and he is assured by the proper authorities that if this sum of $50,000 is appropriated to the naval station at Norfolk, the powder may be removed from the magazine at Ellis Island, thus relieving the apprehensions of those people, and making a saving of $25,000 to the Treasury. I invoke the attention of the gentlemen of the Committee on Appropriations to this fact, and I am sure that acting in the interests of economy they will favor this appropriation.

Mr. RANDALL. The gentleman does not make clear to my mind that his proposition reaches that result. I would like to hear it read again.

Mr. GOODE's amendment was again read.

Mr. RANDALL. If the gentleman will show that $25,000 will be saved by his amendment if coupled with the proposition to vacate the powder-magazine at Ellis Island and provide for the sale of the property there, I will agree to his amendment.

Mr. GOODE. I am assured by the gentleman from New Jersey, [Mr. HARDENBERGH,] who is not now in his seat, that he has a communication from the Bureau of Ordnance, setting forth that if this appropriation of $50,000 is made for the enlargement of the powder-magazine at Norfolk, the magazine at Ellis Island can be dispensed with. I call upon the gentleman's colleague, who is also a member of the Committee on Appropriations, to say whether I correctly represent his colleague in this matter.

Mr. HAMILTON, of New Jersey. I understood my colleague [Mr. HARDENBERGH] to say that if $50,000 were appropriated to the naval station at Norfolk, the powder-magazine on Ellis Island, which is now considered dangerous to Jersey City and New York, might be removed.

Mr. RANDALL. I would suggest that an addition be made to the gentleman's amendment authorizing the powder-magazine at Ellis Island to be vacated and the property there to be disposed of in such manner as the Secretary of War may direct.

Mr. GOODE. I agree to that.

Mr. RANDALL. I offer the following as an amendment to the amendment:

Add to the amendment these words: "And the Secretary of War is hereby authorized and directed to vacate the magazine on Ellis Island, and the public property thereon is hereby directed to be sold, if the Secretary shall so order, in such manner as he may prescribe."

Mr. COX. I would like to have that last proviso understood. I presume it is not intended to authorize the sale of the land, but only the sale of the public property there.

Mr. RANDALL. I have drawn it with great care.

Mr. COX. I desire to have it reported again.

The amendment to the amendment was again read.

Mr. COX. I concur in that; but there should be no construction made that the land itself, which is necessary for the defense of New York Harbor, should be sold.

Mr. RANDALL. I have made a reservation that nothing shall be done except at the discretion of the Secretary of War.

Mr. COX. I would not have the authority go to the extent of selling the land.

Mr. RANDALL. We merely provide for selling the property on it.

The amendment to the amendment was agreed to; and the amendment, as amended, was agreed to.

Mr. LEAVENWORTH. I offer the following amendment:

After the amendment just adopted insert the following:
Court-house and post-office at Albany, in the State of New York, $45,000.

I ought perhaps to apologize to the committee for introducing this amendment a second time to their consideration. But when it was introduced last evening the committee was very thin, and I am very sure they did not give to it the consideration to which it was justly entitled.

It is a very remarkable fact that the old city of Albany, one of the oldest cities in the Union, the capital of the State of New York, containing 5,000,000 of people, the center of the great legal business of the State, should have existed down to this present time without anything whatever in the shape of a public building owned by the people of the United States; that we have in the city of Albany no place for a court-house; no place for a custom-house; no place for a post-office; no place for a pension office; no place for the internal-revenue department; nothing of this kind whatever; and that we are to-day paying a large amount of rent for every one of these offices.

There we are situated in the very center of the State of New York, with a population of from seventy-five to one hundred thousand, with a very large amount of legal business done there, with the finest law library, perhaps, in the Union, and the favorite spot with all the lawyers in the State to congregate together to transact their business. And yet we have nothing in the shape of a room for courts of the United States; nothing of the kind.

Now, Mr. Chairman, we have appropriations in this bill here before us for places which one-half of the members on this floor cannot locate to-day. I submit how many men in this House there are who can tell where Rockland, in Maine, is located and what is the importance of a public building there; and yet it is proposed that we shall make appropriations for Rockland, in Maine, and Port Huron, Michigan, and half a dozen other places of equal unimportance, and yet the capital of a State containing 4,500,000 people has nothing in the shape of a public building and no appropriation is made whatever for such a building for the accommodation of the offices of the United States.

The gentleman from Georgia [Mr. BLOUNT] yesterday, in enforcing the reasons why an appropriation ought to be made for a building at Atlanta, urged that the city of Atlanta had given $60,000 to buy a cite for the proposed building. What has the city of Albany done? She has paid $150,000 to buy a cite where the public building is to be erected, and more than that she has thrown down a building which stood upon that cite and which cost $150,000, and she did it on the assurance that this building was to be erected. She is of course losing the interest upon the $150,000 and losing also what she might have received in the renting of that building, and the Government is paying rent for a half dozen buildings for the very purposes for which this building ought to be erected.

[Here the hammer fell.]

Mr. PAGE. I yield my time to the gentleman from New York, [Mr. LEAVENWORTH.]

Mr. LEAVENWORTH. I merely wish to call the attention of the committee to some little coincidences in connection with this bill which seem to me rather remarkable. It is very astonishing to me that out of twenty-one appropriations made for public buildings in this bill, eleven, a majority of the whole number, are made for States to which the members of the Committee on Appropriations belong. It is rather remarkable that the other twenty-seven States of the Union should not one of them have an appropriation whatever for this purpose, and that the eleven States to which the members of the Committee on Appropriations belong should get eleven of these appropriations.

It is another remarkable coincidence that those eleven States have nearly two-thirds of the entire amount appropriated by the bill. I do not wish to make any serious charge against the members of the Committee on Appropriations, I do not object to one single appropriation made, but I do insist that if the honorable chairman of the Committee on Appropriations from Pennsylvania had represented the district represented by my friend from Albany, [Mr. ADAMS,] he would not have brought in the bill here with an appropriation of $350,000 for the city of Philadelphia and not one dollar for the old city of Albany.

Mr. HOLMAN. This subject of public buildings is always a subject of interest to the House; but I wish to call the attention of the gentleman from New York to this fact, that, in consequence of having so large a number of public buildings on our hands in progress of construction, it was deemed proper at the last session of Congress as well as at the present session that those public buildings should be completed, or substantially so, before new works were entered upon. That is the inevitable result of the policy adopted a few years ago of entering on the construction of a large number of buildings at the same time. A large amount of appropriations is necessary to prevent the actual decay of the materials with which these buildings are being constructed. It seemed to the Committee on Public Buildings and Grounds, both of the House and of the Senate, highly impolitic that new works should be entered on until those on our hands were substantially completed, even though it involved a larger drain on the Treasury than the country ought to bear at this time.

One other word, Mr. Chairman. Although I regard the building at Albany as of the first importance, and feel certain that the construction of a building at Albany ought to be entered on, still I think that we should not undertake that work until the resources of the country will admit of it.

A word on another subject. In my own State there is a building of this kind in progress of construction. It is in the southwestern portion of the State, while my district is in the southeastern portion of the State. I have never had the honor of living in Evansville, and I have never seen the rising structure. I thought that an appropriation of $25,000 was all that should be asked for for that building and the committee fixed the amount at $25,000. I think that is as large an appropriation as should have been made. The Supervising Archi-

tect of the Treasury Department came before the Committee on Appropriations and urged with great earnestness the importance of an appropriation of $50,000 for the buildings at Parkersburgh and Evansville upon the ground that those buildings are in such a condition as to require an appropriation of that amount.

It was upon his urgent representations that this appropriation was increased to $50,000. He stated to the committee that when the contracts now existing should be exhausted there would be but about $6,000 remaining of the fund, which, added to $25,000, would be comparatively unavailable, and it was therefore desirable that $50,000 should be appropriated. I will say this, having noticed the discussion last evening—and I am very sorry that some gentleman did not mention the fact, for it was known to many on this floor——

[Here the hammer fell.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. BLOUNT. I will take the floor, and yield my time to the gentleman from Indiana, [Mr. HOLMAN.]

Mr. PAGE. Will the gentleman answer one question?

Mr. HOLMAN. Allow me to finish my sentence. I regret that some gentleman did not mention the fact, because it must have been known to quite a number of gentlemen on this floor that I was absent last evening by order of the House as one of its conferees on one of the most important bills of the House, the post-office appropriation bill. It was for that reason, and for that only, that I was justifiable in being absent from my seat. Had I been present, I would have said without a moment's hesitation that it was a question for the gentlemen upon this floor, having no personal interest in the subject-matter, to determine whether the appropriation for this purpose should be $25,000 or $50,000 or nothing at all; and I should have been entirely content with either disposition of the question.

This is a subject in which my own constituents have the same interest exactly, and no more, that they have in the erection of a building in New York, or in Albany, or anywhere else. It is a matter of total indifference to them and their Representative whether no sum at all be appropriated or the sum of $25,000 or $50,000. The sum of $50,000 was fixed at the suggestion and special request of the Supervising Architect of the Treasury.

Mr. PAGE. Will the gentleman now answer a question?

Mr. HOLMAN. Certainly.

Mr. PAGE. Did not the Supervising Architect of the Treasury appear before the Committee on Appropriations and make the same urgent appeal for all the other public buildings that he did for the public building in Evansville, Indiana?

Mr. HOLMAN. That would be stating it rather too strongly.

Mr. PAGE. Did he not make the same urgent request with regard to other public buildings?

Mr. HOLMAN. He did with regard to the public building at Parkersburgh, and the committee accordingly made an appropriation of $50,000 for that building. I ought to say, in justice to the Supervising Architect, that he desired ample appropriations for these public buildings. The committee suggested to him that the public service would not justify a heavier appropriation than $2,000,000 this year for this purpose and requested him to indicate the amount required for the smaller buildings; and of course it will be understood that we cannot act on our own judgment alone in this matter. We requested him to indicate the lowest amount that he could get along with on the smaller buildings, so that, after disposing of that question, we might determine what could be appropriated for the great buildings at Philadelphia, Cincinnati, Saint Louis, and Chicago.

The Supervising Architect of the Treasury, as well as the Secretary of the Treasury, thought it inadvisable to make a new estimate, and therefore none was made; and we acted upon the verbal statements of the Supervising Architect before the committee as to the more pressing cases.

I wish to say to the gentleman from New York [Mr. LEAVENWORTH] that he judges the Committee on Appropriations very wrongfully if he supposes that any member of that committee would allow local considerations to influence his judgment in such a matter. I would myself greatly prefer to reduce the amounts of these appropriations. I am as anxious as any one can be to see these buildings constructed in such a manner as to secure the highest possible degree of economy. I would, therefore, be glad to make all the appropriations that the Treasury will bear; and $2,000,000 is the outside sum, I think, that we are justified in appropriating this year for this purpose.

I am heartily opposed to the great, colossal granite buildings that the Government is now erecting at certain commercial points in this country at the expense of the industry of the country. I think it is unjustifiable; I think the sum of money being expended is not justifiable, and that these buildings should not have been entered upon. None of them have been entered upon by my vote to the extent of the appropriations contemplated. I think that plain, solid buildings, suitable structures, such as are necessary for the wants of the present time and of the future, plain, simple structures, adapted in their style of architecture to the genius and character of our Government, are all that are required; not these great, massive structures, where the effort seems to have been to lavish money without regard to the burdens already imposed upon the labor of the country.

[Here the hammer fell.]

Mr. RANDALL. I now ask for a vote on the amendment.

The question was taken upon the amendment of Mr. LEAVENWORTH; and upon a division, there were—ayes 64, noes 77; no quorum voting.

Mr. ADAMS. I call for tellers.

Tellers were ordered; and Mr. LEAVENWORTH and Mr. HOLMAN were appointed.

Mr. THORNBURGH. I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. THORNBURGH. As the gentleman from Indiana [Mr. HOLMAN] has not withdrawn his formal amendment, are we now voting on that amendment or upon the amendment of the gentleman from New York, [Mr. LEAVENWORTH?]

The CHAIRMAN. The Chair understood the gentleman from Indiana [Mr. HOLMAN] to withdraw his merely formal amendment, according to the universal practice of the House.

Mr. HOLMAN. Of course I withdrew my formal amendment.

The CHAIRMAN. The question is upon the amendment of the gentleman from New York, [Mr. LEAVENWORTH,] upon which tellers have been ordered.

The committee again divided; and the tellers reported that there were—ayes 75, noes 81.

So the amendment was not agreed to.

The Clerk read as follows:

Court-house and post-office, New York: For completion of building, $250,000.

Mr. CHITTENDEN. It is not expected, Mr. Chairman, that a worn-out member of the hard-worked Committee on Coinage, Weights, and Measures should feel justified in speaking here two days in succession; and I do not rise to occupy the attention of members, but to ask a great favor of the committee. It was generally understood on Saturday last that the Committee on Banking and Currency would demonstrate here on Monday morning, according to the newspapers, in order to furnish a plank for the Saint Louis convention. I got up a little earlier than usual on that day, in order to load a little gun, anticipating that I should have a fair shot at that committee during the day. I brought my gun here; I have carried it in my pocket ever since; but I now learn to my regret that the committee have given up the platform job.

Now, I do not like to give it up; and I want to ask unanimous consent that I may put my little "plank" for Saint Louis in the published proceedings of to-day. It is a very narrow one; it will not occupy more than a page, or a little more than that, and as I have never asked any similar favor of the committee or the House before, and as I do not intend to rise to my feet again during this session unless absolutely compelled to, [laughter,] I hope there will be no objection.

Mr. RANDALL. I desire to make an appeal that gentlemen who want to talk should talk directly upon the paragraph under consideration. If the gentleman from New York [Mr. CHITTENDEN] wants to make a platform for Saint Louis, let him come and go there along with me.

Mr. YOUNG. I move that the gentleman from New York be allowed to print his "plank" in the RECORD, on the condition he names, that he shall not speak any more. [Laughter.]

There being no objection, the leave asked by Mr. CHITTENDEN was granted. The remarks are as follows:

Mr. CHITTENDEN. Mr. Chairman, I call the attention of the committee to a slip which I have cut from a newspaper, which I also appropriate without hesitation, because its author showed me his manuscript before it went to the printer:

There were in circulation on January 14, 1875:	
Of national-bank notes	$351, 861, 450
Of greenbacks	382, 000, 000
Making a total circulation of	733, 861, 450
There were in circulation June 1, 1876:	
Of national-bank notes	334, 567, 440
Of greenbacks	370, 123, 668
Making a total of	704, 691, 108

This is a reduction of the volume of currency of only $29,170,342 during a period of sixteen and a half months, or at the rate of $1,767,838 per month. This is, in fact, when it is compared with the contraction in business, a practical expansion of the currency, for we have more currency now for the volume of business done than before the passage of the act.

It will be observed that the total actual contraction of the currency from the date of the passage of the resumption act until the 1st day of June, 1876, was, in round numbers, $29,200,000, or a fraction less than 4 per cent. of the volume in circulation on the passage of the act. Meanwhile the relative contraction in the volume of business has been enormously greater, the result being that we have to-day a more inflated and redundant currency than we have had at any previous time.

Here, Mr. Chairman, is a nut of solid truth, which I would challenge the stoutest champion of legal tender to crack on the spot if I had a single moment of time to spare.

Our whole country is suffering from commercial paralysis, loss of confidence. Darkness still covers great transactions of the past; thick darkness broods over the future; old industries languish and die; new industries are rarely and but feebly organized; capital is timid and not easily conciliated; it will not budge.

If you have in your pocket, Mr. Speaker, a promise to pay made by your nearest neighbor, who is known by the whole world to abound

in wealth, a Mr. Belmont for example, but who nevertheless has for ten years neglected his promise, you yourself have by this time lost confidence in him to this extent, that you do not know or pretend to know what he will do in the future. The significance of your loss of confidence depends upon the number of persons moving in the same circle with you, whose capital is also invested in the broken promises of your unfaithful neighbor. If your next neighbor's neighbor, and your next neighbor's neighbor's neighbor, from one end of the land to the other, are full of the same broken promises, then your doubts and loss of confidence becomes chronic and universal, and can only be cured in one way. Pay that thou owest! It is proposed to repeal the resumption act. Is that the way to restore confidence? O, no; be not deceived. If you have power to repeal that act; if you carry it through this House, the other House, and the White House, before your bill is signed and the ink dry, every dollar of the funded debt of the United States wherever held will feel a tremendous shock, and those who vote for repeal will feel it too. Every gentleman at either end of the Capitol who advocates exclusive legal-tender currency will vote for repeal; every one who would recall the shining silver tokens now so joyfully seized upon as substitutes for the costly, unclean, and worn out fractional currency will vote for repeal.

Outside of Congress every bankrupt speculator and every repudiator in the country will applaud the repeal of the resumption act. Can it be possible that a measure of reaction thus supported will restore confidence to capital? Will the indefinite and unconditional postponement of three hundred and seventy millions of honest debt already twelve years past due, and which can be paid now as well as not, restore confidence to capital? Will you plunge a barrel of powder into your stove to put out your fire?

We are to remember that capital owns every dollar of this legal-tender in sums of $1 and upward. Some people sneer at capital. It were equally wise and just to sneer at labor; but nobody dare do that in this country. Capital is no more dependent on labor than labor on capital. Both should be treated here and everywhere with equal respect. How, then, shall we restore confidence? The marvel of our case is that the true and only way is so simple, narrow, and easy that we pass it in search of foolish, mysterious, and untried methods. All that we need do is restore the original funding feature of the legal-tender act.

Allow the owners of legal-tender, in small sums or large, to convert their holdings into bonds bearing interest at 4 per cent, having forty or fifty years to run, and before the growing cotton crop is all marketed you will have gold and greenbacks so nearly of equal value that your tariff will be practically reduced nearly or quite 10 per cent., and the fluctuations in the currency will thereafter be so slight that capital and enterprising people will go earnestly about their business together as unconcerned as the people of France are about the particular day when the banks shall resume specie payments.

I suggest that this is all there is of the case. Let the Government of this great people be honest, and all else may be safely left to time, to their resources, intelligence, and pluck.

MESSAGE FROM THE SENATE.

The committee rose informally; and the Speaker *pro tempore* having resumed the chair, a message from the Senate, by Mr. SYMPSON, one of their clerks, announced that the Senate had passed a bill of the following title, with amendments; in which the concurrence of the House was requested:

A bill (H. R. No. 3375) making appropriations for the naval service for the year ending June 30, 1877, and for other purposes.

SUNDRY CIVIL APPROPRIATION BILL.

The Committee of the Whole on the state of the Union resumed its session.

The Clerk read as follows:

Custom-house and post-office, Port Huron, Michigan: For completion of the building, $26,000.

Mr. CONGER. I move to amend by adding to the clause just read, "for furnishing the building $25,000." The appropriation for this building at Port Huron, designed for the custom-house, post-office, bonded warehouse, court-rooms, &c, was limited to $200,000. The $26,000 named in the bill finishes the appropriation, and will complete the building—a very neat, plain, simple structure, large enough to accommodate the business of that place at present and for years to come, and which has been erected as economically and prudently, I will venture to say, as any other building in the United States.

There was an estimate of $25,000 for furnishing this building and $20,000 for grading and fencing. The committee have inserted the appropriation of $26,000 for completing the building. If I am correctly informed, that building may be all finished by October or November of this year. Early this fall it will all be ready for occupation as court-rooms, post-office, custom-house, bonded warehouse, and all the offices which were intended to be in that building.

Now, if there can be any appropriation at this time for the necessary furniture, the building can be occupied immediately upon its completion, thereby saving for at least a year the rents now paid for other buildings, amounting to one-half at least of this appropriation. Inasmuch, therefore, as the original amount appropriated for this building was small and has been economically and faithfully expended, as every one knows who has examined the matter, and as there is no place in the city of Port Huron where the records of the custom-house are safe for a single day from damage by fire, I ask this Committee of the Whole not to make now the appropriation for fencing and grading, (which can be postponed till another year,) but to make this appropriation for furnishing the building, so that the Government offices may be removed into it this fall, and one year's rent saved, to say nothing of the increased accommodation of the public business.

In view of the present feeling of the House I would not have made this motion but for the fact that the small appropriation already made has been so economically expended, as is known to every old member of the Committee on Public Buildings and Grounds, and as appears from the report of the Supervising Architect. The letter of the Secretary of the Treasury laid before the committee when the appropriation was granted shows that such a building was absolutely necessary for the business of the Government at that port.

I will not enlarge upon this question. If I had not been absent at New Orleans by order of this House, and thereby been deprived of any opportunity to appear before the Committee on Appropriations when this paragraph was under consideration, I think I could have satisfied them that an appropriation for furnishing this building should have been inserted in the bill as recommended in the Book of Estimates. I do not ask that the appropriation for grading and fencing and doing outside work be made this year.

Mr. RANDALL. I want to correct the gentleman in one particular. He says that if he had been here he probably would have been enabled to secure a further appropriation. I want to say that Michigan had a representative in the committee, and no one could have made more strenuous efforts in her behalf than the gentleman upon the committee from that State. [Mr. WALDRON.] I expected that when the gentleman [Mr. CONGER] returned he would come to me, and, in view of the fact that we had granted an appropriation sufficient to complete this building, would recognize the truth that the absent are not always forgotten.

Mr. CONGER. The gentleman will remember that on my return I did express my gratification that the sum for finishing the building had been put in the bill. I am under great obligations to my colleague [Mr. WALDRON] for calling the attention of the committee to the matter.

Mr. RANDALL. Your interests were better looked after perhaps by reason of your absence than possibly they would have been if you had been present.

Mr. CONGER. It is not the first time in my life that I have found my friends able to accomplish my desires better than I could myself.

The CHAIRMAN. The time of the gentleman from Michigan has not expired.

Mr. CONGER. Very well, then I wish to say a word more.

Mr. HOLMAN. I wish to make a proposition to the gentleman, and it will only take a moment. The motive for completing and furnishing this building is this. It only cost $115,000. It is one of the most economical we have built of late years, and is sufficient in every respect, and will be for very many years to come. It is a plain, simple structure, such as should be erected. The amount estimated for the completion of the building is $115,000. That is covered by the appropriation. I do not believe from the statement all of that sum of money will be required. The estimate for furnishing the building is $25,000, and greatly beyond any appropriation of that kind we have made.

The CHAIRMAN. The time of the gentleman from Michigan has now expired.

Mr. HOLMAN. I will take the floor then in my own right. I suggest to the gentleman from Michigan to amend his proposition so as to appropriate $36,000 for the completion and furnishing of the building.

Mr. CONGER. I will meet the committee in the same spirit in which they meet me, and I will modify it to $15,000.

Mr. HOLMAN. I offer as a substitute for the paragraph an appropriation of $36,000 for the completion of the building and the furnishing of the same. We are quite confident from inquiry that this will be sufficient.

Mr. CONGER. Let me state to the gentleman that when the change is made from wooden to iron girders, which it was found necessary to do, the whole appropriation will be needed.

Mr. RANDALL. We determined that these smaller buildings should not cost, so far as furnishing them is concerned, more than $10,000. That is the design of the committee. This is a large sum of money for furnishing that building.

Mr. CONGER. Ten thousand thousand dollars can be used in those parts most required for use, and perhaps may answer the present necessity.

Mr. RANDALL. If you are going to put it in, then $10,000 should be the limit of expense for furnishing that building.

Mr. CONGER. I am not prepared to say that it will be sufficient.

Mr. RANDALL. It ought to be sufficient.

Mr. CONGER. The United States court-room, post-office, custom-house, bonded warehouse, and all the other smaller offices are in the same building, and it will be hardly possible that $10,000 will furnish all those rooms with proper furniture, even of the most economical kind. I will modify my motion to $15,000, and I hope the committee will agree to it.

Mr. RANDALL. I hope not.

Mr. HOLMAN. I offer the following substitute——

Mr. CONGER. In order that I may not seem to be urgent beyond what is reasonable, I accept the proposition of the Committee on Appropriations.

Mr. HOLMAN. Then I move the following substitute:

The Clerk read as follows:

For completion of the building, and furnishing the same, $36,000.

The amendment was agreed to.

The Clerk read as follows:

Repairs and preservation of public buildings: For repairs and preservation of public buildings under control of the Treasury Department, $100,000.

Mr. GOODE. I move the following amendment.

The Clerk read as follows:

For the repair and erection of barracks at Fortress Monroe, Virginia, sufficient to accommodate the troops stationed there, the sum of $100,000.

Mr. GOODE. Mr. Chairman, if I can get the ear of the House for a moment, I hope to be able to show this amendment ought to be adopted. The barracks in use now at Fortress Monroe were constructed in 1862 out of unseasoned timber. They were built for temporary purposes only, and they are now in a very worn out and dilapidated condition. They are nothing more or less than old tumble-down rookeries. The safety of the troops stationed at Fortress Monroe requires these barracks shall be repaired and new barracks shall be built. This proposition has been urgently recommended by the Secretary of War, by General W. F. Barry, commandant at the post, by the surgeon at the post, by the Quartermaster-General of the Army, by an intelligent board of Army engineers who have been sent there to make an examination, and by Major-General Hancock, the commander of that division.

In addition to all this testimony, which, it seems to me, ought to be sufficient to command the respect and convince the judgment of this committee, the matter has been referred to the Military Committee of this House, and they have unanimously indorsed the recommendation. What more can it be necessary to say? What valid objection can be urged to this appropriation? If this committee will not believe the Secretary of War, if they will not believe General Barry, if they will not believe a board of intelligent Army engineers, if they will not believe the surgeon of the post, if they will not believe Major-General Hancock, that Chevalier Bayard, the pride of the Army, it seems to me they are determined not to be convinced. If they do not believe Moses and the prophets, they would not believe though one should rise from the dead.

A MEMBER. And Hancock will be the next President.

Mr. GOODE. I accept the amendment. Hancock will be the next President.

Now, sir, I know it is the purpose of this House to practice the most rigid economy, and to insist upon a reduction of expenditures in all the departments of the Government. It is a laudable purpose. I sympathize with the committee most heartily and cordially. But I submit that in this matter we ought to exercise an intelligent discrimination, and that we cannot consistently with public duty turn a deaf ear to representations like these which come from such respectable and reliable sources.

Knowing General Barry as I do, and knowing him to be a high-toned gentleman, an intelligent, faithful, and conscientious officer, I feel well assured that he would not have recommended this appropriation in such urgent terms as he has done if it had not been imperatively demanded by the needs of the public service. I trust that the amendment will be adopted, and that the committee will not wait until these old shanties, miscalled barracks, have tumbled down upon the heads of the occupants.

Mr. RANDALL. The committee gave full weight to all the recommendations to which allusion has been made, and were disposed to agree to recommend this appropriation. But on reflection we considered that this public work was one that could remain over for a year without any harm to any one; and without inconvenience or suffering to those who occupy the barracks. I therefore hope the committee will not agree to the amendment.

Mr. FOSTER. I wish to say to the eloquent gentleman from Virginia [Mr. GOODE] that there are hundreds of cases just as strongly indorsed as the one to which he alludes which he has declined to support, and that he has stood up time and again with the chairman of the Committee on Appropriations and voted with him for these reductions.

Mr. GOODE. Not always. I have exercised a fair and intelligent discrimination.

Mr. FOSTER. On these questions of retrenchment the gentleman is in the position of the watch-dog that does not bark when the family is around.

The question being taken on Mr. GOODE's amendment, there were ayes 38, noes not counted.

So the amendment was not agreed to.

The Clerk resumed the reading of the bill, and read the following paragraph:

Lighting and buoyage of the Mississippi, Missouri, and Ohio Rivers: For maintenance of lights on the Mississippi, Ohio, and Missouri Rivers, and such buoys as may be necessary, $120,000.

Mr. STONE. I offer the following amendment:

In line 553 strike out $120,000 and insert $150,000.

The sundry civil appropriation act for the year ending June 30, 1875, directed that lights and buoys should be placed on the Mississippi, Missouri, and Ohio Rivers, and appropriated $75,000 for that purpose. The sundry civil appropriation act for the year ending June 30, 1876, appropriated $100,000 for that purpose. I learn from the officer in charge that that appropriation gave out on the 1st May, 1876, and an act passed during this session of Congress transferred from another fund a certain amount in order that these lights may be maintained. I know that for want of a sufficient appropriation these lights on the Mississippi River had to be extinguished. I therefore ask that the amount be increased from $120,000 to $150,000. It is evident from statistics that the loss of life and property since the establishment of these lights has been 75 per cent. less than in preceding years. I therefore ask on behalf of the residents of the Mississippi Valley that the amount be increased.

Mr. HOLMAN. I desire to say a single word. The policy of establishing light-houses on these western rivers——

Mr. STONE. Not light-houses.

Mr. HOLMAN. The policy of establishing lights on these western rivers was entered on a few years ago. The amount appropriated in the first place was $75,000. Last year the amount appropriated was $100,000. There was a deficiency this year of $18,000; so that we appropriated altogether for the service of this fiscal year $118,000. It was thought that $120,000 would be sufficient for the coming fiscal year. We believed that by this appropriation gradually lights would be established at all necessary points and that the proper situations for them would be better understood. Here and there lights have been established which have not been found to be of value. I think if we appropriate for the coming fiscal year the amount of the appropriation in the general bill and the deficiency for this year it would be found to be sufficient. In view of the appropriations made already, I do not think that we of the West should insist on larger appropriations.

Mr. WELLS, of Missouri. I move to strike out the last word. This is a matter which is very necessary for the commerce upon our western rivers. I find that in this appropriation bill the committee have allowed all that is asked for for keeping up our light-houses on the sea-coast and upon the lakes. Commodore Walker, who is Superintendent of the Light-House Board, informed the committee that this service would require an appropriation of $150,000 a year, and I trust that that appropriation will be given.

These lights are being extended every year. We have five thousand miles of river navigation, and there is very little expense to the Government, for the pay of the men who attend to the lighting of these beacons is only $12 a month. There are none of the expenses attending light-houses and of light-house-keepers; these are merely beacon-lights suspended on poles. If you keep up your light-house system on the sea-coast and on the lakes, I think it is nothing but right and just that you should keep up this system of lighting on the western rivers where more than double the commerce floats than floats on the ocean. The Saint Louis packet companies have stated to me that this appropriation is more beneficial to them than all the expenditures made in the improvement of the rivers. I think that by adopting this course and keeping up this system of lighting we shall save money to the Treasury by reducing the expenditure needed hereafter for the improvement of the rivers.

Mr. BLOUNT. Did I understand the gentleman from Missouri to say that the Committee on Appropriations had allowed all that was asked for to keep up the light-house system on the sea-coast and on the lakes?

Mr. WELLS, of Missouri. They did not make any appropriations for new light-houses, but they appropriated for all the oil and all the material necessary for keeping up the light-houses that now exist. It is economy to appropriate sufficient money to keep up these lights and to extend the system. The chairman of the Committee on Appropriations is aware that Commodore Walker says that this amount is necessary.

Mr. RANDALL. It is true that the committee did not cut down anything in reference to what is known as the light-house establishment, except as to the repairs of light-houses, where they cut off $20,000, reducing it from $320,000 to $300,000. For the lighting of the Ohio, Missouri, and Mississippi Rivers, there was last year an appropriation of $100,000, and the year before of $50,000. We propose now to make the appropriation $125,000, and the fact is that we increase the appropriation $25,000 for lights upon these rivers, and we think that that amount is adequate.

Mr. CONGER. The gentleman from Pennsylvania will remember that this system was adopted only two years ago. Fifty thousand dollars was then appropriated merely to test the experiment of the usefulness of the system. The result was so satisfactory that last year Congress, without any hesitation, gave $100,000. I think the experiment has proven so useful that the amount should be increased to $150,000 this year.

Mr. RANDALL. I believe the Light-House Board has gone as far as it intends to go in reference to the lighting of these rivers.

Mr. HOLMAN. It is manifest that this system of putting rivers under the charge of the engineers of the Army and the lighting of the rivers under the Light-House Board very largely increases the expenses of the Government. I was satisfied that by changing the system, which I hope will be done at the next session of Congress, we can very largely reduce the expense of carrying on the service.

Mr. CONGER. I have this to say in addition to what I said before: The system of having lights on the Mississippi River saves the detention of a day or two of vessels bearing freight and passengers down the river and it tends greatly to cheapen transportation for the whole West and to lessen the insurance on vessels and cargoes, and I think that an addition of $30,000 to this appropriation which amounts only to $120,000 will be saved in one month in the year in the lessening of insurance and keeping the vessels from running upon shoals and getting aground.

[Here the hammer fell.]

Mr. CONGER. Allow me to add that long ago upon the whole banks of the Hudson River lights were established at every point by the General Government and it is only lately that the people of the West have demanded the same facilities for the greatest of all our rivers.

Mr. STONE. Allow me to say that the West does not demand light-houses, but merely beacon-lights. I understand from the packet companies that they are willing to furnish the beacons if the Government will furnish the oil. I understand that the amount required is $150,000.

The question was taken on the amendment offered by Mr. STONE; and on a division there were—ayes 52, noes 73; no quorum voting.

Tellers were ordered; and Mr. STONE and Mr. HOLMAN were appointed.

The committee divided; and the tellers reported—ayes 72, noes 65.

No further count being demanded, the amendment was agreed to.

Mr. RANDALL. I reserve the right to call for the yeas and nays in the House.

The CHAIRMAN. The gentleman will have that right.

Mr. STONE. I move now to amend in line 550 by inserting after the word "Missouri" the word "Illinois," and in line 552 by inserting after the word "Ohio" the word "Illinois;" so that it will read:

Lighting and buoyage of the Mississippi, Missouri, Illinois, and Ohio Rivers: For maintenance of lights on the Mississippi, Ohio, Illinois, and Missouri Rivers, and such buoys as may be necessary, $120,000.

Mr. HOLMAN. Why not include the Wabash and the Green Rivers?

Mr. STONE. I do not care how many you include, so long as they are navigable streams.

Mr. HOLMAN. There is no estimate for any such purpose.

Mr. RANDALL. There is no estimate whatever for it.

Mr. HOLMAN. There is no law authorizing such an appropriation, unless there is some general provision of law which will cover it.

The CHAIRMAN. Did the gentleman from Indiana [Mr. HOLMAN] rise to make a point of order on this amendment offered by the gentleman from Missouri, [Mr. STONE?]

Mr. HOLMAN. I rose to state that there is no estimate for it, which I suppose is the same thing.

The CHAIRMAN. If the gentleman says he rose to make the point of order on the amendment——

Mr. HOLMAN. I will not insist upon it. But I would ask why we should single out one river in this way. There are a great many rivers tributary to the Mississippi which are not mentioned by the gentleman, the Tennessee, the Green, the Wabash, the Arkansas, the White, and other rivers. There is no reason for singling out a comparatively unimportant river in this way.

Mr. RANDALL. Let us have a vote.

The question was taken upon the amendment of Mr. STONE; and it was not agreed to.

The Clerk resumed the reading of the bill, and read the following.

Light-houses, beacons, and fog-signals:

For boat-landings at light-stations on the coast of Maine, New Hampshire, and Massachusetts, $10,000.

For site for a light-house and buoy-depot at Little Hog Island, Portland Harbor, Maine, the purchase thereof being hereby authorized, $3,000.

Mr. JACOBS. I desire to offer an amendment at this point.

Mr. RANDALL. I suggest that the gentleman allow the Clerk to read all the paragraphs relating to light-houses, and then he can offer his amendment.

Mr. JACOBS. Very well; I will do so.

The Clerk resumed the reading of the bill, and read the following:

For establishing temporary lights along the line of the dredged channel, Manmee Bay, Ohio, $4,000, in addition to the unexpended balance of the appropriation for two day-beacons in said bay made by the act of June 23, 1874, which is hereby continued and made available for this purpose.

Mr. CONGER. I desire to offer an amendment to come in at this point.

The CHAIRMAN. At the suggestion of the gentleman from Pennsylvania [Mr. RANDALL] it was agreed to unanimously by the committee that all the paragraphs relating to light-houses should first be read, after which amendments to any of the paragraphs relating to that subject will be in order. The gentleman from Michigan will lose none of his rights by pursuing that course.

Mr. CONGER. With that understanding I will withhold my amendment for the present.

The Clerk resumed and concluded the reading of the portion of the bill relating to light-houses.

Mr. JACOBS. I desire to offer an amendment to come in at the point I before indicated, after the second paragraph, under the heading "Light-houses, beacons, and fog-signals." I move to insert as an additional paragraph the following:

For the purchase of a site and the erection of a fog-bell on Point Wilson, Washington Territory, $3,000.

Mr. RANDALL. I will reserve any point of order upon this amendment until the gentleman from Washington Territory has made his remarks.

Mr. JACOBS. The Legislature of Washington Territory memorialized Congress for the purchase of this site and the erection of a fog-bell at this point. The memorial of the Legislature was also sustained by the ship-owners and the merchants of that section of the country. The amendment which I propose has also received the sanction of the Light-House Board. Early in this session I introduced a bill making an appropriation for the purchase of a site and the erection of a fog-signal at Point Wilson, Washington Territory. That bill was referred to the Committee on Commerce and received the unanimous approval of that committee. The bill was then reported by the committee back to the House and referred to the Committee on Appropriations, and I suppose it is by mistake or oversight that it is not incorporated in this bill.

As to the necessity of this appropriation, allow me to state that Point Wilson is at the mouth of Puget Sound, and in the fall of the year the fog is very dense there, and the forests being on fire the smoke is also very dense, and a large number of lives have been lost as well as a large amount of property destroyed for the want simply of a fog-signal at the place indicated by my amendment.

I hope that the Committee on Appropriations and the Committee of the Whole will grant us this small appropriation for this purpose, recommended as it is by the Committee on Commerce of this House, by the Light-House Board, and by the ship-owners and merchants in that section of the country. The commerce of Puget Sound is far more extensive than many gentlemen here may suppose. From seventeen to eighteen hundred vessels pass this point every year, and the number is fast increasing. The interests of commerce as well as the preservation of the lives and the property of the people of that section of the country demand that this small appropriation be made.

Mr. RANDALL. This appropriation is not sanctioned by any law, and, so far as I am informed, is not estimated for in the Book of Estimates. I therefore make the point of order on the amendment that it is not in pursuance of existing law.

Mr. CONGER. The only course by which such measures as this are ever made in order in this House is to refer them to the Committee on Commerce. The Committee on Commerce consider them, and if they favor the propositions they report them back favorably to the House, recommending the appropriations, and they are then sent to the Committee on Appropriations. That is the usual course, in fact the only way in which these things have been made in order. That course has been pursued in this case. If the ruling of the Chair shall be that the action of the House itself, by one of its standing committees recommending this appropriation, is not as strong as the estimate of an engineer, then the House heretofore has entirely mistaken its functions. I make these remarks upon the point of order. This is the usual course by which these measures are properly brought before the House.

The CHAIRMAN. The gentleman does not intend to say that the amendment offered by the gentleman from Washington Territory [Mr. JACOBS] is before the Committee of the Whole by order of the House?

Mr. CONGER. No; but I intend to say that this House has referred the subject to one of its committees, and that committee has had the usual consultation with the Light-House Board and obtained the recommennation of that board, which is equivalent to an estimate in the Book of Estimates. The Committee on Commerce also has reported the appropriation favorably to this House, and by order of the House that report has been sent to the Committee on Appropriations, the House having recognized the desirability of the appropriation. The point I make is that that course having been taken gives the same validity, by the prior action of the House, to the appropriation that would be given to it by an estimate from the Secretary of the Treasury in the Book of Estimates. This is the only way in which these things are brought before the House.

The CHAIRMAN. The present occupant of the chair would much prefer that such propositions as these should be submitted to the vote of the Committee of the Whole. But the point of order having been raised that this amendment proposes an appropriation of money not authorized by existing law and for which no estimate has been made——

Mr. CONGER. An estimate has been made by the Committee on Commerce.

The CHAIRMAN. The Chair is speaking of the existing law. This amendment proposes an appropriation of money not authorized by existing law and for which no estimate has been made. It certainly does not tend to retrench expenditures, and hence, in the judgment of the Chair, it is not in order, and the point of order is sustained. So far as the Chair is informed, there is no law upon the subject under or in pursuance of which the appropriation is asked. The point of order being made, the Chair is of opinion that it must be sustained, and that the amendment is not in order.

Mr. O'NEILL. I desire to submit an amendment to the following clause:

To complete the construction of the light-house on Cross Ledge Shoal, Delaware Bay, $25,000.

I move to amend by adding to this clause the following:

The Light-House Board is hereby authorized to place the light-ships formerly at Cross-Ledge Shoal upon Fourteen-Foot Bank, near the lower end of Joe Flogger Shoal.

I call the attention of my colleague, [Mr. RANDALL,] the chairman of the Committee on Appropriations, to the fact that this amendment simply authorizes the Light-House Board to use a light-ship at a place where it is very much needed. The light-house at Cross-Ledge Shoal being so far advanced toward completion that the light is on it, it is very desirable that there should be a light-ship on Fourteen-Foot Bank. From the mere mooring of the ships on this shoal I should think no additional expense will be incurred; and, as a light-ship there will serve a very good purpose, I presume there will be no objection to the amendment on the part of the Committee on Appropriations. We have already made an appropriation for the incidental expenses of light-ships.

Mr. RANDALL. Does the gentleman state that this will cost nothing?

Mr. O'NEILL. My impression is that there will be no increased expense; whatever cost there may be will be covered by the provision of the paragraph in relation to incidental expenses of light-ships.

The necessity for this provision the chairman of the Committee on Appropriations must very well understand. In the Delaware Bay, some seven or eight miles below the Cross Ledge light-house, there is a shoal which prevents vessels coming in at night. Frequently steamers bound to the port of Philadelphia have to lie by and lose a night when, with fair weather and by the aid of this light-ship to guide them, they could go to Philadelphia without interruption. My idea is not to incur any considerable expense by this amendment. The proposition is simply to have a light-ship moored where it is absolutely needed.

Mr. RANDALL. My colleague will recollect that a light-ship was at Cross Ledge when we authorized the light-house. The original estimate for Cross Ledge light was $125,000, $75,000 of which has already been appropriated; and in this bill we appropriate $25,000 more, making $100,000, $25,000 less than the original estimate; and I believe it will be completed for $100,000 instead of the original estimate, $125,000. The light-ship which it is proposed to put there is now being used where?

Mr. O'NEILL. It is not being used at all, the light-house at Cross Ledge Shoal being now so far completed that there is a light on it, and has been for some months.

Mr. RANDALL. What has become of the light-ship?

Mr. O'NEILL. It is at Wilmington, Delaware, I believe, or laid up somewhere.

Mr. RANDALL. Then my colleague does not ask any additional appropriation beyond the $25,000 given in the bill?

Mr. O'NEILL. Not at all; my amendment proposes simply to give authority to the Light-House Board to put a light-ship at this point where it will be so useful.

Mr. RANDALL. That must involve expense.

Mr. O'NEILL. It may cost a few hundred dollars; but the expense, I imagine, will come out of the appropriation made in this bill for the incidental expenses of light-ships. The second paragraph under the head of "Light-House Establishment" is this:

Expenses of light-vessels: For seamen's wages, rations, repairs, salaries, supplies, and incidental expenses of twenty-three light-ships and seven relief light-vessels, $230,000.

Mr. RANDALL. If my colleague will add to the amendment a clause providing that the expenses of keeping up this light-ship shall be paid for out of the appropriation to which he refers, I have no objection.

Mr. O'NEILL. I will add that, of course. Allow me to read three lines from the report of the Light-House Board:

It is suggested that when the light is established at Cross Ledge, authority be given the Light-House Board to place a light-ship near the lower end of Joe Flogger Shoal.

As the light is already temporarily arranged at Cross Ledge, I think it would be well to comply with this suggestion.

Mr. RANDALL. I have no objection to the amendment, if a clause be added that it shall involve no additional expense.

Mr. O'NEILL. I modify my amendment by adding the following:

Any expense incurred to come out of the appropriation in this bill under the head of expenses of light-vessels.

The amendment of Mr. O'NEILL, as modified, was agreed to.

Mr. CONGER. I move to amend by inserting after the paragraph last read the following:

That the appropriation heretofore made for a light-house at Port Austin, Michigan, may be expended in commencing the construction of the proposed light-house out on the reef, instead of on the shore: *Provided*, That the total estimate for its completion shall not exceed $85,000.

Mr. Chairman, I ask the attention of the committee to my statement. An appropriation two or three years ago of $20,000 was made for the light-house at Port Austin, at the junction of Saginaw Bay with the lake, a point at which there have been always more wrecks and more lives lost than at any other point on Lake Huron. Since that time, in a great storm a year or two ago, several vessels were thrown on the rocky reef which runs out from the main land a mile off into the lake, and it was found the light-house on shore would not protect the navigation of the upper lakes, a navigation embracing the passage of some 36,000 vessels each year by this point; that it would not protect them from the danger of that reef. The Light-House Board therefore withheld the application of this money.

Mr. RANDALL. I reserve the point of order on this amendment.

Mr. CONGER. The gentleman is too late. But I do not care anything about the point of order. I commenced arguing this question and spoke some time, which shuts out the point of order. Discussion had already commenced; but the point of order could not lie at any rate, I think.

I say, Mr. Chairman, since the appropriation was made for this light-house it has become apparent to the Light-House Board and those interested in the navigation of the lake that the light-house should be out on the rocky reef a mile from shore, and they have withheld the commencement of the light-house until Congress authorized this change to be made. The recommendation of the Light-House Board and of the officer for that district is very strong that it should be placed out on the reef. It will cost some considerable more money to place it out on that reef than to place it upon the shore, but it will be of infinitely greater benefit to commerce.

In my amendment I have authorized the expenditure of $20,000 in the commencement of the construction on that reef, but, so it should not cost beyond a certain amount, I have limited the plans for that building to $85,000. That will probably be some $25,000 more than it would cost on the land, except that on shore there would be some eight hundred or a thousand dollars for the site of the building. I do not ask that an additional appropriation be made, but that the Light-House Board shall be authorized to make this change, limiting the expense of the final completion of the building to $85,000.

Mr. RANDALL. I should like to ask the gentleman from Michigan whether there is not now an appropriation for Port Austin?

Mr. CONGER. Yes; $20,000.

Mr. RANDALL. Why has not any of it been used?

Mr. CONGER. Because it was found in a great storm there were six or seven vessels piled up on a rocky reef a mile out in the lake. The ship-owners of the lake petitioned the Light-House Board to change the location of the light-house inland to that rocky reef. The Light-House Board has recommended that it should be placed there.

Mr. RANDALL. I did not suppose there was anything of this sort ever forgotten in the State of Michigan. This involves an expenditure in fact of $85,000 for a new light-house.

Mr. CONGER. I think it will involve an expenditure of $20,000 more than the light-house on shore—I mean for the superstructure on the reef. The reef is a great rocky formation between four and five feet above the surface of the water.

Mr. RANDALL. We received no notice of this. Mr. Walker, from the board, if this were absolutely essential, would have apprised us of the fact. I do not recollect to have received any word from him on the subject.

Mr. CONGER. I sent to the committee a letter from the Light-House Board recommending this change.

Mr. RANDALL. He appeared before the subcommittee of the Committee on Appropriations, and I am positive this is not one of those he recommended. There were three estimates for various purposes of this character from Michigan, and all three were postponed because he said they were not absolutely essential for this year.

Mr. CONGER. I think there were some others I should like to see built. I would not urge them at this time, and I only ask this appropriation, which was granted almost unanimously three years ago, may be used this year in the construction of this building. It is not in that estimate, but in the one three years ago.

Mr. RANDALL. Those in the estimates are for Port Salinac, McGuepin's Point, and Pére Marquette.

Mr. CONGER. There has been a recommendation of $40,000 for Port Salinac light-house. I do not urge that now. When the harbor of refuge is completed it will be near Port Salinac. I am willing that should go over for another year. But I say to the gentleman and I say to this House, as it is a point I am as familiar with as any gentleman on the floor, as my practice carries me by it every month during the season, and therefore I make the statement advisedly when I say it is the most important light-house on the lake for the protection of the national commerce. It has no local importance.

Mr. RANDALL. The difficulty in my mind is that this is starting a new light-house.

Mr. CONGER. No, sir; the appropriation of $20,000 has been made for three years.

Mr. RANDALL. For the light-house on the shore?

Mr. CONGER. The Light-House Board did not commence the construction there because of the protest of over one hundred of the ship-owners from Buffalo to Chicago on the lake asking that it be placed out in the lake upon a rocky reef.

Mr. RANDALL. Well, if it was three years ago, it has lapsed and gone into the Treasury.

Mr. CONGER. It has not. The bill referred to provided that appropriations for light-houses and river and harbor appropriations

should not lapse. I hope this will be agreed to. It involves no new appropriations.

The amendment was agreed to.

Mr. A. S. WILLIAMS. I offer the following amendment:

At line 628 insert the following:

For the construction of a road from Windmill Point light-station, Lake Saint Clair, Michigan, to the main road from Detroit to Grosse Point, $2,000.

This appropriation, I desire to say, was recommended by the Light-House Board.

Mr. RANDALL. There is no objection to that.

The amendment was agreed to.

Mr. SMALLS. I offer the following amendment:

At line 591, after "$15,000," insert the following:

For the re-establishment of range-lights at Hilton Head and Bay Point, entrance to Port Royal Harbor, South Carolina, $40,000.

I have letters here from the Navy and Treasury Departments recommending this appropriation. The lights at Hilton Head and Bay Point have been destroyed since the war. The Port Royal Harbor is one of the best in the Southern States south of Hampton Roads; and last winter over six hundred vessels cleared from Port Royal, loaded with cotton, naval stores, and timber. There is a regular line of steamers between New York and Port Royal, and a new line has been established between Baltimore and Port Royal. I ask that the letters which I send to the desk may be read. I do not think the Committee on Appropriations will have any objection to that amendment. I believe that the chairman of the Committee on Appropriations is satisfied that those lights should be re-established, and that it is absolutely necessary that this appropriation should be made.

Mr. RANDALL. A large number of Government vessels rendezvous at Port Royal, and of course there should be a light there. The difficulty is there was no estimate for it when this bill was made up. The papers have been placed in our hands, or at least in the hands of some of the members of the committee, since the bill was printed. My impression is, from the state of the facts, that if this had been before the committee in due form the committee would have adopted it.

Mr. SMALLS. After what has been said by the chairman of the Committee on Appropriations I do not ask for the reading of the letters.

Mr. RANDALL. Let them be printed in the RECORD as a justification of what I have said.

There was no objection, and it was so ordered.

The letters are as follows:

NAVY DEPARTMENT,
Washington, March 20, 1876.

SIR: The selection of Port Royal as a rendezvous for the North Atlantic squadron renders it advisable to make the approaches thereto as safe as possible, and as the lights shown from Hilton Head have since the war been discontinued, I have the honor to request that a light, if but of the third order, be re-established at that point, as necessary for the safe navigation of the entrance to Port Royal Bay.

Very respectfully, &c.,

GEO. M. ROBESON,
Secretary of the Navy.

Hon. B. H. BRISTOW,
Secretary of the Treasury.

TREASURY DEPARTMENT,
Washington, D. C., March 22, 1876.

SIR: I inclose herewith, for the report and recommendation of the Light-House Board, a copy of a letter of the 20th instant from the honorable the Secretary of the Navy, in which he states that the selection of Port Royal as a rendezvous for the North Atlantic squadron renders it advisable to make the approaches thereto as safe as possible, and requests, in view of the discontinuance of the lights at Hilton Head since the war, that a suitable light be established at that point as necessary for the safe navigation of the entrance to Port Royal Bay.

By order.

I am, very respectfully,

CHAS. F. CONANT,
Assistant Secretary.

Professor JOSEPH HENRY, LL. D.,
Chairman Light-House Board.

TREASURY DEPARTMENT, OFFICE OF THE LIGHT-HOUSE BOARD,
Washington, March 31, 1876.

SIR: I have the honor to acknowledge the receipt of your letter of March 22, inclosing a copy of a communication from the honorable the Secretary of the Navy, requesting that the lights on Hilton Head, Port Royal Sound, South Carolina, be re-established.

In reply I beg leave to say that the subject was laid before the board at its meeting of March 28, when, after careful consideration, I was directed to state that while the board is of opinion that the re-establishment of these lights would be a benefit to commerce generally as well as to the Navy, still that the board can take no action looking to the establishment of a light on Hilton Head until an appropriation is made by Congress for that purpose.

It is roughly estimated—the board having made no careful examination of the location as yet—that it will require $50,000 to properly light Port Royal Sound.

Meantime, however, as it is essential to the safety of those vessels of our Navy frequenting those waters that they should be lighted immediately, the board will, upon receiving authority therefor from the Department, loan to the Navy Department lenses and accessories sufficient to enable it to erect and maintain temporarily the lights which it requires at the present time.

Very respectfully,

J. G. WALKER,
Naval Secretary.

The Hon. SECRETARY OF THE TREASURY.

TREASURY DEPARTMENT,
Washington, D. C., April 6, 1876.

SIR: I have the honor to acknowledge the receipt of your letter of the 20th ultimo in relation to the re-establishment of the lights on Hilton Head, Port Royal Sound, South Carolina, and to transmit herewith, for your information, a copy of a letter of the 31st ultimo from the naval secretary of the Light-House Board, (the subject having been referred by this Department to the board for its attention,) in which it is stated that the re-establishment of these lights would be beneficial to commerce as well as to the Navy, but that no action can be taken in this direction until an appropriation for the purpose is made by Congress; and further, that in view of the needs of the vessels of the Navy frequenting those waters, the board will loan to the Navy Department the lenses and accessories necessary to enable it to temporarily establish the lights in that locality upon receiving authority from this Department.

I have accordingly to state that upon your signifying to this Department that it is the desire of the Navy Department to erect and maintain temporarily the lights at Hilton Head, Port Royal Sound, South Carolina, the Light-House Board will be authorized to loan the lenses and accessories required to carry the purpose into effect.

I have the honor to be, sir, your obedient servant,

CHAS. F. CONANT,
Acting Secretary.

Hon. GEORGE M. ROBESON,
Secretary of the Navy.

Mr. JONES, of Kentucky. I hope this amendment will be adopted. This harbor of Port Royal is now one of the best on the Atlantic coast, and, according to the opinion of eminent engineers and other intelligent observers, it might at a comparatively small expense be made the very best port of entry on the American coast. I would like to enlist the sympathies of this committee for the old State of South Carolina in this regard. She is in a most dilapidated and forlorn condition; and, if we cannot restore her to her former place as an intellectual power in this Union, we may at least very greatly promote her interests in a material way. I have a tender regard for the dear old State and all its people. Port Royal is now the terminus of a railroad, and several of the most important railroad projects are tending in that direction. It is therefore eminently to the advantage of the whole country, and especially of the southern country, and more especially of the State of South Carolina, that this harbor should be improved, and the restoration of these head-lights is essential as a beginning at least of greater improvements. I hope the amendment of the gentleman from South Carolina will be allowed to go into the bill.

The amendment was agreed to.

Mr. O'NEILL. I offer the following amendment, to come in after line 581:

And the Light-House Board is authorized to make a survey for the location of a light or lights to guide past the shoals at and near Cherry Island Flats, Delaware River, and to report at the next session on the cost thereof.

Mr. RANDALL. That is all right. It involves no expense.

The amendment was adopted.

Mr. RANDALL. I offer the following amendment:

After line 561 insert the following:

For building a light-house at the mouth of the Nansemond River, in Virginia, $15,000.

Mr. RANDALL. I will not detain the committee by having the papers in this case read. If it had been before the committee in time, I suppose it would have been adopted. It is very much the same case as Port Royal. I ask that the papers relating to it may be printed in the RECORD.

There was no objection.

The amendment was adopted.

The papers ordered to be printed in the RECORD in explanation of the amendment are as follows:

To the honorable the Representatives of the United States in Congress assembled:

The undersigned, citizens and business men engaged in trades and professions of various kinds, residents of the town of Suffolk, at the head of navigation on the Nansemond River, Virginia, respectfully ask your honorable body to make the necessary appropriation for the establishment of a light-house at the mouth of Nansemond River aforesaid.

This application is based on the following considerations:

1. That the shoals at and about the mouth of the river and the great width of the river at its mouth render entrance difficult and hazardous.

2. That on account of the increased and increasing trade on the river a large number of vesse's are constantly passing in and out notwithstanding the hazard and danger and difficulties, of which they should be relieved in their passage.

3. That our commerce is considerable, engaging the occupation of vessels of three hundred tons burden and drawing twelve feet of water.

4. That the average rise and fall of the tide is three and a half or four feet and that a large number of vessels arrive at and depart from Suffolk, the head of navigation, monthly; and a much larger number, carrying the produce of truckers and otherwise engaged, arrive at and depart from various points of importance below Suffolk on the river.

5. That Major F. H. Baker, light-house inspector, as the result of recent observation, is satisfied of the necessity for not only buoys in, but also for a light-house at, the mouth of Nansemond River.

Suffolk is a flourishing town on this river of two thousand inhabitants. The river empties into Hampton Roads on the south from Fort Monroe and at the mouth of James River.

Respectfully submitted.

TREASURY DEPARTMENT, *May 29, 1876.*

SIR: I have the honor, referring to your letter of the 25th instant, addressed to the chairman of the Light-House Board, to transmit herewith a copy of a letter from the engineer secretary of the board, dated the 26th instant, stating, in reply to your inquiry, that the probable cost of establishing a light-station at the mouth of the Nansemond River, Virginia, would be $15,000.

I have the honor to be, sir, your obedient servant,

B. H. BRISTOW, *Secretary.*

Hon. JOHN GOODE, Jr., M. C.,
House of Representatives.

TREASURY DEPARTMENT,
OFFICE OF THE LIGHT-HOUSE BOARD,
Washington, May 26, 1876.

SIR: Herewith inclosed I have the honor to transmit a copy of a letter, dated May 25, received at this Office from Hon. John Goode, jr., member of Congress,

asking to be informed of the probable cost of establishing a light-house at the mouth of Nansemond River, Virginia.

In reply to this letter I beg leave to say that the probable cost of establishing a light-station at the mouth of the Nansemond River, Virginia, would be $15,000.

Very respectfully,

PETER C. HAINS,
Major of Engineers, United States Army,
Engineer Secretary Light-House Board.

The HON. SECRETARY OF THE TREASURY.

The Clerk resumed the reading of the bill, and read the following paragraph:

Rock Island Arsenal: For a rolling-mill and forging-shop (shop F) for the armory at Rock Island Arsenal, Rock Island, Illinois, $80,000, in addition to the unexpended balances of appropriations for the year ending June 30, 1874, which are hereby made available for the service of the fiscal year ending June 30, 1877.

Mr. HENDERSON. I offer the following amendment:

Amend by inserting after the words Rock Island arsenal, in line 633, the following: For shop G and iron-working and finishing shop, $75,000.

It is not necessary perhaps for me to detain the committee more than a moment by any additional remarks as to the appropriation for the Rock-Island arsenal. I desire, however, to say that, inasmuch as the people whom I represent upon this floor feel a very deep interest in the completion of this arsenal and in carrying on the work, I hardly feel justified in not at least saying something on the subject.

I feel, Mr. Chairman, that the committee have acted upon a mistaken idea in their refusal to make this appropriation. As I understand, it was done because the committee determined in the early part of this session that they would make no appropriations for any new work. Now the point that I wish to make and which I have heretofore made, both before the Committee on Appropriations and the Committee of the Whole House, is that this is not in any just sense a new work; it is the carrying on and completing of a national work which was begun some years ago. We are not building on Rock Island a large number of arsenals; we are building but one arsenal; all these buildings are necessary to complete the one arsenal, and I say that if this arsenal is to be completed, as I believe it ought to be completed and as I believe it is necessary to be for prudence and safety, now is the best time to do the work. There has not been a time when labor and material were cheaper than they are now for many years, and they are cheaper now than perhaps they will be some years hence. Then there is all the expensive machinery and other appliances for carrying on this work already on hand. There are eight hundred and sixty mechanics and laborers employed there who must be dismissed and turned out of employment if the work is stopped or cut down. This is a well-organized force. They have been educated; they were carefully selected and have had large experience. If you stop the work and allow them to be scattered, and let all the machinery go to ruin, and let all the material on hand be deteriorated if not lost, I say that it will be a great loss and a great expense to the Government.

I repeat that there never was a time when the work could be better done than now, and there never was a time when it would be of greater interest to the class of people who are much spoken of here that the work should be continued. When you talk about paralyzed industries, oppressed laborers, and a tax-burdened people, I fail to see wherein you mend the matter by adding to the sufferings of the people of the country by dismissing men who have been educated to a particular work after many years' experience, and when their labor is needed in carrying on necessary public works. I fail to see where is the economy, reform, or retrenchment in such a measure when we need the services of these mechanics and laborers.

[Here the hammer fell.]

Mr. HURLBUT. I yield my time to my colleague.

Mr. HENDERSON. I say that the effect of breaking up this organization now and discharging these laborers would be a great loss to the country.

Now, Mr. Chairman, I have said pretty much all I desire to say on this matter. There are many reasons why this work should go on.

In the first place, it can be done cheaper now than at any other time in all probability. In the next place, you have a force of workmen there and the material for carrying on the work, and, furthermore, it would be a matter of economy to commence the work now, because the large excavation required is necessary now to fill up and grade the sites of other shops.

As I said, we are not building a number of arsenals. We are building only one; and all these buildings are necessary. As an illustration, one is a store-house, one is a furnace, another a wood-working shop, another a rolling-mill, another a finishing-shop, and so on; and I believe that it is true economy to go on with the work and complete it; and I hope the committee will adopt this amendment. Continue these worthy mechanics and laborers now employed in this great national work, and go on and complete it, as prudence demands we should do.

Mr. RANDALL. I hold in my hand a printed communication from the Secretary of War, which contains a conclusive answer to the suggestion of the gentleman from Illinois and explains the reason why the Committee on Appropriations reduced this amount. The Secretary of War in his revision of the estimates, which the gentleman will remember, himself struck out the recommendation for this appropriation. I hope the recommendation of the Secretary of War will be concurred in and the amendment voted down.

Mr. HENDERSON. Will the gentleman allow me to explain?

Mr. FOSTER. I move to strike out the last word. I yield my time to the gentleman from Illinois, [Mr. HENDERSON.]

Mr. RANDALL. I hope the gentleman from Illinois will recollect that time is so valuable.

Mr. HENDERSON. I do recollect and appreciate it fully. I do not want more time than is absolutely necessary. It is true that the late Secretary of War, General Belknap, upon the recommendation of the Chief of Ordnance, submitted to Congress an estimate of $200,000 for this shop. After Secretary Belknap resigned his position as Secretary of War and Judge Taft was appointed, the matter was submitted to him, and I take occasion to say that he only acted upon what he understood to be the well-known intention and determination of the Committee on Appropriations, expressed at the very beginning of this session, not to allow any new buildings to be commenced.

I hold in my hand an article from the Rock Island Argus of Saturday, May 20, 1876, a leading daily democratic paper of my district, upon this subject, to which I will now call the attention of the House.

The article is as follows:

WORK AT THE ARSENAL MUST GO ON.

In view of the recent action of Congress in cutting down the arsenal appropriation, the board of trade of this city held a meeting yesterday afternoon, and adopted the following resolutions:

"*Resolved*, That Hon. Hiram Price is respectfully requested to visit Washington and use his best endeavors to secure such appropriations as will insure a vigorous prosecution of the work of building the Rock Island arsenal on the plan as originally designed.

"*Resolved*, That George A. French be appointed a committee to raise the necessary funds for the payment of the expenses of Mr. Price.

"*Resolved*, That the secretary forward to Mr. Price a copy of these resolutions."

This is a vital question to the people of this section of country and of immediate consequence to the commercial prosperity of the citizens of the "three cities."—*Davenport Democrat.*

It is hoped that Mr. Price will be able to convince Mr. TUFTS, the republican member of Congress from the Davenport district, and Mr. HENDERSON, the republican member from this district, and Mr. Taft, the republican Secretary of War, that what they have done is wrong, and that the sum agreed upon ought to be increased. But, inasmuch as the republican Secretary of War has reported in favor of the sum fixed and stated that it is sufficient for present uses, and inasmuch as our two republican Congressmen for the locality in which the arsenal is situated don't seem to be doing anything to change the course of the republican Secretary of War, it doesn't look as though Mr. Price's visit to Washington would amount to much. But, as he is already in Baltimore attending the Methodist conference, it can't cost the board of trade more than two or three dollars to pay his fare on to Washington to see what he can do. We hope he will be able to convince these republican officials that they haven't done their duty and that they will be able to increase the appropriation.

I call attention to that article. It is from a leading daily democratic paper published in the city of Rock Island, charging upon the Secretary of War a great wrong, that of reducing this estimate. I call the attention of my democratic friends on the other side of the House——

Mr. RANDALL. I differ entirely with the democratic editor. I think it is one of the feathers in the cap of the Secretary of War, which will stay by him through his life, I hope, that he remained in the War Department long enough to review the estimates of that Department and reduce them $5,600,000.

Mr. HENDERSON. Will my friend hear the conclusion of the remark I desired to make? that is, I call the attention of the democratic side of the House to this fact, in order that they may correct the error of the Secretary of War and do what is right in this matter.

Mr. RANDALL. If I were to chase up every newspaper paragraph, I would not have much else to do.

The question was taken upon the amendment of Mr. HENDERSON; and upon a division there were—ayes 37, noes 55.

No further count being called for, the amendment was declared rejected.

Mr. HENDERSON. I offer another amendment, to insert after the words "Rock Island arsenal" these words:

For shop G, an iron-working and finishing shop, $50,000.

The amendment was not agreed to.

Mr. HENDERSON. I desire to offer another amendment, to strike out "$80,000" and insert in lieu thereof "$170,000." In addition to what I said on the first amendment which I proposed, I have to add only this: The sum of $170,000 was estimated both by General Belknap, when Secretary of War, and by Judge Taft, late Secretary of War, after a careful consideration of the subject, and in my judgment that amount is absolutely necessary for the completion of that shop, so as to make it useful to the Government. If the appropriation is not increased from $80,000 to $170,000, as no appropriation is made for new work, in my opinion, before the close of the present season, the work on the arsenal will have to stop entirely.

I do not think the sum proposed in this bill will enable them to go on with the work through the present season. I cannot state that positively, but such is my impression. Surely it will be the worst policy in the world for this Government to turn off these mechanics and laborers, and leave uncompleted, for the want of $90,000, a shop that has already cost several hundred thousand dollars, and leave it unfinished and entirely useless.

Furthermore, this arsenal will be very useful to the Government, and is now already of great benefit to it. I will read a brief extract from the report of the Chief of Ordnance, and then I will be done.

The Rock Island arsenal, in its present incompleted state, now supplies all the militia of most of the States and Territories drained by the great river and its tributaries, many of the fortresses that guard the coast-line of the Gulf of Mexico, and more than one-half of our Army, now scattered from the Mississippi to the Rocky Mountains and beyond. When completed and fully equipped as a manufacturing arsenal, its capacity will equal the supplying of all the armies that may be organized in the Mississippi Valley in any war of the greatest magnitude.

This arsenal, as I said, is already useful to the Government, already supplying, as it does, a large part of our Army. I believe this shop ought to be completed. If this organized force of laborers and mechanics at the Rock Island arsenal are to be thrown out of employment on a building that has cost so much and which is a necessary public work, before it is completed, I think it will be a great detriment to the Government and very far removed from a wise and just economy.

Mr. RANDALL. The Committee on Appropriations deemed that the sum of $50,000 was adequate for this purpose; that we should go slowly in this case, as we have done in regard to other buildings. The truth is that a large sum of money has been expended on Rock Island arsenal, and there is probably an unexpended balance.

Mr. HENDERSON. I would like to inquire of the gentleman——

The CHAIRMAN. The question is on the amendment of the gentleman from Illinois, [Mr. HENDERSON,] upon which debate is exhausted.

The question was taken upon the amendment, and it was not agreed to.

Mr. HENDERSON. I desire to offer another amendment.

The CHAIRMAN. Will the gentleman save the time of the committee by sending up all his amendments to the Clerk, and they can be read one at a time?

Mr. FORT. The gentleman has a right to offer his amendment as he desires, without regard to saving the time of the committee.

The CHAIRMAN. The Chair made the suggestion in order to save the time of the committee. Of course the gentleman will understand that the Chair had no intention of infringing upon the rights of his colleague.

Mr. HENDERSON. I want the gentleman from Pennsylvania [Mr. RANDALL] to pay particular attention to the amendment I have just sent up.

The amendment of Mr. HENDERSON was to strike out the words "in addition to the unexpended balances of appropriations for the year ending June 30, 1874, which are hereby made available for the service of the fiscal year ending June 30, 1877," and to add to the paragraph the following:

And it is provided that the unexpended balances of appropriations for the purposes of the Rock Island arsenal for the fiscal year ending June 30, 1876, are hereby re-appropriated and made available, for the same purposes for which originally appropriated, for the fiscal year ending June 30, 1877.

Mr. RANDALL. Give us a statement of the unexpended balances. Why would that not be available anyhow?

Mr. HENDERSON. There is a letter before your committee which states exactly why the amount was not expended, that it was on account of high water which prevented the putting in of the machinery. That letter was before your committee, and the gentleman from Missouri [Mr. WELLS] saw it and read it, and I suppose the attention of the committee was called to it. The balance unexpended, as I understand, is about $23,000.

Mr. RANDALL. This balance does not go into the Treasury under any law.

Mr. HENDERSON. I understand that it does.

Mr. RANDALL. Only the unexpended balances for 1873 and 1874 are covered into the Treasury at the end of this month.

Mr. HENDERSON. The Committee on Appropriations in the bill which they have reported say:

In addition to the unexpended balances of the appropriation for the year ending June 30, 1874, which are hereby made available for the service of the fiscal year ending June 30, 1877.

Mr. RANDALL. No balances are covered into the Treasury at the end of this fiscal year on the 30th of the present month except balances of appropriations for the year 1873-'74. Appropriations for subsequent years will not be turned in then under the law.

Mr. KASSON. These appropriations run for two years.

Mr. RANDALL. Yes, sir.

Mr. HENDERSON. And they are available for the same purposes for which they were appropriated?

Mr. RANDALL. Undoubtedly. It would be a violation of law for any executive officer to devote them to any other purpose. I think the amendment is not at all necessary.

Mr. HENDERSON. If it is not necessary, of course I do not desire it to be adopted. I withdraw it.

Mr. TUFTS. I move to amend by adding after the clause making appropriations for the Rock Island arsenal, the following:

For new machinery and shop-fixtures, $227,500.

I do not offer this amendment for the purpose of wasting the time of the House, though I admit that it looks almost hopeless; but I have worked too long and too hard at this matter to give it up without an effort to get at least this small amount. The estimates of appropriations for Rock Island arsenal were $659,000. The Committee on Appropriations went to Secretary Taft and requested him to cut down those estimates to the very last cent. He reduced them to $226,000, very much, I know, to the surprise at that time of the chairman of the Committee on Appropriations and to the indignation of the democratic organs in the vicinity of the arsenal. But the Committee on Appropriations paid no attention whatever to Secretary Taft's recommendation. They shut their eyes and sliced off of his recommendation $115,000, leaving but $111,000.

The chairman of the Committee on Appropriations [Mr. RANDALL] has said that Philadelphia suffers as badly in her appropriations as any other locality. But I call attention to the fact that, while the estimates for that city have been cut down 50 per cent., there is in this case a reduction of more than 80 per cent. of the original estimates.

The appropriation of $27,500 which I now propose is not for any new building, but for placing the shafts and machinery in a building already completed, in order that the work may be done the more speedily and with less expense to the Government; and I understood and believe the members of the Committee on Appropriations understood that this appropriation was left in the bill, and its omission was never discovered until the bill was printed and laid on our desks at the commencement of this discussion. I hope the chairman of the Committee on Appropriations will not object to this amendment.

Mr. RANDALL. I cannot answer for what other gentlemen of the committee may have understood, but I know that this appropriation was voted out; the record so shows.

Mr. TUFTS. Was it done by a full committee?

Mr. RANDALL. I am not at liberty to state what occurred in committee. The fact is that the Secretary of War reduced the estimates for Rock Island $370,000. There was afterward recommended by the Secretary about $220,000. We have given about $111,000.

Notwithstanding the statement of the gentleman from Iowa, [Mr. TUFTS,] it is a fact that a greater percentage was stricken off from the estimates for Philadelphia than has been struck off here.

Mr. TUFTS. The percentage of reduction is not greater.

Mr. RANDALL. Yes, there is a greater percentage of reduction.

Mr. TUFTS. You have only given us $111,000 when the estimate was $659,000.

Mr. RANDALL. No, sir; the estimate is for $230,000.

Mr. TUFTS. Let the gentleman look into his Book of Estimates, from which he took the Philadelphia estimates.

Mr. RANDALL. They were never corrected.

Mr. TUFTS. Seven hundred and fifty thousand dollars was estimated for Philadelphia.

Mr. RANDALL. The Architect still wants $750,000 for Philadelphia.

Mr. TUFTS. Three hundred and fifty thousand dollars is appropriated for that city.

Mr. RANDALL. We have cut down the estimate for Philadelphia nearly 60 per cent.; and this estimate for Rock Island is cut down about 50 per cent.

Mr. TUFTS. The estimate was $659,000, and you have cut it down to $111,000.

Mr. RANDALL. The present Secretary of War did not pretend to defend the estimates of General Belknap.

Mr. TUFTS. Six hundred and fifty-nine thousand dollars is the estimate in the Book of Estimates for Rock Island, $111,000 is the appropriation. The same Book of Estimates gives Philadelphia $750,000, and the appropriation is $350,000. The gentleman takes for Philadelphia the estimate in the Book of Estimates, while for Rock Island he takes the report of the Secretary of War and attempts to mislead the House by statements he knows very well are not correct.

I repeat that the purpose of the amendment I offer is to put in shafting and machinery in order that a building which is already to be used in carrying on the work at the arsenal may be of use. If this amendment is not adopted the building must be closed; it cannot be used until an appropriation of this kind is made by some Congress that knows the difference between what my democratic friend on my right [Mr. PIPER] calls driveling, contemptible, parsimonious attempts at economy, for political effect, and true economy.

Mr. RANDALL. This appropriation is for new machinery, which the committee did not deem necessary.

Mr. TUFTS. It is for machinery that must be had in order to make the building of any use.

[Here the hammer fell.]

The question being taken on the amendment of Mr. TUFTS, it was not agreed to, there being—ayes 52, noes 72.

The Clerk read as follows:

For the care and preservation of the Rock Island bridge, $9,000.

Mr. HENDERSON. I move to amend by inserting after the clause just read the following:

For improvement of the water-power and to carry out existing contracts with the Moline Water-Power Company, $157,350.

I do not offer this amendment for the purpose of making a record upon it.

I offer this amendment to the committee in good faith, believing, as I do, that honest, fair dealing on the part of the Government of the United States demands that the sum of money asked for in the amendment should be appropriated.

I wish to say when the work of building the Rock Island arsenal was determined upon, the Government of the United States thought proper to take possession of the entire water-power at Moline, one-

half of which belonged to what is known as the Moline Water-Power Company.

Mr. RANDALL. Will the gentleman allow me to ask him a question?

Mr. HENDERSON. Yes, sir.

Mr. RANDALL. I wish to ask the gentleman whether any water-power has been used there in the arsenal?

Mr. HENDERSON. I suppose it has. But, Mr. Chairman, that does not make any difference whether it has or has not. The Government of the United States entered into contracts authorized by Congress with the Moline Water-Power Company, by which the Government agreed to develop and maintain the water-power there. There is now a deposit which has been formed at the head of the pool and which obstructs the flow of water into it.

This has almost virtually destroyed the water-power in a time of low water. This was made the matter of a special communication or report of Colonel Flagler, commandant of the arsenal at Rock Island, to General Benét, Chief of Ordnance, and that report was referred to the then Secretary of War, General Belknap, in February last, by General Benét, with a letter recommending that this appropriation of $157,350 should be asked from Congress. General Belknap submitted these papers to the House, accompanied by a letter from himself also recommending that the appropriation should be made, under date of February 19 last, and the matter, with these letters and report, was referred to the Committee on Military Affairs. And that committee, after fully examining the subject, decided in favor of allowing the appropriation, and referred it to the Committee on Appropriations, with the recommendation that the amount of $157,350 be appropriated.

After the Committee on Military Affairs had done this I myself called the attention of Judge Taft, Secretary of War, to the subject, and, after examining the contracts made by the Government and the reports which had been made here by the proper officers, he recommended to the Committee on Appropriations to make this appropriation for the purpose of carrying out those contracts on the part of the Government. I believe that absolute good faith requires that the Government should go on and give the company the water they need by removing the deposits and improving the power. It does not make any difference as to the money expended. It does not make any difference whether the Government uses it or not. The Government agreed to develop and maintain this water-power, and it is not now maintained; and the Water Power Company and one of the most enterprising towns in Illinois are greatly injured because the Government fails to comply with its contracts. Notwithstanding the commandant of the arsenal, General Benét, (Chief of Ordnance,) General Belknap and Judge Taft, (late Secretaries of War,) have all recommended this appropriation, and notwithstanding the Committee on Military Affairs has recommended it as being necessary to carry out the contracts of the Government in good faith, still this Committee on Appropriations refuses to allow it.

[Here the hammer fell.]

Mr. HURLBUT. This question was submitted—as of right it ought to have been—to the Committee on Military Affairs. That committee unanimously found certain facts. In the first place that there existed, prior to the occupation of Rock Island by the United States as an arsenal, a company controlling the water-power on the Illinois shore; and in the next place that the United States are bound by contract to maintain that power to these people there at Moline, the United States taking part of the labor that the Moline Water-Power Company had expended on it, and agreeing in return they would keep up that water-power.

We have had before us the reports of all the officers of the United States, and they say that this amount of money of $157,000 or $167,000 is absolutely necessary to carry out the contract long ago made by the United States, and which, if the United States do not carry out, they not only violate their plighted faith, but they imperil the prosperity of a large manufacturing town, which, relying upon this contract, has been built up for manufacturing purposes. The report of the Committee on Military Affairs on this question was unanimous. There was not any question about it in committee, and therefore, no doubt, independent of any other question, the honor of the country is plighted to make this payment to sustain this power partly for the benefit of the United States and partly for the benefit of the other riparian owners.

Mr. RANDALL. This is a controversy of some years' standing between the Government of the United States and the Moline Water-Power Company. It originally was a contract, I believe, by General Rodman and the War Department. That is the first point. We considered it a question in controversy. In the next place, in my judgment, so far as I am able to learn—I may be wrong in this, but I think not—the Government of the United States will substitute steam entirely for use in the Rock Island arsenal instead of water-power. Yes, sir; I am so informed, and so far as the use of water is concerned by the Government in connection with the Moline Water-Power Company at the Rock Island arsenal it will not be needed at all.

Mr. HURLBUT. Will the gentleman from Pennsylvania, as he means to be fair, I know, hear me for one moment?

Mr. RANDALL. Certainly.

Mr. HURLBUT. Rock Island lies in the middle of the Mississippi River. On the Iowa side is the main channel of the river, and on the Illinois side is what was known in the old times as the slough. By the action of the United States in cutting out a better channel on the Iowa side between Rock Island and the Iowa shore, they have reduced and broken down the water-power on the Illinois side.

Mr. RANDALL. This has been cut through the bed-rock. I am familiar with the subject, so far as an examination of the map is concerned, and so far as listening to gentlemen who appeared before the committee to furnish information in reference to this subject. I believe the gentleman from Illinois [Mr. HURLBUT] appeared on two occasions before the Committee on Appropriations in conjunction with gentlemen representing this Moline Water-Power Company. And in many private interviews the gentleman impressed this on my mind and on the minds of members of the committee; so that we do understand the subject, I think. At least we endeavored by listening carefully to understand it. And we did not consider it wise for us to make an appropriation in this bill when there is a controversy of some years' standing.

If the considerations which have been presented had any weight why was this appropriation not made long ago? When we take into consideration the fact that as we are informed steam-power has been substituted altogether for water-power in that arsenal, we think that the whole water-power there can be handed over to the Moline Water-Power Company. The gentleman knows that the United States has already spent in connection with this water-power $695,000. I think there ought to be a stop put to expenditures in this direction, for I am convinced that so far as the use of water-power at the Rock Island arsenal is concerned it is a failure, and that steam will be substituted.

Mr. WELLS, of Missouri. I wish to call attention to a remark of the gentleman from Iowa [Mr. TUFTS] in regard to the appropriations for the arsenal at Rock Island. The gentleman representing that district asked me what were the recommendations of the committee in regard to that arsenal. I took the Estimate Book out of my desk and showed him the item appropriating for shop F was $80,000; in another item of $10,000 for sewerage, building new roads, &c.; in another $9,000 for keeping the bridge in repair, and $27,500 for new machinery and shop-fixtures, which I find by the bill was stricken out when absent from the committee room. It was left, however, in my book which led me in an error, and instead of $22,000 for buildings, &c., the committee recommended $10,000. There was simply a misunderstanding about it, and I regret that my name was brought forward in connection with this matter. If I had been in my seat I would have corrected the gentleman at the time. It was simply a private conversation between the gentleman representing Rock Island district and myself, and I believed I was giving the actual facts and figures as they would appear in the bill when printed, it then being in the hands of the printer.

Mr. HENDERSON. I am responsible for the statement made by the gentleman from Iowa, [Mr. TUFTS.] After the chairman of the committee had told me it was left in by the order of the committee I made no allusion to it myself, and I omitted to state to the gentleman from Iowa [Mr. TUFTS] what the chairman [Mr. RANDALL] had said to me. I really believed in good faith that it was left in, as I was informed so by two members of the committee.

I want to say in as few words as I can that while there has been a controversy between the Government or the War Department and the Moline Water-Power Company, yet that controversy has been settled, at least so far as to obtain an acknowledgment that it is the duty of the Government to carry out this contract and develop and maintain the water-power, and that this appropriation is necessary for that purpose. It is entirely new to me that the War Department or the Ordnance Bureau intends to use steam instead of water-power; because in the very documents which were referred to the Committee on Appropriations the commandant at Rock Island expressly says that after the Government had expended so large an amount of money and built so great a water-power, he believed it would be unwise and not economical to leave it unfinished. And further he says:

It is also clear that the acts of Congress on this subject and the contracts made with the Moline Water-Power Company require that the work shall be done.

That is all I wish to say, except that if this was a matter between individuals instead of being a matter between the Government and the company, there is no doubt but an action could be maintained for damages.

Mr. RANDALL. If it was an equity case, there would not be a dollar due. The Government has spent nearly $700,000 in connection with this water-power. Now, this proposition is to cut a channel through this bed-rock, and I think the company ought to do it.

Mr. HENDERSON. The Government has undertaken it on its own motion and by its own contracts and agreements; and I tell the chairman of the Committee on Appropriations [Mr. RANDALL] that it makes no difference what the amount of money expended has been or may be. What the company wants and what the company is entitled to is water, water-power. Without it their wheels are stopped and the enterprising manufacturing town of Moline suffers.

The amendment was not agreed to.

Mr. CONGER. I desire to call the attention of the committee to the paragraph at line 646, relating to lightning-rods at the Benicia arsenal.

Mr. HOLMAN. Strike that all out.

Mr. CONGER. I move to strike out the last word. I do not know who is the meteorological observer there; but I have been informed that there has never been a thunder-storm or lightning in that region.

Mr. RANDALL. Let me read from the Book of Estimates:

The absence of all signs of electricity——

The CHAIRMAN. Does the gentleman from Michigan yield to the gentleman from Pennsylvania?

Mr. CONGER. Not at present.

Mr. RANDALL. I thought you wanted an explanation of this.

Mr. CONGER. I am informed that there never has been any lightning known in that region except during last summer. I believe that under no former administration, and in the time of no former member of Congress, has lightning ever been known to be around Benicia. The lightning has only been there very lately in the time of the gentleman now representing that district.

Mr. LUTTRELL. There has been some crooked whisky there, I understand, that some of your republican officials know about.

Mr. RANDALL. I propose to treat this matter seriously.

Mr. CONGER. If the gentleman has any explanation why lightning-rods should be provided where there is no lightning, I would be glad to hear it.

Mr. RANDALL. I read from the Book of Estimates:

The absence of all signs of electricity in the atmosphere of this country, which has hitherto existed, has induced all persons to leave their buildings without lightning-rods. During the past summer, however, we have had three storms accompanied by lightning; and it is deemed advisable to adopt the usual precautions against the effects of lightning.

That is the recommendation of the Department.

Mr. CONGER. Well, if there was any lightning there last summer I did not know it.

Mr. RANDALL. There was all kinds of lightning, including political lightning.

Mr. CONGER. I never heard of there being any lightning there until last summer, when my friend who represents this Benicia district was elected.

Mr. LUTTRELL. I am merely sustaining the report of the Department.

Mr. CONGER. I withdraw my amendment.

The Clerk resumed the reading of the bill, and read as follows:

Surveys of north and northwestern lakes and Mississippi River:

For continuing surveys of Lakes Erie and Ontario; determination of points in aid of State surveys and construction of maps; continuation of triangulation south from Chicago and east to Lake Erie; survey of the Mississippi River, and miscellaneous, $100,000.

Mr. CONGER. I see that the committee recommend an appropriation of only $100,000 for lake surveys. Now, the report of General Comstock, who is in charge of the lake surveys, is that $184,000 are necessary to complete the surveys of the lakes. They have now steamers and boats and crews and officers and all the material for finishing the survey of Lakes Erie and Ontario which are now on hand, and if the committee appropriate only $100,000 it will compel the keeping up of that force for another year at almost the same expense as this year, whereas if they would appropriate a proper amount the whole lake surveys could be completed this year. I repeat that the work can be done if we should make a proper appropriation for half of the expenses which will be incurred if it is postponed and continued for two years. That will require the keeping up of the steamers, the stations, of the boats, of the crews, and the retention of the services of all the scientific men engaged in these surveys.

The recommendation of the Book of Estimates is $184,000. I can see no propriety in making an enormous appropriation for the coast survey and leaving the survey of the inland lakes uncompleted. I move, therefore, that the appropriation be increased so that it shall be $150,000. The recommendation of the Department is $184,000, but on consultation with the officer who is engaged in this business I learned that it is probable that with an appropriation of $150,000 they may complete the surveys this year.

It is of vital importance to our lake navigation that these surveys should be completed and charts perfected and the shoals and rocks pointed out. We have not to-day in all the immense navigation of the lakes nautical charts of the lakes by which any pilot can pass from Ogdensburg to Chicago without danger of running on unmarked reefs and shoals. Every year there is a loss of American commerce on these lakes of over one hundred-fold more than the additional expense which would be incurred were this amendment adopted.

Now, I ask the committee to make an appropriation of $150,000, so that these surveys may be completed and finished and that our nautical charts may be corrected.

[Here the hammer fell.]

Mr. WELLS, of Missouri. I have given this subject some consideration. I have had a conference with General Humphreys in regard to this appropriation, which, as the gentleman from Michigan correctly says, was recommended to be $180,000. I was advised by General Humphreys that the surveys of portions of Lakes Erie and Ontario have already been completed, and that an appropriation of $150,000 would be sufficient to continue the surveys during this season, and he believes that next winter the Engineer Department will be able to give a final estimate for these surveys. The committee believes that at that time they will be able to make an appropriation to complete the work, and they believe further that no more than $100,000 can be used between now and the 1st day of November, when this service ceases. In the appropriation bill of next year, which must be passed before the 4th of March, we can make an appropriation for the continuance of the surveys in the early spring. The members of the committee therefore deem this appropriation sufficient.

Mr. BURCHARD, of Illinois. In other words, you propose to put the appropriation into a deficiency bill.

Mr. WELLS, of Missouri. We propose to put it in a bill so that it shall be available on the 4th of March.

Mr. CONGER. I move to strike out the last word. The proposition of the gentleman from Missouri does not meet at all the proposition I made. There are several steamers engaged in this coast survey.

Mr. WELLS, of Missouri. This appropriation is for the purpose of keeping up the surveys and continuing the work during this year.

Mr. CONGER. I know that; but the Book of Estimates shows that $184,000 will complete the work this summer. But if you do not make a sufficient appropriation, the men employed in this work will have to be dismissed and there will be further expense to the Government. The gentleman's economy consists in running this work through two years when it might be completed in one. The buildings and machinery will be left idle until next year, when the Department says that an increase of this appropriation to the amount of $50,000 will complete the whole work.

Mr. WELLS, of Missouri. General Humphreys satisfied the Committee on Appropriations that this appropriation would be sufficient.

Mr. CONGER. I am informed by General Comstock, who has charge of this work, and whose office is now in Detroit, in my State, and with whom I have had a conference on the subject, that the work can be completed this year if a sufficient appropriation be made. It is not in General Humphreys's department. I do not know why General Humphreys is referred to in connection with this matter. General Comstock is the chief of this survey, an independent work; and the gentleman might as well quote the opinion of General Hancock or any other officer of the Army as that of General Humphreys.

Now, in every interest of economy, I ask the House to increase this appropriation $50,000, and thus save $100,000 of unnecessary appropriations next year.

I make the assertion that it will be absolutely necessary to make that appropriation for the repair of boats and steamers which are already old in the service but can be used this year. I know whereof I speak. It may make a little increase in the footings of this bill, but unless this appropriation is made there will be required next year a deficiency or its equivalent in an appropriation of $100,000. I ask the committee to adopt this amendment.

Mr. RANDALL. Let us have a vote.

The question was taken upon the amendment of Mr. CONGER; and upon a division there were—ayes 48, noes 63.

Mr. CONGER. No quorum has voted, and upon such an important matter as this I must insist upon a further count.

Tellers were ordered; and Mr. CONGER, and Mr. WELLS of Missouri were appointed.

The committee again divided; and the tellers reported that there were—ayes 55, noes 83; no quorum voting.

Mr. CONGER. I must ask for a further count, which I will waive if I may have a vote in the House on this proposition.

Mr. WELLS, of Missouri. I object to that.

Mr. CONGER. The gentleman objects because it takes up so much time, I suppose. Then we will take up the time now.

The CHAIRMAN. Does the gentleman make the point of order that no quorum has voted?

Mr. CONGER. I do, unless we will be allowed to vote in the House on this proposition.

Mr. RANDALL. We cannot do that; it will take up half an hour.

The CHAIRMAN. Is there objection to the tellers resuming their places and continuing the count?

Mr. FRANKLIN. I object.

The CHAIRMAN. Then the Clerk will proceed to call the roll, no quorum having voted on the last count.

The roll was called; and the following members failed to answer to their names:

Messrs. Ashe, Bagby, George A. Bagley, John H. Bagley, jr., Bass, Beebe, Bell, Blaine, Bliss, Bradley, John Young Brown, Samuel D. Burchard, Burleigh, Cabell, Campbell, Cason, Chapin, Clymer, Cochrane, Darrall, Eden, Egbert, Evans, Faulkner, Freeman, Frost, Garfield, Gibson, Goodin, Hale, Haralson, Hardenbergh, Benjamin W. Harris, John T. Harris, Hathorn, Hays, Hereford, Abram S. Hewitt, Hoge, Hooker, Hunton, Hurd, King, Lamar, Lapham, Lawrence, Levy, Edmund W. M. Mackey, Magoon, Maish, MacDougall, Milliken, Money, Mutchler, Nash, New, O'Brien, Parsons, Platt, Poppleton, Pratt, Purman, Rainey, James B. Reilly, Riddle, Miles Ross, Sobieski Ross, Schumaker, Sheakley, Singleton, Sinnickson, Slemons, Smalls, Stenger, Stone, Stowell, Swann, Teese, Thomas, Martin I. Townsend, Tucker, Van Vorhes, Waddell, Charles C. B. Walker, Gilbert C. Walker, Ward, G. Wiley Wells, Wheeler, Charles G. Williams, James Williams, James D. Williams, Willis, Wilshire, Benjamin Wilson, Fernando Wood, Woodburn, and Yeates.

The SPEAKER *pro tempore* resumed the chair, and Mr. BLACKBURN reported that the Committee of the Whole on the state of the Union, pursuant to the order of the House, had had under consideration the bill (H. R. No. 3749) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1877, and for other purposes, and, finding itself without a quorum upon a vote by tellers, he had directed the roll to be called, and now reported the names of the absentees to the House.

The SPEAKER *pro tempore*. A quorum having answered to their

names upon a call of the roll, one hundred and ninety-three having responded, the Committee of the Whole will resume its session.

Mr. RANDALL. Is there any manner by which we can keep these one hundred and ninety-three members in their seats for a while?

The SPEAKER *pro tempore*. By a call of the House, perhaps.

Mr. RANDALL. I appeal to gentlemen to remain here for a short time, and we can finish the consideration of this bill.

The SPEAKER *pro tempore*. Under the rule, a quorum having appeared upon the call of the roll, the Committee of the Whole will at once resume its session.

Mr. CONGER. I have very often asked the question——

The SPEAKER *pro tempore*, [using his gavel.] The House is now in Committee of the Whole.

Mr. CONGER. I object to that mallet when I address the Chair. [Laughter.]

The SPEAKER *pro tempore*. The rule says that the Committee of the Whole must resume its session without further orders from the House.

The Committee of the Whole accordingly resumed its session, (Mr. BLACKBURN in the chair.)

The CHAIRMAN. The question is upon the amendment of the gentleman from Michigan, [Mr. CONGER,] to increase the appropriation for surveys of northern and northwestern lakes and Mississippi River from $100,000 to $150,000.

The question was taken; and upon a division there were—ayes 49, noes 99.

Before the result of the vote was announced,

Mr. CONGER called for tellers.

Tellers were not ordered; there being 23 in the affirmative; not one-fifth of a quorum.

So the amendment of Mr. CONGER was not agreed to.

The Clerk resumed the reading of the bill, and read the portion relating to public buildings and grounds in and around Washington.

Mr. HOLMAN. I desire to move an amendment to the paragraph relating to fountains in the public grounds.

The paragraph referred to was as follows:

For care of and repairs to fountains in the public grounds, $5,000.

Mr. HOLMAN. The amount in that paragraph should be $500, not $5,000. It is simply a typographical error, and I move that it be corrected.

The motion of Mr. HOLMAN was agreed to.

Mr. HOLMAN. I desire also to move an amendment to the paragraph relating to the statue of General Thomas.

The paragraph referred to was as follows:

For pedestal for the statue of General George H. Thomas, $25,000.

Mr. HOLMAN. I had intended to submit the question to some gentleman more representative of this memorial than I am as to who shall indicate the site in this city where the statue shall be located. I have thought that it would be proper to name the Secretary of War, and perhaps the chairmen of the Committees on Public Buildings and Grounds of the Senate and House. I will offer that amendment.

Mr. CONGER. Has not the site already been designated?

Mr. HOLMAN. I am not aware that it has been; I think it has not been. I move to amend the paragraph by adding the following:

Provided, That the Secretary of War and the chairman of the Committee on Public Buildings and Grounds of the Senate and the chairman of the Committee on Public Buildings and Grounds of the House of Representatives are hereby appointed a committee to select and designate such place upon the public grounds in Washington City which in their judgment would be most appropriate, where said monument shall be erected.

If any gentleman can suggest a better amendment I will cheerfully withdraw mine.

Mr. CONGER. I will only say that I had understood that the place had been already selected.

Mr. HOLMAN. The place has not been selected, and there is nothing in this paragraph as it now stands to indicate where the monument is to be erected, whether in this city or elsewhere.

The amendment of Mr. HOLMAN was then agreed to.

Mr. RANDALL. In the clause which provides for lighting the Capitol and Executive Mansion, &c., I move to amend by inserting after "Capitol" the words "the grounds about the same, including the Botanical Garden." This does not involve any additional expense.

The amendment was agreed to.

Mr. FOSTER. I move to amend by inserting the following as a new paragraph:

For repairs and care of the telegraph to connect the Capitol with the Departments and the Government Printing Office, $500.

This has the concurrence of the Committee on Appropriations.

The amendment was agreed to.

Mr. FOSTER. I move to insert also the following as a new paragraph:

For continuing the improvement of reservation No. 3, $5,000.

This also has the concurrence of the Committee on Appropriations.

The amendment was agreed to.

Mr. MONROE. I move to amend by inserting at the close of the section headed "miscellaneous the following:

That so much of the appropriation heretofore made for salaries of the United States and Mexican claims commission as may remain unexpended on the 30th day of June, 1876, as shall be necessary for the purpose may be used in payment of salaries of the agent, secretary, clerks, translators, and messengers at the rates now respectively allowed to them for a period not to exceed six months from the 1st day of July, 1876; and the unexpended balance for contingent expenses may be used for the contingent expenses of such commission for a like period; and that the amount which may remain unexpended on the 30th day of June, 1876, of the appropriation of the salary of the umpire, or so much thereof as may be necessary for the purpose, may be expended under the direction of the Secretary of State in acknowledgment of the service of the umpire.

Mr. Chairman, the time of the Mexican and United States claims commission will expire on the 30th of the present month. A treaty between the two nations is, however, pending in the Senate, where every one expects that it will be ratified. That treaty provides for extending the time of the commission for six months longer, until January 1, 1877. The reason for thus extending the time is that the umpire, Sir Edward Thornton, although he has been very industrious, faithful, and efficient in attending to his duties, has not been able to quite complete all the work before him, and may require two or three months longer to finish it. This will make it necessary for him to continue for some time the employment of clerks, translators, and messengers. This amendment simply re-appropriates unexpended balances of former appropriations to pay the salaries of these clerks, messengers, &c., so that this work may be completed.

There is a considerable number of claims still unadjudicated by the umpire. I am informed that American citizens are largely interested in having this work properly done.

This is a very small matter. No new appropriation from the Treasury is required. The amendment merely re-appropriates old balances. The work will probably be completed in the month of November.

I desire to add that the Secretary of State has earnestly recommended the adoption of this provision. The matter was referred to the Committee on Foreign Affairs, who unanimously favored adding this amendment to the sundry civil bill, and I have this morning done myself the honor to speak with the gentleman from Pennsylvania [Mr. RANDALL] and the gentleman from Indiana, [Mr. HOLMAN,] as well as my colleague [Mr. FOSTER] on this side of the House, all members of the Committee on Appropriations, and they consent, as I understand, to this amendment and will not offer any objection to it.

Mr. RANDALL. Mr. Chairman, this subject was originally brought to the attention of the Committee on Appropriations by reference to them of a communication from the Secretary of State on this subject. The committee did not deem it within their province to decide as to the propriety of the re-appropriation; they therefore brought this subject back to the House and upon their motion it was referred to the Committee on Foreign Affairs, who, I understand, have unanimously reported in favor of the proposition, in accordance with the recommendation of the Secretary of State.

While I do not consider that this is an appropriate place for such legislation, yet I believe the recommendation of the Secretary of State to be a wise one, and therefore interpose no objection, so far as I am individually concerned, to the insertion of the proposition. I think, however, it might more appropriately have been adopted as an independent proposition, especially as it relates to a presentation to a minister representing here a foreign country.

Mr. PHILIPS, of Missouri. Mr. Chairman, I trust that this proposition will not prevail. As I understand—and I have had occasion to investigate the matter, having constituents interested in this fund—the work of this commission has been in fact concluded for some time; and it does appear to me that the continuation of the services of this commission and providing a fund for the continued payment of clerks, &c., after the work of the commission has been in point of fact completed, is unnecessary.

The time of this commission has been extended time and again; and the payment of claimants who are deeply and vitally interested in this fund is deferred on account of these repeated extensions. It is now proposed, by granting this fund for the payment of clerks and other employés connected with this commission, to extend the time for six months longer. If that be done, it would be impossible for parties interested in the work of this commission to get their money during the present Congress. The commission in that case will not conclude its work till after the 1st day of January, 1877; and when that work is concluded the commission must make its report to Congress, which must be referred to the Committee of Claims and reported back; so that the probabilities are that these claims would not be acted on finally before March, 1877. Thus the practical effect of this unnecessary extension of time would be to carry the payment of these claims over to the Forty-fifth Congress. For one I believe that if Congress withholds this appropriation, which can inure only to the benefit of the employés and attachés of this commission, it will have the effect to conclude the work of the commission and give the benefit of their labors to the parties who are really interested.

Mr. MONROE. Mr. Chairman, I beg to say a word in explanation in regard to the points the gentleman over the way has mentioned. The gentleman misunderstands the condition of the work before the commission. I have made very careful inquiry in regard to the facts in this case, and I beg leave to assure the gentleman that so far will the adoption of this amendment be from cutting any of the claimants off from opportunity to recover what is justly due them that it is the only method of securing to a large number whose cases are nearly ready for adjudication an opportunity to recover what belongs to them. I have information——

Mr. PHILIPS, of Missouri. With the gentleman's permission, I will state that my information is, and I got it pretty direct, that there are no cases before this commission which have not been adjudicated.

Mr. MONROE. That is certainly an error.

Mr. PHILIPS, of Missouri. I had it from the attorneys interested in the cases.

Mr. MONROE. I wish to say, Mr. Chairman, that the Committee on Foreign Affairs had the authority of the Secretary of State for the fact that there is a considerable number of cases that the umpire cannot act upon before the 30th of June. That is all there is in it. Those cases must go without adjudication unless the time can be extended. The time is going to be extended by convention between the two countries at any rate. The question for the committee to decide is whether it will re-appropriate the small unexpended balances so that the necessary clerks and translators may be paid their salaries.

I am sure—and I think I know what the facts of the case are—and every member of the Committee on Foreign Affairs is agreed on that matter, that there is a considerable number of American citizens who have large interests pending who will be utterly and finally cut off from recovering them unless they can have the necessary time and unless the necessary clerks and translators can be paid for the required work. I believe these to be the exact facts.

The amendment was agreed to.

Mr. CALDWELL, of Alabama. I send to the Clerk's desk an amendment to come in at the end of this miscellaneous paragraph.

The Clerk read as follows:

For printing and binding in the usual manner 100,000 copies of the report of the Commissioner of Agriculture for the year 1874 and 200,000 copies of the report of said Commissioner for the year 1875, $120,000—210,000 copies of the same for the use of the House, 70,000 for the use of the Senate, and 20,000 for distribution by the Agricultural Department.

Mr. RANDALL. Mr. Chairman, I raise the point of order on that amendment that it must go first to the Committee on Printing, under the law.

Mr. CALDWELL, of Alabama. I do not wish to detain the House by occupying its time in a discussion of the proposition involved in that amendment; but I do wish to say, in response to the point of order, that this is a subject upon which the House has already taken action. On the 17th of December last a resolution was introduced by the gentleman from Minnesota, [Mr. DUNNELL,] and in the month of March, at the request of the Commissioner of Agriculture, I had the honor to introduce a similar resolution, both of which were referred to the Committee on Printing. The discussion of this bill has disclosed the fact that it is absolutely necessary an appropriation should be made. Otherwise the wish as expressed by the House in former resolutions cannot be carried out, and there is no more appropriate place than this miscellaneous paragraph at the end of which I have moved my amendment.

Mr. WILSON, of Iowa. I wish to say a word on the point of order. There is no question but this is in conformity with law.

Mr. RANDALL. I did not make that point, but that under the law it must go to the Committee on Printing.

Mr. WILSON, of Iowa. I had the impression that this was provided for in other paragraphs, but having watched the progress of every line of the bill, I find that while the paragraph commencing in line 91 appropriates a large sum of money for printing, subsequent paragraphs designate how it shall be expended. The action of the House, as well as the law of the land, makes this in order so far as the point of order is concerned. After the Chair decides the point of order, I should like to say a word in favor of the adoption of this amendment.

Mr. DUNNELL. I do not understand the chairman of the committee objects to this.

Mr. RANDALL. I make the point of order that it should be referred to the Committee on Printing under the law.

Mr. CALDWELL, of Alabama. The Committee on Printing reported favorably on this proposition.

Mr. RANDALL. Not on this proposition.

Mr. CALDWELL, of Alabama. Yes, this indentical proposition.

Mr. DUNNELL. In favor of this identical number.

Mr. RANDALL. As to the number, but not as to this appropriation.

The CHAIRMAN. Is this amendment a reproduction of the report of the Committee on Printing?

Mr. CALDWELL, of Alabama. I desire to state again, that on the 10th of March the Committee on Printing in this House reported favorably upon the two propositions, the one submitted by the gentleman from Minnesota and the other submitted by myself. The first proposition was to print 200,000 volumes of the Agricultural Report for the year 1874. The proposition submitted by myself, coming from the Agriculture Committee, was to print 200,000 volumes of the report of 1875. The Committee on Printing reported favorably 100,000 for 1874 and 200,000 for 1875, and that is the proposition embodied in this amendment. It is in strict accordance with the report of the Committee on Printing.

Mr. BURCHARD, of Illinois. Let me suggest that the amendment of the gentleman from Alabama is, as I understand his explanation, in accordance with the order of the House, and merely proposes to make an appropriation to carry out that order.

Mr. CALDWELL, of Alabama. Precisely.

Mr. BURCHARD, of Illinois. It seems to me, in so far as it is an appropriation in accordance with the order of the House, and recommended by the Committee on Printing, the point of order does not lie against it.

Mr. RANDALL. Has that become a law? Is it a resolution of both Houses?

The CHAIRMAN. The Chair would inquire whether it is a joint resolution which has passed both Houses and been signed by the President?

Mr. CALDWELL, of Alabama. That is not according to my information. I do not know that it is necessary for the President to sign such a resolution.

Mr. RANDALL. The Committee on Printing have the right to report at any time, and may do so if the appropriation made in the preceding paragraph is not sufficient.

Mr. WILSON, of Iowa. The Chair inquired whether a joint resolution had passed both Houses of Congress and been signed by the President authorizing this expenditure. I would suggest to the Chair that there have not been joint resolutions to make all the provisions of this bill in order.

The CHAIRMAN. The gentleman from Iowa misunderstood the Chair. The point the gentleman from Illinois [Mr. BURCHARD] was making was that an appropriation had been made. The Chair inquired whether that bill, resolution, or action of Congress under which the appropriation had been made had passed both Houses.

Mr. BURCHARD, of Illinois. The Chair misunderstood my suggestion. I stated not that an appropriation had been made, but that a resolution had passed the House ordering these copies to be printed, and that this it a proposition to make the appropriation necessary to carry out that order.

The CHAIRMAN. The Chair understood the gentleman from Illinois; but the point the Chair was making, by way of inquiry, was whether any appropriation had been made for this purpose.

Mr. RIDDLE. I understood the chairman of the Committee on Appropriations to remark the other day that provision was made for the publication of these reports in the ninety-first line of this bill. If that is not so I appeal to the chairman of the Committee on Appropriations to see that a sufficient appropriation is made for the purpose.

Mr. RANDALL. I believe the appropriations already made in this bill will be nearly sufficient, quite sufficient, I judge, to provide for the printing of these reports. I have not in anything I have stated here entered on any discussion of the merits of the question; I have merely made the point of order.

Mr. WILSON, of Iowa. I desire to ask the gentleman from Pennsylvania a question. If the chairman of the Committee on Appropriations will show us in what part of this bill provision is made for the printing of these reports, we have not another word to say. We merely want them printed.

Mr. RANDALL. I understood the chairman of the Committee on Printing—I do not know whether he is here now or not—to say that there was in the general appropriation sufficient money to cover this. I will not assert that there is, because I do not know it; but I will say this, that if it is not so, then the Committee on Printing have the right to report at any time, and can report at any time a bill from their own committee. I do not wish to put it in here, and therefore I make the point of order.

Mr. CALDWELL, of Alabama, rose.

The CHAIRMAN. The Chair is sufficiently advised to rule on the point of order; but if the gentleman from Alabama desires to make any further remark on it, the Chair will hear him.

Mr. CALDWELL, of Alabama. I desire to state this, Mr. Chairman: The chairman of the Committee on Appropriations in the debate two or three days ago upon this bill stated, as I understood him distinctly, that it was necessary to make an appropriation if these reports were to be printed. Now these resolutions authorizing the printing have been indorsed by the committee and have already passed this House and are now in the hands of the Senate. If the Senate shall take favorable action on those resolutions the gentleman must see the dilemma in which we shall be placed.

Mr. RANDALL. I cannot see that we will be placed in any dilemma whatever; because I see very well that the Committee on Printing can come in.

Mr. CALDWELL, of Alabama. That will take a separate bill.

Mr. RANDALL. Why not?

Mr. BURCHARD, of Illinois. The Committee on Printing cannot report an appropriation bill.

Mr. RANDALL. Yes, they can.

Mr. BURCHARD, of Illinois. It is for you to do so.

The CHAIRMAN. The debate on the point of order made by the gentleman from Pennsylvania has long since been exhausted, and the Chair will now rule on it.

Mr. CALDWELL, of Alabama. I understand from the chairman of the Committee on Appropriations that he is willing we should take a vote for this proposition in the House, provided——

The CHAIRMAN. Debate is not in order.

Mr. CALDWELL, of Alabama. I merely desired to state what I understood the chairman of the Committee on Appropriations proposed.

Mr. RANDALL. What I said was that if we find that there has

not been sufficient money provided for this purpose, I would not retard the House in any way in my power as an individual or as chairman of the committee from making an appropriation. But it must be remembered that the Senate have not acted on this proposition at all.

The CHAIRMAN. As the Chair has already stated, debate on the point of order has been exhausted some time ago. If the gentleman from Pennsylvania does not withdraw the point of order, the Chair asks permission to rule upon it.

Mr. RANDALL. I do not withdraw it.

The CHAIRMAN. The Chair will give his decision on the point of order as it has been raised, although the occupant of the chair would much have preferred that the question should have been decided by the committee. It is the judgment of the Chair that the point of order is well taken under the law, which provides that—

All motions to print extra copies of any bill, report, or other document shall be referred to the members of the Committee on Printing from the House in which the same may be made.

And that—

All propositions originating in either House for printing extra copies of public documents, the cost of which shall exceed $500, shall be by concurrent resolution; and all such resolutions shall, upon their transmission from either House, be immediately referred to the Committee on Printing of the House to which they are sent.

That excludes the amendment, and makes the order for this printing only competent by means of a concurrent resolution. The Chair holds that it is not in order as an amendment to this bill.

Mr. GLOVER. I desire to offer an amendment as a new paragraph, to come in after line 728.

Mr. BURCHARD, of Illinois. If the gentleman will allow me, I desire to offer an amendment which I think will obviate the objection raised to the amendment which the Chair has ruled out of order.

Mr. GLOVER. Your amendment can just as well follow mine. My amendment is to add the following as an additional paragraph:

To pay Thomas M. Howard for carrying the United States mails on route No. 10471, in the State of Missouri, from the 1st of April to the 1st of November, in the year 1861, $111.63.

Mr. HOLMAN. Mr. Chairman, that is certainly a private claim, which would be very proper before the Committee of Claims, but not as an item in an appropriation bill. It is not authorized by law.

The CHAIRMAN. Does the gentleman from Indiana make the point of order?

Mr. HOLMAN. I make the point of order.

Mr. GLOVER. I have consulted with the chairman of the Committee on Appropriations about this amendment and he has no objection to it. It is recognized by the Post-Office Department, and this amount has been due for fifteen years. I have here a letter from the Postmaster-General asking that the account be paid. I think there can be no objection to it.

The CHAIRMAN. There is no objection except the point of order made by the gentleman from Indiana.

Mr. HOLMAN. O, there are thousands of these claims, and all of them that have been referred to the Committee on Appropriations have been sent to the Committee of Claims.

Mr. GLOVER. No; there are not thousands of claims of this kind. This is not one of the southern claims which the gentleman from Indiana has antagonized so strongly.

Mr. HOLMAN. I know that all claims of this kind should be referred to the Committee of Claims.

The CHAIRMAN. The Chair feels constrained to sustain the point of order.

Mr. CALDWELL, of Alabama. I offer the following amendment:

For publishing such copies of the reports of the Commissioner of Agriculture for the years 1874 and 1875 as may be ordered by the House and Senate, $125,000.

Mr. RANDALL. I make the same point of order on that amendment as I made upon the other, that it must go to the Committee on Printing.

The CHAIRMAN. The Chair does not see the slightest difference, so far as the point of order is concerned, between this amendment and the one which the gentleman offered a few moments since.

Mr. CALDWELL, of Alabama. It seems to me that there is a very material difference. I understood the point of order made by the chairman of the Committee on Appropriations to be that there had been no action on the part of the Senate and no law authorizing this printing.

Mr. RANDALL. No; I did not make that point. I did not want to go into a discussion of the merits at all. I made the absolute point that all such amendments as this must under the law go to the Committee on Printing.

Mr. BURCHARD, of Illinois. The rule which the Chair read, and to which the gentleman from Pennsylvania alluded, is that propositions for printing of extra copies shall go to the Committee on Printing; but here is simply an appropriation for the publication of such copies as may be ordered by both Houses. If none are ordered, then of course no money will be expended. If there are any ordered, there would be authority to expend the money necessary to print them at present. A concurrent resolution of the House and the Senate is sufficient to order the printing, but not the expenditure of the money necessary to pay for that printing, and therefore it is necessary that an appropriation should be made for that purpose.

Mr. RANDALL. I make the point of order.

The CHAIRMAN. The Chair sustains the point of order, and would remind the gentleman from Illinois that the rule referred to by the gentleman from Pennsylvania, on page 176, reads:

All propositions in either House of Congress for printing extra copies of documents, the cost of which exceeds $500, shall be by concurrent resolution, which shall, upon its transmission from either House, be immediately referred to the Committee on Printing of the House to which it is sent.

Mr. WILSON, of Iowa, rose.

Mr. RANDALL. Is the point of order debatable?

The CHAIRMAN. It is not, but the Chair hopes that the committee will hear the gentleman from Iowa.

Mr. RANDALL. Time is so valuable.

Mr. WILSON, of Iowa. The ground taken by the Chair is correct as to the printing of extra copies costing more than $500; but the appropriation of the money must be done in an appropriation bill. Now, we have had the decision of the House that they will order these extra copies to be printed by a concurrent resolution, and the only question now is whether we will appropriate the money necessary for that printing.

The CHAIRMAN. The Chair has decided the question of order, and sustains the point of order.

Mr. CALDWELL, of Alabama. With great deference to the opinion of the Chair, I desire to take an appeal from that decision.

The question was taken, "Shall the decision of the Chair stand as the judgment of the committee?" and on a division there were—ayes 72, nays 31.

No further count being insisted upon, the decision of the Chair was sustained.

The Clerk proceeded with the reading of the bill, and read as follows:

For labor and expenses of engraving and printing, namely: For labor, (by the day, piece, or contract,) including labor of workmen skilled in engraving, transferring, plate-printing, and other specialties necessary for carrying on the work of engraving and printing notes, bonds, and other securities of the United States, the pay for such labor to be fixed by the Secretary of the Treasury at rates not exceeding the rates usually paid for such work; and for other expenses of engraving and printing notes, bonds, and other securities of the United States; for paper for notes, bonds, and other securities of the United States, including mill expenses, boxing, and transportation; for materials other than paper required in the work of engraving and printing; for purchase of engravers' tools, dies, rolls, and plates, and for machinery and repairs of the same, and for expenses of operating macerating-machines for the destruction of the United States notes, bonds, national-bank notes, and other obligations of the United States authorized to be destroyed, $813,000. And each of the employés recently furloughed and finally permanently discharged from service in the Bureau of Engraving and Printing shall receive one month's pay, for which purpose the sum of $25,000 is hereby appropriated: *Provided*, That said pay shall be given personally to said employés respectively only, and not to any agent claiming for them; *And provided further*, That in case of their restoration to employment in the Government's service, said month's pay shall be returned by them.

Mr. LUTTRELL. I would like to ask the chairman of the Committee on Appropriations a question. As I understand by the reading of the bill, it provides that those persons who were permanently discharged shall receive one month's pay. Why not apply that rule also to those who were discharged for two or three months? I know, of my own personal knowledge, many parties who were discharged for two or three months who suffered severely in consequence.

Mr. RANDALL. I am quite aware of that, but the committee considered this subject very carefully, and following the example set them by Congress heretofore, only made the appropriation of one month's pay to those permanently discharged. They felt that those who were furloughed were treated kindly by their re-appointment.

If we undertake to pay all the furloughed employés there would be an enormous sum of money required. The object of the committee was to give one month's pay to all who were permanently discharged to enable them to reach their homes.

Mr. KASSON. As preliminary to an amendment which I desire to offer, I wish to ask the chairman of the Committee on Appropriations [Mr. RANDALL] if any provision is made in this bill for paying the judgments of the Court of Claims?

Mr. RANDALL. The gentleman from Indiana [Mr. HOLMAN] has that particular subject in his care. I will say that so far as I understand the matter, subject to his correction if I am wrong, there is now unexpended of money heretofore appropriated a balance of about $600,000.

Mr. KASSON. Recollecting that we were assured that provision for this purpose would be made in this bill, it not having been made in the legislative appropriation bill, looking over this bill I found nothing—

Mr. RANDALL. There are two large claims.

Mr. KASSON. I find that there is remaining unpaid on the principal judgment of the court six hundred and thirty-three thousand and some odd dollars. Then there are additional judgments rendered and unpaid of about $45,000. The reason why the whole of the large judgment was not paid was that there was not money enough to pay it.

Mr. RANDALL. The gentleman from Indiana [Mr. HOLMAN] is now here and can explain that point.

Mr. KASSON. I have had handed to me by an officer of the court a statement upon which I have based my remarks. I move to amend by inserting as an independent paragraph at this point of this bill that which I send to the Clerk's desk to be read. It embraces the sum stated to me by an officer of the court as the amount required to pay existing judgments, and not to pay any judgments that may be

rendered during the coming year, although we have usually made provision for such judgments.

The Clerk read the amendment, which was to insert as a new paragraph the following:

For payment of judgments rendered by the Court of Claims, $678,000.

Mr. HOLMAN. I have before me a statement of the judgments rendered by the United States Court of Claims and not paid previous to May 19, 1876. A large portion of these judgments are appealed from to the Supreme Court of the United States. The judgment in favor of Marshall O. Roberts was affirmed by the Supreme Court. That has not been looked into, but it is not expected that an appropriation to pay that judgment will be required to be made at this session of Congress.

Mr. KASSON. The gentleman says the judgment in favor of Marshall O. Roberts has not been looked into. It has been looked into by the highest court of the land, and affirmed by that court, and nearly $400,000 of it paid, paid as far as the appropriation would go.

Mr. HOLMAN. I was informed that no part of that judgment would be paid. Had it not been for such information from the Treasury Department the subject would have been brought to the attention of the House long since. This is the first intimation I have heard that any part of that judgment has been paid.

Mr. KASSON. The judgment was for something over a million dollars.

Mr. HOLMAN. I do not think the balance of that judgment should be paid at this time. The amount remaining in the Treasury on May 19, 1876, for the payment of judgments of the Court of Claims was $586,707.12. The judgments of the Court of Claims, independent of those which have been appealed from, are very small in amount; I have not added up the figures. I will send to the Clerk's desk and ask to have read a letter from Mr. Conant, Acting Secretary of the Treasury. And I will also ask to have printed in the RECORD a statement of the judgments rendered by the Court of Claims and not paid previous to May 19, 1876.

The Clerk read as follows:

TREASURY DEPARTMENT,
Washington, D. C., May 19, 1876.

SIR: In reply to your inquiry of the 16th instant, I inclose a statement of judgments which have been rendered by the Court of Claims but not paid, and to state that the following amounts remain to the credit of the appropriation for payment of judgments of the Court of Claims, namely:

For fiscal year ending June 30—	
1874	$11,750 22
1875	176,587 88
1876	398,369 02
Total	586,707 12

As there are no judgments unpaid dated prior to June 30, 1874, the balance of $11,750.22 for that year will be carried into the general Treasury June 30, 1876.

Very respectfully,

CHAS. F. CONANT,
Acting Secretary.

Hon. W. S. HOLMAN,
House of Representatives.

The following is the statement referred to by Mr. HOLMAN:

Judgments rendered by the United States Court of Claims but not paid previous to May 19, 1876.

Date of judgment.	Name of claimant.	Amount awarded.
Jan. 12, 1874	John Landers*	$508 20
Jan. 19, 1874	William H. Hardy*	§158,015 00
May 18, 1874	Thomas R. Lovett*	20,000 00
Mar. 15, 1875	Edwin T. Tunis*	473 47
Mar. 29, 1875	Arthur Martin*	1,019 49
April 19, 1875	Christian Kinsinger*	1,500 00
May 17, 1875	Lewis Deutsch*	1,250 00
May 17, 1875	Thomas W. Sweeny*	768 81
May 17, 1875	Horatio Page	4,453 22
May 17, 1875	Return J. Meigs, jr*	400 00
May 17, 1875	Hilleary Grimes*	67 80
May 17, 1875	William A. Mulloy*	224 40
May 24, 1875	State National Bank of Boston*	§180,000 00
May 31, 1875	Union Pacific Railroad Company†	512,632 50
Jan. 10, 1876	Stephen Powers*	1,000 00
Feb. 29, 1876	Marshall O. Roberts and E. A. Dickerson, trustees of Albert G. Sloo‡	1,031,000 00
Mar. 6, 1876	Nathaniel Wilson	400 00
Mar. 27, 1876	Sebastian Kaufman	47 50
April 17, 1876	E. E. Norton, assignee in bankruptcy of S. De Bow & Co.	3,208 66
April 17, 1876	White & Montgomery	3,443 50
April 17, 1876	J. R. Bonnafon	2,066,10
April 17, 1876	E. E. Norton, assignee in bankruptcy of B. P. Ethell	3,856 74
April 18, 1876	Francis Cole	208 25
April 24, 1876	George W. Chilson	392 00
April 24, 1876	Cyrus C. Clarke	15,979 87
May 1, 1876	Joseph Smith	5,000 00
May 1, 1876	Charles G. Case & Co	38,502 81

* Pending on appeal to Supreme Court.
† Affirmed by Supreme Court October term, 1875.
‡ On mandate from Supreme Court.
§ In gold coin.

The CHAIRMAN. Debate upon the pending amendment has been exhausted.

Mr. KASSON. I move to increase the amount in the amendment by one dollar, for the purpose of making a further explanation. I hold in my hand a statement furnished by the clerk of the Court of Claims about three days ago, which I will read. It is as follows:

Amount remaining unpaid on the judgment of the Supreme Court in the Roberts case, $633,073.48.
Judgments of the Court of Claims of this term as yet unpaid, about $45,000.

He adds to the memorandum that some provision has always been made and should be made for judgments rendered during the next term. Knowing the desire of the Committee on Appropriations in respect to this bill, and feeling that it was a matter for their discretion, I have limited my amendment to the actual existing obligations of the United States by the judgments of its court, which it cannot repudiate, and which it would be wrong for it to postpone the payment of. I have included in my amendment the figures in the statement furnished by the clerk of the court, leaving off the fractions of thousands.

Mr. HOLMAN. I suppose that $40,000 or $45,000 was the amount remaining unpaid of judgments upon which no appeal has been taken. I still desire information from the Treasury Department that any portion of the Roberts judgment has been paid.

Mr. KASSON. If no portion of that judgment has been paid then the amount in my amendment is still too small instead of too large.

Mr. HOLMAN. Unless the gentleman has an official communication from the Treasury Department that a part of the Roberts judgment has been paid, I still desire to communicate further with that Department upon that subject.

Mr. KASSON. Would the gentleman then object to an arrangement by which we may obtain the requisite verification, so that the proposition may be offered in the House?

Mr. HOLMAN. If no part of the Roberts judgment has been paid, then there is an ample sum in the Treasury—over $500,000—to be applied to the payment of judgments which may be hereafter rendered.

Mr. KASSON. But surely the gentleman must see at once that if it has not been paid we shall have to increase the appropriation named in my amendment.

Mr. HOLMAN. I hope the gentleman will withdraw the amendment until we can ascertain the facts.

Mr. KASSON. Will the gentleman consent that it shall remain pending in order that we may ascertain the facts?

Mr. RANDALL. We expect to get through this bill to-day. I cannot agree to leave this matter pending. I hope that in the Roberts case nothing has been paid, because I would like to see a review of that case by some competent jurisdiction.

Mr. HOLMAN. We were assured that the judgment was not paid or any part of it; and it is not customary for the Treasury Department to pay a part of a judgment.

Mr. KASSON. Does the gentleman say that we are not bound to provide by law for carrying out a judgment which has been confirmed by the decision of the Supreme Court?

Mr. HOLMAN. I do not discuss that question now.

Mr. KASSON. I know nothing whatever of that particular case. I am simply acting as the organ of an officer of the court in proposing that provision to be made for discharging the obligations of the Government.

Mr. HOLMAN. I am satisfied that that judgment ought not to be paid until a very careful examination of the facts has been made.

Mr. KASSON. I hope we shall make provision for paying our debts.

The question being taken on the amendment of Mr. KASSON, it was not agreed to, there being—ayes 41, noes not counted.

Mr. KASSON. In view of the importance of this question, do not the gentlemen of the committee think that they would be justified in looking into the matter and having it brought up in the House before this bill is disposed of?

Mr. HOLMAN. I will telegraph at once to the Department and let the gentleman know what course we propose to pursue.

Mr. KASSON. We ought not to repudiate the obligations of the Government.

Mr. RANDALL. I do not consent to anything that will allow the payment of any money on that claim.

Mr. TOWNSEND, of Pennsylvania. I move to amend by striking out at the end of the pending paragraph the words "said month's pay shall be returned by them," and inserting in lieu thereof the following:

One-half of said month's pay shall be deducted from the first month's wages after such restoration, and the remaining half of said month's pay shall be deducted from the second month's wages after such restoration.

Mr. RANDALL. I have no objection to that amendment.

The amendment was adopted.

The Clerk read as follows:

COAST SURVEY.

Survey of the Atlantic and Gulf coasts: For every purpose and object necessary for and incident to the continuation of the survey of the Atlantic and Gulf coasts of the United States and the Mississippi River to the head of ship navigation, with soundings and observations of deep-sea temperatures in the Gulf Stream and the Gulf of Mexico, and observations of currents along the same coasts, and the preparation, engraving, lithographing, and issuing of charts, the preparation and publication of the Coast Pilot and other results of the Coast Survey, the purchase of materials therefor, and including compensation of civilians engaged in the work, and pay and subsistence of engineers for the steamers engaged on those coasts, $325,000.

Mr. YOUNG. I move to amend by inserting after the word "navigation," in line 764, the following:

And for a survey of said river from Cairo to New Orleans, together with its various outlets to the Gulf, with the view of ascertaining the most effectual method of protecting the alluvial lands bordering upon its banks from overflow.

I understand from the chairman of the Committee on Appropriations that there is no objection to this amendment.

The amendment was agreed to.

The Clerk read as follows:

Geodetic surveying, Coast Survey: For every purpose and object necessary for and incident to the continuation of the triangulation of the Coast Survey to form a connection between the Atlantic and Pacific coasts of the United States, and furnishing points for State surveys, including compensation of civilians engaged in the work, $50,000.

Mr. WHITE. I move to amend so as to make the appropriation for this purpose $75,000 instead of $50,000.

The Committee on Appropriations seems to have heard every person very patiently, and then with deliberation to have cut right and left without using even ordinary discretion. The amount which I propose is less than that recommended by the Superintendent of the Coast Survey. The Superintendent of the Coast Survey recommends that Congress appropriate $90,000 for the geodetic survey which is now in progress. A certain amount of work has already been done, but the efforts of the Superintendent are crippled. The appropriation is too small, and he cannot accomplish the service expected of him with the money we propose to give him.

Let me give an illustration of the importance of making ample appropriation for the completion of the geodetic survey. Last year a branch of the Coast Survey was sent into my State; and, in triangulating that portion of the continent lying in Western Virginia and Southeastern Kentucky, they found that Cumberland Gap, a very important fortification in the time of the war, was three miles out of its proper place. Now suppose that my resolution, to extend the slack-water navigation of the Kentucky River to the sea via the south fork of Kentucky River, Richland Creek, Cumberland River, Cumberland Gap, and the Hiawassee and Savannah Rivers, shall be adopted, and the canal-route shall be established, then, sir, all the lands lying along this route will be three miles out of place.

The result will be that foreigners who purchase those lands will be disappointed when they find them three miles removed from where they should be. The geodetic survey, going hand-in-hand with the geological surveys of the several States, will correctly ascertain and satisfactorily establish the true topography of the interior country.

This work should be hastened to completion, not merely for the sake of Americans and foreigners who shall invest in lands lying along this canal, but it should go on in the interest of science.

The triangulation of our country is an absolute necessity. The curvature of the earth is recognized by scientific men in this country and everywhere. The importance of this work cannot be overestimated in order to determine, not only the geography of the country, but it is of vast assistance to the Coast Survey and to the Signal Service. It has not been very long since the geography of the head-waters of the Missouri River in a very elegant pamphlet known as "Appleton's Picturesque America" was incorrectly mapped out on the wrong side of the Rocky Mountains, the Madison, Gallatin, and Jefferson being represented as flowing into the Columbia River, instead of into the Missouri River. It was a most egregious error. We laugh at Englishmen when they pretend that Michigan is in New England and Wyoming Territory in California, but when we come down to the facts we find that we ourselves in this enlightened country do not know within three miles of where Cumberland Gap is. It seems to me that a sufficient appropriation should be made to determine the geography and the topography of the country. Nothing can be more necessary. I hope that my amendment will be adopted.

Mr. RANDALL. I wish to say to the gentleman that when I get through with these amendments perhaps some of his objections will be obviated. If not I can only say that with this amendment the head of the Coast Survey is satisfied.

Mr. WHITE. Of course the Coast Survey will be satisfied, as they are compelled to be satisfied with whatever they can get.

Mr. WHITE's amendment was rejected.

Mr. RANDALL. I move the following amendment, to come in after line 824:

For difference between the amount appropriated and the amount of rent for buildings Nos. 211 New Jersey avenue, south, and 215 South Capitol street, for the fiscal year ending June 30, 1876, $3,600.

Mr. HOLMAN. The rent of this establishment is becoming very serious. It is becoming an immense department of itself, renting a large portion of the city. The last Congress tried to impose some restraint upon them in reference to rent, limiting the amount to be paid. In defiance of that they now come and ask us to appropriate the difference between the sum they wanted and the sum the last Congress appropriated. On that principle there is no use trying to limit establishments like this.

Mr. RANDALL. I only wish to say to this House this difference embraces——

Mr. HOLMAN. We struck this out of the bill.

Mr. RANDALL. I know we did in committee, but I am advised this is necessary under a contract by which the Government is bound. If the gentleman knows to the contrary, I will not press the amendment.

Mr. HOLMAN. The contract may have been made, but the contract was not made in pursuance of authority, because the law is specific, that rent shall only be paid in pursuance of appropriations made by Congress.

Mr. RANDALL. I withdraw it, as the gentleman does not think it is correct.

Mr. HOLMAN. I do not think the amendment ought to be made.

Mr. RANDALL. I move after line 824 to add the following.

The Clerk read as follows:

To effect a transfer in the accounts of the Coast Survey appropriations for the fiscal year ending June 30, 1875, and involving no expenditure of money from the Treasury, namely, from the item entitled "repairs of vessels," to the item entitled "survey of the Atlantic and Gulf coast," in said appropriations, $4,796.51.

The amendment was agreed to.

Mr. WALLING. I move the following amendment.

The Clerk read as follows:

For photolithographing and printing the large connected land map of the United States and Territories, $2,500.

Mr. HOLMAN. That proposition is subject to the point of order, but I will not press it. I wish to ask the gentleman from Ohio whether this is to be the entire expense to the Government of this work?

Mr. WALLING. I wish to say to the gentleman from Indiana this is the entire expense proposed to be paid from the Treasury of the United States. This is a connected series of maps commenced by order of Congress in 1848 which may be used in the common form or in the large form. The object is to photolithograph this map to be sent to the public institutions of the country, and that surveyors may use it in making maps of various subdivisions of the United States. It indicates the various surveys of public lands, geographical and geological surveys, and is a map that ought to be preserved in all our public libraries. The appropriation made by the committee is sufficient to cover the photolithographing of five hundred copies. We first asked the Committee on Appropriations for $5,000, but the Committee on Public Lands have instructed me to say that we would be satisfied with $2,500 for this purpose. I trust the appropriation will be made. It is a matter of great importance to us.

The amendment was agreed to.

Mr. WILLIAMS, of Indiana. I offer the following amendment:

Insert after the amendment just adopted the following:

That the sum of $302.40 be, and the same is hereby, appropriated to Henry Cliff, Charles S. Reisinger, and Charles E. Diemar, for services rendered as folders for the month of February, 1874, to be divided equally between the three named gentlemen.

I have here a certificate from the gentlemen named saying that they served a full month in February, 1874, and asking their pay. I also have the certificate of the assistant clerk of the House of Representatives saying that they received no pay, and also that of Mr. Buxton, who was then Doorkeeper of the House, to the same effect. I ask that these certificates be read.

The certificates were read, as follows:

We, the undersigned, certify that we worked a full month in February, 1874, and were not paid therefor by the House of Representatives.

HENRY CLIFF.
CHARLES S. REISINGER.
CHAS. E. DIEMAR.

I certify that the above-named Henry Cliff, Charles S. Reisinger, and Charles E. Diemar, were not paid as folders during the month of February, 1874, as will appear by the Clerk's annual report, made to the House of Representatives December 11, 1874.

JOHN BAILEY,
Assistant Clerk, House of Representatives.
O. S. BUXTON,
Late Doorkeeper House of Representatives.

The amendment was agreed to.

Mr. RAINEY. I offer the following amendment:

After line 840, insert the following:

For the introduction of shad into the rivers Congaree and Wateree, in the State of South Carolina, $10,000.

Since the war the supply of shad in those rivers has been very much decreased. It has been a source of complaint among the people in my State, which has been brought to the attention of the executive of the State of South Carolina, and he wrote me a letter, not a long while since, in regard to this matter, asking that I should bring it to the attention of Congress. We ask for very little in that State. I do not know that any occasion has presented itself when we have asked anything at the hands of Congress in this particular. We have voted very liberally money for the purpose of having fish disseminated in our waters in different parts of the United States; but we have never asked at any time that an appropriation should be made for the benefit of the people of my State in this regard. I hope that this Congress will at this time see proper to make this appropriation, that we may also in South Carolina have our waters well supplied with food fish.

Mr. HOLMAN. I ask that the amendment may be again read.

The amendment was again read.

Mr. HOLMAN. We have appropriated very liberally for the propagation of food fishes, fully up to the estimates. I hope the gentleman from South Carolina will not insist on this appropriation. The Com-

missioner of Fish and Fisheries will have no difficulty in supplying him with any quantity of fish-eggs.

Mr. RAINEY. I would not insist on this if it were not that in the paragraph in the bill an appropriation is only made for the introduction of shad into the waters of the Pacific States, the Gulf States, and the Mississippi Valley.

Mr. BLOUNT. They are putting these fishes into the southern rivers now.

Mr. HOLMAN. They go anywhere under this clause.

Mr. RAINEY. The paragraph reads—

For the introduction of shad into the waters of the Pacific States, the Gulf States, and the Mississippi Valley.

And I wish to have it distinctly understood that we have never had one fish put into the waters of the State of South Carolina. I want that brought to the attention of the House. I say that we have been too long neglected in that particular. It is a necessity with the people in my State that this appropriation should be made.

Mr. HOLMAN. I think I can meet the views of the gentleman by moving to amend the text of the original proposition and inserting after the word "Pacific" the word "and Atlantic."

Mr. RAINEY. I accept the amendment.

Mr. FOSTER. I object to the amendment. It is good enough now.

Mr. RANDALL. Gentleman will recollect that the estimate was $47,500. We advanced $17,500; and the $30,000 in the paragraph is the balance of that estimate. I hope gentlemen will not interfere with South Carolina having this fish introduced into its rivers.

The CHAIRMAN. The Clerk will read the paragraph which it is proposed to amend.

The Clerk read as follows:

Propagation of food-fishes: For introduction of shad into the waters of the Pacific States, of the Gulf States, and of the Mississippi Valley, and of salmon, whitefish, and other useful food-fishes into the waters of the United States to which they are best adapted, $30,000.

Mr. HOLMAN. I move to amend by adding the words "and Atlantic" after the word "Pacific."

The amendment was agreed to.

Mr. RAINEY. I now withdraw my amendment.

MESSAGE FROM THE SENATE.

Here the committee informally rose, and the Speaker *pro tempore* having taken the chair,

A message from the Senate, by Mr. SYMPSON, one of their clerks, informed the House that the Senate insisted upon its amendments to the bill (H. R. No. 3478) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty obligations with various Indian tribes for the year ending June 30, 1877, and for other purposes, disagreed to by the House of Representatives, agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. WINDOM, Mr. LOGAN, and Mr. RANSOM as conferees on the part of the Senate.

MESSAGE FROM THE PRESIDENT.

A message from the President of the United States, by Mr. C. C. SNIFFEN, his private secretary, informed the House that the President had approved a bill of the following title:

An act (H. R. No. 1071) for the relief of Lieutenant James B. Sinclair, United States Army.

The message also announced that bills of the following titles having been received by the President on the 8th day of June, and not having been returned by him to the House within the ten days prescribed by the Constitution, have become laws without his signature:

An act (H. R. No. 1992) granting an additional pension to Mary P. Abeel;

An act (H. R. No. 42) granting a pension to Francis Bernard;

An act (H. R. No. 2306) granting a pension to John McIntire;

An act (H. R. No. 2291) granting a pension to John H. Garrison; and

An act (H. R. No. 915) for the relief of F. M. Blount, of Chicago, Illinois.

SUNDRY CIVIL APPROPRIATION BILL.

The Committee of the Whole resumed its session.

The Clerk read the following paragraph:

SIGNAL-OFFICE.

For expenses of the observation and report of storms by telegraph and signal for the benefit of commerce and agriculture throughout the United States; for manufacture, purchase, or repair of meteorological and other necessary instruments for telegraphing reports; for expenses of storm-signals, announcing probable approach and force of storms; for continuing the establishment and connection of stations at life-saving stations and light-houses; for instrument-shelters; for hire, furniture, and expenses of offices maintained for public use in cities or ports receiving reports; for river reports; for books, periodicals, newspapers, and stationery; and for incidental expenses not otherwise provided for, $300,000.

Mr. HANCOCK. I offer the following amendment:

After line 892 add the following:

Construction, maintenance, and repair of military telegraph lines: For completing the construction, maintenance, and use of military telegraph lines on the Indian and Mexican frontiers, and for the better protection of military posts and stations, for the better protection of immigration and the frontier settlements from depredations, especially in the State of Texas, the Territories of New Mexico, Arizona, and the Indian Territory, under the provisions of the act approved March 3, 1875, $45,000.

Mr. HANCOCK. If that is satisfactory to the Committee on Appropriations I do not desire to speak on it.

Mr. RANDALL. No, sir. I think that this had better go over for another year.

Mr. HANCOCK. I am not willing that it shall go over for another year, or for another day. I appeal to the sense of justice, as well as of humanity of the members of this committee whether it should go over.

These are the facts: At an expense of between two and three hundred thousand dollars we have within these Territories and the State of Texas constructed something over twenty-five hundred miles of military telegraph. The lines are not self-sustaining, by reason of the receipts of the different stations for messages sent by individuals, but a sufficient amount is received from that source to go a good ways toward paying the expenses of operating these military telegraph lines. They have been constructed on the recommendation of the military authorities, and their great utility is testified to by the military officers in command. They testify that they have been found immensely beneficial in carrying on military operations against the Indians. But recently we had an official report from General Hatch, in command in New Mexico, who says that by reason of having telegraph lines he could easily concentrate his forces and prevent the Indians from making depredations. General Ord, who is in command in Texas, speaks of the benefit derived there from this system by reason of being able to dispense with a great deal of dispatch duty, and ascertaining at once when depredations are committed upon the frontier of that State, a distance in the aggregate of nearly seventeen hundred miles. Now, while I do not wish to antagonize the spirit of economy, retrenchment, and reform, I do insist that no kind of economy, retrenchment, and reform would warrant such a policy as would dispense with the use of telegraph lines, such a valuable adjunct of the military operations in that country where it is very much needed.

The amount I propose is simply the estimate made by the officers who are charged with the duty of completing the construction of these lines, for let me state that there is a space of probably two hundred miles over which the lines have not yet been completed. If we are to do nothing more in this line, or if we are not to keep up this system, then the amount in the bill might be sufficient to operate the lines already constructed; but let me say to the House that the beneficial effects of these telegraph lines have given us better protection on the borders of Texas against Indian depredations than we have had since the day of annexation, and I hope that this appropriation will not be denied us now.

[Here the hammer fell.]

Mr. REAGAN. I wish for one moment to unite with my colleague in calling the attention of the committee to this subject. On the recommendation of the Secretary of War, sustained by the recommendation of General Sherman and General Sheridan and General Ord and other men connected with the military service in that country, on the 3d of June, 1874, the following act was passed:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War be, and he is hereby, authorized to construct and operate a line of telegraph, beginning at or near the city of Denison, in Grayson County, Texas; thence by the nearest practicable route to Fort Sill, Indian Territory; thence to Fort Richardson, Texas; thence along the northern frontier line of settlements to Forts Griffin and Concho; thence to the Pecos River, at or near the mouth of Toyah Creek; thence to Fort Clarke, on Las Moras Creek; thence to Fort Duncan, on the Rio Grande; thence down the Rio Grande, via Fort McIntosh and Ringgold's Barracks, to Brownsville, so as to connect the military posts which are now, or may hereafter be, established on said line with the military headquarters of said district; and that the sum of $100,000, or so much thereof as may be necessary, be, and the same is hereby, appropriated out of any money in the Treasury of the United States not otherwise appropriated.

In pursuance of this policy, in 1874 $100,000 was appropriated for this purpose. The appropriation bill of 1875 provided—

For completing the construction and for maintenance and use of military telegraph lines on the Indian and Mexican frontiers, and for the connection of military posts and stations, for the better protection of immigration and the frontier settlements from depredations, especially in the State of Texas, the Territories of New Mexico and Arizona, and the Indian Territory, $88,000: *Provided*, That the Secretary of War be, and he is hereby, authorized to pay the expenses of operating and keeping in repair the said telegraph lines out of any money received for dispatches sent over said lines; any balance remaining after the payment of such expenses to be covered into the Treasury as a miscellaneous receipt; the money received in any one fiscal year to be used only in payment for the expenses of that year.

[Here the hammer fell.]

Mr. RANDALL obtained the floor.

Mr. REAGAN. I would ask if the House would not give me five minutes more to explain this matter, as I look on it as one of very great moment to our State.

Mr. HOLMAN. There is no estimate for this expenditure.

Mr. REAGAN. O, the gentleman is mistaken. I hold here the estimates for this service.

Mr. HOLMAN. On what page of the Book of Estimates is it?

Mr. REAGAN. The estimate will be found at the bottom of page 152, and is as follows:

For the construction and continuing the construction, maintenance, and use of military telegraph lines on Indian and Mexican frontiers, and for the connection of military posts and stations, for the better protection of immigration and the frontier settlements from depredations, especially in the State of Texas, the Territories of New Mexico and Arizona, and the Indian Territory, under the provisions of the act approved March 3, 1875.

I should be very glad if the gentleman would allow me two or three minutes more time.

Mr. HOLMAN. I will yield to the gentleman three minutes of my time.

Mr. REAGAN. I want to say as well as I can in that brief period that greater security has been given to the lives and property of the people upon the frontier since the construction of these telegraph lines than we have experienced on that frontier for the last twenty-odd years.

It will at once be seen how this was brought about. Heretofore, before these lines were established, the frontier posts were remote from each other and extended over a long frontier. The Indians could pass down between them, and the first that was known would be their striking the settlements and murdering and capturing the people and taking away their property. The value and importance of these lines of telegraph which have been established are fully realized and recognized by the Secretary of War and the General of the Army. A small force is needed for the protection of the operators, and they are able to communicate intelligence from any point when the Indians have passed the line at any given point. That fact is communicated to all the posts on the frontier and to military headquarters. This being done, pursuit is ordered as the Indians come in, and they are placed at that disadvantage. Formerly the pursuit was not made until the damage had been done, and then the troops pursued the Indians after the Indians had committed their depredations. This system places the Indians in the power of the military authorities and they realize that fact, and their realization of that fact gives great protection to the people.

Besides that, I desire the House to understand that this is a measure of economy worth hundreds of thousands and possibly millions to the Government by enabling a given number of troops to be so much more efficient and give so much more protection to the settlers than would be possible if they did not have means of telegraphic communication.

Mr. HOLMAN. After appropriating as we have $188,000 for this purpose, it seems a little strange that $45,000 more should be asked. There has been appropriated $188,000 for the purpose of establishing telegraph lines in the State of Texas: $100,000 year before last and $88,000 last year.

Mr. REAGAN. My colleague [Mr. HANCOCK] has explained that a portion of these lines have yet to be constructed. After these lines are completed it will require an additional appropriation for operators, chemicals, instruments, &c.

Mr. HOLMAN. Will it require $45,000 for that?

Mr. REAGAN. It has been explained by my colleague that a portion of these lines are not yet built.

[Here the hammer fell.]

The CHAIRMAN. The time of the gentleman from Indiana [Mr. HOLMAN] has expired.

Mr. MILLS. I move to strike out the last word, in order to have an opportunity to state to the gentleman from Indiana [Mr. HOLMAN] that, when this proposition was reported to the House two years ago by the Committee on Indian Affairs, he will remember that the committee reported the sum of $200,000 as necessary for establishing this telegraph line. It was said by gentlemen on this floor that the line could be built for $100,000; and Mr. Giddings, who was then representing the State of Texas, on the Committee on Indian Affairs, consented to cut down the appropriation to $100,000, upon the assurance of gentlemen in the House that if that was not a sufficient amount to establish the telegraph line then an additional amount would be appropriated at a subsequent session of Congress. It turned out that the Committee on Indian Affairs was correct in their estimate, and that $100,000 was not a sufficient amount to accomplish the purpose. I hope the Committee of the Whole will adopt the amendment of my colleague [Mr. HANCOCK] and appropriate the additional amount now asked.

Mr. THROCKMORTON. I beg leave to add a word or two to what has been said by my colleagues on this subject, and I desire especially the attention of the members of the Committee on Appropriations to the statement I propose to make. In the establishment of this telegraph line the stations are made at the military posts, a long distance apart.

Mr. BLOUNT. What is the distance?

Mr. THROCKMORTON. In some cases it is a hundred miles, in others as much as one hundred and fifty miles. If this telegraph line is to be of use in defending the country or for protecting the people, there must be intermediate stations established. I will give to the House one or two instances of Indian depredations that took place before this line was established. Had the line then been in existence the Indians might have been captured or their depredations prevented.

In one instance the Indians from the Fort Sill reservation penetrated into the State over two hundred miles from their reservation until they reached densely-populated counties, and even into the streets of a county town. They committed their depredations in broad daylight, killed a number of persons, captured women and children, and a large number of horses, and escaped before their presence in the country was known to the military. Had there been a telegraphic line at that time and stations at points between Denison and Fort Richardson, a distance of over one hundred miles, the military could have been notified at Fort Sill and at Fort Richardson of the presence of the Indians in the country, and they could have been intercepted before they returned.

And so it is along the whole frontier. From Brownsville to Fort Davis, on the Rio Grande, the telegraph runs a distance of at least five hundred miles, and there should be not less than fifty stations between those two points. As it is there are but three or four. That line of five hundred miles extends up and down the Rio Grande, and is subjected to incursions by Mexican banditti and the Seminole Indians, who have taken refuge in Mexico. During this last month the Seminole Indians as well as the Mexican raiders have made incursions into Texas. If there were telegraph stations every fifteen or twenty miles along that line it would be impossible for them to come in, commit their depredations, and return without being intercepted by the military.

The observation made by my colleague [Mr. REAGAN] that this is a measure of economy is undoubtedly correct. If these telegraph stations were established and kept up, these marauders would be so continually intercepted, in consequence of information conveyed from point to point of their presence, that their depredations would cease, the people of Texas would be protected, their property preserved, and many hundreds of thousands of dollars saved to the Government which cannot now be saved unless you make this telegraphic line thoroughly effective.

Mr. MILLS. I withdraw my formal amendment.

The question was then taken upon the amendment offered by Mr. HANCOCK; and upon a division there were ayes 93, noes not counted.

So the amendment was adopted.

Mr. PAGE. I move that the committee now rise.

Mr. HOLMAN. I hope not.

Mr. HANCOCK. I desire to offer another amendment.

Mr. RANDALL. I desire to offer an amendment.

The motion that the committee rise was not agreed to.

Mr. HANCOCK. In order to complete the amendment which has just been adopted I offer the following:

And the Secretary of War is hereby authorized to detail from the enlisted force of the Army such number of men, not to exceed one hundred, as may be necessary to maintain and operate, under the direction of the Chief Signal Officer, the United States military telegraph lines in Texas, Arizona, New Mexico, California, and the Indian Territory.

Mr. RANDALL. I object to that. It is just what I expected would be the result. That amendment will involve an expense of $200,000.

Mr. HANCOCK. It will not involve an expense of a single dollar; but as it seems to be objected to I will withdraw it.

Mr. RANDALL. I offer the following to come in as an additional paragraph:

To pay George W. Green, contestee, expenses in contested-election case of Green *vs.* Van Wyck, fourteenth district of New York, Forty-first Congress, $3,000.

Mr. PAGE. Was not that ruled out the other day on a point of order?

The CHAIRMAN. It was ruled out by the Chair, who at that time did not know that no points of order had been reserved upon this bill when it was committed to the Committee of the Whole. After that fact was ascertained the Chair held, and he was supported unanimously by the Committee of the Whole, that it would not have been ruled out of order had that fact been known at the time.

The amendment of Mr. RANDALL was agreed to.

Mr. CASWELL. I move to amend by increasing the appropriation for the Signal Office in the War Department from $300,000 to $400,000. I can give this House no new information upon this subject. We probably all understand the great importance of the Signal Service. The amendment proposed does not reach the amount recommended by the Superintendent. I had hoped that we might have a station established in the university at the capital of my State; and I had encouragement to that effect, provided the proper amount could be appropriated for maintaining the Signal Service. This is an institution that ought to be encouraged and strengthened rather than weakened. But I am told that if the bill should pass in its present form, nearly thirty of the present signal stations must be discontinued. Hence I move to amend to increase the appropriation to $400,000.

The amendment was not agreed to.

The Clerk read as follows:

For payment of costs and charges of State penitentiaries, for the care, clothing, maintenance, and medical attendance of United States military convicts confined in them, $40,000.

Mr. PHILLIPS, of Kansas. I move to amend by inserting after the clause just read the following:

For workshops for the United States military prison at Fort Leavenworth, $60,000.

Mr. RANDALL. I make a point of order on that amendment.

Mr. PHILLIPS, of Kansas. No point of order can lie against it. These buildings are now in progress.

Mr. RANDALL. My point of order is that this is an expenditure not provided for by law.

Mr. PHILLIPS, of Kansas. It is contemplated by existing law.

The CHAIRMAN. Does the gentleman from Kansas desire to be heard on the point of order.

Mr. PHILLIPS, of Kansas. Yes, sir.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. PHILLIPS, of Kansas. This military prison of the United States has been located at Fort Leavenworth. Formerly when soldiers were convicted of offenses they were confined—often with robbers and murderers—in the penitentiaries of the different States. Some years ago Congress provided for this military prison in which

soldiers should not be confined with criminals. Appropriations have been made for this institution; and the buildings are now progressing.

The appropriation proposed in my amendment is required under estimates made by officers of the Army now detailed to superintend the completion of this prison. They have made this estimate for workshops, because at present men are confined in iron cells where their time cannot be occupied for the benefit of the public.

The law contemplates the completion of this building; and this appropriation is in accordance with the estimates and in pursuance of the law under which the institution has been established. I submit, therefore, that the point of order cannot lie. I say that the law contemplates the existence of this prison, and it is indispensable that these workshops should be completed.

Mr. RANDALL. In order to save time I withdraw my point of order. Let the committee decide on the amendment.

The amendment was not agreed to, there being ayes 24, noes not counted.

The Clerk read as follows:

Surveys for military defenses: For military surveys and reconnaissances by the engineer officers attached to the various headquarters of military divisions and departments, and for the construction and publication of maps for use of the War Department and the Army, the unexpended balance of the appropriation for this purpose for the fiscal year ending June 30, 1876, is hereby continued and made available for the service of the fiscal year ending June 30, 1877.

Mr. WELLS, of Missouri. I move to amend by striking out in the paragraph just read the words "this purpose," and inserting the words "said coast defenses."

The amendment was agreed to.

The Clerk read as follows:

For publication of the official records of the rebellion, both of the Union and confederate armies, $40,000; to be paid to persons only who are not otherwise employed by the Government: *Provided*, That hereafter no person in the employ of the Government of the United States, or of any department thereof, or of the District of Columbia, shall hold two places of honor, trust, emolument, or salary: *And provided also*, That no officer, clerk, or employé of Congress shall hold any other office of honor, trust, emolument, or salary while receiving pay from the Senate or House of Representatives.

Mr. FOSTER. I move to amend the paragraph just read by striking out the two provisos. I think their effect is much more comprehensive than was intended by the gentleman from Pennsylvania when they were framed. They would prevent any Army officer or other officer of the Government from holding any position of trust; for instance, in our benevolent institutions, where there are now many such officers. These provisions would even prevent a member of Congress from holding a position of honor in those institutions; they would even prevent the appointment of a member of Congress as a visitor to West Point or the Naval Academy. I think these provisions are much more comprehensive than they were intended to be by the gentleman from Pennsylvania.

Mr. RANDALL. No, sir; I think there has been great abuse in the heaping of several offices upon one man.

Mr. KASSON. I would like to ask the gentleman from Ohio [Mr. FOSTER] whether these provisions would not also prevent the appointment of members of Congress as regents of the Smithsonian Institution?

Mr. FOSTER. Certainly.

Mr. RANDALL. I think not.

Mr. FOSTER. If the provisos be limited to apply only to the appropriation made in this paragraph that will be well enough.

Mr. RANDALL. There are men known to hold four offices in this District.

Mr. STEELE. Certainly this cannot apply to members of Congress. They are not "in the employ of the Government of the United States."

Mr. RANDALL. My object is a plain one.

Mr. FOSTER. I know what the gentleman intends, but I think the language is much too comprehensive.

Mr. SEELYE. I suggest that the words "honor, trust" be struck out.

Mr. RANDALL. Very well; let those words be struck out and the word "profit" inserted. Let the language be, "profit, emolument, or salary."

Mr. KASSON. I hardly think that will accomplish the object intended. Traveling expenses are allowed to visitors to West Point.

Mr. RANDALL. There is no profit in that.

Mr. KASSON. It is "emolument." Say, "to which salaries are attached."

Mr. FOSTER. I suggest permission be given to the gentleman to draw up a substitute for this provision.

Mr. RANDALL. To which salaries or profits may be attached.

Mr. FOSTER. Let us pass it over for the present, so the gentleman from Pennsylvania can arrange it.

Mr. RANDALL. I move to modify the provision so it will read as follows:

Provided, That hereafter no person in the employ of the Government of the United States, or of any department thereof, or of the District of Columbia, shall hold two places of profit, emolument, or salary: *And provided also*, That no officer, clerk, or employé of Congress shall hold any other office of profit, emolument, or salary while receiving pay from the Senate or House of Representatives.

Mr. FOSTER. I renew my motion to strike out these provisos.

Mr. HOLMAN. The question first recurs on the amendment of the gentleman from Pennsylvania to amend what is proposed to be stricken out.

The CHAIRMAN. Certainly.

Mr. RANDALL'S amendment was agreed to.

Mr. FOSTER'S motion to strike out was disagreed to.

Mr. HOLMAN. I move after line 929 to insert the following——

Mr. CONGER. Before that amendment is read I wish to call the attention of the House to the fact that we have already provided in this bill for certain officers who may hold two offices and may have the salaries provided for in the District of Columbia under this bill. The provisions, then, which have just been passed are in violation of previous provisions on page 10.

Mr. HOLMAN. I move to add the words, then, to the proviso "except as authorized by this act."

Mr. CONGER. But there are other laws beside this.

Mr. HOLMAN. This is the only one applying to this District.

Mr. CONGER. The very bill we are acting upon provides for the holding of two offices by the same person, and these provisos are directly in violation of those preceding provisions of the bill.

Mr. HOLMAN. I move to add the words "except as authorized by this act."

The amendment was agreed to.

Mr. HOLMAN. I move to insert after line 929 the following as a new paragraph:

The Clerk read as follows:

For completing the medical and surgical history of the war the unexpended balance of appropriation made by the act of June 8, 1872, and re-appropriated January 23, 1874, is hereby continued and rendered available, and the Surgeon-General is hereby authorized to continue on duty in his Office the acting assistant surgeons now employed on said history.

Mr. HOLMAN. Mr. Chairman, I understand the sum re-appropriated by this provision is about $20,000, and I presume there will be no objection to it.

The amendment was agreed to.

Mr. VANCE, of North Carolina. I move after line 929 to insert the following:

To authorize the Clerk of the House of Representatives to pay Theodore T. Davidson for thirteen days' service as clerk of the Committee on Patents at $4 per day, $52.

The amendment was adopted.

Mr. HOLMAN. I think that amendment should be inserted in a different place.

Mr. VANCE, of North Carolina. I move, then, that it be inserted in line 73.

The CHAIRMAN. The Chair hears no objection, and it will be so inserted.

The Clerk read as follows:

Support of National Home for Disabled Volunteer Soldiers: For current expenses, including construction and repairs, namely, for Central branch, Eastern branch, Northwestern branch, Southern branch, and for out-door relief and incidental expenses, $118,733.44, in addition to the unexpended balance of former appropriations, which is hereby continued and made available for the service of the fiscal year ending June 30, 1877.

Mr. McMAHON. I move to add the following amendment:

The Clerk read as follows:

To aid in the completion of the soldier's monument at the Central branch of the National Military Home, $2,000.

Mr. McMAHON. Mr. Chairman, I think there will be no objection by the committee to the acceptance of this amendment. This is a monument which has been commenced and partially built by the soldiers themselves out of their pension money, and it is located and situated on the property of the United States.

Mr. RANDALL. That is all right.

The amendment was agreed to.

Mr. PAGE. We have now got down to the Interior Department, and I hope we will take a recess.

Mr. RANDALL. I think it due to the House to give it the choice of proceeding now with the balance of the bill, which will take an hour or probably a little more than an hour, or taking a recess.

Mr. VANCE, of North Carolina. Let us take a recess.

Mr. RANDALL. To test the sense of the committee whether we shall take a recess or go on with the bill, I make the motion that the committee now rise, and those who desire a recess will vote "aye," and those who wish to remain and finish the bill before adjourning will vote "no."

The motion was agreed to.

The committee accordingly arose; and the Speaker *pro tempore* having resumed the chair, Mr. BLACKBURN reported that the Committee of the Whole had had under consideration the bill (H. R. No. 3749) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1877, and for other purposes, and had come to no resolution thereon.

Mr. RANDALL. I desire to give notice that there will be a vote on this bill to-night, so gentlemen may come and thereby vote without being inconveniently disturbed if they do not come.

Mr. RUSK. How is that?

Mr. RANDALL. By a call of the House.

Mr. RUSK. I ask leave of absence. [Laughter.]

Mr. CONGER. I wish to ask the chairman if we finish this bill to-

night whether he will have any objection to having an adjournment until Monday next?

Mr. RANDALL. I wish to say to the House I think we had better have a session to-morrow. It may be of short duration, but it is absolutely indispensable. I do not think there ought to be an adjournment on account of the convention.

Mr. CONGER. I think not; but there are a great many members who have Department business, and we have not had a Saturday for a long time.

Mr. RANDALL. There is an important election, I may as well state, to take place to-morrow. The present Speaker *pro tempore* will be absent, and it will be necessary to elect a Speaker *pro tempore* in his stead, and we must meet for that purpose. We may agree there shall be no other business to-morrow except what I have stated.

Mr. RUSK. Let us go on now.

Mr. RANDALL. I wish to say that there is a good deal of unobjectionable business which can be disposed of during Monday, Tuesday, and Wednesday. And although a good many members will not be present, I think the public business is so pressing that there should not be an adjournment. There will be quite a number of enrolled bills. The conference committees are meeting and may be able to report. If there are any points of dispute where a record or a quorum is necessary, they can be postponed until later in the week.

THOMAS L. HOWARD.

Mr. GLOVER, by unanimous consent, introduced a bill (H. R. No. 3766) for the relief of Thomas L. Howard, of Lewis County, Missouri; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

NAVAL APPROPRIATION BILL.

Mr. BLOUNT. I move that the House non-concur in the Senate amendments to the bill (H. R. No. 3375) making appropriations for the naval service for the year ending June 30, 1877, and for other purposes, and ask for a committee of conference thereon.

The motion was agreed to.

The SPEAKER *pro tempore*. The Chair appoints as conferees on the part of the House Mr. BLOUNT, Mr. WHITTHORNE, and Mr. HALE.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was given as follows:

To Mr. WILLIAMS, of Indiana, indefinitely.

To Mr. LEVY for ten days.

To Mr. HOSKINS for two weeks.

To Mr. TOWNSEND, of Pennsylvania, until July 3.

To Mr. HENDERSON for four days.

To Mr. GLOVER for fifteen days from Monday next.

To Mr. WOOD, of New York, indefinitely, on account of illness in his family.

To Mr. SINNICKSON for five days on account of death in his family.

To Mr. HUBBELL until Monday from six o'clock this evening.

To Mr. WILLIS until July 6.

To Mr. LE MOYNE until July 6.

To Mr. LANDERS, of Connecticut, for ten days from Monday.

To Mr. MACDOUGALL for eight days.

Mr. RANDALL. I now move that the House take a recess until eight o'clock.

The motion was agreed to; and accordingly (at five o'clock and thirty-five minutes p. m.) the House took a recess until eight o'clock p. m.

EVENING SESSION.

The recess having expired, the House re-assembled at eight o'clock p. m.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, informed the House that the Senate insisted on its amendments to the bill (H. R. No. 3375) making appropriations for the naval service for the year ending June 30, 1877, and for other purposes, disagreed to by the House of Representatives, agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. SARGENT, Mr. CRAGIN, and Mr. WITHERS as conferees on the part of the Senate.

PRINTING OF EVIDENCE.

Mr. CAULFIELD. I offer the following resolution, and ask its adoption:

Resolved, That the Committee on Expenditures in the Department of Justice be, and they are hereby, authorized to print all the testimony taken by said committee touching all matters under investigation before said committee under the House resolution of January 14, 1876.

Mr. WILSON, of Iowa. I will not object if the committee will agree to strike out all hearsay. Otherwise I do. I have sat for six weeks almost every day on an investigating committee, and we agreed, if it should take four days a week, that everything in the shape of hearsay shall be stricken out before we report it.

Mr. CAULFIELD. There is nothing I think in the shape of hearsay evidence to be published under this resolution.

Mr. WILSON, of Iowa. Will the gentleman state on his responsibility that the evidence contains nothing in the shape of hearsay?

Mr. CAULFIELD. I cannot do that. There is a good deal of testimony in what is known as the Davenport case, and in regard to clerks, marshals, &c., throughout the States and Territories of the country.

Mr. WILSON, of Iowa. If the gentleman and his committee will arrange that all hearsay shall be stricken out I will not object. It is murder to bring up such things and print them as testimony.

The SPEAKER *pro tempore*. The gentleman from Iowa objects.

Mr. CAULFIELD. Let me say this to the gentleman from Iowa: I do not remember all the vast amount of testimony that has been taken before the committee. But A B comes before the committee and says that C D knows a certain fact. C D is brought before the committee, and he confirms that statement. Does the gentleman want A B's testimony stricken out? Certainly not. I would not consent to anything of the kind.

Mr. LUTTRELL. Let it be printed, and then it can be taken for what it is worth.

The SPEAKER *pro tempore*. The gentleman from Iowa insists on his objection, and the resolution is not before the House.

Mr. CAULFIELD. Let me understand the gentleman's position. Does he intend to prevent testimony taken before the committee from being published on a mere technical objection?

Mr. WILSON, of Iowa. If only such evidence is printed as would be received in a court, I do not object to its being printed.

Mr. CAULFIELD. How can I give that assurance with such a vast amount of testimony taken?

Mr. WILSON, of Iowa. Then it is not fair to print it.

Mr. CAULFIELD. It is fair to print it; and if the gentleman then chooses to examine it and objects to any portion of it thereafter, he may do so.

The SPEAKER *pro tempore*. Is there objection to the consideration of this resolution at this time?

Mr. WILSON, of Iowa. I object.

Mr. CAULFIELD. I move to refer it to the Committee on Printing.

Mr. WILSON, of Iowa. Not to be brought back on a motion to reconsider.

The motion was agreed to.

Mr. RANDALL moved to reconsider the vote by which the resolution was referred to the Committee on Printing; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER *pro tempore*. Is it the pleasure of the House that the Journal of yesterday shall now be read?

Mr. RANDALL. The Journal of yesterday ought to be read.

The Journal of yesterday was read and approved.

POTTAWATOMIE INDIANS.

Mr. PHILLIPS, of Kansas, by unanimous consent, introduced a bill (H. R. No. 3767) to provide for paying certain moneys to the Pottawatomie Indians; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

NATIONAL SOLDIERS' HOME.

Mr. TERRY, by unanimous consent, introduced a joint resolution (H. R. No. 131) in relation to the managers of the National Home for Disabled Volunteer Soldiers; which was read a first and second time.

The joint resolution provides that the following persons are appointed managers of the National Home for Disabled Volunteer Soldiers: Colonel L. A. Harris, of Ohio; Major-General Richard Coulter, of Pennsylvania; Major-General STEPHEN A. HURLBUT, of Illinois, in the places of Hon. Lewis B. Gunckel, of Ohio; Major-General James S. Negley, of Pennsylvania, and Major-General John S. Cavender, of Missouri, whose terms expired on the 9th of June, 1876.

The joint resolution was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. TERRY moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

STEAM FOG-SIGNAL AT FARALLON, CALIFORNIA.

Mr. PIPER, by unanimous consent, introduced a bill (H. R. No. 3768) authorizing the construction of a steam fog-signal at the South Farallon Island, California; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. RANDALL. I move the House resolve itself into Committee of the Whole on the state of the Union on the sundry civil appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union (Mr. BLACKBURN in the chair) on the bill (H. R. No. 3749) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1877, and for other purposes.

Mr. RANDALL. I ask unanimous consent to have the amendment which has been adopted which relates to the pay of George W. Green, contestant, put in its appropriate place in the bill.

There was no objection, and it was ordered accordingly.

Mr. SCHLEICHER. I offer the following amendment as an additional paragraph to come in after line 942:

For work necessary for the protection of the river bank at Fort Brown, in Texas, against the encroachment of the Rio Grande, $10,000, or so much thereof as may be necessary, to be expended under the direction of the proper officer of the Engineer Department.

Mr. RANDALL. I would like to have inserted in the RECORD the reasons for this appropriation.

Mr. SCHLEICHER. I ask the Clerk to read a letter from the Secretary of the Interior which I send up.

The Clerk read as follows:

I would respectfully call attention to the river bank in front of this depot. The danger from high water is very great. The different officers of the Quartermaster's Department stationed here for the past five or six years have done all that lay in their power, by the use of fascines, piles, (such as they could get,) rubbish, stones, &c., to protect the bank from washing away. Last season the buildings were in great danger, and in case of very high water this season may again be placed in jeopardy.

I think an appropriation should be asked for the special purpose of piling and filling in along the entire front of the depot buildings. The piles should be large and long, to reach the solid ground below the quicksand. Unless some action is taken for the protection of the bank, the public buildings and property will always be in danger during the season of freshets. The building occupied by Lieutenant Eskridge was very near being washed in last season during the high water; he had his furniture all packed ready for a move at any moment. The banks disappear very rapidly when they once begin to cut away.

These public buildings at this depot are too valuable and have cost too large an amount of money in their construction to risk their destruction, when a small appropriation would render them perfectly safe.

Mr. SCHLEICHER. I can explain this whole matter in a few words. The Government buildings at Fort Brown are erected in a bend of the Rio Grande. The Rio Grande in many places changes its channel in times when the waters are high and cuts off bends sometimes on one side, sometimes on the other.

There is imminent danger that this bend upon which these Government buildings are situated will be cut off, unless some protective works are placed along its banks which will arrest the washing of the river. General Humphreys sent an engineer officer there, and his report and estimate have been made; he recommends an appropriation of $10,000 for these necessary works.

I saw the Quartermaster-General yesterday, and he told me that the buildings at this point now in use could not be replaced for less than $150,000; they are solid brick buildings, including a hospital, a commissary building, a building for the storage of quartermaster's stores, and solid barracks for the officers and soldiers at the post. He also stated that in all human probability that post would continue to be necessary and indeed would be permanent, inasmuch as it is situated on our national boundary; and he thinks that this small appropriation should be made to save the valuable property. The buildings are erected about the neck of the bend and about where the new channel would form in case the river would cut through, so that they are in danger of being utterly destroyed.

Mr. RANDALL. This amount would be enough to secure these buildings permanently?

Mr. SCHLEICHER. It would, according to the report.

Mr. REAGAN. I desire to say that there has been about $2,000,000 expended at Fort Brown and on the buildings mentioned by my colleague and on the national cemetery near it, and the waters of the river now threaten to cut through the bend of the river and through these buildings and cut off not only the fort, but also the national cemetery located there.

My information is that $2,000,000 have been expended there. There is another matter in relation to the position of the fort at this point. By the treaty of Guadaloupe Hidalgo the channel of the Rio Grande is made the boundary line between the two Governments, and in case it should be cut off the question might arise as to the ownership of this property, and whether the boundary should follow the old channel or the new channel of the river. This appropriation is urged for the preservation of the fort and to save the proprietorship of the land on which it is situated from being disputed.

The amendment was agreed to.

Mr. RANDALL. I offer the following amendment:

To pay John Titus, late chief justice of Arizona Territory, $652.80, the balance of salary due him.

John Titus, commissioned as chief justice of Arizona Territory, expired April 17, 1874. His successor qualified July 6, 1874. He (Titus) was paid to expiration of commission, April 17, 1874, but not to the end of the time he was acting, July 6, 1874, for which no appropriation was made. He ought now to be paid at the rate of $3,000 per annum from April 17, 1874, to July 6, 1874—eighty days.

The amendment was agreed to.

Mr. BANNING. I offer the following amendment to come in after the last amendment adopted:

For every purpose necessary to the continuation of the geographical surveys of the Territories of the United States west of the one-hundredth meridian, under the War Department, for field and office work, and for the preparation, engraving, and printing the plates and atlas-sheets, $50,000.

I promised to offer this amendment, and I want to say just one word to the committee concerning it.

Mr. RANDALL. Before the gentleman begins I desire to reserve any point of order upon it.

Mr. BANNING. This amendment is intended to perpetuate the survey of Lieutenant Wheeler, which has been conducted for several years, and which is one of the best, if not the best, that we have. I see that $60,000 is given by the Committee on Appropriations for the Hayden survey and $30,000 for the Powell survey, while for some reason unknown to me the Wheeler survey is left out. Some members of the House know more what it is than I do myself; but I hope the appropriation may be made.

Mr. RANDALL. The Committee on Appropriations were in some doubt whether they would make any appropriation at this time for any of these surveys, in view of the present condition of the Treasury. But finally they concluded to allow appropriations for those surveys that would not interfere with the regular duties of the Engineer Corps of the Army. After some consideration it was determined that the appropriations should be confined to the surveys of Messrs. Hayden and Powell.

Mr. BANNING. One word further. In keeping up this Wheeler survey we pay nothing to the officer more than he now receives; he is now an officer of the Army and under pay. In regard to the other surveys, we will be compelled to pay, and therefore it would be more economical to keep up this survey rather than the others.

Mr. RANDALL. I think there are one hundred and sixty people from civil life employed in the Engineer Corps, and we think they can very properly be dispensed with.

Mr. HURLBUT. I hope the amendment offered by the chairman of the Committee on Military Affairs [Mr. BANNING] will be favorably considered by the House, for the reason that this work is part of the great system of topographical survey of our country. It has been elaborately prepared; nearly all of the cost and expenditure have been made to obtain the materials of the work, and it looks to be anything but economical to break it up at this time and throw it over.

Every dollar of the appropriations for this purpose that has been laid out on these three surveys has been more than repaid to this country long since. Discoveries have been made of valuable minerals, of lines of travel, of great commercial advantage to the entire country, which have led to the filling up of our Territories by settlements. As a matter of fact, through these surveys we are preparing the best possible guarantee against Indian hostilities on the frontier, by introducing a cordon of pioneer settlements, following in the wake of these surveys, to take up the good agricultural lands and the rich mining regions discovered so as to take that burden off the Government. I hope there will be no objection to sustaining not only this survey but the other surveys conducted under the War Department.

Mr. HAMILTON, of New Jersey. I hope this amendment will prevail. I had occasion to examine this subject as a member of the subcommittee of the Committee on Appropriations. This survey of Major Wheeler is entirely different from the others; it is a geographical survey of the country, and useful as a guide to Army operations and for other purposes. I was not present when this bill was considered in full committee, and do not know why this appropriation was left out. I think this amendment should be adopted.

The CHAIRMAN. Debate upon the pending amendment has been exhausted.

Mr. WARREN. I move a *pro forma* amendment to strike out the last word. The gentlemen upon the Committee on Appropiations will bear me witness that I have supported their efforts to reduce expenditures on almost every occasion. I feel constrained, however, to vote for this amendment. I do it with reluctance, seeing that they oppose it, and I wish they might withdraw their objection and allow it to pass.

I think it is known to every man who takes an interest in the progress of the scientific survey of our western country that the maps of the Wheeler expedition are the most valuable maps of this country that have ever been produced. It so happened—and that is my excuse for troubling the House for a moment—that as I came up here to-night I fell in with an old friend of mine, who is well known to gentlemen from Chicago and whose name is regarded with great respect in the whole country. We fell into conversation in reference to this very matter. He communicated to me this fact, which I deemed it important to state to the House; the most eminent geographer in the world—I think his name is Petermann, of Germany, though I may not have the name correctly—is now preparing an atlas covering all the countries of the world, one that will be the most elaborate and perfect of the kind that has ever been produced. This gentleman stated to me to-night that Petermann uses Wheeler's maps as his authority, and as the best maps of the portion of the United States to which they apply that have ever been made.

It seems to me that as a Congress we can do no better work for the whole people of the country than to provide them with the most accurate knowledge of all the facts connected with the western portions of our country. If we ever return to a state of prosperity, as we hope to do, we expect an immigration to this country greater than ever before. Those who may come here ought to be able to find out the positive facts, the last bottom facts, in regard to the country, in order that they may know where are the best lands for them to settle upon, that they may avoid the sterile hills of New England and be able to find most readily the valuable agricultural and timber lands of the West.

It seems to me that, considering how very small this appropriation is, how vast the results that have been produced, we should make the greatest mistake in the world if we stopped the course of investigation which has been pursued of late years and which has been so very valuable, much more so, considering the amount of money expended, than the results of any other expenditure in which we have engaged.

Mr. WELLS, of Missouri. Mr. Chairman, I have had occasion to examine the results of the work of Lieutenant Wheeler, and I am satisfied that it should be continued. He has in his employ quite a number of scientific gentlemen whose services must of course be lost to the Government if this work be abandoned. Besides that, he has many valuable instruments which have been constructed especially for this work under the direction of the Department here. From all my information upon this subject, I believe that the amount here proposed should be appropriated. Last year when $120,000 was asked for, a subcommittee to whom the matter was referred reported to the main committee in favor of appropriating $50,000. It seems to me this amount ought now to be appropriated, as it will be large enough to continue the work and preserve the present corps of skilled men until such time as we can afford to be more liberal.

The question being taken on the amendment of Mr. BANNING, there were—ayes 69, noes 43.

Mr. HOLMAN called for tellers.

Mr. RANDALL. Is it in order now to move to strike out $50,000 and insert $30,000?

The CHAIRMAN. The result of the vote has not been announced.

Mr RANDALL. Thirty thousand dollars is the same amount which we give Professor Powell. If this be not assented to, I must resist the amendment and ask a vote upon it in the House.

Mr. BANNING. I will accept $30,000.

Several MEMBERS. O, no.

Mr. RANDALL. Then we shall have a vote upon it in the House.

Mr. HOLMAN. I have called for tellers.

Tellers were ordered; and Mr. HOLMAN and Mr. BANNING were appointed.

The committee divided; and the tellers reported ayes 81, noes not counted.

So the amendment was agreed to.

Mr. RANDALL. I shall ask a vote in the House upon this amendment.

Mr. PHILLIPS, of Kansas. I move to amend by inserting the following, as an additional paragraph, after line 942:

For workshops for the military prison, $30,000.

I want to appeal to the chairman of the Committee on Appropriations——

Mr. RANDALL. Why not make it $130,000? [Laughter.]

Mr. PHILLIPS, of Kansas. The estimate was $120,000. I wish to make a statement on this subject to which the chairman of the committee has not before listened.

Here are some seven hundred military prisoners confined in cells of bar-iron six feet by ten. In the construction of the prison it was the design that the prisoners should be worked. This amendment provides the means of working them. In behalf of economy, in behalf of morals, I appeal to gentlemen to adopt the amendment. I have fixed the very smallest amount that can possibly meet the necessities of the case. I hope the chairman of the Committee on Appropriations will not antagonize the proposition.

Mr. RANDALL. I shall ask to have it voted down; that is all.

Mr. PHILLIPS, of Kansas. Very well; I have done my duty.

Mr. RANDALL. We have already made an appropriation for this prison.

The amendment was not agreed to.

Mr. CALDWELL, of Tennessee. I move to amend by inserting the following as a new paragraph:

Black Hills survey, $25,000, or so much thereof as may be necessary to enable the Secretary of the Interior to pay the expenses of the survey of the Black Hills country under Professor W. P. Jenney, including the expenses incident to the preparation of the final report.

Mr. RANDALL. I wish to inquire whether this is to meet expenditures already made, or at least indebtedness assumed? We ought to pay our bills, but I do not think that survey should be continued.

Mr. CALDWELL, of Tennessee. I ask the Clerk to read a letter on this subject from the Secretary of the Interior.

The Clerk read as follows:

DEPARTMENT OF THE INTERIOR,
Washington, January 14, 1876.

SIR: I have the honor to transmit herewith a copy of report, dated the 13th instant, from the Commissioner of Indian Affairs upon the subject of the survey of the so-called Black Hills by Professor Walter P. Jenney, engineer of mines, &c., under direction of this Department, dated March 26, 1875.

As the country known as the Black Hills is within the area reserved to the Sioux Indians by treaty stipulation, and any invasion of it by unauthorized parties might have occasioned serious difficulty with these warlike tribes, it seemed not only expedient, but highly necessary, in view of the excited state of the country consequent upon the statements in circulation through the medium of the press and otherwise, that the truth or falsity of the reports relative to the mineral wealth of that region should be ascertained in order that, in the event of required legislation, the subject might be understandingly presented to Congress for its early action.

The work of the survey has been thoroughly executed, and its necessity amply demonstrated, but no fund exists applicable to the payment of the expenses incident thereto. I therefore respectfully present an estimate of appropriation for $25,000, submitted by the Commissioner of Indian Affairs, for the purpose named, together with the copies of correspondence noted in his report, before referred to, and earnestly recommend the subject to the favorable consideration of Congress.

I have the honor to be, very respectfully, your obedient servant,

Z. CHANDLER, *Secretary.*

The SPEAKER *of the House of Representatives.*

Mr. CALDWELL, of Tennessee. Mr. Chairman, under the authority of the President this survey was undertaken. The Secretary of the Interior was of opinion that the beneficial object (the Indian fund) could be used to defray the expenses of the expedition. After as much as $11,000 of that fund had been so expended, the Second Auditor refused longer to certify the accounts of the expedition to the Second Comptroller, upon the ground that this work was in the nature of an inquiry or commission, and that there must be a special provision of law to pay for it. Since that time, the 3d of December last, the expenses of the expedition have amounted to $14,000 more. The work has been completed, and this is a proposition to appropriate $25,000; $11,000 for the purpose of making up the amount which has been withdrawn from the beneficial object, (the Indian fund,) and $14,000 to pay the balance of the expense incurred in the expedition which has never been settled from any quarter.

Mr. BLOUNT. Has there been any authority for the survey at all—any legal authority for anything that has been done?

Mr. CALDWELL, of Tennessee, without looking into the question, whether there was any authority of law, certainly, after contracts have been made and the survey performed, the work ought to be paid for.

[Here the hammer fell.]

Mr. HOLMAN. The Secretary of the Interior very properly states in that communication to the House that there is no fund applicable to the payment of this claim, and I suppose the House is well informed that this service was rendered, if rendered at all—and I presume it was—in violation of law. The Secretary of the Interior, who authorized this survey to be made, did it in the face of positive law.

Mr. CALDWELL, of Tennessee. Point to the law.

Mr. RANDALL. There is a general law prohibiting it.

Mr. HOLMAN. There is a law prohibiting any head of Department entering into contract on the part of the Government, unless appropriation is made for that purpose. But there is another provision of the statute going further than that intending to prevent heads of Departments incurring against the Government pecuniary liabilities, unless by authority of the law-making power.

This survey, as gentlemen well informed on the subject well know, traveled over the very track of surveys for which the Government had already paid. If it is thought proper, when the head of a Department assumes to himself powers not possessed by him under the law of the land, to enter upon contracts; if it is thought proper to appropriate money to carry such a contract into effect, here then is a proper case for the exercise of such discretion on the part of Congress.

Mr. CALDWELL, of Tennessee. Let me call the attention of the gentleman to the section to which I presume he alludes. It is section 3681 of the Revised Statutes, enacted August 26, 1842, which provides that no accounting or disbursing officer of the Government shall allow or pay any account or charge whatever growing out of or in any way connected with any commission or inquiry until a special appropriation shall be made by law. It does not prohibit the making of any inquiry.

Mr. HOLMAN. Our statutes hedge round in every direction the public Treasury against this kind of assault. When the gentleman from the State of Kansas proposed, in the interest of a local industry, an appropriation of money for the purpose of erecting certain buildings for workshops, and that was voted down in the interest of economy, and yet these vast sums are voted for purposes not demanded by the public service, certainly the country must look with astonishment at such proceeding, and will demand that Congress shall carry out some of the pledges of retrenchment so freely made of late years.

These measures we are now voting on are those to which the doctrine of retrenchment could well be applied. If the Secretary of the Interior has made a contract with a citizen and a liability of this amount has been incurred, Congress may well consider whether they should appropriate money to meet such demand upon the Treasury. Let it at least do it with some condemnation of the act by which the law has been violated in the making of such a contract. For myself, I do not think this appropriation should be made.

As long as Congress goes on year after year appropriating money for every such work when there is plausible ground presented for the appropriation, violations of law which reach the public Treasury will of course occur and the citizen will not inquire carefully into the powers of the heads of Departments to enter into contracts which seek to bind the Government.

It is possible, sir, we shall be in a condition when this claim shall be paid, at least to the amount of $11,000, but for one, I do not propose in a case like this to appropriate money, at least without protest, without a mild censure of that kind of defiance of law constantly displayed by which unlawfully the funds of this nation and the revenue of the people are squandered.

[Here the hammer fell.]

Mr. STEELE. Mr. Chairman, I do not care how much censure the gentleman from Indiana or this House may pass upon the Secretary of the Interior who entered into this contract by which citizens of this country, in no way responsible, have been induced to spend their time and their money in the performance of the service they have rendered, and the money they have expended from their own pockets in performing a duty they were contracted with and asked to perform on behalf of this Government.

These gentleman who are interested in this matter were not applicants for this business. They did not come to Congress log-rolling for an appropriation. This gentleman was connected with Columbia College, in New York, and the Interior Department, desiring to have a survey of this country made, sought his services. And in that connection I beg to assure my friend from Indiana that he is mistaken when he says that country had ever been surveyed before. There never had been a survey of it.

Mr. HOLMAN. No portion of it?

Mr. STEELE. No portion of it. The only survey of that country that ever had been made was by Warren, and entirely to the south of this region, and the survey by Maynadier & Reynolds, entirely to the north of it.

Mr. HOLMAN. I have been assured that Professor Hayden surveyed a portion of the very ground over which this survey was made. I have been so assured.

Mr. STEELE. He never went over this ground. Now the Secretary of the Interior sent to Professor Barnard, the president of Columbia College, and requested him to designate a man to do the work, which he did. He came on and did the work, and he has expended his own money in doing it.

The Secretary of the Interior perhaps was to blame in not knowing what the law was. But if the Secretary of the Interior did not know what the law was, do you expect to hold the private citizen responsible for not knowing what the law was? He came on here; he went out there; he has performed this duty. And not only did the Secretary of the Interior not know that this was the law, but your auditing officers in the Treasury did not know it was the law until $9,000 had been paid. Now there is only to be paid thirteen or fourteen thousand dollars of this amount. Part of the money has actually been expended. But because it was irregularly expended it is necessary to make an appropriation to imburse the Treasury for the money that has gone out of it. This survey was done economically and cheaply. More work was done for the amount of money expended than ever was done by any surveying party that went out under the auspices of the United States Government. It is a just claim, and I hope this Congress will do these young men, who are in no way to blame for the irregularity of the Department, the justice of paying them the money which is justly due them.

Mr. FORT. I do not wish to make any speech, but, having been a member of the committee which investigated this matter somewhat, I desire simply to state a few facts as I have learned them. My friend from Indiana [Mr. HOLMAN] says that this expenditure of money was made without authority of law. I shall state what I understand to be the fact; and I think it comes within the ordinary rules of the law. The Administration, if you please, had in contemplation the acquiring of this very territory from the Indian tribes by treaty, and under the treaty-making power it was proper to make this expenditure to ascertain what the property was worth which the treaty proposed to acquire. In pursuance of that, as has been stated, they called in the services of scientific men to make a geological exploration, a scientific investigation of this country, in order to advise, if you please, the treaty-making power what the true value of this country was.

Now, I think, sir, after that had been done, and these parties having been called upon to render the service, and having rendered it in good faith, having been called by officers of the Government, and, as I claim, by the authority of the law, it is our duty to pay them. It has been stated that this money is expended already. That is true, as I understand it, except it may be that some of the party who accompanied the survey have not yet been paid. But the services are rendered, and this is due either to those who have advanced the money or to those who have advanced their services. I think as a matter of good faith we ought to pay this bill.

Mr. RANDALL. I move to amend the amendment by striking out "$25,000" and inserting "$14,000."

Mr. FORT. That will not do.

Mr. RANDALL. I will state my reason for offering this amendment. I condemn entirely this expenditure of money without authority of law. But there is a strong equity in the claim that the persons who were engaged in this service ought to be paid. They have, as I understand, been paid $11,000 out of the beneficiary Indian fund, which Secretary Delano used to that extent in violation of law for the purposes I have stated. The balance which is due to the parties who performed the labor and the duty in connection with this survey is $14,000; and I should recommend that that amount should be paid. But I do not think that we should augment, because of the act of Secretary Delano, performed without law, this appropriation. I am desirous and have always been desirous that these people should be paid. But this goes a little beyond what is due to them, and therefore I offer the amendment, and I hope the gentleman from Tennessee [Mr. CALDWELL] will accept it. It pays what is due to those who have an equitable claim and who supposed they were employed under due authority of law.

Mr. CONGER. I move to strike out the last word.

I am a little surprised, Mr. Chairman, at the zeal of my friend from Indiana in attacking the present Secretary of the Interior in the manner he did.

Mr. HOLMAN. Did he make this contract?

Mr. CONGER. There is no reason for it in the world, and yet the gentleman mentions him by name.

Mr. HOLMAN. Did the present Secretary of the Interior make the contract?

Mr. CONGER. Not the present Secretary.

Mr. HOLMAN. I did not mention his name.

Mr. RANDALL. I mentioned the name of the Secretary who I understood made the contract.

Mr. HOLMAN. The gentleman from Michigan must know I said the Secretary of the Interior stated there was no money with which to pay this claim, for the simple reason that the service was not performed according to law.

Mr. RANDALL. This contract was made by Mr. Delano.

Mr. CONGER. I decline to have all this taken out of my time.

The present Secretary of the Interior, finding that there had been this expenditure, and finding that the men had rendered this service, reports, as he should, to the Speaker of this House the facts, as any honorable gentleman should do, and calls the attention of the House to the fact that there is no appropriation for this service. But the contract was made long before he came into office. It was made under another Secretary, and the gentleman from Indiana should have known it.

Mr. HOLMAN. I did not do it.

Mr. CONGER. He should not have made this personal charge.

Mr. HOLMAN. I trust the gentleman will not do me that injustice.

Mr. CONGER. Half of my time has been used up by these interruptions.

The CHAIRMAN. It is not the fault of the Chair, for the Chair has made every effort to secure the gentleman from Michigan in his rights.

Mr. CONGER. I trust the Chair will do me the justice to extend my time so as to make up for these interruptions.

The present Secretary of the Interior cannot be charged with any wrong.

Mr. HOLMAN. The gentleman from Michigan knows that there is no charge made against the present Secretary of the Interior.

Mr. CONGER. And his letter is in accordance with law, calling the attention of the House to the fact that no such appropriation had been made and that such an appropriation ought to be made, and as every gentleman here of good, sound, honest judgment will admit should be made. Now we know that this service was rendered without authority of law; the Executive of the Government at the demand of thousands and thousands of the citizens of the country endeavored to negotiate for this Black Hills region of country. Gentlemen cannot have forgotten that there was not a paper throughout the length and breadth of the land but what wanted the Black Hills country taken full possession of; hundreds and thousands flocked to the Black Hills, immigration companies were formed against law and in spite of law, and they passed right through the military lines going to the Black Hills country in pursuit of gold, and the military force was not strong enough to restrain them from violating treaty obligations of the Government.

There was a time when the Government ought to have made proper preparations for a treaty to get possession of these hills. The Government failed to do that, and the energy of our citizens led them to force their way through the military lines for the purpose of taking possession of these lands To open these lands to the American people was what the Executive was trying to do in obedience to the universal demand of the whole American people, and in furtherance of that an investigation was necessary.

I defy gentlemen to find any case where previous to the annexation or purchasing of territory by the United States, in the case of Louisiana and Florida, there was not a large amount of money expended without authority of law preparatory to the treaties of annexation being made. The history of countries shows that; and the gentleman from Indiana, with his grand knowledge on all matters of governmental affairs, ought to know it, and not look to a humble member like myself to enlighten him on the subject.

[Here the hammer fell.]

Mr. CONGER. I had some one or two words more which I wanted to say, and which I should have had time to have said if I had not been subjected to so many interruptions.

Mr. SINGLETON. I think there are very grave objections to the amendment offered. In the first place, I understand that the Black Hills country was set apart for the benefit of the Indians. It was ascertained, or believed to have been ascertained, that gold had been found in that Territory, which made its acquisition very desirable. I undertake to say, from the history of the expedition, that when the Secretary of the Interior sent it out it was done as a matter of speculation; that this surveying expedition might spy out the rich gold

regions and valuable placers, and when the negotiations for its cession had been successfully carried out the Secretary and his friends might avail themselves of the knowledge thus acquired, and take possession of these valuable parts of said territory.

Mr. STEELE. The gentleman will allow me a suggestion. At the very time the expedition was sent out the Government was proposing to negotiate a treaty for the acquisition of this country, and this expedition was sent out there in order that the Government might have some knowledge of the value of the country they were going to negotiate for.

Mr. SINGLETON. The Government never asked for any such information. It was done at the suggestion of the Secretary of the Interior in order that he and his friends might ascertain how valuable the property there should prove to be and then use that knowledge for their own personal benefit. The thing was conceived in fraud, and executed in defiance of law, and now we are asked to indorse the fraud and pay the expenses of the expedition.

Now, the objections which I make to this amendment are these. In the first place, the expedition had no business in that territory, any more than it would have in the country of any foreign power. It belonged to the Indians, and they should have been permitted to enjoy the advantages of this discovery of gold, if there be gold there.

Again, we ought not to encourage these unlawful acts on the part of Government officials, of sending expeditions to explore regions of the country at vast expense, when under treaty-laws that country belongs to the Indians. If you vote this appropriation and establish this precedent, who can tell what the head of this or other Departments of the Government will do in the future, relying on the fact that all he has to do is to present his account for the expenses incurred in such expedition and that Congress, subservient to his purposes, will approve it? I repeat the statement, that I believe the whole thing was begun in fraud, and certainly carried on without authority of law, which high-handed acts ought not to be encouraged. For these reasons I oppose the amendment.

Mr. SEELYE. I join in all the mild protests, as they have been termed, against any unwarranted use of power by any Department of the Government; but I desire to call attention to two points which we should not ignore. The first is that the statute which it is supposed has been infringed is so obscure that the Second Auditor and the Second Comptroller of the Treasury paid $10,000 for the expenses of this expedition out of a fund which it was supposed was in the Treasury for such a purpose. The second point is that here is an important work quite desirable to have done, which has been done very well and quite economically, and for which payment certainly ought to be made; and as I understand the gentleman who offered the amendment is willing to accept the amendment of the chairman of the Committee on Appropriations, I trust that as so amended it will receive the vote of the committee.

Mr. CALDWELL, of Tennessee. I will accept the proposition of the chairman of the Committee on Appropriations and modify my amendment so as to appropriate the sum of $14,000 to pay the balance due on account of the expedition.

Mr. RANDALL. I do not like the word "balance" exactly; it should be to pay the amount in full.

Mr. STEELE. I have an amendment to the amendment which I think will reach the object in view. It is to add to the amendment the following:

None of said money thus appropriated shall be used to re-imburse the Indian fund heretofore used for the purpose of those surveys.

Mr. CALDWELL, of Tennessee. I accept that amendment.

The amendment, as modified, was then adopted.

Mr. WALLING. I desire to offer an amendment changing the phraseology of the clause relating to the survey of the Colorado of the West and its tributaries. That clause now reads as follows:

For completing the survey of the Colorado of the West and its tributaries, by Professor J. W. Powell, under the direction of the Secretary of the Interior, $30,000.

I move to change the phraseology of the first part of the clause so that it will read: "For the continuance of the geographical and geological survey of the Rocky Mountain region, by J. W. Powell," &c.

Mr. RANDALL. Put in the word "completion" instead of "continuance."

Mr. REAGAN. What is the reason for this change of phraseology?

Mr. WALLING. In order that the survey may be continued beyond the Colorado region and embrace the whole Rocky Mountain region.

Mr. HOLMAN. I move to amend so that it will read: "For completing the survey," &c., which are the words used in the last appropriation of $25,000. I hope there will be no change of the phraseology of this paragraph. Let us some time or another bring these surveys to a close.

Mr. WALLING. The amendment is one from the committee itself, handed to me by the chairman of the committee.

Mr. HOLMAN. What committee?

Mr. WALLING. Committee on Appropriations.

Mr. HOLMAN. The gentleman is mistaken about that.

Mr. WALLING. I am not; it was handed to me by Mr. RANDALL, himself, within the last three minutes.

Mr. HOLMAN. My friend must allow me to know whether this is an amendment of the committee or not. It is only a suggestion of the chairman.

Mr. RANDALL. It was given to me in the handwriting of the clerk of the committee, and I suppose it was given to him by Mr. Powell himself.

Mr. WALLING. I said "the chairman of the committee." I do not go any further than that.

Mr. REAGAN. There ought to be some satisfactory reason given for changing the language of this paragraph. As it now stands there is some identification of the region to be surveyed; "the Colorado of the West and its tributaries." I cannot understand why this phraseology should be changed. The Colorado is a great river extending from Utah down into and through Arizona.

Mr. WALLING. I am willing to accept the suggestion of the gentleman from Pennsylvania [Mr. RANDALL] and to substitute the word "completion" for "continuance," if that will carry through the amendment. It will then read:

For the completion of the geographical and geological survey of the Rocky Mountain region by J. W. Powell, under the direction of the Secretary of the Interior, $30,000.

Mr. REAGAN. Before the vote is taken, allow me to say one word more. As the paragraph now stands it reads:

For completing the survey of the Colorado of the West and its tributaries, by Professor J. W. Powell, under the direction of the Secretary of the Interior, $30,000.

The identity of this survey was given by the Department in its estimates, and by the Committee on Appropriations in reporting this paragraph. By the amendment which is proposed that identity is left out, and we are furnished with no reason for the change. The amendment appears to come here in the handwriting of the clerk of the Committee on Appropriations, but by whose inspiration or for what purpose or for what reason does not seem to be apparent to any one. As the paragraph was reported it contains an identification of the survey, and I trust it may stand.

Mr. RANDALL. I can tell the gentleman now about the amendment. The clerk of the committee informs me that Mr. Powell gave it to him and he brought it to me. I supposed that he brought it to me by authority.

The question was taken upon the amendment of Mr. WALLING, as modified, and it was agreed to.

The Clerk resumed the reading of the bill, and read the following:

Surveys of public lands:

For survey of the public lands and private land claims, $200,000: *Provided*, That the sum hereby appropriated shall be expended in such surveys as the public interest may require, under the direction of the Commissioner of the General Land Office, with the approval of the Secretary of the Interior, and at such rates as the Secretary of the Interior shall prescribe, not exceeding the rate herein authorized: *Provided*, That no lands shall be surveyed under this appropriation except, first, those adapted to agriculture without artificial irrigation; second, irrigable lands or such as can be redeemed and for which there is sufficient accessible water for the reclamation and cultivation of the same not otherwise utilized or claimed; third, timber lands bearing timber of commercial value; fourth, coal lands containing coal of commercial value; fifth, exterior boundary of town sites; sixth, private land claims. The cost of such surveys shall not exceed $10 per mile for standard lines, $7 for township and $6 for section lines, except that the Commissioner of the General Land Office may allow for the survey of standard lines in heavily timbered land a sum not exceeding $12 a mile.

Mr. PAGE. I move to amend the paragraph just read by striking out the last sentence, commencing, "The cost of such surveys shall not exceed," &c., and inserting in lieu thereof that which I send to the Clerk's desk.

The Clerk read as follows:

For surveying the public lands in California, at rates not exceeding $15 per linear mile for standard lines, $14 for township, and $12 for section lines, and for heavily timbered mountain lands at augmented rates, not exceeding $18 per linear mile for standard, $16 for township, and $14 for sectional lines, $70,000.

Mr. WALLING. I move to amend the paragraph by adding the following:

Provided, That the starting point for such surveys may be established by triangulation.

The reason for that amendment is that under the present law of surveys the initial point is to be on the standard line. This paragraph provides for surveying only that portion of the public lands that may be utilized to some advantage, and in order that only those lands may be properly surveyed this amendment is necessary.

Mr. PATTERSON. I hope that this amendment will not be adopted. It would destroy the whole existing system of Government surveys in the United States—a comprehensive system which has been the established law of the land for so many years. Instead of having a system of surveys under which as soon as the owner of the land or the person desiring to find it reads the paper he may go upon it knowing that it is the land he seeks, you will have nothing at all except a pile of rocks or something of that kind in the mountains or plains, without any initial or starting point. I hope that no such principle as that proposed by the gentleman from Ohio [Mr. WALLING] will be tolerated for a single moment in connection with the survey of the public lands.

Mr. REAGAN. I desire to call attention for a moment to the provision of this paragraph. It is provided that the cost of these sur-

veys shall not exceed $10 a mile for standard lines. I wish to call attention to the prices of surveying as fixed here and to ask members of the committee to allow their minds to revert to the prices established by law in the several States from which they come. If they will do this, they will remember that the average cost for surveying is about $3 a mile. What additional expense may be necessary in surveying what are termed "standard lines" I am not able to say.

Mr. PAGE. To what amendment is the gentleman from Texas speaking?

Mr. REAGAN. To the amendment of the gentleman from California, [Mr. PAGE.]

Mr. PAGE. As the introducer of that amendment I claim the right to be heard upon it.

Mr. REAGAN. My speaking will not prevent the gentleman's being heard.

It seems to me that the price allowed in this bill for surveying is nearly twice what ought to be allowed. Then the amendment of the gentleman from California greatly increases that amount. By his amendment it would be $48 a section for the running of sections of land. It must be pretty fair land out in the plains or among the mountains that is worth $48 a section, besides all the other expenses connected with surveying these lands and bringing them into market.

As soon as the amendment offered by the gentleman from California is acted on, I shall, if it be not adopted, move to reduce the amount of compensation provided in the bill for surveying. I think it is extravagant and unreasonable, unsustained by our experience anywhere in this country. I speak from some personal knowledge, having been at one time for several years a practical surveyor. Why should the cost of surveying in California be more than anywhere else?

Mr. PAGE. The amount proposed in my amendment is the same that was appropriated last year.

Mr. REAGAN. The cost of labor and living is to-day no higher in California than in any other city in this Union, certainly not higher than in many of our western Territories.

Mr. PAGE. The amendment which I have offered proposes to appropriate $70,000 for surveying public lands in California, the same amount that was appropriated last year. The Committee on Appropriations have this year made an entire change in the manner of appropriating for the survey of the public lands. Instead of dividing the amount among the several States and Territories where the public lands exist, the committee have grouped it all together and made an appropriation of $200,000 where last year there was appropriated $684,000 for this purpose. My amendment contains all the provisions for the survey of township lines and town sites and for sectionizing that were contained in the law of the last Congress.

One word in reference to the amount proposed to be appropriated this year by the Committee on Appropriations for the survey of the public lands. If it is the object that this money shall be distributed *pro rata* among the different States, I presume that California would probably get $12,000 or $15,000. The report of the Commissioner of the General Land Office for 1875 gives the amount of unsurveyed public lands in California as 79,000,000 acres. The amount paid into the Treasury of the United States from cash sales of the public lands in that State for the year ending June 30, 1875, was $656,003.27, more than as much again as was received from the remaining States and Territories united, the whole amount being $1,378,850.47. Therefore I am surprised that the gentleman from Indiana, [Mr. HOLMAN,] whom I have always believed to be a friend of the settlers, and in favor, as he says, of giving "land to the landless and homes to the homeless," should have failed this year to secure an appropriation sufficient for the survey of public lands in California, whereby the money in the Treasury of the United States may be so largely increased.

But, sir, I have heard it said that the public lands have already been surveyed far in excess of settlement. That is not true. There are not fifty thousand acres of surveyed public lands in California to-day that are suitable for agricultural purposes. I defy contradiction of this statement. The provision of this bill specifying the kinds of land that shall be surveyed is very proper, and I hope it will be adopted; but to stop the survey of the public lands in California, to take away the inducements to immigration which our people so much desire, to refuse to throw into market those seventy-nine million acres of unsurveyed public lands—to deny the people the chance to purchase them and pay their money into the Treasury of the United States would be a most disastrous mistake.

On this question I speak for California. Other gentlemen on this floor have perhaps the same right to ask to have the appropriation increased for their localities; but I say that, California having paid into the Treasury in cash during the last fiscal year for public lands more by one-half than all the remaining States and Territories, it is no more than right that California should have a liberal appropriation for the survey of its lands.

Mr. PIPER. I will take the floor, and yield my time to my colleague, [Mr. PAGE.]

Mr. PAGE. Mr. Chairman, the committee provide that the cost of such surveys shall not exceed $10 per mile for standard lines, $7 for township, and $6 for section lines, except that the Commissioner of the General Land Office may allow for the survey of standard lines in heavily timbered land a sum not exceeding $12 per mile.

Now, it is very well understood I believe by the Committee on Public Lands at least, and should be by the Committee on Appropriations, that it costs almost a third more to survey these lands in the State of California than it does in any other State, at least, and much more than it does in many of the Territories. In the heavy-timber lands of California the means of traveling are expensive and the cost is great in getting provisions there, and it is well understood that labor is at least 25 per cent. higher in California in gold than labor on the Atlantic coast in greenbacks. Therefore I say it would be an act of injustice, and would render invalid and of no account this appropriation proposed by this committee should this proviso stand.

There are to-day, Mr. Chairman, in California some of the most beautiful timber lands on the continent of America. They have not been surveyed, and year by year they are being despoiled of their most valuable timber. Millions and millions of feet of lumber are cut off the public lands along the line of the Central Pacific Railroad and other localities, and the Government does not receive one single dollar therefor. Every man, under the laws of the United States, who trespasses upon those lands and cuts a stick of timber on the unsurveyed lands of the United States is liable to be indicted as a trespasser, and many of them are indicted in my own State and taken from the interior to San Francisco at heavy expense. I ask whether it is fair? I appeal to the judgment of the members of this House and ask them, with these facts in view which cannot be controverted, whether it is just and whether this appropriation of $200,000, to be divided between sixteen States and Territories, is sufficient to survey the public lands and throw them open to homestead and pre-emption entry?

[Here the hammer fell.]

Mr. WALLING. Mr. Chairman, the statements of the gentleman from California would perhaps mislead the House unless they are controverted. The Committee on Public Lands have agreed unanimously to this amount as all that is necessary for the survey of the public lands for the present year. It is $70,000 more than was expended in any one year prior to the war for four years, at a time when there was a rapid settlement of the public lands. The surveys in the last five or six years, sir, have gone on in inverse ratio to the amount of valuable land we have had left. As they approach the arid regions they have increased the surveys until, I have been told, millions of acres have been surveyed which can never be settled and which are not desirable for settlement; that in the State of California alone there are over twenty-one millions of acres of surveyed lands unoccupied.

Mr. PAGE. What class of lands? Will the gentleman please state?

Mr. WALLING. Does the gentleman from California wish to be understood before this House as desiring the survey of millions of acres of the public lands which cannot be occupied?

Mr. PAGE. Most assuredly not.

Mr. WALLING. Has he not stated that California has over 21,000,000 acres of surveyed lands, 50,000 acres of which only are fit for occupation?

Mr. PAGE. I did not say there were 21,000,000 acres of surveyed lands unoccupied in California, but what I intended to say was there are not 50,000 acres surveyed which are fit for agricultural purposes.

Mr. WALLING. I have a table, prepared by the Commissioner of the General Land Office, which I desire to have read at the Clerk's desk and printed as part of my remarks, in regard to these public-land surveys. There were $680,000 appropriated last year for surveys of the public lands. This year's estimates made to this House amounted to $1,200,000 and the estimates for the next year to over $1,300,000; yet to-day there are 160,000,000 acres of surveyed lands unoccupied. In the Territory of the gentleman who addressed the House a short time ago the surveys have gone on in the arid regions, which cannot by any possibility be settled for years, and thousands, amounting almost to millions, of acres have been surveyed there.

This money is to be expended for the survey of the lands which the public interest may require. If the public interest requires it to be expended in the State of California, the Secretary of the Treasury is authorized to so expend it.

Mr. LUTTRELL. I should like to ask the gentleman a question. Do you say that there are 21,000,000 acres of surveyed and unsettled lands in California?

Mr. WALLING. Unoccupied, so far as the records of the Land Office show.

Mr. LUTTRELL. Do I understand you to say there are only 50,000 acres that are fit for settlement?

Mr. WALLING. Your colleague said that.

Mr. LUTTRELL. Do I understand my colleague to say that?

Mr. PAGE. I do not know what you understand.

Mr. LUTTRELL. Do I understand that of the 21,000,000 acres of land now surveyed only 50,000 are fit for settlement?

Mr. PAGE. I made the statement twice, and I think my colleague can understand it.

The CHAIRMAN. The time of the gentleman from Ohio [Mr. WALLING] has expired.

Mr. WALLING. I ask that the tables to which I refer, showing the areas of the land surveyed and unoccupied, be printed as part of my remarks.

There was no objection.

The tables are as follows:

Tabular statement showing the areas of the public-land States east of the one hundredth meridian west from Greenwich, the number of acres surveyed and unsurveyed, the number of acres disposed of, and the number of acres surveyed and undisposed of up to June 1, 1876; also the aggregate occupation for settlement during three years last past and the average annual occupation for three years.

States and Territories.	Area in acres.	Number of acres surveyed.	Number of acres unsurveyed.	Number of acres disposed of.	Number of acres surveyed and undisposed of.	Aggregate occupation for settlement during three years last past.	Average annual occupation for settlement for three years.
						Acres.	*Acres.*
Alabama	32,462,080	32,462,080	.....	27,462,080	5,000,000	474,385	157,795
Arkansas	33,406,720	33,406,720	.....	24,379,294	9,027,426	618,651	206,217
Dakota*	96,595,840	18,112,535	27,460,585	9,208,569	9,382,660	946,611	315,537
Florida	37,931,520	29,979,877	7,951,643	21,431,125	8,548,752	235,347	78,449
Illinois	35,462,400	35,462,400	.....	35,435,984	26,416	3,990	1,330
Indiana	21,637,760	21,637,760	.....	21,541,900	95,860	5,140	1,713
Iowa	35,228,800	35,228,800	.....	33,315,292	1,913,508	201,852	67,284
Kansas*	51,769,976	37,421,816	.....	21,787,216	29,982,760	2,698,966	899,655
Louisiana	26,461,440	24,353,272	2,108,168	21,013,797	3,339,475	330,726	110,243
Michigan	36,128,640	36,128,640	.....	33,932,286	2,196,353	1,180,098	393,366
Minnesota	53,459,840	37,873,110	15,586,730	26,154,517	11,718,593	1,693,922	564,641
Mississippi	30,179,840	30,179,840	.....	26,179,477	4,000,363	177,399	59,133
Missouri	41,824,000	41,824,000	.....	41,416,622	407,377	297,139	99,046
Nebraska*	48,636,800	25,881,450	.....	20,641,357	17,239,987	2,241,772	747,257
Ohio	25,576,960	25,576,960	.....	25,567,275	9,685	3,395	1,132
Wisconsin	34,511,360	34,511,360	.....	27,800,408	6,710,952	1,069,281	356,427

* The total areas of Kansas, Nebraska, and Dakota are given in the first column. The areas surveyed and unsurveyed, here noted refer only to those portions of said States and Territory east of the one hundredth meridian; but the disposals and amounts remaining undisposed of are for the entire States, it being impracticable to separate the disposals east and west of the meridian.

Tabular statement showing the areas of the public-land States and Territories west of the one hundredth meridian west from Greenwich, the number of acres surveyed and unsurveyed, number of acres disposed of, and the number of acres surveyed and undisposed of up to June 1, 1876; also the aggregate occupation for settlement during three years last past and the average annual occupation for three years.

States and Territories.	Area in acres.	Number of acres surveyed.	Number of acres unsurveyed.	Number of acres disposed of.	Number of acres surveyed and undisposed of, including homestead and timber culture settlements not yet reported.	Aggregate occupation for settlement during three years last past.	Average annual occupation for settlement for three years.
						Acres.	*Acres.*
Arizona	72,906,304	3,791,379	69,114,925	2,186,124	1,605,255	23,016	7,672
California	120,947,840	42,610,146	78,337,694	21,553,899	21,056,247	1,815,149	605,049
Colorado	66,880,000	19,351,671	47,528,329	5,127,508	14,224,163	562,760	187,587
Dakota*	96,595,840	18,591,229	50,544,026	9,208,569	9,382,660	946,611	315,537
Idaho	55,298,160	5,755,849	49,472,311	840,740	4,915,109	61,301	20,434
Kansas*	51,769,976	51,769,976	.....	21,787,216	29,982,760	2,698,966	899,655
Montana	92,016,640	9,102,608	82,914,032	3,292,434	5,810,174	61,988	20,662
Nebraska*	48,636,800	10,755,456	11,999,994	20,641,357	17,239,987	2,241,772	747,257
New Mexico	77,568,640	7,082,786	70,485,854	3,454,798	3,627,988	9,575	3,192
Nevada	71,737,741	10,936,155	60,801,586	3,125,482	7,810,673	55,639	18,546
Oregon	60,975,360	18,803,893	42,171,467	10,890,194	7,913,699	284,331	94,777
Utah	54,065,075	7,570,181	46,494,894	2,468,993	5,101,188	182,181	60,727
Washington	44,796,160	12,071,523	32,724,637	6,662,883	5,408,640	264,492	88,164
Wyoming	62,645,120	7,371,722	55,273,398	3,101,680	4,270,042	22,614	7,538

* The total areas of Kansas, Nebraska, and Dakota are given in the first column. The areas surveyed and unsurveyed here noted refer only to those portions of said States and Territory west of the one hundredth meridian, but the disposals and amounts remaining undisposed of are for the entire States, it being impracticable o separate the disposals east and west of the meridian.

Mr. MAGINNIS rose.

Mr. HOLMAN. I hope there will be no objection to closing debate on this paragraph, otherwise I must move that the committee rise for that purpose.

Mr. MAGINNIS. I desire to be heard on this question.

Mr. HOLMAN. Very well. After the gentleman from Montana has spoken, I shall ask that debate on this paragraph close.

Mr. PATTERSON. I most assuredly object to debate closing on this paragraph. There are too many interests at stake.

Mr. MAGINNIS. I want to say to this House that I am particularly wonder-struck at the power of humbug and successful log-rolling when ingeniously presented and industriously followed up. This House has just voted $145,000—which the gentleman from Ohio wished to increase—chiefly for the purpose of taking photographs and sticking pins through bugs. The House has voted that sum for the geological survey, for gentlemen who roam all over the Territories and make wonderful and startling new discoveries of interesting places discovered long before they went there; and whose chief business seems to be to take up the names of the historic old romantic landmarks of the country and to bestow on those mountains and ranges the names of the parties belonging to their expedition. This House has just now, on the recommendation of the gentleman from Ohio, voted $145,000 for this fanciful sort of work; and yet you only propose to give only $200,000 for the benefit of the actual settlers of sixteen States and Territories.

Of course, Mr. Chairman, there are surveys made in those Territories in places that are not occupied, but there are hundreds of places where there are settlers calling for surveys of public lands in order to obtain titles to their homes. And why should we be asked to break down our ancient system of surveys, so long and so well established, and to introduce an untried system, except it be to still further perpetuate the doings of those gentlemen who successfully tickle the ear of the House, and who by judicious distribution of pictures and patronage manage to make many and enthusiastic friends.

I have no reason to find fault with these geological surveys or these gentlemen who go out there and take photographs of our beautiful scenery. What I object to sometimes is the fact that they come back apparently with the assumption that they own that scenery, and made, or at least discovered the country in which we dwell. It advertises the country, however, and that is all well enough. But, I say, when the interests of the actual settlers of sixteen States and Territories are on the one hand, and this fanciful work of making photographs and handsomely-colored maps on the other, this House makes a mistake when it discriminates in favor of the fanciful and throws the practical work to one side. I do not urge the too rapid extension of surveys. When carried too far in advance of settlements the monuments perish and the surveys are lost. But there are in Montana, portions of the Yellowstone Valley, the Deer Lodge Valley, and the Beaverhead Valley, quite thickly settled, where the surveys need to be extended, and I certainly think that the needs of these settlers should appeal more loudly to Congress than other considerations. With the restrictions placed on surveys in this bill, and

what I fear may prove to be the inadequate prices allowed for the work, any appropriation you may make must certainly be well expended.

Mr. HOLMAN. I now ask unanimous consent that debate on this paragraph may cease.

Mr. PATTERSON. On that I desire to say one word. I wish to offer an amendment, and I wish to be heard a moment upon it. It goes to the very gist of the whole paragraph and is of the utmost importance.

Mr. HOLMAN. If the committee shall rise I will move that debate be closed in five minutes, to allow the gentleman from Colorado to be heard. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and Mr. HOOKER having taken the chair as Speaker *pro tempore*, Mr. BLACKBURN reported that the Committee of the Whole on the state of the Union had, according to order, had under consideration the bill (H. R. No. 3749) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1877, and for other purposes, and had come to no resolution thereon.

Mr. HOLMAN. I move that the House resolve itself into Committee of the Whole on the state of the Union for the purpose of resuming the consideration of the sundry civil appropriation bill, and pending that motion I move that all debate on the pending paragraph be closed in five minutes.

Mr. DUNNELL. I hope the gentleman will make it ten minutes. I desire to offer an amendment.

Mr. HOLMAN. I think five minutes will be sufficient. I will yield that time to the gentleman from Colorado.

Mr. DUNNELL. I desire to offer an amendment to this paragraph.

The motion to limit debate to five minutes was agreed to.

The motion that the House resolve itself into Committee of the Whole was agreed to.

The House accordingly resolved itself into Committee of the Whole, (Mr. BLACKBURN in the chair,) and resumed the consideration of the bill (H. R. No. 3749) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1877, and for other purposes.

Mr. LANE. I desire to offer an amendment, to which I believe there will be no objection.

The CHAIRMAN. It is not in order now. An amendment to an amendment is now pending. But, if there be no objection, the Clerk will read the amendment which the gentleman from Oregon desires to offer.

The Clerk read as follows:

In line 973 strike out "$12" and insert "$14;" so that it will read: "may allow for the survey of standard lines in heavily-timbered land a sum not exceeding $14 per mile."

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Ohio, [Mr. WALLING.]

The Clerk read as follows:

Add to line 973 the following:
Provided, That the starting-point for such surveys may be established by triangulation.

Mr. PATTERSON. I do not desire to occupy the time of the committee now, but I trust the question on the amendment of the gentleman from Ohio will be postponed till the debate is through. I desire to speak to an amendment of my own.

Mr. HOLMAN. I think the amendment offered by the gentleman from Oregon [Mr. LANE] is proper. The Committee on Appropriations make no objections to it.

Mr. PAGE. I have an amendment pending.

The CHAIRMAN. It is in order first to take a vote on an amendment to perfect the paragraph which it is proposed to strike out. The question is on the amendment of the gentleman from Ohio, [Mr. WALLING.]

The question was taken, and there were—ayes 26, noes 41.

So (further count not being demanded) the amendment was not agreed to.

Mr. PATTERSON. I understood that debate was to close in five minutes, and those five minutes were to be given to myself.

The CHAIRMAN. Such was the order of the House, that debate should close in five minutes.

Mr. PATTERSON. If that is so, I desire to occupy five minutes, but I do not desire to take the time of other gentlemen.

The CHAIRMAN. The Chair cannot control that. The gentleman from Colorado was recognized, and could have proceeded if he had desired to do so.

Mr. BUCKNER. The chairman of the Committee on Appropriations agrees to the amendment offered by the gentleman from Oregon.

Mr. LANE. I want to say one word, and it is that, from my knowledge of the character of the timber country on the Pacific slope, these surveys cannot be run for less than $14 per mile, and, in my opinion, not less than $16 per mile; but, on conferring with the Committee on Appropriations, I have consented to make my amendment $14 per mile instead of $16; but I doubted whether it would be accepted by the committee at $14.

Mr. REAGAN. I wish to offer an amendment to the amendment.

Mr. PATTERSON. I object.

The CHAIRMAN. It is not competent for the gentleman from Colorado to object; he was awarded the floor and declined to occupy it.

Mr. PATTERSON. Do I understand that objection cannot be made to the offering of this amendment?

The CHAIRMAN. It is not a matter that requires unanimous consent. The amendment of the gentleman from Texas will be read.

The Clerk read as follows:

Amend by striking out the word "ten" in line 968, and insert the word "six" in its place.
Strike out the word "seven" in line 969, and insert in its place the word "five."
Strike out the word "six" in line 970, and insert in its place the word "four."
And strike out of line 973 the word "twelve," and insert in its place the word "six."

The question was taken on Mr. REAGAN'S amendment, and it was not agreed to.

Mr. PATTERSON. I offer the amendment which I send to the Clerk's desk. It is not properly an amendment to the amendment, but rather a substitute for it.

The Clerk read as follows:

Strike out in lines 952 and 953 the following words: "For survey of the public lands and private land claims, $200,000," and insert in lieu thereof the following:
"For surveying the public lands in the States of Louisiana and Florida, $15,000; in the State of Minnesota, $20,000; in the Territory of Dakota, $20,000; in the Territory of Montana, $30,000; in the State of Nebraska, $45,000; in the Territory of Colorado, $40,000; in the Territory of Idaho, $20,000; in the Territory of New Mexico, $25,000; in the Territory of Arizona, $12,000; in the State of California, $10,000; in the State of Oregon, $30,000; in the Territory of Washington, $20,000; in the Territory of Utah, $20,000; in the State of Nevada, $20,000; in the Territory of Wyoming, $25,000; in all $382,000."

The CHAIRMAN. Two and a half minutes remain of the time allowed by the House for debate.

Mr. PATTERSON. I ask unanimous consent to occupy five minutes.

Objection was made.

Mr. PATTERSON. Mr. Chairman, the first pernicious legislation that the amendment seeks to remedy is that of voting a sum in gross for the purpose of public surveys. As the clause now reads it provides the sum of $200,000 for public surveys in sixteen States and Territories, and this amount is to be distributed at the will and option of the Commissioner of the General Land Office and of the Secretary of the Interior.

I desire to ask the question what State or Territory will get its due proportion, and how it is to be determined how much shall be given to Dakota, to California, to Wyoming, or any other State or Territory upon which public surveys are carried on? It will be the smoothest-talking member from a State or Territory, the one who can bring the strongest influence to bear on the Commissioner or on the Secretary of the Interior. These men have no means of knowing the wants or necessities of the States or Territories so far as the public surveys are concerned. They cannot determine them either from maps or from the reports of the surveyors-general of the land districts; and so far as future disbursements of money for surveys are concerned it depends upon the influence, whether by voice, by money, or by friends, or by any other of the numerous ways by which influence is brought to bear, where this money shall be distributed. Perhaps my Territory may not receive a dollar; perhaps the State of California may not receive a dollar; perhaps the whole amount will be expended where it is not at all needed; and this is in direct opposition to the rule which has prevailed in the Department for many years in reference to the distribution of money for public surveys. Congress has always stated in what particular States and Territories the money shall be expended.

Now a word in reference to the amount of the appropriation. The amount of the appropriation proposed by the bill is $200,000. If that amount be distributed equally, it will give $12,000 to each land district, a mere bagatelle, just about sufficient to put a survey party on its feet. One year ago the amount appropriated for this purpose was $800,000 and the estimates of the Department this year amount, I believe, to $820,000 for public surveys. Last year the appropriation was distributed in accordance with the recommendations made by the Department among the different States and Territories.

Now, it is absolutely necessary that this should be done. Gentlemen from the older States, gentlemen from Florida, gentlemen from Louisiana, which contains thousands of acres of swamp land, cannot stand up, and I presume will not, and say that with millions and millions of acres in the Western States and Territories that are still unsurveyed we shall have no more than the paltry sum of $12,000 for each land district for the purpose of prosecuting our surveys. The gentleman from Ohio well said that in some of the Territories the surveys heretofore have been on barren lands. This is not the fault of the settler. In my Territory, in the Territory of Wyoming, in the State of California, and in other States and Territories, in the beautiful valleys, the parks, the river bottoms, where the settlers desire to go, many thousand acres of land are yet unsurveyed, and they are obliged to pass them by, simply because they could not make entry of them or purchase them, for want of surveys. And when Congress says that they shall not be allowed to obtain a home in these Western States and Territories because Congress refuses to appropriate the money to survey the lands and bring them into market, it seems to me it is a direct blow against the settler whoever he may be.

Mr. HOLMAN. There are 160,000,000 acres of surveyed lands not yet sold.

Mr. RANDALL. Let us have a vote.

The question was then taken on the substitute offered by Mr. PATTERSON for the amendment of Mr. LANE; and upon a division there were—ayes 35, noes 63.

No further count being called for, the amendment was declared to be rejected.

The question was next taken on the amendment of Mr. LANE; and on a division there were—ayes 41, noes 52.

No further count being called for, the amendment was declared to be rejected.

The question then recurred on the amendment of Mr. PAGE, which was to strike out the following:

The cost of such surveys shall not exceed $10 per mile for standard lines, $7 for township, and $6 for section lines, except that the Commissioner of the General Land Office may allow for the survey of standard lines in heavily timbered land a sum not exceeding $12 per mile.

And insert in lieu thereof the following:

For surveying the public lands in California, at rates not exceeding $15 per linear mile for standard lines, $14 for township, and $12 for section lines, and for heavily timbered mountain lands at augmented rates, not exceeding $18 per linear mile for standard, $16 for township, and $14 for section lines, $70,000.

The question was taken, and the amendment was not agreed to.

Mr. DUNNELL. I move to amend the pending paragraph by striking out the words "third, timber lands bearing timber of commercial value."

Mr. RANDALL. Let us have a vote.

Mr. DUNNELL. I ask unanimous consent to make a single statement.

Mr. RANDALL. I object.

The amendment of Mr. DUNNELL was not agreed to.

Mr. MAGINNIS. I desire to move an amendment which will not increase the amount of appropriations a single dollar.

Mr. RANDALL. I object to any debate.

Mr. MAGINNIS. I move to amend by inserting after "$200,000" these words:

And this sum shall be equally distributed between the different States and Territories.

The amendment was not agreed to.

Mr. PATTERSON. I desire to offer an amendment to which I think the Committee on Appropriations will have no objection. It is to insert after the words "sixth, private land claims," these words:

Seventh, mineral lands containing gold or silver veins or lodes, and claims usually called placers.

This simply permits such mineral lands to be surveyed.

Mr. PAGE. Is that amendment open to debate?

The CHAIRMAN. It is not; by order of the House all debate on the pending paragraph has been closed.

Mr. PAGE. Then I hope the amendment will be voted down.

Mr. RANDALL. We will do that.

The amendment was not agreed to.

Mr. PATTERSON. I move to amend by inserting in the last part of the paragraph, after the words "standard lines in heavily timbered land," the words, "and mountain districts."

The amendment was not agreed to.

The Clerk resumed the reading of the bill, and read the following:

That the land offices at Chillicothe, Ohio; Indianapolis, Indiana; Springfield, Illinois; and the office of the recorder of land titles of the State of Missouri are hereby abolished; and the Secretary of the Interior is hereby authorized to transfer to the States respectively aforesaid such of the transcripts, documents, and records of the offices aforesaid as may not be required for use of the United States, and as the States respectively in which said offices are situated may desire to preserve; and the office of the surveyor-general of Kansas is hereby abolished.

Mr. NEAL. I move to amend the paragraph just read by striking out the words "Chillicothe, Ohio." No part of the district that I represent has ever asked or received any favors at the hands of the General Government. All that we now ask is that we shall be permitted to retain this, the last remaining land office in the State of Ohio.

Mr. W. B. WILLIAMS. How did you get this land office?

Mr. NEAL. We had it in the early history of our State, when we had thousands and tens of thousands of acres of the public lands at the disposal of the General Government. Every other land office within the limits of our State has been abolished, until all have been consolidated, and this is the sole remaining land office in Ohio.

Had it not been that points of order were not reserved upon this bill, I think I could demonstrate clearly and conclusively to the House that this provision of the bill does not come within the rule providing for a change in existing law under the pretense of economy or of reducing the expenditures of the Government. The sole cost of continuing and perpetuating this land office consists, I believe, of the little sum of $1,000 per annum, $500 of which is paid to the receiver, and $500 to the register of the land office. According to the last annual report of the Commissioner of the General Land Office, this office at Chillicothe was more than self-sustaining, the receipts of the office during the year ending June 30, 1875, being about $360 more than the outlay.

Besides, I have here a communication from the Commissioner of the General Land Office, in response to an inquiry submitted to him a few weeks ago by the chairman of the Committee on Appropriations, and a copy of which was furnished me on yesterday in response to a similar inquiry, in which he states that it is not best for the public interest to discontinue this office; on the contrary, he insists that the office ought to be continued.

Again, if there is any necessity for discontinuing or abolishing this office, the Secretary of the Interior now has ample power, under section 2249 of the Revised Statutes, to discontinue it, because that section authorizes him to discontinue this office or any similar office whenever in his opinion the public convenience requires that it shall be discontinued. And, on the contrary, it empowers and authorizes him to keep up and continue any of these offices when, in his opinion, the public interest requires that they shall be continued.

I hope, then, that the members of this Committee of the Whole will agree to my amendment, which does not impair or affect this bill in any of its provisions, but simply strikes out the two words I have indicated and leaves this particular land office in existence as it now is.

[Here the hammer fell.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. HOLMAN. I trust that no discrimination will be made; that these useless offices will be abolished, and the records turned over to the States.

Mr. CONGER. In view of the action of the gentleman from Indiana [Mr. HOLMAN] and other gentlemen upon the democratic side of this House, and their professions for long years here in favor of the settlers and of keeping the public lands of the United States devoted solely for the benefit of the settlers, I desire to contrast those professions with the policy now inaugurated of cutting off surveys, discontinuing land offices, and leaving unsurveyed the better portions of the country where settlers might go and select homesteads. Were it not that the action of this House bears so heavily upon immigrants to this country and our own citizens removing from the East to the West in search of homes; were it not that the natural effect of this measure is to shut out from homesteads for years to come many citizens now desiring to go from portions of the Union where they can find no labor, nothing upon which to procure a living, and to seek a home in the far West where at least they can live, I should feel rejoiced at the action of the democrats in this House, for if any party ever committed political *harikari*, if ever any party took the most direct steps toward suicide as a political organization, this is a measure of that kind; for in my judgment it will meet the condemnation of all people who desire to settle in the West. I ask the gentlemen who have been loudest heretofore in their professions of friendship for the landless and the homeless to compare their professions with this simple bill. Simple? Ay, simple to the utmost degree of simplicity.

Sir, I have desired to enter my protest against this cutting down of the surveys, against this attempt to circumscribe within the narrowest possible limits the places where immigrants may go and find homes. Having said this much and having I think called up the record of the gentleman from Indiana and contrasted it with his professions on every occasion heretofore, I leave the subject for his contemplation and that of the House.

Mr. HOLMAN. Mr. Chairman, truth is a very valuable commodity in all the relations of life, and especially valuable where words are uttered in this Congress and go to the whole people of the country. No man has proposed in this bill any measure or policy unfriendly to the actual settler. Every provision in this bill is designed to protect the rights of the actual settler. One hundred and sixty millions of acres of land have been surveyed and are still undisposed of; an area six times as large as the great State in which I live. By these surveys there has been opened for speculators an opportunity of seizing the valuable lands of this Government; a movement in the interests of cupidity and speculation at the expense of the actual settler.

A gentleman who has aided in voting away 200,000,000 acres of the most valuable lands of this Government to a body of corporations cannot well undertake to lecture any member on this floor as to his duty toward the actual settler.

My friend from Ohio [Mr. NEAL] moves to strike out "Chillicothe." Gentlemen must, I presume, understand that the land offices at Chillicothe, Indianapolis, and Springfield cost from $2,500 to $3,000 a year; that the public lands in those States are exhausted; that the records there are simply copies from those of the General Land Office, and that this bill proposes for convenience to turn over those records to the State authorities and to save the salaries of register and receiver, office rent, and contingencies.

The question being taken on the amendment of Mr. NEAL, it was not agreed to; there being ayes 44, noes not counted.

Mr. CONGER. I move to amend by striking out the last word. Mr. Chairman, the remark of the gentleman from Indiana [Mr. HOLMAN] makes it proper for me to say that in 1852, in 1854, and in 1856 almost the entire appropriations to which the gentleman has referred as having been voted to corporations were voted by the democracy, in a democratic Congress, of which I believe the gentleman from Indiana was himself a member.

Mr. HOLMAN. I was not a member then.

Mr. CONGER. Perhaps not as long ago as that. The gentleman refers to me as one who has assisted in voting away these millions of acres. Sir, I never voted an acre of land for railroads, whatever may be my judgment about the propriety of it. But, sir, the gentleman in his sixteen years' service was a member of this House when a considerable portion of these lands was voted to railroads. Does his record show that he ever opposed it until late years?

Mr. HOLMAN. Yes, sir; from the beginning, from the first bill.

Mr. CONGER. I will not venture to dispute the gentleman's statement, for his conduct has been so uniform in opposing all measures

before Congress that I venture to assume he is right in his assertion. But, sir, those great appropriations to which he has referred were made by a democratic Congress; yes, and his idol, Stephen A. Douglas, was the leader and manager of the movement.

What is it that makes the gentleman rise in his place to-night and say that truth is such a valuable thing? Has he for the first time in his life discovered there is such a thing as truth and he considers it valuable on account of his new discovery? Has it just broken on his vision? What application does he mean to make of it?

I charge the gentleman and his party, and I wish it put on record—and it has never been denied and cannot be—that the vast amount of appropriation of millions of acres to railroad corporations, to that kind of corporation to which he alludes sneeringly, was made by the democracy of the country of their own free will, and it is too late now, if there was anything wrong in it, to taunt this side of the House with that appropriation. Let the gentleman nourish that truth which he has discovered lately to be so valuable and parade the semblance of falsehood before the country as he has done to-night.

Mr. HOLMAN. I think I am justified in saying the truth is valuable when gentlemen remember that prior to the year 1862 all the domain which had been granted was granted to the States and not an acre to corporations. It was granted to the States. Portions of it were afterward applied, as in Illinois and in the States south of the Ohio and Mississippi Rivers, to corporations. Altogether it did not reach even 20,000 acres. I go beyond the gentleman as to the true amount. The great grant at that time, the Illinois grant, was inside of 4,000,000 acres.

Mr. CONGER. Does the gentleman from Indiana say there was never an acre granted to the corporations; that it was all granted to the States?

Mr. HOLMAN. Never an acre was granted to corporations, but it was granted to the States prior to 1862.

Mr. CONGER. Does the gentleman make a distinction between a corporation and the States?

Mr. HOLMAN. The grants were made to the States. Never until subsequently were grants made to corporations. The great grants running up to 212,000,000 acres were made since the period to which the gentleman refers, since the year 1860. Grants prior to that time were trivial in comparison with the enormous empires of land granted since that time. Without consuming my time, I ask debate cease and the next paragraph be read.

Mr. RANDALL. I should like to state a fact in connection with what has been done in regard to the cost of surveys. The economical estimate of surveys this year of the Land Office, with 161,000,000 acres surveyed, is $895,000,000. The estimate made in connection with the Committee on Public Lands by the Appropriation Committee, shows that $200,000 is sufficient. The committee, therefore, have saved nearly $700,000, which was proposed to be practically wasted under the estimate of the General Land Office.

Mr. BURCHARD, of Illinois. Do you expect to survey as much land with $200,000 as with $800,000?

Mr. RANDALL. I say there are 161,000,000 acres now surveyed and not occupied.

Mr. BURCHARD, of Illinois. Exactly, and you do not propose to have any more surveyed?

Mr. RANDALL. That is the manner in which we are helping the settlers in this country by saving the public money.

Mr. PAGE. The Treasury has received three-quarters of a million dollars during the last year from the State of California as the proceeds of the sales of public lands.

Mr. CONGER. I withdraw the formal amendment.

Mr. KASSON. I will occupy the time of the House but for one moment, not to engage in debate, but to call the attention of gentlemen to the fact that after the word "abolished," in line 990, the words "from and after the 30th day of September next," or some other period, should be inserted.

Mr. HOLMAN. I have no objection to that.

Mr. KASSON. Then I move that amendment, to insert the words "from and after the 30th day of September next" after the word "abolished," in line 990, and also in line 997; so the paragraph will then read:

That the land officers at Chillicothe, Ohio; Indianapolis, Indiana; Springfield, Illinois, and the office of the recorder of land titles of the State of Missouri are hereby abolished from and after the 30th day of September next; and the Secretary of the Interior is hereby authorized to transfer to the States, respectively, aforesaid such of the transcripts, documents, and records of the offices aforesaid as may not be required for use of the United States, and as the States, respectively, in which said offices are situated may desire to preserve; and the office of the surveyor-general of Kansas is hereby abolished from and after the 30th day of September next.

The amendment was agreed to.

The CHAIRMAN. If there be no objection, the various paragraphs under the heading "surveyors-general and their clerks" will be read through with the understanding that each one of the paragraphs will be open to amendment.

There was no objection.

Mr. PAGE. I move, in line 1030, to strike out "$2,500" and insert "$2,700," which is a reduction of 10 per cent., the amount of reduction applied to all others; and to strike out "$8,000" for clerks and to insert "$10,000;" so the paragraph will read:

For surveyor general of California, $2,700; and for the clerks in his office, $20,000.

Mr. RANDALL. Question.

Mr. PAGE. Not yet; do not be in a hurry.

Now, Mr. Chairman, the reduction of the surveyor-general's salary 10 per cent., as they have reduced all other salaries, his present salary being $3,000, would make it $2,700. The appropriations for the last three years for the surveyor-general's office in California have been placed at $20,000.

Now I do not suppose that the House will pass this amendment. I am not asking for this with the expectation that they are going to permit it to be passed. There is not a man on this side of the House who has ever secured an amendment to any appropriation bill this session unless it has been consented to by the gentleman from Pennsylvania and the gentleman from Indiana. But, sir, I expect that another body will review some of these things. I expect that they are patriotic and sensible enough to do justice where justice should be done.

I rose for the purpose of sending to the Clerk's desk a letter from the General Land Office in reference to this matter, which I ask the Clerk to read.

The Clerk read as follows:

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., May 9, 1876.

SIR: I am in receipt of your letter of the 5th instant, asking the views of this office upon the subject of a proposed reduction of the appropriation for compensation of the clerks in the office of the surveyor-general of California from $20,000 to $8,000, by the House Committee on Appropriations.

In reply, I have the honor to state that, should the committee carry out their intention, there is no doubt but what the public interests will suffer greatly. It is not only the labor attached to the returns made of public surveys, private claims, and Indian reservations that must be taken into consideration, but the office is greatly in arrears in many matters that are of great importance, which should be brought up as quickly as possible. But slow progress has been made in the latter respect, owing to the fact that the current work engages the time of the present force almost constantly.

Upon the organization of the office in 1853, the sum appropriated for clerical service was $11,000; but as business increased, with no corresponding increase of force, the work of the office year after year fell into arrears, until at last this office was compelled during the fiscal year 1872 to ask an increase of appropriation of $15,000 for this branch of the service. Upon explanations being made, the sum estimated for was granted, and at a subsequent period, namely, 1874 and 1875, when estimating for a still larger sum, ($20,000,) the public interests demanding it, said amount was appropriated. And as there are as valid reasons now as then for submitting a like estimate for the coming fiscal year, this office is firmly of the opinion that no reduction should be made; on the contrary, an increase of money and force would facilitate public business very much.

Very respectfully,

U. J. BAXTER,
Acting Commissioner.

Hon. H. F. PAGE,
House of Representatives.

Mr. PAGE. I have only one word more to say. I do not expect to change the decision of the caucus of the majority of this House. On this bill, and other bills, this side of the House must quietly and patiently submit to the will of the majority expressed in caucus and on the floor of the House.

Mr. RANDALL. There never has been any caucus on any appropriation bill.

Mr. PAGE. Or any other bill?

Mr. RANDALL. The Senate had a caucus.

Mr. PAGE. How did you happen to change your programme in reference to the clerks of this House?

Mr. RANDALL. We never did change it.

Mr. PAGE. Yes; you did change that after the caucus.

Mr. RANDALL. Never in the world. We never had a caucus in regard to it, and the gentleman should not stand up and say what is not true.

Mr. PAGE. I do not suppose all the democratic members were in the caucus——

Mr. RANDALL. Nor any of them.

Mr. PAGE. But at least the majority of them were.

Mr. RANDALL. You know better. There is not a syllable of truth in that statement.

The amendment of Mr. PAGE was not agreed to.

Mr. PATTERSON. I offer the following amendment:

After the word "dollars," in line 1021, insert the following:

And the surveyor-general of Colorado, under the directions of the Commissioner of the General Land Office, may be authorized to cause necessary public surveys to be made on lands containing gold and silver veins and lodes and placer claims.

In the first place, I desire to state to the committee that this does not provide for the appropriation of a single dollar. The very basis of the prosperity and wealth of Colorado are these mining interests. Before the prospector can obtain a title to mining property he must see that his mine is surveyed, and under the express provisions of the statute law that survey must be connected with the public surveys of the country.

We have just brought into market the most valuable mining property in the southwestern part of our Territory. There are no public surveys within perhaps fifty miles of many of the most valuable mines in that section of country. Under the law the miner is compelled to pay out of his own pocket for the survey of his mines, and under the provisions of this bill he will be compelled not only to procure the lines of his mine to be run, but will also be compelled to have the lines run by a surveyor from ten to forty or fifty miles, that he may connect his mine with the public surveys. It will cost him instead of $25 or $30, as it ought to cost, perhaps $1,000, $1,500, or $2,000. In

other words, as the law stands it is an absolute prohibition upon the mine-owner from obtaining a patent or title to his mine or any interest in it whatever.

Now, all this amendment asks is, that under the directions of the Commissioner of the General Land Office, if he should deem it fitting and proper, some of the money appropriated for the public surveys may be used for the purpose of running standard lines to the neighborhood of the mining region of the Territory. Is that asking too much? I do not know whether the Committee on Appropriations will agree to that. The member of the committee from Indiana [Mr. HOLMAN] said the truth was valuable. I desire to speak some words of truth in order that it may go upon the record, not expecting that the committee will agree to any change whatever or to any more tender policy toward the Territories than they have practiced heretofore. There are eight members of the Committee on Appropriations in whose States there were public buildings for which estimates were made. In those eight States represented upon the committee the estimates for public buildings were $2,160,000. They allowed to those eight States represented on the committee $1,141,000, or a little over one-half of the estimates.

The estimates for public buildings in the States not represented upon the committee were $4,502,000. The committee allowed to those States because they were not represented on the committee $1,218,000, or about one-fourth of the estimates of the Department.

Now that may be justice; there may not have been, and I know there was not, a caucus of the democratic members of the House in reference to these appropriations, but it looks as if there might have been a caucus of the members of the committee in reference to them.

Mr. ATKINS. That is untrue.

Mr. PATTERSON. Here are the facts and the figures.

Mr. ATKINS. I say it is false.

[Here the hammer fell.]

Mr. WHITE. I desire to know whether it is in order that one member shall say to another that his remarks are untrue? I ask that the words be taken down.

The CHAIRMAN. The Chair will state to the gentleman from Kentucky that that cannot be done in Committee of the Whole.

Mr. WHITE. I move that the committee rise for the purpose of having the words taken down.

The question was taken, and the committee refused to rise.

Mr. HOLMAN. I now ask that all debate upon the pending paragraph be closed.

There was no objection; and it was so ordered.

The question was taken on Mr. PATTERSON'S amendment; and on a division there were ayes 28, noes not counted.

So the amendment was not agreed to.

Mr. DUNNELL. I offer the following amendment: In line 1009, I move to strike out the words "$1,800" and to insert in lieu thereof the words "$2,500;" so that it will read:

For surveyor-general of Minnesota, $2,500; and for the clerks in his office, $3,000.

There are many things in this appropriation bill referring to the public lands which meet my approval. I believe that we have appropriated a much larger sum of money in years past for the survey of the public lands than was needed, and I have said to members of the Committee on Appropriations that I believed there could be retrenchment and a saving of money in this direction at the present time, and while I represent a western land State, I am very free to say that we may appropriate no more than is in this bill with a very good reason for the present year.

I do not believe that a single State or a single Territory will suffer practically by this reduction. I am free to say that we have agricultural surveyed lands in all the Territories and all the States at the present time more than will be taken up during the year to come, and I had desired to offer an amendment striking out that subdivision of the lands which might be surveyed as pertains to the timber lands. I desired to say at that time that for the last three or four years a most terrible plunder of the timber lands of the country has been going on and the money which we appropriated last year and which ought to have been expended almost wholly in the survey of agricultural and mineral lands was almost entirely used in the survey of timber lands.

These timber lands were covered over by land-warrants and agricultural-college scrip, so that it sent out of our possession a vast area of the timber lands of the country. I was told by a gentleman the other day, from the Territory of Washington, that two men in California owned 175,000 acres of timber lands in the Territories on the Pacific coast. They got those lands by scrip. The Government never got a dollar for those lands.

Now, there is a bill pending before the Committee on Public Lands upon this subject, and the committee have agreed to report some bill to protect our remaining timber lands and make them a source of revenue to the Government. The fact is, as the gentleman from California will admit, that a very small fraction of the money that has come into the Treasury from California has come in from timber lands; and representing as I do a western State, I am willing that this bill shall go through. I think that no State and no Territory will lose by it.

One word more in relation to my amendment, which I had forgotten, and gentlemen will excuse me. My amendment is that the salary of the surveyor-general of Minnesota shall be put on a par with the salaries of the surveyors-general of the other States and Territories. This bill gives to the surveyor-general of Minnesota $1,800 a year, and it gives to the surveyor-general of Idaho $2,500, and to that of Nevada $2,500. Now, experience will show that the surveyor-general of Minnesota during the next year must have more work to do than either of these other officers. I think, therefore, that my amendment should be adopted.

Mr. JACOBS. Allow me to say that the gentleman from Minnesota is incorrect in his statement in regard to Washington Territory. In Washington Territory the surveys have never extended into the timber lands at all. There are about twelve or thirteen thousand people living in Eastern Washington, and those people are compelled to trespass on the timber lands in that section of the country in order to live. The surveys have never been extended into the timber lands in that section of the country. Two or three years ago an enterprise was started to build a railroad from the city of Walla Walla to the Columbia River, a distance of thirty-three miles. An application was made to the Government of the United States to allow the company to go upon the public lands to get timber for the purpose of building that railroad. That request was denied and the timber could not be taken without costing $26 in gold coin a ton to convey it from the city of Walla Walla to the Columbia River. What was the consequence? The proprietors of that railroad went into the mountains and cut the timber on the public lands and rafted it down to the Columbia River. As soon as that timber was in the Columbia River the agents of the Government seized it and delayed the completion of that railroad for two years, while the people of that section of the country were paying for the transportation of their grain and other agricultural products $12 in gold per ton in order to have it carried a distance of thirty-three miles to the Columbia River. Yet this Congress refuses to make an appropriation for the purpose of extending the surveys into the timbered lands of Washington Territory, and the agents of the Government are prosecuting the citizens of that Territory for trespassing upon those timber lands when it is impossible for them to exist in that section without so trespassing.

The amendment of Mr. DUNNELL was not agreed to.

Mr. CANNON, of Utah. I desire to offer an amendment.

Mr. RANDALL. I desire to make a motion to this effect, to strike out in all these paragraphs the words relating to the offices of surveyors-general and the salaries respectively attached thereto, and to insert a provision to the effect that their duties shall be performed hereafter by the Secretary of the Interior through surveyors sent out by him to make such surveys in the several States and Territories as may be deemed necessary.

Mr. KASSON. Does the gentleman offer that as an amendment?

Mr. RANDALL. I do.

Mr. KASSON. Then I make the point of order upon it.

Mr. RANDALL. It is in the line of retrenchment.

Mr. KASSON. How?

Mr. RANDALL. It abolishes various offices. I believe there are no duties which the surveyors-general perform in the States and Territories that cannot be performed under the direction of the Secretary of the Interior at the central Land Office in this city.

Mr. KASSON. But you propose by your amendment to send out other officers. I think the gentleman had better not make this change. In view of the great many changes of existing law contained in this bill, I would suggest that it is not worth while to attempt to make such a change as this.

Mr. HOLMAN. The question presented by this amendment is exactly the same as that which was presented in the proposition to transfer the Indian Bureau from the Interior Department to the War Department. It is impossible to tell what system must be by legislation substituted in place of the old one, and you cannot tell with any certainty which system would be the most expensive. The case presented is exactly the same; and therefore I hold that the Chair would have to rule, as was ruled then, that this amendment is not in order.

I do not think that this attempt should be made, after this subject has been studied during this whole session, although most of the gentlemen who have examined it think that these surveyors-general can be dispensed with. The trouble is in adopting a system to take the place of the present one which will be more economical and as efficient. That has not been secured after all this time of consideration.

I therefore submit that the proposition to transfer these duties from the local offices to the Interior Department of this Government may or may not entail expenses as great as those now incurred.

Mr. RANDALL. As the gentleman from Indiana, [Mr. HOLMAN,] on the point of order has spoken to the merits of the proposition, I merely want to say in reply what induced me to offer this amendment.

Since this bill has been printed I have learned that the Committee on Appropriations, or a majority of the members of that committee, favor the vacation or abolition of these offices of surveyors-general. I have learned in addition, after conference with various gentlemen whose business and position would enable them to know exactly whether these officers are necessary or not, that they are of opinion, almost without any dissent, that there is no occasion for these offices. Nor is there any occasion whatever for the clerks in these offices. All the duties which are performed by the surveyors-general can be

performed by the central office here in the Interior Department; and officers can be sent out as occasion requires within the limit which we provide here, that is of $200 of expenditure.

Mr. KASSON. Where did the gentleman get that information?

Mr. RANDALL. From various members of Congress.

Mr. PAGE. It was not the result of any caucus?

Mr. KASSON. I desire to say one word in reply to the gentleman from Pennsylvania, if he is through.

Mr. RANDALL. One word on the point of order. This amendment abolishes various offices which are now kept up at great expense, and the salary attached to each office. I propose in my amendment first to abolish the office and then strike out the salaries attached respectively thereto in this bill. And upon the face of my amendment it is a retrenchment, which brings it within the prescribed letter and spirit of the rule.

Mr. KASSON. I should not have spoken on the merits of the proposition in discussing the point of order, except for what gentlemen on the other side have said, and which renders it proper that I should say a word or two in the same direction. I beg the attention of the gentleman from Pennsylvania [Mr. RANDALL] to this point; he is not personally familiar as we western men are with the conduct of business in the public land office.

Mr. RANDALL. I do not pretend to speak except upon full conference with those familiar with the subject.

Mr. KASSON. I regret the gentleman has quoted the opinions of individual members of the Committee on Public Lands, which opinions have never had official expression in this House during this long session. I venture to say the gentleman will find few western men who will accept this proposition as safe for the public interests; and for the plain reason that for years, I might almost say from the foundation of the Government, certainly from the foundation of the present system of surveying the public lands, all our land laws have been interwoven with the system of local surveyor-generals' offices. The laws require numerous papers to be filed, numerous certificates to be made there, and an attempt to change the law by a simple provision of this sort abolishing the offices, without going through the Revised Statutes and modifying the duties imposed upon other persons, which duties are interwoven with the existence of these surveyors-generals' offices, must produce inextricable confusion in the administration of your land laws.

I say this much upon the merits of the proposition, because the gentleman from Pennsylvania has raised that question, and not because I suppose it in order to discuss the merits. But what I have said I know as a western man with experience in western lands; and all gentlemen about me know it also. If this proposition be adopted, we introduce a confusion of duties which are now systematized in connection with these offices; confusion which we cannot afterward correct except by a great deal of troublesome legislation.

As to the point of order, it does not appear that the sending out of special officers by the Secretary of the Interior will not be equally expensive with the present system, or more expensive.

Mr. McDILL. I want to say one word in reference to a remark made by the chairman of the Committee on Appropriations. If I understood him aright, he said that the Committee on Public Lands had had under consideration——

Mr. RANDALL. I said I had conferred with members of the Committee on Public Lands; and believed that they favored this proposition.

Mr. LANE. As one member of that committee, I believe that the majority of the committee do favor it.

Mr. McDILL. What may be the individual views of the members of the Committee on Public Lands I do not know. There may be a majority in favor of this measure.

Mr. RANDALL. That is all I undertook to say.

Mr. McDILL. That is all I wanted to bring out. I wish to say, however, for myself that I think there has never been any formal action in the committee upon this matter. I believe there has been an informal discussion; but I felt, for one, that it was too grave a matter to propose to abolish the office of surveyor-general without a great deal more investigation than I had any opportunity of making. I simply wanted to know whether there had been any action in the Committee on Public Lands on this subject, and I am glad to know from the chairman of the Committee on Appropriations that there has been none.

Mr. WALLING. That statement is correct. There was informal talk in the committee, but no action.

Mr. RANDALL. It seems there was a little more action in the Committee on Public Lands than I represented. There has been an informal discussion, which I did not allege.

Mr. McDILL. An informal discussion, but no vote and no resolution.

Mr. SPRINGER. A word on this point of order. I think that the object of this amendment may be accomplished without establishing a dangerous precedent on the point of order, by striking out all of the bill from line 998 to 1085, embracing the various clauses in relation to surveyors-general, their clerks, and the expenses of their offices. When these clauses have been struck out, then a proposition would be in order to make some other provision for this object. But, as the proposition now stands, it seems to me the point of order is well taken, because it does not affirmatively appear upon the face of the amendment itself that it will retrench expenditures, for the Secretary of the Interior may expend under the arrangement proposed as much or more money than is now appropriated.

Mr. HOLMAN. I hope that debate will close on this proposition.

The CHAIRMAN. The Chair desires to say that it is not clear, under the modified rule now existing, whether this amendment is liable to the point of order or not. The rule does not stop with the requirement that the amendment shall appear to retrench. The rule reads:

> Nor shall any provision in any such bill or amendment thereto changing existing law be in order, except such as, being germane to the subject-matter of the bill, shall retrench expenditures.

In the judgment of the Chair the probabilities are that the amendment offered by the gentleman from Pennsylvania would have the effect of retrenchment in the abolition of fixed and determined salaries, and the substitution of such temporary employment as in the judgment of the Secretary of the Interior might be found necessary. But in view of the doubt resting upon the question of order and in deference to the ruling of the permanent Speaker of this House upon a proposition that was certainly, to say the least, as little liable to the point of order now raised as the one under consideration, the Chair feels impelled to sustain the point of order made by the gentleman from Iowa.

Mr. SPRINGER. With the permission of the gentleman from Pennsylvania, I now move to strike out from line 998 down to and including line 1085, being all the clauses in relation to surveyors-general, their clerks, &c.

Mr. HOLMAN. I trust my friend from Illinois [Mr. SPRINGER] will not propose so radical a measure at so late an hour as this.

Mr. CONGER. I submit that this is liable to the same point of order, no matter in what form the legislation may be proposed.

Mr. SPRINGER. I insist on my amendment.

Mr. CONGER. I make the point of order on that amendment.

Mr. KASSON. Let the amendment be reduced to writing so we may know precisely what it is, and that the point of order may be clearly made.

Mr. HOLMAN. I do trust the gentleman from Illinois will not insist on that amendment.

The CHAIRMAN. The gentleman from Illinois will reduce his amendment to writing.

Mr. CONGER. I make the point of order that an amendment, whether by striking out or inserting, by adding or diminishing, which changes existing law is equally liable to the point of order. The Chair has already ruled that a direct change by striking out and inserting is liable to the point of order. Now here is a proposition by striking out a portion of this bill to change existing law, and I claim it is equally liable to the point of order, that you cannot reach by evasion, by subterfuge, a change of law which you cannot reach directly.

The CHAIRMAN. The Chair is prepared to rule on the point of order, and he doubts not the gentleman from Michigan will see the difference when his attention is called to the rule. The Chair cannot sustain the point of order raised by the gentleman from Michigan.

Mr. MAGINNIS. I rise to a point of order on that amendment.

The CHAIRMAN. Two points of order cannot be pending at the same time. The Chair will first rule on the point of order presented by the gentleman from Michigan. The rule does not say no amendment shall be in order which changes existing law; but the rule says:

> No provision in such appropriation bill nor amendment thereto changing existing law, shall be in order except such as, being germane to the subject-matter of the bill, shall retrench expenditures.

The amendment offered by the gentleman from Illinois is certainly germane to the subject-matter of the bill. It certainly does retrench expenditures, though it is liable to the criticism of changing existing law. The Chair overrules the point of order raised, and rules the amendment in order.

Mr. MAGINNIS. I rise to the point of order that this proposes to go back and includes paragraphs which have been already passed.

The CHAIRMAN. The understanding was by unanimous consent that there should be no prejudice to amendments by the Clerk reading continuously to the close under the heading of "surveyors-general and their clerks."

Mr. SPRINGER. I hope I may be allowed to say one word on that amendment. [Cries of "Vote!" "Vote!"]

The amendment was rejected.

Mr. CANNON, of Utah. I move, in line 1071, to strike out $3,000 and insert $3,600; so it will read:

> For surveyor-general for the Territory of Utah, $2,500, and for the clerks in his office, $3,600.

The effect of that amendment will be to equalize their pay with the other Territories. The amendment has been submitted to the committee, and they are not opposed to it.

The amendment was agreed to.

Mr. STEELE. I move to add the following:

> That the sums of money appropriated by this bill for surveys of public lands shall be distributed equally between the different western States and Territories for the surveying of the public lands in which estimates have been submitted to Congress.

I should like to say a single word in reference to this amendment.

Mr. HAMILTON, of New Jersey. I raise the point of order to that amendment as already having been once voted down.

Mr. STEELE. No; it is a different amendment, in different language. I will say, for the information of the Chair, that I placed it in different language to avoid the point of order.

Now, Mr. Chairman, I wish to say this, that this will not increase the amount of expenditures at all. It is very evident to every gentleman here that the $200,000 which by this bill are to be expended in surveys of the public lands cannot succeed in surveying any large quantity of lands. The only surveys which can be made with such an amount of money in the fifteen or sixteen States and Territories needing surveys will be the small amount of land occupied by actual settlers who demand surveys, in order that they may be able to separate and segregate their claims. I appeal to the House to provide some way in which these settlers, who have no influence in these Departments, may be enabled to have the necessary surveys made. I want to know what hope I will have, representing a Territory, to get an acre of land surveyed in my Territory, if I have to go to the General Land Office and fight fourteen Senators and Representatives behind them for a division of this appropriation and the share of this money which ought to go to the credit of Wyoming to make necessary surveys. I do not want any more than the fair share of this appropriation which should go to my Territory. I wish to say there are in all these Territories, as every gentleman knows, large areas of land which have been surveyed which will not be settled for years. There are also settlements upon lands which never have been surveyed, and the survey of which is demanded by the necessities of the settlers. There is a large settlement in the Sweetwater country in Wyoming, where there are no surveys and where great difficulty is being experienced by the settlers in consequence. This is one instance of the great necessity for immediate surveys in some instances. And I hope the committee will adopt the pending amendment, which will allow these deserving settlers to obtain a survey of their homes.

[Here the hammer fell.]

Mr. RANDALL. I think this matter should be left to the discretion of the proper officer. We have to trust somebody. I wish to direct attention to a remarkable fact in reference to New Mexico. I suppose it is indicative of the condition of affairs in the various Territories, but perhaps not to the same extent.

There were surveyed in 1875 in New Mexico 723,906 acres, and there were two hundred and six acres sold.

Mr. STEELE. If the gentleman will allow me——

Many MEMBERS. "Vote!" "Vote!"

The CHAIRMAN. Debate on the pending amendment is exhausted.

Mr. STEELE. I move to strike out the last word in order to say a word in answer to the gentleman from Pennsylvania. It is that in the Territory of New Mexico all the old settlements are situated upon Mexican land grants, the title to which does not come from the United States.

Mr. RANDALL. Then you certainly justify us in cutting off this appropriation.

Mr. STEELE. No, sir; I do not justify the Committee on Appropriations in denying to actual settlers upon the public lands the right that the policy of the Government and the public land laws guarantee to them, the right to have their homesteads surveyed, in order that they may be secure in their homes and improvements.

Mr. RANDALL. As I have stated, last year there were over seven hundred thousand acres surveyed in New Mexico, and there were only two hundred acres sold.

Mr. MAGINNIS. I rise to oppose the amendment.

Mr. HAMILTON, of New Jersey. I object. Debate on the amendment has been exhausted.

The CHAIRMAN. The gentleman from Montana rises to oppose the *pro forma* amendment offered by the gentleman from Wyoming.

Mr. MAGINNIS. I rise to say a word in favor of the committee. Certainly the Committee on Appropriations has not been and cannot be charged with being guided by any political considerations in preparing their bills, for the blows they have struck in these appropriation bills have as often been directed at their own political friends as at their opponents. As my friend from Wyoming has stated, the Congress heretofore has divided the amount appropriated for surveys between the different States and Territories, and we wish the same course may be followed. We do not ask the committee again to add a single dollar to the amount they propose to appropriate by the bill. But we do ask the friends of the Territories to give us some protection against the influence of powerful State delegations, and I want to know what chance four or five Delegates will have when they go to the Commissioner of the General Land Office, recently appointed through political influence, and have to contend against fourteen republican Senators, who will want this money expended where it will do most good for themselves?

Now, whether we are to have little or much for our surveys, I prefer that the amount shall be settled right here, so that we will know what is coming to each of us. I have no fear for my Territory if it can stand on its merits, but I had rather not be compelled to struggle in the Departments for our portion. Let us have a division of the appropriation right here.

Mr. HOLMAN. Until recently all the appropriations were made in gross, as provided in this bill, so that they might be expended where the true interests of the country require.

The *pro forma* amendment was withdrawn.

The question being taken on Mr. STEELE's amendment, there were—ayes 54, noes 69.

So (further count not being demanded) the amendment was not agreed to.

Mr. PATTERSON. I offer the following amendment:

Add to the paragraph these words:

And the said money appropriated for surveys may also be used to survey lands containing gold and silver veins, and lodes and placer claims.

Mr. HOLMAN. The law provides that now.

Mr. PATTERSON. I desire to say that the gentleman from Indiana is mistaken about that being the law. The difficulty is that the money that is appropriated in this bill is required specifically to be appropriated for six different purposes, and is not permitted to be used for the purpose of surveying gold or silver mining lands, not one dollar of it. And consequently no matter what I may have said to hurt the feelings of any member of the committee——

Mr. FORT. O, it does not hurt them.

Mr. PATTERSON. My people and the people of the other mining States and Territories should not suffer on that account.

I say now that by the language used in the bill not one dollar of this money that is appropriated can be used for the benefit of the miner, I care not whether he is in California, Montana, Colorado, Utah, or any of the other mining States and Territories.

Mr. LANE. Will the gentleman allow me to ask him a question?

Mr. PATTERSON. Yes, sir.

Mr. LANE. I wish to ask the gentleman whether at the present time the mineral lands are surveyed at the expense of the Government?

Mr. PATTERSON. No, sir. Of course private parties must pay for their surveys.

Mr. PAGE. They are not compelled to do so under existing law.

Mr. PATTERSON. But under the law whenever they survey they must connect that survey with the public surveys; and if they are not lines in the neighborhood, the miners are compelled to run their own lines perhaps for fifty miles to find the line of the public surveys.

Mr. LUTTRELL. I hope the amendment will be adopted.

The question being taken on Mr. PATTERSON's amendment, the Chairman stated that in the opinion of the Chair the "noes" had it.

Mr. PATTERSON. I have done the best I could. I do not ask a further count.

Mr. RANDALL. I ask that debate on this paragraph close.

There was no objection.

The Clerk resumed the reading of the bill, and read the last section, as follows:

EXPENSES OF THE COLLECTION OF REVENUE FROM SALES OF PUBLIC LANDS.

For salaries and commissions of registers of land offices and receivers of public money, at ninety four land offices, $365,483.21.

For incidental expenses of the land offices, $40,175.

For expenses of depositing money received from the sale of public lands, $13,000.

To meet expenses of suppressing depredations upon timber on the public lands, $5,000.

Mr. PAGE. I move to strike out the last two lines, namely:

To meet expenses of suppressing depredations upon timber on the public lands, $5,000.

There is no law for the sale of these timber lands, and I think it unjust to make appropriations for this purpose.

Mr. RUSK. This is to protect them.

Mr. PAGE. Yes; it is to bring men before United States courts and to convict them for cutting upon land which the Government refuses to sell, or makes no provision for selling.

Mr. DE BOLT. Mr. Chairman, I had occasion to refer to this matter when the naval appropriation bill was under consideration. The evidence taken before one of the committees of this House shows clearly that the amounts of money heretofore appropriated to prevent depredations on the Government timber lands have been used alone for political purposes, the encouragement of idleness, and the corruption of elections.

The evidence further shows that none of the agents appointed to guard the timber live within fifty miles of it, and some as far as one hundred and fifty miles distant; that none of them have ever visited said lands, nor even know where they are situated; that not one of them has ever performed any service under their appointment except draw their pay. They are informed at the time of their appointment that they will have nothing to do. Sir, if it is necessary to guard the Government timber, it ought to be done under different regulations than exist at present in order to prevent the application of the public moneys to such purposes. Let us stop these leaks and apply the money properly.

The question was taken on Mr. PAGE's amendment, and it was agreed to.

Mr. A. S. WILLIAMS. I offer the following amendment to come in after line 1097, "for surveying, appraising, advertising, and other expenses preliminary to the sale of the United States arsenal property at Dearbonville, Michigan, under the act of March 3, 1875, $1,000."

I believe that the Committee on Appropriations will assent to that amendment. [Cries of "Vote!" "Vote!"]

Mr. RANDALL. Do not make a speech upon it.

The question was taken on the amendment, and it was agreed to.

Mr. HOLMAN. I offer the following amendment to come in as an additional section:

From and after the 1st of July, 1876, the salary and compensation of all officers and employés provided for in this act shall be the same, respectively fixed for said officers and employés herein, and no more, and all acts or parts of acts in conflict with the provisions of this act are hereby repealed.

The amendment was agreed to.

Mr. HURLBUT. I offer an amendment in relation to Ellis Island. There was an amendment adopted by the committee, which is defective in form, and I desire that it be amended. I send it to the Clerk's desk.

The Clerk read as follows:

At the end of the amendment in reference to Norfolk, after line 499, strike out all after the words "Navy Department," and substitute the following:

And the Secretary of the Navy, in case the public service may warrant it, may, and he is hereby authorized to, remove the magazine on Ellis Island, and in case of such removal is authorized to sell or remove all the public property on said island.

Mr. RANDALL. That is right.

The amendment was agreed to.

Mr. HAMILTON, of New Jersey. I desire to offer an amendment in line 476 to correct a typographical error. The word "remodelling" is inserted instead of "removing," and I move to strike out the word "remodelling" and insert "removing."

The amendment was agreed to.

Mr. SPARKS. In line 969 I desire to offer an amendment, as follows:

Insert after the word "lines" the following:

And the starting point for said surveys may be established by triangulation.

Something very similar to this amendment has been introduced by the gentleman from Ohio, [Mr. WALLING.] The committee will perceive in a moment that the surveys in the Territories where perhaps there is only one acre out of ten thousand that is cultivable or arable lands or subject to cultivation by irrigation, that it will be very expensive to get starting-points by establishing standard lines. But if these starting-points may be established by the scientific means of triangulation, the fruitful valleys may be easily got at and the surveys of such lands as the settlers desire for cultivation and the establishment of homes may be made readily and inexpensively. I do not propose to detain the committee further, but hope that the amendment may be adopted.

Mr. PATTERSON. I make the point of order that that amendment is not in order, as it relates to a clause of the bill which has been passed, and it is not in order to go back.

Mr. KASSON. I ask that the amendment be again reported. If the amendment is right, I hope there will be no objection to it.

The amendment was again read.

Mr. KASSON. It is simply a permission, and I think it is right.

Mr. PATTERSON. I object to the amendment.

The CHAIRMAN. Under the rule the amendment is not in order, being objected to on account of its referring to a paragraph which has already been passed in the bill, and, under the rule, the Chair holds that it is not in order.

Mr. RANDALL. I move that the committee rise and report the bill with the amendments to the House, with the recommendation that it do pass.

The motion was agreed to.

The committee accordingly rose; and Mr. JONES, of Kentucky, having taken the Chair as Speaker *pro tempore*, Mr. BLACKBURN reported that the Committee of the Whole on the state of the Union, pursuant to the order of the House, had had under consideration the bill (H. R. No. 3749) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1877, and for other purposes, and had directed him to report the same to the House with sundry amendments, and with a recommendation that it do pass.

Mr. RANDALL. I demand the previous question on the bill and amendments.

Mr. PAGE. Pending that motion I move that the House do now adjourn.

Mr. KASSON. Pending the demand for the previous question I desire, according to agreement, to enter a motion to strike out the proviso on page 15 of the bill, to which unanimous consent was given in the committee.

Mr. RANDALL. I do not intend, if the previous question be sustained, to vary from anything which was agreed upon in the committee, that a vote should be taken in the House.

Mr. KASSON. But as a matter of form it is necessary that I should enter my motion to strike out that proviso before the previous question be sustained.

Mr. CONGER. I gave notice in Committee of the Whole on the state of the Union that on three amendments I should call for a separate vote and call the yeas and nays upon them.

The CHAIRMAN. When those amendments are reached the gentleman will have that right.

Mr. RANDALL. I ask that the previous question be sustained, and then gentlemen can, as the amendments come up in their order, ask for separate votes upon them.

Mr. KASSON. Before that is done I wish simply to enter the motion to strike out the proviso on page 15, for which consent was given in Committee of the Whole.

Mr. RANDALL. The gentleman need not do that; of course I will agree in the House to all that was agreed to in Committee of the Whole.

Mr. KASSON. I know that; but as a matter of form I must make the motion before the previous question is seconded.

Mr. RANDALL. The gentleman is right.

Mr. KASSON. Then I move to strike out the following proviso on page 15 of the bill:

Provided, That all of the provisions of title 26 of the Revised Statutes of the United States in relation to the registration of voters and the appointment of supervisors of elections, and deputy and special deputy marshals, and touching the supervision of elections, are hereby repealed.

The SPEAKER *pro tempore*. That amendment will be regarded as pending.

Mr. PAGE. I now insist upon my motion to adjourn.

The motion to adjourn was not agreed to.

The previous question was then seconded and the main question ordered upon the bill and amendments as reported from the Committee of the Whole.

Mr. RANDALL. I now ask that the amendments be read, and those upon which no separate vote is asked shall be considered as adopted.

Mr. THORNBURGH, (at eleven o'clock and forty minutes p. m.) I move that the House now adjourn.

The motion was not agreed to.

Mr. RANDALL. I understand the gentlemen on the other side are prepared to indicate the amendments upon which they desire to have separate votes.

Mr. CONGER. There are three amendments in regard to which I gave notice that I should ask separate votes.

The SPEAKER *pro tempore*. The Clerk will report the amendments in their order.

Mr. RANDALL. I understand from the Clerk that he has a memorandum of the several amendments in their order in regard to which notice was given in Committee of the Whole that a separate vote would be asked in the House. If there is no objection, I would ask that all the other amendments be considered as agreed to.

Mr. HURLBUT. I cannot consent to that. There is one amendment made by the Committee of the Whole at the bottom of page 15 upon which under the rules of the House we have a right to ask a separate vote. The amendment was offered in Committee of the Whole by the gentleman from Georgia, [Mr. CANDLER.]

Mr. RANDALL. That amendment was voted down in Committee of the Whole.

Mr. CONGER. I have it here marked as having been adopted.

The SPEAKER *pro tempore*. The Clerk informs the Chair that there is no record of such an amendment having been adopted in Committee of the Whole.

Mr. HOOKER. I insist that the amendments be read in order under the rule, and a separate vote if desired can be taken upon any one as it is read.

The Clerk proceeded to read the amendments reported from the Committee of the Whole; which, without a division were adopted by the House, except as follows:

The amendment moved by Mr. KASSON, upon which he asked for a separate vote, was to strike out of the bill the following:

Provided, That all of the provisions of title 26 of the Revised Statutes of the United States in relation to the registration of voters and the appointment of supervisors of elections, and deputy and special deputy marshals, and touching the supervision of elections, are hereby repealed.

Mr. KASSON. Upon agreeing to that amendment I call for the yeas and nays.

Mr. RANDALL. Very well; let us have the yeas and nays.

The yeas and nays were ordered.

The question was then taken; and there were—yeas 57, nays 93, not voting 140; as follows:

YEAS—Messrs. Adams, John H. Baker, Ballou, Banks, Blair, William R. Brown, Cannon, Caswell, Conger, Crounse, Davy, Denison, Dobbins, Dunnell, Eames, Fort, Foster, Frost, Goodin, Hendee, Henderson, Hunter, Hurlbut, Hyman, Kasson, Kehr, Kimball, Leavenworth, Lynch, McCrary, McDill, Miller, Nortoh, Oliver, O'Neill, Packer, Page, Pierce, Plaisted, Potter, Rainey, Robinson, Rusk, Sampson, Seelye, Smalls, Strait, Thornburgh, Washington Townsend, Tufts, White, Whiting, Willard, Andrew Williams, William B. Williams, James Wilson, and Woodburn—57.

NAYS—Messrs. Ainsworth, Anderson, Atkins, Banning, Blackburn, Bland, Blount, Boone, Bradford, Bright, Buckner, Cabell, John H. Caldwell, William P. Caldwell, Candler, Caulfield, John B. Clarke of Kentucky, John B. Clark, jr., of Missouri, Cook, Cowan, Culberson, Cutler, Davis, De Bolt, Dibrell, Durham, Ellis, Forney, Franklin, Fuller, Goode, Gunter, Andrew H. Hamilton, Robert Hamilton, Hancock, Harrison, Hartridge, Hartzell, Goldsmith W. Hewitt, Holman, Hooker, Hopkins, House, Hunton, Jenks, Frank Jones, Thomas L. Jones, Lewis, Lord, Luttrell, Lynde, Maish, McFarland, Meade, Metcalfe, Milliken, Mills, Neal, Payne, John F. Philips, Randall, Rea, Reagan, John Reilly, Rice, Riddle, William M. Robbins, Savage, Sayler, Scales, Schleicher, Schumaker, Sheakley, Singleton, William E. Smith, Sparks, Springer, Stevenson, Tarbox, Terry, Thomas, Thompson, Throckmorton, Turney, Robert B. Vance, Charles C. B. Walker, Walling, Walsh, Erastus Wells, Wike, Alphens S. Williams, Jeremiah N. Williams, and Wilshire—93.

NOT VOTING—Messrs. Ashe, Bagby, George A. Bagley, John H. Bagley, jr., William H. Baker, Bass, Beebe, Bell, Blaine, Bliss, Bradley, John Young Brown, Horatio C. Burchard, Samuel D. Burchard, Burleigh, Campbell, Cason, Cate, Chapin, Chittenden, Clymer, Cochrane, Collins, Cox, Crapo, Danford, Darrall, Douglas, Durand, Eden, Egbert, Ely, Evans, Faulkner, Felton, Finley, Freeman, Frye, Garfield, Gause, Gibson, Glover, Hale, Haralson, Hardenbergh, Benjamin W. Harris, Henry R. Harris, John T. Harris, Hatcher, Hathorn, Haymond, Hays, Henkle, Hereford, Abram S. Hewitt, Hill, Hoar, Hoge, Hoskins, Hubbell, Hurd, Joyce, Kelley, Ketchum, King, Knott, Lamar, Franklin Landers, George M. Landers, Lane, Lapham, Lawrence, Le Moyne, Levy, Edmund W. M. Mackey, L. A. Mackey, Magoon, MacDougall, McMahon, Money, Monroe, Morgan, Morrison, Mutchler, Nash,

New, O'Brien, Odell, Parsons, Phelps, William A. Phillips, Piper, Platt, Poppleton, Powell, Pratt, Purman, James B. Reilly, John Robbins, Roberts, Miles Ross, Sobieski Ross, Sinnickson, Siemons, A. Herr Smith, Southard, Spencer, Stenger, Stone, Stowell, Swann, Teese, Martin I. Townsend, Tucker, Van Vorhes, John L. Vance, Waddell, Wait, Waldron, Gilbert C. Walker, Alexander S. Wallace, John W. Wallace, Ward, Warren, G. Wiley Wells, Wheeler, Whitehouse, Whitthorne, Wigginton, Charles G. Williams, James Williams, James D. Williams, Willis, Benjamin Wilson, Alan Wood, jr., Fernando Wood, Woodworth, Yeates, and Young—146.

So the amendment was not agreed to.

During the call of the roll the following announcements were made:

Mr. DAVIS. I desire to state that my colleague, Mr. YEATES, is confined to his room to-day by sickness; if here he would vote "no."

Mr. BOONE. My colleague, Mr. BROWN, of Kentucky, is absent by leave of the House on account of sickness.

Mr. VANCE, of Ohio. I am paired upon all political matters, and this appears to be one, with my colleague, Mr. VAN VORHES, who is absent by leave of the House. If present Mr. VAN VORHES would vote "ay," and I would vote "no." I desire also to state that my colleague, Mr. HURD, is absent by leave of the House, and if present would vote "no."

Mr. CLARKE, of Kentucky. My colleague, Mr. PARSONS, is absent on account of sickness in his family.

Mr. WARREN. On this question I am paired with my colleague, Mr. CRAPO, who if present would vote "ay," and I would vote "no."

Mr. CALDWELL, of Tennessee. I was requested by Mr. HATCHER, of Missouri, to state that he was too unwell to attend the session of the House to-night.

Mr. DOUGLAS. I am paired with Mr. MACDOUGALL, of New York, who if here, I presume, would vote "ay," and I would vote "no."

Mr. HAYMOND. I am paired with Mr. HOGE, of North Carolina, who, if he were here, would vote "ay," and I would vote "no."

Mr. CUTLER. My colleagues, Mr. HARDENBERGH and Mr. ROSS, are absent by leave of the House.

Mr. BURCHARD, of Illinois. I am paired on all political questions with Mr. TUCKER, of Virginia, who, if here, would vote "no," and I would vote "ay."

Mr. KASSON. I desire to state that Mr. GARFIELD is absent in Ohio; if here he would vote "ay."

Mr. FOSTER. My colleagues, Mr. LAWRENCE and Mr. MONROE, are absent by leave of the House; if present they would vote "ay."

Mr. WILLARD. My colleague, Mr. BRADLEY, is absent by leave of the House. If here he would vote "ay."

Mr. O'NEILL. My colleagues, Mr. KELLEY and Mr. WOOD, are absent by leave of the House.

Mr. PLAISTED. My colleagues, Mr. BLAINE and Mr. FRYE, are absent, sick. If present they would vote "ay."

Mr. MORGAN. On all political questions—and this appears to be considered such—I am paired with the gentleman from New York, Mr. PLATT. If he were present he would vote "ay," and I should vote "no."

Mr. WILSON, of Iowa. My colleague, Mr. PRATT, is absent on a committee of the House. If here he would vote "ay."

Mr. DANFORD. On all political questions (and this seems to be one) I am paired with the gentleman from Delaware, Mr. WILLIAMS. If he were present he would vote "no," and I should vote "ay."

Mr. OLIVER. The gentleman from Virginia, Mr. WALKER, and the gentleman from New York, Mr. HOSKINS, are absent by leave of the House, and are paired on political questions. The gentleman from New York if here would vote "ay," and I presume the gentleman from Virginia would vote "no."

Mr. SMITH, of Pennsylvania. I am paired with my colleague, Mr. CLYMER. If here he would vote "no," and I should vote "ay."

Mr. DOBBINS. My colleague, Mr. SINNICKSON, who is absent, would, if here, vote "ay."

Mr. LYNCH. My colleague from Mississippi, Mr. WELLS, is unavoidably absent. If present he would vote in the affirmative.

Mr. WIGGINTON. I am paired with the gentleman from South Carolina, Mr. WALLACE, who is necessarily absent. If here he would vote "ay," and I should vote "no."

Mr. MACKEY, of Pennsylvania. I am paired with my colleague, Mr. FREEMAN, on all political questions, and I am advised that this is a political question. If Mr. FREEMAN were present he would vote "ay," and I should vote "no." I desire also to state that the gentleman from Indiana, Mr. EVANS, is paired with the gentleman from New York, Mr. J. H. BAGLEY.

Mr. GUNTER. My colleague, Mr. GAUSE, who is absent on account of sickness would, if present, vote "no."

Mr. O'NEILL. My colleagues, Mr. KELLEY and Mr. FREEMAN, are absent on important business. If here they would vote "ay."

The result of the vote was announced as above stated.

The Clerk resumed the reading of the amendments.

Mr. CONGER. I ask unanimous consent that the amendment adopted on motion of the gentleman from Texas, [Mr. SCHLEICHER,] appropriating $10,000 for the protection of the banks of the Rio Grande against overflow, be modified so that the money shall be expended under the direction of the Secretary of War, in accordance with all other appropriations, instead of under the direction of the Engineer of the Department.

Mr. HOLMAN. There is no objection to that.

There being no objection, the amendment was modified accordingly.

Mr. SPARKS. I ask unanimous consent to amend the provision in regard to surveys of the public lands by inserting in line 969, after the words "the cost of such surveys shall not exceed $10 per mile for standard lines," the following:

And the starting-point for said surveys may be established by triangulation.

There being no objection, the amendment was agreed to.

The following amendment, upon which a separate vote was asked by Mr. REAGAN and Mr. HOLMAN, was read:

Add to the provision in regard to payment of interest on 3.65 bonds of the District of Columbia the following:

And in case there shall not be a sufficient sum of said revenues in the Treasury of the United States at such time as said interest may be due, then the Secretary of the Treasury is authorized and directed to advance from any money in the Treasury not otherwise appropriated a sum sufficient to pay said interest, and the same shall be re-imbursed to the Treasury of the United States from time to time as said revenues may be paid into said Treasury until the whole amount shall have been refunded.

Mr. REAGAN. I ask for the yeas and nays on this amendment.

The question being taken on ordering the yeas and nays, there were ayes 11, noes not counted.

The SPEAKER *pro tempore*. In the opinion of the Chair a sufficient number has not voted for ordering the yeas and nays.

Mr. BLAND. I call for tellers on ordering the yeas and nays.

Tellers were not ordered.

The question being taken on agreeing to the amendment, there were—ayes 103, noes 27.

Mr. BLACKBURN. Has a quorum voted?

The SPEAKER *pro tempore*. No quorum has voted. The Chair will order tellers.

Mr. REAGAN. In accordance with notice already given and in pursuance of the agreement, I am entitled, as I understand, to have a vote of the House by yeas and nays. There are some of us who wish to record our protest against this proposition.

Mr. HURLBUT. I understand that the gentleman from Texas, having the right under the consent given to demand the yeas and nays, does so.

Mr. REAGAN. I do.

Mr. HURLBUT. In that case I move that the House adjourn.

The motion was not agreed to; there being—ayes 40, noes 100.

Mr. REAGAN. There seems to be some apprehension that a quorum may not be present. All I desire is that members who are here shall record themselves on the question. I will raise no objection upon the absence of a quorum.

Mr. RANDALL. But if it appear on a call of the yeas and nays that there is no quorum present, the House might not be able to proceed with business.

Mr. REAGAN. I will be satisfied with the announcement of the vote, though a quorum may not be present. I demand the yeas and nays. If gentlemen choose to deprive me of my rights in this matter I must submit.

The SPEAKER *pro tempore*. Is there objection to taking a vote by yeas and nays on this question?

Objection was made.

Mr. SPARKS. Let us have a vote.

Mr. RANDALL. The gentleman perhaps is entitled to the yeas and nays by the agreement made in Committee of the Whole.

Mr. CANNON, of Illinois. I rise to a point of order.

The SPEAKER *pro tempore*, (Mr. BLACKBURN in the chair.) The gentleman from Illinois will state his point of order.

Mr. CANNON, of Illinois. My point of order is this: The gentleman from Pennsylvania, in calling for the yeas and nays, is out of order for the reason that the yeas and nays have been refused, and tellers have been refused, and on the vote the amendment was very largely adopted.

Mr. RANDALL. By agreement in Committee of the Whole, the yeas and nays were to be allowed in the House; and I ask, by unanimous consent, the yeas and nays be allowed.

Mr. CANNON, of Illinois. No, I object.

Mr. RANDALL. It was agreed there should be a yea and nay vote in the House.

Mr. CANNON, of Illinois. There was no such agreement.

The SPEAKER *pro tempore*. The Chair is ready to rule on the point of order. The Chair does not understand it is competent for the committee by any action it may take to bind the House. When the point was reserved in the committee to demand a vote by yeas and nays in the House it could not bind the House in the event of the refusal by less than one-fifth of a quorum to vote for the yeas and nays.

Mr. RANDALL. I submit in good faith, as unanimous consent seemed to have been given in Committee of the Whole to have the yeas and nays, that they will not be refused in the House.

The SPEAKER *pro tempore*. The Chair appreciates the suggestion of the gentleman from Pennsylvania, and if there be no objection, the yeas and nays will be considered as having been ordered.

Mr. RANDALL. I ask the yeas and nays be called. There is a quorum here. I offered the proposition, and should like to put myself on record in favor of it.

Mr. BURCHARD, of Illinois. Unless the record of the debates show that such was the agreement in committee, I do not think the yeas and nays should be ordered. When it is agreed in committee

that gentlemen shall have a vote in the House, that simply means that they shall have a right to take the yeas and nays if they can get them by one-fifth of those present voting in favor of the yeas and nays.

Mr. RANDALL. The same arrangement was made as to the other amendments on which your side desire a vote.

The SPEAKER *pro tempore*. This debate is not in order. The point of order has been ruled on by the Chair.

Mr. BLAND. I rise to a point of order, and it is this: There was a vote taken on this proposition and no quorum voted, and therefore I am entitled to tellers under the rule.

A MEMBER. The vote was largely in the affirmative.

The SPEAKER *pro tempore*. The present occupant of the Chair was not in the chair at the time the vote was taken to which the gentleman refers, and he is not officially informed of the absence of a quorum. The former occupant of the chair had announced the result and declared the amendment carried. The Chair appreciates the fairness of the suggestion made by the gentleman from Pennsylvania. If it were understood by unanimous consent that on the amendments on which a separate vote was asked the yeas and nays should be taken in the House, it would seem to be fair that that agreement should be carried out.

Mr. RANDALL. It seems to me the House ought to execute any agreement made by the committee in good faith.

Several MEMBERS. Regular order!

Mr. CANNON, of Illinois. I rise to a parliamentary inquiry, having made the point of order. Under the statement made by the gentleman from Pennsylvania, I am willing to agree that the yeas and nays shall be called, if such was really the understanding in committee.

Mr. BURCHARD, of Illinois. I ask for the reading of what took place in committee. If that was agreed to I do not object; but certainly I have not any recollection of having heard it.

The SPEAKER *pro tempore*. The amendment is agreed to, and the Clerk will proceed to read the next amendment, on which a separate vote was asked.

The Clerk read as follows:

Strike out the following:
For the detection and prosecution of crimes against the United States, $25,000.

Mr. CONGER. I gave notice that I should call for a separate vote on that amendment, and demand the yeas and nays.

Mr. HOLMAN. Let me ask for a division in the first place. I do not think that should be stricken out.

Mr. CONGER. I think it is essential and vital, and I demand the yeas and nays.

Mr. HOLMAN. Take a division first.

Mr. CONGER. O, no; let us have the yeas and nays.

The SPEAKER *pro tempore*. A sufficient number have not voted for the yeas and nays.

Mr. FOSTER. Tellers on the yeas and nays.

Mr. RANDALL. I hope not.

The SPEAKER *pro tempore*. Does the gentleman insist on his demand for tellers on the yeas and nays?

Mr. FOSTER. I do not.

The House divided; and there were ayes 19, noes not counted.

Mr. CONGER. I ask that the amendment be again read, as I do not think it is understood by the House.

The amendment was again read.

The House divided; and there were—ayes 89, noes 73.

Mr. HOLMAN. I demand tellers. The House is making a mistake in striking this out.

Mr. RANDALL. That is in the nature of debate, and debate is not in order.

Mr. HOLMAN. I demand tellers.

Tellers were ordered; and Mr. CONGER and Mr. CANDLER were appointed.

Mr. PAGE. I ask that the amendment be again reported.

The amendment was again reported.

Mr. CONGER. I demand the yeas and nays.

The House again divided; and the tellers reported—ayes 80, noes 66.

Mr. PAGE. I demand the yeas and nays.

Mr. WHITE. We will stay here until daylight before this is allowed to pass.

Cries of "Order!"

Mr. RANDALL. The yeas and nays have been refused.

The SPEAKER *pro tempore*. In common fairness, as gentlemen state they did not understand when the yeas and nays were refused what was the question before the House, the Chair will again put the question on ordering the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 74, nays 81, not voting 134; as follows:

YEAS—Messrs. Anderson, Atkins, Banning, Bland, Blount, Boone, Bradford, Bright, Samuel D. Burchard, Cabell, John H. Caldwell, William P. Caldwell, Candler, Caulfield, John B. Clarke of Kentucky, John B. Clark, jr., of Missouri, Cook, Cowan, Culberson, Davis, De Bolt, Dibrell, Durham, Ellis, Forney, Franklin, Goode, Gunter, Robert Hamilton, Harrison, Hartridge, Hartzell, Goldsmith W. Hewitt, Hooker, House, Hunton, Frank Jones, Thomas L. Jones, Lewis, Luttrell, L. A. Mackey, Maish, McFarland, Meade, Metcalfe, Milliken, Mills, Neal, John F. Philips, Piper, Randall, Reagan, Rice, Riddle, William M. Robbins, Savage, Scales, Schleicher, Singleton, William E. Smith, Sparks, Springer, Terry, Thomas, Throckmorton, Turney, Robert B. Vance, Charles C. B. Walker, Walling, Walsh, Warren, Wike, Alpheus S. Williams, and Jeremiah N. Williams—74.

NAYS—Messrs. Adams, Ainsworth, John H. Baker, Ballou, Banks, Blair, William R. Brown, Horatio C. Burchard, Cannon, Caswell, Conger, Crounse, Cutler, Davy, Denison, Dobbins, Dunnell, Durand, Foster, Frost, Fuller, Goodin, Andrew H. Hamilton, Hancock, Hendee, Henderson, Holman, Hopkins, Hubbell, Hunter, Hurlbut, Hyman, Jenks, Kasson, Kehr, Kimball, Franklin Landers, Lane, Leavenworth, Lord, Lynch, Lynde, McCrary, McDill, Miller, Morgan, Norton, Oliver, O'Neill, Packer, Page, Payne, Pierce, Plaisted, Potter, Rainey, Rea, John Reilly, Robinson, Rusk, Sampson, Seelye, Smalls, A. Herr Smith, Strait, Stevenson, Tarbox, Thompson, Thornburgh, Washington Townsend, Tufts, Waldron, Erastus Wells, White, Whiting, Wigginton, Willard, Andrew Williams, William B. Williams, James Wilson, and Woodburn—81.

NOT VOTING—Messrs. Ashe, Bagby, George A. Bagley, John H. Bagley, jr., William H. Baker, Bass, Beebe, Bell, Blackburn, Blaine, Bliss, Bradley, John Young Brown, Buckner, Burleigh, Campbell, Cason, Cate, Chapin, Chittenden, Clymer, Cochrane, Collins, Cox, Crapo, Danford, Darrall, Douglas, Eames, Eden, Egbert, Ely, Evans, Faulkner, Felton, Finley, Fort, Freeman, Frye, Garfield, Gause, Gibson, Glover, Hale, Haralson, Hardenbergh, Benjamin W. Harris, Henry R. Harris, John T. Harris, Hatcher, Hathorn, Haymond, Hays, Henkle, Hereford, Abram S. Hewitt, Hill, Hoar, Hoge, Hoskins, Hurd, Joyce, Kelley, Ketcham, King, Knott, Lamar, George M. Landers, Lapham, Lawrence, Le Moyne, Levy, Edmund W. M. Mackey, Magoon, MacDougall, McMahon, Money, Monroe, Morrison, Mutchler, Nash, New, O'Brien, Odell, Parsons, Phelps, William A. Phillips, Platt, Poppleton, Powell, Pratt, Purman, James B. Reilly, John Robbins, Roberts, Miles Ross, Sobieski Ross, Sayler, Schumaker, Sheakley, Sinnickson, Slemons, Southard, Spencer, Stenger, Stone, Stowell, Swann, Teese, Martin I. Townsend, Tucker, Van Vorhes, John L. Vance, Waddell, Wait, Gilbert C. Walker, Alexander S. Wallace, John W. Wallace, Ward, G. Wiley Wells, Wheeler, Whitehouse, Whitthorne, Charles G. Williams, James Williams, James D. Williams, Willis, Wilshire, Benjamin Wilson, Alan Wood, jr., Fernando Wood, Woodworth, Yeates, and Young—134.

So the amendment was not agreed to.

During the call of the roll the following announcements were made:

Mr. VANCE, of Ohio. I am paired with my colleague, Mr. VAN VORHES. If he were present he would vote "no," and I would vote "ay."

Mr. MAISH. I desire to state that my colleague, Mr. POWELL, was here to-night, but had to leave some time since on account of indisposition.

Mr. SMITH, of Pennsylvania. I am paired with my colleague, Mr. CLYMER, on political questions. I understand this is not a political question, and I vote "no."

Mr. DOUGLAS. I am paired with Mr. MACDOUGALL, of New York. If he were here I should vote "ay," and he would vote "no."

The result of the vote was then announced as above recorded.

The next amendment on which a separate vote was asked was as follows:

In line 365 strike out $25,000 and insert $10,000; so that it will read:
For payment of the necessary expenses incurred in defending suits against the Secretary of the Treasury or his agents for the seizure of captured or abandoned property, and for the examination of witnesses in claims against the United States pending in any Department and for the defense of the United States in the Court of Claims, to be expended under the direction of the Attorney-General, $10,000.

Mr. ATKINS. I desire to state to the House that I was under a misapprehension in offering that amendment. I desire that the House will restore the amount to $25,000, which was reduced in the committee to $10,000.

There was no objection, and the amount was made $25,000.

The SPEAKER *pro tempore*. The Clerk will report the next amendment on which a separate vote is asked.

The Clerk read as follows:

In line 458, strike out $200,000 and insert $300,000, so that it will read, "Custom-house and post office, Cincinnati, Ohio: for continuation of building $300,000."

Mr. RANDALL. That amendment was not adopted.

The SPEAKER *pro tempore*. The record is that no quorum voting, it was agreed that there should be a vote in the House.

Mr. RANDALL. The amendment was lost in committee.

The SPEAKER *pro tempore*. The Chair does not understand that any gentleman objects to taking the sense of the House upon it.

Mr. RANDALL. That amendment was not agreed to. It was merely allowed that an amendment of that sort should be offered in the House.

Mr. BANNING. That is true.

The SPEAKER *pro tempore*. What the gentleman from Pennsylvania states is in the remembrance of the Chair. The question is on agreeing to the amendment.

Mr. HOLMAN. I suggest that as a compromise the amount be made $250,000.

Mr. BANNING. Say $275,000.

Mr. ATKINS. I call for a division on agreeing to the amendment.

Mr. RANDALL. I desire to move an amendment to the amendment.

Objection was made.

Mr. BANNING. The gentleman from Pennsylvania agrees to $250,000.

The SPEAKER *pro tempore*. Is there objection to the modification suggested by the gentleman from Ohio?

Objection was made.

The question being taken on agreeing to the amendment, there were—ayes 31, noes 99.

So the amendment was not agreed to.

The SPEAKER *pro tempore*. The Clerk will report the next amendment on which a separate vote is demanded.

The Clerk commenced to read the next amendment.

Mr. BANNING. Mr. Speaker——

Mr. RANDALL. I object to going back.

Mr. BANNING. I call for the yeas and nays.

The SPEAKER *pro tempore*. The call for the yeas and nays is made too late.

Mr. RANDALL. The Clerk had commenced to read the next amendment.

Mr. BANNING. I rose to call for the yeas and nays.

The SPEAKER *pro tempore*. The gentleman did not address the Chair in time. It is not the fault of the Chair.

Mr. BANNING. I know it is not the fault of the Chair. I am very much obliged to the gentleman from Pennsylvania, who made a fair offer in the committee and will not stand by it now.

Mr. RANDALL. I have stood by all that I offered in the committee.

The Clerk read the next amendment on which a separate vote was asked, as follows:

In line 553 strike out "$120,000" and insert "$150,000;" so that it will read:
Lighting and buoyage of the Mississippi, Missouri, and Ohio Rivers: For maintenance of lights on the Mississippi, Ohio, and Missouri Rivers, and such buoys as may be necessary, $150,000.

The question was taken; and on a division there were—ayes 64, noes 63.

Mr. WHITE. Has a quorum voted?

The SPEAKER *pro tempore*. No quorum has voted.

Mr. WHITE. I make the point that no quorum has voted.

Tellers were ordered; and Mr. NEAL and Mr. HOLMAN were appointed.

The House divided; and the tellers reported—ayes 74, noes 75.

Mr. CONGER. I demand the yeas and nays; I desire to see how these gentlemen from the Mississippi Valley vote upon this question.

The question was taken on ordering the yeas and nays; and on a division there were—ayes 28, noes 89.

So (one-fifth having voted in favor thereof) the yeas and nays were ordered.

The question was taken; and there were—yeas 84, nays 70, not voting 135; as follows:

YEAS—Messrs. Adams, Ainsworth, Atkins, John H. Baker, Ballou, Banks, Banning, Blair, Bland, Bright, William R. Brown, Horatio C. Burchard, William P. Caldwell, Cannon, Caswell, Conger, Cook, Crounse, Culberson, Davy, Denison, Dunnell, Foster, Franklin, Goodin, Hancock, Harrison, Hartridge, Hartzell, Haymond, Hendee, Henderson, Hopkins, Hubbell, Hunter, Hyman, Kasson, Kehr, Kimball, Franklin Landers, Lynch, McCrary, McDill, Miller, Mills, Morgan, Neal, Norton, Oliver, O'Neill, Page, Payne, Pierce, Piper, Potter, Rea, Reagan, Roberts, Robinson, Rusk, Sampson, Savage, Sayler, Schleicher, Strait, Stevenson, Tarbox, Thornburgh, Throckmorton, Washington Townsend, Tufts, John L. Vance, Walling, Warren, Erastus Wells, White, Whiting, Wike, Willard, Andrew Williams, Alpheus S. Williams, William B. Williams, James Wilson, and Woodburn—84.

NAYS—Messrs. Anderson, Blount, Boone, Bradford, Samuel D. Burchard, Cabell, John H. Caldwell, Candler, Caulfield, John B. Clarke of Kentucky, John B. Clark, jr., of Missouri, Cowan, Cutler, Davis, De Bolt, Dibrell, Douglas, Durand, Durham, Ellis, Forney, Fuller, Goode, Gunter, Andrew H. Hamilton, Robert Hamilton, Goldsmith W. Hewitt, Holman, Hooker, House, Hunton, Jenks, Frank Jones, Thomas L. Jones, Lane, Lewis, Lord, Luttrell, Lynde, L. A. Mackey, McFarland, Meade, Metcalfe, Milliken, Packer, John F. Philips, Plaisted, Rainey, Randall, John Reilly, Rice, Riddle, William M. Robbins, Scales, Singleton, Smalls, A. Herr Smith, William E. Smith, Sparks, Springer, Terry, Thomas, Thompson, Turney, Robert B. Vance, Waldron, Charles C. B. Walker, Walsh, Wigginton, and Jeremiah N. Williams—70.

NOT VOTING—Messrs. Ashe, Bagby, George A. Bagley, John H. Bagley, jr, William H. Baker, Bass, Beebe, Bell, Blackburn, Blaine, Bliss, Bradley, John Young Brown, Buckner, Burleigh, Campbell, Cason, Cate, Chapin, Chittenden, Clymer, Cochrane, Collins, Cox, Crapo, Danford, Darrall, Dobbins, Eames, Eden, Egbert, Ely, Evans, Faulkner, Felton, Finley, Fort, Freeman, Frost, Frye, Garfield, Gause, Gibson, Glover, Hale, Haralson, Hardenbergh, Benjamin W. Harris, Henry R. Harris, John T. Harris, Hatcher, Hathorn, Hays, Henkle, Hereford, Abram S. Hewitt, Hill Hoar, Hoge, Hoskins, Hurd, Hurlbut, Joyce, Kelley, Ketcham, King, Knott, Lamar, George M. Landers, Lapham, Lawrence, Leavenworth, Le Moyne, Levy, Edmund W. M. Mackey, Magoon, Maish, MacDougall, McMahon, Money, Monroe, Morrison Mutchler, Nash, New, O'Brien, Odell, Parsons, Phelps, William A. Phillips, Platt, Poppleton, Powell, Pratt, Purman, James B. Reilly, John Robbins, Miles Ross, Sobieski Ross, Schumaker, Seelye, Sheakley, Sinnickson, Slemons, Southard, Spencer, Stenger, Stone, Stowell, Swann, Teese, Martin I. Townsend, Tucker, Van Vorhes, Waddell, Wait, Gilbert C. Walker, Alexander S. Wallace, John W. Wallace, Ward, G. Wiley Wells, Wheeler, Whitehouse, Whitthorne, Charles G. Williams, James Williams, James D. Williams, Willis, Wilshire, Benjamin Wilson, Alan Wood, jr., Fernando Wood, Woodworth, Yeates, and Young—135.

So the amendment was agreed to.

During the roll-call,

Mr. SCALES said: I desire to say that my colleague, Mr. YEATES, is absent on account of sickness.

Mr. MAISH. I desire to say that upon this question I am paired with the gentleman from Illinois, [Mr. LE MOYNE.] If he were present he would vote "ay," and I would vote "no."

Mr. ROBBINS, of North Carolina. I desire to say that my colleague, Mr. WADDELL, is absent on account of the death of his wife.

The result of the vote was then announced as above recorded.

Mr. NEAL. I move that the House do now adjourn.

The SPEAKER *pro tempore*. The Chair will state that there is but one amendment remaining undisposed of.

Mr. NEAL. Then I withdraw my motion.

The last amendment upon which a separate vote was asked was then read, as follows:

After line 942 insert as follows:
For every purpose necessary to the continuation of the geographical survey of the territory of the United States west of the one hundredth meridian under the War Department, for field and office work, and for the preparation, engraving, and printing of plates and atlas sheets, $50,000.

Mr. HOLMAN. I ask that by unanimous consent the amount of this appropriation be made the same as the sum appropriated for Professor Powell's survey. The amount of this appropriation is very large [Loud cries of "Object."]

Mr. BANNING. I object to any argument being offered by the gentleman from Indiana.

The SPEAKER *pro tempore*. The Chair must remind the gentleman from Indiana that debate is not in order.

Mr. HOLMAN. Then I shall ask for the yeas and nays on this amendment.

The question was put on ordering the yeas and nays; and on a division there were—ayes 23, noes 96; one-fifth not voting therefor.

Mr. RANDALL. I call for tellers on the yeas and nays.

Mr. SPRINGER. I make the point of order that, inasmuch as no quorum voted, we are entitled to tellers.

Mr. BANNING. There is evidently a misunderstanding about this matter. [Cries of "Order!"]

The SPEAKER *pro tempore*. The Chair must state that debate is not in order.

Mr. SPRINGER. But I make the point of order that we are entitled to tellers, as no quorum voted. [Cries of "Regular order."]

The SPEAKER *pro tempore*. The gentleman is entitled to tellers.

Mr. CONGER. What was the announcement as to the vote on the amendment?

The SPEAKER *pro tempore*. The Chair would state for the information of the gentleman from Michigan that the amendment was carried by the first vote. No quorum having voted on the last count, the Chair in the exercise of his discretion will order tellers, and appoint Mr. RANDALL and Mr. BANNING to act as tellers.

The House again divided; and the tellers reported that there were—ayes 34, noes 97.

So (one-fifth voting in the affirmative) the yeas and nays were ordered.

Mr. COOK, (at two o'clock and five minutes a. m., Saturday.) As no quorum has voted, I move that the House now adjourn.

The motion to adjourn was not agreed to.

The question was then taken on the amendment moved by Mr. BANNING and reported from the Committee of the Whole, and there were—yeas 72, nays 77, not voting 140; as follows:

YEAS—Messrs. Adams, Ainsworth, John H. Baker, Ballou, Banks, Banning, Bland, Horatio C. Burchard, John H. Caldwell, Cannon, Caswell, Conger, Cook, Crounse, Culberson, Davy, Denison, Dunnell, Ellis, Franklin, Goodin, Robert Hamilton, Hancock, Hartridge, Hendee, Henderson, Hubbell, Hyman, Kasson, Kehr, Kimball, Franklin Landers, Lane, McCrary, McDill, Miller, Morgan, Norton, Oliver, O'Neill, Packer, Page, Pierce, Piper, Plaisted, Potter, Rainey, Reagan, John Reilly, Robinson, Rusk, Sampson, Sayler, Schleicher, Smalls, A. Herr Smith, Strait, Tarbox, Thornburgh, Throckmorton, Tufts, John L. Vance, Warren, Erastus Wells, White, Whiting, Willard, Andrew Williams, Alpheus S. Williams, William B. Williams, James Wilson, and Woodburn—72.

NAYS—Messrs. Anderson, Atkins, Blair, Blount, Boone, Bradford, Bright, Samuel D. Burchard, Cabell, William P. Caldwell, Candler, John B Clarke of Kentucky, John B. Clark, jr., of Missouri, Cowan, Cutler, Davis, De Bolt, Dibrell, Douglas, Durand, Durham, Forney, Foster, Fuller, Goode, Gunter, Andrew H. Hamilton, Harrison, Hartzell, Goldsmith W. Hewitt, Holman, Hooker, Hopkins, House, Hunter, Hunton, Jenks, Frank Jones, Thomas L. Jones, Lewis, Lord, Luttrell, Lynch, Lynde, L. A. Mackey, Maish, McFarland, Meade, Metcalfe, Milliken, Neal, Payne, John F. Philips Randall, Rea, Rice, Riddle, William M. Robbins, Savage, Scales, Singleton, William E. Smith, Sparks, Springer, Stevenson, Terry, Thomas, Thompson, Turney, Robert B. Vance, Waldron, Charles C. B. Walker, Walling, Walsh, Wigginton, Wike, and Jeremiah N. Williams—77.

NOT VOTING—Messrs. Ashe, Bagby, George A. Bagley, John H. Bagley, jr., William H. Baker, Bass, Beebe, Bell, Blackburn, Blaine, Bliss, Bradley, John Young Brown, William R. Brown, Buckner, Burleigh, Campbell, Cason, Cate, Caulfield, Chapin, Chittenden, Clymer, Cochrane, Collins, Cox, Crapo, Danford, Darrall, Dobbins, Eames, Eden, Egbert, Ely, Evans, Faulkner, Felton, Finley, Fort, Freeman, Frost, Frye, Garfield, Gause, Gibson, Glover, Hale, Haralson, Hardenbergh, Benjamin W. Harris, Henry R. Harris, John T. Harris, Hatcher, Hathorn, Haymond, Hays, Henkle, Hereford, Abram S. Hewitt, Hill, Hoar, Hoge, Hoskins, Hurd, Hurlbut, Joyce, Kelley, Ketcham, King, Knott, Lamar, George M. Landers, Lapham, Lawrence, Leavenworth, Le Moyne, Levy, Edmund W. M. Mackey, Magoon, MacDougall, McMahon, Mills, Money, Monroe, Morrison, Mutchler, Nash, New, O'Brien, Odell, Parsons, Phelps, William A. Phillips, Platt, Poppleton, Powell, Pratt, Purman, James B. Reilly, John Robbins, Roberts, Miles Ross, Sobieski Ross, Schumaker, Seelye, Sheakley, Sinnickson, Slemons, Southard, Spencer, Stenger, Stone, Stowell, Swann, Teese, Martin I. Townsend, Washington Townsend, Tucker, Van Vorhes, Waddell, Wait, Gilbert C. Walker, Alexander S. Wallace, John W. Wallace, Ward, G. Wiley Wells, Wheeler, Whitehouse, Whitthorne, Charles G. Williams, James Williams, James D. Williams, Willis, Wilshire, Benjamin Wilson, Alan Wood, jr., Fernando Wood, Woodworth, Yeates, and Young—140.

So the amendment was not agreed to.

The bill, as amended, was then ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

The question being upon the passage of the bill, upon a division there were—ayes 105, noes 44.

So the bill was passed.

Mr. RANDALL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. RANDALL. I move that the House now adjourn.

Mr. PAGE. Pending that motion I move that when the House adjourns it be to meet on Monday next.

Mr. RANDALL. We must have a session to-morrow.

Mr. CONGER. Allow me to make a proposition. If the session for to-morrow is for the purpose of electing a Speaker *pro tempore*——

Mr. RANDALL. It is necessary to meet to-morrow for other purposes.

LEAVE OF ABSENCE.

Mr. MORRISON was granted leave of absence for one week.

Mr. PLAISTED was granted leave of absence for ten days from Monday next on account of important business.

Mr. HARRISON was granted indefinite leave of absence on account of important business.

The question was then taken upon the motion of Mr. PAGE, that when the House adjourn it be to meet on Monday next; and it was not agreed to.

The motion of Mr. RANDALL was then agreed to; and accordingly (at two o'clock and thirty minutes a. m., Saturday, June 24,) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk under the rule, and referred as stated:

By Mr. HUNTON: The petition of Elizabeth Barrett, for a pension, to the Committee on Revolutionary Pensions.

By Mr. McFARLAND: The petition of Peter Meeks, late a private in Company I, Eighth Tennessee Infantry, for a pension, to the Committee on Invalid Pensions.

By Mr. REAGAN: The petition of citizens of Eastern and Northeastern Texas, against the removal of the place of holding Federal courts from Tyler to Dallas, in said State, to the Committee on the Judiciary.

By Mr. SEELYE: Memorial of the Seminole Nation of Indians, against any legislation looking to the establishment of a territorial government for the Indian country.

IN SENATE.

SATURDAY, *June* 24, 1876.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of War, transmitting, for the information of the Committee on Appropriations, a letter of the Quartermaster-General stating the effect of the amendment adopted by the House of Representatives to the paragraph in the Army appropriation bill "for transportation of the Army," and recommending the restoration of the original phraseology; which was referred to the Committee on Appropriations.

He also laid before the Senate a communication from the Secretary of War, transmitting a letter from the Quartermaster-General recommending that the appropriation "for incidental expenses" for the year ending June 30, 1877, be so amended as to provide that the reasonable funeral expenses of an officer of the Army dying in the service may be paid by the Treasury Department on the approval of the Secretary of War; which was referred to the Committee on Military Affairs.

PETITIONS AND MEMORIALS.

Mr. INGALLS presented the petition of Mrs. Mary Walsh, praying to be allowed a pension on account of services rendered by her husband, Redmond Walsh, late of Company H, Fourth Massachusetts Cavalry, during the late war; which was referred to the Committee on Pensions.

He also presented the petition of Gardiner G. Hubbard, on behalf of the Union Pacific Railroad Company, southern branch, now known as the Missouri, Kansas and Texas Railroad Company, praying damages by reason of the failure of title to certain lands in Kansas patented to the company by the United States; which was referred to the Committee on the Judiciary.

Mr. ALCORN. I present the petition of John Kethley, of Scott County, Mississippi, who was a soldier in the war of 1812, now very old and indigent. He prays that he may be allowed compensation for certain property taken and appropriated by the United States troops during the late war. I move the reference of the petition to the Committee on Claims.

The motion was agreed to.

Mr. ALCORN. I also present the petition of Jesse McKay, of Scott County, Mississippi, who likewise served as a soldier in the war of 1812. He states that he is very old, blind, and poor, and that he lost a large amount of property, which was taken and appropriated by United States troops during the late war, by General Sherman. He prays compensation. I move the reference of the petition to the Committee on Claims.

The motion was agreed to.

Mr. WRIGHT presented the memorial of the New York committee for the prevention of licensed prostitution, signed by Mrs. Abby Hopper Gibbons, president, and other officers and members, praying that Congress may enact no law to authorize the board of health to license prostitution in the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. CHRISTIANCY presented the petition of Elias B. Bell, of Hillsdale County, Michigan, praying for the correction of his record as a soldier by removing the charge of desertion therefrom; which was referred to the Committee on Military Affairs.

Mr. BOOTH presented the memorial of a committee appointed at a public meeting held at San Benito, San Benito County, California, on the 27th of May, 1876, in favor of an amendment to the act of Congress granting a land subsidy to the Southern Pacific Railroad Company; which was referred to the Committee on Public Lands.

Mr. CONKLING. I have a petition to present, which I have been withholding for the appearance in his seat of the chairman of the Committee on Naval Affairs; but as I see a very eminent member of that committee, the Senator from Rhode Island [Mr. ANTHONY] before me, I should like to have his attention. I beg to present this petition in his hearing and to ask his attention to it.

I present the petition of Admiral Charles Wilkes, who as the Senator and other Senators know is very ill in this city now. It is a sworn petition, in which he says that thirteen years ago, when he was in command of the West Indian squadron, a paymaster, whom he names and who is now dead, paid for him a mess-bill amounting to $350; that ten days afterward he repaid it to him, which he remembers distinctly. The Fourth Auditor of the Treasury, having no power to dispense with the formal voucher, and finding none, charges that $350 to him, Admiral Wilkes, in the phrase of the Department, "checks his account" to that amount. The admiral's means are too slender to enable him, without great inconvenience, to submit to that check. This petition, if it is to be believed, establishes the injustice of the check; and I present it, moving its reference to the Committee on Naval Affairs—I suppose it should go there—in the hope that that committee may offer an amendment to an appropriation bill, or report a bill in the customary form, directing the proper accounting officers of the Treasury Department to allow Admiral Wilkes this sum.

Mr. SARGENT. I suggest to the Senator from New York that the petition ought to go to the Committee on Claims. It is not a matter that the Committee on Naval Affairs have any special jurisdiction over. The fact that these were naval officers does not put this claim on a different footing. It does not depend upon any construction of the laws in relation to the Navy. I think the petition ought to go to the Committee on Claims.

Mr. CONKLING. It is of course a matter of no consequence to me to which committee it goes. I think, however, my friend from California on reflection will find that, according to the usage of the Senate, and indeed according to reasoning too, this being not a claim but a mere matter of accounting in respect of the affairs of two naval officers, it ought rather to go to the Committee on Naval Affairs. I make no resistance, however, if the Senator from California has a choice, except that we all know the Committee on Claims is a heavily burdened committee. This relief ought to be granted at once if it is to be done at all, and perhaps for convenience the petition had better go to the Committee on Naval Affairs.

Mr. SARGENT. Very well.

The PRESIDENT *pro tempore*. The petition will be referred to the Committee on Naval Affairs, if there be no objection. It is so referred.

AGRICULTURAL REPORTS FOR 1874 AND 1875.

Mr. ANTHONY, from the Committee on Printing, to whom was referred the following concurrent resolution from the House of Representatives, reported it without amendment:

Resolved, (the Senate concurring,) That there be printed 100,000 copies of the Report of the Commissioner of Agriculture for the year 1874; 20,000 copies for the use of the Senate, and 80,000 copies for the use of the House of Representatives.

He also, from the same committee, to whom was referred the following concurrent resolution from the House of Representatives, reported it without amendment:

Resolved by the House of Representatives, (the Senate concurring,) That the Congressional Printer be, and he is hereby, authorized to print 200,000 copies of the Report of the Commissioner of Agriculture for the year 1875; 43,750 copies of which shall be for the use of the Senate, 131,250 copies for the use of the House of Representatives, and 25,000 copies for distribution by the Commissioner of Agriculture.

Mr. ANTHONY. We report these resolutions without recommendation, and refer their consideration to the Senate. The committee were not able to agree, and as unquestionably their report upon either resolution in any form would meet with opposition in the Senate, it was thought best to refer the whole subject to the Senate and let the resolutions go upon the Calendar.

The PRESIDENT *pro tempore*. The resolutions will be placed upon the Calendar.

ABERT'S REPORT.

Mr. ANTHONY. The Committee on Printing, to whom was referred a resolution to print 10,000 copies of the report of J. T. Abert, have instructed me to report back the same with an amendment, substituting "1,500" for "10,000;" and I ask for its present consideration.

There being no objection, the resolution was considered.

The amendment was agreed to; and the resolution, as amended, was adopted, as follows:

Resolved, That 1,500 extra copies of the report of J. T. Abert, engineer, on the survey of a line to connect the waters of the Cape Fear and Neuse Rivers and for a connection by water between Norfolk and Cape Fear River, be printed for the use of the Senate.

ARMY APPROPRIATION BILL.

Mr. ALLISON. I am instructed by the Committee on Appropriations, to whom was referred the bill (H. R. No. 3717) making appropriations for the support of the Army for the fiscal year ending June 30, 1877, and for other purposes, to report it back with sundry amendments. I give notice that I shall ask the Senate to take up the bill for consideration on Monday next.

REPAVEMENT OF PENNSYLVANIA AVENUE.

Mr. DORSEY. I am instructed by the Committee on the District of Columbia, to whom was referred the bill (H. R. No. 3411) authorizing the repavement of Pennsylvania avenue, to report it with an amendment, striking out all after the enacting clause and inserting the bill on the same subject passed by the Senate, and which I believe is familiar to all Senators. I ask for the present consideration of the bill.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The PRESIDENT *pro tempore*. The Secretary will read the amendment of the committee.

Mr. WEST. Is it necessary to read it?

Mr. SHERMAN. I take it if that is the identical bill which we passed in the Senate it is hardly worth while to read it. I should like to ask the Senator who has charge of the measure what is the difference between the two bills, so that we may understand it.

Mr. DORSEY. The differences are so great that I can hardly answer the Senator in a short time. They are different bills entirely.

Mr. SHERMAN. I understand the Senator desires to have the substitute agreed to in order to send the whole matter to a committee of conference?

Mr. DORSEY. Yes, sir.

Mr. SHERMAN. I think it is hardly worth while, then, to read the whole bill that passed the Senate. If anything is to be read, it ought to be the House bill.

Mr. INGALLS I ask unanimous consent that the reading of the amendment of the committee be dispensed with.

Mr. HAMLIN. I should like to hear the bill. It will go to a committee of conference and the Senate will never have heard the bill read.

Mr. WEST. The amendment is the bill which passed the Senate.

Mr. HAMLIN. I make no objection in that case. I thought it was a new bill.

Mr. SHERMAN. If anything is to be read it ought to be the House bill, and not the Senate amendment.

The PRESIDENT *pro tempore*. By unanimous consent the reading of the amendment is dispensed with. The question is on the amendment reported by the Committee on the District of Columbia as a substitute for the House bill.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

Mr. MERRIMON. Has this bill been referred to the Committee on the District of Columbia?

The PRESIDENT *pro tempore*. It has been referred and reported, and an amendment agreed upon by way of substitute, being the Senate bill already passed.

Mr. MERRIMON. The reason I mention it is that a very respectable citizen of this city came to see me about the subject this morning. He manifestly thought the bill would go to the Committee on the District of Columbia, and he made two or three important suggestions, as I thought.

The PRESIDENT *pro tempore*. The bill was reported this morning from the Committee on the District of Columbia, and considered by unanimous consent, and the amendment agreed to.

Mr. SHERMAN. It strikes me that the course pursued now is a very common one. The Senate passed a bill on the same subject, and sent it to the House. The House, instead of taking up that bill and amending it, send to us a bill of their own. It is manifest that unless the two Houses are brought together by a conference, or in some other mode, they cannot pass a bill upon the subject. Therefore the course now suggested, that we pass our bill as an amendment to the House bill so as to bring the two Houses to a conference, is the only way to reach a result.

Mr. MERRIMON. My only object was to have an opportunity to present to the committee the suggestions which were made to me by the highly respectable citizen to whom I have referred, which I thought well entitled to consideration. I should certainly have objected to the consideration of the bill this morning, but my attention was diverted.

Mr. SHERMAN. I understand that the Senator himself is a member of the Committee on the District of Columbia.

Mr. MERRIMON. I am a member of the committee, but was not present when the bill was considered by them.

Mr. SHERMAN. The Senator being a member of that committee he would naturally be appointed a member of the committee of conference, although that is a matter for the Chair. He will therefore have an opportunity in conference to present his suggestion, and the only way in which the differences between the two Houses can be harmonized is by a conference.

Mr. MERRIMON. I do not feel at liberty to object now, as my attention was not attracted when unanimous consent was asked to consider the bill.

Mr. SPENCER. I will say that this bill was considered by the committee at the last meeting. The Senator from North Carolina was not present. The object is to substitute the Senate bill for the House bill, so as to throw the matter into a conference committee.

Mr. MERRIMON. The matter I referred to was brought to my attention just before the Senate met to-day. I thought the objection raised was a serious one, and I promised the gentleman that I would bring it to the attention of the committee when the bill should be considered. I do not feel at liberty now to move to reconsider in order to present my suggestion. The matter may be settled in the committee of conference.

Mr. WEST. Do I understand the Senator from North Carolina to object now to the passage of the bill as amended by the Senate?

Mr. MERRIMON. I take it, it is not competent to interpose an objection now when the bill is on its passage.

Mr. SARGENT. The Senator says he does not object, but that a conference can probably settle it.

The PRESIDENT *pro tempore*. The question is on the passage of the bill.

The bill was passed.

TIME FOR FILING BOUNTY CLAIMS.

Mr. LOGAN. I desire to call up House bill No. 525. If it produces any discussion whatever, I shall not press it now. I have been urged very frequently to call it up. It was reported from the Committee on Military Affairs, and, after a slight discussion, withdrawn at that time.

The bill (H. R. No. 525) to extend the time for filing claims for additional bounty under the act of July 28, 1868, which expired by limitation on January 30, 1875, until July 1, 1880, was, by unanimous consent, considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LANDS IN KLAMATH INDIAN RESERVATION.

Mr. KELLY. I move that the Senate proceed to the consideration of House bill No. 1316.

The motion was agreed to; and the bill (H. R. No. 1316) to adjust the claims of the owners of lands within the limits of the Klamath Indian reservation, in the State of Oregon, was considered as in Committee of the Whole.

The Committee on Public Lands reported the bill with an amendment in line 5, after the word "scrip," to insert "for quantities of land not less than one section;" and, in line 12, to strike out the words "the subdivision" and insert "one section, as;" so as to make the bill read:

That the Commissioner of the General Land Office be, and he is hereby, authorized, under the direction of the Secretary of the Interior, to issue scrip, for quantities of land not less than one section, to the legal owners of the land granted to the State of Oregon by act of Congress approved July 2, 1864, to aid in the construction of a wagon-road from Eugene City to the eastern boundary of the State, authorizing them to select and locate, of the unoccupied and unappropriated public lands of the United States, not mineral, and in tracts not less than one section, as provided for in the United States land laws, and, if unsurveyed when taken, then to conform when surveyed to the general system of the United States land surveys, a quantity of land equal in amount to the lands within the limits of said grant embraced in the Klamath Indian reservation, designated and set apart by the Commissioner of the General Land Office as lands in place, and likewise any indemnity lands within the limits of said reservation that have been selected and approved to the State of Oregon under the provisions of said act; the quantity of said lands to be ascertained by the Commissioner of the General Land Office. And the said Commissioner shall issue patents for the lands so selected: *Provided*, That no scrip nor patents shall issue as hereinbefore provided until the owners of the lands embraced in said reservation shall execute and deliver to the Commissioner of the General Land Office a deed conveying to the United States all their right, title, and interest to the same: *Provided further*, That no scrip issued in pursuance of the provisions of this act shall be located upon other than the public lands lying within the said State of Oregon.

Mr. KELLY. Mr. President, the House of Representatives passed this bill some months ago, and before its passage the Committee on Public Lands thoroughly examined the case and made a report upon it; it is Report No. 183 of the House of Representatives of the present session of Congress. After passing that body the bill came to the Senate, was referred to our Committee on Public Lands and thoroughly examined there, but no written report was made to accompany the bill, inasmuch as the House report fully set forth all the facts. Briefly stated they are these: On the 2d day of July, 1864, the Congress of the United States granted to the State of Oregon certain lands; that is, three sections on each side of a road from Eugene City, in Western Oregon, to the eastern boundary of the State. The road was constructed by the company to whom the lands were granted by the State of Oregon at an expense of between $200,000 and $300,000. After the road was constructed and approved, the United States, through its superintendent of Indian affairs, located upon the lands the Klamath Indian reservation. The road had been constructed, the governor had approved it in accordance with the law of Congress, and the lands had been patented to the State or to the company that constructed the road, or at least the greater portion of them, amount-

ing to 103,000 acres. As soon as the company was about to take possession of its lands the Indians threatened disturbance, the same Indians with whom we had trouble at the time of the Modoc war. These lands lie near the boundary between California and Oregon. The Indians, as I said, threatened to drive off the owners of the lands if they should assert their rights. The State was about to protect its citizens in their rights, when the superintendent of Indian affairs asked that the further assertion of their rights be postponed until Congress should take action in the matter.

At the last session of Congress they applied for payment for these lands. The Committee on Public Lands thought it was unwise to grant payment in money and rather suggested that other lands should be given in lieu of them. In accordance with that suggestion, at an early day in this session a bill to that effect was introduced into the House, passed that body, and now is before us. If it is desired, the report can be read with the appendages to it; the letter of Governor Grover, of Oregon, to Secretary Chandler, also the request of Commissioner Burdett, and the request of L. S. Dyar, United States Indian agent—two letters of Mr. Dyar, asking that this be done—the recommendation of E. P. Smith, Commissioner of Indian Affairs, dated February 8, 1875, asking the same thing, and another from Mr. Smith dated January 7, 1875, besides letters from a number of other citizens asking that it be done. Indeed this is the only way it seems to me by which this conflict or controversy with the Klamath Indians can be settled. It simply is to allow the men who constructed the road to take other lands in lieu of those which had been patented to the company, they transferring to the United States for the benefit of this reservation the lands which have been patented to them, and the other lands being transferred only upon the patented lands being receded to the United States.

Mr. EDMUNDS. I should like to hear the report read, Mr. President.

Mr. KELLY. I will send the report to the desk.

The PRESIDENT *pro tempore*. The report will be read.

The Chief Clerk read the following report made by Mr. LANE, from the Committee on Public Lands in the House of Representatives, on the 25th of February:

The Committee on Public Lands, to whom was referred the bill (H. R. No. 1316) to adjust the claims of the owners of lands within the limits of the Klamath Indian reservation, in the State of Oregon, report as follows:

The Congress of the United States, by an act approved July 2, 1864, granted to the State of Oregon certain lands to aid in the construction of a military wagon-road from Eugene City to the eastern boundary of said State. Said grant embraced the odd sections within the limits of three miles on each side of said road. Subsequently, October 24, 1864, the Legislative Assembly of the State of Oregon designated the Oregon Central Military Wagon-Road Company as the company to receive the grant and construct the said road. In January, 1870, the road, being wholly completed, was accepted by the governor of Oregon, Hon. George L. Woods, and duly certified as constructed throughout its entire length.

In February, 1870, a treaty with the Klamath Indians was ratified, which treaty set apart a large tract of land as the Klamath Indian reservation. Said reservation embraced within its limits 130 377 acres of land which, under the act of July 2, 1864, legally inured to the said road company. The particular section of road which runs through the reservation was accepted according to law by the governor of the State as early as 1866, four years prior to the ratification of the treaty referred to.

Until recently the Indians seem not to have been aware of the existence of any adverse claim to any portion of the lands embraced within the reservation. They have, however, come to realize this fact, and are growing somewhat restive in the consideration thereof. The proprietors of the grant, in order to avoid trouble with the Indians and to secure a settlement of this matter, have indicated a willingness to forego their claim to lands within the limits of said reservation, provided the Government will permit them to locate an equal number of acres elsewhere in said State of Oregon.

The Sprague River Valley, in which these disputed lands are situate, is one of the richest and most fertile tracts within said grant, and it is scarcely possible that the company could be the gainer by the change from those to any other unoccupied lands in that State. They have paid taxes upon said lands, and in many instances have patents therefor. It is quite clear that the company, or its assigns, have rights which should be regarded by the General Government. If their rights under the act making the grant are strictly enforced, a serious conflict with the Indians is inevitable. To prevent the possibility of such a calamity, and to secure fair and equitable adjustment in the premises, this measure is urged to a favorable consideration. It will be observed that there is a provision in this bill that no scrip or patents to lands elsewhere in the State shall be given in lieu of the lands within the reservation until the proprietors of said grant shall execute and deliver to the Commissioner of the General Land Office a deed conveying to the United States all their right and title to the said lands. The accompanying exhibits, petitions, and communications of an official character fully sustain the view of the matter taken by the committee.

The committee report the following amendment, to wit: Add to said bill the following: "*Provided further*, That no scrip issued in pursuance of the provisions of this act shall be located upon other than the public lands lying within the said State of Oregon." The committee recommend the adoption of said amendment and the passage of said bill.

STATE OF OREGON, EXECUTIVE OFFICE,
Salem, October 22, 1875.

SIR: By act of Congress approved July 2, 1864, certain public lands were granted to the State of Oregon "to aid in the construction of a military road from Eugene City to the eastern boundary of said State." By an act of the Legislative Assembly of the State of Oregon, approved October 24, 1864, this grant was conferred by the State upon the Oregon Central Military Road Company. The road contemplated by said act of Congress has been completed, and, by my predecessor, was examined and certified as constructed and completed throughout its entire length, according to the terms of the grant, on January 12, 1870. The treaty with the Klamath Indians, of 1864, was ratified February 17, 1870. (16 Statutes, page 707.) The line of the wagon-road passes through Klamath Lake Basin and the Klamath Indian reservation, as established subsequent to the listing of the wagon-road lands to the State for the use of said wagon-road company, embraces 130,377 acres of said lands belonging to the wagon-road company.

The Klamath Indian reservation was finally confirmed as such without notifying the Indians for whose use it was set apart that any portion of it was at that time the property of said wagon-road company. The entire wagon-road grant has been transferred by sale to a number of prominent capitalists, chiefly of the State of California, as I understand, without notice that the Klamath Indians claimed to hold the lands of the grant listed to the State within said reservation, as belonging to them by virtue of the treaty.

The wagon road company and their successors in interest have paid taxes upon said reservation lands from the time when they were segregated to said company. The present owners now desire to dispose of these lands to settlers; and persons are ready to become purchasers. But the Klamath Indians, lately discovering that said company claimed these lands by virtue of the grant mentioned, resist the claim and threaten to resist the occupancy of any portion of their reservation by settlers.

I am informed that the owners of this grant are willing to take a money indemnity or lieu lands on any just basis, for the surrender of all these lands falling within said reservation.

I desire to make special presentation of this fact, that the Klamath Indians occupy the same region of country which was the home of Captain Jack and his band of less than a hundred warriors, whose hostility cost the General Government and this State so many lives and so much money, and to urge upon the attention of your Department the vital importance of early action on the part of the General Government in adjusting this matter. From my experience of nearly twenty-five years upon the Pacific borders, I do not hesitate to say that if this question of title to lands within the Klamath reservation remains for any considerable period unadjusted the most serious Indian hostilities will occur, disastrous to the settlements in Southern Oregon and Northern California, as well as expense to the General Government in an amount far exceeding any cost of present settlement of the matter.

Could the reservation be vacated and the Klamath Indians be removed to other lands, I presume it would be the most satisfactory solution of the question, as far as the owners of these lands are concerned; but if this cannot be done, it would appear but common justice and fair dealing that other lands of equal value be given in release of these or that a fair money compensation be made for the same.

I have the honor to be, sir, very respectfully, your obedient servant,

L. F. GROVER,
Governor of Oregon.

The SECRETARY OF THE INTERIOR,
Washington, D. C.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, California, January 28, 1876.

SIR: I am informed that by an act of Congress approved July 2, 1864, certain lands were granted to the State of Oregon to aid in the construction of a military road from Eugene City to the eastern boundary of the State, and that by an act of the Legislature of Oregon approved October 24, 1864, this grant was conferred on the Oregon Central Military Road Company. I am further informed that the proposed military road was completed according to the terms of the act of Congress making a grant of land in aid of the construction thereof, and the lands granted were listed to the State; also, that at a date subsequent to the transfer of these lands to the State of Oregon, a treaty was ratified with the Klamath and other Indians, by which a portion of the lands already donated for the purpose above named was set apart for an Indian reservation.

The Oregon Central Military Road Company, on which the grant was conferred by the State of Oregon, has since sold the land to other parties, and it is now owned by a company of capitalists, most of whom, as I am informed, are citizens of this State. The portion of it embraced within the Klamath Indian reservation, about 130,000 acres, they are unable to make use of for purposes of settlement and cultivation, though, as I am informed, they pay taxes on it annually under the laws of Oregon, for State and county purposes. Holding title to this land from the Federal Government and paying taxes on it under the laws of the State, they naturally desire to obtain possession of it, so that they may use it, or, failing in this, that they may receive the value of the land, either in cash or in other lands elsewhere, and I think in this respect their desires are only just and reasonable, and are entitled to consideration from the Government.

There are other considerations, growing out of the relation of the reservation Indians to these lands, which make it a matter of very great importance that the rights of these parties should be adjusted on some satisfactory basis at as early a day as possible.

The Indians on the reservation are jealous and warlike, and if they come to understand that citizens have a title to a portion of the land embraced in their reservation, and which they have heretofore regarded as exclusively their own, by a title resting on the good faith of the Government, it is not probable that they will contemplate the situation with complacency. On the contrary, it is to be feared that the discovery of such fact by them would be the signal for them to commence hostilities. And while it cannot be doubted what the ultimate result of such action on their part would be, the loss of life and property consequent on the outbreak of the Modoc, in the same section, is too recent to allow us to regard lightly the prospect of another occurrence of the same kind.

The rights, therefore, of the citizens owning these lands, the good faith of the Government pledged to the Indians in solemn treaty, and the safety and welfare of the settlers in the vicinity of the reservation all conspire to demand that the Government shall take prompt steps either to put the citizens in possession of the land which they hold by title from the Government or to extinguish their title to the lands by giving them an equitable consideration therefor. To place them in possession of their lands would involve the breaking up of the reservation and the removal of the Indians to some other locality; that this ought to be done I am not prepared to say. But if it is thought best to retain the reservation where it is—and the question of its removal deserves very serious considerations before its determination in the affirmative—I certainly think the citizens in question are entitled to relief in the other manner suggested.

Trusting that this matter will receive your early attention, I have the honor to be, sir, very respectfully, your obedient servant,

WILLIAM IRWIN,
Governor of State of California.

Hon. Z. CHANDLER,
Secretary of the Interior, Washington, D. C.

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., November 4, 1874.

SIR: I have the honor to acknowledge the receipt of a communication from your Office, dated the 17th ultimo, respecting the action of this Office touching the lands in what is known as the Klamath Indian reservation, in Oregon, embraced in the limits of the grant of July 2, 1864, for the Oregon central military wagon-road.

In reply, I have to state that the odd sections falling within said reservation have been approved to the State for the benefit of the road, within the three and six mile limits, as follows:

	Acres.
April 21, 1871	$51,248 56
December 8, 1871	37,414 51
April 2, 1874	4,487 34
Total	93,150 41

The treaty creating the reservation not having been ratified until 1870 and not having been brought to the attention of this Office until after the approval of the

lands, no formal decision upon the rights of the State has been promulgated, the question not having been examined with reference to the force of the reservation made subsequent to the date of the grant, to take the lands out of its operation.

Very respectfully,

S. S. BURDETT, *Commissioner.*

Hon. E. P. SMITH,
Commissioner of Indian Affairs.

KLAMATH AGENCY, OREGON, *October* 16, 1873.

SIR: Having returned to the reservation and thought further relative to the subject-matter of your communication of September 17, in regard to the lands of the Oregon Central Military Road Company, located on this reservation, I deem it proper to express more fully my views.

By the treaty of October 14, 1864, the Government of the United States pledged itself in the most solemn way to secure this land to the Indians and their heirs forever. This was thoroughly explained to them, and has been repeatedly since, and their good feelings toward the Government and its white citizens to-day rests on the conviction that this pledge will be conscientiously fulfilled.

Say to them, the Government has deeded this land to the road company, and they will reply, "The Government made a solemn treaty with us, giving us a title to all this land, only reserving the right of way for roads, nothing being said about the location of lands, and we cannot understand that this is not a scheme to take our country from us."

They will look upon this as a violation of the treaty by which the Government does positively give them an assurance of their permanent ownership of this identical land, and they will say, "If the Government violates one pledge, there is no certainty that it will fulfill any."

I do not thus express myself without having as fully considered the subject as I am capable of doing. I have also counseled with persons of sagacity and reliability who are fully conversant with the feelings of the Klamath, Modoc, and Snake bands located on this reservation, and I will say that it is my honest conviction that, if a public announcement were made to-day to the three thousand white and red inhabitants of this section of the country, that we would stand upon the verge of a war by the side of which the late difficulty with the renegade band of Modocs would be dwarfed into insignificance. A combination of Klamaths, Modocs, Snakes, and Pi-Utes could at a single stroke destroy the sparse settlements of Southeastern Oregon, and, taking refuge in the volcanic fields of this country, with the supplies of arms and subsistence secured by their success, would cost the Government millions of money and a thousand lives before they could be subjugated.

Why will not the Government, in order to make its promises good to secure peace for both Indians and whites and the civilization of the red men, procure a title to the lands for the Indians? The outlay would be insignificant as compared with the expenses of a war, which, without the greatest care and caution, will result from this most unfortunate affair.

During the Modoc war there were always irresponsible parties ready to talk to these Indians and make them distrustful of both the reservation authorities and their Government. Among other things, they were told that as soon as the Modocs were subdued and taken from the country, the Government would steal away the reservation lands and take them away. Although the Indians knew these parties were not much entitled to credit, there was at one time a great deal of excitement, and they could only be satisfied by assuring them that the Government would surely make its promises good, and secure to them and their children forever all the lands of the Klamath reservation. Suggest this thing to them now, and the galling wound will be opened afresh, and they cannot be persuaded to believe that the Government means to allow them justice.

It is possible that, with judicious management and the purchase of all the road-lands south of Sprague's River, the Indians could be prevented from open hostility, but it is unmistakably true that nothing short of a title to the reservation would be justice.

I have expressed myself plainly and distinctly, knowing that you wish to know the actual facts in the case, and not that I wish to draw the picture with brighter colors than belong to it.

I would respectfully insist on the Department sending out a man of sagacity and experience to inquire into this matter in all its bearings; some one in whom the Department can repose entire confidence to make a report and suggestions in this case, which is one, perhaps, of greater consequence than any question now remaining unsettled among the Indians in this section of the Union.

Very respectfully, your obedient servant,

L. S. DYAR,
United States Indian Agent.

Hon. EDW. P. SMITH,
Commissioner of Indian Affairs, Washington, D. C.

KLAMATH AGENCY, OREGON, *September* 23, 1874.

SIR: According to agreement, I wrote you very briefly relative to the lands claimed by the Oregon Central Military Road Company, within the limits of the Klamath reservation.

Treaty was concluded by the Government with the Klamath, Modoc, and Yahooskin Snake Indians on October 4, 1864, but was no fully ratified by Congress and signed by the President until February 17, 1870. Meanwhile (between 1864 and 1870) a bill was passed by Congress granting said company the right to build a road from near Eugene City, in the Willamette Valley, to the eastern boundary of the State, and granting also to the company every alternate section of land for three miles on each side of the road to aid in the construction of the same.

This road runs diagonally through the whole length of the Klamath reservation, a distance of sixty miles or more, traversing the very best portions of the same; in fact, is so located as to embrace within the limits of the six miles in breadth more than one-half of all the land upon the reserve suitable for cultivation or for winter grazing.

I am informed by the Commissioner of Indian Affairs of the decision that the road company has the prior right to these alternate sections upon the reserve.

Now, if Sprague River Valley be taken from these Indians, the only hope of their ever becoming self-supporting is removed; for they must depend on stock-raising in the future as their only means of subsistence, and Sprague River Valley, nearly all of which is embraced in this claim, is the only reliable winter pasturage upon the reservation.

Unless some action be taken by which these lands are secured to the Indians, the most serious results are inevitable.

I hope you, with the Indian commissioners, will induce the Commissioner of Indian Affairs to furnish funds for the Indians at Yainax sufficient to keep them from starvation.

I have been obliged to close my school for want of means to support it. This I very much regret, but no other course is possible. Mr. Werden returned to-day all right.

Very respectfully, your obedient servant,

L. S. DYAR,
United States Indian Agent.

Hon. WM. VANDEVER,
United States Inspector.

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,
February, 8, 1875.

SIR: In reply to the inquiry contained in your letter of the 6th instant relative to Senate bill 1164, entitled "A bill to adjust the claim of the owners of land within the limits of the Klamath Indian reservation in the State of Oregon," what, if any, action may have been had by me, or under my sanction, relative to the subject-matter of the bill, and requesting an expression of Office views respecting the same, I would respectfully state that the bill referred to has not been submitted for the views of this Office.

A report was made to the honorable Secretary of the Interior on the 7th ultimo, (copy herewith,) which contained the views of this Office on the subject-matter of the bill. I would further state that it is deemed very important and desirable that the Klamath Indian reservation in Oregon should remain intact, as contemplated by the treaty of October 14, 1864, (16 Statute at Large, 707,) and that such action be taken as will best enable the accomplishment of this end.

Very respectfully, your obedient servant,

E. P. SMITH,
Commissioner.

Hon. COMMISSIONER GENERAL LAND-OFFICE

DEPARTMENT OF THE INTERIOR, OFFICE INDIAN AFFAIRS,
January 7, 1875.

SIR: I have the honor to call your attention to the claim asserted for lands within the Klamath Indian reserve in Oregon by said State, under act of Congress granting alternate sections of the public lands to aid in the construction of wagon-roads. The attention of the Department was called to this subject by communication from this Office on the 11th of November last. A brief statement is as follows:

By an act of Congress approved July 2, 1864, (United States Statutes at Large, volume 13, page 355,) there was granted to the State of Oregon, to aid in the construction of a military wagon-road from Eugene City, by way of Middle Fork of Willamette River, and the most feasible pass in the Cascade range of mountains near Diamond Peak, to the eastern boundary of the State, alternate sections of public lands designated by odd numbers for three sections in width on each side of said road.

Subsequently on the 14th of October, 1864, a treaty was concluded (ratified February 17, 1870) (United States Statutes at Large, volume 16, page 707) between the United States and the Klamath and Modoc tribes, and Yahooskin band of Snake Indians, by the terms of which the United States recognized the existence of the Indian title or claim to the region of country therein described, by having the Indians cede and relinquish their right, title, and claim thereto to the United States, with the proviso, "that the following described tract within the country ceded by the treaty shall, until otherwise directed by the President of the United States, be set apart as an Indian reservation." Then follows a description of the tract of country reserved.

This Office being in receipt of information that the State of Oregon claimed the lands, granted in the act first above named, along the entire route of the wagon-road, (which passes through the tract of country reserved, as aforesaid, for Indian purposes,) under date of the 17th of October last, addressed a letter to the General Land Office requesting to be advised what action, if any, had been taken by that Office relative to the claim of said State, so far as the alternate sections, within the limits of the said Indian reservation, were concerned. A reply was received to this letter, dated the 4th of November last, in which it was stated "that the odd sections falling within said reservation have been approved to the State for the benefit of the road within the three and six mile limits, as follows:

	Acres.
April 21, 1871	51,248 56
December 8, 1871	37,414 51
April 2, 1873	4,487.34
	93,150.41"

All since the date of the ratification of the treaty. In consequence of this state of facts, this Office submitted for the consideration and decision of the Department—

"First. If the Indian title had not been extinguished, and was in existence, the same being recognized, to the region of country in question by the treaty of October 14, 1864, did the grant to the State of Oregon, made by the act of July 2, 1864, which is confined to *public* lands, attach to any of these lands?

"Second. If the grant to the State of Oregon by the act of July 2, 1864, did not attach, it is respectfully submitted whether steps should be taken to have the approval of the lands to the State annulled.

"Third. If an annulment of such approval is deemed impracticable, ought not the Indians to be re-imbursed by an appropriation by Congress of the value of the lands within their reservation which have been approved to the State?"

Other questions were also submitted relative to this matter.

Under date of the 28th ultimo, Mr. B. J. Pengra, agent for the parties in interest, in a communication to this Office, states that the lands granted to the State of Oregon by the act of July 2, 1864, were, by the Legislative Assembly of said State, in September following, granted to the Oregon Military Road Company, and, so far as the public surveys have been extended, have been located and approved to said company by the State and by the United States, and that said lands belonging to said Oregon Road Company by virtue of said acts have recently been conveyed by said compay to B. J. Pengra, of Oregon, and by said B. J. Pengra to Nicholas Luning, Edgar Mills, N. D. Rideout, W. H. Parks, G. W. Colby, W. C. Belcher, John Bogga, and others of the State of California.

Mr. Pengra further states as follows:

"I have therefore to inform you that I am instructed by the owners of the grant to propose to your Office, as an equitable settlement of the matter, and to indemnify them for the lands taken by the Government, that Congress pass an act at its present session allowing said owners to locate, in lieu of their lands embraced in the Klamath reservation, an equal number of acres of any vacant Government lands elsewhere, and authorizing the Secretary of the Interior to issue such certificates as will enable them to make such locations."

In view of the questions involved and the difficulties that might attend an annulment of the approval of the lands to the State within said reserve, and as affording a possible solution thereof, I would respectfully recommend that the proposition made by Mr. Pengra in behalf of the parties in interest be recommended to Congress, with the request that such action be taken by that body as shall, in its judgment, be deemed proper and necessary to permanently settle the question.

Very respectfully, your obedient servant,

E. P. SMITH, *Commissioner.*

The Hon. SECRETARY OF THE INTERIOR.

To the honorable Commissioner of Indian Affairs, Washington, D. C.:

The undersigned respectfully represent that they are settlers and citizens living in the vicinity of Klamath reservation, Oregon and California, and being well acquainted with the character and past history of the various tribes of Indians upon that reservation induces them earnestly to solicit an immediate settlement of the private land claims within the boundary of the reservation, as they fully believe

if it were known by the Indians that they had not full and complete right to the whole reservation, and that the Government hesitated in protecting that right, the consequences would be most alarming, and before relief could be had the whole of Southeastern Oregon and Northern California would be depopulated.

S. B. CRANSTON,
United States Register, Linkville.
GEO. CONN,
United States Receiver, Linkville.
A. F. LEWLLING,
County Commissioner, Lake County.
E. C. MASON,
County Judge, Lake County.
GEORGE NURSE.
THOMAS MULHOLLAND,
Sheriff, Lake County.
N. HOPKINSON,
County Clerk, Lake County.
J. P. ROBERTS,
County Commissioner.
L. B. APPLEGATE.
JACOB BALES.
J. THOMPSON.
SAML. D. WHITMAN.
A. D. BUCK.
ROBT. TAYLOR.
L. S. BALL.
WM. ROBERTS,
W. J. SMALL.
H. M. THATCHER.
JOHN T. FALKNER,
CAPT. D. J. FERREE.
C. J. PHILLIPS.
R. B. HATTON.
JOHN DICK
ASA S. HARRON.
F. W. SMITH.

There are several other petitions before the Department, but I have no copy of them.

G. W. C.

Mr. EDMUNDS. I wish the Senator from Oregon would explain this bill to us a little further. It may be perfectly correct, although in this report I do not find any recommendation from the Secretary of the Interior. There is a letter from the Commissioner of Indian Affairs that, fairly construed, seems to be in favor of this scheme; but from the Secretary of the Interior or the Land Office I do not find any recommendation. I notice in this bill a provision "likewise any indemnity lands within the limits of said reservation that have been selected and approved to the State of Oregon under the provisions of said act." In running my eye over the act hastily I do not perceive any indemnity lands provided for.

Mr. KELLY. I will state to the Senator from Vermont that that provision is not in that act.

Mr. EDMUNDS. I cannot find it there.

Mr. KELLY. It is not in that act.

Mr. EDMUNDS. What does it mean?

Mr. KELLY. There is a subsequent act of Congress which I can turn to by which indemnity land was given to the company.

Mr. EDMUNDS. I should like to see that act. The bill that comes from the House of Representatives refers to the act of July 2, 1864, as being the act that gives this right to have indemnity lands. How extensive that claim may be I do not know. The act does not give it; and yet this bill, reciting that it does and providing for it, would be a confirmation of all the indemnity lands that they have heretofore claimed, whether consistently with law or otherwise. So if they have been getting an allowance for indemnity lands that the present law does not provide for, this bill would step in happily and make the necessary provision. Therefore I should like to see the statute upon which this indemnity business rests. The House of Representatives which passed this bill puts it upon the ground that this right of indemnity arose under the act of 1864. It is a matter of considerable consequence, as anybody can readily see, because the lands allotted under this reservation are more than ninety-three thousand acres that we are now to pay these gentlemen for by giving them a roving commission to take lands anywhere else in lieu of these the title to which they say is doubtful.

Mr. SARGENT. Within the State of Oregon.

Mr. EDMUNDS. Yes; but I suppose that State is large enough to allow the location of 93,000 acres more.

Mr. KELLY. I cannot in the hurry of the moment lay my hands on the statute; but I can assure the Senator from Vermont that the right to indemnity lands is given by law, whether in some special act or otherwise I am not aware.

Mr. EDMUNDS. That right is clearly not given as stated in this bill. I have not the slightest ground to question my friend's sincerity in supposing that it is so; but he agrees that this statement in the bill of a general right of indemnity arising under the act of 1864 is incorrect, because the act of 1864 certainly does not provide, if I have read it correctly, and I have read it twice, for any indemnity at all.

Mr. KELLY. That is very true.

Mr. EDMUNDS. This bill, if you pass it as it stands, will by its own force provide for making good any indemnity land that by right or wrong they may have already claimed or got allowed to them. That the Senator does not wish to do, because it is not right.

Mr. KELLY. No, it is not.

Mr. EDMUNDS. We are only providing for what is due to them in point of law. I suggest, therefore, that the bill go over till to-morrow.

Mr. KELLY. I will offer an amendment that I think will obviate that difficulty. I propose to insert in the twenty-first line:

Or any act of Congress amendatory or supplemental thereto.

So as to read:

Any indemnity lands within the limits of said reservation having been selected and approved by the State of Oregon under the provisions of said act or any act of Congress amendatory or supplemental thereto.

Mr. EDMUNDS. I submit that that will not do, because here are five lines which we all agree, as they are stated, have no business in this bill, because they acknowledge a right to indemnity lands growing out of the act of 1864. We all agree that no such right of indemnity does grow out of the act of 1864. Now, if there is any subsequent legislation which has given those gentlemen a lawful right to indemnity lands, I want to know upon what ground that legislation stands. If it should happen to turn out that that legislation gave indemnity lands for those they might lose in crossing this reservation, and we pass this bill, then we shall have given them indemnity lands twice over. The Senator does not want to do that. Therefore it is important that we should see the precise law upon which any indemnity at all is claimed. We do not find it in the act of 1864; and now it is said to be somewhere else. Before we provide for any indemnity let us see that the law does give it somewhere else, and how much, and upon what terms. I move, therefore, to postpone this bill till to-morrow, not in any hostility to the general object of it, but we all ought to desire to get it right.

Mr. KELLY. I hope that will not be done, and for this reason: I am sure the Senator from Vermont will see that if this bill is so amended as to provide that they shall be "entitled to indemnity lands within the limits of the said reservation that have been selected and approved to the State of Oregon under the provisions of the said act or of any act amendatory or supplemental thereto," it will be very clear that they can claim no lands excepting those that have been so selected.

I may say here for the Senator's information that I suppose there are few lands that have been reserved. The amendment to the law was only to give the company lands in lieu of those that had been selected for other purposes. As I said, if the amendment I now propose be adopted, the company surely can claim no indemnity lands unless it be under some law of Congress, either the original law or some supplemental act.

I would say further that I should have no hesitation in consenting to the postponement of the bill to another day until I could find the law, excepting for the great difficulty that is known to exist about getting up bills here at this period of the session.

Mr. MITCHELL. I desire to ask my colleague one question, what he understands the words to mean that I am now about to read:

Likewise any indemnity lands within the limits of said reservation that have been selected and approved to the State of Oregon under the provisions of said act.

Mr. KELLY. There may have been indemity lands selected. I should rather have it amended so that there would be no question on that point.

Mr. MITCHELL. I move to strike out the words I have read.

The PRESIDENT *pro tempore*. The Senator from Vermont has moved to postpone the present consideration of the bill. The first question is on that motion.

Mr. KELLY. I will accommodate the Senator from Vermont and allow the bill to go over, with the distinct understanding that I shall have the privilege of calling it up at any time. I wish to be perfectly fair about this and show the Senator the papers.

Mr. EDMUNDS. I do not doubt it. I hope the inquiry I have made about this bill has not led my friend to suppose that I was doubting his sincerity at all.

Mr. KELLY. Not in the least.

Mr. EDMUNDS. But the lands of the United States are getting so short that we have to be a little careful about any more grants. I cannot agree to any understanding that I shall assent to this bill being called up so as to displace anything else, but my friend will take his fair chance.

Mr. KELLY. Certainly.

Mr. EDMUNDS. Nobody will prevent the bill coming up.

Mr. SHERMAN. I should like to suggest an amendment and have it pending, so that it may not be overlooked when the bill comes up. In line 11, after the word "mineral," I desire to insert:

And which are then subject to entry under the homestead and pre-emption laws of the United States.

Mr. EDMUNDS. That is just the amendment I was proposing to move; and there ought to be also a further amendment striking out the provision about unsurveyed lands, because no unsurveyed lands are subject to homestead and pre-emption.

Mr. KELLY. I will answer both those objections when the bill comes up again.

Mr. MITCHELL. I desire to submit an amendment to be considered, to strike out these words:

And likewise any indemnity lands within the limits of said reservation that have been selected and approved to the State of Oregon under the provision of said act.

The PRESIDENT *pro tempore*. It is moved to postpone the further consideration of the bill until to-morrow.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. G. M. ADAMS, its Clerk, announced that the House had passed the following bill and joint resolution; in which the concurrence of the Senate was requested:

A bill (H. R. No. 3749) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1877, and for other purposes; and

A joint resolution (H. R. No. 131) appointing managers of the National Home for Disabled Volunteer Soldiers.

AMENDMENT TO APPROPRIATION BILL.

Mr. FERRY submitted an amendment intended to be proposed by him to the bill (H. R. No. 3749) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1877, and for other purposes; which was referred to the Committee on Appropriations, and ordered to be printed.

HOUSE BILL REFERRED.

The bill (H. R. No. 3749) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1877, and for other purposes was read twice by its title and referred to the Committee on Appropriations.

W. A. GRAHAM.

Mr. SPENCER. I ask the Senate to proceed to the consideration of the unfinished business of yesterday, being House bill No. 2676.

Mr. SARGENT. There are but two minutes left of the morning hour. We might by common consent consider the morning hour as over.

The PRESIDENT *pro tempore*. The morning hour has so nearly expired that, if there be no objection, it will be considered as having expired.

Mr. JOHNSTON. I should like to have the Senate consider a bill that will only take a minute, being the bill (H. R. No. 431) for the relief of the heirs of William A. Graham. It will not take longer than the reading of it, I am sure.

Mr. SPENCER. There are only two minutes of the morning hour left.

Mr. JOHNSTON. This bill can be passed in two minutes.

Mr. SPENCER. I do not like to object, but I will call up the regular order of business at one o'clock.

Mr. EDMUNDS. Let us hear the report read, if there is one.

Mr. JOHNSTON. There is a printed report.

The Secretary proceeded to read the report submitted by Mr. JOHNSTON, from the Committee on Patents, on the 19th instant.

Mr. SPENCER. I call for the regular order. I am satisfied that this bill cannot pass very soon.

Mr. JOHNSTON. I hope the report will be read through.

Mr. SPENCER. There are several Senators who will object to the bill.

Mr. HITCHCOCK. I object to it.

Mr. EDMUNDS. It is quite obvious that the bill will have to be discussed, reviving a patent forty years old and giving an exclusive right by act of Congress, and opening a good many questions of law between the people who are making these machines and this present patentee that it would be very difficult to decide. Therefore it will take some time to see whether the bill is in proper shape, if it is to pass at all.

The PRESIDENT *pro tempore*. The morning hour has expired and the unfinished business of yesterday will now be proceeded with.

DISTRICT TAX BILL.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 2676) to regulate the assessment and collection of taxes for the support of the government of the District of Columbia, and for other purposes.

The PRESIDENT *pro tempore*. The Committee on the District of Columbia report an amendment to strike out all after the enacting clause of the bill and insert a substitute. The substitute will be read, and the House bill will not be, unless its reading is called for.

The Secretary read the first section of the substitute, as follows:

That for the support of the government of the District of Columbia for the fiscal year ending June 30, 1877, and for the purpose of imposing a just measure of taxation on the property of said District, there shall be, and is hereby, levied upon all real property in said District, at the rate of $1.50 on each $100 of the assessed value of the same; that for such purpose, until otherwise provided, the general assessment of real property made in the fiscal year ending June 30, 1876, shall remain, subject only to the revisions for special causes hereinafter provided for.

Mr. INGALLS. That clause is imperfect from the fact that it does not specify that a tax shall be levied upon real property. It says:

There shall be, and is hereby, levied upon all real property in said District at the rate of $1.50 on each $100 of the assessed value of the same.

The words "a tax" should be inserted after the word "District," in the eighth line. I move that those words be inserted.

The amendment to the amendment was agreed to.

The Chief Clerk continued the reading of the substitute, as follows:

SEC. 2. That the amount collected under the provisions of this act shall be distributed for the purposes required under the various acts in force in the District of Columbia, upon a just and fair apportionment, to be made by the commissioners of the District of Columbia, or their successors in office: *Provided*, That before any of said fund shall be expended such apportionment shall be established by said commissioners and published at least three times in a daily newspaper published and having a general circulation in the District of Columbia; and the said apportionment shall stand as the law for the distribution of the funds herein mentioned: *Provided further*, That deficiencies in any of said funds enumerated in said apportionment may be supplied from any surplus in either of said funds so apportioned; but, unless a surplus exists, the revenues belonging to one fund shall not be applied to the purposes of any other fund.

SEC. 3. That one-half of the tax levied by this act upon real property shall become due and payable on the 1st day of September, 1876; and the other one-half of said tax shall become due and payable on the 1st day of January, 1877; and in every case where the tax levied by this act shall be paid in installments as herein authorized, each of such payments shall be deemed to have been made on account of the several funds and for the different purposes indicated in the second section of this act; and the pro rata proportion of payment so made shall be carried to the credit of the respective funds according to such apportionment.

SEC. 4. That if one-half of the tax herein levied upon the real property taxed by this act shall not be paid on or before the 1st day of September, 1876, said installment shall thereupon be in arrears and delinquent; and there shall be added, to be collected with such taxes, a penalty of 2 per cent. upon the amount thereof on the first day of each succeeding month until payment of said installment and penalty. And if said installment shall not be paid on or before the 1st day of January, 1877, together with one-half of said original tax due on or before said 1st day of January, a like penalty shall be added on said last one-half of said tax, and the whole together shall constitute the delinquent tax, to be dealt with and collected in the manner prescribed by law. All the taxes herein levied or which may hereafter be levied upon the real property within the said District of Columbia shall be collected within four years from the levying of the same; and the collection of taxes shall not be enforced by law after the lapse of said four years. It shall be the duty of the collector to promptly advertise and sell all delinquent property on which taxes shall accrue or shall be in arrears during his term of office; and if any such taxes shall be lost to said District by reason of the neglect of the collector to collect the same, each and every collector whose neglect may have contributed to said loss shall be responsible to the said District for the amount thereof, and shall be sued therefor on his official bond by the commissioners of said District or their successors in office.

Mr. SHERMAN. I desire to offer an amendment to the fourth section, and might as well do it as the reading proceeds. I propose to strike out the word "September" wherever it occurs and also the word "January," and insert in lieu thereof——

Mr. CONKLING. I think this proposed substitute had better be read through regularly before we stop for amendments. It is a substitute which for one I do not mean to vote for unless I can find some reason that I have not yet heard, and I hope it will be the pleasure of the Senator having it in charge to let the Senate understand why the whole House bill is stricken out and all these matters proposed. When we come to details we can adjust the needed amendments, if the substitute is to prevail.

Mr. SHERMAN. I have no objection to that course, but the Senator having charge of the bill has shown to me that the amendment that I suggested is not necessary.

The Chief Clerk continued the reading of the substitute, as follows:

SEC. 5. That it shall be the duty of the collector for said District as soon as practicable after the 1st day of July, 1877, to prepare a complete list for publication of all the real property in said District which shall be then in arrears for taxes; and, as soon as possible after completing the said list, he shall publish the same, with the notice that if the taxes due, together with the penalty and costs that may have accrued thereon, shall not be paid prior to the day named for sale, the property will be sold at the south front of the city hall, in the city of Washington, on the second Monday of October, 1877, and on the same day in each succeeding year thereafter; such publication to be made in the form of a pamphlet for the use of the tax-payers, to be issued not less than three weeks next prior to said day of sale; and the printing of the same shall be done at the Government Printing Office at the net cost thereof; the number of copies shall not exceed 10,000; and said pamphlets shall be kept at the office of the collector of said District for distribution among the said tax-payers.

SEC. 6. That on the second Monday of October, 1877, and in each year thereafter, the collector shall proceed to sell any and all real property upon which taxes remain unpaid, and shall continue to sell the same every secular day until all such property shall have been brought to auction. Immediately at the close of the sale, upon payment of the purchase-money, he shall issue to the purchaser a certificate of sale; and if the property shall not be redeemed by the owner thereof within two years from the date of sale, by payment to the collector of said district, for the use of the legal holder of the certificate, the amount for which it was sold at such sale, and 12 per cent. per annum thereon, a deed therefor shall be given by the commissioners of the District or their successors in office to the legal holder of such certificate, which deed shall be admitted and held to be a good and perfect title in fee-simple to any property bought at any sale herein authorized: *Provided*, That no property advertised as aforesaid shall be sold upon any bids not sufficient to meet the amount of tax, penalty, and costs; but in case the highest bid upon any property is not sufficient to meet the taxes, penalty, and costs thereon, said property shall be bid off for the amount thereof by the said commissioners or their successors in office, in the name of and for the District of Columbia as purchaser: *And provided also*, That minors or other persons under legal disability shall be allowed one year after the removal of such disability to redeem any of their property so sold, from the purchaser or purchasers, his, her, or their heirs or assigns, or from the District of Columbia, by the payment of the amount of purchase-money paid therefor, together with 10 per cent. per annum interest thereon as aforesaid, and all taxes and assessments that have been paid thereon by the purchaser or his assigns, or which may have accrued to the District of Columbia, between the day of sale and the period of such redemption, with 10 per cent. per annum interest on the amount of such taxes and assessments, and also the value of the improvements which may have been made by or erected on such property by the purchaser while the same was in his, her, their, or its possession.

SEC. 7. That the collector of taxes immediately after sale of any property as aforesaid shall file with the comptroller a written report, in which he shall give a statement of the property advertised and the property sold, to whom it was assessed, the taxes due, to whom sold, the amount paid, the date of sale, the cost thereof, and the surplus, if any, and the lands as aforesaid sold to the District. Any surplus remaining after the collection of taxes, penalties, and costs, on any real estate, shall be deposited by the collector of taxes to the credit of the surplus fund, to be paid to the owner or owners, or their legal representatives, in the same manner as other payments made by the District of Columbia.

SEC. 8. That the commissioners of the District, or their successors in office, shall appoint five competent persons to be assessors, who shall be citizens and tax-payers of said District, and to hold office for the term of one year, the salary of each assessor to be $750; that it shall be the duty of the board of assessors to inform themselves

by all proper and lawful means, at all times, of all taxable property in the District of Columbia which may have escaped valuation at previous assessments, and for this purpose all buildings in process of erection, enlargement, or improvement, the work whereon, either by contract or by good management, should be completed on or before the 1st day of July then next ensuing, shall be assessed or re-assessed as though such work was already completed. It shall be their duty to assess and value and make returns on or before the 1st day of June of each and every year of all and every species of property by this act made taxable and not before assessed and valued; to reduce the assessment and valuation of any property before assessed and valued which may have been lessened in value by means of fire or other casualty; to increase the assessment and valuation of any property which may have been enhanced in value by reason of any addition thereto or improvement the eof; and to make such corrections and alterations in previous assessments and valuations as may, according to their judgment and best information, be just and proper, having in view the actual cash value of the property. Said assessors shall, between the 1st and 20th day of June, 1876, of which notice shall be given by said assessors, hold daily sessions for the purpose of equalizing the assessments theretofore made by them, and for the purpose of hearing and determining any and all appeals from the valuation theretofore made by them. Each assessor shall, at their meetings as aforesaid, make full and detailed reports of his acts as such assessor. And during this period they shall have power to revise assessments theretofore made by them, or any of them, by either justly increasing or diminishing any particular assessment. Upon the assessment so made and finally revised, the tax herein provided for shall be levied, and the collector of taxes shall be in readiness to receive payment of the same on and after the 1st day of November, 1876. Said assessors before entering upon their duties shall respectively take or subscribe an oath or affirmation before some officer authorized to administer oaths or affirmations in said District, to faithfully discharge the duties of their said office, which oaths when taken shall be certified by the officer before whom the same shall have been taken, and shall be filed with the commissioners of the District or their successors in office

SEC. 9. That the property exempt from taxation hereunder shall be the following and none other:

First. Property belonging to the United States or to the District of Columbia.

Second. Churches.

Third. Houses for reformation of offenders; alms-houses; buildings devoted to purely public charity or the arts; houses to improve the condition of seamen or soldiers; free public library buildings, and cemeteries, and colleges, and institutions of learning, duly incorporated under act of Congress.

Fourth. Land or grounds appurtenant to any said church, house, or building, so far as reasonably needed and actually used for the convenient enjoyment of any said church, house, or building for its legitimate purpose; but when all or any portion of any such building, house, or grounds, or cemetery or church so in terms excepted is used to secure a rent or income or for any business purpose, or when any such grounds are larger than required for the convenient use of such church, house, or building, such portion of the same shall be proportionately assessed and taxed; and the portion so taxable shall be indicated in the returns and assessments made by the assessors as herein provided.

SEC. 10. That for the objects aforesaid there is also levied hereby upon professions, trades, callings, occupations, business, and personal property in the District of Columbia, in full of all licenses and personal taxes, the following, to wit:

First. Apothecaries shall pay annually $10 on each $1,000, or fractional part thereof, of capital invested. Every person whose business it is to manufacture, compound, and dispense medicines shall be regarded as an apothecary; but apothecaries shall not be liable for an additional tax for selling other merchandise, or for the sale of alcohol in any quantity, or for the sale of distilled or fermented liquor or wines for medicinal purposes, in quantities not less than one pint at one time to the same purchaser, and not to be drank on the premises where sold.

Commission merchants shall pay $40 annually. Every person, except commercial agents, whose business it is as agent for others to negotiate sales or purchases of goods, wares, or merchandise of any kind whatever, or to negotiate freights, shall be regarded as commission merchants: *Provided, however*, That a permit as commission merchant shall not be construed to grant the right to buy and sell goods as a dealer, nor to allow said merchant, his agent, or employé to offer for sale merchandise of any kind whatever by sample, excepting articles consigned for sale and in possession of the consignee in the District of Columbia.

Second. Auctioneers shall pay $100 annually and a semi-annual tax on gross receipts of ¼ of 1 per cent., except sales made by order or decree of any court; and the rates of charges on the sales of real estate at public auction shall be 5 per cent. on the first $200, 2 per cent. on the next $1,000, and ½ of 1 per cent. on all amounts in excess of that sum.

Auctioneers or others having permits to conduct their particular business, who may be guilty of farming out their privileges thereunder, whether for pay or favor, to any other person or persons who have no legal permit for such business, shall, upon conviction thereof before the police court, be fined for each such offense in a sum not less than the tax herein levied on the business thus abused, a portion of such fine to be awarded by the court to the informer; and in addition thereto, such guilty person shall forfeit his permit and the tax paid therefor.

Third. Commercial agents, both resident and non-resident, shall pay $200 annually. Every person whose business it is, whether as principal or agent, to solicit orders for the sale of merchandise by sample, catalogue, or otherwise, shall be regarded as a commercial agent.

Fourth. Banks and bankers shall pay annually $200; and in addition thereto shall pay a semi-annual tax of 1-10 of 1 per cent. on the average amount of deposits held during the previous six months. Every incorporated or other bank, every person having a place of business where credits are opened for the deposit or collection of money or currency, subject to be paid or remitted upon draft, check, or order, or where money is advanced or loaned on stocks, bonds, bullion, bills of exchange, or promissory notes, or where stocks, bonds, bullion, bills of exchange, or promissory notes are received for discount or for sale, shall be regarded as a bank or banker: *Provided*, That savings-banks whose business is confined to receiving deposits and loaning or investing the same shall pay semi-annually a tax of 1-20 of 1 per cent. on the average amount of deposits received during the previous six months; but associations or companies known as provident institutions, savings-banks, saving-funds, or saving-institutions, and doing no other business than receiving deposits to be loaned or invested for the sole benefit of the party making such deposits, without profit to the association or company, shall pay annually $50.

Fifth. The proprietors of bar-rooms, sample-rooms, and tippling-houses shall pay $250 annually. Every place, except an apothecary store, where fermented liquors, wines, or cordials are sold in less quantities than one pint at a time to the same purchaser, shall be regarded as a bar-room, sample-room, or tippling-house.

Sixth. The proprietors of beer-gardens shall pay $3 per day. Every place known as a pleasure garden or park, where an admission fee is charged, shall be known as a beer-garden. But no tax shall be required for days when no admission fee is charged to such garden: *Provided*, That a tax as a beer-garden shall not authorize the sale of distilled or fermented liquors, wines, or cordials.

Seventh. The proprietors of billiard-tables, bagatelle, Jenny Lind tables, for public hire or gain, and shuffle-boards, shall pay $20 annually for each table or board.

Eighth. The proprietors of bowling-alleys shall pay annually for each alley $20.

Ninth. Brewers shall pay $50 annually. Every person who manufactures fermented liquors of any name or description for sale, from malt wholly or in part, or from any substitute therefor, shall be deemed a brewer: *Provided*, That a tax as brewer shall not authorize the sale of fermented liquors in quantity less than one pint.

Tenth. Brokers shall pay annually $100. Every person whose business it is to negotiate purchases or sales of stocks, bonds, exchange, bullion, coin, money, bank-notes, promissory notes, or other securities, for himself or others, shall be regarded as a broker.

Eleventh. Cattle-brokers shall pay $50 annually. Every person whose business it is to buy and sell, for himself or another, cattle, sheep, hogs, or horses shall be regarded as a cattle-broker; but livery-stable keepers who have taken out a license as such may buy and sell horses on their own account without additional license.

Twelfth. Pawnbrokers shall pay annually $250. Every person whose business it is to take or receive, by way of pledge, pawn, or exchange, any merchandise, or any kind of personal property whatever, as security for the repayment of money lent thereon shall be regarded as a pawnbroker.

Thirteenth. Butchers shall pay annually a tax of $50 for each place in the District of Columbia in which they shall do business. Every person whose business it is to sell fresh meats shall be regarded as a butcher.

Fourteenth. Carts, wagons, and drays shall pay annually as follows: Wagons, $5; carts, $2.50; drays, $2.50; hand-carts, $2: *Provided*, That no tax shall be required for carts and wagons used exclusively on a farm or garden, or for bringing farm or garden produce, and not kept for hire.

Fifteenth. The managers of concerts, exhibitions, and balls, for gain, not otherwise enumerated, or games of any kind, where an admission fee is charged, shall pay for each day $5.

Sixteenth. Circuses shall pay $400 for each week, or $100 per day. Every building, tent, space, area, where feats of horsemanship or acrobatic sports or theatrical performances, pertaining to or being a part thereof, are exhibited, shall be regarded as a circus; exhibitors of wild animals shall pay $25 per week: *Provided*, That proprietors of circuses paying a tax as such shall not be taxed for exhibiting wild animals.

Seventeenth. Distillers shall pay $50. Every person who distills or manufactures spirits shall be deemed a distiller.

Eighteenth. Dealers in merchandise of any kind whatever, not otherwise provided for, shall pay annually $5 of each $1,000, or fractional part thereof, of capital invested in business: *Provided*, That no tax shall be for a less sum than $5.

Nineteenth. Dealers in distilled and fermented liquors, wines, and cordials shall pay annually $10 for each $1,000 of capital invested: *Provided*, That no tax shall be for a less sum than $25: *And provided further*, That this tax shall not authorize any person to sell any distilled or fermented liquors, wines, or cordials in less quantities than one pint.

Twentieth. Produce-dealers shall pay annually $25. Every person whose business it is to buy and sell produce, fish, dried or salted, meats, poultry, or fruits, from wagons or carts, stalls or stands, or in public or private markets, so called, shall be regarded as a produce-dealer: *Provided*, That any person selling produce of his own raising shall not be liable to tax for selling the same. Produce-dealers having stands in the several public markets shall pay a tax for each; the same selling from wagons shall be liable for each wagon. Persons selling fruit, cakes, sweetmeats, or other eatables, from baskets or stands, whose average capital does not exceed $20, shall not be liable for tax.

Twenty-first. The proprietors of hacks, cabs, omnibuses, and street-cars, and other vehicles for transporting passengers for hire shall pay annually as follows: Hacks and carriages, $10; one-horse cabs, $6; omnibuses, $10; street-cars drawn by one horse, $6; street-cars drawn by two horses, $10; or other vehicles, capable of carrying ten passengers or more at one time, $10.

Twenty-second. The proprietors of hotels shall pay annually as follows: Hotels containing twenty rooms or less, suitable for the accommodation of guests, $25; the same, containing more than twenty rooms suitable for accommodation of guests, $1 for each room over twenty. Each place where food and lodging are provided for and furnished to travelers and sojourners for pay shall be regarded as a hotel: *Provided*, That a hotel tax shall not authorize the sale of distilled or fermented liquors, wines, or cordials.

Twenty-third. Proprietors of intelligence offices who charge for services shall pay annually $10.

Twenty-fourth. Fire-insurance companies shall pay annually $2 on each thousand dollars of capital invested. Every company, firm, or corporation whose business it is to grant policies of insurance for buildings of any kind, boats, vessels, and ships furniture, or merchandise, against loss by fire, shall be regarded as a fire-insurance company.

Twenty-fifth. Life-insurance companies shall pay annually $2 on each thousand dollars of capital invested. Every company, firm, or corporation whose business it is to insure the life of any person, or who may agree to pay to the person insured any sum of money in case of accident to such person, or who may agree, on conditions, to pay to the person insured an annuity, shall be regarded as a life-insurance company.

Twenty-sixth. Insurance agents shall pay annually $15, and in addition, semi-annually, a tax of 1 per cent. on the gross receipts of such agency, whether such receipts are cash or notes for the part payment of premiums. Every person whose business it is to act as agent for any life or fire insurance company the principal office of which company is located beyond the District of Columbia shall be regarded as an insurance agent: *Provided*, That in any case where any person is agent for more than one company, the tax of $15 shall be paid for each company: *Provided further*, That authorized insurance agents may employ solicitors of insurance for any company they may be authorized to act for without paying additional therefor.

Twenty-seventh. The proprietors of junk-shops shall pay $10 annually. Every person whose business it is to keep a store for buying and selling old iron, rags, paper, second-hand clothing, or like old material, shall be deemed a keeper of a junk-shop. Dealers in old barrels shall pay a tax of $10.

Twenty-eighth. The proprietors of livery stables shall pay as follows: Not exceeding ten stalls, $25, and $2 for each additional stall more than ten, and $3 for each vehicle in service. Any person whose business it is to keep horses or hacks and carriages for hire, or to keep or feed horses, shall be regarded as a livery stable-keeper: *Provided*. That nothing contained in this clause shall be so construed as to exempt livery-stable-keepers from an additional tax for keeping cabs, hacks, or carriages for hire at public stands.

Twenty-ninth. Proprietors of grounds used for horse-racing or tournaments shall be required to pay a weekly tax of $25, or $5 dollars per day, when so used.

Thirtieth. Photographers shall pay annually $20. Any person who makes for sale photographs, ambrotypes, daguerreotypes, or pictures by agency of light, shall be regarded as a photographer.

Thirty-first. Peddlers shall pay $25 annually. Any person who may offer for sale from house to house, or from a wagon, any kind of merchandise, delivered at the time of sale, shall be known as a peddler.

Thirty-second. Real-estate agents shall pay $25 annually, and shall, in addition, pay semi annually a tax of 1 per cent. on their commissions. Every person whose duty it is to sell, or offer for sale, real estate for others, or to rent houses, stores, or other building or real estate, or to collect rents for others, shall be regarded as a real-estate agent: *Provided*, That the tax as real-estate agent shall not authorize any person to act as auctioneer without paying a tax as such.

Thirty-third. Rectifiers shall pay $50 annually. Every person who rectifies, purifies, or refines distilled spirits or wines by any process, or who, by mixing distilled

spirits or wine with any material, manufactures any spurious, imitation, or compound liquors for sale, under the name of whisky, brandy, gin, rum, wine, "spirits," or "wine bitters," or any other name, shall be regarded as a rectifier.

Thirty-fourth. Proprietors of restaurants and eating-houses shall pay $25 annually. Every place the business of which is to provide meats and refreshments, except distilled or fermented liquors, wines, and cordials, for casual visitors shall be regarded as a restaurant or eating-house.

Thirty-fifth. The proprietors of theaters shall pay annually $300; that a tax may be granted for theatrical performances for one week on payment of $50. Every edifice used for the purpose of dramatic, operatic, or other representations, plays, performances of burlesques, for admission to which entrance-money is received, but not including halls rented or occasionally used for concerts or theatrical representations, shall be regarded as a theater.

Thirty-sixth. Street-railway companies shall pay $1 on each thousand dollars of their stock paid in; but this tax shall not exempt their real estate or their cars from taxation or license. Telegraph companies shall pay $1.50 on each $100 of the assessed value of their wires, poles, and instruments in the District of Columbia. Bank-note engraving companies shall pay a license of $100, and $1 on each thousand dollars of their paid-up capital. Manufacturers of illuminating gas shall pay $1.50 on each $100 of the assessed value of the pipe under ground.

Thirty-seventh. Contractors shall pay a tax of $25 annually. Every person who contracts for building railroads, bridges, ships, or buildings, or for paving or grading streets or sidewalks, or for building sewers and other work of like character, shall be regarded as a contractor.

Thirty-eighth. Book agents shall pay $10 annually. Every person whose duty it is to solicit subscriptions for or deliver books or maps shall be regarded as a book agent: *Provided*, That only one person shall be authorized to solicit orders or deliver books, maps, or engravings under one tax.

Thirty-ninth. That all manufacturers of illuminating gas shall pay an annual tax of $1 on every hundred dollars of its capital stock: *Provided*, That the tax hereby required for a license shall not be construed as exempting any company engaged in the manufacture of illuminating gas from such taxes as may be assessed upon its other property, including pipes under ground.

Fortieth. Claim agents shall pay $25 annually. Every person whose business it is to prosecute claims before the executive or legislative departments of the General Government or of the District of Columbia shall be regarded as a claim agent.

Forty-first. Patent agents shall pay $25 annually. Every person whose business it is to procure patents shall be regarded as a patent agent.

Forty-second. Ice dealers shall pay annually $1 on each thousand dollars of capital invested. Every person, firm, company, or corporation whose business it is to sell ice shall be regarded as ice dealers: *Provided*, That persons who may sell or peddle ice from house to house, and not acting as the agent or as employé of any person, firm, or corporation, shall not be liable for any tax except upon the wagon used for the purpose.

Forty-third. Lawyers, physicians, and dentists shall pay annually $25: *Provided*, That when any lawyer practicing in this District shall have obtained a license under this act, he shall not be required to obtain another to enable him to act as a claim agent or patent agent.

Forty-fourth. Architects and notaries public and civil engineers shall pay annually a tax of $20.

Forty-fifth. Private carriages for one horse shall pay annually $6, and for two horses an annual tax of $12.

Forty-sixth. Costumers shall pay annually $25.

Forty-seventh. Peltrers shall pay annually $25. Every person who shall buy and sell pelts, hides, skins, of any kind or description, shall be regarded as a peltrer.

Forty-eighth. Owners of gold watches in use shall pay a yearly tax on each of $1.

Forty-ninth. Owners of male dogs shall pay a yearly tax on each of two and a half dollars; and of female dogs a like tax on each of $5. Permits to keep dogs shall be taken out on or before the 1st day of August, 1876, or thereafter immediately upon acquisition of such property.

Fiftieth. Household furniture, in use, above the value of $300, upon such excess of value, and all wharf improvements, shall pay a yearly tax of 1½ per cent. The value of such property shall be fixed by the assessors, and their returns thereof shall be made on or before the 1st day of October, 1876. Such tax shall be paid on or before the days, in the manner, and subject to the same penalties for non-payment as hereinbefore provided for in case of taxes on property; but no property shall be exempt from seizure for non payment of tax.

SEC. 11. That should not either such half-yearly installment of such tax, and any accrued penal interest thereon, be paid within thirty days next after being so due, the collector may distrain sufficient goods and chattels belonging to the person charged with such tax to pay such tax and penalty, together with the costs of such enforced collection; that no person shall engage in any trade, business, or profession hereinbefore mentioned until he shall have obtained a permit therefor as next hereinafter provided.

SEC. 12. That any person engaged or engaging in any trade, occupation, or profession whereon an annual or other tax is hereby imposed shall, before continuing or commencing in business, apply to the collector for a permit, stating, under oath or affirmation, all the requisite facts in relation thereto, and shall pay the amount of money required by law in such case. The collector, if satisfied in the premises, shall thereupon issue to the applicant the required permit, stating therein the name or style of the person, firm, or company to whom, and the term of time for which, the same is granted; the nature of the business thereby authorized; and the precise place (city, town, district, number of house, street, or roadway) wherein or wherever the business thus permitted is to be prosecuted. Each such permit shall be signed by the collector and impressed with the seal of his office. Any such permit may be assigned pursuant to the law and police regulations; and in like manner the location or place of business therein specified may be changed; but the nature of the business shall not be altered without a new permit. Such assignment and change shall be approved and certified to by the collector before becoming operative; and any person found transacting any business not authorized by his permits, or transacting any business in a place not named in his permit, shall be considered and dealt with as thus acting without a permit.

SEC. 13. That all permits of produce dealers, peddlers, and commercial agents shall date from the 1st day of April of each year and expire on the 31st day of March following. Those for carts, wagons, drays, hacks, cabs, private carriages, omnibuses, street-cars, lawyers, physicians, dentists, architects, notaries public, engineers, costumers, and peltrers shall date from the 1st day of July of each year and expire on the 30th day of June following; and all other annual permits shall date from the 1st day of November of each year and expire on the 31st day of October following. And the permit of every person liable to tax after the 1st day of April, July, or November aforesaid shall date from the first day of the month in which the liabilities began, and payment shall be made for a proportional amount.

SEC. 14. That every person liable for a tax who may fail to pay the same before engaging in the business for which the tax may be required shall, in addition to the tax imposed, pay a fine or penalty of not less that five or more than fifty dollars for each offense, to be imposed and collected as provided in this act. In case of commercial agents, dealers, traders, or their agents, managers of theatrical performances, exhibitions, and concerts for gain, (not including exhibitions and concerts given by, or for the benefit of, religious institutions or societies,) beer-gardens, carouses, and race-courses, one-half the penalty shall inure to the use of the informer.

SEC. 15. That in every case where more than one of the pursuits or occupations hereinbefore described shall be pursued or carried on in the same place by the same person at the same time, excepting as herein provided, the tax shall be paid for each according to the rates severally prescribed.

SEC. 16. That if any one taxed under the provisions of this act shall allow any other person to sell under his permit or to occupy any portion of his premises for the purpose of offering for sale merchandise under his permit, the person so offending shall be fined not less than $100 for each offense, to be imposed and collected as other fines.

SEC. 17. That no permit shall be required of any person bringing to any part of the District of Columbia wood, lumber, building materials, or produce of any kind, to be sold by the car, cargo, or wagon-load, or of persons bringing marketing to the District.

SEC. 18. That the keeper of every livery stable and of coal and lumber yards shall, before engaging in such business, obtain the consent, in writing, of a majority of the persons holding real estate, and a majority of the residents keeping house, on the same side of the square on which is the principal front of the stable or yard about to be built or kept, and on the side of the square fronting immediately opposite, for him to enter upon and engage in this business; the collector to determine which is the principal front; and without such consent being first obtained it shall be unlawful to grant such permit.

SEC. 19. That every place where distilled or fermented liquors are sold in less quantities than one pint shall, unless kept by an apothecary, be known as a bar-room, sample-room, or tippling-house, as the case may be; and it shall be the duty of the proprietor of every such place to present, with his application for permit, the written permission of a majority of the owners of real estate and a majority of the residents keeping house on the same side of the square where it is desired to locate this business, and on the near front of the opposite square, which permission shall be certified to by the superintendent of assessments of the District, and such permit shall not be issued until the application be approved by the board of Metropolitan police: *Provided*, That the failure of any keeper of a hotel, eating-house, tavern, or restaurant to obtain permit to sell distilled or fermented liquors in quantities less than one pint shall not otherwise affect his business of keeping a hotel, eating-house, tavern, or restaurant, he having the permit therefor: *And provided further*, That if the superintendent of assessments of the District shall knowingly and willfully make a false certificate touching the granting of said permit, or any member of the Metropolitan police board shall knowingly and willfully unite in the approval of the application for said permit, when the applicant for said permit has failed to comply with the provisions of this section, each of the said officers shall be liable to an action for violating the provisions thereof, to be instituted in the name of the District of Columbia; and each of said officers may be fined in a sum not exceeding $1,000.

SEC. 20. That nothing contained in this act shall authorize any person to keep his place of business open on Sunday for the sale of any merchandise whatever, except medicines in case of necessity, and undertakers prosecuting their legitimate business. Any person violating the provisions of this clause shall, upon conviction thereof before the police court, be fined, for each such offense, not less than five nor more than fifty dollars, and a share of every such fine may be awarded by such court to the informer not a policeman.

SEC. 21. That every undertaker having coffins, caskets, or burial-cases not of his own manufacture shall be liable as a dealer.

SEC. 22. That no person whatsoever shall sell or expose for sale at auction any property, real or personal, within the District of Columbia without having first obtained a permit as auctioneer. Every person who may offer to sell at auction any property or merchandise without permit shall be fined not less than $100 for each offense. Every authorized auctioneer and every real-estate agent shall give bonds to the commissioners of the District of Columbia in the sum of $5,000, with good and sufficient sureties, to be approved by the commissioners, for the honest and due performance of all duties required by law. Every auctioneer and real-estate agent failing to comply with the provisions of this section and other operative laws governing such sale shall, on conviction, forfeit his permit, and be fined not less than $100. Any person injured by the action of such auctioneer or agent shall have the right to sue on such bond.

SEC. 23. That wherever in this act a tax is imposed semi-annually on sales, receipts, or deposits, returns for the same shall be made to the collector, under oath or affirmation, on or before the 10th of January and July of each year, and the same shall be due and payable to the collector on or before the 30th of said months; and on all such taxes remaining unpaid after the 30th of said months a penalty of 5 per cent. shall be added, and it shall be the duty of the collector to make demand for the payment of the same. For this purpose, the collector is hereby authorized to employ some suitable person, who shall be entitled to a commission of 10 per cent. on the amount collected; and if unpaid for three months after the same has become due and payable, the collector shall transmit the account for the same to the attorney for the District of Columbia for collection by due process of law. If, in the opinion of the collector, the returns required by law are underestimated, he shall have power to examine, either in person or by deputy, the books and accounts of the person making such returns; and if he shall find that the returns made are less in amount than shown by said books and accounts, he shall make an assessment for a correct sum, to which he shall add the penalty of 25 per cent. on amount of tax due.

SEC. 24. That all carts, wagons, and drays taxed by the District of Columbia shall, at the time of receiving the permit, be furnished with a number, legibly painted on tin or some other suitable material, with the letters D. C. and the year, which the owner or agent shall attach to said cart, wagon, or dray, in some conspicuous place; and in like manner a number shall be furnished, painted on tin or some other material, in the form of a badge, which shall be worn conspicuously on the person of the driver of each hack, carriage, cab, or other taxed vehicle for the transportation of passengers for hire, except street-cars, when in service; and any person offending against this section shall be fined not less than $5 for each offense.

SEC. 25. That it shall be the duty of the collector to keep, in books prepared for the purpose, a list of the names of all persons obtaining permit for carts, wagons, and drays, and for hacks, carriages, and cabs and other vehicles for transporting passengers, numbered to correspond with the number of the permit.

SEC. 26. That for the purpose of this act the word person shall include firms, corporations, and companies. Words of one number shall signify and include words of both numbers respectively. The word agent shall signify and include every person acting for another. The word merchandise shall signify and include every article of commerce, whether sold in bulk, by sample, catalogue, or otherwise.

SEC. 27. That all laws, acts, ordinances, and regulations now of force in the District of Columbia, touching police regulations for the several occupations and places of business in said District, not inconsistent with anything herein, are hereby continued in force.

SEC. 28. That all penalties or fines imposed or in any manner created by this act, or the act of the Legislative Assembly entitled "An act imposing a license on trades, business, and professions practiced or carried on in the District of Columbia," approved August 23, 1871, and by the amendatory act approved June 20, 1873, shall be recovered in the police court of said District on information under oath filed therein by the attorney or his assistant, in the name of the District of Columbia, and in the same manner as was provided for in section 16 of an act of Congress of the United States entitled "An act to establish a police court for the District of Columbia," approved June 17, 1870, for the recovery of fines and penalties for the violation of ordinances of the late corporation of Washington, Georgetown, and the levy court: *Provided*, That when any penalty shall be allowed in part to the informer, the judgment and finding of the court shall set forth that it is for the District, and shall indicate the amount or proportion thereof for the informer.

SEC. 29. That the commissioners of the District of Columbia, or their successors in office, are hereby authorized to arrange the laws relating to the taxes imposed by this act in the form of circular, and have one thousand copies printed for distribution, to be printed at the Government Printing Office, at the net cost thereof.

SEC. 30. That the period of redemption be, and is hereby, extended for one year as respects the property of which, for the want of sufficient bids, the District of Columbia became the purchaser at the tax sale under the act of Congress, approved June 20, 1874, entitled "An act for the government of the District of Columbia, and for other purposes," as amended by section 13 of an act of Congress, approved March 3, 1875, entitled "An act making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1875, and prior years, and for other purposes."

SEC. 31. That this act shall continue in force from year to year, unless repealed by act of Congress; and the successors in office to the commissioners of the District of Columbia shall have the same powers as are given to said commissioners by this act: *Provided*, That the tax on real property for each fiscal year after the one ending June 30, 1877, shall become due and payable on the 1st day of June preceding the commencement of each and every fiscal year; and the other half on the following 1st day of December in each and every such year; and said installments shall be in arrears and delinquent if not paid on or before said respective days; and upon their becoming so in arrears and delinquent penalty shall accrue as in this act provided.

SEC. 32. That all laws, acts, ordinances, and regulations, or parts thereof, inconsistent herewith, be, and the same are hereby, repealed.

The PRESIDING OFFICER, (Mr. DAWES in the chair.) The question is on the adoption of the substitute reported by the Committee on the District of Columbia.

Mr. CONKLING. This amendment which has been read is designed to supersede a House bill seventeen pages and a fraction long. I do not wish to call for the reading of the House bill, if we can get information of its contents in a briefer way. Therefore I ask the Senator from Alabama, [Mr. SPENCER,] who has charge of this measure, to state, if he will, the differences, at least the marked differences, between the House bill and this proposed substitute which is to take its place bodily, and what the objections are to the scheme as proposed by the House, which seems in general terms to follow the theory to be found already on the statute-book touching taxation in this District. The original House bill has not been read at all. I do not mean to insist upon its being read, provided we can hear from the Senator what the reason is for dismissing the entire bill of the House and substituting bodily this amendment for it.

Mr. SPENCER. I desire to state for the information of the Senator from New York and other Senators that the bill as it came from the House was a substitute for this bill which we now report. The bill which has just been read to the Senate was reported by the Committee on the District of Columbia of the House of Representatives; I think it was almost a unanimous report. With the exception of Mr. NEAL, of Ohio, the House committee were united upon the bill which has just been read. The bill which has just been read meets the approval of the commissioners and, as I understand the commissioners, it was draughted at a meeting of citizens, tax-payers, of Washington. That I understand to be the history of it.

Mr. CONKLING. Will my friend allow me to understand him?

Mr. SPENCER. Certainly.

Mr. CONKLING. Shall I understand that in the House a report was obtained also in favor of the bill now proposed as an amendment?

Mr. SPENCER. Such is the case.

Mr. CONKLING. And when the Senator says the present House bill is a substitute, shall I understand him to mean that in the House, this present House bill being offered as a substitute, it prevailed against the bill to which the assent of the Committee on the District in the House had been obtained?

Mr. SPENCER. Such is the case.

Mr. CONKLING. So that the Senator means that the House bill comes here as an amendment adopted by the House to another bill which found its way through its committee; and now our committee has reported the bill rejected by the House as a substitute for the bill adopted by the House?

Mr. SPENCER. That is the case.

Mr. CONKLING. Now, if the honorable Senator will be kind enough to state what the leading differences are between these two bills, what it was that the House voted down after its committee had recommended it, and what it was that the House adopted in place of that recommendation, we shall know something about it.

Mr. SPENCER. For the information of the Senator I will send to the Clerk's desk to have read a letter from the commissioners on the subject, which will explain it fully to his satisfaction.

The Chief Clerk read as follows:

OFFICE OF THE COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
Washington, May 8, 1876.

SIR: In reply to the letter of your committee, inclosing to us a copy of a bill (H. R. 2676) to regulate the assessments and collection of taxes for the support of the government of the District of Columbia, and for other purposes, and inviting our attention thereto, we have the honor to present the following views:

First, in our judgment the rate of taxation should be uniform in the District. The present assessment was made under a law levying the rate of 1½ per cent. throughout the District, giving, we believe, general satisfaction; and we think that no injustice can arise now should one tax-rate for city and county be again adopted by Congress.

To illustrate the results to be obtained from taxation of real property with the variable rates as proposed, we give the estimated amounts derivable under it for each division:

Washington, $78,819,934, at 1½ per cent	$1,182,234 01
Georgetown, $5,849,317, at 1 per cent	58,493 17
County, $8,764,433, at ¾ per cent	65,883 25
Total	1,306,610 43

The contrast in the amounts to be contributed by the several sections of the District, it will be seen, are very marked.

Should a uniform rate be established the results would be as follows, the rate being 1½ per cent.:

Washington	$1,182,234 01
Georgetown	87,739 75
County	131,766 49
	1,401,790 25

From which it appears that with a like rate of taxation, Georgetown and the county combined will contribute less than one-sixth of the entire amount.

The injustice arising from different rates for different sections in the case of personal taxation, if such tax be sustained, will be readily perceived. A share of stock, or a bond, or money is as valuable to the holder in one part as another, and yet it is proposed to tax such property 1½ per cent. in Washington and ¾ per cent. in the county. The owner of a horse on one side of Boundary street is to be taxed 1½ per cent., and on the other ¾ per cent.

Secondly. It is proposed to tax the bonds of the District, the effect of which will be to drive such securities entirely out of the District.

Thirdly. That the assessment of all property in the District within the time specified in the fourteenth section of the bill is impracticable.

Fourthly. That the sixteenth section of the bill, we apprehend, may defeat the entire proposed taxation, as it is thought men of character suited to the positions of assessors will refuse the office in view of the penalties imposed.

Objections of technical character could be made to numbers of the provisions of the bill, but these will doubtless occur to your committee in their review of its provisions.

Having presented such objections as appear most patent, we have in general terms to state that the taxation of personal property in the manner proposed appears to be repugnant to the views and foreign to the customs and usages of the people of the District.

It is very generally held that such a tax—except perhaps in a very modified form—would be injurious to the best interests of the District.

One result illustrative of the result of such a tax is already experienced in the advance of from 1 per cent. to 2 per cent. in the rate of interest demanded for loans since the passage by the House of the bill under discussion. Foreign capital has been withdrawn, and we are informed increased difficulty is experienced in obtaining money upon real-estate security. The borrower is already made to pay the tax in anticipation of its becoming the law.

The District is very limited in extent. Many of the wealthy citizens have property just beyond its limits, where residence can be established to list personal property for a very light taxation.

We deem it proper to invite the attention of your committee to the original tax bill as reported to the House of Representatives by the majority of the Committee of the House on the District of Columbia. Inclosed herewith is a copy of that bill, with a few verbal amendments, and including one for a uniform rate of taxation. Certain changes in some of the license rates might be suggested; but in view of the importance of prompt action we refrain from making them.

In our judgment the net amount to be realized from the license system proposed in the committee's bill will be as large as could be anticipated from the other; the license system can be enforced without additional officers or increased expense, whereas the personal tax would be both expensive, difficult of collection, and odious to the people.

It is held, and with apparent justice, that Congress having fixed upon the amount to be raised by taxation, the people should be granted any preference in respect to the manner of paying it. The license system is one now in force, only more limited in its amount; is one to which the community is accustomed; and the bill reported by the committee, as we are advised, was approved by influential citizens, well known to all classes of people in the District.

The receipts from the bill, as amended by us, may be estimated as follows:

Tax on $92,000,000, at 1½ per cent	$1,380,000
Deduct 10 per cent. delinquencies	138,000
Net result from real estate	1,242,000
Add for licenses proper, as estimated by collector, percentages on deposits and receipts not included	275,000
	1,517,000

The license-tax on furniture and percentages on deposits of banks and receipts of agents may be estimated at from $125,000 to $200,000, although no data exist on which to found estimates in any sense reliable as to receipts from these sources.

Adding to the above amount of $1,517,000 for these items, it appears that the net revenue to be realized from all sources will be between $1,640,000 and $1,700,000.

Very respectfully,

W. DENNISON,
J. H. KETCHAM,
S. L. PHELPS,
Commissioners of the District of Columbia.

Hon. GEORGE E. SPENCER,
Chairman Committee on the District of Columbia,
United States Senate.

Mr. SPENCER. I think that the letter of the commissioners which has just been read fully explains the difference between these two bills. The bill as reported by the Committee on the District of Columbia of the Senate is the same bill that was reported by the Committee for the District of Columbia of the House of Representatives and adopted by that committee, I understand, by a vote of ten to one. Mr. NEAL offered a substitute, which was adopted by the House, and the substitute was never read in the House. It does not, as I understand, meet the wishes of the tax-payers, nor does it meet the wishes of the commissioners. The commissioners inform me that they could not carry out the Neal bill; that it would not be practicable; that they could not collect the revenue. They say that one section, section 14, is totally impracticable.

I do not know, at present, that I desire to say anything further on the subject.

Mr. HITCHCOCK. Mr. President, as a member of the Committee on the District of Columbia, that reported this bill, I feel bound to say a word in regard to it. I do not agree with the majority of the committee in reporting the substitute now pending before the Senate. I do not agree to it, because I believe the measure on general principles is wrong. I know no reason why all property alike should not be taxed to support and maintain government. This bill proposes to exempt absolutely the personal property of this District——

Mr. SPENCER. The Senator will allow me to interrupt him. He is certainly mistaken in that.

Mr. HITCHCOCK. This bill proposes, Mr. President, to strike out the tax upon all "moneys, credits, investments in bonds, stocks, joint-stock companies, and otherwise, of persons residing" in the District of Columbia, and to put in a very extraordinary tax upon the very smallest character of business that a can man enter into. I do not believe the Congress of the United States can afford to exempt the millions of dollars that may be held in bank or loaned here by capitalists, idle money comparatively, and tax a man on a hand-cart $2 for the privilege of earning his living with that hand-cart. I do not believe that is in accordance with the genius and spirit of this country and its institutions. At any rate, I propose that this Senate shall go upon the record upon that question. That is all that I care to say and all that I am able to say upon this subject in the present condition of my health. I simply want the Senate to understand that this substitute does exempt the money of the capitalist, does exempt personal property, while it taxes a man with a hand-cart $2 for the privilege of earning his living with that hand-cart, taxes a butcher, taxes a man with a wagon $5 for the privilege of earning his living with that wagon; taxes every kind of business in the most minute and careful way.

Mr. CONKLING. Taxes the man who sells a coffin.

Mr. HITCHCOCK. It taxes the man who sells a coffin; it taxes any man who enters into business in any way; it taxes the huckster. I do not believe the Senate of the United States can afford to put themselves on the record in favor of this. If they can I am entirely willing that they shall do so; but I want the privilege of calling for the yeas and nays on this substitute.

Mr. HAMLIN. Mr. President, I am very glad that there was at least one member of the committee from which this bill came to us who did not agree to it. I have had a little experience in legislation here, and of all things that ever came into this body asking for a favorable consideration I think this exceeds everything I ever saw. [Holding up the amendment of the Committee on the District of Columbia.] I have no command of language to characterize the thing as I think it deserves. Governments, it is said, are instituted and laws are passed for the protection of a man in his person and in his property; and somehow or other there has grown up along with me an idea that that property which seeks a shelter under the ægis of the Government should contribute its proportion for that protection, and I confess I am not casuist enough to draw a line of distinction which will enable me as a legislator here to say that the landholder within the District of Columbia shall be the only tax-payer. The reading should be then "that governments are instituted and laws are passed for the protection of a man's person, and a part of his property shall pay for that government and the execution of that law." What is the result? The law affords an equal protection to the personal as well as to the real estate; and why, I ask, should not that personal property contribute its proportion?

Now, I am told—and I have no doubt such is the fact—that this bill is agreed upon by the principal men in this city, including the merchants and the bankers, for those were the words in which it was communicated to me by one of the citizens—men whom I esteem and respect. I am told that the bill was prepared by them, that it is acceptable to the District, and that they believe it can be more easily enforced than one which imposes a tax upon personal property. That is the theory upon which this bill now offered as a substitute has got here. Suppose they had drawn a bill and sent it to us which in terms should have imposed a tax upon a single class of individuals within this District, would we or could we give to that bill our assent if it met the approbation of ninety-nine persons out of every hundred in the District? We are here to vote for a measure which our judgments shall tell us is just, right, and equitable; and we cannot take a proposition from any quarter which does not contain those properties, however acceptable it may be to the gentlemen from whom it comes.

But I assume that, while it is the wish of a very worthy and a very large proportion of the people of this District, there are thousands of men in the District, who toil, who have as much interest as others who have been consulted in framing and preparing this bill, who do earnestly protest against it; and I say that every Senator stands here in his official capacity to-day as the protector of the minority, even if it consist of only one man, and that we may impose no injustice upon a minority even in this District; and this measure does impose a gross and outrageous injustice upon the people of this District.

The chairman of the committee tells us that this bill was reported to the House, and that it was so obnoxious to the body—he does not say that, but I do—that they, believing they could not possibly get anything worse, took the substitute without reading it, and passed it. I think they did wisely, for I do not think human ingenuity could devise a bill which is more unjust than this very bill now presented by our committee as a substitute for the House bill. A tax bill which imposes a tax on this District that shall fall, like the dew of Heaven, alike on all, I grant is impracticable; but we may do that which is a wonderful improvement upon this. I have had no time accurately to examine the bill as it has passed the House; I think it needs amendment; I think it should be recommitted; I think it should go back to the committee for their revision; but that bill in preference to this, in my judgment, is vastly superior, and should, as between the two, command our favorable action.

Now, sir, a bill which does not impose a tax upon the personal property of the citizens of this District, I hold to be unjust and outrageous.

Mr. SPENCER. Will the Senator allow me to ask him a question?

Mr. HAMLIN. Yes, sir.

Mr. SPENCER. The commissioners inform me that it is utterly impossible to collect a personal tax.

Mr. HAMLIN. Then let us appoint another board of commissioners who will not tell us that.

Mr. SARGENT. There is no difficulty in collecting a personal tax in my State.

Mr. HAMLIN. There is no difficulty in it whatever; none at all.

Mr. SARGENT. We have had it for twenty-five years.

Mr. SPENCER. The commissioners say that in the instance in which they have tried it they have utterly failed. The people who own bonds that they want to get at immediately move out of the city to their suburban residences in Maryland and Virginia.

Mr. HAMLIN. And if they do go you are just as well off with a law that would tax them if they were here, and you will hold as much as you can find if you do not hold it all.

Mr. SHERMAN. If my friend will allow me, I desire to say that the great body of the personal property of this District, especially the bonds, are held by corporations and parties who cannot move out of the District; and therefore there is no difficulty in collecting the tax here just as we do in Ohio; and the failure to collect this tax one year ago was a palpable and shameless repudiation of a law of the United States.

Mr. HAMLIN. I have only this to say: In a conversation with one of the commissioners I learned from him the main difficulty to have been a want of sufficient time between the period when the tax law of last year went into effect and the period when the tax must be assessed. I have here by me the tax bill of last year, which did embrace real and personal property. Why depart from it this year? It is said to be found impracticable to collect a personal tax. I deny it, and I say that I get from the commissioners themselves this information: that it was not applied last year for the reason that the time between the passage of the law and the period when the assessment was made was not sufficient, with the force they had, to collect the information necessary to enable them to assess a tax on personal property. Such I understand to have been the reason why it was not collected last year.

Mr. LOGAN. I wish to suggest to the Senator from Maine, in answer to the remark of the Senator from Alabama, that there is nothing in that remark that people move out to other districts to escape the tax. If they escape the tax here, they do not escape it where they move to, for the law in those States does levy a tax on personal property. Hence it is not an escape from taxation by any means.

Mr. SPENCER. What I intended to say was, that in 1871 they attempted to collect a personal tax in this District and utterly failed to do so; and last year they failed to do so for want of time.

Mr. HAMLIN. But let me come back to this amendment. To break the force of abandoning a tax upon personal property—and I suppose I am justified in assuming that there may be, that there are men within this District who hold taxable assets to the extent of millions of dollars, and who will run away to avoid taxation or to get a lighter taxation under another municipality—and to avoid the assessment of a tax upon personal property that will meet such cases most justly, the committee have sought to incorporate and have incorporated within the bill submitted to us a long series of special taxes, by which, as the Senator from New York has well said, while you do not tax specialties, you do indirectly tax the coffin the poor man is buried in. They have sought to replenish the District treasury, not from a tax on personal property, but by a special system of licenses, objectionable in almost any point of view. There are but a very few cases which I think may justify licenses. I think they extend only to that class of cases where no person should be permitted to engage in the business unless he has the authority of a license from a proper board, which is a certificate that he is a proper man to transact that kind of business. When you step beyond that, and undertake to impose a special tax by way of license upon your butcher, upon your mechanic, upon every branch of industry, you make it a very objectionable system; because there is added by that butcher, by that mechanic, by the pawnbroker, who is a known extortioner everywhere, the amount which he pays for the license, which is to go back into his pocket from those with whom he deals and to whom he sells. Is not that vastly more objectionable than that we shall place a tax on the actual value of the property in this District? It seems so to me.

But go one step further and look into this system of special taxation. You impose upon the landholder—yea, and who is the landholder?—a tax of $1.50 on every $100. While there are large landholders within this District, it also applies to every small landholder, to every widow who just holds the shelter that protects her from the storms and the sun of heaven. The great numbers and the great classes that are to be affected by a special tax upon real estate while personal property goes free are the middling classes. You tax the landholders $1.50 on every $100 of their real estate. Turn to your special taxes, and see what they are. All taxes ought to be equal, according to my estimation. Uniformity of taxation is one of the rules by which our Government has been always controlled; ay, it is recognized in our Constitution.

Now, sir, turn to the special taxes, and let us see with how much adroitness there is favoritism to particular classes. I have had but a very few moments of time to examine it. If Senators will turn to page 20, clause 36, they will find

Street railway companies shall pay .1 on each $1,000 of their stock paid in.

You are to tax railroad corporations one dollar on each thousand dollars of their stock paid in.

Mr. MORTON. Perhaps no stock ever was paid in.

Mr. HAMLIN. Suppose it was, however; I will come to that point. It is $1 on $1,000 on the stock paid in. It is $15 on $1,000 when it comes to the real estate.

Mr. HITCHCOCK. The Senator will allow me to suggest that the very next sentence reads: "Telegraph companies shall pay $1.50 on each $100.

Mr. HAMLIN. I am going on; I have my eye on this clause; it is one of the beauties of the bill. One dollar on a thousand dollars of a stock actually paid in. Now, I will assume that it is paid in, and I will assume another thing——

Mr. SPENCER. Allow me to interrupt the Senator. They pay on the cars also.

Mr. HAMLIN. I will come to that. This is a broad field; I cannot cover it all at once. Now, suppose the capital stock has been actually paid in, and suppose, which is true, that the stock has doubled in its value and is worth $2,000 in the market, then the tax is $1 on one thousand of nominal value, while the tax on the actual value of a domicile that reaches $2,000 is $30 So a house is taxed $30 where the railroad company pays a single dollar on the same amount of value. It is true the company are to pay upon their stock, and why should they not? It is personal property; and this is simply bringing in one little item of personal property. I only contend that it shall all be brought in as the committee bring in a single item here.

Follow along, and "bank-note engraving companies shall pay a license of $100 and $1 on each thousand dollars of their paid-up capital." We do not know whether it is worth the thousand dollars today; but if it is actually paid in, I think it is fair to assume that it is.

Mr. MORTON. Gas stock pays a tax of one dollar on the hundred dollars of capital stock—the best paying stock in the United States.

Mr. HAMLIN. I have it here. I will come to that. I will assume, if it has actually been paid in as the bill assumes, that it is worth something near the thousand dollars now. That comes somewhat near a tax on personal property. I therefore like it; but I do not like the rule by which you fix the sum that it is to contribute, because you ask it only to contribute $1 for the thousand dollars paid in while you ask the humble man in this District to pay $15 on the thousand of the value of his domicile, according to the actual value paid in. Paid in how? Paid in in building his house. The one is paid in in creating a stock in a company; the mechanic pays his to his laborer, to his employés, to the man of whom he purchases his realty; he pays in his money to make his stock, and his stock is his home. He pays $15 on the thousand, while these stocks pay $1 on the thousand.

That is one of the beauties of this bill. Following it immediately is the precise point, which I had noted, to which the Senator from Indiana [Mr. MORTON] has called my attention. The same argument which I am making applies to gas companies, and I know a little about gas companies in this District. I had something to do with them once when I was on the District Committee. I remember very well that it was shown to us what exorbitant dividends they were making. If I had the figures which were before me at that time, I could furnish a most perfect illustration; but I am safe in saying—I come, I think, a great way within the true condition of things when I state that the evidence then produced showed that the actual cost for gas-works in this city was a given sum; that the company had watered the stock, so to call it, or had issued new certificates to the stockholders from the accruing profits of the company to full 100 per cent. of the stock paid in, and yet the stock could not be had in the market, because it was so valuable that the men who owned it would not sell it. You tax the gas company $1 on $1,000 of stock paid in. That $1,000 paid in has earned its additional thousand, and the stock has been doubled; that stock is vastly above par, and you tax that $1,000 one simple dollar; and what is the effect? Who purchases gas of that company? All the people of this District. Who are interested in this tax bill that shall put additional taxes on gas companies that you shall compel them to charge more—they seek every opportunity—to every man, woman, and child within this District who wants gas a little cheaper, and ought to have it?

Mr. MORTON. Will my friend allow me to suggest that as the tax is only on stock actually paid in it does not apply to the watered stock?

Mr. HAMLIN. Surely that must be so, though I do not know exactly what "watered stock" means. When a stock is of a given amount, and they issue certificates to twice that amount, and still that stock will command in any market more than par value, that is a kind of watered stock that does not hurt much, and I do not call that very much of a watered stock. I think watered stock is very much like where a man gets more in his whisky than he wants. [Laughter.]

Mr. President, these are very briefly some of the views which have presented themselves to my mind. I could illustrate them by going through with almost every specific license which this bill proposes to grant. But I hold that the whole system of licensing is thoroughly and radically wrong, and should be kept strictly within the limit which I have named. No licenses of any kind or description should be required except in those particular species of business which require a peculiar kind of man to transact them, and then the license should be given him only upon examination and from a board who will guarantee that he is a proper man to engage in it; but here you license everybody.

Mr. SARGENT. Will the Senator yield to me for a moment?

Mr. HAMLIN. Certainly.

Mr. SARGENT. I understood the Senator to propose that the bill be recommitted. I should like to ask him if he has had an opportunity to examine the House bill.

Mr. HAMLIN. That is precisely what I have done. I have said that the House bill, in my judgment, is vastly superior to this. I should vote for it very readily.

Mr. SARGENT. Is it not better, then, instead of recommitting this, to pass the House bill and settle the matter for this session?

Mr. HAMLIN. I am more than half inclined to believe that a briefer process would be to re-enact, with a single section added, the tax law of last year, and let us try that.

Mr. SARGENT. Then we should have the danger of the bill failing in the House for the lack of time.

Mr. HAMLIN. I shall vote for the House bill with great cheerfulness, though I do think there are some things in it which could be very much improved.

Mr. SHERMAN. Mr. President, I made a remark a moment ago that may possibly do injustice, although it is literally true that the nullification of an act of Congress by the assessors in this District was probably one of the most indefensible and outrageous acts I have ever seen in the course of my public life. Congress deliberately, after full investigation, declared that personal property in this District should be taxable, as it is in nearly all the States of the Union; that those wealthy people who own property and those large corporations who administer property in the District should pay taxes just like the humble poor or the middle class who own real estate. That was the deliberate judgment of Congress, and Congress is the law-making power of this District. Whatever else there may be doubt about there is no doubt about that. The law was plain and express that there should be levied a tax of 1½ per cent. on certain real estate in this District, and on all personal property in this District. That law was openly, flagrantly, and without excuse violated and entirely nullified and made void. But, sir, while I repeat that again, I ought to say that I do not blame the commissioners of the District of Columbia for that, for I remember distinctly that the duty was charged on the assessors provided for by the law and that the commissioners had no power or control over them. There was the defect of the law; and in the report of the commissioners to the present session of Congress I find this paragraph:

> In their accompanying report the assessors, appointed under the act of March 3, 1875, to assess the value of all the real and personal property in the District taxable under said act, explain the causes that prevented their executing so much of their duty as related to the appraisal of personal property, to which we invite the attention of Congress; and with it to the correspondence between the commissioners and the assessors on that subject. The commissioners regret the failure of the assessors to comply with the law in that regard, but appreciate the serious difficulties they encountered. They invite the attention of Congress to the recommendation of the assessors for the substitution of licenses for a tax on personal property; and while they are not prepared to favor such a policy, they venture to suggest that if a tax on personal property be not continued, the present rates of licenses should be increased and their range enlarged.

There is also in another part of this report, on page 225, the correspondence with the assessors. Senators who want to pursue this matter will see there that the commissioners on April 5, 1876, sent a schedule for the listing of personal property to the assessors, addressed to William Clagett, chairman of the board of assessors, and a series of correspondence continues for some time, and finally the assessors practically resolve that they cannot under the machinery provided for under the law assess personal property. I have read the law, and the law is very much like the law in Ohio. Indeed it was said to be the Ohio law, and under it our Ohio assessors assess all personal property in about sixty days. There was ample time.

Mr. CONKLING. Who appointed the assessors?

Mr. SHERMAN. That I do not know; the commissioners, I suppose; but their duties were under the law. At any rate here is a correspondence showing that the commissioners urged on them the performance of this duty; they protracted and delayed, and finally said they had not time; and thus our act, the act of Congress, was plainly and palpably and openly repudiated and set aside.

When I read that last fall, and saw the proceedings here during the last summer, I must confess that I had a feeling of indignation which I have not quite got over yet; not so much that I care about the personal tax, because there are serious difficulties in levying a personal tax in this city; but because these men have undertaken to disregard a law which is considered just by the wealthiest communities in this country. I believe they have such a one in New York and Massachusetts; they have laws which tax personal property and corporate property in all the States. That these assessors should disregard it seemed to me a pretty high-handed proceeding; and therefore I think we ought now to try these assessors again; we ought to make it the express and bounden duty of the commissioners to see that this law is executed; and if an assessor fails for a single day to perform his duty, we should require the commissioners on their responsibility to remove him promptly and see that the law is enforced. Even if the law was wrong, they had no business to ignore it and nullify it.

The difficulty about taxing personal property in this District has been exaggerated in a great measure. I do not think that ordinary furniture ought to be taxed, the furniture of an ordinary household,

because that is generally pretty fairly distributed. There ought to be a certain exemption made, so as not to be guilty of espionage. But the stock and property of corporations, banks, railroad companies, and gas companies, certainly ought to be taxed. The property of the Washington Gas light Company, a wealthy corporation, personal and real, ought to be taxed. So of all the railroad companies: their cars and all their property ought to be taxed, and the stock of the corporations ought to be taxed. That would greatly tend to swell the list of property; and, besides, it ought to be taxed at the same rate as real property. For instance, $100,000 invested in a bank ought to be taxed not at the rate of $1 a thousand, but ought to be taxed at the rate of a dollar and a half a hundred, just like real estate. A house, the homestead of a poor man, although it may cost but a thousand dollars, will be taxed $15 under this bill; but the same thousand dollars invested in a corporation would only be taxed $1 instead of $15. That is grossly unjust.

I am inclined to think also that there ought to be blended with this form of taxation a system of licenses, because I believe the system of license taxes proposed by the Senate Committee on the District of Columbia is a wise one and would tend to give a very good revenue without much burden. Perhaps they have carried it too far; but I think many of these license taxes ought to be imposed. For instance, the tax on pawnbrokers, the tax on various articles of personal property like pianos, gold and silver watches, private carriages, and the tax on certain employments. I do not know how it is in other States, but in Ohio we tax certain employments, and that is a fruitful and proper source of taxation. I see no objection to it. At the same time I think this bill ought to contain a tax on personal property within proper limits.

I call the attention of Senators who propose to take the House bill to the fact that the House bill has no machinery to carry into effect the personal tax. I call the attention of the Senator from Nebraska who proposes to take the House bill to the fact that it is entirely defective. Section 7 is the only section that provides a machinery for levying taxes.

Mr. CONKLING. I should like to ask the Senator a question before he proceeds further. Here is an act standing in the statutes, passed on the 3d of March, 1875, which does tax real and personal property. The defect in the act now is obvious on its face: it was an act for a single year. What is the objection, by a simple provision—a very brief one would do it—to perpetuating or continuing this act; and, if there be any defects in this act amending those defects? What is the need of re-enacting all the machinery and all the substance of a tax bill for this District, when here stands an act good, except that like an appropriation bill it is annual, but it can be extended, and if there be defects about it those defects can be pointed out and cured.

Mr. SHERMAN. There is a defect in the House bill to which I will call attention. It is the only section in the bill which provides for the mode of assessing personal property. How far it is like the act of last year the Senator can see by looking at that act. The eleventh section of the bill before us from the House provides:

> That the commissioners of said District, or their successors in office, shall cause to be prepared a printed blank schedule or form, for statement of personal property, including moneys, credits, investments in bonds, stocks, joint stock companies, or otherwise, subject to taxation under this act, together with deductions authorized to be allowed, to which shall be appended an affidavit setting forth that the foregoing presents a full and true statement of all the personal property, moneys, credits, investments in bonds, stocks, joint-stock companies, or otherwise, subject to taxation, together with the amount of indebtedness on account of which deductions are claimed; and the assessors provided for by this act shall deliver to each person.

The words "corporations, banks, banking companies, or partnerships" are omitted, although in the first section the tax must be levied upon these as well. The Senator will therefore see that no notice is required to be given to anybody but a "person," while the first section of the act provides that "all corporations, banks, or banking companies," &c., shall be subject to a tax on real and personal property. There is no provision in the eleventh section for serving notice on banking corporations and companies.

Mr. ALLISON. Section 17 of the House bill, I think, covers that question.

Mr. SHERMAN. I think it does. I think very probably the definition of the word "person," as given in the seventeenth section, might include and does include firms, corporations, and banking companies.

I do not see then but that with these modifications and some more stringent provision as to the duties of assessors, placing those high contracting parties who override and overrule our law under some proper authority, it would be better to follow the suggestion of the Senator from New York. I think we ought to do so; that these people who are appointed under the act ought to be willing to recognize our power to appoint them. They evidently drew their pay, and if they drew their pay they certainly ought to perform the duties imposed upon them by law.

Mr. MORTON. I agree with the most that has been said about the character of this bill, and yet I think there is no occasion for surprise or for any exhibition of feeling on the subject. I observe that both my friend from Maine, [Mr. HAMLIN,] who made a very able and somewhat impetuous speech, and my friend from Ohio, [Mr. SHERMAN,] who followed him, have very carefully kept away from the cause of all the trouble in this case. They have handled it very gingerly, and intend to do so hereafter. My friend from Ohio has denounced the commissioners, who are three excellent gentlemen. I do not think much better commissioners could be had if we are to have this kind of government. My friend has denounced them as having nullified the law of Congress.

Mr. SHERMAN. Not at all. I say the assessors nullified the law.

Mr. MORTON. Well, the assessors were under the commissioners, and the responsibility comes right home to them. I understood my friend to apply it to the commissioners, to say that they had nullified the law of Congress; and the commissioners have presented to Congress this bill which my friend from Maine finds so execrable and so infamous that he cannot even give it a name.

What is all this trouble? Here is blundering on blundering. It is the effort of Congress to control the domestic concerns of 150,000 people in this District without knowing anything about them; without consulting them; without giving them a representative or a delegate in any shape or form. It is "taxation without representation," in violation of every principle of our Government, in violation of the principles especially of the republican party, and of the democratic party also, or that part of it which is entitled to be called democratic. Here is a bill now to tax 150,000 people for their local and domestic concerns, to provide for those things which belong to them exclusively, and which do not pertain to the property or to the business of the nation. None of them are consulted except a few gentlemen who get together and frame a bill and get these commissioners to bring it in, the effect of which is to relieve them from the payment of taxation, leaving out their paying stocks, leaving out the capital of the District. The capital is not taxed at all. I am told that there is one man in this District who has $1,000,000 at interest and will not pay one cent under this bill. I have no doubt he would be very much in favor of this bill and of having Congress perpetuate this system of government. The fault is a radical one, and we have ourselves to blame for it.

I suggest to my friend that there is no use of having any feeling on this subject. I think my friend from Ohio is in part responsible for it that Congress has undertaken to govern this people in their local and domestic affairs, withholding from them all representation.

Mr. SHERMAN. Does the Senator refer to my colleague, [Mr. THURMAN?]

Mr. MORTON. I refer to my friend from Ohio right here, [Mr. SHERMAN.] I understood he was opposed to the restoring of sufffrage.

Mr. SHERMAN. O, suffrage.

Mr. MORTON. My friend says "O, suffrage." Certainly; that is the very thing. He was opposed to that.

Mr. SHERMAN. The reason why I expressed myself in that way was that I thought the Senator was charging me with the responsibility of my colleague, who framed the law under which the present District government was organized. I had nothing to do with it. I therefore throw off that responsibility, as my colleague is perfectly able to take care of himself.

In regard to the government of the District by commissioners, I think myself it is the wisest mode. I am willing to say that I believe commissioners are the best to govern a municipal corporation. If there were an election of officers to represent the District in Congress or elsewhere, I should think differently; but for the management of the internal affairs of a municipal corporation I believe a board of commissioners is the best. I will state also to my friend that in Ohio they have adopted this system for Cincinnati, and in New York they have adopted it for that great metropolis, and they have adopted it in almost every city with a hundred thousand inhabitants. When Indianapolis gets large enough, they will have to adopt it there.

Mr. MORTON. It has not been adopted in any way like the system of having these commissioners here. In Cincinnati the people elect a mayor and they elect a common council. It is so in New York, and so in other cities which control their local and domestic affairs. No such system as this prevails anywhere; but the argument in favor of it here is equally good everywhere else. I should like to see the gentlemen who argue for it here go home and argue for it in their own States. The argument against suffrage here is an argument against suffrage everywhere, if it amounts to anything. My democratic friends are opposed to suffrage in this District because the negroes vote, and they do not want them to vote; and we have some other gentlemen who are opposed to suffrage because they can control the affairs themselves without suffrage, as they have substantially done.

I can see no reason why the capital of this District should be exempted from taxation. There is a man in this District, I am told, who has $1,000,000 at interest and by this bill he will not pay one cent of tax upon it, while the laboring-man who has managed by accumulations from year to year to get a little piece of property worth $500 is taxed upon it. His little homestead is taxed. Here is a bank with a capital of a quarter of a million of dollars and it pays no tax upon it under this bill. There is a little tax upon deposits, but no tax upon the capital of the bank. Every bank in my State pays a State and a county and a city tax, if it is located in a city.

Mr. CONKLING. So it is in every other State.

Mr. MORTON. I presume it is that way in every other State in this Union; but gentleman arrogate to themselves the privilege of dictating the policy of this District and provide a bill to exempt all capital from taxation.

O, no, Mr. President, when we come right back to it, the difficulty is radical, it is fundamental, and there is no escape from it. As republicans we ought to be—I was going to say ashamed of it; I believe I will say it; because in doing so we violate a fundamental principle of this Government. One hundred years ago our fathers declared their independence from England because of taxation without representation, and here are 150,000 people who are to be taxed without being consulted, who are to be outraged without having even a chance to remonstrate.

I have called attention to this fact before and I shall do so again. So far as I am concerned I do not intend to vote for any bill taxing this people without their consent. As a matter of principle, I will not do it. I will not vote either for the bill reported by the committee, or for the House bill, or for any other bill of the kind. I know the time will come when you will be driven to give this people a local domestic government. I have no fear about that. It may not come this year; it may not come next year; but the time will come when you will be driven to give to them a government in harmony with the general character of our institutions. You cannot govern them wisely; you cannot govern them intelligently and well. I do not reflect upon these commissioners, and there is no occasion to reflect upon them. They are doing as well as they can; but they are mere proconsuls; they are not of this people; they are not responsible to this people; they are not dependent upon them. They have none of the obligations that make officers wise and faithful to those for whom they are to provide.

Of course, so far as this bill is concerned, I could not vote for it, even if I were willing to vote for a tax bill. I believe there is principle still in government. I believe that our Government is based upon certain great principles. It may be unfashionable now to refer to them. We may have come to the time when we are so practical and so arbitrary that all principles are obsolete. We are told that under the Constitution Congress can govern this District and must do so. That is a poor, miserable, pitiful, contemptible evasion. From the very first year that this District was ceded to the United States, Congress provided for it a local government, and they got along without trouble, having a local government until three years ago. It was abolished temporarily on the 23d day of June, 1874, to be restored, it was understood, in December following; but it never has been restored, and now the purpose is avowed not to restore it. Those who doubt suffrage, who doubt the people, have grown so conservative that they want the people to be governed by commissioners, and avow their purpose never to restore the government to this people. I tell them they will change their mind. I have no hesitation in saying that. This people will have their government given back to them; but it may not be for two or three years. This thing goes on blunderingly now, getting worse and worse every year, until when it can be no longer endured, Congress will allow them to have a government.

Mr. SHERMAN. I do not wish to follow my honorable friend from Indiana in the discussion of his favorite dogma of popular suffrage as applied to the people of this District, because perhaps on general principles I would not differ with him that popular self-government is the only proper mode of governing men. But experience has shown that in the government of cities the power of popular government must be somewhat restrained in order to accomplish the purposes of municipal government. In the management of a State government or in the exercise of political rights all men are equal, and must be equally considered in the administration of the government; but experience has proven not only in this country but in all countries that municipal corporations are somewhat different in some of their powers, and must be governed by boards or commissioners. It is the practice in every large city in the Union that I know of to adopt a government by boards and commissioners in the most important functions of city government. It is so in the city of New York. During the last winter, after long discussion in the State of Ohio, for the city of Cincinnati we adopted two boards, one a board of police commissioners, and another board, the name of which I have forgotten, which practically has power over the public purse, so that no money can be disbursed or appropriated except by the consent of that board. That has been the custom; but that is neither here nor there. These commissioners were a provisional government organized under a law not long since to bridge over a difficulty. As to whether the people here in the District of Columbia should be governed by their own common council or something in that way, I do not wish to contest with my honorable friend. It is sufficient to say that the government now existing in this District is a government of commissioners, and the only question now is whether this year the amount that these people ought to pay to carry on and support their own government, necessary to carry on their schools, their police, &c., shall be raised by one kind of tax or another.

The Senator from Indiana proclaims his purpose to vote against all taxes until this question, which he considers of prime importance, is settled. Would he stop all the public schools? Would he stop the police? Would he dissolve all the functions of government here? Certainly not. We must therefore provide a reasonable tax law, so that the people of this District shall contribute in some degree their share of the expenses of their own government.

There are three bills here, each of which I have glanced over, but not read carefully. The Senate committee's amendment is the first in order. That is objectionable to the Senate and objectionable to me. I could not vote for it, because it exempts from taxation all kinds of personal property, except only the furniture that may be in the houses. Therefore I think it would not be a wise law. On the other hand, the House bill does not contain, in my judgment, the necessary machinery to carry it into execution. The time has run along so far that it will have to be changed in all its material provisions. That would be required to be done within so short a time, that it cannot probably be done at all. Therefore, if it is to be considered, it must be revised. Neither of these bills is the bill proposed by the commissioners who are charged with the government of this District. Early in the session they did prepare a bill which they felt would enable them to carry on the government of this District without trouble. What was that? Here is the bill; I hold it in my hand. It was referred to a committee of the House, and seems not to have been acted upon by the House. At any rate, it is not either of the bills before us. That bill provided (and it is the main feature of the bill) for a tax of $2 on each $100 of all property, real and personal. The bill presented to Congress by the commissioners did provide for a tax of $2 on each $100 of real and personal property, without the complicated system of license taxes contained in the bill now proposed by the Senate committee. These propositions are before us, and also the additional proposition offered by the Senator from New York, [Mr. CONKLING,] that we take the law of the last session and continue it in its vitality for next year, instead of leaving it an annual law. I do not care which is adopted.

Now, Mr. President, I desire to say as a matter of justice to these commissioners, whom I certainly do not wish to arraign and whom I do not know that anybody arraigns, that they are not here in favor of either of these tax bills. It is a matter for Congress; they have no power over it; they have no interest in it. The question is for us to decide, and they must execute the law that we pass. At the time the matter last year occurred I watched the proceedings to see whether or not these commissioners, who are our agents, were guilty of any *laches*, and I feel it due to them to ask the Secretary to read as part of the record, and to be placed upon the files, what actually occurred between the commissioners and the board of assessors, who seemed to be a kind of *imperium in imperio* and to have the control of the matter to suit themselves. I ask in justice to the commissioners that certain correspondence that occurred between them and the assessors shall now be read. I send it to the desk.

The Chief Clerk read as follows:

[No. 1.]

OFFICE OF THE COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
Washington, April 5, 1875.

SIR: We send herewith schedule of the listing by the tax-payers of the District of personal property for taxation pursuant to law, and will hold ourselves in readiness to furnish the assessors whatever assistance they may need for the prompt delivery of the same and for the discharge of all their other duties. If yourself and colleagues apprehend any serious difficulty in the way of making personal delivery of the schedules, you will please so advise us, and we will appoint such assistants as your board may deem necessary.

Very respectfully,

W. DENNISON,
J. H. KETCHAM,
S. L. PHELPS,
Commissioners.

WILLIAM CLAGETT, Esq., *Chairman Board of Assessors.*

[No. 2.]

OFFICE OF THE BOARD OF ASSESSORS, *April* 6, 1875.

GENTLEMEN: I have the honor to acknowledge the receipt of your letter of the 5th instant and the schedule for listing personal property for taxation.

The board of assessors is now engaged in assessing the real estate of the District, and they find the present assessment so unsatisfactory and that it presents so many instances of inequality that their labor will be much heavier than was anticipated. They will, however, proceed with all possible diligence in the execution of the law.

If this board should conclude that any assistance can be afforded them in the performance of their duties under the law which will facilitate their labors, they will avail themselves of the proposal contained in your letter and duly notify you.

Yours, very respectfully,

WM. H. CLAGETT,
Chairman of the Board.

The Hon. COMMISSIONERS OF THE DISTRICT OF COLUMBIA.

[No. 3.]

OFFICE OF THE COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
Washington, April 7, 1875.

SIR: Referring to your note of yesterday relative to the delivery of schedules, I am directed to ask that your board will not be embarrassed by any suggestions of the commissioners limiting the delivery of the schedules to the members of your board personally. The commissioners advise your board to have such assistants as it may deem necessary to aid in the delivery of the schedules, and this was the meaning they intended to give in their communication to you, to which your note of yesterday is a reply. It will not do to put the delivery of the schedules in jeopardy from any cause.

Very respectfully,

WM. TINDALL, *Secretary.*

WILLIAM H. CLAGETT, Esq.,
President Board of Assessors, &c.

[No. 4.]

ASSESSOR'S OFFICE,
Washington, April 12, 1875

GENTLEMEN: It will be utterly impossible for this board to comply with the law under an act of Congress, March 3, 1875, in making personal delivery of the sched-

ules as required by that act. We find unforeseen difficulties in the assessment of the real estate, and all our time will be required in order to complete the equalization of the same within the time allowed by law.

Very respectfully,

W. H. CLAGETT,
Chairman Board of Assessors.

The Hon. COMMISSIONERS OF THE DISTRICT OF COLUMBIA.

Mr. SHERMAN. Now, Mr. President, it is apparent that the difficulty last year was that these assessors were called upon to assess both real and personal property; and they said they could not do both. They could have done both by employing assistants, and the commissioners offered to give them assistance; but they doubted their power to do this business by deputies. There is no trouble about it. A deputy, any boy, any lad, might have left the notices around at the different houses for personal property; but they felt that they had to do it, and they finally decided that they had not time to do both, and it was more important to levy the assessment on real estate than on personal property. The truth was, as is plain from this correspondence, that the assessors did not want to assess personal property, and they made that the ground of their refusal. But now there is no pretense of that kind. If either of these bills is passed, there is no question as to their having ample time to assess the personal property, because the real property has already been assessed; the real property is already upon the books; and neither of these bills proposes to change the assessment upon the real estate; so that all the assessors will have to do will be to make the assessment upon personal property.

Under these circumstances it seems to me it is better to take the House bill, make such amendments as can be suggested, and pass it; and let me say to Senators that it ought to be done to-day, because if the measure is recommitted it is probable it will not again gain the attention of the Senate, or if we pass it at all we may possibly pass it at an inopportune moment or at so late a period or when it will be so involved in our complications hereafter with the appropriation bills that we may adjourn without securing a tax bill for the District, and thus we shall leave the common schools, all the ordinary administration of justice, all the police, and the government of this city at loose ends. That is not right. I think, therefore, it is better to pass either of these bills rather than postpone the matter any longer. I think myself it is better to take the House bill and make such modifications as are necessary, or else to offer a substitute similar to that proposed by the Senator from New York to continue in force the act of last session, and send it to a committee of conference.

Mr. SARGENT. The bill of our committee is an amendment offered as a substitute for the House bill.

Mr. SHERMAN. But the Senator from New York, according to his suggestion, can offer in a single section a substitute for the House bill, and if the Senate agrees to that substitute the whole matter may go to a committee of conference, and they can take either the House bill or the bill of the last session.

Mr. CONKLING. The Senator from Ohio will accomplish his whole purpose by a section, however brief, simply continuing for another year this act, entitled an act so and so.

Mr. SHERMAN. But it must be a substitute for the House bill.

Mr. CONKLING. Yes; but I merely suggest to the honorable Senator that any form of words which can be put down for him or by himself in a moment, merely reviving and continuing for one year that act, will accomplish his purpose.

Mr. SHERMAN. My attention has not been called to the matter, and I would rather the Senator from New York, with the law before him, should draw up the amendment. I think as a practical question the better way would be to have a clause of that kind proposing the continuance of the law of last session, offer it as a substitute for the House bill, and let the two propositions go before a committee of conference.

Mr. MERRIMON. Mr. President, it is proper for me to say that I am not very familiar with the theory or details of the substitute reported by the committee or the House bill. Although a member of the Committee on the District of Columbia, I was necessarily absent at the time the subject was considered, and I do not feel in any sense committed to the report of the committee or to the House bill; and with all due respect and submission to that part of the committee which reported this substitute, I must beg to dissent from its propriety. I think there are two or three fundamental errors manifest on its face, without reference to detail.

In the first place, I concur mainly in what the Senator from Maine [Mr. HAMLIN] has said touching the taxation of personal property. In the next place, I think there is a fundamental error as to the way and manner in which it is proposed to tax the real property in the District. The substitute provides for imposing a like percentage of taxation upon all the lands in the District of Columbia, the same percentage of taxation upon real estate in the city of Washington, in the city of Georgetown, and in the District of Columbia outside of these two cities. It seems to me that that is manifestly wrong, and it is wrong for this reason: So far as the public debt owed by the District of Columbia is concerned, I suppose that more than four-fifths of it was created and expended in improvements in the city of Washington, and certainly of the one-fifth that would be left upon that estimate the greater portion was devoted to improvements in the city of Georgetown, while the District of Columbia outside of those two cities realized from these vast expenditures comparatively a trifling sum. Taxes are levied on the people throughout the District for the purpose of supporting a government for the protection of the people in their property and their liberty, and each man ought to pay in proportion to the amount of protection which he receives. We all know that the people in the city of Washington have privileges that the people in the city of Georgetown do not have, and that the people in the city of Georgetown have privileges that the people of the District outside the two cities have not. The people of Washington have a higher degree of protection; they have better streets, they have better sewerage, they have a more thoroughly organized and more numerous police; they have a thousand advantages that the people in the city of Georgetown do not have. So in the city of Georgetown the people have many advantages that those outside of the two cities do not have. They have the advantage of police, gas arrangements, fine streets, well-regulated sewerage, and all that, while the people of the District outside of the cities have comparatively few advantages, derive comparatively little benefit from the government which is to be supported by the taxes it is now sought to impose.

I think that justice requires that some fair proportion of taxation according to the assessed value shall be ascertained, and that that proportion shall be imposed in whatever tax bill shall pass. I see in the House bill it is provided that real estate in the city of Washington shall pay $1.50 on the $100 of assessed value; in the city of Georgetown real estate shall pay a tax at the rate of $1 upon the $100 of assessed value; and in the District of Columbia, outside of the two cities, real estate shall pay seventy-five cents on the $100 of valuation. That proportion may or may not be right; but that some such proportion ought to be established seems to me to be manifest; and therefore I cannot agree to this leveling process in assessing taxes upon real estate in the District of Columbia agreed upon by a majority of the committee.

In view of these objections, it seems to me that the bill ought to be recommitted. I think the committee was not full when this bill was acted upon. It was not convenient for me to be present, and I was not present, as I have already said.

I want now to say a word in reply to the Senator from Indiana, [Mr. MORTON.] I believe he avails himself of all appropriate occasions, and of some that are not very appropriate, to talk about free suffrage in the District of Columbia. Well, sir, if it were appropriate, if it were lawful, I should be as far from objecting to suffrage in the District of Columbia as anybody; but I believe that Congress has no power to confer on the people of this District the right of suffrage. The Government of the United States was not made for the purpose of conferring suffrage upon anybody. The Constitution does not provide suffrage for anybody. The American people do not know anything about suffrage, except through the several State governments; and until the fifteenth amendment there was no provision affecting suffrage anywhere in the Constitution. It may be said that suffrage was formerly conferred upon the people of this District; and I believe that whenever it was conferred it was conferred in violation of the Constitution; and a precedent that has not the sanction of the Constitution is no precedent at all. Now, how does this matter stand resting upon the Constitution? The Supreme Court has decided—they decided it in the case of Marbury *vs.* Madison—that a justice of the peace in the city of Washington was an officer of the United States. They have further decided that an act of Congress in reference to the city of Washington and the District of Columbia was a statute of the United States, a law of the United States. The Constitution provides that the President shall appoint all officers of the United States, except certain officers who are appointed by heads of Departments or the courts. If, then, a justice of the peace, a mayor, or a judge in this District is an officer of the United States, how can Congress confer on the people here the right to elect him? I should like to hear my friend answer that argument. I have heard this suggested as an answer to it, that the clause of the Constitution in reference to the District of Columbia gives Congress complete power and control over this District and its government; but I take it that every lawyer would say, more particularly every court would say, that that clause of the Constitution must be construed in reference to the other provisions of the Constitution and must stand and harmonize with the other provisions, which would embrace that provision that confers on the President the power to appoint all officers of the United States, with certain exceptions, which exceptions certainly would not embrace officers appointed to administer any government in the District of Columbia.

The Senator says that the fact that these officers are to be appointed by the President contravenes the whole theory of our Government and subverts free government, and that all parties and the American people ought to be ashamed of it. I say to the Senator that if they ought to be ashamed of it they ought to be ashamed of their system of government, for their system of government provides it. Why, sir, will the Senator contend that the people ought to elect Cabinet officers; that they ought to elect Supreme Court judges; that they ought to elect revenue officers; that they ought to elect the whole body of officers necessary under the Constitution of the United States to administer the Federal Government? The Secretary of the Treasury, all Cabinet officers, all officers of every grade, including the judiciary, are appointed by the President. They rule over the American people. They come in very close contact with them. The people do not elect them. We hear nothing from the Senator upon that

subject. He does not complain that the people have no voice in the appointment or the election of the Secretary of the Treasury or the judges of the Supreme Court or the various revenue officers that come in direct contact with them. Nothing is said about that. I say nothing about that, because according to our system of government it was intended that they should be appointed by the President, and I think it is a wise and proper regulation and a regulation essential to our system of government. If, sir, we were to blot out these provisions of the Constitution, if we were to break down these limitations and turn the whole Union into a mob, we might expect the fate of Mexico and other countries that have attempted republican government without establishing in that government proper balancing powers. So, then, I say to the honorable Senator that while I am as ready as he is whenever it is proper to confer upon the people suffrage, I am willing to stand by the Constitution; and it is just as essential to uphold these limitations contained in the Constitution upon popular power as it is to uphold the right of popular suffrage where it ought to be exercised and where it properly belongs under our system of government.

Mr. MORTON. Mr. President, one word. The District was ceded by the two States of Maryland and Virginia in 1800, I believe. The very next year the Congress of the United States gave an interpretation to the Constitution by providing for the people of this District a local government, to be elected by themselves. That government continued for seventy-two years, and nobody thought that the Constitution had been violated. The democratic party through all the years of its ascendency continued that government.

Mr. MERRIMON. They did a great many improper things.

Mr. MORTON. I know they did a great many improper things; but that was one of the things that were not improper. It would be a very excellent thing for this country if it could be said that that was the worst thing the democratic party had ever done. But here is the contemporaneous construction of the Constitution for seventy-two years, nearly three-quarters of a century, giving to this people a local, domestic government, and no harm ever came of it, but they got on smoothly and they got on without trouble. Latterly the discovery has been made by the democratic party, since colored men were allowed to vote, that nobody has a right to vote in this District, and that Congress cannot give anybody that right. That awakening and that discovery, I undertake to say, grew out of the fact that colored men were allowed to vote; and if they had not been allowed to vote the democratic party to-day would be in favor of giving to the people here a local and domestic government of their own.

Mr. MERRIMON. May I ask the honorable Senator a question?

Mr. MORTON. Certainly.

Mr. MERRIMON. They had suffrage; and who took it away from them? Was it the democratic party or the republican party?

Mr. MORTON. I believe I must confess to my sorrow that the republican party had something to do with taking it away, but they were unanimously supported by the democratic party in that effort, and now the democratic party is unanimously opposed to giving it back to them, and I can say that the republican party is not unanimously opposed to giving it back to them, because I can speak for one at least.

My friend says that we do not elect the Secretary of the Treasury and we do not elect the judges of the Supreme Court. Ay, but we elect those who do appoint them; but the people of this District have no power to elect anybody. They are taxed to make their streets, and their alleys, and their sewers, and to pay policemen, but they have no voice in the matter at all; they are governed as despotically as are the serfs of Russia; they have no more power than the people of Russia have; it is a pure despotism, so far as they are concerned.

Mr. President, I say that is in conflict with our theory of government. I do not care how often it is mentioned. If it has become unfashionable to talk about the right of suffrage, so be it; it will never be unfashionable with me until I change my mind. But my friend, I think, dares not carry his argument of a while ago to its conclusion when he talked about Mexico. The substance of that argument is that suffrage in his own State and everywhere else ought to be limited, and that there is a class of people now voting who ought not to vote. That is what my friend means, but what my friend does not say in words. Let him and others come out and avow the logical result of their doctrines on this floor.

Mr. MERRIMON. Will my friend allow me just a moment?

Mr. MORTON. Yes, sir.

Mr. MERRIMON. He does not want to do me injustice. What I said was this: That I stood by suffrage, the suffrage of everybody entitled to it; but that, in order to preserve suffrage and liberty, it was necessary that suffrage should be regulated by law. And we must stand by the law as well as by the suffrage.

Mr. MORTON. What does that mean, "regulated by law?" My friend means that it shall be so regulated that a great many men who vote now should not vote. It is regulated by law everywhere; it has always been. That means nothing in itself. But the whole argument is that suffrage is too general, that it is too universal, that it ought to be limited; and I ask my friend from Ohio, and my friend from North Carolina, and others to come out and declare the logical result of their arguments, because they are just as good at home as they are here.

Mr. President, one hundred years ago our fathers used this language:

> We hold these truths to be self-evident, that all men are created equal; that they are endowed by their Creator with certain unalienable rights; that among these are life, liberty, and the pursuit of happiness. That to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed.

That was true one hundred years ago, and it is true to-day. And the government of this people in their local and domestic affairs should derive its powers and its administration from the consent of the governed. My friend takes away that consent, and would do it for all time. I ask my friend to accept the logical result of his doctrine and apply it in his own State.

Mr. THURMAN. And when the people of the District of Columbia shall petition Congress to give them suffrage, I shall then believe that they are governed without their consent. Until they send us some such petition, I shall continue to think they are governed with their consent. I have not yet seen any such petition. I have not heard of any clamor for suffrage in this District; and, until I do find some movement of this people, whom my friend from Indiana supposes to be oppressed, that manifests a sense of oppression on their part, I shall presume that the government they have is with their consent.

But I hope that this discussion about suffrage will not go on on this tax bill. It has nothing in the world to do with the bill; and, having nothing to do with it, I think in the short time that is left of this session, or at least that is supposed to be left, we should proceed more practically and discuss the matter that is really in hand. I shall not say a word more on this subject of suffrage.

I wish to say, without having had yet an opportunity to carefully study these bills, that the impression made upon my mind by glancing over the bill of the Senate committee is not very favorable. I have not yet had an opportunity to read the House bill; but if I understood the statement of it made this morning by the chairman of the Committee on the District of Columbia, it is a bill that taxes all real estate with certain exceptions, the same I believe that are in the Senate bill, and, speaking in general terms, all personal property. It is pretty much such a law as exists in nearly all the Western States, notably in my own State, and I believe in most of the Western States; a scheme that has been supposed by some political economists to go quite too far in some respects in the taxation of credits without allowing deductions as in some cases, and in others the taxation of money without allowing deductions. But these are speculations that I do not see fit to go into.

The general idea of the House bill is that all property, whether real or personal, should pay a contribution to the support of the government of the District. It goes upon the theory that the revenue should be raised by a tax on property. It provides for no poll-tax; it eschews all poll-tax. It goes upon the theory that the revenue must be raised by a tax on property, and that raising it by a tax on property you may as properly tax personal property as you may tax real property. That is the general feature of the House bill. The Senate bill ignores a tax on personal property except in a small degree taxing certain furniture and some articles of luxury; but the general taxation of personal property is ignored in the Senate bill unless, indeed, it may be said to be a tax on property by indirection. The provisions are not properly a tax upon personal property generally; but the theory of the Senate bill is I see by glancing hastily over it, if I comprehend it, first a tax on real estate and next a tax on trades and occupations. So far as revenue is raised except by a tax on real estate and a tax on furniture and some articles of luxury in the shape of personal property, the rest of the revenue is to be derived by a tax on trades, occupations, and business. Now, is that a good mode of taxation, and is it possible to frame a system of revenue in that way to make it fair and make it just? Why, look at some of the details of the bill and see how it is. Upon what theory is this tariff to be levied? For instance, I find in section 10, which is the section that begins with this work—

> That for the objects aforesaid there is also levied hereby—

That is, after levying a tax on real estate, they proceed as follows:

> That for the objects aforesaid there is also levied hereby upon professions, trades, callings, occupations, business, and personal property in the District of Columbia, in full of all licenses and personal taxes, the following, to wit:
>
> First. Apothecaries shall pay annually $10 on each thousand dollars, or fractional part thereof, of capital invested.

Now let us go on:

> Dealers in merchandise, of any kind whatever, not otherwise provided for, shall pay annually $5 on each thousand dollars, or fractional part thereof, of capital invested in business.

Will somebody tell me some good reason why an apothecary should pay double as much tax as a dry-goods merchant?

Mr. SPENCER. Because his profits are so much larger.

Mr. THURMAN. How do we know that?

Mr. SPENCER. It is generally understood that an apothecary makes a profit of 100 or 200 per cent., while a merchant makes a profit of from 15 to 25 per cent.

Mr. THURMAN. I do not think any man would make the large profit of 100 or 200 per cent. and have a monopoly of the business long. I think such a profit as that would set apothecary-shops at about every door.

Mr. SPENCER. That is the case; there are more apothecary-shops in Washington than in any other place in the country.

Mr. THURMAN. Not quite that. There are a great many of them, I know. It is a mere supposition that the profits of apothecaries are greater than the profits of dealers in merchandise. I want some better evidence of that before I say that the tax shall be twice as large on the one as it is on the other. Then—

Commission merchants shall pay $40 annually.

Some commission merchants do an immense business. I do not know how it is here.

Mr. HAMLIN. And others do very little.

Mr. THURMAN. Some very little; but then right next to it—

Auctioneers shall pay $100 annually and a semi-annual tax on gross receipts of ¼ of 1 per cent.

I really do not think that there is so much difference between a commission-merchant who sells quietly to merchants and dresses in good clothes and a fellow who gets up in a pulpit and sells goods under the hammer, that the one shall be taxed about three or four times as much as the other. I do not really see that because one fellow has more eloquence than the other, can halloo louder and longer, that he shall be made to pay three or four times as much tax as the other, or five, or six, or ten times as much tax. So we go on through all these items, and if you look at them you will find that it is the most curious sort of thing to see the discriminations that are made.

Mr. EATON. I should like to ask my friend from Ohio if he sees any reason why the lawyer whose income is $50,000 a year should not pay a little more tax than the lawyer whose income is only $500 a year? But they are all put alike here.

Mr. THURMAN. If that runs out the poor fellows who are not fit to practice it would not be of much disadvantage, [laughter;] but if it runs out the poor fellows who are fit to practice and have not the money to pay the tax, it would be very oppressive.

Mr. WITHERS. It would be hard on young men trying to get a start.

Mr. THURMAN. I object to the whole system of taxing professions. Here is a tax, for instance, of $5; my friend from Indiana called my attention to it:

Carts, wagons, and drays shall pay annually, as follows: Wagons, $5; carts, $2.50; drays, $2.50; hand-carts, $2.

A fellow cannot trudge things around in a hand-cart without paying $2 license. So far as a tax is necessary to secure a system of licensing and police that will protect people against fraud, I have no objection to that; but I deny that you can with any propriety tax occupations as this does, for it is a tax on occupations. Nobody will pretend that it is necessary to have a five-dollar tax on a wagon in order to pay the expense of licensing the wagon and putting a number on it, so that any man who employs that wagon may know what wagon it is he employs, or a dray, or the like. So far as you merely provide for the cost of granting a license to the man to whom it is granted for the public security and for the security of persons who use his vehicle or avail themselves of his services, or for putting a mark or number on his wagon, or dray, or the like, well and good; but to undertake to raise revenue to support a government by doing more than that is to tax the man's occupation, to tax his labor, to tax his industry; it is nothing else than that.

I need not go further. There is one thing here that touches my friends very sensibly. I am sorry that my friend from Delaware is not here—the Senator who is down South now—because he called attention to one of these things once before, and I am sure this would affect him sensibly.

The proprietors of beer-gardens shall pay $3 per day.

Why, that makes a thousand and odd dollars a year if they keep open the whole year round. What a tax that is! I tell you if you pass such a law as that and give suffrage here, you will not get the vote of a Dutchman for your party. [Laughter.]

Mr. MORTON. Is not that taken from a bill reported last year by the new Secretary of the Treasury?

Mr. THURMAN. If I had known that before, I would not have voted for his confirmation. [Laughter.] That is a direct attack on a man's stomach.

Mr. MORRILL, of Maine. I was influenced by no party consideration. [Laughter.]

Mr. THURMAN. Then after the man has paid his $3 a day he cannot sell anything but beer, for he is expressly prohibited from selling wine or spirituous liquors.

Mr. CONKLING. That would lose him the democratic party as customers. [Laughter.]

Mr. THURMAN. It is an assault on the party. [Laughter.]

Mr. INGALLS. Mr. President, the condition of the Committee on the District of Columbia is truly deplorable and I think entitles it to the commiseration of the Senate. It is assailed from without and denounced from within, and its worst foes are apparently those of its own household; for, after this bill has been reported by the committee, two members rise on the floor and say that it was without their concurrence; and it has so far been without advocate or defender by any member of the committee. It therefore, perhaps, is necessary for me, as one member, to say that I consented to the reporting of this bill from the fact that it was so late in the session and the exigencies of the public service were so pressing that it became necessary that some measure should be brought before the Senate for immediate action. Personally I have no preference for one bill or the other, either that proposed by the House, that originally introduced in the House, or that reported as an amendment by the Senate committee. I am opposed to all taxation. If I had my way it should be entirely abolished. There should be no levy or impost on real estate or personal property or upon avocations. But, unfortunately, taxation is the price we pay for citizenship; it is the compensation that society demands for protection of life and liberty and property; and there never has yet been, so far as I am able to understand, any system of taxation devised that met with the uniform approbation of every person to whom it was applied. No man ever paid a tax "with good opinion of the law."

The chief objection that has been made to the bill before the Senate is based upon the fact that the taxation is inequitable and that the burden has been unjustly and unequally and unfairly distributed. Well, sir, that is the great problem that has vexed the minds of statesmen and political economists from the earliest foundation of society. Take the tax upon real estate, against which no person has made any objection so far as this bill is concerned, of $1.50 upon one hundred dollars' valuation. As an illustration, assume the case of a poor laboring-man who has a little piece of property worth $500. Upon that the tax under this bill would be $7.50. Take the case of the great capitalist who owns fifty thousand dollars' worth of real property in this District, a large amount of which is productive, bringing him rents perhaps up to the amount of 10 or 15 per cent. on his original investment. Will any man say to me that the impost of $7.50 upon the poor laboring-man's tenement is anything like a fair and just imposition when contrasted with the tax paid by the capitalist who owns fifty thousand dollars' worth of productive real estate? Take the case or personal property for the same illustration. The poor man owns a little furniture; he owns, it may be, a few hundred dollars' worth of bank stock. Again, the wealthy man owns a million dollars of interest-bearing bonds. He pays precisely the same tax as the poor man; but is there any equality, any justice, or any equity in imposing precisely the same amount upon the real estate or the personal property of the poor man that you do upon that of the rich man?

I say therefore that this complaint that is made against the provisions of this bill is one that exists in the very nature of the thing you are seeking to do. It is impossible to levy a tax that shall bear uniformly and equally upon all classes of men in society and upon all kinds and conditions of property.

But, sir, as I said, I am not particularly wedded to either of these bills, and yet I cannot submit quietly to the wholesale imputations that have been brought against the bill that has been reported by the committee, notably by the Senator from Nebraska, [Mr. HITCHCOCK,] who is a member of the committee, and more particularly by the Senator from Maine, [Mr. HAMLIN,] who, with a great deal of impetuosity and ardor, declared that the amendment was a thing which he appeared to be unwilling to touch and to which he was unable to apply an appropriate appellation. I beg to say to that Senator that in my judgment the tax that is obtained by way of a license is the most uniform, the most equitable, and the most just that the ingenuity of man has ever yet devised. There are two kinds of taxes, one direct, the other indirect. The direct tax is levied upon land; it is levied upon personal property; it is levied upon the poll of the citizen. The indirect tax is levied upon rents and profits; it is levied upon vocations; it is levied upon the various articles and occupations that come within the general purview of an excise law. Now, sir, what is known as a tax upon vocations and upon business is the most just and uniform from this fact, that it comes the nearest that has ever yet been devised to what is known as the tax upon commodities, the tax upon personal property, and the reason is plain. It is because every man who has to pay a tax upon a vocation, who has to pay a tax upon business, inevitably charges the tax that he pays to those to whom he sells or to those for whose benefit his vocation is exercised. Thus, sir, a system of licenses, a system of taxation upon avocations, if it is applied to all vocations and trades exercised in a community, in the course of a year is distributed uniformly over every member of that community, because every man in a community, every citizen in the course of a year, either purchases some property of the man who pays the license or applies to the lawyer or the physicians or the other professional person for whose benefit the avocation is exercised.

This much, sir, I have felt bound to say in defense of the committee and against the imputations that have been made by the Senator from Maine. There is no ground whatever for the assertion that the tax that is levied by way of license or tax upon avocations is unjust, invidious, or unequal.

Again, sir, it is urged that in the bill reported by the committee personal property entirely escapes taxation, is relieved from bearing its share of the burden of public expense. If the Senator from Maine and the Senator from Ohio had been at the trouble to examine this bill minutely, they would have ascertained that there are twenty-two instances in which personal property is directly taxed, so that instead of there being an exemption of personal property from bearing its share of the public burdens there is an absolute specification in twenty-two instances where personal property is taxed. But, as I said, I am

indifferent to the fate of either of the bills, for I am opposed to taxation, and it is a matter to me of profound indifference what the Senate do with the bill of the committee or any of those to which it is offered as an amendment.

Mr. CONKLING. In order that the suggestion may be before the Senate, I offer as a substitute for the bill and the pending amendment this:

That the act of Congress entitled "An act for the support of the government of the District of Columbia for the fiscal year ending June 30, 1876, and for other purposes," approved March 3, 1875, is hereby re-enacted for and during the fiscal year ending June 30, 1877.

Mr. SHERMAN. The Senator will observe that the act was passed in March, and has expired.

Mr. CONKLING. It is dead.

Mr. SHERMAN. That act requires certain acts to be done in the months of April, May, and June, and they cannot be done now.

Mr. CONKLING. Those things have all passed away.

Mr. SHERMAN. But they must be done before the tax can be levied.

Mr. CONKLING. Let the Senator look at the act and suggest an amendment.

Mr. SHERMAN. I submit to the Senator whether it is not necessary to have something like this:

That said tax shall be levied and collected in the mode and manner, and with like exceptions and qualifications, as provided by the act approved March 3, 1875, entitled "An act for the support of the government of the District of Columbia for the fiscal year ending June 30, 1876, and for other purposes;" and where by the provisions of the said act the time or times for the performance of any act or duty cannot be complied with, the commissioners of said District shall prescribe the time for the performance of such act or acts, and said commissioners are hereby authorized to make such rules and regulations as may be necessary to carry said act into effect and collect the tax on personal property provided for in said act.

The act, which is before me, provides for certain things being done in April, May, and June.

Mr. CONKLING. Are those the dates of assessment?

Mr. SHERMAN. The assessment of personal estate.

Mr. EDMUNDS. That act as to personal estate was not put into execution.

Mr. SHERMAN. Not as to personal property. It is therefore necessary to have a time fixed.

Mr. MORTON. I inquire whether or not, at this session, we did not pass an act which to some extent modified it?

Mr. EATON. I was about to make very nearly the same proposition which was offered by the Senator from New York, differing in one particular. I propose that the bill of last session, the present law on the statute-book, together with these bills, be referred to the Committee on the District of Columbia; so that if any alteration be necessary in the law such alteration can be made. I have no idea that at this late day in the session a satisfactory tax bill can be perfected. I do not know that there is a tax bill in any State, or in any community in the United States, that is entirely satisfactory to that community. Therefore my honorable friend from Kansas is entirely right in the opinion he has expressed.

Mr. CONKLING. If the Senator will allow me, I will withdraw my amendment. I am satisfied that his suggestion is the true one. Let this bill go to the committee and they can consult with the commissioners and change such dates as are necessary, in their judgment, and they can report it back in a day or two. I think that the better way.

Mr. SPENCER. It is very necessary that we shall have this bill acted upon immediately, and I will consent to the course proposed, provided we can have the privilege of taking up the bill on Tuesday, when we shall be able to report to the Senate.

Mr. CONKLING. I do not think there will be any objection to that understanding.

Mr. INGALLS. Why not before Tuesday? Say on Monday.

Mr. SARGENT. I have no objection to any arrangement that is subject to the appropriation bills. The Army bill comes up on Monday.

Mr. SPENCER. If by general consent it be understood that when we report this bill back it shall be acted upon immediately, I have no objection.

Mr. CONKLING. I suggest that the Senator needs no general consent, and especially if the judgment of his committee should be in favor of such a suggestion as that now made by the Senator from Connecticut reporting a mere continuation of the law of last year, *mutatis mutandis*, making such variation of dates as will be necessary, it will lead to very little debate after what has occurred. I suggest to the Senator that he can take it up in the morning hour and have it considered in the morning hour.

The PRESIDING OFFICER, (Mr. DAWES in the chair.) The Senator from Connecticut moves that the bill and the pending amendments be recommitted to the Committee on the District of Columbia.

The motion was agreed to.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. MORRILL, of Maine. The committee of conference on the disagreeing votes of the two Houses on the legislative, executive, and judicial bill have had the same under consideration, and submit a report.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 2571) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1877, and for other purposes, having met, after full and free conference have been unable to agree.

LOT M. MORRILL,
WM. WINDOM,
ROBERT E. WITHERS,
Managers on the part of the Senate.

SAMUEL J. RANDALL,
WM. S. HOLMAN,
CHARLES FOSTER,
Managers on the part of the House.

Mr. EDMUNDS. I should like to inquire which House asked for the conference on this bill?

Mr. MORRILL, of Maine. The Senate.

Mr. EDMUNDS. Should the report be made here in the first instance, then?

Mr. MORRILL, of Maine. The Senate was the party asking the conference.

Mr. EDMUNDS. It is a good deal like the old lady's indigo, but I had the impression that the rule was exactly the other way. The Chair can inform me.

Mr. MORRILL, of Maine. We had the papers and asked for the conference.

Mr. EDMUNDS. In asking the conference you had the papers; but then they went back to the House and the House agreed to the conference.

Mr. MORRILL, of Maine. Yes.

Mr. EDMUNDS. And so, the House having the papers, the report should go to the House in the first instance.

Mr. SARGENT. I hope the Senator from Vermont will not interpose any point upon the conference report.

Mr. EDMUNDS. I submit that point of order. It is of no account in this particular instance that I know of; but it is quite proper in this state of things that we should observe the utmost decorum toward the House of Representatives. As I understand it, the body asking for the conference never acts first upon the report.

Mr. MORRILL, of Maine. It seemed to be understood in the committee of conference that the report should be made here first.

Mr. EDMUNDS. I remember that question was up on the bounty bill a year or two ago when we fell into exactly such a difficulty. Let us look at that.

Mr. MORRILL, of Maine. The usage perhaps has been as the Senator supposes; but it may be done either way, doubtless.

Mr. SARGENT. I hope the Senator from Vermont will not raise a point of order on this report. Unquestionably he is right; but it is not pertinent here. The other House is not in session, and we do not want to recall the committee of conference.

Mr. EDMUNDS. The propriety of procedure, considering the state of the thing, is probably of considerable more importance than the mere form.

Mr. SARGENT. Sometimes, however, it can be waived. There is nothing vital in the question.

Mr. EDMUNDS. First let me ascertain whether I am right.

Mr. SARGENT. The Senator is right, unquestionably.

Mr. EDMUNDS. I submit the point to the ruling of the Chair.

The PRESIDING OFFICER. The Chair understands that to the House granting the conference the report is to be made first.

Mr. EDMUNDS. That is as I understand it exactly.

Mr. MORRILL, of Maine. That is undoubtedly the usual practice, but not invariably, and in this instance, the House of Representatives not being in session, the form may be waived.

Mr. EDMUNDS. It will not help the matter because the House is not in session. If we are to ask for a new conference, the House not being in session will not help it a bit.

Mr. MORRILL, of Maine. It will, insomuch that we can act upon it now and send it to the House for action at their meeting on Monday.

Mr. EDMUNDS. It is a mere matter of form. The House will act on it on Monday and send it to us, because of course both Houses will agree to a new conference. I should like to have the rule read.

The PRESIDING OFFICER. The Secretary will read the rule.

The Chief Clerk read as follows:

And in all cases of conference asked after a vote of disagreement, &c., the conferees of the House asking it are to leave the papers with the conferees of the other; and in one case where they refused to receive them, they were left on the table in the conference chamber.

The PRESIDING OFFICER. It follows, therefore, that the conferees on the part of the Senate had no right to the papers.

Mr. EDMUNDS. I suggest to my friend, while I am sure he will not misunderstand my motive in making this point of order, that he treat the papers as not presented, because they are not, I believe, in a strict sense in the possession of our conferees.

Mr. MORRILL, of Maine. I withdraw the report.

The PRESIDING OFFICER. The report is withdrawn.

ORDER OF BUSINESS.

Mr. WRIGHT. I do not know what may be the temper of the Senate this afternoon as to a disposition to attend to any other busi-

ness. There were reported from the Committee on Claims a few mornings since two bills, both of them in the nature of appropriation bills. One is a bill providing for the payment of allowances that have been made by the accounting officers of the Treasury. The bill covers several pages, it is true, but these claims have been very carefully examined by the Committee on Claims, and there are only one or two amendments, which are not verbal, reported to the House bill. It occurred to me that perhaps the Senate might be willing to take up that bill this afternoon. I am sure it will take but a very few moments, unless there is a disposition to have it read.

Mr. EDMUNDS. It will have to be read.

Mr. WRIGHT. It is made up merely of names and amounts.

Mr. EDMUNDS. I do not think we ever ought to pass any bill without having it read.

Mr. WRIGHT. I do not want to insist upon keeping the Senate here this afternoon if there is a temper to adjourn, but at some time or other this bill must be read and considered. It ought to be acted upon at this session of Congress. I hope the Senate will be content to remain here and let us pass the bill this afternoon. It has passed the House and has been carefully considered by the Claims Committee of the Senate. There is but one change of importance, and that was made upon the recommendation of the accounting officers of the Treasury.

Mr. INGALLS. What is the whole amount in the bill?

Mr. WRIGHT. About $100,000. The bill has been passed upon by the Quartermaster's Department and also by the Third Auditor, and has been carefully examined. Some time it must be passed upon by us. I therefore move to proceed to the consideration of House bill No. 2691.

Mr. SHERMAN. I do not want to interfere with the disposition of the Senate this afternoon to pass this bill or anything else, but it is known very well that what was considered as a special order lost its place by some fault either of mine, or of the Senator from Missouri, [Mr. BOGY,] or of the Secretary of the Senate. The Senator from Missouri thought he made a motion which would secure it as a special order, but it lost its place. I refer to the silver bill. It is indispensably necessary to have that bill considered at some time. We cannot adjourn this Congress without making some provision more than is yet made by law for issuing silver change. I therefore move, pending the motion of the Senator from Iowa, not to interfere with it at all, that House bill No. 3398, for the issue of coin and for other purposes, be made a special order to take the place of the unfinished business on next Monday morning. I have no doubt that we can then get through with it in a very short time.

The PRESIDING OFFICER. Is there objection to entertaining the motion of the Senator from Ohio?

Mr. WRIGHT. I make the point of order that that is not in order pending the motion I have made to take up this bill.

The PRESIDING OFFICER. The Chair sustains the point of order. It is not in order to make that motion pending the motion made by the Senator from Iowa.

Mr. SHERMAN. I appeal, then, to the unanimous sense of the Senate. I do not want to struggle to get the bill up, for it is no more to me than to any other Senator; but I ask, as this bill was displaced by a misunderstanding, whether it ought not to be the sense of the Senate to take it up?

Mr. EDMUNDS. The Senate can refuse to take up the bill proposed by the Senator from Iowa, and then the Senator from Ohio can make his motion.

Mr. SHERMAN. I ask the Senator from Iowa to withdraw his motion for a moment to allow me to get the bill up.

Mr. WRIGHT. I am sure my bill will take no time except that occupied in its reading.

Mr. SHERMAN. I know that, but as soon as I can get the silver bill made the special order for Monday the Senator from Iowa can proceed with his bill.

Mr. WRIGHT. I can very well see, as an appropriation bill is to be taken up on Monday, the Army appropriation bill, which has been reported, that the motion of the Senator from Ohio will be antagonized.

Mr. SHERMAN. I will run the risk of that. We have got to pass this silver bill some time, as it is important that it should be sent back to the House of Representatives.

Mr. WRIGHT. I think I must insist on my motion, and take the sense of the Senate at all events as to whether they will take up the claims bill this afternoon. Of course if my motion is voted down, I shall have to surrender. I make the effort because I feel it my duty, in view of the importance of the bill and the numerous claims involved, mostly small claims, from $5 up, that some action should be had; and it should be got out of the way as soon as possible.

Mr. SHERMAN. After his bill is taken up, will the Senator from Iowa give me a chance to test the sense of the Senate as to whether they will make the silver bill the special order for Monday?

Mr. WRIGHT. If the Senate will take up my bill, I am sure it will lead to no discussion, and will only take the time necessary to read it.

Mr. SHERMAN. I have been here laboring diligently to get a special order on a bill which I regard of importance, and the Senate all feel that we must act on the question before we adjourn. Therefore, if the Senator from Iowa will not give me an opportunity to submit the motion to take the sense of the Senate to make the bill a special order for Monday, I shall insist on a division on his motion. If he will withdraw his motion for five minutes, I have no doubt the Senate will decide this matter. I am not going to debate it at all.

Mr. WRIGHT. I ask the Senator to defer his motion. Of course Senators will be influenced by the importance of the Senator's bill; but I think that action ought to be had at once upon the bill to which I refer.

The PRESIDING OFFICER. The question is on the motion of the Senator from Iowa [Mr. WRIGHT] to proceed to the consideration of the bill which he has named.

Mr. SHERMAN. I hope the Senator will postpone its consideration for five or ten minutes in order that I may make my motion.

The PRESIDING OFFICER. The question is on the motion to take up the claims bill.

Mr. SHERMAN. I call for a division. I am not going to take care of a bill of this kind for so long without an effort to get it before the Senate.

There were, on a division—ayes 19, noes 14; no quorum voting.

Mr. SHERMAN. I ask for the yeas and nays.

Mr. WRIGHT. Let us have the yeas and nays. I am sure there is a quorum here.

The yeas and nays were ordered; and being taken, resulted—yeas 26, nays 12—as follows:

YEAS—Messrs. Allison, Booth, Caperton, Cockrell, Conkling, Cooper, Dawes, Goldthwaite, Hamlin, Harvey, Howe, Johnston, Key, Logan, McCreery, Maxey, Morrill of Vermont, Morton, Norwood, Oglesby, Robertson, Spencer, Wadleigh, West, Withers, and Wright—26.

NAYS—Messrs. Bogy, Cragin, Eaton, Edmunds, Frelinghuysen, Hamilton, Ingalls, Morrill of Maine, Paddock, Sargent, Sherman, and Windom—12.

ABSENT—Messrs. Alcorn, Anthony, Barnum, Bayard, Boutwell, Bruce, Burnside, Cameron of Pennsylvania, Cameron of Wisconsin, Christiancy, Clayton, Conover, Davis, Dennis, Dorsey, Ferry, Gordon, Hitchcock, Jones of Florida, Jones of Nevada, Kelly, Kernan, McDonald, McMillan, Merrimon, Mitchell, Patterson, Randolph, Ransom, Saulsbury, Sharon, Stevenson, Thurman, Wallace, and Whyte—35.

So the motion was agreed to.

CLAIMS FOR ARMY STORES AND SUPPLIES.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 2691) for the allowance of certain claims reported by the accounting officers of the Treasury Department.

The PRESIDING OFFICER. The Secretary will read the bill.

Mr. PADDOCK, (at four o'clock and ten minutes p. m.) I move that the Senate adjourn.

Several SENATORS. O, no; let us go on.

The Senate refused to adjourn.

Mr. SHERMAN. I ask the Senator from Iowa to give way to me informally for a motion that House bill No. 3398, for which I reported a substitute yesterday, be made the special order at one o'clock on Monday. Then I will not interfere with him.

Mr. WRIGHT. I trust the Senator will allow this bill to take its regular course.

Mr. SHERMAN. My motion will not take a moment.

Mr. WRIGHT. I think there will be discussion on that very proposition, especially if it is to antagonize the Army appropriation bill on Monday.

The PRESIDING OFFICER. The Senator from Iowa declines to yield. The Secretary will read the bill.

The Chief Clerk proceeded to read the bill.

The bill was reported from the Committee on Claims with amendments.

The first amendment of the committee was in line 58, to change the name of "Somuel E. Cottrell" to "Samuel E. Cottrell."

Mr. WRIGHT. I wish to suggest in this connection that as there are several amendments which are a mere change of names, unless there be something said they may be passed as a matter of course, without stopping to take any question upon them. The bill has been very carefully compared with the rolls, and these changes have been made by the committee.

The amendment was agreed to.

The Chief Clerk continued the reading of the bill.

The next amendment was to strike out under the heading "State of Tennessee," lines 116 and 117, as follows:

To George G. King, Washington County, $912.50.

Mr. WRIGHT. I will state with reference to this amendment that on information derived from the accounting officers since the bill passed the House we find that they recommend that this claim be withdrawn, as it was passed by them by mistake. Therefore we have omitted it.

The amendment was agreed to.

The next amendment was in line 136, to change the name of "T. P. McNew" to "F. P. McNew."

The amendment was agreed to.

The next amendment was in line 149, after the word "seventy-five" to strike out "cents" and insert "dollars;" so that the paragraph will read:

To James G. Moore, executor of Statira Moore, deceased, Shelby County, [Tennessee,] $7,775.

The amendment was agreed to.

The next amendment was in line 225, to change the name of "Darwin I. Adkins" to "Darwin J. Adkins."

The amendment was agreed to.

The next amendment was in line 232, to change the name of "B.T. Roberts" to "R. T. Roberts."

The amendment was agreed to.

The next amendment was to insert after line 280, under the heading "State of Missouri:"

To Abner and Montney Thurman, Warren County, $375.50.

Mr. WRIGHT. I will state in reference to the amendment that it is only a transposition of the same names and the same amounts.

The amendment was agreed to.

The next amendment was in line 291, to change the name of "Ira D. Wood" to "Ira L. Wood."

The amendment was agreed to.

The next amendment was to strike out lines 293 and 294, as follows:

To Abner and Montney Thurman, Warren County, $375.50.

The amendment was agreed to.

The next amendment was in line 313, to change the name of "Willing Boling" to "William Boling."

The amendment was agreed to.

The next amendment was in line 317, to change the name of "G. L. Bowland" to "G. L. Bourland."

The amendment was agreed to.

The next amendment was to insert after line 358, under the heading "State of Kentucky:"

To Robert Floyd and George Anderson, partners, trading under the name of.

So as to read:

To Robert Floyd and George Anderson, partners, trading under the name of Floyd & Anderson, Jefferson County, $52.

The amendment was agreed to.

The next amendment was in line 363, to change the name "I. H. Gardner" to "J. H. Gardner."

The amendment was agreed to.

The next amendment was in line 476, to change the name "Harmon R. Wilson" to "Harmon K. Wilson."

The amendment was agreed to.

The next amendment was in line 518, to change the name "Isaac Vanasdall" to "Isaac Vanosdall."

The amendment was agreed to.

The next amendment was in line 578, to insert before the name "A. H. Hager" the word "to."

The amendment was agreed to.

The next amendment was in line 580, to change the name "A. Armstrong" to "S. Armstrong."

The amendment was agreed to.

The next amendment was in line 590, after the word "William," to strike out the letter "H" and insert "M;" and in the same line, after the word "administrator," to strike out the word "of" and insert "and;" so as to read:

To William M. Hill, administrator, and Henrietta Hill, administratrix of David Spong, deceased.

The amendment was agreed to.

The next amendment was in line 636, to change the name "Christian Slotler" to "Christian Stotler."

The amendment was agreed to.

The next amendment was in line 672, to change the name "Joseph A. Ritchie" to "Joshua A. Ritchie."

The amendment was agreed to.

The next amendment was in line 686, to change the name "L. Curtis" to "S. Curtis."

The amendment was agreed to.

The next amendment was in line 692, to change the name "S. J. Feltz" to "S. J. Weltz."

The amendment was agreed to.

The next amendment was after line 697, under the heading "State of Kansas," to insert:

To William R. Chitwood, Jefferson County, $26.84.

And to strike out the same words in lines 702 and 703.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

AMENDMENTS TO AN APPROPRIATION BILL.

Mr. MORRILL, of Vermont, from the Committee on Public Buildings and Grounds, reported certain amendments intended to be proposed to the bill (H. R. No. 3749) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1877, and for other purposes; which were referred to the Committee on Appropriations, and ordered to be printed.

BILL INTRODUCED.

Mr. MORTON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 939) for the relief of John S. Bishop; which was read twice by its title, referred to the Committee on Military Affairs, and ordered to be printed.

DOROTHEA IRONS.

Mr. LOGAN. I ask that the bill (H. R. No. 2017) for the relief of Dorothea Irons, sister of Lieutenant Joseph F. Irons, late of the First United States Artillery, be recommitted to the Committee on Military Affairs. It was reported by mistake, and I move that it be recommitted.

The motion was agreed to.

INDIAN APPROPRIATION BILL.

Mr. MERRIMON. Yesterday my colleague [Mr. RANSOM] was appointed a member of the committee of conference on the bill (H. R. No. 3478) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1877, and for other purposes. He is absent to-day, and will be absent some days. I move that he be excused from further service upon that committee and that his place be supplied.

Mr. RANSOM was excused; and by unanimous consent the Chair was authorized to fill the vacancy.

The PRESIDENT *pro tempore*. The Chair appoints upon the committee of conference upon the Indian appropriation bill the Senator from Virginia [Mr. JOHNSTON] in place of the Senator from North Carolina, [Mr. RANSOM,] who has just been excused from further service.

Mr. WITHERS. I will state that my colleague has just been called away by a telegram on account of sickness in his family, and probably he will not be here for several days. I therefore suggest the appointment of another Senator.

The PRESIDENT *pro tempore*. The Chair will appoint the Senator from West Virginia, Mr. CAPERTON, to fill the vacancy.

ORDER OF BUSINESS.

Mr. PADDOCK. I have in my hand a bill——

Mr. SPENCER. I ask unanimous consent to proceed to the consideration of a bill. I do not think it will take three minutes. There cannot possibly be any objection to it, and it is important that it should pass.

The PRESIDENT *pro tempore*. Does the Senator from Nebraska yield?

Mr. PADDOCK. I yield for a moment only.

The PRESIDENT *pro tempore*. The bill will be read for information.

Mr. SPENCER. I ask the Senate to take up the bill (S. No. 873) to provide for the 8 per cent. certificates of indebtedness issued for work done under the direction of the board of public works and chargeable to the private property benefited thereby.

Mr. HITCHCOCK. Is that bill reported from our committee?

Mr. SPENCER. From the Committee on the District of Columbia, unanimously reported. The Senator was present, I think, when we agreed to report this bill.

Mr. HITCHCOCK. I was not.

Mr. SPENCER. Let the bill be read at any rate.

The Chief Clerk read the bill.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of this bill?

Mr. CONKLING. I want to make an inquiry about it to see whether I object or not. Does this act, if act it shall be, confirm and validate all the assessments made upon private property in this District?

Mr. MORRILL, of Maine. I understand the object of the bill is to waive any technical difficulties in the assessment of the tax. The bill was introduced by myself, and that is the only way I happen to know anything about it. It was accompanied by a communication from the commissioners, whose statement I do not remember thoroughly, but I believe, in substance, it was this: That by authority of the territorial Legislature a certain amount of what were called "greenbacks" were issued, bearing 8 per cent. interest, to be paid out of the levy of a tax which was to be levied upon the property-holders whose property was to be improved by this money.

Mr. PADDOCK. My friend from Maine will allow me to suggest that I yielded the floor upon the representation of the Senator from Alabama that the bill which he proposed to have considered would not consume the time of the Senate and would give rise to no debate. I find that it will be impossible to pass the bill without talk.

Mr. EDMUNDS. It cannot be passed to-night, certainly.

Mr. PADDOCK. Therefore I must insist on the floor.

The PRESIDENT *pro tempore*. The Senator from Nebraska is entitled to the floor.

Mr. HOWE. I move that the Senate proceed to the consideration of executive business.

Mr. PADDOCK. I hope the Senator from Wisconsin will yield while I move to take up a bill for consideration.

Mr. HOWE. Very well.

Mr. CONKLING. What is the bill?

Mr. PADDOCK. It is a bill relating to the postage on official mail matter.

Mr. CONKLING. The Senator only wants to take it up and does not want action, I understand?

Mr. PADDOCK. That is all I desire to do. I will state as a reason for this request that if the bill should pass it will require a modifica-

tion of the post-office appropriation bill. That bill is now in the hands of a conference committee and there ought to be some action taken in reference to this matter immediately.

Mr. INGALLS. Is it a bill restoring the franking privilege?

Mr. PADDOCK. It restores the franking privilege so far as relates to official communications.

Mr. MORRILL, of Maine. Does the Senator desire to go on with it to-night?

Mr. PADDOCK. I do not desire to go on with it to-day. I simply wish the Senate by unanimous consent to take it up and let it lie over until Monday morning.

Mr. BOGY. I object.

Mr. MORRILL, of Maine. I suggest to my honorable friend from Nebraska that it be taken up subject to appropriation bills.

Mr. PADDOCK. Certainly; that is what I desire.

Mr. EDMUNDS. Of course it will have to take its chances against an appropriation bill.

Mr. SPENCER. The Senator wants it to remain as unfinished business; that is all, I understand.

Mr. PADDOCK. Yes, sir.

The PRESIDENT *pro tempore*. It will be considered the unfinished business, in the absence of appropriation bills. Is that understood?

Mr. BOGY. I object. The Senator from Ohio [Mr. SHERMAN] made a motion a while ago to take up the silver bill, so as to make that the special order for Monday. That is a bill which has been before the Senate for a long time and is of very great importance.

Mr. PADDOCK. If my friend will give way a moment I will state that I spoke to the Senator from Ohio about taking up this bill and making it the unfinished business for Monday morning, and I understood him to consent thereto.

Mr. BOGY. How long will it occupy the Senate?

Mr. PADDOCK. I think not more than twenty minutes. It ought not to do so, at any rate.

LEGAL TENDER OF SILVER COIN.

Mr. BOGY. I should like to make a proper motion, I do not know exactly what motion to make, so as to have the silver bill taken up on Monday at one o'clock and made the special order for that time. It is a bill of very great importance.

Mr. PADDOCK. Say two o'clock.

Mr. BOGY. We all must be aware of the fact that there will be a great deficiency of small change. It is being felt throughout the country now, and this bill ought to be disposed of one way or the other.

Mr. PADDOCK. I suggest to the Senator from Missouri that he name two o'clock. That will accommodate us all, I think.

Mr. BOGY. I have no objection to making it two o'clock.

The PRESIDENT *pro tempore*. The Senator from Missouri asks that the bill (H. R. No. 3398) for the issue of coin, and for other purposes, be made the special order at two o'clock on Monday. Is there objection? The Chair hears none, and it is so ordered.

OFFICIAL MAIL MATTER.

Mr. PADDOCK. I now renew my motion that the Senate proceed to the consideration of the bill (S. No. 552) to restore the franking privilege.

The PRESIDENT *pro tempore*. Is there objection to taking up the bill named by the Senator from Nebraska? The Chair hears none, and it is before the Senate.

Mr. HAMLIN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After forty-two minutes spent in executive session the doors were re-opened, and (at five o'clock and twenty-two minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

SATURDAY, *June* 24, 1876.

The House met at twelve o'clock m., and was called to order by its Clerk, Hon. GEORGE M. ADAMS.

The CLERK. In the absence of the Speaker of the House and of the Speaker *pro tempore*, the Clerk, in conformity with the rules and usages of the House, will now ask the House to be in order while the Chaplain proceeds in prayer.

Prayer by the Chaplain, Rev. I. L. TOWNSEND.

The CLERK. The House is now in session, and unless objection be made it will be held that the first thing in order is the election of a Speaker *pro tempore*.

Mr. RANDALL. There does not seem to be a quorum present, and I therefore move that the House now adjourn.

Mr. HARRIS, of Virginia. I hope not; there will be a quorum here soon.

The question was taken on the motion to adjourn; and upon a division there were—ayes 58, noes 23.

Before the result of this vote was announced,

Mr. HARRIS, of Virginia, called for the yeas and nays on the motion to adjourn.

The yeas and nays were ordered; there being 33 in the affirmative, more than one-fifth of the last vote.

The question was taken; and there were—yeas 30, nays 116, not voting 143; as follows:

YEAS—Messrs. Adams, Banning, Boone, Bradford, Cabell, John H. Caldwell, Cook, Cowan, Douglas, Ellis, Forney, Goode, Robert Hamilton, Kimball, Lamar, Lane, McDill, Milliken, Pierce, Piper, Potter, Reagan, Terry, Thompson, Waldron, Walling, Warren, Wike, Jeremiah N. Williams, and Young—30.

NAYS—Messrs. Ainsworth, Ashe, John H. Baker, William H. Baker, Ballou, Banks, Bland, Bradley, Buckner, Horatio C. Burchard, William P. Caldwell, Candler, Cannon, Cate, Caulfield, Chittenden, John B. Clarke of Kentucky, John B. Clark, jr., of Missouri, Conger, Crounse, Culberson, Cutler, Davis, De Bolt, Denison, Dibrell, Dobbins, Dunnell, Durand, Durham, Eames, Felton, Finley, Foster, Franklin, Frye, Fuller, Gause, Glover, Andrew H. Hamilton, Hancock, Haralson, Henry R. Harris, John T. Harris, Harrison, Hartridge, Hartzell, Haymond, Hendee, Hill, Holman, Hopkins, House, Hunter, Joyce, Kasson, Kehr, Ketcham, Knott, Leavenworth, Lewis, Lord, Luttrell, Lynch, Lynde, Maish, McCrary, McMahon, Metcalfe, Miller, Monroe, Morgan, Neal, New, Norton, Oliver, O'Neill, Packer, Payne, Phelps, Randall, John Reilly, Rice, Riddle, John Robbins, Robinson, Sampson, Savage, Scales, Schumaker, Seelye, Sheakley, A. Herr Smith, Springer, Stevenson, Tarbox, Thomas, Throckmorton, Turney, John L. Vance, Robert B. Vance, Charles C. B. Walker, Alexander S. Wallace, John W. Wallace, Walsh, Erastus Wells, White, Whitehouse, Whiting, Willard, Andrew Williams, Alpheus S. Williams, William B. Williams, Wilshire, James Wilson, and Woodworth—116.

NOT VOTING—Messrs. Anderson, Atkins, Bagby, George A. Bagley, John H. Bagley, jr., Bass, Beebe, Bell, Blackburn, Blaine, Blair, Bliss, Blount, Bright, John Young Brown, William R. Brown, Samuel D. Burchard, Burleigh, Campbell, Cason, Caswell, Chapin, Clymer, Cochrane, Collins, Cox, Crapo, Danford, Darrall, Davy, Eden, Egbert, Ely, Evans, Faulkner, Fort, Freeman, Frost, Garfield, Gibson, Goodin, Gunter, Hale, Hardenbergh, Benjamin W. Harris, Hatcher, Hathorn, Hays, Henderson, Henkle, Hereford, Abram S. Hewitt, Goldsmith W. Hewitt, Hoar, Hoge, Hooker, Hoskins, Hubbell, Hunton, Hurd, Hurlbut, Hyman, Jenks, Frank Jones, Thomas L. Jones, Kelley, King, Franklin Landers, George M. Landers, Lapham, Lawrence, Le Moyne, Levy, Edmund W. M. Mackey, L. A. Mackey, Magoon, MacDougall, McFarland, Meade, Mills, Money, Morrison, Mutchler, Nash, O'Brien, Odell, Page, Parsons, John F. Philips, William A. Phillips, Plaisted, Platt, Poppleton, Powell, Pratt, Purman, Rainey, Rea, James B. Reilly, William M. Robbins, Roberts, Miles Ross, Sobieski Ross, Rusk, Sayler, Schleicher, Singleton, Sinnickson, Siemons, Smalls, William E. Smith, Southard, Sparks, Spencer, Strait, Stenger, Stone, Stowell, Swann, Teese, Thornburgh, Martin I. Townsend, Washington Townsend, Tucker, Tufts, Van Vorhes, Waddell, Wait, Gilbert C. Walker, Ward, G. Wiley Wells, Wheeler, Whitthorne, Wigginton, Charles G. Williams, James Williams, James D. Williams, Willis, Benjamin Wilson, Alan Wood, jr., Fernando Wood, Woodburn, and Yeates—143.

So the motion to adjourn was not agreed to.

During the roll-call the following announcements were made:

Mr. DAVIS. My colleague, Mr. YEATES, is confined to his house by sickness.

Mr. CLARK, of Missouri. My colleague, Mr. PHILIPS, is detained at home on account of sickness.

Mr. VANCE, of Ohio. My colleague, Mr. VAN VORHES, is absent by leave of the House.

The result of the vote was announced as above stated.

ELECTION OF SPEAKER PRO TEMPORE.

Mr. HOLMAN. Mr. Clerk, I offer the following resolution:

Resolved, That Hon. MILTON SAYLER, a Representative from the State of Ohio, be, and he is hereby, appointed Speaker *pro tempore* during the present absence of the Speaker.

The resolution was adopted.

Mr. HOLMAN. I move that the House now adjourn.

Mr. CONGER. I rise to a point of order. I submit that the gentleman elected Speaker *pro tempore* should take the Chair before the House adjourns; before any business is done.

A MEMBER. He is not here.

Mr. FOSTER. The functions of the Clerk cease when the Speaker *pro tempore* is elected.

Mr. KASSON. I submit that it is in the power of the House to adjourn, and hardly in its power to do anything else in the absence of a Speaker. I hope, therefore, the motion to adjourn will be agreed to.

Mr. FOSTER. But we have a Speaker.

The CLERK. It will be held that action on the motion to adjourn is not business, and that it is competent for the House to adjourn whenever it thinks proper. The point of order raised by the gentleman from Michigan [Mr. CONGER] is therefore overruled.

The motion of Mr. HOLMAN that the House adjourn was agreed to; and accordingly (at twelve o'clock and twenty-five minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk under the rule, and referred as stated:

By Mr. BUCKNER: Remonstrance of citizens of Saint Charles County, Missouri, against the construction of the Portage Canal across the peninsula of Saint Charles County, Missouri, so as to turn the Missouri River into the Mississippi River about fifteen miles above the present mouth of the Missouri River, to the Committee on Commerce.

By Mr. SEELYE: Memorial of the New York committee for the prevention of licensed prostitution, signed by Mrs. Abby Hopper Gibbons, president, and other officers and members of said committee, praying that Congress may not enact any law authorizing or permitting the board of health to license prostitution in the District of Columbia, to the Committee on the Judiciary.

IN SENATE.

MONDAY, *June* 26, 1876.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Secretary proceeded to read the Journal of the proceedings of Saturday last; when, on motion of Mr. MORTON, and by unanimous consent, the further reading was dispensed with.

HOUSE BILL REFERRED.

The joint resolution (H. R. No. 131) appointing managers of the National Home for Disabled Volunteer Soldiers was read twice by its title, and referred to the Committee on Military Affairs.

PETITIONS AND MEMORIALS.

Mr. MORTON presented the petition of Thomas F. Ryan, of Indianapolis, Indiana, praying to be relieved from responsibility as surety upon the bond of one John A. May in the sum of $5,865.55; which was referred to the Committee on Finance.

Mr. ALLISON presented a petition of members of the bar of Washington County, Iowa; a petition of members of the bar of Scott County, Iowa; and two petitions of members of the bar of Louisa County, Iowa, praying for the passage of an act to provide for the holding of terms of the United States circuit and district courts at Davenport, Iowa; which were referred to the Committee on the Judiciary.

Mr. CAMERON, of Pennsylvania, presented a petition of sailors and seamen of the port of Philadelphia, Pennsylvania, praying for the passage of the bill (H. R. No. 3187) to amend title 53 of the Revised Statute relating to merchant seamen; which was referred to the Committee on Commerce.

Mr. HAMLIN presented the petition of the governor, members of the executive council, secretary of state, and others of the State of Maine, and the petition of the governor, members of the executive council, secretary of state, and others of the State of New Hampshire, praying that Commander Greenleaf Cilley, of Maine, now on the retired list of the United States Navy, be restored to his appropriate rank on the active list; which were referred to the Committee on Naval Affairs.

FAILURE OF APPROPRIATIONS.

Mr. MORRILL, of Maine. I move that the Senate take from the table the message of the President upon the subject of appropriation bills, in order that it may be referred to the Committee on Appropriations.

The PRESIDENT *pro tempore*. The Senator from Maine asks that the message of the President in regard to the failure of appropriations be taken from the table and referred to the Committee on Appropriations. The Chair hears no objection, and it is so ordered.

REPORTS OF COMMITTEES.

Mr. SPENCER, from the Committee on Military Affairs, to whom was referred the bill (S. No. 731) to limit and fix the Signal Service, reported it with amendments, and submitted a report thereon; which was ordered to be printed.

He also, from the Committee on the District of Columbia, to whom was referred the bill (H. R. No. 3740) providing for the recording of deeds, mortgages, and other conveyances affecting real estate in the District of Columbia, reported it without amendment.

Mr. SPENCER. I am also instructed by the Committee on the District of Columbia, to whom was referred the bill (H. R. No. 3741) amending an act incorporating the proprietors of Glenwood Cemetery, to report it without recommendation, and ask that it be placed on the Calendar.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar without recommendation on the part of the committee.

Mr. SPENCER also, from the Committee on the District of Columbia, to whom was referred the bill (H. R. No. 2043) to improve the law in relation to dower in the District of Columbia, asked to be discharged from its further consideration, and that it be referred to the Committee on the Judiciary; which was agreed to.

Mr. SPENCER. I shall give way to morning business, and then report the District tax bill for the action of the Senate.

Mr. HITCHCOCK. I am instructed by the Committee on Railroads, to whom was referred the bill (H. R. No. 3670) authorizing the Nebraska City Bridge Company to construct a ponton-railway bridge across the Missouri River at Nebraska City, in Otoe County, Nebraska, to report it without amendment.

Mr. PADDOCK. I ask unanimous consent for the immediate consideration of this bill. It is a bill of a usual character and entirely unobjectionable. Similar bills have been passed this session in two or three instances for other points, notably that for a bridge over the Mississippi River at La Crosse, I think.

Mr. COCKRELL. I ask that the morning business be allowed to proceed.

The PRESIDENT *pro tempore*. That is in the nature of an objection. The bill will be placed upon the Calendar.

Mr. COCKRELL, from the Committee on Military Affairs, to whom was referred a resolution of the Legislature of Kansas in favor of the passage of a certain act for the protection of public highways, asked to be discharged from its further consideration, and that it be referred to the Committee on Commerce; which was agreed to.

He also, from the same committee, to whom was referred a letter from the Secretary of War, transmitting a report of the Adjutant-General in the case of Benjamin F. Pope, assistant surgeon United States Army, recommending the passage of a bill to determine the status of this officer, asked to be discharged from its further consideration; which was agreed to.

Mr. LOGAN, from the same committee to whom was referred the joint resolution (H. R. No. 125) authorizing the Secretary of War to loan to the authorities of the city of Paterson, New Jersey, four pieces of artillery, to be used in celebrating July 4, 1876, reported adversely thereon, and the joint resolution was postponed indefinitely.

He also, from the same committee, to whom was recommitted the bill (H. R. No. 2017) for the relief of Lizzie Irons, sister of Lieutenant Joseph F. Irons, late of the First United States Artillery, reported it with amendments.

Mr. LOGAN. I am also instructed by the same committee, to whom was referred the bill (H. R. No. 58) to equalize the bounties of soldiers who served in the late war for the Union, to report it with amendments.

The PRESIDENT *pro tempore*. The bill will be placed upon the Calendar.

Mr. LOGAN. I prefer it not to be placed upon the Calendar, but left in a condition where I may have an opportunity of calling it up, if that will be regular.

The PRESIDENT *pro tempore*. It can be called up if placed upon the Calendar. The rule requires it to go on the Calendar.

Mr. SHERMAN. It ought to go on the Calendar.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar. The Senator can call it from the Calendar as well as from the table.

Mr. CRAGIN, from the Committee on Naval Affairs, to whom was referred the bill (H. R. No. 590) for the relief of Mrs. Susan E. Rhea, widow of Dr. J. Burrows Gardiner, reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. No. 457) authorizing the restoration of Charles E. Boggs to the active list, reported it with an amendment.

Mr. WRIGHT, from the Committee on the Judiciary, to whom was referred the bill (H. R. No. 231) for the relief of Robert Erwin, submitted an adverse report thereon; which was ordered to be printed, and the bill was placed upon the Calendar.

Mr. CONKLING, from the same committee, to whom was referred the bill (S. No. 846) to punish the counterfeiting of trade-mark goods and the sale of or dealing in counterfeit trade-mark goods, reported it with amendments.

DAVIDSON'S REPORT ON IRRIGATION.

Mr. ANTHONY, from the Committee on Printing, to whom was referred the following resolution, reported it without amendment, and asked for its present consideration:

Resolved, That the report of George Davidson, assistant Coast Survey, describing and illustrating methods for irrigating land in India and in Southern Europe, transmitted by the Secretary of the Treasury in compliance with a resolution of the Senate, be printed, with 150 extra copies for distribution by the Superintendent of the Coast Survey.

The resolution was considered by unanimous consent, and agreed to.

BILLS INTRODUCED.

Mr. CRAGIN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 940) for the relief of William S. Lawrenson; which was read twice by its title, referred to the Committee on Naval Affairs, and ordered to be printed.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 941) for the relief of Passed Assistant Engineer John W. Gardner; which was read twice by its title, referred to the Committee on Naval Affairs, and ordered to be printed.

Mr. ROBERTSON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 942) to define the powers of the commissioners of the District of Columbia in respect to the board of health and the commissioners of police of the police district of the District of Columbia; which was read twice by its title, referred to the Committee on the District of Columbia, and ordered to be printed.

Mr. MITCHELL asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 943) establishing a mail-route in Oregon; which was read twice by its title, referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

Mr. MORTON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 944) for the relief of Gilderoy M. Hardy, guardian of the minor children of Watson C. Howard, deceased; which was read twice by its title, referred to the Committee on Pensions, and ordered to be printed.

DISTRICT POLICE FORCE.

Mr. WADLEIGH. I offer the following resolution, and ask for its present consideration:

Resolved, That the police commissioners of the metropolitan police district of the District of Columbia be requested to report to the Senate the names of the men who have been appointed upon the police force of said District since the act of Congress of March 2, 1867, and now upon said police force, with the date of the appointment of each; and also whether in making such appointments the provisions of said act have been complied with, and, if not, for what reason.

The Senate proceeded to consider the resolution.

Mr. SPENCER. I suggest to the Senator from New Hampshire that the resolution had better be referred to the Committee on the District of Columbia.

Mr. WADLEIGH. I hope that will not be done. It simply asks for information. There is no need of any reference.

Mr. SPENCER. Very well; I have no objection.

The resolution was agreed to.

AMENDMENT TO APPROPRIATION BILL.

Mr. HOWE submitted an amendment intended to be proposed by him to the bill (H. R. No. 3749) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1877, and for other purposes; which was referred to the Committee on Appropriations, and ordered to be printed.

DISTRICT TAX BILL.

Mr. SPENCER. The Committee on the District of Columbia, to whom was recommitted the bill (H. R. No. 2676) to regulate the assessment and collection of taxes for the support of the government of the District of Columbia, and for other purposes, acting under what they consider the instructions of the Senate on last Saturday, have, with the aid of the commissioners, prepared a bill which the committee now report back to the Senate without any recommendation on the part of the committee, each member of the committee being uncommitted upon the subject. They have prepared the act of last year so as to continue it in force another year, with such verbal amendments as are necessary to make it effective, and also with one or two small amendments which the commissioners think necessary to perfect the bill. I report the bill back and ask the Senate to take such action upon the subject as it may deem best. It is the bill of last year continued in force another year, with the necessary alterations of dates. If the Senate are willing to take it up at the present time and pass it, I shall be glad. If they are not willing to do so, I give notice that I will call it up to-morrow morning. The Senate can do as it chooses.

Mr. MORTON. It had better be postponed until to-morrow morning.

Mr. ROBERTSON. I move that the bill be printed.

The PRESIDENT *pro tempore*. The bill will be printed and go over until to-morrow.

Mr. ROBERTSON. I offer an amendment to the bill.

The PRESIDENT *pro tempore*. The amendment will be printed.

Mr. SPENCER. Then I give notice that to-morrow morning, during the morning hour, I will call up the bill for action.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar with that understanding, if there be no objection.

Mr. WEST. I should like to serve a *caveat* on the Senator from Alabama and tell him that I shall claim the morning hour to-morrow with a matter that has been deferred three times and given way to other business.

Mr. SPENCER. If that is the case, the Senate had better act upon the tax bill to-day. I move that the Senate proceed to the consideration of the tax bill just reported from the Committee on the District of Columbia.

Mr. ALLISON. Has it been printed?

Mr. SPENCER. It is the law of last year. The Senator can send to the document room and get as many copies as he wants. It is the old law with some verbal amendments necessary to adapt it to this year and continue it.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the bill?

Mr. ALLISON. I do not object to the consideration, provided at one o'clock I can have an opportunity of calling up the Army appropriation bill. I do not object to the bill coming up in the morning hour.

Mr. SPENCER. It will not take long, I am sure.

The PRESIDENT *pro tempore*. The Chair will state to the Senator from Iowa that the unfinished business will come up at one o'clock.

Mr. HAMLIN. I hope the Senate will take up this bill. Such was the understanding yesterday. I understand that it is a single section reviving the tax bill of last year.

Mr. SPENCER. No, it is not that. We report the tax bill of last year as a substitute for the bill which was recommitted to the committee. To revive it by a single section would make it anomalous as many changes of dates, &c., are necessary.

Mr. HAMLIN. It is reviving the bill of last year with such changes as to the time when certain things have been done as are necessary. That act having passed at an earlier day than this last year, it becomes necessary to make those changes.

Mr. SPENCER. With a few other amendments.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Alabama to proceed to the consideration of the bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 2676) to regulate the assessment and collection of taxes for the support of the government of the District of Columbia, and for other purposes.

The bill was reported from the Committee on the District of Columbia with an amendment to strike out all after the enacting clause and insert a substitute.

The PRESIDENT *pro tempore*. The proposed substitute will be read.

Mr. SPENCER. The body of the substitute is the law of last year with such changes as are necessary, and I suggest that the Secretary need only report the amendments proposed to the former act.

The PRESIDENT *pro tempore*. The amendment is to strike out all after the enacting clause and insert as a substitute what the Secretary holds in his hand.

Mr. SHERMAN. The Secretary understands that the bill which he holds in his hand is but a printed copy of the law of last year, and now there are certain amendments proposed to the act of last year. There is no difficulty in reading the paragraphs of the act to which amendments are now proposed.

The PRESIDENT *pro tempore*. The Secretary will therefore read the amendments as they are reached in order.

Mr. SPENCER. There is no necessity for reading the mere changes of dates.

The PRESIDENT *pro tempore*. As there are no numbered lines, the Secretary will read the amendments, but cannot define their location. The Senate will have to judge of that by the phraseology. The first amendment of the committee to the present law will be read.

The CHIEF CLERK. The first amendment is in the first section, to strike out "1876" and insert "1877;" so as to read:

For the support of the government of the District of Columbia for the fiscal year ending June 30, 1877.

The next amendment is to strike out the words "October, 1875," in the third section, and insert "December, 1876;" so as to read:

That one-half of the taxes levied by this act upon real and personal property shall become due and payable on the 1st day of December, 1876.

The next amendment is in section 3, to strike out "April, 1876," and insert "June, 1877;" so as to read:

And the other one-half of such tax shall become due and payable on the 1st day of June, 1877.

The next amendment is in section 4, to strike out in the second line the words "on or," and in the third line to strike out "October, 1875," and insert "December, 1876;" so as to read:

That if one-half of the tax herein levied upon the real and personal property taxed by this act shall not be paid before the 1st day of December, 1876, said installment shall thereupon be in arrears and delinquent.

The next amendment is to strike out, lower down in the fourth section, the words "on or" before the word "before," and after the words "1st day of," to strike out "April, 1876," and insert "June, 1877;" so as to read:

And if said installment shall not be paid before the 1st day of June, 1877, &c.

The next amendment is to strike out "April," where it next occurs in the section, and insert "June;" so as to conform with the preceding amendment.

In section 5 it is proposed to strike out "May, 1876," and insert "July, 1877;" so as to read:

That it shall be the duty of the collector of taxes in said District to prepare a complete list of all taxes, on real property upon which the same are assessed, in arrears on the 1st day of July, 1877.

It is proposed also in section 5 to strike out "June" and insert "August;" so as to read:

And he shall, within ten days thereafter, publish the same, with a notice of sale, in the regular issue of a daily newspaper published in said District, to be designated by the commissioners of the District or their successors in office as hereinafter provided, once a week for three successive weeks, giving notice that if said taxes due, together with the penalties and costs that may have accrued thereon, shall not be paid prior to the day named for sale, the property will be sold by the said collector at public auction, at the south front of the court-house in the city of Washington, on the second Tuesday of August following, between the hours of ten o'clock a. m. and four o'clock p. m. of said day to the highest bidder or bidders.

Mr. MERRIMON. I beg to ask the chairman of the committee if there were not a great many complaints last year in regard to the expense of publishing the notice in the newspapers, and if the committee did not agree in a bill reported the other day that notice should be given in pamphlet form, which would greatly economize that matter?

Mr. SPENCER. I will say to the Senator from North Carolina that under the present arrangement the saving would not be much. The entire amount of advertising last year under the commissioners was only $8,250.

Mr. MERRIMON. I remember there was something said about it, and the committee endeavored to obviate the difficulty by requiring that notice should be given in pamphlet form.

Mr. ANTHONY. I should like to ask the chairman of the committee that has this bill in charge if there is provision in it for the redemption of estates that have been sold?

Mr. SPENCER. There is such an amendment.

Mr. ANTHONY. That seems to be manifestly required by justice.

Mr. SPENCER. That is one of the amendments of the committee. We shall get to that after a while.

Mr. MERRIMON. I do not want to throw any obstacle in the way of the passage of this bill; but I think there has been great complaint about the amount of money which was spent in advertising last year. My own impression is that the bill as amended ought to have been printed before the Senate acted upon it; but it seems there is a necessity for pressing the bill now.

Mr. SHERMAN. I have a printed copy of the act here which I will loan the Senator.

Mr. MERRIMON. That is not material, perhaps, but I want to economize the expenses of the District.

Mr. SHERMAN. We have a law before us which requires an advertisement in the newspapers, one insertion for three weeks in case of delinquent taxes.

Mr. SPENCER. The entire amount paid last year for advertising was $8,250, and that comprised the delinquents for several years. If it is published in pamphlet form it will probably cost a third as much and nobody will know whether his property is advertised or not unless he goes to the office of the commissioners.

Mr. CONKLING. Having been detained in committee, I ask the Secretary to begin anew in reporting these amendments that we may all know what they are.

Mr. SHERMAN. From what section did the Secretary last read?

The PRESIDENT *pro tempore*. Section 5.

Mr. CONKLING. Allow me to inquire, has the committee reported at large the whole bill over again, and not merely an extension of the bill with amendments?

The PRESIDENT *pro tempore*. They have reported to strike out and insert.

Mr. SPENCER. We have reported the tax bill of last year at large, continuing it with changes of dates and other amendments.

The PRESIDENT *pro tempore*. The committee propose to substitute the bill which the Secretary now holds in his hand, being the tax bill of last year with modifications.

Mr. CONKLING. I was not aware of that. I did not mean to interfere with it. I had supposed that an act which covers five and a quarter closely printed octavo pages could be extended without re-enacting it at length.

The PRESIDENT *pro tempore*. As the Chair understands, it is the law of 1875 with sundry amendments which the Secretary is now reporting. The next amendment will be reported.

The CHIEF CLERK. The next amendment is in section 7, to strike out the words "on or" in the second line and to strike out "1875" and insert "1876" in the third line; so as to read:

That when the installment of one-half of the taxes on personal property so as aforesaid due and payable before the 1st day of October, 1876, shall not be paid, &c.

The next amendment is to strike out the words "on or" in the fifth line of the seventh section, and to strike out "April, 1876," and insert "June, 1877;" so as to read:

Before the 1st day of June, 1877.

The next amendment is in section 8, line 2, after the word "first" to strike out down to and including the word "other" in the tenth line of the section the following words:

Houses for the reformation of offenders, alms-houses, buildings devoted to art or belonging to institutions of purely public charity; church buildings, and grounds actually occupied by such buildings; houses to improve the condition of seamen or soldiers; free public library buildings and cemeteries; secondly, the lands or grounds appurtenant to any said house or building, so far as reasonably needed and actually used for the convenient enjoyment of any said house or building for its legitimate purpose and no other.

And in lieu thereof to insert:

Buildings devoted to art, free public library buildings, and churches, and grounds actually occupied by such buildings; secondly, houses for the reformation of offenders, alms-houses, buildings belonging to institutions of purely public charity, houses to improve the condition of seamen or soldiers, cemeteries dedicated and used solely for burial purposes and without private income or profit.

Mr. SPENCER. I will say in explanation of this amendment that the old law was so framed that under it there are claims for the exemption of whole squares from taxation as church property. Another object was to provide for a certain cemetery here that is owned for speculative purposes, so as to remit a portion of it to taxation. It is owned by a corporation who derive large dividends and certainly ought to pay a tax.

Mr. INGALLS. I should like to hear the clause referring to church property read once more.

The Chief Clerk again read the amendment.

Mr. CONKLING. I suggest to the chairman, in view of his statement that as the law stands now it embraces whole squares annexed to churches, that the terms employed in the amendment are exactly the terms here:

Church-buildings, and grounds actually occupied by such buildings.

If he wants to curtail that exemption, he employs the precise words to stand in this law which, he says, are so vague that they were found to include what he states.

Mr. SPENCER. If the Senator will read the section through, he will see that it is rectified.

Mr. CONKLING. The law now, if the Senator will pardon me, stands thus:

First, houses for the reformation of offenders, alms-houses, buildings devoted to art or belonging to institutions of purely public charity; church-buildings, and grounds actually occupied by such buildings.

Mr. SHERMAN. Read lower down in the section.

Mr. CONKLING. These are the words as they stand now:

Houses to improve the condition of seamen or soldiers; free public library buildings and cemeteries.

I am not speaking of cemeteries, but I am speaking of the entire squares connected with the churches, to which the Senator referred.

Mr. SHERMAN. The next clause is omitted.

Mr. CONKLING. Secondly:

The lands or grounds appurtenant to any said house or building, so far as reasonably needed and actually used for the convenient enjoyment of any said house or building for its legitimate purpose and no other.

Mr. SHERMAN. That is left out by the amendment.

Mr. CONKLING. If that is the amendment, I submit it should be simply to drop that out, whereas the amendment is to recast all this phraseology, except the very words which are said to be too vague in respect of embracing squares, which are still found here. If the purpose is to omit the three lines which I read last, then I suggest that those three lines should be omitted:

The lands or grounds appurtenant to any said house or building, so far as reasonably needed and actually used for the convenient enjoyment of any said house or building for its legitimate purpose and no other.

Mr. THURMAN. Are those words left out?

Mr. CONKLING. These latter words the Senator from Ohio [Mr. SHERMAN] says are omitted. The former words are carried in; and yet the motion is to strike them all out and replant a part of these words, as I understand, whereas the whole purpose is purely to omit these latter words.

Mr. SPENCER. Will the Secretary read the amendment again?

The Chief Clerk again read the amendment

Mr. THURMAN. I think the law of last year is right as it stands. If I understand the amendment as now offered, it only exempts from taxation the ground that is actually covered with buildings. That I do not think is right. I am quite sure there are quite a number of churches in this city about which there may be a few feet of ground on either side, and perhaps a few feet of ground in the rear, or a few feet of ground in the front. Is it proposed that these little strips of land are to be valued and taxed? I do not think that is right.

Mr. SPENCER. If the Senator will allow me to interrupt him, the amendment says "actually occupied," not "covered." The few feet on each side will not be subject to taxation.

Mr. THURMAN. I ask that the amendment be read again.

The PRESIDENT *pro tempore*. It will be read.

The Chief Clerk read as follows:

First, buildings devoted to art, free public library buildings, and churches, and grounds actually occupied by such buildings. Secondly, houses for the reformation of offenders, alms-houses, buildings belonging to institutions of purely public charity, houses to improve the condition of seamen or soldiers, cemeteries dedicated and used solely for burial purposes and without private income or profit.

Mr. THURMAN. Now, Mr. President, I see that here is quite an important change made if I understand it. That provision in respect to the ground relates to churches alone and the land occupied thereby, and then it goes on with alms-houses and the like after that provision, whereas the law as it now stands reads:

First, houses for the reformation of offenders, alms-houses, buildings devoted to art or belonging to institutions of purely public charity, church buildings, and grounds actually occupied by such buildings; houses to improve the condition of seamen and soldiers.

Mr. SPENCER. If the Senator will allow the Clerk to read the whole section he will find that he is mistaken.

Mr. THURMAN. I will thank the Clerk to read it again.

The Chief Clerk read as follows:

SEC. 8. That the property exempt from taxation under this act shall be the following and no other, namely: First, buildings devoted to art, free public libraries, and churches, and grounds actually occupied by such buildings. Secondly, houses for the reformation of offenders, alms-houses, buildings belonging to institutions of purely public charity; houses to improve the condition of seamen and soldiers; cemeteries dedicated and used solely for burial purposes and without private income or profit; but if any portion of any of said building, house, grounds, or cemeteries so in terms excepted is larger than is reasonably needed and actually used for its legitimate purpose and none other, or is used to secure a rent or income, or for any business purpose, such portion of the same or a sum equal in value to such portion shall be taxed against the owners of said building or grounds.

Mr. THURMAN. That is right enough. That is exactly the proper idea if the previous words have the effect to exempt so much of this appurtenant land as ought to be exempted.

Mr. SPENCER. The reason of this amendment was that the commissioners and the attorney of the District thought the first portion of the section was so vague that they were at a loss to construe it, and they wanted the law to be made more specific.

Mr. THURMAN. It ought to be specific; but what I wish to say and all I wish to say about it is that, because there may be a little strip of land by the side of a church, or in the rear of a church, or in the front of a church, or because there may be a little play-ground to a charity-school, that ought not to be taxed.

Mr. SPENCER. I do not think that that would be taxed under this section.

Mr. THURMAN. With the interpretation put upon it by the chairman of the committee, I am content. It ought to have that interpretation.

Mr. HOWE. I understand from the chairman of the District Committee that the language employed here is intended to exempt from taxation some more ground than that which is actually covered by the buildings enumerated.

Mr. SPENCER. Certainly.

Mr. HOWE. But how much more ground?

Mr. SPENCER. A reasonable amount. The object is to prevent abuse. They make claims to the commissioners to have whole squares exempted now for charitable purposes.

Mr. HOWE. Do you mean to exempt so much as the commissioners allow or what some other authority may say is reasonable?

Mr. SPENCER. The tax we are talking about, and no other.

Mr. HOWE. But there ought to be a definite quantity. You mean to exempt from taxation, as you say, something more than that quantity.

Mr. SPENCER. Whatever is reasonable.

Mr. HOWE. The Senator from Ohio says "a play-ground."

Mr. SPENCER. The object of this law is to exempt from taxation what is actually used and needed for the purpose.

Mr. HOWE. I take it, Mr. President, there is no church standing which has more ground annexed to it than in the estimation of those who own the church is actually needed. But suppose the commissioners should think the church could possibly get along with a little less ground than the wardens think is necessary, who in that case is to be the judge?

Mr. SPENCER. I do not suppose that any such controversy will arise. If it should, I suppose the commissioners would have to judge.

Mr. HOWE. But would it not meet the views of the committee to estimate the appraised value of this property?

Mr. SPENCER. I do not see how it can be computed. I want to say, in reference to the committee, that I do not think there is a member of the committee in favor of this bill; but we have reported it under the instructions of the Senate. We believe—at least I do myself—that it proposes a very onerous and very unjust tax, and that it is a bill which will be very unpopular in the community of Washington. I doubt very much whether all its provisions can be carried into effect. Still, under the instructions of the Senate we have reported this bill. We do not hold ourselves responsible for it in any way, shape, or manner.

I should like to state here, that I think the result of carrying out this law will be that next winter we shall be petitioned from all sources for a government of the people here. I think Congress will be flooded with petitions from this people asking to be allowed to elect their own government. I think that will be the result of the bill, and I hope so. I am in favor of popular suffrage.

Mr. MORRILL, of Vermont. I ask the chairman of the Committee on the District of Columbia to accept the following addition to the exemption proposed by the bill. I do not know that it is necessary; but it does not appear that the public buildings and grounds of the United States are exempt from taxation by the bill. I move to add to the last amendment the following:

And all buildings and grounds belonging to the United States.

Mr. SHERMAN. They are excepted now by the first section.

Mr. MORRILL, of Vermont. I did not find it.

Mr. SARGENT. It ought not to be. I am opposed to that amendment and in favor of striking out the exemption in the first section.

Mr. MORRILL, of Vermont. I withdraw the amendment, if it is in the first section.

Mr. SARGENT. The Senator cannot withdraw it until I finish my remarks. I wish to say a word or two in reference to that.

The sundry civil bill, in which there is ordinarily a provision of a million and a quarter as the United States portion for the cost of running this District, has reached the Senate without any provision of that kind, and I do not know whether it is proposed by Congress to make any ordinary appropriation to pay a portion of the expenses of this District. We pass here a bill which taxes one-half of the property of this District, both real and personal, and the other half is to go entirely scot-free. It seems to me this is entirely unjust. If Congress should pass a general law, a permanent statute, providing that there should be a certain valuation placed upon the United States property and that a permanent payment to that extent should be made annually out of the Treasury, there would be some measure of justice toward the people of this District. I do not know what right the Government has to the ownership of all these streets, all these fine buildings here, to use these streets to run its merchandise over, bring here all its works of art and utility, to occupy, in short, one-half of the property of this city, and pay nothing toward the expenses of the District or next to nothing.

It seems to me it is nearly time that there should be some regulation of the business of the United States in connection with this District. Sometimes we treat the District like a spoiled child, and at another time we treat it as a step-mother would, and refuse it all justice of every kind; and this year, it seems to me, is the step-mother year. It would be much better and more just to the Government to ascertain the amount that it ought to pay. The position of affairs in this District is very dissimilar to that of ordinary cities, where the Government may have a single building, or two or three buildings. Here the principal business is carried on by the Government, and everything else is a little retail business depending on the Government. It has the fine buildings, the great improvements; it owns the parks and squares, and claims to own the streets, which it requires the citizens principally to improve, keep clean, and light at their own expense.

The Senator from Ohio [Mr. SHERMAN] suggests to me that the Government does not pay a cent for the expense of the education of the children of its own employés. That burden is thrown on the citizens of the District generally. I might make a long list of things for which the Government pays nothing. It is only within a few years that it has paid anything for the fire department, although the fire department has been frequently useful in saving vast amounts of public property, and stands watchful over it day and night. I shall be opposed, therefore, to the amendment of the Senator from Vermont, if he insists upon it exempting the Government from assessment and taxation. Perhaps it would be better that there should be a reasonable and decent assessment made from year to year on Government property; but if the Government cannot consent to an assessment of its property made by others, it ought to assess it itself and make regular appropriations for the benefit of the District somewhere in proportion to the amount of business that it does here and the property which it owns.

Mr. INGALLS. Mr. President, it is certainly a very novel proposition to introduce in the Senate that the Government is to be taxed upon the property which it owns either here or elsewhere. The Government is the proprietor of a very large amount of land in the State of Kansas, which I should be very glad indeed to have taxed and compelled to bear its share of the burdens of our State; and if there is any reason why the property of the Government should be taxed here, there is the same reason why it should be taxed elsewhere. Navy-yards, ships at sea, fortifications, public lands, everything that the Government owns should be taxed if there is any reason why its property should be taxed here. But as that matter is not pending, I merely rise to say that in my judgment the original provision as it stands in this bill is much better than that reported by way of amendment from the committee this morning. The original bill provides that "church buildings and grounds actually occupied by such buildings" shall be exempt, with the further provision that the lands or grounds appurtenant to any said house or building, so far as reasonably needed and actually used for the convenient enjoyment of any said house or building for its legitimate purpose, and no other, shall also be exempt.

But under this provision, as I am advised, very great wrongs and injustice have been perpetrated upon the property-holders of this District. There is one case in my mind at the present time. There is, as every Senator is aware, a very large tract of land on the north side of F street, between Ninth and Tenth, that is occupied by a partially constructed church building, upon which, I believe, no work has been done for several years. I do not know what denomination owns the church or the ground. The building has been run up, I believe, one story or partially to the height of one story. I am advised that that property, which is worth a great many thousand dollars, has for the last five or six years entirely escaped taxation. There is no church upon it; there is no completed building upon it which is occupied for church purposes; but it is owned by a church organization, and under the provisions of the law that have been inserted in this bill and other statutes that amount of property has entirely escaped its share of the public burdens.

Now, sir, I am in favor of the largest license and the largest liberty of religious worship, and believe that no burden should be imposed on property used for that purpose more than is absolutely necessary; yet it is evident that there is a gross wrong and injustice, that there is no reason why property that belongs merely to a church organization upon which no building has been completed should be entirely exempt from taxation. I therefore hope that the amendment reported from the committee will not be adopted, but that the Senate will agree to the bill as it stands originally on the statute-book.

Mr. SPENCER. The amendment is intended to cover exactly what the Senator from Kansas refers to.

Mr. INGALLS. It does not.

Mr. SPENCER. The commissioners think it does and the attorney of the District thinks so.

Mr. MORTON. The proposition that property of the United States should be taxed seems to me to be very unreasonable. I do not see any advantage or use in the Government assuming the entire control and government of this people without availing itself of that privilege to exempt its own property and tax the people only. But when I look at the large debt which has been created within the last three or four years, I do not feel quite certain that the Government has not of itself paid or undertaken to pay some portions of the expenses of this District.

Mr. SHERMAN. I will simply say to my friend that the Government of the United States has agreed and solemnly stipulated to pay its proportionate share of the expenses of the District, but it has never done it. It is one of those promises that have not been performed. The law passed a few years ago expressly stipulated that the United States should pay its proportionate part of the expenses, but it has never yet provided for it; and I do not know that there is any bill pending proposing to do it. There ought to be a provision in this bill that the United States appropriate from the public Treasury a certain amount, say one-third or one-fourth, or some proportion of the expenses of the government of this District. That is an express stipulation of law, but it has not been done. I think it should be put on this bill, without objection, that the Government of the United States appropriate a certain proportion of the expenses of this city government. I am not prepared to state any fraction; but, if the amount that will be raised by this bill as estimated yesterday is $1,700,000, I think the Government of the United States ought to appropriate about one-third of that sum, and that would make the Government pay about one-fourth of the expenses. I will not offer such an amendment, because I have not examined the question except so far as to know that there is a stipulation of law that ought to be complied with. I think, as this bill levies a tax upon the citizens, it ought to appropriate for the just proportion of the Government.

Mr. CONKLING. Why should it be only one-fourth?

Mr. SHERMAN. I do not mention the exact proportion because I

have not studied it. Let the District Committee make the proper proportion, and I will vote for it with pleasure.

Mr. HAMILTON. I should like to hear the Senator from Ohio state his grounds for the Government of the United States paying one-third or one-half or any proportion of the expenses of this District.

Mr. SHERMAN. I have just stated to my friend from Texas, first, that we agreed to do it. That ought to be a good ground with my friend.

Mr. HAMILTON. There is force in that; but the Senator from Ohio will remember that the agreement, if it can be called such, was made at a time and under circumstances when nobody could consider it fully or fairly. It was about the time you abolished and broke up the territorial government of the District, in 1874, when everything was in confusion at the close of the session, and nobody had time or opportunity to ascertain what was in that bill. Then for the first time, I think, was a proposition to make the property of the Government in the District taxable ever brought forward. How does it happen that from 1800 down to three or four years ago nobody ever heard of a proposition that the Government of the United States should pay a portion of the expenses of this District? It was first brought forward by the Delegate from the territorial government in the House of Representatives; and it was brought forward at the instance and suggestion of the gentlemen who have figured so largely in the government of this District during the last five or six years, and evidently for their benefit, because their extravagant expenditures had brought their measures under the condemnation of the people of the District very largely. This scheme was suggested with the object of relieving the people of the District, and it did to a considerable extent conciliate them. They were persuaded to be still while the debt of the District was being quietly partitioned between it and the Government of the United States with the consent of Congress. This is the truth, sir, we all know. I undertake to say that there is not one particle of justice in such a proposition. The Government owns no property here that is not an ornament to the city or that is productive. There is not a city in the Union that would not be glad to have such expenditures made by the General Government itself, and exempt the property from taxation. Your table is loaded every winter with propositions to build court-houses, custom-houses, post-offices, and every petition of the kind is accompanied with a promise on the part of the State asking the expenditure to exempt the property from taxation by legislative enactment, the ground as well as the building, before any work is authorized to be done.

There you have expended fifty or sixty, perhaps seventy millions of dollars in buildings, parks, squares, and circles. These latter adorn the front of almost every Senator's house in the city, and Representative's as well; and, forsooth, they are brought forward here as a basis of taxation.

I agree with the Senator from Kansas, that if you tax Government property here you ought to tax it all over the Union, everywhere; military stations, naval stations, arsenals, dock-yards, ships, and houses in every city of the Union. Why not?

I am amazed at this thing. It has been crawling along gradually for the last four or five years until it has obtained a footing, a respectable standing in the Senate and House of Representatives, and is talked about every year now as though it was manifestly proper. I think there is nothing in it that the Senate ought to consider for a minute. And while I am up I want to be informed why a church should be exempt from taxation any more than other property? The Government of the United States in the organization of the Government cut itself loose from churches absolutely. The purpose was to allow the people to exercise and enjoy any religion they pleased at their own expense and their own volition. It is a matter in which the Government has no share, and it ought not to be called upon to in any or to any extent provide. Every church is not public. Take, for example, any of the structures built in any of the large cities, costing $200,000 to $500,000, by the wealthy citizens, elegantly furnished with extravagant pews and fixtures, the sittings sold to the highest bidder, where every man except a pew-holder is excluded from the church; and yet you call it a place of *public* worship. It is a place of private worship, belongs to private individuals, is managed and controlled by them to the exclusion of all others, and they may not allow me or you, sir, to take a seat there except by courtesy. If one goes to the door perhaps he will be admitted to a seat; perhaps not. It depends upon who he may happen to be.

Now, Mr. President, fairness is a jewel no less than consistency. There are many thousands of people in the city of Washington who have no place to worship in. Those that belong to the Catholic church, and perhaps those who do not, may go into these churches. They are generally open morning and evening—always on Sundays, I believe; but in respectable Protestant churches in this city or other large cities the lower classes cannot go. They may occasionally hear preaching in the open air; otherwise they go without. It is so in every city of the Union now, more so than it was fifty years ago. Then almost every class of the community could hear the Gospel preached every Sunday somewhere. Now there are large classes in the cities of New York, Philadelphia, Washington, and other cities of this Union who are absolutely excluded. All the respectable churches are occupied by pew-holders and there are no seats for outsiders. There is nobody to preach to them, nobody to pay their preachers. They are not able to build churches or to pay ministers. I think all church edifices ought to pay a tax, all property ought to pay a uniform tax without exception. This is the constitutional provision in nearly every State of the Union, and is the spirit of the Constitution of the United States. Taxation ought to equal, absolutely equal; there should be no discrimination in favor of anybody or anything. It falls then equally on all, and nobody can object to it.

Mr. SHERMAN. My friend has answered his own question very well, much better than I did. He asked me why the United States ought to be taxed in this District. I answered first that it had agreed to do it. Now he has answered it better by showing that the United States ought to pay a tax. The United States owns in this District real and personal property, horses, wagons, lands, houses, buildings, to the amount, it is said, of $30,000,000 or $40,000,000, or probably more.

Mr. CONKLING. Sixty-six million dollars.

Mr. SHERMAN. Sixty-six million dollars. Is not the Government of the United States wealthy enough to pay taxes on that property? Not only that, but the United States invites people here, employs them, pays them small salaries in some cases and sometimes large. Their children are educated here at the expense of the property-holders of this city, other than the United States. The streets are lighted at the expense of the private citizens, the United States refusing to pay its taxes. The churches do not pay taxes, in deference to a sentiment in favor of religion, that is usually, perhaps, not based on very good reason. I cannot answer the argument of the Senator that every church ought to pay a tax, especially where the churches are, as often in modern times, close corporations. The people who do not belong to the church have to stand on the outside or get a seat as they can. I cannot answer that argument. How, then, can the Senator answer the argument which would place the United States on the tax-roll for the amount of property it owns here? There is the point.

Mr. HAMILTON. If the Senator will allow me, I go on the ground that it never has been done before. United States property has never been taxed anywhere that I know of. It is specially exempt almost everywhere. Why not here as well?

Mr. SHERMAN. I will answer that. In the first place, the Senator is somewhat mistaken. The United States has recognized at different periods of our Government its obligation to pay taxes in this city, and to some extent it has provided for that obligation by paying certain taxes. For instance, the United States commenced paying its share of the police tax, on the ground that the police were actually employed in the protection of all the property in the city. It also pays its proportion of the tax necessary for the fire department. I am not prepared with the figures—the matter is not within my line—but I have seen a table showing that the United States from the foundation of the Government has paid out at different periods different sums of money in this District on the principle that it ought to pay a share of the expenses. The trouble is that we have never adopted a rule how the Government's amount of tax should be apportioned, nor have we made a provision for the school tax or any tax other than the mere property tax.

Mr. HAMILTON. If the Senator will allow me, I will state that my impression has been that the Government in making the provisions of which he speaks, about the police force and fire department, has recognized the necessity of assisting in those things, and has done it as a matter of grace, if you please, because it has buildings to take care of; it needs an efficient fire department to take care of the public buildings as well as the private buildings. An efficient police force is also needed for the same reason. I think it is proper for the Government to do that, and the Government has been doing that. But that is a very different thing from recognizing the right to tax all the property of the Government of the United States in this city.

Mr. SHERMAN. Then, as I understand the honorable Senator, we ought to pay our share of the expenses of the fire department and of the police, but the United States ought not to pay for the education of the children of the men and women that it employs in the Departments. We cannot stop short. Equality is equity, and the United States ought to be treated like any other individual, the humblest or the lowest.

Let me may say another thing. The Senator from Kansas made an argument here to-day that I have heard two or three times, and it ought to be answered. He says that the United States owns property in the Territories and Western States that is exempt from taxation. How? On an express stipulation at the time those States were admitted that in consideration of 5 per cent. of the proceeds of the sale of the public lands the public lands should be exempt from taxation. In the clause giving the States 5 per cent. of the proceeds there is an express stipulation for exemption from taxation. We give to them the sixteenth section and the thirty-sixth section, the swamp lands; and indeed about all the lands that are worth anything are given to the States, and every statute admitting a State into the Union recognized the equity of the State taxing the Government lands; and, as a matter of bargain, so as to prevent any controversy as to the relative value of the public and private lands, there was a stipulation between the incoming State and the General Government that the 5 per cent. of the gross proceeds of the public lands should be given to the State in lieu of taxation of the public lands. Besides that, the school lands are given, the sixteenth and thirty-sixth sections in every township. So that, as to every State in the

Union when it is admitted, we do recognize the obligation of the United States to pay its portion of taxes, and we stipulate the amount of the taxation.

Mr. OGLESBY. I wish to remind the Senator of another condition in the ordinance of admission. As to those States in which the Senators from Indiana and the Senators from Illinois live, the reason the Government agreed to pay to those States 5 per cent. of the net proceeds of sales of the public lands was upon the express condition that those States should relieve from taxation for five years all land entered by private citizens.

Mr. HAMILTON. After it was entered, not before.

Mr. SHERMAN. That was an additional stipulation. I will say in regard to the States named that there is still a controversy about whether money is not due to them. I do not want to go into that.

The PRESIDENT *pro tempore*. The morning hour has expired.

Mr. SPENCER. I move that the pending and all prior orders be laid aside for the continuation of this bill.

The PRESIDENT *pro tempore*. The unfinished business is before the Senate. The Senator from Alabama moves to postpone it and all prior orders for the purpose of continuing the consideration of the bill pending during the morning hour.

Mr. PADDOCK. It is very patent, I think, to every Senator here that the bill which my friend from Alabama wishes to have considered cannot be passed to-day, or perhaps to-morrow. I hope that his motion will not prevail; it seems to me that it is proper that it should not, under the circumstances.

Mr. ALLISON. I hope it will not prevail for another reason. The Army appropriation bill was to come up to-day at one o'clock by general assent, I believe, and I think we ought to take it up and dispose of it now.

Mr. SPENCER. I hope this motion of mine will prevail. I think one hour more will dispose of the District tax bill. I hope the Senate will not persist in this general debate.

Mr. HAMILTON. I hope the Senator from Alabama will let his bill go over and be printed.

Mr. SPENCER. There are plenty of printed copies of the bill, with the exception of the verbal amendments.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Alabama.

Mr. ALLISON. I demand the yeas and nays.

Mr. SPENCER. I think one hour will be sufficient to dispose of the bill.

Mr. WITHERS. Are we not ready to go on with appropriation bills? I ask the Senator from Iowa if he is not ready to proceed with the Army bill?

Mr. ALLISON. I desire to proceed with the Army appropriation bill, and it is now proposed to lay aside the Army bill for the purpose of considering a bill which was reported this morning and is not yet printed.

Mr. SPENCER. The end of the fiscal year is the 30th of June, and then there is no tax bill for the District of Columbia. I am satisfied that if the Senate would devote one hour to the consideration of this bill it could dispose of it. I hope the Senate will approve of my motion to proceed with this bill now. We devoted all Saturday to it, and I am satisfied that one hour now will finish it.

Mr. SARGENT. I think it is perfectly obvious that the Senate will not in the last week of the fiscal year lay aside an appropriation bill even to take up a tax bill for the District of Columbia. I suggest to my friend that the best thing he can do is to let the bill be printed, and bring it up to-morrow in the morning hour, and he can get it passed then. Of course the Senate will not lay aside the great appropriation bills for any local matter. I think the appropriation bill had better come up now, and let this bill be printed and go over till to-morrow.

Mr. SPENCER. I will consent to that if I can have a unanimous agreement that it shall come up to-morrow in the morning hour.

Mr. WEST. That cannot be made.

Mr. SARGENT. We will take it up anyhow by a vote.

The PRESIDENT *pro tempore*. The Chair reminds the Senate that the special order for two o'clock to-day is the bill (H. R. No. 3398) for the issue of coin, and for other purposes. The Senator from Alabama moves to postpone the unfinished business and all prior orders for the purpose of considering the District tax bill.

Mr. ALLISON. Let us have a division. I will not insist on calling for the yeas and nays at present.

The question being put, the ayes were 4, which being less than a majority of a quorum, the motion was not agreed to.

Mr. ROBERTSON. I move that the tax bill be printed as amended.

The motion was agreed to.

AMENDMENTS TO AN APPROPRIATION BILL.

Mr. MITCHELL and Mr. CONKLING submitted amendments intended to be proposed by them to the bill (H. R. No. 3749) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1877, and for other purposes; which were referred to the Committee on Appropriations, and ordered to be printed.

WITHDRAWAL OF PAPERS.

On motion of Mr. STEVENSON, it was

Ordered, That leave be given to withdraw from the Committee on Claims in the Senate the petition and papers of A. G. and B. P. Lee.

ARMY APPROPRIATION BILL.

The PRESIDENT *pro tempore*. The unfinished business is the bill (S. No. 552) to restore the franking privilege.

Mr. ALLISON. I ask the Senator from Nebraska to let that bill be laid aside until the Army appropriation bill is taken up and acted on.

Mr. PADDOCK. It seems to be important that I should yield to the Senator, and I do so.

Mr. ALLISON. I move to take up House bill No. 3717.

The motion was agreed to; and the bill (H. R. No. 3717) making appropriations for the support of the Army for the fiscal year ending June 30, 1877, and for other purposes, was considered as in Committee of the Whole.

Mr. ALLISON. I will make a brief explanation in reference to this bill. The bill was received in the Senate on the 21st day of June, and was printed on the following day. The first eight sections of the bill provide for a re-organization of the Army. The Committee on Appropriations, in pursuance of a rule adopted by them, have not considered that subject, and they would not have had the necessary time to consider it, even if it had been proper for them to do so. Therefore in reporting this bill we have recommended as the first amendment the striking out of the first eight sections, which comprise propositions for the re-organization of the Army.

The original House bill appropriates in all $24,183,259.06, to which the Senate Committee on Appropriations have added $3,378,102.34, so that the total of the bill as now recommended by the Committee on Appropriations is $27,561,361.40, or $1,037,468.60 less than the amount appropriates for the support of the Army for the present fiscal year. The House in this bill reduced the Army 3,000 men, and also reduced the Army ten regiments, and reduced the pay of the Army. Those matters the Committee on Appropriations have not gone into at all, and they have added the necessary appropriations on the basis of existing laws.

I ask that the amendments may be reported in the usual way, according to custom.

The PRESIDENT *pro tempore*. The first amendment will be reported.

Mr. ALLISON. Unless some gentleman desires to debate the bill, I ask that the five-minute rule be applied to it.

The PRESIDENT *pro tempore*. Is there objection to applying the five-minute rule to this bill. The Chair hears none. The Senate so orders. The first amendment will be read.

The first amendment of the Committee on Appropriations was read, being to strike out the following sections:

That the officers of the Army shall be entitled to the pay herein stated after their respective designations:

The General, $12,000 a year.
The Lieutenant-General, $9,000 a year.
A major-general, $7,000 a year.
A brigadier-general, $5,500 a year.
A colonel, $3,500 a year.
A lieutenant-colonel, $3,000 a year.
A major, $2,500 a year.
A captain, (mounted,) $2,000 a year.
A captain, (not mounted,) $1,800 a year.
An adjutant, $1,800 a year.
A regimental quartermaster, $1,800 a year.
A first lieutenant, (mounted,) $1,600 a year.
A first lieutenant, (not mounted,) $1,500 a year.
A second lieutenant, (mounted,) $1,500 a year.
A second lieutenant, (not mounted,) $1,400 a year: *Provided*, That for the first four years' service second lieutenants (mounted) shall receive $1,300 a year, and second lieutenants (not mounted) shall receive $1,200 a year.
A chaplain, $1,500 a year.
All store-keepers, $2,000 a year each; and section 1261 of the Revised Statutes is hereby repealed.

SEC. 2. That forage in kind may be furnished to the officers by the Quartermaster's Department only for horses kept and used by such officers in the performance of their official duties, as follows:

To the General for three horses.
To the Lieutenant-General for three horses.
To a major-general for three horses.
To a brigadier-general for two horses.
To a colonel for two horses.
To a lieutenant-colonel for two horses.
To a major for two horses.
To a captain (mounted) for one horse; when on duty in the field for two horses.
To a lieutenant (mounted) for one horse; when on duty in the field for two horses.
To an adjutant for one horse.
To a regimental quartermaster for one horse; and section 1271 of the Revised Statutes is hereby repealed.

SEC. 3. That now or hereafter no officer selected, detailed, or assigned to duty upon the staff of, or as aid to, any general officer, or upon any other duty whatsoever, shall be entitled to or receive any additional pay or allowance by reason of such selection, detail, or assignment; and all laws or parts of laws in conflict with the provisions of this section are hereby repealed.

SEC. 4. That so much of the second section of the act entitled "An act to increase and fix the military peace establishment of the United States," approved July 28, 1866, as authorized regimental adjutants and quartermasters to be extra lieutenants, be, and the same is hereby, repealed: *Provided*, That the officers now holding said positions shall not be displaced from the grades of first or second lieutenant respectively as now held, but assigned, without prejudice to their rank, to the first vacancies occurring among the lieutenants of their respective grades.

SEC. 5. That all chaplains hereafter appointed shall be appointed for a term of four years only, subject to re-appointment by the President, with the advice and consent of the Senate.

SEC. 6. That the number of cavalry regiments are hereby fixed at eight, and the infantry and artillery at twenty, and the cavalry regiments shall be recruited to one hundred men in each company, and kept at that number; and a sufficient force of cavalry shall be employed in the defense of the Mexican and Indian frontier of Texas. And the Secretary of War, as soon as the requirements of the service will

permit, holding in view the least expense on account of transportation, shall cause the reduction to be made by the merging of the enlisted men into other organizations, either of their own or other regiments, by the consolidation into troops, companies, or otherwise, and the assignment of the commissioned officers to duty with the consolidated troops or companies, or with other regiments of their respective arms: *Provided*, That the officers of the discontinued regiments may be assigned to other regiments of their respective arms, according to their dates of commission, as vacancies may occur, and any officer, on his own application, may be honorably discharged with one year's pay; and sections 1104 and 1108 of the Revised Statutes are hereby repealed, and hereafter there shall be no distinction in the service on account of color.

And there shall not be any new enlistments in the Army until the number of enlisted men shall have been reduced to twenty-two thousand, exclusive of Indian scouts and the enlisted force authorized for the office of the Adjutant-General by the act approved March 3, 1875, making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1876.

SEC. 7. That the President is hereby authorized and directed to assemble, from time to time as occasion may require, a board of not less than three nor more than five officers, such board being hereby invested with the powers of a court of inquiry and court-martial, whose duty it shall be to examine the propriety of conduct, capacity, qualifications, and efficiency of any commissioned officer of the Army on the active list, and into the conduct of retired officers who may be reported to the board by order of the President or Secretary of War; and upon such report, if adverse to such officer, after a revision of the proceedings like to that of a court of inquiry or a court-martial, and approved by the President of the United States the commission of such officer shall be vacated: *Provided always*, That no officer shall be eligible as a member of said board whose rank or promotion would in any way be affected by its proceedings; and two members at least, if practicable, shall be of higher rank than the officer to be examined; and the members of said board and the recorder shall be sworn to an honest and impartial discharge of their duties.

SEC. 8. That every military post may have one trader, to be appointed by the Secretary of War, on the recommendation of the council of administration, approved by the commanding officer, who shall be subject in all respects to the rules and regulations for the government of the Army.

Mr. STEVENSON called for the yeas and nays, and they were ordered.

Mr. ALLISON. I desire to say one word before this vote is taken. The Senate will bear in mind that the first eight sections of this bill provide for the re-organization of the Army as applied to its number, its pay, its staff corps, and all its relations, and this bill was presented to the Committee on Appropriations only on Thursday last. We have not considered this subject at all. The subject is being considered by the Military Committee in the Senate, and the bill proposed in these sections is a very different bill from the Army reduction bill as it passed the House and is now before the Committee on Military Affairs. It seems to me, therefore, that now, without consideration, it would not be fair for this Senate to undertake a re-organization of the Army.

Mr. SHERMAN. I will ask if the Army bill that passed the House is now before the Committee on Military Affairs?

Mr. ALLISON. The Army bill as it passed the House is now before the Committee on Military Affairs, and it is a very different bill, I will say to the Senator, from the bill found in this appropriation act.

Mr. BOGY. How long has it been before the Committee on Military Affairs?

Mr. ALLISON. I think about two weeks.

Mr. SPENCER. About three weeks.

Mr. ALLISON. I think it was presented here some time in May.

Mr. BOGY. I think it is six weeks since it came here.

Mr. EATON. I should like to ask the Senator from Iowa if the Army bill he speaks of being before the Military Committee embraces these first eight sections which he moves to strike out of this appropriation bill?

Mr. ALLISON. I will say to the Senator that I have not examined with care the Army bill which is before the Military Committee, but I understand from a casual examination of it that this bill proposes a reduction of the Army by ten regiments of infantry and artillery, while the Army bill only proposes a reduction of five; and I understand from conversation with gentlemen of the Military Committee that this bill is a very different one in many respects from the bill which passed the House of Representatives after deliberation and consideration.

Mr. EATON. I think this matter should lie on the table until that bill which has been so long before the Military Committee can be brought to our notice so that we may act understandingly on the subject. For one I am not disposed to strike out the entire action of the House here unless some good reason is given for such a course.

Mr. LOGAN. I was not in when the question was raised about the bill that is slumbering before the Military Committee. I can state to the Senator from Connecticut and for the information of the Senate that if any committee in this Senate or in the other branch of Congress can regulate the Army in all its appointments, pay, and everything else, on an appropriation bill, they would be undertaking a task that I do not desire to engage in, so far as I am concerned.

There is a bill before the Military Committee reducing the Army, also one reducing the pay of the Army, and other bills of very great importance. I do not remember how long they have been there, probably a couple of weeks or even more, but that is immaterial. I have examined those bills very carefully, and I submitted a proposition to the committee a week ago, and we determined that at this point of time of the session it was inexpedient to bring them before the Senate, and therefore we agreed to postpone action by the committee on those bills until December or the next session of Congress. That was the action of our committee for the reason that the question involved requires much consideration. I have once or twice before, since I have had the honor of being in Congress, been connected with a reduction of the Army; and I know that it requires a great deal of time and a great deal of consideration if you wish to make the re-arrangement by a law that will leave the machinery as perfect as it is when you touch it. That was our reason for the course we have taken.

Now, I am in favor of the proposition of the Committee on Appropriations striking out these sections. I have not committed myself, nor do I desire to commit myself, in reference to what action I may take when these measures are properly before the Senate; but at this time there seems to be a general desire exhibited to strike at everything. I think myself it is a very bad time to undertake to cut down the Army either in its salary or in its numbers of officers or men. Looking at the manner in which this bill strikes the Army, I must say that it certainly has been done without any due consideration. The House Military Committee considered a bill and reported it, and it was passed by the House. This appropriation bill, irrespective of the consideration of the Military Committee, strikes right and left at regiment and officer and corps and post and everything else, without any equalization whatever.

I say to the Senate that, in my judgment, the adoption of these eight sections of this bill would be only an attempt to do something, having but one object in view, and that is to make the country believe that you have reduced expenses, when the only effect of it would be disorganization of the Army. Therefore I am in favor of the motion of the Committee on Appropriations to strike them out and leave the Army as it is. When we do undertake to act in reference to it, let it be done by a committee considering a bill that will regulate the staff corps, the line of the Army, and everything connected with it.

The PRESIDING OFFICER, (Mr. INGALLS in the chair.) Under the rule the Senator's time has expired.

Mr. LOGAN. Well, sir, I am glad of it.

Mr. EATON. I rose to ask a question of my honorable friend from Iowa, which has been partially answered by himself and more generally answered by the honorable Senator from Illinois. The Senate learns now from the Military Committee that that committee have determined not to consider any bill that has been brought before that committee——

Mr. LOGAN. I say to the Senator that I did not make that statement.

Mr. EATON. I so understood the Senator.

Mr. LOGAN. No, sir; I said this: that two bills had passed the House reported by the Military Committee there, one regulating the pay of the Army, and the other cutting down the Army; that those bills had been sent to the Senate, and our committee had agreed to postpone them, not believing they had time to consider those two important measures at this session. I did not say we would not consider anything in connection with the Army, but I spoke of those two bills.

Mr. EATON. Well, Mr. President, those are about all that I had heard of as being before the Military Committee. It appears there are two bills there.

Mr. LOGAN. There are a great many things connected with the Army before the Military Committee, I will say to the Senator, that we have considered and will consider.

Mr. EATON. Well, let me ask the honorable Senator from Illinois if there is any bill that he proposes to report to the Senate cutting down the Army at all?

Mr. LOGAN. Cutting down the Army in what particular?

Mr. EATON. In numbers.

Mr. LOGAN. I want the Senator to be definite. Does he mean in number of soldiers, in number of officers, or in reference to the staff corps or the line of the Army?

Mr. EATON. We will take the number of soldiers first.

Mr. LOGAN. I do not know of any bill that we propose to report cutting down the number of soldiers.

Mr. EATON. The number of officers, second?

Mr. LOGAN. I do not know of any bill that we propose to do that with.

Mr. EATON. The amount of salary, third?

Mr. LOGAN. We propose to examine these questions in reference to the salary of the officers of the Army, the pay of the soldiers, the reduction of the Army, all at the same time; but we do not consider that there will be time to do it at this session of Congress. Now I will say to the Senator that in cutting down the Army it is a very simple proposition to just strike at it as a careless surgeon would use the knife, without attempting to cut out the cancer or the sore, to cut the body anywhere he might strike. That would be a simple proposition; but, if you wish to reduce the Army so as to leave the Army efficient, you want to do it in a proper way. Now I say that, in my judgment, the staff corps of the Army is much too large for the Army itself; but you do not propose to touch the staff corps by this bill. Why, sir, by your bill you strike merely at the line of the Army; you cut off ten regiments at one fell swoop. You cut off by this bill ten regiments of soldiers and officers too, but you leave four hundred staff officers standing as they do to-day, salary and all. Is that any way to reduce an army? Does any man who understands army matters desire to reduce an army in that way? The staff corps of the Army is the portion of the Army that receives the high salaries. When you regulate the Army, you should regulate its staff corps, the line of the

Army, and everything connected with the Army, so as to equalize it, not have a heavy end and a light end; but this bill just cuts salaries anywhere it may strike, for the purpose of inducing the people to believe there is economy in it. There is no economy in it, but there is disorganization of the Army in it; and that is all it means. I do not wish to say anything about the men who prepared it; but, if I had prepared it, it would certainly have given evidence of very little knowledge of how to reduce an army.

Mr. MAXEY. Mr. President——

Mr. EATON. I hope my friend will give way one moment.

The PRESIDING OFFICER. The time of the Senator from Connecticut has expired, having been taken by the Senator from Illinois with his consent.

Mr. EATON. It was consumed by my friend from Illinois, and not by me.

Mr. STEVENSON. I move that the time of the Senator from Connecticut be extended, as it was taken up by an answer to his inquiry.

The PRESIDING OFFICER. The Chair has no option except to enforce the rule.

Mr. ALLISON. There will be no objection.

The PRESIDING OFFICER. If there is no objection the Chair will recognize the Senator from Connecticut, and he will be allowed to proceed.

Mr. EATON. I do not wish to take up five minutes' time. I only wish to say that I think I was entirely correct when I remarked that I understood the Senator from Illinois to say that the committee of which he is the head would not report any bill tending to reduce the expenditure of the Army.

Mr. LOGAN rose.

Mr. EATON. I cannot give up my time. You may take your own time by and by.

Mr. LOGAN. I have not asked the Senator to give me his time. I have not said a word. I only got up because I preferred to stand rather than to sit.

Mr. EATON. I do not understand the Senator from Illinois.

Mr. LOGAN. The Senator said he would not give me his time. I have not asked him to do so.

Mr. EATON. The Senator twice rose and interrupted me, and I supposed he was about to do so again. I beg his pardon; I will wait for him next time.

Now I propose, not to cut and slash at the body of the Army here and there like an unskillful surgeon, but I propose that the country shall know that, if the Military Committee have in their hands reduction bills which they will not report, this is the only bill before the Senate whereby the expenses of the Government in this particular can be reduced. If any other was to be brought here, it would be a good reason why this bill should lie on the table and another one be considered; but if none other is to be brought here, then I propose that we shall take this bill as we find it.

Mr. MAXEY. Mr. President, the Committee on Appropriations has reported a proposition to strike out eight sections of the House bill. Among these is section 6, a part of which provides—

> That the number of cavalry regiments are hereby fixed at eight, and the infantry and artillery at twenty; and the cavalry regiments shall be recruited to one hundred men in each company, and kept at that number; and a sufficient force of cavalry shall be employed in the defense of the Mexican and Indian frontier of Texas.

I feel a very deep interest in the success of that section which is proposed to be stricken out. During last winter my colleague and myself and a number of the Representatives in the other House made a formal call on the President of the United States with the view of securing protection to the Rio Grande frontier, calling his attention to his message in that regard. We were informed by him that he had not sufficient force to protect that frontier. He conceded that we had a right to make the demand, but he said that the cavalry were necessary in the Black Hills country, and that he had none to spare us for the Rio Grande frontier. Upon consultation with him, the idea which he presented was that the most feasible plan would be to increase the cavalry regiments by filling up the companies to one hundred men. If that were done, then he would be enabled to furnish us a sufficient force to protect the Rio Grande frontier. I say that the people of Texas have a right to demand protection of our frontier; and when the force of the Army is insufficient for that purpose, common economy, common justice demands that the force should be increased to a sufficiency to do what the Constitution requires, "provide for the common defense;" and I ask that this section which does provide for the common defense shall not be stricken out as is proposed here.

A short time ago I again went, not with my colleague on that occasion but by myself, to see the General of the Army in respect to an increase of force on the Rio Grande. I preferred—and that was the sentiment of my State—that the Fourth Cavalry should be sent to the Rio Grande, if we could get it, because we knew by experience that that was a most excellent regiment; it had been there; and General Mackenzie was a first-class officer, and we wanted him down there. I was informed by the General of the Army that it could not be spared, because its presence was necessary at Fort Sill. And so it is that we on the frontier are constantly losing our cattle, our stock, and our women and children and men are murdered because the United States Government fails to furnish that protection which under the Constitution we have a right to demand. This bill which comes from the House does make provision for the very case of the Rio Grande frontier; and I for one shall certainly oppose the striking of that out; and I will say to the Senator from Iowa that, if it be in order, I shall move to except out of this general striking out of the eight sections the sixth section, so as to present that as a substantive proposition for the consideration of the Senate.

Mr. ALLISON. May I call the attention of the Senator to the fact that this section reduces the number of cavalry regiments two, and if the Army is not large enough now to protect the frontier of Texas, how can it be protected by a reduction of the number of cavalry regiments? The provision which requires the protection of the Texas border, if it cannot be secured in any other way, I think is a perfectly proper one; but accompanying that provision is one reducing the cavalry regiments two.

Mr. MAXEY. The section which I read authorizes the increase of the cavalry regiments to one hundred men per company, and it requires that a sufficient force of cavalry be employed in the defense of the Mexican and Indian frontier of Texas. Now, sir, if you increase the cavalry companies to one hundred men and then do what this section requires to be done, keep a sufficient force of cavalry on that frontier and on the Indian frontier for the protection of those people, then the object which I have in view is subserved. But, sir, I should place my State in a very singular position to come before the Senate of the United States and ask for the protection of my people and strip the Government of the power to protect them by cutting down the Army. I do not do such a foolish thing as that would be. The Army ought not to be cut down, in my judgment, more especially the cavalry force, because that is most essential in time of peace, where the main use of the Army is for the protection of the frontier against Indians and for the protection of the great Rio Grande frontier, which I beg to state to the Senate is as much a part of the frontier of the United States as any other frontier we have. It is as much the duty of this Government to protect my people as it is to protect any other people in this Union. I say that in time of peace the arm which is more essential for the protection of the frontiersmen is the cavalry arm, and it ought not to be cut down; but, so far as the sixth section is concerned, it was put in after mature deliberation and consideration for the very purpose of protecting the Rio Grande frontier and the Indian frontier of Texas.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. WEST. Mr. President, if the region of country that is so ably represented by my friend who has just taken his seat is not properly protected by the discretion and the voluntary action of the Secretary of War and the subordinates of the Army, certainly on a proper representation of the case, or on the adoption of a provision in this bill relating specially to that case, that protection will be afforded.

Mr. MAXEY. Will the Senator permit me for a moment?

Mr. WEST. Yes, if you do not take much of my time.

Mr. MAXEY. I certainly will not do that. I want to state to the Senator from Louisiana that I pass no blame whatever on the President, or on the Secretary of War, or the General of the Army. They cannot work without means to work with. I want to give them the means of working with.

Mr. WEST. So far as the Senator is concerned and his section of the country, therefore, if he has two companies of fifty men, they will answer the same purpose as one company of one hundred men; but here is the baldest sham that ever in my opinion was submitted to a legislative body, a sham pretending to reduce the Army of the United States, when it does not do it in the least particular or degree. It is a proposition to reduce the number of regiments from forty-two to thirty, to cut them down twelve; but it transfers every officer and every man from those regiments to other regiments. What kind of a reduction is that? It is a reduction in name only, that will have the effect, as the Senator from Illinois has said, of entirely disorganizing your Army and inflicting on the Treasury of the United States by the necessary transfers throughout the regiments and organizations an unusual and unwarranted expenditure. Whenever a proposition comes here looking to a legitimate and warranted reduction of the Army, I am sure this side of the Chamber will go hand in hand with the other side in reducing the expenditures; but whenever you come here with shams and bald propositions like this, that have no merit in them whatever, that are actually absurd, you must not expect that they will meet with favor. No Senator can take these sections and show that one dollar will be saved to the Treasury of the United States, and I can prove, and he will be obliged to admit, that on the contrary they will entail an increased expenditure by the transfer.

Mr. MAXEY. I will state to the Senator from Louisiana that I have said nothing whatever in regard to the reduction of the Army.

Mr. WEST. I agree the Senator is against it.

Mr. MAXEY. I only spoke of that which is of immediate and vital importance to the people I represent; and I stated as clearly as words could that I never asked the Government to do a thing without furnishing the means to do that thing. I do not ask a reduction of the Army.

Mr. WEST. I did not suppose the Senator did; he said he was opposed to it.

Mr. LOGAN. Mr. President——

The PRESIDING OFFICER. The Senator from Illinois has no time remaining on this amendment.

Mr. LOGAN. I move to amend by inserting in the sixth section "ten" instead of "eight" as the number of cavalry regiments.

The PRESIDING OFFICER. The amendment to the amendment is in order.

Mr. LOGAN. Now, sir, I desire in a very few words to answer my friend from Connecticut, [Mr. EATON.] He says he wants the country to know that the Military Committee are holding back bills and do not intend to report any which would be calculated to reduce the expenses of the Government. Now I say to the Senator from Connecticut that that is not generally or usually the best way of arguing a question, to say that he notifies the country that a certain Senator is doing so and so. The best way to understand matters is to convince the country that you are right, not that somebody else is wrong.

Now I say to the Senator, as I said a while ago, that I have not given an opinion as to whether I would be in favor of a reduction of the Army or not; for the question is not presented except on an appropriation bill.

I can satisfy the Senator from Texas in a moment that his argument in reference to this bill is an argument based upon a mistake. This sixth section reduces the cavalry regiments from ten to eight. He says it increases the companies to one hundred men; that is, it authorizes an enlistment up to one hundred. If you will turn right over to the latter clause of section 6 he will find this language:

> And there shall not be any new enlistments in the Army until the number of enlisted men shall have been reduced to 22,000.

It provides for a reduction, first, of two regiments of cavalry, and then follows it up by saying "there shall not be any new enlistments until the number of enlisted men shall have been reduced to 22,000, exclusive of Indian scouts." At the last session of Congress the Army was reduced to 25,000 men by an amendment placed on an appropriation bill similar to this. The House insisted on an amendment on the appropriation bill, that no enlistments should be resorted to until the Army was reduced to 25,000. Now at this session of Congress it is proposed to amend by saying that no new enlistment shall be resorted to until the Army is reduced to 22,000. The sixth section reduces your cavalry regiments to eight, declares that the companies shall be increased to the number of one hundred men in each company, and the same sections say no enlistments shall be incurred for the benefit of the Army. I ask the Senator from Texas on that kind of a bill what benefit is he going to get in Texas? The bill reduces his cavalry and his cavalry cannot be recruited up under the very provision that he himself claims would be a benefit to the frontier people.

Mr. MAXEY. I will state to the Senator from Illinois that I will offer an amendment in another place to carry out the object in view, and will not vote to retain these sections.

Mr. LOGAN. I will say to the Senator from Texas that, if he will let the regiments of cavalry remain as they are at ten and then offer his amendment that they shall include one hundred men in each company, there will be some reason for his argument.

Mr. MAXEY. That is precisely what I propose to do.

Mr. LOGAN. But with this section his argument and the section cut the throat of each other. He said he was in favor of this section; but his argument was against the section. Now I am opposed to the whole of it, so far as I am concerned. I am opposed to it because, as I said before, it is cutting and slashing at the Army without any regularity whatever, and no result is produced whatever except this, that you destroy ten regiments of the Army and you withhold the mustering out of the officers. Why do you do that? You reduce the regiments ten, but how? By numbers; that is all. You reduce the number of regiments, but you reserve the officers in the Army and put them in other places. Is that the way to reduce an army? Is that what you mean by a reduction of the Army? This proposition is a humbug before the country; it means nothing in the world except deception. There is no honesty in it. It proposes a reduction and does not reduce; but it only transfers from one regiment to another. There is no meaning in it; there is no justice it it; there is no reduction of expense in it. It is a mere sham and a subterfuge to claim before the country that you have reduced expenses when you have not done it. When a Senator says to me that he wants it to be understood before the country that I am holding back bills for a reduction of the Army, I tell him that he had better read the bill that he himself is advocating, which is a sham and a subterfuge and intended for nothing else, in my judgment.

The PRESIDENT *pro tempore*. The Senator's time has expired.

Mr. EATON. Mr. President, the honorable Senator from Illinois shows more heat than is necessary.

Mr. LOGAN. Not more than the day requires. [Laughter.]

Mr. EATON. If he would keep a little cooler he would not perspire so freely. [Laughter.] I have not said that the honorable Senator from Illinois is withholding bills. I said that the honorable Senator himself has stated here that the Military Committee would not report certain bills, that they would not have time to do it, that they would postpone the consideration of those bills until next December. That is what I have said; and therefore whether this bill be faulty or not, whether it does reduce the expenses of the Army or whether it does not, it is the only bill that we have before us.

The honorable Senator from Illinois says it is a sham, a fraud, a deception, that it does not reduce the expenditures. Now the honorable Senator cannot mean anything of that sort. It does reduce the rank and file of the Army; it does reduce the expenditures in salaries. Whether we have a right to do it upon an appropriation bill is another matter; but unless I am incorrectly informed—if I am I wish any Senator to correct me—the provision in section 1, "The General $12,000 a year," reduces the salary; and so of the items, "The Lieutenant-General, $9,000 a year;" "a major-general, $7,000 a year," and so on. Therefore, if this bill passes, there is a very large reduction in expenditures.

Mr. LOGAN. I will ask the Senator, when he says this is a large reduction, how many major-generals there are to be reduced?

Mr. EATON. No matter how many there are. There are a great many officers.

Mr. LOGAN. There are four major-generals, and it reduces their pay $500. That is all.

Mr. EATON. Very well. There are brigadier-generals, there are colonels, lieutenant-colonels, majors, captains, adjutants, quartermasters, lieutenants, and the pay of all is reduced, and in the aggregate it is impossible for me here to say how much, but I say the reduction would be large. I have not said, nor am I about to say, that it is entirely proper that it should be done in this way, but I do say that the reduction would be quite large if this bill should pass.

Mr. LOGAN. I will say to the Senator that in speaking of it being a sham, which I certainly maintain that it is, these reductions that he speaks of are the deception there is in the bill, because they pretend to reduce expenses, when in fact they merge the Army one regiment into another, and make no reduction except a little reduction on the salaries. I say now to the Senator, and I believe he will agree with me, that any Senator or Representative who would desire to reduce the salary of a lieutenant in the Army wants to put that lieutenant out on grass. The idea of the salary of a lieutenant in the Army being reduced when he gets but $1,800 a year I think is simply absurd. His pay only equals that of one of the clerks in the Treasury Department, and you call it economy to reduce the expenditures by cutting down that pay. I would not stay in the Army five minutes if it applied to me, and I do not believe any one will if you reduce the salary so that he cannot pay his grub bills. That is what you mean and nothing else, when you talk about the reduction of the salary of a lieutenant.

Mr. EATON. My friend from Illinois insists on having a man of straw and knocking him down. The question that I was discussing with the Senator from Illinois was whether it was true that this bill did a certain thing or not—that is, reduce the expenditures. Whether it is proper or improper, is another thing.

Mr. LOGAN. I wish to suggest to the Senator—I do not want to take his time—that the board or commission that is to be organized under this bill, and the different transfers and the transportation necessary in transferring one regiment to another and merging one in another, will cost five times the amount of the reduction of salaries in the bill. That is what I mean.

Mr. EATON. How many men are reduced.

Mr. LOGAN. It does not reduce a cent, and will cost the Government five times the reduction to carry it out; and any one who knows anything about these changes knows it.

Mr. EATON. I do not know anything about it, of course; and it is perhaps not courteous or necessary for the Senator from Illinois, who has been in the military service of the country, at once to assert that if anybody knows anything about a matter of this sort, then he will know that this line of argument is correct and that that line of argument is incorrect. I suppose that by this bill—whether it be right or wrong, is another thing; whether it should be done on an appropriation bill or not is quite another question—there is a great reduction of expenditures. I am told that thousands of men are taken from the Army; that the line of the Army, is reduced by this bill. Gentlemen say so here.

Mr. WEST. Well, read the bill.

Mr. EATON. They have read the bill. People disagree. My own impression is that if we have no other bill before us, if the Military Committee will present no other bill to us, then if it be necessary for us to reduce the expenditures of the Army, let us do it here on the only bill that we have before us.

Mr. LOGAN. I will say to the Senator who speaks about the refusal of the Military Committee, that if the Senate by any vote or resolution will say that they are ready to act upon a bill reducing the Army, that they desire the reduction made at this session of Congress, the committee will report the bill at once. There is no trouble about that. If the Senate indicate that they desire to cut the Army down, all they have to do is to say so to the Military Committee, and the bill will be reported; but I do not want to see a cutting down like that in this bill, if we are going to do it at all.

I merely rose to ask the Senator a question. He tells us that persons say that here is a reduction of the number of persons in the Army. I wish some Senator would show me whereby in this bill the Army is reduced, except a small portion cutting down two regiments. I should be glad to be shown where it is. It is only that you prohibit recruiting until the Army reduces itself; not that you reduce it by this bill, but until it allows itself to linger along and die out down to the number of 22,000 troops. That is the meaning of it.

Mr. BOGY. Mr. President, it seems to me that we have got into this trouble for this simple reason: The House of Representatives have certain views of public policy. Whether those views be correct or not, they entertain them; I believe they are not altogether sor-

rect; but the House, having those views, have passed upon this subject, and I will say also upon other subjects, certain bills a good while ago. Those bills came to the Senate, but no action has taken place upon those bills. The bill for the transfer of the Indian Bureau came to the Senate perhaps two months ago. It was referred to the Committee on Indian Affairs, of which I am a member myself. That bill has remained there, and has slept soundly from that day until the other day it was reported by the chairman of that committee without any action having taken place by the committee on that bill, except the fact that it was reported back to the Senate for the disposition of the Senate in such way as the Senate might deem proper. The House had spoken in favor of the transfer by a good, well-guarded, well-protected bill, and that bill was referred to our Committee on Indian Affairs, and there it remained. So with regard to the bill for the reduction of the Army and the bill to reduce the pay of the Army. Whether their views be right or wrong, the House of Representatives have some rights; and they have expressed their views in bills well-guarded and well-protected, in my estimation. Those bills were referred to the proper committee here. I do not want to find fault with the committee, but I speak of a fact which cannot be contradicted when I say they were referred to the committee some three or more weeks ago, perhaps six weeks ago, and there those bills have remained. What is the House to do? What would the Commons of England do in a case of that kind? Sir, they have the right of appropriation. In that House are initiated all the appropriation bills. They speak in a voice to the Senate, saying "we have passed certain bills; there has been no action on them by you; and now we will pass the same bills as parts of an appropriation bill." It may not be proper; it may not be very correct legislation, although it has been done often before, and it does not meet exactly my approbation, but it is a necessity forced on the House. The Senate has a right to do what it may think proper with regard to all these questions. It has a right not to reduce the Army; it has a right not to reduce the pay of officers of the Army; it has a right not to vote for the transfer of the Indian Bureau; so has the House the same right to vote as it pleases on these subjects. Having passed those bills and sent them here, and no action having been had by the Senate, the House have again spoken in the only way left to them, and I think that they have spoken properly.

Mr. ANTHONY. If it would not interrupt my friend, I should like to ask him a question?

Mr. BOGY. If it is short I will yield, because I am only allowed five minutes, and I have exhausted four already.

Mr. ANTHONY. The Senator says that the House must originate the appropriation bills. I wish to know if, in his judgment, the House has any right more than the Senate to originate an appropriation bill? I understood him to speak as though the appropriation bills must originate in the House of Representatives.

Mr. BOGY. Appropriation bills originate in the House, as a matter of course.

Mr. ANTHONY. Why?

Mr. BOGY. I do not mean to say that the Representatives have an exclusive right, but they have the right to originate them.

Mr. ANTHONY. So have we.

Mr. BOGY. They have the right of action. In five minutes, as a matter of course, a speech cannot be very full of explanations. I do not mean to say that the House of Representatives has the exclusive right to originate appropriation bills, but it has the right. Having heretofore spoken in the way to which I have alluded, now when the appropriation bill comes up, they have reiterated what they before expressed in regard to other measures in this appropriation bill. That is what I meant to say. This is the trouble: There has been no action taken on the Indian Bureau transfer bill. It is not my place or my right to censure the action of any committee of the Senate; I am a member myself of the Indian Committee; I only speak of it as a fact that comes within my right to say, that the bill has remained there. The committee had the right to judge of the propriety of the delay—I speak nothing of that—but these measures have been delayed. That is sufficient for the House. According to my understanding of the duties of a committee, it cannot postpone a bill until the next fall to be taken up then by the committee, because a committee does not exist beyond the session, and it ought to report it back to the Senate. In that I may be mistaken, but such is my view.

The PRESIDING OFFICER. The time of the Senator from Missouri has expired. The hour of two o'clock having arrived, it becomes the duty of the Chair to lay before the Senate the bill (H. R. No. 3398) for the issue of coin, and for other purposes, made the special order for this hour.

Mr. ALLISON. I move to lay aside that bill.

Mr. SHERMAN. I have no objection to letting it stand as the special order after this appropriation bill is through with.

The PRESIDING OFFICER. Is there objection to this bill being considered after the conclusion of the appropriation bill now before the Senate?

Mr. EDMUNDS. I object.

The PRESIDING OFFICER. Then it must be postponed by order of the Senate, or proceeded with.

Mr. EDMUNDS. I ought to explain, because my friend from Ohio may think I wish to keep his bill off. It may happen that we may have a conference report or anything relating to the conclusion of an appropriation bill pending.

Mr. SHERMAN. I have no objection, provided it be left the special order subject to appropriation bills.

The PRESIDING OFFICER. Is there objection to House bill No. 3398 being considered as the special order after the conclusion of the present bill?

Mr. SHERMAN. Subject to other appropriation bills.

The PRESIDING OFFICER. Subject to other appropriation bills or other privileged questions.

Mr. EDMUNDS. Subject to all matters arising out of appropriation bills.

The PRESIDING OFFICER. The Chair hears no objection, and it is so ordered. The Army appropriation bill continues before the Senate as in Committee of the Whole, the question being on the amendment of the Committee on Appropriations to strike out the first eight sections.

Mr. ALLISON. I think the discussion thus far has disclosed that it is impossible for us now in the Senate, as it was impossible for the Committee on Appropriations, to consider at this time on an appropriation bill the great question of re-organizing the Army. Gentlemen may have whatever views they choose on that subject. It may be that the Army can be reduced; it may be that the staff of the Army can be reduced and that regiments may be consolidated; but it seems to me manifest that in the Senate at least we cannot consider that question on this bill.

I desire to say one word, as I am up, with reference to the transfer of the Indian Bureau, in reply to the Senator from Missouri. Whatever there may be in his remarks looking to a reflection upon the Indian Committee with reference to that bill, I must say to him that I think he is mistaken. Of course I cannot state what occurred in that committee, but I do say that the consideration of that measure was pushed forward as rapidly as was consistent with the duties of the committee, and if this session should last six months longer or two months longer that question can be considered undoubtedly, as can all these other questions. But here we are with the end of the fiscal year approaching us, and up to us on Friday next, and the appropriation bills must go through. Then, after passing the appropriation bills, if we want to sit here and continue an examination of these other questions with a view to economy, I certainly shall not interpose any objection, and I do not think anybody will.

Mr. ANTHONY. Mr. President, as a question of the privileges of the Senate, I do not like to have the theory admitted here that the Senate has not an equal right with the House of Representatives to originate appropriation bills, a right which it seems to me we may be called upon to exercise this week. The Senate passes an appropriation bill every day. Every private-claim bill that we pass which contains an appropriation in it is an appropriation bill, and the Senate has passed general appropriation bills and sent them to the other House. It was done at the first session of the Thirty-sixth Congress. The Senator from Ohio [Mr. SHERMAN] and the Senator from Vermont [Mr. MORRILL] will recollect it very well. The House of Representatives was slow in organizing, no beginning was made toward any appropriation bills, and the Senate took up the question and passed appropriation bills and sent them to the House. The subject here was discussed fully, and the decision was arrived at that we had an equal right with the House to originate those bills.

Mr. DAWES. What was the result?

Mr. ANTHONY. The House declined to pass our appropriation bills, and sent appropriation bills over to us.

Mr. DAWES. They laid all the Senate bills on the table.

Mr. ANTHONY. They did, undoubtedly. I do not deny the right of the House to lay an appropriation bill from the Senate on the table or of the Senate to lay on the table an appropriation bill from the House; but I say that the rights of the two Houses are precisely equal upon all appropriation bills. An appropriation bill is not a bill to raise taxes, but to expend the proceeds of taxes after they have been raised. I do not wish to pass over in silence any intimation so strong against the privileges of the Senate as that we have not an equal right to originate appropriation bills. I am afraid we shall have to exercise that right.

Mr. MERRIMON. I beg to ask the Senator with his long experience a question, whether it has not been the practice of the Government since the beginning that the House of Representatives shall originate appropriation bills generally?

Mr. ANTHONY. Certainly it has; and so it has been the practice of the Government from the beginning that the House should originate the resolution of final adjournment. It always originates in the House, but the Senate can pass it if it sees fit or lay it on the table, as the Senator from Massachusetts says.

Mr. DAWES. I do not think it is an open question. I think, as the Senator from Rhode Island has said, that the practice of the Government for years has been so constant as to the originating of appropriation bills—I speak not of the general appropriation bills but appropriation bills—as to cover the constitutional authority of the Senate. From time out of mind bills appropriating money have originated in the Senate, although I must confess that if it were a new question it would be very difficult for me to distinguish between appropriation bills and tax bills under the term "money bills." I

I think the original construction of the Constitution would cover them both; but the construction which has by both Houses been recognized is that there may be appropriations of money by bills originating in the Senate. Such bills from the Senate have been passed by the House time out of mind, and it is too late for us now——

Mr. ANTHONY. What is there about "money bills" in the Constitution?

Mr. EDMUNDS. I wish to ask the Senator from Massachusetts to turn his attention to the precise language of the Constitution. It does not say "money bills," as was the common-law phrase.

Mr. DAWES. I know it says revenue bills.

Mr. EDMUNDS. It says "bills for raising revenue." Now, the idea that you are raising revenue when you are paying it out, is singular to me. I thought that was diminishing it.

Mr. DAWES. I did not rise to discuss that question, because I think it has passed the period when it may be raised. I think that if it were an original question I would adhere to what I have stated to be the proper construction, but both Houses have committed themselves for half a century to the origination of appropriation bills in the Senate.

The PRESIDING OFFICER. The question recurs on the motion made by the Senator from Illinois to amend the amendment of the committee by striking out the word "eight" in the sixth section and inserting "ten."

Mr. STEVENSON. Mr. President, we have to-day rather an extraordinary spectacle presented to the Senate and to the country.

The amendments proposed to the Army appropriation bill by the Senate Committee on Appropriations strike out all the reductions proposed by the House, and, instead of an annual reduction of more than $3,000,000 contemplated by that body in this branch of the public service, the Senate committee strike out the first twelve sections of the House bill and refuse concurrence upon the ground that they have had no time to consider in an appropriation bill and at so advanced a period of the session the proposed important reduction proposed by the House in the Army. It is the same old cry of the impropriety of repealing existing legislation upon appropriation bills. But is the House of Representatives to blame for this action?

The House bill for the reduction of the Army came to the Senate, I believe, about the 1st or 2d of June of this year. It was referred to the Senate Committee on Military Affairs. No action and no report by that committee on this proposed reduction by the House on this important branch of the public service has ever been made. The chairman of the Senate Committee on Military Affairs [Mr. LOGAN] tells us that the committee, in view of the importance of the measure and the approaching end of the session, postponed all consideration of it until the next winter. This is the reason why the House of Representatives has deemed it proper to put the proposed reduction of the Army in this appropriation bill. Having failed to obtain any concurrence or action of the Senate upon the Army bill proper, passed many weeks ago, and proposing a re-organization and reduction of the Army by putting it on a peace basis and saving more than $3,000,000 in this branch of the public expenditure, the House have sought the same result by putting this reduction upon the Army appropriation bill. The Senator from Illinois tells us that the bill proposing this reduction of the Army is a sham, a mere pretense, and utterly false in its hollow pretensions at reduction of the military force and economy.

This statement is most extraordinary, if true, and it seems to me that the Senate Committee on Military Affairs instead of postponing the consideration of the bill until the next winter ought to have reported at once and exposed its hollow and hypocritical false pretenses. Why was it not done? Upon such a report each Senator could have voted understandingly. The pretended economy of the House on this proposed reduction of the Army, if false, might have been exposed to the country. Why postpone action?

Mr. LOGAN. If the Senator will allow me——

Mr. STEVENSON. The Senator will pardon me. I have but five minutes and he can explain when I get through.

Mr. LOGAN. I only want to set the Senator right.

Mr. STEVENSON. The Senator can set me right when I am through. I certainly did understand the Senator to say that the House bill was the merest sham! Am I wrong in that?

Mr. LOGAN. Not the House Army bill, but this appropriation bill.

Mr. STEVENSON. I understood the Senator to say the House Army bill was a sham.

Mr. LOGAN. I beg the Senator's pardon.

Mr. STEVENSON. Then I misunderstood the Senator. The honorable Senator from Louisiana also told us that the House Army bill was a sham.

Mr. WEST. I said the attempted reduction of the Army in this appropriation bill was a sham.

Mr. STEVENSON. I certainly understood the denunciations of both the Senator from Illinois [Mr. LOGAN] and the Senator from Louisiana [Mr. WEST] to be leveled against the House Army bill. But I accept their corrections and acknowledge I misunderstood them. They referred to the proposed reduction of the Army contained in the first twelve sections of the pending appropriation bill. But, Mr. President, if the Senate Military Committee had reported the House bill sent to them nearly a month ago, these reductions of the Army on this appropriation bill would not have been put there. It was the non-action of the Senate Committee on Military Affairs that has rendered this last action of the House necessary.

So far from deserving the denunciations heaped on the House to-day by the two Senators, I think that body deserves the thanks of the country.

That House is charged by the Constitution with the sole power of originating all bills for revenue; and they are the popular branch of the people. The House of Representatives know the wants and realize the necessities of the people. I therefore deeply regret that the Senate Committee on Military Affairs did not either recommend a concurrence on the Army bill passed by the House reducing the Army to a peace basis with the annual saving of $3,000,000, or recommend a non-concurrence. Had this been done and a report from the Senate Military Committee against concurring, the issue would have been fairly made before the country.

We have been informed that the revenues of the Government are below the estimates, and unless we practice retrenchment we must resort to increased taxation or borrow more money.

I believe that the people of this country have a right to demand of their representatives that the Government of the United States, like any prudent citizen, must live within its revenue. Economy and retrenchment are among the crying demands of the present hour. Not so much, Mr. President, in reducing salaries as in dispensing with unnecessary expensive Army and Navy establishments in time of peace. I am a friend of the Army and Navy both. My past course in the Senate will show that I have never been niggardly in my votes for all liberal appropriations demanded by these branches of the public service. But I insist with the House that an Army on a war basis should be brought down to a peace basis. It was so in the time of the war of 1812 and it must be so now.

We have a large number of officers in the Army, embracing almost every grade in the military department, in which I am informed great reduction can be made without detriment to the public service. It requires time to begin this reduction by dispensing with promotions when vacancies occur among the staff officers, and the sooner it begins the earlier will practical reduction take place.

A reduction in the rank and file in the Army can at once be initiated. We are eminently a people of peace, and require no standing Army. In this age of enlightened and civilized evangelization diplomacy and arbitration are to take the place of war, and we therefore want no standing armies. But, if I was wrong in this, no fact has been better developed by the late bloody civil war which drenched our land than that we may rely upon our own citizen soldiery as our surest defense in time of popular need, should the emergency arise to call them out.

I know we have an enlarged frontier to defend, and I am willing liberally to provide for that defense. But surely a regular Army one-third less than that which we now have would be ample for that purpose. I insist that we should not forget the heavy indebtedness under which the entire country is groaning at this time and the heavy taxation to which the people are being subjected at this period of great pecuniary and commercial depression throughout the country. Therefore both upon the ground that large standing armies are unnecessary and are directly opposed to the genius of American free institutions, not less than upon the ground of a retrenchment and economy demanded by popular necessity, I favor the reduction of the Army to the lowest scale which the public interest will allow.

Our frontiers are becoming rapidly filled up with an industrious, brave, energetic people. And although they require protection from the Indians, this need will probably become less and less every year. Before the late civil war I think our Army did not much exceed 12,000 men, and surely ten years after its cessation the Congress of the United States should be taking some steps to its reduction to something like that standard.

I do not profess, Mr. President, to know what that standard is. The decision of that question I shall most willingly leave to the investigation and recommendation of the Committees on Military Affairs in the Senate and in the House. The House of Representatives has already taken the initiative on the recommendation of its committee. I only regret that nearly a month has been permitted to pass without action by the Senate Committee on Military Affairs.

The House bill, I understand, proposes great retrenchment. It proposes reductions both in the cavalry service and in the infantry service. It proposes to dispense with certain officers and to curtail expenditures in various items of the Army expenditures. If such action is all wrong, if there is nothing practically beneficent in it, I should have been rejoiced to have seen and heard it demonstrated by the committee in this Senate having charge of the House bill. But they do not tell us the House bill is wrong or that the public service cannot safely bear the proposed reduction. The distinguished and experienced chairman of the Committee on Military Affairs in the Senate tells us to-day that he is not even now prepared to say whether he will or not vote for some reduction of the Army.

Mr. LOGAN. I said I should not commit myself now on the bill before the Military Committee reducing the Army had taken action.

Mr. STEVENSON. That is just what I understood the Senator to say, and it is just for that reason that I claim that the House bill reducing the Army should now be acted upon and passed. If the Senator is not prepared to say that the Army could not safely bear the

reduction proposed by the House, then I am willing to act on the recommendation of the House and pass the bill which that body has matured after months of deliberation.

This is the time, this is the place, this is the opportunity by which a large reduction can be made in the Army and in the Navy without detriment to the public service. If the Senate committee would take no action on the House bill reducing the Army, let not Senators blame the House for imitating the example of a dominant republican majority in putting upon the Army appropriation bill reductions in the military service demanded by the country, and which they endeavored to accomplish in the regular Army bill.

As I said, Mr. President, on a former occasion during the present session, our republican friends seem to think it right enough to raise the salaries of Army officers on appropriation bills and even to increase the number of such officers, as I showed was done in 1870, but the moment an attempt is made to reduce salaries by the same process then we are met with the objection and impropriety of legislation upon appropriation bills.

It is a poor rule that does not work both ways.

During the present session existing laws, against the protest of myself and those who act with me in this Chamber, have been repealed by appropriation bills, and it is too late for Senators to interpose their objections now. It was the non-action of the Committee on Military Affairs in the Senate upon the House bill reducing the Army, which went to them on the 2d or 3d of June, that induced the House to place upon the Army appropriation bill in its twelve first sections the proposed reduction in the Army. If the Senate will now direct that committee to report back the House bill (as the chairman [Mr. LOGAN] says he will promptly do if directed by the Senate) and concur in its provisions, we can save $3,151,000 in this branch of the public service during the next fiscal year. If the dominant majority in this Chamber refuse the proposed retrenchment, let them take the responsibility of its failure before the people in the coming canvass.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. LOGAN. Mr. President——

The PRESIDING OFFICER. The Senator from Illinois has no further time on this amendment.

Mr. LOGAN. I move to amend by striking out the sixth section.

The PRESIDING OFFICER. That motion is not in order, there being now an amendment in the second degree pending.

Mr. LOGAN. I withdraw the amendment that I moved a moment ago, and move now to recommit the bill to the Committee on Appropriations.

The PRESIDING OFFICER. That motion is in order.

Mr. LOGAN. I desire merely to answer the Senator from Kentucky and any others who have unintentionally made the same insinuations. It is very clearly intimated here that the Military Committee are withholding measures that ought to be before the Senate.

Mr. STEVENSON. I made no such intimation.

Mr. LOGAN. The Senator said we ought to have reported the bill back and made a report upon it in order to show whether it was wrong or whether it was right. I say to the Senator that the House of Representatives spent seven months in maturing that bill and sending it to us, and yet he would require the Military Committee to report it back here in two weeks; and, if they do not do so, fault is found with them. I understand this thing perfectly. This is a complaining time. Fault is to be found with everybody; nobody does his duty here except certain Senators. I am ready to take any responsibility, so far as I am concerned, that is proper. I did just what I believed to be right with that measure. Although I am stating what was done before the committee, I will say that I presented it to the committee with my judgment that we had not time to consider it at this session, it being so late in the session; and I stand by it; but if the Senate shall vote at any time, by resolution or otherwise, that they are ready for a reduction of the Army, then the Military Committee is ready to report a bill; and then the Senate can make a bill to suit themselves. It might not be such a one as I would make; but the Senate would have the power to alter and change it to suit their own notions. I did say the provision in this appropriation bill was a sham; I did not say the bill reported from the House Military Committee was a sham. I said nothing about that; but I said this was a sham and a pretense. I say now to the Senate that the House, after seven months, passed a military bill. Then for fear that they would not have the thing in a condition so that they could squeeze somebody to agree to it, they put part of it upon an appropriation bill, without knowing what the Senate or the Military Committee of the Senate intended to do with the other bill. That has been the proposition all the time.

In reference to the question mentioned by the Senator from Missouri a moment ago, that his committee had had a bill before it for two months, and the House could not afford to wait, I will state that they sent a bill here in reference to the Indian Department and another in reference to the War Department, and then they put both bills on the appropriation bills besides. Is that the right way to legislate?

I wish to say one thing further in reference to this proposition. A proposal for a reduction of salaries on the Army appropriation bill is no part of the business of the House of Representatives or of the Senate. It is the duty of the Congress of the United States, if salaries are too high, to pass a law regulating salaries; but the very moment that you reduce those salaries on an appropriation bill, without repealing the law, which you do not do, which you have no right to do on an appropriation bill, as I maintain, you leave the salary just as it was before, except that you do not appropriate money to pay it. The General of the Army, or the major-generals, or anybody else, can proceed against the Government for the larger amount which should have been appropriated in the appropriation bill. It does not reduce their salaries; it only reduces the appropriation to pay their salaries. You only allow them so much. You may, it is true, repeal the law in an appropriation bill, but that is not proper legislation.

Mr. WEST. It is not even attempted in this bill as it came from the House, either.

Mr. LOGAN. As I said, it is not provided in this bill. You may do it; you have the power to do it; but it is not proper legislation. It has been decided by the Senate time and again that legislation for the purpose of reducing salaries must be general legislation by an act of Congress regulating the amount of pay that the officers shall receive. Then the duty of Congress in an appropriation bill is to appropriate such money as the law itself provides shall be appropriated for certain purposes. That is the function of an appropriation bill. Whenever Congress goes outside of that to reduce salaries or expenses, unless the reduction is made by law first, it goes outside of that which legitimately belongs to it so far as legislation in an appropriation bill is concerned.

I withdraw the motion to recommit the bill.

Mr. BOGY. I will only say that in this case the House did pass a bill to reduce the salaries of these very persons. That bill came here, was laid before the Senate, and referred to a committee of the Senate; but there has been no action upon it. Whether that course was proper or not I do not now discuss. The fact is that the bill did pass the House and was referred to a committee of this body. The House may be forced to another mode of accomplishing the same object; but it does not affect the truth that the House did pass a bill to reduce the salaries of the Army. I say more, that the Senate referred that bill to a committee, and it has gone there, like to the tomb of the Capulets, where there is no resurrection.

Mr. MAXEY. The Senator from Illinois having withdrawn his amendment, I ask if an amendment will be in order at this time?

The PRESIDING OFFICER. It will be.

Mr. MAXEY. On page 12, after line 151 of section [9] 1, I move to insert:

Provided, That the cavalry regiments shall be recruited to one hundred men in each company, and kept at that number; and a sufficient force of cavalry shall be employed in the defense of the Mexican and Indian frontier of Texas.

Mr. WEST. We cannot consider that now.

Mr. ALLISON. I suggest that the Senator from Texas delay his amendment until we reach that point in the bill.

Mr. MAXEY. I will state that I offer my amendment now in order to perfect the text.

Mr. ALLISON. But the amendment which the Senator now proposes is to come in beyond the portion of the bill which we are considering.

Mr. MAXEY. I want to place the amendment before the Senate at this time in order that the Senate may comprehend thoroughly the condition of the frontier.

Mr. LOGAN. Let the amendment be reported.

The Chief Clerk read the amendment.

Mr. MAXEY. I desire to say a word in this connection. I speak with physical pain, and would not speak at all were it not that my people are so deeply interested in the question before the Senate. I have lived upon the frontier for twenty years. I profess to know something of what is necessary for the defense of the frontier, and I cannot appreciate the sentiments of gentlemen who live in the interior, whose people are not exposed, when they oppose a proper defense of the frontiersmen who make up the new States. I raised the same question this morning. I want the cavalry companies increased to one hundred men each and kept at that number. In my judgment that number is necessary for the constitutional duty of protecting the frontier. I believe that ten regiments of cavalry are vitally necessary and essential to the protection of the frontier, if we can provide them, knowing what is told us by the President, by the Secretary of War, and by the General of the Army. They have not now at their command a sufficient number of cavalry troops to protect the frontier, which it is made by the Constitution of their country their duty to protect.

We have in my State a long line of frontier suffering this very day for want of protection. I am told by the President himself that he cannot protect it because he has not got the troops. Would it be honest to my own people for me to come in here and ask for a reduction of the Army, thereby stripping the Government of even the small force which it now has for the protection of the frontier? I believe in the doctrine "Millions for defense; not one cent for tribute." I believe it to be the duty of this Government to protect the frontier, and as a frontiersman I ask that the amendment which I have offered be adopted as a part of the bill.

Mr. EDMUNDS. May I ask the Senator a question? Do I understand the Senator from Texas to say, upon his information and observation on the frontier, that the Army of the United States is not now sufficient to protect the frontier?

Mr. MAXEY. I so stated, and in the very little time I have left I

will endeavor to make it perfectly clear. I say to the Senator from Vermont that it is apparent to every military man who comprehends the character of service now to be performed by the military in the protection of the frontier from Indian incursions, and notably in the protection of our Rio Grande frontier, that the character of troops necessary for that work is cavalry commanded by intelligent men, cavalry made up of men who have individuality, because you have often to send out little squads of ten and a dozen men under a sergeant. We need intelligent non-commissioned officers. You get that character of men in the cavalry force much more often than you do in any other part of the Army. In many instances the command is thrown into the hands of a non-commissioned officer. They have to act upon their individual judgment. These troops necessarily must move with great rapidity. The character of defense demands rapidity of movement. Thus it happens that you must have cavalry for the frontier defense. As I have stated more than once, I called for an additional force for the protection of my own frontier, knowing as I do that cavalry is the best for that defense. I was told by the President himself that he could not furnish it because he did not have the troops. He conceded the necessity but could not furnish the troops, and so he has stated in his message which was presented to the Senate at the opening of the present session. I called, in conjunction with my colleague and several members from Texas in the House, upon the President. I afterward saw the General of the Army, and he replied that he could not send the cavalry I wanted down to the Rio Grande frontier because they were needed elsewhere. The President gave as a reason why he could not protect the Rio Grande better that the cavalry were necessary in the Black Hills, or Sioux country. Thus it happens that we have this vast frontier unprotected. I state, not as a member of the Committee on Military Affairs, but as having some knowledge of military affairs and some experience which it is not necessary to say anything about, that in my judgment ten regiments of cavalry are not sufficient. I do not mean for Texas but for the entire frontier.

Mr. EDMUNDS. Then, if I correctly understand the Senator, in his judgment, based upon all the information, the present estimate is inadequate to the wants of the service.

Mr. MAXEY. That is my conviction as to cavalry, and therefore I shall oppose a reduction of the force, as I have stated more than once.

Mr. EDMUNDS. I believe the Senator proposes an increase.

Mr. MAXEY. I should much rather have a portion of the infantry force made mounted infantry, which is a very good arm of the service. They would be of great aid to the cavalry force. I had rather see that than to see the cavalry reduced. That is my view in regard to the matter.

Mr. WHYTE. The Senator from Illinois has somewhat surprised me by announcing that the first eight sections of this bill amount to nothing but a fraudulent deception; that there is nothing in them; that they can mean nothing, and have been intended to accomplish no good result. I confess no great amount of knowledge in military affairs, or as to the size of the various regiments, or as to the arrangement of them and their disposition at this time; but, looking at the bill as it came to the Senate, it strikes me that it is simply carrying out the intelligent action of the House of Representatives on other bills. Taken by itself, without its precursors, there might be supposed to be some buncombe about it; but, inasmuch as the House of Representatives some months ago passed a bill reducing the pay of the superior officers of the Army and sent it to the Senate for action, I can hardly see anything to be complained of that in this appropriation bill they also reduce the pay of those very officers, presuming that the Senate would act in the interest of economy. And knowing, by the warning voice of the chairman of the Finance Committee of the Senate, that the appropriations must be reduced, they had reason to suppose that the Senate, in the interest of economy, would reduce this pay in accordance with the bill which they had already sent to the Senate. I can hardly see any buncombe or any fraud or any pretense in that conduct on the part of the House of Representatives.

Mr. MAXEY. Will the Senator from Maryland yield to me a moment?

Mr. WHYTE. Yes, sir.

Mr. MAXEY. I neglected to make one explanation which I think will answer the Senator from Vermont. My present recollection is that eighty-two constitute a cavalry company. My amendment is to increase the number to a hundred.

Mr. EDMUNDS. It increases the Army about two thousand, I believe.

Mr. WHYTE. So much for the first portion of this appropriation bill. So far as concerns the objection made by the Senator from Illinois to the reduction of salary on an appropriation bill, it is rather late to make any such objection as that. It is rather late when the statute-book is full of examples of increases of salaries in such bills. In 1870, the two Houses of Congress being composed of members of the same party who compose the majority of the Senate to-day, the salaries of the officers of the Army were fixed in an appropriation bill; and it comes with bad grace to-day from members of that party to say that the House of Representatives is committing a folly or is guilty of buncombe before the country when the House has so excellent an example in the republican party in both Houses of Congress in 1870, and in 1866 also.

That is not all. Other portions of the early sections of this bill are made to comply with the bill for promoting the efficiency of the Army, passed by the House of Representatives, and sent to this body on the 2d of June, which was referred to the Committee on Military Affairs for its action prior to the required action of the Committee on Appropriations on this bill. This bill is made in many respects to conform to that. So far from there being any fraud or buncombe in that bill, it does not reduce the Army by cutting it off as with a sword. Far from it. It proceeds by a gradual process to its reduction. It provides for a commission. It provides a machinery which will not be a disorganization of the Army as of to-day, but a slow and gradual process, under the eye of the President and under the eye of those who know best what will promote the efficiency of the Army. It is to be reduced carefully and systematically for the future and not at the present. Therefore it is unjust to the House of Representatives to charge them with sending a bill here made up of what is denounced as fraud and humbug.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. WEST. Mr. President, in this general discussion on the reduction of the Army we are liable to lose sight of what the Senate is required definitely to act upon. The Senate is called upon under a proposition of the Senator who has charge of this bill to strike out eight sections of the bill. I took occasion to say that the attempted reduction of expenditure in this bill was a sham and a deception. The Senator from Maryland thinks not. He thinks that there is a provision in this bill that enables the gradual, the systematic, and the intelligent reduction of the Army. I venture to differ from him, and I will ask his attention and the Senate's attention to the particular specifications of the bill itself, and ask them to consider what will be the operation of it if enacted into a law:

That the number of cavalry regiments are hereby fixed at eight—

They are now ten—

and the infantry and artillery at twenty.

They are now thirty.

And the Secretary of War, as soon as the requirements of the service will permit, holding in view the least expense on account of transportation, shall cause the reduction to be made by the merging of the enlisted men into other organizations.

Not one man goes out of your service; not one officer leaves it; but the officers and men taken out of these regiments are to be put into other regiments. That fails to reduce the Army one man, but it entails the expenditure of a transfer from regiment to regiment, involving, as we all know, a large expense in the transportation of the Army. The Senator's idea is that there is to be a board who are to examine into this thing. That is a proposition applying to the Army the same rule that pertains to the Navy, that if hereafter, for years and years, not this year or next but during the organization of the Army for all time to come, if any officer proves himself deficient or inefficient, according to the estimation of that board, there is a method of retiring him. That is entirely a different proposition from reducing the Army at the present time.

So take the section as it stands—and that is all we have to deal with—or take the eight sections as they stand—and we can go no further—the first proposition is to reduce the compensation to the officers and the next is to transfer the men. The reduction of compensation to the officers will be more than offset by the expense of the machinery to transfer the men. That is all there is of it. There is no board there to accomplish that purpose. You merely take a man out of one regiment and put him into another, and that is what you call reducing your Army; that is the proposition here, and therefore it is a sham.

Mr. ANTHONY. Mr. President, as I only used one of my five minutes and three other Senators were talking at the time, I wish to say one thing more with regard to the origination of appropriation bills.

I referred to the Thirty-sixth Congress, when the Senate passed appropriation bills and sent them to the House; but I am informed by authority which goes back further than my own, and which is better—and my recollection also concurs in the same point—that in the Thirty-fourth Congress a resolution was introduced by Mr. Hunter, of Virginia, affirming the right of the Senate to originate appropriation bills; a long debate ensued, the resolution prevailed, and three general appropriation bills were passed by the Senate and sent to the House at that session.

With regard to the right of the two Houses to legislate upon appropriation bills, there is no doubt whatever that the two Houses have a right to legislate upon appropriation bills; but the question which has been discussed here seems to be whether one House alone has that right. Whenever there is legislation proposed by one House on an appropriation bill and the other House agrees to it, it is a perfectly proper mode of legislation—not so good as legislation by separate and distinct bills, for undoubtedly an appropriation bill should be confined simply to the appropriation of moneys to carry out existing laws; but there can be no constitutional objection, and certainly there is none, in practice, to legislating on appropriation bills where both Houses concur in the legislation. But, when one House puts upon an appropriation bill legislation, and the other House does not agree to it, then it is for the House which proposes the new legislation to yield. That has been repeatedly done by the Senate, and it should be done by the other House.

Mr. EATON. Is an amendment in order to the amendment of the Senator from Texas?

The PRESIDING OFFICER. The Chair would state that the motion of the Senator from Texas to amend is not now in order. The question before the Senate is the amendment of the Committee on Appropriations striking out the first eight sections of the bill. The Chair holds that it is not in order to amend that by a motion to amend another section not now under consideration.

Mr. EATON. I only wish to say one word in reply to my honorable friend from Rhode Island. All bills for raising revenue must originate in the House of Representatives, but the Senate may propose or concur with amendments as on other bills. I agree with the Senator from Rhode Island that the House of Representatives has not the sole power under the Constitution of originating appropriation bills; but I submit to the good sense of my honorable friend and the good sense of every other Senator upon the floor that that portion of the Congress of the United States who by the terms of the Constitution have the right to raise revenue know best what the amount of revenue is to be and what the amount of appropriations can properly be under that revenue.

Mr. ANTHONY. Not only the amount, but the objects to which it shall be appropriated?

Mr. EATON. No, no; I beg my friend not to misunderstand me. I do not by any means undertake to argue that the Senate itself has not the power to originate an appropriation bill; but, I say, it seems to be good sense that that House which has the right under the Constitution to originate a revenue bill will, as a matter of course, be better informed as to the amount of appropriations which can be made under those revenue bills.

Mr. ANTHONY. How can that be, inasmuch as we have to consider the revenue bill after it comes from the House, and inasmuch as we have the same right to propose amendments to that as to any other bill? It is different in the British Parliament, where the house that originates revenue bills appropriates money.

Mr. EATON. I understand the difference between our and the English customs perfectly well; but I submit that that body that raises $300,000,000——

Mr. ANTHONY. What is the body that raises $300,000,000?

Mr. EATON. The body that raises revenue.

Mr. ANTHONY. Which is that body?

Mr. EATON. The House of Representatives.

Mr. ANTHONY. I beg pardon; the House of Representatives cannot raise a dollar without our consent.

Mr. EATON. O! I suppose they cannot.

Mr. ANTHONY. I suppose they cannot, either.

Mr. EATON. Let me read again: "All bills for raising revenue shall originate in the House of Representatives."

Mr. ANTHONY. Undoubtedly.

Mr. EATON. We cannot originate such a bill. Very well. The House of Representatives go to work, spend three months' time of their ablest committees, of their ablest men, and they arrive at the conclusion that in the condition of the country, as the country now is, with the great depression in the industries of the country, in view of the large amount of revenue by imposts that we shall fall short this and the coming year, the total amount of revenues which can be raised by the country is so many millions of dollars, whether it be one hundred, two hundred, or three hundred millions. Then the House of Representatives originate appropriation bills in accordance with what they say will be the amount of revenue raised. We can amend these bills. We can amend the revenue bill which they originate; we can amend the appropriation bills which they send here; we can originate new ones if we like; but I submit that when the House having the sole power to originate revenue bills come under their revenue bills with their appropriation bills, they are entitled to decent respect at the hands of this body.

Mr. ANTHONY. The argument of my friend from Connecticut is that the House of Representatives is so much superior in wisdom to the Senate that we should yield to it. Now I cannot do my friend the injustice to agree to that.

Mr. EATON. I did not say that. That language cannot be tortured from anything that I said. I said that the House of Representatives having under the Constitution the sole power to originate bills for raising revenue, when they took into consideration the condition of the country, when they originated their revenue bills, when they saw what amount of revenue could be raised—and the honorable Senator from Rhode Island does not undertake to say that the House of Representatives have erred in the amount of revenue which they say will be raised from customs the coming year—their appropriation bills are entitled to a decent respect at the hands of this body.

Mr. ANTHONY. The House of Representatives have sent us a bill that is now before the Committee on Military Affairs which if passed will take half a year's revenue. Are we obliged to pass it because the House originated it?

Mr. EATON. No; certainly not.

Mr. WITHERS. Mr. President, I find myself placed in rather an embarrassing predicament with regard to this pending amendment. I have not hesitated heretofore to declare my disapprobation of the principle which has so frequently been acted upon by the Congress of the United States in ingrafting legislation upon appropriation bills; and I have on several occasions voted against clauses of appropriation bills sent here by the House of Representatives because they were legislative provisions, although I approved of the measures which were themselves embodied in those clauses. But it seems to me now, from the attitude taken by the chairman of the Committee on Military Affairs, that the only possible mode of getting at the reductions which are proposed by the House of Representatives will be through the medium of this appropriation bill. As an abstract proposition I was opposed to these sections being incorporated in the bill and in favor of striking them out, upon the presumption that whatever changes might be necessary in the organization of the Army, and whatever reductions might be deemed advisable in that branch of the service, could be much better consummated through the action of the appropriate committees of the two bodies than through an appropriation bill. For that reason I favored the striking out of these sections of the bill, presuming that the Military Committee would report a bill, which had been pending for some weeks before them, on this very subject, and that then we should be afforded an opportunity of ascertaining the sentiments of the Senate upon that particular question. But the chairman of the Military Committee, as I understand him, now informs the Senate that it is not the purpose of the committee to afford an opportunity of indicating their views upon this question of a reduction of the Army during the present session of Congress; and if that resolution be carried out, it is manifest that those who favor a reduction of the Army are reduced to the alternative of securing it upon an appropriation bill, or not at all.

It is true that I have but limited experience in the legislation of this body; but it was a new idea to me which was advanced by the distinguished chairman of the Military Committee that he would not report the bill referred to unless instructed so to do by a vote of the Senate. In that event he said he was ready to report it promptly and at once. It struck me as a little singular that the necessary information should be in the possession of the Military Committee requisite to a report of this bill, but that they felt themselves not justified in reporting it unless instructed so to do by a vote of this body. Now, sir, I dissent entirely from that doctrine.

Mr. LOGAN. The Senator will allow me——

Mr. WITHERS. I hope, unless I have misstated the Senator, he will not interrupt me.

Mr. LOGAN. Go on.

Mr. WITHERS. If I have stated the Senator's position incorrectly, I will yield with pleasure.

Mr. LOGAN. You certainly have, sir. I have been misrepresented here this morning three or four times. I did not say that the committee would have to be instructed.

Mr. WITHERS. I beg the Senator's pardon. I certainly so understood him.

Mr. LOGAN. I said the opinion of the Military Committee was that they did not have time at this late period in the session—the bill has been only before our committee a short time—to examine fully the question. I have already sent to the War Department for all the papers and documents connected with the Army in order to have a full understanding of it. I have not had a return of all of them yet; some I have received. These matters I did not think it necessary to state to the Senate this morning. But the committee on considering the subject, taking it altogether, concluded they could not give it a fair examination during this session, and therefore they postponed it. I also said this morning that any indication of the Senate that they were in favor of a reduction of the Army would bring the report of that bill. A vote on this question this morning by a majority of the Senate saying that they want the Army reduced will of course bring from the committee a report of the bill. The object that the committee had was to get full information. The bill was cooking up in the House for seven months and has been before our committee but a short time; we have not had time to examine it because we have not had the papers; and yet if the Senate desires us to report it, I can report it to-day. I shall not report in favor of it, however. I will report it with my protest against it; but still it can be reported.

Mr. WITHERS. I find——

Mr. LOGAN. I want to say that it seems to me there is a determination here to attack the chairman of the Military Committee for something he has done that is wrong. Now, sir, I have never known assaults made on a committee of this Senate before because they wanted to consider a bill, until this morning. The Committee on Military Affairs consider their matters just as fairly as any other committee of this body.

Mr. WITHERS. I must say that the Senator seems disposed to occupy my whole time instead of suggesting a correction of my remarks, which according to his own statement——

The PRESIDING OFFICER. The time of the Senator from Virginia has expired.

Mr. SARGENT. I hope it will be extended.

Mr. WITHERS. The Senator from Illinois has accomplished his purpose.

Mr. EDMUNDS. I ask that the Senator from Virginia have five minutes more.

Mr. LOGAN. I move to recommit the bill, and yield my five minutes on that motion to the Senator from Virginia, so that he can have an opportunity of going on and making his remarks.

The PRESIDING OFFICER. On the motion to recommit the rule of five minutes does not apply.

Mr. LOGAN. Then he can speak as long as he chooses.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WITHERS. Mr. President, I do not propose to speak long, and if the Senator had not interrupted me I should not have occupied my whole five minutes, I presume. I will merely state in explanation of what I said that I have no particular attack to make on the committee, further than that I deemed it just and proper to make the remarks I did, in view of the fact admitted by the chairman of the committee that they did not propose reporting a very important bill which had been in their hands for some time, which alone would give us an opportunity of acting on this important question unless we choose to act upon it in an appropriation bill. I find I did not misunderstand his remark; but he, in effect, indicates now that if by a vote the Senate should say that they favor the proposed reduction, the committee would be ready then to report the bill.

Now, sir, as to this policy of legislation on appropriation bills, I do not propose to go over it. As to the abstract right of the Senate, I admit that that is unquestioned in my opinion. But, sir, the action of the two bodies, with very few ex eptions, since the organization of the Government, tends to establish the fact that to the House of Representatives itself belongs the duty of originating appropriation bills, or at any rate they have exercised that privilege with very few exceptions. I think I can say here safely that you will look in vain into the history of the legislation of Congress to find a case where any general appropriation bill has passed both bodies of Congress which originated in the Senate. It is true, as the Senator from Rhode Island has stated, that on a particular occasion this right was asserted by Mr. Hunter and three bills were introduced and passed by the Senate, but they never became laws. According to my understanding of the matter, they went to the House and were laid on the table and the House reported appropriation bills of their own which subsequently became laws. The difference was just then that the House was republican and the Senate was democratic, and the democratic Senate then insisted on the right to originate appropriation bills and send them to the republican House. The republican House denied the right, laid the Senate bills on the table, and subsequently passed appropriation bills of their own.

Now, I beg leave to say to the distinguished chairman of the Military Committee that in anything I have said in this matter I did not design in any way to attack him, beyond the fact that I dissented from the idea which he advanced in his speech that the Military Committee were authorized to retain a bill until such time as they should consider themselves instructed by the vote of the Senate to report it, because I believe myself it is the duty of the committees to report on all bills of a general character which are referred to them wherever it is possible to do so.

The PRESIDING OFFICER. Will the Senate recommit the bill?

Mr. LOGAN. I withdraw the motion to recommit.

The PRESIDING OFFICER. The question recurs on the amendment of the Committee on Appropriations to strike out the first eight sections of the bill.

Mr. COCKRELL. Mr. President, we have often heard declamation against the propriety of legislation in appropriation bills. It has in most instances come from the majority of this Senate. When I first heard these protests against that legislation I thought that the Senate could never have ingrafted legislation into an appropriation bills; I thought that here was an innovation on the part of the House of Representatives differing in politics from the majority of the Senate, and that it was the first instance of the kind in the history of the legislation of this country; and that thought was confirmed by the repeated protests of distinguished Senators against allowing any legislation to be ingrafted into an appropriation bill. Now, I simply desire to refresh their memories from their own well-considered and matured works. I refer to the act of July 13, 1866, making appropriations for the support of the Army, and I say that there is substantial legislation in that act which is found on page 92 of volume 14 of the Statutes at Large. I then go from that to the act of March 2, 1867.

Mr. EDMUNDS. What was the legislation in 1866, will the Senator tell us?

Mr. COCKRELL. I cannot point out each act of legislation in all of these various statutes; but I say there is legislation in all these acts that I refer to. I will point it out in one or two acts, so that there may be no dispute about it. I refer next to the act of March 2, 1867, page 487 of the Statutes at Large, volume 14. There is a crime created by that law and a punishment inflicted for its commission. I refer now to section 2 of that act:

> And any officer of the Army who shall transmit, convey, or obey any orders or instructions so issued contrary to the provisions of this section, knowing that such orders were so issued, shall be liable to imprisonment—

I will read the whole act. It may be refreshing to some of the Senators:

> The General of the Army shall not be removed, suspended, or relieved from command, or assigned to duty elsewhere than at said headquarters, except at his own request, without the previous approval of the Senate; and any orders or instructions relating to military operations issued contrary to the requirements of this section shall be null and void; and any officer who shall issue orders or instructions contrary to the provisions of this section shall be deemed guilty of a misdemeanor in office; and any officer of the Army who shall transmit, convey, or obey any orders or instructions so issued contrary to the provisions of this section, knowing that such orders were so issued, shall be liable to imprisonment for not less than two nor more than twenty years, upon conviction thereof in any court of competent jurisdiction.

I refer next to the act of June 8, 1868, page 66 of volume 15. I refer then to the act of March 3, 1869, page 318 of the same volume. I then come down to the act of July 15, 1870, from sections 2 to 25, inclusive, which is an entire re-organization of the Army, fixing the status of the Army as it is to-day and the pay of the officers of the Army. Here it is, fixing the pay of the General, of the Lieutenant-General, of three major-generals, brigadier-generals, and all of them all the way through, an organic law. Then I go to the act of March 3, 1871, page 524 of the sixteenth volume. Then I go to the act of June 6, 1872, page 261, volume 17, and the act of March 3, 1873, page 547 of the same volume. In one of these acts I find that the Court of Claims was constituted in an appropriation bill. The Court of Claims was organized and jurisdiction given to it in an Army appropriation bill.

Mr. EDMUNDS. What bill is that?

Mr. COCKRELL. That was in the act of March 3, 1871:

> That the President of the United States shall be, and he is hereby, authorized to nominate, and by and with the advice and consent of the Senate appoint, a board of commissioners, to be designated as commissioners of claims, to consist of three commissioners.

Mr. EDMUNDS. Not the Court of Claims.

Mr. COCKRELL. I should have said the commissioners of claims, not the Court of Claims. An act in regard to the Pacific Railroad was also incorporated into that Army appropriation bill in section 9. The act of March 3, 1873, (page 547 of volume 17 of the Statutes at Large,) also contains legislation.

We find, then, that in 1866, 1867, 1868, 1869, 1870, 1871, 1872, and 1873 this distinguished Senate, with many of the distinguished Senators now occupying seats on this floor, then members of the body, passed general legislation in appropriation bills making appropriations for the support of the Army, just as we propose in this bill, and I do think that this is a case of estoppel, that these distinguished Senators are now and ought forever hereafter to be barred, estopped, and precluded from making objection to legislation in Army appropriation bills.

Mr. WEST. Mr. President, I do not rise to reply to the position taken by the Senator from Missouri——

The PRESIDING OFFICER. The Senator's time is exhausted on the pending amendment.

Mr. WEST. Well, I move to recommit the bill, simply to call the attention of the Senate to what they are voting upon. I endeavored when I was up before to show that this attempt to change the organization amounted to nothing. Now I rise to show that the further attempt to reduce this Army to 22,000 men amounts to nothing more. The present organization of the Army, as reported by the Adjutant-General, amounts to 22,796 men, including everybody, all enlisted men. This bill says the number shall not exceed "22,000, exclusive of Indian scouts and the enlisted force authorized for the office of the Adjutant-General by the act approved March 3, 1875." So we have 22,796 men, 357 of them composed of Indian scouts and men on duty in the Adjutant-General's Office. Consequently this economical proposition to reduce the Army of the United States cuts it down the grand sum total of 439 men. There is the economy of the Democratic House of Representatives at the present time.

Mr. BOGY. What is the number of the Army authorized by law now?

Mr. WEST. The number of the Army authorized by law is 25,000, but they only have 22,796, and cannot get any more under the operation of the law. So, if you say they shall not have over 22,000, you only cut down your men four hundred and thirty-nine. That includes the Indian scouts. So you see the whole operation of this section as we have to deal with it, and that is all there is before us, and it is the only thing we can legitimately consider, is a proposition to cut down the Army four hundred and thirty-nine men, in the face of what? In face of the assertion of the Senator from Kentucky that the people of the United States do not require the Army up to its present extent, and the assertion on the contrary of the Senator from Texas, who is where the Army is used in protecting the frontier, that they want sixteen hundred men more. There is the difference in authorities on that side of the Chamber, and the sole proposition is to cut it down four hundred and thirty-nine!

Mr. BOGY. I am astonished at the statement——

Mr. WEST. I withdraw the motion to recommit.

Mr. BOGY. I rise to express my astonishment at the statement made by the Senator from Louisiana. He admits himself that the law now authorizes an Army of 25,000 men. Whether those may all be in active service or not, that is the law. It authorizes an Army of 25,000 men. The bill before us proposes to authorize only 22,000; and he, by a mode of calculation, says that is a reduction of about four hundred men. It is a reduction of three thousand men by the law, and was intended to be.

Mr. WEST. Not in fact.

The PRESIDING OFFICER. The question is on the amendment of the Committee on Appropriations to strike out the first eight sections of the bill; upon which the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. PATTERSON, (when his name was called.) I understand this is a political question. If it is, I am paired with the Senator from Pennsylvania, [Mr. WALLACE.] If he were present he would vote "nay," and I should vote "yea," on this motion.

Mr. MITCHELL, (when Mr. SAULSBURY'S name was called.) I am paired on all political questions with the Senator from Delaware, [Mr. SAULSBURY.] I am advised by the leaders of the democracy that this is a political question, and therefore I shall not vote. I would vote "yea," if at liberty to do so, and the Senator from Delaware would vote "nay."

The roll-call was concluded.

Mr. CHRISTIANCY, (who had voted in the affirmative.) Not considering this a political question, I voted "yea;" but as I am paired with the Senator from New York [Mr. KERNAN] and am informed that his friends consider this a political question, I simply announce the pair and state that, if the Senator from New York were here, he would vote "nay," and I should vote "yea." I withdraw my vote.

Mr. WINDOM. I am paired with the Senator from West Virginia, [Mr. DAVIS.] I am informed by his friends that if he were here he would vote "nay." I should vote "yea."

Mr. SPENCER. If this is considered a political question, I am paired with the Senator from Connecticut, [Mr. BARNUM.] If present he would vote "nay," and I should vote "yea."

The result was announced—yeas 24, nays 13; as follows:

YEAS—Messrs. Alcorn, Allison, Booth, Bruce, Conkling, Dawes, Edmunds, Frelinghuysen, Hamilton, Hamlin, Harvey, Ingalls, Jones of Nevada, Logan, Maxey, Morrill of Maine, Morrill of Vermont, Oglesby, Paddock, Robertson, Sargent, Sherman, West, and Wright—24.

NAYS—Messrs. Bogy, Caperton, Cockrell, Eaton, Goldthwaite, Key, McCreery, Merrimon, Norwood, Stevenson, Thurman, Whyte, and Withers—13.

ABSENT—Messrs. Anthony, Barnum, Bayard, Boutwell, Burnside, Cameron of Pennsylvania, Cameron of Wisconsin, Christiancy, Clayton, Conover, Cooper, Cragin, Davis, Dennis, Dorsey, Ferry, Gordon, Hitchcock, Howe, Johnston, Jones of Florida, Kelly, Kernan, McDonald, McMillan, Mitchell, Morton, Patterson, Randolph, Ransom, Saulsbury, Sharon, Spencer, Wadleigh, Wallace, and Windom—36.

So the amendment was agreed to.

The next amendment was in section [9] 1, lines 6 and 7, to increase the appropriation "for expenses of the commanding general's office" from $2,000 to $5,000.

The amendment was agreed to.

The next amendment was in section [9] 1, line 9, to increase the appropriation "for expenses of recruiting and transportation of recruits" from $75,000 to $105,000.

The amendment was agreed to.

The next amendment was in section [9] 1, to strike out, in lines 12 and 13, the words "22,000 enlisted men, as provided in the sixth section of this act" and insert "25,000 enlisted men, including Indian scouts and hospital stewards. Nothing, however, in this act shall be construed to prevent enlistments for the Signal Service, which shall hereafter be maintained as now organized, and with the force of enlisted men now provided by law."

So as to make the clause read:

And no money appropriated by this act shall be paid for recruiting the Army beyond the number of 25,000 enlisted men, including Indian scouts and hospital stewards. Nothing, however, in this act shall be construed to prevent enlistments for the Signal Service, which shall hereafter be maintained as now organized, and with the force of enlisted men now provided by law.

The amendment was agreed to.

The next amendment was in section [9] 1, to strike out, in lines 25 and 26, the following words from the clause appropriating "for expenses of the Signal Service of the Army:"

And hereafter the number of enlisted men in said serv ice shall not exceed three hundred and fifty.

The amendment was agreed to.

The next amendment was in section [9] 1, to increase the appropriation for pay of the Army from $9,154,788.50 to $9,968,574.50.

Mr. EATON. As all these subsequent amendments seem to pass unanimously, no objection being made, I desire to say that I do not wish to take up the time of the Senate by discussing in a factious manner any amendment; but I suppose the first eight sections, having been stricken out as they were by the Senate, nearly all the subsequent amendments, certainly all that have heretofore been read and very many more that I have noticed, become absolutely necessary, because the action of the Senate in striking out the first eight sections. Therefore I do not propose to interpose except to vote against all the amendments.

The PRESIDING OFFICER. Is there objection to this amendment? If there be none, the amendment will be considered as agreed to.

Mr. STEVENSON. I object, and ask for the yeas and nays.

Mr. ALLISON. I trust the Senator from Kentucky will not insist on that. I will say a word in explanation.

Mr. STEVENSON. Well, I do not want to delay action or consume time, but I will reserve it in the Senate.

Mr. ALLISON. I will say to the Senator from Kentucky that this is an exact estimate of the amount of pay necessary under existing laws to pay the men of the Army. It is an invariable payment. It is governed by the number of men enlisted in the Army. This change is made necessary by the other changes in the bill, and I trust the Senator from Kentucky will not press his call.

Mr. STEVENSON. I will reserve the call, and reserve the question in the Senate if I choose to call for it there.

The PRESIDING OFFICER. The amendment will be considered as agreed to.

Mr. BOGY. The record will not be made right in these cases by saying that there is no objection; but we do not desire to detain the Senate by discussion or by vote; but I object to all the amendments proposed by the committee of the Senate. The record will appear as if there were no objection; I want the fact noted that I object to all these amendments.

Mr. SHERMAN. I can state to the Senator that there is one stage of the bill where he can reach his object by voting against all the amendments. When the bill is reported to the Senate the question can be taken on all in gross, and the Senator can vote against all, and so go on the record.

Mr. BOGY. I only want to go on the record correctly.

The PRESIDING OFFICER. The amendment is agreed to. The next amendment will be reported.

The next amendment of the Committee on Appropriations was in section [9] 1, to strike out lines 34 to 44, as follows:

And after the 1st day of January next there shall be no more than forty paymasters in the Army of the United States, the reduction being made by dropping from the rolls the junior commissions until the maximum of forty is reached; and so much of section 1182 of the Revised Statutes and of the act of March 2, 1875, and the joint resolution of March 3, 1875, as provides for a greater number is hereby repealed: *Provided*, That section 1194 of the Revised Statutes is hereby repealed.

Mr. THURMAN. I should like to inquire of the Senator who has this bill in charge, what reduction in the expenses of the Army the amendments of the Senate committee would make. If the bill be passed as proposed to be amended by the Senate committee, what reduction would there be in the expenses of the Army?

Mr. ALLISON. As compared with last year?

Mr. THURMAN. Yes.

Mr. ALLISON. The amount of this appropriation is $372,468.60 less than the appropriation bill of last year; but we have already at this session passed a deficiency bill to cover the expenses of the Army for this year amounting to $665,000. The total, therefore, is $1,037,468.20.

Mr. LOGAN. This bill is that much less than the appropriations of last year?

Mr. ALLISON. Less than the appropriations last year including the deficiency bill which we passed this year which will be expended during this fiscal year.

Mr. THURMAN. What was the amount of the deficiency bill?

Mr. ALLISON. Six hundred and sixty-five thousand dollars.

Mr. THURMAN. I do not wish to take any time in the discussion of this bill, which the committee has no doubt given great consideration to, but I must say that while I would be one of the last men to destroy the efficiency of the Army or to vote for any measure that would be unjust either to the officers or to the rank and file of the Army, I cannot help expressing some regret that our committee finds itself unable to make any greater reduction in the expenses of the Army than $1,000,000. There must be, as I had occasion to remark the other day, a reduction of expenses; it must be in every Department, and it cannot be in any Department without operating very hardly, and sometimes cruelly, upon whole classes of individuals, and certainly upon particular individuals. I cannot but express some regret that our committee has not been able to find that it can make in the expenditures of the Army of the United States a greater reduction than $1,000,000.

Mr. ALLISON. I desire to say, in reply to what the Senator from Ohio has said, that the estimates made by the Departments this year, carefully revised by the new Secretary of War, Secretary Taft, are larger than the estimates made for last year; and we have in every instance where it was possible cut down the appropriations to the revised estimates, and in several instances have gone below the revised estimates made at the War Office. Many of these expenditures are absolutely fixed expenditures. The pay of the Army must depend upon the number of men and officers in the Army, and this pay as the bill passed the House of Representatives was $11,700,000, over $300,000 more than was appropriated for the pay of the Army last year. Thus it appears that the House itself, with all its disposition to economize, in this very bill appropriated more than $300,000 more for the pay of the Army than was appropriated by Congress last year. These expenses are fixed expenses.

Mr. THURMAN. Will the Senator allow me to ask how much the House bill reduced the expenses of the Army?

Mr. ALLISON. The House bill reduced the expenses, as compared with the appropriation bill of last year, $3,479,000; but one million of that amount was in a single item of clothing for the Army, and of course the Army has a large surplus of clothing on hand this year, and the Quartermaster's Department can get along with a much less amount. The reduction of three millions is covered by that single item of a million dollars and by some other items of a similar character, amounting to over two millions.

Mr. THURMAN. It seems, then, that the House has been friendly enough to the Army in this, that the House bill provides for the pay of the Army more than the bill of last year. It cannot be said, then, that the House is hostile to the Army; but the House apparently has made a reduction of $3,000,000. Our committee makes a reduction of only one million—two millions difference between the House and our committee. How that happens, I do not know. I hope it can be satisfactorily explained.

Mr. LOGAN. I would suggest to the Senator from Ohio that the necessity for appropriating this year more for the pay of the Army than last year occurs in this way: The appropriation for last year did not pay the Army. There was half a month when the officers did

not get their pay at all. There was not money enough appropriated last year to pay the Army, and hence the appropriation is larger this year than last for the pay of the Army.

Mr. ALLISON. Nearly the whole amount of the increase by the Senate committee over the House bill arises from the provision in relation to pay, and where we have increased, as we have an increase in the Quartermaster's Department in some items considerably over the House bill. They have told us at the War Office that these sums are absolutely necessary to maintain the Army.

Mr. EDMUNDS. You mean by "pay" the pay that is fixed by law, or in what way?

Mr. ALLISON. In the necessary disposition of the Army, the pay for the transportation of troops, the supply of clothing, the subsistence of the Army, and all those general items which cover the Quartermaster's and Subsistence Departments. For example, the House of Representatives appropriated $3,360,000 for the first item under the Quartermaster's Department, in addition to an unexpended balance. We have increased that to $4,000,000, increasing the sum $350,000. We have no way of ascertaining whether or not this sum will be required, except from the estimates made by the War Department and the average expenditures under these items for the last four or five years. So of other items.

Mr. EDMUNDS. We are not on that item now, I believe.

Mr. ALLISON. No, sir; I was merely making this statement in reply to the Senator from Ohio.

Mr. THURMAN. I was necessarily out of the Senate while the prior amendments were considered. What strikes my eye now—it may be a small matter, I do not know whether any remarks have been made upon it—but I can hardly understand why it is stricken out of the bill. Take section 3 of the House bill:

> That now or hereafter no officer selected, detailed, or assigned to duty upon the staff, or as aid to any general officer, or upon any other duty whatsoever, shall be entitled to or receive any additional pay or allowance by reason of such selection, detail, or assignment.

I have heard it said—I do not know how true it is—that under the laws as they exist an officer who is simply a lieutenant in the line has received for a good while the pay of a lieutenant-colonel because he was on the staff of a general.

Mr. ALLISON. That may be true, and I presume there are some abuses in that respect; but that is a section, as the Senate will readily see, regulating the entire staff corps of the Army, and the Committee on Appropriations having received this bill only last Thursday could not in the nature of things make the necessary examination and come to an intelligent conclusion upon this subject. Therefore they said "We will strike all these provisions relating to a re-organization of the Army, and trust that to the regular committee of the Senate having in charge a bill for that very purpose," and therefore we struck it out without making special examination in relation to it.

Mr. CAMERON, of Pennsylvania. I desire to offer an amendment for the purpose of retaining the paymasters now in commission, but reducing the number afterward to forty. I shall at the proper time offer an amendment that the paymasters now in commission shall be retained.

Mr. WEST. By striking out this provision of the House bill they are retained.

Mr. CAMERON, of Pennsylvania. Very well. Now while I am up I will reply to the Senator from Ohio about a lieutenant getting the pay of a lieutenant-colonel and having the rank of lieutenant-colonel. That may be true in regard to an individual lieutenant on the staff of the Lieutenant-General. It gives him the rank possibly of a lieutenant-colonel. That was a compliment paid to the President of the United States by his friend, the Lieutenant-General. There is no other case but that, and this is an attack entirely upon the Lieutenant-General. As the Senator from Ohio [Mr. SHERMAN] suggests to me, if Lieutenant Grant had not been selected for that place a major or a colonel would have been selected.

Is there any other country in this world where the highest legislative body would object to having the son of a man who had rendered such services to his country as General Grant selected for the staff of the Lieutentant-General or the General, if you like? In the time of Marlborough in England, a man not to be compared to many of the generals of this country, he was not only made a duke but got a fortune. He attained to one of the greatest dignities of England. A million or more was given to him at the close of his service, and all the honors of the country were conferred upon him. Afterward, at the close of the peninsular war, the Iron Duke, as he was called, was made a duke because he had, with no extraordinary skill except that of preventing battles, vanquished his enemy. Who ever complained because that great old Iron Duke received honors and received money? Five hundred thousand pounds were given to him in money and all the honors of the country were conferred upon him. If he had happened to have a son selected as an aid-de-camp by the general of that country, who would have thought of complaining of it? Certainly no gentleman with the kindly feelings that gentlemen always have would have complained.

Let us compare General Grant with other great military men. Napoleon was a genius such as the world never saw, I think much greater than Alexander, but he failed; and yet the country that he did save, France, conferred all honors upon him. What are the services of General Grant? He fought more battles and was more successful than Napoleon was in all his wars. I repeat it, of all the military men, no man has fought so many battles successfully as Grant, and history will verify what I say. All the military services of Wellington are not to be compared to Grant's, and yet everybody to the present moment likes to do honor to the Iron Duke. I am sure, if it were left to the Senator from Ohio, [Mr. THURMAN,] he would be glad to see the son of a general who conferred such honor upon and did such service to his country, although the rank of that son was only that of lieutenant, made a staff officer upon the staff of the second general of the Army.

I do not care especially about these personal things, but there are certain proprieties which do exist in the heart of every innocent, honest citizen, and they ought to exist in a great body like this, where we are selected because we are supposed to have more of the kindly and better qualities than people generally have. The Senator asks, why should Fred. Grant have this special reward; why should he be placed under a shed with a screen put before him? Why does the Senator not say that he wants Fred. Grant removed from the place for which he was selected by one of the greatest soldiers of this country? It is a very small reward compared with the great services of his father. I have nothing to say about him. He is there performing his duty, and you would save probably five or six or seven hundred dollars a year if you should reduce his pay to that of a lieutenant.

Mr. SHERMAN. If a military officer of a higher rank were selected he would have to be paid. We have got to pay them all.

Mr. CAMERON, of Pennsylvania. We have got to pay them all, and as the Senator from Ohio, [Mr. SHERMAN,] wiser than I, says you save nothing to the country if you dismiss this young gentleman from the place for which he was selected by his friend. Nobody in this country will pretend to say that Phil. Sheridan had not a right to select his staff. I do not want to say an unkind word about the people who contended with him, but I look with admiration and veneration upon his campaign down the valley of Virginia. When he came there the enemy left very soon. He is the man who will always be ready to take care of the country's interest, and see that he does not dishonor himself or disgrace anybody.

I trust gentlemen will not make this little shabby amendment.

Mr. THURMAN. I am very sure that my friend from Pennsylvania, among the many obligations that he owes to me in an acquaintance and a friendship of more than thirty years, will consider it one of those obligations that I have afforded him a chance to deliver so eloquent a speech in praise of General Grant and the Lieutenant-General of the Army, General Sheridan. But looking at the matter in a cool, calm, and unimpassioned manner, I must say that my friend is bad in his history and bad in his logic. He alludes to the rewards bestowed by Great Britain upon the Iron Duke, and he tells us that Great Britain bestowed upon that duke a fortune equal to the fortune of the greatest nobleman of England. That is historically a great mistake. A single year's income of the Marquis of Westminster or of the Duke of Buccleuch is more than ever Parliament voted to Wellington. Therefore my friend is not quite right in his history. He says that Great Britain bestowed upon Wellington the title of Duke. Yes; but the American people bestowed upon Grant a title greater than all the dukes ever held in this world: the title of President of the United States. It will not do to say that the American people have been ungrateful to those who fought for the Union in the last war. It will not do to say that they ever have been ungrateful to General Grant or that he has ever been treated by political friends or political foes with any injustice that merits the rebuke of the American people or of the Senate. No, sir; that will not do.

As to this particular matter, I said nothing about General Grant. I mentioned no name. I spoke of what I had heard, and of what turns out to be the fact, that a mere lieutenant in the Army, a very meritorious young gentleman I have not the least doubt in the world, is made by appointment upon the staff of the Lieutenant-General to rank as a lieutenant-colonel and to receive the pay of a lieutenant-colonel, while men who have grown gray in the service of their country, who have been through more wars than one, who bear on their bodies more scars obtained in battle than one, are still mere subaltern officers in the Army. I must say to my friend that, while I have never uttered an unkind word of the President of the United States in my life, and while I respect him and his achievements as much as my friend from Pennsylvania, this is not the right way to reward him for his services. It is not the proper mode to reward him for his services. It is not by promoting a member of his family, and promoting him over the veterans of the war, the veterans of more than one war, that the President of the United States is to be honored. The people of the United States have shown their respect for General Grant; they have honored him, and they have honored him in a remarkable manner. The country has honored him; and it is not by such a small matter as selecting one of his sons, a bare lieutenant in the Army, in the first or second year of his service, and giving him the rank and the pay of a lieutenant-colonel, that the people of the United States desire to honor the President.

I am sorry to have to make these remarks. I had not the slightest idea of making them, and would not have made them but for the remarks of the Senator from Pennsylvania, who seemed to think there was something ungracious in speaking about this thing. Mr. President, there is a form of government in this world in which the nation

is bound to take care of the progeny of the king, in which the sons and the daughters of the monarch, be he king or be she queen, are to be sustained at the public expense in order to maintain the dignity of the throne. That is not our form of government; and what cannot be done here directly I am bound to say ought not to be done indirectly.

Mr. CAMERON, of Pennsylvania. Mr. President——

The PRESIDING OFFICER, (Mr. ANTHONY in the chair.) The Senator from Pennsylvania can only speak by unanimous consent, having spoken five minutes already.

Mr. THURMAN. I hope my friend will be allowed to proceed.

The PRESIDING OFFICER. The Chair hears no objection, and the Senator from Pennsylvania will proceed.

Mr. CAMERON, of Pennsylvania. The Senator from Ohio seemed to doubt my historic knowledge in the two cases he mentioned, that those two people had higher incomes than anybody else. I know that. I have seen the Duke of Buccleuch's estate. It is the largest in England; and next to it is the estate of the Marquis of Westminster. I have been upon his estate, too; but with those, and with perhaps two or three more exceptions, the Duke of Wellington had an estate equal to any one, and he received it all as a reward for his services in the peninsular war.

I should not object to the principle, if it had been started at the commencement, that a lieutenant should not be the aid-de-camp of a general, but under the law now the General, the Lieutenant-General, and the major-generals can select their own aids-de-camp. In this case the Lieutenant-General selects a lieutenant, and I do object to that small sort of opposition, political, or economical, if you like the term better, which impels you to strike a man who happens to be selected by one of the generals of the Army for a place upon his staff. I say that is too small an opposition for a man whom I have loved and respected as much for the last thirty years or more as I have the Senator from Ohio. I do not believe it. It is not his own heart. He has taken that ground without reflecting, as he has usually done when his heart has acted.

I say again that General Grant (and I do not speak of him now as President Grant, but as General Grant) has performed greater services than any man that we have had in this country; greater services than any other man in the last three or four generations of the world; and he ought not to be attacked through his son only because that young gentleman is his son. That is the ground of my objection to the remarks of the Senator from Ohio. The whole Army probably might be differently reconstructed and re-organized; but, take it altogether, it is a pretty good organization. It saved the country when the country needed all the talents that it had and when some of the ablest men pretending to be in favor of sustaining the Government were found in opposition to it. I say all honor to this Army; and I will do all honor to it as long as I live.

Mr. LOGAN. I do not want to discuss this question from a sentimental stand-point, but I desire merely to call the attention of the Senate to the law in reference to staff officers. By reading the statutes organizing the Army, Senators will see that there has been no violation either of propriety or of law in detailing any of these staff officers. Section 1096 of the Revised Statutes is as follows:

> The General may select from the Army such number of aids, not exceeding six, as he may deem necessary, who shall have while serving on his staff the rank of colonel of cavalry.

The law allows the General six aids-de-camp, with the rank of colonel while serving on the staff. The language of the statute is such that a lieutenant may serve on the staff or any other officer of the Army, and while serving he has that rank. The idea of the organization of an army is to give the general officers of the Army the same character of staff in time of peace that they would have in time of war, for the reason that there is a certain training connected with the general business and duties belonging to the staff that they must become familiar with. The law always provides for them in peace the same as in war. Section 1097 of the Revised Statutes provides:

> The Lieutenant-General may select from the Army two aids and one military secretary, who shall have the rank of lieutenant-colonel of cavalry while serving on his staff.

There is the law authorizing the Lieutenant-General to have two aids with the rank of lieutenant-colonel while serving on his staff. The rank only belongs to them while serving on the staff. It is the rule in all armies that general officers select their own aids, called their military family, from the line or staff of the army. They select such persons as they think will best perform the duty. I will say to the Senator from Ohio, [Mr. THURMAN,] who spoke of persons who had served long and faithfully, who were older men in the Army, that however much the rule may differ in other armies, it has nearly always been the rule in our Army that young men are selected as aids on the staff of general officers. This is almost universally the rule, and there is a reason for it which it is not necessary to mention here. I presume if the Senator himself were commanding an army to-day he would soon find in his experience that he would want young and active men upon his staff. I presume that every general officer has that kind of experience. General Sheridan selected young men. It was perfectly natural that he should do so and perfectly right I think that he should do so, irrespective of who the young men were. They are lieutenants in the Army, and while they serve on his staff they are entitled to the rank and pay of a lieutenant-colonel. I do not desire to make any defense of his action, so far as I am concerned. It is immaterial whom he selects; it is immaterial who the father of one of his staff officers is, or the mother either. They are subject to his choice. He selects whomever he desires belonging to the line of the Army to serve upon his staff, and under the law he has a right to ask that they be detailed on his staff. It is a matter of his discretion.

Mr. THURMAN. If my friend will allow me, I have not said a word against General Sheridan.

Mr. LOGAN. I have not said that the Senator has done so.

Mr. THURMAN. I have not said that his action was contrary to law. What I say is that the law ought to be changed, and that the mere fact that a lieutenant of the line is selected to be the staff-officer of the Lieutenant-General ought not to increase his pay from that of a lieutenant to that of a lieutenant-colonel. It is the law that I am finding fault with, not with the President, nor with General Sheridan, nor with Lieutenant Grant.

Mr. LOGAN. I know that. I was not complaining at all of what the Senator said in reference to that question. As I said when I rose, I merely desired to make my remarks in reference to the law and to give the reasons for it as near as I could. There is a reason why the pay should be increased, and if the Senator will listen to me he will see whether it is a good one or not. No lieutenant of the line with the rank and pay of a lieutenant could serve on the staff of General Sheridan. There are many reasons for that. The duties of the staff officers of the Lieutenant-General are very different from the duties of a staff officer of a general commanding only a brigade in the Army. General Sheridan's duties extend all over the West to the Pacific coast. His staff officers are sent by him to all parts of his military division for the purpose of examining posts, stations, regiments, batteries, and all of his command, and to make reports to him.

Mr. THURMAN. Do they not get transportation?

Mr. LOGAN. Yes, sir; they get transportation at so many cents per mile when traveling under orders; but they have to live and they have to entertain. Those who are on the staff of a general are expected in the Army to entertain a little differently from other persons on less pay. That is the custom. Whether the custom is right or wrong it is not for me to say, but it is the custom. They have greater expenses, more duties, and more arduous duties; and for that reason the rank is given.

The PRESIDING OFFICER. The Senator has spoken five minutes.

Mr. LOGAN. Just one word more. I think it is proper that it is given. I think the rank of the officers on the General's staff is not too high nor the rank of the officers on the Lieutenant-General's staff. My experience, however limited, leads me to that conclusion. There are many other reasons which I could give for it. Therefore the law regulates the Army as it should do. The rank is fixed in accordance with the grade of the general on whose staff the officer serves, and I think when the Army was organized that the organization was a proper one.

Mr. THURMAN. One word more.

The PRESIDING OFFICER. The Senator has spoken five minutes.

Mr. THURMAN. I hope I shall be allowed to say a word.

The PRESIDING OFFICER. The Senator can proceed by unanimous consent. The Chair hears no objection.

Mr. THURMAN. We have had the salary of the President of the United States raised on the ground that he had to entertain people; and now it appears that we are to have salaries all the way down to those of lieutenants acting as staff officers on the staff of some general increased on the ground that they must entertain. I think that is going too far.

Mr. LOGAN. I will state to the Senator that he will find, if he will look back and trace the laws organizing the Army of the United States, that the same rank has always been given to the staff officers of the Lieutenant-General. There has been no change. The men who are now general officers have no higher rank on their staff than has existed since the organization of the Army in this country. They have more pay, perhaps, but the rank is not higher.

Mr. MERRIMON. I wish to make a statement. I voted a while ago and did not remember at the moment, and therefore did not advert to the fact, that I was paired with the Senator from Arkansas, [Mr. CLAYTON.] I merely wished to say that I recognize the pair, and that my voting was an inadvertence.

Mr. EDMUNDS. Mr. President, I wish to say that this subject which the Senator from Ohio has introduced on this pay question (and properly enough, because of course the increased pay to this detail or selection falls under the head of the amendment that we now have under considerations) has two branches for consideration evidently. The first to which the Senator has alluded, although he has rather gracefully retired from it since, is that it was somewhat out of order for Lieutenant-General Sheridan to select the son of the President of the United States for one of his staff, considering that he had only been graduated from West Point a year or two and held the office of lieutenant, while there were war-worn scarred veterans, who had bullet-marks, and so forth, who might have been selected. On that question I only have to say that in one point of view the Senator is right, undoubtedly. The war-worn veterans ought to have honors before those who are not war-worn; but inasmuch as one of the war-worn veterans is General Sheridan himself, who, I believe, the Senator from Ohio will agree did some pretty good service for

the country, and he is put in the responsible position of Lieutenant-General of the Army, something is due to him as one of the very people who have served through the entire war, and have borne the heat and burden of the day.

The law says that General Sheridan may select two officers, according to his choice, for his aids, without regard to their rank; but when selected they shall have a certain rank and pay. He goes to the son of his old companion-in-arms, who also had as a warrior something due to him in the very line my friend refers to, and says, as I suppose, "I know that the fighting blood and the executive blood of your family are good; that has been demonstrated; we are old brothers-in-arms; now, let me have your son as one of my staff, although he is young, although he is just out of West Point." Where is any officer in the Army who would say or feel because he was not selected by General Sheridan that any injustice, moral or otherwise, had been done to him? That is a matter that must be left to this war-worn man upon whom the responsibility of Lieutenant-General is placed. General Washington himself, my honorable friend will remember, selected as one of his staff for a considerable period of time in the Revolution Mr. Trumbull, afterward Colonel Trumbull, who was a mere lieutenant in the Army, because he was the son of one of his chief officers in whom he had confidence, and from which he believed that this son would be the very man he wanted, always ready, always quick, always active, always capable. Is it possible that my friend means that there is any ground of reproach or discontent in any respect because General Sheridan has selected this young lieutenant, the son of his old companion-in-arms, to be on his staff? I take it not.

Then we come to the question of pay. The law has fixed the pay, and my friend says he complains of the law. What is the reason of that? As the Senator from Illinois [Mr. LOGAN] has said more perfectly than I can, a lieutenant attached to his regiment is put with his regiment in quarters somewhere at Fort Leavenworth, if you please, where the United States furnishes him with a log cabin, or something of that kind, to live in, and gives him wood and water and attendance, and a great variety of assistance in living on his $1,200, or whatever the pay may be. How is it with the lieutenant who is attached to the staff of a lieutenant-general of the United States? As the Senator from Illinois has said, he has to travel from Maine to Texas. To be sure, his traveling fees are paid; but when he is living at a hotel, with subsistence at $5 a day and a quarter of a dollar for blacking his boots, &c., his pay, at his rate as a lieutenant, would be absolutely eaten up. Therefore, if you put a lieutenant upon duty which compels him to pay $5 per day for subsistence instead of drawing the commissary beef in a log-cabin that the Government has furnished for him at Fort Leavenworth, or somewhere, is it not right that he should have a higher compensation, so that he will not be tempted to steal or obliged to borrow? It seems to me so; and that is the whole of it.

I submit, therefore, that the law is not wrong which allows an increased rank, and therefore an increased pay, to the persons, whoever they may be, who are obliged to live in a different way, not for the purpose of entertainment, but for the mere purpose of subsistence, from that in which they would be enabled to live if they were attached to their regiments and companies and in the field or in quarters. There is a difference, and it seems to me to be a plain and honest one. When you come back to the other part of it, my friend, I believe, stated that there was nothing in the idea that General Sheridan should not have a perfect right, moral or otherwise, without reproach, to select these young gentlemen.

Mr. THURMAN. What is the pending question?

The PRESIDING OFFICER. The pending question is upon the reduction of the force of the paymasters of the Army, on page 8.

Mr. THURMAN. What is the immediate question?

The PRESIDING OFFICER. The immediate question is upon the amendment of the Committee on Appropriations striking out lines 34 to 44 on that page.

Mr. THURMAN. In order to get five minutes more, I move to strike out the word "repealed," in the last line of the clause of the House bill proposed to be stricken out.

Mr. President, I said not one word against the President of the United States, not one word against General Sheridan, not one word against Lieutenant Grant. I did not mention the name of Sheridan, I did not mention the name of Grant; I did not allude to any particular general in any way that anybody might know of whom I was speaking; but the bare mention of the fact, which is admitted, that a lieutenant of the Army, in the first year of his service, is promoted to the rank of lieutenant-colonel by being put on the staff of a general, has aroused all the patriotism and all the gratitude almost that rests in the heart of the Senator from Pennsylvania and the Senator from Vermont. I must say to my friend from Vermont that, although he has proved himself to be a very good civil-service reformer, if his speech is a specimen of what kind of a military reformer he would be, then his record will not be quite so bright in the military line as it is in that of civil-service reform. He says that we ought to allow more pay to this staff officer, this lieutenant of the line who is made a staff officer, than we allow to a mere lieutenant of the line. Possibly there may be some reason for that, to a certain extent; but is there any reason in the world why he, a mere lieutenant of the Army, should have the pay of a lieutenant-colonel by being put upon the staff of a general? The Senator from Vermont and the Senator from Illinois say that he may be sent all over the country. To be sure he may, but he gets transportation. The Senator from Vermont says, yes, but he will live at hotels at an expense of $5 a day. I think if he lives long at hotels at the rate of $5 per day, he will be neglecting his duty. I do not think that the Army is constituted for the purpose of sending the aids of the general around to live at hotels at $5 a day. That is not my idea of what is the duty of a lieutenant of the Army upon the staff, or of any staff officer of the Army. But if I were disposed to go into this very particular and individual case, it would not be a record of sending a staff officer all over the United States to live at $5 a day at hotels at his own expense. It would not be a question of that kind at all. It would be a very singular question indeed; a very singular matter of individual history; but I do not see fit to go into that.

The idea that each general of the Army is to have a magnificent military family around him, with grand aids-de-camp, and he himself with magnificent pay so that he may entertain, and each one of his military family may entertain, down to a mere lieutenant of the line, who is constituted a lieutenant-colonel by being on his staff, is not the true idea of an army. Let any man read the account of how Von Moltke, that great military man, lives to this very day, sleeping in a single bed, on a mattress, with an iron bedstead, and living at a less expense than a lieutenant-colonel of the United States does. Let him look at the Prussian army this day, where there are no substitutes, and where, as my friend Schurz told me once, he had seen barons of the empire cleaning their own horses in the cavalry. They were privates in the cavalry and were cleaning their own horses because they could have no substitutes for the service and had to perform the duties of private soldiers. That is the way to make an army. It is not by great military establishments, a great general with a great pay, and half a dozen aids-de-camp or less with pay also, each one to maintain grand dignity and to entertain at the public expense, that the Army of the United States is to be made popular with the people of the United States and to be made invincible when the time of actual service shall come.

Mr. EDMUNDS. I move to strike out the word, whatever it may be, on page 8, which will enable me to reply to my friend.

Mr. THURMAN. The Senator can speak on my amendment to strike out "repealed."

Mr. EDMUNDS. I move to strike out the word "hereby" just before it.

The PRESIDING OFFICER. There is an amendment pending, upon which the Senator from Vermont is entitled to the floor.

Mr. EDMUNDS. The Chair is quite right. The Senator says that I am not as good a military reformer as I am a civil-service reformer. I do not know about that. I have tried to maintain the military establishment of this Government since I have been here upon principles of economy, too. I intend to maintain it in order that it may be able to enforce the laws wherever it is necessary to do so. Whether the Senator has done anything in that direction in his public career, it is not for me to say. I will leave a disinterested public, when we are both candidates for some high office at the same time, to measure our respective records in that respect.

Mr. THURMAN. I do not hear what the Senator says.

Mr. EDMUNDS. It is not of any consequence. It will be a good while hence before the thing occurs. [Laughter.]

The Senator says that the true principle is to go to the Prussian establishment and that we ought not to have great aids-de-camp and great generals, &c., but we ought to have barons who clean their own horses. Suppose we have barons who clean their own horses. I know some Senators who sometimes harness their own horses and are not much worse for it, but it costs just as much, I have found by some little observation, not to say experience, as it would if you hired somebody to do it; decidedly so.

My friend refers to that great Prussian who slept on an iron bedstead; but he forgets that, although he was very economical in what he ate and drank and slept on an iron bed, he nearly ruined his country by taxation notwithstanding. That does not prove economy, Mr. President, by a long deal.

The precise question is as to the fitness of this pay. That is all there is to it. The Senator says he did not import this particular case. He did not in words, and yet every body knew what he alluded to, and he must expect that every body who feels that nothing improper has been done, but quite the reverse, will say so. When you come to the pay, the Senator says the man ought not to live in a hotel. Where is he going to live? The Lieutenant-General of the Army is obliged to move. He has been in the last month half a dozen times from Chicago, where his headquarters are, to other points in the West in order to protect our interests on the frontier. His staff must go with him. They are obliged to live at hotels, and if they live at hotels, if they are honest men they are obliged to pay their bills. They cannot deadhead it. Therefore my friend admits partly that there is a fitness in the pay being larger than that of a mere lieutenant.

Mr. THURMAN. Will my friend tell me how much the ration allowed to an officer would fall short of his support?

Mr. EDMUNDS. The ration! Do you expect an aid-de-camp of a Lieutenant-General traveling from Chicago to Omaha or to Cheyenne or somewhere to put his pemmican in one pocket and his grog in the other and live on rations?

Mr. THURMAN. Are they not commuted in money?

Mr. EDMUNDS. Very well; that then becomes a question of pay. The Senator admits that the pay of a lieutenant is inadequate for the support of a man who is detailed to serve on the staff of a Lieutenant-General from the very necessity of the case.

Mr. THURMAN. Let me put a question to my friend.

Mr. EDMUNDS. Must it come out of my time?

Mr. THURMAN. The Senator will have plenty of time, because I can move to strike out another word. Suppose a lieutenant is ordered from Omaha or Fort Sanders or anywhere else to a distant point; he is allowed transportation; he has to live, too, just as well as the staff officer, and at large expense.

Mr. EDMUNDS. So he does, and on that particular day or week that he was traveling it would be a drawback out of his pay greater than if he had lived in quarters or in the field. Undoubtedly it would cost him more, and he would have to bear it.

Mr. LOGAN. That would seldom happen.

Mr. EDMUNDS. Seldom; but still it might happen, and therefore that case might apply, I admit. So far as that goes it is a case in point undoubtedly, but that is an exception. For nine months in the year—ten, eleven, eleven and a half months in the year—or fifty months in five years, the regular lieutenant in the Army is with his company. That company is quartered somewhere, and he has quarters and food and all the allowance that is made to the regular line in the performance of their regular duty provided by the United States. The commissary provides him with his food at a price that is altogether below the price that he could live for at a hotel or at the humblest boarding-house. That is the case of a lieutenant of the line. You put a young gentleman on the staff, and what has he to do? He cannot get his food from his commissary; he cannot have his quarters; he cannot have anything, except his regular pay, and he is obliged to move from day to day, performing the duties, going to headquarters at Washington, going to some distant post to inquire and investigate into something that is necessary for the good of the Army; so that the rule with him is that, instead of living in quarters and upon his rations, he is constantly subjected to extraordinary expense.

The PRESIDING OFFICER. Does the Senator from Ohio withdraw his amendment?

Mr. THURMAN. I withdraw the amendment.

The PRESIDING OFFICER. The question is on the amendment of the committee striking out the clause from line 34 to line 44.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was in section [9] 1, line 45, after the word "of," to strike out "one hundred and fifty" and insert "three hundred;" and in line 46, after the word "scouts," to strike out "twenty-three thousand four" and insert "forty-six thousand eight;" so as to make the clause read:

For the pay proper of three hundred privates employed as Indian scouts, $46,800.

The amendment was agreed to.

The next amendment was in section [9] 1, line 49, to increase the appropriation "for the pay of contract surgeons" from $107,700 to $215,573.

Mr. ALLISON. I will say in reference to this amendment that the Surgeon-General estimated for one hundred and seventy-five contract surgeons, and the House appropriated for about eighty. Our committee communicated with the Surgeon-General, and he stated to the committee that one hundred and fifty was the lowest he could get along with and take care of the Army. Therefore we have provided for the pay of one hundred and fifty contract surgeons.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was in section [9] 1, line 51, after the word "off," to strike out "forty-two" and insert "fifty-two;" in line 52, before the word "thousand," to strike out "fifty" and insert "sixty-two;" and in the same line, after the word "dollars," to strike out "and ten paymasters' clerks, $6,000, to hold their positions until January 1, 1877;" so as to make the clause read:

For the pay of fifty-two paymasters' clerks, $62,400.

Mr. EDMUNDS. How many paymasters are there now?

Mr. ALLISON. There are now fifty paymasters, and some of them require more than one clerk. The House bill allows them fifty-two clerks, as we do, and proposes a reduction of the paymasters from fifty to forty, and therefore provided for ten of the clerks for six months until this reduction could be effected. The committee, having struck out the provision reducing the paymasters, provided for the entire number of clerks through the whole fiscal year.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was in section [9] 1, line 55, to insert "and fifty" after "two hundred," and after "stewards" to strike out "seventy-two" and insert "ninety;" so as to read:

For the pay of two hundred and fifty hospital stewards, $90,000.

Mr. EATON. I do not quite see the necessity for raising the number to two hundred and fifty.

Mr. ALLISON. The bill as it came to the Senate provided for two hundred. The revised estimates of the Surgeon-General provide for two hundred and fifty, and he says that number is required. The committee had no better means of information than that derived from the Surgeon-General of the Army, and therefore they inserted the number that he says are requisite.

Mr. EATON. I am very much obliged to the Senator for giving me information. Without the information no one ought to have voted for the increase from two hundred to two hundred and fifty.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was in section [9] 1, line 61, to increase the appropriation for "messengers to paymasters" from $12,000 to $15,000.

Mr. EDMUNDS. What is the object of that?

Mr. ALLISON. That is another auxiliary amendment. The House, having provided for forty paymasters, only provided $12,000 for messengers. We, having provided for fifty, add $3,000 to the appropriation for messengers.

Mr. EDMUNDS. Why do they want any messengers at all?

Mr. ALLISON. The law provides for messengers.

Mr. EDMUNDS. The law does?

Mr. ALLISON. Yes, sir.

Mr. EDMUNDS. I should like to see the law.

Mr. ALLISON. I should like to see it myself. I cannot point it out now. I have no doubt it is the law.

Mr. EDMUNDS. I guess not.

Mr. ALLISON. It is a part of the Army organization. It has been appropriated for from year to year on the ground that these messengers are essential to the proper care of the funds of the paymasters. The paymasters have hundreds of thousands of dollars at a time and are often at remote points where they must have at least one reliable person to stand by the safe at all times in their absence.

Mr. EDMUNDS. They have their clerks?

Mr. ALLISON. They have a clerk; but this clerk is paying soldiers, paying officers, and looking after the accounts.

Mr. EDMUNDS. I will not go for that. It ought to be stricken out altogether.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was in section [9] 1, lines 69 and 70, to increase the appropriation "for pay to soldiers for clothing not drawn" from $360,000 to $400,000.

The amendment was agreed to.

The next amendment was in section [9] 1, line 79, to increase the appropriation "for postage on letters and packages received and sent by officers of the Army on public service; cost of telegrams; compensation of citizen witnesses attending upon courts-martial, military commissions, courts of inquiry; traveling expenses of paymasters' clerks," from $80,000 to $100,000.

Mr. EDMUNDS. That is a discretionary item entirely. What is the object?

Mr. ALLISON. That amendment relates to one sort of miscellaneous items and expenditures. I have here a table showing that for the last five years the average expenditure under these items has been $113,000 per annum, some years running considerably over that, and in one or two instances running down I believe as low as $102,000. They asked for $125,000 in the estimates. The committee of the House gave them $80,000. We compromised on $100,000.

Mr. EDMUNDS. The ground which I occupy about this bill is that, while I do not propose to allow the House of Representatives or anybody else to change the law without the consent of the Senate, yet, when we come in the present state of the public finances to items that involve mere discretion and where the appropriation will almost always be exhausted if you make it ever so large, and where the officers will keep within it if you make it ever so small, we ought to go for the smallest sum. This item among other things is "for postage on letters and packages received and sent by officers of the Army on public service." In the War Department you have the celebrated stamp-franking system which covers all that part of it, both for receiving and sending, so that the amount of postage for an officer of the Army where it has to be paid in money must be very small. Then when you come to the "cost of telegrams," of course that is a matter of economy. If you have plenty of money it is easier to send a telegram than it is to write a letter, but yet it may be just as convenient to the public service to write a letter as to send a telegram. When you come to "compensation of citizen witnesses attending upon courts-martial, military commissions, courts of inquiry, traveling expenses of paymasters' clerks," all these can be greatly economized by care in respect to who are summoned and having time when the work can be done at once, and so on.

Therefore, Mr. President, I think this item and others of this class are those wherein without risk of injury to the public service and without being forced to change the laws in an appropriation bill we can meet the House of Representatives in their propositions to make the appropriations much less than they have been hitherto; and if it turns out that we have got them altogether too low there will be time enough to correct it when we meet again—before the fiscal year is more than half out. Therefore I hope this amendment will not be agreed to.

Mr. SHERMAN. There is one circumstance which induces me to vote for this bill as it stands now reported by our committee. The House of Representatives very politely, I think very properly, sent this bill, after it had been framed, to the new Secretary of War, who came into the office certainly with every desire and every disposition

to promote economy. I happen to know that the then Secretary of War, feeling that it was a good deal put upon him to reduce the expenditures as much as possible, did make the most rigid scrutiny into all the items of expenditure, and spent perhaps three or four weeks in doing so, and called to his service every officer of experience in different ranks that was accessible for the purpose of making a careful revision of all these items. He reduced them to what he, a man of economical ideas, regarded as an economical standard, as near as he could get at it from information that came to him. He reduced the estimates below the annual estimates submitted to Congress something like $5,000,000, if I am correctly informed.

Mr. SARGENT. And then the House took his revised estimates and cut them down.

Mr. SHERMAN. They cut the appropriations down below his estimates. As I understood the Senator from Iowa, the committee of the Senate simply restored the estimates made by the Secretary, and in no case have they increased them.

Mr. ALLISON. In no instance have the committee reported beyond anything found in the revised estimates made by Secretary Taft, and in very many items we have reported below his estimates.

Mr. SHERMAN. Under those circumstances, I certainly think we are safe in following this careful examination made by a disinterested officer, who devoted time and labor to making the revision with a view to economy.

Mr. ALLISON. I wish to say upon this item one word further. For the first time in the Army appropriation bill we have a miscellaneous item for the Pay Department. Hitherto the appropriations for the Pay Department have been made in bulk, amounting to eleven or twelve millions of dollars in a single item. Therefore if one branch fell short the Pay Department could take it from another, and thus use up the whole aggregate sum; but under the instructions of the Committee on Appropriations I think last year the Department was required to make detailed estimates this year of every specific item of expense. The War Department made such estimates, and the House of Representatives have followed the detailed estimates of the War Department. Therefore, having appropriated specifically for these various items, if any one of them falls short, there is no method of reaching an expenditure from any of the other items. Hence it is necessary to appropriate the full amount actually necessary in order to carry on the particular expense provided for. The Paymaster General presented to the committee a statement of the actual expenses under these items for the last five years, showing an average expenditure of $113,000 and in one or two years amounting to $150,000.

Mr. EDMUNDS. I think we must reduce it this year.

Mr. ALLISON. Of course it was a question with us whether we shall allow them the $13,000 more. The House recommended $80,000, and it is for the Senate to say whether that shall be increased $20,000.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was in section [9] 1, lines 86 and 87, to increase the appropriation "for subsistence of regular troops, Indian scouts, and Indian prisoners" from $1,908,686 to $2,200,000.

Mr. EDMUNDS. Let that be explained, Mr. President.

Mr. ALLISON. That item was carefully examined by the committee. Communication was had with the Commissary General of Subsistence and with the General of the Army. The amount appropriated last year for this item was $2,484,000. The amount estimated for in the revised estimates was $2,575,000.

Mr. EDMUNDS. What are the comparative prices of leading objects that enter into the subsistence of the Army this year and last? Take flour, pork, and beef, and so on.

Mr. ALLISON. I do not know that I have examined that with much care, but my own opinion is that there would be very little difference, but perhaps a little higher this year than last. All these items are higher this year, although the committee did not go into that subject.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was in section [9] 1, in the item of appropriation "for the regular supplies of the Quartermaster's Department," to strike out the following words in lines 103 to 110: "$3,360,667.93, in addition to the unexpended balance of the appropriation for the service of the fiscal year ending June 30, 1874, which is hereby made available for the service of the year ending June 30, 1877," and to insert in lieu thereof "$4,000,000."

Mr. EDMUNDS. I should like to hear the Senator on that subject, which is rather an open section.

Mr. ALLISON. That is a very large item of expenditure of the Quartermaster's Department. The amount appropriated last year was $4,250,000. This year the House provide $3,360,697.93, and provide for a re-appropriation of an unexpended balance of the fiscal year 1874.

Mr. EDMUNDS. Which is how much?

Mr. ALLISON. Which is $189,782.07, making a total appropriation by the House bill of $3,550,450. That of course was on the basis of 22,000 men for the Army. The Secretary of War tells us that upon the basis of the Army as it stands he must have $4,000,000. Therefore the Committee on Appropriations have increased this item $450,000.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was in section [9] 1, line 141, to increase the appropriation for incidental expenses of the Quartermaster's Department from $800,000 to $1,170,000.

Mr. EDMUNDS. I ask for a division on this amendment. Although my friend from Ohio [Mr. THURMAN] has put me down as not knowing anything about the Army, (and I confess that is so,) I will state that all these items that we have been recently talking about are elastic ones. This item, as you will see, is for incidental expenses of all kinds, running through every branch. If there is anything where we can economize by what might be styled a savage reduction, so as to have every officer in the Army perceive that every possible ingenuity must be exerted to retrench and economize expenditures, these are the places to do it, and we can do it without offending anybody, without changing any law, and do it in such a way that no detriment can happen to the public service, even if it turns out that we have appropriated too little, because this will last till next winter in any case. Therefore I hope that the Senate will not persist in increasing these mere discretionary and elastic items for all sorts of incidental matters beyond what the House have proposed.

Mr. ALLISON. These items are perhaps in a sense elastic, and yet they are ascertained items from long experience of the most experienced officers of the Quartermaster's Department. They are items absolutely essential to the Army operating in the field.

Mr. LOGAN. Or in camp.

Mr. ALLISON. Or in camp.

Mr. EDMUNDS. Operating in camp!

Mr. ALLISON. They may be in camp. I thank the Senator from Vermont for his hypercriticism, which I think is about as substantial as some of the criticisms he has made upon the committee. It may be that these items can be reduced; and we have endeavored to reduce them. Last year we appropriated $1,200,000. This year the revised estimates require $1,150,000.

Mr. EDMUNDS. How much was the estimate last year on which we appropriated $1,200,000? Was it not vastly above it?

Mr. ALLISON. I think not.

Mr. EDMUNDS. I think the Senator will find it so.

Mr. ALLISON. Very likely it was. We apply to the only possible place where these expenses can be ascertained, and they say to us these sums are necessary. The other day I heard a great deal on this floor about the prudence and economy of Army officers; that they ought to have the control of everything pertaining to the affairs of this country, because from their education they were men of honor and integrity; that they were economical and prudent in every expenditure.

Mr. EDMUNDS. You did not hear that from me.

Mr. ALLISON. Now we are told that these Army officers are making estimates far beyond the necessities of the Government. It may be that it is so; but your committee have no other means than to take their estimates based upon actual expenditures heretofore, and report them to the Senate.

Mr. EDMUNDS. How much is the estimate for this year?

Mr. ALLISON. One million one hundred and fifty thousand dollars.

Mr. EDMUNDS. But the Senator has shown by his own action that he does not rely exclusively upon the estimate of the War Department, because he has chosen to reduce it below that.

Mr. ALLISON. I will explain that to the Senator. The House transferred one item that was estimated for here to another portion of the bill, and increased that item $80,000 above the amount estimated for. The committee adopted the House provision, and therefore struck off $80,000 from this estimate.

Mr. EDMUNDS. That would not make it come square.

Mr. ALLISON. If not, then the committee made a mistake in their figures. We took $80,000 from $1,150,000, and that left $1,070,000.

Mr. EDMUNDS. I did not understand you. That is arithmetic, undoubtedly.

The PRESIDING OFFICER. Does the Senator from Vermont insist upon a division?

Mr. EDMUNDS. No, sir; there is no use of it. There is no use fighting the Army.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was in section [9] 1, to strike out the following words in lines 145 to 151, in the clause appropriating "for the purchase of horses for the cavalry and artillery, and for the Indian scouts, and for such infantry as may be mounted," "$104,784.89, in addition to the unexpended balance of the appropriation for the same purpose for the year ending June 30, 1874, which is hereby made available for the service of the year ending June 30, 1877," and to insert in lieu thereof "$250,000."

Mr. MAXEY. I move to amend the clause by adding after the word "dollars," in line 151, the following proviso:

Provided, That the cavalry regiments shall be recruited to one hundred men in each company, and kept at that number; and a sufficient force of cavalry shall be employed in the defense of the Mexican and Indian frontier of Texas.

Mr. ALLISON. The only objection I have to that amendment is that it is legislation and comes under the rule the Senate has adopted.

Mr. SARGENT. I should like to ask the Senator in charge of the bill if the effect of adopting the amendment is not to make the appropriations in the bill generally inadequate; whether it is possible for us to increase the force in the manner proposed and pay for it out of the money that is appropriated?

Mr. ALLISON. It would certainly be impossible to get along with the appropriation in this paragraph if we were to increase the number of cavalry to one hundred men in a company, because right here there are $250,000 provided for the purchase of horses. That sum is absolutely necessary now. If you add twelve hundred men, and I believe that is about the number to be added, you would be obliged to supply twelve hundred horses, which would cost $150,000 or $200,000 more.

Mr. SARGENT. I must confess that I look with some apprehension on the prospect of a tolerably general Indian war on the frontier, from the Sioux to the Texas border. I hope that my anticipations will not be realized; but we have some very important operations on our hands there now, and they are likely to extend into the next fiscal year and perhaps grow in importance. This bill in its present shape, even taking all the amendments of the Senate Committee on Appropriations, will not be sufficient to bear the charge of an Indian war, even to the extent which we now have it upon our hands. I suppose that in a case of great emergency the Executive would feel that he was authorized, or that in taking such action Congress subsequently would excuse him for expending more money than this bill allows and calling into the field a force sufficient to protect the frontier. But my impression is that if we provide for a greater amount of force at the present time, we shall have to revise several of the appropriations in the bill and make it much larger than it is now.

Mr. MAXEY. I trust the Senate will agree to the amendment which I have offered. As I have heretofore said, the amount of cavalry force is inadequate. The demand upon the Rio Grande frontier is pressing; it needs immediate action. The country across that river is a foreign country. There is almost a condition of war down there now. The President in his message has said to Congress that he has not an adequate force to give the necessary protection to that frontier; but that by an increase of the cavalry companies from the present number, which I believe is eighty-two to one hundred, the force can be furnished there; and it does seem to me if there is a case on earth where there is reason for immediate and prompt action it is this, notwithstanding the objection the Senator from Iowa urges; and it will not do for either party to talk about a thing of that kind now. It is a time when the people of the country need to be defended; it is a time when the presence of a good cavalry force upon the frontier of the Rio Grande will bring about peace and prevent war. The very object of putting a good and sufficient force on that frontier will be to protect the frontier and secure peace, and thus avoid what may come about if that frontier is illy defended; because every one knows that if the people of that country are left without defense and they have their property stolen from them day after day in broad day-light and driven across that river, they will rise to that point that they will take into their hands their own protection and go to work defending themselves.

Now, sir, as a citizen of Texas, I ask this Government not to throw on the people of my State such a grave responsibility as the one I have referred to. To show that my people are in earnest in regard to this matter, I may mention the fact that we expend annually from half a million to a million dollars for our own defense over and above all this Government furnishes us. I do not think it is justice, I do not think it is honest for this Government to require us to do it. I appeal to the sense of justice and honesty of this Senate to come to the relief of that State, and give us that protection which the President himself has said in his message to this body he is unable to give; and I have asked it in this shape because it is a pressing exigency.

Mr. President, it is only necessary to say, and I suppose that I may be permitted to say, that from the beginning of this Congress the Texas representation in the Senate and in the House, acting in perfect concert, introduced a bill into the House providing for the protection of the Rio Grande, and from various causes that bill has not been perfected or sent to the Senate. I know of nothing which can give us relief promptly and efficiently, such as I think we are entitled to, as the increase I have asked here, which I believe to be right, just, and honest.

Mr. LOGAN. I desire to offer an amendment to the amendment. I wish to insert the word "may" instead of "shall," so as to read "may be recruited," in the amendment of the Senator from Texas; and, where the word "kept" is used, to insert "as near as practicable" before "at that number."

Mr. MAXEY. I accept the modification.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Texas, as modified, to the amendment of the committee.

Mr. SARGENT. Let the whole amendment be read.

The PRESIDING OFFICER. It will be read.

The CHIEF CLERK. The amendment to the amendment is:

Provided, That the cavalry regiments may be recruited to one hundred men in each company and kept as near as practicable at that number; and a sufficient force of cavalry shall be employed in the defense of the Mexican and Indian frontier of Texas.

Mr. WEST. That is an increase of less than six hundred men.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question recurs on the amendment of the committee as amended.

The amendment, as amended, was agreed to.

Mr. ALLISON. An amendment ought to be made in line 165, that I find is omitted in the printed bill. I move to strike out the word "hire" and insert "and."

The amendment was agreed to.

The PRESIDING OFFICER, (Mr. INGALLS in the chair.) The next amendment reported by the Committee on Appropriations will be read.

The Chief Clerk read the next amendment of the Committee on Appropriations, which was section [9] 1, to strike out in the clause making appropriation "for transportation of the Army" the following words, from line 176 to line 182, $2,817,804.65, in addition to the unexpended balance of the appropriation for the same purpose for the year ending June 30, 1874, which is hereby made available for the service of the year ending June 30, 1877, and to insert in lieu therof," $3,900,000.

The amendment was agreed to.

The next amendment was in section [9] 1, to strike out in the clause appropriating "for hire of quarters for officers on military duty," &c., the following words, from line 189 to line 200:

Eight hundred and seventy-seven thousand eight hundred and sixty-five dollars and fifty-two cents, in addition to the unexpended balance of the appropriation for the same purpose for the year ending June 30, 1874, which is hereby made available for the service of the year ending June 30, 1877; and at all posts and stations where there are no public quarters, officers may be furnished with quarters in kind by the Quartermaster's Department, as now allowed by regulations: *Provided*, That the amount paid is not in excess of $12 per room per month.

And in lieu thereof to insert:

One million five hundred thousand dollars: *Provided*, That of this amount the sum of $200,000 may be used for the construction of military posts or depots at such points as may be selected by the Secretary of War; and all existing military posts the maintenance of which may be rendered unnecessary by the erection of new posts shall be abandoned as soon as practicable.

The amendment was agreed to.

The next amendment was in section [9] 1, to strike out lines 208 to 222, as follows:

For hire of quarters for officers on military duty; hire of quarters for troops; of store-houses for the safe-keeping of military stores, offices, and of grounds for camps and summer cantonments, and for temporary frontier stations; for the construction of temporary huts and stables; and for repairing public buildings at established posts, being a deficiency for the fiscal year 1871 and prior years, $73,144.82.

For purchase of horses for the cavalry and artillery, and for Indian scouts, and for such infantry as may be mounted, being a deficiency for the fiscal year 1871 and prior years, $28,397.58.

Mr. ALLISON. I will simply say these items are deficiencies for 1874, and the committee did not deem it proper to put them here.

The amendment was agreed to.

The next amendment was in section [9] 1, to strike out after "hospitals," in line 223, the words "$61,494.42, in addition to the unexpended balance of the appropriation for the same purpose for the year ending June 30, 1874, which is hereby made available for the service of the year ending June 30, 1877," and to insert "$100,000;" so as to make the clause read:

For construction and repair of hospitals, $100,000.

Mr. ALLISON. The committee recommend an increase of $25,000 in that item.

The amendment was agreed to.

The next amendment was in section [9] 1, in the clause making appropriation for purchase and manufacture of clothing and camp and garrison equipage, and for preserving and repacking stock of clothing and camp and garrison equipage and materials on hand at the Philadelphia, Jeffersonville, and other depots of the Quartermaster's Department;" to strike out the following words from line 235 to line 241: "$383,221.21, in addition to the unexpended balance of the appropriation for the same purpose for the year ending June 30, 1874, which is hereby made available for the service of the year ending June 30, 1877;" and to insert in lieu thereof "$500,000."

Mr. ALLISON. The committee recommend an increase there of $98,000. The unexpended balance amounts to $18,540.

The amendment was agreed to.

The next amendment was in section [9] 1, to strike out the following words in the clause making appropriation "for the pay of seventy superintendents of national cemeteries" from lines 244 to 250, "$42,000; which is hereby re-appropriated from the unexpended balance of the appropriation of $1,000,000 for head-stones for soldiers' graves under the act making appropriations for the support of the Army for the year ending June 30, 1874, approved March 3, 1873," and to insert in lieu thereof "$57,750;" so as to make the clause read:

For the pay of seventy superintendents of national cemeteries, $57,750.

Mr. ALLISON. I will explain the amendment briefly. Heretofore these superintendents have been paid under the pay of the Army; but the House for some reason transferred them to the Quartermaster's Department, and I believe with the consent of the Pay Department, and they re-appropriated the sum necessary to pay them out of an appropriation of 1874, which on the 1st of July will be covered into the Treasury. The committee thought it best to make an absolute appropriation of this sum, and let the unexpended balance under the appropriation of 1874 be covered into the Treasury on the 1st of July. The total amount of this unexpended balance is $534,000.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was in section [9] 1, to strike out the following words in lines 252 to 263:

Which is hereby re-appropriated from the unexpended balance of the appropriation of $1,000,000 for head-stones for soldiers' graves, under the act approved March 3, 1873, being an act making appropriations for the support of the Army for the year

ending June 30, 1874: *Provided*, That the Secretary of War shall provide for the care and maintenance of the national military cemeteries, and for this purpose shall submit an estimate with his annual estimates to Congress; and section 4876 of the Revised Statutes is hereby repealed.

So as to make the clause read:

For maintaining and improving national military cemeteries, $125,000.

The amendment was agreed to.

The next amendment was in section [9] 1, line 267, to increase the appropriation "for all contingent expenses of the Army not provided for by other estimates, and embracing all branches of the military service, to be expended under the immediate orders of the Secretary of War," from $50,000 to $75,000.

The amendment was agreed to.

The next amendment was in section [9] 1, in line 272, to increase the appropriation "for purchase of medical and hospital supplies, military care and treatment of officers and soldiers on detached duty, expenses of purveying depots, advertising, and other miscellaneous expenses of the Medical Department," from $160,000 to $200,000.

The amendment was agreed to.

The next amendment was in section [9] 1, in line 298, to increase appropriation "for the ordnance service" from $100,000 to $125,000.

The amendment was agreed to.

The next amendment was in section [9] 1, to increase the appropriation "for manufacture of metallic ammunition for small-arms" from $50,000 to $75,000.

The amendment was agreed to.

The PRESIDENT *pro tempore*. This concludes the amendments of the Committee on Appropriations. The bill is still open to amendment.

The bill was reported to the Senate as amended.

The PRESIDENT *pro tempore*. The question is on concurring in the amendments made as in Committee of the Whole. Shall they be concurred in in gross?

Mr. EATON. I ask for the yeas and nays on the question of concurrence.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. MERRIMON, (when his name was called.) On this question I am paired with the Senator from Arkansas, [Mr. CLAYTON.] If he were here he would vote "yea," and I should vote "nay."

Mr. MITCHELL, (when his name was called.) I am paired with the Senator from Delaware, [Mr. SAULSBURY.] If he were here he would vote "nay," and I should vote "yea."

Mr. PATTERSON, (when his name was called.) On this bill I am paired with the Senator from Pennsylvania, [Mr. WALLACE.] If he were present he would vote "nay," and I should vote "yea," on this question.

The call of the roll was concluded.

Mr. WEST. Before the vote is announced I would suggest to some of those gentlemen who are equally paired that they be permitted to vote to make a quorum.

The PRESIDENT *pro tempore*. The vote lacks three of a quorum.

Mr. MERRIMON. At the request of gentlemen of the majority I will vote. On this question I vote nay.

Mr. ANTHONY. On all political questions I am paired with the Senator from North Carolina, [Mr. RANSOM;] but I reserved the right to vote in case my vote should be necessary to make a quorum. I did not suppose this would be considered a political question, but it seems to be so regarded by our friends on the other side. I have adopted their interpretation, but, exercising my right to vote to make a quorum, I vote yea.

Other Senators having voted——

Mr. ANTHONY. There is a quorum without me. I ask leave to withdraw my vote.

The PRESIDENT *pro tempore*. The vote will be withdrawn.

Mr. MERRIMON. If there is a quorum without my vote, I will withdraw it.

The PRESIDENT *pro tempore*. Without the Senator's vote there is not a quorum.

Mr. MERRIMON. Then let it stand.

The result was announced—yeas 25, nays 12; as follows:

YEAS—Messrs. Allison, Bruce, Cameron of Pennsylvania, Conkling, Dawes, Edmunds, Ferry, Frelinghuysen, Hamilton, Hamlin, Harvey, Hitchcock, Howe, Ingalls, Jones of Nevada, Logan, Maxey, Morrill of Maine, Morrill of Vermont, Oglesby, Paddock, Sargent, Sherman, Wadleigh, and West—25.

NAYS—Messrs. Bogy, Caperton, Cockrell, Eaton, Goldthwaite, Key, McCreery, Merrimon, Norwood, Stevenson, Whyte, and Withers—12.

ABSENT—Messrs. Alcorn, Anthony, Barnum, Bayard, Booth, Boutwell, Burnside, Cameron of Wisconsin, Christiancy, Clayton, Conover, Cooper, Cragin, Davis, Dennis, Dorsey, Gordon, Johnston, Jones of Florida, Kelly, Kernan, McDonald, McMillan, Mitchell, Morton, Patterson, Randolph, Ransom, Robertson, Saulsbury, Sharon, Spencer, Thurman, Wallace, Windom, and Wright—36.

So the amendments made as the Committee of the Whole were concurred in.

The PRESIDENT *pro tempore*. The bill is still open to amendment.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. G. M. ADAMS, its Clerk, announced that the House had appointed the Hon. MILTON SAYLER, a Representative from the State of Ohio, Speaker *pro tempore* during the present temporary absence of Hon. M. C. KERR, Speaker.

The message also announced that the committee of conference on the part of the House on the disagreeing votes of the two Houses on the bill (H. R. No. 2571) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1877, and for other purposes, having reported to the House that they were unable to agree, the House further insisted on their disagreement to the amendments of the Senate insisted upon by the Senate to the said bill, and asked a further conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. SAMUEL J. RANDALL of Pennsylvania, Mr. WILLIAM M. SPRINGER of Illinois, and Mr. JOHN A. KASSON of Iowa to be the managers of the further conference on the part of the House.

RIVER AND HARBOR BILL.

Mr. CONKLING. I move that the Committee on Commerce be discharged from the further consideration of the river and harbor bill so called, and that it be referred to the Committee on Appropriations. I have consulted the chairman and members of that committee, and the predicament of the bill is such that this seems the best disposition to be made of it. I will assign in brief the chief reasons.

Owing to four members of the Committee on Commerce being sent by the order of the Senate to Mississippi, and to the sickness of another member of the committee, which has constrained his absence for some time, it is now some weeks since the Committee on Commerce had a quorum of its members in the city. In the mean time two other members of the committee have felt constrained to leave the city, and that leaves but two members of the Committee on Commerce here now or to be here in time to make a formal report on the river and harbor bill. Being without the power to report the bill, the remaining members of the committee are unwilling to run the risk of accident or loss of the bill by longer delay, and therefore it seems to me the better way is to discharge the Committee on Commerce and refer it to the Committee on Appropriations, they being full in numbers and able to make formal report of the bill.

The PRESIDENT *pro tempore*. The Senator from New York moves that the Committee on Commerce be discharged from the further consideration of the bill (H. R. No. 3022) making appropriations for the construction, repair, preservation, and completion of certain public works on rivers and harbors, and for other purposes, and that it be referred to the Committee on Appropriations.

Mr. MITCHELL. I desire to know what becomes of all the amendments. Do they fall?

Mr. CONKLING. I move of course that the committee be discharged from the bill and all pending amendments, so that the whole subject will be formally and technically in charge of the Appropriation Committee.

The motion was agreed to.

LEGAL TENDER OF SILVER COIN.

The PRESIDENT *pro tempore*. The Chair will lay before the Senate the special order, being the bill (H. R. No. 3398) for the issue of coin, and for other purposes.

Mr. BOGY. I move that the Senate adjourn.

Mr. CAMERON, of Pennsylvania. I got up before the Senator from Missouri. I wish to make a motion that the Senate go into executive session.

Mr. BOGY. I withdraw my motion for that purpose.

Mr. CAMERON, of Pennsylvania. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After one hour spent in executive session the doors were re-opened, and (at six o'clock and nine minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, *June* 26, 1876.

The House met at twelve o'clock m., and was called to order by Hon. MILTON SAYLER, Speaker *pro tempore*. Prayer by the Chaplain, Rev. I. L. TOWNSEND.

The Journals of Friday and Saturday last were read.

CORRECTION OF JOURNAL.

Mr. HURLBUT. I rise to a correction of the Journal. The managers of the conference on the part of the Senate on the disagreeing votes of the two Houses on the naval appropriation bill were read as the conferees on the part of the House.

The SPEAKER *pro tempore*. The Journal will be corrected accordingly.

Mr. HOPKINS. Mr. Speaker, in the Journal and RECORD of the proceedings on the sundry civil appropriation bill I am recorded as not having voted upon the amendment "to strike out the appropriation for the detection and punishment of crimes against the United States." I voted "no" upon that proposition, and desire to be so recorded.

The SPEAKER *pro tempore*. The correction will be made accordingly.

The Journal, as corrected, was approved.

NOTICE TO SENATE AND PRESIDENT.

Mr. KNOTT. I move the adoption of the following resolution.

The Clerk read as follows:

Resolved, That the Clerk of the House be instructed to inform the Senate and President of the United States that the House has appointed Hon. MILTON SAYLER, a Representative from the State of Ohio, to serve during the present temporary absence of Hon. M. C. KERR, Speaker.

The resolution was adopted.

ORDER OF BUSINESS.

The SPEAKER *pro tempore*. The morning hour begins at twelve o'clock and twenty-two minutes p. m.; and this being Monday, the first business in order is the call of the States and Territories, beginning with the State of Maine, for the introduction of bills and joint resolutions for reference to their appropriate committees, not to be brought back on motions to reconsider. Under this call memorials and resolutions of State and territorial Legislatures may be presented for reference and printing.

DONATION OF CANNON.

Mr. WAIT. I ask unanimous consent to introduce a joint resolution donating two cannon and carriages to the warden and burgesses of Stonington, Connecticut, and ask that it be put on its passage at this time.

The SPEAKER *pro tempore*. That cannot be done. The gentleman perhaps can get an opportunity to put it upon its passage after the morning hour.

Mr. WAIT. Then I will withdraw the joint resolution for the present.

SAMUEL CRAPIN.

Mr. BALLOU introduced a bill (H. R. No. 3769) for the relief of Samuel Crapin, a soldier of the war of 1812; which was read a first and second time, referred to the Committee on Revolutionary Pensions, and ordered to be printed.

MARY TATHAM.

Mr. VANCE, of North Carolina, introduced a bill (H. R. No. 3770) for the relief of Mary Tatham, widow of Thomas Tatham, deceased; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

CENTENNIAL MUTUAL FIRE-INSURANCE COMPANY.

Mr. VANCE, of North Carolina, also introduced a bill (H. R. No. 3771) to incorporate the Centennial Mutual Fire-Insurance Company of Washington, District of Columbia; which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

M. R. ARCHER.

Mr. HILL introduced a bill (H. R. No. 3772) for the relief of M. R. Archer, postmaster at Gainesville, Georgia; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

LACON R. TILLMAN.

Mr. SMALLS introduced a bill (H. R. No. 3773) for the relief of Lacon R. Tillman; which was read a first and scond time, and ordered to be printed.

Mr. SMALLS. I move the reference of that bill to the Committee on the Post-Office and Post-Roads.

Mr. LUTTRELL. If it is a claim, it had better go to the Committee of Claims.

Mr. SMALLS. I should prefer it to go to the Committee of Claims, but I thought the proper reference was the Committee on the Post-Office and Post-Roads.

Mr. LUTTRELL. I will inform the gentleman that the Committee on the Post-Office and Post-Roads have determined to send all such cases to the Committee of Claims, and this had better go there in the first instance.

Mr. SMALLS. Very well; I move its reference to the Committee of Claims.

The motion was agreed to.

BENJAMIN P. RUNKLE.

Mr. RICE introduced a bill (H. R. No. 3774) for the relief of Benjamin P. Runkle, late major of the Thirteenth Volunteer Infantry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

COMPENSATION OF UNITED STATES MARSHALS.

Mr. DURHAM introduced a bill (H. R. No. 3775) fixing the compensation of United States marshals and deputies; which was read a first and second time, referred to the Committee on Expenditures in the Department of Justice, and ordered to be printed.

FEES OF CLERKS OF UNITED STATES COURTS.

Mr. DURHAM also introduced a bill (H. R. No. 3776) fixing the fees of clerks of United States district and circuit courts; which was read a first and second time, referred to the Committee on Expenditures in the Department of Justice, and ordered to be printed.

MRS. S. E. THOMPSON.

Mr. McFARLAND introduced a bill (H. R. No. 3777) for the relief of Mrs. S. E. Thompson, of Green County, Kentucky; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JULIUS S. BOHRER.

Mr. ANDERSON introduced a bill (H. R. No. 3778) for the relief of Julius S. Bohrer, United States Navy; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

REDEMPTION OF LEGAL-TENDER UNITED STATES NOTES.

Mr. KEHR introduced a bill (H. R. No. 3779) to further provide for the redemption of legal-tender United States notes; which was read a first and second time.

Mr. KEHR. I ask that the bill may be read at length.

The bill was read at length, and is as follows:

Be it enacted, &c., That until the United States legal-tender notes then outstanding are at par with and convertible into gold coin any holder depositing any sum in such notes not less than $50 or some multiple of $50 with the Treasurer of the United States or either of the assistant treasurers shall receive in exchange therefor duplicate certificates of deposit, one of which may be transmitted to the Secretary of the Treasury, who shall thereupon issue to the holder an equal amount of bonds of the United States, coupon or registered, as such holder may desire: *Provided*, That the bonds so to be issued or exchanged shall not exceed the sum of $2,000,000 in any month, and the United States notes so deposited and redeemed shall be retired and canceled.

SEC. 2. That the bonds authorized to be issued by the preceding section shall be redeemable in coin of the present standard value at the pleasure of the United States forty years after the date of their issue, and shall bear interest payable semi-annually in such coin at the rate of 4 per cent. per annum; and they shall have the like qualities, privileges, and exemptions that are accorded by law to the several classes of bonds authorized to be issued by an act to authorize the refunding of the national debt, approved July 14, 1870.

The bill was referred to the Committee of Ways and Means, and ordered to be printed.

HEIRS OF WILLIAM H. ARNOLD.

Mr. BUCKNER introduced a bill (H. R. No. 3780) for the relief of the heirs of William H. Arnold; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

SAMUEL KER.

Mr. BUCKNER also introduced a bill (H. R. No. 3781) for the relief of Samuel Ker, guardian, of Washington, District of Columbia; which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

T. W. RILEY.

Mr. BUCKNER also introduced a bill (H. R. No. 3782) for the relief of T. W. Riley, of Washington, District of Columbia; which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

M. V. B. BOGAN.

Mr. BUCKNER also introduced a bill (H. R. No. 3783) for the relief of M. V. B. Bogan, of Washington, District of Columbia; which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

DAMAGE TO REAL ESTATE IN THE DISTRICT.

Mr. WILLARD introduced a joint resolution (H. R. No. 132) to provide for a commission to ascertain the amount of damage to real estate in the District of Columbia, caused by change of street grade, and for other purposes; which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

MEETING OF CONGRESS ON CENTENNIAL DAY.

Mr. KASSON introduced a joint resolution (H. R. No. 133) providing for the fitting observance by Congress of the Centennial Anniversary of National Independence; which was read a first and second time.

The Clerk read the joint resolution, as follows:

Be it resolved, &c., That when the two Houses of Congress adjourn on Saturday, the 1st day of July, they shall respectively stand adjourned until ten o'clock a. m. of Tuesday, July 4, 1876, at which hour they shall assemble separately at Independence Hall, in the city of Philadelphia, at which time and place the two Houses shall consider a joint resolution commemorative of the Centennial Anniversary of the Declaration of American Independence, no other business to be transacted, and upon adjourning said session at Philadelphia, the two Houses shall stand adjourned respectively to meet at their respective Halls in the city of Washington, at the usual hour, on the — day of July, 1876.

Mr. KASSON. I ask that the joint resolution may be referred to the Committee on the Centennial Celebration.

Mr. RANDALL. I would suggest that the resolution be sent to the Committee on Appropriations as the committee most likely to know whether the time can be spared in the state of the public business.

Mr. KASSON. It may go to the Committee on the Centennial Celebration, with the understanding that that committee will consult with the Committee on Appropriations.

Mr. RANDALL. Very well.

The resolution was referred to the Committee on the Centennial Celebration, and ordered to be printed.

FOG-SIGNAL ON POINT WILSON, WASHINGTON TERRITORY.

Mr. JACOBS introduced a bill (H. R. No. 3784) for the purchase of a site and the erection of a fog-signal on Point Wilson, in Washington Territory; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

ORDER OF BUSINESS.

The SPEAKER *pro tempore*. The call of States and Territories for bills on leave and joint resolutions has now been completed. If any gentleman absent when his State or Territory was called desires to present a bill or joint resolution for reference, the Chair will recognize him for that but for no other purpose.

EDWIN J. NUTALL.

Mr. SCALES introduced a bill (H. R. No. 3785) granting a pension to Edwin J. Nutall; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES CALER.

Mr. PHELPS introduced a bill (H. R. No. 3786) for the relief of James Caler, of Stamford, Connecticut; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

THOMAS BUTLER.

Mr. PHELPS also introduced a bill (H. R. No. 3787) for the relief of Thomas Butler, late private in Company M, Third United States Cavalry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN NICHTMAN.

Mr. MAISH introduced a bill (H. R. No. 3788) granting a pension to John Nichtman; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SECTION 5200 OF THE REVISED STATUTES.

Mr. MAISH also (by request of Mr. LE MOYNE) introduced a bill (H. R. No. 3789) to amend section 5200, chapter 3, title 62 of the Revised Statutes; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

B. W. JONES AND E. S. MARSH.

Mr. DAVY introduced a bill (H. R. No. 3790) for the relief of Beverly W. Jones and Edwin S. Marsh, of Rochester, New York; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, informed the House that the Senate had passed with amendments, in which the concurrence of the House was requested, bills of the following titles:

The bill (H. R. No. 3411) authorizing the repavement of Pennsylvania avenue; and

The bill (H. R. No. 2691) for the allowance of certain claims reported by the accounting officers of the Treasury Department.

The message also informed the House that the Senate had passed without amendment the bill (H. R. No. 525) to extend the time for filing claims for additional bounty under the act of July 28, 1866, which expired by limitation on January 30, 1875, until July 1, 1880.

The message further announced that the Senate had passed a bill (S. No. 686) supplementary to the present statutes in aid and defense of the rights of citizens, in which the concurrence of the House was requested.

ORDER OF BUSINESS.

Mr. HOLMAN. I call for the regular order.

The SPEAKER *pro tempore*. The regular order is the second call in the morning hour of Monday: the call of States and Territories for resolutions, at which time bills on leave may be introduced. The call rests with the State of Ohio.

RESUMPTION OF SPECIE PAYMENTS.

Mr. NEAL. I introduce the bill which I send to the Clerk's desk, and demand the previous question on its passage.

Mr. KASSON. I reserve all points of order on that bill.

The Clerk read the bill, as follows:

[A bill to repeal the act entitled "An act to provide for the resumption of specie payments," approved January 14, 1875.]

Be it enacted, &c., That the act entitled "An act to provide for the resumption of specie payments," approved January 14, 1875, be, and the same is hereby, repealed.

Mr. KASSON. I make the point of order that no notice has been given. If I am not correct in that there is another point which I wish to make.

Mr. NEAL. Notice has been given. A notice was filed with the Clerk on the seventh or eighth of this month.

The SPEAKER *pro tempore*. The Chair is informed that the proper notice has been given by the gentleman from Ohio, [Mr. NEAL.]

Mr. KASSON. In that case, I rise to debate the bill, and it goes over under the rule.

Mr. HOLMAN. Not at all; the previous question has been called on the bill.

Mr. SPRINGER. And we are entitled to a vote on the question of sustaining the call for the previous question.

The SPEAKER *pro tempore*. The Chair is of the opinion that the bill must go over under the rule when a gentleman rises to debate it.

Mr. HOLMAN. I rise to a question of order. When the gentleman from Ohio [Mr. NEAL] offered the bill he called the previous question on it. The rule of the House is that if the previous question be not sustained, then when a gentleman rises to debate the bill it goes over. I call for a vote on the demand for the previous question.

Mr. KASSON. I make the further point on the question raised by the gentleman from Indiana that it is not in order to move to suspend the rules at this stage of the proceedings.

Mr. HOLMAN. This is not a motion to suspend the rules at all.

Mr. KASSON. I insist that when a gentleman rises to debate a bill introduced under this call it must go over, and it cannot go a step further at this stage.

Mr. HOLMAN. Does the gentleman mean to say that when the previous question has been called and a gentleman rises to debate the bill it must go over although the House has not decided on the call for the previous question?

Mr. KASSON. At any time before the reading of the bill I can rise to debate it.

Mr. HOLMAN. It is for the House to refuse to second the previous question on the bill.

Mr. KASSON. You cannot evade the force of the rule in that particular. You do not propose to suspend the rules, and the rule is explicit that when a motion to introduce a bill on leave is made if any one rises to debate the bill it goes over and there is no previous question that can take precedence of that.

Mr. HOLMAN. But the previous question has been called. If it be not sustained, then if a gentleman rises to debate it the bill goes over; but, if the previous question be seconded, the bill is before the House for action.

Mr. KASSON. I refer to a decision on this subject as far back as 1840.

Mr. HOLMAN. O, there is no such decision.

Mr. KASSON. Let the rule be read. Unless my construction be right, the reservation for debate would have no effect whatever.

Mr. HOLMAN. You can only rise to debate the bill in case the previous question is not seconded; that is the rule.

Mr. KASSON. That is the very point in dispute. I rise to debate it now.

Mr. HOLMAN. I do not think the gentleman is really fair about this matter. There can be no doubt about the parliamentary law. If the previous question is not sustained and any gentleman rises to debate the subject, it goes over; but if the previous question be sustained, the bill is before the House. There is not a shadow of doubt about the question of parliamentary law.

Mr. SPRINGER. I desire to speak to the point of order raised by the gentleman from Indiana. I desire to state to the Chair that the uniform practice of the House has been——

The SPEAKER *pro tempore*. The Chair will direct the Clerk to read the line of decisions which seems to the Chair to settle the question. If the previous question be not sustained, of course a proposition to debate the bill would require it to lie over; but, if the previous question be sustained, then it is before the House.

The Clerk read as follows:

The previous question may be moved on a resolution submitted under a call of the States, and thus prevent the debate which, under the rules, requires it to lie over.

The SPEAKER *pro tempore*. The question, therefore, is on seconding the demand for the previous question.

Mr. KASSON. The question is now upon seconding the previous question on the motion for leave to introduce the bill, and not on the bill itself.

Several MEMBERS. O, no!

The question was taken on seconding the demand for the previous question; and on a division there were—ayes 62, noes 87.

Mr. HOLMAN. I call for tellers.

Tellers were ordered; and Mr. KASSON and Mr. NEAL were appointed.

Mr. KASSON. I submit that this is not upon considering the bill, but upon a motion for leave to introduce it.

Mr. HUBBELL. I ask that the bill be again read.

The Clerk again read the bill.

Mr. FOSTER. What is the precise question before the House?

The SPEAKER *pro tempore*. The question is upon seconding the demand for the previous question made by the gentleman from Ohio [Mr. NEAL] upon the passage of the bill.

Mr. FOSTER. Upon the bill itself or upon its consideration?

The SPEAKER *pro tempore*. On the bill.

Mr. RANDALL. Then the question now is on seconding the demand for the previous question?

The SPEAKER *pro tempore*. Yes.

Mr. RANDALL. Then if the previous question is not seconded, the bill will go over if any member rises to debate it?

The House divided; and the tellers reported—ayes 77, noes 100.

So the previous question was not seconded.

Mr. KASSON. I rise to debate the bill if it is before the House; but I would like to have that question settled.

The SPEAKER *pro tempore*. The gentleman from Iowa rises to discuss the bill, and it goes over under the rule.

Mr. KASSON. As I understand the question, it was upon introducing the bill on leave. That is what under the rules I understood was what we were voting on.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. RANDALL. The committee of conference on the disagreeing votes of the two Houses on the legislative, executive, and judicial bill have had the same under consideration, and submit a report.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 2571) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1877, and for other purposes, having met, after full and free conference have been unable to agree.

SAMUEL J. RANDALL,
WM. S. HOLMAN,
CHARLES FOSTER,
Managers on the part of the House.
LOT M. MORRILL,
WM. WINDOM,
ROBERT E. WITHERS,
Managers on the part of the Senate.

Mr. RANDALL. I move that the House insist upon its disagreement to the amendments of the Senate and ask a further conference on the disagreeing votes of the two Houses thereon.

The motion was agreed to.

The SPEAKER *pro tempore* appointed Mr. RANDALL, Mr. SPRINGER, and Mr. KASSON managers of the conference on the part of the House.

ORDER OF BUSINESS.

Mr. RANDALL. I now move that the House resolve itself into Committee of the Whole on the state of the Union.

Mr. WHITE. I object, and call for the regular order of business.

Mr. RANDALL. I withdraw my motion temporarily.

The SPEAKER *pro tempore*. The morning hour has not yet expired, and the call still rests with the State of Ohio.

REPEAL OF THE RESUMPTION ACT.

Mr. SAVAGE. I submit a bill to repeal the third section of the act entitled "An act to provide for the resumption of specie payment," approved January 15, 1875.

Mr. KASSON. I make the point of order that no notice has been given of that bill.

The SPEAKER *pro tempore*. The Chair sustains the point of order, and the bill is not before the House.

BANKING AND CURRENCY COMMITTEE.

Mr. SPRINGER. I offer the resolution which I send to the Clerk's desk, and upon it I call the previous question.

The Clerk read as follows:

Resolved, That the Committee on Banking and Currency be, and they are hereby, instructed to report to the House immediately after the reading of the Journal on to-morrow, the 27th instant, a bill in reference to the legal-tender notes and the resumption of specie payments; that before the previous question shall be moved upon said bill so reported it shall be in order to submit a substitute for the whole bill, and the bill and substitute shall be the only business in order on that day after being reported, until the whole subject is disposed of or the bill is put on its passage.

The SPEAKER *pro tempore*. The gentleman from Illinois [Mr. SPRINGER] calls the previous question upon the resolution just read.

Mr. KASSON. I rise to a point of order.

The SPEAKER *pro tempore*. The gentleman will state his point of order.

Mr. KASSON. My point of order is that this resolution proposes a change of the rules of the House, which cannot be done without one day's previous notice.

Mr. HOLMAN. The rules of the House require that notice shall be given of the introduction of a bill, but not of a simple resolution of the House. The only possible strength in the point of order raised by the gentleman from Iowa [Mr. KASSON] is that the proposed resolution involves a change of the existing rules of the House. I am not aware that any rule of the House will be changed by the resolution.

Mr. KASSON. It proposes to make a special order, to the exclusion of all other business of the House, which cannot be done in this manner.

Mr. WILSON, of Iowa. The rules of the House provide for an order of business of the House, and this resolution will interfere with that order of business.

Mr. SPRINGER. It does not involve any change of the rules of the House, but merely a question of priority of business, and instructions to a committee of this House to make a report at a particular time. All questions of priority of business are uniformly settled by a vote of the majority of the House.

Mr. KASSON. You cannot make a special order, to the exclusion of other business, except by a suspension of the rules or by unanimous consent.

Mr. BANKS. In reply to what the gentleman from Illinois [Mr. SPRINGER] has said about determining the question of priority of business, allow me to say that no question of priority of business can arise except when two propositions are immediately before the House. When there is but one proposition before the House no question of priority of business can be raised between that and any other question not before the House; by no possibility under the rules of the House can a question of priority be raised between the two propositions.

Mr. KASSON. This is a proposition to make a certain subject a special order for to-morrow to the exclusion of all other business, which, under the rules of the House, cannot be done except by a suspension of the rules or by unanimous consent.

The SPEAKER *pro tempore*. The Chair sustains the point of order raised by the gentleman from Iowa, [Mr. KASSON,] that the proposed resolution involves a change of the rules of the House.

Mr. BANKS. In addition allow me to say that a resolution to instruct a committee to report at a given time cannot be adopted except by a suspension of the rules or by unanimous consent. The rules require that the several committees of the House shall report in their turn when called. This resolution instructs the Committee on Banking and Currency to report at a given time whether called in its turn or not.

Mr. SPRINGER. The Committee on Banking and Currency are now authorized to report at any time.

Mr. HOLMAN. The proposition of the gentleman from Massachusetts [Mr. BANKS] is undoubtedly correct, except as to a committee authorized to report at any time.

Mr. SPRINGER. I will modify my resolution so as to avoid the point of order.

Mr. RANDALL. Let us hear the resolution read as modified.

Mr. DENISON. I move that the House now adjourn.

Mr. EAMES. And on that motion I call for the yeas and nays.

The yeas and nays were ordered.

The question was then taken; and there were—yeas 8, nays 180, not voting 101; as follows:

YEAS—Messrs. Hardenbergh, Hurlbut, Lewis, Luttrell, Meade, Southard, Jeremiah N. Williams, and Woodburn—8.

NAYS—Messrs. Adams, Ainsworth, Anderson, Ashe, Atkins, Bagby, George A. Bagley, John H. Baker, William H. Baker, Ballou, Banks, Blackburn, Bland, Boone, Bradley, Bright, Buckner, Samuel D. Burchard, Cabell, John H. Caldwell, William P. Caldwell, Campbell, Candler, Cannon, Caswell, Cate, Caulfield, Chittenden, John B. Clarke of Kentucky, John B. Clark, jr., of Missouri, Conger, Cook, Cowan, Crounse, Culberson, Cutler, Danford, Davis, Davy, De Bolt, Dibrell, Douglas, Dunnell, Durand, Durham, Eames, Ellis, Evans, Faulkner, Felton, Finley, Forney, Fort, Foster, Franklin, Frost, Frye, Fuller, Gause, Gibson, Goodin, Gunter, Andrew H. Hamilton, Robert Hamilton, Hancock, Haralson, Henry R. Harris, John T. Harris, Hartridge, Hartzell, Hatcher, Haymond, Hays, Hendee, Henkle, Goldsmith W. Hewitt, Hill, Hoge, Holman, Hooker, Hopkins, House, Hubbell, Hunter, Hyman, Jenks, Thomas L. Jones, Joyce, Kasson, Kehr, Ketcham, Kimball, Knott, Lamar, Franklin Landers, Lord, Lynch, Lynde, Maish, McDill, McFarland, McMahon, Metcalfe, Miller, Milliken, Mills, Morgan, Neal, New, Norton, O'Brien, Odell, Oliver, O'Neill, Packer, Parsons, Payne, Phelps, John F. Philips, William A. Phillips, Pierce, Piper, Potter, Powell, Randall, Rea, Reagan, John Reilly, James B. Reilly, Rice, Riddle, John Robbins, William M. Robbins, Roberts, Robinson, Rusk, Sampson, Savage, Scales, Schleicher, Seelye, Singleton, Sinnickson, Smalls, A. Herr Smith, William E. Smith, Sparks, Spencer, Springer, Strait, Stevenson, Tarbox, Terry, Thomas, Thompson, Thornburgh, Martin I. Townsend, Tufts, Turney, John L. Vance, Robert B. Vance, Wait, Waldron, Alexander S. Wallace, John W. Wallace, Walsh, Warren, Erastus Wells, White, Whiting, Wigginton, Wike, Willard, Andrew Williams, Alpheus S. Williams, William B. Williams, Wilshire, James Wilson, Woodworth, and Yeates—180.

NOT VOTING—Messrs. John H. Bagley, jr., Banning, Bass, Beebe, Bell, Blaine, Blair, Bliss, Blount, Bradford, John Young Brown, William R. Brown, Horatio C. Burchard, Burleigh, Cason, Chapin, Clymer, Cochrane, Collins, Cox, Crapo, Darrall, Denison, Dobbins, Eden, Egbert, Ely, Freeman, Garfield, Glover, Goode, Hale, Benjamin W. Harris, Harrison, Hathorn, Henderson, Hereford, Abram S. Hewitt, Hoar, Hoskins, Hunton, Hurd, Frank Jones, Kelley, King, George M. Landers, Lane, Lapham, Lawrence, Leavenworth, Le Moyne, Levy, Edmund W. M. Mackey, L. A. Mackey, Magoon, MacDougall, McCrary, Money, Monroe, Morrison, Mutchler, Nash, Page, Plaisted, Platt, Poppleton, Pratt, Purman, Rainey, Miles Ross, Sobieski Ross, Sayler, Schumaker, Sheakley, Siemons, Stenger, Stone, Stowell, Swann, Teese, Throckmorton, Washington Townsend, Tucker, Van Vorhes, Waddell, Charles C. B. Walker, Gilbert C. Walker, Walling, Ward, G. Wiley Wells, Wheeler, Whitehouse, Whitthorne, Charles G. Williams, James Williams, James D. Williams, Willis, Benjamin Wilson, Alan Wood, jr., Fernando Wood, and Young—101.

So the House refused to adjourn.

During the vote,

Mr. BOONE stated that his colleague, Mr. BROWN, was absent by leave of the House.

Mr. VANCE, of Ohio, stated that his colleague, Mr. VAN VORHES, was absent by leave of the House.

Mr. ATKINS stated that his colleague, Mr. YOUNG, was absent on account of sickness.

Mr. HUNTER stated that his colleague, Mr. CASON, was absent on account of sickness in his family.

Mr. MCMAHON stated that his colleagues, Mr. WALLING and Mr. POPPLETON, were both absent by leave of the House, and that if present they would vote in the negative.

Mr. WIKE stated that his colleague, Mr. BAGBY, was absent by order of the House in attendance on committee service.

The vote was then announced as above recorded.

DISTRICT AFFAIRS.

Mr. LORD. If the morning hour has expired I move to proceed to the consideration of the Geneva award bill, which has precedence.

Mr. BUCKNER. I rise to make a privileged report.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. BUCKNER. I am directed by the Committee for the District of Columbia to submit a report on District affairs, and to move that it be printed and recommitted. I also ask that the minority of the committee have leave to submit their views, and to have them ordered to be printed.

The motion was agreed to.

Mr. BUCKNER. I now enter a motion to reconsider the vote by which the report of the committee was recommitted.

The SPEAKER *pro tempore*. That motion will be entered.

PRINTING OF TESTIMONY.

Mr. VANCE, of Ohio. I am directed by the Committee on Printing to report back the following resolution with the recommendation that it do pass.

The Clerk read as follows:

Resolved, That the Committee on Expenditures in the Department of Justice be, and they are hereby, authorized to print the testimony taken by said committee touching all matters under investigation before said committee.

The resolution was adopted.

Mr. VANCE, of Ohio, moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LOUISIANA AFFAIRS.

Mr. GIBSON, by unanimous consent, submitted a resolution authorizing the Committee on Federal Offices in New Orleans, Louisiana, to have testimony printed; which was referred to the Committee on Printing.

IMPROVEMENT OF MISSISSIPPI RIVER.

Mr. GIBSON also, by unanimous consent, introduced a joint resolution (H. R. No. 134) authorizing and directing the President to appoint a commission to provide for the improvement of the navigation and commerce of the Mississippi River; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

ORDER OF BUSINESS.

Mr. FAULKNER. I ask unanimous consent to make a report from the Committee on Foreign Affairs.

Mr. SAMPSON. Is it in order to move to suspend the rules?

The SPEAKER *pro tempore*. It is. The Chair was recognizing a few introductions by unanimous consent. If the gentleman from Iowa insists on his motion to suspend the rules, the Chair will recognize him.

Mr. SAMPSON. I will yield to the gentleman from West Virginia if it gives rise to no debate.

EDWARD O'M. CONDON.

Mr. FAULKNER. I rise to make a report from the Committee on Foreign Affairs in regard to a matter which will not occupy the attention of the House but a few minutes.

The SPEAKER *pro tempore*. The gentleman will submit his report, there being no objection.

Mr. FAULKNER. I am directed by the Committee on Foreign Affairs to report back a joint resolution (H. R. No. 104) for the relief of Edward O'M. Condon, and to move concurrence in the amendment of the Senate.

The amendment of the Senate was read, as follows:

In line 4 strike out the word "early," and insert in lieu thereof the words "pardon or;" so the resolution will read:

Resolved, &c., That the President of the United States be, and he is hereby, requested to take such steps as in his judgment may tend to obtain the pardon or release of such Edward O'M. Condon from imprisonment.

The amendment was concurred in.

Mr. BANKS moved to reconsider the vote by which the amendment of the Senate was concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

EXPENSES OF PUBLIC SERVICE.

Mr. SAMPSON. I move to suspend the rules and put the following joint resolution on its passage.

The Clerk read as follows:

A joint resolution to provide for defraying temporarily the ordinary and necessary expenses of the public service.

Whereas the ordinary and necessary expenses of the public service in the various branches, comprising among others the expenses which especially pertain to the legislative, executive, and judicial departments of the Government, to the consular and diplomatic service, to the postal service, to the support of the Army and to the maintenance of the Navy, are generally met by annual appropriations which expire at the end of the current fiscal year; and whereas no public funds will be available to defray these expenses as the same shall accrue after that period unless appropriations shall have been previously made therefor by law; and whereas to avoid the great embarrassment of the public service that might otherwise ensue it is expedient to make provision for defraying temporarily such of these expenses as would be unprovided for in case some one of the usual annual appropriation bills designed to provide therefor should fail to be matured by the end of the fiscal year now current: Therefore,

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That in case any of the following appropriation bills for the fiscal year ending June 30, 1877, shall not have passed by the commencement of such year, so that the funds to be appropriated thereby may then be available for expenditure, that is to say, the bill providing for the legislative, executive, and judicial expenses; the bill providing for the consular and diplomatic expenses; the bill providing for the service of the Post-Office Department; the bill providing for the support of the Army; and the bill providing for the naval service, the appropriation act for the current fiscal year corresponding in its general description and object to such appropriation bill shall extend to the fiscal year next ensuing until such appropriation bill is enacted and takes effect, to the end that the provisions of such appropriation act which apply to the ordinary and necessary expenses of the public service for the current fiscal year shall in like manner be applicable to similar expenses which may accrue during the period intervening between the end of the current fiscal year and the time when such appropriation bill for the next ensuing fiscal year shall be enacted and take effect.

Mr. HOLMAN. I hope that will not be acted on at this time; there is no necessity for it.

Mr. HURLBUT. I hope that the joint resolution will be referred to the Committee on Appropriations.

The House divided; and there were—ayes 23, noes 103.

Mr. SAMPSON demanded the yeas and nays.

The House divided; and there were ayes 20.

Mr. SAMPSON demanded tellers on the yeas and nays.

Tellers were ordered; and Mr. SAMPSON, and Mr. HARRIS of Virginia, were appointed.

The House again divided; and tellers reported ayes 43.

So (the affirmative being more than one-fifth of the last vote) the yeas and nays were ordered.

Mr. FOSTER. I ask that the resolution may be again reported.

The resolution was again read.

The question was taken; and there were—yeas 58, nays 113, not voting 118; as follows:

YEAS—Messrs. Adams, George A. Bagley, John H. Baker, William H. Baker, Ballou, Bradley, Caswell, Conger, Crounse, Danford, Davy, Denison, Dobbins, Donnell, Eames, Evans, Fort, Frye, Haralson, Hays, Hendee, Hubbell, Hunter, Hyman, Joyce, Ketcham, Kimball, Leavenworth, Lynch, McDill, Miller, Norton, Oliver, O'Neill, Packer, William A. Phillips, Potter, Rainey, Robinson, Rusk, Sampson, Seelye, Sinnickson, Smalls, Strait, Thornburgh, Martin I. Townsend, Tufts, Wait, Alexander S. Wallace, White, Whiting, Willard, Andrew Williams, William B. Williams, James Wilson, Woodburn, and Woodworth—58.

NAYS—Messrs. Ainsworth, Anderson, Ashe, Atkins, Bland, Boone, Bright, Buckner, Samuel D. Burchard, Cabell, John H. Caldwell, William P. Caldwell, Campbell, Candler, Cate, Caulfield, John B. Clarke of Kentucky, John B. Clark, jr., of Missouri, Cook, Cowan, Culberson, Cutler, Davis, De Bolt, Dibrell, Durand, Durham, Ellis, Faulkner, Felton, Finley, Forney, Franklin, Fuller, Gause, Goodin, Gunter, Andrew H. Hamilton, Robert Hamilton, Hardenbergh, Henry R. Harris, John T. Harris, Hartridge, Hartzell, Hatcher, Haymond, Goldsmith W. Hewitt, Hill, Holman, Hooker, Hopkins, House, Jenks, Thomas L. Jones, Kehr, Knott, Franklin Landers, Lane, Lewis, Lord, Luttrell, Lynde, Mann, McFarland, McMahon, Meade, Metcalfe, Milliken, Mills, Morgan, Neal, New, Odell, Parsons, Phelps, John F. Philips, Piper, Powell, Randall, Rea, Reagan, John Reilly, James B. Reilly, Rice, Riddle, John Robbins, William M. Robbins, Roberts, Savage, Scales, Sheakley, Singleton, William E. Smith, Sparks, Spencer, Springer, Stevenson, Tarbox, Terry, Thomas, Thompson, Turney, Robert B. Vance, Charles C. B. Walker, Walsh, Warren, Erastus Wells, Wigginton, Wike, Alpheus S. Williams, Jeremiah N. Williams, Wilshire, and Yeates—113.

NOT VOTING—Messrs. Bagby, John H. Bagley, jr., Banks, Banning, Bass, Beebe, Bell, Blackburn, Blaine, Blair, Bliss, Blount, Bradford, John Young Brown, William R. Brown, Horatio C. Burchard, Burleigh, Cannon, Cason, Chapin, Chittenden, Clymer, Cochrane, Collins, Cox, Crapo, Darrall, Douglas, Eden, Egbert, Ely, Foster, Freeman, Frost, Garfield, Gibson, Glover, Goode, Hale, Hancock, Benjamin W. Harris, Harrison, Hathorn, Henderson, Henkle, Hereford, Abram S. Hewitt, Hoar, Hoge, Hoskins, Hunton, Hurd, Hurlbut, Frank Jones, Kasson, Kelley, King, Lamar, George M. Landers, Lapham, Lawrence, Le Moyne, Levy, Edmund W. M. Mackey, L. A. Mackey, Magoon, MacDougall, McCrary, Money, Monroe, Morrison, Mutchler, Nash, O'Brien, Page, Payne, Pierce, Plaisted, Platt, Poppleton, Pratt, Purman, Miles Ross, Sobieski Ross, Sayler, Schleicher, Schumaker, Siemons, A. Herr Smith, Southard, Stenger, Stone, Stowell, Swann, Teese, Throckmorton, Washington Townsend, Tucker, Van Vorhes, John L. Vance, Waddell, Waldron, Gilbert C. Walker, John W. Wallace, Walling, Ward, G. Wiley Wells, Wheeler, Whitehouse, Whitthorne, Charles G. Williams, James Williams, James D. Williams, Willis, Benjamin Wilson, Alan Wood, jr., Fernando Wood, and Young—118.

So (two-thirds not having voted in favor thereof) the rules were not suspended.

During the roll-call the following announcements were made:

Mr. VANCE, of Ohio. I am paired with my colleague, Mr. VAN VORHES, who is absent by leave of the House. If he were here I would vote "no," and he would probably vote "ay."

Mr. PHILIPS, of Missouri. I desire to announce that my colleague, Mr. GLOVER, is absent by leave of the House.

Mr. DOUGLAS. I am paired with Mr. MACDOUGALL, of New York. If he were here he would vote "ay," and I would vote "no."

Mr. CUTLER. My colleague, Mr. ROSS, is absent by leave of the House.

Mr. O'NEILL. My colleague, Mr. FREEMAN, who is absent by leave of the House, is paired with my other colleague, Mr. MACKEY. If they were here Mr. FREEMAN would vote "ay," and Mr. MACKEY would vote "no."

Mr. SMITH, of Pennsylvania. I am paired with my colleague, Mr. CLYMER. I would vote "ay," and he would vote "no."

Mr. MCCRARY. I am paired with Mr. HUNTON, of Virginia. If present he would vote "no," and I would vote "ay."

The result of the vote was then announced as above recorded.

WILLIAM A. WEBB.

Mr. HARRIS, of Virginia. I move that the rules be suspended, and that the bill which I send to the desk to remove the legal and political disabilities of William A. Webb, of Virginia, be passed.

The bill was read. It removes from William A. Webb, of Virginia, all legal and political disabilities imposed by the fourteenth article of amendment to the Constitution of the United States.

The rules were suspended (two-thirds voting in favor thereof) and the bill (H. R. No. 3791) was passed.

PONTON BRIDGE ACROSS THE MISSISSIPPI.

Mr. DUNNELL. I move that the rules be suspended and that the Committee on Commerce be discharged from the further consideration of the bill (S. No. 336) to authorize the construction of a ponton bridge across the Mississippi River from some feasible point in La Crosse County, in the State of Wisconsin, to some feasible point in Houston County, in the State of Minnesota, and that the bill be passed.

The bill was read.

Mr. DUNNELL. I desire to say that this bill has the unanimous approval of the Committee on Commerce.

The rules were suspended (two thirds voting in favor thereof) and the bill was passed.

RELICS OF WAR OF 1812, STONINGTON, CONNECTICUT.

Mr. WAIT. I move that the rules be suspended and that the joint resolution which I send to the desk be passed.

The Clerk read as follows:

Whereas there are now at the town of Stonington, in the State of Connecticut, two eighteen-pounder iron cannon and two eighteen-pounder traveling-carriages belonging to the same which were used for the defense of said town against the attack of British men-of-war in the war of 1812, and which cannon are highly prized by the inhabitants of said town as memorable relics of the bombardment of the town on the 18th day of August, 1814: Therefore,

Resolved by the Senate and House of Representatives of the United States in Congress assembled, That said guns and gun-carriages be, and they hereby are, donated by the United States to the warden and burgesses of the borough of Stonington, to be owned and held by them and their successors in office; and permission is hereby given to said warden and burgesses to place the same on unoccupied land belonging to the United States at the end of the point, so called, in said town and borough of Stonington.

Mr. WAIT. I send to the desk, and desire to have read a letter and petition explanatory of the resolution.

Several MEMBERS. Let them be printed.

Mr. WAIT. Very well; I ask unanimous consent that they be printed in the RECORD.

There was no objection, and it was so ordered.

The letter and petition are as follows:

STONINGTON, CONNECTICUT, *June* 24, 1876.

DEAR SIR: I have the honor to forward you herewith a petition from over one hundred of our citizens irrespective of party or color, praying Congress to donate to this borough the two old guns that were used in the gallant fight for the defense of Stonington on the 10th of August, 1814.

An act of Congress was passed during the present session authorizing the sale of the old arsenal here, which order has been executed. Now, unless the Government will donate us the guns, they will be removed to the Watertown arsenal, greatly to the regret of every man, woman, and child in Stonington. To show how strong has been the attachment of our citizens for those historical relics, I will mention that the Government ordered them to be removed from here in 1836. Not a team could be secured in town to remove them. One, however, from out of town was secured and attached to the guns, and they were started from the arsenal toward the dock. But the whole populace were turned out under the command of Captain Jabez Holmes, the old gunner who trailed them on the enemy during the bombardment and who nailed the colors to the mast. The driver with his team were sent out of the town, and the assembled citizens, assisted by the women and children, applied themselves to the drag-ropes and tooks the guns back to the arsenal, old Captain Holmes riding astride the foremost gun.

We still hold the old flag that Captain Holmes nailed to the mast, and which was riddled by the enemy's shot, and we mean to keep it and nail it to the mast again if occasion requires it; and with your help we will try to stick to the old guns that returned the enemy's compliments.

We will feel under great obligations to you if you will draw the necessary resolutions donating the guns to the borough of Stonington and granting us permission to place them on the unoccupied Government land at the end of the point, where they may stand in honor of the brave men who used them with such telling effect in their gallant fight, and some of whom are still living and who will be thrice happy to have Congress grant our petition.

With very great respect, your most obedient servant,

GEO. D. STANTON, *M. D.*

Hon. JOHN T. WAIT.

To the honorable the House of Representatives of the United States:

Your petitioners, inhabitants of the borough of Stonington, in the State of Connecticut, would respectfully represent that there are in this borough two old eighteen-pounder iron cannon and two eighteen-pounder traveling carriages which were used for the defense of this town during the war of 1812, and which are about to be removed in consequence of the recent sale of the United States arsenal; and that said guns, by reason of past service, have ceased to be of value to the Government for purposes of defense, and that they are highly prized by our citizens as memorable relics of the bombardment of this town on the 10th of August, 1814.

Wherefore your petitioners respectfully request that the said guns and carriages be donated to the borough of Stonington, and your petitioners, as in duty bound, will ever pray.

The rules were suspended (two-thirds voting in favor thereof) and the joint resolution (H. R. No. 135) was passed.

CHINESE IMMIGRATION.

Mr. LUTTRELL. I move that the rules be suspended and that the preamble and resolution which I send to the desk be adopted.

The Clerk read as follows:

Whereas there are now in California and the adjacent Pacific States about one hundred thousand Chinese and other persons of the Mongolian race; and whereas the said population is being increased at the rate of from eight hundred to one thousand a week; and whereas it is estimated that 90 per cent. of said immigration consists of coolies, peons, or persons held in similar conditions of obligation or bondage, having no sympathy and seeking no assimilation with the political, social, or religious elements of the people of said States; and whereas the above-recited facts are becoming the occasion of great complaint, uneasiness, and dissatisfaction in the communities more immediately affected thereby; and whereas the aforesaid character of immigration is not contemplated by the spirit of the Constitution or by the laws of the people of the United States: Therefore,

Be it resolved, That a committee of five members of this House be appointed to examine into this subject, with full powers in the premises, and that the same are hereby instructed to report to this House at its next session.

Resolved, That said committee shall have authority to employ a stenographer, and to send for persons and papers.

Mr. LUTTRELL. We simply desire that the people of the United States may know the condition of affairs in relation to the Chinese question on the Pacific coast.

The question being taken on suspending the rules and adopting the preamble and resolution, there were—ayes 37, noes 31; no quorum voting.

The SPEAKER *pro tempore*. Is further count demanded?

Mr. LUTTRELL. I see an indisposition on the part of gentlemen to deal with this issue. I ask that the preamble and resolution be referred to the Committee on Foreign Affairs.

There was no objection, and it was so ordered.

CLERICAL FORCE OF THE PENSION BUREAU.

Mr. WHITE. I move that the rules be suspended and that the resolution which I send to the Clerk's desk be adopted.

The Clerk read as follows:

Be it resolved, That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the present clerical force of the Pension Bureau by the appointment of so many clerks, not exceeding one hundred in number, of classes two and three as he may deem necessary to complete at the earliest practicable day the arrearage of work in the Pension Bureau, and that the sum of $75,000 is hereby appropriated for that purpose.

Mr. WHITE. I do not desire to debate this question, but I ask that the correspondence which I send to the Clerk's desk may be read.

Mr. RANDALL. I object.

Mr. WHITE. I ask that it may be printed as part of my remarks.

Mr. RANDALL. I object.

The SPEAKER *pro tempore*. The gentleman from Kentucky knows that no debate can be had under a motion to suspend the rules.

The question being taken, there were—ayes 36, noes 77; no quorum voting.

So (further count not being demanded) the rules were not suspended, two-thirds not having voted in favor thereof.

BRANNIN, SUMMERS & CO.

Mr. HILL. I move that the rules be suspended and that the Committee of the Whole House be discharged from the further consideration of the bill (H. R. No. 3508) for the relief of Brannin, Summers & Co., of Louisville, Kentucky, and that it be put upon its passage. This is a bill which has been reported by two Committees of Ways and Means unanimously, and there can be no objection to it.

The bill was read. It is as follows:

That the Secretary of the Treasury be authorized and directed to pay Brannin, Summers & Co., of Louisville, Kentucky, the sum of $8,593.62, in gold, in full for duties paid by them in certain proceedings *in rem*, brought by the United States against certain sugars in the United States court for the district of Kentucky, alleged to have been fraudulently imported through the custom-house at New Orleans.

Mr. HILL. At the instance of the committee I ask to modify the bill by correcting a mistake accidentally made. I propose to strike out $8,593.62 and insert in lieu thereof $9,588.62.

There was no objection, and the bill was modified as stated.

Mr. KASSON. I ask unanimous consent that the gentleman from Georgia [Mr. HILL] be permitted to make the report of the committee on the facts of this case.

Mr. HILL. The report is in writing.

Mr. KASSON. I ask unanimous consent that the report may be read before we are called upon to vote on this bill.

Mr. FORT. I think the bill ought to go to the Calendar. I object.

Mr. HILL. It is on the Calendar. It was reported last session unanimously by the Committee of Ways and Means and was not passed. It has been reported again this year and has been placed on the Calendar.

The rules were suspended, (two-thirds voting in favor thereof,) and the bill was passed.

RECEIVER AT HOT SPRINGS, ARKANSAS.

Mr. GAUSE. I offer the joint resolution which I send to the desk, and move that the rules be suspended and that the joint resolution be passed.

The joint resolution was read, as follows:

Joint resolution to modify the order appointing a receiver at Hot Springs, Arkansas.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the order of the Court of Claims in the matter of appointing a receiver of the Hot Springs reservation, in the State of Arkansas, under section 5 of the act of June 11, 1870, be, and the same is, so far modified as to suspend the collection of rents by said receiver until Congress shall direct by law what disposition shall be made of said reservation.

Mr. KASSON. That should go to a committee.

Mr. HOLMAN. I object to this measure being urged under a suspension of the rules.

The question being taken, the rules were not suspended, two-thirds not voting in favor thereof.

Mr. GAUSE. I ask unanimous consent that the joint resolution be referred to the Committee on Public Lands.

There was no objection, and the joint resolution (H. R. No. 136) to modify the order appointing a receiver at Hot Springs, Arkansas, was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

CLAIMS FOR HORSES, ETC.

Mr. TERRY. I move to suspend the rules and pass the bill (H. R. No. 2569) to revive the law and extend the time for filing claims for horses and equipments lost by officers and enlisted men in the service of the United States.

I will state that the bill is unanimously reported by the Committee on Military Affairs.

The bill was read, as follows:

That the time for filing claims for horses and equipments lost by officers and enlisted men in the military service of the United States under an act entitled "An act to amend an act entitled 'An act to provide for the payment of horses and other property lost or destroyed in the military service of the United States,' approved March 3, 1849," and which expired by limitation on the 1st day of January, 1876, be, and the same is hereby, revived; and that all claims for horses or other property so lost or destroyed, filed in the proper Department after the 1st day of January, 1876, and before the passage of this act, shall be deemed to have been filed in due time, and shall be considered and decided without refiling.

Mr. CONGER. The words "other property" in that bill ought to defeat it.

Mr. DE BOLT. It is a revival of the old law which has been in force since 1849, in the very same words.

The question was taken, and (two-thirds voting in favor thereof) the rules were suspended, and the bill was passed.

CITADEL AT CHARLESTON, SOUTH CAROLINA.

Mr. SMALLS. I move that the rules be suspended, and that the following preamble and resolution be adopted:

Whereas the Government of the United States has had possession and use for military purposes since March, 1865, of the building and grounds in the city of Charleston, South Carolina, known as the "Citadel," a valuable property belonging to the city of Charleston, South Carolina; and whereas no rent or compensation of any kind has been allowed the city of Charleston, South Carolina, for the use of said property; and whereas the city of Charleston, South Carolina, desires to recover possession of said property or to obtain a fair compensation for the use of the same: Therefore,

Resolved, That the Secretary of War be, and he is hereby, directed to inform the House of all the facts connected with the possession and use of said property by the United States, what amount is justly due as rent therefor, and whether the interest of the United States requires the continued use of and possession of said property, and, if so, upon what terms the property can be rented or purchased.

The question was taken, and (two-thirds voting in favor thereof) the rules were suspended, and the resolution agreed to.

CLAIM OF CHOCTAW NATION.

Mr. WILSHIRE. I move to suspend the rules and that the substitute for the bill (H. R. No. 3463) for the relief of the Choctaw Nation of Indians, which I send to the Clerk's desk, be passed.

The Clerk read the substitute, as follows:

A bill for the relief of the Choctaw Nation of Indians.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Choctaw Nation of Indians be, and hereby is, authorized to commence an action in the United States Court of Claims to recover whatever is due, if anything, to said nation from the United States under the eleventh and twelfth articles of the treaty between the United States and the Choctaw and Chickasaw Indians, of the 22d day of June, A. D. 1855; and said court is hereby clothed with jurisdiction to hear and determine said action, and shall render judgment for the amount which may be found due, if anything, with interest thereon at the rate of 5 per cent. per annum from the 9th day of March, 1859; and said court shall be authorized, in the determination of such action, to go behind the treaty of 1855, and inquire into the merits of the Choctaw claim so far as the same may be affected by fraud in the making of any treaty with said tribe or ratifying the same, or in any negotiation or official correspondence relating to the same; or by any act of Congress or reports of Departments touching Indian affairs, or any previous settlements with or receipts executed by the duly-constituted authorities of said tribe; and either party may prosecute an appeal to the Supreme Court of the United States from such judgment, if such appeal be prayed within thirty days from the rendition thereof; and in the hearing and determination of said suit the said courts, or either of them, shall give said action precedence over other cases.

SEC. 2. The said action shall be commenced by a petition stating the facts on which said nation claims to recover and the amount of its claim; and said petition may be verified by either of the authorized delegates of said nation as to the existence of such facts; and no other statements need be contained in said petition or verification.

SEC. 3. That, if final judgment be rendered in favor of said nation, the Secretary of the Treasury, upon the same being certified to him under the seal of the court rendering the same, shall pay, out of any money in the Treasury not otherwise appropriated, to the proper authorities of said nation, upon their requisition, so much of said judgment as they shall ascertain and determine to be necessary for the payment of the just liabilities of the tribe to its individual members referred to in said treaty, such costs of suit and attorneys as may be allowed by the court, and shall retain the balance, if any, in trust for said nation, as provided in the thirteenth article of said treaty; or said Secretary of the Treasury may, in his discretion, make such payment aforesaid, to the proper authorities aforesaid, by delivering to them any bonds of the United States which have been or may be authorized by law, bearing interest at the rate of 5 per cent. per annum. And the payment of the judgment recovered under this act shall be held to be a full satisfaction of all claims arising under said eleventh and twelfth articles of said treaty; and in the event of a final decision in said courts against the Choctaws, such decision shall be a bar to the further prosecution of said claims.

Mr. HURLBUT. I make the point of order on that bill that it makes an appropriation and must have its first consideration in Committee of the Whole.

The SPEAKER *pro tempore*. The gentleman from Arkansas moves to suspend the rules and pass the substitute for the bill.

Mr. CONGER. I would ask the gentleman to state how many millions there are in that bill?

Mr. RANDALL. "There are millions in it."

Mr. HOLMAN. About seven millions.

Mr. FORT. And it has been beaten two or three times in the House.

Mr. WILSHIRE. The amount due is the question to be submitted to the Court of Claims.

The question was taken; and (two-thirds not voting in favor thereof) the rules were not suspended.

ISSUE OF ARMS.

Mr. JOHN REILLY. I move that the rules be suspended and that the joint resolution (H. R. No. 129) authorizing the Secretary of War to issue arms be passed.

The joint resolution was read, as follows:

That the Secretary of War is hereby authorized to cause to be issued to the Territories, and the States bordering thereon, such arms as he may deem necessary for their protection: *Provided*, That such issues shall be from arms owned by the Government which have been superseded and no longer issued to the Army.

Mr. JOHN REILLY. I would state that this is for the protection of settlers on the frontier and its passage is urgently requested by the military authorities there.

Mr. GOODIN. General Sherman strongly urges it.

The question was taken; and (two-thirds voting in favor thereof) the rules were suspended and the joint resolution was passed.

BENJAMIN F. REYNOLDS.

Mr. SPARKS. I move that the rules be suspended and that the Committee of the Whole on the Private Calendar be discharged from the further consideration of the bill (H. R. No. 1237) for the relief of Benjamin F. Reynolds, and that the same be passed.

I would state that the bill only gives this soldier two and two-thirds of a months' pay.

The bill was read. It authorizes and directs the Secretary of War to pay to Benjamin F. Reynolds, late captain of Company K, Forty-eighth Regiment of Illinois Volunteers, out of any money appropriated or which may hereafter be appropriated for the pay of the Army, a sum equal to the pay and emoluments of a captain of infantry from the 1st day of March, 1864, to the 22d day of May, 1864.

Mr. SPARKS. I would state that this bill was unanimously reported by the Committee on War Claims and the report is at the Clerk's desk.

The question was taken; and (two-thirds voting in favor thereof) the rules were suspended and the bill was passed.

ALLEN EDDY.

Mr. BRADLEY. I move that the rules be suspended and that the bill (H. R. No. 968) granting a pension to Allen Eddy, a soldier of the war of 1812, be passed with an amendment.

The bill was read, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is hereby directed to place on the pension-roll the name of Allen Eddy, a soldier of the war of 1812, with the same pension to which he would be entitled could he furnish the proof now required by law of his service for the full term of sixty days, to date from January 1, 1872.

The amendment was to add after the words "sixty days" the words "such pension."

Mr. HOLMAN. A bill for the relief of this party has already passed the House, and if it should pass the Senate of course this bill is unnecessary.

Mr. BRADLEY. He received his land warrant and served forty days.

Mr. RAINEY. I object to debate unless we can all be heard.

The question was taken; and (two-thirds not voting in favor thereof) the rules were not suspended.

RETRENCHMENT AND REFORM.

Mr. CALDWELL, of Tennessee. I move to suspend the rules and pass the resolution which I send to the Clerk's desk.

The Clerk read as follows:

Resolved, That in the opinion of this House retrenchment and reform are now matters of imperative necessity. It is not the mere cry of demagogues, but a problem demanding the attention and worthy the highest ability of the Representatives of the people. No party is fit to govern this country that cannot solve it. It is vain to look to executive officers for reform; their power and influence depend upon executive patronage, and while we grant they will squander. The Senate is neither by the theory of our system nor by its composition fitted for the task. This House alone has the constitutional power to perfect a radical reform. The Constitution provides that no money shall be drawn from the Treasury but in consequence of appropriations made by law, and that all bills for raising revenue shall originate in the House of Representatives. These provisions were designed to invest in this House the entire control over the public purse, the power of supply. This is invested in the House of Commons, and has been zealously guarded by it; it is a pearl beyond price, without which constitutional liberty in England would long since have fallen under the despotism of the Crown.

The SPEAKER *pro tempore*. The question is upon suspending the rules and passing the resolution which has been read.

Mr. HURLBUT. I rise to a point of order.

The SPEAKER *pro tempore*. The gentleman will state his point of order.

Mr. HURLBUT. There is a reference in the resolution to the Senate, which is forbidden by the rules.

Mr. HOLMAN. It is frequently done on the floor.

Mr. HURLBUT. It is forbidden by the rules.

Mr. RANDALL. This is a motion to suspend the rules.

Mr. WILSON, of Iowa. I ask that the resolution be again read.

The resolution was again read.

Mr. CONGER. I make this point of order: There are some portions of the Constitution and some rules of parliamentary law that are not fully recited in that resolution. [Laughter.]

The SPEAKER *pro tempore*. The point of order is not well taken.

Mr. SPRINGER. I call for the yeas and nays on suspending the rules and passing this resolution.

The question was taken upon ordering the yeas and nays; and upon a division there were—ayes 18, noes 63.

So (one-fifth voting in the affirmative) the yeas and nays were ordered.

The question was then taken, and there were—yeas 94, nays 35, not voting 130; as follows:

YEAS—Messrs. Ainsworth, Anderson, Ashe, Atkins, Blackburn, Bland, Blount, Buckner, Samuel D. Burchard, Cabell, William P. Caldwell, Candler, Caulfield, John B. Clarke of Kentucky, John B. Clark, jr., of Missouri, Cook, Cowan, Culberson, Cutler, Davis, De Bolt, Dibrell, Durham, Ellis, Faulkner, Felton, Finley, Forney, Franklin, Fuller, Gibson, Goodin, Andrew H. Hamilton, Robert Hamilton, Hardenbergh, Henry R. Harris, John T. Harris, Hartridge, Hartzell, Hatcher, Haymond, Goldsmith W. Hewitt, Holman, Hopkins, House, Jenks, Thomas L.

Jones, Knott, Franklin Landers, Lewis, Lord, Maish, McFarland, McMahon, Metcalfe, Milliken, Mills, Morgan, Neal, New, Odell, Payne, Phelps, John F. Philips, Powell, Randall, Rea, Reagan, James B. Reilly, Rice, Riddle, John Robbins, William M. Robbins, Roberts, Savage, Scales, Sheakley, William E. Smith, Southard, Sparks, Spencer, Springer, Stevenson, Tarbox, Terry, Thomas, Turney, Robert B. Vance, Walsh, Wigginton, Wike, Alpheus S. Williams, Jeremiah N. Williams, and Yeates—94.

NAYS—Messrs. John H. Baker, William H. Baker, Banks, Bradley, Denison, Dobbins, Dunnell, Evans, Hendee, Hunter, Hyman, Kimball, Leavenworth, McDill, Page, Pierce, Piper, Potter, Rainey, Robinson, Sampson, Seelye, Sinnickson, Smalls, Strait, Thompson, Tufts, Waldron, Alexander S. Wallace, White, Willard, William B. Williams, James Wilson, Woodburn, and Woodworth—35.

NOT VOTING—Messrs. Adams, Bagby, George A. Bagley, John H. Bagley, jr., Ballou, Banning, Bass, Beebe, Bell, Blaine, Blair, Bliss, Boone, Bradford, Bright, John Young Brown, William R. Brown, Horatio C. Burchard, Burleigh, John H. Caldwell, Campbell, Cannon, Cason, Caswell, Cate, Chapin, Chittenden, Clymer, Cochrane, Collins, Conger, Cox, Crapo, Crounse, Danford, Darrall, Davy, Douglas, Durand, Eames, Eden, Egbert, Ely, Fort, Foster, Freeman, Frost, Frye, Garfield, Gause, Glover, Goode, Gunter, Hale, Hancock, Haralson, Benjamin W. Harris, Harrison, Hathorn, Hays, Henderson, Henkle, Hereford, Abram S. Hewitt, Hill, Hoar, Hoge, Hooker, Hoskins, Hubbell, Hunton, Hurd, Hurlbut, Frank Jones, Joyce, Kasson, Kehr, Kelley, Ketcham, King, Lamar, George M. Landers, Lane, Lapham, Lawrence, Le Moyne, Levy, Luttrell, Lynch, Lynde, Edmund W. M. Mackey, L. A. Mackey, Magoon, MacDougall, McCrary, Meade, Miller, Money, Monroe, Morrison, Mutchler, Nash, Norton, O'Brien, Oliver, O'Neill, Packer, Parsons, William A. Phillips, Plaisted, Platt, Poppleton, Pratt, Purman, John Reilly, Miles Ross, Sobieski Ross, Rusk, Sayler, Schleicher, Schumaker, Singleton, Siemons, A. Herr Smith, Stenger, Stone, Stowell, Swann, Terry, Thornburgh, Throckmorton, Martin I. Townsend, Washington Townsend, Tucker, Van Vorhes, John L. Vance, Waddell, Wait, Charles C. B. Walker, Gilbert C. Walker, John W. Wallace, Walling, Ward, Warren, Erastus Wells, G. Wiley Wells, Wheeler, Whitehouse, Whiting, Whitthorne, Andrew Williams, Charles G. Williams, James Williams, James D. Williams, Willis, Wilshire, Benjamin Wilson, Alan Wood, jr., Fernando Wood, and Young—160.

During the call of the roll the following announcements were made:

Mr. VANCE, of Ohio. I am paired with my colleague, Mr. VAN VORHES. I do not know how he would vote if present, but I would vote "ay."

Mr. DOUGLAS. I am paired with Mr. MACDOUGALL, of New York; if he were present I would vote "ay."

Mr. SMITH, of Pennsylvania. I am paired with my colleague, Mr. CLYMER.

The vote was announced as above recorded—ayes 94, noes 35.

Mr. O'BRIEN. I raise the point of order that no quorum has voted.

The SPEAKER *pro tempore*. The point of order is well taken.

Mr. O'BRIEN. I move that the House now adjourn.

The SPEAKER *pro tempore*. Pending the motion to adjourn, if there be no objection the Chair will lay before the House sundry executive communications.

There was no objection.

UNEXPENDED BALANCE OF KICKAPOO FUND.

The SPEAKER *pro tempore*, by unanimous consent, laid before the House a letter from the Secretary of the Interior, in relation to the re-appropriation of the unexpended balance of the Kickapoo fund; which was referred to the Committee on Appropriations.

CATTARAUGUS AND ALLEGANY RESERVATION, NEW YORK.

The SPEAKER *pro tempore* also laid before the House a letter from the Secretary of the Interior, in relation to the surveys on the Cattaraugus and Allegany reservation in the State of New York under the act of February 19, 1875; which was referred to the Committee on Public Lands.

ADDITIONAL BOUNTIES.

The SPEAKER *pro tempore* also laid before the House a letter from the secretary of the Soldiers' and Sailors' Bounty Association, transmitting a resolution of thanks to the House of Representatives; which was referred to the Select Committee on the Centennial Celebration.

GOVERNMENT USE OF PATENTED ARTICLES.

The SPEAKER *pro tempore* also laid before the House a letter from the Secretary of the Navy, transmitting a communication from the naval solicitor, relative to the bill (H. R. No. 3481) extending the jurisdiction of the Court of Claims of the United States, and for other purposes; which was referred to the Committee on Patents.

HENRY SIMONS.

The SPEAKER *pro tempore* also laid before the House a letter from the Secretary of War, transmitting a report of the Adjutant-General on the bill (H. R. No. 2234) for the relief of Henry Simons; which was referred to the Committee on Military Affairs.

FUNERAL EXPENSES OF ARMY OFFICERS.

The SPEAKER *pro tempore* also laid before the House a letter from the Secretary of War, transmitting a copy of a communication from the Quartermaster-General, relative to providing for funeral expenses of Army officers; which was referred to the Committee on Appropriations.

TRANSPORTATION OF THE ARMY.

The SPEAKER *pro tempore* also laid before the House a letter from the Secretary of War, transmitting a communication from the Quartermaster-General, relative to a paragraph in the Army appropriation bill providing for the transportation of the Army; which was referred to the Committee on Appropriations.

WAR CLAIMS.

The SPEAKER *pro tempore* also, by unanimous consent, laid before the House a letter from the chief clerk of the Treasury Department, transmitting, in compliance with House resolution of the 20th instant, list of claims arising under the act of July 4, 1864; which was referred to the Committee on War Claims.

LOCKS AND SEALS.

The SPEAKER *pro tempore* also, by unanimous consent, laid before the House a letter from the Secretary of the Treasury, transmitting reports of the Commissioners of Internal Revenue and Customs, in relation to locks and seals in use in those branches of the Treasury Department; which was referred to the Committee on Expenditures in the Treasury Department.

Mr. CONGER. That communication should be referred to the Committee of Ways and Means.

The SPEAKER *pro tempore*. It was referred to the Committee on Expenditures in the Treasury Department, as it is in answer to a resolution from that committee.

FOURTH-OF-JULY CELEBRATION.

The SPEAKER *pro tempore*. The Chair lays before the House a communication from the Society of the Oldest Inhabitants of the District of Columbia, and will have the same read, as it is a brief and respectful invitation to Congress.

The Clerk read as follows:

SOCIETY OF THE OLDEST INHABITANTS, DISTRICT OF COLUMBIA,
City of Washington, June 20, 1876.

GENTLEMEN: The Society of the Oldest Inhabitants respectfully invite you to be present at their celebration of the Centennial Anniversary of American Independence, which will take place at Ford's Opera House, at twelve o'clock m. The Declaration of Independence will be read by Colonel Horatio N. Easby and an oration delivered by L. A. Gobright, Esq.

I have the honor to be, very respectfully, your obedient servant,

JNO. B. BLAKE, *President.*

The SPEAKER AND MEMBERS *of the House of Representatives of the United States.*

Mr. KASSON. I move that communication be referred to the Committee on the Centennial Celebration.

The motion was agreed to.

MILITARY ACADEMY BILL.

Mr. FOSTER. I move, by unanimous consent, that the name of Mr. HALE be substituted for that of Mr. WHEELER as a conferee on the part of the House on the disagreeing votes of the two Houses on the Military Academy bill. Mr. WHEELER cannot be here.

There was no objection, and it was ordered accordingly.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted in the following cases:

To Mr. GOODE for four days;
To Mr. BALLOU for ten days;
To Mr. WHITEHOUSE for ten days;
To Mr. BRADFORD for five days;
To Mr. COLLINS for one week;
To Mr. PHELPS from night sessions; and
To Mr. CHITTENDEN until July 6.

And then, on motion of Mr. O'BRIEN, (at three o'clock and twenty-five minutes p. m.,) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk under the rule, and referred as stated:

By Mr. BLAINE: The petition of citizens of Pittsfield, Maine, for the repeal of the stamp tax on safety matches, to the Committee of Ways and Means.

Also, the petition of citizens of Monmouth, Maine, of similar import, to the same committee.

Also, the petition of citizens of Wiscasset, Maine, of similar import, to the same committee.

Also, the petition of citizens of Waldoborough, Maine, of similar import, to the same committee.

Also, the petition of citizens of Augusta, Maine, of similar import, to the same committee.

By Mr. CONGER: The petition of G. W. R. Bayley, of New Orleans, Louisiana, for compensation for property used and occupied by Federal forces at Brashear City, Louisiana, during the late war, to the Committee on War Claims.

By Mr. CUTLER: The petitions of insurance companies in the cities of New York, New York; Philadelphia, Pennsylvania; Springfield, Massachusetts; Hartford, Connecticut; Saint Louis, Missouri; Chicago, Illinois; Boston, Massachusetts; Galveston, Texas; San Francisco, California; Bangor, Maine; Newport, Kentucky, and Detroit, Michigan, for the re-adjustment of postage rates upon policies and all the various documents used by insurance companies, so as to conform to the rates charged upon mailable matter of the third class, to the Committee on the Post-Office and Post-Roads.

By Mr. DAVY: The petition of citizens of New York, that the law regulating the manner of packing tobacco remain unchanged, to the Committee of Ways and Means.

By Mr. LANDERS, of Connecticut: The petition of George W. Hubbell and W. E. Conant, for an extension of a patent on double-acting steam-pump, to the Committee on Patents.

By Mr. RICE: Memorial of Benjamin P. Runkle, late major Thir-

teenth Ohio Volunteer Infantry, for a change of the time from which he should receive a pension, from November, 1875, to January, 1873, to the Committee on Invalid Pensions.

By Mr. SAMPSON: Memorial of the Scott County (Iowa) Medical Society, against the passage of the bill to incorporate the National Surgical Institute of the District of Columbia, to the Committee for the District of Columbia.

By Mr. STEELE: The petition of Michael E. Urell, for pay as second lieutenant, United States Army, from the date of issue of his commission to date when mustered into service as such, to the Committee on Military Affairs.

By Mr. VANCE, of North Carolina: The petition of Mary Tatham, widow of Thomas C. Tatham, for compensation for surveying pre-emption rights allowed to the eastern band of Cherokee Indians of North Carolina by her late husband, to the Committee on Indian Affairs.

By Mr. WILLIAMS, of Alabama: A paper relating to the establishment of a post-route from Louisville, Barbour County, to Troy, Pike County, Alabama, by way of Joiner's Bridge, to the Committee on the Post-Office and Post-Roads.

The following petitions were presented at the Clerk's desk under the rule, without having indorsed thereon the name of any member, and referred as stated:

The petition of John J. Ritch, of Scott County, Mississippi, to be re-imbursed for property taken by the United States Army during the late war, to the Committee on War Claims.

The petition of Paschal D. Hammack, of Scott County, Mississippi, of similar import, to the same committee.

The petition Latham & Lawhorn, of Scott County, Mississippi, to be re-imbursed for the balance due for property taken by the United States Army during the late war, to the same committee.

The petition of John L. Smith, of Scott County, Mississippi, to be re-imbursed for property taken by the United States Army in February, 1864, to the same committee.

IN SENATE.

TUESDAY, *June* 27, 1876.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of War in the nature of a report, stating that rules and regulations for the care and management of the public park set apart by the provisions of an act of Congress approved March 3, 1875, entitled "An act to set apart a certain portion of the island of Mackinac, in the Straits of Mackinac, within the State of Michigan, as a national park," have been prepared and ready for publication, and recommending the passage of a special act for the punishment by the courts of transgressors against the rules established for the care and management of the park; which was referred to the Committee on Military Affairs, and ordered to be printed.

INVITATION TO PHILADELPHIA FOR JULY 4.

The PRESIDENT *pro tempore* laid before the Senate the following communication:

MAYOR'S OFFICE,
Philadelphia, Pennsylvania, June 26, 1876.

DEAR SIR: On behalf of the committee on celebration, I have the honor to request that the document titled "The Administrators of the United States Government at the Beginning of its Second Century" be brought to Philadelphia by a committee composed of both Houses of Congress, for the purpose of having it unveiled as a part of the anniversary exercises, July 4, 1876, and that a member of the committee officiate as the orator on the occasion.

I have the honor to be, very respectfully, your most obedient servant
WM. S. STOKELEY, *Mayor.*

Hon. THOMAS W. FERRY,
President of United States Senate, Washington, D. C.

Mr. MORTON. I suggest that that be referred to the Committee on the Library.

Mr. CONKLING. I ask the Secretary to read again enough of that to show what it refers to. We did not understand from the reading of it.

The communication was again read.

Mr. SHERMAN. They invite the whole Congress to go over and deliver this document.

Mr. CONKLING. What is the document, may I inquire, "Administrators of the United States Government?"

The PRESIDENT *pro tempore*. The Chair understands it is a document that has been here in the Senate Chamber as well as in the House of Representatives for the signatures of members of both Houses to be appended to it. Of the literal purport of the document the Chair is not now informed, but thinks it bears the names of all branches, the Executive and Cabinet, the legislative and judicial departments of the Government.

Mr. CONKLING. May I inquire from whom this communication comes?

The PRESIDENT *pro tempore*. From the mayor of the city of Philadelphia.

Mr. SHERMAN. I inquire if it speaks of a committee composed of both Houses?

Mr. EDMUNDS. Let it be read again; let us see just what it is.

The communication was read again.

Mr. EDMUNDS. I move that the communication be referred to the Committee on Privileges and Elections.

The PRESIDENT *pro tempore*. The Senator from Indiana had moved a reference to the Committee on the Library. The Senator from Vermont moves an amendment to refer the communication to the Committee on Privileges and Elections.

The amendment was agreed to.

The motion to refer, as amended, was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. G. M. ADAMS, its Clerk, announced that the House had passed the following bills and joint resolutions; in which the concurrence of the Senate was requested:

A bill (H. R. No. 1237) for the relief of Benjamin F. Reynolds;

A bill (H. R. No. 2569) to revive the law and extend the time for filing claims for horses and equipments lost by officers and enlisted men in the service of the United States;

A bill (H. R. No. 3508) for the relief of Brannin, Summers & Co., of Louisville, Kentucky;

A joint resolution (H. R. No. 129) authorizing the Secretary of War to issue arms; and

A joint resolution (H. R. No. 134) donating two cannon and carriages to the warden and burgesses of Stonington, Connecticut.

The message also announced that the House had concurred in the amendment of the Senate to the joint resolution (H. R. No. 104) for the relief of Edward O'M. Condon.

PETITIONS AND MEMORIALS.

Mr. INGALLS. I present the petition of certain of the old defenders of the District of Columbia, praying an amendment of the pension law. I move that this petition lie on the table, as a bill has been reported on that subject.

The motion was agreed to.

Mr. SHERMAN presented the petition of Mrs. Eunice Tripler, widow of Surgeon C. S. Tripler, praying for an increase of pension; which was referred to the Committee on Pensions.

Mr. CONKLING. I present a petition signed by a large number of merchants and others, of Philadelphia, Pennsylvania, praying for the passage of the bill (S. No. 846) to punish the counterfeiting of trade-mark goods and the sale of or dealing in counterfeit trade-mark goods. That bill having been reported, I move that the petition lie on the table.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. ROBERTSON, from the Committee on the District of Columbia, to whom was referred the bill (H. R. No. 2881) to authorize the establishment of a certain free public highway in the District of Columbia, and for other purposes, reported it with an amendment.

Mr. HOWE, from the Committee on Foreign Relations, to whom was referred the bill (S. No. 892) to encourage and promote telegraphic communication between America and Asia, reported it with amendments.

TREASURY ACCOUNTS.

Mr. ANTHONY. The Committee on Printing, to whom was referred a motion to print a letter from the Secretary of the Treasury, transmitting, in answer to a Senate resolution of February 9, 1876, a statement of balances due to the United States from public officers and from other parties no longer in the public service which have accrued since January, 1830, have instructed me to report back the same adversely, except so far as refers to a condensed statement which contains a good deal of valuable information and which the committee think may well be printed. I will not ask a vote upon the adverse report in the absence of the Senator from West Virginia, [Mr. DAVIS,] on whose motion the information was called for. I am quite confident that when he comes to examine this voluminous and expensive and utterly useless document, he will not desire that the Government shall go to the additional expense of $2,262 to print it.

It contains a list of all persons, including those not now in the public service, against whom there appears to be a balance on the books of the Treasury. In very many instances the balance is nominal, not real, sometimes so designated; in very many cases it arises out of misunderstanding between the disbursing officer and the accounting officers of the Treasury, which, when they come to be explained and adjusted, may be decided in favor of one party or the other. In very many instances it arises from balances due from officers of the Navy who have gone down with their ships with their papers upon them; officers of the Army who have fallen in battle or died in hospital and whose vouchers have been lost; while it is apparent from the supplies which they had purchased and from the men whom they had paid that the money intrusted to them had been expended for the purposes for which it was appropriated. According to the law these

all appear upon the books of the Treasury as indebted for the unsettled balances; for, while the Treasury charges an officer with everything paid to him, it does not credit him with what he has paid out until it is ascertained and adjusted according to regulations of the Department. Many of these are charges for overpayments; that is, where an officer has erroneously paid to some creditor of the Government more than he was legally authorized to receive; and of course the disbursing officer must suffer the consequence of his error. That is a blunder, but it is not a crime. He has not embezzled the money; he has not defrauded the Government; he has made a mistake and paid a man a thousand dollars, for example, when it appears from all the information yet in the possession of the Treasury that he only ought to have paid him $990; and therefore he stands as a defaulter for $10 on the books of the Treasury. This may in many cases remain yet open for adjustment. I am sure that nobody wants to publish the names of such men, living and dead, as embezzlers and defaulters in any criminal sense.

The great defalcations, the criminal defalcations, are all known; they are all made public; they cannot be concealed without criminal complicity of the accounting officers. They are put in suit against the defaulters and against their bondsmen; and other cases are put in suit the results of which do not always show that the officer is a defaulter. There may be cases of honest differences of opinion between the officer and the Department as to the law, which are to be settled by the courts. A great many cases grew up before the present improved system of keeping the accounts, when disbursing officers who were also receiving officers, received the revenues of the Government, disbursed the expenses of their Departments, and turned over the balance to the Treasury. That system prevailed until it was reformed in our day, and under that system the result of every difference of opinion between a disbursing officer and the Department would stand as a defalcation against him. Some of these cases are so trifling that I have collated a few of them. Although I should not read the names of any persons who would suffer by it, I suppose the illustrious name of Washington Irving will not suffer if I say that he stands here as a defaulter to the amount of *three cents!* Here is another officer in the list whom I was instrumental, among others, in commending to the public service, in which he greatly distinguished himself. I shall hold myself responsible for his defalcation, principal and interest in gold. It amounts to *one cent.* I do not suppose anybody will think that Robert Walsh was an embezzler or defaulter to the Government, and yet he is put down for a small amount. Here I find an old colonel whom I knew well, who died in 1854, who is marked as a defaulter for $3.60.

Mr. President, I do not wish to impair the credit of the great banking house of this city, but I am bound to say that Corcoran & Riggs stand down here as defaulters under this call for information.

Mr. HAMLIN. What is the amount of that?

Mr. ANTHONY. Seventy-two dollars.

Mr. SHERMAN. I ask if the English bankers, Baring Brothers & Co., are there?

Mr. ANTHONY. Baring Brothers are down, and, worse than that, the English government itself is put down as a defaulter. As we have just settled nearly all our old difficulties with England and got into a new one, I do not wish to see the credit of that government impaired, and for its relief I must state that a marginal note reads: "The Secretary of State says he has no doubt this was settled long ago." It occurred in 1813, but it stands on the books as over $1,200 of default by the British government.

Mr. President, I might go over a great many illustrations of the same kind, but I have made quite sufficient to show that, while there are of course in the great operations of the Treasury many defaulters and many embezzlers, nothing could be more unjust than to mix them up with these persons who are marked in default in the Treasury, but who are not defaulters in any sense whatever, and probably do not owe the Government anything. Certainly it is not likely that Corcoran & Riggs, Baring Brothers, and the British government owe the Treasury anything.

The aggregate statement of the disbursements of the Treasury under the list is a paper exceedingly creditable to the American Government. I do not mean to any particular party, but to the financial history of the United States. There have been disbursed since 1834—I can hardly read such big figures—$13,936,870,072.05, of which is marked upon these books $22,263,000, being about half a million of dollars a year, and a great part of this is nominal, not real.

The losses on the $1,000 of disbursements were, in the administration of Jackson, $10.55; Van Buren, $21.15; Harrison and Tyler, $10.37; Polk, $8.34; Taylor and Fillmore, $7.64; Pierce, $5.86; Buchanan, $6.98; Lincoln, $1.41; Johnson, 48 cents; Grant, the first four years, 40 cents; the second four years, 26 cents—showing a constant decline, which is owing in a large degree to the improved manner of keeping the accounts; and that is due very largely to the Committees on Finance and Appropriations, who have introduced legislation here which has compelled much greater accuracy and responsibility. The average percentage of losses during this whole period on the disbursements is $1.59 on the thousand. I do not believe that the aggregate of any class of corporate or private business, banking, commercial, or any other kind, can show so small a percentage of loss as this, and it is gratifying that the percentage of loss is continually decreasing, coming down from $21.55 in the administration of Van Buren to an average of twenty-three cents on the thousand dollars or only about one-sixtieth as much under the present Administration. This is exclusive of the Post-Office, which administers its own revenue. In the Post-Office the loss has gone down from $11.18 on the $1,000 in Jackson's administration, and $26.19 in Van Buren's, to $1.59 for the first term of Grant and $1.01 for the second; with an average of $3.51 for the whole period. I move that this statement, which I think is creditable to the Government and to all parties, be printed; and that the adverse report of the Committee on Printing on the rest of the document lie over until the return of the Senator from West Virginia.

Mr. WITHERS. In justice to the Senator from West Virgina, under whose resolution the report was made which the Committee on Printing have reported against the printing of, I think it proper to state that he certainly never intended his resolution to parade before the country the names of such parties as have been read by the Senator from Rhode Island, his idea and object being to elicit information with regard to the number of *bona fide* defaulters to the Government; and the *reductio ad absurdum* which has been reached this morning through the remarks of the Senator from Rhode Island I do not think is fairly applicable to the resolution which was presented by the Senator from West Virginia or to the information which was elicited thereby, his object being, as I say, to secure information as to the number and amount of *bona fide* defalcations which had occurred in the Government, and those and those only he desired to have printed. I say this in justice to him.

Mr. SHERMAN. All I desire to say is that the resolution of the Senator from West Virginia as originally offered would have called only for those defalcations that occurred under a republican administration, or was limited in point of time from 1865 to this period, and would have included the names of hundreds and thousands of soldiers who died on the field of battle with the very arms used in defense of their country charged to them, and which charges are yet on these books. So with officers of the Navy. The injustice of the resolution of my friend from West Virginia was that it confined itself to a particular period, during which a particular party was in power; and, therefore, it was extended back so as to embrace many administrations of many parties, different phases of our political life from 1834 to this time.

Now, when it comes before us I do not think that the Senator from West Virginia, or any Senator who looks over this list, would do the injustice to publish this list either from 1865 down or from 1834 down; but I did not object to this paper being prepared, because, if there is any defaulter, any man who really has appropriated with bad intent money of the Government of the United States which he has not paid over, he should be exposed. Here is a formidable list, and from that list those cases may be expurgated and published if necessary. As I said the other day, I should be willing to publish on the barn-doors all over this broad land the name of every man who has robbed the Government or betrayed the trust reposed in him by the Government of the United States; but it is manifest that in doing that we ought not to do injustice to the most virtuous, the most patriotic, and the best men in our land.

Mr. WITHERS. That is all that the Senator desired to accomplish, I have no doubt. I think he does not do it by printing such cases as are described.

Mr. SHERMAN. The difficulties will then be in making the expurgation.

Mr. MORRILL, of Vermont. When this subject was up in the first instance, on the motion of the Senator from West Virginia, I thought it a matter of sufficient importance to go to the Treasury Department and ascertain precisely what had been the amount of the defalcations there and at the Internal-Revenue Bureau, and I obtained similar results to those which have been read by the Senator from Rhode Island, but based on different dates and presented in a little different manner, but still in a manner of sufficient interest, I think, to warrant me in reading the two communications that I received at that time. First, I read from the Assistant Secretary of the Treasury:

TREASURY DEPARTMENT,
Washington, March 22, 1876.

DEAR SIR: Referring to your verbal request, made on Saturday last, to be furnished with a statement showing the defalcations of customs officers, I have the honor to inform you that the total amount of collections of revenue from customs from April 1, 1861, to June 30, 1875, amounted to $2,136,395,642.42. Total defalcations from March 4, 1861, to June 30, 1875, $355,534.27. The defalcation is 1-60 of 1 per cent. of the amount collected, or $1.60 in every $10,000.

I promised to send these figures to you on Saturday last, but found it impossible until the present moment to get them ready.

Very truly,

CHAS. F. CONANT.

Hon. JUSTIN S. MORRILL,
United States Senator, Washington, D. C.

I also have a communication from the Commissioner of Internal Revenue, which is as follows:

TREASURY DEPARTMENT, OFFICE OF INTERNAL REVENUE,
Washington, D. C., March 18, 1876.

SIR: In compliance with your request, I have the honor to submit herewith the following statement taken from the books and records of this Office:

The total of internal-revenue tax returned by the various collectors of internal revenue during the period from September 1, 1862, to March 31, 1865, being from the organization of the internal system to the close of the month preceding the end of Mr. Lincoln's administration is $283,111,131; the ascertained "cash deficiencies" of collectors appointed during that period are $414,50e 10. o- about 13-100 of 1 per cent. of the amount collected. In the period from April 1, 1865, to Feb-

ruary 28, 1869, being the period in even months covered by Mr. Johnson's administration, the collections were $817,068,305; ascertained cash deficiencies of collectors appointed in that period, $1,626,302.52, or about 2-10 of 1 per cent. of the amount collected. In the period from March 1, 1869, to February 29, 1876, being from the beginning of the present administration to the close of the last month, the collections are $854,808,237; ascertained cash deficiencies of collectors appointed in this period, $5,272,751.86, or about 69-1000 of 1 per cent. of the amount collected.

As the balances for the last period mentioned are of comparatively recent occurrence and are now in process of collection, it is believed that a large proportion of it will ultimately be recovered, so that the actual ultimate loss will be very much less than herein shown.

Respectfully,

D. D. PRATT,
Commissioner.

Hon. J. S. MORRILL,
United States Senate.

I think under the circumstances the present and past republican administrations since 1861 have no reason to feel ashamed of the exhibit.

Mr. ANTHONY. Mr. President, I desire, in justice to the Secretary of the Treasury, who made this report, and in reply to the remarks of my friend from Virginia who seemed to think that the report had embodied information not called for by the Senate, to read the resolution, which is:

That the Secretary of the Treasury be, and hereby is, directed to furnish the Senate, as soon as practicable, a statement of all balances due to the United States from public officers, and all such balances due from other parties, (no longer in the public service,) distinguishing those whose accounts with the United States have been finally passed upon and adjudicated and those whose accounts are yet unsettled and subject to additional credits, stating the nature of such accounts and the credits in question; the statement to embrace the accounts of all such officers or parties in which such balances have respectively accrued since the 1st day of January, 1830, and to set forth respectively, and as near as practicable, the period over which the accounts extended and the amounts involved therein.

I do not see how, under that resolution, the Secretary of the Treasury could have done less than to send the communication which is before us; and, if it is information that is not needed, it is our fault in calling for it, not his in sending it.

The PRESIDENT *pro tempore*. The chairman of the Committee on Printing asks that the report which he has submitted lie on the table and that the summary statement which he submits be printed. Is there objection to that? The Chair hears none, and the Senate so orders.

PAY OF RETIRED NAVAL OFFICERS.

Mr. CHRISTIANCY. I am directed by the Committee on the Revision of the Laws, to whom was referred the bill (S. No. 909) to correct an error in section 1588 of the Revised Statutes, to report it back without amendment; and I ask unanimous consent for its immediate consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which amends section 1588 of the Revised Statutes by striking out, in the eleventh line, the word "sea," and restoring in place thereof the word "highest."

Mr. CHRISTIANCY. I wish to make this explanation: it relates to the pay of retired Navy officers. As the revision now stands—

The pay of all other officers on the retired list shall, when not on active duty, be equal to one-half the sea-pay provided by this chapter for the grade or rank held by them, respectively, at the time of their retirement.

The act from which the reviser undertook to copy this used the term "highest pay," and this is simply to restore that omission.

Mr. WRIGHT. I wish to suggest to my friend the Senator from Michigan that I doubt whether this is a proper way to amend a section of the Revised Statutes. I do not believe we ever ought to do it. He proposes to amend that section by striking out a certain word and inserting another. I think the only true way to amend a section of the statutes is to re enact it so as to have it to read as you propose it shall read now. Take this bill as he reports it, and it will be utterly impossible to tell what the law is without going back to the Revised Statutes and comparing the two and thus arriving at the meaning. I think the practice has been since the adoption of the Revised Statutes, and I think it is a practice we ought to adhere to, to re-enact the amended section precisely as we propose to have it, and not propose to amend a section by striking out one word and inserting another. I suggest that to him, and I think it would be better to adopt that course in this instance as well as in all others.

Mr. CHRISTIANCY. The only alteration made here is in a single word, and not quite that; it is but the half of one compound word. If the committee themselves had drawn the bill, they would very likely have drawn it according to the suggestion of the Senator from Iowa. I have no doubt myself that that is the best mode of amending sections of the Revised Statutes; but this is simply an obvious error in copying the statute in using the term "sea-pay" instead of "highest pay." The same words had been used in a previous part of the section, or in another law rather; and this was a mere blunder.

Mr. WRIGHT. I suggest that my friend's argument does not at all change the principle. You can change the entire sense and meaning of a statute by putting in three letters or three words. The objection to it is one of principle in the amendment of the statutes. I suggest to the Senator that it would be better to consent to amend the bill as it stands in the particulars suggested instead of introducing a dangerous precedent, or else to recall the report and have the matter amended in a proper form. I suggest that the matter be recommitted with that understanding. I do not want to interfere at all with my friend's measure; but I think it better to adhere to this as a matter of principle and rule.

Mr. CHRISTIANCY. I have not the slightest objection to that.

The PRESIDENT *pro tempore*. The Senator from Iowa moves that the bill be recommitted to the Committee on the Revision of the Laws.

The motion was agreed to.

BILLS INTRODUCED.

Mr. SHERMAN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 945) granting a pension to Eunice Tripler; which was read twice by its title, referred to the Committee on Pensions, and ordered to be printed.

Mr. WADLEIGH asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 946) for the relief of Gibbes & Co., of Charleston, South Carolina; which was read twice by its title, referred to the Committee on Claims, and ordered to be printed.

HOUSE BILLS REFERRED.

The joint resolution (H. R. No. 129) authorizing the Secretary of War to issue arms was read twice by its title.

Mr. INGALLS. There is very urgent necessity that the action upon that resolution should be immediate. Senators are familiar with the condition of affairs upon the western and northwestern frontier; that an Indian warfare is in progress, and that large extents of territory are already threatened. The military force is insufficient to protect the people in that locality. The Secretary of War is without authority to issue arms to the settlers for their defense and protection. There is in the various arsenals of the country a very large amount of arms and ammunition that have been superseded by subsequent manufactures and improvements, and it is necessary that this resolution should pass, in order to authorize the Secretary of War to issue certain numbers of these arms and certain amounts of this ammunition to the settlers on the frontier. I ask, therefore, that the Senate may concur in this resolution without the formality of a reference to a committee.

The PRESIDENT *pro tempore*. The resolution will be read at length.

The Chief Clerk read as follows:

Be it resolved, &c., That the Secretary of War is hereby authorized to cause to be issued to the Territories and the States bordering thereon such arms as he may deem necessary for their protection: *Provided*, That such issues shall be from arms owned by the Government which have been superseded and no longer issued to the Army.

Mr. LOGAN. I do not know anything about this measure, but it seems to me there are no safeguards placed around it at all. It is just to issue arms without any limit as to price or number, and without any responsibility. I do not think that kind of a measure ought to pass.

Mr. PADDOCK. It seems to me that there can be no difficulty about that. Of course, if the arms are issued they will be issued in accordance with the present law, which is that they shall go to the governors of the States and Territories. It is only an additional amount to the quotas already allowed the different States and Territories under the present law.

Mr. LOGAN. This would apply to all the Territories.

Mr. PADDOCK. All the Territories have quotas now.

Mr. LOGAN. That is true; but they may have the full number of arms to which they are entitled.

Mr. PADDOCK. Their quota is a mere bagatelle. It amounts to nothing.

Mr. LOGAN. I do not think a bill so carelessly drawn as this ought to pass, and I ask that it be referred to the committee. If it is proper that it should be passed, it can there be put in proper form, but it certainly is not now in a proper shape to pass.

Mr. PADDOCK. I do not object to a reference.

Mr. LOGAN. I do not know that I am opposed to it, but the bill is certainly so carelessly drawn that it ought not to pass as it is. There ought to be some safeguards thrown around it. I do not know that I shall have any objection to it, but I desire that it shall be in proper form if the arms are to be issued. I hope it will be referred to the Committee on Military Affairs.

Mr. INGALLS. The issuance of these arms and of this ammunition is confided to the discretion of the Secretary of War, and certainly it appears to me that this is a sufficient limitation and protection of the rights and interest of the Government. The necessity is very urgent and the Secretary is entirely without power to issue these arms, applications for which are daily made, unless this action is had. I trust the Senator from Illinois will withdraw his request for reference and allow it to pass, because it is certainly apparent that the Secretary of War will not issue the arms unnecessarily.

I may say in addition that upon a personal interview had with the General of the Army a day or two since he said that this was a matter of very great importance; and while, of course, it is not proper to use it as an argument, he thought it was essential that early action should be had.

Mr. LOGAN. If the General of the Army had so said to the Military Committee or to the Senate, then there would be something to base it on; but he has not so said. If either the General of the Army or the Secretary of War thinks this a proper proposition, let him communicate that opinion to the proper authority and not in private con-

versations. I do not know but that it is perfectly proper but it is not proper in that light; and therefore I ask that the measure be referred to the Committee on Military Affairs. If there is any great urgency about it, the committee can report a proper bill promptly; but this is not a proper bill, not such a one as I can vote for.

Mr. INGALLS. As far as the question of etiquette is concerned, of course it is important that a matter of politeness should stand between the lives of settlers on the frontier and immediate action. Of course, I have no objection to make if it is a mere matter of etiquette.

Mr. LOGAN. It is not necessary for Senators to get their knives sharpened on every occasion.

Mr. INGALLS. The Indians have their knives sharpened.

Mr. LOGAN. It is not at all a matter of etiquette; there is no etiquette about it. I only said that which is perfectly proper. If the General of the Army or the Secretary of War has any communication to make he should make it to Congress, and not in private conversations to individuals. That is what I said, and I repeat it. I ask that the joint resolution be referred to the committee.

The joint resolution was referred to the Committee on Military Affairs.

The following bills and joint resolution from the House of Representatives were severally read twice by their titles and referred to the Committee on Military Affairs:

A bill (H. R. No. 1237) for the relief of Benjamin F. Reynolds;

A bill (H. R. No. 2569) to revive the law and extend the time for filing claims for horses and equipments lost by officers and enlisted men in the service of the United States;

A joint resolution (H. R. No. 134) donating cannon and carriages to the warden and burgesses of Stonington, Connecticut.

The bill (H. R. No. 3508) for the relief of Brannin, Summers & Co., of Louisville, Kentucky, was read twice by its title and referred to the Committee on Finance.

SENATE MANUAL.

Mr. HAMLIN submitted the following resolution; which was referred to the Committee on Rules:

Resolved, That the Chief Clerk be directed to prepare a new edition of the Manual, and that one thousand copies of the same be printed for the use of the Senate.

ORDER OF BUSINESS.

Mr. WRIGHT. I move to proceed to the consideration of the bill (S. No. 784) for the relief of Enoch Totten, administrator of the estate of William A. Lloyd, deceased.

Mr. SPENCER. I desire to call up the unfinished business of yesterday's morning hour. I think that is in order.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Iowa.

Mr. INGALLS. I think that I am not mistaken in saying that it was the understanding of the Senate yesterday when the bill reported by the Committee on the District of Columbia was recommitted that it was to be reported this morning, after printing, and considered in the morning hour. The matter is one of very great importance, and I think that the Senator from Alabama, the chairman of the committee, is right in asking that it be considered now, and I shall certainly further him with my best efforts and trust the Senate will do the same. I have no objection to the bill offered by the Senator from Iowa; but he is aware that this is very pressing. This is the 27th day of June; the fiscal year expires on the 30th. We ought to have immediate action.

Mr. WRIGHT. I was not present yesterday morning. If there was any such understanding, I will not interfere with it.

Mr. WEST. There was.

The PRESIDENT *pro tempore*. The Chair thinks that was the understanding.

Mr. WRIGHT. I have no wish to interfere with any understanding of the Senate. I knew it would not stand over, as a matter of course; but if that was the understanding, I shall not interfere. I withdraw my motion.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. MORRILL, of Maine. I rise to present the report of the committee of conference on the legislative, executive, and judicial appropriation bill.

The PRESIDENT *pro tempore*. The Chair will receive it.

Mr. MORRILL, of Maine, submitted the following report; which was read:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 2571) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1877, and for other purposes, having met, after full and free conference have been unable to agree.

LOT M. MORRILL,
WM. WINDOM,
ROBERT E. WITHERS,
Managers on the part of the Senate.

SAMUEL J. RANDALL,
WM. S. HOLMAN,
CHARLES FOSTER,
Managers on the part of the House.

Mr. MORRILL, of Maine. I should like to have the action of the House read.

The PRESIDENT *pro tempore*. The Secretary will report the action of the House.

The Chief Clerk read as follows:

IN HOUSE OF REPRESENTATIVES, *June 26, 1876.*

The committee of conference on the part of the House on the disagreeing votes of the two Houses on the bill (H. R. No. 2571) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1877, and for other purposes, having reported that they were unable to agree,

Resolved, That the House further insist on their disagreement to the amendments of the Senate, insisted on by the Senate, to the said bill, and ask a further conference with the Senate on the disagreeing votes of the two Houses thereon.

Ordered, That Mr. SAMUEL J. RANDALL of Pennsylvania, Mr. WILLIAM M. SPRINGER of Illinois, and Mr. JOHN A. KASSON of Iowa, be managers at the further conference on the part of the House.

Mr. MORRILL, of Maine. Mr. President, on the motion that the Senate insist, and agree to the further conference asked by the House, I had better perhaps make an observation or two, so that the Senate may understand the predicament in which Congress stands upon this question.

It will be remembered, perhaps, that the chief disagreement between the two Houses on this bill resolves itself into two propositions, and the whole action on the bill in both branches ranges under those two distinct propositions. Outside of those there is very little difference of opinion between the two branches, as I understand. Therefore, if we comprehend precisely the two propositions, we shall see the difficulty and embarrassments under which the two branches are laboring. The two propositions are these: first, the general reduction of salaries on a scale of a certain percentage.

Mr. EDMUNDS. A universal application of one scale?

Mr. MORRILL, of Maine. A pretty universal application as to this particular bill, which embraces all the civil service applicable to the several Executive Departments of the Government. Of course, that does not embrace those salaries which are beyond the reach of legislation. That was the first proposition in the bill, because the first amendment in the bill touches the question of salaries. The action of the Senate was to non-concur with the House in that respect.

The other distinct proposition was a general reduction of force, or a reduction touching the numerical force of the Departments applicable to the clerks and to the chiefs of divisions in some respects and to various employés. On that question the action of the Senate was to concur with the House to a certain extent, to concur in part, and non-concur in part.

So, then, the distinct propositions before the conference representing the two Houses were first the salaries, and second the reduction of the numerical force; and of course the committee of conference on the part of the Senate, representing the Senate, would insist upon non-concurring with the House on the question of salaries, while upon the question of the reduction of the civil list the Senate committee must meet the House upon the ground of concessions.

That there might be no misapprehension about it, the respective committees reduced their propositions to writing, so that the differences between them should be distinctly understood; and this is the proposition submitted by the committee of conference on the part of the Senate:

The committee of conference on the part of the Senate will recommend concurrence with the House in the exercise of its discretion in the reduction of salaries which are matters of appropriation simply, and to insist on the amendments of the Senate as a legal obligation as to those salaries which have been established by acts of Congress.

And as to the reduction of the civil list proposed by the House, they will carefully re-examine the bill with a view to concurrence in the utmost reduction that can be made consistent with the absolute demands of the public service.

To that the House conference committee replied with this proposition:

That in reviewing any of the salaries of the clerks and employés of the Departments we should review all, and such a general adjustment of the same, having in view the work respectively performed, giving preference of exception from reduction all salaries of $1,200 and under.

And then a further statement in the way of exception as follows:

On the matter of the pay of clerks of the different grades, the House submits as follows:

That the pay of clerks of class one shall be $1,200.

That remains.

Of class two, $1,350; of class three, $1,550; of class four, $1,700. And the pay of all chiefs of divisions in all the Auditors' Offices, in the Register's Office, and other chiefs of like grade, $1,800.

That reduces them from $2,400 to $1,800.

Pay of chiefs of division in the Comptrollers' Offices, and like grades, $2,000.

Ten per cent. reduction in all other salaries except the Secretaries, and those of $1,200 and under.

Mr. SHERMAN. Why did they except the Secretaries?

Mr. MORRILL, of Maine. Precisely; why they did not include the Secretaries I am perhaps not to be called upon to say. That I prefer the House of Representatives should state for themselves.

Mr. SARGENT. I should like to ask the chairman if in the proposition made by the House committee there is not a greater reduction than was proposed by the House in the original bill as a rule?

Mr. MORRILL, of Maine. It is different from the reduction that was sent to the Senate in the original bill, but I cannot speak with any accuracy as to what its relation is to the reduction proposed in the bill.

The Senate are now in possession, I believe, of the propositions as between the two committees of conference, and that gives the Senate

I suppose an apprehension, to say the least of it, of the attitude of the parties.

Mr. EDMUNDS. I should like to inquire whether the Senate are to understand that the House conferees occupy the attitude of saying that they will not appropriate any money to carry out existing law unless the Senate will agree to make a new law upon the subject for the future and for the present?

Mr. MORRILL, of Maine. Well, I should not wish to undertake to say precisely what the House would like to be understood on that subject; but I have no hesitation in drawing the inferences which seem to me apparent. It will be seen that by the proposition of the Senate, which is not specifically replied to by the House, on the second point the Senate puts itself in the attitude of conferring on the question of reducing the civil list with a view of making all proper reductions, on the ground that that is not a fixed quantity, that we have been in the habit of increasing the civil list from time to time, and that that is an open question about which our House may exercise its discretion without the obligation of any law behind either; and therefore the Senate proposes to meet the House upon that ground, and agree by such mutual concession as they believe is consistent with the public service. That is that proposition, and the House do not disagree to it; but when you come to the question of salaries, covering the whole range of salaries, it will be remembered that those established by law in 1854 embrace a very large proportion of the whole salaries, those of the first, second, third, and fourth-class clerks, and also the chief clerks of Bureaus and Departments. Those salaries were established in 1854. There have been additions from time to time since to the public service; but the bulk of the clerical salaries stand upon that exact ground; and that is the law obtaining in regard to the mass of the civil list. The exceptions are in the new service which has been added since and in the new arrangement of the Treasury, where we have created chiefs of divisions to superintend a larger and more extended service. These are the exceptions, and they are exceptions to the general rule as to their numerical relation to the service.

Therefore I do understand that the House of Representatives hold the attitude of standing against the Senate with the right to reduce, or at any rate with the right to propose a reduction as to salaries, which nobody can deny that they have the right to propose; but they do maintain the attitude of impressing upon the Senate—I will not use any stronger term than that, I will not say forcing on the Senate—the consideration of the reduction of salaries, notwithstanding they are the obligation of the law. I would use no word which would imply that the House of Representatives intended to insist absolutely, or adhere in other words, which would shut out of course all further conference; because it is apparent that they have not taken any such ground as that, from the very fact that in reporting this disagreement they ask for a further conference.

Then, Mr. President, I reply to the inquiry of the Senator from Vermont, that as to the precise meaning of the action of the House of Representatives I do not feel called upon to express any opinion as to what they intend; Senators must judge from their action, which I have endeavored to make as explicit and as plain as I could to the Senate.

The PRESIDENT *pro tempore*. The Senator from Maine moves that the Senate insist on its amendments and agree to the further conference asked by the House.

Mr. EDMUNDS. If I correctly understand it, the present apparent attitude of the two Houses is that the House of Representatives says that it will not appropriate any money to pay the salaries that the law makes due to those who legally hold office under the United States, unless the Senate will agree to change the law as it now stands in respect to those salaries so as to make them less. That is the practical position, whether the House have said it or not. Now what I wish to say is that it appears to me that the two Houses of Congress are bodies that are co-ordinate and that they have equal powers, and that neither has a right to insist upon a condition against the other that the other has not a right in like manner to insist upon against the first. So, then, if it be constitutionally correct that the House of Representatives may say that it will not appropriate any money at all to pay the officers of the Government the salaries that the law entitles them to have unless the Senate will make a new law for a different salary, then the Senate by the same rule may say that it will not pass an appropriation bill at all unless the House of Representatives will agree to some fresh legislation that it proposes; as if we were to say upon this bill that we would not pass it at all unless the House of Representatives would agree to increase salaries or pass the bill that passed the Senate the other day independently, as an amendment to this that the laws enforcing the fourteenth and fifteenth amendments to the Constitution in accordance with the judgment of the Supreme Court should also be put on and passed by the House. Now the question is whether either House can stand upon such a doctrine as that.

It seems to me, if that be the doctrine, that the mere statement of it shows how utterly untenable it is, and how entirely destructive it is of the principles upon which this Government is founded and of the Constitution itself. Of course, it is perfectly plain that the Senate cannot compel, and has no right to insist in the legal sense that the House of Representatives shall appropriate a dollar for any object of public service. If the House of Representatives does not choose to appropriate any money at all for the salaries of the civil officers of the Government, or to support the Army, or the Navy, or the judiciary, the Senate cannot help it; it is not our responsibility; it is theirs. We have no means either constitutional or moral to apply to them; they are absolutely independent; and, as far as I understand it, we occupy exactly the same attitude. So the question ultimately appears to be reduced to this: whether either House shall refuse to carry on the Government as it is unless the other House will agree to something that it does not believe to be right in making fresh provisions of law.

I cannot imagine, Mr. President, when we have a fresh conference and get down to what appears to be the real point, that there can be any difficulty in solving it. When you come to other branches of the service, other questions, where the appropriation of public money depends upon the discretion of Congress, so to speak, we have no right to ask the House of Representatives to appropriate a dollar more than in their reconsidered judgment they think to be right. Therefore, if they appropriate so little that one-half the force that depends upon appropriations has to be discharged or all of it, and they feel bound to insist upon that, we have nothing to say but to concur, just as the chairman of the committee has said in respect to these indefinite and elastic appropriations, depending upon discretion and not on an obligation to carry on the Government. We cannot compel them to do anything; we must take what they give. And here I may say in respect of salaries that while they do not ask us to change the law, if the salary of the President of the United States being $50,000 a year, they only choose to appropriate $10,000 and are unwilling to appropriate more, I think we are bound to take the $10,000 and leave the responsibility with them; because we have done all that we can to carry out the law, as far as it is possible to induce the House of Representatives to agree to carry it out. True, that leaves a deficiency of $40,000; but we cannot help that.

Then I should hope, I cannot doubt, that when the thing comes to be considered on its real bearings, neither House will take the novel attitude of insisting that the other shall make a change in the law as the price of an appropriation that the law requires to carry on the Government.

Mr. MORRILL, of Maine. The Senator will perceive that in the first proposition, as to those salaries which exist by appropriations simply, the Senate committee do not say there is any legal or binding obligation; they are entirely open to the discretion of either House whether to continue the appropriation at all or to continue it in part.

Mr. EDMUNDS. Certainly. I entirely concur with what the chairman of the committee has said, and add the small value of my commendation and thanks to the action of our committee. I think they have presented the proposition in its correct attitude.

Mr. CONKLING. May I be allowed to ask a question? The Senator from Maine spoke of "salaries not within the reach of legislation." I am not sure that I know what he means. Does he refer to judicial salaries?

Mr. MORRILL, of Maine. I refer, of course, to the salaries of the judiciary, and I suppose that of the President is in the same position.

Mr. CONKLING. Shall I understand the chairman that the proposition of the House is that as to all salaries within the domain of legislative control, they propose a certain and even percentage of reduction?

Mr. MORRILL, of Maine. That is, I think, apparent from the proposition which I have read. I will read it again if the Senator has any doubt about it.

* Ten per cent. reduction in all other salaries except the Secretaries and those of $1,200 and under.

That is to say, as to the first-class clerks, the $1,200 clerks, they are not touched at all; and so those under that, which are employés, they are to be reached by the provision. But the second-class clerks, $1,400, are reduced to $1,350; and so the third class, the $1,600 clerks, are reduced to $1,550, and the fourth class from $1,800 to $1,700. So the ten-per-cent. rule does not apply with entire accuracy to the clerks, but it does to all other salaries.

Mr. CONKLING. All the higher salaries?

Mr. MORRILL, of Maine. To all the higher salaries the rule of 10 per cent. does apply.

The PRESIDENT *pro tempore*. The Senator from Maine moves that the Senate insist on its amendments and agree to the further conference.

Mr. CHRISTIANCY. I wish to say one word in regard to some of these salaries of clerks, and my observations will apply also to those of some other officers. So far as the clerks are concerned, it is a matter into which I have looked somewhat, and I am satisfied that there is no class of public servants who are more poorly paid for the amount of labor done than the clerks in our various Departments When we consider that their salaries in most cases were fixed by the law of 1854, long before the war, and in 1860 when payments were made in gold or what was equivalent to gold, and that the expenses of living are much greater now and that these salaries are paid in greenbacks, at least 12 per cent. below the value of gold, the proposition strikes me as exceedingly unjust to cut down those salaries, fixed prior to the war, payable in gold, when it cost less to live than it does now; and the injustice of it is so apparent to my own mind that as one Senator here I will say to the committee of conference that I hope they never will agree to these reductions.

Is there any sincerity in these reductions? Consider where they

come from; consider who was in power in 1854 and in 1860. If it is right now to reduce, then it was wrong to have fixed the salaries at the sum they were fixed at at that time; they should have been much lower then. And yet who fixed them? Those who seek now to lower them when every consideration would require their being raised if they were properly fixed at the time they were fixed. The proposition is simply absurd; it is all wrong.

Now if any party or any body of men think they can make any cheap popularity by taking a course of that kind, I am for allowing them an open field. For myself I seek none of that kind of popularity which comes from attempts of this kind. I hope therefore the committee will never yield that principle.

The PRESIDENT *pro tempore*. The Senator from Maine moves that the Senate insist on its amendments and agree to the request of the House of Representatives for a further conference.

The motion was agreed to; and the President *pro tempore* was authorized to appoint the committee.

Messrs. MORRILL of Maine, ALLISON, and NORWOOD were appointed the conferees on the part of the Senate.

DISTRICT TAX BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 2676) to regulate the assessment and collection of taxes for the support of the government of the District of Columbia, and for other purposes, the pending question being on the amendment of the Committee on the District of Columbia to strike out all after the enacting clause and insert a substitute.

The PRESIDENT *pro tempore*. The amendment will be read.

Mr. SPENCER. I hardly think there is any necessity for reading the amendment, as it only re-enacts the old statute with some alterations such as are necessary and have been fully explained to the Senate, as to the change of dates and the like. It is on every Senator's desk printed.

Mr. EDMUNDS. Has the bill been read through?

The PRESIDENT *pro tempore*. The bill has been, but not this printed amendment.

Mr. EDMUNDS. Was it not read yesterday?

The PRESIDENT *pro tempore*. Partly.

Mr. EDMUNDS. I make no call for the reading.

Mr. SPENCER. It is the old law of last year re-enacted with amendments.

Mr. EDMUNDS. Does this print show wherein it differs from the law of 1875?

The PRESIDENT *pro tempore*. It does not.

Mr. SPENCER. I will send to the Clerk's desk a brief memorandum showing every change, which, if the Senator from Vermont desires, can be read.

Mr. EDMUNDS. I think the Secretary had better read the amendment through in the regular way.

The PRESIDENT *pro tempore*. The substitute of the Committee on the District of Columbia will be reported.

Mr. BOGY. I will state that the silver bill was set for to-day at one o'clock; but knowing how important it is that this measure should be disposed of as soon as possible, I will agree to let this bill go on with the understanding that when it is through the silver bill shall come up. I know it is important that this matter be acted on one way or the other to-day. With that understanding I am willing that we shall go on with this bill, and will not ask for the order of the day at this moment.

The PRESIDENT *pro tempore*. The Chair was about announcing that the morning hour had expired; but on the suggestion of the Senator from Missouri, if there be no objection on the part of the Senate, the consideration of this bill will be continued.

Mr. SHERMAN. Subject to objection at any time.

Mr. EDMUNDS. Subject to a call for the regular order.

The PRESIDENT *pro tempore*. It will be according to the suggestion of the Senator from Vermont.

The Chief Clerk read the substitute, as follows:

That for the support of the government of the District of Columbia for the fiscal year ending June 30, 1877, there shall be levied upon all real and personal property in said District, excepting only the real and personal property of the United States and that hereinafter stated, a tax of $1.50 on each $100.

SEC. 2. That the amount collected under the provisions of this act shall be distributed for the purposes required under the various acts in force in the District of Columbia, upon a just and fair apportionment, to be made by the commissioners of the District of Columbia, or their successors in office: *Provided*, That before any of said fund shall be expended said apportionment shall be established and published by said commissioners at least six times consecutively in a daily newspaper of the District of Columbia; and said published apportionment shall stand as the law for the distribution of the funds herein mentioned: *Provided further*, That deficiencies in any of said funds enumerated in said apportionment may be supplied from any surplus in either of said funds so apportioned; but, unless a surplus exists, the revenues belonging to one fund shall not be applied to the purposes of any other fund.

SEC. 3. That one-half of the tax levied by this act upon real and personal property shall become due and payable on the 1st day of December, 1876, and the other one-half of such tax shall become due and payable on the 1st day of June, 1877; and in every case where the tax levied by this act shall be paid in installments as herein authorized, each of said payments shall be deemed to have been made on the several funds and for the different purposes indicated in the second section of this act; and an equal *pro rata* proportion of the payments so made shall be carried to the credit of the respective funds.

SEC. 4. That if one-half of the tax herein levied upon the real and personal property taxed by this act shall not be paid before the 1st day of December, 1876, said installment shall thereupon be in arrears and delinquent; and there shall be added, to be collected with such taxes, a penalty of 2 per cent. upon the amount thereof on the first day of each succeeding month until payment of said installment and penalty. And if said installment shall not be paid before the 1st day of June, 1877, together with the one-half of said original tax due before said 1st day of June, a like penalty shall be added on said last one half of such tax; and the whole together shall constitute the delinquent tax on such part or parcel of land, to be dealt with and collected in the manner prescribed by law.

SEC. 5. That it shall be the duty of the collector of taxes in said District to prepare a complete list of all taxes, on real property upon which the same are assessed, in arrears on the 1st day of July, 1877; and he shall, within ten days thereafter, publish the same, with a notice of sale, in the regular issue of a daily newspaper published in said District, to be designated by the commissioners of the District or their successors in office as hereinafter provided, once a week for three successive weeks, giving notice that if said taxes due, together with the penalties and costs that may have accrued thereon, shall not be paid prior to the day named for sale, the property will be sold by the said collector at public auction, at the south front of the court-house in the city of Washington, on the second Tuesday of August following, between the hours of ten o'clock in the forenoon and four o'clock in the afternoon of said day to the highest bidder or bidders. Upon the day specified aforesaid, the collector shall proceed to sell any and all property upon which such taxes remain unpaid, and continue to sell the same every day until all the real property as aforesaid shall have been brought to auction. Immediately after the close of the sale, upon payment of the purchase-money he shall issue to the purchaser a certificate of sale; and if the property shall not be redeemed by the owner thereof within two years from the day of sale, by payment to the collector of said District, for the use of the legal holder of the certificate of the amount for which it was sold at such sale, and 15 per cent. per annum thereon, a deed thereof shall be given by the commissioners of the District, or their successors in office, to the purchaser at the tax sale, or the assignee of such certificate, which deed shall be admitted and held to be a good and perfect title in fee-simple to any property bought at any sale herein authorized: *Provided*, That no property advertised as aforesaid shall be sold upon any bids not sufficient to meet the amounts of tax, penalty, and costs; but in case the highest bid upon any property is not sufficient to meet the taxes, penalty, and costs thereon, said property shall thereupon be bid off by the said commissioners, or their successors in office, in the name of the District of Columbia; and if within two years thereafter such property is not redeemed by the owner or owners thereof, by the payment of the taxes, penalties, and costs due at the time of the offer of the sale, and 10 per cent. per annum thereon, a deed for said property shall be made to said District, as in cases of individual purchasers: *And provided also*, That minors or other persons under legal disability be allowed one year after such minors coming to, or being of, full age, or after the removal of such legal disability, to redeem the property so sold, or of which the title has, as aforesaid, become vested in the District of Columbia, from the purchaser or purchasers, his, her, or their heirs or assigns, or from the District of Columbia, on payment of the amount of purchase-money so paid therefor, with 10 per cent. per annum interest thereon as aforesaid, and all taxes and assessments that have been paid thereon by the purchaser, or his assigns, between the day of sale and the period of such redemption, 10 per cent. per annum interest on the amount of such taxes and assessments, and also the value of improvements which may have been made or erected on such property by the purchaser or by the District of Columbia, while the same was in his, her, or their, or its possession.

SEC. 6. That the collector of taxes, immediately after he shall have made sale of any property as aforesaid, shall file with the comptroller a written report, in which he shall give a statement of the property advertised and the property sold, to whom it was assessed, the taxes due, to whom sold, the amount paid, the date of sale, the cost thereof, and the surplus, if any, and the lands so as aforesaid sold to the District. Any surplus remaining, after collection of taxes, penalties, and costs on any real estate, shall be deposited by the collector of taxes to the credit of the surplus fund, to be paid to the owner or owners, or their legal representatives, in the same manner as other payments made by the District of Columbia.

SEC. 7. That when the installment of one-half of the taxes on personal property so as aforesaid due and payable before the 1st day of December, 1876, shall not be paid before said date, or when the remaining installment shall not be paid before the 1st day of June, 1877, then, and in either such event, the collector of taxes may distrain sufficient goods and chattels found within said District, and belonging to the person, persons, association, firm, or corporation charged with such tax, to pay the taxes remaining due under the provisions of this law from such person, firm, association, or corporation, together with the penalty thereon and the costs that may accrue; and thereupon said collector shall immediately proceed to advertise the same, by public notices posted in front of the court-house and in the office of said collector, and by advertisement three times for one week in some daily newspaper published in said District, as hereinafter provided, stating the time when and the place where such property shall be sold, the last publication to be at least six days before the day of sale; and if the taxes and penalty thereon for which such property shall have been distrained, and the costs and expense which shall have accrued thereon, shall not be paid before the day fixed for such sale, which shall be not less than ten days after the taking of such property, the collector shall proceed to sell, at public auction, in front of the court-house, to the highest bidder, such property, or so much thereof as may be sufficient to pay said taxes, penalty, and accrued costs and expense of such distraint and sale. The collector of taxes shall be allowed, for making such distress and sale, the same fees as are now by law allowed to the marshal of said District for making levy and sale of property under execution. Said collector shall report in detail every such distress and sale, in writing, to the commissioners of the District, or their successors in office; and his accounts, in respect of every such distress or sale, shall forthwith be submitted by him to the accounting officers of the District and audited by them. Any surplus resulting from such sale shall be paid into the treasury of the District, and, upon being claimed by the owner or owners of the goods and chattels, shall be paid to him.

SEC. 8. That the property exempt from taxation under this act shall be the following and no other, namely: First, buildings devoted to art, free public library buildings, and churches and grounds actually occupied by such buildings; secondly, houses for the reformation of offenders, alms-houses, buildings belonging to institutions of purely public charity, houses to improve the condition of seamen or soldiers, cemeteries dedicated and used solely for burial purposes and without private income or profit; but if any portion of any said building, house, grounds, or cemetery so in terms excepted is larger than is reasonably needed and actually used for its legitimate purpose and none other, or is used to secure a rent or income, or for any business purpose, such portion of the same, or a sum equal in value to such portion, shall be taxed against the owner of said building or grounds; thirdly, such property as is now exempt from taxation by the laws of the United States; fourthly, goods, chattels, and other personal property owned by persons domiciled in said District, but whose legal residence is out of said District, and which property is taxed elsewhere; fifthly, the stock (so far as the individual owner is concerned) of any corporation which is taxed on its capital in said District; sixthly, all property exempt by law from execution, including all libraries or books in use and not held for sale, not over the value of $500, and all household, store, shop, or office furniture, or tools, not held for sale, not over the value of $500.

SEC. 9. That from the assessed value of the credits only of any person there shall be deducted the amount of any valid and *bona fide* debt or debts, which any such person shall individually and absolutely owe, upon the same being established by the affidavit of such person claiming deduction as hereinafter provided.

SEC. 10. That the commissioners of said District, or their successors in office, shall cause to be prepared a printed blank schedule of personal property, including bonds, deeds of trust, mortgages, credits, and all other choses in action or possession owned or held in trust or otherwise subject to taxation under the provisions of this act, together with deductions claimed, to which shall be appended an affidavit in blank setting forth that the foregoing presents a full and true statement of all the personal property, bonds, deeds of trust, mortgages, credits, and all other choses in action or possession subject to taxation, together with the amount of indebtedness on account of which deductions are claimed; and the assessors provided for in this act, or other person designated by the commissioners of the District, shall deliver to each person, or leave the same at his residence or known place of business, one of said blanks, and also to the proper officer of each corporation, and to each guardian, executor, administrator, or firm, and the person to whom addressed shall fill up the same, and make and sign the affidavit to the truth thereof as aforesaid before one of the said assessors, who is hereby authorized to administer such oath without charge, or before any person authorized by law to administer oaths; and thereupon said assessor shall assess such property at its fair cash value, and enter the same in a column upon said blank to be provided for that purpose, and the amount thus ascertained, after making the deductions provided for in this act, shall be entered upon the books for taxation: *Provided*, That if any person, firm, or corporation shall fail to make the list of his or its said property as in this section provided for, the assessor shall from the best information he can procure make an assessment against such person, firm, or corporation, to which he shall add 50 per cent. thereof, and the person so refusing shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not exceeding $500, to which may be added imprisonment not exceeding thirty days: *And provided further*, That if any person shall make a false affidavit touching the matters herein provided for he shall be deemed guilty of perjury, and upon conviction thereof shall be subject to the penalties for that offense now provided by law; and if the return provided for in this act shall not be made by any firm, each member thereof, resident of said District, shall be liable to the penalties of this act.

SEC. 11. That the capital stock of all corporations in said District (not herein exempted) shall be appraised in bulk by the assessors, and the corporation issuing the same shall be liable for the tax thereon according to such value; but from the appraised value of the stock shall be first deducted the value of any real estate of said corporation in said District, which shall be separately taxed against said corporation.

SEC. 12. That the assessment of real property made under the provisions of the act of Congress, entitled "An act for the support of the government of the District of Columbia for the fiscal year ending June 30, 1876, and for other purposes," approved March 3, 1875, is hereby ratified and approved as the assessment, except as hereinafter modified, for the fiscal year ending June 30, 1877, and the commissioners of the District, or their successors in office, shall appoint five competent persons to be assessors, and to hold office for the term of one year, the salary of each of said assessors to be $750 per annum. Said assessors shall, before the 1st day of October, 1876, under the direction of the superintendent of assessments and taxes of said District, assess the value of all the real property not embraced in the assessment for the fiscal year ending June 30, 1876, inclusive of all buildings erected, improved, or enlarged, and not heretofore taxed, and all personal property in said District liable to taxation thereunder, and shall state the same separately in books to be kept in a systematic manner; and such value for taxation shall be the true value, in the lawful money of the United States, of the property so assessed. The assessed value shall have reference to the date of the 1st day of June, 1876, or, in the case of stock in trade, shall be the average value of the stock of merchandise or other articles kept on hand during the year ending June 30, 1876. Said assessors shall, between the 1st day of September, 1876, and the 20th day of September, 1876, hold daily sessions for the purpose of equalizing the assessments theretofore made by them, and for the purpose of hearing and determining any and all appeals from the valuations theretofore made by them. Each assessor shall, at the meetings of the assessors as aforesaid, make full and detailed reports of his acts as such assessor. And during said period they shall have power to revise assessments theretofore made by them, or any of them, or by their predecessors in office, appointed under the act of March 3, 1875, by either justly increasing or justly diminishing any particular assessment. Upon the assessment so as aforesaid made and finally revised, the tax hereinbefore provided for shall be levied, and the collector of taxes shall be in readiness to receive payment of the same on and after the 1st day of November, 1876. Said assessors, before entering upon their duties, shall respectively take or subscribe an oath or affirmation, before any officer authorized to administer oaths or affirmations in said District, to faithfully discharge the duties of their said office; which oaths, when taken, shall be certified by the persons before whom the same shall have been taken, and shall be filed with the commissioners of the District.

SEC. 13. That the treasurer of the District, upon receiving any moneys, shall forthwith deposit the same in the Treasury of the United States; and said moneys thus deposited shall be drawn from the Treasury of the United States only in such sums and at such times as the same shall be actually required, and only for the expenditures authorized by law, and only upon warrants of the accounting officers of the District, issued under the direction of the commissioners of the District or their successors in office.

SEC. 14. That the commissioners of the District or their successors in office are hereby authorized to reduce, adjust, and equalize the pay or salaries of all officers or employés payable from the funds of the District government in whole or in part: *Provided, however*, That the aggregate sum of pay and salaries shall not be increased beyond the present aggregate amount of pay and salaries.

SEC. 15. That the third section of the act of the legislative assembly of the District of Columbia entitled "An act prescribing the mode of assessment for special improvements, and providing for the collection thereof," approved August 10, 1871, shall be, and is hereby, amended so that the sales under said law shall be advertised twice a week for three successive weeks, instead of as heretofore required.

SEC. 16. That the commissioners of the District of Columbia and the commissioners of the sinking fund of said District shall destroy by burning all bonds, sewer certificates, and other obligations of every kind of the city of Washington, the city of Georgetown, or the District of Columbia whatsoever heretofore paid or redeemed by either of said boards under the direction of the Secretary of the Treasury, and shall preserve the evidence thereof as shall be prescribed by said Secretary.

SEC. 17. That the period of redemption be, and is hereby, extended for one year as respects the property of which, for the want of sufficient bids, the District of Columbia became the purchaser at the tax-sale under the act of Congress approved June 20, 1874, entitled "An act for the government of the District of Columbia, and for other purposes," as amended by section — of an act of Congress approved March 3, 1875, entitled "An act making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1875, and prior years, and for other purposes."

SEC. 18. That all laws and ordinances now in force in the city of Washington relating to the payment and collection of water-taxes, water-rents, and taxation for water-mains be, and they are hereby, extended to and made operative over all parts of the District of Columbia where water taken from the United States Aqueduct is used, and said taxes and rents shall be payable and collectible therein in the same manner and at the same rate as in the city of Washington for the year beginning January 1, 1876, and for each subsequent year.

Mr. SPENCER. There are three or four mistakes in the printed copy which I should like to have corrected. On page 8, line 9, of section 8, after the word "profit" I move to insert the words "and the grounds appurtenant thereto."

Mr. CONKLING. Does that mean land appurtenant to cemeteries?

Cemeteries dedicated and used solely for burial purposes and without private income or profit, and the grounds appurtenant thereto.

Is that the meaning—land appurtenant to cemeteries?

Mr. SPENCER. It is supposed that these words have reference to all the buildings referred to in the fore part of the section.

Mr. CONKLING. Then I suggest that they should not come in after "profit," but should come in before the word "cemeteries." I do not say they should go in at all; but I suggest that if the Senator wants them for the purpose he suggests, he had better put them before "cemeteries" than after, because really it would be very odd if not only cemeteries should be exempt from taxation, but lands appurtenant thereto. I do not know but that it might be my land. The land "appurtenant thereto" must belong to somebody. There will be nothing here to show that it should belong to the cemetery association, if there be one. Moreover, as a matter of fact, I suggest to the Senator that no matter to whom the land belongs, if it is a part of the cemetery, it is covered by the words here now. If it is not covered by the words here now, it is not a part of the cemetery, and therefore really I cannot see why it should be exempt.

Mr. SPENCER. The object I had in moving the amendment was to make the language conform to the old law.

Mr. SHERMAN. The old law was defective in that particular, and to my knowledge a corporation in this town owning about one hundred acres, thirty acres of which were dedicated to cemetery purposes, claimed exemption for the whole tract. They ought to pay taxes.

Mr. SPENCER. I withdraw my amendment to the amendment.

Mr. CONKLING. It is an error to suppose that the old law is so defective. I will read to the Senator from Ohio what he refers to in the old law. It is nothing to compare with this:

Houses to improve the condition of seamen or soldiers; free public library buildings and cemeteries, secondly, the lands or grounds appurtenant to any said house or building.

Not lands appurtenant to cemeteries; that is not in the present law.

Mr. MORRILL, of Vermont. If the Senator would propose his amendment after the word "soldiers," it would be right.

Mr. SPENCER. I have withdrawn the amendment.

Mr. MORRILL, of Vermont. But it is a very appropriate amendment in the right place, because of the language of the text, "ground actually occupied by such buildings." Of course there must be something more than the actual occupancy.

Mr. SPENCER. The Senator can offer the amendment.

Mr. MORRILL, of Vermont. I do not offer it, but I suggest to the Senator that it would be appropriate after the word "soldier," in line 7.

Mr. SPENCER. In line 30 of section 12 I move to strike out "September" and insert "October." That is to conform to the rest of the bill.

Mr. INGALLS. There ought to be the same change made in line 32.

Mr. SPENCER. Yes, the same change in line 32. I include that in my motion.

Mr. EDMUNDS. How much time does that give these assessors for the purposes of equalization before the tax is to be levied?

Mr. INGALLS. Twenty days.

Mr. EDMUNDS. Then will it not turn out just as it did before that as to personal property; there is not time enough to get it adjusted, and the rich people in this district (like all the Senators, as we are all rich here) will go free. I hope this bill will not be so adjusted as to make it practically impossible to carry out the intent of the first and second sections, which is to tax all the property belonging in this District, both real and personal, equally for the payment of the expenses of its government.

Mr. SHERMAN. I ask that the paragraph be read and the Senator will see that it does need some amendment, commencing in line 30.

The PRESIDING OFFICER, (Mr. ANTHONY in the Chair.) The Secretary will report the paragraph.

The Chief Clerk read as follows:

The assessed value shall have reference to the date of the 1st day of June, 1876, or, in the case of stock in trade, shall be the average value of the stock of merchandise or other articles kept on hand during the year ending June 30, 1876. Said assessors shall, between the 1st day of September, 1876, and the 20th day of September, 1876, hold daily sessions for the purpose of equalizing the assessments theretofore made by them, and for the purpose of hearing and determining any and all appeals from the valuations theretofore made by them.

Mr. SHERMAN. As it now reads in the bill it is between the 1st day of September of one year and the 1st day of September of the same year; it would leave no time at all. The amendment proposes to strike out the word "September" and insert "October" in both places; so as to read:

Said assessors shall, between the 1st day of October, 1876, and the 20th day of October, 1876.

That only gives twenty days.

Mr. EDMUNDS. The same time in either case.

Mr. SHERMAN. I have no objection if it is enough.

Mr. CONKLING. Another thing strikes me, which I venture to suggest. If the change is made, leaving twenty days to transpire from the 1st of October to the 20th of October, then the latter part of the section will provide that the lists shall be ready to receive payment of the taxes on the 1st of November.

Mr. SPENCER. We propose to strike out the 1st of November, and insert the 15th of November.

Mr. CONKLING. That may do; but as it is now it would shorten the time at one end.

Mr. SHERMAN. Do I understand that the amendment to strike out "September" and insert "October" is agreed to?

The PRESIDING OFFICER. Not yet.

Mr. SHERMAN. I think there ought to be a longer time for the sessions to equalize the assessments.

Mr. EDMUNDS. The apparent object is, inasmuch as the first part of this section provides for their beginning as of the 1st of June, which has gone by, and I suppose as soon as possible after this act passes, is to give them more time to make the actual assessment. As that, I think, is wise, it strikes me that the amendment to strike out the "1st of September" as the time for the commencing of the equalization and making it the 1st of October is probably correct, and then the next one would naturally follow, as twenty days would probably be enough for equalization. What I wish to get at is to give them time enough so that we shall not fail again in making all the property in this District respond fairly and properly to the public burdens. On looking at the first part of the section, I am rather satisfied that it is wiser to make the "1st of September" in line 30 the "1st of October."

The amendment to the amendment was agreed to.

Mr. SPENCER. In the same section, on line 46, page 13, I move to strike out "1st" and insert "15th;" so as to read:

And the collector of taxes shall be in readiness to receive payment of the same on and after the 15th day of November, 1876.

The amendment to the amendment was agreed to.

Mr. SPENCER. In section 17, line 7, on page 15, I move to fill the blank by the word "thirteen;" so as to read:

As amended by section 13 of an act of Congress approved March 3, 1875, &c.

The amendment to the amendment was agreed to.

The PRESIDENT *pro tempore*. The question is on the amendment of the committee as amended, as a substitute for the bill.

Mr. ROBERTSON. I offer the following as an additional section:

SEC. —. That bankers, agents, merchants, and other traders, except those dealing in spirituous or fermented liquors or cordials, engaged in business in the District of Columbia, and who pay under the operation of this act a tax upon their stock in trade or capital employed, shall be exempt from the payment of any percentage upon the capital invested in their said business required under the provisions of any law or ordinance now in force in said District and relating to the payment and collection of license taxes.

I do not think there will be any objection to this section, and I shall make no remarks about it.

The PRESIDING OFFICER. The question is on the amendment of the Senator from South Carolina to the amendment of the committee.

Mr. EDMUNDS. What is the law now about license taxes?

Mr. ROBERTSON. The license laws make them pay a tax on their capital invested in their trade.

Mr. EDMUNDS. I should like to see that law.

Mr. ROBERTSON. Under this bill they are to pay a personal tax.

Mr. SPENCER. I would say to the Senator from Vermont that such is the case now under some of the old laws and ordinances of the District which are still in force.

Mr. EDMUNDS. Shall all merchants and bankers pay a license tax?

Mr. SPENCER. Some of the merchants pay a tax of $5 on the thousand.

Mr. EDMUNDS. But they all pay alike, do they not?

Mr. SHERMAN. I think there is no hardship in levying a small license tax. I was informed that all bankers and persons having business here have been in the habit of paying a small license tax. There is no great hardship in it.

Mr. EDMUNDS. How much is the greatest?

Mr. SHERMAN. I do not know the amount.

Mr. SPENCER. Five dollars on the thousand.

Mr. DORSEY. It is not a license tax at all. It is ½ of 1 per cent. on all money invested in the business in which the party is engaged. The purpose of the amendment of the Senator from South Carolina is to relieve these men from paying that percentage for the reason that they have to pay under this bill 1½ per cent. tax on the average amount of capital in their business and the average amount of stock on hand. Thus, if the present law is permitted to remain, they will pay tax twice—½ of 1 per cent. on the capital invested and then 1½ per cent. under this bill.

Mr. EDMUNDS. That is a tax on the faculty besides a tax on the property. That is what lawyers have to pay.

The PRESIDING OFFICER. The question is on the amendment of the Senator from South Carolina to the amendment of the committee.

The question being put, a division was called for; and the ayes were 14.

Mr. ROBERTSON. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. ALLISON. I should like to understand more definitely the effect of this amendment. As I understand, the bill now proposes a tax of ½ per cent. upon the deposits, &c., of bankers.

Mr. DORSEY. The bill as it now stands without this amendment would compel every business man, every banker, in the city of Washington to pay ½ of 1 per cent. on all the capital invested in his business. Then, in addition to that, when the assessor comes around he will assess over again 1½ per cent. upon the same property exactly.

Mr. ALLISON. That is what I want to understand, whether or not, unless this amendment is adopted, a man who happens to be engaged in banking will not be obliged to pay more tax than his neighbor.

Mr. DORSEY. More than anybody else.

Mr. ALLISON. I think that is unjust. Some amendment ought to be proposed that will remedy that difficulty.

Mr. SHERMAN. Where is the law which levies this tax? It certainly must be in some statute-book.

Mr. SPENCER. The law has been sent for; it is among the acts of the Legislative Assembly.

Mr. CONKLING. As the yeas and nays are demanded on this amendment, I beg to make a remark. I should have no difficulty in voting for it on the statement make by my friend from Arkansas. If it is true that one statute imposes a percentage of tax on what he calls the capital of merchants and traders, and the statute we are about to enact on top of that imposes another tax upon the same subject of taxation, that would be manifestly unjust; but I do not understand the fact in that way. Here it is alleged a statute somewhere exists which imposes upon the capital invested in trade a percentage of tax. Here is a bill which does not propose anything of that sort as I understand, but which proposes as a personal tax to levy a percentage upon the average stock in trade. Every man knows that that is not capital stock invested in business. Certainly we all know that in the case of any dealer in the street the number of goods found upon his shelves on a certain day is not the measure of the capital invested in his business. It might happen to be, but the case would be the exception, not the rule.

Mr. BOGY. It is part of it.

Mr. CONKLING. It is part of it, as the Senator says. Therefore it would be a very bad exchange for us to exempt all capital embarked in merchandise in order to get a tax levied upon the stock in trade, the calicoes, prints, and silks, which may at a certain time of the year be on the shelves of the dealer——

Mr. SHERMAN. This requires the average during the year.

Mr. CONKLING. It is to take the average through the year, as the Senator says. It is not to take it when it is highest or lowest, as I understand, but to take the average quantity of stock in trade. It seems to me that the true way is to tax the money, the property of citizens engaged in merchandising just like other citizens; and that is what this bill does; and that is what the Senator from South Carolina proposes this bill shall not do because of another statute which somewhere, as he understands it, has a different provision. I should suppose the true remedy would be to lay a tax on the capital as it is laid in this bill, and then if there be some other law which lays a different tax upon that same capital, to repeal that law, and thus treat everybody with equality in this bill. This amendment is that bankers, &c., "shall be exempt from the payment of any percentage upon the capital invested in their said business."

Mr. DORSEY. This is not a tax; this is a percentage, which is entirely a different thing. This is on capital used in business. In addition to that they pay 1½ per cent. on all their property.

Mr. CONKLING. The difficulty is just here: My friend says there is a provision of law by which they are to pay a percentage on capital. Now you propose by this amendment to keep that provision of law alive, and because of that provision to exempt that capital from taxation under this bill. Then what will the effect be?

Mr. DORSEY. The effect will be that this bill will tax that property just the same as all other property in the District. They pay ½ per cent. more now.

Mr. CONKLING. Let me see if that is true. Let me read the amendment.

Mr. DORSEY. I have not seen this amendment.

Mr. CONKLING. That is what I am talking of; I have it in my hand.

That bankers, agents, merchants, and other traders, except those dealing in spirituous or fermented liquors or cordials, engaged in business in the District of Columbia and who pay under the operation of this act a tax—

On what? On their capital? Not at all—

upon their stock in trade or capital employed—

"Their stock in trade or capital." There is a provision in this bill which levies a tax on the stock in trade. All the men who do that are to be exempt from what?

Shall be exempt from the payment of any percentage upon the capital invested in their said business.

If I can read it, it means this: You show me a man in this bill who is assessed on his stock in trade, and, if he is one of the merchants or bankers described, I will show you a man who is assessed on nothing else.

Mr. DORSEY. Just finish reading the amendment.

Mr. CONKLING—

Shall be exempt from the payment of any percentage upon the capital invested in their said business required under the provisions of any law or ordinance now in force in said District and relating to the payment and collection of license taxes.

Mr. DORSEY. What is the effect of that?

Mr. CONKLING. What is the effect of it?

Mr. DORSEY. The effect is to repeal any ordinance or law now existing in this District requiring these men to pay a special tax, and it puts these parties on a par with every other property-holder in this District.

Mr. CONKLING. Very well; let us see if that is it. It is not, as I understand it. The effect of this amendment will be, when it becomes a part of the bill, first, to assess the people generally on their property; second, to assess the sort of dealers here described upon their stock in trade; and third, to provide that they shall pay no other tax. Now, I ask the Senator whether that is not obviously the meaning of it. Let me repeat, first, all men generally are to be assessed; secondly, dealers here described are assessed upon their stock in trade.

Mr. DORSEY. On their capital.

Mr. CONKLING. On their capital, yes; but if this amendment prevails it will provide that all men who are assessed upon their stock in trade, provided they be these dealers, shall pay no other tax upon personal property. Why? Because you have exempted them from every other law which requires them to do it. In this bill you have assessed them on their stock in trade, and therefore you have not assessed them upon the capital embarked in that business. Now what I submit is that they ought to be assessed like everybody else, that they ought to be put in the bill on an equality with everybody else, and ought to pay upon their property, be it real or personal, and should pay 1½ per cent. like everybody else. Then, if there is any other provision which can be found which would impose an additional tax upon them, that ought to be repealed. That is not the effect of this amendment, as I understand it.

Mr. MORTON. If I understand the purpose of this amendment, it is to exempt certain traders and persons doing business from a special tax. The first section of the bill provides for a tax upon all real and personal property. Another provision fixes it upon all real and personal property held at a particular time. Now, when they come to make the assessment, take the case of a merchant: they assess the value of the goods he has in his store; they take his indebtedness, that which is due to him, and, averaging it with what he owes, he pays a tax on what is due over and above what is coming to him. That was the general provision in all the States, I believe. In that way he is taxed, say, on the 1st of July, 1876. Now if, in addition to that, he pays a tax upon the capital invested in those goods, in that stock, it is a special tax, an exceptional tax; he is taxed over and above what other people are, very clearly.

Mr. CONKLING. That is not right.

Mr. MORTON. I understand that the purpose of this amendment is to repeal that special tax, so that all shall be on equality at the time fixed.

Mr. CONKLING. The question is whether it does that. I say it does not, and the Senator, if he will examine it, will say it does not. Manifestly they ought to be on an equality, but this amendment does not put them on an equality.

Mr. MORTON. I know that is the purpose.

Mr. EDMUNDS. Whether a person ought to pay a special tax on the particular business he is engaged in depends on different principles than the taxation of property, because when you tax property you tax it without regard to the use to which it is applied, whether it is making money for the owner or not, unemployed capital, vacant lots, everything. When you put a tax upon property, whether a piece of property is available to its owner in respect to producing income or not, it bears the same burden. Now when you come to special taxes, they are based upon the theory, referring to certain trades and occupations, that the property of the person in question is employed in some profitable way, and you call it a license tax, and in this very amendment proposed by the Senator from South Carolina the fitness of leaving this principle I have stated to apply to those dealing in spirituous or fermented liquors, as a tax upon a certain occupation, is admitted. The other part of it in the old law is also a tax upon occupations, upon the occupation of a banker, upon the occupation of an agent, which means an insurance agent who may have no capital at all substantially and yet he is engaged in a business which produces large emoluments. So upon the policy of the license-taxation theory various trades and occupations are called upon specially to pay a tax measured either absolutely by so much for each operator or measured in some other way, and it appears the present law is based upon the amount of business they do, the amount of stock they have, or the amount of capital employed.

In my opinion that is not inconsistent with the true principles of taxation, although when you come to tax capital alone, productive and unproductive, you should put that tax upon everybody alike. In the particular case, the man who is applying his capital to a productive use does happen to be obliged to pay more into the Treasury for the general good than the man who has capital that is not employed at all. That is not necessarily unjust. It is philosophic. Whether it is wise to apply it in this particular instance to a merchant, for instance, is open to great question, in my mind; but, in order to obviate the objection suggested by the Senator from New York, which I think is a perfectly sound one, I suggest that the amendment of the Senator from South Carolina be amended by inserting after the word "upon," in line 4, the word "all," and by striking out, in line 5, the words "stock in trade or capital employed" and inserting "real and personal property;" so that part of the amendment will read:

And who pay under the operation of this act a tax upon all their real and personal property shall be exempt.

That brings the amendment, except as to dealers in liquors, into harmony with the first section of the act which imposes a tax upon all the real and personal property of the District. If this amendment to the amendment be agreed to, the proposition will then be that those persons who pay the tax provided for in this bill upon all their real and personal property like everybody else shall be exempt from the faculty tax.

Mr. ROBERTSON. I accept the modification of my friend from Vermont.

The PRESIDING OFFICER. The Senator from South Carolina accepts the modification.

Mr. INGALLS. Let the amendment be read as it stands.

The PRESIDING OFFICER. The amendment, as modified, will be reported

The Chief Clerk read as follows:

That bankers, agents, merchants, and other traders, except those dealing in spirituous or fermented liquors or cordials, engaged in the business in the District of Columbia, and who pay under the operation of this act a tax upon all their real and personal property, shall be exempt from the payment of any percentage upon the capital invested in their said business required under the provisions of any law or ordinance now in force in said District and relating to the payment and collection of license taxes.

Mr. CONKLING. I ask any Senator who knows about this law of which we have heard to state what the law is or to read it. I am advised by Senators who have looked at the volume containing the laws of this District that no such thing is referred to there.

Mr. SPENCER. I will state to the Senator from New York that the commissioners inform me that there is such a law in force. It is in the acts of the territorial Legislature. I have sent for the acts of the territorial Legislature.

Mr. MORRILL, of Vermont. Two or three times the assessors that were appointed to make the assessments for this District, not only of real estate but of the personal estate, have been very sharply criticised. I want to call the attention of the Senate to the fact that they were limited as to the time of making the appraisal of the real estate and also the investigations as to the personal estate, and it was not possible for them to go through and make a personal examination throughout all this city of the real estate and place it on the proper books within the time if they attempted to do anything in relation to the personal estate; and they had very scant time, working night and day, in order to complete the tax for the real estate. It was confided to some very reputable men here, and I hardly think that any criticism ought to have been thrown upon them for the part they acted at that time. I think they did their whole duty and all that it was possible for men to do within the time within which the tax was to be levied.

Mr. DAWES. I think the Senator should also state that they spent considerable of this time in Lincoln Hall, resolving that the personal property should not be taxed. To do exact justice, I think the Senator should state that considerable time was spent in that way.

Mr. MORRILL, of Vermont. I only know that I was in the office about a week before the time expired, and I found them then very diligently engaged and almost overwhelmed with the amount of work.

Mr. DAWES. I have no doubt that so far as the Senator states he does it accurately, but he probably was not aware of the time that was spent resolving that it was improper to tax personal property.

Mr. MORRILL, of Vermont. I know nothing about that.

Mr. MORTON. I ask the Senator if he thinks the present law allows the number of assessors permitted by the law sufficient time to make the assessments of real and personal property?

Mr. MORRILL, of Vermont. I cannot say that I have given this bill special attention, and I am unable to inform the Senator.

Mr. SHERMAN. The real property is not to be re-assessed. I understand the old assessment is adopted, so that real estate does not have to be re-assessed.

Mr. SPENCER. The old assessment of real estate is adopted. There will be a new assessment of personal property.

Mr. INGALLS. Mr. President, if I understand the amendment proposed by the Senator from Vermont [Mr. EDMUNDS] it is to strike out in lines 4 and 5 certain words of the amendment of the Senator from South Carolina [Mr. ROBERTSON] and insert, so that it will read, that those who under the operation of this act pay a tax upon their real and personal property "shall be exempt from the payment of any percentage upon the capital invested in their said business." The capital that a merchant has invested in his business is certainly personal property; and it appears to me that the amendment proposed by the Senator from Vermont makes the amendment offered by the Senator from South Carolina inharmonious, if not insensible. And I would say further, in connection with this matter, that the language used in the last line of the section implies that there is a percentage required now by the provisions of some existing law or

ordinance upon capital invested in business by bankers, agents, merchants, and other traders, except those dealing in spirituous or fermented liquors or cordials. I have examined with some minuteness the statutes in force in regard to the District of Columbia, and am unable to find anything upon that subject; and if there is anything, it must be in the territorial or District laws that I have always understood were now inoperative and ineffectual. I am not able, therefore, to see, without further explanation, why this amendment should be adopted.

Mr. EDMUNDS. I call the attention of the Senator from Kansas in respect to the criticism he has made on what I suggested to the Senator from South Carolina, to the last two lines of the amendment of the Senator from South Carolina, which provides for excusing the people before described from paying "any percentage upon the capital invested in their said business required under the provisions of any law or ordinances now in force in said District relating to the payment and collection of license taxes."

Mr. INGALLS. The Senator from Vermont is certainly aware that a license tax and a percentage on capital are two entirely different things.

Mr. EDMUNDS. I know they may be two entirely different things; but if the license tax is based, as it may be as a measure of amount, upon how much capital the man has employed, that refers not to capital invested, but is a reference in respect to his paying a license tax, as it says in its very language.

Mr. INGALLS. It would be immaterial whether the license tax was ten, or fifty, or one hundred dollars, based upon the amount of capital employed; it would still be a license tax; but if there is, in addition to that, a percentage imposed upon the capital invested, that is not a license tax, although it may be imposed in the same law that provides for the license. I suggest that the payment of a percentage upon capital is a personal tax, and that therefore this provision is rendered certainly inharmonious by the terms employed by the Senator from Vermont.

Mr. EDMUNDS. I am quite unable to see it, because the terms employed by the Senator from Vermont are that bankers, for instance—in order to make my statement short, I will merely take them—

That bankers * * * engaged in business in the District of Columbia and who pay under the operation of this act a tax upon all their real and personal property—

That is, this act providing that they shall pay in the first section a tax upon all real and personal property in the District, if they do that under this act, as this act requires, then a tax by percentage upon capital invested, as distinguished from property in general, shall be remitted. I do not see the want of harmony.

Mr. INGALLS. That is, to untangle and unravel it and take it one shred at a time, if he pays a tax on all his personal property, he shall be exempt from the payment of any tax on his capital, which is also personal property.

Mr. CONKLING. If I may interpose, it means this, that if under the operations of this act, like everybody else, he pays his tax, he shall not be taxed under any other act. That is what it means, whereas the amendment as it was offered means, as I understand it, that if he pays a tax on his stock in trade, he shall not be taxed under any other act on his capital. That is the difference.

Mr. EDMUNDS. Here are the District laws. I have the volume. Here, in the laws of that celebrated concern called the government of the District of Columbia and its Legislative Assembly, under date of 23d of August, 1871, is an act imposing a license on trades, business, and professions practiced or carried on in the District of Columbia. I ask that the Secretary may read it in order that everybody may hear it from the desk, and then I will see if there is any additional act.

The Secretary read as follows:

Be it enacted by the Legislative Assembly of the District of Columbia, That no person shall be engaged in any trade, business, or profession hereinafter mentioned until he shall have obtained a license therefor, as hereinafter provided.

SEC. 2. *And be it further enacted*, That every person engaged in any trade, occupation, or profession for which a license tax is imposed by the laws of the District of Columbia, shall, at the time for procuring the same, make application to the register, and shall state, under oath or affirmation, such facts as may be applicable to licenses, as apothecaries; commercial agents, bankers, banks; bar-rooms, sample-rooms, and tippling-houses; billiard, bagatelle, and Jenny Lind tables, bowling alleys; brokers; dealers in merchandise, distilled and fermented liquors, wines, and cordials; hacks, carriages, cabs, omnibuses, and street cars; hotels; fire and life insurance companies; livery stables; manufacturers; peddlers, resident or otherwise. The register shall then issue to the applicant a certificate stating the particular kind of license for which application has been made and the amount of money required by law to be paid therefor. Said certificate shall be delivered to the collector, who shall, upon the receipt of the sum of money stated therein, give a certificate of deposit, stating the amount of money paid and the kind of license required, and it shall be the duty of the register to issue said license. Every license shall state the name of the person to whom granted and the number of the house and street where it is desired to carry on such business or occupation, when such business or occupation has an established location, and the kind of business for which it is required, and shall be signed by the register and impressed with the seal of his office. Licenses may be transferred to persons to continue the same business in the same house, or to remove a place of business, under the same regulations as the original license. All transfers shall be certified by the register.

SEC. 3. *And be it further enacted*, That all licenses for produce brokers, peddlers, non-resident dealers, and commercial agents shall date from the 1st of April of each year and expire on the 31st of March following. All licenses for carts, wagons, and drays, and for hacks, carriages, cabs, omnibuses, and street-cars shall date from the 1st of July of each year and expire on the 30th of June following; and all other annual licenses shall date from the 1st of November of each year and expire on the 31st of October following. And the license of every person liable for license tax after the 1st of April, July, and November aforesaid shall date from the 1st of the month in which the liability began, and payment shall be made for a proportionate amount; *Provided*, That all licenses heretofore granted by the cities of Washington and Georgetown and the levy court shall continue in force for the period named in the same.

SEC. 4. *And be it further enacted*, That every person liable for license tax who fails to pay the same within thirty days after the same has become due and payable, for such neglect shall, in addition to the license tax imposed, pay a fine or penalty of not less than five nor more than fifty dollars, and a like fine or penalty for every subsequent offense: *Provided*, That every non resident trader, managers of every theatrical performance, exhibition, ball, and concert for gain, not including exhibitions and concerts by or for religious or charitable institutions, shall procure a license before undertaking those several objects; and failure to do so shall subject the person so offending to a fine or penalty of $250 for each offense, to be imposed and collected as other fines are imposed and collected, one-half to the use of the informer.

SEC. 5. *And be it further enacted*, That in every case where more than one of the pursuits or occupations hereinafter described shall be pursued or carried on in the same place, by the same person, at the same time, except as hereinafter provided, the tax shall be paid for each according to the rates severally prescribed.

Mr. EDMUNDS. The Secretary can now go on to section 21, which fixes the sums apparently to be paid by all sorts of people for licenses. I do not know that the Senate would care about having that read either.

Mr. SHERMAN. I suppose there is no doubt about the law.

Mr. EDMUNDS. But the Senator will see that there is a license law still in force here as such; and on page 95 there is this provision:

Dealers in merchandise of any kind whatever, not otherwise provided for, shall pay annually $4 on each $1,000, or fractional part thereof, of capital invested in business: *Provided*, That no license shall be for a less sum than $5.

That is a tax upon capital employed, and so would be a double tax so far as the capital was employed in respect of the general taxation of this capital; but there still remains the general license system, that all people trading at particular places, auctioneers, &c., shall take up a license and shall pay a certain fixed sum in gross which is estimated for the license as such. Then the committee wish to repeal this tax so far as relates to a pure license.

Mr. INGALLS. What is the date of the passage of the act?

Mr. EDMUNDS. August 23, 1871. Then there is an amendment passed to it by the Legislative Assembly on the 20th of June, 1872, which merely changes the sums which are to be paid for these licenses.

I suggest that probably the best way, if that is all the committee mean and my friend from South Carolina means, to admit this double taxation of capital, is to merely repeal the twentieth clause in the act, leaving the license proper still in force. I think the merchants of the town, taking the merchants alone, would wish to have the license remain, because persons are in the habit of coming in here, as I understand, for a very short time and setting up an auction or a private-sale place and making large sales and then going away, whereby they escape taxation entirely unless they are taxed for a license.

Mr. ROBERTSON. My object is to prevent persons from being taxed twice upon their personal property, and not to abolish the license law, by any means. If my friend will frame the amendment to meet that object, I shall be satisfied with it.

Mr. SPENCER. I think there are only three cases in the act of the Legislative Assembly which it is the object of the amendment to cover. Section 21 of that act provides:

First. Apothecaries shall pay annually $4 on each $1,000, or fractional part thereof, of capital invested.

Also the fourth clause of the twenty-first section:

Banks and bankers shall pay annually fifty cents on each $1,000 of capital invested.

That would be a double tax also. The twentieth paragraph of this same section provides that—

Dealers in merchandise of any kind whatever, not otherwise provided for, shall pay annually $4 on each $1,000, or fractional part thereof, of capital invested in business.

The object is, as I understand the Senator from South Carolina, to cover those cases.

Mr. EDMUNDS. Then we had better say that as long as this tax is paid they shall not pay that specific one, naming it.

Mr. WRIGHT. I do not know that I understand this question. The amendment as first introduced, I understand, was to obviate a possible difficulty or rather a possible double assessment. That is to say, whereas it was assumed that as the law stands now there is a percentage of taxation upon capital, it was intended by this amendment to provide that in such instances there should not be any other assessment under this law. In view of the language used, however, "stock in trade or capital employed," it was regarded as susceptible of a construction that would exempt property from taxation beyond what was contemplated by the amendment or what is intended by the law. The amendment of the Senator from Vermont is to strike out the words "stock in trade or capital employed" and insert "real and personal property," and then to insert the word "all" before "their;" so as to read:

A tax upon all their real and personal property shall be exempt from the payment of any percentage upon the capital invested.

But it will be seen by reference to the concluding part of this amendment that it refers to the "laws or ordinances now in force in said District and relating to the payment and collection of license taxes." A license tax is one thing and a tax upon capital is quite another thing. I suppose it is not intended to exempt these persons from the license

tax as it stands now, but only to exempt them from a double assessment upon capital.

Mr. ROBERTSON. Upon personal property.

Mr. WRIGHT. Therefore I suggest, in harmony with the Senator's amendment, that he strike out all the words after the word "District" in the eighth line, omitting the words:

And relating to the payment and collection of license taxes.

As that stands it might be construed to mean that they are exempt from license taxes as well as a tax upon capital.

Mr. EDMUNDS. It would be better to add a proviso that it shall not be construed to affect license taxes.

Mr. WRIGHT. The same thing would be accomplished, as the Senator suggests, by inserting a proviso that it shall not be construed to exempt them from their liability to pay a license tax. I suggest to the Senator also that his amendment might be helped by making it read:

A tax upon all their real and personal property, including their capital, shall be exempt from the payment of any percentage upon capital under the law as it now stands.

Mr. INGALLS. I profess that I have learned something in the course of this debate that I did not know before. I supposed that this District was under the control, at the present time, of the Congress of the United States; but I learn that its unfortunate inhabitants are not only governed by the laws of the United States, but that they are also subject to the provisions of acts of a legislative assembly, to the common law of England, to the statute and common law of Maryland, and to a vast number of traditional ordinances which have descended from the remotest antiquity. I am advised by one of the commissioners that the only statute or act under which licenses are now imposed upon the business of this District is the one which has been referred to and partially read by the Senator from Vermont. I would therefore suggest to him that the object he desires to accomplish can be best obtained, in my judgment, by providing that when this property has paid its tax under the bill that we are now considering it shall be exempt from the payment of any percentage upon the capital invested, required under the provisions of the act of the Legislative Assembly passed upon such a date. Inasmuch as that is the only act under which licenses are now imposed or a tax upon capital demanded, as I am informed by the commissioner, the exemption of that one act will meet the object that the Senator from Vermont desires to attain.

Mr. EDMUNDS. There are two acts.

Mr. SPENCER. If the Senator will allow me, I will offer to insert as a substitute for the amendment proposed by the Senator from South Carolina—

That the first, fourth, and twentieth paragraphs of section 21 of the act of the Legislative Assembly, entitled "An act imposing a license on trades, business, and professions practiced or carried on in the District of Columbia," approved August 23, 1871, be, and the same are hereby, repealed.

Mr. SHERMAN. Suppose they have paid this license in advance?

Mr. SPENCER. In that case the money might be refunded.

Mr. SHERMAN. That is a case of a very serious character.

Mr. SPENCER. They have not collected this tax at all.

Mr. SHERMAN. I think we should be legislating very blindly about a matter of that kind, and there ought to be a provision by which the tax might be refunded.

Mr. SPENCER. It is very large in some cases. For instance, the twentieth paragraph provides that—

Dealers in merchandise of any kind whatever, not otherwise provided for, shall pay annually $4 on each thousand dollars or fractional part thereof, of capital invested in business.

Mr. EDMUNDS. The first paragraph is a license tax on apothecaries, although it is measured, however, it must be admitted, by the amount of capital employed. I do not know but it is all that way. The fourth is bankers. They are measured fifty cents on each thousand dollars of capital employed. By the twentieth paragraph, dealers in merchandise not otherwise provided for pay $4 for every thousand dollars of capital employed. Whether dealers in merchandise are otherwise mentioned I do not know. Let us see. The enumeration is, apothecaries, auctioneers, commercial agents, bankers, bill-posters, proprietors of bar-rooms, &c. As to "dealers in merchandise," that would entirely exempt those who make incursions into this District for temporary purposes between the assessing days. I doubt whether that would be right. It would be wrong to those who are regular dealers and who have to pay rents all the year round, in the bad part of the season as well as in the good. I am rather inclined to think that the proposition of the Senator from South Carolina is the best, with the proviso to be added to the end of it.

Mr. ROBERTSON. I move to strike out in the first line of the amendment the word "agents."

The PRESIDING OFFICER, (Mr. ANTHONY in the chair.) The Senator from South Carolina modifies his amendment. The amendment will be reported as now modified.

The Chief Clerk read as follows:

That bankers, merchants, and other traders, except those dealing in spirituous or fermented liquors or cordials, engaged in business in the District of Columbia, and who pay under the operation of this act a tax upon all their real and personal property, shall be exempt from the payment of any percentage upon the capital (not including deposits with banks) invested in their said business required under the provisions of any law or ordinance now in force in said District and relating to the payment and collection of license taxes; but this provision shall not exempt any person from the payment of any license tax.

Mr. MORTON. We are having a very fine illustration to-day of the futility of Congress attempting to legislate for this District without understanding anything about it; where there is no one member of the Senate or House who has time to understand it or cares enough about it to try to understand it.

Mr. SPENCER. I withdraw my proposition and accept the amendment offered by the Senator from South Carolina.

Mr. ROBERTSON. I think the amendment is now unobjectionable.

Mr. CONKLING. What is the amendment?

The PRESIDING OFFICER. It will be reported.

The Chief Clerk read the amendment of Mr. ROBERTSON as modified.

Mr. WRIGHT. Allow me to suggest to my friend from South Carolina whether, if the amendment was in this form, it would not meet all that he contemplates:

The tax imposed and to be collected under the operation of this act upon the capital of bankers, merchants, and other traders, except those dealing in spirituous or fermented liquors, or cordials, shall be in lieu of any percentage upon such capital under the provisions of any law or ordinance now in force in said District.

I suggest whether that does not cover the whole thing. The object of it is that they shall not pay a double tax.

Mr. ROBERTSON. The object is not to pay a double tax on personal property.

Mr. WRIGHT. If you say that the payment of this tax shall be in lieu of taxes under any law or ordinance now obtaining in this District, do you not reach the whole object?

Mr. ROBERTSON. I think so.

Mr. WRIGHT. Unless there be some objection raised to it, I do not see why the substitute which I propose does not cover the whole ground. I propose to substitute the words:

The tax to be imposed and to be collected under the operation of this act upon the capital of bankers, merchants, and other traders, except those dealing in spirituous or fermented liquors, or cordials—

Following the language of the amendment—

shall be in lieu of any percentage upon such capital under the provisions of any law or ordinance now in force in said District.

Mr. EDMUNDS. The only difficulty that I have with the suggestion of the Senator from Iowa, and that difficulty occurs in the pending proposition in exactly the same way, is as to the meaning of the word "traders." I see on looking into these District acts, if I can call them such, of the Legislative Assembly, that all apothecaries pay what under the general head is called a license tax; but they pay it just as the merchant does upon the capital invested, upon the property they have in the business. If it is not right in respect of the merchant to make him pay a license tax measured in addition upon the capital, why is it right as to the apothecary? And whether an apothecary would fall under the head of "traders" in the exemption is, considering the phraseology of the District law, in my mind open to a great deal of doubt.

The PRESIDING OFFICER. The question is upon the amendment of the Senator from South Carolina to the amendment of the Committee on the District of Columbia, upon which the yeas and nays have been ordered.

Mr. ROBERTSON. I withdraw the call.

The PRESIDING OFFICER. The Chair hears no objection and the call for the yeas and nays is withdrawn.

Mr. WRIGHT. I offer this as a substitute for the amendment of the Senator from South Carolina:

The tax imposed and to be collected under the operation of this act upon the capital of bankers, merchants, and other traders, except those dealing in spirituous or fermented liquors, or cordials, shall be in lieu of any percentage upon such capital under the provisions of any law or ordinance now in force in said District.

Mr. ROBERTSON. I think the amendment I have offered is quite perfect now and I think it is in a better shape than any substitute would place it in; but of course I must leave the Senate to judge of that.

The PRESIDING OFFICER. The question is on the substitute offered by the Senator from Iowa, [Mr. WRIGHT.]

The substitute was rejected.

The PRESIDING OFFICER. The question recurs on the amendment of the Senator from South Carolina, as modified, to the amendment of the committee.

The amendment to the amendment, as modified, was agreed to.

Mr. HAMILTON. I call the attention of the Senator from Alabama to the fifth section of the bill, which provides—

That it shall be the duty of the collector of taxes in said District to prepare a complete list of all taxes on real property, upon which the same are assessed, in arrears on the 1st day of July, 1877, and he shall, within ten days thereafter, publish the same with a notice of sale, in the regular issue of a daily newspaper published in said District, to be designated by the commissioners of the District or their successors in office, as hereinafter provided, once a week for three successive weeks.

I move to strike out in line 6 the words "a daily," and insert "some weekly;" and then in line 7 to strike out all after the word "District" down to the word "provided" in line 9, in the following words:

To be designated by the commissioners of the District or their successors in office, as hereinafter provided.

And insert:

Or the city of Baltimore, being the lowest bidder for the work.

So as to read:

With a notice of sale in the regular issue of some weekly newspaper published in the said District or in the city of Baltimore, being the lowest bidder for the work.

None of us have forgotten, I suppose, the bill that was sent in last year or at the beginning of the current year, for publishing the list of delinquent tax-payers, preparatory to the sale of property for delinquent taxes. It amounted to a very large percentage of the money collected. It was so enormous as to strike everybody with surprise. I have looked carefully through this measure to see if there is anything in it to prevent the recurrence of a like bill coming up this year. I can see nothing. It is left to the discretion of the commissioners to select a newspaper for the advertising of the list of delinquent tax-payers, and it is absolutely at their discretion.

Mr. SPENCER. If the Senator will allow me to interrupt him, I will state that he must speak of the tax-list of two years ago, and not this year.

Mr. HAMILTON. I said of the current year, or the last year.

Mr. SPENCER. I will state to the Senator that the publication of the last tax-list cost the Government $8,250, and it covered twenty-seven closely printed pages. That was not considered as an unreasonable price. The list two years ago cost $40,000 or $50,000.

Mr. HAMILTON. Ninety-six thousand dollars.

Mr. SPENCER. Ninety-six thousand dollars was the bill, but the amount paid was $50,000. The whole difficulty has been obviated.

Mr. HAMILTON. I do not see that it can be obviated under this bill at all. It depends upon the discretion of the commissioners altogether. There is no objection to giving the thing out to the lowest bidder, and if the papers of the District of Columbia combine together in order to bid more than the work is worth it should go to the city of Baltimore. The Baltimore papers circulate as freely and as numerously here as the Washington City papers, and if the list were published in a weekly paper instead of a daily I believe it would be sufficient. It might be put in a Sunday paper, and there are more people who read the Sunday papers, three to one, than read the daily papers.

Mr. SPENCER. I hope that the amendment of the Senator from Texas will not be adopted. The price of this printing is not exorbitant.

Mr. HAMILTON. What objection has the Senator to my amendment?

Mr. SPENCER. I object to this printing being done in Baltimore papers. The Senator says the Baltimore papers circulate as largely here as the Washington papers do. He is certainly mistaken. The Baltimore dailies circulate very freely, but we seldom see the Baltimore weekly papers. I do not even know the name of a Baltimore weekly paper that is in existence.

Mr. HAMILTON. It could be given to a daily paper and published once a week.

Mr. SPENCER. I suggest to the Senator that the New York City papers circulate in New Jersey fully as much as the New Jersey papers do, but that is not the case with Baltimore and the District.

Mr. HAMILTON. The bill only provides for a publication once a week if put into a daily. I have no objection to striking out the word "weekly," so as to publish it in a daily newspaper once a week, but undoubtedly it ought to be given to the lowest bidder.

Mr. SPENCER. I have no objection to giving it to the lowest bidder, and to a paper in the city of Washington.

Mr. HAMILTON. For one I find it is necessary to specify what shall be done in this District very carefully. Otherwise we are likely to have some things done which we do not expect. It has been so all the time, and if it is to be differently hereafter there will have to be a new beginning.

Mr. SPENCER. I think the government of the District of Columbia for the last year was the cheapest and most economical that they have ever had in the District.

Mr. WRIGHT. Let me suggest to my friend from Texas that he omit from his amendment reference to the Baltimore papers.

Mr. HAMILTON. I have no objection to doing that.

Mr. WRIGHT. I think it is unusual to have such a publication outside of the city concerned.

Mr. SPENCER. If the Senator will strike out Baltimore, I will have no objection to his amendment.

Mr. HAMILTON. Very well; I will modify it in that respect.

Mr. SPENCER. The amendment is accepted, provided it is confined to papers in the District of Columbia.

Mr. HAMILTON. I accept the modification.

The PRESIDING OFFICER, (Mr. PATTERSON in the chair.) The amendment, as modified, will be reported.

The CHIEF CLERK. On page 3, section 5, line 6, it is proposed to strike out the words "a daily" and insert "some weekly" before "newspaper."

Mr. SPENCER. I suggest to the Senator that he had better say "a daily or weekly newspaper." Some of the daily papers do not publish any weekly editions, and they might be the lowest bidder.

Mr. HAMILTON. I accept that modification.

The PRESIDING OFFICER. The Clerk will report the amendment as modified.

The CHIEF CLERK. It is proposed to amend that portion of the substitute so as to read:

And he shall within ten days thereafter publish the same, with a notice of sale, in the regular issue of a daily or weekly newspaper published in said District, being the lowest bidder for the work, once a week for three consecutive weeks.

The amendment to the amendment was agreed to.

Mr. EDMUNDS. At the end of section 4, page 3, there is this clause:

And the whole together—

That is to say, certain taxes that have not been paid—

shall constitute the delinquent tax on such part or parcel of land, to be dealt with and collected in the manner prescribed by law.

I do not know what is meant by "such part or parcel of land." There does not seem to be any antecedent to which it refers. I notice that it is in the old law in exactly the same way, but that does not make it any better sense than before. I suppose it is intended to mean "all such part or parcel to which the tax relates," that that is the particular part out of which the tax grows.

Mr. SPENCER. That is what is meant.

Mr. EDMUNDS. If that is what it means, I move to insert on page 3, line 14, section 4, "as such tax relates;" so that it will read:

And the whole together shall constitute the delinquent tax on such part or parcel of land as such tax relates, to be dealt with and collected in the manner prescribed by law.

Mr. SPENCER. I accept that amendment.

Mr. EDMUNDS. You cannot accept it. We have to put the question, because it is out of your committee now.

The amendment to the amendment was agreed to.

Mr. CAPERTON. The House bill in the first section makes discriminations between property in the city of Washington and in Georgetown and in the country outside of the two cities. The House bill provides for imposing—

A tax of $1.50 on each $100 of the assessed value of the same within the city of Washington; of $1 on each $100 of the assessed value of the same within the city of Georgetown; and of seventy-five cents on each $100 of the assessed value of the same in that part of said District outside of said cities of Washington and Georgetown.

This was the principle upon which the Senate acted when the last tax bill was passed. Why it is not incorporated into this bill I know not. It is so obviously just and proper that I think it should become a part of this bill. I therefore offer this amendment to come in at the end of the first section of the bill as now proposed by the committee:

Of the assessed value of the same within the city of Washington; of $1 on each $100 of the assessed value of the same within the city of Georgetown; and of seventy-five cents on each $100 of the assessed value of the same in that part of the said District outside of the cities of Washington and Georgetown.

Mr. SPENCER. I hope that amendment will not be adopted. I cannot conceive of any reason why the city of Georgetown should pay a tax of $1 on the hundred dollars and the city of Washington pay a tax of $1.50 on the hundred dollars. Georgetown certainly has all the privileges and all the protection that the city of Washington has. If this amendment were adopted, the result would be that the city of Georgetown upon its real estate would only pay $58,000 tax next year, while the city of Washington would pay about a million and a quarter of dollars. I cannot conceive any reason for this amendment, and I hope it will not be adopted.

Mr. CAPERTON. I do not know what would be the practical operation of the amendment, but certainly the figures of the Senator from Alabama seem to me to be very extravagant. I understand that this has always been the principle upon which those assessments were imposed up to 1876. It never has been allowed in the history of this country that the country adjacent to a town should be assessed with a view to pay the expenses of the city or municipality. A city imposes a tax for its own special benefit, a special tax which does not cover the adjacent country. It is well known, and the Senator from Alabama I presume, who has had experience on this subject, knows that Georgetown participates very slightly in proportion to the amount assessed upon her in the improvements that are made under the direction of the commissioners

Mr. SPENCER. I should like to correct that mistake. That is a common error and a great many people have fallen into it. It is not the case. The streets of Georgetown are paved more in proportion to the population, size, and area of the city than the streets of the city of Washington are.

Mr. CAPERTON. I have been informed from a very creditable source that while the law contemplates that Georgetown shall participate in the improvements in proportion to the amount of her assessment, she has not received one-tenth of the amount to which she is entitled. That is my information. The Senator from Alabama may have different information. When was it ever proposed in legislation of this sort that you should impose upon the country outside of the limits of the city the same tax that is imposed within the limits of the city? There is generally a State and county organization and there is a tax imposed for general purposes, but if there is anything to be raised for special corporation purposes there is a special tax laid by the corporation. The country outside of the cities of Washington and Georgetown bears the same relation to those cities that a county does to an incorporated town, and it never has been contended that a tax should be imposed upon the whole county which was to go to supply a particular corporation, town, or city for

municipal expenditures. I think the amendment I have offered is entirely just and proper and I hope it will be incorporated in the bill.

Mr. SPENCER. If the amendment of the Senator from West Virginia were to prevail, why not put that part of Washington around the navy-yard and east of the Capitol upon the same equality with the city of Georgetown? I do not see any reason why it should not be so. I cannot conceive why a horse on one side of Boundary street should not pay the same rate of taxation as on the other side of the street. The city of Georgetown and the county combined pay only one-sixth of the amount of taxes under a uniform rate.

Mr. RANDOLPH. May I ask the Senator from Alabama what relation the assessment of property in Georgetown bears to the assessment of property in the city of Washington?

Mr. SPENCER. It is about $5,800,000 in Georgetown.

Mr. RANDOLPH. What is the value of the property in the city of Washington?

Mr. SPENCER. Seventy-eight millions of dollars.

Mr. RANDOLPH. The Senator will see, therefore, himself that it would not be a greater proportion.

Mr. SPENCER. I will try to explain. If the amendment of the Senator from West Virginia should prevail, the total amount of taxes paid by the city of Washington would be $1,182,000; Georgetown would pay $58,000 only, and the county would pay $65,000. If the amendment should not prevail, the city of Washington would pay $1,182,000, the city of Georgetown would pay $87,000, and the county would pay $131,000.

Mr. EDMUNDS. I do not want to take up time, but I wish to say one word on the amendment of the Senator from West Virginia. It does appear to me, situated as this District is, while some things can be said in its favor, to be one that practically will do more harm than good. In a mere point of justice, of course it is impossible to adjust taxes in such a way that in every respect they are uniform, because one man has a piece of property out of which he is getting a great income, and another has a piece of property right by the side of it on which he gets nothing, but both have to pay alike. You cannot, in adjusting taxes, keep everything absolutely equal. In this city the legal limit of the city, I believe, is what is called Boundary street on the north and Rock Creek, near Georgetown. It is built up in a greater or less degree, gradually crossing that street, which is a mere ideal line, buildings of various kinds on one side and the other, just alike, only like all suburbs of a town, it gradually grows thinner and thinner until you get to the boundary of the District and then to the country.

The bill, as it stands, proposes, first, to make an assessment according to value upon all the property in the District, personal as well as real. The great mass of the personal property is in the city alone, accumulated personal property. The capitalists and all that sort of people who have accumulated large sums reside within the limits of the city. There are very few outside of it. When you take it all together and make this assessment according to value, the man who lives at the uttermost part of the District and has his little farm there, has his farm assessed according to its value and the man who owns his block of stores in town has his stores assessed according to their value. Of course the value of the stores and the land here, although not the tenth part of what the farmer owns in point of area, is a hundred times greater than the property on the remote sides of the District. Therefore the man in the city upon the same kind of property has an assessment which is infinitely greater than the assessment upon the man outside. That regulates it practically. I do not say it regulates it in every case. Then when you come to the payment of the tax on valuation, the man who has paid but little, being in a remote part of the District, gets comparatively little benefit it is true, because he only has one road, about once in a mile, and in the administration of justice, or anything, he does not get so much benefit; but he does not contribute so much money. That comes as near to justice, in my opinion, as practically you can come. On the other hand, if you fix this arbitrary geographical line through Washington and Georgetown, and assess Washington and the county, as the rest of the District is called, you make a cordon on every side that to the man who lives on the opposite side is excessively offensive and excessively unjust. On one side of a street property may be worth just as much as on the other, but it is worth more generally, for the reason that the site happens to be better, it is higher ground, is more healthy, commanding a better prospect. They would only pay half as much tax as those who lived on the lower side of the street. That makes a just complaint, because everybody who lives on that whole line sees that it is not fair and it is not honest between them. On the other hand, if you put it on value, then each man's value, wherever it is, is graduated by the nearness to the center of operations, and he contributes a little in proportion to distance.

The PRESIDING OFFICER. The question is on the amendment of the Senator from West Virginia to the amendment of the committee.

Mr. WITHERS. Do I understand the Senator from West Virginia to say that this discrimination had existed for many years?

Mr. CAPERTON. It did exist up to last fall.

Mr. EDMUNDS. But that was when they were separate and independent organizations, where each one raised its own money and applied its own money.

Mr. WITHERS. By the distinction made by the Senator from Vermont manifestly it is a very different condition of things; but I understand that the Senator from West Virginia insists that subsequently to that this discrimination has been observed.

Mr. SPENCER. It has not been.

Mr. EDMUNDS. I do not so understand it. If so, it was wrong.

The PRESIDING OFFICER. The question is on the amendment of the Senator from West Virginia [Mr. CAPERTON] to the amendment.

The amendment to the amendment was rejected.

Mr. OGLESBY. I do not know that I understand the first clause of the first section of the bill:

That for the support of the government of the District of Columbia for the fiscal year ending June 30, 1877, there shall be levied, upon all real and personal property in said District * * * a tax of $1.50 on each $100.

Each $100 of what?

Mr. ROBERTSON. Of real and personal property.

Mr. OGLESBY. "A tax shall be levied on the real estate of $1.50 on each $100." I move to add "of the value thereof."

Mr. SPENCER. I accept that amendment.

The PRESIDING OFFICER. That amendment to the amendment will be regarded as agreed to, if there be no objection.

Mr. OGLESBY. Then section 5 provides:

That it shall be the duty of the collector of taxes in said District to prepare a complete list of all taxes on real property upon which the same are assessed.

Taxes are never assessed on real property. Taxes are levied on real property. The assessor assesses the value and the law levies the tax. That word, it seems to me, ought to be changed to "levied."

Mr. SPENCER. I have no objection to that modification. That was the law of the last session.

Mr. OGLESBY. When the collector proceeds to advertise this for sale, it seems to me it ought to be in the language of statute law. If the gentleman accepts it, that is the end of it. It is a mere verbal amendment.

The PRESIDING OFFICER, (Mr. LOGAN in the chair.) That amendment to the amendment will be considered as agreed to, if there be no objection.

Mr. MORTON. I do not propose to offer an amendment, because I want this bill disposed of; but I wish to make one suggestion. I am told that there are about twelve thousand people in this District who live outside of either Washington or Georgetown, who live in the country. The water is not carried to them, nor is the gas. To tax those people at the same rate as the people in the city is manifestly unjust. People who live in the city have benefits which the people in the country do not have, and it is right that they should pay for them; but to make those who live in the country and do not get the benefit of these expenses contribute is manifestly unjust, which will not stand argument for a moment. To tax the people who live in the country and who get no protection from police, when streets are not made for them, and who are deprived of the very benefits to be derived from the city expenses, and make them pay at the same rate, is so manifestly unjust that it requires no argument. I am told the bill of the House made a difference in that respect, and in that respect it was just and proper. I have no amendment to offer.

Mr. EDMUNDS. I think there ought to be what is in substance a verbal amendment in part on page 4, line 15 of section 5, relating to the advertisement of property:

The property will be sold by the said collector at public auction, at the south front of the court-house in the city of Washington, on the second Tuesday of August following, between the hours of ten o'clock in the forenoon and four o'clock in the afternoon of said day.

There are six hours of open space, and an honest bidder may go there, and if there is anybody playing games about the sales of real estate, he may be obliged to wait for the whole six hours. I think the advertisement ought to state a definite hour to be named in the advertisement at which the sale will take place. So I move to amend by inserting after the word "following," in line 15, "at a fixed hour," so as to read "at a fixed hour between the hours of ten o'clock in the forenoon and four o'clock in the afternoon."

Mr. SHERMAN. There are a great number of pieces to be offered for sale.

Mr. EDMUNDS. Certainly.

Mr. SHERMAN. It may take the whole day to sell them.

Mr. EDMUNDS. If you want to put the hour of four over to six, very well; but he need not advertise any more for one hour than he likes, and others for another hour; but as it stands, it strikes me that it is an invitation to fraud.

Mr. SHERMAN. If you change it, the only embarrassment will be that you have one hundred or two hundred pieces, and there are in this list many hundred items of property to be offered for sale, and it will take the whole day.

Mr. EDMUNDS. Yes; but each individual parcel has got of course to be offered by itself, because it relates to each tax-payer that owns it; and as to each tax-payer he has a right himself to know, and his friends have a right to know, and the buyer has a right to know that that property is going to be sold, and going to be sold at some definite hour. Now, when you have opened a sale at a definite hour, that hour exists until the sale is over, as everybody knows. A justice's court is to be opened at a particular hour, but the justice goes on and performs his duty, and if it takes two days that hour lasts during all that time.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Vermont to the amendment.

The amendment to the amendment was agreed to.

Mr. EDMUNDS. On line 15 of section 7, on page 7, the word "court-house" is used without stating what court-house. I do not know that there is more than one, but in a previous part it is described as "the court-house in the city of Washington." Therefore, for safety it is better to say "court-house in the city of Washington." They did have a court-house in Georgetown once, and they may have it yet. It is only a mere verbal matter of description.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Vermont to the amendment of the committee.

The amendment to the amendment was agreed to.

Mr. EDMUNDS. Now I should like to call attention to section 9 about exemptions:

That from the assessed value of the credits only of any person there shall be deducted the amount of any valid and *bona fide* debt or debts, which any such person shall individually and absolutely owe, upon the same being established by the affidavit of such person claiming deduction as hereinafter provided.

Is that intended to include a debt which the person owes as a surety?

Mr. SPENCER. I suppose not.

Mr. EDMUNDS. I suppose not; and yet a surety does individually and absolutely owe the debt upon which he is a surety.

Mr. SPENCER. He may owe it. We cannot tell.

Mr. EDMUNDS. I wish to move some amendment which shall not enable people who have plenty of riches and who are sureties or guarantors, the indorsers for somebody, where the principal is good, to get their heads out from paying taxes for the reason that their name is on another man's paper, because on that theory my friend and I, if we were rich, might exchange notes just before assessing day for $100,000, indorsing each other's notes, and neither of us would have any taxes to pay because we should be individually and absolutely liable for all the debt. Of course the committee do not mean that, and I should like to propose some words to obviate that. With a view to getting at it, I move after the word "owe," in line 4, to insert "in respect of which he has no remedy over against any other person."

So that it makes it his own debt for him to pay. That is of course what is intended.

Mr. WRIGHT. I can very well see the object my friend has in view; but it seems to me that his amendment will be going quite too far. Suppose it occurs that the liability is no longer as mere surety, but a judgment has been recovered against both the principal and the surety, and it now becomes a judgment against both, and they are both treated as principals so far as the judgment is concerned for most purposes, though not for all purposes. You have that judgment, and he becomes absolutely liable. It may be true that he has a technical remedy over against the principal, but the principal may be entirely worthless. Now his liability is fixed by judgment upon the debt. He may have a technical remedy over against the principal notwithstanding the judgment, and yet the principal may be entirely worthless, and it may be as absolutely and entirely a debt against him as if he was owing it as principal. I suggest, therefore, that there may be difficulty in the amendment as the Senator proposes it. I do not know what language ought to be employed. I agree with him that if it is a mere conditional liability as a surety, it ought not to be included in his liabilities; but if you say "in respect of which he has no remedy over," it would apply to the case I have supposed and many others that I think might be supposed where his liability would be just as absolute as if he were the principal in the first instance.

Mr. EDMUNDS. But where the principal is responsible, the fact that his liability is fixed by a judgment ought not to make any difference. But where the principal has failed——

Mr. WRIGHT. That is what I suggested; that in case the principal is worthless the man's liability is as absolutely fixed as if he were the principal himself.

The amendment to the amendment was agreed to.

Mr. EDMUNDS. On page 10, section 10, on the subject of perjury, I think there would be the same difficulty that has been pointed out several times in our discussions in referring generally to the penalties for the offense of perjury, as there are several in the existing statutes. On page 10, in line 40 of section 10, the language is that upon conviction of perjury for a false affidavit, the party shall be "subject to the penalties for that offense now provided by law." The law is various, and it would be difficult to know what penalty you are to apply. To correct that, I move to amend by striking out the word "law" and inserting "by section 5392 of the Revised Statutes of the United States," which is the general statute.

Mr. SPENCER. There is no objection to that.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the Committee on the District of Columbia as a substitute for the House bill as it has been amended.

Mr. CHRISTIANCY. There are some amendments which I wish to propose. I was in the act of writing them out. I will simply call the attention of the Senate to the points. There seems to be a necessity for one amendment here and I think two. Section 5, on page 4, in lines 31, 32, 33, need amending, as I think. I will begin a little ahead and show what is intended. After speaking of the certificate on which the deed is to be executed, the section proceeds:

A deed thereof shall be given by the commissioners of the District, or their successors in office, to the purchaser at the tax sale, or the assignee of such certificate, which deed shall be admitted and held to be a good and perfect title in fee-simple to any property bought at any sale herein authorized.

As that section stands I think it would be entirely void. It takes away from the judiciary and undertakes to dispose by legislation of a title without trial, and leaves nothing open to a trial. It does not leave the question of the regularity of proceedings, or the legality of the tax, or anything else open to investigation in a court. A provision of that kind, it seems to me, is entirely and totally void. The utmost limit to which we can go in cases of that kind as to make the deed *prima facie* evidence of a good and perfect title in fee-simple, and then to provide that all proceedings prior to said deed shall be presumed regular until the contrary be proved. This throws upon the parties claiming against a tax title the burden of proving irregularities or illegalities affecting the proceedings and sales. It seems to me, therefore, this section needs the amendment which I propose. I have written out the amendment in the printed bill before me, but had not yet fully perfected it.

There is another matter to which I will call attention while I am up. I refer to the proviso at the end of this section.

And provided also, That minors or other persons under legal disability be allowed one year after such minors coming to or being of full age or after the removal of such legal disability to redeem the property so sold, or of which the title has, as aforesaid, become vested in the District of Columbia, from the purchaser or purchasers, his, her, or their heirs or assigns, or from the District of Columbia.

This is a provision authorizing the District to bid off property which is not bid for by other parties, and it gives the same length of time for redemption, of course, under the previous portion of the section as if it had been bid by individuals, and then it brings in this saving clause in reference to minors and persons under disability. That is a fatal objection to purchasers at a tax sale. Unless they have examined into all the titles and see that the property is not held by minors or persons under disability they never would bid it off. The consequence is that no sale would take place, and the property would go to the District just in that way. In almost all the State laws with which I am acquainted which provide for the sale of property for taxes no such saving clause is inserted. That is a saving clause which is very proper to be inserted in a statute of limitations in all ordinary cases, but not on a sale for taxes, because it prevents purchasers at the sale. The object should be to encourage the sale of these lands when they are offered for sale as delinquent for taxes, and no such saving clause as this ought to accompany the provision.

I move to amend section 5, line 31, by inserting after the word "be" the words "*prima facie* evidence of;" and in line 33, after the word "authorize," inserting "and all proceedings prior to said deed shall be presumed to have been regular until the contrary be proved;" so as to make the clause read:

A deed thereof shall be given by the commissioners of the District, or their successors in office, to the purchaser at the tax sale or the assignee of such certificate, which deed shall be admitted and held to be *prima facie* evidence of a good and perfect title in fee-simple to any property bought at any sale herein authorized; and all proceedings prior to said deed shall be presumed to have been regular until the contrary be proved.

The amendment to the amendment was agreed to.

Mr. CHRISTIANCY. I also move an amendment to strike out the proviso at the end of the section saving the rights of minors and other persons under disabilities.

The PRESIDING OFFICER, (Mr. INGALLS in the chair.) The Clerk will report the words proposed to be stricken out.

The Chief Clerk read as follows:

And provided also, That minors or other persons under legal disability be allowed one year after such minors coming to or being of full age, or after the removal of such legal disability, to redeem the property so sold, or of which the title has, as aforesaid, become vested in the District of Columbia, from the purchaser or purchasers, his, her, or their heirs or assigns, or from the District of Columbia, on payment of the amount of purchase-money so paid therefor, with 10 per cent. per annum interest thereon as aforesaid, and all taxes and assessments that have been paid thereon by the purchaser, or his assigns, between the day of sale and the period of such redemption, 10 per cent. per annum interest on the amount of such taxes and assessments, and also the value of improvements which may have been made or erected on such property by the purchaser or by the District of Columbia, while the same was in his, her, or their, or its possession.

Mr. CHRISTIANCY. It all relates to that saving clause.

Mr. WRIGHT. Do I understand the Senator from Alabama to accept this amendment?

Mr. SPENCER. I have no objection to it.

Mr. WRIGHT. It seems to me this would be most extraordinary. I do not know of such a statute in any State of this Union that does not have what is in the nature of a statute of limitations in reference to tax sales and to save the rights of minors and persons under legal disability. To say that they are to be precluded and held to the same rule as persons of full age and laboring under no disability, it seems to me, would be most extraordinary. I never have known a tax law in any State of this Union, so far as I can now remember, that did not save the rights of minors or persons under legal disabilities. If the Senator from Alabama consents to this amendment I do not want to interfere with the bill, but it seems to me that to strike out the proviso would leave the rule so harsh and so unjust, and so much in the face of our legislation in the States, that I cannot consent to it.

Mr. CHRISTIANCY. The Senator from Iowa says he is not aware

of any State in the Union that does not make a similar saving clause in behalf of minors and other persons under disabilities. I will say, on the other hand, that I have not now a knowledge of any one which does make such a provision in such a connection as this, although there may be, and I will not deny that there are. I have no doubt that the Senator is correct as to the State of Iowa, because he is familiar with her laws; but I will say that the statute of Michigan has not had for the last twenty years, certainly, any provision of that kind. It was found that while any such provision as that remained in the statute the people would not bid at the tax sales, because they got no right. Here is a child, for instance, that is but a year old; you must wait for twenty-one years before you can tell whether you have got anything by your purchase or not. Two years are allowed for redemption. But this is not a statute of limitations, as designated by the Senator from Iowa. Two years' redemption is allowed, and that in my opinion is sufficient. We have never found any difficulty arising out of it in our State, nor do I believe it will create any difficulty here; but I believe by striking out the proviso that persons would be induced to bid at the sale who otherwise would not bid at all.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Michigan to the amendment of the Committee on the District of Columbia.

The amendment to the amendment was rejected.

The PRESIDING OFFICER. The question is on the amendment reported by the Committee on the District of Columbia as a substitute for the House bill as it has been amended.

The amendment, as amended, was agreed to.

The bill was reported to the Senate as amended.

Mr. ROBERTSON. In section 8, line 3, I move to strike out the words "buildings devoted to art." I do not see why they should be exempt.

Mr. MORRILL, of Vermont. I know of but one building here that is devoted to art, and that is the building donated for that purpose by Mr. Corcoran. I think it would be very ungracious on the part of the Senate to subject that building to taxation. It is solely for the benefit of the nation, and I should hope that there would be no disposition to strike out that when there are so many other buildings exempted.

Mr. ROBERTSON. I will say to my honorable friend from Vermont that there are several buildings here used as art galleries, and whole buildings may be exempt on that ground. If the Corcoran gallery was the only one, I should not move to strike it out.

Mr. SHERMAN. I will ask as a matter of fact—perhaps some Senator can inform me—whether there is any but one building "devoted to art," in the language of the act. I am about as strict in my construction of the principle of exemption from taxation as any one; but certainly I would not desire to vote to levy a tax upon a building given to the public at large, dedicated to public art, owned by trustees who have no personal interest in it, no one of whom derives a profit from it, where no money is levied even for entrance fees, except to pay the light and to compensate the person in charge of the building. It is like the British Museum or any other building devoted to public uses. It is like the Library of Congress. It seems to me that if that is the only building of the kind—I refer to what is called the Corcoran Art Gallery—it ought not to be subject to taxation.

Mr. CONKLING. Will the Senator define to me the words "buildings devoted to art?" What do they mean?

Mr. SHERMAN. I would say they meant a building devoted by its title to the cultivation of art, from which no one can derive a profit, which imposes no tax, no admission fees, but is devoted to art, not to private profit. An art gallery may be for private profit, but that is not a building devoted to art. But to avoid any controversy about it, I think it ought to made clear. Would the Senator from New York suggest any language that would confine it to this single building in the city of Washington? There is only one that I know of which I should like to see exempt.

Mr. CONKLING. Take libraries.

Free public library buildings.

That is one way of stating it.

Mr. SHERMAN. Suppose we say:

Buildings devoted to art and from which no private profit is derived.

How would that do?

Mr. CONKLING. That would cover the case, I suppose.

Mr. SHERMAN. Probably that would answer the purpose of the Senator from South Carolina.

Mr. ROBERTSON. That would answer the purpose I have in view.

The PRESIDING OFFICER. The Senator from South Carolina accepts the modification of the Senator from Ohio. The Clerk will report the amendment.

Mr. SHERMAN. I would rather myself name the Corcoran Art Gallery, because that is descriptive.

Several SENATORS. That would be better.

Mr. SHERMAN. I would then just say:

First, the Corcoran Art Gallery.

Then go on—

Free public library buildings, &c.

The PRESIDING OFFICER. Is there objection to the amendment suggested by the Senator from Ohio?

Mr. ROBERTSON. There is no objection.

The PRESIDING OFFICER. The Chair hears no objection, and the amendment of the committee will be so modified.

The amendment made as in Committee of the Whole, as amended, was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

On motion of Mr. SPENCER the title of the bill was amended so as to read: "A bill for the support of the government of the District of Columbia for the fiscal year ending June 30, 1877, and for other purposes."

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. U. S. GRANT, jr., his Secretary, announced that the President had on the 26th instant approved and signed the following acts:

An act (S. No. 320) to reduce the number and increase the efficiency of the Medical Corps of the United States Army;

An act (S. No. 546) to further the administration of justice in the State of Colorado;

An act (S. No. 773) to remove the political disabilities of W. H. Jenifer, late first lieutenant Second Cavalry, United States Army; and

An act (S. No. 863) to change the name of the steamship City of Brashear to Lone Star.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. INGALLS, Mr. PADDOCK, and Mr. MORRILL of Vermont, submitted amendments intended to be proposed by them to the bill (H. R. No. 3749) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1877, and for other purposes; which were referred to the Committee on Appropriations, and ordered to be printed.

Mr. FRELINGHUYSEN, from the Committee on Foreign Relations, reported an amendment intended to be proposed to the bill (H. R. No. 3749) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1877, and for other purposes; which was referred to the Committee on Appropriations, and ordered to be printed.

SILVER AS LEGAL TENDER.

Mr. WEST. I move to take up the bill (S. No. 809) referring the claim of George E. Payne to the Court of Claims.

Mr. SHERMAN and Mr. BOGY. I call for the regular order.

The PRESIDING OFFICER. The Chair now lays before the Senate the special order, which is the bill (H. R. No. 3398) for the issue of coin, and for other purposes, on which the Senator from Missouri [Mr. BOGY] is entitled to the floor.

Mr. WEST. I did not know that there was any regular order.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 3398) for the issue of coin, and for other purposes, the pending question being on the amendment reported by the Committee on Finance, which was to strike out all after the enacting clause of the bill, and in lieu thereof to insert:

That there shall be coined at the mints of the United States a silver dollar of the weight of 412.8 grains troy of standard silver, the emblems, devices, and inscriptions of which shall conform to those prescribed by law for the gold and silver coins of the United States, with such modifications thereof as may be necessary to render the said dollar readily distinguishable from the trade-dollar; and in the coinage and delivery thereof the same deviations from standard weight and fineness shall be allowed as are prescribed by law for the trade-dollar; and the said dollar herein authorized shall be a legal tender at its nominal value for any amount not exceeding $20 in any one payment, except for customs duties and interest on the public debt, and shall be receivable in payment of all dues to the United States except duties on imports.

SEC. 2. That the Secretary of the Treasury is hereby authorized to exchange the silver dollars herein authorized, and also the subsidiary coins of the United States, for an equal amount of United States notes, which shall be retired and canceled and not be again replaced by other notes. And all United States notes redeemed under this act shall be held to be a part of the sinking fund provided for by existing law, the interest to be computed thereon as in the case of bonds redeemed under the acts relating to the sinking fund.

SEC. 3. That the silver bullion required for this purpose shall be purchased from time to time at market rate by the Secretary of the Treasury with any money in the Treasury not otherwise appropriated; but no purchase of bullion shall be made under this act when the market rate for the same shall be such as will not admit of the coinage and issue as herein provided without loss to the Treasury; and any gain or seigniorage arising from this coinage shall be accounted for and paid into the Treasury, as provided under existing laws relative to the subsidiary coinage: *Provided*, That the amount of money at any one time invested in such silver bullion, exclusive of such resulting coin, shall not exceed $1,000 000.

SEC. 4. That the trade-dollar shall not hereafter be a legal tender, and the Secretary of the Treasury is hereby authorized to limit, from time to time, the coinage thereof to such an amount as he may deem sufficient to meet the export demand for the same.

Mr. BOGY. Mr. President, whatever may be the fate of the amendments to the bill of the Senate Finance Committee offered by me, I shall rejoice that this discussion has taken place in this body and from here has gone to the country. The subject is one of the most interesting in the whole range of political science, and is as important as it is interesting. It cannot be denied that, for some reason difficult to be explained at this day, the true position of silver as one of the coins of the Constitution had been entirely overlooked, and indeed I may say that it was forgotten by the public mind of the nation. The fact that it could be made useful even as a subsidiary

coin was also forgotten, and the greater fact that it could be made a legal tender, as now proposed, was in a manner not known. This discussion has brought these important facts to the knowledge of the people, and a spirit of inquiry has thereby been created. Why the act of 1873, which forbids the coinage of the silver dollar, was passed no one at this day can give a good reason.

As we see this question at this time no possible harm could have resulted in permitting silver to occupy the position it had held before. The amount coined from 1870 to 1873 was $3,336,348. This could have done harm to nobody. Therefore the quantity of silver then on hand or being coined was not large enough to justify the legislation of that day. We must look for the reason for this legislation elsewhere. We will find this to be part of the idea, starting in England in 1816, and which has spread to the countries of Europe and also to this country: that gold was the only true standard, and silver, after a glorious reign of thousands of years, beginning in the very twilight of civilization and continuing down the ages to the period of its meridian splendor, had to be dethroned. The visionary theorists of England, these men of new ideas as to the origin of man as well as his final destiny, have by noise and clap-trap inoculated the one-idea men of the continent, and therefore one standard has at this day many advocates over all Europe, and, strange as it may appear, the practical mind of this country was for a time, and until this discussion took place, under the complete sway of this class of men.

The practical mind of the Senator from Vermont [Mr. MORRILL] is yet under this influence. I am happy to say, judging from his last speech, that the Senator from Ohio [Mr. SHERMAN] is fast abandoning this school of theorists. I regret I cannot say as much for the Senator from California, [Mr. BOOTH.] Judging from the speech he made on this subject I think that he belongs to this class of theorists.

My object on this occasion will be to place before the country the necessity for us to return as soon as possible to what is generally known as the double standard; that is, a standard composed of the coins of gold and silver.

The Senator from Ohio in his last speech has admitted many of the positions assumed by me in my former speech—that is, that our obligations, in the shape of bonds and otherwise, issued before the act of 1873, being payable in coin, could legally be paid in silver, as this metal was a recognized coin up to that time; and so with the duties on imports. He now admits that these could be paid in silver. That is all I advanced at the time I made my speech, and for which I was held up before the country as a sort of repudiationist, having no regard for the public credit.

At the time I proposed an amendment to the committee's bill that duties should be payable in silver equally as in gold, I was well aware that we had no silver in the country; that, it having been unwisely demonetized some years before, none had lately been coined, and consequently there was none here. My object was to have silver recognized; and, as I understand the Senator from Ohio who is chairman of the Committee on Finance, this fact is now admitted. I have accomplished one of the objects I had in view at the outset of this discussion, which was to have silver recognized as one of the constitutional metals, and with which we could pay our obligations, and that it was also receivable in payment of duties. It is said by the Senator from Vermont, and others who oppose my amendment, that to pay the interest on our public debt or our bonds in silver would be an act of bad faith. It is virtually admitted by this Senator that according to strict law this could be done, as the bonds and coupons are payable in coin, and at the time they were made silver was a legal coin, but that outside of the letter of the law it was understood that gold alone was contemplated. If silver can be made as valuable as gold—that is, if a silver dollar of a given weight can be made as good as a gold dollar of a given but lesser weight—where would the bad faith be?

The answer to this question presents the only solution of the problem. If it be true that silver can be made to be as valuable as gold, then there would be no bad faith, for the creditor would receive as much in one way as the other. The arguments of both the Senators from Vermont and California in opposition to making silver a legal tender are based on the fact that silver is of much less value than gold, and is subject to great variations in value. While it is true that silver is intrinsically of less value than gold, and has been so in all ages, nevertheless until recently it was used by all nations with perfect success, by establishing a certain ratio or relative value between the two metals.

The relative value of silver to gold in the days of the patriarch Abraham was	8 to 1
One thousand years before Christ	12 to 1
Five hundred years before Christ	18 to 1
At the commencement of the Christian era	9 to 1
A. D. 500	16 to 1
1100	8 to 1
1500	11 to 1
1557	2 to 1
1600	11 to 1
1613	13 to 1
1700	15½ to 1
1816	14 to 1
1847	15½ to 1

It will be observed from this table that the relative value has been pretty uniform, and it is now the same that it was in the year 1700, which is one hundred and seventy-six years ago. Thus for this long period of time this relation has not changed, and it will be observed that this was during the period when the condition of the social and political world, as well as the commercial world, was changing from the bottom to the top. This period also witnessed the greatest difference in the production of the two metals. Yet during all these disturbing causes this relation has remained stationary.

Up to near the close of 1874 the price had been remarkably steady, as may be seen from the following statement taken from the annual circular of PIXLEY & ABELL, London. The prices are for standard bar silver, and are the average annual price for each year named:

Years.	Average price per oz.	Years.	Average price per oz.
1845	d. 59½	1860	d. 61 11/16
1846	59 5/8	1861	60 13/16
1847	59 11/16	1862	61 7/16
1848	59½	1863	61½
1849	59⅜	1864	61⅜
1850	60 1/16	1865	61 1/16
1851	61	1866	61⅛
1852	60½	1867	60 15/16
1853	61⅛	1868	60⅞
1854	61⅛	1869	60⅞
1855	61 5/16	1870	60 15/16
1856	61 5/16	1871	60⅞
1857	61⅜	1872	60 15/16
1858	61 5/16	1873	59⅞
1859	62 1/16	1874	59 5/16

From the latter part of 1874 the price has continued to decline, until now the quotation is about 53¼*d.*, against about 60*d.* during the thirty years given above. The truth is, that in 1837 we placed too high a value on silver compared with gold; that is, we made the difference 16 to 1, and, as a consequence, our silver dollars were more valuable than gold, and passed out of the country or out of existence rapidly. Hence since 1853 we have coined no silver dollars under this old law, although the authority to do so has remained in force until the act of 1873, when it was taken away by the following provision: "That no coins, either of gold, silver, or minor coinage, shall hereafter be issued from the Mint other than those of the denominations, standards, and weights herein set forth." But even after 1873, and until the Revised Statutes of 1874, the old silver dollar remained a legal tender to any amount.

From this table, taken from an authentic publication issued in London, it will be seen how steady and regular has been the value of this metal until very recently. The cause of this depression is easily understood, and it is only surprising that it has not been greater. This metal is now demonetized in England, Germany, and the United States, besides several other countries. The demand for it, therefore, for coinage is very limited; not only is this so, but the large amount of old coin in the different German kingdoms and principalities, amounting to the large sum of three hundred and fifty millions, was thrown on the market to be exchanged for gold. France and the other Latin nations were compelled, as a measure of protection against this foreign silver invasion, which would have drained them of their gold, to pass laws limiting the amount of silver coinage.

The Senator from Ohio stated in his last speech that this limit to silver coinage in France and other southern countries was owing to the fact that silver was gradually becoming less valuable than gold, hence the necessity of limiting the quantity. This is not the fact. This limit was made necessary to prevent the German silver from flooding the country and taking away the gold in its place. Indeed, all these laws limiting the amount of silver annually coined is owing to the fact that England and Germany and other countries using nothing but gold would in time absorb all the gold from the other countries, and these would retain nothing but the silver. It is a measure of protection as against foreign countries. But if all these countries now having but one standard had the two, these protective measures would not be necessary.

If silver was made a legal tender in this country for all amounts and for everything, including the payment of the public debt and duties on imports, there can be no doubt that it would at once be as valuable as gold, provided the relative value between the two was correctly fixed by law. In Europe this is 15½ to 1, and my first amendment fixed it at this rate. I did so at the time not with the view of adhering to it, but because this was the relation in Europe, and my object was to discuss the question on the European basis. This was evident from the fact that I did not propose to change the weight of the silver dollar. I believe that the relation should remain at what it was when we had the double standard; that is, 16 for 1. The silver dollar proposed to be coined is 412.8 grains troy. The gold dollar is 25.8 grains. Now, sixteen times 25.8 is 412.8. By adhering to this relation no change is made.

Much has been said about the faith of the nation and the national honor. The Senator from California gave wings to his imagination when speaking of this. This would be all very well if any one here or elsewhere proposed to do anything to tarnish it or to place on it a speck the size of the dot of a pin. I am for maintaining the national honor, and am ready to make as many sacrifices to do this as any man. This is not done by mere declamation. Tropes and figures of speech or hyperboles are not coinable. In war this honor is maintained on the field of battle, and in peace by a strict compliance with all engagements, public and private, for they go together; for the individual who has no private honesty cares not for the public faith, however much he may prate about it.

To pay in silver is said to be bad faith. And why? Because it is said not to be of equal value to gold. But if made of equal value to gold will it not answer the same purpose? If a silver dollar can be made as good as a gold dollar, certainly the home bondholder would lose nothing by taking silver; and as to the foreign bondholder, the facts are entirely different. No one, I presume, is so ignorant as to believe that we send gold in kegs to Europe to pay our semi-annual interest. This is effected by buying of exchange on London, Paris, or Berlin, as may be required. If silver is as good as gold in this country, this exchange would cost no more if paid for with silver in the place of gold. Yet the Senator from Vermont dwelt at length on the fact, that as soon as the European bondholders were informed that we were paying our bonds in silver, these bonds would at once be sent home to be paid. The Senator could not have thought much before he wrote this part of his speech. According to him, these foreign bondholders would be in a hurry to send their bonds forward to be paid in silver; or does he mean to say that these bonds would be sent here to be sold at any price for gold? Such arguments are not well founded. The foreign bondholder would receive his interest the same as he does now.

The question arises, then, why introduce silver to pay this character of debt if no one is benefited or hurt by it. In this aspect the subject assumes proportions that are world wide. As silver and gold have been the precious or roya' metals used by all nations, civilized, semi-civilized, and barbarian, in all ages, all the world over, those who advocate it being used yet for this purpose cannot see any good reason why it should be discarded. Owing to the introduction of steam for ocean navigation, and the use of the wondrous improvement of modern times, the telegraph, now circling the earth, commerce, previously somewhat restricted as to space and limited as to amount, is now co-extensive with the globe, and the amount so vast as to be nearly beyond the limits of computation.

There is at this day no sea, broad or narrow, bay or inlet, no valley or mountain, point of land or elevated peak, on the earth's surface but is now visited by the agents of commerce. Hence, as commerce has extended over a larger space and has increased in amount to an extent which may be called enormous, it does not seem wise to curtail the means of exchange by one-half. The effect of this attempt has by necessity brought about the use of paper as money, and this necessity has given rise to different schools of paper philosophers or paper financiers. At the outset the paper men believed in a convertible paper at all times and everywhere; but now, as coin is less by one-half than formerly, and consequently hard to procure, these paper promises are never to be converted, but to be exchanged as the fancy of the party might dictate—a short promise for a long one—that is, a greenback, which is a promise to pay on demand, but which promise is never to be redeemed, for a bond of 3.65, payable years after date, with the understanding that when these years roll round it is not to be paid, but is to be taken up with another bond. This is called a financial system founded on the public credit or the faith of the nation, and is advocated by the Senator from California; yet that Senator spoke at length and eloquently about national honor

How long would the honor of the nation last under such a system? To avoid the necessity of the use of irredeemable paper as money we desire to restore to its place the old silver metal. There being about as much silver as gold in the world, to demonetize silver one-half of the circulation of the world is destroyed, and this at a time when the needs of commerce require a larger amount. The effect has been to centralize wealth, first in a few favored nations that are creditors of the balance of the world, and then in the hands of few individuals in each of these nations. The capitalist and the receiver of fixed rent, the bondholder, and all men of fortune are made richer by it, as the purchasing power of a dollar is doubled by destroying the one-half of the money of the world; whereas the laborer, and indeed all persons who depend on their daily labor for a living, are reduced, for the same reason, to one-half of what they received before. The result is plain and is now before our eyes in our own country as well as abroad. There are at this day as many really poor people as as ever before—indeed I may say many more—while individuals in this country and in Europe are very numerous who count their private fortunes by many millions. We have some men in this country who are worth to-day one hundred millions. In addition to this, these men of large fortunes pay no portion of the public debt in the way of taxes, the bonds they own, and for which they want gold, paying no taxes.

There are two sides to this question of national honor. The man who receives his regular interest on his bond represents only one class; there is another class, who has no bonds, and pays a portion of taxes. It is for the interest of this last class that silver should be made a legal tender, because by increasing the circulating medium of this country and of the world you increase its means of payment, and at last it is this class on which your bondholders, capitalists, and wealthy men depend; they are like the foundation of the house, supporting the whole edifice; destroy them, and you destroy the foundation, and the whole falls to the ground.

The Senator from Vermont appended to his speech a table showing the amount of silver dollars coined since 1792 While this table is correct, it is only so to a very partial extent. It gives only the amount coined in dollars, but not the total amount of silver turned out of the Mint. From 1792-'93 to 1853, $85,486,379.90 in fractional silver currency was turned out by the Mint of Philadelphia. From 1792 to the present time $178,324,745.90 of silver money has been turned out by the mints of this country, as per the following table, furnished by Dr. Linderman, the Director of the Mint:

Statement exhibiting the amount of silver coinage at the mints of the United States.

Period.	Dollars.	Trade-dollars.	Fractional silver.	Subsidiary coin.
1793 to 1853	$2,553,000	.....	$85,486,379 90	.....
1854 to 1873	5,492,838	.....	.....	$51,609,666 70
1874	.....	$3,588,900	.....	2,394,701 30
1875	.....	5,697,500	.....	4,372,868 00
1876, (11 months)	.....	5,632,850	.....	11,496,042 00
Totals	8,045,838	14,919,250	85,486,379 90	69,873,278 00
Total amount of silver coined				178,324,745 90

Silver dollars, old standard, $8,045,838.

H. R. LINDERMAN,
Director of Mint.

The Senator from California said that the coinage capacity of all our mints was fifteen millions a year. The Director of the Mint informs me that this capacity is equal to thirty millions a year. In eleven months of this year, as per the table above, upward of seventeen millions has been coined, two-thirds of this being in small coins.

The national honor, the public faith, the necessity of restoring prosperity to the country, the further necessity of giving stability to our financial system, all point to one direction—the increase of the metallic basis in the place of the purely artificial system, now resting alone on promises to pay, and which are never redeemed, and founded alone on what the Senator from California calls the public credit. In this respect the national credit does not differ from the credit of a private person, who, however honorable he may be, however upright, however honest, if he issues his promises to pay and does not redeem them, or does so by issuing a new promise, his credit will go down in spite of his honor.

The coin basis can be increased only by the use of silver, of which we are now producing some forty millions annually, with the good promise that when our silver-producing fields in Colorado, Montana, Arizona, and New Mexico, in addition to those already known in Utah and Nevada, are sufficiently developed, the quantity produced may be quadrupled. While this is so as to silver, the reverse is known to be fact as to gold, as the annual production is now diminishing, and without any prospect for an increase. The total product of silver from Nevada from 1861 to 1875 is $215,000,000. This country now furnishes one-half of the silver and one-fourth of the gold produced in the world. The annual product of silver has doubled within a quarter of a century.

A London journal makes the following computation of the annual production of gold and silver, stated in pounds sterling, in the quinquennial periods terminating with and including the years named:

Annual average for five years.

Year.	Gold.	Silver.
1856	£20,900,000	£8,100,000
1861	24,500,000	8,200,000
1866	22,700,000	9,900,000
1871	23,000,000	10,500,000
1875	20,400,000	13,900,000

These computations correspond with those ordinarily made. Exact accuracy is not to be expected in statements of this sort. As given the table shows a relative advance in the silver production since 1851, which is undoubtedly considerable. In the first five years the silver production was only a little more than one-fourth that of gold In the last period this proportion had risen to two-thirds.

Now let us see how this compares with the relative gain in the gold production which resulted from the California and Australia discoveries. In a very meritorious work, entitled "Money," published in 1863 by Charles Moran, it is computed that the gold produced in the world prior to the new discoveries was to silver as 1 to 46 in weight, which would be the same thing as 1 to 3 in value, but had become in 1853 as 1 to 4 in weight, which would be the same thing as 4 to 1 in value. This is probably correct as to 1853, and it is probably so as to the times preceding the California discoveries, except after the discovery of the Siberian mines in Russia in the reign of the Emperor Nicholas. But even after that no estimate of gold production makes it equal to that of silver before the days of California. M. Chevalier (Fall in Gold, 1857) reckons the then annual production of silver (in pounds sterling) at 8,850,000, and states that it had not much varied since the commencement of this century, when it stood at 7,965,000. As to the annual gold production, he fixes it at the beginning of this century at 2,484,000, and makes the average from 1800 to 1848, which includes a part of the period of gold development in Siberia, at 3,250,000.

On these figures, in the twenty years following the California discovery, as compared with the forty-eight years prior thereto, the gold production was multiplied about seven times, while that of silver scarcely increased at all. On the other hand, the gain in silver during the last ten years, as compared with the preceding twenty years or fifty years, is only about 50 per cent. The silver gain within ten years is, it is true, relatively greater than that, because the production of gold has recently declined; but even with that allowance it falls far behind the relative gain of gold from 1848 to 1858. In fact, if one may assume that the gold production will hereafter not decline, that of silver, now fourteen millions sterling, must be carried up to sixty millions before it will recover the ratio to gold which it maintained for probably a century before the Siberian discoveries. As we shall see, the gain in gold after 1848 did not sensibly affect the equilibrium of the two metals. Why, then, should we believe that the much smaller gain in silver does so now?

The proposals of the Paris conference of 1867, re-enforced by the practical interests which looked for sinister gains from an appreciation in the value of money, bore fruit in the decree of the newly constituted German Empire of December, 1871, prescribing the steps leading to an exclusive gold standard, and resulting in the casting out from its circulation of $350,000,000 silver. Several adjoining small states have judged themselves unable to resist this example of a great and powerful neighbor. Hence the treaty of Sweden and Denmark of 1873 for an exclusive gold standard to come into operation January 1, 1874. Hence the apparent acquiescence of opinion among the Dutch, who still avow their preference for silver, that they too must soon adopt gold as the only standard. Hence the suspension by Belgium in 1873 of the coinage of silver, and the demand made by Switzerland in the same year for a new conference of the four states (called the Latin union) of Belgium, Switzerland, Italy, and France, bound to the double standard by the treaty of 1865, not expiring by its terms until 1880. Hence the new conference at Paris in January, 1874, as demanded by Switzerland, at which, although the double standard was still maintained, the annual coinage of legal-tender silver was prescribed for each country; an arrangement which, with slight modifications, is still in vogue.

In addition to this legislation of European countries, the fall in silver has been somewhat aided by the apparent concurrence of the United States in 1873 in the single-standard scheme. The fall may have been accelerated and perhaps aggravated by a temporary diminution of the demand for silver from India.

In the eleven years from 1853 to 1863, both inclusive, when the combined streams of gold from California and Australia were at their fullest height, $100,000,000 per annum, the average price during each year of an ounce of bar silver in London stood at five shillings one penny and a fraction of a penny in gold. The whole range of the fluctuation was in the magnitude of this fraction of a penny, which never went below one-fourth and never went above seven-eighths. Thus the extreme variation of the gold price of one ounce of silver from 1853 to 1863 was only five-eighths of a penny. Now is it for one moment credible that the fall in the price of the ounce of silver in London to three-fourths of a penny below five shillings in 1873 (the lowest price reached in any one of the forty preceding years) and the still more astounding fall to seven pennies below five shillings in March, 1876, are the results of variations in the relative production of gold and silver, when we know that variations vastly greater in times past have produced no such disturbance of price or any approximation to it?

It is not any excess of production of silver past, existing, or probably impending which has depreciated it, but it is the movement to deprive it of its ancient function as money, inaugurated at the international conference held at Paris in 1867, a mixed body of diplomats and savants with a large proportion of visionaries, theorists, and impracticables.

When properly viewed, this fact of the low price of silver is a most alarming thing; and if it is not arrested, and that speedily, all the nations of Europe, the Latin nations as well as the others, and the Indies too, will be compelled to resort to gold as the only standard. This will become a necessity as a measure of self-defense, and not because it may be desired by those nations having now the double standard. I said this fact was most alarming; and this is true. Germany was thrown into a perfect state of paralysis by demonetizing silver, and in this country, partly from the same cause, we have but a limited quantity of precious metal. Make the single standard the law throughout the world, you thereby reduce the medium of exchange one-half, and a monetary crisis will consequently be created, not confined to one country or one hemisphere, but to all countries and both hemispheres; and this not for one day, but for a generation or more. Poverty, squalid poverty, will be the lot of the laboring population of the globe, while the already rich will become richer by increasing the purchasing power of the gold dollar. In time this would lead again to the restoration of the double standard. All nations would be compelled to restore it as the only way and the only means to maintain social order and preserve the autonomy of the different states now composing the family of nations. The laboring-man, he who earns his living by the sweat of his brow day by day, has an interest in this question which true wisdom should teach us not to overlook.

A joint resolution has been introduced by the Senator from Ohio [Mr. SHERMAN] pledging our readiness at any time to join in a conference of the European powers on the subject of the relation of gold and silver and of the double standard. While I would prefer that we should at once invite these parties to join us at an early day, I am willing to give my support to the resolution already introduced. I hope this convention will assemble soon, otherwise France and Belgium, from necessity produced by outside pressure, will be compelled, as the only measure of self-protection against the silver invasion from England and Germany, to adopt the single standard. Neither one of these powers is disposed to this as a matter of choice, but I repeat the necessity may be forced on them. While this may not include either Italy or Austria, nevertheless it will be equivalent to making gold the only standard in the commercial world.

Although, as I have already said, all the commercial nations would in time be compelled to abandon this and return to the double standard, for the simple reason that there is not gold enough to supply the demand for it, if it be the only standard; nevertheless this point of a return to the double standard would not be reached before a long and bitter trial of the single standard, which would be the most dreadful and terrible ordeal which at present and in the now condition of the world could afflict the human race. We know how scarce the precious metals were during the Middle Ages, and for this reason how perfectly dependent on the wealthy land-owners and great barons, who then held sway, were the masses of the people. But the condition of this class is now different, and would, if reduced again to dependence, be infinitely worse now than at that time. Then he had a protector in his liege lord, and was willing to submit because his condition had been one of submission for generations, as was the case in Rome, where the equestrian order had its clients and dependents. But now, with the air of liberty surrounding him, his manly spirit will not brook dependence upon any lord or protector; he claims to be able to protect himself; and the consequence would be that a spirit of resistance would be created and let loose throughout the world, brought about by this forced condition of poverty, not only inimical to social order, but utterly destructive of everything like free government. Make this class of men pariahs, and they will make themselves pirates; war on them, and they will in self-defense war on you. The attempt to subdue them would lead to rebellion and revolution and consequent subversion of free government, and social and political chaos would be the necessary result. Leaders would spring up with genius and ability and selfish ambition, and, wielding this great power of the masses, the wealthy class and free governments would be destroyed; and for ages again the world would be thrown back to the condition it was in ages past, and man again would be plunged into slavery.

This subject, which has for some years been overlooked, engaged the attention of the statesmen of this country as early as 1828. On the 29th of December, 1828, a resolution was adopted by the Senate "requiring the Secretary of the Treasury to ascertain, with as much accuracy as possible, the proportional values of gold and silver in relation to each other." On the 4th of May, 1830, S. D. Ingham, then Secretary, submitted to Congress his report in answer to this resolution; it is Document No. 117, first session Twenty-first Congress. It is truly able and exhaustive, and worthy the study of any one investigating this subject. Appended to this report I find two papers, one from Mr. Gallatin and the other from Alexander Baring, a member of the British Parliament, and ranked among the most eminent and practical financiers of his day in England. I will here give extracts from the papers of these two distinguished men:

ALBERT GALLATIN IN FAVOR OF THE DOUBLE STANDARD.

On the 31st of December, 1829, at the request of the Treasury Department, Albert Gallatin submitted his views upon the relative value of the two precious metals, and upon various coinages, concluding with a defense of the double standard of this country, and in opposition to the British system of a single gold standard. Gallatin, during the first epoch of our national history, had no rival as a financial authority except Alexander Hamilton, the suffrages of the country being divided between them by party preferences, but the eminence of both being acknowledged by all. On the question of the double standard, fixed by the Constitution, they were in perfect harmony. Hamilton's views were given in his report of 1792 on the Mint. If those of Gallatin will weigh more at this day, it is because they were given after the British system had been introduced in 1816, and had been tried in practice. In 1829 he had retired, full of honors, from public life, and had become the head and pride of the bankers of our commercial metropolis, and this is what he then said:

"Great Britain, till the year 1797, when the suspension of cash payments took place, and all other nations to this day, have used the two metals simultaneously without any practical injury, and to the great advantage of the communities, though in many instances sufficient care had not been taken to assimilate the legal to the average market value of the two metals. A fact so notorious, so universal, and so constant is sufficient to prove that the objection, though the abstract reasoning on which it is founded is correct, can have no weight in practice.

"The whole amount of inconvenience arising from the simultaneous use of the two metals consists in this: Their relative value being fixed by law, if this changes in the market the debtor will pay, in the cheapest of the two metals, at a rate less than the standard agreed on at the time of making the contract."

Upon this Mr. Gallatin observes that it will not be true that the debtor pays less than was agreed, unless "the change in the market price is due to a fall in that of the metal in which he pays his debts," and that "if the change is due to the rise" of the other metal, he pays all that was agreed. But, answering further, he says:

"But the true answer is that the fluctuations in the relative value of the gold and silver coins, arising from the demand exceeding or falling short of the supply of either, are less in amount than the fluctuations, either in the value of the precious metals as compared with that of all other commodities, or in the relative value of bullion to coin, and even than the differences between coins, particularly gold coins, issued from the same mint; and therefore that those fluctuations in the relative value of the two species of coins are a quantity which may be neglected, and is, in fact, never taken into consideration at the time of making the contract.

* * * * * * *

"The simultaneous rise and fall of the true metals, in relation to all other commodities, though not susceptible of being precisely valued, does often take place

to a greater amount than any of the other fluctuations. It is evident that whenever such rise does take place, whether generally or on the spot, it is an advantage to be able to resort to both the metals, and that if the rise is only on one of the metals, for which there happens to be a greater demand, and that should be the sole legal tender, it will be exported, and diminish in a most inconvenient way the whole amount of specie; a diminution which, in that case, cannot be remedied by resorting to the other metal which is not a legal tender. That inconvenience is still greater when gold is the metal selected for currency to the exclusion of silver, the annual supply of this last metal being much larger in value than that of gold."

Commenting upon the English policy of demonetizing silver, Mr. Gallatin says: "But not only has England by that experiment, in the face of the universal experience of mankind, gratuitously subjected herself to actual inconvenience for the sake of adhering to an abstract principle, but in so doing she has departed more widely from known principles and from those which regulate a sound metallic currency. While pretending to exclude silver, she admits it, and makes it a legal tender for all that multitude of daily purchases and contracts under forty shillings at an overrated price.

"Even if the precedent were good, it could not be conveniently adopted in the United States. To the exclusion of silver there are great objections. The American dollar of 371¼ grains of pure silver is the unit of money and standard of value on which all public and private contracts are founded."

What would have been the amazement of Albert Gallatin if he had lived until 1873, when public, corporate, and individual debts had attained a magnitude never dreamed of in his day, the national debt two thousand millions, State and municipal debts as much more, and other debts perhaps ten times as much, but all founded on "the American dollar, or 371¼ grains of pure silver," as "the standard of value," and all payable in that standard; to have witnessed the spectacle of a Congress of the United States, enacting in carelessness that all debtors, including the nation, should be deprived of their plain and essential rights and condemned to pay in the single metal of gold, certain to be carried by the universal scramble for it to an unheard-of price as measured in all property, real and personal!

Extracts from minutes of evidence taken from the committee for coinage at the board of trade April 26, 1828.

ALEXANDER BARING, esq., M. P., examined:

Question. Is it your impression that it is possible and desirable to maintain in this country a silver currency as a legal tender founded on the proportion of silver to gold established in the currency of France, or something very near it, at the same time that we maintain our present silver currency, which is obviously not in that proportion, and that there would be an advantage in that system?

Answer. I have always thought so, and certainly think so still. I have no doubt about it.

Q. The circulation of the country would then consist of a silver coinage of tokens being a legal tender only to a limited amount, and a silver coinage being a legal tender to an unlimited amount, and a gold coinage.

A. Exactly so.

Q. What are the advantages which you contemplate from the addition to our present currency of a silver currency consistent with the token silver issued in the manner you have described?

A. The value of a medium of circulation in a country where it is necessarily combined with much paper, and especially when the paper forms the larger portion, depends on its flexibility, on its power of contraction and expansion to meet the varying circumstances of the times. * * * A sudden change from peace to war, a bad harvest, or a panic year, arising from overtrading and other causes, immediately imposes upon the Bank of England, which is the heart of all our circulation, for the purpose of protecting itself, to stop the egress of specie; sometimes even to bring large quantities into the country. These indispensable remedies are always applied with more or less of restriction of the currency and consequent distress. * * * No care or prudence can enable the great bank to avoid occasional resort to those measures of defense; and that system of currency is the best which admits of their being made the least frequently, and with the least effort and derangement. Now, it is evident that the bank, wishing to re-enforce the supply of specie, can do so with infinitely increased facility, with the power of drawing gold or silver, than if it were confined to one of the metals. * * * That medium of legal tender is best which affords the best security against these forced operations. The greater the facility of the bank to right itself in these constantly recurring ebbs and floods in its specie, the greater will be the facilities of those who depend upon it, and the less frequent will be those sudden jerks and changes so fatal to credit and commerce. * * * That the efforts of the bank in 1825 for self-preservation made great havoc among its dependents throughout the country is well known; and I believe it is equally so that, while it was rumaging every corner for gold, which could alone answer its purpose, it was sending large sums of silver from its coffers, which were perfectly useless.

To the question whether it was possible to fix a legal ratio of the two metals, to which the market ratio would always correspond, he replied that it was not. He said that the market ratio "will vary with the variations in the relative value of the metals, however wisely you may adjust the difference," and that, as a consequence, under the double standard, "the practical currency may change from one to the other." But there was nothing in this which seemed to alarm him or shake his conviction that the double standard was the best. He said:

"In these matters practical experience is worth all the theories of mere speculation. The variation in France is seldom above 1-10 per cent.; it sometimes runs up to a quarter per cent. It has been, I am told, something higher on particular occasions. When the Bank of England was running all over the continent for gold, this was the case."

The country is at this moment in a terrible crisis. We hear every day of new failures. The largest manufacturing establishments, the heaviest mercantile firms, the most enterprising men—those men who have done the most to employ labor and to create wealth—are going down before this terrific storm. Those large establishments and heavy firms are like the tall trees of the forest, around whose heads the lightnings have played for a century and whose majestic branches and thick foliage have given shade and shelter to the animals of the woods for many long years; but their great height also invites the lightning's stroke and their thick foliage and wide-spreading branches expose them to the winds and storms that sweep around the earth. Those tall trees go down, torn by the roots, when the small and delicate shrub remains unharmed.

Mr. President, some time ago I offered three amendments to the Senate bill. I will take them in the inverse order. The first one was fixing the rate or ratio between silver and gold at 15½ to 1. As I stated in my speech, this was not correct, and I knew it was not at the time. It is not necessary to fix any rate at all, because the rate fixes itself. The relation of 16 to 1 would remain, because the silver dollar is 412.8 grains, the gold dollar being 25.8, and 25.8 multiplied by 16 makes 412.8. That amendment I desire to withdraw. Another amendment which I desire to withdraw is that which provided that duties on imports might be paid with silver, and also the interest upon the public debt. I will not detain the Senate by giving the reason at this late hour; but I am willing to concede that it would be better for the time being that the duties and the interest should be paid with gold. Indeed, I may say briefly that it is better for us at this time that silver should not be too valuable. I believe that we have a right to pay in silver, but silver will be very scarce for at least one year to come, and we shall have ample time. It will be much more desirable that silver may not be too valuable. If you make it too valuable you at once make a merchandise of it, and it will cease to be in circulation. I will confine all my amendments to one point, to strike out the words "not exceeding $20," so that silver shall be a legal tender for all sums, except for duties on imports and interest on the public debt.

Mr. MORTON. I desire to submit some remarks on this bill, but it is getting late, and it is evident it cannot be completed to-night. I will therefore move that the Senate proceed to the consideration of executive business.

Mr. LOGAN. Before that motion is put, if the Senator will allow me, I should like to make a report from the Committee on Military Affairs.

Mr. MORTON. I will withdraw the motion for that purpose.

ISSUE OF ARMS TO WESTERN STATES AND TERRITORIES.

Mr. LOGAN. The joint resolution (H. R. No. 129) authorizing the Secretary of War to issue arms was referred to the Military Committee this morning. I have consulted with enough members of the committee to authorize me to report it back with amendments; and, inasmuch as the parties interested in the question are very desirous that the measure should pass, if satisfactory to the Senate, I ask that it may be put on its passage now.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported from the Committee on Military Affairs, with amendments.

The first amendment was to insert after the word "protection," in line 4:

Not to exceed one thousand to said States, each, and not more than five hundred to each of said Territories.

The amendment was agreed to.

The next amendment was in line 4, after the word "only," to insert the words "shall be."

The amendment was agreed to.

The next amendment was to add:

Provided, however, That said arms shall be issued in the following manner and upon the following conditions, namely: Upon the requisition of the governors of said States or Territories, showing the absolute necessity of arms for the protection of the citizens and their property against Indian raids into said States or Territories; also, that militia companies are regularly organized and under the control of said States or Territories to which such arms are to be issued, and that such governor or governors shall give a good and sufficient bond for the return of said arms, or payment for the same, at such time as the Secretary of War may designate.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the joint resolution to be read a third time.

The joint resolution was read the third time, and passed.

Mr. LOGAN. I desire to amend the title so as to make it read "an act" instead of "a joint resolution."

Mr. SHERMAN. That has to go through a different form.

The PRESIDING OFFICER, (Mr. INGALLS in the chair.) It came from the House as a joint resolution and could hardly be amended in that respect without confusing their records.

Mr. LOGAN. Very well.

LEGAL TENDER OF SILVER COIN.

Mr. SHERMAN. I will ask the Senator from Indiana to withhold his motion to go into executive session to enable me to give a notice. I do not think it reasonable to ask the Senator from Indiana to speak to-night at this late hour; we are all quite tired and fatigued; but I shall ask the Senate to-morrow to close and finish this bill, so that we may get it out of the way. I give notice that at one o'clock to-morrow, according to order, I shall insist that this bill shall go on, against any bill that may be pending, at the expiration of the morning hour. I appeal to the Senate to let us finish this bill and get it out of the way to-morrow.

EXECUTIVE SESSION.

Mr. MORTON. I renew my motion that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After ten minutes spent in executive session the doors were re-opened, and (at five o'clock and ten minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, *June* 27, 1876.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. I. L. TOWNSEND.

The Journal of yesterday was read and approved.

UNITED STATES ATTORNEYS.

Mr. DURHAM, by unanimous consent, introduced a bill (H. R. No. 3792) fixing the compensation, &c., of United States attorneys; which was read a first and second time, referred to the Committee on Expenditures in the Department of Justice, and ordered to be printed.

ARTIFICIAL LIMBS.

Mr. RUSK. I ask, by unanimous consent, to report back from the Committee on Invalid Pensions a bill (H. R. No. 1516) to regulate the issue of artificial limbs to disabled soldiers, seamen, and others, with an amendment, so that it may be acted on at this time.

There was no objection, and the report was received.

The bill, which was read, in the first section provides that every person who in the line of duty, in the military or naval service of the United States, shall have lost a limb or sustained bodily injuries depriving him of the use of any of his limbs, shall receive once every five years an artificial limb or appliance, under such regulations as the Surgeon-General of the Army may prescribe; and the period of five years shall be held to commence with the filing of the first application after the 17th day of June, in the year 1870.

The second section provides that necessary transportation to have artificial limbs fitted shall be furnished by the Quartermaster-General of the Army, the cost of which shall be refunded out of any money appropriated for the purchase of artificial limbs.

The third section of the bill provides that every person entitled under the laws of the United States to a pension on account of a leg or arm which is wholly disabled and cannot be rendered serviceable by any mechanical appliance shall be entitled to receive the same pension as if said leg or arm had been amputated at or above the knee or elbow.

Mr. RUSK. The amendment of the committee is to strike out that third section.

The amendment was agreed to.

The bill, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. RUSK moved to reconsider the vote by which the bill, as amended, was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. RUSK. I ask unanimous consent to have printed in the RECORD of to-day's proceedings a copy of the present law in regard to artificial limbs and a statement upon the subject.

Mr. RANDALL. I have no objection to having printed in the RECORD anything the gentleman may want to present as an argument, but to print a law that is already on the statute-books——

Mr. RUSK. It is very short; it is only two sections. I desire to print it in this connection to show the necessity for the passage of this bill.

Mr. RANDALL. If it is short, I have no objection.

There being no objection, it was so ordered.

The following are the papers referred to by Mr. RUSK:

SEC. 4787. Every officer, soldier, seaman, and marine, who was disabled, during the war for the suppression of the rebellion, in the military or naval service, and in the line of duty, or in consequence of wounds received or disease contracted therein, and who was furnished by the War Department, since the 17th day of June, 1870, with an artificial limb or apparatus for resection, who was entitled to receive such limb or apparatus since said date, shall be entitled to receive a new limb or apparatus at the expiration of every five years thereafter, under such regulations as have been or may be prescribed by the Surgeon-General of the Army.

SEC. 4788. Every person entitled to the benefits of the preceding section may, if he so elects, receive, instead of such limb or apparatus, the money value thereof, at the following rates, namely: For artificial legs, $75; for arms, $50; for feet, $50; for apparatus for resection, $50. (Revised Statutes.)

An act to increase pensions in certain cases.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all persons who are now entitled to pensions under existing laws, and who have lost either an arm at or above the elbow, or a leg at or above the knee, shall be rated in the second class, and shall receive $24 per month: *Provided*, That no artificial limbs, or commutation therefor, shall be furnished to such persons as shall be entitled to pensions under this act.

SEC. 2. That this act shall take effect from and after the 4th day of June, 1874.

Approved June 18, 1874.

The first issue of artificial limbs was for 3,021 arms, 4,646 legs, 48 feet, 214 apparatus, making 7,929, all in kind. The cost, exclusive of transportation, which is unknown, was $451,500.

The second issue is for arms in kind 124, commuted, 4,613; legs in kind 1,239, commuted 3,915; hands in kind 2, commuted, 47; feet in kind 11, commuted, 115; apparatus in kind 31, commuted, 2,189.

Of those losing legs one fourth took limbs in kind.

For loss of arms one-thirty-eighth took limbs in kind.

For apparatus one in seventy and one-half took limbs in kind.

Of arms furnished in kind a little more than one-half were for amputations above the elbow.

Of legs a little more than one-third were at or above the knee.

Cost of limbs and commutation	$704,825
Transportation, (approximated)	26,104
Advertising	2,588
	733,517

The disabilities were amputation of 4,737 arms, of which 25 were at the elbow, 3,386 above the elbow; 4,643 legs, of which 29 were at the knee, and 1,966 above; 49 hands and 126 feet, and 1,589 arms, 615 legs, 4 hands, and 12 feet more or less disabled, but not amputated.

Number of persons, 11,618; number of limbs, 11,775.

The double disabilities are:

One case of amputation of both arms and both legs.

Thirty-three cases of amputation of both arms.

Forty-one cases of amputation of both legs.

One case of amputation of both hands.

Seventeen cases of amputation of both feet.

Seventeen cases of amputation of both arm and leg.

One case of amputation of both hand and leg.

Four cases of amputation of leg and foot.

Thirty-two cases of other double disabilities.

The cost of transportation averaged $18.55.

CORRECTION OF THE JOURNAL.

Mr. TERRY. I am recorded in the Journal as not voting on the yeas and nays taken yesterday upon the motion of the gentleman from Iowa [Mr. SAMPSON] to suspend the rules and pass the joint resolution offered by him. I voted in the negative.

The SPEAKER *pro tempore*. The correction will be made.

ELEANOR ARMSTRONG.

Mr. TOWNSEND, of New York, by unanimous consent, introduced a bill (H. R. No. 3793) granting a pension to Eleanor Armstrong, widow of Jacob D. Armstrong, a soldier who served the United States more than twenty-five years; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

RETIRING ARMY OFFICERS.

Mr. FORT, by unanimous consent, introduced a bill (H. R. No. 3794) to retire an Army officer from active duty on account of age and distinguished services; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

REPRINTING REPORT OF COMMISSIONER OF EDUCATION.

Mr. CUTLER, by unanimous consent, introduced a joint resolution (H. R. No. 137) for reprinting the report of the Commissioner of Education for 1875; which was read a first and second time, referred to the Committee on Printing, and ordered to be printed.

MICHAEL EMMET URELL.

Mr. STEELE, by unanimous consent, introduced a bill (H. R. No. 3795) for the relief of Michael Emmet Urell, late a second lieutenant in the volunteer service of the Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

CATTARAUGUS AND ALLEGANY RESERVATION IN NEW YORK.

Mr. GOODIN. The Committee on Public Lands, to whom was referred the communication from the Interior Department relating to the survey of the Cattaraugus and Allegany reservation in the State of New York, have directed me to report the same back to the House and to move that the committee be discharged from its further consideration, and that it be referred to the Committee on Appropriations, with the recommendation that the sum of $15,500 be appropriated to pay for the surveys, as estimated by the Commissioner of the General Land Office.

There being no objection, the motion was agreed to.

ORDER OF BUSINESS.

Mr. WILSON, of Iowa. I now call for the regular order. I think it is better to have business proceed regularly.

The SPEAKER *pro tempore*. The regular order being called for, the morning hour will now begin at twenty-nine minutes past twelve o'clock. The first business in order is the call of committees for reports of a public nature. The unfinished business from the last morning hour is the bill (H. R. No. 3370) to amend the statutes in relation to damages for infringement of patents, and for other purposes, reported from the Committee on the Judiciary.

Mr. HURLBUT. The Committee on the Judiciary has already occupied their two morning hours.

The SPEAKER *pro tempore*. That is true, but this is pending unfinished business in the morning hour, and must be disposed of.

Mr. HURLBUT. I understand that it was postponed until Monday next.

Mr. SAMPSON. This bill was in charge of the gentleman from Wisconsin, [Mr. LYNDE.]

The SPEAKER *pro tempore*. The Chair will state the exact position of the bill as shown by the Journal. The bill was ordered to be engrossed and read a third time, and the gentleman from Wisconsin [Mr. LYNDE] moved to reconsider the vote by which the bill was ordered to be engrossed. Subsequently the gentleman withdrew that motion, and it was renewed by the gentleman from Iowa, [Mr. SAMPSON,] who is entitled to the floor upon the bill.

Mr. HURLBUT. And then the postponement was made.

Mr. SAMPSON. By an arrangement with Judge LYNDE, who has charge of this bill, it was agreed that it might be passed over until next Monday, and would not be called up before that time.

Mr. HURLBUT. That is the fact.

The SPEAKER *pro tempore*. The bill is now before the House. Does the gentleman move that its further consideration be postponed until Monday next?

Mr. SAMPSON. I do.

Mr. SPRINGER. It is not certain that the House will be in session on Monday next.

Mr. REAGAN. The Committee on the Judiciary have but one or two bills more to report, and I ask consent that they be allowed to report them now.

The SPEAKER *pro tempore*. That would require unanimous consent, the Committee on the Judiciary having occupied the two morning hours to which they are entitled under the rule.

Mr. LYNDE. I wish to say that there was an arrangement made between the gentleman from Iowa [Mr. SAMPSON] and myself, so far as we had power to make an arrangement. Anticipating that there would be a thin House, that many members would be absent attending the Saint Louis convention, I agreed with the gentleman from Iowa [Mr. SAMPSON] that so far as he and I were concerned his motion to reconsider should not be called up until Monday next. I am disposed to keep that arrangement; if ratified by the House, well and good. I do not pretend to make any arrangement that would control the action of the House.

The SPEAKER *pro tempore*. The Chair will state to the gentleman from Wisconsin [Mr. LYNDE] that the motion now pending is that of the gentleman from Iowa [Mr. SAMPSON] to postpone the further consideration of this bill until Monday next.

The motion of Mr. SAMPSON was agreed to.

HEIRS OF GERARD WOOD.

Mr. CALDWELL, of Alabama, from the Committee on War Claims, reported a bill for the relief of the heir and legal representatives of Gerard Wood, deceased.

Mr. HURLBUT. I make the point of order that that is not a public bill.

The SPEAKER *pro tempore*. The point of order is well taken.

Mr. CALDWELL, of Alabama. I ask unanimous consent that the bill be referred to the Committee of the Whole.

Mr. HURLBUT. If the House chooses I do not wish to stand in the way.

No objection being made, the bill (H. R. No. 3796) was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

ORDER OF BUSINESS.

Mr. REAGAN. I ask unanimous consent that the Committee on the Judiciary be allowed to make an additional report at this time of a joint resolution (H. R. No. 24) authorizing the Secretary of the Treasury to pay over to the State of Texas the balance remaining of the fund appropriated by the acts of September 9, 1850, and February 28, 1855, for the payment of the creditors of the late republic of Texas.

The SPEAKER *pro tempore*. The Committee on the Judiciary had already had two morning hours, and the gentleman from Texas now asks unanimous consent that they be allowed to report further at this time.

Mr. SEELYE. How long will that bill occupy?

The SPEAKER *pro tempore*. The Chair is not informed.

Mr. SEELYE. There are other committees with very important business requiring the attention of the House.

Mr. REAGAN. I do not think it will occupy more than ten minutes.

Mr. OLIVER. I think the gentleman can get unanimous consent to introduce that bill at some other time. There are other committees with pressing business at this time, and I think they ought not to be set aside.

Mr. REAGAN. I will not insist if any objection is made.

The SPEAKER *pro tempore*. Is objection made?

Mr. OLIVER. Yes. I object at this time.

Mr. REAGAN. I suggest, then, that the report be allowed to be made to-morrow morning. [Cries of "Regular order."]

COLLECTION OF CUSTOMS.

Mr. DIBRELL, from the Committee on Public Expenditures, reported back, with a favorable recommendation, the bill (H. R. No. 2816) to reduce the expenses of collecting customs.

The bill was read.

Mr. KASSON. I make the point of order on that bill that it must have its first consideration in Committee of the Whole. It provides for making contracts requiring a disbursement of money.

Mr. MILLIKEN. It is evidently in the line of retrenchment.

Mr. KASSON. That makes no difference in reference to the rule requiring bills involving expenditures to be first considered in Committee of the Whole. It touches the whole system of revenue, and provides for a new mode of paying the officers engaged in the collection of revenue.

Mr. DIBRELL. Under Rule 85, on page 184 of the Digest, this bill was properly before the Committee on Public Expenditures.

The rule is as follows:

It shall be the duty of the Committee on Public Expenditures to examine into the state of the several public Departments, and particularly into laws making appropriations of money, and to report whether the moneys have been disbursed conformably with such laws; and also to report from time to time such provisions and arrangements as may be necessary to add to the economy of the Departments and the accountability of their officers.

The SPEAKER *pro tempore*. The question is not upon the propriety of the original reference to the Committee on Public Expenditures; that reference was made by the action of the House; and the Chair calls the attention of the gentleman from Tennessee to Rule 112, on page 191 of the Digest.

Mr. DIBRELL. I would say, in response to the gentleman from Iowa, that the bill does not make any appropriation of money at all, and therefore it is not necessary that it should have its first consideration in Committee of the Whole.

The SPEAKER *pro tempore*. The bill evidently makes provision for an appropriation of money, and the Chair is constrained to hold that under Rule 112 it must be first considered in Committee of the Whole.

Mr. RUSK. I think the bill belongs to the Committee on Commerce, and should go there and be considered by them.

The SPEAKER *pro tempore*. The point of order has been made and the bill is referred to the Committee of the Whole on the state of the Union, under the rules of the House.

CENTENNIAL EXPOSITION.

Mr. HOPKINS, from the Committee on Manufactures, reported back, with a favorable recommendation, the bill (H. R. No. 3202) providing for a commission of skilled mechanics to attend the centennial exhibition.

The bill was read.

Mr. HAMILTON, of New Jersey. I make the point of order on that bill that it must have its first consideration in Committee of the Whole.

The SPEAKER *pro tempore*. The Chair sustains the point of order, and the reference will be made.

SPIRITUOUS LIQUORS IN THE INDIAN TERRITORY.

Mr. SEELYE, from the Committee on Indian Affairs, reported a bill (H. R. No. 3797) to amend section 2139 of the Revised Statutes.

The bill was read.

It provides that section 2139 of the Revised Statutes be amended by striking out the phrase "except an Indian."

Mr. SEELYE. The reason of this bill is that the exception which it proposes to abolish permits the introduction of spirituous liquors by Indians into any part of the Indian Territory.

This results in very great mischief. The Committee on Indian Affairs, to whom the subject was referred by the House, have unanimously reported this bill excluding that exception, and I ask its passage.

Mr. LUTTRELL. How will the section of the Revised Statutes read with this amendment? Will it provide that there shall be no introduction of spirituous liquors?

Mr. SEELYE. The section now provides that no one shall introduce spirituous liquor in the Indian Territory except Indians, and the bill strikes out that exception.

Mr. KASSON. As I understood the law when it was first framed, I got the impression which the gentleman from Massachusetts seems to entertain, that an Indian could introduce liquor into the Indian country. But, on the contrary, the first section provides that no ardent spirits shall be introduced under any pretense into the Indian country. The section then goes on to provide that "every person, except an Indian, in the Indian country who sells, exchanges, gives, barters, &c., shall be punishable by imprisonment for not more than two years and by fine not more than $300;" so that the effect of the provision (and I mention it for the purpose of seeing whether I have the same understanding as the gentleman from Massachusetts) is to make this identical punishment apply to an Indian as well as to a white man. Am I right in that construction?

Mr. SEELYE. Mr. Speaker, this section of the Revised Statutes was intended to prohibit the introduction of ardent spirits among the Indians. The prohibition was universal except as to Indians; but this exception has opened the door by which all the evils that the statute was designed to guard against have been permitted. The Committee on Indian Affairs unanimously recommend that the Indian in this matter be placed upon precisely the same footing as the white man.

Mr. GUNTER. Does not the statute to which the gentleman refers prohibit absolutely all persons, both white and Indian, from introducing liquor into that country, while the exception is as to the punishment for trafficking in liquors in that country? As I understand, all persons are prohibited from introducing ardent spirits there; but after their introduction it is made punishable for all except Indians to trade in them.

Mr. SEELYE. That is exactly true; and that makes the prohibition wholly nugatory as relates to the Indians.

Mr. GUNTER. The exception has reference to the sale after the liquor is introduced.

Mr. SEELYE. Of course; but there is no punishment, and thus practically there is no prohibition.

Mr. GUNTER. My understanding is that there is a punishment applicable to all for the introduction, but not for trafficking in or selling the liquor after its introduction.

Mr. SEELYE. As to the introduction, there is no punishment applicable to the Indian.

Mr. MAGINNIS. Under the existing law an Indian can go off the reservation, buy liquor from a white man, and take it upon the reservation. Why not prevent the sale of liquor to the Indians either on or off the reservations?

Mr. SEELYE. That I have no doubt would be wise; but that was not the point to which the Committee on Indian Affairs had their attention directed by the House. This is an important step in the right direction.

Mr. MAGINNIS. The courts in our country have decided that out-

side the Indian reservation they have no jurisdiction over the liquor traffic with the Indian. Why would it not be well to provide for punishing that traffic outside the reservation?

Mr. SEELYE. I think that would be desirable; but that is not a matter to which the attention of the committee has been called by the House. I call the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. SEELYE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SALE OF INDIAN LANDS IN KANSAS.

Mr. BOONE, from the Committee on Indian Affairs, reported back, with amendments, a bill (H. R. No. 1984) to provide for the sale of certain lands in Kansas.

The bill was read, as follows:

Whereas certain lands in the State of Kansas, known as the Cherokee strip, being a strip of land on the southern boundary of Kansas, some two or three miles wide, detached from the lands patented to the Cherokee Nation by the act known as the Kansas-Nebraska bill, in defining the boundaries thereof, said lands still being, so far as unsold, the property of the Cherokee Nation; and whereas an act was passed by the Forty-second Congress, which became a law on its acceptance by the Cherokee national authorities, and which fixed the price of the lands east of the Arkansas River at $2 per acre, and west of said river at $1.50 per acre; and whereas portions of the same have been sold under said law and portions remain unsold, the price being too high: Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary shall offer for sale to settlers all of said tract remaining unsold at the passage of this act at the local land-offices in the districts in which it is situated, at $1.25 per acre; and all of said lands remaining unsold after one year from the date at which they are so offered for sale at the local land-offices shall be sold by the Secretary of the Interior for cash, in such amounts as he may best find purchasers for, at not less than $1 per acre.

SEC. 2. That the proceeds of said lands shall be paid into the Treasury of the United States, and placed to the credit of the Cherokee Nation, and shall be paid to the treasurer of the Cherokee Nation, on the order of the legislative council of the Cherokee Nation, or a delegation thereof duly authorized, and until it has thus been paid shall bear interest at the rate of 5 per cent. per annum, to be paid as interest of other moneys due the Cherokee Nation.

SEC. 3. That this act shall take effect and be in force from the date of its acceptance by the legislature of the Cherokee Nation, or of a delegation thereof duly authorized, who shall file certificate of such acceptance.

The amendments reported by the committee were read, as follows:

In lines 9 and 10 of section 1 strike out at "in such amounts as he may best find purchasers for" and insert "in quantities or tracts not exceeding one hundred and sixty acres."

In the second section strike out all after the word "authorized," in line 5.

Mr. BOONE. I yield to the gentleman from Kansas, [Mr. BROWN.]

Mr. BROWN, of Kansas. The strip of land which this bill proposes to dispose of is two or three miles wide and about two hundred miles long, extending along the southern boundary of our State. It belongs to the Cherokee Nation; but under the law as now existing it was provided that the lands lying east of the Arkansas River should be sold to actual settlers at $2 an acre and those west of the river at $1.50 an acre up to a certain time, which time expired something over a year ago. At that time it was made the duty of the Secretary of the Interior to offer the entire strip for sale under sealed bids. It has been offered under sealed bids, but so small a portion was sold that it is stated in the Indian Bureau to be the fact that more than one-half of the proceeds of the portion sold was taken in order to pay for the advertisements. The Indians who are present here representing the Cherokees and myself and others, in consultation, agreed on this bill opening the lands once more to settlement for one year at the rate of $1.25 per acre, provided after that time they may be again sold by the Secretary of the Interior under sealed bids at that price. It is satisfactory, as I understand it, to the Indians. They have agreed to it. The bill cannot take effect until it is agreed to by the council of the Cherokees or a delegation of that tribe. It is also recommended by the Commissioner of Indian Affairs. In my judgment the bill is right in every particular and ought to pass.

Mr. BOONE. I am well satisfied the bill ought to pass, and therefore demand the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof the amendments of the committee were agreed to.

The bill, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. BOONE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CLAIM OF CHOCTAW NATION.

Mr. WILSHIRE. I am directed by the Committee on Indian Affairs to report back for bill H. R. No. 3463 a substitute (H. R. No. 3798) for the relief of the Choctaw Nation of Indians; which was read a first and second time.

The Clerk read the substitute, as follows:

A bill for the relief of the Choctaw Nation of Indians.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Choctaw Nation of Indians be, and hereby is, authorized to commence an action in the United States Court of Claims to recover whatever is due, if anything, to said nation from the United States under the eleventh and twelfth articles of the treaty between the United States and the Choctaw and Chickasaw Indians of the 22d day of June, A. D. 1855; and said court is hereby clothed with jurisdiction to hear and determine said action, and shall render judgment for the amount which may be found due, if anything, with interest thereon at the rate of 5 per cent. per annum from the 9th day of March, 1859; and said court shall be authorized in the determination of such action, to go behind the treaty of 1855, and inquire into the merits of the Choctaw claim so far as the same may be affected by fraud in the making of any treaty with said tribe or ratifying the same, or in any negotiation or official correspondence relating to the same; or by any act of Congress or reports of Departments touching Indian affairs, or any previous settlements with or receipts executed by the duly constituted authorities of said tribe; and either party may prosecute an appeal to the Supreme Court of the United States from such judgment, if such appeal be prayed within thirty days from the rendition thereof; and in the hearing and determination of said suit the said courts, or either of them, shall give said action precedence over other cases.

SEC. 2. The said action shall be commenced by a petition stating the facts on which said nation claims to recover and the amount of its claim; and said petition may be verified by either of the authorized delegates of said nation as to the existence of such facts; and no other statements need be contained in said petition or verification.

SEC. 3. That if final judgment be rendered in favor of said nation, the Secretary of the Treasury, upon the same being certified to him under the seal of the court rendering the same, shall pay, out of any money in the Treasury not otherwise appropriated, to the proper authorities of said nation, upon their requisition, so much of said judgment as they shall ascertain and determine to be necessary for the payment of the just liabilities of the tribe to its individual members referred to in said treaty, such costs of suit and attorneys as may be allowed by the court, and shall retain the balance, if any, in trust for said nation, as provided in the thirteenth article of said treaty; or said Secretary of the Treasury may, in his discretion, make such payment aforesaid to the proper authorities aforesaid, by delivering to them any bonds of the United States which have been or may be authorized by law bearing interest at the rate of 5 per cent. per annum. And the payment of the judgment recovered under this act shall be held to be a full satisfaction of all claims arising under said eleventh and twelfth articles of said treaty; and in the event of a final decision in said courts against the Choctaws, such decision shall be a bar to the further prosecution of said claims.

Mr. FORT. I raise the point of order on that bill that it makes an appropriation, and must have its first consideration in the Committee of the Whole on the state of the Union.

Mr. RANDALL. I move to lay the bill on the table. We might as well kill it at once.

Mr. FORT. Perhaps that is the better motion.

Mr. WILSON, of Iowa. If the House refuse to lay it on the table the next question would be on its passage. By refusing to lay it upon the table the point of order sending the bill to the Committee of the Whole on the state of the Union would be waived.

Mr. RANDALL. We might as well kill it at once. It involves the expenditure of over $2,000,000.

Mr. WILSON, of Iowa. But if the House refuse to kill it, you waive the privilege of sending it to the Committee of the Whole on the state of the Union on the point of order.

Mr. FORT. It has been killed already.

Mr. WILSON, of Iowa. The motion to lay on the table is not in order if the point of order is insisted upon, because the motion to lay upon the table is consideration.

Mr. FORT. If the motion to lay on the table fail, will the point of order then lie?

The SPEAKER *pro tempore*. That is the point of order I raised, that the point of order will not lie.

Mr. FORT. Then I insist on my point of order.

The SPEAKER *pro tempore*. The point of order being raised that the bill provides for an appropriation of money, the Chair sustains the point of order; and the bill, under the rule, goes to the Committee of the Whole on the state of the Union.

Mr. WILSHIRE. I rise to move that the bill be made the special order for July 6.

Mr. FORT. I make the point of order that that cannot be done unless by unanimous consent, and I object.

The SPEAKER *pro tempore*. It can only be done by unanimous consent, and objection is made.

Mr. JONES, of Kentucky. Does this make an appropriation by Congress?

Mr. RANDALL. Yes; several millions.

Mr. JONES, of Kentucky. The object of the bill is to allow certain parties to bring suit.

The SPEAKER *pro tempore*. The bill is not before the House, but has gone to the Committee of the Whole under the rule.

INDIAN TRUST FUNDS.

Mr. MORGAN, from the Committee on Indian Affairs, reported a bill (H. R. No. 3799) authorizing the Secretary of the Interior to deposit certain Indian funds, to be used by the Secretary of the Treasury in payment of 6 per cent. United States bonds; which was read a first and second time.

The bill, which was read, authorizes the Secretary of the Interior to deposit in the Treasury of the United States any and all sums now held by him, or which may hereafter be received by him as Secretary of the Interior and trustee of the various Indian tribes on account of the redemption of United States bonds, or other stocks and securities belonging to the Indian trust fund, whenever he is of the opinion that the best interests of the Indians will be promoted by such deposits in lieu of investments, and the United States shall pay the interest semi-annually, at the rate of 5 per cent. per annum from the date of the deposit of any and all such sums in the United States Treasury; provided, that the amount so deposited shall be used in

the payment or extinction of the bonds of the United States now bearing interest at 6 per cent. per annum.

Mr. MORGAN. There are now in the hands of the Secretary of the Interior about $425,000 in coin checks which have arisen from the redemption of 5.20 bonds belonging to various tribes of Indians. Under the present law, the Secretary of the Interior is required to invest this money in Government bonds. At the present time the premium upon Government bonds is greater than the premium upon gold coin, so that he cannot make investments without diminishing the principal. The Secretary of the Interior recommends that he be authorized to deposit this money belonging to the various tribes of Indians with the Secretary of the Treasury to be invested at the amount of 5 per cent. interest. The bill was proposed by the Secretary of the Interior and met the approval of the Committee on Indian Affairs, and I think under the circumstances it should be passed. I move the previous question.

The previous question was seconded and the main question ordered.

Mr. KASSON. If it is not too late, there is one point in the bill which I do not understand. These are sums that are received for the redemption of United States bonds, &c., and yet we are to pay interest on the sums paid to redeem our bonds. There is a point there which I do not quite understand. It seems like subjecting the United States to double interest.

Mr. MORGAN. The bonds belong to various Indian tribes. They were the owners of 5.20 bonds and the bonds were redeemed, and coin checks are in the hands of the Secretary of the Interior. Now, all that this bill proposes is that the Secretary may deposit the same at 5 per cent. interest, with the Secretary of the Treasury. The Secretary of the Interior reports that the premium on Government bonds now is higher than upon coin checks and he cannot make the investment without decreasing the principal, and he merely asks the privilege of depositing them with the Secretary of the Treasury at 5 per cent. interest.

The SPEAKER *pro tempore*. The Chair will state that this discussion proceeds only by unanimous consent.

Mr. KASSON. I only made the inquiry for information. If the Committee on Indian Affairs are satisfied that this does not subject us to double interest I have no objection.

Mr. MORGAN. O, no.

Mr. HUBBELL. I ask unanimous consent to offer an amendment to invest some other funds belonging to Indians.

The SPEAKER *pro tempore*. That can only be done by unanimous content, the main question having been ordered.

Mr. HUBBELL. I ask that my amendment be read.

The SPEAKER *pro tempore*. It can only be read by unanimous consent.

No objection was made, and the amendment proposed by Mr. HUBBELL was read, as follows:

And that the Secretary of the Interior be, and he is hereby, authorized and directed to invest in the bonds of the United States, bearing interest at a rate not to exceed 5 per cent. per annum, the unexpended balance, together with interest thereon at the rate of 3 per cent. per annum, from the 23d day of June, 1874, of the money appropriated to the L'Anse and Vieux de Sert bands of Chippewas of Lake Superior, under the pro——

Mr. MORGAN. I am not authorized by the Committee on Indian Affairs to accept any amendment.

The SPEAKER *pro tempore*. Then the gentleman from Missouri objects and the amendment cannot be offered.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. MORGAN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MIAMI INDIANS.

Mr. MORGAN. At the request of Mr. VAN VORHES, on the Committee on Indian Affairs, who is absent, I report back, with a favorable recommendation, the bill (S. No. 619) to carry out in part the provisions of an act entitled "An act to abolish tribal relations of the Miami Indians, and for other purposes," approved March 3, 1873.

Mr. MORGAN. I move that it be referred to the Committee of the Whole on the state of the Union and ordered to be printed.

The motion was agreed to.

POTTAWATOMIE INDIANS.

Mr. MORGAN also, from the same committee, reported a bill (H. R. No. 3800) for the relief of the Pottawatomie Indians; which was read a first and second time, referred to the Committee of the Whole on the state of the Union, and ordered to be printed.

INDIAN TERRITORY.

Mr. PAGE, from the same committee, reported back, with an amendment and with a favorable recommendation, the bill (H. R. No. 1335) to declare the country north of the North Platte River and east of the summits of the Big Horn Mountains, in the Territory of Wyoming, open to exploration and settlement, and for other purposes.

The bill was read, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all that portion of country north of the North Platte River and east of the summits of the Big Horn Mountains, in the Territory of Wyoming, is hereby declared to be open to exploration and settlement; and the true intent and meaning of the treaty with the Sioux Indians, concluded April 29, 1868, is declared to be that white men are not excluded thereby from traveling over, exploring, or settling upon any portion of the Territory of Wyoming not included within the boundaries of the permanent reservation established for said Sioux Indians by the second article of said treaty of April 29, 1868.

The amendment reported by the committee was to insert the following proviso:

Provided, That nothing herein contained shall be construed to impair the rights of the Indians to hunt within the limits of the Territory mentioned in this act.

Mr. PAGE. I do not desire to discuss the bill at all. It has been carefully considered by the committee and unanimously reported to the House with a recommendation that it do pass. If any gentleman desires to be heard upon it, I will yield the floor; if not, I will call the previous question.

The previous question was seconded and the main question ordered.

The amendment was agreed to.

The bill, as amended, was ordered to be engrossed and read a third time.

Mr. JENKS. I call for the reading of the engrossed bill.

Mr. PAGE. I hope not. The morning hour will expire in a few minutes.

Mr. JENKS. I withdraw the call.

Mr. TOWNSEND, of New York. I renew it.

Mr. RANDALL. Has the morning hour expired.

The SPEAKER *pro tempore*. The morning hour has just expired.

ORDER OF BUSINESS.

Mr. RANDALL. I call for the regular order.

Mr. SCHLEICHER. I move that the House now resolve itself into Committee of the Whole for the purpose of considering the report from the Select Committee on the Texan Border Troubles, which is a joint resolution (H. R. No. 96) to provide for the protection of the Texas frontier on the Lower Rio Grande. That was made the special order for the 20th of April, and from day to day until disposed of. I gave notice the other day that I would call it up at the first opportunity.

Mr. JONES, of Kentucky. I submit that upon the call for the regular order the gentleman from New York [Mr. LORD] is entitled to the floor on the Geneva-award bill; and he has agreed to yield to me.

The SPEAKER *pro tempore*. According to the calendar of "reports of committees and bills undisposed of" the gentleman from New York [Mr. LORD] is entitled to claim the floor for the consideration of the bill (H. R. No. 2685) for the distribution of the unappropriated moneys of the Geneva award. If the gentleman desires to claim the floor at this time the Chair will be compelled to recognize him.

Mr. PAYNE. I rise to make a privileged report.

Mr. LORD. The gentleman from Ohio [Mr. PAYNE] has a privileged report, which will not take much time. By an arrangement made a great many days ago I consented to yield to the gentleman from Kentucky [Mr. JONES] for a short time.

The SPEAKER *pro tempore*. The Chair will recognize the gentleman from Texas [Mr. SCHLEICHER] and the gentleman from Kentucky [Mr. JONES] as soon as this privileged report is disposed of, and they can bring before the House the question of priority in regard to the subjects upon which they desire the attention of the House at this time.

CHARGE AGAINST THE CLERK.

Mr. PAYNE. I submit at this time a report from the Select Committee to Investigate the Charge against the Clerk of this House.

The Clerk read the report, as follows:

The special committee instructed to investigate the charge against George M. Adams, esq., the Clerk of the House, published in the Chicago Inter-Ocean of May 15, 1876, report that they have examined under oath the correspondent of that paper, certain other persons whose names were connected with this scandal, and all of the employés of the Clerk. The evidence is explicit and conclusive that in no case has any pecuniary or other consideration been paid or promised by or on behalf of any party receiving an appointment from Mr. Adams, either directly to him or indirectly to any other persons for his account.

It appears that a disappointed applicant, from pique or resentment, started a rumor that the present chief engineer, at the time of his appointment, held a note against Mr. Adams for $500. This was caught up and retailed by an eccentric relative of another disappointed applicant, and, reaching the ear of a too hasty and credulous correspondent, it suddenly grew into the proportion of a sensational item, inconsiderately and inexcusably given publicity to, of a charge of venal and criminal conduct against a meritorious officer of the House. The utter groundlessness and falsity of the charge are confessed by the correspondent, his informants, and all other parties concerned in giving it circulation, and are also confirmed by the oaths of Mr. Adams and the engineer.

In regard to the latter it is proper to say that he was not a political friend of the Clerk, nor an acquaintance of his previous to the commencement of the present session. And, though presenting strong testimonials as to character and qualifications, he was, with three other applicants, compelled to submit to a competitive examination before the Bureau of Steam Engineering of the Navy Department, and it was on the official certificate of William W. W. Wood, the chief of that Bureau, that he was, of all the candidates examined, the best qualified, that he was appointed chief engineer of the heating and ventilating apparatus of the House.

For the care and solicitude shown by the Clerk in filling this important position, in which skill, judgment, experience, and vigilance are specially required, he is, in the opinion of the committee, entitled to the commendation and thanks of the House.

The testimony is reported herewith, with the recommendation that it be laid on the table, and the committee discharged from the further consideration of the subject.

H. B. PAYNE.
WM. H. FORNEY.
LEVI MAISH.
JOHN T. WAIT.
T. J. HENDERSON.

Mr. PAYNE. This is the unanimous report of the committee. I move that the report be received and the committee discharged.

The motion was agreed to.

Mr. PAYNE moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

The SPEAKER *pro tempore*. As the Chair understands, the question of consideration is raised between the bill in charge of the gentleman from Kentucky [Mr. JONES] and the joint resolution in charge of the gentleman from Texas, [Mr. SCHLEICHER.] In the order of "reports of committees and bills undisposed of," the bill of the gentleman from Kentucky has precedence, and the question will first be put upon proceeding to the consideration of that bill.

Mr. SCHLEICHER. Then I will ask that immediately after the House shall dispose of the bill of the gentleman from Kentucky [Mr. JONES] it will proceed to the consideration of the joint resolution reported from the Select Committee on the Texas Border Troubles.

Mr. HARRIS, of Virginia. We will agree to that.

Mr. LORD. I do not think the gentleman from Virginia [Mr. HARRIS] has the right to make any such agreement.

Mr. HARRIS, of Virginia. I do not claim the right; I was merely expressing my consent.

Mr. LORD. By an arrangement made a long time ago I consented to yield for a few minutes to the gentleman from Kentucky, [Mr. JONES.] After his bill shall have been disposed of, I shall insist upon the consideration of the Geneva award bill.

The SPEAKER *pro tempore*. This matter of priority of business is not to be determined by individual members, but by a vote of the House.

Mr. JONES, of Kentucky. I ask that the House now proceed to the consideration of the bill (H. R. No. 2798) to authorize the Washington, Cincinnati and Saint Louis Railroad Company to construct a narrow-gauge railway from tide-water to the cities of Saint Louis and Chicago.

Mr. RANDALL. I suggest that this is a question of consideration between the various bills; that the gentleman from New York [Mr. LORD] has no right to yield the precedence of the Geneva award bill in this way. If this bill comes up then it is before the House and obstructs the Geneva award bill.

The SPEAKER *pro tempore*. It is unquestionably a question of consideration between these bills.

Mr. DURHAM. I desire to say that I have the oldest standing order. I gave way for the Geneva award bill; but I cannot give way for any other order.

The SPEAKER *pro tempore*. Will the gentleman from Kentucky [Mr. DURHAM] state what his order is?

Mr. DURHAM. It is House bill No. 2284, to amend section 2324 of the Revised Statutes concerning mineral lands.

Mr. JONES, of Kentucky. Have I the floor?

The SPEAKER *pro tempore*. Only upon the question of consideration.

Mr. JONES, of Kentucky. It is not necessary to go into Committee of the Whole upon this bill. It has never been referred to the Committee of the Whole.

The SPEAKER *pro tempore*. It is not necessary to go into Committee of the Whole on any of these bills.

Mr. FAULKNER. This bill appropriates neither money nor lands.

The SPEAKER *pro tempore*. If the gentleman from Kentucky insists upon it, the Chair will put the question. It may as well be determined one way as another.

Mr. JONES, of Kentucky. The Chair will allow me to say that this bill was reported from the committee two months ago, and has been a special order since that time.

Mr. REAGAN. I rise to a question of order. It is that, under the rules of the House, bills which have not precedence of the one presented by my colleague [Mr. SCHLEICHER] are not entitled to consideration unless the rules are suspended, which cannot be done on this day, nor by less than two-thirds.

Mr. RANDALL. I suggest, as a solution of this matter, that these special orders be taken up in their order. Let the House decide by a majority vote whether it will proceed with the consideration of the first special order. If not, then let that be laid aside and the question put as to the next, and so on.

Mr. JONES, of Kentucky. I desire to say one word. This bill has been put on the Calendar of the House in regular order, and has been there from day to day for two months.

Mr. HANCOCK. Then let it stay there.

Mr. JONES, of Kentucky. I have yielded repeatedly to accommodate many gentlemen.

Mr. HANCOCK. If the bill is on the regular Calendar, I object to it being taken up out of its order.

The SPEAKER *pro tempore*. The Chair will state that, under the supposition that it was agreed between the gentlemen who represented the reports undisposed of that the gentleman from Kentucky should first be recognized, the Chair recognized that gentleman. He is informed by the journal clerk that it has been the custom of the Speaker of the House so to do. Having recognized the gentleman representing a particular bill to put the motion on his bill, the Chair will now state the order in which he will dispose of these questions, which seems to the Chair the only proper way. The Chair will first put the question upon the consideration of the bill represented by the gentleman from Kentucky, [Mr. JONES.] If that is sustained by the House, that of course is an end of the question. If it is not sustained, the Chair will then put the motion upon the bill represented by the gentleman from Kentucky, [Mr. DURHAM,] which stands first in the order of precedence.

Mr. THORNBURGH. I ask that the title of the bill of the gentleman from Kentucky [Mr. JONES] be read.

Mr. JONES, of Kentucky. The consideration of the bill will not take more than twenty minutes.

The SPEAKER *pro tempore*. All debate is out of order.

The Clerk read the title of the bill, as follows:

A bill (H. R. No. 2798) to authorize the Washington, Cincinnati and Saint Louis Railroad Company to construct a narrow-gauge railway from tide-water to the cities of Saint Louis and Chicago.

Mr. REAGAN. I made a point of order and have not yet heard the decision of the Chair.

The SPEAKER *pro tempore*. The Chair has decided to the best of his ability, and cannot decide it any further. The question is, Will the House take up for consideration the bill the title of which has been just read by the Clerk.

The House divided; and there were—ayes 46, noes 59; no quorum voting.

The SPEAKER *pro tempore*. If there be no further count demanded, the question recurs on the next bill.

Mr. JONES, of Kentucky. The gentleman from New York [Mr. LORD] has the floor on the Geneva-award bill, which is the unfinished business, and he is entitled to the floor until it is disposed of.

The SPEAKER *pro tempore*. The gentleman from New York does not advocate his claim.

Mr. HARRIS, of Virginia. I call for a further count.

The SPEAKER *pro tempore*. The Chair did not hear the gentleman, but he will take his assurance.

Mr. HARRIS, of Virginia. There was some misapprehension as to the vote, and I will be satisfied with another rising vote.

Mr. JONES, of Kentucky. Perhaps a word on this may influence the opinion of the House.

Several MEMBERS. Debate is not in order.

Mr. HARRIS, of Virginia. No money or land in it.

The House again divided; and there were—ayes 51, noes 50.

Several MEMBERS. Further count.

The SPEAKER *pro tempore*. No quorum voting, the Chair will order tellers.

Mr. JONES, of Kentucky, and Mr. DURHAM were appointed tellers.

The House again divided; and tellers reported—ayes 62, noes 50.

The SPEAKER *pro tempore*. No further count being demanded, the House now proceeds to the consideration of the bill reported by the gentleman from Kentucky [Mr. JONES] from the Committee on Railways and Canals.

WASHINGTON, CINCINNATI AND SAINT LOUIS RAILROAD COMPANY.

Mr. JONES, of Kentucky. I now ask the Clerk to read the bill, and to ease the minds of gentlemen I will say that I do not propose to discuss it.

The bill was read, as follows:

That the Washington, Cincinnati and Saint Louis Railroad Company, a corporation created under the laws of the State of Virginia by an act of the General Assembly of that State approved March 15, 1872, are hereby recognized as a corporation under said charter within that State, and are hereby authorized and empowered, under the jurisdiction of the United States, to extend the line of their said railroad through the States of West Virginia, Ohio, Indiana, and Illinois, to the city of Saint Louis, in the State of Missouri, and to the city of Chicago, in the State of Illinois, and for that purpose are hereby created a body corporate and politic under the laws of the United States, with all the privileges, powers, duties, obligations, and rights necessary, usual, and proper for the purposes aforesaid.

SEC. 2. That the said corporation are hereby empowered and authorized to locate, establish, construct, and maintain a continuous line of narrow-gauge railroad, with single or double track, with all the necessary appurtenances; and also a telegraph line, from any point in the State of Virginia opposite the District of Columbia, through the said State of Virginia, westward, by the route designated in their said charter from the said State of Virginia; and thence through the State of West Virginia, by the most direct and eligible route, to be designated by said corporation, to a point on the Ohio River at or north of Point Pleasant, in the county of Mason; thence to cross the Ohio River by a bridge or tunnel; thence, by the most direct and eligible routes, to be selected by said company, through the State of Ohio, via Cincinnati, in Hamilton County, to the Indiana State line; thence, by the most direct and eligible route, to be selected by the said corporation, through the States of Indiana and Illinois, to the city of Saint Louis, in the State of Missouri, together with a branch line from any point selected by said corporation on the main line of their railroad, in either the State of Indiana or Ohio, to the city of Chicago, in the State of Illinois, and also to extend their said main line eastward through the District of Columbia and the State of Maryland to the city of Baltimore.

SEC. 3. That the capital stock of said corporation shall be and remain as fixed in the charter from the said State of Virginia at the sum of $15,000,000, and be divided into shares of $100 each; and the corporation shall have power to issue bonds, payable, principal and interest, in gold, to the amount of their capital stock of fifteen millions, for the sole purpose of construction of their said railroad, which bonds

shall bear interest at the rate of not more than 6 per cent. per annum in gold coin, and which interest shall be payable at the office of said company in the city of Washington semi-annually, or at the agency of the company in the city of London; the said bonds not to be negotiated for less than eighty cents in gold per dollar, the proceeds of which, when negotiated by said corporation, shall be applied to the construction of said road, including as a part of the same the bridge over the Ohio River at a cost not to exceed $1,000,000; said bonds shall become due and payable in thirty years after date.

The said bonds shall be secured by mortgage upon all the real and personal property of said corporation, and said mortgage, when made, shall constitute the first lien upon the track, road-bed, right of way, real estate, and franchise of said corporation and telegraph line, and so much of the earnings of said company as may be required to provide for the interest and a sinking fund as provided in this act; and said bonds shall be known and designated as first-mortgage bonds.

For the purpose of more specifically providing for the interest on the fifteen million of first-mortgage bonds as it shall mature from time to time, and for a sinking fund sufficient, as hereinafter provided, to redeem such bonds at or before maturity, there shall be set apart by the said company as the installments for the sinking fund shall become due and payable, as follows:

First. The entire net proceeds of sale of lands granted to aid in the construction of the road upon which bonds shall be issued under the provisions of this act.

Secondly. The whole amount that shall be earned and due from the Government of the United States for the transportation of troops and supplies and for its postal and telegraphic service.

Thirdly. A sufficient amount from the earnings of the road to make up each interest payment to be provided for, and also to provide a sinking fund, to commence with the year 1880 and to continue until the year 1900, equal to 1 per cent., and thereafter 2 per cent, on the whole amount of said bonds so issued and outstanding; the payments for account of such fund, with its accretions, to be invested annually in these bonds by the treasurer of the company; and all of said bonds purchased for said sinking fund shall, when so purchased, be canceled by the treasurer and directors of said company.

The said company shall have power to construct branches and lateral roads not exceeding one hundred miles in length, except one to connect with the Northern Pacific and one with the Union Pacific Railroad, which said branches shall not be limited in their length.

SEC. 4. That in case it shall be deemed advisable by the board of directors of said corporation to purchase, lease, consolidate with, or otherwise acquire any franchise or franchises from any other railroad, railway, or other company or corporation, as a portion of its main line or branches hereinbefore authorized, which said franchises are established under State charters or general laws, they are hereby empowered so to do; but in all cases the consent of the Legislature of the State granting the charter shall first be had, expressed in the form of law, unless such right shall be already recognized in the charter of said railway, railroad, or other company or corporation, or by the general laws of the State.

The said corporation may, from time to time, make and issue its bonds in such manner and form, for such sums, payable at such times and places, bearing such interest, and disposable upon such terms as the directors may deem advisable, and, to secure said bonds, may give a mortgage or mortgages upon its road, equipment, land, franchises, privileges, and other rights and property, and any part or parts thereof, subject to such terms, conditions, and limitations as the directors may prescribe; but all such mortgages shall be subordinate to the lien created by said first mortgage to secure the bonds for construction of said road.

SEC. 5. That the said railroad shall be and remain a public highway and postal route, so far as the same may be constructed under this act, for the use of the Government of the United States.

SEC. 6. That where the route of said railroad and its branches shall pass through the lands of private persons, or where it may be necessary for said railroad company to take any lands belonging to private persons for any of the purposes herein mentioned necessary to said road, such right of way through or title to such lands shall be secured in accordance with the laws of the State in which they may be situated.

SEC. 7. That the president and board of directors of this company may, and are hereby authorized to, appoint an agent or agents in any State through which the said line of road may pass, to secure subscriptions from cities, towns, townships, counties, corporations, joint-stock companies, and individuals, to the capital stock of the Washington, Cincinnati and Saint Louis Railroad Company, payable in money, leases, lands, mines, labor, or material; and that the same may be collected under the laws of each State in which the same may be subscribed: *Provided always*, That such subscriptions can be lawfully made under the constitution and laws of such State.

SEC. 8. That the Washington, Cincinnati and Saint Louis Railroad Company may avail itself of any of the provisions of the laws of the States through which the line of road may pass governing railroad companies, the same as if operating under a charter from such States, except as otherwise provided in this act.

SEC. 9. That the said board of directors of said company shall, within ninety days after the passage of this act, accept the provisions of this act by recording such acceptance in their minutes at any regular meeting of said board of directors, and filing the same properly authenticated for record at the proper office.

SEC. 10. That the said Washington, Cincinnati and Saint Louis Railroad shall be commenced within six months and constructed in six years from the passage of this act, in a substantial and workman-like manner, with all necessary draws, culverts, bridges, viaducts, turn-outs, stations, watering-places, and all other appurtenances, including furniture and rolling-stock, equal in all respects to those of first-class narrow-gauge railroads when prepared for business; a uniform gauge of three feet to be continued throughout the entire length of the road. There shall also be constructed along the whole length of the road a line of telegraph of the most substantial and approved description.

SEC. 11. That the said corporation, in constructing its said road, shall conform to all the laws and regulations of the several States through which it may pass, in relation to crossings of other railroads and public roads, and canals and navigable waters, or other streams within the jurisdiction and control of said States, on or after its construction, and shall be subject to all general police-regulations established by the general laws of such States.

SEC. 12. That said railroad shall not be constructed through any portion of the District of Columbia until the proposed line of said road through said District shall have been accurately surveyed and mapped and submitted to and approved by Congress, prior to the commencement of any work upon the same.

SEC. 13. That the consent of the United States is hereby given to the erection and maintenance by said company of a double-track bridge across the Ohio River: *Provided, however*, That said bridge shall be constructed in conformity with the laws in force as to bridges over said river and that the plans, specifications, and points of crossing shall be first approved by the Secretary of War.

SEC. 14. That Congress shall at all times, whenever, in its judgment, the public good requires it, have the right to interpose its authority to regulate the rates of travel and transportation on the said railroad by general laws applicable to all railroads constructed under charters granted by the Government of the United States.

Mr. JONES, of Kentucky. I move the following substitute for the fifth section of the bill.

The Clerk read as follows:

That the said railroad shall be and remain a public highway and postal-railway route of the first class for the use of the Government of the United States; and said railroad company shall receive annually from said Government as pay for such service on said railroad the rates per mile per annum now allowed by law, or such pay as may be allowed hereafter by law for such mail service.

That any mortgage or mortgages executed and delivered as authorized by this act shall be recorded in the office of the recorder of deeds for the city of Washington, and District of Columbia, and shall thereupon, without further record, be a lien on the property mortgaged wherever situated.

The amendment was agreed to.

Mr. JOHN REILLY. I move in section 3, line 22, after the words "real estate," to insert the word "equipment."

The amendment was adopted.

Mr. REAGAN. I move to add the following to the bill:

The Clerk read as follows:

Provided, That Congress reserves the right to regulate by law the rates of fare of passengers and of freights on said railroad and its branches.

Mr. HARRIS, of Virginia. That is in the bill already.

Mr. REAGAN. That part of the bill relates to the road itself, and not to its branches, which can cover any part of the country.

The amendment was agreed to.

Mr. HARRIS, of Virginia. I move the following amendment:

The Clerk read as follows:

The charter which shall be granted shall not take effect in any State when the Legislature thereof shall by resolution object to the same.

The House divided; and there were—ayes 28, noes 25.

No further count being demanded, the amendment was adopted.

Mr. REAGAN. I move the following to come in as a final section.

The Clerk read as follows:

This act may be amended or repealed by Congress at any time.

The amendment was agreed to.

Mr. DOUGLAS. I move the following amendment as a proviso to the first section of the bill. It may perhaps remove the constitutional objection as to such legislation.

The Clerk read as follows:

But said corporation shall not have authority to lay out, survey, or locate any line for its projected road in or through any State until said State shall by legislative enactment expressly confer the power so to do.

Mr. HARRIS, of Virginia. That is the same as my amendment already adopted.

The amendment was agreed to.

Mr. JONES, of Kentucky. I propose to call the previous question, supposing I have an hour for debate if the main question is ordered.

The SPEAKER *pro tempore*. The gentleman has not occupied any time, and under the rule is entitled to an hour after the closing of debate.

Mr. SAVAGE. I hope the previous question will be voted down. Several members of the committee desire to be heard on this question. It is too important a one to be rushed through under the gag.

Mr. JONES, of Kentucky. I have no objection to any gentleman being heard.

The previous question was not seconded.

Mr. SAVAGE. I move that the bill be committed to the Committee of the Whole on the state of the Union.

Mr. JONES, of Kentucky. Am I not entitled to be heard upon the bill?

The SPEAKER *pro tempore*. The previous question has not been sustained.

Mr. JONES, of Kentucky. Was I not entitled to be heard before the previous question was moved?

The SPEAKER *pro tempore*. The gentleman would be if the House chooses to consider the subject now; but the gentleman lost the floor by moving the previous question, which was not sustained. The gentleman from Ohio [Mr. SAVAGE] moves to commit the bill to the Committee of the Whole on the state of the Union.

Mr. JONES, of Kentucky. I hope the House will allow me five minutes. [Cries of "Regular order."]

The question was taken upon Mr. SAVAGE's motion; and on a division there were—ayes 53, noes 33; no quorum voting.

Tellers were ordered; and Mr. JONES, of Kentucky, and Mr. SAVAGE were appointed.

Mr. JONES, of Kentucky. I withdraw the call for further count.

The SPEAKER *pro tempore*. Then the bill is referred to the Committee of the Whole on the state of the Union.

Mr. HARRIS, of Virginia. I object to that agreement.

ORDER OF BUSINESS.

Mr. DURHAM. I move to take up the bill (H. R. No. 2284) to amend section 2324 of the Revised Statutes, concerning mineral lands. It will take but a few moments to pass it.

The question was put; and on a division there were—ayes 43, noes 19.

Mr. HARRIS, of Virginia. I rise to a privileged question.

The SPEAKER *pro tempore*. The gentleman cannot rise to a privileged question while the House is dividing.

Mr. RANDALL. Has a quorum voted?

The SPEAKER *pro tempore*. A quorum has not voted, and the Chair will order tellers.

Mr. FORT. I think gentlemen here have been under the impression that they have been voting on the motion of the gentleman from Kentucky, [Mr. JONES.]

The SPEAKER *pro tempore*. It has been very distinctly announced

that the vote was on the motion of the gentleman from Kentucky, [Mr. DURHAM.]

Mr. DURHAM. I will state for the information of the House——

The SPEAKER *pro tempore*. Debate is not in order.

Tellers were ordered; and Mr. DURHAM, and Mr. HARRIS of Virginia, were appointed.

The House divided; and the tellers reported ayes 86, noes not counted.

So the motion was agreed to.

Mr. HARRIS, of Virginia. I rise to a privileged question, one on which I have been trying to be heard for some time past. When the bill offered by the gentleman from Kentucky [Mr. JONES] was before the House and no quorum voted upon the motion to refer it to the Committee of the Whole on the state of the Union, I renewed the objection then withdrawn by some gentleman to the absence of a quorum, but the Chair did not hear me until the bill was committed to the Committee of the Whole on the state of the Union. I rose at the moment to catch the ear of the Chair, for I did not desire that the bill should go to the tomb of the Capulets, and I objected at the time other gentlemen withdrew their objection.

The SPEAKER *pro tempore*. The Chair must state in justice to himself that general confusion prevailed at the time, and by general consent all the parties who were voting by tellers passed away, the statement being made that no further count was demanded; and thereupon the Chair, hearing no objection, stated that the motion to commit the bill to the Committee of the Whole on the state of the Union was carried.

Mr. HAMILTON, of New Jersey. The gentleman from Kentucky, [Mr. JONES,] who had charge of the bill, stated that no further count was demanded, and no objection was made.

Mr. HARRIS, of Virginia. Yes, I objected to it.

Mr. JONES, of Kentucky. There is always so much talk in this Hall and so many members wanting to talk at the same time that no one can understand what is going on here.

The SPEAKER *pro tempore*. The gentleman from Kentucky is entirely correct.

Mr. JONES, of Kentucky. I desire to say further that I wanted the bill discussed, but I was told that no gentleman desired to be heard upon it.

The SPEAKER *pro tempore*. The gentleman from Kentucky must know that debate is not now in order.

Mr. HARRIS, of Virginia. I now rise to inquire what was the action of the Chair on the proposition I submitted a while ago, and whether the bill of the gentleman from Kentucky [Mr. JONES] is still on the Calendar and before the House?

The SPEAKER *pro tempore*. The bill has been committed to the Committee of the Whole on the state of the Union, and other business has intervened.

Mr. HARRIS, of Virginia. But I state to the Chair that I objected to its committal. [Loud cries of "Regular order!"]

The SPEAKER *pro tempore*. The regular order is the bill of the gentleman from Kentucky, [Mr. DURHAM.]

Mr. HARRIS, of Virginia. My objection was heard by gentlemen all around me.

The SPEAKER *pro tempore*. It was not heard by the Chair.

Mr. HARRIS, of Virginia. That is the misfortune of the Chair, not mine. If the Chair will recognize me I desire to enter a motion to reconsider the vote by which the bill was committed to the Committee of the Whole on the state of the Union.

The SPEAKER *pro tempore*. The Chair will certainly recognize the gentleman for that purpose.

Mr. HARRIS, of Virginia. I think it has been customary for the Chair, whenever any member asserted that he made objection in time, to recognize that objection.

Mr. HAMILTON, of New Jersey. I call the gentleman from Virginia to order; the Speaker has ruled upon this subject, and if he wants to do so he can take an appeal.

Mr. HARRIS, of Virginia. The Chair can take care of himself without the intervention of the gentleman from New Jersey.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, announced that the Senate had insisted on its amendments disagreed to by the House to the bill (H. R. No. 2571) making appropriations for the executive, legislative, and judicial expenses of the Government for the fiscal year ending June 30, 1877, and for other purposes, had agreed to the further conference asked by the House on the disagreeing votes of the two Houses, and had appointed as the conferees on the part of the Senate Mr. MORRILL of Maine, Mr. ALLISON, and Mr. NORWOOD.

The message also announced that the Senate had passed a bill of the following title, with amendments; in which the concurrence of the House was requested:

An act (H. R. No. 3717) making appropriations for the support of the Army for the fiscal year ending June 30, 1877, and for other purposes.

ARMY APPROPRIATION BILL.

Mr. ATKINS. I move that the bill (H. R. No. 3717) making appropriations for the support of the Army for the fiscal year ending June 30, 1877, and for other purposes, which has been returned from the Senate with amendments, be taken from the Speaker's table, and that the amendments of the Senate be non-concurred in.

Mr. CONGER. We ought certainly to have the amendments read.

Mr. FORT. I think we should concur in some of the amendments at least.

The Clerk began the reading of the amendments of the Senate, but before concluding,

Mr. WILSON, of Iowa, said: The customary way has been to take a vote of the House on each amendment as it is read.

Mr. RANDALL. I suggest to the gentleman from Tennessee [Mr. ATKINS] to have the bill and the Senate amendments referred to the Committee on Appropriations.

Mr. ATKINS. I have no objection to that. I will withdraw the motion to non-concur and move that the bill and amendments be referred to the Committee on Appropriations.

The motion was agreed to.

Mr. ATKINS moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Some time subsequently,

Mr. CONGER said: I rise to a privileged motion. I move to reconsider the vote by which the Army appropriation bill, with the Senate amendments, was committed to the Committee on Appropriations.

The SPEAKER *pro tempore*. At the time the motion to commit was made and agreed to, the motion to reconsider and lay on the table was also passed.

Mr. CONGER. By what record is that shown?

The SPEAKER *pro tempore*. The Journal shows it.

Mr. RANDALL. It was suggested at the time to the gentleman from Tennessee [Mr. ATKINS] to make the motion to reconsider and table.

Mr. CONGER. I heard no such motion.

The SPEAKER *pro tempore*. The motion was put by the Chair at the request of the gentleman from Tennessee.

Mr. CONGER. I felt it to be my duty to make the motion to reconsider in order that I might call the attention of the House——

Mr. RANDALL. Debate is not in order.

Mr. CONGER. Upon a point of order——

The SPEAKER *pro tempore*. The point of order has been ruled upon by the Chair; the gentleman from Michigan [Mr. CONGER] has no right to make the motion to reconsider, that motion having already been made and laid on the table.

Mr. CONGER. I wish to make this suggestion; I submit——

Mr. RANDALL. I wish you would submit. [Laughter.]

Mr. CONGER. I never submit to the gentleman from Pennsylvania, [Mr. RANDALL;] I do to the Chair with all due deference. I submit that the fact of such motion being entered upon record without having been made by a member of the House is an improper proceeding.

The SPEAKER *pro tempore*. It was made by a member of the House, the gentleman from Tennessee, [Mr. ATKINS.]

Mr. RANDALL. And a member of the Committee on Appropriations, who has charge of the bill in the House.

MINERAL LANDS.

Mr. DURHAM. I now ask that the bill concerning mineral lands be read.

The Clerk read the bill, as follows:

Be it enacted, &c., That section 2324 of the Revised Statutes of the United States be amended as follows: Where the words "until a patent has issued therefor" first occur in the said section, the same shall be stricken therefrom, and there shall be inserted in their stead the following: "until an application for a patent therefor and final proofs and payment for the claim have been made, as required by the terms of this chapter;" and where the words "until a patent has issued therefor" occur the second time in said section, the same shall be stricken therefrom, and there shall be inserted in their stead the following: "until an application for a patent therefor and final proofs and payment for the claim have been made, as required by the terms of this chapter: *Provided*, That where an application for a patent has been filed in the manner prescribed by this chapter, and an adverse claim asserted against the same, and suit commenced thereon, the annual expenditure for labor or improvements hereinbefore prescribed shall not be required until the right and title to such claim shall have been finally determined by a court of competent jurisdiction;" so that the said section, as amended, shall read as follows:

"SEC. 2324. The miners of each mining district may make regulations not in conflict with the laws of the United States or with the laws of the State or Territory in which the district is situated, governing the location, manner of recording, amount of work necessary to hold possession of a mining claim, subject to the following requirements: The location must be distinctly marked upon the ground so that its boundaries can be readily traced; all records of mining claims hereafter made shall contain the name or names of the locators, the date of the location, and such a description of the claim or claims located by reference to some natural object or permanent monument as will identify the claim. On each claim located after the 10th day of May, 1872, and until an application for a patent therefor and final proofs and payment for the claim have been made, as required by the terms of this chapter, not less than one hundred dollars' worth of labor shall be performed or improvements made during each year. On all claims located prior to the 10th day of May, 1872, ten dollars' worth of labor shall be performed or improvements made by the 10th day of June, 1874, and each year thereafter for each one hundred feet in length along the vein, until an application for a patent therefor and final proofs and payment for the claim have been made, as required by the terms of this chapter: *Provided*, That where an application for a patent has been filed in the manner prescribed by this chapter, and an adverse claim asserted against the same and suit commenced thereon, the annual expenditure for labor or improvements hereinbefore prescribed shall not be required until the right and title to such claim shall have been finally determined by a court of competent jurisdiction; but where such claims are held in common such expenditure may be made upon any one claim; and upon a failure to comply with these conditions the claim or mine upon which such failure occurred shall be open to relocation in the same

manner as if no location of the same had ever been made: *Provided*, That the original locators, their heirs, assigns, or legal representatives, have not resumed work upon the claim after failure and before such location. Upon the failure of any one of several co-owners to contribute his proportion of the expenditures required hereby, the co-owners who have performed the labor or made the improvements may, at the expiration of the year, give such delinquent co-owner personal notice, in writing, or notice by publication in the newspaper published nearest the claim, for at least once a week for ninety days, and if, at the expiration of ninety days after such notice in writing or by publication, such delinquent should fail or refuse to contribute his proportion of the expenditure required by this section his interest in the claim shall become the property of his co-owners who have made the required expenditures."

Mr. DURHAM. If I can have a little order here in the House I will state the scope and purpose of this bill.

The SPEAKER *pro tempore*. The gentleman will suspend until order is restored. The Chair desires to state that a great many difficulties of understanding that arise between the Chair and the House result from the great confusion in the House; such difficulties have occurred twice to-day. The Chair expresses the hope that gentlemen who are interested in the progress of the business of the House and a speedy return to their homes will aid the Chair in maintaining order in the House. If members will refrain from loud conversation there will be no difficulty in every member of the House understanding precisely what the action of the House has been and what have been the rulings of the Chair.

Mr. DURHAM. Under the present mining law, whenever a man desires to locate a mining claim he must get the surveyor to run the boundary and have it specifically defined by metes and bounds. Under the section which it is proposed to amend by this bill, he is required to file that description in the General Land Office, and where pay is required by the law he is then to pay whatever may be the price of the mining land contained within the boundary so filed. That is the present law. In addition to that he is required to do one hundred dollars' worth of work besides paying the pecuniary consideration for the mining land. Under the section which it is proposed to amend, while his claim is in litigation, if contested, or while the General Land Office is investigating the matter, and before his patent is issued, he is required to do one hundred dollars' worth of work every year. That sometimes operates as a hardship upon the claimant, because, in case of a conflict of title arising in the courts, if he is ousted he loses the benefit of all the work he has done.

The object of this bill is simply this, and this alone: After he shall have made his survey and filed his plat and boundary in the land office and paid the amount required by law, when the Government is in default and does not issue the patent for his claim, or where he is held in court in consequence of a controversy in relation to the title, he shall not be required to do the one hundred dollars' worth of work each year during that time. That is the whole sum and substance of this bill.

This bill was introduced by a gentleman from one of the Territories, by Mr. PATTERSON, of Colorado, I think. When it came to be considered in the Committee on Mines and Mining, sundry amendments were offered to it by two or three members of that committee. A conference was had with all the Delegates and Members from the mining Territories and districts, with the exception of California, and it was agreed unanimously by all those Delegates that this bill was exactly what they desired. I understand now that perhaps one of the members of the Committee on Mines and Mining, who is not present, has some objection to this bill. I have never heard of any objection being urged to it by that gentleman, the gentleman from Nevada, [Mr. WOODBURN.]

Mr. MAGINNIS. The gentleman from Nevada [Mr. WOODBURN] was in the conference with the Delegates, and stated that this bill was just what he wanted.

Mr. DURHAM. It is proper that the gentlemen from these mining localities should be consulted in matters of this kind, because they are to be presumed to know what is the desire of the people of that region more than we who do not live in the mining districts. But it does seem to me that it will strike the sense of every gentleman on this floor that the object of this bill is right and proper; in other words, that where the claimant of the property has performed every part and parcel of his duty toward the Government in locating his claim and where the Government is in default in not issuing to him his patent, he ought not to be required to do the one hundred dollars' worth of work during the interim; or where he is intercepted by a counter-claim and where that claim is in litigation in the courts, he certainly ought not to be required to go on and improve that claim until the title is made perfect by judgment of the court or by the issuing of a patent by the Government. That is the sum and substance of the whole bill.

Mr. PAGE. I would like to say one word on this bill.

Mr. DURHAM. I yield to the gentleman, but I do not surrender the floor, for I want to call the previous question.

Mr. PAGE. The gentleman misapprehends the law in reference to what is called the quartz claim or rock in place. The act of 1872 does not require the miner to purchase or make application to purchase his mining claim. He may hold it for years and years and mine it without paying the Government one dollar, if he chooses to do so, under the local mining laws. That is the law; that is the act of 1872. But the act of 1872 provides that a person who locates a mine under the local mining law or under the act of Congress, if you please, shall year after year do one hundred dollars' worth of work on such mining claim. The object of that provision—and in my judgment it is a very wise one—is to secure the development of the mining interests of the country; for if a miner could locate a claim and hold it for years without doing any work upon it, the mining resources of the country would not be developed. In that law the Government of the United States required that every person who under the act of Congress or under the local mining laws of the district should take up a claim should show his good faith by doing at least one hundred dollars' worth of work every year upon the claim. This requirement in my judgment is right. But for such a provision of law a man who has located a valuable claim might wait until another miner has prospected or developed an adjacent mine, of which development he gets the advantage; or in order to evade the law he might induce some man to file a counter-claim, and during all the years in which the contest might be before the local land office might not do a single dollar's worth of work, the mine remaining meanwhile undeveloped.

Mr. LANE. I have filed many applications in good faith which have rested in the Office here year after year without a patent issuing. The delay is not the fault of the applicant, but of the Office here. I insist that during the time occupied by such delay the miner should not be compelled to expend $100 a year upon his claim, as required by the existing law.

Mr. PAGE. One word in reply to the gentleman from Oregon, [Mr. LANE.]. The very object of the mining act of 1872, which virtually gave to every miner in the country his mine without requiring him to pay the Government one dollar, was that the miner should prospect and work his mine, bestowing at least one hundred dollars' worth of work upon it every year. That was the very object of the mining act. If the law required the miner to make application within six months or one year and to pay the Government a certain sum for the mine, the case would be different. But there is no law requiring such application to be made. As the law now stands the miner may, under the local mining laws or under the act of Congress, hold his mine for years, as long as he pleases; and all the Government demands is simply that he do a certain amount of work every year to show that he is acting in good faith in preventing others from coming upon this mine and developing the resources of the country.

I believe, therefore, that this bill would be a species of unwise legislation. I do not think that our mining laws should be interfered with in the slightest degree. I represent a State whose mining wealth is perhaps as extensive as that of any other in the Union; and it seems to me that the mining laws as they now stand should not be interfered with at all. In my judgment the only tendency of legislation of that kind is to disturb the title of mining claims throughout the country. I believe it is best that the law in this respect should remain without change.

Mr. DURHAM. I yield to the gentleman from Montana, [Mr. MAGINNIS.]

Mr. MAGINNIS. Mr. Speaker, I agree so thoroughly with the gentleman from California [Mr. PAGE] in all the general principles that he has laid down, that there is no room for any issue between us. So far as the principles of representation are concerned, I have been one of those who are entirely opposed to any extended interference by Congress with the territorial and local laws of the mining districts. I am not in favor of much legislation, and would prefer that all the mines of the country should be held as far as possible under miner's law; and I may say that a large majority of the Committee on Mines and Mining, including the chairman, [Mr. BLAND,] himself a practical miner in the early days of California and Washoe, agree on those general principles.

But, Mr. Speaker, this is not so much a proposition to amend the mining law as to clear up and make explicit some of its provisions under which injustice occurs. As the gentleman from Kentucky [Mr. DURHAM] has said, there are but two propositions in this bill. One is that when the miner has fairly represented his ground, expended his thousand dollars, and made his final proof and payment at the local land office, the duplicate or certificate that he then receives shall be as good to him as to the farmer who makes entry of agricultural land, and that he shall not be required to further work his ground on account of delays in the General Land Office in issuing the patent to which he is at once entitled.

The law now requires that on each claim the miner shall annually do one hundred dollars' worth of work until the "patent is issued." We propose simply to change those words so that the law will read, "until he has made final proof and payment at the local land office." Certainly this is just. The miner has complied with all the requirements of the law, and under its provisions he is immediately entitled to a patent. He has a certificate to this effect. But through a lack of proper clerical force in the General Land Office, or other reasons, his patent is delayed two, three, or five years; and by reason of that fault on the part of the Government, he is required to keep up his representation as if he had not fulfilled his part of the law. He is put to expense and trouble because the Government fails to issue the proper patent. Now, just as in the case of the location of agricultural lands, the certificate should be as good as the patent, so far as it is evidence that the locator has complied with all the requirements of the Government.

The next point referred to by the gentleman from Kentucky [Mr. DURHAM] is that the right of the miner ought to be preserved while his case is in litigation. No man will go into a sham lawsuit to embarrass himself when he is in a fair way to get his title. It would be cheaper for him to work his claim than go into the courts.

Mr. LUTTRELL. Does not the present bill reserve the right to each mining district to make its own regulations?

Mr. MAGINNIS. Certainly; that is the mining law.

Mr. LUTTRELL. It still reserves to each mining district that right.

Mr. MAGINNIS. As a matter of course. It interferes in no way with the mining law. I believe myself that the provisions of this bill are embraced in the mining law, but the purpose is to make these provisions plainer and avoid litigation. I have no doubt that the Supreme Court would hold, as I think the General Land Office would, that this is the law so far as the provision in regard to litigants is concerned, and the other is a mere verbal change in accordance with the spirit of the law, and it only relieves the miner from the payment of $100 a year—after he has proved up and paid for his mine—in consequence of delay on the part of the Government to issue his patent to him.

Mr. PAGE. Allow me a word. If this bill should pass, would it not relieve the miner from the necessity of complying with the local laws of the district in which his claim is situated and doing his amount of work?

Mr. MAGINNIS. Not in the least.

Mr. PAGE. What is the object of the bill?

Mr. MAGINNIS. The object is simply to do justice to all, so that when a miner gets his certificate through the Land Office it shall be as good to him as a patent when the issue of his patent is delayed because of lack of clerical force on the part of the Government.

Mr. PAGE. Does not my friend know that in the mining States a duplicate certificate is not evidence against the miner? Does he not know that nothing is evidence but the patent itself?

Mr. MAGINNIS. At the same time you ought not to make the miner pay for the delay of the Government in issuing that patent.

Mr. DURHAM. I demand the previous question.

Mr. LUTTRELL. Will the gentleman yield to me for one minute?

Mr. DURHAM. Just for one minute.

Mr. LUTTRELL. As I understand the provisions of this bill, they amount to this: that where a claim is in litigation they do not require the parties to make expenditure of labor or money until such time as the court may decide. I believe that to be wise. For instance, under the mining laws, a miner when he locates a quartz claim is required to pay $1,000 in money or labor in the improvement of his claim. Then he makes his application for a patent, pays his money, and a certificate is issued to him. Or there may be a counterclaim of other parties who may claim the land. Thus I understand the provisions of the bill, that an applicant is not required to perform his one hundred dollars or two hundred dollars' worth of labor on his claim until the case is decided by the court.

Mr. MAGINNIS. Until he knows whether it is his claim or not.

Mr. LUTTRELL. Yes, sir; that is it. I believe the bill is just. I believe it should pass.

Mr. DURHAM. I demand the previous question.

The previous question was seconded and the main question ordered:

Mr. PAGE. I demand the reading of the engrossed bill.

Mr. DURHAM. In order that the bill may be engrossed, I move to reconsider the vote by which the previous question was seconded and the main question ordered, and on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 53, nays 96, not voting 140; as follows:

YEAS—Messrs. Anderson, Atkins, John H. Caldwell, Campbell, Cate, Cook, Cowan, Culberson, Cutler, Denison, Dibrell, Dunnell, Ellis, Evans, Faulkner, Finley, Forney, Frost, Fuller, Haral-son, Hardenbergh, Henry R. Harris, Hatcher, Haymond, Hendee, Henderson, Goldsmith W. Hewitt, Hubbell, Jenks, Kehr, Kimball, Lewis, Luttrell, Lynch, Lynde, L. A. Mackey, John F. Philips, Potter, Rea, John Reilly, Riddle, John Robbins, William M. Robbins, Savage, Schleicher, Sheakley, Singleton, Teese, Thomas, Walsh, Wike, Alpheus S. Williams, and Jeremiah N. Williams—53.

NAYS—Messrs. Ainsworth, Ashe, John H. Baker, William H. Baker, Banks, Blackburn, Boone, Bradley, Cabell, William P. Caldwell, Candler, Cannon, Caswell, John B. Clark, jr., of Missouri, Conger, Davis, Davy, De Bolt, Dobbins, Douglas, Durand, Durham, Eames, Franklin, Goodin, Gunter, Andrew H. Hamilton, Hancock, John T. Harris, Hartridge, Hartzell, Hays, Hopkins, Hunter, Hunton, Hyman, Thomas L. Jones, Joyce, Kasson, Knott, Lamar, Franklin Landers, Lane, Lord, Maish, McCrary, McDill, McMahon, Meade, Metcalfe, Milliken, Morgan, Neal, New, Norton, Odell, Oliver, Packer, Page, Phelps, William A. Phillips, Piper, Platt, Powell, Rainey, Reagan, Rice, Robinson, Rusk, Sampson, Scales, Seelye, Sinnickson, Smalls, A. Herr Smith, William E. Smith, Sparks, Spencer, Springer, Stevenson, Tarbox, Terry, Thornburgh, Tufts, Turney, John L. Vance, Wait, Waldron, John W. Wallace, Erastus Wells, Whiting, Wigginton, Willard, Wilshire, James Wilson, and Yeates—96.

NOT VOTING—Messrs. Adams, Bagby, George A. Bagley, John H. Bagley, jr., Ballou, Banning, Bass, Beebe, Bell, Blaine, Blair, Bland, Bliss, Blount, Bradford, Bright, John Young Brown, William R. Brown, Buckner, Horatio C. Burchard, Samuel D. Burchard, Burleigh, Cason, Caulfield, Chapin, Chittenden, John B. Clarke, of Kentucky, Clymer, Cochrane, Collins, Cox, Craig, Crounse, Danford, Darrall, Eden, Egbert, Ely, Felton, Fort, Foster, Freeman, Frye, Garfield, Gause, Gibson, Glover, Goode, Hale, Robert Hamilton, Benjamin W. Harris, Harrison, Hathorn, Henkle, Hereford, Abram S. Hewitt, Hill, Hoar, Hoge, Holman, Hooker, Hoskins, House, Hurd, Hurlbut, Frank Jones, Kelley, Ketcham, King, George M. Landers, Lapham, Lawrence, Leavenworth, Le Moyne, Levy, Edmund W. M. Mackey, Magoon, MacDougall, McFarland, Miller, Mills, Money, Monroe, Morrison, Mutchler, Nash, O'Brien, O'Neill, Parsons, Payne, Pierce, Plaisted, Poppleton, Pratt, Purman, Randall, James B. Reilly, Roberts, Miles Ross, Sobieski Ross, Sayler, Seb maker, Siemons, Southard, Strait, Stenger, Stone, Stowell, Swann, Thompson, Throckmorton, Martin I. Townsend, Washington Townsend, Tucker, Van Vorhes, Robert B. Vance, Waddell, Charles C. B. Walker, Gilbert C. Walker, Alexander S. Wallace, Walling, Ward, Warren, G. Wiley Wells, Wheeler, White, Whitehouse, Whitthorne, Andrew Williams, Charles G. Williams, James Williams, James D. Williams, William B. Williams, Willis, Benjamin Wilson, Alan Wood, jr., Fernando Wood, Woodburn, Woodworth, and Young—140.

So the motion to reconsider was not agreed to.

During the roll-call, the following announcements were made:

Mr. VANCE, of Ohio. My colleague, Mr. VAN VORHES, is absent by leave of the House.

Mr. ATKINS. My colleague, Mr. YOUNG, is detained at his room by illness.

Mr. CABELL. My colleague, Mr. TUCKER, is absent on account of sickness.

Mr. GUNTER. My colleague, Mr. GAUSE, is absent in consequence of sickness.

Mr. DAVIS. My colleague from North Carolina, Mr. VANCE, is absent on account of sickness.

Mr. HUNTER. My colleague, Mr. CASON, is absent by reason of sickness in his family.

Mr. BOONE. My colleague from Kentucky, Mr. BROWN, is absent by leave of the House.

The result of the vote was announced as above stated.

The bill was ordered to be engrossed and read a third time.

The SPEAKER *pro tempore*. Does the gentleman from California [Mr. PAGE] insist on the reading of the bill in full?

Mr. PAGE. Is the bill engrossed?

The SPEAKER *pro tempore*. It is.

Mr. PAGE. Then I do not insist on the reading.

The bill was read a third time by its title, and passed.

Mr. DURHAM moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. LORD. I move that the House proceed to the consideration of the Geneva award bill.

Mr. SCHLEICHER. I would like to know whether that bill comes up in order.

The SPEAKER *pro tempore*. The sense of the House will first be tested upon the bill of the gentleman from New York [Mr. LORD] and next upon that of the gentleman from Texas, [Mr. SCHLEICHER,] according to the decision made by the Chair this morning. The gentleman from New York moves to proceed to the consideration of what is known as the Geneva award bill.

Mr. SCHLEICHER. I understood that according to the decision of the Chair the sense of the House was to be taken upon one regular order after another.

The SPEAKER *pro tempore*. That is so. The Chair is proceeding in just that order.

Mr. PAGE. I move that the House adjourn.

NATIONAL PARK, MACKINAC, MICHIGAN.

The SPEAKER *pro tempore*, by unanimous consent, laid before the House a letter from the Secretary of War, transmitting, in accordance with the act of March 3, 1875, a report of rules and regulations for the management of the national park on the island of Mackinac, Michigan; which was referred to the Committee on Military Affairs.

DOCUMENT FOR CENTENNIAL CELEBRATION.

The SPEAKER *pro tempore* also laid before the House a letter from the mayor of the city of Philadelphia, requesting that the document entitled "The administration of the United States Government at the beginning of its second century" be taken to that city to be exhibited as part of the centennial exhibition; which was referred to the Committee on the Centennial Celebration.

A. H. PERRY.

The SPEAKER *pro tempore* also laid before the House a letter from the Secretary of War, transmitting information in the matter of the claim of A. H. Perry; which was referred to the Committee on War Claims.

LOUIS SONTAG.

The SPEAKER *pro tempore* also laid before the House a letter from the Secretary of War, transmitting a copy of the report of the Adjutant-General on the petition of Louis Sontag for pension; which was referred to the Committee on Military Affairs.

ENROLLED BILL AND JOINT RESOLUTION.

Mr. HARRIS, of Georgia, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a bill and joint resolution of the following titles; when the Speaker *pro tempore* signed the same:

A bill (H. R. No. 525) to extend the time for filing claims for additional bounty under the act of July 28, 1866, which expired by limitation on January 30, 1875, until July 1, 1880; and

Joint resolution (H. R. No. 104) for the relief of Edward O'M. Condon.

BILLS BECOME LAWS.

A message from the President of the United States, by U. S. GRANT, jr., one of his secretaries, announced that bills of the following titles, having been received by the President on June 14, and not having

been returned by him to the House within the ten days prescribed by the Constitution, had become laws without his signature:

An act (H. R. No. 2288) granting a pension to Fannie S. White;

An act (H. R. No. 2456) to release any title of the United States to a certain tract of land in Braxton County, West Virginia, to Sarah Wilson;

An act (H. R. No. 3033) for the relief of A. F. McMillen, late captain First United States Heavy Artillery; and

An act (H. R. No. 3179) granting a pension to Thomas F. Wildes, late lieutenant-colonel One hundred and sixteenth Regiment Ohio Volunteers.

The message also announced that the President had approved and signed a bill of the following title:

An act (H. R. No. 1846) authorizing the retirement of Colonel W. H. Emory with the rank and pay of a brigadier-general.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted as follows:

To Mr. HENKLE until Monday next;

To Mr. HYMAN indefinitely;

To Mr. THROCKMORTON for eight days;

To Mr. BURCHARD, of Wisconsin, for ten days.

INTERNATIONAL STATISTICAL CONGRESS.

Mr. BANKS, by unanimous consent, introduced a joint resolution (H. R. No. 138) authorizing the President to invite the international statistical congress to hold its tenth session in the United States and to appoint delegates to the ninth session thereof; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

JULIA E. SEELEY.

Mr. BRADLEY, by unanimous consent, reported from the Committee of Claims a bill (H. R. No. 3801) for the relief of Julia E. Seeley, for post-office funds stolen from her office while she was postmistress of Great Barrington, Massachusetts; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

Mr. BRADLEY also, by unanimous consent, from the same committee, reported back, with a recommendation that it pass, the bill (S. No. 485) for the relief of Julia E. Seeley, postmaster at Great Barrington, Massachusetts; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

SAMUEL U. ABBOTT.

Mr. BRADLEY also, from the same committee, reported back, with a recommendation that it pass, the bill (H. R. No. 1509) for the relief of Samuel U. Abbott, postmaster at Menomonee, Michigan; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

ANNE W. OSBORNE.

Mr. BRADLEY also, from the same committee, reported back, with a recommendation that it pass, the bill (H. R. No. 1003) for the relief of Anne W. Osborne; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

JAMES H. VEAZIE.

Mr. BRADLEY also, from the same committee, reported back adversely the bill (H. R. No. 2615) for the relief of James H. Veazie; which was laid on the table, and the accompanying report ordered to be printed.

ORDER OF BUSINESS.

The SPEAKER *pro tempore*. Pending the motion of the gentleman from New York [Mr. LORD] that the House proceed to the consideration of the bill known as the Geneva-award bill, the gentleman from California [Mr. PAGE] moves that the House adjourn.

Mr. LORD. The gentleman from California consents to withdraw that motion for a moment, in order that the question may be taken on my motion.

The motion of Mr. LORD was agreed to; and the House accordingly proceeded to the consideration of the bill for the distribution of the Geneva award.

Mr. JENKS obtained the floor.

Mr. PAGE, I now renew my motion that the House adjourn.

The motion was agreed to; and accordingly (at three o'clock and thirty minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk under the rule, and referred as stated:

By Mr. FAULKNER: Papers relating to the claims of Dr. Francis Tumblety, growing out of and caused by the several wrongful arrests and incarcerations of himself in the year 1865 by and on the part of the United States and certain military officers thereof, to the Committee on Foreign Affairs.

By Mr. FRANKLIN: The petition of Martha N. Davis, for compensation for property taken by the United States Army, to the Committee on War Claims.

By Mr. HUNTON: The petition of Martha Turniss, for compensation for four horses taken by the United States Army, to the same committee.

By Mr. JONES, of New Hampshire: Memorial of Horace Clough, late a private of Company D, Sixth New Hampshire Volunteers, for a pension, to the Committee on Invalid Pensions.

By Mr. SPENCER: The petition of Hon. Frank Morey, to be re-imbursed the amount expended incurred in the contest for a seat in the House of Representatives from the fifth congressional district of Louisiana, to the Committee of Elections.

By Mr. TERRY: A paper relating to the establishment of a post-route from Christiansburgh to Pleasant Valley, Virginia, to the Committee on the Post-Office and Post-Roads.

By Mr. TOWNSEND, of New York: The petition of Eleanor Armstrong, widow of Jacob D. Armstrong, late of the United States Army, for a pension, to the Committee on Invalid Pensions.

IN SENATE.

WEDNESDAY, *June* 28, 1876.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

Mr. HARVEY. I present the petition of 6,160 citizens of the States of Ohio and West Virginia; 3,485 citizens of the States of Wisconsin, Iowa, and Missouri; 1,023 citizens of the States of Kansas and Oregon, and Colorado Territory; and 3,192 citizens of the States of Indiana, Illinois, and Michigan, praying for an amendment to the Constitution of the United States, so as to provide for the acknowledgment of God and Christianity in the Constitution. I move the reference of these petitions to the Committee on the Judiciary.

The motion was agreed to.

Mr. PATTERSON presented the petition of the heirs of François Cazeau, praying for relief on account of services rendered the United States Government by Francois Cazeau during the revolutionary war; which was referred to the Committee on Revolutionary Claims.

Mr. LOGAN presented the petition of H. Eickholt, president, and C. Draeger, secretary, of the German Veteran Union, praying for an amendment to the bill (S. No. 875) to re-adjust the rates of pension for specific and other serious disabilities, so as to make no distinction between soldiers who lost two legs and those who lost two arms during the late war; which was referred to the Committee on Pensions, and ordered to be printed.

Mr. CONKLING presented the petition of 124 mercantile, banking, manufacturing, and trading firms of the city of Boston, praying for the passage of the bill (S. No. 846) to punish the counterfeiting of trade-mark goods and the sale of or dealing in counterfeit trade-mark goods; which was ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. MORRILL, of Vermont, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. No. 297) appropriating money to erect a building at Little Rock, Arkansas, reported it with an amendment.

Mr. WRIGHT, from the Committee on Claims, to whom was referred the memorial of Gallus Kirchner, of North Vernon, Indiana, praying compensation for 2,380½ yards of blue limestone delivered to the United States, submitted an adverse report thereon; which was agreed to, and ordered to be printed.

He also, from the same committee, to whom was referred the bill (H. R. No. 3273) for the relief of Mrs. Ellen J. Brosnan, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

Mr. CAPERTON, from the Committee on Claims, to whom was referred the petition of Jackson Tibbetts and others, employés of L. J. & J. Day and T. W. Call, late contractors on the improvement of the Fox River, Wisconsin, praying that the amount forfeited to the United States by the contractors by the annulment of their contracts be applied to the payment of wages due said employés, submitted an adverse report thereon; which was agreed to, and ordered to be printed.

He also, from the same committee, to whom was referred the petition of Frank G. Senseny and others, heirs of Jacob Senseny, deceased, praying compensation for the use and occupancy of certain buildings in Winchester, Virginia, by United States troops in 1864 and 1865, submitted a report thereon, accompanied by a bill (S. No. 947) for the relief of the estate of Jacob Senseny, of Winchester, Virginia.

The bill was read and passed to the second reading, and the report was ordered to be printed.

Mr. CONKLING, from the Committee on the Judiciary, to whom were referred sundry petitions of merchants, traders, bankers, and other citizens of New York, praying the passage of a law to punish the counterfeiting of trade-mark goods and the sale in or dealing of counterfeit trade-mark goods, asked to be discharged from their further consideration; which was agreed to, the committee having reported a bill on the subject.

Mr. COCKRELL, from the Committee on Claims, to whom was re-

ferred the petition of Thomas M. Simmons, praying compensation for property taken and appropriated by the United States authorities during the late war, submitted a report thereon, accompanied by a bill (S. No. 948) for the relief of Thomas M. Simmons.

The bill was read and passed to the second reading, and the report was ordered to be printed.

Mr. CHRISTIANCY, from the Committee on Claims, to whom was referred the petition of A. M. Garoutte, late captain and assistant quartermaster United States Army, praying to be re-imbursed for the amount of money refunded by him to certain parties for property taken and sold by him by order of the military authorities, submitted a report thereon, accompanied by a bill (S. No. 949) for the relief of A. M. Garoutte, late captain and assistant quartermaster United States Army.

The bill was read and passed to the second reading, and the report was ordered to be printed.

Mr. WADLEIGH, from the Committee on Claims, to whom was referred the bill (H. R. No. 1668) to supply an omission in the enrollment of the deficiency bill approved March 3, 1875, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

PRINTING INVESTIGATION.

Mr. MORTON. The Committee on Privileges and Elections, to whom was referred the memorial of A. M. Clapp, Congressional Printer, have had the same under consideration, and submit a report accompanied by a resolution. I ask to have the report and resolution printed, and I give notice that to-morrow morning I will ask for the adoption of the resolution.

The resolution was read, as follows:

Resolved, That the Committee on Printing be instructed to investigate the official conduct of Hon. A. M. Clapp as Congressional Printer, and for that purpose have power to send for persons and papers, and to make report at the present session of Congress.

Mr. ANTHONY. "Have power to make report." I do not understand that the committee is to be instructed to make report at this session.

Mr. MORTON. That is the language of the resolution. Whether there is time enough I do not know.

Mr. ANTHONY. It is not to be considered now.

Mr. MORTON. I will call it up to-morrow.

The PRESIDENT *pro tempore*. The report will be printed and laid over.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. STEVENSON, it was

Ordered, That the petition and papers relating to the claim of the children of Harriet de la Palm Baker be taken from the files of the Senate and referred to the Committee on Revolutionary Claims.

GLENWOOD CEMETERY.

Mr. SHERMAN. I present an amendment in the nature of a substitute for the bill (H. R. No. 3741) amending an act incorporating the proprietors of Glenwood Cemetery, and ask that it be printed, so that I can offer it when the matter comes up.

The amendment was ordered to be printed.

REPORT OF COMMISSIONER OF EDUCATION.

Mr. PATTERSON. I offer the following resolution, and ask that it be referred to the Committee on Printing:

Resolved by the Senate, (the House of Representatives concurring.) That there shall be printed 30,000 copies of the report of the Commissioner of Education for the year 1875; 10,000 copies for the use of the Commissioner, 5,000 copies for the use of the Senate, and 15,000 copies for the use of the House of Representatives.

The PRESIDENT *pro tempore*. The resolution will be referred to the Committee on Printing.

Mr. ANTHONY. I think it is hardly necessary to refer that to the Committee on Printing; all the Committee on Printing could do would be to give an estimate.

Mr. EDMUNDS. Does not the law require it to be referred?

Mr. ANTHONY. Yes; the law requires a reference.

The resolution was referred to the Committee on Printing.

PAYMENTS OUT OF CONTINGENT FUND.

Mr. MORRILL, of Vermont. I offer the following resolution:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized to pay, out of the contingent fund of the Senate, the medical and funeral expenses of Frederick Peck, deceased, late page in the Senate, and medical and other expenses incurred by L. B. Cutler, an employé of the Senate, on account of the injuries received by the recent explosion of gas in the Capitol: *Provided*, That all bills rendered shall be approved by the Committee to Audit and Control the Contingent Expenses of the Senate before they are paid.

I desire to say that the bill passed by the Senate in relation to the two men, one of whom was killed and the other badly injured by the explosion, has not passed the other House, and the bills for medical and surgical attendance are pending and there is no means to pay them.

The other portion of the resolution embraces a little page, who was an orphan boy who died in the service. He went home one morning bleeding at the lungs and died immediately after, without any fund to be buried with or to pay for medical attendance. The whole cost of the proposition will be about $100. I think it is proper that it should be passed by the Senate. It will come out of the contingent fund. The balance in the hands of the Secretary of the Senate as a contingent fund will be covered into the Treasury after the 30th of this month, and therefore it is necessary to pass the resolution now, if at all.

Mr. SARGENT. I could not hear the Senator from Vermont distinctly. Has he considered the question whether a resolution of the Senate can justify the Secretary of the Senate in paying from the contingent fund for an exceptional expense? It seems to me the only way would be by an amendment to the sundry civil bill or some other appropriation bill. If the Senator has considered and satisfied himself on that point, I shall make no further objection.

Mr. MORRILL, of Vermont. I think there is no doubt that we can pay it out of the contingent fund of the Senate.

Mr. SARGENT. There is some doubt about it. The Senator may have solved the doubt. If the Senator has not considered it, I think he had better withdraw the resolution until he is satisfied.

Mr. MORRILL, of Vermont. I have not paid particular attention to the point recently. If the Senator is clear on the point, I will refer the resolution to the Committee on Appropriations as an amendment to the sundry civil bill.

The PRESIDENT *pro tempore*. It will be referred to the Committee on Appropriations.

CORRECTION OF NEWSPAPER REPORTS.

Mr. ANTHONY. I see in the reports of the city papers this morning—I am not able to say whether the same mistake was made in the Associated Press—I am reported as saying that all the Presidents of the United States from Jackson down were upon the list of defaulters. I suppose this mistake arose from my stating the percentage of losses to disbursements in each of the administrations, naming the head of the administration; and as I did not speak very loudly probably the reporters mistook me as stating the amount as charged against the Presidents. I did not find in the examination of that voluminous report the names of any of the Presidents, though I should hardly have been surprised if I had found Christopher Columbus or Julius Cæsar. I did find one name that surprised me almost as much as either of those would, and that was the name of our old friend General Spinner. That incarnation of incorruptible, aggressive, vindictive integrity, whom all the gold in the Treasury could not buy, is put down there as a defaulter.

Several SENATORS. For how much?

Mr. ANTHONY. I have forgotten the amount, but something about $20.

MAIL CONTRACTORS IN TENNESSEE.

Mr. KEY. I move to take up for consideration House bill No. 3495.

The motion was agreed to; and the bill (H. R. No. 3495) for the relief of the mail contractors on route No. 19319, in Tennessee, was considered as in Committee of the Whole. It is an authority to the Postmaster-General to put mail service on the McMinnville and Manchester Railroad from Tullahoma to McMinnville, Tennessee, in the same manner as now provided by law for railroad mail transportation; and provides that the earnings for that service shall not be withheld on account of any claim due or alleged to be due from the old corporation of the McMinnville and Manchester Railroad Company to the United States.

Mr. SARGENT. Is that reported from a committee?

The PRESIDENT *pro tempore*. From the Committee on Post-Offices and Post-Roads. The amendment reported by the committee will be read.

The CHIEF CLERK. The amendment is to add to the bill the following:

But the provisions of this act shall in no wise interfere with, impair, or destroy or affect any claim, lien, or right, legal or equitable, the United States may have against said McMinnville and Manchester Railroad or its property, or the property purchased by the Memphis and Charleston Railroad Company; nor shall it in any wise affect, embarrass, or interfere with any suit the United States may have commenced, or may hereafter commence, to enforce any contract, right, or lien they have against said railroad companies, or either of them, or their property, or that of either.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

Mr. SARGENT. If I can understand this bill from the reading of it, the theory of it is that the successors in interest of these companies are now doing or propose to do the service, and the desire is that they shall do it unembarrassed by some arrangements of their predecessors. Is that the theory of the bill?

Mr. KEY. Yes, sir.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

SALE OF KANSAS INDIAN LANDS.

Mr. INGALLS. I move that the Senate proceed to the consideration of House bill No. 1797.

The motion was agreed to; and the bill (H. R. No. 1797) providing for the sale of the Kansas Indian lands in Kansas to actual settlers, and for the disposition of the proceeds of the sale, was considered as in Committee of the Whole.

counties of Morris and Lyon, in the State of Kansas. A similar bill was approved on the 8th of May, 1872, providing for the sale of these lands at an appraised price and for their sale to settlers within a year

Mr. EDMUNDS. I should like to have that bill explained. It is evidently a very important bill.

Mr. INGALLS. This is a bill to provide for the appraisement and sale of the lands belonging to the Kansas tribe of Indians in the after the appraisement was approved. Owing to a variety of circumstances that it is not necessary here to enumerate, the time expired, and that act became inoperative. The lands have since remained unsold, and there is no authority in the Secretary of the Interior for selling these lands unless this act is passed. The Indians have long since been removed to the Indian country, where they are now located upon a reservation. These lands are useless to them unless they are sold; they cannot be improved or occupied unless title can be obtained.

This measure has passed the House of Representatives; it receives the sanction of the Secretary of the Interior, is approved by the Commissioner of Indian Affairs, and is a matter of justice both to the Indians and to the settlers. It has been guarded strictly in every particular, and the money is to be paid into the Treasury, to be disposed of by the Secretary of the Interior for the benefit of the Indians.

Mr. EDMUNDS. There is one clause here that strikes me at first sight as perhaps open to some question. It is at the top of page 2:

> And the rejected claimants as *bona fide* settlers, who were recommended as such by Andrew C. Williams, acting under instructions to Superintendent Hoag, from the Indian Office, dated October 24, 1872, be permitted to make payment of the appraised value of their lands to the local land office at Topeka, Kansas, under such rules as the Commissioner of the General Land Office may adopt, &c.

What is the ground upon which, inasmuch as this act generally is for the benefit of each *bona fide* settler apparently, these rejected claimants are to be brought in; and how many of them are there?

Mr. INGALLS. There were but very few of those, and they were upon purely technical grounds. I am advised by the Department that it is a matter of justice and equity that these persons should be allowed to enter like other parties. There was some technical defect in their filing.

Mr. EDMUNDS. May I ask——

Mr. BOGY. I would inform the Senator from Vermont that the only object of this bill is to provide a way of disposing of the lands belonging to these Indians, for the benefit of the Indians, and to protect also the actual settlers. The law authorizing the sale heretofore required that the actual settlers should give notice of their settlement within a given time. Many of the people there not knowing the fact made settlements and did not give the mere technical notice, and their claims were not recognized. An investigation took place, as is stated in the bill, by a person recommended by the Indian Bureau by the name of Williams, acting under the instructions of the superintendent, Mr. Hoag, and the whole settlement of these persons appeared to have been correct, honest, and fair, and they are willing to pay the amount. They do not get the lands for any less. They could renew their settlements now, but unless their settlements were respected as of the time that they were made, other parties might come in and third parties might claim new right. The object was to respect them in their rights from the time they took possession. Nobody is injured by it. The Indian is not injured; the Government is not affected by it, and it is only a mode adopted to protect the settlers who first went upon these lands. They do not get their lands for a less amount. The only object of the clause referred to is to recognize their settlement from the time it was made. The whole object of this bill, which was examined in the Committee on Indian Affairs, is a mode provided for the disposition of this Indian reservation, and the money is to go for the benefit of the Indians. I see nothing wrong in the bill. I think it is pretty well guarded.

Mr. EDMUNDS. Mr. President, I have merely risen on this bill for the purpose of getting information. We all know that the Indian tribes, or people who profess to represent them, often come to us with complaints as to the manner in which their lands have been disposed of, and making demands upon Congress for restitution or re-imbursement or damages or consideration of some kind, saying that we have departed from their treaty-rights, and so on and so on. We all remember a great many cases of that kind, some of which appear to be just, and some not, and a great many are not acted on. What I want to get at about this bill is to see that it is in such a condition that we shall not have any claim made against us on the part of these Indians that we have not proceeded in conformity with the treaty under which this trust in respect of this reservation arises, and I take it everybody will agree that that is a proper subject for consideration.

My friend from Kansas has kindly turned to the treaty of October 5, 1859, and the fourth article provides:

> For the purpose of procuring the means of comfortably establishing the Kansas tribe of Indians upon the lands to be assigned to them in severalty, by building them houses, and by furnishing them with agricultural implements, stock animals, and other necessary aid and facilities for commencing agricultural pursuits under favorable circumstances, the lands embraced in that portion not stipulated to be retained and divided as aforesaid shall be sold, under the direction of the Secretary of the Interior, in parcels not exceeding one hundred and sixty acres each, to the highest bidder for cash, the sale to be made upon sealed proposals to be duly invited by public advertisement, and should any of the tracts so to be sold have upon them improvements of any kind, which were made by or for the Indians, or for Government purposes, the proposals therefor must state the price for both the land and improvements, and if, after assigning to all the members of the tribe entitled thereto their proportions in severalty, there shall remain a surplus of that portion of the reservation retained for that purpose, outside of the exterior boundary line of the lands assigned in severalty, the Secretary of the Interior shall be authorized and empowered, whenever he shall think proper, to cause such surplus to be sold in the same manner as the other lands to be so disposed of, and the proceeds thereof to be expended for their benefit in such manner as the Secretary of the Interior may deem proper.

That, I am told, is the article under which this duty of disposing of these lands arises; and if it be that, as I have no doubt it is, then of course this stipulation by treaty is clearly that these lands must be sold for cash to the highest bidder upon sealed proposals. This bill provides a different method of disposition. It provides that each *bona fide* settler on these lands shall be entitled to have them at the appraised value. There has been one appraisal, and they did not choose to take them at that value. It was supposed to be more than they could afford to pay; and one section of this bill provides that the Secretary of the Interior may cause a re-appraisement if he thinks it desirable, and then let them have them at the price of the re-appraisal, the re-appraisal to come out of the fund. That of course is not in conformity with the treaty, and it would give, to my mind, to these Indians the right to come back to us and say, if a fair cash price was not obtained, "You have perverted this trust by, for the benefit of your own settlers and pre-emptors, or whatever they are called, giving them this land at the appraisal of three persons, selected not by us but by the Government, and you have not followed the trust in having an open competition, to get the most money for us for these lands that you could." That, it seems to me, is plain on the face of the treaty and on the face of this bill; and the question that occurs to my mind is whether it is just in the first place to do that and, in the second place, whether it is safe for the United States to do it without the assent of this tribe of Indians, lest they might return to us and say, "You have been guilty of a breach of trust, and have disposed of these lands in a different manner from that provided in the treaty; and you must now make good the difference to us." That will raise a difficulty and a dispute and a complaint.

It does not appear to me, with great respect to the Committee on Indian Affairs, that that is quite the right thing to do. I think there ought to be added to this bill, assuming it to be right intrinsically, if we had the power to do this thing, a provision that no proceeding shall be taken under the bill until this tribe of Indians shall file its assent to the provisions of the act with the Secretary of the Interior. Then, if the Indians are satisfied, as I understand from my friend from Kansas that in fact they are, they will file this assent and there will be no claim made hereafter upon us for any breach of trust or wrong done to them in violation of the treaty. I move to add a section at the end of the bill in these words:

> No proceeding shall be taken under this act until the said Kansas tribe of Indians shall file their assent to its provisions with the Secretary of the Interior.

With that security to bring it into conformity with the treaty by assent—that is, to have the Indians waive the departure from the treaty—I do not see why the United States would not be safe. In respect of the intrinsic propriety of this method I do not wish to say anything, because I am not competent to judge; I do not know anything about it.

Mr. INGALLS. In response to what the Senator from Vermont has said, I will not detain the Senate further than to remark that the assent of the Indians was specifically obtained after the passage of the act of May 8, 1872. They had previously made an agreement by which they were to abandon this reservation and proceed to the Indian Territory, there to live upon a reservation set apart for them in the northern portion of the Indian country. It appears to me, therefore, that their assent having been already formally obtained to their removal from this reservation, and they having in the most formal method expressed their desire that their lands should be sold, it would be unnecessary to burden the bill with a provision that their assent shall be obtained again.

Mr. EDMUNDS. I should like to have the Senator have that assent read—the old one.

Mr. INGALLS. It is in the Interior Department, and of course I cannot obtain that now; but the fourth section of the law of 1872 commences as follows:

> That if said Kansas tribe of Indians shall signify to the President of the United States their desire to sell their diminished reserve—

Which is the tract referred to in this bill—

> as indicated in said treaty, including lands held in severalty and in common, and to remove from the State of Kansas and shall so agree in such manner as the President may prescribe, the Secretary of the Interior may cause the same to be appraised, &c.

In pursuance of the provisions of that section of the law of 1872 the assent was obtained, and the Indians removed from their diminished reservation to the Indian country; and as the objection of the Senator from Vermont, which I know is founded upon a sincere desire to protect the Indians and to protect the Government also, has already been fully met by the fact that the Indians have so expressed their desire, I trust he will not delay the passage of this bill or interfere with its becoming a law at this time by requiring it to be again acted on by the House, by insisting upon his amendment. If there were any real objection, I certainly would be the last to attempt to deprive the Indians of any rights or to impose any additional burden on the Government.

Mr. EDMUNDS. The difficulty to my mind with the statement of my friend is that we have not the assent here, as my friend says. He understands it to be precisely what he has stated, an assent to the act of 1872. But this bill provides for this method of sale, which the

fourth section of the act of 1872 does not point to at all on its face; it only points to their assenting to removing and disposing of the lands which belonged to them in severalty; and the general assent to the disposition of the lands would be referred to the terms under which the parties had agreed that they should be disposed of, namely, to the highest bidder for cash. That would not help us out if we had it here; but, even if we had it and it was a formal assent to all the provisions of the act of 1872, how would we find ourselves then? Under that act of 1872, as this act recites, an appraisal was made in conformity with its provisions. The Indians were entitled, if the lands were disposed of, to the price named in that appraisal on their own assent. The Government did not get that. It now turns round without their assent and by a fresh act says they shall take what a fresh appraisal may make. That is not the appraisal that they had provided for. The price may have fallen since that time; a fresh set of men may be selected who will reduce the price vastly. They may put it below what the real propriety of the thing is. The Indians will say: "We have agreed"—supposing they agreed to all the provisions of the act of 1872—"that there shall be under this act a new appraisal of our lands, and that at that appraisal we will take the appraised price and let the settlers have them." The lands are appraised; the settlers will not take them at that price. That act falls. Can it be said that the Indians, by assenting to the old act, have assented to the other one for a new appraisement under different circumstances and four years afterward? I am sure no lawyer would maintain that. It does seem to me that we run too great risks in this matter in leaving questions behind on these old treaties, when in the time of action we can just as well make it secure as after. I think, therefore, my friend will not oppose the amendment. I do not want to spend the time of the Senate in discussing it.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from Vermont.

Mr. BOGY. I hope the amendment will not be adopted. I think there is a want of knowledge of the subject. I would rather have the bill defeated entirely than have the amendment adopted. I am perfectly satisfied that we ought to pass the bill; and that this bill is in conformity with the treaty and also in conformity with the law; but it is impossible, after an investigation of this kind, for the committee to be prepared to meet all these objections, which are very plausible, and gentlemen like my friend from Vermont can make objections all the time. The matter was referred to a subcommittee of which I was not a member; but I am perfectly satisfied that the bill is all right; and rather than have this amendment, which would lead to delay and necessitate getting the assent of the Indians again, I would rather have the bill recommitted, and, if it is not in conformity with the law or treaty or if it is unjust to the Indians, let the bill be defeated or the amendment of the Senator then adopted. I would rather not now agree to the amendment.

Mr. INGALLS. As the bill very intimately concerns a considerable portion of my constituents, I am desirous to accept the amendment rather than delay the passage of the bill. I accept the amendment so far as I am concerned.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Vermont.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

LIZZIE IRONS.

Mr. PATTERSON. I desire to call up House bill No. 2017. I move for its consideration.

Mr. HOWE. I appeal to the Senator from South Carolina and to the Senate to allow me to have a short executive session, and before the hour of one o'clock.

Mr. PATTERSON. This bill will not take a minute.

Mr. HOWE. Very well.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from South Carolina.

The motion was agreed to; and the bill (H. R. No. 2017) for the relief of Lizzie Irons, sister of Lieutenant Joseph F. Irons, late of the First United States Artillery, was considered as in Committee of the Whole. It provides for the payment to Lizzie Irons, sister of Lieutenant Joseph F. Irons, late of the First Regiment United States Artillery, of $512.50, being the amount of pay withheld from Lieutenant Joseph F. Irons on account of commissary funds stolen by his clerk while Irons was acting as assistant quartermaster at Fort Adams, Rhode Island.

The Committee on Military Affairs proposed to amend the bill by striking out in line 7 "$512.50" and inserting "$350.50."

Mr. EDMUNDS. Is there a report?

The PRESIDENT *pro tempore*. There does not appear to be any written report accompanying the bill.

Mr. PATTERSON. There is a report.

Mr. EDMUNDS. The chairman can explain it.

Mr. LOGAN. There is a House report, but it differs in the amount from what our committee recommend. They reported $512.50. While this lieutenant was acting as commissary, a clerk of his stole this amount of money and forged some vouchers and drew money from a bank. It could not be allowed by the accounting officer. The lieutenant died in the service. His mother, who is now in very indigent circumstances, applies for this amount to be refunded. In the examination of the accounts which I made in our committee I found that to make up the $512.50 some of the vouchers that were forged were counted in, so I struck them out, and allowed $350.50, which was the absolute sum stolen from him, although he paid $512.50.

Mr. EDMUNDS. Without his negligence?

Mr. LOGAN. Without his negligence. It is a proper thing to do.

Mr. EDMUNDS. All right.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

EXECUTIVE SESSION.

Mr. HOWE. Mr. President, I move that the Senate proceed to the consideration of executive business.

Mr. SARGENT. Wait until the morning hour expires.

Mr. HOWE. At the conclusion of the morning hour we have notice that the Senator from Indiana expects the floor.

Mr. SARGENT. The morning hour is valuable.

Mr. HOWE. I know the morning hour is very valuable, but the Senator knows how hard I have tried to have an executive session.

Mr. SHERMAN. I hope the Senator from Wisconsin will not do that. It is an extraordinary motion now; it is a thing rarely done at this hour of the day.

Mr. HOWE. The Senator moved an executive session the other day when there was not the slightest necessity for it.

Mr. SHERMAN. There was no controversy in that case.

Mr. HOWE. I think the controversy over this matter has ended.

Mr. SHERMAN. I hope the Senate will not do it.

Mr. HOWE. I hope the Senate will do it. I ask for a vote.

The PRESIDENT *pro tempore*. The Senator from Wisconsin moves that the Senate proceed to the consideration of executive business.

Mr. HOWE. I call for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 20, nays 18; as follows:

YEAS—Messrs. Allison, Cameron of Pennsylvania, Christiancy, Clayton, Conkling, Dawes, Ferry, Frelinghuysen, Hamilton, Howe, Key, Logan, McCreery, Mitchell, Morrill of Vermont, Oglesby, Patterson, West, Windom, and Wright—20.

NAYS—Messrs. Anthony, Bogy, Booth, Bruce, Cockrell, Goldthwaite, Gordon, Harvey, Hitchcock, Ingalls, Maxey, Paddock, Randolph, Sargent, Sherman, Stevenson, Whyte, and Withers—18.

ABSENT—Messrs. Alcorn, Barnum, Bayard, Boutwell, Burnside, Cameron of Wisconsin, Caperton, Conover, Cooper, Cragin, Davis, Dennis, Dorsey, Eaton, Edmunds, Hamlin, Johnston, Jones of Florida, Jones of Nevada, Kelly, Kernan, McDonald, McMillan, Merrimon, Morrill of Maine, Morton, Norwood, Ransom, Robertson, Saulsbury, Sharon, Spencer, Thurman, Wadleigh, and Wallace—35.

So the motion was agreed to; and the Senate proceeded to the consideration of executive business. After sixteen minutes spent in executive session the doors were re-opened.

OFFICIAL MAIL MATTER.

Mr. PADDOCK. I give notice that when the silver bill is through I shall call up the bill (S. No. 552) to restore the franking privilege.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. GOLDTHWAITE submitted an amendment intended to be proposed by him to the bill (H. R. No. 3022) making appropriations for the construction, repair, preservation, and completion of certain public works on rivers and harbors, and for other purposes; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. MORRILL, of Vermont, from the Committee on Public Buildings and Grounds, reported an amendment intended to be proposed by him to the bill (H. R. No. 3749) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1877, and for other purposes; which was referred to the Committee on Appropriations, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. G. M. ADAMS, its Clerk, announced that the House had passed the following bills; in which the concurrence of the Senate was requested:

A bill (H. R. No. 1516) to regulate the issue of artificial limbs to disabled soldiers, seamen, and others;

A bill (H. R. No. 1984) to provide for the sale of certain lands in Kansas;

A bill (H. R. No. 2284) to amend section 2324 of the Revised Statutes concerning mineral lands;

A bill (H. R. No. 3791) to remove the legal and political disabilities of William A. Webb, of Virginia;

A bill (H. R. No. 3797) to amend section 2139 of the Revised Statutes; and

A bill (H. R. No. 3799) authorizing the Secretary of the Interior to deposit certain Indian funds to be used by the Secretary of the Treasury in payment of 6 per cent. United States bonds.

The message also announced that the House had disagreed to the

amendments of the Senate to the bill (H. R. No. 3717) making appropriations for the support of the Army for the year ending June 30, 1877, and for other purposes, asked a conference on the disagreeing votes of the two Houses thereon, and had appointed Mr. J. D. C. ATKINS of Tennessee, Mr. S. J. RANDALL of Pennsylvania, and Mr. S. A. HURLBUT of Illinois, managers at the conference on its part.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bill and joint resolution; and they were thereupon signed by the President *pro tempore:*

A bill (H. R. No. 525) to extend the time for filing claims for additional bounty under the act of July 28, 1866, which expired by limitation January 30, 1875, until July 1, 1880; and

A joint resolution (H. R. No. 104) for the relief of Edward O'M. Condon.

LEGAL TENDER OF SILVER COIN.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 3398) for the issue of coin, and for other purposes.

The PRESIDENT *pro tempore.* The pending question is on the amendment of the Senator from Missouri [Mr. BOGY] to the amendment of the Committee on Finance, in line 14 of the first section of the committee's amendment, to strike out the words "not exceeding $20;" so as to make the clause read:

And the said dollar herein authorized shall be a legal tender at its nominal value for any amount in any one payment, except for customs duties and interest on the public debt, and shall be receivable in payment of all dues to the United States except duties on imports.

[Mr. MORTON addressed the Senate. His remarks will appear in the Appendix.]

Mr. JONES, of Nevada. Mr. President, I desire to offer an amendment to the bill.

The PRESIDING OFFICER, (Mr. WHYTE in the chair.) The Secretary will report the proposed amendment.

The CHIEF CLERK. It is proposed to amend the first section by striking out lines 13, 14, 15, 16, and 17, and inserting in lieu thereof:

And the said dollar herein authorized shall be a legal tender at its nominal value for any and all amounts, except for customs duties, and for debts and obligations which by their own terms are payable in gold coin.

It is further proposed to insert as section 5:

That any owner of silver bullion may deposit the same at any mint to be formed, for his benefit, into silver dollars such as are provided for in this act, or into bars; and the charge for such manufacture shall not exceed the actual cost thereof as may be computed by the Director of the Mint and approved by the Secretary of the Treasury.

Mr. SHERMAN. I will state to the Senator from Nevada that that amendment is not in order at this stage. I have no objection to his addressing himself to the amendment; but until the amendment of the Senator from Missouri is acted on it will not be in order to move any further amendment.

Mr. JONES, of Nevada. I will offer it as a substitute.

Mr. SHERMAN. It would not be in order as a substitute; but the Senator can address himself to the amendment if he chooses, and it can be offered afterward when in order.

The PRESIDING OFFICER. The amendment of the Senator from Nevada is not now in order. It has been read for information. There are two prior amendments already pending.

Mr. JONES, of Nevada. I shall address myself, the same as though it were in order, to the amendment just read, which I shall offer at the proper time.

In the remarks which I propose to submit to the Senate, I shall endeavor to confine myself to the bill now under discussion, and to the observations that have been made relative to the subject by those who have preceded me. With these objects immediately in view, I shall not digress to discuss or discover new systems of fiat paper money, nor to discover inconsistencies or errors of phraseology in the old and forgotten speeches of my colleagues.

In the exceedingly interesting and able speech of the Senator from California, [Mr. BOOTH,] he lays down several propositions, among which are the following:

First. That silver has been, during the past few years, as variable in value as United States notes.

To this I reply that United States notes have insensibly, though incorrectly, been regarded as promises to pay gold; this regard having been fastened upon them by the fact that, until 1873, the gold dollar was less valuable than the silver dollar, and therefore was the only current coin, and that since 1873 the silver dollar has been demonetized. That being thus regarded as promises to pay gold, United States notes have followed gold, and fluctuated with it, while silver has remained nearly stationary. As gold and greenbacks are not customarily quoted in silver, but, on the contrary, silver is quoted in gold and greenbacks, silver has appeared to greatly fluctuate in value, whereas, in point of fact, it has fluctuated very little; and the Senator has no right to assume that it has fluctuated, even approximately, as much as gold or greenbacks.

Second. That silver would be too heavy to carry in the pocket.

To this I reply that so is gold, and that neither, in case of a silver, a gold, or a double standard of money, would coin be carried in the pocket to more than a very small amount. Government certificates for deposits of coin in money note form, or bank-notes, based on a deposit of coin, would be chiefly used, and would furnish the people a safe and convenient medium of exchange and at the same time prevent all loss from abrasion of metal money. The Senator himself says a little further on—

The superior convenience of paper money will prevent the extensive circulation of silver.

Third. That we parted with the silver dollar twenty-three years ago.

In this he is mistaken. We parted with it forty-two years ago, or in 1834, because in that year a legal relation was established between the two metals, which overvalued gold and undervalued silver. The silver dollar, being the more valuable of the two in the market, was exported; but we retained the silver dollar as legal money for any and all purposes, and had and held the valuable option of again coining it in case there should occur what has recently occurred: a rise in the price of gold or a decline in the value of silver.

Fourth. The Senator says that no living man has the courage to face the consequences of specie payments.

Now if specie payments, to be made in gold, are so alarming, why does the Senator argue in opposition to specie payments in silver, which, according to his own statement, would be 20 per cent. easier?

Fifth. That it is the true policy to bring every form of currency to the gold standard, because that is the one used by the commercial world.

I have heretofore shown that, of all the nations in the commercial world, only England and her *protégés,* Turkey, Portugal, Brazil, and Chili, employ the single gold standard. All the rest use either the double or the single silver standard. But it is not the gold standard alone which the gentleman advocates; it is a gold standard and a particular unit of value in that standard coupled with it. It is a gold standard with 23.22 grains of pure gold in each unit called a dollar; a unit 15 per cent. above the value of the currency unit, under which nearly all contracts now in existence in this country have been entered into, and under which, since 1862, all the promissory notes and mortgages have been executed and obligations incurred.

Even admitting that the bonds of the Government should be paid in gold, he would, merely for the sake of harmony in nomenclature, add 15 per cent. in weight to the burden of debts in this land by making all of them, municipal, State, and individual, amounting to several thousands of millions of dollars, in currency, payable, each dollar, by precisely the same weight of metal which he believes to be due to the foreign creditors of the Government.

Sixth. That the words "market value" as used in the bill under discussion have no meaning if the silver bullion purchased in pursuance of its provisions is measured in silver dollars, because, as he says, to quote silver in itself would be absurd. It seems strange to me that this should strike any one as absurd. I ask him how does England value gold bullion when she purchases it for her mint at £3 17*s.* 10½*d.* sterling per ounce? Not in silver, nor in wheat, neither of which are money in England, but in pieces of gold of standard purity weighing a certain number of grains, and called pounds or sovereigns.

I give the latest quotations from the London Economist:

Quotations for bullion. Gold: Bar gold, 77*s.* 9*d.* per ounce standard; fine, 77*s.* 9d. per ounce standard; refinable, 77*s.* 11*d.* per ounce standard; United States gold coin, 76*s.* 3½*d.* per ounce; German gold coin, 76*s.* 3½*d.* per ounce. Silver: Bar silver, fine, 51½*d.* per ounce standard, nearest; containing five grains gold, 52 5/16*d.* per ounce standard, nearest; Spanish dollars, (Carolus,) none here.

In like manner the silver bullion to be purchased under the provisions of this bill may be quoted in and paid for with silver pieces, each of which contains a specified number of grains of standard silver and is called a dollar. If this is impracticable, I have only to say that the world seems not to have discovered the fact; for it has pursued precisely this course ever since mints were established, many centuries ago.

Seventh. That he fails to perceive the important consequences which were attributed by me to the omission to provide for the coinage of the silver dollar in 1873, and that he has always consoled himself with the reflection that the mighty stream of human life would flow on in its great channel despite any accidental mistake of ours. I can scarcely believe that the Senator is so unmindful, as this extract would seem to make him out to be, of the mighty influence which, in all ages, legislation has had on the happiness, the material, moral, and social advancement of the human race. His argument would belittle all legislation. Was the recognition, in the Constitution and laws of the country of the right to hold human beings as property, of no import? Did not the results which flowed directly from these laws, and which are yet fresh in our memories, cause the mighty streams of death and life to intermingle more freely? Are our laws guaranteeing personal freedom of no account? Are the national debt and the debts of individuals and corporations, all of which rest upon legislation, which, withdrawn, would result in a redistribution of poverty and wealth in this country, of no account? And is an enactment which threatens to add 20 per cent. to the huge bonded debt and to the still greater State, municipal, and private debts of this country, and in that ratio increase the burdens of taxation, a mere accidental mistake not worthy of notice? The mighty stream of life to which the Senator alludes might continue to flow on, and I trust it will; but in the absence of wise legislation I fear that its flow would be over a very rocky bottom, and that its surface would not be so placid and smooth as might be wished.

Eighth. The Senator alleges that inasmuch as the entire coinage of silver in the mints of the United States from 1821 to 1873 was but $140,000,000 the disturbance caused by the act of 1873 is imaginary. Without commenting upon the incompleteness of the Senator's figures, for we coined silver previous to 1821, it needs only to be said that from 1834 to 1873, or nearly the whole of the period covered by the Senator's figures, silver was undervalued by our mint laws and was worth more as bullion than the Mint was authorized to pay for it for the purposes of coinage. The silver dollar was worth more in the markets of the world than the gold dollar, and was consequently coined only in limited quantities.

This fact affords no grounds for assuming that its great fitness for money is imaginary, or that the option of coining it, which was taken away from us by the act of 1873, was not a very valuable one, and one which alone was adequate to protect this nation against the ultimately ruinous effects of that great rise in the value of gold which has been effected by foreign legislation, and against this country's interest, since that date.

Ninth. The Senator objects to the silver dollar on the ground that its substitution for the present greenback dollar would simply amount to the exchanging, at a large expense, of one system for another. Further on he indicates his preference for the gold dollar over the silver one, ignoring the fact that the expense in this case would be much greater. Still further on he advocates, if I understand him correctly, a legal-tender paper dollar convertible into gold-bearing bonds at the option of the holder.

Not knowing which of these various propositions the Senator would oppose to the one under consideration, I am at a loss to compare or contrast them, and so leave them to carry, each of them, what weight they will.

Tenth. That to start with one metal thirteen degrees below the other is simply to adopt the lower standard and to abandon the only benefit—mutual corrections and modifications in the value of the two metals—which it is claimed results from the employment of the double standard. This statement involves the assumption that the present market ratio of silver to gold is the correct or normal one, an assumption the fallacy of which is known of all men. I had supposed that the world's experience of nearly three hundred years, that the normal relation between the metals of 15½ in silver to 1 in gold was of some value in this discussion, and not to be overturned by the short experience of three years under exceptional and abnormal conditions.

The Senator himself, in one part of his speech, grants my conclusions in this respect "to the full," but in another he undertakes to overthrow them entirely by assuming that the present abnormal ratio would continue to exist even after the principal cause of it, the demonetization of silver by a leading commercial nation, were removed; or, what is the same thing, after another nation of greater commercial importance should give it even greater employment; and the fact ought to be clearly understood and appreciated, that in the equalization of the values of the two metals by the monetization of silver the lowering of the price of gold which would result therefrom, would contribute fully as much to bring about that result as the increase in the value of silver.

Eleventh. That the option or right of election to pay our national debt in silver or gold at the relation of 16 to 1, as provided by the law as it stood when the debt was contracted, is purely technical.

This assertion of technicality the Senator himself refutes a little further on by saying that "this election has determined the market value or price of our bonds at home and abroad." If this be true, this determination could only have been of interest to our Government at the time of the sale of the bonds, for after a thing is sold the seller can have no further interest in it, unless it be to buy it back cheaply. If the option determined the price at that time, it must have been something more than a mere technicality.

It is doubtful to me whether anything but the consideration that an annual interest equal to about 12 per cent. on the then market value of the bonds was promised to be paid in coin out of the customs revenues had any weight with the foreign money-lender; but this is of little consequence at the present time.

The Senator regards this option as a mere technicality; and yet, according to his own figures, it is now worth to us $300,000,000 in solid cash. He regards it as a mere technicality, and yet argues that we shall fail to acquire the good opinion of the world unless we give it up for nothing.

An opinion which is ready to lend itself for a valuable consideration can hardly be deemed an honest one, and when the price demanded is so extravagant as it is in this case, it may be well worth a careful consideration whether, as a nation, we might not be able to survive without it.

But, as I said on a previous occasion, I do not propose in the discussion of the bill under consideration to consider the question whether the public debt is payable in silver dollars or not.

It is a trivial question compared with the one whether our State, municipal, corporative, and private indebtedness, which was contracted in depreciated paper money, shall be forced to be paid in gold dollars, which even now, when gold has not been increased in value by the demands for it for purposes of resumption, is fully 15 per cent. more valuable than the paper units in which these debts were contracted or in the silver dollars provided for in this bill with which the differences between debtor and creditor can be fairly adjusted.

It is to this overshadowing question of the general indebtedness of this country and the mad attempt to force its payment in a unit of value not calculated on when the debts were contracted and in a metal already scarce and which is daily becoming scarcer, that I am giving my attention, and not to the minor consideration of the national debt, nor that good opinion of the world of money-changers which is controlled by a money consideration. On this question I propose to say something more further on, and therefore in this place I merely reply to the honorable Senator from California that what he regards as only a technical option is of considerably more importance even than that which he admits it possessed, namely, the determination of the market value of our national bonds. Its importance is chiefly to be found in regard to the bearing it has upon the general currency indebtedness of the country, which in amount is many times that of the sum of national indebtedness, bonded or otherwise.

Twelfth. The gentleman summarizes his speech under six points; the first of which is, that the funded debt of the Government should be paid in gold.

To this proposition I have only to say that, the legal right to pay in silver being admitted on all sides, I prefer to postpone the discussion of the policy of exercising that right, which is a question of greater range, to a future occasion.

His second proposition is that the double standard requires, at the time of its adoption, a common unit of value, and to avail ourselves of its supposed benefits we must increase the weight of the silver dollar. To this proposition I propose now to reply more specifically.

The facts are briefly these: For more than two hundred years, that is to say, since shortly after the discovery of America, the market ratio of silver and gold throughout the commercial world was, with slight variation, 15½ for 1; in other words, fifteen and a half pounds of pure silver was the equivalent of one pound of gold. About fifty years ago, England, a leading commercial nation, then having, by her law of 1798, a qualified double standard, but really having suspended specie payments, suddenly changed her law and made gold the only legal tender for payments above £2. Gold was at that time slightly cheaper than silver, at the long-time relation of 15½ for 1, and, in adopting gold as her standard, England adopted the then cheaper metal; and in so doing followed precisely the course which the Senator from California views in our case with so much apprehension for the honor of the country. The consequence of the rejection of silver in England and the establishment of gold as the only metal in which her vast commercial transactions should be settled was, when she came to resume specie payments in 1821, a temporary and rapid appreciation of gold from less than 15½ to 1 to nearly 16 for 1. From this cause a new equivalent between the metals was temporarily substituted for the old one; and in order to retain in their laws such an average relation between the metals as the market now showed, the other nations of the world, most of whom employed the double standard, and such as did not employed the single silver standard, fixed the legal relation of gold to silver at 15½ to 1. This country changed the relation from 15 for 1 to about 16 for 1. This was an undervaluation of silver and caused its exportation. This law was passed in the United States in 1834, and the legal relation then established between the metals has remained unchanged in this country to the present time.

Lately Germany, now also a leading commercial nation, prepared to do just what England did in 1816, namely, change an unqualified double standard for a qualified one (England had an unqualified double standard from 1783 to 1798) and the qualified double standard to a single gold standard.

The consequences in this case have been similar to those which occurred in the case of England. The elimination of some two hundred and fifty or three hundred millions of dollars of silver from the currency of Germany and the substitution therefor of an equal sum of gold—most of which she had to go into the markets and purchase—has caused such a temporary rise in the relative value of gold and silver that instead of fifteen and one-half it now requires over eighteen pounds of silver to purchase one of gold.

If all the rest of the commercial nations had been on a specie basis when Germany resolved, unwisely as I think, on this change, her surplus silver would have been readily absorbed, without making scarcely any change in the relation between the metals. But this was not the case. Specie payments were, and are now, suspended in the countries representing the larger portion of the population of Europe as well as in the United States. Consequently there was not and is not now but a limited demand for silver in the Occidental world, and the sluggishness of commercial movements in the Orient prevents the ready absorption of a large amount of their money metal suddenly thrown upon them. And it is worthy of special notice and remark, concerning the passage of the law of 1834, changing the relation of silver to gold from 15 for 1 to about 16 for 1 that, at the former relation, gold stood at about 6½ per cent. premium over silver. Both were a legal tender for all amounts, the same as currency and gold are today. Silver was then the currency of the country, because it was the cheaper money, and, as a consequence, drove gold from the circulation; just as our present currency, which is 13 per cent. less valuable than gold, has driven gold out of the circulation.

In 1834 it was deemed desirable by leading financiers of the country to bring gold in as an element of the currency with silver, just as it is now proposed to bring gold in by equalizing the paper legal-tender and gold dollars. But a very different and more equitable plan was adopted to effect that object then than is proposed for the same end now. Mr. Campbell White, the chairman of the committee on coins; Mr. Albert Gallatin, one of the most distinguished financiers of this or any other country, and a former Senator of the United States; and Mr. Ingham, the Secretary of the Treasury, in discussing the question, agreed, as did also the Congress of the United States, that, as all time contracts and obligations were based on the cheaper silver unit, it would be an outrage and an injustice not to be thought of nor tolerated, to change the relation of silver to gold by increasing the value of the silver dollar. Aside from the weighty material interests involved in the changing of the very essence of all existing contracts it was contended that such a course would severely shock the keen moral sensibilities of the nation; it would be a lesson in fraud and dishonesty which it could not afford to inculcate, and that we should not permit the creditor by a trick of legislation to exact from the debtor 6¼ per cent. more than his just due. A sensible and honest course was resolved upon and pursued; a sufficient number of grains of pure gold was taken from the gold unit to equalize its value with the silver unit, which was that upon which business and contracts rested.

A similar equitable course is what should be pursued now. Contracts and obligations are now based upon the paper dollar just as they were then based upon the silver dollar. To raise the paper to the gold dollar of to-day would work double the injustice that could have been worked by raising the silver to the gold dollar in 1834; for the difference is now 13 per cent., whereas then it was but 6¼. The fraud would be double, the trick of legislation twice as atrocious. Now, as then, the sensible and honest course would be to reduce the gold dollar rather than raise the paper one; for the paper dollar and not the gold one is the dollar upon which all our business affairs, mortgages, and other contracts are based.

But there are always well-founded objections to the reduction of coins. Exceptional contracts are sometimes in existence based upon the especial coin to be changed; and the use of two kinds of coin of one metal and both with the same name might lead to confusion. A new coinage becomes requisite and the coinage of any large sum of bullion is always subject to some expense and often to great inconvenience; and future changes may occur in the market value of the rejected coin which may render its rehabilitation desirable.

These objections to following the example of our country in 1834 are happily all removed by restoring our silver dollar to free coinage and full legal tender, both of which attributes it possessed up to the year 1873–'74, when they were abolished by covert legislation.

The silver dollar of 371¼ grains pure, or 412.8 grains standard, is at the present time of about the same value as the paper dollar, and therefore will accurately measure the bargains and contracts made in the last-named currency.

To restore it to free coinage and legal tender is simply to place it where it stood from the time when the white man first trod this country down to the year 1873–'74. It is to place it where it should stand, the peer of the gold dollar, both of them legal tenders to any amount for the payment of debts, the option between them to pertain to the lender when he lends money and to the borrower when he pays it.

Nations must base their systems of money not upon theories which exclude practical facts, but upon theories which recognize them. They must be prepared to receive and utilize large supplies of specie from countries suspending specie payments, in order to counterbalance the losses they sustain when they are obliged to suspend specie payments themselves. They must be prepared to respond to sudden and great demands for specie from countries returning to specie payments, in order that by their profits from this source they may make good their losses upon the specie they may be at some other time obliged to purchase in order to return to specie payments themselves

The United States suspended specie payments in 1861, and disposed of all that portion of its stock of specie, amounting to over $100,000,000, which consisted of silver, besides more or less of its gold. Other countries, as Austria and Italy, also suspended some years afterward, and their silver stock was thrown upon the markets of the world, causing more or less perturbation in the purchasing power and relative value of the precious metals.

When it suspended specie payments, the United States was a nation of thirty-one millions, and had a double standard, with gold as the cheaper metal, and comparatively little silver in circulation. Now when it proposes to resume specie payments it is a nation of forty-five millions, and should have a double standard, with silver as the cheaper metal, and comparatively little gold. It requires a stock of specie of not less than three hundred and fifty millions, accordingly as it shall conclude to establish its standard, whether of gold or silver or both, and with or without qualification, and over or under the average market ratios between the metals. This sum will be more or less in gold or in silver. My own plan is simply that which was the law of this land from 1792 (as amended in 1834) to 1873, namely, the unqualified double standard at 16 for 1. I say unqualified, although since 1853 the fractional coins, halves, quarters, dimes, and half dimes have been debased. I propose no change in these at present. The adoption of this plan, which is to be effected by simply restoring the silver dollar to legal tender and free coinage, would involve the purchase by the Government of from one hundred millions to two hundred millions of dollars of silver wherewith to resume specie payments.

This purchase would, as I believe—and in this I am backed by all experience—have the effect of restoring the market relation of 16 for 1, and thus the market and the legal relation would become the same. The one hundred or two hundred millions thus purchased would take all or nearly all the silver that Germany has left, and would fully counteract the effect upon the market ratio which her attempted change of standard has thus far been chiefly instrumental in producing.

Thus we should start substantially as the Senator from California contends we ought to, at such a legal relation between silver and gold as corresponded, or as would soon correspond, with the market relation; and therefore it will not be necessary, even from his point of view, to change the relation from the old one of 16 for 1 to any other.

As for any apprehension that the product of the silver mines of this country would tend to keep the relation at above 15½ or 16, this is a mere chimera. I showed on a previous occasion that concurrently with the increased product of the Comstock lode there has been a diminished product of less prolific mines, and now I unhesitatingly affirm that in all the United States there are not ten silver mines that are paying expenses, and that in no district outside of the Comstock, which is now being worked at a depth of nineteen hundred feet, is there any profit in silver mining.

For this reason the world's total annual product of silver is actually a trifle less now than it was three years ago and but twice as great as it was a century ago. The total silver product of the world is now but seventy-two millions. It was seventy-six millions in 1873, and over thirty-five millions in 1790.

While silver has been produced in tolerably close correspondence with the world's population and with food and the other principal articles of subsistence, the production of gold has fluctuated enormously. Silver and other commodities have preserved an even relation, and a given quantity of one will exchange for about the same quantity of the other as it would do twenty-five years ago, while gold is becoming dearer in relation to other commodities from day to day.

The Senator's third proposition is that "all forms of currency in use at any given time ought to be equivalent in value." To this proposition I assent; and I say more, that you cannot make them differ; for so soon as they differ, all but one of them, the cheapest, will cease to be current. An objection has been made that with the re-instatement of the silver dollar we should have three kinds of dollars in circulation of different values, each of them a legal tender for any amount, and that utter confusion in our monetary system would be the result. Such a conclusion is unwarranted, because the predicate is impossible. As fast as the silver dollar is coined and issued it will take the place of the paper dollar, and as between the silver and gold dollar the cheaper one will be used exclusively as a means of payment. Therefore only one will be employed, and no confusion could result.

The fourth proposition of the Senator from California is that "gold by the common consent of the commercial world is the ultimate standard by which all values are measured." The Senator will, I think, pardon me if I say that this is a mere assumption without even the appearance of evidence to prove it. Gold is not the common standard of the commercial world, nor has it ever been, nor is it likely ever to be so. Gold is not mined; it is picked up. It is chiefly the product of placers. Its annual production varies even of late from one hundred and ninety-four millions a year in 1852 to ninety-seven millions a year in 1875. The entire stock on hand in the world scarcely exceeds that of silver. As a measure of value it lacks the stability, steadiness, and universal distribution of silver. Ten years ago 100 grains of it scarcely purchased a day's labor of a mechanic in this country. Now 50 grains or less will purchase that amount of labor. It is the same with commodities, and commodities not only in this country but all over the commercial world. While the gentleman is proclaiming gold to be a universal measure of value, the prices of commodities in gold throughout such portions of the commercial world where gold is employed as the standard, are rapidly falling, and bankruptcy and ruin stare the merchant in the face.

Where silver is employed this is not the case. The cries of distress which this condition of affairs produces appear to be unheard by the Senator; but, like Pharaoh of old, the progress of events will compel him at length to listen to the counsel of reason.

That portion of the question which we are now considering, the part which relates to resumption in specie, must not be decided by the light of the past, for in the past the credit system had not become so extended as it is now. Credit has advanced with the security afforded by freedom and an impartial administration of justice. Less than a century ago almost the entire population of Europe were serfs, while judicial systems had scarcely more than taken form. Even fifty years ago a proposition to appreciate the standard would have but little affected the public interest; while now it threatens the entire relations of society. There was scarcely any international debt at that time, but little public debt, and no great amount of private debt. The corporate system was in its birth, and great corporations and corporative debts were almost unknown. To increase the weight of debt by enhancing the standard was never

so serious a question as it is now, and the country will weigh our deliberations on this topic with a criticism which is sharpened by the gravest apprehensions.

With the advance which society has made during the past century there have come into the arena of financial questions considerations which were so foreign to them a century ago that when Adam Smith wrote his Wealth of Nations he gave no place to them in his book, but published a separate work on these considerations. The moral qualities had then no commercial standing. There was no market value to enterprise, perseverance, integrity, frugality, and virtue. Now they are quoted in the mercantile-agency reports to the *finesse* of fractions. The credit system has grown up in their sunshine, and upon this system rest the most important institutions of modern society. Yet this system you coldly propose to destroy by chaining it to a single metal, already monopolized and scarce, whose production is governed by chance and whose annual yield is diminishing. Should you effect this rash and ill-considered purpose, who would care hereafter to trust or to be trusted, to give credit or to ask for it? What would become of long leases, long bonds, or any permanent form of credit? Who would bargain to borrow dollars or to get into debt for dollars, when their value might be doubled within a few years? Nobody. The credit system would crumble to the dust and the great moral qualities which have built it up would perish with it for want of recognition and reward. The miser would again hug his gold, and the bold inventor and adventurer would languish for want of capital to carry out his ideas or recompense his efforts.

The Senator here leaves the subject of specie payments and ingeniously and ably expounds the merits of a credit currency based upon interconvertible bonds, with occasional glimpses of ultimate gold redemption, like a dissolving view, in the distance. This, with but slight surface variation, is an old scheme of credit, which has been tried in various forms in most of the countries of the world, and which, from inherent weakness, has invariably failed.

I am opposed to it and all other schemes for manufacturing money out of any material which would not be equally as valuable in the market, whether it had the Government stamp on it or not.

In advocating the restoration of silver to the standard I wish it to be distinctly understood that I am not in favor of any debased coinage, neither is any one who has spoken or written in favor of bimetallic money. The money we propose to use is to be worth as coin no more than it is worth as bullion, excepting of course the slight cost of its manufacture. I advocate no violation of contracts; no interference with bargains; no raising or lowering of prices; no advantage to debtor or creditor. My judgment is opposed to all fiat paper money and all debased subsidiary metal money, unless the duty of redemption in full-weighted money is coupled with the authority to issue it. I believe in the necessity and advantage of using both the metals, silver and gold, as money. I believe in the right of any person to have his bullion, whether of gold or silver, coined at the national mints, at cost price, and returned to him in as many coins as can be made out of it. I believe in the propriety and advantage of unlimited legal tenders in regard to any and all of these coins, so long as they remain of full weight within the mint allowance of remedy. I believe that the day of seigniorage and royalties has passed, and that the money of this country, like its institutions, ought to be free.

I do not propose any benefit for myself or for the gold and silver miners, or for any class of persons or corporations or things.

I propose simply that the Government, which has wisely reserved to itself the monopoly of coinage, shall conduct that monopoly in the interest of the people who authorized it, and by supplying them at the cost of manufacture with all the coins for which they deposit bullion, weight for weight.

The plan I would adopt has no limitations or restrictions about it; no artificial arrangements; no bounds, rivets, straps, or ligatures. It is the plan of simplicity and of justice; justice to ourselves; justice to debtor and creditor; justice to all the world.

It is precisely the system which prevailed in this country from 1792 to 1853; a system which everybody understood and under which the United States grew and prospered from three millions to twenty-five millions of people, wealthy and powerful. It gives value for value, equivalent for equivalent, weight for weight. That is all there is about it.

And right here it may not be out of place to reply to those who have imputed my advocacy of a return to the double standard to unworthy motives, to my interests in silver-mining.

The silver mines of Western Nevada yield almost as much gold as silver; in fact, the ore contains about 45 per cent. of gold to 55 per cent. of silver. Hence those interested in them would, by the adoption of the double standard, make on the one hand but little more than they would lose on the other.

My own pecuniary interests in mines which yield gold to the entire exclusion of silver is far greater than my interests in silver mines, and consequently in advocating a return to the bimetallic standard I am really arguing against, instead of for, my own interests. None but those who are strangers to me have ever made the vulgar imputation. Yet, were it true, it could not weaken the force of the argument; for the interests of an individual and the public may be, and often are, identical. But it is not true, nor could it be true.

The man who accepts a position of public trust and uses it either directly or indirectly for his own personal advantage, who subordinates public duty to private interests, who sells honor for profit, immediate or contingent, commits a crime so base and despicable that our language has no fitting name for it. Contrasted with it, bold theft becomes respectable and open treason honorable; and whenever such an offense has been committed and the offender discovered, whether he be intrenched in powerful position or endowed with brilliant talents, if the country does not blast the offense and the offender with the mildew of its scorn, then indeed are our institutions in peril, greater peril than they could be subjected to from armed foes, however powerful, whether foreign or domestic.

I now turn to the speech of the distinguished Senator from Vermont. He began by quoting from my speech of April, 1874, in favor of resuming specie payments and against further continuance of our present irredeemable paper system, and appeared to suppose that he furnished an irresistible argument against the restoration of the bimetallic standard when he quoted me as preferring gold to paper money some two years ago.

By what process of reasoning the Senator arrived at such a conclusion I am at a loss to conceive. I just as much prefer gold money to paper money to-day as I did two years ago, but that does not prevent me from also preferring in an equal degree silver money to paper. It has all the advantages that gold has and some that gold has not. The annual addition to the world's stock of silver is regular and moderate, because silver is the product of organized and competitive labor. The annual addition to the world's stock of gold is irregular, and, at the present time, insufficient. This irregularity and insufficiency result from the hap hazard nature of gold mining, which is chiefly in placers.

When I used the word "gold" in the speech referred to I used it as a generic term, meaning the precious metals, gold and silver, which I thought then and think now, and which the experience of the ages has demonstrated to be, the fittest material for the money of the world. I was not aware that the valuable option which the country had always enjoyed of using either gold or silver as unlimited legal tender had been abolished by the mint law of 1873.

If the Senator who deems it essential to the merits of this question to ascertain whether my views upon the subject have always been consistent will simply substitute the words "precious metals" for the word "gold" in my speech of 1874 I think he will find nothing to carp at. Not that I regard a man's consistency as a just criterion of the soundness of his latest views, for it is better to be right, even though once wrong, than to remain wrong for fear of the charge of inconsistency. But such a charge has but narrow ground to stand upon when it rests only upon the use of the term "gold" in the place of "precious metals."

Addressing himself to the merits of the bill before us, the Senator characterizes the dollar of 1792, which he appears to erroneously suppose was originated in 1837, as "a degraded dollar," and that its further coinage would "revolutionize the policy and traditions of the American people."

This is very extraordinary language from one who was a member of the legislative body which suppressed the coinage of that dollar only three years ago and after it had been in continuous use in this country, not merely since 1792, but from the time of the conquest of Mexico by Hernando Cortez;* for the American silver dollar of 1792 was the same in weight of pure metal as the Spanish dollar and was copied after that coin by Alexander Hamilton, who had a number of Spanish dollars, as he found them in circulation, assayed for that purpose.

It is only necessary to state the motive with which Hamilton caused this assay to be made and the Spanish dollar to be adopted into our coinage system in order to illustrate the wildness of the Senator's language. It was simply this: The Spanish dollar, averaging, as found in circulation here, about 371¼ grains of pure metal, was the coin in which all contracts were made in America. Previous to 1728 the Spanish dollar contained, according to law, 389.4 grains of fine silver, with a remedy of 2 to 3 grains per dollar, the actual range of newly minted coins being 386¼ to 387¼ grains fine. Those weighed by Newton in 1717 yielded 386¾ grains fine. In 1728 the Spanish dollar was reduced by law to 383.2 grains fine. In 1772 it was reduced to 374¼ grains fine, with a remedy of 1 grain.

In 1786 the Congress of the American Confederation adopted the dollar as a unit of money of account and fixed its valve at 375.64 grains fine; but no actual dollars were coined and none used except Spanish dollars.

In 1792 the Congress of the United States adopted and coined a silver dollar of 371¼ grains fine, and this dollar remained unchanged until to-day, or, practically, until its coinage was forbidden by its omission from the revised mint code of 1873. It, however, remained as it had always been an unlimited legal tender until 1874, when this attribute was destroyed by its erroneous inclusion among subsidiary silver coins limited to a five dollar legal tender in the Revised Statutes. The weight of this dollar was derived from a number of the Spanish dollars in circulation in 1792. The average of these as assayed by Alexander Hamilton was found to be 371 grains, to which Hamilton added one-fourth of a grain to make sure of its being of full average weight. The gold dollar of account was made exactly one-fifteenth of this

* In Arthur Help's Conquerors of America we read of contracts for building a ship at Panama in the early part of the sixteenth century *in silver dollars*.

weight. As Spanish silver dollars were the only money in the United States at the time of the passage of this act, and it was desirable to retain them in circulation for some time after, (they were in fact so retained until 1853,) it was necessary to weight the American silver dollar exactly even with the Spanish dollars in circulation. Had the American silver dollar been made of full weight with newly-coined Spanish silver dollars, to wit, 374¼ grains pure, they would have been melted up and Spanish dollars, slightly abraded, would have usurped their place. Had they been made of less weight than the circulating Spanish dollar the latter would have been driven out of the country, a catastrophe which at that time we could not afford to sustain. They were therefore made to conform to the actual dollar in circulation, the dollar in which all contracts had been made. It was the dollar of Charles V; it was the dollar of the Conquest; it was the dollar of the early colonial establishments; it was the dollar of the Revolution; it was the dollar of the Confederation; it became the dollar of the Union, and it is the dollar of to-day's Centennial, except that by the act of 1873 no new coins of this denomination can be manufactured at the mint and that, through an outrageous blunder of the revisers of the statutes in 1874, it cannot be legally tendered for more than $5. It is these two pernicious restrictions upon the use of the silver dollar that we are attempting to remove; and yet this is the dollar which the Senator stigmatizes as "degraded," and this the attempt which he characterizes as "revolutionary." It is difficult to imagine a more violent misapplication of terms.

What is there about 371¼ grains of pure silver which is "degraded?" What is there degraded or degrading in the employment of this quantity of metal to discharge a debt of one dollar, or a million times this quantity to discharge a debt of a million dollars if it equitably and fairly measures the debt due? What is there revolutionary in restoring to our laws provisions of which they were deprived by indirection and without public discussion? Is it believed that, were these provisions of law restored, a man who owed, for example, a thousand dollars in greenbacks would get the better of his creditor by offering to pay him with a thousand silver dollars or a Government certificate of deposit for that amount? Is it supposed that any creditor would object to being paid in silver dollars instead of currency dollars a debt contracted on the currency basis? Of course he would not; for the one is to-day the equivalent of the other. The Senator urges a country now groaning under a heavy burden of debt (aside from the national debt) which is counted in dollars, to choose the scarcest and most costly dollar, a dollar which would give the creditor 15 per cent. more than his just due and punish the debtor in the same proportion, instead of the cheaper silver dollar, which would to-day accurately measure and serve as the equivalent of each dollar of indebtedness in this land. What have the debtors of this country been guilty of, that all the inconveniences and burdens of a return to specie payments should be imposed on them alone?

The fallacy of assuming that the present recent and temporary ratio between the metals of nearly 18 instead of the long-time relation of 15½ would continue after the return of this country to specie payments, is to be found not only in the speech of the Senator from Vermont; it vitiates the arguments of all those who, directly or indirectly, have advocated the single gold standard. They all admit that the demonetization of one hundred or two hundred million ounces of silver and their substitution by an equivalent of gold in Germany has chiefly, if not entirely, caused the recent rise in gold from 15½ to 18 of silver. But at the same time they wholly fail to perceive that the adoption by the United States of the bi-metallic standard at such a ratio as will for a time insure the employment of silver to the substantial exclusion of gold would have the tendency, if not the effect, to cause gold to fall again to its normal ratio of 15½.

That such would be the case, it is impossible to doubt. We have not only the experience of the recent rise in gold upon which to base this expectation; we have also many other similar experiences, and notably the one occasioned by the adoption of the single gold standard by England in 1816, and her purchases of gold for the purpose of resuming specie payments in 1821.

These purchases caused gold to rise in the markets of the world in the course of a few years from its normal ratio of 15½ to that of 16. Instead of waiting for this abnormal and temporary rise to subside, as it would inevitably have done—for 15½ and not 16 is the relative cost of the production of gold to silver—our legislators of 1834 changed the legal ratio of the metals to 16. They did this not by increasing the weight of the silver dollar—that has never been changed during the entire history of our country—but by diminishing the weight of the gold one.

Whether this legislation was accomplished in consequence of looking at the question—as I fear some of us are now disposed to do—too narrowly, or because it was supposed that the British demand for gold would continue indefinitely, it is not necessary at this time to inquire. The point is now to ascertain what effect this undervaluation of silver had upon the markets of the world. The effect was not great, for our population then composed but a small part of the civilized world, and the undervaluation was so moderate that our silver stock was melted up quite gradually. But, though small, the effect was the same as in all similar cases. This was a temporary fall in the rejected metal and a temporary rise in the preferred one.

Yet although the effect upon the world generally was but small, upon this country alone it was considerable. The loss of this silver was one, and not the least, of those causes to which can be traced the financial troubles of that period. Gold is too valuable a metal to be coined into pieces smaller than half or quarter eagles, therefore the adoption of a ratio at which silver was undervalued was tantamount to a premium on the issue of small and fractional bank-notes. Such was the importance of obtaining small monetary units that people no longer looked carefully to the resources of the individuals and banks which furnished them, and the wild-cat system flourished throughout the land. In England the emission of small notes is put down with a strong hand, but there never was, and probably will never be, a hand strong enough to put it down in this country. Hence in 1834 commenced that vast issue of notes by private banks, and the united power of these institutions soon became so great that they attempted to monopolize the entire circulation of the country, and with that view conspired to overthrow the National Bank, and succeeded. Upon the removal of this last restraint upon the recklessness of their operations their emissions were rapidly increased, until from ninety millions in 1834 they rose to one hundred and forty-nine millions in 1837. The country was flooded with irredeemable paper and involved in the wildest speculations. Its stock of silver having been banished through undervaluation, and the meager stock of gold which had come in to take its place being insufficient to keep intact the banks of that mighty channel through which the circulation swept, the stream overflowed and submerged the country in universal bankruptcy.

The effects of the tremendous convulsion of 1837 lasted until the fortunate discovery of gold in California relieved the dearth of metal, and are not entirely effaced even at this distant day. That in no small degree this convulsion had its origin in that mistaken legislation which undervalued and banished silver from the country, there can be no doubt whatever.

And yet if we pass the bill before us without an amendment restoring the silver dollar as an unlimited legal tender at 15½ or 16 to 1 and with free coinage at cost of manufacture, our legislation will be as mistaken as, nay, far more mistaken than, that of 1834. We shall commit a similar error if we pass the amendment proposed by my friend from Vermont, namely, one requiring the silver dollar to consist of 467.8 grains of standard or 421 grains of pure silver. This would be at the rate of more than 18 of silver for 1 of gold. A silver dollar so heavy and valuable as this would not circulate even now, and the Senator from Vermont well knows it. It would go into the melting-pot. Much less will it circulate when, as an experience of nearly three hundred years fully assures us, gold shall have subsided to its normal market relation to silver.

The object of the Senator's proposed amendment is, therefore, to force the resumption of specie payment in gold dollars and to defeat the effort now being made to resume in silver.

I trust that the Senate will vote down the amendment, or any other which proposes to put more than sixteen times the weight of metal in a silver dollar than into a gold one. As for the proposition to make silver bullion a legal tender at its market value in gold, which is embodied in a bill now before the Senate, I trust that it will be voted down also. It will afford no relief whatever to the country. You might as well make wheat or certificates of deposit therefor a legal tender at its market price in gold. It needs no legislation to effect this object. Every commodity is already, in effect, a legal tender at its market price. It is the increasing dearth of gold which renders these market prices so low as to endanger the solvency of the country that it is desirable to mitigate, and this can only be done by restoring silver to the currency at such a ratio to gold as will enable us to temporarily and partially dispense with the latter. As to this ratio, it is my opinion, and in this I am supported in various communications which I have received from distinguished bimetallists in France and England, that even 16 to 1 is too high. The ratio should be 15½ to 1. But I am an advocate of the silver dollar as it stood previous to its late almost magical disappearance from our statute-books. I advocate it not so much because it is the dollar in which we have the option of paying our bonded debt, as because with it the obligations, contracts, and debts between the citizens of this country, amounting to thousands of millions of dollars, can be accurately adjusted and equitably settled.

The Senator from Vermont argues that we shall be just as able to resume payments in gold in 1879 as we were in 1843, when, as he says, "we had less gold than in 1837." In this conclusion I am happy to be able to agree with him, though perhaps not precisely in the same sense. I believe that if it ever takes place at all, the resumption of payments in gold dollars of the present weight will take place in precisely the same way that it did in 1843. We first repudiated nearly all the debts we owed, and then resumed in gold, even, as the Senator says, "with less gold than we had in 1837."

This honorable achievement, which has left a stain upon the escutcheons of some of the foremost States of this Union, would in my opinion be repeated, would have to be repeated, were we to attempt to resume specie payments in gold dollars of the present weight. There are already in existence in several States of this Union organized parties who openly advocate stay-laws for private debts and open repudiation for public ones, and dangerous heresies involving further issues of paper money are gaining ground all over the land.

Addressing himself more immediately to the provisions of the pending bill, the Senator argues that if the Government does not limit its emissions of the silver for which the bill provides and which it limits

to a tender of $20, the Government may redeem with it such a quantity of greenbacks that the emission of silver may be "illimitable" and the country may be "flooded" with it; a result which the Senator appears to regard with great apprehension.

Now, it does not seem clear to me that if there are but three hundred and fifty millions of greenbacks afloat the emission of silver coins to redeem them can be "illimitable," seeing that even three hundred and fifty millions is a limited and not an illimitable sum. Nor does it seem clear to me how the country can be "flooded" with these silver tokens if the paper tokens which they are to replace do not flood the country now; nor if, as the Senator avers, the silver bullion for these tokens can now be bought for even dollars in greenbacks, can I understand how the country can lose anything by afterward redeeming the greenbacks with the silver tokens.

The Senator denies that there are any of our former silver dollars now in circulation; but in this, as I am informed, he is hardly correct. It has been stated that there are some $20,000 in silver dollars now in the Treasury, and I am credibly advised that there are plenty of them doing duty at Philadelphia, Louisville, and elsewhere, in the payment of ground-rents, certain of which the courts have very properly decided can only be discharged in these coins. In addition, there are said to be considerable numbers circulating in South America, China, &c. It is true that the whole amount in circulation in this country is comparatively small; but what of it? Are there any gold dollars in circulation? We all know that, with the exception of a few which are paid into the custom-houses, these little coins are so scarce as to have become almost obsolete. Does not this fact furnish as strong ground for an argument to degrade or interdict the gold dollar as the other does to degrade or interdict the silver dollar?

The Senator alludes at some length to the public debt, the "dishonesty" of proposing to pay it in silver dollars, the danger of inviting it home "in ship loads to be sold for whatever it would bring"—as though it was ever sold for any more—the peril of our not being able to fund it at a lower rate of interest, and so forth. All of this I pass over, because if our public debt is not now and has not always been payable in silver dollars of 371¼ grains pure, then the amendment which I support does not apply to the subject.

The Senator quotes from the British mint report of 1871 to prove that the "chairman of the Committee on Finance [Mr. SHERMAN] was mistaken if he intended to claim that an unlimited double standard existed in England." England abolished the double standard sixty years ago, and the world has never ceased to be reminded of the fact by the continual perturbations in monetary affairs which it occasions.

Passing over the Senator's account of the latest of these perturbations, namely, the recent coinage movements and regulations in Germany, and the Latin union, I come upon this statement in his speech:

> Since 1870 the price [of silver] in London, the great market for silver, has varied from 60d. per ounce to 52d., or nearly 16 per cent., which is actually more than the variation, during the same period, of our paper money."

The pence in which the Senator's quotations are expressed are standard gold. Now, suppose that instead of quoting the price of silver in standard gold, he had quoted the price of gold in standard silver, let us see how the paragraph would read:

"Since 1870 the price [of gold] in London, the great market for gold, has varied nearly 16 per cent., which is infinitely more than the variation, during the same period, of our paper money," which in silver, during the period mentioned, has scarcely varied at all.

To quote the prices of gold in silver for the purpose of showing a variation in the relative value of the two metals is as correct and fair as to quote the prices of silver in gold. Neither of them is correct. The only way to ascertain which metal has altered is to measure them in some third commodity. If this be done, it will be found that silver has not fallen at all; but that, on the contrary, gold has risen. By the other method, which is not argument at all but a mere trick of quotations, one is led to suppose that gold is absolutely immovable, while all other commodities, silver included, are subject to the most violent fluctuations. By the true method, which *is* argument, it will be found that all commodities fluctuate in value; but silver among the least of all.

As to the Senator's estimates of the future silver product of the United States and Mexico, I can only say that I have not been able to find support for them either in books, official reports, or from my own private information. They appear to me loose, excessive, and misleading. They ignore the fact that while the product has increased in this country, it has fallen off in others; that while it has increased in some mines, it has fallen off in others; and that the successful exploration of the Bonanza mines has been concurrent with the abandonment and closure of numerous others which previously yielded a large amount of silver. This fact the Senator himself inferentially admits in another part of his speech.

Yet to strengthen his excessive estimates of this product the Senator claims that "notwithstanding the recent enormous yields of the gold-fields of California and Australia" silver has fallen in ratio to gold from 15.7 in 1849 to 18.13 at the present time. My reply to this statement is that there has been no "recent enormous yield of gold." On the contrary, the annual gold product of the world has fallen off from over one hundred and ninety millions in 1852 to scarcely one-half this sum in 1875; and it is to other causes than the vicissitudes of mining that we must look for the recent change in the long-standing ratio between the metals.

The Senator has placed the ladder of resumption in an elevator. He would now set the country to work toiling and sweating up its rounds in the vain hope of reaching the parlor floor, which is carpeted with gold. The case is worse than that of Sisyphus, whose arid hill-side was at least stationary. But my friend's elevator has the peculiar property of descending the moment anybody attempts to climb his ladder, and of descending faster than the climber can climb. The inevitable result will be that the toiler will soon find himself in the basement of bankruptcy.

I must also demur to the Senator's sweeping implication that less silver is used in the arts now than formerly, or, as he puts it, when "barbaric displays" were wont to be made of silver dishes.

In his testimony before the British parliamentary committee now sitting in England, on this very subject, Mr. Ernest Seyd, a technically qualified authority on the subject, estimated the annual consumption of silver in the arts at 2,000,000 ounces in England alone, at or about two and a half million ounces in France, at somewhat under 2,000,000 ounces in Germany, and at some 10,000,000 ounces for all Europe. Add to these an allowance for North, South, and Central Americas, in all of which portions of the world, silver, in proportion to population, is more commonly employed in the arts than in Europe, and an allowance for Asia, Africa, and Australia, and the estimate would approximate the figures of Wolowski and other authorities on the subject, who reckon the consumption in the arts throughout the world at one-half the entire product, or about 36,000,000 million ounces.

If the days of "barbaric displays" of silver dishes carry us back to the year 1829, they occurred during a period when the entire silver product of the world was, according to McCulloch, less than one-half the amount which, as above shown, is now used up in the arts alone. Indeed, the consumption of silver in the arts at the present time nearly equals the whole product of the world at so late a date as 1861, when, according to the Journal des Économistes, the entire silver product of the world was but $425,000,000 per annum.

In the face of these facts I am at a loss to understand upon what authority or information the Senator relies for his inference that the consumption of silver in the arts has fallen off.

Recurring to the production of silver he avers that "the Consolidated Virginia mine produces $3,600,000 of silver and gold in one month, at a cost, as reported, of only $300,000," and argues that "other mines of silver must close up or the price of silver must fall."

The idea which the Senator seems to convey in this passage—though he really does not say so—is that the Consolidated Virginia is a great silver mine which produces 12 of result for 1 of investment, and that consequently the price of silver must fall.

In the first place, it does not follow that, because a particular mine yields $12 for $1 in current expenses, the market value of its product will fall. In such a calculation the capital invested, the capital sunk in other similar enterprises where the product failed entirely, the demand for consumption, and many other elements are necessary factors. The price is the average cost of producing silver everywhere.

Such prizes as the Consolidated Virginia Company has been fortunate enough to find have lured on to their ruin thousands of mining companies, which, after expending years of effort and millions of capital in a vain search for similar deposits, have been obliged to abandon their enterprises; and this is continually going on and forms a part of the history of mining. It is through explorations of this character that at rare intervals a bonanza is discovered. Hence the capital sunk in unsuccessful prospecting adventures must be considered as much a part of the cost of the production of the precious metals as the capital which represents the current expenses of a successful mine.

The Senator's statement that the yield of the Consolidated Virginia mine for a single month was $3,600,000 and the cost of production $300,000 would inferentially lead to the belief that this great yield was almost, if not entirely, of silver. True, he refers to the yield as one of gold and silver, but he slurs over the word gold and dwells with emphasis upon the word silver. He evidently cites this example to prove that a commodity whose cost of production is but 10 per cent. of its market price must rapidly decline in value, until market price and cost price closely approximate each other. If the yield were entirely of silver, the argument would be narrow which drew the facts to support it from the history of the operations of a single mine in a single month. But what sort of a point is it that he makes against the stability of value in silver, in the presence of the fact that nearly half of this great yield was of gold, produced, of course, with as little cost as was the silver. His argument commences with being specious and ends with being illogical. It either proves nothing, or it proves too much.

The Senator's speech contains a great number of statements and deductions which he has not fortified with proper authority. I shall therefore simply repeat a few of them, rapidly commenting on each as it comes under review. He says:

> European nations shaking off their heavy loads of silver coin. * * * A diminishing market in India; diminishing ever since it was gorged by the influx of silver arising from the cotton famine in England.
>
> I would not put a Government stamp upon silver and say that it should be a legal tender at a price 10 per cent. above its real value.
>
> This measure—the bill before the Senate—would also be a great wrong upon the laboring-men of the country. They are impatiently waiting for a return to specie payments.
>
> Being 10 or 12 per cent. below gold the laborer would suffer—by being paid in

silver—to that extent. If he still owed a mortgage on his house or farm it would have to be paid in gold, but his $20 of wages would be paid in silver. * * * The evils of inflation would remain in full force and to the same extent. * * * By starting a legal tender of silver dollars at 10 or 12 per cent. below the standard of gold, gold must either be debased or be hustled out of the country. The survival not of the fittest but of the poorest only is possible under the laws of trade.

Silver may answer for the currency of countries having little home trade and less foreign commerce, but will not answer for the large trade of enterprising peoples, nor of nations competing for high positions in all the markets of the world. Silver is insufficient and inappropriate for the American people or for the United States.

These extracts are all from the Senator's speech. They can be answered in a few words. If European nations are shaking off their heavy load of silver, they are also shaking off prosperity with it, and will eventually have to buy it back, but can never do so at the price they are selling it for. In fact, there is not nearly enough silver in Europe to redeem the inconvertible paper afloat. Nor is India gorged with it, for labor commands there but a few pence per day. A small rise in general prices in that country, which is inevitable, will absorb all the surplus silver. As soon as this is accomplished India bills will again command a premium in gold in London.

The laboring-man instead of losing will profit by a resumption in silver, in that he would receive a stable value-money instead of credit-money for his services. The value of his labor and the silver dollar would readily adjust themselves to each other. He could pay the mortgage on his house in silver dollars, which would accurately and equitably measure the value of the dollar the mortgage called for; but in case of resumption in gold everything else but the mortgage on his house would shrink in value and it would become too heavy for him to raise, and the mortgage would be canceled by a sheriff's deed.

With a double standard we should have a double lack of uniformity, with oscillations hither and thither, and ever fitfully sinking to the lowest point of either one or the other of the competing metals.

With a double standard there would be no oscillations tending downward; and instead of a double lack of uniformity, there would be a double security for stability. For it is to be borne in mind and is a fact of vital consequence to this discussion, a fact which seems to have been overlooked by all writers on this subject, that the oscillations in the price of the two metals, their change in relative value, is not occasioned by a decline in the one metal, but by an advance in the other. This advance is of a spasmodic character, and is caused, not by the inadequate current production of the advancing metal—for any change from this cause is of slow growth—but by the sudden demand of some particular country in times of overtrading, speculation, and panic; some country which exclusively uses such metal as money. It was this kind of a demand which in this country in the panic of 1873 caused greenbacks to command a premium over bank-notes, and, notwithstanding that the business outlook was never more gloomy, caused them to approximate more nearly to a parity with gold than they had done for years in the most prosperous times. When one of her periodical panics sweeps over England, gold goes to a premium over silver, which in such times is of no use to her. So in Austria, when she is overtaken by a financial storm, silver is in great demand and commands a premium over gold, because silver is Austria's sole debt-paying commodity. In neither case does the other metal decline in value, but bears the same relation to general commodities as before.

The countries wise enough to base their financial systems on the double standard always retain the stationary metal; the metal which accurately and equitably measures the obligations between men by an exchange for it of the other and temporary dearer metal at a profit to themselves. The history of monetary panics show that such panics are more severe and of much longer duration in single and especially gold standard countries than in countries of the double standard. The reason for this is apparent. In the one case only one-half of the world's stock of precious metals can be drawn on for relief; and in the other case, the whole. The only exception that can arise to this rule governing the change of the relations of the metals is when a country unwisely demonetizes one of the metals and sells it for less than its cost to them or its cost of production. This is what Germany is now attempting to do; and therefore gold has temporarily risen in the same proportion that silver has fallen. Such a derangement in the relation of the metals can only be temporary. The cost of production must govern the relation; and when changes in the standard of countries have ceased to operate by reason of the absorption of their surplus stock and its consumption in the arts, the old-time relation must of necessity be restored. In the mean time it is profitable for other countries to adopt the discarded metal, for it is then cheaper than it can be produced or than it is likely to be again.

The Senator says:

It has been argued that a double standard of gold and silver will prevent oscillations.

The Senator will, I trust, pardon me if I doubt that such an argument has ever been made. The argument is not that the double standard will prevent oscillations, but that, like the combination of two different metals in the balance-wheel of a watch, it will lessen them. Far more important than this, however, is the merit it possesses of utilizing as money the entire stock of coin in the world, which even then is so inadequate to the requirements of industry that it has to be eked out with every form, safe and unsafe, of negotiable paper, in order that exchanges may be made and such prices maintained as will permit an equitable settlement between debtor and creditor.

The Senator avers that Hamilton made a mistake of fact in putting but 371¼ grains of pure silver in the dollar instead of 377¼ grains. If the Senator will consult our official documents upon this subject he will find that Hamilton made no mistake at all. His very proper object, as he himself expressed it, was to coin a dollar of the same weight of pure silver as the Spanish dollar then circulating in this country, because it was in this dollar that all our contracts had been made. To ascertain this weight he caused a number of Spanish dollars, then current, to be assayed, and found them to contain on the average about 371¼ grains pure. It was for this reason that he recommended the American dollar to be coined of this weight. Had he put any more silver into it he would have committed precisely the same error which the distinguished Senator from Vermont now advises. The country was in debt then as it is now. Hamilton desired that this debt should be paid to the full and honorably. To accomplish this purpose he did not deem it necessary to pay it in dollars containing each of them any more silver than could be purchased by the current dollar of the day. He thought it sufficient if the new dollar contained exactly as much metal as the current dollar could purchase; and this was the course pursued. And mark the result. Instead of earning for the country the violent reproaches of dishonor, repudiation, violation of contracts, &c., which the Senator would heap upon a similar measure at the present time, it strengthened its credit and gave it a high place among borrowing nations.

The Senator next alludes to the fact that the American gold eagle, which was established in 1792 at 270 grains standard, was reduced in 1834 to 258 grains standard; he avers that the change was made chiefly to obviate the rise or fall of one or the other of the precious metals, and he concludes that therefore—

A double legal tender standard of coins cannot circulate together and be interchangeable unless at the time of equal intrinsic value, except in the case of limited coinage of small denominations required for change.

The whole of this argument is confused and illogical. When any portion of a coinage is limited, the system of coinage cannot be one of a double standard. The double standard involves a fixed relation between silver and gold, both of which may be coined illimitably and of any demominations required by those who present the bullion at the mints. If the market value and the legal relation coincide, there will be no advantage in tendering coins of one metal for debt over coins of the other. In case they do not coincide the debtor will, of course, choose coins of the cheaper metal in paying, as he had to receive the cheaper when he borrowed. This is the option which, up to 1816, or rather 1821, existed in all the countries of the Western world, and up to within the last few years in all those countries except England, and that Mr. Dupont-White held in view when he exclaimed that Columbus had brought from across the Atlantic the means of liberating the masses of Europe from the thralldom of feudalism. It is not claimed that an exact coincidence between the legal and market relations of the metals can always be maintained; but it is claimed that if the legal relation be fixed at an average, covering a long period of years, the closest approximation to equity between debtor and creditor will be attained. First one and then the other metal will be used; now in one and then in the other country; and the prices of commodities and services will be measured, not by the total of one stock, but by the total of both stocks of metals.

The universal adoption of the single gold standard, which by precept and example you are advocating, would cause such a depreciation in the prices of commodities and services as would break up all the relations of society, bankrupt nations, and impoverish debtors throughout the world.

Recurring now to the Senator's allusion to the reduction of the gold eagle in 1834, does this fact not furnish the strongest evidence that it was and has been and is the silver dollar which is the measure of debt in this country, and not the gold dollar or any other dollar? We adopted the current Spanish dollar in 1792 because that was the dollar in which debts had been incurred; we stuck to the same dollar in 1834, when the market relation between silver and gold had been changed by the blundering and mischievous legislation of England and the vicissitudes of supply and demand; and we stuck to it even after the opening of California, when the gold dollar became cheaper than the silver one; because the history of the world assured us that gold would fluctuate again, and the gold dollar would rise above the silver one. We never surrendered the option of tendering whichever of the two dollars we chosed. It was while the option existed that we went into the late war and that we got into debt to each other and to foreigners. The promise to pay so many dollars, which is printed on our national notes and our bank-notes and our State, municipal, and corporative bonds, either meant or means so many dollars, either of 371¼ grains of pure silver or 23.22 grains of pure gold, at the option and pleasure of the debtor; or else it has no reference to metal at all and means so many "dollars" in paper promises. The attempt which has been made to convert these promises, which amount in the aggregate to several thousand millions, into promises to pay gold dollars, by means of the mint act of 1873 and the revision act of 1874, I declare to be entirely unprecedented and unconstitutional.

The Senator from Vermont says that "the issue of any large amount

of silver-dollar coinage has never been the policy of the United States;" that "from 1793 to 1805, inclusive, the whole amount coined was $1,439,512;" that "from 1805 to 1836 not a dollar was struck at the mint;" that "from 1793 up to and including 1840 the whole amount coined was $1,501,822;" that "since 1840 the whole amount coined has been $6,544,016," and that "the total of the silver dollars struck at all the mints of the United States from 1793 up to this day amounts to no more than $8,045,838," and he adduces a long table from the mint records to support these statements.

The Senator concludes that—

> These facts show the inconsiderable figure that silver dollars have played in our monetary affairs from the foundation of the Government and the groundlessness of the complaint relative to the law of 1873.

With all deference for the opinions of the distinguished Senator, I maintain that they show nothing of the kind. From 1792 up to 1873 the people of this country enjoyed the option of paying their debts in either the silver or the gold dollar at pleasure. Because they may have chosen during the most active portion of this period to pay them in gold dollars in consequence of the fact that gold dollars were cheaper than silver ones is surely no reason why they should without any consideration whatever have been divested of that option by an obscure coinage act of whose purport and tremendous significance they were not advised.

But the Senator did not give us all the facts in this connection. He omitted to state that we were producing no silver in this country during that period and that Spanish silver dollars and fractions of dollars were in circulation in this country to a very large amount and that up to 1853 they were a full legal tender at their tale value for the payment of debts, and to that extent obviated the necessity and expense of coinage at our own mints. He also omitted to state that American half dollars, quarters, dimes, and half dimes, which were coined in large amounts, were also full legal tenders, and at their tale value up to 1853. If he will add to this eight millions of silver dollars all the Spanish and other foreign silver coins in circulation in this country and all the silver fractional currency coined at the mints, all of which were full legal tenders for the payment of debts up to 1853, he will then and only then be able to furnish us with all the facts in the case. When he does this it will be found that, instead of playing an inconsiderable figure in the circulation of this country, legal-tender silver played the most important figure until the time when gold was over-valued by the law of 1834.

"Silver is urged to the front," continues the Senator, "because it is now more abundant and consequently cheaper than gold; so is copper; so is iron," &c. I have already shown, and at some length, the reasons why copper, iron, and all other metals or substances, except silver and gold, are incapable of efficiently performing the functions of money. None of these other substances, except, perhaps, platina, possesses the requisite characteristics for a measure of value. Even platina, which possesses every necessary intrinsic quality, is deficient in a respect which is almost as important as an intrinsic quality; there is no great stock of it on hand in the world; no reservoir from the ages to steady the fluctuations in prices, which, if it were used as money, would be occasioned by the vicissitudes of its current supply from the mines. This point I illustrated heretofore by adducing the history of platina coins in Russia, and it is this point especially that forms the strongest argument in favor of monetizing silver as a legal tender for the payment of debts to any amount. Let me quote from the most recent publication on the subject:

The essay on bimetallic money by M. DeLavelye, which the distinguished Senator from Ohio called attention to the other day, says:

> As is well known, the precious metals have a tolerably stable value, because, the annual supply forming only one-sixtieth of the whole stock of the world, an increase or decrease of the annual product is only slightly felt, and would have to continue constant in order to have much influence. The larger the stock the less will any increment or decrement in the supply of gold or silver affect the value of the whole quantity. If you admit into the circulation both gold and silver, the stock of specie will be about fifty milliards; if you exclude silver it will be only about twenty-seven or twenty-eight milliards. Being thus reduced it would be more easily affected by an increase or decrease of the supply. Suppose that after 1850 gold had been demonetized, as was advised by M. Michel Chevalier, what an enormous fall in value would gold not have sustained; following a sudden increment of half a milliard of annual production. What a rapid rise of prices would have occurred in countries where gold money was employed! As was set forth by the Netherlands monetary commission of 1873, the coinage of gold into money in countries where the double standard is employed served as a parachute to prevent the degradation of that metal and the mischief which would have resulted from it.

And yet the very class of men whose interests were thus saved from annihilation by the double standard, the creditor class, the fundholders, mortgagees, and annuitants, are those who would abolish the double standard and limit silver to the base office of fractional token money. Nothing but the narrowest selfishness or short-sightedness could possibly urge men to commit a blunder which, in case of the discovery of new and extensive gold placers, might greatly endanger the very interests which they would now so unjustly and unwisely enhance. Such a contingency is by no means remote. The entire continent of Africa is being laid open to the explorer, and that vast portion of the earth would have to differ from all the other great divisions of the globe if it should fail to yield what they have each yielded in turn, vast alluvial deposits of gold, washed out of the rocks by the rains of centuries.

I shall conclude my reply to the speech of the Senator from Vermont with noticing the parting shot, the Parthian arrow, which he discharges at some of my previous remarks.

The Senator is sarcastic over the supposed connection between the movement of the currency and incendiary fires, marriages, divorces, homicides, suicides, and other crimes, and asks if I regard silver as the great panacea for these evils. I never referred particularly to silver in this connection. My argument was that while the volume of any currency was diminishing, whether that currency was of silver or gold or paper or anything else, or all combined, prices would fall, the normal relation of debts, commodities, and services would become deranged, and that this would aggravate the various social disorders noticed.

To support this view I will briefly quote from three authors of repute, namely, G. R. Porter, esq., Henry Thomas Buckle, and Dr. William Farr, the registrar-general of England:

> It is curious to observe how intimate a relation exists between the price of food (and price, of course, depends upon currency) and the number of marriages. * * * The relation that subsists between the price of food and the number of marriages is not confined to our own country; and it is not improbable that, had we the means of ascertaining the facts, we should see the like result in every civilized community. We possess the necessary returns from France, and these fully bear out the view that has been given.—*Porter's Progress of the Nation*, volume 2, pages 244, 245; London, 1838.
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> It is now known that marriages bear a fixed and definite relation to the price of corn; and in England the experience of a century has proved that * * * they are simply regulated by the average earnings of the great mass of the people; so that this immense social and religious institution is not only swayed but is completely controlled by the price of food and the rate of wages.—*Buckle's History of Civilization*, volume 1, page 24. Appleton's edition.
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> The marriages of 1850 and 1851 exhibit the excess which since 1750 has been invariably observed when the substantial earnings of the people are above the average.—*Dr. Farr in the London Statistical Journal for June*, 1852, page 185.

If the Senator demands that a direct connection shall be established between the prices of wheat in all Europe and the annual supplies of gold and silver in all the world, he will find it fully set forth for a period covering one hundred and twenty-six years, in a work on currency by Joseph Heath, London, 1841, page 81.

The speech of the distinguished chairman of the Finance Committee [Mr. SHERMAN] is very unlike the speech of the Senator from Vermont.

It seeks to defeat the restoration of the double standard, not by direct antagonism, but in disarming its advocates by going a portion of the way with them and promising to go further when they shall have surrendered.

The Senator admits the supernal importance of silver in the money of the world and the necessity of restoring it to our coinage, and therefore the weight and consequence of the amendments which I have had the honor to propose. He admits the legality of the double standard, for he refers to the silver dollar as a "legal tender until 1873, and in strict law" (the Senator would surely have no loose law in the important matter of contracts) "might be restored to its position then as a standard of value without a violation of the legal contracts between the United States and the bondholders;" and "if a contract made before 1873 was stipulated to be paid in coin, it could undoubtedly be paid in silver as well as gold coin, and those contracts payable in coin can be and ought to be payable in the coin made a legal tender when the contract was made or was payable, and ought not to be affected by a subsequent law." He admits the honesty and respectability of the silver dollar proposed in the bill, for he calls it "the old time-honored standard of silver dollars of full weight and fineness." He admits the value of the silver dollar, for he calls it "the real dollar that pays where it goes," and distinguishes it from "a paper dollar, which only promises to pay." He admits that the present extraordinary rise in gold, or as I think he erroneously states it, the silver "depreciation, grows mainly, if not exclusively, from the action of foreign governments in dealing with their coin," and therefore impliedly admits that the restoration of silver to its long-time place in the money of this country would tend to counteract the assumed depreciation by increasing the demand for silver and diminishing the demand for gold.

All these things he admits, for I have quoted his opinions in his own language; yet, most strange to say, in almost the same breath he seems to deny them all. He denies the importance of silver in the money of the world, except for the purpose of a degraded token coinage; "for," says he, "the bimetallic system, with all its uncertainties at a time when it has been rejected or is being rejected by all commercial nations," and "the objections to the bimetallic system is that, from the nature of things, it is impossible to fix the true relation of silver and gold to each other, and when either advances in value a single hair it becomes demonetized and flees the country." And, concludes the Senator on this head, "they" (the advocates of the pending amendments to restore the double standard) "raise the most difficult questions of political economy and the most delicate questions affecting the public credit, and at a time when above all others we ought not to attempt to decide them." He denies the legality of the double standard, "for," says he, "all contracts payable in coin prior to 1873 were impliedly payable in gold coin," and "ever since 1853 silver coin has been practically a legal tender only for $5;" and "why disturb this law?"

Again he says: "This policy," the single gold standard, or, as he styles it, "the composite standard, was adopted by Great Britain in 1815 and by the United States in 1853;" and "it is far wiser for us to stand by the composite standard in force in the United States since 1853;" and "such is the basis of the report of the Committee on Finance." Again, while he is in favor of recoining the old silver dol-

lar, he would limit its use by denying it legal-tender functions for sums over $20 and by restricting its free coinage. Evidently he desires to make these coins pass current for more than their bullion value, and thus make all the retail every-day business of the country rest on a false basis. Such conditions as these should have no place in any sound monetary system.

The criticisms I shall make on the propositions advanced by the honorable Senator will be very brief. The bill as it stands proposes to limit the silver dollar in the payment of debts to sums of not more than $20 in any one payment. The amendment proposes to restore the silver dollar to its constitutional, proper, long-time place in the monetary system of the country: that of an unlimited legal tender.

This is not raising a difficult or delicate question; it is not, as the Senator elsewhere calls it, an "inopportune consideration," or "a radical change in the existing law," or the "expression of extreme opinions." On the contrary, when stripped of the sophistries by which its opponents endeavor to obscure it, it is a perfectly simple question. There is no better time to decide it than the present. It proposes no radical change in the law, but simply restores the law as it existed from 1792 to 1873, when it was changed without consultation with the people, who were so deeply interested in its provisions.

The Senator avers that the bill without the amendments "prepares the way for resumption in gold by laying a foundation of silver coin," and in another place assures us that it will give us all the silver that will circulate at par with gold. To these somewhat confident assurances I respectfully demur. I deny that the prosperity of the country would be enhanced by a speedy resumption in gold. I believe that there are insuperable difficulties in the way of such resumption. I do not believe that token silver will bring us any nearer resumption than token paper. Gold resumption, as at present advocated, means that the payment of all currency debts, public and private, shall be in dollars, each containing 25.8 grains of standard gold. No amount of silver coinage bound down by legal-tender limits to petty transactions would materially assist the people to resume on these rigorous terms; but restore the old silver dollar, unhampered and unrestricted, as it was from 1792 to 1873, and you will furnish the people with a real dollar, worth almost exactly the same as the paper dollar, and one which would equitably settle obligations and contracts without injustice to debtor or creditor. By its increased use it would slowly but surely appreciate to its old-time relation with gold; and thus in safety, and without shock or disturbance, you would reach that very resumption in gold which you desire, and reach it over a solid highway of silver.

Anything short of an unlimited legal tender and free and unrestricted coinage for silver will prove a delusion and a snare.

The Senator holds that "the serious effects of such a proposition upon our national character and credit cannot be measured in dollars and cents," and in this I agree with him; only I go further, I do not believe that it can be measured in anything whatever, simply because it can have no effect, certainly no disastrous effect, upon that character or credit.

Rather would it degrade that character and affect that credit injuriously were we to permit our creditors, and at their pleasure, to violate the contracts they made with us; to refuse to accept silver dollars when by the terms of the contract they had agreed at our option to receive silver or gold. They would inevitably come to suppose that, by ringing the changes on "honor" and "dishonor," they could do anything they pleased with us and alter our monetary system and the terms of contracts at will.

What is it they ask for? Do they appeal to the equities of the case? Then let us open up the original transactions and see what they gave us for our bonds. I think it will be found that for each dollar of them they paid us about sixty cents in the then cheaper metal or its equivalent; and equity would pay them but sixty cents in the now cheaper metal or its equivalent in return. Do they appeal to the law of the case? The law makes the bonds payable in coin at the rate of 25.8 grains of standard gold or 412.5 grains of standard silver, at the option of the Government. The option was theirs then when they loaned; the option is ours now when we pay.

When an agent of the Government offers to sell its bonds upon the market, what questions are asked by those to whom they are offered?

"Is the agent authorized?

"Are the bonds genuine?

"When and where are they payable, and with what options or conditions of time and place?

"In what money or option of moneys are the principal and interest payable?

"What is the rate of interest, and at what intervals of time, at what places, and with what option of moneys or other conditions, is the interest payable?"

Where are the answers to these questions found? Are they sought for in common rumor or the word of the agent? Nothing of the sort. The lenders find them in the law, and this determines the price they are willing to offer for the bonds. If there is any ambiguity about the law, the ambiguity is measured and deducted from the price offered for the bond. If the law is clear and reserves certain options or conditions to the borrower, those options or conditions are measured and their estimated value deducted from the price. No man voluntarily shuts his eyes when he is lending money, and of all men who look closely to their own interest you may depend upon the public creditor

Well, then, what does the law say? I need scarcely repeat it. It says that a dollar is so much gold or so much silver, at the option of the payor; and the payee must accept it or nothing.

As I have before stated, I do not care to enter into a discussion as to the legality or policy of paying either the interest or principal, or both, of the public debt in silver. It is not important to the argument. If it shall be deemed wise policy under existing circumstances to strengthen our credit by giving a bonus to our creditors, well and good. I deem it an entirely unimportant matter alongside of the question of the justice and policy of paying our other debts, State, municipal, corporative, and individual, in silver. Nobody claims that these other debts are payable in gold. They amount to a sum far transcending that of the national debt.

According to a speech delivered at Oshkosh, Wisconsin, October 1, 1874, by Mr. JAMES G. BLAINE, the sum of the debts of our cities amounted at that date to five hundred and seventy millions, of our counties to one hundred and eighty millions, and of our States to three hundred and ninety millions, making a total of eleven hundred and forty millions. To this sum may be added ten thousand millions of individual and corporative debts, making altogether eleven thousand one hundred and forty millions, which, if this bill is passed without the amendment, will have to be paid in gold; while if it is passed with the amendments may be paid in silver. If these debts are attempted to be paid in gold, this metal, which is now 15 per cent. above silver under the old relation, may, and probably would, rise to 20 or 25 per cent. If paid in silver, gold would probably fall to par in silver at the old-time relation of 16 for 1. This is the overwhelming consideration that must give us pause. These State, municipal, corporative, and individual debts, amounting to five times as much as the national debt, by comparison sink the latter into insignificance.

But I cannot pass over the Senator's objection, which, should the silver dollar be deemed a good legal tender for the national debt, would have some application to the amendment proposed. He says that with our present mint facilities we could not have enough of silver dollars coined in three years to pay the interest on the national debt, and therefore warns us against coining any of them. I do not see the force of this logic. If we cannot coin enough silver dollars for the purpose intimated, that is no good reason why we should not coin all we can, nor why we should not pay all we can in that metal, if it be right to pay out any of it for this purpose, and the remainder in gold. He seems to apprehend a scarcity of silver, while the Senator from Vermont fears that there would be a redundancy, or, as he terms it, "a flood of it." They may both be wrong, but they certainly cannot both be right, and I leave them to off-set each other.

I trust that it will be clearly understood that the advocates of bimetallic money do not purpose to make either of the precious metals a legal tender for any more than their value in the markets of the world. We propose no debased money; no tokens; no money to pay the creditor which is not as valuable as the money he advanced; no untrue or arbitrary relation between the metals; no scheme of advantage to the owners of gold or silver mines, nor to anybody except the people at large. Our proposition is to coin both gold and silver bullion at cost for all comers and make the coins a legal tender for all amounts. The relation we propose is the old one of 16 for 1. The experience of centuries teaches us to believe that this is approximately the relative cost of production. If this is true, let nations tamper with their coins as they may, it will inevitably become the market relation. If the large additional use be given to silver which the amendments to this bill contemplates, that market relation which has long continued would be speedily re-established. If, on the other hand, the relation is fixed at 16½ or 17, or any figure over 16, all hopes of our being able to utilize our product, or Europe's rejected stock of silver, will be defeated. We should either be driven to the exclusive employment of gold or else new legislation and a new ratio, involving the expense and delay of a recoinage, would have to be established.

Our argument is for free money. We regard all restrictions upon money as pernicious, and that there is as much and no more right on the part of the Government to limit the use of money at its free market value as there is to limit the use of bread, meat, or other commodities whose exchangeable value it is designed to measure.

We hold that the employment of silver and gold in the arts is essential to the retention of their worth as money, and that this employment acts as a parachute to retard and lessen the fluctuations incited by the vicissitudes of their production in the mines; we hold that nothing can be good money which can be used for money alone; we are opposed to token coins or coins to which the law gives a value which the market denies, believing that their use is fraught with peril of insecurity, injustice, panic, and counterfeiting; and we believe that no form of credit can by itself properly serve the purposes of money, and that its use should always be voluntary and never forced.

By money is meant gold and silver coins, with the option of employing either one or the other at a ratio based upon the experience of long periods of time. This option was enjoyed by the people of this country from 1792 to 1873. It was secured to them by the terms of the Constitution, and though attempted to be taken from them by the mint act of 1873 and the Revised Statutes of 1874, the option is theirs yet, and they cannot be deprived of it by legislation.

Have Senators well considered the importance of an option in a

money contract? The United States Government issues bonds payable at its own option at any time after five years or before twenty years. This is its option. The Government may call in and pay off these bonds after five years, or it may not choose to do so until twenty years. The case is similar with other bonds issued by this Government, the ten-forties, the twenty-forties, &c. This option it paid for by accepting a lower price for the bonds than they would have commanded had the option been omitted. Thus far the Government has not availed itself of its option in any of these last-named bonds and it may never do so. But is this any reason why it may not lawfully and honorably do so if it chooses? And is there any reason, because it did not choose to exercise its option of paying silver dollars up to 1873, why it may not lawfully and honorably do so now?

The whole object of an option as to time, or metal, or any other particular of a contract, between debtor and creditor, is to prevent one party from crowding or cornering the other, or to take advantage of favorable turns in the market.

Unless we reserved a time option in our bonds, they might be presented for payment at an inconvenient moment, when we could not meet them or when the rate of interest for money was unusually high. Unless we reserved an option of metals in which our debts could be discharged, we might be called upon to pay them in a temporarily scarce or cornered metal, such as gold is to-day.

Is the creditor "cheated" when the debtor makes avail of an option which forms an explicit and distinctive feature of his contract? Does the debtor "dishonor" himself by choosing whether he shall pay in five years or twenty, in gold or in silver, at one place or another, provided his contract gives him these options? I should say not. Justice, common sense, plain English say not; but certain Senators here say "Yes." They prophesy an immediate downfall of our credit, "the return of our bonds in ship-loads," says one of them, should we choose to exercise our option, which we paid for, and of the right to which nothing short of an amendment to the Constitution can deprive us.

Says an influential metropolitan journal of recent date:

> Prior to 1873 all debts contracted to be paid in coin were legally and equitably payable in gold or silver.
>
> It is just as immoral to change the obligation of contracts in the interest of the creditor as to change the obligation of contracts in the interest of the debtor.
>
> The unexpected fall in the price of silver or rise in gold in no way affects obligations legally and equitably payable, according to the terms of the contract, either in gold or in silver coin.
>
> The question whether the single or the double standard should be adopted with respect to future transactions should depend solely upon the general public interest, and in no degree upon the private interest of individuals as owners of gold mines or of silver mines, as debtors or creditors.

These propositions are followed by an extended article, in which they are worked out with ability.

The writer, however, falls into one very extraordinary error, and, as it is upon an essential point of the whole subject, I cannot do better than to notice it in this place.

He says that the position of the advocates of the double standard has been weakened by resorting to the argument that to demonetize silver all over the world would practically double all its debts. He contests this upon the ground that "the various forms of credit used as currency affect prices *quite as much* as coin itself, and that an insignificant proportion of modern transactions in civilized countries are settled by payments of money." This insignificant proportion he assumes, for the sake of argument, to be 1 of money to 20 of "credits used as currency." Hence, he concludes that, if the demonetization of silver should result in no "*increased* use of credits, it would lessen by not more than one-fortieth the amount of currency used at the chief commercial centers in determining prices."

Without assenting to either of the propositions that the use of a given sum in credits used as currency, say bank-checks, or even bank-notes, affects prices *quite as much* as a similar sum in money, or that the proportion in use of one to the other is as 20 is to 1, both of which propositions I deny, it is enough if it be agreed on both sides that a vast superstructure of credits rests upon a comparatively small base of real money, and that both money and credits assist to support prices. I say that to take away one-half of the base, as you would do if you demonetized silver, would be tantamount to destroying one-half of the superstructure, and, consequently, to the doubling of all debts, while the critic holds that you may remove one-half of the base without disturbing the superstructure, and consequently without affecting prices or the relation of prices to debts.

As it is essential to this argument to determine which is right, I propose to test both arguments by altering the proportions assumed in the examples. According to my doctrine if you remove one-half *or any other proportion* of the base, you destroy the same proportion of the superstructure, and my correctness is demonstrated very conclusively by the table of prices of wheat referred to in a previous part of this speech. According to the critic, you may remove one-half of the base without affecting the superstructure. If you can remove one-half without perturbation you can remove five-eighths, three-fourths, seven-eighths, or even the whole of it, and prices would remain the same. If the critic is right we need no specie basis at all.

And this is precisely the attitude of those Senators who favor the demonetization of silver or its degradation to the position of a token. A token coinage is a credit coinage, the extent of the credit, which is enforced by law, being exactly that of the difference between the legal and the market value of the metals contained in the coins. They would diminish the metallic base one-half and at the same time increase the superstructure by the emission of a credit currency.

Another leading metropolitan newspaper doubts that gold is scarce or growing scarcer, because it observes that unprecedentedly large sums of it are heaped up in the banks of England, &c., and offered in vain at low rates of interest. This critic reminds one of the pigmies who were lost in the giant's ear: The mysterious labyrinth confused them, and being unable to take a comprehensive view of the whole subject they failed to discover that the ear was only a small appurtenance to a vast body, whose proportions were perfectly symmetrical and harmonious. It is neither the abundance nor the scarcity of money at one period compared with another that causes the rate of interest to fall or rise, but reasons far different from this one. Among these reasons is the appreciation or depreciation of the standard. The reason why gold cannot find employment in England is not because it is too plentiful, but because it is daily becoming more valuable by reason of its increasing scarcity. Nobody there wants to borrow an ounce of gold which now costs ten days' labor while the certainty impends that he will have to pay it back with fifteen days' labor. The fact that the rate of interest is cheap is of small account to the borrower when he knows that the principal is growing dearer. Therefore he does not borrow at all, and capital defeats its own object when it seeks to grasp too much. As it is with England in respect of gold, so it is with the United States in respect of greenbacks.

The effort which you are making to unduly "appreciate" the purchasing power of these monetary units has brought all enterprises in this country to a stand-still, and capitalists seek in vain for opportunities to loan their funds even at low rates of interest. The advocates of a single standard have never seemed able to emancipate themselves from the erroneous views which were announced by the original monometallist, Sir William Petty. This gifted but erratic genius maintained that a double standard was impracticable because the market relation between the metals was liable to continual variance. The same error was maintained by John Locke and Lord Liverpool, and we find it echoed in speeches that have recently been made in this Chamber. Its origin seems to be due to the term "double standard," which conveys the notion of using both metals at the same time, whereas a double standard means nothing of the sort. It is freely admitted that however constant the relations between the metals has been and probably will continue to be throughout long periods of time, it is liable to change at any moment. It is also admitted that a very small change of this relation is sufficient to cause the melting or exportation of one metal and the importation and coinage of the other, for the two operations always occur together. It is therefore admitted to be impracticable to retain for any long time both of the metals in use to the extent of one-half each.

A double standard means not a dual standard, but an optional one. Its great advantage consists not in the maintenance of an idle, acrobatic poise between gold and silver, but in making avail of the entire stock of the two precious metals in the world as a basis of credits and of prices.

This pyramid of metallic reserve, more ancient even than that of Cheops, constitutes the basis of all prices, of all securities, of all credits, of the social relation, of property itself. You cannot get rid of it if you would. It has survived laws, theories, schemes, and plots without number, and it will continue to survive as many more. The intrinsic and peculiar fitness of gold and silver respectively for money furnish the grounds of this assurance. They both have the same qualities, except that one is lighter and the other is heavier, and even in this difference there is no advantage either way, for both can be handled at the same cost. You may issue a fiat of demonetization against silver, (half of this great pyramid of metal,) but you cannot destroy it. There it stands, and there it will continue to stand. Wisdom, justice, and interest counsel us to recognize this fact and to be thankful for it, and to make a proper use of it. That proper use is found in the bimetallic system or optional standard.

Having ascertained the average or pivotal point of the relation of value between the metals, which is 15½ to 1, the bimetallic standard makes use of both of them for money, employing only one at a time, and of course the one which is temporarily cheaper at the average ratio. This cheapness is not as to other commodities, for then the change would be, in the words of the Senator from Vermont, "notably always downward." It is only between the two metals themselves, so that between them and other commodities the change may be, and was for fifteen hundred years of this era, notably always upward.

And this system is forced upon us not only by its intrinsic superiority to any other; we are constrained to accept it because up to a very recent period it had been employed throughout the world for at least fifty centuries, and all the relations between man and property were based upon it and everything that it involved; and even now, although a few nations have thoughtlessly discarded it, it is still retained by nearly all the world, and those who have discarded it must adopt it again or lose their rank in the scale of civilization. The bimetallic system thus stands upon the same ground as any other of the great institutions of civilized life—intrinsic superiority and immemorial usuage.

No doubt, if society could be entirely reconstructed, many of these

institutions might be improved, at least so think the social reformers; but we must remember that society is of a long and gradual growth and that to cut away any of the roots by which that growth has been attained is to endanger the tree itself.

The bimetallic system has many other advantages than the organic one alluded to. For example, though theoretically only one metal is employed at a time, yet practically it employs to a large extent both metals. Coins become worn by use and the actual relation of value between a gold and silver coin in use is commonly so different from their mint relation that there would have to occur a very considerable change in the market ratio of the metals before it would pay to melt or export the coins of either one of them.

These advantages of the bimetallic standard have already been mentioned at length in my previous speech on this subject, and I do not propose to detain the Senate any longer than is necessary to set forth new matter.

There is one notion which seems to stand very much in the way of a correct appreciation of this subject. Those who would persuade us that a resumption of specie payments means, or should mean, a resumption in gold, maintain, first, that greenbacks have no intrinsic value, and, second, that by appreciating them to par in gold they will become worth as much as gold and will become current as gold, whether we possess gold enough to redeem them with or not. By this method of reasoning they conclude that we shall be able to resume, some say with $100,000,000 of gold, others with $200,000,000, &c. They differ as to the amount, but all agree in the method of reasoning, which to me seems unsound.

The main argument against the use of greenbacks or any other form of credit as money is that they have no intrinsic value. Yet the gold resumptionists do not propose to resume actually in gold. They do not propose actually to substitute gold for these intrinsically valueless pieces of paper; but, by contraction or some other means, to increase the exchangeable value of each of these paper promises of a dollar to that of a gold dollar.

If greenbacks have no intrinsic value when they will fetch in the market 89 in gold, will they have any intrinsic value at 90 or 95 or 100? If they are bad money because they are credit-money, when do they cease to be credit-money and when do they cease to be bad? If you have not increased the intrinsic value of the greenback, why then attempt to raise it to gold unless it be desired to give a bonus of from 13 to 20 per cent. to the creditor classes?

The whole of this method of reasoning is puerile. The fact is that greenbacks have no intrinsic value at 89 because they never had any intrinsic value at any price. Such being the case, it is impossible for them to have intrinsic value at all. By arbitrarily contracting the emission of them or expanding the uses for them you might cause them to become worth par in gold or even more than par. You could put them at any figure you please and yet their intrinsic value would be no greater at the end than at the start. Their only value would rest upon the force of law. Withdraw that support and they would fall into the waste-paper basket. But suppose you forced them at par, would that bring the country any nearer to specie payments? Senators assume that it would. I am equally confident that it would not.

If specie payments meant simply the liquidation of the Government promises to pay on demand, we could return to specie payments to-day. We need only to offer to give 5-20 bonds for greenbacks as we did during the war, and the thing could be done at once. But the fact is that resumption involves something more than merely retiring our four hundred million promises to pay. It involves the payment of the general indebtedness of the country and the means wherewith that indebtedness can be discharged. If you retire the greenbacks by funding them there would be no monetary units to replace them, and, divested of every legal means of payment except a few coins in the coffers of banks and treasuries, the only resource of the people would be repudiation; and thus an impracticable means of bringing about specie payments would result in there being no payments at all.

In retiring the greenback you must, therefore, in order to avoid bankruptcies or distress, replace them with other monetary units, equally easy to obtain, not more easy as the expansionists would wish, because thereby you would defeat the just claims of the creditor, not less easy as the contractionists desire, because you would defeat the rights of the debtor and destroy him.

Nothing will answer for these units so well as silver dollars, because these and greenbacks are at an equality in the market and it is as easy to obtain the one as the other.

If, on the other hand, you attempt to replace the greenback with gold you will fail, because, as I have previously shown, it is difficult if not impossible to obtain sufficient gold for the purpose. If you succeed in thus replacing them, in compelling the debts of individuals and corporations to be paid in gold, you will ruin them all and plunge the country into a chronic condition of social anarchy.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Missouri [Mr. BOGY] to the amendment of the Committee on Finance; that is, to strike out the words "not exceeding $20" in the fourteenth line of the first section of the committee's amendment.

Mr. BOGY. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. BOGY. I ask for the reading of the amendment offered by the Senator from Nevada, for information. Perhaps I may be willing to accept it.

The PRESIDING OFFICER. The proposed amendment will be read for information.

The CHIEF CLERK. That amendment is to strike out in section 1 the words:

> And the said dollar herein authorized shall be a legal tender at its nominal value for any amount not exceeding $20 in any one payment, except for customs duties and interest on the public debt, and shall be receivable in payment of all dues to the United States except duties on imports.

And to insert in lieu thereof:

> And the said dollar herein authorized shall be a legal tender at its nominal value for any and all amounts, except for customs duties and for debts and obligations which by their own terms are payable in gold coin.

Mr. SHERMAN. That means all public debts.

Mr. BOGY. There are contracts payable in gold coin.

Mr. EDMUNDS. There are contracts payable in cattle and all sorts of things.

Mr. BOGY. This excepts contracts for payment in gold coin. I do not know that I have any great objection to that.

Mr. SHERMAN. Do I understand the Senator to accept it? This does not except the payment of the public debt or interest on the public debt from the general tender proposed by this amendment.

Mr. EDMUNDS. We cannot have any acceptances; we must vote on the propositions.

Mr. SHERMAN. I say that is the demand made now.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Missouri to the amendment of the Committee on Finance.

Mr. HAMILTON. Is the proposition to strike out and insert or just to strike out?

The PRESIDING OFFICER. To strike out the limitation.

Mr. MORRILL, of Vermont. Mr. President, I had hoped that the Senator from Nevada would have introduced some proposition by way of amendment that would show that he was in point of fact in favor of a silver dollar that would not be a depreciated silver dollar, and that it would conform in some respect to the idea of the Senator from Missouri, for I found that in the course of his argument, at least half the time, he was in favor of a dollar equal in value with the gold dollar.

Mr. JONES, of Nevada. The Senator will permit me to ask him what he means when he speaks of a depreciated dollar? Depreciated as to what?

Mr. MORRILL, of Vermont. If the Senator will wait he will hear what I mean.

Mr. JONES, of Nevada. I am in favor of a dollar that speaks for itself. If the Senator will tell me what it is depreciated with regard to, what its relative depreciation means, I shall understand him.

Mr. MORRILL, of Vermont. Mr. President, I am in favor of such legislation as will promote the interests of this country, not only for to-day but for a hundred years hence. I am not in favor of a bill that shall be merely a local bill and for the advantage of a single section of the country, for a single interest, without any reference to anything else, as this bill would be if the amendments proposed to-day by the Senator from Nevada should be adopted.

The Senator from Nevada has chosen to characterize some remarks made by me as illogical. I will not characterize his remarks in that way. His amendment convinces me that his purpose and his amendment are both logical, and that the purpose is for the benefit of the owners of silver bullion. The amendment introduced this morning by the Senator not only goes for silver dollars as a legal tender for everything except customs duties, but a subsequent proposition of his proposes that the owners of the bullion shall have it coined at the cost expense by the Government, thereby throwing it into the hands of the owners of bullion as to the amount that may be issued and giving the owners of bullion the entire profit as to the difference between the real value and the nominal value of the coinage. Mr. President, I am not in favor of any such proposition.

Then, again, the Senator from Nevada devotes the larger portion of his argument to the idea that we ought to pay our national debt in silver. I undertake to say that there has been no party and no person within my knowledge that has presented so broad a proposition for repudiation as that would seem to contemplate.

Mr. LOGAN. Would the Senator allow me a word right there?

Mr. MORRILL, of Vermont. I am only going to occupy the floor a very short time and do not like to be interrupted.

Mr. LOGAN. Very well.

Mr. MORRILL, of Vermont. Now, Mr. President, the Senator from Nevada admits that this silver dollar has not been in circulation for forty-two years, and the facts exhibited by him show that whenever the silver dollar was in circulation heretofore, it was worth about as much as the gold dollar; and yet now when it is known to all that silver has gone down so that it is not worth to-day as much as our paper money, the Senator wants the nation to disgrace itself, as I think, by assuming that it has the legal option to pay the public debts in silver.

The price of silver has gone down recently, and I do not know where it will eventually stop. To-day it is worth 50¾*d.* per ounce in London. Last Saturday in New York it was worth 99 cents per ounce, which would make a silver dollar to be issued under this bill

worth 85.68 cents. The price of gold has gone down from 13 per cent. premium to 12, which leaves the value of the paper dollar at 89.8 cents. Therefore there would be a profit on the part of the owners of silver bullion in getting it coined and exchanging it for paper; and this is the proposition that is presented here, seriously presented for our adoption.

I know that the Senator from Nevada claims that the price of silver has not gone down, but that the price of gold has gone up. That reminds me of something that occurred with a drunken teamster. When he approached his team he gave his near ox a kick in the rear, and the ox responded by kicking back and laid him out flat. "There," said he, "lay there, *goll darn you.*" [Laughter.] Now the Senator supposes it is the gold that has gone up, not the silver that has gone down, and I think there is about as much confusion in his ideas as there was on the part of the teamster in relation to whether he or the ox had gone down.

Some complaint was made by the Senator from Nevada that I was inaccurate or that I did not fully state the facts in relation to the amount of silver that had been issued by the Government since the foundation of it because I did not include the subsidiary coins. Why, sir, this bill does not relate to subsidiary coins; it relates entirely to the dollar; and therefore I made my statement in regard to the amount of silver dollars that had been issued, which was a little over eight millions from the foundation of the Government. And yet here is a proposition to extend the issue to an unlimited amount. I know that the chairman of the Committee on Finance, the Senator from Ohio, claims that in point of fact this issue will be limited by the amount of the sinking fund.

Mr. SHERMAN. Not only is it limited in that way, but none can be issued except for a United States note surrendered. If the Senator says the silver dollars are worth 4 per cent. less than United States notes, I ask him if that is not limit enough? Nobody can get one of these silver dollars unless he surrenders a United States note.

Mr. MORRILL, of Vermont. Then, Mr. President, we are limited in consequence of the fact that nobody will be willing to exchange even paper money for them.

Mr. SHERMAN. Now just there; if the Senator's argument is correct, there will be none issued and no harm done; but I know they will be issued, and he knows they will be issued, probably not to any large amount. I do not believe a very large amount of those dollars will be issued; but he knows they will be issued. I say to the Senator now, and I think he has the same information, there are demands for $10,000,000 of silver coin awaiting our action, so that they can be paid out.

Mr. MORRILL, of Vermont. There is no purpose on my part at all events to object to the issue of silver, to object to the use of the subsidiary silver coins to any amount that can be used by the country and be kept at par. I estimate the amount for that to be about $5 per family; that is to say, reckoning five persons to a family, about forty millions. I think that is about as much as will be naturally absorbed by this country at any one time, although if a limit could be fixed I might be willing to fix upon a larger sum. But here is a proposition to issue silver dollars, and to make them a legal tender for all dues to the Government except customs dues. That is in effect, as the Senator from Indiana [Mr. MORTON] stated this morning, to reduce the amount of our revenues by just the amount that they are worth less than greenbacks now, or less than greenbacks may be worth hereafter, if they shall ever approach to the par of gold.

Mr. President, there is no purpose on the part of anybody to demonetize silver. The only object of those who oppose this bill is to keep silver in its proper place and in circulation as change for the uses of the people and of the Government; but unless the amount of silver to be issued as a legal tender shall be limited, of course in the end it is to drive out all the gold we have and is to wholly supersede the standard of gold in the end. I do not think that we can afford to place ourselves at this era of the world in opposition to the universal sentiment of the most enlightened portion of mankind, which makes gold the chief basis of a legal tender and uses silver merely as a subsidiary coinage. When it is argued that the gold coinage is for the benefit of the rich and the silver for the poor, let me point to the significant fact that in England, where they have an exclusive gold currency, with the exception of using some sixty or seventy millions of subsidiary coinage of silver, the rate of interest is but about 3 per cent., and in Germany, where it has now been changed to the gold standard exclusively, the rate of interest is about 2 per cent. If that is not an advantage to the poor as to the rate of interest to be paid, I confess that I am not able to understand it.

Mr. BOGY. There is a still lower rate in France, where they have a double standard. It is lower in France than in England or Germany.

Mr. MORRILL, of Vermont. I do not so understand it.

Mr. BOGY. The fact is so beyond a doubt.

Mr. MORRILL, of Vermont. Not for the common people; nor does the government of France negotiate its national loans as cheaply as these other governments. They have not done it for the last ten years. Every one knows that they have paid nearly twice as much for their national loans.

Mr. BOGY. They have paid the same price as the exchequer bills of England were issued for.

The PRESIDENT *pro tempore*. The Senator from Missouri will address the Chair.

Mr. MORRILL, of Vermont. Mr. President, I did not rise for the purpose of continuing this discussion at any length. The Senate may not be prepared to take the whole leap which this bill proposes, but I think if they commence and go as far as even the Senator from Ohio is willing to go, they will in the end be compelled to take the next step. Are they prepared to promulgate this policy to the world in the face of the doctrines of the democratic party and of the republican party, for I do not understand that the democratic party are in favor of repealing the resumption act of 1875, except that, as they say, the time fixed in it is too soon and they would be in favor of a more efficient and practical mode of reaching it.

Mr. EDMUNDS. You will see to-morrow that they are on rather a different basis, I am afraid.

Mr. MORRILL, of Vermont. Very likely I may, but I do understand that the action on the part of the republican portion of the Senate and of the House was that we should resume in 1879 on the gold basis and bring the value of the paper dollar up to that of the gold dollar.

Mr. LOGAN. Does the Senator refer to the platform of the republican party?

Mr. MORRILL, of Vermont. I refer to the act of Congress.

At the proper time I shall propose to amend the bill so as to give an approximate amount of silver to the value of the gold dollar. At the present moment it would take nearly 480 grains to be worth as much as a gold dollar. The weight of the gold dollar need not be very much augmented to accomplish that result, because our silver dollar is only nine-tenths fine. One-tenth part of it is alloy. Therefore if we should put in less alloy there would be very little need of increasing the weight. I cannot conceive how the Senator from Nevada can object to making the silver dollar approximate to the value of the gold dollar. Never in the history of this country, or of any other where they have talked about a double standard, has there been any attempt to issue the two together with one far below the other. You cannot find that Gallatin, or Hamilton, or any of our own statesmen ever recommended anything of that sort. They did come very near, at the start, in issuing the two metals at precisely the same value. I claim it is the part of statesmanship to do it now, but to issue silver simply because the price of silver has gone down is a species of legislative legerdemain to which I cannot, for one, consent.

Mr. SHERMAN. Mr. President, I thought I should not say anything more about this silver bill, for I am as tired of it as I ever was of any bill in my life. So many amendments are proposed, so many matters are discussed on the bill which are not in the bill, that I again invite the attention of the Senate to its provisions. Many propositions have been debated outside of it, but the provisions of the bill as reported are few and unobjectionable. By the law as it stands, passed January 14, 1875, we agreed to redeem all the fractional currency of the United States presented to the Treasury in certain silver coin long recognized by law, pieces of fifty cents, twenty-five cents, ten cents, and the like. We agreed to do that. It was found in the execution of that law that it was very difficult indeed to carry it into effect, because the very fact that only fractional currency was provided to be redeemed in that way made fractional currency scarce. People therefore had to buy fractional currency in order to get silver coin. It was not the interest of the people of the United States to make an artificial scarcity of fractional currency and induce persons to buy the fractional currency in order to get silver coin. Therefore during the present session of Congress several bills to aid and promote the conversion of our fractional currency into silver coin have been proposed and passed. There has been a great demand for silver coin, far more than appears in the Senate Chamber. There is now a demand for more than $10,000,000; so that if the bill we passed the other day through the Senate should become a law, the whole of that $10,000,000 would be exhausted probably in ten days, as rapidly as it could be paid out. There is still a necessity for making further provision for the issue of silver coin.

Under these circumstances, both Houses simultaneously agreeing upon the same proposition, simultaneously had bills introduced to facilitate the redemption of our fractional currency by issuing subsidiary coins for United States notes; that is, instead of compelling the people to buy up the fractional currency, it was proposed to provide that if they brought United States notes to the Treasury the coin should be paid out for those United States notes. One of the bills which we passed provides that in such cases the fractional currency should go into the Treasury by a natural course, and the legal-tender notes should be paid out. That is provided for to the extent of $10,000,000; but we know very well from the continued demand for this silver coin that it will be necessary to issue more silver coin that can be converted either under the law we passed a few days ago or under the resumption act of 1875. Then it was that both Houses came to the general idea that whenever any United States notes were presented to the Treasury we should issue subsidiary coin. The House of Representatives provided to issue the subsidiary coin and cancel the United States notes, and sent to us a bill for that purpose. The Senate at the same time had a bill pending to the same effect. Then the House, after some debate, passed an additional section declaring that a silver dollar should be issued, and that that silver dollar or the old silver dollar should be a legal tender to the amount of $50. Upon my motion, and upon the request of the Committee on Finance, that section was stricken out upon the promise

made by us all—concurred in by my friend from Vermont [Mr. MORRILL] and all Senators—that we would again present the question of the legal tender of the silver dollar in a separate measure. The Committee on Finance unanimously requested me to urge the passage of the first two sections of that bill, so that the process of paying out silver coin might go on, leaving this question of legal tender to be decided thereafter. We therefore reported to the Senate a bill to aid in the payment of silver.

Mr. EDMUNDS. By taking in the greenbacks?

Mr. SHERMAN. By taking in the greenbacks. That bill is pending in the two Houses.

Mr. EDMUNDS. It has not become a law.

Mr. SHERMAN. No; it is pending upon an amendment as to the trade-dollar.

If Senators will take this bill and look at the sections as I will read, they will see the precise questions which were presented to the Committee on Finance. I will leave out the dollar and read section 2 as it would stand without the "dollar" at all:

That the Secretary of the Treasury is hereby authorized to exchange the subsidiary coins of the United States for an equal amount of United States notes, which shall be retired and canceled.

That was the operative part of the provision of the law to which both Houses seem to have assented. The object is to facilitate the redemption of fractional notes, and to give the people the silver coin of the old standard, subsidiary coin, in any quantity which they desire, for United States notes, and not put them to the trouble or to the sacrifice of buying fractional currency to bring it in for silver coin. Can any man object to that? It is the law now. It was a part of the resumption policy, and a part of the intention of Congress to promote the paying out of silver coin. We know that before the war $50,000,000 of this same kind of coin was issued and was in daily circulation. We know now that with the increased population of our country as the fractionel currency disappears we shall immediately need at least $80,000,000 of these small coins to be used as the ordinary change of the country. We know that in England they have $65,000,000 of small coin, worse than ours, less in value intrinsically than ours, with a population of 30,000,000 people.

Mr. EDMUNDS. By "intrinsically" the Senator means less in value in relation to gold, I understand?

Mr. SHERMAN. Yes, sir; their silver coin is not near so valuable as ours. Sixty-five million dollars in shillings and various forms of silver pieces are in circulation in England, while their value is only eighty-two or eighty-three cents in gold, while ours is worth 86½ according to my friend, putting it very low. The silver coin we issue is better than the coin of any other nation in the world in proportion to gold, and all other nations maintain at par with gold a subsidiary amount of silver coin, and we are only providing, by the measure we propose, a certain amount of silver coin to serve for the ordinary change of the country; and we propose to maintain it at par with gold when we shall have reached the gold standard. In the mean time we propose to maintain it at par with our legal-tender paper money.

Mr. EDMUNDS. What do you mean by "a certain amount?"

Mr. SHERMAN. The amount is not fixed by law, but experience has established it. It is issued generally as long as people desire it. This bill, in that respect, is exactly like the old law for issuing subsidiary coin. If anybody goes to the Treasury of the United States with United States paper money and wants the silver, we give it to him. We receive it back to any extent.

Mr. EDMUNDS. But do you call the dollar a subsidiary coin?

Mr. SHERMAN. Yes, sir, as we provide for it in the bill, as I will show hereafter.

Mr. EDMUNDS. But according to the previous legislation, is the dollar a subsidiary coin?

Mr. SHERMAN. I hope my friend will allow me to finish my remarks about the subsidiary coin.

Mr. EDMUNDS. I beg pardon of the Senator and of the Chair as well. I was only asking for information. I only want to get light.

Mr. SHERMAN. I first want to show the Senate the necessity of passing this bill so far as the subsidiary coin is concerned. The idea which troubles my friend from Vermont [Mr. MORRILL] that it is necessary to have a limit is ideal. In the first place, the coin is issued only when a citizen of the United States or any person comes up and surrenders a United States note that is now a legal tender for all sums. Then we issue silver coin and retire the United States note.

What is the use of the limit? The very moment the silver coin becomes too abundant, is no longer demanded, no more United States notes will be brought in for it. The thing will check itself. It is like the demand for beef, or corn, or pork, or potatoes. The very moment you supply the demand the notes will not come in to be exchanged for subsidiary coin, and therefore it is not necessary in the first place to fix a limit, and it is impossible in the next place to fix a definite limit. No man can fix it.

Mr. EDMUNDS. May I now be allowed to ask a question of the Senator?

Mr. SHERMAN. Yes, sir.

Mr. EDMUNDS. On the present theory the Senator states that there is no necessity for a limit, because when the demand is exhausted there will be no further occasion for a supply. I ask him this question: Suppose we redeem all the United States notes, so that the only money of the United States is gold and silver; then, if the dollar be a subsidiary coin and is to be forced as a legal tender to any extent, do we not fall into the very evil that the Senator says we are not likely to fall into, because nobody will bring in the notes? When we get the notes all in the silver must go out.

Mr. SHERMAN. If I were to try to answer so impossible a proposition as the Senator puts to me, I should never get through to-night. Suppose, he says, we redeem all the United States notes with silver——

Mr. EDMUNDS. Not with silver coin, but under the redemption act suppose we redeem the legal tenders, where do you find yourself?

Mr. SHERMAN. The silver will come directly back into the Treasury. We take it for all dues except customs duties. We collect in the way of internal revenue $120,000,000 per annum; we receive the silver coin to any extent for all these dues, and make it a legal tender to the amount of $5 between private individuals.

Mr. EDMUNDS. But how does that leave it, if there is a real disparity between the value of silver and gold of 15 per cent. or over? How does that leave it, because it comes into the Treasury and goes out again as a matter of business?

Mr. SHERMAN. How does it happen in England, how does it happen in Germany, how does it happen in France?

Mr. EDMUNDS. I am asking the Senator, not he me. I am trying to get light.

Mr. SHERMAN. Because of the absolute necessity of silver change, if its bullion value was only one-tenth of the value we give to it by our stamp, it would still pass at par with gold. Why, sir, the copper we use is not worth more than about one-third or one-fourth——

Mr. EDMUNDS. But it is not a legal tender.

Mr. SHERMAN. It is a legal tender to the amount of twenty-five cents.

Mr. EDMUNDS. I guess not.

Mr. SHERMAN. It is practically a legal tender. You must take the experience of mankind; and we know that, while gold is the general standard of value, a certain amount of silver is indispensably necessary to carry on the ordinary operations of life; and yet Senators, although the law requires us to issue it, do not seem to be willing to issue this silver money lest perchance somebody will step in and make it a legal tender when they do not want it to be a legal tender, or propose to make it so to an amount greater than they think it ought to be a legal tender.

Now, I ask my friend from Vermont does he intend to pay the fractional currency in silver? Does he intend to pay the United States notes in silver if the people want it? If a man has your dollar bill which is due, and which you say is due in gold, why do you not pay it in silver if he wants it in that? You will pay it to him in gold, you say; you would be glad to do it. My friend from Vermont would pay him in gold if he could; but suppose the man says, "Well, you cannot pay me in gold and do not propose to pay me in gold until two years; will you not give me silver?"

Mr. EDMUNDS. Is the Senator addressing himself to me or to my colleague?

Mr. SHERMAN. To the Senator's colleague, [Mr. MORRILL.]

Mr. EDMUNDS. That is right. I want to get out of this fight as soon as possible. [Laughter.]

The PRESIDENT *pro tempore*. Senators will please address the Chair.

Mr. SHERMAN. I have said all that I care to say about the subsidiary coin. This Congress cannot adjourn—both Houses feel the necessity of it, men of all political parties—this Congress cannot adjourn unless it provides some substitute for the fractional currency and some mode of paying out silver change; and the demand for it is continuous. I say myself, so far as I am concerned, I do not want any silver coin; I would rather take the fractional currency; but the demand for silver coin is continuous and in very large sums, and we must meet that demand, and we cannot adjourn without doing it.

So much for the second section. As to the first section, it grew out of the bill passed by the House of Representatives to issue a dollar without defining the nature of that dollar, and make it a legal tender to the amount of $50. The Committee on Finance then undertook to say what dollar it should be, because the House bill did not tell us whether it was to be the trade-dollar or the old dollar. The Committee on Finance therefore reported in favor of the old dollar; that is, the dollar that had been in existence since the foundation of this Government and was a legal tender for all sums until 1873; and with unanimity we concluded that that dollar, containing 412.8 grains of a certain standard of silver, should be the dollar, if any was issued; and it was proposed to be issued by the bill of the House of Representatives. We adopted that dollar as against the trade-dollar, and for this reason: the trade-dollar was more valuable, but the trade-dollar was issued upon the demand of any private owner of bullion. Any private owner of bullion might take bullion to the mint and get trade-dollars for it; and thus the private person who owned the bullion would make the money, the seigniorage as it was called, or the difference between the bullion value and the nominal value. On the other hand, the old dollar was issued by the Government; the amount was limited by the Government; it was never issued unless it was at par with gold or at par with the current standard of the time; and the amount was regulated by the Government;

its value was fixed; and any profit that accrued from its coinage inured to the benefit of the people of the United States.

This was the reason why we adopted the old dollar. Then the question was as to how much it should be made a legal tender for. That was again the subject of discussion. We concluded that it was not safe to make it a legal tender for $50, and finally, in the nature of a compromise and confining it to currency contracts, we made it a legal tender for $20. Now I ask the astute Senator from Vermont—the one nearest me, I have discussed with the other Senator long enough—to give me his attention. He put a question to me a while ago. He asked me a while ago whether there would not be great danger in the future in making the silver dollar a legal tender for $20, or for any sum above $5. That is a serious question. That is the only question there is in regard to this bill. The answer to that is, in the first place, that we have excepted from the operation of this legal-tender limit, as it is in amount, all customs duties and the interest on the public debt, so that it cannot be called in question as to gold contracts.

Then by the decisions of the Supreme Court, and by the law as it stands, money thus limited in its legal-tender quality cannot be made a legal tender for gold contracts, or contracts payable in gold or any other commodity. Nearly all the contracts in this country of a domestic character are payable in currency—United States notes. United States notes are a legal tender for all sums upon currency contracts. We thought, therefore, there could be no possible danger in making this silver dollar a legal tender to the extent of $20 on currency contracts, because not only is the amount of these silver dollars to be issued always restrained and within the power of the Secretary of the Treasury and the power of the law, but their value will probably rise rather than fall. At any rate the amount is limited. If they become too abundant, they will go into the Treasury in the natural course of things, in the process of collecting the internal revenue, so that there can be no practical difficulty in making it a legal tender to the amount of $20. To go beyond that we thought might create danger. I myself doubted the propriety of it. I appealed to many Senators here to agree to let the silver dollar stand precisely like the subsidiary coin, a legal tender for the amount of only $5; but I could not, reasoning this matter out, see any practical difficulty or objection in making these silver dollars a legal tender to the extent of $20 in one payment except only on gold contracts and interest on the public debt and customs duties. That is the explanation and that is the reason we reported the section.

Mr. EDMUNDS. If I do not interrupt the Senator——

Mr. SHERMAN. Certainly not.

Mr. EDMUNDS. I want to submit an inquiry to him. He says this silver dollar is to be a legal tender for everything except customs duties and interest on the public debt.

Mr. SHERMAN. To the amount of $20.

Mr. EDMUNDS. Yes, with the limit of $20. He says the Supreme Court has decided that you may, notwithstanding that, make a contract payable in gold which must be paid in gold, and the silver would not be a legal tender for it. Why not in respect of any other contract payable in a particular kind of coin, or currency, or anything else?

Mr. SHERMAN. The decision of the Supreme Court extends to all that. A contract payable in wheat is payable in wheat, and if the wheat is tendered on the day when it is to be delivered, as a matter of course the tender would be held good.

Mr. EDMUNDS. Ah, but that depends. If it is a contract for so many bushels of wheat, then of course a tender of the bushels will answer the contract; but if it be a contract for so many dollars' worth of wheat, then if the wheat be not tendered it calls for dollars. Then the question is, what kind of dollars is it payable in, a silver dollar which is worth only 85, the standard being gold we assume for the purpose of the argument; or is it a duty to pay a real dollar which is worth 100 cents in gold?

Mr. SHERMAN. I can put a sum to my friend and answer it easier. Suppose a contract of this kind calls for $265. The debtor has a right to pay that in money, of which $240 must be in paper money or what is a legal tender for all purposes—paper money or gold; if a currency contract, of course it would be paper money, and $20 of it might be in silver dollars and $5 in subsidiary silver coin.

Mr. EDMUNDS. I cannot agree with the Senator's law.

Mr. SHERMAN. I think that is the law. That is the decision of the courts.

Mr. EDMUNDS. You cannot divide it up. If $20 is the amount of the legal tender in any one sum, it must be a debt that does not exceed $20. If there is a debt exceeding $20, you cannot bring in part silver, and part copper, and part legal-tender paper, and part gold.

Mr. SHERMAN. The provision is:

> The said dollar herein authorized shall be a legal tender at its nominal value for any amount not exceeding $20 in any one payment.

I take it that on any payment that is to be made $20 may be tendered in silver.

Mr. EDMUNDS. Does the Senator say that if the debt were $100 or more, to the extent of $20 you could offer silver and the rest in something else?

Mr. SHERMAN. Certainly.

Mr. EDMUNDS. I put in a timid, but very firm, protest against any such construction of the statute as that.

Mr. SHERMAN. As I do not have to administer the law, and the Senator will have more to do with that than I shall have, I turn it over to the law; but I think the financial and business sense of it is that which I have stated.

Mr. EDMUNDS. If that is material, and it should turn out to be a mistake, we ought to have an amendment to guard against that thing, and say that the $20 might be tendered in respect to any debt to that extent.

Mr. SHERMAN. That is the plain language of the law.

Mr. EDMUNDS. The plain language, in my opinion, is exactly the reverse, and when it says this silver dollar is a legal tender to the extent of $20 in any one payment, it is a limitation upon the amount of the debt which is to be paid, and if the debt is over $20 you cannot tender the silver at all. That I think is plainly the law. I may be mistaken; but I think that is so, according to the little information I have about the law.

The whole thing comes back to the serious fundamental question that the Senator has stated, what right we have got, we who are administering the politics of this country—I do not mean party politics, but economic politics—to say to the people of the United States and all the rest of the world who deal here that they shall be obliged to take a certain number of grains of silver as representing a certain number of grains of gold when they do not represent that number of grains of gold, if you are to have a single standard? If you are to have two standards, then you do not know where you are any more than you know now when we have gold and greenbacks.

Mr. LOGAN. May I be allowed to ask the Senator from Vermont a pertinent question?

Mr. EDMUNDS. Certainly. I am merely seeking for light; I do not express an opinion.

Mr. LOGAN. The Senator asks what right we have to make silver a legal tender when it does not represent the corresponding amount of gold. I ask what right had you to make paper a legal tender?

Mr. EDMUNDS. As Lord Dundreary says, "that is one of the things no fellow can find out," except as the Supreme Court has said that in a state of extreme public peril and under the war powers of the Government we can do almost anything; but the Supreme Court has not said, and I venture the prophecy, as extraordinary as some of its late decisions have been, that the Supreme Court of the United States never will say that any act of Congress passed in a time of peace making a piece of paper, call it what you will, a legal tender, will stand the constitutional test.

Mr. LOGAN. We will not discuss that now.

Mr. SHERMAN. Silver is a legal tender by the Constitution.

Mr. LOGAN. I do not desire to enter into this discussion at this late hour, certainly not to any great extent; but I desire to say to my friend from Vermont farthest from me [Mr. MORRILL] that I was a little surprised at his remarks, and I will not say why; but his assault upon the silver of this country is a little extraordinary. I do not understand why it is that such arguments are usually made here in this Senate. If a bill does not exactly suit the disposition or the temper of Senators—some especially—some assault has got to be made upon some person, upon some class, or upon some section. The Senator said that this bill was for the purpose of benefiting a few individuals out West owning silver mines. That is a very extraordinary statement. Suppose I was to say that a tariff on pins or needles, or things produced in the section the gentleman lives in, was a bill for the benefit of a few individuals, he would get wrathy in a moment. That is not the way to argue a question. I ask the Senator who is in love with gold, why it is that making gold the only money in this country is not for the benefit of the gold miners. The reasoning would be just as pertinent as to say that a bill of this kind is for the benefit of silver miners only. It is a strange argument anyhow to me that Senators sometimes make, always against their own country and against the productions of their own country. If silver is used in other countries and is one of the great productions of our country, I ask why it is not beneficial to our country to make it a legal standard as it is made in other countries. If we are the producers of it, the benefit is derived, not by an individual merely, but by our whole country. As we are great silver producers in this country, it seems to me an argument of the character of that made by the Senator is a very strange one.

I said here once that I was in favor of making the silver dollar a legal tender for any amount. So I am; but at the same time I propose to stand and vote with the Finance Committee in reference to this bill. I am in favor of it for several reasons: first, because it is the money of the Constitution, just as much as gold; second, it is money and can be made so as well as gold; third, because it is one of the great productions of our country; and, fourth, because it is a necessity to the people now.

Why is it that silver should not be a legal tender? Because it is worth less than gold? Is that the reason? That is not the reason. If that is the reason paper would not be made a legal tender when it is less valuable than gold. It is made a legal tender for the convenience of the people and of the country when you can bring it up to such a standard as other countries have. But if my constituents had all their wealth in railroad bonds and in Government bonds per-

haps there might be some reason then why I should insist that the whole country should be impoverished in order to benefit my particular constituents to the disadvantage of everybody else. But, sir, the argument in opposition to making the silver dollar a legal tender when you give it a certain value is an argument in opposition to ever paying certain debts in this country in anything but gold, whether we have the gold to pay them with or not. That is the reason of it, and that is all there is in it. But by a trick—and I use that word because it is a proper one in this instance—by a trick of legislation in 1873 the people of this country were deprived of the right of paying their debts in silver dollars. The words "gold dollar" were used in an act passed in 1873, arranging for the mintage of subsidiary coin, and the words "silver dollar" were left out, and by that character of legislation the silver dollar was demonetized in this country. From the beginning of the Government up to 1873 any debt, bond, or note was payable in silver dollars. Your bonds, issued by the Government, were payable in silver dollars until 1873.

Mr. BOGY. Until 1874, until the Revised Statutes. The law of 1873 does not prevent paying a debt in silver.

Mr. LOGAN. The Senator is correct. But the law of 1873 did not include the silver dollar, though it included the gold dollar. Then in revising the statutes the revisers left the silver dollar entirely out of the law; and in that way the people were defrauded, if I may use such a term, of the right to pay their debts in silver dollars. I do not mean that it was an intentional fraud, but what we call sometimes in legislative parlance a moral fraud. That is at least as soft a term as can be applied to it; and yet, with all that legislation before this country for three-quarters of a century, by which up to that time the debts of this country were payable in silver dollars, by this character of legislation the people of this country were deprived of that right; and we are told now, when the object is not to restore it for any amount—it was a legal tender then for any amount—but to restore it restricting it to $20, that it is for the benefit of a few individuals!

Mr. MORRILL, of Vermont. Will the Senator allow me a word?

Mr. LOGAN. Certainly.

Mr. MORRILL, of Vermont. I referred especially to the amendment presented this morning by the Senator from Nevada, which went to the extent of making silver a legal tender for all things except customs duties, and then provided that it should be coined for the owners of silver bullion for their exclusive profit, less only the bare cost of coinage.

Mr. LOGAN. Very well; I misunderstood the Senator then.

Mr. MORRILL, of Vermont. That was all I referred to in that connection.

Mr. LOGAN. So far as the Senator's remarks applied to making the dollar a legal-tender dollar for all sums, I take issue with him. Though I stand by the bill of the committee I am in favor of restoring the law that existed up to 1873 or 1874 making it a legal tender without limit, for it ought to be done. At the very time your Government entered into these contracts the silver dollar was a legal tender, and the contract was made with that statute on our books, and the people who entered into the obligation with the Government so understood it, and it is no fraud upon them and no wrong against them or any one else that it shall be restored.

I know it is sometimes the case that the voice of the people of this country is stifled by legislation, stifled by their own representatives. When the voice of this country demanded an act of legislation that was voted by a majority of both Houses their voice was unheeded. Now when the people of this country demand that the silver dollar that we produce in our country shall be restored as it stood up to 1873 or 1874, they are not to be allowed that either. Why? Not because they do not think it is right; not because they do not demand it; not because it is not right; but because, if I may make such a remark, a minority, a few men in "this country demand nothing but gold, so that they may enrich themselves upon the distress and poverty of the people of this country. No sane man, in my judgment, will state to-day to this country that gold is produced in sufficient quantities to pay the debts of the Government and to redeem the obligations of the Government. I do not believe any man will make such a statement as that. When an impossibility stares us in the face we are still told that that must be carried out; this must be done, no matter what the cost may be to the country, and nothing but that shall be done. Now, sir, in my judgment, that is unprofitable legislation, and profitable legislation is to pass this bill or a similar one.

But, says the Senator from Vermont, if you take this step you have got to take the next step. If this is a good step, God speed the time that we shall take the second; I do not care how soon it comes as far as I am concerned, and I partially represent nearly as many people as the Senator from Vermont does, with nearly as much aggregate wealth; a people with as many interests, and certainly a class of people that bear the heavy burdens of this country, for the people that I represent pay more taxes to this Government than almost any other State in this Union.

We are told that this is a western interest; but I say it is an interest for the whole country; an interest that the country has a right to demand shall be considered; and, as I said, I repeat to the Senator from Vermont that I hope the time will come when the silver dollar will be made a legal tender for all amounts. It ought to be; it always was until 1873, and it ought to be so now. I state it now as a fact known that the silver in the Treasury, all the coin that can be coined, is demanded and asked for by the people in this country and has been for months; and we had to pass a law, as the Senator from Ohio said, which was a part of this bill as it was first reported, in order that the Secretary of the Treasury should be compelled to issue that money. He failed to comply with the law, as I believe; refused to put out the silver in accordance, as I thought, with what the law was that required him to do it, and we had to pass a bill at this session in order that he should be compelled to do it. As was said by the Senator from Ohio, the demands are more to-day than the supply, so far as this coin is concerned. As the people demand it and use it; as it is money that they recognize; as it pays debts; as it has already been a legal tender and was contemplated as such by the Constitution, I ask why it is that we should not give them this right; why it is that it will not be a benefit to the country to do so? We need the supply diffused among the people and need it now.

I will not take up the time of the Senate any further. I should have liked to discuss this proposition in a different manner and more at length; but I will not do so. It has been discussed sufficiently, at least for this time of day.

PAYMENTS OUT OF CONTINGENT FUND.

Mr. SARGENT. I ask leave to report from the Committee on Appropriations a resolution which was referred to us this morning relating to the funeral expenses of a page and some other expenses. We recommend the passage of the resolution.

The Senate, by unanimous consent, proceeded to consider the following resolution:

Resolved, That the Secretary of the Senate be, and he is hereby, authorized to pay, out of the contingent fund of the Senate, the medical and funeral expenses of Frederick Peck, deceased, late page in the Senate, and the medical and other expenses incurred by L. B. Cutler, an employé of the Senate, on account of the injuries received by the recent explosion of gas in the Capitol: *Provided*, That all bills rendered shall be approved by the Committee to Audit and Control the Contingent Expenses of the Senate before they are paid.

Mr. SARGENT. The objection I made this morning was not to the propriety of the resolution, for I agreed in it, but I had a doubt whether this money could be paid out of the contingent fund under such a resolution. I find, however, the precedents are that way, and therefore the resolution is reported.

The resolution was agreed to.

SENATE MANUAL.

Mr. HAMLIN. The Committee on Rules, to whom was referred the following resolution, report it without amendment, and ask for its present consideration:

Resolved, That the Chief Clerk be directed to prepare a new edition of the Manual, and that 1,000 copies be printed for the use of the Senate.

I will state that the edition which was ordered has been exhausted and every new Senate convening requires additional copies. There will be none of the present edition next March for the new Senate. It is in accordance with precedent.

The resolution was agreed to.

BILL INTRODUCED.

Mr. COCKRELL asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 950) declaring certain roads in the State of Missouri post-roads; which was read twice by its title, referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

ARMY APPROPRIATION BILL.

Mr. PATTERSON. I move that the Senate do now adjourn.

Mr. SARGENT. I should like to have a committee of conference appointed before that is done. I ask the Senator to withdraw the motion for that purpose.

Mr. PATTERSON. I withdraw the motion.

Mr. SARGENT. I should like to put that beyond a contingency. I believe the Army appropriation bill has been returned from the House of Representatives with a request for a committee of conference.

The PRESIDENT *pro tempore*. The Chair lays before the Senate a message from the House of Representatives.

The Chief Clerk read as follows:

IN THE HOUSE OF REPRESENTATIVES, *June* 28, 1876.

Resolved, That the House non-concur in the amendments of the Senate to the bill of the House (H. R. No. 3717) making appropriations for the support of the Army for the fiscal year ending June 30, 1877, and for other purposes, and ask a conference with the Senate on the disagreeing votes of the two Houses thereon.

Ordered, That Mr. ATKINS, Mr. RANDALL, and Mr. HURLBUT be the managers on the part of the House.

Mr. SARGENT. I move that the Senate insist on its amendments and consent to the conference asked by the House of Representatives.

The motion was agreed to.

By unanimous consent the President *pro tempore* was authorized to appoint the managers on the part of the Senate; and Messrs. ALLISON, LOGAN, and THURMAN were appointed the conference committee.

LEGAL TENDER OF SILVER COIN.

The PRESIDENT *pro tempore*. The Senator from South Carolina moves that the Senate do now adjourn.

Mr. PATTERSON. I have withdrawn the motion.

The PRESIDENT *pro tempore*. The bill (H. R. No. 3398) for the issue of coin, and for other purposes, is before the Senate as in Com-

mittee of the Whole; and the yeas and nays have been ordered on the amendment of the Senator from Missouri [Mr. BOGY] to the amendments of the Committee on Finance; which is in line 14 of the first section of the amendment of the committee, to strike out the words "not exceeding $20."

Mr. MORRILL, of Vermont. I ask the Senator from Ohio if it would not be better to adjourn? The Senate is very thin; there is scarcely a quorum present, and there ought to be a fuller Senate when we vote on such an important question.

Mr. SHERMAN. I think there is a quorum here.

Mr. MORRILL, of Vermont. It seems to me the Senate is too thin to take a vote on such a question; but I will not interfere.

The Secretary proceeded to call the roll.

Mr. SARGENT, (when his name was called.) On this amendment I am paired with the Senator from North Carolina, [Mr. MERRIMON.] He would vote "yea" if present, and I should vote "nay."

The roll-call was concluded.

Mr. DAWES, (after having voted in the negative.) I am reminded of a pair I made some time ago on this bill with the Senator from Nevada, [Mr. SHARON,] and I desire to withdraw my vote.

The result was announced—yeas 18, nays 14; as follows:

YEAS—Messrs. Bogy, Caperton, Clayton, Cockrell, Conover, Ferry, Hitchcock, Ingalls, Jones of Nevada, Key, McCreery, Norwood, Paddock, Patterson, Spencer, Whyte, Windom, and Withers—18.

NAYS—Messrs. Booth, Christiancy, Cragin, Eaton, Goldthwaite, Hamilton, Hamlin, Howe, Logan, Maxey, Mitchell, Morrill of Vermont, Oglesby, and Sherman—14

ABSENT—Messrs. Alcorn, Allison, Anthony, Barnum, Bayard, Boutwell, Bruce, Burnside, Cameron of Pennsylvania, Cameron of Wisconsin, Conkling, Cooper, Davis, Dawes, Dennis, Dorsey, Edmunds, Frelinghuysen, Gordon, Harvey, Johnston, Jones of Florida, Kelly, Kernan, McDonald, McMillan, Merrimon, Morrill of Maine, Morton, Randolph, Ransom, Robertson, Sargent, Saulsbury, Sharon, Stevenson, Thurman, Wadleigh, Wallace, West, and Wright—41.

Mr. MORRILL, of Vermont. As there is not a quorum I move that the Senate adjourn.

The motion was agreed to; and (at five o'clock and two minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *June* 28, 1876.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. I. L. TOWNSEND.

The Journal of yesterday was read and approved.

ORDER OF BUSINESS.

Mr. LORD. I call for the regular order.

Mr. MCCRARY. I ask the gentleman from New York [Mr. LORD] to allow me to make a report from the Committee on the Judiciary.

The SPEAKER *pro tempore*. The gentleman from New York calls for the regular order, which is the consideration of the unfinished business pending at the adjournment yesterday, being the bill relative to the distribution of the Geneva award, on which the gentleman from Pennsylvania [Mr. JENKS] is entitled to the floor.

ARMY APPROPRIATION BILL.

Mr. ATKINS. I rise to a privileged question. The Committee on Appropriations having had under consideration the amendments of the Senate to the bill (H. R. No. 3717) making appropriations for the support of the Army for the fiscal year ending June 30, 1877, and for other purposes, have instructed me to report back the same and to move that the House non-concur in the amendments and ask for a committee of conference, upon which motion I call the previous question.

I desire to state to my friend from Michigan [Mr. CONGER] that he was utterly mistaken in his apprehension that a motion was not made by me yesterday to reconsider the reference to the Committee on Appropriations and to lay that motion on the table. That was done.

Mr. CONGER. I was informed that such was the fact, although it was not announced to the House. I ask that the amendments be read.

The SPEAKER *pro tempore*. The gentleman has a right to call for the reading of the amendments. If he insists on that call, the Clerk will read them.

Mr. SPRINGER. The gentleman has the right to have them read before they are voted on, but not before the previous question has been ordered. That must be first put, after which of course there can be no discussion; but the amendments may then be read in the order in which they are to be voted upon.

Mr. WILSON, of Iowa. I rise to a point of order. I submit that the amendments of the Senate to an appropriation bill should first be considered in Committee of the Whole. Let me state my point. It has been strenuously urged that the Senate has no right whatever, and should not exercise the power, to amend an appropriation bill. Now it is a fundamental principle governing this House that everything in the shape of a tax on the people should be first considered in Committee of the Whole. The Senate under the Constitution have the right to make amendments; and they have increased the appropriations in the bill as we sent it to them. This is an additional tax upon the people. If, as has been insisted by the ex-Speaker *pro tempore*, the Senate has the same right to originate money bills that it has to originate revenue bills, I raise the point that, this increase having been made in the Senate, this bill must go to the Committee of the Whole, as has always been done in previous Congresses, for the consideration of these amendments.

Mr. RANDALL. No, sir; I do not recollect that it has ever been done in previous Congresses.

Mr. WILSON, of Iowa. It was always done in the last Congress.

Mr. RANDALL. Not in the case of amendments. The bill must receive its first consideration in Committee of the Whole; but after that it becomes a question between the two Houses upon differences.

Mr. WILSON, of Iowa. But the chairman of the Committee on Appropriations will see that he is not taking the sense of the House at all whether we will adopt these amendments in whole or in part.

Mr. RANDALL. The committee recommend that we non-concur in all the amendments, and on that motion the previous question is asked.

Mr. WILSON, of Iowa. What committee?

Mr. RANDALL. The Committee on Appropriations.

Mr. WILSON, of Iowa. But it ought to be submitted to the House.

Mr. RANDALL. The House can vote down the previous question if it thinks proper.

Mr. WILSON, of Iowa. O, if the gentleman from Pennsylvania resorts to the previous question, of course he has a majority there, and can gag this side.

Mr. RANDALL. I do not desire to gag or do anything that is unfair to the other side; and the gentleman must not say that. I am for expedition now.

Mr. WILSON, of Iowa. I would be glad to see some expedition now.

Mr. HALE. I suppose that the desire of the gentleman from Pennsylvania is that the bill and Senate amendments be sent to a committee of conference as speedily as possible in order that the points of difference may be sifted there and the scrutiny of the House brought upon them when that committee reports.

Mr. RANDALL. Of course.

Mr. HALE. It seems to me that this proposition is rather in the interest of speed.

Mr. WILSON, of Iowa. The gentleman from Maine must see that when the committee of conference reports we must adopt its report as a whole or not at all. Now, if these amendments of the Senate were considered by the House in Committee of the Whole we might adopt some of them.

Mr. RANDALL. When the report of the committee of conference is made gentlemen have the privilege of discussing it, and if they do not like it they can vote it down.

Mr. WILSON, of Iowa. We cannot amend it.

Mr. RANDALL. But it can be voted down and a new committee of conference can be appointed who will conform to the wishes of the House.

Mr. WILSON, of Iowa. The only way in which a conference committee can be instructed is by the House considering now in Committee of the Whole the various amendments and voting upon them separately, as in the last Congress. The committee of conference should have some indication in regard to the points about which the House is strenuous.

Mr. RANDALL. When we are endeavoring to expedite the passage of the appropriation bills, it seems strange that a proposition for indefinite delay should come from that side of the House.

Mr. WILSON, of Iowa. How long will it take to consider the amendments separately?

Mr. RANDALL. A great while.

Mr. ATKINS. It will take a day or two.

Mr. HALE. I would submit as a practical suggestion to the gentleman from Iowa [Mr. WILSON] that the same majority that put through the bill as it passed the House would on separate votes vote against the Senate amendments increasing the appropriations; so that we would only be traveling the same road that the House has already passed over. It would only take up additional time, with a result the same as the House has already reached. I do not understand that the amendments of the Senate are of much significance except in the increase of appropriations; and it may be assumed that the majority of the House would adhere to its action in passing the bill originally. Therefore I apprehend there is not much to be gained by the delay of reading the amendments and passing upon them separately.

The SPEAKER *pro tempore*. The Chair is prepared to rule on the point of order.

Mr. WILSON, of Iowa. Let me say just one word more. A majority carries these things through; but I hate publicly to acknowledge that in the Congress of the United States a party controls the appropriation bills and that a minority large as this is has no influence in perfecting those bills. I hate to acknowledge that publicly.

The SPEAKER *pro tempore*. The Chair will follow the line of precedents adopted this session, and will put the question on the demand of the gentleman from Tennessee for the previous question. Is it seconded?

The previous question was seconded and the main question or-

dered; and under the operation thereof the amendments of the Senate were non concurred in, and the House agreed to ask for another committee of conference.

Mr. ATKINS moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER *pro tempore*. The Chair appoints as the managers of the conference on the part of the House Mr. ATKINS of Tennessee, Mr. RANDALL of Pennsylvania, and Mr. HURLBUT of Illinois.

NEW ORLEANS INVESTIGATING COMMITTEE.

Mr. SINGLETON. I rise to a privileged question. I report back from the Committee on Printing, with the recommendation that it be adopted, the resolution referred to that committee for printing the testimony before the investigating committee at New Orleans.

The SPEAKER *pro tempore*. The report made by the gentleman from Mississippi is privileged. The Clerk will read the resolution.

The Clerk read as follows:

Resolved, That the select committee appointed to investigate the conduct of Federal officers at New Orleans be, and they are hereby, authorized to print the testimony taken by said committee touching all matters under investigation before said committee.

The resolution was adopted.

Mr. SINGLETON moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SILVER COIN.

Mr. PAYNE. I am instructed by the Committee on Banking and Currency to report back the joint resolution (H. R. No. 109) for the issue of silver coin, with Senate amendments, and to recommend concurrence in the amendments; and upon that I move the previous question.

The SPEAKER *pro tempore*. The Clerk will report the Senate amendments.

The Clerk read as follows:

Amend the bill in line 4 by striking out the word "now" after the word "coin;" so that it will read: "the silver coin in the Treasury."

Add the following section:

SEC. 2. That the trade-dollar shall not hereafter be a legal tender, and the Secretary of the Treasury is hereby authorized to limit from time to time the coinage thereof to such an amount as he may deem sufficient to meet the export demand for the same.

The previous question was seconded and the main question ordered; which was on concurring in the Senate amendments.

Mr. PAYNE. I ask for separate votes on the amendments.

Mr. FORT. I ask that the joint resolution be read in full, as proposed to be amended by the Senate.

The Clerk read as follows:

That the Secretary of the Treasury, under such limits and regulations as will best secure a just and fair distribution of the same through the country, may issue the silver coin in the Treasury to an amount not exceeding $16,000,000, in exchange for an equal amount of legal-tender notes; and the notes so received in exchange shall be kept as a special fund, separate and apart from all other money in the Treasury, and be re-issued only upon the retirement and destruction of a like sum of fractional currency received at the Treasury in payment of dues to the United States; and said fractional currency, when so substituted, shall be destroyed and held as part of the sinking fund, as provided in the act approved April 17, 1876.

SEC. 2. That the trade-dollar shall not hereafter be a legal tender, and the Secretary of the Treasury is hereby authorized to limit from time to time the coinage thereof to such an amount as he may deem sufficient to meet the export demand for the same.

Mr. LANDERS, of Indiana. I move to reconsider the vote by which the previous question was ordered on this joint resolution.

Mr. KASSON. If the Chair will recognize me for the purpose, I will move to lay the motion to reconsider on the table.

Mr. RANDALL. I think we ought to have an hour's discussion on this joint resolution, if members desire to be heard upon it. Notwithstanding the previous question has been ordered, the gentleman from Ohio [Mr. PAYNE] reporting it is entitled to an hour.

The SPEAKER *pro tempore*. There can be no debate on the motion to reconsider the vote by which the previous question was ordered. The previous question itself is undebatable, and a motion to reconsider a vote upon an undebatable question is not debatable. After that question shall have been disposed of, the gentleman from Ohio [Mr. PAYNE] will be entitled to an hour for debate upon the original joint resolution, if he claims it.

Mr. LANDERS, of Indiana. My object is merely to offer an amendment.

Mr. THORNBURGH. I raise the point of order that the first question must be upon the motion to reconsider the action of the House sustaining the call for the previous question, and that there can be no debate pending that motion.

The SPEAKER *pro tempore*. By unanimous consent the motion to reconsider may be considered pending while the debate goes on.

Mr. KASSON. If the Speaker entertains at this stage a motion to reconsider the previous question, then I ask the gentleman from Ohio [Mr. PAYNE] to move to lay that motion on the table?

Mr. RANDALL. If the gentleman from Ohio [Mr. PAYNE] moves to lay the motion to reconsider on the table and that motion is carried, will he allow any discussion during the hour to which he is entitled, having reported this joint resolution.

Mr. PAYNE. I had not proposed to discuss the matter.

Mr. LANDERS, of Indiana. I withdraw my motion to reconsider.

Mr. RANDALL. This joint resolution ought to be explained by the gentleman who has charge of it; the House is entitled to some explanation upon so important a question as this.

Mr. PAYNE. I will explain the joint resolution and amendments if gentlemen desire it.

Mr. RANDALL. Other gentlemen may desire to be heard.

Mr. LANDERS, of Indiana. Will the gentleman from Ohio yield to me for a question?

Mr. PAYNE. I cannot yield now. I am under obligations to the gentleman from New York [Mr. LORD] not to take up more time than is absolutely necessary in the consideration of this subject.

Mr. CONGER. Does the gentleman call for a separate vote on the amendments of the Senate?

Mr. PAYNE. I propose to withdraw my call for a separate vote.

Mr. CONGER. Then I renew it.

Mr. PAYNE. When this joint resolution was originally drawn up there was a propriety in inserting the word "now," for at that time there was more than $10,000,000 of subsidiary silver coin in the Treasury, and it was supposed that the issue of $10,000,000 would be fully met by the surplus coin then in the Treasury. When the joint resolution reached the Senate the amount in the Treasury had been reduced below $10,000,000; hence the propriety of striking out the word "now." That is all there is in the first amendment. The second amendment has relation to the trade-dollar. I suppose it is generally understood by the House that the trade-dollar is local in its importance. It is made a legal tender all through the country to the amount of $5. The trade-dollar, although containing more silver than two half dollars of the subsidiary silver coinage, is worth less in the market than two half dollars. The complaint comes from the Pacific coast, and they ask that the legal-tender property of the trade-dollar shall be taken from that coin.

I ask the Clerk to read a communication from the Director-General of the Mint to the chairman of the Committee of Finance of the Senate, which led to the adoption of this additional section by the Senate.

The Clerk read as follows:

TREASURY DEPARTMENT,
Washington, D. C., June 21, 1876.

Hon. JOHN SHERMAN,
United States Senate.

I recommend that the last section of the twenty-million silver House bill, which provides for the repeal of the legal tender of trade of dollars and places the issue of that coin under the control of the Secretary of the Treasury, be made an amendment to the ten-million silver-coin House bill, to be considered in the Senate to-day. It is important that the status of the trade-dollar should be altered as proposed before July 1, otherwise we shall be embarrassed in getting out the necessary amount of subsidiary coin.

H. R. LINDERMAN,
Director of the Mint.

Mr. PAYNE. I wish merely to add that this additional section, in the precise words employed here, has already passed this House as the third section of what is known as the Randall bill, the first two sections of that bill providing for an increase of the subsidiary silver coinage to the amount of $20,000,000. This section, word for word, is the third section of that bill, and has already been adopted by the House. I think there can be no further explanation needed, and therefore I ask a vote on the Senate amendment.

Mr. RANDALL. I would like a little time on this bill.

Mr. PAYNE. If I was not trespassing already upon the courtesy of the gentleman who gave way to me, I would be glad to yield.

Mr. RANDALL. As the gentleman obtained the floor by courtesy, I hope he will exercise courtesy toward others.

Mr. PAYNE. How long does the gentleman desire?

Mr. RANDALL. Not many minutes.

Mr. PAYNE. I will yield to the gentleman, without giving up my right to the floor.

Mr. RANDALL. I regret that the Committee on Banking and Currency have not seen fit to incorporate into this bill the three sections of the bill originally introduced by me and passed by the House. They have taken the third section; and that is well enough in its way. In fact this bill, so far as it goes, is in my judgment all right; but the committee ought to have taken action as to the whole subject of subsidiary silver coin, so that we shall be enabled when we leave here at the close of this session to feel an assurance that those who administer the mint laws will be able under our legislation to provide the people with sufficient subsidiary coin to answer the purposes of business, without increasing the permanent debt by the purchase of more silver.

If this bill is passed and no other measure on the subject be adopted, the Government will have to supply the subsidiary coin by the purchase of silver under the original resumption act, which authorized the increase of the public debt for that purpose; or else we must have legislation such as is embraced in the first two sections of the bill to which I have alluded, so that the Government may with money in the Treasury purchase bullion and issue it as resulting coin to the people.

Now, there ought to be in this country as much as $50,000,000 of subsidiary coin to take the place of the fractional currency. Unless the gentleman from Ohio and his committee—the Committee on Banking and Currency—will adopt some measure to insure an adequate supply, we shall encounter great difficulty. This bill provides tem-

porary relief, so that silver may be gotten into circulation, and as I said before, so far as it goes it is well. But the Committee on Banking and Currency, before we leave here, must do something whereby the public from this time forward will have furnished to them gradually a sufficient amount of silver coin for all business purposes in substitution of the fractional currency, which is now being rapidly worn out.

Mr. WIKE. I would remind the gentleman that this House has already passed such a bill, and it is now under consideration in the Senate.

Mr. RANDALL. I know it; but the Senate halts there, and I will tell you why, for we may as well look this thing right in the face. This bill is a measure somewhat in the interest of contraction; at least that is the comfort drawn from it by the "hard-money" men. The other—the bill which I introduced—was regarded as looking in the other direction. Now, for one I desire that the question of resumption of specie payments shall not be connected at all with the question of substitution of silver subsidiary coin for fractional currency; and, with due respect, I think the Senate ought to allow us to settle the question of such substitution without reference to any effort on their part to force greenbacks out of circulation. If the Committee on Banking and Currency had incorporated in this bill the two sections to which I have referred, we should have kept the subjects distinct. We should have supplied an adequate amount of subsidiary coin for all the purposes of trade, for retail business of every description; and we should have reserved the resumption question as a distinct matter. That question ought not to be mixed at all with this legislation; it is not the same character of question.

I hope, therefore, that the gentleman's committee will adopt some measure to meet the exigencies of the case, so that we shall not go away from here until this question of supplying the adequate amount of subsidiary coin shall have been settled. This section has to me the appearance of yielding on the part of the House—and yielding entirely and exclusively to the caprice or the judgment perhaps of the Senate—upon that question of an increase of subsidiary coin. The Senate, so far as I can draw conclusions from the speeches of members of that body, is not disposed to give any additional subsidiary coin unless it takes out of circulation an equal amount of greenbacks. That is the conclusion to which the remarks of Senators, in my judgment, clearly point. I desire, therefore, that we shall speedily have reported from the Committee on Banking and Currency some measure which will not leave the country, after we have gone away from here, without any fractional currency or subsidiary coin.

Mr. PAYNE. I yield three minutes to the gentleman from Iowa, [Mr. KASSON.]

Mr. KASSON. Mr. Speaker, I will detain the House but a moment upon this question; and I am very glad that the gentleman from Pennsylvania has relieved us from the necessity of occupying much time, as he really does not oppose this bill. The acting chairman of the Committee on Banking and Currency [Mr. PAYNE] has stated in a few words the whole purport of the bill. There is but a single word left out that the House has not already acted upon, and the omission of that word is in the very direction that the gentleman from Pennsylvania desires.

For myself and other members of the committee, I can only say that this prompt action on its part is designed for the express purpose of assisting in reaching the result which the gentleman from Pennsylvania desires and which I desire; that is, to provide the requisite amount of "change" for the people who so much need it. Letters come to us from all the Northwest imploring us to hasten this matter of supplying the people with "change." We have stopped issuing fractional currency, and there is not "change" enough. I differ from some others, I suppose, on my side of the House in the opinion that the country can easily absorb $50,000,000 of subsidiary coinage and a deficit still remain, owing to the disposition to save more carefully this solid money than to do the same with paper which merely represents it.

But, sir, all this will connect itself with other bills. I rise to say that the committee has recommended concurrence in these Senate amendments because the principal one has already passed the House and the second helps us to a prompter disbursement of this subsidiary coin which we have in the Treasury. That is the only effect of this bill.

Mr. RANDALL. Will the gentleman allow me to ask him this question: Unless some such measure as I have suggested be adopted, how will you reach $50,000,000 of subsidiary coin without adding to the public debt as provided for in the resumption act?

Mr. KASSON. Mr. Speaker, the gentleman from Pennsylvania unfortunately forgets it is useless for us to discuss what is not before the House. This is before the House, and this bill was passed for the purpose of accomplishing an immediate relief. Another bill has been passed by the House to furnish additional relief, which is under consideration by the Senate. If necessary we will pass a third bill to relieve the wants of the country, but this bill now reported by the acting chairman of the committee is the first by which we can reach that result. The gentleman from Missouri wishes to ask a question.

Mr. RANDALL. I ask what condition is this bill in? Was the motion to reconsider the vote by which the main question was ordered withdrawn?

The SPEAKER *pro tempore*. That was withdrawn. The question is on concurring in the Senate amendments.

Mr. RANDALL. Is not a motion to reconsider the vote by which the main question was ordered in order?

Mr. KASSON. Not while the gentlemen from Ohio is on the floor.

Mr. RANDALL. We must have that motion some time.

Mr. PAYNE. We will take it in time.

Mr. KASSON. The gentleman from Missouri wishes to ask me a question.

Mr. BUCKNER. The Committee on Banking and Currency has accepted one amendment to what is known as the Randall currency bill. That is the third section. I ask why they do not insist, inasmuch as the House passed two other sections, they also shall be added.

Mr. KASSON. There are two reasons, both of which are good: one is that it delays the relief which is most pressing, and to which the Senate does agree; the other is that it is useless (and I think gentlemen must admit it) for us to force a twenty-million bill, to which the Senate may not agree, upon this bill, to which they do agree; and consequently we run the risk of getting nothing unless we get this.

Mr. BUCKNER. I think the House ought to insist on its own bill.

Mr. KASSON. I yield the floor to the gentleman from Ohio, not wishing to detain the House longer.

Mr. PAYNE. I do not propose to yield further.

Mr. RANDALL. Whenever you get through I will enter a motion to reconsider.

The SPEAKER *pro tempore*. The gentleman from Pennsylvania cannot enter a motion to reconsider while the gentleman from Ohio is holding the floor.

Mr. RANDALL. The motion to reconsider is a privileged motion.

Mr. PAYNE. I wish to say in further reply to the gentleman from Missouri——

Mr. CONGER. I withdraw my demand for a separate vote.

Mr. KASSON. The question is on concurrence in the Senate amendments.

Mr. BURCHARD, of Illinois. I ask for a separate vote.

Mr. RANDALL. Whenever the gentleman from Ohio yields the floor, I have the right to move to reconsider the vote by which the main question was ordered.

The SPEAKER *pro tempore*. The gentleman has not the floor for that purpose.

Mr. BANKS. The motion to reconsider a vote is a privileged question within certain limits of time, and that is when the subject to which it relates is not before the House; but when the matter is before the House it must be deferred till the proper time.

Mr. RANDALL. I move to reconsider the vote by which the main question was ordered.

Mr. PAYNE. I do not yield for that purpose. I wish to say that the Committee on Banking and Currency were unanimously in favor of the bill, which proposes an increase of $20,000,000 of subsidiary coin, and, I have no reason to doubt, every member of that committee adheres to that opinion as expressed when that bill was first before the House. No doubt that matter will be attended to if our bill is returned from the Senate. I now ask for the vote on the Senate amendments.

Mr. BURCHARD, of Illinois. I ask for a separate vote on each amendment.

Mr. RANDALL. The gentleman from Ohio now yields the floor when he demands the vote. Does the Chair decide that the motion to reconsider the vote by which the main question was ordered is not in order, and that he can debar a member by non-recognition from making such a motion?

The SPEAKER *pro tempore*. The Chair recognizes that the motion to reconsider is of high privilege, but while the gentleman from Ohio is on the floor on a subject-matter before the House, and refuses to yield to the motion to reconsider, it cannot be recognized.

Mr. RANDALL. He cannot be on the floor after he has demanded a vote on the amendments, and, having left the floor, my motion is in order, as it is a privileged motion. When the gentleman from Ohio takes his seat the House of course proceeds to the vote under the operation of the previous question.

Mr. PAYNE. The gentleman has not taken his seat.

Mr. SPRINGER. I understand, under the rule, a member can move to reconsider even while the gentleman from Ohio is upon the floor, but the vote on the motion to reconsider cannot be taken until he has taken his seat.

The SPEAKER *pro tempore*. The difficulty here is that there must be immediate action on the motion to reconsider, and the gentleman from Pennsylvania has not the floor for the purpose of obtaining that action. The first question is on concurring in the Senate amendment, which will be read.

Mr. RANDALL. I demand to be heard on the motion to reconsider the vote by which the previous question was seconded.

The SPEAKER *pro tempore*. The Chair has already ruled that the gentleman has not the floor for that purpose. The gentleman can take an appeal from the decision of the Chair.

Mr. RANDALL. How can the gentleman from Ohio be on the floor if the Chair is proposing to put the question on the Senate amendment?

Mr. SPRINGER. If the gentleman from Pennsylvania cannot move

to reconsider the vote by which the main question is ordered now, when in the proceedings of the House can he move it?

The SPEAKER *pro tempore*. When the gentleman from Ohio yields the floor.

Mr. SPRINGER. The gentleman from Ohio yields the floor when he calls for a vote.

The SPEAKER *pro tempore*. The question is on concurring in the first amendment of the Senate.

The question being taken, there were—ayes 69, noes 68.

Mr. RANDALL. I call for tellers.

The SPEAKER *pro tempore*. A quorum not having voted, tellers are ordered; and the Chair appoints the gentleman from Pennsylvania, Mr. RANDALL, and the gentleman from Ohio, Mr. PAYNE.

The House again divided; and the tellers reported—ayes 75, noes 78.

Mr. KASSON. I call for the yeas and nays on concurring in the Senate amendment.

Mr. RANDALL. I ask now that my motion shall be entertained. I move to reconsider the vote by which the main question was ordered.

The SPEAKER *pro tempore*. The main question is still operating. The gentleman can enter a motion to reconsider after the adoption of each particular amendment, and at the close may make a motion to reconsider all.

Mr. KASSON. I have called for the yeas and nays on concurring in the Senate amendment.

The yeas and nays were ordered.

Mr. KASSON. Now I ask that the question be stated, that it may be distinctly understood by the House.

The SPEAKER *pro tempore*. The Clerk will report the amendment upon which the House is now dividing.

The Clerk read as follows:

Amend the bill in line 4 by striking out the word "now" after the word "coin;" so that it will read:

That the Secretary of the Treasury, under such limits and regulations as will best secure a just and fair distribution of the same through the country, may issue the silver coin in the Treasury, &c.

Mr. RANDALL. My object is to get a vote upon the insertion of the two other sections of the House bill. If we could have entered the motion to reconsider the vote by which the main question was ordered, then we could have tested the sense of the House upon inserting those two sections. Now, I do not want to retard this bill, but I desire to have the opportunity of testing the sense of the House on the insertion of those other two sections.

Mr. CONGER. I object to debate.

Mr. KASSON. In answer to the remark of the gentleman from Pennsylvania I want to say that the Committee on Banking and Currency have reported both bills recommended by the gentleman from Pennsylvania, and now he endeavors to defeat the unanimous wish of that committee by defeating his own bill.

Mr. RANDALL. No, sir; I do no such thing.

The question was taken; and there were—yeas 82, nays 98, not voting 109; as follows:

YEAS—Messrs. Adams, George A. Bagley, William H. Baker, Banks, Bradley, William R. Brown, Horatio C. Burchard, Candler, Cannon, Caswell, Conger, Crounse, Cutler, Danford, Davy, Denison, Dunnell, Durand, Eames, Foster, Frost, Frye, Hale, Robert Hamilton, Hancock, Hardenbergh, Benjamin W. Harris, Haymond, Hendee, Henderson, Hoge, Hubbell, Hurlbut, Joyce, Kasson, Kimball, Leavenworth, Lynch, Magoon, MacDougall, McCrary, McDill, Miller, Norton, Oliver, Packer, Page, Payne, Pierce, Piper, Platt, Potter, Powell, Rainey, John Robbins, Rusk, Sampson, Schleicher, Seelye, Sinnickson, A. Herr Smith, Strait, Tarbox, Teese, Thompson, Thornburgh, Martin I. Townsend, Tufts, Wait, Waldron, Alexander S. Wallace, John W. Wallace, Warren, Erastus Wells, White, Wike, Willard, Andrew Williams, Alpheus S. Williams, William B. Williams, James Wilson, and Woodworth—82.

NAYS—Messrs. Ainsworth, Anderson, Ashe, Atkins, John H. Baker, Blackburn, Blount, Boone, Bright, Buckner, Cabell, John H. Caldwell, William P. Caldwell, Campbell, Cate, John B. Clarke of Kentucky, John B. Clark, jr., of Missouri, Cook, Cowan, Culberson, Davis, De Bolt, Dibrell, Dobbins, Douglas, Durham, Ellis, Evans, Faulkner, Felton, Finley, Forney, Fort, Franklin, Gause, Goodin, Gunter, Andrew H. Hamilton, John T. Harris, Hartridge, Hatcher, Hereford, Goldsmith W. Hewitt, Holman, Hooker, House, Hunter, Hunton, Jenks, Frank Jones, Thomas L. Jones, Franklin Landers, Lane, Lewis, Lord, Lynde, L. A. Mackey, Maish, McFarland, McMahon, Metcalfe, Milliken, Mills, Morgan, Neal, New, Odell, Phelps, John F. Philips, William A. Phillips, Randall, Rea, Reagan, James B. Reilly, Rice, Riddle, William M. Robbins, Robinson, Savage, Scales, Sheakley, Singleton, William E. Smith, Southard, Sparks, Spencer, Springer, Stevenson, Terry, Thomas, Turney, Waddell, Charles C. B. Walker, Walsh, Wigginton, Jeremiah N. Williams, Yeates, and Young—98.

NOT VOTING—Messrs. Bagby, John H. Bagley, jr., Ballou, Banning, Bass, Beebe, Bell, Blaine, Blair, Bland, Bliss, Bradford, John Young Brown, Samuel D. Burchard, Burleigh, Cason, Caulfield, Chapin, Chittenden, Clymer, Cochrane, Collins, Cox, Crapo, Darrall, Eden, Egbert, Ely, Freeman, Fuller, Garfield, Gibson, Glover, Goode, Haralson, Henry R. Harris, Harrison, Hartzell, Hathorn, Hays, Henkle, Abram S. Hewitt, Hill, Hoar, Hopkins, Hoskins, Hurd, Hyman, Kehr, Kelley, Ketcham, King, Knott, Lamar, George M. Landers, Lapham, Lawrence, Le Moyne, Levy, Luttrell, Edmund W. M. Mackey, Meade, Money, Monroe, Morrison, Mutchler, Nash, O'Brien, O'Neill, Parsons, Plaisted, Poppleton, Pratt, Purman, John Reilly, Roberts, Miles Ross, Sobieski Ross, Sayler, Schumaker, Slemons, Smalls, Stenger, Stone, Stowell, Swann, Throckmorton, Washington Townsend, Tucker, Van Vorhes, John L. Vance, Robert B. Vance, Gilbert C. Walker, Walling, Ward, G. Wiley Wells, Wheeler, Whitehouse, Whiting, Whitthorne, Charles G. Williams, James Williams, James D. Williams, Willis, Wilshire, Benjamin Wilson, Alan Wood, jr., Fernando Wood, and Woodburn—109.

So the amendment was not concurred in.

During the roll-call the following announcements were made:

Mr. JENKS. I desire to state that my colleague from Pennsylvania, Mr. SHEAKLEY, is absent on account of sickness.

Mr. BOONE. My colleague from Kentucky, Mr. BROWN, is absent by leave of the House.

Mr. SPARKS. My colleague from Illinois, Mr. HARTZELL, is detained at home by sickness in his family.

Mr. YEATES. My colleague from North Carolina, General VANCE, is detained in his room by sickness.

Mr. HAYMOND. My colleague from Indiana, Mr. FULLER, is unavoidably absent on account of sickness.

Mr. VANCE, of Ohio. I am paired with my colleague, Mr. VAN VORHES. If he were present I would vote "no." I am not sure how he would vote. I therefore decline to vote.

The result of the vote was then announced as above recorded.

Mr. EAMES. I move to reconsider the last vote.

The SPEAKER *pro tempore*. The gentleman can move to reconsider the last vote, but the question on that motion will have to be put at once. It will not carry him back to the vote ordering the main question. The previous question while operating must go through, and while it is operating the order of the House cannot be interfered with by any other motion except a motion to adjourn.

Mr. RANDALL. I ask the gentleman from Ohio to allow me to offer an amendment to insert the other two sections.

Mr. PAYNE. I have no authority to admit such an amendment.

Mr. RANDALL. I desire to make a parliamentary inquiry, whether if the next amendment is voted down I could then be recognized to enter a motion to reconsider each vote?

The SPEAKER *pro tempore*. The gentleman can then be recognized to make a motion to reconsider each one of the steps taken by the House under the operation of the previous question.

Mr. RANDALL. The operation of the previous question being then exhausted?

The SPEAKER *pro tempore*. Yes; the previous question is then exhausted.

Mr. RANDALL. My object is to get in the other two sections to which I have alluded.

Mr. HALE. Does the gentleman need any motion whatever to reconsider provided these amendments are voted down? Will not his amendment then be in order?

Mr. RANDALL. That is what I am asking the Chair.

Mr. BANKS. The rule is certainly clear and just that where the previous question is ordered on a matter it must be executed. When every vote has been taken that the previous question requires, then in order to get back to the original question the motion to reconsider each vote must be made and carried.

Mr. RANDALL. The previous question is called upon the motion to concur in the two amendments of the Senate. If they are not concurred in, is it not then competent for the House to insert my amendment?

Mr. BANKS. The bill would then go back to the Senate with a non-concurrence.

Mr. RANDALL. Can I not then move to recommit the bill to the Committee on Banking and Currency, with instructions to insert the two sections I have indicated?

Mr. BANKS. The motion to recommit cannot be made while the previous question is pending and not fully executed.

Mr. RANDALL. Then I will make the motion after this amendment has been disposed of.

The question recurred upon the second amendment of the Senate, to add the following:

SEC. 2. That the trade-dollar shall not hereafter be a legal tender; and the Secretary of the Treasury is hereby authorized to limit, from time to time, the coinage thereof to such an amount as he may deem sufficient to meet the export demand of the same.

The question was taken upon concurring in the amendment; and upon a division there were—ayes 37, noes 74; no quorum voting.

Tellers were ordered; and Mr. PAYNE and Mr. RANDALL were appointed.

The House again divided; and the tellers reported that there were—ayes 40, noes 83.

Mr. EAMES. I make the point of order that no quorum has voted.

Mr. FORT. Is it in order now to postpone the further consideration of this matter for the present?

The SPEAKER *pro tempore*. No quorum having voted, and that point of order having been made, nothing is now in order except a motion to adjourn or a motion for a call of the House.

Mr. EAMES. I move that the House now adjourn.

Mr. FORT. By unanimous consent the House can postpone this matter.

Mr. RANDALL. It will go back to the Senate with a non-concurrence.

The SPEAKER *pro tempore*. That can be agreed to by unanimous consent.

Mr. RANDALL. Is it in order for me now to move to recommit the bill with instructions?

The SPEAKER *pro tempore*. That motion would not now be in order.

Mr. RANDALL. Where is the bill? Is it on the table?

Mr. PAYNE. I move that the House ask a committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate.

Mr. RANDALL. The Senate may recede from their amendments. It is not usual to anticipate a committee of conference in this way.

The SPEAKER *pro tempore*. If no further count is asked on the

amendment of the Senate, the House will refuse to concur with the Senate in that amendment.

Mr. RANDALL. Does the Chair mean to say that I cannot move to recommit the bill with instructions?

The SPEAKER *pro tempore*. That is what the Chair means to say. The point of order has been raised that no quorum voted on the last vote. But two motions are now in order, one for a call of the House and the other that the House adjourn.

Mr. EAMES. I have already moved that the House now adjourn.

Mr. SPRINGER. We can test the question whether there is a quorum present or not by calling the yeas and nays on concurring in the last amendment of the Senate to this joint resolution.

The SPEAKER *pro tempore*. So far as the presence of a quorum is concerned the yeas and nays on the motion to adjourn would determine it just as well.

The question was taken upon the motion to adjourn, and it was not agreed to.

Mr. RANDALL. I now call for the regular order.

The SPEAKER *pro tempore*. The motion to adjourn having been voted down, the only other motion now in order is a motion for a call of the House, unless the gentleman from Rhode Island [Mr. EAMES] withdraws his point of order that no quorum voted upon the Senate amendment.

Mr. RANDALL. I move to reconsider the vote by which the last amendment of the Senate was rejected.

Mr. FORT. There was no vote announced rejecting that amendment, and the action of the House upon the amendment cannot now be reconsidered, because that question is not yet determined; no quorum voted and the House is still dividing on that amendment.

Mr. RANDALL. That point is made too late, I think.

The SPEAKER *pro tempore*. If there be no demand for a further count, the amendment of the Senate can be considered as non-concurred in.

Mr. WHITE. I move a call of the House.

Mr. PAYNE. I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. PAYNE. Is it competent for me to move, at this stage of the proceedings, for a committee of conference on the disagreeing votes of the two Houses?

The SPEAKER *pro tempore*. That motion is not now in order at this stage of the proceedings. And the Senate may recede from its amendments; if the House fail to concur in the Senate amendments the joint resolution will go back to the Senate.

Mr. BURCHARD, of Illinois. A committee of conference was asked a short time ago upon the amendments of the Senate to the Army appropriation bill, which the House had just non-concurred in.

The SPEAKER *pro tempore*. The only question now before the House and in order is the motion of the gentleman from Kentucky [Mr. WHITE] that there be a call of the House.

The question was taken upon the motion of Mr. WHITE, and it was not agreed to.

Mr. ODELL. I renew the motion that the House now adjourn.

The question was taken, and the motion was not agreed to upon a division, ayes 36, noes not counted.

Mr. BANKS. In order to find out whether there is a quorum present, I call for the yeas and nays upon concurring in the second amendment of the Senate, which was pending at the time the House found itself without a quorum.

The yeas and nays were ordered.

The question was taken; and there were—yeas 59, nays 108, not voting 122; as follows:

YEAS—Messrs. George A. Bagley, William H. Baker, Banks, Bradley, Candler, Cutler, Davy, Denison, Dunnell, Durand, Eames, Frye, Robert Hamilton, Hancock, Hardenbergh, Benjamin W. Harris, Haymond, Hendee, Hubbell, Hurlbut, Joyce, Kasson, Kimball, Leavenworth, Lynch, Magoon, MacDougall, McCrary, McDill, Miller, Norton, Oliver, Payne, Pierce, Piper, Platt, Potter, Rainey, John Robbins, Sampson, Seelye, Smalls, A. Herr Smith, Strait, Tarbox, Teese, Thompson, Thornburgh, Tufts, Wait, Waldron, Alexander S. Wallace, John W. Wallace, Warren, Erastus Wells, White, Wike, Willard, and Alpheus S. Williams—59.

NAYS—Messrs. Adams, Ainsworth, Anderson, Ashe, Atkins, John H. Baker, jr., Blackburn, Bland, Blount, Boone, Bright, Buckner, Horatio C. Burchard, Cabell, John H. Caldwell, William P. Caldwell, Campbell, John B. Clarke of Kentucky, John B. Clark, jr., of Missouri, Conger, Cook, Cowan, Culberson, Davis, De Bolt, Dibrell, Douglas, Durham, Ellis, Evans, Faulkner, Felton, Finley, Forney, Fort, Franklin, Gause, Goodin, Gunter, Andrew H. Hamilton, John T. Harris, Hartridge, Hatcher, Hays, Henderson, Hereford, Goldsmith W. Hewitt, Hill, Holman, Hooker, House, Hunter, Hunton, Jenks, Frank Jones, Thomas L. Jones, Knott, Franklin Landers, Lord, Luttrell, Lynde, L. A. Mackey, McFarland, McMahon, Meade, Metcalfe, Milliken, Mills, Morgan, Neal, Odell, Packer, Phelps, John F. Philips, William A. Phillips, Powell, Randall, Rea, Reagan, James B. Reilly, Rice, Riddle, William M. Robbins, Robinson, Savage, Sayler, Scales, Sheakley, Singleton, William E. Smith, Southard, Sparks, Spencer, Springer, Stevenson, Terry, Thomas, Martin I. Townsend, Turney, Waddell, Charles C. B. Walker, Walsh, Jeremiah N. Williams, William B. Williams, James Wilson, Woodworth, Yeates, and Young—108.

NOT VOTING—Messrs. Bagby, John H. Bagley, Ballou, Banning, Bass, Beebe, Bell, Blaine, Blair, Bliss, Bradford, John Young Brown, William R. Brown, Samuel D. Burchard, Burleigh, Cannon, Cason, Caswell, Cate, Caulfield, Chapin, Chittenden, Clymer, Cochrane, Collins, Cox, Crapo, Crounse, Danford, Darrall, Dobbins, Eden, Egbert, Ely, Foster, Freeman, Frost, Fuller, Garfield, Gibson, Glover, Goode, Hale, Haralson, Henry R. Harris, Harrison, Hartzell, Hathorn, Henkle, Abram S. Hewitt, Hoar, Hoge, Hopkins, Hoskins, Hurd, Hyman, Kehr, Kelley, Ketcham, King, Lamar, George M. Landers, Lane, Lapham, Lawrence, Le Moyne, Levy, Lewis, Edmund W. M. Mackey, Maish, Money, Monroe, Morrison, Mutchler, Nash, New, O'Brien, O'Neill, Page, Parsons, Plaisted, Poppleton, Pratt, Purman, John Reilly, Roberts, Miles Ross, Sobieski Ross, Rusk, Schleicher, Schumaker, Sinnickson, Slemons, Stenger, Stone, Stowell, Swann, Throckmorton, Washington Townsend, Tucker, Van Vorhes, John L. Vance, Robert B. Vance, Gilbert C. Walker, Walling, Ward, G. Wiley Wells, Wheeler, Whitehouse, Whiting, Whitthorne, Wigginton, Andrew Williams, Charles G. Williams, James Williams, James D. Williams, Willis, Wilshire, Benjamin Wilson, Alan Wood, jr., Fernando Wood, and Woodburn—122.

So the amendment was not concurred in.

During the roll-call the following announcements were made:

Mr. VANCE, of Ohio. I am paired with my colleague, Mr. VAN VORHES. If he were present I would vote "no."

Mr. HUNTON. My colleague, Mr. TUCKER, is detained from the House by sickness.

Mr. WIKE. My colleague, Mr. BAGBY, is absent on committee service. If present he would vote "ay."

Mr. SPARKS. My colleague, Mr. HARTZELL, is absent on account of sickness in his family. If here he would vote "no."

Mr. HUNTER. My colleage, Mr. CASON, is absent from the House on account of sickness in his family.

The result of the vote was announced as above stated.

Mr. RANDALL. I move to reconsider the vote by which the House refused to concur in the last amendment. My purpose is to move that the House concur, with an amendment.

The SPEAKER *pro tempore*. The House has now reached a stage where the motion to reconsider is in order. If it be adopted, the question will then be divested of the operation of the previous question, and will be open to debate and amendment.

Mr. PAYNE. Is the pending motion debatable?

The SPEAKER *pro tempore*. It is.

Mr. RANDALL. I have the floor, and move the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof the motion to reconsider was agreed to.

The question then recurred upon concurring in the second amendment of the Senate.

Mr. RANDALL. I move to concur in the amendment of the Senate with an amendment which I ask the Clerk to read.

The Clerk read as follows:

Add to the amendment of the Senate the following:

SEC. 2. That, in addition to the amount of subsidiary coin authorized by law to be issued in redemption of the fractional currency, it shall be lawful to manufacture at the several mints, and issue through the Treasury and its several offices, such coin to the amount of $20,000,000.

SEC. 3. That the silver bullion required for this purpose shall be purchased, from time to time, at market rate, by the Secretary of the Treasury with any money in the Treasury not otherwise appropriated; and the resulting coin may be issued in the ordinary disbursement of the Treasury; but no purchase of bullion shall be made under this act when the market rate for the same shall be such as will not admit of the coinage and issue as herein provided without loss to the Treasury; and any gain or seigniorage arising from this coinage shall be accounted for and paid into the Treasury, as provided under existing laws relative to the subsidiary coinage: *Provided*, That the amount of money at any one time invested in such silver bullion, exclusive of such resulting coin, shall not exceed $1,000,000.

Mr. RANDALL. I yield to the gentleman from Indiana, [Mr. LANDERS,] that he may offer an amendment upon which he desires to test the sense of the House. After that amendment is offered I shall ask the previous question.

Mr. LANDERS of Indiana. I move to amend the proposed amendment by adding the following:

And it is further provided that the Secretary of the Treasury is directed to authorize the coinage of the standard silver dollar of the same weight and fineness in use January 1, 1861; and said dollar shall be a legal tender in payment of all debts, public and private.

Mr. RANDALL. I now demand the previous question.

The previous question was seconded and the main question ordered; which was first upon the amendment of Mr. LANDERS, of Indiana.

Mr. KASSON, and Mr. LANDERS of Indiana, called for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 111, nays 55, not voting 123; as follows:

YEAS—Messrs. Ainsworth, Anderson, Ashe, Atkins, John H. Baker, William H. Baker, Blackburn, Bland, Boone, Bradley, Bright, William R. Brown, Buckner, Horatio C. Burchard, Cabell, John H. Caldwell, William P. Caldwell, Campbell, Cannon, John B. Clarke of Kentucky, John B. Clark, jr., of Missouri, Conger, Cowan, Crounse, Culberson, Cutler, Davis, De Bolt, Dibrell, Dobbins, Douglas, Dunnell, Durham, Ellis, Evans, Faulkner, Felton, Finley, Forney, Fort, Franklin, Gause, Goodin, Gunter, Andrew H. Hamilton, Robert Hamilton, Hardenbergh, Henry R. Harris, John T. Harris, Hartridge, Hatcher, Haymond, Henderson, Hereford, Goldsmith W. Hewitt, Hill, Holman, House, Hubbell, Hunter, Hunton, Thomas L. Jones, Franklin Landers, Lane, Lewis, Luttrell, Lynde, L. A. Mackey, Magoon, McDill, McFarland, Milliken, Morgan, Neal, Odell, Phelps, John F. Philips, Randall, Rea, Reagan, James B. Reilly, Rice, Riddle, John Robbins, William M. Robbins, Robinson, Savage, Scales, Sheakley, Sinnickson, William E. Smith, Southard, Sparks, Spencer, Springer, Stevenson, Teese, Terry, Thomas, Tufts, Turney, Waddell, Whiting, Wigginton, Willard, Jeremiah N. Williams, William B. Williams, James Wilson, Woodworth, Yeates, and Young—111.

NAYS—Messrs. Adams, George A. Bagley, Banks, Candler, Cook, Davy, Denison, Durand, Eames, Foster, Frost, Frye, Hancock, Benjamin W. Harris, Hendee, Joyce, Kasson, Kimball, Leavenworth, Lynch, Maish, MacDougall, Meade, Metcalfe, Miller, Norton, Oliver, Packer, Payne, William A. Phillips, Pierce, Piper, Platt, Potter, Powell, Rainey, Sampson, Schleicher, Seelye, Smalls, A. Herr Smith, Strait, Tarbox, Thompson, Thornburgh, Wait, Waldron, Alexander S. Wallace, John W. Wallace, Warren, Erastus Wells, White, Wike, Andrew Williams, and Alpheus S. Williams—55.

NOT VOTING—Messrs. Bagby, John H. Bagley, jr., Ballou, Banning, Bass, Beebe, Bell, Blaine, Blair, Bliss, Blount, Bradford, John Young Brown, Samuel D. Burchard, Burleigh, Cason, Caswell, Cate, Caulfield, Chapin, Chittenden, Clymer, Cochrane, Collins, Cox, Crapo, Danford, Darrall, Eden, Egbert, Ely, Freeman, Fuller, Garfield, Gibson, Glover, Goode, Hale, Haralson, Harrison, Hartzell, Ha-

thorn, Hays, Henkle, Abram S. Hewitt, Hoar, Hoge, Hooker Hopkins, Hoskins, Hurd, Hurlbut, Hyman, Jenks, Frank Jones, Kehr, Kelley, Ketcham, King, Knott, Lamar, George M. Landers, Lapham, Lawrence, Le Moyne, Levy, Lord, Edmund W. M. Mackey, McCrary, McMahon, Mills, Money, Monroe, Morrison, Mutchler, Nash, New, O'Brien, O'Neill, Page, Parsons, Plaisted, Poppleton, Pratt, Purman, John Reilly, Roberts, Miles Ross, Sobieski Ross, Rusk, Sayler, Schumaker, Singleton, Siemons, Stenger, Stone, Stowell, Swann, Throckmorton, Martin I. Townsend, Washington Townsend, Tucker, Van Vorhes, John L. Vance, Robert B. Vance, Charles C. B. Walker, Gilbert C. Walker, Walling, Walsh, Ward, G. Wiley Wells, Wheeler, Whitehouse, Whitthorne, Charles G. Williams, James Williams, James D. Williams, Willis, Wilshire, Benjamin Wilson, Alan Wood, jr., Fernando Wood, and Woodburn—123.

Mr. LANDERS's amendment to the amendment was agreed to.

During the vote,

Mr. ATKINS stated that his colleague, Mr. WHITTHORNE, was absent by leave of the House.

Mr. VANCE, of Ohio, said: I am paired with my colleague, Mr. VAN VORHES. I do not know how he would vote, but if he were present I would vote in the affirmative.

Mr. BOONE stated that his colleague, Mr. BROWN, was absent by leave of the House, but if present he would vote in the affirmative.

Mr. CLARKE, of Kentucky, stated that his colleague, Mr. PARSONS, was absent on account of sickness.

Mr. HAYMOND stated that his colleague, Mr. FULLER, was absent on account of sickness, and that if present he would probably vote "ay."

The vote was then announced as above recorded.

The SPEAKER *pro tempore*. The question now recurs on the adoption of the amendment of the gentleman from Pennsylvania [Mr. RANDALL] as amended by the amendment of the gentleman from Indiana, [Mr. LANDERS.]

The House divided; and there were—ayes 64, noes 7.

Mr. RANDALL demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 110, nays 45, not voting 134; as follows:

YEAS—Messrs. Anderson, Ashe, Atkins, John H. Baker, Banks, Bland, Blount, Boone, Bradley, Bright, William R. Brown, Buckner, Horatio C. Burchard, Cabell, John H. Caldwell, William P. Caldwell, Campbell, Cannon, John B. Clarke of Kentucky, John B. Clark, jr., of Missouri, Conger, Cowan, Crounse, Culberson, Cutler, Davis, De Bolt, Denison, Dibrell, Douglas, Dunnell, Durham, Ellis, Evans, Faulkner, Felton, Forney, Franklin, Goodin, Gunter, Andrew H. Hamilton, Robert Hamilton, Henry R. Harris, John T. Harris, Hatcher, Haymond, Henderson, Hereford, Goldsmith W. Hewitt, Holman, Hooker, House, Hunter, Hunton, Jenks, Thomas L. Jones, Kimball, Knott, Lamar, Franklin Landers, Leavenworth, Lewis, Lord, Luttrell, Lynde, L. A. Mackey, Magoon, Maish, McDill, McFarland, McMahon, Metcalfe, Milliken, Mills, Neal, Odell, Randall, Rea, Reagan, James B. Reilly, Rice, Riddle, William M. Robbins, Robinson, Sampson, Savage, Scales, Sheakley, William E. Smith, Southard, Sparks, Spencer, Springer, Stevenson, Teese, Terry, Tufts, Waddell, Walsh, Erastus Wells, Whiting, Wigginton, Willard, Alpheus S. Williams, Jeremiah N. Williams, William B. Williams, James Wilson, Woodworth, Yeates, and Young—110.

NAYS—Messrs. Adams, Ainsworth, William H. Baker, Blackburn, Candler, Caswell, Davy, Eames, Foster, Frost, Frye, Hancock, Hardenbergh, Benjamin W. Harris, Hendee, Hubbell, Frank Jones, Joyce, Lynch, Morgan, Norton, Oliver, Packer, Payne, William A. Phillips, Pierce, Piper, Platt, Potter, Rainey, John Robbins, Schleicher, Seelye, Smalls, A. Herr Smith, Strait, Tarbox, Thompson, Waldron, Alexander S. Wallace, John W. Wallace, Warren, White, Andrew Williams, and Wilshire—45.

NOT VOTING—Messrs. Bagby, George A. Bagley, John H. Bagley, jr., Ballou, Banning, Bass, Beebe, Bell, Blaine, Blair, Bliss, Bradford, John Young Brown, Samuel D. Burchard, Burleigh, Cason, Cate, Caulfield, Chapin, Chittenden, Clymer, Cochrane, Collins, Cook, Cox, Crapo, Danford, Darrall, Dobbins, Durand, Eden, Egbert, Ely, Finley, Fort, Freeman, Fuller, Garfield, Gause, Gibson, Glover, Goode, Hale, Haralson, Harrison, Hartridge, Hartzell, Hathorn, Hays, Henkle, Abram S. Hewitt, Hill, Hoar, Hoge, Hopkins, Hoskins, Hurd, Hurlbut, Hyman, Kasson, Kehr, Kelley, Ketcham, King, George M. Landers, Lane, Lapham, Lawrence, Le Moyne, Levy, Edmund W. M. Mackey, MacDougall, McCrary, Meade, Miller, Money, Monroe, Morrison, Mutchler, Nash, New, O'Brien, O'Neill, Page, Parsons, Phelps, John F. Philips, Plaisted, Poppleton, Powell, Pratt, Purman, John Reilly, Roberts, Miles Ross, Sobieski Ross, Rusk, Sayler, Schumaker, Singleton, Sinnickson, Siemons, Stenger, Stone, Stowell, Swann, Thomas, Thornburgh, Throckmorton, Martin I. Townsend, Washington Townsend, Tucker, Turney, Van Vorhes, John L. Vance, Robert B. Vance, Wait, Charles C. B. Walker, Gilbert C. Walker, Walling, Ward, G. Wiley Wells, Wheeler, Whitehouse, Whitthorne, Wike, Charles G. Williams, James Williams, James D. Williams, Willis, Benjamin Wilson, Alan Wood, jr., Fernando Wood, and Woodburn—134.

So Mr. RANDALL's amendment, as amended, was agreed to.

During the vote,

Mr. VANCE, of Ohio, stated that he was paired with his colleague, Mr. VAN VORHES; that he did not know how he would vote, but if he were here, he himself would vote in the affirmative.

The vote was then announced as above recorded.

Mr. RANDALL moved to reconsider the votes by which the amendments were agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The question next recurred on the amendment of the Senate as amended, and it was concurred in.

Mr. RANDALL moved to reconsider the vote by which the Senate amendment, as amended, was concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

WASHINGTON, CINCINNATI AND SAINT LOUIS RAILROAD COMPANY.

Mr. ODELL. I move that the House do now adjourn.

Mr. HARRIS, of Virginia. I hope that will not be agreed to. I wish to bring to the attention of the Chair what took place yesterday in reference to the bill (H. R. No. 2798) to authorize the Washington, Cincinnati and Saint Louis Railroad Company to construct a narrow-gauge railway from tide-water to the cities of Saint Louis and Chicago.

The SPEAKER *pro tempore*. The question before the House is the motion to adjourn.

The question being taken, there were ayes 16, noes not counted.

So the House refused to adjourn.

Mr. HARRIS, of Virginia. I desire now to bring to the attention of the House, and especially to the attention of the Speaker, the action of the House yesterday on House bill No. 2798. A motion was made by a gentleman on my left [Mr. SAVAGE] to commit the bill to the Committee of the Whole on the state of the Union. Upon that motion no quorum voted. The gentleman from Kentucky [Mr. JONES] who had charge of the bill was understood to withdraw the objection on the ground that no quorum had voted. On his withdrawal of the objection I renewed it, but the Chair did not hear me. Afterward, when I raised the question with the Chair, the Chair stated that it came too late; and the Chair stated that he had not heard the objection which I made. I desire to call the attention of the Chair both to the Journal and to the RECORD, which show that I made the objection in time. I hope, therefore, as the Chair failed to hear me in consequence of the noise and confusion prevailing in the House, it will be the pleasure of the House unanimously to reconsider the vote by which the bill was committed to the Committee of the Whole on the state of the Union, so as to place the bill back where it was yesterday. I call the attention of the Chair to the proceedings of yesterday.

Mr. HAMILTON, of New Jersey. The bill is now in Committee of the Whole, subject to due consideration of it, and to the introduction of proper amendments, so as to get a well-guarded, proper bill.

The SPEAKER *pro tempore*. Does the gentleman from Virginia [Mr. HARRIS] desire to call up his motion to reconsider at this time?

Mr. HARRIS, of Virginia. Yes, sir; I think no debate is necessary if the Speaker will state the facts.

The SPEAKER *pro tempore*. The Chair will say to the gentleman from Virginia that the bill had numerous amendments appended to it yesterday, and has not yet been returned from the Printing Office, and is not yet at the Clerk's desk. The Chair would suggest that the gentleman defer his application till to-morrow morning.

Mr. HARRIS, of Virginia. I have no objection, if the Chair will then recognize me.

The SPEAKER *pro tempore*. The Chair will recognize the gentleman from Virginia to-morrow when the bill is before the House.

Mr. JONES, of Kentucky. If that is understood, the arrangement is satisfactory.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, announced that the Senate had passed bills and a joint resolution of the House of the following titles, with amendments; in which the concurrence of the House was requested:

A bill (H. R. No. 2676) to regulate the assessment and collection of taxes for the support of the government of the District of Columbia, and for other purposes;

Joint resolution (H. R. No. 129) authorizing the Secretary of War to issue arms;

A bill (H. R. No. 1797) providing for the sale of the Kansas Indian land in Kansas to actual settlers, and for the disposition of the proceeds of the sale;

A bill (H. R. No. 2017) for the relief of Lizzie Irons, sister of Lieutenant Joseph F. Irons, late of the First United States Artillery; and

A bill (H. R. No. 3495) for the relief of mail contractors on route No. 19319, in Tennessee.

GENEVA AWARD.

The SPEAKER *pro tempore*. The regular order is the consideration of the bill (H. R. No. 2685) reported by the Committee on the Judiciary for the distribution of the unappropriated moneys of the Geneva award, on which the gentleman from Pennsylvania [Mr. JENKS] is entitled to the floor.

Mr. JENKS. Mr. Speaker, I regret to consume the time of the House at this late day of the session. But in examining the several reports from the Judiciary Committee in regard to the distribution of the fund arising from the Geneva award I was unable fully to concur in any of those reports. It seemed to me that none of them fully did justice in its distribution. Therefore feeling it to be my duty to introduce an amendment to the bill reported by the committee, I have thought it proper and right to state some of the grounds on which I base my opinion. I propose as a part of my remarks at this time to read an amendment which I expect in the future to offer as an amendment to the majority report, as follows:

First. To amend the bill as proposed by the majority of the committee by striking out of the second section all after the words "the third class" and insert instead thereof the following: "The residue of the fund, if any, shall remain in the United States Treasury to be appropriated as Congress shall hereafter determine."

Second. By striking out of section 3, after the words "insurance company," the following words: "Recovering in the third class."

Third. By striking out of section 5, after the words "second classes," "And judgments of the second class shall be paid before judgments of the third class are paid."

Also, by striking out of the same section all after the words "residue of such unappropriated sum."

The effect of this amendment will be to leave the distribution in this way: That those who actually lost vessels by the confederate

cruisers shall be paid first; second, those who paid war premiums shall be paid; and the balance shall remain in the United States Treasury for future disposition.

The reason why this balance should remain is, in the first place, that there is a class of claims highly meritorious which have not been considered at all. Certain persons in defense of the property of their principals, for instance, lost their limbs; others lost their health in consequence of imprisonment and for causes similar to that. Many other meritorious cases exist where remuneration should be made for losses which occurred directly from the act of the confederate cruisers. And this balance it seems to me just should remain in the Treasury to be disposed of by Congress to re-imburse these direct personal losses or any other direct losses of similar character which may appear hereafter to have occurred.

Then another reason why I think the majority report should be amended in this respect is that, if these insurance companies are entitled to anything more than what shall really re-imburse them for what they shall have lost in excess of what they have received, it must be because they have a legal right; because as the law now stands they are re-imbursed for all that they have lost in excess of that which they have received in war premiums. Now, if they are entitled to anything more it must be because they have a legal right. And if they have legal right to any they must have legal right to all. So that the majority report seems to me to be a logical solecism contradictory in itself; apparently acknowledging the title of the insurance companies and yet repudiating it. This amendment, therefore, is necessary to give logical consistency to the majority report and to do justice to those who have actually lost.

During the discussion of this question some of those who think the insurance companies are entitled to the whole fund have seen proper and thought it necessary to introduce authority to establish the principle that a nation should be just. I apprehend this was entirely unnecessary. To be just is a nation's duty and her highest glory. But we must not forget that before the throne of justice truth is the sole ministering spirit; and we can approach that throne only through this medium. We must stand upon truth, and appropriate truth, or justice cannot be done.

There has also been a series of arguments introduced which to me seem to be entirely irrelevant and improper. Something like this proposition has been stated: The United States have recovered this fund from Great Britain. Now, if she, in disposing of it, does not give it to A or to B, she ought to return it to Great Britain. This is a thorough *non sequitur*. If a man obtains money honestly, how he disposes of that money can in no event affect the justice or injustice of the mode by which he obtained it. So that whether we give this money to the insurance companies or not, if we obtained it in honest good faith from Great Britain and perpetrated no fraud upon her, it makes no difference to whom we distribute it. This, therefore, that we see in the papers, that we wrong Great Britain if we give this to others than the insurance companies, does not follow at all. The fact is, as regards Great Britain, this money was obtained for certain vessels destroyed in consequence of her neglect of duty as a neutral power in the civil war transpiring between sections of the United States. The individual title of no individual was considered in any way.

But I would say here that if in any event it should turn out, or if evidence should be adduced that we have in any manner wronged Great Britain, I would say pay her her money back. It is our duty to be perfectly just. Justice is a more comprehensive term than either national honor or national glory. The honor may be a mere bubble. The glory may be tainted with crime. But justice is one of the immaculate attributes of the Eternal, and is higher and broader than either of the other terms. I would be just to Great Britain. I would be just to every person who presents a claim here; but I would not accept the principle that when we have obtained this money justly, if we do not give it to A, B, or C we should give it back to Great Britain. That question in no way arises here, but is introduced into the discussion in consequence only of that confusion which often arises from attempting to consider two things at once which are in no way relevant to each other.

In approaching the throne of justice it is also necessary to make this distinction, that all truth is not equally important. If I should state as a legal truth that "if a person of sound memory and discretion taketh the life of a reasonable being, and in the peace of the Commonwealth, with malice aforethought, express or implied, he is a murderer." That is a truth, an unquestionable legal truth, which we accept; but it would be entirely irrelevant here. Or if I should state as a fact the accurate dimensions of this Hall, that would be a truth but an irrelevant truth. So that we must not only approach the august throne of justice through the medium of truth, but we must see that that truth is relevant, relevant in fact and relevant in law. Many considerations have been introduced here that seem to me to be entirely unimportant in the discussion of this case.

The first proposition I will endeavor to establish will be that this award was obtained upon the paramount title of the nation, and not upon any individual title whatever; that no individual right was considered by the arbitrators, nor was any individual right the basis upon which this recovery was had. And in reference to this, in order to guard against confusion, it may be well to call to the attention of the House the fact that there are at the same time to all the aggregate wealth of a nation the paramount title of the nation and the municipal title of the individual. They are not necessarily connected at all. The destruction of the one does not necessarily destroy the other at all. The transfer of one does not necessarily transfer the other at all. They are distinct and for distinct and different purposes. The title which pertains to the nation, which is a sovereign as to foreign nations and to the individual, are as distinct as if the two titles existed in distinct individuals, each for its own appropriate purpose.

We may illustrate this by the fact that a nation may sell its paramount title to another in such case. Those who hold a municipal title are not thereby divested of their individual rights or titles, because the municipal title was not destroyed by the sale. But there may be a money consideration paid for the title of a nation. And it may be transferred as fully as an individual can transfer his own.

We have illustrations of this in the history of our own country, in the cases of the purchase of Louisiana, the purchase of New Mexico, and the purchase of Alaska. Those inhabitants who, prior to those purchases, owned property within the purchased territory did not have their title affected at all, but the paramount title of France in one instance, of Mexico in another, and of Russia in the third was transferred to our country. Therefore we want to remember that the municipal title of the individual and the paramount title of the sovereign are not the same at all.

Then, if they are not the same, on what title was this recovery had as to Great Britain? And before we progress further in the consideration of that point it may not be irrelevant to suggest what is title. "It is the means by which the owner cometh to the just possession of his property." Wherever there is no means there is no title. Sometimes the paramount title of the sovereign may be the means of recovering the inferior or municipal title of the citizen. Where I speak of the paramount title of the sovereign and the municipal title of the citizen I do not wish to be understood as derogating from either, because they do not collide; there is no contravention of right between them; they are very often co-existing, but they may be separate.

Another illustration of this point: In a time of war, if a citizen sell his property to the enemy that clearly divests the title of the citizen to that property; but the paramount title of the sovereign is not divested thereby, and the sovereign may recover it back. The citizen has destroyed his title; but the nation's title stands intact as before, and it is as much her property after the sale as before. Therefore we must bear in mind that the two titles are not necessarily co-existent, although they usually do exist together.

Then, there being two titles, on what title was this recovery had? I maintain that it was had solely and exclusively on the paramount title of the United States, which, as to all foreign nations, is sovereign, fully endowed in all respects. The first fact to which I wish to call attention is the very statement of this case. This case stood "United States *vs.* Great Britain." The award was in favor of the United States and against Great Britain. Now, *prima facie*, the title recovered upon must have been the title of the United States. Therefore the award itself would be at first *prima facie* evidence that the title on which that recovery was had was in the United States.

Then, unless sufficient evidence is adduced to the contrary, the award itself would settle it in the mind of any lawyer that it was on the paramount title of the United States alone that it was recovered. This is capable of being rebutted by evidence; because, as I have said before, the title of the sovereign and the title of the citizen are not antagonistic or adverse at all. But *prima facie* I say that the very award itself is evidence that it was recovered on the title of the United States.

The second fact to which I shall call the attention of the House in reference to the title is that this award was had on three certain rules established by the Geneva tribunal. Those rules were with reference to the duty of a neutral nation in time of war. Now, there is no duty that one nation owes to the citizen of another as such. If war exists between two nations, and another nation recognizes the belligerent state of those two nations, it owes neutral duties to those nations. But the international duty of neutrality exists only between nations, and not between a nation and any citizen of another, independent of his sovereign.

Now, the very ground of the recovery of this award was that Great Britain had violated her duty as a neutral. Whatever was introduced before that tribunal for the purpose of establishing the amount to be recovered was merely evidence of the amount of damages, and was not any ground of recovery. Just as in the case of an action of covenant being brought on a contract between two parties, the contract being one to build a house. You might introduce evidence of what another man's house cost to test the amount of damages resulting from the failure to carry out the contract to build. That would give no title to the house the cost of which had been given in evidence, as it was only a means of finding out the amount of damages done on the breach of contract; or, as we would say in this case, on the breach of national relations between the United States and Great Britain. The ground of recovery before the Geneva tribunal was a breach of duty, which conduced to the destruction of property over which the United States had a paramount title.

If there had not been a single vessel destroyed, the United States could have sustained its ground of action, but the amount of damages would not have been probably so great as that which was award-

ed. The three rules on which this award was founded show that the ground of recovery was the breach of national duty, which no nation ever owes to the individual citizen of another nation as a citizen.

The third fact is that the court was international. This court could not pass upon individual titles. No nation would appear before an international tribunal to contest with a citizen concerning any right that he might have. The character of the court itself indicates that this was a contest on the paramount title of the United States, and not upon any individual title. And these insurance companies, or any person else appearing there and attempting to establish their title before this tribunal, would have been ruled out without a hearing, as in fact they were ruled out. Every individual title that was there offered as a title was ruled out.

But the arbitrators say, "We settle this question between nations and on national rights, not between individuals at all."

The next fact that we would give in evidence is the instructions of Lord Russell in reply to Mr. Adams, which I quote from a speech of the honorable Senator from Ohio; I have no doubt the quotation is correct:

> Her Majesty's government cannot therefore admit that they are under any obligation whatever to make compensation to the United States citizens on account of proceedings of that vessel, (the Alabama.)

The British government repudiated any obligation to make compensation to citizens of the United States for any injury done to them. "It must be something else than citizen's title that must be considered here," was what the arbitrators said. If the question had been one of citizen's title there would never have been any recovery, as I shall demonstrate as I proceed further in my argument.

It is said by some that the individual title was ruled out on account of that transcendental maxim (a relic of the Dark Ages) that a sovereign could not condescend to contest with an individual. That was not the ground; the ground was that the individual had no title which could be presented there.

My next proposition will be that there was no municipal title to any portion of this property that was destroyed after the moment of capture. However, as to this at present, Her Majesty's government repudiated making compensation to any citizen in that award; that is the ground upon which England acted.

Then with reference to the United States, we find this fact also appearing, that not only the court itself before which this trial was had, and the British government, repudiated all individual title, but the United States did the very same thing; for in the communication of instructions of Secretary Fish to those having this trial in charge the following passage occurs:

> The President desires to have the subject discussed as one between the two governments, and he directs me to urge upon you strongly to secure, if possible, the award of a sum in gross. In the discussion of this question, and in the treatment of the entire case, you will be careful not to commit the Government as to the disposition of what may be awarded. It is possible that there may be duplicate claims upon some of the property alleged to have been captured or destroyed, as in the case of insurers and insured. The Government wishes to hold herself free to decide as to the rights of the claimants' insurers upon the termination of the case. If the value of the property captured or destroyed be recorded in the name of the Government, the distribution of the amount recorded will be made by this Government without committal as to the mode of distribution.

Now, if it had been on the title of any individual that this recovery was had, there must necessarily have been a committal of the Government, because the Government cannot violate private right—cannot take the property of one and give it to another. This principle of law is so well known that if the Government had not stood upon the ground that she was recovering upon her paramount title that which was destroyed by the breach of neutral duties on the part of Great Britain, that communication of Secretary Fish would never have been made by the United States as it was.

These facts sufficiently establish that the amount was recovered upon the paramount title of the United States, and not upon any individual title of any citizen thereof.

But it does not follow because it was recovered upon the title of the United States, that therefore the Government may not have recovered for the use of some of her citizens. If any of her citizens had title to the property destroyed, after its destruction her recovery on her paramount title would necessarily make her a trustee for those whose property was destroyed.

Now, the next inquiry (and to this I will turn my attention more particularly) is, was there any individual title to this property at all at the time the award was recovered against Great Britain? If there was, then the individual who had that municipal title is entitled to his share of this fund, and so are his privies, the insurance companies, if there was title. But if there was not title, then he has no claim above all the rest of his fellow-citizens in like circumstances; nor have his privies, the insurance companies. So that the inquiry now becomes pertinent, was there any title in existence at the time of this recovery except the paramount title of the nation itself? I propose to undertake to demonstrate that there was no other title.

The first fact to which I would call attention in reference to this point is that there was a civil war existing. This appears to me to be a great ruling fact in the case. It seems to a great extent to have been passed over or neglected in the discussions in the House. Yet to me this is the very turning point in this whole discussion. There was a civil war; is that a fact or is it not? If you go over to Arlington and see the thousands of graves marked "unknown" and observe the tens of thousands lying buried there, you will not question for a moment that there was a civil war. Was that civil war organized in all the forms of a regularly organized war? That cannot be disputed. Then the first fact which I shall take as fixed is that there was a civil war existing between the Confederate States and the United States.

But how did England regard this question? England had recognized the belligerent rights of the confederacy. She had said that there was a civil war existing. Then the fact is there was a civil war. England said there was. The United States also gave her assent to the same proposition. In the case of Coolidge *vs.* Guthrie, 17 Law Register, page 24, the following statement of the case is made by Judge Swayne:

> When the transaction occurred, the rebellion had risen to the proportions of a civil war and was fully flagrant. Arkansas was enemy's territory and all the property there was enemy property. Cotton was an article of foreign and domestic commerce. It was one of the main sinews of the power of the insurgents. They relied upon it for the purchase of arms and other munitions of war, and chiefly to supply them with financial means for the prosecution of the strife. Important belligerent rights were conceded to them by the Government of the nation. Their soldiers, when captured, were treated as prisoners of war. They were exchanged and not held for treason. Their vessels when captured were dealt with by our prize courts. Their ports were blockaded and the blockades proclaimed to neutral powers, and property found on board such vessels belonging to persons residing in the rebel States was uniformly held to be confiscable as enemy property. All these things were done as if the war had been a public one with a foreign power.

Then in the courts of the United States it seems the nation is found as accepting the fact that there was a civil war in existence between the Confederate States and the United States.

The same view is corroborated in the case of the Sarah Starr, (Blatchford's Prize Cases, pages 73 and 74:)

> The hostilities commenced upon the United States by the seceded or Confederate States of the South have produced a state of war between the two communities, as consequent to which the United States are authorized to employ against their enemies the means of resistance and attack which are justifiable under the law of nations by land or naval forces.

Before I go further in reference to this case, I will state this: The claimant of this property was a northern man, whose property was in the South, and it was confiscated under the laws of war because it was within the territory of the then enemy.

> Both of these vessels and their cargoes, so far as claimed, were enemy property within the principles of public law. The sale of the Sarah Starr was negotiated and made by George C. Munro, when he was a merchant trading in an enemy fort, to Gravely, also domiciled and carrying on trade in such place. That sale was unlawful as to Munro, even if, as he contends, he was then a resident of a loyal State, because it was in fraud of his obligations and duties toward his own government.

So the United States courts accepted the fact that a state of war existed.

In the case of Phillips *vs.* Hatch, which I will not cite now, the same fact is stated equally fully and broadly.

Then, as a fact, war existed, and as a legal fact the laws of war were applied and accepted by the Government of the United States. Belligerent rights had been acknowledged by Great Britain. Then as to all parties who could in any way have an interest there was a state of war fully accepted as existing at the time of this transaction. There being civil war then the same law applied that applies between foreign nations. Under the law of nations the same rules or international principles which ruled as to foreign nations ruled as to this.

And here I may say that we must bear in mind that war has its laws just as well as its arms. We may not justify the one or the other, but it has been found by human experience that the evils of war are much more mitigated by accepting the laws of war than to go upon the principles which existed prior to the recognition of international law. So, whether we justify the conclusions or condemn them, whatever those conclusions are, if they are the conclusions of law it is our duty to accept them as being the lesser of two evils.

The next proposition I purpose to establish by authority is that in a civil war, unless there be express congressional legislation to the contrary, the same rules of international law apply as though it had been a foreign war.

The first authority I cite on this proposition is Vattel's Law of Nations, section 427:

> But when a nation becomes divided into two parties absolutely independent, and no longer acknowledging a common superior, the State is dissolved, and the war between the two parties stands on the same ground, in every respect, as a public war between two different nations. Whether a republic be split into two factions, each maintaining that it alone constitutes the body of a State—or a kingdom be divided between two competitors for the crown—the nation is severed into two parties, who will mutually term each other rebels. Thus there exists in the state two separate bodies, who pretend to absolute independence, and between whom there is no judge. (§ 293.) They decide their quarrel by arms, as two different nations would do. The obligation to observe the common laws of war toward each other is therefore absolute, indispensably binding on both parties, and the same which the law of nature imposes on all nations in transactions between state and state.

The next authority I will cite in pursuance of that is the Santissima Trinidad, 7 Wheaton, 283. It is confirmatory of the fact that the United States enforced the laws of war and acted on the law of nations when Spain and her rebellious colonies were contesting concerning the independence of the latter.

> During the existence of the civil war between Spain and her colonies, and previous to the acknowledgment of the independence of the latter by the United States, the colonies were deemed by us belligerent nations, and entitled, so far as concerns us, to all the sovereign rights of war against their enemy.

So that if a civil war is existing as a fact, unless there be some con-

gressional legislation to change the law in reference to it, the law of nations applies to and rules the case.

We will also cite the case of Phillips *vs.* Hatch, 1 Dillon's Circuit Court Reports, 576, on this same principle:

Were the rules and doctrines of international law at all to apply to this conflict, or were the questions arising out of it to be wholly determined by the municipal law? This general question first came before the Supreme Court in the Prize cases, 2 Black, 635, 1862. It has since been frequently before that tribunal. (See The Venice, 2 Wallace, 258; Mrs. Alexander's Cotton, ibid., 404; The Hampton, 5 Wallace, 372; William Bagley, ibid., 377; The Ouachita Cotton, 6 ibid., 521; Hanger *vs.* Abbott, ibid., 532; Cappell *vs.* Hall, 7 ibid., 542; McKee *vs.* United States, 8 ibid., 163; the Grapeshot, 9 ibid., 129.)

These cases all apply or declare to be applicable to the rebellion the general doctrines of public law which govern in wars between independent states.

So that authorities in international law and our highest court have said that the laws of war were to be applied to this rebellion, as though it had been a contest between two independent nations. This being the fact, then what is the law of war with reference to property captured? What becomes of the title when the property is captured? is the next question. Let me say, without citing authorities, that it is indisputable that whenever a vessel is captured from that moment the municipal title is divested, if the vessel is not within twenty-four hours taken from the captor. If not taken within twenty-four hours there is no municipal title unless by the doctrine of postliminy, which is a war right and never obtains after peace has been made or an amnesty proclaimed, in existence whatever. Whenever those vessels were captured, there being civil war and the law of nations applying to that war, the title of the individual was forever divested unless the vessels were recaptured within twenty-four hours; and this was not done with reference to any of this property for which recovery was had before the Geneva tribunal. We will cite the authorities to establish this before we proceed further.

The first authority I will cite on that point is one perhaps not altogether unfamiliar. I quote from Blackstone's Commentaries, book second, page 400. Speaking of the title by occupancy, and the property as to which title by occupancy may be obtained, the commentator says:

It hath also been adjudged that, if an enemy take the goods of an Englishman, which are afterward retaken by another subject of this kingdom, the former owner shall lose his property therein, and it shall be indefeasibly vested in the second taker.

That is, if these vessels have been taken by the confederate cruisers and retaken by another citizen of the United States, the title would be indefeasibly vested in the second taker, and the prior owner's title would be forever gone:

Unless they were retaken the same day and the owner before sunset puts in his claim of property. Which is agreeable to the law of nations as understood in the time of Grotius, even with regard to captures made at sea, which were held to be the property of the captors after a possession of twenty-four hours.

The next authority I will cite in support of that proposition is Halleck on International Law, page 866:

With respect to things taken by the enemy, the Roman law considered them as withdrawn from the category of legal relations during the period of the enemy's possession of them. If retaken by their former owner, they became his by the recapture; but, if retaken by the State, they were considered as booty or prizes of war, the original right of property being extinguished by the intervening hostile possession.

Then again on page 870:

But the difficulty of recognizing things of this nature—

Speaking of personal property—

with any degree of certainty, and the endless disputes which would spring from a revendication of them—

As we find well illustrated in this case—

have introduced a contrary practice in modern times; and the title of the former owner to all *booty* is considered as completely divested by a firm possession of the captor of twenty-four hours.

Then he gives the law with reference to real property, which is not relevant to this case.

The next authority we cite on that proposition is volume 3 of Phillimore's International Law, page 504:

With respect to *movable* property or *prizes* captured in a war by *sea*, all such property is vested in the captor. If he part with them to a neutral, the former proprietor is not entitled to claim them.

Then again, on page 509:

Bynkershock, however, agrees with Grotius that *movable* goods are now, without distinction, subjects of prize, and divested of the privileges of postliminy. As goods captured from the enemy, he argues, vest in the captor, it follows, when recaptured, they vest in the recaptor.

The exception to this we will state in a moment: That the doctrine of postliminy extends the time within which the recapture occurs, but never extends beyond the re-establishment of peace. An amnesty in civil war is the same as a treaty of peace in case of foreign war, and that amnesty occurred before there was any recovery of this property back.

The next authority I cite is Hopner *vs.* Appleby, 5 Mason, pages 75, 76. I read from the opinion of Judge Story:

The original ownership of the enemy is entirely divested by the capture; and though a title good against all the world may not be conveyed to a neutral vendee by the captors unless there be a regular condemnation as prize, or a treaty of peace which confirms, by implication, the existing title and state of things, yet this does not interfere with the general right of the captors to sell the property or dispose of it as rightful proprietors *jure belli* and possessors *de facto*.

Then with reference to the effect of destruction being the same as that of sale:

The captors had a plenary dominion over the property by the capture, and might, so far as she was concerned, have burned or destroyed it, or disposed of it in any other manner which they pleased.

We claim that these authorities establish that by the capture whatever municipal title existed as to any of this property was totally and entirely divested. Then on what ground does the doctrine of subrogation on which the insurance companies claim stand? They are subrogated they say to the rights of the owner of the vessel. I admit it. If there be any *spes recuperandi* the insurance companies are rightly by law subrogated to it; but if there be no *spes recuperandi*, they are not subrogated.

Now, if the title was utterly and entirely extinguished as to the owner of the vessel from the time of her capture, what was there of *spes recuperandi* as to which these insurance companies can be subrogated? They insured under the laws of war; they took the risks of a state of war, as well its laws as its arms. You might conceive one of the insurance agents going to a ship-owner and stating the price of insurance. The ship-owner might object that the price was too high. The agent would reply that they had to take the risk of the property being captured, and if it was captured there would be no *spes recuperandi*. That is doubtless the way the insurance agents talked, and it is good law. They assumed the risks of war when they charged war premiums. This is one of the very risks they bargained for, because the law of the land enters into and constitutes a part of every contract.

Then these parties, knowing that in the event of capture the title of the owner was forever gone, charged for that and received their pay for it; so that they have neither law nor equity upon which to base their alleged right of subrogation.

Subrogation never exists as to a mere moral or imperfect right. We may illustrate that in this way: A wealthy father might advise his son to enter into some commercial enterprise regarded as likely to be remunerative. The son, upon the advice of the father, enters into the undertaking and perhaps insures the vessel in which he ships his cargo abroad. That vessel is lost. In that event would there be such a thing as subrogating the insurance company to the moral right which the father might feel to be his duty to recognize in reference to re-imbursing his son? Subrogation does not exist in regard to moral right.

These parties made their contract on the very basis that in case the vessel was captured their *spes recuperandi* was gone. They made a war premium fit for that risk. They have neither in equity nor in law a right to claim anything more than any other citizen should claim. That is, if they have actually lost they shall be re-imbursed. The Treasury Department of the United States under all circumstances has always denied that insurance companies were entitled to subrogation. In support of that I quote from page 133 of the Digest of Decisions of the Second Comptroller, section 974:

Certain steamboats while impressed into the military service of the United States were destroyed by fire, without any fault or negligence of the owners. The risks taken by the underwriters were liquidated and paid for, and claim by them, as subrogated to all the rights of the assured, made under the act of March 3, 1849, for the amount thus paid; but it was held that the principle of equitable subrogation applied only in favor of the Government, the underwriters, as for the owners, having by their policies of insurance *pro tanto* agreed to incur the risk.

Therefore, as a fact, if they had taken pains to inquire independently of the law which they were bound to know, they would have found that subrogation was never recognized in such cases.

And here it may not be malapropos to refer to a discussion which occurred in the Senate. The honorable Senator from Ohio, [Mr. THURMAN,] for whose character and judgment alike I have a regard closely bordering upon reverence, I apprehend was misled somewhat in his judgment in this case by a case which he there cited. And the same view was taken by the honorable chairman of the Committee on the Judiciary [Mr. KNOTT] in this dicussion. That was the case of Comegys *vs.* Vasse:

A ship that was insured was illegally captured by the Spaniards. In the course of time Vasse became bankrupt, &c.

That is, the ship was *illegally* captured by the Spaniards. If in time of peace a nation with whom we are at peace captures a vessel belonging to a citizen of the United States, that is an *illegal* capture; but if the vessel is captured by a nation with which we are at war, then it is a *legal* capture. This case of Comegys *vs.* Vasse turned upon the legalty of the capture. The right of subrogation was admitted in that case because there was a distinct, living, tangible right and title in the party who had been wronged by the illegal capture. The ruling in that case is entirely inappropriate to this, in that under the law of nations this was a legal capture, and divested the municipal title. Whereas in the case of the Spanish capture that was an illegal capture, and the municipal title continued to live just as much after the capture as before. It was a change of property in possession to property in action only; the right of property existed the same after the illegal capture as before.

But the right of property did not continue to exist in the case of these vessels captured by the confederates, because that capture was made in a state of war. I think, therefore, the Spanish case misled to some extent the judgments of those who are usually so thoroughly informed and for whose opinion we have such unbounded respect.

We claim, then, that there was no municipal title left in any one as to which there could be any subrogation. Then how does that award stand? Just in this position: it was recovered for a breach of neutral duty, recovered by the United States against Great Britain, not upon any municipal title, but upon the national paramount title of the United States as a sovereign. Then what should be done with this money? The nation should be simply and fully just; if there be one single dollar that should be paid back to Great Britain it should go back there, because justice is our highest duty. But there is no evidence and no inference to be derived from anything that has transpired in the present examination as to any injustice having been done to Great Britain. We are to assume, as we would with reference to any court, that those who acted upon this case considered it carefully; that they were honest and competent, and that they rendered judgment for no more than was right. Unless somebody establishes affirmatively that the tribunal did give judgment for more than was destroyed, we owe no duties to Great Britain so far as that question is concerned.

Then as to the claims of citizens, the fund is left in the possession of the United States to be distributed to those who according to the policy of the nation and the principles of natural justice would be entitled to receive it. The national policy is to encourage commerce. This fund is just as free for distribution as are the vessels captured by United States men-of-war. The capture of any prize by a United States vessel during war vests the title in the United States; but we have passed certain laws by which the Government distributes this as prize-money among seamen in recognition of the meritorious service of those whose valor has won it. This is our policy with the view of maintaining energy, vigor, and gallantry in our Navy.

Now this fund stands in just the same relation. Here is property vested in the United States by virtue of her paramount title. It is her interest and her duty to distribute it to that branch of industry from which it has been derived. We desire to encourage commerce. The Government invited citizens under her flag to go into all parts of the world. They rendered to her the duty of allegiance; she promised to them the correlative duty of protection. She really had entered into the obligation to protect these parties who had invested in commerce and whose merchandise was destroyed or who were obliged to pay war premiums. Then her duty is to perform that promise. The promise was made as much to one as to another. The Government is bound now, as I understand, by no kind of municipal title, but is simply bound to do that which national policy, national honor, or the principles of simple, natural justice may dictate.

Having invited her citizens to enter thus into commerce, which is one of the great sources of our national wealth, it was the duty of the Government to protect that commerce. She was unable to protect it at that time because of the civil war. She has now recovered a fund from which to furnish indemnity in lieu of the protection she owed.

But it will be asked, "Why not give it to all our citizens or leave it in the Treasury as a common fund?" Because these parties, in consideration of the invitation of the Government to enter into commerce, risked and lost that which others did not. The parties who owned these vessels performed every duty that any other citizen performed; but they ran this additional risk and incurred this additional loss. The Government owed to them this additional protection, which it failed to give them. Hence they are entitled to be remunerated. Those who lost vessels which were not, as they say, inculpated—but in my view of the case it is unimportant whether they were inculpated or exculpated, because there is no title to this fund in any citizen—those who lost vessels which were destroyed by these cruisers before they were inculpated were just as much invited to enter into this commerce as those that were destroyed by cruisers after they were inculpated. We might take a single illustration, the Delphine. Before the Shenandoah passed into Melbourne she was alleged to be exculpated; after she passed into Melbourne and came out she was inculpated. She destroyed the Delphine perhaps twenty-four hours before she went into Melbourne; and twenty-four hours afterward she destroyed another vessel. Now the duty of the Government toward the owner of the Delphine was just as high as toward the other vessel. The right of protection was just the same in each case. Both parties had rendered the same allegiance; both incurred the same loss; hence natural equity says that they should receive the same compensation. Therefore I would from this fund make compensation to all those who actually lost ships and to whom the United States owed protection.

Then again, with reference to the war-premium claimants. The honorable chairman of the Judiciary Committee, in his remarks on this subject, said that this war-premium business was a bet on their part. Not at all; it was a contract, with all the relations, provisions, and incidents of a contract. He says it was entered into in order that the owner of the ship might sleep soundly at night. But the insured gave his allegiance to his Government that he might sleep soundly at night. Perhaps he took his gun upon his shoulder and risked his life that he might sleep soundly at night. Why, then, should he be required to pay this additional sum that he might sleep soundly at night? For he has paid all that anybody else had paid for the same thing. But it may be alleged that this was a voluntary payment. If it was a voluntary payment and a reckless one, it would not be justifiable to re-imburse him; but if it was a voluntary payment, such as an ordinarily-prudent business man would regard as justifiable and necessary and warranted by the circumstances, he had a right to make this payment and has a right now to his share of this fund, because the Government owed to him this protection which he had to provide for himself.

Or we might arrive at the conclusion by another way. If the doctrine of subrogation—which as a legal doctrine does not exist in the case—be recognized, it might be said to the insurance companies: "Why not subrogate one step further and make compensation to the man who lost instead of him who made the money? Why not subrogate the man who re-imbursed you to your right?" But the true ground upon which to place this question is that of the correlative duties of allegiance and protection; and these men were entitled to protection without paying their war premiums, so that they might sleep soundly at night, as the honorable chairman of the Judiciary Committee has stated. So that these two classes of claimants are entitled to their share of this fund, and entitled justly.

Then the third class which my amendment would leave provision at some future time for bringing in as a separate element are those who suffered actual physical or bodily loss in these transactions. He who lost a hand or a limb is just as much a sufferer as he who lost a vessel, and ought to be re-imbursed just as much. Hence my amendment provides that after paying the two classes to which I have adverted, the balance shall remain in the Treasury to be distributed by future congressional legislation to those other parties who have suffered direct losses from which the Government, if able, should have protected them.

These are the views we have with reference to this whole transaction: first, this money was recovered upon the paramount title of the nation, and upon no individual title; second, there was no municipal or individual title in existence at the time of its recovery, and, as a consequence from that, there can be no subrogation; and third, the correlative duties of protection and allegiance require that that class of men who suffered from these cruisers, when others did not, should have this indemnity extended to them in order to repair their loss, because we did not prevent them from suffering it.

So we claim, then, this is the course which should be adopted. We stand as a sovereign, above every municipal law or technicality. We own this fund simply to do right. The nation, according to the ancient view of a sovereign, was endowed with the right or prerogative of personal dignity. That is the special pre-eminence which the sovereign has above all other persons and the ordinary course of law by right of sovereign dignity. We stand above the ordinary course of law to look upon this whole field in its full breadth, standing, as it were, as the vicegerent of the Creator himself to do just what is right and make whole every one who has lost in this transaction. We are not to view it through any translucent medium of municipal law, but through the transparent ether of absolute distinct natural justice.

We ask this House, then, to adopt the amendments we have introduced, so that instead of turning over to insurance companies who have already made a large amount of money, or if they have not, the present law re-imburses all they have lost, leave it to those who have suffered absolute personal loss or any other direct loss which may have been or may be shown to have taken place

Mr. BLAND. I ask the gentleman from Pennsylvania to explain what is the difference between the proposition he advocates and the present law and the act of the last Congress.

Mr. JENKS. The act of the last Congress only provided that those whose vessels had been destroyed by the inculpated cruisers should receive their pay—that is, by those they claimed or thought had entered into the award—and also to pay insurance companies all the loss they had been subjected to both by the destruction of the vessels which were destroyed by the inculpated or exculpated cruisers in excess of the war premiums. This goes further and provides for all vessels which were actually destroyed by the confederate cruisers.

Mr. LORD. On the high seas.

Mr. JENKS. On the high seas, of course; and those who have paid war premiums, that is, those who had to furnish their own protection outside of that the Government was able to give them. The balance, I say, should remain for future disposition.

Mr. BLAND. Does it pay the actual loss to the war-premium men or what they have not been paid back?

Mr. JENKS. Of course this bill only pays the actual loss to war-premium men. As I view this, there is no right in any man to claim any profit upon this whatever. It is only the loss which should be re-imbursed, because profit must be the result of legal right, and, as there is no legal right, nothing but imperfect right for any one to go upon or moral duty, there can be claimed no profit by one man as against another in this distribution.

Mr. MILLS. Did the insurance companies pay for the vessels which were destroyed by the confederate cruisers?

Mr. JENKS. They paid for some of them, and they claim the whole fund in consideration of having paid for them.

Mr. MILLS. Do they claim the whole fund in consideration of having paid for part of them?

Mr. JENKS. For vessels destroyed by the inculpated vessels which they had insured.

Mr. MILLS. Do any owners of any of the vessels which had been insured and received their insurance claim any part of it?

Mr. JENKS. They do not, as I understand it.

Mr. MILLS. Only those who were not insured?

Mr. JENKS. Only those who were not insured are claiming any portion of the fund, as I understand it.

Mr. JONES, of Kentucky. I should like to ask the gentleman a question. I understand the gentleman to have said in the course of his remarks that at the time these commissioners met at Geneva, where they determined upon the amount due from the British government to the Government of the United States, these individual claims had not been presented?

Mr. JENKS. I say the individual titles were not considered. It was only upon the paramount title of the nation they passed, and there was no individual title before the tribunal.

Mr. JONES, of Kentucky. But there must have been some consideration of the various claims made.

Mr. JENKS. Only as to the value of the vessels.

Mr. JONES, of Kentucky. Before the amount was fixed how did they arrive at any amount which was supposed to be due from the government of Great Britain?

Mr. JENKS. They fixed it by the value of the vessels which were actually destroyed.

Mr. LORD. And their cargoes.

Mr. JENKS. Yes; by the value of the vessels and cargoes destroyed.

Mr. JONES, of Kentucky. Did they not take into account individual claims?

Mr. JENKS. They never did; as I understand it, they only took into account the nation's claim by virtue of her paramount title, and no individual title was before that tribunal or could have been there. *And there was no individual title in existence to present there.* That is what I have endeavored to demonstrate.

Mr. JONES, of Kentucky. I understand that a great many individual claims have been admitted and agreed to be paid. Now the gentleman contends, as I understand him—for I did not hear all his remarks—that if there is a balance of this amount of fifteen millions and no further claims are admitted to be just and due, then it should remain as belonging to the United States Government?

Mr. JENKS. It would remain, provided there are no losses that the United States ought to compensate.

The SPEAKER *pro tempore*. The time of the gentleman from Pennsylvania has expired.

Mr. JONES, of Kentucky. Just allow me another question. Suppose there should be no claim and that a balance was left of four or five million dollars?

Mr. JENKS. It would belong to the United States, unless some other just claim thereto should appear.

Mr. JONES, of Kentucky. Does the gentleman hold that it should be covered into the Treasury?

Mr. JENKS. I hold nothing about that now, as the fact does not yet appear.

Mr. PIERCE obtained the floor and yielded to

Mr. MILLIKEN, who moved that the House adjourn.

RELIEF OF MAIL CONTRACTORS IN TENNESSEE.

Mr. DIBRELL. The gentleman from Kentucky [Mr. MILLIKEN] yields to me to ask unanimous consent to take from the Speaker's table the bill (H. R. No. 3495) for the relief of the mail contractors on route 19319 in Tennessee, with an amendment by the Senate, and to move that the amendment of the Senate be concurred in.

There was no objection, and the bill, with the Senate amendment, was taken from the Speaker's table.

The SPEAKER *pro tempore*. The Clerk will read the amendment of the Senate.

The Clerk read as follows:

In line 9 after the word "States" insert "but the provisions of this act shall in no wise interfere with, impair, or destroy or affect any claim, lien, or right, legal or equitable, the United States may have against said McMinnville and Manchester Railroad Company or its property, or the property purchased by the Memphis and Charleston Railroad Company; nor shall it in any wise affect, embarrass, or interfere with any suit the United States may have commenced or may hereafter commence to enforce any contract, right, or lien they have against the said railroad companies, or either of them, or their property or that of either."

The amendment of the Senate was concurred in.

Mr. DIBRELL moved to reconsider the vote by which the amendment of the Senate was concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ISSUE OF ARMS.

Mr. GOODIN. I ask unanimous consent to take from the Speaker's table the joint resolution (H. R. No. 129) authorizing the Secretary of War to issue arms, with amendments by the Senate, and to move that the Senate amendments be concurred in.

Mr. ATKINS. I reserve the right to object until I hear the resolution and amendments read.

The SPEAKER *pro tempore*. The Clerk will read the joint resolution.

The Clerk read as follows:

Be it resolved, &c., That the Secretary of War is hereby authorized to cause to be issued to the Territories and the States bordering thereon such arms as he may deem necessary for their protection: *Provided*, That such issues shall be from arms owned by the Government which have been superseded and no longer issued to the Army.

The SPEAKER *pro tempore*. The Clerk will read the amendments of the Senate.

The Clerk read as follows:

After the word "protection," in line 4, insert:

"Not to exceed one thousand to said States, each, and not more than five hundred to each of said Territories."

In line 4, after the words "shall be," insert the word "only."

At the end of the joint resolution insert as follows:

"*Provided, however*, That said arms shall be issued only in the following manner and upon the following conditions, namely: Upon the requisition of the governors of said States or Territories, showing the absolute necessity of arms for the protection of the citizens and their property against Indian raids into said States or Territories; also, that militia companies are regularly organized and under the control of said States or Territories to which such arms are to be issued, and that such governor or governors shall give a good and sufficient bond for the return of said arms, or payment for the same, at such time as the Secretary of War may designate."

The amendments of the Senate were concurred in.

Mr. GOODIN moved to reconsider the vote by which the amendments of the Senate were concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

KANSAS INDIAN LANDS IN KANSAS.

Mr. GOODIN. I also ask unanimous consent to take from the Speaker's table the bill (H. R. No. 1797) providing for the sale of Kansas Indian lands in Kansas to actual settlers, and for the disposition of the proceeds of the sale, with an amendment by the Senate, and to move that the Senate amendment be concurred in.

There was no objection, and the bill was taken from the Speaker's table.

The Clerk read the amendment of the Senate, as follows:

At the end of the bill insert these words: "*Provided*, That no proceedings shall be taken under this act until the said Kansas Indians shall file their assent thereto with the Secretary of the Interior."

The amendment of the Senate was concurred in.

Mr. GOODIN moved to reconsider the vote by which the amendment of the Senate was concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MRS. REBECCA WOLFF.

Mr. ELLIS, by unanimous consent, introduced a bill (H. R. No. 3802) for the relief of Mrs. Rebecca Wolff, of Louisiana; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

S. A. KENDIG.

Mr. ELLIS also, by unanimous consent, introduced a bill (H. R. No. 3803) for the relief of S. A. Kendig, of Louisiana; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

REPAVEMENT OF PENNSYLVANIA AVENUE.

On motion of Mr. BUCKNER, by unanimous consent, the bill (H. R. No. 3411) authorizing the repavement of Pennsylvania avenue, and amendments by the Senate, were taken from the Speaker's table and referred to the Committee for the District of Columbia.

DISTRICT TAX BILL.

On motion of Mr. BUCKNER, by unanimous consent, the bill (H. R. No. 2676) to regulate the assessment and collection of taxes for the support of the government of the District of Columbia, and for other purposes, and amendments by the Senate, were taken from the Speaker's table and referred to the Committee for the District of Columbia.

ARSENAL GROUNDS AND BUILDINGS AT LITTLE ROCK, ARKANSAS.

The SPEAKER *pro tempore*, by unanimous consent, laid before the House a letter from the Secretary of War, transmitting a report of the Quartermaster-General on the bill (H. R. No. 2383) for the disposition of the arsenal grounds and buildings at Little Rock, Arkansas; which was referred to the Committee on Military Affairs.

LEAVE TO PRINT.

Mr. WILSON, of Iowa, asked and obtained leave to have printed in the RECORD some remarks he had prepared on the appropriation bills of this Congress, in extension of the remarks made by him this morning on the Army appropriation bill. [See Appendix.]

LEAVE OF ABSENCE.

Leave of absence was granted as follows:

To Mr. JAMES B. REILLY for three days on account of business;

To Mr. LYNCH for three weeks;

To Mr. BRADLEY indefinitely;

To Mr. MCDILL for one day;

To Mr. HEWITT, of Alabama, for twenty days;

To Mr. HAMILTON, of New Jersey, for seven days; and

To Mr. DURHAM for ten days.

WITHDRAWAL OF PAPERS.

Mr. ANDERSON asked and obtained leave to have withdrawn from the files of the House the papers in the case of Julius S. Bohrer.

The motion of Mr. MILLIKEN was then agreed to; and accordingly (at four o'clock and thirty minutes p. m.) the House adjourned.

PETITION.

The following petition was presented at the Clerk's desk under the rule, and referred as stated:

By Mr. THOMAS: The petition of John H. Tolson, of Maryland, for indemnity for the loss of the schooner Ann and her cargo, sunk in the Patapsco River by colliding with the United States steam-tug Robert Leslie, to the Committee on Commerce.

IN SENATE.

THURSDAY, *June* 29, 1876.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Journal of yesterday's proceedings was read and approved.

HOUSE BILLS REFERRED.

The following bills from the House of Representatives were severally read twice by their titles and referred to the Committee on Public Lands:

A bill (H. R. No. 1984) to provide for the sale of certain lands in Kansas; and

A bill (H. R. No. 2284) to amend section 2324 of the Revised Statutes, concerning mineral lands.

The following bills from the House of Representatives were severally read twice by their titles and referred to the Committee on Indian Affairs:

A bill (H. R. No. 3797) to amend section 2139 of the Revised Statutes; and

A bill (H. R. No. 3799) authorizing the Secretary of the Interior to deposit certain Indian funds, to be used by the Secretary of the Treasury in payment of 6 per cent. United States bonds.

The bill (H. R. No. 3791) to remove the legal and political disabilities of William A. Webb, of Virginia, was read twice by its title, and referred to the Committee on the Judiciary.

The bill (H. R. No. 1516) to regulate the issue of artificial limbs to disabled soldiers, seamen, and others was read twice by its title, and referred to the Committee on Military Affairs.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of War, transmitting a report of General O. O. Howard, commanding the Department of the Columbia, upon Senate bill No. 453, to authorize the Vancouver Water Company to lay water-pipes through the Fort Vancouver military reservation, and Senate bill No. 536, granting the right of way through the public lands over the Blue Mountains, in the State of Oregon; which was referred to the Committee on Public Lands, and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. DAWES presented the petition of Edwin Rogers, postmaster at North Adams, Massachusetts, praying the passage of a law relieving him from liability for the amount of certain postage-stamps alleged to have been stolen from his office in May, 1876, without any carelessness on the part of himself or his clerks; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. MORTON presented the petition of A. H. Hamilton, a citizen of Indiana, praying that the road from Monroe post-office, Adams County, Indiana, to Salem, Adams County, Indiana, be declared a post-route; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. STEVENSON. I rise, Mr. President, to perform this morning a most grateful duty, touching a subject peculiarly appropriate as I think to the centennial year of American Independence.

The surviving Kentucky soldiers of 1812 are in the habit of meeting together at some spot in that Commonwealth once during every year for *social and personal communion*. To them this reunion is an occasion full of interest and filled with mellowed memories. A few days ago forty-five of the remnant of this brave band, who sixty-four years ago fled to the rescue of the northwest frontier of this country, met at Paris, Kentucky. Of that number there were but two or three who had not exceeded the prescribed limit of man's allotted four score years.

The paper which I hold in my hand contains the name and age of every old soldier present at their last meeting and exhibits the interesting fact of their remarkable longevity.

On the occasion of their late reunion these veterans passed resolutions asking Congress to consider the propriety of speedy action upon a pending bill extending pensions to the surviving soldiers of the war of 1812 not now provided for by existing law, and also to embrace the widows of such as are dead who are not now upon the pension-list. They appointed J. G. Chinn, John Martin, and Jeremiah Duncan, venerable men of the highest worth and personally known to me, to bring their action before Congress. It gives me pleasure and I esteem it an honor to do so.

In a few years these brave men and women who have as yet never been placed upon the pension-list will have passed away. Let their eyes not close without some recognition of their services by their country.

I present their petition, which I ask may be read, and I trust that Congress will accede promptly by appropriate legislation to the request of the petitioners.

The PRESIDENT *pro tempore*. The petition will be read, if there be no objection.

The Chief Clerk read as follows:

To the Senate and House of Representatives of the United States of America in Congress assembled:

The undersigned, your petitioners, respectfully represent, that at a reunion of the soldiers of the war of 1812, at Paris, Kentucky, on the 19th day of June, 1876, the following soldiers of said war were present:

Jeremiah Duncan aged 84, Frank Hardesty 86, E. Pendleton 87, Hamilton Wilson 84, William Wright 93, and James Renick 82, Bourbon County; Robert Carrack aged 81, General Leslie Combs 82, Dr. J. G. Chinn 79, and Robert M. Campbell 83, Fayette County; Lewis H. Ball aged 82, George Blake 81, Colonel William Hamilton 84, Samuel Rogers 87, and Gilead Evans 81, Nicholas County; Benjamin Moore aged 85, William Harris 85, A. Edelman 85, G. H. Perrin 81, J. R. Curry 87, Michael Goodnight 80, and Joseph Stone 85, Harrison County; Robert McFarland aged 82, and Theophilus Hendricks 85, Bath County; Daniel Priest aged 81, and Moore Johnson 81, Montgomery County; Leonard Beall aged 80, James Chism 89, and John Martin 79, Clark County; George Davis aged 81, Mercer County; E. P. Hudnut aged 82, John Lamb 85, Peter Lashbrook 83, and Squire J. McCarthey 85, Mason County; Samuel Jones aged 84, Fleming County; John Portwood aged 88, Jessamine County; Innis B. Payne aged 83, Campbell County; Thomas Casey aged 79, Pendleton County; B. Calvin aged 85, Bracken County; Joshua Webb aged 84, Madison County; S. M. Berry aged 80, Scott County; W. W. Allen aged 85, Franklin County; Hosea Paul aged 85, and George Adamson 85, Aberdeen, Ohio; Charles Warren aged 88, Kearney, Missouri.

That in pursuance of a resolution unanimously adopted by said body, your petitioners were appointed a committee to urge upon Congress the propriety of taking some speedy action in relation to granting pensions to the widows of the soldiers of the war of 1812, and also to embrace such soldiers as were excluded by the former act of Congress.

All of the surviving widows of the deceased soldiers of said war are very far advanced in years and cannot, at the most, long survive. Many of them, too, are in a very needy condition, and the small sum proposed to be given them as a pension would render great assistance to them in their declining years.

Your petitioners, therefore, in behalf of the above-mentioned widows, earnestly request that your honorable bodies will speedily pass the bill (H. R. No. 2454) for amending the laws granting pensions to the soldiers and sailors of the war of 1812, and their widows.

Your petitioners further request that Congress will speedily allow the back pension of General Leslie Combs from the 5th of May, 1813, the date of his disability, up to the 22d day of December, 1833, the time his pension began by special act of Congress.

And your petitioners will ever pray, &c.

J. G. CHINN,
JOHN MARTIN,
JEREMIAH DUNCAN,
Committee.

Mr. INGALLS. The petition presented by the Senator from Kentucky might possibly leave upon the Senate the impression that the soldiers of the war of 1812 are not now admitted to the pension-rolls. Every soldier who served sixty days in that war, and every surviving widow of a soldier who was married prior to the treaty of peace, is already entitled to a pension under the law now in force on that subject. The bill of the House of Representatives to which the petition refers has already been reported by the Senate Committee on Pensions and is now upon the Calendar. I therefore move that the petition lie on the table instead of being referred.

The motion was agreed to.

CREDENTIALS.

The PRESIDENT *pro tempore*. The Chair also has the very agreeable duty of laying before the Senate the credentials which will be read.

The Chief Clerk read the credentials of HENRY B. ANTHONY, elected by the Legislature of the State of Rhode Island a Senator from that State for the term beginning March 4, 1877.

The credentials were ordered to be filed.

REPORTS OF COMMITTEES.

Mr. HARVEY. I am instructed by the Committee on Public Lands, to whom was referred the bill (H. R. No. 566) granting relief to Mrs. Sarah Spaulding, of Bay City, Michigan, to report it without amendment, and ask for its present consideration.

The PRESIDENT *pro tempore*. The bill will be read for information, subject to objection.

The Chief Clerk read the bill.

Mr. EDMUNDS. That matter ought to be explained, at least, the bill still remaining subject to objection.

Mr. HARVEY. A report accompanies the bill, and also an affidavit. I ask for the reading of the report.

Mr. EDMUNDS. Let us hear the report read, the bill being yet subject to objection.

The Secretary read the following report, submitted by Mr. CROUNSE from the Committee on Public Lands of the House of Representatives February 18:

The Committee on the Public Lands, to whom was referred the bill (H. R. No. 566) for the relief Mrs. Sarah Spaulding, of Bay City, Michigan, would report:

That in the spring of the year 1862 Lovel F. Spaulding, then husband of Sarah Spaulding, desirous of possessing himself of a small island of some six acres, supposed to be undisposed public land, applied to the proper land office at Marquette, Michigan, with a view to securing it. He was advised by the register, as appears from that officer's letter, dated May 13, 1872, that the same was not subject to purchase, but was open to entry under the pre-emption and homestead laws. He thereupon filed his application, paid the required fee, as is shown by the receiver's receipt of May 25, 1872, went upon the land, cultivated a portion of it, and built a house thereon. Lovel F. Spaulding died in November, 1872. Subsequently thereto, and in the year 1873, it was discovered that for this same piece of land a patent had been issued to other parties, and that Mrs. Spaulding, as the representative of her late husband, could maintain no rightful claim to it. There is nothing disclosed anywhere which impeaches the good faith of the said Spaulding, or his widow, in the effort to secure this land by settlement under the homestead law. On the contrary, the correspondence of the local land officers, as well

as that of a former Commissioner of the General Land Office, shows that it was the understanding of all that the land was open to entry, and through the representations of these officers Spaulding was induced to settle and build upon it. This is further confirmed by a recent letter of the Acting Commissioner of the General Land Office to the committee, in which he concludes as follows: "It would seem from all the facts, as herein shown, that he (Spaulding) was misled in making the said entry by false representation as to the status of the land, inadvertently made both by this and the local offices."

In view of these facts, compensation should be given for the value of the improvements made at least. Of such value there is no definite evidence, but the committee thinks that $500 would not be extravagant, and it recommends the passage of the bill allowing that sum.

Mr. EDMUNDS. As I am opposed to the principle of all bills of this character——

Mr. HARVEY. There is an affidavit, which I ask may be read.

The PRESIDENT *pro tempore*. The Senator from Kansas states that there is another paper, an affidavit, which will be read if the Senator from Vermont will yield for that purpose.

Mr. EDMUNDS. What I was going to say to save time was to ask to have this bill go over; but I will first say one word, and that is that I do not believe on any just principle the United States or any other government can stand the effect of adopting the principle that where through the negligence of some of its ten thousand agents a party makes a mistake in respect to the title of land that he enters, we are to be responsible as a government for it. There are a great many questions connected with railroads and with Indians that may trouble us if that principle is once acceded to even in the smallest and hardest case, and I concede this to be one of that kind, and I should be very willing, if I had any money, to subscribe to help out the party. But if we admit the principle that the United States is bound to make good all mistakes and misunderstandings about the condition of the public land, we shall find our feet entangled in the claims of sundry railroads and shall be led we know not where, or rather I think I know where, and that is to a very bad end. I suppose, however, that the Senate out of its consideration for this case will pass the bill, and I do not intend to try to prevent its passage, because I suppose it would be useless to do so; but in order that the record may show my own attitude on this subject for the benefit of my own constituents, I ask that the bill may go over until to-morrow.

The PRESIDENT *pro tempore*. The Senator from Vermont objects to the present consideration of the bill. One objection carries it over.

Mr. OGLESBY. Will the Senator from Vermont allow me to make one or two remarks?

Mr. EDMUNDS. Certainly.

Mr. OGLESBY. If the Chair will indulge me, I desire to say that the Committee on Public Lands have not been anxious at any time to have cases referred to them for settlement which almost exclusively in their character partake of the nature of claims against the Government. Claims are presented, and simply because they relate to lands that were once public lands they occasionally get before our committee. The understanding of the Committee on Public Lands is, has been, and I suppose will continue to be, that it has charge of questions of public policy in relation to the disposition of the public lands, the surveys of the public lands, the establishment of land offices, and perhaps the granting of rights of way to private corporations through the public lands, to matters affecting the homestead law, and all questions of scrip and the location of bounty-land warrants upon public lands; but this is one of the few cases coming to us—of late more numerous however than formerly—that partake almost exclusively of the nature of a private claim. The committee in this instance gave this bill favorable consideration, and recommended its passage simply upon the ground of equity. We would far rather that all claims of this description should go to the Committee on Private Land Claims or to the Committee on Claims of this body; but as this claim had reference to what was once public land—a little bit of an island of four or five acres in Lake Huron—and as it appeared to be a case of special hardship, and only involved $500, the committee gave it a favorable consideration, and ask the Senate to pass it. That is about all we can say for it. It would be far better if these claims were sent to the Committee on Private Land Claims. This is not absolutely a question concerning public lands. It is a question concerning the private claim of an individual. Still in this instance we went a little over the rule and recommended it.

The PRESIDENT *pro tempore*. The bill will be placed upon the Calendar.

Mr. EDMUNDS, from the Committee on the Judiciary, to whom was referred the petition of S. D. Lee, praying the removal of his political disabilities, reported a bill (S. No. 951) removing the political disabilities of Stephen D. Lee, of the State of Mississippi; which was read, and passed to the second reading.

He also, from the same committee, to whom was referred the petition of G. T. Beauregard, praying the removal of his political disabilities, reported a bill (S. No. 952) to remove the political disabilities of G. T. Beauregard, of New Orleans, Louisiana; which was read, and passed to the second reading.

He also, from the same committee, to whom was referred the bill (H. R. No. 329) to remove the political disabilities of George Jackson, a citizen of West Virginia, reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. No. 620) to remove the political disabilities of James Argyle Smith, of Mississippi, reported it without amendment.

He also, from the same committee, to whom was referred the petition of John G. Walker, of Texas, praying for the removal of his political disabilities, reported a bill (S. No. 953) to remove the political disabilities of John G. Walker, of Texas; which was read, and passed to the second reading.

Mr. MITCHELL, from the Committee on Claims, to whom was referred the bill (H. R. No. 890) for the relief of Randall Brown, of Nashville, Tennessee, reported it without amendment.

He also, from the same committee, to whom was referred the petition of Thomas B. Wallace, of Lexington, Missouri, praying compensation for property destroyed by the Army under orders from a military commander, reported a bill (S. No. 955) for the relief of Thomas B. Wallace, of Lexington, in the State of Missouri; which was read, and passed to the second reading.

Mr. HAMLIN, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (H. R. No. 2684) to amend sections 246 and 251 of the act entitled "An act to revise and consolidate and amend the statutes relating to the Post-Office Department," approved June 8, 1872, as amended by the twelfth section of the act entitled "An act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1875, and for other purposes," approved June 23, 1874, and for other purposes, reported it with amendments.

Mr. CRAGIN, from the Committee on Naval Affairs, to whom was referred the bill (S. No. 480) to authorize the Secretary of the Navy to dispose of unserviceable material, and for other purposes, reported adversely thereon; and the bill was postponed indefinitely.

Mr. CHRISTIANCY. I am directed by the Committee on the Revision of the Laws, to whom was recommitted the bill (S. No. 909) to correct an error in section 1588 of the Revised Statutes, to report a new bill on the subject. It is in reference to the pay of retired officers of the Navy. I reported it the other day, and withdrew the report at the suggestion of the Senator from Iowa, [Mr. WRIGHT.] I ask for its immediate consideration. I called the attention of the Senate to it before. It is simply changing the words "sea-pay" to "highest pay," which mistake was made in copying the law into the Revised Statutes.

The Chief Clerk read the bill, as follows:

A bill (S. No. 954) to amend section 1588 of the Revised Statutes in reference to the pay of retired officers of the Navy.

Be it enacted, &c., That section 1588, title 15, chapter 8, of the Revised Statutes, be, and the same is hereby, amended so as to read as follows:

SEC. 1588. The pay of all officers of the Navy who have been retired after forty-five years' service after reaching the age of sixteen years, or who have been or may be retired after forty years' service upon their own application to the President, or on attaining the age of sixty-two years, or on account of incapacity resulting from long and faithful service, from wounds or injuries received in the line of duty, or from sickness or exposure therein, shall, when not on active duty, be equal to 75 per cent. of the sea-pay provided by this chapter for the grade or rank which they held, respectively, at the time of their retirement. The pay of all other officers on the retired list shall, when not on active duty, be equal to one-half the highest pay provided by this chapter for the grade or rank held by them, respectively, at the time of their retirement.

Mr. MORTON. I should like to have that go over until to-morrow.

Mr. SHERMAN. Will that increase or reduce pay?

Mr. CRAGIN. This is a bill reported from the Committee on the Revision of the Laws. In making up the Revised Statutes a word was left out by the commission, I presume. I have no doubt the bill is all right.

Mr. CHRISTIANCY. I will explain it. It is to change one-half of a compound word, to make the Revised Statutes conform to the law as it was.

Mr. MORTON. I should like to have that go over until to-morrow.

The PRESIDENT *pro tempore*. The bill will go over.

TRANSCRIPTS OF TERRITORIAL RECORDS.

Mr. HITCHCOCK. The Committee on Territories, to whom was referred the bill (S. No. 924) to provide for furnishing certified transcripts of territorial records, have had the same under consideration and directed me to report it back without amendment and recommend its passage. I presume there will be no objection to the bill, and I ask for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It makes it lawful for each secretary of the several Territories of the United States to receive for all certified copies of records and papers in his official custody furnished by him to any person for private use a fee of fifteen cents for each one hundred words for such copy and fifty cents for his official certificate thereto.

Mr. EDMUNDS. Fifteen cents per hundred words is too much.

Mr. HITCHCOCK. Not in the distant Territories, I think.

Mr. EDMUNDS. Ten cents is enough; but I do not object to the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. CAPERTON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 956) to establish a post-road in the State of West Virginia; which was read twice by its title, referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

Mr. EDMUNDS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 957) to amend the Revised Statutes of the

United States relating to the administration of justice in the Territory of Arizona; which was read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed.

Mr. KEY (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 958) for the relief of Mrs. S. E. Thompson, of Green County, Tennessee; which was read twice by its title, referred to the Committee on Claims, and ordered to be printed.

Mr. BOOTH (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 959) releasing the title of the United States in a certain parcel of land to the assignees of John Cutler; which was read twice by its title, referred to the Committee on Public Lands, and ordered to be printed.

PAY OF P. B. S. PINCHBACK.

Mr. MITCHELL. I move that the Senate proceed to the consideration of the resolution reported from the Committee on Privileges and Elections some time since, providing for the compensation to be paid to P. B. S. Pinchback, late a contestant for a seat in this body.

The PRESIDENT *pro tempore*. The resolution will be read for information.

The Chief Clerk read as follows:

Resolved, That P. B. S. Pinchback, late contestant for a seat in the Senate from the State of Louisiana, be allowed an amount equal to the compensation and mileage of a Senator from the beginning of the term for which he was a contestant up to the period of the determination of the contest by the Senate.

The PRESIDENT *pro tempore*. The question is, Will the Senate proceed to the consideration of this resolution?

Mr. WHYTE. Does an objection carry this resolution over?

The PRESIDENT *pro tempore*. No; the resolution has been heretofore reported.

Mr. WHYTE. I hope the resolution will not be taken up at this time. It is a matter which involves no subject of a party character; but a great many Senators are absent who have made pairs on political subjects, and who would like, I know, to be heard on this resolution. I hope, therefore, it will not be taken up at this time.

Mr. MORTON. I hope it will be taken up; it is a matter of justice that it should be. It has been put off several times because it was said Senators were absent. The session is now drawing to a close. This matter ought to be settled, and I hope there will be no objection to taking it up.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Oregon that the Senate proceed to the consideration of the resolution.

Mr. COCKRELL. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. EDMUNDS. I wish to inquire what the Senator from Maryland said on the subject of taking up the resolution. I understood it was something about some persons being absent, although I was not able to hear him fully.

Mr. WHYTE. I said, Mr. President, that there were Senators absent who had expressed some opinions in regard to this resolution, who I am sure would like to be heard upon it. They are paired upon questions of a political character, and as this is not one of that character I did hope that for a day or two it might be postponed until those gentlemen could be back in their seats.

Mr. EDMUNDS. The thing ought to be disposed of undoubtedly, in justice to the claimant, although I do not know what rule ought to be applied about it. Unless there is some special reason against taking it up, I should be quite willing to have it taken up now and disposed of in some way.

Mr. MITCHELL. I will state that, if it was not for the fact that there is a very great probability that if this resolution is not taken up now it will not be reached during the present session, I should of course consent to allow it to go over; but I have been urged by several gentlemen on this side of the House, at all events by members of the Committee on Privileges and Elections, to call this matter up, and I have felt in duty bound to do so. I hope it will be taken up and disposed of.

Mr. WRIGHT. I should like to inquire of the Senator from Oregon whether this resolution is unanimously reported from the committee?

Mr. MITCHELL. I think not. My impression is that at least one member of the committee is opposed to the report.

Mr. WRIGHT. Only one member?

Mr. MITCHELL. One, and perhaps two. My impression, however, is at this time that there was but one.

Mr. WRIGHT. The reason I made the inquiry was this: I find that three members of the committee belonging to the opposition are absent from the Chamber this morning; whether they are absent from the city or not I do not know; but it occurred to me that, if the report was not unanimous, as a matter of courtesy it would be well to consider the propriety of laying it over. I make no objection myself to taking it up, but three members of the committee belonging to the opposition as I understand are absent from the Chamber this morning. I do not know what their views may be upon this question, whether they concurred in the report or not. For myself, I will not oppose taking it up, and merely suggest to the Senator having the resolution in charge the inquiry whether, they being absent, it would or would not be proper to take it up. That is the only question in my mind.

Mr. MITCHELL. I will state in justice to myself and in answer to what the Senator from Iowa has said, that at the time this report was made, which was on the 17th of April, one member of the committee now absent requested that the matter should not be called up in his absence. I at that time gave him my word that it should not be. Since that, while that member of the committee was present, I moved to take up the resolution, to which he objected. He is now absent at Saint Louis attending the convention there. I telegraphed him some days since that, owing to the fact that the session was about to come to a close or that there was danger of it at least, I would pair with him on this question, but felt it to be a duty I owed Mr. Pinchback and the Senate and the committee from which it is reported to call it up.

Mr. MORTON. One word. If there had been any surprise about this matter to anybody, it would not be proper to call it up now; but it cannot be postponed very much longer. I think it can be disposed of very readily, and I hope there will be no objection to taking it up.

Mr. SHERMAN. I suggest that it be not called up till Monday, to give everybody time and opportunity to be here. It ought to be considered, and I suppose Senators will feel that under the circumstances any further delay after this week ought not to be asked.

Mr. COCKRELL. We shall have no objection to taking it up on Monday.

Mr. SHERMAN. I have no doubt, if the Senator from Vermont will accept that suggestion, and let it go over to Monday, it can be taken up without objection and a vote had.

Mr. CAMERON, of Pennsylvania. I think we shall not be here on Monday.

Mr. SHERMAN. That may be. Tuesday will be the 4th of July.

Mr. CAMERON, of Pennsylvania. We had better dispose of it now.

Mr. SHERMAN. Let it be taken up at the first opportunity after this week.

Mr. CAMERON, of Pennsylvania. The Senators who are not present are paired. I am myself paired with one of them. I think we had better take it up now.

Mr. MITCHELL. I insist on a vote.

The PRESIDENT *pro tempore*. The question is on the motion to take up the resolution, on which the yeas and nays have been ordered.

Mr. ANTHONY. I wish to understand the ground on which the objection is stated. If the objection is on the ground of courtesy to absent Senators, who desire to be heard on this matter, I think we had better postpone it to some day next week, when it shall be taken up by general consent.

Mr. MORTON. We may not be here next week.

Mr. ANTHONY. We shall be here week after next.

Mr. SHERMAN. Considering that the impeachment trial is fixed for next week and that Fourth of July comes in next week, I do not know, unless there is some particular Senator absent who desires to be heard, why we should not go on now.

Mr. ANTHONY. I have no doubt about the resolution itself. I am in favor of treating a man of one color the same as we do a man of another, and there has been no case since I have been here where a contestant who came with a fair right to come has been refused his pay. We gave to a Senator from Georgia $10,000 for sitting five days, and there was not a word of objection raised. If Senators on the other side are absent who desire to be heard, I certainly would put it off on their account.

Mr. STEVENSON. I hope this resolution will go over. I want it acted on, but not to-day. There are Senators who desire to be heard upon it, I am certain, who have gone away, believing that nothing like a political question would be taken up in their absence. It is problematical whether this is a political question or not, but they no doubt desire to express their views on it; and I hope that according to the courtesy which usually prevails in the Senate this question will not be taken up until their return. I am willing to agree that it shall be taken up on Monday next, or any day after that. I desire a fair vote upon it; I do not desire to delay it at all. It seems to me that it ought not to be taken up now when the Senate is so thin. If it is a political question, and you count the pairs, I doubt whether we have a quorum. I will not say that it is a political question, or whether it is not; but I am sure a great many who have gone away and are paired will regard it as such. It should be sufficient, it seems to me, to justify the postponement.

Mr. CAMERON, of Pennsylvania. As I said, I am paired on this question; at least I am paired on all political questions; and from the turn this seems to take, I suppose this will be so regarded; and, therefore, I shall not vote. I am perfectly willing to take the suggestion of the Senator from Kentucky with this condition, that we take this case up on next Monday week. Everybody will be here then. Let this motion be withdrawn now and let us agree among ourselves that next Monday week we will take up this question of Pinchback's compensation.

Mr. MITCHELL. Will the Senator allow me to make a suggestion? As a matter of courtesy to those who are absent, if we can have a general understanding that on next Saturday morning we will take up this question, I shall be willing to let it go over until that time. That will give ample time for all those Senators who are absent at Saint Louis to return. If we can have that general understanding I will withdraw my motion to take it up at this time.

Mr. CAMERON, of Pennsylvania. I am willing to take Saturday next.

The PRESIDENT *pro tempore*. Is there objection to having this question considered on Saturday next instead of to-day? The Chair hears none, and it is so settled.

PENSION BILLS.

Mr. INGALLS. I ask the consent of the Senate to have the private pension cases on the Calendar considered during the remainder of the morning hour.

The PRESIDENT *pro tempore*. Is there objection to the suggestion of the Senator from Kansas? The Chair hears none, and private pension bills will be considered.

ELIZA JANE BLUMER.

Mr. INGALLS. The first one is House bill No. 11.

The bill (H. R. No. 11) granting a pension to Eliza Jane Blumer was considered as in Committee of the Whole. It provides for placing upon the pension roll, subject to the provisions and limitations of the pension laws, the name of Eliza Jane Blumer, widow of Henry A. Blumer, a private of Company A, Forty-seventh Regiment Pennsylvania Volunteers, to take effect on and after the date of his death, as shown by evidence on file in the Pension Office.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

CLARA BROSCH.

Mr. INGALLS. The next is House bill No. 2162.

The bill (H. R. No. 2162) granting a pension to Clara Brosch, mother of Joseph Brosch, jr., late private Company H, Twenty-fourth Regiment Illinois Infantry Volunteers, was considered as in Committee of the Whole. It provides for placing on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Clara Brosch, mother of Joseph Brosch, jr., late private Company H, Twenty-fourth Regiment Illinois Infantry Volunteers.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

WILLIAM R. DUNCAN.

Mr. INGALLS. The next is House bill No. 1598.

The bill (H. R. No. 1598) granting a pension to William R. Duncan was considered as in Committee of the Whole. It is a direction to the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of William R. Duncan, late a private in Company G, Third Regiment of Tennessee Infantry Volunteers, and to pay him a pension from the 23d of July, 1873, the date at which he was dropped from the pension-roll.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

MARGARET E. COGBURN.

Mr. INGALLS. The next is House bill No. 1602.

The bill (H. R. No. 1602) granting a pension to Margaret E. Cogburn was considered as in Committee of the Whole. It proposes to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Margaret E. Cogburn, widow of Hiram J. Cogburn, late a private in Company F of the Second Regiment of Tennessee Volunteers, and to pay her a pension at the rate of $8 per month, and $2 per month in addition thereto for each minor child of Hiram J. and Margaret E. Cogburn, until they arrive at the age of sixteen years respectively.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

MARY S. GREENLEE.

Mr. INGALLS. The next is House bill No. 2303.

The bill (H. R. No. 2303) granting a pension to Mary S. Greenlee was considered as in Committee of the Whole. By it the Secretary of the Interior is directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mary S. Greenlee, widow of George W. Greenlee, deceased, late a Union soldier in Company B, Eighth Tennessee Cavalry.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

MARTHA IRWIN.

Mr. INGALLS. The next is Senate bill No. 735.

The bill (S. No. 735) granting a pension to Martha Irwin, widow of John Irwin, was read the second time and considered as in Committee of the Whole. It is a direction to the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Martha Irwin, widow of John Irwin, alias Samuel Irwin, gunner's mate United States steamer Wabash.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MARY M. J. FRANK.

Mr. INGALLS. The next is Senate bill No. 736.

The bill (S. No. 736) granting a pension to Mary M. J. Frank was read the second time and considered as in Committee of the Whole. It is a direction to the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mary M. J. Frank, widow of Paul Frank, late colonel Fifty-second Regiment New York Volunteers.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

JANE BERTHOLF.

Mr. INGALLS. The next is House bill No. 2289.

The bill (H. R. No. 2289) granting a pension to Jane Bertholf was considered as in Committee of the Whole. It proposes to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Jane Bertholf, widow of William Bertholf.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

EMANUEL B. HERR.

Mr. INGALLS. The next is House bill No. 2310.

The bill (H. R. No. 2310) granting a pension to Emanuel B. Herr was considered as in Committee of the Whole. It proposes to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Emanuel B. Herr, late a private in Company K, One hundred and ninety-fifth Regiment Pennsylvania Volunteers.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

JOHN L. BARTLEY.

Mr. INGALLS. The next is House bill No. 2586.

The bill (H. R. No. 2586) granting a pension to John L. Bartley was considered as in Committee of the Whole. It proposes to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of John L. Bartley, late a private in Company C, Second North Carolina Mounted Infantry.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

SARAH EMMONS.

Mr. INGALLS. The next is House bill No. 1939.

The bill (H. R. No. 1939) granting a pension to Sarah Emmons was considered as in Committee of the Whole. It provides for placing on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Sarah Emmons, widow of Charles E. Emmons, late a private in Company H, Sixth Regiment Michigan Cavalry Volunteers.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

LAURENCE P. N. LANDRUM.

Mr. INGALLS. The next is Senate bill No. 813.

The bill (S. No. 813) granting an increase of pension to Laurence P. N. Landrum was read the second time and considered as in Committee of the Whole. It proposes to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Laurence P. N. Landrum, late private in the Twenty-seventh Regiment Kentucky Volunteers, at the rate of $15 per month, in lieu of the $8 per month heretofore allowed him.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

HENRY H. WHARFF.

Mr. INGALLS. The next is House bill No. 1204.

The bill (H. R. No. 1204) granting a pension to Henry H. Wharff, of Company C, Eighteenth Regiment of Ohio Volunteers, was considered as in Committee of the Whole.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

NIRAM W. PRATT.

Mr. INGALLS. The next is House bill No. 1944.

The bill (H. R. No. 1944) granting a pension to Niram W. Pratt was considered as in Committee of the Whole. It proposes to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Niram W. Pratt, late a private in Captain A. J. Millard's independent company of Sioux City (Iowa) Cavalry.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

MARGARET C. BELL.

Mr. INGALLS. The next is House bill No. 2300.

The bill (H. R. No. 2300) granting a pension to Margaret C. Bell was considered as in Committee of the Whole. It proposes to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Margaret C. Bell, widow of Admiral Henry H. Bell, late of the United States Navy, and to pay her a pension of $50 per month.

The Committee on Pensions proposed to amend the bill by inserting at the end thereof—

Which shall be in lieu of the pension now received by her.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

STILLMAN E. DIX.

Mr. INGALLS. The next is Senate bill No. 882.

The bill (S. No. 882) granting a pension to Stillman E. Dix, of Hampton, Virginia, was read the second time and considered as in Committee of the Whole. It provides for placing on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Stillman E. Dix, a private of Company H, of the Thirty-seventh Regiment of the Massachusetts Volunteers.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM H. OLIVER.

Mr. INGALLS. The next is Senate bill No. 883.

The bill (S. No. 883) granting a pension to William H. Oliver, of Sweetwater, Tennessee, was read the second time and considered as in Committee of the Whole. It provides for placing on the pension-roll, subject to the provisions and limitations of the pension laws, the name of William H. Oliver, a private in Company D, of the Fifth Regiment of the Tennessee Volunteers.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

MARY B. HOOK.

Mr. INGALLS. The next is House bill No. 2301.

The bill (H. R. No. 2301) granting a pension to Mary B. Hook was considered as in Committee of the Whole. It proposes to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mary B. Hook, widow of Lieutenant-Colonel James H. Hook, late of the United States Army.

The bill was ordered to a third reading, read the third time, and passed.

SAMUEL D. FALLS.

Mr. INGALLS. The next is House bill No. 3037.

The bill (H. R. No. 3037) granting a pension to Samuel D. Falls, late unassigned recruit Ninth Regiment Minnesota Volunteers, was considered as in Committee of the Whole.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

NANCY H. BLACKNALL.

Mr. INGALLS. The next is House bill No. 2701.

The bill (H R. No. 2701) granting a pension to Nancy H. Blacknall, widow of Thomas Y. Blacknall, late private Company L, Seventh Tennessee Cavalry, was considered as in Committee of the Whole.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

ABIGAIL S. DAWNEY.

Mr. INGALLS. The next is House bill No. 1849.

The bill (H. R. No. 1849) granting a pension to Abigail S. Dawney was considered as in Committee of the Whole. It proposes to place upon the pension-roll, subject to the provisions and limitations of the pension laws, the name of Abigail S. Dawney, dependent mother of Nathan U. Dawney, late a private of Company G, of the One hundred and forty-fifth Regiment of Pennsylvania Volunteers, deceased.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

WILLIAM M'LAY.

Mr. INGALLS. The next is House bill No. 2081.

The PRESIDENT *pro tempore*. The morning hour has expired.

Mr. INGALLS. There is but one bill after this. There will be no objection to proceeding.

The bill (H. R. No. 2081) granting a pension to William McLay, late a private in Company G, Twelfth Illinois Infantry Volunteers, was considered as in Committee of the Whole.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

HARRIET C. DUNHAM.

Mr. INGALLS. The next is House bill No. 2804.

The bill (H. R. No. 2804) granting a pension to Harriet C. Dunham, widow of Charles A. Dunham, late private Company A, One hundred and eighteenth Regiment Pennsylvania Volunteers, was considered as in Committee of the Whole.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. G. M. ADAMS, its Clerk, announced that the House had concurred in the amendments of the Senate to the following bills and joint resolution:

A bill (H. R. No. 1797) providing for the sale of the Kansas Indian lands in Kansas to actual settlers, and for the disposition of the proceeds of the sale;

A bill (H. R. No. 3495) for the relief of the mail contractors on route 1y319, in Tennessee; and

A joint resolution (H. R. No. 129) authorizing the Secretary of War to issue arms.

The message also announced that the House had passed the bill (S. No. 336) to authorize the construction of a ponton-bridge across the Mississippi River from some feasible point in La Crosse County, in the State of Wisconsin, to some feasible point in Houston County, in the State of Minnesota.

The message also announced that the House had disagreed to the first amendment of the Senate to the joint resolution (H. R. No. 109) for the issue of silver coin, and had agreed to the second amendment of the Senate to the resolution, with an amendment; in which it requested the concurrence of the Senate.

SUSAN E. RHEA.

Mr. STEVENSON. I ask leave to call up the bill (H. R. No. 590) for the relief of Mrs. Susan E. Rhea, widow of Dr. J. Burrows Gardiner. It is a small bill, which can be soon disposed of.

The bill was read for information.

Mr. EDMUNDS. Before the bill is taken up I should like to have the report read. What is the special necessity of taking that up at the present time?

Mr. STEVENSON. The Senator from Maryland will state the case.

Mr. WHYTE. I hardly think there will be any dispute about the bill after the statement is made. This is a House bill, which was reported favorably by the Committee on Naval Affairs, but without any written report. The case is of this character: When the annexation of Texas took place, as will be remembered by the Senator from Vermont, the armament and some material connected with the Texan navy were turned over to the United States, and there was an implied understanding that some arrangement would be made for the benefit of the officers of the Texan navy. They came here immediately after the annexation and applied to Congress to put them on the rolls of the United States Navy, and for years they stood at the doors of Congress asking that this might be done for them. Finally, in 1857, a bill was passed granting to all the surviving officers of the Texan navy five years of leave pay, the same pay that officers of the United States Navy were entitled to when on leave. That bill passed both Houses, and those living were paid. It appears that Dr. Gardiner was——

Mr. SHERMAN. I regret to interrupt my friend from Maryland, but if this is done in one case it will be in others, and I must rise to a question of order. It is not in order to discuss the merits of the proposition on a motion of this kind.

The PRESIDENT *pro tempore*. The Chair sustains the point of order.

Mr. SHERMAN. I must call for the unfinished business. The Senator can call up this bill at some more opportune moment.

Mr. WHYTE. I was merely responding to an inquiry of the Senator from Vermont and stating what the ground of the claim was.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Kentucky, to take up the bill which has been read.

Mr. SHERMAN. The question is, Shall we postpone the pending bill. I feel it my duty to stand by that bill, although it is getting in bad shape for me, but it is my duty to stand by it, and I call for the yeas and nays, if Senators insist on thrusting in other questions. It is one o'clock.

The PRESIDENT *pro tempore*. The Chair announced that the morning hour had expired, but with the consent of the Senate continued with the cases under the charge of the Senator from Kansas, at the close of which the Senator from Kentucky asked the consideration of this bill, and the Chair asked the Clerk to read it for information, no objection being raised. The question is on taking it up, unless the Senator from Ohio insists on the regular order.

Mr. SHERMAN. I do insist on the regular order.

Mr. EDMUNDS. The motion of the Senator from Kentucky is equivalent to a motion for postponement.

The PRESIDENT *pro tempore*. The Senator from Ohio having called for the regular order, which is House bill No. 3398, the unfinished business, does the Senator from Kentucky move its postponement?

Mr. STEVENSON. No, sir, I do not make that motion. The case can be called up again, I suppose.

LEGAL TENDER OF SILVER COIN.

The PRESIDENT *pro tempore*. The unfinished business is House bill No. 3398.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 3398) for the issue of coin, and for other purposes, the pending question being on the amendment of Mr. BOGY to the amendment of the Committee on Finance to strike out "not exceeding $20," in line 14 of section 1; so as to make the clause read:

> And the said dollar herein authorized shall be a legal tender at its nominal value for any amount in any one payment, except for customs duties and interest on the public debt, and shall be receivable in payment of all dues to the United States except duties on imports.

Mr. EDMUNDS. I rise to make a motion about this bill. Referring to proceedings which have occurred in another place, I will say in order to be parliamentary, I think the wise thing to do, after the light we have got from the discussion of this subject, is to recommit this bill to the Committee on Finance, in order that, in connection with what has been done in another place and has come over and is now on the table, they may reconsider this whole subject and present us a bill which I cannot but hope will be satisfactory to everybody. Therefore, Mr. President, I move to recommit this bill to the Committee on Finance, in order that they may have the whole subject, with the House bill that I understand has come over which involves

the same general considerations, before them. Let them perfect a measure on the whole subject, and report in a way that we shall be able then to understand and have decisive action upon the matter.

Mr. SHERMAN. I shall have no objection to the proposition of the Senator from Vermont, except that the Committee on Finance have considered every phase and branch of this question. If any member of the Committee on Finance really thinks any new light can be thrown on the controversy, I shall make no objection to the recommittal; and there are members of the committee present. I do not believe myself that a further examination by the Committee on Finance, especially in the absence of two of its prominent members from the city on business of the Senate, would be of any avail. The bill as it now stands before us represents the will of the Committee on Finance as near as it can be got at, and if the report of that committee could have any influence upon any Senator, certainly the fact that we have gone just as far in favor of those who want to issue silver money as it is possible to do, as it is prudent to do, or as it is politic to do, ought to weigh with members of the Senate who have not examined the matter so fully. Now, therefore, unless some member of the Committee on Finance desires to reconsider his action on this matter I do not see any use of referring it again.

Mr. FRELINGHUYSEN. Mr. President, it seems to me that it is advisable that this subject should not be pressed to a vote at this time. As I understand it, the House of Representatives have sent us a bill making the silver dollar a universal legal tender, except for duties on customs. We have been levying our customs duties in gold on the pledge that our securities were to be paid in gold. This seems to be not in harmony with that action. At all events, this is the most important question that has been before the Senate at this session. We have just postponed a question involving some twelve or fifteen thousand dollars because the Senate was not full; we have a bare quorum here; and I certainly think the interests of the country require, whether this subject is referred to the committee or not, that we shall have a full Senate present when it is acted upon.

Mr. MORTON. I think under the circumstances this bill ought to be recommitted. The first section of the amendment reported by the committee, and especially the amendment proposed by the Senator from Missouri, involves considerations of a most important character, looking as I believe to a total change in our financial system, looking as I believe, in substance, to the establishment of a new dollar, worth from fifteen to twenty cents less than the dollar now established by law; and, as I think the subject is imperfectly understood, I believe it will be better to recommit the bill again to the committee.

There is another bill now on our table which makes a silver dollar, worth only 85 cents or 82 cents, a legal tender in payment of all public and private debts, a change so important and momentous that we are hardly able to comprehend it. It is not a question whether we will resume specie payments on the 1st of January, 1879, or at any other time. No question of that kind is involved; but it is simply a question as to whether we shall change our dollar, whether we shall start upon a new system fundamentally. I shall therefore vote to recommit the bill.

Mr. CHRISTIANCY. Mr. President——

Mr. SHERMAN. I was about to say that I have consulted one or two members of the Committee on Finance, and as a bill on the subject has come from the House of Representatives, I ask that it be referred.

The PRESIDENT *pro tempore*. If there be no objection, the Chair will lay before the Senate the action of the House of Representatives on the joint resolution referred to.

The Chief Clerk read as follows:

IN HOUSE OF REPRESENTATIVES, *June* 22, 1876.

Resolved, That the House non-concur in the first amendment of the Senate to the joint resolution (H. R. No. 109) for the issue of silver coin.

Resolved, That the House concur in the second amendment of the Senate to said joint resolution, with an amendment, as follows: Add to said amendment—

SEC. 3. That, in addition to the amount of subsidiary coin authorized by law to be issued in redemption of the fractional currency, it shall be lawful to manufacture at the several mints, and issue through the Treasury and its several offices, such coin to the amount of $20,000,000.

SEC. 4. That the silver bullion required for this purpose shall be purchased, from time to time, at market rate, by the Secretary of the Treasury, with any money in the Treasury not otherwise appropriated; and the resulting coin may be issued in the ordinary disbursement of the Treasury; but no purchase of bullion shall be made under this act when the market rate for the same shall be such as will not admit of the coinage and issue as herein provided without loss to the Treasury; and any gain or seigniorage arising from this coinage shall be accounted for and paid into the Treasury, as provided under existing laws relative to the subsidiary coinage: *Provided*, That the amount of money at any one time invested in such silver bullion, exclusive of such resulting coin, shall not exceed $1,000,000: *And it is further provided*, That the Secretary of the Treasury is directed to authorize the coinage of the standard silver dollar of the value, weight, and fineness in use January 1, 1861; and said dollar shall be a full legal tender in payment of all debts, public and private.

Mr. SHERMAN. As it is manifest that those amendments must be referred to the Committee on Finance, I think now the bill and all had better go together. I am perfectly willing to agree to the motion of the Senator from Vermont that the pending bill be referred to the Committee on Finance, to be reported back as early as possible.

The PRESIDENT *pro tempore*. It is moved that the pending bill be recommitted to the Committee on Finance.

Mr. LOGAN. Of course I know the intention is to get the bill before the committee and perfect the two measures as much as possible and perhaps consolidate them; but I merely wish it understood by the Senate when the bills are referred, to which course I have no objection, that the committee will report them back as soon as practicable to the Senate after action by the committee. I do not presume there will be any disposition not to do that; but inasmuch as there is not a full committee here action might be objected to until we should have a full committee. I do not want delay. I only want an understanding.

Mr. SHERMAN. I have heard that our absent members will be here this week.

Mr. LOGAN. I hope so. I have no objection to the reference, but I want it understood that it is to be reported back as soon as possible.

The PRESIDENT *pro tempore*. The question is on the motion to commit.

Mr. CHRISTIANCY. I wish to be heard on that motion.

The PRESIDENT *pro tempore*. On committing the House bill?

Mr. CHRISTIANCY. If the motion is simply to refer the House bill, I have nothing to say; but if the motion is to refer the pending bill I desire to be heard.

Mr. FRELINGHUYSEN. I understood the motion of the Senator from Ohio to be to recommit the pending bill and the House bill also. I make that motion, if he did not.

Mr. EDMUNDS. It must be so, because my motion was to recommit the pending bill.

Mr. CHRISTIANCY. I wish, before this matter goes to the committee, to say a few words upon a substitute which I had the honor to offer the other day for the Senate committee's silver bill, so that the substitute may go to the committee with the other bills and pending propositions.

Mr. President, a great deal has been said of late in this country and a great deal of nonsense uttered in reference to money as a measure of value. And those who consider it only as a measure of value have compared it to a yard-stick—to which my friend the Senator from Indiana humorously referred yesterday—and have drawn the conclusion that because it makes no difference what the yard measure is made of, so that its length remains the same, so it can make no difference of what substance money is composed, so that it has the value stamped upon it by the law which shall compel its acceptance as money or in the place of money; and that paper, leather, or wood might be made to circulate permanently as money at any value the Government might see fit to stamp upon it. And if it were true that money is only a measure of value, this might also be true. But the experience of the world has shown what every man of ordinary reasoning powers and in his normal condition cannot fail to discover, that nothing can long be recognized as money which is, not at the same time, an equivalent as well as a measure of value; and therefore that nothing can of itself be made actual money which has not, by the very material of which it is composed, a real and equal value in the market aside from and beyond its mere use as money. Anything which has such value independent of its use as money might be used to some extent as money. But to make it proper for use as money, its value compared to the weight, quantity, and portability of the material must be such as to meet the convenience of trade and commerce; and the material should at the same time be as little liable to fluctuation in value as possible. Nothing meets these requisites so well as the precious metals, gold and silver. And if paper or mere promises to pay also circulate as money, its value will always be in proportion to the probability of its conversion into such metallic money at the will of the holder, since the paper as such is of no practical value.

If the relative value of gold and silver to each other was or could be made fixed and permanent, there would be no difficulty in making both a standard or measure, and at the same time an equivalent of value, and no confusion would arise from the double standard. But this relative value is not, and cannot be made, permanent It is constantly fluctuating, and a very small fluctuation, say to the amount of a quarter of 1 per cent., will often, as to large sums, lead to speculations, disturb the steadiness of the money market, and lead to the exportation of one or the other metal.

Either of these metals might be made the standard and measure of value. And if now starting *de novo*, this Government might make silver the standard instead of gold, though it is less portable, and therefore less convenient in any large commercial transactions. This consideration naturally gives, and should give, the preference to gold, unless by the law of supply and demand its real value, as compared to other articles or things of value, is much more variable than that of silver. Now both are, no doubt, variable in this respect; but I think upon the whole that of gold has not proved more so than that of silver for a long series of years; and that therefore its greater convenience and portability in comparison to value, makes it the preferable standard for a commercial nation like ours.

As the law now stands silver coinage is a legal tender to the amount of only $5; gold is the standard and measure of value and a legal tender to any amount. And a double standard of value of silver and gold, each independent of the other, and without making the value of the one dependent upon the ratio of value it may bear to the other in the markets of the world, could be productive of nothing but chaos. I take it for granted, therefore, that gold, the gold coinage of the United States, will, and ought to, continue the legal standard and measure of values. The standard of our silver coinage, by which I mean its weight and fineness and its nominal value as now fixed by law, is far above

its real, comparative, or market value as compared to the gold standard fixed by law for our gold coinage. For obvious reasons this standard of silver coins and their nominal value were purposely fixed slightly above the real value at the time the law fixing its value was passed. But from the greater demand for gold, the increased supply of silver, and the fact that Germany has lately in effect demonetized silver, and from various other causes, silver has of late been getting of less and less value as compared with gold, until it has now reached a point of depreciation about equal to that of the United States notes or greenbacks, or a little less, say about 14 or 15 per cent.

And now, when in my view—which seems to me to be also the general sense of the nation—nothing like permanent prosperity can be hoped for until the resumption of specie payments, and no step has been taken to fund the greenbacks or to redeem them by an issue of bonds at a low rate of interest and on long time, which, in my opinion, is the speediest means of reaching resumption and of bringing the greenbacks up to par—it is quite apparent to my own mind that resumption without such funding of the greenbacks, cannot be brought about by the time now fixed by law, if we are to rely upon gold alone or upon that and such aid as may be got from silver under the present or any limitation of the amount for which it is or may be made a legal tender; and that to accomplish the desired result silver must, in some way, be made a legal tender without limitation as to amount: and this must be done in some way without making it the standard of value as we have made gold—in other words, without adopting a double standard. This manifestly cannot be done by making the silver coins, at their present standard or nominal value, a legal tender for an unlimited amount or any very large amount, for this standard or nominal value is too far above its real or market value as compared with the gold coin, which is the standard of real value; and it cannot therefore be made a legal tender for any very large sums without great injustice, nor without an overwhelming tendency—by a law superior to any law of Congress—to expel gold from general circulation: because no one will pay in gold, which costs him more, when he can pay in silver, which costs him less in the market; and the gold would, therefore, be exported, except so far as a demand might be kept up for it for the payment of duties required by law to be paid in gold; and the difficulties in obtaining even this amount would be greatly multiplied.

There are several methods by which this difficulty might be overcome. One of the most obvious would be to improve the standard of our silver coinage; that is, by putting more silver into each piece of silver coinage, so as to make its real comparative value about equal to the gold standard. But there are two difficulties in the way of this remedy: first, that it would involve the necessity of calling in our present silver coinage and recoining it: and, second, that when the standard of comparative value to gold should be thus fixed by act of Congress, it could not remain permanent for any defined period; for, by the laws of trade, of supply and demand, which are as independent of the laws of Congress as the laws which control the winds and the weather, this relative or comparative value of silver to gold will continue to fluctuate, regulated only by the market, and, as that may be greater or less than the comparative value as fixed by act of Congress, the one or the other will be hoarded or exported, as speculators and money-brokers may find it for their interest. It is this which opens the field for speculation by which fortunes are made, all or nearly all of which must come from the earnings of the honest laboring population of the country; and by this the equilibrium of the financial system and of the currency is constantly disturbed. These fluctuations are so frequent and of such perpetual occurrence that acts of Congress undertaking to adjust the relative value of the two metals can never afford anything like an effectual remedy. And any remedy by altering the standard of coinage, so as to adjust the nominal value of the silver coin to the real or market value, besides being necessarily imperfect, involves the necessity of calling in the coin already in circulation and recoining it, an operation which would be worse than the evil to be remedied.

It is true that Congress might at each session—but, considering the delays in practical legislation, not oftener—fix the standard of comparative value at the *then* market value; and this would be very clearly a legitimate mode of exercising the constitutional power of regulating the value of money, namely, by declaring the ratio of value which one metal should bear to the other. And when we come to the final analysis, this is about all of substance there is in the power. And no good reason occurs to me why a regulation declaring that silver coin shall be recognized as money and a legal tender at the comparative value it shall bear to gold in the market, in other words, at its real value, would not be a valid and proper exercise of the constitutional power. To hold otherwise would be to hold that Congress could only regulate the value of silver coin by placing it above or below its real value.

A law of this kind adopting the market value at all times of silver coins as compared to gold would be substantially just in principle to all parties and under all circumstances. It could not be unjust even to creditors who had contracted expressly for gold, because they would receive silver of equal value with the gold, and convertible into gold at their option, and without loss in the same market; but, if thought best, contracts expressly for gold, especially with public creditors, might be excepted. I am strongly inclined to believe, indeed I am entirely satisfied, that an act of Congress simply adopting the principle of market value of silver as compared to gold, and making the silver a legal tender according to that value, would be unobjectionable and in every way practicable in all great centers of business and in all the marts of trade. All business would readily adjust itself to this standard. But for the people generally, not accustomed to deal in money or to receive or pay it often or in large sums, and who, therefore, would not be well posted as to the market value or the data and modes of ascertaining or calculating the value upon that standard, some frequent and authoritative determination and declaration of such market value of the various silver coins should be made upon which they could rely, and upon which they could make their own calculations. This would involve the necessity of having such authoritative determination and declaration made and published at comparatively short periods to keep up with the fluctuations of the market value. And, as already shown, Congress could not thus determine and declare this by law oftener than once in a year, at the most. But great fluctuations might take place within the year. And to prevent great disturbances and speculations in the money market and great injustice and inequality, especially in the payment of large sums—if silver is to be made a legal tender for all amounts—a more frequent adjustment of the nominal to the real or market value would be required, a sliding scale graduated to much shorter periods than years.

Now, it is the principle I have been endeavoring to explain and the plan or method of carrying it into effect, together with the alterations of the original bill incident to this principle and plan, that constitute the distinctive features of the substitute. I offer this substitute and ask that it may be read as part of my argument, remarking here that the whole principle of the substitute is to be found in the third, fourth, and seventh sections, the others being added only to cover the whole field covered by the bill to which it is a substitute.

The PRESIDENT *pro tempore*. The proposed substitute will be read.

The Chief Clerk read as follows:

That the silver coins of the United States now authorized by law, of the denominations of fifty cents and twenty-five cents, shall be a legal tender at their nominal value for any amount not exceeding $10 in any one payment, and the silver coins of the United States of a less denomination than the foregoing shall be a legal tender at their nominal value for any sum not exceeding $5 in any one payment.

SEC. 2. That there shall be coined at the Mint of the United States a silver dollar of double the weight but of the same fineness and standard as the half dollar now authorized by law, which shall be a legal tender to any amount not exceeding $10 in any one payment.

SEC. 3. That the gold coinage of the United States shall remain, as at present, the standard and measure of values and a legal tender in payment of debts; but from and after the —— day of ——, 1876, the silver coins of the United States, of denominations of not less than twenty-five cents, and silver bullion, in bars duly stamped at the United States Mint, with a stamp showing their weight and fineness as hereinafter provided, together with the trade-dollar now authorized by law, shall be a legal tender in payment of all debts, according to the market value of such silver coins and bullion as compared with such gold standard. And for the purpose of determining and declaring such market value the Secretary of the Treasury, the Treasurer of the United States, and the Director of the Mint are hereby constituted a board to be known as the board of silver valuation of the United States, which shall have the power to determine and declare such relative value.

SEC. 4. That it shall be the duty of the said board, at a period not more than five nor less than two days before the beginning of each succeeding month, to determine and declare such market value and the market value of fine silver per ounce troy in United States gold coin, and thereupon forthwith to cause their determination to be transmitted to every assistant treasurer of the United States and to each collector of customs and of internal revenue, and to be published in at least one of the principal daily papers in the city of Washington for at least three successive days, and a like publication to be made in some daily newspaper, if any, and, if not, then in some triweekly or weekly newspaper, in the principal commercial city of each of the United States and in each of the organized Territories; and said board are authorized to use the telegraph for transmitting such determination, and required to do so when by the due course of mail more than two days would be required for such transmission. And the relative value at which such silver coin and bullion shall be received as such legal tender for the succeeding month, beginning with the first day thereof, shall be the value thus determined and declared. And the publications of such determination, as herein provided for, shall be *prima facie* evidence of such determination and of such value. And such board shall keep a record of all its transactions and determinations; and a certified copy of such record for any month showing such determination, and signed by any member of the board and attested by the seal of the Treasury Department, which said board are hereby required to give upon request, shall be conclusive evidence of such determination and of such value.

SEC. 5. That the Secretary of the Treasury is hereby authorized to exchange any of the silver coins of the United States herein above mentioned at their nominal value for any equal amount of United States notes at their nominal value, which notes shall be retained and canceled, and not again replaced by other notes. And all United States notes redeemed under this act shall be held to be a part of the sinking fund provided for by existing law; the interest to be computed thereon as in the case of bonds redeemed under the act relating to the sinking fund.

SEC. 6. That any owner of silver bullion may deposit the same at the mints, to be taken at its market value, as ascertained and publicly announced from time to time by the said board, to be paid for either in silver dollars or with gold coin or United States notes; or bullion for the coinage of said silver dollars may be procured in the mode provided for as to other silver coins by section 3,526 of the Revised Statutes of the United States.

SEC. 7. That it shall be lawful for the mints at Philadelphia, San Francisco, and Carson, and the United States assay office in New York, to issue to depositors of silver bullion certificates therefor, and which certificates shall be payable at the place of issue to the depositor or his order in fine silver bars, bearing the stamp of the mint or assay office issuing the same, the fineness of the bullion, and its weight in troy ounces; but no certificate shall be issued for less than —— ounces, and any difference or fractions shall be settled for in silver coin, at such rate as may be fixed from time to time by the said board as aforesaid.

Amend the title so as to read as follows: "A bill making silver coin a legal tender in the payment of debts."

Mr. CHRISTIANCY. While satisfied of the correctness of the principle, and that by the proper details and machinery for carrying it into effect it may be made practically effective and beneficial, yet,

not being a practical financier, I submit with some diffidence the plan, and with greater diffidence some details of the plan and machinery necessary to make the principle and plan effectual.

First, as to the composition of the board. More or other officers might be added, and the manner of rendering the determinations public might be changed in any way to make them effectual, and the provisions in reference to evidence might require further consideration.

Second. The substitute is drawn so as to make the silver coin and bullion legal tender in payment of all debts and sums without exception at the gold value. This might be changed if thought advisable, and I am inclined to think it ought to be, so as to except duties on imports and obligations required by law to be paid in gold coin.

Third. The present silver coinage which is all less than $1 might be left out of the bill entirely, and the limitation to $10 or any other small amount to which it should be received as legal tender made applicable to all the silver coins mentioned in the first and second sections, and provision made for issuing pieces of $1 and upward of a higher standard nearer to that of gold, and the principles of this bill made applicable only to these higher denominations. The bullion certificates might also be made a legal tender.

Any or all these alterations might be made without affecting the principle. But if the principle of market value is to be adopted at all, making silver of any kind of coin or silver bullion legal tenders without limitation, then the amount to which the present coinage should be made a legal tender to the nominal value should not, I think, be above $10 instead of $20, as in the bill to which this is offered as a substitute. But if this substitute is not adopted, then, I think, $20 is about the right sum, and I should support that bill.

If there be any serious question whether under this substitute the question of market value would be a judicial question—upon which I here express no opinion—which as between individuals could not be finally decided except judicially, still the principle of the substitute might be made practically just as effectual. It can be applied, and the board may decide as to all debts to or from the Government. National banks may be required to receive it at the market value determined by the board; and in all the Federal courts such determination might be made conclusive as between individuals, unless the party denying or wishing to deny its correctness should make and file with his pleading an affidavit, according to his belief, that such determination is not correct, in which event he should be allowed to contest it, but at his own risk as to costs. And as this question, in any case or in any court, could only arise upon a tender, and the party denying its sufficiency would always do so at the risk of costs, if found against him, the determination of such board would practically control everywhere as to the market value.

Now, I do not claim that the mode of carrying out the principle of market value is at all perfect under this substitute or that it might not be greatly improved. But after much reflection I am satisfied that silver cannot be made a legal tender generally without adopting its market value as compared to the gold standard, and that this can only be done so as to operate well everywhere by some mode of determining the market value at short periods. And I am equally well satisfied that, without availing ourselves of the aid of silver and making it a legal tender at the market value, it is idle to think of resuming specie payments by the time now fixed by law, unless we make provision speedily for redeeming or funding the greenbacks by the issue of 4 per cent. bonds at a long time and low rate of interest, payable either in gold or in silver at the market price as compared with the gold standard, which, in my opinion, would be taken just as readily as if payable in gold only. But I cannot resist the conviction that the best and speediest method of returning to specie payments is to fund and redeem the greenbacks in the mode proposed, at the option of the holder.

It is true that these constitute a non-interest-bearing portion of the public debt; and the desire to save so large an amount of interest seems to have been the great obstacle to the issue of bonds for redeeming them. But, in my opinion, if a proper law for this purpose were passed, it would not be sixty days, and I doubt if it would be thirty days, before these greenbacks would stand at par with gold, or practically so; and their greater convenience for circulation is such that, in my opinion, but a small portion comparatively would be soon presented for redemption, but they would continue to circulate as money; so that bonds would not be required to be issued for more than one-quarter of the amount, or say $120,000,000 to $150,000,000, the annual interest of which at 4 per cent. would be from $4,800,000 to $6,000,000: while the loss to the people of the country, from the uncertainty of their redemption as the law now stands and of the ability as well as the time for resumption, the want of confidence in capitalists, which prevents investment in any great enterprises, and other evils which are obvious and too numerous to mention growing out of the present state of things, is more than $100,000,000 per year. The moment greenbacks are brought up to par or substantially to par with gold, the great work of resumption is nearly completed and confidence will be restored and a comparatively small portion of gold and silver will then be needed; and I cannot avoid the conviction that this session of Congress ought not to be allowed to pass without the passage of such a measure.

And now I will only say in conclusion that I shall not be surprised or at all disappointed if my substitute should be rejected. It may be looked upon as wholly utopian, or Senators may properly think that so novel a principle as that of regulating the value of silver coin by the market value as compared to gold ought not to be adopted without further consideration than can be given it in this debate, or, perhaps, at this session. But I am satisfied the principle is correct, and that without its adoption we cannot return to specie payments without issuing bonds and funding or redeeming the greenbacks.

The PRESIDENT *pro tempore*. The question is on the motion to refer the House joint resolution No. 109, with the amendments of the House of Representatives to the amendments of the Senate, to the Committee on Finance.

The motion was agreed to.

The PRESIDENT *pro tempore*. The question is now on recommitting the bill, (H. R. No. 3398,) with the amendments, to the Committee on Finance.

The motion was agreed to.

The PRESIDENT *pro tempore*. The Chair lays before the Senate a telegraphic communication.

The Chief Clerk read as follows:

NEW YORK, *June 29, 1876.*

The honorable the PRESIDENT OF THE SENATE,
Washington, D. C.:

We are directed by unanimous vote of this board to transmit the following memorial, with the request that the same be immediately presented by you to the honorable body over which you preside, namely:

To the honorable the Senate and House of Representatives of the United States in Congress assembled:

The National Board of Trade of the United States, in session in the city of New York, addresses its memorial to your honorable body earnestly praying that silver coin shall not be made a legal tender for any sum larger than $5.

By unanimous vote of the board this day.

FREDERICK FRALEY,
President National Board of Trade.
CHAS. RANDOLPH, *Secretary.*

The memorial was referred to the Committee on Finance.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. WINDOM. The Committee on Appropriations, to whom was referred the bill (H. R. No. 3749) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1877, and for other purposes, have directed me to report it back with sundry amendments.

MRS. SUSAN E. RHEA.

Mr. STEVENSON. I now ask the indulgence of the Senate to take up House bill 590, which was called up this morning. I move that it be proceeded with.

The motion was agreed to; and the bill (H. R. No. 590) for the relief of Mrs. Susan E. Rhea, widow of Dr. J. Burrows Gardiner, was considered as in Committee of the Whole. It provides for paying to Susan E. Rhea, who is the widow of J. Burrows Gardiner, a surgeon in the navy of Texas at the time of the annexation of that republic to the United States, the compensation which he would have received had he been living at the date of the passage of the act of Congress of March 3, 1857. The acceptance of these provisions is to be a full relinquishment of all claims on the part of Gardiner, or any other person or persons, for further compensation in this behalf from the Government of the United States.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

A. K. EATON AND J. D. JENKINS.

Mr. WRIGHT. I move that the Senate proceed to the consideration of House bill No. 2829, reported by the Senator from Missouri, [Mr. COCKRELL,] from the Committee on Claims, and read here the other day, when the Senator from Kansas [Mr. INGALLS] made an objection. That objection has been withdrawn.

The motion was agreed to; and the bill (H. R. No. 2829) for the relief of Ariel K. Eaton and James D. Jenkins was considered as in Committee of the Whole.

It provides for paying to Ariel K. Eaton, of Osage, Iowa, late receiver of the land office at Decorah and Osage, Iowa, $3,600, on account of money paid out and expended by Eaton, as such receiver, for clerks in his office during the time he was the incumbent thereof, and for paying to James D. Jenkins, of Osage, Iowa, late register of the United States land office at Decorah and Osage, Iowa, $3,600, on account of money paid out and expended by Jenkins, as such register, for clerks in that office during the time he was the incumbent thereof.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

JAMES ALLENDER.

Mr. WRIGHT. By reason of information received this morning, I am requested to move that the bill (H. R. No. 650) for the relief of James Allender, of Preston County, West Virginia, be recommitted to the Committee on Claims.

The motion was agreed to.

JOSEPH WILSON.

Mr. WRIGHT. I move that the Senate proceed to the consideration of House bill No. 2836. The Senator from Missouri [Mr. COCKRELL] reported this bill. It is for the relief of Joseph Wilson, of Bourbon County, Kentucky.

The motion was agreed to; and the bill (H. R. No. 2836) for the re-

lief of Joseph Wilson, of Bourbon County, Kentucky, was considered as in Committee of the Whole. It provides for the payment to Joseph Wilson of $15,300, in full compensation for ninety mules captured from him by rebels at Beltsville, Maryland, in the year 1864, which mules were presented at the picket lines of the defenses around Washington, in part fulfillment of a contract to deliver in that city five hundred mules.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

PORTLAND, DALLES AND SALT LAKE RAILROAD.

Mr. MITCHELL. I move that the Senate proceed to the consideration of the bill (S. No. 783) providing for the extension of the time for completing the survey and location of the Portland, Dalles and Salt Lake Railroad.

The motion was agreed to; and the bill was considered as in Committee of the Whole.

The bill was reported by the Committee on Railroads with an amendment to insert after the word "branches," in line 4, the words:

In accordance with the act approved April 12, 1872.

So as to make the bill read:

That the time for the completion of the survey and location of the Portland, Dalles and Salt Lake Railroad and branches, in accordance with the act approved April 12, 1872, be, and the same is hereby, extended three years from the 14th day of April, 1875.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. HAMLIN, Mr. OGLESBY, and Mr. WINDOM submitted amendments intended to be proposed by them, respectively, to the bill (H. R. No. 3749) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1877, and for other purposes; which were referred to the Committee on Appropriations.

Mr. MORRILL, of Vermont, from the Committee on Public Buildings and Grounds, and Mr. ANTHONY, from the Committee on Printing, reported amendments intended to be proposed to the bill (H. R. No. 3749) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1877, and for other purposes; which were referred to the Committee on Appropriations, and ordered to be printed.

WILLIAM A. LLOYD.

Mr. WRIGHT. I move that the Senate proceed to the consideration of Senate bill No. 784.

The motion was agreed to; and the bill (S. No. 784) for the relief of Enoch Totten, administrator of the estate of William A. Lloyd, deceased, was considered as in Committee of the Whole. It provides for the payment to Enoch Totten, administrator of the estate of William A. Lloyd, deceased, $9,753.32, with interest thereon at the rate of 6 per cent. per annum until paid, in full for the personal services of Lloyd, rendered in pursuance of a contract made with Abraham Lincoln, President of the United States, and extending from July 11, 1861, to June 5, 1865.

The Committee on Claims proposed to amend the bill by striking out $9,753.32 and inserting $6,713.33.

Mr. CAMERON, of Pennsylvania. I should like to know whether there is a report in that case. I should like to know where the claim came from.

Mr. WRIGHT. I can explain without taking up time in reading the report.

Mr. Totten is the administrator of the estate of William A. Lloyd, deceased. Mr. Lloyd was employed by Mr. Lincoln in the early days of the war to go into the rebel lines and act as a detective or scout under a contract for $200 per month—a written contract. He did go into the lines and continued this service until the war closed. His services were recognized repeatedly by the administration. He returned after Mr. Lincoln's death; and the Department declined to take any action on the matter in any way whatever. He brought his suit in the Court of Claims. The Court of Claims determined that the President had no power to make any such contract. It went to the Supreme Court of the United States and they decided that the President had full power to make such contract, but that it was contrary to public policy that a party should be allowed to bring suit upon a contract that was thus secret in its character and nature; and they therefore, without determining against the justice of the claim in any way, decided that he had no right to bring such suit, by reason of the secret character of the contract.

He was paid for his expenses. The Department recognized his services to that extent that they paid for his expenses, but did not pay him under the contract. We allow him according to the terms of his contract up to the time that he returned into our lines, but not for any time after that, and deduct from the amount that he was entitled to by his contract all the money paid him for his expenses. That is the nature of the bill.

Mr. CAMERON, of Pennsylvania. To my mind all such claims are based upon a false foundation. I have always had the impression that a man who will sell himself to go within the lines of an enemy, and be there in a false character, is unworthy of trust. My experience has proved to me that people of that sort cheat both sides. I dare say if Mr. Lincoln employed this man, as the Senator says he did, Mr. Lincoln paid him the compensation which he promised him. I move that the bill be postponed for the present. I am against all this sort of thing.

I may say here that at the beginning of the administration of Mr. Lincoln, when there was talk about employing spies and detectives, I opposed it, and all the time I was connected with the administration I do not think any person of that character was employed. I think the principle is wrong; I believe that any man who suffers himself to be put in such a position as that is unworthy of compensation or trust.

Mr. WRIGHT. I cannot imagine how that can be. The President of the United States desired the services of this man and employed him and sent him, and he did go in pursuance of that employment and did a work that was regarded as very important to the Government. He performed most valuable services, as the testimony tends to show, and they were recognized by the President and by all the Departments of the Government. He returned and was paid for his expenses, but was not paid under his contract. It is simply intended by this bill to pay him according to his contract for the time he was engaged, deducting the expenses that were paid him. I trust there will be no hesitation in passing this bill.

The PRESIDING OFFICER, (Mr. ANTHONY in the chair.) The Senator from Pennsylvania moves that the further consideration of this bill be postponed until to-morrow.

Mr. CAMERON, of Pennsylvania, called for the yeas and nays, and they were ordered.

Mr. WRIGHT. I fear this vote will disclose the want of a quorum, and I do not intend to do anything of that kind. I regret very much that this motion should be made; but I shall not insist on the consideration of the bill at present, though I feel that it is eminently a proper bill.

The PRESIDING OFFICER. The Senator from Iowa consents to the postponement of this bill. Does the Senator from Pennsylvania withdraw the call for the yeas and nays?

Mr. CAMERON, of Pennsylvania. Yes, sir.

Mr. WRIGHT. Just let the bill be laid aside by common consent.

The PRESIDING OFFICER. The bill will be laid aside informally by common consent.

SETTLERS UPON LANDS IN MINNESOTA.

Mr. WINDOM. I move that the Senate proceed to the consideration of Senate bill No. 547.

The motion was agreed to; and the bill (S. No. 547) for the relief of settlers upon certain lands in the State of Minnesota was considered as in Committee of the Whole.

The Committee on Public Lands reported the bill with amendments.

The first amendment was in line 4 of section 1, after the word "have," to insert "prior to the 1st day of May, 1876;" in line 6, before the word "made," to strike out "or" and insert "and;" and after the word "made" to strike out the words "or acquired;" so as to make the section read:

That all persons, citizens of the United States, or who have declared their intentions to become such, and who have, prior to the 1st day of May, 1876, settled upon and made valuable improvements upon any of the lands included in the granted or indemnity limits of any of the extensions or branches of the Saint Paul and Pacific Railroad within the State of Minnesota to which legal title has not been perfected, shall be allowed to enter such lands at the United States land office of the district wherein such lands may be situated in all respects the same as though no grant of said land had ever been made by the United States.

Mr. BOGY. I do not object to the bill; but if these lands have been granted heretofore to any of these railroad companies can we divest them of that right by any legislation here?

Mr. WINDOM. I will say to the Senator that the railroad company has forfeited its right to the lands. It has failed twice.

Mr. BOGY. It may be that the companies have not built their road within the time prescribed by law; but does that forfeiture enable us in law to convey those lands to anybody else?

Mr. WINDOM. We have twice extended the grant and the company has twice forfeited it, so that it has no claim on these forfeited lands.

Mr. BOGY. Unless the forfeiture has been completed either by the action of a court or of the legislative department.

Mr. WINDOM. The Supreme Court has decided that the forfeiture must be declared either by the courts or by Congress. We simply declare it so far as these actual settlers are concerned and not otherwise, simply giving men that are on the lands and have improved them the right of pre-emption.

The amendment was agreed to.

The next amendment was in section 2, to insert before the word "satisfactory" the word "making;" and after "proof" to insert "of settlement and improvement as aforesaid;" and in line 5, after the word "lands," to strike out "with cash or otherwise;" so as to make the section read:

SEC. 2. That the person or persons claiming the benefits of this act shall, upon making satisfactory proof of settlement and improvement as aforesaid to the register and receiver of the land office where such lands are situated, be allowed to enter of such lands, at $1.25 per acre, or under the homestead or pre-emption laws, not to exceed one hundred and sixty acres each, including his, her, or their improvements: *Provided*, That such person or persons shall make application therefor within six months from the passage hereof.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SETTLERS WITHIN NORTHERN PACIFIC RAILROAD LIMITS.

Mr. WINDOM. I move that the Senate proceed to the consideration of another bill for the relief of settlers. I make the request now because I am compelled to be absent on the appropriation bills nearly all the time. I move to proceed to the consideration of House bill No. 2473.

The motion was agreed to; and the bill (H. R. No. 2473) to authorize claimants upon even-numbered sections of land within the twenty-mile limits of the Northern Pacific Railroad to make proof and payment for their claims at the ordinary minimum rate of $1.25 per acre was considered as in Committee of the Whole.

The Committee on Public Lands proposed to amend the bill by striking out in lines 4, 5, and 6 the words:

According to its preliminary location, but not within the twenty-mile limit as definitely located.

So as to make the bill read:

That claimants upon even-numbered sections within the twenty-mile limits of the Northern Pacific Railroad shall be entitled to make proof and payment upon their claims at the ordinary minimum rate of $1.25 per acre where settlement was made in good faith prior to the definite location of said railroad, upon making proper proof of settlement, cultivation, and occupation, as required by existing law.

The amendment was agreed to.

Mr. WINDOM. If any gentleman desires, I will make a brief explanation.

Mr. EDMUNDS. It ought to be explained.

Mr. WINDOM. Originally the line of the Northern Pacific Railroad in the State of Minnesota was located some forty miles from where it now is. During the time that it was located at this point settlers went upon the lands some forty miles south of it, not then included within the limits, and made their improvements. Afterward the line was shifted to them, and this bill provides that those men who settled upon the lands and made their improvements prior to the location of the road shall be permitted to take them at a dollar and a quarter an acre. That is all there is of it.

Mr. DAWES. How about the railroad? They have a limit of two dollars and a half and they sell their lands at two dollars and a half, and settlers can go beside them at a dollar and a quarter under this bill.

Mr. WINDOM. The railroad company may sell its lands for what it pleases. This bill only applies to settlers who settled on the lands before the line was located.

Mr. EDMUNDS. How did they locate? In a way the law entitled them to locate?

Mr. WINDOM. They settled on the lands and made improvements.

Mr. EDMUNDS. How did they settle? As pre-emptors?

Mr. WINDOM. As pre-emptors.

Mr. EDMUNDS. If they made their pre-emption entries before the line of the road was located——

Mr. WINDOM. They may not have made the entries; they may have been behind with their filing; but they were living on the lands, and the question is whether, the road having shifted, they should have the price of their lands increased? Having settled on lands supposed to be open to pre-emption at the time at the regular price, why should that price be raised on them?

Mr. EDMUNDS. I concede the force of what the Senator from Minnesota says; but the difficulty into which we are to be led is this: The railroad company will come back and say to us, "Here you gave us a definite charter with definite rights, and one of those rights was that within twenty miles of the line that should be located the United States would not sell any lands at less than two dollars and a half an acre as the minimum; now you have gone and changed your law, and allowed settlers to locate and settle at a dollar and a quarter, and have thereby underbid us and put our lands out of the market in respect of our capacity to dispose of them;" and thereupon they will ask us to make it good.

Mr. WINDOM. They would hardly do that; but I will ask the Senator whether that is not substantially answered by the fact that these men were upon the lands, and had made their claims before the road was located? Certainly the railroad could have no complaint to make if it located its line on lands already occupied by settlers. This bill does not apply generally, but only to the few settlers who had gone and made their claims before the location of the railroad.

Mr. EDMUNDS. That would be perfectly true if these people had made their entries at a dollar and a quarter according to law; but the rights of the Northern Pacific Railroad Company were determined according to the law as it stood when they made the definite location—I believe that is the term—of the line of their road. As the law then stood, people who were on these public lands, and who had not conformed to the law, but were mere squatters, had not any rights according to the decisions of the courts or according to justice and law. That is to say, if they claim anything under the Government they must conform to the laws of the Government in making the claim. That we all agree to. That being the case, this company will turn around upon us and say, "You have in violation of our charter proceeded to sell your lands and allowed them to be entered at a less price than you had fixed in the charter as the minimum which covers these very laws, and therefore you must make good to us the loss we have sustained because you have underbid us." It may be perfectly fair and right toward the settlers; it may be morally just toward the company; but, knowing from some observation the notions of railroad companies in general, I venture to prophesy that if this bill passes we shall have a claim of that character. That is all I have to say.

Mr. WINDOM. I think such a technical claim as that made by a railroad company would not receive much consideration. I will agree to pay myself all the claim they make on that consideration. The bill is to remove only what is really a hardship to the settlers.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

REDEMPTION OF UNUSED STAMPS.

Mr. CONKLING. I move to take up House bill No. 1100, which I think will take but a moment. It provides for the return to the Treasury of unused stamps. It was reported by my colleague from the Committee on Finance some time ago as the unanimous report of that committee, and is accompanied by a letter from the Commissioner of Internal Revenue, who will explain it in a moment if any Senator thinks it needs explanation.

The motion was agreed to; and the bill (H. R. No. 1100) relative to the redemption of unused stamps was considered as in Committee of the Whole. It repeals the fourteenth section of the act of February 8, 1875, entitled "An act to amend existing customs and internal-revenue laws, and for other purposes," and allows all unused stamps to be redeemed when properly presented, as was done prior to the passage of the aforesaid act. But hereafter no allowance is to be made for documentary stamps, except those of the denomination of two cents, which, when presented to the Commissioner of Internal Revenue, are not found to be in the same condition as when issued by the Internal-Revenue Department, or, if so required by the Commissioner, when the person presenting the same cannot satisfactorily trace the history thereof from their issue to their presentation.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

TREADWELL S. AYRES.

Mr. MITCHELL. I move that the Senate proceed to the consideration of Senate bill 810.

The motion was agreed to; and the bill (S. No. 810) for the relief of Treadwell S. Ayres, of Memphis, Tennessee, was read the second time and considered as in Committee of the Whole. It provides for the payment of $2,500 in full compensation for Ayres's building in Memphis occupied by the United States military authorities in that city, under contract made with competent military authorities during the late war to pay rent for the occupation of such building, upon his executing a bond of indemnity to the United States, with sureties satisfactory to the Secretary of the Treasury, against the claim of any other parties for compensation.

Mr. SHERMAN. Let the report in that case be read.

The PRESIDING OFFICER. There seems to be no report accompanying the bill.

Mr. MITCHELL. There was a report made at the last session, which was agreed to by the committee.

The PRESIDING OFFICER. The report has been sent for.

JOSEPH W. PARISH.

Mr. WRIGHT. While that report is being found, I ask that the Senate proceed to the consideration of Senate bill 830.

There being no objection, the bill (S. No. 830) for the relief of Joseph W. Parish was considered as in Committee of the Whole.

The Committee on Claims proposed to amend the bill by striking out the words:

And interest thereon at 6 per cent. per annum from the 22d day of July, in the year 1865, to the date of payment under this act.

And also by striking out the words "day aforesaid" and inserting "22d day of July, in the year 1865;" so as to make the bill read:

That the Secretary of the Treasury be, and he hereby is, directed to pay to Joseph W. Parish, out of any money in the Treasury not otherwise appropriated, $4,220, in full for that amount paid over by him in cash to the Commissary Department of the Army, on the 22d day of July, in the year 1865.

Mr. WRIGHT. There is a report; but I can make a statement of the case in very few words. Mr. Parish had a large contract for furnishing ice to the medical department at New Orleans. He was in Saint Louis. Another party had a contract for furnishing pork at Louisville. The quartermaster at Louisville, learning that Mr. Parish was in Saint Louis, sent an order there for his arrest, claiming that he was in some manner connected with the contract in Louisville. He being engaged in performing his contract for delivering ice, it being a matter of vital importance to him that he should give every hour's attention, and one day's delay being very prejudicial to him, the quartermaster making a claim of $4,800, he paid the money under protest. It was subsequently ascertained that he had nothing whatever to do with the Louisville contract; that he was not in any manner a party to it. The object of this bill is to repay him the money thus paid by him, and exacted from him because of his connection

with this ice contract. At that time to leave Saint Louis and go to Louisville for the purpose of defense would have been prejudicial to him to a very large amount. That is the case.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

TREADWELL S. AYRES.

The PRESIDENT *pro tempore*. The bill called up by the Senator from Oregon will now be considered.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 810) for the relief of Treadwell S. Ayers.

Mr. CAMERON, of Pennsylvania. As the report has not been found, I ask that the Senate go into executive session for a few moments to take up a matter of some immediate importance. It will not require more than ten or fifteen minutes.

Mr. MITCHELL. Will not the Senator from Pennsylvania allow the bill that is up to be disposed of?

Mr. CAMERON, of Pennsylvania. We have not got the report.

Mr. MITCHELL. The report is here.

Mr. CAMERON, of Pennsylvania. Then I withdraw the motion for the present.

Mr. SHERMAN. Let the report be read.

The Chief Clerk read the following report, submitted by Mr. J. T. HARRIS, from the Committee on War Claims, in the House of Representatives, on the 2d of May, 1874:

The Committee on War Claims, to whom was referred the bill (H. R. No. 2891) for the relief of Treadwell S. Ayres, of Memphis, Tennessee, having considered the same, report:

That the said Ayres was, in January, 1864, and for some time previous, the owner of a certain building or block of buildings in the city of Memphis, Tennessee, on Second street, of said city, seventy-four feet front, one hundred and forty-eight feet deep, four stories high, with an iron front, valued at about $100,000, built in the year 1860, and known as Ayres's building; that on or about the 6th of January, 1863, Captain A. R. Eddy, assistant quartermaster, United States Army, who was then on duty at Memphis, and properly charged with the duty of furnishing quarters and offices for the various Army officers on duty at that point, by his agent and clerk in charge of the rental department of the quartermaster's department at Memphis, contracted with the said Ayres for the rental of such rooms in the said Ayres's building as might be required for the use of the pay and other departments of the United States Army at Memphis, for such length of time as might be desired, agreeing to pay therefor such rent as might be reasonable and just.

It appears that nineteen rooms of said building were used by the pay department and for courts-martial, and claim is made for compensation, as follows:

THE UNITED STATES OF AMERICA TO T. S. AYRES,	DR.
To rent of rooms in Ayres's building, Memphis, for use of United States Pay Department and courts-martial from 6th January, 1863, to 14th February, 1865:	
Rooms Nos. 1, 2, 3, 4, 5, 6, offices, second story, twenty-five months, at $30 per month each	$4,500 00
Rooms Nos. 7 and 8, offices, second story, from 15th January, 1863, to 15th February, 1864, thirteen months, at $30 per month each	780 00
Rooms Nos. 9 and 10, second story, offices, from January 6, 1863, to April 10, 1863, three months, at $30 per month each	180 00
Rooms Nos. 13, 14, 15, 16, third story, from January, 1863, to 14th February, 1865, twenty-five months, at $15 per month each	1,500 00
Rooms Nos. 17, 18, 19, third story, from January 6, 1863, to 15th February, 1864, thirteen months, at $15 per month each	385 00
Rooms Nos. 11, 12, nine months, at $15 per month	270 00
	7,815 00

T. S. AYRES.

Your committee find that this claim was presented to the Quartermaster-General, who reported against it solely on the ground that "Memphis was a hostile city captured from the enemy, and it and everything in it became prize of war," without the slightest regard to the fact that Memphis was within the lines of the Federal forces when the property of Mr. Ayres was taken under a contract. It was then presented to the Court of Claims, which decided (vol. 3, page 1)—

First. That the ownership of the property was in the claimant, and that the rent claimed for the time of its occupancy was just and reasonable;

Second. That the loyalty of the claimant was fully established;

Third. That the taking was an appropriation of property by the Army; and

Fourth. That the court was excluded from adjudicating upon it by the express terms of the act of July 4, 1864.

The case was then withdrawn from the Court of Claims and presented to the proper accounting officer of the Treasury Department, to wit, the Third Auditor, who referred it to the Quartermaster-General for certification of the facts, as is the practice in such cases. The report of the Quartermaster-General was made July 20, 1870, who, though he did not deny the facts as set forth by the claimant, reported adversely to the allowance of the claim on the ground that "rent is not a quartermaster's store."

Your committee are clearly of opinion that there was an implied contract between Captain Eddy and the claimant for the payment of rent for the occupation of the building, and that the decision of the Supreme Court in the case of United States *vs.* Anderson, 9 Wallace, page 56, covers this case, as Memphis was within the lines of the Federal forces when this property was taken. As to the question of contract the following testimony is given, taken before the Court of Claims:

"My name is Edward R Hill. I am, by occupation, book-keeper. I am forty-five years of age. I am a resident of Memphis and have been for the past seven years. I have no interest, direct or indirect, in the claim which is the subject of inquiry.

"I know the claimant in the above-entitled cause, and I am in no degree related to him. I state further that on the 6th day of January, A. D. 1863, and prior to that date, I was engaged and employed in the Quartermaster's Department of the United States Army, stationed at Memphis, Tennessee, and especially in what was called the rental department, under the direction and control of Captain A. R. Eddy, acting as United States quartermaster, &c.; that, on the 5th or 6th day of January, 1863, certain officers of the Army of the United States Pay Department, Majors Judd, Brown, Farrish, Gould, Osgood, and others, with clerks and guards, arrived in Memphis, and applied to Captain A. R. Eddy, acting quartermaster, for rooms or offices in which they could proceed to pay off the troops of the United States Army in and about Memphis, &c., when said Captain A. R. Eddy directed me to find suitable rooms for said offices. I, under the direction and authority of Captain A. R. Eddy, acting quartermaster, applied to T. S. Ayres, owner of the Ayres building, on Second street, Memphis, for the offices in his said building for the officers of the Pay Department, when said T. S. Ayres fully and freely agreed that the rooms or offices in said building should be so used and occupied by the officers of the United States Army, and on the 6th day of January, A. D. 1863, the said officers were placed in possession of the said offices by me and said T. S. Ayres, who furnished the keys of the several rooms and had them placed in order.

"I further state that said T. S. Ayres has been a citizen of Memphis, Tennessee, for the last twenty years; never engaged in rebellion, and has always been loyal to the Government of the United States; was then, and always has been, at his home in Memphis; never went beyond the lines of the military occupation of the United States Army, or abandoned his property, but was then in actual possession of the same as owner.

"And I stated to said Ayres, when I applied for said offices, that he would be paid rent for the same, and under my said promise and assurance as to rent he consented to the use thereof, and gave me possession of the same; and said officers were placed in possession on the 6th day of January, 1863; and said offices were used and occupied by officers of Pay Department and courts-martial from that time until the 14th of February, 1865.

"I further state that on the 12th day of January, 1863, after said offices were occupied by the Pay Department, and while they were in possession, certain officers of the Medical Department, surgeons of the United States Army, were about to select the said Ayres building for a hospital, when Major-General U. S. Grant, then in command at Memphis, at the instance and on application of the officers of the Pay Department, made an order directing Major E. D Judd, senior paymaster, to occupy the offices or rooms in Ayres building for Pay Department, &c. This order was made to prevent the use of same as a hospital, and to continue the officers of the Pay Department in possession.

"Said property, Ayres building, was never abandoned by the owner, or confiscated, or taken up by the rental department.

"I can state further that it was fully understood between Mr. Ayres and myself that he was to receive rent for his rooms or offices. It was merely accommodation on the part of Mr. Ayres in giving up the rooms."

Your committee are clearly of opinion that the claimant is legally and equitably entitled to compensation for the property so taken and used, and accordingly report the accompanying bill, paying for rooms 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10, at the rate of $20 per month, and for rooms 11, 12, 13, 14, 15, 16, 17, 18, and 19 at the rate of $15 per month, in all amounting to the sum of $5,995, and recommend its passage.

Mr. LOGAN. I should like to ask the Senator who reported the bill where that evidence was taken, whether before a court or *ex parte*?

Mr. MITCHELL. The Senator from New Hampshire, [Mr. WADLEIGH,] who reported the bill, is not present. I reported it at the last session of Congress.

Mr. KEY. The report states that the testimony was taken before the Court of Claims.

Mr. MITCHELL. We do not allow as much as was originally proposed.

Mr. LOGAN. How much is allowed?

Mr. MITCHELL. Twenty-five hundred dollars.

Mr. LOGAN. Was the case ever before the Court of Claims?

Mr. EDMUNDS. Yes; and they rejected it.

Mr. MITCHELL. Rejected it for want of proof of loyalty.

Mr. LOGAN. I object to the consideration of the bill.

Mr. MITCHELL. The Senator from Illinois cannot object, I suppose, to the consideration of the bill. The bill is up; has been taken up by a vote. I will say, however, that if there is objection, and it is likely to lead to discussion, I have no disposition, in the absence of the Senator from New Hampshire, to press the bill now, and will consent that it shall go over.

Mr. LOGAN. I do not make any objection, I will say to the Senator, for the purpose of making opposition to the bill, but for the purpose of having an opportunity of ascertaining something about it. I know Captain Eddy very well, and it strikes me as very strange that he has not appeared in this case. I know about the time mentioned there and about that community. I happened to be there about that time myself. If a proper rental was agreed to be paid, I have no objection to it; but I should like to know something about it. I do not know that I shall make any opposition to it, but I should like to have an opportunity of ascertaining the facts.

Mr. MITCHELL. I also am acquainted with Captain Eddy and know him very well. I desire to state before the bill goes over that the bill has been thoroughly considered by the Committee on Claims, both at the last session of Congress and at the present session.

Mr. EDMUNDS. Why was not Eddy examined as a witness?

Mr. MITCHELL. From the simple fact that it was not necessary, because the evidence is conclusive that this arrangement was made between Ayres and officers of the Government. I am not certain but that Eddy's testimony is on file.

Mr. EDMUNDS. That may be, but it has not been read.

Mr. MITCHELL. I will say to the Senator from Vermont that I am sure he will be satisfied, if he examines the testimony in the case, that there was a contract between the Government, through its officers, and Mr. Ayres for the use of these buildings, with the exception of the price; there was no contract as to the price.

Mr. EDMUNDS. Has this man ever been before the southern claims commission?

Mr. MITCHELL. I do not remember as to that.

Mr. EDMUNDS. That would be worth knowing.

Mr. MITCHELL. As I say, if it leads to discussion the matter can go over.

The PRESIDING OFFICER. The bill will be postponed for the present, if there be no objection.

LEAVE OF ABSENCE OF ARMY OFFICERS.

Mr. LOGAN. I desire to call up a bill that I know will take but a moment, and will certainly lead to no discussion. It is House bill No. 1692. I move to take it up for consideration.

The motion was agreed to; and the bill (H. R. No. 1692) to amend

an act approved May 8, 1874, in regard to leave of absence of Army officers, was considered as in Committee of the Whole. It proposes to amend the act approved May 8, 1874, in regard to leave of absence of Army officers, so that all officers on duty shall be allowed sixty days' leave of absence without deduction of pay or allowance, if the same be taken once in two years; and that the leave of absence may be extended to three months if taken once only in three years, or four months if taken only once in four years.

The Committee on Military Affairs proposed to amend the bill in line 6, after the word "allowed," by inserting "in the discretion of the Secretary of War."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

PUBLIC BUILDING AT LITTLE ROCK.

Mr. DORSEY. I move to proceed to the consideration of Senate bill No. 297. It is simply to raise the limitation on the cost of the post-office and court-house at Little Rock, Arkansas. It will take but a moment, I am sure.

The motion was agreed to; and the bill (S. No. 297) appropriating money to erect a building at Little Rock, Arkansas, was considered as in Committee of the Whole.

The Committee on Public Buildings and Grounds reported an amendment to strike out all after the enacting clause of the bill, and in lieu thereof to insert:

That the act of Congress approved June 7, 1872, entitled "An act to provide for a building for the use of the Federal courts, post-office, internal-revenue, and other civil offices in the city of Little Rock, Arkansas," be, and hereby is, amended by fixing the limit of expenditure authorized for the site and full completion of said building at $250,000.

Mr. DORSEY. The bill, as amended, makes no appropriation whatever. It simply limits the amount that may be expended when the appropriation shall be made.

Mr. MORRILL, of Vermont. I will say that the bill was reported by the Committee on Public Buildings and Grounds after the receipt from the Secretary of the Treasury of information that the original limitation was too small for a building at that place, and also a communication from the Supervising Architect of the Treasury. This bill, as stated by the Senator from Arkansas, appropriates no money, but merely changes the limitation to a larger sum.

Mr. EDMUNDS. What was the old limitation?

Mr. MORRILL, of Vermont. One hundred thousand dollars. This is $250,000.

Mr. EDMUNDS. That is very moderate! It more than doubles it!

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. CLAYTON. I suggest that the title ought to be changed.

Mr. DORSEY. I move that the title be made to conform with the text of the bill, so as to read: "A bill fixing the limit of expenditure for the erection of a public building at Little Rock, Arkansas."

The amendment was agreed to.

COUNTERFEITING OF COIN.

Mr. EDMUNDS. I move that the Senate proceed to the consideration of the bill (S. No. 739) to amend the Revised Statutes relating to counterfeiting. I make this motion because through an accident the law about counterfeiting the coin and currency of the United States has got into rather a dilapidated condition, and it is very important to pass the bill. I have no doubt it will occasion no debate and can pass in a moment.

The motion was agreed to; and the bill (S. No. 739) to amend section 5457 of the Revised Statutes of the United States, relating to counterfeiting coin, was considered as in Committee of the Whole.

The Committee on the Judiciary proposed to strike out all after the enacting clause of the bill, and in lieu thereof to insert:

That section 5457 of the Revised Statutes of the United States be, and the same is hereby, amended so as to read as follows:

"Every person who falsely makes, forges, or counterfeits, or causes or procures to be falsely made, forged, or counterfeited, or willingly aids or assists in falsely making, forging, or counterfeiting, any coin or bars in resemblance or similitude of the gold or silver coins or bars which have been, or hereafter may be, coined or stamped at the mints and assay offices of the United States, or in resemblance or similitude of any foreign gold or silver coin which by law is, or hereafter may be, current in the United States or are in actual use and circulation as money within the United States, or who passes, utters, publishes, or sells, or attempts to pass, utter, publish, or sell, or bring into the United States from any foreign place, knowing the same to be false, forged, or counterfeit, with intent to defraud any body, politic or corporate, or any other person or persons whatsoever, or has in his possession any such false, forged, or counterfeited coin or bars, knowing the same to be false, forged, or counterfeited, with intent to defraud any body, politic or corporate, or any other person or persons whatsoever, shall be punished by a fine of not more than $5,000 and by imprisonment at hard labor not more than ten years.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

Mr. EDMUNDS. I ought to explain in a single word that by an accident, as the law now stands, we have got it into such a shape that a district attorney of the United States who seizes counterfeit money is liable to indictment under the statutes of the United States, having it in his possession a single moment, although he seizes it for the purpose of prosecuting the offender; and this is to correct that misfortune.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to amend section 5457 of the Revised Statutes of the United States, relating to counterfeiting."

W. H. WOODWARD.

Mr. MAXEY. I move to take up Senate bill 845. The bill is reported favorably by the Committee on Claims.

Mr. CAMERON, of Pennsylvania. I move that the Senate proceed to the consideration of executive business.

Mr. MAXEY. This bill will take but a moment. It is regularly reported favorably.

Mr. CAMERON, of Pennsylvania. I am very sorry to interfere with any of the Senators, but there is important business which I want to lay before the Senate in executive session.

The PRESIDING OFFICER. The motion of the Senator from Pennsylvania takes precedence, being a privileged motion.

Mr. OGLESBY. I hope the Senate will not go into executive session.

Mr. CAMERON, of Pennsylvania. No debate.

The PRESIDING OFFICER. The motion is not debatable.

The motion was not agreed to.

The PRESIDING OFFICER. The question is on the motion of the Senator from Texas.

Mr. MAXEY. The bill was regularly submitted to the Committee on Claims and reported favorably.

The motion was agreed to; and the bill (S. No. 845) for the relief of W. H. Woodward, of Indianola, Texas, was considered as in Committee of the Whole. It provides for the payment to Woodward, without interest, of $588, the amount due him on account of property rented from him by the United States military authorities.

Mr. EDMUNDS. I should like to hear the report read in that case.

Mr. COCKRELL. I can state the substance of the report in a moment to the Senator from Vermont, or the report itself can be read very soon. The claim is simply for the rent of property in 1865 and 1866, after the close of the war, under a contract, for which a regular voucher was given.

Mr. EDMUNDS. Why did he not get his pay at the Department in the ordinary way?

Mr. COCKRELL. It was not good on account of the law passed in 1867 prohibiting any payment to persons in the insurrectionary States.

Mr. EDMUNDS. Let us hear the report read.

The Secretary read the following report, submitted by Mr. COCKRELL, from the Committee on Claims, on the 31st of May:

The Committee on Claims, to whom was referred the bill for the relief of W. H. Woodward, with the accompanying papers, have had the same under consideration, and submit the following report:

Senate bill No. 845, for the relief of W. H. Woodward, of Indianola, Texas, directs the Secretary of the Treasury to pay to the said Woodward, without interest, $588, on account of property rented from him by the United States military authorities.

Your committee find that Lieutenant J. B. Topping acting assistant quartermaster, United States Army, rented from W. H. Woodward two buildings in Indianola, Texas, as quartermaster's store-houses, one of the said buildings at the rate of $30 per month from August 1, 1865, until September 18, 1865, inclusive, and the other at the rate of $60 per month from July 26, 1865, until October 31, 1865, inclusive, and that he gave duplicate vouchers to the said Woodward, properly approved, for the said rent, as follows:

Duplicate vouchers for rent from August 1, 1865, to August 31, 1865	$30
Duplicate vouchers for rent from September 1, 1865, to September 18, 1865	18
Duplicate vouchers for rent from July 26, 1865, to August 31, 1865	70
Duplicate vouchers for rent from September 1, 1865, to October 31, 1865	120

the said vouchers amounting to $238.50, and being on file in the Office of the Third Auditor of the Treasury, certified copies of which have been furnished by the Auditor, and accompany this report.

Your committee further find that Captain and Brevet Major E. J. Smith, assistant quartermaster, United States Army, rented from the said Woodward, under contract, at the same place, one building for the storage of ordnance stores, at the rate of $50 per month, from September 1, 1865, until March 31, 1866, at which time the said building was discharged, and that he gave to the said Woodward a certificate for the said rent, a copy of which accompanies this report.

Your committee further find that application for payment of the said rents was made as early as September 27, 1866, but was denied, for the reason that rent arising in the State of Texas previous to the proclamation of the President of August 25, 1866, could not be favorably considered, and that for this reason, namely, that the rent accrued prior to August 20, 1866, payment thereof has since been refused.

Your committee addressed the Quartermaster-General and the Third Auditor, and received the following:

QUARTERMASTER-GENERAL'S OFFICE,
Washington, May 6, 1876.

Respectfully returned to Hon. F. M. COCKRELL, Committee on Military Affairs, United States Senate, Washington, District of Columbia. "Officers' reports of persons and articles" cover only persons employed and property hired or rented by the Quartermaster's Department. It appears from Major E. J. Smith's (forms) report of persons, &c., on file in this Office, that the property mentioned in the inclosed certificate was rented by him from W. H. Woodward; was occupied for the storage of ordnance stores from September 1, 1865, to March 31, 1866, on which day it was discharged; rate of rent, $50 per month. His report does not show any payment therefor, but his money accounts, on file at the Treasury, might possibly throw additional light on the subject.

M. C. MEIGS,
Quartermaster-General, Brevet Major-General, U. S. A.

THIRD AUDITOR'S OFFICE,
May 12, 1876.

The possession by claimant of the duplicate vouchers, which he presented with his claim, raises a strong presumption that the amounts represented by them have not been paid, for if any quartermaster had made payment he would have taken up the vouchers, with Mr. Woodward's receipt thereon, and filed them in his quartermaster accounts as his vouchers for the disbursement. I cannot state absolutely that payment has not been made, for cases have been known when, by mistake or fraud on the part of the quartermaster, a claimant has obtained two sets of vouchers and has procured payment on each. Captain E. J. Smith, assistant quartermaster, was the officer who should have made the payments, if any, but his accounts show no credits for such payments.

HORACE AUSTIN, *Auditor.*

Your committee, believing that there is no legal or equitable objection to the payment of the claim, and that the same is a just and honest obligation of the Government, recommend the passage of the bill, herewith returned. There was a contract; the rent was fixed by this contract; under the contract the property was occupied, and the claimant is entitled to the rent agreed upon.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

EXECUTIVE SESSION.

Mr. HITCHCOCK. I move to proceed to the consideration of House bill No. 3670, reported last Monday from the Committee on Railroads.

Mr. CAMERON. Before any other bill is taken up, I move to proceed to the consideration of executive business.

Mr. HITCHCOCK. I hope I shall be allowed to get this bill passed.

Mr. CAMERON, of Pennsylvania. I commenced an hour and a half ago and I am no nearer my object yet. I promise that the business will not occupy ten minutes, and we shall return immediately to open business.

Mr. PADDOCK. I hope the motion will not prevail at present.

The PRESIDING OFFICER. The motion is not debatable.

Mr. HITCHCOCK. This bill will take but a single moment; it is a local matter.

Mr. MORRILL, of Maine. I wish to be allowed to make a single remark, and that is that I have no objection if there is a desire to go into executive session at this moment, provided there can be an understanding that after that session we shall come back into legislative session, for I desire to present a resolution that I think the Senate will entertain and which ought to be considered, if at all, at this time.

The PRESIDING OFFICER. The question is on the motion of the Senator from Pennsylvania, that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After ten minutes spent in executive session the doors were re-opened.

NAVAL APPROPRIATION BILL.

Mr. SARGENT submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 3375) making appropriations for the naval service for the year ending June 30, 1877, and for other purposes, having met, after full and free conference have agreed to recommend, and do recommend, to their respective Houses, as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 3, 5, 8, 10, 11, and 13, and agree to the same.

That the Senate recede from its amendments numbered 1, 2, 4, 6, 7, and 14.

That the House recede from its disagreement to the Senate amendment numbered 9, and agree to the same, with an amendment, as follows: Strike out the words "two million" and insert in lieu thereof "one million seven hundred and fifty thousand," and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment, as follows: Strike out of said amendment the words "one million" and insert in lieu thereof "nine hundred and forty-two thousand five hundred," and the Senate agree to the same.

A. A. SARGENT,
A. H. CRAGIN,
R. E. WITHERS,
Managers on the part of the Senate.

JAS. H BLOUNT,
FRANK JONES,
EUGENE HALE,
Managers on the part of the House.

Mr. SARGENT. Unless some Senator desires a detailed explanation——

Mr. LOGAN. I do.

Mr. CONKLING. Will the Senator indicate what the amendments are?

Mr. SARGENT. The important disagreements between the House and Senate were upon the first item, which was for the pay of the Navy, upon the appropriations for the Bureaus of Construction and Steam Engineering. There were some other amendments, one of a legislative character. The Senate adopted a legislative provision in regard to the employment of force at the navy-yards. The House accept the legislative provision in the Senate amendments in reference to that matter.

With regard to the pay of the Navy, it was urged by the House conferees that on consultation with the officers of the Navy Department it was believed that by a very rigid enforcement of a somewhat disused power on the part of the Secretary of the Navy to furlough officers instead of having them under the heads of "other duty" or "waiting orders" a very considerable reduction could be made, they believing as much reduction as was made in the House bill. The Senate conferees, on consideration, determined that they would try the effect of this reform, if it may be so called, in the administration of naval affairs, and give the Secretary of the Navy the disagreeable duty of putting officers upon furlough where they could be spared from the actual needs of the service; at the same time saying that if it should be found by experiment that it was impossible to get though the fiscal year, we at another session of Congress would perhaps make it right.

Upon the item of construction the House met us half way, we agreeing to an amount of $250,000 over the House bill. Upon the question of engineering they also met us half way, agreeing to an addition of between $50,000 and $60,000. Some items the Senate recede from, as for instance "for the civil service at all the navy-yards," which was fixed at $85,000 in the House bill and raised by the Senate to $100,000, we receded and reduced it to $85,000. We also receded from the amendment increasing the appropriation for the Bureau of Equipment and Recruiting and the Bureau of Yards and Docks.

With reference to the item closing for the present year the hospitals at Annapolis and Washington, an agreement was arrived at by striking out the words closing them without making any addition to the appropriation, so that if they are kept open it will not be at any greater cost, and the Department will be put to its discretion whether they shall be opened or closed.

These are the features of the bill. It is a very fair concession on both sides, and I should like to say, if it would be possible for me to say so, that the conferees on the part of the House evinced a very reasonable and kind disposition, and I am very well satisfied indeed with the result of the conference.

Mr. EDMUNDS. What became of the proposition respecting the employment of force in the navy-yards?

Mr. SARGENT. The amendment drawn by the Senator from Vermont [Mr. EDMUNDS] and modified on the suggestion of the Senator from Ohio [Mr. THURMAN] and adopted by the Senate is accepted by the conferees, and stands in the bill in lieu of the House provision.

The report was concurred in.

BRIDGE AT NEBRASKA CITY.

On motion of Mr. HITCHCOCK, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 3670) authorizing the Nebraska City Bridge Company to construct a ponton-railway bridge across the Missouri River at Nebraska City, in Otoe County, Nebraska.

Mr. BOGY. I ask the Secretary to read again the first and second sections of the bill.

The sections were read.

Mr. DAWES. I should like to hear read the provision in reference to altering or amending the law.

The Chief Clerk read section 3.

Mr. DAWES. I suggest to the Senator from Nebraska to put in the word "repeal;" so as to read:

Alter, amend, or repeal.

Mr. HITCHCOCK. I have no objection to that that I know of, except that it involves returning the bill to the House.

Mr. PADDOCK. I hope the Senator from Massachusetts will not insist on the amendment.

Mr. DAWES. I suppose the effect of the words in the bill is substantially that, but it would be better to say it in so many words.

Mr. HITCHCOCK. This is a House bill, and if we amend it, it will have to be returned to the House.

Mr. DAWES. I do not care to have it go back to the House.

Mr. PADDOCK. It does not seem to be essential to have any such clause in.

The bill was reported to the Senate without amendment.

Mr. CONKLING. May I inquire from what committee this bill was reported?

Mr. HITCHCOCK. The Committee on Railroads.

Mr. CONKLING. I do not make any objection to that, although if we could ascertain the number of committees who have charge of bills for bridging streams I think it would be a useful fact to chronicle in the history of the Senate.

Mr. PADDOCK. I should like to state that I introduced a similar bill some time since, which was referred, as I supposed, to the Committee on Commerce, but afterward I learned that that bill had gone to the Committee on Railroads; and so when this bill came from the House, which was almost the same as the one I had introduced before, I agreed with my colleague that this bill also could go to the Committee on Railroads; and so it took that direction.

Mr. CONKLING. The Senator does not mean that the other bill referred to went to the Committee on Railroads?

Mr. PADDOCK. I was so informed by my colleague.

Mr. HITCHCOCK. This is similar to one or two bills that have passed the Senate at this session.

Mr. BOGY. A bill passed a short time ago authorizing the building of a ponton-bridge at La Crosse, on the Mississippi River, which is precisely the same. My constituents have large interests in the navigation of the Mississippi River, and I took great pains to examine that bill, and I think it is well guarded in every way.

Mr. CONKLING. I do not wish to be understood as objecting to the bill. I make no objection. I was simply moved by curiosity to know from what committee it came.

Mr. BOGY. I know that I have no immediate interest in the bill; but I think it is very guarded and there can be no sort of objection to it.

The bill was ordered to a third reading, read the third time, and passed.

TEMPORARY CONTINUANCE OF APPROPRIATIONS.

Mr. MORRILL, of Maine. The Committee on Appropriations, to whom was referred the message of the President, communicating the draught of a joint resolution for defraying temporarily the ordinary and necessary expenses of the public service, have had the same under consideration, and instructed me to report it back, with some amendments, and to ask for its present consideration.

The joint resolution (S. R. No. 18) to provide for defraying temporarily the ordinary and necessary expenses of the public service was read for information, as follows:

Whereas the ordinary and necessary expenses of the public service in its various branches, comprising among others the expenses which especially pertain to the legislative, executive and judicial departments of the Government, to the consular and diplomatic service, to the postal service, to the support of the Army and to the maintenance of the Navy, are generally met by annual appropriations which expire at the end of the current fiscal year; and whereas no public funds will be available to defray these expenses as the same shall accrue after that period unless appropriations shall have been previously made therefor by law; and whereas to avoid the great embarrassment to the public service that might otherwise ensue it is expedient to make provision for defraying temporarily such of these expenses as would be unprovided for in case some one of the usual annual appropriation bills designed to provide therefor should fail to be matured by the end of the fiscal year now current: Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in case any of the following appropriation bills for the fiscal year ending June 30, 1877, shall not have passed by the commencement of such year, so that the funds to be appropriated thereby may then be available for expenditure, that is to say, the bill providing for the legislative, executive, and judicial expenses; the bill providing for the consular and diplomatic expenses; the bill providing for the service of the Post-Office Department; the bill providing for the support of the Army; and the bill providing for the naval service, the appropriation act for the current fiscal year corresponding in its general description and object to such appropriation bill shall extend to the fiscal year next ensuing until such appropriation bill is enacted and takes effect, to the end that the provisions of such appropriation act which apply to the ordinary and necessary expenses of the public service for the current fiscal year shall in like manner as if enacted for the ensuing fiscal year be applicable to similar expenses which may accrue during the period intervening between the end of the current fiscal year and the time when such appropriation bill for the next ensuing fiscal year shall be enacted and take effect, but in no case beyond the period of thirty days.

Mr. COCKRELL. Does not that go over as a matter of course, or is there a necessity for immediate action?

Mr. MORRILL, of Maine. I supposed it would be acted on by general consent to-day, because we want to get it to the House of Representatives as soon as practicable. I presume the Senator is advised as to the original proposition, but the substance of the proposition as it now stands is this: Apprehensive, in the present condition of affairs, that the appropriation bills necessary to carry on the several branches of the public service may not be completed by the 1st day of July, when, by the ordinary regulations of law, all the existing appropriations would cease, so that the public service would be at a standstill, this proposition is to re-enact all those appropriation bills for a period not exceeding thirty days. That is the limitation, and that is understood to be the effect of this proposition. I hardly think there is any danger in it; and, as a matter of prudence, it seems to me it is very desirable that the Senate should act upon it, and, if so, the sooner it goes to the House of Representatives, I think, the better. Certainly, if we intend to act, we ought to send it there in sufficient time to enable them to consider it before the close of the fiscal year. Very possibly, I hope, perhaps there is the highest probability that there may be no occasion for it; but, in the present condition of affairs, it seems to me that we ought to do this and do it promptly. For instance, if by any possibility we should fail to agree on the post-office appropriation bill, so that there must be an application of the law to the postal service extending to every hamlet in the land, the effect would be to stop that service. That is to say, if the Post-Office Department regard the obligations of the law, they have no money to spend.

The joint resolution was, by unanimous consent, read three times, and passed.

ARMY APPROPRIATION BILL.

Mr. THURMAN. I ask to be excused from serving as one of the managers on the part of the Senate on the disagreeing votes of the two Houses on the Army appropriation bill. I am engaged in preparing a report from the Judiciary Committee in a very important matter that will take all to-day and to-morrow, and without neglecting that I could not serve. I ask to be excused.

Mr. THURMAN was excused; and, the President *pro tempore* being authorized to fill the vacancy, Mr. GORDON was appointed.

TRADE-MARK GOODS.

Mr. CONKLING. I move that the Senate proceed to the consideration of the trade-mark bill, so called.

The motion was agreed to; and the bill (S. No. 846) to punish the counterfeiting of trade-mark goods and the sale or dealing in of counterfeit trade-mark goods, was considered as in Committee of the Whole.

The Committee on the Judiciary proposed to amend section 1, line 12, by striking out, after the words "imprisoned for," the words "not less than six months and;" so as to make the section read:

That every person who shall have in his possession, or deal in, or sell, or keep or offer for sale, or cause or procure the sale of, any goods of substantially the same descriptive properties as those referred to in the registration of any trade-mark, pursuant to the statutes of the United States, to which, or to the package in which the same are put up, is fraudulently affixed said trade-mark, or any colorable imitation thereof, calculated to deceive the public, knowing the same to be counterfeit or not the genuine goods referred to in said registration, shall, on conviction thereof, be imprisoned for not more than two years, and shall also be liable to the aggrieved owner of said trade-mark in the penal sum of $1,000, to be recovered in a civil action.

The amendment was agreed to.

The committee proposed to amend the seventh section so as to make it read:

SEC. 7. That any person who shall, with intent to injure or defraud or to aid in defrauding or injuring the owner of any trade-mark, or any other person lawfully entitled to use or protect the same, buy, sell, offer for sale, deal in, or have in his possession any used or empty box, envelope, wrapper, case, bottle, or other package, to which is affixed, so that the same may be obliterated without substantial injury to such box or other thing aforesaid, any trade-mark, registered pursuant to the statutes of the United States, not so defaced, erased, obliterated and destroyed as to prevent its fraudulent use, shall, on conviction thereof, be punished as prescribed in the first section of this act.

The amendment was agreed to.

The next amendment reported by the committee was in section 10, line 4, after the words "imprisoned for," to strike out "not less than three months and."

The amendment was agreed to.

The PRESIDENT *pro tempore*. The word "hereof," in the second and third sections, seems to be in conflict with other words.

Mr. CONKLING. Let the word "hereof" be stricken out in both sections and the words "of this act" inserted.

The amendment was agreed to.

Mr. DAWES. I desire to make an inquiry of the Senator from New York. If I understand the bill, I am very heartily in support of it. The first section provides a penalty for the sale of "any goods of substantially the same descriptive properties as those referred to in the registration of any trade-mark," but they must have that trade-mark upon them, as I understand. I ask whether it is intended by the bill to at all interfere with the manufacture of "goods of substantially the same descriptive properties as those referred to in the registration of any trade-mark," unless they have that trade-mark upon them.

Mr. CONKLING. It is intended to do, as I understand it, what is plainly expressed as the Senator will see in line 8 of section 1. I call his attention to these words: "to which"—that is, to the commodities that he has referred to—"or to the package in which the same are put up, is fraudulently affixed said trade-mark."

Mr. DAWES. So far as this section is concerned I can see it very plainly; but rather than study the bill through I preferred to ask the Senator whether it is intended to make a monopoly in the manufacture of goods substantially of the same description unless there has been a fraudulent use of the trade-mark?

Mr. CONKLING. Not at all, as I understand. It is intended to provide penalties against those who knowingly and fraudulently pirate the trade-marks.

Mr. DAWES. That is what I supposed the bill to be, but the Senator will see the object of my inquiry. There are goods, cloths for instance, manufactured for different and rival establishments, very much like, that would come under this substantial description and some one gets the advantage, as he has a right to, by having a trade-mark. I did not know whether it were possible by any construction of any part of the bill to give the exclusive right of manufacture of goods substantially like those covered by this trade-mark.

Mr. CONKLING. The committee understood, I am sure, as I understand, that this bill makes throughout the criterion of liability turn upon an element which is this, or equivalent to this:

To which, or to the package in which the same are put up, is fraudulently affixed said trade-mark, or any colorable imitation thereof, calculated to deceive the public, knowing the same to be counterfeit or not the genuine goods referred to in said registration.

Mr. DAWES. This section is perfectly correct.

Mr. CONKLING. I think the Senator will find that the same thing runs all through.

Mr. DAWES. If I put it in another form the Senator will see what I am trying to take care of. Suppose that two men manufacture an article of cloth substantially alike, not absolutely alike, and one of them has a trade-mark, does this bill give him the exclusive right of making all articles substantially of that character?

Mr. CONKLING. If that were in the bill, owing to the frame of the bill, the honorable Senator will see it would be found in one of the first three sections, because he will observe that after the third section the provisions of the bill relate to matters not falling within the scope of his inquiry. Speaking then of three sections I think the remarks I am about to make will be apparent on their face, and they are very brief. The intention is to make the *scienter*, the guilty knowledge or the guilty motive the hinge on which the whole thing turns. Accordingly the Senator will see in the second section:

That every person who fraudulently affixes, or causes or procures to be fraudulently affixed, any trade-mark registered pursuant to the statutes of the United States, or any colorable imitation thereof, calculated to deceive the public, to any goods, of substantially the same descriptive properties.

In the third section:

That every person who fraudulently fills, or causes or procures to be fraudulently filled, any package to which is affixed any trade-mark, registered pursuant to the

statutes of the United States, or any colorable imitation thereof, calculated to deceive the public.

And so on.

Mr. DAWES. They all apply to the use of the mark.

Mr. CONKLING. Entirely, as I understand, and not only so but to its fraudulent use.

Mr. DAWES. I am very desirous in co-operating in the passage of a bill with that intent.

Mr. CONKLING. If we have succeded in doing what we tried to do, we have done that.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. G. M. ADAMS, its Clerk, announced that the House had non-concurred in the amendment of the Senate to the bill (H. R. No. 3411) authorizing the repavement of Pennsylvania avenue, asked a conference on the disagreeing votes of the two Houses thereon, and had appointed Mr. A. H. BUCKNER of Missouri, Mr. A. E. STEVENSON of Illinois, and Mr. G. W. HENDEE of Vermont managers at the conference on its part.

The message also announced that the House had non-concurred in the amendments of the Senate to the bill (H. R. No. 2676) to regulate the assessment and collection of taxes for the support of the government of the Districtof Columbia, and for other purposes, asked a conference on the disagreeing votes of the two Houses thereon, and had appointed Mr. L. T. NEAL of Ohio, Mr. JULIAN HARTRIDGE of Georgia, and Mr. GEORGE WILLARD of Michigan managers at the conference on its part.

REPAVEMENT OF PENNSYLVANIA AVENUE.

On motion of Mr. SPENCER, the Senate proceeded to consider its amendment to the bill (H. R. No. 3411) authorizing the repavement of Pennsylvania avenue, disagreed to by the House.

On motion of Mr. SPENCER, it was

Resolved, That the Senate insist upon its amendment to the said bill disagreed to by the House of Representatives and agree to the conference asked by the House on the disagreeing votes of the two Houses thereon.

By unanimous consent, it was

Ordered, That the conferees on the part of the Senate be appointed by the President *pro tempore*.

Messrs. DORSEY, SPENCER, and RANDOLPH were appointed the committee of conference on the part of the Senate.

DISTRICT TAX BILL.

On motion of Mr. SPENCER, the Senate proceeded to consider its amendment to the bill (H. R. No. 2676) to regulate the assessment and collection of taxes for the support of the government of the District of Columbia, and for other purposes, disagreed to by the House of Representatives.

On motion of Mr. SPENCER, it was

Resolved, That the Senate insist upon its amendment to the said bill disagreed to by the House of Representatives, and agree to the conference asked by the House on the disagreeing votes of the two Houses thereon.

By unanimous consent, it was

Ordered, That the conferees on the part of the Senate be appointed by the President *pro tempore*.

The PRESIDENT *pro tempore* appointed Mr. SPENCER, Mr. INGALLS, and Mr. EATON.

Mr. SPENCER. I should like to be excused from serving on the committee of conference on the tax bill.

Mr. SPENCER was excused from serving on the conference committee; and Mr. EDMUNDS was appointed in his place.

Mr. INGALLS. My engagements are such that I shall be unable to serve as a manager on the part of the Senate on the conference between the two Houses upon the District tax bill. I therefore ask that I may be excused.

Mr. INGALLS was excused; and, the President *pro tempore* being authorized to fill the vacancy, Mr. ROBERTSON was appointed.

FORFEITURE OF RAILROAD LANDS IN KANSAS.

Mr. INGALLS. I move that the Senate proceed to the consideration of House bill No. 1771.

The motion was agreed to; and the bill (H. R. No. 1771) to declare forfeited to the United States certain lands granted to the State of Kansas in aid of the construction of railroads by act of Congress approved March 3, 1863, was considered as in Committee of the Whole.

The Committee on Railroads reported the bill with amendments.

The first amendment was to strike out "6," in line 4, and insert "3;" so as to read:

March 3, 1863.

The amendment was agreed to.

The next amendment was in line 14, after the word "grant," to strike out:

Which has expired by limitation of law.

And in lieu thereof insert:

Or earned by the completion of said road.

The amendment was agreed to.

The next amendment was to strike out after the words "subject to," in line 16, the words:

Entry only under the provisions of the homestead laws of the United States.

And insert in lieu thereof:

Be disposed of under the provisions of law relating to the public lands of the United States.

So as to make the bill read:

That all lands which were granted by act of Congress approved March 3, 1863, to the State of Kansas, to aid in the construction of a railroad commencing at Leavenworth, Kansas, and running, by way of the town of Lawrence and the Ohio City crossing of the Osage River, to the southern line of the State, in the direction of Galveston Bay, in Texas, with a branch from Lawrence, by the valley of the Wakarusa River, to a point on the Atchison, Topeka and Santa Fé Railroad, where said road intersects the Neosho River, and which have not been patented to said railroad company by the United States under said grant, or earned by the completion of said road, are hereby declared forfeited to the United States, and shall hereafter be subject to be disposed of under the provisions of law relating to the public lands of the United States.

The amendment was agreed to.

Mr. EDMUNDS. I should like to have the Senator who reported this bill explain its general effect.

Mr. INGALLS. The Senator from Nebraska, [Mr. HITCHCOCK,] I think, reported this bill, but with his permission I will briefly explain its purpose. It is of so unprecedented and unparalleled a character that I do not wonder it has aroused the suspicion of the Senator from Vermont.

Mr. EDMUNDS. It has not aroused my suspicion; I only desire to understand it.

Mr. INGALLS. It is extraordinary from the fact that it proposes to restore to the public lands of the United States about thirty thousand acres which had been previously granted to the State of Kansas for the purpose of constructing certain railroads. Among the railroads named in the act of Congress approved March 3, 1863, was what is known now as the Leavenworth, Lawrence and Galveston Railroad. By the terms of that act the roads were to be completed within ten years from the date of its approval, which expired on the 3d of March, 1873. At that date the road had not been completed, and there were remaining unearned and unpatented about thirty thousand acres of land, which since that time have not been open to settlement or pre-emption as public lands from the fact that this act was still in existence upon the statute-books. The object of this bill is simply to declare a forfeiture of those lands and to effectuate their restoration to market.

Mr. EDMUNDS. I do not know what my friend from Kansas meant by "suspicion." If the object of this bill is, as he states it, to assert the rights of the United States against all railroad companies who have not complied, or any one railroad company that has not complied with the conditions on which it had grants, then I am most heartily with him, as I have been in all such cases all the time. But I am not willing to undertake to forfeit a grant for the benefit of the United States and for the benefit of settlers when afterward it will turn out that we have forfeited it in violation of law, and, therefore, have to make good in money or otherwise the claim of any railroad company. I suppose my friend from Kansas stands in exactly the same attitude with myself, desiring to give everybody his legal rights and nothing else. If I am wrong, I hope my friend will correct me.

Mr. INGALLS. The Senator never is wrong.

Mr. EDMUNDS. Then I take it I am right on this particular occasion.

Mr. INGALLS. Undeniably.

Mr. EDMUNDS. So that, Mr. President, I move to amend this bill by adding after the word "grant" in line 14 these words:

And to which said company are not lawfully entitled.

Whether they have got a patent or not, if they have gone so far that the law gives them the land, then we ought not to forfeit the land we have given to them. If they are not entitled to the land, then I quite agree with the Senator in this case and in every other that if these corporations who get land grants do not come up to the full measure of the conditions upon which they were granted they ought to have no favor except in very special instances that I do not think of at this moment; but the right of the United States ought to be asserted; and in order to guard against their having any claim upon us hereafter I wish to make the dividing line between their rights and ours the dividing line that the law as it now stands will establish. In order to guard against the possibility of it I propose after the word "grant" to insert the words "and to which said company are not lawfully entitled."

Mr. INGALLS. That makes a very bad phrase in the section.

Mr. EDMUNDS. "And which have not been patented to said railroad company by the United States under said grant, and to which said company are not lawfully entitled."

Mr. INGALLS. "Or earned by the completion of said road."

Mr. EDMUNDS. That can be corrected easily enough.

Mr. INGALLS. I suppose the Senator will correct it if he offers to amend it?

Mr. EDMUNDS. Certainly. But I can only do one thing at a time.

I can correct it by proposing my amendment after the word "road;" so as to read:

And which have not been patented to said railroad company by the United States under said grant or earned by the completion of the said road, and to which the said company are not lawfully entitled, are hereby declared forfeited.

That will make sense.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Vermont.

Mr. EDMUNDS. I only offer it, I will say, in the interest of protecting the United States against any claim that we have interfered in any way with the present lawful rights of the company. Of course, whatever their lawful rights are, we are bound to protect and not destroy. Whatever their lawful rights do not entitle them to, I am entirely with the Senator from Kansas in saying they shall not have.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

SURGEON-GENERAL CLEMENT A. FINLEY.

Mr. LOGAN. I move to take up House bill No. 2387, which will take but a moment.

The motion was agreed to; and the bill (H. R. No. 2387) to fix the retired pay of Surgeon-General Clement A. Finley, retired, was considered as in Committee of the Whole. It provides that the retired pay of Surgeon-General Clement A. Finley, on the retired list of the Army, shall hereafter be the retired pay now allowed by law for the grade of the Surgeon-General of the Army as fixed by the act of June 23, 1874, re-organizing the several staff corps of the Army.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

ALBERT W. PRESTON.

Mr. COCKRELL. I move that the Senate proceed to the consideration of the bill (S. No. 928) for the relief of Albert W. Preston.

The motion was agreed to; and the bill was read the second time and considered as in Committee of the Whole. It provides that Albert W. Preston, who was, on December 15, 1870, duly retired from the active service and placed upon the list of retired officers of the United States Army, with the full rank of colonel, on account of wounds received in battle while performing the duties of colonel in command of his regiment, shall be excepted and relieved from the operations of the act of Congress entitled "An act for the relief of General Samuel W. Crawford, and to fix the rank and pay of retired officers of the Army," approved March 3, 1875, solely because the injuries received by him in battle are more severe, dangerous, and disabling, and more fully incapacitate and disqualify him for any service than the loss of an arm or leg, or the permanent disability of an arm or leg by resection, and that he shall hereafter hold and receive the rank and pay of colonel upon the list of retired officers of the Army.

Mr. EDMUNDS. I should like the Senator from Illinois to explain this. I see it refers to another case.

Mr. LOGAN. It refers to the bill for Crawford. There is a report with the bill, but I can state the case in a few words. Colonel Preston was included in the act that retired Crawford. By an examination of the surgeon it is shown that although he was included in the bill, and not excepted with persons who have arms off, eyes out, &c., his wounds were more severe than those of persons excepted. We make this exception, showing in the report that he was more severely wounded than those who were excepted in the law. This is for the purpose of adding this case to the exceptions.

I will say further that this case is one of such a character that I do not think it will form any class of exceptions or any precedent for any one else. The report is made in order that it shall not be a precedent for anybody else.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. ISAAC STROHM, one of its clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 3375) making appropriations for the naval service for the year ending June 30, 1877, and for other purposes.

The message also announced that the conferees on the part of the House on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 3263) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1877, and for other purposes, having failed to agree with the Senate conferees, the House had further insisted on its disagreement to the amendments of the Senate insisted on by the Senate to the said bill, and ask a further conference on the disagreeing votes of the two Houses thereon, and had appointed Mr. W. S. HOLMAN of Indiana, Mr. J. B. CLARK, jr., of Missouri, and Mr. EUGENE HALE of Maine managers at the conference on its part.

POST-OFFICE APPROPRIATION BILL.

Mr. WEST submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 3263) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1877, and for other purposes, having met, after full and free conference have been unable to agree.

J. R. WEST,
H. HAMLIN,
Managers on the part of the Senate.

W. S. HOLMAN,
J. H. BLOUNT,
HENRY WALDRON,
Managers on the part of the House.

Mr. WEST. As this bill involves such material interests, I think there is a propriety in making a brief statement to the Senate of the points of difference existing between the two Houses. I will state that in the main there has been an agreement between both committees as to the amounts of money separately and specifically appropriated in the bill. Where there have been any disagreements on those amounts they have attached to and been part of the legislative provisions upon which the two committees could not agree. Those legislative provisions are embraced under three heads: First, the amount of transportation paid to the railroad companies for carrying the mail; second, the compensation to be allowed to postmasters throughout the country; and, third, the rates of postage upon third-class matter.

On the first proposition, as to mail transportation, the committee on the part of the Senate found, upon consultation with the officers of the Department, that they could recommend to the Senate a very material abatement of the amount provided by the amendment of the Senate. In other words, the proposition was an appropriation of seventeen and a half millions for the general mail transportation, the Senate adopting the amount that the House proposed for what is known as the star and steamboat service, differing, however, with the House on the amount for railroad transportation; but we were willing to cut that amount down to $9,600,000, which would be, in our opinion, an abatement of about $800,000 upon that item. The committee on the part of the Senate were met by a proposition from the House to apply a horizontal reduction of 10 per cent. to the compensations given to railroad companies. When the existing rates of transportation were established, it will be remembered by the Senate with what reluctance they were accepted by the railroad companies. At that time the intimations, if not threats, were somewhat quite common that the railroad companies would refuse to carry the mails for any such rates; but the issue was adjusted, and operations have been carried on under that law since that time. Now it is apparent, and it is not even denied by the Senate committee of conference, that these rates are fully equal to what ought to be paid, if not in excess of what should be paid by the Government. But your committee hesitated about entering upon any such wholesale reduction, knowing very well that it would not only do great injustice to the minor railroads, but possibly result in the temporary stoppage and refusal of the larger companies to carry what are known as the fast-mail trains and also the railway postal service. The committee on the part of the Senate proposing therefore to the House that this amount should not exceed the sum of $9,600,000 for the ensuing year, also made the following proposition with reference to such an intelligent examination of the subject as would enable Congress to act advisedly upon it:

That the President of the United States be authorized to appoint a commission of three skilled and competent persons who shall examine into the subject of transportation of the mails by railroad companies, and report to Congress at the commencement of its next session such rules and regulations for such transportation and for compensation therefor as shall in their opinion be just and expedient, and enable the Department to fulfill the required and necessary service for the public.

And appropriating $10,000 for the purpose. The Senate committee of conference, consisting of myself and the chairman of the Committee on Post-Offices and Post-Roads, were unwilling at the present time to enter upon any radical changes that might not really accomplish the object had in view. We really believe that if this matter is submitted to an intelligent commission they will be able to present such a proposition, involving the three elements of space, speed, and weight, by the next session of Congress as will enable us to save largely and justly in this expenditure.

With regard to the item of compensation of postmasters the two committees agreed by mutual concessions down to a certain point. The House proposition was to limit commissions to $1,200 and box rents to the same amount. The Senate proposition was $1,500 for each of these items. We met on the intermediate ground of $1,350 each, the Senate proposing, however, that under this scaling of compensation, as there would be a large reduction on what are known as first-class offices receiving salaries amounting to $4,000 each, in the cases of Chicago, Boston, and Philadelphia there should be a salary paid of $5,000 each, while the other offices which now get $4,000 are reduced by the scale of compensation below $4,000. Thus, for example, the postmaster in Richmond would get $3,000 a year and the postmaster in Chicago would get $5,000. That proposition was not acceptable to the House committee; and the Senate conceded still further by putting the maximum limit on all first-class offices at $4,000, with the exception of the city of New York, and upon the compensation of the officer there the committee divided. The compensation to the postmaster

at New York was fixed by law some two years ago at $8,000, and the committee of conference on the part of the House proposed to reduce it to $7,000. To that the Senate committee objected, considering that the amount then fixed was none too much, and in fact not adequate to the character of the duties and the extent of responsibility imposed upon that officer. I do not know that we should have divided on that had there not been other matters to submit; but the result is that we were only $1,000 apart on the compensation of one postmaster, the Senate conceding every material point.

The remaining proposition is as to the rate of postage upon what is known as third-class matter. The bill as it came from the House proposed to restore the old rate of one cent for each two ounces or fraction thereof upon all merchandise. The Senate proposed to stand on the present law, one cent per ounce, conceiving that it is nothing more than just, without even being an adequate compensation for the carriage of this matter. The House also declined to accede to the proposition of the Senate committee, that transient newspapers and magazines shall be admitted to, and be transmitted in, the mails at the rate of one cent for every two ounces or fractional part thereof, and that all printed matter except books and unsealed circulars shall go under that rate, it being contended by the committee on the part of the Senate that unsealed circulars originating in business motives, and designed to promote the individual interest of every man that sends them out, being treated as letters and handled as letters, should pay as much as any first-class matter, and a departure from that rule would involve the Department in a loss of some half a million a year on that item alone. The other open question was on books, and those the Senate committee insisted on treating as merchandise.

In view of the fact that I shall ask for the insistence of the Senate to the points of difference now existing between the two bodies, I have thought it proper to make these explanations to the Senate. I move that the Senate further insist upon its amendments and agree to the further conference asked by that body.

Mr. HAMLIN. I want to add a single word to what the chairman of the conference committee has said. I did not hear him state what I propose now to state, that, from the information which we had in our possession and about which we had no doubt, the horizontal reduction of 10 per cent. off railroad transportation would stop every fast-mail train that runs in the country. The Senator says he stated it; I did not hear him.

Mr. WEST. I am glad to have it repeated.

Mr. HAMLIN. I wish to add besides that there would not be the saving of one single mill if you were to simply lower the rates of what you call fast trains by paying for a less amount of weight and transferring that weight to another road. That is to say, your fast trains carry so many tons a day, and upon the basis of the present law they are entitled to so much. If you change the compensation paid to them by limiting them to 10 or any per cent. less, you will simply transfer the matter largely so that it will go over other and slower roads, and there would not in truth and in fact be the saving of a single dollar.

I hope that no committee appointed by this body will go into that committee-room and make the concessions which we have made. We have made them to a point that was hardly due to the character of this body, but we did it in the hope of coming to an agreement. That agreement having failed, I hope no other committee of this body will make such concessions as we made.

The PRESIDENT *pro tempore*. The Senator from Louisiana moves that the Senate further insist on its amendments and agree to the further conference asked by the House of Representatives on the disagreeing votes of the two Houses.

The motion was agreed to; and the President *pro tempore* was authorized to appoint the committee.

Mr. LOGAN. In view of the statement by the committee of conference in reference to the post-office appropriation bill, I move, the Senate concurring, that the same committee be re-appointed. This has been done by the other House in some instances.

Mr. SARGENT. I understand that the House have notified us of the appointment of a different committee on their part. I think, considering the exigency of matters with reference to these bills, it would be very much better for us to vary the committee. I have no doubt that any committee appointed would fairly and fully represent the Senate. At the same time a committee of conference must be free; it must have room for discretion. While observing the spirit of its House, it must meet the other House in a fair and liberal way; and where the House of Representatives itself has sent another committee, implying a disposition on its part to accommodate the differences between the two Houses, it seems to me the Senate ought to do the same thing.

Mr. LOGAN. The reason I made the motion was that the Senators who had spoken had shown that there was reasonableness exhibited on the part of the conferees of the Senate in trying to agree with the House. In one or two other instances the same committee has been appointed by the House. I do not think that is the best way to do it always. I was only following out the programme established by the House in one or two other instances; and as our conferees had gone as far as they thought we ought to go in the way of reductions, and as far as they would advise any other conferees to go, I thought it would be proper and right to appoint the same persons.

Mr. SARGENT. Where the same committee of conference on the part of the Senate is appointed, that is almost in the nature of stating that we adhere. The House of Representatives have not done that in this case. They have sent a modified committee, and I think it would be well for the Senate to meet them at least half way. Each House has its own independence and dignity to look after. I do not object to any Senator in a committee of conference being mindful of those whom he represents on the committee; but at the same time it seems to me it would be better for us to go as far as the House does at any rate toward agreeing on this bill. I think the Senator will see the force of that and perhaps withdraw his motion.

Mr. LOGAN. The Senate have a right to do as they choose, but I shall not withdraw the motion. I am willing always, as far as I am concerned, to meet the other House half way; but when a liberal spirit has been shown on the part of the Senate in reference to a conference, and when the House has appointed the same conference committee the second time in one or two instances, indicating to us an intention to adhere, I think it would be as well for us to show our own disposition.

Mr. SHERMAN. I trust the ordinary course will be pursued of having a free conference; that at this stage of the matter, at any rate, there will be nothing like a repetition of the same committee, which is never a good thing to do at any time, and certainly it ought not to be done until the Senate approaches a point when it is determined to adhere to its position. I suggest, therefore, that the Senator from Illinois, for the present at least, should allow the conference committee to be appointed in the usual way.

The new conference always includes one of the old conferees, in order that he may represent the differences between the two Houses, as already gone over, and then two new members. That is the usual course, I believe, unless they approach a condition where each House has made up its mind to adhere. Then it is right enough to appoint the same committee of conference.

Mr. LOGAN. I have no disposition to persist if the Senator thinks there is any impropriety in what I have proposed; but I noticed on the part of the Senate some time ago that one of the same Senators who now insist on making a change was appointed on the same conference committee two or three times, and all that occurred was to meet and adjourn merely, because there was no agreement at all. I was on one of the committees myself. I merely suggested it in the line of what had been done heretofore. If the gentlemen who are running these bills have no disposition to stand by them, I have nothing to say.

Mr. SARGENT. I do not know to whom the Senator refers, but if he means to imply that I have no disposition to stand by the bills as the Senate passed them he is very much mistaken; that is all.

NELSON TIFFANY.

Mr. CLAYTON. I move that the Senate proceed to the consideration of House bill No. 1337.

Mr. EDMUNDS. I move that the Senate adjourn.

Mr. CLAYTON. This will take but a minute.

Mr. EDMUNDS. What is it about?

Mr. CLAYTON. Let the bill be read.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 1337) for the relief of Nelson Tiffany, which is a direction to the Secretary of War to remove the charge of desertion from Nelson Tiffany, late a private in Company H, Twenty-fifth Massachusetts Volunteers, and to grant him an honorable discharge.

Mr. ANTHONY. There is no act of Congress necessary for that.

Mr. CLAYTON. There is in this case.

Mr. MITCHELL. I should like to inquire what there is in this case that makes it necessary?

Mr. CLAYTON. There is a question of pay connected with it.

Mr. EDMUNDS. Let the matter be stated. I withdraw the motion to adjourn.

Mr. CLAYTON. There is a report which can be read.

The Secretary read the following report, submitted by Mr. CLAYTON, from the Committee on Military Affairs on the 20th instant:

The Committee on Military Affairs, having under consideration the bill (H. R. No. 1337) for the relief of Nelson Tiffany, submit the following report:

We find that Nelson Tiffany was enlisted in Company A, Twenty-fifth Massachusetts Volunteers, on the 16th September, 1861, and was honorably discharged on May 15, 1865. He was severely wounded on May 9, 1864, and was sent to hospital at Bermuda Hundreds, from thence to Fortress Monroe, and finally to hospital at New Haven, Connecticut, from which place he received a furlough from June 17 for thirty days, which was extended to August 7, 1864, and at its expiration he reported to medical director at Boston, and by him sent to Readville, Massachusetts, on 10th October, being directed to report back to New Haven, Connecticut. He, being in a worn-out and broken down condition from wounds and sickness, believed he would never recover. He returned to his home at Auburn, Massachusetts, and then reported to the provost-marshal at Worcester, Massachusetts, and was by him sent to Fort Independence, and there remained till his discharge, on May 15, 1865. The records show that Tiffany was a faithful soldier, and he is believed now to be upon his death-bed from wounds received in the war. The committee believe, from all the evidence in the case, that Nelson Tiffany never intended to desert, and they recommend the passage of the accompanying bill.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

Mr. EDMUNDS. I move that the Senate do now adjourn.

The motion was agreed to, and (at four o'clock and thirty-five minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, *June 29, 1876.*

The House met at twelve o'clock m., the Speaker *pro tempore* in the chair. Prayer by the Chaplain, Rev. I. L. TOWNSEND.

The Journal of yesterday was read and approved.

CONFERENCE ON THE NAVAL APPROPRIATION BILL.

The SPEAKER *pro tempore* announced the appointment of Mr. JONES, of New Hampshire, as one of the conferees on the part of the House upon the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 3375) making appropriation for the naval service for the year ending June 30, 1877, and for other purposes, in place of Mr. WHITTHORNE, of Tennessee, now absent by leave of the House.

J. C. CLENDENIN.

Mr. PHILIPS, of Missouri, by unanimous consent, from the Committee of Claims, reported back, with a favorable recommendation, the bill (H. R. No. 765) for the relief of J. C. Clendenin; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

RICHARD HAWLEY & SON.

Mr. PHILIPS, of Missouri, also, by unanimous consent, from the same committee, reported back, with a favorable recommendation, the bill (H. R. No. 557) for the relief of Richard Hawley & Son; which was referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

REPAVEMENT OF PENNSYLVANIA AVENUE.

Mr. BUCKNER, by unanimous consent, from the Committee for the District of Columbia, reported back the bill (H. R. No. 3411) authorizing the repavement of Pennsylvania avenue, with the Senate amendments thereto; and moved that the amendments of the Senate be non-concurred in.

The motion was agreed to.

Mr. BUCKNER moved that a conference be requested of the Senate on the disagreeing votes of the two Houses on the amendments of the Senate to the above-named bill.

The motion was agreed to.

TAXATION IN THE DISTRICT.

Mr. BUCKNER also, by unanimous consent, reported back, from the Committee for the District of Columbia, the bill (H. R. No. 2676) to regulate the assessment and collection of taxes for the support of the government of the District of Columbia, and for other purposes, with the Senate amendments thereto; and moved that the amendments of the Senate be non-concurred in.

The motion was agreed to.

Mr. BUCKNER moved that a conference be requested of the Senate on the disagreeing votes of the two Houses on the amendments of the Senate to the above-named bill.

The motion was agreed to.

PROTESTANT ORPHAN ASYLUM, NATCHEZ, MISSISSIPPI.

Mr. CABELL, by unanimous consent, from the Committee on War Claims, reported back, as a substitute for House bill No. 1158, a bill (H. R. No. 3804) for the relief of the trustees of the Protestant Orphan Asylum of Natchez, Mississippi; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

GEORGE H. STOTT.

Mr. CONGER, by unanimous consent, introduced a bill (H. R. No. 3805) granting a pension to George H. Stott, minor child of George H. Stott, late private Company A, Seventh Regiment Michigan Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WASHINGTON, CINCINNATI AND SAINT LOUIS RAILROAD COMPANY.

Mr. JONES, of Kentucky. I now call up the motion of the gentleman from Virginia [Mr. HARRIS] to reconsider the vote by which the House on day before yesterday committed to the Committee of the Whole on the state of the Union the bill (H. R. No. 2798) to authorize the Washington, Cincinnati and Saint Louis Railroad Company to construct a narrow-gauge railway from tide-water to the cities of Saint Louis and Chicago, with pending amendments. When this bill was before the House two days ago, I stated that I did not propose myself to occupy the time of the House in discussing it, although I was willing to allow any other gentleman to be heard who desired to speak upon it. But as some opposition to the bill was manifested in the House, which I did not anticipate, I propose now to say a few words explanatory of the provisions of the bill, in the first place, and, in the second place, in maintenance of the proposition that, under the Constitution, the Government of the United Sates has the power, not only to aid works of internal improvement by its countenance and encouragement, but also by material means if necessary.

In the first place, I will state in brief the provisions of this bill. It provides that the Government of the United States shall recognize a corporation, brought into existence under the laws of Virginia, which proposes to build a narrow-gauge railroad from a point on the line of the District of Columbia through the States of Virginia and West Virginia to the Ohio River, across that river near Point Pleasant, and then, taking its way through the State of Ohio, to Cincinnati; thence, through the States of Indiana and Illinois, to Chicago and Saint Louis.

The privilege is also granted to the company by this charter to extend its road through the District of Columbia by the city of Washington to Baltimore; but the road is not to be commenced through this District until a survey and maps of the route have been made and submitted to Congress for its approval.

The capital stock of the company is to be $15,000,000, including the expense of building a bridge across the Ohio River with double track, at a cost of $1,000,000. The bill otherwise contains all the ordinary provisions of railroad charters.

This charter provides for a narrow-gauge road. As to the system of narrow-gauge, or three-foot gauge, which has been adopted in many countries, and to a very considerable extent in our own country, the committee express no opinion upon the merits of that system; but they agree that whenever any company proposes a great work of internal improvement in this country, if it is willing to raise and expend its own money in furtherance of the same, the Government of the United States ought to give countenance and encouragement to it.

The narrow gauge system of railroads has been adopted to a great extent in several of the states of Europe, especially in Russia, in Sweden and Norway, and in Wales. It has also been adopted in Canada, where there are two such railroads of very considerable importance. It has also been introduced in several of the States of the Union. I refer particularly to the Denver and Rio Grande Railroad, ninety miles in length, which we have been told is a great success.

The most conspicuous of these roads, called the "Festiniog railway," has been constructed in Wales, from a point about fourteen miles from the sea-shore to the mountains, opening up a great slate region. That road, in the language of those who have examined it, has proved a "wonderful success." I will give a statement of the advantages of the narrow-gauge railroad as claimed by an engineer who has examined this subject. Referring to this railroad in Wales, of which I have spoken, he says:

1. Its working expenses are only 44½ per cent. of its receipts, whereas on English lines of ordinary gauge they average 48 per cent.
2. It yields an interest of 29½ per cent. on the original capital, whereas ordinary lines yield only from 6 per cent. to nil.
3. The dead-load on the Festiniog railway is only one-third of the load carried, while on the ordinary gauge the dead-weight for similar freights is more than half the weight of the freight.
4. On the English lines of ordinary gauge the dead-load carried for each passenger is a ton or even more, while on the Festiniog system it may be reduced to five hundred weight.
5. The exceptionally narrow gauge effects a very large saving in first construction.
6. The loads being comparatively light, there is an immense saving in wear and tear.

That is the report of a very distinguished engineer upon that subject. Now, sir, when this bill was under consideration the other day the idea appeared to prevail that this charter contained some monstrous provision in violation of the rights of the States. I cannot suppose that any gentleman acquainted with me and my antecedents (for I have always been a State's-rights man) could believe that I, as chairman of any committee, would report to this House a bill which in any manner would violate the rights of the States of this Union. Gentlemen did not take the trouble to listen to the provisions of the bill, but ran away with the idea that this was a monstrous corporation, under which the rights of the States would be subverted. Now, I undertake to say that in no less than five provisions of the bill the rights of the States are amply secured and protected. I undertake to say that this corporation cannot proceed one step without the consent of the Legislatures of the States concerned. Those States could under the provisions of this bill, by direct or indirect legislation, stop this company at the very threshold of their territory. For the benefit of those gentlemen who may be inclined to oppose this bill on account of its supposed invasion of State's rights, I propose to read the provisions of the bill in that regard:

SEC. 4. That in case it shall be deemed advisable by the board of directors of said corporation to purchase, lease, consolidate with, or otherwise acquire any franchise or franchises from any other railroad, railway, or other company or corporation, as a portion of its main line or branches hereinbefore authorized, which said franchises are established under State charters or general laws, they are hereby empowered so to do; but in all cases the consent of the Legislature of the State granting the charter shall first be had, expressed in the form of law, unless such right shall be already recognized in the charter of said railway, railroad, or other company or corporation, or by the general laws of the State.

SEC. 6. That where the route of said railroad and its branches shall pass through the lands of private persons, or where it may be necessary for said railroad company to take any lands belonging to private persons for any of the purposes herein mentioned necessary to said road, such right of way through or title to such lands shall be secured in accordance with the laws of the State in which they may be situated.

SEC. 7. That the president and board of directors of this company may, and are hereby authorized to, appoint an agent or agents in any State through which the said line of road may pass, to secure subscriptions from cities, towns, townships, counties, corporations, joint-stock companies, and individuals, to the capital stock of the Washington, Cincinnati and Saint Louis Railroad Company, payable in money, leases, lands, mines, labor, or material; and that the same may be collected under the laws of each State in which the same may be subscribed: *Provided always*, That such subscriptions can be lawfully made under the constitution and laws of such State.

SEC. 8. That the Washington, Cincinnati and Saint Louis Railroad Company may avail itself of any of the provisions of the laws of the States through which the line of road may pass governing railroad companies, the same as if operating under a charter from such States, except as otherwise provided in this act.

Now, sir, I contend that according to these provisions any State through which this company may propose to run its road can by legislative enactment, by police regulations alone, defeat the very object and stop the work. But, sir, if any objection can be made on that score to the charter itself, I am sure the amendment offered by my friend from Virginia [Mr. DOUGLAS] must remove any scruples of that kind. That amendment, which I accepted, reads as follows:

But said corporation shall not have authority to lay out, survey, or locate any line for its projected road in or through any State until said State shall by legislative enactment expressly confer the power so to do.

But, Mr. Speaker, I am almost afraid that the States' rights men of this House are running away with the idea of State rights in this advanced and enlightened age of our country.

Why, sir, they seem to be in advance of the old land-marks pointed out by Mr. Calhoun himself. While I was reared in a school of strict construction, yet I never allowed my strict construction to go beyond the authorities laid down expressly in the Constitution. For the benefit of those captious and factious gentlemen—and they will pardon me for using these terms—I propose to refer to some of the authors of the Constitution. I will premise this by the assertion that from Washington down, without almost a single exception, the Presidents of the United States, including the chief framer of the Constitution himself, have contended that works of internal improvement for the benefit of commerce between the States should not only be encouraged by the countenance of the Government, but, if need be, by actual support in material means. What says the Constitution, sir? That Congress shall have the power to regulate commerce with foreign nations, and among the several States, and with the Indian tribes.

I call the attention of gentlemen to the phraseology of that clause. It is not "between" the States of the Union but "among" the States. And Congress shall not only have power to regulate commerce but, I hold, the power to regulate commerce includes the power to provide the means of commerce. Congress has not only the power to regulate commerce between the States, as between the lines of territory, but among the States and through the States if necessary. It has this power as fully as it has the power "to establish post-offices and post-roads." I wish to call the attention of the House to the language used by Mr. Jefferson, whose authority on State-rights, I imagine, will not be doubted by anybody. He was the very father of the democratic doctrine. Mr. Jefferson said in his first annual message to Congress:

Agriculture, manufactures, commerce, and navigation, the four pillars of our prosperity, are then most thriving when left most free to individual enterprise. Protection from casual embarrassments, however, may sometimes be seasonably interposed. If, in the course of your observations or inquiries, they should appear to need any aid within the limits of our constitutional powers, your sense of their importance is a sufficient assurance they will occupy your attention. We cannot, indeed, but feel an anxious solicitude for the difficulties under which our carrying trade will soon be placed. How far it can be relieved, otherwise than by time, is a subject of important consideration.

Again, Mr. Jefferson said in his sixth annual message to Congress, in speaking of the distribution of the surplus revenue in the Treasury:

Their patriotism would certainly prefer its continuance and application to the great purposes of the public education, roads, rivers, canals, and such other objects of public improvement as it may be thought proper to add to the constitutional enumeration of Federal powers. By these operations new channels of communication will be opened between the States; the lines of separation will disappear; their interests will be identified, and their union cemented by new and indissoluble ties.

Where these eminent men at all doubted the constitutional power of Congress to aid great enterprises of internal improvement, they advised in their messages that amendment to the Constitution should be made so there would be no doubt on the question whatever of the power of the Federal Government in this regard.

Now, Mr. Jefferson said again in his last annual message to Congress, speaking of the revenue:

Or shall it not rather be appropriated to the improvements of roads, canals, rivers, education, and other great foundations of prosperity and union, under the powers which Congress may already possess, or such amendment of the Constitution as may be approved by the States?

I propose also to read from Mr. Madison, the chief author of the Constitution, he who has been termed, and perhaps with more justice than any other individual, the very father of the Constitution. He said in one of his messages to Congress, and I beg gentlemen and especially Virginians, States' rights men, to listen to his words. I read from the seventh annual message of Mr. Madison:

Among the means of advancing the public interest the occasion is a proper one for recalling the attention of Congress to the great importance of establishing throughout our country the roads and canals which can best be executed under the national authority. No objects within the circle of political economy so richly repay the expense bestowed upon them. There are none the utility of which is more universally ascertained and acknowledged; none that do more honor to the Government whose wise and enlarged patriotism duly appreciates them. Nor is there any country which presents a field where nature invites more the art of man to complete her own work for his accommodation and benefit. These considerations are strengthened, moreover, by the political effect of these facilities for intercommunication in bringing and binding more close together the various parts of our extended Confederacy. While the States individually, with a laudable enterprise and emulation, avail themselves of their local advantages by new roads, by navigable canals, and by improving the streams susceptible of navigation, the General Government is the more urged to similar undertakings, requiring national jurisdiction and national means, by the prospect of thus systematically completing so inestimable a work; and it is a happy reflection, that any defect of constitutional authority which may be encountered can be supplied in a mode which the Constitution itself has providently pointed out.

Now, there is the express declaration of Mr. Madison, that the power existed in the Federal Government; that it not only existed, but ought to be exercised; and that if Congress should doubt the power of the General Government, it ought to take steps to amend the Constitution so all doubt in that regard should be removed.

Mr. Madison said in his eighth annual message:

And I particularly invite again their attention to the expediency of exercising their existing powers, and, where necessary, of resorting to the prescribed mode of enlarging them, in order to effectuate a comprehensive system of roads and canals, such as will have the effect of drawing more closely together every part of our country, and by promoting intercourse and improvements, and by increasing the share of every part in the common stock of national prosperity.

I could go on and read from the messages of Mr. Monroe to the same effect; but I will read no more.

In Martin's Summary of the Law of Nations it is said:

Commerce consists in selling the superfluity; in purchasing articles of necessity, as well productions as manufactures; in buying from one nation and selling to another; or in transporting the merchandise from the seller to the buyer to gain the freight.

What have been the decisions of our courts? What have been the opinions expressed by our great lawyers and our great judges? From Chief Justice Marshall, whose reputation was great, even when the Constitution was adopted, what were his opinions on this question? I refer to his opinion in the great case of Gibbons *vs.* Ogden, a standard authority in this country, and with which every well-read lawyer is or ought to be familiar.

Chief Justice Marshall said:

The word used in the Constitution then comprehends, and has been always understood to comprehend, navigation within its meaning; and a power to regulate navigation is as expressly granted as if that term had been added to the word "commerce." It has, we believe, been universally admitted that these words comprehend every species of commercial intercourse between the United States and foreign nations. No sort of trade can be carried on between this country and any other to which this power does not extend. It has been truly said that commerce, as the word is used in the Constitution, is a unit, every part of which is indicated by the term. * * * Commerce among the States cannot stop at the external boundary-line of each State, but may be introduced into the interior. * * * Can a trading expedition between two adjoining States commence and terminate outside of each; and if the trading intercourse be between two States remote from each other, must it not commence in one, terminate in the other, and probably pass through a third? The power of Congress then, whatever it may be, must be exercised within the territorial jurisdiction of the several States. The sense of the nation on this subject is unequivocally manifested by the provisions made in the laws for transporting goods by land between Baltimore and Providence, between New York and Philadelphia, and between Philadelphia and Baltimore. We are now arrived at the inquiry, what is this power? It is the power to regulate, that is, to prescribe the rule by which commerce is to be governed. This power, like all others vested in Congress, is complete in itself, may be exercised to its utmost extent, and acknowledges no limitations other than are prescribed in the Constitution.

Justice Story, in his Commentaries on the Constitution, volume 2, section 1064, says:

It may, therefore, be safely affirmed that the terms of the Constitution have at all times been understood to include a power over navigation as well as trade, over intercourse as well as traffic.

The same definition, more minutely expressed, is found in the opinion of Justice Johnson in the case just cited:

Commerce, in its simplest signification, means an exchange of goods; but in the advancement of society, labor, transportation, intelligence, care, and various mediums of exchange become commodities, and enter into commerce, the subject, the vehicle, the agent, and their various operations become the objects of commercial regulation; ship-building, the carrying trade, and the propagation of seamen are such vital agents of commercial prosperity that the nation which could not legislate over these subjects would not possess power to regulate commerce. (9 Wheaton, page 229.)

And, sir, I might refer to the ablest and most distinguished writer upon railroads and their privileges under the Government of the United States, Mr. Redfield, by whom this power is clearly explained and proved to exist by the best authority.

Now, Mr. Speaker, while I am a State-rights man, I am in favor of the General Government giving its encouragement and support to all works of internal improvement, and especially to railroads. Railroads make up the great spirit of this age. What has made our country conspicuous for its commerce, for its population, for its advance in wealth and grandeur more than the great system of railroads which has been established throughout her borders?

Look, sir, on the other side of the ocean, over the world. See how great countries are struggling to advance their commercial interests by the establishment of railroads. Not only are they doing this within their own borders, but they are extending them wherever they have dominions on the surface of the earth. Look at England in her colony of Sierra Leone and at France in her colony of Senegal. These two governments are extending railroads from those colonies into the interior of Africa, opening vast districts and proposing to penetrate undiscovered countries, where thousands and hundred of thousands of people are supposed to exist that now we know nothing of.

Why, sir, what has caused the States north of us to advance in so much greater a degree than the States south of us? What, but their inaugurating a system of railroads which in the South we have not? I might compare my own State which has made considerable advance in this regard to the States farther north; to Ohio, for instance, coming into the Union ten years after the State of Kentucky, and which to-day has twice the wealth and more than twice the population and

more than twice the number of railroad miles that Kentucky has. Or look at Indiana, coming into the Union twenty-five years after the State of Kentucky, and see how greatly she has advanced in this regard; or Illinois, coming into the Union nearly thirty years after the State of Kentucky, and now standing great and prosperous in advance of her older sisters, with over seven thousand miles of railroad.

Sir, I hold it to be the duty of Congress to give its countenance and support to every great enterprise of this sort which tends to develop the commerce of this country and, more, which tends to bring about a feeling of harmony, fellowship, and unity, without which our country cannot long endure. I hope, sir, that all objections to this measure and to some other measures which I shall propose to this House of a similar character may before Congress adjourns be waived, and that we shall all unite in the great effort to build up our common country. And what means can we adopt with this view better than to carry on the great system of railroads already inaugurated, and which is far in advance of the system of railroads in any other country of the world? Let us by these means give opportunity to every company of individuals who propose to raise their own money to build railroads, to penetrate our forests, to extend through our valleys, to ascend our mountains, and to bring into cultivation our great territory, and to bring, as I said before, into harmony and unity this great people. Thus, sir, when we shall become iron-banded as we are ocean-bounded, when we shall become a prosperous, fully-developed, and harmonious nation, we may then present ourselves pre-eminently great and glorious to mankind, and, if need be, we can withstand the shocks of a united world in arms against us.

Mr. SAVAGE. It seems to me, Mr. Speaker, that this is a singular bill, to say the least of it, to be championed by a gentleman who claims to be such a *par excellence* States' rights man. Of course, living on the north side of the Ohio River as I do, it would not be expected that I would claim to be such an extreme States' rights man as the gentleman who has just taken his seat. Neither do I intend to follow him in the course of argument he has offered in relation to this question of constitutional right in the Congress of the United States to legislate in the direction in which the gentleman has claimed we have a right to legislate. But I propose briefly to call attention to some of the provisions of this bill which I think are objectionable, and ought not to receive the countenance of this House.

The gentleman tells us that he would not as chairman of a committee report any bill which had the slightest tendency to interfere with the question of State rights.

Now, I do not know how the gentleman understands State rights. But here is a bill which it was when first reported, before any amendment had been offered to it, chartered a railroad running through three or four States of this Union, which was to be authorized by the laws of the United States without the consent and without even asking the consent of a single State through whose borders it was proposed that it should pass. And yet the gentleman says he is in favor of no measure in conflict with the doctrine of State rights. As the bill was originally proposed, though to some extent that defect has been cured by the amendment offered by the gentleman from Virginia, [Mr. DOUGLAS,] it proposed to charter a railroad corporation to go through these several States, and they were not so much as to say to the Legislatures of those States "By your leave." The intention was to give this corporation full, unlimited, and complete authority to go through all these States without once saying to the people or the Legislatures of those States, "We ask your consent to do so."

Now, what else is there in this bill? I say that even now, as the bill at present stands, it places this corporation entirely above all State legislative control, as much so as it is possible for legislative provisions to have that effect. The Legislatures of the States through which this road is to pass cannot pass one single statute to regulate the road in any particular, except as regards police regulations and the crossings of other railroads and canals. In all other particulars this corporation is to be as absolutely independent of the States through which it passes as it is possible by a law of Congress to make it. No provision in the bill, no sentence in the bill, can be construed to give any power to a State Legislature upon this subject, so far as this bill is concerned.

Furthermore, the Congress of the United States cannot legislate so far as the rates of travel and transportation over this road are concerned, except as such legislation shall apply to all the railroads chartered by the Congress of the United States. Whatever objectionable features there may be in the congressional legislation concerning the Pacific railroads, whatever rights those roads may have acquired from the Congress of the United States to which the people now object, however wrongfully may be any principle or tendency of those Pacific railroads, the same thing is continued by this bill as it stands, and Congress cannot in any one single particular legislate as to this railroad unless the same legislation shall apply to every Pacific railroad chartered by Congress.

The gentleman has referred to the eleventh section of this bill to show that it is State rights in its tendency, and that it gives some authority to the Congress of the United States. I will read that section:

That the said corporation, in constructing its said road, shall conform to all the laws and regulations of the several States through which it may pass—

How conform? To what extent?

in relation to crossings of other railroads, and public roads, and canals and navigable waters, or other streams within the jurisdiction and control of said States—

It is not to conform to the laws and regulations of these several States in any other particulars except as to crossings of other railroads and public roads, and canals and navigable streams—

and shall be subject to all general *police regulations* established by the general laws of such States

Now, if this road is to be chartered by the Congress of the United States—and for the time being on this occasion I do not propose to enter into a discussion whether Congress has or has not the power to charter this corporation, but if you concede the power why should Congress put a corporation into the State of Ohio, for instance, with no power in the Legislature of that State to legislate in regard to it except as to police regulations and in relation to crossing railroads, canals, and navigable streams in the State?

There is one other section to which I shall call attention. It provides:

That Congress shall at all times, whenever, in its judgment, the public good requires it, have the right to interpose its authority to regulate the rates of travel and transportation on the said railroad by general laws applicable to all railroads constructed under charters granted by the Government of the United States.

They must be general laws. There can be no special legislation, no legislation with reference to this road except such as will apply to every railroad chartered by the Congress of the United States.

Now, one other thing. The gentleman has, I think, unconsciously exposed where the real gist of this thing lies. He has attempted to demonstrate that this House has the right to grant subsidies in aid of railroads. Here is the real milk in this cocoanut. The charter to this company would be of little benefit unless there was in prospect a subsidy at the back of it. I say here that, in my opinion, if this bill shall pass and become a law, within less than three sessions of Congress after it becomes a law you will have this corporation knocking at your doors, and, under the advice of gentlemen who take the same position as the gentleman from Kentucky, asking for a subsidy to complete this railroad, and who will claim that you are in honor bound, having granted this charter, to see that it does not fall by the wayside.

Mr. NEAL. Did not the bill as originally introduced provide that this road should receive a subsidy?

Mr. SAVAGE. I was coming to that. This bill, as originally introduced by the gentleman from Virginia [Mr. HARRIS] and referred to the Committee on Railways and Canals, provided for the indorsement or guarantee of the United States to the extent of $14,000,000 or $15,000,000. The committee have left out that provision for reasons which it would not be very difficult to understand. The proposition now is to rush through this bill, as the gentleman undertook to do the other day under the demand of the previous question, without any discussion at all.

Mr. JONES, of Kentucky. The gentleman will allow me to say that I made no such demand; he knows very well that I expressed the desire to have this bill discussed.

Mr. SAVAGE. The record of the proceedings of this House shows that the gentleman did demand the previous question upon this bill, and it was after the failure of the gentleman to have his demand sustained that the bill was referred to the Committee of the Whole on the state of the Union.

Mr. JONES, of Kentucky. Yes, sir; but it was done by me under the supposition that no one desired to discuss the bill; and I am surprised that the gentleman, a member of the Committee——

Mr. SAVAGE. I do not yield to the gentleman.

The SPEAKER *pro tempore*. The gentleman from Kentucky is out of order. The gentleman from Ohio [Mr. SAVAGE] is entitled to the floor without interruption, unless he yields it.

Mr. SAVAGE. Now, as I said before, the whole object of granting this charter, and the reason why this railroad corporation did not in the first place go to the Legislatures of the different States for authority to run this railroad, was to place the road above and beyond the control of the State Legislatures, and in the end to have a claim upon the Congress of the United States for a guarantee of the interest of the bonds of the company.

Mr. JONES, of Kentucky. The gentleman has no right to make any such assumption.

Mr. SAVAGE. I say, Mr. Speaker, that the records of this House bear me out in the statement that this corporation has come before our committee asking for a subsidy.

Mr. JONES, of Kentucky. It did no such thing.

Mr. SAVAGE. The gentleman says it did no such thing. I have here a copy of that bill as originally offered, and I propose to call attention to one of its provisions. The eleventh section provides:

That for the purpose of determining the amount of aid to be rendered by the United States, the said railroad is hereby divided into two divisions, one of four hundred miles westward from its commencement opposite to the District of Columbia, including a double-track bridge across the Ohio River, and extending through the rough country on the right bank of said river, which is hereby denominated the mountain division, and the residue of seven hundred miles, including the main line to Saint Louis and the Chicago branch, which is hereby denominated the western division; and the indorsement of interest to be guaranteed by the United States shall be at the rate of $17,500 for each mile of said four hundred miles of said mountain division, and at the rate of $10,000 per mile for each mile of said western division.

Mr. JONES, of Kentucky. The committee did not report that bill.

Mr. SAVAGE. This is the same corporation; and this is the proposition which that company in the first place desired our committee to indorse and bring before the House.

Mr. JONES, of Kentucky. But the committee refused to do it.

Mr. SAVAGE. I do not yield to the gentleman.

Mr. JONES, of Kentucky. I hope the gentleman will state all the facts.

Mr. SAVAGE. I propose to do so. Our committee, I know, refused to grant the subsidy; but I am maintaining that the passage by Congress of this charter is only the first step and will ultimately end in a demand for the very subsidy which has been refused by our committee, with the added argument that the Congress of the United States has passed the charter and given the company its rights, and that we are in honor bound to see that the enterprise does not fail.

Now, Mr. Speaker, I think there has been perhaps as much discussion upon this question as the temper of the House desires; and I move to lay on the table the motion to reconsider.

Mr. DAVY. Will the gentleman allow me to say a word?

Mr. SAVAGE. I insist on my motion to lay on the table.

Mr. DAVY. I would like to say one word.

The SPEAKER *pro tempore*. The motion is not debatable.

Mr. HARRIS, of Virginia. I desire to put a parliamentary question. It was I who made the motion to reconsider the vote by which the House committed this bill to the Committee of the Whole. I am going to appeal to the courtesy of the House, and I know the Chair will sustain me in that appeal.

Mr. SAVAGE. In order to avoid any difficulty, I would inquire of the Chair how much time I would have if I should withdraw the motion to lay on the table.

The SPEAKER *pro tempore*. About twenty-five minutes.

Mr. SAVAGE. Then I withdraw the motion, and yield to the gentleman from Virginia twenty-four minutes, so that at the close of his remarks I may have an opportunity to renew the motion.

Mr. HARRIS, of Virginia. Mr. Speaker, I do not desire to make a speech, but merely to state the facts in connection with the position which this bill now occupies.

I hope the House, in courtesy to the Speaker if not to myself, will consent to reconsider the vote by which the bill was referred to the Committee of the Whole, so that it may be brought back before the House for its action at such time as the pleasure of the House may determine. The facts were these: When this question was under discussion the other day my friend from Ohio [Mr. SAVAGE] moved to refer it to the Committee of the Whole, and on that motion not more than fifty members perhaps voted, developing much less than a quorum. The gentleman from Kentucky who had charge of the bill objected to any action being taken in the absence of a quorum, but in the confusion prevailing in the House and during a colloquy between him and the gentleman from Ohio [Mr. SAVAGE] the gentleman from Kentucky said he withdrew his objection. As I understand from him now, he meant to say that the gentleman from Ohio had withdrawn his objection, but the Chair understanding him as I did, that is, as withdrawing his objection to the call of a quorum, I at once renewed the objection, but in the confusion the Chair could not hear me, although, as the Chair is aware, I generally speak very distinctly. But I appeal to the RECORD, I appeal to the Journal, to show that I made in time the objection which would have saved the bill from going to the Committee of the Whole. I now ask unanimous consent (and I am sure that in this request I shall have the concurrence of the Chair, in view of the fact that I made the point in time but was not heard by the Chair)—I ask unanimous consent that the bill be placed back in its original position on the Calendar. If the House will unanimously consent, in courtesy to the Chair and to myself, to place the bill back in its original position, I shall not then desire to argue the question; otherwise I wish to occupy a few moments.

The SPEAKER *pro tempore*. The Chair desires to state to the House that at the time the vote was taken upon the motion to refer this bill to the Committee of the Whole on the state of the Union there was not a quorum present. The House was proceeding to divide by tellers, of which the gentleman from Kentucky, [Mr. JONES,] being the mover of the bill, was one. There was some confusion in front of the Speaker's desk, as there is always when the House is dividing by tellers, but, as appears by the RECORD, and the recollection of the Chair is the same, the announcement was made by the gentleman from Kentucky, [Mr. JONES,] "I withdraw the call for a further count." The tellers immediately retired, and members who were passing between them separated and went to their several seats. At this time the gentleman from Kentucky [Mr. DURHAM] made a motion to take up another bill. The gentleman from Virginia [Mr. HARRIS] claims that before the gentleman from Kentucky made the motion to take up another bill, he himself objected to the arrangement, and it appears by the RECORD that the gentleman from Virginia after the Speaker *pro tempore* had decided the bill was referred to the Committee of the Whole on the state of the Union, and the House was proceeding to other business, said "I object to that agreement." The Chair did not hear the gentleman, and he is mistaken in stating that the Journal shows that he objected. It does appear in the RECORD.

Mr. HARRIS, of Virginia. It was taken down by the reporter and I never spoke to him about it. He heard it.

The SPEAKER *pro tempore*. It seems that inadvertently the rights of the gentleman from Virginia have been somewhat affected. If the House choose, they can reconsider the motion to refer, and may by unanimous consent place the bill in the position it then was on the Calendar, or, having reconsidered the motion to refer, they can again take a vote on the question of reference. The Chair would be sorry if, even through misapprehension, he should so rule as to deprive any member of his rights. He will say, however, in justice to himself, that he did not hear the gentleman from Virginia until the House had proceeded to other business and was dividing on the motion of the gentleman from Kentucky, [Mr. DURHAM.]

Mr. BURCHARD, of Illinois. I have no objection to the consideration of the question whether it shall be to reconsider or to putting the question again whether the bill shall be referred to the Committee of the Whole on the state of the Union; but I think a vote of the House should be taken either whether the reference shall be reconsidered or on further consideration the bill shall again be referred to the Committee of the Whole on the state of the Union.

The SPEAKER *pro tempore*. The Chair will put the question.

Mr. HARRIS, of Virginia. I desire to be heard on that question.

Mr. SAVAGE. Must not the question first be taken on my motion to lay the motion to reconsider on the table?

Mr. HARRIS, of Virginia. The gentleman yielded to me twenty-four out of the twenty-five minutes remaining of his time.

The SPEAKER *pro tempore*. If the gentleman from Virginia desires to discuss the question of reconsideration, it is perfectly proper for him to do so.

Mr. HARRIS, of Virginia. That is what I propose to do. I hold the floor by the courtesy of the gentleman from Ohio.

Mr. SAVAGE. I yielded twenty-four minutes of my time, retaining one minute of the time the Chair said I had for the purpose of moving to lay the motion to reconsider upon the table.

Mr. HARRIS, of Virginia. I am not prepared, Mr. Speaker, to enter into a discussion of the merits of this bill to-day upon this motion. I had thought that on a bare statement of the facts, as it appears by the RECORD, and as stated by myself, this House would unanimously agree to re-instate the bill upon the Calendar in the House, and thus save further time, but I am driven to the necessity of arguing this question lest the House may not understand the merits of the bill, although at the same time it cannot be expected I should go into the argument of the constitutional question, involving important matters, in so short a time. I must therefore confine myself to the brief statement of the points of the bill, with some reply to the remarks of the gentleman from Ohio who last held the floor.

What is the purport of the bill? A charter was granted by the State of Virginia for the purpose of incorporating a railroad company called the Washington City, Cincinnati and Saint Louis Narrow-Gauge Railroad, that authorized the making of a road from the city of Washington to the city of Saint Louis, with a branch to the city of Chicago. Of course Virginia could give no rights outside of her own limits. The friends of this company found the laws of the several States through which this road passed were different, and that some of the constitutions, especially that of West Virginia, prohibited the granting of any special charter, and I believe it is so in some of the other States, and consequently to undertake to procure that charter from each separate State through which this road passed would have been utterly impossible. It would have been impossible to have procured a harmonious system which would have worked without jarring and without clogging, because some States would certainly have imposed conditions inconsistent with the interests of other States and inconsistent with the well-being and harmony of the road. Secondly, it was necessary to have a uniform charter acting in all the States alike. But whether they have the right or not to charter this road, whether Congress has the power under the Constitution, is not material to the discussion of this question, and the most tender-footed and hair-splitting State-rights man need not permit his mind to be troubled upon the questions involved in this bill, because it is made subject to the approbation of each State through which it passes.

I offered the original bill at the request of a portion of my constituents, just as it had been prepared by its friends, to be considered by the committee, reserving the right to myself to oppose any of its provisions which I did not approve. There were such in the bill. But, Mr. Speaker, it is not necessary to discuss them now, as the amended bill is that on which the House is called to act.

One of the amendments to the bill is as follows:

Provided, That Congress reserves the right to regulate by law the rates of fare of passengers and of freights on said railroad and its branches.

Another amendment provides that—

This act may be amended or repealed by Congress at any time.

Another amendment adopted is as follows:

The charter which shall be granted shall not take effect in any State when the Legislature thereof shall by resolution object to the same.

And then there was the further amendment adopted on the motion of my colleague, [Mr. DOUGLAS,] as follows:

But said corporation shall not have authority to lay out, survey, or locate any land for its projected road in or through any State until said State shall by legislative enactment expressly confer the power so to do.

That is, that the charter shall not take effect in any State until the Legislature of said State shall by special act approve of it and give it sanction. Then, sir, where is the violation of the rights of the State? If the State says the road should not invade the domain of that State, that is the end of it. We take the risk. This bill is laid before the Legislatures of the different States and they determine whether they will or will not have it. If they say they will not have it, then the action of Congress has no effect.

Some of my friends on my right may say that they object to this bill because it concedes everything to the States and yields too much of the power of Congress.

But my friend from Ohio [Mr. SAVAGE] says that Congress has reserved no right over the subject. What rights would he have Congress reserve other than those that are reserved, the right to regulate freights and to regulate fares? But he says the States through which the road may pass have no such right. Ought a State through which a railroad passes to have the right by law to regulate the fares of passengers and the rates of freight, unless it be local fares and freights? Do the States as a general thing do that for their own road? The State has a right, after looking at this charter, to determine for itself whether it will grant it or not; and if it determines to let this road pass through it without the power of regulating the rates for the transportation of persons or of property, why then it does so with a full knowledge of the fact and ought not to undertake to do it. On the other hand, the States may impose conditions upon their acceptance, which would be binding on the company.

The gentleman talks about States' rights. But individuals have rights as well as States. And while a State protects a man in the franchise of his home and his farm and gives him title to it, it has no right to say how he shall manage it when he comes into possession of it, how he shall plow it, and how he shall cultivate it.

But, sir, this bill provides that this shall be in addition a post-road. And the gentleman from Ohio denies upon this floor the right and the power of Congress to make a post-road; not only the right to adopt roads already in existence, but the right to make roads if it be necessary to carry the mails. Sir, under the old confederation Congress had only the power to establish *post-offices;* and it found after it established a post-office there might be no road to it, and no road might be made by a State. So when they came to adopt the Federal Constitution they added additional words giving the power to establish post-roads and post-offices. That principle was acted on by Mr. Jefferson as early as 1806. And that eminent commentator upon the Constitution, Judge Story, speaks of that limited construction of the Constitution wherein the power to make a post-road was denied, when the power to adopt one already made was conceded. That was the dividing line between those men who took the extreme view, as it was termed, of the limited power of the Government, and those who took the ground that the Government had a more enlarged power; that if it had the right to make a post-office it had the right to make a road to the post-office, for the reason that a post-office would be of no value unless you had a road to it. The gentleman beside me reminds me that Congress grants charters for bridges across streams where States are connected. Ohio and Virginia, or West Virginia, must come to Congress for a charter to organize a company to build a bridge for the purpose of connecting those States.

The gentleman from Ohio would argue that you have no right to make a post-road to carry the mails. Let me read what Mr. Story says as to that question:

> The whole practical course of the Government upon this subject, from its first organization down to the present time, under every administration has repudiated the strict and narrow construction of the words above mentioned.

That is, that Congress could only adopt a road already constructed.

> The fact, if true, that Congress have not hitherto made any roads for the carrying of the mail, would not affect the right or touch the question. It is not doubted that the power has been properly carried into effect by making certain State roads post-roads. When Congress found those roads suited to the purpose, there could be no constitutional reason for refusing to establish them as mail-routes. The exercise of authority was clearly within the scope of the power. But the argument would have it that because this exercise of the power, clearly within its scope, has been hitherto restrained to making existing roads post-roads, therefore Congress cannot proceed constitutionally to make a post-road where no road now exists. This is clearly what lawyers call a *non sequitur*. It might with just as much propriety be urged that because Congress had not hitherto used a particular means to execute any other given power, therefore it could not now do it. If, for instance, Congress had never provided a ship for the Navy except by purchase, they could not now authorize ships to be built for a navy, or *a converso*. If they had not laid a tax on certain goods, it could not now be done. If they had never erected a custom-house or court-house, they could not now do it. Such a mode of reasoning would be deemed by all persons wholly indefensible.
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> But it is not admitted that Congress have not exercised this very power with reference to this very object. By the act of the 21st of April, 1806, (chapter 41,) the President was authorized to cause to be opened a road from the frontier of Georgia, on the route from Athens to New Orleans; and to cause to be opened a road or roads through the territory, then lately ceded by the Indians to the United States from the river Mississippi to the Ohio, and to the former Indian boundary line, which was established by the treaty of Greenville; and to cause to be opened a road from Nashville, in the State of Tennessee, to Natchez, in the Mississippi Territory. The same remark applies to the act of 29th of March, 1806, (chapter 19,) "to regulate the laying out and making a road from Cumberland, in the State of Maryland, to the State of Ohio." Both of these acts were passed in the administration of President Jefferson, who it is well known on other occasions maintained a strict construction of the Constitution.

Thus says Mr. Justice Story; and I am sure, without intending any discourtesy to my friend from Ohio, [Mr. SAVAGE,] that Justice Story, upon constitutional questions, is quite as good authority as my friend himself can be.

Mr. DAVY. Will the gentleman allow me to ask him a question?

Mr. HARRIS, of Virginia. Certainly.

Mr. DAVY. Does the gentleman believe that this Government has any constitutional right to organize itself into a railroad corporation for the purpose of competing with the great railroad interests of the United States?

Mr. HARRIS, of Virginia. I do not think the Government could make itself into a corporation if it would.

Mr. DAVY. That is what this bill proposes to do.

Mr. HARRIS, of Virginia. That is the question which has troubled the minds of the most learned jurists this country ever saw, whether a county, or a State, or the Government is a corporation or not. I am sure of one thing, that the Government of the United States cannot organize itself into a corporation; it never has attempted to do so and never will. But whether it can grant corporations or corporate rights to another is another thing.

Mr. DAVY. If the Government grants these corporations, then it has a right to control them and regulate the rates of freight and of carrying passengers.

Mr. HARRIS, of Virginia. This bill gives the Government that right, subject to the action of the States.

Mr. DAVY. That brings the Government into indirect competition with the railroad interests of the country.

Mr. HARRIS, of Virginia. The road, if constructed, would produce a fair competition, and so much the better for the people.

Mr. DAVY. I claim that the bill does that thing.

Mr. HARRIS, of Virginia. My friend has never read the bill. I wish he would inform himself on the question.

Mr. DOUGLAS. Will my colleague allow me to ask him a question?

Mr. HARRIS, of Virginia. With pleasure.

Mr. DOUGLAS. If I understand my colleague, he argues that the power of this Government is unlimited to construct roads anywhere through, in, or by a State, wherever necessary to be used as post roads. I do not intend to enter into a discussion of that question. But I desire to ask him this question. The Government also has the right to erect post-offices, to erect forts and arsenals, to build dock-yards for the uses of the Navy, to erect court-houses, &c., and to do many other things of that kind. Now, does my friend intend to say that Congress has the right to do these things without obtaining the concession of the State, the local right of jurisdiction within the States where these structures are to be placed? If not, then by analogy what right has Congress to construct a post-road without obtaining such concession?

Mr. HARRIS, of Virginia. As to the question of obtaining concession from the States, I think the practice has always been the reverse; I do not mean as to the principle, but as to the action of the Government. I think the Government of the United States has always required the States to make the concession before the Government would invest its money within the limits of the State.

Mr. DOUGLAS. The Government never ventured to invest a dollar until it had first obtained the concession.

Mr. HARRIS, of Virginia. Certainly not, because it did not want its money to be placed on territory without a concession first obtained. I am as good a State-rights man as my colleague. I believe in the power of the Government to do all the things which are expressly conferred on it by the Constitution, and not otherwise. But my friend is even more liberal than this in his construction of the Constitution; he is in favor of Congress making appropriations for rivers and harbors and little inlets and creeks and bays. He will take money from the Government to open a river or inlet down in his district, and he will ask no cession from the State either. He is right in doing so; for that is within the power of the Government. I do not blame him for it. If I had harbors and bays in my district, I should be asking such aid from the Government.

Mr. DOUGLAS. Did I understand my friend to say that I was in favor of opening docks and harbors?

Mr. HARRIS, of Virginia. I said that you asked for appropriations for harbors; at least that you favored them.

Mr. DOUGLAS. Yes, sir; and I maintain that this Government in its national capacity (for it is partly national and partly local in its jurisdiction and powers) has the constitutional right to afford aid to enterprises of this sort. Especially under the power of Congress to regulate commerce, it is not only its right but its duty to provide comfortable and safe ports and harbors for the accommodation of commerce.

Mr. HARRIS, of Virginia. Suppose there was a harbor in your district and that there was a town near with no post-route to it. I ask my colleague whether Congress would not have the right to make a post-road from here or any other point to get at the post-office, court-house, or other building that the Government had constitutionally erected?

Mr. DOUGLAS. Not without the consent of the State of Virginia. The State possesses the right of eminent domain; and the Federal Government cannot dispose of the territory of the State without her consent.

Mr. HARRIS, of Virginia. I know the Government cannot dispose of the territory of a State without its consent; but I do not deem it important to discuss that question of eminent domain with my friend. Men much more learned than myself and equally learned with him have discussed the question for a century, and are no nearer an agreement now than they were at the beginning; so that I shall not undertake to discuss it or express an opinion in twenty minutes. I say to my colleague and to the House that I am as good a State-rights man as he is, as much in favor of all the reserved and inherent rights which the States have not ceded; but I will never stand here contending for rights which do not exist or which are no material benefit to the States.

Mr. SAVAGE. I now renew the motion to lay on the table the motion to reconsider.

Mr. HARRIS, of Virginia. I would like my colleague [Mr. DOUGLAS] to have an opportunity to say a word; for he is in favor of this bill, but may be misunderstood as being opposed to it. If I have any time left I yield it to my colleague.

Mr. SAVAGE. My time is out, or I would be glad to yield to the gentleman from Virginia, [Mr. DOUGLAS.]

The question being taken on the motion of Mr. SAVAGE to lay on the table the motion to reconsider, there were—ayes 42, noes 51; no quorum voting.

Tellers were ordered; and Mr. JONES, of Kentucky, and Mr. DAVY were appointed.

The House divided; and the tellers reported—ayes 70, noes 71.

Mr. DAVY. I call for the yeas and nays.

The yeas and nays were not ordered.

So the motion was not agreed to.

The question then recurred on the motion to reconsider.

Mr. HARRIS, of Virginia. I hope the House will adopt the motion to reconsider. I shall then ask no further action on the bill at this time.

Mr. SAVAGE. I call for the yeas and nays on the motion to reconsider.

The yeas and nays were not ordered.

The question being taken on the motion to reconsider, there were—ayes 62, noes 55; no quorum voting.

Tellers were ordered; and Mr. JONES, of Kentucky, and Mr. SAVAGE were appointed.

The House divided; and the tellers reported—ayes 71, noes 54.

So the motion to reconsider was agreed to.

The SPEAKER *pro tempore*. The question now recurs on the motion to refer the bill to the Committee of the Whole on the state of the Union.

Mr. JONES, of Kentucky. I do not propose any action on the bill at this time; but I hope it will be permitted to remain in the House.

The SPEAKER *pro tempore*. This motion must be disposed of.

Mr. JONES, of Kentucky. Is discussion in order?

The SPEAKER *pro tempore*. It is.

Mr. HARRIS, of Virginia. I do not ask to have the bill considered now.

Mr. SAVAGE. Now would it be in order, as this proceeding has been taken out of courtesy to the gentleman from Virginia—would it be in order to recommit the bill to the Committee of the Whole on the state of the Union?

The SPEAKER *pro tempore*. The question now before the House is precisely that.

Mr. SAVAGE. That is the motion I wish to make, that this bill be referred to the Committee of the Whole on the state of the Union.

The SPEAKER *pro tempore*. That is not necessary. The motion to reconsider having been agreed to the question now recurs on the original motion of the gentleman from Ohio [Mr. SAVAGE] to refer this bill to the Committee of the Whole on the state of the Union. That is the question now before the House: Shall the bill be referred to the Committee of the Whole?

Mr. DOUGLAS. Is that motion debatable?

The SPEAKER *pro tempore*. The gentleman from Ohio has the floor on that motion.

Mr. SAVAGE. For how long?

The SPEAKER *pro tempore*. The gentleman has an hour.

Mr. SAVAGE. Very well, then I will yield as much time as the gentleman from Virginia wants.

Mr. DOUGLAS. I only want five minutes.

Mr. SAVAGE. I will yield, then, for five minutes to the gentleman from Virginia.

Mr. LORD. I rise to a privileged question. I wish to inquire whether the unfinished business can be postponed in this way? I move to proceed with the consideration of the Geneva award bill and that the further consideration of this matter be postponed.

The SPEAKER *pro tempore*. The gentleman cannot do that at this time.

Mr. DOUGLAS. He cannot consider that such a privileged motion as would take the floor from me.

The SPEAKER *pro tempore*. Certainly not.

Mr. DOUGLAS. Mr. Speaker, this is not my way of discussing the merits of a bill under consideration; but I wish simply to remove what may be a misapprehension in the minds of some gentlemen arising out of the colloquy which passed between my colleague [Mr. HARRIS] and myself the other day. Entertaining the views of the powers of this Government that I do, I could not, being also friendly to the measure, sit quietly and listen to such definitions of the powers of the States and the Federal Government, respectively, as fell from the lips of my friend and colleague. Leaving the other questions out of consideration, whether or not this company can come back to this Congress at some future day and ask for a subsidy or aid in some form or other, I wish to say the first question which addressed itself to my mind on reading the bill was that the first section undertook to invest a corporate body with powers within a State which the Government itself could not exercise directly. To remove that objection, sir, I submitted an amendment, which was adopted, declaring the corporation proposed to be created by that bill should not have any power to lay out, survey, or locate a line for its proposed road without the legislative consent of the States, respectively, in which it was proposed to build it. That amendment was adopted by the patron of the bill.

Mr. LEWIS. Your amendment applied to a section which provides that "said company shall have power to construct branches and lateral roads not exceeding one hundred miles in length, except one to connect with the Northern Pacific and one with the Union Pacific Railroad, which said branches shall not be limited in their length."

Mr. DOUGLAS. Mr. Speaker, the amendment offered by myself, while attached to and constituting a part of the first section, applies as a limitation upon every part of that bill.

Mr. JONES, of Kentucky. Of course.

Mr. DOUGLAS. It was intended to prevent the conferring upon this corporation of any power or privilege inconsistent with the local jurisdiction of the States.

Mr. JONES, of Kentucky. And it was so understood when it was adopted.

Mr. DOUGLAS. Having that particular effect, that scope and meaning, I am prepared, leaving out of the discussion all other questions, without any constitutional scruples on my mind, to give my support to it when it comes up upon its passage.

Mr. MAISH. What is the amendment to which the gentleman refers?

Mr. DOUGLAS. My amendment was to the first section.

Mr. MAISH. Does it apply to the branches and lateral roads?

Mr. DOUGLAS. To all.

Mr. MAISH. Let me read the gentleman's amendment:

> But said corporation shall not have authority to lay out, survey, or locate any line for its projected road in or through any State, until said State shall by legislative enactment expressly confer the power so to do.

Mr. MAISH. The lateral roads are not projected. It does not apply to roads which are not projected, and the branches have not yet been projected.

Mr. DOUGLAS. Here is authority asked for a corporation to build a main line and branches. Are not the branches as much a part of that projected scheme as the main road? It applies to every part and parcel of that bill, which proposes to confer authority upon this company.

Mr. LEWIS. These lateral roads have not yet been projected. The bill expressly provides that the company shall have power to construct branches to connect with the Northern Pacific and Union Pacific, which shall not be limited in length. They have not yet been projected, and it cannot apply to them.

Mr. DOUGLAS. I have no objection to gentlemen offering other amendments so far as I am concerned, but I am not the patron of the bill.

Mr. DAVY. I ask the gentleman from Ohio to yield to me for a few minutes.

Mr. SAVAGE. I yield to the gentleman for ten minutes.

Mr. DAVY. As a member of the Committee on Railways and Canals, I am opposed to the passage of this bill. There are several reasons why I am opposed to the passage of it. In the first place, when this bill was presented to the committee parties interested in it desired a subsidy. Finally there was so much opposition in the committee, they had that portion of it stricken out.

Now they are willing to ask for a charter. I ask you, for what purpose, when they know that simply granting a charter by Congress gives them no power to pass through any of the States from the Atlantic to the Mississippi River. They are then compelled to go to the individual States and obtain charters before they can make a single move in constructing the road. I ask you what was the object? For one I must frankly admit that I believe the object is to commit the Government to this railroad policy, a policy which organizes a corporation that must necessarily place itself in direct opposition to all the great railroad interests of this country. The object is to commit the Government to that policy; and if you and I live to come to the next session of Congress, we will find those very same parties that advocated a subsidy in the first place coming before the committee at the next session and advocating it. That is the object of it; and I believe, just as much as I believe I stand here speaking against this bill, that all these parties desire in procuring the passage of this bill is to commit the Government to this policy in order that they may eventually obtain a subsidy.

Mr. HENDERSON. Will the gentleman from Ohio yield to me a few moments?

Mr. SAVAGE. I yield the gentleman five minutes.

Mr. HENDERSON. I do not rise with any intention to discuss this bill. But so far as the objection made by the gentleman from New York [Mr. DAVY] is concerned, that at some subsequent session of Congress this railroad company may come here asking for a subsidy, that does not seem to me to be an objection to the bill. I say to the gentleman from New York, "sufficient unto the day is the evil thereof." If any subsequent Congress may think proper to grant a subsidy to this road, I do not see that we are responsible for their action. For one, I am opposed to the subsidy. I opposed it in the committee. I shall oppose it at this session of Congress, and shall oppose it at any subsequent session of Congress. But it does not seem to me to be any argument whatever to say that at some future day this company may come to the door of Congress and ask for subsidy, and that therefore

we will not give such authority as we may possess for the building of this road.

I think I can see a reason, Mr. Speaker, why this company may want a charter from Congress, if Congress has the power to grant it, and it is this: Instead of getting half a dozen different charters from as many States, through which this road is to run, having different provisions, because in some of the States the regulations are different from those in others, you have but one charter and one company authorized to construct the road, if Congress has the power to grant it, and I think it has, and this enables the company to go on and construct its road; and the only difficulty then is to obtain the right of way from the States according to the laws of the respective States. But if they have one charter and one system, as was stated by the gentleman from Virginia, [Mr. HARRIS,] it seems to me that is a very great advantage.

Mr. DAVY. I desire to say just one word in reply to the gentleman from Illinois, [Mr. HENDERSON.]

Mr. SAVAGE. I yield the gentleman three minutes.

Mr. DAVY. I believe if we see an evil arising, it is our duty as legislators to take steps to ward it off. I believe there is an evil purpose in the attempt to procure the passage of this bill. If we can see, what I think the gentleman himself must see from the course which was pursued before the committee by these parties who came in there to advocate the subsidy, their object is sooner or later to procure a subsidy, I say it is our duty as legislators to take steps to ward that off.

Mr. SAVAGE. I will say just one word in reply, also, to what my friend from Illinois [Mr. HENDERSON] said. I think it well to avoid the first step in a matter of this kind. And as this corporation came before us in the first place asking for a subsidy, we have a right to presume their intention is in the end to obtain a subsidy. I now yield ten minutes to my friend from Nebraska, [Mr. CROUNSE.]

Mr. CROUNSE. Mr. Speaker, the purpose of this bill, as I understand it, is to obtain from Congress a charter authorizing the construction of a narrow-gauge railroad from some point in Virginia to Saint Louis, in the State of Missouri. The bill comes somewhat unexpectedly before us, and it is not my purpose, as I have not the time allowed me, to discuss the details or merits of it. By the courtesy of the gentleman from Ohio, [Mr. SAVAGE,] who has moved to recommit the bill to the Committee of the Whole, I am given a few minutes in which to support his motion.

Whether there be the power on the part of the General Government to authorize the construction of a road which must invade and traverse several States in its course I cannot stop to consider. But I must express my surprise to see it asserted and maintained by that side of the House and by those who come from that section which has so often and so violently contended for State rights and against the centralization of power in the Congress of the United States.

Coming as I do from and being honored in representing a State which is traversed throughout its entire length by a road chartered by Congress, and knowing the experience of my people, I desire simply to admonish the House against any haste in again entering upon this line of legislation, a class of legislation which has been attended with more disgrace and scandal than any other. A bill of this kind should be fully considered, and if it is to pass, let it be well guarded in all its parts.

Congress in the year 1862 incorporated the Union Pacific Railroad Company. It provided for the subscription of a hundred millions of dollars. It donated to the company from the public lands ten square miles of land for every mile of road it should construct from the Missouri River westward. In addition to this, United States bonds to an amount of from $16,000 to $48,000 per mile were advanced to be secured by a first mortgage on the road. This legislation was had at the time of the nation's trouble, and Congress was moved by considerations of the highest character in making the enactment. In order to bind the distant Pacific States more securely to the rest of the Union, to facilitate the transmission of the mails, to transport troops and supplies with ease and dispatch, were among the objects which induced the giving so great a franchise and the making such liberal donations.

Any one who will read the original Pacific Railroad charter will concede that the grant made was liberal, even munificent. But a few designing individuals with no particular conception of nor sympathy with the grand objects to be effected by the building of the road, but seeing the temper of Congress, discovered an opportunity whereby they might enrich themselves. They applied in 1864 for a modification and enlargement of the charter. Their industry and zeal were too much for Congress. Where ten square miles of land were originally granted they obtained twenty; where the loan of the Government bonds was to be secured by a first mortgage it was to be made a second mortgage. Forming themselves in the double character of the Union Pacific Railroad Company and the Credit Mobilier Company, in the former they received the proceeds of a first mortgage on the road, some $27,000,000, the Government loan of a like sum, and some ten millions from a mortgage on their lands, all of which they put in their pockets in the name of the Credit Mobilier, besides picking up the entire road without paying the price of the stock. So the company not only get the road for nothing, but made many millions in its construction.

Annually the tax-payers throughout the United States are paying several millions of dollars to meet the interest on the bonds issued to this and other corporations chartered by Congress, and which these companies have failed and even refused to pay. Eventually the United States must pay the bonds themselves, with little or no hope of re-imbursement. Holding but a second mortgage, the security is wholly inadequate to meet the first mortgage and then pay the Government bonds with thirty years of accumulated interest.

It is true no subsidy is asked in this bill. This the framers of it have wisely omitted, in view of the present temper of the people. But the proposed measure is nevertheless insidious. The first step is to get the Government committed to establishing the road. The paternity is then fixed, and next year, or at some suitable time, the fostering care of the Government will be challenged. The nation's credit or bounty will be demanded in its aid, and those appliances which reflect no credit upon legislation, and which industrious, shrewd corporators and their paid attorneys have learned to apply, will be brought to bear.

It will not do to say that we need not anticipate these questions, and that Congress will be able to deal with them properly when they shall arise. It is best to guard the first step. No one can vouch for the virtue of future Congresses, whatever may be his opinion of the present or those of the past.

But one of the principal objections against a charter of this kind emanating from the General Government is the freedom of the corporation from local control. The experience of the people of Nebraska illustrates the inconvenience and damage which grow out of it. The Union Pacific Railroad, as I have remarked, runs the entire length of the State. The dealings and relations between the people there and the company are of necessity extensive and intimate. Still, as the company derives its charter from Congress, it may fix any terms and inflict any imposition upon the people without power on the part of the latter through the Legislature of the State to effect escape or redress. At one time it charged as high as ten cents per mile for passenger fare; a rate unheard of elsewhere, I believe. Freights are charged proportionately.

Then the company, among the donations of land it has received, has held something like five millions of acres in my State alone. By a construction of its charter and under the holdings of the United States courts the company, while it holds them for sale, while they are enhanced in value by the toil, money, and enterprise of the settlers about them, these lands have for the most part been exempted from taxation. The burdens of taxation have thus been shifted from those most able to pay and imposed on those who can illy afford to meet them. Intent, seemingly, on getting all it can, and unwilling to meet any of the expense incident to government, the company even defied the State in its attempt to levy taxes on its road or rolling-stock. Because it received its charter from the General Government and was carrying mail, troops, and munitions, like any other road, it yet arrogated to itself governmental protection and treated the State's effort to collect tax from it, as from other roads in the State, as impertinent. Fortunately, however, after the expenditure of much money in costs and counsel fees, a decision from a divided court was obtained in favor of the State. But in any attempt to obtain legal redress from the company the party seeking it must submit to following it into the United States court or abandon the claim, special legislation having been obtained through Congress giving the company immunity from having matters concerning it tried in local courts.

In all these matters, I repeat, this company is removed from and is superior to local jurisdiction and control. The difficulty of obtaining relief here is great, as my experience proves. What particularly concerns Nebraska may not interest members from other States. I have introduced bills here at different sessions looking to relief, and have pressed them as vigorously as I knew how and as some of the committees will attest. But I get scarcely any through, and those fail at the other end of the Capitol. Among these I have before this body a bill to regulate the tolls over the company's bridge over the Missouri River at Omaha. By the amended charter the company should have built this bridge as a part of its road, so as to connect with the roads from the East ending at the bank of the Missouri River, thus carrying out the design of Congress to create an unbroken line across the continent. However, when the company claimed to have finished its road in 1869, and received its pay in full, it had omitted this bridge. Having learned the way of making large gain in the construction of roads, it came here in 1871 and obtained permission to issue bridge bonds to the extent of two and a half million dollars to aid in the construction of a bridge. Since its construction they have charged not only the other seven or eight roads which center there, but for their own cars the sum of $10 per car of freight and fifty cents for each passenger crossing the bridge.

This rate must strike every one except the owners of the bridge as extortionate. To the people I immediately represent it proves very onerous. Raising corn, wheat, and like coarse products, dependent largely for their value upon the rate of transportation, they must submit to this extraordinary exaction to pass these articles barely beyond the threshold of the State.

This, a matter of vital concern to a people whose fuel, whose lumber, salt, and the like must pay such high tariff, does not particularly concern members who may never see Nebraska, and whose constituents are indifferent to the rates of tolls charged. The contest here is there-

fore not an easy one with a corporation with millions to make or lose, and which can and does employ the ablest counsel of the land and expert agents to protect its interest. Before some of the committees of the House I have met the ablest counsel of the land, gentlemen of national repute, while in the corridors and lobby, some no doubt now listening to what I say, I am pointed to "agents" or lobbyists employed at good prices by one and another of these companies to "reason" with members and protect the companies' interest.

But I trust to get some one or more of the measures I refer to before this body at some time, and I expect they will challenge and receive the consideration to which they are entitled. Here is the place for redress. The State is powerless, and unless abuses are corrected here, the people of my State and those similarly affected are remediless.

But I have consumed the time given me. I hope the bill will be recommitted, that it may be fully discussed and considered.

Mr. HARRIS, of Virginia. The gentleman does not pretend there is a lobby in connection with this bill?

Mr. CROUNSE. No, sir; I am simply giving my experience, and wish to warn gentlemen not to be too ready to put themselves under the power of corporations or their lobbies.

Mr. SAVAGE. I now yield to the gentleman from Iowa, [Mr. WILSON.]

Mr. WILSON, of Iowa. There is one kind of a bill which I would like to see reported from the committee, for I would be glad to support it, and if this bill is recommitted I hope the committee will have regard to those principles upon which we should legislate. First, we want a charter giving Congress jurisdiction where the subject is beyond the power of State control. We want the right of the State protected in regard to local shipments. The difficulty under which we labor at present is that the railroads bringing our products from the West to the seaboard are controlled by the State law alone. It is not the interest of men who control the present through lines of railroad that any new charter shall be given; and those of us who live in the Mississippi Valley must expect to have their combined efforts against any relief to us in that direction. It is not the political belief of gentlemen coming from most of the democratic States that Congress should give a national charter. Consequently, those interests are combined to prevent any such charters being given.

We have this matter brought directly before us in the West. The evils have been twofold: The want of law to protect men who have invested their money in these railroads; and the want of law to protect those who patronize the roads. The halt that has been called to the building of railroads has been in consequence, first, of the extortion practiced upon the shippers, and, secondly, from the fact that the men who bought the bonds by the aid of which those roads were built have had no protection whatever. We want the committee who have charge of this matter to report a bill that shall give to Congress the right to control shipments of an interstate character. We want them also to reserve to the States the right to control the local shipments within the States. If these points are covered, then I should be glad to vote for such a bill. I do not want to sacrifice the rights either of the States or of the United States; and I desire that the General Government, the only power in the land that is able to reach this evil, shall step in and correct it.

Mr. SAVAGE. I now yield to the gentleman from Kentucky, [Mr. JONES.]

Mr. JONES, of Kentucky. Mr. Speaker, as chairman of the committee that reported this bill, I desire that no misunderstanding shall exist in regard to the action or the opinions of that committee. In the first place, I admit that this bill originally asked for a subsidy; but the Committee on Railways and Canals, at their very first meeting, decided unanimously to report for the consideration of the House no bill asking a subsidy. That action was in conformity with the resolution adopted by this House in the first few days of this session, and in conformity also with the individual judgment of the members of the committee. I desire to say furthermore that the president of this railroad company came himself to the committee and desired that the provision for a subsidy should be struck out. This much should be stated in justice to him.

I am very much surprised to hear gentlemen get up here and oppose an enterprise of this sort upon the idea that it interferes with State rights, and that if Congress should merely recognize this corporation as existing under State authority, there is great danger that at the next session or some time hereafter we may go on and grant great subsidies to this corporation or other corporations.

Why, sir, the gentleman from New York [Mr. DAVY] is very tenacious upon this subject. After the Congress of the United States has given $200,000,000 of subsidies to northern enterprises, he is opposed to action of Congress even recognizing without any subsidy the existence of a corporation of this sort—a corporation originating in a Southern State. Why, sir, suppose that the president and corporators of this company may hereafter ask for a subsidy, cannot the gentleman leave that question to be decided in the future by Congress in its discretion, courage, and ability? Here is a railroad proposed to run through West Virginia, to open up a mountainous region which has no facilities at all in the way of railroads, and if you appeal to the States of West Virginia, Ohio, Indiana, and Illinois upon this subject, I presume there will not be a dissenting voice against allowing the Government to assume jurisdiction to the extent that is asked in this bill, simply to recognize the corporation and give it countenance and support.

Gentlemen on this floor, especially from the South, are too much alarmed about subsidies. The gentleman behind me [Mr. ATKINS] asks me whether the constitutional power is denied. I do believe that some of our would-be extreme State-rights men would now deny that the Government of the United States has the right to establish a post-office or a post-road within a State without the consent of the State, though the power of the Government in that respect is unlimited and unqualified. Why, sir, what is the difference between cleaning out a river in a State and running a railroad through a State? How many State-rights men on this floor have voted for appropriations of thousands of dollars by the United States Government to clean out little rivers in their States and even to make rivers where hardly any water runs?

Now, I beg gentlemen not to be too much frightened about subsidies. Mr. Speaker, I profess, and so do my brethren on this floor from the South who advocate railroads, to be as much devoted to State rights as any members here; but I give fair notice that we intend before this Congress expires, and in the next Congress if any of us should be here, to ask for a subsidy from the General Government to build a railroad through the South.

I do not propose to support with hearty acclaim a Government that will expend $200,000,000 of its money to build great railroads, to build up one section of the country to the exclusion of the rights of another section. While I think this power should be guarded with extreme caution, yet I intend to vote as a southern man, as a Union man, as a man who advocates the equality of the States in the Union—I intend to vote for every subsidy for the general benefit where we want these improvements in the South which pays its just proportion of taxes to the Government and which is entitled to an equal distribution of its benefits.

Mr. DAVY. I should like to ask the gentleman from Kentucky a question.

Mr. JONES, of Kentucky. I have not time in the few minutes granted to me by the gentleman from Ohio to yield for any question.

Mr. DAVY. But I wish to ask one question, and the gentleman from Ohio will yield for that purpose. Do I understand the gentleman from Kentucky to say that he is in favor of a subsidy?

Mr. SAVAGE. Yes; he said he would vote for all subsidies.

Mr. DAVY. And for all roads.

Mr. JONES, of Kentucky. No, there is no subsidy in this bill. I said the time is not far distant when I would be in favor of granting a subsidy from the General Government to a great and important railroad enterprise or to public improvements in the South upon the ground that the North has already had $200,000,000 of the public money for its improvement, while the South has had comparatively nothing. I want equality in this regard between the States.

Mr. ATKINS. There is no bill before this House or before Congress asking a subsidy for this railroad.

Mr. SAVAGE. I do not yield any further, and am opposed to this discussion, and hope it will soon be brought to a close.

But it seems to be necessary that I should say a word or two in reply to what fell from my friend from Kentucky, [Mr. JONES.] How much time, Mr. Speaker, have I left of my hour?

The SPEAKER *pro tempore*. Thirty minutes.

Mr. SAVAGE. I do know that I have any objection to the gentleman from Kentucky voting for any subsidy he feels disposed to vote for, but I did not expect to precipitate a discussion of how many other railroads this country would be called upon to build or anything of the kind. So far as this particular measure is concerned I do not know to whom the gentleman from Kentucky alludes in the discussion as the gentleman from Pennsylvania. As no gentleman from Pennsylvania has made a speech in opposition to this bill so far, I am at a loss to know to whom he refers. My friend from New York [Mr. DAVY] is the only one I know of on the opposite side who has made a speech against this bill connected with the committee.

Mr. JONES, of Kentucky. I said the gentleman from Pennsylvania by inadvertence. I meant the gentleman from New York.

Mr. JENKS. I ask the gentleman to yield to me for a few minutes.

Mr. SAVAGE. I will yield to the gentleman from Pennsylvania for five minutes.

Mr. JENKS. Mr. Speaker, the question as to a northern, southern, eastern, or western railroad is in no way pertinent to this consideration. The same equal justice should be done of course and will be done, I apprehend, by Congress to all parts of the country. But the principle involved in this bill is utterly destructive of everything we have heretofore adopted as the principles upon which this Government should be administered.

In the first place, Mr. Speaker, observe the character of the charter. There is a Virginia charter granted to a road. They come to Congress, and now ask the provisions of that charter shall be extended over half a dozen different States, with power to make two branches of indefinite length from the western end, probably, which may terminate one at San Francisco, and the other possibly at Portland, Oregon. Then, without designating the points from which and to which the different lateral branches are to run, the right is granted to make lateral branches one hundred miles in length. If we were in a State, and asking the State to charter such a road as this, it

would be met at once as being so objectionable that it should not pass.

The people should hold fast to these franchises, for when they are granted they assume a magnitude the people cannot any longer control.

But what character has this road? It has the double character of a charter from the State and a charter from the National Government. Who shall assume control over these charters? Will they come under the law of the State or the law of the National Government, or under both; or should there be a constant collision between the two?

It is a complete mongrel so far as this bill is concerned. And even if it were proper and right that the National Government should grant a charter in the first instance, it certainly would not be right to adopt the charter granted by the State of Virginia and extend its provisions over half a dozen different States. It is equivalent to saying, "Let Virginia pass an act by which she shall charter a road not only in her own territory, but which shall be extended to the State of Pennsylvania, or wherever else she may deem proper."

So its mongrel character is the first objection to the bill. Then the character of the bill itself is different from that ever granted, in that the road has indefinite power to make lateral branches wherever it shall deem proper and to two branches of indefinite length.

But the duties of the United States Government are so great, that even if it has full power to grant such a charter, it should not be exercised. If the power exists it should not be exercised, in that it will cast upon the Government a burden of duties which never can be properly discharged. If this road may ask a charter from the National Government any other may. And if the National Government grants charters to railroads through all the different parts of the United States, Congress can do no other business than legislate on railroads alone. In order to discharge that duty it would have to throw aside all other governmental duties.

But there is another view I desire briefly to present. When this road is chartered by virtue of an act of Congress, then any infringement of the charter or any action against the company draws the litigants into the courts of the United States. Now, every principle of justice requires that justice should be administered at home. Every man feels more confident of obtaining right and justice where he is nearest his own home. This thought or intention has pervaded all the institutions of our country. Now, suppose this railroad company, proposing to be chartered, should get involved in litigation with some citizen, say of Illinois, as to the right of way, they will go through the courts of Illinois, and the courts of Illinois might decide as the company might think contrary to law. The consequence would be that the litigation would be finally brought to the Supreme Court of the United States. Thus every man who has a right of way to settle with a railroad company would be involved in litigation in the courts of the United States by virtue of this congressional action.

Mr. JONES, of Kentucky. Will the gentleman permit me to ask him a question?

Mr. JENKS. Certainly.

Mr. JONES, of Kentucky. Is the gentleman aware that this bill provides that this company cannot drive a stake or send an engineer into any State without the consent of the Legislature of that State?

Mr. JENKS. I am aware of that; but when it is chartered by Congress there is congressional legislation which requires interpretation and application, and whenever a law of Congress is to be interpreted as a matter of right, the citizen may go into the courts of the United States to determine that controversy. Every citizen who had litigation with this railroad might ultimately have to terminate his case in the Supreme Court of the United States, and this being a mighty corporation, as a general rule any one would rather forego his right than attempt to assert it. And if Government is framed for the interestis of the people, this is a state of things which ought not to exist.

They base the right of Congress to charter this road on its constitutional right to establish post-offices and post-roads. If that be a correct interpretation of the Constitution, then the Government of the United States is authorized to make all the public roads in the United States. Because if every public road may be made a post-road, if that is the intention, then the whole road system of the United States would be concentrated and brought within the power of the Government of the United States. So that we would have these principles adopted: First, that the United States may charter all the railroads in the United States; second, that she may charter or may regulate all the roads; third, that she may draw the litigation of all her citizens into the United States courts. And these are violations of the fundamental principles on which our Government stands, and should be resisted by every one who has the good of his country at heart.

Therefore I think this bill ought by no means to be allowed to pass. Reference has been made to subsidies. It is not in this bill, and I hope it never will be in any bill. But whether it is or not, there is here a subsidy principle more dangerous than any money subsidy that could have been introduced into the bill.

Mr. SAVAGE. I yield five minutes to the gentleman from West Virginia, [Mr. HEREFORD.]

Mr. HEREFORD. In my strict construction of the Constitution I yield to no gentleman upon this floor. But without going into the argument upon that question, (for that would take more time than is allowed me,) I want to ask my democratic friends on this floor who say they are opposed to this bill on principle, are you better democrats than the father of the Constitution? James Madison, when President of the United States, signed the great Cumberland road bill. He saw then no constitutional trouble when he came to investigate the question of signing the great Cumberland road bill in the fact that it passed from State to State. Where is the difference in principle?

We have sat at the feet of Madison, all of us, in our younger and in our older days, and have learned from him what was the true interpretation of this instrument. And, without going over the argument that he made when he signed that bill and upon many other occasions, I say that the example he set us and that the principle he enunciated when he signed that very bill are sufficient guarantee to me that Congress has ample power—to do what? To simply grant a charter to a railroad. It is true it passes through different States; but, as the bill itself provides, this charter is entirely inoperative, and can be stopped at any State line in two ways: First, before you can enter the domain of a sovereign State this bill provides that you must get the consent of that State. It provides by another amendment that any State by a mere resolution can stop it. I ask the strictest constructionist of the Constitution where there is any violation of the Constitution, where is the danger to any State?

There is another reason that induces me to support this bill. Ever since I have had the honor of a seat upon this floor, session after session we have heard the subject of cheap transportation urged upon each and every member of this House. This proposed charter is, to my mind, a solution of the whole question.

I do not say that any of my friends who have spoken adversely to this proposition are in the interest of the great railroads, for I never yet have impugned the motives of any gentleman upon this floor. But, while I do not charge them with that, and I do not believe that it is so, yet their conduct, their speeches, their votes here to-day are in the interest of the great railroad monopolies of the United States.

This question was presented before the committee of which I have the honor to be chairman, by a resolution of this House, directing us to inquire into the combinations made by the various railroads and the discriminations against the commerce of the United States by the various railroads in the Union. That resolution passed by this House is the voice of the House, of the republicans as well as of the democrats. It declares that discriminations by these combinations do exist, and that such discriminations cripple commerce and paralyze all the interests of this great country.

Now if you charter this railroad and it is built, it is a solution of the whole question of cheap transportation. In the investigation of that subject by the Committee on Commerce we asked the question, as to these discriminations and combinations, if the roads charged A more than they did B for the same kind of work. The vice-president of the great Pennsylvania Railroad, from which State my friend [Mr. JENKS] hails, declined to answer that question, and put it upon the ground that, while the Pennsylvania Railroad Company owns and controls six thousand miles of railway, yet they are chartered by the different States through which they run; they are operating under State charters, and therefore Congress has no right to investigate the subject.

Now charter this railroad, and then it will come clearly within the power of Congress to investigate that subject. Charter this railroad, build it, and it will come in competition with the great railroad monopoly of the day, and we will have cheap transportation.

[Here the hammer fell.]

Mr. SAVAGE. In rising to close this debate, I desire to consume only a few minutes of the time of the House. But some statements have been made here by my friend from West Virginia [Mr. HEREFORD] to which I think it proper to allude. So far at least as I am myself concerned, I do not propose to be charged with having, or even to have it supposed that I have, any interest in any railroad in the country, or that I am in opposition to any measure which in the least would have a tendency to cheapen transportation, which my people are so anxious to have done.

There may be a very grave difference of opinion between the gentleman from West Virginia and myself as to the effect this road will have upon cheapening the transportation of the country. I am one of those who do not believe that cheap transportation can be brought about by destroying all the powers of the State Legislatures of this country to legislate upon the rates of freight and transportation. I am not one of those who believe that it has the effect to cheapen transportation where a railroad may discriminate against citizens of the county or district which I represent, and we can get no remedy except by making an appeal to Congress, which represents thirty-seven States. I am not one of those who believe in taking away from the Legislature of the State of Ohio, for instance, the right to say that this railroad company cannot discriminate against towns, cities, and villages that are not on roads other than the one this bill proposed to charter.

I am not one of those who believe that such a road as this can be established in the State of Ohio and we can say to the Legislature of that State, no matter how much this road may discriminate against your citizens or attempt to crush the industries of your section by high rates of fare and transportation, you shall not have the right to regulate the rates of fare and transportation and put them upon a

different footing from what this road may choose to put them, unless Congress shall come to your aid.

This bill places in the hands of Congress exclusively the power to legislate in regard to the rates of transportation, and expressly denies the right of any State to legislate upon the subject, or it does so by implication at least, by providing that Congress alone shall legislate upon the subject. No State Legislature has any right on this matter. The Legislature of the State of Ohio is denied the power to protect the interests of her people by legislation, as absolutely under this bill as if the Legislature was entirely abolished. This bill might very properly be entitled, a bill to abolish State Legislatures, so far as this railroad is concerned, in those States through which it is proposed to construct it.

Entertaining these views, I could not support this bill in its present shape. I have moved that the bill be committed to the Committee of the Whole on the state of the Union, in order that there may be an opportunity to consider and amend it in these particulars. If there must be a charter, leaving out the whole question of subsidies, let us amend this bill and endeavor to make it somewhat near what it should be.

Mr. HARRIS, of Virginia. The gentleman says he does not want to concede the right of this corporation to go through his State, and that he wants his State to have the power to regulate the local rates of freight and transportation. Does not the gentleman know that this bill now provides that this road shall not be constructed through any State without the consent of that State?

Mr. SAVAGE. I will answer that question.

Mr. HARRIS, of Virginia. And does not the gentleman know that the State when it is called on to give its consent can attach any condition it pleases, and if the road accepts those conditions are binding upon the company? And in that way the State will have the right to regulate the freights passing through the State; and therefore the States have it in their power to regulate freights passing through their territory.

Mr. SAVAGE. I do not understand the last part of the question.

Mr. HARRIS, of Virginia. The bill says the road must be approved by the State before it can pass through its territory. The States can make a conditional approval, dependent upon the road carrying freights at certain rates.

Mr. SAVAGE. Let me answer the question which the gentleman is now expanding into argument. I deny that there is any such provision in the bill or in the amendments. I take the ground that the State Legislatures must either accept *in toto* or reject *in toto* this charter. I go further and say that by this bill the Legislatures of the States through which this road passes have no power whatever to legislate so far as any question of freight or transportation may arise locally or otherwise.

Mr. DAVY. The right is reserved in the bill.

Mr. SAVAGE. The bill reserves the right of Congress to legislate on the subject with the condition to which I referred in my opening remarks; that the laws regulating the question must apply without exception to all the chartered railroad corporations of the United States.

Mr. HARRIS, of Virginia. That is true.

Mr. SAVAGE. It does not make any difference what your legislation in reference to railroads may have been in the past, it is continued by this bill for all time to come; and neither the Congress of the United States nor the State Legislatures can legislate on this subject except in such a way as to apply eqally to all railroads in the country.

I now ask a vote on the motion to recommit.

Mr. WHITE. I hope the gentleman's motion will be voted down.

The SPEAKER *pro tempore*. The question is not debatable. On this question, as the Chair understands, the gentleman from Ohio calls for the previous question.

The previous question was seconded and the main question ordered.

The question being taken on the motion to refer to the Committee of the Whole, there were—ayes 69, noes 25; no quorum voting.

Tellers were ordered; and Mr. SAVAGE, and Mr. JONES of Kentucky, were appointed.

The House divided; and the tellers reported—ayes 95, noes 43.

So the motion was agreed to.

Mr. SAVAGE moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CONFERENCE COMMITTEES ON DISTRICT BILLS.

The SPEAKER *pro tempore* announced the appointment of Mr. BUCKNER, Mr. STEVENSON, and Mr. HENDEE as the committee of conference on the part of the House on the bill (H. R. No. 3411) authorizing the repavement of Pennsylvania avenue.

The SPEAKER *pro tempore* also announced the appointment of Mr. NEAL, Mr. HARTRIDGE, and Mr. WILLARD as the committee of conference on the part of the House on the bill (H. R. No. 2676) for the assessment and collection of taxes in the District of Columbia.

EDWARD CORSELIUS AND OTHERS.

Mr. CONGER, by unanimous consent, introduced a bill (H. R. No. 3806) for the relief of Edward Corselius, Colby Short, James W. Jubb, Sylvanus Avery, J. J. Hosmer, George Hopkins, W. M. Wright, W. E. Clark, G. W. Cramton, M. McDermott, and E. Allen, late members of the Michigan Veteran Volunteer Cavalry; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MESSAGE FROM THE SENATE.

A message from the Senate by Mr. SYMPSON, one of their clerks, announced that the Senate had insisted on its amendments disagreed to by the House to the Army appropriation bill, had agreed to the conference asked by the House on the disagreeing votes of the two Houses, and had appointed as conferees on the part of the Senate Mr. ALLISON, Mr. LOGAN, and Mr. THURMAN.

The message also announced that the Senate had agreed to the report of the committee of conference on the bill (H. R. No. 3375) making appropriations for the naval service for the year ending June 30, 1877, and for other purposes.

Several members called for the regular order.

GENEVA AWARD.

The SPEAKER *pro tempore*. The regular order is the consideration of the bill (H. R. No. 2685) reported by the Committee on the Judiciary for the distribution of the unappropriated moneys of the Geneva award, on which the gentleman from Massachusetts [Mr. PIERCE] is entitled to the floor.

Mr. PIERCE. I am disinclined to occupy the time of the House, and I should not do so if the question under consideration was not of grave importance, involving as I believe the honor and good faith of the Government. As I have but a few minutes in which to present my views, I shall not undertake to review or criticise the arguments made by the majority and minority of the Committee on the Judiciary, but confine myself to a brief statement of the circumstances under which the award was made and the principles which should govern its distribution.

The sum of $15,500,000 in gold was awarded by the tribunal of arbitration at Geneva in compensation for all direct damages inflicted by the confederate cruisers known as the Alabama, the Florida, the Shenandoah, and their tenders, the Tuscaloosa, the Tacony, the Clarence, and the Archer. In the case of the Shenandoah it was decided that Great Britain was responsible only for the acts committed by that vessel after her departure from Melbourne on the 18th of February, 1865, and compensation was allowed accordingly. The award in the case of the other two vessels covered their whole career under the confederate flag. So far as related to the damages inflicted by the vessels called the Retribution, the Georgia, the Sumter, the Nashville, the Tallahassee, and the Chickamauga, the tribunal decided that Great Britain had not failed, by any act or omission, to fulfill its duties as defined by the treaty of Washington; and, so far as related to the vessels called the Sallie, the Jefferson Davis, the Music, the Boston, and the V. H. Joy, it was decided that they ought to be excluded from consideration for want of evidence.

The claims made by the United States commissioners for compensation on account of expenses incurred by the Government in the pursuit of these cruisers, the loss in the transfer of the American commercial marine to the British flag, the enhanced payments of insurance, and the prolongation of the war were distinctly and definitely disallowed.

In order to arrive at an equitable compensation for the damages sustained by the inculpated cruisers, the arbitrators disallowed all double claims for the same losses and all claims for gross freights so far as they exceeded net freights. The protocols of the conferences at Geneva show very clearly how the final award was arrived at. The amount of the American claim for ninety-four ships and cargoes destroyed by these cruisers, for whose acts Great Britain was, by the tribunal, held responsible, amounted to $14,437,000. These same claims as revised by the British commissioners amounted to $7,074,000. The mean value was then taken, one year's wages were allowed to the crews of fishing-craft and whalers in lieu of prospective catch, 25 per cent. added on the values of vessels, interest was allowed at 6 per cent., and the sum arrived at was $15,409,289.69—and thereupon the round sum of fifteen and a half millions was awarded.

By chapter 459 of the acts of the Forty-third Congress (1874) a court of commissioners was established with power to adjudicate and allow claims for direct damages caused by the inculpated cruisers in those cases in which the claimants had not received full indemnity from the insurance companies for property destroyed; but no claims of insurance companies for destruction of property by the inculpated cruisers were admissible, unless the sums of their losses exceeded the sum of all their premiums or other gains upon or in respect to war risks. This act was the work of a conference committee appointed to harmonize the differences between the two branches of Congress. It covered only those claims about the validity of which there was no dispute. In reply to a question, the chairman of the committee on the part of the House, who reported the bill, said he believed the amount of money it would require to pay the claims provided for by the bill would not exceed three millions. It was also stated by the chairman that, in respect of claims by the insurance companies, by the war-premium men, and by those who lost by cruisers other than those named in the award, the matter was left wholly to future legislation. Unless there had been a distinct understanding that the rights of these claimants should not be prejudiced by this partial provision for distribution, it is evident from an examination of the record that it never could have been adopted.

The court of commissioners appointed under the act of the Forty-third Congress had awarded, up to the 1st of April, the sum of $8,078,033.59. To cover the awards yet to be made under this act it is estimated that $700,000 will be required. Under the act of the present Congress extending the time for claimants, it is estimated that the awards will amount to $300,000. It appears from this that the total of all claims under existing laws will amount in round numbers to about $9,300,000.

The sum received from Great Britain, having been invested in United States 5 per cent. bonds, now amounts to something over $20,000,000 in currency. If we deduct from this the amount already awarded and the estimated amount to be awarded, we have the sum of $11,000,000 awaiting distribution.

Now, then, to whom does this money belong? The majority of the committee say that those who had property destroyed on the high seas by the exculpated cruisers (*i. e.*, the cruisers for whose acts Great Britain was not held responsible) shall receive the first consideration; that those who paid enhanced rates of insurance shall next be considered; and that the insurance companies, which paid for property destroyed both by the inculpated and the exculpated cruisers, shall receive their compensation from what there is left, if anything.

The following statement shows the claims already filed under these several classes named in the bill:

Statement of amount of claims for losses by the so-called exculpated cruisers—from revised list of claims.

Boston	$400 00
Chickamauga	183,070 00
Georgia	431,160 00
Jefferson Davis	7,752 00
Nashville	108,433 95
Retribution	29,018 52
Sallie	5,540 00
Sumter	179,697 07
Tallahassee	836,841 82
Shenandoah, ante Melbourne	554,810 49
Total	2,336,725 19

Of this there are claimed by the insurance companies for losses by the—

Boston	$400 00
Chickamauga	115,509 00
Georgia	166,900 00
Jefferson Davis	4,752 00
Nashville	16,050 00
Retribution	10,852 00
Sallie	5,540 00
Tallahassee	205,633 68
Shenandoah	142,677 00
Total	668,313 68

Leaving the total amount claimed by other parties $1,668,411.51

The claims for war premiums have amounted to $6,328,869.77, namely, three hundred and forty-one claims filed before May 15, 1872, (from revised list,) $6,146,219.71; sixteen claims filed after that date, (Miscellaneous Document No. 270, House of Representatives, first session, Forty-third Congress,) $182,650.06.

The total claims by insurance companies for losses by inculpated cruisers amount to (including four years' interest at 4 per cent.) $5,644,365.12.

It appears, then, that the total claims in each class provided for in the bill submitted by the majority are as follows:

First class	$1,668,411 51	
Interest	266,945 84	
Total		$1,935,357 35
Second class	6,328,869 77	
Interest	1,012,619 16	
Total		7,341,488 93
Third class	5,534,145 30	
Interest	885,463 22	
Total		6,419,608 52
Total of three classes		15,696,454 80

It appears from this statement that, supposing no additional claims were filed, the amount left after satisfying the first two classes would be about $1,700,000 to meet claims for actual losses on the part of the insurance companies, which were covered by the Geneva award, amounting to $5,644,365.12.

Now, although the finding of the tribunal was for the gross amount of damages inflicted by the inculpated cruisers, the Government is not relieved thereby from its obligations as the receiver in trust to distribute the money in accordance with the principles of law which obtain in every civilized community.

In a recent opinion pronounced by the court of commissioners of Alabama claims, (West *vs.* United States, No. 91, page 12,) the following language is used:

Do not national courtesy and good faith require of us to suppose that Congress, in creating this court, never intended we should distribute this fund other than for the purposes for which Great Britain supposed she was paying it? For instance, suppose Congress had chosen to keep half the fund and convert it into the Treasury of the nation, or had directed this court to distribute it among those whose commercial interests had been injured by the terror and alarm caused by the insurgent cruisers, or among those who had suffered loss by the depredations of rebel cruisers other than the Alabama, Florida, and Shenandoah. In such cases, would not Great Britain have had cause to complain that she had been misled, overreached, deceived? Would our Government have been acting in good faith in making such disposition of this fund?

Mr. LORD. Did not the decision to which the gentleman refers announce distinctly that Congress could dispose of this fund in its discretion?

Mr. PIERCE. I did not so understand it. I only know that they say distinctly that if Congress should give the fund to any parties except those who lost by these three cruisers (and your bill gives it to other parties) Great Britain would have the right to claim that she had been deceived, misled, overreached. It is for that reason I oppose this bill.

The claimants to whom the first preference is given by the majority bill, namely, those who sustained losses by the exculpated cruisers, have no more right to a share in the distribution of this fund than they would if they had had property destroyed by the confederate gunboats on the Mississippi and other rivers. The United States, acting in their behalf, presented the claims and the evidence to the court of arbitration, and they were, as I have already shown, passed upon and disallowed. Said Judge Poland in discussing the question before this House in 1874:

Why may not gentlemen in Pennsylvania come in with claims for houses destroyed in Pennsylvania when that State was invaded by the rebels, and be paid out of the award just as well as any vessel-owner who claims compensation for his vessel for which we have received no money under the award?

As to the second class of claims allowed under the bill, namely, those for enhanced rates of insurance, I will show briefly from the record of proceedings at Geneva how they were regarded. Mr. Davis, the agent of the United States, claimed that under the treaty this Government was entitled to have the judgment of the tribunal upon all their claims, both direct and indirect, growing out of the acts of the cruisers. He says in his report to Mr. Fish, (volume 4, page 2:)

The claims for enhanced rates of insurance were among those which had been classified as indirect in the statement which had received the approval of all the members of the joint high commission.

To the submission of these indirect claims for the action of the tribunal Great Britain, as is well known, took exception on the ground that they were not within the scope of the treaty of Washington; and for a time the treaty was in danger of being overthrown. To prevent such a calamity the arbitrators, on their own motion, decided—

That, after the most careful perusal of all that has been urged on the part of the Government of the United States in respect of these claims, they have arrived, individually and collectively, at the conclusion that these claims do not constitute, upon the principles of international law applicable to such cases, good foundation for an award of compensation or computation of damages between nations.

That decision was accepted by the United States; and the Secretary of State, in communicating to Mr. Davis the assent of the Government to the action of the tribunal, said:

This is the attainment of an end which this Government had in view in the putting forth of those claims. We had no desire for a pecuniary award, but desired an expression by the tribunal as to the liability of a neutral for claims of that character. The President, therefore, * * * authorizes the announcement to the tribunal that he accepts their declaration as determinative of their judgment upon the important question of public law upon which he had felt it his duty to seek the expression of their opinion; and that, in accordance with such judgment and opinion, from henceforth he regards the claims set forth in the case presented on the part of the United States for loss in the transfer of the American commercial marine to the British flag, the enhanced payment of insurance, and the prolongation of the war and the addition of a large sum to the cost of the war and the suppression of the rebellion as adjudicated and disposed of; and that consequently they will not be further insisted upon before the tribunal by the United States, but are henceforth excluded from its consideration by the tribunal in making its award.

It appears, therefore, that these claims for enhanced rates of insurance stood on the same footing as the claims for damages on account of the prolongation of the war.

Now, in regard to the insurance companies whose claims under this bill are to be paid out of what is left, if anything, after the other claimants are satisfied, I think I can show, in a very few words, that they are the only parties named in the majority bill who have a valid claim upon this fund, and their claim does not extend beyond the losses on account of the inculpated cruisers. The award was made in compensation for property destroyed by the three confederate cruisers and their tenders, *i. e.*, for ninety-four ships and cargoes. Who were the owners of that property? The act passed in 1874 provided for the payment of those who had not their property insured. The right of the insurer to all claims of the assured, upon payment of the amount insured, has been decided by all the State and Federal courts. It is not a technical right but a natural one.

Judge Story decided in Vasse's case, 1 Peters, 193, where the Spanish government paid the United States a sum of money awarded by commissioners in compensation for vessels seized and carried into Spanish ports—a case in many respects like the one under consideration—that the money belonged to the insurer. He said:

The law gives to the act of abandonment to underwriters, when accepted, all the effects which the most accurately drawn assignment would. The underwriter then stands in the place of the assured and becomes legally entitled to all that can be recovered from destruction. It is clear that the right to compensation for damages and injuries to which citizens of the United States were entitled, and which under the treaty with Spain were to be subjects of compensation, passed by abandonment to the underwriters upon property which had been seized or captured.

In a speech on the French claims delivered in the United States Senate in 1835 Daniel Webster said:

> There is no more universal maxim of law and justice throughout the civilized world than that an underwriter who has paid a loss on ships or merchandise to the owner is entitled to whatever may be received from the property. His right accrues by the very act of payment, and if the property or its proceeds be afterward recovered in whole or in part, whether the recovery be from the sea, from captors, or from the justice of foreign states, such recovery is for the benefit of the underwriter.

In the British counter case at Geneva it is stated that—

> The American insurance companies who have paid the owners as for a total loss are in our opinion—

That is, of British counsel—

> entitled to be subrogated to the rights of the latter, according to the well-known principle that an underwriter who has paid as for a total loss acquires the rights of the assured in respect of the subject-matter of insurance.

And in this connection I may be permitted to state that I have the word of one of the arbitrators at Geneva that the claims of the underwriters formed the basis of the award paid to this Government by Great Britain, and that the records of the court clearly show that fact.

"But" it is said "the insurance companies made money out of their business during the war, and therefore they are not entitled to any consideration in the distribution of this award." Did we take into account the profit and loss on their general business during the war of those whose claims have been adjudicated under the provisions of the act of the last Congress? Do those who favor the payment of war premiums propose to examine the accounts of the claimants for re-imbursement and ascertain whether they made a profit or sustained a loss on their general business during the war, and if they made a profit rule them out, and if there was a loss to re-imburse them only to the extent of that loss? I suspect that if such an examination was made we should find very few war-premium claimants who would be entitled to share in the award. It would be found that the enhanced prices which they had received for freights and cargoes had generally been more than sufficient to cover the enhanced rates of insurance. There is no reason, therefore, in making any such unjust discrimination against the claims of the underwriters. Many of the companies which prospered on their general business during the war have since met with reverses and have been obliged to suspend for want of sufficient assets to cover their losses.

Mr. Speaker, in concluding this brief and necessarily imperfect presentation of the question, I cannot help saying that the delay in providing for the distribution of this award to the parties to whom it belongs, and the propositions which have been submitted for its distribution to parties to whom it clearly does not belong, have justly brought reproach upon the Government. That the Government is in the position of a trustee, bound to distribute this money to those on whose account the award was made, seems to me unquestionable. Said Mr. Chief Justice Kent in the case of Gracie *vs.* The New York Insurance Company:

> If France should, at any future period, agree to and actually make compensation for the capture and condemnation in question, the Government of the United States, to whom the compensation would in the first instance be payable, would become trustee for the party having the equitable title to the re-imbursement, and this would clearly be the defendants, (the underwriters,) if they should pay the amount.

Upon the decision of this question there is involved a matter of graver concern than the withholding from the rightful claimants that to which, by the laws of every civilized community, they are justly entitled. If the terms of this award, made in pursuance of the treaty of Washington, are to be disregarded—if they are to be violated in the manner here proposed by the majority of the Judiciary Committee of this House—the era of peaceful arbitration between sovereign powers which was supposed to have been inaugurated by that treaty will end with that treaty. That is a consideration which I beg you in the interests of peace, in the interests of human progress, to bear in mind, and to weigh carefully in the determination of this important question.

POST-OFFICE APPROPRIATION BILL.

Mr. HOLMAN. The committee of conference on the disagreeing votes of the two Houses on the post-office appropriation bill have had several meetings and have failed to agree. I am accordingly directed to report to the House. I move the committee be discharged, and that a further conference be asked on the disagreement of the two Houses. Let the Clerk read the report.

The Clerk read as follows:

> The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 3263) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1877, and for other purposes, having met, after full and free conference, have been unable to agree.
>
> W. S. HOLMAN,
> J. H. BLOUNT,
> HENRY WALDRON,
> *Managers on the part of the House.*
>
> J. R. WEST,
> H. HAMLIN,
> *Managers on the part of the Senate.*

Mr. HOLMAN. I move the committee be discharged and that the House ask for a further conference on the disagreeing votes.

Mr. SEELYE. I think we are entitled, Mr. Speaker, to a more specific statement of the ground of the disagreement. I take it it is very clear this agreement can only be gained by concessions on both sides. It seems to me this House is entitled to know whether the committee of conference have made concessions which are judicious.

Mr. HOLMAN. Of course the gentleman from Massachusetts is aware that the details of what transpires in the committee-room as between conferees are not proper to state.

Mr. SEELYE. I understand that, of course.

Mr. HOLMAN. I can state the leading points of difference between the conferences of the two Houses. They are, first, in reference to salaries of postmasters; secondly, to reduction of the cost of transportation of the mails by railroads; and thirdly, to third-class matter. These are the three leading points of difference between the two Houses.

Mr. SEELYE. My special inquiry is whether the committee of conference has manifested a disposition to make becoming concessions. I take it this House is not going before the country to insist upon its own way in the matter of disagreement between it and the Senate. We must have concessions made from both sides. I think we are entitled to know whether the committee of conference on the part of the House has manifested a becoming disposition in reference to those concessions, and to know that would require us to know how far in concessions they have been willing to go.

Mr. HOLMAN. Mr. Speaker, the gentleman from Massachusetts can see how impossible it is to state to what extent concessions were made either by the conferees on the part of the Senate or the conferees on the part of the House. The gentleman will remember there are a great many amendments made to this bill. Indeed, there are several millions of dollars' difference between the two Houses in reference to the amount to be appropriated. The points of difference are on the principle at which salaries are to be adjusted, the compensation to be allowed to railroad companies for transporting the mails, and in reference to third-class matter. When I mention those as the points of difference I think I indicate somewhat that there have been concessions either upon the part of the conferees of the House or upon the part of the conferees of the Senate.

But I will say, in a general way, inasmuch as this is an important bill and ought to become a law at the very earliest moment, that none of the conferees appointed by the House, and I assume none appointed by the Senate, would fail to agree to all just and reasonable concessions to secure the prompt passage of such a bill. I indulge the hope that this measure will receive favorable consideration at an early moment.

The SPEAKER *pro tempore*. What is the gentleman's motion?

Mr. HOLMAN. My motion is that the committee be discharged and that the House ask for a further conference on the disagreeing votes of the two Houses. That is not the regular course, but at this late period of the session it may be considered as the proper one.

Mr. BANKS. I should like to inquire of the gentleman from Indiana, who represents the committee of conference on the part of the House, if in his judgment there is any probability of an agreement in case the House discharges this committee?

Mr. HOLMAN. I feel entirely satisfied that the House should ask a further conference on this bill. I can only state so much. It is impossible for any person to fortell what may be the action of the Senate. I will assume, and the gentleman from Massachusetts will see I do assume it to be inevitable, that the two Houses will come together on such a bill. But I cannot enter into the details of what transpired in the committeee-room in conference between the two bodies. I can only state, as the gentleman will see, the real points of difference are the three I have mentioned.

Mr. BANKS. If that is the case, Mr. Speaker, we are acting without any information whatever, without knowing anything of the facts on the question submitted to the House involved in the meeting of this conference committee. A conference committee is different from the ordinary committees of the House to which we refer bills, and where we never allow what has transpired in committee to be stated in the House. In the meeting of the conference of both Houses on the disagreeing votes of the two Houses the members of the House have the right to attend if they desire. And it has not been infrequent that reports from the managers of the conference on the part of the one House or the other have been made of the exact conditions of the questions submitted to the committee of conference with the view of obtaining instruction. Now we have a right to know if in the judgment of the gentlemen who compose this committee of conference there be a chance of a conclusion being arrived at if we shall agree to the additional conference they desire; so that, if there is no chance of agreement, the House may take another course.

Mr. HOLMAN. We should not have asked another conference if we had not indulged the hope that a further conference on this bill would result in a conclusion being arrived at.

Mr. RANDALL. This is a very plain matter. The gentlemen that now compose the committee of conference between the two Houses cannot agree, and therefore another conference is desirable, that it may be seen whether other gentlemen on such a conference can agree.

Mr. HOLMAN. And that is the universal course, I believe.

Mr. BANKS. The gentleman from Pennsylvania will see that as he states the question we may be kept here forever without coming to any positive conclusion of the questions in controversy at all.

Mr. RANDALL. That is merely a presumption on the part of the gentleman.

Mr. BANKS. One moment if you please. If when one committee of conference fails to agree we have to appoint another without having any information as to the points of disagreement, we shall never come to any conclusion.

Mr. RANDALL. I recollect when the gentleman from Massachusetts [Mr. BANKS] himself was on a committee of conference, either the third or fourth, and I think he was on the final conference that did agree.

Mr. BANKS. Yes, sir.

Mr. RANDALL. I allude to the conference on the bill raising congressional salaries from $3,000 to $5,000.

Mr. HALE. Does not my friend from Massachusetts see that the request for a new conference is in the interest of conciliation and agreement? The committee do not simply come in and report that they cannot agree, or throw themselves back, saying they will do nothing more, but they ask for a new committee of conference, in the hope they will agree.

Mr. BANKS. They do not express that hope in the report.

Mr. HALE. Is not that the legitimate effect of the request made on the part of the committee?

Mr. BANKS. What I want to know is, if there is a reasonable probability or possibility of agreement?

Mr. HOLMAN. I cannot give an answer to that question in the form in which the gentleman propounds it. I have said, however, all that is necessary when I say that a request for an additional conference would not have been made if there had not been a reasonable hope indulged in that an agreement would be arrived at. I call the previous question.

Mr. WILSON, of Iowa. Before the gentleman from Indiana insists on the previous question, I desire to call his attention to the fact that during the last Congress no one in the House was more anxious than he to have those matters of disagreement between the two Houses brought to the attention of the House taken up *seriatim* and considered. I recollect very distinctly that, on points on which he desired that the House should insist with emphasis, he insisted on having a vote taken as the only way by which the House could instruct the committee of conference.

Now, we are going entirely in the dark as regards this matter. The gentleman from Maine [Mr. HALE] yesterday suggested that the majority that had carried these bills through would also control even if we considered separately the points of difference now. But an entirely new element has been brought in to-day. The republicans among us may have no hope of bringing any influence to bear. But the independents of the House feel interested now, and have thought it necessary to ask some questions as to whether there is any prospect of an agreement on this, almost the last day we have before the mails are stopped from being carried through the country.

I think the gentleman from Indiana should carry out the good old rule, and bring those matters before the House, and point out the particular things that he desires to have emphatically insisted on, and then the House managers of the conference would have more confidence in urging what was insisted on by the House.

Mr. HOLMAN. The usual course has been taken with this bill, such as has been taken in every session of Congress for twenty years past, time and time again, as the gentleman from Iowa is aware. It is the usual course. If the first conferees appointed by the respective bodies do not come to a solution of the differences between them at an early moment they simply report that fact back to their respective Houses. That course is pursued every session of Congress. Gentlemen are aware that on more than one bill it has been pursued already this session. That is the case with reference to the legislative appropriation bill, on which new conferees have been appointed.

Mr. WILSON, of Iowa. But the gentleman will see this: that if the points of difference between the two Houses were brought before the House the House might recede. But as it is we are acting entirely in the dark.

Mr. HOLMAN. The gentleman must excuse me. I have never known that done except in extreme cases, when the final adjournment was close at hand, until after a second conference had been had on a bill. I admit that in the effort to agree upon the provisions of a bill you may reach a point when it is entirely proper and absolutely necessary that the state of the difference of opinion should be clearly presented, not only to one House, but to both; so that the one or the other may think proper to recede from the disagreement. But we have reached no such stage in the deliberations upon this bill. I call the previous question.

Mr. SEELYE. Will the gentleman from Indiana [Mr. HOLMAN] inform us how near the committee of conference came to an agreement in reference to dollars and cents? Will he give the difference in dollars between the bill as originally passed and the bill as passed by the Senate, together with the amount of difference now existing?

Mr. HOLMAN. I do not think it at all advisable to state the exact difference of opinion between the two Houses, for that would be a disclosure of what transpired in the committee of conference in their efforts to come to an agreement. I will say further that it is far better for the two Houses in their progress toward an agreement upon this bill not to have their points of agreement presented in a form which may seem to ask for an instruction. I admit that ultimately that may be unavoidable if the bill is to become a law. But we have reached no such point yet in the progress of this bill. The course that I have proposed is the usual one, and I will again express the hope that the bill will become a law by an agreement between the two Houses. I now insist upon the previous question.

Mr. SEELYE. We seem to be acting very much in the dark respecting this matter.

Mr. HOLMAN. I have stated the three leading points of difference.

The previous question was seconded and the main question ordered.

The question was upon the motion of Mr. HOLMAN that the committee of conference be discharged, that the House further insist upon its disagreement to the amendments of the Senate, and that a further conference be asked upon the disagreeing votes of the two Houses thereon.

The motion was agreed to.

The SPEAKER *pro tempore* announced as the new committee of conference on the part of the House Mr. HOLMAN, Mr. CLARK of Missouri, and Mr. HALE.

NAVAL APPROPRIATION BILL.

Mr. BLOUNT submitted the following conference report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 3375) making appropriations for the naval service for the year ending June 30, 1877, and for other purposes, having met, after full and free conference have agreed to recommend, and do recommend, to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 3, 5, 8, 10, 11, and 13; and agree to the same.

That the Senate recede from its amendments numbered 1, 2, 4, 6, 7, and 14.

That the House recede from its disagreement to the Senate amendment No. 9 and agree to the same with an amendment, as follows: Strike out the words "$2,000,000" and insert in lieu thereof "$1,750,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate No. 12, and agree to the same with an amendment, as follows: Strike out of said amendment the words "$1,000,000" and insert in lieu thereof "$942,500;" and the Senate agree to the same.

J. H. BLOUNT,
FRANK JONES,
EUGENE HALE,
Managers on the part of the House.

A. A. SARGENT,
A. H. CRAGIN,
R. C. WITHERS,
Managers on the part of the Senate.

Mr. BLOUNT. The difference between the bill as it passed the House and the bill as amended by the Senate was $2,643,000. The difference between the bill as it passed the House and the bill as agreed to by the committee of conference is $315,000. There is an addition of $250,000 for the Bureau of Construction and Repair and of $65,000 for the Bureau of Steam-Engineering. I now call the previous question on agreeing to the report.

The previous question was seconded and the main question ordered; and under the operation thereof the report of the committee of conference was agreed to.

Mr. BLOUNT moved to reconsider the vote by which the report was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

GENEVA AWARD.

The House resumed the consideration of the Geneva award bill.

Mr. FRYE addressed the House. Before concluding his remarks, which will be published hereafter when completed, he said, (at four o'clock and ten minutes p. m.:) I am physically hardly able to stand, and if the House will adjourn and allow me to go on to-morrow it would be very gratifying to me.

ORDER OF BUSINESS.

Mr. LORD. There being other gentlemen who desire to speak on the Geneva award bill, I move that there be a recess until eight o'clock, when their speeches can be made, and my friend from Maine [Mr. FRYE] can finish his remarks in the morning.

Mr. HALE. Does the gentleman propose to devote the evening session to discussion?

Mr. LORD. Simply to debate.

Mr. HALE. No business to be transacted?

The SPEAKER *pro tempore*. The Chair will state to the House for its information that a desire has been expressed to him by the chairman of the Committee on Appropriations that the House shall sit till five o'clock, and then that a recess shall be taken, on account of the probability of conference reports being presented, on which it may be necessary to take action.

Mr. FRYE. Then I will go on.

The SPEAKER *pro tempore*. The Chair merely states this fact for the information of the House. He will put the motion of the gentleman from New York, if the gentleman desires it.

Mr. LORD. Will the Appropriations Committee occupy the time of the House till five o'clock?

The SPEAKER *pro tempore*. The Chair will repeat his statement. The chairman of the Committee on Appropriations has expressed the desire that the House shall remain in session till five o'clock, in view

of the probability of reports being presented from conference committees. They do not desire to occupy the time of the House at present.

Mr. LORD. Then I will modify my motion.

Mr. FRYE. I would ask the gentleman from New York if there is not any other member who desires to occupy the time till five o'clock in speaking on the Geneva award bill?

Mr. LORD. There are two gentlemen ready to proceed. I will move that at five o'clock the House take a recess until eight, and that the gentleman from Maine [Mr. FRYE] be allowed to finish his argument in the morning.

Mr. TOWNSEND, of New York. Let the motion be to hold a session at eight, without fixing the hour at which the House shall take a recess.

Mr. LORD. I will modify my motion so that when we get ready to take a recess we shall take it till eight o'clock.

Mr. KASSON. I suggest to the gentleman that he cannot very well submit his motion in that form. When the gentlemen who are ready to go on have finished speaking then the motion may be made for a recess.

The SPEAKER *pro tempore*. Does the gentleman from New York withdraw his motion?

Mr. LORD. I do.

Mr. LYNDE obtained the floor.

Mr. LANDERS, of Indiana. I ask the gentleman to yield to me that I may introduce a bill for reference.

Mr. LYNDE. I yield to the gentleman.

Mr. DOUGLAS. I rise to make a parliamentary inquiry. I have been waiting for more than two months to call up a bill reported from the Committee on the Freedman's Bank, which has been made a special order, and I have been constantly prevented from calling it up in consequence of the bill in relation to the Geneva award standing in the way. I ask now what is the position of the Geneva award bill?

The SPEAKER *pro tempore*. That is scarcely a parliamentary inquiry. The Chair has not before him the exact position of special orders. But he will inform the gentleman from Virginia that the rule adopted by the Chair on Tuesday last was that these special orders should be brought up on the question of consideration in the order in which they stand on the Calendar. The Chair is not informed at this moment where the bill of the gentleman from Virginia stands on the Calendar.

Mr. DOUGLAS. I am quite aware of what the Chair has just stated. But my parliamentary inquiry is, What is the present attitude of the Geneva award bill before this House? I want to know when and under what circumstances I can call up the bill which is in my charge.

The SPEAKER *pro tempore*. The Geneva award bill is now before the House as a special order, and its right is to continue from day to day till concluded. Other business may be interjected, but that will not deprive this special order of its privilege and right; and the order of the gentleman from Virginia cannot be reached until this is disposed of.

Mr. DOUGLAS. I am aware of that; but I have not been able to hear, in consequence of the confusion prevailing in the Hall, what disposition has been made of the Geneva award bill.

The SPEAKER *pro tempore*. No disposition has been made of it; it is yet under discussion.

Mr. DOUGLAS. If that bill is not to be further considered this afternoon is it not in order to call up other business?

The SPEAKER *pro tempore*. The gentleman from Wisconsin [Mr. LYNDE] has the floor on the Geneva award bill, and yielded for a moment to the gentleman from Indiana [Mr. LANDERS] to introduce a bill for reference.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, announced that the Senate insisted on its amendments to the bill (H. R. No. 3411) authorizing the repavement of Pennsylvania avenue, had agreed to the conference asked on the part of the House, and had appointed Mr. DORSEY, Mr. SPENCER, and Mr. RANDOLPH as managers of said conference on its part.

It further announced that Mr. GORDON had been appointed in the place of Mr. THURMAN as one of the conferees on its part on the bill (H. R. No. 3717) making appropriations for the support of the Army for the fiscal year ending June 30, 1877, and for other purposes.

It further announced the passage of a joint resolution (S. R. No. 18) to provide for defraying temporarily the ordinary and necessary expenses of the public service; in which the concurrence of the House was requested.

JOHN S. BISHOP.

Mr. LANDERS, of Indiana, by unanimous consent, introduced a bill (H. R. No. 3807) for the relief of John S. Bishop; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GENEVA AWARD.

The SPEAKER *pro tempore*. The House resumes the consideration of the bill (H. R. No. 2685) reported by the Committee on the Judiciary for the distribution of the unappropriated moneys of the Geneva award, on which the gentleman from Wisconsin [Mr. LYNDE] is entitled to the floor.

Mr. LYNDE. Mr. Speaker, the only foundation for any claim whatever, either against Great Britain or the United States, is based upon the fact that Great Britain has violated the laws of neutrality, the three rules that were agreed upon by the commissioners of the two governments in the treaty of Washington. Aside from that violation of those rules there is no foundation for any claim either against Great Britain or the United States.

It was agreed between Great Britain and the United States that the amount of damage occasioned by the violation of those treaty stipulations should be referred to the board of arbitration which met at Geneva, composed of learned, able men, selected by both governments from different nations of the world. The whole subject was referred to that board to determine what damage or what indemnity Great Britain should pay by reason of the violation of those rules. That board met, and after evidence being produced on both sides, and after hearing able counsel representing the interests of both nations, the board determined what was due to the United States for the violation of those rules. In so determining the arbitrators passed upon the question of the character of the claims that a neutral power should be obliged to pay for breach of neutrality; they fixed the rights of claimants.

The gentleman who last occupied the floor upon this subject [Mr. FRYE] admits, and there can be no dispute, that that board of arbitration ruled out of consideration the claim of our Government for the expense of pursuing the confederate cruisers, the claim of our citizens for war premiums, and the claim of our Government for the prolongation of the war. They confined the measure of damages to the destruction of property occasioned by the three confederate cruisers, the Alabama, the Florida, and the Shenandoah after she left Melbourne.

It is very easy from the evidence that was before that board of arbitration, and from the published documents that are before us, to determine just what those losses were. They amount in the aggregate to over $14,000,000, and with the exception of $200,000 they were vessels and property of American citizens that were destroyed by those confederate cruisers. After confining the rule of damages to this class of property and to this class of losses the arbitrators brought in an award of $15,500,000, which has been paid to our Government.

Now, by what course of argument any sensible man, any lawyer, can suppose that our Government, having received this $15,500,000 from the British government for the property of our citizens destroyed by these three cruisers, can give it to parties who had no claim whatever against the British government and no claim whatever against our own, it is impossible for me to see.

A private citizen has no redress individually against a foreign nation, cannot pursue a foreign nation for any damage committed by a violation of international law. His only remedy is through his Government. His Government is bound to protect him. If his property has been destroyed in violation of treaty rights or of the law of nations, his Government must demand the redress, and the demand is always made in the name of the Government. Therefore this claim was prosecuted in the name of the United States, it is true; but it was prosecuted because of the destruction of the property of American citizens, and necessarily for the benefit of the citizens whose property was so destroyed.

I do not think it necessary to enter into a technical discussion of the laws of a trustee or of a *cestui que trust*. It seems to me that the rule of common honesty would require that where money is recovered for injuries done to a man, that money should be paid over to him in compensation of his damages; and especially where it is the duty of the Government to protect its own citizens from damage done by a foreign nation, and that Government does receive indemnity from that foreign nation for the damage so inflicted, that money should be paid to the citizen who has suffered the injury.

I listened yesterday to a very interesting and very ingenious argument by the gentleman from Pennsylvania [Mr. JENKS] in regard to the title to property, and the distinction drawn by him between a municipal title and a paramount title, both titles existing at the same time. The illustration referred to was where the Government purchased a large territory like the purchase of Florida from Spain, or the purchase of Louisiana from France, which did not interfere with the individual property of the citizens. It was a new distinction to me; I had never heard before of that distinction in the title to property.

It was claimed that this recovery by the United States against Great Britain was not for the municipal title, as the gentleman called the title of the citizen to the property or vessel destroyed, but was for the paramount title of the United States to the vessel. I know of but one ownership, and that is that of the citizen, who is the absolute owner. It is true the Government in time of war has a right to take possession of vessels, if necessary, for the purpose of carrying on some enterprise in the course of a war; but that is by the right of eminent domain, of sovereign power in the nature of the right of eminent domain, and relates to the possession of the vessel, but constitutes no title whatever to the property.

Throughout the whole of this arbitration these claims were represented as the claims of private citizens, of American citizens, for losses which this Government and its citizens had been subject to by reason of the violation of these rules of neutrality. It is contended

by the friends of this bill that this money can now be applied to any American citizen who has suffered loss by reason of these confederate cruisers being afloat. It is upon that ground. It is claimed that war-premium men, having paid additional premiums for insurance on account of the dangers of the sea from these cruisers, are entitled to have returned to them the money they so expended.

Now, Mr. Speaker, I recur again to the position which I took at the outset of my remarks, that a citizen has no claim against the Government of the United States for property destroyed by an enemy in war; that there can be no claim against our Government or against Great Britain except by reason of Great Britain violating the rules of neutrality; and the claims which are properly to be considered against a neutral government for the violation of those rules have been passed upon by this board of arbitration, have been determined by it; this board, by the agreement of both nations, has decided that question definitely and conclusively. We have no right to question that decision; Great Britain has no right to question it. That board has decided that war premiums cannot be considered by the laws of nations, and constitute no claim against a neutral nation for compensation. Then, if these parties had no claim against Great Britain, what right have they to this fund? Not because this fund was paid by Great Britain in compensation of the damages suffered by our citizens, but because the board of arbitration has decided that it does not constitute a claim against any other nation; and if it does not, it is damage suffered by our citizens as incident to the war, for which they are entitled to no compensation from any government, not even their own. If our Government would undertake at this late day to compensate every citizen for the loss he suffered by this war, there would be no limit to the indebtedness we must incur.

Mr. Speaker, the gentleman from Maine, [Mr. FRYE,] in his argument to-day, has referred to the decision of the arbitrators upon these claims; and he has stated that our Government sacrificed the claims of our citizens for the purpose of getting these three rules as to the liability of neutrals fixed and determined. He is entirely mistaken upon that point. These three rules were fixed in the treaty of Washington a long time before that board of arbitration met. That board had nothing to do with fixing the three rules. All that it had to do was to determine as to the construction of those three rules, as to what character of claims should be received and what damages should be recovered for the violation of those three rules. And, Mr. Speaker, there was nothing done or said by our Government that changed or affected the construction of that board of arbitration upon that subject.

The gentleman referred to the rule which requires due diligence on the part of a neutral in preventing vessels from escaping; and he said it was established there that the neutral government should have notice before it should be held liable. Mr. Speaker, there was no agreement between the parties when that matter was settled. After that protocol was entered into, after these indirect claims were excluded upon the ground that they were not proper claims according to international law, then the board of arbitration called upon the counsel on both sides to discuss the question as to what the term "due diligence" did mean and what it did include. It was one of the last arguments made by the counsel on both sides before those arbitrators. After hearing counsel, they determined that question not by agreement, but upon the argument of counsel, and according to the laws of nations. The gentleman is entirely mistaken in supposing that our Government yielded one inch in that respect. It contended all through for all the claims it had put in until those claims were ruled out by the arbitrators as not being proper claims to be introduced before the board.

Mr. LORD. Is not the gentleman aware that it was upon the motion of Mr. Charles Francis Adams that those claims were ruled against by the tribunal; that Mr. Adams, finding the Senate had adjourned and that the supplementary treaty would not be carried through, advised the tribunal to find in that regard just as they did find, rather than have the treaty fall through?

Mr. LYNDE. Mr. Speaker, I know nothing of this matter except what appears of record; and I find in protocol 5 what I ask the Clerk to read.

Mr. LORD. I do not refer to the protocol. The history of the case shows under whose advise that action was taken.

Mr. LYNDE. The protocol states that it was the unanimous opinion of the arbitrators that these claims were not a proper subject-matter of arbitration, and were not proper subjects for an award of damages. I ask the Clerk to read from the protocol.

The Clerk read as follows:

The application of the agent of Her Britannic Majesty's government being now before the arbitrators, the president of the tribunal [Count Sclopis] proposes to make the following communication on the part of the arbitrators to the parties interested:

The arbitrators wish it to be understood that in the observations which they are about to make they have in view solely the application of the agent of Her Britannic Majesty's government, which is now before them, for an adjournment, which might be prolonged till the month of February in next year; and the motives for that application, namely, the difference of opinion which exists between Her Britannic Majesty's government and the Government of the United States as to the competency of the tribunal, under the treaty of Washington, to deal with the claims advanced in the case of the United States in respect of losses under the several heads of, first, "The losses in the transfer of the American commercial marine to the British flag;" second, "The enhanced payments of insurance;" and, third, "The prolongation of the war, and the addition of a large sum to the cost of the war and the suppression of the rebellion;" and the hope which her Britannic Majesty's government does not abandon, that if sufficient time were given for that purpose, a solution of the difficulty which has thus arisen, by the negotiation of a supplementary convention between the two governments, might be found practicable.

The arbitrators do not propose to express or imply any opinion upon the point thus in difference between the two governments as to the interpretation or effect of the treaty; but it seems to them obvious that the substantial object of the adjournment must be to give the two governments an opportunity of determining whether the claims in question shall or shall not be submitted to the decision of the arbitrators, and that any difference between the two governments on this point may make the adjournment unproductive of any useful effect, and, after a delay of many months, during which both nations may be kept in a state of painful suspense, may end in a result which, it is to be presumed, both governments would equally deplore, that of making this arbitration wholly abortive. This being so, the arbitrators think it right to state that, after the most careful perusal of all that has been urged on the part of the Government of the United States in respect of these claims, they have arrived, individually and collectively, at the conclusion that these claims do not constitute, upon the principles of international law applicable to such cases, good foundation for an award of compensation or computation of damages between nations, and should, upon such principles, be wholly excluded from the consideration of the tribunal in making its award, even if there were no disagreement between the two governments as to the competency of the tribunal to decide thereon.

Mr. LYNDE. Mr. Speaker, the decision of that board as it has been just read by the Clerk at the desk settles the question as to the character of the claims a neutral nation shall be subject to pay for violation of the three rules adopted in the treaty of Washington.

The gentleman from Maine [Mr. FRYE] in the course of his argument said, that we had been trying for nearly one hundred years to get those rules adopted by Great Britain. I think he is entirely mistaken. We never made the attempt, and although it was provided in the last clause of the sixth article of that treaty that Great Britain and the United States would endeavor to get those same rules adopted by the great powers of the world, not a single step has been taken from that day to this by Great Britain or the United States to get those rules adopted by any other nation. Notwithstanding the construction which was placed upon those rules by that board of arbitration, limiting the damage to which the neutral nation should be subject for their violation, neither Great Britain nor the United States would be content to have those rules adopted by the other great powers in the world and be subject to the damages which they award. Notwithstanding that board of arbitration has said in the construction of these rules no indirect damages shall ever be received and adjudicated upon or claimed as against neutral powers, and nothing but the strict destruction of property shall be considered in those claims, yet neither Great Britain nor the United States is willing or desirous that the rule with that construction shall be extended to the other great powers of the world.

What is the operation of it? If France and Great Britain were at war to-day, and France goes into San Francisco and buys a Pacific mail steamer and puts out upon the ocean, and after she gets out of the jurisdiction of the United States arms and equips that steamer, then puts into a port at Alaska, and there the British consul notifies the American officer at that port that that vessel is endeavoring to coal, that she has come in for repairs, to coal and to recruit, and he does not stop her but allows her to go out, what is the rule adopted here? It is that every vessel afterward destroyed by that steamer so long as she lives or floats upon the sea during that war the United States Government must compensate the other nation for. It is a rule neither Great Britain nor the United States wishes to be extended or promulgated to any greater extent.

That was the case of the Shenandoah. She belonged to the East India trade. She was owned by Bombay merchants, and, according to my recollection, was known by the name of the Sea King. She was bought in England, was furnished with her arms and equipment after she left England.

Mr. LORD. That is a mistake. She was armed, equipped, and manned in England. The only change made was that she took a confederate captain from the South.

Mr. LYNDE. Here is the statement of the facts given in the opinion of Mr. Staempfli. Each one of the arbitrators in giving his opinion was required to give a statement of the facts as to each of these vessels and the law applicable to each:

1. This vessel was originally the Sea King, a merchant-vessel belonging to a firm in Bombay; she was employed in the East India trade, and was built at Glasgow in 1863. She was a long, rakish vessel of seventeen hundred tons, with engines of two hundred and twenty horse-power, (Robertson & Co., who sold her, say only one hundred and fifty horse-power, and not two hundred and twenty,) making ten knots an hour; she had made three hundred and twenty miles in twenty-four hours; and was built by celebrated ship-builders on the Clyde.

2. She left in November, 1863, for New Zealand and for the China Seas, and returned to London with a cargo of tea. Before her voyage to New Zealand, Dudley saw her at Glasgow, and pointed her out to his superiors as a steamer likely to be intended for a privateer.

3. On the 20th September, 1864, she was sold in London to Richard Wright, of Liverpool, a British subject, and father-in-law to Prioleau, head partner of Fraser, Trenholm & Co. The sale was registered the same day.

4. On the 7th October, 1864, Wright gave a power of attorney to a man named Corbett, a British subject, (who was implicated in matters connected with vessels running the blockade,) enabling him to sell the vessel whenever he could within six months, at a minimum price of £45,000 sterling.

5. On the 8th October, 1864, she cleared for Bombay; left London with a crew of forty-seven men, having first taken in coal and provisions for twelve months. She had on board two eighteen-pounder guns on carriages, (twelve-pounders, according to the British Counter Case, page 103.) The same night the southern agent at Liverpool was informed of her departure, by telegraph.

6. On the 8th October, 1864, the very same night, the Laurel, screw-steamer, nearly new, and of first-class make, left Liverpool with about twenty citizens of the Southern States on board, and some cases marked "machinery," which contained guns and gun-carriages, such as are used on board ships of war. The Laurel

and the Sea King had arranged to meet in the bay of Funchal, in the island of Madeira.

7. On the 19th of October the Sea King arrived off Funchal; the Laurel had preceded her by two days. The two ships met and effected the transshipment of the cannon, &c., (six large guns, two small, carriages, munitions, powder, muskets, &c.) For this thirty-six hours sufficed. Corbett then came forward, announced the sale of the Sea King, and tried to induce the crew to remain. Out of eighty sailors, however, only twenty-three remained. The officers and men retained in the Sea King numbered in all forty-two, and hardly formed half her proper complement, which forced her to use her engines.

She took the name of the Shenandoah, and continued on her way under the insurgent flag.

Mr. LORD. Did not the guns come from England?

Mr. LYNDE. Yes.

Mr. LORD. Did not the vessel come from England?

Mr. LYNDE. Yes.

Mr. LORD. Did not the guns and armament come from England?

Mr. LYNDE. Certainly; the vessel came from England, there is no question about that; but up to the present award, up to the time this treaty was adopted, a neutral always had a right to sell contraband of war in neutral territory, that is, in its own territory. But I say when the Shenandoah left England she was not manned and equipped for war.

Mr. LORD. But her arms and equipment came out in a vessel immediately after her, in the Laurel, as appears by what has just been read.

Mr. LYNDE. It has been allowable for vessels engaged in the East India trade to carry guns. That is well known.

Now, Mr. Speaker, I have said all I care to say about the right of those parties whose claims alone were allowed by the board of arbitrators to be claims against neutrals.

And now, it being established that those whose property was destroyed were the only parties whose claims were allowed by that board, I cannot see upon what ground it is urged that the insurance companies are not entitled to the losses which they met with. These vessels that were insured were destroyed, and the owners received compensation for the value of the vessels in the insurance. I will not read again the language of Webster in the French spoliation claims. But it is a fact that both under the Spanish treaty and under the French treaty the claims of insurance companies have been allowed, as against the fund which was paid in by the Spanish and French governments, and which our Government was bound to pay by those treaties for the losses which were incurred. And there never has been an exception. The gentleman from Pennsylvania [Mr. JENKS] who spoke on yesterday cited a decision of the Comptroller of the Treasury in the case of Robert Campbell, I think, where the Government, in time of war, had taken possession of a vessel, and that vessel before she was returned was destroyed by fire—as the case says, "without negligence or fault of the owner"—and the insurance company came in and claimed as against the Government that they were entitled to be subrogated for the owners, and receive the value of that property as against the Government. That is a case entirely different from the one now before this House. There the Government had not received the money for the vessel. There the Government had exercised a right which it always claims to exercise in time of war, that where it is necessary for the public service to take possession of a vessel, it will take possession of the vessel, and if that vessel is destroyed it will compensate the owner for the value of the vessel. But the insurance companies, as the decision says, knowing this to be the law, take the risk when they take the insurance. That is a naked claim against the Government when there is no fund and no property in the hands of the Government to re-imburse the parties. Here is a case where the Government has received the full value of this property, where the only evidence before the arbitrators of the laws was the evidence presented by the insurance company, for the original owners had already received their pay; they were no longer interested in the recovery of the amount, and the loss is proved by the insurance companies, and on that proof the Government receives the money.

Mr. LORD. Will the gentleman allow me to ask him a question?

Mr. LYNDE. Certainly.

Mr. LORD. Is the gentleman aware of the number of judgments that have been awarded in the court of commissioners of Alabama claims in favor of the owners of vessels?

Mr. LYNDE. Yes, sir; I am aware of it. And I am aware they have always been awarded without question where there was no insurance upon the property.

Mr. LORD. They are included in the treaty, I think.

Mr. LYNDE. Certainly they are. But I am not speaking of that class of claims where the owner represented his own loss, and where there was no insurance on the vessel. I am speaking of that class of claims where the insurance company had paid the loss and the owner was no longer interested in it.

Mr. LORD. Will the gentleman allow me another question?

Mr. LYNDE. Certainly.

Mr. LORD. Is the gentleman aware that by the act of the Forty-third Congress the difference between the amount of the insurance and the value of the vessel was directed to be paid to the owners.

Mr. LYNDE. Yes, sir; I am aware of it, and that is right. I am speaking now of the cases where the insurance companies paid for the property which was destroyed. They paid for it because it was lost, and therefore it was lost to them. It was their loss. And now the question whether they had made money from other parties by premiums which they had received on other property has nothing whatever to do with that loss.

Mr. LORD. Will the gentleman permit me another question, and I am through?

Mr. LYNDE. Yes, sir.

Mr. LORD. Under the law of subrogation, as regards the *spes recuperandi*, is it not true that the insurer is entitled to the difference between the insurance and the value of the vessel?

Mr. LYNDE. No, sir.

Mr. LORD. I say he is.

Mr. LYNDE. The insurance company, wherever it recovers in admiralty for a loss for a collision, is only entitled to retain the amount of money that it has paid upon the policy. If the vessel is valued, for instance, at $15,000 and the insurance company takes $12,000, the owner is then his own insurer for $3,000, and the owner would be entitled, if they should recover $15,000, to the difference between the $12,000 and the $15,000. That is the law of subrogation, as I understand it.

Mr. Speaker, it is now approaching the hour when the House would wish to take a recess, and I have already taken more time than I expected to take upon this question. I therefore yield the floor.

Mr. WARREN obtained the floor.

TEMPORARY PROVISION FOR EXPENSES OF GOVERNMENT.

Mr. RANDALL. If the gentleman from Massachusetts [Mr. WARREN] will yield to me for a moment, there is a joint resolution on the Speaker's table which I would like to have referred to the Committee on Appropriations.

Mr. WARREN. I yield to the gentleman for that purpose.

On motion of Mr. RANDALL, the joint resolution (S. No. 18) to provide for defraying temporarily the ordinary and necessary expenses of the public service was taken from the Speaker's table, read a first and second time, and referred to the Committee on Appropriations.

Mr. RANDALL moved to reconsider the vote by which the joint resolution was referred; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. RANDALL. Does the gentleman from Massachusetts [Mr. WARREN] desire to proceed now?

Mr. WARREN. No, sir; I understand there is to be a meeting of the House to-night for general debate.

Mr. LORD. I now move that the House take a recess until eight o'clock, and that the session of the House this evening be for debate only.

Mr. RANDALL. If the arrangement is that the meeting this evening shall be for debate only, I would like to have it understood that communications between the two Houses are excepted.

Mr. KASSON. Is the Senate to be in session this evening?

Mr. RANDALL. I understand it may be.

Mr. LORD. I will make that part of my motion.

Mr. RANDALL. I desire if there should be any communication from the Senate to be made to the House this evening it shall not be interfered with by any order assigning the evening to debate only.

The SPEAKER *pro tempore*. It may be understood that business to the extent indicated by the gentleman from Pennsylvania may be transacted, and that for all other purposes the session for this evening is for debate only.

Mr. KASSON. Let it be understood that there is no vote to be taken.

Mr. RANDALL. That is understood; but I would like the House to be put in possession of any communication from the Senate.

The SPEAKER *pro tempore*. That would include the appropriate reference of such communication?

Mr. RANDALL. Yes, sir.

The SPEAKER *pro tempore*. But not taking the sense of the House on the question of concurrence?

Mr. RANDALL. No, sir; that would require the presence of a quorum.

Mr. PAGE. I understand that no vote will be taken.

The SPEAKER *pro tempore*. That is the understanding. No vote will be taken on any subject.

ROBERT WARNER.

Mr. WALSH, by unanimous consent, introduced a bill (H. R. No. 3808) for the relief of Robert Warner; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

SILVER COIN—NATIONAL BOARD OF TRADE.

The SPEAKER *pro tempore*, by unanimous consent, laid before the House the following memorial of the National Board of Trade, now in session in New York; which was read and referred to the Committee on Banking and Currency:

NEW YORK, *June* 29, 1876.

To the Speaker of the House of Representatives:

We are directed by unanimous vote of this board to transmit the following memorial, with the request that the same be immediately presented by you to the honorable body over which you preside:

To the honorable the Senate and House of Representatives of the United States in Congress assembled:

The National Board of Trade of the United States, in session in the city of New York, addresses its memorial to your honorable body earnestly praying that silver coin shall not be made a legal tender for any sum larger than $5.

By unanimous vote of the board this day.

FREDERICK FRALEY,
President National Board of Trade.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. HOGE for two weeks on account of business; and

To Mr. VANCE, of Ohio, for six days.

ENROLLED BILLS SIGNED.

Mr. HAMILTON, of Indiana, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and a joint resolution of the House of the following titles; when the Speaker *pro tempore* signed the same:

An act (H. R. No. 1797) providing for the sale of the Kansas Indian lands in Kansas to actual settlers and for the disposition of the proceeds of the sale;

An act (H. R. No. 3495) for the relief of the mail contractors on route No. 19319, in Tennessee; and

Joint resolution (H. R. No. 129) authorizing the Secretary of War to issue arms.

The motion of Mr. LORD was then agreed to; and accordingly (at five o'clock and three minutes p. m.) the House took a recess until eight o'clock p. m.)

EVENING SESSION.

The recess having expired, the House re-assembled at eight o'clock p. m., the Speaker *pro tempore* in the chair.

ORDER OF BUSINESS.

The SPEAKER *pro tempore*. The session of the House to-night is for debate only, and for the reception of reports of committees of conference, should any be made, no other business whatever to be transacted.

SETTLEMENT OF THE BLACK HILLS.

Mr. KIDDER. Mr. Speaker, on the 28th day of February last I introduced the following bill:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all that portion of country in the Territory of Dakota lying between the forty-third and forty-sixth degrees of north latitude and the one hundred and second degree of west longitude and the western boundary of the Territory of Dakota is hereby declared to be open to exploration and settlement; and the true intent and meaning of the treaty with the Sioux Indians, concluded April 29, 1868, is declared to be that men and women are not excluded thereby from traveling over, exploring, or settling upon any portion of said Territory included within said boundaries.

SEC. 2. That it shall be lawful for any person or persons to travel upon, over, or through, on foot or otherwise, any Indian reservation in said Territory, for the purpose of arriving at, going to, or reaching any point or place within the boundaries aforesaid, and returning therefrom in the same manner.

STATEMENT OF FACTS.

The area of the Sioux Indian reservation in Dakota, including all additions, is 56,072 square miles, or 35,886,080 acres. The area of that portion of this reservation lying west of the one hundred and second degree of west longitude, which includes the Black Hills, is 30,636 square miles, which will leave, after this portion is opened for settlement, as a reservation 25,436 square miles, or 16,279,040 acres. More than one-third of the entire Territory of Dakota is now included in this reservation.

The number of Indians parties to this treaty, as reported by the several agents, is (men, women, and children) 40,391.

If these lands had been assigned to the Indians in severalty, each Indian, squaw, and papoose would have had a title to more than 888 acres. Take from this reservation 30,436 square miles, what this bill calls for, and then there will be reserved for each Indian man, woman, and child over 482 acres, when a white man, including his family, is entitled to only his rights by pre-emption, homestead, and timber culture, 480. Pass this bill and there is left for each Indian, estimating six in each family of white men, more than five times as much land as we are severally entitled to.

Our Government agreed to subsist these Indians, by stipulation in this treaty, four years; but since the expiration of that time (1873) it has continued to feed them until up to the time of the making of the report of the Secretary of the Interior for 1875 it had expended for that purpose $3,395,000.

The treaty was never "approved" by Congress.

The statute which authorized the making of the treaty (*vide* 15 Statutes at Large, page 17, section 2) reads as follows:

The commissioners are required to select a district of country for the Indians, and "when so selected, and the *selection approved by Congress*, shall be and remain permanent homes for said Indians," &c.

The treaty was not before the House. The House never considered or passed upon it. It was ratified by the Senate only, and therefore not "approved by Congress," as the act authorizing the commission to treat with the Indians required it to be; consequently the so-called treaty did not become a law.

AUTHORITIES IN POINT.

1. A treaty under the Constitution is declared to be the supreme law of the land. This, unquestionably, applies to all treaties where the treaty-making power, without the aid of Congress, can carry it into effect. Until this power is exercised, as where the appropriation of money is required, the treaty is not perfect. This results from the limitations of our Government. The action of no department of Government can be regarded as law until it shall have all the sanctions required by the Constitution to make it such. As well might it be contended that an ordinary act of Congress without the signature of the President was a law, (*vide* seventh circuit of Michigan, 1852, Turner *vs.* American Baptist Missionary Union, 5 McLean, page 344.)

Congress may repeal a treaty; (first circuit of Massachusetts, 1855, Taylor *vs.* Morton; 2 Curtis, circuit court, page 454; affirmed, 2 Black, page 486.)

An act of Congress can abrogate a treaty; (Supreme Court 1870; The Cherokee tobacco, 11 Wallace, page 616; second circuit of New York, 1871, Ropes *vs.* Clinch, 8 Blatchford, page 304; 13 Int. Rev. Rec., page 132.)

Congress may abrogate a treaty, provided the subject-matter is within the legislative power of Congress. (United States *vs.* Tobacco Factory, 1 Dill.)

As well might we say that an ordinary statute is passed and has become a law when it has not been concurred in by either the House or Senate.

This treaty, then, not having been "approved by Congress," the House not having acted upon it, is not only voidable but void, and is not binding upon either party, and before I close these remarks I will try to satisfy you, sir, that the Indians, allowing their acts to demonstrate their meaning, so regarded it. The authorities upon this point are all one way. None can be found contravening the doctrine here laid down.

2. Again, as to the title of the Indians to their reservations. The right of Indians in their lands is that of occupancy alone. Possession, when abandoned, attaches itself to the fee without further grant. (19 Wallace, United States *vs.* Cook, page 591.) The fee is in the United States; this is the title by which they hold their lands. It was so decided by the Supreme Court as early as 1823 in Johnson *vs.* McIntosh 8 Wheaton, page 574. The authority of this case has never been doubted. (1 Kent, page 257; Worcester *vs.* Georgia, 6 Peters, page 580; Cherokee Nation *vs.* Georgia, 5 Peters, page 48.)

The last point made in relation to the title of the Indians to their lands is not presented to sustain the doctrine in this case that the Indians have abandoned the reservation, because the facts will not sustain it. They have not, in accordance with legal technicality, abandoned it, but the truth is they have never occupied the Black Hills part of it for any purpose whatever, and are now only standing guard at the portal thereof like the "dog in the manger," except that they may also satiate their blood-thirsty appetites in the warm, gushing gore of inoffensive victims. This point is presented to merely show that the equities in this regard are all in the United States.

The stipulations of the treaty have been broken on the part of the savages; we are therefore under no obligation to support them or not to occupy this reservation.

For the sake of the argument only, we will admit that the treaty was ratified according to law and is binding upon the parties, and insist that it has been broken by the acts of the Indians in such a manner that our Government is in no way under the least obligation to respect it, and it should be regarded by us as null and void.

I purpose now to ventilate this view of the question, and inquire—

Have the Indians lived up to the obligations of the treaty on their part?

By article 11, among other things, the Indians agreed "that they will not attack any persons at home or traveling, nor molest nor disturb any wagon-trains, coaches, mules, or cattle" of other persons; "that they will not attempt to harm white persons," &c.

We are told by persons who boast of their Christian philanthropy and transcendent love for the Indian that all of our troubles with these people, the robberies and murders they commit upon the whites, are the legitimate result of our tyranny and oppression of them.

How convenient for philanthropic purposes and advancement of human efforts to benefit these Indians, whether pretended or real, practical or impractical, this may be in excusing the barbarities of the savages, it lacks the essential quality of truth to sustain it, while it tends to engender a false and sickly sympathy in behalf of the Indian race and a prejudice toward our own.

No reliance can be placed in the plighted faith of the North American Indian until he has become civilized and enlightened. The fictions of Cooper and Longfellow have no existence in fact; they are purely imaginary and meretricious. This want of fidelity is shown by their utter disregard of their treaty stipulations and in all their dealings with the white man.

See what our Government has done for them, as I have before stated, by way of furnishing them subsistence. What have *they* done in return? From the day they fixed their cross to this treaty hitherto they have been engaged in predatory raids upon our western frontier, robbing and murdering the white settlers, sparing neither age nor sex, nor condition in life, committing such "hellish torture as can only be suggested by savage lust." Hundreds, yes, I may with truthfulness say thousands, (if we could ever arrive at the facts,) of our frontier settlers, whom this Government of ours is bound to protect, have fallen victims to the frighful forays of these barbarians.

Human life and property have not been secure from the midnight incursion, the fatal rifle-shot, the tomahawk, and scalping-knife. More than two hundred American citizens (we know) while employed in lawful pursuits in the Northwest, and on the ceded lands, too, have been murdered by the Sioux within the last seven years and before the attempted occupation of the Black Hills by the whites. Miners, wood-choppers, steamboat-men, and others have been ruthlessly murdered by them while in quiet pursuit of their legitimate business, and our Government at the same time expending millions of dollars annually for the support of these same Sioux, without consideration therefor or expectation of being benefited thereby.

In view of these facts (and strange and horrible as it may appear) it is our frontier history. I ask what kind of a claim, if any, have they upon us?

I have lived upon the frontier about twenty years, and have had an opportunity to know as much by ocular observation as a man who has never crossed going westward the Hudson or Mississippi Rivers.

To-day Sitting Bull and his associated chiefs, who were parties to this treaty, with their three thousand warriors from their strongholds on the Yellowstone and Powder Rivers, hundreds of miles from their reservation, shake their bloody girdles of white men's scalps, on some of which the human gore has not yet coagulated, in the faces of your officers, and bid defiance to your laws and military authority.

SPECIFICATIONS AGAINST THE SIOUX.

In 1870 fifteen men were murdered by these Indians on the Missouri River just below Fort Peck. The steamer Key West, when navigating these waters in 1871, was fired into and the clerk was shot through the body. Ten men were murdered by them near the present site of Carroll on the Missouri. Near Fort Lincoln, Bismarck, and Fort Berthold, annually since 1868, many white men have been killed by them, and in all over twenty-nine. In 1873 above and near Fort Rice seven white men were slain by them. In the fall and winter of 1874–'75 thirteen men were killed by Sitting Bull's party on the Yellowstone River. In Judith Basin twenty-four men were murdered by the Sioux between the years 1870 and 1875. Within the time last named more than one hundred persons have been killed by them on the North Platte and north of the Union Pacific Railroad, while all along the Missouri down as far as Running Water white men have been murdered by these Indians nearly every year. The steamers navigating the Missouri River have been fired into every year since 1869 by the Sioux lying in ambush, and their men have often been killed and wounded. No less than five boats carrying Government supplies on the Upper Missouri were fired into in 1874, and several of the crews were killed and many wounded. A year has not passed since this treaty was made that they have not fired into the steamers navigating this river.

Now, sir, I ask any one to point out to me a rational cause, an excuse even, for the perpetration of these cowardly crimes and the long and loud denunciations of the white man's inhumanity toward the Indians and of the eulogies heaped upon the transcendental virtues and the fidelity of these robbers and murderers.

Again, the Government has paid to various parties since the conclusion of this treaty, on account of the depredations of these Indians on the property of our fellow citizens, the sum of $15,130.24, and it ought to have paid millions of dollars for this purpose, and that sum would not liquidate their indebtedness to us in this respect.

They have never attempted to utilize the country known as "Black Hills;" never hunted or fished therein; and had it not been for the restless mental activity of our citizens, which is ever seeking unexplored fields in science as well as in geography, and which gave to us the priceless treasures of California and the west coast, the silver of Nevada and Colorado, and acres of Texas, and developed in the Black Hills country golden treasures, these graceless paupers of the nation never would have dreamed of going into it. To them it had no attractions until the white man came and gave to them an easy chance to add to their decorations bleeding scalps, and well have they availed themselves of this golden opportunity. And yet, sir, this race, these Indians, we have always carefully protected, sheltered, fed; nay, more, invited here to this city, made them the guests of the nation, fêted and honored them in as ostentatious a manner as we have ever done to representatives of nations equal to us in all that makes a nation great, "industry and education;" made them honored guests, while at their waists hung scalps of our bold pioneers—pioneers who felled the forests, bridged the streams, and developed such States as Kentucky, Indiana, Illinois; yes, the entire grand West.

Sad to say, we are to have the perpetual heritage of a race devoid of all sentiment of principle, senseless to an animation of joy, except springing from an act of cruelty redolent with blood and echoing with the agonized cry of the tortured victim. These are the "noble men of the forest," for which we are to pray for, pay for forever, while the widows and orphans they make annually weep, starve, and die.

Sir, in the face of this and more, so horrible that it cannot be spoken aloud, only whispered among those who know of their atrocities, I would like to know if there can be any obligation, legally, morally, in justice, or equity, or "the allegiance we owe to God and our country," to adhere to the misnamed treaty stipulations. Would we have suffered, unless compelled *ri et armis*, from any nation such treatment to our citizens? If a treaty did exist, who suffers from its violations? Most surely the party who violates it. When the pirates from Tripoli outraged our commercial pride the young nation hesitated not a moment, and demanded and received prompt satisfaction. No; this sickly sympathy, born in false teachings, reared beyond the reach of the arrow and tomahawk, must be taught to know that the pioneers have a right to live in quiet possession of homes wrung from field and forest, blessed by love of wife and caresses of children, undisturbed by the yell, tomahawk, and shot of these "treaty wards of the nation."

Now, sir, these atrocities, depredations, and murders were not committed by the lower grade of the Indians, but were instigated and participated in by the head-men and chiefs of the various tribes, many of whom had just returned from the sweet endearments of Washington's national hospitality. These leaders were not ignorant of their responsibilities, but were conscious that if caught there was sufficient pulpit and press sympathy to enable them to escape punishment. Need I allude to the instances where conviction and sentence to death have been pardoned by appeal to the Executive by those striving to do right, have erred mightily.

With these facts before us, can any man say they have lived up to their treaty stipulations? No, sir.

Treaty or no treaty, we shall ever continue to take care of them. The Divine Master said to his chosen apostles: "The poor I leave with you." He must have meant, as to the United States, "Lo, the the poor I leave with you," as a perpetual heritage. The Black Hills are of no use to them, as I have said before, neither as a hunting or fishing country; but to us in the West particularly, and to the entire nation, of incalculable value. Opened up by our hardy and industrious people, soon a populous country will be known, and in a shorter space of time than Colorado, with her acknowledged wealth, will come a new State, to add light and beauty to the glorious constellation of States.

Pass this bill, and you invite to a healthy, salubrious, and fertile country the masses who are dying for want of space in your beautiful cities; deny it, and you simply put blocks in front of the car which "westward takes it course." Pass it, and you benefit the Indian in spite of himself, for then each one will possess in his own right more land than he can ever occupy and enjoy.

Doing justice to our white settlers, to our anxious emigrant, to thousands in the Old World who want to come to our free land will benefit them, and in time, it is to be hoped, remove them from "*in puris naturalibus*" condition to one where the Christian friends who are anxious to help them may hope of success.

THE PRESENT STATUS OF THE BLACK HILLS.

That gold is in the Black Hills pioneers have known for more than thirty years. The geological survey of Professor Hayden over ten years ago established that fact. The explorations of Professor Jenney in 1875 were sufficiently thorough to establish beyond a doubt that valuable gold fields exist there. Within the last six months citizens of my Territory have gone there comparatively poor and have returned "well off." That more than one hundred thousand dollars' worth of gold dust has been taken out of these hills by the people of Dakota alone, been brought home and there sold, is a fact of which I have personal knowledge.

That sentiment which is founded on the great popular idea of inalienable rights inherent in the bosom of every man which has felled forests and peopled the plains from one ocean to the other attempted to open the Black Hills in 1874 and 1875. Squads of men were there, inoffensively, quietly, taking the precious metal from the "auriferous gulches which furrow its mountain-slopes." Whereupon a military order was issued to "put out" these men therefrom, and as they were seemingly slow in getting out, many of them were arrested, confined in military prisons and other bastiles for months, and, in numerous instances their teams and entire outfit were taken from them by the military authorities, and their wagons and subsistence destroyed by fire. Such acts on the part of those who consummated them were without authority of law and an outrage upon the rights of peaceful citizens.

But since the explorations of Professor Jenney, and within a few months, the Black Hills have become occupied by a large population of the bone and sinew, the bold and hardy yeomanry of our country. It is estimated that there are at least eight thousand men there pursuing the even tenor of their way, tilling the soil, planting crops, fencing their lands, building houses, making homes for the beloved ones left behind them, and who are anxiously waiting for the blissful moment of reunion with their brave husbands and fathers, and until recently without any interference from our Government. But the Indians, wanting new relays for their girdles, and in strict accordance with their custom for the last hundred years, were continually murdering innocent men, women, and children outside of their reservation in the Territory of Wyoming and elsewhere, and committing such nameless crimes the contemplation of which makes humanity's warm life-blood congeal at its source and stand still in its fastnesses, caused this order to emanate:

HEADQUARTERS ARMY,
Washington, May 26, 1876.

General P. H. SHERIDAN, *Chicago:*

I have just been to the President with Governor Thayer. After reading the papers and some discussion, the President said that the people who had gone to the

Black Hills of Dakota, inside the Sioux Indian reservation, or who may hereafter go there, are there wrongfully, and they should be notified of the fact; but the Government is engaged in certain measures that will probably result in opening up the country to occupation and settlement. In the mean time the Indians should not be allowed to scalp and kill anybody, and you are authorized to afford protection to all persons who are conveying food and stores for those already there. I understand that arrangements are now in progress with Red Cloud and Spotted Tail to remove, and mean time the agency Indians should be kept near the agencies.

If satisfactory arrangements are not concluded, the new orders will be made as to whites who have intruded on the Sioux reservation.

W. T. SHERMAN, *General.*

About four weeks ago the United States Indian agent at the Cheyenne agency on the Missouri River addressed a letter to the honorable Commissioner of Indian Affairs that three friendly Indians had been killed by men going to the Black Hills over the Fort Pierre route, and that an Indian war was inevitable if travel thereon was not interrupted. Thereupon the following order was issued:

SAINT PAUL, MINNESOTA, *June* 2, 1876.

To the Commanding Officer at Fort Sully, Dakota Territory:

In compliance with instructions from the General of the Army, just received from the Lieutenant-General, you are directed to take such steps as will prevent emigrants from going to the Black Hills over the Sioux reservation by the Fort Pierre route, and you are further directed to use the troops at your command to enforce these instructions to the best of your ability.

By command of General Terry.

RUGGLES,
Acting Adjutant-General.

Pursuant to which the commanding officer at Fort Sully stopped all provision trains and men *en route* for the Black Hills, and forbid their crossing the river there. In a short time hundreds of tons of freight were landed there destined for the gold region, and hundreds of men in charge of the same, but were detained or turned back by the military authorities. This fact being made known to the Government, this order was issued:

HEADQUARTERS ARMY OF THE UNITED STATES,
Washington, D. C., June 8, 1876.

General P. H. SHERIDAN, *Chicago, Illinois:*

Judge KIDDER, of Dakota, represents that there are about a hundred tons of provisions at Fort Pierre, ready for the Black Hills, and that the commanding officer forbids their going. We have just seen the President, who consents that these provisions may be hauled out, but that no escort can be given. You may instruct accordingly.

The commanding officer should see that the parties who go out with the train are armed and prepared to defend the train and to prevent its falling into the hands of hostile Indians. Judge KIDDER has been very zealous in this matter in the interests of his Territory.

W. T. SHERMAN, *General.*

The commanding officer at Fort Sully, being "hard of hearing," or very slow, or not knowing the order was issued, had not, up to the 20th of June, permitted the provisions to be "hauled out," when, "forbearance ceasing to be a virtue," the order enlarging his instructions was issued in these words:

HEADQUARTERS OF THE ARMY, ADJUTANT-GENERAL'S OFFICE,
Washington, June 20, 1876.

General P. H. SHERIDAN,
Commanding Division of Missouri, Chicago, Illinois:

In regard to the route to Black Hills from Fort Pierre, you may instruct that well-organized trains may go out and return with provisions, but they can have no military escort. The trains must take their own risk.

Instruct the officers accordingly.

W. T. SHERMAN, *General.*

Of the result of this order I am not informed.

Newspapers inform us that—

We have good evidence that the route to Custer City from Cheyenne is now guarded against Indian depredations by Companies K of the Third Infantry and H of the Twenty-third Infantry, and that General Sheridan was promised adequate military guard for the Cheyenne route. We have also good evidence that Captain Tolman's company of the First Infantry is now patrolling the Missouri River in the vicinity of Fort Pierre for the purpose of preventing all travel from Southern Dakota to the hills.

Colonel Townsend, commanding Fort Laramie, announces, among other things, that—

Two companies of cavalry will constantly patrol the road between this post and Custer City for the protection of travelers.

It appears, then, relying upon these orders and this information, that there is only one ingress and egress to the Black Hills, and that is by the way of the Union Pacific Railroad. In connection with these facts I desire to state another, that to get to the Black Hills from Fort Pierre via the Union Pacific Railroad the emigrants at Fort Pierre will have to travel over one thousand miles farther than to go direct from there, it being from Fort Pierre only one hundred and twenty miles to Custer City. Chicago is over three hundred miles nearer the Black Hills via Yankton, Dakota, than it is by way of Cheyenne, Wyoming, and the road through the former Territory is very much better. This extra distance, then, in order to enjoy the lovely scenery of the gold-bearing hills and the ecstasy of anticipated riches, must be traveled over, not only by the good people of Dakota, but by the people of Minnesota, Wisconsin, and other States east of the Missouri River and north of the forty-second parallel.

This I call an outrage upon these people too grievous to be borne. We are willing to submit to any general order controlling alike the people on both sides of the Black Hills. We are willing to be excluded from them if all are, but we cannot consent to stultify ourselves, belittle our intelligence, and smother that inherent right of justice and equality which was implanted in the bosom of every man by Him who from the beginning has carried the scales of justice equipoise, by remaining silent or passive when so great a wrong has been perpetrated in a manner that it is known by a gazing world.

The Fort Pierre route should be opened at once or the Cheyenne route should be closed. This would be meting out even-handed justice. The closing of this route and the protection of the routes from Cheyenne and Fort Laramie by the military is such an exhibition of favoritism in favor of the latter routes and the injustice to the former is so flagrant that the people of Dakota feel that they have a right to speak in language that will not be misunderstood, and demand that justice shall be done them by being placed upon an equality with those residing west of the Black Hills.

Only one way to get into the Black Hills? I have been taught to believe that I can start from any place and go to any other place in the world. But I give that up now. One is obliged to start either at Sidney, Cheyenne, or Fort Laramie to get into the Black Hills.

It has now transpired that "three Indians" were not killed, or any Indians in the region of Fort Pierre, or any Indians east of the Black Hills, by persons going there, as stated to the Commissioner of Indian Affairs by the Cheyenne agent, and that the agent was misinformed in relation thereto, or he willfully wrote to the Commissioner what was not true, which latter I hesitate to believe. But, believing in the good intentions of those who administer this Government and their desire to strictly mete out justice to all, I do not hesitate to say that I believe, when the facts in this regard are known to them as I know them, that the order closing the Fort Pierre route will be revoked, or another made closing those from the Union Pacific Railroad. With either we shall be content.

To the unsophisticated these last remarks of mine might seem to be *aliunde*, and not pertinent to the issue; but when it is understood that all the facts which surround this reservation should be properly considered before coming to a determination in the premises, and that Dakotaians and others east of us who have "traveled that way," have had not only a fire in front but a "fire in the rear," it is a matter of absolute necessity, in order to have ample justice done us, to state the whole case as it really exists, "without fear, favor, or affection."

RESULTS ON THE PASSAGE OF THE BILL.

A bill has recently passed the Senate "providing for an agreement with the Sioux Nation in regard to a portion of their reservation, and for other purposes," which has been transmitted to this House and referred to the Committee on Indian Affairs, "that bourn whence" it takes a long while to get back, *à la* other committees.

As a *dernier ressort*, I am in favor of this Senate bill, but it will take a long while, if it passes this session, to be of any utility to us, as the commissioners authorized thereby cannot report a treaty, for want of time, until the next session of this Congress; therefore it will be nearly a year before we can reap any benefit therefrom.

We are told to wait until a different policy or new treaties may enable these Indians to quietly vacate this valuable country; but Young America never waits. It is not the nature of the people of these United States to hesitate to strike the blow when the iron is hot.

Remove this dusky cloud title from a portion of the reservation, and thousand of emigrants will flock there annually; not simply as gold-hunters, but as farmers and tillers of the soil. The climate is temperate and salubrious; the soil is rich; forests abound, and the country is well supplied with small streams abounding in fish. There is no portion of the country that presents so many attractions for the emigrants as this bill proposes to open. The passage of this bill will do the Indian no harm, but will greatly advantage the hardy, whole-souled, generous-hearted pioneers. Pass this bill and this rich country is open for exploration and settlement at once, and gives homes to thousands of the homeless. The interests of humanity demand its passage. It will stop the shedding of innocent blood. Men and women will earn their daily bread in quiet, and after the labors of the day lay down to sleep without fear of being awakened by the yell of the bloodthirsty savage or the glare of the midnight conflagration. The sword will be turned into the plowshare, and "the song of the turtle will be heard in the land."

Christianity demands that these lands shall be occupied and possessed by those who believe in protecting one another, instead of those who only delight in slaying pale-faces. The American people, yes, the civilized world, is tired of this sentimental policy for the "poor Indian," which has almost made a continuous graveyard from the Ohio River to the Pacific Ocean.

The time has arrived when people are not to be deceived by well-rounded sentences, poetical effusions, or charming fictions. Desolated homes, thousands of widows and orphans cry out that these murderers must leave these lands to the quiet possession of those who are able and willing to assist the earth in giving forth its increase and establishing homes where they can enjoy the sweet comforts of peace and family, and "where the wicked Indian will cease from troubling" and the weary laborer reap the rich rewards of his toil in the possession of a secure home and contented family.

POSTAL SERVICE.

Mr. CANNON, of Illinois, addressed the House in relation to the postal service of the Government. [His speech will appear in the Appendix.]

CITIZENSHIP—NATURALIZATION.

Mr. WALSH. Mr. Speaker, early this session a bill was introduced and referred to the Committee on Foreign Affairs to carry into execution the provisions of the fourteenth amendment to the Constitution concerning citizenship and to define certain rights of citizens of the United States in foreign countries and certain duties of diplomatic and consular officers, and for other purposes. That bill has been reported favorably by that committee and made a special order.

I consider it my duty to oppose the bill and to state some of the reasons which compel me to do so. It professes to be a bill to carry into execution the provisions of the fourteenth amendment to the Constitution concerning citizenship, and to define certain rights of citizens of the United States in foreign countries. It might more appropriately be styled a bill to provide an easy and speedy mode to convert citizens of the United States in foreign countries into aliens and deprive them of American rights and liberties. I am sure the distinguished jurist and statesman who has charge of this bill does not see it in this light or he would be the last man to propose it and enforce with his eloquence and authority its passage.

The fourteenth amendment is a grand and clear enunciation by the American people of the persons who are entitled to citizenship. It ordains that—

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside

It annihilates creed, nativity, class, and color, and embraces in the vast brotherhood of American citizenship all born within the United States and all, wherever born, who love freedom and record an oath to defend and uphold it. All naturalized persons are citizens, and all persons born in the United States, whether in a State or Territory or the District of Columbia, are citizens.

Before this amendment it was doubted whether any one could be a citizen of the United States who was not a citizen of some one of the States, and it was asserted by high and reverend authorities that you could only enter into the august incorporation of United States citizenship through the citizenship of a State. It was the States that formed and entered the Union, and only those were citizens of the Union which the States carried into it clothed with the character of State citizenship. The individual had no access to citizenship of the Union except as invested with the citizenship of some one of the representative sovereign republics that composed the Union. Hence colored people, who were not considered citizens of any State, were decided not to be citizens of the United States, and the same doctrine was applied to persons resident in the District of Columbia or in any of the Territories. The amendment removes all these difficulties, and declares that "all persons born or naturalized in the United States and subject to its jurisdiction shall be citizens of the United States." It goes further, and clothes the citizen of the United States with the citizenship of whatever State he may reside in. It not only declares who are citizens of the United States, but accompanies those citizens into the several States and makes each one a citizen also of the State in which he resides. It is no longer in the power of a State to exclude from its full and equal citizenship a citizen of the United States who may reside within it. Birth or naturalization creates the citizen of the United States, and residence within a State superadds, by force of the amendment, citizenship of that State.

Prior to the amendment a citizen of one State was entitled to all the privileges and immunities of citizens in each of the several States. A citizen of a State was secured an equality of privilege with the citizens of any other State he chose to move into or reside in and this was a powerful provision to make the people of the several States one people and elevate them all to the high plane of a broad national character. But it only applied to the citizens of each State. Those who were not citizens of any State were not included in that clause of the Constitution. But the fourteenth amendment takes a broader and higher sweep, widens the field of United States citizenship, and carries its rights of equality into all the States. Not citizenship of a State only, but citizenship of the United States and residence in another State, makes you a citizen of such State and entitles you to all the privileges and immunities enjoyed by any other citizen of such State. Birth and naturalization are the only qualifications for citizenship of the United States; but, to be a citizen of a State, residence within it is superadded.

The power of the State is local, limited to her own territory. She has no duty of protection beyond it. Therefore citizenship of a State is local, and only endures while residence within her territory continues. State citizenship depends upon State residence. But citizenship of the United States is in no manner limited by or dependent upon residence. The United States, for the benefit of all the States, is clothed with all the great national powers which any government or people can possess. Among the nations of the earth her powers as a nation are equal to those of any of them. For all the great external purposes for which the Government was established citizens of the United States are one people, with one common country, possessed of all the powers for the protection of its citizens which any people possesses. The United States is one of the great nations of the world, and is a party to all the laws that rule the nations of the world in their relations to each other.

Citizenship of the United States is not local, not limited by territorial residence within the United States, and not cast off by leaving the mere physical limits of the United States. As the power, influence, and jurisdiction of the United States in international relations and affairs extend over all the seas and through every land, so her citizenship is universal and clings with all its protecting influence to her citizens into whatsoever part of the world they may go. Birth and naturalization in the United States are the tests of citizenship; no other element disturbs the proposition; no complicated questions of domicile or residence mingle with it or confuse it. If born in the United States and subject to its jurisdiction or if naturalized in the United States, the great charter of American liberty exalts you to its citizenship, and no power or authority can detract from this title or superadd other elements or conditions not required by that august instrument, which is itself the glorious outgrowth of centuries of toil and struggle and sacrifice of the wisest, best, and bravest of the races of mankind. For though it grew up and took form and shape in a day, as it were, the materials of which it is composed, the foundations and the superstructure, were selected and gathered from all parts of the civilized world and were the slow and laborious product of ages. The rights which it confers and secures must be maintained for the individual as well as for the multitude.

Citizenship must not be dwarfed or shorn of its protection by paltry, unmanly legislation, unworthy of the great principles of freedom and national spirit which created and have since upheld the Constitution. It nowhere makes continued residence an element of citizenship. It is true the Constitution says in regard to the citizens, born within the United States that they must be "subject to the jurisdiction thereof" at the time of their birth; but it is well known, and has been so decided by the Supreme Court of the United States, that this qualification was inserted to exclude from citizenship the children of ministers, consuls, and citizens or subjects of foreign states born within the United States, and Indians while remaining in their tribal relations; and this provision affords no countenance whatever to the view that persons who have undoubted citizenship by birth or naturalization are liable to forfeit it by going into a foreign country and remaining there some indefinite time, whether for business, culture, or pleasure. The Constitution has molded the whole American people into one of the great powers of the world and secures to its citizens, as a part of their fundamental liberties, the right to travel into foreign countries and to have passports and freedom for travel and protection on sea and land against the wrongful interference of any power whatever. Wherever he lawfully goes he carries with him the ægis of American liberties and the inviolable protection of the powerful Republic of which he is a member. But the bill under consideration contravenes the Constitution and undertakes to limit citizenship by home residence and to hamper the right to travel into foreign countries for any purpose with odious, inquisitorial restrictions, and to make the enjoyment of this undoubted, inestimable right dangerous to citizenship itself.

The Constitution encourages the development of freedom, manhood, commerce, travel, and intercommunion with the nations and peoples of all the world. But the bill restricts all these, and only tolerates them under the humiliation of degrading espionage or the confiscation of citizenship itself. It permits the citizen to go abroad, but his country's protection in all the amplitude of its majestic power must not accompany him. The great bond which unites him in the glorious brotherhood of American citizenship, and should ennoble his manhood by its assured protection in all parts of the world and against all the powers of the world, is rapidly dissolving away by the very act of departing from the shores of the United States. If he remains two years domiciled elsewhere, for any purpose or for any cause, his American liberties are lost and he becomes an outcast from the great society of American freemen, unless he has subjected himself to the humiliation of registering at some consulate the private history in minute detail of himself and his family.

How free, grand, august, is the Constitution! No belittling espionage, no unworthy fears, no prison bounds as the condition of its all-powerful and omnipresent protection. When it has crowned you with the sovereign royalty of its citizenship it does not chain you down as a serf to the soil. It does not degrade in the act of ennobling or belittle while making you great. But this bill, following the example of the ignoble surrender made of our German naturalized citizens by the treaty of 1868, comes in, a hundred years after the banners of liberty have been set afloat over the vast plains and the majestic mountains of our country, a hundred years after the mighty spirit of the Constitution has been abroad through the land, educating, enlarging, and elevating the aspirations of the people to a broader, higher, and more generous nationality than ever animated the hearts of any other people—this bill comes into the American Congress and in feeble and degenerate breath attempts to paralyze the powers of the Constitution and confine its protection to those citizens who remain at home and need it least.

By this bill, if a native or naturalized citizen goes abroad and fails to undergo the inquisitorial process prescribed and remains two years in any foreign country, he forfeits all claim to the protecting power of the United States. American citizenship is made to depend not upon the plain and solid language of the Constitution but upon the uncertain and irreconcilable opinions of the officials of the foreign country as to what constitutes residence or domicile. The bill confounds both these terms as meaning the same thing, although they differ from each other, and each differs from itself. Thus a commer-

cial domicile, a matrimonial domicile, a political domicile, and a testamentary domicile may each differ from the other inessential elements, and the difference between residence and domicile is still greater than the difference between one sort of domicile and another. The bill endeavors to remedy these difficulties by declaring that domicile and residence are to be construed as implying a fixed residence at a particular place with direct or presumptive proof of an intent to remain indefinitely.

But a fixed residence means no more than residence, and what constitutes residence must remain as doubtful and unsettled in law with the word "fixed" before it as without it. And the direct or presumptive proof required to establish the fixed residence which is to destroy American citizenship is furnished to the foreign government in the strongest terms by the provision of the bill which declares that "citizens of the United States who shall remain out of the jurisdiction of the United States and within the jurisdiction of some other power continuously for two years shall be held as domiciled in a foreign country, except as hereinbefore provided;" that is, except those who comply with the odious inquisitorial injunctions of the bill and register the private history of themselves and families at some legation or consulate of the United States. The law is imperative, and leaves no presumption in favor of American citizenship. Two years within a foreign country without registry "shall be held" to denationalize the American citizen and strip off the glorious heritage of American liberties, without any allowance for the inconvenience or even impossibility of his going to the place of registry.

The blood-bought charter of his country clothes him with the ennobling character of an American citizen in words of light and power, but this degenerate law makes the high privilege hang upon all the uncertainties and contradictions that embarrass questions of residence and domicile in commercial, testamentary, and political law and casts forth American citizenship as a football and plaything for the lawyers, diplomats, and petty officials of foreign governments. The American Congress would descend far below the majestic spirit of the Constitution if it should ever consent to place in such doubt and peril the glorious prerogatives of American citizenship which our countrymen proudly carry with them through whatever parts of the habitable globe their daring enterprise or enlightened curiosity may conduct them. The American people are great, powerful, and magnanimous enough to follow, to accompany, and clothe with their inviolable protection the humblest of their fellow-citizens in the remotest quarters of the world.

The great object of the Constitution was to unite and build up all the American people into one generous and powerful nation so far as regards all foreign countries and to protect each member of that nationality while abroad in all his lawful pursuits against the separate or combined powers of all the world. The American people are not willing to abdicate the Constitution and descend from the exalted position to which it has elevated them. One of the most valuable rights of American citizens as declared by the Supreme Court of the United States and by all our jurists and statesmen, is to have passports and freedom for travel in foreign countries and the protection of the whole American people while abroad. The spirit of the Constitution encourages and develops trade and commerce and friendly intercourse with foreign nations. And the law now is the same as when the Constitution was formed, that no length of absence abroad deprives the citizen of the protection of his Government. This principle of public law entered into and made a part of the Constitution. The destruction of American citizenship by two years' residence abroad and non-registration is an innovation upon the spirit of the Constitution that now seeks in this centennial year to erect itself into a monument of American degeneracy.

The German treaty of 1868 was bad enough, but this bill embraces all citizens and hastens to abandon them as soon as they go abroad, by furnishing numerous odious requirements, non-compliance with which converts them against their will into aliens.

The treaty of 1868, by which naturalized citizens of German birth who return for any purpose to their native country and remain there two years are surrendered to the German Empire and deprived of their American character, was an utter abandonment of the American doctrine, always announced and upheld at every cost by the democratic party, that when a naturalized citizen revisited his native country he entered it as an American citizen entitled to the same protection from the United States as if he were a native-born citizen. The treaty made an illegal and disparaging distinction between the naturalized citizen of German birth and the naturalized citizens of other origin, or the native-born citizen. We have no better class of citizens than those of German birth. Their honest, laborious, untiring industry has cut down the forests, bridged the streams, cultivated the wilderness, and carried peaceful and prosperous settlements, blessed with law, order, and abundance, from the eastern slopes away over the mountains and across the valleys to the westernmost boundaries of our vast domains. They have borne their ample share, whether in peace or in war, in the great work of building up, enriching, strengthening, and developing into power and greatness the American Republic. Why should these citizens have a mark of disparagement set upon them by any act or treaty of the United States? Yet such is the treaty referred to, that they alone of all classes of our citizens, if they visit the land of their birth to see their kindred or friends, to pursue business or pleasure, and remain there more than two years, are stripped of their American citizenship and American liberties and cast back to the relentless rule of the country which they had renounced. The Supreme Court says, (Osborne *vs.* Bank of United States, 9 Wheaton,) speaking of a naturalized citizen:

> He becomes a member of the society, possessing all the rights of a native citizen and standing in view of the Constitution on the footing of a native.

Yet in the face of the Constitution, which proclaims the equal rights of all classes of citizens, native and naturalized, a republican Administration negotiated a treaty singling out the naturalized German citizen from all others and placing a mark of inferiority upon him, and agreeing to abandon him helpless and defenseless if he returned to his native country and remained over two years in it. This was contrary to the fair, just, and equal spirit of the Constitution, which knows no distinction of citizens and accompanies them all alike with its sheltering and protecting power at home and abroad. It is a grave question whether that treaty was not also contrary to the letter of the Constitution, which confers upon Congress the power of establishing a uniform system of naturalization, but nowhere gives to Congress or the treaty-making power any authority to discriminate between different classes of citizens or abridge or diminish the rights of one class below those of another. A treaty is the supreme law of the land; but there must be some fundamental limits as to the objects which fall within the scope of the treaty-making power.

What all three branches of the Government have no power to accomplish, two of these branches—the President and the Senate—should not in reason be competent to effect. Certainly Congress could not pass any law affecting citizenship but a uniform one, acting upon all alike. It could not pass a law abridging the rights of German-born citizens as distinguished from citizens born here or elsewhere. And it must be very dangerous doctrine to admit that the President and Senate in making a treaty can cripple the functions of any other branch of the Government, or of all three branches combined, or select out certain classes of citizens and reduce them to an inferior degree of protection at home or abroad. If this doctrine be admitted, we may in time have to look for the rights of our citizens, not to the Constitution of our country, but to the different treaties with foreign powers which may strip one class of citizens of the protection of the Government upon one ground, and others upon entirely different grounds.

Citizenship of the United States is measured only by the Constitution, and every citizen has full and equal right to all its powers and protection. There cannot be one measure of protection for one and another for another. I regard the principle of these treaties as a pernicious innovation, which should never receive the sanction of the American people, but which, on the contrary, should be marked with their indignant disapprobation to prevent it from growing into a precedent. In the early days of the Republic, under democratic statesmanship, which nursed and developed the Constitution in harmonious co-ordination of all its powers and functions, the American people did not hesitate to declare war against the British government to vindicate the principle that the naturalized citizen possessed all the rights of the native-born, and that his return within British jurisdiction did not subject him to any service or allegiance which he originally owed to it as the country of his birth.

Such was the heroic spirit of the Republic while only in its infancy. And now, when largely aided by emigration it has grown up to be the foremost power of the earth and the great reserved sanctuary of human freedom, bright all over with the glories of the past and flushed and throbbing with the gorgeous visions of the still more glorious future, how abject must that spirit be, how false to the history and traditions of its brief but splendid career, which would consent to surrender in the noonday of its power one jot or tittle of those American liberties which crown its citizenship above that of all other nations, and for the firm establishment of which it cheerfully offered the blood of its children while yet in the weakness of its early youth.

Where is the great American spirit of Jackson, who immortalized not his own name only but that of his country by the victory of New Orleans which established upon the mortifying defeat of the British government, and should have consecrated forever in American law, the principle that the naturalized citizen of the United States will be protected at all cost and hazard against the claims of the country of his birth whenever he goes there lawfully and peaceably? This principle, sanctified by the blood of heroes, has been abandoned in the case of naturalized German citizens. The spirit of Jackson and his compatriots sleeps. The times are degenerate. American citizenship is bartered away by treaty, and no voice arouses the patriotism of the land. How long shall we hope for the rekindling of the ancient fires? How long before the spirits of the mighty dead shall awake and walk abroad among the people rousing them up as in times of old to union, harmony, and fraternal love at home, and to bold and heroic assertion and maintenance of national and individual right abroad?

This bill not only requires the democratic Representatives of the American people to sanction this German treaty by making it the basis of legislation proposed in the bill, but goes further and extends the principle of the treaty to all our citizens, whether native or foreign born, and places all alike in peril of losing their American citizenship whenever they go abroad. If they remain two years in any

foreign country without subjecting themselves to the inquisitorial registration required by the bill, they forfeit their citizenship and are thereby denationalized and cast out upon the world as unprotected aliens, to be dealt with as the countries in which they happen to be may choose. In order that a person may save himself from the forfeiture of his American citizenship he is bound, whether native or naturalized, to register at some United States legation his name, place, and date of birth, time and place of naturalization, previous domicile in the United States and the duration of his absence from it; whether he intends to return to it; if married, the name and nationality of his wife and children, and the names and ages of his minor children, with the dates and places of their birth. If he remains out of the jurisdiction of the United States continuously for two years, he shall be held as domiciled in the foreign country, and thus deprived of his citizenship. Such legislation finds no support in reason or necessity, and is utterly and scornfully repudiated by every sentiment of a generous and all-protecting American nationality, and such an abasement of American spirit should find no place on our statute-book. Under the right of expatriation an American citizen may renounce his allegiance and become a citizen of a foreign government. But this should be his own free and voluntary act, done for that purpose and with that intent. He has a constitutional right to go abroad and remain there in time of peace, and no penalties or criminal presumptions should be attached by law or treaty to the exercise of this acknowledged right.

That part of the bill which relates to minor children is wholly useless. The Constitution itself declares that a child born within the United States of parents who are not citizens and not subject to the jurisdiction of the United States is an alien. It is therefore useless to enact it in a statute. The existing law also provides that if the father naturalizes or declares his intention and dies, it naturalizes the mother and minor children, which is all that is required. The existing law provides, too, that children born out of the jurisdiction of the United States of fathers who are citizens of the United States shall be citizens of the United States. (Revised Statutes, section 1993.) This legislation sufficiently covers the case of both classes of minor children, and the legislation proposed in the bill could only create embarrassment and complication.

The paragraph in the bill relating to married women introduces another unwarrantable novelty into the law of American citizenship. If an American lady marries a citizen of another government, this bill *ipso facto* strips her of her American citizenship and makes her an alien in the home of her fathers, who may have been among the boldest and wisest in establishing the liberties of that country, from all participation in the glorious privileges of which she is made an outcast by an honorable marriage. I abhor such a law, and am unable to conceive of the possibility of its ever receiving the sanction of the American people. Why should ladies of America be prevented from marrying the men of their choice under penalty of renouncing the heritage of their fathers and becoming aliens to the country of their birth? Many American ladies have married gentlemen of foreign birth, and own large landed estates and other property in the United States, and why should they lose their American citizenship for the sacred right of marrying those they love? The marriages of American ladies to citizens of other countries, and even their residence in those countries, have produced untold good to the people of the United States. Every fair daughter of America who goes abroad as the wife of a foreigner becomes a missionary of peace and of social and friendly intercourse between her native country and that of her husband. Her marriage should not deprive her of her American character of citizenship; and there is no need for the provision in the bill restoring her to citizenship on the death of her husband by filing in the Department of State a declaration of her election to become such citizen. This feature of allowing the Department of State to officiate in the conferring of citizenship is another of the objectionable novelties of this bill, and it is in direct conflict with the Constitution of the United States, which places the exclusive power of conferring citizenship, and prescribing the terms and conditions upon which it shall be conferred, in Congress alone.

Another noticeable feature of the bill in the enumeration of persons entitled to protection as American citizens is its total omission of ladies of foreign birth who have married American citizens. The act of 1855 (section 1994 of the Revised Statutes) provides that any woman who is now or may hereafter be married to a citizen of the United States, and who might herself be lawfully naturalized, shall be deemed a citizen of the United States. This law makes an alien woman who marries a citizen of the United States a citizen also. Her marriage naturalizes her, and makes her as much a citizen as if she were a native-born.

But this bill, while undertaking to define who are American citizens and entitled to the protection of the United States, totally ignores these ladies, who under existing law are as fully entitled to the character and protection of American citizens as any other class of citizens.

That part of the bill which deprives of American citizenship native or naturalized citizens who enter into the civil, military, or naval service of any foreign prince, or people, or state, while such service continues, or who are naturalized as subjects or citizens of a foreign state, is right, and is the only part of the bill which is worthy of support. The substitute of the gentleman from New York embraces this feature of the bill, and cuts off all the other crude and non-American-like matter which the bill seeks to have enacted into law. There is one defect, I think, in the proviso to the substitute which ought to be corrected by an amendment, and to which I have no doubt the gentleman from New York will consent when his attention is called to it. It says that a citizen of the United States, having become the wife of an alien, may on the death of her husband again become a citizen of the United States by going before any court of record, &c., and proving her citizenship before marriage and the death of her alien husband, and making a declaration of intention to again become a citizen of the United States. The error of this proviso, I conceive, consists in this, that it assumes that the marriage of an American lady to an alien *ipso facto* strips her of her American citizenship. This is not and should not be the law. If a lady marries an alien and resides in the United States with her alien husband, she still remains an American citizen, notwithstanding her marriage, and should so remain. There is no reason why an American lady, marrying an alien and continuing to live in the United States, owning property in the United States, paying taxes and bearing all the burdens of any other citizen, should cease to be a citizen of the United States. A native-born citizen of the United States, and subject to its jurisdiction and authority, should not be divested of her citizenship by the mere fact of her marrying an alien. That would set up a new and unwarrantable obstacle to marriage. There is no authority in the Constitution for depriving an American lady of her citizenship by the mere fact of her marriage to an alien. If she and her alien husband reside in the United States, she does and should remain a citizen after the marriage as fully as before it. It is only in the case of her abandoning the United States and making her permanent home in the country and with the people of her husband that she should lose her American character and be required to naturalize on her return to this country after the death of her husband.

CONDITION OF THE COUNTRY.

Mr. CALDWELL, of Tennessee, addressed the House on the state of the Union generally. [His speech will appear in the Appendix.]

WASHINGTON, CINCINNATI AND SAINT LOUIS RAILROAD.

Mr. FROST. Mr. Speaker, I rise as a member of the Committee on Railways and Canals to say that I believe the bill as now amended to authorize the Washington, Cincinnati and Saint Louis Railroad Company to construct a narrow-gauge railway ought to receive the approval of the House. It grants no subsidies.

The company ask the right to construct a narrow-gauge railroad from the great grain-growing districts of the country to tide-water at Alexandria, where they have secured half a mile of frontage on a harbor with a depth of over thirty feet of water, capable of floating the largest ships and steamers in the world, and also a branch to Washington.

The great seaports of Portland, Boston, New York, Philadelphia, and Baltimore have their trunk lines leading to the West, carrying comforts and blessings and developing the resources of the country through which they run.

Why should not Alexandria, Norfolk, Wilmington, Charleston, Savannah, and Mobile also have their lines of railroad to the West, developing the great resources of the States through which they would pass and tapping new sections of our western country where they are crying out for cheap transportation to tide-water? I would be glad to see such lines established, because they would unlock the mines of coal, iron, and other minerals of the mountains of Virginia, the Carolinas, Tennessee, and Kentucky, and place those States beside the great State of Pennsylvania in wealth and population. Such lines of railway transportation would also harness the waterfalls of those States to manufactories of iron, cotton, and wool, and enable their citizens to vie with the people of New England in the blessings of skilled labor, wealth, and popular education. The development of these industries never lessens the prosperity of the rich man, but is sure to elevate and better the condition of the poor man.

I want to see more railroads in the Southern States for the development of their magnificent resources. I want to see more railroads between the North and the South, more means of communication of all kinds between the two sections, for I am convinced that freer intercourse and a better acquaintance are essential to the true unity of our people.

Let the young men of the North, who have been educated to till the soil in the most skillful manner, and those who have learned to conduct our machine-shops and factories, and those who have been educated in our banking-houses and mercantile establishments—I say let representative young men of all these classes go to the Southern States and select from the beautiful daughters of the South their companions for life, and then let them settle at the North or the South, as their tastes or inclinations may decide. Let their relatives of the South visit the homes of the North, and let their friends of the North visit the homes of the South, and they shall find that they all read the same Bible; that they all look up to and call blessings down from the same Heavenly Father; they all enjoy the protection of the same dear old flag, the Stars and Stripes.

Mr. Speaker, the people of Massachusetts do not believe in a no-

bility of family or wealth merely, but they *do* believe in a nobility of nature, of culture, of discipline, and of labor; they also believe in the right of the humblest citizen in the land to express his opinions freely and vote as he pleases.

Whatever benefits have come to our people through the adoption of these sentiments I would be glad to see extended throughout the length and breadth of our land. Let these principles be adopted, and success and prosperity would be everywhere apparent.

I would like to have more railroads built to connect the North and the South, the East and the West, and cement our business relations more closely; but I value still more highly those ties of family and religion and education which are sure to make us *one people*, as God intended we should be.

GENEVA AWARD, ETC.

Mr. CONGER. Mr. Speaker, I had intended to make a few remarks to-night upon the bill nominally before the House, the bill for the distribution of the unappropriated moneys of the Geneva award; and I came up this evening for that purpose, for I understood that was to be the only subject of discussion to-night. I find, somewhat to my surprise, that the discussion here has embraced a somewhat wider range of subjects than perhaps was anticipated by the gentleman who has the Geneva award bill in charge, [Mr. LORD.]

I am very much surprised to see so very few members of the House in attendance when a subject of such vast importance to the people of the United States is presented for consideration, especially when such opposite propositions have been presented by gentlemen on this floor. On the one side it is claimed that it is the duty of the Government of the United States to place in the Treasury all the remaining money received by virtue of the Geneva award, and that the Government may use it for its own purposes, irrespective of any claim whatever. On the other side it is urged that, the Government having paid all proper claims presented, the balance of the fund should be returned to the nation from which we received it. I will not to-night discuss these two propositions, mainly because there is such a thin attendance of members, and I should be very sorry to have my views wasted upon so few.

Under the head of the Geneva award, the discussion this evening has embraced a very learned dissertation, by a gentleman well skilled in that branch of the public service, upon the postal service of the United States. I think I pay no more than a just compliment to the gentleman from Illinois [Mr. CANNON] when I say that, not of all the members elected to the House, but of the twenty-two that are present here to-night, he is more familiar with the postal service of the United States than any other gentleman, a compliment well deserved, and one which I make with a great deal of satisfaction. Another gentleman, [Mr. WALSH,] under the same heading of the Geneva award, has discussed the naturalization laws of the United States. Another gentleman [Mr. KIDDER] has given us a very exhaustive speech upon the subject of the settlement of the Black Hills and the Sioux treaty. Still another gentleman, [Mr. FROST,] with that practical judgment which always attaches to the sons of New England, has brought forward the subject of narrow-gauge railroads to the remote rural districts of the West.

Therefore the time this evening has not been entirely lost. Valuable information has been furnished to those of us who are present upon a variety of subjects. And this information, perhaps, is as intimately connected with the bill under consideration as the discussions of this House usually are connected with the questions nominally before it. And I am free to say—and I hope gentlemen who are not present, reading my remarks in the RECORD to-morrow, will notice it—I am free to say that the paucity of numbers here rather adds to the sharpness and brightness of the discourses which are delivered before the House.

Now, Mr. Speaker, there is a subject connected with the Geneva award, and with the action of the House upon it, to which I desire for a moment to call the attention of members present. Why is it that a subject which not only in this Congress but in a former Congress has received for months the consideration of the Judiciary Committee, which has received the acute, earnest investigation of the distinguished chairman of that committee, till the subject has been reduced to a practical form and presented here in a proper manner—why is it that it receives no more attention from this House? Why is it that it calls here on this last evening of its discussion only twenty-two members of the House?

Sir, the fact is that the members of this House are too unwell, too much afflicted from causes which I will presently mention, to be able to come here this evening; and when I assure the House that, according to my information, from thirty-seven to fifty-seven members—ranging anywhere between those numbers—are rendered ill and unable to attend evening sessions because they have been compelled for several weeks, in this extreme hot weather, to cool their parched lips with iced Potomac water only, [laughter,] the House will understand the importance of this paragraph which I send to the Clerk's desk to be read

The Clerk read as follows:

ECONOMY ON THE HOUSE SIDE OF THE CAPITOL.

Before "Uncle Jimmy" WILLIAMS was made chairman of the House Committee of Accounts it was customary on such seething days as these which have now come upon us to quench the congressional thirst with lemonade and iced tea. These exhilarating beverages were paid for out of the contingent fund of the House. Mr. WILLIAMS, however, will hear of no such extravagance, and listen to no appeals in this direction to deplete the public purse, and, as a sequence, the machine has been run thus far on ice-water and the contents of private flasks. To illustrate how this economy works an example of to-day is cited. A member from Pennsylvania who "holds the purse-strings of the nation" had been holding conversation with a number of his colleagues. Abruptly he left them. "Where are you going?" said one of them, as he headed toward the door. "I am going over to the Senate to get some lemonade. Blue-jean WILLIAMS is so mean he won't let us have any on our side of the Capitol." So Peter is robbed to pay Paul. Just as much lemonade is used and the expense of making it is as great as ever, the exception being that the Senate foots the bills. The House calls this economy, but the tax burden on the people for lemons and sugar is about the same that it was before the era of economy "set in."

Mr. CONGER. Mr. Speaker, I am unable to state to the House whether the reporter who gave that paragraph to the newspapers was strictly accurate in the statement or not. From many years' observation I have learned that the reporters of this House and for the press are remarkably accurate; and the presumption therefore is very strong to my mind that there is accuracy in this report. If it be so, or whether it be so or not, the chairman of the Judiciary Committee will pardon me for calling his attention to this subject and submitting to him a suggestion. This money, which has been captured from the greatest maritime and most warlike nation of the earth, has been brought within sight of the doors of our own Treasury, yet not in the Treasury, and is held there with guards around it, watching it by day and by night, at an additional expense, and an unnecessary expense perhaps. This fund is causing great anxiety not only in the minds of the Judiciary Committee and their chairman as to what shall become of it, but great anxiety also in the minds of its immediate keepers and watchmen. Now with that friendly feeling which I have always entertained for the chairman, and which could only have been heightened by a more intimate acquaintance than I regret to say I have, I suggest to him whether it is not within the rule of international law, whether it does not come within proper parliamentary practice that in the distribution of this fund for which there are no claimants—which in our eagerness to grapple with the British lion we have perhaps received to a larger extent than we deserved—whether, with a due regard to the feelings not only of this nation and of the nation from which we captured this fund, but in view of the whole civilized world, it may not be proper to appropriate from this fifteen-million-dollar fund, when it is denied that it belongs to anybody upon God's footstool, a small portion of it for iced tea and lemonade? [Great laughter.]

The occasion, sir, is trivial I know; compared with the grandeur of that grand commission of arbitration it is trivial. But, sir, when we reflect that all but two score of the members of this House are to-night writhing from the effects of too much iced Potomac, unable to come here in these last days of the session and perform the high legislative functions of the nation, leaving this most important of all the outside financial questions undiscussed and undisposed of, I submit that I am not asking too much when I suggest to the chairman to amend his bill and permit a small fraction of that grand fifteen-million-dollar fund, now uncalled for and about which there is so much dispute, to be appropriated for iced tea and lemonade. [Laughter.] Save the disquieted feelings which must disturb the Committee on Accounts. Save—if it be possible to hope for such a salvation—save the leaders of the House from pilfering from the Senate, if the report which has been read be true. Provide that out of that fund this House may receive that pittance which shall enable it to supply the necessary wants of its members, without either playing "Dick Smith" on the Senate or leaving so many of our members confined to their rooms by sickness resulting from drinking iced Potomac.

The SPEAKER *pro tempore*, (Mr. LANE.) The Chair presumes that the gentleman used the word "pilfering" in a Pickwickian sense. [Laughter.]

Mr. CONGER. I will modify my language and simply say "borrowing." [Laughter.] I ask that the reporters may be permitted to make that change. And I thank the Chair for the suggestion. It is not the first time in my life when the suggestion of a friend has saved me from subsequent embarrassment.

Now, sir, I have said perhaps all that I ought to have said—probably more—on this solemn and interesting occasion. [Laughter.] I have performed a duty which more properly belonged to the other side of the House. [Renewed laughter.] I have endeavored to point out a way by which we can secure the health of the members without drawing upon a depleted Treasury. I submit this to my friend the chairman of the Judiciary Committee. I invoke for this proposition the cordial support of all right-thinking men in this House. And, Mr. Speaker, if it shall be found that any portion of this fund can be appropriated in this manner, I shall feel—as I have heretofore ranked myself so thoroughly on the side of retrenchment and reform, that I have been unwilling to move in this House for even the small amount from the public Treasury necessary to procure what might restore health to members here—that I have at least pointed out the way by which a remedy may be found without depleting the public Treasury, leaving my record and the record of the chairman of the Committee of Accounts, and the record of the whole House still as high, as exalted, and as noble in the estimation of the whole country as it has heretofore during this tedious session proved itself to be.

And then, on motion of Mr. LORD, (at nine o'clock and seven minutes p. m.,) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk under the rule, and referred as stated:

By Mr. BUCKNER: Memorial of B. Severson and other citizens of the District of Columbia, for a change in the government of said District, and presenting sanitary reasons why the change should be made at once, to the Committee for the District of Columbia.

By Mr. CONGER: The petition of Colonel J. H. Kidd, Captain H. K. White, Major C. P. Dake, and 21 other officers of the Michigan Volunteers, that the charge of desertion against ten privates of the First Michigan Cavalry be removed, said privates having enlisted, as they believed, only during the war, and having left said regiment when the war was over, to the Committee on Military Affairs.

By Mr. KIDDER: A paper relating to the establishment of a post-route from Bismarck to Crook City, in the Black Hills, in the Territory of Dakota, to the Committee on the Post-Office and Post-Roads.

By Mr. MACKEY, of Pennsylvania: The petition of citizens of Des Moines Valley, Iowa, that Congress request the United States Supreme Court to issue a special mandate to the Federal courts in Iowa to postpone all action in reference to the Des Moines River lands, awaiting the action of Congress upon certain memorials in regard to said lands, to the Committee on Public Lands.

By Mr. REAGAN: Memorial of citizens of Eastern and Northeastern Texas, against the removal of the place of holding the Federal courts from Tyler to Dallas, Texas, to the Committee on the Judiciary.

By Mr. VANCE, of North Carolina: Papers relating to the claim of Thomas C. Tatham, for compensation for surveying done for the eastern band of Cherokee Indians of North Carolina, to the Committee on Indian Affairs.

Also, memorial of Clarissa A. Chamberlin, for an extension of patent for improvement of shovels, to the Committee on Patents.

IN SENATE.

FRIDAY, *June* 30, 1876.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings.

Mr. INGALLS. As the Journal this morning is very long, unless there is some special reason why it should be read, I move that its further reading be dispensed with.

Mr. EDMUNDS. There is scarcely anybody here yet, and I think it had better be read.

The PRESIDENT *pro tempore*. Objection is made to dispensing with the reading of the Journal, and it will be resumed.

The Secretary continued the reading of the Journal, and was interrupted by

Mr. EDMUNDS. As this is the last day of the fiscal year, although I do not think we ought to do this thing usually, I withdraw my objection to dispensing with the reading of the Journal.

The PRESIDENT *pro tempore*. The Chair hears no objection, and the further reading of the Journal will be dispensed with.

DISTRICT POLICE FORCE.

The PRESIDENT *pro tempore* laid before the Senate a communication from the police commissioners of the District of Columbia, in answer to a resolution of the Senate of the 26th instant, calling for the names of the men appointed on the police force of the District since the act of Congress of March 2, 1867, transmitting a report showing that of the one hundred and thirty-seven persons appointed all have served either in the Army or Navy, except fifty-six; which, on motion of Mr. SHERMAN, was referred to the Committee on the District of Columbia, and ordered to be printed.

POST-OFFICE APPROPRIATION BILL.

The PRESIDENT *pro tempore*. The Senate yesterday further insisted upon its amendments disagreed to by the House on the bill (H. R. No. 3263) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1877, and for other purposes, and agreed to the further conference asked by the House of Representatives, and the Chair was authorized to appoint the committee of conference on the part of the Senate. The Chair appoints the Senator from Louisiana, Mr. WEST; the Senator from Maine, Mr. HAMLIN; and the Senator from Texas, Mr. MAXEY.

PETITIONS AND MEMORIALS.

Mr. HARVEY presented a petition of citizens of Baxter Springs, Kansas, on behalf of David Allen, late a private in Company F, Fifth Regiment, Kansas Cavalry, praying the correction of his Army record by the removal of the charge of desertion therefrom; which was referred to the Committee on Military Affairs.

PUBLIC PRINTING.

Mr. ANTHONY. The Senator from Vermont [Mr. EDMUNDS] reminds us that this is the last day of the fiscal year. There is one branch of the public service which will fall, I suppose, with the dead lock that seems to be inevitable in twelve hours, which is so intimately connected with the two Houses of Congress that it is difficult to understand how we can transact our business without it. Certainly we cannot do so with any sort of convenience. I refer to the public printing. The Congressional Printer has asked of the Committee on Printing what his obligation will be with regard to fulfilling the orders which he may receive from the Senate and the House of Representatives after twelve o'clock to-night. I believe the law is very plain. I am not a lawyer, and I should not be willing to follow my own legal opinion, much less to prescribe it for anybody else; but I believe the law is perfectly plain that every appropriation falls into the Treasury at twelve o'clock to-night and that no officer is allowed to apply any money except under the permanent appropriations (in which the public printing is not included) for any service rendered after that time. It would subject us to very great inconvenience and interrupt our business almost entirely if the operations of the Printing Office were stopped. I am instructed by the Committee on Printing to report a bill, and I ask unanimous consent for its present consideration.

By unanimous consent, the bill (S. No. 960) to continue the public printing was read three times, and passed. It authorizes the Congressional Printer to continue the work required by law in advance of appropriations to be hereafter made, and that its provisions shall continue in force for sixty days.

TREATY WITH HAWAIIAN ISLANDS.

Mr. CAMERON, of Pennsylvania. I am directed by the Committee on Foreign Relations, to whom was referred the bill (H. R. No. 612) to carry into effect a convention between the United States of America and His Majesty the King of the Hawaiian Islands, signed on the 30th day of January, 1875, to report it without amendment.

Mr. MORRILL, of Vermont. As this bill relates entirely to a change of the tariff, I suggest to the chairman of the Committee on Foreign Relations whether it ought not to be submitted to the Committee on Finance.

Mr. CAMERON, of Pennsylvania. I cannot see any good to result from that. The bill has just come from a committee where the whole subject has been investigated.

Mr. MORRILL, of Vermont. I know that; but this is a question which concerns finance exclusively. If it was a matter of treaty alone, I should not ask to have it referred to the Committee on Finance; but, as it is to carry out the terms of a treaty and relates to the tariff and the tariff alone, I think it is a subject that ought to have been submitted to that committee in the first place. Therefore it would not delay but, I think, forward the business to have it considered by the Committee on Finance. I think the subject ought to be thoroughly examined.

Mr. MITCHELL. I hope this bill will not be referred to the Committee on Finance. There might have been an argument in that behalf in the early part of the session on the first reference; but as the bill has been before so important a committee as the Committee on Foreign Relations and has been considered carefully and at length, fully investigated, and is now reported from that committee by the chairman, it appears to me that it is scarcely necessary to refer it to the Committee on Finance, and more especially as it is so late in the session that there will scarcely be any probability that it will be again reported to the Senate. It is of importance, it appears to me, that there should be action upon this bill at the present session. I hope, therefore, the bill will not be referred to the Committee on Finance.

Mr. MORRILL, of Vermont. I had noticed that this bill, in the first place, was referred to the Committee on Foreign Relations. I thought it was an erroneous reference to begin with; but I did not suppose that anybody would object to a change of reference when it should be reported. I thought most likely that committee would report the bill and ask to have it referred to the Committee on Finance. Certainly the Committee on Finance are altogether more familiar with the subject embraced in this bill than the Committee on Foreign Relations, and I do not think it would retard its passage at all, but facilitate it, to have it considered by a committee that will know more accurately whether the provisions are what they ought to be in a bill which if it is to pass would affect our revenue so largely.

Mr. MITCHELL. There is nothing intricate about this subject. The only object of the bill, if I understand it, is to adjust the revenues according to the terms of the existing treaty, and certainly no questions of finance are to be determined. It is simply an adjustment of the law to the terms of the treaty. I certainly cannot see the necessity of referring it to the Committee on Finance, and hope that will not be done.

The PRESIDENT *pro tempore*. The Senator from Vermont moves the reference of the bill to the Committee on Finance.

The motion was agreed to.

MAILING OF OBSCENE BOOKS AND LOTTERY CIRCULARS.

Mr. HAMLIN. As I probably shall be necessarily absent from the Senate most of the day, I ask to be indulged in calling up at this time House bill No. 2575. It will consume but very little time, I think. I move that it be taken up.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 2575) to amend sections 3893 and 3894 of the Revised Statutes providing a penalty for mailing obscene books and other matters therein contained and pro-

hibiting lottery circulars passing through the mails. It amends section 3893 of the Revised Statutes so as to read:

Every obscene, lewd, or lascivious book, pamphlet, picture-paper, print, or other publication of an indecent character, and every article or thing designed or intended for the prevention of conception or procuring of abortion, and every article or thing intended or adapted for any indecent or immoral use, and every written or printed card, circular, book, pamphlet, advertisement, or notice of any kind giving information, directly or indirectly, where, or how, or of whom, or by what means, any of the hereinbefore-mentioned matters, articles, or things may be obtained or made, and every letter upon the envelope of which, or postal card upon which, indecent, lewd, obscene, or lascivious delineations, epithets, terms, or language may be written or printed, are hereby declared to be non-mailable matter, and shall not be conveyed in the mails, nor delivered from any post-office, nor by any letter-carrier; and any person who shall knowingly deposit, or cause to be deposited, for mailing or delivery, anything declared by this section to be non-mailable matter, and any person who shall knowingly take the same, or cause the same to be taken, from the mails, for the purpose of circulating or disposing of, or of aiding in the circulation or disposition of the same, shall be deemed guilty of a misdemeanor, and shall, for each and every offense, be fined not less than $100 nor more than $5,000, or imprisoned at hard labor not less that one year nor more than ten years, or both, at the discretion of the court.

It further provides that all offenses heretofore committed under the original section 3893 of the Revised Statutes may be prosecuted and punished under that section in the same manner and with the same effect as if the act had not been passed.

Section 2 amends section 3894 of the Revised Statutes by striking out the word "illegal" in the first line of that section.

Mr. HAMLIN. I move an amendment in the first section of the bill. In line 7, section 1, I move to strike out "picture-paper," which is a compound word, and insert the words "picture, paper, writing;" so as to read:

Every obscene, lewd, or lascivious book, pamphlet, picture, paper, writing, print, or other publication of an indecent character, &c.

Mr. SHERMAN. Is the Senator sure there will be no trouble about it? Is it "paper-writing," or "paper, writing," each as a separate word?

Mr. HAMLIN. I have marked my amendment with a comma between each word, so that the printer cannot mistake it, nor the engrossing clerk either.

The amendment was agreed to.

Mr. WHYTE. I feel that this bill is going to do injustice in certains quarters of this country, though I have not seen it till a moment ago. I propose to strike out the second section. I have not seen it more than five minutes, and therefore am not prepared to state to the Senate as fully as I should like to do the reason why that section ought to be stricken out.

There is no objection to the first section so far as I know. The second section is objectionable for the reason which I shall state. Section 3894 of the Revised Statutes provides—

No letter or circular concerning illegal lotteries, so-called gift concerts, or other similar enterprises, &c.,

shall pass through the mails.

The second section goes a step further, and strikes out the word "illegal," so that in Louisiana, in Missouri, in Kentucky, where lotteries are legalized, no circular can be mailed at Louisville for Frankfort, for instance. Certainly the Senate does not mean to decide that the citizens of a State where lotteries are legal have no right to send a lottery scheme or circular from one portion of the State to another. That seems to me to be interfering with the rights of the people of the States where they choose to think that the sale of lottery tickets is not criminal or improper. In many States a great change has come over the minds of citizens of the States. In my own State for many years lotteries were authorized. We have built monuments, we have raised moneys for various public institutions—and so in Kentucky, in other States—by means of lotteries; but lotteries are not now tolerated in my State nor are lottery tickets permitted to be sold in the State. Therefore, as far as Maryland is concerned, this would have no application whatever; but in States like Louisiana, Kentucky, Alabama, or Georgia, and Virginia, where I think they are permitted to draw lotteries of some character, it would be highly improper, in my judgment, to allow the postmasters to prevent the circulation of lottery circulars while those States allow lotteries. The provision of the law as it now stands operates upon "illegal lotteries" only, upon lotteries that are unauthorized by law, and I submit to the Senate that the law should stand as it now stands, so far as this second section is concerned. The question, if I remember correctly, came up in 1860, and if I had time I probably could find the opinion of the Attorney-General of the United States upon the subject.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Maryland [Mr. WHYTE] to strike out the second section of the bill.

Mr. HAMLIN. A very few words in reply to what has fallen from the Senator from Maryland.

The Senator has stated precisely what the second section means. All lotteries are regarded, when legalized, as legalized gambling; and in that view the Committee on Post-Offices and Post-Roads, with the concurrence of the Department, deem it wise and just and for the best interests of the country to strike out the word "illegal" and to prohibit the transmission through the mails of any matter relating to lotteries. That is precisely what we mean. The difficulty which the Department labors under is in determining what are and what are not legal lotteries. A great many schemes are gotten up, some in the Territories, some of them in operation to-day apparently with the forms of law, but yet of doubtful legal force, and they are transmitting their matter through the mails, and the whole thing proves to be a fraud upon the community; and the question arises whether it is not wiser and better to treat all lotteries, whether legal or illegal, as precisely the same, or as a system of gambling which a wise course in legislation will not only justify but demand at our hands shall be stopped. That is the whole question, and I have no more to say about it.

Mr. WEST. I believe that a Senator might oppose the proposition now reported from the Committee on Post-Offices and Post-Roads without being classed as in favor of the pernicious system of lotteries that prevails through various States. The simple proposition that we have here for action by the Senate is that if any State chooses to legalize a lottery the United States will not lend the machinery of the post-office to carry on such a business. If we once adopt that policy and embark upon it, there is no end whatever to the jurisdiction of the Congress of the United States over the morals of the people in their State enactments. We have such a law in our State. I must confess that I always was, and still am, opposed to it. I contend, however, that it is not in the power of the Congress of the United States to resist carrying through the mails of any such papers. Where public morals are concerned, according to the first clause of this bill, it is a very different question, because no State legislates for the transmission of obscene publications or immoral publications; but if a State chooses to authorize and legalize a lottery, call it gambling, if you please, and gambling it is, that is a matter entirely for the consideration of that State, and it does not offend public morals to that extent that those things do to which the other provisions of the bill apply. I say, for one, that Congress has no right to prevent the carriage through the mail of such matters as are legalized by the States themselves; and on this proposition I shall ask for the yeas and nays. The Senator from Maryland has moved to strike out the second section. I want the yeas and nays on that motion.

Mr. LOGAN. I disagree with the Senator from Maryland and the Senator from Louisiana as to the power of Congress in reference to providing what shall pass through the mails. If Congress has a right to prohibit obscence matter passing through the mails, it has the right to prohibit lottery tickets or advertisements for lotteries, or any other thing, on the same principle. Now, sir, I am in favor of the proposition as suggested by the Senator from Maine, the chairman of the Committee on Post-Offices and Post-Roads. Lotteries, call them by what name you please, when legalized are legalized gambling, and they can only be legalized in States that are in favor of gambling; and wherever a community is so demoralized that they are in favor of gambling they will then legalize lotteries, and not till they are so. I think it not only the right and province but the duty of Congress to prohibit the passing through the mails of anything that advertises a lottery or that pertains to lottery tickets. Of all the swindles that are known in this country, this lottery business is the greatest. The New York lotteries that have been in vogue, and some of which were legalized and some not, were the greatest frauds in this country, and the Baltimore lotteries that the Senator from Maryland spoke of are equally such. So of the Louisville lotteries that I know something about——

Mr. WHYTE. Allow me to correct the Senator. We have had no Baltimore lotteries since 1859. I happened to be on the very committee which framed the provision that prohibited by the constitution our ever having a lottery in Maryland again. We have none there.

Mr. LOGAN. The Senator will understand me. I did not say you had any now. I said "the Baltimore lotteries," speaking of them when they existed, were as great frauds as were ever known in this country.

Mr. WHYTE. That is not so.

Mr. LOGAN. So are the Louisville lotteries that are in existence to-day, and the Louisiana lotteries that are in existence to-day. Many people in my part of the country have been made the victims of these gambling frauds. They are nothing more than gambling hells. I would just as lief legalize and license to-day a house in Washington for dealing faro as to legalize a lottery. They are on the same principle, except that I think to deal in faro is a little fairer, because a man can stand by and see when they steal from him and in the lottery case he cannot. That is the only difference. I hope the Senate will maintain the proposition in this bill that the Senator from Maryland moves to strike out.

Mr. MORRILL, of Vermont. In addition to what the Senator from Maine and the Senator from Illinois have said upon this subject, it is obvious that if thirty-six States were to make the most penal statutes against lotteries, and the mails were open to one that allowed lotteries, the laws of the thirty-six States would be rendered nugatory, because all the people of the thirty-six States could obtain their tickets from this one State as well as though they were authorized from the whole. Therefore if the matter is allowed to run through the mails, any laws by any State against lottery tickets are entirely valueless.

Mr. MAXEY. Mr. President, I am a member of the Post-Office Committee. I regard this lottery system as one of the greatest curses that ever was inflicted upon the American people. It fosters and encourages gambling and vice; it is ruining many of the poorer portion of

the community. In the State in which I live we have a constitutional provision which prohibits lotteries, and yet there are gift enterprises of one kind or another scattered all over that State endeavoring to evade the law and obtain by false and fraudulent means the money of the people.

The Constitution of the United States confers upon Congress the power "to establish post-offices and post-roads." That is not for the benefit of one State, but for the benefit of the whole people as one great Federal Union. For the benefit of the whole people these post offices and post-roads are established. Upon logic, if the Congress of the United States has the power to prevent the passage of obscene books, pamphlets, and pictures through the mails, in like manner it has the power to prevent any other thing which is immoral in its tendency. If it be true that you can permit a lottery ticket to pass from one post-office in a State to another post-office in the same State, the inevitable logic of that would permit an obscene book, pamphlet, or print to pass from the post-office of one State to another post-office in the same State. Hence the whole of it turns on the same general theory, that you cannot use this common carrier established by the Constitution for the benefit of the whole people for any grossly immoral purpose. We had that question before the committee, as the President of the Senate very well knows, in regard to that very matter.

It may be that I go too far on this subject of lotteries; but I regard them as a perfect curse, and I believe in bringing the strong hand of the law down and stopping them, and I do not believe it is in violation of any constitutional right; because I believe the power which is conferred upon Congress "to establish post-offices and post-roads" was designed to make them for the benefit of the whole people of the country.

Mr. MORTON. Mr. President, in prohibiting the transmission of any matter through the mails there ought to be great care used and it ought to be particularly described and defined. All of that which is described in the beginning of the first section of this bill is eminently proper to prohibit from being transmitted through the mails; but there is a part of that section that I think is vague and susceptible of abuse. It prohibits the transmission through the mail of "every article or thing intended or adapted for any indecent or immoral use." What is an "immoral use?" That question may be subject to very different opinions. The word "obscene" is well defined; we can understand what that means; but when you prohibit everything that is for an immoral use, there would be wide differences of opinion on that point.

Mr. CONKLING. The same words are in the law now.

Mr. MORTON. That may be. I remember a time when certain newspapers and pamphlets were prohibited from going through the mails in certain States, because they were held to be of an immoral and seditious character—of "an incendiary character," as my friend from Ohio [Mr. SHERMAN] suggests. Public opinion has changed upon that point. But when we come to prohibit the transmission of any matter through the mails, we ought to understand pretty well what it is. There are many things that a portion of our people would consider immoral that other portions would consider entirely moral. Some people might consider a pack of cards highly immoral; others might think they were entirely proper. Many other things might be enumerated.

Mr. WHYTE. I am delighted that our friends on the other side, the Senator from Illinois and other gentlemen, have suddenly become moralized, if I may be permitted to use that expression. They were not so very moral when they could make money out of lotteries during the war. The Internal Revenue Department taxed lottery tickets.

Mr. LOGAN. What does the Senator mean when he says, speaking of certain Senators, that they were not so very moral during the war? Does he refer to us as having anything to do with lotteries?

Mr. WHYTE. The Senator must not misunderstand me. I say that to-day it is immoral to allow lottery tickets to go through the mail, while during the war or toward the close of the war it was perfectly moral to tax lottery tickets and to make money out of the sale of lottery tickets! That is all I mean to say.

Mr. LOGAN. That depends on the men who were in Congress at that time; a different class perhaps.

Mr. WHYTE. No man has ever set his face against the sale of lottery tickets more thoroughly than I have. I was on the very first committee in the Legislature of my State that broke it up. It was a system that had existed for years and years in the State of Maryland; it was supported by some of the very best men in the State of Maryland. The trustees and managers of it were among the very best citizens of Maryland, and they at that time saw no impropriety in the sale of lottery tickets. It was a game of chance conducted upon scientific principles; and when the Senator from Illinois charges that the lotteries as conducted in Baltimore were frauds, he does not know what he is talking about—that is all I have to say on that question—because they were conducted by managers appointed by the State of the highest character, who controlled the drawings that were made upon a combination that was perfectly scientific and where there was no cheating whatever. But the game was a game of actual, pure chance, just as at your fairs you put your hand in a "grab-bag" and pay for taking out all that your hand can include within it. It is a system which ought not to be encouraged, because on the top of it has been ingrafted another miserable, vicious system known as the policy system, whereby negroes and poor people all over this land have been swindled by policy dealers, whose swindling transactions are based upon the drawings of the lottery.

I am not defending lotteries here; nothing was further from my thought when I rose in this Chamber on this bill. I rose in behalf of the people of States that choose to legalize lotteries; a people who choose to believe that it is not immoral; that it is not degrading; that it is not injurious to public morals to allow lotteries to exist. I rose in behalf of the people of a State that entertained such ideas as those to speak for them and say that Congress ought not to interfere to prevent the parties authorized within the confines of a State sending lottery circulars legally within the State to other post-offices throughout that State. That is all I rose for, in the interest of people within the States and only in their interest. Personally I have none; my people have no interest in this matter. It is a violation of the law of my State to sell a lottery ticket, or to sell a ticket based upon a lottery, known as "policy." It is against our law; men are punished with the severest penalties, a thousand dollars' fine and imprisonment in the jail, for selling a lottery ticket or a policy ticket within my State.

Mr. MORRILL, of Vermont. Will the Senator allow me to interrupt him so far as to correct his statement that the Government of the United States at any time have done anything in order to encourage lotteries. The very law to which he refers was an obstruction to lotteries, taxing them very severely if they existed in any State, and especially providing that nothing in the law contained should be construed to legalize any lottery, whereas the Senator's proposition is to furnish facilities for lotteries.

Mr. WHYTE. Certainly, Mr. President, I did claim that Congress legalized lotteries, but you made money out of them wherever they were legalized. You took good care to tax them, and to put the money in the Treasury wherever you could lay your hands upon them; and it will not do to-day, when there is no money to be made out of them, to rise and denounce them, as if they were something just found out to be hurtful to the community.

Mr. MORRILL, of Vermont. Precisely as we make money out of the liquor traffic and as we make money out of those who commit any criminal offense: we subject them to a fine.

Mr. WHYTE. There is no provision in this law to keep a bottle of whisky from passing through the mails. You do not stop that.

Mr. CONKLING. Certainly, that is embraced. That is "adapted to an immoral purpose."

Mr. WHYTE. It might be for medicinal purposes.

Mr. CONKLING. It might be, but it is "adapted to an immoral purpose."

Mr. WHYTE. So is almost everything in this world liable to abuse.

Mr. SHERMAN. You can send the whisky in a tin can.

Mr. WHYTE. It drinks just as well out of a tin can, I suppose, as out of a glass bottle.

Mr. SHERMAN. It would be liable to break in the mail in a glass bottle, and therefore would not be sent in that way.

Mr. WHYTE. But, Mr. President, I do not wish to detain the Senate. The bill was hastily brought into the Senate, hastily reported this morning, and action asked on it.

Mr. HAMLIN. It was reported long ago, and passed the House longer ago.

Mr. WHYTE. The bill does not appear to have been reported until this morning, as I find it on my table. However, I have called the attention of the Senate to it; that is all I meant to do. I wanted the Senate to know and appreciate that, in the passage of this bill as it is, they were, in States where lotteries are permitted, preventing the circulation of lottery circulars within the confines of those States.

Mr. LOGAN. I merely desire to say in reply to the Senator from Maryland and his reference to me about my becoming so moralized, as he calls it, that I am a little surprised at his position. He admits that lotteries are immoral in their tendency and in fact, and that while they existed in Baltimore they were so demoralizing that his State had to pass a statute prohibiting them, and attach a penalty to it, I believe, of $1,000 fine and imprisonment. He admits that his State and that he, taking part in the organization of the fundamental law of the State, advocated that proposition. Therefore, he admits by his argument that they are immoral and wrong, and ought to be prohibited; but, inasmuch as they are not prohibited in some places, therefore he desires that those places shall have an opportunity of exercising this immoral course of conduct. That is the argument of the Senator from Maryland; immoral in Maryland, but perfectly moral in Louisiana; immoral in Maryland, but moral in Kentucky; immoral in Maryland, but moral everywhere else where they exist in accordance with law! Now, I should like to ask the Senator—of course it is a proposition that is outside of our present ideas—suppose some State should legalize horse-stealing, would he advocate the sending of circulars through the mails for the purpose of encouraging men to commit horse-theft in the country? That is his argument. Although wrong in his State, if it is legalized in another State, therefore it must be lawful in all the States. That is the argument of the Senator from Maryland.

Now, my theory is that if it is immoral in Maryland it is immoral anywhere else; if it is wrong in one place it is wrong in another place. If it strikes the sense of the proper community as wrong, it

is wrong; and, as I said before, I would just as lief authorize circulars to be sent out from a gambling-house in Washington City encouraging people to invest their money in what is called banking in gambling parlance, a faro-bank or roulette, or anything of that kind, as to authorize the sending of circulars encouraging persons to put their money in a lottery.

Now, let us see whether it is dishonest or not. He says some of the nicest people in Maryland, some of the most enlightened people in Maryland, some people of the highest character in Maryland, were trustees for the lottery. I do not know what you call them, lottery offices or whatever that may be—lottery schemes. Some of the honest people of Maryland—doubtless he thinks they were honest—were so engaged, he says. I should want to have a great deal of evidence to satisfy me that any man who went into a lottery scheme was an honest man. I may be wrong about it; but when a man tells me that he sells me a ticket for $10 and that that ticket only has one chance in a thousand to draw a cent, and calls that an honest performance, I do not believe it. And I do not believe any honest man will engage in a lottery business. Men may be wealthy and considered as standing very well in society because of their wealth or their position; but, if they have made their wealth by lottery schemes, they are no better than gamblers, no better than the keepers of gambling-houses, and ought to stand no better in the community. When a man tells me that a person engaged in the lottery business is a gentleman, I say to him he is such a gentleman as a gambler is anywhere, and no more. If a man has made a fortune by gambling, his fortune may give him a certain position in society, people may tolerate him because he has a fortune, but it is his money, not the man, that secures recognition. It is on the principle that if a man owns a jackass he may vote, and if the jackass dies, he shall not; so that the jackass is respected and the man is not. That is all there is of it. And that is the principle on which men who engage in lotteries are considered gentlemen in this country. They are gamblers, extortioners, and men who act in a fraudulent way for the purpose of depriving their fellow-citizens of their money. They ought not to be recognized either by law or by the courtesy of society, nor do I think the gentlemen who defend them have a very nice notion of morality either.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Maryland to strike out section 2. On this question the Senator from Louisiana has asked for the yeas and nays.

The yeas and nays were not ordered.

The PRESIDENT *pro tempore*. The question is on the motion to strike out.

The motion was not agreed to.

The bill was reported to the Senate as amended, and the amendment made as in Committee of the Whole was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

AMENDMENT TO APPROPRIATION BILL.

Mr. HARVEY submitted an amendment intended to be proposed by him to the bill (H. R. No. 3749) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1877, and for other purposes; which was referred to the Committee on Appropriations, and ordered to be printed.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. MORRILL, of Maine. I ask leave to present a report from the committee of conference on the disagreeing votes of the two Houses on the legislative, executive, and judicial appropriation bill.

The report was read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 2571) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1877, and for other purposes, having met, after full and free conference have been unable to agree.

LOT M. MORRILL,
W. B. ALLISON,
T. M. NORWOOD,
Managers on the part of the Senate.

SAML. J. RANDALL,
WM. M. SPRINGER,
JOHN A. KASSON,
Managers on the part of the House.

Mr. MORRILL, of Maine. I move that the Senate further insist on its amendments and ask for a further conference.

I deem it proper that the Senate should be put in possession of the points of disagreement between the two Houses as exhibited in the propositions of the two committees. It will be remembered that on the occasion of making the former report I stated the differences between the two branches as exhibited by the propositions of the two committees; and it will be remembered that the main point of the difference then was on certain amendments proposed by the House of Representatives to various laws touching salaries and to certain other statutes effecting a change of the public service. Substantially the position on the part of the Senate was a resistance to the amendment of any law touching the public service which in the judgment of the Senate was not compatible with the interests of the public service; and on every other question of appropriation, where it was not a matter of law but a matter of discretion, the Senate proposed to concur with the House upon such terms and upon such concessions as should be agreed on by both parties. That was the standing of the question on the first conference.

Now, one of the principal difficulties was the proposed change of the law affecting salaries generally, and as that was a matter which the conferees on the part of the Senate did not believe, if it was just and proper in any sense, was at all consistent with an appropriation bill, they held, in harmony with what they believed to be the sentiment of the Senate, that that was not a fit and proper thing to attempt to do on an appropriation bill, that it was impracticable and inexpedient, and that it ought not to be attempted on the part of the Senate and ought not to be forced on the Senate by the House. That was really the main point of disagreement.

Now, there has been some attempt on the part of the conferees to avoid that difficulty, to come to some conclusion by which salaries, either in full or in part, may be appropriated for as the House see fit to make them, as it is difficult for us to say how much they shall appropriate. There has been an attempt on the part of the conferees, I repeat, to avoid the real point of difficulty, which is the attempt to change laws establishing salaries or the public service in any other sense, without the consent of the Senate.

The House of Representatives, having asked this conference, of course were bound to make a proposition, and I will read the proposition for the information of the Senate, to enable us to understand precisely the point of difference between the two branches as represented in the propositions submitted by the committees. The first proposition of the House conferees was:

SEC. 2. That the sums herein appropriated—

Referring to the bill, of course.

That the sums herein appropriated as the compensation of the officers and employés of the Government respectively enumerated in this act shall be in full for all compensation to such officers or employés for the fiscal year ending June 30, 1877, unless Congress shall otherwise provide in the manner hereinafter authorized.

Then follows an additional section:

SEC. 3. That a joint select committee of four shall be appointed, two by the presiding officer of each House, whose duty it shall be to inquire into the requisite number and proper salaries of the officers, clerks, and employés in the several Executive Departments of the Government, with a view to the due and permanent adjustment of the same, having regard to a just public economy and the efficiency of the service. Said joint committee shall sit during the recess of Congress, and shall make their report thereon to the two Houses on the 1st Monday of December next.

That was the proposition on the part of the House conferees, to which the Senate committee replied with a proposition striking out the second section, which fixes the permanent salaries, and inserting in lieu of it:

That a special committee of four, two of whom shall be appointed by the presiding officer of each House, be appointed, whose duty it shall be to inquire into the subject-matter of the salaries of the clerks and officers in the Executive Departments with the view to a revision and adjustment of the same, having due regard to a just public economy and the efficiency of the service, and make report of their doings therein on the 1st day of the next session of Congress: *And provided*, That any change in said salaries made thereupon by Congress shall take effect from the 1st day of July, 1876, and all persons who shall be affected thereby and who shall continue in the service shall be deemed to have accepted the terms hereof and acquiesced therein.

Keeping in mind the point of difference between the two Houses, which was the resistance on the part of the Senate to any attempt on the part of the House to change a law fixing salaries or changing the public service in any essential particular to which the Senate could not agree, our conferees sought to avoid it. The House proposition, it will be perceived, is that the salaries provided for in the bill, enumerated in the bill, shall be fixed as thus provided for for the coming fiscal year.

Mr. EDMUNDS. That proposition is to decide the case first and try it afterward?

Mr. MORRILL, of Maine. Precisely. It will be seen that does not avoid the point of difficulty; it is still fixing the salaries. Now, to avoid that necessity and to meet the House of Representatives on the substantive proposition, which is the amount to be appropriated—for that is the point—the Senate conferees say, "We will agree to these salaries as you have appropriated;" that is to say, "We agree to take this appropriation for what it is," and "instead of saying these shall be the fixed and settled salaries for the fiscal year, we will provide for a special or select committee to consider that question and report to Congress on the 1st day of December next; and the salaries which shall be fixed by Congress upon that report shall be the salaries for this year." We think that cures this difficulty, for this reason: It relieves the Senate and ought to relieve the House, because it contemplates an appropriation in harmony with what they propose, to be corrected, however, upon a revision of the whole question of salaries made by a committee indifferently selected of both branches, whose report, when submitted to Congress and acted upon, shall furnish a rule for the salaries for this fiscal year and for the future.

That, I believe, is the exact position of the case as presented in the propositions of the two committees. Whether the Senate will come to the conclusion that we have really made any advance or not, I do not know; but having been unable to agree, the Senate committee have thought it best, and finally feel it their duty, to try again, with some expectation, or some hope at least, that we may finally agree upon some proposition which shall relieve the embarrassment of both branches.

The PRESIDENT *pro tempore*. The Senator from Maine moves

that the Senate further insist on its amendments to this bill, and ask a further conference on the disagreeing votes of the two Houses.

The motion was agreed to.

The President *pro tempore* was, by unanimous consent, authorized to appoint the committee on the part of the Senate.

BILL INTRODUCED.

Mr. DORSEY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 961) for the relief of J. A. Stevenson; which was read twice by its title, referred to the Committee on Claims, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. G. M. ADAMS, its Clerk, announced that the House had passed a bill (H. R. No. 3809) to provide temporarily for the expenditures of the Government; in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker *pro tempore* of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the President *pro tempore:*

A bill (H. R. No. 1797) providing for the sale of the Kansas Indian lands in Kansas to actual settlers, and for the disposition of the proceeds of the sale;

A bill (H. R. No. 3495) for the relief of the mail contractors on route No. 19319 in Tennessee; and

A joint resolution (H. R. No. 129) authorizing the Secretary of War to issue arms.

TEMPORARY PROVISION FOR EXPENDITURES.

Mr. MORRILL, of Maine. I move that the bill just announced from the House of Representatives be taken up.

The bill (H. R. No. 3809) to provide temporarily for the expenditures of the Government was read twice. It provides that for a period not exceeding ten days from and after the 30th day of June, 1876, unless the regular appropriations for such Departments shall have been previously made for the service of the fiscal year ending June 30, 1877, it shall be lawful for any of the Departments of the Government for which appropriations for that fiscal year are delayed to use for the necessary service of such Department any unexpended balance which may exist of the appropriations made for the service of the fiscal year ending June 30, 1876.

Mr. SHERMAN. I would say to the Senator that in many large Departments of the Government there are probably no unexpended balances.

Mr. MORRILL, of Maine. Certainly. That will not cover it. I move that the bill be referred to the Committee on Appropriations.

Mr. EDMUNDS. Before the bill is referred, I wish to say that I am a little surprised at the reception of this bill. I believe it was only yesterday that the Senate passed a joint resolution, which is the same thing in point of law as a bill, on this same subject, and I assume that it was sent to the House of Representatives. Now, instead of our resolution coming back with any amendment, we have a fresh bill upon the same subject. Acting upon the same theory, I should suppose that this bill ought to be referred, and we ought to pass a fresh bill of our own, without any regard to this, and send it over to the House, and so keep on in that way. That would seem to be what is to be drawn from this method of doing business. I of course do not object to the reference of the bill. I only call attention to this rather extraordinary mode of proceeding.

Mr. ANTHONY. I wish to call the attention of the chairman of the Committee on Appropriations to the language of this bill in one respect. I am very doubtful if it covers the appropriation for public p.inting.

Mr. MORRILL, of Maine. It is entirely inadequate in its general bearing. It applies only to unexpended balances. There are some branches where there is no unexpended balance. At any rate, it is a matter to be considered to what extent it is adequate.

Mr. SHERMAN. I would also suggest another difficulty. How will it be possible for a disbursing officer to know whether or not there is in the Treasury Department to the credit of a particular fund a particular balance? He cannot have access to the Treasury Department unless he happens to be here in Washington. Perhaps a disbursing officer here might go and ascertain whether there was a balance in the Treasury to the credit of a particular fund; but a disbursing officer at Saint Louis or elsewhere over the country, making payments to the Army like a paymaster, could not tell whether or not a particular appropriation was exhausted. It is clear, therefore, that for any contingency, for any expenditure, that occurs after to-day, there must be a fresh appropriation of money in the Treasury of the United States, because the money that was to the credit of all these funds is by law covered into the Treasury, and it would be very difficult for any one, even the Treasurer, to tell where there is at this moment unpaid and unexpended a balance of any particular appropriation. That depends on the state of the accounts. I merely call the attention of my friend from Maine to the difficulty that even if we should pass this bill there would be difficulty in making it a practical measure of relief under the peculiar circumstances by which we are surrounded.

The bill was referred to the Committee on Appropriations.

RECESS.

Mr. ANTHONY. I should like to ask the chairman of the Committee on Appropriations if there are any further reports of committees of conference ready now?

Mr. MORRILL, of Maine. The matter of important concern at the present moment is to consider the bill just referred to the Committee on Appropriations.

Mr. ANTHONY. I was going to suggest to the Senator from Maine, as this matter is of so much importance, and as the bill from the House seems to be in the opinion of the financial Senators quite inadequate to the purpose intended, and inasmuch as a large number of the Senators are engaged upon committees of conference, leaving us constantly without a quorum, and constantly compelling those Senators to leave their work unfinished to come here and vote upon questions that they have not heard discussed and hardly know what they are and then going back to take up the broken thread of their conferences, whether it would not be an economy of time for us to take a short recess in order to give the committees of conference free use of their time and to allow the Committee on Appropriations to consider this very important matter, and then the Senators, I trust, will all be able to come here and attend to the only business of to-day, which is the appropriation bills. We shall undoubtedly have to sit to-night.

Mr. MORRILL, of Maine. I think if quite a number of Senators could be relieved from attendance on the Senate for a time it would really facilitate the public business. The Committee on Appropriations ought to lose no time in acting on the measure just referred to them.

Mr. ANTHONY. If it will meet the assent of the chairman of the Committee on Appropriations, I will move that the Senate take a recess until four o'clock.

Mr. MORRILL, of Maine. I have no objection.

The PRESIDENT *pro tempore.* The Senator from Rhode Island moves that the Senate now take a recess until four o'clock.

The motion was agreed to; and (at one o'clock and eleven minutes p. m.) the Senate took a recess until four o'clock p. m.

The Senate re-assembled at four o'clock p. m.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. WINDOM. I move to proceed to the consideration of the bill (H. R. No. 3749) making appropriations for the sundry civil expenses of the Government for the fiscal year ending June 30, 1877, and for other purposes.

Mr. SARGENT. I ask the Senator from Minnesota to allow me to make a motion to reconsider a vote taken by the Senate this morning—and, very much to my surprise, I did not learn anything about it until some time after it took place—to refer the bill (H. R. No. 612) to carry into effect a convention between the United States of America and His Majesty the King of the Hawaiian Islands, signed on the 30th day of January, 1875, to the Committee on Finance. By the practice of the Senate ordinarily the bill ought to have gone on the Calendar; but a motion was made, not understood in the Chamber, to refer it to the Committee on Finance. The friends of the measure are very anxious that that vote shall be reconsidered. I wish to submit that motion.

Mr. WINDOM. I have no objection to the motion being made after the sundry civil bill is taken up.

The PRESIDENT *pro tempore.* The Senator from Minnesota desires his bill taken up and will then yield to the Senator from California. The Senator from Minnesota moves that the Senate proceed to the consideration of the sundry civil appropriation bill.

The motion was agreed to.

TREATY WITH HAWAIIAN ISLANDS.

The PRESIDENT *pro tempore.* The Senator from California moves to reconsider the vote by which the bill (H. R. No. 612) to carry into effect a convention between the United States of America and His Majesty the King of the Hawaiian Islands, signed on the 30th day of January, 1875, was referred to the Committee on Finance.

Mr. WEST. We ought to understand that matter. I should like an opportunity to vote upon the question.

Mr. MORRILL, of Vermont. This change of reference was considered, and I supposed that every Senator understood it; every one who was present, certainly. I desire to say again, as I have already said, that the bill being for a change of the tariff law to conform to the Hawaiian treaty, ought to have been referred in the first instance to the Committee on Finance. It is merely to provide a change of the tariff laws in relation to this subject, and I am very sure that such a matter as that would be better considered by the Committee on Finance than by any other committee of this body. It is a subject with which they are familiar. I have never read the bill and do not know anything about what is in it; but I am quite sure that the judgment of the Senate will be that it should have been referred to that committee in the first instance; and not having been so referred, I do not think it will produce any delay to have it referred to that committee now. There will be ample time to consider it and report upon it before there will be an opportunity for the Senate to act upon it; and certainly it is a bill that ought to be very carefully considered both as to its substance and phraseology.

Mr. WINDOM. Would it not answer the purpose of the Senator from California to merely enter the motion to reconsider at this time?

Mr. SARGENT. I suppose I shall have to take that course, owing to the exigency of the business of the country; but I should like to say that I have never known a matter of this kind put through in so quiet and silent a way as that was this morning. I sat in my seat and knew nothing about it at all. Members of the Committee on Foreign Relations who authorized it to be reported knew nothing about it. So far as the change of the tariff law is concerned, that was done by the treaty itself, and this bill which has passed the House is simply to carry that treaty into effect. There is nothing to be scanned in the legislation, so far as the tariff is concerned, and there was not the slightest propriety in referring it to the Committee on Finance unless the purpose was to unreasonably delay the bill. It is a very unusual thing when a bill is reported by a committee, who have taken weeks to examine it, to whom it has been referred by the Senate, to then send it to another committee. It certainly is not done *sub silentio* and without an ample opportunity to allow the Senate to have an opinion upon it.

Mr. HAMLIN. I will suggest to the Senator from California that the bill came from the corresponding committee in the House of Representatives, the Committee on Foreign Affairs.

Mr. SARGENT. Certainly; and that was the proper reference of the bill here. It relates to our foreign relations, and the disposition of the Senate to refer it to the Committee on Foreign Relations was in accordance with the precedents of the Senate; and it seems to me an advantage was taken of a very thin Senate and a very early hour this morning in order to make a different disposition of it. I wish to have the motion entered and will call it up at an early moment.

Mr. FRELINGHUYSEN. I do not wish to discuss this subject, but simply desire to say to my friend from California that the chairman of the Committee on Foreign Relations [Mr. CAMERON, of Pennsylvania] reported the bill and opposed the motion to refer it to the Committee on Finance, and one or two short speeches were made on the subject, so that it was not passed without there being a full opportunity for anybody to have known that this action occurred. I, myself, was opposed to the new reference. I thought it was sufficient that the bill had been considered by one committee.

Mr. SARGENT. It was too important a matter to be put through in the first few moments of the day's session, when it is well known that many Senators are not here, but are busy in their committee-rooms. I certainly should have opposed the motion most strenuously, and would not have been content with a decision of the matter in any other way than by a call of the yeas and nays. It is very well known that some Senators have been very busy in conference committees and that the members of the Committee on Appropriations have been generally absorbed in the general business of the country. I felt very much injured when I found that at so early an hour, without general notice of what was going on, this very important measure was pushed on without any apparent advantage to anybody, except to further delay the bill.

Mr. MORRILL, of Vermont. Let me say that I made at least two short speeches on the subject and the Senator from Oregon [Mr. MITCHELL] opposed the motion; so that it did not pass without the attention of the Senate being drawn to it; and if the motion was to be made at all it must have been made when the Senator having the bill in charge reported it.

Mr. MITCHELL. I hope, under all the circumstances, that the Senator from Vermont will allow the vote to be reconsidered in order that the question upon the motion to refer may be understood. I will state that I did this morning oppose the motion made by the Senator from Vermont. The motion was made immediately upon the report having been made by the chairman of the Committee on Foreign Relations, and before the Senate was by any means full. I protested against the motion. I should have called for the yeas and nays at the time had it not been for the fact that I glanced over the Senate and found that the friends of the measure generally were not here, and I was satisfied that a vote at that time, with the Senate constituted as it was, would result in committing the bill to the Committee on Finance. In a few moments afterward I found that several members of the Committee on Foreign Relations even, who had voted favorably to the bill, were in the Chamber but knew nothing about the reference to the Finance Committee; they had no knowledge whatever of the change of reference. My friend from Maine, [Mr. HAMLIN,] who as we all know has been a champion of this treaty, was not aware of the fact that the bill had been committed to the Committee on Finance until some time after the motion had been made and the vote taken. I hope, under these circumstances, that the vote may be reconsidered.

Mr. SARGENT. I submit the motion and will call it up at some other time.

The PRESIDENT *pro tempore*. The Senator from California moves to reconsider the vote by which this bill was referred to the Committee on Finance.

Mr. GORDON. As I understood the Senator from California, he simply wished to have the motion entered.

The PRESIDENT *pro tempore*. The motion to reconsider is entered, and its present consideration is not persisted in.

ARMSTEAD GOODLOW.

Mr. WRIGHT. I appeal to the kindly disposition of my friend from Minnesota. The Senator from Kansas yesterday as chairman of the Committee on Pensions had, as he supposed, all the cases on the Calendar from his committee granting pensions disposed of. There was one case overlooked, however, by inadvertence. I ask the indulgence of my friend to allow that case to be taken up. It will take but a moment.

Mr. WINDOM. I will not object to that case.

Mr. WRIGHT. I ask for the present consideration of Senate bill No. 535.

There being no objection, the bill (S. No. 535) granting a pension to Armstead Goodlow was considered as in Committee of the Whole. It is a direction to the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Armstead Goodlow, late private in Company E, Twenty-third Regiment of United States Colored Troops.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

TEMPORARY PROVISION FOR EXPENDITURES.

Mr. MORRILL, of Maine. I appeal to the Senator from Minnesota to allow me to make a report.

Mr. WINDOM. Certainly.

Mr. MORRILL, of Maine. The Committee on Appropriations, to whom was referred the bill (H. R. No. 3809) to provide temporarily for the expenditures of the Government, have instructed me to report it back with an amendment, and to ask for its present consideration.

By unanimous consent, the bill was considered as in Committee of the Whole.

The amendment of the Committee on Appropriations was to add to the bill:

And in case no sufficient balance remains at the conclusion of the fiscal year ending June 30, 1876, to the credit of any appropriation, the necessary amount is hereby appropriated out of any money in the Treasury not otherwise appropriated; and no greater amount shall be expended by any Department under this act than such proportional sum of the appropriations of the fiscal year ending June 30, 1876, as ten days' time bears to the whole of said fiscal year; and such expenditure shall be only for the necessary operations of the Government under existing laws. All sums expended under this act shall be charged to, and be deducted from, the appropriations for like service for the fiscal year ending June 30, 1877.

Mr. CONKLING. Is that in addition to the House bill?

Mr. MORRILL, of Maine. It does not change the House bill; it is simply an addition to it. The House bill provided simply for the expenditure of an unexpended balance. This merely extends the appropriation bills for the present fiscal year over a period of ten days in the next fiscal year, and provides for a deduction from the appropriation bills for the next year of the amount expended under this bill.

Mr. EATON. In other words, if there be no unexpended balance there is an appropriation for ten days relatively?

Mr. MORRILL, of Maine. Yes, sir; a relative appropriation for ten days, to be deducted from the appropriation bills for the next fiscal year.

Mr. ANTHONY. I should like to ask a question of the Senator who reports this bill. I see the word "Department" is used. I ask does that mean the Executive Departments of the Government, or is it used in the generic sense of the word?

Mr. MORRILL, of Maine. It is not limited to the Executive. I think it is broad enough to cover the entire service.

Mr. ANTHONY. I want to know whether it covers the public printing, which is not a Department, nor in any Department, though it has some relation to the Department of the Interior.

Mr. MORRILL, of Maine. I hardly think it would, because that is a special service.

Mr. ANTHONY. Then you think this does not cover it?

Mr. MORRILL, of Maine. I doubt if it would.

Mr. ANTHONY. Will the Senator make an amendment that will include it?

Mr. MORRILL, of Maine. Is that necessary?

Mr. ANTHONY. Certainly it is necessary.

Mr. MORRILL, of Maine. Is there not a balance to the credit of that service?

Mr. ANTHONY. But, as I understand, there is no right to use the balance. I think there is a balance to the credit of the Congressional Printer which would enable him to go on for ten days, but I do not understand that the bill as it came from the House, or as it is proposed to be amended, will cover that particular expenditure.

Mr. MORRILL, of Maine. I doubt if it does. It should be amended to include that.

Mr. CONKLING. The language is, "to the credit of any appropriation," not "the credit of any Department." What is the reason that does not cover the case mentioned by the Senator from Rhode Island?

Mr. MORRILL, of Maine. Because I think it is limited to Departments before.

Mr. CONKLING. The language to which I call the Senator's attention is in the very beginning. It cannot be limited before:

And in case no sufficient balance remains at the conclusion of the fiscal year ending June 30, 1876, to the credit of any appropriation—

Not "Department,"

the necessary amount is hereby appropriated out of any money in the Treasury not otherwise appropriated; and no greater amount shall be expended by any Department under this act.

That is where "Department" comes in. Going only so far, I inquire if the phrase there, "any appropriation," does not cover this?

Mr. MORRILL, of Maine. That would be broad enough if there was no limitation; but now go on.

Mr. CONKLING—

And no greater amount shall be expended by any Department under this act than such proportional sum of the appropriations of the fiscal year ending June 30, 1876, as ten days' time bears to the whole of said fiscal year; and such expenditures shall be only for the necessary operations of the Government under existing laws. All sums expended under this act shall be charged to and be deducted from the appropriations for like service for the fiscal year ending June 30, 1877.

Mr. INGALLS. If you leave out the words "by any Department," it will cover the whole thing.

Mr. CONKLING. Even with those words, it would not have occurred to me, if I understood the question of the Senator from Rhode Island, that this language was not broad enough to cover that case.

Mr. ANTHONY. I will leave that to the lawyers. I only wanted to cover the case.

Mr. CONKLING. I suggest to the Senator from Maine that he and his committee might prefer, in view of the suggestion, to omit these three words, "by any Department," so that the phraseology would be:

And no greater amount shall be expended under this act.

Omitting the words, "by any Department."

Mr. MORRILL, of Maine. I will remind the Senator from New York that that is in addition to the body of the bill as it comes from the House, and in order to see the exact construction both need to be read; and that is the reason why I think there may be a limitation.

Mr. LOGAN. Let the bill be read.

Mr. MORRILL, of Maine. Let the bill be read from the desk.

The PRESIDENT *pro tempore*. The bill will be read.

The Chief Clerk read as follows:

That for a period not exceeding ten days from and after the 30th day of June, 1876, unless the regular appropriations for such Departments shall have been previously made for the service of the fiscal year ending the 30th day of June, 1877, it shall be lawful for any of the Departments of the Government for which appropriations for the said fiscal year are delayed to use for the necessary service of such Departments any unexpended balance which may exist of the appropriations made for the service of the fiscal year ending June 30, 1876.

Mr. CONKLING. Now read the addition proposed by the committee.

The PRESIDENT *pro tempore*. The amendment of the Committee on Appropriations will be read.

The Chief Clerk read as follows:

And in case no sufficient balance remains at the conclusion of the fiscal year ending June 30, 1876, to the credit of any appropriation, the necessary amount is hereby appropriated out of any money in the Treasury not otherwise appropriated; and no greater amount shall be expended by any Department under this act than such proportional sum of the appropriations for the fiscal year ending June 30, 1876, as ten days' time bears to the whole of said fiscal year; and such expenditure shall be only for the necessary operations of the Government under existing laws. All sums expended under this act shall be charged to and be deducted from the appropriations for like service for the fiscal year ending June 30, 1877.

Mr. SARGENT. The amendment offered by the Senate Committee on Appropriations is in the nature of a limitation, and any words of amendment in order to cover the case suggested by the Senator from Rhode Island would have to be to the original proposition, which are the words of grant. Now, I suggest an amendment which will cover the case, in my judgment; I shall have to state it from my seat, and then will pass it to the Clerk, because there is not a printed copy of the bill.

Mr. ANTHONY. There is a printed copy on the Senator's table, just laid there.

Mr. SARGENT. I want to strike out the words "for any of the Departments of the Government for which appropriations for the said fiscal year are delayed," in line 8.

Mr. WEST. Let me make a suggestion to the Senator from California that he add to the conclusion of the bill:

And the provisions of this act shall apply to the public printing of the Government.

Mr. SARGENT. That would do very well except that we authorize the Departments to use the money, and if it is not in charge of a Department the bill will not reach the difficulty. I propose to strike out all after the word "lawful," in line 8, down to the word "use," on line 10, and in line 10 to strike out the words "such Departments," and insert "the Government," so as to read:

That for a period not exceeding ten days from and after the 30th day of June, 1877, unless the regular appropriations for such Departments shall have been previously made for the service of the fiscal year ending the 30th day of June, 1877, it shall be lawful to use for the necessary service of the Government any unexpended balance which may exist of the appropriations made for the service of the fiscal year ending June 30, 1876.

Mr. ANTHONY. Should not the words "such Departments" be left out of line 5?

Mr. WEST. Let them be changed to "such purposes."

Mr. ANTHONY. Where the word "Departments" occurs for the first time in line 5 it should be changed.

Mr. SARGENT. I will move to strike out the words "for such Departments," in line 5; so as to read:

Unless the regular appropriations shall have been previously made for the service of the fiscal year.

Mr. EDMUNDS. That covers it.

Mr. ANTHONY. Now let it be read as it will stand thus amended.

The PRESIDENT *pro tempore*. The Secretary will report.

The CHIEF CLERK. As proposed to be amended the bill will read:

That for a period not exceeding ten days from and after the 30th day of June, 1876, unless the regular appropriations——

Mr. HAMLIN. I want to make one suggestion. It seems to me that if you will add in line 9, after the word "Government," the words "and the public printing," you will cover the whole case.

Mr. SARGENT. What will you do with the Bureau of Engraving and Printing? It would have no provision for watchmen.

Mr. ANTHONY. Is not that in the Treasury Department?

Mr. SARGENT. But it is temporary in the Treasury Department, and would fail without appropriations. I have a letter from the Treasury stating that fact. I could suggest other services which are in the same condition.

Mr. EDMUNDS. The judicial service itself may not fall technically under the head of a departmental expenditure. It is better, as the Senator from California suggests, to strike out the word "Departments" altogether and make it "the appropriations for the service of the Government." That enables all branches of the Government to go on for the ten days.

Mr. SARGENT. I ask that the proposition be reported now.

The PRESIDENT *pro tempore*. The Secretary will read the bill as it is proposed to be amended.

The CHIEF CLERK. As proposed to be amended the bill will read:

That for a period not exceeding ten days from and after the 30th day of June, 1876, unless the regular appropriations shall have been previously made for the service of the fiscal year ending the 30th day of June, 1877, it shall be lawful to use for the necessary service of the Government any unexpended balance which may exist of the appropriations made for the service of the fiscal year ending June 30, 1876.

Several SENATORS. That is right.

Mr. WRIGHT. Let me suggest to the Senator from California that there are some appropriation bills through for some of the Departments; and if he amends this bill as he proposes now, will it not occur that they would carry on such Departments for which we have already made appropriations, upon the basis of last year?

Mr. SARGENT No, sir; because the amendment of the committee covers that point.

Mr. WRIGHT. I know; but for the ten days?

Mr. ANTHONY. It says "unless the regular appropriations shall have been previously made."

Mr. SARGENT. And we provide that the amount thus expended shall be deducted from the regular appropriations.

Mr. WRIGHT. It says "unless regular appropriations shall have been previously made." Will not that apply to all appropriations? And if you have an appropriation for one Department that reduces the expenses for next year, will it not be true that under the language as you now leave it it may expend money on the basis of the appropriations of last year?

Mr. SARGENT. They can expend for ten days on the ratio that ten days bear to three hundred and sixty-five, and whatever amount is so expended is deducted from the regular appropriation bills when passed.

Mr. WRIGHT. Let me explain the suggestion I make. We passed the bill, for instance, for the Navy Department. Now suppose it to be true that, on the basis of that bill as passed yesterday by the two Houses for the next year, the expenditure is to be 10 per cent. less than it was last year. Now, if you pass this bill as is now proposed, you do not apply it to each Department for itself, but you apply it to all the appropriations for the Government.

Mr. WEST. "Unless the regular appropriation shall have been previously made."

Mr. WRIGHT. But as it stood before, it was "unless the regular appropriations for such Departments shall have been made." But you strike out "for such Departments" and then you leave it "unless the regular appropriations shall have been previously made;" not for the Department, but in the aggregate.

Mr. SARGENT. I do not see any force in the Senator's criticism, I must confess. I think the Senator will be satisfied if he will hear the amendment of the committee read.

Mr. WEST. How will it do to strike out the article "the" in line 5 and make it "unless regular appropriations" instead of "the regular appropriations."

The PRESIDENT *pro tempore*. The first question is on the amendment reported by the Committee on Appropriations by way of addition.

Mr. EDMUNDS. Let it be read again.

The Chief Clerk read as follows:

And in case no sufficient balance remains at the conclusion of the fiscal year ending June 30, 1876, to the credit of any appropriation, the necessary amount is hereby appropriated, out of any money in the Treasury not otherwise appropriated; but no greater amount shall be expended by any Department under this act than such proportional sum of the appropriations of the fiscal year ending June 30, 1876, as ten days' time bears to the whole of said fiscal year; and such expenditure shall be only for the necessary operations of the Government under existing laws. All sums expended under this act shall be charged to and be deducted from the appropriations for like service for the fiscal year ending June 30, 1877.

Mr. EDMUNDS. I move to strike out the words "by any Department;" so as to read:

No greater amount shall be expended under this act.

That is in harmony with the suggestion made by the Senator from California. Then, wherever an appropriation bill shall not have

passed, the service of that branch of the Government during these ten days will be charged to the appropriation for that branch, whether you call it a Department or not, and taken out of it.

The amendment to the amendment was agreed to.

The amendment, as amended, was agreed to.

The PRESIDENT *pro tempore*. The question now is on the amendment of the Senator from California [Mr. SARGENT] to the bill which has been read.

Mr. EDMUNDS. Let it be read again.

The PRESIDENT *pro tempore*. It will be reread.

The CHIEF CLERK. It is proposed to amend the bill so as to read:

That for a period not exceeding ten days, from and after the 30th day of June, 1876, unless the regular appropriations shall have been previously made for the service of the fiscal year ending the 30th day of June, 1877, it shall be lawful to use for the necessary services of the Government any unexpended balance which may exist of the appropriations made for the service of the fiscal year ending June 30, 1876. And in case no sufficient balance remains at the conclusion of the fiscal year ending June 30, 1876, to the credit of any appropriation, the necessary amount is hereby appropriated, out of any money in the Treasury not otherwise appropriated; and no greater amount shall be expended under this act than such proportional sum of the appropriations of the fiscal year ending June 30, 1876, as ten days' time bears to the whole of said fiscal year; and such expenditure shall be only for the necessary operations of the Government under existing laws. All sums expended under this act shall be charged to and be deducted from the appropriations for like service for the fiscal year ending June 30, 1877.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from California.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

CUSTOM-HOUSE LOT AT ROCKLAND, MAINE.

Mr. HAMLIN. I want the Senator from Minnesota to allow me to offer a bill to correct an error. I do not think it will take five minutes, probably not half that.

Mr. WINDOM. If it gives rise to no discussion I will yield for that purpose, but give notice that I cannot yield for any other business.

Mr. HAMLIN. I present a bill which I ask may be considered.

By unanimous consent, leave was granted to introduce a bill (S. No. 962) to amend an act approved April 17, 1876, providing for the sale of a part of custom lot in Rockland, Maine.

The bill proposes to amend the act approved April 17, 1876, so that the strip of land therein described shall be as follows:

Beginning at the northerly corner of land of the heirs of Charles Spofford, and running thence north eight degrees, east one hundred and twenty-one and four-tenths feet to Lime Rock street, at the northwesterly corner of land of Oliver H. Perry, formerly ship-builder's lot; thence south thirty minutes east by the land of said Perry and John T. Berry one hundred and twenty-four feet to land of said Spofford's heirs; thence north seventy-six degrees west by land of said Spofford's heirs eighteen and six-tenths feet to the place of beginning, containing about eleven hundred and twenty feet.

The Secretary of the Treasury is authorized to sell and convey the described land upon the same terms and conditions named in the act to which this is additional.

Mr. HAMLIN. On the 17th of April we passed a bill authorizing the Secretary of the Treasury to sell a little strip of land that lies across the street from the custom-house, and that was valueless, so far as the Government was concerned. It was eighteen feet wide at one end, and ran one hundred and twenty feet to a point at the other. I drew the bill myself, but I made a mistake, and said in the bill "eighteen feet at the northerly end." It was right the reverse, and this simply changes it. The strip of land is eighteen feet at the southerly end, running to a point at the north, whereas I drew the bill "eighteen feet at the northerly end, running to a point one hundred and twenty feet south." The surveyor has sent a survey, and I have drawn this bill precisely in accordance with the actual surveys.

By unanimous consent the bill was read three times, and passed.

LEGISLATIVE, ETC., APPROPRIATION BILL.

The PRESIDENT *pro tempore* appointed as the third committee of conference on the part of the Senate on the bill (H. R. No. 2571) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1877, and for other purposes, Mr. MORRILL of Maine, Mr. WINDOM, and Mr. WITHERS.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. G. M. ADAMS, its Clerk, announced that the House had passed the following bills, with amendments; in which it requested the concurrence of the Senate:

A bill (S. No. 960) to continue the public printing; and

A bill (S. No. 435) to amend section 5546 of the Revised Statutes of the United States, providing for imprisonment and transfer of United States prisoners.

PUBLIC PRINTING.

Mr. ANTHONY. With the assent of the Senator from Minnesota I ask that the amendment of the House to the bill for continuing the Government Printing Office may be laid before the Senate.

The PRESIDENT *pro tempore* laid before the Senate the bill (S. No. 960) to continue the public printing, returned from the House of Representatives, with an amendment, which was in line 4 to strike out the word "sixty" and insert "ten" in lieu thereof; so as to read:

This act shall continue in force ten days, &c.

Mr. ANTHONY. I move that the Senate concur in the amendment.

The motion was agreed to.

TRANSFER OF UNITED STATES PRISONERS.

Mr. WRIGHT. A Senate bill has come back from the House with two verbal amendments that do not change the sense of the bill at all. I ask the concurrence of the Senate in the amendments of the House.

The PRESIDENT *pro tempore* laid before the Senate the bill (S. No. 435) to amend section 5546 of the Revised Statutes of the United States providing for imprisonment and transfer of United States prisoners, returned from the House with amendments.

The amendments were on page 2, line 8, to strike out the words "such change" and insert in lieu thereof the words "the place of imprisonment;" and on page 2, line 8, to strike out "ordered" and insert "changed."

The amendments were concurred in.

SUNDRY CIVIL APPROPRIATION BILL.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 3749) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1877, and for other purposes.

Mr. WINDOM. Before proceeding with the consideration of the appropriation bill, I would submit for the judgment of the Senate a motion that we take a recess from five o'clock until half past seven. I submit that motion in order that if the Senate shall decide not to take a recess I may ask them to continue in session somewhat later than the usual hour.

Mr. EDMUNDS. That is, until you finish the bill?

Mr. WINDOM. Until we finish the bill, if possible. I will say further that I think the Senate should not adjourn to-day until action is taken on the bill just now sent to the House. I move that a recess be taken from five o'clock until half past seven to-day.

The Chair put the question, and declared that the ayes appeared to prevail.

Mr. FRELINGHUYSEN. I do not see any advantage in coming back here. I think we ought to sit here two or three hours. There is no great stress upon us. If we come back at half-past seven perhaps we shall not have a quorum. There is business which ought to be attended to, and we may not be able to attend to it for the want of a quorum.

Several SENATORS. We shall have a quorum.

The PRESIDENT *pro tempore*. The Chair regards the objection of the Senator from New Jersey as in the nature of a call for a division.

Mr. SARGENT. I suggest to my colleague of the Committee on Appropriations that if the House concurs in the amendments we have made to the bill just voted on we shall have ten days in which to consider this bill and can proceed with it to-morrow probably with more care than we could with a scant quorum, or none at all, at a late hour to-night and not wear ourselves out. If there is doubt about the House accepting those amendments, we ought to rush these things through as early as possible.

Mr. WINDOM. Ought we not to remain in session until that question is decided by the House?

Mr. SARGENT. For that reason I think we had better sit two or three hours longer until we get a message from the House, and not have an evening session.

Mr. WINDOM. If there be no objection I will withdraw the motion for a recess at present and renew it hereafter.

Mr. EDMUNDS. I hope the Senator will not withdraw it, but take the sense of the Senate, so that we shall know whether we are to come this evening or to stay now.

Mr. SHERMAN. I think the motion had better be insisted on. You will be without a quorum if you withdraw it.

Mr. PADDOCK. I would inquire if the motion has not been agreed to?

The PRESIDENT *pro tempore*. The Chair so announced; but the Senator from New Jersey rose in the nature of a call for a division, as the Chair recognized it, and therefore the question is open and the Senator from Minnesota has a right to withdraw his motion.

Mr. WINDOM. I do not withdraw the motion.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Minnesota, that the Senate take a recess from five o'clock to half past seven o'clock.

Mr. ANTHONY. I suggest that the Senator from Minnesota postpone this motion until near five o'clock or a little after five o'clock. We can tell then whether we must have a night session to pass this bill or whether we can act on it to-morrow.

Mr. INGALLS. How can we tell, if the message does not come in by that time, any better than we can now?

Mr. ANTHONY. Probably the message will come in by that time.

The PRESIDENT *pro tempore*. The question is on the motion that the Senate take a recess to-day from five o'clock until half past seven.

The motion was agreed to; there being on a division—ayes 23 noes 15.

The PRESIDENT *pro tempore*. Shall the formal reading of the bill be dispensed with? The Chair hears no objection.

Mr. EDMUNDS. I suppose by that the Chair means that it will be read through in the regular way, acting on the amendments as they are reached.

The PRESIDENT *pro tempore*. Certainly.

Mr. WINDOM. I ask the indulgence of the Senate to make a brief statement with reference to the principal items of the bill.

With the exception of unexpended balances amounting to $640,393.21, the appropriations by the House bill are $15,236,731.32. The net additions made by the Senate committee are $4,684,603.55, the total of the bill as reported to the Senate being $19,941,334.87. The total of the bill for the current year was $29,459,853.02. This bill, as reported by the Senate committee, is less than that of the current year by $9,518,518.15.

The principal items constituting the increase of $4,684,603, made by the Senate committtee, I will state very briefly: First, there is an appropriation for the impeachment trial, $50,000; second, the appropriation for public printing has been increased $612,770.17, the amount being still somewhat below that of last year and not above the amount actually required for the service. Another addition for the general expenses of the District of Columbia, amounting to $500,000. The appropriation last year for that purpose was $1,245,000. For Utah Territory the committee have added $23,000. The House bill appropriated $20,000 for the payment of certain expenditures which had been incurred for the courts, whereas, in fact, the amount actually expended was $43,000. The committee added enough to bring the appropriation to the amount actually expended.

For mints and assay offices the committee have added $70,000, the demand for this growing out of the increased amount of silver to be coined.

For various public buildings all over the United States, the committee have added something over a million of dollars, $1,150,000, believing that the additions in all cases were in the line of economy, for the continuation of the buildings and the more economical conduct of the work.

For the preservation and repair of public buildings under the Treasury Department, the committee have added $150,000.

For navy-yards, which were wholly omitted by the House bill, the committee have added $730,000. We have some fifty million dollars' worth of property in the various navy-yards, and no appropriation whatever is made in the House bill for their preservation or for any necessary improvements. That was an item wholly omitted in the bill.

For the Rock Island arsenal we have added $167,000.

For various miscellaneous items about the Capitol, such as taking up the floors and repairing the gas-pipes, paving the grounds about the Capitol, &c., the committee have added $139,000.

They have increased the amount for furniture in the various buildings under the control of the Treasury Department $25,000.

They have added to the appropriation for the pay of the custodians of public buildings, in order to approximate something to the pay they have hitherto had, $50,000.

For temporary clerks in the Treasury Department they have added $60,000, which is an appropriation that has, I believe, been made for many years.

For the Signal Office we have added $100,000, the amount appropriated by the House bill not being sufficient to carry on the extensive and very valuable work that is being done by that service.

The other large items are: Surveying the public lands, $187,500 additional, the House bill appropriating only $200,000 for all the surveys in all the States and Territories, the appropriation for officers, surveyors-general, land officers, &c., being somewhere over $100,000, and only $200,000 appropriated for carrying on the work. The committee deemed it true economy to appropriate money enough to do some portion of the work as well as to pay the officers. For registers of land offices $166,216 have been added. This is simply in compliance with the law which fixes their compensation.

The committee also recommend the purchase of certain property belonging to the Freedman's Bank, for which the appropriation necessary will be $325,000.

These various items will be explained, as we reach them, if desired; but I have stated those which constitute nearly all the items of the increase.

The PRESIDENT *pro tempore*. The bill will be read and the amendments of the Committee on Appropriations acted on as they are reached in the reading of the bill.

The first amendment of the Committee on Appropriations was in line 25, after the word "the," to strike out "executor" and insert "heirs;" and in line 27, after the word "dollars," to strike out "to be held and applied by said executors as if a part of the estate of said Wilson, given and bequeathed by his will;" so as to make the clause read:

To pay to the heirs of the estate of Henry Wilson, late Vice-President of the United States, the sum of $10,222.

The amendment was agreed to.

The next amendment was to insert as lines 30 to 39 the following items:

To defray the expenses of the Senate in the impeachment of William W. Belknap, $50,000.

To pay Fillmore Beall for fifteen days' service as clerk to the Senate Committee on Revolutionary Claims, from March 10, 1875, to March 24, inclusive, at $6 per day, $90.

To enable the Secretary of the Treasury to pay the amount due and audited by the Treasury Department to A. N. McKimmon for services as clerk to a court-martial, $9.

The amendment was agreed to.

The Chief Clerk continued the reading of the bill down to line 49.

Mr. WINDOM. At this point I move to strike out from lines 46 to 49, in the following words:

To pay George W. Green, contestee in contested-election case of Green *vs.* Van Wyck, fourteenth district of New York, Forty-first Congress, $3,000.

On my own responsibility, not having had an opportunity to consult the committee about it, I move to strike out that paragraph. I see it is for a claim; I did not observe it at the time the bill was considered in committee. I make the motion at the suggestion of my friend from Massachusetts.

Mr. DAWES. I was going to move to strike out lines 46 to 49, and as the Senator from Minnesota has stated the reasons I will not trouble the Senate with repeating them. This is an old acquaintance of mine. Here is an attempt to pay in an appropriation bill the expenses of a contestee in the Forty-first Congress. I would not think of interfering with the present House of Representatives in their paying any one who contests or is contested in a seat in that House. Each House should be entirely free to settle that question for itself, and the House of Representatives in the Forty-first Congress did decide upon all questions and settle all claims which they felt deserving. This was not brought up. But this is a peculiar case. Here was a contestee who held his seat from the 4th of March down to the 17th of the next February, just one-half of a month less than a year, and drew the pay during that time, and then the House of Representatives voted that he was not entitled to the seat at all. He comes three Congresses afterward and gets the House of Representatives to put in an appropriation bill for $3,000 to pay his expenses in that contest.

The House of Representatives during all that time that the members of the House were paid a *per diem* was in the habit of paying unsuccessful contestants the *per diem* up to the time the case was decided; but it never paid a contestee in the world during all that time for his expenses. When the compensation became a salary, it paid him a salary for some time. After it became $5,000 the amount became very large, and the House of Representatives then adopted a new rule, that it would pay, not the salary to an unsuccessful contestant up to the time that the case was decided, but it would pay, in all cases that the Committee of Elections certified were prosecuted in good faith, the actual expenses. That was the rule, and that, I believe, is now the rule. But during none of that time did it pay a contestee, because the contestee had the salary. There were one or two instances, sporadic, I think you might call them, governed by no rule, where some gentlemen got their expenses paid. The rule is as I have stated it. If this is paid, there are more than forty just such cases of contestees who would be entitled just like this man to their expenses for maintaining their right to a seat or for attempting to maintain themselves in a seat unsuccessfully, as this man did. I remember a case in the Thirty-fourth Congress where a contestant had a bill introduced for his relief, my friends from Iowa may remember, by the name of Clark. It came up Congress after Congress for a dozen of years, each year being voted out.

This is the first case that has come under my notice of anybody appealing from the action, or the want of action, of the House in which the contest was made to a subsequent Congress, and succeeding. I hope it will not be allowed in this case, because it will set a precedent that will be measured only by the number of living men who have gone through with this proceeding like this man.

Mr. PADDOCK. I should like to inquire of the Senator from Massachusetts how long the contestee held his seat?

Mr. DAWES. The contestee held his seat, as I have seen by the record, from the 4th of March down to the 17th of February of the next year; that is, about one-half of a month less than a year.

Mr. PADDOCK. Who was the contestant?

Mr. DAWES. The contestant, as is stated here, was General Van Wyck. Van Wyck contested the seat that Green held, and at the end of a year, lacking one-half of a month, Van Wyck was voted into the seat which Green held and Green was voted out with the salary.

Mr. PADDOCK. And now, I wish to inquire, did Van Wyck draw his salary from the commencement of the regular term?

Mr. DAWES. Certainly, he did. I do not speak of the merits of the contest; it is not proper that they should be discussed here. I only speak of this being a departure from the settled precedent of the House of Representatives.

Mr. PADDOCK. The point I was trying to get at is whether two claimants for a seat could be paid during this period of time.

Mr. DAWES. Most certainly the man who held the certificate drew his salary up to the time the House voted that he was not entitled to the seat. Then the man who was voted in drew his salary from the beginning, because the House decided that he was entitled to the seat.

Mr. PADDOCK. I am very glad to hear that the contestant was able to obtain his pay from the commencement of the term, because he is a citizen of my State.

Mr. DAWES. There is no doubt that he did.

Mr. WINDOM. I hope the amendment may now be agreed to. I think it is fully understood.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Minnesota [Mr. WINDOM] to strike out lines 46 to 49 of the bill.

The amendment was agreed to.

The PRESIDENT *pro tempore*. The hour of five o'clock having arrived, the Senate takes a recess until half past seven.

EVENING SESSION.

The Senate re-assembled at half past seven o'clock p. m.

SUNDRY CIVIL APPROPRIATION BILL.

The PRESIDENT *pro tempore*. The Senate, as in Committee of the Whole, resumes the consideration of the bill (H. R. No. 3749) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1877, and for other purposes.

The Chief Clerk resumed the reading of the bill.

The next amendment of the Committee on Appropriations was to strike out lines 55 to 60, as follows:

To enable the Clerk of the House of Representatives to pay the clerk of the Committee on Invalid Pensions at the rate of $1,800 dollars per annum from the date of his appointment till the close of the Forty-fourth Congress, such sum as shall be sufficient to pay said salary after deducting any amount said clerk shall have already received.

The amendment was agreed to.

Mr. WINDOM. By a mistake of the printer the two preceding paragraphs were not indicated to be stricken out. The committee move to strike out those words, from line 50 to 54, inclusive, as follows:

To enable the Clerk of the House to pay the following-named persons the sums severally due them, namely:

To Adolph Erdman, for clerical services rendered the Committee on Expenditures in the War Department, $45.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Minnesota, to strike out from lines 50 to 54, inclusive.

The amendment was agreed to.

The Chief Clerk continued the reading of the bill.

The next amendment of the Committee on Appropriations was to strike out from line 72 to line 74, as follows:

For wages of certain folders and laborers in the folding-rooms under the Doorkeeper of the House, $72.39.

The amendment was agreed to.

The next amendment was to strike out from line 85 to line 95, as follows:

To S. I. Warren, for clerical services as clerk to the Committee on Commerce, for eight days' service, $40; and $60 to pay A. R. Searl for wages as riding page for the month of December, 1875.

To J. B. Summers, for clerical services rendered the Committee on Expenditures in the Department of Justice, $92.

For the payment of Charles F. Benjamin and Henry H. Smith, for services rendered the Treasury Department in the investigation of the fraudulent claim of Sugg Fort, $500.

The amendment was agreed to.

The next amendment was to strike out from line 101 to line 118, as follows:

For the payment of the following-named persons for reporting testimony before the several committees of the House of Representatives, at the first session of the Forty-fourth Congress, to wit: A. Johns, E. Z. Bailey, F. M. Adams, Eugene Davis, J. M. W. Yerrinton, J. H. White, E. C. Bartlett, C. J. Hayes, J. W. Tooley, J. W. Anderson, Charles H. Lander, D. C. McEwin, F. J. Warburton, H. A. Kirkham, William F. Bonyngε, and E. F. Underhill, $20,000, or so much thereof as may be necessary, on accounts to be rendered by them respectively, certified to by the official stenographers to the committees of the House, and approved by the chairmen of the respective committees, and by the chairman of the Committee of Accounts.

To authorize the Clerk of the House of Representatives to pay Theo. F. Davidson for thirteen days' service as clerk of the Committee on Patents, at $4 per day, $52.

The amendment was agreed to.

The next amendment was to strike out from line 129 to line 139, in the following words:

Office of the Congressional Printer:

For the Congressional Printer, $3,600; three clerks, at $1,600 each, $4,800; one clerk, $1,300; messenger, $840; in all, $11,740.

For contingent expenses, office of Congressional Printer, namely: For stationery, postage, advertising, traveling expenses, horses and wagons, and miscellaneous items, $2,500.

The amendment was agreed to.

The next amendment was after the word "million," in line 143, to strike out all down to "cents," in line 159, as follows:

One hundred and fifteen thousand seven hundred and thirty-seven dollars and fifty cents, as follows, namely: For wages of persons employed in the public printing, $100,929.75; for materials for the same, $14,570; for paper, $163,000; in all $368,499.75.

For wages of persons employed in the public binding, $36,934.25; for materials for the same, $24,299.50; for lithographing, $10,000; in all, $71,237.75.

And in lieu thereof to insert:

Six hundred and twenty-five thousand five hundred and seven dollars and sixty-six cents; and out of the sum hereby appropriated printing and binding may be done by the Congressional Printer to the amounts following, namely:

So as to read:

For the public printing, for the public binding, and for paper for the public printing, including the cost of printing the debates and proceedings of Congress in the CONGRESSIONAL RECORD, $1,625,507.66; and out of the sum hereby appropriated, &c.

The amendment was agreed to.

The next amendment was in line 165, after the words "State Department," to strike out "fifteen" and insert "twenty-five;" in line 166, after the words "Treasury Department," to strike out "one hundred and eighty" and insert "three hundred;" in line 167, after the words "War Department," to strike out "seventy-two" and insert "one hundred and twenty;" in line 169, after the words "Navy Department," to strike out "thirty-nine" and insert "sixty-five;" in line 170, after the words "Interior Department," to strike out "one hundred and thirty-five" and insert "two hundred and twenty-five;" in line 172, after the words "Agricultural Department," to strike out "nine" and insert "fifteen;" in line 173, after the words "Department of Justice," to strike out "six" and insert "ten;" in line 174, after the words "Post-Office, one hundred and," to insert "seventy;" in line 176, after the words "Supreme Court of the United States," to strike out "ten" and insert "twenty;" and in the same line, after the word "dollars," to insert "for the supreme court of the District of Columbia, $5,000;" in line 178, after the words "Court of Claims," to strike out "five" and insert "ten;" to insert after line 178 the words "and for both Houses of Congress, $648,507.66;" and in line 181, after the word "cents," to strike out the words "in all, $591,000;" so as to make the clause read:

For printing and binding for the State Department, $25,000; for the Treasury Department, $300,000; for the War Department, $120,000; for the Navy Department, $65,000; for the Interior Department, $225,000; for the Agricultural Department, $15,000; for the Department of Justice, $10,000; for the Post-Office, $175,000; for the Congressional Library, $15,000; for the Supreme Court of the United States, $20,000; for the supreme court of the District of Columbia, $5,000; for the Court of Claims, $10,000; and for both Houses of Congress, $648,507.66.

Mr. EDMUNDS. I should like to have the Senator from Minnesota explain why we make this increase respecting the judicial department. The Judiciary Committee does not know anything about it, and, so far as we are concerned, we do not want to be responsible for any increase. I have no doubt the Senator has information enough, but it is not anything that has come to our knowledge.

Mr. WINDOM. The committee adopted the same amount that was appropriated last year, and also the amount estimated for, so far as the Department of Justice is concerned. If the Senator—who is better advised as to the wants of that Department than I am—thinks that is too much, the committee would be very glad to strike it down. From the best information we could get that was supposed to be the amount necessary.

Mr. EDMUNDS. I merely meant to say that the Judiciary Committee has no information at all on the subject.

Mr. WINDOM. We have none except the estimates and the amount appropriated last year, and the fact that there has been no considerable unexpended balance.

Mr. EDMUNDS. I merely wanted to put in a *caveat* that the increase of these items did not depend on any recommendation of the Judiciary Committee. That is all.

Mr. WINDOM. So far as the Supreme Court is concerned the information the committee has is from the Chief Justice, and as to the Court of Claims from its chief justice.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was to strike out from line 182 to line 256, as follows:

For debates and proceedings of Congress, $100,000: *Provided*, That from and after the passage of this act it shall be the duty of the Public Printer to employ no workmen not thoroughly skilled in their respective branches of industry, as shown by a trial of their skill under his direction; and whenever it becomes necessary for the Public Printer to make purchases of materials not already due under contracts, he shall prepare a schedule of the articles required, showing the description, quantity, and quality of each article, and shall invite proposals for furnishing the same, either by advertisement or circular, as the Joint Committee on Public Printing may direct, and shall make contracts for the same with the lowest bidder, making a return of the same to the Joint Committee on Public Printing, showing the number of bidders, the amounts of each bid, and the awards of the contracts.

That the Joint Committee on Printing of the Senate and House, upon the passage of this act, advertise for proposals for the printing and binding of the debates of Congress for the second session of the Forty-fourth Congress, and shall award the contract to the lowest responsible bidder, who shall give bond in the sum of $100,000 for the faithful performance of the contract; and it shall be the duty of the heads of the various Departments and of the Librarian of Congress, severally, upon the passage of this act, to prepare schedules of the printing and binding required for the year ending June 30, 1877, and to advertise for proposals for executing the same, and shall award the contracts to the lowest responsible bidders, upon good and sufficient surety being given for the prompt and faithful performance of the work: *Provided*, That it shall be the duty of the Government Printer to submit to the heads of the various Departments and the Librarian of Congress a statement setting forth the cost at the Government Printing Office of the work required; and should the cost set forth by the Government Printer be as low or lower than the bids, then the work shall be executed at the Government Printing Office; and whenever work is executed at the Government Printing Office it shall be the duty of the Public Printer to furnish with each and every document, pamphlet, blank, blank book, with or without printed headings, job of printing or job of binding thus executed, a bill or memorandum setting forth the number of copies; the quantity, weight, cost, and description of paper; the number of pages, the number of thousand ems, printer's measurement; the cost of composition, making up and imposing, proof-reading, correcting, and press-work; the cost, if any, of stereotyping, electrotyping, lithographing, or engraving, including paper and printing; the cost of dry-pressing, folding, gathering, stitching or sewing, and binding, including materials.

That so much of all laws or parts of laws as provide for the election or appointment of Public Printer be, and the same are hereby, repealed, to take effect on the

30th day of June, 1876; and the President of the United States shall appoint, by and with the advice and consent of the Senate, a suitable person, who must be a practical printer and versed in the art of bookbinding, to take charge of and manage the Government Printing Office from and after the day aforesaid; he shall be called the "Public Printer," and shall be vested with all the powers and subject to all the restrictions pertaining to the officer now known as the Public Printer; he shall give bond in the sum of $100,000 for the faithful performance of the duties of his office, said bond to be approved by the Secretary of the Interior; and he shall receive a salary at the rate of $4,500 a year.

That all executive proclamations, all treaties, notices, advertisements, and proposals for contracts, which by law are required to be published in newspapers in the District of Columbia, shall hereafter be published in only two newspapers in said District, to be of opposite politics, and designated by the head of the Department by which such advertisements are issued.

The amendment was agreed to.

The next amendment was, to strike out lines 257 and 258, as follows:

For lithographing and mapping for the Supreme Court of the United States, $2,000.

And in lieu thereof to insert:

For lithographing, mapping, and engraving for both Houses of Congress, the Supreme Court, and the Court of Claims, $20,000.

The amendment was agreed to.

The next amendment was in line 274, after the word "of," to insert "any of;" in line 275, after the words "District of Columbia," to insert "not required for its actual current expenses;" and in line 279, after the word "seventy-six," to insert "and thereafter;" so as to make the clause read:

That the Secretary of the Treasury shall reserve of any of the revenues of the District of Columbia not required for its actual current expenses a sum sufficient to meet the interest accruing on the 3.65 bonds of the District during the fiscal year beginning July 1, 1876, and thereafter, and apply the same to that purpose; and in case there shall not be a sufficient sum of said revenues in the Treasury of the United States at such time as said interest may be due, then the Secretary of the Treasury is authorized and directed to advance, from any money in the Treasury not otherwise appropriated, a sum sufficient to pay said interest, and the same shall be re-imbursed to the Treasury of the United States from time to time, as said revenues may be paid into said Treasury, until the full amount shall have been refunded.

The amendment was agreed to.

The next amendment was to insert, as lines 289 to 293:

To pay on behalf of the United States, as a portion of the general expenses of the District of Columbia, to be expended by the commissioners of said District, to be drawn only as needed for immediate use, $500,000.

The amendment was agreed to.

The next amendment was to strike out from line 294 to line 323 as follows:

To provide a full record of births, marriages, and deaths in the District of Columbia, and for a general sanitary inspection, which shall include the prevention of the exposure for sale of unwholesome food, and the daily inspection of streets, alleys, yards, and all places where nuisances may exist injurious to health, and for the removal thereof, and of all nuisances, including night-soil, beyond the limits of the District of Columbia, and to prevent domestic animals from running at large, and for the protection of the public parks and grounds, $15,920: *Provided*, That an equal sum shall be paid out of the treasury of the District of Columbia; the combined sum to be expended as follows: For salaries of five members of the board of health, $500 each; treasurer, secretary, attorney, register of vital statistics, who shall each be selected from the board, $300 each in addition to salary as members of the board: *Provided*, That any two of the above-named offices may be filled by the same person at the discretion of the board; medical sanitary inspector, $1,000; health officer, $2,000; four clerks, $4,800; five sanitary inspectors, $6,000; one pound-master, $1,000; and one messenger, $720; and for rent, $1,320; printing, advertising, stationery, and blanks, $1,000; transportation of offal, $7,500; laborers and poundmen, $600; disinfectants, $500; postage, fuel, and lights, $400; and contingent expenses, $500.

The amendment was agreed to

The next amendment was to insert after line 323 the following:

To defray the expenses of conducting the sanitary service of the District of Columbia, $18,497: *Provided*, That the commissioners of the District shall pay concurrently for such service to the board of health a like amount out of the treasury of the District of Columbia, which they are hereby authorized and required to do.

The amendment was agreed to.

Mr. EDMUNDS. I should like to have that matter explained a little. It has been currently stated, as every body knows, that the expenses of the board of health of this District have grown to be perfectly prodigious and amount to more than $75,000 a year, if I am correctly informed, and I do not know but still greater amounts. I should be glad to have my friend who is in charge of this bill explain to us the status of the board of health and how much money altogether is spent in their exertions, and then consider whether we cannot provide some more economical method than the present one, as everything of this sort seems to be brought into this bill.

Mr. WINDOM. I believe the total amount appropriated in this bill is $36,000 and a fraction over; $18,497 for the Government and the same amount for the District; $36,994 in all. There is also in another bill, the legislative bill, an appropriation for the salaries of the commissioners, making $46,000 in all. The amount appropriated last year was some $62,000. I think it had been more than that before, but as the Senator from Vermont will see we are very decidedly on the down grade, if it has been so high as he names. The committee have carefully examined the detailed estimates of the board, which I have not now before me but are among the papers, and we were unable to see how the amount could be materially reduced. I think a comparison between the sanitary service in the District of Columbia and in other cities will not show that the city of Washington is more expensive than other cities of its size; I think not as expensive. I am inclined to think, too, that it has been well conducted; but on that I have no better opinion, perhaps, than the Senator from Vermont.

Mr. SARGENT. On the previous page it will be noticed that the House appropriates about $32,000. We raise the amount but very little.

Mr. EDMUNDS. I beg Senators not to believe that I am defending the House of Representatives. That is no part of my mission. I am trying to defend the tax-payers of the District and of the United States against what appears to me, if the reported statements are correct, to be an enormous extravagance of some kind or other. Here is a city with 130,000 inhabitants or so, with new streets, new pavements, new everything, which expends certainly about three-quarters of a dollar, when you take it all together, for every man, woman, and child for mere sanitary purposes at a time when there has been no prevailing epidemic or any of those scourges which sometimes sweep over cities and lands, and of course require a great deal of expense to take care of them. Now, it has seemed to me, as it has to a great many other tax-payers in this vicinity, that the sums of money which have been expended for these purposes have been outrageously extravagant in some way. Whether the Committee on the District of Columbia can tell us how or why this is, and whether there is any better way of doing it or of reducing the expenses, I do not know. All that I wish to do is to have the necessary sanitary operations of the District continued so that there shall not be such an enormous disproportion, as I think there is, between expense and benefit. That is the point I wish to get at, if there is any earthly way of doing it. I do not know that there is on the last day of the fiscal year. It is not altogether clear that there is; but the thing might in some way—and I was in hopes the Committee on the District of Columbia would have reported a bill on that subject—be simplified so that in this healthful little town we might get on without paying out what it will turn out when you get the figures all together, last year and the year before, and so forth, according to the statements, runs up to three-quarters of a hundred thousand dollars. Certainly, considering the newness of the city, the wideness of its streets, its generally healthful character and the really rural character of the whole concern, the work ought to be done for less than one-third of the money. That is my opinion; it is no better than anybody else's, and I do not know that there is any way of helping it. I only speak of it to call attention to the subject.

Mr. ROBERTSON. As a member of the Committee on the District of Columbia I desire to say that we were not consulted about the appropriations for the board of health. No petition was sent to that committee as to any appropriations for the board of health. I think this is a very extravagant appropriation. I am not satisfied, and I would like to hear something further about it. I hope the Senator who has the matter in charge will explain further about it.

Mr. WEST. I rise to ask the Senator from Vermont for an explanation of his remark that the whole expenditure costs seventy-five cents *per capita* for every man, woman, and child. He said that it costs three-quarters of a hundred thousand dollars. The total amount appropriated this year by this bill is $36,000, and the amount appropriated by another bill $10 000, making a total of $46,000. As I divide that into the aggregate population of 130,000, I make it twenty-eight cents apiece, and I think it is quite as reasonable and quite as economical an expenditure as attends the administration of health in any other city of the same population.

Mr. EDMUNDS. My friend's arithmetic is capital; but when he goes to the bottom of the Treasury of the United States, and to the bottom of the treasury of the District of Columbia, and to the bottom of all the money that is collected for fines and forfeitures for disobeying the sanitary laws of this District, and puts all the money together that out of somebody and some way comes into the disposition of these people, he will find it does not stand exactly on the same foundation.

Mr. WEST. I should like to ask the Senator from Vermont how you are to get to the bottom of the Treasury of the United States except by appropriation. There is no money except what is here specified; and whatever accrues from fines is a different matter.

Mr. EDMUNDS. Of course it is; and that is one of the convenient ways we have of splitting expenses into different bills and into different funds; so that every time there is a criticism or an inquiry our attention is called to one bill, and what we propose to do in that. That is not the way to get at the total expense of things. I was not saying, nor will anything I said bear such an inference, that the amount appropriated by this bill, or that was expected to be spent in the coming year, amounted to seventy-five cents a head, which would be $80,000 or so. I was saying that according to my information, which I believe to be true but do not know to be true, the expenses have hitherto run about $75,000 when you put them all together; that somebody's money has been spent to that extent; and whether you say it comes out in one bill or in another bill does not make any great difference to the tax-payer.

Mr. WINDOM. I think there is a misapprehension—it does not exist, I suppose, in the mind of my friend from Vermont, because he has advised himself about the matter, and I know it does not in mine—as to the duties which this board of health are required to perform. The various acts of Congress have imposed upon that board, I think, much greater duties, much broader duties, than are usually performed by boards of health. I will read one or two extracts from the statutes of Congress. Section 72 of the Revised Statutes provides that the board of health for the District are to declare—

What shall be deemed nuisances injurious to h alth, and to provide for the removal thereof; to make and enforce regulations to prevent domestic animals from

running at large in the cities of Washington and Georgetown; to prevent the sale of unwholesome food in said cities; and to perform such other duties as shall be imposed upon said board by the Legislative Assembly.

The act of Congress of June 23, 1874, provides:

That it shall be the duty of the board of health of the District of Columbia to make and enforce regulations to secure a full and correct record of vital statistics, including the registration of deaths and the interment of the dead in said District.

The duties imposed by acts of the Legislative Assembly are—

To consider and determine upon the necessity of draining vacant lots and unoccupied premises into public or private sewers bordering thereon, and to enforce the law through the courts whenever necessary.

Also—

To make, issue, and enforce orders, regulations, and instructions to prevent the introduction and spread of infectious and contagious diseases in the District of Columbia.

Also duties imposed by the commissioners of the District—

To provide for the care of the sick poor of the District, furnishing medical attendance and medicines for the same.

Also—

To provide for the burial of deceased paupers.

Also—

To provide for the collection of garbage in the cities of Washington and Georgetown and the suburbs thereof, and for the removal of the same beyond the limits of the District of Columbia.

The committee having carefully examined their estimate—desirous as the Senator from Vermont is to make the amount as low as possible—were unable, in their judgment, to reduce it below what they have recommended. I believe a careful examination of the doings of this board of health will prove that there is no better-conducted sanitary service in the United States.

Mr. EDMUNDS. I hope that may be so. How much does the committee increase the appropriation in the House bill?

Mr. WEST. Twenty-five hundred dollars.

Mr. EDMUNDS. Let us strike off the $2,500, and stick to what it was.

The PRESIDENT *pro tempore*. The question is on the amendment of the Committee on Appropriations.

Mr. SARGENT. I ask for the yeas and nays; I fear we have not a quorum, and if so we might as well adjourn.

Several SENATORS. O, no.

Mr. ANTHONY. Let the amendment be reserved.

Mr. SARGENT. I do not think we ought to reserve it. I think we had better find out whether we can get along with business to-night.

The yeas and nays were not ordered.

The PRESIDENT *pro tempore*. The Chair will take the question by division.

There were on a division—ayes 14, noes 5; no quorum voting.

Mr. EDMUNDS. I do not want to adjourn, but I want to begin to make a record on this question of the extravagance of this performance. I ask for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 18, nays 9; as follows:

YEAS—Messrs. Allison, Anthony, Bogy, Bontwell, Cameron of Pennsylvania, Conkling, Ferry, Hamlin, Ingalls, Logan, McMillan, Morrill of Vermont, Randolph, Sargent, West, Windom, Withers, and Wright—18.

NAYS—Messrs. Cockrell, Eaton, Edmunds, Frelinghuysen, Hitchcock, McCreery, Maxey, Robertson, and Wadleigh—9.

ABSENT—Messrs. Alcorn, Barnum, Bayard, Booth, Bruce, Burnside, Cameron of Wisconsin, Caperton, Christiancy, Clayton, Conover, Cooper, Cragin, Davis, Dawes, Dennis, Dorsey, Goldthwaite, Gordon, Hamilton, Harvey, Howe, Johnston, Jones of Florida, Jones of Nevada, Kelly, Kernan, Key, McDonald, Merrimon, Mitchell, Morrill of Maine, Morton, Norwood, Oglesby, Paddock, Patterson, Ransom, Saulsbury, Sharon, Sherman, Spencer, Stevenson, Thurman, Wallace, and Whyte—46.

The PRESIDENT *pro tempore*. There is not a quorum present. The number lacks ten.

Mr. WINDOM. I move that the names of the absentees be called.

The motion was agreed to; and the Secretary called the names of the absentees.

Mr. WINDOM. I move that the Sergeant-at-Arms be instructed to request the attendance of absent Senators.

The motion was agreed to.

The PRESIDENT *pro tempore*. The Sergeant-at-Arms will execute the order of the Senate.

Mr. INGALLS. I am aware that it is out of order to indulge in debate during the absence of a quorum, but as some statements have been made by the Senator from Vermont in regard to the expense of the health department, I should like his permission and that of the Senate to correct a few of the errors into which he has fallen in regard to the expense of this service and the duties that have been performed by the board during the past year. I hold in my hand the report of the board of health of the District of Columbia for the year 1875, and I ascertain from this that the duties devolving upon that board are—

First. General sanitary service, including the daily inspection of streets, alleys, lots, yards, &c., where nuisances injurious to health may exist, and provide for the removal thereof, and for clerical work and supplies.

Second. To prevent domestic animals from running at large in the cities of Washington and Georgetown; for the protection of public parks, grounds, &c.

Third. To prevent the sale of unwholesome food in the District of Columbia.

Fourth. The removal of all offal, including night-soil, garbage, and dead animals, beyond the limits of the District, aggregating many thousands of tons.

Fifth. To secure a full and correct record of vital statistics, including the registration of births, marriages, and deaths, and the interment of the dead.

Sixth. To prevent the introduction and spread of infectious and contagious diseases.

Seventh. Collection of garbage in the cities of Washington and Georgetown and suburbs thereof.

Eighth. The care of the sick poor, furnishing medical attendance and medicines for the same.

Ninth. The burial of deceased paupers.

During the past year, ending June 30, 1875, Congress appropriated $32,220. I call the attention of the Senator from Vermont to the amount appropriated.

Mr. EDMUNDS. Appropriated for what?

Mr. INGALLS. For the entire purposes of the board of health for the year 1875.

Mr. EDMUNDS. Including salaries, office rent, contingent expenses, &c.?

Mr. INGALLS. Including salaries, office expenses, and all other matters devolved on the board. I find that the amount appropriated by Congress was $32,220; the amount appropriated by the District of Columbia was precisely the same, making an aggregate of $64,440, which was expended by the board during the past year, so that the amount appropriated by Congress was a little rising $30,000.

Mr. EDMUNDS. I hope my friend from Kansas is right. He is undoubtedly right as far as he has gone.

Mr. INGALLS. I have gone to the extent that the report shows.

Mr. EDMUNDS. Gone as far as sanitary regulations will allow, I suppose.

Mr. INGALLS. And in addition to the statement of the amount appropriated, there is also a detailed statement in tabulated form of the disbursements and expenditures down to the very last cent. There have been no irregular or unaccounted expenditures, but the full amount of disbursements, showing for what paid and to whom paid, with the date of the payment, appears here in full; and from my observation of the sanitary condition of this and other cities I think I am justified in saying that the sanitary condition of this city is better, that the death rate is lower, and that the general condition of the public health is higher and better here than in any other city on the American continent. I believe that the money is well expended, that the health officers are intelligent, that they perform their duties strictly, and that the money could not be appropriated for a better purpose and could not be disbursed by a better board.

Mr. EDMUNDS. Mr. President, I shall be very glad indeed if it turns out that my information, which was obtained from a gentleman who had no interest in the question except a public one and whose character I believe to be unimpeachable—at any rate he has been a candidate for President of the United States within the last six months——

Mr. INGALLS. That is very indefinite.

Mr. EDMUNDS. And who has gone through the whole thing. If I correctly understood him, he represented to me that the expense was a good deal more than $75,000. If it turns out to be less and in the sixties, I shall be just as glad as my friend is. Still I think when you compare the expense of the sanitary protection of this city, even at $60,000, with that of other cities in temperate, healthy climates like this, of the same size, it will appear to be decidedly in excess here of that in other cities whose death rate is not essentially different from that here. I may be mistaken about that, however.

Mr. INGALLS. I think if the Senator will examine the vital statistics of this and other cities he will find that the death-rate is lower here than in any other city in the Union.

Mr. EDMUNDS. It may be that it is. The Senator means, of course, a city of the same size.

Mr. INGALLS. I mean the percentage.

Mr. EDMUNDS. Of any city in the Union?

Mr. INGALLS. Yes.

Mr. EDMUNDS. The Senator is greatly mistaken about that. I know two cities in the State of Vermont——

Mr. INGALLS. Perhaps nobody dies there at all. [Laughter.]

Mr. EDMUNDS. That people do not die very often there is perfectly true. They drink nothing but water, and breathe nothing but air, and eat nothing but bread and meat and potatoes, and they live a good while, it is true, and come around at tax-paying time with considerable regularity.

Mr. CONKLING. And when they go they dry up and blow away. [Laughter.]

Mr. EDMUNDS. And when they go away they dry up and blow over into the State of New York, where there is plenty of room for them to rest for the remainder of their period.

Mr. CONKLING. I did not know where all the *debris* came from that there is in the State of New York. [Laughter.]

Mr. EDMUNDS. You will find out if you keep on. [Laughter.] I suppose there is no considerable object in this debate at this time, as there is nobody to vote; and I will reserve what I have to say seriously, besides what I have said on this subject, until we have a quorum, and get the facts together. If I have overstated it on my information I shall be very glad indeed to correct it. It seems, according to my friend's statement, that I am about $10,000 too high at this present time.

Mr. SARGENT, (at eight o'clock and six minutes p. m.) I suggest that a number of Senators have come in since the want of a quorum was disclosed. Is there not a quorum now?

The PRESIDENT *pro tempore*. Senators have come in, but the number present still lacks six of a quorum.

Several Senators having come in,

The PRESIDENT *pro tempore*. The Secretary will call the roll again on this amendment. The Chair thinks there is a quorum present.

Mr. EATON. There should be a fact stated which was stated before when several of the Senators now here were not present. The honorable Senator from Kansas was entirely wrong in his statement as to the death rate. He said that it was less here than in any other city in the Union. It is more than it is in New Orleans, in Richmond, in Charleston, in New Haven, in Hartford, and, in my judgment, in many other cities in the United States.

Now, I desire to say, taking the city of New Haven, in my State, with about half the population of Washington, that the expense there is not more than one-fourth what it is in this city. It strikes me that these facts ought to be known. I certainly desire to vote for as large a sum as is necessary, but let us vote understandingly, and not vote under the impression that the death rate in this city is less than it is in any other city in the United States.

Mr. INGALLS. In speaking of the death rate I referred to the deaths from diseases that are known as zymotic, as infectious or contagious diseases, diseases that originate from the outward sanitary condition of the city itself, and not to those which result from accident or from old age or anything of that kind, and I repeat the assertion that from all those causes against which sanitary regulations can provide the death rate is lower in Washington than in any other city on this continent, and my statement is borne out by statistics.

The PRESIDENT *pro tempore*. The roll-call will proceed.

The question being taken by yeas and nays, resulted—yeas 21, nays 16; as follows:

YEAS—Messrs. Allison, Anthony, Boutwell, Bruce, Conkling, Cragin, Dorsey, Ferry, Hamlin, Howe, Ingalls, Logan, McMillan, Mitchell, Morrill of Vermont, Paddock, Sargent, West, Windom, Withers, and Wright—21.

NAYS—Messrs. Bogy, Cameron of Pennsylvania, Caperton, Christiancy, Cockrell, Eaton, Edmunds, Frelinghuysen, Goldthwaite, Harvey, McCreery, Maxey, Randolph, Robertson, Sherman, and Wadleigh—16.

ABSENT—Messrs. Alcorn, Barnum, Bayard, Booth, Burnside, Cameron of Wisconsin, Clayton, Conover, Cooper, Davis, Dawes, Dennis, Gordon, Hamilton, Hitchcock, Johnston, Jones of Florida, Jones of Nevada, Kelly, Kernan, Key, McDonald, Merrimon, Morrill of Maine, Morton, Norwood, Oglesby, Patterson, Ransom, Saulsbury, Sharon, Spencer, Stevenson, Thurman, Wallace, and Whyte—36.

The PRESIDENT *pro tempore*. Further proceedings under the call will be dispensed with, a quorum being present. The reading of the bill will be continued.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. G. M. ADAMS, its Clerk, announced that the House had agreed to the amendments of the Senate to the following bills:

A bill (H. R. No. 2691) for the allowance of certain claims reported by the accounting officers of the Treasury Department; and

A bill (H. R. No. 3809) to provide temporarily for the expenditures of the Government.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore*:

A bill (H. R. No. 3809) to provide temporarily for the expenditures of the Government;

A bill (H. R. No. 3375) making appropriations for the naval service for the year ending June 30, 1877, and for other purposes;

A bill (S. No. 960) to continue the public printing;

A bill (H. R. No. 1100) relative to the redemption of unused stamps;

A bill (H. R. No. 2387) to fix the retired pay of Surgeon-General Clement A. Finley, retired;

A bill (H. R. No. 590) for the relief of Mrs. Susan E. Rhea, widow of Dr. J. Burrows Gardiner;

A bill (H. R. No. 2829) for the relief of Ariel K. Eaton and James D. Jenkins;

A bill (H. R. No. 3670) authorizing the Nebraska City Bridge Company to construct a ponton railway bridge across the Missouri River, at Nebraska City, in Otoe County, Nebraska;

A bill (H. R. No. 1849) granting a pension to Abigail S. Dawney;

A bill (H. R. No. 2161) for the relief of R. H. Buckner;

A bill (H. R. No. 2303) granting a pension to Mary S. Greenlee;

A bill (H. R. No. 2310) granting a pension to Emanuel B. Herr;

A bill (H. R. No. 2289) granting a pension to Jane Bertholf;

A bill (H. R. No. 2586) granting a pension to John L. Bartley;

A bill (H. R. No. 2836) for the relief of Joseph Wilson, of Bourbon County, Kentucky;

A bill (H. R. No. 1939) granting a pension to Sarah Emmons;

A bill (H. R. No. 1204) granting a pension to Henry H. Wharff, of Company C, Eighteenth Regiment Ohio Volunteers;

A bill (H. R. No. 2804) granting a pension to Harriet C. Dunham, widow of Charles A. Dunham, late private Company A, One hundred and eighteenth Regiment Pennsylvania Volunteers;

A bill (H. R. No. 2081) granting a pension to William McLay, late a private in Company G, Twelfth Regiment Illinois Infantry Volunteers;

A bill (H. R. No. 1602) granting a pension to Margaret E. Cogburn;

A bill (H. R. No. 2701) granting a pension to Nancy H. Blacknall, widow of Thomas Y. Blacknall, late private Company L, Seventh Tennessee Cavalry;

A bill (H. R. No. 1337) for the relief of Nelson Tiffany;

A bill (H. R. No. 11) granting a pension to Eliza Jane Blumer;

A bill (H. R. No. 3037) granting a pension to Samuel D. Falls, late unassigned recruit Ninth Regiment Minnesota Volunteers;

A bill (H. R. No. 2301) granting a pension to Mary B. Hook;

A bill (H. R. No. 1598) granting a pension to William R. Duncan; and

A bill (H. R. No. 1944) granting a pension to Niram W. Pratt.

SUNDRY CIVIL APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 3749) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1877, and for other purposes.

The next amendment of the Committee on Appropriations was under the heading "revenue-cutter service," to strike out in the clause appropriating "for the pay of captains, lieutenants, engineers, and pilots, and for rations for the same, and for pay of petty-officers," &c., the following words from line 394 to line 401:

Seven hundred and forty-seven thousand, six hundred and forty-seven dollars and nineteen cents, in addition to the unexpended balance of the appropriation for the same purpose for the service of the fiscal year 1874, which is hereby continued and rendered available for the year ending June 30, 1877.

And in lieu thereof to insert—

Nine hundred thousand five hundred and thirty dollars and fifty-nine cents.

Mr. EATON. Unless there is some reason for raising this amount so much above what the House proposed I shall object to the proposition.

Mr. WINDOM. I desire, for the benefit of the Senator from Connecticut, to make an explanation of this amendment. The Senate committee has adopted the rule to make no appropriations of unexpended balances, and for years that has been the rule of the Senate, for the reason that the system of appropriating unexpended balances results in a loose mode of keeping accounts, and there is no responsibility to Congress; we know nothing about the amounts we appropriate. It is a very convenient way for either House, which desires to make the appropriations appear less than they are actually, to appropriate unexpended balances; and this is a very fine illustration of that thing. I will call the attention of the Senator from Connecticut especially to it.

The unexpended balance appropriated by the House bill in this clause amounts to $127,352.81, so that, instead of permitting that unexpended balance to revert to the Treasury at the end of the year and appropriating an amount necessary for the service which would appear upon the face of the bill, as the bill came to the Senate, it simply appropriated, without naming the sum, this unexpended balance; and, therefore, in this item alone the appropriations in this bill appear to be, and are, $127,000 less than they really are.

Now, Mr. President, the Senate committee desire that the appropriations shall appear honestly on the face of the bill, so that everybody may know what they are, so that Congress may know, so that the attention of the Senator from Connecticut and of every other Senator may be brought directly to them, and that when we come to foot up the sum-total of the appropriation bills we may know exactly what they are. Now, the Senate committee instead of re-appropriating that balance in that way took the amount appropriated last year and deducted from it the unexpended balance, and appropriated that sum, assuming that we had appropriated more than was necessary last year by the unexpended balance that remains on hand. I think, Mr. President, that it will address itself to the judgment of the Senator from Connecticut that this is the honest, fair, open way of making appropriations.

Mr. EATON. It addresses itself to my judgment now that I understand what I did not before; and I understand another thing, too, and that is that the appropriation is larger as it comes from the Senate committee than the House appropriation. That I understand if I took the figures correctly from the honorable Senator from Minnesota. He says the balance was one hundred and twenty-seven thousand and some odd hundred dollars. The appropriation is $747,647, so that the appropriation is enlarged at all events.

I am not prepared to say that my friend who last addressed the Chair may not be right in his view that a certain sum should be appropriated, but he ought to have had the candor to state to the Senator from Connecticut and to the Senate that the appropriation is larger as it comes from his committee than as it comes from the House; not much I agree, but still larger, about $30,000 larger. My friend from Missouri [Mr. COCKRELL] says more than that. I did not make the figuring.

Mr. WEST. It is $26,000 more.

Mr. EATON. I thought it was about $30,000; my friend from Missouri thought it was more. It would have been quite as well, while my friend from Minnesota was addressing me with the triumphant air which he did, giving me a great deal of information, to have

added also that the committee of the Senate increased this appropriation some $25,000 or $30,000. My question is, is that necessary?

One thing is certain, that by the action of the House of Representatives the unexpended balance is appropriated. I am very glad to learn how much that is; and it is very proper that we should know what the amount is. Now, added to that, the House has said so much more; but that is not sufficient to answer the purpose of the honorable Senator; he desires still more than that. The reason he has not yet given why there should be this large addition to what the House bill appropriates. He has given a reason, and I accord to him the full force of his reasoning, that the Senate ought to know exactly what is the amount appropriated.

Mr. WINDOM. I regret if in replying to the honorable Senator from Connecticut I did so with an air of triumph, for I certainly felt no such thing. I am exceedingly gratified, however, if I did succeed in giving him any information on the subject, and only regret that I did not give him all that he asked for.

Now, I am aware that there is a slight increase over the House appropriation; but the Senate committee based their recommendation upon the exact amount that was used last year. That amount was found necessary for the public service, and it is $26,500 less than that used the preceding year; and I want to say that this Bureau, I think, has been very economically managed, and certainly has been reducing expenditures. The amount that we appropriate now is considerably less than the estimates, I think over $100,000 less, and the committee have sought in every case to put these appropriations at the lowest figure that it was believed possible to discharge faithfully and fully the important duties required in these Departments.

I want to say further to the Senator that he will find several instances of the same kind in this bill where unexpended balances have been appropriated. The total amount of unexpended balances appropriated by this bill as it comes from the House is $640,693.21. Comparisons are constantly drawn between the bills of this year and last year. We appropriated last year in the corresponding bill $640,000 more than under a careful and economical administration was found absolutely necessary, and it was not expended; and the House bill as it came to us uses that appropriation that was made last year for the purposes of this year. In that way it does not enter into the sum-total of this bill at all, but the comparison is made that here is a large reduction of many millions, and this $640,000 is one of the items of reduction, using the very appropriations that were made last year to the amount of $640,000 for next year's service, and calling that a reduction as against the bill of last year! I mention that for the information of the Senator from Connecticut also.

Mr. EATON. It is not a matter of very much consequence to me, although it seems to be to my honorable friend, that the House have taken this course to appropriate what unexpended balances there may have been, and call that a reduction. I do not desire any capital of that sort. My object, because I see the full necessity of such action, is so far as we can, and I presume that is the object of my honorable friend, to reduce the expenditures of the Government. The condition of the country demands it; and when we can reduce them let us reduce them, not for party capital, but because of the necessity which demands it. We all agree to that.

Now, I have yet to learn that my honorable friend has gone into this revenue-cutter service to the extent that enables him to determine whether the appropriations of the House committee are not sufficient. I see here—

Pilots and for rations for the same, and for pay of petty officers, seamen, cooks, stewards, boys, coal-passers, and firemen, and for rations for the same, and for fuel for vessels, repairs and outfits for same, ship-chandlery and engineers' stores for same, traveling expenses of officers traveling on duty under orders from the Treasury Department, commutation of quarters, and contingent expenses, including wharfage, towage, dockage, freight, advertising, surveys, and miscellaneous expenses.

Now, Mr. President, I move to amend this amendment by striking out "$900,530.59" and inserting in lieu thereof "$873,500."

The PRESIDENT *pro tempore*. The question is on the amendment to the amendment moved by the Senator from Connecticut.

Mr. EATON. Perhaps I ought to say that this, within a few dollars or a few cents, brings the appropriation precisely to where the House has placed it, throwing out the consideration of the unexpended balance.

Mr. BOUTWELL. I should like to hear from the honorable Senator from Connecticut the facts, if he has any in his possession, tending to show that the service can be maintained for the sum which he proposes.

Mr. EATON. I will give two facts which ought to satisfy my honorable friend. First, the country demands a reduction. That is one fact. Now, for another; and as my friend, like myself, comes from that section of the country which is called Yankeedom, I might as well answer his question by asking him one; and that is, has he any information that he can give to you, Mr. President, and to this Senate that every article that is to be purchased under this bill is not 25 per cent. lower than it was last year? When I put that inquiry to him, of course he does not know; he cannot know. I know generally, and so does my honorable friend, that all the merchandise that may be mentioned in this bill is lower than it was last year. Naval stores and all the articles mentioned in this bill are lower than they were last year. Now, then, I propose to do what the country demands: so far as possible cut down the expenditures here and elsewhere.

Mr. BOUTWELL. Mr. President, the question which the honorable Senator from Connecticut proposed to me would have been a very proper one if I had made any positive proposition to the Senate which I was bound to defend; but, as I had not and he had, it seems to me that the evidence should come from him.

As to what the people want I have this to say: With reference to all the appropriations, as far as I have any vote to give, everything that is necessary for the proper maintenance of the Government, the development of its resources, and the protection of its rights I am prepared to vote the money from the Treasury and tax the people, and I know very well that in the part of the country which the honorable Senator from Connecticut represents that policy will be acceptable.

Now, I have some knowledge about the revenue-marine service, and I know that from 1869 to the year 1876 the expenditure in that branch has been reduced from $1,600,000 a year to the sum expended the last year, something like $900,000; and the service itself has been improved; and I venture to say that there is no branch of the service of the country more economically administered than that, and it is a necessary service. The revenue marine not only protects our commerce, gives assistance to vessels in danger from the seas, but it has during the last seven or eight years done everything that has been done for the enforcement of the neutrality laws on the coasts and especially in reference to Cuba. It is the most active, vigilant, economical navy on the face of the earth. More than thirty ships, each carrying at least one gun and small-arms, manned by officers of capacity who have their places and their promotion by examination and upon merit, have been maintained for less than a million dollars a year.

I believe that whoever may administer the affairs of the Treasury, while we should not make an unnecessarily large appropriation the appropriation should be large enough to carry on the service through the year; and inasmuch as during the last year the money actually appropriated has not been expended, it is safe for us at least to vote enough to keep the vessels on the sea for the protection of the commerce and the observance of the neutrality laws of the country.

Mr. FRELINGHUYSEN, (at eight o'clock and thirty-six minutes p. m.) I believe that in all probability if we call the yeas and nays we shall not find ourselves with a quorum, and as I understand the bill extending the appropriations for ten days has been signed and this country in the centennial year may rejoice that for ten days more its Government is to continue, and especially that we may all feel happy and peaceful that we shall get over the Fourth of July by the agreement of the two Houses, I move that the Senate adjourn.

The motion was not agreed to; ayes 8, noes not counted.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Connecticut [Mr. EATON] to the amendment of the Committee on Appropriations.

The question being put, there were on a division—ayes 8, noes 25; no quorum voting.

Mr. WINDOM called for the yeas and nays, and they were ordered; and being taken, resulted—yeas 12, nays 27; as follows:

YEAS—Messrs. Bayard, Bogy, Cameron of Pennsylvania, Caperton, Cockrell, Eaton, Goldthwaite, Gordon, McCreery, Maxey, Randolph, and Withers—12.

NAYS—Messrs. Allison, Anthony, Boutwell, Bruce, Christiancy, Conkling, Dorsey, Edmunds, Ferry, Frelinghuysen, Hamlin, Harvey, Hitchcock, Ingalls, Logan, McMillan, Mitchell, Morrill of Vermont, Paddock, Patterson, Robertson, Sargent, Sherman, Wadleigh, West, Windom, and Wright—27.

ABSENT—Messrs. Alcorn, Barnum, Booth, Burnside, Cameron of Wisconsin, Clayton, Conover, Cooper, Cragin, Davis, Dawes, Dennis, Hamilton, Howe, Johnston, Jones of Florida, Jones of Nevada, Kelly, Kernan, Key, McDonald, Merrimon, Morrill of Maine, Morton, Norwood, Oglesby, Ransom, Saulsbury, Sharon, Spencer, Stevenson, Thurman, Wallace, and Whyte—34.

So the amendment to the amendment was rejected.

The PRESIDENT *pro tempore*. The question recurs on the amendment of the Committee on Appropriations.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was in the appropriations for the Judiciary, to strike out the following words from line 444 to line 454:

The allowance to any deputy shall not exceed $5 per day while actually employed, or exceeding $1,200 per year for services rendered by such deputy, and said sums may be reduced below the said rates by the Attorney-General whenever, in his opinion, said reductions should be made: *Provided*, That all the provisions of title 26 of the Revised Statutes of the United States in relation to the registration of voters and the appointment of supervisors of elections, and the deputy and special deputy marshals, and touching the supervision of elections, are hereby repealed.

Mr. EDMUNDS. I should like to hear that explained. What is this title of the Revised Statutes that is referred to here?

Mr. WINDOM. I apprehend the Senator from Vermont does not desire to have the Revised Statutes read to which this clause refers. This modest little item in the appropriation bill repeals six pages of the Revised Statutes with reference to the elective franchise. The Senator will find by looking at the proviso that all the provisions of this title "in relation to the registration of voters and the appointment of supervisors of election and the deputy and special deputy marshals, and touching the supervision of elections are hereby repealed." The entire title comprises a very elaborate and exceedingly important statute designed to preserve the purity of elections. The Committee on Appropriations did not feel it to be their duty to go very carefully into an examination of that statute, as in their judgment it was not in the province of that committee to determine whether it should be repealed or not. It had nothing whatever to do

with the appropriations in the bill, and it was not a proper subject of legislation in an appropriation bill. I do not desire to go into that question any further at the present time.

The PRESIDENT *pro tempore*. The question is on the amendment of the Committee on Appropriations striking out the words which have been read.

Mr. EATON. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. EDMUNDS. I ask that this question may be divided. The first five lines relate to the pay of deputy marshals in general in reference to their mere duties under the courts. The proviso in the last five lines is on an entirely different subject, and I want to have a separate vote on that. I dare say there is no desire to have the yeas and nays on the first part.

The PRESIDENT *pro tempore*. Does the Senator from Connecticut ask for the yeas and nays on the first branch of the amendment?

Mr. EATON. I asked for the yeas and nays on the amendment.

The PRESIDENT *pro tempore*. The Senator from Vermont has asked for a division, which is his right.

Mr. EDMUNDS. I suggested that the amendment embraces two entirely distinct propositions, and I asked to have them divided, and suggested that on the first proposition, which relates merely to the pay of deputy marshals, there need not be any yeas and nays taken, as it is a mere matter of detail, and I supposed nobody would care about the provision being kept in this bill, because in respect to a great many deputies it would work an injustice to the Government, and in respect to others it might do some good. At any rate it ought to be considered in another place than this. As to the last part of the proposition, I can see the force of asking for the yeas and nays upon that.

Mr. EATON. I am not anxious in regard to the first part myself; but I think it is important. It is:

> The allowance to any deputy shall not exceed $5 per day while actually employed, or exceeding $1,200 per year for services rendered by such deputy, and said sums may be reduced below the said rates by the Attorney-General whenever, in his opinion, said reductions should be made.

In the first place, in my judgment there is very little necessity for these officers any way. I only regret that my friend from Vermont has divided the matter; but as he has done so, I will not call for the yeas and nays on the first part of the amendment.

The PRESIDENT *pro tempore*. The Senator does not call for the yeas and nays and the Chair will put the question on striking out the first item, being the words preceding the proviso.

Mr. WINDOM. I desire to say, in reference to the first item, that I have a letter in my hand from the First Comptroller stating that—

> Under existing laws deputy marshals draw no compensation directly from the Government, but are paid by the marshals out of the earnings of their respective offices; which earnings are made up of fees received from individuals as well as from the United States.

Without taking time to read the whole letter, the Comptroller says it is of no sort of use, it will save nothing to the Government and is a question for the marshal himself as to how the whole pay is divided; and on that ground the committee recommend to strike it out.

Mr. EDMUNDS. The United States has nothing to do with marshals in respect of their pay. We revised the whole subject of marshals in a bill at the last session, or the session before, making an ample limit so as to protect the United States; and to prove that it works well, every marshal in the United States is grumbling about it, which is a pretty good sign.

The PRESIDENT *pro tempore*. The question is on striking out the first clause from line 444 to and including the word "made" in line 450.

The motion to strike out was agreed to.

The PRESIDENT *pro tempore*. The question is now on striking out the proviso, on which the yeas and nays have been ordered.

Mr. BAYARD. I desire to know whether the proposition as to this allowance of $5 per day has been passed upon, or whether the question is now that it shall reach the maximum of $10 per day?

The PRESIDENT *pro tempore*. The first clause of the paragraph has been stricken out by a vote of the Senate.

Mr. BAYARD. I understand the amendment of the committee striking out this clause has been agreed to.

The PRESIDENT *pro tempore*. The motion striking out the first clause has been agreed to, and the question is now upon striking out the proviso from line 450 to 454.

Mr. EATON. If I may be permitted, I will withdraw my call for the yeas and nays on striking out the proviso.

Mr. EDMUNDS. I insist, as the yeas and nays have been ordered, that we have them taken.

The PRESIDENT *pro tempore*. The Senator from Vermont objects to dispensing with the yeas and nays being called. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. KEY, (when his name was called.) On this question I am paired with the Senator from Illinois, [Mr. OGLESBY.] If present he would vote "yea," and I should vote "nay."

The roll-call was concluded.

Mr. ANTHONY. I voted "yea" inadvertently. I suppose this is regarded as a political question, and I am paired on political questions with the Senator from North Carolina, [Mr. RANSOM,] reserving the right to vote if my vote is necessary to make a quorum. I ask leave to withdraw my vote; but if my vote is necessary to make a quorum I will vote.

Mr. MITCHELL. I was not aware that this was a political question. If it is, I desire to withdraw my vote in the affirmative, as I am paired with the Senator from Delaware [Mr. SAULSBURY] on all political questions.

Mr. SHERMAN. It can hardly be called a political question when the votes are almost all on one side.

Mr. WRIGHT. This question being a political question, I am paired with the Senator from Maryland, [Mr. DENNIS.] If present he would vote "nay," and I should vote "yea."

Mr. CHRISTIANCY. I am paired with the Senator from New York [Mr. KERNAN] on all political questions. This seems to have taken that form. If present he would probably vote "nay," and I should vote "yea" on this amendment.

Mr. WINDOM. I am paired with the Senator from West Virginia [Mr. DAVIS] on political questions. If this is to be one, as it seems to be, I shall not vote. The Senator from West Virginia would vote "nay" and I should vote "yea" on this amendment.

Mr. KEY. For the sake of making a quorum, I vote "nay."

Mr. FRELINGHUYSEN. I desire to withdraw my vote. I made an arrangement with the Senator from North Carolina, [Mr. MERRIMON,] that if he was not paired with the Senator from Arkansas [Mr. CLAYTON] I would pair with him. The Senator from Arkansas has voted, and I withdraw my vote.

Mr. COCKRELL. It is not necessary, I think, for the Senator from New Jersey to withdraw his vote. The Senator from North Carolina made an arrangement with the Senator from Arkansas, but the effect of his vote does not change anything, and I hope that the Senator from New Jersey will not withdraw his vote.

Mr. FRELINGHUYSEN. Very well.

The result was announced—yeas 26, nays 11; as follows.

YEAS—Messrs. Allison, Booth, Boutwell, Bruce, Cameron of Pennsylvania, Clayton, Conkling, Conover, Cragin, Dorsey, Edmunds, Ferry, Frelinghuysen, Hamlin, Harvey, Hitchcock, Howe, Ingalls, Logan, McMillan, Morrill of Vermont, Paddock, Sargent, Sherman, Wadleigh, and West—26.

NAYS—Messrs. Bayard, Bogy, Caperton, Cockrell, Goldthwaite, Gordon, Key, McCreery, Maxey, Randolph, and Withers—11.

ABSENT—Messrs. Alcorn, Anthony, Barnum, Burnside, Cameron of Wisconsin, Christiancy, Cooper, Davis, Dawes, Dennis, Eaton, Hamilton, Johnston, Jones of Florida, Jones of Nevada, Kelly, Kernan, McDonald, Merrimon, Mitchell, Morrill of Maine, Morton, Norwood, Oglesby, Patterson, Ransom, Robertson, Saulsbury, Sharon, Spencer, Stevenson, Thurman, Wallace, Whyte, Windom, and Wright—36.

So the motion to strike out was agreed to.

Mr. EDMUNDS, (at nine o'clock and two minutes p. m.) I venture to move that the Senate adjourn. It is very hot and uncomfortable here.

Mr. SARGENT. Will the Senator allow us to have an executive session for a few moments? There is some important business which will not take more than three or four minutes.

Mr. EDMUNDS. I yield for a motion for an executive session.

Mr. WINDOM. I know the question is not debatable; but I think it is very desirable to go on an hour longer with this bill.

Mr. CONKLING. Is this debatable?

Mr. COCKRELL. I hope we shall go on and finish up this bill.

The PRESIDENT *pro tempore*. Debate is not in order. The Senator from Vermont yields to the Senator from California. The Senator from California moves that the Senate proceed to the consideration of executive business.

The motion was not agreed to.

Mr. EDMUNDS. I move that the Senate do now adjourn.

The Senate refused to adjourn—ayes 8, noes 30.

The Chief Clerk continued the reading of the bill. The next amendment of the Committee on Appropriations was in line 468, to increase the appropriation "for defraying the contingent expenses of the courts, and the fees, per diem, and traveling expenses of the United States marshal in the Territory of Utah," &c., from $20,000 to $43,000.

The question being put, a division was called for.

Mr. SARGENT. I should like to be heard upon that amendment, if there is to be a serious division in the Senate. I supposed some explanation might be necessary. Senators will observe in lines 469 and 470 this provision:

> This amount to be in full for all matters covered herein as against the United States.

That clause will have to be stricken out or else the amendment which is pending will have to be adopted, from the fact that the United States by former statutes have imposed upon the marshal duties which cannot be performed for $20,000. By the bill called the Poland bill, the discussion of which is very well remembered by many Senators on the floor, it was provided that the prosecution of a certain class of offenses should be conducted, and the summoning of witnesses, the arrest and detention and care of prisoners, &c., should be performed by the United States marshals. The Territory of Utah thereupon considered that its treasury was relieved from the necessity of paying these expenses, because the duties which in other Territories were devolved on territorial officers were taken out of the hands of the United States marshal. On account of the anomalous condition of things in that Territory the majority of the Senate and of the House thought that legislation was necessary and beneficial.

I remember I had some doubt personally with regard to that legis-

lation, and it was modified in some slight respects owing to some objections which I brought forward to some features of it; but the principle of the legislation so far as it devolved duties upon the United States marshal was retained.

I have in my hands a very careful estimate of the expenses of the different courts at their different terms, the expenses of the penitentiary, the number of prisoners, the amount that it costs to keep them, and all made obviously with regard to economy and the actual necessity for the service. That amount figures up a little more than the amount of the amendment which is reported by the Committee on Appropriations. It is absolutely necessary for this service, unless we repeal the laws which require the prosecution of certain offenses, to be made at the expense of the United States. I can have the document which I hold in my hand read, although it is somewhat long; but I think the statement which I have made is a fair abstract of its contents.

The Senate would be requiring the officers of the United States Government in that Territory to make bricks without straw, to perform an impossibility, if we should require these duties of them and give them only half the amount which is necessary to discharge the duties. It is not a question of economy; it is a question of executing the laws of the United States. If this appropriation is not made the prisoners, who have depredated there upon the community and violated the laws of the United States, will be turned loose upon the community and justice will entirely fail. I think this explanation is due to the Senate, and I trust there will be no objection to the amendment.

Mr. EATON. I suppose the theory of the Senator from California is that there is to be a violation of the criminal law in the coming year over that of last year, and therefore he estimates that this appropriation must be $43,000.

Mr. SARGENT. I do not say that that is my theory. I judge by experience.

The amendment was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. G. M. ADAMS, its Clerk, announced that the House had passed the bill (S. No. 728) for the relief of Martha J. Coston.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. No. 2626) to authorize the Secretary of the Treasury to pay to the officers and soldiers engaged in the war with Mexico the three months' extra pay provided for by the act of July 19, 1848; and

A bill (H. R. No. 3209) to authorize the Commissioner of Indian Affairs to receive lands in payment of judgments to eastern band of Cherokee Indians.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (S. No. 336) to authorize the construction of a ponton bridge across the Mississippi River from some feasible point in La Crosse County, in the State of Wisconsin, to some feasible point in Houston County, in the State of Minnesota; and it was thereupon signed by the President *pro tempore*.

SUNDRY CIVIL APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 3749) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1877, and for other purposes.

The Chief Clerk resumed the reading of the bill. The next amendment of the Committee on Appropriations was in line 473, to increase the appropriation "for expenses to be incurred in the prosecution and collection of claims due the United States" from $2,500 to $5,000.

The amendment was agreed to.

The next amendment was to strike out from line 474 to line 476, as follows:

For defraying the expenses of defending claims under the convention with Mexico of the 4th of July, 1868, $500.

The amendment was agreed to.

The next amendment was in the appropriation for the Government Hospital for the Insane, in line 504, after the word "repairs," to insert "and improvements;" and in line 505, after the word "institution," to strike out "five" and insert "fifteen;" so as to make the clause read:

For general repairs and improvements absolutely necessary for the buildings of the institution, $15,000.

The amendment was agreed to.

The next amendment was in line 520, to increase the item "for the support of the Columbia Hospital for Women and Lying in Asylum, over and above the probable amount which will be received from pay-patients," from $16,000 to $19,500, and to strike out at the end of the clause the words:

In addition to the unexpended balance of former appropriations, which is hereby made available.

The amendment was agreed to.

The next amendment was to insert after line 523:

For a Mansard roof for the building, $8,000.

The amendment was agreed to.

The next amendment was in line 531, after the word "the," to strike out the words "Surgeon of the Army" and to insert:

Secretary of the Interior, who shall cause an accurate report to be made monthly of the number of persons so relieved, their names, residence, date of admission, and date of discharge from the hospital.

So as to make the clause read:

For care, support, and medical treatment of seventy-five transient paupers, medical and surgical patients, in the Providence Hospital in the city of Washington, under a contract to be formed with said institution, $15,000, or so much thereof as may be necessary, under the direction of the Secretary of the Interior, who shall cause an accurate report to be made monthly of the number of persons so relieved, their names, residence, date of admission, and date of discharge from the hospital.

The amendment was agreed to.

The next amendment was to strike out from line 541 to line 554, as follows:

To the Industrial Home School of the District of Columbia, $10,000, to be expended in erecting a machine-shop and other needful buildings for the inmates of said industrial school.

Mr. EATON. I am in another role just now. Here is an expenditure of $10,000 that it strikes me is a proper one. I understand that there is an industrial school in this District which is a very worthy object of charity and something which the United States ought to attend to. Therefore, I am in favor of giving the Industrial Home School of the District of Columbia $10,000 to be expended in erecting a machine-shop and other needful buildings. From information which I have received to-day from outside, it strikes me that this is an exceedingly proper appropriation. I should like some reason to be given why this appropriation should not be retained.

Mr. WINDOM. The information the committee have on the subject is that this is a worthy institution undoubtedly, and is doing a great deal of good; but it is an institution for which the Government has not yet made any appropriation. It is well known that whenever the Government takes one of these benevolent institutions in the District of Columbia under its charge it has continually to appropriate for it. We had not begun to do that in former years, and I do not think this is a good year to begin.

Mr. SHERMAN. Is that the reason why the appropriation for Saint Ann's Asylum on the next page is stricken out?

Mr. WINDOM. That is the reason.

The amendment was agreed to.

The next amendment was to strike out from line 556 to line 558 as follows:

For Saint Ann's Infant Asylum of Washington, $10,000; and for Georgetown General Hospital, $5,000.

The amendment was agreed to.

The next amendment was in the appropriations for the Smithsonian Institution, line 561, to increase the item "for preservation of the collections of the surveying and exploring expeditions of the Government" from $5,000 to $20,000.

The amendment was agreed to.

The next amendment was to insert after line 562:

For expenses of making up into sets for distribution to colleges and academies the duplicate ores, minerals, and objects of natural history now belonging to the United States, or in the collections at the centennial exhibition, which have been presented to it by foreign governments, to include the cost of packing and shipping of the latter to Washington, $10,000.

The amendment was agreed to.

The next amendment was in line 581, to increase the appropriation "for compensation in lieu of moieties in certain cases under customs-revenue laws" from $125,000 to $150,000.

The amendment was agreed to.

The next amendment was to insert after line 582:

To enable the Secretary of the Treasury to have the rebel archives and records of captured property examined and information furnished therefrom for the use of the Government, $6,000.

The amendment was agreed to.

The next amendment was to insert as lines 587 to 595:

Mints and assay offices:
For fitting up an assay laboratory in the office of the Director of the Mint, $1,000.
For three automatic weighing-machines, $6,000.
For coining-presses, draw-benches, milling-machines, cutting-machines, annealing-furnaces, and fitting up the same, to be expended under the direction of the Secretary of the Treasury, $63,000.

The amendment was agreed to.

The next amendment was to insert after line 621, in the clause appropriating for the "subtreasury and post-office, Boston, Massachusetts:"

For continuation of the building, $50,000.

The amendment was agreed to.

The next amendment was in line 624, to increase the appropriation for the continuation of the custom-house and post-office building at Cincinnati, Ohio, from $200,000 to $300,000.

The amendment was agreed to.

The next amendment was to insert after line 624:

Custom-house and subtreasury, Chicago, Illinois: For continuation of building, $225,000.

The amendment was agreed to.

The next amendment was in line 636, to strike out the words "fencing, grading, approaches, and furniture and carpets, $15,000," and to

insert, "completing the building, $40,000;" so that the clause will read:

Court-house and post-office, Lincoln, Nebraska: For completing the building, $40,000.

The amendment was agreed to.

The next amendment was to strike out lines 645 and 646, as follows:

Assay office, Helena, Montana: For repayment for site of building, $1,500.

The amendment was agreed to.

The next amendment was to strike out from the clause appropriating "for the removing and reconstruction of the building now on the lot and premises in Jersey City, New Jersey, belonging to the United States, for the purpose of a post-office," the following words from line 650 to line 653:

All the unexpended balance of the amount heretofore appropriated for purchasing the said lot and premises for the site of a post-office building in said city, and also in addition thereto the sum of.

The amendment was agreed to.

The next amendment was to insert after line 653:

Court-house and post-office, Trenton, New Jersey: For completing and furnishing the building, $50,000.

The amendment was agreed to.

The next amendment was to strike out in the clause appropriating "for the post-office and court-house, Philadelphia, Pennsylvania: For continuation of building, $350,000," the following words from line 662 to line 663:

To be used in completing the foundation and setting stone for the first story.

The amendment was agreed to.

The next amendment was in line 667, to increase the appropriation "for the continuation of the building for appraisers' stores, San Francisco, California," from $50,000 to $100,000.

The amendment was agreed to.

The next amendment was in line 672, to increase the appropriation for the continuation of the State, War, and Navy Department building from $250,000 to $600,000.

The amendment was agreed to.

The next amendment was in line 686, to increase the appropriation for the continuation of the building for the court-house and post-office, Saint Louis, Missouri, from $450,000 to $600,000.

The amendment was agreed to.

The next amendment was in line 689, to increase the appropriation for completion of court-house and post-office building in New York from $250,000 to $350,000.

The amendment was agreed to.

The next amendment was after line 690 to insert:

For custom-house and post-office building at Albany, New York, $50,000; and the cost of said building shall not exceed the sum of —— dollars.

Mr. WINDOM. I move to fill the blank with $600,000.

The amendment to the amendment was agreed to.

The amendment, as amended, was agreed to.

The next amendment of the Committee on Appropriations was in line 703, to increase the appropriation for annual repairs of the Treasury building, Washington, from $10,000 to $25,000.

The amendment was agreed to.

The next amendment was in line 706, to increase the appropriation "for repairs and preservation of public buildings under control of the Treasury Department" from $100,000 to $250,000.

The amendment was agreed to.

The next amendment was after line 750, to insert:

For the construction of a light-house and fog-signal at Nubble Head, Maine, $15,000.

The amendment was agreed to.

The next amendment was to strike out from lines 757 to 759 as follows:

For building a light-ship with steam fog-signal for an outside station and for shore purposes, $50,000.

Mr. SARGENT. I should like to ask my colleague from Minnesota, who has charge of the bill, if, on further information received by the committee, this amendment is not agreed to be withdrawn?

Mr. WINDOM. It is.

Mr. ALLISON. There ought to be one modification there. The words "and for shore purposes" should be stricken out.

Mr. SARGENT. It might be left to stand as it is, and it can be considered in conference.

Mr. ALLISON. This is for a light-ship twenty miles in the ocean off the Delaware Capes.

Mr. SARGENT. Very well.

The amendment to the amendment was agreed to.

The PRESIDENT *pro tempore*. The question recurs on the amendment of the committee striking out the clause as amended.

The amendment was rejected.

Mr. LOGAN. Before going to page 33, after the amendment in line 757 I move to insert:

For constructing signal-light on the Crib-House in Lake Michigan, in front of the city of Chicago, $5,000.

A bill for this object was referred to the Committee on Commerce, and they, not having a quorum, have not acted upon it.

Mr. WINDOM. The Senator had better wait until the amendments of the Committee on Appropriations are through.

Mr. LOGAN. The Senator in charge of the bill suggests that I wait until the amendments of the committee are through. I have no objection to that course, and I will offer it then.

The PRESIDENT *pro tempore*. The amendment is withdrawn.

The Chief Clerk resumed the reading of the bill.

The next amendment of the Committee on Appropriations was to strike out the following words from lines 800 to 803:

And the unexpended balance of the appropriation for a screw-pile light-house at Tybee Knoll, Savannah River, made by the act approved March 3, 1873, is hereby made available for.

The amendment was agreed to.

The next amendment was in line 804, to insert the word "for" at the beginning of the clause; and in line 805, after "Tybee Knoll," to insert "Savannah River, $12,000;" so as to make the clause read:

For the establishment of range-lights to guide through the dredged channel, Tybee Knoll, Savannah River, $12,000.

The amendment was agreed to.

The next amendment was in line 816, to increase the appropriation "for establishing temporary lights along the line of the dredged channel, Maumee Bay, Ohio," from $4,000 to $7,000; and to strike out from the end of the clause the following words:

In addition to the unexpended balance of the appropriation for two day-beacons in said bay made by the act of June 23, 1874, which is hereby continued and made available for this purpose.

The amendment was agreed to.

The next amendment was after line 821, to insert:

For building a light-house and steam fog-signal station at Little Traverse, Michigan, $12,000.

The amendment was agreed to.

The next amendment was to strike out lines 824 and 825, as follows:

For range-lights at the mouth of Cheboygan River, in the State of Michigan, $10,000.

Mr. FERRY, (Mr. ANTHONY in the chair.) I hope the Senate will not agree to this amendment striking out the item. I think the committee did not understand the condition of the harbor. There never has been an appropriation for building any pier at this harbor, and the bottom being clay, nothing has been done but to dredge it; and while it is enterable in daylight by buoys, it cannot be entered at night except by range-lights, and this appropriation is for the purpose of facilitating the entrance at any time, as the whole shipping passes this way down to the lower lakes from Chicago and Milwaukee. I think the committee could not have understood the condition of the harbor, else they would not have moved to strike out these lines.

Mr. WINDOM. I will say to the Senator that the clause was stricken out for want of information upon the subject.

Mr. FERRY. I hope, on the information I have given to the Senate, they will disagree to the amendment.

The amendment was rejected.

Mr. CHRISTIANCY. I wish to say a word upon this amendment, and I have a paper to be read in connection with it.

Mr. WINDOM. It has been rejected.

Mr. CHRISTIANCY. Very well.

Mr. WINDOM. There is another amendment omitted by the committee in printing, which I wish to offer at this point. After line 825 I move to insert:

For building a light-house or fog-bell on Round Island, in the Straits of Mackinac, $15,000.

I will say that a provision passed the Senate for this purpose and the bill is pending in the House, and upon that the committee feel warranted in recommending it.

Mr. SARGENT. The bill passed the Senate at this session?

Mr. WINDOM. At this session.

The amendment was agreed to.

The reading of the bill was continued. The next amendment of the Committee on Appropriations was in line 855, to increase the appropriation "for a rolling-mill and forging-shop (shop F) for the armory at Rock Island arsenal, Rock Island, Illinois," from $80,000 to $170,000; and to strike out at the end of the clause the following words in lines 857, 858, 859, and 860:

In addition to the unexpended balances of appropriations for the year ending June 30, 1874, which are hereby made available for the service of the fiscal year ending June 30, 1877.

The amendment was agreed to.

The next amendment was after line 860, to insert:

For an iron-working and finishing-shop (shop G) for the arsenal, $75,000.

The amendment was agreed to.

The next amendment was after line 866, to insert:

For removing deposits from pool of water-power, $25,000.

The amendment was agreed to.

The next amendment was after line 886, to insert:

NAVY-YARDS AND STATIONS.

For repairs of the different navy-yards and stations and preservation of the same, $500,000.

Mr. BAYARD. I should like to know why it is that so large a sum as half a million of money should be appropriated outside of the na-

val appropriation bill for purposes which belong to the Navy without a particle of detail given as to where the money is to be applied.

Mr. PADDOCK. I should like to hear some explanation also.

Mr. BAYARD. I think it is improper, as the number of navy-yards is not great, that this vast sum of money is to be appropriated in gross.

Mr. WINDOM. There are, I believe, as stated by the Secretary of the Navy, some $50,000,000 of property invested in the navy-yards. The House omitted entirely any provision for their preservation and repair. The committee consulted the Secretary of the Navy, and upon his recommendation inserted $500,000 as the lowest sum that can be relied upon to repair them and keep them in a proper condition.

Mr. PADDOCK. I do not understand the phraseology of this amendment. I should like to have an explanation of it.

Mr. WINDOM. I do not know what the difficulty is in the mind of the Senator from Nebraska. It is for repair and preservation of the navy-yards and seems to be easily understood. I do not know how to make it any more plain.

Mr. PADDOCK. I have made a mistake. I was referring to the amendment in lines 867 and 868:

For removing deposits from pool of water-power, $25,000.

Mr. WINDOM. That has just been agreed to.

Mr. SARGENT. One part of the question of the Senator from Delaware was not answered, why this provision was not put in the naval bill. These repairs and improvements are never put in the naval bill; that is, repairs of the buildings and wharves and permanent structures in the navy-yards themselves. Some fund must be provided to take care of the immense amount of property which the Government has. A roof gets out of order, it leaks, and if there is no fund to repair it, the water runs down and swells the floor and bursts out the walls. A vessel in landing at a wharf knocks out some piles and injures the wharf, and, if left to the action of the tides, or other action, it becomes very much dilapidated. This item covering all the navy-yards and naval stations from Maine away round to the Gulf and on the Pacific coast, a provision is made in the bill about one per cent. on the value of the property in order to preserve it for the coming year; and the committee deemed it economy and it was most strenuously recommended by the Secretary. The House omitted it entirely, although in the estimates there was a much larger amount called for.

Mr. WINDOM. If the Senator from Delaware will allow me, I will answer his question. As I understand, he asks why we do not specify to what navy-yards the appropriation is to be applied. For the reason that the sum is so much smaller than that estimated, it was impossible to specify how it should be divided among them, and by taking it in the lump the sum of $500,000 it was believed could be so applied that this property might not suffer material damage. The amount last year was about a million dollars. This is the smallest amount appropriated for many years, and it was lumped in order to enable the Secretary of the Navy to economize and utilize this sum as might be most demanded at the different yards.

Mr. BAYARD. It might be a small sum appropriated for many years past for this purpose and yet be a great deal too large. I have steadily voted for a number of years most liberal sums for the maintenance of the Navy. I have always said that it should not lack money for my vote. Therefore while agreeing that the appropriation be made, I did propose and do still propose to hold those responsible who have wasted money by maintaining a peace establishment at a war cost. I do not propose at this moment, nor is this the bill or the proper occasion, to express my views in regard to the relative expenditures in the naval establishment and the results which we have found after many years of experience; but this I do say, that the system of lumping expenditures by half millions and by millions I trusted was at an end. Last year we appropriated upward of $3,000,000 in a lump for naval expenditures to be spent how we knew not or why we knew not; and it does seem to me that in thus passing upon such large amounts of money we at least should have more details to justify us in the appropriation.

I do not doubt that the naval stations are valuable, nor that the navy-yards are valuable, nor that they have cost a great deal of money, and perhaps a great deal too much money; but we also know that the naval stations and the navy-yards are generally the habitations of mechanics, and this very class of repair is such as can be made with very little expense by any diligent officer who chooses to attend carefully to it. I do not mean to say that there may not be found a proper account for this large expenditure of money; but I observe it did not originate in the House of Representatives, nor am I aware what estimates were regarded or disregarded, or what other appropriations may be found that would lap over and affect this same object; but I shall content myself, in the absence of explanation, by asking for the yeas and nays that I may appear upon the record as opposed to this appropriation.

The yeas and nays were ordered.

Mr. WINDOM. A single word, Mr. President. I agree with the Senator from Delaware that appropriations in the lump are not desirable; nor do I believe that, as a general rule, is the best policy; but the committee adopted it in this case because they felt constrained to appropriate a smaller sum of money than was deemed necessary by the Department, and it was impossible to divide it up and specify to what particular navy-yards a given sum should be appropriated; and by appropriating this amount in the lump it was believed that the Secretary of the Navy would be able to preserve this vast amount of property from injury, and to make such absolutely necessary repairs as would preserve the property until next year. Our appropriation in this manner was wholly in the interest, I will not say of economy, because that is a very much worn-out word, but in the interest of as small an amount of expenditure as possible. I doubt whether it is wholly in the interest of economy; but the committee were constrained to appropriate the smallest possible amount of money that the Department believed would suffice for the purpose, and hence put it in this form.

Mr. PADDOCK. I should like to inquire of the Senator in charge of the bill if he can state approximatively how much below the estimates the appropriation is?

Mr. WINDOM. I cannot.

Mr. PADDOCK. And also at the same time what the corresponding aggregate appropriation was last year?

Mr. WINDOM. The aggregate appropriation for all the navy-yards last year was $1,090,000. The total estimate for this year is $1,725,000. This is for all the navy-yards of the country—at Boston, at New London, at Brooklyn, at League Island, at Norfolk, Virginia, at Pensacola, Florida. There is a special appropriation here for Mare Island, and there is a general estimate for repairs and preservation of $500,000. We allowed them that, and deducted all the balance of the estimate. It is $590,000 less than the appropriation last year.

Mr. PADDOCK. This, then, is a great reduction.

Mr. BAYARD. It does seem to me that the logic is the other way than that the Senator seems to think. If the expenditure was so great last year, what is the necessity for continuing it the present year? It seems that every year the rule is to be applied that because a certain sum was spent in 1875, so much the more are you to expend in 1876. If you had this expenditure last year, why was it not enough to maintain these navy-yards and stations in common repair at least for another year? Why, sir, it is certain that there is a want of practical and substantial economy in this thing. To appropriate "for general repairs" without specifications is nothing in the world but an invitation that these amounts shall be spent, and we all know that no appropriation of money was ever made by Congress that the Departments did not find means of using.

Mr. WINDOM. Why, Mr. President, there are over $600,000 in this bill that they did not use this year.

The question being taken by yeas and nays, resulted—yeas 26, nays 11; as follows:

YEAS—Messrs. Allison, Anthony, Booth, Boutwell, Bruce, Clayton, Conover, Cragin, Dorsey, Ferry, Frelinghuysen, Hamlin, Harvey, Hitchcock, Logan, McMillan, Morrill of Maine, Morrill of Vermont, Paddock, Robertson, Sargent, Sherman, Wadleigh, West, Windom, and Wright—26.

NAYS—Messrs. Bayard, Bogy, Caperton, Cockrell, Eaton, Goldthwaite, Gordon, Ingalls, Key, Maxey, and Withers—11.

ABSENT—Messrs. Alcorn, Barnum, Burnside, Cameron of Pennsylvania, Cameron of Wisconsin, Christiancy, Conkling, Cooper, Davis, Dawes, Dennis, Edmunds, Hamilton, Howe, Johnston, Jones of Florida, Jones of Nevada, Kelly, Kernan, McCreery, McDonald, Merrimon, Mitchell, Morton, Norwood, Oglesby, Patterson, Randolph, Ransom, Saulsbury, Sharon, Spencer, Stevenson, Thurman, Wallace, and Whyte—36.

So the amendment was agreed to.

The next amendment of the Committee on Appropriations was to insert as lines 891 and 892:

For continuing the work on the dry-dock at Mare Island, California, $200,000.

The amendment was agreed to.

The next amendment was to insert as line 893:

For the purchase of torpedoes, $30,000.

The amendment was agreed to.

The next amendment was in line 910, in the appropriations for buildings and grounds in and around Washington, to increase the appropriation "for manure and hauling of the same" from $2,000 to $4,000.

The amendment was agreed to.

The next amendment was to strike out lines 932 and 933, as follows:

To aid in the completion of monument in commemoration of the colored race, $3,000.

Mr. PADDOCK. I should like to have an explanation of that.

Mr. WINDOM. The committee struck it out because they had no explanation of it. We were not aware that the colored race was extinct yet, and therefore could not see the object of completing a monument "in commemoration of the colored race." I do not know but that our friend from Mississippi who has recently been there may be able to give some reasons why this appropriation should be made, but the committee certainly had none at the time they considered the bill.

Mr. PADDOCK. It seems to me the House of Representatives must have had some information on the subject.

Mr. WINDOM. It may have been; but the Committee on Appropriations had not any.

The PRESIDING OFFICER, (Mr. ANTHONY in the chair.) The question is on the amendment to strike out the item.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was in line 937, after the word "Capitol," to insert the word "and;" in line 938, to strike out the words "and Executive Mansion;" and in line 941,

to strike out the words "fuel for watchmen's lodges and for green-houses at the nursery, $51,000," and insert "$32,000, to be expended under the direction of the Architect of the Capitol;" so as to make the clause read:

For lighting the Capitol, and grounds about the same, including Botanical Garden, for gas, pay of lamp-lighters, gas-fitters, plumbers and plumbing, lamps, lamp-posts, matches, materials for the electrical battery and repairs of all kinds, $32,000, to be expended under the direction of the Architect of the Capitol.

The amendment was agreed to.

The next amendment was after line 944, to insert:

For lighting the Executive Mansion, namely, for gas, pay of lamp-lighters, gas-fitters, plumbers and plumbing, lamps, lamp-posts, matches, and repairs of all kinds, fuel for watchmen's lodges and for green-houses at the nursery, $19,000.

The amendment was agreed to.

The next amendment was after line 957, to insert:

For repairs of Georgetown reservoir, $4,000.
For improvement and care of all the various public reservations, $16,000.
For graveling roadways in the Mall between Four-and-a-half and Sixth streets, (over the site of the old Agricultural Garden,) $3,000.

The amendment was agreed to.

The next amendment was in the miscellaneous appropriation for the Capitol, to strike out lines 973, 974, and 975, as follows:

For improving the Capitol grounds and for paving roadway and foot-walks in the Capitol grounds, $100,000.

The amendment was agreed to.

The next amendment was after line 975, to insert:

For taking up and renewing floor of the Senate Chamber and re-arranging the flues for more equal distribution of air through the registers of the floor, $4,000.
For paving roadways east court, and foot-walks of the Capitol grounds, $150,000.
For continuing the improvements of the Capitol grounds, including the foot-walks of the west side of the Capitol, $75,000
For an additional steam-boiler for the heating-apparatus in the Senate wing of the Capitol and for repairs to gas-pipes in the Capitol building, $8,000.

Mr. WINDOM. I wish to modify the amendment on line 178, as it was a mistake of the committee; it should have been $5,000, and was intended to be by the committee, instead of $4,000. Therefore the first of these items should be $5,000 instead of $4,000.

The PRESIDING OFFICER. That amendment will be made, if there be no objection.

The amendment, as modified, was agreed to.

The next amendment of the Committee on Appropriations was after line 989, to insert:

For improvement of Senate elevator, $2,000.

Mr. WEST. The suggestion was made by the Committee on Appropriations just as it was closing its session to have the elevator improved. The amount fixed in the amendment, I understand from consultation with the architect of the Capitol and the chairman of the Committee on Public Buildings and Grounds, is not sufficient. I move to make the amount $5,000 instead of $2,000.

The amendment to the amendment was agreed to.

Mr. SHERMAN. It seems to me that $5,000 ought to build an elevator in the St. Nicholas Hotel, instead of being the amount needed to improve one in this building.

Mr. WEST. That is very true; but the St. Nicholas Hotel is not half as big as this Capitol, and we want to get as good an elevator as that in the St. Nicholas. The language used is "improvement," and it is an improvement, because it is not intended to build an elevator entire; the hole is cut out; but the sum of $5,000 is necessary to give you a proper elevator, which you have not now.

Mr. SHERMAN. There is an elevator here.

Mr. SARGENT. We understand that this elevator is dangerous; that it is liable to give way at any time, and sacrifice anybody who may be in it. I was in favor of $2,000, and was not aware that it would cost as much as $5,000. I should like to add, "or so much thereof as may be necessary," so as to be an indication that we do not want $5,000 expended if it can be helped.

Mr. WEST. I have no objection.

The PRESIDING OFFICER. The amendment will be so modified, if there be no objection.

The amendment, as amended, was agreed to.

The next amendment of the Committee on Appropriations was in the appropriation for the "survey of the Atlantic and Gulf coasts," after the word "navigation," in line 1059, to strike out the words:

And for a survey of said river from Cairo to New Orleans, together with its various outlets to the Gulf, with a view of ascertaining the most effectual method of protecting the alluvial lands bordering upon its banks from overflow.

So as to make the clause read:

Survey of the Atlantic and Gulf coasts: For every purpose and object necessary for and incident to the continuation of the survey of the Atlantic and Gulf coasts of the United States, and the Mississippi River to the head of ship navigation, with soundings and observations of deep-sea temperatures in the Gulf Stream and the Gulf of Mexico, and observations of currents along the same coasts, and the preparation, engraving, lithographing, and issuing of charts, the preparation and publication of the Coast Pilot and other results of the Coast Survey, the purchase of materials therefor, and including compensation of civilians engaged in the work, and pay and subsistence of engineers for the steamers engaged on those coasts, $325,000.

The amendment was agreed to.

The next amendment was after line 1107, to insert:

For difference between the amount appropriated and the amount of rent for buildings No. 211 New Jersey avenue south and No. 215 South Capitol street for the fiscal year ending June 30, 1876, $3,600.

The amendment was agreed to.

Mr. GORDON. The amendment between lines 1059 and 1063 was passed over inadvertently on this side of the Chamber.

Mr. WINDOM. I understand those words were put in by mistake in the House.

Mr. GORDON. Very well. I find the same point is covered in another portion of the bill.

The Chief Clerk continued the reading of the bill.

The next amendment of the Committee on Appropriations was in line 1140, in the clause making appropriation for expenses of the national currency, to increase the item "for paper, engraving, printing, express charges, and other expenses," from $175,000 to $200,000.

The amendment was agreed to.

The next amendment was in line 1144, to increase the appropriation "for transportation of notes, bonds, and other securities of the United States" from $25,000 to $50,000.

The amendment was agreed to.

The next amendment was after line 1148, to insert:

Provided, That not more than $1,000 of this appropriation may be expended for rent of an office for the Commissioner.

So as to make the clause read:

Inquiries respecting food-fishes: For continuing the inquiry into the cause of the decrease of food-fishes of the coast, of the rivers, and of the lakes of the United States, $5,000: *Provided*, That not more than $1,000 of this appropriation may be expended for rent of an office for the Commissioner.

The amendment was agreed to.

The next amendment was in line 1180, to increase the appropriation "for furniture and repairs of furniture and carpets for all public buildings under control of the Treasury Department" from $75,000 to $100,000.

The amendment was agreed to.

The next amendment was in line 1185, to increase the appropriation "for pay of custodians and janitors for all public buildings under control of the Treasury Department" from $50,000 to $100,000.

The amendment was agreed to.

The next amendment was after line 1192, to insert:

For temporary clerks of the Treasury Department, $40,000; and for temporary clerks in the office of the Treasurer of the United States, $20,000.

Mr. EATON. I hope there will be an explanation of this. We have passed several millions without one word being said. This is a provision "for temporary clerks of the Treasury Department, $40,000; and for temporary clerks in the office of the Treasurer of the United States, $20,000." There is $60,000 for temporary clerks. First, I will ask, for information, as I am very much in need of it, what is the meaning of these "temporary clerks?" Let us know.

Mr. LOGAN. When you send a resolution to the Treasury Department for information, they have to employ additional clerks to give it to you. That is what it means.

Mr. EATON. As I have not time to send to the Treasury Department, I am asking my distinguished friend from Minnesota——

Mr. LOGAN. I mean when the Senate or House sends a resolution.

Mr. EATON. I understand the Senator.

Mr. WINDOM. We have for many years made an appropriation for temporary clerks in the Treasury Department because at certain seasons of the year there is a great pressure, and this is to give a little elasticity to it, so that when the exigency arises additional clerks may be used; and as we have at both ends of the Capitol cut down the force to the lowest possible number that it is believed can do the duties of that Department—I mean the majority——

Mr. SARGENT. The regular duties.

Mr. WINDOM. The regular force I mean. The Senator from Connecticut shakes his head. Evidently in his judgment we have not cut it down to the lowest number, but in the judgment of the majority we have done so; and as we have for a long time given them this temporary force for the exigencies that may arise, we deem it peculiarly important that it be done now. That is the purpose of it. I do not know that I can make any more full explanation.

Mr. EATON. I desire to state a fact here. I stated it once before on another bill, but it is quite as proper that it should be restated now. A committee was appointed by the Senate last spring. The honorable Senator from Massachusetts [Mr. BOUTWELL] was chairman of the committee; I had the honor of being a member of that committee. Some time was spent in the various Departments here for the purpose of looking into a re-organization of the Departments. It was suggested by members of that committee that there should be one hour per day more labor performed by the employés than had been performed. I understood from my friend from Minnesota that that request had been complied with, and that the employés were put to one more hour of labor. There are about five thousand, I think fifty-one hundred, employés in the various Departments of the Government. This, however, I agree would not apply to all the employés, for I am very happy to say that in the examination, short as it was, that I had the opportunity to give, I found clerks who worked overtime good officers. I know there were others that do not work. Now, suppose you call it, not five thousand, but two thousand hours a day of additional labor. If it was performed, you would not require these temporary clerks, and it is nonsense to talk about it.

If temporary clerks were required last year they are not this year, when two thousand men are employed one hour a day more than they were last year. I ask the Senate to look at it deliberately. My friend and I had a little colloquy on this subject the other day, and I said then that the business could be done with less clerks than the House

bill called for; and were I at liberty I should like to ask a question of one of the leading members on this floor who does not belong to the same political side that I do as to what is his opinion. I tell you, sir, that with clerks who work as you work (Mr. ANTHONY in the chair) in your business and I in mine, seven hours a day, thirty-five hundred instead of five thousand can do the duties of the public here. The reduction has been, if I remember aright, about three or four hundred.

Mr. WINDOM. The reduction made by the Senate was about three hundred and eighteen, I think.

Mr. EATON. I mean the Senate.

Mr. WINDOM. The reduction proposed by the House was ten or twelve hundred.

Mr. EATON. It ought to have been fifteen hundred. It was but ten or eleven hundred; but the reduction made by the Senate was three hundred and eighteen, my friend says. Now, sir, I undertake to say—and if my honorable friend can contradict me in argument let him do so—that if there is one hour per day put upon the clerks of the Treasury Department more than there was a year ago and but three hundred have been removed in all the Departments of the Government, you do not require this additional $60,000; and, if it is not required, we ought not to vote it. That is certain.

Mr. WINDOM. I did not very distinctly understand the Senator from Connecticut, because I cannot presume that he argues that because we have reduced the force three hundred this year therefore we can get along without the $60,000 for temporary clerks better than last; but that was, as I understood, his argument. In any event, I apprehend the reduction will be more than three hundred clerks. Certainly, if the House should accept the Senate propositions, it will be a reduction of some 7 per cent. upon the total clerical force.

Now, I think that this provision—and I want to call the attention of the Senator from Connecticut to that—is in the line of economy; and I know that is the line on which he is fighting; and if I can convince him that it is in the line of economy I am quite sure I shall have his support for this amendment.

It is quite impossible to provide a regular force that will not be too great during the recess of Congress or too small during the session, and by having this comparatively small sum, that can be used whenever the pressure is greatest, you do not require so large a regular force as you otherwise would. I think the Senator will see very clearly that the force required to perform the duties in the Department during the recess cannot perform them when Congress is constantly calling on the Departments for reports, some of them very voluminous; one, I think, called for at this session required the services of twenty-odd clerks for a considerable length of time; but by having this fund, which can be drawn upon in cases of that kind, you do not require so large a regular force as you otherwise would. The committee proposed this amendment upon the recommendation of the Secretary of the Treasury, and I believe it to be in the line of economy; that a smaller regular force can be employed, and that money will be saved by it.

Mr. EATON. Mr. President, it was my own fault and not that of my distinguished friend that I did not make him understand me. He now says that the force will be reduced much more than three hundred and eighteen. Then I apprehend either that I did him some little good the other day or that he has acquired information from other sources.

Mr. WINDOM. Will the Senator allow me a word at that point?

Mr. EATON. I will.

Mr. WINDOM. I said that I presumed the force would be reduced to a greater extent than that. I for one stand ready to reduce the force below what I believe is absolutely necessary for the prompt discharge of the duties of that Department in order to save the appropriation bill; and I am willing as a member of the conference committee on that subject to cripple the service rather than to destroy it; and hence I am willing to go below the reduction that the Senate has proposed, although I believe that the reduction proposed by the Senate is as low as the service will justify, but I would rather cripple than destroy it.

Mr. EATON. I am very sorry to hear my friend say that he would rather cripple the service. I would not cripple it at all. Now let us look at the argument of my distinguished friend one moment. He asks us to appropriate—

For temporary clerks of the Treasury Department, $40,000, and for temporary clerks in the office of the Treasurer of the United States, $20,000.

In the next breath he admits that the conference committee will cut down the service. How my honorable friend can require an appropriation of $60,000 before he knows what the conference committee is going to do is more than I can figure. If I knew that the conference committee were about to reduce the force of the various Departments to a point where I believed with good clerks and proper work the service of the Government could be done, then I should be perfectly willing to vote for the $60,000 for temporary clerks, or so much thereof as might be necessary; but until that thing is done, I submit to my honorable friend that he makes out no case here, and no Senator with the argument of my distinguished friend in his face can vote for that appropriation.

The PRESIDING OFFICER. The question is on the amendment inserting the clause from line 1193 to line 1196.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was in line 1203, to insert the words "House of Representatives for the;" and in line 1205, to strike out the words "the three named gentlemen" and insert "them;" so as to make the clause read:

That the sum of $302.40 be, and the same is hereby, appropriated to Henry Cliff, Charles S. Risinger, and Charles E. Diemer, for services rendered as folders for the House of Representatives for the month of February, 1874, to be divided equally between them.

The amendment was agreed to.

The next amendment was in line 1221, to increase the appropriation for the Signal Service from $300,000 to $400,000.

The amendment was agreed to.

The next amendment was to strike out from line 1238 to line 1243 the following words:

The unexpended balance of the appropriation for sea-coast defenses for the fiscal year ending June 30, 1876, is hereby continued and made available for the service of the fiscal year ending June 30, 1877.

And insert:

Eighteen thousand dollars.

So as to make the clause read:

For military surveys and reconnaissances by the engineer officers attached to the various headquarters of military divisions and departments, and for the construction and publication of maps for the use of the War Department and the Army, $18,000.

The amendment was agreed to.

The next amendment was to insert as lines 1244 and 1245:

For geographical surveys of the Territories west of the one hundreth meridian, $40,000.

The amendment was agreed to.

The next amendment was to insert after line 1245:

For continuing experiments in testing iron, steel, and other metals as provided in section 4 of the act approved March 3, 1875, $69,396.98.

The amendment was agreed to.

The next amendment was to strike out from lines 1256 to 1262 the following words:

The unexpended balances, or so much thereof as may be necessary, of the appropriations for like purposes for the fiscal years ending June 30, 1874, 1875, and 1876, respectively, are hereby continued and made available for the fiscal year ending June 30, 1877.

And insert "$56,000;" so as to make the clause read:

Collection and payment of bounty, prize-money, and other claims of colored soldiers and sailors: For salaries of agents and clerks; rent of office, fuel, lights, stationery, and similar necessaries; office furniture and repairs; transportation of officers and agents; telegraphing and postage, $56,000.

The amendment was agreed to.

The next amendment was after the word "Government," in line 1271, to strike out the following proviso:

Provided, That hereafter no person in the employ of the Government of the United States, or of any Department thereof, or of the District of Columbia, shall hold two places of profit, emolument, or salary: *And provided also*, That no officer, clerk, or employé of Congress shall hold any other office of profit, emolument, or salary while receiving pay from the Senate or House of Representatives, except as authorized by this act.

So as to make the clause read:

For publication of the official records of the rebellion, both of the Union and confederate armies, $40,000; to be paid to persons only who are not otherwise employed by the Government.

Mr. MAXEY. This is an appropriation:

For publication of the official records of the rebellion, both of the Union and confederate armies, $40,000; to be paid to persons only who are not otherwise employed by the Government.

The proviso is to make the latter clause of the text more certain. It goes on to say:

That hereafter no person in the employ of the Government of the United States, or of any Department thereof, or of the District of Columbia, shall hold two places of profit, emolument, or salary: *And provided also*, That no officer, clerk, or employé of Congress shall hold any other office of profit, emolument, or salary while receiving pay from the Senate or House of Representatives, except as authorized by this act.

That proviso unquestionably makes certain the fact that no one person shall draw two salaries from the Government. I do not see the necessity for striking it out.

Mr. WINDOM. The committee recommended the striking out of the proviso because those provisions of law exist now, and the committee thought it was not worth while to re-enact them again. They are the law now.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was after the word "history," in line 1287, to insert "and to transfer for duty in connection with the library one additional acting assistant surgeon;" so as to make the clause read:

For completing the Medical and Surgical History of the War the unexpended balance of the appropriation made in the act of June 8, 1872, and re-appropriated in the act of June 23, 1874, is hereby continued and rendered available, and the Surgeon-General is hereby authorized to continue on duty in his office the acting assistant surgeons now employed on said history, and to transfer for duty in connection with the library one additional acting assistant surgeon.

Mr. LOGAN. I do not know but that the word "transfer" there ought to be "detail."

Mr. WINDOM. Perhaps "detail" is a better word.

Mr. LOGAN. I move to amend the amendment by striking out "transfer" and inserting "detail."

The amendment to the amendment was agreed to.

The amendment, as amended, was agreed to.

The next amendment was after the word "expenses," in line 1294, to strike out:

Three hundred and eighteen thousand seven hundred and thirty-three dollars and forty-four cents, in addition to the unexpended balance of former appropriations, which is hereby continued and made available for the service of the fiscal year ending June 30, 1877,

And to insert "668,733.44."

So as to make the clause read:

Support of National Home for Disabled Volunteer Soldiers: For current expenses, including construction and repairs, namely for Central branch, Eastern branch, Northwestern branch, Southern branch, and for out-door relief and incidental expenses, $668,733.44.

The amendment was agreed to.

The next amendment was, after line 1312, to insert:

For rent of building on southeast corner of Pennsylvania avenue and Fifteenth street northwest, Washington, District of Columbia, from September 1, 1875, to June 30, 1876, at $1,000 per month, $10,000; for rent of the same building from July 1, 1876, to June 30, 1877, at $1,000 per month, $12,000; in all, $22,000.

For repairing and fitting up the so-called Armory building on the Mall between Sixth and Seventh streets, and to enable the Smithsonian Institution to store therein and to take care of specimens of the extensive series of the ores of the precious metals, marbles, building-stones, coals, and numerous objects of natural history now on exhibition in Philadelphia, including other objects of practical and economical value presented by various foreign governments to the National Museum, $4,500.

For the expense of watching and taking proper care of said building and the objects therein contained, $1,500: *Provided*, That the above sums for the fitting-up and care of the said Armory building be expended under the direction of the Secretary of the Smithsonian Institution: *Provided*, That it shall hereafter be the duty of all watchmen or policemen employed in the grounds belonging to the United States to co-operate with the Metropolitan police in enforcing the rules and regulations of the board of Metropolitan police made in relation to the public parks and approved by said board.

The amendment was agreed to.

Mr. SARGENT. On line 1351, page 56, the "T" should be "F." It is a verbal amendment. The name is "F. V. Hayden."

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was after line 1355 to insert:

For the preparation and publication of maps, charts, and other illustrations necessary for the reports of the survey of the Rocky Mountain region, $10,000.

The amendment was agreed to.

The next amendment was to add to the appropriation for the Black Hills survey the following proviso after line 1366:

And it is further provided, That the accounting officers of the Treasury are hereby authorized to audit and settle the accounts of Walter P. Jenney, H. P. Tuttle, and C. G. Newberry, to the amount of $11,000, the same being the sum drawn from the Sioux beneficial fund, in the same manner as if that sum had been appropriated for this survey.

The amendment was agreed to.

Mr. INGALLS. I desire to offer an amendment to this subdivision. If the Senator from Minnesota wishes the amendments of the committee to be first concluded, I will reserve it until they have been considered.

Mr. WINDOM. I prefer that the Senator would let us go through with the amendments of the committee.

Mr. INGALLS. Very well.

The Chief Clerk resumed the reading of the bill. The next amendment of the Committee on Appropriations was to strike out the following clause from line 1374 to line 1381:

For survey of the public lands and private land claims, $200,000: *Provided*, That the sum hereby appropriated shall be expended in such surveys as the public interest may require, under the direction of the Commissioner of the General Land Office, with the approval of the Secretary of the Interior, and at such rates as the Secretary of the Interior shall prescribe, not exceeding the rate herein authorized.

The amendment was agreed to.

The next amendment was to insert as line 1382 to line 1468:

For surveying the public lands in Louisiana, at rates not exceeding $12 per linear mile for township, and $10 for section lines, $7,500.

For surveying the public lands in Florida, at rates not exceeding $12 per linear mile for standard lines, $12 for township, and $10 for section lines, and for closing up the expenses of the office so far as relates to the surveying of the public lands, $5,000.

For surveying the public lands in Minnesota, at rates not exceeding $15 per linear mile for standard lines, $12 for township, and $10 for section lines, $25,000.

For surveying the public lands in Dakota Territory, at rates not exceeding $12 per linear mile for standard lines, $9 for township, and $8 for section lines, $30,000.

For surveying the public lands in Montana Territory, at rates not exceeding $15 per linear mile for standard lines, $12 for township, and $10 for section lines, $20,000.

For surveying the public lands in Nebraska, at rates not exceeding $15 per linear mile for standard lines, $12 for township, and $10 for section lines, $5,000.

For surveying the public lands in Colorado Territory, at rates not exceeding $15 per linear mile for standard lines, $12 for township, and $10 for section lines, and for heavily timbered lands at augmented rates not exceeding $18 per linear mile for standard, $16 for township, and $14 for section lines, $25,000.

For surveying the public lands in Idaho Territory, at rates not exceeding $15 per linear mile for standard lines, $12 for township, and $10 for section lines, and for heavily timbered lands at augmented rates not exceeding $18 per linear mile for standard, $16 for township, and $14 for section lines, $15,000.

For surveying the public lands in New Mexico Territory, at rates not exceeding $15 per linear mile for standard lines, $12 for township, and $10 for section lines, $15,000.

For surveying the public lands in Arizona Territory, at rates not exceeding $15 per linear mile for standard lines, $12 for township, and $10 for section lines, $10,000.

For surveying the public lands in California, at rates not exceeding $15 per linear mile for standard lines, $14 for township, and $12 for section lines, and for heavily timbered mountain lands at augmented rates not exceeding $18 per linear mile for standard, $16 for township, and $14 for section lines, $40,000.

For surveying the public lands in Oregon, at rates not exceeding $15 per linear mile for standard lines, $14 for township, and $12 for section lines, and for heavily timbered lands lying west of the Cascade Mountains at augmented rates not exceeding $18 per linear mile for standard, $16 for township, and $14 for section lines, $50,000.

For surveying the public lands in Washington Territory, at rates not exceeding $15 per linear mile for standard lines, $14 for township, $12 for section lines, and for heavily timbered lands lying in the mountains at augmented rates not exceeding $18 per linear mile for standard, $16 for township, and $14 for section lines, $40,000.

For surveying the public lands in Utah Territory, at rates not exceeding $15 per linear mile for standard lines, $12 for township, and $10 for section lines, $20,000.

For surveying the public lands in Nevada, at rates not exceeding $15 per linear mile for standard, $12 for township, and $10 for section lines, $15,000.

For surveying the public lands in Wyoming Territory, at rates not exceeding $15 per liner mile for standard, $12 for township, and $10 for section lines, and for heavily timbered lands at augmented rates not exceeding $18 per linear mile for standard, $16 for township, and $14 for section lines, $15,000.

For occasional examinations to test the accuracy of surveys in the field, $5,000.

The amendment was agreed to.

The next amendment was after the word "claims," in line 1479, to strike out "the cost of such surveys shall not exceed $10 per mile for standard lines;" in line 1480, to strike out the word "said" before "surveys;" and after the word "triangulation," in line 1480, to strike out—

Seven dollars for township, and $6 for section lines, except that the Commissioner of the General Land Office may allow for the survey of standard lines in heavily timbered land a sum not exceeding $12 per mile.

So as to make the clause read:

Provided, That no lands shall be surveyed under this appropriation, except, first, those adapted to agriculture without artificial irrigation; second, irrigable lands or such as can be redeemed and for which there is sufficient accessible water for the reclamation and cultivation of the same not otherwise utilized or claimed; third, timber lands bearing timber of commercial value; fourth, coal lands containing coal of commercial value; fifth, exterior boundary of town sites; sixth, private land claims. And the starting point for said surveys may be established by triangulation.

The amendment was agreed to.

The next amendment was after line 1484 to insert:

For retracing and conspicuously marking the boundary-line between the State of Arkansas and the Indian Territory, at a rate not exceeding $50 per linear mile, (estimated distance of one hundred and ninety-eight miles,) $9,900: *Provided*, That if iron mile-posts are used, $4 additional for each posts, or so much thereof as may be necessary, may be paid therefor by the Secretary of the Interior, and a sufficient sum of money for that purpose is hereby appropriated.

The amendment was agreed to.

The next amendment was after the word "interest," in line 1501, to insert "in said grant or by any other party;" and in line 1505, after the word "company," to insert "when such company is required by its act of incorporation to pay said costs;" so as to make the clause read:

That an accurate account shall be kept by each surveyor-general of the cost of surveying and platting every private land claim, to be reported to the General Land Office with the map of such claim; and that a patent shall not issue nor shall any copy of any such survey be furnished for any such private claim until the cost of survey and platting shall have been paid into the Treasury of the United States by the party or parties in interest in said grant or by any other party: *And provided further*, That before any land granted to any railroad company by the United States shall be conveyed to such company, or any persons entitled thereto under any of the acts incorporating or relating to said company, when such company is required by its act of incorporation to pay said cost, there shall first be paid into the Treasury of the United States the cost of surveying, selecting, and conveying the same by the said company or persons in interest.

The amendment was agreed to.

The next amendment was after line 1509, to insert:

For completion of surveys of Pawnee reservation in Nebraska, and Otoe reservation in Kansas and Nebraska, $10,000, or so much thereof as may be necessary, the whole amount of the cost of such surveys to be re-imbursed to the Treasury out of the proceeds of the sale of such reservations respectively.

The amendment was agreed to.

The next amendment was to strike out lines 1528, 1529, 1530, and 1531, as follows:

Surveyors-general and their clerks: For compensation of surveyor-general of Louisiana, $1,800; and for the clerks in his office, $1,000.

The amendment was agreed to.

The next amendment was after the word "for," in line 1533, to strike out the words "contingent expenses, namely," and insert "rent of office of the surveyor-general of Louisiana;" so as to make the clause read:

Rent of office of the surveyor-general of Louisiana, fuel, books, stationery, and other necessaries, $1,000.

The amendment was agreed to.

The next amendment was to strike out lines 1536, 1537, and 1538, as follows:

For surveyor-general of Florida, $1,800; and for the clerks in his office, $2,000.

The amendment was agreed to.

The next amendment was in line 1539, after the word "for," to strike out the words "contingent expenses, namely;" and after the word "rent" to insert "of office of surveyor-general of Florida;" so as to make the clause read:

For rent of office of surveyor-general of Florida, fuel, books, stationery, and other necessaries, $1,000.

The amendment was agreed to.

The next amendment was to strike out from line 1542 to line 1544 as follows:

For surveyor-general of Minnesota, $1,800; and for the clerks in his office, $3,000.

The amendment was agreed to.

The next amendment was in line 1545, after the word "for," to strike out "contingent expenses, namely;" after the word "rent" to insert "of office of surveyor-general of Minnesota;" and in line 1547, after the word "necessaries," to strike out "one" and insert "two;" so as to make the clause read:

For rent of office of surveyor-general of Minnesota, fuel, stationery, books, and other necessaries, $2,000.

The amendment was agreed to.

The next amendment was to strike out from line 1548 to line 1550 as follows:

For surveyor-general of the Territory of Dakota, $1,800; and for the clerks in his office, $3,200.

The amendment was agreed to.

The next amendment was in line 1551, after the word "for," to strike out the words "contingent expenses, namely;" after the word "rent" to insert the words "of office of surveyor-general of Dakota;" and in line 1553, after the word "necessaries," to strike out the word "one" and insert "two;" so as to make the clause read:

For rent of office of surveyor-general of Dakota, fuel, books, stationery, and other necessaries, $2,000.

The amendment was agreed to.

The next amendment was to strike out from line 1554 to line 1556 as follows:

For surveyor-general of the Territory of Colorado, $2,500; and for the clerks in his office, $3,600.

The amendment was agreed to.

The next amendment was in line 1557, after the word "for," to strike out "contingent expenses, namely;" in the same line, after the word "rent," to insert "of office of surveyor-general of Colorado;" and in line 1559, after the word "necessaries," to strike out "one thousand five hundred" and insert "two thousand;" so as to make the clause read:

For rent of office of surveyor-general of Colorado, fuel, books, stationery, and other necessaries, $2,000.

The amendment was agreed to.

The next amendment was to strike out from line 1560 to line 1562 as follows:

For surveyor-general of the Territory of New Mexico, $2,500; and for the clerks in his office, $3,000.

The amendment was agreed to.

The next amendment was in line 1563, after the word "for," to strike out "contingent expenses, namely;" after the word "rent," to insert "of office of surveyor-general of New Mexico;" and in line 1565, after the word "thousand," to insert "five hundred;" so as to make the clause read:

For rent of office of surveyor-general of New Mexico, fuel, books, stationery, and other necessaries, $1,500.

The amendment was agreed to.

The next amendment was to strike out from line 1566 to 1568, as follows:

For surveyor-general of California, $2,500; and for the clerks in his office, $8,000.

The amendment was agreed to.

The next amendment was in line 1569, after the word "for," to strike out "contingent expenses, namely;" after the word "rent," to insert "of office of surveyor-general of California;" and in line 1571, after the word "expenses," to strike out "three" and insert "five;" so as to make the clause read:

For rent of office of surveyor-general of California, fuel, books, stationery, and other incidental expenses, $5,000

The amendment was agreed to.

The next amendment was to strike out from line 1572 to line 1574, as follows:

For surveyor-general of the Territory of Idaho, $2,500; and for the clerks in his office, $3,000.

The amendment was agreed to.

The next amendment was in line 1575, after the word "for," to strike out "contingent expenses, namely; for," and, after the word "rent," to insert "of office of surveyor-general of Idaho Territory;" so as to make the clause read:

For rent of office of surveyor-general of Idaho Territory, fuel, books, stationery, and other necessaries, $1,500.

The amendment was agreed to.

The next amendment was to strike out from line 1579 to line 1581, as follows:

For surveyor-general of Nevada, $2,500; and for the clerks in his office, $3,500.

The amendment was agreed to.

The next amendment was in line 1582, after the word "for," to strike out "contingent expenses;" and after "rent" to insert "of office of surveyor-general of Nevada;" so as to make the clause read:

For rent of office of surveyor-general of Nevada, fuel, books, stationery, and other necessaries, $1,500

The amendment was agreed to.

The next amendment was to strike out from line 1585 to line 1587, as follows:

For surveyor-general of Oregon, $2,200; and for the clerks in his office, $3,600.

The amendment was agreed to.

The next amendment was in line 1588, after the word "for," to strike out "contingent expenses, namely, for," and insert "rent of office of surveyor-general of Oregon;" and in line 1590, to strike out "one thousand five hundred" and insert "two thousand;" so as to make the clause read:

For rent of office of surveyor-general of Oregon, fuel, books, stationery, and other necessaries, $2,000.

The amendment was agreed to.

The next amendment was to strike out from line 1592 to line 1594, as follows:

For surveyor-general of the Territory of Washington, $2,200; and for the clerks in his office, $3,000.

The amendment was agreed to.

The next amendment was in line 1595, after the word "for," to strike out "contingent expenses, namely;" and after the word "rent" to insert "of office of surveyor-general of Washington Territory;" and in line 1595, to strike out "one" and insert "two;" so as to make the clause read:

For rent of office of surveyor-general of Washington Territory, fuel, books, stationery, and other necessaries, $2,000.

The amendment was agreed to.

The next amendment was to strike out from line 1598 to line 1600, as follows:

For surveyor-general of Nebraska and Iowa, $2,000; and for the clerks in his office, $3,600.

The amendment was agreed to.

The next amendment was in line 1601, after the word "for," to strike out "contingent expenses, namely;" after "rent," to insert "of office of surveyor-general of Nebraska and Iowa;" and in line 1603, to strike out "one" and insert "two;" so as to make the clause read:

For rent of office of surveyor-general of Nebraska and Iowa, fuel, books, stationery, and other necessaries, $2,000.

The amendment was agreed to.

The next amendment was to strike out from line 1604 to line 1606, as follows:

For surveyor-general of the Territory of Montana, $2,500; and for the clerks in his office, $3,200.

The amendment was agreed to.

The next amendment was in line 1607, after the word "for," to strike out "contingent expenses, namely," and, after "rent," to insert "of office of surveyor-general of Montana Territory;" so as to make the clause read:

For rent of office of surveyor-general of Montana Territory, fuel, books, stationery, and other necessaries, $1,500.

The amendment was agreed to.

The next amendment was to strike out from line 1611 to line 1613, as follows:

For surveyor-general of the Territory of Utah, $2,500; and for the clerks in his office, $3,600.

The amendment was agreed to.

The next amendment was in line 1614, after the word "for," to strike out "contingent expenses, namely," and, after "rent," to insert "of office of surveyor-general of Utah Territory;" so as to make the clause read:

For rent of office of surveyor-general of Utah Territory, fuel, books, stationery, and other necessaries, $1,500.

The amendment was agreed to.

The next amendment was to strike out from line 1617 to line 1619, as follows:

For surveyor-general of the Territory of Wyoming, $2,500; and for the clerks in his office, $3,600.

The amendment was agreed to.

The next amendment was in line 1620, after the word "for," to strike out "contingent expenses, namely;" after "rent" to insert "of office of surveyor-general of Wyoming Territory;" and in line 1 22 to strike out "two" and insert "five;" so as to make the clause read:

For rent of office of surveyor-general of Wyoming Territory, fuel, books, stationery, and other necessaries, $1,500.

The amendment was agreed to.

The next amendment was to strike out from line 1623 to line 1626, as follows:

For surveyor-general of the Territory of Arizona, $2,500; and for the clerks in his office, $3,200.

The amendment was agreed to.

The next amendment was in line 1627, after the word "for," to to strike out "contingent expenses, namely;" after "rent," to insert "for office of surveyor-general of Arizona Territory;" and in line 1629, after the word "thousand," insert "five hundred;" so as to make the clause read:

For rent of office of surveyor-general of Arizona Territory, fuel, books, stationery, and other necessaries, $1,500.

The amendment was agreed to.

The next amendment was under the head of "expenses of the col-

lection of revenue from sales of public lands," to increase the appropriation for salaries and commissions of registers of land offices and receivers of public money at ninety-four land offices, from $365,483.21 to $531,700.

The amendment was agreed to.

The next amendment was to strike out from line 1643 to line 1653, as follows:

For surveying, appraising, advertising, and other expenses preliminary to the sale of the United States arsenal property at Dearbornville, Michigan, under the act of March 3, 1875, $1,000.

That from and after the 1st day of July, 1876, the salaries and compensation of all officers and employés provided for in this act shall be the sums respectively fixed for said officers and employés herein, and no more; and all acts or parts of acts in conflict with the provisions of this act are hereby repealed.

The amendment was agreed to.

The next amendment was to insert as section 2 the following:

SEC. 2. That the Secretary of the Treasury be, and hereby is, authorized to purchase, for the use of the United States, the building occupied and owned by the Freedman's Savings and Trust Company, in the city of Washington, District of Columbia, together with other real estate adjacent thereto, running about one hundred and sixteen feet on Pennsylvania avenue and about one hundred and thirty-six feet on street No. 15½, being the west half of lot No. 3, all of lots 4, 5, 6, 7, and the south half of lot No. 8, in square No. 221, as laid out and recorded in the original plats or plan of said city, supposed to contain about twenty-three thousand feet, be the same more or less; and, for this object, the Secretary of the Treasury is hereby authorized to issue and dispose of United States 5 per cent. bonds, heretofore authorized by law, at not less than par in gold, and to use the proceeds in paying for said real estate at a price not exceeding $325,000: *Provided*, That no payment shall be made of the same until after the Attorney-General shall be satisfied that an indefeasible title to the said real estate will be conveyed to the United States.

Mr. COCKRELL. I should like to ask the Senator in charge of this bill if this is not legislation upon an appropriation bill? It looks that way.

Mr. SARGENT. Not more than buying torpedoes and the like.

Mr. WINDOM. This is in the line of economy, I will say to the Senator from Missouri.

Mr. COCKRELL. So that you admit that it is legislation in an appropriation bill, very well.

Mr. WINDOM. It is not general legislation.

Mr. MORRILL, of Vermont. We are renting the upper portion of this building and paying at the present time more than it would cost to have the whole adjacent real estate around. That is to say, we are paying $17,000 per annum for the upper stories of that building, which is fire-proof with the exception of the roof; and by this purchase, which is offered to us by the trustees for the sum named, we obtain it at the interest on a less sum.

The amendment was agreed to.

Mr. WINDOM. I have a number of amendments to offer, but if agreeable to the Senate I ask that the bill may be reported to the Senate, so that we may act finally upon the amendments already passed upon; and I will reserve my amendments until after that action is taken.

The bill was reported to the Senate as amended.

Mr. MORRILL, of Vermont. I should like to reserve the amendment in line 1205.

The PRESIDENT *pro tempore*. That amendment will be reserved.

Mr. WINDOM. Concurring in these amendments will not prevent the committee or any one else from offering amendments afterward, I understand?

The PRESIDENT *pro tempore*. It will not.

Mr. WRIGHT. Do I understand that the question is on concurring in all the amendments?

The PRESIDENT *pro tempore*. In all the amendments, except one which has been reserved.

Mr. WRIGHT. I make the inquiry, as it is my purpose to reserve the amendment found on page 12, line 274. I want some explanation of that amendment.

Mr. PADDOCK. I ask also that the amendment on page 39, lines 932 and 933, be reserved.

The PRESIDENT *pro tempore*. These three reservations will be made.

Mr. PADDOCK. And also the last amendment, the second section. That being in the nature of a legislative provision, I think the objection of the Senator from Missouri [Mr. COCKRELL] is well taken. I think we had better consider that matter?

Mr. WEST. How is it legislation?

Mr. COCKRELL. I do not desire the Senator from Nebraska to understand that I am objecting to it. With the illustrious examples which have been set for a series of years here, I should scarcely dare to protest against such action in an appropriation bill.

Mr. WINDOM. I assure the Senator that if the other House shall object on the ground that this is legislation, the Senate will not insist that the bill shall be defeated unless they recede from their position.

Mr. COCKRELL. I am not objecting. The Senator from Nebraska must have it reserved on his own responsibility and not on mine. I only wanted an open confession, which is good for the soul.

Mr. LOGAN. A confession of what?

Mr. COCKRELL. That this is legislation.

Mr. LOGAN. I object to legislation of a general character on an appropriation bill. This is not legislation of a general character.

The PRESIDENT *pro tempore*. The question is on concurring in the amendments made as in Committee of the Whole, in gross, except those reserved.

The amendments were concurred in.

The PRESIDENT *pro tempore*. The first reserved amendment will be reported.

The CHIEF CLERK. The first reserved amendment, which was agreed to as in Committee of the Whole, was in line 1203, after the word "the," to insert "House of Representatives for the," and in line 1205, after the word "between," to strike out the words "the three named gentlemen" and insert "them;" so as to make the clause read:

That the sum of $302.40 be, and the same is hereby, appropriated to Henry Cliff, Charles S. Risinger, and Charles E. Diemer, for services rendered as folders for the House of Representatives for the month of February, 1874, to be divided equally between them.

Mr. MORRILL, of Vermont. I should like to have some explanation why that change from "the three named gentlemen" to "them" is made.

Mr. WINDOM. I think the Senator is not anxious perhaps for an explanation. We do not like to enact titles for anybody in this country, and as the House had given to certain persons the title of "gentlemen" we thought perhaps we had better not enter into that business now.

The amendment was concurred in.

The PRESIDENT *pro tempore*. The next reserved amendment will be reported.

The CHIEF CLERK. The next reserved amendment is in line 274, after the word "of" to insert "any of;" in line 275, after the words "District of Columbia," to insert "not required for its actual current expenses;" and in line 279, after the word "seventy-six," to insert the words "and thereafter;" so as to make the clause read:

That the Secretary of the Treasury shall reserve of any of the revenues of the District of Columbia not required for its actual current expenses a sum sufficient to meet the interest accruing on the 3.65 bonds of the District during the fiscal year beginning July 1, 1876, and thereafter, and apply the same to that purpose; and in case there shall not be a sufficient sum of said revenues in the Treasury of the United States at such time as said interest may be due, then the Secretary of the Treasury is authorized and directed to advance, from any money in the Treasury not otherwise appropriated, a sum sufficient to pay said interest, and the same shall be re-imbursed to the Treasury of the United States from time to time as said revenues may be paid into said Treasury until the full amount shall have been refunded.

Mr. WRIGHT. I reserved this amendment for the purpose of having some explanation of it. I was not in at the time it passed. It strikes me as presenting possibly a very important question. If there be no objection on the part of the Senator from Minnesota having the bill in charge, as the Senate is not full and as I do not suppose he proposes to pass the bill to-night, I suggest that we go on with the other amendments and return to this matter to-morrow.

Mr. SARGENT. We cannot hear what the Senator says.

Mr. WRIGHT. I suggest to the Senator from Minnesota, in view of the fact that this amendment raises possibly a very important question, if he has no expectation of disposing of the bill to-night, this question might be left open and come up to-morrow.

Mr. SARGENT. Why not pass the bill to-night?

Mr. WRIGHT. That is the very question that I have suggested to the Senator from Minnesota. I ask him whether he proposes to dispose of the bill to-night?

Mr. WINDOM. If there be no objection I should be very glad to dispose of it, and I think we ought to do so. I think we can do so in a very few moments.

Mr. PADDOCK. If the Senator from Iowa will yield to me, I desire to make a statement in reference to the amendment striking out lines 931 and 932 "to aid in the completion of monument in commemoration of the colored race, $3,000."

I wish to say that the Senator from Mississippi, [Mr. BRUCE,] who is a colored gentleman, desired an opportunity to make an inquiry in reference to this proposed appropriation. He supposed that he would be able to gain knowledge from some members of the House from whom it emanated. He left the Senate to-night with the understanding that the bill would not be concluded, that it would not be passed, that it would not get beyond the Committee of the Whole, or, at all events, beyond being reported from the committee to the Senate. I assured him that there would be an opportunity to-morrow for him to insist upon the rejection of this amendment, so as to restore the clause.

Mr. LOGAN. The Senator will allow me to interrupt him. He says the Senator from Mississippi left the Chamber with the understanding that the bill would not be concluded to-night. With whom did he have such an understanding?

Mr. PADDOCK. He had not an understanding with the entire Senate, of course, but he had that understanding with himself. It was his opinion.

Mr. LOGAN. There are a few Senators who generally are not found here; I do not say the Senator from Mississippi is one of them; but Senators who leave this Chamber have no right to have any understanding about it. It is their business to be here, and I object to any reservation for anybody with any such understanding.

Mr. PADDOCK. The Senator from Mississippi left at an early stage of the bill and naturally supposed it would not be passed to a final vote to-night.

Mr. LOGAN. Then he left without knowing whether there would

be a quorum here or not. It was his business to be here. I object to any Senator having an amendment reserved on account of his absence.

Mr. PADDOCK. I desire to say that at the time the Senator from Mississippi left the Chamber there was a fair presumption that there would not be a conclusion of this bill to-night.

Mr. LOGAN. There could be no presumption about it.

Mr. SARGENT. It is obvious that the business of the Senate cannot wait the convenience of a single Senator; and I desire to say that in this instance no harm would be done by the Senate disagreeing to the provision of the House. The amendment will go to a committee of conference, and I have no doubt the committee of conference on the part of the Senate would be very glad to confer with the Senator from Mississippi in order to get information, which they sadly lack now, as to whether there is such a monument and all there is about it. There is no occasion for stopping the course of the bill in order to get that information now. We have struck out the clause for the purpose of getting the information, and if we get it we shall be very glad to act upon it.

Mr. PADDOCK. I do not know that it is of any sort of importance whatever that the amendment should be rejected, but at the same time I think it is no more than fair that the Senator from Mississippi should have an opportunity to examine it.

Mr. LOGAN. If there is nothing before the Senate, I desire to offer an amendment to the bill.

The PRESIDENT *pro tempore*. The question is on the amendment reserved by the Senator from Iowa, [Mr. WRIGHT.]

Mr. WRIGHT. I was not in at the time this amendment was agreed to in the Committee of the Whole, so that if any explanation was given of it at that time I did not hear it. I should be very glad to have it explained now.

Mr. SARGENT. It is very easily explained. It is to pay the interest on the 3.65 bonds from the revenues of the District.

Mr. WRIGHT. I understand that perfectly well. I understand that the purport of the amendment as it stands reported by the committee, is that it absolutely fixes and settles beyond all contingency the liability of the Government to pay this interest, and that without any reference to anything connected with the revenue.

Mr. SARGENT. At the time these bonds were authorized to be issued Congress pledged the faith of the Government that the appropriate legislation should be passed to pay the interest on the bonds. The House, in view of that pledge of the faith of the Government of the United States, provided that a sufficient sum to meet the interest should be reserved by the Treasury of the United States from the revenue of the District, and that if it was not sufficient, then the Treasury of the United States should pay the amount, to be refunded to the Treasury out of the revenues as they came into the District treasury. That was all right, and the Senate had no objection to that; but we provided, in the very spirit of the House, an amendment that they should not take the funds absolutely necessary for the current expenses of the District—that is to say, should not shut up the public schools, should not stop the operation of the fire department. The revenues will come in during the year amply sufficient to re-imburse the Government, and it was thought better not to take them as they came in, but that the surplus should be spared rather than to seize the first which came in, which might have the effect of shutting up the public schools, shutting up hospitals, and shutting off the fire department, or something of that kind absolutely necessary for the current expenses.

So, then, we make no change in the spirit of the provision by the Senate amendment, but simply guard against an inconvenience which might be very great in the District. We establish no new principle, and we certainly do not go beyond the legislation which Congress itself provided with regard to these bonds.

Mr. WRIGHT. The inquiry I make is who is to determine what is required for the actual expenses of the District?

Mr. SARGENT. The Secretary of the Treasury of the United States, because he receives the funds. They are paid into his hands and he is the one who is required to hold on to them or to let them out in his discretion. It is not the commissioners of the District who are to decide it, but our own highest fiscal officer.

Mr. WRIGHT. He determines what is necessary for the current expenses of the District?

Mr. SARGENT. Unquestionably, because that is a limitation upon his paying out.

Mr. WRIGHT. If that would be sufficient to exhaust the entire sum, then there is nothing left for this purpose?

Mr. SARGENT. If I understand the Senator, I would say that it is in the discretion of the Secretary whether he will hold on to the first money that comes in or money that comes in afterward. During the year he is required to reserve this amount, and it certainly is doing very little toward carrying out the pledge that Congress would provide legislation for the payment of this interest. If the Senator asks me what my individual opinion is, I should say the Government ought to pay one-half the interest absolutely. The bill does not require that, however. It requires the Government to be re-imbursed by the District.

The amendment was concurred in.

The PRESIDENT *pro tempore*. This completes the reserved amendments.

Mr. WINDOM. On page 25, after line 886, I move to insert the following:

> The appropriation of $8,000 made last year to defray the expenses of the commissioner appointed by the President under a joint resolution of Congress to represent the United States in an international penitentiary congress is hereby made available, agreeably to the intent of the act making the appropriation for the payment of all necessary expenses incurred in the preliminary labors connected with the preparation for the congress; and further, as the said congress has, for the purpose of a more thorough preparation, been postponed for a year beyond the time originally fixed for holding it, to wit, 1876, therefore the appropriation referred to above is hereby continued in force for the fiscal year ending June 30, 1877, or until the said international penitentiary congress shall have completed its labors.

Mr. BOGY. I hope that will not be adopted. We had that same subject referred to a committee of the Senate and well investigated there. I do not think it ought to be adopted. There is no reason why it should be, and it has no business in this bill surely. It is in a bungling way in this bill at best, and the whole thing is a humbug. These great national conventions about penitentiaries, or prison discipline, and women's rights are all humbugs.

Mr. WINDOM. The Senator from New Jersey will explain the amendment.

Mr. FRELINGHUYSEN. The subject was referred to a committee of this body, being the Committee on Foreign Relations.

Mr. BOGY. Yes, sir; it was there.

Mr. FRELINGHUYSEN. And was by them recommended to the Committee on Appropriations.

Mr. BOGY. It was passed on in my absence, then.

Mr. FRELINGHUYSEN. That may be. It is a subject that was introduced to Congress by a petition from Governor Horatio Seymour. I have that petition here. That was the foundation of this application. I find that last year, 1875, a statute was passed and appropriation made as follows:

> The sum of $8,000, or so much thereof as may be necessary, be, and is hereby, appropriated to pay the expenses of the commissioner appointed by the President under a joint resolution approved February 16, 1875, to attend the international congress to be held next year at Rome.

The appropriation was made last year. This amendment does not increase that appropriation. As I understand it, and as it appears by the statement of Governor Seymour, a considerable amount of that money was expended in preparation for that congress; in what way I cannot say. Mr. Fish thought that the strict letter of the statutes only extended to the expenses which would be incurred in attending the congress; and hence the gentlemen who made that expenditure have not been re-imbursed. The object of this amendment is to reimburse them out of that fund, and also to pay the expense of attending the congress which is to be held in 1876–'77. That is set forth in Governor Seymour's petition; and that is all I know about it. It was committed to my hands. I do not think that my friend is right in characterizing it as a humbug. If this was original legislation I do not think that I would advocate it; but as it is in the situation that it is, as these gentlemen have, under the authority of the national Legislature, spent a portion of this money, and have been encouraged to go on with this congress, I think it would be better faith for us to pay the money.

Mr. BOGY. The appropriation is not such as is mentioned by the Senator from New Jersey. It is to pay for the expenses of a commission to attend this convention, and not to pay any past expenses.

Mr. FRELINGHUYSEN. It is for both.

Mr. BOGY. The amendment does not so state.

Mr. FRELINGHUYSEN. O, yes, it does.

Mr. BOGY. This measure was before the Committee on Foreign Relations, of which I am a member, and my impression was that we voted against it. Some time when I was not present, no doubt, as my friend well says, the subject must have been reconsidered; but when I was present one day at a meeting of the committee, I may state, and I am maintained by my friend on my left, [Mr. EATON,] we agreed not to recommend this appropriation. I believe now that all such meetings throughout the world going on at the present day are not founded in reason, and that in the end they produce no good. It is but money thrown away to indulge these one-idea men, wild visionaries. As I understand the amendment, it is to pay for expenses to be incurred hereafter, and not past expenses.

Mr. FRELINGHUYSEN. Both.

Mr. BOGY. Certainly the appropriation heretofore made did not authorize anything of the kind.

Mr. FRELINGHUYSEN. This is no appropriation at all, I suggest to my friend. The money was appropriated in 1875. This is to utilize that same appropriation.

Mr. BOGY. But my friend cannot state that. I am better informed than that. The appropriation of $8,000 has lapsed, and you have got to make it here. Why do you make it if it is in force? Because it lapses to-day, it expires to-day, and that is the end of it; and unless it is revived in this bill there is no appropriation.

Mr. HAMLIN. I concur entirely with the Senator from New Jersey as to the propriety of agreeing to the amendment which has been offered. I hope it will be agreed to. I think the Senator from Missouri has spoken with great haste. I think he has said that which on cool reflection he will himself believe to be inappropriate to the occasion in denominating this thing a humbug. Certainly all of us are informed more or less of the improvements that have been made in the construction of prisons all over the world within the last quar-

ter of a century, as to the best modes of their government and the best modes of treating the unfortunate people who are the inmates of these institutions, and of improving their condition and reforming them. Here was a little appropriation made last year for the purpose of inviting the most skilled men in all the world to meet and to confer together as to what were the best modes still to be pursued in the construction of reformatory institutions and in reforming the inmates of them. There was a peculiar condition of things existing which procrastinated the meeting of that congress and threw it over; else that congress would have been held in the past year and the appropriation of last year would have been used. The subject was referred to the committee of which the Senator from Missouri and myself and the Senator from New Jersey are members. It was considered by that committee, never adversely, and I think that it is in the very line of common humanity. I am little less than pained that the Senator from Missouri should have uttered the language which he has uttered here to-night.

Mr. BOGY. I have uttered language in which I think there is nothing improper, if I am a judge of language, and I think I am. I look upon these things as visionary and what we may call humbugs.

Mr. HAMLIN. The Senator denominated it a humbug. That was the language he used. If the Senator can look upon a scheme like this, embracing so much of humanity and so much of philanthropy, as a humbug, I confess I am surprised.

Mr. BOGY. You are welcome to be surprised; I do look upon it in that light.

Mr. HAMLIN. I am not surprised, then, at anything the Senator can say or do.

The PRESIDENT *pro tempore*. The question is on the amendment moved by the Senator from Minnesota.

Mr. EATON. I ask for the yeas and nays.

Mr. SARGENT. That will break up a quorum.

Mr. EATON. There is another thing more important than a quorum in this bill. Let the amendment be withdrawn and the quorum will not be broken.

Mr. MORRILL, of Maine. If the Senator will hear me one moment, I have some recollection about this matter as an original proposition.

Mr. EATON. If my friend will withdraw this amendment and present it as a bill by itself, very well. I would be glad to meet it in that shape; but I think this amendment ought not to be on this bill. Therefore I insist upon the yeas and nays.

Mr. MORRILL, of Maine. Let us understand the original proposition, and then perhaps we shall not divide so widely. Governor Seymour and two or three gentlemen came before the Committee on Appropriations a year or two ago when this act was passed, and made the statement that they were desirous of attending this international council and asked an appropriation for that purpose. Whether it was well or ill I do not know; it is hardly worth while to go into that now; but an appropriation was made to enable these gentlemen to attend that congress. It was to be in a particular year. It turned out that it did not take place in that year; but one of these gentlemen went abroad for the purpose of making the preliminary arrangements to attend that congress to make it a success. In harmony with the provisions of this act, at any rate in harmony with the general objects of the act, he spent some two or three thousand dollars of this $8,000, and they desired to spend the balance of it the current year in attendance upon that congress.

The question arose in the State Department on the application of the party who went abroad and made this expenditure to be re-imbursed the expenditure he had made in taking the preliminary steps for the congress, and the Secretary of State put a strict construction upon it and said this $8,000 was really appropriated for the purpose of attending the convention, and this two or three thousand dollars that had been spent in taking the preliminary steps for the convention could not be paid out of it by him. Therefore he remitted the question to Congress for such direction as would enable him to pay those expenses. The case is just this: We did appropriate $8,000 to be expended for that international congress for these gentlemen of high character; they have gone on and made the preliminary steps for that congress of the past year; but it did not take place. They now want such extension of it as will enable the Secretary of State to pay what they have expended in the preliminary steps and also enable them to spend the balance of it in attendance upon that congress next year.

Abont the object itself I take no issue with my honorable friend from Missouri, although I should not perhaps characterize it precisely as he has done. I think these gentlemen were very honest and very sincere, and believed they were performing a very high public duty. Nobody would question the sincerity of the men. It may be that they were misguided, but they did intend, and intend now, that the Government of the United States should be represented in that international congress. We did give our consent, and they have spent, as they believed in harmony with this act, some two or three thousand dollars in making the preliminary steps. They desire to spend the rest according to the objects and general intent of the act. This amendment, therefore, is not to appropriate money, but it is to allow the payment of money in harmony with the general objects of the act, as I understand it.

Mr. BOGY. This only shows that this thing should not be done. The information conveyed to the Senate by the Senator from Maine was not placed before the committee that had charge of this particular subject. It is all new, new matter, new facts, new information. I think there can be no doubt that if one of these commissioners went to Europe in pursuance of the appropriation and as a commissioner, his expenses ought to have been paid by the Secretary of State; and if he was not paid, it was because he did not go there when he ought to have gone. There being no convention in session for this visionary thing, he ought not to have gone. It is said that he went there as a preliminary matter. I cannot understand the meaning of that word in that sense. Did he go there to qualify himself for commissioner? What could there be preliminary to a convention in relation to prison discipline in Europe? If he did go there as commissioner, he was entitled to pay; and if he did not get it it was because he did not comply with the law.

This a new appropriation, entirely new, and I am opposed to it. It was referred to the Committee on Foreign Relations. Of course, I do not dispute what the gentleman from New Jersey states, but at the meeting where I was we did not agree to report it back. I have no disposition to question, nor do I question, his statement at all, but my understanding at that time was that the Committee on Foreign Relations were opposed to it, and I am opposed to it now because I believe no good results from these hasty gatherings. Trade conventions and all matters of that kind really amount to nothing and do no good. A man can write a book on prison discipline and pour out thoughts acquired by study very well; but to have a parcel of gentlemen meet who want to talk and ventilate themselves in Europe or elsewhere, amounts to nothing at all, and it is what I call a humbug. I hope I am not offensive to my friend from Maine, but it is nothing else but a humbug.

Mr. FRELINGHUYSEN. The Senator doubts whether this measure passed the Committee on Foreign Relations.

Mr. BOGY. I hope the Senator does not misunderstand me. I said when I was present. Of course the Senator said it passed and I do not question the statement, but I spoke of when I was present.

Mr. FRELINGHUYSEN. I did not know whether it had passed or not; so the day before yesterday I requested the clerk of the committee to call on each member of the committee and get his views. He returned me this written statement:

The Committee on Foreign Relations vote on the proposed extension of the appropriation of $8,000 for the international penitentiary congress as follows:
YEA—Mr. Conkling, Mr. Hamlin, Mr. Cameron, and Mr. Frelinghuysen.
NAY—Mr. McCreery, Mr. Bogy, and Mr. Eaton.

I presume that that statement is correct, and I certainly am verified.

Mr. BOGY. Is there a majority in favor of it?

Mr. FRELINGHUYSEN. There is a majority in favor of it.

Mr. BOGY. There is an equal division there now, it seems to me.

Mr. FRELINGHUYSEN. No, sir; there are four in favor of it and three against it. I did not know how it stood before the committee, and therefore prior to reporting it as from the committee I required the clerk to canvass the committee in this way.

Mr. BOGY. I wish the gentleman to understand me. As a question of fact I do not at all question what he says. There is no misunderstanding about that.

Mr. FRELINGHUYSEN. This is what the clerk has stated. I have no doubt it is correct. It seems to me what money has been expended these gentlemen ought to be repaid, and I think that inasmuch as Congress has given its indorsement to this conference heretofore, and this commissioner has been appointed, and the conference is to take place, and the public generally think it will accomplish great good, we ought just to continue the appropriation made last year. At any rate let us have the vote.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from Minnesota, [Mr. WINDOM.]

Mr. BOGY. The yeas and nays have been demanded.

The yeas and nays were not ordered.

The question was put; and there were on a division ayes 21.

Mr. SARGENT. I must appeal to the friends of this amendment to withdraw it. We can pass the bill to-night provided this is not in the way. If the yeas and nays are insisted upon, of course the bill goes over. We ought not to delay this bill because some gentlemen desire this provision to pass.

Mr. FRELINGHUYSEN. I certainly shall not withdraw it while the world stands.

Mr. SARGENT. Very well. Then I call for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 23, nays 12; as follows:

YEAS—Messrs. Allison, Anthony, Boutwell, Clayton, Conover, Dorsey, Ferry, Frelinghuysen, Hamlin, Harvey, Hitchcock, Ingalls, Logan, Maxey, Morrill of Maine, Morrill of Vermont, Paddock, Randolph, Robertson, Spencer, West, Windom, and Wright—23.

NAYS—Messrs. Bayard, Bogy, Caperton, Cockrell, Eaton, Goldthwaite, Gordon, Key, McCreery, Sargent, Wadleigh, and Withers—12.

ABSENT—Messrs. Alcorn, Barnum, Booth, Bruce, Burnside, Cameron of Pennsylvania, Cameron of Wisconsin, Christiancy, Conkling, Cooper, Cragin, Davis, Dawes, Dennis, Edmunds, Hamilton, Howe, Johnston, Jones of Florida, Jones of Nevada, Kelly, Kernan, McDonald, McMillan, Merrimon, Mitchell, Morton, Norwood, Oglesby, Patterson, Ransom, Saulsbury, Sharon, Sherman, Stevenson, Thurman, Wallace, and Whyte—38.

The PRESIDENT *pro tempore*. There is not a quorum voting.

Mr. SARGENT. I move that the Senate adjourn.

The motion was agreed to; and (at eleven o'clock and ten minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, *June* 30, 1876.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. I. L. TOWNSEND.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, announced that the Senate insisted upon its amendments to the bill (H. R. No. 2676) to regulate the assessment and collection of taxes for the support of the government of the District, and for other purposes, disagreed to by the House of Representatives, agreed to the conference asked by the House, and appointed Mr. EDMUNDS, Mr. ROBERTSON, and Mr. EATON the managers of said conference on its part.

It further announced the passage of the following bills, with amendments; in which the concurrence of the House was requested:

An act (H. R. No. 1692) to amend an act approved May 8, 1874, in regard to leave of absence of Army officers;

An act (H. R. No. 1771) to declare forfeited to the United States certain lands granted to the State of Kansas in aid of the construction of railroads by act of Congress approved March 3, 1863;

An act (H. R. No. 2300) granting a pension to Margaret C. Bell; and

An act (H. R. No. 2473) to authorize claimants upon even-numbered sections of land within the twenty-mile limits of the Northern Pacific Railroad to make proof and payment for their claims at the ordinary minimum rate of $1.25 per acre.

It further announced the passage of bills of the House of the following titles, without amendment:

A bill (H. R. No. 11) granting a pension to Eliza Jane Blumer;

A bill (H. R. No. 590) for the relief of Mrs. Susan E. Rhea, widow of Dr. J. Burrows Gardiner;

A bill (H. R. No. 1100) relative to the redemption of unused stamps;

A bill (H. R. No. 1204) granting a pension to Henry H. Wharff, of Company C, Eighteenth Regiment of Ohio Volunteers;

An act (H. R. No. 1337) for the relief of Nelson Tiffany;

An act (H. R. No. 1598) granting a pension to William R. Duncan;

An act (H. R. No. 1602) granting a pension to Margaret E. Cogburn;

An act (H. R. No. 1849) for the relief of Abigail S. Dawney;

An act (H. R. No. 1939) granting a pension to Sarah Emmons;

An act (H. R. No. 1944) granting a pension to Niram W. Pratt;

An act (H. R. No. 2081) granting a pension to William McLay, late a private in Company G, Twelfth Illinois Infantry Volunteers;

An act (H. R. No. 2162) granting a pension to Clara Brosch, mother of Joseph Brosch, jr., late private in Company H, Twenty-fourth Regiment Illinois Infantry Volunteers;

An act (H. R. No. 2229) granting a pension to Jane Bertholf;

An act (H. R. No. 2301) granting a pension to Mary B. Hook;

An act (H. R. No. 2303) granting a pension to Mary S. Greenlee;

An act (H. R. No. 2310) granting a pension to Emanuel B. Herr;

An act (H. R. No. 2387) to fix the retired pay of Surgeon-General Clement A. Finley, retired;

An act (H. R. No. 2586) granting a pension to John L. Bartley; and

An act (H. R. No. 2701) granting a pension to Nancy H. Blacknall, widow of Thomas Y. Blacknall, late private Company L, Seventh Tennessee Cavalry.

It further announced the passage of the following bills; in which the concurrence of the House was requested:

An act (S. No. 297) fixing and limiting expenditure for the erection of the public building at Little Rock, Arkansas;

An act (S. No. 547) for the relief of settlers upon certain lands in the State of Minnesota;

An act (S. No. 735) granting a pension to Martha Irwin, widow of John Irwin;

An act (S. No. 736) granting a pension to Mary M. J. Frank;

An act (S. No. 739) to amend section 5457 of the Revised Statutes of the United States, relating to counterfeiting coin;

An act (S. No. 783) providing for the extension of the time for completing the survey and location of the Portland, Dalles and Salt Lake Railroad;

An act (S. No. 813) granting an increase of pension to Laurence P. N. Landrum;

An act (S. No. 830) for the relief of Joseph W. Parish;

An act (S. No. 845) for the relief of Joseph Wilson, of Bourbon County, Kentucky;

An act (S. No. 846) to punish the counterfeiting of trade-mark goods and the sale or dealing in of counterfeit trade-mark goods;

An act (S. No. 882) granting a pension to Stillman E. Dix, of Hampton, Virginia;

An act (S. No. 883) granting a pension to William H. Oliver, of Sweetwater, Tennessee;

An act (S. No. 928) for the relief of Albert W. Preston; and

An act (S. No. 934) to provide for furnishing certified transcripts of territorial records.

APPROVAL OF JOURNAL.

The Journal of yesterday was read and approved.

TEMPORARY PROVISION FOR EXPENDITURES OF THE GOVERNMENT.

Mr. RANDALL. I am instructed by the Committee on Appropriations to report a bill to provide temporarily for the expenditures of the Government, and to ask that it be passed.

The bill (H. R. No. 3809) to provide temporarily for the expenditures of the Government was read a first and second time.

The bill provides that for a period not exceeding ten days from and after the 30th day of June, 1876, unless the regular appropriations for such Departments shall have been previously made for the service of the fiscal year ending the 30th day of June, 1877, it shall be lawful for any of the Departments of the Government for which appropriations for the said fiscal year are delayed to use for the necessary service of such Departments any unexpended balance which may exist of the appropriations made for the service of the fiscal year ending June 30, 1876.

Mr. RANDALL. It will be remembered that the President's message recommended, without limit as to time in case of the appropriation bills failing at the end of the fiscal year to have been adopted by both Houses, that the balances should be expended. It will be recollected also that yesterday the Senate originated a joint resolution providing for somewhat similar action for a period of thirty days. The Committee on Appropriations are of opinion that such legislation in the first place should originate here and, secondly, that ten days will be adequate to bring about an agreement between the two Houses on the various appropriation bills unpassed.

There are four appropriation bills that have passed both Houses, there are six in committees of conference, and two remain unacted upon by the Senate. The sundry civil bill was reported to the Senate on yesterday. The river and harbor bill has not been reported at all to the Senate from the Senate committee.

Last night the committee of conference on the legislative, executive, and judicial appropriation bill failed to agree, and will report the fact this morning first to the Senate, and in all probability will report the proposition from the House conferees made to the Senate conferees, and obtain the opinion of the Senate as to that proposition. In due time, if it should come from the Senate, I will take occasion to speak as to that proposition.

I yield to the gentleman from Indiana [Mr. HOLMAN] for a moment.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, informed the House that the Senate further insisted upon its amendments to the bill (H. R. No. 3263) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1877, and for other purposes, disagreed to by the House of Representatives, agreed to the further conference asked by the House on the disagreeing votes of the two House thereon, and had appointed Mr. WEST, Mr. HAMLIN, and Mr. MAXEY as managers of the conference on the part of the Senate.

TEMPORARY PROVISION FOR EXPENDITURES OF THE GOVERNMENT.

Mr. HOLMAN. I wish to say in regard to the bill which is the subject of the message just received from the Senate that the balance to the credit of the Post-Office Department is understood to exceed a million of dollars, and that, if the bill just reported by the chairman of the Committee on Appropriations shall pass both branches of Congress, so far as that Department is concerned, it will not be in the slightest degree embarrassed by the failure to pass the post-office appropriation bill prior to the expiration of the present fiscal year.

Mr. FOSTER. Let me ask the gentleman is he certain there is a million of dollars of unexpended balance to the credit of the Post-Office Department?

Mr. HOLMAN. I think I can say with entire certainty that the balance to the credit of the Post-Office Department considerably exceeds a million of dollars.

Mr. WILSON, of Iowa. Will the gentleman from Pennsylvania [Mr. RANDALL] tell us whether there are unexpended balances to the credit of all the Departments?

Mr. RANDALL. The committee considered that question, and understand that the President, before he sent the message to Congress, had consulted the Attorney-General and had made other investigations so far as to know that his recommendation in regard to making temporary provision for the expenditures of the Government would relieve the Government from any embarrassment.

Mr. HOLMAN. The gentleman from Pennsylvania [Mr. RANDALL] could add that the joint resolution which came to the House yesterday from the Senate was a joint resolution simply re-appropriating the amounts remaining to the credit of the various Departments of the Government under the appropriations for the present fiscal year, so that in fact the bill now before the House contains substantially the same provisions that are contained in the joint resolution that came from the Senate.

Mr. WILSON, of Iowa. Was not the recommendation of the President to continue the present appropriations, instead of giving leave to use the unexpended balances?

Mr. RANDALL. That is about the same thing.

Mr. HOLMAN. It was not for new appropriations.

Mr. RANDALL. As I understood the message of the President, it was for permission to use the unexpended balances.

Mr. WILSON, of Iowa. My recollection is that it was a recommendation to continue the present appropriations.

Mr. RANDALL. I believe the gentleman is correct in that.

Mr. WILSON, of Iowa. Then the question comes up, are there unexpended balances to the credit of each Department, to which the bill now before the House will apply?

Mr. RANDALL. We understand that this legislation will remove any embarrassment.

Mr. BUCKNER. Will the gentleman allow me to ask him a question?

Mr. RANDALL. Certainly.

Mr. BUCKNER. I desire to ask the gentleman if, in recommending this proposed legislation this morning, it is the intention of the Committee on Appropriations to back down from its position?

Mr. RANDALL. Far from it; to my mind it is in just the opposite direction. While we do not wish to embarrass the Government, for one, so far as I am concerned, I propose in my official position here as a member of the House to resist to the every utmost unnecessary appropriation or extravagant expenditure.

Mr. LUTTRELL. You mean to stand by reduction.

Mr. RANDALL. I do.

Mr. LUTTRELL. That is right; retrenchment and reform.

Mr. RANDALL. I now call the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. RANDALL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ADDITIONAL LAND DISTRICT IN IDAHO.

Mr. FENN, by unanimous consent, introduced a bill (H. R. No. 3810) to create an additional land district in the Territory of Idaho; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

REDUCTION OF INDIAN RESERVATIONS IN IDAHO.

Mr. FENN also, by unanimous consent, introduced a bill (H. R. No. 3811) to provide for the reduction of the area of the Nez Percés and Fort Hall Indian reservations, in the Territory of Idaho; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

MISSIONARY STATIONS ON INDIAN RESERVATIONS.

Mr. FENN also, by unanimous consent, introduced a bill (H. R. No. 3812) to provide for the occupancy of missionary stations upon Indian reservations; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

SETTLERS UPON UNSURVEYED LANDS.

Mr. FENN also, by unanimous consent, introduced a bill (H. R. No. 3813) to protect *bona fide* settlers upon unsurveyed public lands in the Territory of Idaho; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

ORDER OF BUSINESS.

Mr. RUSK. I ask unanimous consent to make at this time sundry reports from the Committee on Invalid Pensions, for reference to the Committee of the Whole on the Private Calendar.

There was no objection, and leave was accordingly granted.

REPORTS FROM PENSION COMMITTEE.

Mr. RUSK, from the Committee on Invalid Pensions, reported back, with favorable recommendations, the following bills; which were referred to the Committee of the Whole on the Private Calendar, and the accompanying reports ordered to be printed:

A bill (H. R. No. 3130) granting a pension to Margaret R. Coloney, widow of Josiah D. Coloney, First Maryland Infantry Volunteers;

A bill (H. R. No. 3306) granting a pension to Sarah W. Bacon; and

A bill (S. No. 803) to repeal an act granting a pension to Mary H. Bartlett, approved January 28, 1873.

Mr. RUSK also, from the same committee, reported the following; which were read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying reports, ordered to be printed:

A bill, (H. R. No. 3814,) as a substitute for House bill No. 1920, granting a pension to Martha A. Williamson;

A bill, (H. R. No. 3815,) as a substitute for House bill No. 3191, granting a pension to Mary J. Lebow;

A bill, (H. R. No. 3816,) as a substitute for House bill No. 2070, granting a pension to Jonathan R. Tilman; and

A bill, (H. R. No. 3817,) as a substitute for House bill No. 124, granting a pension to T. C. Watson.

JOHN A. SUTTER.

Mr. KETCHAM, by unanimous consent, from the Committee on Private Land Claims, reported a bill (H. R. No. 3818) for the relief of John A. Sutter; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

LIEUTENANT CHARLES B. SMITH.

Mr. KETCHAM also, by unanimous consent, introduced a bill (H. R. No. 3819) to settle the accounts of Lieutenant Charles B. Smith, late of the Fifth Regiment Iowa Volunteer Cavalry; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MARTHA J. COSTON.

Mr. ROBBINS, of Pennsylvania. I ask unanimous consent to report from the Committee on Naval Affairs, for consideration at this time, Senate bill No. 728, for the relief of Martha J. Coston.

The bill appropriates $13,000 to Martha J. Coston, in full of all claims and demands upon the Government of the United States for the use of the Coston signal-light.

Mr. HOLMAN. Before raising any question as to the propriety of considering this bill at this time and reserving all objections, I would be glad if the gentleman from Pennsylvania [Mr. ROBBINS] will have the report of the committee read.

Mr. ROBBINS, of Pennsylvania. I have here the report of the Senate committee on this bill, and I send it to the Clerk's desk to be read.

The Clerk read the following report of the Committee on Naval Affairs of the Senate:

This claim was considered by the House Committee on Naval Affairs the last Congress, and a bill reported for relief of petitioner, accompanied by report No. 334, which is referred to as embracing a statement of the facts in the case before us.

Mrs. Coston is the widow of Benjamin F. Coston, the inventor of the telegraphic night-signals, which bear his name, an invention and system perfected by her since her husband's death, and which was adopted and has been used by our naval and life-saving service for many years.

In 1859 these signals were tested, and at the commencement of the war the Department made a proposition to the petitioner to sell to the Government the right to manufacture these signals for the use of the Navy, and an appropriation for the purpose was passed, which she accepted. The officers of the Government found it difficult (if not impossible) to manufacture them to advantage, and the Secretary of the Navy requested Mrs. Coston to undertake their manufacture for the Navy; and the price per set of twelve pieces was agreed upon at $4.50. This was in the spring of 1861; the signals were delivered, and the price named was paid. The petitioner urged at that time, and now claims, that by reason of the increased cost of labor and materials she was entitled to, and should have received, an advance over and above the price stipulated. To this complaint, however, the Department would not listen, as the price had been fixed by agreement; and it is believed by the committee that she continued in the business of supplying these signals to the Government almost, if not quite, without profit.

By law it was provided that on contracts made previous to its passage the taxes and duties subsequently imposed should be paid by the purchaser, and when the petitioner endeavored to obtain the amount of taxes from the Navy Department she was met with the suggestion that no written agreement could be found contracting with her at the price named, therefore the law was not applicable to her case. Near the close of the war the Department increased the price of her signals to $6 per set, thus acknowledging the justice of her demand, but there were very few delivered after this period, and the increase did not cover those already furnished. Subsequent to the time of entering into the agreement referred to taxes on manufacturer's sales were imposed and had to be paid by the petitioner; additional duties were also levied on some of the articles entering into these signals, the prices for labor almost doubled, and the chemicals used increased in cost from 50 to 75 per cent., and the certificates given her in payment were sold at a discount.

The following letter from Rear-Admiral Smith is made a part of this report:

WASHINGTON, *July* 1, 1865.

SIR: In regard to the reference from you to me of MRS. M. J. Coston's letter to you of June 28 last, touching compensation to her for the Coston signals, I beg leave to say that the arrangement for employing those signals was made in the Bureau of Detail in the spring of 1861, then in charge of Commodore Paulding; the price was agreed upon, as well as I remember, at $4.50 per set of twelve pieces. The signals were furnished as required, and paid for at that price.

The war greatly increased the cost of the materials, and consequently Mrs. Coston petitioned for an increase of price on that before the war agreed upon. This was not granted, on the plea that the price had been fixed. The delivery, receipt, and payment for the signals is ample evidence of that fact.

By the act of June 30, 1864, section 97, persons who shall have made any contract prior to the passage of said act are authorized to add to the prices thereof so much money as will be equivalent to the duty so subsequently imposed. Now, Mrs. Coston claims that the price of the signals was fixed before the passage of the act referred to, and that she has a just claim upon the Government for the amount of the tax.

The claim of Mrs. Coston for an increase of price on the signals, after the contingencies of the war had greatly increased the cost of the materials, was just and fair, in my opinion; as that request was denied by the Ordnance Department, she is certainly entitled to the tax on the bills rendered.

I have the honor to be, respectfully, your obedient servant,

JOS. SMITH.

Hon. GIDEON WELLES,
Secretary of the Navy, Washington, D. C.

The petitioner paid taxes, as per statement, $13,000, and if allowed interest, would make her claim amount to some over $21,000.

The committee, after careful examination of the papers before them, have arrived at the same conclusion as the House committee of the Forty-third Congress, and recommend that Mrs. Coston be paid the sum of $15,000, in full satisfaction of her claim against the Government, and report the accompanying bill and ask its passage.

There being no objection, the bill was ordered to a third reading, read the third time, and passed.

Mr. ROBBINS, of Pennsylvania, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, announced that the Senate had passed a bill (S. No. 900) to continue the public printing; in which the concurrence of the House was requested.

PENSION BILLS REPORTED.

Mr. JENKS, by unanimous consent, from the Committee on Invalid Pensions, reported back, with a favorable recommendation, Senate bills of the following titles; which were referred to the Committee of the Whole on the Private Calendar:

A bill (S. No. 539) to provide for an increase of pension in favor of Martin Kelly;

A bill (S. No. 599) granting a pension to Catharine A. Winslow, widow of the late Rear-Admiral John A. Winslow;

A bill (S. No. 737) granting a pension to Harrison H. Dodds; and
A bill (S. No. 35) equalizing pensions of certain officers in the Navy.

Mr. JENKS also, from the same committee, reported bills of the following titles; which were severally read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying reports, ordered to be printed:

A bill (H. R. No. 3820) granting a pension to Clara L. Attleton;
A bill (H. R. No. 3821) granting a pension to William Quintin;
A bill (H. R. No. 3822) granting a pension to Samuel Mercer and Mary F. Mercer;
A bill (H. R. No. 3823) granting a pension to Matilda and Mary Heymes;
A bill (H. R. No. 3824) granting a pension to Reese Lammey;
A bill (H. R. No. 3825) for the relief of Angelina Powers, of the County of Bradford, in the State of Pennsylvania; and
A bill (H. R. No. 3826) granting a pension to Samuel A. Wilborne.

DANIEL KAY.

Mr. JENKS also, from the same committee, reported back adversely the application of Daniel Kay for a pension; which was laid on the table, and the accompanying report ordered to be printed.

EDWARD BOOKER.

Mr. JENKS also, from the same committee, reported back the bill (H. R. No. 1131) restoring to the pension-rolls the name of Edward Booker, of the county of Henry, State of Virginia, a soldier of the war of 1812, whose name was dropped from the rolls under the act of February 4, 1862; and moved that the committee be discharged from the further consideration of the same, and that it be referred to the Committee on Revolutionary Pensions.

The motion was agreed to.

DRURY DUNAWAY.

Mr. JENKS also, from the same committee, reported back the petition of Drury Dunaway for a pension, and moved that the committee be discharged from its further consideration, and that it be referred to the Committee on Revolutionary Pensions.

The motion was agreed to.

ISABELLA J. BROWN.

Mr. JENKS also, from the same committee, reported back the petition of Isabella J. Brown, widow of Branson Brown, late a private in Company B, Ninth Illinois Infantry, and moved that the committee be discharged from the further consideration of the same, and that it be referred to the Committee on Military Affairs.

The motion was agreed to.

ONE HUNDREDTH ANNIVERSARY OF AMERICAN INDEPENDENCE.

Mr. BANKS. The Committee on the Centennial Celebration, to whom was referred an invitation to the Speaker and members of the House to attend a celebration in this city of the one hundredth anniversary of American Independence, have directed me to submit the report which I send to the desk.

The Clerk read as follows:

The Committee on the Centennial Celebration, to whom was referred a communication from John B. Blake, esq., president of the Society of the Oldest Inhabitants of the District of Columbia, inviting the Speaker and members of the House of Representatives to attend their celebration of the centennial anniversary of American Independence in the city of Washington, respectfully report the following resolution:

Resolved, That the Speaker be, and hereby is, authorized to appoint a committee of thirteen members to attend on the part of the House the celebration of the centennial anniversary of American Independence in the city of Washington by the Society of the Oldest Inhabitants of the District of Columbia.

Mr. BANKS. Mr. Speaker, this society has for many years held celebrations of the anniversary of American Independence. It is a most respectable society, and I am confident that any committee which we may send will be properly received.

The resolution reported by the committee was adopted.

Mr. BANKS. A memorial of employés of the Public Printing Office, asking a furlough, without loss of wages, to attend the centennial exposition, was referred to the Committee on the Centennial Celebration, who have directed me to move that they be discharged from its further consideration and that it be referred to the Committee on Printing.

Mr. O'NEILL. The resolution I send up to the desk will embrace and cover that. I ask that it may be read to the House.

Mr. BANKS. This is not connected with any other subject. I move it be referred to the Committee on Printing.

The memorial was referred to the Committee on Printing.

GOVERNMENT EMPLOYÉS.

Mr. O'NEILL. I ask unanimous consent to submit for adoption at this time the following joint resolution:

The Clerk read as follows:

Resolved by the Senate and House of Representatives in Congress assembled, That the 3d day of July, 1876, be observed as a national holiday, and the offices and Departments of the Government be closed on that day as on the 4th day of July.

Mr. HURLBUT. I object.

Mr. O'NEILL. The object of this joint resolution is to make the 3d day of July of this centennial year, 1876, a national holiday, so that those in positions in the Departments at Washington and in Government offices elsewhere through the country may without loss of pay for that day go to Philadelphia, if they so desire, to join in the centennial celebration, which commences the evening of the 3d. The 4th day of July is a national holiday by existing law.

The SPEAKER *pro tempore*. Is objection insisted upon?

Mr. HURLBUT. It is; we are going to stay here ourselves.

Mr. O'NEILL. I think not.

PICKRELL & BROOCKS.

Mr. CABELL, from the Committee on War Claims, reported a bill (H. R. No. 3827) for the relief of Pickrell and Broocks, of Virginia; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

WILLIAM BUSHBY.

Mr. CABELL also, from the same committee, reported back a bill (H. R. No. 740) for the relief of William Bushby; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

EASTERN BAND CHEROKEE INDIANS.

Mr. SCALES, from the Committee on Indian Affairs, reported back a bill (H. R. No. 3209) to authorize the Commissioner of Indian Affairs to receive lands in payment of judgments to eastern band of Cherokee Indians with the recommendation that it do pass.

The bill, which was read, provides that the Commissioner of Indian Affairs be, and is hereby, authorized and empowered to collect and receive in payment of the amount due on certain judgments in favor of William Johnston and against William H. Thomas, now held by him in trust for the eastern band of Cherokee Indians of North Carolina, the lands mentioned and described in the award of Rufus Barringer, John H. Dillard, and Thomas Ruffin, as a board of arbitrators, under date of October 23, 1874, upon which such judgments were a lien; such lands to be taken at their cash value, to be determined by an appraisal to be approved by the Secretary of the Interior, and conveyed to the eastern band of Cherokee Indians in fee-simple; provided that if the lands above mentioned shall not be sufficient in value to pay off and discharge said judgment, the Commissioner is authorized to receive such other lands as the said eastern band of Indians may select, by and with the assent of the said Commissioner, to an amount sufficient to discharge the said judgment.

Mr. SCALES. I do not think there can be any objection to the passage of that bill.

Mr. RAINEY. I have a word to say on that bill.

Mr. SCALES. It provides for the payment of certain judgments heretofore recovered on behalf of the North Carolina Cherokees against one William H. Thomas. He is almost insolvent except as to lands. The Indian council have agreed they will take the lands at a valuation to be appraised by persons appointed by themselves. It is already agreed upon between them, and the Commissioner of Indian Affairs approves of it, and drew up a bill and sent it here to accomplish the purpose. I hope the bill will pass.

Mr. RANDALL. No bill of that kind should pass the House without a fuller explanation than we have had.

The SPEAKER *pro tempore*. The gentleman did not object to the bill and it is now too late.

Mr. HOLMAN. It is still subject to the point of order.

The SPEAKER *pro tempore*. Does the bill appropriate any money?

Mr. SCALES. It does not appropriate a cent out of the Treasury of the United States.

Mr. HOLMAN. It does indirectly.

Mr. RAINEY. It is to get rid of some worthless lands, giving them in satisfaction of judgments held by these Indians.

The SPEAKER *pro tempore*. The Chair is not exactly apprised as to the facts. The gentleman from North Carolina says the bill does not appropriate the public lands of the United States or money out of the Treasury.

Mr. HOLMAN. I do not insist on the point of order.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. SCALES moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CONTUMACIOUS WITNESS.

Mr. BOONE. I rise to a privileged question. I ask that the subpœna and return to it, as well as a telegram which I send up, be read for the information of the House.

The Clerk read as follows:

By authority of the House of Representatives of the Congress of the United States of America.

To JOHN G. THOMPSON, Esq., *Sergeant-at-Arms, or his special messenger:*

You are hereby commanded to summon Colonel W. F Shaffer to be and appear before the Expenditures in Interior Department Committee of the House of Representatives of the United States, of which Hon. WILLIAM MUTCHLER is chairman, in their chamber in the city of Washington, forthwith, then and there to testify touching matters of inquiry committed to said committee; and he is not to depart without leave of said committee.

Herein fail not, and make return of this summons.

Witness my hand and the seal of the House of Representatives of the United States at the City of Washington, this 1st day of June, 1876.

[SEAL.] M. C. KERR, *Speaker.*

Attest:

GEO. M. ADAMS, *Clerk.*

RETURN.

Subpœna for William F. Shaffer before the Committee on Expenditures in the Interior Department. Served June 12, 9.30 p. m., personally, by reading and by leaving copy.

JNO. G. THOMPSON,
Sergeant-at-Arms, House of Representatives.
DONAVIN.

CINCINNATI, OHIO, *June* 1.

To JOHN G. THOMPSON, *Sergeant-at-Arms, Washington City:*

Subpœnaed Colonel William F. Shaffer at nine and a half o'clock p. m. He says he will proceed immediately to Washington when the convention is over.

S. K. DONAVIN.

Mr. BOONE. I desire to state that Colonel Shaffer is in default, not having made his appearance before the committee. I therefore send to the Clerk's desk a resolution for the adoption of the House.

The Clerk read as follows:

Whereas William F. Shaffer was, on the 10th day of June, instant, duly summoned to appear and testify before a standing committee of this House on the expenditures in the Interior Department, and has without sufficient cause neglected to appear before said committee pursuant to said summons: Therefore,

Resolved, That the Speaker issue his warrant directed to the Sergeant-at-Arms, commanding him to take into custody the body of the said William F. Shaffer wherever to be found, and to have the same forthwith brought before the bar of the House, to answer for contempt of the authority of the House in thus failing to appear before said committee.

Mr. BOONE. I desire to state that there is a matter before the Committee on Expenditures in the Interior Department which is a matter of importance, and the evidence of Mr. Shaffer in relation thereto we deem material and important. The committee are of opinion that he does not desire to appear. I demand the previous question on the adoption of the resolution.

The previous question was seconded and the main question ordered; and under the operation thereof the resolution was adopted.

Mr. BOONE moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

NEW MADRID LOCATIONS IN MISSOURI.

Mr. BUCKNER. I ask unanimous consent to have put upon its passage at this time the bill (H. R. No. 100) granting legal titles to all New Madrid locations in the State of Missouri for which patents have not heretofore been issued.

Mr. HOLMAN. Let the bill be reported.

The bill was read.

Mr. HOLMAN. I reserve the question of consideration on this bill until the gentleman from Missouri has made his statement in explanation of it.

Mr. BUCKNER. I hold in my hand a favorable report on this bill by the Committee on Private Land Claims.

The SPEAKER *pro tempore*. The Chair is informed by the Clerk that the bill is now in Committee of the Whole on the state of the Union.

Mr. BUCKNER. I shall ask to have the Committee of the Whole discharged from its further consideration.

The object of this bill is merely to convey the legal title to these lands to the parties who have an equitable title to them. This is necessary in consequence of the decision of the Supreme Court of the United States that the statute of limitations in any State does not begin to run in favor of a party claiming under a title unless he has a patented title. That is the object of the bill. It does not convey a foot of land. The Government has conveyed the title long ago, and the object of the bill is to give the legal title to these New Madrid holders. As the law now is, under the decision of the Supreme Court a party may be in possession fifty years under one of these New Madrid location titles and yet cannot avail himself of the statute of limitations.

Mr. HOLMAN. Will the gentleman state why the patent does not issue?

Mr. BUCKNER. That may be explained in this way: The certificates issued under the act of Congress are regarded as good, legal titles, and hence these parties make no effort to get patents. Relying upon the decisions of our courts, they regard them as legal titles; and patents are never issued except on the application of the parties interested. The whole object of this bill is merely in the interest of peace, to stop litigation. There is nothing else in it, and I hope gentlemen will make no objection to it.

Mr. CONGER. I ask that the bill may be reported again.

Mr. HOLMAN. What extent of land is affected by this bill?

Objection was made to the present consideration of the bill.

The SPEAKER *pro tempore*. Objection being made, the bill is not before the House.

GEORGE GROVE.

Mr. RAINEY, by unanimous consent, from the Committee on Invalid Pensions, reported back, with a favorable recommendation, the bill (H. R. No. 3461) granting a pension to George Grove; and the same was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

SALE OF DESERT LANDS IN CALIFORNIA.

Mr. LANE. I am instructed by the Committee on Public Lands to report, with amendments, the bill (H. R. No. 125) to provide for the sale of desert lands in Modoc and Siskiyou Counties, in California, and to ask unanimous consent that the bill, as amended, may be put upon its passage.

Mr. PIPER. I object to the present consideration of the bill.

Mr. LANE. I withdraw it.

CHANGES OF REFERENCE.

On motion of Mr. HUNTON, by unanimous consent, the Committee on Revolutionary Pensions were discharged from the further consideration of the following bill and petitions; and the same were referred to the Committee on Invalid Pensions:

The bill (H. R. No. 3699) to increase the pension of Mrs. Louisa Kearney, widow of Lieutenant-Colonel James Kearney, corps of Topographical Engineers, United States Army;

The petition of Martha Somerville, of Davidson County, Tennessee; and

The petition of Anna Brasil, widow of David Brasil, sergeant in the revolutionary war.

JAMES O. ROBERTSON.

Mr. SEELYE, by unanimous consent, from the Committee on Indian Affairs, reported back, with a favorable recommendation, the bill (H. R. No. 3210) for the relief of James O. Robertson, esq.; and the same was referred to the Committee of the Whole on the Private Calendar.

F. PROSH AND T. F. M'ELROY.

Mr. GUNTER, by unanimous consent, from the Committee on Private Land Claims, reported back House bill No. 3617, for the relief of F. Prosh and T. F. McElroy, of Washington Territory; and moved that the committee be discharged from its further consideration and that it be referred to the Committee of Claims.

The motion was agreed to.

MARION WILLSAPS.

Mr. GUNTER, by unanimous consent, introduced a bill (H. R. No. 3828) for the relief of Marion Willsaps; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

STEPHEN POWERS.

Mr. McCRARY, by unanimous consent, from the Committee on the Judiciary, reported back, with a favorable recommendation, House bill No. 3332, for the relief of Stephen Powers; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

UNITED STATES PRISONERS.

Mr. McCRARY. I am directed by the Committee on the Judiciary to report back, with an amendment, Senate bill No. 435, to amend section 5546 of the Revised Statutes of the United States providing for imprisonment and transfer of United States prisoners, and to ask that the bill be now considered and passed.

The bill provides that section 5546 of the Revised Statutes of the United States shall be amended to read as follows:

SEC. 5546. All persons who have been, or who may hereafter be, convicted of crime by any court of the United States, whose punishment is imprisonment in a district or Territory where, at the time of conviction, or at any time during the term of imprisonment, there may be no penitentiary or jail suitable for the confinement of convicts or available therefor, shall be confined during the term for which they have been or may be sentenced, or during the residue of said term, in some suitable jail or penitentiary in a convenient State or Territory, to be designated by the Attorney-General, and shall be transported and delivered to the warden or keeper of such jail or penitentiary by the marshal of the district or Territory where the conviction has occurred; and, if the conviction be had in the District of Columbia, the transportation and delivery shall be by the warden of the jail of that District; the reasonable actual expense of transportation, necessary subsistence, and hire and transportation of guards and the marshal, or the warden of the jail in the District of Columbia only to be paid by the Attorney-General out of the judiciary fund. But if, in the opinion of the Attorney-General, the expense of transportation from any State, Territory, or the District of Columbia, in which there is no penitentiary, will exceed the cost of maintaining them in jail in the State, Territory, or the District of Columbia, during the period of their sentence, then it shall be lawful so to confine them therein for the period designated in their respective sentences. And such change may be ordered in any case when, in the opinion of the Attorney-General it is necessary for the preservation of the health of the prisoner, or when, in his opinion, the place of confinement is not sufficient to secure the custody of the prisoner, or because of cruel or improper treatment: *Provided, however*, That no change shall be made in the case of any prisoner on the ground of the unhealthiness of the prison, of because of his treatment, after his conviction and during his term of imprisonment, unless such change shall be applied for by such prisoner, or some one in his behalf.

The amendment reported from the Committee on the Judiciary was to strike out the words "such change" before the words "may be ordered in any case," and to insert in lieu the words "the place of imprisonment;" also in the same line to strike out the word "ordered" and to insert the word "changed;" so that it will read: "and the place of imprisonment may be changed in any case when, in the opinion of the Attorney-General," &c.

Mr. LORD. Is it in order to pass bills now against the unfinished business of yesterday, which has precedence this morning?

The SPEAKER *pro tempore*. Only by unanimous consent.

Mr. McCRARY. This bill has been read, and it will take but a moment more to pass it.

Mr. LORD. I desire to give notice that I shall object to any other bill or any other business except bills for reference.

The amendment reported from the Committee on the Judiciary was agreed to.

The bill, as amended, was then read a third time, and passed.

Mr. McCRARY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. GOODIN. I desire to make a parliamentary inquiry of the Chair.

The SPEAKER *pro tempore*. The Chair will hear the gentleman.

Mr. GOODIN. What is the regular order for this hour?

The SPEAKER *pro tempore*. The regular order is the unfinished business at the adjournment of yesterday's session: the Geneva award bill.

Mr. GOODIN. To-day being Friday, does not the consideration of the Private Calendar take precedence?

The SPEAKER *pro tempore*. In the order made for the consideration of the Geneva award bill no exception was made in regard to private-bill day; it is a continuing order, for Friday as well as for any other day.

Mr. LORD. I desire to state that after the gentleman from Maine [Mr. FRYE] shall have concluded his remarks (he being compelled to leave the Hall this morning) I will not antagonize a motion to go into Committee of the Whole on the Private Calendar.

CLERK OF REAL-ESTATE-POOL COMMITTEE.

Mr. POWELL, from the Committee of Accounts, reported the following resolution; which was read, considered, and adopted:

Resolved, That the Select Committee on Investigation of the Real-Estate Pool and Jay Cooke & Co.'s Indebtedness be, and they are hereby, allowed to retain the services of a clerk from the day of last appointment to the 15th day of July, 1876.

Mr. POWELL moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CLERK OF POST-OFFICE COMMITTEE.

Mr. POWELL, from the Committee of Accounts, also reported the following resolution; which was read, considered, and adopted:

Resolved, That the clerk of the Committee on the Post-Office and Post-Roads be, and he is hereby, allowed $5 per day from the 1st day of April, 1876, instead of $4 per day, as heretofore allowed.

Mr. POWELL moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

GENEVA AWARD.

Mr. LORD. I call for the regular order.

The SPEAKER *pro tempore*. The regular order is the consideration of the bill (H. R. No. 2685) reported by the Committee on the Judiciary for the distribution of the unappropriated moneys of the Geneva award, on which the gentleman from Maine [Mr. FRYE] is entitled to the floor.

Mr. MILLS. I rise to a parliamentary inquiry. Is there any limit fixed to the discussion of this Geneva award bill? It seems to be engrossing the whole time of the House to the exclusion of all other business.

The SPEAKER *pro tempore*. That is not a parliamentary inquiry.

Mr. MILLS. I ask whether debate on this bill is unlimited?

The SPEAKER *pro tempore*. There is no limitation except such as may be fixed by the action of the House.

Mr. MILLS. Then I move that all debate on this subject be closed after to-day, if that is a proper motion.

Mr. LORD. I have not yielded the floor for any such purpose.

Mr. MILLS. I desire to have some limit fixed to the debate. I would like to have the question put on my motion.

Mr. FRYE. I believe I have the floor.

The SPEAKER *pro tempore*. Does the gentleman from Maine [Mr. FRYE] yield for the motion of the gentleman from Texas?

Mr. FRYE. No, sir; there are several other gentlemen who want to speak.

Mr. MILLS. I do not propose to stop debate now, but after to-day.

Mr. FRYE. I understand that the gentleman from New York, [Mr. LORD,] who has charge of this bill, proposes as soon as I get through to yield, that the House may go into Committee of the Whole on the Private Calendar. My reason for going on now is that I am obliged to leave, owing to the condition of my health.

Mr. MILLS. I do not wish to interfere with the gentleman's speech, or any other speech that may be made to-day; but I desire that we may have some time to attend to other business.

Mr. FRYE. Mr. Speaker, the conclusions at which your committee have arrived can be sustained no more forcibly than by a brief recital of the causes of complaint of our Government against Great Britain, the attendant circumstances, the negotiations, the treaties proposed, the proceedings before the tribunal agreed upon, the award, and the action of Congress relating to its distribution.

Our country was in the midst of a terrible civil war, section arrayed against section, the Republic struggling for life, and that life in imminent danger; then, when the confederacy had no navy, not a single ship of war, no harbor of refuge, no ports open, no ship-yards, no docks, no prize courts, nothing appertaining to a naval power whatsoever, came the terrible news that Great Britain had recognized their belligerent rights—a recognition unexpected, unauthorized, unjust, and wicked, made for the purpose of humiliating if not destroying us. Says Reverdy Johnson in his dispatch to Mr. Seward:

> The history of the world furnishes no instance of so speedy a recognition in the case of revolutionary efforts to subvert an existing government. At the time it was made the insurgents had no port within which to build a ship of war large or small, or the power to get her out if she was built. Nor had they any port to which they could carry any ship that they might capture as prize of war for condemnation in a court of admiralty.

The proclamation granting these rights was issued just before our minister, Mr. Adams, had been received by the British government. At his first interview he said:

> I must be permitted to express the great regret I had felt on learning the decision to issue the Queen's proclamation, which at once raised the insurgents to the level of a belligerent state. * * * It pronounced the insurgents to be a belligerent state before they had ever shown their capacity to maintain any kind of warfare whatever. * * * It considered them a maritime power before they had ever exhibited a single privateer on the ocean.—*Correspondence concerning claims against Great Britain*, volume 1, pages 183, 184.

Soon after it was known in Washington, our Government wrote to Mr. Adams: "The whole American people, so far as they are American, are shocked, offended, and disgusted with declarations of neutrality by the British government."—*Ibid.*, page 202.

What was the result? In June, 1861, the Sumter escaped from the Mississippi, and destroyed the ship Golden Rocket the 3d of July. She was insured. The underwriters refused to pay, and the courts sustained the refusal. In October following the Nashville escaped. At this time our ships were in every sea, in all the ports of the world, freighted with the productions of every country, bearing the fortunes of thousands of our citizens. The intense alarm of our merchants and ship-owners can at this late day hardly be realized. The hawk hovers over the chickens, and the hen gathers them under her wing. Whither could our scattered ships flee for protection? The wing of the Government was powerless to cover them. But how fared these cruisers? They were at once welcomed in every British port; their officers fêted, their sailors made heroes of, their achievements glorified. Such encouragement bore its legitimate fruit. A few more vessels escaped from confederate ports—the Boston, Jeff. Davis, Sallie, and Retribution—doing, however, but little damage. English ship-yards became busy, and the Florida, the Alabama, the Georgia, the Tallahassee, the Chickamauga, and the Shenandoah, built in those yards, equipped, provisioned, and manned in English ports, were soon preying upon American commerce. Several of these cruisers were never in a confederate port during the war. The destruction of our shipping was immediate and the effect upon our commerce terrible. For years we had been increasing our ocean tonnage immensely—from 1830 to 1840, 60 per cent.; from 1840 to 1850, 75 per cent.; from 1850 to 1860, 60 per cent., and in 1861 had reached our highest point, having afloat 2,700,000 tons, and occupying the second place among the nations of the earth in the extent of ocean tonnage. A few years more of such advance would have given us the proud position of mistress of the seas. Perhaps England saw this, feared it, and those cruisers were only doing her will. From 1861 to 1866 more than a million tons of this shipping was lost to us; more than one hundred thousand were burned by English cruisers, sailing under the confederate flag, and more than nine hundred thousand sought protection under foreign flags, principally under that of England. The value of that remaining was crippled by the perils from cruisers, the risk of sailing under our flag being so great as to drive a large proportion of the carrying trade into foreign bottoms. Our prestige was gone, our commercial power broken, and England was without a rival. Who can estimate the gain to her, acquired by her wrong to us?

As might well be supposed, all the loyal people of our country were deeply, profoundly indignant, incensed at England's course. They saw their commercial power broken; their citizens, entitled to protection, deprived of it; their war prolonged; thousands of precious lives lost on both sides; an immense debt incurred, to be an enduring burden to them and to their children, all largely the result of this reckless, unfriendly, and wicked recognition of belligerent rights. There was a deep-seated and universal determination that Great Britain should be compelled to answer for what we charged upon her as her crime; and when the war was over, with our immense Navy, our Army composed of hundreds of thousands of veteran soldiers, our whole people inspired with this intense feeling of unrequited wrong, war with England was indeed imminent. But our leading military officers and our statesmen counseled peace. A war between two such nations would be a fearful calamity, destructive not only to them, but to the interests of the civilized world. Negotiations were commenced, the Clarendon-Johnson treaty was proposed, and so earnestly and ably opposed by Hon. Mr. Sumner that the United States Senate rejected it. What was the opposition to it? That it failed to provide for reparation to our citizens? By no means. In this it was ample, certain, and complete. Reverdy Johnson said of it:

> This question (the alleged unauthorized recognition of belligerent rights,) as well as the question whether this (the English) government had observed their neutral obligations in suffering the Alabama and other vessels to be built and escape from their ports, will be both before the commission and the umpire. That their decision will be in favor of the United States I do not doubt. The reasons for this conviction I will briefly state: First, the recognition of belligerent rights.
>
> Upon this ground, then, independent of the question of proper diligence, the obligation of Great Britain to meet the losses seems to me to be most apparent. * * * I am satisfied that if the convention goes into operation every dollar due on what are known as the Alabama claims will be recovered.—*Johnson to Seward, Message and Documents, Department of State*, part 1, 1868 and 1869, page 411.

We could trace all our commercial disasters, all the losses and damages to our citizens on the seas, directly to this precipitate recognition of belligerency. Our Government maintained this view, and said, October 5, 1863:

"The successive preparations of hostile naval expeditions in Great Britain are regarded here as fruits of that injudicious proclamation." (Page 270.) And January 6, 1864: "On our part we trace all the evils to an unnecessary and, as we think, an anomalous recognition by Her Majesty's government." * * * (Page 273.)

In a formal note to the British government dated May 20, 1865, our Government maintained:

First. That the act of recognition * * * was precipitate and unprecedented.

Second. That it had the effect of creating these parties belligerents after the recognition, instead of merely acknowledging an existing fact. * * *

Fourth. That during the whole course of the struggle in America, of nearly four years in duration, there has been no appearance of the insurgents as a belligerent on the ocean excepting in the shape of British vessels, constructed, equipped, supplied, manned, and armed in British ports. * * *

Seventh. That the failure to check this flagrant abuse of neutrality, * * * with the aid of the recognition of their belligerent character has resulted in the burning and destroying on the ocean a large number of merchant vessels and a very large amount of property belonging to the people of the United States.

* * * * * * *

Ninth. That the injuries thus received are of so grave a nature as in reason and justice to constitute a valid claim for reparation and indemnification.

* * * * * * *

Again, January 23 and February 5, 1862: "We are embarrassed by the attitude of the British government in regard to the entertainment it gives in its ports to pirates engaged * * * in destroying our national commerce. * * * It is easy to see that this is the effect of a premature recognition of the insurrection as entitled to belligerent rights."—(Page 223.) And February 27: "For our own part, we must remain in the belief that the cause and the only cause of all the misapprehensions and embarrassments which have occurred, affecting the two countries, was an unnecessary and premature concession of belligerent rights to the insurgents."—(Page 226.)

Johnson, Seward, Adams, Sumner, in fact all of our eminent public men, held to this doctrine, and all agreed in the assertion that the Clarendon-Johnson treaty admitted this premature recognition of belligerency as the basis of our claims, and that under it our citizens suffering damage from inculpated and exculpated cruisers, by destruction of their vessels, their cargoes, payment of war premiums or otherwise, would be fully indemnified. Then to right the wrongs of citizens nothing more was required. But Mr. Sumner insisted that while it did amply secure the citizen it failed entirely in repairing the national wrongs. It opened no door for any claim for prolonging the war, for money expended in the pursuit of cruisers, for driving our commerce from the seas, for damages to the nation of infinitely greater importance than the destruction of private property by confederate cruisers. For such reasons the Senate refused to ratify this treaty, and the ample remedies it afforded for our citizens were lost, but the reasons for the rejection impressed our people and they acquiesced. We gave no release; our purpose continued firm and unalterable to demand and to receive from Great Britain redress. The President, in December, 1870, calls the attention of Congress to the matter, in his message, as follows:

I regret to say that no conclusion has been reached for the adjustment of the claims against Great Britain, growing out of the course adopted by that government during the rebellion. The cabinet of London, so far as its views have been expressed, does not appear to be willing to concede that Her Majesty's government was guilty of any negligence, or did or permitted any act during the war by which the United States has just cause of complaint. Our firm and unalterable convictions are directly the reverse. I therefore recommend to Congress to authorize the appointment of a commission to take proof of the amount and ownership of these several claims on notice to the representatives of Her Majesty at Washington, and that authority be given for the settlement of these claims by the United States, so that the Government shall have the ownership of the private claims, as well as the responsible control of all the demands against Great Britain.

It cannot be necessary to add that, whenever Her Majesty's government shall entertain a desire for a full and friendly adjustment of these claims, the United States will enter upon their consideration with an earnest desire for a conclusion consistent with the honor and dignity of both nations.

This aroused Great Britain and negotiations were commenced in 1871, which resulted in the treaty of Washington. Arbitrators were mutually agreed upon. The United States appeared as plaintiff, England as defendant. What did the counsel for the plaintiff claim before this august tribunal?

1. Claims for direct losses growing out of the destruction of vessels and their cargoes by the insurgent cruisers.

2. The national expenditures in pursuit of those cruisers.

3. The loss in the transfer of the American commercial marine to the British flag.

4. The enhanced payment of insurance.

5. The prolongation of the war and the addition of a large sum to its cost, &c.

Were the whole of these claims seriously maintained? Undoubtedly, and had been from the beginning. The proofs of this are conclusive. When this case became known in England the whole nation seemed to have been suddenly stricken by madness. The statesmen, the press, and the people clamored, raved, denounced, and denied. Time wore away. The final hearing was approaching, and once more an earnest effort was made to reconcile the differences. An additional stipulation was proposed to the Senate, as follows:

Whereas both governments adopt for the future the principle that claims for remote or indirect losses should not be admitted as the result of failure to observe neutral obligations, so far as to declare that it will hereafter guide the conduct of both governments in their relations with each other: Now, therefore, in consideration thereof, the President of the United States, by and with the advice and consent of the Senate thereof, consents that he will make no claim, on the part of the United States, in respect of indirect losses, as aforesaid, before the tribunal of arbitration at Geneva.

Congress adjourned before any conclusion was arrived at. In the mean time these rules had been agreed upon, adopted by both nations for the government of the arbitrators:

A neutral government is bound—

First, to use due diligence to prevent the fitting out, arming, or equipping within its jurisdiction of any vessel which it has reasonable ground to believe is intended to cruise or to carry on war against a power with which it is at peace; and also to use like diligence to prevent the departure from its jurisdiction of any vessel intended to cruise or carry on war as above, such vessel having been specially adapted, in whole or in part, within such jurisdiction to warlike use.

Secondly, not to permit either belligerent to make use of its ports or waters as the base of naval operations against the other, or for the purpose of the renewal or augmentation of military supplies or arms, or the recruitment of men.

Thirdly, to exercise due diligence in its own ports and waters, and as to all persons within its jurisdiction, to prevent any violation of the foregoing obligations and duties.

The 15th of June was fast approaching, when our Government must present final argument or lose their hold on the treaty. An adjournment was proposed, was had, from the 15th to the 19th of June; consultations were held, dispatches sent and received, until the tribunal announced that, after careful consideration, in their opinion the claims of the United States for, first, the losses in the transfer of the American commercial marine to the British flag; second, the enhanced payment of insurance; and, third, the prolongation of the war, &c., must be excluded. Then the case proceeded at once to final hearing. I wish to call your attention to certain dispatches and communications calculated to throw light upon this finding.

April 2, 1872, the Secretary of State wrote to General Schenck:

Neither the Government of the United States, nor, so far as I can hear, any considerable number of the American people, have ever attached much importance to the indirect claims, or have ever expected or desired any award of damages on their account. * * * In the correspondence I have gone as far as prudence would allow in intimating that we neither desired nor expected any pecuniary award, and that we should be content with an award that a state is not liable in pecuniary damages for the indirect results of a failure to observe its neutral obligations. It is not the interest of a country situate as are the United States, with their large extent of sea-coast, a small Navy, and a small internal police, to have it established that a nation is liable in damages for the indirect, remote, or consequential results of a failure to observe its neutral duties.—*The correspondence respecting the Geneva Arbitration*, page 63.

It is not for their interest to exaggerate the responsibilities of neutrals, but only in the sense of their action in this respect throughout their whole national life-time to restrain the field of arms and enlarge that of peace.—*Argument of Counsel at Geneva. Papers, &c.*, volume 3, page 223.

* * * It is not the interest of a country situate as are the United States, with their large extent of sea-coast, a small Navy, and a smaller internal police, to have it established that a nation is liable in damages, &c. * * * This Government expects to be in the future, as it has been in the past, a neutral much more of the time than a belligerent.

HAMILTON FISH.

—*Papers, &c.*, volume 2, page 476.

The United States have had occasion to look practically on both sides of the question, and therefore sometimes to assert neutral duties, while more generally asserting neutral rights and the policy of peace, to such extent and under such circumstances as to have rendered the United States the champion of neutral rights. * * *

HAMILTON FISH.

—*Papers, &c.*, volume 4, pages 548, 549.

Again Mr. Schenck says:

I think the principle declared in this article for future observance between the two nations is one which, if settled and maintained, must be of inestimable advantage to the United States. With our chances of being generally neutral, when Great Britain and the other European states are belligerent, the benefits of the rule are to be principally and oftenest ours. Our continental position, our extended sea-coast, our numerous ports, the enterprising character of our citizens, and the difficulty of restraining their spirit of adventure, surely make the rule that would thus be established more valuable and more favorable to the United States than to perhaps any other country.

Immediately the opinion of the tribunal was assented to—

[Telegram No. 114, Mr. Fish to General Schenck and Mr. Davis.]

* * * The President directs me to say that he accepts the declaration of the tribunal, as its judgment upon a question of public law, which he felt that the interests of both governments required should be decided. * * * This is the attainment of an end which this Government had in view in the putting forth of those claims. We had no desire for a pecuniary reward, but desired an expression by the tribunal as to the liability of a neutral for claims of that character.

FISH.

—*Papers, &c.*, volume 2, page 578.

Letter of Hon. E. R. Hoar, one of the commissioners.

America's statesmen, in charge of her case, were neither narrow-minded nor short-sighted. They realized that this was the golden opportunity to gain advantage not only for our nation, but for all nations, advantage compared with which any amount of mere money indemnity would be insignificant. Our policy, so wisely inaugurated by Washington, had always been to avoid complications with foreign powers, and to be strictly neutral in foreign wars. Hence we had been the champion of the rights of neutrals, which England had habitually infringed upon or disregarded. As expressed by our counsel at Geneva, both the sentiments and the interests of the United States, their history and their future, have made and will make them the principal advocates and defenders of the rights of neutrals, before all the world. * * * The world needed, and it was especially the interest of the United States, to have not only the privileges but the obligations of neutrals well-defined and established. They therefore wisely insisted that the tribunal should give its judgment on these claims.

They placed the facts and the claims before the tribunal, hoping that they would be regarded "as a reason why a gross sum should be awarded which should be an ample and liberal compensation for our losses by captures and burnings, without going into petty details." * * * They were aware, too, that the injuries which England had inflicted on the United States were such as money could not pay for, and though "regretted" by England in the treaty, would never be forgotten by Americans. * * * They knew that what Richard Cobden had said during the debate in the English Parliament in regard to the Georgia was true, that we "have a sea-coast on the Atlantic and another on the Pacific; that however vigilant, loyal,

and true to its principles the American Government might be when England should be at war, if American nature be human nature, that out of their numerous and almost inaccessible creeks and corners there will be persons to send forth fleet steamers to prey upon her commerce; that many Americans will think it an act of actual patriotism to do so." * * * They therefore offered to accept a new rule: "That both governments adopt for the future the principle that claims for remote or indirect losses should not be admitted as the result of failure to observe neutral obligations, * * * as the consideration for, and as a final settlement of, the three classes of the indirect claims put forth in the case of the United States."—*Short History of Long Negotiations.*

From these citations from the history of the transaction the conclusion is inevitable that both countries assented in advance to this finding of the arbitrators, thus saving the treaty and solemnly settling certain great principles of international law.

It is further evident that our country was pre-eminently satisfied with what had been accomplished up to this time. The premature recognition of belligerent rights had been waived by us, and thus we had been saved from being placed under guardianship for all the future. The three rules had been established, and we should have the benefit of them forever.

Indirect claims had been solemnly adjudicated against, and in all wars to come between other nations, we, being neutral, should reap the advantage. The gain to us in all this was immense, hardly to be calculated in money. What we had lost, or what we had paid for these advantages, I will come to by and by. Thus the obstacles having been removed, the great trial was proceeded with, proofs were presented, arguments heard, and finally this judgment entered up:

The tribunal, by a majority of four votes to one, awards to the United States the sum of $15,500,000 in gold, as the indemnity to be paid by Great Britain to the United States for the satisfaction of *all* the claims referred to the decision of the tribunal.

Precedent to this finding, the nation for its own benefit gave up the claim for premature recognition of belligerent rights, insisted upon and finally compelled the adoption of the three rules, under which the tribunal held that proof of negligence was actual notice to the offending government, not knowledge of the people, not notoriety, not constructive notice, and enabled England to escape from damages caused by all the other cruisers except the Alabama, the Florida, and the Shenandoah after Melbourne. Our Government for its own benefit consented to the preliminary finding of the arbitrators, thus excluding from their further consideration the national claims and the increased premiums of insurance as indirect. Clearly she had a right to barter her own claims for benefits to herself, and the exchange was pecuniarily satisfactory, for she received more than a *quid pro quo*. But did she deliberately sacrifice the claims of her suffering citizens to the same end without any purpose of compensation to them? Had she a moral right to do so? Allow me to quote from the able report of the Judiciary Committee of the Forty-third Congress:

Having for its own interest withdrawn from the arbitrators the "cause and only cause of the evil," thus leaving the tribunal without evidence of that liability of England which the United States had over and over again in every diplomatic form insisted upon, is not the United States estopped from denying reparation to its citizens, based upon the finding of a tribunal to which, for its own purposes, it would not submit the evidence? Indeed, by so doing, did not our Government assume this class of losses of its citizens?—*Report House Representatives Judiciary Committee*, page 7.

I submit, sir, that it appears conclusively our country had no such unjust purpose. On the contrary, it deliberately and carefully provided for such contingency.

This letter of instructions shows it:

DEPARTMENT OF STATE,
Washington, December 8, 1871.

GENTLEMEN: The President having appointed you the counsel of the United States in the matter submitted to the tribunal of arbitration, to meet in Geneva, * * * it becomes necessary to give you briefly the President's instructions on the subject of your duties. * * *

The President desires to have the subject discussed as one *between the two governments*, and he directs me to urge upon you strongly to secure, if possible, the award of a sum in gross. In the discussion of this question, and in the treatment of the entire case, you will be careful not to commit the Government as to the disposition of what may be awarded. * * * It is possible that there may be duplicate claims for some of the property alleged to have been captured or destroyed, as in the cases of insurers and insured. The Government wishes to hold itself *free to decide as to the rights and claims of insurers*, upon the termination of the case. If the value of the property captured or destroyed be recoved *in the name of the Government, the distribution of the amount recovered will be made by this Government, without committal as to the mode of distribution.* It is expected that all such committal will be avoided in the argument of counsel.

I have the honor to be, gentlemen, your obedient servant.

HAMILTON FISH.

Hon. CALEB CUSHING, WILLIAM M. EVARTS, and M. R. WAITE.

Again and again our Government insisted that the award should, if possible, be for a gross sum. Why these instructions, why this anxiety? Clearly assessors would have relieved the Government and the Congress from all care and responsibility in the premises; why then seek to avoid an assessment as provided for in the treaty? There can be but one answer. Our Government, having for its own good sacrificed certain claims of its citizens, held itself morally responsible to those citizens, and, that it might distribute this award equitably to real sufferers, insisted upon a sum in gross and upon its right to dispose of it without any limitation.

Is there anything in the amount of the award, in the manner of arriving at it, antagonistic to this view? Can any man tell upon what figures it was based?

Again allow me to cite authorities:

It does not appear in the protocols how the arbitrators arrived at this amount. I am informed that it was reached by mutual concessions. The neutral arbitrators and Mr. Adams from the beginning of the proceedings were convinced of the policy of awarding a sum in gross. * * * We therefore devoted our energies toward securing such a sum as should be practically an indemnity to the sufferers. Whether we have or have not been successful can be determined only by the final division of the sum.—*Mr. Davis's Report*, volume 4, page 8.

How the amount of the award obtained at Geneva was made up, what precise species of losses it was intended to cover, or even how the interest was computed is not known, and a careful study of the opinions of the several arbitrators has shown us that it was not intended to be known outside of the tribunal itself. (Opinion of the Court of Alabama Claims, Williams *vs.* The United States.)

Again, by the terms of the award, the sum to be paid was to be a settlement in full, now and forever, of all the claims referred. Under the treaty all the claims I have heretofore alluded to were so referred. It makes no difference that some were decided against for the reasons given; they were none the less referred and forever settled by the judgment given:

The high contracting parties engage to consider the result of the proceedings of the tribunal of arbitration * * * as a full, perfect, and final settlement of all the claims hereinbefore referred to; and further engage that every such claim * * * shall be considered and treated as finally settled, barred, and henceforth inadmissible.—*Treaty of Washington*, article 11. And in accordance with the terms of article 11 of the said treaty, the tribunal declares that "all the claims referred to in the treaty as submitted to the tribunal are hereby *fully, perfectly, and finally settled.*"—*Decision and Award Papers, &c.*, volume 4, page 53.

Now, sir, the conclusion seems to me inevitable that this money paid over by Great Britain is to be disposed to sufferers on the seas, in the discretion of Congress. That the Forty-third Congress adopted this view is clearly apparent from the provisions made for insurance companies. The bill allows them to receive their net losses caused by all confederate cruisers. There is no limitation to the three named by the tribunal, the Alabama, the Florida, and the Shenandoah after Melbourne. If the strict constructionist is right, then Congress has already violated the terms of the award as much as it would have done if it had actually made the distribution our act, under consideration, provides for. So, too, the court created by that bill has shown its entire independence of the tribunal; for it has already given judgment in cases where the names of the claimants, the claims, the names of the ships destroyed were never suggested to or heard of by the arbitrators. If we are to be bound strictly by the tribunal, if the Government was the agent of claimants, their attorney, by what right does it provide for any claimant whatsoever who did not plead *eo nomine* in that august court? Sir, the conclusions are inevitable. England recklessly and wickedly did us a grievous wrong. Our citizens, outraged, damaged, thousands of them ruined, without legal redress, without power to compel England to right their wrongs, appealed to their Government. The nation as such appeared before a tribunal agreed upon as plaintiff against Great Britain as defendant, urged national and individual claims; for their own advantage yielded the greater portion of their claim, prosecuted the balance to final judgment, recovered $15,500,000, has already paid out about eight millions to sufferers, and now holds the balance to be distributed, in the discretion of Congress, to other sufferers.

And here allow me to place in the scales the admirable opinion of the court in Williams *vs.* The United States:

Let not the proper attitude of the claimant to the fund for distribution be misunderstood. Whatever his loss may have been, he had not the power to obtain compensation from Great Britain by his own act. Her army and navy would have proved uncomfortable obstacles in his way to her treasury. Just here the Government of the United States took up his case, and by the exercise of its powers as a sovereign, after years of patient labor, by the highest skill in diplomacy, without the loss of blood or treasure, obtained the whole amount due for the depredations complained of, thus achieving a triumph which may, in the progress of civilization, take a higher rank than the profoundest achievements in arms. How the amount of the award obtained at Geneva was made up, what precise species of losses it was intended to cover, or even how the interest was computed is not known, and a careful study of the opinions of the several arbitrators has shown us that it was not intended to be known outside of the tribunal itself. The Government of the United States accepted the sum awarded in full settlement of all the claims comprehended in the terms of the treaty, and soon afterward Congress passed the act providing for its distribution among the claimants, which is to be our chief guide in the actual work of distribution. It is clear that the Government had the right to prescribe the terms on which claimants should present their claims. They were not strong enough to compel payment of the money by Great Britain, and when this Government obtained it the claimants had no legal rights to it, except that which this Government, by its own acts, chose to accord. They must, therefore, take their respective shares of it, subject to all the conditions which the Government has thought fit to appoint, or not take them at all.

Now, what shall be done with this balance of twelve millions? The gentleman from Ohio says, cover it into the Treasury of the United States. What an act of piracy! The wrongs inflicted by England would pale in the presence of so much greater wrongs inflicted by the Republic upon its own citizens who suffered largely because they loved the flag of their country. Why so cover it into the Treasury? Because the war was prolonged, the cost increased, large sums expended in destroying cruisers for the purpose of protecting our commerce. To be sure. But the Government deliberately bargained all this and received for it an immense price—ample, complete satisfaction. Who questions its right to do as it pleases with its own? But, having thus disposed of it, shall it wickedly steal it back from its citizens who as such helped pay it, and thus not only refuse them protection and redress, but take from them the pittance the mercy of Great Britain awarded them? The proposition is too monstrous to argue, too outrageous to consider, too absurd to discuss.

Now, sir, the gentleman from Massachusetts [Mr. PAYNE] who has just closed expresses a very tender regard for Great Britain—intimates that she should be consulted as to the disposition of this fund. Sir, she has no lot in it, no right to express an opinion in relation to

it. It is a judgment the United States recovered against her for wrong done. Let her be forever silent. The history I have given shows that the only act of hers toward us for the last fifteen years for which she should not blush with shame was that one of apology for her wrong, of submission to the tribunal at Geneva, and of payment of the award.

Mr. Speaker, time will not permit me to argue the question of the power of the Government over the $15,500,000. If the able and exhaustive arguments of the gentleman from Pennsylvania, [Mr. JENKS,] from New York, [Mr. LORD,] and from Iowa [Mr. MCCRARY] do not convince this House that the Congress of the United States may distribute the fund in its discretion, governed only by justice and equity, then no words of mine could. Your committee who made the report now under consideration, after careful and patient examination, agreed, without hesitation, without doubt, upon this proposition as the basis of their bill. They only departed from it when they admitted the insurance companies to a participation in the distribution. The gentleman from Pennsylvania [Mr. JENKS] has entered a motion to strike out that clause. I sincerely hope the House will strike it out.

The bill under consideration provides, first, for those who were damaged by cruisers other than the so-called inculpated—the Alabama, the Florida, the Shenandoah after Melbourne.

EXCULPATED CRUISERS.

Whence comes this distinction between "inculpated" and "exculpated" cruisers? It is certainly, in fact, a distinction without a difference.

Take the Shenandoah as an illustration. She was built, armed, and equipped in England; her officers and crew shipped there, largely made up of the very men England saved from the sinking Alabama. Her preparations for sea were well known, her purposes well understood. She put to sea; at once commenced her depredations upon our commerce; finally went into Melbourne to coal. The United States consul protested against her rendering assistance; furnished evidence of her character to the British authorities; but his protests were of no avail. Again she sailed, burning ship after ship. The tribunal holds England liable for all damages done by her after leaving Melbourne, harmless for all caused before. Just prior to her arrival at Melbourne she burned a Union ship, took the captain, his wife, the other officers and men, into that port. Are the owners of that ship, is that captain, and are those sailors any less entitled to recompense than those of the ship burned two days after she left that port? Whence cometh the distinction? Before she arrived at Melbourne she burned the ship of Mr. Metcalf, a worthy constituent of the gentleman from Ohio, who, hearing of the destruction, and that the Shenandoah had gone to England, started at once for the purpose of libeling her. At New York he received notice that she had been turned over to the United States, sold, and the proceeds, more than sufficient to pay his entire loss, covered into the United States Treasury. Of course, if there had been any remedy in the proposed libels, this action of the Government had taken it away, and Mr. Metcalf returned home. For three years now he has been in constant attendance at this Capitol, seeking reparation. His whole fortune wrested from him by this British cruiser, her wrong admitted, her piratical cruise stopped, herself sold because of her crime against this American citizen, the purchase-money now in our Treasury, with millions added to it by the judgment of a court, and he still asking for bread and receiving a stone. And yet the gentleman from Ohio declares it to be his deliberate opinion that the United States, which certainly owed to her citizen protection, failed to render it, shall now hold on to every dollar she has so received, and his outraged constituent remain without remedy, because the Shenandoah, when this burning took place, had not coaled at Melbourne, but had, to be sure, in other English ports; in fact, had never turned her prow into a confederate port during the whole of her piratical career!

Again, sir, take the Georgia, another "exculpated" cruiser. She, too, was built, armed, provisioned and equipped, officered and manned, in an English port. All of her crew but two were Englishmen. She never saw a confederate port, nor sailed within the shore-line of those States. All of her preparations for sea, her purposes in sailing, were notorious. Our minister, Mr. Adams, had all the information for a week before she sailed, and yet the tribunal held England harmless in respect to the damages she caused, and gentlemen on this floor can see no reason in law, equity, justice, or good conscience why our Government should seek to repair the wrongs the Georgia committed upon her inoffending citizens—loyal subjects, every day paying heavy requisitions for the protection of that very country, owing it to them and failing utterly to afford it. The log-books of nearly all these cruisers would be only a repetition of the same story. Who questions the liability of Great Britain for all the damages done by all these cruisers under the stipulations of the Clarendon-Johnson treaty? Now when that treaty was rejected only for advantages our Government would receive; when we deliberately, for ample compensation, relieved England from this class of claims, is not it a monstrous doctrine that our nation, who in the hour of her peril exacted from her citizens such terrible sacrifices, shall now, when her life has been purchased with their treasure and their blood, thus coldly, selfishly, and wickedly profit at their further expense?

Again, sir, how did the tribunal draw so sharp a line, holding England liable alone for the acts of the Alabama, the Florida, and the Shenandoah after Melbourne? I have already cited the three rules relating to negligence—rules urged, insisted upon by the United States—rules the adoption of which would be of inestimable value to us in the future when we should be the neutral nation. We succeeded in obtaining their adoption, and under them we insisted, and the tribunal undoubtedly held the only proof of negligence to be *official notice* to the offending nation and a refusal to act upon it. Only by such a construction could the liability of England have been limited as it was and this line so sharply defined. Who can estimate the value to us of these rules and this construction? Let war be declared between England and France, the United States being a neutral power, with ship-yards all along our immense seaboard, up and down our mighty rivers, with our thousands and tens of thousands of ports and harbors, with our skilled mechanics and adventurous sailors, our whole people incited by the memories of the past and the hopes of the future, how many cruisers would plow the seas in sixty days of whose existence our Government had received no official notice and for whose acts we could not be held liable?

To gain this immense advantage the claims of our citizens for losses sustained by the depredations of the so-called "exculpated" cruisers were deliberately surrendered, settled in full and forever. Now, sir, can it be said, honestly, fairly, that our nation in justice and equity has no obligation remaining to these sufferers?

The next class provided for is those who paid

WAR PREMIUMS.

Who are the so-called war-premium men, and what are their rights in this award? As I said, over one-third of our ocean tonnage sought the protection of the British flag, and by so doing was insured safety and profit. The remainder continued under our flag, exposed to danger and without profit. There were British cruisers crossing every path, and every day a scuttled ship gave warning. I say without profit. It is claimed by insurance attorneys that their voyages were successful; that this was the inducement which kept them under the flag. The proposition is absurd. It is claimed by the same attorneys that the war premiums paid by them were charged against their freights, and then by the merchants against the consumers of the merchandise. This is equally absurd. They had to contend with that great leveler of prices, competition. If the merchant paid for goods freighted in the American bottom 5 per cent. war risk, his neighbor, shipping his goods in the British ship, was not subjected to this expense, and the merchandise of both sought the same market. How, then, could the first mark up his increased cost of transportation?

The ship-owner affords a more marked illustration of the point. Suppose two ships, lying side by side at the wharf of the foreign port, the one under the American flag, the other under the British. The owners of the American pay, first, a war premium on their ship, but some one must also pay it on the cargo. Who does that? Not the owner of it, because he can just as well send it by the vessel sailing under the British flag, where no such charge would be necessary. So the owners of this ship must also pay the extra premium on the cargo. Then do they offer equal inducements to the shipper? Certainly not, for there is in the first ship the risk of detention, of partial loss, of failure of underwriter, of litigation for money in event of loss. Then, to secure the freight, the poor ship-owner is obliged to offer lower freight charges. Can any reply be made to this? What was the result? The most of these vessels sailing under our flag were run without profit, many of them at great loss. But, says some skeptic, "Why in the name of common sense did they sail at all? Why did not they all take safety and profit under a foreign flag?" My answer is that thousands of those men loved the old flag too well to desert it; hated the English ensign too profoundly to seek safety under it. Does not the history I have given of British wrong toward us in our terrible conflict for national life justify the hatred? Again, our ships were confined to the coarsest, cheapest, and heaviest freights. No American ship lying at Canton or Pekin could take silk or tea. The war premium would be three times the freight money. So at Calcutta and many other ports.

Again, the relations between ship and owner are frequently full of sentiment. Every gentleman knows what an affection sometimes grows up for the horse, the house, the farm, for the things used until they become a part of the family. This is peculiarly true of the ship. A father and his sons have built her; have put in her the earnings of their lives; have watched her building from the laying of her keel to the day of her marriage to the ocean; have named her for the wife or sister; have sailed the world over in her, in calm and in tempest, in heat and in cold. She is their ship and they love her as one of their own. Would they, loving their country, hating its enemies, lower the good old flag and hoist in its place the emblem of injustice and wrong? Again, it is a very common thing for a whole neighborhood to own a ship. The captain, the carpenter, the blacksmith, the lumberman, the iron merchant, each takes his share in her; she is the parish ship, owned, loved, and the pride of them all. Shall she be sold to the foreigner or sail under any other than the Stars and Stripes? They would let her rot at the wharf first. Again, there were men, ship-owners and merchants, so loyal to the country in her hour of peril, in her day of dire distress, that no loss of mere money could drive them to any seeming desertion of her. These were the men who kept our flag at the peak throughout the whole war. These are the men who saved to the country her commerce. To them you

owe the million and a half of ocean tonnage you held when the war was over, a debt of gratitude you ought to cheerfully acknowledge. Some of these ship-owners were their own insurers, and occasionally the Alabama, the Florida, or the Shenandoah after Melbourne swooped down upon the ships and destroyed them.

After a dozen years of weary waiting, the last Congress provided for the payment of such loss, and to-day the United States Treasurer is issuing to them warrants for that purpose. But the Tallahassee, Georgia, and cruisers called exculpated, equally British ships, manned by British sailors, inspired by British hatred for their rival on the seas, scuttle and burn others, and because these are of the so-called "exculpated cruisers" such losses are still unprovided for, and to-day appeals are made to you in the name of justice for reparation. But others, and by far the larger proportion, were compelled to insure. When the Sumter destroyed the Golden Rocket, and the courts held the insurance companies harmless under the ordinary marine policy, they had ships sailing every sea, anchored in every harbor, lying at every wharf, freighted with valuable cargoes. There was but one door of safety for them, and the insurance company was its keeper. What mercy had they to expect from these soulless corporations? Could they be inspired by patriotism or moved by sentiment? No. They adjusted their own rates for war-risks, having regard only to the profits of the business, and the ship's owner must comply with their exactions. He did so, paid them millions of dollars in excess of their losses, and now looks to you for remuneration. He saved your commerce, he kept your merchant-ships afloat, he honored your flag, gave credit to your country at an expense of millions of dollars to him, and in hundreds of cases the price he paid was ruin.

You have money enough forced from Great Britain by a judgment of the court to re-imburse him for the tax his loyalty compelled him to pay; and is there any reason why you should withhold it?

INSURANCE COMPANIES.

Now, Mr. Speaker, what has stood directly in the way of a fair, just, and equitable distribution of this award? Three years have elapsed since it was paid into our Treasury, more than twelve years since the greater part of the damage was done. In the mean time our citizens have suffered that terrible sickness of hope deferred. The time has surely been ample, the losses clear, the means of reparation abundant. Who has blocked the door of justice? The insurance companies. Corporations of immense wealth and power, easily united in active, aggressive war upon every measure of relief which declined to name them as the first and most meritorious claimants, having agents and attorneys in every considerable town in the country, unlimited command of men and money, able to mass their whole strength at a moment's warning, and hurl it upon Congress, able and willing to employ scores of the leading men of the land, entitled to the privileges of this floor, and keep them on guard during a whole session of Congress, while, opposed to them, are the impoverished ship-owners and sailors, scattered all over the world; the men from whom they exacted all and more than all the profits of the carrying trade during the whole war, equally scattered, without agents, unable to employ attorneys. The battle is terribly unequal, and were it not for a high sense of justice, an independence of thought and action, an incorruptible purpose to do right pervading the members of Congress, there would be but one result, but one prize, and these companies would hold the lucky ticket. Before the last Congress they waged a tremendous battle, contested every step, fought for their millions with increasing vigilance, with great power and unquestioned ability; even when in the last ditch they never lost heart, but resorted to stratagem and cunning devices, looking us square in the face as if honest, asked for leave to go to the courts, prevailed upon the Nestor of the House, the white-haired, renowned, and revered Poland to advocate their cunning proposition, and failed, as they ought, ingloriously. They did however, I admit, succeed in obtaining an advantage of all other claimants in securing payment for all their net losses, regardless of any distinction between "inculpated" and "exculpated" cruisers; and yet they are not happy.

A distinguished judge was once arguing a case before the judiciary committee of the Legislature of Maine, in which he concluded that the petitioner, "Richard Doe," could not be satisfied, that it was fortunate for the world there was but one "Doe," that a few more would absorb all the things of time and enter eternity crying "not enough!" Said he, if Satan had taken Richard into a high mountain and offered him all the possessions of the earth, he would have cried "not enough!" "not enough!" I am inclined to think that if Satan should take these insurance companies (and I guess he will) [laughter] into a high mountain and make them the same offer their response would be "not enough." [Laughter.]

Again they are here in full force, repeating vigorously their demands. Now, Mr. Speaker, why are they entitled to another day in court? What reasons do they give?

First. They claim that this Government was their attorney to collect these very damages, and having succeeded, but one other duty remains, to pay over to the clients. What an idea! Our great nation the agent of insurance companies, as such spending years of negotiations, levying contributions on the first intellects of the land, making requisitions upon the honorable Senate of the United States, drafting into service the President, threatening war with England, all to collect the bills of insurance companies! And what bills? Why, damages inflicted by English cruisers. Suppose for a moment that our Government held these claims alone, appeared before the tribunal, and presented their case. England answers, what are the losses of your clients for which you enter complaint? O, there are no losses! When you recognized belligerent rights so hastily, created such widespread consternation, these companies at once took advantage of the fears of our citizens, adjusted the rates of insurance so as to make the operation a perfectly safe one, made millions of dollars, and heaped up wealth at the rate of 25, 30, and 40 per cent. annually. The reply of England would surely be: We have done these companies no harm by your own showing; on the contrary, we have poured wealth into their coffers, and you have no suit which in justice can be maintained against us. The tribunal would have certainly adjudged the answer satisfactory. Does any one doubt this? The counsel for Great Britain, in the proceedings before the tribunal, did at once raise this question. I quote from him:

> With respect to the insurance companies it must be remembered that, as against the losses which they paid, they received the benefit of the enormous war premiums which ruled at that time, and that these were the risks against which they indemnified themselves—and, it cannot be doubted, so as to make their business profitable upon the whole—by those extraordinary premiums.

If these companies had been the only claimants would our Government have taken a step toward an adjustment?

Again, Mr. Evarts, attorney-in-chief of these corporations, while earnestly arguing the matter of agency, on being asked what should be done with those companies who put in no appearance whatever, replied: They should be paid out of the money collected. And yet there was no privity between them and the great attorney. Curious agency that!

Secondly. They rest their claim on the doctrine of subrogation; certainly a very taking one with lawyers. No one questions the soundness of the legal position. That the underwriter is subrogated to all the rights of the insured in event of partial loss and abandonment is beyond dispute, and if there is any legal claim against a wrong-doer for the damages done the company may prosecute it in their own behalf. But has the doctrine any application in this case? Clearly not.

Before any of the depredations complained of had taken place Great Britain had recognized the belligerent rights of the confederacy. Then, as a logical sequence, no man injured in his person or property had any legal claim against the injurer, nor can it be pretended that any individual sufferer had any claim recognized in law against England. The recognition of belligerent rights had been deliberately waived by our Government as the basis of claim. But suppose it had not been, could the underwriter bring any suit against the English government and maintain it? Her reply would have been, "If I have offended, my offense is against your Government, not against you. I am answerable only to her." Was it in the power of these insurance companies to enforce their claims. There is infinite pretense in all this talk of subrogation. The companies knew perfectly well, when they adjusted their rates, that in ninety-nine cases out of the hundred the ship insured, if injured at all, would be entirely destroyed; that there would be no practical remedy against anybody for the destruction; therefore they did not take into consideration or make any allowance whatever for benefits to be derived from their favorite legal position. In the ordinary risks these legal rights with which they are clothed are credited in adjusting the premium. The war rates are conclusive evidence that no such allowance was made to the insured against war risks. The immense, unprecedented profits of the business ought to be a satisfactory reply to the claim. An "unknown poet" seems to have fully understood the case when he wrote—

> From him who hath not should be taken away
> Even that which he hath, and be given
> Unto him who hath all, the insurance men say;
> And, gods! for this rule how they've striven!
> Late and early they've labored with might and with main
> To dishonor the faith of the nation,
> While their lawyers, a host without number, maintain
> That sheer *theft* is but plain "*subrogation*."

Thirdly. They insist that they were before the tribunal and their claims were allowed. There is not a scintilla of evidence in the whole case in support of this theory. They were before the arbitrators, but they were there as witnesses, nothing more. There claims were only proofs of the amount of losses. The quotations so abundantly made by the insurance attorneys in support of this position are from the dissenting opinion of one of the judges, Cockburn, entitled to no weight whatever.

Fourthly. They come with a special and specious plea: We are mutual companies, merchants and ship-owners making up a pool. If a vessel is lost, the pool pays the insurance, and at the close of each year a balance is struck, and so much of the pool as remains is paid out to the contributors. Now pay over to us, and we will distribute to the very men who paid the war premiums. But the war-premium claimants reply, there are leeches in your companies, presidents, directors, actuaries, attorneys, fine buildings, extravagant rents; there, too, are all of the immense expenditures for agents, lobbyists, attorneys, employed for the last five years against our interests. When you have charged off against us all these expenses, how much of a dividend will be declared? Heaven save us from any such guardianship. We remember vividly the distribution of the Columbian Mutual. A brief statement of its character and career will be useful in throwing light upon this fourth proposition.

Columbian Mutual Insurance Company, organized August, 1857. From the annual report made January 1, 1861, before war risks were known, I find total assets $1,228,684.77; excess of losses and expenses over earned premiums for the year 1860, $86,271.19. But the war risks soon changed the fortune of this company. For January, 1864, they report total assets, $3,140,930.80; profit for the year 1863, $1,137,163.33, after reserving for estimated claims unadjusted and other contingencies $441,206.49, profit to be divided, $695,974.52. Of this residue 30 per cent. will be paid in cash to the stockholders on and after March 10, 1864; on old stock 12 per cent., on new stock 10. There will also be a scrip dividend on and after June 1, 1864, on the cash capital; on old stock 7 per cent., on new 5; making the total dividend for the year paid to stockholders 26 per cent.

This company is partly stock, partly mutual, having no resemblance whatever to that Utopian pool company so earnestly urged before the Judiciary Committee. Shortly after this report the company failed, distributed their assets, but in the distribution only gave the creditors 5 per cent. What became of all the rest its creditors are anxious to know. It was not lost in its war business, for the whole claim of this company is a little more than $700,000. Would not this company be an excellent guardian for these war-premium men, understanding so thoroughly as it seems the art of distributing the smallest possible sum to its creditors?

This statement shows further how little of truth there is in the character claimed for these mutual companies. The fact is they are nearly all mongrel, half stock and half mutual.

Take the Atlantic Mutual of New York, paraded by all these insurance attorneys as the paragon, the model mutual company, a claimant too against this fund for $1,760,615. I said the Columbian claimed $705,608; so these two companies claim nearly one-half of the whole amount sought to be received by all the companies, forty in number.

ATLANTIC MUTUAL INSURANCE COMPANY OF NEW YORK.

In 1824 the Atlantic Insurance Company, a stock concern, was chartered and organized, did business for eighteen years, paid a net profit of 350 per cent. on its original capital—a remarkable success—and yet in 1842 it adopted the mutual plan. What was its motive? Certainly not charity. An examination of its charter and the insurance laws of New York will show. Twenty-one of the original stockholders obtained the charter. In examining this, I take an abstract made by Mr. Moore, of San Francisco, whose direct and indirect losses ruined him, and who died seeking his rights of Congress:

Section 10 provides that policy-holders, on risks not marked off, upon which the premium is not less than $100, shall be entitled to one vote for each $100 of such premium until the outstanding scrip of the company shall amount to $500,000.

Section 11. Scrip-holders to the amount of $100, issued in the name of such holders, shall be entitled to one vote for each $100 of such scrip.

Section 13 provides that "annual dividend statements shall be made, which shall contain a fair estimate of the net profits of the company not before divided, up to and including the last day of each year, taking into view the probable amount to be paid on all claims and demands which have been or may be made against the company." After ascertaining in this mode the net profits of each period on risks marked off, the board of trustees may declare a dividend, and the officers of the company may issue certificates of a certain percentage on the premiums received for such marked-off risks, to the persons in whose names the policies of insurance were originally made or to their representatives.

Section 19 provides that the trustees of the Atlantic Mutual Insurance Company may take from themselves, as stockholders in the Atlantic Insurance Company, one-half of the stock and assets of the latter company, on such terms and for such periods as they can agree with themselves, and pay legal interest thereon, and authorizes them to appropriate and pay profits thereon *pro rata* upon the amounts received, with the premiums subsequently earned.

Section 13 declares the amounts named in the scrip certificates to be conclusive, whether accepted or not. Persons entitled to such scrip can, therefore, have no claims upon surplus earnings. It also declares that such scrip shall be a percentage on the premiums received, thereby excluding policy-holders from participating in the interest derived from the large amount of invested capital.

Section 1 permits any mutual marine insurance company then existing, or that might thereafter be chartered by the Legislature or be incorporated under any general law of the State of New York, to create or unite with its existing funds a cash capital of not less than $300,000, to be divided into shares of $1.0 each.

Section 2 provides for payment of 7 per cent. interest on such capital, and permits the payment to the holders of stock capital, in cash, one-third of all the net profits of the business; the other two-thirds of net profits to be paid in scrip to persons entitled by the charter or articles of association to participate in its profits.

Section 4 provides that holders of cash capital or stock shall be entitled to one vote, at all elections, for each share of stock; that no person shall be entitled to vote at any election by reason of holding either policies of insurance or certificates of scrip, thereby annulling sections 10 and 11 of the charter of the Atlantic Mutual Insurance Company and depriving policy and scrip holders of all mutual marine insurance companies of membership, making scrip-holders simply creditors of the companies and their claims subject to be canceled at the discretion of a board of trustees, in whose election they have no voice.

CHARTER AND BY-LAWS.

This is that model company of merchants contributing to a pool. See, now, how successfully it operated.

I quote from the New York Insurance Reports, 1861, volume 1, page 527. The Atlantic Mutual was organized 1872. Total assets January 1, 1861, $6,646,292.10; profits for 1860, $1,594,000. Six per cent. interest on the outstanding certificates of profit will be paid to the holders thereof on and after the 5th of February, 1861.

After reserving two and one-half millions of dollars profits, the outstanding certificates of 1859 will be paid to the holders thereof. * * * A dividend of 35 per cent. cash is declared on the net earned premiums for the year ending December 31, 1860.

For the year 1862, 40 per cent., free from Government tax, is declared.

Again, from reports of 1864. Total amount of assets January 1, 1864, $9,265,546.32; net earnings remaining with the company, $5,268,670; profits for 1863, $2,630,000, after reserving three and one-half million dollars of profit. Certificates of the issue of the year 1862 will be paid. A dividend of 40 per cent. is declared.

Now, whose was the $6,600,000 assets and the two and one half millions of reserved profits January, 1867, on the increased assets, and the three and one half millions reserved profits January, 1864? Certainly it did not belong to the temporary policy-holders. They, in receiving their 20, 30, 35, and 40 per cent. dividends, had settled and canceled all their interests in and claims upon the company. Of course it belonged to the company. The losses were paid from a general fund, and the profits went into a general fund. Only a part was ever returned, the balance accumulating for somebody's benefit. Whose? Now, these are fair samples of the New York mutual insurance companies; their profits through the war a fair average. I annex a table showing the operations of these companies.

Is not the impudence of these companies without parallel in the history of Congress? They not only ask but they demand about the whole of this fund, and they insist that the nation will be dishonored if they do not receive it. I trust this House will accept the dishonor meekly, rather than do the injustice they claim.

Synopis of the business of the several insurance companies in the city of New York hereinafter named for the several years as stated, made from their own returns.

ATLANTIC MUTUAL.

For what years.	Premiums, &c.	Losses, expenses, &c.	Interest paid, cash.	Scrip dividends.
			P. ct.	P. ct.
1861	$4,155,165 78	$3,040,126 64	6	30
1862	4,485,253 68	2,710,705 31	6	40
1863	7,597,666 56	4,888,618 52	6	40
1864	7,964,369 14	4,629,925 30	6	40
1865	6,764,146 38	4,651,519 89	6	35
Total	30,966,601 54	19,920,895 66		

SUN MUTUAL.

1861, to October	1,483,263 64	1,316,300 70	6	10
1862, to October	1,629,089 61	1,362,970 22	6	16
1863, to October	2,265,576 31	2,003,788 70	6	10
1864, to October	2,192,087 12	1,620,407 11	6	30
1865, fifteen months, to December 31	2,691,751 07	2,464,241 63	7½	12
Total	10,261,767 75	8,767,708 36		

MERCANTILE MUTUAL.
(Paid dividend on capital besides.)

1861	847,972 68	753,322 01	6	12
1862	1,044,005 09	885,187 48	6	17
1863	1,163,741 64	1,031,436 85	6	12
1864	1,281,790 41	1,146,374 95	6	20
1865	915,013 63	842,531 89	6	*
Total	5,252,523 45	4,658,853 18		

COMMERCIAL MUTUAL.

1861, to July	581,827 94	462,439 34	6	10
1862, to July	397,580 39	293,777 98	6	25
1863, to July	477,032 38	378,056 30	6	20
1864, to July	476,084 51	281,814 81	6	33½
1865, to July	381,191 26	245,178 11	6	35
1865, six months, to December 31	316,849 14	130,702 05	.....	25
Total	2,630,625 62	1,789,568 59		

COLUMBIAN.

1861, fourteen months, to January 2, 1862	982,695 67	711,382 09	†	†
1862	725,386 39	496,617 25	†	†
1863	2,352,842 02	1,225,778 69	†	†
1864	4,932,516 67	2,867,762 05	†	†
Total	9,003,440 75	5,301,540 08		

NEW YORK MUTUAL.

1861, to July	738,374 52	642,851 81	6	10
1862, to July	562,729 37	456,798 50	6	15
1863, to July	638,471 18	445,228 97	6	10
1864, to July	514,337 24	286,509 56	6	80
1865, to July	410,485 20	291,926 80	6	12½
Total	2,864,397 51	2,133,315 64		

* Scrip converted into stock.
† Various to stock and dealers.

Synopsis of the business of the several insurance companies, &c.—Cont'd.

ORIENT MUTUAL.

For what years.	Premiums, &c.	Losses, expenses, &c.	Interest paid, cash.	Scrip dividends.
			P. ct.	P. ct.
1861, to March	$517,342 21	$383,386 87	6	18½
1862, to March	444,461 68	337,089 60	6	25
1863, to March	370,648 78	265,345 36	.....	.....
1864, to March	283,998 00	194,674 49	6	20
1865, ten months, to December 31	360,134 68	271,424 22	6	10
Total	1,976,585 35	1,451,910 54		

GREAT WESTERN.

1861	1,660,011 94	1,446,252 83	6	.....
1862	1,591,075 77	1,204,596 79	6	10
1863	2,476,201 57	1,507,125 58	6	25
1864	2,585,967 80	1,613,381 71	6	40
1865	2,780,031 80	2,308,959 12	6	30
Total	11,093,288 88	8,080,256 03		

UNION MUTUAL.

1861	518,062 84	392,025 25	6	31
1862	449,975 50	249,645 11	6	41
1863	533,970 03	322,976 77	6	28
1864	516,064 71	231,549 54	6	40
1865	507,173 15	407,944 60	6	20
Total	2,525,266 23	1,604,141 27		

WASHINGTON MARINE.

1861	205,689 37	187,684 62	7	.....
1862	230,005 71	185,564 00	7	.....
1863	335,818 59	254,931 33	7	20
1864	466,522 59	398,382 41	7	20
1865	528,805 74	465,840 94	7	10
Total	1,766,842 00	1,492,603 30		

PACIFIC MUTUAL.

1861	589,093 48	487,238 07	6	10
1862	523,789 22	296,006 28	6	35
1863	701,967 16	478,331 61	6	30
1864	836,772 88	462,367 14	6	37½
1865	760,321 95	498,665 36	6	20
Total	3,411,944 69	2,222,628 46		

ORDER OF BUSINESS.

Mr. LORD. I am willing, on account of this being private-bill day, to yield the Geneva award bill in favor of private bills on condition that I can regain the floor in the morning, when after a short debate I propose to move the previous question and take a vote to-morrow.

The SPEAKER *pro tempore*. The interposition of other business does not deprive the gentleman from New York of his right in respect to that bill.

Mr. BRIGHT. I move that the House resolve itself into Committee of the Whole on the Private Calendar.

The SPEAKER *pro tempore*. The gentleman from Texas [Mr. SCHLEICHER] has addressed the Chair. For what purpose does the gentleman rise?

Mr. SCHLEICHER. I merely wish to state that immediately after the special order which has now been under consideration, the Geneva award bill, there stands upon the Calendar the report of the Committee on Texas Border Troubles.

I desire to state to the House that while the Geneva award bill has been before the House for two or three weeks, the report of the Committee on Texas Border Troubles has been elbowed back and elbowed back; and I wish in a few words to state the history of that report.

One of the very earliest acts of this House when it assembled was to appoint a committee to examine into the state of the Texas border. That committee, after considerable labor, submitted to the House a report on the 4th of April. That report was made the special order for the 20th of April, and from day to day thereafter until disposed of. Ever since that time it has been postponed from one day to another for the sake of one measure or another. One day it was a bill for the relief of some defaulting tax-collector. Next day it was a bill on which some speculators had an interest how millions in the Treasury were to be divided. In one way or another this measure for the protection of our people on the border has been elbowed back. I expect it will be elbowed back again; and I wish our people to understand it.

The Legislature of Texas is at this time and has been in session for some time, and they have again and again asked the question whether they themselves must make provision for the protection of the national frontier if Congress does not.

The SPEAKER *pro tempore*. The gentleman from Texas is proceeding by unanimous consent, and objection is made to further discussion. The Chair will state the precise position on the Calendar of the bill referred to by the gentleman. It is among the special orders under the head of reports of committees and bills undisposed of. The order now before the House in charge of the gentleman from New York [Mr. LORD] is succeeded by an order of the Committee on Foreign Affairs. The next order is that of the gentleman from Texas, and the question of consideration will be raised as soon as it is reached.

Mr. SCHLEICHER. I merely wish to understand the matter. The Geneva award bill may be hanging over this House for two or three months longer, so far as I can see.

The SPEAKER *pro tempore*. The Chair cannot determine that matter.

CENTENNIAL CELEBRATION.

The SPEAKER *pro tempore* laid before the House the following invitation from the president of the United States Centennial Commission; which was read, and referred to the Select Committee on the Centennial Celebration:

INTERNATIONAL EXHIBITION 1876,
UNITED STATES CENTENNIAL COMMISSION,
Philadelphia, June 29, 1876.

SIR: The United States Centennial Commission respectfully invite the House of Representatives to attend the national commemoration of the one-hundredth anniversary of the Declaration of Independence, in Independence Square, Philadelphia, July 4, at ten a. m. The necessary cards have been sent to the members individually. The programme is inclosed.

Very respectfully, your obedient servant,

JOSEPH R. HAWLEY,
President United States Centennial Commission.

The Hon. SPEAKER
of the House of Representatives of the United States of America.

PAWNEE AND OTOE INDIAN RESERVATION.

The SPEAKER *pro tempore* also laid before the House a letter from the Secretary of the Interior, transmitting an estimate of appropriations for survey of the Pawnee and Otoe Indian reservations in Kansas and Nebraska; which was referred to the Committee on Appropriations.

ALBERT W. PRESTON.

Mr. TERRY. I ask unanimous consent that Senate bill No. 928, for the relief of Albert W. Preston, be taken from the Speaker's table and referred to the Committee on Military Affairs.

There being no objection, the bill was taken from the table, read a first and second time, and referred to the Committee on Military Affairs.

ORDER OF BUSINESS.

Mr. BRIGHT. I now insist upon my motion that the House resolve itself into Committee of the Whole on the Private Calendar. Before that motion is put, I ask unanimous consent that this may be considered as objection day, it being the fifth Friday since the House was in Committee of the Whole on the Private Calendar on objection day.

The SPEAKER *pro tempore*. That order can be made by unanimous consent only.

No objection was made, and it was so ordered.

Mr. LORD. Will the gentleman yield to me to obtain an order of the House to print some testimony?

Mr. BRIGHT. I cannot yield further at this time; I have been compelled to refuse several gentlemen who have asked me to yield.

The motion of Mr. BRIGHT was then agreed to.

The House accordingly resolved itself into Committee of the Whole on the Private Calendar, (Mr. SPRINGER in the chair.)

Mr. JOYCE. I believe when the House was last in Committee of the Whole on the Private Calendar the pending bill was House bill No. 344 to confirm certain private land claims in the Territory of New Mexico.

The CHAIRMAN. That was when the House was in Committee of the Whole on the Private Calendar on some other than objection day. By order of the House business to-day will be as on objection day. The Clerk will now report the bill next in order on objection day.

RICHARD HALE.

The first business on the Private Calendar was the bill (H. R. No. 3366) for the relief of the legal representatives of Richard Hale, deceased.

Mr. JOYCE objected to the consideration of the bill.

WILLIAM GEMMILL.

The next business on the Private Calendar was the bill (H. R. No. 3114) for the relief of William Gemmill, reported from the Committee on Military Affairs with an amendment.

The bill appropriates the sum of $75 to William Gemmill, of Yankton, in the Territory of Dakota, in full payment for quartering and boarding United States soldiers during a terrific snow storm in April, 1873.

The amendment was to strike out "$75" and insert "$36."

The amendment was agreed to.

No objection being made, the bill, as amended, was laid aside, to be reported favorably to the House.

ALFRED ROULAND.

The next business on the Private Calendar was the bill (H. R. No. 3367) to remove the charge of desertion from the military record of Alfred Rouland.

The bill directs the Secretary of War to remove the charge of desertion now standing upon the records of the War Department against the name of Alfred Rouland, late of the Twenty-third and Twenty-eighth Regiments Michigan Volunteer Infantry, and to grant to said Rouland an honorable discharge as of the date of April 16, 1866, with the same pay and bounty he would have been entitled to if he had been honorably discharged the military service on said day.

Mr. BAKER, of Indiana. I ask that the report be read.

The Clerk read the report, as follows:

That from the testimony in this case it appears that the said Alfred Rouland was enrolled and mustered into the Twenty-third Michigan Infantry on the 18th day of January, 1864, "for three years or during the war." He was at the time of his muster a mere youth, of less than seventeen years of age. It is in evidence that he served with marked fidelity during Sherman's campaign from Chattanooga to Atlanta, and in Thomas's campaign in Tennessee, including the battles of Franklin and Nashville, and afterward in the capture of Fort Anderson and Wilmington, North Carolina.

The captain of his company, John Hamilton, (now a minister of the Methodist Episcopal Church,) testifies "that during said Rouland's connection with said company, before his transfer to the Twenty-eighth Michigan Infantry, he was always a brave, faithful, and efficient soldier, and never for a moment flinched in any duty; that he was one of the best soldiers of said company, though being then a mere stripling of seventeen or eighteen years; and that it is his confident belief that said Rouland would have been one of the last men in the Army to have intentionally deserted, and that he is entitled to an honorable discharge on account of his faithful service.

In June, 1865, the Twenty-third Regiment was mustered out of service, and young Rouland was transferred to the Twenty-eighth Michigan Infantry, and made a corporal in Company F of that regiment. The testimony of Lieutenant C. H. DeClute, commanding the company in this regiment, says: "During the time he (Rouland) was with me, which was till after the conclusion of hostilities, he was a brave, faithful, and efficient soldier. When he left the company he was sick, and I am of opinion that he was in great danger of dying. There was, I am convinced, no intention on his part to desert, but his action was a desperate attempt to save his life. Before he could rejoin his regiment it was mustered out." The petitioner left the hospital at Wilmington on the 16th of April, 1866, nearly one year after hostilities had ceased. His regiment returned to Michigan, and was mustered out soon afterward. It is in testimony that he had suffered some time previously from fever and ague and intermittent fevers, and was much emaciated and reduced in strength and spirits, so much so that after reaching the home of his brother in Michigan his life for some time was considered in great danger, and he did not wholly recover for months afterward.

In view of the premises, and especially considering the long and faithful service of this young soldier, extending to a period of nearly a year beyond the fair construction of his contract of service with the Government, and the despondent condition of his mind resulting from the peculiar and severe character of the petitioner's illness, your committee are of the opinion that the stigma of desertion should be removed from his military record, and that he is justly entitled to an honorable discharge.

There being no objection, the bill was laid aside, to be reported favorably to the House.

CALEB L. BRAYTON.

The next business on the Private Calendar was the bill (H. R. No. 1997) to grant titles to certain lands to the heirs of Caleb L. Brayton, reported from the Committee on Private Land Claims with an amendment.

The preamble of the bill, as proposed to be amended, states that by virtue of the provisions of an act of Congress approved August 4, 1842, known as the armed-occupation act, Caleb L. Brayton, now deceased, settled and acquired a right to one hundred and sixty acres of the public lands in Brevard County, in the State of Florida, and became entitled to a patent therefor; and before the issue of patent to said Brayton the land so acquired had been patented to the State of Florida under act of September 28, 1850, and said State of Florida refuses to surrender said patent for cancellation.

The bill provides that the heirs of Caleb L. Brayton, who, under permit No. 236, are entitled to locate and enter the northwest quarter and southeast quarter of fractional section 1, in township 36 south, of range 40 east, may, in lieu thereof, locate and enter other public lands in the same county open for entry to an amount not exceeding one hundred and sixty acres, and the Secretary of the Interior is directed to issue patent for the same.

There being no objection, the amendment was agreed to; and the bill, as amended, was laid aside, to be reported favorably to the House.

NORTHWESTERN IMPROVEMENT COMPANY.

The next business on the Private Calendar was the bill (S. No. 176) to authorize the Northwestern Improvement Company, a corporation organized under the laws of the State of Wisconsin, to enter upon the Menomonee Indian reservation and improve the Oconto River, its branches and tributaries.

The bill was read, as follows:

Be it enacted, &c., That the assent of Congress be, and hereby is, given to the Northwestern Improvement Company, a corporation organized under the laws of the State of Wisconsin, to improve the Oconto River and its branches and tributaries, so as to run logs down said river, its branches and tributaries, across the Menomonee Indian reservation, in accordance with the laws of said State: *Provided*, That any damages which may be caused by such improvement shall be awarded as in all other cases under the laws of the State of Wisconsin, and the amount be paid into the Treasury of the United States for the benefit of said Indians; and said Indians and all other persons shall be permitted to use said river for the purpose of running logs, as contemplated in this act; and the charges for said privileges shall be regulated by the Legislature of the State of Wisconsin: *Provided*, That all privileges under this act may be altered or revoked by Congress.

There being no objection, the bill was laid aside, to be reported favorably to the House.

WINNEBAGO INDIANS OF WISCONSIN.

The next business on the Private Calendar was the joint resolution (H. R. No. 112) to aid the Winnebago Indians to obtain subsistence by agricultural pursuits, and to promote their civilization.

The preamble and joint resolution were read, as follows:

Whereas a large number of the Winnebago Indians of Wisconsin have selected and settled in good faith upon homestead claims under section 15 of the act entitled "An act making appropriations to supply deficiencies in the appropriations for the fiscal years ending June 30, 1875, and prior years, and for other purposes," approved March 3, 1875; and all said Indians have signified their desire and purpose to abandon their tribal relations, and adopt the habits and customs of civilized people, and avail themselves of the provisions of the act aforesaid, but in many instances are unable to do so on account of their extreme poverty: Therefore,

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is hereby authorized and instructed to expend, for the benefit of the Winnebago Indians in Wisconsin, the proportion of the tribal annuities due to and set apart for said Indians under the act of June 25, 1864, of the appropriations for the tribe of Winnebago Indians for the fiscal year 1876, amounting to $16,173.69, to be expended as hereinafter provided.

SEC. 2. That immediately after the passage of this resolution the Secretary of the Interior shall cause an enrollment to be made of the said Wisconsin Winnebago Indians, enrolling such only as were residing in the State of Wisconsin on the 1st day of January, 1876, and those who are entitled to the benefits of the act of March 3, 1875.

SEC. 3. That said sum shall be paid to the persons whose names appear upon such enrollment, each person receiving the same amount, heads of families being permitted to receive the full amount to which all the members of the family are entitled: *Provided*, That before any person shall be entitled to the benefits accruing under this resolution it shall be made to appear that the person claiming its benefits has taken up a homestead in accordance with the said act of March 3, 1875, or that, being unable to fully comply with the said act by reason of poverty, he or she has made a selection of lands as a homestead with a *bona fide* intention to comply with said act, and that the money applied for will be used to enable such person to fully complete a homestead right under said act: *Provided*, That no person shall receive more than the *pro rata* share of said sum to which he would have been entitled if living upon the reservation.

There being no objection, the joint resolution was laid aside, to be reported favorably to the House.

BENJAMIN L. CORNISH.

The next business on the Private Calendar was the bill (S. No. 560) for the relief of Benjamin L. Cornish, late second lieutenant of the Thirty-second Wisconsin Volunteer Infantry.

(Objected to by Mr. FORT.)

MAJOR FOSTER A. HIXON.

The next business on the Private Calendar was the bill (S. No. 333) for the relief of Major Foster A. Hixon, late a paymaster in the Army.

(Objected to by Mr. TERRY.)

LAURENCE A. WILLIAMS.

The next business on the Private Calendar was the bill (H. R. No. 3371) to place Laurence A. Williams, late major Sixth Cavalry United States Army, upon the retired list of the Army.

The bill was read. It directs the President to place on the list of retired officers of the Army the name of Laurence A. Williams, late major of the Sixth Regiment United States Cavalry, with the rank of major, but he is to be entitled to pay as major only from the date of the passage of the act.

Mr. WILSON called for the reading of the report; and it was read, as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 1847) for the relief of Laurence A. Williams, submit the following report:

Laurence A. Williams graduated from the United States Military Academy, and was appointed brevet second lieutenant 1st of July, 1852; first lieutenant, 20th July, 1856; captain, 1st July, 1861; and major of the Sixth United States Infantry, September 7, 1861. He was aid-de-camp to Brevet Brigadier-General A. S. Johnston from the 1st of June, 1858, to the 1st of August, 1860, and acting assistant adjutant-general of the Department of Utah from February 29 to August 21, 1860; on duty at headquarters Department of Washington and on mustering duty at Columbus, Ohio, to May, 1861; aid-de-camp to General McClellan from May to September 7, 1862, and with his regiment, and in command of it, from 27th day of March to 26th day of June, 1862. The regimental returns of the Sixth Cavalry for June, 1862, reported Major Williams in Washington, "sick, since June 26, 1862." He was subsequently reported absent without leave. This was afterward corrected on the records, Major Williams furnishing the proper surgeon's certificate of his sickness. On the 11th of March, 1863, he was summarily dismissed the service by order of the Secretary of War. There were no papers of record on which this action was based, nor did the Secretary of War communicate his reasons for ordering dismissal. The committee, believing that injustice was done this officer by his summary dismissal, recommend this bill as a substitute for the original bill, and ask that it do pass.

There being no objection, the bill was laid aside, to be reported favorably to the House.

JOHN AMMAHIE.

The next business on the Private Calendar was the bill (H. R. No. 1075) directing the Second Auditor to settle the pay and bounty account of John Ammahie or Ammahe.

The bill was read. It directs the Second Auditor of the Treasury to settle the claim for pay and bounty of John Ammahe or Ammahie, of Companies E and H of the Forty-third New York Volunteers, and to issue a certificate for such amount as appears to be due, any charge of desertion upon any rolls of the regiment to the contrary notwithstanding.

There being no objection, the bill was laid aside, to be reported favorably to the House.

SEWELL B. CORBETT.

The next business on the Private Calendar was the bill (H. R. No. 3372) for the relief of Sewell B. Corbett, of Alexandria County, Virginia.

(Objected to by Mr. FORT, and Mr. BURCHARD of Illinois.)

ESTHER P. FOX.

The next business on the Private Calendar was the bill (H. R. No. 1238) granting a pension to Esther P. Fox.

The bill was read. It directs the Secretary of the Interior to place the name of Esther P. Fox, of Buffalo, New York, widow of Augustus C. Fox, late a second lieutenant in Lieutenant-Colonel Chapin's regiment, New York militia, in the war of 1812, on the pension-roll, and to pay her a pension of $15 per month from February 14, 1871, during her natural life.

There being no objection, the bill was laid aside, to be reported favorably to the House.

SUSAN E. WILLARD.

The next business on the Private Calendar was the bill (H. R. No. 3373) for the relief of Susan E. Willard, widow of Sylvester D. Willard, of New York.

The bill was read. It directs the Secretary of the Treasury to pay, out of any money in the Treasury not otherwise appropriated, to Mrs. Susan E. Willard, widow of the late Sylvester D. Willard, of New York, the sum of $3,500, in full compensation for use and occupation of City Hotel, and brick residence adjoining the same, and furniture therein, used for hospital purposes, in Murfreesborough, Tennessee, in the years 1863 and 1864, by the order of military authorities of the United States.

Mr. HOLMAN called for the reading of the report; and it was read, as follows:

The Committee on War Claims, to whom were referred the petition and papers for the relief of Mrs. Susan E. Willard, having had the same under consideration, make the following report:

That the said Susan E. Willard is the widow of the late Brigadier-General Sylvester D. Willard, formerly surgeon-general of the State of New York; that she married the said Sylvester D. Willard before the war, and that he resided at the time in the city of Albany, in the State of New York; that before and at the time of her marriage she resided at Murfreesborough, Tennessee; that at the time and previous to her said marriage she and her sister, Sarah A. Spence, were joint owners of certain property in the town of Murfreesborough, Tennessee, known as the City Hotel, which property was taken possession of by order of General Geary, then commanding that post, for the purpose of establishing a general military hospital.

A brick residence adjoining said hotel, owned by same parties, was also taken possession of by military authority and used as a hospital and medical director's office, under charge of Medical-Director Surgeon-General J. Moses.

Mrs. Willard, the memorialist, submits to your committee certificates of various officers on duty at Murfreesborough, Tennessee, showing the occupancy of this property at various times for military purposes.

It also appears to the satisfaction of your committee that the furniture in said hotel and brick residence adjoining was also taken possession of and used for hospital purposes, or so much thereof as was adapted to and useful for that purpose.

It appears from a report made by Quartermaster-General Major-General M. C. Meigs, of date July 18, 1865, "that the City Hotel was held in possession by the United States forces from January 6, 1863, until June 6, 1863, and from November 18, 1863, to September 30, 1864. The dwelling-house was occupied for hospital purposes and medical director's office January 5, 1863, and retained until June 1, 1864."

This report is sustained by the affidavit of Miss Sarah A. Spence, of Murfreesborough, Tennessee, one of the joint owners of the property above mentioned and described, bearing date May 4, 1865.

From the said report it appears that the City Hotel was occupied by military authority for a period of fifteen months and twelve days, and that the brick residence adjoining was occupied for sixteen months and twenty-seven days.

From the evidence submitted, and considering the purposes for which the property was used, your committee are of the opinion that a reasonable and proper compensation for the use of said hotel would be $125 per month, and for the brick residence adjoining, $50 per month, making in all, for use and occupation of said premises, the sum of $2,770.

It appears that much of the furniture in said buildings, which amounted to more than $2,000, was destroyed; but a portion of it was used for hospital purposes, such as beds, bedding, chairs, and many other articles of like character. Your committee think that the sum of $730 should be paid the memorialist for furniture belonging to her and used in said buildings for hospital purposes.

On the 22d day of March, 1876, Miss Sarah A. Spence, one of the joint owners of this property, assigned by written assignment, duly acknowledged before a notary public, under his seal, at the city of Albany, New York, all her right, title, and interest in and to this claim against the United States to Susan E. Willard, the memorialist, making her the sole and only owner thereof.

The loyalty of the claimant is not questioned or doubted, as, at the time this claim arose, she was the wife of Surgeon-General Sylvester D. Willard, a true and loyal citizen of the State of New York, with whom she then resided. It was also shown by the verbal statement of Mrs. Willard, the memorialist, that at the time of the occupation of this property by authority of the United States her sister, Sarah A. Spence, was a minor, and therefore her loyalty is not questioned.

Your committee, believing that the sum of $3,500 is a just and proper sum to be paid Mrs. Willard, the memorialist, for the use and occupation of her property and furniture used for hospital purposes, at Murfreesborough, Tennessee, report back to the House the petition and papers with the accompanying bill appropriating that amount, and recommend its passage.

There being no objection, the bill was laid aside, to be reported favorably to the House.

HARRY E. EASTMAN.

The next business on the Private Calendar was the bill (H. R. No. 3374) for the relief of Harry E. Eastman, late lieutenant-colonel Second Regiment Wisconsin Cavalry Volunteers.

(Objected to by Mr. HURLBUT.)

HENRY L. CLOK.

The next business on the Private Calendar was the bill (H. R. No. 3380) for the relief of Henry L. Clok.

(Objected to by Mr. HURLBUT.)

A. F. & N. C. ST. JOHN.

The next business on the Private Calendar was the bill (H. R. No. 1125) for the relief of A. F. & N. C. St. John, of Virginia.

(Objected to by Mr. HURLBUT.)

MARVIN H. AMESBURY.

The next business on the Private Calendar was the bill (H. R. No. 208) for the relief of Marvin H. Amesbury.

(Objected to by Mr. HURLBUT.)

CORA A. SLOCOMB, IDA A. RICHARDSON, AND CAROLINE URQUHART.

The next business on the Private Calendar was the bill (H. R. No. 3434) for the relief of Cora A. Slocomb, Ida A. Richardson, and Caroline Urquhart.

(Objected to by Mr. HOLMAN.)

J. T. M'GINNISS, UNITED STATES ARMY.

The next business on the Private Calendar was the bill (H. R. No. 2257) for the relief of J. T. McGinniss, captain of Thirteenth Infantry, United States Army.

The bill, which was read, provides that J. T. McGinniss, captain of the Thirteenth Infantry, United States Army, is hereby relieved from the responsibility of commissary funds, amounting to $380.79, the property of the United States, which were stolen from an office safe in a tent at Fort Shaw, Montana Territory, in October, 1877.

The report was read, as follows:

On or about the 29th of September, 1867, a small iron office-safe belonging to the Government, for which Captain N. S. Constable, acting quartermaster United States Army, was responsible, was stolen from the headquarters at Fort Shaw, Montana Territory.

A board of examiners, consisting of three Army officers, was convened by Special Orders No. 93 at Fort Shaw, October 9, 1867, to inquire into and report upon the loss of said safe and its contents.

The board found that the safe had been taken by a person or persons unknown to the responsible parties or to the board.

The examiners also found as follows:

"In said safe was $380.79, subsistence funds, for which First Lieutenant J. T. McGinniss, assistant quartermaster Thirteenth Infantry, acting commissary of subsistence at Fort Shaw, Montana, is responsible.

"In said safe was $798.51 regimental funds of the Thirteenth Infantry, and $294.93 post funds; also, $27.14, regimental band Thirteenth Infantry, and $300 private money, for which First Lieutenant Thomas J. Lloyd, adjutant Thirteenth Infantry and post, is responsible."

The board of examiners further found that the safe had been turned over to Lieutenant McGinniss a few days previous to the theft; that a clerk slept in the office; that the safe was kept by McGinniss in the same manner it had been kept by his predecessor, and that it had probably been stolen by deserters from the Army.

The following certificate of Lieutenant J. B. Guthrie, of the Thirteenth Infantry, fully presents the case, and shows that the loss was not the result of any negligence of McGinniss:

LIEUTENANT GUTHRIE'S STATEMENT.

I hereby certify that on or about the 20th day of September, 1867, I transferred to date, August 31, 1867, to Captain N. S. Constable, assistant quartermaster United States Army, a small office safe, (iron.) I retained the keys of the safe for the time being, and on the 27th of September I transferred them, (the keys,) together with what subsistence funds I was responsible for, $380 97, to First Lieutenant J. T. McGinniss, regimental quartermaster Thirteenth Infantry, who was ordered to relieve of duties in the subdepartment at this place. On the 30th of September I received from Brevet Major-General John W. Turner, commissary of subsistence at Saint Louis, Missouri, the sum of $10,000, which I transferred to Lieutenant J. T. McGinniss on the 1st day of October. On receiving this money Lieutenant McGinniss first discovered the safe had been stolen from the office. Search was immediately instituted, but without success. I know this safe contained a large amount of money, part of which was the amount I transferred to Lieutenant McGinniss a few days previous, and part of which money in the safe was deposited by Lieutenant Lloyd, regimental adjutant. Lieutenant McGinniss was not responsible either for the safe or its loss and contents. The safe had always remained in the office, and no danger was apprehended of its being stolen. The exact amount of subsistence funds lost I cannot state.

J. B. GUTHRIE,
Second Lieutenant Thirteenth Infantry, U. S. A.

The committee therefore recommend that H. R No. 2257 be amended as follows: Strike out the words "$56," in the sixth line, and insert the words "$80.79," and that the bill, thus amended, be passed.

The amendment of the Committee of Claims was to strike out "$356" and insert "$380.79."

The amendment was agreed to.

There being no objection, the bill, as amended, was laid aside, to be reported to the House with the recommendation that it do pass.

HARRY E. EASTMAN.

Mr. HURLBUT. I made objection to the bill (H. R. No. 3374) for the relief of Harry E. Eastman, late lieutenant-colonel Second Regiment Wisconsin Cavalry Volunteers.

Since then I have examined the papers carefully and now withdraw my objection.

The CHAIRMAN. If there be no further objection the bill will be laid aside, to be reported to the House with a favorable recommendation.

Mr. HOLMAN. Let the bill be read, so we may know what it is. Repeatedly I have discovered after adjournment that a wrong impression had been created in the withdrawal of objection. A rule ought to be adopted that when objection is withdrawn the bill should be again read, so there may be no mistake.

The bill, which was read, authorizes and directs the Secretary of the Treasury to pay to Harry E. Eastman, of Green Bay, Wisconsin, the sum of $639.08 out of any moneys in the Treasury not otherwise appropriated, the same being in full satisfaction of his claim for pay as lieutenant-colonel of the Second Wisconsin Cavalry Volunteers.

There being no further objection, the bill was laid aside, to be reported to the House with the recommendation that it do pass.

MRS. A. E. HALL.

The next business on the Private Calendar was the bill (H. R. No.

2501) for the relief of the estate of Mrs. A. E. Hall, widow of Dr. David A. Hall.

Mr. HOLMAN. Let the report be read.

The CHAIRMAN. There is no report.

Mr. HOLMAN. Then I object.

EDWIN EBERT.

The next business on the Private Calendar was the bill (H. R. No. 940) for the relief of Edwin Ebert.

The bill, which was read, directs the Secretary of the Treasury to pay, or cause to be paid, out of any money in the Treasury of the United States not otherwise appropriated, the sum of $110, to Edwin Ebert, late a contract surgeon in the United States Army, as compensation for a horse, the property of said Ebert, lost in the service of the United States, at Springfield, Missouri, January 8, 1863.

The report was read, as follows:

The bill directs the Secretary of the Treasury to pay to Edwin Ebert $110, as compensation for a horse which he lost in the United States service at the battle of Springfield, Missouri, January 8, 1863. Dr. Ebert was a contract physician at the time his horse was lost. At the battle of Springfield, Missouri, it was found necessary that he should be mounted to enable him to go from one part of the field to another, directing the movements of the ambulances and gathering up the wounded. While engaged in this duty his horse was shot from under him and killed. The claim was shortly afterward filed in the Third Auditor's Office, under the act of March 30, 1849, as a claim for a horse "lost in the military service of the United States," and was rejected in 1865, on the ground that Dr. Ebert was in the service by contract only, and therefore not entitled to be mounted on a private horse. The committee think, however, that, as Dr Ebert was performing field duty at the time, which required him to be mounted, and the horse having been killed in the line of duty, he is fairly entitled to compensation for it. The facts are shown by a certificate of S. H. Welcher, post-surgeon at Springfield, Missouri, and medical director of the post, given shortly after the loss occurred, and an affidavit of two citizens of the town, by which Ebert's statements are fully corroborated.

There being no objection, the bill was laid aside, to be reported to the House with the recommendation that it do pass.

PRESBYTERIAN CHURCH, GRATIOT, MICHIGAN.

The next business on the Private Calendar was the bill (H. R. No. 3331) authorizing the Secretary of War to permit the Protestant Episcopal church of Gratiot, Michigan, to erect and maintain a wooden church building on the Fort Gratiot military reservation, Michigan.

The bill, which was read, authorizes and directs the Secretary of War, if not inconsistent with the requirements of the military service, to grant a permit to the Protestant Episcopal Church of Gratiot, Saint Clair County, Michigan, to erect and maintain on the Fort Gratiot military reservation a wooden building for church worship, either on the reservation proper or on that part of the same occupied by the Grand Trunk Railway Company, with the assent of said company.

The amendment of the committee was to strike out "Protestant Episcopal" and insert "Presbyterian."

Mr. CONGER. Also, wherever it occurs in the title, as it was a mistake of the printer.

The amendment was agreed to.

There being no objection, the bill, as amended, was laid aside, to be reported to the House with the recommendation that it do pass.

JOHN PULFORD, UNITED STATES ARMY.

The next business on the Private Calendar was the bill (H. R. No. 3183) to restore John Pulford, lieutenant-colonel United States Army, (retired,) to his former rank on the retired list.

The bill, which was read, authorizes and empowers the President to restore John Pulford, now lieutenant-colonel (retired) in the United States Army, to his former rank of colonel (retired) in the United States Army.

The report was read, as follows:

That section 2, above referred to, would have reduced the rank of a large number of retired officers but for the proviso of the section, which excepted from reduction in rank those officers who had been in service as commissioned officers twenty-five years at the date of their retirement, and those officers who had lost an arm or a leg, or had an arm or a leg permanently disabled by reason of resection on account of wounds, or both eyes by reason of wounds received in battle. Officers retired on the rank held by them at the time of retirement were also excepted from the operation of the act. The effect of these exceptions was to reduce the large number of those who would have otherwise lost rank to sixteen at the present time. Among this small number, however, are several quite as effectually and permanently disabled as are those who come within the exceptions of the act. The case of Lieutenant-Colonel John Pulford, referred to your committee with Executive Document No. 98, is one of these. This officer entered the service as first lieutenant of Company A, Fifth Michigan Infantry, remained in service to the end of the war, and rose to the command of a brigade with the rank of brigadier-general by brevet. He received six wounds, one as captain of a company, four as commander of a regiment, and one while commanding a brigade. Two of the severest are thus described in the report of the retiring board: First, "a wound from a spent six-pound round shot, which fractured the temporal bone of the skull, broke his collar-bone and lower jaw, causing epileptic convulsions, which wound was received at the battle of Malvern Hill, Virginia, July 1, 1862." Second, "a wound from a Minie-ball, which entered the right side of the neck and passing backward and downward carried away the spinal process of one of the upper dorsal vertebræ, and has left the spinal cord imperfectly protected, and which last-mentioned wound was received at the battle of the Wilderness, Virginia, May 5, 1864, while he was lieutenant-colonel of the Fifth Regiment Michigan Veteran Volunteer Infantry, and in actual command of said regiment."

Dr. D. O. Farrand, one of the most eminent surgeons of Detroit, Michigan, in an affidavit dated July 12, 1875, also describes the disabling effects of the wounds. He testifies that "he is personally acquainted with, and has carefully examined, the said Colonel John Pulford, and finds that his arms are permanently disabled by reason of a gun-shot wound received in battle, the ball having entered the right side of the neck, passing backward, downward, and outward, carrying away a portion of the first and second dorsal vertebræ. The wound has healed, but has left the spinal cord covered only by the integuments for the space of nearly one inch, the arms being permanently disabled by reason of the injury done to the brachial plexus."

This gallant officer was, upon a favorable report of the retiring board, retired with the full rank of colonel December 15, 1870. He was reduced to the rank of a lieutenant-colonel by the operation of the so called "Crawford act," approved March 3, 1875, and his case not falling technically (though Colonel Pulford is clearly among the most completely disabled officers of the retired list) within the exceptions of that law, he remains under the mortification and injustice of degradation from a rank fairly won by conspicuous gallantry a steady fidelity to duty, and by a permanent disability from wounds of the severest and most painful character.

Your committee, therefore, believing that this officer should be restored to his original retired rank, as a case falling within the spirit, if not the letter, of the so-called Crawford act, report the accompanying bill for his relief.

There being no objection, the bill was laid aside, to be reported to the House with the recommendation that it do pass.

ALMERON E. CALKINS.

The next business on the Private Calendar was the bill (H. R. No. 559) for the relief of Almeron E. Calkins, late a second lieutenant in the Eighth Michigan Cavalry.

The bill, which was read, authorizes and directs the Paymaster-General of the United States Army to pay Almeron E. Calkins, late a second lieutenant in the Eighth Regiment of Michigan Cavalry, the pay and allowances of a second lieutenant from the 22d day of March, 1854, to the 23d day of July, 1854, the date of his muster as such second lieutenant.

The report was read, as follows:

That the case of this officer, in the opinion of your committee, comes within the rules and decisions of the War Department respecting the terms and conditions precedent to a muster into the volunteer service during the war. He was commissioned and in possession of his commission from the 19th day of March, 1864, and, by order of Lieutenant-Colonel B. H. Hill, superintendent of volunteer recruiting service, dated Detroit, Michigan, March 22, 1864, entered upon the duties of a commissioned officer on that day. This order is as follows:

[Orders No. 42.]

OFFICE OF SUPERINTENDENT VOLUNTEER RECRUITING SERVICE,
Detroit, Michigan, March 22, 1864.

Lieutenant A. E. Calkins, Eighth Michigan Cavalry, will proceed without delay in charge of a detachment of recruits for the Army of the Ohio, after which he will join his regiment.

The Quartermaster's Department will furnish transportation.

By order of Lieutenant-Colonel B. H. Hill, superintendent volunteer recruiting service.

JOHN H. KNIGHT,
Captain Eighteenth United States Infantry, in charge of office.

It is in evidence that Lieutenant Calkins joined his regiment on or about the 27th of March, 1864, at Mount Sterling, Kentucky, and was assigned and mustered into Company K, which muster was soon after found to be illegal, and was canceled. He was subsequently sent to Company I, which was entitled to a second lieutenant by reason of legal numbers and a vacancy; but before muster he was sent to Company K again, which company was without a commissioned officer present for duty, and to which most of the recruits brought by him had been assigned. He commanded this company on the Atlanta campaign and subsequently.

That, on account of active service entered upon by the cavalry soon after he joined, he had no opportunity to be mustered until about the 1st of September, when he was mustered to fill a vacancy in Company K, which occurred July 23, 1864.

Your committee are of opinion that this officer, who was commissioned for no particular company, should have been mustered, upon joining his regiment, into any vacancy of second lieutenant in said regiment, to date from March 22, 1864, the date of his entering upon duty as a commissioned officer. It appears from the records of the regiment that Company I had the requisite number and a vacancy of second lieutenant at the time of his reporting for duty. It seems, therefore, to have been owing to the frequent shifting command of this regiment from the colonel to the major that this duty was not attended to, and from no fault or neglect on the part of Lieutenant Calkins, who simply obeyed the orders of his superior officers.

The hardship is greater in this case from the fact that Lieutenant Calkins, who had previously belonged to an infantry regiment, was recruiting from about the 1st of January, 1864, and had enrolled over fifty men for this regiment before he was appointed from civil life a second lieutenant. For nearly seven months, therefore, so far as the evidence shows, he was without the pay of an enlisted man even, though doing the duty of a commander of a company, and really entitled to extra pay for care and responsibility of arms and accouterments during nearly four months of that time.

Your committee recommend the passage of the bill, with an amendment striking out in the seventh line the word "nineteenth" and inserting "twenty-second."

The amendment of the committee was to strike out "nineteenth" and insert "twenty-second;" so it will read "twenty-second day of March."

The amendment was agreed to.

There being no objection, the bill, as amended, was laid aside, to be reported to the House with the recommendation that it do pass.

MRS. A. E. HALL.

Mr. CATE. I call up again a bill (H. R. No. 2501) for the relief of the estate of Mrs. A. E. Hall, widow of Dr. David A. Hall.

Mr. BRIGHT. I must object that this is not in regular order.

The CHAIRMAN. The bill was not exactly objected to, but, there being no report in the case and the reading of the report being demanded, it was passed over.

Mr. HOLMAN. I objected to the bill as there was no report accompanying it.

Mr. CATE. There is a report, and I ask to have it read.

Mr. HOLMAN. I have seen the report since I made the objection, and I now withdraw my objection and ask that the bill be again read.

The bill, which was read, authorizes and directs the commissioners of the sinking fund of the District of Columbia to pay, out of moneys in their hands, to the legal representatives of the estate of Mrs. A. E. Hall, widow of David A. Hall, deceased, the sum of $1,955, being the amount found to be due the estate of said David A. Hall by

the accounting officers of said District, pursuant to the opinion of the attorney of said District in relation to the liability of said District to said estate for taxes collected and illegally detained from said deceased, and interest thereon.

The report was read, as follows:

The Committee for the District of Columbia, to whom was referred House bill No. 2561, a bill for the relief of Mrs. A. E. Hall, widow of Dr. David Hall, submit the following report, and recommend the passage of the bill:

Prior to 1798, one James Greenleaf conveyed certain real estate in this District to Robert Morris and his associates, who conveyed the same to the United States.

Greenleaf claimed that his conveyance to the United States did not divest him of the title, and conveyed the same to Dr. David Hall, husband of the claimant.

In 1813 the United States filed a bill in chancery to perfect its title; but the case was not decided until 1857, and then the title of the United States was confirmed.

In the mean time the property has been assessed to Greenleaf and those claiming under him. David A. Hall paid the taxes so assessed during such litigation, and took certificates of such payment entitling him to a tax deed of the premises at the expiration of a certain time unless redeemed.

The premises were not redeemed, and at the expiration of the time limited for that purpose Hall applied for a deed or the refunding of the money, both of which were refused.

The matter has been referred to the attorney for the District, who reported in favor of allowing the claim at $1,931.82, and the same was audited and allowed by the late auditors in accordance with such opinion, but failed in getting the approval of the sinking-fund commissioners.

There being no objection, the bill was laid aside, to be reported to the House with the recommendation that it do pass.

JOHN RENTZ.

The next business on the Private Calendar was the bill (H. R. No. 3484) for the relief of John Rentz.

The bill, which was read, authorizes and directs the Secretary of War to correct the military record of John Rentz, late of the Fourth Regiment Michigan Veteran Volunteer Infantry, and to grant him an honorable discharge as of the 14th day of February, 1866, and the Secretary of the Treasury to allow and pay to said John Rentz, out of any money in the Treasury not otherwise appropriated, all arrears of pay and bounty to which he would have been entitled if he had been honorably discharged on the 14th day of February, A. D. 1866.

The report was read, as follows:

That the "statement of service" from the Adjutant-General's Office shows that John Rentz was enrolled in Company B, Fourth Regiment Michigan Volunteers, on the 20th of June, 1861, to serve for three years or during the war, and re-enlisted as a veteran volunteer December 29, 1863, and that he was reported "deserted at San Antonio, Texas, February 14, 1866." The war record shows no charge of dereliction of duty during this long service of four years and eight months. On the other hand, the major of his regiment and the captain of his company bear testimony to his gallantry and good conduct; and the surgeon of the regiment, the adjutant, and ten other officers, and several privates of his regiment, with several officers of other regiments, join in a certificate that "he was always on duty and never shrank from the faithful performance thereof." They further state that, "after the war was over and an order had been issued to have the veteran detachment discharged, he came home without leave, and was marked as a deserter."

In consideration of the well-established fidelity and gallantry of this soldier for the period of four years and eight months, extending to a date nearly one year after the virtual closing of the war, and after his contract of service with the Government was really completed, your committee are of opinion that a strong case is presented for the just clemency of Congress.

Your committee report back a substitute for House bill No. 303, and recommend its passage.

There being no objection, the bill was laid aside, to be reported to the House with the recommendation that it do pass.

CAPTAIN SAMUEL ADAMS.

The next business on the Private Calendar was the bill (H. R. No. 3489) for the relief of Captain Samuel Adams.

The bill was read as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed, out of any money in the Treasury not otherwise appropriated, to pay to Captain Samuel Adams the sum of $3,750, in full satisfaction of his claim or claims against the United States for all services, losses sustained, and moneys expended by him in exploring the Colorado, the Blue and Grand Rivers of the West and the region of country adjacent thereto, and reporting the same to the Secretary of War and the Congress of the United States.

Mr. BAKER, of Indiana. I call for the reading of the report.

The report of the Committee of Claims was read, as follows:

That the claimant for many years, dating back to 1864, had been engaged in exploring the Colorado River and the region of country adjacent thereto; that his discoveries in this hitherto comparatively unknown region were such as to attract the attention of observant men, embracing members of Congress and the then Secretary of War, Hon. E. M. Stanton, at whose instance the claimant embodied the result of his explorations in a report to the Secretary of War. He also, it seems, at the request of the Commissioner of the General Land Office, gave information of value as to routes, settlements, and towns from the Colorado River to Salt Lake City, which points were, by the Commissioner, marked upon his published map. The importance of this river to navigation, and its adjacent mineral and timber resources were such, in the estimation of the Secretary of War, as to induce him to direct the claimant to return to the Pacific coast of California to accompany boats to said river, and ascend it on a tour of inspection and exploration. This was done, and the Colorado River was ascended and its navigability demonstrated for the first time for a distance of some six hundred and twenty miles. From thence he proceeded inland across the main divide of the Rocky Mountains in Colorado Territory, and organized an expedition, constructed at his own expense four boats, furnished provisions, arms, &c., and descended the Blue and Grand Rivers, exploring the region of the Grand and Green Rivers, making many discoveries valuable to science, history, and most useful to the material interests of the Government.

Among the more prominent results of these explorations and observations may be mentioned the following: The discovery of a new, safe, and fresh-water harbor below the mouth of the Colorado, named Victoria Bay, now known as "Isabella Harbor," demonstrating the navigability of the Colorado River to Callville, a distance of six hundred and twenty miles, a point far beyond where the United States engineers reported the river susceptible of navigation, thus stimulating the commerce of the river and giving access to the rich mines of coal, copper, gold, and silver lying beyond; establishing the feasibility of a railroad route for four hundred miles from Salt Lake City to the head of navigation, and giving an uninterrupted route to the Pacific Ocean without crossing the Sierra Nevada Mountains; the discovery of valuable timber suitable for various mechanical and domestic uses; the discovery of the greatest fall in the Colorado, the extent of its valleys, and the location of its agricultural lands; points of mineral wealth and evidences of extinct and existing types of advanced civilization; many of which results have been since greatly utilized by the engineers and scientists acting under the authority of the United States Government.

The descent of the Grand River, above alluded to, was attended with severe hardships, imminent perils, and serious losses to the claimant and his party, in the wreck of his boats and loss of personal property and valuable papers. The claimant, in 1871, made his report to the Secretary of War, which was submitted, with his claim for compensation, to Congress, and by Congress printed; which report is herewith submitted.

The memorialist claims $20,000 compensation for services.

The committee are satisfied, from the proofs and papers submitted, that in justice and equity the claimant deserves some compensation from the Government for his labors, hazards, and losses. The only questions which have embarrassed their consideration are, first, the existence of the authority on the part of the Secretary of War to send the claimant upon such an exploration, and the real, tangible amount to which he could lay claim as the direct result of an actual or implied contract.

That the last trip of claimant to the Pacific coast, and up the Colorado, and over the mountains, and down the Blue and Grand Rivers, was made under the license and direction of the Secretary of War is satisfactorily established; that the claimant was to receive a compensation is also apparent. That the Secretary of War expected this compensation, so far as the navigation of the Colorado River was concerned, to come out of the appropriations for the coast and harbor surveys, &c., is clearly inferable; but as subsequent examination shows that this appropriation could not be so applied, no fund was at the command of the War Department for such compensation. And a misunderstanding seems to have sprung up between the Secretary of War, as well as a jealousy or criticism on the part of the Government engineers, which, coupled with the loss and displacement of papers constituting important links in the chain of evidence, only recently supplied, have delayed any favorable or final action on this claim to this date.

The claim for $700 for services and outlays of claimant in 1863 and 1864 cannot be allowed, as they were rendered and made prior to any pretense of authority from the Secretary of War. So of the item of $1,465 for liabilities incurred in running the steamer Esmeralda up and down the Colorado in 1865 and 1866. So of the item of $250 for going from Callville to Salt Lake City and San Francisco in 1865.

The item of $300 in going from San Francisco to Callville, building rafts for arms and provisions, and descending the river four hundred miles, is rejected for the same reason; likewise the following items: $450 for traveling from Callville to Washington City and reporting the facts in 1866; $160, personal expenses while in Washington City making out reports, &c.

Subsequent to this time, as the further services of the claimant seem to have been prosecuted under the sanction of the Secretary of War, and as the Government and public were manifestly benefited by the labor, hazards, and outlays of the claimant, it seems but right and just that a reasonable compensation should be allowed him. While, in the judgment of your committee, the great benefits resulting to the Government might outweigh any small computation, yet, in appropriating the public money, they feel no license to enter the uncertain field of speculation or extravagance; and reducing the claim to actual direct compensation on the basis of a contract and the extent of service performed and money expended, the committee present the following account as nearly just and reliable as is attainable:

For returning from Washington City to Colorado River, via San Francisco, to prosecute the explorations	$250 00
For expenses and services in ascending the Colorado River, seven hundred miles, crossing to Salt Lake City and the mountains, building four boats, purchasing arms and ammunition, instruments, and provisions, organizing the force, and the voyage down the river, and loss of property, and report of exploration, &c., to the Government	3,500 00
Making in all	3,750 00

For which amount your committee herewith report a bill making the necessary appropriation and recommend its passage.

There being no objection, the bill was laid aside, to be reported favorably to the House.

S. E. GARLAND AND F. M. HOPPIN.

The next business on the Private Calendar was the bill (H. R. No. 515) for the relief of Sarah E. Garland and Frank M. Hoppin, with an amendment by the Committee of Claims.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Austin M. Garland, for the use and benefit of Sarah E. Garland and Frank M. Hoppin, the sum of $337.82, together with interest thereon, at the rate of 6 per cent. per annum, from the 2d day of May, 1868, until the passage of this act, being the amount of succession tax erroneously paid by them to the collector of the eighth district of Illinois at the date aforesaid.

The amendment of the Committee of Claims was read, as follows:

After "$337.82" strike out "together with interest thereon, at the rate of 6 per cent. per annum, from the 2d day of May, 1868, until the passage of this act.

The amendment was agreed to.

There being no objection, the bill was laid aside, to be reported favorably to the House.

E. B. M'PHERSON, JR.

The next business on the Private Calendar was the bill (H. R. No. 2905) for the relief of E. B. McPherson, jr., of Boonville, Missouri.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed, out of any money not otherwise appropriated, to pay to Captain E. B. McPherson, jr., of Boonville, Missouri, the sum of $563.12, in full satisfaction of the balance due him for use and time of the steamer Lexington, employed in transporting Government troops and supplies on the Upper Missouri River, from Fort Sully and return to same place, June 18 to June 20, 1865, two days thirteen and a half hours.

There being no objection, the bill was laid aside, to be reported favorably to the House.

BENJAMIN L. CORNISH.

Mr. FORT. I ask that I may be permitted to withdraw my objection to the bill (S. No. 560) for the relief of Benjamin L. Cornish,

late second lieutenant of the Thirty-second Wisconsin Volunteer Infantry.

Mr. HOLMAN. Let the bill be again read.

The bill was read, as follows:

Be it enacted, &c., That the Paymaster-General of the United States Army be, and he is hereby, authorized and directed to pay, out of any money appropriated or hereafter to be appropriated for the payment of the Army, to Benjamin L. Cornish, late second lieutenant in the Thirty-second Regiment of Wisconsin Volunteers, the pay and emoluments of a second lieutenant of infantry from the 11th day of November, 1864, to the 12th day of June, 1865, during which time he actually performed duty and was regularly commissioned as such second lieutenant, but was not mustered in: *Provided*, That whatever amount, if any, shall have been paid to the said Benjamin L. Cornish for his services in the Army during the time above specified shall be deducted from the amount of the pay and emoluments of a second lieutenant, and the balance only paid to him.

There being no objection, the bill was laid aside, to be reported favorably to the House.

Mr. SINGLETON. I move that the committee rise that the House may consider a bill received from the Senate in regard to the continuation of the public printing.

Mr. HOLMAN. I hope the committee will rise at any rate. It is now getting late.

The motion of Mr. SINGLETON was agreed to.

So the committee rose; and the Speaker *pro tempore* having resumed the chair, Mr. SPRINGER reported that the Committee of the Whole House had had under consideration the Private Calendar, and had directed him to report with favorable recommendations sundry bills, some with and some without amendments.

Mr. SPRINGER. I ask unanimous consent that an order be made that the bills reported from the Committee of the Whole on the Private Calendar be engrossed and read a third time and passed.

Mr. RANDALL. Let them be passed one by one. There is no occasion for this unusual haste.

Mr. SPRINGER. I withdraw the motion.

CONTINUATION OF PUBLIC PRINTING.

Mr. SINGLETON. I ask unanimous consent to take from the Speaker's table for present consideration the bill (S. No. 960) to continue the public printing. I desire to say that although the bill has not been referred formally to the Committee on Appropriations we have had it under consideration, and I am instructed to recommend its passage, with an amendment striking out "sixty" and inserting "ten" days.

There being no objection, the bill was taken from the Speaker's table and read a first and second time.

The bill authorizes the Congressional Printer to continue the work required by law in advance of appropriations to be hereafter made, and provides that the act shall continue in force for sixty days.

Mr. SINGLETON. I move to amend by striking out "sixty" and inserting "ten."

Mr. CASWELL. I beg to inquire of the gentleman from Mississippi if this is a unanimous report of the committee?

Mr. SINGLETON. So far as I have seen the committee they all agree to it. It has not been formally referred to the committee. If we waited for that the Senate might adjourn, and twelve o'clock would arrive without any provision being made for the public printing, and to-morrow there will be no CONGRESSIONAL RECORD.

Mr. CASWELL. It seems that the committee have not had the matter under consideration formally.

Mr. HOLMAN. Most of the members of the Committee on Appropriations are in the House and were consulted.

Mr. BANKS. If the gentleman from Mississippi will allow me, I desire to say that it seems to me that ten days is a short time. If we pass a bill of this character it should be for a longer period than ten days. I do not know but sixty days is too long. I think the amendment proposing ten days proposes a period too short for the object in view. I would suggest twenty days.

Mr. SINGLETON. We are putting it upon precisely the same ground as the bill passed this morning with regard to other appropriations.

The amendment was agreed to.

The bill, as amended, was ordered to be read a third time; and it was accordingly read the third time, and passed.

FURLOUGH OF EMPLOYÉS OF GOVERNMENT PRINTING OFFICE.

Mr. SINGLETON. I desire now to make a privileged motion. I am instructed by the Committee on Printing to report a joint resolution (H. R. No. 139) granting a furlough to employés of the Government Printing Office.

The joint resolution was read a first and second time.

The joint resolution grants to employés in the Government Printing Office a furlough of twenty days, without loss of wages, that they may have an opportunity to attend the centennial exhibition.

Mr. SINGLETON. I send to the desk to be read a memorial of the employés of the Government Printing Office.

The Clerk read as follows:

A petition from the employés of the Government Printing Office, asking Congress for twenty days' leave of absence with pay, &c.

To the Senate and House of Representatives:

We, the employés of the Government Printing Office, hereby petition Congress for twenty days' leave of absence with pay, the time to be allowed whenever the Congressional Printer may, in his judgment deem it compatible with the public interests, and the number of employés to be furloughed at one time being placed at his discretion.

Clerks in departmental employ receive thirty days' leave with pay, each year. We are not so favored. Time lost by us, under any circumstance, even an hour, is deducted from our wages. While we feel that this discrimination against us as mechanics should not exist in view of the nature of our services, we do not ask for the regular yearly leave of absence. We have labored faithfully for the Government, the very nature of our employment being a heavy drain upon the vital forces; and we pray the granting of this petition as a boon that should not be withheld in the centennial year of our Republic's existence.

And your petitioners will ever pray.

Mr. SINGLETON. It is a fact well known to members of the House that in every other Department of the Government the employés have thirty days' leave of absence during the year, while the employés in the Printing Office do not have a day. Not only that, but, as stated in their memorial, if they lose one hour it is deducted from their wages. This joint resolution proposes to give them twenty days' leave of absence at such time as the Public Printer may deem proper. I believe this is right. We take time for ourselves to visit this exhibition, and our salary is continued. I believe we ought to grant the same privilege to the employés of the Government Printing Office, provided it does not retard the public printing.

Mr. FOSTER. Allow me to say to the gentleman from Mississippi [Mr. SINGLETON] that I am very much gratified at this exhibition of liberality on his part. I wish to remind him, however, that he is mistaken in one thing; all the employés in the other Departments are not entitled to thirty days' furlough during the year. The laborers, watchmen, and messengers now in the Departments do not have thirty days' furlough. I suggest to the gentleman that he should include them, and also the soldiers and sailors who are not allowed any time.

Mr. SINGLETON. Offer your amendment, and I will not object to it.

Mr. BANKS. I have an amendment which I will offer if the gentleman will allow me. I do not object to the joint resolution which the gentleman from Mississippi [Mr. SINGLETON] has reported. I am willing to vote for it; but I think there are some others that should be included. I therefore move to amend by adding to it that which I send to the Clerk's desk.

The Clerk read as follows:

And that a furlough of five days without reduction of pay be allowed to the employés of the other Executive Departments for attendance at the centennial exposition, at such time as in the judgment of the chief officers of said Departments it may be done without detriment to the public service.

Mr. LUTTRELL. I move to amend the amendment by striking out "five days" and inserting "ten days."

Mr. BANKS. I did not intend to indicate any particular number of days, but to leave the number blank to be filled by the House.

Mr. SINGLETON. I am willing to accept the amendment.

Mr. BANKS. I propose this amendment as a matter of public interest, not merely as a favor to the persons engaged in the different Departments, nor as a matter of sentiment or feeling on our part. The centennial exhibition is certainly one of the most successful exhibitions of industry that has ever been attempted by any nation. We have done the best we could under the circumstances, not all that we should have done, but the best we could, in order to bring about an exhibition of the capacities of the people of the United States at this time. It is a matter of great importance to the country as a means of instruction that the people of all sections of the country should visit this exhibition. Other governments having such exhibitions have given to their employés and so far as possible to the common people an opportunity to visit the exhibitions without charge and without cost to themselves.

Now, inasmuch as there are several thousand people employed by the Government in the vicinity of Philadelphia, where the exhibition is held, people who are not overpaid, who are in many instances persons of great intelligence, and who will be benefited by a study of the exhibition at Philadelphia, I think we ought to give them at least five days' time in which to make such a visit. I do not believe the people of the country will object to it or that it will be at all detrimental to the interests of the country.

Mr. HOLMAN. I would suggest that the amendment might be amended by inserting the words "and other employés of the Government" after the words relating to the employés of the Departments here. I do not think it exactly right to discriminate in favor of those who are right here around us in this city and who are able to ask this favor of us. This resolution, if passed at all, should apply to all persons in the employment of the United States generally.

Mr. BANKS. I will agree to that. I meant to include all employés of the Government.

Mr. KASSON. It seems to me that the gentleman from Mississippi [Mr. SINGLETON] would do well to include in one resolution the persons to whom he refers as well as those embraced in the amendment of the gentleman from Massachusetts, [Mr. BANKS,] and give the same length of time to all employés of the Government.

Mr. HOLMAN. The objection of the gentleman from Mississippi [Mr. SINGLETON] seems to have some weight in it; that is, that the employés of the Executive Departments, according to established custom, already have allowed them a vacation of thirty days each during the year.

Mr. KASSON. Then, why not say that all officers and employés of the several Departments of the Government who under existing regulations are not entitled to thirty days' leave of absence during the year shall hereafter be entitled to so many days for the purpose named?

Mr. HOLMAN. That is right.

Mr. KASSON. Under regulations to be prescribed by the heads of the respective Departments.

Mr. RANDALL. The clerks in the various Departments, who now take thirty days' leave of absence under the law, have a right to do so in order to go to and return from their several homes. The time proposed to be allowed by this resolution in order to visit the centennial exhibition would be accounted as a part of their thirty days and would break in upon their usual leave of absence to that extent. I desire to give them five days' leave of absence in addition to their usual thirty days.

Mr. KASSON. I will not object to that. My object is merely to make it uniform in its application as to time and privileges.

Mr. RANDALL. Let us make it uniform throughout the country so far as regards the employés of the Government, and not let it affect the ordinary vacation or furlough to which the clerks in the Departments are now entitled by law.

The SPEAKER *pro tempore*. The Chair suggests to the gentleman from Iowa to reduce his amendment to writing.

Mr. SINGLETON. The only object I had in view was to carry out the request contained in the memorial of the employés of the Government Printing Office. They have asked for twenty days; and I have felt that we ought to give it to them. The amendment proposed by the gentleman from Massachusetts does not interfere at all with the thirty days' leave which is already accorded to employés in the Departments; it is a gratuity upon our part in the form of an additional five days which they may use now if they choose for the purpose of visiting the centennial, as I suppose most persons would like to do on the Fourth of July.

Mr. KASSON. I suggest to the gentleman that there are in the Executive Departments many persons who are employed, as are those in the Engraving and Printing Bureau, on daily wages, and whose pay is not equal to that of those for whom it is proposed to provide.

Mr. LUTTRELL. And who receive no furloughs.

Mr. KASSON. And who receive no furloughs. My object is to do equal justice in this particular, and to make the time allowed long enough to enable artisans and others to attend the Centennial and see the exhibition fully; and this privilege should be given in such a way that their accumulated wages may pay their expenses to Philadelphia and back. That is the object I have in view.

Mr. RANDALL. I suggest that if we send these employés of the Government Printing Office off for twenty days we shall have nobody here to do the printing.

Mr. KASSON. Of course this leave is to be taken subject to regulations to be made by the heads of the respective Departments as to the time when the different employés shall go, because they cannot all go at once.

Mr. WHITE. I move to refer this whole subject-matter to the Committee on the Centennial Celebration, that they may perfect the proposition. There seems to be such diversity of opinion that I think it will be impossible for us to reach an agreement in the House.

Mr. BANKS. I hope that will not be done Although there seems to be some want of uniformity in the views of different gentlemen, it will be found that the proposition as it stands is perfectly practicable, considering the purposes in view. The printers and binders are now allowed no furlough, and they have asked for twenty days. The House seems disposed to give it to them. There are other employés of the Government who are now allowed, I understand, a furlough of thirty days at different seasons of the year to visit their homes. We desire to give to these persons five days more for a specific purpose: for the public benefit as well as their own.

Why should not the proposition be allowed to pass without being encumbered with other matters? Why should the gentleman from Iowa embarrass the question by a proposition in regard to the furlough to those engaged in the Printing and Engraving Bureau, a matter which can be arranged at another time and in another proposition? Do not entangle it with this question. We cannot make this matter entirely uniform.

Mr. WHITE. Will the gentleman from Massachusetts [Mr. BANKS] allow me to offer a suggestion? There are some employés who receive annual salaries and others who receive so much per day. Now, I submit to the gentleman whether a difficulty will not arise in regard to which of the employés of the Government here and elsewhere will be entitled to these five or ten days?

Mr. BANKS. No, sir; that is included in the amendment I offered.

Mr. WHITE. I think this question can be settled in committee much better than in the House.

Mr. BANKS. If a person to whom this five days' leave is granted is employed by contract, he will not suffer any deduction of pay; but for his absence the average amount of his pay will be allowed him. That is as near as we can come to it by any amendment. I hope gentlemen will allow this resolution to pass, and afterward I will cheerfully vote for any supplementary proposition which they may introduce.

Mr. KASSON. If the resolution be recommitted with leave to report at any time, I think this matter can be adjusted in a few moments. I wish simply to arrive at what is right.

Mr. PHILIPS, of Missouri. I hope we shall have a vote.

Mr. SINGLETON. In regard to the proposition to refer this matter to the Committee on the Centennial Celebration, I will say that it came from that committee this morning and on their motion was referred to the Committee on Printing. To knock this matter about backward and forward from one committee to another seems to me to be occupying unnecessarily the time of the House.

Mr. CONGER. I suggest that one week instead of ten days be the time specified; because a week will be broken into and lost at any rate. Let these employés have a week.

Mr. BANKS. That is very fair. I modify my amendment by substituting one week for five days.

Mr. FOSTER. It is evident that this matter ought to be referred to a committee to put it into proper and intelligible shape. I would suggest a special committee.

Mr. JONES, of Kentucky. I would like to offer a substitute.

The SPEAKER *pro tempore*. Does the gentleman from Mississippi [Mr. SINGLETON] yield for that purpose?

Mr. SINGLETON. No, sir; I decline to yield.

Mr. JONES, of Kentucky. Allow it to be read.

Mr. SINGLETON. I accept the amendment of the gentleman from Michigan [Mr. CONGER] granting one week instead of five days. I now move the previous question.

Mr. WHITE. I submit that one week will be insufficient.

The previous question was seconded and the main question ordered.

Mr. WHITE. I rise to a question of order.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. WHITE. I want to know whether it is not in order now to vote on my motion to recommit?

The SPEAKER *pro tempore*. It is not.

Mr. KASSON. I ask that the resolution, as it has been modified, will be read.

The resolution, as modified, was read.

The joint resolution was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. SINGLETON moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. KASSON. I move to amend the title by adding the words "and others."

The amendment was agreed to.

Mr. WHITE. I wish to ask a question for information.

Mr. BRIGHT. I demand the regular order of business.

BILLS PASSED.

The SPEAKER *pro tempore*. The regular order of business is the consideration of the report from the Committee of the Whole on the Private Calendar; and the Clerk will read the titles of the bills, and they will be considered, if there be no objection, as ordered to be engrossed, and being engrossed, read a third time in the case of House bills, and as ordered to a third reading and read the third time in the case of Senate bills, and that the amendments reported from the Committee of the Whole House as concurred in and the bills passed.

There was no objection, and it was ordered accordingly.

The Clerk read the titles of the bills, as follows:

A bill (H. R. No. 3114) for the relief of William Gemmill;

A bill (H. R. No. 3367) to remove the charge of desertion from the military record of Alfred Rouland;

A bill (H. R. No. 1997) to grant title to certain lands to the heirs of Caleb L. Brayton;

A bill (S. No. 176) to authorize the Northwestern Improvement Company, a corporation organized under the laws of the State of Wisconsin, to enter upon the Menomonee Indian reservation, and improve the Oconto River, its branches and tributaries;

A joint resolution (H. R. No. 112) to aid the Winnebago Indians of Wisconsin to obtain subsistence by agricultural pursuits, and to promote their civilization;

A bill (S. No. 560) for the relief of Benjamin L. Cornish, late second lieutenant of the Thirty-second Wisconsin Volunteer Infantry;

A bill (S. No. 333) for the relief of Major Foster A. Hixon, late a paymaster in the Army;

A bill (H. R. No. 3371) to place Laurence A. Williams, late major Sixth Cavalry United States Army, upon the retired list of the Army;

A bill (H. R. No. 1075) directing the Second Auditor to settle the pay and bounty account of John Ammahie or Ammahe;

A bill (H. R. No. 1238) granting a pension to Esther P. Fox;

A bill (H. R. No. 2257) for the relief of J. T. McGinniss, captain of Thirteenth Infantry United States Army;

A bill (H. R. No. 3331) authorizing the Secretary of War to permit the Presbyterian Church of Gratiot, Michigan, to erect and maintain a wooden church building on the Fort Gratiot military reservation, Michigan;

A bill (H. R. No. 559) for the relief of Almeron E. Calkins, late a second lieutenant in the Eighth Michigan Cavalry; and

A bill (H. R. No. 515) for the relief of Sarah E. Garland and Frank M. Hoppin.

SUSAN E. WILLARD.

The SPEAKER *pro tempore*. The question is next on the engrossment, third reading, and passage of a bill (H. R. No. 3373) for the relief of Susan E. Willard, widow of Sylvester D. Willard, of New York.

Mr. BURCHARD, of Illinois. I should like to hear the gentleman

who reported that bill from the Committee on War Claims state why the subject-matter could not be considered by the Court of Claims, and why it is a proper case to be brought here for the consideration of Congress? I move it be recommitted.

The SPEAKER *pro tempore*. The Chair is informed by the Clerk that the bill was reported from the Committee on War Claims by the gentleman from New York, [Mr. HOSKINS.]

Mr. CONGER. I was one of the subcommittee of the Committee on War Claims which examined that case and reported favorably upon it.

The SPEAKER *pro tempore*. Does the gentleman from Illinois object to the passage of the bill?

Mr. BURCHARD, of Illinois. I do.

The SPEAKER *pro tempore*. The question is on the third reading, engrossment, and passage of the bill.

Mr. CONGER. This bill was reported favorably by the gentleman from New York from the Committee on War Claims after careful examination. The report in the case was read in Committee of the Whole House, and no objection was made to the reporting of the bill with the recommendation that it do pass. I think that report upon its face shows all the reasons why this claim has not been enforced in any other tribunal and why it was brought here to Congress. It was reported favorably by the committee of the last Congress unanimously, I believe, in the House. It was reported at this session by the Committee on War Claims after full consultation. I know no good reason why it should not be passed. The only thing wrong about it is that the amount is less really than in my judgment should be allowed; but I acquiesced in that to meet the views of the other gentlemen of the committee.

These claimants were minors during part of this time, having no knowledge of the mode of procedure necessary to secure their claim. They were living in the North, away from the scene of action. They did not know there was any tribunal to which this claim could be presented until it was too late to make the presentation before the Court of Claims. Does the gentleman know of any good reason in justice or equity why this should not be passed?

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, notified the House that that body had passed a bill (H. R. No. 3809) to provide temporarily for the expenditures of the Government, with amendments, in which the concurrence of the House was requested.

SUSAN B. WILLARD.

Mr. CONGER. I wish to say, in addition, that there was a public hotel in Murphreysborough, Tennessee, and a valuable private residence, with all the furniture, bedding, and equipments, belonging to these claimants, which were taken by our officers for the purpose of establishing a general military hospital. That hotel and private residence, with all the beds, chairs, and everything which could be used for a hospital, were used for almost two years; one of them for more than a year, and the other for about a year.

Mr. HOLMAN. Does the gentleman assume that the Court of Claims ever had jurisdiction of this class of claims?

Mr. CONGER. No, sir.

Mr. HOLMAN. The only way in which the Court of Claims could have had control of this class of claims was by Congress conferring upon that court special jurisdiction, and that has never been done. The question is whether the Government is to assume the responsibility of paying all this class of claims in the Southern States.

Mr. CONGER. In order to prevent the recommitment of the bill I call for the previous question; but I do not wish to take the gentleman from Illinois off the floor.

The SPEAKER *pro tempore*. What is the motion of the gentleman from Illinois?

Mr. BURCHARD, of Illinois. I move to recommit the bill to the Committee of the Whole on the Private Calendar.

I should have no objection to passing the bill if it had peculiar equities and would establish no precedent. I do not know that this will. The gentleman from Michigan asks me if I know any reason why this bill should not pass. That is not the ground for asking that a bill shall receive the favorable consideration of this House. The question is, why should it pass? It may be all right; but there is this on the face of it: It is a claim for the occupancy of a building in a territory that was overrun a portion of the time by the Union troops and a portion of the time by the confederate troops. It was on the battle-ground of the war in a territory where damages were committed or injuries inflicted both by northern troops and southern troops. It was an occupancy of premises in a State that was, a portion of the time at least, occupied by the confederate troops and claimed as one of the Confederate States.

Now, the question arises, shall we pay for the occupancy of premises and for injury done to property in cases of that kind? If this is an exceptional case, if it will not form a precedent for the payment of claims that may arise in respect to the operations that were carried on during the war, then I have no objection. I see no objection to passing the bill upon the explanation that has been made and the report of the committee.

Mr. CONGER. I wish to say to the gentleman that these premises were occupied by our troops for the purposes named after that region came within our lines, and after it was continuously within our lines, and under the control of our Government, and with the consent of the owners, that property was taken for a hospital for our wounded men from other battle-fields around. It violates no principle that I have ever heard even suggested in the Committee on War Claims in regard to damage and destruction of property as ravages of war. A military board, a board of survey, was appointed at the time by the proper officers to fix the rental of these premises. The rental fixed by that board was more even than the committee have allowed in this case.

Mr. BURCHARD, of Illinois. What time was this property occupied?

Mr. CONGER. One part of it I think for seventeen months and another I think for eleven or thirteen months.

Mr. BURCHARD, of Illinois. At what period of the year?

Mr. CONGER. After our occupation of Murfreesborough. After our continued occupation till the end of the war, it was the center of all the operations around it and was the central military hospital for all that region. The husband of this woman was at that time the surgeon-general of the State of New York, being himself in the service of the United States.

Mr. BURCHARD, of Illinois. What debarred this claim from being presented at the Quartermaster's Department?

Mr. CONGER. There was no money to pay this class of claims.

Mr. BURCHARD, of Illinois. But the Quartermaster's Department allowed for stores and for the rents and the occupation of premises.

Mr. CONGER. The Quartermaster's Department allowed for stores that they paid for as they went along where they had money in the military chest to pay for the stores they took.

Mr. BURCHARD, of Illinois. But there are claims which have been passed on and are being passed on in the Quartermaster's Department on certificates.

Mr. CONGER. Congress by law has forbidden the payment of such claims till presented to Congress.

Mr. KASSON. Is it not time to close this conversation? [Laughter.]

Mr. BURCHARD, of Illinois. One more question. Were the committee unanimously in favor of this bill?

Mr. CONGER. I think they were. I ask the previous question.

The previous question was seconded and the main question ordered.

The first question was on the motion to recommit the bill to the Committee of the Whole on the Private Calendar.

The motion was not agreed to.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

PRIVATE BILLS PASSED.

Bills of the following titles, reported from the Committee of the Whole on the Private Calendar, were severally read by their titles, and passed:

A bill (H. R. No. 3374) for the relief of Harry E. Eastman, late lieutenant-colonel Second Regiment Wisconsin Cavalry Volunteers;

A bill (H. R. No. 2501) for the relief of the estate of Mrs. A. E. Hall, widow of Dr. David A. Hall;

A bill (H. R. No. 940) for the relief of Edwin Ebert;

A bill (H. R. No. 3483) to restore John Pulford, lieutenant-colonel United States Army, (retired,) to his former rank on the retired list;

A bill (H. R. No. 3484) for the relief of John Rentz;

A bill (H. R. No. 3489) for the relief of Captain Samuel Adams; and

A bill (H. R. No. 2905) for the relief of E. B. McPherson, jr., of Boonville, Missouri.

Mr. CONGER moved to reconsider the various votes by which the bills reported by the Committee of the Whole on the Private Calendar were passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, announced that the Senate further insisted on its amendments disagreed to by the House to the bill (H. R. No. 2571) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1877, and for other purposes, asked a further conference with the House on the disagreeing votes of the two Houses, and had appointed as conferees on the part of the Senate Mr. MORRILL of Maine, Mr. WINDOM, and Mr. WITHERS.

The message also announced that the Senate had passed a bill of the following title, with amendments; in which the concurrence of the House was requested:

A bill (H. R. No. 2575) to amend sections 3893 and 3894 of the Revised Statutes providing a penalty for mailing obscene books, and other matters therein contained, and prohibiting lottery circulars passing through the mails.

The message further announced that the Senate had passed a bill (S. No. 535) granting a pension to Armstead Goodlow, in which the concurrence of the House was requested.

CLAIMS REPORTED FROM TREASURY DEPARTMENT.

Mr. BRIGHT. I am instructed by the Committee of Claims to ask unanimous consent to take from the Speaker's table House bill No.

2691, for the allowance of certain claims reported by the accounting officers of the Treasury Department. The bill comes to the House from the Senate with sundry amendments, most of them merely verbal, such as correcting errors in names, &c.

No objection being made, the bill, with the amendments, was taken from the Speaker's table.

Mr. BRIGHT. I move that the amendments of the Senate be concurred in.

The motion was agreed to.

Mr. BRIGHT. I move to reconsider the vote just taken; and also move that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. COOK. I move that the House now adjourn.

Mr. RANDALL. O, no.

Mr. BANKS. I ask the gentleman to yield to me to make a report.

Mr. COOK. I will withdraw the motion for the present.

CENTENNIAL CELEBRATION.

Mr. BANKS, from the Select Committee on the Centennial Celebration, submitted the following report:

The Centennial Committee, to whom was referred the joint resolution (H. R. No. 133) providing that when the two Houses adjourn on Saturday, the 1st day of July, they shall respectively stand adjourned until ten o'clock a. m. on Tuesday, July 4, 1876, at which hour they shall assemble respectively at Independence Hall, in the city of Philadelphia, at which time and place the two Houses shall consider a joint resolution commemorative of the centennial anniversary of the declaration of American Independence, have considered the same, and report that the condition of the public service renders it inexpedient to act thereon at this time.

Mr. BANKS. This is the unanimous report of the committee, and I move that it be laid upon the table.

Mr. KASSON. I desire to say that on Monday last, when I introduced that resolution, we all had some hope that we could so arrange the public business this week as to enable us to dedicate that much time to the observance of a centennial occasion of so much importance. I am now satisfied, and have so stated to gentlemen of the committee, that we ought not at this time to take that number of days of adjournment. I hope the report will be laid upon the table, so that, if circumstances should change hereafter, it may be within the reach of the House.

The report was received and laid on the table.

Mr. HOPKINS. I am instructed by the same committee to report the resolution which I send to the Clerk's desk.

The Clerk read as follows:

Resolved, That the House of Representatives hereby accepts the invitation of the United States centennial commission to attend the one hundredth anniversary of the declaration of Independence, in Independence Square, Philadelphia, on July 4, at ten o'clock a. m.; and that the Clerk of the House be directed to communicate to the president of said commission a copy of this resolution.

Mr. HOPKINS. I will state briefly the difference between this resolution and the joint resolution just reported upon. This resolution is in response to an official invitation from the centennial commission to this House to participate in a programme which they have arranged and which they control. The other resolution was a proposition from ourselves, inviting ourselves to meet in Independence Hall, over which we have no control or authority, and which will probably be otherwise occupied. Hence the committee reported adversely upon that proposition, and have reported this resolution, so that the House can in accordance with common courtesy manifest its acceptance of the invitation we have received.

Mr. KASSON. I desire to ask the gentleman if he has considered the further question of the propriety of an observance here by Congress of this centennial anniversary? If Congress will go to Philadelphia and participate there in the observance of that day in some form so that it will appear upon our record that we have noticed it, I should be extremely glad. But unless we adjourn before Monday, and over Monday until Tuesday, it will be a mere sham, so far as the presence of Congress in Philadelphia is concerned, to accept this invitation. As between such a formal acceptance, not to be executed, and a meeting in our own Hall, where a simple and brief memorial service may be had, I greatly prefer the latter. I think it worthy of consideration by this House whether, if we cannot adjourn over Monday, and must meet here on Monday for the transaction of business, we will not have our own memorial service, with a proper prayer and proper resolution to be adopted, in our own Hall on the Fourth of July.

Mr. HOPKINS. In response to the gentleman from Iowa, [Mr. KASSON,] I will say that I concur very fully and cordially in his idea of the propriety of a formal meeting of Congress in Philadelphia. But the gentleman is mistaken in calling it our own Hall; we have no control over it.

Mr. KASSON. I spoke of our Hall here.

Mr. HOPKINS. I beg the gentleman's pardon; I did not distinctly understand him. As to the matter of adjournment, the committee deemed that that subject belonged to the Committee on Appropriations, and we supposed that the passage of this resolution would be followed by one from that committee agreeing to adjourn from to-morrow until Wednesday next.

Mr. KASSON. I think the other resolution should precede this, in order that we may take the sense of the House upon it.

Mr. WHITE. I desire to ask gentlemen and the House a question, whether it would not be more appropriate for us to sit here and serve our constituents by doing the business of the country on the Fourth of July rather than taking any more holidays? I think we have had enough holidays this year. The people will sustain us if instead of going to Philadelphia we remain here and celebrate the Fourth of July by discharging our duty to our constituents.

Mr. HOPKINS. The question of adjournment is not now before the House. The simple question is, shall we, or not, accept the invitation of the Centennial Commission?

Mr. SEELYE. Mr. Speaker, I rise to second the suggestion of the gentleman from Iowa, [Mr. KASSON.] It seems to me that the only becoming celebration of the day by this House is that we meet in our own Hall for a solemn service: the reading of God's Word and the offering of thanksgiving and prayer to Almighty God. I think that would be a becoming service, one worthy of this historical occasion, and the only one, it seems to me, that would befit the history of the past and our hopes of the future. I hope the suggestion will be adopted.

Mr. BANKS. Certainly, Mr. Speaker, I would not say a word against the proposition which has been suggested by the gentleman from Iowa [Mr. KASSON] and seconded so eloquently and earnestly by my colleague, [Mr. SEELYE.] But we have entered upon one centennial celebration of the aniversary of American Independence; we have contributed our money to it; the executive officers of the Government will probably attend it; and it is impossible for us without further time and more thorough preparation than can now be made to have in this Hall an appropriate celebration worthy of the centennial anniversary of the independence of our country. If we undertake such a celebration in the manner now for the first time suggested, it cannot be attended with that dignity nor accompanied by that effect upon the country which should be given to it. There is neither preparation, opportunity, or time for this purpose. It is very well to say that we might have prayers and reading of the Scriptures, but something more than this, something that shall attempt, if it does not reach, an adequate exposition of our position as the first Republic of our time, a review of the past, a comprehensive and just consideration of the use we have made of our opportunities and what the world may justly expect of us in the future which now ushers upon us, will be expected and demanded. For this we are not now prepared. These gentlemen who urge it upon us should have earlier presented their views and moved.

The Centennial Commission, with the concurrence and support of all the States of the Union as well as of the General Government in both its legislative and executive departments, has determined upon a fitting celebration of this great anniversary at Philadelphia. Why should we here undertake, upon notice of only a day or two, to set up a celebration of our own in opposition and rivalry of that?

Mr. CONGER. A mere side-show.

Mr. BANKS. Yes; as the gentleman from Michigan well suggests, a "side-show." I do not think it belongs to us to do that.

Now, the national commission has sent to this House an invitation to attend the celebration at Philadelphia. It is not an official, formal, a legal attendance that they expect. I am informed by a communication from the centennial commissioners that they have distributed individual invitations. They have sent us a respectful and formal invitation; and it is proper that we should take some notice of it. We certainly cannot reject it. If we are too much occupied in the legitimate and regular business of the session we should of course say so. But if it be convenient for any considerable number of members to attend, they should have that privilege. The commission could not properly overlook the Senate and House of Representatives in the distribution of their invitations; nor can we with propriety reject them. Such gentlemen as feel at liberty to attend will undoubtedly be very glad to do so. I hope this much respect will be accorded to the commission.

Mr. KASSON. Before the gentleman sits down, will he do something to relieve us somewhat of the embarrassment of the situation? If, after having accepted this invitation, the House should continue in session here and its record should show it to be in session, we would be in the position of having accepted an invitation as a guest and then failing to be present at the entertainment.

Mr. BANKS. I will answer the suggestion of the gentleman from Iowa by stating my own purpose in this matter. I desire to accept the invitation of the commission; I desire to go to Philadelphia to participate in the celebration there on the Fourth of July; to hear the orator who has been appointed as the orator of the United States, competent to speak the sentiments of the people on that occasion; to listen to the poet who has been selected as the poet of the United States, to express in his offering the sentiments of the people on that occasion. But if it shall be determined by the House that it is necessary to sit to-morrow or Monday, or Tuesday even, I shall remain here and do my duty. If, on the contrary, the gentlemen having control of the most important business of the House, the appropriation bills, should think it advisable to-morrow night to move to adjourn till Wednesday, I shall vote with them, and I hope the House may concur. If, on the other hand, they think it necessary for the public business that we shall sit on Monday, then I shall cheerfully vote with them and stay here on that day, going in the evening, if I can, to Philadelphia, to enjoy the festivities of the great anniversary that can never again recur for any of us. Certainly we shall not sit for

business as a House of Representatives on the Fourth of July unless it is imperatively necessary. We cannot expect that result; and when on Monday evening we adjourn, we shall probably adjourn over the Fourth of July; and then such of us as choose can go at night to Philadelphia.

We leave the question of adjournment (for this matter was considered in the Centennial Committee) to that committee to which it properly and, under the present circumstances, exclusively belongs—to the Committee on Appropriations.

Mr. KASSON. I do not see that the proposition of the gentleman from Massachusetts relieves us of that difficulty. If the committee has reported a proposition for such an adjournment as would enable us to meet at Philadelphia if we chose to go, I should concur with great heartiness if that can be done. But the trouble is they propose an acceptance, reserving the right after that whether they will conform to the acceptance or not. I do not like the House should place itself in that situation. If the committee would report a resolution declaring an adjournment over the Fourth of July, then I should see my way clear to accept it, and then no informality would appear of record.

Mr. BANKS. The committee considered this whole matter very carefully. The Committee on the Centennial Celebration could not properly determine the question of adjournment, not knowing what the condition of public business would be. We could not recommend an adjournment this evening or to-morrow over until Wednesday. We left that to the proper committee.

There is no embarrassment, therefore, as suggested by the gentleman from Iowa. If the public business is such we cannot adjourn, then we shall not adjourn. If it is in such condition that we can go, then such as can will go. There will be nothing in the record inconsistent with our position on the one side or the other.

Mr. KASSON. I think if the gentleman would add to it, "if the condition of public business shall allow," it will be all right.

Mr. BANKS. We do not want any such condition as that, because if the condition of public business will not allow it then we will not go. The acceptance of the invitation is a mere formal matter. It will not bind us, nor allow us to disregard our official duties. We are invited, and we accept. If we can attend, we shall do so; if not, it will be otherwise. But in any event, all the proprieties of the occasion will be properly observed.

Mr. RANDALL. I regret the committee reported adversely upon the proposition that Congress should adjourn, so to express it, to the city of Philadelphia, and on that day the two Houses should meet in joint convention and agree to some resolution appropriate to the occasion. I think it would have been a beautiful exhibition, one marking an event in our history, the declaration of Independence, meeting as Congress would one hundred years after that event in the same Hall of Independence from which that immortal Declaration was published. We might have had the roll called. But the committee decided otherwise.

I wish to say in the same connection that there is no difficulty about securing Independence Hall for that day. There is no one in Philadelphia having control of that hall who would not have welcomed Congress with warm hearts and open arms for that purpose.

Furthermore, as for the proposition before the House, I think we should accept the invitation. I think the legislative action now taking place between the two Houses as to the appropriation bills will to-morrow permit a resolution to adjourn from to-morrow over until Wednesday, and that will give the opportunity to every member of Congress to go to Philadelphia.

As the gentleman from Massachusetts has said, every member of Congress is invited to go and hear the oration and the poem, and witness the other proceedings of that most interesting centennial anniversary. We can safely get back on Wednesday at half-past one o'clock. Such gentlemen as may attend can open the session of the House at twelve and run through the morning hour, when the House will be recruited to its full strength at half-past one. So I see no difficulty whatever in accepting the invitation. I believe that the Committee on Appropriations, so far as I can say, will concur in an adjournment from to-morrow evening till Wednesday.

Mr. BANKS. Pardon me, Mr. Speaker, one word in reference to the proposition to hold a legal session of Congress in Philadelphia. The proposition does not come from the citizens of Philadelphia nor from the Centennial Commission. No invitation has been received from that city upon this subject. On the contrary, they have invited us to attend a national celebration to be held in Independence Square at ten o'clock, and ten o'clock on the Fourth of July was the very hour fixed in the resolution for the proposed legal assemblage of the two Houses of Congress on that day, to which the gentleman from Pennsylvania has again called the attention of the House.

Mr. RANDALL. It would be easy to make it an hour earlier.

Mr. BANKS Therefore it was an unauthorized interference with a celebration which is in behalf of all the people of this country.

Mr. KASSON. Let me say one word, that the theory of that resolution was not that we were invited by anybody to make fitting observance of the Fourth of July, but Congress in its representative capacity deemed it proper to make its own celebration of the Fourth of July, under circumstances becoming that great centennial occasion.

Mr. BANKS. It was a proposition emanating from ourselves, a proposition directly in conflict with those national arrangements which have been in process of organization for many months, and to which the people of all nations have been invited.

There were other serious difficulties. We had no information that the Hall of Independence could be secured to us, so that the Sergeant-at-Arms and the Doorkeepers of the House and Senate could be authorized to take possession and exclude everybody except ourselves on that day. We also consulted with many gentlemen of the House, and there were very few members, so far as I know, who deemed it expedient or practicable to do it. We consulted with gentlemen interested in another body, of equal authority with our own, and the opinion there was almost unanimous, nearly every member consulted being positively against it.

We looked also at the law in regard to the sessions of Congress. We found that there were serious constitutional difficulties in regard to the two Houses of Congress sitting anywhere for any purpose except at the seat of Government, in the District of Columbia. The seat of Government is fixed here in the District of Columbia, and the House of Representatives, as one of the Houses of Congress, can sit nowhere except at the seat of government. The President, in the case of an invasion or an epidemic, or under circumstances that might make it impossible for us to meet here, has authority under the law to convene Congress at such other place as he may deem proper; but there is certainly some doubt whether we change the place of meeting for the two Houses of Congress without changing for the time being the seat of Government.

Mr. RANDALL. That is inferential.

Mr. KASSON. Could we not meet anywhere by virtue of a law or joint resolution?

Mr. HOPKINS. I rise to a question of order. Have I not called the previous question?

The SPEAKER *pro tempore*. The gentleman called the previous question some time ago. All this is proceeding by unanimous consent.

Mr. HOPKINS. Then I insist on the previous question.

The previous question was seconded and the main question ordered.

The question being taken on agreeing to the resolution reported by Mr. HOPKINS from the Committee on the Centennial Celebration, the Speaker stated that in the judgment of the Chair the "ayes" had it.

Mr. WHITE. I call for a division.

Mr. BANKS. Has the gentleman from Kentucky a right to make such a call when he is not in his place?

Mr. WHITE. I am not in my own seat owing to the fact that I cannot hear anything when I am there.

The question being put, there were ayes 87.

The SPEAKER *pro tempore*. The ayes are evidently largely in the majority.

Mr. WHITE. I make the point that no quorum has voted. It is not right that we lose four days for the sake of this centennial celebration.

Mr. HOLMAN. I ask for tellers.

The SPEAKER *pro tempore*. A quorum not having voted, the Chair will order tellers, and appoints the gentleman from Pennsylvania, Mr. HOPKINS, and the gentleman from Kentucky, Mr. WHITE.

The House again divided; and the tellers reported—ayes 108, noes 2.

Mr. WHITE. I insist upon the point that no quorum has voted. We will lose four days if this resolution is adopted.

Mr. HOLMAN. I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 121, nay 1, not voting 167; as follows:

YEAS—Messrs. Ainsworth, Anderson, Ashe, Bagby, John H. Baker, William H. Baker, Banks, Blair, Bright, Horatio C. Burchard, Cabell, William P. Caldwell, Campbell, Candler, Cannon, Cason, Caswell, John B. Clarke of Kentucky, Conger, Cook, Cowan, Crounse, Culberson, Cutler, Davis, Davy, De Bolt, Denison, Dibrell, Dobbins, Durand, Eames, Ellis, Finley, Fort, Foster, Franklin, Frost, Gibson, Goode, Goodin, Hale, Andrew H. Hamilton, Hancock, Hatcher, Haymond, Henderson, Hereford, Hill, Holman, Hopkins, House, Hubbell, Hunter, Hunton, Jenks, Kasson, Kehr, Kimball, Knott, Lamar, Franklin Landers, Lord, Luttrell, Lynde, L. A. Mackey, Maish, MacDougall, McDill, Metcalfe, Morgan, Neal, New, Norton, Oliver, O'Neill, Packer, Page, Payne, William A. Phillips, Pierce, Piper, Potter, Powell, Pratt, Randall, Rea, Rice, Riddle, John Robbins, William M. Robbins, Robinson, Sobieski Ross, Sampson, Sayler, Scales, Seelye, Singleton, Smalls, A. Herr Smith, Southard, Springer, Strait, Stevenson, Terry, Thompson, Tucker, Tufts, Van Vorhes, Alexander S. Wallace, Walsh, Warren, Erastus Wells, Whiting, Wike, Willard, Andrew Williams, Alpheus S. Williams, William B. Williams, James Wilson, and Yeates—121.

NAY—Mr. White—1.

NOT VOTING—Messrs. Adams, Atkins, George A. Bagley, John H. Bagley, jr., Ballou, Banning, Bass, Beebe, Bell, Blackburn, Blaine, Bland, Bliss, Blount, Boone, Bradford, Bradley, John Young Brown, William R. Brown, Buckner, Samuel D. Burchard, Burleigh, John H. Caldwell, Cate, Caulfield, Chapin, Chittenden, John B. Clark, jr., of Missouri, Clymer, Cochrane, Collins, Cox, Crapo, Danford, Darrall, Douglas, Dunnell, Durham, Eden, Egbert, Ely, Evans, Faulkner, Felton, Forney, Freeman, Frye, Fuller, Garfield, Gause, Glover, Gunter, Robert Hamilton, Haralson, Hardenbergh, Benjamin W. Harris, Henry R. Harris, John T. Harris, Harrison, Hartridge, Hartzell, Hathorn, Hays, Hendee, Henkle, Abram S. Hewitt, Goldsmith W. Hewitt, Hoar, Hoge, Hooker, Hoskins, Hurd, Hurlbut, Hyman, Frank Jones, Thomas L. Jones, Joyce, Kelley, Ketcham, King, George M. Landers, Lane, Lapham, Lawrence, Leavenworth, Le Moyne, Levy, Lewis, Lynch, Edmund W. M. Mackey, Magoon, McCrary, McFarland, McMahon, Meade, Miller, Milliken, Mills, Money, Monroe, Morrison, Mutchler, Nash, O'Brien, Odell, Parsons, Phelps, John F. Philips, Plaisted, Platt, Poppleton, Purman, Rainey, Reagan, John Reilly, James B. Reilly, Roberts, Miles Ross, Rusk, Savage, Schleicher, Schumaker, Sheakley, Sinnickson, Slemons, William E. Smith, Sparks, Spencer, Stenger, Stone, Stowell, Swann, Tarbox, Teese, Thomas, Thornburgh, Throckmorton, Martin I. Townsend, Washington Townsend, Turney, John L. Vance, Robert B. Vance,

Waddell, Wait, Waldron, Charles C. B. Walker, Gilbert C. Walker, John W. Wallace, Walling, Ward, G. Wiley Wells, Wheeler, Whitehouse, Whitthorne, Wigginton, Charles G. Williams, James Williams, James D. Williams, Jeremiah N. Williams, Willis, Wilshire, Benjamin Wilson, Alan Wood, jr., Fernando Wood, Woodburn, Woodworth, and Young—167.

During the roll-call the following announcements were made:

Mr. ROBBINS, of North Carolina. My colleague, Mr. VANCE, is absent on account of illness.

Mr. KNOTT. My colleague from Kentucky, Mr. BLACKBURN, is absent on account of sickness.

Mr. LUTTRELL. My colleague from California, Mr. WIGGINTON, is detained at home on account of sickness. If he were here he would vote "ay."

Mr. HAYMOND. My colleague from Indiana, Mr. FULLER, is absent on account of sickness.

Mr. FOSTER. My colleagues from Ohio, Mr. GARFIELD, Mr. MONROE, and Mr. LAWRENCE, are absent by leave of the House.

Mr. STRAIT. My colleague from Minnesota, Mr. DUNNELL, is at his room, sick.

Mr. MACKEY, of Pennsylvania. My colleague, Mr. FREEMAN, is absent by leave of the House. If he were present he would vote "ay."

Mr. CONGER. My colleague from Michigan, Mr. WALDRON, is absent on a committee of conference.

Mr. SPRINGER. My colleague from Illinois, Mr. HARTZELL, is absent on account of sickness in his family.

Mr. PACKER. My colleague from Pennsylvania, Mr. KELLEY, is absent by leave of the House. If present he would vote "ay."

The SPEAKER *pro tempore*. The resolution is adopted.

Mr. WHITE. I desire by unanimous consent to make just one remark. I do not want to insist on a call of the House at this time. My only reason for not moving that the House now adjourn is that I understand that the Committee on Appropriations have a bill that they desire acted upon now.

Mr. SPRINGER. The Committee on Appropriations can take care of their own business.

Mr. RANDALL. We will take care of that.

Mr. WHITE. If they have no business to act on, I move that the House now adjourn.

The motion to adjourn was not agreed to.

TEMPORARY APPROPRIATIONS.

Mr. RANDALL. I now ask unanimous consent to take from the Speaker's table House bill No. 3809, to provide temporarily for the expenditures of the Government, which has come back from the Senate with sundry amendments.

Mr. HOLMAN. Did the Chair announce that the resolution reported from the Centennial Committee was adopted?

The SPEAKER *pro tempore*. The Chair so announced.

Mr. WHITE. Did a quorum vote on this resolution?

Mr. RANDALL. That point of order is too late.

The SPEAKER *pro tempore*. The point of order is too late, other business having intervened.

There being no objection, the bill (H. R. No. 3809) to provide temporarily for the expenditures of the Government, with the Senate amendments thereto, was taken from the Speaker's table.

The amendments of the Senate were as follows:

In line 3 strike out "for such Departments;" strike out all after the word "lawful," in line 6, to and including the word "delay," in line 7; in line 8 strike out "such Departments" and insert "the Government;" and add to the bill the following:

And in case no sufficient balance remains at the conclusion of the fiscal year ending June 30, 1876, to the credit of any appropriation, the necessary amount is hereby appropriated out of any money in the Treasury not otherwise appropriated; but no greater amount shall be expended under this act than such proportional sum of the appropriations for the fiscal year ending June 30, 1876, as ten days' time bears to the whole of said fiscal year; and such expenditures shall be only for the necessary operations of the Government under existing laws. All sums under this act shall be charged to and deducted from the appropriations for like service for the fiscal year ending June 30, 1877.

Mr. RANDALL. The first three amendments of the Senate are merely changes in the phraseology of the House bill, and do not affect the purpose that the House had in view in passing the bill. The last amendment explains itself to the intelligence of the House. If no one desires to speak upon these amendments, I move that they be concurred in.

The amendments of the Senate were concurred in.

Mr. RANDALL moved to reconsider the vote by which the amendments of the Senate were concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. RANDALL. I would like to ask that the House remain in session a few minutes in order that the enrolled bills may be signed in open House as the law requires.

ENROLLED BILLS SIGNED.

Mr. HARRIS, of Georgia, from the Committee on Enrolled Bills, reported that they had examined and found truly a enrolled bill of the following title; when the Speaker *pro tempore* signed the same:

An act (H. R. No. 1100) relative to unused stamps.

Mr. HAMILTON, of Indiana, from the same committee, reported that that they had examined and found truly enrolled bills of the following titles; when the Speaker *pro tempore* signed the same:

An act (H. R. No. 11) granting a pension to Eliza Jane Blumer;

An act (H. R. No. 590) for the relief of Mrs. Susan E. Rhea, widow of Dr. J. Burrows Gardiner;

An act (H. R. No. 1204) granting a pension to Henry H. Wharff, of Company C, Eighteenth Regiment of Ohio Volunteers;

An act (H. R. No. 1337) for the relief of Nelson Tiffany;

An act (H. R. No. 1598) granting a pension to William R. Duncan;

An act (H. R. No. 1602) granting a pension to Margaret E. Cogburn;

An act (H. R. No. 1849) granting a pension to Abigail S. Dawney;

An act (H. R. No. 1939) granting a pension to Sarah Emmons;

An act (H. R. No. 1944) granting a pension to Niram W. Pratt;

An act (H. R. No. 2081) granting a pension to William McLay, late a private in Company G, Twelfth Illinois Infantry Volunteers;

An act (H. R. No. 2162) granting a pension to Clara Brosch, mother of Joseph Brosch, jr., late private Company H, Twenty-fourth Regiment Illinois Infantry Volunteers;

An act (H. R. No. 2289) granting a pension to Jane Bertholf;

An act (H. R. No. 2301) granting a pension to Mary B. Hook;

An act (H. R. No. 2303) granting a pension to Mary S. Greenlee;

An act (H. R. No. 2310) granting a pension to Emanuel B. Herr;

An act (H. R. No. 2387) to fix the retired pay of Surgeon-General Clement A. Finley, retired;

An act (H. R. No. 2586) granting a pension to John L. Bartley;

An act (H. R. No. 2701) granting a pension to Nancy H. Blacknall, widow of Thomas Y. Blacknall, late a private Company L, Seventh Tennessee Cavalry;

An act (H. R. No. 2804) granting a pension to Harriet C. Dunham, widow of Charles A. Dunham, late a private Company A, One hundred and eighteenth Regiment Pennsylvania Volunteers;

An act (H. R. No. 2829) for the relief of Ariel K. Eaton and James D. Jenkins;

An act (H. R. No. 2836) for the relief of Joseph Wilson, of Bourbon County, Kentucky;

An act (H. R. No. 3037) granting a pension to Samuel D. Falls, late unassigned recruit Ninth Regiment Minnesota Volunteers;

An act (H. R. No. 3375) making appropriations for the naval service for the year ending June 30, 1877, and for other purposes;

An act (H. R. No. 3670) authorizing the Nebraska City Bridge Company to construct a ponton railway bridge across the Missouri River at Nebraska City, in Otoe County, Nebraska; and

An act (H. R. No. 3809) to provide temporarily for the expenditures of the Government.

INTERNATIONAL EXPOSITION.

The SPEAKER *pro tempore*, by unanimous consent, laid before the House a letter from the Acting Secretary of the Treasury, inclosing a draught of a joint resolution amendatory of the act of June 18, 1874, relating to the international exposition of 1876, and recommending the passage thereof; which was referred to the Select Committee on the Centennial Celebration.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. WILLIAMS, of New York, for ten days;

To Mr. ODELL indefinitely;

To Mr. SHEAKLEY for ten days;

To Mr. SPENCER for one day;

To Mr. DOBBINS for four days from next Monday;

To Mr. HENDERSON for six days; and

To Mr. BROWN, of Kentucky, a further extension of leave of absence for ten days.

G. ALEXANDER RAMSAY.

Mr. ELLIS, by unanimous consent, introduced a bill (H. R. No. 3829) for the relief of G. Alexander Ramsay; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

SETTLERS ON DES MOINES RIVER LANDS, IOWA.

Mr. McDILL, by unanimous consent, presented from the Committee on Public Lands a report in writing to accompany a bill to quiet the titles of settlers on the so-called Des Moines River lands, in the State of Iowa, and for other purposes; which was ordered to be printed, and recommitted.

WILLIAM H. POWELL AND F. A. M'DOWELL.

Mr. BURCHARD, of Illinois, by unanimous consent, reported from the Committee of Ways and Means, as a substitute for House bill No. 327, a bill (H. R. No. 3830) for the relief of William H. Powell and F. A. McDowell; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

CHARGES AGAINST HON. CHARLES HAYS.

Mr. LORD. On behalf of the Judiciary Committee I ask unanimous consent that the testimony taken by that committee in the case of Hon. CHARLES HAYS, a member of this House, be printed, so that all the members may fully consider it.

There being no objection, it was ordered accordingly.

Mr. KASSON. May I ask the gentleman when the report will be made?

Mr. LORD. Very soon after the testimony is printed.

Mr. KASSON. I hope it may be made promptly.

Mr. LORD. As something has been said in regard to that, I would like to say——

The SPEAKER *pro tempore*. The order has been made.

REPORTS FROM THE COMMITTEE ON MILITARY AFFAIRS.

Mr. MACDOUGALL, by unanimous consent, reported from the Committee on Military Affairs bills of the following titles; which were severally read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying reports, ordered to be printed:

A bill (H. R. No. 3831) for the relief of certain enlisted men of the Twentieth United States Infantry; and

A bill (H. R. No. 3832) for the relief of Lewis C. Dils, late private Company B, Thirty-ninth Kentucky Volunteers.

Mr. MACDOUGALL also, from the same committee, reported back, with favorable recommendation, bills of the following titles; which were severally referred to the Committee of the Whole on the Private Calendar, and the accompanying reports ordered to be printed:

A bill (S. No. 548) for the relief of Major D. C. Smith;

A bill (H. R. No. 2042) to authorize the Secretary of War to compensate the officers and men of the Fourteenth Infantry for private property destroyed by fire on the Nashville and Chattanooga Railroad; and

A bill (H. R. No. 3422) for the relief of Charles W. Wood, late of Company E, First Battalion, Thirteenth Regiment United States Infantry.

Mr. MACDOUGALL also, from the same committee, reported back adversely the bill (H. R. No. 1320) for the relief of William H. Smallwood; which was laid on the table, and the accompanying report ordered to be printed.

Mr. STRAIT, from the same committee, reported back, with a favorable recommendation, the bill (S. No. 4) for the relief of William Bowlin; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

PAYMASTER-GENERAL.

Mr. MACDOUGALL. I ask unanimous consent to report and have put upon its passage at this time the bill (S. No. 843) establishing the rank of the Paymaster-General.

Mr. HOLMAN. I object.

MRS. REBECCA C. MAXWELL.

Mr. RICE, by unanimous consent, from the Committee on Invalid Pensions, reported back, with a favorable recommendation, the bill (H. R. No. 3349) granting a pension to Mrs. Rebecca C. Maxwell, widow of the late Colonel O. C. Maxwell, One hundred and ninety-fourth Ohio Volunteer Infantry; which was referred to the Committee of the Whole on the Private Caldendar, and the accompanying report ordered to be printed.

ORDER OF BUSINESS.

Mr. PIPER. I move that the House adjourn.

Mr. HOLMAN. I trust the gentleman will not make that motion. It is quite important that action on the resolution providing for the public printing, which came to us from the Senate and which we amended, should be completed to-night.

Mr. RANDALL. That will only take five minutes.

Mr. HOLMAN. It is now late; and I move that the House take a recess till eight o'clock.

The SPEAKER *pro tempore*. Does the gentleman from California [Mr. PIPER] withdraw his motion for that purpose?

Mr. PIPER. Yes, sir.

Mr. PAGE. I understand that no business is to be done to-night except upon the bill which has been mentioned.

Mr. RANDALL. The Senate, I believe, has taken a recess till seven o'clock, and if we meet at eight o'clock the bill will doubtless be ready by that time to be sent over.

The gentleman from Mississippi [Mr. SINGLETON] thinks it is absolutely essential that bill should be passed to-night or else the public printing will stop.

Mr. KASSON. The only point is that no other business shall be transacted.

Mr. RANDALL. No other business will be done except that.

The SPEAKER *pro tempore*. Does the gentleman from Indiana, the mover of the motion, move the House now take a recess until eight o'clock with the understanding that no business be transacted except what pertains to that bill?

Mr. HOLMAN. Either that or any other bill pending between the two Houses.

Mr. CONGER. I hope there will be no limitation on this last day of the fiscal year on the part of the House to do what is necessary.

Mr. HOLMAN. I hope it will be confined to what will be necessary to get together the two Houses on appropriation bills. So far as I am concerned I wish it understood that I make that motion, that nothing shall be done except what is necessary to bring together the two Houses on the appropriation bills.

Mr. KASSON. Then it must be for business.

Mr. CONGER. That means no limitation, then, and I think there should be none.

The SPEAKER *pro tempore*. Does the gentleman then move that the House take a recess for the transaction of business?

Mr. HOLMAN. Let it be business between the two Houses touching appropriation bills.

Mr. KASSON. Let there be no limitation.

Mr. HOLMAN. Then let the motion be without limit.

The SPEAKER *pro tempore*. It will be so put to the House.

And then (at six o'clock and twelve minutes p. m.) the House took a recess until eight o'clock p. m.

EVENING SESSION.

The recess having expired, the House re-assembled at eight o'clock p. m., the Speaker *pro tempore* in the chair.

Mr. HOLMAN. I move the House take a recess for fifteen minutes.

The motion was agreed to.

After the recess the House resumed its session.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, notified the House that the Senate had agreed to the amendments of a bill (S. No. 435) amending section 5546 of the Revised Statutes of the United States, relating to imprisonment and transfer of United States prisoners.

It further announced that it had agreed to the amendments of the House to the bill (S. No. 960) to continue the public printing.

It further announced that it had passed the bill (S. No. 962) to amend an act approved April 20, 1876, providing for the sale of a part of the custom-house in Rockland, Maine; in which the concurrence of the House was requested.

ROCKLAND CUSTOM-HOUSE LOT.

Mr. HALE. I ask unanimous consent to take from the Speaker's table and put upon its passage at this time a bill (S. No. 962) to amend an act approved April 20, 1876, providing for the sale of part of the custom-house lot at Rockland, Maine. It is only to correct a mistake in the description of the land in the bill as passed by both Houses.

The bill, which was read, provides that the act approved April 17, 1876, providing for the sale of a part of custom-house lot in Rockland, Maine, be, and the same is thereby, so amended that the strip of land therein described shall be as follows, to wit:

Beginning at the northerly corner of land of the heirs of Charles Spofford, and running thence north eight degrees, east one hundred and twenty-one and four-tenths feet to Limerock street, at the northwesterly corner of land of Oliver H. Perry, formerly ship-builder's lot; thence south thirty minutes east by land of said Perry and John T. Berry, one hundred and twenty-four feet to land of said Spofford's heirs; thence north seventy-six degrees west by land of said Spofford's heirs, eighteen and six-tenths feet to the place of beginning, containing about eleven hundred and twenty feet.

And the Secretary of the Treasury is authorized to sell and convey the therein-described parcel of land upon the same terms and conditions named in the act to which this is additional.

Mr. HOLMAN. The original bill was before the Committee on Public Buildings and Grounds, and the colleague of the gentleman from Maine [Mr. PLAISTED] said it was his understanding the description of this land in the original bill was correct. The gentleman from Maine [Mr. PLAISTED] is not in his seat. If the gentleman from Maine is himself satisfied this description is right, it is very proper perhaps this bill should be passed.

Mr. HALE. It is correct. It is a triangular piece of land, and it was described wrong. The large end there on the western side is described when it should be on the eastern side.

The bill was read a first and second time and ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. HALE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

J. W. PARRISH.

Mr. PHILIPS, of Missouri, by unanimous consent, moved that the bill (S. No. 830) for the relief of J. W. Parrish be taken from the Speaker's table and referred to the Committee of Claims; which motion was agreed to.

JOHN N. HALL.

Mr. MCCRARY, by unanimous consent, from the Committee on the Judiciary, reported a bill (H. R. No. 3833) for the relief of John N. Hall; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

SURETIES OF J. W. P. HUNTINGTON, DECEASED.

Mr. LANE. I ask unanimous consent to report back from the Committee on Indian Affairs, with the recommendation that it do pass, the bill (S. No. 454) for the relief of the sureties of J. W. P. Huntington, deceased, late superintendent of Indian affairs in Oregon.

The SPEAKER *pro tempore*. The bill will be read for information, after which objections to its present consideration, if any, will be in order.

The bill was read, as follows:

Be it enacted, &c., That in the settlement of the accounts of J. W. P. Huntington, deceased, late superintendent of Indian affairs in Oregon, the proper accounting officers of the Treasury be, and they are hereby, authorized and directed to allow a credit of $10,000, Indian funds, charged to him and lost by the wreck of the steamer

Brother Jonathan, off the coast of California, on the 30th day of July, 1865; also a credit of $500, for that sum transmitted by said Huntington, on or about the 15th day of May, 1865, to William Logan, deceased, late Indian agent, in charge of the Warm Spring Indian agency in Oregon, for which no vouchers were returned before the death of the said Logan: *Provided*, That no credit shall be allowed for the said sums until satisfactory proof shall be made of the loss of said $10,000 by the wreck of the said steamer Brother Jonathan and of the transmission of said $500 to the said William Logan.

Mr. HOLMAN. Is this a Senate bill?

Mr. LANE. Yes, sir. There is a report by the Senate Committee on Indian Affairs accompanying the bill, and I ask the Clerk to read it for the satisfaction of the gentleman from Indiana.

The Clerk read the report, as follows:

That in May, June, and July, 1865, J. W. P. Huntington was superintendent of Indian affairs in Oregon, and William Logan was United States Indian agent, having charge of the Warm Spring agency. C. S. Woodworth (who swears that he was chief clerk of the superintendency) states that on or about the 15th day of May, 1865, the said Huntington transferred to said Logan the sum of $500 of the fund appropriated for pay of general incidental expenses of the Indian service in Oregon; that Logan actually received the money, but that he died shortly afterward, and that no receipt was given to Huntington for the same. The affiant states further that the amount was justly and properly disbursed for the purpose for which it was appropriated. The absence of the receipt might be a suspicious circumstance, but not sufficient to discredit a witness whose relations with the parties made him personally cognizant of the transaction.

On the 10th day of June, 1865, in his capacity of superintendent of Indian affairs, Huntington drew a check for $10,000 on the Assistant Treasurer of the United States at San Francisco, payable to said William Logan or bearer, and this check was presented at the office of said Assistant Treasurer and paid on the 20th day of the same month.

On the 28th day of July following Logan embarked with his wife on board the ill-fated steamer Brother Jonathan, bound for Portland, Oregon, and two days afterward they perished together at sea in the wreck of that vessel. During his sojourn at San Francisco Logan did not conceal the fact from his friends and intimate acquaintances that he would be the bearer of public funds to Oregon; and at the moment of departure he spoke of having considerable amounts in his possession.

In view of the foregoing facts, your committee report back the bill which was referred to them, and recommend its passage.

The bill was ordered to be read a third time; and it was accordingly read the third time, and passed.

Mr. LANE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. HOLMAN. It is manifest that there is not a quorum present. I therefore make the motion that the House adjourn.

Mr. HURLBUT. I have a little bill here which I want to have passed.

Mr. HOLMAN. I am willing to yield for any matter of reference merely.

Mr. HURLBUT. This is not a matter of reference. I desire to have the bill passed. It is a very just bill, and I am sure the gentleman from Indiana will approve it the moment he hears it read; else I should not ask the House to pass it.

Mr. HOLMAN. I yield for any matter of reference.

Mr. HURLBUT. This is a matter not of reference, but of business.

The SPEAKER *pro tempore*. Does the gentleman from Indiana yield to the gentleman from Illinois?

Mr. HOLMAN. There is not a quorum present.

Mr. HURLBUT. If the motion to adjourn is not pressed, I desire to ask the action of the House on this bill.

Mr. HOLMAN. I have made the motion that the House adjourn.

The SPEAKER *pro tempore*. Before the question is put on the motion to adjourn, the Chair desires to state that there is a report from the Committee on Enrolled Bills.

ENROLLED BILLS SIGNED.

Mr. HAMILTON, of Indiana, from the Committee on Enrolled Bills, reported that the committee had examined, and found duly enrolled, a bill of the following title; when the Speaker *pro tempore* signed the same:

An act (S. No. 336) to authorize the construction of a ponton bridge across the Mississippi River from some feasible point in La Crosse County, in the State of Wisconsin, to some feasible point in Houston County, in the State of Minnesota.

Mr. HARRIS, of Georgia, from the Committee on Enrolled Bills, reported that the committee had examined, and found duly enrolled, a bill of the following title; when the Speaker *pro tempore* signed the same:

An act (S. No. 360) to continue the public printing.

ORDER OF BUSINESS.

Mr. HOLMAN. I understand that the gentleman from Texas [Mr. SCHLEICHER] desires to be heard on the Texas border question. If so, I withdraw the motion to adjourn.

Mr. SCHLEICHER. I move that the House resolve itself into Committee of the Whole——

The SPEAKER *pro tempore*. The Chair has recognized the gentleman from Illinois, [Mr. HURLBUT.]

THREE MONTHS' EXTRA PAY TO SOLDIERS OF MEXICAN WAR.

Mr. HURLBUT. I am instructed by the Committee on Military Affairs to report back, with an amendment and with the recommendation that it do pass as amended, the bill (H. R. No. 2526) to authorize the Secretary of the Treasury to pay to officers and soldiers engaged in the war with Mexico the three months' extra pay provided for by the act of July 19, 1848.

The SPEAKER *pro tempore*. The bill will be read for information, after which objections to its present consideration, if any, will be in order.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, directed, out of any moneys in the Treasury not otherwise appropriated, to pay to officers and soldiers "engaged in the military service of the United States in the war with Mexico, and who served out the time of their engagement or were honorably discharged," the three months' extra pay provided for by the act of July 19, 1848, in all cases upon the presentation of satisfactory evidence that said extra compensation has not been previously received.

The amendment of the Committee on Military Affairs was read, as follows:

In line 8, after the word "discharged," insert these words: "according to the conditions and limitations contained in the act hereinafter mentioned."

Mr. RANDALL. I would like the gentleman from Illinois to make a statement which may go on record. I am not objecting to the bill, but I think a statement should be made in explanation of it.

Mr. HURLBUT. There are, as nearly as we can ascertain, about one hundred and fifty of the officers and soldiers of the Mexican war, who from some cause or other neglected in time to draw the extra three months' pay which was given by the act of 1848, and no appropriation has been made for paying them. The appropriations have all lapsed. And this is simply to authorize them to receive their pay under the limitations of the law of 1848. The amount is estimated as not exceeding in any event $40,000. But if there is any objection to the bill, I will withdraw it.

The SPEAKER *pro tempore*. Is there objection to the present consideration of this bill?

There was no objection.

The amendment reported by the committee was adopted.

The bill, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. HURLBUT moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

FOURTH JUDICIAL CIRCUIT.

Mr. HUNTON. I am instructed by the Committee on the Judiciary to report back to the House with amendments, and with the recommendation that the bill do pass as amended, the bill (S. No. 769) to alter and appoint the times for holding the circuit court of the United States for the fourth judicial circuit, and for other purposes.

The SPEAKER *pro tempore*. The bill will be read for information.

The Clerk read as follows:

Be it enacted, &c., That instead of the regular terms now provided for by law the circuit court of the United States for the fourth judicial circuit shall be held as follows: That a term of the circuit court for the district of South Carolina shall be held at the city of Charleston on the first Monday in April and in Columbia on the first Monday in November in each year; and, so far as the circuit court is concerned, the State of South Carolina shall constitute but one district.

SEC. 2. That a term of the circuit court for the eastern district of North Carolina shall be held at Raleigh on the third Monday in April and November in each year.

SEC. 3. That a term of the circuit court for the western district of North Carolina shall be held at Greensborough on the first Monday of May and the second Monday of December in each year.

SEC. 4. That a term of the circuit court for the eastern district of Virginia shall be held at Richmond on the last Monday in May and the first Monday in January in each year.

SEC. 5. That a term of the circuit court for the western district of Virginia shall be held at Lynchburgh on the third Monday in January in each year, and at such places and times as the district court is now required to be held in said district.

SEC. 6. That there shall be a term of the circuit court for the district of West Virginia held at Parkersburgh on the first Monday in February in each year. But the term of the circuit court for said district to be held at Parkersburgh on the first Monday of August, 1876, shall be held at that time.

SEC. 7. That there shall be a term of the circuit court for the district of Maryland held at Baltimore on the first Monday in June and the first Monday in October in each year.

SEC. 8. That all cases now pending in the circuit courts for said district shall stand for trial at the term next ensuing after the passage of this act.

SEC. 9. That all acts inconsistent with this act be, and the same are hereby, repealed.

The amendments of the Committee on the Judiciary were read, as follows:

In section 1, line 5, between the word "year" and the word "and" insert the following words: "And at such places and times as the district court is now required to be held in said district."

Insert the same words at the end of the third line of the second section.

Insert the same words at the end of the third section.

Insert the same words at the end of the fourth section.

Insert the same words after the word "year" in the third line of the sixth section.

Insert the same words at the end of the seventh section.

The amendments of the committee were adopted.

The bill, as amended, was ordered to be read a third time; and it was accordingly read the third time, and passed.

Mr. HUNTON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. SPRINGER obtained the floor and yielded to Mr. SCHLEICHER.

Mr. SCHLEICHER. I move that the House now resolve itself into

Committee of the Whole for the purpose of considering the joint resolution reported from the Committee on the Texas Border Troubles.

Mr. SEELYE. I will ask the gentleman to yield to me to make a report from the Committee on Indian Affairs, to which I think there will be no objection from any quarter.

Mr. SCHLEICHER. I cannot yield. I myself hold the floor by the courtesy of the gentleman from Illinois, [Mr. SPRINGER.]

M. SEELYE. Then I ask the gentleman from Illinois to yield to me.

Mr. SPRINGER. I have already yielded to the gentleman from Texas, [Mr. SCHLEICHER.]

Mr. SEELYE. It is very desirable that this bill should pass now.

Mr. HOLMAN. How long will it take?

Mr. SEELYE. About five minutes.

Mr. HOLMAN. Then I hope the gentleman from Texas [Mr. SCHLEICHER] will yield.

Mr. GARFIELD. We can vote down the motion to go into Committee of the Whole.

Mr. SCHLEICHER. I will yield to the gentleman from Massachusetts [Mr. SEELYE] for the purpose he has indicated.

Mr. HOLMAN. And I hope that will be the last business that will be interposed before the gentleman from Texas can call up his measure.

Mr. SEELYE. I will not ask for anything else. I am directed by the Committee on Indian Affairs to report the bill which I send to the Clerk's desk, with a recommendation that it be now passed.

LA POINTE SUBDIVISION OF CHIPPEWA INDIANS.

The Clerk read the bill. The preamble states that, under the provisions of the sixth section of the second article of the treaty concluded September 30, 1854, with the Chippewa Indians of Lake Superior and the Mississippi, a reservation of four sections of land, known as the Red Cliff reservation, was set apart for the use of that subdivision of the La Pointe band of which Buffalo was chief; that under date of February 21, 1856, the President issued his order enlarging said reservation, and that it is desirable to make allotments of land in severalty to the Indians now residing there, in the manner contemplated by the third article of said treaty.

The bill authorizes the President to cause allotments in severalty to be made of any of the lands included within the extension of said reservation by the executive order aforesaid, in the same manner and upon the same conditions, including the issue of patents therefor, as are prescribed by the third article of said treaty.

There was no objection, and the bill (H. R. No. 3834) was received and read a first and second time.

The question was upon ordering the bill to be engrossed and read a third time.

Mr. SEELYE. I would explain this bill if there were any occasion for any explanation further than the bill itself gives. It has been carefully considered by the Committee on Indian Affairs, and is unanimously approved by that committee.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. SEELYE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PROTECTION OF TEXAS FRONTIER.

Mr. SCHLEICHER. I now renew the motion that the House resolve itself into Committee of the Whole for the purpose of considering the joint resolution reported from the Select Committee on the Texas Border Troubles.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. WILSON, of Iowa, in the chair.

The CHAIRMAN. By order of the House the Committee of the Whole will now proceed to the consideration of the joint resolution (H. R. No. 96) to provide for the protection of the Texas frontier on the Lower Rio Grande, which will be read by the Clerk.

The Clerk read the joint resolution, as follows:

Resolved, &c., That, for the purpose of giving efficient protection to the country between the Rio Grande and Nueces River, in the State of Texas, from the cattle-thieves, robbers, and murderers from the Mexican side of the river, the President of the United States be, and hereby is, authorized and required to station and keep on the Rio Grande River, from the mouth of that river to the northern boundary of the State of Tamaulipas, above Laredo, two regiments of cavalry, for field service, in addition to such infantry force as may be necessary for garrison duty, and to assign recruits to said regiment, so as to fill each troop to number one hundred privates; and they shall be kept up to that strength as long as they shall be required in that service.

SEC. 2. That in view of the inability of the national government of Mexico to prevent the inroads of lawless parties from Mexican soil into Texas, the President is hereby authorized, whenever, in his judgment, it shall be necessary for the protection of the rights of American citizens on the Texas frontier, above described, to order the troops to cross the Rio Grande and use such means as they may find necessary for recovering the stolen property and checking the raids, guarding, however, in all cases, against any unnecessary injury to peaceable inhabitants of Mexico.

Mr. SCHLEICHER. Mr. Chairman, until quite recently the country between the Rio Grande and Nueces in Texas has not been known or thought of throughout the United States any more than the Feejee Islands. Few have known, and it will be difficult for many to realize, that for ten years a portion of these United States has been overrun continually by invading bands of robbers from Mexico and that our people in that border country have for years been suffering all the losses and dangers to life and property incident to a state of war and invasion.

Only lately, since the distressing condition of that border country has been submitted to the consideration of this Congress and since the eyes of the nation have been drawn to it by the President in his late message, people begin to realize the alarming state of that border which for years has harassed and distressed the people of Texas.

That country, ten years ago prosperous and rapidly advancing in population and wealth, is now in sore distress. Its nutritious grasses and genial climate place it in the foremost rank among all the fine pasture lands of our western country, and the population, which almost entirely devoted its efforts and means to the raising of stock, were blessed with extraordinary success and rapidly increasing wealth. But for the last ten years the robbers have depredated upon and step by step impoverished them. A committee of the last Legislature of the State of Texas reported to the Legislature "that of the vast herds which but a few years ago covered the plains adjacent to the Mexican border, and which were such a source of profit to the thrifty and hardy herdsmen and great wealth to the State, scarce 10 per cent. remains to-day to compensate the stock-raiser for his years of labor and toil."

Captain McNally, in a report to General Potter, commanding at Brownsville, reported the following herds of cattle driven across the Rio Grande, near Brownsville, by the raiders to his own knowledge in seventeen days of November last, from the 8th to the 24th:

On the 8th of November, a herd of one hundred and twenty-five; on the 9th of November, a herd of one hundred and eighty; on the 11th of November, a herd of one hundred and fifty; on the 14th of November, a herd of one hundred and fifty; on the 17th of November, a herd of two hundred and fifty. On the 19th of November, a herd not counted crossed nine miles above Brownsville. About the 20th of November, two herds numbering five hundred; on November 24, a herd of three hundred, or between seventeen hundred and eighteen hundred head in seventeen days.

When it is remembered that this was a few months ago, after the cattle of the country had been reduced by ten years of continued robbery, and when the raids might reasonably be presumed to be checked by several fights with the raiders, an approximate idea may be derived of the almost incredible extent of this robbery.

Thus, step by step, day by day, through weary years of alternate hope and despondency, has this people, under the protection and almost under the shadow of the American flag, been despoiled by the people of our neighboring country.

The markets of all the Mexican cities and villages from Matamoras to Monterey have been supplied by the stolen cattle from Texas. The consul at Monterey stated that "the price of beef in the city was regulated by the arrival of raiding parties from the north."

Contracts for the delivery of large numbers of beef-cattle at Monterey were made and filled by the raiders, and the cattle were taken thence further into the interior of Mexico by thousands.

Cortina, the chief of the robbers, (whose history will be found in the report of the committee,) mayor of Matamoras and brigadier-general of the Mexican army, as well as practically dictator on that border, not only supplied these markets, but undertook a contract to furnish beef-cattle for the Havana market by a line of steamboats, and stocked his own numerous ranches in the interior with stolen cattle and horses. Captain McNally, whose evidence is always careful, well considered, and trustworthy, states:

I am in possession of positive information concerning animals stolen from the people of Texas and carried into Mexico. I can name ranches in that country upon which can be found 20,000 head of cattle and horses stolen from Texas, still bearing the brands of the Texan owners.

These vast robberies long ago would have exhausted all the cattle of that region, but as the whole region north of this border-land is the great cattle-ground of Texas, and settled by numerous stock-raisers, whose stock roam at large—often a hundred or two hundred miles from the ranches of the owners—the cold north storms which frequently occur in winter drive large numbers of stray cattle before them to the south and toward the Rio Grande, thus continually bringing new prey for the robbers. Still a belt of about sixty miles has been almost stripped of cattle, and the raiders now extend their raids to a hundred and sometimes as far as a hundred and fifty miles into the interior of our country.

General Ord, commanding in Texas, stated that the open country is virtually in possession of the raiders. The roads, formerly safe, are now impassable, except by large parties or under escort. The Mexican consul himself, traveling from San Antonio to Camargo, asked and obtained a military escort from General Ord. The Catholic bishop applied for a military escort on his circuit. The county judge going from one town to another needed a military escort. It is impossible to execute the laws, as fear seals the lips of witnesses and deters jurors and officers from doing their duty. When the raiders discovered, says General Ord, that a man on one rare occasion had sent information to the commander of Ringold Barracks, they murdered the man who sent and the boy who carried the message in less than a month.

When they start out on a raid they come into the country by twos and threes, exciting no attention, and they all meet at a preconcerted time at a place of rendezvous one hundred miles or more from the Rio Grande. They then "round up" a herd of cattle and start with them at a full run for the Rio Grande. Once across the river, they are safe and laugh at pursuit.

Although cattle-stealing is the first and principal incentive to the raids, they have gradually been connected with all other crimes. Stores and private houses have been robbed and burned down and the owners murdered. Travelers were robbed and murdered. Appended to the report of our committee will be found a fearful catalogue of crime.

In the report of a joint committee of the Legislature of Texas in March, 1875, it is stated—

That murders to the number of one hundred and five have been proven by the limited evidence before the committee to have been perpetrated by these bandits and Indians within the past three or four years in the section of country below Eagle Pass, and the murderers invariably sought a refuge in Mexico.

Not only robbery, but revenge and terror are the motives for murder.

While the Mexican citizens of Texas, owners of land and stock, are thoroughly identified with us in feeling and suffer from these raids as much as American citizens, there is a floating population without any local habitation always scattered through the country on the Texas side of the river, who are generally in league with the raiders, and serve them as spies and informers. They are often employed as herdsmen or laborers at the Texas ranches, where they obtain a thorough knowledge of the localities and of the chances for robbery. They are all natives of Mexico, and their entire sympathy is with the robbers. Whenever one of the citizens makes himself prominent in assisting to break up or interfere with the raids, or gives information or evidence against them, the raiders are at once informed, and the fate of the man is sealed. They proclaim that he must die, and their threats are always carried into execution unless the doomed victim saves himself by flight into a town. A reign of terror rests upon the whole population. Boldly and defiantly the raiders ride up to any rancho in the country and demand fresh horses or anything they want, and no one ever dares to refuse them. The few citizens of the Mexican towns on the south side of the river, who are honest, law-abiding men and have been born and hold the property in those places, are overawed by the numerous robbers. It is believed that their sympathies are against the robbers, but they dare not manifest them. The men in actual power share in the profits of the robbers and assist in their protection.

Long impunity and a life of comparative ease and large profits have attracted to that border all the desperate and vagabond elements of the adjoining country. They and deserters from the troops, who have occasionally been sent there by the national government have swelled their numbers, so that these robber communities constitute the ruling power of the country. Cortina, who was the great robber chief, appreciating fully that his warlike and numerous follow ers made him respected and feared in a country where civil wars have almost been the rule and peace the exception and gave him the supreme power, never hesitated to use his power for their protection. When Treviño, an alcalde or judge, dared to have two of his raiders and robbers arrested, Cortina shot and killed the alcalde with his own hand. Cortina has by stratagem been arrested and carried off from amid his followers and from the city which he ruled with the power of a pasha, by a bold officer of the national government, but the robber communities which he has built up have remained and are carrying on their nefarious pursuits. The large ill-gotton gains of the robbers, shared by the mercantile community and the officials, have demoralized the entire state of Tamaulipas. Even the national officers, as notoriously Colonel Christo, who was the military commander, and whose false cunning and treachery is shown in our report and the evidence accompanying it, have made themselves participants of the crime and its gains.

It has been stated by many writers that the native robbers of California, who played so conspicuous a figure some years ago, always assumed a patriotic and national character as against the hated invaders, the Americans and foreigners, and thereby gained the sympathy of the Mexican masses. The same is the case with our border robbers.

The country between the Nueces and Rio Grande was in former times a portion of the state of Tamaulipas, and the inhabitants of that state have never overcome the feeling that they should be its rightful owners. Cortina has never failed to rouse the hatred of the Mexican population against the "gringos," and to incite their hopes that the hated Americans would one day be driven back beyond the Nueces. When Roderick Dhu, from his barren mountain home, points out to Fitz-James the rich plains and valleys of the lowlands and expresses the bitter feeling of the conquered—

> These fertile plains, that softened vale,
> Were once the birthright of the Gael,
> The stranger came with iron hand,
> And from our fathers reft the land—

he strikes a chord which vibrates in the hearts of the Mexican people ever since the treaty of Guadalupe Hidalgo, and only too literally do their raiders carry out Roderick's threat—

> While on yon plain,
> The Saxon rears one shock of grain;
> While, of ten thousand herds, there strays,
> But one along yon river's maze,—
> The Gael, of plain and river heir,
> Shall, with strong hand, redeem his share.

God knows that they have taken their share, and their share, in their opinion, is all.

We have the evidence that the present strength of the raiders is far above what could be overcome by the ordinary means of our local defense. General Ord, in stating that the open country on our side of the river was virtually held by the raiders, says: "My force was entirely inadequate to check them or drive them out of the country." Captain McNally gives it as his opinion that five hundred of the best troops, if they would cross over and stay twenty-four hours, would never come back again. The raiders are bold and desperate men, splendidly armed with Winchester or Spencer carbines and six-shooters; they are well mounted and in large numbers, and their organization is so perfect that they will at once collect in the shortest possible time at any threatened point.

It requires a small army to meet the present emergency, and the longer decisive steps are delayed the more will the numbers and power of the raiders increase.

Had I not seen in an influential paper the remark that Texas ought to defend herself, I would not have thought it worth while to say a word on that point. No one, I thought, would for a moment maintain that Texas must defend that portion of the national boundary line which is in her limits. Single-handed and alone has Texas achieved her independence forty years ago, when the number of her people was little more than thirty thousand. True she had the sympathy of the American people and the generous help of hundreds of Americans who hastened to her aid. But would our State now ask help in open war against the same power when our people number nearly two millions?

But we do not wish for war. Protection and peace are all we ask, and we fear that acts of retaliation by our people, when goaded to despair, would bring about a war with all its horrors. Moreover, brave hearts and stout arms are not sufficient for war. We can have no army. When the republic of Texas yielded up her independence and became a State of this Union, she yielded her power to make war not only, but she yielded the means. The custom-house duties, the internal revenue, flow into the coffers of the United States and are ours no longer. We have taken up our share of the public debt, and, whatever others may think, we at least mean to pay it honestly, and in honest money, greenbacks and all. How could we provide for a military establishment besides? Out of our small means our people have year after year supported State troops to help out the protection of our Indian and Mexican border which we never with all our petitions could obtain; our people knew that the National Government owed that protection, but they never could find it in their hearts to turn a deaf ear to the appeals for help coming from their brothers on the frontier. Poor as they often were these taxes were never begrudged; for there is a strong feeling that binds Texans together growing out of a history of their own, full of common suffering and common glory.

But if the defense of our national border would be thrown upon the frontier States, what would our Army be doing in the mean time? Would it be standing guard, as has been suggested, over the valued persons of officers? This is no mockery, as might be thought. The theory that the protection of the officers was the chief duty of the Army and that the States had to defend the national border, unless indeed invasion should come in the shape of an army with banners, has been gravely advanced, as will be seen by a reference to the documents attached to our report. If we could admit the correctness of this theory, the sooner our Army would be retired the better would it be.

But it is not so. Our experience has shown that the army we had in Texas held far different views, and that from the commanding generals to the privates in the ranks they have been untiring in their efforts to give as much protection as was in their power to our scattered and exposed settlements on the frontier. Our people have marked their brave and cheerful bearing in hardships and danger, and their energy has given us such intervals of peace as our Indian frontier has lately enjoyed, and no voice from our State shall ever be heard in detraction of their well-earned fame and their brave and kindly conduct. Theirs has been no life of ease, and the least they can claim at our hands is a just appreciation of their devoted and arduous service.

Our troubles do not extend along our entire Mexican border. We are on the most friendly relations with the people and the authorities of the states of Coahuila and Chihuahua, and the raids only come from the state of Tamaulipas, where the people are demoralized or overawed by the robbers, and the authorities are chiefs of robbers or participants in their ill-gotten gains.

I am aware that not only the Mexicans have positively asserted that the raids were mutual and that robbers from Texas raided in Mexico as well as Mexican raiders in Texas, but that public opinion in the United States has been much inclined to believe it. Our report disposes fully of the slander, and the most zealous investigation shows it to be totally without foundation. Mr. Fish himself, the Secretary of State, has emphatically denied the charge to the Mexican authorities and challenged them to prove one single fact. They have not only failed to prove but even to define one solitary case. The truth is that both the reward and the danger held out to such of our roaming people who might be so inclined would be such as to make the attempt utter folly; for, while the American side of the river is rich and defenseless, the Mexican side is poor and bristling with arms, with a robber population always on the alert.

Equally untrue is the charge that our people want more of the territory of Mexico and desire to provoke a war. Never was there a greater mistake, not to say slander.

Sir, ever since the war with Mexico the frontiers of Texas have been harassed both by Indians and freebooters. The scenes of horror that have been enacted on our Indian frontier beggar description. General Sherman in his evidence before the last Congress stated that he passed on our frontier abandoned farms, remnants of fences, the blackened chimneys of burned houses, and all the evidences of former settlement, but the frontier settlers had been killed or driven back for many miles. No one who has not himself seen the terrible sights after an Indian raid, the bodies of men, women, and children mutilated in wanton sport by the devilish cruelty of these fiends without mercy, brave men tied up and burned alive at a slow fire; no one who has not heard the tales of woe from female captives of our blood and race carried off and subjected to unutterable misery, dragged naked under the burning sun with their bare feet over stony roads, tied between the horses of their pitiless captors, and then turned out into the barren wilderness to die alone, will ever know what our people have suffered.

Our Legislatures have continually petitioned this Congress for protection; our governors have sought help from the National Government for long and weary years. For near thirty years which I have lived in Texas near the Indian and Mexican frontier I do not now remember one solitary day when we had peace and a feeling of entire security on all points of our extended border; nor do I remember one single year that our people did not tax themselves to keep up what force we could to afford that protection which we in vain called for.

Our country offers unsurpassed facilities for the herdsman in raising all varieties of stock. There indeed has the Lord tempered the wind to the shorn lamb, and in the mild climate the cattle and horses find rich nourishment on our luxuriant grasses from one end of the year to the other. The wealth of our people was always in their herds and flocks. It wearies my memory to think of the number of cases where the fruit of long years of toil was swept away in an evil hour and of the men who went to rest at night prosperous and in easy circumstances to find themselves paupers in their old age in the morning.

Our people have hoped for peace with that hope deferred which makes the heart sick; and shall we wish for war now? The thought is madness. We want peace; we want no more territory; we wish to see our own vast territory filled with a prosperous population.

If I shall express my own views as to the policy of this nation, I think that all the diplomatic efforts of the Government should tend to bring about a friendly intercourse with the Mexican government and people. I think that our embassy to Mexico might be made of more practical importance than any other, not excepting either England or France. We are and will forever remain neighbors, and whether our mutual relations be conducted prudently or otherwise our future history for weal or woe will never be separated. Once dispel their apprehension that we covet their land and wish the disintegration of their nation, and they will see that we are for them the most useful friends.

Once before, when the armies of France overran Mexico and the empire of Maximilian was established, the United States upheld the sinking fortunes of the liberal government of Juarez, and it was their frown which removed European influence from Mexican soil. The government of President Lerdo is the heir of the principles as well as the power of the government of Juarez, and a worthy heir, and must retain the memory of that stormy time of its history, and the memory also of those who were then the friends in need. Its enlightened policy, its determined and devoted efforts to raise the Mexican nation out of the sea of troubles on which it is tossing for so many years and lead it to a safe and bright future, have gained for the present government of Mexico the esteem and strong sympathy of the American people. Why should not our intercourse be more extended and made mutually advantageous? Why should not our people have the trade with Mexico which is now almost entirely in the hands of European nations? A proper treaty of reciprocity and a prudent and honorable policy can bring about mutual relations satisfactory and advantageous to both nations.

Again, I will say that our conduct should be just. While we must have protection for our people and enforce it if necessary, we should be careful to observe all our own obligations. The Apaches on the Chiricahua agency, which has been established in Arizona, have for some time been engaged in desolating raids into the state of Sonora, and the inhabitants of that state have suffered greatly. Care should be taken that no such inroads are permitted on our part, and that the Indians are forced to remain on their reservation or removed to one more suitable.

While these are my views of the relations which we should observe with the people and government of Mexico, I will further say that I can certainly not be charged with prejudice against the Mexican nationality. We have many Mexican citizens in Texas, and nearly all of them reside in the district which I have the honor to represent. I can say with pride that I have had the support of the great majority of them and have many evidences of their confidence. The Mexicans residing in Texas have, from the very beginning of our separate history, cast their lot with the Texans, and have been the steadfast and patriotic sons of our country. The names of many are inscribed on the pages of our history. They were represented among the signers of the Texan declaration of independence and among the members of Congress of our Republic. They were with our people in the battle of San Jacinto, where the independence of Texas was won by the sword; and ever since they have shared our fate in council or war. On the very ground where these raids occur they are numerous among the sufferers, and many have been conspicuous in the defense of our border and in the predatory war with the invading robbers. They are true American citizens. Since the first years of my residence in Texas to this day they have been my neighbors and friends. I claim to express their views like the views of all my other constituents. There is no animosity or separation of the nationalities; a common destiny has melted all elements together. When I speak of my people I speak of them as of all the rest.

I have thus fully expressed my views so as to place our motives beyond all cavil and doubt. But I insist that the protection of our frontier and the employment of all the means necessary to that end are imperative duties. One of the earliest necessities of society among all nations has been the punishment of crime by society to prevent its increase. This right and the recognition of its necessity are as old as the first elements of civilization. Withdraw the punishment and crime will increase everywhere. Now, in this case there has been a life of crime, of rapine, and murder, followed for ten years in the open light of day and in bold defiance of all law, human or divine, by a whole community. Their government, powerless to control or punish its criminals, yet sets up a claim that its territory must be respected, practically a claim for total impunity for the criminals. Our Government, upon whose citizens they depredate, while knowing the weakness of the government of Mexico, yet acknowledged that feeble claim to the sacredness of their territory, and yielded in obedience to it the sacred right and the sacred duty of self-defense. No more humiliating spectacle has ever been presented than was exhibited on the Rio Grande again and again. Here the habitual despoilers of our people, with the stolen herds coming out of the river on the Mexican side, with insulting gestures and laughter and jeers, and on the American side of a river, which they could have crossed in a few minutes, our baffled military protectors, perplexed with rage and shame, their valor and their common sense alike benumbed and paralyzed by diplomatic fictions.

It is the unanimous opinion of all military men who are familiar with the localities that no efficient defense of the border can be had without the right of pursuing the robbers when found in possession of their booty across the Rio Grande and until they are reached.

I send to the Clerk's desk extracts from the evidence of Captain McNally and General Ord, given before our committee, to be read:

The Clerk read from the testimony of Captain McNally, as follows:

These people who raid on Texas are not claimed by Mexicans as citizens of that country. They say that they are outlaws and murderers and that as far as they are able they stop their crossing, and they want us to assist them in doing so. They desire that we shall render them all the assistance in our power to break that system up. I believe that if orders were issued to our military authorities to pursue these bands to the other bank of the river and punish them so severely that the pay they got for crossing a herd of cattle would not compensate them for the risk they run in making the raid, it would be the most effectual and rapid way of breaking this thing up, without subjecting any innocent parties to harm. In carrying out that policy there is no probability that one innocent man would suffer. The government of Mexico is unable to break this thing up. If President Lerdo were to send an officer down there honest enough to act vigorously against these fellows and with a sufficient force to stop these raids, the state of Tamaulipas would be in revolution in less than three months. It is far distant from the capital. The entire federal army of Mexico has its hands full in restraining the interior states from revolting, and it would be impossible for the president to coerce this state. He has not force enough. This information I received from federal officers in Mexico, who told me that they had not troops enough to send there, and that they knew that as quickly as a squad of men were sent there for that purpose the state of Tamaulipas would revolt. Mexican officers have said to me, "I wish to God you would kill all these fellows." That I think would be the quickest and most effectual remedy for the breaking up of the cattle-thieves, for so long as these robbers find on the opposite bank of the river a place of refuge and a city where they can dispose of their plunder without danger so long will they continue to raid upon Texas. It would cost the United States Government more money to guard that border than the whole state of Tamaulipas is worth; I mean, to guard it so effectually as to prevent these men from coming over.

The Clerk also read the following from the testimony of General Ord:

After examining the country, which I found to be a dense thicket along the river, with here and there narrow paths or cattle-roads cut through, (which thicket extends sometimes twenty or twenty-five miles from the river toward the open plain,) and from the fact that the grazing country to the north is about the same distance from the river from its mouth for five hundred miles up the river, I came to the conclusion that it was impossible to guard the river-banks by a system of small posts or videttes, for the reason that the cattle-thieves can receive notice from the rural population (who are nearly all Mexicans) of the location of the troops. I satisfied myself that the only way to protect the property of the people on that frontier and to prevent these raids was to cross the river whenever the troops struck a trail with the prospect of overtaking the cattle-thieves. They cannot see them come through this thicket or chaparral, and they cannot know that they are coming on any particular road except only by accident. They can only get upon the trail in the rear and follow them, and as these cattle-thieves go mounted and at full run the prospect of overtaking them before they get to the river is more than doubtful; it is next to impossible. The local authorities on the Mexican side, being under the influence of this lawless population, which I have described, and being sometimes their leaders, are averse to restoring any property, and I believe they have never yet shown any disposition to do so, no matter how strong the proof of the guilt of the party or the evidence that the property is within their reach. These officials have frequently engaged in these cattle-raids and have boasted of the success of their enterprise. Under these circumstances, and in view of the powerlessness or inability of the Mexican government to enforce its own laws, or even to protect its own property, we cannot expect them to protect ours, and I consider it not only justifiable, but the duty of the United States authorities, to enforce the security of our own border and to protect the people from invasion.

Mr. SCHLEICHER. All declare that the power of the troops to cross after them will break up the raids very soon. The very knowledge of the existence of such power will convince them that hereafter their trade will be rather dangerous, and one or two examples will probably suffice to break up the whole organization. Observe that in the proposition presented by us the crossing is not made obligatory, but is a reserved power to be used only where all other means shall fail. Can the Mexican government object to it? They cannot formally agree to it, because the pride of their people would take offense and they would lose politically too much by making such concessions. But common sense should conclusively show that it would be the height of absurd pretense that they should demand of us not to molest their criminals while they themselves are powerless to control them. If this authority is resorted to, it will be a necessity incident to our self-defense. They cannot in reason present the alternative that we should either continue to suffer the inroads of these robbers or else incur their displeasure. As early as 1873, Mr. Fish has declared that this must be the last resort.

It has been said that the pursuit of the robbers across the border should be left to the discretion of the commanding officer, without a special authority by Congress. We have considered this proposition and could not approve it. The President has in his message submitted this matter to the consideration of Congress, and if we recognize the necessity of the action which we propose it would be unworthy of Congress and unjust to the Executive and the officers of the Army if we should escape the responsibility and place it entirely upon their shoulders. We do not propose to direct that pursuit should be made, but leave the President the judge of the necessity when it shall occur.

The revolution which has for some time been going on in Mexico on and near our border had temporarily changed the condition of things in this, that the Mexican government had entirely disappeared from the scene, and that at one time the revolutionary leaders, Porfirio Diaz and others, held possession of the entire country on our border. This has lately again changed, as the revolutionary forces have abandoned Matamoras and marched to the interior; and General Escobedo, commanding the forces of President Lerdo's government, has appeared at the head of an army and occupied Matamoras, Camargo, and other places. On his arrival at Camargo, General Escobedo sent a letter to General Ord advising him of his arrival and expressing sentiments of friendship and good-feeling on the part of his government.

The character, the high position, and the power of General Escobedo led to the belief that crime would be rigidly punished at least while he would be on our border with his army, and that he would rigidly enforce order. But it behooves this Congress to consider well what the prospects for the immediate future really are. Up to the 30th of May the accounts of robberies have continued. It is true that they have decreased both in frequency of occurrence as well as in magnitude, because the great bulk of the robber population had joined the army of Porfirio Diaz, the revolutionary leader, on his march to Monterey, and have remained in his army ever since. But the raids have never entirely ceased. On the 15th of March, Major Clendennin, commanding at Ringgold Barracks, reported to General Potter, at Brownsville:

> I think the cattle stealing has been transferred from the lower Rio Grande to the vicinity of Carigo and points above. I cannot guard the fords with thirty men. I ask to be relieved from the responsibility of command here at once. I have no troops of my own arm of service, cavalry.

He stated what he saw; but cattle raiding was going on along the lower Rio Grande as well, as we see from statements from that quarter. A fight between raiders and citizens took place on the 7th of April below Brownsville.

I will send to the Clerk's desk some reports of our papers and also the official report of Captain McNally to the adjutant-general of the State of Texas. These accounts will not only show that the raids are continually occurring, but also that in our confidence in the presence of General Escobedo and his army and the preservation of order and safety thereby we have again been grievously mistaken, as we were so many times before.

The Clerk read as follows:

[From the San Antonio Herald.]

MEXICAN DEPREDATIONS.

We were pleased this morning at receiving a visit from J. C. See, of Laredo, who is at present in our city on a visit.

We learn from this gentleman that on the night of the 18th instant a party of Mexicans, from the other side of the Rio Grande, stole thirty-eight head of horses and two yoke of oxen from Mr. Slaughter's herd, in charge of Mr. George High, on the Carizo. Mr. High followed the maranders on the day following, and came upon the oxen, which had been abandoned. The pursuers, however, did not reach Presidio del Norte, on the Rio Grande, until after the thieves, with their booty, had crossed over, which is the usual upshot of all attempts to capture Mexican horse-thieves when they once have the advantage of a few hours.

Mr. See also tells us that three days ago there was a tremendous rain on the Frio, and there had been some also on the San Miguel; but none whatever between that creek and the city.

[From the Brownsville Sentinel.]

EDINBURGH, *May* 19, 1876.

EDITOR SENTINEL: Yesterday I acted as interpreter for Captain McNally. He sent a message for Señor Desiderio Rodrigues, president of the ayuntamiento of Reynosa, to come and see him. Señor Rodriguez came in response to the message of Captain McNally, who demanded of him the restoration of the rest of the stolen cattle—amounting to twenty-two or twenty-three head—and the surrender of the thieves that escaped, of which he gave a list, as follows: Abundo Mungia, Lino Perez, ——— Candelario, a son-in-law of Abunda Mongia, ——— Garza, Eusabio Mancias, Andres Cavazos, and one or two others.

Señor Rodriguez was greatly agitated when he first came over, and during the conference. He promised to deliver the cattle and thieves and gave his word to that effect; but, up to the time of writing, nine p. m., no cattle or thieves have been delivered.

Señor Rodriguez sent a communication to General Escobedo, informing him that the Mexican territory was invaded by Americans. Fifty men and an officer were sent to protect him.

The stolen cattle were crossed by the thieves *into General Escobedo's picket lines!* This is from reliable persons, and Captain McNally and Lieutenant Farnsworth, United States Army, did not hesitate in informing Señor Rodriguez of the fact.

Last evening Captain McNally had a guard stationed in front of the "Sabinito" ranch, where the thieves crossed the cattle, and where they reside and are protected by the Mexican authorities. The thieves fired across the river at the guard that night and again in the morning. Fortunately none of our boys were injured. The fire of this morning was returned, but without effect further than that a house was pretty badly riddled from the fire of our boys.

A ranger just in from the scene says that the Mexican authorities had sent a force to capture the thieves. The ranch was surrounded but the game was not to be found. They had timely warning to make themselves scarce. It is well known that the parties concerned in this cattle stealing reside at this ranch with their families and have all their interests there.

Captain McNally crossed over with three men and had a good view of the den and saw the trail of the cattle. They were driven in the direction of Reynosa. Sabinito ranch is about four miles above Reynosa. The wounded thief is in that city under medical treatment.

This is the same gang of thieves that murdered Mr. Cleaveland some time ago, and also made an attempt to murder and rob Mr. Estapa, of this county.

More anon,

OJO.

[From the Galveston News.]

SAN ANTONIO, *May* 30, 1876.

Yesterday Alejos Gonzales and eight of his hands followed cattle-thieves near Eagle Pass. They came up with them, thirty in number, at Comanche Creek, thirty miles east of Eagle Pass, and engaged them in fighting from nine a. m. to four p. m. The battle resulted in victory for the robbers; they killed Gonzales and four of his men. The other four escaped, and report five of the robbers killed.

Alejos Gonzales, who was recently killed by robbers near Eagle Pass, was quite a young man, and raised in San Antonio. He did quite a large mercantile business in Piedras Negras.

GRANDHAM, TEXAS, *May* 19, 1876.

SIR: I have the honor to report that on the night of the 17th I followed a gang of raiders (numbering eight or ten) to the river, at a point five miles above Edinburgh. It was very dark—ten o'clock p. m.—and my guide missed the trail, detaining us about thirty minutes, so that by the time I reached the river they had crossed all the cattle but seven or ten head, and there were but four men on this bank, two of whom were killed, one wounded badly, and the other escaped. The firing commenced from the other side as soon as my men came in sight. For fear of accidents I had instructed my men not to fire until they were close enough to make sure shot.

We got six horses, saddles, and bridles, and their camp equipage, consisting of coffee-pots, cups, blankets, ropes, &c.

I at once wrote a note to Captain H. J. Farnsworth, Eighth United States Cavalry, stationed at Edinburgh, asking him to assist in recapturing the cattle. He came up next morning (18th) with fifty men, but refused to cross, and said that he would assist me in recrossing if he was satisfied that I would be unable to get back without his help, but would regret the necessity of so doing, and advised me not to go.

Some of my Mexican guides thought that a part of the cattle were just back of the ranch, the Sabinito; so I crossed with three men and searched the fields adjoining the ranch, but found no cattle; saw the trail leading straight to Reynosa, distant but one mile and a half, and, as Captain Farnsworth told me that General Escobedo had a large force there, I recrossed.

I then went to Edinburgh and sent for the alcalde of Reynosa; told him of the affair and asked for the return of the cattle as soon as they could be found, together with the thieves. He promised to return the cattle and arrest the thieves and have them punished. On urging a compliance with my just demand, he promised to send the thieves over secretly as he was afraid to do so publicly.

Captain Farnsworth and the sheriff of Hidalgo County assisted at the interview. Captain Farnsworth told him that he intended to support me fully in everything I saw proper to do in the matter. This evening the chief of the rural police told me that they were making a very determined effort to catch the thieves, and thought they would succeed.

General Escobedo and staff were in Captain Farnsworth's camp while these thieves were crossing the river and driving beeves inside Escobedo's lines for breakfast; and Escobedo's band of twenty pieces that he had brought to Farnsworth's camp was playing in our hearing when we commenced firing on the raiders.

I believe there is some correspondence going on between General Escobedo and the United States authorities at Fort Brown in regard to the matter.

We leave this place in the morning for Laredo and * * * .

Very respectfully,

L. H. McNALLY,
Captain commanding.

A true copy.

WM. STEELE,
Adjutant-General State of Texas.

General WILLIAM STEELE.

Mr. SCHLEICHER. But even if General Escobedo had the will and the power to restrain this robbing, we could not expect that the Mexican government could leave him and their army on that remote frontier. Already we hear that he is about leaving or has left for the interior and that the notorious Colonel Christo, who was in command during the worst part of the raids, who proved his bad faith and complicity, as fully shown in our report, is again left in command at Matamoras.

We have reports that the revolutionary army under Diaz was defeated in the interior of Mexico. If it is so, or whenever it does occur, thousands of fugitive stragglers, the *débris* of the defeated armies, demoralized, desperate, starved, and ragged, will be turned loose on our devoted frontier. The same people have taught us the same humiliating lessons for ten years. We know where they are; we know that for years their business has been the robbing and murdering of

our people, and we can almost count the weeks and tell the day when their hungry bands, worse than so many starving wolves, worse than the devouring clouds of locusts, will again arrive on our exhausted frontier, the accustomed theater of their infamous activity.

But another unexpected change has again occurred in the last few days. Again the revolutionary army has defeated the government troops under General Quiroga on the Rio Grande, and even now they may be again in full power on our border. Cortina, the old robber chief, the old enemy of our people, has broken his parol in the city of Mexico, has escaped, and is now in high command in the armies of Porfirio Diaz. Every day may see him on the Rio Grande again, breathing vengeance and defiance at the head of thousands of his robbers. And still our border lies open and unprotected. Shall the dark clouds break upon the devoted heads of our exposed people or will you help them?

Mr. Chairman, your committee have shown the startling condition of that portion of our country by evidence as clear and undoubted as the light of day.

The facts presented to you are formidable in their long array and astonishing by the light they throw upon the condition of that country. Murder most foul and revolting, robbery on a scale so stupendous as to make the most undoubted facts appear like fiction, all committed for long years by constant invasion of our country under the very shadow of the flag of our nation, flaunting its false and delusive promises of protection to the despairing sight of our abandoned people.

We have shown that all appeals to the Mexican authorities and all hopes of redress and safety from them are vain and worse than useless; that between the duplicity of the Mexican government, induced perhaps by their weakness, and the bad faith and complicity of their local authorities, all we ever received at their hands were empty promises, always broken and never relieved by a single act of good faith. We have shown that to promise our people help and relief through the Mexican government would be a cruel mockery, and that all that remains for them to look to is solely and alone the immediate and energetic action of our nation. Will the members of the national Congress let the people on our outposts turn their eyes to them for help in vain; and have they no heart for those who are bound to them by the sacred ties of nationality, those ties which so lately were made indissoluble by your blood and your treasure?

Sixteen years ago Governor Sam Houston closed a letter to the State Department on the same subject with these words:

> Our entire means of defense now in the field is inadequate to the protection of the country from Indians, and we must depend for the protection of the Rio Grande on the nation. Believing that when the facts are presented to Congress the dictates of humanity will rise above all party or personal considerations, I yet look for aid from that quarter. The American heart must feel for a people of like race and kindred; and though sectional considerations may prevail at times they will, I believe, be forgotten when the catalogue of barbaritics, by which our frontier has been devastated, is remembered.

Sam Houston has gone to his grave, but his appeal, unheeded in the passions of those days, addresses itself again to the representatives of the nation of which he was one of the most devoted citizens.

Texas is the young giant of these United States. Born amid the storms of battle, her early days spent under the severe and sober teachings of toil and sorrow, she only now enters upon a career which will before long make her the peer of the foremost State of this Union. When these dark days shall have passed into history, when in the enjoyment of peace and prosperity her fertile plains shall bear the rich reward of the toils of the honest husbandman; when the shaded banks of her rivers and her smiling valleys shall resound with the busy hum of peaceful industry; when the teeming herds and flocks will browse undisturbed on her extended plains and her green hillsides; when she will have taken the rank among her sister States which the millions of her hardy people will assign to her, then she will bear in grateful memory the names of those who were her friends when friends were needed.

If the history of our country has taught any lesson, it is that the policy which is wisest and most successful is not the policy of heartless calculation, but that which wins directly the hearts of the people. Fear and hatred are weak bands to bind this great country permanently together. The power of deep-rooted patriotism alone is equal to the task. Love of country, that most ennobling of the virtues of man, that feeling which in all ages has made men heroes and caused them to pour out their blood like water, is the firmest foundation of States; and no wise statesmanship has ever neglected the opportunity to sow its seeds in the fertile soil of the hearts of the people, and to foster its growth by all means in its power. When the generation which will follow us in our State shall hereafter remember the dark times through which their fathers are now passing; when they remember that their mothers sat through the long and weary nights, their eyes strangers to rest, and their frightened ears hearing the yell of the merciless robber in the moaning of the night wind and in the distant howl of the prairie wolf, then let them remember also that at the time of their utmost peril their nation stretched forth its strong arm and interposed its protecting shield between them and ruin. Then their hearts and the hearts of their children and their children's children will cling to their country as with hooks of steel. Who can tell the future? Who will say that the day will not come when their blood, freely shed on some future field of battle, may maintain and save their country's honor and integrity?

Your duty to the suffering citizens of your country, and far-seeing wisdom alike, call on this Congress for magnanimous and prompt action. Not only will it save those who have a right to look to you for aid and protection, but, like bread cast upon the waters, it will return to bless the giver after many days.

Mr. CONGER. I suppose the members of this body, after hearing the report of the committee who investigated this subject, and after listening to the very eloquent remarks of the gentleman from Texas, [Mr. SCHLEICHER,] cannot doubt that the people of the frontier of Texas have suffered perhaps beyond the power of language to express from the incursions of Indians and from the incursions of the robbers from Mexico. I have no doubt myself that it is the duty of this Government and has been for years past to endeavor by some means to prevent the larcenies, the robberies, and the murders which have marked that frontier, not as a part of the quiet, peaceful domain of the United States, but as a place for murder and rapine and inroad unchallenged and perhaps undiminished.

I would agree with the committee in this joint resolution and with the remarks of the gentleman from Texas, that it is the duty of this Congress to make some provision by which the country along the Rio Grande may be protected, by which the people there may be protected in their property, in their rights, in their lives, in the security of their habitations, in the enjoyment of all their privileges. As to the first part of the joint resolution, proposing to send an armed force there, cavalry and infantry, more or less, I would give it my hearty assent. But I am very free to say that the second section of that bill which authorizes the troops of the United States to pass beyond our borders, to go into the territory of a friendly nation, to violate the neutrality existing between this people and Mexico, seems to me a dangerous proposition and one to which I cannot give my assent, especially when I remember that the attention of the Mexican government has been called to this very subject; that that government has appointed a commission of its distinguished citizens to spend a number of months in taking testimony along the Rio Grande of witnesses on the Mexican side and on the American side of the river, inquiring apparently as fully as it was possible for them to inquire into the existence of the outrages charged and into the remedies which might be proposed.

Sir, I have read with a great deal of interest and a great deal of care the pamphlet report of that committee—a book of three or four hundred pages, embodying the abstract at least of the testimony taken by the commission at many points along the river, from distinguished Mexican citizens, and from many American citizens, in regard to these raids, in regard to who are the cattle stealers, the robbers, and the murderers. My friend from Texas has undoubtedly read that report. I have nothing to say in regard to the veracity of it. I will only remark that the Mexican government has officially, and apparently with great care and trouble, made an examination of the charges that their citizens constitute the raiders who come from Mexico across the border into Texas. The report of that commission has been rendered to the Mexican government long since; and upon the report that government has assumed that except the scattering thieves and robbers who fly first to one side of the river for safety and then to the other—mere outlaws, outlawed by Mexico and outlawed by the United States—except that class of people, there are no raiders and marauders who can be found in such force or in such locality as to be reached by the authorities of Mexico.

I say that whether the report of that commission be correct or not, and whether the conclusion of the Mexican government in this matter be a correct conclusion or not, we are at least met with the proposition that the Mexican government has taken the usual means to examine into the existence of these bands of marauders as charged by the Texan people; and it denies their existence. It denies that the Mexican government is responsible for the inroads of these individual men. More than that, (and of the truth of this I have nothing to say,) it charges that the robbers and marauders are mostly American citizens, who commit depredations upon their fellow-citizens in the United States, and when pursued flee across to Mexico for safety from the pursuit of their own Government.

Mr. Chairman, as I remarked before, I have no knowledge other than what I derive from this committee and from the remarks of my friend from Texas, in regard to the truth of the charges on our side; and I have no knowledge of the truth of the charges of the Mexican government that these robbers, these marauders, and these murderers are outlawed men—outlawed by all government, mere pirates infesting the face of the earth, and seeking a refuge now on this side of the river and then on that, pursued alike by both governments for punishment and for justice. I allude to it merely as the foundation of a remark which I wish to make respecting the second section of this bill, by which the Congress of the United States, in the face of all international law, in the face of all rules existing between two civilized governments, would incorporate into a bill passed by Congress the right at the will of the President to do such acts as are themselves declarations of war between civilized governments. The proposition is no less than that our Army shall cross the border; no less than that the military force of the United States to a greater or less extent shall pass over our border, invade Mexico, without any limitation as to the distance it may go into that republic in pursuit of marauders; the only limit, and not even that mentioned in the bill, would be pursuing them far enough into Mexico to reach them.

While I will join the gentleman from Texas in voting for any num-

ber of regiments of cavalry or of infantry that may be necessary to protect the American citizen on American soil in his rights, in his home, in his property of whatever kind, yet I should like to consider before voting upon the other proposition whether I would authorize the President of the United States to violate all the rules of international law, all the principles of neutrality, and pass over into the territory of a sister republic, pursuing marauders, cattle-stealers, or murderers wherever our Army might desire to follow them and to any extent.

Whatever may have been said by the officers of our Army, whose testimony has been read here, about that being the only remedy, I think they speak as men of war and not as statesmen. They may desire the commencement of a war in which they may lead their troops into the Territory of Mexico. I know not what may be the motive; but for any soldier, for any statesman to advocate the right of one nation to send even its civil force into the territory of a neighboring country with whom we are at peace would seem to be very poor statesmanship. But to go beyond that and say our armies, commencing with two or three regiments and to increase as occasion and circumstances might require, should pass into the heart of a sister republic, it seems to me this House, this Congress is not prepared to say. Sir, if such a proposition were made in regard to one of the strong powers of the earth it would not have a moment's hearing in this House. Suppose, sir, that for some reasop or other a bill was before this Congress to authorize the President to send two regiments or ten regiments into Canada for any purpose whatever, who in this House would dare on such an issne and such a violation of the laws of neutrality to advocate it upon this floor with Great Britain looking on in the distance. Not one, sir; and shall we do it to any distracted sister republic when we would not dare do it, when we would not dare pass such a bill, or make such an order in the face of the great nations of the earth!

I have said all I desire in calling the attention of the gentleman from Texas and of the committee to the danger of inaugurating a civil war, which will lead to far greater loss of life, to far greater destruction of property, to far greater deprivation of the rights of our citizens whoever they may be than by this maranding, which must lead to measures the result of which, if appreciated by Mexico, must result in war, must result in raising larger armies, must result in loss of the lives of our citizens, and must result in immense expenditure from the Treasury. Now, sir, forseeing that would be the inevitable result of giving the authority provided for in the second section of this bill, I would desire this committee to reconsider this matter, and if two or three regiments are not enough to protect our frontier on our own soil and within our own borders let them propose to Congress ten regiments, or twenty regiments if need be, and in my judgment the American people would sanction the raising of a sufficient force to protect the remotest citizen of the United States in his property, in his home, in his life.

Mr. SCHLEICHER. I now yield to the gentleman from Illinois, [Mr. HURLBUT,] my colleague on the committee.

Mr. HURLBUT. Mr. Chairman, as one of the committee which took the testimony and agreed to the report, I indorse full and absolutely all the resolutions which have been reported. I desire to say a few words for the consideration of the House. It is no slight question we are to pass upon in determining the proper action of the American Congress upon this matter. In the first place, the President of the United States, in the discharge of his official high duties, specially recommended this subject to the attention of the House in his annual message. In the next place, the House appointed a special committee, not from the border immediately invaded, but a fair representation of the whole nation, disinterested men, men removed from any possibility of excitement upon this matter, who gave a fair, full, diligent consideration to the question.

Now, sir, I start with this assumption, that a nation, like an individual, has the right of self-defense, and that it must exercise it if it intends to live. The integrity of our territory and the safety of our people in every part of this Union, not merely in Texas but everywhere else, are the chief purpose for which Government was established. The government which does not do that is not worthy of the name of government. And if the United States should refuse to exercise that high function of sovereignty or should declare itself unable to do it, they will put themselves at once upon the same low grade that our sister-republic, Mexico, now occupies.

The condition is this: On one side of that river is a nation which has power. On the other side is a loose confederation whose situation is chronic insurrection, organized anarchy, incapable or unwilling central government, disorderly, rebellious, broken states, where anarchy is the rule. Now, when that is the case; when the obligations of law are not maintained in a country; when it has neither the will nor the force to keep its own citizens in order, then it ceases to fulfill the chief duty of government. But when it goes further than that, and either willfully organizes or permits to be organized upon its territory armed, marauding bands to invade another republic, the countenancing or tolerating on the part of that government of such marauding is in itself cause of war to the nation invaded.

I will answer the gentleman from Michigan, [Mr. CONGER.] But for the very weakness of Mexico these incursions would have been punished long ago by war. Sir, if Canada, backed by the entire power of Great Britain, had endeavored to commit upon the northern border one-hundredth part of what is proven here, the insulted majesty of the nation would have risen, and we would have punished it at any and all cost.

Now, sir, it is not necessary for me at this time to follow out the picture which has been presented by the gentleman from Texas, [Mr. SCHLEICHER.] Here is a long frontier line. On the right bank of the river, the Mexican side, is a poor and barren country, incapable of supporting the population which is now there, which is not a settled and orderly population at all, not a population which subsists by the ordinary industries that men of peaceful habits carry on, but which, according to the clear and undeniable proof presented before the committee, subsists in the main by spoliation upon our Territories. It is a hot-bed of smugglers, marauders, robbers, and assassins. And this country has shown a toleration to this weak neighbor unexampled in the history of all nations. On the other side, the left bank of the river, the American side, is a delta country not very thickly populated, admirably adapted for grazing, full of herds, with some small ranches scattered along the line and some small towns.

The proof before us undeniably is that incursion after incursion of armed bands have crossed that river; that men known, named, described, individualized, have pushed their attacks far into the country; that they have threatened towns of considerable size; that they have burned buildings; that they have murdered American citizens standing in defense of their property, upon their own soil and under their own flag. Are these things to go on, sir? Are they to be tolerated by a country that in 1812 was ready to go to war with the strongest power of the world for the individual liberty of its seamen? The history is all distinct and clear. There is no evasion. There is no possibility of mistake. It comes to us from citizens of known character and of established reputation. It comes to us from our military officers upon that frontier. And that story accords all the way through.

It is true, sir, that from the peculiarities of that country, from the chaparral which covers a great portion of it near the river, from the few roads that are cut through that chaparral and the by-roads known to these marauders, pursuit along that long line of frontier is difficult. The river itself is fordable two-thirds of the time—is it not?

Mr. HANCOCK. It is.

Mr. HURLBUT. There is a line of at least four hundred miles of frontier, which is penetrable and penetrated at all hours of the day and night by these bands organized upon Mexican soil, organized under the eyes of Mexican state authorities, although I do not say indorsed by the central government. And the fruits of their rapine and robberies are openly taken down to the city of Matamoras and shared with the high officials of that government. And the Mexican government tells us frankly that they cannot stop it.

Now, sir, if my friend from Michigan [Mr. CONGER] would brush up his acquaintance with those good books which teach us what international law is, he would know that every writer upon international law recognized as authority anywhere declares the right of one country, after having endured and represented its wrongs and obtained no relief, either from unwillingness or inability on the part of the government of the other to follow the robber, to follow the marauder, to take him redhanded in the act, and by the strong hand recover back the things which have been stolen, and punish the offender, even on another soil. There is no difference in the authorities upon that question. There cannot be, because it is simply an application of the grand right of self-defense; that is all. And you might just as well say that if I caught a man attempting to break into my house and I chased him into another man's lot to catch him I was a trespasser on the lot of my neighbor in that lawful undertaking. I regret that the Library is shut. I had sent for some books on that question. The law is clear upon that point. The right of the United States to do this thing is undisputed. And it is not cause of war on the part of Mexico, because Mexico herself has given the occasion and forced the necessity upon this Government. And that is the reason of the law.

These resolutions provide, the second resolution especially, that the President of the United States shall be authorized in his discretion to order pursuit by the military authorities. And I regret to hear the gentleman from Michigan talking about the Army of the United States in the way he did. The Army of the United States is the right hand of the Government for certain purposes. Among those purposes is the defense of the integrity of our territory. And I regretted to hear the gentleman from Michigan argue that they shall continue to stand there as some of these citizens have testified to us they have done—stand with their arms in their hands, arriving ten minutes or half an hour too late, with these cattle-thieves across the river within decent gunshot, hurling back all sorts of insults that the Spanish language, which is fruitful in that kind of thing, affords, upon the unsuccessful pursuers—that they shall stand there with their arms folded, and not be authorized to follow the wrong-doer wherever he goes.

Now, sir, these are the grounds upon which the committee, with absolute unanimity, presented these resolutions for the consideration of the House. Does the gentleman from Michigan think it is more dangerous to keep the peace between these two conterminus countries, to allow the organized troops of the United States, under responsible officers, to cross, pursue, arrest, recover, or to take the other alternative, which will come with any people that is as proud as our

people are? Let the Government neglect them there much longer, and they will take the remedy into their own hands; and undisciplined bands of American men, tolerating this sort of thing no longer, led not by officers, who act under responsibilty to the Government, but by temporary commanders whom they may choose, with all their feelings sharpened up and set on edge by the memory of the wrongs that have been done them, will swarm across that frontier, and then the possibility of war with Mexico may come; and that is the only way in which it can come.

This is no new thing. It is not now so many years ago since Colonel Mackenzie crossed that dividing line between the United States and Mexico in pursuit of marauders—to be sure they were Indians in that case, but that makes very little difference—followed them to their haunts and punished them there. And the Mexican government has never considered that as any cause of war.

It may be that we should be able by the mere adoption of these resolutions to stimulate the Mexican government into such prompt action there as will keep that border quiet. If after having had notice by the passage of these resolutions through Congress (and they have had notice enough already) they should decline to do their known duty, the duty which belongs to a government, the duty for which governments are constituted, the duty of keeping their own people within bounds and preventing outbreaks of the nature which have been proven before this committee, if they then fail to do that, they will have no right, in the eye of the law of civilization or of high morals, to question the action of the United States if it should be followed by a solid, substantial, sharp, and decisive punishment of these men upon their own soil.

The gentleman from Michigan [Mr. CONGER] has referred to the report of a certain commission. Well, sir, a part of these questions have been the subjects of commission from this side and from the other. The gentleman, I think, has confounded the mixed commission which has been sitting for other purposes, and which has concluded its labors, with the subject-matter of this investigation. Up to this time no satisfactory attempt has ever been made by the authorities in Mexico to stop these wrongs.

Now, viewing the case as I do, I think I am absolutely dispassionate about it. I do not live on any frontier that is liable to be invaded, either the Texas frontier to be invaded from Mexico or the Michigan frontier to be invaded from Canada. I suppose the principal difficulty with my friend is that he lives upon the Michigan frontier and may be invaded some day from Canada. In the safe security of my own inland home I consider this subject as fairly and dispassionately as it is possible for any man to do. I simply look upon it in this light: I have before me overwhelming proof that, in violation of treaty stipulations, in violation of that comity which should exist between nations, in violation of the sanctity of our territory, in violation of the sovereignty of our flag, America citizens for the last ten years at least, I cannot say how much longer, have been hounded and persecuted, attacked and harassed; their industries have been broken up, they have been compelled to abandon their homes, their ranches which once held families are abandoned and those families have been taken into the interior towns.

Now, I say with all deliberation that it is a disgrace and a shame to the American nation and name that such things have been suffered so long. If it should so happen that the Mexican government shall assume that such action on the part of these United States as is indicated by these resolutions is cause of war, then in that case the Mexican government will be, as she has been in other cases, altogether in the wrong. And if war must come it could not come in a better cause then that of maintaining the inviolability of our territory and the safety and security of our citizens and their property.

INDEMNITY FOR INDIAN DEPREDATIONS.

Mr. LANE. Mr. Chairman, the bill for the relief of John Jackson, now on the Private Calendar, is a measure of no little importance. A majority of the Committee on Indian Affairs have presented a report adverse to, while a minority of said committee, of whom I am one, have submitted their views to the consideration of this House in support of this claim. The amount in question is inconsiderable in itself, but the principle involved is one of the highest importance to a class of people in whom I feel the very liveliest interest; they belong to the frontier, many of whom I represent, all of whom I love. Besides, sir, it will serve to illustrate a primary principle which I insist a good government cannot well disregard. After careful examination, I do not hesitate to say that in my judgment the General Government is both morally and legally bound to indemnify its citizens for losses sustained by Indian depredations.

It is an elementary proposition that man in his relation to society originally surrendered certain of his natural rights that he might have secure protection in the exercise of the rights reserved. It has been suggested by a distinguished law writer "that the principal aim of society is to protect individuals in the enjoyment of those absolute rights which were vested in them by the immutable laws of nature, but which could not be preserved in peace without that mutual assistance and intercourse which is gained by the institution of friendly and social communities." It is certainly the duty of the citizen to yield obedience to the laws of his country and contribute to its maintenance, in return for which he is entitled to protection in the enjoyment of life and property. The compact is mutual, the obligations are reciprocal. If the citizen fail in the performance of his part of the contract there is an adequate remedy in favor of the Government. If he violates law there is punishment provided; if he contributes not according to his means to the support of the Government, there is always and usually an easy and efficient way to reach him. On the other hand, if the Government fails or neglects to secure its citizens in the enjoyment of rights guaranteed there should be an ample remedy in his favor. These principles, I apprehend, are peculiarly and forcibly applicable to the claim to which I am directing consideration and all others of similar character. I am constrained to admit that I cannot precisely define, nor do I indeed exactly comprehend, the relationship of Indians, who preserve a tribal character, to the United States. While we treat with them, or formerly have, the Indian tribes throughout the United States are not foreign nations, their relations to the General Government being those of a ward to his guardian.

It must be borne in mind that the Government assumes and exercises exclusive jurisdiction. A State Legislature has no jurisdiction over the Indian Territory contained within the limits of such State.

Nor can a State during the existence of tribal character withdraw the Indians within its limits from the operation of the laws of Congress by conferring on them the rights of citizenship. (3 Wallace, page 407.)

I also understand that it is insisted, if not established beyond question, that if the tribal organization of Indian bands be recognized as existing by the National Government the government of the State within whose boundaries they are located has no right to treat them as subjects. (5 Wallace, page 737.)

I profoundly regret that, mainly by reason of the foregoing principle and the action of the General Government in the enforcement thereof, the murderers of my fellow-citizens on Lost River, in Oregon, were shielded from trial in the civil courts and protected from punishment by the civil authority of that State. Not only so, sir, but it pains me to remember that certain of those black-hearted, bloodthirsty murderers were paraded throughout the United States and publicly exhibited to a gazing, gaping, wondering populace, while their hands were yet reeking with the life-blood of some of the very best people of my State. I am informed, though surely it possesses no special significance, they even enjoyed the distinguished privilege of a reception by the Chief Magistrate of this grand Republic. Widows and orphans, homeless and houseless, so rendered by the savagery of the "pet wards" of the Government, so rendered by those who enjoy special favor and immunity at our hands, appeal to us for aid. Shall it be in vain? Is there then no remedy? If not, should none be provided? The General Government seems reluctant to allow the punishment of an Indian by the State for the violation of a law thereof, nor does it seem disposed to secure to a citizen injured the right of an action for damages, however inefficient it might prove. The General Government by its neglect has suffered the Indians to trespass upon the rights of the whites, to commit depredations, and thereupon protects them from arrest and punishment by the local courts. Then it is urged, and I am quite astonished at it, that the Government, albeit it surrounds the Indians with the strong arm of protection, is under no obligation to make indemnification for property destroyed by them. A proposition more contradictory in itself I cannot conceive, nor yet one more unworthy a respectable Government. By such reasoning it would appear that it is the policy of the Government to foster and cherish within our midst an element to distress and annoy the law-abiding citizens of the country.

It seems to me that the exact terms of existing law fully sustain the view I endeavor to urge. The common law is clear. Our statutes are equally so. The fourteenth section of an act to regulate trade and intercourse with the Indians and to preserve peace on the frontiers, approved March 20, 1802, is as follows:

That if any Indian or Indians belonging to any tribe in amity with the United States shall come over or cross the said boundary line into any State or Territory inhabited by citizens of the United States, and there take, steal, or destroy any horse, horses, or other property belonging to any citizen or inhabitant of the United States, or of either of the territorial districts of the United States, or shall commit any murder, violence, or outrage upon any such citizen or inhabitant, it shall be the duty of such citizen or inhabitant, his representive, attorney, or agent, to make application to the superintendent, or such other person as the President of the United States shall authorize for that purpose; who, upon being furnished with the necessary documents and proofs, shall, under the direction or instruction of the President of the United States, make application to the nation or tribe to which such Indian or Indians shall belong for satisfaction; and if such nation or tribe shall neglect or refuse to make satisfaction in a reasonable time, not exceeding twelve months, then it shall be the duty of such superintendent, or other person authorized as aforesaid, to make return of his doings to the President of the United States, and forward to him all the documents and proofs in the case, that such further steps may be taken as shall be proper to obtain satisfaction for the injury; and in the mean time, in respect to the property so taken, stolen, or destroyed, the United States guarantee to the party injured an eventual indemnification: *Provided always*, That if such injured party, his representative, attorney, or agent, shall, in any way, violate any of the provisions of this act, by seeking or attempting to obtain private satisfaction or revenge, by crossing over the line, on any of the Indian lands, he shall forfeit all claim upon the United States for such indemnification: *And provided also*, That nothing herein contained shall prevent the legal apprehension or arresting, within the limits of any State or district, of any Indian having so offended: *And provided further*, That it shall be lawful for the President of the United States to deduct such sum or sums as shall be paid for the property taken, stolen, or destroyed, by any such Indian, out of the annual stipend which the United States are bound to pay to the tribe to which such Indian shall belong.—(Statutes at Large, volume 2, page 143, section 14.)

Section 17 of an act amendatory of the foregoing act, approved

June 30, 1834, renews the guarantee of the Government and reiterates the obligation resting upon us. It is as follows:

That if any Indian or Indians belonging to any tribe in amity with the United States shall, within the Indian country, take or destroy the property of any person lawfully within such country, or shall pass from the Indian country into any State or Territory inhabited by citizens of the United States, and there take, steal, or destroy any horse, horses, or other property belonging to any citizen or inhabitant of the United States, such citizen or inhabitant, his representative, attorney, or agent may make application to the proper superintendent, agent, or subagent, who, upon being furnished with the necessary documents and proofs, shall under the direction of the President, make application to the nation or tribe to which such Indian or Indians shall belong for satisfaction; and if such nation or tribe shall neglect or refuse to make satisfaction in a reasonable time, not exceeding twelve months, it shall be the duty of such superintendent, agent, or subagent to make return of his doings to the Commissioner of Indian Affairs, that such further steps may be taken as shall be proper in the opinion of the President, to obtain satisfaction for the injury; and in the mean time, in respect to the property so taken, stolen, or destroyed, the United States guarantee to the party so injured an eventual indemnification: *Provided*, That if such injured party, his representative, attorney, or agent, shall in any way violate any of the provisions of this act by seeking or attempting to obtain private satisfaction or revenge, he shall forfeit all claim upon the United States for such indemnification: *And provided also*, That unless such claim shall be presented within three years after the commission of the injury the same shall be barred. And if the nation or tribe to which such Indian may belong receive an annuity from the United States, such claim shall at the next payment of the annuity be deducted therefrom and paid to the party injured; and if no annuity is payable to such nation or tribe, then the amount of the claim shall be paid from the Treasury of the United States: *Provided*, That nothing herein contained shall prevent the legal apprehension and punishment of any Indians having so offended. (Statutes at Large, volume 4, page 731, section 17.)

By these laws the liability of the Government was most clearly fixed and ultimate indemnity was absolutely assured. True, these laws were subsequently modified. The reasons for this modification pass my understanding. Up to that time—1859—as appears, the law was most explicit. It very wisely deprived the injured party of his right to indemnification if he sought to obtain private satisfaction or revenge. In my judgment that policy was in the interest of justice, humanity, and economy, and it never should have been modified. Assuring ultimate indemnification restrained the spirit of retaliation, removed the disposition to seek redress by reprisals, prevented murder, pillage, and arson. A great incentive to violence was thereby withdrawn. War, its consequent expense, as also the sacrifice of precious lives, were thereby prevented. It was a direct and efficient method of preserving peace between the settlers upon the frontier and the Indian tribes. One Indian war prevented by such a policy saved a greater loss, a greater expense to the Government than the amounts required to indemnify the people for their losses. Indeed, I do not believe that it ever was the design of Congress to abandon this policy. That it was expedient to deny our responsibility because of largely-accruing claims is an argument which possesses no moral force and is not true in fact. That we should maintain this rule to its fullest and furthest extent while the Indians were numerous and their depredations consequently great and abandon it now, when the reverse is the case, is beyond my comprehension. Claims honest and well founded cannot, in fact, be greater now than heretofore. The word "expedient," however attractive and potential it may be to others, I am free to say I do not admire. We disregard a fundamental obligation, we withhold promised protection, and women weep and children starve because, alas! it is "expedient." Such a word might characterize the cold, the cruel, and the selfish. Can it, however, illustrate the character of a great and generous people?

The amendment of 1859, to which I have referred, is as follows:

That so much of the act entitled "An act to regulate trade and intercourse with the Indian tribes and to preserve peace on the frontier, approved June 30, 1834," as provides that the United States shall make indemnification out of the Treasury for property taken or destroyed in certain cases by Indians trespassing on white men, as described in the said act, be, and the same is hereby, repealed: *Provided, however*, That nothing herein contained shall be so construed as to impair or destroy the obligation of the Indians to make indemnification out of the annuities, as prescribed in said act. (2 Statutes at Large, volume 2, page 401, section 8.)

However uncertain, though I do not deem it so, may be the precise legal obligation resting upon us, the moral obligation remains unimpaired. We should not if we could avoid it. Though not wholly analogous, the principle is still applicable. If any citizen is injured by the action or non-action of a foreign government, he has a well-founded claim against such government which we are bound to protect and enforce. In the case of the Indians whose conduct the Government measurably guarantees, the obligation is surely stronger. The fact that in many instances the Indians are pecuniarily unable to make reparation should not be permitted to remove or diminish our liability. Such a policy would seem to give license to marauding bands of Indians with whom our Government will not so favorably treat and who are wholly irresponsible.

Besides, sir, it must be remembered that the law providing for indemnification for depredation from annuities due to Indian tribes no longer exists. Section 2098 of the Revised Statutes expressly provides that—

No part of the moneys which may be appropriated in any general act or deficiency bill making appropriations for the current and contingent expenses incurred in Indian affairs, to pay annuities due to, or to be used and expended for the care and benefit of, any tribe or tribes of Indians, shall be applied to the payment of any claim for depredations that may have been or may be committed by such tribe or tribes, or any member or members thereof. No claims for Indian depredations shall be paid until Congress shall make special appropriation therefor. (Section 2098 Revised Statutes United States.)

Is it not clearly the contemplation of this section that Congress shall make appropriation for the payment of claims for depredations committed by Indians? I think so. This law does not restrict the obligation. It merely defines the manner by which such claims shall be satisfied by the Congress of the United States and out of the Treasury thereof. If there be any doubt whatever, it is wholly removed by subsequent legislation. By the seventh section of the act of Congress making appropriations for the Indian Department, approved May 29, 1872, it is enacted—

That it shall be the duty of the Secretary of the Interior to prepare and cause to be published such rules and regulations as he may deem necessary or proper, prescribing the manner of presenting claims arising under existing laws or treaty stipulations, for compensation for depredations committed by the Indians, and the degree and character of the evidence necessary to support such claims; he shall carefully investigate all such claims as may be presented, subject to the rules and regulations prepared by him, and report to Congress at each session thereof the nature, character, and amount of such claims, whether allowed by him or not, and the evidence upon which his action was based: *Provided*, That no payment on account of said claim shall be made without a specific appropriation by Congress.

What, in all earnestness, I appeal to know, is meant, if remedy at the hands of Congress is not intended? Is it an idle mockery, a painful snare, a melancholy delusion? Why this illusive phantom of hope, why this sad and gloomy disappointment? Why is the unlucky victim directed how to present his claim? Why are rules and regulations issued as to the manner of producing and the character of proof? Why is the claimant required or invited to incur the expense necessary to sustain his claim, if there are to be no benefits arising therefrom? Why is the Secretary of the Interior required to examine and report to Congress upon this character of claims the amount allowed by him and the evidence upon which his action is based? Is this law a dead-letter or is the whole thing a grim and ghastly joke? To my mind it would be a deplorable circumstance, indeed, if the reckless and lawless wards of the Government should be surrounded by the strong arms of governmental protection, while States and suffering citizens are helpless to redress their grievances. The Indian is protected in his rights and unhappily shielded in his wrongs. For the poor settler, whose premises are invaded, whose property is destroyed by them, there is no adequate civil remedy The law questions the authority of our State courts, and I regret to observe that there is a disposition upon the part of many to refuse any, all, and every relief at the hands of the Government. It is unnecessary for me to repeat that reservations are not within the jurisdiction of the State. Is it, then, or not, the duty of the Government to keep the Indians within those limits? In my opinion it is manifestly the duty of the Government so to restrain them. Now, then, if we fail to confine them within the proper limits, if by our negligence we permit the Indians to go beyond the same and destroy the property of our fellow-citizens—I insist, yea, I earnestly protest—that indemnification should be made to the fullest and amplest extent out of the Treasury of the United States. I am confirmed in my judgment. So long as I am a member of this body my voice shall be heard, my vote cast, and my influence exercised in favor of honoring this class of claims, sustaining a moral and maintaining a legal obligation.

PROTECTION OF AMERICAN INDUSTRY.

Mr. HOPKINS. Mr. Speaker, the question of protection to American industries has been so often, so elaborately, and so ably discussed that I would remain silent, except to record my vote against the pending bill, but for the fact that I represent a district deeply, vitally interested in the subject. I do not propose to weary the House or fill up the RECORD with a profound and philosophical essay upon abstract theories illustrated with numerous tables of ponderous figures; but I wish briefly, yet earnestly, to protest against a change of policy looking toward free trade. In view of the magnitude of our national debt, absolute free trade cannot become a possibility within the allotted period of our lives, unless indeed direct taxation be substituted for customs duties and a swarm of tax-gatherers, not as numerous but quite as odious as the plagues sent upon ancient Egypt, should be scattered through the land to harrass and despoil. Aside from the question of protection, it seems impossible to doubt which process of collecting revenue would be most equitable and acceptable to the people. A certain sum must be raised annually to defray the current expenses of the Government and to preserve the faith which the nation has pledged to the holders of its obligations. Each citizen should bear his portion of the common burden, should pay his portion of the common debt. The duties levied upon imports accomplish this result because imported articles are used and consumed by the general public. In this way each man makes his contribution to the Federal Treasury without the offensive personal demand of the gatherer of direct taxes. I need not remind this House of the discontent and outspoken indignation everywhere seen and heard at the enforced collection of the income tax. The feeling was so universal and intense that those laws were repealed. But the customs dues are collected by a process so simple and fair and so far removed from the masses of the people that they scarcely realize the fact or feel the effect. So that, as a mere matter of convenience, economy, and consideration for public feeling the necessary revenues should as far as possible be collected in the shape of duties on imports.

But it is strangely argued that lower duties will yield greater revenue. This belief being based on the assumption that there will be much greater importations under a low tariff, it follows necessarily that the home products will be diminished to the extent of the increased imports, and to that extent those engaged in manufacturing must seek other employment or starve, and those who continue at such

labor must do so at greatly reduced wages; and the capital thus invested cannot be transferred, but crumbles into ruin and carries its owner into bankruptcy.

In addition to this, Mr. Speaker, a tariff properly adjusted fosters home industries, develops the great resources of our country, invites immigration, gives employment and fair wages to multitudes of our people. It is no reproach to the skill and enterprise of American workmen that they are unable without Government protection to compete with the labor of other countries. Let it rather be the boast of our manufacturers and of all our citizens that there is no desire to rival any nation which finds a profit in the oppressive and half-paid industry of its toiling people. Admit, for the moment, that a protective tariff increases the price of the manufactured article and is to that extent a tax upon the consumer, who is there would be relieved from that tax at the expense of the comfort, the health, the happiness of the beneficiaries? Who would want to see American workmen degraded and debased to the level of pauper labor? Who would like to read of American women that "they work day and night, toil and slave, so long as they can get something to satisfy their half-starving families?" Who would want to buy, even at a lower price, nails and spikes and chains made by a nursing mother laboring ten hours a day and receiving $2 per week? Yet this is the lamentable account of the miserable condition of affairs in Lancashire. Civilization, humanity, decency, blush at the recital! We want no such experience in this country.

There is a standing denunciation of him who oppresseth the poor, left on record for all nations. Unjust and cruel as such a policy is everywhere, it is especially unwise in this country, where all citizens are equal before the law, where each has an equal share with all the others in making the laws and molding the Government. In view of this fact, there are manifest reasons why all classes should be educated and elevated and made to feel the strong arm of the Government around them, not only for defense, but to sustain and uphold. The glory and power of the nation consists in the prosperity and happiness of its citizens; and he is no true patriot who advocates a policy tending to prevent or impede or impair the comfort, the independence, the elevation of the laboring-men of the land. In countries where there is no suffrage, or a limited suffrage, humanity alone suggests the improved condition of the poor. But here it becomes not only a Christian but a patriotic duty to provide every facility for improvement and advancement.

I have argued upon the assumption that a protective tariff increases to the consumer the price of manufactured articles. But this is not necessarily so. Without a tariff the products of cheap labor would be put upon our market, and, unrestrained by competition here, would exact the highest price the purchaser could pay. Foreigners would be masters of the market and all classes of our people would be the sufferers. Of many illustrations of this statement I refer only to the article of Bessemer steel. But little more than ten years ago steel rails of English manfacture were sold in New York at $185 per ton. Under the encouraging influence of a protective tariff American capitalists built and experimented, and as each new mill went into successful operation the price was reduced, until now the Edgar Thomson Steel Works, in my own district, one of the largest and most complete establishments in the world, is turning out steel rails equal to the best that ever were imported and at less than one-third the price charged before we had any home manufactories. The same result has followed with axes, edge-tools, general hardware, cotton goods, and many other articles, and it is fair to infer that this experience will be continued and enlarged. Hence it appears that the encouragement given to American manufactures reduces instead of increases the cost thereof to the purchaser.

In order to secure this result and at the same time to maintain the true worth and dignity of labor, the Government must protect home capital against an unfair and unequal contest with foreign capital, strengthened and supported by stinted and oppressed labor. Men of large means and liberal minds, with energy and public spirit ready to employ their wealth and to give employment to their fellowmen, will not build furnaces and rolling-mills, glass-houses, cotton-factories and woolen-mills, founderies and machine-shops, and other useful industries with the alternative of being driven from the market by the competition of unpaid labor, or of being compelled to force their employés down to the abject and pitiable condition of those whose products would force this issue. But encouraged to give a generous remuneration to honest toil, and to receive a fair return for their investments, capitalists with the co-operation of cheerful labor will drag from the earth its crude and hidden treasures, and mold them into a multitude of products of universal use and of untold value. And thus the wonderful resources of this country are developed, and the true wealth of the nation is increased. Capital and labor, appreciating their mutual dependence upon each other, work in harmony, and the beneficent results are seen upon every hand.

Looking at the present depressed condition of our manufacturing interests, the thoughtless have said that "protection does not protect." But it must be remembered that there is quite as much gloom and distress and bankruptcy among the manufacturers of England. And hence the argument would apply with equal force against free trade. But it is as unfair to take an exceptional period of general disaster to illustrate the history of trade as it would be to judge the usual course of nature by an occasional earthquake or tempest.

The same men who claim that "protection does NOT protect" at other times speak of the present as a prohibitory tariff. The argument might well be turned upon them by showing that prohibition does not prohibit. During the past few years the importation of dutiable articles has averaged about $400,000,000 per year; surely enough to satisfy the most eager longing for foreign commodities; and enough to show that the existing tariff, in the aggregate, is none too high.

The first tariff act of the American Congress was passed on July 4, 1789, and its preamble stands as true to-day as when first written. It is in these words:

> Whereas it is necessary for the support of the Government, for the discharge of the debts of the United States, and the encouragement and protection of manufactures that duties be laid, &c.

The second century of this nation's history opens with the same state of facts which marked the early years of the first and we are called upon as imperatively as our predecessors of the last century were to maintain a tariff high enough to accomplish the objects to be attained.

We have to-day every reason which impelled Thomas Jefferson in 1816 to say:

> The grand inquiry now is, shall we make our own comforts, or go without them at the will of a foreign nation? He, therefore, who is now against domestic manufactures must be for reducing us to a dependence on that nation, or be clothed in skins and live like wild beasts. I am proud to say I am not one of these.
>
> Experience has taught me that manufactures are now as necessary to our independence as to our comfort.

With this authority to sustain the protection policy, I seek no other.

Practical results are better arguments than the most attractive theories. I have already referred to the reduction of the price of manufactured articles, which has been secured by building up home industries to check the otherwise arbitrary demands of foreign monopolists. But more than that, protection has added to the wealthy population, prosperity, and power of this country far beyond the power of figures to express. The greater portion of my life has been spent in the midst of a manufacturing community, where I have seen the ebb and flow of prosperity, and have marked the struggles and the triumphs of honest industry fostered by governmental care. Despite the unparalleled advantages with which a bountiful Providence endowed her, Pittsburgh would have been but a respectable village, or at best a puny city, without the introduction of manufactories and the encouragement to contest the market with old and able rivals.

Pittsburgh now has a population, including the adjacent city of Allegheny, identical in interests, of 220,000. "The area occupied by the two cities is equal to thirty-four square miles, or 22,000 acres, extending up the Allegheny River five miles and up the Monongahela about eight miles and down the Ohio River about three miles. It has four hundred miles of streets, and the two rivers are spanned by eleven bridges, whose aggregate length is about three and a half miles.

"Throughout all these miles of streets are scattered the factories, the furnaces, the mills, and workshops which have originated for Pittsburgh the *sobriquet* of the Birmingham of America. What those establishments aggregate in bulk is best shown by stating that if they were placed in a compact form they would form a body or would occupy a space of eighteen hundred and sixty-seven acres, or extend seventy-seven miles, giving each an average space of two hundred by two hundred feet.

"The packages in which the glass produced in her factories is packed, if placed in compact shape in a row six feet high by three broad, would extend over ninety miles each year, and the straw used to pack it would need two thousand acres of ground to grow it annually.

"The barges and tow-boats used to transport her yearly product of coal taken out of the Monongahela River alone would, if placed in a continuous line, form a walk of fifty miles, while to transport the whole product of her mines by rail would require over three thousand miles of cars, each holding ten tons. The lumber used in her sash, door, and box factories and planing-mills would build a board walk each year ten feet broad and one thousand miles long.

"The wages annually paid in the factories and collieries would require one man forty-one hundred and thirty-three hours, or one hundred and seventy-two days, to count it in single dollars, at the rate of one hundred and twenty a minute, and would pave with silver half dollars a street forty feet wide and one mile long. These figures present, in perhaps a somewhat fanciful shape, some of the indications that determine the magnitude of the city, and convey, in connection with the statement made of the area of the city, what Pittsburgh is in bulk. The entire wages paid in the manufactories of Pittsburgh are over $30,000,000 annually, and the capital in the buildings and machinery of her factories alone and the ground they occupy is as nearly as could be arrived at $43,216,955."

These thousands and tens of thousands of artisans actively employed in producing articles of necessary use in the various trades and in agricultural pursuits are in their turn the consumers of produce far beyond the supply of that vicinity. Thus each class of citizens helps and is helped by the others. Herein consists the strongest bond of unity and peace. Let all localities and all pursuits realize their mutual dependence and manifest a mutual sympathy, and no tongue can describe or imagination conceive the fullness of the prosperity and glory which the opening century will bring to bless this nation. Let the policy of protection assure to the capitalist safety and a fair return for his investment, liberal remuneration to those whose brawny

arms are the country's best defense in war and whose intelligent judgment is the country's surest hope in peace, and the Republic will march on through its second century panoplied in power and exulting in the affectionate fidelity and earnest patriotism of her happy and hopeful sons.

TEXAS BORDER TROUBLES.

Mr. TOWNSEND, of New York. I desire to discuss this subject of the Texas border troubles, but the hour is now quite late. With the assurance of the gentleman who has this joint resolution in charge [Mr. SCHLEICHER] that I will have an opportunity to speak upon this subject on a future occasion, I will, if it is desired, give way to a motion that the committee now rise; otherwise I shall feel bound, with my notions of duty, to proceed with the discussion to-night.

Mr. SCHLEICHER. The gentleman will have an opportunity on another occasion to address the House on this subject. I move that the committee now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker *pro tempore* having resumed the chair, Mr. SPRINGER reported that, pursuant to the order of the House, the Committee of the Whole on the state of the Union had had under consideration the joint resolution (H. R. No. 96) to provide for the protection of the Texas frontier on the Lower Rio Grande, and had come to no resolution thereon.

DANIEL CLARY.

Mr. SPRINGER. I ask unanimous consent of the House to discharge the Committee of the Whole from the further consideration of House bill No. 3147, granting a pension to Daniel Clary, a soldier of the Mexican war. This bill was unanimously recommended by the Committee on Invalid Pensions, and would have been disposed of this afternoon in a few minutes had the Calendar been longer considered. This soldier contracted a disease from which total blindness has resulted, and from no fault of his own has been kept out of his pension for some years.

Mr. HOLMAN. Without raising any question in regard to the propriety of bringing the bill before the House at this time, and reserving any point of order which may be raised upon it, I desire to submit a motion that the House now adjourn so that this matter may come up to-morrow as unfinished business.

Mr. SPRINGER. It will not come up to morrow as unfinished business unless it is taken out of the Committee of the Whole, as this is private bill day.

Mr. HOLMAN. The attendance of members now is very small, and I do not think any legislation should be had in so thin a House.

Mr. SPRINGER. I will move that the Committee of the Whole be discharged from the further consideration of the bill, and that it be now brought before the House.

The bill was read. It directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Daniel Clary, a private in Company F, Fourth Illinois Volunteers in the Mexican war, and to pay him a pension to take effect from and after the 1st day of January, 1873.

There being no objection, the Committee of the Whole was discharged from the further consideration of the bill.

The question was upon ordering the bill to be engrossed and read a third time.

Mr. HOLMAN. This bill does not indicate the grade in the Army which this soldier held.

Mr. RUSK. And the bill is retroactive, granting a pension back to 1873, contrary to the rule which has been adopted by our committee.

Mr. SPRINGER. That is the time at which he should have received his pension if he had made application in time.

Mr. RUSK. Equitably it may be held they should all receive pensions from the date of their discharge; but it is the rule of the committee not to grant any back pensions.

Mr. SPRINGER. The gentleman will not object to this bill when he hears the report.

Mr. HOLMAN. I move that the House adjourn.

The motion was agreed to; and accordingly (at ten o'clock and thirty-five minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk under the rule, and referred as stated:

By Mr. ELLIS: Memorial of the officers of the Citizens' Bank of New Orleans, Louisiana, for the repeal of the law which imposes a tax of 10 per cent. on circulating notes issued by banks established under State charters.

Also, the petition of Benjamin Singeltary, of Louisiana, for a rehearing of his claim disallowed by the southern claims commission, to the Committee on War Claims.

By Mr. GIBSON: Memorial of E. G. W. Butler, for compensation for supplies taken by the United States Army during the late war, to the same committee.

By Mr. SAYLER: The petition of the leading business firms of Cincinnati, Ohio, against abuses of the Union and Central Pacific Railroad Company in rates imposed for the carriage of freights, and praying for relief, to the Committee on Railways and Canals.

IN SENATE.

SATURDAY, *July* 1, 1876.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Journal of yesterday's proceedings was read and approved.

HOUSE BILLS REFERRED.

The bill (H. R. No. 2626) to authorize the Secretary of the Treasury to pay to the officers and soldiers engaged in the war with Mexico the three months' extra pay provided for by the act of July 19, 1848, was read twice by its title, and referred to the Committee on Military Affairs.

The bill (H. R. No. 3209) to authorize the Commissioner of Indian Affairs to receive lands in payment of judgments to eastern band of Cherokee Indians was read twice by its title, and referred to the Committee on Indian Affairs.

PUBLICATION OF DISTRICT TAX LIST.

The PRESIDENT *pro tempore* laid before the Senate the following communication; which was read, ordered to lie on the table, and be printed:

OFFICE OF THE COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
Washington, June 29, 1876.

SIR: The commissioners of the District of Columbia, in obedience to the resolution of the Senate of the United States requiring them to inform the Senate whether any costs or charges have been paid by property-owners within the District for or on account of the publication of the list of delinquent tax-payers prior to the publication of such list, and, if any, what amount of costs and charges have been so paid, together with the names of the persons so paying the same, and that they furnish the Senate a copy of the contract for printing such list and the amount paid under such contract, have now the honor to forward to you the accompanying exhibit made by the collector of the District, together with his letter in explanation.

It will be seen that the entire amount of costs and charges collected of tax-payers between the day on which the delinquent tax list was placed in the hands of the printer for publication and the actual appearance of the advertised list was $135.75.

It was part of the agreement made with the contractor at the time of signing the contract that, on account of the short time given him to prepare such an extended list—covering twenty-seven pages of the National Republican—for publication at the very moderate price fixed in the contract and the cost changes would impose upon him, he should not be required to cut out any part of the list as furnished him by the collector, but should be paid for the whole.

The delinquent tax payer had imposed upon the District the expense of preparing the tax-list by voluntarily neglecting to pay his tax, and when that list was once in the hands of the printer, to whom it was given at the latest possible date for its publication on the day fixed in the tax law, the entire expense of the advertising had been met by the District.

The cost of publishing the entire list was $8,250.75.

Very respectfully,

W. DENNISON,
J. H. KETCHAM,
S. L. PHELPS,
Commissioners District of Columbia.

Hon. THOS. W. FERRY,
President of the Senate.

PETITIONS AND MEMORIALS.

Mr. CAMERON, of Pennsylvania, presented a petition of 200 soldiers, of Pittsburgh, Pennsylvania, praying the passage of the bill for the equalization of bounties, so as to allow each soldier, sailor, and marine $8.33 per month for the time served; which was ordered to lie on the table.

Mr. BOOTH presented the memorial of the Right Reverend William Ingraham Kip, bishop of California, and eight other clergymen, remonstrating against the amendment to the shipping act of 1872 relating to merchant seamen; which was referred to the Committee on Commerce.

Mr. WHYTE presented the petition of Elizabeth R. McCracken, widow of Dr. Robert McCracken, late acting assistant surgeon of the United States Army, praying for a pension; which was referred to the Committee on Pensions.

ISSUE OF SILVER COIN.

Mr. SHERMAN. I am directed by the Committee on Finance, to whom were referred certain amendments by the House of Representatives to the amendments of the Senate to the joint resolution (H. R. No. 109) for the issue of silver coin, to report them back and ask that the amendments of the House to the Senate amendments be non-concurred in, and that a committee of conference be asked on the part of the Senate upon the disagreeing votes of the two Houses.

The PRESIDENT *pro tempore*. The Senator from Ohio moves that the Senate disagree to the amendments of the House to the amendments of the Senate, and request a conference.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Messrs. SHERMAN, BOUTWELL, and BOGY were appointed.

REPORT OF COMMISSIONER OF EDUCATION.

Mr. ANTHONY. I am instructed by the Committee on Printing, to whom was referred a resolution to print additional copies of the report of the Commissioner of Education, to report it with an amendment. The amendment restricts the publication to 10,000 copies for the use of the Commissioner. As we have no means of sending away documents except at our own cost, it seems undesirable that we should print a large number of public documents. I ask for the reading of the resolution as proposed to be amended, and move its present consideration.

The Chief Clerk read as follows:

Resolved by the Senate, (the House of Representatives concurring,) That 10,000 copies of the report of the Commissioner of Education be printed for the use of the Commissioner.

The amendment was agreed to.

Mr. WRIGHT. As I heard the resolution read I did not understand what year the report is for or whether any year is named.

Mr. ANTHONY. It is for the current year.

Mr. WRIGHT. I should be glad to have it reported again. I do not think it specifies any year. I call the attention of the Senator from Rhode Island to that fact.

Mr. ANTHONY. I move to insert "for the year 1875." It is so in the original, I think.

The amendment was agreed to.

The resolution, as amended, was concurred in.

PUBLIC LANDS WITHIN RAILROAD GRANTS.

Mr. ANTHONY. The same committee, to whom was referred a resolution to print five hundred copies of Senate bill No. 34, have instructed me to report it back and ask to be discharged from its further consideration. The Senator who introduced it is not inclined to press the motion to print extra copies.

The report was agreed to.

LANDS CONFIRMED TO SAN JOSÉ.

Mr. BOGY. I am instructed by the Committee on Private Land Claims, to whom was referred the bill (S. No. 655) to confirm to the city of San José, in the State of California, the title to certain lands, to report it back without amendment.

Mr. SARGENT. This bill simply sets the statute of limitations running. It is very simple and explains itself. I believe it is a unanimous report from the committee, and I ask that the bill be considered now.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It relinquishes to the city of San José, California, its successors and assigns, all the right, title, and interest of the United States in and to all the lands confirmed to that city by the final decree of the district court of the United States for the district of California by its decree entered in the cause entitled "The United States against the Mayor and Common Council of the City of San José," on the 13th of June, 1866, pursuant to the decree and mandate of the Supreme Court of the United States in that cause, subject to the deductions, reservations, and limitations contained in the decree.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

REPORTS OF COMMITTEES.

Mr. BOGY, from the Committee on Private Land Claims, to whom was referred the bill (H. R. No. 1026) for the relief of Thomas Van Duzen and his assigns for lands, reported it without amendment.

Mr. CHRISTIANCY, from the Committee on Private Land Claims, to whom was referred the bill (H. R. No. 719) for the relief of the heirs of William Stevens, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

BILLS INTRODUCED.

Mr. WRIGHT asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 963) in relation to the cancellation of mortgages in the District of Columbia; which was read twice by its title.

Mr. WRIGHT. In presenting this bill I wish to say one word. There has been reported from the Committee on the District of Columbia a House bill No. 3740, providing for the recording of deeds, mortgages, and other conveyances affecting real estate in the District of Columbia. I ask that this bill may go to the Committee on the District of Columbia; and as I see that I have the attention of my friend from Kansas, [MR. INGALLS,] a member of the committee, I suggest the propriety of adding this as an amendment to the House bill No. 3740, if they shall esteem it a proper measure. I call their attention at this time to it, and ask that they may report it back at their leisure, so that it may be considered; and, if they cannot report it back, that it may be offered as an amendment by me without objection on their part, to the bill when it is taken up. I move the reference of the bill to the Committee on the District of Columbia.

The motion was agreed to.

Mr. CAPERTON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 964) for the establishment of certain post-routes in West Virginia; which was read twice by its title, referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

Mr. INGALLS (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 965) granting a pension to Bridget Collins, widow of John Collins; which was read twice by its title, and, with the accompanying petition, referred to the Committee on Pensions.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. U. S. GRANT, jr., his Secretary, announced that the President had yesterday approved and signed the following acts:

An act (S. No. 770) for the relief of Judson S. Post, of Missouri, late disbursing officer of the United States Navy; and

An act (S. No. 960) to continue the public printing.

ANDERSON J. SMITH.

Mr. WRIGHT. If there be no resolutions or other morning business I ask that the Senate proceed to the consideration of House bill No. 597.

Mr. MORTON. There was an understanding this morning that the resolution for Mr. Pinchback should be considered.

Mr. WRIGHT. This bill will only take a few moments. The bill passed both Houses at the last session, and there is no objection in the world to it.

Mr. MITCHELL. As there was an order made for this morning I think I shall have to object.

Mr. WRIGHT. I trust my friend will not object to this bill. It passed both Houses at the last session and fell by the way. It is again reported from the Military Committee at this session. There is no objection to it in the world. Just the reading of the bill will pass it. If there is any objection I will withdraw it.

By unanimous consent the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 597) for the relief of Anderson J. Smith. It directs the Paymaster-General of the Army to pay to Anderson J. Smith, late of Company A, One hundred and thirtieth Regiment of Illinois Volunteer Infantry, the pay and allowances of an assistant surgeon in the Army from May 6, 1864, to the date of his muster out of service on the 17th day of June, 1865, deducting whatever pay he received for that term as sergeant.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PAY OF P. B. S. PINCHBACK.

Mr. MITCHELL. I move to proceed to the consideration of the resolution relative to Mr. Pinchback's pay.

The PRESIDENT *pro tempore*. The Senator from Oregon asks for the present consideration of the resolution agreed to be considered at this time. The Secretary will report the resolution.

The Chief Clerk read the resolution, as follows:

Resolved, That P. B. S. Pinchback, late contestant for a seat in the Senate from the State of Louisiana, be allowed an amount equal to the compensation and mileage of a Senator from the beginning of the term for which he was a contestant up to the period of the determination of the contest by the Senate.

Mr. KELLY. I hope that will not be taken up this morning. It certainly will lead to a prolonged debate.

The PRESIDENT *pro tempore*. The understanding was that it should be taken up.

Mr. KELLY. By unanimous consent?

Mr. MITCHELL. It was unanimously agreed to.

The PRESIDENT *pro tempore*. It was superseded on another day by other business, the understanding being that it should be taken up to-day. It is now before the Senate.

Mr. KELLY. I ask leave to complete a bill that the Senator having charge of this resolution will consent to. It is the bill (H. R. No. 1316) to adjust the claims of the owners of lands within the limits of the Klamath Indian reservation in the State of Oregon. It is a House bill which was partly discussed here the other day, and I have been too unwell for several days past to come to the Senate and ask to have it disposed of. I hope my colleague who has this resolution in charge will consent that this bill shall be taken up and disposed of.

Mr. SARGENT. I think it was understood that the Senator from Oregon [Mr. KELLY] should be allowed to complete the bill to which he has referred. He could not find at the moment a statute that he wanted to refer to when the bill was last up, and therefore it went over.

Mr. MORTON. This matter has been put off from time to time for the accommodation of one Senator and another, and if it is further postponed it might as well be abandoned. I would as soon accommodate my friend from Oregon as anybody, but there was a unanimous understanding that this resolution should be taken up this morning. It was agreed to without a dissenting voice that it should come up this morning. I will help my friend at another time, but I think he ought not to press it now.

Mr. KELLY. Very well; if it was the general understanding of the Senate that this resolution should be proceeded with this morning, I shall make no objection.

Mr. SARGENT. I believe it was the understanding; but I hope there will be an understanding that my friend from Oregon shall have an opportunity to have his bill finished.

Mr. MITCHELL. I hope so.

Mr. MORTON. I object.

Mr. SARGENT. I do not say now, but I hope after this matter is disposed of the Senator from Oregon will have an opportunity to complete his bill.

Mr. MORTON. After this resolution is disposed of, I shall have no objection.

Mr. MITCHELL. I call for the reading of the report.

The Chief Clerk read the following report, submitted by Mr. MITCHELL, from the Committee on Privileges and Elections, on the 17th of April:

The Committee on Privileges and Elections, having had under consideration the question of the allowance proper to be made to P. B. S. Pinchback, late a contestant for a seat in the Senate from the State of Louisiana, submit the following report:

The great length of time that elapsed between the beginning of the term for which Mr. Pinchback was a contestant and the date of the final determination of

that contest by the Senate, as also the remarkably close vote by which such contest was decided, have impressed your committee with the belief that the full measure of compensation which the uniform action of the Senate heretofore has given to contestants should be allowed in this case.

Your committee are advised by the journals of the Senate that the rule established by this body in similar cases is, the payment to the contestant of the amount he would have been entitled to receive in case he had been admitted and served the time the contest was pending; in other words, an amount equal to the compensation and mileage of a Senator for the time covered by the contest.

A few citations will suffice to show the uniformity of this rule.

O. B. Hart, contesting the seat of A. Gilbert, of Florida, was paid from the contingent fund from the 1st to 28th of April, 1870, under the following resolution, passed May 11, 1870, (Senate Journal second session Forty-first Congress, pages 585 and 634:)

"*Resolved*, That the Secretary of the Senate be directed to pay, out of the contingent fund of the Senate, to O. B. Hart, claimant of a seat in the Senate from the State of Florida, the usual mileage of a Senator, and monthly pay from the date of presenting his credentials until the passage of the resolution declaring him not entitled to a seat."

H. P. Farrow and R. H. Whitely, contesting respectively with J. Hill and H. V. M. Miller, from Georgia, were paid from the 16th of February, 1870, to the 30th of January, 1871, under the following resolution, passed February 25, 1871, (Senate Journal, third session Forty-first Congress, page 369:)

"*Resolved*, That the Secretary of the Senate be directed to pay to H. P. Farrow and R. H. Whitely, contestants from the State of Georgia, compensation from the 16th day of February, 1870, the date of their election by the re-organized Legislature of Georgia, to the 30th day of January, 1871, when the Senate decided they were not entitled to seats."

Foster Blodgett, claiming a seat from the State of Georgia, was paid from March 4, 1871, to December 19, 1871, in pursuance of the following resolution, passed January 9, 1872, (Senate Journal, second session Forty-second Congress, page 94:)

"*Resolved*, That the Secretary of the Senate be directed to pay, out of the pay and mileage account, to Foster Blodgett, claiming a seat as Senator-elect from the State of Georgia, the pay and mileage of a Senator from March 4, 1871, to December 19, 1871, when the question of his right to his seat was determined by the Senate."

Again, J. C. Abbott, of North Carolina, contesting the seat of Senator RANSOM, was paid from March 4, 1871, to the 23d of April, 1872, under the following resolution:

"*Resolved*, That Joseph C. Abbott, late contestant for a seat in this body, from the State of North Carolina, be allowed his salary from the 4th of March, 1871, to the 23d of April, 1872, and one mileage each way."

This resolution was passed April 24, 1872. (See Senate Journal, second session Forty-second Congress, page 595.)

Numerous other citations might be adduced; these will suffice, however, to establish the uniform rule of the Senate.

This committee, on the 8th of March, 1876, in reporting back Senate resolution No. 10, to pay Francis W. Sykes, of Alabama, contesting with Senator SPENCER, the compensation and mileage of a Senator from the 4th day of March, 1873, to the 28th day of May, 1874, when said contest was decided, submitted (by Mr. COOPER) the following report:

"The rule established by the Senate in cases similar to the present one has been uniform. A person applying for a seat in this body by reason of an election by the Legislature of a State, although his application has been refused, and another adjudged entitled to the seat, has been paid the amount he would have been entitled to receive if he had been admitted and served the time the contest was pending. The action of the Senate upon such cases has been with such great unanimity as to call for little or no debate. The reasons therefor upon which the rule is based can only be surmised. It may be said the person claims his seat in pursuance of an implied duty imposed upon him to thus assert the right of his State to be represented in this body, which duty he owes to the public, and that expenses incurred in the performance of a public duty should be paid out of a common Treasury.

"A proper respect for the action of a State in the choice of a Senator may also justify the rule.

"The committee see nothing in the present case to take it out of the general rule; they therefore recommend the passage of the resolution."

The case of Pinchback is (considering the final action of the Senate in the contests of the two cases) parallel with that of Sykes in this, that each claimed under an election by a body adjudged by the Senate afterward not to have been the Legislature of the State. The case of Pinchback, however, is much the stronger from the fact that the alleged legislature from which Mr. Sykes claimed his election was never recognized as the Legislature of the State of Alabama by any of the departments of Government, while the Kellogg legislature of Louisiana, by which Mr. Pinchback was elected, was recognized as the Legislature of that State, not only by the State courts, but by the Executive of the nation, and also by the national House of Representatives, by admitting to its membership persons claiming seats under certificates from Governor Kellogg; and inferentially by the Senate, in the adoption of a resolution recognizing Kellogg as the governor of the State. In view of these judicial, executive, and legislative recognitions of the Kellogg legislature, and of the fact that the Senate, after three years of discussion and consideration, was so evenly divided on the ultimate question as to Mr. Pinchback's right to a seat, it would seem difficult to imagine a stronger case of reasonable cause, than that moving Mr. Pinchback to make claim to a seat, and to persevere as he did in that claim for over three years.

Your committee, therefore, in view of the precedents and the facts of this case, report the following resolution and recommend its adoption:

Resolved, That P. B. S. Pinchback, late contestant for a seat in the Senate from the State of Louisiana, be allowed an amount equal to the compensation and mileage of a Senator from the beginning of the term for which he was a contestant up to the period of the determination of the contest by the Senate.

Mr. WITHERS. I inquire of the Senator who presents this resolution whether I am correct in understanding the argument of the report to be to this effect: that in all cases of contests here the uniform practice of the Senate has been to pay the contestant the full amount which would have been due him if he had been admitted up to the time that his claim is denied or rejected?

Mr. MITCHELL. So far as I have been able to examine the precedents, that has been the rule.

Mr. WITHERS. Then I would respectfully inquire whether there have not been at least three other claimants or contestants to this seat; and if that be the uniform rule and practice of the Senate, why the names of the other claimants were not incorporated in the resolution, so as to pay them all in accordance with what we are given to understand has been the uniform action of the Senate heretofore?

Mr. MITCHELL. I cannot say in reference to that. This was the only case considered by the Committee on Privileges and Elections on this reference. These matters are taken up separately. The case of Mr. Sykes, a contestant from the State of Alabama, was considered some time since by the Committee on Privileges and Elections, and a resolution was reported and is now on the Calendar proposing to pay Mr. Sykes the same compensation that he would have received, if admitted, for the time that he was contesting.

So far as any cases have been considered by the Committee on Privileges and Elections, I will say to the Senator from Virginia that they have universally, I believe, been reported in accordance with the principle adopted in this report; and in fact in some instances they have gone further. For instance, in the case of H. P. Farrow and R. H. Whitely, contesting respectively with Joshua Hill and H. V. M. Miller, from Georgia; they were paid from the 16th day of February, 1870, to the 30th day of January, 1871, the same compensation that they would have received provided they had been admitted to their seats, and also their mileage; but more liberal than this resolution proposes to pay to Mr. Pinchback, they were paid from the date of their election, not from the date of the presentation of their credentials here; not from the date they would have been entitled to their seats in case they had been admitted, but from the date of their election.

I will say that I have examined the records carefully, and I find no exception to the rule adopted by the report of the committee.

Mr. WITHERS. The argument of the Senator and the precedent upon which it is based it seems to me would go very far toward settling this case, provided it was carried out to its full extent; but I understand from him now that other contestants for this same identical seat have had claims pending which have not been reported upon by the committee; and the committee have not recommended that this precedent which is now referred to should be carried out in their case, and I wish to know why that is so.

Mr. MITCHELL. I will state in answer to the Senator that there was another contestant at the same time for this same seat, but he abandoned the contest, as the Senator knows.

Mr. WITHERS. It strikes me that the abandonment of the contest does not affect the principle at all. Whether the claimant fails to be admitted to his seat by a voluntary abandonment of his effort to secure it in despair of success, or whether by a vote of the Senate he is refused admission, it seems to me does not affect the principle on which the Senator relies.

Mr. MITCHELL. In that case Mr. McMillen voluntarily abandoned the contest, and by his own voluntary action admitted to the Senate and to the country and to the governor and to his own State that he was here without a shadow of right. He left the contest; went away; said he did not wish to persist any further; and he makes no claim for compensation. It will be time enough to consider that case, I presume, when Mr. McMillen comes here and makes application for compensation and mileage.

Mr. MORTON. The cases have no connection with each other. Mr. McMillen presents no claim. When he presents a claim for compensation, it will be another thing.

I will state to my friend from Virginia in regard to the case from Alabama that this committee reported in favor of paying Mr. Sykes on the same principle precisely. The Senator from Tennessee [Mr. COOPER] made the report, and it is under his care. The fact that it has not been considered by the Senate is because the Senator from Tennessee has been prevented from calling it up by absence. I have always been ready to vote for that resolution as far as I am concerned. The committee reported it.

Mr. MITCHELL. I will read what the Senator from Tennessee [Mr. COOPER] says in his report in that case:

> The rule established by the Senate in cases similar to the present one has been uniform. A person applying for a seat in this body by reason of an election by the Legislature of a State, although his application has been refused, and another adjudged entitled to the seat, has been paid the amount he would have been entitled to receive if he had been admitted and served the time the contest was pending. The action of the Senate upon such cases has been with such great unanimity as to call for little or no debate. The reasons, therefore, upon which the rule is based can only be surmised. It may be said the person claims his seat in pursuance of an implied duty imposed upon him to thus assert the right of his State to be represented in this body, which duty he owes to the public, and that expenses incurred in the performance of a public duty should be paid out of the common Treasury.
>
> A proper respect for the action of a State in the choice of a Senator may also justify the rule.
>
> The committee see nothing in the present case to take it out of the general rule; they therefore recommend the passage of the resolution.

Which was to pay him full compensation and mileage.

Mr. WITHERS. And that has never yet been acted on.

Mr. MITCHELL. Never acted on from the fact as stated by the honorable Senator from Indiana that the Senator making the report of the committee has not asked for action upon it. He has never moved to take up the resolution. The committee stand ready, as I understand unanimously to-day, to vote in the Senate, whenever they have an opportunity, to pay Mr. Sykes.

Mr. WITHERS. If the Senator would accept a suggestion, then, to embody the provision for the payment of these cases which are now pending in the same resolution, I should suppose there would be no difficulty then and perhaps no objection to it; but I am opposed to making a discrimination in two or more cases where the position of the parties is identical, because the report which the Senator has just read in regard to Mr. Sykes is so similar in the position taken as to be absolutely identical in language with that in this case, and all the arguments which can be urged in favor of the one apply

with equal force to the other. I do not see the necessity or propriety of any discrimination. I do not see why we should vote to award this pay to one contestant when others do not share the same measure.

Mr. MITCHELL. If that were a proper thing to do as a matter of business in the Senate, I do not know that there would be any particular objection; but there is no reason why we should incorporate the two resolutions together. They have been reported separately; they have been considered separately by the committee; they have each been reported favorably; they are each on the Calendar; and this one has now been taken up for action. The other has not been taken up simply from the fact that the Senator making the report has not asked that it should be taken up. I do not wish to complicate the matter by considering the two together. Let each stand on its own merits.

Though so far as I am concerned I stand ready to vote for both, there is a difference and a very wide difference between the two cases, and that difference is in favor of Mr. Pinchback, and why? Because the legislature that elected Mr. Sykes was what is known as the State-house legislature, a legislature that was never recognized as a legislature by any of the departments of the government in the State of Alabama, or by any branch of the Federal Government, while on the other hand the legislature that elected Mr. Pinchback has been recognized over and over again by the courts of Louisiana, by the Executive of the nation, by the national House of Representatives, and inferentially by the Senate of the United States by a resolution recognizing Governor Kellogg as governor of Louisiana. Therefore I say that the cases are different, widely different, the difference being in favor of the case now under consideration. I hope that this case may be considered on its merits now that it is up before the Senate. If there is anything wrong in the matter, let it be known now. If we are to change the rule simply because the contestant here happens to be a colored man, let us change it and let it go to the country, and let the country know that the rule in relation to compensation for a contestant has never been changed until a colored man makes application and comes before the Senate.

Mr. WITHERS. It strikes me that, to use a slang expression, the boot is rather on the other leg. I have made no objection to the payment of the claim on account of the color of the claimant.

Mr. MITCHELL. Certainly the Senator has not.

Mr. WITHERS. But the committee seems to consider it in favor of a black man, and against a white man, when they stand on precisely the same ground, so far as I can see. The distinction drawn by the Senate is not a valid one applicable to the principles which are involved in this case.

I do not propose to embark again in a discussion of all the points involved in the Pinchback claim, of which the Senate and the country have, I am sure, heard enough; and therefore I do not propose to enter at all into the discussion of the question as to which of the legislatures claiming to be the valid legislature in Louisiana was the valid legislature. The Senate by its action in the premises has decided that question when it rejected Mr. Pinchback, as was asserted by his leading champion, the distinguished Senator from Indiana, in all the discussion on the case. That question being settled, the matter of the two legislatures does not come into consideration at all. All I asked was that this precedent, which the Senator claims has been established and followed in so many instances, which has been so universally observed by the Senate, should continue to be observed so far as regards all the applicants for this position if it be observed with regard to one, and that a discrimination be not made against the white man and in favor of the black man. Neither the civil-rights bill nor anything else that I know of demands that that distinction should be made.

Mr. MORTON. The Senator talks about a discrimination. Does the Senator intend to do injustice to the committee?

Mr. WITHERS. Certainly I do not.

Mr. MORTON. Then the Senator should take that back right speedily.

Mr. WITHERS. If I can be convinced that I have done injustice, I certainly will do so.

Mr. MORTON. I tell the Senator that what I have said ought to be satisfactory. This matter of Mr. Sykes before the committee was in charge of the Senator from Tennessee, [Mr. COOPER,] and when the resolution was agreed upon he was requested to report it to the Senate; and it was left in his charge. This resolution in regard to Pinchback was left in charge of the Senator from Oregon, and he reported it to the Senate on behalf of the committee. They are identical in principle precisely. The Senate would have taken up and considered at any time, I doubt not, the resolution in regard to Mr. Sykes if the Senator from Tennessee had asked it; but the Senator from Virginia knows very well that when a resolution is in charge of a Senator, the etiquette of the Senate is to let him bring it forward at a time that suits him, and that the Senator from Tennessee has not brought that forward. I have always been ready to help him in support of that resolution if he would bring it forward. It was within his charge, but he has not brought it forward. This resolution was in charge of the Senator from Oregon, and he has brought it forward repeatedly. Now, why should the Senator from Virginia talk about discrimination in favor of the colored man against the white man?

Mr. WITHERS. I would beg the Senator to bear in mind that I never alluded to that subject at all until it was introduced by the Senator from Oregon.

Mr. MORTON. The Senator said that the committee was discriminating in favor of the colored man and against the white man. We have had enough of that sort of thing, in my opinion, Mr. President.

Mr. WITHERS. Whether the Senator has had enough of that sort of thing or not is a matter of indifference to me. I have this to say, that I certainly design no offense to the committee; but I do not think if my remarks are reported correctly it will be found that I asserted that the committee had made a discrimination against one man.

Mr. MORTON. Yes, sir; the Senator said so.

Mr. WITHERS. I said that a discrimination should not be made, and that if it was made it was by providing for this man and not for the others who are in the same position. I am perfectly aware that what the Senator has said in regard to the mode of dealing with propositions in the Senate is correct; but, inasmuch as this proposition comes up in the absence of the Senator from Tennessee, who has been absent for a long time, who was in charge of the other resolution, I saw no objection, so far as I was enabled to understand the question, to both being incorporated in the same resolution, standing as they do admittedly on precisely the same ground.

Mr. MORTON. As to whether the Senator did not in substance say that the committee had discriminated in favor of the colored man and against the white man, it would not be safe for him to consult the record as made at the reporter's table; but if the Senator disclaims it that is enough. I have stated the facts in regard to it, and those facts show that there is no discrimination and that both have been placed precisely upon the same principle. If Mr. Sykes's case has not been considered it has simply been because the Senator in charge of it has not asked the Senate to consider it.

Mr. MITCHELL. In addition to all that, it was on the Calendar months before this resolution was reported by the committee.

Mr. WEST. I have been necessarily absent from the Chamber on business that the Senate undoubtedly is familiar with, and I have risen several times to ask the condition of this matter before the Senate; and I now wish to inquire whether the proposition is to ingraft the Sykes resolution upon the Pinchback resolution?

Mr. WITHERS. I suggested that that might be done.

Mr. WEST. The only objection I can see to that is what the Senator from Indiana states, that the etiquette of the Senate would require that a measure should not be considered in the absence of the Senator who proposed it; but I do not think that Senator will take any very great offense on the subject of etiquette if the measure that he is in favor of meets with a favorable solution during his absence. I do not think he will complain of it; and, therefore, if we can bring this matter to a close by making joint action upon the two cases, I am in hopes the Senate will do it.

Mr. WHYTE. I desire to correct a misapprehension of the Senator from Oregon when he supposes that this rule has been universal. Such is not the fact.

Mr. MITCHELL. I said that, so far as I had been able to examine the precedents and so far as they are contained in this report, the rule has been what I stated. If there is any other precedent I have been unable to find it.

Mr. WHYTE. I will call the Senator's attention to the case of Governor Thomas. Governor Thomas was not allowed one dollar of compensation by the Senate of the United States for contesting his right to a seat in this body for a year. So far from it, the State of Maryland paid him his expenses by a vote of the Legislature. Subsequently his successor in office received the pay from the commencement of the term. So the rule stated by the Senator from Oregon has not been a rule universal in its application.

Mr. MITCHELL. I would inquire of the Senator from Maryland the reason why Thomas was not paid?

Mr. WHYTE. I am only speaking of the fact, not the reason. He was here for a year, denied a right to the seat. His successor was elected, and his successor received pay from the commencement of the term.

Mr. MITCHELL. But does the Senator know of any special reason having been assigned by the United States Senate at that time why they would not treat him as they treated others?

Mr. WHYTE. No, sir.

Mr. MITCHELL. Why was he not admitted to his seat?

Mr. WHYTE. That is another matter.

Mr. MORTON. There were two reasons, if I remember correctly. One was that there was never any application made here for the pay of Governor Thomas, so far as I know. Was there?

Mr. WHYTE. I do not know.

Mr. MORTON. That was a pretty good reason. The other one was that Governor Thomas was rejected because he was ineligible under the fourteenth amendment, and came here in violation and defiance of that amendment. That I think would have been another reason if the application had been made; but the first one I should think would be satisfactory.

Mr. WEST. That rule was applied to all Senators who were ineligible. The Senators from Arkansas who came here in 1866 got no compensation.

Mr. ANTHONY. I do not think the instance cited by the Senator from Maryland is applicable, because Mr. Thomas was held to be ineligible. I did not think so at the time and I voted for his admission,

because I thought he was eligible; but the Senate decided that he was ineligible, and therefore he did not come within the rule. So far as my experience goes—I never have examined the subject—but my recollection is that any man who was eligible, and who came here in good faith to contest a seat, has been allowed the pay and compensation of a Senator from the time of his election until the decision of his case. I do not think that it is altogether a good rule. I think that in many cases when contestants are subjected to very little expense, and when the delay is very long, it is hardly good administration to pay them the entire compensation. But if there is to be any variation from the rule, it should be by a declaratory resolution, and not by making a point upon an existing case.

This is a case which is exceedingly meritorious. There can be no doubt that the contestant in this case considered himself, and had a good right to consider himself, entitled to the seat. He was elected by the body which had been recognized both in Louisiana and in Washington, and he received the votes of a very large number, indeed, of almost a majority of the Senate. It is not, therefore, I think, one of those extreme cases upon which the rule should be varied. I would rather have varied it in the case of a Senator from Georgia—I have forgotten his name—who came here and after a service of some eight or ten days received more than that many thousand dollars. The question was raised then, but it was said this was according to the invariable rule of the Senate.

After this question shall have been disposed of, I think it would be well to refer to the Committee on Privileges and Elections the propriety of passing some resolution on the subject, or some law on the subject, or some rule of the Senate, as I think has been done in the other House of Congress; so that there shall be a fair compensation paid to a contestant, but not necessarily the entire pay of a member of Congress.

Mr. DAWES. I should like to inquire of the Committee on Privileges and Elections whether Mr. Pinchback also received compensation from the House of Representatives while he was contesting a right to a seat there? He was contesting for a seat in the House of Representatives at the same time that he was contesting for a seat here. Whether the House of Representatives paid him or not, I am unable to say. I remember the case of an applicant, not Mr. Pinchback, who prosecuted two contests, one at this end and the other at the other end of the Capitol, and was paid at both ends. I should like to know whether that is the case in this instance.

Mr. MORTON. I do not believe it is at all. Mr. Pinchback was elected, as was supposed, as Congressman at large from Louisiana, and was afterward elected to the Senate; but he did not get either place. I think he never preferred any claim—I never heard of any—for pay in the House.

Mr. DAWES. I did not make the inquiry because I had any suspicion on that point; but, if that were so, everybody, I think, would say that the sum paid there should be deducted from this allowance. As I voted against the admission of Mr. Pinchback to a seat here, believing that he was not entitled to it, perhaps I may be indulged in making a remark or two on this resolution.

I shall vote for the resolution. I shall vote for it upon this ground, that it is according to what, as near as I can learn, has been the unbroken precedent of the Senate. I had occasion yesterday to give a little history of this rule in the House, and if it would not be repeating perhaps it would be well enough to restate it in some particulars. This same rule applied in the House, without exception as I stated yesterday, up to the time that the per diem was exchanged for a fixed salary; and afterward through the period that the $3,000 salary was paid and after the $5,000 salary was paid for some time, until the cases became very marked where men would prosecute a contest to a seat and there was no great disposition to press the contest. The cases would run along through the long session very many of them, and then upon the final vote the contestants would get a very large sum of money. It was an evil, and the application of the rule here is an evil. I think the rule adopted by the House afterward is the only true rule; that is, every person who prosecutes a claim for a seat in either branch should, as an encouragement to prosecute any claim that is entertained in good faith and he has reason to believe is an honest claim, be assured, in the interest of honest election, in the interest of the purity of the ballot-box, and in the interest of those who have a right to be represented by men of their own choice, that, so far as the burden of asserting the rights of his constituents is concerned, it should not rest on his shoulders, but he should be paid only his fair and necessary expenses. But, sir, in my opinion it should not be a means of obtaining money for any other purpose than defraying those expenses. That rule, so far as it has been acted upon in the other branch, has had a beneficial effect. A man has every encouragement that he ought to have to assert his honest claim and the honest claim of his constituents of which they are likely to be deprived; but no man under that rule is encouraged to make this a means of obtaining money. But the rule has not obtained here; and in this case, so peculiar, I am not willing myself to make an exception of this man. I would rather begin from and after this to adopt a new rule than to have it said that it broke upon us in the Senate in regard to this peculiar case.

There is another feature of the law which I hope this committee, if the Senate charge them with reviewing the matter at all, will look into. I understand the construction of the law in this branch and in the other branch is that, if a man should be elected to fill out the unexpired remaining months of the six-years term which Mr. Pinchback claimed, the moment he is admitted here, he is entitled to the full salary back to the beginning of the term. Such is the construction put upon the statute in the other branch, and so I understand it to be here. That is all wrong; it ought not to be.

But, sir, for the reason I have stated, I am going to vote to compensate Mr. Pinchback according to the established precedents of the Senate, because I believe (though perhaps not quite as strongly) with those who voted for his admission that he prosecuted his claim in good faith. I believe that, from his stand-point and from the stand-point of those who supported him, he had reason to think that his case was a good one. I could not see it so; but I am not going to say that, prosecuting it as he did, he shall be excepted from the general rule. It was not his fault that it was not decided in nine months or in a year or in two years. If it was postponed three years, or whatever time, it was not at his solicitation, and therefore it should not be laid to his door that the amount of money thus drawn is unusually large.

The PRESIDENT *pro tempore*. The morning hour has expired.

Mr. MITCHELL. I ask unanimous consent to have a vote on this matter. I think it can be disposed of now without any further discussion.

The PRESIDENT *pro tempore*. Is there objection to continuing the consideration of the resolution? The Chair hears none.

Mr. SARGENT. Subject to a call for the regular order.

Mr. WINDOM. I will not object if the right to call for the regular order is reserved.

The PRESIDENT *pro tempore*. That will be understood.

Mr. ALCORN. Mr. President, I am not one of those who have a very great veneration for precedents. I hold that each Senator should stand upon his own judgment on every case that is presented to him, and if errors are detected in the administration of the Government in any of its Departments, however long precedents may have cooperated in continuing those errors, they should be stricken at. The precedent here claimed, however, has not always obtained as to the payment to claimants of seats in this body and in the other House. I have a very lively remembrance of 1865. I remember that under the proclamation of the President Legislatures were elected in the Southern States, and they were instructed by the President to send forward their Senators and Representatives to Congress. Those governments were recognized by the President; those State Legislatures were recognized by all the departments of the Government; they were State Legislatures that passed laws that have not yet been repealed. But when they sent forward their Senators and Representatives to Congress they were kept waiting here for a year and more upon the question of their admission, and they were finally turned away, and I have not up to this time ascertained that precedent has sufficed to give them one dollar of money in consideration of the service they attempted to perform at that time. I speak knowingly on this subject, because I stood just outside yonder door for a year and a half with a commission in my pocket from a State Legislature, signed by a governor recognized by every department of this Government, and I was finally, as I say, with others, turned away and told we could not come in at all; we had no right to representation here.

Mr. MITCHELL. That was not a case of a contest.

Mr. ALCORN. It was a case of a contest, for we were contesting our right to seats here all the while.

Mr. MITCHELL. The question was whether the State was entitled to representation at that time.

Mr. ALCORN. That was precisely the question with regard to Pinchback, as I understand. It was a question as to whether the State was in a condition to elect a Senator. The Senate has decided that it was not.

Now I intend to vote for this resolution, but I intend to vote for it precisely for the opposite reason to that given by the honorable Senator from Massachusetts. He says that he voted against the admission of Pinchback because he did not think he was entitled to be admitted to his seat.

I voted for the admission of Pinchback, believing him to be entitled to the seat, and for that reason alone I shall vote to pay him this compensation. I leave the logic of the two positions to be considered by those who may think them worthy of consideration.

I have not, however, understood the precedents of the Senate to be as stated by some Senators. I think the Senator from Massachusetts stated that it had been the precedent when a Senator was elected to fill out an unexpired term to give him full compensation from the beginning of that term. If this be true, I am greatly behind the times. If such a precedent as that does prevail, I say it is unjust, and every Senator should stand ready to strike that precedent down. It is founded on no principle of justice, upon none of logic or reason; but it rests for its foundation upon the principles of injustice and wrong. Not aware of any such precedent and holding the ideas of a man who was uncultivated in the arts of diplomatic legislation, when I came here a year after my term had begun, not having taken my seat for a year after I had been elected to the Senate, I claimed only compensation, as an honest man, from the day that I arrived and was sworn in as a Senator and took my seat. I did not think I was entitled to any more. I should vote against giving any Senator or any Representative any compensation that he may have waived by reason of his absence.

If the reasons which are assigned by Senators are sufficient, there is no question with regard to the passage of this resolution. One Senator gives as his reason that he voted against Pinchback's admission because he did not believe he was entitled to his seat; and for that reason he votes to pay him the compensation. I take it that that will be the judgment of one class of Senators. Another class vote for it because they believed he was entitled to the seat because the Legislature of the State of Louisiana was recognized by every department of this Government, because the Legislature of the State of Louisiana that elected Pinchback was recognized by the people of the State of Louisiana without regard to party, acquiescing, continuing in force the laws that were passed by that Legislature, because of the fact that one of the seats of Louisiana in the Senate has been vacant for all this period of time and in violation of that provision of the Constitution which declares that no State shall be deprived of its equal suffrage in the Senate without its consent. These are the reasons why I shall vote for this resolution.

But I rose to say and intended when I rose to say no more than that; that I have no regard for precedents which are not founded in reason and in justice; and whenever a precedent is cited here that rests not upon justice, not upon logic, not upon law, but upon error and wrong to the people whom we represent, I shall vote against following it.

Mr. WINDOM. I think we ought to finish the sundry civil appropriation bill. This matter seems likely to give rise to long speeches, and we are near the close of the appropriation bill.

Mr. MORTON. I think we can dispose of this in a few minutes.

Mr. MITCHELL. We can take the vote now.

Mr. WINDOM. If there can be a vote taken, I shall not object.

The PRESIDENT *pro tempore*. The question is on the resolution.

Mr. BAYARD. On the passage of this resolution?

The PRESIDENT *pro tempore*. Does the Senator from Minnesota yield to the Senator from Delaware?

Mr. WINDOM. I do not desire to interfere with the Senator if he wishes to make a speech, unless it is to be one of considerable length, and if so, we ought to finish the appropriation bill, so that it may go to a committee of conference.

Mr. BAYARD. I do not desire this resolution to pass without expressing my views upon it, at what length I cannot say, except that I have made no preparation, and I would as lief say what I have to say now as at any other time.

Mr. WINDOM. I shall have to ask then for the regular order. An unprepared speech, although a good one, is usually the longest.

Mr. BAYARD. I will say to the Senator in regard to this question that I merely desire to discharge my own conscience on this subject, not in the least to delay the action of the Senate. Of course I have very decided views on this resolution.

Mr. WINDOM. I certainly have not the slightest objection to the Senator making a speech on this question; but it seems to me the sundry civil bill should go to a committee of conference to-day, and the resolution can be postponed until afterward. I ask for the regular order.

Mr. MORTON. I hope the Senator from Minnesota will allow the sundry civil bill to go over and let us take a vote on the resolution. It has been delayed a good while on one account and another, and there will be ample time to consider the appropriation bill.

Mr. WINDOM. I do not feel like taking the responsibility of permitting the appropriation bill to lie over. I do not urge it myself; I submit the question to the Senate, and am willing to determine it on a rising vote as to whether we shall go on with the appropriation bill or not.

Mr. MORTON. I hope the Senator will allow the sundry civil bill to be passed over informally until we dispose of this resolution, and then let the appropriation bill come up. I think we can finish the other matter very easily. The Senate will have to stay for the appropriation bill; but after the appropriation bill is passed they will scatter.

JACKSON TIBBETTS.

Mr. HOWE. During this colloquy I ask unanimous consent to recommit to the Committee on Claims the petition of Jackson Tibbetts, and others, employés of L. J. & J. Day and T. W. Call, late contractors on the improvement of the Fox River, Wisconsin, praying that the amount ferfeited to the United States by the contractors by the annulment of their contracts be applied to the payment of wages due these employés. It was reported adversely on Wednesday last. I was not present when the report was made; and in order that it may get on the Calendar in the form of a bill, I move that it be recommitted to the Committee on Claims.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. G. M. ADAMS, its Clerk, announced that the House had passed the following bills:

A bill (S. No. 369) to exempt vessels engaged in navigating the Mississippi River and its tributaries above the port of New Orleans from entries and clearances;

A bill (S. No. 454) for the relief of the sureties of J. W. P. Huntington, deceased, late superintendent of Indian affairs in Oregon;

A bill (S. No. 176) to authorize the Northwestern Improvement Company, a corporation organized under the laws of the State of Wisconsin, to enter upon the Menomonee Indian reservation and improve the Oconto River, its branches and tributaries;

A bill (S. No. 560) for the relief of Benjamin L. Cornish, late second lieutenant of the Thirty-second Wisconsin Volunteer Infantry; and

A bill (S. No. 962) to amend an act approved April 17, 1876, providing for the sale of a part of custom-house lot in Rockland, Maine.

The message also announced that the House had passed the bill (S. No. 769) to alter and appoint the times for holding the circuit court of the United States for the fourth judicial circuit, and for other purposes, with amendments, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bills and joint resolutions; in which it requested the concurrence of the Senate:

A bill (H. R. No. 3114) for the relief of William Gemmill;

A bill (H. R. No. 3367) to remove the charge of desertion from the military record of Alfred Rouland;

A bill (H. R. No. 1997) to grant title to certain lands to the heirs of Caleb L. Brayton;

A bill (H. R. No. 3371) to place Laurence A. Williams, late major Sixth Cavalry United States Army, upon the retired list of the Army;

A bill (H. R. No. 1075) directing the Second Auditor to settle the pay and bounty account of John Amamahaie or Ammahe;

A bill (H. R. No. 1238) granting a pension to Esther P. Fox;

A bill H. R. No. 2257) for the relief of J. T. McGinniss, captain of Thirteenth Infantry United States Army;

A bill (H. R. No. 3331) authorizing the Secretary of War to permit the Presbyterian church of Gratiot, Michigan, to erect and maintain a wooden church building on the Fort Gratiot military reservation, Michigan;

A bill (H. R. No. 559) for the relief of Almeron E. Calkins, late a second lieutenant in the Eighth Michigan Cavalry;

A bill (H. R. No. 515) for the relief of Sarah E. Garland and Frank M. Hoppin;

A bill (H. R. No. 940) for the relief of Edwin Ebert;

A bill (H. R. No. 2501) for the relief of the estate of Mrs. A. E. Hall, widow of Dr. David A. Hall;

A bill (H. R. No. 2905) for the relief of E. B. McPherson, jr., of Boonville, Missouri;

A bill (H. R. No. 3373) for the relief of Susan E. Willard, widow of Sylvester D. Willard, of New York;

A bill (H. R. No. 3374) for the relief of Harry E. Eastman, late lieutenant-colonel, Second Regiment Wisconsin Cavalry Volunteers;

A bill (H. R. No. 3834) relating to allotments of land to Buffalo and La Pointe Chippewas;

A bill (H. R. No. 3483) to restore John Pulford, lieutenant-colonel United States Army, (retired,) to his former rank on the retired list;

A bill (H. R. No. 3484) for the relief of John Rentz;

A bill (H. R. No. 3489) for the relief of Captain Samuel Adams;

A joint resolution (H. R. No. 112) to aid the Winnebago Indians of Wisconsin to obtain subsistence by agricultural pursuits, and to promote their civilization; and

A joint resolution (H. R. No. 139) granting furlough to employés in the Government Printing Office and others.

REPORT OF A COMMITTEE.

Mr. CAPERTON, from the Committee on Claims, to whom was referred the bill (H. R. No. 429) for the relief of Charles C. Campbell, of Washington County, Virginia, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

ORDER OF BUSINESS.

Mr. LOGAN. I ask unanimous consent to take from the table the House joint resolution No. 139 relative to furloughing employés.

Mr. WINDOM. I think the Senator ought not to make that request under the circumstances. I am asking for another matter to go over.

Mr. LOGAN. I do not think this will lead to any discussion.

Mr. WINDOM. Let us dispose of the appropriation bill first.

Mr. LOGAN. If the Senate will agree to take up the joint resolution and act on it without reference to a committee I have no objection.

Mr. WINDOM. Does the Senator wish it taken from the table merely for reference?

Mr. LOGAN. No, sir. I desire to have it put upon its passage.

Mr. ANTHONY. What is the resolution?

Mr. LOGAN. It is a joint resolution giving leave of absence to the employés of the Government Printing Office.

Mr. ANTHONY. And giving them pay?

Mr. LOGAN. Yes, sir.

Mr. WEST. For how long?

Mr. LOGAN. For twenty days.

Mr. WINDOM. That will give rise to discussion.

PETITIONS AND MEMORIALS.

Mr. CONKLING. In the hope of reconciling this difference between these two Senators, I beg to present a memorial. I present a memorial numerously signed by merchants and others in Boston, remonstrating against the amendment to the shipping act. I move that it be referred to the Committee on Commerce.

The motion was agreed to.

The PRESIDENT *pro tempore* presented a memorial of the National Board of Trade, praying that silver coin be not made a legal tender for any sum exceeding $5; which was referred to the Committee on Finance.

ORDER OF BUSINESS.

The PRESIDENT *pro tempore*. The Senator from Minnesota insists on the regular order.

Mr. MITCHELL. I understand the Senator from Minnesota will be willing to take a rising vote as to whether we shall go on with the Pinchback resolution.

Mr. WINDOM. I think we ought to finish the appropriation bill. I was some time ago ready to take a vote on the question, but I insist on taking up the appropriation bill.

The PRESIDENT *pro tempore*. The Senator from Minnesota insists on the regular order.

Mr. MITCHELL. Then I hope this matter will be laid over informally and taken up when the appropriation bill is finished.

The PRESIDENT *pro tempore*. The Senator from Oregon asks that the Pinchback resolution be laid aside informally until the sundry civil appropriation bill is concluded.

Mr. KELLY. I shall object to laying aside the resolution informally. I have another matter which I wish to call up.

Mr. MORTON. I hope the Senator from Minnesota will allow this matter to go forward a little while.

The PRESIDENT *pro tempore*. The Senator from Oregon has objected. There is no unanimous consent to having the resolution laid aside informally until the present bill is concluded.

Mr. SARGENT. The regular order is called for.

The PRESIDENT *pro tempore*. The Senator from Minnesota demands the regular order, which is the sundry civil appropriation bill.

INDIAN APPROPRIATION BILL.

Mr. WINDOM. Pending the consideration of the regular order, I ask leave to make a report from a committee of conference.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 3478) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1877, and for other purposes, having met, after full and free conference have been unable to agree.

WM. WINDOM,
JOHN A. LOGAN,
A. T. CAPERTON,
Managers on the part of the Senate.

SAM. J. RANDALL,
W. A. J. SPARKS,
S. A. HURLBUT,
Managers on the part of the House.

Mr. WINDOM. I will state briefly the ground of the disagreement between the two committees. It was wholly with reference to the third section of the bill, which provides for the abolition of the Indian Bureau and for the performance of the duties of that Bureau by the War Department, the House insisting upon the section, or upon another which should provide for a transfer, and the committee of the Senate not feeling at liberty under the action of the Senate to accept the proposition. Therefore it was disagreed to.

The PRESIDENT *pro tempore*. Does the Senator make any motion?

Mr. WINDOM. I move that the Senate insist upon its amendments and ask for a further conference.

Mr. SARGENT. Which House granted the conference?

Mr. WINDOM. The Senate.

The PRESIDENT *pro tempore*. The Senator from Minnesota moves that the Senate insist upon its amendment and ask for another conference.

The motion was agreed to.

By unanimous consent, the Chair was authorized to appoint the conferees on the part of the Senate; and Mr. WINDOM, Mr. LOGAN, and Mr. CAPERTON were appointed.

BILLS INTRODUCED.

Mr. CAPERTON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 966) establishing a post-route in West Virginia; which was read twice by its title, referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

He also (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 967) to authorize permission by the Secretary of War to propagate lobsters at the rocks of the Ripraps, in Hampton Roads, Virginia, for a limited period; which was read twice by its title, referred to the Committee on Commerce, and ordered to be printed.

Mr. CAMERON, of Pennsylvania, asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 968) authorizing the district and circuit court to be held at Harrisburgh, Pennsylvania; which was read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. G. M. ADAMS, its Clerk, announced that the House insisted on its disagreement to the amendments of the Senate, insisted on by the Senate, to the bill (H. R. No. 2571) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1877, and for other purposes, agreed to the further conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. SAMUEL J. RANDALL of Pennsylvania, Mr. O. R. SINGLETON of Mississippi, and Mr. CHARES FOSTER of Ohio managers at the conference on its part.

The message also announced that the House has passed a bill (H. R. No. 3839) to authorize the Commissioner of Indian Affairs to purchase supplies for the Indian Bureau in open market; in which it requested the concurrence of the Senate.

AMENDMENT TO APPROPRIATION BILL.

Mr. NORWOOD submitted an amendment intended to be proposed by him to the bill (H. R. No. 3022) making appropriations for the construction, repair, preservation, and completion of certain public works on rivers and harbors, and for other purposes; which was referred to the Committee on Appropriations, and ordered to be printed.

SUNDRY CIVIL APPROPRIATION BILL.

The Senate resumed the consideration of the bill (H. R. No. 3749) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1877, and for other purposes, the question being on the amendment of Mr. WINDOM to insert after line 886:

The appropriation of $8,000 made last year to defray the expenses of the commissioner appointed by the President under a joint resolution of Congress to represent the United States in an international penitentiary congress is hereby made available, agreeably to the intent of the act making the appropriation for the payment of all necessary expenses incurred in the preliminary labors connected with the preparation for the congress; and further, as the said congress has, for the purpose of a more thorough preparation, been postponed for a year beyond the time originally fixed for holding it, to wit, 1876, therefore the appropriation referred to above is hereby continued in force for the fiscal year ending June 30, 1877, or until the said international penitentiary congress shall have completed its labors.

Mr. SARGENT. Mr. President, there is a division of opinion in the Committee on Appropriations upon this proposition. Some members of the committee consider that the appropriation ought not to be made. I am of that number. The amendment is not printed in the bill, but was offered by a member of the committee. As the amendment reads it would seem to imply that it was the first appropriation made for this object. I think it is the average opinion of the Senate that this sum of $8,000 is a new item appropriated last year, which on account of some accident was not used, or a part of it was not used, and which ought to be made available for another year. It is worth while sometimes to know the history of such things in order to see whether they are lingering, long drawn out, or whether they are novel propositions of value to which the Government exceptionably should give its aid.

I have nothing to say with reference to the gentleman who, for a number of years past, has ably represented this subject and who procured an appropriation from Congress. I think he is a very worthy gentleman. I have his acquaintance and have always understood, and from my own observation applied to him believe, that he is a very worthy man. If we were simply to appropriate because worthy men ask for it we would sustain the churches of the land, because there are so many worthy clergymen; we would sustain a great many enterprises because those who foster and promote them are worthy and excellent men. But that is not sufficient for us.

I have nothing to say against the object for which this appropriation is asked. I say appropriation, because to-day at noon it lapsed into the Treasury of the United States. If it is taken out, it will be taken out wholly as it was by the original appropriation bill. But if it shall seem that some years ago a very fine, thin entering-wedge was inserted into the Treasury of the United States, that the President of the United States was authorized to appoint a commissioner to a prison commission or congress in London with the express declaration on the part of Congress that there should be no cost to the Government whatever, that nothing should be charged either for salary or for expenses, and that that was the beginning of it, and we were subsequently compelled to pay both salary and expenses, and are again to revive the whole thing here again, it seems to me it takes away the idea of novelty, a great deal of the freshness of the subject.

I call the attention of Senators to the history of this matter. I am familiar with it because it is an old snag in the Committee on Appropriations in both Houses. In the seventeenth volume of the United States Statutes at Large, at page 21, will be found this resolution:

A resolution authorizing the appointment of a commissioner to an international congress on penitentiary and reformatory discipline.

Resolved by the Senate and House of Representatives, &c., That the President be, and he is hereby, authorized to appoint a commissioner to attend an international congress on penitentiary and reformatory discipline, proposed to be held in Europe; but the said appointment shall not authorize any expenditure of money from the Treasury for salary or expenses, and must be accepted upon this express condition.

It was said when that resolution was passed, "We merely want to give an official character to this individual; we want to have some proper gentleman selected who can go forward clothed with the commission of the Government of the United States; but we will not ask you to pay any expense or any salary; this is a humanitarian work; certain gentleman in the various States are interested in prison reform, and they would like to confer with those in Europe. It is thought that somewhere in Europe a convention of this kind will be

held, called a congress, and we want to send some one of our number there at our expense for that purpose." Congress passed the resolution in the form in which I have read it. It was a very thin edge of a wedge, was it not? I suppose the idea of Congress was that that meant something; that when we put in that express condition, and said "You shall not come to us either for salary or expenses," it was to be a contract and that we should not be asked for it. What was the fact? Congress is unsophisticated in these matters, or rather it forgets from year to year, and somebody has to perform the painful task of recalling to the minds of Senators the facts, when persons come here and make an agreement and have it put in a law, and we forget all about it and are ready for the next proposition in their interest. This resolution was passed March 20, 1871. At the next Congress, in 1872, on page 368 of the same volume, is found printed:

For expenses of United States commissioner to the international penitentiary congress at London, in 1872, $5,000.

There was no law authorizing it; the law prohibited it in fact; but it was got through here by the most persistent lobbying that ever a small item received. It was got through and Congress supposed then that they had got rid of the subject. Five thousand dollars was appropriated, although not a dollar authorized by law. Had we got through with it? After we had appropriated this liberal sum, for so it looked, the next year they said: "We were compelled to subscribe for books and we want Congress to pay for them." I remember that it was a matter of considerable demurrer, but they said: "This closes it up and here you have our report. You ought to allow us this; we had to do like other delegates, subscribe for those reports of the commissioners; we had to do that, and of course we could not afford to pay it out of the $5,000."

Consequently, to get rid of the matter, in 1873 we made this further appropriation:

To pay for five hundred copies of the proceedings of the international reform congress which assembled in London, July, 1872, for the use of the commissioner of the United States at said congress, $1,500.

There, to get rid of the matter, as we hoped, under legislation which said there should not be a dollar paid, and legislation enacted only on an express condition which puts somebody on their obligations of honor that it should not be asked for, we bought these five hundred copies. I know that some of us felt a breath of relief then and thought "we have done taking money out of the Treasury for this purpose and this company of gentlemen." We had the report printed, and here it is, a very good report unquestionably, containing some excellent essays by different persons, some of them with titles. It seems to cover the whole subject. I do not know anything required to be done by another congress if there is one; and it seems there has not been one, and the man wandered all over Europe and did not find one. If the next one assembles it would only have to chew this [holding up the report] a little finer. There cannot be any great advance in prison science in a couple of years. Is this so soon worthless and to be superseded? But—

If I am to be so soon done for
What was I begun for?

See how broad is the range of this volume. Chapter 1 treats of the prison systems in Austria, Belgium, Denmark, France, and the German Empire, Baden, Bavaria, Prussia, Saxony, Würtemberg, Italy, Mexico, Netherlands, Norway, Russia, Switzerland, Sweden, United States, England, Ireland. Essays upon them all. They are all discussed. If anybody wants information let them get it here. Why need we have another book on the subject?

Chapter 2 treats of prison administration in all the different States which I have mentioned. Another branch of the subject, chapter 3, treats of prison discipline in all the States, the subject being elaborated very carefully. Next, "moral and religious agencies." Next, "scholastic education" in all these countries. Next, "prison labor." Next, "sanitary condition of prisons." Next, "reformatory results." Then, "prison officers, their qualifications and training." Then essays upon "sentences" of prisoners. Then, upon "imprisonment for debt." Then, "causes of crime, liberated prisoners, suggestions relating to reforms, juvenile reformatories, state of prisons in British possessions, India, Ceylon, Jamaica, Victoria." Then we come to part second of the work of the congress: "The prisoner after arrest and before conviction," "The prisoner during his incarceration," essays by Sir John Bowring, by M. Vaucher Crémieux, by Mr. Stevens, by Dr. Mowatt, by Mr. Peterson of Norway, by Mr. Leavitt, by Mrs. Jauney, by Colonel Colville, by Dr. Frey, by General Pilsbury, by Professor Foynitsky, by Mr. Hill, and by Baron Von Holtzendorff.

I read these names to show that eminent men have contributed to the sum of knowledge which goes to make up this volume. I will not go further through the table of contents, but it runs for pages, and the book is filled with much valuable matter, carefully compiled in this same way. What is it to be good for? Is it to be set aside by a subsequent Congress? Is it of no value, provided the convention had met in Rome; and if any convention had met in Rome would it not have been that Mr. Foynitsky, or some other gentleman would have written some essays, and praised the modes proposed by his predecessor, or differed with him?

In other words, I ask if it is practicable, and do we need to pay thousands and thousands of dollars for books which we already have, containing ample information on this subject, and information in fact which is too little used in our own system?

I say we thought we had concluded this matter after we had paid the last expenses that could be trumped up against the United States and received the report, and, whatever was to be printed, printed by the order of Congress. Unfortunately Congress had not got rid of the subject. Monsieur Tonson came again, and, having managed to get that matter carefully cleared up, he comes at us again by another joint resolution, which was passed by Congress, where nothing is said about expenses or salary. A very mild-mannered resolution comes next, out of which there was carefully eliminated all these conditions by which we had made it a point of honor they would not ask for any money—an express condition that we should not pay any money. All that was left out in the new scheme, and why was it done? It was just as well to have left in the conditions. Such stipulations are idle. They are ignored or forgotten. The effort to enforce them is vain. It is like whistling down the wind; it is wasting breath. Now, in 1875, coming along in due order after the other had been cleaned up, the following resolution was passed by Congress:

That the President be, and he is hereby, authorized to appoint a commissioner to attend the international penitentiary congress proposed to be held next year at Rome.

This was passed February 6, 1875. If that resolution had said, "and the sum of $8,000 is hereby appropriated to pay all the expenses of said commissioners, or salary of said commissioners," do you suppose it would have passed? O, no; I have no idea that it would have passed. It might possibly have done so, but it would have been only after a close fight; but they again got the little end of the wedge in and were ready to drive it in to the head. They made their campaign as they did before, and they had learned a little in disembarrassing themselves from the terms of the previous resolution; and it required but little lobbying to get through a resolution which would be pretty much the same thing in the end. What did we do? In the sundry civil bill in that year, after the passage of the resolution, it was urged upon the committee and upon Congress, "this resolution creates an obligation and we must appropriate the amount and pay the expenses of this commission." I know that I did not think so at the time. I know that I objected to it. In the first place, it was not certain there was going to be any congress, and the subsequent result showed it, because our commissioner went "prospecting" around, as we say in California, the continent of Europe to find a congress and could not find any. He comes in now and asks that part of this money be paid for his preliminary expenses in trying to find a congress; and I will show that is exactly what this resolution means. He did not find any congress, and now he comes back and says, "Pay me for that, and let me have the balance of it, although it has gone into the Treasury, to go and find one next year."

Here is the last appropriation which was made:

That the sum of $8,000, or so much thereof as may necessary, be, and is hereby, appropriated, to pay the expenses of the commissioner appointed by the President under a joint resolution approved February 16, 1875, to attend the international penitentiary congress to be held next year at Rome.

The time has elapsed and there has been no congress, and the money has gone into the Treasury, but they come here now, and in accordance with the tactics that have distinguished this thing from the start, and with a zeal and industry worthy of another cause, they insist that we must re-appropriate this money; that there is some obligation devolved upon us that we should do it, or else their argument is that there is some public benefit to be derived from it. I say there is no obligation upon us so far. We did not authorize the commissioner to go and try to find a congress. He ought not to have gone on a search after a congress when he had no notification that there was one. And there is no public benefit in the matter. The previous report gives all the details and all the information which the public can digest for the next five years. But they come in now and say in this amendment—

The appropriation of $8,000, made last year to defray the expenses of the commissioner appointed by the President, under a joint resolution of Congress, to represent the United States in an international penitentiary congress, is hereby made available, agreeably to the intent of the act making the appropriation for the payment of all necessary expenses incurred in the preliminary labors connected with the preparation for the congress.

Those are very strange words, "incurred in the preliminary labors connected with the preparation for the congress," and as it was explained in the debate, it means he tried to find a congress and could not find one. That was a preliminary labor in preparing for the congress! I do not think it is good logic, and I do not think it is good morals. I say again this person should have waited and found out before he went and tried to find it, and we ought not to pay for that at any rate. Then it goes on:

And further, as the said congress has, for the purpose of a more thorough preparation, been postponed for a year beyond the time originally fixed for holding it, to wit, 1876, therefore the appropriation referred to above is hereby continued in force for the fiscal year ending June 30, 1877, or until the said international penitentiary congress shall have completed its labors.

That is to say, it is a permanent appropriation, to run forever. That last line throws a suspicion upon the fact whether there is any penitentiary congress to meet in the fiscal year to end in 1877 or the fiscal year to end in 1878, or any time that is known. It may be one, ten, or twenty years from now. If so, this will hold on until that

time. It is careless legislation. The probability is that there is no such congress in view; but there may be one, and there will be an opportunity for some gentlemen under it to go to Europe and meet counts and dukes, &c., and enjoy refined society in Europe. My friend from Indiana [Mr. MORTON] suggests that keeping this money in hand would be like buying an old door-plate because your daughter might marry a man who would have the same name as the one on it, and it would be convenient to have it in the house for that purpose. I think Toodles inspired my friend with the illustration. But that is the spirit of the legislation. It is to be held forever, and it implies there is nothing fixed or settled about there being a penitentiary congress this year or even the next.

I say this is not a proper way to use the money of the United States. I think there is a personal obligation devolving upon each Senator within the limits of justice to be careful with the money of the United States. This money, this $8,000, is not a very great sum to the Treasury. It would be a large sum in our individual pockets; it is something in the Treasury of the United States, and the aggregates of $8,000 make enormous amounts.

Mr. LOGAN. Do I understand the Senator to say that this amendment makes it a continuous appropriation?

Mr. SARGENT. It makes a permanent appropriation, because it provides that it shall not lapse into the Treasury until that congress meets.

Mr. LOGAN. And there is no time appointed for it to meet?

Mr. SARGENT. I reason from it, the Senator will allow me to explain——

Mr. LOGAN. I understood the Senator to say that it was a permanent appropriation.

Mr. SARGENT. I will state that we passed a resolution for the congress in the fiscal year ending 1876 and none met, they say because they were not ready, and now they want to make more ample preparations. Therefore a provision is put in "for the one to be held in the year ending June 30, 1877, and if not then, whenever it does meet." That is the effect of it. It is a permanent appropriation.

Mr. LOGAN. The reason I asked the question is that I voted for the amendment last night, but if it proposes to do what the Senator says, unless I get light from the other side, I shall change my vote. I asked the question for that purpose, to know whether that is the effect of it.

Mr. SARGENT. It is matter of inference on my part, but I give the Senate the ground of my inference, that the concluding words of the amendment go to show that there is no certainty that there will be any such congress within a year or two, and this amendment provides that the appropriation shall be available "until the said international penitentiary congress shall have completed its labors." Of course it must meet for that purpose. If there ever should be one the money will be very handy, and it is to be kept for that purpose in the Treasury. I think for that reason we ought not to adopt the amendment. I think if we cannot save at the bung-hole, we might at least try to save at the spigot.

Mr. FRELINGHUYSEN. I am a little surprised at the statements of the Senator from California. I ask what his information is that this measure has been carried by lobbying and by other unworthy measures?

Mr. SARGENT. I did not say anything about unworthy measures.

Mr. FRELINGHUYSEN. That is unworthy.

Mr. SARGENT. Does the Senator think so? I think that if a person wishes to have a measure pass Congress he has a right to suggest it. I do say that gentlemen have been brought on here from New York for the very purpose of recommending this matter to the Committee on Appropriations year after year. That is lobbying; and if it is unworthy, it is the fact.

Mr. FRELINGHUYSEN. I am a little surprised to hear the Senator from California state before the country that an association such as that we are now considering has, to use his term, gained this appropriation by lobbying and by tactics. I have never been spoken to by a member of this association, that I am aware of, until the last day or two. I believe that not until yesterday, when this matter was up, was I spoken to by Mr. Wines, the commissioner. A gentleman of this Senate, the chairman of the Committee on Appropriations, handed me a communication from Governor Seymour, which was laid before the Committee on Foreign Relations, and that is the only possible influence that has ever been produced to affect my judgment in any way.

Further, the president of this association is Mr. Horatio Seymour. Is he a lobbyist? A vice-president of this association is the Senator from New York, [Mr. KERNAN;] another one is the Senator from Kentucky, [Mr. STEVENSON,] all interested in this measure. Do they carry measures through this Senate by misrepresentation, lobbying, and tactics?

My friend from California asked me last night to withdraw this amendment for fear that pressing it would break up a quorum. I was not at liberty to do that, because it was not in my power. Any personal sacrifice I could have made to accommodate the Senator, I would most cheerfully have complied with. It seems as if the Senator was punishing this measure because of my disobedience to him.

Mr. President, this congress as I am informed has representatives from every country in the world excepting Portugal. I am informed that the commissions are paid by those countries. They have accomplished, I believe, a great good, although I have not a great deal of information on that subject, never having had anything to do with the congress. We are told that nothing has been done. Let me say that there was a congress held in London in 1872; there was a commission appointed consisting, I think, of nineteen or twenty representatives of different countries, and in 1874 they met at Brussels; in 1875 they met at some place in Germany, I do not remember its name. They then made the appointment that the next congress should be held in Rome; but for some reason, probably, as I understand, on account of the consideration of health, it was determined to adjourn that to Stockholm, where the next congress is to be held.

Now, the Senator from California says this is a permanent appropriation. This appropriation, if I understand it, is for two purposes. It is in part to pay money which has been already expended under the faith of the act of 1875, which reads in this wise:

That the sum of $8,000, or so much thereof as may be necessary, be, and is hereby, appropriated to pay the expenses of the commissioner appointed by the President under a joint resolution approved February 16, 1875, to attend the international penitentiary congress to be held next year at Rome.

I understand that for going to Europe and for various other expenses preparatory to that congress, for gathering information, some two or three thousand dollars of the $8,000 have been expended but not drawn from the Treasury, and that no other money will be drawn from the Treasury unless it is to meet the expenses of a congress to be held. If there is no congress, no draught will be made upon the Treasury; and therefore my friend from Illinois was not, as I understand, misinformed by anything that was said yesterday.

Mr. President, it seems to me, although I am not very familiar with the subject and have never taken any interest in it, that to render imprisonment reformatory and profitable to society is a subject worthy of the attention of the best men of our country, and some little expense is incident to so worthy a work, and I believe that it comes back to the nation a thousandfold. Such has been the experience in the State of New Jersey. By the reformatory measures, introduced first by Miss Dix, our expenses have been lessened, reformation has been much more successfully effected, and great good comes to society. Now here is $8,000 which covers a period of two or three years, only $3,000 of it expended, and the rest not to be expended unless it be to meet the expense of the congress.

I ask that the communication which is the basis of this application made by the president of the association, Governor Seymour, be read.

The Secretary read as follows:

OFFICE OF THE NATIONAL PRISON ASSOCIATION,
320 Broadway, New York, May 29, 1876.

SIR: The undersigned has the honor to submit to you the following statement, with a request that you will lay the same before the House of Representatives:

At the instance of the National Prison Association of the United States, Congress at its last session passed a joint resolution authorizing the President to appoint a commissioner to represent the United States in an international penitentiary congress, at that time expected to convene in one of the capitals of Europe in 1876. At the same session Congress also appropriated $8,000 to meet the expenses of the said commissioner in the fulfillment of his mission. Rev. Dr. Wines, secretary of the National Prison Association, was made commissioner by the President, as he had previously been in 1871, to represent the Government in a similar congress to be convened the following year (1872) in London. On that occasion, with a commission from the President and letters from the Secretary of State, Dr. Wines visited Europe in 1871, and negotiated in reference to the objects of his mission with all the European governments, the greater part in person and the others through the United States ministers accredited to them.

The expenses incurred in this preliminary work of 1871, as well as those incident to his attendance on the congress in 1872, were defrayed by the Government.

The same service of preliminary preparation given to the first congress by the United States commissioner was desired and expected from him with respect to the second by the friends of the cause on both sides of the Atlantic. It was with reference to these extended services that the appropriation of $8,000 was made, as so large a sum would not have been needed for a mere attendance upon the congress. Unfortunately, however, the wording of the item introduced into the sundry civil appropriation bill was simply to the effect that such a sum should be "appropriated to meet the expenses of the commissioner appointed by the President to represent the United States in the international penitentiary congress," &c. When applied to for an advance, to meet the preliminary expenses, the Secretary of State declined to make such advance, on the ground that, looking at the terms of the appropriation, he could not find the authority for such use of any part of the money appropriated.

Believing an early renewal of the labors of Dr. Wines abroad in preparation of the approaching, as of the previous, congress essential to the success desired and expected for it, a number of the members of the National Prison Association advanced the funds necessary to meet his expenses, in the belief that Congress would, by additional legislation intended to explain and perfect that of last year, make the appropriation applicable to the work of preparation as well as to that of actual attendance upon the congress.

At the meeting of the permanent international penitentiary commission, of which Dr. Wines is president, last year, at Bruchsal, it was resolved, for purposes of more thorough preparation, to postpone the convening of the congress till 1877. In view of this fact, in order to render the appropriation available even for the purpose of attendance on the congress, it will be necessary to continue it in force for another year.

Therefore, in the name of the National Prison Association of the United States, that originated and organized this whole movement from which such wide and signally beneficial results have already accrued, I respectfully ask of Congress the supplementary legislation indicated in this communication. It is not any new appropriation that is prayed for, but simply such legislative action as will give to an appropriation already made the direction and force intended, and continue it in vigor till it shall have accomplished its entire purpose.

I have the honor to be, very respectfully, yours,

HORATIO SEYMOUR,
President National Prison Association.

Hon. MICHAEL C. KERR,
Speaker of the House of Representatives of the United States.

The PRESIDING OFFICER, (Mr. CRAGIN in the chair.) The question is on the amendment.

Mr. SARGENT. The yeas and nays have been ordered.

The PRESIDING OFFICER. They have been.

Mr. WINDOM. I move that the five-minute rule be applied to this bill hereafter.

The motion was agreed to.

Mr. LOGAN. I move to amend the amendment by striking out commencing with the word "or" in the next to the last line and all following that, namely:

Or until the said international penitentiary congress shall have completed its labors.

Mr. FRELINGHUYSEN. What are the words preceding?

The CHIEF CLERK. "Is hereby continued in force for the fiscal year ending June 30, 1877."

Mr. FRELINGHUYSEN. If I am at liberty I will accept that amendment.

The PRESIDING OFFICER. The amendment will be so modified, if there be no objection. The question is on the amendment as modified.

The question being taken by yeas and nays, resulted—yeas 19, nays 20; as follows:

YEAS—Messrs. Allison, Anthony, Boutwell, Cameron of Pennsylvania, Cameron of Wisconsin, Cragin, Dorsey, Ferry, Frelinghuysen, Goldthwaite, Hamlin, Harvey, Howe, Logan, Morrill of Maine, Randolph, West, Windom, and Wright—19.

NAYS—Messrs. Alcorn, Bayard, Bogy, Booth, Caperton, Christiancy, Cockrell, Dennis, Eaton, Kelly, Key, McCreery, Morton, Norwood, Robertson, Sargent, Sherman, Wadleigh, Whyte, and Withers—20.

ABSENT—Messrs. Barnum, Bruce, Burnside, Clayton, Conkling, Conover, Cooper, Davis, Dawes, Edmunds, Gordon, Hamilton, Hitchcock, Ingalls, Johnston, Jones of Florida, Jones of Nevada, Kernan, McDonald, McMillan, Maxey, Merrimon, Mitchell, Morrill of Vermont, Oglesby, Paddock, Patterson, Ransom, Saulsbury, Sharon, Spencer, Stevenson, Thurman, and Wallace—34.

So the amendment was rejected.

Mr. LOGAN. I move to insert this amendment after line 806:

For constructing a signal-light on the crib in Lake Michigan in front of the city of Chicago, $5,000.

I desire only a moment to explain the amendment. The House of Representatives some time ago passed a bill appropriating this amount of money for this purpose. It came here and was referred to the Committee on Commerce. The Committee on Commerce not having a quorum, since that time have failed to report the bill, although I mentioned it several times to members of the committee. I do not know that there was any objection to it; but they had no quorum, and a few days ago other bills that have been referred to that committee granting appropriations were referred to the Committee on Appropriations, but this bill was not.

This is a very proper thing to be done. The crib, as it is called, is a house built out in the lake some two and a half miles from the city, where the tunnel goes that conveys the water to the city, and in times of very heavy fog it stands out there so as to be in the way of vessels passing. The light that is desired to be placed upon this crib is to give notice to vessels that are pretty close to it so that they may pass into the harbor. The crib is right opposite the harbor, and it is very necessary that a light or something to give notice to vessels should be on the crib in times of very heavy fogs. The measure not having been reported by the Committee on Commerce or referred to the Committee on Appropriations, I have thought it proper to offer the amendment so that it may go on this bill. I do not think there will be any objection to it.

The amendment was agreed to.

Mr. WINDOM. The Committee on Appropriations has several amendments which I should like to present now before any other amendments are presented.

Mr. CLAYTON. I want to make a motion to reconsider a vote taken last night. Is there objection to my making the motion now?

Mr. WINDOM. I have no objection to the motion being entered and being called up after we get through with the committee's amendments.

Mr. CLAYTON. I will state the motion now. I move to reconsider the vote by which the proposition to make a survey of the Mississippi River "from Cairo to New Orleans, together with its various outlets to the Gulf, with a view of ascertaining the most effectual means of protecting the alluvial lands bordering upon its banks from overflow," was stricken out last night on page 44.

The PRESIDING OFFICER. The motion will be entered.

Mr. WINDOM. On page 52, line 1266, I move to strike out the word "forty" and insert "sixteen." I hold in my hand a letter, which is of so remarkable a character that I desire to have it read, not only on account of its brevity and peculiarity, but for the encouragement of all future Cabinet officers.

The Secretary read as follows:

WAR DEPARTMENT,
Washington City, July 1, 1876.

SIR: I notice that the appropriation in the sundry civil bill for the "expenses of military convicts" is retained at $40,000, the original estimates.

In the revised estimates reported by Secretary Taft, this item was reduced from $40,000 to $16,000, as will be seen from the inclosed document, (House Executive Document No. 164,) pages 6 and 7, marked in blue pencil.

I would suggest that the appropriation be reduced to $16,000.

Very respectfully, your obedient servant,

J. D. CAMERON,
Secretary of War.

Hon. LOT M. MORRILL,
Chairman Committee on Appropriations, United States Senate.

Mr. COCKRELL rose.

Mr. WINDOM. I hope there will be no objection on the part of the Senator from Missouri.

Mr. COCKRELL. I was going to inquire what line and page of the bill this is in.

Mr. WINDOM. Page 52, line 1266. The amendment is to reduce the appropriation "for payment of costs and charges of State penitentiaries, for the care, clothing, maintenance, and medical attendance of United States military convicts confined in them," from $40,000 to $16,000.

The amendment was agreed to.

Mr. WINDOM. On page 25, after line 586, I move to insert:

To enable the Secretary of State to pay a balance of one month's rent of the building known as the Washington City Protestant Orphan Asylum, heretofore occupied for the use of the Department of State, being the rent due for the month of October, 1875, under the lease of the same, $1,000.

There is a deficiency in the appropriation, and this is to pay the contract price for rent. It is recommended by the Secretary of State.

The amendment was agreed to.

Mr. WINDOM. Immediately following the amendment just adopted, I move to insert:

To enable the Postmaster-General to pay for not exceeding forty-three thousand copies quarterly of the United States Official Postal Guide, and for mailing the same, $30,000.

That is on the recommendation of the Post-Office Department.

The amendment was agreed to.

Mr. WINDOM. On page 29, after line 701, I move to insert:

For completion of basement-story of the Post-Office Department building, $65,321.85.

There is a detailed statement of the expenditures necessary for the completion of that building in the possession of the committee, which I will not read unless desired.

The amendment was agreed to.

Mr. WINDOM. After line 949, on page 39, I move to insert:

Provided, That the superintendent of meters at the Capitol shall hereafter take the statement of the meters of the several Department buildings in the city of Washington and render to the proper accounting officers of the Treasury Department the consumption of gas each month in said buildings, respectively.

Mr. COCKRELL. Is that legislation?

Mr. WINDOM. It is in the line of economy.

The amendment was agreed to.

Mr. WINDOM. On page 27, after line 638, I am instructed to offer the following:

For court-house and post-office building at Topeka, Kansas, $50,000; and the cost of said building shall not exceed the sum of $300,000.

I offer this amendment at the instance of the Committee on Public Buildings and Grounds, and it is also agreed to by the Committee on Appropriations, the site having been already purchased for the building.

The amendment was agreed to.

Mr. WINDOM. After line 1245, page 51, I move the following amendment:

For preparing, engraving, and printing the cuts, charts, plates, and atlas-sheets for geographical surveys west of the one hundredth meridian, $20,000.

I hold in my hand a recommendation from the Secretary of War for the appropriation mentioned. The work has been done and it is necessary in order to have the benefit from it that the results should be published. I do not ask to have the letter read.

The amendment was agreed to.

Mr. WINDOM. On page 25, after line 601, I move to add to the appropriation for the Reform School of the District of Columbia these words:

For erecting workshops, chimney, purchase of steam-engine, machinery, belting, and tools, $11,000.

Pay of engineer, $480.

For fencing, outbuildings, hedge, plants, and trees, $5,000.

For fuel, repairs of the buildings, conservatory, and stocking same, purchase of library, and cows, $2,000.

The amendment was agreed to.

Mr. MORRILL, of Vermont. I am directed by the Committee on Public Buildings and Grounds to offer an amendment that involves no expenditure. On page 26, after line 622, I move to insert:

And the Secretary of the Treasury is authorized to sell at public auction, on such conditions of sale as he may deem best for the public service, the land and buildings belonging to the United States now occupied by the courts of the United States in Boston, and appropriate the money received therefor to the completion of the unfinished building for court-house, post-office, and subtreasury.

I will state that for the Boston court-house, subtreasury, and post-office building there has been land condemned that involves the amount of the appropriation made by the House. There is in process of condemnation by the courts a further quantity, making the whole sum $370,000; but we have thought we could wait until next December for the balance, and therefore do not propose any amendment to that portion of it; but there is a clause here appropriating $50,000 for the continuation and completion of the building, although $500,000 was estimated; and this $50,000 is absolutely indispensable to bring the building up above the surface of the street in order that it may be protected from frost. Now, in order to get a further sum for the continuation of the building, it is proposed to sell the present building, being the old Masonic temple on Tremont street, and appropriate

the proceeds of that, when received, to the purpose of continuing this building, to which I think there will be no objection on the part of Senators.

The amendment was agreed to.

Mr. MORRILL, of Vermont. I am also directed by the same committee to present the following amendment, to be inserted on page 39 after line 931:

For the naval monument the sum of $20,000, or so much thereof as may be necessary, be, and the same hereby is, appropriated out of any money in the Treasury not otherwise appropriated, to be expended, under the direction of the Secretary of the Navy, for the purpose of completing the statue of "Peace," platform, steps, and circular basin of the naval monument contracted for by the officers of the Navy with Franklin Simmons, and placing the same on some appropriate part of the public grounds in Washington: *Provided*, That the Admiral of the Navy, the chairman of the Committee on Public Buildings and Grounds of the Senate, the chairman of the Committee on Public Buildings and Grounds of the House of Representatives, are hereby appointed a committee to select and designate such place upon the public grounds for the erection of the said monument as in their judgment shall be most appropriate.

The substance of this proposition has already passed the Senate twice, once two years ago and again this past winter, and that bill has been or is to be reported, having been agreed upon by the committee of the House with amendments which are incorporated in this proposition; that is to say, the "Secretary of the Navy" has been changed to "the Admiral of the Navy" and the sum that was appropriated by the Senate bill has been reduced from $25,000 to $20,000, and upon examination it is believed that possibly that amount may be sufficient. Lest the appropriation might fail, it is deemed important by members not only of the Senate but of the House that the provision should be incorporated into this bill as the monument is already completed and waiting to be put up.

The amendment was agreed to.

Mr. CAMERON, of Pennsylvania. I desire to offer an amendment, and I will accompany it with a couple of words. It is to insert—

That E. N. Atherton be placed on the rolls of the Senate as messenger acting assistant doorkeeper.

This gentleman has been here all winter receiving the pay of persons below that grade. I desire only that he shall have the pay given to other people doing the same duty that he performs.

Mr. ROBERTSON. I should like to have an explanation of the amendment.

Mr. CAMERON, of Pennsylvania. It is a very plain case, Mr. President. I am sure the Senator from South Carolina will vote for it. It is to pay a worthy man for the duty which he has been performing all this session at a much less compensation than other people get for doing the same duty.

Mr. CLAYTON. What duty?

Mr. CAMERON, of Pennsylvania. Messenger here acting as doorkeeper. He waits on you every day.

Mr. HAMLIN. Let it lie on the table.

Mr. CAMERON, of Pennsylvania. O, no.

Mr. PADDOCK. I think this is a very proper amendment.

Mr. HAMLIN. We regulate our own messengers under our own rules. I do not think it ought to go in this bill. I do not think the Senator from Pennsylvania on reflection will insist on placing it here. Let it be done by our own separate action, if it is to be done at all.

Mr. CAMERON, of Pennsylvania. I hardly ever disagree with the Senator from Maine, and I am sure if he understood this case as I do he would not object.

Mr. HAMLIN. Probably I should not.

Mr. CAMERON, of Pennsylvania. Therefore I trust he will make no more objection. This is a worthy case for a worthy man, to pay him for just what he does. I trust it will go through.

Mr. HAMLIN. I have not the slighest doubt in the world that if I understood it precisely as the Senator does, I should think precisely as he does; nor have I any doubt that if he viewed it as I do, he would think as I do. I think it does not belong on this bill.

Mr. CAMERON, of Pennsylvania. But the Senator from Maine does not understand it, and I do. I trust we shall have the vote.

Mr. WINDOM. I trust those who understand it will vote for it, and those who do not understand it will vote against it; and I am sure a majority are in the latter class.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Pennsylvania.

The amendment was rejected.

Mr. HOWE. On behalf of the Library Committee, I move to amend this bill on the sixth page by inserting after line 127:

To enable the Librarian of Congress to employ enough clerical force to complete the alphabetical index now in progress to the documents, debates, and laws of Congress, $4,800, or so much thereof as may be necessary.

For preparing a complete index to the manuscripts and historical and military letters and papers in the Library of Congress, $2,000.

The amendment was agreed to.

Mr. HOWE. Succeeding the amendment just made, I move to insert the following:

The unexpended balance of $1,000 appropriated by the act for sundry civil expenses for the fiscal year 1875 to enable the Joint Committee on the Library of Congress to procure plans for the accommodation of the Library is hereby re-appropriated and made available for the same object.

Two years ago Congress appropriated $2,000 to prepare plans for enlarging the Capitol so as to provide for the Library of Congress. Plans were obtained; only $1,000 of the money was expended. Upon submission of those plans to Congress the Senate did not agree to the plan of making provision for the Library in the Capitol building. Recently we have had the Architect of the Treasury Department prepare designs for a separate building. There are a few hundred dollars required out of this thousand to pay the draughtsman for preparing those plans, and we wish to have so much of the balance of this appropriation applied to the payment of these bills as is required.

The amendment was agreed to.

Mr. ANTHONY. I move to amend by inserting on page 12, after line 266:

To enable the Secretary of the Senate to pay William J. McDonald, Chief Clerk of the Senate, for preparing, under a resolution of the Senate of 28th June 1876, a new edition of the Manual, $1,000.

Senators are aware, the new Senators especially are unpleasantly aware that this edition of our rules has been entirely exhausted and it is necessary to have more. I wished to get a copy the other day for a very distinguished person, a visitor here, and it was impossible to find one anywhere. We all ought to have some of them.

Mr. WITHERS. I ask whether there is anything necessary for the issue of another edition except printing? Is there any work required to be done, except printing?

Mr. ANTHONY. There is always some work required to be done, some revision, some change.

Mr. WITHERS. Have there been any such important changes in the rules since the last edition was issued as to require any considerable amount of editorial labor to prepare the new edition?

Mr. ANTHONY. It requires not a very great amount of editorial labor to the very accomplished parliamentarian who has to do it; but it would be a great deal of work for an inexperienced person.

Mr. WITHERS. I only inquired for information. I am answered.

Mr. ANTHONY. As a lawyer sometimes says, "I do not charge $50 or $100"—I beg pardon for mentioning so small a sum in this presence—"I do not charge a thousand dollars for doing this, but for knowing how to do it." I think it is what we have usually appropriated.

The amendment was agreed to.

Mr. ANTHONY. I am instructed by the Committee on Printing to offer the following, to come in immediately after the amendment just adopted:

The Congressional Printer shall cause 25,000 copies of the report of the Commissioner of Agriculture for the year 1875 to be printed for the use of the Commissioner; also 10,000 copies of the report of the Commissioner of Education for the use of the Commissioner.

The Committee on Printing have reported a resolution of this character. It requires no appropriation; it will be paid out of the appropriation already made in this bill for the public printing; but the number of copies that we give to the Commissioner of Agriculture and to the Commissioner of Education for distribution is a part of the machinery of their offices. It is hardly practicable for them to carry on their offices, to get the information which is necessary to make up their reports, unless they can make this trifling return to their correspondents. We receive bimonthly reports on the condition of the crops of this country from the Commissioner of Agriculture. He must have thousands of correspondents to send him the information from which those reports are made up. They generally do it as a labor of love, but he returns to them, and all the compensation he makes them is a copy of this book, which costs forty cents. I have dropped out of this proposition, where it does not belong, the wider question of printing these books for popular distribution. I hope that, relieved from that, this amendment may be adopted.

Mr. PADDOCK. When the Senator some time ago reported the resolution to which he refers, which was substantially the same proposition as the amendment that he now offers to this bill, I offered an amendment to that resolution authorizing the printing of a certain number of thousands of copies for the use of Senators and members of the House of Representatives for distribution to their constituencies.

Mr. ANTHONY. I hope the Senator will bring that up at another time and let it be disposed of on its merits. I think that among those who believe that these books ought to be printed and those who believe they ought not to be there can be no difference of opinion as to the propriety of printing some copies for the use of the Commissioner, which are a part of the machinery of the office.

Mr. PADDOCK. I do not now remember the exact number that I asked to insert at that time, but it was taken from the statistics which I had before me relating to former publications.

Mr. ANTHONY. The Senator from Nebraska may not be aware that we have now upon the table a resolution, reported from the Committee on Printing, without recommendation, to print a large number of the Agricultural Reports for 1874 and 1875, for popular distribution; and I am sure the Senator from Minnesota would prefer that the debate which must inevitably spring up upon that question should take place on the resolution itself, and not on this bill.

Mr. PADDOCK. If it is likely to give rise to any debate, I shall not ask that my proposition be incorporated here.

Mr. WINDOM. I think it had better be offered separately.

Mr. PADDOCK. Very well.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Rhode Island.

Mr. LOGAN. I move to amend the amendment by adding to the clause in regard to the Agricultural Report:

To be distributed by him among the several States according to population.

Mr. ANTHONY. That entirely destroys the purpose of the original proposition. The Commissioner wants to distribute these reports among the persons who send him information. I do not suppose there would be fifty copies sent to the State that I partly represent, because it is not an agricultural State. The books, according to the original amendment, necessarily go to the agricultural States, in proportion to their agricultural products. He sends them out in return for information that he receives; he does not take much information from us, because it is of hardly any consequence what our agriculture may be. I hope the Senator will allow the amendment to stand as it is and not embarrass the Commissioner in the mode of distribution.

Mr. LOGAN. My object is to embarrass him so that he will distribute them fairly. I do not want them all distributed as they have been heretofore in one little place or two.

Mr. ANTHONY. What "little place or two?"

Mr. LOGAN. That is immaterial. I have my reasons for this. This is a proper amendment.

Mr. ANTHONY. They have not been sent to Rhode Island.

Mr. LOGAN. They do not need them there; but I live in a country where we do need them; and I want him to distribute them among the people who need them. That is my object. I could illustrate, for instance, by the distribution of other books, if it was necessary to do so, where Congress appropriates money for the printing of so many books; so many are allowed to the House and so many to the Senate, and so many to the person who has charge of them, and a great many more of them go to Europe sometimes than to our own country.

Mr. ANTHONY. Certainly; they are intended to go there.

Mr. LOGAN. They are not intended to go there.

Mr. ANTHONY. Some are.

Mr. LOGAN. That is not the object; but the class of legislation in reference to this particular is legislation for individual popularity. I am opposed to it. I want the books that we print to be distributed among our own people. With the exception of those which are necessary for agricultural societies in Europe, they all ought to be so distributed, unless the few given in exchange for other books; but our legislation has been to legislate for the individual himself to give him a reputation in other countries. I do not speak of this person, but of others. I desire the amendment to be adopted.

Mr. ANTHONY. I suggest a modification of the amendment of the Senator from Illinois. It will be hardly possible for the Commissioner to distribute these books among the States in proportion to population. Let it be "as nearly as may be."

Mr. LOGAN. Very well; add "as nearly as may be." I have no objection to that. I want them distributed in my country.

Mr. ANTHONY. I will not dispute with the Senator from Illinois.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Illinois, as modified, to the amendment of the Senator from Rhode Island.

The amendment to the amendment was agreed to.

The amendment, as amended, was agreed to.

Mr. ANTHONY. I offer one more amendment. It is a bill that was introduced by me, was referred to the Committee on Commerce, and reported from that committee by my colleague, [Mr. BURNSIDE,] who, I regret to say, is detained at home by illness. It met with the unanimous concurrence of the Committee on Commerce, and it is for an object that is very much needed for the safety of commerce and navigation, quite as much so as any appropriation there is upon this bill. It is to come in on page 35, after line 548:

For the purpose of erecting a light-house and fog-bell on Whale Rock at the entrance of Narragansett Bay, under the direction of the Secretary of the Treasury, $35,000.

The amendment was agreed to.

Mr. WEST. I offer from the Committee on Appropriations an amendment relating to the pay of one of the Senate employés that has been left out. After line 991 I move to insert:

To pay George N. Stranahan, conductor of the Senate elevator, $1,200 for the fiscal year ending June 30, 1877.

The amendment was agreed to.

Mr. BAYARD. I offer the following amendment; on page 30, after line 707, insert:

That section 3737 of the Revised Statutes be amended by inserting at the end of the first sentence of said section the words: "Excepting such cases in which the head of the proper Department shall consider it to be for the interest of the Government to permit such transfer to be made, and shall consent thereto in writing."

This amendment was to have been reported by the chairman of the Committee on Appropriations in response to a recommendation of the Attorney-General of the United States, but the letter of the Attorney-General and the amendment have been unfortunately mislaid, and the honorable Senator from Minnesota, ascertaining that I had some knowledge of the amendment, desired that I should make the explanation necessary to the Senate.

Section 3737 of the Revised Statutes was the original act of 1862, intended to keep the control of contracts with the Government under the war powers of the Department in order that contractors should be subject to martial law, and forbade the transfer or assignment of their claims. I will read the section:

No contract or order, or any interest therein, shall be transferred by the party to whom such contract or order is given to any other party, and any such transfer shall cause the annulment of the contract or order transferred, so far as the United States are concerned. All rights of action, however, for any breach of such contract by the contracting parties, are reserved to the United States.

The attention of the Attorney-General was drawn to the fact that this forbade the assignment to responsible parties of a contract that was in hands not calculated to further the interests of the United States. He therefore made that recommendation to the chairman of the Committee on Appropriations of the House of Representatives, and it was subcommitted to a gentleman who I understand has since gone to Saint Louis. I sent for a duplicate of that letter and submitted it to the chairman of the Committee on Appropriations of the Senate, and it seemed to meet his approbation. It was handed to my friend from Minnesota, but in some way was mislaid. Therefore I make this statement as having been personally cognizant of the recommendation of the Attorney-General.

Mr. CONKLING. What is the practical effect of the amendment?

Mr. BAYARD. It is to permit, at the discretion of the head of a Department, a contract to be assigned where he thinks the assignee is better able to carry it out than the original party.

Mr. CONKLING. What kind of a contract?

Mr. BAYARD. Any contract with the Government.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Delaware.

The amendment was agreed to.

Mr. CLAYTON. I withdraw the notice I gave a while ago to reconsider the striking out of certain words on page 44.

The PRESIDING OFFICER. The motion to reconsider entered by the Senator from Arkansas is withdrawn.

Mr. ALLISON. I offer the following amendment, to come in after line 1372:

For this amount, or so much thereof as may be required to pay the expenses of a commission to be appointed by the Secretary of the Interior to appraise certain Cherokee lands in the Indian Territory in accordance with the fifth section of the act making appropriations for the expenses of the Indian Department, approved May 29, 1872, $5,000.

Mr. EDMUNDS. I ask the Senator from Iowa to withdraw that amendment for a moment until I can move to reconsider the vote agreeing to the amendment offered by the Senator from Delaware. I should like to have that considered a little further.

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Vermont?

Mr. ALLISON. Yes, sir.

Mr. EDMUNDS. I move to reconsider the vote just taken adopting the amendment offered by the Senator from Delaware, [Mr. BAYARD.] As I heard only a part of what he stated, I should be glad to have him state again the ground on which that amendment is offered and exactly what it means. I should like to have the amendment read, and then I shall understand a little more about it than I do now.

The PRESIDING OFFICER. The amendment of the Senator from Delaware will be read.

The Chief Clerk read as follows:

That section 3737 of the Revised Statutes be amended by inserting at the end of the first sentence of said section the words, "Excepting such cases in which the head of the proper Department shall consider it to be for the interests of the Government to permit such transfer to be made and shall consent thereto in writing."

Mr. EDMUNDS. Now I should like to have my friend explain it, if he will, again. I was not paying attention.

Mr. BAYARD. I regret that the communication of the Attorney-General recommending this amendment, which I may say was draughted by himself and sent to the chairman of the Committee on Appropriations of the House of Representatives, has been mislaid. I sent yesterday for a duplicate of the letter. I obtained it, and handed it to the Senator from Maine, but it has been mislaid by the Senator from Minnesota. I will state the object and effect of the amendment.

The section referred to originally was the act of July, 1862, passed during the existence of the war, and for the purpose of placing war contractors under military control, under martial law. The result has been that when they desired a year or two—which was the case I first heard of—in the building of the State Department that there should be an assignment of the contract into some responsible hands, on looking at the act the officers were of opinion that this prevented it and that the assignment could not take place, although it was manifestly for the interest of the Government; and it was stated in my presence by the Secretary of State to be for the interest of the Government that the contract should be assigned. And yet they said that under the language of this act it could not be. On the attention of the present Attorney-General, Mr. Taft, being called to it, he draughted the amendment which I have proposed. I believe I have followed his precise words, the object being that where a party from insolvency or from inability shall not be in a condition to fulfill his contract so well as the person to whom he proposes to assign it, it shall be lawful for the head of the Department to permit such transfer where he believes the Government will gain an advantage by it. There has been, I think, already some embarrassment in regard to the fulfillment of one of the chief contracts for the construction of this new building growing out of the embarrassments of the original contractor; and the object of this is to permit the assignment to be made

to a responsible party, so that the Government may not be annoyed by a failure.

Mr. EDMUNDS. There is a good deal of force in what the Senator from Delaware says as applied to the precise case that he describes of an executory contract in respect of which performance is due to the Government and where the contractor already provided for under the forms of law becomes unsuitable for any reason, and it is desirable, without the formality of a reletting, to transfer the performance of some duties to some one else. I can see the force of that in the case he has stated; but when you take it in all the Departments, the Post-Office notably, and perhaps the War and Navy Departments as well, where there are contracts for transportation and supplies, &c., whether it is wise, taking the world as it goes for one hundred years together, as this is permanent legislation, to authorize the head of any Department in his discretion (and we know how difficult it is to control discretion which is vested by law) to change from one contractor to another when it may be that the first one is responsible and the next one that the first contractor wishes to slip it off on to is not responsible at all, and does not care anything about it, is open in my mind to great question.

There are difficulties, I know. Cases occur when it would be highly to the interest of the Government to make such a transfer, undoubtedly, without the formality of fresh lettings and fresh bids; but I am afraid that it will happen more often that in just such cases mischief to the United States will be done than it will happen that good will be done. But that, Mr. President, applies, as the Senator has stated it, to executory contracts yet to be performed, in respect of which performance is due to the United States. Now, if my friend will look critically at this section he will see that it embraces something besides the sort of contracts we have been speaking of. "No contract, or order, or any interest therein." That, then, with this amendment agreed to on his motion, authorizes the head of any Department (and he, from the multifariousness of his duties, is obliged to depend upon some subordinate) to allow the assignment of an order; that is to say, some right or claim that some person has made, either rightfully or wrongfully, against the United States. If he makes that assignment and it happens to be discovered afterward that the United States had a good offset, which would be discovered in some other Bureau, the United States is cut out.

The policy of the law, going long back of 1862, which is the section now under consideration, and going way back into the fifties or forties or still earlier, has been—and it is found in another statute of the United States in this book—entirely against allowing any transfers or assignments of rights against the United States. They are to stand in the name of the original party, and after he gets his claim or demand allowed the warrant must be a warrant to pay him, or his legal representatives if he is dead; and then if he has any arrangement with anybody else it must come from him afterwards, after the Treasury has done with it. I think that proposition is based upon sound principles of public policy, for the security of a great many people who have transactions with the Government, even clerks against the machinations of sharpers to get assignments by way of orders for their pay in advance, and so on. I need not spend time by enumerating the cases. I think it is founded in the soundest principles of public policy and of proper protection to all persons. Now the amendment covers all that. I submit, therefore, inasmuch as this is an appropriation bill, that this matter of legislation about contracts and orders between citizens and the Government had better be left to separate legislation.

Mr. BAYARD. I believe that this amendment was very clearly and sensibly in the line of public interest. I have been told by two members of the Cabinet that they were embarrassed by the act of 1862 which now has the force of a general law and which by examination will be found to be an act relating to contracts for Army supplies. It was under an act to obtain Army supplies that this language found itself upon our statute-book. To compel the Government to continue a contract with a party disabled from any cause—a frequent cause at the present day is insolvency—from completing the contract made with him is embarrassing to the Government and helpful to no man. It frequently occurs that the sureties, responsible parties, are those who desire to take the contract in their hands and fulfill it to the letter. Such cases arise to my mind and which, I believe, were the cause of bringing this very question before the present Secretary of State and the War Department. If there be anything loose in this language, "Contract, or order, or interest," it may be modified to the degree of allowing contracts strictly made to be assigned. I do not know what precisely "order or interest therein" may mean, except it have reference to a class of supplies only catalogued in a war bill.

Mr. EDMUNDS. But the Senator will see as the section now stands in the Revised Statutes it is universal; it does not relate to any one Department or to supplies, whatever may have been its origin.

Mr. BAYARD. I knew that this amendment had met the favor and was drawn by the hand of an officer who had held two of these Cabinet offices, that of Attorney-General last and that of Secretary of War prior to that time, and that he knew the practical necessity of the amendment. I was requested to bring his letter to the attention of the Committee on Appropriations, and did it. I would not have said a word about it now but for the fact that they lost the paper which came from the office; and as the Senator from Maine is not here, and the Senator from Minnesota had not had the matter explained, he asked me to do it, and so I have tried to do it. It is a matter, I think, of public interest that this amendment should be made. As a transfer is only to be made in such cases as the head of the proper Department shall consider it for the benefit of the Government that it should be made, I cannot see why the same power that made the original contract should not be permitted to assign that contract to equally responsible hands. If they were fit to be trusted in making the contract, then they are fit to be trusted to assign it; but I say, if they cannot be trusted to assign it, they should not have been intrusted with power to approve it originally. It simply leaves the contract open, so that, where it is for the interest of the Government that an assignment should be permitted, it may be done; not the interest of the party, not the interest of the contractor, but where it is for the interest of the Government that this assignment should be permitted then by giving his written consent the head of the Department may allow the assignment to be made.

I can well understand, and I have heard of cases in which the Government has been embarrassed with a failing, insolvent contractor, constantly liable to attachment, to annoyance from his creditors, where he was endeavoring in a crippled condition to perform his contract, and where responsible parties, liable for him, were willing to go forward and carry it on and complete the work for the benefit of the Government, and yet the head of the Department has been prevented from permitting an assignment by this statute, which it is clear to my mind, which it must be clear to the minds of Senators who read it, was not made to affect cases like this. The act of 1862 was an act passed in war times; it was meant to submit contractors to the strong hand of martial law and military power; the Articles of War were meant to control them and hold them personally to the proper performance of their duty, and yet by the method in which this codification of our laws has been carried out this provision, intended to be restricted to the single case of Army supplies, now applies to the whole class of governmental contracts of every description. I submit to the Senate that if it is right that these officials should ever have power to enter into a contract, that same confidence that has delegated that power to them should certainly permit them to allow the contract to be assigned.

I have said all I care to say.

Mr. EDMUNDS. Mr. President, I do not want to waste the time of the Senate; but this matter, in my opinion, is of considerable consequence. The committee to which I belong has had frequent occasion, in the multifarious matters of legal disputes between the United States and various persons, to consider the subject of the law about the assignment of claims and of contracts. I think I can safely say for us all that the average of our observation and experience is largely in favor of leaving the law as it is. There is one case to which this amendment of the Senator would apply acoording to my information; of course it may turn out to be otherwise; I do not mean to criticise anybody in this debate or to refer to any special instance by name; but there is a case which has occurred in the Treasury Department within the last eight or ten years—I have forgotten the exact date—where by an assignment being recognized of a matter of business between the United States and certain persons, if they succeed in their claim, (and unless these statutes will cut it off, as I think it will turn out they do, they will succeed,) a perfectly good set-off that the United States had against the original party is entirely gone. The assignment having been recognized, the money we should have had has gone from us, and we have no means of getting it back, if the assignment is good. The assignees will have got their money and the claim of the United States against the original party who assigned his rights under the contract will be lost. Those cases occur all the time.

If you turn to section 3477 you will see that the statutes, going back to the year 1853 at least, provide in the most explicit terms against assignments of any claims upon the United States or any part or share thereof, and make them absolutely null and void unless the thing is made after the allowance and all rights between the United States and the parties are settled. If the amendment stands as proposed, its general effect will be of course to repeal this provision of section 3737 to that extent so as to make it lawful to assign every contract, every order, and all interests in contracts and orders, of people having business affairs or claims upon the United States. That, as I have said already, would be most detrimental to the public interest, and indeed to the security of many private citizens, clerks, and that class of men who are in the service of the Government. It does seem to me, therefore, that if the whole thing has any effect in respect of mere executory contracts, which in my mind is open to great doubt, we ought to leave it to separate legislation rather than to put it into an appropriation bill, which both the Senator from Delaware and myself on former occasions have resisted, as he knows I have done before.

I hope the Senator will consent that this vote be reconsidered and left for consideration by the proper committee.

Mr. BAYARD. Whether the Senate shall agree to this amendment or not is a matter to me of purely public interest entirely. I stated that this section, 3737, never had existed as the law of this country, to my knowledge, until the 17th of July, 1862, and it then was enacted solely as a war measure. At page 594, twelfth volume of the Statutes

at Large, is found an act entitled "An act to define the pay and emoluments of certain officers of the Army, and for other purposes." Section 13 of that act provides:

That all contracts made for, or orders given for the purchase of, goods or supplies by any Department of the Government shall be promptly reported to Congress by the proper head of such Department if Congress shall at the time be in session, and if not in session, said reports shall be made at the commencement of the next ensuing session.

Section 14 of the same act provides:

That no contract or order, or any interest therein, shall be transferred by the party or parties to whom such contract or order may be given to any other party or parties, and that any such transfer shall cause the annulment of the contract or order transferred, so far as the United States are concerned: *Provided*, That all rights of action are hereby reserved to the United States for any breach of such contract by the contracting party or parties.

These are the words themselves, *ipissima verba*, section 14 of this law, with section 3737 of the Revised Statutes. What has been the result of it? That you have carried into the general law of the country an act of Congress relating and intended only to relate to the furnishing of war supplies and for the purpose of bringing contractors for war supplies in time of war under the strong and the prompt arm of military law. That was the effect of it, and that was all. That the effect of this law has been enlarged beyond anything contemplated by the Congress that passed it, by importing it into the Revised Statutes and giving it a sectional head here (3737) no one, I think, can doubt. It would be to me a question of great doubt whether the law as it stood would be applicable to any except supply contracts at all or contracts for other things than mere supplies of war; but nevertheless the law as it stands and as it has been revised and codified does seem to have the effect to forbid action by the heads of Departments even when they think it is strongly to the interest of the Government to permit a contract to be assigned from a weak hand to a stronger one, from one incapable of carrying out the object of the contract to one capable of carrying it out.

I believe it is for the interest of public service that this amendment shall be made. The Senate can pass upon it at their pleasure. If I had not thought it was proper I should not have recommended it.

Mr. ANTHONY. I do not wish to speak to the merits of this case, but I suggest to the Senator who moves the amendment that instead of amending the section of the Revised Statutes he should repeal the existing section and re-enact a new one. That has been done in several cases, and that ought to be done in every such case. We ought not to amend a section by inserting something or taking something out of it, and leaving no other clew to its meaning. The old section should be repealed and a new one enacted.

Mr. BAYARD. It seems to me perfectly clear that where the officer whom you have intrusted to make the original contract, in whose hands you have deposited that high and plenary discretion, shall desire to exercise it a second time in favor of the Government, the very reason why you have intrusted him in the first instance should *a fortiori* induce you to intrust him in the latter case. You simply give him the power of confirmation, the power of confirmation enlightened by experience. He has made a contract with a party whom he believed at the time capable of carrying it out. Subsequent events disclose the fact that the party is incapable of carrying it out, and then you retain on your statute-books, or refuse to amend by what I must conceive to be a reasonable amendment, a provision which maintains the lack of power in him to serve the Government by permitting a transfer.

Mr. WRIGHT. I concur in what the Senator from Rhode Island has said with reference to an amendment of the statutes. I listened to the amendment as offered by the Senator from Delaware and was utterly unable to tell its connection or its meaning, and so it will be with any person, it seems to me, who takes up this appropriation bill, if it is to become a law, and reads what he proposes to add to the present bill. He will read that such a section shall be amended by adding thereto so and so, and it will be utterly impossible for any person to tell what that means, unless he gets the section itself and together reads them. We started a practice, and a practice that I trust will not be abandoned, that when we propose to amend the Revised Statutes we shall do so by re-enacting the section with the words we propose to add, or the changed words, so that when we come to read the statute as thus amended we can see at once what the law now is.

I therefore trust that this proposition to reconsider will carry, if for no other reason, that the Senator may put his amendment in form to accord with what has been the practice of the Senate heretofore. For myself, I shall never consent to the amendment of any section of the Revised Statutes except by a re-enactment of the section itself. By the constitutions of many States in the Union, it is now provided expressly that no amendments shall be made except by the re-enacting of the section. That rule ought to be adopted and adhered to here. I think that not a little of the trouble that occurs in the construction of statutes arises from the fact that we tack on an amendment, as is proposed in this instance, to an appropriation bill or something else, and we amend a section of a statute by adding to it or striking out and inserting, and then it requires a dozen lawyers almost to get the statutes together and see what they mean.

I trust that this motion to reconsider will be carried, if for no other reason, and without any expression of opinion now as to the merits of the question. There is also, in my mind, I may suggest, a very great impropriety in this amendment, owing to the fact that it is independent legislation, in no manner, that I can see, connected with this appropriation bill.

Mr. WINDOM. When the Senator from Delaware offered this amendment, I made no objection to it, because it was my impression, and still is, that it had the indorsement of the chairman of the Committee on Appropriations. I had not examined the question at all, and was not even able, during the pressure of considering the bill, with so many amendments pending, to refer to the statute; but, for the reason so well stated by the Senator from Iowa, I think it should be reconsidered. If there is any great public necessity for this general legislation, it should be considered by the Committee on the Judiciary or some other appropriate committee. I think the Senate can hardly be consistent with itself in adopting this amendment. It certainly gives rise to a great deal of debate. There is a great deal of doubt about it. It is not a question of appropriation, but purely and simply a question of legislation.

The PRESIDING OFFICER. The question is on the motion to reconsider the vote by which the amendment was adopted.

The motion to reconsider was agreed to.

The PRESIDING OFFICER. The question recurs on the amendment of the Senator from Delaware, [Mr. BAYARD.]

Mr. SHERMAN. Under the circumstances, as the amendment is likely to give rise to further debate and is legislative in its character, I move that the amendment lie on the table.

The motion was agreed to.

Several Senators addressed the Chair.

Mr. ALLISON. What has become of the amendment which I offered some time ago, when I yielded temporarily?

The PRESIDING OFFICER. The Secretary will report the amendment.

The CHIEF CLERK. It is proposed to insert after line 1372:

For this amount, or so much thereof as may be required, to pay the expenses of a commissioner to be appointed by the Secretary of the Interior to appraise certain Cherokee lands in the Indian Territory, in accordance with the fifth section of the act making appropriations for the expenses of the Indian Department approved May 29, 1872, $5,000.

Mr. ALLISON. That is merely to comply with the treaty stipulations which we made with these Cherokees in 1866.

Mr. EDMUNDS. Let us hear that treaty stipulation.

Mr. ALLISON. If the Senator from Vermont will turn to the seventeenth volume of the statute, page 190, he will find it provided:

That the President of the United States and the Secretary of the Interior are hereby authorized to make an appraisement of the Cherokee lands lying west of the ninety-sixth meridian of west longitude, and west of the land of the Osage Indians, in the Indian Territory, and south of the southern line of the State of Kansas, &c.

I have here a letter from the Secretary of the Interior and a letter from the Commissioner of Indian Affairs.

Mr. EDMUNDS. Let us have the letter of the Secretary read.

Mr. ALLISON. I will send it to the Chair.

The PRESIDING OFFICER. The Secretary will read the letter.

The Secretary read as follows:

DEPARTMENT OF THE INTERIOR,
Washington, June 21, 1876.

SIR: I have the honor to transmit, herewith, a copy of a letter dated the 19th instant, from the Commissioner of Indian Affairs, upon the subject of the appraisement of certain Cherokee lands lying west of the ninety-sixth meridian of west longitude in the Indian Territory, under authority conferred in section 5 of the act making appropriation for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, approved May 29, 1872. (Statutes, volume 17, page 190.)

An estimate of appropriation for the purpose contemplated, to the amount of $5,000, accompanies the communication of the Commissioner.

The subject is respectfully presented to Congress for the favorable consideration of that body.

I have the honor to be, very respectfully, your obedient servant,

Z. CHANDLER,
Secretary.

Hon. WILLIAM B. ALLISON,
Chairman Committee on Indian Affairs, United States Senate.

Mr. ALLISON. It is provided for in the treaty of 1866.

Mr. EDMUNDS. I was trying to find it in the treaty of 1866.

Mr. ALLISON. The object is to make a survey with a view of settling some friendly tribes in the Indian Territory. I have also here the letter of the Commissioner of Indian Affairs recommending it.

Mr. EDMUNDS. Will the Senator refer to the article of the treaty under which this arises?

Mr. ALLISON. I have not the article of the treaty before me. It is the treaty of July, 1866.

Mr. EDMUNDS. I have the treaty here, but the treaty is very long.

Mr. ALLISON. I cannot direct the Senator to the particular article.

Mr. EDMUNDS. These articles are too long to read until I reach the point that is material.

Mr. ALLISON. This is intended to apply to lands already ceded by the Cherokee Indians to the United States under article 15 of the treaty of July, 1866.

Mr. EDMUNDS. Is it a cession in trust or an absolute cession? Are these trust lands?

Mr. ALLISON. It is an absolute cession to the United States of a portion of their reservation west of the ninety-sixth meridian, and not east of it.

Mr. EDMUNDS. It is article 16:

The United States may settle friendly Indians in any part of the Cherokee country west of ninety-six degrees, to be taken in a compact form in quantity not exceeding one hundred and sixty acres for each member of each of said tribes thus to be settled; the boundaries of each of said districts to be distinctly marked, and the land conveyed in fee-simple to each of said tribes, to be held in common or by their members in severalty as the United States may decide.

Said lands thus disposed of to be paid for to the Cherokee Nation, at such price as may be agreed on between the said parties in interest, subject to the approval of the President; and if they should not agree, then the price to be fixed by the President.

The Cherokee Nation to retain the right of possession of and jurisdiction over all of said country west of ninety-six degrees of longitude until thus sold and occupied, after which their jurisdiction and right of possession to terminate forever as to each of said districts thus sold and occupied.

The object of this amendment is to provide for taking those lands and appraising them?

Mr. ALLISON. For appraising them.

Mr. EDMUNDS. And paying for them?

Mr. DORSEY. They are already paid for.

Mr. ALLISON. They have been already ceded by the Cherokee Nation.

Mr. EDMUNDS. Article 16 cedes the lands to the United States as they may be wanted for the settlement of these friendly Indians in the way named. Then it says the lands thus disposed of are to be "paid for to the Cherokee Nation at such price as may be agreed on between the said parties in interest, subject to the approval of the President." This, therefore, is to provide the first step for buying these lands west of ninety-six degrees to settle different Indians upon?

Mr. ALLISON. That is all there is of it.

Mr. DORSEY. I do not know what that applies to, but I know the fact nevertheless that the Government has taken possession of these lands under the act of 1872 to locate the Osage and Cheyenne Indians upon them.

Mr. EDMUNDS. It was done under the act of 1872, probably, which authorizes the President to make an appraisement of these lands.

Mr. ALLISON. It is all in the act of 1872.

Mr. EDMUNDS. If the act of 1872 has been executed, what is the use of appraising them over again?

Mr. ALLISON. It has not been carried out.

Mr. EDMUNDS. The Senator from Arkansas says it has been.

Mr. ALLISON. It has been as to the Osages, but not as to these lands.

The amendment was agreed to.

Mr. ALLISON. I move to insert after line 1355—

For payment of employés at Red Cloud and Spotted Tail agencies, Nebraska, for the fiscal year ending June 30, 1876, $11,880.

I think Senators will not vote against this amendment if they understand it. The appropriation at these agencies failed about the 1st of February, and Congress at that time passed an appropriation for subsistence for the residue of this fiscal year. That appropriation was passed in some considerable haste, because of the fact that these Indians were without subsistence. There was an omission to provide for the employés. The Commissioner of Indian Affairs has stated to me that it was understood that this appropriation should go in this bill originally. It has not appeared in the House bill, and he urges very strongly that it shall appear here, because upon the faith of the promise that we should pay these official employés in the service the work has already been done, and they ought to be paid for their services.

The amendment was agreed to.

Mr. ALLISON. If the Senator from Minnesota will excuse me a moment longer, I move to amend the appropriation in line 720 by inserting "twenty-five," so as to increase the appropriation for expenses of buoyage from $300,000 to $325,000. This sum has been appropriated for the light-house service for several years. It is a very important service, in fact a necessary service. I am told by the secretary of the Light-House Board that it will require $20,000 more this year than last.

The amendment was agreed to.

Mr. INGALLS. On the 19th day of February, 1875, an act was passed "to authorize the Seneca Nation of New York Indians to lease lands within the Cattaraugus and Allegany reservations and to confirm existing leases." Under that act three commissioners were appointed, whose duty was declared to be, by the fifth section of that act, to cause all lands within the villages on said reservations to be surveyed, the lots to be laid and defined, and the boundaries of the villages to be designated.

Mr. WINDOM. It is quite impossible to hear a word the Senator has said.

Mr. INGALLS. I was referring to the act of February 19, 1875, authorizing the Seneca Nation of New York Indians to lease lands within the Cattaraugus and Allegany Indian reservations, and alluding to the provisions of that law requiring a commission to be appointed, designating the boundaries of those reservations, and to lay out and define the villages that had been erected upon them, and to also plot the village lots. I was going on to say that the commissioners had been appointed, the work had been partially done, and the Secretary of the Interior and the Commissioner of the General Land Office have estimated for the amount necessary to carry on the service; but, owing to a misunderstanding, the estimates were sent to the House at too late a period to enable them to be put upon this bill. On the 27th of June the Committee on Public Lands in the House, to whom was referred the communication from the Interior Department relating to the survey of the Cattaraugus and Allegany reservations, reported the same back to the House and moved that the committee be discharged from its further consideration and that it be referred to the Committee on Appropriations with a recommendation that the sum of $15,500 be appropriated to pay for the service, as estimated by the Commissioner of the General Land Office. At that time this bill had already passed out of the hands of the Committee on Appropriations of the House and been transmitted to the Senate. I am authorized by the Committee on Indian Affairs of the Senate, in view of the recommendation made and the estimate forwarded by the Secretary of the Interior, to offer the following amendment to the pending bill, to come in after line 1372:

To carry out the provisions of an act entitled "An act to authorize the Seneca Nation of New York Indians to lease lands within the Cattaraugus and Allegany reservations, and to confirm existing leases," approved February 19, 1875, to pay for surveys as estimated by the Commissioner of the General Land Office, $15,500.

Mr. WINDOM. The Committee on Appropriations have not been able to investigate this question in order to either approve or disapprove. I have no knowledge of the facts of the case. I should like to ask the Senator from Kansas, however, if it is quite clear that the Government should pay the expenses of this service, or should not the Indians pay a portion or the whole of it?

Mr. INGALLS. The act of Congress that was passed on the 19th day of February, 1875, created this commisson and directed them to designate and define the boundaries of these reservations, to lay out the villages, and to survey the lots. It was a direct specific authority on the part of Congress requiring the Secretary of the Interior to appoint these commissioners. He simply performed ministerially the duty devolved upon him by Congress.

Mr. WINDOM. There was no appropriation made for the payment of expenses, I believe?

Mr. INGALLS. After the act was passed, in the apropriation bill that immediately succeeded, a simple appropriation was made for the purpose of carrying out the preliminary work necessary to be done; but the subsequent appropriation has not been made.

Mr. WINDOM. I will ask the Senator if he knows whether there was any understanding that the expenses were to be paid by the Indians or by the occupants at the time? I do not know of any such understanding myself.

Mr. INGALLS. There was such an understanding. If the Senator will be at the trouble to read the statute to which I have referred, he will see that the direction is explicit and final, and that the Secretary of the Interior merely has effectuated an act of Congress in appointing those commissioners and the work has partially been done.

Mr. WINDOM. I am not prepared to resist it. I only have the judgment of the Committee on Indian Affairs, which is much better than mine, although it seems to me a question which deserves consideration.

The amendment was agreed to.

Mr. DAWES. At some time, and now if it does not interfere with the arrangement of the committee, I ask unanimous consent to reconsider the amendment adopted on the second page of the bill in reference to the pay to the estate of Henry Wilson, late Vice-President, of a certain sum. It was originally to pay to his executors "to be held and applied by said executors as if a part of the estate of said Wilson, given and bequeathed by his will." The Senate adopted an amendment—I was absent at the time—directing, instead of such disposition here, that it be paid to his heirs.

Mr. WINDOM. The committee have reconsidered their action, and I make no objection to the request of the Senator from Massachusetts.

Mr. DAWES. I move to reconsider the vote by which the amendment was concurred in.

Mr. DORSEY. I should like to know what is the object of a reconsideration.

Mr. SARGENT. Is it to allow the clause to stand as it came from the House?

Mr. DAWES. Yes, sir. The purpose of my motion is to reconsider in order to give the committee an opportunity to state some reason why they made the amendment.

Mr. WINDOM. I understood on conference with several members of the Committee on Appropriations that they have reconsidered their action. I have reconsidered my own, I will say.

Mr. DAWES. I will say that those who originated this paragraph in the bill as it passed the House are very strong in their opposition to this change of the disposition of the money. It is rather a delicate matter, if the donation can be made to his estate, to change it from the mode in which he himself desired it to be disposed of. He prescribed by will what he desired to be done with the little estate which he did have. His estate was so small and his circumstances were such that his friends induced the House of Representatives to insert the paragraph making this allowance and providing that it be disposed of according to his will. He had dependent on him a little adopted daughter and a wife's mother nearly ninety years old in very feeble health. Of course the old lady will continue but a little while; but this is a charge upon the little estate which he has, and that estate I understand from his executors to be much smaller than was supposed.

Mr. SARGENT. About what amount?

Mr. DAWES. I am unable to say. I think his Representative in the House told me that his whole estate, everything all told, was less than this provision.

Mr. SARGENT. The views of the Senator from Massachusetts would have great weight with me and I know they would with the committee. We were in some doubt in reference to the matter and desired to retain jurisdiction of the question for the committee of conference by this amendment. We understood that there was an adopted daughter who would be left unprovided for except by the amount left of the estate, and that there was an aged wife's mother. We thought it quite possible, however, as Mr. Wilson had some brothers, some of whom were quite old and in want, that if he had an estate twice the size he did have at the time of his death he would have made some provision for them. I understood further that by the provisions of the will the portion of the estate which goes to the aged mother-in-law inures on her death to the benefit of some persons who are quite wealthy, as we have understood, worth $60,000 or $70,000; and perhaps the United States would not be willing to make this donation to go in that direction. We put in the word "heirs," which would send it to the blood relatives of Mr. Wilson, who were overlooked in his will under the possible hypothesis that he himself would have made such a disposition of it if he had had it to dispose of at that time. I would like here to say in reference to Mr. Wilson, for a long time illustrious in the history of this country, doing good service in its legislative halls, that it is a matter of pride, I think, to those who served with him in Congress that at his death, after this long service, he died poor as he did. He certainly never enriched himself at the public expense, and he gave his whole time to his country, and by that means died poor, unless he saw fit to enrich himself by the opportunities that sometimes fall in the way of dishonest public men, thus showing that he was honest in every fiber of his being. I therefore look with great favor on this appropriation for the benefit of the estate of Mr. Wilson, and was only anxious that it should go in some channel that would do the most good. If the Senator from Massachusetts thinks we had better reconsider and allow it to follow the course of the will, I have nothing further to say.

Mr. DAWES. I have only to say that I have no personal knowledge either in reference to the estate of Mr. Wilson or his relations to the beneficiaries under the will. I speak now as I am requested to do by his own Representative in the other branch. I understood him to say that he had satisfied the Committee on Appropriations that it would be better to let the item stand as it came from the House. I know he is very anxious on the subject. It is rather a delicate matter as between his heirs, who are poor brothers, one a cripple; and there are other circumstances in connection with those brothers that make it a questionable matter what would be our duty in the premises. I feel as if I should not desire myself to take the responsibility. In general terms, if he has disposed of his property as he thought under all the circumstances was the wisest, it would seem to be better to let it take the course prescribed by his will. That is all I desire to say.

I know I have been approached in the same manner that the Committee on Appropriations have been to effect this change, and I have been unable myself to see that it is right. Yet, I do not want to be the instrument of depriving those heirs of any money which they should have. Mr. WARREN, a highly respectable gentleman who represents him in the other House, introduced this measure with great generosity and liberality of feeling, having been opposed to him always in politics, and he took a great personal interest in it. He desired very much that this should be so. I suppose, therefore, that he represents the interests at Mr. Wilson's home. If it be true, as the Senator from California has said, of which I have no other knowledge, that one-half of the estate, after the death of the aged mother-in-law, is to go to the rich relatives, I should be almost tempted to withdraw any remark I might have made.

Mr. SARGENT. I believe they are not even relatives.

Mr. DAWES. If it is to go where it is not needed, I should be almost tempted to withdraw my remarks. I do not know about that fact. I know there is some doubt how much good it will do if the amendment of the Senate committee should continue in the bill.

Mr. SARGENT. As the Senator is in some doubt, had it not better go to the committee of conference and let the matter be further considered?

Mr. DAWES. I think on the whole it would be better to leave it there.

The PRESIDENT *pro tempore*. Does the Senator withdraw his motion to reconsider?

Mr. DAWES. I withdraw the motion.

Mr. WINDOM. I have one or two amendments which I was not able to put my hand upon when on the floor before. On page 21, in line 492, I move to strike out "twenty-five" and insert "thirty." This increases by $5,000 the amount appropriated for "defending suits against the Secretary of the Treasury or his agents for the seizure of captured or abandoned property, and for the examination of witnesses," &c. I hold in my hand a very long letter from the Attorney-General urging strongly that this amount be increased, that $25,000 is not sufficient, and that the protection of the Government requires a larger amount, namely, $30,000. I move the amendment.

The amendment was agreed to.

Mr. WINDOM. On page 2, after line 35, I move to insert:

For furniture and repairs of furniture for the Senate of the United States fiscal year 1876, $600.

The committee are informed by the Sergeant-at-Arms that there is a deficiency for that amount, and that a large portion of this expenditure was for the purchase of tables and making preparations for the trial of the impeachment.

The amendment was agreed to.

Mr. WINDOM. On page 18 I move to strike out the proviso relating to marshals, beginning in line 428.

The words proposed to be stricken out were read, as follows:

Provided, That the maximum compensation allowed to marshals and regulated by section 841 of the Revised Statutes, from and after the 1st day of July, 1876, shall not exceed $5,000 a year, or that rate for any time less than a year; and marshals are forbid issuing any certificates or due-bills to witnesses, jurors, guards, deputies, or others for fees or services, and the payment of any such certificates or due-bills is forbidden by any Department of the Government; and no advance of money shall be made to any marshal whose accounts have not been adjusted at the Treasury for a period of more than six months; and hereafter no charge for mileage shall be allowed to any marshal, and in lieu of mileage marshals shall only be paid for their actual traveling expenses incurred in the performance of their official duties, to be rendered upon oath.

Mr. SARGENT. Some of the provisions there unquestionably will have to be retained in conference. Some are useful; for instance, the one in reference to certifying accounts toward the last part of the amendment. But if you take the first part of the amendment, it would be impracticable. Out of the amount of compensation, $5,000, the marshals have to pay their deputies. It is very apparent in a place where there is a great deal of business that the marshal would be compelled not only to do all his work himself, or pay for deputies out of his own pocket, and the amount would be soon exhausted.

Mr. DORSEY. The Senator is entirely in error. The deputies get pay by mileage and per diem. They do not get pay out of the salary.

Mr. ALLISON. This repeals all mileage, and only allows them actual expenses under oath, and no per diem.

Mr. SARGENT. If the Senator from Arkansas will examine it, he will find that it is inconsistent. Unquestionably some of this legislation can be retained with advantage, but the manner in which it is in the bill will require a great deal of shaping so as not to absolutely destroy the office of marshal.

Mr. DORSEY. I withdraw my opposition. Let it go.

The amendment was agreed to.

Mr. INGALLS. I am compelled to believe that the Senate improvidently agreed to the amendment of the committee striking out the clause on page 3, between lines 55 and 60, to which I desire to call the attention of the Senator having the bill in charge. This clause provides for the payment by the House of Representatives of the clerk of the Committee on Invalid Pensions at the rate of $1,800 per annum. There appear to me to be two reasons why the amendment of the committee should not be agreed to. In the first place, I do not think the Committee on Appropriations in the Senate are proper judges of what is required in the way of clerical force by the House of Representatives. For that reason alone, inasmuch as upon the preceding page the committee have reported an amendment to the bill for clerical services to a Senate committee, I believe that the amendment should not be agreed to.

In the second place, from my knowledge of the services performed by the clerk of that committee, of the great number of cases that are before it constantly for action, I am confident that it is absolutely necessary that the amendment should not be adopted and that the clerk should be allowed an annual compensation. There are something like eleven hundred cases upon the docket of that committee in the House. There are nearly six hundred before the Committee on Pensions in the Senate. The Senator will therefore see that it is absolutely essential for the efficient discharge of the duties of that committee that there should be some extraclerical compensation allowed. I hope that by common consent the vote by which the amendment was agreed to will be reconsidered and the clause allowed to stand as it came in the bill from the House of Representatives.

Mr. WINDOM. I do not know that I have any special objection to the reconsideration; but I want to say with reference to the suggestion of the Senator from Kansas that the committee seem to have been intermeddling with House affairs——

Mr. INGALLS. No, I did not make that suggestion.

Mr. WINDOM. As the committee read this proposition it was to give back pay to the clerk of the Committee on Invalid Pensions in the House, and knowing the opposition of that House as well as this to back pay, the committee thought it would be doing them a favor as well as ourselves to strike it out, at least for consideration. Undoubtedly the clerk of that committee knew when he took his appointment something of the character of the work to be done, and I presume he receives the same pay that former clerks of that committee received; but this bill proposes to go back to the time of his appointment and pay him at the rate of $1,800 per annum. The people of this country have expressed themselves very emphatically upon the subject of back pay; and acting upon that, the committee struck it out.

Mr. INGALLS. The clause expressly provides that any amount he shall have received shall be deducted from this compensation.

Mr. WINDOM. That is very true; but this is an increase, and he takes back pay for the increased sum.

Mr. INGALLS. It is precisely the same amount that has been paid the clerk of that committee in previous Congresses. The Senator states that he knew what amount of business he would have to perform. I would say that the number of cases has been very considerably increased; I think it is more than threefold what it ever has been before any committee of the body previously.

Mr. WINDOM. I ask the Senator, if he received the same compensation before, why is it necessary to pass this act? He must have received $1,800 from the time of his appointment then.

Mr. INGALLS. Because the provision previously has been for pay merely during the sessions of Congress; but the amount of business now before the committee is such that it is absolutely indispensable that the clerk should have compensation to enable him to stay after the expiration of Congress, in order to restore the papers to the Pension Office, if nothing else.

Mr. WINDOM. If it is so, it is not back pay, as the committee understood it to be, because he commenced his services last December; did he not?

Mr. INGALLS. Yes, sir.

Mr. WINDOM. That would not be back pay.

Mr. INGALLS. He took his place on the committee at the commencement of this session of Congress.

Mr. WINDOM. I make no objection to the amount, with that explanation.

Mr. INGALLS. I ask unanimous consent that the action of the Senate be reconsidered and that the item stand as it came from the House.

The PRESIDING OFFICER. Is there objection? The Chair hears none. By unanimous consent the vote is reconsidered and the item restored.

Mr. HARVEY. I move to amend the bill by inserting after line 1264:

For workshop for military convicts at the military prison at Fort Leavenworth, $60,000.

Mr. WINDOM. I ask the Senator for an explanation of that and a statement of the authority upon which he offers the amendment.

Mr. HARVEY. At Fort Leavenworth is located, I believe, the only military prison in the United States for the detention of military convicts. It has been but lately located there, and there are no shops there in which the men can be employed as the convicts are in other penitentiaries. It is better for the physical and moral health of the men that they should be employed. That is recognized as a fact in all penitentiaries of every kind, I believe, throughout the world.

As to the authority with which the proposition comes, I am credibly informed that the commander of the department in which this prison is located had estimates made, with plans and specifications, and that such papers were forwarded to the War Department. The member of the House from the district in which the prison is located, I understand, applied to the Department for information on this subject, and has not yet received it, owing to the changes that have been made in the Department in the last few months.

Mr. WINDOM. I regret exceedingly to raise the point of order; but it seems to me that in the estimation of the Department this matter could not have been as pressing as it is in the estimation of my friend. We should have some letter, some indication from the Department direct that it is necessary. We have no estimate, no communication from the Department on the subject. I therefore must raise the point of order.

Mr. HARVEY. I was just going to state that within the last few months, as all Senators know, the head of the War Department has been changed two or three times, and in the confusion thus arising the evident necessity of this improvement may have been overlooked.

Mr. WINDOM. I think the head of that Department has been examining this bill quite carefully, because only this morning he requested us to reduce from $40,000 to $16,000 one item on this very subject of prisons. So I think he has not overlooked it.

Mr. HARVEY. My understanding is that the reduction to which the Senator refers was upon an item of appropriation to maintain convicts that were incarcerated elsewhere, in State penitentiaries, and properly made because the necessary cost of maintaining them could be greatly reduced by forwarding them to this prison constructed for the purpose. I think that is the very reason why that estimate could be so reduced.

Mr. WINDOM. Although this discussion is out of order, I hardly think the Secretary of War anticipated that we would build this prison without any recommendation. So he could hardly have made this request expecting that we would volunteer to build a prison.

Mr. HARVEY. The prison is already built; and it is in such a condition that prisoners can be incarcerated there; and this proposition is to build workshops wherein they may be employed. Every one knows that prisoners of any kind are much better when employed, the discipline is better, the health is better, the morals are better; it is better for the community that every one should have employment even though he be restrained of his liberty for a time. It is with this view I offer the amendment.

The PRESIDING OFFICER. The Chair understands that the question of order is raised on the ground that this amendment is not recommended by the head of any Department or by any standing committee of the Senate and referred to the Committee on Appropriations. If those facts be so, the Chair sustains the point of order.

Mr. HARVEY. Does the Chair rule that it is out of order?

The PRESIDING OFFICER. The Chair rules it out of order.

Mr. HARVEY. Then I have nothing further to say.

Mr. CONOVER. I have an amendment to offer. On page 37, after line 893, I move to insert:

For the protection of the naval timber lands, $5,000.

I will state that that has been the usual appropriation for years. By inadvertence, I suppose, it was left out of the naval appropriation bill this year. It is very necessary that an appropriation of that kind should be made for the live-oak and pine lands, where the timber is subject to thieves, depredators, and it is taken away.

Mr. WINDOM. Is it recommended by a committee or by the Department?

Mr. CONOVER. I think not; but I think the committee ought not to object to it inasmuch as it has been done for years. It is a customary appropriation. It is in several of the naval appropriation bills that I have looked at.

Mr. WINDOM. Evidently in the opinion of the Department it is not as necessary as it has formerly been; and, as they have not estimated for it, I am compelled to raise the point of order.

Mr. CONOVER. I think they did estimate for it; but for some reason, either because of the absence of the Senators from Florida or something else, it was left out of the naval bill.

The PRESIDING OFFICER. The Chair is obliged to sustain the point of order. The amendment is not in order.

Mr. WHYTE. I move to reconsider the vote by which the amendment of the committee on page 8, line 167, was agreed to, and I desire to state just at this moment that I shall, if that motion succeeds, offer an amendment to reduce the appropriation for the Interior Department, on line 170, and also for the Post-Office Department, on line 174. The reason is this: There is a great discrepancy between the House and the Senate on the appropriations for printing for these Departments. I have taken the reports of the Congressional Printer for 1873, 1874, and 1875 and examined them carefully and made a table. It seems to me that $50,000 can be taken off these appropriations without doing any harm to any one. They are largely in excess of the expenditure of the past, and I think we can get nearer to the House if we keep closer to the expenditures of the past.

In 1873 the Interior Department spent for printing $70,328.76; in 1874, $191,134.45; in 1875, $209,737.56; and yet there is an appropriation in this bill of $225,000, $15,000 more than was expended last year, instead of a reduction. So of the Post-Office Department. Its printing bill was $87,332.88 in 1873; $160,756.44 in 1874; $157,689.94 in 1875; and the Senate increases it to $175,000 in this bill. So of the War Department. Its printing in 1873 cost $43,508.79; in 1874, $94,616.13; and in 1875, $99,998.28; and the Senate committee increases it to $120,000 in this bill.

I propose, if we reconsider these three propositions, to offer amendments reducing them to the actual expenditures. The table before me exhibits the figures as to all the Departments:

Amounts expended for printing for the various Departments for the years ending September 30, 1873, 1874, and 1875.

Departments.	1873.	1874.	1875.	1877.†
Treasury	$137,645 74	$324,508 97	$301,508 10	$300,000
Interior*	70,328 76	191,134 45	209,737 56	225,000
Post-Office*	87,332 88	160,756 44	157,689 94	175,000
War*	43,508 79	94,616 13	99,998 28	120,000
Navy	38,730 24	67,286 20	69,840 21	65,000
State	4,807 16	16,579 35	24,993 91	25,000
Department of Justice	2,668 30	6,130 63	6,681 64	10,000
Agriculture	4,987 06	18,035 10	16,973 12	15,000
Supreme Court United States	14,279 60	24,748 98	24,999 75	20,000
Supreme court District of Columbia	168 41	997 87	3,071 02	5,000
Court of Claims	1,470 30	10,949 53	7,682 06	10,000

* Should be reduced: Interior, $15,000; Post-Office, $15,000; War, $30,000; total, $50,000.

† Amendments of the Senate.

Mr. WINDOM. Is it in order to move to reconsider the vote on separate amendments in this paragraph? The Senate adopted the amendments as a whole.

The PRESIDING OFFICER. The motion is to reconsider the vote by which the amendment referred to was adopted. The Chair thinks it is in order.

Mr. WINDOM. Can a motion be made to reconsider a portion without reconsidering the whole of the amendments?

Mr. SARGENT. I trust my colleague on the committee will not insist on that point. That would prevent us hereafter from taking a vote in gross. I think it would be a very bad precedent to set. It is very convenient to concur in the whole; but if a Senator afterward found that by that he forfeited his right to act upon a separate amendment, it would discourage the practice. I hope the point of order, even if it be good, will not be insisted upon.

Mr. WINDOM. I suppose we are not bound by precedents in this matter, but by the rule; and the rule is to reserve such amendments as are desired for separate action.

The PRESIDING OFFICER. The present occupant of the chair was not in the chair when the bill was reported from the Committee of the Whole to the Senate. Whether any particular amendments were reserved, he is not aware.

Mr. WHYTE. According to the record, if I remember correctly, the Senator from Minnesota himself reserved the right to make an amendment after the adoption of these amendments in gross.

Mr. WINDOM. Not to make amendments upon the amendments already agreed to, but to offer additional amendments to the text.

Mr. WHYTE. There was a reservation, then, at that time. If I am not mistaken some amendments have been already reconsidered this morning.

Mr. WINDOM. By unanimous consent.

The PRESIDING OFFICER. The Chair does not understand the Senator from Maryland to make a motion to reconsider any particular amendment; but he proposes to reconsider three amendments.

Mr. WHYTE. Yes; I propose to reconsider these amendments——

Mr. SARGENT. Take one at a time.

Mr. WHYTE. If there is no objection, I will make the motion in that form.

Mr. DORSEY. I object to reconsidering any amendment that has been adopted by the Senate. My understanding is that the bill was reported from the Committee of the Whole, and the amendments which were not excepted to, not reserved, were adopted by the Senate and cannot now be called up again.

Mr. WINDOM. I raise the point of order on this question for another reason. I am told we are threatened with a four-hours' speech from some quarter if this vote is reconsidered, and I am sure the Senate do not want that.

Mr. WHYTE. I should like the Senator from Minnesota to inform us from what quarter he expects it. I do not think anybody has four hours' speaking in him this day; certainly it is not I.

Mr. WINDOM. It is a vague apprehension of mine, increased by some indications I have seen and statements I have heard.

Mr. WHYTE. I thought we were limited to five minutes. I thought that rule had been adopted.

Mr. WINDOM. It is very easy to avoid that rule, of course.

Mr. WHYTE. As far as I am concerned, I give my friend from Minnesota fair notice that if this vote is reconsidered he will not get a five-minute speech out of me. I only want to make a movement in the interest of economy, and I desire to call the attention of the Senate to the fact that we are actually appropriating more money for next year for the printing of these three Departments than they spent last year.

The PRESIDING OFFICER. Will the Senator from Maryland designate the amendment he wishes reconsidered.

Mr. WHYTE. I will try the question on the first. I move to reconsider the vote by which the amendment appropriating $120,000 for the printing and binding for the War Department, in line 167, page 8, was adopted by the Senate.

Mr. WEST. Without saying anything about the merits of the proposition of the Senator from Maryland, I venture to call the attention of the Senate to the fact that if we embark on that practice now there will be no end to an appropriation bill; and I ask the ruling of the Chair on the point whether an amendment adopted in Committee of the Whole and concurred in in the Senate can afterward be reconsidered in the Senate.

The PRESIDING OFFICER. The Chair thinks that, these amendments having been concurred in in the Senate, a motion to reconsider is in order.

Mr. WEST. Let me ask the Chair whether these amendments have been agreed to in the Senate or in Committee of the Whole?

The PRESIDING OFFICER. Both, as the Chair understands. They were first agreed to in committee and then concurred in by the Senate in gross. The Chair does not profess to be much of a parliamentarian, and has followed the advice of one better informed than himself in such matters. The question is on the motion to reconsider, as made by the Senator from Maryland.

Mr. DORSEY. I should like to know the ruling of the Chair on the point of order. I have not understood the ruling yet.

The PRESIDING OFFICER. The Chair rules that the motion to reconsider is in order.

Mr. ANTHONY. It seems to me that the Senate as in Committee of the Whole passed certain amendments; the bill was then reported to the Senate; the Chair then put the question, Shall the amendments adopted in Committee of the Whole be concurred in by the Senate? Several amendments were excepted and all the other amendments were concurred in by one vote. Undoubtedly it is in the power of the Senator from Maryland to move to reconsider the vote by which all the unexcepted amendments were concurred in, but he cannot move to select one amendment and move to reconsider that because there was no vote taken adopting such amendment. You can only reconsider a vote which has been taken, and the vote which was taken was to concur in all the amendments with certain exceptions, and these amendments referred to by the Senator from Maryland were not excepted. It seems to me that the proper mode of proceeding is to move to reconsider the vote by which the Senate concurred in the amendments of the Committee of the Whole, and that opens the whole bill, and then it is in the power of any Senator to move to reject any amendment that was adopted in committee.

The PRESIDING OFFICER. The Senator from Rhode Island is undoubtedly correct. The Chair supposed there was a separate vote upon this identical amendment that the Senator from Maryland now moves to reconsider.

Mr. ANTHONY. My recollection is that there was not.

The PRESIDING OFFICER. If the vote was on the amendments in the aggregate, the Chair would rule that a motion to reconsider any one of the particular amendments concurred in in gross would not be in order.

Mr. WHYTE. As this is a precedent, I think we had better understand it as we go along. As I understand, for the purpose of saving the time of the Senate we permit amendments to be adopted in gross, and especially reserve certain amendments out merely for the convenience of the Senate. I do not understand that there is any rule of the Senate which precludes a Senator from afterward moving to reconsider a particular amendment that may have been adopted in gross. Hereafter, however, when Senators ask us to allow them to be adopted in gross, we shall know that they mean to cut themselves off from every motion to reconsider that is not permitted unanimously by the Senate.

Mr. ANTHONY. Undoubtedly.

Mr. WHYTE. never understood that rule to prevail in the Senate before.

Mr. ANTHONY. It has prevailed for seventeen years to my certain knowledge. How can you reconsider a vote that you have not passed? After the bill had been reported to the Senate, the Senate never adopted the motion which the Senator from Maryland desires to reconsider. It adopted a general motion covering a large number of amendments, and the Chair gave notice—I presume the Chair did—that any Senator who desired to reserve any amendment could do so, and those amendments which any Senator desired (there were three certainly) were reserved. The Chair then put the question upon all the other amendments in bulk; and they were concurred in; and then the Chair put the question upon the three reserved amendments separately. Now the Senator from Maryland can move to reconsider the vote by which the amendments made as in Committee of the Whole were agreed to in bulk. The motion to concur in those amendments is a motion which the Senate has adopted, and therefore it is capable of reconsideration; but you cannot move to reconsider a quarter of a vote. You must move to reconsider the whole or none at all. If the only motion which I apprehend is in order prevails, to reconsider the amendments concurred in in bulk, then all the amendments adopted in Committee of the Whole, except the reserved ones, are open for the consideration of the Senate and the bill is practically back in Committee of the Whole again.

Mr. WHYTE. This question shall not go upon a point of order. I move, therefore, to reconsider the vote by which all the amendments of the Committee of the Whole were adopted in gross in the Senate, with the view only of offering this proposition afterward.

Mr. ANTHONY. That motion is entirely in order. Now, for the sake of being enlightened, I should like to know what is the purpose of the Senator from Maryland in making that motion? What amendment does he propose to make?

Mr. WHYTE. I have already stated.

Mr. ANTHONY. I know, but I did not hear it fully.

Mr. WHYTE. It is to reduce the appropriation for printing for the Interior Department, the Post-Office Department, and the War Department $50,000 in the aggregate. This is for printing the blanks. I am satisfied that if a proper investigation is made of the Congressional Printing Office it can be reduced next year one-half for that purpose, at least 40 per cent.

Mr. ANTHONY. If Congress will repeal the law by which we pay to the printers here an excess, estimated by the employing printers rather largely I think, but estimated by them in testimony which was given before the Committee on Printing at 56 per cent. above the wages paid elsewhere, and if we will exact of the men who work for the Government the same number of hours of labor that are exacted of men who work for other employers, I have no doubt we can reduce the expense of public printing 25 per cent. The reason why it has not been reduced is the fault of Congress. We pass a law by which a man that is employed by the Government shall receive higher wages for working eight hours than a man who is employed by individuals receives for working ten hours, and then we complain that the cost of the Government printing is more than the cost of private printing. It is more, of course, and the fault is our own.

Mr. WHYTE. No, Mr. President, there is another reason. The mode of charging the Departments is not a proper mode. Stereotyped plates are used to print blanks, and when the blanks are reprinted the Departments are charged for composition over and over again. I have taken the trouble to examine it carefully.

The PRESIDING OFFICER. The question is on the motion to reconsider the vote concurring in all the amendments made as in Committee of the Whole which were concurred in in gross.

Mr. WINDOM. I hope the vote will not be reconsidered, and I think there is no necessity for it. If there is, and the bill is re-opened to amendment, to discussion, and a vote upon each proposition, we shall not probably get through with it before midnight to-night, and perhaps not this week. So far as this question is concerned on the appropriation for printing in the various Departments, I think I am safe in saying that it does not exceed last year's. There is no extrav-

agance in this appropriation. There may possibly be a re-arrangement of the items so that in some cases there is a difference, but I think the total is the same.

The PRESIDING OFFICER. The question is on the motion to reconsider.

The motion was not agreed to.

Mr. BOUTWELL. I submit an amendment to come in after line 1206:

For the expenses of the investigation of the late election in Mississippi, $2,500.

The appropriation was $10,000. Of that sum there has been expended $8,000. The reporters have not been paid. The precise amount that will be due them is not now known; but it is pretty certain that the $10,000 will not be sufficient; and therefore I ask that this additional appropriation be made.

The amendment was agreed to.

Mr. WINDOM. I offer one more amendment, and I believe it is the last. I move to insert a clause after line 1647. The committee struck out a similar provision, but upon further information find that there is a law providing for the service; they desire to re-instate substantially the same proposition. I move to insert:

To enable the Secretary of the Interior to carry into effect the act of March 3, 1875, to provide for the sale of the buildings and grounds known as the Detroit arsenal, in the State of Michigan, by appraising and surveying the property and advertising its sale, $1,000.

The amendment was agreed to.

Mr. CONOVER. I wish to ask the Senator from Minnesota to withdraw his point of order in regard to the amendment I offered a little while ago.

Mr. WINDOM. I am informed that there is an estimate for it, and therefore the point of order does not apply.

Mr. CONOVER. There is an estimate in the book before me.

The PRESIDING OFFICER. The amendment will be reported.

The CHIEF CLERK. The amendment is on page 37, after line 893, to insert:

For the protection of the naval timber lands, $5,000.

The amendment was agreed to.

Mr. FRELINGHUYSEN. I rise to offer an amendment. We had a discussion here to-day on an amendment in reference to the commissioner to the international penitentiary congress. It appeared by the statements of the Senator from Maine, by the letter from Governor Seymour, and by other facts, that the commissioner, Mr. Wines, acting under the commission of the President, and in view of the act of Congress making an appropriation of $8,000, actually expended from two to three thousand dollars. Now he is a poor man, and I am free to say that I believe there is not a Senator on this floor who, had he given Mr. Wines the encouragement that the Government gave him to believe that the expenses which he defrayed out of his own pocket were to come out of that appropriation of $8,000, would not pay Mr. Wines that money, if it was the last $3,000 he had in the world.

Now, ending this whole commission, making no appropriation for the future, I propose this amendment.

That the sum of $3,000, or such part thereof as may have been expended by E. C. Wines when acting under the supposed authority of an act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1876, and for other purposes, approved March 3, 1875, be, and is hereby, appropriated to pay such expenditure.

I hope that may receive the approval of the Senate.

Mr. BOGY. He expended money on his own account, expended money for the purpose of preliminary preparation to educate himself. A man can travel all over Europe for less than $3,000. He certainly had no right to go all over Europe. All he was expected to do, if he went at all, was to go to one place. The whole thing is an effort here to get money out of the Treasury to enable this gentleman to go to Europe whenever he may take it into his head to go there. I think it is rather a small effort of my friend from New Jersey. We have passed upon a thing once already after discussion. I do not see why another effort should be made to force into the pockets of this gentleman money to pay his expenses when traveling in Europe. He was unauthorized to go there. Even the amendment itself speaks of a supposed authority. He had no right to misconstrue the resolution. He was appointed to go to the city of Rome to attend a convention. No convention was held there; and therefore he had no right to go. The whole thing seems to me to be only an effort to pay the expenses of a gentleman traveling in Europe.

Mr. FRELINGHUYSEN. It is an effort to have the United States act fairly. While the Senator from Missouri may think it is a small way, I think it is a very small way for the Government to act. They may do what they please as to future expenditures. They passed an appropriation of $8,000, which Governor Seymour says in his letter was understood to apply to the expenses of this commissioner, and he so understood it, but by reason of a very close construction of the statute it was held by the Secretary of State not to reach his case except while he was in actual attendance on the congress. Such expenses as were incidental to his traveling in order to create an interest in this subject were disallowed; and the application of Governor Seymour is that they shall be allowed. My friend says it is a small way to do things. Why, Governor SWANN and Horatio Seymour both appeared before the Appropriation Committee, I am informed, urging this matter as a just claim of this man; and it seems to me that if we pay out of this appropriation that is made the money which he has actually paid out of his own pocket, supposing—I use that word intentionally—that it was within the appropriation, we do nothing more than simple justice. The Secretary of State will be careful to see that no part of this $3,000 is expended unless it comes within the description of the amendment.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from New Jersey.

The amendment was rejected; there being on a division—ayes 16, noes 22.

The PRESIDENT *pro tempore*. The question is on ordering the amendments to be engrossed and the bill to be read a third time.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

DISTRICT TAX BILL.

Mr. EDMUNDS submitted the following report.

The committee of conference of the two Houses on the disagreeing votes of the same upon the amendments of the Senate to the bill (H. R. No. 2676) to regulate the assessment and collection of taxes for the support of the government of the District of Columbia, and for other purposes, having met, after full and free conference have agreed to recommend, and do recommend, to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate to said bill and agree thereto, amended as follows:

First. In section 1, line 9, after the word "the" insert the word "assessed."

Second. In section 4, lines 28 and 29, strike out the words "on such part or parcel of land as said tax relates to."

Third. Section 4, line 29, strike out the word "law" and insert the words "this act."

Fourth. Section 4, line 21, after the word "every" insert the word "secular."

Fifth. Section 7, line 12, after the word "accrue" insert the following words:

"And for want of such goods and chattels said collector may levy upon and sell at auction in like manner the estate and interest of such person, firm, association, or corporation in any parcel of land in said District, and in that case the proceedings as to such land subsequent to sale shall be the same as in the case of taxes against real estate as in this act provided."

Sixth. Section 8, line 9, strike out the word "said" and insert the word "such."

Seventh. Section 8, lines 20, 21, and 22, strike out the words "the stock, so far as the individual owner is concerned, of any corporation which is taxed on its capital in said District, sixthly."

Eighth. Section 10, lines 40 to 45 inclusive, strike out the following words: "And the person so refusing shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined in any sum not exceeding $500, to which may be added imprisonment not exceeding thirty days."

Ninth. Section 10, lines 50 to 53 inclusive, strike out the following words: "And if the return provided for in this act shall not be made by any firm, each member thereof resident of said District shall be liable to the penalties of this act."

Tenth. Section 11, line 5, after the word "value" insert the words "and the shares in the same shall not be assessed against the individual owners thereof."

Eleventh. Section 12, line 26, strike out the word "thereunder."

Twelfth. Section 12, insert at the end thereof the following words: "In case the assessors shall fail to complete any of the duties in this act to be by them performed within the times provided therefor, the taxation provided by this act shall not by reason thereof be invalid, but such assessors shall proceed with all reasonable diligence to complete such duties, and their acts shall be valid, as if performed within the times fixed therefor."

Thirteenth. Section 19, strike out the whole section and insert:

That the twenty-third section of the act of the Legislative Assembly of the District of Columbia entitled "An act imposing a license on trades, business, and professions practiced or carried on in the District of Columbia," approved August 23, 1871, clauses 20 and 35 of the twenty-first section of said act and clause 16 of said twenty-first section of said act as amended by the act amendatory thereof, approved June 20, 1872, and all other laws and acts, or parts thereof, inconsistent herewith, be, and the same are hereby, repealed.

And the Senate agree to the same.

GEO. F. EDMUNDS,
T. J. ROBERTSON,
Managers on the part of the Senate.

LAWRENCE T. NEAL,
JULIAN HARTRIDGE,
GEORGE WILLARD,
Managers on the part of the House of Representatives.

Mr. EDMUNDS. I will merely say that this report is in substance in every particular what the Senate agreed to in the amendment which it adopted to the House bill. The only difference that can be said to approach substance is that we struck out the clause that provides for a criminal punishment for a person who does not return his list, leaving the assessors to assess on their own judgment and information, and add 50 per cent., not making it a crime to fail to return the list. I believe in every other respect that touches substance this is the amendment as agreed to by the Senate.

Mr. CONKLING. What is the object of striking out "such part or parcel of land as said tax relates to?"

Mr. EDMUNDS. The reason is that in the place where that phrase occurred it ran the tax on personal estate and the tax on realty, in respect to which the real-estate tax was a lien, together; and we have provided in another section for the personal tax separately and to allow that to be collected out of the personal estate of the man who owes it, and also for the want of personal estate out of his real estate. To guard against any misunderstanding we struck that out, so that that section applies solely to the tax on real estate, and that made those words unnecessary there.

The report was concurred in.

PAY OF P. B. S. PINCHBACK.

Mr. MITCHELL. I move that the Senate proceed to the consideration of the Pinchback resolution.

Mr. CONKLING. I ask the Senator from Oregon to allow me, if he will, to ask to have taken up a bill which will take but a moment.

Mr. MITCHELL. Allow me to get the resolution up.
Mr. CONKLING. It is up.
Mr. MITCHELL. Is the Pinchback resolution up?
The PRESIDING OFFICER, (Mr. CRAGIN in the chair.) The Senator from Oregon moves that the resolution in regard to Mr. Pinchback's pay be now taken up.
Mr. BAYARD. Has the Chair declared the passage of the sundry civil appropriation bill?
The PRESIDING OFFICER. The bill was passed.
Mr. BAYARD. An amendment that I offered was reconsidered; and it seems to me that in order it should either have been rejected or adopted before the passage of the bill.
Mr. CONKLING. It was laid on the table on a motion which escaped the Senator.
Mr. SHERMAN. I made the statement that I thought, as it contained legislative provisions and was controverted, it had better lie on the table, and I made that motion. The Senator was present but may not have heard it.
Mr. BAYARD. I did not hear it at the time.
The PRESIDING OFFICER. The motion was made and carried to lay the amendment on the table. The question now is on the motion of the Senator from Oregon to proceed to the consideration of the resolution in regard to Mr. Pinchback's pay.
Mr. ALLISON. I ask the Senator from Oregon to yield to me a moment to pass a bill which is of public importance, but will only take a moment.
Mr. CONKLING. I do not want to object to my friend, but I have a prior claim to take up a bill which will take about one minute by the watch.
Mr. ALLISON. This will take but half a minute by the watch.
Mr. CONKLING. I made my request first.
Mr. MITCHELL. I hope the resolution will be taken up.
The PRESIDING OFFICER. The question is on the motion of the Senator from Oregon to take up for consideration the resolution named by him.
The motion was agreed to.

CHANGE OF NAME OF STEAMER.

Mr. CONKLING. Now, I ask having permission of the Senator from Oregon, to take up a little bill to change the name of the steam-propeller Senator Mike Norton to America, which was reported from the Committee on Commerce a good while ago, and to which I think there can be no objection.
By unanimous consent, the bill (H. R. No. 702) for changing the name of the steam-propeller Senator Mike Norton to America was considered as in Committee of the Whole.
The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

SUPPLIES FOR INDIAN BUREAU.

Mr. ALLISON. I now ask the Senator from Oregon to yield to me that I may ask to take from the table House bill No. 3839. It is very important that the bill should pass to-night.
Mr. MITCHELL. I yield for that purpose.
The bill (H. R. No. 3839) to authorize the Commissioner of Indian Affairs to purchase supplies for the Indian Bureau in open market was read for information. It authorizes the Commissioner of Indian Affairs to purchase in open market, without the usual advertisement, for immediate use of the Indian tribes, such supplies as are required, to an extent not exceeding $150,000, which is appropriated for the purpose to serve until the regular appropriation bill shall be passed and approved, and the time now required by law for advertising and acceptance of proposals shall have elapsed. The sum so expended is to be deducted from the appropriate sums respectively appropriated under the regular appropriation bill when passed.
Mr. ALLISON. I desire to explain in a moment the object of this bill. Under existing law the Commissioner of Indian Affairs can only purchase supplies after advertisement for thirty days. The fiscal year begins to-day. It is absolutely necessary that temporary supplies should be furnished at certain places. The House of Representatives have authorized him to use $150,000 for that purpose, which shall be deducted from the regular appropriations when made, and allowed him to purchase in open market to that extent these necessary temporary supplies for the Indian service. I hope there will be no objection to the bill, as it ought to pass to-night.
Mr. MORTON. If it gives rise to any argument I shall call for the regular order.
There being no objection, the bill was read three times, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. G. M. ADAMS, its Clerk, announced that the House had agreed to the first and second amendments of the Senate to the bill (H. R. No. 1771) to declare forfeited to the United States certain lands granted to the State of Kansas in aid of the construction of railroads by act of Congress approved March 3, 1863, and had disagreed to the third amendment of the Senate to the said bill, asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. J. R. GOODIN of Kansas, Mr. B. S. FULLER of Indiana, and Mr. J. W. MCDILL of Iowa, managers at the conference on its part.
The message also announced that the House had passed a joint resolution (H. R. No. 140) authorizing Congress to meet in Independence Hall, Philadelphia, on the Fourth of July, 1876; in which it requested the concurrence of the Senate.

FORFEITURE OF RAILROAD LANDS IN KANSAS.

Mr. LOGAN. I move to take up the House joint resolution No. 139.
Mr. MITCHELL. I call for the regular order.
Mr. INGALLS. I rise to a privileged motion.
The PRESIDENT *pro tempore*. The Chair would like to lay before the Senate a House bill.
Mr. INGALLS. I rise to a privileged question. I move that the Senate insist upon its amendments to the bill (H. R. No. 1771) to declare forfeited to the United States certain lands granted to the State of Kansas in aid of the construction of railroads by act of Congress approved March 3, 1863, and agree to the request of the House for a conference on the disagreeing votes of the two Houses.
The motion was agreed to; and by unanimous consent the President *pro tempore* was authorized to appoint the committee.
Messrs. INGALLS, HITCHCOCK, and EATON were appointed the committee on the part of the Senate.

FURLOUGH TO GOVERNMENT EMPLOYÉS.

Mr. LOGAN. I ask the Senate to take up the joint resolution (H. R. No. 139) granting a furlough to employés in the Government Printing Office and others.
The PRESIDING OFFICER. If there is no objection the resolution will be read.
The joint resolution was read, as follows:

Be it resolved, &c., That the employés in the Government Printing Office be, and they are hereby, granted a furlough of twenty days without loss of wages, that they may have an opportunity of attending the centennial exposition; that a furlough of one week without reduction of pay be allowed to the employés of the other Executive Departments for attendance at the centennial exposition at such times as in the judgment of the chief officer of said Departments it may be done without detriment to the public service.

Mr. SHERMAN. I want everybody to go to the Centennial, and I think it would be well enough to offer a proviso for an appropriation to authorize every able-bodied citizen of the United States to go from his home, where he is engaged in private pursuits, to Philadelphia and enjoy for one week the hospitalities of that city and the fare of the crowded hotels there, and to pay him a reasonable price for it. There is no reason why because a man is an officer of the Government of the United States he should be invited at the expense of the Government to go to attend the centennial celebration. I have as much sympathy for those in the employ of the Government as anybody ought to have; I think I have as much as most persons have; but there is no reason why we should discriminate in favor of a person holding an office and pay his expenses to the centennial, because the practical effect of this is to give him for twenty days or whatever the time may be the wages allotted to him for his services while he goes to the Centennial. It is a great deal better for us to appropriate money enough to add to the limited supply of the poor people of this country who by hard labor are hardly able to collect money enough in the course of a year to pay their expenses, rather than pay those of persons who are liberally paid by the Government of the United States. Whatever may be said about it, the Government of the United States pays more for all employments, except the highest, than any other employer in the United States of America. We have an eight-hour law as to the Government employés; we have a higher rate of wages for Government employés, except only those who perform what are supposed to be the highest functions of official life.
Under the circumstances, for us to suspend all the operations of the Government and pay all our employés, postmasters, and everybody else their wages, while they go to Philadelphia, is an extraordinary proposition, to say the least. Although some people may think it is hypocritical, I have no doubt it was actuated by kindly feelings and good motives. No doubt my friend from Illinois thinks it will be a kind and generous thing to do to the Government employés; and yet it seems to me that it will neither be popular with the mass of the people who do not hold office but who attend to their business and add to the wealth of this country by their private employment, nor will it be right and just to the employés themselves. I am opposed to all discriminations in favor of employés as against the mass of the people of the United States. I am opposed to your eight-hour law when it is applied to Government employés and not to private citizens. I am opposed to every discrimination in favor of those who, after earnest seeking, hold public office.
Now, Mr. President, the best thing we can do with this bill, in my judgment, is to lay it upon the table. I do not make the motion now if any Senator desires to speak.
The PRESIDENT *pro tempore*. The question is on taking it up.
Mr. SHERMAN. Then I shall vote against taking it up. I supposed it was taken up and was pending and so I made my speech a little ahead of time.
The PRESIDENT *pro tempore*. A single objection will prevent its being taken up now.
Mr. SHERMAN. If a single objection will do it, I would rather object myself. I do not want to cut off my friend from Illinois making any remarks on the subject, but if a single objection will prevent its consideration I will make it when he gets through, if I do not waive my right to make it.

The PRESIDENT *pro tempore*. Not at all.

Mr. SHERMAN. Then I withhold it.

Mr. LOGAN. I have but a word to say. As far as the question of popularity is concerned, it did not occur to me at all. I do not suppose any person would be advanced very much by voting to extend a kindness to men who hardly ever vote and who have so little to do with elections as those in the Printing Office here.

Mr. SHERMAN. It applies to all employés, as I understand.

Mr. LOGAN. It applies to the printers in the Public Printing Office and to the clerks in the Departments at the discretion of the heads of the Departments. That is the language of it.

Mr. ANTHONY. May I ask my friend from Illinois does it apply to the clerks in the Departments at Washington alone, or to all clerks?

Mr. LOGAN. The best way to understand it is to have it read again.

Mr. HAMLIN. Let it be read.

The joint resolution was read.

Mr. MORTON. I wish to ask a question of my friend from Illinois whether in the Government Printing Office most of the employés do not work by the piece, so much for what they do of a particular kind of work; and, consequently, if they are absent their wages are stopped?

Mr. SPENCER. I think they work by the day; and, if they are absent a day, they lose their wages.

Mr. LOGAN. I cannot give the information, for I know nothing about how they are employed. This resolution passed the House, which appears to be the economical body of this country now, and this is part of the evidence of it. A committee of very nice gentlemen waited on me, and I thought it was not very wrong to give them this time, and they asked me as a favor to call up the bill. I said I would do so. I am in favor of the bill.

Mr. CONKLING. Will the Senator allow me a word?

Mr. LOGAN. Certainly.

Mr. CONKLING. I should like to ask as a matter of fact what is the rule in the Departments about the length of leave of absence to which the clerks are entitled in a year.

Mr. LOGAN and others. Thirty days.

Mr. WEST. Thirty days with pay.

Mr. CONKLING. And what in the Government Printing Office?

Mr. LOGAN. I do not think they have any leave in the Government Printing Office. I do not know that fact; but I have been told they do not grant leaves of absence in the Printing Office; but in all the other Departments the clerks have thirty days with pay. If the leave of absence is longer than thirty days, no pay is given for the time beyond the thirty days. This adds five days in this year for this purpose to the Government clerks over and above their thirty days, and gives to the printers in the Public Printing Office the time that is allowed to other employés. That is the way I understand the bill.

Mr. SARGENT. It occurs to me that as the dead lock between the House and Senate has been because the Senate has resisted the scaling down below the possibility of living of the clerks and employés of the Government, we resisting the proposition made by the House as one of rigid economy, this is a very singular bill to be sent to us from the House at the present time.

Mr. LOGAN. I admit all that, but at the same time I am for it. If the bill was left to me, I would probably not have introduced it. I think it is a very strange bill to come from the House, but not a strange bill for the Senate, because the Senate has been willing to do justice and right to these clerks all the time.

Mr. SARGENT. I believe that; but while it is a question whether we can really get them a decent living in exchange for a fair day's work, it seems to me we had better wait before passing this bill. I do not believe in giving men cake and luxuries while we are depriving them of the absolute necessaries of life. Let us secure their right to live at all, and then we can talk about giving them holidays.

Mr. LOGAN. Uniformly in this body since I have been here—I do not know that I had the opportunity in the other House before I came here, but if I had I certainly acted in the same line—I have not been one of those representatives of the people who have always been talking about high salaries, and trying to cut down a few dollars for the purpose of demagoging before the country. I despise that kind of demagogism, for it is very small and very cheap. The people of this country in intelligence look upon it as being very small and very cheap. I never have voted in this Senate for a reduction of salaries. I never have believed they were too high; I do not believe they are to-day; but I see the attempt made. Here are Senators getting $5,000 a year for sitting here and working day and night. I believe they are as hard worked a set of men as there are in the United States, and they get less money than their ability would bring them in a common mercantile house, in a railroad office, or anywhere else; and yet we find a certain class of gentlemen who are so eager to please their constituents that they want to cut down 10 per cent. one year and then commence back the next year. I call that demagogism of the smallest kind and character; and the cutting down of a poor clerk's pay $50 when he gets but $1,500, is a piece of the smallest, least, petty demagogism that I ever knew of anywhere in a deliberative body.

When men go before their constituents and show them that the pay is only what it ought to be and that they can hardly live on it, if we have intelligent constituents, those constituents will sustain them always. If my constituents think that I am not legislating properly when I refuse to reduce a salary that is only $5,000 down to $4,500, when I know the man cannot pay his expenses out of it, they can correct me. They will have to instruct me certainly if they do get me to vote for any such thing, for it is not the correct kind of legislation. The legislation that is attempted this session is legislation for the purpose of obtaining the labor of men who are not qualified to perform the duty, getting clerks in the Departments here at a small amount of money, men that cannot be employed at home perhaps to do anything. That is the class of men you will get when you give them inadequate pay, and the class of men you will get in these Chambers, too, when you do not pay properly. Poor men who have nothing but their reputation and ability cannot come here to legislate for the people if they are not compensated, and the result is to give the legislation into the hands of the rich and deprive the poor of a chance. That has been the tendency in legislation here for a while, and an attempt is made now to legislate so that bankers and merchants and railroad men and rich men can come here and legislate for themselves instead of legislating for the people. That is the result that will be produced. You legislate to bring here a class of business men in this country that have an income sufficient to enable them to come here and spend their time, and their legislation is always for themselves. That has always been the experience of this country and every other when people were called to legislate because they received no pay for it or to do any duty for which they were not paid properly.

As I said, I am willing to give these clerks this allowance. I agree with the Senator from California that it is strange legislation for the House. They cry economy all the time until they think they can make a little political capital, and then they do not care what it costs. I have no doubt this bill will cost the Government some money, and I am willing to vote it and give these employés the time, because I believe the clerks here do their duty, are hard worked, and I believe they are just as much entitled to go to see the centennial exposition as anybody else. They are poor and have not the money, and I am willing to vote them twenty days' time that they may go. I do not do it on the ground of economy, for I am not one of the men always crying economy and then voting all the money I can get a chance to vote away. I believe in salaries that will pay men for the labor they perform. I do not want to give them extravagant salaries, but to deal fairly and honestly with them. I do not believe in demagogism, I do not care whether it comes from republicans or democrats. I hate a demagogue and always have and always shall.

Mr. MORTON. I do not agree with the remarks made by the Senator from Ohio. People in private business can go and come when they please, according to their ability; but if these clerks leave their places without permission, they are in danger of losing their offices. Their case is, therefore, somewhat different from the case of people who are engaged in private business.

It is said that the clerks in the Departments have a leave of thirty days every year without a loss of pay, but that the employés in the Printing Office have no leave at all. I trust, therefore, that they will be allowed to go there and see the exhibition if they desire to do so, and that additional facilities will be extended to the clerks in the Departments. I hope the people of the United States will generally go there and see that exposition. I think Congress adjourned about a month and a half ago for some days, and most of the members went there. I went myself. We adjourned over, I think, three or four days, and, if my recollection is correct, we adjourned once last winter and went over there and had a reception and a banquet given us. I suppose they will hardly give the clerks a banquet. But there has been no objection on the part of Congress to an adjournment even when the exhibition was not going forward as an exhibition or was just opening, and I think it would hardly be liberal to deny this to the clerks. Let us do by them as we are willing to do by ourselves.

Mr. ANTHONY. When we adjourned to go to Philadelphia we necessarily prolonged the session by just the number of days that we took an adjournment for. If we take the money of the people to give this favor to the employés of the Government of one description, why are we not bound to do the same for the other employés? Why not the employés of the navy-yards and the arsenals; why not those in the custom-houses and in the post-offices? Why confine it to those in the city of Washington? Is an employé of the Government in the city of Washington entitled to more consideration than one in Indianapolis or Providence? Why should they not all go?

Then, again, I would respectfully suggest why should a man who is in the employ of the Government receive a favor that is not given to one that is not in the employ of the Government? It seems to me that in order to make the proposition fair and equal it should be extended to all the citizens of the United States, and as I am a woman's rights man, I should say, without distinction of sex, all should have a chance to go to the Centennial, and the week's or twenty days' furlough should be paid for by the Government.

Mr. LOGAN. Now, I should like to ask the Senator from Rhode Island one question. The Senator is a very frank man and certainly is as devoid of anything like unfairness as any gentleman I know; but does he think that is a fair argument to say "extend it to all citizens of the United States?" The citizens of the United States are free; they can do as they please. These people are not; they cannot go unless they have permission, and that permission has to be by a law of Congress.

Mr. ANTHONY. Grant them permission; but we grant them permission without rebate of pay. In effect we pay them their expenses.

Mr. LOGAN. So you do; but every officer of the United States Government in the Army or Navy under the law to-day is entitled to thirty days' leave every year on pay. So you have a law in reference to all your employés in the Post-Office Department. The post-office in your own town gives thirty days' leave of absence; so they do in mine and everywhere else.

Mr. ANTHONY. Do the private soldiers have it, or the officers only?

Mr. LOGAN. Officers, and private soldiers too.

Mr. ANTHONY. Does a private soldier have thirty days' leave of absence every year?

Mr. LOGAN. I do not remember that he does. That depends upon whether the officers grant it or not; but leaves of absence are always granted in the Army to men who do their duty, whether private soldiers or officers. We have a law giving them absolutely thirty days' leave of absence where they can go, and the officer cannot prevent them. It applies to all officers of the Government. So I do not see any great hardship in this. A few printers here do not get leave of absence, and this is to allow them to have it and to give five days more to the clerks in the Departments at a time when the heads of Departments think they can spare them from their employment. A few can go at a time. I do not think there is anything wrong in it.

The PRESIDENT *pro tempore*. The question is on taking up the House joint resolution moved by the Senator from Illinois.

Mr. SHERMAN. Very well; let the Senate take a vote upon it.

Mr. PADDOCK. I hope the Senator from Ohio will withdraw his objection.

Mr. SHERMAN. I will let the Senate decide the question.

The PRESIDENT *pro tempore*. The Senator from Illinois moves to take up this joint resolution for consideration.

Mr. SHERMAN called for the yeas and nays, and they were ordered; and being taken resulted—yeas 14, nays 25; as follows:

YEAS—Messrs. Allison, Bruce, Cameron of Pennsylvania, Cameron of Wisconsin, Caperton, Christiancy, Ferry, Hitchcock, Logan, Morton, Paddock, Patterson, Spencer, and Windom—14.

NAYS—Messrs. Anthony, Bogy, Boutwell, Clayton, Cockrell, Conkling, Edmunds, Frelinghuysen, Goldthwaite, Gordon, Howe, Ingalls, Key, McCreery, Maxey, Mitchell, Morrill of Vermont, Norwood, Robertson, Sargent, Saulsbury, Sherman, West, Whyte, and Withers—25.

ABSENT—Messrs. Alcorn, Barnum, Bayard, Booth, Burnside, Conover, Cooper, Cragin, Davis, Dawes, Dennis, Dorsey, Eaton, Hamilton, Hamlin, Harvey, Johnston, Jones of Florida, Jones of Nevada, Kelly, Kernan, McDonald, McMillan, Merrimon, Morrill of Maine, Oglesby, Randolph, Ransom, Sharon, Stevenson, Thurman, Wadleigh, Wallace, and Wright—34.

So the motion was not agreed to.

MEETING IN INDEPENDENCE HALL.

The PRESIDENT *pro tempore*. The Chair will lay before the Senate a joint resolution from the House.

Mr. SARGENT. I move that when the Senate adjourns it be to meet on the 5th instant. I want an opportunity to have the motion voted on.

The PRESIDENT *pro tempore*. The Chair will give the opportunity.

Mr. SARGENT. Very well.

The joint resolution (H. R. No. 140) authorizing Congress to meet in Independence Hall, Philadelphia, on the 4th of July, 1876, was read the first time. It declares that the two Houses of Congress will meet in joint convention in Independence Hall, Philadelphia, on July 4, 1876, at nine o'clock a. m., for the purpose of passing appropriate resolutions in commemoration of the great event which in that same hall one hundred years ago brought this nation into being.

The PRESIDENT *pro tempore*. The resolution will be considered read the second time——

Mr. EDMUNDS. I do not want it considered read the second time.

Mr. LOGAN. I object to taking it up.

COURTS IN FOURTH CIRCUIT.

The PRESIDENT *pro tempore* laid before the Senate the amendments of the House of Representatives to the bill (S. No. 769) to alter and appoint the times for holding the circuit court of the United States for the fourth judicial circuit, and for other purposes.

Mr. EDMUNDS. I move that the amendments, with the bill, be referred to the Committee on the Judiciary.

The motion was agreed to.

FOX RIVER IMPROVEMENT—VETO MESSAGE.

The PRESIDENT *pro tempore*. There is a message from the President of the United States on the table, which the Chair will submit.

The Chief Clerk read the following message:

To the Senate of the United States:

I return herewith without my approval Senate bill No. 672, entitled "An act to amend chapter 166 of the laws of the second session of the Forty-third Congress."

The objections to affixing my signature to this bill may be found in the report, which accompanies this message, of the Chief of Engineers of the Army to the Secretary of War.

U. S. GRANT.

EXECUTIVE MANSION, *June* 30, 1876.

Mr. CONKLING. What is the bill?

The PRESIDENT *pro tempore*. The Secretary will report it.

The Chief Clerk read as follows:

Be it enacted, &c., That so much of the $25,000 which, under the second section of the act entitled "An act to aid in the improvement of the Fox and Wisconsin Rivers in the State of Wisconsin," approved March 3, 1875, is appropriated to the payment of the property taken under said act as is required to pay the salaries of commissioners appointed by the court to assess the damages for the property so taken and other necessary legal fees may be applied by the Secretary of War to such uses.

The PRESIDENT *pro tempore*. Shall the bill pass notwithstanding the objections of the President?

Mr. CONKLING. Let us hear read the papers to which the message refers.

The Chief Clerk read as follows:

WAR DEPARTMENT,
Washington City, June 28, 1876.

SIR: I have the honor to return herewith Senate bill No. 692 to amend chapter 166 of the laws of the second session of the Forty-third Congress, and beg to invite your attention to the report of the Chief of Engineers, dated the 27th instant, copy inclosed, and for the reasons stated in said report it is believed the bill should not become a law.

Very respectfully, your obedient servant,

J. D. CAMERON,
Secretary of War.

The PRESIDENT.

OFFICE OF THE CHIEF OF ENGINEERS, *June* 27, 1876.

Respectfully returned to the honorable the Secretary of War.

An act to aid in the improvement of the Fox and Wisconsin Rivers in the State of Wisconsin, approved March 3, 1875, contains the following clause:

"In case any lands or other property is now or shall be flowed or injured by means of any part of the works of said improvement heretofore or hereafter constructed for which compensation is now or shall become legally owing and in the opinion of the officer in charge it is not prudent that the dam or dams be lowered, the amount of such compensation may be ascertained in like manner," &c.

The dams referred to in the above clause are at the outlets of Lake Winnebago, known as the Neenah or Menasha channels of the lower Fox River.

The officer of the Department of Justice appointed under the provisions of the act referred to to represent the interests of the United States in legal proceedings "for flowage damages hereinbefore described," acting apparently under the assumption that, because the dams in question had not been lowered, it was the opinion of the officer in charge that they should not be lowered, has had such surveys, investigations, &c., made as were deemed necessary by him to protect the interests of the United States, and under this action it is understood that, at the instance of claimants, judges of the circuit court have appointed commissioners to decide on the amount of compensation due, and the judges have fixed the rate of compensation the commissioners are to receive. These commissioners are not appointed at the instance of the United States.

In this way the awards for damages have already been made to the amount of $70,000, and ultimately a much larger sum will be claimed to be due from the United States.

The officer of engineers in charge of the improvement of the Fox and Wisconsin Rivers reports that the dams which have occasioned the flowage were not constructed by the canal companies and are not at all necessary for the purposes of navigation, and, so far as that is concerned, could not only be lowered but entirely dispensed with.

They were built by private parties solely for their own use and profit and for water-power purposes, and have raised the water-level and caused the flowage, for which they should be held liable.

In view of the preceding facts, and for the additional reason that the subject of the liability of the United States is now being investigated by the Department of Justice, it is respectfully suggested that the inclosed act to amend chapter 166 of the laws of the second session of the Forty-third Congress (S. 692) should not become a law.

A. A. HUMPHREYS,
Brigadier-General and Chief of Engineers.

Mr. HOWE. I move that the message and the bill lie upon the table.

The motion was agreed to.

HOUSE BILLS REFERRED.

The bill (H. R. No. 3374) for the relief of Harry E. Eastman, late lieutenant-colonel Second Regiment Wisconsin Cavalry Volunteers, was read twice by its title and referred to the Committee on Military Affairs.

INVITATION TO PHILADELPHIA FOR JULY FOURTH.

The PRESIDENT *pro tempore*. The Chair has received a written invitation on the part of the Centennial Commission to the Senate of the United States, inviting the Senate to be present at Philadelphia at the ceremonies on the Fourth of July, Tuesday next. The communication will be read.

The Chief Clerk read as follows:

INTERNATIONAL EXHIBITION, 1876,
UNITED STATES CENTENNIAL COMMISSION,
Philadelphia, June 29, 1876.

SIR: The United States Centennial Commission respectfully invite the Senate of the United States to attend the national commemoration of the one hundredth anniversary of the Declaration of Independence, in Independence Square, Philadelphia, July 4, at ten a. m. The necessary cards have been sent to the members individually. The programme is inclosed with the communication.

I have the honor to be, very respectfully, your obedient servant,

JOS. R. HAWLEY,
President United States Centennial Commission.

Hon. T. W. FERRY,
President of the United States Senate.

The letter was ordered to lie on the table, and be printed.

PAY OF P. B. S. PINCHBACK.

Mr. MITCHELL. I call for the regular order.

Mr. HOWE. I ask for the consideration of Senate bill 892.

Mr. MORTON. I call for the regular order.

The PRESIDENT *pro tempore*. The Senator from Oregon calls for the regular order.

Mr. HOWE. I hope the Senator will defer that a few moments. I am sure this bill——

Mr. MORTON. There has been one measure after another thrust in for an hour. The regular order could have been settled by this time. I must therefore insist on the regular order.

The PRESIDENT *pro tempore*. The regular order is the Pinchback resolution.

Several SENATORS. "Question."

The PRESIDENT *pro tempore*. The question is on the resolution.

Mr. SAULSBURY. I understand my colleague has the floor upon that question and desires to be heard upon it. He is not now in the Hall.

Mr. WITHERS. The Senator is just coming in.

Mr. BAYARD. Is the resolution before the Senate to pay $20,000 to Pinchback?

The PRESIDENT *pro tempore*. The resolution to compensate Mr. Pinchback is before the Senate.

Mr. BAYARD. I desire to submit some remarks in opposition, but I would rather not do it now.

Mr. MITCHELL. I move, then, that the Senate adjourn.

Mr. SARGENT. I ask that we may have an executive session for a few moments. I have asked it two or three times.

Mr. MITCHELL. I give way for that purpose.

EXECUTIVE SESSION.

Mr. SARGENT. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After thirteen minutes spent in executive session the doors were re-opened, and (at five o'clock and thirty-eight minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

SATURDAY, *July* 1, 1876.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. I. L. TOWNSEND.

The Journal of yesterday was read and approved.

FORFEITED RAILROAD LANDS IN KANSAS.

Mr. GOODIN. I ask unanimous consent to have taken from the Speaker's table, with a view to action on certain Senate amendments, the bill (H. R. No. 1771) to declare forfeited to the United States certain lands granted to the State of Kansas in aid of the construction of railroads by act of Congress approved March 3, 1863.

There being no objection, the amendments were read, as follows:

In line 2 strike out "sixth" and insert "third."

In line 13 strike out "which has expired by limitation of law" and insert "or earned by the completion of said road and to which said company are not lawfully entitled."

In line 15 strike out all after the word "to" down to and including "States" at the end of the bill, and insert "be disposed of under the provisions of law relating to the public lands of the United States."

Mr. RANDALL. I would like to have the bill read as amended.

Mr. GOODIN. If the House will bear with me a moment I will state that this bill as it passed the House declared forfeited certain lands granted to the Leavenworth, Lawrence and Galveston Railroad Company of Kansas for the construction of its road. The company having failed to construct its road within the time prescribed by the act, the bill declared the lands forfeited to the United States, and further declared that they should be subject to entry only under the provisions of the homestead law. All the amendments which have been read, except the third, are merely formal and do not affect the sense of the bill. When the gentleman from Pennsylvania [Mr. RANDALL] made his suggestion I was about to move that the House concur in those formal amendments, and then I desired to move non-concurrence in the third amendment.

Mr. RANDALL. What is the effect of that amendment?

Mr. GOODIN. Its effect is this: As I have stated, the bill as it passed the House provided that these lands should be disposed of only under the provisions of the homestead law. The Senate has struck out that provision and provided for opening up these lands generally, so that they may be taken by private entry. This House, not only upon this bill, but upon several others, has expressed its judgment that the agricultural lands of the United States, so far as possible, should be disposed of under the homestead law. That is not the opinion of the Senate. I desire the House to non-concur in the third amendment, that we may have a conference with the Senate upon the subject.

Mr. RANDALL. The gentleman's explanation is very satisfactory.

Mr. GOODIN. I move that the first and second amendments be concurred in, and that the third amendment be non-concurred in.

The motion was agreed to.

Mr. GOODIN. I move that the House ask a conference with the Senate upon this question.

The motion was agreed to.

ENTRIES AND CLEARANCES ON THE MISSISSIPPI RIVER, ETC.

Mr. KEHR, by unanimous consent, from the Committee on Commerce, reported back, with a favorable recommendation, the bill (S. No. 369) to exempt vessels engaged in navigating the Mississippi River and its tributaries above the port of New Orleans from entries and clearances.

The SPEAKER *pro tempore*. The question is on ordering the bill to a third reading.

Mr. KEHR. I have no purpose to detain the House with a detailed statement of the reasons rendering the passage of this bill desirable, beyond stating that the sections of the statute sought to be modified were brought down from the ship and vessel act of 1793, somewhat amended in 1819, and were carried into the revision of 1873. They were intended to apply only to the coasting trade, and have found application only to vessels in that trade. The terms employed are nevertheless sufficiently broad to embrace vessels navigating the western waters between the districts named in section 4349, having distilled spirits or merchandise of foreign growth or manufacture on board. Yet, although within its letter, the statute has never been applied to the Mississippi and its tributaries, and had indeed become completly obsolete, until in 1875 an attempt was made to enforce it upon the Upper Mississippi. The object of the pending bill is to relieve and release vessels engaged in river commerce from the onerous and entirely useless burden of entry and clearance, a burden in nowise necessary to the security of the public revenue, but involving loss and delay to commerce and vexation and detention to the masters and owners of vessels. While the bill was pending before the Senate it was submitted to the Secretary of the Treasury, whose reply attests the fact that the provisions of the statute recited in the bill have never been applied to the steamboats navigating the western waters, and that there is in his opinion no objection to the passage of the bill. I will state further that the bill has the unanimous recommendation of the Committee on Commerce. I call for the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof the bill was ordered to be read a third time, and passed.

DISTRICT AFFAIRS.

Mr. BUCKNER. Some days ago the Committee for the District of Columbia submitted a report on affairs in the District, which was ordered to be printed and recommitted. A minority report was also ordered to be printed. Owing to the condition of the business of the House, by order of the committee I ask that the order to recommit made by the House be reconsidered, and that the reports and accompanying resolutions be printed in the RECORD; and that any member of the committee may have the privilege of printing such remarks thereon as he may desire. And next Thursday I will ask that the reports be considered and that the resolutions reported by the committee be adopted.

Mr. RANDALL. I suppose that the gentleman from Missouri would be willing to have the privilege of printing remarks extended to any member of the House as well as members of the committee.

Mr. BUCKNER. Yes, sir; I ask that any member of the House may have the privilege of printing remarks on the reports and resolutions.

Mr. HENDEE. It seems to me that in order to save time the gentleman might ask a vote on the resolutions at this time as well as on Thursday next.

Mr. BUCKNER. I prefer not to ask a vote to-day. I desire that before voting on the resolutions the House may acquaint itself with the facts when the reports are printed.

The SPEAKER *pro tempore*. The gentleman from Missouri moves to reconsider the vote by which the report of the Committee on the District of Columbia was recommitted to that committee, and asks that next Thursday be fixed as the day for the consideration of the resolutions reported by it.

Mr. BUCKNER. And for a vote on the resolutions.

Mr. WILSON, of Iowa. When was the report recommitted?

The SPEAKER *pro tempore*. As the Chair is informed, on Monday.

Mr. WILSON, of Iowa. Is it not too late now to make a motion to reconsider unless the motion was then entered?

The SPEAKER *pro tempore*. The motion was entered at the time. The gentleman from Missouri also asks that both reports be printed in the RECORD, and that members of the House may be at liberty to print such remarks as they may desire to have printed in connection with this subject.

Mr. KASSON. Will the Chair state what the reports and resolutions refer to?

The SPEAKER *pro tempore*. To affairs in the District of Columbia.

Mr. CONGER. I object to the general proposition to give leave to print all speeches on that subject.

Mr. KASSON. I hardly think it necessary to print these documents in the RECORD. The report seems to be a document published in the ordinary way, and I do not see that it is necessary that it should go into the RECORD.

Mr. BUCKNER. The committee would have the right to have the reports read. It is merely to save time that I ask that they may be printed in the RECORD.

Mr. KASSON. There can be no objection to printing the resolutions in the RECORD, but the duplicate printing of the report is a needless expense when we can get it from the document-room.

Mr. FORT. I think it should be understood that the remarks to be printed on the subject be published without delay, so that gentlemen may have the pleasure of reading them in due time.

Mr. TOWNSEND, of New York. It seems to me that there should be a discussion of this question in the House before we are compelled to vote upon it. I understand that the resolutions of the majority inculpate certain officers.

Mr. HENDEE. I will say for the information of the gentleman from New York that the resolutions do not inculpate any one, and that they have been agreed upon unanimously by the committee. The resolution which originally formed a part of the report of Judge BUCKNER did order the prosecution of certain officials of the District. That resolution has now been abandoned, and a resolution has been unanimously agreed upon directing the Attorney-General to investigate the matter, and to take such action in the premises as he may deem proper under the law and the facts.

Mr. KASSON. This being the unanimous report of the committee, why should we not vote upon it this morning and dispose of it to-day instead of next Friday? It appears to me that there is no need of discussion if it be a unanimous report of the committee.

Mr. BUCKNER. I take it that the committee would desire to ask the sense of the House on the reports presented by the committee; on the substitution of one for the other. And the object of my motion is that the House may be enlightened as to the facts of the case, and that instead of taking up the time of the House in discussing the question, gentlemen may have an opportunity of seeing the facts presented on each side by reading both of these reports when printed in the RECORD. I therefore insist on my motion.

The SPEAKER *pro tempore*. The Chair will first put the question on the motion to reconsider the vote recommitting the report. That will bring the matter before the House, and the House can then dispose of it as it sees fit.

Mr. HENDEE. I wish to correct an error into which my friend from Iowa [Mr. KASSON] may have fallen. The reports from the committee are statements of facts. The resolutions are the unanimous report of the committee. My idea is that the only vote required from the House is on the adoption of the resolutions recommended by the committee. The committee is unanimous in that recommendation. But the statement of facts found by five members of the committee in the report submitted by Judge BUCKNER is very different from the statement of facts found by the majority of the committee in the report which I presented, and which has been printed. The two reports are printed together in document form, and can be readily obtained and read by each member of the House. And if the only vote to be taken is upon the resolutions which have been proposed by the committee unanimously and not upon the facts as differently presented in the two reports, then as a matter of course the vote may be taken this morning just as well as at any other time. And if the Chair should so rule, I would ask that the vote be taken now.

The question was taken on reconsidering the order of the House by which the report was recommitted to the Committee for the District of Columbia; and it was agreed to.

The question recurred on recommitting the report to the Committee for the District of Columbia; and it was not agreed to.

Mr. BUCKNER. I desire to say to the House that, according to my idea as to what would be proper, the House would have the right to have the reports of the committee read in order that the House might give a vote upon the question when the House gives its vote upon one report or the other, in order that the House may be informed by the committee on both sides or on all sides, for there are three reports; and we propose that discussion shall be waived and that members shall have the privilege to print their remarks, and that a vote shall be taken on Thursday next.

Mr. HUBBELL. I understand that the committee have agreed to the resolutions before the House.

Mr. BUCKNER. That is true.

Mr. HUBBELL. Then I ask what effect the reading of these reports will have upon the passage of the resolutions? All branches of the committee agreed upon the resolutions.

Mr. BUCKNER. Before the report of the committee is acted upon and the resolutions reported, according to the views of many gentlemen it would be proper that we should have the entire reports, both of the majority and minority, read.

Mr. HUBBELL. But the result of both reports is the reporting of two resolutions.

The SPEAKER *pro tempore*. The Chair will desire the resolutions of the committee to be read, so that they may be before the House.

The Clerk read as follows:

Be it resolved, 1. That the Clerk of this House be, and he is hereby, instructed to certify to the Attorney-General of the United States a copy of this report, with the accompanying evidence, for such action in the premises as he may deem proper under the law and the facts as developed in said testimony.

2. That the Clerk of this House be, and he is hereby, further instructed to certify a copy of the evidence accompanying this report to the grand jury of the District of Columbia, with directions to investigate the criminal charges against parties referred to in said evidence as having been guilty of a violation of the criminal laws of the United States; and the Attorney-General is also directed, by the aid of such special counsel as he may appoint, to institute such proceedings as he may deem proper under the evidence to recover any and all sums of money due the District of Columbia which have been obtained illegally or improperly by any parties mentioned in said evidence.

Mr. BUCKNER. I rise to a parliamentary inquiry. These resolutions are introduced by the whole committee, and I desire to know whether, if the House adopts the majority or minority report, we have the right to take the views of the House as to the adoption of either report?

The SPEAKER *pro tempore*. Unquestionably.

Mr. BURCHARD of Illinois. It is not material what the views of gentlemen of the House may be in passing upon the conclusions of the entire committee, which are these resolutions. If they are in favor of or against the resolution, it is no matter on what grounds.

The SPEAKER *pro tempore*. The Chair would state that here are two reports of a different character, but with the same conclusions. Now, it is entirely proper for any gentleman to demand that one or the other of the reports be adopted, even though they agree to the same resolutions.

Mr. BUCKNER. That is what we propose to do, to take a vote on the views of the different branches of the committee, and in the mean time the report shall go into the CONGRESSIONAL RECORD and be printed, and that the members of the committee and other members shall be allowed to print remarks on the subject.

Mr. KASSON. I think there is still a little misapprehension in reference to this matter. As to the mode of arriving at the conclusions of the committee in this matter the House has not the slightest jurisdiction, for the evidence is not here, and how can we vote on the facts when there is no evidence. The same resolution is reported by the majority and minority, and if the House agrees to these same resolutions, it is not necessary to go into the facts; for that reason I object to the going into the matter at this late stage of the session.

Mr. BUCKNER. The House may adopt either the majority or the minority report.

Mr. WILSON, of Iowa. I object to the printing of the report.

The SPEAKER *pro tempore*. Then the motion of the gentleman from Missouri is that the members of the committee and others shall be allowed to print their remarks, and that the vote upon the subject shall be taken on Thursday next.

Mr. CONGER. To that I object.

Mr. BUCKNER. Then I desire a vote on my proposition now. I do not suppose it requires unanimous consent.

Mr. KASSON. What is it?

Mr. BUCKNER. It is to print the reports in the RECORD and to give any gentleman a right to print his speech in the RECORD on the subject, and then we can take up the subject on Thursday morning.

Mr. WILSON, of Iowa. That requires unanimous consent, and objection is made.

The SPEAKER *pro tempore*. The proposition of the gentleman from Missouri to postpone this matter does not require unanimous consent. The proposition to print of course requires unanimous consent, and to that objection is made.

Mr. BUCKNER. Then I withdraw my motion, and ask that this matter be taken up this morning; and I now call for the reading of the report.

Mr. CONGER. At the request of members of the committee I withdraw my objection to allowing gentlemen to print remarks, but I retain the objection to the printing of the reports in the RECORD, because they are already in print.

Mr. WILSON, of Iowa. We can all get them.

Mr. BUCKNER. That will be satisfactory.

The SPEAKER *pro tempore*. Then, by unanimous consent, the members of the committee and others who desire to print remarks are authorized to have them printed in the RECORD, and the pending motion is that the further consideration of the subject be postponed until Thursday next, at which time the vote shall be taken immediately after the morning hour; not for discussion, but for a vote.

The motion was agreed to.

ESTABLISHMENT OF HOLIDAYS.

Mr. WILLIS, (by request) and by unanimous consent, introduced a bill (H. R. No. 3835) to establish certain holidays; which was read a first and second time, referred to the Committee on the Centennial, and ordered to be printed.

BONDED CIGAR FACTORIES.

Mr. MEADE, by unanimous consent, introduced a bill (H. R. No. 3836) to establish bonded warehouses for exports; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

WILLIAM LONGNECKER.

Mr. McFARLAND, by unanimous consent, introduced a bill (H. R. No. 3837) for the relief of William Longnecker; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

CHARGES AGAINST JUDGE G. D. HUMPHREYS.

Mr. KNOTT, by unanimous consent, presented the memorial of R. D. Mussey, making charges against Judge G. D. Humphreys, and moved that it be referred to the special committee on the examination and investigation of charges against Judge Wylie, and it be printed.

Mr. CONGER. Is it proposed to refer that to a special committee?

The SPEAKER *pro tempore*. To the select committee already existing for the investigation of the charges against Judge Wylie.

Mr. CONGER. The memorial is not to be printed in the RECORD?
The SPEAKER *pro tempore*. No, sir.
Mr. KNOTT's motion was agreed to.

JOHN G. TODD.

Mr. LEWIS, by unanimous consent, reported a bill (H. R. No. 3838) for the relief of John G. Todd, of Texas; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying memorial, ordered to be printed.

BUREAU OF EDUCATION.

Mr. CUTLER, by unanimous consent, from the Committee on Education and Labor, reported back a bill (H. R. No. 3638) authorizing the Bureau of Education to occupy the Armory building in this District, and making an appropriation for the repair and refitting of the same; which was referred to the Committee on Appropriations, and ordered to be printed.

ORDER OF BUSINESS.

Mr. DE BOLT. I ask unanimous consent that the Committee of the Whole on the Private Calendar be discharged from the further consideration of the bill (H. R. No. 92) for the relief of Van B. Bowers, postmaster at Bucklin, Missouri, and that the same be now considered by the House.

Mr. CONGER. I give notice that after this bill is disposed of I shall call for the regular order.

Mr. DE BOLT. I ask that the report be read.

Mr. HOLMAN. I call for the regular order.

The SPEAKER *pro tempore*. The regular order is the consideration of the Geneva award, on which the gentleman from New York [Mr. LEAVENWORTH] is entitled to the floor.

Mr. RANDALL. I ask the gentleman to yield to me to introduce and have acted upon at this time a bill which is absolutely essential in connection with the Indian Department.

Mr. LEAVENWORTH. I will yield for that purpose.

TEMPORARY APPROPRIATION FOR THE INDIAN BUREAU.

Mr. RANDALL. At the suggestion of the committee of conference on the part of the House and Senate upon the Indian appropriation bill, who have been unable to agree as yet, and with the concurrence of such members of the Committee on Appropriations of this House as I have been able to confer with, I now ask leave to introduce the bill which I send to the Clerk's desk.

The bill authorizes the Commissioner of Indian Affairs to purchase in open market, without the usual advertisement, for the immediate use of the Indian tribes, such supplies as are required to an amount not exceeding $150,000, which sum is hereby appropriated for the purpose to serve until the regular appropriation bill shall be passed and approved and the time now required by law for advertisement and acceptance of proposals shall have elapsed; and such sum so expended shall be deducted from the proper sums respectively appropriated in the regular appropriation bill when passed.

There being no objection, the bill (H. R. No. 3839) authorizing the Commissioner of Indian Affairs to purchase supplies for the Indian Bureau in open market was received, and read a first and second time.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. RANDALL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. DE BOLT. I now ask that House bill No. 92 be read, and I call for the reading of the report of the committee upon the bill.

Mr. LEAVENWORTH. How long will it take to dispose of the bill?

Mr. DE BOLT. Not more than five minutes, I think.

The bill directs the Auditor of the Treasury for the Post-Office Department to credit Van B. Bowers, postmaster at Bucklin, Linn County, Missouri, in his account as such postmaster, with the sum of $126.50, being the amount of postage-stamps, registered letters, and money stolen from the safe of said post-office by burglars on the night of the 12th of November, 1874, without fault or negligence on the part of said postmaster.

The report was read, as follows:

The Committee on Claims, to whom was referred bill H. R. No. 92, for the relief of Van B. Bowers, having duly considered the same, would report thereon:

Van B. Bowers was postmaster at Bucklin, Linn County, Missouri. On the night of October 28, 1874, his office was entered by burglars, the particulars being set forth by the special agent of the Post-Office Department, who was sent to examine the case. The office was kept in a drug-store, a substantial frame building. The robbery was committed by T. W. Peters, a professional burglar, who was convicted and sent to State prison. The entrance was effected by boring holes through the door and removing the fastenings. The robber confessed the crime, and the report of the special agent shows that it was in no way the result of fault or neglect on the part of the postmaster. The office was robbed of one hundred dollars' worth of postage-stamps, $7.50 in money, and one registered letter, No. 8, containing $7.50 in money. Peters also entered two other post-offices in the same way, and stamps thus obtained, amounting to $113, were by him expressed from Macon, Missouri, to Reuben DeBarre, of Milwaukee, Wisconsin, who was also arrested, convicted, and sentenced to State prison.

The committee recommend that the bill do pass.

Mr. FORT. I hope the gentleman will explain this bill.

Mr. DE BOLT. The report which has just been read gives a full explanation of it.

Mr. FORT. How does the bill come before the House at this time?

Mr. DE BOLT. I have asked unanimous consent that it be now considered in the House.

Mr. FORT. Does the gentleman know about the merits of this case?

Mr. DE BOLT. The report gives all the circumstances.

Mr. O'BRIEN. Why should this bill be singled out from others on the Private Calendar? I must object, I think.

Mr. BRADLEY. This bill was before the Committee of Claims, and I had it in charge and examined it myself. There is no question but the postmaster in this case should be allowed the amount recommended in the bill. I hope the bill will pass.

Mr. WHITE. Will not this bill come up in its regular order on the Calendar when we next go into Committee of the Whole on the Private Calendar?

The SPEAKER *pro tempore*. It will.

Mr. WHITE. Then I must object to its being brought up now.

Mr. FORT. As it is now before the House, let it pass.

Mr. WHITE. It is giving a precedence to this bill which is not justifiable.

Mr. FORT. Is not the objection to this bill too late?

The SPEAKER *pro tempore*. The objection was made immediately on the reading of the report.

Mr. O'BRIEN. I made the objection and I have the right to withdraw it, which I do.

The SPEAKER *pro tempore*. The gentleman from Kentucky [Mr. WHITE] has the right to renew it.

Mr. WHITE. I renew the objection for this reason: we should go into the Committee of the Whole on the Private Calendar and treat all these bills alike.

Mr. HALE. I call for the regular order.

Mr. RANDALL. I ask the gentleman from New York [Mr. LEAVENWORTH] to yield to me, that I may call up a message of the Senate asking for another conference on the executive, legislative, and judicial bill.

Mr. FORT. Unless we go on and pass this private bill now, we will lose all the time that has been already taken up on it now.

Mr. RANDALL. I do not object to disposing of that bill now, but I think that in future all these bills on the Private Calendar should be allowed to take their regular course.

Mr. WHITE. I will withdraw my objection if the House will now go into Committee of the Whole on the Private Calendar.

Mr. RANDALL. I cannot agree to that.

Mr. PHILIPS, of Missouri. I rise to a point of order.

The SPEAKER *pro tempore*. The gentleman will state his point of order.

Mr. PHILIPS, of Missouri. This private bill was taken up by unanimous consent for consideration at this time. That consent was given, and the consideration of the bill was entered upon and the bill and the report were read. I submit that after that consent has been once given and the consideration of the bill has been commenced it is too late to raise a point of order against the bill.

The SPEAKER *pro tempore*. The Chair will state that the ordinary practice of the Chair has been to allow objection after the bill has been read, and even after the report has been read, if it is called for; because until then gentlemen cannot intelligently object or refrain from objection. Objection was made in time by the gentleman from Maryland, [Mr. O'BRIEN;] and when he withdrew it, it was renewed by the gentleman from Kentucky, [Mr. WHITE.] The Chair overrules the point of order.

BILLS APPROVED.

A message from the President of the United States, by Mr. U. S. GRANT, jr., one of his secretaries, announced that he had approved and signed bills of the following titles:

An act (H. R. No. 353) to amend section 1911 of the Revised Statutes, defining the jurisdiction of the courts in Washington Territory;

An act (H. R. No. 2441) authorizing the appointment of receivers of national banks, and for other purposes;

An act (H. R. No. 2824) to change the name of the steamboat Paragon, of Pittsburgh, Pennsylvania;

An act (H. R. No. 2849) for the relief of William Rule, postmaster at Knoxville, Tennessee;

An act (H. R. No. 3375) making appropriations for the naval service for the year ending June 30, 1877, and for other purposes; and

An act (H. R. No. 3809) to provide temporarily for the expenditures of the Government.

The message also announced that a bill of the following title, having been received by the President on the 16th of June and not having been returned by him to the House within the ten days prescribed by the Constitution, had become a law without his signature:

An act (H. R. No. 1800) for the relief of Kendrick & Avis, Kuner, Ziesmann & Zott, Kuner & Zott, all of Saint Louis, Missouri, and Nachtrieb & Co., of Galion, Ohio.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. RANDALL submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 2571) making appropriations for the legislative, executive, and judicial expenses of the Government for the year

ending June 30, 1877, and for other purposes, having met, after free and full conference have been unable to agree.

SAMUEL J. RANDALL,
WM. M. SPRINGER,
JOHN A. KASSON,
Managers on the part of the House.

W. B. ALLISON,
T. A. NORWOOD,
LOT M. MORRILL,
Managers on the part of the Senate.

Mr. RANDALL. I move that the House agree to the request of the Senate for a further conference.

Mr. GARFIELD. I ask the gentleman from Pennsylvania [Mr. RANDALL] to state the principal differences between the House and the Senate on this bill. It is exceedingly important that we should know exactly what the matters of difference are. I put the question partly for my own information (I having been absent by leave of the House for some days) and partly that we may more intelligently approach these difficult matters of controversy and understand the grounds whereon we relatively stand.

Mr. RANDALL. We did not enter upon the details of the bill at all. The difference is upon the second section of the bill, which provides that the salaries fixed in the bill for officers and employés of the Government shall be fixed by law as the salaries for the future, thus changing the law as to salaries.

Mr. GARFIELD. Is that the only item of difference?

Mr. RANDALL. That is as far as we got, the Senate claiming that they would not agree to the proposition except upon such clauses of the bill as they might reach in detail where they concurred in the propriety of the change.

Mr. GARFIELD. Will the gentleman also state the amount of appropriation in difference between the two Houses?

Mr. RANDALL. Finally the House conferees submitted to the Senate conferees a proposition as a modification of the second section, which they rejected but took with them to the Senate, and upon that the Senate has asked a further conference, without, so far as I am able to learn, assenting to the proposition.

Mr. GARFIELD. Has the Senate appointed new conferees?

Mr. RANDALL. No, sir; not new conferees; they have re-appointed the conferees originally appointed. I ask the Clerk to read the proposition which the House conferees submitted as a modification of the second section.

The Clerk read as follows:

SEC. 2. That the sums herein appropriated as the compensation of the officers and employés of the Government respectively enumerated in this act shall be in full for all compensation of such officers or employés for the fiscal year ending June 30, 1877, unless Congress shall otherwise provide in the manner hereinafter authorized.

Section 3——

Mr. RANDALL. Before the Clerk reads further, I wish to say that the section just read recognizes the right of the House to fix the compensation for the coming fiscal year. We claim the right; and I suppose the Senate would consent that we should at least control the amount of money that we would appropriate for this purpose during this year.

The second proposition which the Clerk is about to read originated with the Senate conferees, but was accepted as part of the offer of the House conferees to the Senate. The two propositions thus go together as an offer on the part of the House to the Senate.

The Clerk read as follows:

SEC. 3. That a joint select committee of four shall be appointed, two by the presiding officer of each House, whose duty it shall be to inquire into the requisite number and proper salaries of the officers, clerks, and employés in the several Executive Departments of the Government, with a view to the due and permanent adjustment of the same, having regard to a just public economy and the efficiency of the service. Said joint committee shall sit during the recess of Congress, and shall make their report thereon to the two Houses on the first Monday of December next.

Mr. CONGER. May I ask the gentleman from whom this report comes?

Mr. RANDALL. It will be observed that the Senate conferees took that proposition to the Senate, and I believe that in reporting the disagreement the chairman of the committee of conference on the part of the Senate communicated the substance of these propositions, or in fact I think those propositions literally. We have not yet heard from the Senate as to whether they will now assent to those propositions or not, although they have appointed a new conference on the part of the Senate and asked for the appointment of a new conference committee on the part of the House.

Mr. CONGER. Now I ask the gentleman from whom this report and these resolutions or bills come?

Mr. RANDALL. I have heretofore stated the facts in reference to these propositions: That the first clause emanated in the spirit of compromise from the House conferees; that the third section covers some offers which were made on the part of the Senate conferees. That was assented to on the part of the House conferees, and the two were presented together as a whole by the House conferees to the Senate conferees, thinking the Senate would assent to that proposition.

Mr. CONGER. Now I understand that these conferees were appointed for a particular purpose by this House, to have a conference on a bill, and I would like to know by what right the House conferees report as House conferees anything except on the matter committed to them.

Mr. RANDALL. I have included those propositions as part of my remarks, with a view to fully inform the House, as far as I am able or allowed, as to what has been done between the two Houses. It is all in the direction of full information.

Mr. GARFIELD. Was any counter-proposition submitted from the other side?

Mr. RANDALL. And the gentlemen from Michigan [Mr. CONGER] will remember that I was asked these questions by the gentleman from Ohio [Mr. GARFIELD] on that side of the House.

Mr. GARFIELD. I think the House ought to know the condition of the controversy, so that it may act intelligently. I will ask the gentleman from Pennsylvania further, with his permission, whether any counter-proposition came from the conferees on the part of the Senate to the conferees on the part of the House?

Mr. RANDALL. Various propositions from time to time passed between the conferees on the two committees; and even to this proposition there was a change suggested by one of the House conferees. But finally this is the form in which the House conferees presented the question that it might go to the Senate for their consideration.

Mr. GARFIELD. Now, will the gentleman please inform the House what is the difference in the amount of appropriation pending between the two Houses? The House wants a certain sum in the bill. The Senate wants another certain sum. What is the total difference? The Senate has amended the bill increasing the total appropriations by some certain sum. What I wish to know is what is that sum?

Mr. SPRINGER. I have the figures here, which I will read for the information of the gentleman. They are in a table prepared by the clerk of the Committee on Appropriations.

Mr. RANDALL. The gentleman from Illinois [Mr. SPRINGER] is one of the conferees on the part of the House and can give the figures.

Mr. SPRINGER. The whole amount estimated in this bill by the Departments——

Mr. GARFIELD. O; we do not want that.

Mr. RANDALL. Let the gentleman answer the question in his own way.

Mr. CONGER. I object to anything of that kind. I object to making a political discussion on this report.

Mr. SPRINGER. I am not making any political discussion.

Mr. CONGER. The gentleman is stating what the estimates of the Department are.

Mr. RANDALL. You cannot limit debate on this report. The gentleman has a right to answer the question in his own way.

The SPEAKER *pro tempore*. The gentleman from Illinois [Mr. SPRINGER] has the floor.

Mr. CONGER. I demand the regular order.

Mr. RANDALL. I have the floor for an hour, and have yielded the floor to the gentleman from Illinois.

The SPEAKER *pro tempore*. The gentleman from Illinois has the floor, and is not be interrupted except by his own consent.

Mr. SPRINGER. The estimates of the Departments for that part of the public service embraced in this bill were $20,826,307, the appropriations made in a similar bill for the fiscal year which expired yesterday were $18,734,225, and the amount appropriated by the bill now in committee of conference is $12,998,851.61, being a reduction below the estimates of the Departments of $7,826,499.39, and a reduction below the expenditures of the last fiscal year, which expired yesterday, of $5,724,417.19.

Mr. GARFIELD. Now what are the Senate's figures?

Mr. SPRINGER. I do not have here the exact difference between the Senate's figures and ours.

Mr. BURCHARD, of Illinois. Ah!

Mr. SPRINGER. But it is this in substance: They have set the salaries back to what they are under existing law, which makes their appropriations substantially what they were during the last fiscal year, so far as salaries are concerned.

Mr. FOSTER. Does the gentleman not know that the reduction by the Senate is more than $2,000,000 below the appropriations of last year? Why, then, does the gentleman say that the amount proposed by the Senate is substantially the same as last year?

Mr. RANDALL. The Senate bill, as I understand it, is about $2,000,000 less than the appropriations of last year, while the House bill is $5,700,000 less. Therefore the difference between the two Houses is $3,700,000 or thereabouts.

Mr. SPRINGER. Those are the figures.

Mr. GARFIELD. If the gentleman will allow me a moment longer. In brief, about $3,000,000 between the two Houses.

Mr. SPRINGER. Nearly four millions.

Mr. GARFIELD. Now if the gentleman from Illinois will allow me, I see in his published speech here——

Mr. RANDALL. I will give you the exact figures, if you wish.

Mr. GARFIELD. I will yield for that purpose.

Mr. RANDALL. The legislative bill as it passed the House appropriated $12,998,815.61; the bill as reported by the Senate committee, $16,606,851; and the bill as it passed the Senate appropriates $16,635,338; so that the bill as it passed the Senate was in excess of the bill of the committee by about $3,635,000.

Mr. GARFIELD. I want the House to see that the very significant

and important points of the controversy between the Senate and House hinge upon two questions, so far as this bill is concerned. The first is that the amount of appropriations on which the two Houses differ is about three and a half millions less than those of the corresponding bill of last year and the second is the independent legislation, to which the Senate objects and holds that the House has no right to force upon the other branch of Congress independent legislation which that branch regards as unwise.

I want to say, before leaving the general subject of appropriations, that I have been somewhat surprised by the speech of the gentleman from Illinois, made a few days ago, in reference to the amount of reduction made in the bills already passed, as compared with those of last year. The gentleman has made a statement, which I see quoted in another place, that the reductions below the estimates this year are $64,000,000, and below the appropriations of last year $39,500,000. The statement of the reduction below the estimates is a misleading one. All through the press of the country the impression is that there has been a cutting down of $64,000,000. Everybody knows that that sort of cutting down from the estimates is done every year to a great extent. The Book of Estimates is not a recommendation of the actual amounts necessary, but a statement of what amounts can be applied to public objects if Congress go to the fullest extent of the work. The Secretary of the Treasury officially and urgently requested a large reduction from the amount of the estimates. The real question is how much the appropriations have been cut down below those of last year. It was stated in the speech of the gentleman from Illinois [Mr. SPRINGER] as $39,500,000. I have no doubt that the statement of the gentleman is incorrect to the extent of almost $10,000,000.

Mr. SPRINGER. Allow me a word.

Mr. GARFIELD. I will when I have stated the point. In the first place the gentleman said in his speech that the House has appropriated as deficiencies for the year which has just closed $671,486.74, as against $4,703,000 for deficiencies made last winter, and claims a credit for the House on that account of over $4,000,000. Now, I hold in my hand the digest of appropriations, an official statement made by the Secretary of the Treasury of the appropriations made by Congress last winter; and I read from page 151 that the total appropriations made at the last session of Congress for the deficiencies for the last fiscal year were $2,387,000, being less than the statement of the gentleman by almost two and one-half millions of dollars in that single item.

Now, the gentleman should tell us where he found his figures. I presume he took them from the report of the Clerk of the House, which included all appropriations of unexpended balances. If he takes them into the account, he should compare them with the five or six millions of re-appropriations which have been made in the bills of this winter. But I have read from the official Treasury analysis of all the deficiency appropriations passed at the last session of Congress amounting to $2,387,370.38. The gentleman seems to forget that the deficiency bill we have passed this session was the deficiency for the year just now closed, and is no part of the appropriations for the coming year which begins to-day. When the next session comes and the House will be called upon to make up the deficiencies for the year which begins this morning, then it will be the time to determine what this Congress has been doing in regard to deficiencies.

The deficiency bill which the House passed this winter was a deficiency of the last Congress; and by whatever amount it was below the deficiencies of the last year the difference is to be set down to the credit of the last Congress in fully making its appropriations so carefully as to require but $600,000 for all deficiencies. When next winter comes and the bills we are now passing will show that by the test of actual experiment what deficiency appropriations will be needed to make up for the undue reductions of this session. After the elections are over and after the fitful fever of these unreasonable reductions has expended itself it will be time to make the comparison and time to send out to the country the story of $64,000,000 or $39,000,000 reduction in the interest of economy.

Many necessary items of appropriation have been wholly omitted from these bills, such for example as $1,000,000 to pay the judgments of the Court of Claims, which cannot be left unprovided for without a shameless violation of the public faith.

Now I want to repeat what I said in the first monthly session, that a democratic House could make some reductions that a republican House could not make. There is no doubt that an opposition House can make some reductions that an administration House could not make, and I am glad to aid this democratic House in all those reasonable reductions which the Government can stand without crippling the public service. But when the gentleman tells me that we can now cut down $39,000,000 after we have already cut down expenses more than $30,000,000 in the past three years, he is only saying that we are going to do one of two things, either cripple the necessary service of the Government or defer the necessary appropriations until next winter, for the sake of a pretense of unreal economy before the people at the coming election. This is not honorable dealing. This is not good statesmanship, nor will it deceive any intelligent citizen.

Now, I believe that we ought to reduce the appropriations from last winter between $15,000,000 and $18,000,000.

Mr. RANDALL. Why did you not do it last year?

Mr. GARFIELD. We did reduce them $9,000,000 last year and we have reduced them over $30,000,000 in the last three years. As we recede further and further from the war, we can continue to make more reductions until we reach the level of peace expenditures, when in any prosperous and growing country the annual appropriations ought steadily to increase with the growth of the country. We have been steadily reducing the expenditures since 1866 with the exception of two years in which there was a slight reaction. In 1865 the expenditures were $1,297,000,000, and in 1866 $520,000,000. Since then the scale of expenditures has been rapidly descending toward the level of peace. The fiscal year that closed yesterday brought all the expenses of the Government down to $263,000,000, nearly $30,000,000 less than the total expenditures of three years ago, and $257,000,000 less than the expenditures of 1866.

The older members of this House without distinction of party will bear witness that for several years past the House has made an earnest and successful struggle to get down to the normal level of peace; and I cordially join with this House in its efforts to continue the work still further. I repeat what I said early in the session, that I think this House ought to cut down expenses of the coming year from $15,000,000 to $18,000,000 below those of the last year. But after four years' careful study of this work, I am perfectly confident that if we undertake to cut them down $39,000,000 below last year's appropriations we shall cripple the machinery and seriously harm the great and necessary functions of the General Government.

Now I hope that the House will insist on what will amount in the aggregate to reductions of from $15,000,000 to $18,000,000; and I equally hope that the Senate will insist on two things: first, that it will not allow any necessary functions of the Government to be crippled and, second, that it will not allow independent legislation in the wisdom of which it does not concur to be put upon these bills, whereby an appropriation bill is converted into a pack-horse to carry through legislation which otherwise would not pass. Sir, it is bad legislation; it is a bad precedent, a precedent that, even though it should work good in one case, will work evil in a thousand things hereafter.

Now, I do not say there should never be legislation on the appropriation bills. It is frequently possible for the Committee on Appropriations to protect the Treasury and prevent extravagance by restrictive provisions which are germane to the appropriation bills. But one House of Congress has no right to insist upon such riders to the appropriation bills if the other House objects. In all contests it has been the uniform rule that the House which makes the innovation must give way. Now, I understand that the Senate insists that the House shall not make the innovations it has proposed on this bill, and in that point the Senate is clearly right. Wherever the amount of an appropriation is a matter of discretion with Congress, that discretion is a fair subject of compromise between the two Houses, and in such cases I shall stand by this House in having its rights fully respected and its demand for reduction complied with to a just and reasonable extent.

In the matter of demanding a considerable reduction in all the discretionary appropriations, the country will approve the attitude of the House. But, in the position which the House has taken, which arrogates the legislation of Congress to itself, and insists upon the dangerous, the pernicious practice of loading down the appropriation bills with independent legislation, the House is wholly in the wrong, and cannot stand in the estimation of the country. And I see by the results of the conferences that the House has not tested the sense of the Senate upon the amount to be appropriated, but upon the independent legislation, wherein we are wrong. I thank the gentleman from Pennsylvania [Mr. RANDALL] for his courtesy.

Mr. RANDALL. I resume the floor.

Mr. SEELYE. Will the gentleman allow me to offer a resolution?

Mr. RANDALL. Not now. As to the amount of appropriation, at the proper time I will review in the proper manner the action of this House in connection with the appropriation bills, and the fact will be established that the Committee on Appropriations recommended to this House reductions of more than $39,000,000 as compared with the appropriation of the last year, that the House has adopted those recommendations in the main except in one about the post-office bill, and that the amount of reduction upon the appropriations of this year is about $37,000,000. Now it is fair enough, as I think, but not as fair as if the gentleman and I were to sit down without any partisan feeling and act upon the merits of each appropriation, and I think in that case we would cut down the appropriations $10,000,000 more, and I do not think it becomes the gentleman, the former chairman of the Committee on Appropriations of this House, to stand up and tell the Senate not to yield one iota where any legislation is to be incorporated in the bill. In former years the chairman of the Committee on Appropriations allowed legislation to be incorporated in the interest of extravagance and in the increase of appropriation, while we have only altered the rule so as to admit legislation being incorporated into an appropriation bill having the object and the sole object of reducing the expenditures of the Government. I am glad to hear the gentleman admit that some good can come out of an opposition House, and if we had had an opposition Senate we should have had no difficulty whatever in administering the Government properly on a reduction of from forty to fifty million dollars; and I claim that in no respect whatever will there be claimed or has been claimed that

the administration of the Government has been injured by the appropriations made by the Committee on Appropriations.

Mr. HALE. Will the gentleman allow me one practical question while the gentlemen from Pennsylvania and Ohio have been scolding each other considerable——

Mr. RANDALL. I was not scolding anybody. I was merely stating the history of the appropriations.

Mr. HALE. As I understand it, there is now a difference between the Senate and House in conference committees of about $3,000,000 in the whole bill and certain differences arising on the part of the House reducing salaries.

Mr. RANDALL. Not exclusively reducing amounts.

Mr. HALE. What I want to add to my question is, how much money is involved in this difference between the Senate and the House? It arises from the attempt on the part of the House to cut down the salaries by changing the present law, and my reason for asking the question is this: There is clearly a difference between the House insisting and determining to insist on driving the Senate into a change of law upon which a reduction of appropriation will result, and on the other hand insisting on a reduction of the discretionary appropriations. My view on these two questions is this, that when we attempt to change the law, then our co-ordinate branch, the Senate, which is of course a co-ordinate branch in all cases but especially in conference committees, have as much right as we have. We cannot say to them that we as Representatives can change the law and drive you to yield. The Senate has better ground there for resisting and claiming to be on an equality with us. I would like to know how much money is involved in these disagreements arising out of changes of law. When we come to the discretionary appropriations, where no law is changed, the House of Representatives—and I hold that the people will sustain it in that—has a superior right to the Senate, although it is not the bounden duty of the Senate to yield to unreasonable demands, but to consider the position which the House holds as the Representatives of the people. I have no doubt, from two or three days of experience on committees of conference, that on these discretionary appropriations the Senate realizes the position and will fairly yield, so that we can pass the appropriation bills and go home. But if on the top of that we insist on changing the laws and embodying legislation on appropriation bills and in coercing the Senate in the adoption of that legislation, then I say that the Senate, being in the right, can afford to stand to its position, as it cannot do in the matter of discretionary laws.

I have no doubt this distinction has struck the mind of my friend the chairman of the Committee on Appropriations in the conferences he has asked; perhaps not with the force it strikes me, for to me it is the key to what otherwise might be a dead lock. On the discretionary appropriations—and I will say to my friend that nearly all the credit that he or his party will get for reduction of expenditures will be upon the discretionary appropriations—the Senate will largely yield. But where we of this House seek to force the Senate to consent to a change of law upon an appropriation bill, they will have the advantage of us in insisting upon equal opportunity of conference and judgment in regard to such change of law.

Mr. KASSON. Will the gentleman from Pennsylvania [Mr. RANDALL] yield to me?

Mr. McCRARY. I believe the gentleman has consented to yield to me.

Mr. RANDALL. I have agreed to yield to the gentleman from Iowa, [Mr. McCRARY.] I would ask him how much time he needs.

Mr. McCRARY. I can probably get through in five minutes.

Mr. RANDALL. I will yield to the gentleman for five minutes.

Mr. McCRARY. Mr. Speaker, it is exceedingly important that this House should understand the grounds upon which we can afford to place ourselves if there is to be any conflict between the two Houses. Let us calmly consider in advance what we may of right demand and what we must of right concede to the other branches of this Government. I am justified by the history of congressional legislation in saying this, that neither House can stand upon a position involving the necessity of insisting upon a change of law in an appropriation bill against the wishes of the other House. Such a demand by one House upon the other never has been successfully made. Neither House has ever been required to yield to the other and permit legislation obnoxious to it to be forced upon an appropriation bill. Either House has the right to say that an appropriation bill shall be such, pure and simple. I do not say that there never has been legislation ingrafted upon an appropriation bill, because that has frequently been done. But when one House proposes to ingraft upon an appropriation bill a legislative provision changing the law, and the other House objects, there is not a case on record in which the House that has proposed the legislation has not been compelled to recede. It is only when both Houses desire it that this unusual and extraordinary, not to say vicious, mode of legislation is tolerated.

The House will remember the history of the dead lock in 1856, when a republican House undertook to ingraft upon the Army appropriation bill a legislative provision to which a democratic Senate objected. It will be remembered that that dead lock continued for several months, and Congress did not adjourn until near the 1st of October. It adjourned finally after the House receded from its position and agreed not to insist upon the proposed legislation in the Army appropriation bill.

I desire to call the attention of the House to a speech upon that subject made by a democratic Senator in the course of the discussions of that year, in which the doctrine that I have laid down here now was so clearly, so strongly stated that I can express my own views in no other way so well as by adopting his language. I allude to the remarks of Senator R. M. T. Hunter, of Virginia, a leading member of the Senate at that time and famous as the great parliamentarian in the United States Senate. I ask the Clerk to read what I have marked in the Congressional Globe.

The Clerk read as follows:

Now, sir, what I said was, when either House sought to make the appropriation bills the means of forcing on another a measure which was obnoxious to it, in either alternative it was revolution itself; that is to say, a change of Constitution; for it forced the other House to yield its constitutional privileges in order to get the Government along. It would be revolutionary if they failed to be coerced in this way and stopped the wheels of the Government to compel them to do it; because it is their constitutional duty to carry on this Government and respect the constitutional privileges of the other branch. I know votes can be brought up in which I have voted for legislative measures on the appropriation bills. I have always believed that it was irregular, that it was improper; but I have never advocated the doctrine of voting for it in one House when known to be obnoxious to the other. But even in regard to the tariff amendment of last year, it will be found by referring to the debate that I admitted then that if it was obnoxious to either House the other had no right to insist; and consequently when the Senate out of abundant caution struck it out, against my vote I admit, but struck it out in reference to some such contingency as this, the House acceded to it, and admitted the propriety of doing so. I only urged it upon the ground that it was agreeable to the House, where it passed almost without reference to party. If it were agreeable to the Senate too, and agreeable to all sides, I should not say there was anything revolutionary or improper in the act. But what is revolutionary, and what is improper, in my estimation, is for one House to attempt to use appropriation bills to force on the other legislation which is obnoxious to it, to make it give up its will, its views of propriety, its feelings of what is right. The distinction is obvious. I have never said that the mere act of sending this provision here, if agreeable to us, would be revolutionary in itself; but I say that if, after we have shown our dissent to it, and declared that it is not agreeable to us, they should insist on it, and say we must either take it or they will stop the wheels of Government, the act would be revolutionary in itself, because it is saying to us that we must give up those privileges which belong to us.

We have a right to judge in regard to this measure; and if they say we shall not judge, but must adopt their opinions or they will stop the wheels of Government, I ask if the propriety of such a proceeding can be vindicated? There is only one way in which it seems to me it may be vindicated, and that is that the measure itself is of so much importance that it is justifiable to commit an act of revolution in order to carry it.

Mr. RANDALL. I submit that the argument which has just been read might have some binding effect upon me, but can hardly have any upon the gentleman from Iowa [Mr. McCRARY] in opposition to the declarations on the same subject of Mr. SHERMAN, of Ohio, then of the House, now Senator SHERMAN, of Ohio.

Mr. McCRARY. It ought to have additional effect, because it is correct. I have quoted it for the special benefit of the other side of the House, and I commend it to the serious consideration of the Committee on Appropriations. If it has some binding effect upon the honorable chairman, I shall be very glad that I was the means of bringing it to his attention. If Senator SHERMAN, then a member of the House, expressed a different view, it is enough for me to say that the view of Senator Hunter prevailed and became a settled and well-established law of congressional action. The House at that day, now twenty years ago, yielded to the doctrine as announced by the Virginia democratic Senator, and from that day to this no other or different rule has ever been insisted upon by either House.

But, sir, I go further. I assert without fear of contradiction that Senator Hunter was right when he asserted that a demand by one House upon the other to submit to the passage of laws in the propriety of which it does not believe, as a condition-precedent to the appropriation of money to keep in motion the wheels of Government, is revolutionary. Let me see if I cannot make this entirely clear by a very brief discussion of the subject. Such a demand, if persisted in, is revolutionary because it is an assertion of the doctrine that the Government shall stop unless the views of one branch of Congress are accepted by the other branch and by the Executive. What is this but the assumption of an unconstitutional and revolutionary power in one House of Congress? What is it but the assertion of a right in one branch of Congress to dictate to and control the action of the other branches of the Government? What is it but a blow at the independence of the two Houses and of the Executive, an independence conferred by the express terms of the Constitution and vital to the well-being, yea, to the very existence of the Government itself?

It is said that the House has the exclusive right to originate appropriation bills. I know the House has claimed this, and perhaps it may be said that the Senate has acquiesced. But the only clause of the Constitution upon which such a claim can be based is that one which declares that—

All bills for raising revenue shall originate in the House of Representatives.

I confess that I have never understood the logic by which it is claimed that an appropriation bill is a bill "to raise revenue." It would seem to me to be exactly the reverse of that—not a bill "to raise revenue," but a bill to expend revenue after it is raised. It is this most unnatural and forced construction of the Constitution which gives the House the exclusive right to originate appropriation bills, but I will not stop here to quarrel with this construction. For the purposes of my argument I adopt it. I assume that an appropriation bill is a revenue bill, within the meaning of the clause of the Constitution above quoted, and what follows? It follows that the Senate "may concur with amendments, as on other bills," for the self-

same clause of the Constitution so expressly provides. It is therefore self-evident that the Senate has the same right to amend such a bill that the House has to pass it. By what right, then, can the House say to the Senate: "If you exercise your constitutional right of amendment by striking out certain new legislation which we have inserted, and do not recede from your action, the wheels of this Government shall stop!" Is it any wonder that your great democratic Senator pronounced such a doctrine revolutionary and in violation of the Constitution? Is it any wonder that such a demand has never been made with success in the American Congress?

THE NEW RULE.

The majority of this House have undertaken to ingraft sweeping and radical changes of our laws upon the various appropriation bills. Anxious to make a showing of economy, at least until after the presidential election, they began this long session by amending the one hundred and twentieth rule of the House so as to allow any legislation in an appropriation bill which being germane to the subject-matter of the bill shall retrench expenditure. Under this rule it was easy enough to strike down appropriations regardless of the law and regardless of justice.

It is not my purpose now to discuss the question what reductions of force or of salaries can be safely made. The subject needs careful consideration. More than one committee needs to be consulted about it. Some Bureaus have not force enough and are falling behind with their work, to the great inconvenience of the public service. This is notably true of the Pension Bureau and the Land Office. The business of the Post-Office Department is necessarily increasing with the extension of settlements, the building of new railroads, and the like. But it was impossible for the Committee on Appropriations in addition to their other important duties to make themselves familiar with the facts and the wants of all the various branches of the service, and they therefore struck blindly at the whole public service, foreign and domestic. Want of information prevented intelligent action; but a large saving must be reported for political purposes, and hence we have a sweeping uniform reduction of pay and numbers. Such was the inevitable result of the agreement made by the majority at the opening of the session to put their important measures all upon appropriation bills, and the great powers of the House all into the hands of the Committee on Appropriations.

We have seen, as a result, the able and experienced Committee on Foreign Affairs sitting quietly and idly in their places while the Appropriation Committee made havoc of our poorly paid but vastly important consular and diplomatic service. We have seen in like manner the great committees of the House, representing the Army, the Navy, the Post-Office, the Pension, Land, and Indian Offices, all shorn of their proper jurisdiction and their powers under the amended rule assumed by the Committee on Appropriations. And we have heard this latter committee when pressed for an explanation of the reasons for their action repeat over and over that they had determined upon a uniform reduction of 20 per cent. of force and 10 per cent. of pay, but *why* this is deemed safe and expedient they could not tell. I assert that this attempt to make a general indiscriminate sweeping reduction without consideration is purely for political and partisan ends.

The fact that some of the leaders on the other side most prominent in the movement were equally prominent and active a little while ago in the effort to *increase* salaries and secure back pay is proof enough of this. But the history of Rule 120 affords further illustration of the same thing. This rule as originally adopted in 1837 was as follows:

> No appropriation shall be reported in such general appropriation bills, or be in order as an amendment thereto, for any expenditure *not previously authorized by law*.

In 1838 the following words were added:

> Unless in continuation of appropriations for such public works and objects as are already in progress and for the contingencies for carrying on the several departments of the Government.

The rule had been for many years construed as forbidding an amendment to a general appropriation bill changing in any way existing law. I refer to Barclay's Digest, page 16.

But the democratic party being in power in 1850 and desiring to increase the pay of democratic officials, the then democratic Speaker of this House decided that the latter branch of the rule not only permitted amendments *increasing salaries, but was framed for that very purpose*. I refer again to same authority. The history of the rule, therefore, is simply this: When democrats held the offices the democratic party so changed the rule as to allow an increase of salaries; when the time came that the House was democratic and the other branches of Government republican, the same democratic party changed the rule again so as to allow salaries to be reduced. Such is democratic consistency. When that party enjoyed the patronage of the Executive, it was deemed important to allow an *increase* but not a decrease of salaries by legislative provision in an appropriation bill, but a democratic House takes precisely the opposite view when their political opponents are in office. The insincerity of the majority may be further illustrated by a reference to well-known facts. A large proportion of the salaries now proposed to be reduced were fixed by the democratic party prior to 1860, when salaries were paid in gold and when the cost of living in Washington was at least one-third less than it is to-day. The salaries, therefore, which the democratic party fixed for democratic officials to be paid in gold in a time of cheap living are held by that party to be too much to be paid in greenbacks to republican officials in time of expensive living.

I am not insisting that no salaries should be reduced. I am insisting that the subject of re-adjusting salaries should be considered by the proper committees and should be reported upon in a separate bill, and take the usual course of all other legislation. But the amendment of Rule 120 has a much broader scope. It reaches far beyond the question of salaries. If insisted upon—if the House is to insist that the other branch of Congress shall admit into appropriation bills whatever the House inserts under its own construction of this rule—then it is capable of producing much greater mischief than has generally been supposed. The House may under this new rule insert any new legislation that will tend to reduce expenditures. Is everything that stops an appropriation therefore good? By no means. The appropriations for the time being might be reduced by abolishing the Federal judiciary; or by cutting down the Supreme Court to three judges; or by calling home all our foreign representatives; or by crippling the Pension Office and thus cheating unfortunate pensioners; or by reducing facilities for carrying the mails; or by repealing all laws for the protection of the citizen; or by stopping supplies for the Indians; or by mustering out the gallant officers of our Army; or by consolidating under one head all the Bureaus of the several Departments.

It is easy to see that legislation may be destructive of the interests of the people and in the interest of injustice and wrong, and may still retrench expenses. Since good government costs money; it is evident that by sacrificing good government in any given direction you may keep money in the Treasury which would otherwise go out. And the operation of this new rule has been such as to clearly prove that it is capable of great mischief, entirely aside from the salary question. Some of the matters now in dispute between the two Houses will illustrate this. For example, the House has, against the united protest of this side, ingrafted upon the sundry civil appropriation bill the following proviso:

> *Provided*, That all of the provisions of title 26 of the Revised Statutes of the United States in relation to the registration of voters and the appointment of supervisors of elections, and deputy and special deputy marshals, and touching the supervision of elections, are hereby repealed.

Sir, what is this statute which this House would repeal on the eve of a presidential election? It is no more nor less than a simple, fair, and just provision for the appointment, upon the petition of citizens in any city of over twenty thousand inhabitants, of two supervisors, "who shall be of different political parties" and residents and voters of the precinct where they serve. These supervisors are authorized to be present and scrutinize the proceedings at an election or registration and to make a record thereof. They are simply witnesses who have a right to see what is going on, and who will be likely to know of the perpetration of any frauds. The law is framed upon the theory that crimes are not apt to be perpetrated in the presence of witnesses. These supervisors have no power to interfere with the elections or to order or direct anything. To prevent partialty, they are taken from both parties and to secure perfect fairness in their selection their appointment is given to the United States circuit court. If impartiality can be found anywhere, it will be found in the Federal judiciary. The law also provides for the appointment in such cities of deputy marshals, to aid and assist the supervisors and to keep the peace and preserve order. All these provisions apply solely to elections at which members of Congress or presidential electors are to be chosen. Why should this law be repealed? Why should a provision for its repeal be thrust into an appropriation bill and a threat held out that, unless the Senate and the President will consent to the repeal, the wheels of Government shall stop? Is there any city in the Union containing over twenty thousand inhabitants in which the majority of this House object to having the election scrutinized by one republican and one democratic supervisor of elections, to be appointed by a circuit judge? Is the repeal intended to make frandulent voting and ballot-box-stuffing easy and safe in any great city, and thereby to make democratic success more probable? And will the House ask a republican Senate to consent to this as the only terms upon which the House will pass the appropriation bill at all?

Again, the House has ingrafted upon the Indian appropriation bill a provision to transfer the care, education, and control of the Indians to the War Department. Many of the ablest and best men of this country denounce this as inhuman, unchristian, and extravagant. Inhuman and unchristian, because no class of our people, however poor, neglected, or savage, should be given over to the cruelties and the crushing, demoralizing, and hardening influences of Army rule and bayonet government. Extravagant, because even the savage knows enough of liberty and cares enough for it to rebel against Army control; and the proposed change must therefore lead to Indian wars, the cost of which the country knows to its sorrow. Shall the House insist that unless the Senate will agree to this no appropriation shall be made for the Indian service? If so, what becomes of free discussion as to matters of legislation? What becomes of the independence of the several branches of our Government? What would the House say to the Senate if, under its undoubted power of amendment, it

should insert a provision as obnoxious to the House as these provisions are to the Senate, and thereupon insist that the House must agree with the Senate or no appropriation shall be made? I can imagine in such a case how great would be the indignation of this House, and how eloquently it would be expressed by the honorable chairman of the Committee on Appropriations.

KEY TO THE DEAD LOCK.

The House must not stand upon the doctrine that we can *insist* upon new legislation obnoxious to the Senate in an appropriation bill. In so far as the Senate can be induced to agree to legislative provisions in such bills, well and good, but when the Senate says to us that they cannot approve of or consent to any particular legislative provision, it is the duty of the House to recede. The rule laid down by Senator Hunter in 1856 will always bring the Houses together. That rule, as stated by him, is that neither House shall "use appropriation bills to force on the other legislation which is obnoxious to it, to make it give up its will, its views of propriety, its feelings of what is right."

I beg the House to consider how important this rule is; how necessary to the very existence of the Government itself. If it does not prevail, then it follows inevitably that a majority of one House can destroy the freedom and independence of the other branches of government or compel them to maintain it only at the cost of stopping the wheels of Government. This is not simply a question of salaries; it involves vastly more than the legislation immediately pending. It involves a question which may at some time touch the vitals of the Constitution itself, for if the right now claimed for the House is once recognized and should be followed in the future it must bring on conflicts between the two branches of Congress the end of which no man can foretell.

In conclusion, I submit to the House that much more can be accomplished in the line of genuine reform by adhering to correct principles of legislation than by departing from them. So general is the apprehension that it is a dangerous practice to crowd legislation on various subjects into one bill that in many of the States there are constitutional requirements that no bill shall embrace more than one subject, which shall be embraced in its title. If I believed that the legislation proposed by the House upon these appropriation bills was all right and in the direction of reform, I should still insist that it was an unwise thing to ingraft it upon those bills. After spending many months in maturing these changes of law, the House, in the last days of the session, when the heat of the summer is upon us, sends these bills to the Senate. That body cannot have the time nor the opportunity to consider them. It is most natural for them to say, "We will appropriate according to law, but we cannot now undertake to consider all these sweeping and important changes in the law." The House has taken the very course best calculated to defeat the object it professes to have in view. We have been in session now nearly eight months. Why were no bills matured and passed and sent to the Senate early in the session proposing these changes. If they are desirable changes it was the duty of the House to propose them in the usual way; but the House in its wisdom has seen fit to attempt by a change of its rules to give control over nearly all important changes of law to the Committee on Appropriations and to attempt to ingraft all its important legislation upon the appropriation bills. The result is what might have been expected and what was indeed predicted on this side of the House.

Mr. GARFIELD. The particular point is that the doctrine of Mr. SHERMAN was overruled and this principle was adopted.

Mr. RANDALL. And as an effect you continued all your extravagant laws in appropriation bills.

The SPEAKER *pro tempore*. The gentleman from Pennsylvania [Mr. RANDALL] has seven minutes remaining.

Mr. RANDALL. I yield five minutes to the gentleman from Iowa, [Mr. KASSON.]

Mr. KASSON. The debate has wandered a little too far from this bill to serve to enlighten the House on the real question before us. I beg to recall the attention of gentlemen to this particular bill. What is it? It is the bill which provides for the numbers and the rate of compensation of the civil officers and employés who are necessary to carry on the Government for the ensuing fiscal year. It embraces the officers and employés in each of the Executive Departments, in the mints of the United States, and in the various Departments, embracing what we call the civil service. During the last year, after the reductions then made, there were something over four thousand of these various persons, from the President down. This bill, as reported in the House, reduced the number of these civil officers, embracing the persons employed in the mints and other places of like kind throughout the country, by over 22 per cent.; that is to say, the House bill proposed at one blow to strike down nearly one quarter of the civil service of the United States. The statement of the proposition is enough, I think, to show to every member of the House that it involved great danger to the safety and efficiency of your administration. Nearly one-fourth of the force of the various Departments swept out of office without a day's notice, for to-day is the first day of the new fiscal year.

That I may illustrate the danger, let me say that in the Adjutant-General's Office, if the House bill takes effect, you would close up three divisions of labor, divisions which have saved hundreds of thousands of dollars every year by their investigations into claims more or less fraudulent, presented to the Court of Claims and to the Committee of War Claims of this House. You would close up this and like divisions in other Departments of the Government if the House bill took effect. I could speak of other Departments, but I do not wish to take up time. Now, the House sent such a bill to the Senate, proposing that only $13,392,000 in round numbers be appropriated for carrying on all these branches of the public service, involving this reduction of numbers and also the reduction of salaries. This bill also embraces congressional pay and the compensation of all the employés connected with Congress, the officers and employés of the Government Printing Office, &c. Thus you find that a large part of the reduction of expense is in this extraordinary diminution of numbers and a less part, I think, in the reduction of salaries.

The original bill which we passed last year for these same purposes appropriated $19,131,000, in round numbers. The pending House bill appropriates, as I have said, $13,392,000, in round numbers. As amended by the Senate, it appropriates $17,028,000, in round numbers. That is to say, the House proposes a reduction of $5,700,000 upon the bill of last year and the Senate a reduction of $2,102,000, the reductions of the Senate being effected chiefly by the reduction of force heretofore authorized by law.

Then, too, the House bill left out items amounting to $375,000, some of which were for rents of buildings which we must have and which we are constantly using; others making provision for clerks, &c., in the surveyors-generals' offices, that must be provided for. So that the actual difference between the two Houses is in the neighborhood of $3,000,000.

Now, then, the question is, have we a right to compel the Senate to adopt the changes proposed by us in the law regulating these Departments and prescribing the respective numbers and pay, in order to enforce this enormous reduction of nearly one-fourth of the entire civil service? In other words, has the Senate itself no constitutional authority touching the number and classification of the officers and clerks by whom the Government of the United States shall be carried on? Is it simply an office to register the decrees of the House?

[Here the hammer fell.]

I think the gentleman from Pennsylvania, having yielded so much to others, will not cut off a member of the conference committee.

Mr. RANDALL. I yielded to one member only on this side.

Mr. KASSON. But the other two members of the committee of conference have spoken.

Mr. GARFIELD. I suggest that the time of the gentleman from Iowa be extended by unanimous consent.

Mr. KASSON. Let unanimous consent be given that the gentleman from Pennsylvania retain the floor if that is what he desires. I only wish to finish my statement of the case.

The SPEAKER *pro tempore*. If there be no objection, the gentleman from Iowa will proceed.

There was no objection.

Mr. KASSON. Now, sir, when it came to that, the Senate refused to evacuate its constitutional position as a co-ordinate branch of the Government, endowed no less than ourselves with the law-making power. The chairman of the Committee on Appropriations has said to you that the first section which he had read as proposed by the House conferees was an assertion of the right of the House to fix salaries. The Senate denies the exclusive claim of the House, and says that itself has a share in that constitutional right, and must co-operate with the House and the President of the United States in order to establish rules governing numbers employed and their salaries; and it refuses to relinquish that constitutional right of free assent or dissent in respect to new laws.

As one Representative of this House, I take the position, and I desire it to be understood, that the right of the Senate is clear and palpable under our Constitution. It is one of the people's defenses against haste, passion, and breaches of the Constitution by a single House. The conferees on the part of the House have never within my knowledge demanded in conference that the Senate should repudiate that right, to co-operate in the making of law and to give full and free assent or refuse assent to a change in the law. Whatever gentlemen may claim on this floor for political purposes, that right is not claimed, so far as I know, in the committee-room. On the other hand it is equally true that the Senate has not refused to change laws in the interest of economy. It has only refused to do it where the judgment of that House condemned the change as injurious to the service. It has conceded in these reductions of over $2,000,000, in the interest of economy, such changes of law as were requisite to make those reductions. It might go further still, if the House would meet them in the spirit of moderation and justice, and not as dictators, without conciliation or concession.

Let us not, therefore, mistake the positions of the House and Senate respectively on this question. I desire to have it distinctly understood, that it is not only the wish of republicans in both Houses to go to the extreme of economy possible consistent with the efficiency of the service, but gentlemen must see it is the interest, also, of this side of the House equally, and particularly at this time, to go to the last degree of economy that does not destroy our public service. Now the question, of course, comes back whether the House goes further in the direction of destroying the service than it ought to do. And on that, sir, where shall we look for conclusive authority for the facts?

When an officer at the head of a Bureau, or at the head of a Department, points out to the House or the Senate the amount of work to be done, and with his long experience tells you that so many clerks have hardly been able hitherto to keep up the work, and that if you reduce the number by one-quarter it will fall enormously in arrear, is such an assurance to go for nothing with the House and the Senate?

The head of the Pension Office told me only this morning that there were 17,000 more claims pending this year in that office than last year. When you strike down his force you deny to the claimants of pensions from this Government the ability to reach the determination of their claims and the consequent relief of their most pressing wants. Or take the Adjutant-General's Office, to which I have already referred. Or take the Treasurer's Office. The Treasurer to-day is out of office. When he communicated to me the facts about his Office he had no earthly interest in the subject except the interest of a patriotic and accomplished officer; and he says that the Senate proposition for his Office embraces not a single man or clerk that can be spared, if the efficiency of that branch of the service is to be maintained or the necessary work performed.

Mr. RANDALL. Does not the gentleman know that there is not a single department of this Government that lives up to the law as to the hours of labor, the hours of employment, which the law provides shall be eight during six months and ten during the other six months? Does not the gentleman know that in no department of the Government with some few exceptions is more than seven hours' work performed?

Mr. KASSON. On the contrary, I know of some cases, of officers and clerks, who go back after dinner and work until nearly midnight.

Mr. RANDALL. Those cases are very few.

Mr. KASSON. And I know that the number of hours they are employed depends on two things: the physical ability of the employé and the immediate condition of the public business in the several Bureaus.

Mr. RANDALL. If you watch the Departments, you will see the numbers who rush in at nine and rush out at four, and never go back.

Mr. KASSON. Now, Mr. Speaker, whatever benefit there is in law already exists in law. And I know that if the gentleman from Pennsylvania will sit down and examine accounts and compute figures, or count bank bills for eight hours a day, and do it for three days in succession, he will go home a wiser (if not a better) man touching the ability of such clerks to work ten hours steadily day after day.

Mr. RANDALL. I work every day in my life more than that.

Mr. KASSON. I do not wish to be drawn from the main question here. The gentleman from Pennsylvania does not work at one desk and one kind of work that long. This, then, is the position of the two Houses: This House, or rather a committee of this House, think they can arbitrarily reduce the force engaged in the public service nearly one-quarter in a single year, nay, in a single day, without notice. The Senate say, after consulting with the executive officers of the Government, it cannot be done without detriment to the public service, and a large portion of this House agrees in that opinion. The Senate yields three or four hundred in the matter of reduction of numbers and is willing to go further. Under these circumstances what does the Senate propose? They say in effect: "Perhaps we are mistaken; perhaps you are mistaken as to the requisite number. What shall we do? Let the House salary appropriations stand; and we will appoint a committee of the two Houses who shall sit in the coming vacation; and that committee shall examine into all these Executive Departments and their needs, with ample time during the vacation, and shall report the first day of the next session as to what the number and compensation should be; and thereupon Congress shall adjust the salaries and the numbers as they should be." And the Senate further says: "In order that we may do no injustice in rates of compensation in the coming fiscal year and before the next session, that recommendation shall operate upon this fiscal year from the 1st of July. The House conferees declined to do that. And that is the present form of the difference. It is not so much in regard to the question of the permanent fixing of the salaries as it is in respect to an absolute and compulsory change of the law in this inconsiderate and reckless way for this fiscal year.

For myself, I can only say that I think the proposition on the part of the Senate, for the careful examination by a joint committee of the whole subject, so that our legislation at the next session may operate on the whole fiscal year, is, in view of the short time we have now for considering the important questions involved, a just and fair proposition. On the other question, the question of principle, I agree mainly with the observations which have been made by two or three gentlemen on this side. We ought not, cannot, must not, ask the Senate to vacate its constitutional function, as an absolutely equal and coordinate branch of the legislative power, nor deny its right to give a full and free assent or dissent to a change of the laws of the land. To deny their rights in this is to subvert so much of the Constitution. It is, so far as it goes, an attempted revolution.

A word further upon the point which has been discussed of the alleged reduction by this House of expenditures as compared with the estimates. If mere reduction of expenditures is meritorious, then the democratic majority might claim the highest possible merit by abolishing the entire Army and Navy, discontinuing the Federal courts, closing out and locking up the Executive Departments, refusing appropriations for pensions, and dissolving this expensive machinery of Senate and House of Representatives. That would be "retrenchment" in their use of the word. They have in fact proposed many millions of their reductions in this way, by abolishing a part of the Army, impairing the efficiency of the Navy, abolishing the Indian Bureau, depriving the Departments of means to do the work imposed on them by law, weakening the mail service by cutting off supplies for the service, refusing money to finish improvements in our western navigation, and denying to the laborers on unfinished public buildings the employment they need, at the very time they would willingly give their work at low prices for the sake of support for their families. They call it "reducing expenses of Government," when they only postpone to deficiency bills the absolutely needed supplies, or postpone inevitable work from this year to the next. They leave out of their footings of appropriations the millions they have re-appropriated without giving the amounts. They make their comparison with the formal "estimates" of last year, when they know the actual sums appropriated were less by nearly $20,000,000. They know perfectly well that judgments against the United States in the Court of Claims must be paid and that a large amount of these are now awaiting payment, and that the "estimate" for this fiscal year for that purpose was $2,000,000. Yet, in order to boast of their "reductions," they have repudiated these adjudicated debts, and have not appropriated one dollar for them. Any party willing to dishonor the nation could "retrench" magnificently by such repudiation.

Sir, I regret that I have not had time to go throughout the bills and show how their alleged "reductions" have been made. Time has only been found to illustrate under the head of public works how "reductions" for this year mean simply postponements to next year.

The following table shows the "estimates" for works mainly in progress, and which must be completed, and where "reductions" mean postponement:

Objects.	Estimates for 1877.	Appropriated per House bill.	Postponed.
Custom-houses and other buildings under Treasury Department	$5,363,446 86	$2,181 500	$3,181,946 86
Light-houses, beacons, and fog-signals	789,400 00	237,000	552,400 00
Armories and arsenals	917,218 00	289,175	628,043 00
Fortifications and others works of defense	2,044,000 00	315,000	1,729,000 00
Improving harbors and rivers	14,301,100 00	5,872,850	8,428,250 00
Buildings and grounds in and around Washington	2,036,920 44	464,950	1,561,970 44
Military Academy	89,000 00	500	88,500 00
Buildings under Quartermaster-General	500,000 00	.....	500,000 00
Navy-yards and stations	1,725,000 00	.....	1,725,000 00
Capitol building and grounds	475,000 00	160,000	315,000 00
Buildings and grounds, Government Hospital for Insane	225,000 00	5,000	220,000 00
Buildings and grounds, Columbia Institution for Deaf and Dumb	62,000 00	40,000	12,000 00
Buildings and grounds, Columbia Hospital for Women and Lying-in Asylum	15,500 00	.....	15,500 00
Smithsonian Institution building	5,000 00	.....	5,000 00
Repairs of building, Department of Interior	18,000 00	.....	18,000 00
Court-house, Washington, D. C	3,000 00	.....	3,000 00
Agricultural Department grounds	21,825 00	1,950	19,875 00
Total public works	28,591,410 30	9,567,925	19,023,085 34
Add for judgments in Court of Claims, (no escape from payment except repudiation)	2,000,000 00	.....	2,000,000 00
Total	30,591,410 30	9,567,925	21,023,085 34

Here, then, without going into the subject of the re-appropriations in the House bills, of the economies of a republican administration, amounting to a total of millions, which they refused to add to their footings lest they should so appear and lessen their "reductions," as they in fact do—here in this table alone we have about $21,000,000 of alleged "reductions" which are chiefly mere postponements of appropriations to deficiency bills for this year or appropriation bills for next year; and this is called "retrenchment" or "economy," and is to last till after election.

Mr. RANDALL. I yield five minutes to the gentleman from Illinois, [Mr. SPRINGER.]

Mr. SPRINGER. In reply to the statement of the gentleman from Ohio that the estimates or statements contained in the table I submitted to the House a few days ago are not correct, I have only this to state: That the figures in the first column of this estimate were compiled by the Departments themselves, and show the estimates of the Departments. The second column, being the appropriations for the year ending June 30, 1876, the fiscal year just expired, was compiled by Mr. McPherson, the late Clerk of this House. For those I am not responsible, nor is the Appropriations Committee, nor is the clerk of the Appropriations Committee. But the other statements here were prepared by the clerk of the Appropriations Committee,

and upon them I rest, and this House will rest, and the country will rest, as to the truth of those statements, notwithstanding that they are challenged by the gentleman from Ohio. Upon those statements it will appear that the appropriations as they have now passed the House are $64,392,117.20 below what the heads of the Departments of this Government said they needed for the year ending June 30, 1877.

Mr. FOSTER. They never said so.

Mr. SPRINGER. They made their estimates of the amount required for the various Departments of the Government; and the gentleman from Iowa [Mr. KASSON] has stated it was a great wrong upon the public service to reduce the number of clerks because the heads of the Departments said they needed that number.

Mr. FOSTER. I suppose the gentleman does not want to be unfair.

Mr. SPRINGER. No, sir; I do not want to be unfair.

Mr. FOSTER. Now, does the gentleman say that when the War Department says in answer to a resolution of the House that a certain harbor in this country should be surveyed and that it will cost so much to make the improvement—does he say that the Department demands that sum of money? They do not. The simply estimate the cost at the request of the House.

Mr. RANDALL. The Departments under a general law estimate the cost of administering this Government; and the gentleman from Illinois is entirely correct when he states that we received estimates from the various Departments of the Government, and upon those estimates we have made appropriations nearly $64,000,000 less than the Departments estimate as necessary to run the Government.

Mr. FOSTER. I say they do not claim those amounts as necessary.

Mr. RANDALL. You will not put your Departments in the position of asking what is not necessary, will you?

Mr. FOSTER. They simply tell you what the cost of making these improvements are; and what is the cost of completing the public buildings of this country which the Congress orders.

Mr. RANDALL. That is part of your patronage, as well as anything else.

Mr. FOSTER. The Secretary of the Treasury told you after these estimates came in that you could cut them down to meet the requirements of the present financial situation. These are not demands on the part of the Departments. They are simply estimates of the cost.

Mr. SPRINGER. I cannot yield further. I have made the statement, and I stand upon it, that these are the estimates which the law requires these Deparments to make to Congress. They submit those estimates as the estimates of the money necessary for the public service, according to their recommendation; and below those recommendations this House has made a reduction of $64,000,000. That is the fact, as it appears on the record.

Now what is the fact on record as to the last fiscal year, the year ending June 30, 1876? This House has passed bills reducing the expenditures for the coming year $39,175,451.10 below the appropriations for the fiscal year which ended yesterday.

Mr. FOSTER. That is not true. The gentleman misstates.

Mr. SPRINGER. I state this upon the authority of the estimates made by the Appropriations Committee of the House.

Mr. FOSTER. The chairman of that committee will not bear out the gentleman in that statement.

Mr. RANDALL. The statement is correct. You cannot controvert it.

Mr. FOSTER. I can.

Mr. SPRINGER. Then do it.

Mr. FOSTER. Then I will do it. I am challenged to controvert that statement.

The SPEAKER *pro tempore*. Does the gentleman from Illinois yield to the gentleman from Ohio.

Mr. SPRINGER. No, sir.

Mr. FOSTER. Then you back down. I am challenged to controvert the statement that the reductions are $39,000,000.

Mr. SPRINGER. Then do so now.

Mr. ATKINS. I hope the gentleman from Illinois will yield to the gentleman from Ohio for that purpose.

Mr. SPRINGER. I do yield to him.

Mr. FOSTER. The gentleman from Illinois makes the statement that the reductions in the appropriations of next year—so I understand him to say—are $39,000,000 below the appropriations for the year which has just expired. Am I correct?

Mr. SPRINGER. Yes, sir; I stated that.

Mr. FOSTER. Now, in that estimate is a reduction of $4,000,000 for deficiencies for the year just expired; and the gentleman makes the statement that this is a reduction of expenditures for the next ensuing year. These are deficiencies that applied to the year that has just passed, and can in no case be a reduction for this year. Then take off your $4,000,000 there.

Now, let me tell the gentleman another thing, that that four millions cannot apply to this year; it can only apply to last year. That reduces the amount of the appropriation to $35,000,000.

Then I think I can show beyond any controversy that this committee has re-appropriated unexpended balances of former appropriations, sums unused in the Treasury, amounting to $5,000,000, which will appear in the next year's expenditures, thus showing an expenditure of $5,000,000 greater than the appropriations.

Mr. RANDALL. More than a million of that was to pay deficiencies in the Army.

Mr. FOSTER. No, sir; outside of the Army deficiency.

Then, you have made no appropriation to pay the judgments of the Court of Claims, amounting to six or seven hundred thousand dollars more. Then again, you have made an indefinite appropriation for the mints, which last year amounted to more than a third of a million of dollars. The two latter items amount to more than $1,000,000. I have now shown that these reductions you have made do not exceed $30,000,000, and, I think, a million less than that.

Mr. RANDALL. That is a very good admission; that is a good winter's work.

Mr. SPRINGER. I am glad the gentleman admitted that so much has been done in the way of retrenchment, because the country did not expect so much of this House, and I am sure we did not expect it ourselves. Although the Committee on Appropriations have labored and done well, they could hardly have expected to have accomplished so much. They are willing to have the fact go forth to the country that they have been able to reduce expenditures $30,000,000 over the expenditures of last year; and when the proper time comes the people of the country will not fail to decide that the Committee on Appropriations have done well. If the gentleman from Ohio has not within the borders of his own State a man who can administer the affairs of the country with that amount, we upon this side of the House have a man who resides in the State of New York who knows how to do it and can do it and will do it with that amount of money. [Applause on the floor and hisses in the gallery.] The gentleman from Ohio may be able by his ingenuity to strike out some items as deficiencies or otherwise, yet I assert again that the items appropriated this year by this Congress as compared with those appropriated by the last House of Representatives were as I have stated, and in proof of this assertion I place upon the record the following statement as a portion of my remarks:

Statement of appropriation bills passed by the House of Representatives at the present session of Congress, showing the estimates of the Departments for each bill; the amounts appropriated for the year ending June 30, 1877, by this House; the reductions made in each bill below the estimates, and the reductions made by this House below the amounts appropriated for the year ending June 30, 1876.

Bills.	Estimates of the Department for year ending June 30, 1877.	Appropriation for the year ending June 30, 1876.	Appropriation bill as passed the House for the year ending June 30, 1877.	Reduction below estimates of the Department.	Reduction below appropriations for the year ending June 30, 1876.
Military Academy, passed the House January 31	$437,470 00	$364,740 00	$231,241 00	$206,229 00	$133,499 00
Pension bill, passed the House January 31	29,533,500 00	30,000,000 00	29,533,500 00	.....	466,500 00
Consular and diplomatic, passed the House April 10	1,352,485 00	1,351,285 00	912,747 50	339,737 50	438,437 50
Fortification bill, passed the House February 15	3,406,000 00	850,000 00	315,000 00	3,091,000 00	535,000 00
Legislative, executive, and judicial, passed the House April 28	20,836,307 00	18,734,225 00	12,998,815 61	7,826,499 39	5,724,417 39
River and harbor bill, passed the House April 10	14,301,100 00	6,643,517 50	5,872,850 00	8,428,250 00	770,667 50
Deficiency bill, passed the House April 12	2,722,471 70	4,703,699 18	671,486 74	2,051,984 96	4,032,212 44
Post-office bill, passed the House May 17	37,939,805 99	37,524,361 00	33,739,109 00	4,200,696 99	3,785,252 00
Navy bill, passed the House May 23	20,871,666 40	17,011,306 90	12,432,855 40	8,438,811 00	4,578,451 50
Indian bill, passed the House June 6	5,787,995 64	5,360,554 55	3,979,602 11	1,808,393 53	1,380,952 44
Army bill, passed the House June 19	33,348,708 50	28,331,070 00	23,192,334 72	10,193,631 38	4,778,752 88
Sundry civil bill, passed the House June 23	32,560,475 29	26,644,350 09	14,857,326 54	17,933,403 55	12,017,368 35
Total	203,098,985 82	177,912,319 72	138,736,868 62	64,364,117 20	39,175,451 10

Mr. KASSON. What is that table?

Mr. RANDALL. I want to bring the House to a vote upon this question, and I resume the floor for the purpose of closing debate.

Mr. FOSTER. Will the gentleman allow me two or three minutes more?

Mr. RANDALL. You have had two or three minutes.

Mr. FOSTER. I want merely to make a statement.

Mr. RANDALL. I cannot yield further.

Mr. FOSTER. I want to state what the difference is.

Mr. RANDALL. I will yield for two minutes, if you want to take back your statement that we have saved $30,000,000.

Mr. GARFIELD. A large portion of that is postponement, and not reduction.

Mr. FOSTER. I merely want to call the attention of the House to one matter which I think the chairman of the Committee on Appropriations has not looked into and which probably I have not as carefully examined as I should have done. But I think that it will be found that the difference between the House and the Senate on the question of salaries does not exceed $750,000. I think that the reduction of salaries proposed by the House does not exceed $750,000, and I want to make that statement that the House may know how little the difference is between the two Houses in dollars and cents, and one-half of that is made up in the salaries of members. I do not think the reduction of the salaries of clerks in the Departments exceeds $350,000.

Mr. SEELYE. I want three minutes. I have very little concern about the question whether this party or that party has or has not been in the habit of incorporating new legislation on appropriation bills. But I have great concern in the question whether this House shall approve such pernicious legislation, legislation fraught with untold possibilities of evils that every man of us is familiar with, legislation which does not differ in any respect from the most arbitrary practices of the most tyrannical despotism and which is unworthy of the legislation of a free people.

Now I notice that in all the procedures of these conference committees the first point which they bring up in the conference is this new legislation. They go to the Senate and demand conformity to this new legislation of the House. It is not a question in the first place whether the House and the Senate can agree on certain changes in the abuse of existing statutes, but in the first place the House through its committee have gone and thrust in the face of the Senate this new legislation, I will not say as a highwayman with a pistol in hand saying "Stand and deliver," but I will say with that which is tyrannical and despotic and has no other meaning; I have therefore prepared a resolution which I beg leave to offer to the House.

Mr. RANDALL. I do not yield for the resolution.

Mr. SEELYE. I ask that it be read.

Mr. RANDALL. I have no objection to having it read.

The Clerk read the proposed resolution, as follows:

Resolved, That the committees of conference in the disagreements between the House and Senate on the pending appropriation bills be instructed hereafter to ask an agreement in the first place upon matters which conform to present existing statutes, leaving matters of new legislation for secondary consideration.

Mr. SEELYE. Does the gentleman object to a vote on that resolution?

Mr. RANDALL. O, the gentleman knows all about it.

Mr. SEELYE. I offer that resolution, Mr. Speaker.

Mr. RANDALL. You have not the power.

The SPEAKER *pro tempore*. The gentleman from Pennsylvania declines to yield.

Mr. SEELYE. Allow me another inquiry.

Mr. RANDALL. No, sir; I gave you what you asked, and that is enough.

Mr. JONES, of Kentucky. Will the gentleman allow me three minutes?

Mr. RANDALL. Yes; three minutes.

Mr. JONES, of Kentucky. We have heard a vast deal on the subject of appropriations during this Congress, and especially within the last four or five weeks. Now, I am willing to concede that both parties in this House are actuated by the best and purest motives of economy and are endeavoring to serve the best interest of the country; and I desire merely to make this suggestion to gentlemen on this floor representing the republican party of this country, and I think it is a wise one for them if, indeed, they are sincere in their efforts. I have listened to all the suggestions made on this side of the House, and especially by our most active and vigilant committee, upon the subject of appropriating money to carry on the Government. We have seen the results of their labors and the country has seen the results of their labors, and the country, being fully informed of what has taken place in this House, will judge between the two parties.

My observation has been that there have been but few propositions by our Committee of Appropriations to reduce the expenditures of the Government that have not been objected to on the other side.

Mr. KASSON. The gentleman is not quite correct there.

Mr. JONES, of Kentucky. In almost every instance.

Mr. FOSTER. Not one in fifty.

Mr. RANDALL. The record shows it.

Mr. JONES, of Kentucky. The suggestion I would make is this: Let us take charge of the Government in this respect. You have done your duty most fully; we are now at something like a dead lock. If improper legislation has been incorporated in these appropriation bills the fault is ours, and the responsibility will fall upon the democratic party. You have done your duty; now let the appropriations of our committees be adopted. If it is found that the Government is brought to a stop; that its wheels are clogged, or, as said by the gentleman from Iowa [Mr. KASSON] this morning, that the doors of its offices will be closed and the operations of the Government must cease, then let the blame fall upon the democratic party; you are acquitted of all responsibility.

Let these appropriation bills go through; make your protest; let the country judge; and if the democratic party has done wrong the people of the country will visit their disapprobation upon that party and the glory will belong to you. But let us make the experiment; you can never reduce the expenses of this Government until you try. Let us try it and then we can judge of the result.

[Here the hammer fell.]

The SPEAKER *pro tempore*. The time of the gentleman has expired.

Mr. JENKS. I ask my colleague to yield to me for two or three minutes.

Mr. RANDALL. I will yield for three minutes.

Mr. JENKS. The gentleman from Iowa [Mr. KASSON] speaks of the reduction of 22 per cent. in the employés of the Government as being excessive. Let us apply that to the Pension Bureau, where they now ask an increase of a hundred employés. Perhaps that Bureau will furnish as fair an illustration of the propriety of this reduction as any other. Although it is said that the work in that Bureau is behind, that is not because of any deficiency in the number of employés, but because they are not properly employed. I do not say that they do not work, but they do not work upon any intelligent system whatever.

There have been made within the last year at least four changes in the head of that Department: Mr. Baker, Mr. Atkinson, Mr. Gill, and now Mr. Bentley. Mr. Baker perhaps did know his business; if so, he did not conduct it to the best good of the public. But the others certainly did not know their business.

Mr. KASSON. Does the gentleman apply that remark to the present chief of the Pension Bureau?

Mr. JENKS. The present chief has not yet learned his duty. From what I know of him, I think he may make a very efficient officer.

Mr. KASSON. He is one of the most active, faithful, and efficient men I ever saw at the head of a Bureau.

Mr. JENKS. At all events, he does not now know all the business of the office. In 1866, with one hundred and seventy-five employés, the Pension Bureau adjudicated fifty thousand original cases. Last year, with over four hundred employés, there were only about twelve thousand original cases adjudicated. Before the Committee on Pensions we took the testimony of the chief clerk of the Pension Bureau, Mr. A. P. J. Clark. In answer to a question by one of the members of the committee, the gentleman from Wisconsin, [Mr. RUSK,] in regard to the finance division of the Pension Bureau, he testified as follows:

Question. How many desks are there in that division?
Answer. There are forty-eight persons employed in that division

Then, in reply to a question from the chairman of the committee, he testified as follows:

Question. Give us your best judgment. Ought that division not to be lopped off?
Answer. If the work in the Auditor's Office was up to date the work of that division would be useless.

Now, here are forty-eight employés in one division who, if the work in another Department was properly attended to, would be utterly useless. There is 22 per cent. that this most intelligent man, I believe an upright man, in that division swears would be useless if the work was up in the Auditor's Office. I believe there should be an increase of force in the Auditor's Office of perhaps ten clerks. But with the work in that Office up to date forty-eight men could be dispensed with in the finance bureau. There are one or two other divisions in that Bureau that are overcrowded. I apprehend that by the time this present Commissioner has studied the duties of his Office for one year he can do the whole work of it very well with two hundred employés, and better than it has been heretofore done with four hundred employés.

Mr. RANDALL. I desire to say a word in reply to the statement of the gentleman from Iowa [Mr. KASSON] in connection with this bill so far as it relates to the reduction of the number of employés. I maintain, first, that there are a great many too many employés in all the Departments.

I say further that if the law is adhered to as to the number of hours that the clerks shall be employed even under this bill, with the reduced number of clerks that we allow, we can obtain as many hours of labor out of the reduced number of clerks for the next year as have been obtained from the larger number now employed in the Departments.

The gentleman from Maine [Mr. HALE] talks about discretion in the character of appropriations.

Now the sundry civil bill is a fair illustration of the "discretion" which each House recognizes on these appropriation bills. The Executive Departments estimate that there should be appropriated for the sundry civil purposes of the Government $32,560,000. There was appropriated for the year ending June 30, 1876, according to the

statement, $26,644,000, although the paper to which the gentleman from Ohio alluded a moment ago makes the appropriations of last year for sundry civil expenses $29,000,000. Now the House has appropriated $14,850,000 in the sundry civil bill; and I will show you what kind of "discretion" the Senate has exercised in connection with that bill. The Senate has added to it $3,644,274 for purposes of every description, none of them necessary and none of them, so far as I am able to see, required by law. That is the kind of "discretion" in the way of economy which the Senate exercises, and it is a kind of "discretion" which I hope this House will resist.

I now desire a vote, and call for the previous question on my motion that the House agree to the request of the Senate for a further conference.

Mr. KASSON. I want to say to the gentleman from Pennsylvania that what gentlemen on his side call "reductions" are very largely mere postponements of expenditures, as for instance the appropriation for public buildings, fortifications, &c.

Mr. RANDALL. If there be any branch of the public service that has been more improperly or corruptly administered than the expenditures of money upon public buildings, my experience does not show it.

Mr. KASSON. Well, Congress is responsible for it.

Mr. RANDALL. I say here that in connection with the expenditures for public buildings in years past there have been the grossest abuses that can be conceived of.

Mr. KASSON. Initiated by Congress in every case.

Mr. RANDALL. I do not care who initiated them.

Mr. KASSON. I agree with the gentleman that there are evils in that direction needing correction; but nevertheless many of these expenditures will have to be made some time.

The previous question was seconded and the main question ordered; which was upon the motion of Mr. RANDALL that the House agree to the request of the Senate for a further conference.

The motion was agreed to.

The SPEAKER *pro tempore* announced the appointment of Mr. RANDALL, Mr. SINGLETON, and Mr. FOSTER as the committee of conference on the part of the House.

Mr. SEELYE. I now offer my resolution of instruction to the committee.

Mr. RANDALL. You cannot instruct a conference committee. If bound by instruction, it would cease to be a conference committee.

Mr. SEELYE. Is it not within the power of the House to instruct its own committee?

Mr. RANDALL. The conference committee is composed in part of representatives of the Senate. Such a committee cannot be instructed without ceasing to be a conference committee.

Mr. KASSON. The gentleman from Massachusetts [Mr. SEELYE] can accomplish his object by modifying the resolution so as to declare that "it is the sense of this House," &c.

Mr. GARFIELD. The gentleman from Pennsylvania is correct in saying that we cannot instruct a conference committee; because a conference between the two Houses must be "full and free."

The SPEAKER *pro tempore*. That is correct.

Mr. GARFIELD. But the House can express its opinion in a resolution, without putting it in the form of instruction.

The SPEAKER *pro tempore*. The gentleman from New York, [Mr. LEAVENWORTH,] being entitled to the floor on the Geneva award bill, yielded to the gentleman from Pennsylvania [Mr. RANDALL] for a specific purpose, which has now been accomplished. The gentleman from New York is entitled to the floor.

Mr. CONGER. This resolution is proposed to be offered to express the sense of the House upon the subject-matter connected with the conference.

Mr. SEELYE. Will the gentleman from New York [Mr. LEAVENWORTH] yield for a moment to allow this resolution to be voted on?

Mr. RANDALL. Let him do so; I have no objection.

Mr. LEAVENWORTH. I yield for the purpose of having a vote taken, but not for any discussion.

Mr. SEELYE. I have no desire to discuss it. I offer the resolution, modifying it so as to declare that it is the opinion of this House, &c.; and upon the resolution I call the previous question.

Mr. RANDALL. I shall desire to offer an amendment after the resolution is read.

The Clerk read as follows:

Resolved, That it is the opinion of this House that the committees of conference on the disagreements between the House and the Senate on the pending appropriation bills should hereafter seek an agreement in the first place upon matters which conform to present existing statutes, leaving matters of new legislation for secondary consideration.

Mr. RANDALL. I now move to amend by adding "except such items as, being germane to the subject-matter of the bills, would retrench expenditures."

Mr. SEELYE. I desire to have the question presented to the House without complication. I call for the previous question.

Mr. RANDALL. I offered my amendment before the previous question had been called.

The SPEAKER *pro tempore*. The gentleman from Massachusetts offered his resolution and at once called for the previous question upon it. The only manner in which it can be amended will be by voting down the previous question.

The previous question was not seconded, there being—ayes 45, noes 77.

Mr. SEELYE. I withdraw the resolution. The gentleman from New York declined to yield for any purposes involving discussion or the consumption of time.

Mr. RANDALL. I object to the withdrawal. The resolution is not now within the control of the gentleman; it is in the possession of the House; and I move the amendment I have indicated. Upon that I ask the previous question.

The SPEAKER *pro tempore*. The resolution is before the House, and the gentleman from Pennsylvania offers to amend it.

Mr. BURCHARD, of Illinois. The gentleman from Massachusetts [Mr. SEELYE] has a right to withdraw his proposition until the previous question is ordered or an amendment is adopted.

Mr. SEELYE. I rise to a point of order. The gentleman from New York [Mr. LEAVENWORTH] had yielded to me for the sake of introducing a resolution, on the ground that there would only be a vote upon it, and that it would entail no further delay. I feel that it is only good faith to him, inasmuch as the matter has become complicated, to withdraw my resolution.

Mr. HOLMAN. The gentleman has no right to withdraw the resolution after there has been action upon it and the previous question has been called.

Mr. BURCHARD, of Illinois. If the Chair has any doubt upon the subject, I can refer him to the rule.

The SPEAKER *pro tempore*. The Chair would be very glad to have the gentleman refer to it.

Mr. KASSON. It is the fortieth rule, to be found on page 170, and reads as follows:

40. After a motion is stated by the Speaker or read by the Clerk, it shall be deemed to be in the possession of the House; but may be withdrawn at any time before a decision or amendment.—*April* 7, 1789.

Mr. RANDALL. O, you are put right on this question of economy, and I insist on my amendment.

The SPEAKER *pro tempore*. The Chair is compelled under the rules to decide that the gentleman from Massachusetts has a right to withdraw the resolution; and it is not before the House.

The Chair appoints as conferees on the part of the House on the bill (H. R. No. 1771) to declare forfeited to the United States certain lands in the State of Kansas in aiding the construction of a railroad, approved March 3, 1863, Mr. GOODIN, Mr. FULLER, and Mr. MCDILL.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, announced that the Senate had passed a bill of the following title; in which he was directed to ask the concurrence of the House:

A bill (S. No. 655) to confirm to the city of San José, in the State of California, the titles of certain lands.

The message further announced that the Senate had passed a concurrent resolution authorizing the printing of ten thousand copies of the report of the Commissioner of Education for 1875.

The message further announced that the Senate had passed, without amendment, the bill (H. R. No. 567) for the relief of Anderson J. Smith.

The message further announced that the Senate insisted on its amendments disagreed to by the House to the joint resolution (H. R. No. 109) for the issue of silver coin, and agreed to the conference asked for on the part of the House on the disagreeing votes thereon, and had appointed Mr. SHERMAN, Mr. BOUTWELL, and Mr. BOGY as managers of said conference on the part of the Senate.

GENEVA AWARD BILL.

The House resumed the consideration of the Geneva award bill.

Mr. LEAVENWORTH. Mr. Speaker, I had not originally intended to occupy any of the valuable time of this House on the question now under consideration. I had partially formed an opinion in regard to the decision of this matter, and I sat down to listen to the remarks of the honorable gentleman from Iowa [Mr. MCCRARY] with the full conviction that at the end of his argument, on whichever side it might be, I should doubtless be drawn to the same conclusions with himself. For that honorable gentleman, for his legal acumen, his sound, vigorous common sense, the unimpassioned and judicial fairness with which he approaches the consideration of every subject brought to our attention, I entertain the most profound respect. It is therefore with diffidence in the accuracy of my own judgment and with some hesitation that I proceed to reply to his able argument in support of the report of the majority of the committee and to assign my reasons for dissenting from his conclusions. The argument which he submitted to the House on this question entirely failed, however, to convince me of the correctness of the propositions which he endeavored to demonstrate and of the conclusions to which he arrived. The honorable gentleman from Iowa coincides in opinion with the majority of the committee and sustains their report, while I coincide in opinion with the minority and sustain their report.

He endeavored to satisfy this House of the justice of the conclusion to which the majority of the committee had arrived by an examination of the treaty and of the award and, as *he said*, of the action of the arbitrators. The latter part, unfortunately, he substantially overlooked. He did examine the treaty and he examined the award, and he thought he was able to deduce and maintain from the provisions of the treaty and from the award the conclusion that the United States

reserved to itself the right to dispose of this award according to its best discretion.

I, on the other hand, examined the same treaty and the same award, and came to the conclusion that the United States has no right to dispose of the amount of this award except to those parties whose property was paid for by the award.

I think I may with great point and with entire propriety insist that the honorable gentleman has inadvertently confessed and admitted the fallacy of his own conclusion in the course of his remarks. His evenly-balanced and well-poised legal mind, together with his judicial fairness, compelled him to remark at one point in his argument as follows:

> My task shall be to establish the proposition that it is within the power of Congress to exercise a discretion in the distribution of this fund, and so to distribute it as to pay the actual sufferers *the amounts which they lost by reason of Great Britain's wrong.*

At another point in the argument of the honorable gentleman the same just view of the case is again expressed thus:

> I maintain that by reference to all of these (referring to the treaty, the award, and the proceedings of the arbitrators) it is apparent that the Government of the United States did retain control of this fund, the right to dispose of it *to actual sufferers by reason of England's wrong*, bounded only by the subject-matter of the arbitration.

Now, the honorable gentleman will not question the decisions of the arbitrators or their high and paramount authority. He will not go back of any decisions made at Geneva. But that honorable board decided that the very persons to whom the honorable gentleman proposes to distribute this fund were not "sufferers by reason of Great Britain's wrong." They *unanimously* decided that *they* had suffered *nothing whatever* by reason of *England's wrong*. In regard to them she had violated no law of neutrality, and therefore, according to the above proposition of the gentleman, they had not the slightest claim upon any part of the award. What, then, becomes of the gentleman's conclusion?

Allow me, however, Mr. Speaker, to examine some of the other grounds taken by the honorable gentleman from Iowa. He based his argument entirely on the provisions of the award and of the treaty, and he insisted that, as he found nothing in the treaty or in the award which bound the Government of the United States to dispose of this amount to any particular class of claimants, therefore the Government had a right to dispose of it according to its best judgment and discretion, overlooking the limitation above set forth by him.

How was it *possible* that the treaty should contain provisions for the distribution of the amount awarded, since at that time it was necessarily unknown what claims would be allowed, and what disallowed.

Why, too, should such a provision be embodied in the treaty, when England could have had no wish to insert it, and the United States were unwilling it should be done. What inference, then, can possibly arise from the fact that the *treaty* does not bind the United States to distribute the award to any particular claimant.

Now I hold, Mr. Speaker, that aside from this award and aside from this treaty, there are other great and important principles of *right* and *justice* which ought to govern this House in its final decision in this case: the great principles of right and justice which came down with our first parents from the eternal Throne; the principles promulgated among the lightnings and thunders of Mount Sinai, which have come down through all the ages, which are recognized in all lands, which are guaranteed not only by the Constitution of the United States, but by the constitution of every State in this Union; the right which every person has to the absolute possession of his own property. That is the great fundamental principle in my humble judgment on which this question ought to be decided. I have been surprised to see honorable gentlemen upon this floor, instead of submitting the question to the cool, deliberate, unbiased judgment of the House, appealing to its sympathies and to its prejudices, not willing to rest the case on the sober judgment of the House, not willing to have it decided in the manner in which this and all other great matters brought before us *ought* to be decided. The honorable gentleman from Maine, [Mr. FRYE,] who addressed the House yesterday, spent a large part of his time in endeavoring to throw odium upon the insurance companies—to make them obnoxious to the prejudices of this House. I submit to every gentleman before me whether it is in good taste for statesmen on this floor, whether it is the duty or even the privilege of gentlemen here to attempt to appeal either to the sympathies or to the prejudices of honorable members. Now, both the gentleman from Maine and the honorable gentleman from Iowa referred in the course of their remarks to the *rich* insurance companies, and from time to time dwelt upon the fact that they were supposed to possess large amounts of accumulated wealth. Now, I submit that that is a most unfair, dangerous, and unworthy mode of presenting a question before this House. I submit that it is quite possible and perhaps probable that the wealth of these companies is not greater, perhaps not as great, as that of many of the large ship-owners whose vessels and cargoes are by the bill of the majority of the committee to have priority of payment from the proceeds of this award. Is there any evidence before the House, or any reason to suppose that the owners of the ships destroyed were not as wealthy as the insurance companies? Are the stockholders in insurance companies any more apt to be surfeited with money than the owners of the vessels destroyed? Are they any more so than Messrs. Lowe & Co., or Grinnell & Minturn? No matter how wealthy the stockholders in these insurance companies may be, there is no evidence before us that they are any more so than the owners of these vessels which by the terms of this bill have priority of payment. Are not all such appeals rather in the nature of a lawyer's argument in behalf of his clients? Do they not carry that aspect with them? Are they not rather the appeals which we have all often heard in cases where merits were wanting, where the speaker felt keenly the weakness of his case, and therefore appealed to sympathy or to prejudice rather than to the eternal principles of justice and right.

Again, the honorable gentleman from Iowa [Mr. MCCRARY] in his argument insisted because the arbitrators awarded a sum in *gross*, because this Government requested that a sum *in gross should be* awarded, because it directed our counsel at Geneva to make the request that the award might be in gross, that such fact furnishes strong evidence to show that the Government intended when it received the money to be at liberty to use its own discretion in disposing of it. Now I submit that it does *not* show any such thing. It no more justifies that conclusion than it does the very opposite conclusion that the Government intended that that money should be distributed precisely in the manner indicated by the report of the minority of the committee. It shows neither the one thing nor the other; it shows merely that they preferred that *this* Government should distribute the money rather than that England or the arbitrators should impose conditions upon its distribution. The Government of this country preferred to keep it in its own hands to be distributed as the justice and equity of the case might require. It does not furnish a particle of evidence to show that the Government did not intend that all persons whose property was paid for by the award should have their damages out of the sum awarded. We are bound to presume that the Government intended to do perfect and exact justice to all the parties in interest, and there is not a word in the treaty or in the award to militate against that conclusion.

The honorable gentleman greatly errs in the conclusion which he draws from the terms of the treaty. On the contrary, the treaty shows exactly the reverse of the conclusion which he draws from it. I want no better or other evidence to show that from the beginning to the end the Government has intended nothing less than that the money when recovered should go to pay the very damages awarded for the very property destroyed and which England was adjudged liable and bound to pay for for her violation of her obligations as a neutral. If the Government did not intend that, then I affirm that it was guilty in the first place of a most gross and infamous fraud and swindle on the claimants in this case. If the Government intended originally or at any time thereafter to get these claims into its hands, to negotiate with England for their payment; if it made this treaty, caused the arbitrators to be appointed, and finally obtained this award of $15,500,000, all the time intending when the award was obtained to dispose of it according to its discretion, without respect to the persons or corporations the value of whose vessels and cargoes was included in the award, then it intended as gross a swindle on those persons whose claims were placed in its hands as ever dishonored the most corrupt of governments. But I insist that the Government intended no such thing. It would be a gross impeachment of the character of several of the most honorable and distinguished officers of the Government to suggest it.

The very treaty itself shows that the Government all the time intended to recognize the respective rights of the owners of these claims. What does the tenth article of the treaty provide for? It provides that if the arbitrators did not award a sum in gross—and it was within the election of the arbitrators to award the one or the other, as they in their judgment might deem best—then a board of *assessors* should be appointed who should assess the amount of each claimant's damages so far as Great Britain should by their decision be held bound for the payment of such damages. Now I have heard no gentleman on this floor, and I presume there is no one here who will, deny that, if these assessors had been appointed under the tenth article of the treaty and had made an assessment of the damages in the case of each individual, each person whose damages were thus assessed would have received the precise amount of his assessed damages. Is there any gentleman here who claims that that is not so? No gentleman on this floor has yet taken any such ground. The terms of the tenth article of the treaty are too plain to be misunderstood. And if they do not take that ground then they admit that by the very terms of the treaty the Government recognized the right of the respective owners of this property, and the principle that when the value of the property was assessed by the assessors each of the owners would be entitled to receive the precise amount at which his damages were assessed. Therefore the *meaning* and *intention* of the Government is that expressed in the tenth section of the treaty; that section can mean nothing but that no interpretation of its meaning has been or can be made so unfair, so distorted, as to impute to it any other or different meaning. No one has even attempted it.

But, if the construction of the honorable gentleman from Iowa is true, then the Government, in addition to a gross fraud and swindle on the sufferers, is guilty in the second place of this duplicity: If it was intended by the seventh article of the treaty, as contended by the honorable gentleman, that in case the award was made in gross it would do what it pleased with the money, using simply its own discretion

in the distribution, and also intended by the tenth section that if the damages were assessed then the claimants should receive the pay for their property according to the assessment, then this Government "of the people, for the people," was guilty of an infamous and most fraudulent act of double-dealing and deceit; this Government secretly and clandestinely intended by one article of the treaty to do just what it professed to be doing and just what it was in common honesty bound to do, to obtain, if possible by the decision of the arbitrators, full compensation from Great Britain for the damages sustained by each claimant by her wrongful act, while at the same time by another article of the same treaty the Government intended when the money was obtained to set up the new, unheard-of, monstrous, and wicked claim that, by some mysterious process, (which has not yet been satisfactorily explained, although a number of these gentlemen have attempted it, each in a way peculiar to himself, and entirely different from the other,) this $15,500,000 of the property of our fellow-citizens has without any warning or notice become the property of the Government, to be disposed of as our sympathies or our prejudices may dictate. All this is simply a *reductio ad absurdum*. It is not to be believed for one moment that the Government of this great country had two antagonistic ideas in its mind when it made this treaty, by virtue of one of which they could cheat those claimants whose damages were paid by this award out of their claims, and give the sum awarded to whomever they pleased, and by virtue of the other they would give the claimants respectively the amounts awarded to them by the assessors. Yet that is the very disgraceful and dishonorable position in which the honorable gentleman from Iowa would place the Government, under the seventh and tenth articles of this treaty.

The honorable gentleman says further along in his argument that this treaty expressly provides that all claims submitted to the arbitrators shall be satisfied, settled, and forever barred by virtue of that arbitration; and that therefore, inasmuch as all the claims presented to the board were *satisfied*, every person who presented his claim has had it satisfied, and therefore every claimant ought to receive his pay. Is that a conclusion which can be drawn from these premises by any fair and legitimate construction?

Let us look at it for a moment. In the first place there never was a treaty negotiated by the Government of the United States for the adjustment of the claims of our citizens, from the time of its first formation down to this day, which did not provide that the arbitrators, commissioners, or assessors, whenever they had examined the claims presented to them, should make a *final* award, and that award should forever *bar and satisfy* all claims up to a certain time named in such treaty. When in 1857 we entered into a treaty with New Grenada for the adjustment of the claims of forty years' standing, including those growing out of the Panama riot, it expressly provided that all claims, whether presented or allowed or not, were to be forever settled and barred.

The language of the fifth article of that treaty is as follow:

> The proceedings of this commission shall be final and conclusive with respect to all the claims before it, and its awards shall be a full discharge to New Grenada of all claims of citizens of the United States against that Republic, which may have occurred prior to the signature of this convention.

Whether a claim was allowed or rejected, whether it was presented or not, it was forever satisfied and discharged.

The money in that case was paid by the government of New Grenada *to the Government of the United States in gross sums* and just as it is here. Large claims were allowed by the commissioners. Claimants who lost large amounts of money had their claims disallowed on the ground that New Grenada was not liable to the payment of those claims. Now, I would inquire why it was that those claimants whose claims were disallowed did not come in and insist that their claims should be paid out of the funds received. Why did they not claim that the treaty was made by the act of the Government and at its own cost, and the fund was paid *to the Government and in gross;* that the Government had the fund under its own control? Their claims were forever barred, and they never had or could have any further claim against New Grenada. Unfortunately for that class of claimants whose claims were then disallowed by the commissioners, this new invention, which has been devised for this occasion, that the Government might take the money received for the valid and allowed claims and apply it to the payment of the claims which were invalid and disallowed, had not then been dreamed of. There were but a few hundred thousands of dollars involved in that treaty; this involves many millions. The money was paid in gross sums. What was the difference between their claims and the claims of gentlemen here to-day whose claims were disallowed by the arbitrators at Geneva? Yet I venture to say that the idea never entered the mind of any one, it was never dreamed of, that any person whose claim was disallowed on that occasion had any right to the money which had been allowed for the damages sustained by others. But why not? It was paid in gross. The treaty provided expressly that it was to be a final bar to any further claim. These claims could never be brought up again against New Grenada. They had no claims against this country. Why should they not come in and have their pay precisely on the same footing as those persons to whom damages were not allowed by the arbitrators at Geneva? I see no reason. I can see none. Up to the time of the Geneva award it had never been claimed that the Government had any discretion in this distribution of a fund received by virtue of an award for specific damages.

Gentlemen urge that in this case they ought to have their pay, because their claims were *satisfied* by the arbitration. The final award of course closed up and forever barred all claims they could ever have on the government of Great Britain. That was the very object of the treaty, was it not? The treaty was made for the express purpose of settling forever all this matter in controversy in regard to the Alabama claims. If the claims disallowed, just as much as those allowed, had not been barred, the great object of the treaty would have failed entirely. To say, therefore, that these persons whose claims were disallowed by the arbitrators may come in here and ask payment out of the amount allowed for damages sustained by other persons seems to me to be one of the most monstrous, one of the most unreasonable, one of the most unprecedented and unjust claims that ever was advanced in any court of justice or any legislative hall. In nearly or quite every treaty made by the Government for the adjustment of the claims of our citizens there is a similar provision. Without it the treaty would be idle and nugatory. The claims which are not presented and those which are presented and disallowed are as perfectly *satisfied* by the treaty as if allowed and paid. But in all times past never did a claimant whose claim was declared invalid and rejected come forward to demand payment from the sum awarded on the claims allowed on the ground that his claim was *satisfied*, for the simple reason that it had been decided that he had no claim which the foreign government was bound to pay. His damages were sustained without wrong from any quarter.

The gentleman further claimed in the course of his remarks that the United States, in all its transactions, did not act as an agent, did not act as an attorney for the parties who had sustained these damages; *that all the evidence in the case showed that the Government did not act in that capacity.* His language is very explicit:

> It is claimed that the United States acted in that arbitration as the attorney or as the agent of these claimants. I deny it. There is no evidence to support it. All the evidence contradicts the proposition.

That was a most bold and extraordinary proposition for the gentleman to put forth in view of all the evidence in this case. I undertake to say that not one single factor is wanting which is necessary in order to constitute this Government an agent of the claimants in this whole matter. I undertake to say that this is just what our Government has been doing from the day of its organization down to this, and that she is doing it to-day in other cases besides this, and has been doing it continually year after year ever since the existence of every gentleman on this floor. What higher duty, I would like to ask, is there for any government to perform than the duty of protecting the property and vindicating the rights of her citizens which have been trampled upon by foreign nations! This is the first duty which a government owes to its citizens, and it is so laid down in all the elementary works. A private individual has no right to redress his own wrongs. Our citizens living on the Rio Grande, who are continually invaded from Mexico, have no right to cross the frontier and redress their injuries. That would involve this country immediately in a war. It is a right which is denied to them, and *must be* denied to them. The citizen owes obedience to his Government and the Government owes protection to its citizens; and when his rights are invaded by a foreign government, the Government steps in in his behalf and, as his agent, vindicates his rights. This is laid down in all the elementary works. (See Phillimore, volume 3, part 9, chapter 2.)

But the whole evidence in this case shows, if it shows anything, that this Government in this transaction was acting in no other capacity than as an agent. In the first place, on the 22d of September, 1865, she sends out her circulars to all persons who sustained damage by virtue of these cruisers and invites them to send in their claims, made out in form, with claimants' names, dates, &c., proposing to enforce them. She makes a formal tender of her agency in express terms. Then she requests these claimants in so many words to ask the Government to present their claims as claims against Great Britain.

This request will be found in said circular in these very words:

> It is proper that the interposition of this Government with the foreign government against which the claim is presented should be requested in express terms.

What was all this but an express offer to accept the agency and a request to be thus employed?

Then she takes the claims into her hands and sends them to our minister in England precisely as she had asked to be requested to do; she causes them to be regularly drawn up and presented *in the names of the several claimants to the British government.* Finally, the British government not acceding to the claims, she procures a *board of arbitrators to pass upon these claims.* She presents them to that board of arbitrators, drawn up in the manner above stated, *with the name of every claimant*, the amount of his claim, the vessel destroyed, the vessel by which it was destroyed. The justice and validity of these claims are urged by the Government's counsel. Finally she procures from that tribunal of arbitrators a decision declaring precisely which of these claims shall be allowed and which shall not be. Yet it is said that in all this she was not an agent for the parties whose property was destroyed by these cruisers and whose claims for such destruction she had undertaken to enforce! Is there wanting any factor to make her an agent? What single act beside *could* she have done to make her an agent? And yet the honorable gentleman from Iowa denies that there is *any evidence* to support it. Why, sir, there is no evidence want-

ing; she has always acted as the agent of her citizens in all cases of this kind. She makes treaties as their agent. This is a government of the people, for the people, and by the people. She makes them, it is true, in the name of the nation. Does that divest a citizen of his right to his property? Of course a treaty can be made in no other way. But does the claim of a citizen then become the property of the nation! A treaty cannot very well be made by a foreign power with the claimants themselves. It cannot be made with a private individual; it must be made and always is made with the nation as such. It is a treaty between two nations; but it is a treaty for the purpose of enforcing the rights of individuals, not for the purpose of confiscating their property and plundering them of their rights.

Let us suppose for a moment, Mr. Speaker, that my honorable friend from Iowa, who is a very distinguished member of the bar of that State, should *himself* solicit one of his many clients to intrust to him certain claims to be enforced, as was done in this case; that he should *receive* them for that purpose; put them in *proper form; demand* their payment; *insist* on their justice; *consent* to an *arbitration;* go before the arbitrators and *present them* again and urge their payment; *procure an award* in his client's favor, *and receive the amount*, and then turn round to his client and deny his agency and claim that the money was his own! How long would the gentleman's name remain enrolled among the members of the bar of Iowa? But the thing is not to be supposed. That honorable gentleman would never place himself in the dishonorable, humiliating position in which he places our country.

Now, again, it was alleged in the argument of this same question in the former Congress that the persons who lost these vessels had no rights to be redressed, because they could not *enforce* any right either against Great Britain or against the United States. Therefore it was insisted that they *had no right* in this case and no interest in the award. And there was cited an authority which I believe I have here, the case of Campbell *vs.* Mullett, 2 Swanston's Reports, 551.

This same most remarkable doctrine is again advanced here to sustain the report of the majority of this committee, and may be found in the report, page 3.

But that frail fallacy never had any foundation upon which to rest itself, either in the forum of the law or of common sense, and is overruled by Judge Story for all future time in the case of Comegys *vs.* Vasse, 1 Peters, pages 216, 217, in which case he insists that, although a right may not be capable of being enforced by means of any legal proceedings against any government whatever, it is precisely as much a right as if it *could* be enforced.

The following is the language of Judge Story in the case above cited. Speaking of the opinion of the court in Campbell *vs.* Mullett, he says:

> Such is the language of the learned judge, and we cannot say that the reasoning is at all satisfactory. It is not universally, though it may ordinarily be, one test of right that it may be enforced in a court of justice. Claims and debts due from a sovereign are not ordinarily capable of being so enforced. Neither the king of Great Britain nor the Government of the United States is suable in the ordinary courts of justice for debts due by either; yet who will doubt that such debts are rights? It does not follow because an unjust sentence is irreversible, that the party has lost all right to justice or all claim upon principles of public law to remuneration. With reference to mere municipal law he may be without remedy; but with reference to principles of international law, he has a right both to the justice of his own and the foreign sovereign. The theory, too, that an indemnification for unjust captures is to be deemed, if not a mere deviation, as in the nature of a donation, as contrasted with right, is not admissible.

Why, sir, what could be more absurd than to insist that a contractor for carrying United States mails had no right to his pay because he could not collect it by law? Did any one ever think of using such language? And yet he cannot enforce it in any court, because the United States is not capable of being sued. No private individual could have sued the government of England for any of her wrongful acts, and yet they had rights which by the laws of nations she was bound to recognize. Having these rights, owning this property destroyed, the question arises, how were they divested of this property? At what period in this transaction and by what new and unheard-of process did the owners of these vessels destroyed by the three inculpated cruisers become divested of their rights? No one denies that the insurance companies, after they paid the full value of a vessel or her cargo became subrogated to the rights of the original owners. That principle is found in all the books, and was admitted by the counsel of Great Britain at Geneva. Now, in what manner was that right of the insurance companies divested? Their right was absolute when they paid in full. Was it divested when they put the claim into the hands of this Government at its special solicitation to act as their agents in enforcing it? Was it divested when this Government sent these claims to England and presented them to the British government in the names of the several owners? Did that divest them of their right? Were they divested of their right when the Government agreed to a board of arbitrators to decide as to their rights? Were they divested of their right by the solemn award of the most august tribunal which the world has ever seen expressly declaring that England had failed in her duty as a neutral, and was bound to pay for all damages sustained by the acts of the three inculpated cruisers and their tenders, and awarding $15,500,000 for that purpose, or did they lose their rights when the fund awarded to pay their damages passed into the hands of their agents, the Government of the United States? Which of all these processes divested the right of these parties to the property they owned? It is absurd to talk of its being divested, and it is equally absurd to talk about this Government having any kind of right in this property, except the right to pay it over to the parties for whom it was intended by the award of the arbitrators, and whose property destroyed by these three rebel cruisers constituted the measure and the ground of the damages awarded.

Again, how came the United States to have a right in this property? I will attend to the argument of the honorable gentleman from Pennsylvania [Mr. JENKS] before I am through. But how does it happen, by what legerdemain, by what feat of prestidigitation does it happen that the United States, without having ever parted with any property, without having done anything to entitle herself to it, without any consideration whatever passing from her, without any claim on Great Britain which the board ever dignified with a hearing, and without even a suspicion on her own part that she had any such rights, has come to be the possessor of $15,500,000 of property? Can any gentleman tell? Why, sir, no two gentlemen who have addressed this House have agreed upon the same mode by which that property was divested. No two of them have found out that the Government became the possessor of this property, to be used at its discretion, by the same or even by a similar course of reasoning. The fallacy of all their reasoning on this most important point is made the more manifest by the entire want of harmony in their views.

The gentleman from Iowa says the United States has rights in this property because it was awarded to her as a nation; but does that give it to this Government? Why, sir, an award has *never* been made to the United States that was not made to her *as a nation*. It cannot be made in any other way. The money that came from New Granada came to this country *as a nation*. It was demanded from New Granada *as a nation*, and came to the *United States as a nation*. But did the United States claim the very slightest right or interest in it *as a nation*? No, sir. Had it not been for this being so vast an amount of money, fifteen or twenty millions of dollars, we should never have heard of such a claim. It is because there is so large an amount.

Not one dollar in all the past history of the country was ever before claimed under any such wicked and fraudulent pretense.

The honorable gentleman quotes from the opinion of the court in the case of Rhinds *vs.* The United States before the Alabama commissioners, as follows:

> The award was made in favor of the Government and not in favor of the claimant. The Government thus vindicated the national honor, but it did not assume to pay any particular class of claimants nor any particular claim. Having obtained the money *by its own act and at its own cost, it had the right to prescribe the terms* on which the distribution should be made.

I feel no diffidence in declaring that the above opinion is neither law, nor justice, nor common sense. To lay down the principle that because the Government procures an award or funds in any manner from a foreign government *by its own act and at its own cost for damages sustained by our citizens* gives to the government the slightest *right* in the fund recovered is utterly abhorrent to every principle of justice and common honesty. No such doctrine has ever before been put forth. No such principle up to this time in our history has ever been acted upon. It is the highest and most imperative duty of the Government to vindicate the rights of our citizens, to protect them in the enjoyment of all their rights both at home and abroad. But the protection which the honorable gentleman from Iowa approves is the protection which the vulture gives to the lamb. As she enforces the payment of the claims of all our citizens in foreign countries "by her own acts and at her own cost," she possesses in all cases the right to rob and to reward whomsoever she will, if the above dictum has any foundation in law.

The gentleman from Pennsylvania [Mr. JENKS] who sits before me, and whose great learning I very much admire and respect, has invented another source of title in the Government and an entirely different one, and I think the gentleman is entitled to the merit of original discovery for the learned argument which he made and the title which he invented. It was an argument or idea never suggested by anybody down to that time. Mr. Seward had never thought of making any such claim on the ground of "paramount right." Mr. Fish never made a claim on any such ground. Mr. Adams never made it in any communication which he addressed to the British government. It was never insisted on at all before the arbitrators at Geneva, and it was never thought of or dreamed of by any one until it sprang from the active brain of my learned friend from Pennsylvania. When that gentleman made his remarks we heard for the first time of this "paramount right in the government."

I hope the honorable gentleman from Pennsylvania will excuse me for calling to mind and quoting the words of a distinguished gentleman of ancient times on an occasion slightly similar, when he said to another learned and distinguished gentleman:

> "Paul, thou art beside thyself; much learning doth make thee mad."

Now let us look at this question of "paramount right" invented by the honorable gentleman. The gentleman proved that for a certain length of time we actually had a rebellion in this country. He satisfied everybody in this House of that fact. He showed also satisfactorily that the rebels eventually acquired belligerent rights. I think there was no doubt of that fact before the gentleman proved it. He showed further that they acquired the same rights as they would have acquired had they been a foreign nation. And there was no doubt of that fact. But the gentleman claimed in addition that when they took one of our vessels and held it for twenty-four hours

they thereby acquired an absolute right to it, and the municipal title of the owner was divested and extinguished. I should have no hesitation in admitting that to be so if it were a fact. But I doubt its being a fact. I have never heard of a title being divested by the capturing of a vessel and the holding of it for any length of time, unless it was adjudicated upon by a court and an adjudication made in favor of the captor. I suppose that would pass a perfect title, and that nothing short of that would do so. But on this point I am not particular.

Let us see what were the arguments of the gentleman. He said the municipal title of the owner of the property was utterly extinguished and gone whenever the capture took place. But I would like to know of the honorable gentleman whether the "paramount title" of the Government was not also gone in that event, and at the same time? When a vessel was captured, and when she was burned, when her entire spars and sails and hull were all converted into ashes, I think the *title* was very much gone, whether we consider the paramount title of the Government or the title of the owner. There was nothing left to which a *title* could attach.

[Here the hammer fell.]

Mr. LEAVENWORTH. Has my time expired?

The SPEAKER *pro tempore*, (Mr. HANCOCK.) Yes, sir. The gentleman has occupied thirty minutes.

Mr. LEAVENWORTH. I thought we were under the hour rule.

The SPEAKER *pro tempore*. The statement made to the present occupant of the chair was that the gentleman from New York [Mr. LEAVENWORTH] was limited to thirty minutes.

Mr. LORD. I will explain this. I was asked by the Speaker to mark down the times which I understood the different gentlemen who were to speak would occupy. I marked some thirty minutes, and some fifteen minutes; and I marked thirty minutes' time to the gentleman from New York, having understood that he was only to speak for that time. If he desires to speak at greater length, I presume there will be no objection to his time being extended.

There was no objection, and Mr. LEAVENWORTH'S time was extended.

Mr. LEAVENWORTH. When a vessel was seized by one of these inculpated cruisers which was burned and destroyed no one possessed anything that could be called a title to that which had no existence, but the *title* was *converted* into a right, and when a vessel was destroyed by one of the inculpated cruisers the owner of the vessel had a claim to be paid by Great Britain, provided she had been guilty of any wrongful act under the laws of neutrality. This right survives the destruction of the vessel. Under that head Mr. Story declares, as quoted above, that that right is perfect, and although it cannot be enforced by law, still it can be enforced by treaty. But although the title of the owner had ceased with the destruction of his vessel, the title also of the Government went with it, and was as much extinguished as the title of the individual. What then becomes of the honorable gentleman's theory that it was on this paramount title of the Government, which had already ceased to have any existence after the destruction of the vessel, that we had obtained this award? I think it safe to say that this invention to justify the Government in plundering the citizen of his property will hardly bear the test of a careful examination.

But, in the first place, I might go further and say there never was any such principle as a paramount title in the Government to my watch. The Government has always had the right of eminent domain by virtue of which it can take possession of any real estate if necessary for its own use, but what other title the Government has I never heard, and I suspect the gentleman from Pennsylvania himself never heard of it until he devised and constructed that ingenious argument to which we all listened with so much pleasure.

Mr. JENKS. Suppose in time of war you were to sell your watch to an enemy, would not your title be gone and that of the Government remain?

Mr. LEAVENWORTH. No, sir; I do not think the Government would have any title whatever; I never have heard that the Government had any title in it or could acquire any.

I have thus examined with some care two of the mysterious ways by which the Government is supposed to have become the owner of the property of these insurance companies, or if not the owners then such a trustee that the Government can give away the proceeds of their property according to its sovereign will and pleasure, which to the companies is just the same thing. These two modes have nothing in common, nothing very satisfactory.

We will now examine the third mode, which was devised by the majority of the committee and will be found in their report. It will be found in the following series of abstract propositions, which I propose to examine in detail:

Great Britain did not become liable to any citizen of the United States for any loss sustained by him by reason of such cruisers. Neither could such citizen make any legal claim therefor upon his own Government. The wrongs done by Great Britain to the United States were treated throughout as a national claim. The moneys paid therefor were paid "by the government of Great Britain to the Government of the United States," and "the United States" is made the respondent upon the prosecution of any claim before the court organized by the act of Congress.

The first proposition is that Great Britain did not become liable to any citizen of the United States for any loss sustained by him by reason of such cruisers.

This proposition is not true. She *did* become liable. In Comegys vs. Vasse Judge Story expressly affirms the liability and the claimant's right. If there was no liability on the part of England, why did Governor Seward request that the claims should be forwarded to him with a request in express terms for his interposition with the British government?

If there was no liability, why were the claims presented to the British government and their payment demanded; why presented to the arbitrators by our counsel and insisted upon?

Why, too, did the arbitrators recognize and affirm such liability by their award and by the following language in it:

And whereas, in order to arrive at an equitable compensation for the damages which have been sustained, it is necessary to set aside all double claims for the same losses and all claims for "gross freights" so far as they exceed "net freights."

Again, too, if there was no liability, how remarkable that the President in his message of December 5, 1870, should recommend Congress to purchase these very claims, "so that the Government should have the ownership *of the private claims* as well as the responsible control of all the demands against Great Britain."

Will the committee still insist that "Great Britain did not become liable to any citizen of the United States for any loss sustained by him by such cruisers?" I think not. In the face of such proof of her liability, such an affirmation would involve the very sublimity of audacity. That proposition must be abandoned. The liability existed; the power to enforce it by the citizen was all that was wanting. The right itself was perfect, and so held by the arbitrators.

The next abstract proposition is that—

Neither could such citizen make any legal claim therefor on his own Government.

This is true; but it is no more true than it is that he could not make any legal claim therefor on Denmark or Japan. But how does that proposition, when admitted, aid the Government in acquiring a right in or over this award? The sufferers made no claim on the United States; they simply requested that she should perform the duty which she owed them, as she had done a hundred times before.

The third proposition is as follows:

The wrongs done by Great Britain to *the United States* were treated throughout as a national claim.

This is true also; but those claims were every one of them rejected and disallowed by the board and expressly abandoned by our agent.

But the wrongs done to *our citizens* were treated as *private claims*, indemnity for which, as *in all other similar cases*, was demanded by the Government, who alone *could* demand it. They were so treated by Governor Seward and Mr. Adams, so presented and urged by our agent, so spoken of by the arbitrators, so mentioned by the President.

Congress undoubtedly has the *power* to cover this $15,500,000 into the Treasury or grant it for the support of common schools. But this does not furnish the very *faintest evidence* of her *right* to do so. Neither does the fact that she has made herself respondent throw the faintest gleam of light upon the only question at issue—the *right* of the Government to this fund or to its distribution as she *may please*.

These are the only propositions on which the majority of the committee found the right of the Government to distribute this money according to its discretion. To me they are most unsatisfactory.

We commence with a perfect title to the property vested in the companies. We find it recognized by every officer of the Government holding any relation to it, recognized by the board, embodied in the award, and finally paid to the Government. But at some point they have lost their recognized rights in this mysterious game of "now you see it, and now you don't." It has slipped through their fingers and gone to parties having no claims.

But suppose for a moment that these claims had been so treated by the Government; has it come to this, that the Government can by this or any other such shallow device convert the property of the citizen into that of the nation? It is unheard of. It is preposterous.

Once more:

The moneys paid therefor were paid by the government of Great Britain to the Government of the United States.

Can it be possible that this proposition can be *seriously* urged as furnishing the *minutest possible ground* for the Government's claiming any interest whatever in this fund? It is utterly puerile. It would convert *every dollar* which the Government has *ever* received from foreign governments for damages done to our citizens into the property of the Government. It has in all cases been paid "to the Government of the United States."

And last and least, the report declares that—

The United States is made the respondent upon the prosecution of any claim before the court organized by the act of Congress.

This can scarcely require a reply.

I have thus examined with some care all these dissimilar modes of converting the property of private citizens into the property of the Government without their knowledge and against their will.

As a further and last reply to all of them, Mr. Speaker, allow me to suppose that these inculpated cruisers had escaped from British ports in violation of the three articles contained in the treaty, but that they had done no damages to the property of our citizens. The violation of the law and the national claim would have been perfect. But would the honorable gentleman from Pennsylvania or any other gentleman on this floor hazard his reputation as a sane man by claiming

that the Government would have had any claim for pecuniary damages or would have made any such claim? But if not, then these gentlemen are all *compelled* to admit that the property destroyed by the three cruisers was the ground of the award or the measure and foundation for the damages awarded. This property furnished the only ground on which the award could stand. Take it away, and what ground is left? Who, then, by the simplest rules of the most common and indifferent honesty, should have the sum awarded? Why pile up this great accumulation of refined and subtle fallacies, of learned and elegant nonsense, to bewilder the understanding and obscure a subject so simple and plain?

Mr. FORT. Will the gentleman yield to me for a suggestion?

Mr. LEAVENWORTH. Yes, sir; with pleasure.

Mr. FORT. I should like to have the distinguished gentleman from New York, who seems to speak with so much fairness on the question, reply to the suggestion that the insurance companies have already assessed their customers in war risks and have been paid all their losses.

Mr. LEAVENWORTH. I will with great pleasure give you my views on that subject. The law of the last session provided in effect that if any insurance company had in fact received $5 more in war premiums than it had lost by the destruction of vessels, it should not receive $1 for the lost property destroyed by the inculpated cruisers, although the property thus owned had been decided by the arbitrators to have been illegally destroyed by Great Britain, and the Government had the money awarded by the arbitrators to pay for that very property in its hands. That law was indeed to this effect: That if a vessel was captured by the inculpated cruisers and destroyed and was insured for one-half of its value, and that half was paid for by the company insuring, whereby the company became the owner of one-half of the vessel and the original owner still retained the other half, the original owner should be paid in full for his half of the vessel, but the company should not receive a dollar for the other half, provided the company had received $5 more for war premiums than the amount of its losses.

Now I want to inquire of the gentleman from Illinois if it is right and just that an insurance company with a million dollars perhaps of capital should for three or four years use that capital in insuring vessels exposed to these hazards and should not receive any compensation whatever if the amount they had received in war premiums exceeded by $5 the amount lost by the destruction of vessels insured; that they should not receive $1 compensation for the use of their capital in all that time, provided the war premium exceeded their loss to any amount however small?

Now let us look at the question on the other side. Suppose that Messrs. Lowe & Co. and Messrs. Grinnell, Minturn & Co. sent vessels out to sea without insurance, and suppose that in three or four years they made $3,000,000, as it is possible they did, and lost one vessel by one of the inculpated cruisers, you pay them the entire value of their property, although in three years they made more money than any of the insurance companies. Is that the principle of justice? Will this House sanction such a wrong? Is there any law, or justice, or propriety in such a distribution of these funds? Yet that is the law that was passed at the last session, and the honorable gentleman from Iowa says it is too late to correct any error in it.

Mr. FORT. Who lost the money, the insurance companies or the insured?

Mr. LEAVENWORTH. They lost, or may have lost, the use of millions of capital during that period, and yet they get no compensation for it under the law; but Lowe & Co. and Grinnell, Minturn & Co., although they may have made $3,000,000, or any other sum, during those years, may, under the proposed law, have entire compensation for the vessels they lost, for which the British government was never liable to pay $1.

It was decided by the board of arbitrators that the owners of vessels destroyed had no just claim for damages done by any of the rebel cruisers excepting the three cruisers and their tenders, the inculpated Alabama, the Florida, and Shenandoah only after she left Melbourne, with their several tenders. It was decided that the owners of the vessels destroyed by all the other rebel cruisers had no claim whatever against Great Britain. This decision was unanimous in regard to all the cruisers except the Retribution, and in regard to her it was decided by a vote of three to two. Mr. Adams, our own arbitrator, concurred in the decision as to all the cruisers except the Retribution.

It was decided that Great Britain had never done a single act in connection with any other vessels, except the three inculpated cruisers and their tenders, by which she had made herself liable for damages done by them. Why, then, do these claimants whose claims were rejected by the board appear here? Why do they come here and claim that by some species of legerdemain, which gentlemen cannot explain, the gross value of *all* the vessels destroyed by the inculpated cruisers and awarded by the arbitrators and paid by Great Britain has passed into the hands of the Government, and that that amount has in some mysterious manner, about which they are entirely unable to agree, become the property of the Government, and that this body, of which we form a part, can do what it pleases with its distribution.

Mr. FORT. I do not wish to be understood as holding that this money belongs to the Government at all, because I think that if any money remains after all the claims are paid it should be returned to Great Britain.

Mr. LEAVENWORTH. Not at all.

Mr. FORT. I think so.

Mr. LEAVENWORTH. Suppose the sum awarded was not sufficient to pay for the destruction of vessels by the inculpated cruisers, for the damage done for which Great Britain was adjudged liable by the board of arbitrators, would we have any claim upon Great Britain for more?

Mr. FORT. No; because we settled that question.

Mr. LEAVENWORTH. We *have* settled the whole question, and received $15,500,000 for doing so.

Mr. FORT. But in all honor, if we got too much we ought to return the surplus.

Mr. LEAVENWORTH. No, sir. England would not have been bound in honor to pay more had the award been insufficient, and we are not bound in honor to return anything if we have received too much. There is a contingency in each direction, but the award is final and one balances the other.

Again, it is said by the gentleman from Iowa that we do not know how this award was made up; and in the report of the majority of the committee, quoting from Justice Raynor, I find the following:

> It does not appear from the award or protocols what claims or losses are included in the amount awarded.

That is a very bold audacious assertion for the gentleman to make on this floor with that award lying before us, and with the plain, undeniable, and admitted decision of the arbitrators that the Government as such had no claim whatever on Great Britain, and the agent of the United States assenting to this decision and declaring that the claims on behalf of the Government "will not be further insisted upon before the tribunal by the United States, and *may be excluded from all consideration in any award that may be made.*" (Protocol 4, id., volume 4, page 19;) that the owners of all the vessels destroyed by all the cruisers of the rebel government except by the three inculpated cruisers, including the Shenandoah after she left Melbourne, also had no claim whatever against the British government, and were therefore not included in the award. It is a little bold under such circumstances for the gentleman to say that we do not *know* how the award was made up, when no one can fail to know it without shutting his eyes and refusing to see what any one *must* see who will take the award of the arbitrators and read it.

We certainly do know, in the first place, what was *not* included in it. No language could possibly make it clearer. They included no claims in favor of this Government, for they were both excluded by the arbitrators and withdrawn by our agent, and the arbitrators were distinctly informed that they might exclude them from any award which might be made.

It did not include indemnity for any damages done by any of the rebel cruisers, except the Alabama, the Florida, and the Shenandoah after she left Melbourne, and their tenders, the Tuscaloosa, the Clarence, the Tacony, and the Archer.

As to *all* the other rebel cruisers, the board *unanimously* decided *(our own arbitrator, Mr. Adams, joining in it)* that Great Britain had been guilty of *no violation of the three rules set forth in the treaty, nor of any rule of international law.*

In the second place we also know with equal, perfect certainty precisely what damages *were* included in the award, and that the damages thus included embrace all those direct damages done by the said three inculpated cruisers and their tenders, and no others whatever. I cannot but sympathize with any gentleman who is so unfortunate as to be able to peruse the clear and intelligible English of the said award and fail to discover the foregoing facts. The award is clear, explicit, and incapable of misinterpretation.

How the precise sum of $15,500,000 was reached we do not know, nor is it material; no doubt by mutual concessions, as is generally done by juries and arbitrators.

Mr. FORT. After all the claims included in the award are paid and there are one, two, or ten million dollars left; what would the gentleman do with the amount? Would it belong to the Government or to private individuals?

Mr. LEAVENWORTH. I would put it in the Treasury.

Mr. FORT. It is not ours.

Mr. LEAVENWORTH. They awarded it to us.

Mr. FORT. For what?

Mr. LEAVENWORTH. For the damages our citizens sustained by the inculpated cruisers and their tenders. What if they *have* overrated the amount; but it is not probable on the evidence that they overrated it; at all events, we need not raise that question until we come to it, for it is not probable that it can ever arise.

Mr. FORT. Certainly not.

Mr. LEAVENWORTH. But I was about to inquire of the honorable gentleman from Iowa by what process it was that he divested these claimants of their rights. The Constitution of the United States expressly provides that no person shall be divested of his property except by due process of law. We have here property to the amount of $14,000,000 and over; there is no dispute about the existence of the property or the persons who owned it. The title of the property was perfect in American citizens, and the Constitution guarantees that they shall not be divested of it except *by due process of law.*

Now, is the action of this Congress due process of law? The gentleman is an able and learned lawyer, and he knows very well that in the proper constitutional meaning of the term the action of this Legislature is *not due process of law*. The meaning of that term has been settled long since. It has been held that property can be divested only by a regular course of proceedings in courts of law. We have no *right* here in this Legislature to take away a citizen's property; we have no right to take a man's watch out of his pocket by an act of Congress. Yet the honorable gentleman proposes to take this property which belongs to those parties whose damages are included in this award and divest them of it and grant it to other parties who had no more claim on Great Britain than on the honorable gentleman or myself. They have no claim on England or on this country or on any other country. Their loss involved a violation of no law and can give no right. What becomes, then, of the property included in the award? *How* do the owners become divested of it? It was theirs when destroyed. Is it not so still, in whatever form it may exist?

As I said before, I have not been able to discover by what ingenuity it was that the Government acquired any right whatever in this property. What I have discovered is this, that from the very commencement of these proceedings down to the last hour when the cash was handed over this Government never *pretended* or asked to do any such thing. Mr. Seward, in all his communications with our citizens, and our minister, Mr. Adams, treated these claims as the claims of our citizens; they were presented to the British government by Mr. Adams as the claims of our citizens. They were presented in like manner by our agent at Geneva to the arbitrators, and their justice and validity insisted upon. They were allowed before the arbitrators as the claims of our citizens, and were included in their award. The money has been received from Great Britain to satisfy these claims of our citizens. Yet without any due process of law, without allowing any claimant to go into court and vindicate his claim to this property, the Government now proposes to take it out of the possession of those who owned the property for which it was awarded and give it to those whose claims were rejected and disallowed.

In support of that point I would refer to what Mr. Seward said in numerous letters recognizing these claims. Mr. Adams also recognized them in presenting them to England in the names of the several claimants. They were recognized by the Government counsel in the most remarkable manner. This recognition crops out in almost every paper read. In their counter-case the American counsel claimed that the British government should pay 7 per cent. interest on the amount awarded. Why was the British government to pay 7 per cent. interest instead of 6 or 8? Was it because the United States Government paid that interest? Not at all. If the proceeds of the award were claimed by the *Government of the United States* as its own and were paid to the United States as such, then the claim ought to have been for 6 per cent., which I believe is the interest which the Government pays. Did the counsel so say? It is a very remarkable fact that this is what they said.

> The usual rate of interest in the city of New York, where *most of the claims of the individuals are held*, is 7 per cent. per annum.

How came the counsel of the Government at Geneva to talk about the claims being held in the city of New York? The whole argument of the majority of this committee, the argument of my honorable friend from Pennsylvania, [Mr. JENKS,] the argument of the gentleman from Iowa, [Mr. MCCRARY,] and of the honorable gentleman from Ohio, [Mr. LAWRENCE,] proceed upon the idea that these claims did not belong to these gentlemen in New York, nor to any claimants whatever, but only to the United States, to be disposed of according to her sovereign will and pleasure. It is certain from the above that our agent at Geneva had never conceived this iniquity. Mr. Seward, in his communications, Mr. Adams, in his communications, the counsel of the Government in theirs, all speak of these claims as belonging to individuals. Even in the letter of Mr. Fish in which he enjoins upon the counsel of the Government to ask that the award shall be made in a gross sum, he recognizes just as emphatically the claims of the parties who had lost their property, the value of which might be included in the award. In his letter addressed to our counsel at Geneva he says:

> The President desires to have the subject discussed as one between the two governments; and he directs me to urge upon you strongly to secure if possible the award of a sum in gross.

Why a sum in gross? Gentlemen say it was because the Government wanted to apportion it according *to its discretion*. But let us see if that *was* the reason assigned by Mr. Fish himself. Let *him* speak. Mr. Fish goes on to say:

> In the discussion of this question and in the treatment of the entire case, you will be careful not to commit the Government as to the disposition of what may be awarded. *It is possible that there may be duplicate claims upon some of the property alleged to have been captured* or destroyed, as in the case of insurers and insured. The Government wishes to hold herself free to decide as to the rights of the claimants—insurers—upon the termination of the case.

Why did she so wish; that she herself might confiscate the property; that she might give to those whose claims were rejected, and who never had any claims? No such monstrous claim as that was avowed, but only that she might be free to decide as to the respective rights of the claimants when they might conflict. He sets up no claim for the Government, but expressly recognizes the respective rights of the claimants. And yet, strange as it may seem, this very extract from Mr. Fish's instructions to our agent at Geneva is quoted and relied upon by each of the honorable gentlemen from Iowa, Pennsylvania, and Ohio, in defense of the Government's right to the disposition of this award. Such is the reason given by Mr. Fish why the Government wanted a sum in gross awarded, that the Government might do justice between the insured and the insurers, between the respective claimants who were to receive. Yet this is quoted by the gentleman from Pennsylvania, [Mr. JENKS,] as well as by others, to show that the Government insisted upon a sum in gross in order that it might dispose of the sum awarded as it thought proper. Yet the reason given by Mr. Fish is that the Government might do justice in this case between the insurers and the insured. Can anything be more clear or more conclusive? Does Mr. Fish anywhere intimate that the sum awarded was to be distributed to those whose claims were rejected? Did any officer of the Government ever hint at anything so monstrous?

There is not a single step in this case, not a single letter or a line written by any one, from the day Mr. Seward first sent his circular around the country to have these claims presented down to the day when the award was made and the money paid over to this Government, which even squints at disallowing and not paying to the several claimants their damages, if allowed and awarded by these arbitrators. The whole argument is based on some obscure figment of law, or on some uncertain, inconclusive word or phrase, like those cited and commented on by the gentleman from Iowa. There is nothing that I have read from Mr. Fish or from the argument of the counsel of this Government at Geneva which looks to any other disposition of this property than the one provided for by the report of the minority of this committee. That report is the embodiment of common sense and common justice. It is put together like a well-constructed frame, with no superfluous timbers and no deficiencies. It stands to this day unanswered, and I pronounce it unanswerable.

And I say further and without fear of contradiction that the Government from its organization down to this day has never made a treaty to secure the claims of our citizens upon any foreign country where the money which has been received (no matter in what form or under what circumstances it has been received) has not gone to compensate the damages which it was the object of the treaty to secure and for the payment of which it was received. No officer of this Government has ever set up the pretense that any one else had the right to the money except those whose property was destroyed and paid for. No one has ever set up the pretense that the Government had one particle of interest in *any* money received in consequence of damages sustained by our citizens. That idea originated here. What is there peculiar in the present state of facts that gives the Government any such right? The Government has lost nothing. The Government had no claim. She had but a mere figment of a claim to begin with; and after that claim was disallowed, as it was without argument, Mr. Fish said in so many words that he never wished and never expected anything to be awarded to the Government in consequence of any claim which she had. This is his very language:

> Neither the Government of the United States, nor, so far as I can hear, any considerable number of the American people, have ever attached much importance to the indirect claims, or have expected or desired any award of damages on their account.

The claims of the Government were a mere pretense. They were put forth for the sole purpose of procuring a decision of that learned and dignified tribunal on questions of international law of great importance to this country. That is all they were introduced for, not on the ground that the Government had any claim. I think you may examine the papers down to the close of this entire business before the arbitrators and you will not find a pretense set up anywhere—not a line or a word—that shows the Government ever thought of maintaining that these claims or any part of them should be disposed of in any other manner than according to the terms of the award and the just rights of the respective parties.

The honorable gentleman from Iowa dwelt very strongly on the point to which I alluded before, that inasmuch as this award was in full satisfaction of all the claims presented to the board, therefore all the claims ought to receive some portion of the money. That is a *non sequitur*. It is a most extraordinary proposition, that claims which were presented there and which our own arbitrator decided were no claims against Great Britain, any more than they were against France or Spain, must be paid out of an award made for claims allowed. The honorable gentleman from Iowa is a lawyer; he has brought suits a hundred times under the laws in regard to accounts; he doubtless has brought suits in which he recovered for one-half of the items of the account and on the other half failed to recover for the reason that one-half of the items in his bill were not good and valid claims against the defendant. I would like to inquire of the honorable gentleman whether those claims were not *all* of them and every single item in his bill equally *satisfied;* whether the claims disallowed were not just as much satisfied as the claims which were allowed? Is there any reason, therefore, why these claims which did not exist as a claim against Great Britain, which were not recognized but were rejected, should not be satisfied by the award?

Mr. Speaker, I do not know but I have noticed all the points which have been made in this case. I have intended to omit nothing which

was even plausible. I have read no authorities to show that the underwriters were subrogated to the rights of the original owners. It has not been seriously questioned. It was admitted by the counsel of Great Britain in their counter-case; is laid down by Judge Story, in Comegys *vs.* Vasse, 1 Peters. Affirmed by Daniel Webster. and may be found in all the elementary works. I wish to say, however, before I sit down that in my judgment this is the very last tribunal which should have been selected, or which any gentleman on this floor would ever select, for the purpose of deciding a question of this magnitude and intricacy. I say "intricacy," because although to me the question seems simple and plain, although it seems to me that no gentleman can read that award or read the report of the minority of this committee without coming to the same conclusion as myself, it is evident that very intelligent gentlemen do come to different conclusions; and it is evident also that scarcely any two persons on this floor, except the members of the committee, come to the *same* conclusion. The honorable gentleman from New York [Mr. HEWITT] has come to an entirely different conclusion from any of the three reports coming from the committee. The honorable gentleman from Pennsylvania [Mr. JENKS] came to another entirely different conclusion. I understand that the honorable gentleman from Massachusetts, [Mr. WARREN,] who is next to address the House has come to another and substantially a different one still. Now, I submit to gentlemen on this floor whether this tribunal, where one-half at least of the members *cannot* have time to examine the case, and where other large numbers will not, is one to which they would be willing to submit a case of this kind if they owned a vessel the title to which or the pay for which depended on the vote of this House.

Mr. Speaker, this is a question, if there ever was one, that should go before a court. It should go to a body that can examine all the questions raised and all this testimony with great care, with abundant knowledge and capacity, and with due time for the fullest deliberation; a tribunal which is not appealed to on behalf of the poor, a tribunal where the appeal is not made to prejudices against the rich. It should go to a court that is unbiased by any such appeals, that is accustomed to judge of great questions of law and equity, and should there be decided as all other questions of this kind are, simply upon its intrinsic merits. I hope some gentleman on this floor will bring in a bill to that effect, taking this case out of the jurisdiction of this House and putting it in the hands of persons competent to decide it and to do justice and equity to all the parties interested in this great fund.

Such a bill would remove this subject from the jurisdiction of a tribunal most unfitted for its examination and remove it to another where sympathy and prejudice never enter, and where law, equity, and justice are meted out in equal measure both to the rich and to the poor.

Mr. WARREN. Mr. Speaker, nothing short of a seven-months residence in Washington could give one the assurance necessary to bring him to speak in this House at this late day on the subject of the Geneva award. Yet notwithstanding it has been discussed both in this and the last Congress by some of the ablest lawyers of both bodies, and apparently exposed from every point of view, I venture to attempt a restatement of what seem to me the considerations which should govern our vote. I do this without any expectation of adding anything new to the argument, but because the discussion of the subject has been extended over many months and the points of difference, however well expressed, cannot be kept in mind as they would be in the case of a continuous discussion.

The concluding remark of the gentleman from New York who has just taken his seat, [Mr. LEAVENWORTH,] if I heard it correctly, indicates to my mind the question which underlies this whole discussion. He observed, if I heard him rightly, that this is not the proper place for the discussion and settlement of this question, that it should be remitted to the courts, and should be there decided as a question of legal right. Now, if I understand this question at all, that suggestion indicates precisely the point of divergence between the different parties to this controversy. On the one hand, the underwriters come in here and say that they have a legal, or, as I might term it, a quasi-legal, right in the fund which was recovered from Great Britain. I say a quasi-legal claim, rather than a legal claim, because I do full justice to the line of argument which, while admitting that a citizen cannot have a claim upon a foreign government which he can enforce in a court, yet may have a claim which his government is bound to prosecute, so to speak, on his behalf.

Now, the line of argument assumed on behalf of the underwriters commences with this proposition: That the owners of the vessels destroyed by the Alabama and the other cruisers, the inculpated cruisers so called, had, upon the destruction of their vessels, and by reason of the destruction of their vessels, claims upon Great Britain. They had claims which they owned, claims which could be assigned. They go further, and say that the United States intervened in behalf of its citizens, those citizens being the owners of those claims, and as attorneys or claim-agents presented the claims to the government of Great Britain; that by the process of the arbitration those claims were recovered; that the United States received this fund, but received it simply as agents or attorneys, or (to use the language of the discussion) as trustees for the owners of these vessels, and were bound to pay it to them. Then recourse is had to the dictum of subrogation, by virtue of which it is claimed that the underwriters, having paid the owners of the vessels the value of the vessels, as in case of a total loss, have the right of those owners in that fund. That is the argument from the beginning to the end of it. And it will be seen that it rests upon this simple proposition, that the owners of the vessels destroyed had a claim upon the government of Great Britain; a claim which could be enforced were there any tribunal in existence before which a foreigner could sue a sovereign state.

Now let us see what the proposition of international law is which these owners and those claiming through them must establish in order to make good their position. It is simply this: That in case of a war between two belligerents, the citizen of one belligerent nation being the owner of a vessel captured by a ship of war of the other belligerent has a valid claim, arising out of the destruction of that vessel and originating in such destruction, upon any neutral nation which in violation of neutral obligations had aided and abetted the belligerent whose cruiser destroyed that vessel. But I venture to say that no nation ever did or ever would admit the validity of any such claim on behalf of a citizen of a foreign government, and that no case can be found anywhere where such a proposition has been entertained by any court. It is important in this connection to remember that we hope and expect that whenever this or similar questions shall hereafter arise the United States will occupy the position, and claim the rights, and be subject to the obligations of a neutral, and not those of a belligerent.

Now I am aware that in a certain class of cases it is true that where a neutral government has established neutrality acts, regulating the duties of its citizens toward belligerents and prescribing what might be lawfully done by belligerents within its territory, in such cases where a vessel of war had been fitted up in violation of those neutrality acts, and subsequently by some chance a ship captured by such vessel had come within the jurisdiction of the neutral nation, in that event the courts of the neutral nation might intervene to restore the particular vessel so captured to the person claiming it as the owner. And if the vessel making the capture, having been fitted out in violation of such neutrality laws, which are municipal laws and no part of the law of nations, should come within the jurisdiction of the neutral nation in violation of whose laws she was fitted out, perhaps such neutral nation might confiscate the vessel itself. But there is no instance where a neutral nation has gone further and has compensated in damages the owner of the captured vessel, whether compensation was claimed on the ground that such vessel was captured by a belligerent cruiser fitted out in violation of their neutrality laws or on the ground that the capture was made within the jurisdiction of the neutral nation.

I mention these two subjects in connection, for I take it the principle on which a nation would be bound to enforce, so far as within its power, an observance of its own neutrality acts, both by its own citizens and by strangers within its borders, is nothing more nor less than the assertion of its own sovereignty within those borders, and is the same principle which requires belligerents to regard the paramount authority of a neutral nation within its own waters.

Nor is there any proof that in the negotiation of this treaty either the United States or the English government has recognized the right of the owner of the vessel to make a claim against Great Britain. Great Britain especially refused to recognize that right, and refused in the course of the correspondence for a long time even to submit to arbitration the question of her liability to the United States for violation of neutral obligations. What I refer to will be found in the reply of Lord Clarendon to Mr. Adams. Nor did the United States ever pretend that it prosecuted this claim as the agent of its injured citizens.

The whole theory of the negotiation of the treaty, the whole theory of the demand made by the United States from the beginning up to the time of the final negotiation of the treaty, was that Great Britain had violated her neutral obligations to this Government, and that by virtue thereof claims had arisen in behalf of the United States which Great Britain was bound to adjust, and a separate claim in favor of this Government was created whenever any confederate cruiser was built or equipped or manned and sent to sea by the aid or connivance of Great Britain in violation of such neutral obligations. We have been told, and it is constantly repeated, that in the course of the proceedings before the arbitration there was constant allusion to the claims made, and that in so alluding to them the amount of the claims was fixed by referring to the vessels that were destroyed. Well, sir, that is undoubtedly true; but, let me observe, the question I am now discussing is not what was the measure of damages. The question is when and where and how did the claims arise. The proposition which I believe cannot be gainsaid is, that the whole gist and substance of the demand of the United States upon Great Britain depended upon the fact that Great Britain had violated her obligations as a neutral nation.

I will not repeat, what has been repeated so often, the circumstances of this violation. They were different in the case of each of what are styled the inculpated cruisers. But in each case we alleged and Great Britain denied that she had failed to do her duty as a neutral. We claimed that from such violation we had a right to indemnity as well as apology, and she admitted that if she had failed to perform her neutral duties such apology was our due, and the proper indemnity she would make. And the question referred to the tribunal of arbitration was, first, whether she had violated her neutral

duties; if yea, whether in one or two or more instances, and what was the amount of indemnity which the United States could claim.

Any other theory, particularly the theory of the underwriters, leads to this absurdity: They say Great Britain was liable in a vague equity, not legally, to individual claimants. But individual claimants suffered no loss until their vessels were destroyed. Then if they had a claim it arose from the *consequences* of the illegal conduct of Great Britain. The violation of her neutral duties, you must say, did not give this country a claim against her, but a consequence of such violation gave one of our citizens a claim which the nation prosecuted as his agent or attorney. Again, negligence when it furnishes a ground for a claim is to be treated as an act, an act of omission it may be. Now, as to whom was the act of negligence committed when Great Britain aided and abetted the confederates; against our citizens or against us as a nation? The question suggests its own answer. I shall have occasion to show hereafter that the acts of the confederate cruisers in destroying our merchant-vessels were not directed against any private rights of property in these vessels, but was in the exercise of what is recognized in international law as legitimate warfare against our nation. *A fortiori*, a neutral nation, even supposing it gave aid to one belligerent with malice aforethought, could not be held to contemplate as a result of its action anything more than the consequences to the other belligerent. It could not suppose that its aid was to be availed of to affect private rights of property except, of course, so far as they might be involved in the consequences of a warfare legitimately conducted.

The arbitration was then the method which was adopted to obtain the redress which in former times would have been sought by reprisal or by war. I am not going through the history of the arbitration. I know that if attention be directed to some observations of the arbitrators or the counsel much confusion can be thrown over the scope and purpose of the whole proceeding; but if gentlemen will turn to the award they will find one controlling circumstance which confirms the view I take, and that is that in every instance where great Britain was held to liability the tribunal rested its decision upon the ground that in the case of each inculpated cruiser there had been a failure in the performance of neutral obligations as laid down under the terms of one or another of the three rules fixed by the treaty as the rules of international law applicable to this case.

If then there is no authority for the position that the negligence of Great Britain in permitting the Alabama, for example, to be built and equipped in or from her ports would give a claim against that nation to a citizen of this country whose vessel might happen afterward to be captured by the Alabama, then all the rest of the argument in behalf of the underwriters falls to the ground. If no such claim existed the United States did not intervene as the agent to prosecute certain private claims, the money was not received in trust for any class of claims, and all talk of subrogation is idle. Subrogation is predicable of rights. The right must have arisen on the destruction of the vessel and on account of such destruction. But that destruction was by a confederate cruiser, in the exercise of legitimate warfare. Whatever crime Great Britain had committed had been committed long before, was a crime against the United States, was complete when the Alabama set out on her cruise, had no reference to any particular person or particular vessel in the United States, and was not altered in its character or magnitude by the number or value of the vessels destroyed.

And this leads me to refer to the argument so well presented the other day by the gentleman from Pennsylvania. He stated clearly the distinction between legal and illegal capture. In the one case, that of legal capture, all rights of property are divested. In the other case, that of illegal capture, they continue. Now, in the case in question, when the confederacy had been recognized by neutral powers and treated by our own Government as a belligerent, then captures of American vessels by war ships of the confederacy were legal captures. When once made, all property of the ship-owner in the captured vessel ceased. If the vessel continued to exist it became the property of the confederate government. If destroyed there was no property in the thing and no claim for its destruction remained. I may admit that ordinarily the duty of the captor is to take the prize into a port of his own country and have it condemned, but this duty ceases in case its performance becomes impracticable. It has been questioned whether or not the confederate naval officers should have tried to run the blockade with their prizes; but I suppose most persons would agree that, considering the number of American vessels of war at sea and the difficulty of running the blockade in a sailing-vessel, the exigency was sufficient to take the captures out of the general rule and excuse their destruction. And indeed the law of prize does not properly extend to enemy's property. And the cases cited so often of the existence of the right of subrogation when vessels have been captured are all cases of illegal capture, where, if the master had done his duty, he would have followed the ship to the port and prize court of the captor, and that court would have restored him the property. But who ever heard of a ship-master or ship-owner, whose vessel had been captured by the enemy's ship of war, seeking in the prize court of that enemy to question the legality of the capture?

Mr. PAGE. Will the gentleman from Massachusetts yield to me to move that when the House adjourns it adjourn to meet on Wednesday next.

Mr. WARREN. I will yield for that purpose.

Mr. HOPKINS. I hope the gentleman from California will withdraw that motion for a moment to allow me to offer a resolution that ought to precede it.

SESSION OF CONGRESS IN INDEPENDENCE HALL.

Mr. PAGE. Very well; I will yield for that purpose.

Mr. HOPKINS. I offer in behalf of the Committee on the Centennial Celebration the following resolution:

Resolved, That the two Houses of Congress will meet in joint convention in Independence Hall, Philadelphia, on July 4, at nine o'clock a. m., for the purpose of passing proper resolutions commemorative of the great event which in that hall one hundred years ago brought this nation into being.

When the resolution offered by the gentlemen from Iowa [Mr. KASSON] was discussed on yesterday, I stated that we had received no invitation, and that it was uncertain whether we could have possession of Independence Hall on that day. I now ask the Clerk to read the telegram which I send to the desk.

The Clerk read as follows:

PHILADELPHIA, *July* 2, 1876.

Hon. JAS. HOPKINS, *Chairman, Washington, D. C.*

I am requested by the authorities to invite you to meet at nine o'clock July 4 in Independence Hall. A special session of Congress in that hallowed place at such a time will be of deep interest to the whole world.

JNO. WANAMAKER,
Chairman of Joint Committee.

Mr. HOPKINS. I do not desire to discuss the resolution so as to interrupt the gentleman from Massachusetts further than necessary, and therefore I will call the previous question on the adoption of the resolution.

The SPEAKER *pro tempore*. The Chair would suggest that it should be a concurrent resolution.

Mr. HOPKINS. I desire to make it such.

Mr. HOAR. I should like to ask the gentleman whether it is not a pretty serious matter of constitutional power, and he has considered the question, whether without any law approved by the President the two Houses can adjourn to a place beyond the limits of the Federal seat of Government?

Mr. HOPKINS. I will make it a joint resolution, so that it will require the approval of the President. There is nothing in the Constitution which prohibits it. The meeting is not to be for legislative duties.

Mr. HALE. There should be no doubt about this being a joint resolution, because that is clearly necessary.

The SPEAKER *pro tempore*. The Clerk will put the resolution in proper form.

The joint resolution (H. R. No. 140) was then read a first and second time.

The question was upon ordering the joint resolution to be engrossed and read a third time.

Mr. WHITE. I desire to ask a question; it is whether we will have the right in Philadelphia to discuss and consider appropriation bills?

Mr. HOPKINS. I do not think it fair to the gentleman from Massachusetts [Mr. WARREN] to longer interrupt him in his speech; and therefore I insist on the previous question.

The question was taken upon seconding the previous question; and upon a division there were—ayes 71, noes 17.

Mr. TOWNSEND, of New York. I make the point of order that no quorum has voted.

Mr. PAGE. I hope, as this resolution was introduced by the courtesy of the gentleman from Massachusetts, [Mr. WARREN,] who holds the floor, the gentleman from Pennsylvania [Mr. HOPKINS] will withdraw it, the point having been made that no quorum has voted on the call for the previous question.

Mr. HOAR. It certainly seems to me that this is one of the gravest questions ever submitted to Congress, the question of the legality of this proceeding. I hope the gentleman from Pennsylvania [Mr. HOPKINS] will inform us upon that point. I do not want to object to the joint resolution.

Mr. FOSTER. The House is dividing on seconding the previous question, I believe.

Tellers were ordered; and Mr. HOPKINS and Mr. WHITE were appointed.

Mr. PAGE. I insist that the gentleman from Massachusetts [Mr. WARREN] has the floor.

The SPEAKER *pro tempore*. The gentleman from Massachusetts yielded for the introduction of this joint resolution, and the House is now dividing upon seconding the previous question upon it.

Mr. PAGE. Cannot the gentleman from Pennsylvania withdraw it?

The SPEAKER *pro tempore*. He has not indicated any disposition to do so; the joint resolution is now before the House and the tellers will take their places.

The House again divided; and the tellers reported that there were—ayes 99, noes 18.

Mr. TOWNSEND, of New York. I still insist upon the objection that there is no quorum voting.

Mr. WHITE. This is a very serious matter. I am not a constitutional lawyer——

Mr. PAGE. I object to debate.

Mr. WHITE. We may be violating——

Mr. PAGE. I insist upon my objection to debate.

The SPEAKER *pro tempore*. Debate is not in order. The tellers will resume their places, as the Chair understands there are members in the House who have not yet voted.

The tellers resumed their places and continued the count, and after a time reported that there were—ayes 113, noes 23.

No further count being called for, the previous question was seconded and the main question was then ordered.

The joint resolution was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. HOPKINS moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. SPRINGER. I ask the gentleman from Massachusetts [Mr. WARREN] to yield to me to offer a resolution in relation to an adjournment over the Fourth of July.

Mr. WARREN. I do not think I can yield further, for it is probable the resolution will require the yeas and nays on its passage.

Mr. SPRINGER. I do not think it will require that, and if it provokes any discussion I will withdraw it.

Mr. WARREN. Then I will yield.

Mr. SPRINGER. I offer the resolution which I send to the Clerk's desk.

The Clerk read as follows:

Resolved, That when the House adjourns to-day it will stand adjourned until Wednesday next, the 5th day of July, saving the session in joint convention at Independence Hall on the 4th day of July, provided the same shall be ordered by the two Houses of Congress

Mr. SPRINGER. On that resolution I call for the previous question.

The question was taken upon seconding the previous question; and upon a division there were—ayes 77, noes 33.

Mr. BELL. No quorum has voted.

The SPEAKER *pro tempore*. No quorum having voted, the Chair will order tellers, and appoints as such the gentleman from Illinois [Mr. SPRINGER] and the gentleman from New Hampshire, [Mr. BELL.]

Mr. PAGE. I would like to inquire of the gentleman from Illinois what his resolution means?

Mr. SPRINGER. The House has already passed a joint resolution providing for the meeting of Congress in joint convention in Philadelphia on the 4th day of July. That joint resolution does not provide that Congress shall again re-assemble here. The resolution I have offered provides that Congress shall re-assmble here on the 5th of July.

Mr. WARREN. I must ask the gentleman not to interrupt me further.

Mr. SPRINGER. I am under obligation to the gentleman from Massachusetts [Mr. WARREN] to withdraw this resolution if there is any opposition to it. I therefore withdraw it.

FOURTH OF JULY—WASHINGTON, DISTRICT OF COLUMBIA.

The SPEAKER *pro tempore* appointed as a committee to attend the celebration of the Fourth of July, at twelve o'clock m., at Ford's Opera House, by invitation of the Oldest Inhabitants' Association of the District of Columbia, the following:

Mr. TUCKER of Virginia, Mr. HURLBUT of Illinois, Mr. CULBERSON of Texas, Mr. LANE of Oregon, Mr. CUTLER of New Jersey, Mr. SEELYE of Massachusetts, Mr. TOWNSEND of New York, Mr. O'BRIEN of Maryland, Mr. ROBBINS of North Carolina, Mr. WHITTHORNE of Tennessee, Mr. HALE of Maine, Mr. OLIVER of Iowa, and Mr. GARFIELD of Ohio.

GENEVA AWARD.

The House resumed the consideration of the Geneva award bill.

Mr. WARREN. When interrupted, I had stated the proposition that, there being nothing to which the right of subrogation could attach, it would of course be absurd to say that any such right longer existed. But the objection all through the discussion has been that the claims appear to have been recognized as individual claims, and the award, it is said, was made up by the enumeration of the different claims of the various owners. I think this mode of statement gives the most plausible support to the view of the underwriters. But the trouble with it is that it involves an ambiguous use of the word "claim." Now, it is undoubtedly true that the value of every vessel destroyed was taken into consideration by the tribunal; but it was for the simple purpose of fixing the amount of the award. It was never considered of any consequence who the owner of the vessel was. The tribunal took the evidence of the owners as to the value of the ships and the cargoes; they took the evidence of the insurance companies as to the amount of the insurance; but they took pains that the same item did not go twice into the consideration of the total amount of the award. And if you look carefully at the claims on behalf of the Government which were excluded from consideration by the tribunal and seek the ground of their rejection, you will find that the board of arbitrators set forth that those claims rejected did not, upon principles of international law applicable in such cases, "constitute a good foundation for an award of compensation or for computation of damages."

Now, everybody familiar with the matter of award of compensation knows that the phrase is used here as practically equivalent to the second phrase used, "computation of damages," the award being the aggregate of all the various matters of damage which are proved. But he would be a very poor lawyer indeed who should confuse the items which went to make up the gross amount of damage with that which formed the ground of the claim for which the damage was given. The distinction comes right here: The claim against Great Britain was a claim on behalf of our Government for an injury inflicted by the violation on the part of Great Britain of its duties as a neutral; but the award was made up by a computation of all the damages which could be traced directly to those cruisers which went from British ports by the aid or connivance of the British government; and the claims which were rejected were rejected because upon familiar principles governing the law of the computation damages they could not be traced directly to anything of which the British government itself was guilty, or were of such a vague and indefinite character that they could not be accurately measured in money.

If, then, there is no legal claim on the part of the owner of the vessel to recompense directly from Great Britain and no duty on behalf of the United States to act as a claim agent for such owner, what other theory is there which may govern the distribution of the award? Simply this: that the distribution is to be carried out, not as a matter of legal obligation on the part of the Government, but in the light of a moral obligation which the Government assumes to its own citizens. Before passing to this question I want to say that I think one difficulty on this subject has arisen from the confusion of two classes of obligations: one the international obligations which a neutral is bound to observe toward each of two belligerents; the other, the obligation which every belligerent assumes toward its citizens whose property is destroyed in time of war. Now, this latter class of obligations is the one to which we must look in the further distribution of this award. It is not necessary to go into the whole theory of the obligation of the Federal Government to its own citizens for losses incurred during the war. It is sufficient that I should call the attention of the House to the broad distinction between war carried on by land and war carried on by sea. It has been asked here in debate why, if the Government has a duty toward the owners of these vessels destroyed by confederate cruisers, has it not also a duty toward every loyal citizen whose property was destroyed in time of war? The answer is plain and simple; it rests upon the well-recognized principles of the laws of war. The destruction of private property on land is never legitimate, and in these modern days one belligerent never destroys the private property of a citizen of the other belligerent except in case of absolute necessity. So the loss of property on land is always to be treated as a loss occasioned by the exigency of war which the government cannot in the nature of things provide against and for which the citizen whose property is destroyed has no claim against his government. On sea the rule is entirely different. Upon the sea every merchant-vessel is a part of the territory of the belligerent under whose flag she sails. The other belligerent has a right to make war upon that vessel and upon every vessel bearing the flag of its enemy.

Now, this very fact that the capture of a merchant-vessel by the war-ship of a hostile government is legal because the war is legally waged upon that vessel, is the ground of the equitable claim of the owners of the vessels destroyed upon this Government. The fact that war may be legally waged upon the private merchant-vessels of a nation binds that nation to a corresponding obligation to defend and protect those vessels wherever they go on the high seas. In earlier times the illustrations of this in the books are very frequent. I refer to cases which turn on the question whether the merchantman had been guilty of negligence in failing to wait for convoy. The duty on the part of the government to furnish convoy was recognized, and the merchantman, on the other hand, was bound to enter upon a voyage so as, if possible, to have the safeguard of the convoy. History reminds us how often in former times whole fleets of merchantmen went out under the protection and convoy of ships of war. The duty of the Government toward its merchant marine still exists, because, however much the laws of war have been ameliorated in regard to the conduct of war by land, they remain as heretofore in regard to the conduct of war by sea. Therefore, when it failed to provide a proper convoy for its merchantmen, to offer or to take other proper means to protect its merchant-vessels against the attack of the confederate war-vessels the Government was guilty of neglect of duty, for which it was bound to compensate those of its citizens who suffered from such neglect. The proposition may be stated a little more broadly. While in naval wartare the blow falls upon particular vessels belonging to the merchant marine and the loss is sustained by individual owners, yet the war is really waged against the commerce of the country; and the justification for the rule which allows war by sea to be waged against private vessels is that by destroying its commerce the strength and ability of a country to prosecute a war is impaired.

This warfare, then, was waged by the confederate cruisers on the commerce of the United States, and it was because that war was waged on the commerce of the United States by the aid and assistance of Great Britain, to state it generally, that our claim against Great Britain arose. The sum we received from Great Britain was

the tribute which she was obliged to pay us for the violation of her neutrality obligations in aiding this warfare on our commerce. Therefore, as she was compelled to provide compensation for the injury done to our commerce, the money received should be applied by our Government to making good the losses of our commerce which our Government failed to prevent.

Now let us see where in equity, there being no legal obligation, it should go. If the vessels destroyed were not insured and the loss fell on their owners, and their value was fully estimated in the aggregate of the award which was rendered, the distribution would be simple. The money would be payable to the ship-owners. If, in the second place, those ships and those alone had been insured and the insurers had paid the losses, there would in that case, I conceive, have been an equitable claim on the part of the insurers to step into the place of the insured. But if, in the third place, the insurance has been more than made good by men who had paid war premiums, then, on the same principle of equity, the war-premium men would be the men whose losses should be made good. In short, the fund should be applied to make good actual losses. The losses may be looked at as involuntary contributions toward keeping alive our commerce, and those involuntary contributions should be re-imbursed by the Government, whose failure to protect that commerce caused the losses.

But the question is complicated. It is complicated by the fact that the vessels destroyed by the inculpated cruisers were only partially insured; that the underwriters in some cases were re-imbursed by the war premium received, and in other cases were only partially re-imbursed; and that many other vessels were destroyed by cruisers not aided by Great Britain, but which were engaged in similar depredations on our commerce. And as to the vessels destroyed by these other cruisers, there was the same obligation of protection on the part of our Government that existed with reference to vessels destroyed by the Alabama.

And if all the losses traceable to the acts of the inculpated cruisers have been fully paid and a balance of the tribute money remains in the hands of our Government, the application of the rule which fixes this moral obligation of the Government would compel us to apply that balance to compensate the owners of the second class of vessels destroyed.

I do not mean to go over the bill in detail. I am satisfied on the whole with the bill of the majority with the amendments proposed by my friend from Pennsylvania. I simply state the equitable principle on which this amount should be distributed. I am satisfied that the majority bill conforms to the principle as I understand it.

The only other view taken is that instead of this money being paid in pursuance of this moral obligation it should be paid into the Treasury; because it is said that in the end the people of the whole country had to pay the losses of the war, and that whatever was got from England should be re-imbursed to the people of the whole country. I trust that what I have already stated as to the difference between warfare by sea and warfare by land, and the different rights of the citizens who venture by sea and those who simply own property on land, is sufficient to answer to this line of argument. And I will not undertake to elaborate it.

I will say in conclusion that I hope this question will awaken the interest of gentlemen who represent portions of the country remote from our commercial centers. I have seen how the subject has dragged here and how hard it has been to attract the general attention of members to it. But I cannot believe that a measure designed to do justice to the commerce of the country concerns the Northeastern States alone and does not equally affect the welfare of the rest of the country. If the people of a distant section of the country should come here for some measure of relief or for protection against a threatened aggression, it would not become a Representative from New York or New England to say "that does not concern me," and leave the Hall or vote against the measure on the ground that it involved, say, a small expenditure of money. If the people of Texas, for instance, ask the interposition of the Federal arm to defend their homes and flocks from the incursions of marauders, we from the East should and I trust we do give their request a patient hearing and vote with alacrity the needed means of defense. If Louisiana and the States of the Mississippi Valley show us that their internal navigation is hindered by the condition of their great rivers, that their lands are liable to inundation, and that the remedy can come from the Federal Government alone and is within its legitimate field of action, shall we vote against it because it is none of our concern? If the States of the western slope desire a closer connection with the Hawaiian Islands, shall we oppose their wishes because no benefit is to accrue to our remote section? I trust and believe that no one who hears me will permit himself to look at this or indeed at any public question from a narrow local stand-point. But if ever locality were to influence men's actions on this floor it should not be in their course on this question, for the commerce of the country has demands upon all sections. Whatever may be said of the vastness of our agricultural interests as the foundation of our national wealth, however earnestly men may insist that our manufactures are a special object of the fostering care of the Government, it will not be denied that both agriculture and the manufactures must recognize the claims of commerce, for it is commerce alone which gives value to their products. I speak only the familiar language of political economy when I remind gentlemen that with our vast productive capacity both of agricultural and manufactured products the profit of the producer depends upon the facility and cheapness with which he can dispose of his surplus. To restore our commercial prosperity, then, is not only a duty which this country owes to its merchants, it is the dictate of the selfish interest of every class of our people.

The neglect of the Government—I use the word in no harsh sense anywhere in these remarks; it was a neglect caused by the pressure of more urgent duties—the failure of the Government to protect our commerce during the war caused the almost entire destruction of our mercantile marine. Our commerce suffered a loss from which it has never, up to the present time, revived. But some compensation may be made to the innocent sufferers by the speedy distribution of this sum, which is indeed in the hands of the Government for no purpose but to make that compensation. In simple justice and equity, then, I ask all portions of the country and men of all classes and occupations to unite and pass the bill without further delay.

Mr. CAULFIELD obtained the floor.

DISTRICT TAX BILL.

Mr. NEAL. I rise to a privileged question. I submit a report of the committee of conference on the disagreeing votes of the two Houses upon the amendments of the Senate to the bill (H. R. No. 2676) to regulate the assessment and collection of taxes for the support of the government of the District of Columbia, and for other purposes.

The Clerk read the report, as follows:

The committee of conference of the two Houses on the disagreeing votes of the same upon the amendment of the Senate to the bill of the House No. 2676, entitled "An act to regulate the assessment and collection of taxes for the support of the government of the District of Columbia, and for other purposes," having met, after full and free conference have agreed to recommend, and do recommend, to their respective Houses, as follows:

That the House recede from its disagreement to the amendment of the Senate to said bill and agree thereto, amended as follows:

First. In section 1, line 9, after the word "the" insert the word "assessed."

Second. In section 4, lines 28 and 29, strike out the words "on such part or parcel of land as said tax relates to."

Third. Section 4, line 29, strike out the word "law" and insert the words "this act."

Fourth. Section 4, line 21, after the word "every" insert the word "secular."

Fifth. Section 7, line 12, after the word "accrue" insert the following words: "And for want of such goods and chattels, said collector may levy upon and sell at auction in like manner the estate and interest of such person, firm, association, or corporation in any parcel of land in said District, and in that case the proceedings as to such land subsequent to sale shall be the same as in the case of taxes against real estate, as in this act provided."

Sixth. Section 8, line 9, strike out the word "said" and insert the word "such."

Seventh. Section 8, lines 20, 21, and 22, strike out the words "the stock, so far as the individual owner is concerned, of any corporation which is taxed on its capital in said district, sixthly."

Eighth. Section 10, lines 40 to 45 inclusive, strike out the following words: "and the person so refusing shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined in any sum not exceeding $500, to which may be added imprisonment not exceeding thirty days."

Ninth. Section 10, lines 50 to 53 inclusive, strike out the following words: "and if the return provided for in this act shall not be made by any firm, each member thereof resident of said District shall be liable to the penalties of this act."

Tenth. Section 11, line 5, after the word "value" insert the words: "and the shares in the same shall not be assessed against the individual owners thereof."

Eleventh. Section 12, line 26, strike out the word "thereunder."

Twelfth. Section 12, insert at the end thereof the following words: "In case the assessors shall fail to complete any of the duties in this act to be by them performed within the times provided therefor, the taxation provided by this act shall not by reason thereof be invalid; but such assessors shall proceed with all reasonable diligence to complete such duties, and their acts shall be valid, as if performed within the times fixed therefor."

SEC. 19. Strike out the whole section and insert: "That the twenty-third section of the act of the Legislative Assembly of the District of Columbia, entitled 'An act imposing a license on trades, business, and professions practiced or carried on in the District of Columbia,' approved August 23, 1871, clauses 20 and 35 of the twenty-first section of said act, and clause 16 of said twenty-first section of said act as amended by the act amendatory thereof approved June 20, 1872, and all other laws and acts, or parts thereof, inconsistent herewith, be, and the same are hereby, repealed."

And that the Senate agree to the same.

LAWRENCE T. NEAL,
JULIAN HARTRIDGE,
GEORGE WILLARD,
Managers on the part of the House.

GEORGE F. EDMUNDS,
T. J. ROBERTSON,
Managers on the part of the Senate.

Mr. CONGER. What is the provision made in regard to assessments on real estate outside of the city?

Mr. NEAL. As the bill now comes back it is substantially the same, as far as the principle of taxation is concerned, as was originally passed. It imposes a tax upon all real and personal property, but as it now stands the rate of taxation is uniform throughout the District, whereas by the bill as originally passed there was a difference in the rate of taxation imposed in the cities of Washington and Georgetown and the rate outside of those cities. I would state that two of the members on the part of the House were opposed to this uniform rate of taxation, and in favor of making a difference in the rate between property in the two cities and in the country outside of the two cities, but we yielded to the judgment of some members of the committee for the sake of coming to an agreement. I ask that the report be concurred in, and on that I demand the previous question.

The previous question was seconded and the main question or-

dered; and under the operation thereof the report of the committee of conference was concurred in.

Mr. NEAL moved to reconsider the vote by which the committee of conference was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ADJOURNMENT AND ADJOURNMENT OVER.

Mr. JONES, of Kentucky. I move that the House adjourn.

Mr. CAULFIELD. I am ready to go on now if it is the desire of the House.

Mr. LORD. I hope the House will hear the last speech now about to be made by the gentleman from Illinois, who probably will not occupy more than twenty minutes, and after he is through I shall move the previous question and the House will then be ready to adjourn. [Cries of "Let us adjourn now."]

ADJOURNMENT OVER THE FOURTH OF JULY.

Mr. RANDALL. Will the gentleman from Illinois [Mr. CAULFIELD] yield to me to offer a resolution providing for an adjournment over the Fourth of July?

Mr. CAULFIELD. I will yield for that purpose.

Mr. RANDALL. I send a resolution to the Clerk's desk which I ask may be adopted now.

The Clerk read as follows:

Resolved, That when the House adjourns to-day it will stand adjourned until Wednesday next, the 5th day of July, saving the session in joint convention in Independence Hall, Philadelphia, on the 4th day of July: *Provided*, The same shall be ordered by the two Houses of Congress.

Mr. HOLMAN. I hope that the gentleman will substitute Monday at one o'clock p. m., and that the House will take a recess from to-day until ten o'clock on Monday. In the three hours of that day which that will give us we will be able to accomplish all that can be accomplished before the Fourth of July.

Many MEMBERS. There will be no quorum here then.

Mr. HOLMAN. There will be a quorum enough for all the business we will have to do.

Mr. TOWNSEND, of New York. I am willing to stay here now long enough to finish up what work we have do.

Mr. RANDALL. I must insist upon my resolution as I originally offered it, and I will call the previous question on it.

Mr. HOLMAN. I must protest against the loss of next Monday in the present condition of business.

Mr. RANDALL. There is no such pressure of business as the gentleman from Indiana [Mr. HOLMAN] seems desirous to picture. The appropriation bills, such as we can get hold of, are all in the hands of conference committees.

Mr. HOLMAN. Some of the others can be disposed of on Monday next.

Mr. RANDALL. I must insist upon the previous question.

Mr. HOLMAN. I hope the previous question will be voted down.

Mr. RANDALL. I am willing to allow a vote on the amendment indicated by the gentleman from Indiana.

Mr. HOLMAN. Then I move to amend the resolution so that it shall read: "When the House adjourns on Monday next at one o'clock p. m., it shall stand adjourned to meet on Wednesday," &c.

Mr. RANDALL. I will allow that amendment to be voted upon. I now call the previous question on the resolution and amendment.

The previous question was seconded and the main question ordered.

The first question was upon the amendment of Mr. HOLMAN, providing for an adjournment from Monday, the 3d instant, at one o'clock p. m., until Wednesday, the 5th instant.

The question was taken; and upon a division there were—ayes 29, noes 60.

Mr. HOLMAN, and Mr. TOWNSEND of New York. There is no quorum voting.

Tellers were ordered; and Mr. RANDALL and Mr. HOLMAN were appointed.

The House again divided; and the tellers reported that there were—ayes 37, noes 73; no quorum voting.

Mr. HOLMAN. I call for the yeas and nays on my amendment.

The question was taken upon ordering the yeas and nays; and upon a division there were—ayes 16, noes 62.

So (one-fifth having voted in the affirmative) the yeas and nays were ordered.

Mr. ATKINS. Would it be in order to move that the House now take a recess until Monday next, at ten o'clock a. m.?

The SPEAKER *pro tempore*. A motion for a recess is in order, there being no motion to adjourn pending.

Mr. CONGER. I rise to a point of order.

The SPEAKER *pro tempore*. The gentleman will state his point of order.

Mr. CONGER. My point of order is that the House is now dividing on another question, upon which the last vote developed no quorum, and therefore the motion for a recess is not in order.

The SPEAKER *pro tempore*. The Chair is inclined to think the point of order is well taken. The Clerk will proceed to call the roll on the amendment of the gentleman from Indiana [Mr. HOLMAN] to the joint resolution of the gentleman from Pennsylvania, [Mr. RANDALL.]

The question was taken; and there were—yeas 49, nays 76, not voting, 164; as follows:

YEAS—Messrs. Atkins, John H. Bagley, jr., Bell, Bland, Bradley, Bright, Samuel D. Burchard, Cabell, John H. Caldwell, John B. Clarke of Kentucky, Crounse, Culberson, Cutler, De Bolt, Denison, Dibrell, Evans, Henry R. Harris, Hartzell, Hatcher, Haymond, Hendee, Hereford, Holman, House, Hunter, Jenks, Lewis, Maish, MacDougall, McCrary, Milliken, New, Norton, Oliver, Potter, Rea, Reagan, Sampson, Savage, William E. Smith, Sparks, Stevenson, Terry, Martin I. Townsend, Waldron, White, Willard, and James Wilson—49.

NAYS—Messrs. Ainsworth, Ashe, William H. Baker, Boone, Bradford, Horatio C. Burchard, William P. Caldwell, Campbell, Candler, Cannon, Caulfield, John B. Clark, jr., of Missouri, Conger, Cook, Cowan, Davis, Davy, Durand, Eames, Ellis, Finley, Forney, Fort, Foster, Garfield, Gibson, Goode, Hale, Andrew H. Hamilton, Hancock, Benjamin W. Harris, Harrison, Hartridge, Hill, Hoar, Hopkins, Hunton, Thomas L. Jones, Kasson, Kehr, Ketcham, Knott, Franklin Landers, Lord, Magoon, Metcalfe, Neal, Packer, Payne, John F. Philips, William A. Phillips, Piper, Poppleton, Powell, Randall, Rice, Riddle, Sobieski Ross, Scales, Schleicher, Seelye, Slemons, Smalls, A. Herr Smith, Tarbox, Thompson, Tucker, Van Vorhes, Robert B. Vance, Waddell, Wait, Alexander S. Wallace, Whitthorne, Wike, Alpheus S. Williams, and Yeates—76.

NOT VOTING—Messrs. Adams, Anderson, Bagby, George A. Bagley, John H. Baker, Ballou, Banks, Banning, Bass, Beebe, Blackburn, Blaine, Blair, Bliss, Blount, John Young Brown, William R. Brown, Buckner, Burleigh, Cason, Caswell, Cate, Chapin, Chittenden, Clymer, Cochrane, Collins, Cox, Crapo, Danford, Darrall, Dobbins, Douglas, Dunnell, Durham, Eden, Egbert, Ely, Faulkner, Felton, Franklin, Freeman, Frost, Frye, Fuller, Ganse, Glover, Goodin, Gunter, Robert Hamilton, Haralson, Hardenbergh, John T. Harris, Hathorn, Hays, Henderson, Henkle, Abram S. Hewitt, Goldsmith W. Hewitt, Hoge, Hooker, Hoskins, Hubbell, Hurd, Hurlbut, Hyman, Frank Jones, Joyce, Kelley, Kimball, King, Lamar, George M. Landers, Lane, Lapham, Lawrence, Leavenworth, Le Moyne, Levy, Luttrell, Lynch, Lynde, Edmund W. M. Mackey, L. A. Mackey, McDill, McFarland, McMahon, Meade, Miller, Mills, Money, Monroe, Morgan, Morrison, Mutchler, Nash, O'Brien, Odell, O'Neill, Page, Parsons, Phelps, Pierce, Plaisted, Platt, Pratt, Purman, Rainey, John Reilly, James B. Reilly, John Robbins, William M. Robbins, Roberts, Robinson, Miles Ross, Rusk, Sayler, Schumaker, Sheakley, Singleton, Sinnickson, Southard, Spencer, Springer, Strait, Stenger, Stone, Stowell, Swann, Teese, Thomas, Thornburgh, Throckmorton, Washington Townsend, Tufts, Turney, John L. Vance, Charles C. B. Walker, Gilbert C. Walker, John W. Wallace, Walling, Walsh, Ward, Warren, Erastus Wells, G. Wiley Wells, Wheeler, Whitehouse, Whiting, Wigginton, Andrew Williams, Charles G. Williams, James Williams, James D. Williams, Jeremiah N. Williams, William B. Williams, Willis, Wilshire, Benjamin Wilson, Alan Wood, jr., Fernando Wood, Woodburn, Woodworth, and Young—164.

No quorum voted.

During the roll-call the following announcements were made:

Mr. SLEMONS. My colleague, Mr. WILSHIRE, is absent on account of sickness.

Mr. BOONE. My colleague from Kentucky, Mr. BROWN, is absent by leave of the House.

Mr. NEW. My colleague, Mr. FULLER, is absent on account of sickness.

Mr. CABELL. My colleague from Virginia, Judge HARRIS, is absent on account of indisposition.

Mr. HUBBELL. I am paired with the gentleman from Kentucky, Mr. DURHAM. If he were present I should vote in the affirmative.

Mr. VAN VORHES. My colleague from Ohio, Mr. VANCE, is absent by leave of the House.

Mr. BRADLEY. My colleague, Mr. W. B. WILLIAMS, left the Hall two hours ago on account of sickness.

At the conclusion of the roll-call,

Mr. TOWNSEND, of New York, said: I raise the point that no quorum has voted.

Mr. ATKINS. Is it in order now to move that the House take a recess till ten o'clock on Monday morning?

The SPEAKER *pro tempore*. In the absence of a quorum no motion is in order except to adjourn or for a call of the House.

Mr. ATKINS. I move that the House adjourn.

ENROLLED BILLS SIGNED.

Pending the motion to adjourn,

Mr. HARRIS, of Georgia, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker *pro tempore* signed the same:

An act (H. R. No. 597) for the relief of Anderson J. Smith; and

An act (H. R. No. 2691) for the allowance of certain claims reported by the accounting officers of the Treasury Department.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted

To Mr. HAMILTON, of Indiana, for two weeks from July 5;

To Mr. TEESE for one week from Monday next;

To Mr. FRANKLIN for twelve days from July 5;

To Mr. CATE indefinitely;

To Mr. METCALFE for ten days from July 4;

To Mr. FRYE for ten days;

To Mr. ROBBINS, of Pennsylvania, for the 3d and 4th of July to attend to important business; and

To Mr. JOHN REILLY until July 6.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, announced that the Senate insisted on its amendment, disagreed to by the House, to the bill (H. R. No. 1771) to declare forfeited to the United States certain lands granted to the State of Kansas in aid of the construction of railroads by act of Congress approved March 3, 1863, had agreed to the conference asked by the House on the disagreeing votes of the two Houses, and had appointed as conferees on the part of the Senate Mr. INGALLS, Mr. HITCHCOCK, and Mr. EATON.

The message also announced that the Senate had passed without amendment bills of the following titles:

A bill (H. R. No. 702) for changing the name of the steam-propeller Senator Mike Norton to America; and

A bill (H. R. No. 3838) to authorize the Commissioner of Indian Affairs to purchase supplies for the Indian Bureau in open market.

WITHDRAWAL OF PAPERS.

By unanimous consent, leave for withdrawal of papers was granted in the following cases, in which there had been no adverse report:

To Mr. McCRARY in the case of Mrs. Eleanor McGugin; and

To Mr. MACDOUGALL in the case of Frank A. Page.

BRIDGE ACROSS SYNEPUXENT BAY.

The SPEAKER *pro tempore*, by unanimous consent, laid before the House a letter from the Secretary of War, transmitting a report on the bill (H. R. No. 3136) to authorize the Ocean City Bridge Company to maintain the bridge across Synepuxent Bay, in Worcester County, Maryland; which was referred to the Committee on Military Affairs.

HOUSTON AND TEXAS RAILROAD COMPANY.

The SPEAKER *pro tempore* also laid before the House a letter from the Secretary of War, transmitting papers relative to the claim of the Houston and Texas Railroad Company; which was referred to the Committee on Military Affairs.

COMMITTEE ON ENROLLED BILLS.

The SPEAKER *pro tempore*. The Chair is informed by the gentleman from Georgia, [Mr. HARRIS,] chairman of the Committee on Enrolled Bills, that the other members of that committee are absent and may probably be absent during most of the remaining part of the session. The duties of that committee at this period of the session are very great, and of course a single member is unable to discharge them. The Chair therefore requests authority to appoint, as has been customary, two additional members to serve until the close of the session. If there be no objection, the Chair appoints as such additional members the gentleman from Illinois, Mr. HARRISON, and the gentleman from New York, Mr. BAKER.

There was no objection.

ORDER OF BUSINESS.

The SPEAKER *pro tempore*. The question is on the motion of the gentleman from Tennessee [Mr. ATKINS] that the House adjourn.

Mr. RANDALL. I suggest that before making a decision on that subject we should learn whether the Senate has adjourned from to-day until Monday.

Mr. HOLMAN. The Senate was in executive session five minutes ago; and I presume is yet.

The question being taken on the motion to adjourn, it was not agreed to; there being—ayes 29, noes 62.

Mr. HOLMAN. I move that the House take a recess until eight o'clock this evening. The object is to secure, if possible, final action on the post-office appropriation bill.

Mr. CONGER. I make the point of order that no business is in order except a motion for a call of the House or a motion to adjourn.

Mr. HEREFORD. I move that the House adjourn.

Mr. RANDALL. We have sent to the Senate to find out whether it has adjourned or not.

Mr. CAULFIELD. Then let us wait till that fact is ascertained.

Mr. HOLMAN. I hope that by taking a recess we will dispose of the post-office appropriation bill to-night. It is one of the most important bills of the session.

Mr. GARFIELD. I hope the motion of the gentleman from Indiana will be allowed; that the bill will be passed; and then I have no doubt he will agree to the adjournment over.

Mr. HOLMAN. I will not consent to losing two days of next week.

Mr. GARFIELD. The gentleman knows he can do nothing on Monday.

The SPEAKER *pro tempore*. The question is on the motion of the gentleman from West Virginia that the House adjourn.

Mr. HOLMAN. I understand that the Senate has adjourned till Monday. I move that the House take a recess till ten o'clock on Monday.

Mr. WHITE. I make the point of order that the House is now dividing on another motion.

Mr. HOLMAN. There is a necessity for taking a recess until ten o'clock on Monday, so that we may pass the post-office appropriation bill.

The SPEAKER *pro tempore*. There is nothing in order except a motion to adjourn or a motion for a call of the House, the point having been made that a quorum is not present, which has been officially determined by the call of the roll.

Mr. HOLMAN. I hope that by unanimous consent the House will take a recess till ten o'clock on Monday. If that is done I think we can dispose of the post-office appropriation bill in half an hour.

Mr. KASSON. Why cannot we pass it this evening?

Mr. RANDALL. I move that the House take a recess till eight o'clock this evening.

Mr. WHITE. I insist on my point of order that the House was dividing on a motion to adjourn.

The question being put on the motion to adjourn, there were—ayes 48, noes 44.

So the motion was agreed to; and accordingly (at five o'clock and thirty minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions, memorials, and other papers were presented at the Clerk's desk under the rule, and referred as stated:

By Mr. CAULFIELD: The petition of George Conway, of Brooklyn, New York, late master and captain of the United States bark Voltiguer, for compensation for property lost by reason of the sinking of said bark in New York Harbor on the 22d of April 1865, to the Committee of Claims.

By Mr. SMITH, of Georgia. The petition of the Brunswick and Albany Railroad Company, to be relieved from the 10 per cent. tax imposed on circulating notes issued by them, to the Committee of Ways and Means.

IN SENATE.

MONDAY, *July* 3, 1876.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Journal of the proceedings of Saturday last was read and approved.

HOUSE BILLS REFERRED.

The following bills from the House of Representatives were severally read twice by their titles and referred to the Committee on Military Affairs:

A bill (H. R. No. 3484) for the relief of John Rentz;

A bill (H. R. No. 3483) to restore John Pulford, lieutenant-colonel United States Army, (retired,) to his former rank on the retired list;

A bill (H. R. No. 3331) authorizing the Secretary of War to permit the Presbyterian Church of Gratiot, Michigan, to erect and maintain a wooden church-building on the Fort Gratiot military reservation, Michigan;

A bill (H. R. No. 3371) to place Laurence A. Williams, late major Sixth Cavalry, United States Army, upon the retired list of the Army;

A bill (H. R. No. 3114) for the relief of William Gemmil;

A bill (H. R. No. 3367) to remove the charge of desertion from the military record of Alfred Rouland;

A bill (H. R. No. 2257) for the relief of J. T. McGinniss, captain of Thirteenth Infantry United States Army;

A bill (H. R. No. 1075) directing the Second Auditor to settle the pay and bounty account of John Ammahaie or Ammahe;

A bill (H. R. No. 515) for the relief of Sarah E. Garland and Frank M. Hoppin; and

A bill (H. R. No. 559) for the relief of Almeron E. Calkins, late a second lieutenant in the Eighth Michigan Cavalry.

The following bills from the House of Representatives were severally read twice by their titles and referred to the Committee on Claims:

A bill (H. R. No. 3489) for the relief of Captain Samuel Adams;

A bill (H. R. No. 2905) for the relief of E. B. McPherson, jr., of Boonville, Missouri;

A bill (H. R. No. 3373) for the relief of Susan E. Willard, widow of Sylvester D. Willard, of New York;

A bill (H. R. No. 940) for the relief of Edwin Ebert; and

A bill (H. R. No. 2501) for the relief of the estate of Mrs. A. E. Hall, widow of Dr. David A. Hall.

The following bill and joint resolution from the House of Representatives were severally read twice by their titles and referred to the Committee on Indian Affairs:

A bill (H. R. No. 3834) relating to allotments of land to Buffalo and La Pointe Chippewas; and

A joint resolution (H. R. No. 112) to aid the Winnebago Indians of Wisconsin to obtain subsistence by agricultural pursuits and to promote their civilization.

The bill (H. R. No. 1997) to grant title to certain lands to the heirs of Caleb L. Brayton was read twice by its title and referred to the Committee on Private Land Claims.

The bill (H. R. No. 1233) granting a pension to Esther P. Fox was read twice by its title and referred to the Committee on Pensions.

FOURTH-OF-JULY ADJOURNMENT.

Mr. MORRILL, of Maine. If in order, I move that when the Senate adjourn to-day, it be to meet on Wednesday next at twelve o'clock.

The PRESIDENT *pro tempore*. The Senator from Maine moves that when the Senate adjourn to-day, it be to meet on Wednesday next.

Mr. EDMUNDS. I think I heard some Senator, or some person, suggest that it might be desirable to make the hour later on Wednesday.

Mr. CONKLING. Then we can take a recess to that hour, after we meet at noon.

Mr. EDMUNDS. I merely made the suggestion because somebody had made it to me. I will not interfere with whatever the chairman of the Committee on Appropriations desires.

Mr. MORRILL, of Maine. I am satisfied it is quite desirable that we should meet at twelve o'clock on Wednesday.

Mr. EDMUNDS. I am satisfied, if the Senator thinks that is the right hour. Indeed, I was satisfied beforehand.

Mr. BAYARD. I move to amend the motion by inserting "Thursday;" and I desire to state my reasons for it. The Fourth of July ought to be celebrated every year, and this year more than any other. Most members of Congress and most persons employed at the Capitol reside at some distance from Washington, and it would be quite impossible for them to find time, even leaving to-night, to avoid traveling on the Fourth of July in order to return in time, if the motion is adopted as it was first proposed. On the contrary, if we wait until Thursday, they can travel on Wednesday and reach here in time for the meeting on Thursday morning.

Mr. CONKLING. To whom, if I may inquire, does the Senator refer?

Mr. BAYARD. I move to insert "Thursday."

Mr. CONKLING. But the Senator was speaking of Senators traveling on Wednesday. To what Senators does he refer; those who go home or those who go to Philadelphia?

Mr. BAYARD. I mean those who seek to get back from their homes. They may leave the city of Washington to-night; but it would be almost impossible for them to get here by midday on Wednesday, or at all on that day.

Mr. LOGAN. I do not think many Senators desire to go home for the Fourth.

Mr. BAYARD. There are many whose homes are this side of New York, and I think it will have this result: It is a practical question, and the absence of a quorum will probably be disclosed on Wednesday early after the meeting, and then it will be impossible to go on with the ordinary work. I believe nothing will be lost as to time by adjourning until Thursday. I do not believe the Senate should pass a resolution adjourning until Wednesday at twelve o'clock. There will not be a quorum present on Wednesday, and the want of that quorum will be disclosed very early after the Senate meets on that day. If I am right as to that, then the adjournment might as well be made to Thursday, because those going away will then be able to get back here for the meeting of the Senate. I suggest this to the Senate because I desire to see the business of the body prosecuted.

Mr. CONKLING. Mr. President, the heat in Washington has become not only oppressive but dangerous. All appropriation bills except two or three are undisposed of. On Friday next, the 6th of this month, we have agreed, after efforts not less than three made on the one side and on the other to postpone it, to take up and proceed with the impeachment trial. This is Monday.

Mr. INGALLS. We proceed with the trial on Thursday.

Mr. CONKLING. The Senator corrects me, and the case is stronger than I supposed. It is on Thursday, the 6th, which adds force to the objection I am going to state to the suggestion made by the Senator from Delaware. Manifestly our duty is to conclude the public business deliberately but expeditiously, and adjourn this session of Congress, if we can. To-morrow is the Fourth of July, and I take it that no Senators whose homes are distant are going to leave Washington to-day to attend the Fourth of July at home and return.

It is well known that a number of Senators who are absent are absent now on excursions for to-day and to-morrow. They will be able, I think, to return so that we shall have a quorum on Wednesday. Certainly we ought to have a quorum then, for I can conceive no higher duty that any Senator owes than to be here now, considering the condition of the public business. If we meet on Wednesday at twelve o'clock, and there shall be no quorum, we may be driven by a recess to wait for a later hour, when a quorum can assemble. We have certainly no right to assume—I am sure the Senator from Delaware will not assume, as he is here himself—that any Senator will, for some passing, trifling cause, absent himself on Wednesday, knowing, as every Senator does, although I myself misstated the day, that on Thursday, at one o'clock, the trial of the impeachment of the late Secretary of War is to proceed.

It seems to me that the motion of the Senator from Maine is exactly right, that we observe the Fourth of July by adjourning over, giving any Senator who in that interval may have the occasion to participate in the observance of that day the opportunity to do so, but that we go on expeditiously with the public business; and I hope that that may occur on Wednesday.

Mr. BAYARD. I will state to the Senator that I am willing to withdraw my motion.

Mr. CONKLING. The Senator says he is going to withdraw his motion. He will pardon me before he does that, for making one additional remark. I venture, as I am on my feet, to express the hope that on Wednesday that will occur which will remove the appropriation bills as a stumbling-block or a source of apprehension in the country at large; that in some way we shall make such advance on Wednesday as to see our way out of any difficulties which have attended the appropriation bills; and that we shall then be ready and able on Thursday to proceed with the impeachment trial and go through with it. Although the weather is hot and although the inconvenience is great, the Senate has several times refused to postpone that trial. In the mean time, it is matter of public notoriety that a summons has issued for a great number of witnesses, who will be entitled to their pay. We listened to an item inserted in one of the appropriation bills of $50,000 to defray the expenses of that trial. I venture, as one member of this body, to express the hope that when the hour arrives at which that trial is to proceed, it will proceed and go on to the end and be disposed of. I shall so vote, for one, upon all the lights that I have now. To the end that we may be able to do that, and to the end that we may acquit ourselves of the other duties which rest, and urgently rest, upon the two Houses, I think we should make the most of our time, adjourn for the Fourth of July, which is right, which is only a decorous deference paid to that day, but that when that day is over we shall make the best haste we can with deliberation, but with diligence.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from Delaware.

Mr. BAYARD. On the suggestion of gentlemen better acquainted with the business of the body than myself, yielding to their views on the subject, I will withdraw the amendment.

The PRESIDENT *pro tempore*. The amendment being withdrawn, the question recurs on the motion of the Senator from Maine, that when the Senate adjourns to-day it be to meet on Wednesday next at twelve o'clock meridian.

The motion was agreed to.

PETITIONS AND MEMORIALS.

Mr. HAMLIN. I have received and been requested to present to the Senate a resolution and preamble adopted by the National Board of Trade at its session in the city of New York on June 29, 1876. They set forth the benefits which in their opinion are connected with what are called the fast-mail trains of the country, and they respectfully and very earnestly request that Congress shall adopt no system of legislation which will discontinue them, but rather that they shall be increased on other routes. I do not know that this is a subject to be referred now; it has been settled, I believe, against my earnest remonstrance in the committee of conference on the post-office appropriation bill. I move that this preamble and resolution lie on the table.

The motion was agreed to.

Mr. HAMLIN presented the petition of George W. Graffam, late first lieutenant Sixteenth Regiment United States Infantry, praying to be restored to his former rank and position in the Army; which was referred to the Committee on Military Affairs.

Mr. MITCHELL presented additional papers pertaining to the claim of D. B. Randall, for compensation for certain improvements made by him on lands lying within the Nez Percé Indian reservation in Idaho Territory; which were referred to the Committee on Claims.

REPORTS OF COMMITTEES.

Mr. MORRILL, of Vermont, from the Committee on Finance, to whom was referred the bill (H. R. No. 3486) for the relief of James F. Buc'ner, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

Mr. LOGAN, from the Committee on Military Affairs, to whom was referred the report of the Secretary of War, made in obedience to law, in relation to an act to set apart a portion of the island of Mackinac, in the straits of Mackinac, within the State of Michigan, as a national park, asked to be discharged from its further consideration, and that it be referred to the Committee on the Judiciary; which was agreed to.

He also, from the same committee, to whom was referred the bill (H. R. No. 2694) for the relief of W. W. Van Antwerp, late major in the Fourth Michigan Cavalry, reported it with an amendment.

He also, from the same committee, to whom was referred the bill (H. R. No. 2569) to revive the law and extend the time for filing claims for horses and equipments lost by officers and enlisted men in the service of the United States, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the joint resolution (H. R. No. 134) donating two cannon and carriages to the warden and burgesses of Stonington, Connecticut, reported it without amendment.

He also, from the same committee, to whom was referred the bill (H. R. No. 3374) for the relief of Harry E. Eastman, late lieutenant-colonel Second Regiment Wisconsin Cavalry Volunteers, reported it without amendment, the committee adopting the report of the House committee.

He also, from the same committee, to whom was referred the bill (S. No. 938) for the relief of George T. Olmsted, jr., reported it with amendments.

Mr. HAMLIN, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (H. R. No. 3628) establishing post-roads, reported it with amendments.

Mr. CAPERTON, from the Committee on Claims, to whom was referred the petition of T. T. Garrard and others, praying compensation for the destruction of their salt, salt-wells, &c., in Clay County, Kentucky, by United States troops in 1862, submitted a report thereon, accompanied by a bill (S. No. 969) for the relief of those suffering from the destruction of the salt-works near Manchester, Kentucky, pursuant to the orders of Major-General Carlos Buell.

The bill was read and passed to a second reading, and the report was ordered to be printed.

Mr. CAMERON, of Wisconsin. I desire to state that as a minority of the Committee on Claims I dissent from the report of the majority

of the committee just presented by the Senator from West Virginia, and I ask leave on Wednesday next to present the views of the minority.

The PRESIDENT *pro tempore*. Leave will be granted if there be no objection.

Mr. COCKRELL, from the Committee on Military Affairs, to whom was referred the bill (H. R. No. 735) for the relief of Philip Pendleton, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

BILLS INTRODUCED.

Mr. HAMLIN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 970) for the relief of George W. Graffam, late first lieutenant in the United States Army; which was read twice by its title, referred to the Committee on Claims, and ordered to be printed.

Mr. MITCHELL asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 971) for the relief of D. B. Randall; which was read twice by its title, and, with accompanying papers, referred to the Committee on Claims.

Mr. SPENCER. At the request of the commissioners of the District of Columbia, I ask leave to introduce a bill to go to the Committee on the District of Columbia.

By unanimous consent, leave was granted to introduce a bill (S. No. 972) authorizing the commissioners of the District to issue certificates in the case of loss or destruction of registered certificates or bonds of the District; which was read twice by its title.

Mr. SHERMAN. As that involves the issue of bonds in place of other bonds outstanding, it ought to be referred to the Committee on Finance, because those are some of them Government bonds. Unless the Senator desires it to go to the District Committee, I would rather the bill should be referred to the Committee on Finance.

The PRESIDENT *pro tempore*. The bill will be referred to the Committee on Finance, if there be no objection.

WITHDRAWAL OF PAPERS.

On motion of Mr. MCCREERY, it was

Ordered, That Charles M. Briggs, executor, be allowed to withdraw his papers from the files of the Senate.

ROBERT RANSOM.

Mr. EDMUNDS. I am instructed by the Committee on the Judiciary, to whom was referred the bill (H. R. No. 1558) to remove the legal and political disabilities of Robert Ransom, of Virginia, to report it with an amendment, and as this matter has been delayed by an accident in the loss of a paper, I ask that the bill may be considered at this time. The committee report it favorably, with an amendment, to make it conform to the usual method of granting relief of this sort.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendment of the Committee on the Judiciary was in line 4, to strike out the words "legal and," and in lines 4 and 5, the words "act of July 2, 1862, and the;" so as to read:

That all the political disabilities imposed by the fourteenth amendment to the Constitution of the United States upon Robert Ransom, a citizen of the State of Virginia, late a captain in the United States Army, be, and the same are hereby, removed.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

It was ordered that the amendment be engrossed and the bill read a third time.

The bill was read the third time, and passed, two-thirds of the Senators present voting in favor thereof.

The title was amended so as to read: "A bill to remove the political disabilities of Robert Ransom, of Virginia."

AMENDMENTS TO APPROPRIATION BILL.

Mr. ANTHONY submitted amendments intended to be proposed by him to the bill (H. R. No. 3022) making appropriations for the construction, repair, preservation, and completion of certain public works on rivers and harbors, and for other purposes; which were referred to the Committee on Appropriations, and ordered to be printed.

LANDS WITHIN KLAMATH INDIAN RESERVATION.

Mr. KELLY. The bill (H. R. No. 1316) to adjust the claims of the owners of lands within the limits of the Klamath Indian reservation, in the State of Oregon, was under consideration about a week ago and partly disposed of. I ask that it be now taken up. The bill has already been read and there is an amendment pending.

Mr. EDMUNDS. I hope the Senator will not call up that bill this morning. There are some papers containing information as to that bill, which I have been looking up, that I have not at my desk, and the Senate is very thin.

Mr. KELLY. I beg pardon of the Senator from Vermont. The Senate is quite as full, I think, as it will be at any time during the day.

Mr. EDMUNDS. My reason, as I have stated, is that it was evident the other day when we had this bill up that at the very best it would have to be corrected, for it bore on its face a manifest misstatement, to begin with, about certain new lands, if that is what they are called. On looking it up, although I have not the papers here present, it appears that that part of the question, at the very best, needs a good deal of consideration if the first part of it does not. Therefore, I was in hopes the Senator from Oregon would not press it this morning.

Mr. MITCHELL. I will state to the Senator from Vermont that, so far as I am concerned as one of the Senators from Oregon, I shall move to strike out all that part of the bill referring to new lands, and shall oppose the bill unless it is stricken out.

Mr. KELLY. I will state for the benefit of the Senator from Vermont that I am not opposed to that, although I think that clause ought to be in on account of the law I referred to the other day, yet I am going to make no opposition to striking it out. I will assent to his amendment or the amendment that may be offered by my colleague to that effect.

Mr. EDMUNDS. That does not reach the point; but I do not see why the Senator should be so very eager to take up the bill this identical morning. Of course I can go and get the papers if somebody will discuss it long enough to enable me to find my memoranda.

Mr. KELLY. I will not press it to a conclusion until the Senator returns.

The PRESIDENT *pro tempore*. The Senator from Oregon asks for the present consideration of the bill. The question is on the motion to take the bill from the Calendar for consideration.

The motion was agreed to; and the consideration of the bill was resumed as in Committee of the Whole, the pending question being on the amendment offered by the Senator from Ohio, [Mr. SHERMAN,] in line 12, after the word "mineral," to insert "and which are then subject to entry under the homestead and pre-emption laws of the United States."

Mr. SHERMAN. I think that ought to be "homestead or pre-emption."

Mr. KELLY. Yes, it would be better to have it in that form.

Mr. EDMUNDS. I think that amendment is proper, and I have no objection to it.

Mr. SHERMAN. I will say to the Senator from Vermont that if he wants to go to his committee-room to get papers he can do it. I should like to hear him.

Mr. EDMUNDS. I did want to go, but I do not seem to have any time, and I think I can make considerable of an explanation of this bill with what I have got.

Mr. SHERMAN. I thought I would occupy the time.

Mr. EDMUNDS. My friend is very kind.

Mr. SHERMAN. I do not want to occupy the Senator's time, but I will occupy the time until the Senator comes back if he really wants to go and get his papers.

Mr. EDMUNDS. I do.

Mr. SHERMAN. Very well. I was in doubt about this bill when it was up. I want to hear it discussed.

Mr. KELLY. I call for a vote on the amendment.

Mr. ANTHONY. If there is a dispute about occupying the time, I could occupy two minutes of it with an explanation. I do not wish to interfere with the bill.

Mr. CONKLING. A personal explanation?

Mr. ANTHONY. Not a personal explanation, but an official explanation.

Mr. INGALLS. I should like to hear the bill read for information.

The PRESIDENT *pro tempore*. The bill will be read at length.

The Secretary read the bill.

Mr. SHERMAN. I said to the Senator from Oregon what I repeat to the Senate on some little knowledge which I acquired a long time ago that, if I were a Senator from Oregon, speaking as a Senator from Oregon, I certainly would not be willing to allow floats, as they are called, scrip to be issued which may be located anywhere. Some of the greatest disputes that have occurred in our country have grown out of the location of floats on land of great value, sometimes on military reservations after they have been abandoned, and the question arose as to whether such land was public land subject to entry or not. Disputes of that kind arose in Kansas, in Iowa, and in many other States. It seems to me very unwise and against public policy in any State to allow floats to be located on public lands in that State.

This amendment of mine was intended to limit it somewhat so that the scrip could only be located on land subject to pre-emption or homestead. But take the case of a military reservation; take the extreme case of Fort Leavenworth, where the land is very valuable. It has been long occupied by Government as a Government reservation, but it has now ceased to be important as a public reservation, and it is really public land open to sale. It may be that one of these floats, without some careful provision, might be located there. It cannot now be under this bill, but when it is abandoned as a military reservation it should not be liable to such a thing. Twenty years ago we had a very interesting controversy about Fort Snelling in Minnesota, and cases of that kind have arisen several times in the history of this Government. They arose early in Ohio, where there was a controversy about entries on public land, but this is so amended as to limit that, and I think there is no objection to that limitation. Even then it is against public policy to allow these floats, which may be set down upon public land. There is one of them located in this city on Kidwell's Meadows. Sioux scrip, if I am not mistaken, is located on what is claimed to be public land, riparian land belonging to the United States of America in this city. The claim to what are

called Kidwell's Meadows arises, as I understand, from the location of floating scrip. I see, however, that this bill is so framed as to confine the location of this scrip to the State of Oregon, and the amendment as now offered confines it to lands subject to pre-emption and homestead; but even then there is great danger of abuse growing out of the authority given to issue scrip which may be located on public land at any time hereafter.

Mr. KELLY. Mr. President, on the 2d of July, 1864, Congress granted to the State of Oregon a quantity of land from Eugene City to the eastern boundary of the State, three sections on each side of a road extending between those points, for the purpose of building a road over a stretch of country to which there was no means of access. The road was built by a number of gentlemen who formed a company, to which the State of Oregon transferred the grant, coupled with certain conditions that they were to construct the road in a certain way and in accordance with the provisions of the law of Congress of 1864. The road was built at an expense of between $200,000 and $300,000. After the grant and after the construction of the road an Indian reservation was established, known as the Klamath Indian reservation, and it included the very best portion of the grant made to the company. When the company was about to take possession of its lands the Indians threatened disturbance; threatened that they would use force to expel any person that should come upon the reservation. Mr. Dyar, the Indian agent, begged that the company would desist from making any claim to the lands, stating that if they did so his life would not be worth anything to him; he could not stay there twelve hours if any attempt was made. At his earnest solicitation the company desisted from asserting its rights, trusting that Congress would indemnify it for the lands it was entitled to, and which it had received a patent for, amounting to about one hundred thousand acres within that reservation. This was in 1873, and at the next session of Congress application was made for indemnity; that is, for the payment of the value of these lands that had been earned by the company and that had been patented to it by the Land Office. It was deemed inadvisable at that time to pay the value, but it was suggested by the Commissioner of Indian Affairs that lands might be given in lieu of those that the company had instead of money. Although that was distasteful to the company; although they claimed and asserted their rights; and although they had been paying taxes on these lands and had actually paid some $7,500 in taxes during several years, notwithstanding they were unable to get possession of them, it was with great reluctance that they acceded to this proposition of the Commissioner of Indian Affairs. This bill was introduced into the House of Representatives, passed there, and that body deemed it advisable to give the company lands in lieu of those within the reservation, to be selected at any place within the State of Oregon. They desired that they might make the selection elsewhere; but it was thought prudent to confine them to Oregon, and so it was done.

This is a statement of the rights of the company and of the way in which they have been misused; because I must say it is nothing less than that. They have been wronged. They have built this road on the pledge and on the faith that the United States would give them the lands; and when the road was made that faith was violated by giving their lands for an Indian reservation, and setting apart for the Indians after the company were entitled to them. I think that is a great wrong to the company, and the least that can be done is to give lands in lieu of them, and thus do something in the nature of equity to the company that built this road over which Indian supplies are taken to this very reservation. They had no road to it before this, no means of access to it, and this very road that has been built enables them to get their supplies to the Indian reservation, enables the employés of the reservation to travel to and from it; and now the company simply ask that they may get lands in lieu of those thus taken from them, and I think the least that can be done is to pass this bill.

So far as the bill is concerned, I think it is right and proper to guard it, and it has been guarded, by saying that the selection shall be from lands subject to homestead or pre-emption entry; but I will state here that any land may be taken in Oregon for a pre-emption or homestead, whether surveyed or unsurveyed. This is by virtue of the law of 1854, which has been extended to Oregon and Washington Territory. So, if this bill be amended as has been suggested by the Senator from Ohio, it will simply conform to what is now the pre-emption and homestead system in Oregon, and enable them to take lands anywhere in that State.

Mr. EDMUNDS. Mr. President, I was quite desirous that the Senate should be full when this matter should be considered, because it is one of a great many cases that under the laws of the United States must inevitably arise from time to time under grants that have already been made, and it is therefore of a good deal wider importance as a precedent than this single question about one or two hundred thousand acres of land is. And from the examination that I have made of it, I am persuaded that, to say the least, it is extremely doubtful whether the gentlemen who make this claim have any just claim upon the United States at all. If the Supreme Court of the United States holds on to the spirit and letter of what I understand it already to have decided, then it will turn out that this present grant of scrip that we are called upon to make is an absolute gratuity, and that the people who claim it have no right to have any indemnity in respect of what has transpired at all.

But the Senate is very thin. However we must go on. If Senators care enough about it to give their attention, I should like to state briefly from the report and from the statute just the order of events. In the first place came the statute of the 2d of July, 1864, which says:

That there be, and hereby is, granted to the State of Oregon, to aid in the construction of a military wagon-road from Eugene City, by way of middle fork of Willamette River, and the most feasible pass in Cascade range of mountains, near Diamond Peak, to the eastern boundary of the State, alternate sections of public lands—

Mark the phrase, "public lands"—

designated by odd numbers, for three sections in width on each side of said road.

Then follows a proviso:

That the lands hereby granted shall be exclusively applied in the construction of said road.

And then further:

That any and all lands heretofore reserved to the United States by act of Congress or other competent authority be, and the same are, reserved from the operation of this act, except so far as it may be necessary to locate the route of said road through the same, in which case the right of way is granted.

Then the other sections provide that the lands shall be disposed of by the Legislature "for the purpose aforesaid," and that "the road shall be and remain a public highway for the free use of the United States." Then it provides that the lands shall only be issued as the road is built from time to time, thirty sections at a time for each continuous ten miles, and so on; and if the road is not completed within five years, no further sales shall be made.

The Senate will observe two things on the face of the act. First, it is a grant of public lands, not of any territory that the United States may own, but of what in our system of statutes are known as the public lands of the United States; and on that I say that the Supreme Court has come very near deciding, if it has not actually so decided—and in effect it has so decided, although I have not the decisions here at hand, and nobody would be interested to go over them if I had—that what is meant by the term "public lands" in such grants that are taken most strongly against the grantee and most strongly in favor of the United States is those public lands that have fallen under survey and are the subject of disposition to parties already. Secondly, you will perceive that this section provides that "all lands heretofore reserved to the United States by any act of Congress, or other competent authority," are excepted from the grant. That says "heretofore." Applied to the date of the act, of course any reserved lands afterward would not fall in respect of the grant; but the Supreme Court has decided, and correctly, over and over again that where a grant of this character is afloat, and until it is located and laid down is anywhere they happen to make the road within general boundaries that are named, gives no right that attaches to any definite section or any definite parcel of land; and therefore if before the line of railway or highway is located the United States have made any disposition of their public lands within that region that the location then covers, the location does not take up the lands that the United States meantime have disposed of or reserved. If you should hold otherwise, the result would be on one of these floating grants that the United States would be absolutely powerless to do anything with any part of its public lands until the road should be located, for the reason that it might be that they were selling lands already granted, because you cannot tell where the line of the road is to be located within the general direction that the statute lays down. So I believe the law to be perfectly clear that where the word "heretofore" is used in a statute granting lands, as it is in this one, which are not defined by metes and bounds or sections, but by which there is an open grant according to a general line of a road, railroad or other, that may be laid down, and before that line is laid down the United States shall have sold or a homestead or pre-emption claim shall have been filed, or the United States shall have reserved the land for some other purpose, then the grant, so far as that land is concerned, never operates at all. It ought not to operate, because, as I have said, otherwise the hands of the United States would be tied all the time. They could not dispose of any land until the line should be located anywhere in the neighborhood, for the reason that they could not tell but that the line would go over that very land, and then the title would be ousted and there would be trouble. So I believe the law to be established, as it is wise it should have been, that where an open grant of this character is made, and a reservation is made, and lands that heretofore may have been reserved for any use of the United States or sold, the word "heretofore" is applied to the time when the grant actually operates upon the piece of land, and not to the date of the act.

That being the state of the law—and I feel quite confident that I have not overstated it; and I speak of it with more of confidence from the circumstance that I have had occasion in a professional way, within a year or two, for a client, to discuss this question in the Supreme Court, and to find out what the law was by their decision, which was adverse in one instance to the case I was maintaining—I turn now to the report to see what the facts are and what has taken place. You will observe that this grant was made, an open grant, on the 2d of July, 1864. The report proceeds to state that—

October 24, 1864, the Legislative Assembly of the State of Oregon designated the Oregon Central Military Wagon Road Company as the company to receive the grant and construct the said road.

That was on the 24th of October, 1864, so that at that time no location of the line had been made, no work had been done, and the grant was still afloat. Now, on the 14th of October, 1864, ten days previous to that designation by the Legislative Assembly of Oregon, before they had taken any steps in respect of the grant at all, we made this treaty with the Klamath Indians. It is true that the treaty was not ratified until a long time afterward; but the Government of the United States, acting through its President and within the limits of his constitutional authority, had entered into this engagement subject to the ratification and approval of the Senate.

I state again on that subject that I understand the law to be perfectly well settled that a treaty of that character, so far as it fixes the rights of the two parties, takes effect whenever ratified—from the date of it. It was ratified February 17, 1870. It was made the 14th of October, 1864. In this treaty it was provided that the Indians cede to the United States all the lands in this section of Oregon. Of course I need not read the description, but out of them were reserved and set apart by description of metes and bounds this Klamath reservation. So that on the 14th of October, 1864, and before the Legislature of Oregon had taken any step under this grant at all, the President of the United States——

The PRESIDENT *pro tempore*. The morning hour has expired.

Mr. EDMUNDS. I wish you would let me finish the sentence, Mr. President. The President of the United States had, under his constitutional authority, as everybody agreed, entered into an engagement with these Indians, subject to the approval of the Senate, that this particular reservation in which these road-builders now claim rights as grantees should be set apart forever for the use of the Indians. Now, I undertake to say that upon that state of the dates the law is, in my opinion, that the Indians, instead of these road-builders, became the proprietors of this reservation, and that the road-builders therefore got no title at all to the sections of land where they located their road across this reservation because it had then been reserved by the President of the United States, subject to the approval of the Senate, for the use of these Indians, and because, as I said in the first place, at that time it was Indian land which the United States recognized the right of the Indians to dispose of, and they disposed of them to the United States excepting this reservation, which was retained for the use of the Indians forever.

Now, Mr. President, upon that state of the case, it does appear to me that we are making haste to give away the lands of the United States to the injury of the people of Oregon—but of course that is a matter for my friend—to the injury of the people of all the United States. To give them to persons who claim under a grant which, in respect of these lands, where the road crosses this reservation that was settled and located before they got their title at all under the State of Oregon even, is going greatly too far. But the morning hour has expired, and I will not take up more of your time at the present moment.

Mr. WEST. Before the regular order is proceeded with, I desire to submit a report from a committee of conference.

Mr. MITCHELL. I will yield for that.

POST-OFFICE APPROPRIATION BILL.

Mr. WEST submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 3263) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1877, and for other purposes, having met, after full and free conference have agreed to recommend, and do recommend, to their respective Houses as follows:

That the Senate recede from its amendments numbered 3, 17, 30, 47, and 22.

That the House recede from its disagreement to the amendments of the Senate, numbered 1, 2, 4, 5, 6, 7, 8, 9, 10, 11, 14, 15, 16, 18, 26, 28, 29, 31, 33, 34, 37, 38, 39, 41, 42, 43, 44, and 45, and agree to the same.

That the Senate recede from its amendment numbered 40, except as to the words "the seventh section of" in the last line of the paragraph proposed to be stricken out; and the House agree to the same.

That the House recede from its disagreement to amendment numbered 12 and agree to the same with an amendement, as follows:

Substitute for the sum named by the Senate "$7,000,000;" and the Senate agree to the same.

That the House recede from its disagreement to amendment numbered 13 and agree to the same with an amendment substituting "$1,900,000;" and the Senate agree to the same.

That the House recede from its disagreement to amendment numbered 19 and agree to the same with an amendment substituting "$75,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendments numbered 20 and 21 and agree to the same with an amendment as follows: Strike out all the amended text and subtitute in lieu thereof the following:

"For inland mail transportation, namely: For transportation on star routes and by steamboats and all other than railroad routes, $6 737,851; for transportation by railroad, $9,100,000: *Provided*, That the Postmaster-General be, and he is hereby, authorized and directed to re-adjust the compensation to be paid from and after the 1st day of July, 1876, for transportation of mails on railroad routes by reducing the compensation to all railroad companies for the transportation of mails 10 per cent. per annum from the rates fixed and allowed by the first section of an act entitled 'An act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1874, and for other purposes,' approved March 3, 1873, for the transportation of mails on the basis of the average weight. And the President of the United States is hereby authorized to appoint a commission of three skilled and competent persons, who shall examine into the subject of transportation of the mails by railroad companies and report to Congress at the commencement of its next session such rules and regulations for such transportation and rates of compensation therefor as shall in their opinion be just and expedient and enable the Department to fulfill the required and necessary service for the public; and to defray the expense of said commission the sum of $10,000 is hereby appropriated out of any money in the Treasury not otherwise appropriated."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 23, and agree to the same with an amendment substituting "$1,225,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 24, and agree to the same with an amendment substituting "$972,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 25, and agree to the same with an amendment substituting "$153,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 27, and agree to the same with an amendment substituting "$670,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 32, and agree to the same with an amendment substituting "$5,667,498;" and the Senate agree to the same.

That the House recede from its disagreement to the amendments numbered 35 and 36, and agree to the same with an amendment substituting the following:

"That section 11 of the act approved June 23, 1874, be, and is hereby, repealed, and that the following be enacted in lieu thereof:

"SEC. 5. That the postmasters shall be divided into four classes, as follows: The first class shall embrace all those whose annual salaries are $1,000, or more than $3,000; the second class shall embrace all those whose annual salaries are less than $3,000, but not less than $2,000; the third class shall embrace all those whose annual salaries are less than $2,000, but not less than $1,000; the fourth class shall embrace all postmasters whose annual compensation, exclusive of their commissions on the money-order business of their offices, amounts to less than $1,000.

"SEC. 6. That postmasters of the first, second, and third classes shall be appointed, and may be removed, by the President, by and with the advice and consent of the Senate, and shall hold their offices for four years, unless sooner removed or suspended according to law; and postmasters of the fourth class shall be appointed, and may be removed, by the Postmaster-General, by whom all appointments and removals shall be notified to the Auditor for the Post-Office Department.

"SEC. 7. That the respective compensations of postmasters of the first, second, and third classes shall be annual salaries, assigned in even hundreds of dollars, and payable in quarterly payments, to be ascertained and fixed by the Postmaster-General, from their respective quarterly returns to the Auditor for the Post-Office Department, or copies or duplicates thereof, for four quarters immediately preceding the adjustment or re-adjustment, by adding to an amount of the box-rents of the office received or estimated not exceeding $1,350 when the boxes are supplied and owned by the postmaster, and two-thirds of the box-rents, and not to exceed $1,000 when the boxes are not supplied and owned by the postmaster, commissions on all other postal revenues of the office to an amount not exceeding $1,350, at the following rates, namely: on the first $100 per quarter, 60 per cent.; on all over $100 and not over $300 per quarter, 50 per cent.; on all over $300 and not over $700 per quarter, 40 per cent.; and 30 per cent. on all revenues exceeding $700 per quarter, but the aggregate of the said commissions not to exceed $1,350; and at all offices where the total revenues exceed, respectively, $4,000 per annum, there shall be added to the compensation hereinbefore provided from box-rents and commissions a percentage of the gross revenues at the following rates, namely: 1 per cent. on all sums over $4,000 and not exceeding $10,000; 9-10 of 1 per cent. on all sums over $10,000 and not exceeding $20,000; 8-10 of 1 per cent. on all sums over $20,000 and not exceeding $40,000; 6-10 of 1 per cent. on all sums over $40,000 and not exceeding $80,000; 5-10 of 1 per cent. on all sums over $80,000 and not exceeding $160,000; 4-10 of 1 per cent. on all sums over $160,000 and not exceeding $320,000; 3-10 of 1 per cent. on all sums over $320,000 and not exceeding $640,000; 2-10 of 1 per cent. on all sums over $640,000 and not exceeding $1,280,000; and 1-10 of 1 per cent. on all sums exceeding $1,280,000; and in order to ascertain the amount of the postal receipts of each office, the Postmaster-General may require postmasters to furnish duplicates of their quarterly returns to the Auditor at such times and for such periods as he may deem necessary in each case: *Provided*, That at offices where the letter-carrier system is now, or may hereafter be, established, the box-rents, in fixing the compensation of the respective postmasters at such offices, shall be estimated at not less than $1,000 per annum; but at all such offices where the compensation is now $4,000 they shall be estimated at an amount which, with the commissions and percentages hereby allowed, will make the salaries of the postmasters thereat not less than $3,000.

"SEC. 8. That the compensation of postmasters of the fourth class shall be the box-rents collected at their offices, and commissions on other postal revenues of their offices at the following rate, namely: On the first $100 or less per quarter, 60 per cent.; on all over $100 and not over $300 per quarter, 50 per cent.; and all over $300 per quarter, 40 per cent.; the same to be ascertained and allowed by the Auditor in the settlement of the quarterly accounts of such postmasters: *Provided*, That when the aggregate annual compensation, exclusive of commissions on money-order business, of any postmaster of this class shall amount to $1,000, the Auditor shall report such fact to the Postmaster-General in order that such postmaster may be assigned to his proper class and his salary fixed as heretofore provided.

"SEC. 9. That the salaries of postmasters of the first, second, and third classes shall be re-adjusted by the Postmaster-General once in two years, and in special cases, on the application of the postmaster, as much oftener as the Postmaster-General may deem expedient.

"SEC. 10. That the Postmaster-General shall make all orders assigning or changing the salaries of postmasters in writing, and record them in his journal, and notify the change to the Auditor; and any change made in such salaries shall not take effect until the first day of the quarter next following such order: *Provided*, That in cases of not less than 50 per cent increase or decrease in the business of any post-office, the Postmaster-General may adjust the salary of the postmaster at such office to take effect from the first day of the quarter or period the returns for which form the basis of re-adjustment.

"SEC. 11. That the Postmaster-General may designate offices at the intersection of mail-routes as distributing or separating offices; and where any such office is of the third or fourth class, he may make a reasonable allowance to the postmaster for the necessary cost of clerical services arising from such duties, and the provisions of this act relating to and fixing the compensation or salaries of postmasters shall take effect on the 1st day of October next.

"SEC. 12. No salary of any postmaster under this act shall exceed the sum of $4,000 per annum except in the city of New York, which salary shall remain as now fixed by law; and no salary of any postmaster where the appointment is now presidential shall be reduced by the compensation herein established until the next re-adjustment, below the sum of $1,000 per annum."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 46 and agree to the same with an amendment substituting the following:

"SEC. 14. That transient newspapers and magazines, regular publications designed primarily for advertising purposes or for free circulation, or for circulation at nominal rates, and all printed matter of the third class, except unsealed circulars, shall be admitted to, and be transmitted in, the mails at the rate of one cent for every two ounces, or fractional part thereof, and one cent for each two additional ounces, or fractional part thereof, and the sender of any article of the third class of mail matter may write his or her name or address therein, or on the outside thereof, with the word 'from' above or preceding the same; or may write briefly or print on any package the number and names of the articles inclosed. Publishers of newspapers and periodicals may print on the wrappers of newspapers or magazines sent from the office of publication to regular subscribers the

time to which subscription therefor has been paid; and addresses upon postal cards and unsealed circulars may be either written, printed, or affixed thereto at the option of the sender."

And the Senate agree to the same.

That the numerical correction of sections be made to correspond with the changes in the bill herein made.

J. R. WEST.
H. HAMLIN.
S. B. MAXEY.
Managers on the part of the Senate.
W. S. HOLMAN.
EUGENE HALE.
Managers on the part of the House.

Mr. CONKLING. I ask to have read once more a provision back three or four pages fixing at $3,000 the minimum of certain salaries.

The section proposed by the conference report as section 7 was read.

Mr. MORTON. That report is a very important one, and I hope it will be printed and laid on the table till the day after to-morrow.

Mr. WEST. I have no objection.

The PRESIDENT *pro tempore*. The report will lie on the table and be printed.

Mr. WRIGHT. Before that passes from the Senate I should like to have that part of the report which relates to the appointment of postmasters by the President read.

Mr. WEST. I will mention to the Senator that it has just been agreed, before the adoption of this report, that it shall be printed and laid before us the day after to-morrow.

Mr. WRIGHT. I understand that; but I should like to have that part of it read.

Mr. SHERMAN. I suggest, also, in order to enable us to understand it when printed, that it be so printed as to show the bill as it will stand as amended.

The Chief Clerk read section 5.

The PRESIDENT *pro tempore*. The report will be printed with the amendments, and the bill as it will be if amended as proposed by the committee of conference.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. C. C. SNIFFEN, one of his secretaries, announced that the President had this day approved and signed the following acts:

An act (S. No. 46) granting the right of way for a railroad and telegraph line to the Walla Walla and Columbia River Railroad Company across Fort Walla Walla military reservation in Washington Territory;

An act (S. No. 558) making a further appropriation for the erection of Government buildings in Dover, Delaware; and

An act (S. No. 634) to amend an act entitled "An act to incorporate the joint-stock company of the Young Men's Christian Association of Washington," approved March 2, 1867.

POST-ROAD BILL.

Mr. FERRY submitted an amendment intended to be proposed by him to the bill (H. R. No. 3628) establishing post-roads; which was referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

ORDER OF BUSINESS.

The PRESIDENT *pro tempore*. The Chair calls up the unfinished business.

Mr. KELLY. I hope my colleague will consent to the disposition of the bill which was under consideration during the morning hour. I do not think it will take any length of time now.

Mr. MITCHELL. I have no objection, if the Senator from Indiana consents.

Mr. MORTON. I hope the Senate will go on with the unfinished business. I am satisfied my friend will have no difficulty about his measure. This matter has been on hand now for some time, and we ought to dispose of it.

EXPLANATIONS AS TO PRINTING EXPENSES.

Mr. ANTHONY. I ask permission of the Senator from Indiana to make a short statement in order to correct a part of the proceedings of Saturday. I see in the RECORD a statement made by the Senator from Maryland [Mr. WHYTE] (who I am sorry not to see in his seat, for I am quite sure he desired to do no injustice and would be happy to hear the correction) of the comparative expenses of the public printing for several years. In the course of his remarks he stated that in 1873 the expenses for printing in the Interior Department were $70,000, whereas now they are estimated at $225,000; that the expenses of this item for the Post-Office Department in 1873 were $87,000, and that now they are $175,000; that in 1873 the printing of the War Department cost $43,000, and that now it is to cost $120,000.

The table for 1873 containing these small amounts, as compared with the estimates for the present year, is only for *three months*, and it is so stated in the report of the Congressional Printer, from which the table is taken. I will read the heading of it:

By the law of May, 1872, it is provided that the several Departments of the Government shall make annual estimates for the printing and binding required of them respectively for the year, to take full effect on the 1st of July, 1873, and the following is the result therefor, *for the first three months, ending September 30*:

So that these small figures for the printing of 1873 are only for the three months commencing on the 1st of July, 1873, and ending on the 30th of September, 1873.

It is not necessary for me to repeat that I am quite sure that the mistake in which my friend from Maryland was led was unintentional on his part, and I hope it was so on the part of those who led him into it.

Mr. WINDOM. I ask to add a single word. Some question was raised on Saturday as to the comparative appropriations for printing this year and last. At the time I did not have the figures before me, but stated from my general recollection that the Senate amendments were the same as last year's appropriation. I find on examination since that there is a slight reduction in two items. The Supreme Court is $5,000 less than last year and the Court of Claims $2,000 less than last year. The other items are the same as those appropriated last year throughout, except that there is an item of $15,000 for the Library, which was not in the last year's appropriation.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. G. M. ADAMS, its Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 2676) to regulate the assessment and collection of taxes for the support of the government of the District of Columbia, and for other purposes.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker *pro tempore* of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore*:

A bill (H. R. No. 597) for the relief of Anderson J. Smith; and

A bill (H. R. No. 2691) for the allowance of certain claims reported by the accounting officers of the Treasury Department.

PAVING OF PENNSYLVANIA AVENUE.

Mr. DORSEY submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on House bill No. 3411, entitled "An act authorizing the repavement of Pennsylvania avenue, after full and free conference, recommend that the Senate recede from its substitute for the House bill, and that the House bill be amended as follows:

In line 9, section 1, after the word "avenue," insert "and all intersections of streets, avenues, and alleys, crossing the same."

In line 6, section 2, page 2, strike out after the word "practicable" down to and including "work," in line 8.

In line 10, insert, after the word "proposals," "with full specifications."

In line 11, strike out after the word "avenue," down to and including "thereof," in line 18.

In line 26, page 3, strike out "five" and insert "three."

In line 28, section 2, page 3, insert, after "term," "which said per cent. shall be invested in the bonds of the United States, and the interest thereon paid to said contractors."

In line 8, section 3, strike out "shall not be required to use any other material," and insert "having conformed to the grade established by the commissioners may use."

In line 10, insert, after the word "tracks," "as the commissioners shall direct."

In line 22, strike out "derived from taxation."

In line 27, strike out all after the word "shall," in line 27, and all of line 28, and insert "also be paid out of any money in the United States Treasury not otherwise appropriated; but the money so paid shall be reimbursed to the Treasury of the United States by the District of Columbia, derived from taxation."

In line 10, section 4, insert, after the word "pavement," "together with the proportion due from the District of Columbia."

In line 6, section 5, insert after the word "dollars" "and thirty cents." After the word "yard" in line 7, section 5, page 5, insert "*Provided*, Said pavement shall be fully completed and ready for use December 1, 1876."

In line 3, section 7, insert after the word "it," "may be necessary for them so to do to perfect the whole system."

In line 2, section 8, strike out the words "under the direction of said paving commission."

In line 4, insert after the word "laid" "without delay to the contractor"

In line 13, insert after "commissioners" the words "of the District of Columbia."

S. W. DORSEY,
GEORGE E. SPENCER,
Managers on the part of the Senate.
A. E. STEVENSON,
G. W. HENDEE,
Managers on the part of the House.

The report was concurred in.

PAY OF P. B. S. PINCHBACK.

The Senate resumed the consideration of the following resolution, reported by Mr. MITCHELL, from the Committee on Privileges and Elections, April 17:

Resolved, That P. B. S. Pinchback, late contestant for a seat in the Senate from the State of Louisiana, be allowed an amount equal to the compensation and mileage of a Senator from the beginning of the term for which he was a contestant up to the period of the determination of the contest by the Senate.

Mr. BAYARD. Mr. President, I am so thoroughly impressed with the want of justice and the want of law for the allowance of this large sum of money that I am impelled to state the reasons of my objection to the passage of the resolution. If this were an ordinary case in which a right of membership in this body had been duly and regularly contested under that clause of the Constitution which gives to each State an equal representation in the Senate and forbids that a State shall be deprived of that right without her own consent; if the fact were that on behalf and in the name of a State of this Union a representative had presented himself here on fair public grounds and under cover of the law and a claim of the right, even though the result showed that he was not adjudged to be entitled to a seat, and a committee of this body having due jurisdiction, and having taken counsel, should have reported that the expenses of the party who came here, not for private ends but on behalf of his State, should be borne; that the State should not only have her day in court but that

she should have her day without cost in money, so strong is the presumption in favor of the right of the State to be represented that I should not criticise perhaps the methods under which a resolution was presented to bear the expenses of the person who proposed to represent that State. The claim of a person coming under such circumstances is proper to be weighed, proper to be decided, and there is a dignity attending such a contest when properly conducted which renders some measure of compensation proper and just and reasonable. If in such a case as that the amount reported by the committee had been in accordance with anything at all like precedent I should have contented myself with saying:

The court awards it, and the law doth give it.

And I should have said no more upon the subject. But, Mr. President, look at this case. Look at it in its substance; look at it in its truth; look at it by the light of history; look at it by the light of law; look at it in any light that commends itself to human reason; and what is there of it to justify this large sum of $20,000 being taken from the public Treasury and handed to a man who not only has never given one hour or one moment of honest service to the public, but who has come here prosecuting a claim that has time and again been declared to be devoid of law and to be devoid of right? Twenty thousand dollars may seem to some men a small sum. To the average American it is not so. It is a sum which not very often crowns a life of toil, and which many honest and worthy men would only feel too grateful to be able to leave to their children surviving them. Here is a proposition, plain and distinct, that a man who, as I said, never did one moment's honest service to this country, who never stood or voted in this Chamber, shall receive the same pay for three years, with mileage added, and not only mileage, but constructive mileage added, to roll up the sum of $20,000 to be taken from the public Treasury of this country at a time when alarm and distrust pervade the entire land, and economy as well as justice is necessarily called for.

I do not propose to recite at length the mortifying, the scandalous history of political events in Louisiana during the last four years. I consider it a blot on the page of American history; and no man to the extent of his ability has done more to dye that page of history with disgrace and stain it with infamy than the individual who here claims the sum of $20,000 from the public Treasury of the United States. I do not speak from rumor; I speak from the records, the reports and proceedings of this House and the other branch of Congress. Go there and see from what soil sprung these rights; in what a cause and in what corruption were generated this candidacy and this candidate. In 1872, in that wretched and discreditable pool of politics then existing in Louisiana, Governor Warmoth and Pinchback the State senator acted in full accord. A place in the senate was made vacant by the unfortunate death of the colored lieutenant-governor of the State, Dunn, I believe, was his name, a man of whom I have heard all parties speak with respect. By his death unfortunately the lieutenant-governorship, the presidency of the senate, was left vacant. By means described in reports of committees to the other House, Mr. Pinchback's election to the presidency of that senate was accomplished. Stepping upon the stones of an illegal advancement to the presidency of that State senate, he was made acting governor by the revolutionary proceedings in which he took part, the impeachment and removal of Warmoth, a proceeding so farcical that it would be truly amusing were it not also so tragical. The forms of law, the constitution of Louisiana, the laws of Louisiana were trampled under foot. They were made the sport and the foot-ball of a reckless, desperate band of men.

Warmoth was thrown out of office by an absurd pretense of impeachment, that scarcely lasted enough hours to let the ink dry on the proceedings against him. All laws, and all forms, and all facts were rejected, and Pinchback became the acting governor of Louisiana. As acting governor, he let himself thoroughly into the scenes of revolution that were enacted there under the orders of Durell. The whole State government of Louisiana was prostrated before a combination of fraud and forced by a lawless administration coupled with fraud and outrage on the part of those who proposed to represent the State of Louisiana. So it was that the power which made him lieutenant-governor was lawless; the power which made him acting governor was lawless; and the power which made him Senator of the United States by the form of election was just the same as all the rest. All were founded upon fraud; all were founded upon force. There never was either the substance or the forms of law regarded; but yet it was under such color that he presented himself here with credentials, signed by a governor who had no more right to sign them than he had to sign them himself. As acting governor, he certified himself to the other House as member of Congress, and Kellogg certified him to the Senate, all the result of an illegal combination.

His case was brought before the Senate. His credentials were presented. At the time this was done the grave question was presented to the Senate whether there was or was not a State government in Louisiana. After much labor and great diligence, the Committee on Privileges and Elections almost unanimously reported that there was no State government in Louisiana, and brought in a bill to hold an election in order to create a State government, under the authority of Congress supposed to be found in provisions of the Federal Constitution. That report was signed, stating these facts, after due consideration, by Mr. Carpenter, then Senator from Wisconsin; by Mr. ANTHONY, the Senator from Rhode Island; by Mr. LOGAN, the Senator from Illinois, and by Mr. ALCORN, the Senator from Mississippi. The same results were reached, so far as the rights of the Pinchback or Kellogg party were concerned, by the report of Mr. Trumbull, of Illinois, and by that of Mr. Hill, of Georgia. So that at the time these credentials came here there seemed to be no one in the Senate, scarce even the honorable Senator from Indiana, [Mr. MORTON,] or, if he stood here he stood almost alone, who asserted that there was a legislature capable of electing Pinchback or anybody else to the Senate at the time he was elected. But we have had here, not in this case alone, but in many others, strong proof of the ability, of the fertility, of the persistency, of the great influence of the honorable Senator from Indiana, and he did raise this minority of his party from a scanty handful to an almost equal number of the Senate; so that a title which had no ground in right, which had no ground in law, which had no report of any kind in its favor, gradually by some kind of acquiescence hardened into a color of right which commanded the vote of a large number of the Senate. Finally the decision of the Senate was made. It was made upon an issue of law and fact. The issue was that this man was not entitled to his place because there was no Legislature to elect him; that there stood no entity of a State which was to be recognized by the Senate as a body to be represented in this Chamber. I cannot believe, I will not believe until I see it recorded by their votes, that the decision of the Senate, so made upon strict law and after a most careful and elaborate examination of fact, is to be reversed for the purpose of paying this money to so unmeritorious a claimant. If ever there was a principle sound in law and in morals, it is that a man shall not be suffered to take advantage of his own wrong; and yet here for this fraud, this wrong upon the people of a State, this falsehood, this misrepresentation, which was chiefly concocted by this individual for his own benefit, he is to receive a large and unprecedented pecuniary reward at the hands of the American Senate!

Look at it reasonably. Part of his compensation has been calculated for the time occupied in the recess of Congress when none of us are at service but simply are held for service in case we may be called here to perform our duties. On the 17th of March, 1875, after an elaborate discussion, after this man's case or this man's rights or the rights of the State had been, at public expense and to the detriment of public business, discussed for weeks and weeks, when we had approached the day when the vote was to be taken, when, if I am correctly informed, the day had been fixed for the vote to be taken, I find that the Senator from Louisiana, [Mr. WEST,] who seemed to be the representative especially of the claimant for his rights in the Chamber, arose and moved—

That the further consideration of this subject be postponed until the first Monday in December next.

And so upon a vote of yeas and nays the consideration of the case was postponed at what I must consider the instance, the request, or certainly with the consent of the claimant. It was postponed for some reason for six months longer, and so the bill of the people of the United States for services never to be rendered is increased by the sum of perhaps $5,000. That is the act of the party. Where is the equity that a man shall postpone the decision of his case with so many of the Senate, or one-half of the Senate, ready to vote upon it, and then say "I do it because my pay will go on; without service I shall take my pay, and I shall be rewarded for that which I never earned and which I never served for?"

It has been sought to sustain this claim upon something like law or something like precedent. There is no precedent for it; there is no law for it. The case, thank Heaven, has no precedent as far as the history of any State is concerned, or the proceedings relating to the election, and I trust in mercy it never may be repeated.

It has been sought to find, from a report made by my friend, the Senator from Tennessee, [Mr. COOPER,] in the case of Sykes, some justification for the appropriation of this money. In that report the committee say:

The rule established by the Senate in cases similar to the present one has been uniform. A person applying for a seat in this body by reason of an election by the Legislature of a State, although his application has been refused and another adjudged entitled to the seat, has been paid the amount he would have been entitled to receive if he had been admitted and served the time the contest was pending.

Here is a most important omission: a person entitled "by reason of an election by the Legislature of a State." This is not the case of Mr. Pinchback. The Committee on Privileges and Elections in 1873, by an overwhelming majority, by an almost unanimous report, declared that there was no State government in Louisiana, and therefore no State Legislature capable of an election. That was their decision.

Mr. MITCHELL. May I ask the Senator a question?

Mr. BAYARD. I will yield to the Senator in one moment. Not only that, but the Senate at the time this case was decided, had the precise issue made before it, and it was the essential fact, the hinge upon which the case turned, whether or not there ever was a legal Legislature capable of electing Pinchback to the Senate, and the decision was that there was no such Legislature. Therefore the reasons given in the citation from Mr. Cooper's report do not apply to this case.

Mr. MITCHELL. Now, if the Senator will allow me, I inquire whether the Committee on Privileges and Elections and the Senate

of the United States both did not in the very case to which the report of the honorable Senator from Tennessee refers decide that the body that elected or attempted to elect Mr. Sykes never was the Legislature of the State of Alabama?

Mr. BAYARD. I do not know what it may have decided, but I mean to say the report which the honorable Senator has offered here to sustain his position is based upon the language which I have read, which is that—

A person applying for a seat in this body by reason of an election by the Legislature of a State, although his application has been refused—

Would still be entitled to pay under certain circumstances. There was the prime and essential question, was he elected by the Legislature of a State? Your Committee on Privileges and Elections told you in 1873 that Pinchback was not; that there was no Legislature to elect him; and that there was no government in the State of Louisiana containing a State Legislature. So in 1876 the same result was reached by a deliberate vote of the Senate. But let us go further. The report states that he shall claim the seat—

By reason of an election by the Legislature of a State, although his application has been refused and another adjudged entitled to his seat.

There has been no adjudication of anybody being entitled to a seat from Louisiana. The citation from the report of Mr. COOPER in the case of Sykes contains the whole of it; the report is set out in length. The whole doctrine of that report justifying the allowance to a claimant of a seat is that, by reason of the election of a Legislature, although the party has had his application refused and another party has been adjudged entitled to the seat, he has a right to claim compensation under the practice of the Senate. The case of Pinchback has no parallel facts; it does not stand at all upon the same foundation; it cannot be reached by the reason that underlies this report. The case of Pinchback is a case where there was no Legislature to elect; where no one has been adjudged entitled to the seat, and where the question of compensation between two has not arisen in any way or form and cannot arise.

Mr. MORTON. Will the Senator allow me a moment?

Mr. BAYARD. Certainly.

Mr. MORTON. I beg leave to say to the Senator that the case of Sykes is not the case he states at all. In the case of Sykes the decision of the Senate was that Sykes was not elected by a Legislature; that the body that elected him was no Legislature at all; it was a mere sham. SPENCER'S election did not depend upon Sykes's rejection at all. They were not even contestants with each other in any proper sense. To be that, they must have been elected by the same body; but SPENCER was elected by another body altogether, and that was the Legislature of Alabama; and so far as Sykes was concerned it was no difference whether there was any other body at all or whether SPENCER or any one else was elected. It was decided by this Senate, and it must be assumed to be the fact, that Sykes was elected by a body that was no Legislature, a mere sham, a pretended body.

Mr. BAYARD. Now, Mr. President, it is very unfortunate for the Senator who approved this report that he should have given the wrong reasons by citing the report of Mr. COOPER as authorizing the payment of this money to Pinchback. I do not propose to discuss the case of Sykes against Spencer. The facts of Sykes against Spencer do not come into the case; but it has pleased the committee who made this report proposing to give this vast sum of money to Pinchback, to use the language of Mr. COOPER'S report in the case of Sykes to justify the payment of Pinchback, and I say that the facts and the reasons given by the Senator from Tennessee [Mr. COOPER] have no parallel, have nothing to do with the Pinchback case, do not refer to it as a matter of fact, and are in fact inconsistent with it. The doctrine laid down in that report is that where a man by reason of an election by the Legislature of a State, although his application for a seat has been refused, and although another person has been adjudged entitled to the seat which he claims, comes forward and asks for compensation for the contest, the practice and custom of the Senate will award it to him. That is the doctrine laid down by Mr. COOPER as justifying the action of the Senate in the case of Sykes.

When you come to Pinchback's case you find none of these essential bases for the granting of this money. In the first place you find no Legislature to elect; you find no State government to be represented; and you find no one contesting adjudged entitled to the seat. Therefore, when you strip this case of the facts, the reason ceases with it and it has no application whatever.

But let me go further. The reason in the report which has been cited here, therefore, applies to a totally different class of facts from those before the Senate, not only technically but substantially, not simply in fiction of law but in the sternest substance of truth and fact. They further say:

A proper respect for the action of a State in the choice of a Senator may also justify the rule.

But, Mr. President, what scant respect has been paid to the action of a State! Louisiana ground into the dust, her true voice stifled, her constitution overthrown, her laws treated with contempt, and the man who has been one of the chief conspirators of this crime comes to this Chamber and they propose to treat him with respect in order to honor the State that he has insulted and assisted to overthrow!

Mr. President, this case has no merits to commend it to the Senate or the country. The people of this country have traditions still of respectability and honesty and home-bred virtue, all of which have been violated throughout by this man's conduct in this case. Is he to come before the Senate to claim respect; and the gentleman who engineers his claim in this body brings the record of a jail to show that it is a malefactor that stands before the people of the United States and asks to take part in their legislation and mold their laws! And for that he is to be paid—the prison record with a sentence of long imprisonment, with the crime effaced and the record garbled, mutilated, and brought here to disguise the fact for which he was sent to jail! Why, sir, what is there to commend this case? What can there be to commend this case? There is no parliamentary law, there is no constitutional law, there is no question of justice to a meritorious and honest claimant; there is nothing from the debt of justice itself, nothing *ex æquo et bono* which should commend itself to men's equity. And why should this vast sum of money, this just recompense for a life-long struggle of honest toil, be awarded to a man so perfectly without merit, without law, without justice to base his claim upon?

I trust, sir, that the sense of the Senate will see that if there is to be a high discretion, a generous discretion governing them and applicable to a case of this kind, this is a case in which such largess is to be withheld and not granted; that the case has no merits, legal or moral, none in law, none in fact, to justify this transportation of so large a bulk of the people's money into the hands of one who, I am compelled to believe by the records of every report made to Congress, by the records of the reports of investigating committees signed by gentlemen of the republican party, can only be termed, in most restrained language, a characterless adventurer.

Mr. MORTON. Mr. President, I do not intend to be drawn into another discussion of the Louisiana case. I supposed that had been discussed to the satisfaction of Senators on this floor, and of the country. The principle involved in this resolution has been settled so often and so uniformly in the same direction that it seemed to me that even the most bitter partisanship could make no argument against its adoption.

The Senator from Delaware says that the history of Louisiana is a foul blot upon our civilization; that Louisiana was ground in the dust, was degraded as a State. I agree to that. I agree that a large majority of the people of Louisiana were stricken down, or attempted to be stricken down by violence and fraud. The attempt has been made in this body to make that enormous fraud a success by giving to the minority of the people of that State the control obtained by violence, by murder, and by fraud of every description.

It is as well known as any other fact that in 1872 there was a republican majority in the State of Louisiana on a fair election of from 15,000 to 20,000. This was recognized by men on both sides; and the very report the Senator refers to shows that fact. It was reported by the very Senators whose names he mentioned, and that an attempt was made to destroy that majority by unlawful and wicked means. It has been insisted that the attempt succeeded; that this large majority was stricken down, and that the minority was triumphant; but I shall not go into that matter to-day. I say it was an enormous wrong; it was wicked; it was a blow at the free institutions of this country, and the cry and the grief to-day is that it was not successful in every particular. And, sir, I feel that it is to be repeated. Repeated it was last year in the State of Mississippi, and a majority of 30,000 stricken down by the same means; and now we are about entering upon a great contest, and the success of one party in this country depends upon overthrowing by fraud and violence an aggregate republican majority of not less than 90,000 in four or five States of this Union. It is confidently expected that it will be overthrown by the same means; that the shot-gun argument will prevail in Louisiana, in Mississippi again, in Alabama again, and in South Carolina, where an organization is now being made, as we are advised, for that very purpose.

I should not have referred to these things but for the language of the Senator from Delaware. He has brought them here again. But when he talks about the blot on the history of this country in Louisiana in 1872–'73 I want to tell him what the blot is. That blot is the result of a base and infamous attempt to strike down a majority of the people of that State by fraud and violence, and the complaint to-day is that it did not fully succeed.

The Senator tries to make a distinction between this and the Sykes case. He says the doctrine of the report of the Senator from Tennessee in the Sykes case was that the contestant must have been elected by a Legislature, but he did not get his seat, and it was given to somebody else. The Senator is entirely mistaken. If the Senator from Tennessee had contended for that, he would have left nothing for Sykes to stand on, because it was decided in the Sykes case that Sykes was not elected by a Legislature, but by a mere pretense; that the Legislature met elsewhere and was composed of an entirely different body of men. He was elected by a mere debating society, a mere sham, and so it was held. Whether he got his seat or not did not affect SPENCER'S right. SPENCER'S right depended upon his election by another body, a different Legislature, and it was so decided by the Senate.

Mr. President, it has been constantly accorded by the Senate, and I

believe by the other branch of Congress—I know of no exception to the rule—that in a contest of this kind the party should be paid. If Pinchback is not paid, it is simply because he is made an exception to what, so far as I can learn, has been a universal rule, and I regard his case as one of the most meritorious that has ever come before this body. Without intending to find fault with those who voted against his admission, I must say that, so far as my judgment is concerned, it was a great wrong, and I have known no greater individual wrong to be perpetrated in this body. I believe he was entitled to his seat. But whether he was or not, under the rule that has been adopted in this body ever since its organization, so far as I know, and in the other House, he is entitled to the compensation provided in this resolution. In the case of Sykes, in regard to a body that never made a law, that was never recognized by any one as being a Legislature, that was a fraud and a sham and a miserable pretense from the beginning, it is reported, and the Senator justifies that report, that Mr. Sykes should have his compensation precisely on the same principle. But here is the Kellogg government, recognized by the national Executive in every branch, legislative and executive, recognized by the democratic House of Representatives, recognized by the Senate; a government that made laws that have governed the State and been recognized by all the courts of the State and even by the courts of the United States. In that case we are told that the rule is to be broken down, that the principle does not apply. Why does it not apply? If it does not apply, it is simply because this man belongs to a different race; and I say now, if this rule is to be broken down in this case, it will show to the world that so far as colored men are concerned there is no rule strong enough to protect them; that some reason and some argument can be found in every instance where their rights are involved to make a change. What security will they have in the future, if their rights are placed in the keeping of a party that will in this body disregard its usage for half a century and violate every principle to deprive one of them of being placed in the same situation that every other contestant has been placed in? It will show to the world that they have nothing to expect. There have been payments made since I have been here the merits of which were not one-hundredth part what those of this claim are.

But it is said the case was put off. It did hang on a long time; but it was never put off except by a vote of a majority of the Senate, and it was brought to a vote when the Senate was ready to have it brought to a vote. That is the case with every other contested election, so far as I know.

But, Mr. President, I have referred to some things that do not belong to this question. I have only referred to them, however, in answer to what was said by the Senator from Delaware.

Mr. BAYARD. Mr. President, the record of what has fallen from me in this debate will disclose the fact whether any reference was made to the race or color or previous condition of this claimant. I am sure that no such reference was made by me, because no such reason entered into my mind for anything that I said or any vote I proposed to cast. I dealt with this claimant just as though he had been a man of my own race, and I could give him just the rights under the circumstances that I would give to my own people; so much and no more. But the honorable Senator may find possibly—he is a very adroit man—some usefulness in referring to an issue not raised by me. He may set up his own man of straw and he may knock him down at pleasure. There may be something gained by his doing it; I cannot perceive what it is, and I leave it to be enjoyed by himself.

But something else fell from the Senator. He was pleased to say something not simply in regard to Louisiana, the only State concerned in this matter, but to go further and refer in my presence to what he called "the shot-gun argument in Mississippi." Now, sir, I have some knowledge of what he calls "the shot-gun argument in Mississippi;" and let me tell the Senator here, and let me tell the Senate and the country, that, when the time comes for the evidence taken in Mississippi to be brought before the country and reported, they will find where the shot-gun policy originated; who it was that built it up. That report will show the governor of the State, armed by the laws of that State with the right and the duty to protect its people, deliberately waging a war with weapons upon unarmed men, and massing one race against the other for the destruction of both. Then he will find that if there were shot-guns they were shot-guns gathered hastily for the defense of fireside and home, for the defense of rights that every American holds dear and of all that manhood should seek to protect, and if it failed to protect would be unworthy of the name. He will find a canvass conducted in 1875 under the charge of the Federal Government to this extent, that a man unknown to the laws of the country, unknown even to official name, was sent down to superintend the canvass, and to bring down, if necessary, the armed forces of the United States to back the militia forces of the State; that the canvass, on the part of the white people of Mississippi, was conducted under the joint intimidation of the governor, backed by his armed bands of negroes and of the United States Government threatening to go down with military force in case such resistance was made as threatened the peace of the election. These are the facts which I pledge the Senator and the country will be fully established when the testimony shall be presented. Nor would I have referred to them now had they not been brought into this debate voluntarily by the Senator from Indiana who has already in my presence, before the Senate and before the country, undertaken to give in advance a terrible picture of affairs in Mississippi which will not be borne out when the facts come to be shown to the Senate which this committee has collected.

Mr. McMILLAN. Mr. President, I am quite surprised to find an issue presented in the debate upon the resolution for the payment of Mr. Pinchback entirely foreign to the question.

The Senator from Delaware [Mr. BAYARD] has alluded to the State of Mississippi and the condition of affairs which was found to exist there by the committee which has just returned from that State, of which he and I are members.

I undertake to say, sir, that the investigations by that committee, so far from showing that the governor of that State attempted to array in hostility the black race against the white people of that State, will show that during the campaign of 1875 there was an armed force of white men, democrats, throughout that whole State prepared and determined to carry that election by any means within their power, and that the slaughter of the colored people of that State will astonish not only the members of this Senate, but the whole country.

I undertake to say, sir, that the condition of affairs developed by that investigation will show that the constituted authorities of the State were unable to protect the republicans, white and black, in their right to peaceably assemble and discuss political affairs during the election canvass, and that the State executive committee of the democratic party agreed by what is known as the "treaty of peace" to secure a fair election at the election then approaching.

The investigation, sir, will show a slaughter throughout that State of the black people which will shock the people of this country; it will show that in many instances on election-day large numbers of white men, democrats, armed with Winchester rifles, assembled at the polling-places; that armed mounted men from Alabama came over to Mississippi on that day, and in at least one instance a piece of artillery was placed near the polls. It will show, sir, that a white man, a republican, a native of the State and an officer of the law, was compelled, by fear of violence and the presence of armed men, to leave his home on the evening before the election and remain away until the election was over. It will show that great numbers of colored people were through fear driven from the polls without voting, others through intimidation were compelled to vote the democratic ticket, and multitudes prevented from coming to the polls at all; in a word, that that election was carried by murder, violence, intimidation, and fraud.

I only make this statement as I believe it is but just to the people of this country that the remarks of the Senator from Delaware should not go unchallenged at this time.

Mr. BAYARD. Mr. President, it was the action of the honorable Senator from Indiana in his remarks that induced and justified what I have stated on this floor. What I have stated is on record. There it will stand. What I have stated shall be hereafter confronted with the testimony in the case. I am not here to bandy assertions with the Senator from Minnesota. With him and with any Senator on this floor I can have no issue of fact unless there be some arbitration to decide between us. In this case it shall be the record of the testimony taken in his presence and mine, and I am quite willing that that testimony shall come; the sooner it comes the better, the more welcome will it be to me that it shall be divulged; and then we shall see whose view of this testimony is the more correct.

I simply stated what I did, believing that I shall be thoroughly sustained by the record-testimony of the order-books of the governor of that State, by the proof the report of the Government agent in that State—not by the proof of democrats, but by the proof of members of the republican party—that, if there was a threat of violence, it was violence created in self-defense, and that the white people of that State would have been less than men if they had not prepared themselves as they might against a danger that threatened to sweep their homes and their children out of existence itself. Whether the apprehension was just or not, whether rumor as usual traveled faster than truth, I will not say. That is yet to be considered. But the negotiation of the executive committee of the democratic party was, as I thank God it always will be found, in favor of peace, of law, of order, of good relations between the two races of that State. The committee, as I consider against the spirit of American law, against my protest and the protest of my colleague from Indiana, [Mr. McDONALD,] seized and brought the whole telegraphic correspondence between the chairman of the executive committee and all other persons whatsoever, every dispatch he had received, every dispatch he had ever sent, no matter from whom or to whom—all were brought and submitted to the committee and are to be published to the world. He had not been called, he was not suffered to explain; and yet I may say—and I think even the honorable Senator from Minnesota will not deny—that from first to last there is not in the whole of that correspondence, carried on when it could not have been believed that it was prepared for any object, there was not one word in any dispatch to justify ill-feeling or disrespect toward Mr. George or any one of his correspondents; not one word, not one suggestion of violence or intimidation. Nay, it is in proof that the agent of the Government, Mr. Chase, himself a resident of the gubernatorial mansion, in close confederacy and intimacy with Governor Ames, caused day by day every complaint that reached the ear of the governor of the State and

that was submitted to Mr. Chase to be submitted to the democratic executive committee's chairman, and that they were put to the expense and the trouble and the imperative duty of satisfying the Government agent of the truth or the untruth of the statements made, and that there really was not the cause of the apprehension of violence or the existence of violence which the governor's friends supposed did exist in that State. That was the history of that correspondence.

As to the negotiation there undoubtedly was political organization, there undoubtedly was the array of races. By whom was it made? I take the testimony abundantly to show that it was created for political ends, created not by the democratic party or the white people of Mississippi. The issue was forced upon them either to succumb and be ridden over and trod into the earth until every vestige of manhood was beaten from their faces or to stand where they had a right to stand: in defense of their rights with arms if necessary.

Mr. McMILLAN. Mr. President, I must be permitted to say that my astonishment still continues that the merits of the investigation by the Mississippi committee have been alluded to here by a member before the investigations by that committee have been finished and before the report has been made to the Senate. The Senator from Indiana, [Mr. MORTON,] if he referred to Mississippi affairs at all, referred to them generally. He was not a member of the investigating committee appointed by the Senate, as the Senator from Delaware is.

I repeat what I said before, that the state of affairs in Mississippi revealed by the investigations of this committee will shock this country as it shocked me as I heard from time to time the facts testified to by witnesses before the committee. So far as the democratic state central committee is concerned, I undertake to say that it not only negotiated for a peace between the whites and the administration of that State, but that only by the authority of the chairman of that committee was a white citizen of Mississippi permitted to go to his box and deposit his vote upon the occasion of the election of 1875; that authority from the chairman of that committee only permitted him to do so without sacrificing his life; and other wrongs and outrages developed by this investigation are such as will astonish the Senate.

Mr. MORTON. Mr. President, one word. I referred to Mississippi affairs simply because the Senator from Delaware had referred to the outrages in Louisiana in 1872, and they were of the same character. What the Senator from Minnesota says corresponds with all that I have learned in regard to the campaign in Mississippi. From what I have heard of the evidence that was taken, I believe it will turn out that the picture that I drew in the Senate last winter was underdrawn.

Mr. McMILLAN. Will the Senator allow me to make a statement?

Mr. MORTON. Yes, sir.

Mr. McMILLAN. I thought at the time that speech was delivered by the Senator from Indiana [Mr. MORTON] in the Senate, it was perhaps an exaggeration of the state of facts existing there; but since visiting that community and engaging in this investigation, I can only say that I regard the picture drawn by the Senator on that occasion as a very moderate description of the affair.

Mr. McDONALD. Let me ask the Senator from Minnesota if the statement made by the Senator from Delaware is not true that the canvass in Mississippi was carried on under the supervision of an agent representing the Department of Justice who informed the parties there that he had full authority at any time to demand, and it would be sent, the military power of the Federal Government if there was any indication of an unfair election or any attempt at intimidation or fraud? I ask further if he did not remain there until the election closed, and if it is not in proof that he stated after the close of the election that he had seen nothing (not merely from the evidence furnished by the governor of the State but from the evidence furnished by the members of the central committee as well as the evidence furnished by his own emissaries that he had employed in different parts of the State) to authorize military interference on the part of the Federal Government? I ask the Senator if that is not in proof before the committee?

Mr. McMILLAN. I am not aware of those facts being in proof. I understand that some allegations of a character similar to that were made on the part of the democratic State executive committee.

Mr. McDONALD. I will ask if it is not sworn to by one witness who was examined before us? I ask further if the Senator does not know that the report of that secret emissary has been upon the files of the Department of Justice since shortly after the close of that election?

Mr. McMILLAN. I will state to the Senator that I do not know anything of that report, and I am aware that the committee had not that report before them.

Mr. McDONALD. That is not the question. I asked the Senator if he did not know that that report was on the files?

Mr. McMILLAN. Answering for myself, I do not know.

Mr. McDONALD. Very well; I do.

Mr. CAMERON, of Wisconsin. One moment. I do not intend to be drawn into a discussion of the Mississippi question at this time. All that I desire to say is in reply to the Senator from Indiana on my left, [Mr. McDONALD.] Some evidence was brought before the committee in reference to an agent of the Department of Justice, a Mr. Chase, who has been referred to by the Senator from Delaware; but the testimony of that witness has not been heard before the committee. His testimony will be heard before the committee, and then, when it is produced to the Senate and to the country, the Senate and the country can say whether or not the canvass was conducted under the authority of such an agent. I undertake to say that the canvass was not conducted to any extent under the authority of an agent of the Department of Justice. There was such an agent in the State, and he did to some extent control the murderous elements in the State; but to say that the canvass was conducted under his authority and by his direction is an exaggeration of the truth.

Mr. McDONALD. The Senator does not mean to say that it is an exaggeration of what was stated in the testimony taken.

Mr. CAMERON, of Wisconsin. I think the only witness who testified in regard to it was, as the Senator from Minnesota has stated, a member of the State democratic central committee—no, I do not know that he is a member of that committee, but at any rate he is the editor of the leading democratic paper in the State.

Mr. McDONALD. There were other witnesses also who referred to it—who were referred to as being present when the treaty that has been spoken of was consummated in the governor's council.

Mr. CAMERON, of Wisconsin. There were.

Mr. WITHERS. I rise to a point of order. I wish to inquire whether it is in order and in consonance with the practice of this body to disclose the facts which may or may not have been elicited before a committee of this body in advance of the presentation of the report of that committee.

Mr. CAMERON, of Wisconsin. I think that point of order ought to have been made some time ago.

The PRESIDING OFFICER, (Mr. ALCORN in the chair.) The Chair will not undertake to set any limits on debate in the Senate; they have not been prescribed, and as a matter of course Senators always indulge in whatever course of remark they may think proper.

Mr. MORTON. I believe I did not allude to the report of the committee until after the Senator from Delaware had first referred to it.

Mr. BAYARD. It had been introduced by the Senator from Indiana prior to that time.

Mr. MORTON. Not by me, I think. I did not refer to the report of the committee at all. I referred to the state of affairs in Mississippi, but not to the action of the committee at all. I did not undertake to say anything about that; but after the Senator from Delaware had spoken of it, I did then say that from what I had learned about the testimeny that was taken, the picture I had drawn was underdrawn and not overdrawn, and that I believe to be the fact. The question as to what the agent of the Department of Justice may have said or done, is a mere diversion; it does not affect the facts in the case at all.

Mr. President, while Mississippi was under discussion last winter, I brought before this Senate extracts from nearly every democratic newspaper in that State, taken from them from week to week during the canvass, a kind of testimony that could not be answered for a moment; and that testimony taken from democratic papers from week to week in every part of the State presented the foundation of the picture I drew, and which I am informed by the Senator from Minnesota has been more than established by the proof.

But, sir, we have heard in answer that every one of the Ku-Klux outrages in the South, from the very beginning of reconstruction up to the present time, that the negroes provoked them; and here in Mississippi, with a majority of more than thirty thousand republicans, we are told that the negroes, unarmed, poor, unprotected, found it necessary to make an assault upon the whites who were armed and disciplined to procure themselves to be murdered, in order to make a little capital for us in the North. It is the old story of the negroes, helpless, unarmed, and defenseless, provoking their powerful neighbors to slaughter them! Sir, I never believed that story when it was first told in justification of the Ku-Klux outrages in South Carolina and other Southern States, and I do not believe it now. Senators are mistaken when they present a defense of that kind.

But, Mr. President, this is all foreign to this discussion. As I am not responsible for bringing it in I again call the attention of the Senate to the resolution, and hope that the vote may be taken.

Mr. SAULSBURY addressed the Senate in opposition to the resolution. Having spoken for some time—

Mr. EDMUNDS. Will the Senator from Delaware yield to me, as it is almost the Fourth of July, for a motion to adjourn.

Mr. SAULSBURY. Certainly I will.

[Mr. SAULSBURY's speech will be published after it shall have been concluded.]

Mr. EDMUNDS. I move that the Senate adjourn.

The question being put a division was called for.

Mr. EDMUNDS. My friend from New Hampshire [Mr. WADLEIGH] wishes to have an executive session for a moment or two, and I withdraw my motion to adjourn and move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After twenty-five minutes spent in executive session the doors were re-opened, and (at three o'clock and fifty minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, *July* 3, 1876.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. I. L. TOWNSEND.

The Journal of Saturday last was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, announced that the Senate further insisted on their amendments to the bill (H. R. No. 3748) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1877, and for other purposes, disagreed to by the House of Representatives, asked a further conference with the House on the disagreeing votes of the two Houses thereon, and had appointed as managers of the conference on the part of the Senate Mr. WINDOM, Mr. LOGAN, and Mr. RANSOM.

The message further announced that the Senate had passed with amendments, in which the concurrence of the House was requested, the bill (H. R. No. 3749) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1877, and for other purposes.

ORDER OF BUSINESS.

The SPEAKER *pro tempore*. The morning hour begins at fifteen minutes after twelve o'clock; and, this being Monday, the first business in order is the call of the States and Territories, beginning with the State of Maine, for the introduction of bills and joint resolutions for reference to their appropriate committees, not to be brought back on motions to reconsider. Under this call memorials and resolutions of State and territorial Legislatures may be presented for reference and printing.

A. G. WALTERS.

Mr. CABELL introduced a bill (H. R. No. 3840) for the relief of A. G. Walters, of Virginia; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MOSCOW MASONIC LODGE, NO. 198, ETC.

Mr. YOUNG introduced a bill (H. R. No. 3841) for the relief of Moscow Masonic Lodge, No. 198, and Moscow Methodist Episcopal Church South, located at Moscow, Tennessee; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

CATHARINE VAUGHAN.

Mr. McFARLAND introduced a bill (H. R. No. 3842) for the relief of Catharine Vaughan, widow of Thomas J. Vaughan, private Company F, Third Regiment Tennessee Mounted Infantry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

EDWARD T. BROWNELL.

Mr. BURCHARD, of Illinois, introduced a bill (H. R. No. 3843) for the relief of Edward T. Brownell; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARY B. MARSH.

Mr. McCRARY introduced a bill (H. R. No. 3844) granting a pension to Mary B. Marsh; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES F. JOY.

Mr. GOODIN introduced a joint resolution (H. R. No. 141) directing the Attorney-General of the United States to cause legal proceedings to be instituted to test the validity of patents issued to James F. Joy for what are known as the "purchase claims" upon the neutral lands in the State of Kansas; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

ROBERT C. WALKER.

Mr. MAGINNIS introduced a bill (H. R. No. 3845) for the relief of Robert C. Walker; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

The SPEAKER *pro tempore*. The Chair will state that the call of States and Territories for the introduction of bills, &c., has now been completed, but if any gentleman was not in his seat when his State was called who desires to offer a bill for reference, the Chair will receive it.

ELLEN GIBBENS.

Mr. STRAIT, by unanimous consent, introduced a bill (H. R. No. 3846) for the relief of Ellen Gibbens, widow of Robert Gibbens; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ORDER OF BUSINESS.

The SPEAKER *pro tempore*. The call of States and Territories for the introduction of bills and joint resolutions having now been completed, the next order of the House is the call for the introduction of resolutions, under which call bills on leave can also be introduced.

Mr. BURCHARD, of Illinois. I move that the House do now adjourn.

ADJOURNMENT OVER.

Mr. EAMES. Pending that motion, I move that when the House adjourns it adjourn to meet on Wednesday next.

Mr. HOLMAN. I trust the House will not adjourn.

The question was taken on Mr. EAMES's motion; and on a division there were ayes 117, noes not counted.

Mr. FOSTER. I call for the yeas and nays on that motion.

The question was taken on ordering the yeas and nays; and on a division there were—ayes 23, noes 85.

So (one-fifth voting in favor thereof) the yeas and nays were ordered.

The question was taken, and there were—yeas 142, nays 7, not voting 140; as follows:

YEAS—Messrs. Anderson, Ashe, Bagby, John H. Bagley, jr., John H. Baker, William H. Baker, Blackburn, Bland, Boone, Bradley, Bright, William R. Brown, Horatio C. Burchard, Samuel D. Burchard, Cabell, John H. Caldwell, William P. Caldwell, Campbell, Cannon, Cason, Caulfield, John B. Clarke of Kentucky, Clymer, Conger, Cowan, Cox, Culberson, Cutler, Danford, De Bolt, Dibrell, Eames, Ellis, Evans, Felton, Finley, Fort, Foster, Garfield, Gause, Gibson, Goode, Goodin, Gunter, Hancock, Harrison, Hartridge, Hatcher, Haymond, Hendee, Henkle, Hereford, Hill, Hoar, Holman, Hooker, House, Hubbell, Hunter, Hurlbut, Thomas L. Jones, Kehr, Ketcham, Knott, Franklin Landers, Lane, Lawrence, Leavenworth, Levy, Lord, Lynde, Magoon, Maish, McDill, McFarland, Meade, Metcalfe, Miller, Milliken, Mills, Money, Monroe, Morgan, Morrison, Mutchler, New, Norton, Oliver, Packer, Parsons, Payne, John F. Philips, William A. Phillips, Piper, Popleton, Potter, Rea, Reagan, Rice, Riddle, William M. Robbins, Sobieski Ross, Rusk, Sampson, Sayler, Scales, Schleicher, Seelye, Singleton, Siemons, Smalls, A. Herr Smith, William E. Smith, Southard, Sparks, Spencer, Strait, Stevenson, Stone, Tarbox, Thompson, Thornburgh, Martin I. Townsend, Tucker, Van Vorhes, Robert B. Vance, Waddell, Waldron, Alexander S. Wallace, Walling, Whiting, Whithorne, Wigginton, Willard, Alpheus S. Williams, Jeremiah N. Williams, William B. Williams, James Wilson, Woodburn, Woodworth, Yeates, and Young—142.

NAYS—Messrs. Atkins, Crounse, Haralson, Joyce, Kimball, Terry, and White—7.

NOT VOTING—Messrs. Adams, Ainsworth, George A. Bagley, Ballou, Banks, Banning, Bass, Beebe, Bell, Blaine, Blair, Bliss, Blount, Bradford, John Young Brown, Buckner, Burleigh, Candler, Caswell, Cate, Chapin, Chittenden, John B. Clark, jr., of Missouri, Cochrane, Collins, Cook, Crapo, Darrall, Davis, Davy, Denison, Dobbins, Douglas, Dunnell, Durand, Durham, Eden, Egbert, Ely, Faulkner, Forney, Franklin, Freeman, Frost, Frye, Fuller, Glover, Hale, Andrew H. Hamilton, Robert Hamilton, Hardenbergh, Benjamin W. Harris, Henry R. Harris, John T. Harris, Hartzell, Hathorn, Hays, Henderson, Abram S. Hewitt, Goldsmith W. Hewitt, Hoge, Hopkins, Hoskins, Hunton, Hurd, Hyman, Jenks, Frank Jones, Kasson, Kelley, King, Lamar, George M. Landers, Lapham, Le Moyne, Lewis, Luttrell, Lynch, Edmund W. M. Mackey, L. A. Mackey, MacDougall, McCrary, McMahon, Nash, Neal, O'Brien, Odell, O'Neill, Page, Phelps, Pierce, Plaisted, Platt, Powell, Pratt, Purman, Rainey, Randall, John Reilly, James B. Reilly, John Robbins, Roberts, Robinson, Miles Ross, Savage, Schumaker, Sheakley, Smnickson, Springer, Stenger, Stowell, Swann, Teese, Thomas, Throckmorton, Washington Townsend, Tufts, Turney, John L. Vance, Wait, Charles C. B. Walker, Gilbert C. Walker, John W. Wallace, Walsh, Ward, Warren, Erastus Wells, G. Wiley Wells, Wheeler, Whitehouse, Wike, Andrew Williams, Charles G. Williams, James Williams, James D. Williams, Willis, Wilshire, Benjamin Wilson, Alan Wood, jr., and Fernando Wood—140.

So the motion was agreed to.

During the roll-call the following announcements were made:

Mr. PHILIPS, of Missouri. My colleague, Mr. CLARK, is absent on account of sickness.

Mr BLACKBURN. I desire to state that my colleague, Mr. BROWN, is absent by leave of the House.

Mr. VAN VORHES. My colleague, Mr. VANCE, is absent by leave of the House.

Mr. STRAIT. My colleague, Mr. DUNNELL, is absent on account of sickness.

Mr. GUNTER. I desire to state that my colleague, Mr. WILSHIRE, is absent on account of sickness.

The result of the vote was then announced as above recorded.

Mr. HOLMAN. I rise to a question of order. I believe that the first business in order this morning is the bill which was introduced on Monday last by the gentleman from Ohio, [Mr. NEAL.]

The SPEAKER *pro tempore*. The Chair informs the gentleman from Indiana that the pending question is on the motion to adjourn made by the gentleman from Illinois, [Mr. BURCHARD.]

Mr. CONGER. On that motion I demand the yeas and nays.

Mr. WILSON, of Iowa. I want to ask unanimous consent of the gentleman from Illinois and of the whole House to allow my colleague——

The SPEAKER *pro tempore*. The question before the House is on the motion of the gentleman from Illinois that the House do now adjourn and it is not debatable, and on that motion the gentleman from Michigan demands the yeas and nays.

Mr. CONGER. I withdraw the call for the yeas and nays.

Mr. HURLBUT. I rise to a privileged motion. I move to reconsider the vote by which the House agreed to adjourn over until Wednesday.

Mr. HOLMAN. This looks like filibustering.

Mr. WHITE. I rise to a parliamentary inquiry. I desire to know whether that question is debatable?

The SPEAKER *pro tempore*. It is not.

Mr. HURLBUT. I demand the yeas and nays on my motion.

The yeas and nays were ordered.

Mr. HOLMAN. I rise to a question as to the order of business. Is not the first business in order at the present time the bill offered last Monday by the gentleman from Ohio, [Mr. NEAL,] to repeal the resumption act? Is not that the first business in order this morning?

The SPEAKER *pro tempore*. The call rests with the State of Ohio. The gentleman from Ohio, if he desires, can again ask leave to introduce his bill.

Mr. HOLMAN. The bill went over upon a gentleman rising to debate it. As I understand, it comes up in regular order this morning.

Mr. EAMES. I object to any debate.

The question was taken on the motion of Mr. HURLBUT to reconsider the vote last taken; and there were—yeas 9, nays 136, not voting 144; as follows:

YEAS—Messrs. Cox, Crounse, Haralson, Hoar, Joyce, Kimball, Terry, White, and Woodburn—9.

NAYS—Messrs. Anderson, Ashe, Atkins, Bagby, George A. Bagley, John H. Bagley, jr., John H. Baker, William H. Baker, Blackburn, Bland, Boone, Bradley, Bright, William R. Brown, Horatio C. Burchard, Samuel D. Burchard, Cabell, John H. Caldwell, William P. Caldwell, Campbell, Cannon, Cason, Caulfield, John B. Clarke of Kentucky, Clymer, Conger, Cowan, Culberson, Cutler, De Bolt, Dibrell, Eames, Ellis, Evans, Felton, Finley, Fort, Foster, Garfield, Gause, Gibson, Goode, Goodin, Gunter, Henry R. Harris, Harrison, Hartridge, Hatcher, Haymond, Hendee, Henkle, Hereford, Hill, Holman, Hooker, House, Hubbell, Hunter, Hurlbut, Thomas L. Jones, Kehr, Ketcham, Knott, Franklin Landers, Lane, Leavenworth, Levy, Lewis, Lord, Lynde, Magoon, Maish, MacDougall, McCrary, McDill, McFarland, McMahon, Meade, Metcalfe, Miller, Milliken, Mills, Monroe, New, Norton, Oliver, Packer, Parsons, Payne, John F. Philips, William A. Phillips, Piper, Poppleton, Potter, Rea, Reagan, Rice, Riddle, William M. Robbins, Robinson, Sobieski Ross, Rusk, Sampson, Sayler, Scales, Seelye, Singleton, Siemons, A. Herr Smith, William E. Smith, Southrad, Sparks, Spencer, Strait, Stevenson, Stone, Tarbox, Thompson, Thornburgh, Martin I. Townsend, Tucker, Van Vorhes, Robert B. Vance, Waldron, Gilbert C. Walker, Alexander S. Wallace, Walling, Whiting, Whitthorne, Wigginton, Willard, Alpheus S. Williams, William B. Williams, James Wilson, Woodworth, and Yeates—136.

NOT VOTING—Messrs. Adams, Ainsworth, Ballou, Banks, Banning, Bass, Beebe, Bell, Blaine, Blair, Bliss, Blount, Bradford, John Young Brown, Buckner, Burleigh, Candler, Caswell, Cate, Chapin, Chittenden, John B. Clark, jr., of Missouri, Cochrane, Collins, Cook, Crapo, Danford, Darrall, Davis, Davy, Denison, Dobbins, Douglas, Dunnell, Durand, Durham, Eden, Egbert, Ely, Faulkner, Forney, Franklin, Freeman, Frost, Frye, Fuller, Glover, Hale, Andrew H. Hamilton, Robert Hamilton, Hancock, Hardenbergh, Benjamin W. Harris, John T. Harris, Hartzell, Hathorn, Hays, Henderson, Abram S. Hewitt, Goldsmith W. Hewitt, Hoge, Hopkins, Hoskins, Hunton, Hurd, Hyman, Jenks, Frank Jones, Kasson, Kelley, King, Lamar, George M. Landers, Lapham, Lawrence, Le Moyne, Luttrell, Lynch, Edmund W. M. Mackey, L. A. Mackey, Money, Morgan, Morrison, Mutchler, Nash, Neal, O'Brien, Odell, O'Neill, Page, Phelps, Pierce, Plaisted, Platt, Powell, Pratt, Purman, Rainey, Randall, John Reilly, James B. Reilly, John Robbins, Roberts, Miles Ross, Savage, Schleicher, Schumaker, Sheakley, Sinnickson, Smalls, Springer, Stenger, Stowell, Swann, Teese, Thomas, Throckmorton, Washington Townsend, Tufts, Turney, John L. Vance, Waddell, Wait, Charles C. B. Walker, John W. Wallace, Walsh, Ward, Warren, Erastus Wells, G. Wiley Wells, Wheeler, Whitehouse, Wike, Andrew Williams, Charles G. Williams, James Williams, James D. Williams, Jeremiah N. Williams, Willis, Wilshire, Benjamin Wilson, Alan Wood, jr., Fernando Wood, and Young—144.

So the motion to reconsider was not agreed to.

During the roll-call,

Mr. SPARKS said: My colleague, Mr. HARTZELL, is absent on account of sickness in his family.

The result of the vote was announced as above stated.

The SPEAKER *pro tempore*. The morning hour has expired. The pending question is on the motion of the gentleman from Illinois [Mr. BURCHARD] that the House adjourn.

Mr. BURCHARD, of Illinois. I withdraw the motion.

SOLDIERS OF THE EIGHTH MISSOURI CAVALRY.

Mr. PHILIPS, of Missouri. I move to suspend the rules and pass, with the amendments reported by the Committee on Military Affairs, the bill (H. R. No. 2524) for the relief of certain soldiers of the Eighth Cavalry, Missouri State Militia.

The bill, as amended, authorizes and directs the Secretary of War and the Adjutant-General of the Army of the United States to remove the charge of desertion against William T. Campbell, Josiah B. Newman, Joseph W. Campbell, Jesse E. Conts, Alexander Lewis, Absalom Edwards, Enock Newman, Calvin C. Simonds, Amos Brown, Martin Silvey, Joseph R. Williams, Marion Carver, David W. McHenry, Phineas Green, Richard N. Dority, James M. Bell, and John Brown, late soldiers of Company I, Eighth Cavalry, Missouri State Militia, and James Tombs, of Company F, Eighth Cavalry, Missouri State Militia; and that they be restored to their rights as fully as if they had not been reported as deserters, with loss of all pay and allowances for the time they were absent from their command without leave.

Mr. BURCHARD, of Illinois. I hope the gentleman from Missouri [Mr. PHILIPS] will have the report read.

Mr. PHILIPS, of Missouri. I ask that it be read.

The Clerk read as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. No. 2524 for the relief of William T. Campbell and others, late soldiers Company I, and James Tombs, Company F, Eighth Cavalry, Missouri State Militia, having considered the same, beg leave to report:

That the claimants were soldiers in the Eighth Cavalry, Missouri State Militia. This was an arm of the service consisting of ten thousand men, provided for in 1861 by a special agreement between the governor of Missouri and the President of the United States, in the pay of the General Government and subject to the regulations governing the Army of the United States. The common understanding was that this force, as its name would indicate, was designed more especially for service in the State of Missouri, which was then and during all the war the scene of military operations and intestine strifes, though the force was subject to go beyond the limits of the State to repel a threatened invasion. It is, however, a matter of history that the understanding among the men at the time of their enlistment was that they were to do duty within the territorial limits of the State. In the fall of 1862 this regiment, with others of this force, was ordered to the southern line of the State, where it was joined by a large volunteer force under command of General John M. Schofield, who designed a campaign against a force of the enemy collected in and about Fayetteville, Arkansas, about thirty-eight miles south of the line separating Missouri from Arkansas. When the Missouri State Militia were ordered across the line on this expedition there was great murmuring and discontent among them, they contending and protesting that they could not, under the terms of their enlistment, be carried across the line. This notion and feeling was shared to some extent by their immediate company officers. A considerable number of these men, including the claimants here, refused to march into Arkansas, and remained in Missouri. Learning that they had erred in this action, they returned, after an absence of about forty days, to their command, and served faithfully during the remainder of the war, participating in many severe battles, and acquitting themselves always as true soldiers, rendering important service to the Government. For this refusal to cross the line in this one instance they were reported on their muster-rolls as deserters, and have ever since labored under this odium and disability.

Your committee, while impressed with a sense of the importance of maintaining discipline in the Army and of denying to the soldier the right to determine for himself the propriety or authority of any order coming to him from his commanding officer, yet, in view of the peculiar circumstances of this case, can but regard the report of desertion against these men as one of extreme hardship and severity. Their early return to their command and subsequent fidelity negative the idea of any intent to desert the service, and it does seem that the report should have been modified to an absence without leave and the penalties inflicted for such an offense. Such action was had as to other soldiers in other regiments with good results. The assertion made against these men that they deserted in the face of the enemy is not well founded, as the enemy at that time was distant thirty-eight miles.

In the case of Calvin S. Simonds, the report of desertion appears to have been made under a misapprehension of the facts, as the subsequent proofs show that he was sick and lay sick in the State of Arkansas with the Federal troops for the space covered in his absence.

In the case of Ab. H. Wilson, whose name the committee strike out, the further fact appears that he quit his regiment and joined another in the State of Kansas. Evidently he quit his command without the intention to return to it; and his attaching himself to another regiment, as a man free to enlist, is highly reprehensible and your committee cannot therefore relieve him.

With the bill thus amended, the committee report the same back, with a favorable recommendation.

The motion to suspend the rules and pass the bill, with the amendments of the committee, was agreed to.

W. C. MARSH.

Mr. ATKINS, by unanimous consent, introduced a bill (H. R. No. 3847) for the relief of W. C. Marsh; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

DES MOINES RIVER LAND GRANT.

Mr. OLIVER. I move to suspend the rules and adopt the resolution which I send to the desk.

The Clerk read as follows:

Whereas by an act of Congress of August 8, 1846, a grant of land was made to the then Territory of Iowa to aid in the improvement of the Des Moines River from its mouth to the Raccoon Fork; and whereas by joint resolution of Congress of March 2, 1861, and by act of Congress of July 12, 1862, said grant was extended so as to include the alternate sections designated by odd numbers lying within five miles of said river, between the Raccoon Fork and the northern boundary of the State of Iowa; and whereas the total grant of land to Iowa for the improvement of the navigation of the Des Moines River under the acts of 1846, 1861, 1862, and 1871, it is alleged, amounts in the aggregate to 1,200,000 acres, (including school lands;) and whereas it is alleged that the Des Moines River Improvement Company have never fulfilled their contract, never improved the navigation of the Des Moines River, but actually seized upon the lands in question, commenced harassing litigation against *bona fide* settlers under the pre-emption and homestead laws, who had patents for their lands, and actually did eject, confine, and imprison such in the prison of the city of Dubuque, in Iowa; and whereas it is alleged that said settlers, numbering several thousand and covering a tract of country one hundred and fifty miles in length, were settled on said lands previous to the passage of the resolution of 1861 and the act of 1862, granting the lands already occupied by them under the laws of the United States to the State of Iowa and its grantees; and whereas the Supreme Court of the United States did under the act of 1861 and 1862 declare that said settlers had no rights which the grantees of the State of Iowa, to wit, the (so-called) Des Moines River Improvement Company, were bound to respect; and whereas the General Assembly of the State of Iowa passed the following joint resolution which was approved on the 3d of February, A. D. 1876, to wit—

Whereas the title to the lands known as lands of the Des Moines River grant upand along the Des Moines River above the mouth of the Racoon Fork, after long years of litigation are still unsettled: Therefore,

Resolved by the General Assembly of the State of Iowa, That our Senators in Congress be instructed and our Representatives requested to use their utmost influence and so vote for such congressional legislation as will, as far as just and practicable, secure the settlers on the land of said grant titles to their homes and forever settle the title to and ownership of the lands of this grant.

Therefore, in consideration of the premises:

Resolved by the House of Representatives of the United States of America, That a special committee, consisting of five members of this House, be appointed by the Speaker; and said committee are hereby ordered and instructed to make a thorough and searching investigation into the act of 1846, the joint resolution of 1861, the act of July 12, 1862, and the act of 1871, granting to the State of Iowa 1,200,000 acres of public lands along the Des Moines River, to see whether the object for which the land was granted to Iowa and its grantees has been carried out, namely, the improvement of the Des Moines River; also to find out the number of actual settlers who have been located on the Des Moines River lands previous to the acts of 1861, 1862, and 1871, and report back to the House, by bill or otherwise, at any time, the result of said investigation, with such recommendations for the relief of said settlers as the committee may deem proper and the facts of the investigation will warrant.

Mr. MORRISON. I ask the gentleman from Iowa [Mr. OLIVER] to substitute a regular committee instead of a special committee to make this investigation.

Mr. HOLMAN. I thought that this proposition was to be referred to the Committee on Public Lands.

Mr. OLIVER. My proposition is for the appointment of a special committee of five. I think that is what is requested by the parties interested, and will be most satisfactory to them.

Mr. HOLMAN. I trust the gentleman will consent to modify the resolution so as to devolve this duty upon the Committee on Public Lands.

Mr. OLIVER. I do not object. Let the resolution be modified by striking out "a special committee consisting of five members of this House be appointed by the Speaker," and inserting "the Committee on Public Lands."

The motion to suspend the rules was agreed to; and the resolution, as modified, was adopted.

Mr. HOLMAN. I rise to move that the House adjourn; but before submitting that motion I will yield to one or two gentlemen.

JANE PHILPOT.

Mr. WHITE, by unanimous consent, introduced a bill (H. R. No. 3848) for the relief of Jane Philpot; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN W. CHICKERING.

Mr. MACDOUGALL. I move that the rules be suspended and the bill (H. R. No. 1909) for the relief of John W. Chickering, be passed.

The bill was read. It directs the Secretary of War to amend the record of John W. Chickering so that he shall appear on the rolls and records of the Army for rank as if he had been continuously in service. But nothing is to be paid to him for the interval of time from the 27th day of January, 1875, until the passage of the act.

Mr. MACDOUGALL. This bill has been reported unanimously by the Committee on Military Affairs.

The motion to suspend the rules and pass the bill was agreed to.

ORDER OF BUSINESS.

Mr. FORT. I desire to make a report.

Mr. CANNON, of Illinois, and others, called for the regular order.

Mr. HOLMAN. Before the vote is taken on the motion to adjourn, I wish to say that the conference committee appointed by the two Houses on the post-office appropriation bill have reached a conclusion touching that bill. The papers are with the Senate; and that body has ordered the report of the conference committee to be printed, so that it will not come to the House to-day. I move therefore that the House adjourn.

The motion was agreed to; there being—ayes 82, noes 15; and accordingly (at one o'clock and forty minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk under the rule, and referred as stated:

By Mr. FELTON: A paper relating to the establishment of a post-route from Cohuttah post-office to Cohuttah Springs, Georgia, to the Committee on the Post-Office and Post-Roads.

By Mr. SAYLER: The petition of Louisa Merrill, for an increase of pension, to the Committee on Invalid Pensions.

By Mr. WHITE: The petition of Jane Philpot, for the pay, bounty, and allowance due her deceased son, Lewis Roork, to the same committee.

IN SENATE.

WEDNESDAY, *July* 5, 1876.

Prayer by Rev. P. H. BURGHENETTI of Washington, District of Columbia.

The Journal of the proceedings of Monday last was read and approved.

POST-OFFICE BIDS.

Mr. HAMLIN. I ask the Senate to take up House bill No. 2684, in relation to bids in the Post-Office Department. It is very necessary that this bill shall pass. I think it will not consume any time.

Mr. WRIGHT. Will the Senator yield to me to make some reports?

Mr. HAMLIN. Let the bill be taken up, and then I will yield to morning business.

Mr. WRIGHT. Very well.

Mr. MERRIMON. To what does the bill relate?

Mr. HAMLIN. It is a bill in relation to bids; what are called "straw" bids.

The PRESIDENT *pro tempore*. The question is on taking up the bill.

The motion was agreed to.

The PRESIDENT *pro tempore*. The bill is before the Senate.

Mr. HAMLIN. I will now yield for morning business.

REPORTS OF COMMITTEES.

Mr. WRIGHT, from the Committee on Claims, to whom was referred the bill (S. No. 944) for the relief of Gilderoy M. Hardy, guardian of the minor children of Watson C. Howard, deceased, reported it with amendments.

He also, from the same committee, to whom was referred the bill (S. No. 904) for the relief of William C. Nichols, late assistant treasurer of the United States at Chicago, Illinois, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the petition of Francis Guilbeau, praying compensation for the use by the Government of certain buildings in San Antonio, Texas, submitted a report thereon, accompanied by a bill (S. No. 974) for the relief of Francis Guilbeau, of San Antonio, Texas.

The bill was read and passed to the second reading, and the report was ordered to be printed.

He also, from the same committee, to whom was referred the bill (S. No. 820) for the relief of James Tebault and others, reported adversely thereon; and the bill was rejected.

Mr. WRIGHT. The same committee, to whom was recommitted the bill (H. R. No. 2693) for the relief of Joseph Anderson, of Nashville, Tennessee, upon which the committee had made an adverse report and recommended the indefinite postponement of the bill, have instructed me to report the same back and again recommend the indefinite postponement of the bill, adhering to their former report.

The bill was postponed indefinitely.

Mr. LOGAN, from the Committee on Military Affairs, to whom was referred the bill (H. R. No. 1516) to regulate the issue of artificial limbs to disabled soldiers, seamen, and others, reported it with an amendment.

Mr. COCKRELL. I am directed by the Committee on Claims, to whom was referred the bill (H. R. No. 882) for the relief of Mrs. James K. Polk, of Nashville, Tennessee, to report it without amendment, and submit a report thereon. I ask for the present consideration of the bill.

Mr. HAMLIN. If it leads to any debate I must object.

The PRESIDENT *pro tempore*. The bill will be read for information, subject to objection.

The Chief Clerk read the bill.

Mr. EDMUNDS. It had better go over.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar, objection being made to its present consideration.

ELIZABETH CARSON.

Mr. MITCHELL. The Committee on Claims, to whom was referred the petition of Elizabeth Carson, praying compensation for care of prisoners, &c., during the late war, have instructed me to report a bill and recommend its passage. I will state that a bill for this purpose has passed the Senate twice and the House once. If there is no objection this morning, as it is a very meritorious matter, I ask to have it put upon its passage. It is for a widow lady.

The bill (S. No. 973) for the relief of Elizabeth Carson was read and passed to the second reading.

Mr. EDMUNDS. Is it a military claim?

Mr. MITCHELL. It is.

Mr. EDMUNDS. Is there a printed report?

Mr. MITCHELL. Yes. I will state that this bill passed the Senate twice heretofore and the House once, but fell in the closing hours of the session. It is for the relief of a widow lady for supplies furnished to prisoners in Mississippi. It is a meritorious matter. I think there will be no objection to it.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of the Treasury to pay to Elizabeth Carson, of Bourbon County, Kentucky, the sum of $2,636.40 in full satisfaction for subsistence, use of jail, fuel, fire, care, and attention furnished by her to conscripts, deserters, and rebel prisoners confined in the jail of Bourbon County, Kentucky, by the military authorities of the United States in the years 1862, 1863, 1864, and 1865.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. WRIGHT (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 975) to amend section 1 of the act of May 12, 1864, for a grant of lands to the State of Iowa, to aid in the construction of a railroad in said State; which was read twice by its title, referred to the Committee on Public Lands, and ordered to be printed.

Mr. KEY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 976) granting a pension to Norman Miller; which was read twice by its title, referred to the Committee on Pensions, and ordered to be printed.

Mr. LOGAN asked, and by unanimous consent obtained, leave to introduce a joint resolution (S. No. 19) granting ten days' leave of absence to such employés of the Government Printing Office as may desire to visit the centennial exhibition; which was read twice by its title, and ordered to lie on the table, and be printed.

NATIONAL WASHINGTON MONUMENT.

Mr. SHERMAN. I desire to offer at this time a concurrent resolution. I wish to say before it is read that I believe if it were passed to-day it would be a matter of profound satisfaction to the great body of the people of the United States. I ask that it be read.

The Chief Clerk read the resolution, as follows:

Whereas it has pleased Almighty God to guide the United States of America safely through one hundred years of national life and to crown our nation with the highest blessings of civil and religious liberty: Therefore,

The Senate and House of Representatives in Congress assembled in the name of the people of the United States in reverent thankfulness acknowledge the fountain and source, the author and giver of all these blessings, and our dependence upon His providence and will; and

Whereas we recognize as our fathers did that George Washington, "first in peace, first in war, and first in the hearts of his countrymen," was one of the chief instruments of Divine Providence in securing American independence and in laying broad and deep the foundations of our liberties in the Constitution of the United States:

Therefore, as a mark of our sense of the honor due to his name and to his compatriots and associates, our revolutionary fathers,

We the Senate and House of Representatives in Congress assembled in the name of the people of the United States at this the beginning of the second century of national existence do assume and direct the completion of the Washington monument in the city of Washington, and instruct the Committees on Appropriation of the respective Houses to propose suitable provisions of law to carry this resolution into effect

Mr. HAMLIN. I imagine that this resolution will provoke a debate. If it does not, I am willing to waive any objection to it, but I have a bill before the Senate and I am not willing to be crowded out by a discussion that would consume all the morning hour.

Mr. EDMUNDS. Let us consider this resolution. It will be agreed to unanimously, I am sure.

The PRESIDENT *pro tempore*. The Chair sees no Senator rising to debate it.

The resolution was considered, and agreed to unanimously.

GILDEROY M. HARDY.

Mr. MORTON. The Senator from Iowa [Mr. WRIGHT] reported this morning from the Committee on Claims a bill (S. No. 944) for the relief of Gilderoy M. Hardy, guardian of the minor children of Watson C. Howard, deceased. It is an important matter and it will take but a moment to pass it. I ask that the bill be taken up at this time.

Mr. HAMLIN. If we are through with morning business, I now insist on the consideration of House bill No. 2684. It is an important bill.

Mr. WRIGHT. I was about to say to the Senator from Maine that the matter to which the Senator from Indiana calls attention is a bill to which there can be no objection on earth. It is for the benefit of some minor children who are suffering for the loss of a check issued at the Pension Bureau. It has been lost and cannot be supplied, because for a larger amount than the law allows.

Mr. HAMLIN. Very well; but I have a bill in my hand which interests every tax-payer in the United States. I hope it will be first considered, and then I will join with the greatest pleasure in helping the Senator to get up the bill to which he refers.

Mr. WRIGHT. Certainly I have no right to insist on the consideration of this bill.

Mr. HAMLIN. I must insist now upon the consideration of the bill which is before the Senate.

POST-OFFICE BIDS.

The PRESIDENT *pro tempore*. The Senator from Maine now calls up the bill which was ordered this morning to be considered at this time.

The bill (H. R. No. 2684) to amend sections 246 and 251 of the act entitled "An act to revise and consolidate and amend the statutes relating to the Post-Office Department," approved June 8, 1872, as amended by the twelfth section of the act entitled "An act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1875, and for other purposes," approved June 23, 1874, and for other purposes, was considered as in Committee of the Whole.

The bill was reported from the Committee on Post-Offices and Post Roads with amendments.

The first amendment was to strike out the following words, from line 3 to line 11: "246 and 251 of the act entitled 'An act to revise, consolidate, and amend the statutes relating to the Post-Office Department,' approved June 8, 1872, as amended by the twelfth section of the act entitled 'An act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1875, and for other purposes,' approved June 23, 1874," and to insert in lieu thereof "3946 and 3951 of the Revised Statutes;" so as to read:

That sections 3946 and 3951 of the Revised Statutes be amended to read as follows.

The amendment was agreed to.

The next amendment was in line 14, to strike out after the word "section" the words "246" and insert "3946."

The amendment was agreed to.

The next amendment was in line 33, to change "section 251" to "section 3951."

The amendment was agreed to.

The next amendment was in line 39, after the word "bidder," to insert the words "or bidders, in the order of their bids;" and in line 42, after the word "bid," to insert "or bids," and in the same line, after the word "high," to insert "and in case each of said bids shall be considered too high, then the Postmaster-General shall be authorized to enter into contract, at a price less than that named in said bids, with any person, whether a bidder or not, who will enter into contract to perform the service in accordance with the terms and provisions prescribed for the execution of other contracts for similar service; and in case no satisfactory contract can be thus obtained, he shall re-advertise such route;" and in line 51, to strike out the words "in which case he shall re-advertise such service;" so as to read:

SEC. 3951. That after any regular bidder whose bid has been accepted shall fail to enter into contract for the transportation of the mails according to his proposal, or having entered into contract, shall fail to commence the performance of the service stipulated in his or their contract as therein provided, the Postmaster-General shall proceed to contract with the next lowest bidder or bidders, in the order of their bids, for the same service, who will enter into a contract for the performance thereof, unless the Postmaster-General shall consider such bid or bids too high, and in case each of said bids shall be considered too high, then the Postmaster-General shall be authorized to enter into contract, at a price less than that named in said bids, with any person, whether a bidder or not, who will enter into contract to perform the service in accordance with the terms and provisions prescribed for the execution of other contracts for similar service; and in case no satisfactory contract can be thus obtained, he shall re-advertise such route.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

It was ordered that the amendments be engrossed and the bill read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "An act to amend sections 3946, 3951, and 3954 of the Revised Statutes."

ELISHA E. RICE.

Mr. MORRILL, of Maine. I ask the Senate to take up for consideration the bill (S. No. 852) for the relief of Elisha E. Rice. It will take, I think, but very little time. If it were to take time, I should not urge it upon the attention of the Senate.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on Claims with amendments, in line 7 to strike out "59" and insert "41" before "cents;" to strike out the word "coin" after "cents;" and at the end of the bill, in lines 11 and 12, to strike out the words "with interest at 6 per cent. per annum;" so as to make the bill read:

That the accounting officers of the Treasury be, and they are hereby, authorized to allow and pay to E. E. Rice, late United States consul at Hakodadi, Japan, out of any money not otherwise appropriated, the sum of $585.59, (coin,) being 10 per cent. of his salary as consul at said port from July 1, 1869, to November 3, 1871, that being the usual allowance for rent of that consulate.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

GILDEROY M. HARDY.

Mr. WRIGHT. I move that the Senate proceed to the consideration of the bill (S. No. 944) for the relief of Gilderoy M. Hardy, guardian of the minor children of Watson C. Howard, deceased.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill. It authorizes the Secretary of the Interior to direct the pension agent at Indianapolis, Indiana, to issue duplicate check No. 103634, for $1,403.87, in favor of Gilderoy M. Hardy, guardian of the minor children of Watson C. Howard, deceased, for one lost on August 7, 1875, if the Secretary of the Interior be satisfied that the same has not been paid.

The bill was reported from the Committee on Claims with amendments.

The first amendment of the committee was in lines 8 and 9, to strike out "guardian of the minor children of Watson C. Howard, deceased," and to insert "in the place of."

The amendment was agreed to.

The next amendment was to add to the bill:

And provided further, That the said Hardy shall first execute a bond, to be approved by the Secretary of the Interior, in due form, to save the United States harmless against any loss or injury by reason of such duplicate check or payment of the original.

The amendment was agreed to.

Mr. EDMUNDS. It ought to provide for sureties to the bond.

Mr. WRIGHT. The Secretary of the Interior is to approve of the bond.

Mr. EDMUNDS. He is only required to see that it is in due form.

Mr. WRIGHT. I am willing to have any amendment the Senator wants put to the bill, but the provision is precisely as with every bill of the kind that has passed, as far as I remember.

Mr. EDMUNDS. I wish to submit in all seriousness to my friend from Iowa that I think he is mistaken when he says we pass bills of this character requiring only a bond from the party himself and without saying even in that case that the bond shall, in the judgment of the Secretary, be pecuniarily sufficient. This bill provides, hearing it read once, that the bond shall be in due form and shall be approved by the Secretary in that sense. What I think all such bills provide is that the bonds shall be with sufficient surety, satisfactory to the Secretary who issues the duplicate check.

Mr. WRIGHT. I have no objection in the world to having the bill amended in any respect the Senator may ask touching that matter. I think the bill conforms in every particular with bills we have passed heretofore; but I shall not object to any amendment. I only ask that this bill be passed, and with all guards that are necessary, for the reason that is a case of extreme hardship. The Department would issue this check but for the fact that the law provides that no duplicate checks shall be issued for an amount exceeding $1,000. This happens to exceed that amount, and for that reason alone they have declined to issue it. If it is not sufficiently guarded I am quite willing that it shall be amended in every respect.

Mr. EDMUNDS. Can the Senator refer to the present statute about the extent to which duplicates may be issued?

Mr. WRIGHT. If the Clerk will be good enough to send me the report and the papers I will refer to it. The law is copied in the papers.

Mr. EDMUNDS. Let us find the law.

Mr. WRIGHT. The law is the act of February 2, 1872. I have a copy of the law here.

Mr. EDMUNDS. That is in the Revised Statutes, I suppose, is it not?

Mr. HOWE. While the Senators are looking up the statutes——

Mr. WRIGHT. Here is the statute; it is here.

Mr. HOWE. I ask them to allow me to call up Senate bill No. 892.

Mr. EDMUNDS. Let us do one thing at a time, Mr. President.

The PRESIDENT *pro tempore*. The Senator from Vermont objects to the request of the Senator from Wisconsin.

Mr. EDMUNDS. Here is the law. We have got it right here. We will not delay my friend from Wisconsin more than a moment, and my friend from Iowa will see, I think, that he is not correct when he says that the bill as it now stands follows the present state of the law. I will pass over all that part of it not necessary and read:

> Upon notice and proof of the loss of the original checks, under such regulations in regard to their issue and payment, and upon the execution of such bonds, with sureties, to indemnify the United States, as the Secretary of the Treasury shall prescribe.

So that my friend will perceive that the statute, which he wishes now to supplement because it does not apply to this case, itself requires that these bonds shall be with sureties. I do not object to the bill being considered, but I only make the suggestion to my friend. I hope he will not think I am exacting in the matter.

Mr. WRIGHT. Will the Secretary read the bill?

The PRESIDENT *pro tempore*. It will be reported.

The Chief Clerk read the bill, as amended.

Mr. EDMUNDS. After the word "bond" I suggest to insert "with sufficient sureties."

Mr. WRIGHT. Insert "with sureties" after "approved."

Mr. EDMUNDS. That will do.

The amendment was agreed to.

The bill was reported to the Senate as amended; and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. WRIGHT. The original check was in the name of Hardy, not as guardian. The bill as introduced provided for the issue of the check to him as guardian. We now omit all reference to a guardian, and the title ought to be changed in that respect. I move to amend the title by striking out "guardian of the minor children of Watson C. Howard, deceased."

The motion was agreed to; and the title was amended so as to read: "An act for the relief of Gilderoy M. Hardy."

DANIEL WORMER.

Mr. CONKLING. The other day a bill was partially considered, and at the request of the Senator from Iowa [Mr. WRIGHT] recommitted to the Committee on Claims. It was reported back, and I ask that it may now be acted upon. It went to the committee for a particular reason stated. The committee has reported and adheres to its former report. I do not mean to struggle with that report, but I ask that so much as the committee has allowed this man shall now be put in the form of a statute.

By unanimous consent the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 1808) for the relief of Daniel Wormer, of Albany, New York. It authorizes the Secretary of the Treasury to pay to Daniel Wormer, of Albany, New York, $3,500, in full compensation for expenses incurred in carrying out a contract with the United States to furnish twelve hundred cavalry horses.

The bill was reported from the Committee on Claims with an amendment in line 6, to strike out "$3,500" and insert "$2,000."

The amendment was agreed to.

Mr. EDMUNDS. Can we hear the report read?

The PRESIDENT *pro tempore*. The report will be read.

The Secretary commenced to read the report submitted by Mr. COCKRELL from the Committee on Claims on the 3d of April.

Mr. CONKLING. If I can have the attention of the Senator from Vermont I want to make a suggestion. I think this report pretty clearly shows that this man has been very economically dealt with by the committee. It is a long report; and the Senator from Missouri, [Mr. COCKRELL,] who is here, is very familiar with this case. I think it quite likely that he can make a statement which, although it would not be sufficient for my convenience, might be for that of the rest of the Senate, and thus we might dispense with the reading of the report.

Mr. EDMUNDS. That will be entirely satisfactory.

Mr. COCKRELL. When the contract was made for the delivery of these horses, the contract was very specific and required them to be delivered in a certain way and at a certain place. Mr. Wormer undertook the contract, and after the execution of the contract, and after he had made the preparations and expended this amount of money, and probably a greater amount, in carrying the contract into effect, a new order was issued by the Inspector-General's Department requiring an entirely different mode of inspection; and under this mode of inspection all the contractors throughout the whole country refused to deliver their horses. They were to be branded, and the brand would ruin the value of the horses in the market if they were rejected. That was something that had never been required before. When the Government found that no horses would be delivered under that order, the order was rescinded and changed. Mr. Wormer claims that he expended larger sums of money than this, and he did expend probably between $4,000 and $5,000. He was allowed $3,500 by the House bill. Our committee cut it down to $2,000, on the ground that a portion of the amounts that he had expended, for example $500 or $800, was for interest on money which he had borrowed to pay for horses. We thought that that was not legitimate, as it was his duty to furnish the money, and we therefore reduced the allowance to $2,000 as the lowest estimate of the amount which he had expended in getting the horses ready for delivery under the contract.

Mr. EDMUNDS. He did not deliver them in fact.

Mr. COCKRELL. He did not deliver them in fact.

Mr. CONKLING. Mr. President, at the cost of a moment of the Senate's time I rise to say a word. Although I shall not resist this amendment, I mean no offense when I say that I was greatly surprised after what took place here on the occasion of the recommittal of the bill that it came back with the amendment which is now presented to us; and I feel bound to say that not only according to the statement of this claimant but according to the statement of other people, reputable people, people deserving credit who knew these facts, this bill when passed at the amount stated in the amendment will leave this man the loser of a large sum of money which he actually paid in the performance of this contract, which in substance was disregarded and violated by the other contracting party.

I do not feel it my duty at this stage of the session, and against the report of the committee, to make any resistance to the amendment, believing that I rather consult the interest of this man who feels greatly afflicted and very injuriously treated, by allowing the bill to pass as amended. But I feel bound to say, in deference to the judgment of a number of constituents of mine, familiar with this transaction, that in their opinion—I of course have no personal knowledge of the facts myself—this man will be the victim of a serious and as they think unjustifiable injury.

The amendment was agreed to.

Mr. COCKRELL. I desire to state in connection with the amendment, that in the first affidavit which was taken of Mr. Wormer, he stated his expenses at $2,000 and over; it was upon that statement that the committee placed that amount.

Mr. CONKLING. When he came to itemize he always showed items amounting to more.

Mr. COCKRELL. But afterward he produced in evidence new amounts which he said were not embraced in the items composing the $2,000; but the committee adhere to his first statement in the matter.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

TELEGRAPHIC COMMUNICATION WITH ASIA.

Mr. HOWE. I move that the Senate proceed to the consideration of Senate bill 892.

The motion was agreed to; and the bill (S. No. 892) to encourage and promote telegraphic communication between America and Asia was considered as in Committee of the Whole.

The bill was reported by the Committee on Foreign Relations with amendments.

The first amendment was in line 11, to strike out the name of "G. G. Garibaldi" from the list of persons authorized to lay cables.

The amendment was agreed to.

The next amendment was to strike out sections 2 and 3, in the following words:

> SEC. 2. That in order to encourage and aid in the construction and laying of said line or lines of telegraph, the Secretary of the Navy is hereby directed to detail, for the surveys and soundings on and along that portion of the Pacific coast in America and Asia where it is proposed to establish said telegraph cable or cables, one or more steam-vessels, to be at the disposal of said company, to assist in surveys and soundings, laying down and submerging of cable or cables, transporting of materials connected therewith, and generally to afford any assistance calculated to promote the success of the enterprise.
>
> SEC. 3. That the Government of the United States shall at all times have priority in the use of the line or lines of said company for all diplomatic and Government business, and in order to secure the same from injury by evil-disposed persons, to the interruption of public business, the Secretaries of War and Navy are authorized to direct the commanders of military and naval districts or stations, traversed or occupied by the stations or lines of telegraph, cable or cables, belonging to said company, and other officers acting under the authority of the United States, to use any force at their command to protect the same. Said lines or cables shall be open at all times to the public, and to any other company, upon the payment of the regular charges for the transmission of dispatches, excepting when in use by the Government of the United States.

And in lieu thereof to insert:

> SEC. 2. That any telegraph line or cable laid by said company shall be subject to the following conditions, stipulations, and reservations, to wit: The Government of the United States shall be entitled to exercise and enjoy the same or similar privileges with regard to the control and use of such line or lines or cable or cables that may, by law, agreement, or otherwise, be exercised and enjoyed by any foreign government whatever; secondly, citizens of the United States shall enjoy the same privileges as to the payment of rates for the transmission of messages as are enjoyed by the citizens of the most favored nations; thirdly, the transmission of dispatches shall be made in the following order: first, dispatches of state, under such regulations as may be agreed upon by the governments interested; secondly, dispatches on telegraphic service; and, thirdly, private dispatches; fourthly, the lines of any such cables shall be kept open to the public for the daily transmission of market and commercial reports and intelligence, and all messages, dispatches, and communications shall be forwarded in the order in which they are received, except as hereinbefore provided; fifthly, before extending and establishing any

such line or lines or cable or cables in or over any waters, reefs, islands, shores, and lands within the jurisdiction of the United States, a written acceptance of the terms and conditions imposed by this act shall be filed in the office of the Secretary of State by the said company.

Mr. EDMUNDS. I move to amend the amendment by adding a section to it:

That the right to alter, amend, or repeal this act at all times is hereby reserved to Congress.

Mr. HOWE. Mr. President, I do not know that there is any objection, except one of principle, to be urged to that amendment. I think in principle the amendment is bad. I think when the Government enters into a contract with a party it ought to make some specific terms, and be bound by those terms, and stand by them; but to enter into a contract and hold one party only bound, with the other at liberty to make a new contract whenever it pleases, I do not think is right. Time is of the essence of this legislation. I do not know whether the friends of the bill will object to that or not or whether it would be any discouragement in the way of investing capital. I would not invest a dollar of capital in any company on these conditions.

Mr. EDMUNDS. I beg leave to differ with my honorable friend from Wisconsin on the subject of the principle of this proposition. The United States, in the first place, are not entering into a contract; they are granting a privilege, a monopoly.

Mr. HOWE. Not a monopoly.

Mr. EDMUNDS. Yes, a monopoly; I repeat, Mr. President, a monopoly in respect of this particular transaction. I do not mean by that to say that Congress would not have the right to grant a similar privilege to some other association of persons to land a cable at some other place, and so on; but in its essential characteristic it is granting a privilege by public authority to these persons firstly for their private profit, and secondly for the general benefit of the public, just as we grant a right to a railroad corporation.

Now, I submit that in no just sense are the United States contractors or entering into stipulations. They are the trustees of the public welfare; and in such an amendment as I propose these trustees, the supreme tribunal of the land, reserve to themselves the authority to protect private rights by exercising the power of complete visitation over the grantees of this privilege or monopoly. That is the principle upon which it stands, if I am correct in my ideas.

I do not believe that Congress or any State ought ever to grant privileges of this character, or any other character analogous to these, without reserving to the supreme power—not the other side of a contract as between private parties, but to the supreme and independent tribunal of the people, bound to guard their interest and to do justice—the right to protect their interests and to see that justice is done by a provision of this character.

Mr. SARGENT. That which is asked to be done by the Government in favor of this company is but very slight. They have the simple privilege of landing on our shores. If the cable is built it will be by an American company, and will be the only opposition in the world to the English monopoly which now is a great inconvenience to the people of the United States. I presume, however, if this amendment were adopted the Government would exercise a reasonable discretion in using any power which was reserved under it. Of course it cannot be expected that private individuals will put their money into an enterprise of this kind (their own money, asking none of the Government) to the extent of some millions, which will be necessary in order to complete this cable, provided they are to be the sport of congressional caprice, provided there is to be no permanency in their ability to protect their investment and reap some reward from it. Congress, however, is a reasonable body. That is my experience of it on the average; and my impression is that the persons who are named in this bill and are authorized to land this cable would believe that Congress would not lightly confiscate their rights or take them away under any pretense that was not founded in solid reason. For that reason, I think, although with some hesitation, that perhaps we may be able to go on and have this opposition company organized and an American telegraph line across the Pacific. I would suggest to the Senator having charge of the bill that under all the circumstances it may be better to let the amendment go upon the bill.

The PRESIDENT *pro tempore*. The question is on the amendment to the amendment.

The amendment to the amendment was agreed to.

The amendment, as amended, was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

POST-OFFICE APPROPRIATON BIILL.

Mr. WEST. I desire now to call up for action the report of the conference committee on the post-office appropriation bill. It is printed and on members' desks, and I am in hopes we can get an agreement upon it by the Senate.

The PRESIDENT *pro tempore*. The Senator from Louisiana moves that the Senate proceed to the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 3263) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1877, and for other purposes.

The motion was agreed to.

Mr. EDMUNDS. I should like to hear the report explained. I hope the Senator from Louisiana will be kind enough to state the points.

Mr. WEST. This report involves some forty-seven amendments. If the Senator will indicate to me on what particular point he desires an explanation I shall be happy to give him the information, such as I have.

Mr. EDMUNDS. My chief point is so far as legislation, as we call it, comes in, wherein we have changed the laws by this bill.

Mr. WEST. Well, sir, first in connection with the transportation of the mails by railroad the conference report agrees upon a reduction of the rates hitherto paid of 10 per cent., and provides for the appointment of a commission, the appointment to be made by the President of the United States, to examine into that subject and make report at the commencement of the next session as the basis of future legislative action in that regard.

The next point of legislation is as to the provisions of this bill as affecting the compensation of postmasters throughout the country, being a reduction of the amount paid at large of about $500,000 per annum. The particular features of that reduction are embraced in the bill itself, limiting the amount of compensation to any postmaster at $4,000 as heretofore, excepting the city of New York, and reducing what are known as the medium offices, which have hitherto had attached to them the same amount of compensation as the first class, namely, $4,000 a year, to $3,000, and making various changes in the same way looking to a reduction of the specific amounts paid.

Then the legislation on third-class matter is embraced on the thirty-eighth page of the print now before the Senate. It changes the present law to the extent of admitting transient newspapers and magazines, regular publications designed for advertising purposes, &c., and all printed matter of the third class, except unsealed circulars, to be transmitted in the mails at the rate of one cent for every two ounces or fractional part thereof.

Mr. EDMUNDS. Does that increase or diminish the rate?

Mr. WEST. That diminishes the rate. The present rate is one cent an ounce. This increases the rate, however, on unsealed circulars, and makes other provisions looking to facilitation of the transmission of printed matter through the mail, and continues the rate of one cent per ounce on all merchandise, as it is now.

Mr. EDMUNDS. Will the Senator kindly tell me whether these changes were introduced on the part of the Senate in the Senate amendments to the bill, or were they in the original bill in some form?

Mr. WEST. All the legislative provisions of this bill, I think, or very nearly all, were stricken out by the Senate Committee on Appropriations, and their action was sustained by the Senate; but that action was more with a view to a conference between the two Houses in the hope that an agreement on legislative provisions that might be beneficial to the service would be arrived at, and such conclusions have been arrived at, and the report as submitted meets with the approbation, as I understand, of the Committee on Post-Offices and Post-Roads, as represented by their chairman in the committee of conference.

Mr. EDMUNDS. We have been trying all the session and at former sessions to keep legislation out of appropriation bills; but now we seem to have got it to quite an extensive degree agreed upon. While I am not prepared to say whether in my opinion the changes made are wise or not, I want to put in as one member of the Senate as vigorous a protest as I can without taking up any time to do otherwise than state it against this method of legislation. If we legislate indefinitely in an appropriation bill about the Post-Office, it may well be said "why should we not do it in every other appropriation bill;" and the result is, as we have all seen at this session, to draw us into endless discussions of matters that the appropriation committee *per se* has not the time to attend to and to get us into continual trouble and difficulty in respect of amending the laws as well as breaking down the appropriations as they now stand between the two Houses. I suppose it is totally useless to vote against this report on this ground, but for one I wish to put in a humble but very respectful protest against it.

Mr. DAVIS. I should like to ask the Senator who has charge of this bill whether or not the provision as to postage on transient newspapers, magazines, &c., is in substance the same as passed by the Senate in a bill coming from the Committee on Post-Offices and Post-Roads?

Mr. WEST. It is the same recommendation as was made by the Committee on Post-Offices and Post-Roads of the Senate, with such enlargements and amendments as have been in the mean time discovered to be advisable.

Mr. DAVIS. One question further. I understand that it does not affect the present status of newspapers as to circulation within the counties of their publication.

Mr. WEST. It makes no reference to that, and does not touch that in any respect whatever.

Mr. HAMLIN. Mr. President, I think it appropriate that I should make a statement in relation to the question of third-class matter, because I notice in almost every paper that has come under my observation a very great mistake in relation to what are the provisions of

this bill. It is known that the Senate one year ago increased the rate of postage on third-class matter from one cent for two ounces to one cent an ounce. It is also known that at this session the House of Representatives passed a bill repealing that clause which made the increase and sent it to the Senate. The Senate considered it, and in a revised bill adhered substantially to the old rate of one cent per ounce, with some additional things, sending however transient newspapers and magazines at a little lower rate than the old law. The House incorporated into this appropriation bill the same provision repealing the amendment of last year increasing the rate of postage on third-class matter. That was the manner in which it came before the committee of conference.

Now, as the bill stands we allow transient newspapers and magazines and all printed matter named in the third class, nothing else, to go at the reduced rates, leaving everything else in the third class, photographs, envelopes, music-sheets, &c., and merchandise of all kinds, bulbs, cuttings, and roots, and leaving the great amount of third-class matter at one cent an ounce, precisely as we established it in the amendment of last year and as we again re-affirmed in the bill of the Senate this year, and allowing the printed matter in the third class to be reduced, thereby slightly reducing the revenue. We have added, however, to that provision papers published primarily for advertising, not newspapers, not such as we understand newspapers to be, for giving intelligence and educating the public, but newspapers that go out in a large sheet with a half-dozen circulars upon them, just as one merchant sends out his individual circular on one sheet, and yet it is called a newspaper, and it is so printed, for the sole purpose of avoiding the revenue. Now, we put that sheet and the sheet that is gratuitously circulated or circulated for mere nominal rates at one cent for two ounces, and make it pay just what the man who sends his circular pays—the same rate; not two cents a pound, as the newspapers pay, but eight cents. Thereby we shall increase the revenues on third-class matter, I think, about as much as we reduce them by letting the printed matter go in at half the old rates.

Mr. SHERMAN. I do not know that I shall engage at all in the discussion of the merits of the conference report in this case, because I am not sufficiently familiar with it to do so, but I desire to take this occasion rather in the nature of a personal explanation than otherwise, to correct a misunderstanding, to say the least, of positions taken by me when a member of the House of Representatives as to amendments to appropriation bills.

As I understand, the House of Representatives during the present session, has undertaken on appropriation bills to change existing laws, and to say to us that unless we assent to such changes they would not make the appropriations required by existing laws. This is, as I understand, the position taken by the House, and stated to us by our honored chairman of the Committee on Appropriations, and I believe is stated also by leading members of the House as the position of the House of Representatives; that is, that they will by amendments to appropriation bills propose changes to long-existing laws which have been sanctioned not only by the approval of the President of the United States and by both Houses of Congress, but by twenty years' time, and unless we will agree to change such laws, they will not appropriate money for the pay of the President of the United States, the judges of the courts of the United States, the Congress of the United States, or for the ordinary and vital operations of the Government, and it has been said that I have at some time in my past history occupied such a position.

I wish now in this presence and everywhere to disclaim that I ever held or could have held such a position. Such a position is revolutionary, utterly so. It would destroy this Government whenever asserted and held to by either House. To hold such a position would be foreign to my nature, foreign to my convictions; it would make me a partisan utterly reckless of the fundamental principles of a free government administered by separate departments and by a Congress composed of two independent bodies. I never did and never could maintain such a position.

Now, Mr. President, I shall very briefly call attention to what was said and done in regard to this matter, and show the position that has been taken by the House of Representatives on this question. At three different periods while I was a member the power of either House to make amendments has been brought prominently before the Congress of the United States. In 1856, the House of Representatives attached to the Army appropriation bill this clause substantially: "No portion of the money hereby appropriated shall be expended to enfore the so-called laws of the Kansas territorial Legislature." The question came up in the Senate of the United States whether this was a proper amendment. I will say now, after an examination of the debate in both Houses, that no member in either House claimed that either House could attach an amendment changing a specific law and compel the other House to assent to it. No such claim as that was asserted. The claim now made was not then conceived of by any one; but it was insisted that these so-called laws of Kansas were not laws, and that the House of Representatives might therefore say, not that the Army should not be used to enforce the laws of Congress, but that it should not be used to enforce enactments of a territorial Legislative Assembly which were denounced by the House of Representatives as revolutionary, null, and void; in other words, that the Army should not be used to subvert the law. Such was the ground upon which the House of Representatives placed its action. That amendment came here and was the subject of a learned discussion, a very able discussion, and I will now ask the Secretary to read and I will call the attention of my democratic friends especially——

Mr. MORTON. I do not desire to disturb my friend from Ohio in his remarks, but for one I will not consent to have the regular order superseded.

Mr. SHERMAN. I do not want to interfere with the Pinchback matter. I am ready to go on now and finish my statement.

Mr. SARGENT. I suppose it will not take long to finish this report. This is a very important report.

Mr. SHERMAN. I was going to say that I did not want to interfere with the Pinchback resolution.

The PRESIDENT *pro tempore*. Does the Senator from Indiana yield?

Mr. MORTON. Yes, sir.

Mr. WEST. I do not wish to occupy the position of interfering with the regular order; but I want to understand from the Chair whether there is anything that can take precedence over a conference report on an appropriation bill.

Mr. EDMUNDS. The regular order can.

The PRESIDENT *pro tempore*. The unfinished business takes precedence.

Mr. WEST. If the Senator from Indiana calls for the regular order to displace this bill, he can do so.

The PRESIDENT *pro tempore*. The unfinished business takes priority; but the Senator from Indiana has waived it.

Mr. MORTON. Only for the present.

Mr. SHERMAN. I take it the conference report will not occupy long. Now I ask the Clerk to read so that every Senator can hear what Mr. Hunter said in 1856, as chairman of the Committee on Finance, having charge of the appropriation bills, as to that amendment of the House of Representatives which I have stated to the Army bill of that year.

The Chief Clerk read as follows:

> Now, sir, what I said was, when either House sought to make the appropriation bill the means of forcing on another a measure which was obnoxious to it, in either alternative it was revolution in itself, that is to say, a change of constitution; for it forced the other House to yield its constitutional privileges in order to get the Government along. It would be revolutionary if they failed to be coerced in this way, and stopped the wheels of the Government to compel them to do it; because it is their constitutional duty to carry on this Government, and respect the constitutional privileges of the other branch. I know votes can be brought up in which I have voted for legislative measures on the appropriation bills. I have always believed that it was irregular, that it was improper; but I have never advocated the doctrine of voting for it in one House when known to be obnoxious to the other. But even in regard to the tariff amendment of last year, it will be found by referring to the debate, that I admitted then, that if it was obnoxious to either House the other had no right to insist; and consequently, when the Senate, out of abundant caution, struck it out—against my vote I admit, but struck it out in reference to some such contingency as this—the House acceded to it, and admitted the propriety of doing so. I only urged it upon the ground that it was agreeable to the House, where it passed almost without reference to party. If it were agreeable to the Senate, too, and agreeable to all sides, I should not say there was anything revolutionary or improper in the act. But what is revolutionary, and what is improper, in my estimation, is for one House to attempt to use the appropriation bills to force on the other legislation which is obnoxious to it, to make it give up its will, its views of propriety, its feeling of what is right.

Mr. SHERMAN. Now, Mr. President, I will state that I have looked through the debate in both Houses, and there is not one single word by any Senator that calls in question the principle stated by Mr. Hunter in this debate. But Mr. Fessenden, who represented the republican party, drew a distinction between what is denounced here by Mr. Hunter and the actual amendment, which was sent by the House of Representative; he showed in very clear and strong language that here was not legislation proposed to change an existing law, but simply an amendment to direct how the money appropriated in the act should be expended. Although that distinction may not be recognized as correct, yet it proves that the general rule stated by Mr. Hunter was admitted. I will read a single paragraph from Mr. Fessenden's remarks to show he admitted the rule that neither House could compel the other by legislative amendments to appropriation bills to agree to change existing laws, but that either House might direct the expenditure of the money, or make limitations in regard to the expenditure of the money. I will read what he said:

> To prove his position he reads authorities going to show that the House have no right to tack an entirely distinct subject-matter to an appropriation bill. If this proviso had no connection with the subject-matter of the bill I might grant his position. It might be factious to a certain extent; but the proposition which I maintain is that the provision to which the Committee on Finance objects and proposes to strike out is strictly germane to the subject-matter of the bill. It is in regard to the employment of that very Army for the support of which we are providing in the bill under discussion at the present time. What I contended for was that the subjects were of entire relevancy and intimately connected with each other; that there was no other mode in which the power which raises and grants money could protect itself, unless by a dissolution of the Government, but by limiting and restricting the mode in which the money should be expended.

Such is the doctrine of Mr. Fessenden, admitting the position of Mr. Hunter, that we could not propose to change an existing law by an amendment to an appropriation bill, but we might, when we appropriated money, direct the purpose for which it should be used; and the amendment proposed by the House in 1856 was nothing but a direction that the Army, and the money appropriated for the support of the Army, should not be used to enforce laws that the House had declared to be revolutionary, null, and void. That proposition went back to the House; and we, in the debate there, as is shown by those participating, myself among the rest, acknowledged that we

had no right to change the law, but we had a right to direct the application of the money we appropriated which did not propose to change existing law.

Mr. EATON. I should like to ask my friend from Ohio if he acceded to that doctrine as laid down by Mr. Fessenden?

Mr. SHERMAN. I will go further before answering. This led to a long discussion between the two Houses—to a controversy which existed some time, until finally the House receded from its position, much to my regret at that time, on the ground stated I think by Mr. Seward, that while this was not perhaps a change of an existing law, it was an attempt by the House to declare what the law was, and might be held on that ground to influence and affect the power of the courts to pass upon what was the law in Kansas. Finally the House was compelled by the action of the majority to recede from that position, and the bill passed without that proviso.

Now let us look at another historical period. In 1858 a similar controversy arose; and I say to Senators, and I defy any one of them to contradict me, that the House of Representatives sent to the Senate of the United States the appropriation bills without amendment of a legislative character. They asserted no such power as is now claimed. There was not a single provision in any one of the appropriation bills that was not required by existing law. It was after the panic of 1857; it was in 1858, when the country was suffering greatly from the distress of the time; and the House undertook to reduce the appropriations and sent to the Senate clean appropriation bills, the discretionary items greatly reduced. But the Senate, as usual in those times especially, loaded down the appropriation bills without limit, piled mountain upon mountain, and they so came back to the House. It seems, then, that with rather more youthful ardor than I possess now I "pitched into" the Senate with a great deal of force and vigor at any rate, if not with much discretion. I did denounce this conduct of the Senate and did stand by the right of the House of Representatives to limit appropriations, and I did say that the House of Representatives was the proper body to guard the disbursement of public money, as I say now, and that the Senate from its organization is not the best body to limit appropriations, and that the executive authorities are not the proper persons to reduce expenditures, because they are the persons to expend the money; and, to use my language, "if we appropriate they will squander."

After having examined the speech I then made, a part of which has been honored by being made a resolution of the House of Representatives, I say, with some abatement for a little intemperance of style and language, that I approve and indorse every principle laid down then by me; but so far from supporting the position now taken by the House of Representatives it exactly conflicts with it, because the House of Representatives then did not pretend to change any law whatever in their appropriation bills; and we were resisting on the part of the Executive certain abuses that had sprung up, and on the part of the Senate this very habit of loading down the appropriation bills with extraneous amendments. Let me here read what I then said:

> First, we were told yesterday by the chairman of the Committee of Ways and Means that all these appropriations are in pursuance of existing law.

That was so with the House appropriation bills. Then I denounced in language which has already been quoted, and I will not read again, the course of the Senate and the course of the President, and I made these allegations against the executive authorities. I said:

> Under a section of a law passed in August, 1842, which was designed only for that bill and for that year, the Departments assume the power to transfer appropriations made for one purpose to any other purpose in the same Department, thus defeating all checks. Without law they use money appropriated specifically for the service of one fiscal year to pay for the service of another fiscal year.

And, sir, a republican Congress, in both Houses, a few years ago corrected this gross and glaring abuse; and now the law of the land is that money cannot be thus transferred. Here was a great republican reform.

> Another abuse by the Executive Departments is in their habit of making contracts in advance of appropriations.

I arraign them and give the cases and instances where they have done it, involving the Government in expenditures in advance of appropriations. I denounced that abuse of the executive authorities, and I denounce it now; and a republican Congress, republican in both branches, have corrected that abuse and prohibited it.

> In this way the Executive is gradually sapping the foundations of the Government and destroying the constitutional power of the House. Instead of a representative republic, we are degenerating into a bureaucracy, governed by red tape and subaltern clerks. While the powers of the House are invaded, the Executive takes care to extend, by construction, his just powers. Of this we have an example in the Utah war. What power has the President, without the consent of Congress, to order the Army to Utah, and thus involve the Government in an expenditure of millions upon millions?

Here was another abuse.

> We have the undoubted power over supplies, and yet the President so acts as to leave us no discretion. He creates the necessity for expenditures; and when we are asked to appropriate money to pay them, all the reply we have to our inquiries is, that the Army was ordered there by the President, as the Commander-in-Chief of the forces.

All these abuses of the executive authorities have been corrected by the republican party since it has come in power. And Senators, now when we are legislating as we are doing, have no conception of the loose condition of affairs in this country from 1856 to 1860, when the executive authority rode rough-shod over your Constitution and your laws affecting the appropriations of money under these devices that I pointed out. That is why I arraigned the executive authorities. Here is how I arraigned the Senate for doing just exactly what the House has now done:

> The Senate also has been guilty of an invasion of our privileges. When we send bills there they are returned to us loaded down with amendments for the very sums which we refused to give. They send these amendments here and we are impliedly told that unless we agree to them the entire appropriation bill will fall, and Congress be called back in extra session. It will be recollected that the appropriation for the Washington aqueduct, and many other extravagant items of expenditure, were carried through in that way.
>
> The Constitution of the United States gives to the Senate power to propose amendments to revenue bills, but expressly withholds from it power to originate such bills. But, by the abuse of their limited power to amend, they defeat the exclusive power of the House. But not only that. The Senate at this session, by direct usurpation, has exercised the power which the Constitution confers upon this House alone. It has originated a loan bill, sent it here, and it is now upon the Speaker's table. Is not a loan bill a bill for raising revenue? There was some dispute as to appropriation bills being revenue bills, but there can be no doubt about this bill.

And now, Mr. President, here are two counts of the indictment against the Senate that I made, both of which were true. The Senate had loaded down our bills to provide for the public service, framed in accordance with existing laws, with innumerable amendments of a legislative character, making additional appropriations and changing laws; and besides they had assumed to pass, not appropriation bills—because either House can pass an appropriation bill—but revenue bills, loan bills, and the like. Therefore, as a member of the House of Representatives fresh from the people of Ohio, I did arraign the President and Senate, and I believed that arraignment was just and right, and I so believe to this day. But, sir, the Senate then assumed to do only a small part of what the House now proposes. It only proposed amendments, but the House propose changes of existing laws, and demand that we agree to them upon the penalty, in case of refusal, of stopping the wheels of government.

Mr. MERRIMON. If the Senator will allow me I wish to ask him a question, and I do it the more readily because of his large experience in this branch of Congress and also in the other. Conceding that, wisely and regularly, as I do, there ought not to be any general legislation in an appropriation bill, I beg to ask the Senator whether republican Congresses and democratic Congresses, and republican Houses and republican Senates, and democratic Senates and democratic Houses have not for the last quarter century and more, time after time, legislated in the general appropriation bills?

Mr. SHERMAN. I commenced by saying that I had Mr. Hunter's long opinion read in which Mr. Hunter said that had been the habit in both Houses, but he said whenever either House undertakes to change a law and attempts to coerce the other House to consent to that change of the law, it is revolution.

Mr. MERRIMON. If it is revolution in one party, it is revolution in another.

Mr. SHERMAN. The Senate may propose amendments of a legislative character, but if the House objects the Senate should withdraw them at once. When the House proposes legislative amendments and the Senate decline in their good judgment because they do not think the law ought to be changed, the House ought at once to withdraw that amendment. There is the very thing. Either House may propose amendments, but neither House can, upon the penalty of revolution, defend all appropriation bills.

Mr. MERRIMON. Have we——

Mr. SHERMAN. I hope my friend will let me go through. I want to come down now to another time. I do say that this speech of mine made in 1858, so often quoted recently, is entirely consistent with the position I have always occupied, and now occupy, against both branches whenever they have presented themselves in this attitude of forcing legislative amendments in appropriation bills. I stand by that position of the Senate now. The House cannot force us to change a law unless we think it is right and just to change it upon any threat whatever.

Mr. MERRIMON. Still you have repeatedly yourself voted for legislation in appropriation bills.

Mr. SHERMAN. I thought my friend was astute enough to see the difference between a kindly offer of an amendment for the acceptance of the House and an amendment saying, "Pass this and agree to this change of the law or we will not pay the President of the United States, the judges of the courts, or make the other vital appropriations." There is the difference. Both Houses at all times have proposed amendments; but no House, no Senate, ought ever to insist upon them beyond submitting them to the willing judgment of the other House.

In 1860 this same question came up again and I happened to be then chairman of the Committee of Ways and Means, which had also charge of the appropriation bill, and the House again passed clean appropriation bills. I was against all legislative amendments, and, so far as I remember, there were no legislative amendments in those bills. We obeyed the law and appropriated for every salary or sum required by law.

When they came back from the Senate they were again loaded down in the same way, and I shall never forget a conference which was held in one of the committee-rooms of the Senate Chamber, where Mr. Hunter—a gentleman whose words I read—and Mr. Toombs and Mr. Seward acted on the part of the Senate, and the question

came up on our agreeing to certain amendments of the Senate. We expressed our disagreement. There was a good deal of disposition then on the part of the Senate to say, "Gentlemen of the House of Representatives, you must agree to this amendment or we will not pass your appropriation bill." The House of Representatives met it in the proper way: their conferees would not yield on any essential point, and we did not. We told them, "Very well, gentlemen; we are willing to appropriate everything that is required by law, but not one dollar more unless it meets our judgment;" and the result was in this conference that the very doctrine laid down by Mr. Hunter was agreed to unanimously by the conferees and the bill passed without further controversy; that is, we agreed that if there was any amendment of existing law in the appropriation bills that the Senate did not agree to we would withdraw it at once, and if there were any amendments proposed by the Senate that either gave more money than the law required or changed the law, and the House would not agree to them, the Senate would promptly recede from them. If you will look at the records you will find that was done and the bills passed, and that is the only principle on which Congress can legislate. The Constitution declares that Congress shall be composed of a Senate and House of Representatives, and that every bill shall receive the sanction of both Houses, depending on the qualified veto of the President. Neither House can force the other to consent. It must be a free consent, without any pressure, without any threat, express or implied. When the law stands on your statute-book and it is proposed to change it, both Houses are bound to obey the law and to appropriate sufficient money to execute the law, and neither House can force the other to change that law except by their free consent.

Now, Mr. President, it seems to me that after all our experience upon this matter we ought not to have any further trouble. I am very glad that the post-office conference committee has agreed upon a report. There is much of a legislative character in this conference report. I have no objection to that provided it is legislation which both Houses agree to. Then it is the law; but you cannot make an appropriation bill the fulcrum or the lever by which to force an agreement against a dissenting House or Senate.

Mr. MORTON. I feel myself constrained to call for the regular order.

Mr. EATON. I hope the Senator from Indiana will give way one moment.

Mr. MORTON. I have given way for some time.

Mr. SAULSBURY. Here a speech has been made which, if evidently not so intended, does reflect on the action of the House.

Mr. MORTON. I simply want to get through with the pending business. My friend from Delaware is in the midst of a speech. I wish to hear that speech.

Mr. SAULSBURY. I should rather give way to allow a reply to be made to the remarks of the Senator from Ohio.

Mr. MERRIMON. It is fair and just that we should have the reply now.

The PRESIDENT *pro tempore*. The Senator from Indiana asks for the regular order. The unfinished business is before the Senate.

Mr. WEST. Am I to understand that by the ruling of the Chair an appropriation bill in the closing hours of a session can be ruled out of consideration by a mere calling for the regular order?

The PRESIDENT *pro tempore*. There is no rule that gives priority except to unfinished business among the special orders, which takes priority of all other business. The practice of the Senate has been to consider conference reports at any time; but there is no rule that gives them priority. The unfinished business has priority.

Mr. DAVIS. I believe it is in order to move to lay aside the regular order and proceed with the conference report?

The PRESIDENT *pro tempore*. That is in order after the Chair lays before the Senate the unfinished business. The Secretary will report the unfinished business.

Mr. DAVIS. I hope the Senator having charge of this bill will make a motion to lay the unfinished business aside, and I make this suggestion the more readily because I have been on a committee of conference that has had something to do with this bill. I hope the chairman of the committee of conference will insist on proceeding with the conference report. It is important that all the appropriation bills shall be considered promptly. The session, I hope, is drawing to a close. It is proper, and it has been usual, not only at this session but at all sessions since I have been here, to consider reports of conference committees on appropriation bills as always in order though other business may be pending. That is to say, other business has always given way for it without exception. I hope the chairman who has charge of this bill will move to lay aside the regular order and proceed with the conference report. I take it it will not last very long.

Mr. WEST. If the Senator will reflect a moment as to the nature of the business the Senator from Indiana calls for, he will understand my embarrassment in making such a motion. More properly the motion should come from somebody else.

Mr. DAVIS. When I addressed the Senator from Louisiana I did not think the regular order was one affecting the Senator so closely, being from his State.

Mr. WEST. Affecting the State.

Mr. DAVIS. The claimant of the amount asked for the contested seat here is from his State. I therefore see readily how he would be embarrassed. I move to lay aside the regular order and proceed with the consideration of the conference report.

Mr. MITCHELL. I hope that will not be carried, but that we shall proceed with the regular business.

The PRESIDENT *pro tempore*. The unfinished business is the resolution relative to an allowance to P. B. S. Pinchback, pending which the Senator from West Virginia [Mr. DAVIS] moves to postpone this resolution and all prior orders for the purpose of continuing the consideration of the subject which has been before the Senate.

Mr. SARGENT. I do not wish to waste time in discussing the order of business. I think we do take a great deal of time in doing that which could be better used. But I would like to call the attention of the Senate to the fact that to-morrow is set for the continuance of the trial of the Belknap case, and so far as we can see it is likely to occupy at any rate the remainder of the ten days' grace which by a provisional general appropriation bill has been gained by Congress for the regular disposition of the appropriation bills. The regular order, the Pinchback matter, promises to occupy all of this day and probably late into the night. The Senator from Delaware, who is noted for a faculty for continuance which is very much to his credit, probably will occupy two or three hours longer. That will bring us to near dinner-time, when, if we do not finish the matter, we shall take a recess until night in order to dispose of it and come back at seven or eight o'clock, and if we then finish the Pinchback resolution we shall be extremely fortunate. In the mean while this appropriation bill goes over, and to-morrow at twelve o'clock we are confronted with the impeachment trial, and so on from day to day until that is finished. I should like to know when we are to get action on this report. If there ever was a time when there ought to be precedence given to appropriation bills and everything springing out of appropriation bills, it is at the present time when we are seeking for the key to the "dead lock" and trying to get means to carry on the Government.

Although my feelings and sympathies are in favor of the resolution brought forward by the Senator from Indiana, and I intend with the light which I now have to vote for the proposition which is brought forward by his committee, I shall vote on a call of yeas and nays or on a division to give precedence to appropriation bills. If there is not a rule of the Senate giving them a precedence, I am somewhat surprised by the knowledge of that fact. I know that for years it has been the practice in both Houses, without an exception, to give precedence to appropriation bills; and when they arrive to the condition of an agreed committee of conference report, I know the practice in the other House is that a member can even be taken off the floor in order that the conference report may be considered. The Senate has uniformly acted in the spirit that it would give preference to reports of committees of conference, and I must confess that I am painfully surprised when I find that we have no rule which carries that out. At any rate there is a common law of that kind, long action of the Senate in that direction, acquiesced in over and over again; and if ever there can be an interpretation of a strict rule, it is furnished in this case by the uniform action of the Senate for years past.

I trust, sir, that we may conclude this report. I doubt if anybody wants to speak at any great length upon it. The speech which my friend from Ohio has made has been rather for personal vindication than otherwise. He being honored with the particular notice of another body thought it necessary to show that he was consistent. I do not know that any brother Senator wants to show that he was inconsistent, or desires to reflect on him in any way. If other matter in connection with the subject is to be considered, it will require very brief treatment; for of course we do not want to go into a discussion of policy, of the question whether it is right to make amendments on appropriation bills having a legislative tendency.

Mr. MORTON. I was not surprised at the ruling of the Chair, for I had never understood that any committee in this body had superior privileges to the floor to any other committee for its business; and so far as the necessity for urging this conference report to-day is concerned, I do not see it. We all know it will pass in some form. We know that the appropriation bills do pass. This matter that is before the Senate ought to be disposed of and I think can be disposed of soon if we allow it to go on. I know the great gift of continuance that my friend from Delaware has; but, as I said before, I am pretty familiar with the state of that speech in which he is now [laughter] and I hope he will be allowed to continue it. I hope he enjoys it. I think it cannot last very much longer. I hope we shall go on with the regular order. I trust my friend from West Virginia will withdraw his motion, but if he does not, I ask for the yeas and nays.

Mr. DAVIS. I know there are other speeches besides that of the Senator from Delaware which will probably consume the day on the Pinchback matter. But dropping that for a moment, it is most important, in my judgment, that the report of the committee of conference on the post-office appropriation bill should be considered now from more than one fact, especially as there is a fair belief, and that belief is founded on facts, that this is one of the bills that the two ends of this Capitol probably will agree upon so as to become a law. I understand that the House now is waiting for our action and cannot take action until we send this report to them. That makes it all-important that we should not delay it. It has been the usage—I do not recollect a single exception—when a conference committee was ready to report, especially near the end of the session, even when

a Senator was on the floor and was making a speech, that he gave way for the purpose of having a conference report acted upon. I believe it has been the uniform custom. I hope now that the Senate will sustain my motion to let the conference committee's report be considered.

There is another reason in addition to that. I can say to the Senator that a dead lock may be brought about here if he asks for the yeas and nays on this, because it may be found that there is not a quorum present. We do not know now whether there is or not. If he calls for the yeas and nays and there shall be found not to be a quorum, neither the Pinchback resolution nor the conference report can proceed. I hope the Senator will not call for the yeas and nays, but will let the post-office conference report be considered.

Mr. MORTON. From my knowledge of the temper of my distinguished friends on one side, I expect them to avail themselves of appropriation bills and any other object that can present itself to prevent the consideration of the unfinished business. I ask for the yeas and nays.

Mr. INGALLS. I shall vote, when the proper time comes, to pay Mr. Pinchback his per diem and mileage; but he has waited three years and a half for this desirable consummation, and I presume he will not suffer materially by waiting a few days longer. If he is to receive the money, at best he will lose nothing but the interest, and if he is not to receive it he will be no worse then than he is now. On the last day of the last month a joint resolution or bill was passed extending the different appropriation bills for the period of ten days. This is the 5th of July. The time has already half expired. The post-office appropriation bill is certainly one of the most important, so far as the people are concerned, that will be presented for the action of the Senate. I therefore believe that, while I am a friend of the Pinchback measure and should like to vote with the Senator from Indiana, it is my duty to vote against the postponement of the post-office bill, and I shall feel called upon to record my vote upon that side.

The PRESIDENT *pro tempore*. The Senator from West Virginia moves the postponement of the present and all prior orders for the purpose of continuing the consideration of the report of the committee of conference on the post-office appropriation bill. The yeas and nays have been called for.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. SAULSBURY, (when Mr. BAYARD'S name was called.) My colleague [Mr. BAYARD] telegraphed me this morning to state on the call of his name that he was paired with the Senator from Pennsylvania, [Mr. CAMERON.]

Mr. PATTERSON, (when his name was called.) I am paired with the Senator from Pennsylvania [Mr. WALLACE] on this question. If present he would vote "yea," and I should vote "nay."

The roll-call having been concluded, the result was announced—yeas 31, nays 8; as follows:

YEAS—Messrs. Allison, Anthony, Cameron of Wisconsin, Cockrell, Davis, Dawes, Eaton, Edmunds, Ferry, Frelinghuysen, Gordon, Hamilton, Hamlin, Howe, Ingalls, Jones of Florida, Kelly, Key, McCreery, McDonald, Merrimon, Morrill of Maine, Morrill of Vermont, Norwood, Paddock, Sargent, Saulsbury, Wadleigh, Windom, Withers, and Wright—31.

NAYS—Messrs. Bruce, Cragin, Harvey, Hitchcock, McMillan, Mitchell, Morton, and Sherman—8.

ABSENT—Messrs. Alcorn, Barnum, Bayard, Bogy, Booth, Boutwell, Burnside, Cameron of Pennsylvania, Caperton, Christiancy, Clayton, Conkling, Conover, Cooper, Dennis, Dorsey, Goldthwaite, Johnston, Jones of Nevada, Kernan, Logan, Maxey, Oglesby, Patterson, Randolph, Ransom, Robertson, Sharon, Spencer, Stevenson, Thurman, Wallace, West, and Whyte—34.

So the motion was agreed to.

The PRESIDENT *pro tempore*. The question is on concurring in the report of the committee of conference.

The report was concurred in.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. G. M. ADAMS, its Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 3411) authorizing the repavement of Pennsylvania avenue.

The message further announced that the House had agreed to the amendments of the Senate to the bill (H. R. No. 2575) to amend sections 3893 and 3894 of the Revised Statutes providing a penalty for mailing obscene books, and other matters therein contained, and prohibiting lottery circulars passing through the mails.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. No. 1909) for the relief of John W. Chickering; and

A bill (H. R. No. 2524) for the relief of certain soldiers of the Eighth Cavalry, Missouri State Militia.

RECOMMITTAL OF A BILL.

Mr. FRELINGHUYSEN. I move that the bill (S. No. 854) to repeal a part of section 4713 of the Revised Statutes of the United States relating to pensions be recommitted to the Committee on Pensions. It is done with the approval of the chairman of the committee.

The motion was agreed to.

AMENDMENT TO APPROPRIATION BILL.

Mr. ANTHONY submitted an amendment intended to be proposed by him to the bill (H. R. No. 3022) making appropriations for the construction, repair, preservation, and completion of certain public works on rivers and harbors, and for other purposes; which was referred to the Committee on Appropriations, and ordered to be printed.

PAY OF P. B. S. PINCHBACK.

Mr. MORTON. I now call for the regular order.

The PRESIDENT *pro tempore*. The Senator from Indiana moves that the Senate proceed to the consideration of the Pinchback resolution.

The motion was agreed to; and the Senate resumed the consideration of the following resolution, reported by Mr. MITCHELL, from the Committee on Privileges and Elections, April 17:

Resolved, That P. B. S. Pinchback, late contestant for a seat in the Senate from the State of Louisiana, be allowed an amount equal to the compensation and mileage of a Senator from the beginning of the term for which he was a contestant up to the period of the determination of the contest by the Senate.

Mr. SAULSBURY concluded the speech begun by him on Monday last. His speech in full is as follows:

Mr. President, I do not rise to participate in the discussion of questions connected with the election in Mississippi, which have been unnecessarily brought into this debate. I am not surprised, however, like the Senator from Minnesota, [Mr. MCMILLAN,] at the statements that have been made in regard to the election in that State, because I believe the Senate will bear witness that upon all occasions, "in season and out of season," whenever an opportunity is afforded the honorable Senator from Indiana, [Mr. MORTON,] he is sure to refer to the condition of affairs in Mississippi. If my memory is right, it was he who first alluded in this debate to Mississippi; and the remarks which he made drew out from my colleague, very properly as I conceive, a correction of the errors of statement in which the Senator from Indiana was indulging in regard to the condition of affairs in that State. I am not surprised that the Senator from Minnesota is greatly alarmed and greatly agitated and greatly astonished at what took place before the committee. He resides in a State where there are no colored people; and when he went down South and listened to their tales of wrong, without appreciating fully the condition and character of the witnesses before him, he was prepared to credit without question every story that they told, even, perhaps, their stories of witchcraft, conjuration, &c. I am not surprised, therefore, that he is astonished; but I will not indulge in any remarks on Mississippi affairs. I rise to speak to the question regularly in order. I rise to enter my protest against the payment of something like $20,000 out of the Treasury of this country to P. B. S. Pinchback, who was a claimant for a seat on the floor of the Senate. I do not regard the amount, $20,000, as a very large sum when I take into consideration the vast expenditures of this Government. When I take into consideration the wasteful extravagance that has been indulged in within the last few years, I do not consider the sum of $20,000 a very large sum; and yet I say that it is a sum entirely too large to be taken from the public Treasury and given as a donation—I measure my words when I say to be paid as a gratuity to a man who has no more shadow of claim or right to any sum of money whatever out of the public Treasury than I have to the money in the coffers of the British exchequer.

What legal right has Pinchback to this money? I presume it will not be contended that he demands this money under any claim of legal right. I have heard no such assertion yet made, and I venture to say that no Senator will make the assertion that he has any legal right whatever to a dollar of this money that is proposed to be given to him.

Then upon what is his claim for this $20,000 based? Has he any equitable claim to this money? From what does the equity arise? Has he rendered any service to the country? Can the honorable Senator from Indiana, or any other Senator, point to any special service which Mr. Pinchback has rendered to the country within the last three years? True, he has all that time been obtruding himself upon the attention of the Senate and has given to our friends on the other side of the Chamber the benefit of his company, and has already cost the Government a very large amount of money. Why, sir, the time his application for a seat on this floor has occupied in this Senate within the last three years, if it could be measured in dollars and cents, together with the cost of investigations into his right to a seat on this floor, would amount to a sum of money much larger than is generally apprehended. I have not the data before me; but I venture the assertion that it would not fall far short of $50,000. Without the shadow of a rightful claim to a seat on this floor he has persistently, and I had liked to have said impertinently, pressed his claim upon the attention of the Senate, so that the consumption of time of the Senate, together with the expenditure of money in subpœnaing witnesses and paying witnesses, has amounted, in my judgment, at least to the sum I have indicated. I can find nothing upon which any equitable claim for this payment can be based. On the contrary, I find in the evidence before the Senate, in the records of the Senate, that which ought to scout from this presence any claim by that man for compensation whatever.

Let us look at the facts. Pinchback claims to have been elected a Senator in January, 1873, and by whom was he elected? Your records disclose the fact that he was elected by an assembly illegal and revolutionary; that he was elected by a legislature that usurped the

functions of the legislative department of that State; that he was elected by a legislature that never had a legal existence, but was foisted into power by Federal bayonets, by fraud and by force combined. These facts are known and read of all men; they have been detailed in this Senate, not by democrats alone, but by honorable Senators on the other side of this Chamber, who have declared the legislature that elected Pinchback had no legal existence and was a usurpation in fact, devoid of the status of a legislative body. Is not that true? Let us refer to the history of Louisiana for the last few years. What was the condition of affairs in 1872? In the month of November of that year an election was held. That election was declared by a leading newspaper published in the city of New Orleans, a republican paper and the organ of the party in that State, to have been exceptionally quiet and peaceful; and yet after it was ascertained that the result of that election was the election of a democratic Legislature and a democratic governor, a conspiracy conceived in fraud, a conspiracy conceived in the spirit of treason to the State, a conspiracy which ought to have subjected to the penalties of treason the conspirators who entered into it, combined and united for the purpose of defeating a democratic Legislature and a democratic governor, to excite revolution in the State and to usurp the government of the State, to defeat the will of the people, and to foist over that State a usurping government.

I speak, Mr. President, that which the records of this Senate disclose. I speak not merely my own opinions, but I utter the opinions of honorable Senators who differ with me in politics. I have before me the report submitted by Mr. Carpenter, a member of the Committee on Privileges and Elections. That report was signed by Senator ALCORN, of Mississippi; that report was signed by Senator LOGAN, of Illinois, by Senator ANTHONY, of Rhode Island, and concurred in principally in all its facts by Senators Hill of Georgia and Trumbull of Illinois; and in that report they declare most emphatically that it was a usurpation, that it had no legal existence, and that if the election was not vitiated by fraud the McEnery government was elected by about ten thousand majority. When, therefore, I say that this man is a representative of a usurpation, that he came here as the representative of a revolutionary body which had usurped the places of government in the State of Louisiana, I speak that only which this report of your committee proclaims and discloses.

Well, sir, elected by that body with full knowledge of the illegality of its existence, himself a *particeps* in the crimes that were committed in that State; one of the chief inceptors of that revolution; a man that originally entered into the conspiracy, he came here, I repeat, with a pertinacity and I will say with an impudence intolerable, and pressed his claim to a seat in this body for three long years, till at last the Senate, composed of a majority of the republican party, were compelled to drive him home and to deny his claim, after exhausting patience, after tolerating perhaps because of his color this impertinent person's claim upon the Senate. Now, sir, after the Senate has been compelled to turn him from this body because he had no legal right to a seat on this floor, the further impertinence is presented on the part of this man of making a claim for the compensation and mileage of a Senator; and honorable Senators have favored that claim. I shall not say that anything is wrong on the part of Senators in reporting this matter or in favoring it. I impute nothing wrong to Senators. I speak of the man himself. I speak of him because he had full knowledge from the very beginning that he was not entitled, because he himself was a part of the conspiracy. He had a full knowledge that the government which he claimed to represent was an illegal government foisted upon the people of Louisiana by Federal bayonets enforcing the order of Durell, who because of his complicity in the affair was ultimately driven into disgrace, and to avoid impeachment retired from the bench.

The claim of Pinchback is presented and urged here, and it has been intimated by the Senator from Indiana that unless it is passed it is a proclamation that the rights of colored people are not to be respected in this body. I assert, and the records of this body and of the other House of Congress will show it, that a very large proportion of the time of both Houses of Congress has been occupied with considering and providing for the interests of the colored people. Of all the people on the face of this earth they are the last to complain of the action of the national Legislature, for much of the time of the Senate and of the House for the last several years has been occupied with the peculiar interests of the colored people of this country. A rejection of this claim will be no proclamation, it will be no declaration that the rights of colored people are not to be respected. There has been no disposition manifested on this side of this House not to respect the just rights of colored as well as of white men. I am only sorry that on the other side of the Chamber I have sometimes thought that I could observe a partiality, for reasons which I shall not name, toward the race to which I do not belong. On this side of the Chamber we concede to all men their just rights under the Constitution. We are prepared to award to the colored man all the rights that belong to him under the Constitution and laws of the land, but at the same time we maintain that he is no better than our own race, and we are not prepared to award him superior rights to ourselves. We respect the rights of all and mean to stand by the rights of all, white and colored. We do not intend, however, to give any preference to the colored race from political motives or otherwise. We believe at the same time that we are better friends to the negro race than our republican friends, whose partiality for the people of color springs from political considerations rather than from motives of justice or disinterested benevolence.

Mr. MITCHELL. Will the Senator allow me to ask him a question?

Mr. SAULSBURY. Certainly.

Mr. MITCHELL. The Senator from Delaware says that the colored people have no right to complain against the Congress of the nation on account of any deprivation of rights. That, perhaps, to a certain extent is true. I desire to ask the Senator from Delaware what political or civil right has been extended to the colored race in the last ten years by the aid of a democratic vote in either branch of Congress?

Mr. SAULSBURY. If my honorable friend will simply walk across to the democratic House of Representatives he will find there that by the justice of the democratic Representatives of the people of this country they have permitted colored Representatives to come in there and take their seats, when they have been contested, too, by white men. No, sir; the whole record of the democratic party from the very foundation of this Government to the present time establishes the fact that they regard strictly the Constitution and laws of the country; and whether they approve of those laws or not, they observe and obey them and mete out to all alike both white and black the full measure of rights which they secure.

Mr. MITCHELL. Will the Senator allow me one other question?

Mr. SAULSBURY. I do not care to be interrupted.

The PRESIDING OFFICER, (Mr. ALCORN in the chair.) Does the Senator from Delaware yield?

Mr. SAULSBURY. I will yield again.

Mr. MITCHELL. The Senator says the democratic House of Representatives at the present session has been very generous in admitting colored Representatives. I will ask him if the same democratic House have not turned out all colored Representatives who were elected by republican votes?

Mr. SAULSBURY. No, sir; on the contrary they have denied admission to white men who were contesting the seats of colored people, and the white men were democrats and the colored men were republicans.

If my honorable friend is so unfamiliar with the history and character of the democratic party all he has to do is simply to walk across to the other end of the Capitol where democrats are in the majority and he will see an illustration of its observance of the Constitution and laws and the security which it furnishes to the rights of all. If the Senator desires to ask another question I will yield again.

Mr. LOGAN. I will ask the Senator a question if he will yield.

Mr. SAULSBURY. I should rather make my speech first.

Mr. LOGAN. I should like to ask which was elected in the cases he referred to, the white man or the colored man? They turned the white man out, the Senator says. Which was elected?

Mr. SAULSBURY. I have no doubt they acted perfectly right and denied the seat to the white man who was not entitled to it, and gave it to the colored man who was entitled to it.

Mr. LOGAN. Exactly; then I give them no credit for it.

Mr. SAULSBURY. But I was about adding this further remark, that I have great doubt whether that would have been the case had the Senator's party been in the majority.

I have said that this man comes here as the representative of a revolutionary body. I have said that the records of the Senate disclose it, and I mean to prove that assertion. I mean to prove that I am uttering nothing but what were the sentiments and opinions of republican Senators three years ago on this point. You remember that the report of Mr. Carpenter proposed as a remedy for the condition of affairs which he found in Louisiana to hold a new election under Federal auspices for the purpose of establishing a legal government in that State, which he said did not exist. In the report which he made he states emphatically that if the election of McEnery is not treated as a fraudulent election then he must be recognized as the legal governor, because McEnery had a large majority of the votes of that State. But Mr. Carpenter and the members of the committee with whom he was associated, (all of whom were republicans, there not being at that time a single democrat upon the Committee on Privileges and Elections; every member of that committee was a republican,) with all their party attachment, with all their party prejudice, with all their party predilections, upon a full examination of the case were driven to the conclusion that the Kellogg government was a usurpation, and that if there was any legal government in the State of Louisiana, it was the government headed by McEnery.

That was their conclusion. But they expressed the belief that the election of McEnery and his ticket was fraudulent. I think in that point they were in error. I think that their report ought to have been not only that the Kellogg government was a usurpation, but that McEnery was governor, and that the Legislature elected with him on the ticket was in fact the legal Legislature of the State of Louisiana, and that it had been displaced by a usurpation of power on the part of the Federal Government, on the part of Durell, who issued his order, and on the part of the President of the United States, who authorized the employment of troops for the purpose of enforcing his nefarious order. That should have been the report. It would have been justified by the facts. They ought to have come before the Senate and exhibited what we sometimes meet with in his-

tory, when men forget their party passions and party feelings, and, looking at matters as they really exist, rise above all party prejudices and party passions, and come forth and denounce that which is wrong, though perpetrated by their own party. Perhaps that was too much to expect from this committee, however. We are all human beings. We are subject to frailties. We are subject to be influenced by our prejudices and by our passions, and I attribute to that honorable committee no feeling or infirmity which I am not willing to admit may attach to myself. I know the frailties of humanity, and I do no discredit to the committee when I say that they, like myself, are subject to the weakness and infirmities of humanity, and perhaps did not see and could not see the truth as it really existed. If they could have risen above it all; if they could have discarded all bias; if they could have really looked at the facts as they existed, and come forth to the Senate with the report that the McEnery government, having received some 10,000 majority of the votes cast in Louisiana in 1872, was a legal government, it would have been a sublime spectacle, worthy of the imitation of all parties for all time to come. But they did not do so; and I do not say that they could arrive at that conclusion, because of the infirmities which cluster around this poor humanity which clothes us all. However, they did come to the conclusion that McEnery's government had received a large majority of the votes actually cast, and they came to a further conclusion that the Kellogg government was a usurpation, in existence in violation of right, supported and propped by Federal bayonets, and they proposed as a remedy for what they considered an abnormal state of affairs, a State without a legal government in existence and controlled by a usurpation, that an election should be held under Federal law by which the people of Louisiana could re-establish a legal government in that State.

Now, I want to call the attention of the Senate to that proposed law. I want Senators to mark the phraseology of the first section of that bill, which fully sustains all that I have said in reference to the character of that government. It was introduced into the Senate I believe on the 27th of February, 1873:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled—

I read the first section—

That the election held in the State of Louisiana on the 4th day of November, 1872, for governor, lieutenant-governor, secretary of state, attorney-general, auditor of public accounts, and superintendent of education, and for senators and representatives for the General Assembly of said State, is hereby declared null and void; and it is further ordered and declared that the persons who were entitled to hold the said State offices on the said 4th day of November shall continue in office and be recognized as the legal officers of said State by the Government of the United States until their successors are chosen and qualified in accordance with the provisions of this act.

That was the bill reported from that committee, declaring that that election was null and void for reasons assigned in the report of the committee. Their reasons were that McEnery's government, which had received a majority of the votes in that State, was a fraud. That was one of the conclusions to which they came. The second conclusion was that the Kellogg government was not elected, but was placed there by the order of Durell and the enforcement of that order by Federal power, and was a usurpation. Therefore the conclusion of the committee is that that election was null and void, and that conclusion is formulated in the law to which I have referred.

Mr. MITCHELL. Do I understand the Senator from Delaware to hold that the reason the Senate should not make compensation to Mr. Pinchback as a contestant in this case is because the Senate has decided that he was not elected by the Legislature of Louisiana?

Mr. SAULSBURY. If my honorable friend from Oregon will just be patient, and if my strength holds out, I hope he will hear every point discussed which this case covers.

Mr. MITCHELL. It is a question which can be answered by "yes" or "no," and I should like to have the answer. It is a question, and I think a pertinent one.

Mr. SAULSBURY. Very well. I will come to that question after a while. My remarks are perfectly extemporaneous, and if I see proper to publish them I do not care to publish with them a speech of the honorable Senator from Oregon.

That I say was the conclusion of the committee, a conclusion which they embodied in a law and proposed for the consideration of the Senate of the United States. That proposed law was considered. It was debated in this body. I remember very well the impression which it made. I remember the strenuous efforts of the honorable Senator from Indiana [Mr. MORTON] to defeat the object proposed by the committee. I remember with what heat, with what energy, with what ability he fought the committee. I will do him the credit to say that he is not only a bold but, if I may judge by the success which he has had in shaping and molding and reversing the opinions of Senators on the other side, he is a successful captain. He at that time represented the forlorn hope, antagonizing the committee at every step, and yet persisting in his determination he captured the opposing forces and wheeled them into line, and made them tributary in the end to the accomplishment of his purpose. I am happy to say, however, that he did not capture the whole republican vote of the Senate, but that there were enough to unite with the democratic party, when the issue came upon the seating of Pinchback, to say that he was not entitled and should not be admitted to a seat in this body.

This bill was discussed time and again and finally reached a vote. The vote on that bill was taken, and I will read now the yeas and nays. Some Senators voted for that bill that I suppose will now vote to pay Pinchback.

I find the names of the following Senators in favor of that bill, which declared that the election held in the State of Louisiana in 1872 was null and void and proposed to hold a new election under Federal authority:

YEAS—Messrs. Anthony, Carpenter, Corbett, Cragin, Ferry of Michigan, Frelinghuysen, Gilbert, Hamlin, Howe, Logan, Machen, Osborn, Ramsey, Sawyer, Sherman, Sprague, Stewart, and Wilson.

Those gentlemen all voted for the bill. They sustained the report of the committee, and voted for a bill which proclaimed in its very first section that the election in Louisiana was null and void for reasons which had been assigned in the report which was submitted to the Senate. Upon that bill there was a discussion, and I propose to show what honorable Senators said in reference to that matter. I will read from the speech of Senator Schurz:

What was their first act?

Speaking now of the Legislature which elected this man Pinchback—

What was their first act? They impeached the governor. Throwing aside all the forms of impeachment prescribed by law, they impeached and suspended the governor, if a summary decree can be called impeachment and suspension. They who had not a shadow of right based upon law, upon votes, upon an election, upon legal returns, proceeded to undo one governor and to make another. That second governor was Pinchback. The National Government recognized him as the governor of Louisiana. Then they proceeded to what they called the canvass of the votes in the Legislature, not canvassing legal returns of votes in any legal form, but a canvass on the ground of newspaper reports, wild guesses, and forged affidavits. What I say here is by no means an exaggerated assertion, for it is distinctly proven by the testimony, and I think it is denied by no one. Then they declared the man of their choice, Kellogg, governor, Antoine, lieutenant-governor, and so on all the State officers of Louisiana.

Thus the usurpation is consummated, a usurpation without the shadow of a law as an excuse, with nothing but fraud and force to stand upon; a usurpation palpable, gross, shameless, and utterly subversive of all principles of republican government; a usurpation such as this country has never seen and probably no citizen of the United States has ever dreamed of. The offspring of this Legislature is the Kellogg government, and that government is called by the Senator from Indiana the lawful government of the State of Louisiana, which, he insists, we are bound to recognize.

That is what Mr. Schurz said on this subject. I now want to read what Senator SHERMAN said in reference to this subject. I am now reading the testimony of republican Senators in reference to the character of the government which this man Pinchback claimed to represent. Said Mr. SHERMAN:

The proof then shows that as to the McEnery government the election was so managed as to defeat the will of the majority and prevent a fair election, and in the other case that the actual majority of the votes returned according to law were not in favor of the government set up by Kellogg. Those two facts, it seems to me, are reasonably established.

Now, what shall we do? Shall we set the example for all time to come of allowing a government to be established permanently that was not elected by the majority of those who voted? Shall we, on the other hand, allow a government to be perpetuated that was organized, engineered, conceived, and founded in fraud? Why, sir, to establish either of these two propositions is to subvert the republican principle. Therefore I am disposed to acquiesce in the decision of the committee that we ought to set them both aside, under the powers given to us by the Constitution of the United States to guarantee to the State of Louisiana a republican form of government.

That was the language of the Senator from Ohio. The Senator from Nevada [Mr. STEWART] said:

Is that a republican form of government? On the one hand, it is admitted that the election was fraudulently conducted. Every contrivance was resorted to to prevent the people giving a fair expression of their opinion. That is hardly denied. On the one hand was an organized conspiracy to deny the people the right to vote and on the other a want of legal forms.

Now it seems to me that we are placed in this predicament; that by our action we must do one of three things. Non-action keeps a government in place that did not have a majority of the votes, was not elected by the people. Non-action does that because the President tells us that in that event he will continue to recognize the Kellogg government. Action to recognize the McEnery government recognizes and indorses a conspiracy that has been repudiated by the action of the Administration, by various judicial decisions, and by the action of both Houses of Congress in counting the votes for President of the United States.

Then, what is the other alternative? The other alternative is to order a new election, and the committee have very sensibly proposed to allow the people of Louisiana to have the right that other citizens of the United States have, to elect their own officers.

I might go through the whole catalogue. I might find what the Senator from Mississippi [Mr. ALCORN] said; but I will read first what the Senator from Illinois [Mr. LOGAN] said:

While I am upon the floor I desire to say, in justification of the motion made and in justification of the taking up of this proposition to consider the bill now before the Senate, that there has been a pretended government set up in the State of Louisiana by force and by fraud no man can for one moment deny. That to-day the government there exists in fraud, and in nothing else, no man who knows the facts will deny. That a pretense, an attempt, was made to establish a different government in the same way is true. That the election was a fraud, that the whole thing was corrupt, that there was a combined effort on the part of certain men to perpetrate frauds and deprive the people of their rights and their privileges as citizens, no one can deny. That there was an organized fraud for the purpose of electing McEnery, the evidence is plain and clear. That returns were forged for the purpose of accomplishing that result no man will deny. Then so far as that pretended government is concerned it is steeped in infamy and fraud, and should not be permitted for one moment to exist.

That was the opinion of the Senator from Illinois [Mr. LOGAN] in reference to this Kellogg government in the month of February, 1873, when the facts had just been elicited and brought to the attention of

the Senate. The righteous indignation of Senators then spoke out. I could quote from the speeches of various Senators, the Senator from Wisconsin, [Mr. HOWE,] the Senator from New Jersey, [Mr. FRELINGHUYSEN,] and others, expressions of opinion showing that they did not think that the Kellogg government was a legal government.

Mr. FRELINGHUYSEN. With the permission of the Senator from Delaware——

The PRESIDING OFFICER. Does the Senator from Delaware yield?

Mr. SAULSBURY. Yes, sir.

Mr. FRELINGHUYSEN. I understood the Senator from Delaware to read my vote declaring that the Kellogg legislature was not a valid legislature.

Mr. SAULSBURY. It was on a bill the first section of which declares that the election was null and void. I read the section.

Mr. FRELINGHUYSEN. I think that the Senator from Delaware does not exactly state the whole of that case. My recollection may be in error. My recollection of that vote is this: We were about adjourning and a bill was introduced to provide for a new election as the best way of settling that question, referring it again to the people, and I voted to refer it again to the people. That is the vote the Senator from Delaware has quoted. I voted in favor of the bill while the democracy voted against referring the matter to the people. That being the situation of the case, it became necessary for us to go to work deliberately and to examine the testimony to see which of those legislatures was the true legislature. I did that at great pains, taking a great deal of time, giving my remarks in full, canvassing the votes of all the parishes; and I came to the conclusion that the legislature which elected Pinchback was the true legislature, and so voted.

Mr. SAULSBURY. I think we all remember that memorable night, and the animated discussion participated in principally by members on the other side. The democrats on this side of the House never did enter into the discussion of that question until the amendment of the Senator from Wisconsin [Mr. HOWE] was accepted by Mr. Carpenter, which recognized the Kellogg government and proposed to keep it in existence for a specified time. Not until that amendment was accepted by Senator Carpenter did a single democrat rise in his place to discuss that question. The discussion was had by honorable Senators on the other side of the Chamber. We all know with what zeal and energy the Senator from Indiana fought the Senator from Illinois, fought the Senator from Wiconsin, (Mr. Carpenter,) fought all the Senators who discussed the question. As I before said, he maintained his side of the question and succeeded eventually before the three years were out in capturing the very antagonists which he encountered in that debate.

[At this point the honorable Senator yielded to a motion for an adjournment.]

Mr. SAULSBURY. At the time I gave way on Monday for an adjournment until to-day, I was discussing the character of the Louisiana Legislature which assumed to elect Pinchback, and had attempted to show that by the action of this Senate through its committee, through the opinions of Senators expressed in debate, and through the action of the Senate in the rejection of Pinchback's claim to a seat on this floor, it had been declared from the beginning until the present hour that the government which Pinchback claimed by its election entitled him to a seat on this floor was a usurpation and not a legislative body. In doing that I wish to impress this fact, that the rule which has heretofore been adopted by the Senate of making compensation to honest contestants who have come here as the representatives of a legislative body does not apply. His is an anomalous case. He was the representative not of a legislative body, but the representative of a purely usurping body. My object was to show that upon a full investigation of the facts connected with the existing Kellogg government, and the illegal assembly claiming to be the Legislature of Louisiana that elected Pinchback, it was regarded at the time not only by democratic but by republican Senators to be a usurpation without any claim of right, and upheld by the influence of Federal bayonets. I might if I saw proper strengthen this view by quotations from the speeches of other Senators who expressed opinions at the time, but it is unnecessary. There were at that period but very few members of this body and but very few intelligent persons in this country who expressed opinions on the subject who did not admit that great wrong was done to the people of that State, and denounced Durell, Kellogg, and the other conspirators against the peace and dignity of Louisiana.

Even the President of the United States, who interfered to sustain the usurpation in a special message which he sent to this body asking the interposition of Congress, did not attempt to justify his action on the ground that Kellogg's government was elected; nor could he have done so without disregard of all the facts in the case. Indeed there has been no period since that time to the present when the popular judgment of the country, as expressed through the press, has not uttered its condemnation of that usurpation. True there has been a forced acquiescence on the part of the people of Louisiana in a condition of affairs which they were impotent to prevent and also a toleration of this usurpation on the part of the country, because it had the support of the Federal Executive and must necessarily pass away in a very few years. But the acquiescence of the people of the State and the toleration on the part of the people of the country have not rendered valid and lawful a government which was in its inception a usurpation and during its continuance has been a tyranny and despotism. It was this usurped government which Pinchback desired to represent on this floor, and which for three years he diligently sought by the aid of the Senator from Indiana to have recognized by his admission to a seat in this body. That recognition has never been given by the Senate, but on the contrary denied and he dismissed and sent home. Of the character of that government and of the pretended Legislature which elected him he, Pinchback, had full knowledge. He knew as well as we know that it was a revolutionary government. He was one of the principal conspirators in the treason against the State. What right, then, I ask, legal or equitable, has he to the money you propose in this resolution to take from the public Treasury and give to him? Does he come within the usage which has prevailed in this body in reference to contestants for seats on this floor? Certainly not. That rule was clearly stated in the report submitted in the Sykes case by the Senator from Tennessee, [Mr. COOPER,] which was on Monday commented on by my colleague, [Mr. BAYARD,] so that I need not now dwell upon it. Whatever may be my individual opinion in reference to the propriety of the usage which has obtained in reference to compensation allowed honest contestants, I should not object to its application to Pinchback if his case were like those; but his is no such case; it is entirely distinct from any other that has been before the Senate and cannot be assimilated to the Sykes case or to any other.

Mr. MITCHELL. Will it disturb the Senator if I ask a question?

Mr. SAULSBURY. No, sir.

Mr. MITCHELL. I inquire if the Senator from Delaware did not concur in the report made by the Senator from Tennessee in the Sykes case?

Mr. SAULSBURY. Certainly. I have just said, however, that the Pinchback case could not be assimilated in any respect to that case.

Mr. MITCHELL. Now one other question. I inquire of the honorable Senator if the Senate had not determined long before that report was made by the Senator from Tennessee in the Sykes case that the body that elected or attempted to elect Mr. Sykes was not the Legislature of the State of Alabama?

Mr. SAULSBURY. My friend from Oregon shall hear before I close my remarks just what the Senate has done in that regard. I propose to show that in my remarks, and the Senator from Oregon shall hear from me fully on the very point as to which he interrogates me.

The Senator from Indiana insisted that this case comes within the rule laid down in the report on the Sykes case, and referred to the legislative body that elected Sykes in no very flattering terms. Now I come to answer the question of the honorable Senator from Oregon. I will refer to the Sykes case; and I say that this is a very distinct and very different case from that presented by Mr. Sykes. The honorable Senator from Indiana called the legislative body which elected Mr. Sykes a mere sham, a pretense, a mere debating society. Why, sir, what are the facts? Does not the Senator from Indiana know, does not the Senator from Oregon know something of the history of the legislative body which elected Mr. Sykes a Senator on this floor? There was not in that legislative body a single member who did not hold the certificate of his election under the constitution and laws of the State of Alabama. The Legislature that elected Mr. Sykes met in strict conformity to law. Every member in either house of that legislative body that met in the capitol of Alabama was a candidate before the people for election. The election officers returned to the canvassing board the votes cast in the different precincts of the State. That canvassing board examined the returns thus made and certified, as they were bound under the terms of the constitution and laws of Alabama to do, their finding to the secretary of state. The secretary of state, as in duty bound under the constitution and laws of the State, within ten days thereafter, sent to the members certified to him to be elected a certificate of their election; and every member in both houses of the capitol legislature which elected Mr. Sykes went into the legislative halls clothed with the only authority that could give the right to take a seat in the Legislature, to wit, the certificate of the secretary of state as to his election. That was the character of that capitol legislature that elected Sykes. Over the senate that elected Mr. Sykes the lieutenant-governor presided, as required by the constitution of Alabama. The house of representatives was organized by the speaker of the preceding house of the Legislature of that State, as required by the laws and the constitution of that State. In every essential feature the legislative body that elected Mr. Sykes was a legal legislative body, and outside of that there never was a legislative body in that State during that time that had the form or the authority of law.

Mr. MITCHELL. But, if the Senator will allow me, has not the Senate of the United States decided the very reverse of what the honorable Senator from Delaware is contending for?

Mr. SAULSBURY. I will come to that. The Senator and myself are both members of the Committee on Privileges and Elections, and he knows exactly as I know what has taken place in that committee. I say the Senate of the United States never has determined that question upon facts proved in the cause. It is true that a majority of the Committee on Privileges and Elections reported to this body that the Sykes legislature was not a legal Legislature, and the Senate adopted that report. But how was it made? There was not a scintilla of evidence before the Committee on Privileges and Elections at the time they made that report. No witness was exam-

ined. It was made on paper statements. That report was based on no evidence furnished to the committee, and the Senate of the United States has never had a scintilla of evidence furnished to it in reference to the character of the legislative body that elected Mr. Sykes or elected Mr. SPENCER. I now speak that which I know, and testify to that which I have seen and heard, that at the present session of the Congress of the United States the State of Alabama appeared before the Committee on Privileges and Elections by her counsel and offered to submit proof on this very question, offered to show by evidence conclusive that the body that elected Mr. SPENCER was not a legal body, and that Mr. SPENCER never was legally elected. The counsel of the State of Alabama filed charges and specifications before the committee and asked the privilege of summoning before it witnesses so that that testimony might be laid before the Senate, and the Senator from Oregon voted to reject the application, and the majority of the Committee on Privileges and Elections refused to the State of Alabama the poor privilege of submitting proof upon that point on the very ground now claimed by the Senator from Oregon that the case was *res adjudicata*. It has never been *res adjudicata*. It has never been decided upon proof, upon evidence, but upon mere statements without proof and without affidavit or oath.

Mr. MITCHELL. I suppose the honorable Senator from Delaware will not contend that there can be two legislatures in the same State at the same time.

Mr. SAULSBURY. Why did not the Senator from Oregon permit the investigation to be made to see which was the Legislature? Was it because he was fearful that the proof submitted by the State of Alabama would show conclusively that Sykes was elected by a legal legislature and that SPENCER was not? What was his motive? The State, one of the sovereign States of this Union, came before that committee and demanded an investigation into these facts and offered to submit its proof, and was denied. What is the legal inference that the country will draw? That it was a question which would not bear investigation, which it was ticklish at least to open. The State of Alabama tendered herself ready to show that the legislative body which elected Mr. SPENCER was not a legal legislative body, and it was denied.

The Senator from Oregon ought not now to set up the report of the committee on a former occasion, because that report was not based upon evidence furnished the committee. He ought to have permitted, as I insisted at the time, the State of Alabama to be heard upon the proofs, and then the Senate should have had the privilege of weighing the evidence and determining the question upon proofs and not upon verbal statements.

Mr. MITCHELL. Now, one word inasmuch as the honorable Senator says that the matter was decided without proof. The controversy was as to which was the Legislature of the State of Alabama; that which was known as the State-house body that elected Mr. Sykes, or the court-house legislature that elected Mr. SPENCER; and I undertake to say that the Committee on Privileges and Elections did inquire into that matter, not in the absence of proof, but on full proof, legal proof bearing on that question, and decided the question.

Mr. SAULSBURY. Was there a single witness before the committee? No; and when the State of Alabama wanted to examine witnesses before the committee the door was shut in her face, and she was refused a hearing.

Mr. MITCHELL. She had the records.

Mr. SAULSBURY. Her counsel was sent home without the privilege of making inquiry on that subject. I always contended that the Senate ought to have the proofs and determine the status of the legislative bodies claiming to be the Legislature of Alabama upon proof submitted, and not upon mere declarations or statements. I think I have answered the Senator from Oregon, and I think I have answered pretty well the remarks of the Senator from Indiana about its being a mere sham, a mere pretense, a mere debating society. Why, sir, if there ever was, in my judgment, a legal body in any State in this Union it was that capitol legislature, every member of whom had the credentials of his election, presided over in the senate by the lieutenant-governor according to requirements of the constitution of the State, and the house of representatives organized by the speaker of the last house of representatives in conformity to the laws of Alabama. I am not going to say that all there were elected; but if there had been any man there who was not elected under the laws of Alabama, his seat could have been contested by any person claiming it. But no contest was made. In a spirit, however, of revolution the republican members that were elected, less than a quorum in either house, assembled in a court-house, a place belonging to the United States Government and not to the State of Alabama, and there called in the aid of others, enough to make a quorum, men who never had a pretense of being elected; and that was the legislative body that was set up as the lawful Legislature of Alabama, a legislative body that in my judgment had no status, but was revolutionary from beginning to end, and as I believe a full investigation upon proofs and facts would have shown and disclosed. It may be that the Senate, in the absence of such proof, upon the statements made and submitted in the report which was presented, not upon proofs, not upon the oaths and affirmations of witnesses, may have passed upon it; but at the present session of Congress, I hold, that when the proof was offered, when the tender was made of an investigation into the facts, the committee ought to have investigated and submitted to this Senate the proofs in reference to the facts.

I say, therefore, Mr. President, that the case of Pinchback is an entirely different case from that which was presented by Mr. Sykes. It cannot be assimilated to the Sykes case in any respect. He came here, not representing a legislative body, not representing a body clothed with the forms of law, but representing a body that was foisted into power by the illegal order of Durell enforced by Federal bayonets, and the report of the Committee on Privileges and Elections showed conclusively that the Legislature was defeated by about 10,000 votes. It was not composed of men who had either the authority of law or the votes of the people; and Pinchback himself was a party in the revolution, so that whatever equity he might otherwise have had is destroyed by his own act; it is the settled doctrine of the courts of this country, legal and equitable, that no man shall be permitted to take advantage of his own wrong.

The Senator from Indiana, on Monday, spoke of outrages in Louisiana. Yes, sir; there were outrages; outrages which will go down the pages of history; which will be remembered, long after the present generation shall have passed away, as a blur and a dark, damning spot upon the record of American history. Yes, sir; there was outrage, when the rights of the people of Louisiana were overthrown by Federal power, when even the President of the United States lent himself to a conspiracy that was formed in Louisiana for the purpose of depriving the people of that State of their just rights and of the legal form of government——

Mr. EDMUNDS. Mr. President, I call the Senator to order.

Mr. SAULSBURY. Well, sir; on what ground?

The PRESIDING OFFICER, (Mr. DAVIS in the chair.) The Senator from Vermont will state his point of order.

Mr. EDMUNDS. My point is that he is speaking language not fit for this Chamber——

Mr. SAULSBURY. I say, sir, that the people of Louisiana——

Mr. EDMUNDS. The Senator will be kind enough to stop. When he says the President of the United States lent himself to a conspiracy to deprive that people of their rights, I submit he is not in order.

Mr. SAULSBURY. I do not wish to say anything disrespectful of the President of the United States, as I have before said in discussing this question.

Mr. EDMUNDS. I should like the Chair to rule on the point of order.

The PRESIDING OFFICER. The Chair of course must rule the point of order well taken; but the Senator from Delaware has said that he did not mean any reflection, and I take it nothing more is necessary.

Mr. SAULSBURY. Whether the point be well taken or not, I have said heretofore in discussing this question that I had hoped that the President of the United States was not appriscd of the fact that there was a conspiracy; and when I used the word "lent" I did not mean to say that he was himself a party to the conspiracy, but if I had said so I should have only uttered what I know many people believe. I wish, however, in debate not only to be courteous to the President of the United States, but courteous to my brother-Senators and to everybody else. I think, so far as I understand the amenities of private or the courtesies of public life, I have been as careful to observe them as any gentleman on this floor. The Senator from Vermont, who may be very quick in his perceptions, is not always the most observant Senator, in my opinion, of the courtesies due to Senators or due to other persons.

But I do say that there was a conspiracy; I do say the facts prove that it was a conspiracy, and the facts further prove that that conspiracy sought the interposition and aid of the Federal power to obtain its object. I hope the President of the United States was ignorant of what was going on. I do not therefore mean to say that the President of the United States knew what was going on; but I do say that there was by the custom-house officials and the Federal officers in Louisiana, and Pinchback himself, according to the evidence had, was a party to the conspiracy to defeat the will of the people; to overthrow that will and to institute over the people a usurpation and a tyranny. Unfortunately it was done by the aid of Federal power, which I repeat is a disgrace and a blur upon free institutions, and will be so regarded in the future history of this country.

The Senator from Indiana predicts that there will be further outrages during the coming presidential campaign. That Senator scents blood afar; he is always ready to imagine and suspect that something will be wrong on the part of the democrats in the Southern States. Sir, I have seen nothing, I have heard nothing, that justifies the least suspicion on the part of the Senator from Indiana that the democrats of the Southern States are to rise in hostility and murder and shed the blood of the colored people among them. What proof is there that so grave a suspicion should be uttered in the Senate of the United States that such is the intention of the good people of the Southern States? Why, sir, there is no people in this broad land that have exhibited for the last three or four years a greater reverence for law, a stricter observance of the requirements of law. There is no people on the face of the earth that have been more humiliated, and in their humiliation—I had like to have said in the degradation that has been fastened upon them—they have been carefully observant of the requirements of law, lest they might provoke a spirit of hostility in the northern mind. And yet with that spirit manifested throughout every State in this Union the Senator from Indiana rises in his place and proclaims in the hearing of the people of the United States that during the present presidential campaign there is to be

murder, there is to be outrage, there is to be bloodshed; and thus "the bloody shirt" is flaunted again in the face of the American people. Sir, that shirt is worn out. It did not win at Cincinnati; it will not win in November next.

It is time the country had peace and repose; it is time that these wild passions should cease to animate the discussions of honorable Senators; it is time that the voice of peace and harmony should be heard throughout this land. Are not the industries of this country prostrate? Is not every interest of the country suffering because of this continual agitation, this continual alarm, this continual threat of trouble and discord? Go where you will, travel east or west, north or south, and the voice of lamentation, I will not say of woe, but the voice of regret at the depression of business, the complaint that honest men are out of employment, is heard everywhere. Go through New England, and your merchants are failing, your factories are being closed up. Go to Pennsylvania, your forges are blown out and your coal-mines are being closed, and thousands and hundreds of thousands of operatives are without employment. Go through your agricultural countries everywhere, and agricultural labor is not properly rewarded, your cereals at a reduced price. Business is stagnant everywhere, the sails of your commerce are flapping idly at your docks, your ships are an unproductive investment, your freights are low, and your commerce is declining. Go to your shipyards, and there the noise of the hammer is not heard as it used to be. Everywhere that you go there is depression in all the business interests of the country, and it is time that this discord was hushed, it is time that we had all united to build up the material prosperity of the country and to restore the harmony which should prevail among the people of these United States.

But, sir, there are fears other than those which the Senator has heard. There are some, too, that may not be wholly groundless. Let me ask at the present time why General Sheridan, the man who only a few short months ago wanted to declare the southern people banditti and try them by military court-martial, has been transferred to the Department of the South, to have charge of Alabama, of Mississippi, of Louisiana, and of Arkansas? Why is that? I will not undertake to say; but I say that there is felt in certain quarters an apprehension that it may be for the purpose of influencing the votes in those States in the election. I do not say that it is so; but I know that men more intelligent than myself entertain fears that that possibly may be the case. All these rumors should be dismissed. We should live in concord, and peace, and harmony; we should hold a fair election, and by the result of that election every law-abiding citizen of these United States would most cheerfully abide.

But, Mr. President, I must close. You propose by this resolution to take $20,000 out of the public Treasury and give it to P. B. S. Pinchback. I say "give it." It does not belong to him upon any principle, legal or equitable. It does not belong to him in any respect, nor does it come, in my judgment, within the rule heretofore acted upon by the Senate of the United States; but it is a gratuity, clear and absolute; nothing less, nothing more. How will you go home and justify this donation to your constituents; how will you tell the poor man whom you meet depending on his daily labor for his bread; how will you tell the farmer at his plow who is toiling in the hot sun for bread to support his wife and children; how will you tell the mechanic who labors at the anvil or labors in the shop; how will you justify that vote when you tell them that you took $20,000 out of the public Treasury of this country, which they had helped to put there by taxation, or which they will be compelled to replace by taxation; how will you justify it to that class of men?

You may regard it as a small matter; but sometimes the straws are said to break the camel's back, and if this should prove the item that calls the public attention to the wasteful extravagances of this Government under republican rule, I say let it be. I know that throughout this broad land there is a desire for retrenchment and reform. It was my fortune a few days ago to meet in council representative men from every part of this Union; and from every quarter, from every tongue, from every lip, I heard repeated the demand of the people of this whole country for "reform and a restoration of the Government to its former purity and economy." That wish was met, that demand obeyed and expressed in the nomination made at Saint Louis of a man who has guarded well the interests of the people in his own State and reduced their annual taxation from more than $15,000,000 to $8,000,000. The country everywhere hails that nomination as the assurance of deliverance, and from Maine to California, from the lakes to Mexico, from field and city, from hamlet and village, from cottager and from capitalist, wells up the approving response, "We hail the day when the Government at Washington is to be reformed and purified by the man who has reformed and purified the government of his own State." Then will "the winter of our discontent be made glorious summer by this sun of York." Let me assure our republican friends he will be here on the 4th of March. I leave this question and shall vote against the resolution.

Mr. MERRIMON. I offer a substitute for the resolution. I move to strike out all after the word "resolved" and insert:

That the sum of $5,000 be allowed to P. B. S. Pinchback to pay the reasonable expenses incurred by him as contestant for a seat in the Senate as a Senator from the State of Louisiana.

Mr. President, I did not concur in the report made by the committee, and am not therefore in any sense bound by it. At the same time I do not concur in the view taken by my friend from Delaware [Mr. SAULSBURY] who has just taken his seat. I may say that in my judgment Mr. Pinchback was in no sense entitled to a seat in this body. I will go further and say, that I do not believe he had the shadow of a claim; but a very large and respectable minority of the Senate believed otherwise. They voted that their deliberate judgment was otherwise. They said by their votes and by their speeches, and upon their consciences, that they thought he had a right to sit in the Senate as a Senator from the State of Louisiana from the 4th of March, 1873, for six years next thereafter. In my judgment, the Senate is bound to pay some respect to the judgment of that large minority and allow that there was some ground for contest, and in the application of a reasonable rule that ought to apply in all cases like this, the contestant ought to be allowed his reasonable expenses incurred in that behalf, and no more. I think there are various good reasons, very often, why a contest should be made for a seat in the Senate as well as a seat in the House, and where there is reasonable ground for such contest, it is just to the contestant, although his right shall be denied at last, that he should be paid his reasonable expenses incurred in the contest. If that were not so, very often the contestant, by reason of his poverty, or his unwillingness to hazard expense, would not be able to assert his right, whereby great injustice would be done to him, and possibly greater injustice to his State and the country generally. The proper rule, in my judgment, in such a case is—I am sure I am correct and I think it must commend itself to the judgment of everybody—that the reasonable expenses of such contest ought to be paid, and not a farthing more.

In reflecting over the matter, it is impossible for me to ascertain by examination or by any sort of reasoning how it was that the Senate ever adopted the rule and practice of allowing a contestant the salary of a Senator for the time occupied in the contest. It seems to me that it is not only not founded in reason, but that it is exceedingly unwise and impolitic. Very often it encourages, as I believe it did in this very case, persons having no claim, or scarcely the shadow of claim, to come here to contest the right for years, confidently expecting in the end that the Senate would allow such contestant the pay that he would have received if he were occupying a seat in the Senate and discharging the duties of a Senator to the country. I remember a case that happened three or four years ago in the Senate where a pretended contestant from my own State who had not the slightest shadow of claim, and yet he was allowed the pay of a Senator for more than one year. The contest seemed to have been kept up on his part or on the part of his friends to the end that he might realize this salary, with not the slightest hope that he would ever be admitted to a seat or that he had any right to be admitted. The manifest effect of such a practice as this, of such a policy as this, is to encourage persons who have no reasonable ground of claim to come to the Senate and contest the right to a seat here. That it has had this effect in many cases I do not doubt. I believe that the only way to suppress such an evil is to adopt the reasonable rule, the just rule, that where the Senate is of opinion that there was reasonable ground of contest—and that is material—the contestant, though he may not be admitted to a seat in the Senate, shall be paid his reasonable expenses. That is the true and reasonable rule.

This rule ought to apply to the case of Pinchback. In my judgment he did not have a reasonable ground of contest, but, as I said a moment ago, a very large minority of the Senate said that he did have reasonable ground; they voted so, and it is my duty, I am bound by my obligation as a Senator, to pay high and profound respect to the judgment of that large minority. They said that in their judgment he did have reasonable ground of contest, and inasmuch as he had reasonable ground of contest, in the application of the rule I have laid down, which I believe to be just, the Senate ought to allow him a reasonable sum of money to pay his expenses incurred in that behalf. I think such an allowance ought to receive the sanction of the Senate and of every just person, having due regard to the views of the minority and the interests of the public.

I have said that $5,000 is sufficient for that purpose. Am I correct in that? Is that a reasonable sum? The contest was pending for three years. A thousand dollars a year for the time that he necessarily was detained here looking after his case would pay all the reasonable expenses he would be at in this city. He was here necessarily less than half of the three years. That allows him $3,000 to pay the necessary expenses at the capital and $2,000 to pay the incidental expenses and the expenses of traveling to and from the State of Louisiana. It will cover all his expenses. I venture to say that if he was reasonably economical in his habits of life $5,000 would more than pay the expenses he incurred in that contest; and as a matter of justice, as a matter of sound policy which the Senate ought to observe, that is the sum which ought to be allowed him and not one dollar more. That is as much as I am willing to allow him, and as much as I will vote for.

Mr. CONKLING. Will the Senator allow me a moment?

Mr. MERRIMON. Yes, sir.

Mr. CONKLING. Without combating the view the Senator states, I make this inquiry of him: What does he do with the fact that in this House and in the other, always, in substance, so far as I know, the rule has been to pay a contestant, without measuring the merits of his claim in a case which would stand long enough to receive the

consideration of the House in which it arose, his entire compensation from the time he would have been entitled to his seat had he been seated. What does the Senator do with that fact; and how does he distinguish this case from many other cases in which that has been the judgment of the two Houses?

Mr. MERRIMON. I was going to advert to the precedents which have been cited, and I may as well do it now, although I did not intend to do so at this particular point.

Mr. CONKLING. I do not want to divert the Senator, but I attended to what he said, and I wanted to know how he disposed of that matter in his own mind.

Mr. MERRIMON. On looking at the report made by the Senator from Oregon, I find that every case cited by him has happened since the late war; and I believe that every case cited by him is a case coming from one of the Southern States. There were peculiar circumstances surrounding those cases. The contestants that came here, and who received pay, were, I believe, uniformly of the dominant party, and they were poor persons for the most part, and came from a section of country oppressed, poor, and prostrate. They had very little money; they made strong appeals to the sympathy—certainly not to the judgment—of the Senate and of the House. The Senate and the House inadvertently—perhaps too generously—allowed this practice to spring up which has prevailed only since the late war. I say that the peculiar circumstances, the extraordinary circumstances surrounding the various contestants who have been allowed as is provided by the resolution reported by the committee here, were such as to lead the Senate into a practice that certainly cannot meet the sanction of the Senate itself, or of Congress, or the country. I cannot conceive, I repeat, of any solid reason why a man contesting for a seat here should receive the same salary if he is not admitted as if he had been admitted. I do not think I had the attention of the Senator from New York while I was going on to explain the particular circumstances which led to the decisions of the Senate referred to by the committee.

Mr. CONKLING. I beg the Senator's pardon; I was diverted for a moment by another Senator.

Mr. MERRIMON. I say every one of the cases cited in the report has happened since the late war, and every one was a contestant coming from the Southern States. Every one of them belonged, I believe, to the dominant party. When they came here, coming from a section that was poor and impoverished, and the most of them poor themselves, they appealed to the sympathy of the Senate rather than to its judgment, they appealed to the sympathy of the House rather than to its judgment, and the Senate and the House inadvertently, in a spirit of generosity and liberality, gave way to a practice that certainly cannot meet the sanction of the Senate now.

Mr. MITCHELL. Will the Senator allow me?

Mr. MERRIMON. Yes, sir.

Mr. MITCHELL. Does the Senator from North Carolina know of any case of a contestant, either since the war or before the war, where a different rule was applied in making compensation from that stated in the report of the committee.

Mr. MERRIMON. I confess I do not; I take it for granted that my vigilant friend from Oregon took his time, and had ample opportunity to examine the matter, and cited every case in his report that could be cited. On looking to his report you will see that it is drawn with care, with some elaboration. I thought then that he cited every case he could. I have not made search for the cases; but going upon the reason of the thing, going upon the justice of the thing, going upon sound policy, which the Senate ought to observe in all cases, it seems to me manifest that this rule is wrong, and if it is wrong the sooner we correct it the better.

Mr. MITCHELL. Then, that having been the rule always heretofore in the Senate, would it not be more consistent with propriety and justice to present the suggestions contained in the amendment of the Senator in the form of an amendment to the rules of the Senate, so as to apply to other cases?

Mr. MERRIMON. We can only change the rule and practice by beginning some time. I propose to begin it now because I believe this is the first case where I as a Senator have been called to vote, and I am the more ready to do it because here is a colored man on the one hand and there is a white man on the other claiming an allowance in like cases. This case of Mr. Sykes, of Alabama, has not yet been decided, but there is a resolution now pending before the Senate proposing an allowance to him just such as it is proposed to make for the contestant in this case, and I shall not support that unless the Senate by its vote in this case shall show a deliberate purpose to sanction the policy which has prevailed since the late war, and only since the late war so far as I can ascertain. There can be no complaint by the friends of this contestant, there can be no complaint by the friends of the contestant Sykes if the Senate shall adopt this reasonable rule, and it will correct an evil, an evil and vicious practice, a reckless expenditure of money which encourages men to come here and make contests where there is no reasonable ground for them.

I believe that my amendment ought to prevail on the reasonable ground that contestants ought not to be driven from the Senate. They ought to be encouraged to come where there is reasonable ground for contest, and the Senate must be the judge of that. Where a large minority, as in this case, say that there is reasonable ground, I think it a case where a reasonable allowance ought to be made, although a majority of the Senate decide otherwise; but if it were manifest that the contestant had none and his right met the approval only of a few Senators, in that case the Senate ought to say, "There is no reasonable ground and he ought not to be paid anything." That cannot be said here, however, for I repeat, a very large and respectable minority of the Senate voted upon their consciences and oaths that they believed there was reasonable ground for this contest, and therefore he ought to have his reasonable expenses paid. I believe the same rule ought to apply to Sykes. I believe that Mr. Sykes ought to be allowed his expenses because a very respectable minority said that Sykes's claim was just, although a majority decided otherwise. I think he ought to have a reasonable allowance for expenses, and no more. The present practice, I am sure, whatever the motives and considerations that led to it, is vicious, ought to be abandoned at once, and there is no more proper occasion than the present to begin to correct it.

Mr. CONKLING. If the Senator will allow me, what inhis theory of this case does he do with the counterpart of this proposition—I think I may call it the counterpart—I mean the practice which says that should some man be chosen to-morrow or in December from Louisiana, and come here next December and be seated to fill the vacancy now existing from that State, he would be entitled to draw his pay from the commencement of the term, so as to receive pay over again for the three years which have gone? What does the Senator, if I may inquire, say is right in that regard, after having paid, as he proposes, reasonable expenses to the defeated contesting claimant?

Mr. MERRIMON. I say in reply to the Senator from New York, without hesitation, that that practice is very wrong. It is paying him who did nothing, who had not even the color of right, who was not here, who was not elected, money for services which he never rendered; and if the law so provides, I believe it is the duty of Congress at once to correct such an abuse.

Mr. CONKLING. Does the Senator say the law so provides?

Mr. MERRIMON. I do not; but I take it that it does or the practise would not prevail.

Mr. MORTON. The Senator will permit me a moment. The Senator said this practice had prevailed only since the war. I think the Senator is entirely mistaken about that, and I happen to turn to two cases, which, as I understand but reflect the general practice. I refer to the case of Mr. Yulee, from Florida. I have here a resolution granting *per diem* and mileage to Hon. David L. Yulee for contesting the seat of Hon. Mr. Mallory of Florida. That resolution was adopted in 1853.

Mr. MERRIMON. Do you say he was allowed salary?

Mr. MORTON. Per diem and mileage.

Mr. MERRIMON. Although he was not seated?

Mr. MORTON. He was rejected. I have the case also of Frederick P. Stanton, contestant for a seat from Kansas in 1861:

Resolved, That the usual mileage and pay be allowed and paid to Frederick P. Stanton, contesting a right to a seat as Senator from the State of Kansas.

I merely refer to these two instances, which occurred before the war, to show that my friend is mistaken.

Mr. MERRIMON. Well, I was not aware of those cases; I had not examined the cases; but I took it for granted that the Senator from Oregon had cited all the cases he could find on the subject. But, sir, it does not affect the argument that I am making or the position which I occupy.

It is an abuse. It is an abuse that ought to be corrected. It is an abuse in two points of view that are outrageous, in my judgment. One is, that it encourages men who have no reasonable ground of contest to come to the Senate and contest seats. It is an abuse in another point of view, that thousands and tens of thousands of dollars are paid out to contestants who often have not the shadow of a right or a claim; and if I were disposed to cite particular cases and comment upon them, I might make this view of the matter more forcible and clear.

We know how easy it is for abuses to creep into legislation and to creep into the administration of government, and this is one of them; and the practice—whether the law allows it or not—I have not looked to the statute to see how that is, to allow a Senator when he comes in, after the term for which he was elected has begun, to have pay from the beginning of the term, when he has done no service, when in fact he was not elected, is another abuse that ought to be corrected. If there is no law that sanctions it, those who administer the Government ought to be called to account for it, and the practice ought to be suppressed. If the law allows it, it ought to be repealed at once and the abuse corrected in that way. This occasion is appropriate. Here are, as I have suggested, two cases, one a republican and a colored man, the other a white man but a democrat; and a more opportune time could not be presented when the practice should be established of paying a contestant a reasonable sum to pay his expenses incurred in his contest and no more.

In regard to this very contest, if this resolution passes, the contestant will receive from $18,000 to $20,000, more than three times the sum necessary to pay the expenses that he incurred; and, pray, what service did he ever render this country? What service did he do the Senate? What service did he do the State of Louisiana? What effect had his contest but to produce a discussion that lasted and annoyed the Senate and the country, too, for more than three years? If he had known that the practice of the Senate was to

make only a reasonable allowance to pay his reasonable expenses, the probability is that the contest he made would not have lasted a third of the time it did, if indeed it had been made at all. It suited his interest to protract the contest as long as possible; he was in better condition out of the Senate than in it if he expected a salary for nothing. The longer the contestant can protract the contest the better for him. He would rather it would never come to an end. He would come here and stay about the Senate, and stimulate his political friends and protract it as long as possible. This remark is applicable not to one party more than to another. We know human nature. We know its weakness. We know how evils of this sort creep in, and we ought to know how to correct them when made so manifest as this case makes those to which I advert.

I ask for the yeas and nays on my substitute.

The yeas and nays were ordered.

Mr. FRELINGHUYSEN. I listened to the remarks of the Senator from North Carolina, and it struck me that there was a great deal of good judgment in what he said; but this is the conclusive answer to it, I think: that every act, whether it is a contract, the performance of a duty, or the commission of an offense, must be regulated by the law that exists at the time, and not by a law that is made afterward. It would be a very hard thing, after all this protracted attendance here by Mr. Pinchback, after all the trouble and excitement and anxiety, if we should make a new rule. If my friend will introduce a proposed law carrying out his views, making it applicable in the future, I think I should agree with him; but as it is, I cannot consent by my vote to change at the present time the law in reference to what has transpired.

Mr. WRIGHT. Before the vote is taken upon this proposed amendment, I wish to say just one word, not to enter at all into the general discussion. Upon one or two occasions, when this question has been up, I have taken the position which is taken by the Senator from North Carolina; that is to say, as a matter of principle, if it were a new question, it seems very clear that the safer and better ground, and the just ground, is the one that he maintains. I remember when the Senator from Maryland, no longer a member of this body, [Mr. Hamilton,] asked to take up a resolution making an allowance to Mr. Sykes on the same basis as in this case, I objected to it, and insisted that the true basis was that he should be allowed for his expenses.

I say, therefore, if this were a new question, I should unhesitatingly vote in accordance with the suggestions of the Senator from North Carolina; and if the question shall be presented in the form of a proposed law, I shall so vote. I think, however, as the Senator from New Jersey has just said, that there is very great impropriety, that there is marked injustice, in saying that in this case we will depart from a rule that has been settled from time immemorial in the Senate, and that we will apply a rule to the case of Pinchback that never has been applied to any other case.

There is another thing about it, as far as the amendment proposed by the Senator from North Carolina is concerned. I am not satisfied that the sum proposed by him is a fair and a just sum. If the question is to be settled upon that basis, I think the true way would be to refer the matter to a committee, that it might be investigated. It will not do to say at once that $5,000 is an adequate sum. I can well see that upon that basis, taking only the elements that the Senator himself suggested, $5,000 would not be an adequate sum. He says $5,000 would cover all expenses for the three years. I am sure the Senator would not be prepared to say that that was correct as applied to any Senator on this floor. We claim, and claim with justice, that we are barely able to pay our expenses and live on our compensation. Therefore $5,000, it would strike me to begin with, is hardly adequate, and I would be unwilling to say that that should be the sum without some evidence to justify it or to sustain it.

I have suggested to the Senator from Oregon, [Mr. MITCHELL,] who has this resolution in charge, that I was opposed on principle to the rule upon which this allowance is made, as I am; but the authorities cited show that the uniform practice of the Senate is the other way. I do not think it is fair that we shall depart from that rule in this instance, nor do I believe that it would be fair to depart from it in any special instance, but I think that at the earliest day possible this rule should be changed. It seems to me to be exceedingly unfair, quite as unfair as the rule which obtains that if a person gets his seat next December he draws pay back to the commencement of the term. There is neither logic nor justice in any such rule. I do not think there is any in this, but then it has been observed and I feel bound to follow it as the law stands. I do not think it would be just to the person claiming this seat that you should adopt a new rule now and apply it to his case.

I have but one word more to say. To say that Pinchback comes here as a pretender and that it is presumption for him to ask that this money shall be allowed to him, I think is quite unfair.

Mr. MERRIMON. I am sure that I have treated that gentleman with all respect.

Mr. WRIGHT. I am referring to what was said before.

Mr. MERRIMON. I spoke of what he demands.

Mr. WRIGHT. The claim he here sets up has been termed an impudent one on the part of Pinchback, and that, too, at the close of an investigation and discussion as full and exhaustive as any that I have ever known on this floor, when it was determined by a bare majority that he was not entitled to the place. During the time that I have been here there has been no instance, there has been no case, that at all approximates in my mind and judgment in merits looking to the discussion and looking to the action of the Senate. I therefore have no trouble and no hesitation so far as a claim of right is concerned in granting an allowance. The only doubt I have is as to the rule. I feel bound to follow the rule that has been established, but at the earliest opportunity I shall then and at all times do what I can to see that a different rule shall be established.

Mr. CONKLING. Mr. President, notwithstanding the reasons which move me have been stated so well and so clearly by other Senators, as the yeas and nays have been demanded on this amendment and as I shall vote against it, I wish to assign briefly my reasons for that vote.

If I do not feel at liberty to characterize as unsound or vicious the rule which has prevailed in the Senate heretofore, it is because that rule has received the sanction of such names as I find recorded in the affirmative of resolutions illustrating it. I see here an instance in which Mr. Douglas of Illinois, Mr. Everett of Massachusetts, Mr. Seward of New York, Mr. Sumner of Massachusetts, and other Senators recorded their judgment and their vote in favor of the rule which had prevailed and which has since prevailed in the Senate. Speaking in the presence of such names I must abate of course the udgment which might otherwise be mine. Upon the propriety of this doctrine, were it an original question left to my own judgment, I could never ascertain the propriety first of paying to a claimant whose claim is pronounced null the salary and mileage of a Senator, as was done in the instance in my hand, which occurred in 1853, and then when a claimant with proper qualifications, election, and return comes and is seated, paying him over again for all the time which has elapsed before his election took place, and of course before his claim was made. If the Senator from Iowa, and I believe it was he, pronounced that rule unfounded in justice, or reason, or right, I should agree with that statement if I felt at liberty to agree with it, as I should feel but for the very imposing array of names and of judgment which can be found in its favor. Notwithstanding the deference which I feel bound to pay to these precedents and to their makers and authors, I think I may prudently pledge myself to vote as to future cases for any legislative provision or any rule of the Senate which shall adjust more exactly according to the rules of right and justice, as I understand them, this whole matter.

When I come to consider the pending case, I encounter the difficulty stated by the Senator from New Jersey. Not only since the war, as was said by the Senator from North Carolina, but long before the war, in the Senate, and in the House of Representatives up to the time I left it, (I am told by a Senator that the more recent rule there is otherwise,) it has been the practice, it has been the deliberate action of both Houses to allow full compensation in a case like this. In the instance which I have in my hand the vote was 22 to 19, a somewhat close vote, and I find recorded in the negative Senators who are still here and who sit in my vicinity; but with varying majorities, sometimes greater and sometimes less, for a long period of time, as far as there could be a common law of the two Houses, a parliamentary practice which had become indurated by much repetition, the rule has been established that Mr. Pinchback, for example, coming here with any case which so far commended itself to the Senate as to lead to consideration, as to lead to a difference of opinion (I guard my statement in this way because very likely had a man come with a claim wholly preposterous he would have been denied this rule) with a case having enough of merit to elicit inquiry and to result in a serious difference of opinion in the Senate, was entitled to receive, in short, that measure of compensation which he would have received had success and not failure waited upon his claim.

The present claimant came in the presence of that condition of things, of that settled law, if I may call it law, and although not statute law, it was the unwritten and observed law of the Senate; and not, as I understand, by any process or exertion of his own but by repeated orders in the Senate he was deferred and postponed, and again deferred until three years, with the much-coming of all that time, had elapsed, and then by a very close vote it was held, for reasons which, by the by, did not affect him personally, but which went to matters impersonal to him, the organization of the government of the State from which he came, that he was not entitled to his seat. Now for us to proceed at this time not only to express our judgment in favor of another rule for the future, but to make that expression retroactive and apply to this man a measure which has never been meted out to any other claimant as far as I know, seems to me an act of injustice which I have heard no argument of convenience, economy, or otherwise to palliate.

Mr. EATON. Will the Senator give me the name of the contestant in the case to which he has alluded?

Mr. CONKLING. In the book before me?

Mr. EATON. Yes, sir.

Mr. CONKLING. I have the Senate Journal of March 17, 1853, in which it appears that—

The Senate proceeded to consider the resolution submitted by Mr. Morton—

Not the present Senator from Indiana, but Mr. Morton, from Florida then—

the 7th instant, to allow per diem and mileage to the Hon. David L. Yulee during the time he contested the seat of the Hon. Mr. Mallory in the Senate.

And on the question, Shall the resolution pass,

It was determined in the affirmative—yeas 22, nays 19.

I heard the other day some Senator remark that Mr. Thomas, of Maryland, was not paid for the time which elapsed while his claim for a seat was pending, and it was also observed that he made no claim for compensation and the question did not arise. If so, that case is not in point either way; and such seems to have been the fact, because I see the action taken in the case of his successor, Mr. Vickers, refers to that circumstance. Omitting, then, instances of this sort, which are hardly instances, as far as I know the rule has been uniform in such a case as this to pay compensation such as is prescribed in the resolution reported from the committee and awaiting our action.

Then the rule of late, since 1862, has been to do another thing, which, I must say, seems to me considerably worse, considerably more indefensible. It is illustrated by what grew out of the case of Mr. Thomas, and I will refer to that one case. On the 8th of June, 1872, Mr. Vickers, then a Senator from Maryland, addressed an inquiry to the presiding officer of this body touching his right to compensation. In that communication it appeared that Philip Francis Thomas was elected to the Senate of the United States by the Legislature of Maryland for six years, commencing on the 4th of March, 1867, and ending on the 4th of March, 1873; that Mr. Thomas was not admitted to his seat, and it is recited that he did not receive compensation, and it is said that he did not claim compensation. That, however, did not affect the immediate question for which I cite this report. On the 7th of March, 1868, which was, as the Senate will see, a year and three days after the commencement of the term for which Mr. Thomas had been elected, George Vickers was elected to the Senate for the residue of the term ending March 4, 1873. Those are the facts on which the question arose, and here is the report of the committee, which concludes thus:

> Your committee report the following resolution and recommend its adoption:
> *Resolved*, That George Vickers, a Senator from Maryland, is entitled to receive pay as such for the year commencing March 4, 1867.

That is, he is entitled to pay beginning on a day a year and three days before he was chosen; and a year and a still greater length of time before he took his seat; a year during which he was in no expectancy of being a Senator, a year during which nothing proceeded as to him touching the matter of a seat in the Senate; a year during which another man was claiming that seat and but for the contingency of his rejection would have held the seat during that year and all the years succeeding in the six which constitute the entire term. That report is signed I see, by—

ALLEN G. THURMAN.
B. F. RICE.
M. H. CARPENTER.
JOSHUA HILL.
HENRY B. ANTHONY.

I venture to suggest to Senators that if they would aim at a reform in this regard no part of this evil is greater than the part illustrated there. The idea that when some months hence a Senator shall be chosen from Louisiana as to whom no question arises and he comes here and takes his seat, he is to be paid as other Senators are paid, his salary, his mileage for coming, and his mileage for returning, and then over and above that he is to reach back for more than three years and be paid a lumped sum of some $20,000 of accrued earnings before he began to earn anything, or before he ever heard of the possibility of his being chosen, and when the facts and circumstances of the case had not affected him in the estimation of a hair, is not at all tenable. That is not a case where one man was elected, as he insisted, and another man claimed to be elected, and he was engaged in a contention with that man as to which should succeed to the seat, but a case where he was in no sense in question. The Legislature of Louisiana, if it be sitting, reaches out to-morrow and takes some man who is not even in a state of expectancy, more surprised himself than any other citizen of Louisiana, if you choose, and suddenly translates him, if it be a translation, into the Senate of the United States, and thereupon by this doctrine thus construed he falls heir not only to the seat, not only to all the compensation attached to it, not only to everything which concerns every other member of this body, but he also falls heir to a sort of sinking fund, a something which has been running and accumulating somewhere, under some doctrine of chances or peradventure, and which amounts to $20,000.

Mr. COCKRELL. Will the Senator permit me to ask him a question?

Mr. CONKLING. Yes, sir.

Mr. COCKRELL. Would the Senator be willing, in such a case as the one he has been illustrating in Louisiana, the Legislature electing next winter a Senator to occupy the seat claimed by Mr. Pinchback, to vote to give him pay from the beginning of the term? Has that been the rule of the Senate?

Mr. CONKLING. Yes, sir; it has been.

Mr. EATON. It never will be again, I hope.

Mr. COCKRELL. I want to know if the Senator would be willing to adhere to that rule? I say for one that I would never sanction it if from the beginning of the Government it had been adopted at each session of every Congress.

Mr. CONKLING. If the Senator from Missouri has honored me with his attention at all, I think he must have inferred something of an unreadiness on my part to vote for such a rule as that. I have endeavored to make that manifest. I have been not arguing, for my remarks do not rise to the height of an argument, but suggesting that in the present case, being a claim for compensation accruing under the law as it stood, upon facts already past, I had great difficulty in treating it as a new question and applying to this present claimant doctrines and reasons which never applied to others, but the reverse.

Now coming to the future claims of a Senator, I infer, from seeing the names of Senators here, and the import of that which they have certified by signing their names, that they thought the law of 1862, which is still a law, contains provisions under which the Senate is in some sort bound in such a contingency as the Senator refers to, namely the election of a successor of this claimant, to go back and pay him over again; and I commenced my remarks by saying that if some Senator would introduce an amendment to that law, or a rule of the Senate, if a rule would reach it, guarding us against this in the future, I thought that would be very wholesome. But when, instead of such a provision for the future, it is said now that we shall turn around in respect of this man, whose rights are fixed, whose rights are vested—if I may so say, and I believe I may as that is a phrase regarded by the law—and uproot this practice as to him, then, as I said before, I find as a difficulty in the way very well and generally understood principles not only of reason, and equity, and good faith, but of law.

I am willing, Mr. President, for one, to vote now for any notice, for any amendment, for any other matter or thing which shall acquaint every citizen of the State of Louisiana and of every other State that, should he accept an election to a vacant seat which has been vacant for three years, that election will imply that he is to receive compensation like every other Senator, neither more nor less, and that it will also imply that he is not to receive compensation for three years during which he rendered no service, during which he never thought of being a Senator, and during which he has, so far as I can see, no more claim in equity or justice to the money than I have or than my friend the Senator from North Carolina.

I am reminded by a Senator near me that the same rule which we are discussing was the rule adopted in the case of the colleague of the Senator from North Carolina. I believe that that Senator himself has said on the floor that so cogently did he feel the injustice of this rule that he offered to his predecessor, the claimant of the seat, every part of the compensation due by the action of the Senate to him anterior to the time when he became seated, and I believe the fact that he did make that offer exposed him on some occasions to some injurious remark. Perhaps it was in reference to that that he spoke when he said that feeling that this compensation was not due to him he proposed to his predecessor, to whom if to anybody it was due, that he should take it, which is a very strong illustration of the view which that Senator took of the justice and propriety of such a provision as this.

Returning from some digression on this subject, I would vote cheerfully for the amendment offered by the Senator from North Carolina if it were offered as an amendment to speak to future cases, to take effect upon men who have no vested rights and who have not proceeded under a different and well-grounded expectation. As to those men I feel bound to observe the law as it stands. As to the present claimant, to be entirely frank, I may admit that I feel a little more careful to see to it that by no act or omission of mine does any injustice visit him because of considerations which have been alluded to, and which I do not choose more pointedly to refer to, but which considerations do not single him out in my estimation as a man who should be visited with any stint of compensation or any stint of consideration beyond other men. I do not mean to imply that there is any Senator moved by the fact that this man's race, or his history, or the circumstances surrounding his claim to a seat in the Senate should make any difference against him. I only mean to say that for one I wish to see to it, I wish to be careful and industrious in seeing to it, that no invidious distinction is made against him.

Mr. MERRIMON. I beg to assure the Senator that the fact of this contestant's race has not in the slightest degree influenced my action.

Mr. CONKLING. The honorable Senator did not understand me to impute that to him; did he?

Mr. MERRIMON. I did not so understand the Senator. In the same spirit manifested by himself in that respect, I desire to say to the Senator and to the country that this fact has in no sense influenced my action. I would do by him just as I would do by the Senator from New York, or any Senator on this floor, or myself, because, if duly elected, he had a right to be here, he had a right to have his rights respected in all respects and to the fullest measure, and I would not want to mete to him any other. If his case was alone here, I might have the same reluctance to ask to see the practice of the Senate changed now; but his case does not stand here alone. Here we have the case of a republican and a colored man on the one hand, and the Senate has also before it for consideration the case of a democrat and a white man on the other hand; so that no invidious discrimination need be made.

Mr. MITCHELL. I would suggest to the Senator that the other case is entirely different in regard to the length of the contest.

Mr. MERRIMON. That is very true; but the rule I insist upon can be applied to the case of Sykes as well as to this case. Sykes not having contested so long, of course the reasonable compensation to him would not be so great.

Mr. CONKLING. The Sykes case is not before the Senate.

Mr. MERRIMON. It is not before us now, but it will be here for our action.

Mr. CONKLING. It is not before us now.

Mr. MERRIMON. Not at this moment, but we know that it will be before us in the course of a day or two.

Touching the force and effect of the practice, I wish to say a word. The Congress is not like a court; it is not bound by precedents like courts of justice. Every case stands upon its own merits, and it is competent for either branch of Congress to decide a question coming properly within its proper jurisdiction according to its special merits. It is true that long practice will have some weight.

Mr. EATON. I would suggest to my friend from North Carolina, following out his present suggestion, that in one of the cases cited by my friend from New York the vote stood 19 against 22, and he says the strongest men in the Senate were against the practice, thus showing what the Senator from North Carolina is now saying. I desire him to enlarge upon the fact that every case stands upon its own basis. There is no general rule at all.

Mr. MERRIMON. I venture this remark, Mr. President, and I do not make it by way of reflection upon any party, that wherever those allowances were made the decision of the Senate was more or less influenced by political considerations, which in my judgment ought not to enter into an allowance of this sort. I believe this allowance should be made just like an allowance made for the services of a master by a court.

Mr. CONKLING. I beg to remind the Senator, if he will allow me a moment, that the case in 1853 arose when the Senate was largely democratic. If he will look at the vote—which I will remind the Senator from Connecticut I did not fail to read, and I stated that it was 19 to 22—he will find as I read that Senators like Mr. Sumner, and Mr. Seward, and Mr. Edward Everett were found voting with democratic Senators in the majority.

Mr. HAMLIN. And Mr. Badger.

Mr. CONKLING. Mr. Badger also, I am reminded, who was from the Senator's own State. He will find also in the negative the same mixture of politics. The Senator suggested some time ago that most of these cases had arisen since the war. He must remember that since the war the Senate has been republican in majority, but anterior to the war when the Senate was all the time democratic, these cases can be found bristling all along, not only this one in 1853 but several others which I remember without looking to the record.

Mr. MORTON. I will state to the Senator that in the case of Stanton in 1861 the Senate was unanimous.

Mr. MERRIMON. I am not making a point against any party. I believe the practice, with all due respect, to be vicious. It is competent for the Senate to correct it now, and it ought to be done at the earliest moment. Speaking of the distinguished names read by the Senator from New York a moment ago, when we come to remember them we can well see how they gave way. There was not a more generous heart in this world than that of George E. Badger. He could scarcely refuse to give a man his pocket-book, as a pure matter of charity, if he asked him for it. We all know the character of Mr. Sumner and Mr. Seward. They were generous men. A man had simply to ask them for money and he got it. They gave way; that was their fault; they gave when they ought not to have given.

The vote read by the Senator from New York shows that there was a great diversity of opinion and that opinion was about equally divided on that subject; but I need not go into that. The point I am making is that these precedents are not binding on the Senate. While the Senate will pay respect to the practice observed in the past, it is not binding upon the Senate like decisions of a court. The Senate will decide every case upon its own merits. Nor would there be any breach of good faith toward contestants in stopping this practice now. We have Mr. Pinchback on the one hand and Mr. Sykes on the other. At the time they began their contests they had no shadow of right to one dollar to pay them for the expenses incurred in the contest. There was no law allowing them any compensation. If there had been a law, this resolution would be unnecessary. The allowance that may be made now or the allowance that may be made in any case rests entirely in the discretion of the Senate. The Senate must say whether there was reasonable ground for contest, and having decided that there was reasonable ground for contest, (as I say there was in this case by reason of the large minority vote in favor of the contestant,) then in the next place it must decide what is reasonable compensation. I believe the sum which the substitute I have offered allows is ample to cover the expenses reasonably incurred by this contestant. I give him a thousand dollars a year to pay his expenses here and $2,000 to pay his traveling expenses to and from New Orleans. It would more than pay his reasonable expenses; but if there was doubt upon that question I should not have a moment's hesitation about a reference to a committee, as suggested by the Senator from New York, in order to ascertain what were the reasonable expenses. If I took the view some Senators do, that the Senate is bound by this vicious practice—and I do not mean to be offensive to the past or any person of the past—I should not hesitate to vote the appropriation; I should feel bound to vote the appropriation; but I am not so bound. The Senate is not bound by these precedents. This contestant had no shadow of right at the time his contest began to be made to one dollar. Whatever he may get is a pure gratuity. It is the conscience of the Senate that moves the Senate to allow him a reasonable compensation for making a contest which a large minority of the Senate said he had reasonable grounds for doing.

I shall, therefore, without compromising my conscience in any measure, vote for the substitute which I have offered; and I repeat again that I will make this rule apply, so far as I am concerned, not only to this contestant but in the Sykes case and in any case which shall happen while I have the honor to hold a seat in this body.

Mr. MORTON. I merely rose to express the hope that we may have a vote.

The PRESIDING OFFICER, (Mr. DAVIS in the chair.) The question is on the substitute offered by the Senator from North Carolina, on which the yeas and nays have been ordered.

Mr. SAULSBURY. I shall vote for the substitute, and if it is adopted afterward vote against the resolution as amended.

Mr. McDONALD. I ask that the substitute be reported.

The PRESIDING OFFICER. It will be reported.

The CHIEF CLERK. It is proposed to strike out all after the word "resolved" in the resolution reported by the committee and to insert:

That the sum of $5,000 be allowed to P. B. S. Pinchback to pay the reasonable expenses incurred by him as contestant for a seat in the Senate as a Senator from the State of Louisiana.

The Secretary proceeded to call the roll on the amendment.

Mr. EATON, (when his name was called.) On all matters of a political character I am paired with my friend from Massachusetts, [Mr. BOUTWELL.] This I deem to be somewhat a political question. This gives $5,000. I would not perhaps vote for it at all; but the Senator from Massachusetts if present would vote "nay."

Mr. KEY, (when his name was called.) On all political questions I am paired with the Senator from Illinois, [Mr. OGLESBY.] As this seems to be considered one I shall not vote. If present he would vote "nay," and I should vote "yea," on this amendment.

The roll-call was concluded.

Mr. MERRIMON. I am paired with the Senator from Arkansas, [Mr. CLAYTON.] I take it he would vote against this amendment, and I should vote for it.

Mr. MORTON. I suggest to the Senator to vote in order to insure a quorum.

Mr. MERRIMON. At the request of the Senator from Indiana, upon my understanding with the Senator from Arkansas, I vote "yea" in order to insure the presence of a quorum.

Mr. PATTERSON. I am paired with the Senator from Pennsylvania, [Mr. WALLACE.] If present he would vote "yea," and I should vote "nay."

The result was announced—yeas 10, nays 31; as follows;

YEAS—Messrs. Cockrell, Davis, Jones of Florida, Kelly, McCreery, McDonald, Merrimon, Norwood, Saulsbury, and Withers—10.

NAYS—Messrs. Alcorn, Allison, Anthony, Bruce, Cameron of Wisconsin, Conkling, Cragin, Dawes, Dennis, Dorsey, Edmunds, Ferry, Frelinghuysen, Hamlin, Harvey, Hitchcock, Howe, Ingalls, Logan, McMillan, Mitchell, Morrill of Maine, Morrill of Vermont, Morton, Paddock, Sherman, Spencer, Wadleigh, West, Windom, and Wright—31.

ABSENT—Messrs. Barnum, Bayard, Bogy, Booth, Boutwell, Burnside, Cameron of Pennsylvania, Caperton, Christiancy, Clayton, Conover, Cooper, Eaton, Goldthwaite, Gordon, Hamilton, Johnston, Jones of Nevada, Kernan, Key, Maxey, Oglesby, Patterson, Randolph, Ransom, Robertson, Sargent, Sharon, Stevenson, Thurman, Wallace, and Whyte—32.

So the amendment was rejected.

The PRESIDING OFFICER. The question recurs on the resolution.

Mr. EDMUNDS. I am inclined to vote in favor of this resolution because as far as I understand it the previous practice of the Senate warrants it, although I think that practice is founded on a wrong principle. In order to dispose of the question if we may, I move to amend the resolution by adding to it the following as a guide in other cases, which I believe to be the sound principle upon which we ought to proceed:

Resolved, That hereafter in cases of disputed claims to seats in the Senate no other or greater allowance shall be made to a defeated claimant than in such case shall seem to the Senate just.

Resolved, That in no case shall any pay be allowed to a Senator to begin earlier than his election or appointment.

Mr. MITCHELL. I would favor that, as far as I am concerned, as an amendment provided it does not apply to cases now pending. I do not know what was the intention of the Senator in moving it.

Mr. EDMUNDS. It does not so apply by its terms. It is "hereafter in cases of disputed claims," cases hereafter arising.

Mr. MITCHELL. I should not be willing to vote for it if it applied to any cases now pending.

Mr. LOGAN. It is all right if you change the word "hereafter," so as not to apply to cases now before the Senate.

Mr. MORTON. It should read "in cases hereafter arising."

Mr. EDMUNDS. I modify the amendment to meet the views of the Senators, so as to read:

Resolved, That in cases of disputed claims to seats in the Senate hereafter arising, no other or greater allowance shall be made to a defeated claimant than in such case shall seem to the Senate just.

Resolved, That in no case shall any pay be allowed to a Senator to begin earlier than the date of his election or appointment.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Vermont, as modified, to the resolution of the committee.

Mr. EATON. I hope the honorable Senator will not offer that as

an amendment to the resolution. I am very willing and ready to vote for the principle contained in the amendment of the Senator from Vermont, but I cannot vote for it in connection with this resolution. I shall be very glad to have the Senate take action on the subject by a separate resolution, and not marry it to this matter.

Mr. EDMUNDS. The Senator does not give any reason for that opinion.

The amendment was agreed to.

The PRESIDING OFFICER. The question recurs upon the resolution, as amended.

Mr. WITHERS. I move to strike out all after the word "Louisiana" in the resolution reported from the committee and insert the following:

That Francis W. Sykes, late contestant for a seat in the Senate from the State of Alabama, and that Joseph Segar, claiming to have been elected a Senator from the State of Virginia, be allowed an amount equal to the compensation and mileage of a Senator from the beginning of the term for which they claimed to have been elected up to the period of the adjudication of such claim by the adverse action of the Senate.

Mr. EDMUNDS. Is that to strike out what has just been inserted on my motion?

The PRESIDING OFFICER. The Chair understands that it has been offered as an amendment to the resolution reported from the committee.

Mr. WITHERS. It is an amendment to the resolution offered by the committee.

Mr. MORTON. I hope the Senator from Virginia will not attempt to encumber the resolution by that provision. As far as the Sykes case is concerned, there is a resolution pending here in charge of the Senator from Tennessee [Mr. COOPER] which the Senate will consider at any time, I have no doubt, that he asks it. As far as Segar's case is concerned, it is not before the committee at all and I do not know anything about it.

Mr. WITHERS. Mr. President, I shall detain the Senate very briefly by stating the reasons which induce me to offer the amendment.

It seems from the vote of the Senate, as well as from the declarations made by the Senator who reported the resolution, and I believe all the Senators who have spoken in favor of its adoption, that the uniform action of the Senate has been in this direction. While a great many Senators admit in terms that the rule is subject to abuse, and that probably in this case itself it may give rise to doubts, and that it is very desirable to effect a reformation in that particular, all who favor the resolution say that we are governed by precedent established by the previous action of this body and it is imperatively necessary that we shall pass the resolution as it was reported.

Assuming that to be true, I base upon that declaration of the wishes of the Senate my argument for the adoption of the amendment which I have suggested. The case of the applicant from Alabama, Mr. Sykes, is so well understood by the Senate and the fact is so thoroughly appreciated that it stands precisely on the same ground as the case which is under consideration, that I need not dwell upon it; but with regard to the other claimant I have a word or two to say, because I desire to bring his case clearly and unequivocally before the Senate, many Senators being I know entirely ignorant of the merits of the case and of the standing of the applicant, as well as of what I believe to be the injustice with which he has been treated by the refusal or neglect of this body to take action in his case.

The chairman of the Committee on Privileges and Elections, with somewhat, as I thought, of unnecessary warmth, repelled an intimation that that committee has ever acted in any manner that would justify the allegation that they made any discrimination for or against any person whose case came before them; but when I recall to his recollection and that of the Senate the fact that this applicant, Joseph Segar, has had a claim pending here for years; that when his petition was presented to the Forty-third Congress, claiming his pay and compensation as a Senator of the United States by virtue of an election by the Legislature of Virginia and under the sanction of credentials signed by the name of the executive officer who at that time was the head of the Virginia government as recognized by the United States; when I recall to their recollection the fact that the validity of that government had been recognized by every Department of our National Government, legislative, executive, and judicial; and when I recall again to their memories the fact that that claim was permitted to sleep and die with the Forty-third Congress without any report ever having been made upon it, and that the same petition, based upon the same grounds, was presented to the present Congress, the Forty-fourth, first referred to the Committee on Claims, and upon a report from that committee very properly referred to the Committee on Privileges and Elections, and that up to the present time, among the closing days of this first session of the Forty-fourth Congress, no report has emanated from that committee whatever upon this case—I think that I have established the claim upon the part of this constituent of mine to recognition at the hands of the Senate, and that it will also be seen that his case has not been treated with that consideration and equal fairness which has been adjudged to other claimants.

What are the facts with regard to this applicant? I think his petition has been waived aside, and in the minds of many Senators they have declined to consider and investigate the matters it embodies, because, they say, he was elected by a little Legislature which convened in Alexandria, and which never did represent the sovereignty of the State of Virginia, and was not its valid and legal Legislature. I would recall to the recollection of Senators present the fact that whatever circumstances may have surrounded the origin of that Legislature, whatever doubts might have arisen in the minds of different Senators as to the validity and legality of the body which claimed to represent the sovereignty of the State of Virginia, and the executive which did exercise actually all the powers of the governor of the State, the recognition of that body by the legislative, executive, and judicial departments of the United States Government has precluded all further question upon that point. I do not think it necessary to go behind the fact of this recognition in order to argue as to the validity of that Legislature. I need only mention the fact that the passage of the thirteenth amendment abolishing slavery throughout the broad limits of this nation owed its efficacy to the vote of that very Legislature which I have now alluded to; that the vote of the State of Virginia as passed by its Legislature was absolutely and indispensably necessary to give validity to the thirteenth amendment abolishing slavery. There was the highest possible exercise of legislative power; there, it seems to me, was the highest possible recognition of the validity of the existence of that Legislature and that State government. I think, therefore, it is too late now to raise this plea as a bar to the claim of this poor, old, poverty-stricken gentleman, who comes and asks at your hands some small compensation which is due him under the laws of the land; and it is not only due to him legally, but due to him in every moral and equitable aspect that the case can present for our consideration. He was a Union man—*intus et in cute*. From the very beginning of the struggle between the two sections of this country he took his stand on the side of the Union, and he was loyal to the flag from the beginning to the end of it. What have been the consequences to him individually? His loyalty and his devotion to the Union of these States has resulted in dragging him down from a position of pecuniary independence to one of almost abject poverty. It has deprived him of official position; and the very Government for whose benefit and in defense of whose rights he made all these dearest sacrifices has turned a deaf ear to every appeal that he has made to them, whether for compensation for property sacrificed for the benefit of the Government or for the recognition of a position to which he had been regularly and legally elected.

Mr. SARGENT. Was he not paid one sum in the House?

Mr. WITHERS. He was paid by the House, but he has never received one cent in the Senate. The claim which he presents himself here before us is a claim for some compensation for his services as Senator, to which place he was duly elected by the Legislature of Virginia. His credentials which are now on file in your Secretary's office show that they are in proper form, duly authenticated by the signature of the then governor of Virginia.

Mr. EDMUNDS. Do I understand the Senator to say that the same Legislature that elected Mr. Segar was the one that agreed to the thirteenth amendment of the Constitution?

Mr. WITHERS. Yes, sir; that is the information which I have had laid before me in connection with the subject, and it agrees with my recollection.

Mr. DAWES. I think it was the same Legislature that gave the consent of Virginia to the erection of the State of West Virginia.

Mr. WITHERS. Yes, sir; it certainly was the same Legislature which gave its assent to the formation of the State of West Virginia, and my recollection and information is that it was also the same Legislature which gave its assent to the thirteenth amendment; and that assent was indispensable to secure the requisite number of States to give validity to that amendment.

Mr. SHERMAN. I have always thought that Mr. Segar ought to have been paid something—I do not know how much or for how long—for his services here. He remained here and attended for a long time expecting to be recognized as a Senator. At the proper time on a report of the committee I would be perfectly willing to vote to pay him. Indeed he requested me to present his petition at one time. I did so, and I read all the papers in connection with it. I presented it and it was referred to the Committee on Privileges and Elections, but no report has been made. However, I have to say that I shall certainly vote for no new proposition, especially when embracing a new set of facts, as an amendment to a resolution that has been debated so long as has this Pinchback case. Certainly we ought to dispose of this Pinchback question. I am very glad the Senator from Virginia has called our attention to the case of Segar, because I believe the United States have neglected to give him that recognition which the circumstances would justify in paying him a reasonable sum. I should vote with the Senator from Virginia for doing it, but certainly not on the resolution now before us. The Senator will agree with me probably that it is not a very wise system of legislation after a subject has been thoroughly discussed, with which the Senate is already familiar, to present a new subject embracing different facts, in the nature of an amendment.

Mt. WADLEIGH. Perhaps, Mr. President, what I shall say to the Senate on the case of Mr. Segar will save the Senator from Virginia the necessity of making any further remarks upon that subject. The case of Mr. Segar was referred to me at a previous session of the Senate, but there came to me no evidence in support of the claim and no statement of facts, so far as I could find among the papers, except

an extract from a debate in this body upon the claim. In that debate leading democratic Senators, in opposition to the claim, the Senator from Ohio [Mr. THURMAN] among others, said they would never vote for any such proposition. There being no evidence in support of the claim and no facts proved before me that would warrant me in making the report in its favor or against it, I retained the claim in my hands. During the present session of Congress and at a recent day, Mr. Segar has been to me and presented to me evidence in his case which proves facts that I think entitle him to receive payment. It was my purpose so soon as I could get the time to draw up a report in writing and present that report to the Committee on Privileges and Elections and through them to bring it into the Senate.

I, for one, am willing to vote for the amendment proposed by the Senator from Virginia, because I think Mr. Segar is justly entitled to receive the compensation which the amendment provides.

Mr. LOGAN. Would the Senator be willing to add it to this resolution?

Mr. WADLEIGH. I should be satisfied with that. I think it is a just claim.

Mr. WITHERS. I do not see anything incongruous in the amendment which I have suggested. On the contrary, it seems to me eminently right and proper that it should go on this particular resolution, because the resolution itself is predicated upon the assumption that the uniform practice of the Senate in paying those who appear before them as claimants to seats within this body has been so invariably followed that it should be adhered to in the case of Mr. Pinchback. If that be good logic and sound reasoning, it seems to me that it is eminently right and proper that another case which stands precisely upon the same ground, so far as regards certainly the *prima facie* right, should stand upon the same footing also. I see no incongruity or impropriety whatever in incorporating it in the same resolution.

Mr. CONKLING. Will the Senator indulge me a moment?

Mr. WITHERS. Certainly.

Mr. CONKLING. The distinction which I see between the pending resolution and that case is this: The case of Mr. Segar has never been examined by a committee and reported upon. It may have been examined but no report has been made. I know the reverse is true of Mr. Sykes's case. It seems there has been a report in that case, and I have heard that report indorsed by Senators here in such wise as leads me to suppose there was no objection to it in committee. Therefore if the Senator would offer his amendment to apply to the case of Sykes alone, it might be sustained; but when he proposes an amendment in a case which has never been examined by a committee, which has not received the report of a committee, he must see I think that he requires me and other Senators as little instructed as I am to go rather blindfold in voting upon a case of which I have no knowledge as a Senator in the ordinary course of business, because it has not been considered before, and of which I have no advice from a committee because no report has been made.

Therefore I suggest to the Senator that if he adheres to his amendment he had better confine it to Mr. Sykes. Whether after what I have heard from the Committee on Privileges and Elections there will be objection to that, I do not know, but I infer not. Certainly as to Segar it rests upon a different foundation.

Mr. MORTON. I hope the amendment will be withdrawn.

Mr. WITHERS. I appeal to Senators. I want to make a remark or two in reply, but I will yield to the Senator from Indiana if he wishes to say a word.

Mr. MORTON. As to whether Mr. Segar ever presented his credentials here the committee has no knowledge. I have none. It is only a matter of rumor. It is a matter that ought to be examined by getting at the facts and reporting upon them. The Senator from New Hampshire a year or two ago said he had no evidence of such a fact. From what was said by the Senator from Virginia, I think the subject ought to be examined and reported upon. I hope there will be no attempt to delay the passage of this resolution by putting a matter of this kind upon it.

Mr. WITHERS. There is a good deal in the suggestion made by the Senator from New York and also in the suggestion made by some other Senators on the floor with regard especially to the case of Mr. Sykes as to the fact that his case has been considered and reported upon by the committee and is in charge of a Senator of this body, as I am informed. My limited experience here has caused me perhaps to be guilty of a slight discourtesy toward the Senator who has it in charge by moving without his assent the amendment so far as it relates to Sykes. Therefore I withdraw that portion of the amendment which relates to the claim of Mr. Sykes.

Mr. MITCHELL. The Senator means the claim of Mr. Segar, I suppose.

Mr. WITHERS. If Mr. Sykes's claim is in the hands of a member of the Senate, reported from the committee, then I allude to that case; not otherwise.

Mr. LOGAN. I want to say, if the Senator from Virginia will allow me, being a member of the Committee on Privileges and Elections, that I certainly have no knowledge of this Segar claim, except such knowledge as we gain merely by rumor. I have no right to question what he says about it and about its being in the hands of the committee, but it certainly ought to be reported on to the Senate so that the facts may be had. I did not know before that the Senator from New Hampshire had charge of the case. Certainly it was not reported back to the committee; at least, I had never heard of it. I only say that it ought to be reported to the committee and by the committee reported to the Senate before it is acted upon, so that we may have the facts and the Senate may act intelligently. I have no disposition to oppose the claim of Mr. Segar; but I cannot vote for his claim without some knowledge of it, and I certainly lack the knowledge in reference to his services or his election or anything else in connection with it. These other cases (the case from Louisiana and the case from Alabama) I do know something about, because I have some evidence in regard to both of them; and I am willing to vote for both of them, although I would rather have them considered separately. One member of the committee has charge of the case of Mr. Sykes, and it will doubtless pass the Senate whenever called up—at least, if this case passes, it certainly will; but the case of Segar, I think, ought to be examined and reported upon before the Senate acts upon it. I certainly do not want to act upon it myself; I do not want to vote for it or against it without some knowledge of the facts.

Mr. WITHERS. The Segar claim was presented to the Senate in the Forty-third Congress. It was referred to the Committee on Privileges and Elections, from whom it was never reported. The reason of the refusal and neglect of the committee I now fully understand from the remarks which were made by the Senator from New Hampshire, who has it in charge. I did not intend in what I said before, and do not intend in what I say now, by any means, to reflect on the fairness of the Senator who has the matter in charge, nor of the committee, which of course could not act upon it until it was reported back by the subcommittee to whom it was referred. But I think that Mr. Segar and those who represent him on this floor had a right to assume that it was designed by the Senate that no report should be made on his case inasmuch as it had been so long in the hands of the committee, he himself never being cognizant of all the facts in the case, and had not been reported by that committee. It seems to me a good time to ingraft his case upon that of the claim from Louisiana in order that the Senate may indicate very clearly its purpose of carrying out what has been the uniform practice of the Senate in the case of all other applicants. For that purpose I desire to have it put upon the resolution. I see no greater impropriety in investigating the facts connected with his election than I have seen in the investigation of the facts which every member thoroughly made as to the circumstances connected with the election of the claimant from Louisiana. I see no reason why all the facts which bear upon the case should not be elicited now under the operation of the amendment which I have suggested, and why a vote should not be had upon it just as well as if it were reported from the committee. I know that both parties, democratic and republican, at the time it was introduced in the Forty-third Congress gave the claim the cold shoulder. They did not pretend to look into the merits of the case or investigate it in any respect, but merely assuming that the Legislature that professed to elect him had no legal existence, they whistled his case down the wind and left poor old Mr. Segar a prey to misfortune.

Mr. SARGENT. If a committee of this body upon an examination of the facts shall report that Mr. Segar is entitled at our hands justly to a sum of money I will give that report respectful consideration, and if satisfied that it is correct will vote the money, but upon no other terms. I certainly would not vote for a proposition to make it a rider on the Pinchback matter, and it seems to me strange that my friend from Virginia, ordinarily discreet as he is, should require a black horse to get his white horse through the race.

I know something with reference to the Segar case. I had heard for a number of years past that there was some claim of Joseph Segar for remuneration by Congress and it sounded familiar to me, and yet it may be that any impression which now rests in my mind from that statement may do him injustice, and that Mr. Segar may have a perfectly proper claim. I remember that Mr. Segar was in the Thirty-seventh Congress, which was almost entirely a republican Congress. I was a member of it and with the majority, an enormous majority responsible for what happened. Mr. Segar came claiming to represent a constituency somewhere in Virginia; some dozen or two persons from the evidence taken had voted for him and elected him to the House. Finally he was allowed to come in, although he was a volunteer candidate. He came in simply because nobody else ran and nobody else thought there would be a chance to come in. My recollection of that is not clear, but I think that subsequently he was not allowed to come in and there was some sum of money paid for him on this second arrangement of the matter, from $3,000 to $9,000, I forget which. At any rate a very substantial sum of money was paid to Mr. Joseph Segar.

It seems, then, there was an opening, it being in some sort an inchoate State, to get into the Senate of the United States. This is the last part of the matter, the third act of the drama, which I should like to understand before I can vote understandingly for this measure. It is barely probable that it was a proper Legislature; it is barely probable that after the State of West Virginia was organized there was enough of what might be called loyal counties of old Virginia left to organize them into a species of volunteer government and to claim to have a Legislature, a governor, &c., with power to elect a Senator in Congress, and that we ought to recognize the claim so set up. I do not desire to prejudice that matter, but, as I understand it at present, I am not disposed to assent to it. I understand Mr. Segar took the place of a Senator-elect for the State of Virginia

who died. This government sprang up in revolutionary times; it had a meager constituency, and two men claimed to represent the old State of Virginia. When one of those died an effort was made to put Segar in his place, and the claim was that the Senate of the United States should receive him. The Senate did not seat him. The claim may be good, but it will require a careful report of a committee, well fortified by facts, before I can assent to it, especially as I am not disposed to give money from the Treasury of the United States to a man simply because he is old and poor. It is a circumstance we could certainly argue more cases on, and subsequently we shall be asked to pay a large amount of money; and it looks very much like a habit or a system of making claims of this kind, which leads me in a new one to be particularly scrutinous.

I do not want to speak in any spirit of unkindness toward Mr. Segar. As far as I remember him he was rather an agreeable old gentleman in those times. But I say we ought not, unless there is good cause for it, to vote money out of the Treasury; and certainly it is rather an inauspicious time to require a resolution in favor of a black horse to carry a white one.

Mr. WITHERS. That is only an indication that the bottom rail has got on top. I want to see that my friend did not misunderstand me, for I hope I did not so badly express myself as to give legitimate ground for assuming that I had predicated this claim for Segar on the ground that he was old and poor. I claim it on the ground that he was elected by a Legislature and his credentials were signed by a governor who by the official action of the United States in all its departments had been recognized as the legitimate Legislature and the legitimate governor of Virginia. I claim it on that ground. I presume that that recognition, I will say here, would have precluded any necessity for going behind it to investigate the polls to ascertain how many votes were cast in favor of any single member of that Legislature, or of how many members it was composed, or anything of that sort. The fact that it had been recognized by all the departments of Government as a legal Legislature of Virginia, it seemed to me, settles all that question, and the Senate would not desire and we had no right to go behind their action in the premises.

I think the argument I urged in behalf of the claim I presented may not properly be regarded as having no foundation further than that the applicant was an old and a poor man. I adduced these circumstances merely to show (and I think it was a perfectly legitimate deduction from them) that it is a case where there was a legal right of which the applicant had been denied, and in consequence of that denial he had been reduced to very low means, if not entirely to poverty, and that his age precluded him now from doing much in his own behalf; and these facts rendered the case still stronger why his claim should receive the favorable or just consideration at least of the Senate of the United States.

Mr. MORTON. I simply rise to express the hope that the friends of the original resolution will allow the vote to be taken. If the Senator from Virginia does not choose to withdraw his amendment, let the vote be taken upon that.

Mr. DAWES. I will detain the Senate but a moment. I do not know that the Senator from California spoke of Segar's case accurately. I was upon the House Committee of Elections, which had the examination of Mr. Segar's case each time it came before them. My memory is not very accurate, but the first time he came into the House he occupied a seat about six months. After this, upon a report of the Committee of Elections, he retired from the House. The next time he was admitted by the House, according to my recollection, against the report of the Committee of Elections, and he was compensated in this way for his contest on the occasion when he was unsuccessful. Of course when he was admitted there was no occasion for voting compensation.

Mr. SARGENT. Will the Senator allow me to ask him in what Congress did he sit and was rejected? Was that in the Thirty-seventh or Thirty-sixth Congress?

Mr. DAWES. It was at the beginning of the war that he first came in.

Mr. SARGENT. The Thirty-seventh Congress?

Mr. DAWES. I do not know which Congress it was by number. It may have been the Thirty-seventh. At that Congress he was rejected, after having occupied the seat about six months. At the next Congress he came and was admitted, according to my recollection, against the report of the committee. At that time it was the policy in the other branch, which—if I may be allowed to allude to what occurred at this end of the Capitol—governed this branch as well, to admit to representation any portion of the States that were in rebellion as fast as the Army wrested them from the rebellion; and so men were hurried in. It was supposed that it contributed largely to the re-establishment of the Government in those States. Mr. Segar was compensated for the unsuccessful contest by having his claim put into a resolution with five others, six of them in all, and they were allowed $3,000 apiece for their expenses.

Mr. SARGENT. There were three of them.

Mr. DAWES. There were six, I think.

Mr. SARGENT. John Kline, Joseph Segar, and John M. Butler, as shown by the Journal.

Mr. DAWES. I know there was a resolution embracing six, and I thought his name was in that. It was $3,000 apiece, was it not?

Mr. SARGENT. Yes, sir.

Mr. DAWES. The question about his claim to a seat in the Senate, according to my recollection, was this: There was a Legislature that purported to be the Legislature of Virginia which held its sessions in Alexandria. That Legislature, as I have said, was recognized by every department of the Government of the United States. Its acts were treated as the legal acts of the State of Virginia, and the most important of them all which gave the assent of Virginia to the erection of a new State within its limits, without which the whole proceeding creating the State of West Virginia would have been unconstitutional. There was according to my recollection—older Senators here may correct me—a Senator elected by that Legislature and admitted to a seat by the Senate who died here. He died, I think, of the small-pox in this city, and to fill his place, unless I am mistaken, Mr. Segar was elected by the same Legislature that elected the man who died.

I want to give Mr. Segar something. I always voted against his right to a seat in the House because I did not quite agree with the policy that prevailed at that time. It had all passed out of my mind until brought up here by the Senator from Virginia. If he were elected by that Alexandria Legislature, I do not think that the Senate can afford to go back upon its record by saying that at least it had not any such legal existence as could send a member of this body here. After that, I hope the Senator from Virginia will hold on to the name of Joseph Segar. It may be proper to withdraw it from this resolution, but I hope he will not lose sight of it until that old gentleman receives compensation, who, as he says—and I happen to know that what the Senator from Virginia says is true—sacrificed everything to the cause of the Union when his State was strongly against it.

Mr. WITHERS. I wish to make a correction, before the vote is taken on this question, of a statement which I made. It is this: that the Legislature which elected Mr. Segar did not themselves pass upon the ordinance of secession, but that that Legislature called the convention which did act upon it; and of course if the Legislature was illegal the convention was not legal at all.

Mr. MORTON. I rise to ask for a vote. It is getting late and I hope the friends of the resolution at least will not prevent a vote from being taken.

Mr. SPENCER. I move to strike all out after the word "Louisiana" and insert:

> And Francis W. Sykes, late a contestant for a seat in the Senate as a Senator from the State of Alabama, be each allowed an amount equal to the pay and mileage of a Senator from the beginning of the term for which they were respectively contestants up to the period of the determination of the respective contests by the Senate.

Mr. EDMUNDS. Does that strike out the part adopted as an amendment?

Mr. MITCHELL. I rise to a point of order. There is already an amendment pending to insert words at the very same place offered by the Senator from Virginia.

The PRESIDENT *pro tempore*. The Chair sustains the point of order. This is not an amendment to the amendment of the Senator from Virginia. The question is on the amendment of the Senator from Virginia. The Senator from Alabama does not propose this as an amendment to that amendment.

Mr. SPENCER. I supposed the Senator from Virginia had withdrawn his amendment.

Mr. WITHERS. The Senator is correct. I had withdrawn one portion of it, the portion which related to the claim of Mr. Sykes. I did so at the suggestion that it was in the hands of another Senator here and had been reported by the committee, and that it would be discourteous for a different Senator to present it in this way.

The PRESIDENT *pro tempore*. The amendment of the Senator from Virginia, as modified, is pending. This proposition of the Senator from Alabama is not an amendment to that amendment, as the Chair understands.

Mr. SPENCER. I will move it as an amendment to the amendment, then.

The PRESIDENT *pro tempore*. That will be in order.

Mr. ALCORN. Mr. President, the debate has disclosed the fact, as in truth it exists, that there is no precedent attaching to the Senate which should govern the vote of any Senator upon this floor, and I rise to state the grounds upon which I base my support of the resolution to pay Mr. Pinchback. My vote depends on the fact that I believe he was entitled to a seat in this body for the time mentioned in the resolution. As he held in his hands credentials from the governor of Louisiana properly signed, I thought he was entitled to be admitted upon his *prima facie* case, after the Senate had recognized the governor of that State, and after the executive and judicial departments of the nation had recognized the governor of the State of Louisiana. The Senate, however, decided that he was not so entitled. I vote for his payment because I believe he was entitled to his seat and is entitled to his compensation. In any other case arising here I should exercise my judgment as to the justice of the claim and would stand ready to vote just such compensation as I believed to be proper upon the merits of the particular case presented for action.

There is, in my judgment, no precedent that should govern or control the vote of any Senator. Precedents may attach as to forms, and they apply properly only to forms; they do not apply to substance when cases are before Congress which involve matters of substance.

I follow precedents in matters of form; but in matters of substance touching the revenues of the country, I follow the suggestions of my own judgment and vote according to the dictates of my own conscience. That is the rule that I adopt for myself, and it is the rule that I have acted upon and shall continue to act upon.

Now, with regard to the action of Senators, while I would not be willing to use any term of reproach to any Senator who sees proper to apply for a compensation which he never was entitled to, to apply for payment for a term of service when he was not present and that did not belong to him, yet I should feel that if it was my case I was subject to the reproach of my constituents if I should claim and receive compensation from the Government for services that were not performed by me. And, sir, to show practically my judgment in this matter, I may state that I did not take my seat for ten or twelve months after I was elected to the Senate. There was no one disputing my place; there was no one disputing my title to the seat. When I came here I did as I held an honest man should do, and as I hold to-day an honest man should do; I took compensation from the day that I was sworn in to discharge the duties of a Senator, and no longer, and I would not receive from the Government compensation for that period of time that I chose to absent myself from the Senate after I had been elected a Senator.

Now, one word with regard to the case of Mr. Segar. I wish Senators to understand that when Mr. Segar's case came before the committee for investigation, the principle there set up in his behalf involved a class of cases that belong to the Southern States. How was it with regard to the State that I have the honor in part to represent to-day? Under the proclamation of the President in 1865 the provisional governor of Mississippi called a convention of the people. That convention amended the constitution. That amendment struck down, so far as the State of Mississippi was concerned, the institution of slavery, for that convention declared that slavery should no longer exist in Mississippi. The Legislature followed upon the heels of that convention, and that Legislature ratified an amendment to the Constitution abolishing slavery in the United States, and that Legislature elected two Senators to the Congress of the United States under the proclamation of the President—a Legislature recognized by this Government.

Those two Senators stood outside your door for a long twelvemonth of time, were refused admission, and up to this good hour have received no compensation for their services. That was the precedent then; and yet Senators to-day tell us that always, invariably that when gentlemen have been elected to this body they have been paid a compensation for their time. There was no fourteenth amendment then. We were here. I speak knowingly upon the subject for I was one of that class of Senators who stood outside this door and asked to be admitted upon the credentials which we held in our hands. I held up to the Senate the action of that Legislature. I said: "Here is the adoption of the amendment to the Constitution by the Legislature that elected me to the Senate. You hold good the action of that Legislature in adopting the amendment to the Constitution of the United States abolishing slavery. How then can you disregard the action of that Legislature when it comes to the question of electing a Senator to the Congress of the United States?" But while I stood here with Mr. Segar and others outside asking to be admitted, a gentleman in the other branch of the Congress of the United States introduced a resolution that struck us full in the face. Mr. HALE, if I remember aright, introduced a resolution in about these words: "Resolved, that treason is a crime, and that rebels deserve to be punished;" and that resolution passed the House of Representatives by a unanimous vote, our democratic friends voting to adopt that resolution. Not one dissenting vote in the House of Representatives could be found on that occasion to strike down or resist that resolution. We were threatened with prosecution here for treason rather than that we should be admitted to seats in the Senate of the United States; and when that resolution was adopted I felt very much inclined to go home even without compensation.

But to-day, if Mr. Segar and other gentlemen of his class are to be paid, I claim that the Senators from the State of Mississippi, and the Senators from the State of Alabama, and the Senators from the State of South Carolina, and the Senators from all the Southern States whose Legislatures had voted to adopt the amendment to the Constitution striking down slavery, the benefits of which accrued to the Constitution and made good the thirteenth amendment, should be entitled to compensation; and I ask the committee that shall be empowered to investigate Mr. Segar's case to refer to the files and find there the credentials of each and every Senator from the Southern States who held the same ground that he did, and although they may not show that they did suffer so much for the Union, they could, each and every one of them if alive to-day, I presume, show that they did suffer terrible penalties on account of disunion. I know that I could make some proof in that direction, and I would claim, if the sympathies of the Senate were to have anything to do with it, that we were entitled to come in for a share of the sympathies of the Senate of the United States in voting us compensation.

I believe in truth however, to be serious, Mr. President, that we were entitled to compensation. I believe that the Senators who stood here at that time were entitled to be paid, and the same rule that applied here should attach to the members of the House of Representatives. You collected your taxes; we paid our revenues; you had the benefits of our legislation; the Legislatures were recognized by every department of the Government of the United States; but we stood outside and had no voice in this body or in the other House; and I say that every principle of justice, equity, and good conscience demands that we should be paid. Certainly we should be paid if Mr. Segar's case is to be considered and he is to be paid. He has no better title to his pay than the rest of us.

I have said more, Mr. President, than I intended to say when I rose, and therefore I shall not occupy more time.

Mr. MITCHELL. It is getting very late now and very warm. This matter has been discussed for several days, and I hope we shall have a succession of votes until we close it out.

The PRESIDENT *pro tempore*. The Senator from Alabama [Mr. SPENCER] moves to amend the amendment of the Senator from Virginia, [Mr. WITHERS.] The Secretary will now read it as proposed.

The CHIEF CLERK. The amendment of the Senator from Virginia [Mr. WITHERS] is to strike out all after the word "Louisiana" in the resolution reported by the Committee on Privileges and Elections, and to insert:

And that Joseph Segar, claiming to have been elected a Senator from the State of Virginia, be allowed an amount equal to the compensation and mileage of a Senator from the beginning of the term for which he claimed to have been elected up to the period of the adjudication of such claim by the adverse action of the Senate.

It is proposed to amend the part just read by striking out all after the word "that" and inserting:

Francis W. Sykes, late a contestant for a seat in the Senate as a Senator from the State of Alabama, be each allowed an amount equal to the pay and mileage of a Senator from the beginning of the term for which they were respectively contestants up to the period of the determination of the respective contests by the Senate.

Mr. SARGENT. The question I believe is on the amendment offered by the Senator from Virginia.

The PRESIDENT *pro tempore*. On the amendment of the Senator from Alabama to the amendment of the Senator from Virginia.

Mr. SARGENT. I wish to say one word in reference to the portion of the amendment offered by the Senator from Virginia. When this matter of Segar was brought to the attention of the Senate, the Senator from Ohio, [Mr. THURMAN,] as shown by the debates, moved "to refer that thing" to the Committee on Privileges and Elections. His attention being called to the fact that he was not treating the petition with sufficient respect, he expressed the apprehension that he was treating it with too much respect. The petition, however, was received, as all petitions are received which are respectful in terms, and referred to the committee. I am sorry that the Senator from Ohio is not here to give us his views on this matter. But in my reading of the laws of Congress passed at various times for the benefit of Mr. Segar it seems to me that Congress has been very generous to him. Certainly the House of Representatives has been. The House of Representatives, in opposition to its Committee of Elections, gave him his seat during one entire Congress. Of course he received the pay of the station. During another Congress it received him and paid him, when it was decided by both the committee and the House that he was not entitled to his seat, the sum of $3,000. And on page 670 of the seventeenth volume of the Statutes I find that Congress made him compensation to the extent of $15,000 besides what had already been paid to him on another account, just probably, but certainly showing that there has been no disposition to treat him unjustly and unfairly. It was enacted:

That the Secretary of the Treasury be, and he is hereby, directed and required to pay to Joseph Segar, of Virginia, out of any money in the Treasury not otherwise appropriated, the sum of $15,000, the same being the balance still due him, after deducting what he has heretofore received, for the use and occupation of his farm in Elizabeth City County, Virginia, by the Army of the United States during the late rebellion.

I think this justifies the statement that I made that Congress has dealt very generously with him, and it is nearly time that we begin to be quite just, because these things go along from time to time and always at last Mr. Segar triumphantly prevails and puts money in his purse. I am opposed to this proposition being fastened on the report of the committee, and if it is I shall vote against the whole measure.

Mr. MORTON. The Segar matter is in the hands of the committee. The Senate is not prepared to act upon it. The Sykes matter is in the hands of a Senator who will no doubt take occasion to present it at a proper time. It has no connection with the Pinchback matter. I hope we shall vote these amendments down and adopt the resolution.

Mr. WITHERS. In view of the expression of opinion on the part of so many Senators of a determination to oppose this amendment because it has not been reported on by the committee I will withdraw it.

The PRESIDENT *pro tempore*. The amendment of the Senator from Virginia is withdrawn.

Mr. SPENCER. Now I offer my amendment as an amendment to the original resolution. The proposition has been reported by the Committee on Privileges and Elections.

The PRESIDENT *pro tempore*. The Senator from Alabama proposes an amendment to the resolution, which will be read.

The CHIEF CLERK. It is proposed to strike out all of the resolution reported by the committee after the word "Louisiana" and to insert:

And Francis W. Sykes, late a contestant for a seat in the Senate as a Senator from the State of Alabama, be each allowed an amount equal to the pay and mile-

age of a Senator from the beginning of the term for which they were respectively contestants up to the period of the determination of the respective contests by the Senate.

Mr. ANTHONY. I understand that the case of Mr. Sykes has been reported favorably from the committee.

Several SENATORS. Certainly.

Mr. MCMILLAN. Does that affect the amendment offered by the Senator from Vermont, [Mr. EDMUNDS?]

The PRESIDENT *pro tempore*. No; that was adopted.

Mr. CONKLING. This comes in before that; and then that applies to cases arising hereafter.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Alabama to the resolution.

Mr. SAULSBURY. I shall vote against the amendment. I shall not vote for the resolution with the amendment added. If the Senate see proper to adopt the amendment, they may do so; but for myself, I shall not be betrayed into a vote for the claim of Pinchback which I believe to be illegal, which I believe ought not to pass. This claim of Sykes has been before the Senate heretofore, and it has been discussed. A resolution was offered by the late Senator from Maryland [Mr. Hamilton] which met with but little favor at that time. Suggestions were made that the amount was entirely too large, that Mr. Sykes ought to exhibit an account of his expenditures, and that amount, it was said, would be allowed. That was the way his claim was treated then. Now, when a great wrong to the public Treasury is to be perpetrated by paying out some $20,000 to Pinchback, it is proposed to add, as a sweetening to the dose, an allowance to Mr. Sykes, who heretofore has asked in vain for an allowance.

Mr. MITCHELL. That was all before the report of the committee.

Mr. SAULSBURY. I will vote against the resolution, whether it includes Mr. Segar or Mr. Sykes or anybody else.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Alabama, [Mr. SPENCER.]

The amendment was agreed to.

Mr. WEST. I offer the following amendment:

Also, that William L. McMillen and John Ray, contestants for the seat vacated by the resignation of William Pitt Kellogg, a Senator from Louisiana, be each allowed pay and mileage as Senators for the unexpired term named.

I will state that these two gentlemen made their appearance as claimants for the seat commencing in December, 1872, and expiring on the 4th of March, 1873, vacated by William P. Kellogg by resignation. Their claim for compensation was submitted to the Committee on Privileges and Elections, and reported upon favorably; I hold the report in my hand. While settling these questions of contested elections it is eminently proper that the Senate should take the opportunity to pay persons elected as Senators whose claim preceded that of the ones now submitted.

Mr. ANTHONY. Does the Senator say that both were reported favorably?

Mr. WEST. Both reported favorably.

Mr. ANTHONY. Both claiming the same seat?

Mr. WEST. Yes, sir. This is the report on their claim for compensation made by Mr. Carpenter:

The committee reported against seating either of them, but both had incurred expenses in the prosecution of their claims.

By analogy to the precedents of the Senate, your committee are of opinion that both Ray and McMillen would be entitled to the salary of a Senator from the time of their election until the disposition of their claims respectively by the Senate.

Then the report goes on to say that they regard that proposition as vicious and claim an itemized account. This is now three and a half years ago, and whatever items they may have had in their possession at that time I doubt if they have them now. This is a proposition in accordance with the recommendation made by the committee that they should both be paid, and gives them about $1,800 apiece. They both attended here during that whole winter presenting their own case, and their expenses were necessarily heavy.

Mr. MCDONALD. I desire to ask the Senator from Louisiana if one of those parties did not voluntarily withdraw his credentials?

Mr. WEST. One of these gentlemen withdrew his credentials for the seat claimed by Mr. Pinchback after the 4th of March, 1873, but never withdrew his credentials as a claimant for the other seat. There are two different terms entirely. There is no proposition to pay Mr. McMillen for the term that Mr. Pinchback claimed.

Mr. MCDONALD. He may possibly get into that other seat yet. [Laughter.]

Mr. WEST. "Sufficient unto the day is the evil thereof." We can meet that when it comes.

Mr. SHERMAN. Allow me to make a suggestion. It is now nearly five o'clock. I assure the Senator that if he introduces two other new topics I shall, in order to satisfy my conscience, want to know something more about the cases. I thought Mr. McMillen, whom I know personally, had withdrawn, left here, abandoned his case. We are all tired out with this Pinchback case.

Mr. WEST. Well, Mr. President, there is nobody more tired of it than I have been; but I am not here advocating any claims of any individual on personal grounds. What the Senator says about Mr. McMillen having withdrawn his claim is correct, but that applies to an entirely different term. I am in receipt constantly of letters from both these gentlemen somewhat reproaching me for my neglect in prosecuting their claim. I have waited for this opportunity. The term here referred to expired on the 4th of March, 1873, at the time you now take up the claim of Mr. Pinchback; and could there be a more opportune moment to settle the whole matter than now and on this occasion, especially as the Senate has done this in the case of Mr. Sykes? These are the disputed cases from Louisiana. There is no dispute about the facts of the claim of these two gentlemen, and I deem it nothing more than right that their claim should be considered now. If the Senate choose to vote it down, I cannot help that. It is my duty to those gentlemen to prefer their claim now.

Mr. MORTON. I hope the amendment will be voted down. It is obvious that if the resolution be loaded in this way it will be lost. I trust the amendment will be voted down here and come up in proper shape hereafter.

Mr. EDMUNDS. The observations of the Senator from Louisiana have thrown some light on this thing; for it appears that at a certain date the Committee on Privileges and Elections, in respect to this Louisiana business, did report about Ray and McMillen that neither was entitled to the seat, but that each claimed in good faith, and the state of political affairs there was such that the committee did not think either ought to be admitted; and so they say:

By analogy to the precedents of the Senate, your committee are of opinion that both Ray and McMillen would be entitled to the salary of a Senator from the time of their election until the disposition of their claims respectively by the Senate; but regarding this precedent as vicious, your committee recommend the adoption of the following resolution:

Resolved, That the actual expenses necessarily incurred by John Ray and William L. McMillen, claimants to a seat in the Senate from the State of Louisiana, in the Forty-second Congress, in presenting their respective claims to a seat in the Senate, be paid out of the contingent fund of the Senate; which expenses shall be presented itemized and verified by the oath of the said Ray and McMillen respectively, and the amounts shall be audited by the Committee to Audit and Control the Contingent Expenses of the Senate.

There you have a report of the Committee on Privileges and Elections upon the claim of two gentlemen to seats that would have been valid if the respective Legislatures that elected them had been valid.

Mr. CONKLING. When was that report made?

Mr. EDMUNDS. I was endeavoring to ascertain myself, but from this extract from it before me I am not able to tell. It was I suppose, when Mr. Carpenter, from the Committee on Privileges and Elections, reported on the subject of this political trouble in the State of Louisiana about the rights of these two gentlemen to seats. It preceded the matter of Mr. Pinchback. It preceded, I think, the matter of Mr. Sykes and of Mr. SPENCER.

Mr. CONKLING. By "the matter" do you mean the election?

Mr. EDMUNDS. I mean the question that arose, the discussion in the Senate.

Mr. CONKLING. It did not precede Pinchback's election?

Mr. EDMUNDS. No; because he was elected for the long term at the same time that these two contestants were elected for the short term. The Sykes report was made, I am informed by our always correct Chief Clerk, on the 20th of April, 1874. This must have been earlier. It brings us to this point, that before the contest of Mr. Pinchback and before the Sykes contest, the proper committee of this body on a case that in its essential principles appears to have stood on the same grounds, that is, a dispute as to the political character or being of the body that purported to elect, recommended, and for aught that appears unanimously, that the idea of paying a man who was not a Senator as if he had been *per se* was vicious, and that what ought to be done was particular justice on the particular circumstances of each case, depending upon the degree of doubt and the good faith of the claimant, I suppose, and all that.

This report having been made before the Pinchback and before the Sykes contest, the question with me is whether that was not a kind of public *caveat* which should have informed Sykes and Pinchback both that their contest if it resulted unfavorably would not necessarily be followed on principles of good faith by the Senate with the same payment that they would have received if they had performed duty as Senators, but would be followed by giving to each of them, if their contest was in good faith, what the particular circumstances of the case required. This report from this same committee upon these two cases that embraced both sides of the political question rather convinces me that we are perhaps taking too fast a step by voting to pay either Sykes or Pinchback any such amount as is here proposed.

Mr. CONKLING. That report was not acted on.

Mr. EDMUNDS. No; it was not acted upon. I only say the most that could be made of it was that it was a kind of public notice that the Senate, at least, held in reserve the question whether we should be bound to pay compenstion as such to a person who was not admitted.

Mr. MERRIMON. I am glad that the Senator from Vermont has brought this report to the attention of the Senate. It goes exactly on the line of action I have been advocating all day, and I believe justice to the parties interested and to the country particularly requires that these parties should have their reasonable expenses paid and no more. I move to refer the resolution and the amendments to the Committee on Privileges and Elections, with instructions to ascertain what would be a reasonable allowance for the actual expenses of these several contestants, and to report as they may deem proper.

The PRESIDENT *pro tempore*. The Senator from North Carolina

moves a recommittal of the resolution to the Committee on Privileges and Elections, with instructions.

Mr. LOGAN. I do not know, and have no right to say, that there is a way of killing a thing without attacking it; but I have seen such things done. Now, if there is a disposition in the Senate to vote down the resolution, there ought to be nerve enough in the Senators to vote against it squarely. The resolution in favor of Mr. Pinchback ought not to be made to carry through every doubtful claim or question that there is before the Senate.

I think the motion of the Senator from North Carolina is not the proper motion. If he desires to refer this report in reference to Mr. Ray and Mr. McMillen back to the committee to ascertain what their expenses were, let him make that motion; but why refer the whole thing? The Senate has not said that it was only going to pay expenses. The motion of the Senator from Vermont, when he made it, qualifying the resolution so that hereafter in all future cases contestants should be paid for their time as the Senate might judge to be right, exempted this particular claim from that amendment, and it was so understood by the Senate on both sides of the chamber. Now there seems to be a disposition to pile all on so as to defeat this resolution. I will not vote for the resolution if that be done, although I think Mr. Pinchback is entitled to his pay as much as I am to mine. He acted in good faith, and under all the circumstances—though I am not going to make a speech in reference to his case; I have done that several times on the floor of the Senate—I think he was entitled to his seat. Because I think he was entitled to his seat I am ready to vote to give him his pay, and for no other reason. These other gentlemen stand on very different grounds, no matter what the report is. All the Senators here know that these claimants, Mr. Ray and Mr. McMillen, stand on different grounds from Mr. Pinchback.

Mr. WEST. I ask the Senator if he will be good enough to explain the difference in the ground?

Mr. FRELINGHUYSEN. I hope he will not do it to-night; it is too late.

Mr. LOGAN. I do not propose to stand here and explain for the benefit of the Senator from Louisiana or anybody else the difference. I state it for myself to my own satisfaction that the cases do stand on different grounds. I could give the reasons for that opinion if I felt disposed to do so. I am not disposed to go into an argument in reference to it. The arguments that have been made heretofore show the grounds very distinctly, that they stand here very differently; at least so far as I am concerned and so far as my own reasoning goes, I am satisfied that a very different state of things exists as to each. But I am not disposed to go into that. I gave my reasons to the Senate at the time I voted to seat Mr. Pinchback. I held that by the recognition of the Legislature by the different departments of the Government and by the recognition of the supreme court of Louisiana the Kellogg government was the lawful government in all its departments. That was the ground on which I based my argument.

Mr. WEST. The same right attaches to Mr. Ray.

Mr. LOGAN. I think not. They are very different cases. If the Senator from Louisiana wants to defeat the proposition to pay Mr. Pinchback and does not want him to get his pay, he is taking exactly the right course to defeat it. If the Senator from Vermont feels the same way and does not like to vote square against it or for it, this is the right way to defeat it. If it is to be defeated, I would rather see it defeated in a square fight. I do not believe in putting riders here to give gentlemen an opportunity who want, I think, to vote against it to vote against it. I do not want to vote against it, but I will vote against it if all these riders are added.

Mr. MITCHELL. So will I.

Mr. WEST. Mr. President, during the course of the remarks of the Senator from Illinois, which I presume were addressed to the Senate with a view of influencing their action, he took occasion to say that there were entirely different grounds attaching to these two claimants, and I asked him for an explanation of that assertion; but it appears that he did not intend to make that assertion to influence the Senate. It was only an expression of his own satisfaction with his own judgment, and therefore it should not weigh with the Senate.

But the assertion that Mr. Pinchback's claim has been put in subsequent to the notice that was served upon him by the report which has been read, and that that should operate as a *caveat*, is scarcely correct. Mr. Pinchback commenced his claim for a seat in this Senate on the 4th of March, 1873. This *caveat*, as it is called, serving a notice upon all claimants that the principle was a vicious one to exact or expect pay for time not served, was not made until the 22d of June, 1874, fifteen months after the commencement of the prosecution of the claim, and it was the expression of the opinion of a committee, but met no favor at the hands of the Senate. So it in no degree invalidates this claim that I can see.

Furthermore, I scarcely think the Senator is correct in saying that I desired to load down this resolution so that it could not be passed.

Mr. LOGAN. I did not say the Senator desired to do it.

Mr. WEST. Well, the Senator's judgment is that my course tends that way.

Mr. LOGAN. I had a right to say that.

Mr. WEST. Certainly; but let the Senator understand me. I wish to be understood as advocating in no personal sense whatever the claims of claimants to seats in this body from the State of Louisiana; and I cannot make fish of one and flesh of another; and if any claim has precedence at all, it is the claim of those Senators that came here anterior to Mr. Pinchback and who had the same ground for making it that he had. Their cases had been submitted to the committee, and the committee determined that they had the right to be paid, but suggested a different method of payment, a method that has been rejected in this very case by a vote of the Senate already. The rule is to be applied hereafter, and if you wish to do justice to all the claimants in Louisiana, take them all at once, and, as Benjamin Franklin said, say grace over the whole barrel of pork and be done with it.

Mr. MITCHELL. This report was not made at this Congress, whatever it amounts to; but it was made at another Congress. The claims of Messrs. Ray and McMillen have not been before this Congress, have not been considered by any committee of this Congress; and it seems to me there is no propriety in offering their cases as an amendment to the pending resolution, and I hope it will be voted down.

Mr. EDMUNDS. I wish to say to my good friend from Illinois, who seems to impute to me a disposition to dodge this question, that I do not know that on this particular question, from the beginning to the end, I can be fairly accused of any disposition to dodge it. I know that I am generally as desirous as he is, or anybody else, of getting out of the way when a vote is to be taken; but on this particular matter, the matter of the right of Pinchback——

Mr. LOGAN. If the Senator wants to know exactly what I meant, I will state it.

Mr. EDMUNDS. If the Senator will let me finish the sentence, he may see whether he wants to explain or not. I was proceeding to say that on this particular subject, whatever all our faults may be with others, I did have the impression that my attitude was pretty well understood. In fact I have received several blessings from all sides of the Chamber for it. That I can bear; but I do not think the Senator is quite justified in what seemed to be his hint that in suggesting the report of this committee I was desirous of evading the question.

Mr. LOGAN. Not at all. I did not say the Senator evades the question. I said that the Senator from Louisiana was taking the right step to defeat the resolution.

Mr. EDMUNDS. You said "Vermont."

Mr. LOGAN. Hold on. The Senator from Vermont I coupled with the Senator from Louisiana, and I will explain to the Senator what I did mean. I did suppose that the Senator from Vermont was not in favor of this resolution, for the reason that he certainly was not in favor of Mr. Pinchback taking his seat. I said that I based my vote on this resolution in favor of it upon the ground that I believed Mr. Pinchback was entitled to it, for the reason that I thought he was entitled to his seat. Believing that, I was for the resolution. The Senator from Vermont, believing that he was not, would naturally not be for the resolution. Therefore I did suppose that he would be glad to see riders put upon it, because a more convenient way of killing it than fighting it squarely. I did mean that; nothing more, nothing less. I did not mean it in an offensive sense.

Mr. EDMUNDS. O, no.

Mr. LOGAN. But I meant it in a sense very frequently used here.

Mr. EDMUNDS. I want to assure my friend that in this particular instance he is altogether mistaken again. I have not been disposed to put any riders on the resolution for the purpose of killing it or embarrassing it. I did propose an amendment, which was agreed to unanimously, that hereafter the rule should be so and so; and when I proposed that amendment I was determined to vote in favor of the resolution because I thought it followed what the Senate had hitherto done. Now when the Senator from Louisiana, after debate, brings forward here a former report of this same committee arising out of this same election that elected Mr. Pinchback and the men who were elected for the short term when he was elected for the long one, in which they say they believe the former practice is vicious, and they recommend upon their responsibility another one conformable to justice in each particular case, I do admit with equal frankness that it makes a good deal of impression on my mind, and it making that impression on my mind I am not prepared at this moment to vote in the way of paying Mr. Pinchback or Mr. Sykes or anybody else, after this old report of this committee, the full compensation of a Senator. I do not know but that when it is further considered I may go back to the original determination that I had when this debate began, supposing that we were absolutely bound by the precedents to vote for it; but after this report, made as it appears unanimously, from a committee of the Senate upon the subject, and the report not acted upon—not therefore condemned but lying as a thousand other things do here that do not get taken up—I think it may be still a good time without doing injustice to any of these gentlemen to reconsider the whole subject and see whether fairly and justly we may not apply to all these cases alike the rule which the committee reported in that case.

Mr. McMILLAN. Will the Senator from Vermont allow me to ask him a question?

Mr. EDMUNDS. Certainly.

Mr. McMILLAN. Does he think it would be fair to regard this report as a public *caveat*, as it is termed, to Pinchback when the present Senate were not aware of the existence of that report until brought to their notice to-day?

Mr. EDMUNDS. I do, because I think we are bound to apply

caveats to the people of the United States when we are not bound to apply them to Senators. Each individual who is making a claim here is pretty apt, if he is looking to his own interests at all, to look at what the Senate has done in similar cases and what committees have reported. Each Senator sitting as a judge and desiring to do right is supposed to presume that when a case arises the committee that has it in charge will bring forward everything that bears upon it, and therefore he need not be presumed to have personal knowledge of all that will guide his discretion when the occasion arises. But in respect of a claimant, if it turns out that he does not come from any Legislature, or that he has got his election by unfair means, or for any other reason he is disqualified, as in the case of Thomas from Maryland as I remember, I do not think he has a right to presume absolutely that, sink or swim, in or out, he is all this time to get the pay of a Senator. I think he has the right to presume that he may appeal to the justice of the Senate to see that he has fair play consistently with justice to the tax-payers. That is all I mean; and therefore while, as I said when I offered the amendment providing for the future, I had intended to vote in favor of this resolution, I am now disposed to vote in favor of sending it back to the committee that they may reconsider the whole subject.

Mr. MORTON. Mr. President, if the Senator wants to vote against this resolution, he has a right to do it as a matter of course, and I shall not be surprised. Some hour or two ago the Senator said that he would vote for this resolution because the precedents were uniformly that way.

Mr. EDMUNDS. I was inclined to do it, I said.

Mr. MORTON. He then offered an amendment that in cases hereafter arising the rule should be different. Subsequently the Senator discovered that the chairman of the Committee on Privileges and Elections, Mr. Carpenter, some four years ago before Pinchback's case had ever arisen and before his term had begun, had made a certain report in regard to McMillen and Ray, a report which was never acted on.

Mr. WEST. The Senator is incorrect; the report was not made until fifteen months after Pinchback had commenced making his claim.

Mr. MORTON. I thought the report was made in the month of February, 1873.

Mr. WEST. No; the 22d of June, 1874; here it is.

Mr. EDMUNDS. The 1873 report was on the political condition of the State, and had nothing to do with the question of pay.

Mr. LOGAN. What committee made this report in favor of Ray and McMillen?

Mr. MORTON. I do not know. It was not made by me and never acted on by the Senate. It lay here without any attention being paid to it; it was never called up; and now this mere report of a committee, which was never acted upon by the Senate, never adopted, the Senator from Vermont chooses to consider such a precedent and caveat as justifies him in changing his views entirely and voting to send the whole matter back to the committee. If my friend wants to vote against this report he has a perfect right to do so, and need not rest the act upon any excuse of that kind. The idea is that because this report has been discovered in regard to these two cases, a report never acted upon, it constituted a precedent which would justify the Senator in violating what the Senator himself said an hour ago had been the uniform action of the Senate in all times!

Mr. LOGAN. I would suggest to the Senator from Indiana that it is usual for reports of that character to come from the Committee on Privileges and Elections. This is from another committee.

Mr. MORTON. I discover now that this report comes from the Committee on Contingent Expenses, to which the case never went, where it had no business. How Mr. Carpenter, who was chairman of that committee, a committee consisting of three persons, came to make any report on this question I do not know.

Mr. WEST. Here it is. I introduced a resolution requiring the Senate to pay these men, and that resolution was submitted to the Committee on Contingent Expenses.

Mr. MORTON. A place where it had no right to go, and where it did not belong any more than to the Committee on the Judiciary, or the Committee on the Revision of the Laws. How it got there I do not know. Here is a report that was never acted upon, and very properly, but it is such a precedent as justifies the Senator from Vermont in changing his views on this question.

Mr. EDMUNDS. I have to be like other people and change my views occasionally. I think the Senator from Indiana is the last man who should lecture me on the subject of changing views. I think if we read his political history and mine, or rather our legal histories, it will be found that he, like a wise and true man, has changed his views every time he had occasion to do it, about five times to my once. But that is because he lives probably in a wider section of country where there is greater scope for it.

Now, Mr. President, I do not feel in the least hurt at the insinuation of my honorable friend from Indiana, because we all go according to the light we have, and I have no doubt that he judges me exactly as he would think it fair for me to judge him; and that being the case nobody can find fault with it. I assume from what he says that if he did not wish to meet a question fair and square, he would contrive, as he insinuates I do, some means of dodging it and getting around it, because I cannot suppose he would apply a rule to me that he would not apply to himself. It would be contrary to the fourteenth amendment, to begin with, of which we are both in favor.

Now, to come back to the subject, my friend says this is no ground for recommitting this matter. Sir, the Committee on Contingent Expenses were charged by the Senate and did not volunteer to investigate this subject when McMillen and Ray presented their claims for compensation, agreeing out, one of them, of an election by exactly the same body of men that elected Mr. Pinchback. My friend from Louisiana or somebody introduced a proposition to pay them. The Senate ordered that the Committee to Audit and Control the Contingent Expenses of the Senate, and out of funds over which they had the auditing and control the payment must be made, to inquire into it. They did inquire into it, and reported what had not been brought to my notice before, and that was that they had considered this subject and took the responsibility of reporting to the Senate that claims of this character founded upon the idea that a man was to be paid as a Senator when it turned out that he had no claim to be a Senator were vicious, and as a provision in cases of that kind they reported that the man who contested in good faith should be paid his reasonable and necessary expenses in the contest, to be ascertained in a careful and prudent way. We all agreed in adopting unanimously the amendment I had the honor to offer, that that principle is founded in justice and reason. The only question is whether it ought to have a retroactive operation, as is denied by the Senator from Indiana. Now, I submit that it was worthy of consideration inasmuch as this report publicly made was on the files of the Senate and had been applied to two citizens of Louisiana already in not giving them what is now claimed to be a matter of course, the pay of a Senator—it is fair to consider whether it ought not to apply to all of them as well as to two. That is all there is of the question.

Mr. MORTON. The Senator changed his mind here in about twenty or thirty minutes under very peculiar circumstances, and the reason which he assigned was rather unsatisfactory, in fact was rather insignificant, to be honest about it.

Mr. EDMUNDS. That is, in your judgment.

Mr. MORTON. And when I referred to the matter the Senator thought it necessary to allude to my political history and to say that I had changed my mind in my political life about five times where he did so once. Well, it is always important in a matter of that kind for a man to be right. If I were to be technical, I should take issue with him on the fact; I should say that what he said was not true and that he could not begin to prove it. But that would not be a very important matter at this time.

Now, Mr. President, the Senator took the ground here very broadly—and I confess a little to my surprise, because I expected from the beginning of this controversy that he would somehow contrive to come out in the opposition—that the precedents had been uniform and he did not feel at liberty to violate them but that the rule should be changed as to all cases arising hereafter, and he offered an amendment to that effect. After that he discovered a report made by the Committee on Contingent Expenses of the Senate, which was never adopted by the Senate, never acted on, could form no precedent or rule of action whatever, of which perhaps Pinchback never heard in his life, and insisted that it was a *caveat* to Pinchback of which he ought to take notice which justified him in referring and reconsidering the whole thing. The Senator has come out precisely at the hole where I expected he would, from the very beginning of this controversy.

Mr. EDMUNDS. That shows you are a good prophet!

Mr. MORRILL, of Vermont. Mr. President, it is very clear that the adoption on the part of the Senate of the resolution presented by my colleague may hereafter prevent what certainly must be admitted to be a very great evil, the extravagant payment on the part of the Senate of those who contest seats in this body. But it seems to me that it is out of our usual course to consider anything that has not been presented by the Committee on Privileges and Elections. Therefore I shall vote against including all cases that have not been considered and reported on by the Committee on Privileges and Elections; and to begin with the case of Mr. Pinchback, a colored man, and make that an exception to the universal record of our precedents, for one I am averse to. I shall therefore vote for the appropriation to be made according to the precedents heretofore established in relation to Mr. Pinchback, although I have never considered that he was properly elected a member of this body, and I shall vote against any amendments that do not come from the Committee on Privileges and Elections.

Mr. WEST. I really was somewhat at fault in supposing that this report that I read from had been submitted from the Committee on Privileges and Elections. My mistake arose from the fact that Mr. Carpenter was a member of both committees, and I did not have the caption of the report before me. In order to take this question out of the way of the Senate at the present moment, I move the reference of the amendment that I have offered to the Committee on Privileges and Elections, and that takes it out of this case.

Mr. LOGAN. The Senator withdraws the amendment and refers the report.

Mr. WEST. I withdraw the amendment and ask that it be referred.

Mr. EDMUNDS. You cannot refer an amendment; you must introduce a resolution.

Mr. MORTON. That can be done afterward.

Mr. WEST. I withdraw the amendment and will offer it immediately afterward.

The PRESIDENT *pro tempore*. The Senator from North Carolina has moved to refer the whole question to the Committee on Privileges and Elections, with instructions. The question is on that motion.

The motion was not agreed to; there being on a division—ayes 14, noes 24.

Mr. WEST. I withdraw my amendment now, and ask permission of the Senate, when this vote is taken, to offer the proposition, and refer it to the Committee on Privileges and Elections.

Mr. MORTON. There will be no objection to that.

The PRESIDENT *pro tempore*. The amendment is withdrawn, and the question is on the resolution as amended.

Mr. EDMUNDS. Let us hear it read.

The Chief Clerk read as follows:

Resolved, That P. B. S. Pinchback, late contestant for a seat in the Senate from the State of Louisiana, and Francis W. Sykes, late a contestant for a seat in the Senate as a Senator from the State of Alabama, be each allowed an amount equal to the pay and mileage of a Senator from the beginning of the term for which they were respectively contestants up to the period of the determination of the respective contests by the Senate.

Resolved, That in cases of disputed claims to seats in the Senate hereafter arising, no other or greater allowance shall be made to a defeated claimant than in such case shall seem to the Senate just.

Resolved, That in no case shall any pay be allowed to a Senator to begin earlier than the date of his election or appointment.

Mr. MITCHELL. I call for the yeas and nays.

Mr. EDMUNDS. Does that resolution provide for paying this man out of the contingent fund?

The PRESIDENT *pro tempore*. It does not.

Mr. EDMUNDS. What is it to be paid out of, I would ask the Senator having it in charge? How is this money to be paid? Is this a joint resolution?

The PRESIDENT *pro tempore*. It is not; it is a Senate resolution.

Mr. CONKLING. Then it means the contingent fund, of course.

Mr. CRAGIN. Senators are not paid out of the contingent fund of the Senate, as the Senator knows.

Mr. EDMUNDS. But out of the appropriation for the pay of Senators. There is no appropriation for the pay of Senators out of which this money can be paid. The resolution will be perfectly inoperative as it now stands.

Mr. MITCHELL. It will be paid out of the contingent fund, of course.

The PRESIDENT *pro tempore*. The question is on the resolution which has been read. The yeas and nays have been called for.

The yeas and nays were ordered.

Mr. EATON. I will not detain the Senate long——

Mr. GORDON. Will my friend yield to a motion to adjourn?

Mr. EATON. I will yield for that purpose.

Mr. GORDON. I move that the Senate adjourn.

Mr. MORRILL, of Maine. I ask the Senator to withdraw that to allow me to make a motion.

Mr. GORDON. Certainly.

Mr. MORRILL, of Maine. I move that when the Senate adjourn it be to meet to-morrow at eleven o'clock, so as to anticipate the court one hour. I have particular reasons why I think that should be done.

Mr. CONKLING. At what hour does the impeachment trial begin by the order?

The PRESIDENT *pro tempore*. Twelve o'clock.

Mr. CONKLING. The Senator will break up committee meetings to-morrow. That may be a minor matter, but it is very inconvenient to have them broken up if it can be avoided.

Mr. MORRILL, of Maine. I would not make the motion if I thought it could well be avoided.

Mr. CONKLING. I do not feel at liberty to object; but I want to say that one committee, which has been without a quorum for weeks, is to meet to-morrow morning, and the meeting is called and some effort has been made to have it attended, and on matters of some urgency.

Mr. MORRILL, of Maine. I think an important report should be made to-morrow, and I do not see how it can be unless the Senate meets at the time named.

Mr. CONKLING. I do not venture to object; I only state the fact.

The PRESIDENT *pro tempore*. The Senator from Maine moves that when the Senate adjourn to-day, it be to meet to-morrow at eleven o'clock.

The motion was agreed to.

Mr. MITCHELL. I offer an amendment to the pending resolution in the following words——

Mr. GORDON. I thought I had the floor. I yielded to the Senator from Maine only for a specific purpose.

Mr. MITCHELL. I have the floor.

The PRESIDENT *pro tempore*. The Senator from Georgia yielded the floor. There is but one way of yielding.

Mr. MITCHELL. I should like to offer this amendment, and have it acted upon: I move to insert the words "to be paid out of the contingent fund of the Senate" at the proper place in the resolution. I will yield now to the Senator from Georgia, and at the same time I hope his motion will be voted down.

Mr. GORDON, (at five o'clock and fifteen minutes p. m.) I renew the motion to adjourn.

The motion was not agreed to; ayes 11, noes not counted.

Mr. ALCORN. I wish to say that I do not like the language of the resolution upon which we are called to vote. The resolution, as amended by the honorable Senator from Vermont, states that hereafter in making compensation the Senate will allow a compensation that shall be considered just. That implies that the compensation now being made is not just. I merely state, not to govern the action of the Senate but to put myself right, that I should like the proposition better if it stated that hereafter in making compensation it should be based upon a reasonable allowance for the expenses incurred, and not let the implication go forward by this resolution that we are now making a compensation that is not just.

Mr. EATON. Mr. President, this discussion has taken somewhat a wide range. The honorable Senator from Indiana on Monday in his argument intimated, and I think used the language, that if this resolution did not pass it was because the claimant under the resolution was a colored man. Now, Mr. President, I will not use the language which he used toward the honorable Senator from Vermont when he said that an assertion of that honorable Senator was not true; but I will say, in my judgment he is utterly and entirely mistaken in an opinion of that kind.

Now, Mr. President, what has the color of this man got to do with Pinchback's claim? First, was he elected a Senator of the United States by a legislature competent to elect him—by the Legislature of the State of Louisiana? The Senate of the United States have said, as I understand from the honorable Senator from Louisiana, that two white men who were voted for by the same Legislature for the short term were rejected by the Senate. Rejected because they were white? Is that the argument of the honorable Senator from Indiana? That Ray and McMillen were rejected because they were white? They were rejected, doubtless, by the Senate of the United States for a different reason. I have no doubt that the Senate supposed the body that elected those men was not the legal legislature of Louisiana.

The honorable Senator from Indiana traveled out of the record a long way off when he ventured to say here on this floor and to the people of this country that there was to be a great election in November and that that election was to be sought to be carried by fraud and violence. If the honorable Senator from Indiana intended to say that the party to which I have the honor to belong intend to carry the presidential election by fraud or violence, or both, he asserts what in my judgment he cannot prove. If he means that he and his party intend to carry the next presidential election by fraud or violence, he knows more about it than I do, and I will not undertake to question his information.

All that, I confess, has very little to do with the resolution before the Senate. Ought the claimant in this case to be paid the sum of $20,000 or $25,000? My honorable friend from New York, though with great compunction, will vote for this resolution because similar resolutions have been voted for in the past, and such men as Douglas and Borland and Badger and Cooper and Everett have voted for a resolution of that character. I might say that such men as Atherton and Bayard and Bright and Chase and HAMLIN, now a member of this Senate, and Houston and Pearce and Rusk and Stuart and Thompson and Wright voted against this principle.

Another thing, Mr. President: the cases are utterly dissimilar; they are not on all-fours at all; they do not travel together at all; and I undertake to say that there is not one case in the history of the Senate like this which has ever been passed. Look at what was done prior to the war. What has occurred since the great disturbance I do not care to speak about, for men came here any way, all sorts of legislation was enacted, and I do not care to talk about that; but I say that previous to 1860 there is no instance like unto this. The cases then were where two gentlemen came up, both claiming seats, both claiming to have been elected by the same body, and that body a legal Legislature. For instance, I take the case cited by the honorable Senator from New York, which was voted on in 1853. Mr. Yulee and Mr. Mallory were the contestants. Yulee received all the votes that were cast upon one ballot except blanks. In other words, he received twenty-nine votes, and there were twenty-nine blanks against him, and one other vote cast for somebody else. He had no case. He had no business here. He ought not to have been paid; for there was a statute law of Florida that no man should be elected to the United States Senate that did not have a majority of all the votes present, like our Constitution in a particular clause of it. In other words, if there had been eighty men present, forty of them voting in Florida for Mr. Yulee as Senator and forty withholding their votes, there would have been no election, and therefore the blanks were like the presence of men who did not vote at all. The Senate very properly decided that in that case he had no show of an election, and gave the seat to Mr. Mallory.

That was the contest; I have the record of it. I will not tire the Senate with reading it. Those opposing the payment, and it was but a couple of thousand dollars anyhow, did so upon the ground that Mr. Yulee knew that he was not elected; that he had no business to come here; that he, an astute, able lawyer, knew what the law of the State of Florida was, and therefore he ought not to have appeared here and contested the case with Mr. Mallory; and upon that ground nineteen Senators voted that they would not pay him a dollar. Twenty-two voted to pay him, and therefore a little majority of three men establishes what my friend from New York thinks is a precedent in this

case. Now, then, take the large minority and they establish a precedent in this case against the claim. What is it? It is that this man, the claimant in this case, knew that he had no right to a seat in this body. He knew himself that a man who had been elected by the same body for the short term had not been permitted to take a seat here, and therefore he knew that he had no claim. Did he suppose that the fact of his being black would give him any control over the Senate of the United States? for it is upon this ground that I base my position.

Besides, this very claimant, Pinchback, after presenting his claim in this body for a seat, presented himself for admission to a seat in the House of Representatives. At identically the same time that he was claiming a seat here on the floor of the Senate he was claiming a seat on the floor of the House of Representatives.

Now, Mr. President, did not that man know that he had no right or claim to a seat on this floor? In my judgment he did. He came here and prosecuted a claim which he knew was an invalid one. We are asked to-day to take twenty-odd thousand dollars out of a depleted Treasury and make it a present to this man. Sir, I am opposed to it upon this ground: that there has never been a vote in the United States Senate prior to the war to pay the claimant of a contested seat except a small amount, and then where it was a contest between two men. I am opposed to it on another ground. That man came here three or four years ago; he presented his two claims, one for a seat here on this floor, one for a seat in the House of Representatives. He lost that, and by the action of the majority of this Senate he lost the other.

Why was not the vote taken sooner? I beg to ask the honorable Senator from Indiana or the honorable Senator from Louisiana, or anybody else that has this matter in charge, why was not a vote taken three years ago upon this question? Why was the vote evaded and delayed? The report of the committee was made years ago; my friend from Georgia [Mr. NORWOOD] suggests, in 1873. A report was made to this body in 1873 that that man was not entitled to a seat on this floor, because the body that pretended to elect him was not the legal Legislature of the State of Louisiana. Sir, I do not say too much when I say that every member of the committee making that report belonged to the same political party to which this claimant was attached. They declined to admit him, declined to give him a seat, pronounced against the validity of the Legislature that elected him, and the very Senators who said in their hearts that the report of the committee was true now come here and propose to pay him $20,000 or $25,000. I think there are not less than three and perhaps more than three Senators who are now members of this body who were members of the committee that made that report; and as I gather from what has been said here, every one of those honorable Senators will vote to pay this money to a man who never had the ghost of a chance to a seat in the Senate of the United States. If they had kept it along for three years longer it would have been $40,000 instead of $20,000.

I say, then, Mr. President, by no principle is this man entitled to the pay of a Senator. No reason has been given yet except that in the past we have done such things. I say that in the past we have have never done so in any one instance. And so well satisfied is body of the viciousness of any such rule as this that it has attached to this very resolution an amendment that hereafter no such wrong as this shall ever again occur.

Mr. MITCHELL. I hate to interrupt the Senator, because I want to get home; but I should like to know why he says that we have never done so before?

Mr. EATON. Because you never have. That is the reason.

Mr. MITCHELL. That is the reason?

Mr. EATON. Yes.

Mr. MITCHELL. All right. Does the Senator mean to say that the Senate of the United States has never before paid a contestant on the same rule reported by the committee in this case?

Mr. EATON. If my honorable friend had done me the honor and himself the displeasure of listening to what I have been saying, he would have known exactly what my position is. I said that there never has been a case of this character. There has never been an instance except when there were two men who were contesting for a seat, that I have been able to find. If the honorable gentleman will find me one, then I will say I am mistaken. I take the case of Yulee, which was cited by my honorable friend from New York. Two men came here, Yulee and Mallory. They were heard. Yulee had no case, and the committee reported against him, and gave Mallory the seat. By a majority of three votes only, the vote standing 19 to 22, the Senate paid Yulee a thousand or two thousand dollars for his expenses; paid it, I say, against reason. They ought not to have paid a dollar of that money. They did it; but it does not operate upon my mind for one moment as a precedent. I do not regard it as of any value whatever.

I will illustrate. I will suppose that my honorable friend from Oregon is a candidate for the United States Senate next year, or, rather, I had better take his colleague, who may be a candidate. I will suppose that there is a law in the State of Oregon by which if a candidate for the United States Senate does not receive a majority of all the votes present he cannot be the man elected. I will then suppose that there are eighty-one members of the Legislature of Oregon present and only forty votes are cast for my friend, the rest being blanks, and he, an astute lawyer, comes here and claims a seat under that state of affairs. He ought not to have his per diem and his $1,600 mileage, and I would not vote him $1 of it, because as a lawyer he would have no business here. That was the exact case from Florida; but a majority of three gentlemen in the Senate voted—not party-wise, I am happy to say, for there were leading democrats and leading whigs voting this way and that way upon the matter—to allow compensation to Mr. Yulee. But that is no precedent and cannot be cited as one for this case.

Here is a man who was not a contestant; he had no contestant; he came here alone, brought his credentials elected by a legislature that this Senate through its committee had said was not a legislature, and I assert that there is no precedent to be found that can establish this case; and I beg my honorable friend from Indiana to understand that I say it because I believe it, not because this man is not of his color or mine. I go further and say that I said to a very honorable gentleman who received an election since the election of Pinchback that in my judgment he was not entitled to a seat on this floor. He was white and a democrat. So that I take this ground because I believe I am right, not because the man is black or yellow. That has nothing to do with the case. I may be all wrong, but if so I was wrong then in giving the same advice to a white man that I now follow up in my course with regard to this man.

I say, then, under no circumstances does this man bring himself within any rule that has ever obtained in the Senate of the United States. If there had been a rule as vicious as I think this is, I would not be bound by it. The time to stop doing wrong is to stop, not wait until next year to stop; and therefore I say if there were twenty precedents I would disregard them all and take the ground that I believe to be right. Other gentlemen believe differently, and therefore they take opposite grounds. But I say again there is not one precedent to be found. A precedent is being made, and the very moment that you make it the honorable Senator from Vermont makes you say you will never do so again. I say the Senate of the United States belittles itself when it passes the resolution just as it now is. Pay this $20,000 and we will never do it again! This one time, never hereafter!

Mr. President, the Senate of the United States will act wisely in rejecting this claim; they will act in the light of reason and judgment, and will not run athwart of any rule or precedent. If there be any, I should like to see it; I have not yet seen it; not that I would adopt it; not that I would follow it; but it might be an excuse if any were needed for others.

I will not detain the Senate any longer. I simply desired to give the reasons for my vote on this question.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Oregon to insert words providing that the money shall be paid out of the contingent fund.

The question being put, there were on a division—ayes 23, noes 11; no quorum voting.

Mr. MERRIMON. I am paired on questions like this with the Senator from Arkansas, [Mr. CLAYTON,] but my pair is under the direction of the Senator from Indiana, [Mr. MORTON.] I believe it my duty at his request to vote in order to make a quorum.

Mr. EATON. I am paired also; but I suppose I have a right to vote on this matter here. I am paired on the main question.

Mr. McDONALD. I am present and will vote.

The PRESIDENT *pro tempore*. The vote now stands 23 in the affirmative and 14 in the negative. The ayes have it, and the question is on the resolution, as amended, upon which the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. SAULSBURY, (when Mr. BAYARD's name was called.) My colleague [Mr. BAYARD] is paired with the Senator from Pennsylvania, [Mr. CAMERON.]

Mr. EATON, (when his name was called.) On this question I am paired with the Senator from Massachusetts, [Mr. BOUTWELL.] He would vote for the resolution if he were here, and I should vote against it.

Mr. JONES, of Florida, (when his name was called.) I am paired with the Senator from Arkansas, [Mr. DORSEY.] If he were here he would vote "yea," and I should vote "nay."

Mr. KEY, (when his name was called.) On all political questions I am paired with the Senator from Illinois, [Mr. OGLESBY.] If he were here he would vote for this resolution, and I should vote against it. I reserve my right to vote if it is necessary to make a quorum.

Mr. PATTERSON, (when his name was called.) On this question I am paired with the Senator from Pennsylvania, [Mr. WALLACE.] If present he would vote for the resolution, and I should vote against it.

The roll-call was concluded.

Mr. KEY. I vote to make a quorum.

Mr. MERRIMON. In pursuance of my understanding with the Senator from Arkansas, [Mr. CLAYTON,] I believe it is my duty to vote now. His friend the Senator from Indiana [Mr. MORTON] does not insist upon the pair in this case, and I think I ought to vote. I vote "nay."

The result was announced—yeas 27, nays 11; as follows:

YEAS—Messrs. Alcorn, Allison, Anthony, Bruce, Cameron of Wisconsin, Conkling, Cragin, Dawes, Ferry, Frelinghuysen, Harvey, Hitchcock, Howe, Logan, McMillan, Mitchell, Morrill of Maine, Morrill of Vermont, Morton, Paddock, Sargent, Sherman, Spencer, Wadleigh, West, Windom, and Wright—27.

NAYS—Messrs. Cockrell, Davis, Gordon, Kelly, Key, McCreery, McDonald, Merrimon, Norwood, Saulsbury, and Withers—11.

ABSENT—Messrs. Barnum, Bayard, Bogy, Booth, Boutwell, Burnside, Cameron of Pennsylvania, Caperton, Christiancy, Clayton, Conover, Cooper, Dennis, Dorsey, Eaton, Edmunds, Goldthwaite, Hamilton, Hamlin, Ingalls, Johnston, Jones of Florida, Jones of Nevada, Kernan, Maxey, Oglesby, Patterson, Randolph, Ransom, Robertson, Sharon, Stevenson, Thurman, Wallace, and Whyte—35.

So the resolution was passed.

PAY OF M'MILLEN AND RAY.

Mr. WEST submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the claims of William L. McMillen and John Ray, contestants for the seat vacated by the resignation of William P. Kellogg, a Senator from Louisiana, for pay and mileage as Senators for the unexpired term named, be referred to the Committee on Privileges and Elections.

The resolution was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. G. M. ADAMS, its Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 3263) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1877, and for other purposes.

ORDER OF BUSINESS.

Mr. KELLY. I ask the Senate to proceed to the consideration of the bill (H. R. No. 1316) to adjust the claims of the owners of lands within the limits of the Klamath Indian reservation in the State of Oregon.

Mr. EDMUNDS. I move that the Senate adjourn.

Mr. DAVIS. I should like to have printed the resolution relating to the finishing of the Washington Monument. I believe it passed; but it is a short resolution, and I wanted it printed for public use.

The PRESIDENT *pro tempore*. Is there objection to the request of the Senator from West Virginia. The Chair hears none.

Mr. EDMUNDS. I insist on the motion to adjourn.

The motion was agreed to; and (at five o'clock and fifty-five minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *July* 5, 1876.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. I. L. TOWNSEND.

The Journal of Monday last was read and approved.

ORDER OF BUSINESS.

Mr. LORD. I call for the regular order.

Mr. PRATT. I ask the gentleman to yield to me for a moment to report a bill from the Committee of Claims.

Mr. LORD. I yield to the gentleman for that purpose.

BRIDGE ACROSS THE MISSISSIPPI AT ROCK ISLAND.

Mr. PRATT. I am directed by the Committee of Claims to report a bill for the relief of James W. Harvey and James Levesy of the firm of Harvey & Levesy, of Wisconsin, and to ask that it may be put upon its passage.

The SPEAKER *pro tempore*. The bill will be read for information, after which objections to its present consideration, if any, will be in order.

The Clerk read as follows:

Be it enacted, &c., That the claim of James W. Harvey and James Levesy, for alleged labor done and materials furnished under their contract with the United States for the building of the masonry work for the piers and abutments of the bridge across the Mississippi River from Rock Island to Davenport, Iowa, bearing date June 1, 1869, be, and the same is hereby, referred to the Court of Claims for hearing and adjudication, and to that end jurisdiction is hereby conferred on said court to proceed in the adjustment of the accounts between said claimants and the United States as a court of equity jurisdiction, and may, if according to the rules and principles of equity jurisprudence, in its judicial discretion, reform said contract and render such judgment as justice and right between the claimants and the said Government may require.

The SPEAKER *pro tempore*. Is there objection to the consideration of the bill at this time.

There was no objection, and the bill (H. R. No. 3849) was received and read a first and second time.

Mr. PRATT. I will state very briefly that in 1869 these parties, Harvey and Levesy, entered into a contract with the Government——

Mr. JONES, of Kentucky. Mr. Speaker, is this bill to be discussed? If so, I call for the regular order.

The SPEAKER *pro tempore*. It is too late now to object to the consideration of this bill. The gentleman from Iowa [Mr. PRATT] is entitled to the floor.

Mr. PRATT. I was about to state that in 1869 these parties, Harvey and Levesy, entered into a contract with the Government to build piers and abutments for a new rail and wagon bridge to connect the cities of Rock Island, in Illinois, and Davenport, in Iowa. Under the contract they performed a large amount of work.

I have only this one statement to make, that the claim in this case is of such a nature that it cannot well be determined in the Committee of Claims, and this bill refers it to the Court of Claims and confers on that court ample jurisdiction to hear and determine the whole case.

Mr. HOAR. I desire to ask the gentleman a question about this bill. In ordinary cases has the Court of Claims the power to allow claims against the United States according to its sense of what may be the equities of the case?

Mr. PRATT. It has not.

Mr. HOAR. Why is this case made an exception in that particular?

Mr. PRATT. For this reason, Mr. Speaker, that this claim is in many respects an equitable claim. There was a misunderstanding, for instance, on the part of the contractors in regard to the contract; a very serious misunderstanding. It may be necessary for the court, in order to do full justice, to reform the contract. It is very evident to the Committee of Claims that the case can only be fully adjudicated in a court having equitable jurisdiction; and for the purposes of this case authority is given to the court to hear and determine the case in accordance with the principles of equity.

Mr. HOAR. I do not desire to interpose an objection to what I understand to be the unanimous report of the Committee of Claims, which is a faithful and careful committee; but it is establishing a very important precedent to pass a special law authorizing any court whatever to reform contracts made between the United States and private persons, or to deal according to its sense of the equities between the parties who are claimants and the Government. If these petitioners have this right, every citizen of the United States should have the same right to come into the Court of Claims and have his contract reformed on an equitable consideration by the court. If the committee are prepared to take that responsibility, I certainly have not examined the subject enough to be prepared to take the other side of the question.

Mr. PRATT. The Committee of Claims have not considered the propriety of reporting any general bill for any such purpose. But they do find that in this case the claimants have rights, that they have a claim, that they have been very unjustly dealt with, and that their claim can only be reached and justice done them in a court having equity jurisdiction.

Mr. HURLBUT. Will the gentleman allow me a moment?

Mr. PRATT. Yes, sir.

Mr. HURLBUT. I have always understood that a case presenting equitable claims can be determined by Congress; and if the committee is satisfied that this is an equitable claim, why do they not get the House to decide upon it, instead of giving this dangerous jurisdiction to the Court of Claims?

Mr. PRATT. For this reason, that the trial of the case would involve the taking of a large amount of testimony and very heavy expenses. It is a case which the Committee of Claims could not try within any reasonable time. I hope the House will pass the bill. I call for the previous question.

The previous question was seconded and the main question ordered.

Mr. HOLMAN. I ask that the bill may be again read.

The bill was again read.

Mr. SMITH, of Pennsylvania. I ask for the reading of the report.

The SPEAKER *pro tempore*. The Chair understands that there is no report accompanying the bill.

Mr. HOLMAN. What committee reports this bill?

The SPEAKER *pro tempore*. It is reported by the gentleman from Iowa [Mr. PRATT] from the Committee of Claims. The gentleman from Iowa obtained unanimous consent to report the bill for present action.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. PRATT moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PAVING OF PENNSYLVANIA AVENUE.

Mr. STEVENSON submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on House bill No. 3411, entitled "An act authorizing the repavement of Pennsylvania avenue," after full and free conference, recommend that the Senate recede from its substitute for the House bill, and that the House bill be amended as follows:

In line 9, section 1, after the word "avenue," insert "and all intersections of streets, avenues, and alleys crossing the same."

In line 6, section 2, page 2, strike out after the word "practicable" down to and including "work" in line 8.

In line 10, insert, after the word "proposals," "with full specifications."

In line 11, strike out after the word "avenue," down to and including "thereof," in line 18.

In line 26, page 3, strike out "five" and insert "three."

In line 28, section 2, page 3, insert, after "term," "which said per cent. shall be invested in the bonds of the United States, and the interest thereon paid to said contractors."

In line 8, section 3, strike out "shall not be required to use any other material," and insert "having conformed to the grade established by the commissioners may use."

In line 10, insert, after the word "tracks," "as the commissioners shall direct."

In line 22, strike out "derived from taxation."

In line 27, strike out all after the word "shall," in line 27, and all of line 28, and insert "also be paid out of any money in the United States Treasury not otherwise appropriated; but the money so paid shall be re-imbursed to the Treasury of the United States by the District of Columbia, derived from taxation."

In line 10, section 4, insert, after the word "pavement," "together with the proportion due from the District of Columbia."

In line 6, section 5, insert after the word "dollars" "and thirty cents." After the word "yard," in line 7, section 5, page 5, insert "*Provided*, Said pavement shall be fully completed and ready for use December 1, 1876."

In line 3, section 7, insert after the word "it" "may be necessary for them so to do to perfect the whole system."

In line 2, section 8, strike out the words "under the direction of said paving commission."

In line 4, insert after the word "laid" "without delay to the contractor."

In line 13, insert after "commissioners" the words "of the District of Columbia."

A. E. STEVENSON,
G. W. HENDEE,
Managers on the part of the House.

S. W. DORSEY,
GEORGE E. SPENCER,
Managers on the part of the Senate.

Mr. HOLMAN. I would be very glad if the gentleman having charge of this matter would explain the effect of two propositions contained in this report of the committee of conference. One is in regard to the intersections of streets with Pennsylvania avenue. The report provides that in line 9, section 1, after the word "avenue," there shall be inserted the words "and all intersections of streets, avenues, and alleys crossing the same." Then, again, the report provides for striking out of line 27 all after the word "shall," and that all of line 28 shall be stricken out, and that there shall be inserted "also be paid out of any money in the Treasury not otherwise appropriated; but the money so paid shall be re-imbursed to the Treasury of the United States by the District of Columbia, derived from taxation." I would like to know the effect of these two propositions.

Mr. STEVENSON. The gentleman from Vermont [Mr. HENDEE] will explain.

Mr. HENDEE. I understand that the first proposition has reference only to the triangular spaces on the Avenue where the Avenue is crossed diagonally by streets. I suppose the gentleman from Indiana [Mr. HOLMAN] is well aware of the fact that the lettered streets, A, B, C, &c., cross the Avenue so as to make small triangular spaces; and this provision is for the purpose of providing that the streets enclosing these triangular spaces shall be paved the same as Pennsylvania avenue, so that the entire pavement in front of the buildings abutting on the Avenue and these triangular spaces shall be of the same kind. And it provides that parties owning property upon the streets coming into the Avenue in that way shall pay their proportion of the expenses of this repavement; and that the United States Government and government of the District of Columbia shall pay their share of these expenses in the same proportion as they do for paving the Avenue proper.

The purpose of the other provision is simply this: The tax bill which we have passed at this session of Congress will not bring any revenue into the District treasury before the 1st day of December next. This bill, if it shall become a law, provides that this repavement of Pennsylvania avenue shall be completed by that day. Payments must be made for this repavement before there will be any funds in the District treasury derived from the tax bill we have passed. This provision is simply that the Government of the United States shall loan the money necessary for these payments, and that the money arising from taxation under the tax bill we have passed shall be used to re-imburse the United States fully for the amount so advanced. That amount will be about $125,000.

Mr. HOLMAN. Would it not be much safer for the United States to allow the District government to borrow the money from other sources?

Mr. HENDEE. My friend has maintained all through this session that this District government has no credit, and therefore it would be useless for it to undertake to borrow of anybody outside of the Government of the United States.

Mr. HOLMAN. Then would it not be safer for a corporation in that condition to postpone this improvement until it has the necessary resources?

Mr. HENDEE. I think not.

Mr. HOLMAN. All other cities in the United States do that; I do not think that Washington City should be made an exception to the general rule. Besides, in cities all over the country where the people themselves pay the expenses of such improvement, there are many streets used for commercial and business purposes on which the laboring classes drive their wagons, carts, and drays; and such streets are in infinitely worse condition than is Pennsylvania avenue at this time. I think that most cities would postpone the pavement of a street like that until they had sufficient revenue to pay the expenses.

Mr. HENDEE. I think that any city in the United States that had an intelligent authority at its head would have paved this avenue six months ago.

Mr. HOLMAN. They would have done it perhaps if they had had the money.

Mr. HENDEE. I think it is a waste of property, of money, and of time for the Government to allow Pennsylvania avenue to remain longer in its present condition, and I hope the report will be agreed to.

Mr. STEVENSON. I call the previous question upon agreeing to the report of the committee of conference.

The previous question was seconded and the main question ordered; and under the operation thereof the report was agreed to.

Mr. STEVENSON moved to reconsider the vote by which the report of the committee of conference was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. STEVENSON. I ask unanimous consent that the bill as amended by the committee of conference, be printed in full in the RECORD.

No objection was made, and it was so ordered.

The bill, as amended, is as follows:

Be it enacted, &c., That the President of the United States be, and he is hereby, directed to detail General H. G. Wright and General O. A. Gillmore, of the Engineer Corps of the Army, who, with Edward Clark, of Washington, District of Columbia, shall form a commission, whose duty shall be to select and determine the best kind of pavement to be used in paving Pennsylvania avenue, and all intersections of streets, avenues, and alleys crossing the same, including the triangular spaces directly connecting with the Pennsylvania-avenue pavement, abutting on parts of squares numbered 254, 256, 323, 348, and 408, but not including the sidewalks; and to have said thoroughfare paved therewith from the northwest gate of the Capitol grounds to and including the crossing of Fifteenth street west, with such a pavement as they, or a majority of the said commission may agree upon.

SEC. 2. That within ten days after the passage of this act, or as soon thereafter as may be, the commission named herein shall meet and organize by the election of a president and secretary from among their number, and shall proceed to perform the duties herein imposed upon them; and as soon as practicable they shall give notice for one week, in a daily paper published in each of the cities of Washington, Philadelphia, and New York, for proposals, with full specifications, for paving said avenue: *Provided*, That said pavement shall be of the best material, laid in the most substantial manner, and without unnecessary delay; and that a good and sufficient bond to the United States, with sureties, to be approved by the commission, shall be exacted, guaranteeing that the terms of any contract or contracts shall be strictly and faithfully observed, and that the contractor shall keep the said pavement in good repair for the term of three years; and said commission shall retain 10 per cent. of the cost of the work as an additional security and a guarantee fund to keep the same in repair for the said term, which said percentage shall be invested in the bonds of the United States and the interest thereon paid to said contractors.

SEC. 3. That the cost of laying down said pavement shall be paid for in the following proportions and manner: The Washington and Georgetown Railroad Company shall bear all of the expense for that portion of the work lying between the exterior rails of the tracks of the road, and for a distance of two feet from and exterior to the track on each side thereof, and of keeping the same in repair; but the said railroad company, having conformed to the grade established by the commissioners, may use cobble-stone or Belgian rock in paving their tracks or the space between their tracks, as the commissioners may direct. The United States shall pay the cost of paving the spaces between its property and the part of the Avenue to be paid for by the said railroad company, and one-half of the cost of paving the intersection of the streets and avenues, less that to be paid by the railroad company, and the other half shall be paid out of the revenues of the District of Columbia derived from taxation; and the residue of the cost of such paving shall be paid as follows: One-third by the owners of private property lying and abutting on said Pennsylvania avenue, in proportion to their frontage thereon, as hereinafter provided; one-third by the United States; and one-third out of the general revenue of the District of Columbia; and the amount required to pay the part of said cost assumed by the United States shall be paid out of any money in the Treasury not otherwise appropriated; and the amount required to pay the part of said cost charged to the District of Columbia shall also be paid out of any money in the Treasury not otherwise appropriated; but the money so paid shall be re-imbursed to the Treasury of the United States by the District of Columbia from moneys derived from taxation, upon the warrants or orders of said commission duly audited in the Treasury Department: *Provided*, That the property-owners of such parts of squares 254, 256, 323, 348, and 408, as are abutting upon said pavement, shall be assessed at the same rate per front foot as the owners on Pennsylvania avenue: *And provided further*, That the space between Seventh and Eighth streets, opposite the locality now occupied by the Washington Market Company, shall be paid by the District of Columbia, unless the suit now pending as to the ownership of said ground shall be decided against the said District, when the same shall be refunded, with legal interest, by the Washington Market Company to said District.

SEC. 4. That assessments shall be made by the commissioners of the District of Columbia upon the owners of said private property on said avenue and spaces and upon said railroad company, respectively, provided for in section 3 of this act and the sums so found collected by the collector of the District of Columbia and paid into the Treasury of the United States, where it shall be held as a special fund for the specific purpose herein named; and such fund, together with such sum as shall be found to be due and payable from the United States for its proportion of the cost of said pavement, together with the proportion due from the District of Columbia, shall be paid by the Secretary of the Treasury, on the warrant or order of the commission, or a majority thereof, herein authorized, in such amounts and at such times as they may deem safe and proper in view of the progress of the work.

SEC. 5. That the cost of laying down said pavement, exclusive of the work charged to and paid for by the Washington and Georgetown Railroad Company, but including the removal of the present pavement, grading the avenue, and all other work and materials necessary to fully complete said pavement for use, shall not exceed the sum of $4.30 per square yard; *Provided*, Said pavement shall be fully completed and ready for use December 1, 1876.

SEC. 6. That if the Washington and Georgetown Railroad Company, or any private citizen or other corporation or person, shall neglect or refuse to pay the amount assessed for the paving herein authorized, (within thirty days after the notification of such assessment shall have been published in one or more papers printed in the District of Columbia,) in front of or adjoining their property, when the work so fronting or adjoining their property shall have been completed to the satisfaction of the commission provided for in this act, and assessed by the District of Columbia commissioners, the said commissioners of the District of Columbia shall issue certificates of indebtedness against the property, which certificates shall bear interest at the rate of 10 per cent. per annum until paid, and which, until they are paid, shall remain and be a lien upon the property on or against which they are issued. And if the said certificates are not paid within one year, the said commissioners of the District of Columbia shall, upon the application of the holder thereof, proceed to sell the property against which they are issued, or so much thereof as may be necessary to pay said tax; such sales to be first duly advertised, daily, for one week, in some newspaper published in the city of Washington, and to be made at public auction to the highest bidder; and a deed given by the said commissioners of the District of Columbia in pursuance hereof shall be deemed and held to be a good and perfect title to any property bought at such sale hereby authorized: *Provided*, That the owner of said real estate shall have the right to redeem the property sold by paying the amount of purchase money and 10 per cent., with costs, on the amount of the said purchase within one year from the date of the sale.

SEC. 7. That the said paving commission shall not repave that portion of Pennsylvania avenue between Ninth and Tenth streets, on the north side of the railroad-track, unless it may be necessary for them so to do to perfect the whole system and is necessary to make an even and regular grade. Where street railroads cross Pennsylvania avenue, the pavement between their tracks shall conform to

the kind of pavement used on the said avenue; and the companies owning these intersecting railroads shall pay for paving the same in the same manner and proportion as is required by section 3 of the Georgetown and Washington Railroad Company.

SEC. 8. That it shall be the duty of the commissioners of the District of Columbia to see that all water and gas mains, service-pipes, and sewer-connections are laid, without delay to the contractor, before the pavement authorized by this act is put down; and it shall be the duty of the board of water commissioners and of the Washington Gas-Light Company, under the direction of the said paving commissioners, to take up, lay, and replace all gas-pipes, water-mains, and connections on said Pennsylvania avenue, at such time and places as said paving commission may direct; and the old wood paving blocks, which are required to be removed under this act, shall be delivered to the said commissioners of the District of Columbia for such use or disposition as they may see fit to make.

SEC 9. That the sum of $3,000 is hereby appropriated out of any money in the Treasury of the United States not heretofore appropriated, and a like amount is directed to be paid by the District of Columbia commissioners to the said paving commission to defray the necessary expenses of said commission.

MAILING OBSCENE BOOKS, ETC.

Mr. CLARK, of Missouri. I ask unanimous consent that the bill, (H. R. No. 2575) with the Senate amendment thereto, be taken from the Speaker's table for action at this time.

There being no objection, the bill (H. R. No. 2575) to amend sections 3893 and 3894 of the Revised Statutes of the United States, providing the penalty for mailing obscene books, and other matters therein contained, and prohibiting lottery circulars passing through the mails, with the Senate amendment, was taken from the Speaker's table.

The amendment of the Senate was to insert in line 1, after the words "picture paper," the word "writing." There is no necessity for discussion, and I move that the Senate amendment be concurred in.

The motion was agreed to.

Mr. CLARK, of Missouri, moved to reconsider the vote by which the amendment of the Senate was concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. LORD. I rise for the purpose of calling for the regular order.

Mr. SEELYE. Will the gentleman yield to me to offer a resolution of inquiry?

Mr. LORD. I will do so, upon the condition that if it gives rise to discussion the gentleman will withdraw it.

INVESTMENT OF INDIAN TRUST FUNDS.

Mr. SEELYE, by unanimous consent, submitted the following resolution; which was read, considered, and adopted:

Resolved, That the Secretary of the Interior be requested to inform this House what portions, if any, of the Indian trust funds have been invested in securities other than stocks of the United States since the passage of an act approved September 11, 1841, to repeal a part of the sixth section of the act entitled "An act for the support of the Military Academy of the United States for the year 1838, and for other purposes," passed July 7, 1838; when and by whom such investment was made; and that he give a detailed description of such securities, with a statement of their approximate value, in what amount and for how long default, if any, has been made in the payment of interest.

Mr. SEELYE moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. LORD. I will yield to two or three gentlemen to introduce bills for reference only.

CŒUR D'ALÈNE INDIANS.

Mr. FENN, by unanimous consent, introduced a bill (H. R. No. 3850) to provide for negotiations with the Cœur d'Alène Indians, in the Territories of Idaho and Washington, and making appropriations for their use and benefit; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

REVISION OF PATENT LAWS.

Mr. VANCE, of North Carolina, by unanimous consent, from the Committee on Patents, reported a bill (H. R. No. 3851) revising the patent laws; which was read a first and second time, recommitted to the Committee on Patents, and ordered to be printed.

JOHN R. WILLIAMS.

Mr. BURCHARD, of Illinois, by unanimous consent, introduced a bill (H. R. No. 3852) granting a pension to John R. Williams, a soldier of the war of 1812; which was read a first and second time, referred to the Committee on Revolutionary Pensions, and ordered to be printed.

SUNDRY CIVIL BILL.

Mr. HOLMAN. I ask unanimous consent to take from the Speaker's table the Senate amendments to the bill (H. R. No. 3749) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1877, and for other purposes; and move that they be printed and referred to the Committee on Appropriations.

The motion was agreed to.

GENEVA AWARD.

Mr. LORD. I now call for the regular order.

The SPEAKER *pro tempore*. The regular order is the bill (H. R. No. 2685) for the distribution of the unappropriated moneys of the Geneva award, upon which the gentleman from Illinois [Mr. CAULFIELD] is entitled to the floor.

Mr. CAULFIELD. Mr. Speaker, it would occupy more time than the business before this House would justify me in taking to do full justice to the subject now under consideration. The most that I can do is to make a brief summary of the points upon which, in my opinion, the consideration of this question should rest by way of supplement to the arguments already made.

Great Britain inconsiderately and, as our Government maintains, improperly granted belligerent rights to the Confederate States. This point being gained, the States in rebellion fitted out vessels of war to prey upon and destroy American commerce. These vessels were encouraged by the British government. Others were built and fitted out in British ports. The United States claimed that these proceedings were unwarranted, and insisted that England was responsible to her as *a nation*, not to individuals, for any damage that consequently had been done to any of her citizens. This claim England denied, denied that she was in fault, and denied that she could be held to respond in damages to our Government. Thus an issue was formed between the two *nations*. The treaty of Washington was thereupon entered into between these two parties, *as nations*, by which it was stipulated that a tribunal should be created for the decision of the question. This tribunal met at Geneva. The United States appeared before it, not as a *representative* of others, not as an *agent*, not as an *attorney* for anybody, but she appeared as a *party plaintiff* in her own right and in her national capacity, and filed her declaration, consisting of the various counts upon which she claimed her case was founded. To some of these counts Great Britain demurred, and our Government agreed that the demurrer to these counts might be *pro forma* sustained, in order that the principles of international law of such vast advantage to our Government and for which Great Britain by her demurrer contended might be forever settled, well knowing that, although settled against her in this particular instance, the decision would prove of inestimable advantage to her in the future. The rejected counts embraced the three following classes of claims:

First. The losses arising in the transfer of the American commercial marine to the British flag.

Second. The enhanced payment of insurance or war premiums which our merchants were compelled to pay during the war.

Third. The prolongation of the war, by which a large sum was added to its cost and to the suppression of the rebellion.

These claims Great Britain contended no neutral nation should be compelled to pay. Our Government took Great Britain at her word, agreed to withdraw these three classes of claims, and accept in lieu thereof and as a consideration for such withdrawal the recognition for all time to come of the principles for which Great Britain contended. (See volume 2, page 526, of papers relating to Geneva award.)

As an evidence of the truth of this proposition I beg leave to quote from the correspondence between this Government and its representatives in England and before the Geneva tribunal. In a letter from Secretary Fish to the American minister he writes:

No. 18.] *Mr. Fish to Mr. Schenck.*

* * * In this correspondence I have gone as far as prudence would allow in intimating that we neither desired nor expected any pecuniary award, and that we should be content with an award *that a state is not liable in pecuniary damages* for the indirect results of a failure to observe its neutral obligations. It is not the interest of a country situate as are the United States, with their large extent of sea-coast, a small navy, and smaller internal police, to have it established that a nation is liable in damages, &c. * * * This Government expects to be in the future, as it has been in the past, a neutral much more of the time than a belligerent."—*Papers of Geneva award, &c.*, volume 2, page 476.

In a telegram from Mr. Fish to the American minister and Mr. Davis, Mr. Fish says:

No. 114.] *Mr. Fish to General Schenck and Mr. Davis.*

* * * The President directs me to say that he accepts the declaration of the tribunal as its judgment upon a question of public law, which he felt that the interests of both governments required should be decided. * * * This is the attainment of an end which this Government had in view in the putting forth of those claims. We had no desire for a pecuniary reward, but desired an expression by the tribunal as to the liability of a neutral for claims of that character.—*Papers, &c.*, volume 2, page 578.

There are other assertions of important neutral right, but these are among the most important. They seem all to be available in a possible future to the United States. * * * The United States have had occasion to look practically on both sides of the question, and therefore sometimes to assert neutral duties, while more generally asserting neutral *rights* and the policy of peace, to such an extent and under such circumstances as to have rendered the United States the champion of neutral rights.

HAMILTON FISH.

—*Papers, &c.*, volume 4, pages 548, 549.

From these quotations, Mr. Speaker, it is manifest that this Government agreed that the claims for indirect damages involved in the three excluded classes should be withdrawn for the purpose of obtaining the advantage of the international rule which would be thereby established. But it is further manifest that our Government withdrew them simply as between herself as one nation and Great Britain as another. And it is equally plain that she, at the same time she withdrew them *pro forma* as between herself and Great Britain, reserved to herself the right, when she should come to indemnify her citizens out of the fund to be derived from Great Britain, to exercise her own discretion as to the disposal of the money awarded, and to give it if she chose even to the excluded classes; for in the letter of Secretary Fish to Messrs. Cushing, Evarts, and Waite he says:

Mr. Fish to Mr. Cushing, and same to Mr. Evarts and Mr. Waite.

SIR: The President having appointed you one of the counsel of the United States in the matter submitted to the tribunal of arbitration to meet at Geneva,

* * * it becomes necessary to give you briefly the President's instructions on the subject of your duties. * * *

The President desires to have the subject discussed as one *between the two Governments*, and he directs me to urge upon you strongly to secure, if possible, *the award of a sum in gross*. In the discussion of this question, and in the treatment of the entire case, you will be careful *not to commit the Government as to the disposition of what may be awarded*. * * * It is possible that there may be duplicate claims for some of the property alleged to have been captured or destroyed, as in the cases of insurers and insured. The Government wishes to hold itself *free to decide as to the rights and claims of insurers* upon the termination of the case. If the value of the property captured or destroyed be recovered *in the name of the Government, the distribution of the amount recovered will be made by this Government without committal as to the mode of distribution*. It is expected that all such committal be avoided in the argument of counsel.—*Papers, &c.*, volume 2, page 414.

In accordance with these instructions our counsel said to the tribunal:

From these arrangements of the treaty it is apparent: * * Second. That these claims are all preferred by the United States as a nation against Great Britain as a nation, and are to be so computed and paid, whether awarded as "a sum in gross" under the seventh article of the treaty, or awarded for assessment of amounts under the tenth article.

The tribunal acted without objection upon this statement, (see note 7,) and *awarded a sum in gross in satisfaction of all the claims*—as far removed as possible from deciding whom the United States should indemnify from the award.

There were two modes, Mr. Speaker, provided by article 10 of the treaty for the payment of the damages to be awarded to the United States. One was to pay a *sum in gross*, and thus necessarily leave the distribution of the award to our Government in its discretion. The other was to appoint a board of assessors to ascertain and determine what claims are valid and what amount or amounts shall be paid by Great Britain to the United States on account of the liability arising from such failure, as *to each vessel, according* to the extent of such liability as decided by the arbitrators.

The Geneva tribunal therefore had the right either to award a *sum in gross*, and thus leave its distribution or disposal entirely to the discretion of the United States, or simply to decide whether or not Great Britain was in the wrong. If the latter decision alone was made, the tribunal was to make no award in money whatever, but the President, the Queen of Great Britain, and the Italian minister at Washington were to appoint three assessors, who should sit either in Washington, New York, or Boston, to decide upon an examination of each claim how much should be paid, not *to the individual*, but to the Government of the United States. (Article 10, treaty.)

The United States instructed its representatives before that tribunal to obtain the award in gross if possible, rather than the appointment of assessors, for the very reason that she wished to prevent any quasi distribution of this fund by any body other than herself. For this reason she told her representatives, "You will be careful not to commit the *Government* as to the disposition of what may be awarded." In accordance with this desire and this request the tribunal did not resort to the appointment of assessors, but made its award in *gross*, leaving this Government entirely free as to the disposal of the money.

It does therefore appear to me that there can be no question as to the right of this Government to distribute this award as it pleases. But this is no new question. This identical position was taken by our Government before the award was made, after the award was made, and finally by the solemn declaration of Congress in its act of June 23, 1874, by which the court of Alabama claims was created and is now in existence. In sections 11 and 12 of that act it is provided what classes of claims shall be paid, to wit, all damages directly resulting from the cruisers Alabama, Florida, and Shenandoah, and all insurance companies who have lost on the sum total of their war risks. In the event that the class of cases thus provided for shall not absorb the whole award, the act further provides that "the balance shall remain a fund from which Congress may hereafter authorize the payment of other claims thereon." Congress has therefore already made its decision, and it is this latter provision of its law which renders necessary the bill which we are now considering, and because the money awarded has not been absorbed by the class of cases already provided for in that act.

The question therefore now before us is, What shall we do with the balance of this fund? The answer is, it must be distributed to the most meritorious of the sufferers by the confederate cruisers. The Government must resolve itself into a court of equity and look conscientiously into the question as to who are the most meritorious of these sufsufferers. The Judiciary Committee has considered this question. The subcommittee to whom this bill was referred has given this important matter grave and serious consideration. Their conclusions form the majority report which I am now considering and advocating. The bill which the majority of the committee has reported provides that the first class to be paid out of this remaining fund shall be the claims directly resulting from damage done by the confederate exculpated cruisers, and for which no compensation has been thus far provided by Congress. The bill secondly provides for actual losses in premiums paid for war risks, and thirdly secondary losses or sums actually paid by insurance companies on property insured by such companies.

In opposition to these views we have two other reports from members of the Judiciary Committee. One is in favor of paying the insurance companies first. The other (presented by Judge LAWRENCE) is opposed to paying out any more of the fund at all and favors covering the whole balance, consisting of about $12,000,000, into the Treasury of the United States. To the latter of these two propositions I could never assent. While I admit the Government has a right as between herself and England to do as she pleases with the money, yet I insist that this Government ought to ascertain who have been the greatest sufferers by the confederate cruisers and as far as possible compensate them for their actual losses. Unless we do this, rather than keep this money I should insist that every dollar of it be paid back to England.

Mr. LAWRENCE. Will the gentleman allow me a question?

Mr. CAULFIELD. Yes, sir.

Mr. LAWRENCE. If the whole people are the greatest losers, then do they not have the strongest claim upon this fund? Therefore, let it be covered into the Treasury for their benefit.

Mr. CAULFIELD. The gentleman says the whole people were the greatest losers?

Mr. LAWRENCE. Yes, sir; and if the losses have fallen on the whole people, as they have, why should not the whole people get the benefit of this fund?

Mr. CAULFIELD. That is the argument the gentleman presents. The gentleman's report, as I understand it, agrees with us completely up to that point. He agrees that this money was given to this Government to distribute as to her might seem best. But while the whole people may have been, and certainly were, sufferers by this war, still there have been individuals who have suffered more individually in their particular cases than the whole people have suffered in the aggregate. In other words, these individuals have suffered their share in the general loss and suffered personally in addition. Therefore, we are in favor of paying those who can show their losses in dollars and cents what they have actually lost. And when you come to ask what this whole people has lost, I ask who can make the computations?

Now as to the claims of the insurance companies. I must say I should be exceedingly glad if I could conscientiously give this money to them in the very first instance. It would result greatly to the advantage of my constituents and of my own city of Chicago, who have lost so heavily by the disastrous fire which laid that great city in ashes. Many of the companies now claiming this fund were insurers of property in Chicago and became bankrupt by that fire. Could these companies be allowed to absorb this fund they would be enabled to partially pay their losses to my constituents and my city. But they ask that no injustice shall be done to others for their advantage. I can see no equitable view under which the insurance companies are entitled primarily to this fund as a matter of right.

These companies claim that they were the real plaintiffs before the Geneva tribunal and that the United States represented them as an attorney represents a client. As I have before maintained, this Government represented herself and nobody else. She claimed to have been damnified by Great Britain by the destruction of large amounts of property, and presented the losses of her citizens as evidence of *her* claim. She represented no more the insurance companies than the war-premium men; no more those who lost by the inculpated cruisers than the exculpated cruisers. She was there in her own person demanding reparation for wrongs done to *her* as a *nation*, vindicating her own honor and self-respect and showing her determination to maintain them at all hazards. The insurance companies further claim that the United States recovered this money for them and that she holds it, therefore, as a trust fund. This view is utterly groundless. In the first place, the insurance companies had no claim against Great Britain. An attorney or agent for the collection of a claim must show that his principal has some claim against the person from whom he is seeking to recover. But these sufferers of all descriptions had no claim against Great Britain, and therefore could have no attorney. Secondly, they had no claim against the United States, and therefore have no legal claim upon the money recovered. There has, however, been a legal adjudication of this very question, from which I quote. The court of Alabama claims, in Williams *vs.* The United States, say:

Let not the proper attitude of the claimant to the fund for distribution be misunderstood. Whatever his loss may have been, he had not the power to obtain compensation from Great Britain by his own act. Her army and navy would have proved uncomfortable obstacles in his way to her treasury. Just here the Government of the United States took up his case, and by the exercise of its powers as a sovereign, after years of patient labor, by the highest skill in diplomacy, without the loss of blood or treasure, obtained the whole amount due for the depredations complained of, thus achieving a triumph which may, in the progress of civilization, take a higher rank than the profoundest achievements in arms. How the amount of the award obtained at Geneva was made up, what precise species of losses it was intended to cover, or even how the interest was computed, is not known, and a careful study of the opinions of the several arbitrators has shown us that it was not intended to be known outside of the tribunal itself. The Government of the United States accepted the sum awarded in full settlement of all the claims comprehended in the terms of the treaty, and soon afterward Congress passed the act providing for its distribution among the claimants, which is to be our chief guide in the actual work of distribution. It is clear that the Government had the right to prescribe the terms on which claimants should present their claims. They were not strong enough to compel payment of the money by Great Britain, and when this Government obtained it the claimants had no legal rights to it, except that which this Government, by its own acts, chose to accord. They must, therefore, take their respective shares of it, subject to all the conditions which the Government has thought fit to appoint, or not take them at all.

And in the more recent decision of Rhind, executor, *vs.* The United States, they say:

If the right of the petitioner to a part of the fund received from Great Britain were a right of property legally vested in him, it is clear from the cases which have been cited that a pardon would restore it, and that any denial of the right by Congress would be unavailing to defeat it. Has he such a right? He had a right of property in the ship which the Alabama destroyed, and he lost it without any act on

the part of the Government of the United States which could give him redress against it. The Government of the United States was not obliged to claim from Great Britain payment of the loss, but acted in that regard according to its sovereign pleasure. It did not succeed in obtaining payment of the whole of the claim presented, and the most careful investigation of the proceedings at Geneva has failed to show what claims were included in the award and what excluded therefrom. The award was made in favor of the Government, and not in favor of the claimants. The Government thus vindicated the national honor, but it did not assume to pay any particular class of claimants nor any particular claim. Having obtained the money by its own act and at its own cost, it had the right to prescribe the terms on which the distribution should be made. It certainly had the power to exclude certain claimants and to include others less meritorious. In the act now before us, claimants are excluded who believe themselves justly entitled to a part of the fund, but they have no power to assert their right to it. Under the powers committed to us, we have in some instances rejected altogether claims presented at Geneva, and in many more instances we have largely reduced such claims in amount.

It is claimed very earnestly on the part of the insurance companies that they are entitled to this fund by the doctrine of subrogation. This position cannot be maintained. Subrogation means being substituted to the *rights* of another in any given thing either by the voluntary act of the owner or by the act of law. It is evident from what we have seen that no owner of property destroyed by these confederate cruisers had any claim or was the owner of any right against England. What, then, was there to which the insurer could be subrogated? Certainly nothing. But they say:

True, there was nothing at the time of the loss, but since the award by the Geneva tribunal there is something which is the subject of subrogation.

Mr. HILL. Will the gentleman allow me a question?

Mr. CAULFIELD. Yes, sir.

Mr. HILL. If none of these losers acquired any right against either Great Britain or the United States for any of their losses, upon what principle of law or equity is it that you are paying this fund to anybody at all? If it was recovered in the name of the United States and in right of the United States, how is it that anybody has a right to claim the fund from the United States?

Mr. CAULFIELD. Before I answer your question I want to understand your position. Do you deny that this money was recovered in the name of the United States and by the United States as a nation?

Mr. HILL. I will say to my friend that I have no position in the matter. I am listening very earnestly for information that will enable me to arrive at a conclusion. But I will say to him this: I understand there is a difference between the right of a citizen as against the Government and the power of a citizen as against the Government. I do understand that the citizens who sustained these losses had no power to sue either Great Britain or the United States. But I do not understand that because they had no power to sue for these losses therefore they had no right. I insist they may have had a right where they had no power, and which it was the duty, the moral duty, of the Government to regard.

Now, my view of it is, if the gentleman will pardon me, that the citizens of the United States who sustained losses by the acts of certain cruisers, to wit, the Alabama, the Florida, and the Shenandoah after she left Melbourne, have certain rights against the government of Great Britain because Great Britain had no right to authorize the destruction of their vessels; that is, she was guilty of negligence in those particulars, and therefore the liability accrued. It is true the United States recovered that liability in their name.

Mr. CAULFIELD. To whom does the right accrue, the individual or the nation?

Mr. HILL. I say the right accrues to the individual according to my idea, because the United States did not own the property destroyed. If the United States did not own the property destroyed, how did the United States get any rights because of the destruction of that property? I insist that the right belongs to the person, the owner of the property destroyed, if the liability arises from the destruction of the property——

Mr. GARFIELD. You are perfectly right.

Mr. HILL. And this money is recovered by the United States for the benefit of the real owner.

Mr. CAULFIELD. As an agent?

Mr. HILL. Yes, sir. And it is the moral obligation of the United States as a government to recover that property for the benefit of the citizen, as part of the protection which the Government owes to the citizen.

Now I go back to the question. If you say the citizen has no right against the Government of the United States and the Government has no right whatever in the property destroyed, how is it that the Government or the citizen can recover? If the Government recovers, it recovers because of a right of property in the citizen, and if so, it must recover for the benefit of the citizen who had the right of property.

Mr. CAULFIELD. If the gentleman from Georgia will now take his seat I will answer his speech.

Mr. HILL. I have not been making a speech. In reply to my question the gentleman asked me another question, and asked me to answer it, and I attempted to do so.

Mr. CAULFIELD. I shall answer the gentleman in the first place by the language of the decision of the court which I first read. Is the gentleman prepared to go behind that decision, or to deny that that decision is law? That decision is that no individual had any right either as against Great Britain or as against the United States. I plant myself upon the law, and that is my answer to the gentleman.

Mr. GARFIELD. What decision is that? I was out when the gentleman read it.

Mr. CAULFIELD. There are two decisions of the court of Alabama claims. One is in the case of Williams *vs.* The United States; the other is the case of Cadwallader D. C. Rhind, executor, *vs.* The United States.

Mr. HILL. If I understand the gentleman he uses the word "right" as synonymous with power. No citizen has the right or the power to sue the Government. But does that destroy the right of a citizen in his own property?

Mr. CAULFIELD. I had not gotten through with my reply to the gentleman. I answer that that is the law, and that is answer enough to anybody. The gentleman wants to know the difference between the right and the power of the citizen in cases like this. Does the gentleman contend that in anything that occurred between Great Britain and this country any citizen of this country acquired a right against Great Britain? He admits that he does not. And he admits that no citizen acquired a right against this Government. That is admitted.

Now, why is it that the Government of the United States claims she had the right to recover damages for the destruction of any property in which she herself had no individual right? How is the wealth of a nation made up? I ask the gentleman is it not made up by the individual wealth of every citizen of the nation? And whenever a citizen is damnified in his property or his estate by a foreign government, the Government is *pro tanto* damnified, and the Government steps forward and recovers a portion of the wealth which has been taken away from her by the damage which has been done to a single individual, and if one individual has been a loser to the extent of $100,000, and a hundred more individuals have been losers to the extent of a million dollars, I ask if the aggregate wealth of the country had not been diminished to that extent?

Mr. HILL. I concede the right of the Government to recover; but the question is, for whose benefit does she recover? For her own benefit and as her own right and property, or for the benefit of her citizens and as their right and property?

Mr. CAULFIELD. She has the right, the absolute right as we maintain (if you contend for nothing but right) in this case and the power to cover this money into the Treasury, and Great Britain and nobody could say one word in contravention of it. But she must at the same time as a nation have a conscience, and that conscience tells her that this money ought as a matter of equity to be distributed among those who have been actual sufferers and losers.

Mr. GARFIELD. Will the gentleman allow me to ask him a question?

Mr. CAULFIELD. Certainly.

Mr. GARFIELD. The gentleman, as I understand him, says that the Government has no other wealth than the wealth of the citizens?

Mr. CAULFIELD. I did not say "no other."

Mr. GARFIELD. Well, that is not material.

Mr. CAULFIELD. I said the individual wealth of each and all of the citizens aggregated together makes up the wealth and power of the Government. Do you deny that?

Mr. GARFIELD. Not at all. I am simply running back to get a jump.

Mr. CAULFIELD. Do not run too far back for your jump.

Mr. GARFIELD. The gentleman then says that the losses accruing to these individual citizens by the action of Great Britain were taken up by our Government and recovered, and that the Government was under no obligation, no legal obligation, to turn over this property to the citizens from whom it was taken; only a kind of equitable conscientious obligation. How does he get over that clause of the Constitution that does not allow the Government to take the private property or use the private property of any citizen without just compensation?

Mr. CAULFIELD. Why, my dear sir, in the first place you beg the question.

Mr. GARFIELD. Not at all.

Mr. CAULFIELD. Yes, sir; you beg the question. The very question you ask implies that this award is the property of the citizen. It was not the property of the citizen that was recovered by this award, and how can you go back of the question and ask me if this clause of the Constitution conflicts with my view when it says that no private citizen's property shall be taken without compensation? The private property of the citizen is not taken in this case by the Government of the United States.

Mr. GARFIELD. If the United States gets an agent to do the taking and then holds out its lap and catches the splinters, it is absolved, according to the gentleman's view, from its obligation to the private citizen—that is, if it gets a third party to do the taking.

Mr. CAULFIELD. Does the gentleman contend that England was the agent of the United States in destroying these vessels?

Mr. GARFIELD. Not at all.

Mr. CAULFIELD. Then where is your argument?

Mr. GARFIELD. But England was responsible for their destruction.

Mr. CAULFIELD. I am afraid the gentleman has not fully studied the question.

Now if the gentleman will allow me, I will go on.

Mr. HILL. I wish to say to the gentleman from Illinois that I

really do not know how I am going to vote. I addressed the question to him which I did because I wanted information; and I would like him, if it would not be interrupting him, to answer me another question. The gentleman said a little while ago that this award of the tribunal at Geneva included all the claims that were filed; those that were rejected as well as the others.

Mr. CAULFIELD. I did not mean to say "excluded." I will explain that upon this idea: If you present a dozen claims against me, for instance, and there are three or four of those claims that I am not willing to recognize or that I know nothing about, then, when I am settling with you I take a receipt from you covering all claims to date, as well those which I have admitted as those which I did not admit, in order that you should have hereafter no further claim or excuse for claim against me, and that I may show your receipt as a bar against any further claim or action against me.

Mr. HILL. Here is the point——

Mr. CAULFIELD. Therefore, while they may not have been included in the award, they are settled by the award beyond all further question.

Mr. HILL. Here is the point: If I present to you a dozen claims which I hold against you, and you insist that half of those claims you are not liable for, then after you have insisted and I have agreed that you are not liable for those claims both of us agree that those claims shall be excluded from consideration, and afterward you pay me an amount in full for the remaining six claims for which I say you are liable and for which you admit you are liable, or the court adjudges you are liable, how is it that afterward, in the distribution of the gross sum, you can come in and say that the six claims we both agreed should be excluded should participate in that distribution?

Mr. CAULFIELD. The way to settle that is simply to go to the treaty and the award.

Mr. HILL. That is what I want.

Mr. CAULFIELD. Article 7 of the treaty provides:

The said tribunal shall first determine as to each vessel separately, whether Great Britain has by any act or omission failed to fulfill any of the duties set forth in the foregoing three rules, or recognized by the principles of international law not inconsistent with such rules, and shall certify such fact as to each of said vessels.

Now comes the point:

In case the tribunal find that Great Britain has failed to fulfill *any* duty or duties as aforesaid, it may, if it think proper, proceed to award a sum in gross to be paid by Great Britain to the United States *for all the claims referred to it.*

Mr. HILL. This is what I mean——

Mr. CAULFIELD. Wait a moment; I am not through yet. In case the tribunal finds that Great Britain has failed in *any* particular case then she shall pay a sum in gross in satisfaction *of all the claims referred to it*, whether they are excluded or not. Now these claims were all referred, but some were withdrawn. Still the sum paid is intended to be in full satisfaction of every claim that was referred. Now let us read the award, and you will find that it comports exactly with the treaty. This is the language of the award:

The tribunal, making use of the authority conferred upon it by article 7 of the treaty, by a majority of four voices to one, awards to the United States the sum of $15,500,000 in gold as an indemnity to be paid by Great Britain to the United States for the satisfaction *of all claims referred to the consideration of the tribunal*, conformably to the provisions contained in article 7 of the aforesaid treaty.

Mr. HILL. The only point is this, and it is the turning point with my vote in this case, and I think with the votes of several others.

Mr. CAULFIELD. Well, we will see if we can settle it for you.

Mr. HILL. "All cases referred to the tribunal for consideration."

Mr. CAULFIELD. Yes.

Mr. HILL. How does that include the cases expressly agreed to be excluded from consideration?

Mr. CAULFIELD. These cases were not really excluded from consideration; for how could they have been excluded unless they were considered? They must have been first considered before they were excluded, and if considered at all they were "referred" to the tribunal for consideration, and had to be "referred" before they could be excluded. It does seem to me that that ought to satisfy the gentleman.

Mr. HILL. It does not quite, I am sorry to say. As I understand the pleadings they excluded certain cases from consideration.

Mr. CAULFIELD. They were merely excluded *pro forma*, as between the two nations.

Mr. HILL. No; it was made before the answer of Great Britain was put in.

Mr. CAULFIELD. It was made at a preliminary meeting of the tribunal, when all the claims were put in and referred to the tribunal.

Mr. LUTTRELL. Will the gentleman yield to me for a question?

Mr. CAULFIELD. I am getting mighty tired answering questions, for I want to get through, as my time is drawing to a close.

Mr. LUTTRELL. Were not the decision and the award for the benefit of the actual losers?

Mr. CAULFIELD. Yes; the award says that it was for the benefit of the actual losers. Then it points out certain vessels which committed these ravages upon the high seas, and those vessels are what are called inculpated cuisers; the others are called exculpated cruisers.

Mr. LUTTRELL. Are not the claims of many of the insurance companies who are coming here in the hands of speculators who purchased them for a mere song?

Mr. CAULFIELD. That question I am not able to answer. It may be so, but I cannot assert it.

Mr. LUTTRELL. I am satisfied in my own mind that many of these claims are held by parties who did not pay ten cents on the dollar for them, who are mere speculators.

Mr. CAULFIELD. The position that the insurance companies are entitled to this money by way of subrogation, as I have said before, is equally fallacious. Neither the insurance companies nor any other claimant can point out a single individual loss that has been calculated in that award. After the rendition of the Geneva award certain citizens of Great Britain claimed that, as American citizens had been indemnified, they too should be compensated for similer losses by Great Britain. But the British government rejected their claims. (London Times, May 24, 1873; see Foreign Relations of the United States, 1873, part 1, page 368.) Mr. Gladstone, then prime minister, said in the British Parliament:

It appears to be implied that the government submitted the claims of certain persons not subjects of Her Majesty to arbitration. This is altogether a mistake.

No claims of individuals have been submitted to arbitration in relation to the Alabama.

What was submitted to arbitration was entirely a question between the two governments.—*London Times*, May 27, 1873, page 377.

No claimant has acquired any legal right to any portion of that award. There is no more now to be subrogated to than there was before that award was made. Furthermore, the insurance companies did not engage in these marine risks with any idea of compensation or subrogation. They went in to *lose or win*, never anticipating or dreaming of such a thing as the Geneva award. It was as unexpected to them as the happening of any unexpected event in the dark future is to us at present.

However the doctrine of subrogation may apply in ordinary cases, it has no application here. There is no fund to which the doctrine can apply. That fund was recovered by the United States in her own right, averring at the time that—

The Government wishes to hold itself free to decide as to the rights and claims of *insurers* upon the termination of the case.

This Government would not allow the rights and claims of *insurers* to be passed upon by the tribunal but insisted that *she* would reserve that right to herself, not to be exercised until the *termination* of the case. Then of course it could not be acted upon at all by the tribunal. The case is terminated; she has exercised that right, and by the act of June 23, 1874, decided *pro hac vice* against the claims of all insurance companies who had not lost on the sum total of their war risks. To such as had thus lost she allowed compensation for all actual losses caused by all the cruisers, both "exculpated and inculpated."

But after the payment of these and all other losses provided for by that act there is a large fund left. This Government is now again exercising "its right to decide as to the claims and rights of *insurers*."

We are again called upon to say, "What shall we do with it?" We must do whatever appears most just and proper to be done. *We must pay actual losers* who have not yet been paid. But the great majority of the insurance companies are not *actual* losers. The actual losers among the insurance companies were provided for under the last or present law. They came forward and their claims as filed in the whole amounted to only $48,000; they only proved $12,000. These insurance companies admit they are not *actual losers* by not having gone forward and filed their claim under the present law. They come now to us and say "We are *not actual losers* by the war; we could not come in under the present act; we made money out of the war; but we did not make as much as we might have made if those cruisers had not destroyed some of the vessels and property we insured." The fact is, the insurance companies made millions of dollars by the existence of these cruisers. These cruisers were encouraged to ply their avocation upon the high seas by the precipitate action of Great Britain in recognizing the belligerent rights of the confederacy. But for the recognition of those rights our commerce would have been safe, these cruisers would not have sprung into existence, and the insurance companies would have had no means of making money by their large war premiums; so that England instead of damaging has put millions of dollars into the coffers of the insurance companies. And yet one company will come forward with its claim of a loss of $10,000 in a particular instance when on the whole it has made $200,000 by these very cruisers. This award was not intended to cover such a loss.

[Here the hammer fell.]

The SPEAKER *pro tempore*. The time of the gentleman has expired.

Mr. HILL. I move that the time of the gentleman be extended, as he has been interrupted so much.

There was no objection.

Mr. CAULFIELD. This Government never made a claim for any such *losses*. She made no claim for those who had *made money* by the war. She could not say as a nation that she had been injured by damages which Great Britain had done to her insurance companies, because Great Britain could have replied, "So far from doing those companies any damage I have filled their coffers with money which they have made out of their war premiums, and which they would not have made had we not accorded belligerent rights to the confederacy. Besides, supposing these companies had not made a dollar, still in equity they would not be entitled to any portion of this fund. They went into the business of war risks *voluntarily*, with their eyes wide open, never dreaming of any compensation for losses except such as they would make by their increased premiums. There was

no reason why they should lose any money if every American bottom was swept from the ocean. Every American bottom might have been swept from the ocean and the insurance companies never have lost a cent. If they had not insured there was no danger of their losing. They went into the business, then, as a pure speculation, expecting to lose in some instances, and charging high premiums so as to make up for their losses in particular cases. Every loss which each company made in any particular case was anticipated and charged in the heavy premiums which the company exacted. So that they have been paid and overpaid for all losses they have sustained and made millions besides.

However, the rule of law is that claimants must not recover upon the weakness of the claims of their opponent, but upon the strength of their own. We have sufficiently shown the weakness of the claims of insurance companies. Let us now see if the strength of the owners of vessels destroyed on the high seas by the cruisers exculpated by the Geneva tribunal and the war-premium men is sufficiently great in itself to merit compensation at the hands of this Congress. In the first place, the claims of vessel-owners who suffered losses by the exculpated cruisers are said to have been excluded by the Geneva tribunal. They were excluded upon mere technical grounds in a preliminary investigation as between the two nations, and the United States consented to their exclusion for the purpose of obtaining the benefit and advantage of the international rule established by their exclusion; but the United States reserved to herself the private right to remunerate them, if she saw fit; for, she said, if you award me a sum in gross I am not to be restricted as to mode of distributing that fund. Furthermore, the award was made *in gross* "to the United States a sum of $15,500,000 in gold as the indemnity to be paid by Great Britain to the United States for the satisfaction of *all claims* referred to the consideration of the tribunal, conformable to the provisions contained in article 7 of the aforesaid treaty. These losses were provided for by article 7 and were accordingly presented, and, while their exclusion debarred them of *consideration* by that tribunal, it does not debar them from the consideration of this Government.

But ought they to be considered by this Government? So far as the United States is concerned they stand upon the same equitable footing as the vessels and goods destroyed by the inculpated cruisers, Alabama, Florida, and Shenandoah, because one of the reasons for excluding the exculpated cruisers given by Great Britain would be no excuse for this Government. That reason was that the United States furnished no proof, gave no notice to Great Britain of the character of these vessels, and furnished no proof that Great Britain had any knowledge of their intentions and mission. But this would be no reason in the mouth of our Government. Besides the cause which called into existence the exculpated cruisers and the inculpated cruisers is the one and the same, to wit: The granting of belligerent rights to the Confederate States. It is for damage resulting from the granting of those rights that we made our claim on Great Britain and for which we recovered $15,500,000 from her. Therefore the losses by exculpated and inculpated cruisers stand upon the same footing so far as this Government is concerned. Then as to the war premiums. They too were in a similar manner excluded by the Geneva tribunal, but they were in a similar manner reserved for consideration by our Government. Their claims too are meritorious in themselves for the reason that they are actual losers, because in order to obtain credit for the purchase of goods abroad they were compelled to pay insurance in addition to the ordinary marine insurance, and in the same manner exporters were obliged to incur the same additional expense, because of the presence of these cruisers upon the high seas.

Again, these war-premium men could not recover these large premiums back by covering them into the prices they charged for their imported fabrics, for the reason that so many American vessels sailed under neutral flags, and so many goods were brought to our shores by British and other foreign vessels, that the competition alone kept down the prices of goods imported by those who paid the war premiums. These claimants, therefore, are actual losers to the amount of the premiums paid by them, minus the amounts they have received from dividends or otherwise. These two classes of cases, therefore, we deem actual losers and meritorious claimants for compensation out of this fund.

It is, however, supposed that these two classes will not absorb the entire sum yet at our disposal. If there be any residue, as we think there will be, we then provide, after the payment of these primary losses or claimants are satisfied, that the insurance companies or secondary claimants may present their claims and obtain a *pro rata* satisfaction of their claims. We believe that the final distribution of this fund *pro rata* among the insurance companies is more just than the covering of it into the Treasury of the United States or returning it to Great Britain. Thus a perplexing question is avoided. As we have reserved to ourselves the right to dispose of this fund as our own discretion may dictate, we do not feel that we would leave ourselves entirely free from unfavorable criticism if we should retain any of this money for our own benefit, no matter how clear and unquestionable our right to do so might appear.

I believe the report of the majority of the committee, which embraces the views I have advocated, makes the most just and equitable distribution of the fund, and I hope it will be adopted by this House.

Mr. LORD. I now withdraw the motion to recommit, and call the previous question on the pending bill, amendments, and substitute.

Mr. TUCKER. I ask the gentleman to allow me to offer a substitute for the bill before the House.

Mr. LORD. I cannot do it. I am under instructions from the Committee on the Judiciary not to allow any new matter to be introduced, any proposition that has not been debated. I know the proposition of the gentleman, and the committee are unanimously against it.

Mr. TUCKER. Will the gentleman from New York give me two minutes to state what my substitute is?

Mr. LORD. I do not know how far I would waive any right by so doing. I do not desire to waive any right, and I propose to call the previous question on the bill and substitute and on the amendment of the gentleman from Pennsylvania, [Mr. JENKS.]

Mr. LAWRENCE. I would inquire of the gentleman from New York [Mr. LORD] whether he will allow me to offer some amendments to the original bill? I have offered a substitute, but, should that be voted down, I desire to offer certain amendments to the original bill. Those amendments have been incorporated in the record, when I made some remarks on the bill, and are understood by the gentleman from New York. I hope he will allow them to be offered.

Mr. LORD. I cannot do that, for it would protract this matter indefinitely. I think the subject is now fairly before the House, under the bill introduced by Mr. KNOTT to repeal section 12, under the bill to pay the money into the Treasury, and under the amendments of Mr. JENKS. Beyond that the Committee on the Judiciary have instructed me not to go. I therefore call the previous question.

Mr. JENKS. I desire to offer my amendments. I read them as a part of my remarks, but did not offer them in form to the bill.

Mr. LORD. I supposed they were all offered. I will yield for that purpose.

Mr. JENKS accordingly offered the following amendments to the original bill:

In section 1, line 9, strike out "three" and insert "two;"
In section 2, strike out all after "cruisers" in line 9;
In section 3, strike all after "allowed" in line 5;
In section 5, strike out "and judgments of the second class shall be paid before judgments of the third class are paid;" and
In section 5, strike out all after "unappropriated sum" in line 12.

Mr. LORD. I now call the previous question on the bill, the pending amendments, and the substitute.

Mr. SPRINGER. Will the gentleman allow me now to submit a motion to recommit the bill and amendments, so that that motion may be pending when the previous question is ordered?

Mr. LORD. What is the object of the gentleman?

Mr. SPRINGER. My object is to recommit the bill to the Committee on the Judiciary.

Mr. LORD. I must object to any motion of that character.

Mr. SPRINGER. Then I suppose the only way in which that motion can be brought in is to vote down the call for the previous question.

The SPEAKER *pro tempore*. That is the only way in which it can be done now.

The previous question was then seconded.

The question being taken upon ordering the main question, upon a division there were—ayes 66, noes 23.

Mr. SPRINGER. No quorum has voted, and I call for tellers.

Tellers were ordered; and Mr. LORD and Mr. SPRINGER were appointed.

The House again divided; and the tellers reported there were—ayes 87, noes 24.

No further count being demanded, the main question was ordered.

Mr. LORD. I now yield fifteen minutes to the gentleman from Maine, [Mr. HALE.]

Mr. HALE. At the request of the gentleman from Virginia [Mr. TUCKER] I will yield to him for three minutes.

Mr. TUCKER. I have not time to make a speech upon this question, and I shall only explain the amendment which I desire to offer and the reason for it. I think, after the discussion that has been had on this question for three or four weeks past, this House will feel that it is not prepared to decide a judicial question. And the purpose of my amendment is that the whole subject in controversy shall, by a proper proceeding, be placed before the court for the Alabama claims with the right of appeal to the Supreme Court of the United States, to be decided according to the law and justice of the case.

My friend from Illinois [Mr. CAULFIELD] this morning, in sustaining the majority report, maintains, as I understand, this anomalous proposition: that with an award which upon its very face and in its terms declares the parties who are entitled to compensation and those who are not entitled, the majority report proposes to pay it to those who were injured by cruisers who were not inculpated. This is a most extraordinary proposition.

For what was this award made? Gentlemen say that the nation has recovered this award. Are we to be told that the nation has recovered upon behalf of a citizen that has suffered, and then will not pay the citizen who so suffered damage? But gentlemen say that this Government is not a trustee. Are we to be told the first day after the Centennial that all governments are not trustees for the people? And will the Government of the United States that brought this suit against Great Britain, claiming damages for injuries done to particu-

lar citizens, now turn around and say that they will not pay those citizens, and say to Great Britain that we virtually made a false statement, that we will pay but those who the arbitrators decided were not entitled to anything, and will not pay to those that the arbitrators decided were alone entitled to anything? That is the proposition of the majority.

The minority report says that we are to pay all the insurers, and the majority report says that in certain cases the insurers are to be paid. But if neither the insurers nor those other parties are entitled to it, if the nation recovered this award for itself and itself alone, and it is a question of mere option whether we will give it to anybody else, then I say turn it over into the Treasury, as the gentleman from Ohio [Mr. LAWRENCE] proposes. If it do not belong of right and justice to any private party, put it in the Treasury where the people of the country may get the benefit of it. The Government has no right to give away as a matter of grace what does not belong to the Government as a matter of right.

[Here the hammer fell.]

Mr. TUCKER. I desire just one moment more to say that I will offer that amendment if I can get it in. If I cannot got it in, I will vote against the majority report, and for the minority report. And if I cannot get the minority report, I will vote for the bill of the gentleman from Ohio, [Mr. LAWRENCE.] But I think it ought to be put before the courts that they may decide who is entitled to this fund.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, informed the House that the Senate had passed a concurrent resolution assuming in the name of the people of the United States and directing the completion of the Washington monument in the city of Washington; in which the concurrence of the House was requested.

The message further announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 3263) making appropriations for the service of the Post-Office Department for the year ending June 30, 1877, and for other purposes.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 3411) authorizing the repavement of Pennsylvania avenue.

GENEVA AWARD.

The House resumed the consideration of the bill for the distribution of the unappropriated moneys under the Geneva award.

Mr. HALE. The amendment offered by the gentleman from Virginia [Mr. TUCKER] is not before the House, and therefore there may be no technical need of answering its points. But as the gentleman has presented his plan so clearly, I think it worth the while to say this, and it covers the whole subject-matter: This is not from beginning to end a matter of law. It had its rise in a violation of law that could in no degree be remedied by any court under the sun. Certain American citizens suffered by depredations at the hands of a nation, Great Britain. There was from the beginning no power in any court by any principle of law, however well established in the courts between man and man, that would recompense the distressed, the suffering, the losing citizen. And much of the confusion and opposition to the bill of the majority of the committee reported by the gentleman from New York [Mr. LORD] has arisen because good lawyers have allowed themselves to be led away into a narrow channel of reasoning as if this was a thing in its inception between A and B in a county court, a State court, or the Supreme Court, whereas it is nothing of the kind.

There are certain things, Mr. Speaker, that Congress can do better than any court in the redress of the grievance of the citizen; and where the act upon which that grievance rests is the act of a foreign power, and where the machinery which had to be set at work to bring that foreign power to a situation and condition where it would do right had to be set in motion by Congress for the protection of its citizens, the outcome of that negotiation is to-day in our hands just as much as the rights of the suffering citizens were in our hands when we provided for the tribunal that should settle the amount which Great Britain should pay.

This plan is not a new thing, though new in this House. This matter has been fought over before in previous Congresses, when it was urged with force that the whole subject should be sent to the courts with the alluring clause that their adjustment should be upon principles of "equity." And the objection to that was then and is now that even if you put in a clause requiring "equity," you submit it to the courts which to-day are running in just as clearly and decisively fixed channels by decisions upon questions of equity as they are by decisions upon question of law.

My friend before me, [Mr. HILL,] who is a good lawyer, knows that the term "equity," as used in the courts has as clearly defined limitations in the courts and is controlled as much by binding authority as is a question of "law;" and the word has ceased to have the signification which it had three hundred years ago, when it simply meant the "arbitration of good men."

Mr. HILL. Equity follows the law.

Mr. HALE. Yes, sir; equity follows the law. So I dismiss this consideration.

Now, Mr. Speaker, it is an act of some temerity to say anything on this question, which has been here occupying our time for days and days. It has been elaborately and most ably discussed; and there is not a new thing that I can present upon this subject-matter either upon the law of the case or the considerations of common justice. I only, in the little time that I have, want to present before this House the condition of certain classes of citizens, some of whom I am free to say I represent here, and so have as a Representative a warm interest in the question.

When the war broke out our mercantile marine was secure upon the seas. It was to a great degree prosperous. The Confederate-British armed cruisers went out upon all waters of the globe, and at once the ships of my constituents fell at a discount as clearly as if ten added years had been put upon their hulls, spars, and rigging.

No man's house was ever invaded and property taken therefrom, no man ever had a limb severed from his body and thereby losing a part of his efficiency, no man ever suffered by theft more swiftly, more materially, more determinedly than did the owners of American ships. It was the act of Great Britain, as has been settled by the tribunal. The fact that we have fifteen million and a half in the Treasury by the admission of Great Britain and the adjudication of the tribunal settles that point. My constituents, the constituents of every gentleman here who own vessels, were injured by the acts of Great Britain.

Now, sir, these men who owned vessels found as a result of the action of these cruisers upon the high seas that they were obliged to double, to treble, to quadruple the insurance rates in order to afford some protection to them and their property, and they believed from the beginning that their wrongs would be redressed; they believed that they would in due course of time be recompensed, and that Congress as the representatives of the people would see that this was done. And so it comes about that everywhere the owner of an American ship preserved the proofs and vouchers of his losses during the years when he was being made poor by the depredations of the cruiser or the exactions to which he was forced to submit by insurance companies. But while the ship-owner was being reduced to penury there were looming up in Boston, New York, and in other large cities companies which were fattening upon his losses.

Now if any gentleman has any doubt as to whom the recompense should come let him begin at the top of the scale and he will find that he will strike hard-pan when he gets down to the war-premium men. The owners of the ships that were burned and destroyed have been paid by the last Congress. The insurance companies took their money from the war-premium men and filled their coffers to repletion, and grew rich and fat, but the owners of the ships which were brought into competition with the ships of England, Denmark, Germany, and other countries, found their freights reduced by this competition and that they had nobody to charge the added expense of their war premiums to, and they were crushed out, and so it came about that a part of the owners of our vessels, obeying the law of self-protection, put their vessels in British hands, under the flag of Great Britain, for security; but another and the larger class whom I represent maintained themselves under our flag, paying heavy premiums all the time, and never being able to charge it upon freight; and so I say again that when you strike the war-premium man you have struck hard-pan.

The class in this bill known as war-premium men present almost as strong claim on our sympathy and our votes as do the wounded soldiers of the war.

Now, sir, these war-premium men would have been paid long ago but for human greed; the insurance companies, like all large corporations, were never satisfied, and as my colleague said the other day, they clamored for more, and if they got more they would have clamored for yet more. They came to this Congress at the beginning of this session. They had been before the Forty-second Congress and were ignominiously kicked from its doors; but what gentleman ever knew the modest claim of such combinations of men frowned down or set at rest by being once rebuffed? They came to the Forty-third Congress and again were kicked out, but still they are here again fighting for their claims and resorting to every imaginable device to prevent the war-premium men from getting their money.

The plan of the gentleman from Virginia is in the interest of these companies, in that it delays the suffering losers and helps to at least tire them out.

Now, I do not believe that this Congress, having at its control this fund, dealt with originally, as Mr. Fish's letter of instruction shows, for the benefit of the losers and not for the men who were fattened by their losses, is going back upon the acts of former Congresses; and I say again that but for the persistent fight made by these companies here and elsewhere the war-premium men who lost by the drain upon them, and who have been reduced to poverty, and the next meritorious class, the owners of vessels destroyed by the inculpated cruisers, would have been relieved and their claims paid long ago. And this gives me an opportunity to call the attention of the House to the fact that in all the legislation for the last ten years the interests of the American ship-builders have been constantly given the go-by. The Pacific States have had their railroads built, and these railroads have been subsidized. The Mississippi is being dredged for the benefit of the population bordering on that great river. Pennsylvania has had her coal and iron protected and Massachusetts and Connecticut have had protection for their spools of cotton, their needles, their gimblet screws, but the American ship-builder has al-

ways been turned out of Congress without remedy for his impoverished condition. He has never been able to get even a corner in railroad bills or tariff bills.

Mr. LORD. I now yield ten minutes to the gentleman from Ohio, [Mr. GARFIELD.]

Mr. BURCHARD, of Illinois. I would like to ask the gentleman from Maine [Mr. HALE] one question. It is, whether the second class mentioned in the pending bill will be provided for if the amendment of the gentleman from Ohio [Mr. LAWRENCE] is adopted?

Mr. HALE. I cannot tell.

Mr. GARFIELD. It is too late in this debate to make any argument on this great question. But I have desired to state very briefly the general grounds on which my mind has finally come to rest in the consideration of this subject. I have felt a very deep anxiety about this bill: first, for the credit of the United States, for the national name; second, (and I only say second, not in importance, perhaps, but in order of statement,) that exact justice shall be done to all parties concerned. The conclusions to which I have come can be stated in very few words.

It seems to me that very few grander phenomena have ever been witnessed in the affairs of nations than the settling of so great difficulties as we were involved in with Great Britain on the basis of friendly, judicial arbitration. It was substantially the setting up of a high court, a court probably higher than any other the world has known, to consider and adjudge a great international dispute and to make a final settlement. The two governments established the high tribunal, and filed the case and the counter-case, the argument and their reply. When all was in, both governments pledged the sanctity of their national faith to abide by the result. The award was given by the Geneva tribunal in very specific language in every respect save one. The pecuniary part of the award was on a gross sum, not distributed item by item to the several parties on whose account it was granted. But the tribunal did what was the next most definite thing. They stated in the solemn and precise words of the judgment itself every vessel for whose depredations the Government of Great Britain was liable, and they stated also specifically the names of all the vessels which the United States had claimed, but their judgment did not find that Great Britain was liable.

They discriminated so far as to state that one vessel, for example the Shenandoah before she departed from the harbor of Melbourne, did nothing for which Great Britain was liable, but that after the departure from Melbourne all the damage she inflicted upon American commerce was justly to be charged against Great Britain. So specific and careful were they in all the items of the award that they gave the grounds affirmatively and negatively on which the award was made.

And here I pause to notice an argument which has frequently been urged in this debate: that the tribunal awarded "to the United States a sum of $15,500,000 in gold as indemnity to be paid by Great Britain to the United States for the satisfaction of all the claims referred to the consideration of the tribunal," and therefore the amount of the indemnity may be applied to any of the alleged claims. It is a most singular use of words to say that this clause authorizes payment for claims which the award itself rejects as not valid. The argument proceeds upon a narrow and indefensible use of the word award, as though the money alone was the award. The language of the official judgment of the tribunal is decisive of this question. After reciting the authority by which they acted and the proceedings of the high contracting parties, by their agents and attorneys, the tribunal say:

> Having fully taken into their consideration the treaty, and also the cases, counter-cases, documents, evidence, and arguments, and likewise all other communications made to them by the two parties during the progress of their sittings, and having impartially and carefully examined the same, have arrived at the decision embodied in the present award.

Then follow the decision and award, which consist of, first, conclusions of law, in which the legal ground of the responsibility of Great Britain is stated; second, conclusions of fact, in which it is stated for what cruisers and for what time Great Britain was responsible; and, third, the amount of indemnity to be paid. This triple statement is the judgment, and nothing but the most violent construction can separate its elements and call any one of them judgment of the tribunal.

Now, in my opinion, we are bound by the whole judgment, and every sentiment of national honor should lead us to follow the award in its letter and its spirit. We have no right to inquire into the wisdom or unwisdom of the judgment. No doubt there were citizens who suffered as great and as grievous losses from the depredations of the exculpated cruisers as from any which the tribunal included in the list of inculpated cruisers, but this is a question, not making an award, but of executing a judgment, and from that duty we should not be diverted by any considerations but the language and command of the judgment itself.

Now, what is the award? The claims filed by the United States were of two kinds, national claims and claims of private citizens. In regard to the claims known as national claims, the tribunal of arbitration announced:

> That after the most careful perusal of all that has been urged on the part of the Government of the United States in respect of these claims, they have arrived, individually and collectively, at the conclusion that these claims do not constitute, upon the principles of international law applicable to such cases, good foundation for an award of compensation, or computation of damages between nations, and should upon such principles be wholly excluded from the consideration of the tribunal in making its award, even if there was no disagreement between the two governments as to the competency of the tribunal to decide thereon.

After this solemn decision how can it be affirmed that any part of the indemnity belongs to the nation as the payment of *national* damages? They were "*wholly* excluded from the consideration of the tribunal on making its award." So they must be from our consideration in distributing the indemnity.

In order to learn precisely what was excluded by the above judgment I read from the order of the President of the United States to the agent the following, which was read to the tribunal and made a part of its proceedings:

> The declaration made by the tribunal, individually and collectively, respecting the claims presented by the United States for the award of the tribunal, for, first, the losses in the transfer of the American commercial marine to the British flag; second, the enhanced payments of insurance; and, third, the prolongation of the war and the addition of a large sum to the cost of the war and the suppression of the rebellion, is accepted by the President of the United States as determinative of their judgment upon the important question of public law involved. The agent of the United States is authorized to say that, consequently, the above-mentioned claims will not be further insisted upon before the tribunal by the United States, and may be excluded from all consideration in any award that may be made.

This specific statement by our Government would be conclusive and binding upon us, even if the judgment of the tribunal were not. There remained still two grounds of controversy; first, the direct losses growing out of the destruction of the vessels by the cruisers which the tribunal should adjudge "inculpated;" and, second, the expenses incurred by the United States in the pursuit of these cruisers.

In reference to this second class the judgment of the tribunal is in the following language:

> Whereas, so far as relates to the particulars of the indemnity claimed by the United States, the costs of pursuit of the confederate cruisers are not, in the judgment of the tribunal, properly distinguishable from the general expenses of the war carried on by the United States; the tribunal is therefore of opinion, by a majority of three voices to two, that there is no ground for awarding to the United States any sum by way of indemnity under this head.

Thus was excluded the only remaining form of national claims; and we have the authority of the tribunal for declaring that no part of the $15,500,000 was allowed for any form of national claims.

There then remained only the losses to American citizens by the depredations of the inculpated cruisers within the time during which the tribunal found that Great Britain was responsible. Now, with such limitations fixed by the tribunal and acknowledged by the United States, an estimate was made of the amount of damages to private citizens; and the award was made in a gross sum, for two reasons: first, that the United States might have it immediately to distribute to the people who were entitled to it; and, second, that England should not be required to dribble it out in small payments, but might discharge herself of all further obligation by a single payment. After this we arrive at the final result of fifteen and a half millions of gold paid into our hands under the award for specific damages described in the judgment of the tribunal.

In view of the facts I have stated, it seems to me that we cannot, without the greatest national dishonor, use one dollar of this money for any other purposes than those declared in the award itself. When we have distributed the indemnity in strict accordance with the finding of the tribunal, if there be left a surplus of a million or five million, national honor demands that we return that surplus to Great Britain. I should consider it a proud honor for the American Congress to vote to send it back to Great Britain, and to say to her: "When we examined more carefully the items of losses, we found they were not so great as we had supposed. The difference is yours, not ours, and we return it."

Let us not put our nation in the shameful position of driving a sharp bargain to get a large sum on behalf of our citizens, and then put the difference into our Treasury, or vote it away to parties for whom it was not paid.

I shall vote against the bill of the majority, against the bill of my colleague, [Mr. LAWRENCE,] and in favor of the bill of the gentleman from Kentucky, [Mr. KNOTT.]

[Here the hammer fell.]

Mr. LORD. I now yield for fifteen minutes to the gentleman from Massachusetts, [Mr. SEELYE.]

Mr. SEELYE. I should not presume to speak upon this bill if the members of the legal profession who have discussed it were agreed in their conclusions. But when I find gentlemen whose learning and candor and clearness of thought compel the admiration of all who know them reaching directly contrary results and maintaining those results persistently and on both sides with great plausibility, I am compelled to investigate for myself. And even then I should contend myself simply with voting, if the gentleman who has charge of this bill, and who has already moved the previous question upon it, [Mr. LORD,] had not asked me to occupy a part of the closing hour.

It seems to me the whole question is this: Here is a certain amount of money in our hands and we do not know what to do with it. Congress has to determine what disposition shall be made of it. The first inquiry is, how did we get the money and what was it given to us for? That can be determined so clearly that there can be no mistake in regard to it. In the language of the arbitration itself the award was:

> To the United States a sum of $15,500,000, in gold, as the indemnity to be paid by Great Britain to the United States for the satisfaction of all the claims referred to

the consideration of the tribunal, conformable to the provisions contained in article 7 of the aforesaid treaty.—*Papers relating to the Treaty of Washington*, volume 4, page 53.

That seems to be perfectly clear. It is given for the satisfaction of all the claims referred to the consideration of the tribunal conformably to the provisions contained in article 7 of the aforesaid treaty. Now that article says this:

ARTICLE VII.

* * * * * * *

The said tribunal shall *first* determine as to each vessel separately whether Great Britain has, by any act or omission, failed to fulfill any of the duties set forth in the foregoing three rules, or recognized by the principles of international law not inconsistent with such rules, and shall certify such fact as to each of the said vessels. In case the tribunal find that Great Britain has failed to fulfill any duty or duties as aforesaid, it may, if it think proper, proceed to award a sum in gross to be paid by Great Britain to the United States *for all the claims referred to it*; and in such case the gross sum so awarded shall be paid in coin by the government of Great Britain to the Government of the United States, at Washington, within twelve months after the date of the award.

It is to be observed, as Mr. Cushing himself, in his remarks on the treaty of Washington, has said, that—

The arbitrators do not say for the satisfaction of certain specific claims among those referred to the consideration of the tribunal, but, "all the claims" so referred conformably to the provisions of the treaty. (Cushing's Treaty of Washington, page 165.)

They do not say "in satisfaction of certain claims upon which the tribunal may or may not have pronounced an opinion," but the language is "all the claims referred." Referred by whom? Of course by the two high contracting parties, Great Britain and the United States. Now, what were those claims? The answer to that is perfectly clear, and comes from the first article of the treaty of Washington, which declares as follows:

Whereas differences have arisen between the *Government* of the United States and the *government* of Her Britannic Majesty, and still exist, growing out of the acts committed by the several vessels, which have given rise to the claims generically known as the "Alabama claims;" now in order to remove and adjust all complaints and claims on the part of the *United States*, and to provide for the speedy settlement of such claims, * * * the high contracting parties agree that all the said claims growing out of the acts committed by the aforesaid vessels * * * shall be referred to a tribunal of arbitration.—*Treaty of Washington*, Article 1.

These claims were all referred and they were all paid, as expressly stated, by this award, by the fifteen and a half millions paid in gross to the United States. The question now comes up, in what method shall the United States proceed in the distribution of this award? I take it that the only answer that can be made to that question is, just that method which the United States may deem to be wise and equitable, and only that. The United States is not responsible to Great Britain nor to the tribunal at Geneva for the procedure she may here take. She is only responsible to the tribunal of history, that august tribunal before which all the nations are inexorably judged.

The tribunal of Geneva did not volunteer to offer any suggestion as to the way in which the United States should proceed in her distribution of the fund. That tribunal would have stultified itself if it had done any such thing. The United States neither asked nor accepted any direction as to how she should proceed in this distribution, and would have contradicted her whole procedure had she done so. The proof of this is perfectly clear from the direction which the Secretary of State gave to the counsel at Geneva, Mr. Cushing, Mr. Evarts, and Mr. Waite, in these words:

SIR: The President having appointed you one of the counsel of the United States in the matter submitted to the tribunal of arbitration, to meet in Geneva, * * * it becomes necessary to give you briefly the President's instructions on the subject of your duties. * * *

The President desires to have the subject discussed as one between the two governments, and he directs me to urge upon you strongly to secure, if possible, the award of a sum in gross. In the discussion of this question, and in the treatment of the entire case, you will be careful not to commit the Government as to the disposition of what may be awarded. * * * It is possible that there may be duplicate claims for some of the property alleged to have been captured or destroyed, as in the cases of insurers and insured. The Government wishes to hold itself free to decide as to the rights and claims of insurers upon the termination of the case. If the value of the property captured or destroyed be recovered in the name of the Government, the distribution of the amount recovered will be made by this Government without committal as to the mode of distribution. It is expected that all such committal be avoided in the argument of counsel. * * *

HAMILTON FISH.

—*Papers, &c.*, volume 2, page 414.

We are therefore wholly untrammeled in the distribution of this award by anything which either Great Britain or the tribunal of Geneva has directed or to which the Government of the United States has agreed. We are to be guided in this matter simply by universal principles of wisdom and justice. What are those principles as bearing upon the case? Evidently the parties who have actually suffered losses and who have had no compensating advantages are the parties first entitled to be recognized in the distribution of this award; that is, the parties whose ships have actually been destroyed, which ships were not insured and the owners of which had no compensating advantages in trade. These are the losers to be first considered.

Then it would seem obvious that the parties who paid an enhanced rate of insurance, but who may in their ordinary mercantile transactions have had some compensating advantages, should be the second to be considered. Only in the third place, if at all, could the insurers properly claim any addition from this fund to their already enormous profits.

For these reasons I hold that equity and justice and wisdom demand the acceptance of the majority report.

[Here the hammer fell.]

Mr. LORD. I desire to take a few minutes myself.

Mr. SEELYE. Allow me one word more.

Mr. LORD. Certainly; five minutes or ten minutes more, if the gentleman desires.

Mr. SEELYE. I have a quotation from a much wiser person than myself, a most competent authority on this question, and bearing out the conclusions which I have affirmed; I beg leave to quote a single passage from Cushing's work on the treaty of Washington, from page 164, where he says:

But the history of the treaty and of the arbitration shows that the United States recover, not for the benefit of the American Government, as such, but of such individual citizens of the United States as shall appear to have suffered loss by the acts or neglects of the British government. It is, however, not a special trust legally affected to any particular claims or claimants, but a general fund to be administered by the United States in good faith, in conformity with their own conceptions of justice and equity, within the range of the award. If, according to any theory of distribution adopted by the United States, the sum awarded prove inadequate, we have no claim on Great Britain to supply the deficiency; on the other hand, if the award should prove to be in excess, we are not accountable to Great Britain for any balance. On this point precedents exist in the diplomatic history of Great Britain herself. The tribunal does not afford us any rules of limitation affecting the distribution of the award, unless in the declaration that "prospective earnings," "double claims" for the same losses, and "claims for gross freights," so far as they exceed net freight, cannot properly be made the subject of compensation; that is to say, as against Great Britain.

Nor does the tribunal define affirmatively what claims should be satisfied otherwise than in the comprehensive terms of the award, which declares that the sum awarded is the "indemnity to be paid by Great Britain to the United States for the satisfaction of all the claims referred to the consideration of the tribunal, conformably to the provisions contained in article 7 of the aforesaid treaty." (Cushing's Treaty of Washington, page 164.)

Mr. GARFIELD. I desire to ask the gentleman from Massachusetts [Mr. SEELYE] a question. Does the satisfaction of "all claims" mean the satisfaction of rejected claims among the "all claims?"

Mr. SEELYE. I so understand it.

Mr. GARFIELD. I mean does it cover the payment of a claim which the tribunal had rejected?

Mr. SEELYE. The same treaty arranged that in case a board of assessors should be appointed to assess these claims there should be certain rules followed and certain claims rejected. But such a board was not appointed, and in the final award, as I understand it, there was no question about rejected claims. The tribunal took a different method, affirming that a sum in gross should be paid, a fact very significant in reference to the gentleman's inquiry. This sum in gross must have included and have been intended to cover some of the very claims which the gentleman speaks of as having been rejected by the tribunal, since this sum manifestly exceeds the amount of the claims which it is admitted on all hands were not rejected. It was a sum in gross supposed to cover all the claims, and must have covered more than the claims for losses by inculpated cruisers, because it is out of all proportion to those losses.

Mr. LAWRENCE. Will the gentleman allow me a word there? These claims were satisfied just in the sense that a claim is satisfied which is sued upon, where the claimant is defeated and fails to recover from satisfactory cause; and there can be no further prosecution of the claim. They are not paid because they are not entitled to be paid.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, announced that the Senate had passed, with amendments, bills of the House of the following titles, in which the concurrence of the House was requested:

The bill (H. R. No. 2684) to amend sections 246 to 251 of the act entitled "An act to revise and consolidate and amend the statutes relating to the Post-Office Department," approved June 8, 1872, as amended by the twelfth section of the act entitled "An act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1875, and for other purposes," approved June 23, 1874, and for other purposes;

The bill (H. R. No. 1808) for the relief of Daniel Wormer, of Albany, New York; and

The bill (H. R. No. 1558) to remove the legal and political disabilities of Robert Ransom, of Virginia.

The message further announced that the Senate had passed bills of the following titles, in which the concurrence of the House was requested:

A bill (S. No. 852) for the relief of Elisha E. Rice;

A bill (S. No. 892) to encourage and promote telegraphic communications between America and Asia;

A bill (S. No. 944) for the relief of Gilderoy M. Hardy; and

A bill (S. No. 973) for the relief of Elizabeth Carson.

GENEVA AWARD.

The House resumed the consideration of the bill for the distribution of the unappropriated moneys under the Geneva award.

Mr. LORD. Mr. Speaker, before proceeding to lay before the House the precise questions in regard to which we are to vote, I want to call attention to the heresy just announced by the distinguished gentleman from Ohio, [Mr. LAWRENCE,] and which is based upon a clause of the treaty which has not been sufficiently considered. Enough has

been said in regard to all the other parts of the treaty, and I will not repeat what has been said. But I wish the Congress to understand the full range of the treaty of Washington. The clause referred to is in these words:

ARTICLE XI.

The high contracting parties engage to consider the result of the proceedings of the tribunal of arbitration, and of the board of assessors, should such board be appointed, *as a full, perfect, and final settlement of all the claims hereinbefore referred to.*

Now, if it stopped there, the logic of my friend might have some force; the line of argument on which he seeks to put this claim might have some bearing. But what else does this article of the treaty say?

And further engage—

And to this I call the particular attention of members—

that every such claim, whether the same may or may not have been presented to the notice of, made, preferred, or laid before, the tribunal or board, shall, from and after the conclusion of the proceedings of the tribunal or board, be considered and treated as finally settled, barred, and thenceforth inadmissible.

Therefore the gentleman is altogether wrong in his assumption that the claim must in every instance be laid before the tribunal, because the treaty provides that those claims must be satisfied whether they have been presented to the tribunal or not.

Mr. LAWRENCE. The word is "settled."

Mr. LORD. "Finally settled, barred, and thenceforth inadmissible."

Now, I ask is it credible that it was the intention of those who framed this treaty of Washington to frame a treaty which satisfied every claim growing out of the Alabama claims for every possible wrong done by the confederate cruisers on the high seas, whether presented or not, and then to wholly ignore such claims? I ask is it conceivable that within the range of such a treaty the United States should present itself at the Geneva tribunal simply and only as the agent or attorney of certain corporations, utterly disregarding the fact of merit or demerit, satisfying all the claims, however meritorious or however weak, and going to the Geneva tribunal simply and only as the agent or attorney of insurers? I say any gentleman who will take the pains to think upon it will see beyond all question that when this treaty was framed—the Clarendon-Johnson treaty having been rejected as a bundle of private claims—it was framed on the theory that only national claims should be presented; that if individuals had lost fifteen and a half millions, the nation had also lost that amount of taxable property and should recover it as a nation; and when it agreed with Great Britain that every claim growing out of the depredations of the Alabama cruisers should be forever satisfied, is it within reason and common sense to suppose that this treaty made this august nation merely the agent of certain corporations? I say that such a theory is at war with all the fundamental facts that belong to the treaty and with the directions of the Government of the United States which have just been read, that this Government should not be in any manner committed as to the mode of distribution. On the contrary, this Government reserved to itself the sovereign right and absolute power to dispense this fund according to justice and the merits of the particular claims, whether of insurers or other parties, according to its sovereign will, guided only by its sense of justice.

Now I have already occupied the time of the House long enough in this line of argument. I only desired to bring before the House in answer to the position of my shrewd and experienced friend from Ohio the truth of the case, and to show that it made no possible difference not only whether the claim was rejected or not, but no difference whether it was presented or not.

By this treaty it was provided that all the Alabama claims should be forever satisfied. And can it be that this great Government was so unjust to its citizens—so absolutely unjust to some of you perhaps who may have the most meritorious of claims—as to satisfy their and your claims absolutely without reserving to itself the power of doing you any kind of justice because bound hand and foot in the toils of the insurers?

Now, I want for a few moments to call the attention of the House to the questions really before this tribunal, for the Congress is now sitting as the most august of tribunals for the purpose of doing justice in this matter. What, then, are the questions presented by these different reports? In the first place, there is a question presented by the insurance companies through the minority report submitted by the gentleman from Kentucky, [Mr. KNOTT.] They claim they are entitled to the whole of this fund, by or under the doctrine of subrogation. Now, I have heretofore sufficiently argued this point; and it has been sufficiently argued by the gentleman from Pennsylvania, [Mr. JENKS] and the gentleman from Maine, [Mr. FRYE,] Mr. WARREN of Massachusetts, and others. I am not going over that again. It is sufficient to say here that the insurance companies, according to the undisputed testimony before the committee and according to undisputed assertion before this House, by virtue of those cruisers being on the ocean have made millions of dollars. Now let us bring these claims right down to their direct merits. Suppose that when the treaty of Washington was being negotiated it appeared that nobody on earth had been injured by the depredations of these cruisers; that the southern confederacy had paid all of the loss; and suppose that the insurance companies had paid out only $6,000,000 by way of insurance, when they had received $12,000,000 for war premiums, would anybody on the face of the earth dream of disturbing international relations on that account? Is it not one of the idlest thoughts that could be presented to the human imagination to say that persons could go to Geneva saying that they had made $6,000,000 by the presence of these cruisers on the ocean and yet demand that the two nations should go into council to see what should be paid to them? Is it not one of the most absurd positions imaginable that these insurers would have had a right independent of all other persons and all other losses to go there and demand payment notwithstanding that they had, instead of losing, made millions of dollars?

Now what does the majority report propose to do? But, before coming to that, let me say that all there is of the minority report presented by the gentleman from Kentucky [Mr. KNOTT] is that these millions of dollars which are left are to be taken and paid over to corporations, when it is confessed all around that those corporations have not lost. If they have lost by reason of these cruisers, they can now recover.

Then, what is the second minority report? I come now to the astute report of my friend from Ohio, [Mr. LAWRENCE,] who always rides a high horse, sometimes a good horse, but not always. In this matter he thought, very likely—if I may use a common though mistaken sentiment in reference to legislative proceedings—that it would "take with the people" to pay this large sum of money into the Treasury irrespective of the merits of the particular claimants. If this is the gentleman's view, I have a short answer to make to him. It is true that if Great Britain had to pay what the whole people of the United States suffered by reason of its action, that government to-day would have to pay many times the amount of the award. If compelled to pay what the people of the United States suffered by reason of the recognition of belligerent rights in the Southern States, and in consequence of other proceedings on the part of Great Britain, it would be a sad day for the latter. But these unprovided-for burdens have been borne by all our citizens alike, and what the gentleman forgets is that those persons who met with actual losses by reason of such action have suffered so much more than other citizens with whom they have borne the common burdens. If, therefore, they were compelled in order to keep the flag which covered their vessels afloat on the ocean to pay out war premiums, they should be protected. If an individual paid out $30,000 for war premiums and only received $10,000, there is an absolute loss to him of $20,000 by virtue of his keeping his vessel on the sea. In that case he would have lost $20,000 more than his next-door neighbor of equal property who paid no war premiums.

He would have lost in such case $20,000, and therefore, in view of justice and equity, he ought to be paid that sum out of a fund provided to pay losses before any general distribution.

Mr. LAWRENCE. But the gentleman does not remember that the bill reported by the committee proposed to pay the war-premium men, whether they sustained a loss upon their aggregate business or not. This is the necessary effect of the language employed in the bill.

Mr. LORD. That is not so. We provide that unless the claimant has lost he is not entitled to be paid. I say to the gentleman that if the bill is not precisely as I have stated the committee will admit an amendment at any time.

My venerable friend from the Onondaga district [Mr. LEAVENWORTH] says that we are going to violate some law. Not at all. This clamor about violating law and doing injustice thereby is a mere begging of the question. The treaty of Washington was designed, among other things, to recover the value of the vessels destroyed by the rebel cruisers. We have got fifteen and a half million dollars in the Treasury. I ask the House to remember, therefore, that without reference to the claims of insurance companies or war-premium men this amount is made up of the value of the vessels destroyed.

Prima facie the owner of the vessel is entitled; if he has been paid by the insurer the insurer is entitled; if the insurer has been paid by the war-premium claimants the latter are entitled. Thus by a succession clearer, if not so grand as the apostolic, we trace the money to its source and pay the actual loser. Therefore we claim that, as this fund is in the hands of the United States, it should be paid, according to the principles so clearly established in this debate, to the actual sufferers.

Now allow me to occupy the attention of the House for a moment longer. I will not take the residue of the hour to which I am entitled.

My eloquent friend from Virginia assumes that there is no opinion of any court sustaining the majority report. He wants a new tribunal created, or other powers conferred on the present court with appellate jurisdiction. This proposition, in substance, was largely rejected by the last Congress and has no advocate in the Committee on the Judiciary. It would greatly and unnecessarily burden the Supreme Court, now three years behind on its calendar, and therefore would do great injury to other suitors. By the treaty of Washington it is for the Congress to direct the mode of distribution of the Geneva award and the court already organized has been most faithful, and doubtless will be, in such distribution.

My learned friend from Virginia has said that we had occupied four weeks in the discussion of this measure. Really six or seven hours would cover the whole debate thereon, and yet as the weather is oppressive and the subject exhausted I only propose to occupy a few minutes more in calling attention more fully to a decision of the court of commissioners of Alabama claims.

By the act of the Forty-third Congress, (Statutes at Large, page 249,) it is made the duty of the court to examine claims admissible under the act, "to decide upon the amount and validity of such claims in conformity with the provisions thereinafter contained, *and according to the principles of law and the merits of the several cases.*"

In Williams *vs.* The United States the court say:

The Government of the United States accepted the sum awarded in full settlement of all the claims comprehended in the terms of the treaty, and soon afterward Congress passed the act providing for its distribution among the claimants, which is to be our chief guide in the actual work of distribution. It is clear to us that the Government had the right to prescribe the terms on which claimants, should present their claims. They were not strong enough to compel payment of the money by Great Britain, and when this Government obtained it the claimants had no legal right to it except that which the Government by its own acts chose to accord. They must therefore take their respective shares of it, subject to all the conditions which the Government has thought fit to appoint, or not take them at all.

Raynor, justice, in Hubbell *vs.* The United States, page 3, says:

Nothing can be found in those proceedings to limit or control good faith on the part of our Government in making such allowance to claimants before us as in their judgment and discretion Congress might think proper. In fact, the very able committee to whom the British board of trade referred the investigation of the points at issue say in their report:

"The proper compensation for the losses occasioned by the cruisers is the question we have to examine, but with the mode of distributing that among the various claimants the American Government alone is concerned."

And the position taken by the board of trade of Great Britain is thus indorsed by the court of commissioners of Alabama claims.

In the recent case of Rhind *vs.* The United States, in which the point was distinctly before it, the court say:

The award was made in favor of the Government, and not in favor of the claimants. The Government thus vindicated the national honor, but it did not assume to pay any particular class of claimants nor any particular claim. Having obtained the money by its own act and at its own cost, it had the right to prescribe the terms on which the distribution should be made.

The distinguished counsel of the United States, William M. Evarts, Caleb Cushing, and Morrison R. Waite, now Chief Justice, stated—see volume 3, page 16, of the papers relating to the treaty of Washington—

That these claims were all preferred by the United States as a nation against Great Britain as a nation.

I wish to correct the reading of a decision, (West *vs.* United States, No. 91,) which was partly read before the House by the gentleman from Massachusetts, [Mr. PIERCE,] and previously by the gentleman from Kentucky. I ask attention to this decision, which fully sustains the positions of the majority report.

Before the part quoted by the gentleman referred to, the court laid down in emphatic terms the power of the Congress over the award; and yet said that Congress would not go beyond the conclusions of the award as to the inculpated cruisers.

My friend from Massachusetts [Mr. PIERCE] said, basing his opinion on such decision, that to distribute this fund in any way contrary to the treaty, Great Britain might complain. Great Britain has nothing to do with the distribution of the fund. It was the nation that presented the claim; but had he read the whole decision he would have found that the learned judge, in assuming that Congress ought not, as to our own citizens, to go behind the decision of the tribunal, forgot the terms of the very act creating the court of which he is a distinguished member.

In that act it is distinctly provided in favor of insurers that they may recover all their losses by war risks "during the late rebellion." Therefore, whether the cruiser was decided to be an inculpated or exculpated vessel, whether the loss was on the high seas or by the mosquito fleet flying around the inland waters, no matter how the losses from the war risks were occasioned, they were entitled to recover them. Therefore the act itself in the very regard criticised by the learned judge disproves what he says the Congress would not do. The case, No. 91 which I will proceed to read fully sustains these positions.

[Here the hammer fell.]

The SPEAKER *pro tempore*. The time of the gentleman has expired.

Mr. LORD. I now call for a vote on the bill and amendments.

The first question was upon the amendment reported from the Committee on the Judiciary, to add to section 1 the following:

Such claims to be filed with the clerk of said court within six months from the passage of this act; and said court is hereby continued until July 22, A. D. 1877.

Mr. LORD. I desire to say in regard to this amendment that I supposed it was part of the original bill, it having been unanimously adopted by the committee.

The amendment was agreed to.

The next question was upon the following amendment reported from the committee, to insert after the word "attacked," in line 3, section 2, the words "or taken."

The amendment was agreed to.

The next question was upon the amendments offered by Mr. JENKS, as follows:

In section 1, line 9, strike out "three" and insert "two."
In section 2, line 9, strike out all after the word "cruisers."
In section 3 strike out all after "allowed," in line 5.
In section 5 strike out the words "and judgments of the second class shall be paid before judgments of the third class are paid."
In section 5 strike out all after "unappropriated sum," in line 12.

The amendments were agreed to.

Mr. HOLMAN. I believe all the merely formal amendments have been disposed of. As the other questions will probably occupy some time in voting, I rise now to submit a conference report, which I believe is privileged.

The SPEAKER *pro tempore*. The report of a committee of conference is so highly privileged that it may interrupt proceedings at this time.

Mr. LORD. I would inquire how long it would probably take to dispose of the report.

Mr. HOLMAN. About a half an hour.

POST-OFFICE APPROPRIATION BILL.

Mr. HOLMAN submitted a report; which was read by the Clerk, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 3263) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1877, and for other purposes, having met, after full and free conference have agreed to recommend, and do recommend, to their respective Houses as follows:

That the Senate recede from its amendments numbered 3, 17, 30, 47, and 22.

That the House recede from its disagreement to the amendments of the Senate, numbered 1, 2, 4, 5, 6, 7, 8, 9, 10, 11, 14, 15, 16, 18, 26, 28, 29, 31, 33, 34, 37, 38, 39, 41, 42, 43, 44, and 45, and agree to the same.

That the Senate recede from its amendment numbered 40, except as to the words "the seventh section of" in the last line of the paragraph proposed to be stricken out; and the House agree to the same.

That the House recede from its disagreement to amendment numbered 12 and agree to the same with an amendement, as follows:

Substitute for the sum named by the Senate "$7,000,000;" and the Senate agree to the same.

That the House recede from its disagreement to amendment numbered 13 and agree to the same with an amendment substituting "$1,900,000;" and the Senate agree to the same.

That the House recede from its disagreement to amendment numbered 19 and agree to the same with an amendment substituting "$75,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendments numbered 20 and 21 and agree to the same with an amendment as follows: Strike out all the amended text and substitute in lieu thereof the following:

"For inland mail transportation, namely: For transportation on star routes and by steamboats and all other than railroad routes, $6,737,851; for transportation by railroad, $9,100,000: *Provided*, That the Postmaster-General be, and he is hereby, authorized and directed to re-adjust the compensation to be paid from and after the 1st day of July, 1876, for transportation of mails on railroad routes by reducing the compensation to all railroad companies for the transportation of mails 10 per cent. per annum from the rates fixed and allowed by the first section of an act entitled 'An act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1874, and for other purposes,' approved March 3, 1873, for the transportation of mails on the basis of the average weight. And the President of the United States is hereby authorized to appoint a commission of three skilled and competent persons, who shall examine into the subject of transportation of the mails by railroad companies and report to Congress at the commencement of its next session such rules and regulations for such transportation and rates of compensation therefor as shall in their opinion be just and expedient and enable the Department to fulfill the required and necessary service for the public; and to defray the expense of said commission the sum of $10,000 is hereby appropriated out of any money in the Treasury not otherwise appropriated."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 23, and agree to the same with an amendment substituting "$1,225,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 24, and agree to the same with an amendment substituting "$972,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 25, and agree to the same with an amendment substituting "$153,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 27, and agree to the same with an amendment substituting "$670,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 32, and agree to the same with an amendment substituting "$5,667,498;" and the Senate agree to the same.

That the House recede from its disagreement to the amendments numbered 35 and 36, and agree to the same with an amendment substituting the following:

"That section 11 of the act approved June 23, 1874, be, and is hereby, repealed, and that the following be enacted in lieu thereof:

"SEC. 5. That the postmasters shall be divided into four classes, as follows: The first class shall embrace all those whose annual salaries are $3,000, or more than $3,000; the second class shall embrace all those whose annual salaries are less than $3,000, but not less than $2,000; the third class shall embrace all those whose annual salaries are less than $2,000, but not less than $1,000; the fourth class shall embrace all postmasters whose annual compensation, exclusive of their commissions on the money-order business of their offices, amounts to less than $1,000.

"SEC. 6. That postmasters of the first, second, and third classes shall be appointed, and may be removed, by the President, by and with the advice and consent of the Senate, and shall hold their offices for four years, unless sooner removed or suspended according to law; and postmasters of the fourth class shall be appointed, and may be removed, by the Postmaster-General, by whom all appointments and removals shall be notified to the Auditor for the Post-Office Department.

"SEC. 7. That the respective compensations of postmasters of the first, second, and third classes shall be annual salaries, assigned in even hundreds of dollars, and payable in quarterly payments, to be ascertained and fixed by the Postmaster-General, from their respective quarterly returns to the Auditor for the Post-Office Department, or copies or duplicates thereof, for four quarters immediately preceding the adjustment or re-adjustment, by adding to an amount of the box-rents of the office received or estimated not exceeding $1,350 when the boxes are supplied and owned by the postmaster, and two-thirds of the box-rents, and not to exceed $1,000 when the boxes are not supplied and owned by the postmaster, commissions on all other postal revenues of the office to an amount not exceeding $1,350, at the following rates, namely: on the first $100 per quarter, 60 per cent.; on all over $100 and not over $300 per quarter, 50 per cent.; on all over $300 and not over $700 per quarter, 40 per cent.; and 30 per cent. on all revenues exceeding $700 per quarter, but the aggregate of the said commissions not to exceed $1,350; and at all offices where the total revenues exceed, respectively, $4,000 per annum, there shall be added to the compensation hereinbefore provided from box-rents and commissions a percentage of the gross revenues at the following rates, namely: 1 per cent. on all sums over $4,000 and not exceeding $10,000; 9-10 of 1 per cent. on all sums over $10,000 and not exceeding $20,000; 8-10 of 1 per cent. on all sums over

$320,000 and not exceeding $640,000; 6-10 of 1 per cent. on all sums over $640,000 and not exceeding $80,000; 5-10 of 1 per cent. on all sums over $80,000 and not exceeding $160,000; 4-10 of 1 per cent. on all sums over $160,000 and not exceeding $320,000; 3-10 of 1 per cent. on all sums over $320,000 and not exceeding $640,000; 2-10 of 1 per cent. on all sums over $640,000 and not exceeding $1,280,000; and in order to ascertain the amount of the postal receipts of each office, the Postmaster-General may require postmasters to furnish duplicates of their quarterly returns to the Auditor at such times and for such periods as he may deem necessary in each case: *Provided*, That at offices where the letter-carrier system is now, or may hereafter be, established, the box-rents, in fixing the compensation of the respective postmasters at such offices, shall be estimated at not less than $1,000 per annum; but at all such offices where the compensation is now $4,000 they shall be estimated at an amount which, with the commissions and percentages hereby allowed, will make the salaries of the postmasters thereat not less than $3,000.

"SEC. 8. That the compensation of postmasters of the fourth class shall be the box-rents collected at their offices, and commissions on other postal revenues of their offices at the following rate, namely: On the first $100 or less per quarter, 60 per cent.; on all over $100 and not over $300 per quarter, 50 per cent.; and all over $300 per quarter, 40 per cent.; the same to be ascertained and allowed by the Auditor in the settlement of the quarterly accounts of such postmasters: *Provided*, That when the aggregate annual compensation, exclusive of commissions on money-order business, of any postmaster of this class shall amount to $1,000, the Auditor shall report such fact to the Postmaster-General in order that such postmaster may be assigned to his proper class and his salary fixed as heretofore provided.

"SEC. 9. That the salaries of postmasters of the first, second, and third classes shall be re-adjusted by the Postmaster-General once in two years, and in special cases, on the application of the postmaster, as much oftener as the Postmaster-General may deem expedient.

"SEC. 10. That the Postmaster-General shall make all orders assigning or changing the salaries of postmasters in writing, and record them in his journal, and notify the change to the Auditor; and any change made in such salaries shall not take effect until the first day of the quarter next following such order: *Provided*, That in cases of not less than 50 per cent increase or decrease in the business of any post-office, the Postmaster-General may adjust the salary of the postmaster at such office to take effect from the first day of the quarter or period the returns for which form the basis of re-adjustment.

"SEC. 11. That the Postmaster-General may designate offices at the intersection of mail-routes as distributing or separating offices; and where any such office is of the third or fourth class, he may make a reasonable allowance to the postmaster for the necessary cost of clerical services arising from such duties, and the provisions of this act relating to and fixing the compensation or salaries of postmasters shall take effect on the 1st day of October next.

"SEC. 12. No salary of any postmaster under this act shall exceed the sum of $4,000 per annum except in the city of New York, which salary shall remain as now fixed by law; and no salary of any postmaster where the appointment is now presidential shall be reduced by the compensation herein established until the next re-adjustment, below the sum of $1,000 per annum."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 46 and agree to the same with an amendment substituting the following:

"SEC. 14. That transient newspapers and magazines, regular publications designed primarily for advertising purposes or for free circulation, or for circulation at nominal rates, and all printed matter of the third class, except unsealed circulars, shall be admitted to, and be transmitted in, the mails at the rate of one cent for every two ounces, or fractional part thereof, and one cent for each two additional ounces, or fractional part thereof, and the sender of any article of the third class of mail matter may write his or her name or address therein, or on the outside thereof, with the word 'from' above or preceding the same; or may write briefly or print on any package the number and names of the articles inclosed. Publishers of newspapers and periodicals may print on the wrappers of newspapers or magazines sent from the office of publication to regular subscribers the time to which subscription therefor has been paid; and addresses upon postal cards and unsealed circulars may be either written, printed, or affixed thereto at the option of the sender."

And the Senate agree to the same.

That the numerical correction of sections be made to correspond with the changes in the bill herein made.

W. S. HOLMAN,
JOHN B. CLARK, JR.,
EUGENE HALE,
Managers on the part of the House.

J. R. WEST,
H. HAMLIN,
S. B. MAXEY,
Managers on the part of the Senate.

The question was upon agreeing to the report of the committee of conference.

Mr. GARFIELD. I hope the gentleman from Indiana [Mr. HOLMAN] will state the substance of this conference report.

Mr. HOLMAN. I will try to do so very briefly. This conference report was agreed upon last Monday; but by reason of the temporary absence on account of sickness of the gentleman from Missouri, [Mr. CLARK,] a member of the committee of conference, the report was not signed by him in the first instance, although he was present during the conference and participated in the deliberations of the conferees until a conclusion was reached. Since then the gentleman from Missouri has signed the report. I make this explanation in order to show why that gentleman's name does not appear in the report as published by order of the Senate in the RECORD of yesterday. The gentleman from Missouri [Mr. CLARK] was present, as I have said, during the time and at the conclusion of the conference, and agreed to the report, which he has now signed.

There are a number of amendments of the Senate from the disagreement to which the House has receded, which are merely formal. The number of amendments in actual controversy between the two Houses is comparatively small, some of them involving principles beyond the mere matter of appropriation, and others merely involving appropriations only. The questions between the two Houses as to appropriations involved a difference of $3,057,741, being the additional appropriations made by the Senate in its amendments. There were mutual concessions made as to most of these matters of appropriation. The Senate made concessions to the amount of $2,230,249; the House to the amount of $826,592. These mutual concessions were upon matters of difference between the two Houses of these classes: the publication of route maps; salaries of postmasters, postal railway clerks; compensation of letter-carriers; rent, light, and fuel of post-offices; advertising; miscellaneous, and many other items of a similar character, on which mutual concessions were made. In these mutual concessions the House conferees found it necessary in reaching a conclusion to yield to the striking out of several provisions in regard to special agents and the like which they were anxious to retain.

The three leading questions upon which the two Houses and their respective conferees differed were as to the compensation to be paid to postmasters, the rate of compensation to railroad companies for the transportation of mails, and as to the postage on third-class mail matter. These were the leading points of difference which resulted in the disagreement of the first conference and which in the main challenged the attention of the conferees upon the second conference.

The present law fixes the salaries and compensation of postmasters by a certain percentage on the gross revenues of the Office up to $2,000 and the rents of post-office boxes up to $2,000 more, making the maximum salary under existing law $4,000 per annum except in the case of the postmaster at New York City, whose salary was fixed last session at $8,000. The bill as it passed the House fixed the maximum sum to be received by way of commissions at $1,200, and box rents up to $1,200 more, and allowed commissions ranging from 1 per cent. down to $\frac{1}{10}$ of 1 per cent. on the gross revenues of each office exceeding $4,000; making the maximum salary of postmasters $4,000, except that of the postmaster of New York City.

The agreement of the conference committee fixes the maximum commissions at $1,350, the Senate insisting upon $1,500 as suggested by the Postmaster-General, and the House on $1,200. The difference between those two amounts was settled upon as the maximum of the commissions except as to the excess of revenue over $4,000, so that by the bill, if amended as proposed by the conferees, the compensation of postmasters would be determined first by commissions at given rates upon the revenue of each office at 60, 50, 40, and 30 per cent. on specific sums up to $1,350, and box rents up to $1,350, except where the boxes are furnished by the Government, and then up to $1,000 only. But the maximum is still fixed at $4,000; the smaller commissions of 1 per cent. down to 1-10 of 1 per cent. on sums exceeding $4,000 being the additions to the maximums which I have mentioned, being 1 per cent. on all sums over $4,000 and not exceeding $10,000 down to 1-10 of 1 per cent. on all sums exceeding $1,280,000.

Under this scale of salaries the postmasters of Boston, Philadelphia, and a few other of the great cities would receive $4,000, but the greater number of the four-thousand-dollar salaries would be greatly reduced, these larger postal salaries being now greatly above the average salaries paid by the Government, and greatly above the salaries paid by the several States in positions of equally important official trust.

As to the transportation of the mails, inland transportation, the House appropriated for star routes and steamboat routes the sum of $6,737,851. That sum has not been disturbed, and something over $8,800,000 to the railroads, dividing the appropriation for the first time in the interest of the smaller service. But the two Houses and their conferees differed as to the amount to be paid to the railroad companies for transporting the mails. The Senate proposed to pay a sum in gross as heretofore; and proposed by its amendment to the House bill the aggregate amount $17,500,000 for inland mail transportation. But finally it was agreed that the amount to be appropriated for star routes and steamboat lines should remain as fixed by the House, a separate and distinct appropriation. Indeed, this sum having been fixed by the House and as a separate item concurred in by the Senate conferees, it did not seem to be open to further adjustment, although all gentlemen who have examined the subject must see that in its anxiety to promote the interest of the star routes as against the railroads the sum fixed by the House was too high. It is larger than the public service will require; but that was a subject not properly under the control of the conference committee. It was fixed by the House on the one hand and agreed to by the conferees on the part of the Senate. It is for that particular branch of the postal service an increase of appropriation of about $600,000 over the expenditures of last fiscal year.

The estimate of the Department for railroad transportation of the mails was $10,500,000. The Senate conferees ultimately proposed to fix the sum at $10,000,000. The House proposed that instead of the provisions which the Senate had struck out from the House bill regulating the cost of transportation of the mails by rail by the amount of postal-car space furnished, and rate of speed, which was a very radical change in the mode of compensation and seemed to require more careful inquiry, there should be a reduction of 10 per cent. on the amount allowed to the railroad companies for transportation of mails as adjusted by weight under the act of March 3, 1873. Whether the reduction of 10 per cent. from the compensation to the railroads should be made or not was a very serious question of difference between the two bodies. The Senate ultimately acceded to the views of the House; and that provision is incorporated in this report, reducing the rates of compensation of railroad corporations 10 per cent. upon the rates now fixed by law.

On the 3d of March, 1873, when the present rates of compensation were fixed, the country was in a comparatively prosperous condition. Now financial embarrassments depress every branch of industry, labor

unemployed, men asking for work to save their families from actual suffering, yet asking in vain. All values connected with our industries have shrunk enormously since the present rates were fixed. In the mail relettingon star steamboat mail-routes, since that act of March 3, 1873, was passed, the contracts have been at heavily reduced rates, greatly exceeding 10 per cent. reduction. Every property interest in the country has shrunk to a greater extent than 10 per cent. since March, 1873. The railroad companies pay now to their hands for their labor at least 30 per cent. less than then, and for their iron and all materials connected with their roads 30 or 40 per cent. less than they did when these rates were fixed. The volume of money has been heavily reduced; the shrinkage of all values except of invested capital has far exceeded 10 per cent.; and the conferees on the part of the House thought that a 10 per cent. reduction upon the rates of compensation fixed by the act of 1873 was a moderate reduction, a very moderate reduction, especially when it is borne in mind that the rates fixed by the act of March 3, 1873, were too high even for that period. They were in fact extortionate. Congress yielded to the demand of these great corporations simply because they demanded more. The Government should pay them fair and reasonable rates and nothing more, and after this 10 per cent. reduction in my judgment the Government will be paying exorbitant rates. The Senate conferees agreed to this reduction. The reduction thus incorporated in this report amounts to a very considerable sum. It makes a difference of $1,662,149 upon the amount of the estimate for transportation of the mails for the present fiscal year.

The Senate struck out the provision adopted by the House that land-grant railroad companies should receive 20 per cent. less than the rates fixed by law. By the agreement of the conferees that provision has been restored; so that while the other railroad companies of the country will receive 10 per cent. less than their former rates, the land-grant companies will receive 30 per cent. less than the former rates. Yet it is believed that the railroad companies in this particular branch of the public service will receive a better compensation under this reduced rate than perhaps any other interest connected with the public service, and greatly more than the contractors on the other mail-routes with due regard to the service rendered; that the reduction is slight in comparison with the general reduction of prices throughout the country. And it is believed that by the appointment of this commission, to which the House conferees have acceded, as proposed by the Senate—a commission of three persons to be appointed by the President of the United States to report upon this subject to Congress at the next session—a much heavier reduction will be found justifiable.

I call the attention of the House especially to another fact in this connection. The bill as it passed the House provided in regard to transportation that the maximum rate to be paid to any one company should not exceed $500 per mile per annum. That limitation was put upon the bill on the motion of the gentleman from Texas, [Mr. REAGAN.] The conferees were not able to agree upon a limitation. If $500 could have been agreed upon as the limitation, it would perhaps have been reasonable enough; but to put it higher, as would have been inevitable if an agreement was reached, was to expose the Post-Office Department to the pressure these great corporations are able to wield to reach that maximum. It would have fixed an object to aim at, a maximum to be reached, which would have provoked a constant struggle. Hence it was the judgment of the conferees on the part of the House that inasmuch as no lower rate than $700 per mile per annum could be attained it was better that the limitation should be entirely omitted, leaving the subject under the control of the Postmaster-General subject to the general limitations imposed.

The bill appropriates in the aggregate, if this report is adopted, for the transportation of the mails $15,837,851. That embraces the star routes and the steamboat lines at $6,737,851, and the railroad routes at $9,100,000, against the estimates of the Department of a little more than $17,500,000, and $17,500,000 as proposed by the Senate amendments—a reduction upon the item of transportation of the mails of $1,662,149.

On the subject of the rates of postage on third-class matter, the House desired to restore the rates that existed prior to the last act by which the rate on that class of mail matter was very greatly increased. The former rate, as will be remembered, on merchandise, up to the rate of four pounds, on transient newspapers and periodicals, books, &c., was one-half a cent per ounce, one cent for every two ounces or fraction thereof. By the amendment made in the last Congress this rate was doubled. The House proposed to restore the old rate, and the Senate preferred to retain in the main the present rate. Out of this difference of opinion grew the compromise which is now submitted, under which all printed matter of the third class, except circulars unsealed, is restored to the old rate. In other words, all transient newspapers, magazines, books, all printed matter, with the exception of circulars unsealed, will be restored to the former rate of one cent for every two ounces, while merchandise and unsealed circulars will remain at the present rate. This was not what the House wished, but it was found to be the only practicable solution of the difference between the two Houses.

Mr. LAWRENCE. I desire to ask how a newspaper advertising a business would be classed? For instance, in the city of Springfield, Ohio, in my district, the establishments which manufacture agricultural implements publish a newspaper to advertise their products. Such publications are not newspapers in the ordinary sense, but they are newspapers for that purpose. How will they be classed?

Mr. HOLMAN. They will be classed as third-class matter, and are covered by this provision:

> Regular publications designed for advertising purposes or for free circulation or for circulation at nominal rates.

That covers the class of matter referred to by the gentleman from Ohio. Such publications will be classed as third-class printed matter, and will pay a postage of one cent for each two ounces.

Mr. LAWRENCE. The old rate.

Mr. HOLMAN. Yes, sir; the old rate.

Mr. WILSON, of Iowa. Does this report adopt the rate established last year for seeds, cuttings, &c.?

Mr. HOLMAN. That was not involved in this proposition, I believe. Is there not a separate provision on that subject? It has not been the subject of discussion in the conference committee. If seeds, cuttings, and bulbs were third-class matter and subject to the rates of third-class matter under the law of last session, they will still be subject to the same rates. The House conferees have found it necessary to concede that point upon this principle urged, that the postal facilities furnished by this Government are designed for the diffusion of intelligence; whatever may be properly classed as merchandise, unless it be connected directly with the diffusion of intelligence, such as books, ought not, as was thought by the Senate, to be permitted to go through the mails at a losing rate to the Government. Therefore all that the House conferees have been able to accomplish is to provide that all printed matter, except unsealed circulars intended to promote some special business, should be restored to the old rates, while all merchandise has been left subject to the rate now fixed by law.

One word further. The steady and excessive growth in the expenditure of this Department justified a special effort to effect some retrenchment.

While a Department so intimately connected with the social, domestic, and business life of the country should not lack for means to keep it in full vigor and to enlarge its efficiency, yet it is subject to the same frailties that result in excessive and unjustifiable expenditure in other departments of Government. The expenditure of vast sums of money extinguishes the sentiment of frugality, and the people may well expect Congress to secure on the one hand vigor and efficiency in this important Department and severe economy on the other, and will indulge the hope that such result will be secured under the Department as now organized, with proper limitations prescribed by law. To show the growth of expenditure in this Department, in comparison with its revenue, I present the following statement:

Statement of revenues and expenditures of the Post-Office Department for the years 1873, 1874, *and* 1875, *and expenditures for the years* 1873, 1874, *and* 1875, *and appropriations for* 1876 *and* 1877.

RECEIPTS.

Revenues for 1873	$22,996,741 57
Revenues for 1874	26,477,071 82
Revenues for 1875	26,791,360 59

EXPENDITURES.

Expenditures for 1873	29,065,710 52
Expenditures for 1874	32,126,414 58
Expenditures for 1875	33,611,309 45
Appropriations for the year 1876	37,524,361 00
Estimates for the year 1877	37,939,805 99
Appropriations made by the pending bill for the year 1877	34,575,701 00

From this statement it appears that while the increase of revenues in 1875 over 1874 was but $314,288.77, the expenditures of 1875 over 1874 were $1,484,894.87.

The appropriations made by the pending bill are less than the appropriations of the year that expired on the 30th day of last month by the sum of $2,948,660, and $3,364,104.99 less than the estimates of the Post-Office Department.

I submit the following statement of deficiencies in this Department:

The appropriations for deficiencies for the year 1876, just expired	$8,338,705 00
Estimated deficiency for the year 1877	9,281,602 19
Deficiencies for 1877 appropriated by this bill	5,667,498 00

So that the sum appropriated by the pending bill for deficiencies for 1877 are $2,671,217 less than the appropriations for deficiencies of 1876 and $3,614,114.19 less than the estimates. And yet this reduction is much less than the country might reasonably expect to be made. Here, as everywhere else, while the country demands efficiency it also demands economy.

While it must be admitted that as to the reduction of the expenditures in this branch of the service the results of this conference do not reach what I think the country had the right to expect, while it will be apparent from a carefnl study of our postal system that a further reduction of nearly $2,000,000 could have been effected and yet have left the system as extensive and efficient as it is now, yet I believe I but express the judgment of the conference committee on the part of the House when I say that the conclusions reached are such as the House perhaps under the circumstances should accept. The concessions made as to the amounts are not unreasonable, I think, on either side. The concessions made as to the principles involved in the compensation of postmasters and of railroad companies are less than the House believed should be made and less than the public service would seem to require, for severe economy alone can

secure efficiency and vigor in a Department, but it may reasonably be hoped that the facts furnished by a commission such as the conference report provides for will afford data upon which a very large decrease can be made at the next session of Congress.

As to the salaries of postmasters, they are very materially reduced. I suppose the aggregate reduction is about $600,000. Still, I think there is no class of public officers better paid than the postmasters, especially of the first and second classes, even with the proposed reduction.

The report provides that where the salary of a postmaster of a free-delivery office is now $4,000 it shall not be reduced below $3,000. This is a concession which the House committee thought it necessary and proper to make. Even this is a reduction of 25 per cent. This restriction only applies, however, until a re-adjustment of salaries shall take place. For myself I do not hesitate to say that a much greater reduction of these salaries might be made without injury to the public service and to its material benefit. These salaries will still greatly exceed salaries in similar employments in private business. Where the salary exceeds $1,800 it ought to be materially reduced, in justice to the oppressed industries which must bear the burden.

Mr. WHITE. I would like to ask the gentleman upon what principle of justice it is that postmasters performing onerous duties receive only from $20 to $25 up to $300 a year? On what principle do the committee agree to pay such small salaries for such services?

Mr. HOLMAN. The gentleman is entirely mistaken. This bill does not affect these smaller salaries at all. Salaries under $1,000 are rather benefited than injuriously affected by the provisions of the bill, or they are but slightly affected if at all. Those officers whose salaries reach $1,800 are most materially affected by the reduction. In such cases the reduction is quite material.

Mr. WHITE. As I understand the committee has not interfered at all with these smaller salaries; but it strikes me they ought to have interfered; they ought to have seen that those men ought to be better paid.

Mr. HOLMAN. Does the gentleman mean to say that we should have raised their salaries?

Mr. WHITE. Yes, sir; their salaries should have been raised.

Mr. HOLMAN. Well, we have not raised any salaries.

Mr. WHITE. There is another question I want to ask the gentleman. I understand him to say that $600,000 has been added to the star service over what was expended last year. Does not the gentleman think that the growth and progress of the country demand even a larger increase, and does he begrudge that amount?

Mr. HOLMAN. I think that while this star service ought to be moderately increased, it will not and cannot be increased in the interest of fair and reasonable economy so as to require the expenditure of any considerable portion of that $600,000. On the contrary, I think I am safe in saying that when this fiscal year shall have concluded, however liberal the Post-Office Department may be in the establishment of new routes, a very considerable portion of the sum appropriated for star routes and steamboat service will be unexpended. Of this I feel confident, if there is any reasonable degree of economy in the management of the Post-Office Department, and I have every reason to believe there will be——

Mr. TOWNSEND, of Pennsylvania. Do I understand the gentleman to say that the postage upon seeds, scions, bulbs, &c., remains as it has been under the Hamlin amendment?

Mr. HOLMAN. Yes, sir; if they are merchandise the postage upon them remains just the same as under the present law. The House preferred the restoration of the former rate.

Mr. TOWNSEND, of Pennsylvania. Did not both Houses agree this session to restore the rates upon those articles to what they had been?

Mr. HOLMAN. Both Houses did not.

Mr. TOWNSEND, of Pennsylvania. I thought the Senate agreed to that.

Mr. HOLMAN. The House did. That is one point in controversy between the two Houses.

Mr. TOWNSEND, of Pennsylvania. Did not the Senate agree to that?

Mr. HOLMAN. No, sir. The Senate adhered to the law as it stands; the House demanded the repeal of that law and the restoration of the old rates. The difference has been arranged in this way: All printed matter except circulars unsealed are to go at the old rates; and all other third-class matter continues at the rates established by the act of March 3, 1875.

Mr. CONGER. I wish to ask the gentleman from Indiana whether there has been any change in regard to free transportation of newspapers in the counties where they are published?

Mr. HOLMAN. That matter is not affected by the provision touching third-class matter.

Mr. CONGER. Then there is no change in the law in that respect?

Mr. HOLMAN. There is no change in the law at all except as respects third-class matter. My friend will remember that newspapers circulated in their respective counties were not affected at all by this provision in regard to third-class matter.

Mr. CONGER. Then they are still left free in the counties of their publication?

Mr. HOLMAN. They are, so far as this provision is concerned. The provision in regard to third-class matter did not embrace the circulation of newspapers in the several counties.

Mr. CONGER. The inquiry I wish distinctly answered is whether that law authorizing the free transportation of newspapers within the county in which they are published has been changed.

Mr. HOLMAN. That subject has not been up at all; it has never been before the House or the Senate in connection with this bill. The question has been as to the rates to be paid for transportation of third-class matter.

Mr. CONGER. I am not sure that I understand the gentleman.

Mr. HOLMAN. Nothing pertaining to postal rates was before the conference committee except the rates of third-class matter.

Mr. CONGER. Well, may I inquire whether in the bill there is any change as to these newspapers?

Mr. HOLMAN. There was nothing in the bill upon that subject and nothing in the Senate amendments; so of course there could be nothing in the conference report.

Mr. CONGER. The gentleman did not answer very directly, which is a little unusual with him.

Mr. HOLMAN. I am very generally direct in my answers; certainly I always intend to be.

Mr. Speaker, I conclude by saying simply that though, as I mentioned, this bill does not accomplish so much in the line of retrenchment as was hoped for by the House, yet it does accomplish, as we sincerely hope, the important result of checking the enormous and ever-growing deficiencies in the Post-Office Department. The check which we have sought to put upon these sources of heavy expenditure will, it is believed, demonstrate in the course of another session that very large reductions may still be made on the basis of the appropriations for the present year.

So, sir, the first bill that will be passed by Congress in the new century (for I trust and have every reason to hope this bill will pass the House of Representatives and receive the approval of the President of the United States) will be a bill in which there has been at least an earnest and sincere effort to retrench the expenditures of a great Department of Government and to that extent restore frugality and purity to the administration of its affairs. It is believed that in both these directions, in securing retrenchment in the expenditures of Government so far as this Department is concerned and in restoring purity in its administration, the one the natural sequence of the other, important results have been accomplished; for what can be unimportant that contributes in any degree to the integrity and purity of government?

I call the previous question.

Mr. CONGER. I desire to ask the gentleman two questions, if he will permit me. First, I wish to know whether in deciding that all printed matter shall be called third-class matter, newspapers circulating within the counties of their publication are not included, and whether by the terms of this report the law which gives them free circulation within their respective counties is not virtually repealed.

Mr. HOLMAN. My friend must see that this refers only to the third-class matter as defined by law. The law defines first-class matter, second-class matter, and third-class matter. Now this simply affects third-class matter as defined by established law; nothing more, nothing less.

Mr. CONGER. If it should prove that this class of newspapers are by this legislation made to pay postage, I shall hold the gentleman responsible for misleading this House.

Mr. HOLMAN. And I should hold everybody to an accountability for that. I agree with my friend that if such a thing should occur it would be a very great mistake, for there has been no such intention.

Mr. CONGER. The next question I wish to ask the gentleman is whether he desires it to appear in the first bill of the "new century" that the retrenchment of which he boasts so much will restrict the postal facilities of the American people?

Mr. HOLMAN. Not to the tithe of a hair. On the contrary I do not hesitate to say that were these appropriations reduced nearly $3,000,000 the service would be as efficient and extensive as it is now, and I trust the Postmaster-General will himself demonstrate the fact.

I yield to the gentleman from Missouri [Mr. STONE] for five minutes.

Mr. FOSTER. Before the gentleman from Missouri commences I would like to put a question to the gentleman from Indiana.

Mr. HOLMAN. I will yield to the gentleman from Ohio [Mr. FOSTER] in a moment.

Mr. FOSTER. My question will take but a moment.

Mr. STONE. Mr. Speaker, I have listened very attentively, as I always do, to the very interesting statement of the gentleman from Indiana, [Mr. HOLMAN,] and more especially to that part of it which relates to the amount that the Senate committee and the House committee receded from their amendments, aggregating, as he states, $826,592. That looks elegant on paper; but if gentlemen in this House will take up the bill as passed by the House and sent to the Senate, and then take up the conference report which the gentleman from Indiana asks the House to adopt, they will find that these figures are not correct. I undertake to say, without fear of successful contradiction, that the amount of appropriation made by this House in the bill as sent to the Senate was $33,739,109, and that it comes back from this conference committee aggregating $34,585,701; that the de-

ficiency provided for in the bill passed by the House and sent to the Senate amounted to $4,230,906; that it comes back signed by this conference committee aggregating $5,667,498; and that the increase over the bill passed by this House amounts to $2,283,184, and not $826,592, as stated by the gentleman from Indiana.

I do not think, Mr. Speaker, that this conference report has carried out the resolution of a very respectable convention of the people that assembled lately in the city on the west bank of the Mississippi River, which I in part have the honor to represent. I send up to be read by the Clerk as part of my remarks one of the resolutions adopted by that convention.

The Clerk read as follows:

Resolved, That this convention, representing the democratic party of the States, do cordially indorse the action of the present House of Representatives [applause] in reducing and curtailing the expenses of the Federal Government; in cutting down onerous salaries, extravagant appropriations, and in abolishing useless offices and places not required by the public necessities, and we shall trust to the firmness of the democratic members of the House that no committee of conference and no misinterpretation of rules will be allowed to defeat these wholesome measures of economy demanded by the country.

Mr. HOLMAN. A single word in reply to the gentleman from Missouri, [Mr. STONE.] I do not think that I understood that gentleman. I stated that this bill, as amended by the Senate and as agreed to by the conference committee, appropriated $34,575,701. Do I understand the gentleman to say that that is not correct?

Mr. STONE. That is correct.

Mr. HOLMAN. That, then, is correct. I said also that the deficiency appropriated by this bill was $5,667,498.

Mr. STONE. That is correct.

Mr. HOLMAN. That, too, is correct; and that is all there is about it. The other figures are all well understood.

Mr. STONE. But the gentleman failed to state to the House that the amount of increase upon the bill, as passed by the House and sent to the Senate, was $2,283,184, and not $826,592, as will be found when the items of the bill as it passed the House and the items named in the conference committee's report are taken into consideration.

Mr. HOLMAN. Well, I do not understand the gentleman, for when he admits my two main propositions there is an end of the matter. He has sufficient knowledge of figures to see that when he admits my two main propositions the result is inevitable.

Mr. STONE. I would like to propound a question.

Mr. HOLMAN. The gentleman will excuse me. I have stated that the matters in controversy between the two Houses amounted in the aggregate to $3,057,241; that of this sum the House conceded, and I think properly, $826,592, and the Senate conceded $2,236,649, making in the aggregate $3,057,241. I have stated also that the increase of the bill over the appropriations as it passed the House and went to the Senate is $826,592.

When the gentleman called my attention to the fact that the deficiency was increased, I supposed that a word of explanation would be sufficient. That explanation was based upon the fact, of which I presumed the House was aware, that the Committee on Appropriations estimated upon facts furnished by the Post-Office Department the revenues would exceed by $600,000 the estimates of last November. This simply reduced the deficiency that much. The estimates for the present fiscal year were made up last November, and amounted to something over $26,000,000. But the Post-Office Department furnished us with a statement of the increase of the revenues of the Office during a part of the last fiscal year, as compared with the preceding fiscal year; and upon this statement we estimated that the revenues would be $600,000 more than the estimate originally furnished by the Post-Office Department. But the Senate conferees declined to take that into account; so that the increased estimates had to be abandoned; and deducting simply the estimates of the Post-Office Department makes the deficiency larger than the House made it, to the extent that the amount of the estimates of the Department had been increased. That was all there was about it.

Mr. STONE. Will the gentleman allow me one question?

Mr. HOLMAN. Certainly.

The SPEAKER *pro tempore*. The gentleman's hour has expired and he has demanded the previous question.

Several members called for the regular order.

Mr. CANNON, of Illinois. Will not the gentleman from Indiana yield to me for a few moments?

Mr. HOLMAN. I have it not in my power.

The previous question was seconded, there being ayes 127, noes not counted.

Mr. CANNON, of Illinois. I rise to a parliamentary inquiry. I want to know whether the Speaker did not put the vote upon the previous question when the gentleman from Indiana had not called it.

The SPEAKER *pro tempore*. The gentleman from Indiana had called it.

Mr. CANNON, of Illinois. Not at all. I believe the gentleman disclaims having called it.

Mr. HOLMAN. My hour had expired.

The SPEAKER *pro tempore*. The gentleman called the previous question fifteen or twenty minutes ago. The Chair will inform the gentleman from Illinois that otherwise he certainly would not have submitted the question.

Mr. CANNON, of Illinois. Then the gentleman, after talking over his hour by unanimous consent, cuts off everybody else.

The SPEAKER *pro tempore*. That is not the fault of the Chair. This is no parliamentary question.

Mr. CANNON, of Illinois. I think the gentleman ought to have let this side of the House have at least ten or fifteen minutes.

Mr. HOLMAN. I should have been very glad to do so if within my power.

Several MEMBERS. Regular order.

The main question was ordered; and under the operation thereof the report of the committee of conference was adopted.

Mr. HOLMAN moved to reconsider the vote by which the report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

GENEVA AWARD.

Mr. LORD. I now call for a vote upon the Geneva award bill.

The SPEAKER *pro tempore*. The question before the House is upon the adoption of the substitute proposed by the gentleman from Ohio [Mr. LAWRENCE] for the substitute proposed by the gentleman from Kentucky [Mr. KNOTT] for the bill as reported by the majority of the Committee on the Judiciary.

Mr. LAWRENCE. Let the substitute which is first to be voted on be read.

The SPEAKER *pro tempore*. The substitute of the gentleman from Ohio will be read. The Chair will explain that the amendments to the original bill having been adopted, the question recurs upon the amendments offered in the nature of substitutes for the original bill. The first of these is a substitute of the gentleman from Kentucky, to which the gentleman from Ohio has offered an amendment in the nature of a substitute, which will be read.

The Clerk read as follows:

That all bonds of the United States in which the money awarded to the United States by the tribunal of arbitration at Geneva has been invested, after paying all charges thereon and judgments as determined by the court of commissioners of Alabama claims under existing law, shall be canceled by the Secretary of State and the Secretary of the Treasury; and all money, if any, arising from said award or from bonds in which it has been invested shall be covered into the Treasury.

The question being taken on agreeing to the substitute, there were—ayes 47, noes 87.

Mr. HOLMAN and Mr. BLACKBURN called for the yeas and nays.

The yeas and nays were ordered.

Mr. CANNON, of Illinois. I move that the House adjourn.

The motion was not agreed to; there being—ayes 47, noes 91.

Mr. BURCHARD, of Illinois. Will the Chair state the proposition?

The SPEAKER *pro tempore*. The question now before the House is on substituting the proposition of the gentleman from Ohio [Mr. LAWRENCE] for that of the gentleman from Kentucky, [Mr. KNOTT,] both propositions being offered in the form of substitutes. If the substitute of the gentleman from Ohio be adopted, the question will then be whether the House will substitute that for the bill reported by the committee. If this substitute be rejected, then the question will be whether the proposition of the gentleman from Kentucky shall be substituted for the bill of the committee.

The question was taken; and there were—yeas 59, nays 110, not voting 120; as follows:

YEAS—Messrs. Adams, Ainsworth, Anderson, Atkins, Bagby, George A. Bagley, Bell, Blackburn, Bland, Buckner, Horatio C. Burchard, Samuel D. Burchard, Cabell, John H. Caldwell, William P. Caldwell, Cannon, Cason, John B. Clark, jr., of Missouri, Cowan, Culberson, Dibrell, Felton, Goodin, Gunter, Henry R. Harris, Harrison, Hartzell, Hatcher, Raymond, Holman, Franklin Landers, Lane, Lawrence, Lewis, Magoon, McFarland, Mills, Money, Morrison, New, Phelps, John F. Philips, Poppleton, Reagan, Sobieski Ross, A. Herr Smith, Southard, Sparks, Springer, Stevenson, Stone, Tarbox, Terry, Thornburgh, Van Vorhes, Walling, Erastus Wells, Wigginton, and Willard—59.

NAYS—Messrs. Ashe, John H. Bagley, jr, William H. Baker, Boone, Bradley, Bright, William R. Brown, Burleigh, Campbell, Caulfield, Clymer, Collins, Conger, Cox, Cutler, Dunnell, Eames, Ellis, Evans, Faulkner, Finley, Fort, Foster, Garfield, Goode, Hale, Haralson, Hardenbergh, Benjamin W. Harris, Hathorn, Hendee, Henderson, Hill, Hooker, Hopkins, House, Hubbell, Hunter, Hunton, Hurlbut, Jenks, Thomas L. Jones, Joyce, Kehr, Ketcham, Kimball, Knott, Leavenworth, Levy, Lord, Luttrell, Lynde, L. A. Mackey, Maish, MacDougall, McCrary, McDill, Meade, Miller, Milliken, Monroe, Mutchler, Norton, Oliver, Packer, Page, Payne, Pierce, Piper, Plaisted, Platt, Potter, Pratt, Rea, James B. Reilly, Rice, Riddle, John Robbins, William M. Robbins, Roberts, Robinson, Rusk, Sampson, Scales, Seelye, Singleton, Sinnickson, Slemons, Spencer, Strait, Stowell, Thompson, Martin I. Townsend, Tucker, Tufts, Robert B. Vance, Waddell, Waldron, Gilbert C. Walker, Alexander S. Wallace, Warren, G. Wiley Wells, White, Wike, James D. Williams, William B. Williams, Willis, Benjamin Wilson, James Wilson, and Yeates—110.

NOT VOTING—Messrs. John H. Baker, Ballou, Banks, Banning, Bass, Beebe, Blaine, Blair, Bliss, Blount, Bradford, John Young Brown, Candler, Caswell, Cate, Chapin, Chittenden, John B. Clarke, of Kentucky, Cochrane, Cook, Crapo, Crounse, Danford, Darrall, Davis, Davy, De Bolt, Denison, Dobbins, Douglas, Durand, Durham, Eden, Egbert, Ely, Forney, Franklin, Freeman, Frost, Frye, Fuller, Gause, Gibson, Glover, Andrew H. Hamilton, Robert Hamilton, Hancock, John T. Harris, Hartridge, Hays, Henkle, Hereford, Abram S. Hewitt, Goldsmith, W. Hewitt, Hoar, Hoge, Hoskins, Hurd, Hyman, Frank Jones, Kasson, Kelley, King, Lamar, George M. Landers, Lapham, Le Moyne, Lynch, Edmund W. M. Mackey, McMahon, Metcalfe, Morgan, Nash, Neal, O'Brien, Odell, O'Neill, Parsons, William A. Phillips, Powell, Purman, Rainey, Randall, John Reilly, Miles Ross, Savage, Sayler, Schleicher, Schumaker, Shealcley, Smalls, William E. Smith, Stenger, Swann, Teese, Thomas, Throckmorton, Washington Townsend, Turney, John L. Vance, Wait, Charles C. B. Walker, John W. Wallace, Walsh, Ward, Wheeler, Whitehouse, Whiting, Whitthorne, Andrew Williams, Alpheus S. Williams, Charles G. Williams, James Williams, Jeremiah N. Williams, Wilshire, Alan Wood, jr., Fernando Wood, Woodburn, Woodworth, and Young—120.

So the substitute was not agreed to.

During the roll-call the following announcements were made:

Mr. BOONE. My colleague from Kentucky, Mr. BROWN, is absent by leave of the House.

Mr. BAKER, of Indiana. I desire to state that I am paired with the gentleman from Maine, Mr. FRYE; who if present would vote "no," while I would vote "ay."

Mr. STRAIT. I desire to state that Mr. DE BOLT, of Missouri, is absent on account of sickness.

Mr. HENDEE. My colleague, Mr. DENISON, is absent on account of sickness.

Mr. VAN VORHES. My colleague from Ohio, Mr. VANCE, is absent by leave of the House.

The result of the vote was then announced as above recorded.

The SPEAKER *pro tempore*. The question is next on the amendment in the nature of a substitute proposed by the gentleman from Kentucky, [Mr. KNOTT.]

Mr. LANE. I move that the House do now adjourn.

The question being taken on the motion to adjourn, there were ayes 102, noes not counted.

So the motion was agreed to.

ENROLLED BILLS SIGNED.

Pending the announcement of the vote,

Mr. HARRIS, of Georgia, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker *pro tempore* signed the same:

An act (H. R. No. 702) for changing the name of the steam-propeller Senator Mike Norton to America;

An act (H. R. No. 2676) for the support of the government of the District of Columbia for the fiscal year ending June 30, 1877, and for other purposes;

An act (H. R. No. 3839) to authorize the Commissioner of Indian Affairs to purchase supplies for the Indian Bureau in open market;

An act (S. No. 435) to amend section 5546 of the Revised Statutes of the United States providing for imprisonment and transfer of United States prisoners.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. MORGAN for three days;

To Mr. MCCRARY till the end of the session;

To Mr. FULLER indefinitely; and

To Mr. VANCE, of Ohio, an extension of six days.

The result of the vote on the motion to adjourn was then announced; and accordingly (at five o'clock and fifteen minutes p. m.) the House adjourned.

PETITION.

The following petition was presented at the Clerk's desk under the rule, and referred as stated:

By Mr. PACKER: The petition of 292 citizens of Shamokin and Coal Townships, Northumberland, County, Pennsylvania, for the repeal of the resumption act; that no tax be laid on tea and coffee, and for the substitution of legal-tender for national-bank notes, to the Committee of Ways and Means.

IN SENATE.

THURSDAY, *July* 6, 1876.

The Senate met at eleven o'clock a. m.

The Journal of yesterday's proceedings was read and approved.

HOUSE BILLS REFERRED.

The following bills from the House of Representatives were severally read twice by their titles and referred to the Committee on Military Affairs:

A bill (H. R. No. 1909) for the relief of John W. Chickering; and

A bill (H. R. No. 2524) for the relief of certain soldiers of the Eighth Cavalry, Missouri State Militia.

PETITIONS AND MEMORIALS.

Mr. MERRIMON presented the petition of Mrs. Clarissa A. Chamberlin, of Worcester County, Massachusetts, praying for the extension of letters-patent for an improvement in shovels, granted to her former husband, Hiram Kimball, on the 6th of January, 1852; which was referred to the Committee on Patents.

Mr. BOOTH presented a memorial of clergymen of the several religious denominations of the city of San Francisco, California, remonstrating against the passage of the bill (H. R. No. 3187) to amend title 53 of the Revised Statutes relating to merchant seamen; which was referred to the Committee on Commerce.

He also presented a petition of citizens of California, praying for the immediate passage of a law making the nation's currency, commonly known as greenbacks, a legal tender for duties on imports; which was referred to the Committee on Finance.

Mr. CONKLING presented the memorial of the commissioners of immigration of the State of New York, calling the attention of Congress to the condition of the immigration laws resulting from the decision of the Supreme Court of the United States declaring the State laws on that subject unconstitutional and void, and in favor of speedy legislation in regard thereto; which was referred to the Committee on Commerce.

REPORTS OF COMMITTEES.

Mr. HAMLIN. The Committee on Post-Offices and Post-Roads, to whom was referred a very large number of memorials and petitions praying for a repeal of the law by which stamped envelopes, newspaper-wrappers, and postal cards are manufactured by the Government, have directed me to report them back and ask to be discharged from their further consideration. There was a provision incorporated in the post-office appropriation bill for the purpose of meeting what the committee thought proper in this case, to wit, to add to the price of these envelopes the actual cost to the Government in transmitting them to the various points where they are sold. I therefore move that the committee be discharged from their further consideration of the subject.

The motion was agreed to.

Mr. HAMLIN. The same committee, to whom were referred a very large number of petitions, praying for the repeal of the law establishing rates of postage upon what is called third-class matter, have also directed me to report the same back and move to be discharged from their further consideration for the same reason that provision is made in the same bill for this matter.

The motion was agreed to.

Mr. HAMLIN. The same committee, who were directed by a resolution of the Senate of December 8, 1875, introduced by my colleague, [Mr. MORRILL,] to inquire into and ascertain the best mode of making the Post-Office Department self-sustaining, have considered that resolution and have done something in that direction, not near so much, however, as they would have been very glad to do and as I think they would have done if they had had more of the support of the Senate. I therefore move that the committee be discharged from their further consideration of the subject.

The motion was agreed to.

Mr. HAMLIN. There were also referred to the same committee sundry memorials, remonstrating against any change in the law in relation to the free-delivery system. There has been no change of the law, and I move that the committee be discharged from their further consideration.

The motion was agreed to.

Mr. HAMLIN. I am also directed by the same committee, to whom was referred the bill (S. No. 789) for the relief of R. P. Sorrels, to report it back, and to state that on conferring with the Post-Office Department there has been no evidence furnished from that Department or from any other source to show that the service was performed. I therefore move that the committee be discharged from its further consideration.

The motion was agreed to.

Mr. HAMLIN. I also report back, from the same committee, the memorial of citizens of Minnesota, remonstrating against the passage of a bill authorizing the Green Bay and Minnesota Railroad Company to construct a ponton bridge across the Mississippi River at Winona. There have been no papers before the committee asking for such a bridge. I am inclined to think, however, that a bill has been reported by some other committee. I move that the committee be discharged from the further consideration of the memorial.

The motion was agreed to.

Mr. HAMLIN. The case of William H. Stephens, postmaster at Bellville, New Jersey, in relation to stamps stolen from his office, came before the committee in the shape of affidavits. On conferring with the Postmaster-General it was found that there was no evidence in the Department nor has any been furnished to the committee showing that the applicant comes within the rules which have been uniformly agreed upon by the committee. I therefore move that the committee be discharged from the further consideration of the subject.

The motion was agreed to.

Mr. HAMLIN. The same committee, to whom was referred the bill (S. No. 310) in relation to postal routes, have instructed me to report it back. Your committee regard this bill as one involving legal and constitutional questions, and one which more appropriately belongs to the Committee on the Judiciary, and as no facts have been submitted to the committee they ask to be discharged from its further consideration. I make that motion.

The motion was agreed to.

Mr. HAMLIN, from the Committee on Post-Offices and Post-Roads, to whom was referred a letter from the Postmaster-General addressed to the chairman of the committee regarding the general subjects of classification and expenses connected with the transportation of mail-matter, asked to be discharged from its further consideration; which was agreed to.

He also, from the same committee, to whom was referred the bill (S. No. 311) conferring certain privileges upon telegraph companies, asked to be discharged from its further consideration; which was agreed to.

He also, from the same committee, to whom was referred a resolution of the Legislature of California, in favor of such legislation as

will procure for the people of that State cheaper rates for the transmission of telegraphic messages, asked to be discharged from its further consideration; which was agreed to.

Mr. BOOTH, from the Committee on Pensions, to whom was referred the bill (S. No. 792) granting a pension to Peter Harder, reported it with an amendment, and submitted a report thereon; which was ordered to be printed.

Mr. HAMILTON, from the same committee, to whom was referred the bill (H. R. No. 1089) granting a pension to James I. Fox, late a private of Company C, Fifty-second Regiment Pennsylvania Volunteers, reported it without amendment.

Mr. INGALLS, from the same committee, to whom was referred the bill (S. No. 210) granting a pension to Austin R. Mills, reported it with amendments, and submitted a report thereon; which was ordered to be printed.

BILL INTRODUCED.

Mr. CONKLING asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 977) to regulate immigration; which was read twice by its title, referred to the Committee on Commerce, and ordered to be printed.

AMENDMENT TO APPROPRIATION BILL.

Mr. SPENCER submitted an amendment intended to be proposed by him to the bill (H. R. No. 3922) making appropriations for the construction, repair, preservation, and completion of certain public works on rivers and harbors, and for other purposes; which was referred to the Committee on Appropriations, and ordered to be printed.

HATTIE D. M'KAIN.

Mr McDONALD. I move to reconsider the vote by which the bill (H. R. No. 1347) granting a pension to Hattie D. McKain was indefinitely postponed in order to procure its recommitment to the Committee on Pensions. Some additional proof has been submitted to the committee.

The motion to reconsider was agreed to.

The PRESIDENT *pro tempore*. The bill will be recommitted to the Committee on Pensions, if there be no objection. The Chair hears none.

IMMIGRATION OF CHINESE.

Mr. SARGENT. I desire to call up a resolution which was submitted to the Senate and laid on the table April 20, with reference to Chinese immigration.

By unanimous consent, the Senate proceeded to consider the following resolution submitted by Mr. SARGENT on the 20th of April:

Resolved, That the Senate recommend to the President that he cause negotiations to be entered upon with the Chinese government to effect such change in the existing treaty between the United States and China as will lawfully permit the application of restrictions upon the great influx of Chinese subjects to this country.

Mr. SARGENT. I desire to modify the resolution so as to read as follows:

Resolved, That in the opinion of the Senate negotiations should be entered upon with the governments of China and Great Britain to effect such changes in existing treaties as will tend to check the great influx of Chinese coolies and criminals to this country.

The PRESIDENT *pro tempore*. The question is upon the resolution of the Senator from California as modified by his substitute.

Mr. SARGENT. I debated this matter at very great length on a former occasion, and I do not wish to take up the time of the Senate to further discuss it, or to repeat what I then said. I will remark, however, that this is a terrible evil upon all the Pacific coast and in the Territories, and the least we can do is to ascertain through the executive department whether the other governments interested will cooperate with us in enabling us to keep from our shores an influx of criminals and desperate characters who are destroying the civilization of one of the fairest portions of the Republic.

I trust there will be no objection to the passage of this resolution, and I ask that there may be a vote upon it.

Mr. MORRILL, of Vermont. May I ask the Senator from California for information whether his resolution contemplates the exclusion of ordinary citizens from China? I see it is confined to "coolies and criminals."

Mr. SARGENT. I have a bill pending before the Committee on Foreign Relations which will bring that matter more particularly before the Senate. The difficulties in connection with Chinese immigration are broad and far-reaching. America, I believe, is the only country which has taken no steps to protect itself against these evils. From the Philippine Islands to British Columbia the countries bordering upon the Pacific, except the United States, have taken steps in order to prevent the influx of Chinese without regard to their criminal character. As I stated in my remarks the other day, nine-tenths of the Chinese immigrants, as proved by the testimony of reliable persons taken under oath, are coolies, and a considerable proportion of the rest are women introduced under a system of slavery for immoral purposes. The laws upon the statute-books are as wise and strong as any that can probably be framed. I have reviewed those statutes myself with an anxious desire to see if there was some loophole which might be filled up, some additional precautions which might be taken, to prevent the influx of this class; but I find that there is a defect of evidence in such cases; and it may be in order to cure this difficulty that we will have to go even further than is contemplated by the present resolution. I do not raise that question at the present time, and I trust the Senate will not, but provide negotiations to be entered into to see if any practical plan can be arrived at by a concurrence of these three governments.

Mr. MORRILL, of Vermont. Then I do not understand that this resolution contemplates the exclusion of the ordinary Chinese citizens.

Mr. SARGENT. There is no such thing as a Chinese citizen. At home he is a subject; in America he does not seek to become a citizen; and the resolution plainly states upon its face that the purpose is to devise some means by which the influx of criminals and persons imported for immoral purposes may be checked. I think no one can object to the principle of that. But I do not rise here and do not desire to discuss any humanitarian views or the traditional policy of the Republic.

Mr. CONKLING. What was the proportion of Chinese immigration stated by the Senator?

Mr. SARGENT. Nine out of ten are coolies, and ninety-nine out of one hundred of the females imported are for immoral purposes, are reduced to a condition of slavery worse than that of the poorest dog in the meanest household, by the testimony of judges, of police officers, of mayors, of clergymen, and of intelligent citizens of every kind conversant with this great evil that afflicts our people. I trust to have in a few days the volume of testimony taken by our senatorial commission, which will show to the Senate of the United States that I have not dealt in exaggeration in speaking upon these matters; in fact, I have not been able to paint the picture as it should be; I have been quite inadequate to the task, though I have done my best.

Mr. EDMUNDS. Mr. President——

Mr. HAMILTON. I object to the consideration of the resolution.

Mr. SARGENT. I believe it is not in order to object.

The PRESIDENT *pro tempore*. The Senator from Vermont has the floor.

Mr. EDMUNDS. The resolution itself is taken up, and this is offered as a substitute.

The PRESIDENT *pro tempore*. The resolution is before the Senate.

Mr. EDMUNDS. I rose for the purpose of moving——

Mr. HAMILTON. I did not hear the question put.

The PRESIDENT *pro tempore*. The Chair put the question to the Senate on taking up the resolution before the substitute was offered; the substitute could not have been offered unless the resolution was before the Senate.

Mr. EDMUNDS. I rose for the purpose of moving that this resolution and substitute be referred to the Committee on Foreign Relations. It is a subject too important and too difficult in some of its aspects, it appears to me, for the Senate to decide upon it with precipitancy and without the usual and careful examination of the committee that has matters of that kind in charge. However right this proposition may seem to us to be as it is written by the Senator from California, it may turn out, on reflection and examination afterward, that it is not right in the way it is stated and that in that way it ought not to be done; and I repeat what I said in the beginning, that it appears to me the subject is too important and in some of its aspects too critical to be passed upon precipitately by a vote in the Senate without a reference to the committee that has charge, and, as we all know, has careful and prudent charge, of all such matters. Therefore, without going into any discussion at this present time of the precise grounds upon which the resolution is to stand and what its reach is, I make this motion to refer it to the Committee on Foreign Relations, to which I hope my friend from California will have no objection.

Mr. SARGENT. I object because this matter has been under consideration in the Senate on several occasions since the 20th of April, of this year. I object because it has been under the consideration of the Committee on Foreign Relations before this time without action. I myself in the last Congress presented a petition of over 20,000 people of the city of San Francisco, embracing our best people and all intelligent classes of society, and the subject slumbered as if inurned with the Capulets. I object because this is not a question of detail. It simply requests the executive department to take some measures toward negotiation, to ascertain what results can be produced by that negotiation. If this were a bill affixing penalties or prescribing rules for the executive department, of course the details should be studied by a committee; but this is simply a broad, general question, and I should not be just to my people if I consented to a reference.

There have been two national conventions assembled this year. The republican convention spoke upon this matter in a way to indicate that the sympathies of the republican party are with the people of the Pacific coast upon this question. It was not done by passing a resolution without debate; but after it had been debated for nearly an hour *pro* and *con* in the convention it passed by about a three-fourths vote of that body, showing the sympathies of the representatives of the republican party at large with the position which I assume on this matter. The democratic convention met at Saint Louis and they passed a resolution going very much further than the one which I ask the Senate to adopt. They were specific and positive upon this matter, and expressed the opinion, I presume, of the democratic party upon it throughout the length and breadth of the land. Now, this being so, it seems to me that the Senate should meet this question at least in the somewhat inadequate way in which I present it at this time. If the Senate shall insist that it will refer this resolution, embracing no details, requiring no elaboration, and no one

suggesting any amendment to it or any criticism of the language of the resolution, it seems to me it would be an unfriendly measure to this matter, and as a representative of the Pacific coast where this evil is so great, where it has become almost intolerable for a thousand reasons which I have heretofore adverted to, I feel constrained to ascertain the sense of the Senate on this matter by a call of the yeas and nays, and I shall look upon the reference as an unfriendly movement on the subject, as will my people. I therefore ask for the yeas and nays.

Mr. EDMUNDS. I hope the Senator will not persuade us all to suppose that it is an unfriendly act to refer an important proposition of this character to the proper committee for consideration. I hope nobody will be put, by my friend's statement, in that attitude. I decline to occupy it myself. I am quite ready when we get the report of the committee and get at the facts, to take up the resolution in the spirit in which an American Senator ought to take it up, to see that, while consistently we do the duties that we owe to mankind, we also exercise all the duties that we owe to the protection of our own society from immoral and pernicious influences. But "to go it upon the jump," as the saying may be, and decide as the sense of the Senate that a treaty of a particular character ought to be entered into between the United States and the two powers named in the resolution, I do not think is wise.

Mr. MERRIMON. It is very true that the resolution before the Senate does not propose any very definite action; but it is manifestly intended to be the initiatory step to a line of action that may be of the most serious character, not only to this country but to other countries and to all classes and conditions of men.

Now, sir, I am as much opposed to seeing the paupers and slaves and criminals of other countries come to this country as any one; but I do not desire to take any action that would cut off the oppressed, the industrious, and virtuous of any country from seeking a refuge in this. I believe the true American doctrine is to invite that class of all nations to come here and enjoy the blessings of free government, and I shall ever be found in favor of a line of action that will result in that end.

I understand, notwithstanding what the Senator from California has said on repeated occasions, that this Chinese question has two sides to it. It is said that the great issue in California and on our whole Pacific coast is a question of labor. That is the grand difficulty. It is true there are some bad men there and bad women, who have come from China and elsewhere to that coast, and I have no doubt they annoy the good people there; but there are good people also who have come from abroad, and I do not think we ought to take action that is to result in such serious moment without due consideration. I trust, therefore, that the motion of the Senator from Vermont will prevail. It is worth while to refer this resolution and give this matter the most serious consideration, because, although it proposes no definite action, it does propose an initiatory step upon a matter of the gravest moment.

Mr. HAMILTON. Mr. President, I cannot help but express my surprise at the statements made by the Senator from California. He says in effect that the Pacific slope has diligently worked up the two political conventions recently in session on this Chinese question to see which party would bid the highest for the vote of the Pacific States. If this crusade against the Chinese immigrants to this country shall be carried out, how will the measure comport with the speeches made only the day before yesterday all over the Union. This land will no longer be the asylum for the oppressed of all the world. People have hitherto been invited here from every quarter of the civilized world almost; but now, forsooth, because labor is cheap in California, Oregon, and Nevada, there is an organized effort to cut off emigration from China not only, but to expel those of that race already in the country. To be sure, as the Senator from North Carolina says, there may be some bad men among the Chinese immigrants, but there are bad men from other quarters also. I beg the Senator from California to remember what the Mexican population of 1848 would probably have said, if they had had a body to listen to them, when the Americans overran them and took possession of that country after the war with Mexico. They were absolutely prostrate, kicked out of doors, and cuffed hither and thither, just as the Chinese are now and as the negroes and Indians are.

Nobody can fail to see that there is an alliance forming between those opposed on general principles to the negro, the Chinese, and the Indian, to make common cause for the purpose of razing these tribes from the face of the earth; and it will be done if the republican party does not stand firm. It is of course in the interest of the democratic party, but I had hoped better things from the republican party. If the Pacific slope will not support the republican party unless it comes to their aid in this behalf, then for one I hope the republican party will give them up and pursue the even tenor of its way. Why, sir, it plucks the tail and clips the wings of the American eagle, and will require the remodeling of the Fourth of July literature of the country.

Mr. SARGENT. Mr. President, I did not say that California had worked up anything in national conventions; I said the national conventions had spoken.

Mr. HAMILTON. If the Senator will allow me, I did not say that; but I said nobody could fail to see it.

Mr. SARGENT. Very well, sir. Where is a great local mischief touching three States and all the organized Territories of the United States it well demands the attention of national conventions. The idea of my friend from Texas of American freedom is that we are the mere slop-pail into which all the dregs of the earth are to be poured. What will become of our American civilization if that theory is carried out? Can we stand all the vices, all the diseases, all the mischief that infect humanity the world over, and retain our American civilization? We have here a Christian civilization organized upon republican principles. China stands with between three hundred millions and four hundred millions of imperialists and slaves, swarming like the frogs of Egypt on our land, and they will press you from your stools and they will destroy every vestige of American civilization and constitutional liberty. They have come already by the tens of thousands, ay by the hundreds of thousands, to the Pacific coast; whole streets of our cities are occupied by them to the exclusion of all other classes, and it goes on with accelerated force. The Senator says let them come with all their traditional vices, with all their inadaptability to our institutions, to levy tribute from us, to plunder us—it amounts merely to that—and then return to their own country with their spoil. If they came here to be citizens, as does the German, or the Irishman, or any other class of immigrants which America has ever seen before, it would stand on a different basis. But there is nothing in the principles of the republican party that requires the subversion of this country by a flood of ignorance and vice, eliminating American citizens, freedom-loving citizens sustaining our institutions, our churches, our schools, our families—eliminating them to make room for pagan superstition and heathenism.

I reject that idea either of republicanism or democracy. It is not in accordance with the principles of the republican party. No principle ever laid down in any platform or inserted in any statute or constitution justifies such a result as you would have worked at the expense of American liberty. Our laws and constitutions speak for the protection of American citizens; have clothed with citizenship all those born on our soil and heretofore excluded; have secured them in certain inalienable rights; but they never have conceded the right of any nation, either be armed invasion or by overflow, to take possession of this country and necessarily exclude us. I say that is not republicanism.

I ask for the passage of this resolution because it initiates a step, if not final, at any rate tending in the right direction, to remove the great evils under which we suffer; and the Senator in objecting does not bring forward a pertinent illustration with reference to the Mexicans found in California. They are a good class of population, and they are treated by our people with consideration. They become citizens, and exercise their rights at the ballot-box, and they vote indifferently the republican or the democratic ticket according to their principles. One of them was recently governor of our State, Mr. Pacheco. We have treated them decently and well; but we acquired the territory as a result of war. It was acquired and became American territory, and our citizens went there, and went there not like barbarians, went there not carrying vice with full hands; they went there carrying American civilization and blessed the land by going there.

I want to say another thing to the Senator from Texas, and that is, that the Indians in California have been treated far better than they ever have been in his State of Texas. They have been treated with humanity there.

Mr. HAMILTON. The Senator will allow me to remark that I saw it stated only a little while ago that a community of civilized Indians, or partially civilized and Christianized, had been pushed from their territory, after having located and fattened it, by citizens of California. The Indians had occupied it perhaps a century, a concession made to them by the Mexican government from which they never would have been disturbed in the world if they had not come into the United States.

Mr. SARGENT. If that is true, it is the fault of the United States Government and not of the citizens of California. But I saw it stated in the papers of Texas the other day that men were shot there simply because they were republicans; that men are persecuted there for political opinions; that their lives are not safe; that white men are not safe there; that a reign of terror exists throughout the State; that one State government was subverted by fraud and violence; and that I believe to be true in reference to the State which my friend has the honor to represent. It does not do for my friend to throw pebbles at California with regard to the Chinese or anything else.

I simply ask that there may be a constitutional exercise of the powers of the Government for investigation, for negotiation. We are not asking an army to go there and expel the Chinese; and our people have shown great patience under this terrible affliction. Here and there there has been a sporadic case of riot, with limited results, showing the fate that may impend; but the good sense and humanity of our people thus far have tended to keep down tendencies of that kind, and the Chinese there have been protected to the full extent of the law, notwithstanding there are daily occurring cases which appall the moral sense there. I do not judge by a single instance; but it may be worth relating that I took up a paper this morning fresh from San Francisco, coming as soon as the fast train would bring it, and I found there that the house of a lady moving in good society had been burglarized and articles of the value of several hundred dollars stolen from her; that she set the detectives in search and found that the

culprit was a Chinese servant in her employ. She had him prosecuted, and on ample evidence he was convicted and sent to the State's prison; and thereupon she found it difficult to obtain any future Chinese servants, and they set a watch upon her house, and one morning when all her family were gone except herself a Chinese entered and assaulted her with a hatchet and left her for dead, in revenge for the offense she had committed in having their compatriot sent to the State's prison! This may be regarded as a very slight circumstance, perhaps; but it shows the inflammable nature of this population. I have myself seen, as I stated in the Senate formerly, on two sides of a narrow street one hundred Chinamen ranged on each side making threatening gestures at each other and finally coming in collision with their pistols and their knives, and a dozen left dead upon the ground almost in a moment. These things occur in our populous cities. Are they not evils? I brought forward the testimony of medical men showing the destruction of the health and morals of our children, of our boys nine and twelve and fourteen years of age. I ask whether a system which is propagating these evils is to be endured forever simply because we have declared that men are free and equal, because there has been a certain sentimentalism which has been incorporated in our Constitution and laws? Have we so fettered ourselves that it is impossible for us to protect the body-politic against a great mischief, an evil coming in a new form, and where an emergency has arisen, and where three States are liable to be subverted under a black, nauseous flood? I do not believe it; but I do not ask anything strange or extraordinary in the resolution. I simply ask that, in conjunction with the other governments named, the United States Government may investigate this matter.

Mr. HAMLIN. Mr. President, the question now before the Senate is one of very great moment, too vast in its proportions, it seems to me, for us to attempt to come to a determination upon it in a sudden and hasty debate like the present. I doubt not this body will bring at the proper time to its consideration its calm, its most deliberate judgment, and will do that which shall be deemed best. In the ages of nations it is but a day since we found this people with commercial restrictions as invulnerable as the wall that separated their territory from Tartary; and, in conjunction with England, we sent our Navy to batter down those restrictions, and in the name of civilization and Christianity to demand that those restrictions should be obliterated. It is in my mind but yesterday that I listened to "that old man eloquent" in the other end of this Capitol when he declared that before the Christianized nations of the world the United States and Great Britain were justified in extending commerce and Christianity by the use of the Army and the Navy to break down that system of restrictions which in long, uncounted ages had held that government aloof from the Christianized nations of the world.

I have not any recollection now, I do not call to my mind that one word was said of forcing opium upon them as an article of commerce that we as well as England carried there in ships; but it was upon the high ground of elevating man, of extending commerce, of spreading Christianity to the heathen of that country; and it was upon that ground alone that it was justified. Now, there may have followed, I doubt not there have followed, great evils to which the Senator from California has invited our attention, and they are evils that will demand our careful consideration and our sober judgment; but they are not to be settled by the adoption of an abstract resolution like that which is now before this body; and I repeat what I said here a year ago or more upon this subject, that I do not think it belongs to the Senate to indicate to the Executive what it ought or what it ought not to do in its negotiation of treaties with foreign powers. I cannot call such a case to my mind; and I have sought the information of Senators around me and they are at fault as well as myself, or rather they are unable to give any information which I do not possess. I do not call to my mind a single instance since we have been a government where the Senate has sought to indicate to the Executive, certainly in a legislative capacity, what ought to be the rules in relation to treaties which he may negotiate. Is it not rather a usurpation of the powers that belong to the Executive instead of to us? Ours is the duty of ratifying treaties; it is the duty of the Executive to negotiate them. And do we not tread outside of the legitimate duties that are imposed upon us, and do we not make ourselves obnoxious, in a legislative capacity too, treading upon that line of duties which belongs to the Executive, if we seek to indicate in advance what should be the provisions of a treaty.

I know very well that when a treaty shall have been negotiated and submitted to us for our ratification the amending power is with us, and we may so change it as to make it what we think it should be; but indicating to the Executive, I think, is rather a reflection upon the Executive, and is doing a duty that does not belong to us. I repeat again that this is too broad a question, a question of too much moment for us to discuss here, and I think the passage of an abstract resolution like this is entirely out of place.

Mr. MORTON. Mr. President, I was strongly impressed with the statements made by the Senator from California and the Senator from Oregon some time ago in regard to the extent and character and effects of Chinese immigration. But as this resolution looks to a treaty which is somewhat in violation of the traditions and the policy of this country in regard to foreign immigration, I would say to the Senator from California and to the other Senators from the Pacific coast that I am satisfied the Executive will not act, I am satisfied this Senate will not act, except upon the fullest information in regard to that matter.

We have been told of the action of political conventions. I understand the republican convention went no further than to give perhaps a pledge for an investigation into the character and effects of Chinese immigration. I suggest to my friend from California that the right way to get hold of this thing—and without doing it I think he will never accomplish any result—will be for Congress to appoint a committee or commission with power to investigate the character, the extent, the effect, and probable consequences of Chinese immigration. Let us have full information on the subject.

I do not doubt the statements made in the Senator's speech or in that of the Senator from Oregon. But the country will not act upon that; they will want a full and complete investigation of this matter before we make a treaty the object of which is to cut off in whole or in part immigration from any foreign country. If this immigration is of the kind described by the Senators, if its effects are such as they have told us, if it has become so large as they predict, threatening to overwhelm the whole Pacific coast, let that fact be established in a way to impress itself upon the whole country, and then the Government will take action. But I suggest to my friend from California that he will never get a treaty made and never get a treaty ratified until the true character of the whole question is so fully exposed and so fully established that the Government and the people will be willing to act upon the matter. There is hardly time this morning, but I believe I will offer a substitute for this resolution, asking Congress to appoint a commission or committee with power to examine this whole matter and make a report at a future time. That, I believe, was the suggestion of the Cincinnati convention, if I remember correctly.

Mr. HOWE. Mr. President, I will say one word before the morning hour expires——

Mr. SARGENT. I hope we shall have a vote on something before the morning hour expires. I do not wish to interrupt my friend from Wisconsin, however.

Mr. HOWE. I will not object to having a vote of some kind within ten minutes from this time. It seems to me that the resolution laid upon the table aims at two very different objects and ends: one is to reform our treaties with China so as to restrict the importation of labor from China and the other is so to reform them as to restrict the importation of crime. The two objects are very different and very dissimilar.

Mr. SARGENT. Is the Senator speaking of the substitute offered by me?

Mr. HOWE. No; I did not know there was a substitute. Let the pending resolution be read.

The PRESIDENT *pro tempore*. The Secretary will report the modified resolution as substituted by the Senator from California.

The Chief Clerk read as follows:

Resolved, That in the opinion of the Senate negotiations should be entered upon with the governments of China and Great Britain to effect such changes in existing treatics as will tend to check the great influx of Chinese coolies and criminals to this country.

Mr. HOWE. It is to that proposition I am speaking. I understand a Chinese cooly to be a very different thing from a Chinese criminal.

Mr. SARGENT. They are slaves and criminals. Do we want a country of slaves? We have got rid of slavery in one form.

Mr. HOWE. I did not understand the substitute to refer to slaves at all.

Mr. SARGENT. It does.

Mr. HOWE. I find no such word in it, no equivalent to it, no synonym for it. If I understand what is meant by a cooly it is a mere hired laborer, and they are found in different countries. It is not an English word, but it means an English thing; nay, it means an American thing, for if there is anything that is American it is labor.

Mr. SARGENT. It means nothing of the kind. It does not mean mere labor. It means those persons who sell themselves for a term of years and are brought to work out their contracts in America, and Peru, and Macao, and Manila, and Cuba, a system in all of its features worse than the African slave trade.

Mr. HOWE. What is the Senator's authority for that definition?

Mr. SARGENT. All the authorities in the matter; Mr. Bailey, our consul at Hong-Kong, notably among others.

Mr. HOWE. I took the pains, before I ventured to form an opinion myself, to refer to the biggest dictionary I could find in the Capitol. Mr. Worcester gives the very definition I give to it. But I think before we rush a proposition of this kind through the Senate without any reference to any committee there should be at least a common understanding in the Senate as to what the words employed in the resolution mean.

Mr. SARGENT. My friend will allow me a moment. He certainly cannot complain of the want of a reference to a committee. He is on a committee on which for two or three years this subject has been earnestly pressed by myself and by the people of California, and without the slightest result to this moment; and now I am complained of because I simply ask that the Executive may take the matter in charge and see if something cannot be done.

Mr. HOWE. I am obliged to differ with my friend from California even on that proposition. This has not been before the Committee

on Foreign Relations, and nothing like it as I understood. But I am not complaining of the Senator for not letting his proposition be referred to the Committee on Foreign Relations. Upon those two points I am at odds with the Senator from California. I do complain that the Senator should insist upon having a resolution go through this body in the morning hour without a reference to any committee whatever which employs terms upon the definition of which Senators are disagreed and according to him the authorities are disagreed.

Mr. SARGENT. If I had the slightest hope of getting a report from his committee, I should consent to sending it there with pleasure; but I have not a hope of that; and experience shows me that such a hope would be baseless.

Mr. HOWE. I will not undertake to defend the Committee on Foreign Relations this morning. I think that criticism, however, is not at all deserved by the committee. It certainly cannot be abused for not having reported a subject that never has been referred to it.

But I promised the Senator to let him take a vote before twelve o'clock, and therefore I will continue these remarks no further. I should make no difficulty, however, about recommending to the executive department such a revision of our treaties as will restrict the importation of criminals; but when it comes to restricting the importation of labor it is a very different thing, and I should want to consider that subject before I consented to give the Executive a hint upon it.

Mr. SARGENT. I ask for the yeas and nays.

Mr. MORTON. Is it in order to offer an amendment to the substitute?

The PRESIDENT *pro tempore*. It is. The Senator from California modified the resolution by a substitute.

Mr. MORTON. I wish to offer a substitute for that.

Mr. EDMUNDS. I thought there was a motion to refer.

The PRESIDENT *pro tempore*. There is a motion to refer, and that motion is pending. No amendment can be attached to the substitute, as there is a motion pending to commit.

Mr. EDMUNDS. I do not object to its being submitted, to be referred with the resolution.

The PRESIDENT *pro tempore*. So the Chair understood, and he was about to direct the amendment of the Senator from Indiana to be read.

The CHIEF CLERK. The amendment is to strike out all after the word "resolved" and insert:

That a committee of three Senators be appointed to investigate the character, extent, and effect of Chinese immigration to this country, with power to visit the Pacific coast for that purpose, and to send for persons and papers, and to report at the next session of Congress.

Mr. SARGENT. I should be willing to take that resolution.

The PRESIDENT *pro tempore*. Does the Senator from Vermont object?

Mr. EDMUNDS. I think this subject, as I have stated over and over again, ought to go to the committee in the regular way, and they can report this substitute if they think it is right in form. I do not know that there is any objection to it, and I do not know but that there is; but this subject I have said and still believe should go to the committee.

The PRESIDENT *pro tempore*. The Senator from Vermont moves to refer the resolution of the Senator from California to the Committee on Foreign Relations. On that question the Senator from California has asked for the yeas and nays.

The yeas and nays were ordered.

Mr. ANTHONY. Does the amendment go to the committee with the resolution?

The PRESIDENT *pro tempore*. It does not. It has been read for information.

Mr. ANTHONY. Does the Senator from Vermont object to its going to the committee?

The PRESIDENT *pro tempore*. That is what the Chair asked the Senator from Vermont.

Mr. ANTHONY. I understand the Senator from Vermont does not object.

Mr. EDMUNDS. I understood the Chair to ask me whether I assented to the proposition to have this substitute accepted in lieu of the motion of the Senator from California. I did not assent to that; but I thought I said that I had no objection to the substitute going with the resolution to the committee if the subject was referred at all.

The PRESIDENT *pro tempore*. This motion to refer, then, will be understood to cover the proposition of the Senator from Indiana. The motion is to refer the resolution and proposed substitute to the Committee on Foreign Relations.

Mr. HOWE. I beg to know whether the Senator from California has or has not accepted the substitute offered by the Senator from Indiana?

Mr. SARGENT. It is not in my power to do that pending the motion to refer to the committee. I would accept it if I had an opportunity.

The PRESIDENT *pro tempore*. The Chair submitted that to the Senator from Vermont, and he objected.

Mr. HOWE. Then I shall vote against this motion to refer, having the distinct intimation that the Senator from California will accept the substitute.

Mr. SARGENT. I will; because I think investigation will be useful. I desire investigation.

The PRESIDENT *pro tempore*. The question is on the reference to the Committee on Foreign Relations.

Mr. SARGENT. I am willing a vote should be taken by the sound.

Mr. EDMUNDS. The yeas and nays have been ordered. Let them be taken.

Mr. SARGENT. Very well.

The question being taken by yeas and nays, resulted—yeas 16, nays 32; as follows:

YEAS—Messrs. Alcorn, Allison, Anthony, Davis, Dennis, Edmunds, Frelinghuysen, Hamilton, McMillan, Merrimon, Morrill of Vermont, Norwood, Patterson, Saulsbury, Withers, and Wright—16.

NAYS—Messrs. Bogy, Booth, Cameron of Wisconsin, Caperton, Christiancy, Cockrell, Conkling, Cooper, Dawes, Dorsey, Eaton, Ferry, Goldthwaite, Hamlin, Harvey, Hitchcock, Howe, Ingalls, Jones of Nevada, Kelly, Kernan, Key, McCreery, McDonald, Mitchell, Morton, Paddock, Ransom, Sargent, Spencer, Wadleigh, and Wallace—32.

ABSENT—Messrs. Barnum, Bayard, Boutwell, Bruce, Burnside, Cameron of Pennsylvania, Clayton, Conover, Cragin, Gordon, Johnston, Jones of Florida, Logan, Maxey, Morrill of Maine, Oglesby, Randolph, Robertson, Sharon, Sherman, Stevenson, Thurman, West, Whyte, and Windom—25.

So the motion to refer was not agreed to.

Mr. SARGENT. I accept the substitute of the Senator from Indiana, and ask that we have a vote upon it.

The PRESIDENT *pro tempore*. Is there objection to further action, the morning hour having expired? The Chair hears no objection to extending the time. The Senator from California accepts the amendment of the Senator from Indiana. The Secretary will report the resolution as it now stands.

The Chief Clerk read as follows:

Resolved, That a committee of three Senators be appointed to investigate the character, extent, and effect of Chinese immigration to this country, with power to visit the Pacific coast for that purpose, and to send for persons and papers, and to report at the next session of Congress.

The resolution was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the committee.

TELEGRAPHIC COMMUNICATION WITH ASIA.

Mr. DAWES. I enter a motion to reconsider the vote by which the bill (S. No. 892) to encourage and promote telegraphic communication between American and Asia passed the Senate yesterday.

The PRESIDENT *pro tempore*. The motion to reconsider will be entered.

WITHDRAWAL OF PAPERS.

On motion of Mr. WRIGHT, it was

Ordered, That James Tebault and others be allowed to withdraw the papers relating to their claim from the files of the Senate on leaving copies.

IMPEACHMENT OF W. W. BELKNAP.

The PRESIDENT *pro tempore*. The hour of twelve o'clock having arrived, pursuant to the order of the Senate made on June 19, the legislative and executive business of the Senate will be suspended, and the Senate will proceed to the consideration of the articles of impeachment exhibited by the House of Representatives against William W. Belknap, late Secretary of War.

The Senate then proceeded to the trial of the impeachment of William W. Belknap, late Secretary of War.

The Senate sitting for the trial of the impeachment of William W. Belknap having adjourned then resumed its

LEGISLATIVE SESSION.

The PRESIDENT *pro tempore*. The Senate resumes its legislative and executive business.

Mr. SARGENT. I move that when the Senate adjourn it be to meet at eleven o'clock to-morrow.

The motion was agreed to.

Mr. HOWE. I move that the Senate adjourn.

The motion was agreed to; and (at five o'clock and twenty-seven minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, *July* 6, 1876.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. I. L. TOWNSEND.

The Journal of yesterday was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, informed the House that the Senate was ready to proceed upon the impeachment of William W. Belknap and to receive the managers on the part of the House, and that the Senate Chamber was prepared with accommodations for the reception of the House of Representatives.

ORDER OF BUSINESS.

Mr. LORD. I call for the regular order.

Mr. VANCE, of North Carolina. I hope the gentleman will yield

to me for a few moments that I may ask unanimous consent to take from the Speaker's table and put upon its passage the bill (S. No. 846) to punish the counterfeiting of trade-mark goods, and the selling or dealing in of trade-mark counterfeit goods.

Mr. LORD. I cannot yield for that purpose. There are reasons for my insisting on the regular order. I have to go over to the Senate.

The SPEAKER *pro tempore*. The regular order is the unfinished business of yesterday, being the vote on the Geneva award bill.

Mr. LORD. Before the regular order is proceeded with, I desire to offer a resolution in connection with the impeachment trial.

Mr. VANCE, of North Carolina. Is that resolution the regular order?

The SPEAKER *pro tempore*. It is a privileged resolution.

IMPEACHMENT OF WILLIAM W. BELKNAP.

Mr. LORD. I offer the following resolution:

Resolved, That the Clerk of this House, on the request of the managers to conduct the impeachment against William W. Belknap, appear before the Senate sitting as a court of impeachment with such papers of the House as the managers may require, and that the members of the Committee on Expenditures in the War Department have permission to appear and testify in such court in regard to such impeachment, and to produce such papers in relation thereto as the managers may require.

The resolution was adopted.

GENEVA AWARD.

The SPEAKER *pro tempore*. The regular order is the report of the Committee on the Judiciary in regard to the distribution of the unappropriated moneys under the Geneva award. The pending question is on the adoption of the substitute proposed by the gentleman from Kentucky [Mr. KNOTT] for the report of the majority of the committee. The Clerk will report the substitute.

The Clerk read as follows:

A bill to amend the act entitled "An act for the creation of a court for the adjudication and disposition of certain moneys received into the Treasury under an award made by the tribunal of arbitration constituted by virtue of the first article of the treaty concluded at Washington the 8th day of May, A. D. 1871, between the United States of America and the Queen of Great Britain," approved June 23, 1874.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That so much of the twelfth section of the said act as provides that "no claim shall be admissible or allowed by the court by or in behalf of any insurance company or insurer, either in its or his own right, or as assignee or otherwise in the right of a person or party insured, unless such claimant shall show to the satisfaction of said court that during the late rebellion the sum of its or his losses in respect to its or his war risks exceeded the sum of its or his premiums or other gains upon or in respect to such war risks; and in case of any such allowance, the same shall not be greater than such excess of loss," be, and the same is hereby, repealed.

SEC. 2. That any claimant excluded by the provision hereby repealed shall have the like period of time within which to present, file, and prove its or his claim after the passage of this amendment as he could have had after the passage of the said act if not so excluded. And the time of the duration of the court created by the said act, and its powers, are hereby extended for a period sufficient to enable it to hear and dispose of such additional claims and the claims already referred to it; which period shall not exceed one year from the expiration of the time for filing claims under this section.

The question being taken on agreeing to the substitute, there were—ayes 21, noes 95.

Mr. KNOTT. I call for the yeas and nays.

The question being taken on ordering the yeas and nays, there were—ayes 25, noes 29.

So (the affirmative being more than one-fifth of the whole vote) the yeas and nays were ordered.

Mr. WALLING. I ask that the substitute may be again reported.

The substitute was again read.

The question was taken; and there were—yeas 35, nays 151, not voting 103; as follows:

YEAS—Messrs. Ashe, Atkins, Blackburn, Blount, Boone, Buckner, John B. Clarke of Kentucky, Clymer, Cox, Davis, Douglas, Garfield, Hancock, Hardenbergh, Hathorn, Hubbell, Thomas L. Jones, Kehr, Knott, Lamar, Leavenworth, Milliken, Mills, Money, Pierce, Platt, Reagan, William M. Robbins, Scales, Slemons, Spencer, Robert B. Vance, Waldron, John W. Wallace, and Willis—35.

NAYS—Messrs. Adams, Ainsworth, Anderson, Bagby, John H. Bagley, jr., John H. Baker, William H. Baker, Banning, Bell, Bland, Bradford, Bradley, William R. Brown, Horatio C. Burchard, Samuel D. Burchard, Cabell, John H. Caldwell, William P. Caldwell, Campbell, Cannon, Cason, Caswell, Caulfield, John B. Clark, jr., of Missouri, Cochrane, Conger, Cook, Cowan, Crounse, Culberson, Cutler, Dibrell, Dobbins, Dunnell, Eames, Ellis, Evans, Faulkner, Felton, Finley, Forney, Fort, Foster, Gause, Gibson, Goode, Goodin, Gunter, Hale, Haralson, Henry R. Harris, Harrison, Hartridge, Hartzell, Hatcher, Haymond, Hereford, Abram S. Hewitt, Holman, Hooker, Hopkins, House, Hunter, Hunton, Jenks, Joyce, Kasson, Kelley, Kimball, Franklin Landers, Lapham, Lawrence, Levy, Lewis, Lord, Luttrell, L. A. Mackey, Maish, MacDougall, McCrary, McDill, McFarland, Meade, Miller, Morgan, Morrison, New, Norton, O'Brien, Oliver, Packer, Payne, Phelps, John F. Philips, Piper, Plaisted, Poppleton, Potter, Powell, Randall, Rea, John Reilly, James B. Reilly, Rice, Riddle, John Robbins, Roberts, Robinson, Miles Ross, Sobieski Ross, Rusk, Sampson, Seelye, Singleton, Sinnickson, A. Herr Smith, Southard, Sparks, Springer, Strait, Stenger, Stevenson, Stone, Tarbox, Terry, Thompson, Thornburgh, Martin I. Townsend, Tufts, Van Vorhes, John L. Vance, Waddell, Wait, Gilbert C. Walker, Alexander S. Wallace, Walling, Warren, Erastus Wells, G. Wiley Wells, White, Whiting, Wigginton, Wike, Willard, James D. Williams, Jeremiah N. Williams, William B. Williams, Benjamin Wilson, James Wilson, Yeates, and Young—151.

NOT VOTING—Messrs. George A. Bagley, Ballou, Banks, Bass, Beebe, Blaine, Blair, Bliss, Bright, John Young Brown, Burleigh, Candler, Cate, Chapin, Chittenden, Collins, Crapo, Danford, Darrall, Davy, De Bolt, Denison, Durand, Durham, Eden, Egbert, Ely, Franklin, Freeman, Frost, Frye, Fuller, Glover, Andrew H. Hamilton, Robert Hamilton, Benjamin W. Harris, John T. Harris, Hays, Hendee, Henderson, Henkle, Goldsmith W. Hewitt, Hill, Hoar, Hoge, Hoskins, Hurd, Hurlbut, Hyman, Frank Jones, Ketcham, King, George M. Landers, Lane, Le Moyne, Lynch, Lynde, Edmund W. M. Mackey, Magoon, McMahon, Metcalfe, Monroe, Mutchler, Nash, Neal, Odell, O'Neill, Page, Parsons, William A. Phillips, Pratt, Purman, Rainey, Savage, Sayler, Schleicher, Schumaker, Sheakley, Smalls, William E. Smith, Stowell, Swann, Teese, Thomas, Throckmorton, Washington Townsend, Tucker, Turney, Charles C. B. Walker, Walsh, Ward, Wheeler, Whitehouse, Whitthorne, Andrew Williams, Alpheus S. Williams, Charles G. Williams, James Williams, Wilshire, Alan Wood, jr., Fernando Wood, Woodburn, and Woodworth—103.

So the substitute was rejected.

During the vote,

Mr. TUCKER stated that he was paired with Mr. WILLIAMS, of New York, who, if present, would vote "no," while he would vote "ay."

Mr. HURLBUT stated that he was paired with Mr. LYNDE, who was absent by order of the House and who, if present, would vote in the affirmative, while he would vote in the negative.

Mr. MONROE stated that he was paired with Mr. WARD, who, if present, would vote in the affirmative, while he would vote in the negative.

Mr. STRAIT stated that Mr. DE BOLT was absent on account of sickness.

Mr. PAGE stated that he was paired with Mr. BASS, who, if present, would vote in the affirmative, while he would vote in the negative.

The vote was then announced as above recorded.

Mr HOLMAN. I move to lay the bill on the table.

Mr. LORD. I think that motion will be withdrawn.

Mr. HOLMAN. I think it is a fair motion to test the sense of the House.

Mr. CAULFIELD demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 96, nays 113, not voting 80; as follows:

YEAS—Messrs. Adams, Ainsworth, Anderson, Ashe, Atkins, George A. Bagley, Bell, Blackburn, Bland, Blount, Boone, Bradford, Bright, Buckner, Cabell, John H. Caldwell, William P. Caldwell, Candler, Cannon, John B Clarke of Kentucky, John B. Clark, jr., of Missouri, Clymer, Cook, Cowan, Cox, Culberson, Dibrell, Douglas, Durand, Faulkner, Felton, Forney, Fuller, Garfield, Gause, Goodin, Gunter, Hancock, Hardenbergh, Henry R. Harris, Hartridge, Hartzell, Hatcher, Hathorn, Haymond, Henkle, Hill, Holman, Hooker, Hubbell, Thomas L. Jones, Ketcham, Knott, Lamar, Franklin Landers, Lawrence, Leavenworth, Lewis, L. A. Mackey, McFarland, Milliken, Mills, Money, Morgan, Morrison, New, O'Brien, Packer, John F. Philips, Pierce, Platt, Reagan, William M. Robbins, Scales, Singleton, Slemons, A. Herr Smith, Sparks, Spencer, Springer, Stone, Stowell, Tarbox, Terry, Thornburgh, John L. Vance, Robert B. Vance, Waddell, Waldron, Walling, Erastus Wells, Willard, James D. Williams, Jeremiah N. Williams, Willis, and Benjamin Wilson—96.

NAYS—Messrs. Bagby, John H. Bagley, jr., John H. Baker, William H. Baker, Banning, Bradley, William R. Brown, Horatio C. Burchard, Samuel D. Burchard, Burleigh, Campbell, Cason, Caswell, Caulfield, Chittenden, Cochrane, Collins, Conger, Crapo, Crounse, Cutler, Davis, Davy, Dobbins, Dunnell, Eames, Ellis, Evans, Finley, Fort, Foster, Gibson, Goode, Hale, Haralson, Benjamin W. Harris, Harrison, Hendee, Henderson, Abram S. Hewitt, Hopkins, House, Hunter, Hunton, Hurlbut, Jenks, Frank Jones, Joyce, Kasson, Kelley, Kimball, Lapham, Levy, Lord, Luttrell, Maish, MacDougall, McCrary, McDill, Meade, Miller, Norton, Oliver, O'Neill, Page, Payne, Phelps, William A. Phillips, Piper, Plaisted, Poppleton, Potter, Powell, Pratt, Randall, Rea, John Reilly, James B. Reilly, Rice, Riddle, John Robbins, Robinson, Sobieski Ross, Rusk, Sampson, Schleicher, Seelye, Sinnickson, Southard, Strait, Stenger, Stevenson, Swann, Thompson, Martin I. Townsend, Washington Townsend, Tufts, Van Vorhes, Gilbert C. Walker, Alexander S. Wallace, Warren, G. Wiley Wells, White, Whiting, Whitthorne, Wigginton, Wike, Alpheus S. Williams, James Williams, William B. Williams, James Wilson, Yeates, and Young—113.

NOT VOTING—Messrs. Ballou, Banks, Bass, Beebe, Blaine, Blair, Bliss, John Young Brown, Cate, Chapin, Danford, Darrall, De Bolt, Denison, Durham, Eden, Egbert, Ely, Franklin, Freeman, Frost, Frye, Glover, Andrew H. Hamilton, Robert Hamilton, John T. Harris, Hays, Hereford, Goldsmith W. Hewitt, Hoar, Hoge, Hoskins, Hurd, Hyman, Kehr, King, George M. Landers, Lane, Le Moyne, Lynch, Lynde, Edmund W. M. Mackey, Magoon, McMahon, Metcalfe, Monroe, Mutchler, Nash, Neal, Odell, Parsons, Purman, Rainey, Roberts, Miles Ross, Savage, Sayler, Schumaker, Sheakley, Smalls, William E. Smith, Teese, Thomas, Throckmorton, Tucker, Turney, Wait, Charles C. B. Walker, John W. Wallace, Walsh, Ward, Wheeler, Whitehouse, Andrew Williams, Charles G. Williams, Wilshire, Alan Wood, jr., Fernando Wood, Woodburn, and Woodworth—80.

So the House refused to lay the bill on the table.

During the vote,

Mr. MONROE stated that he was paired with Mr. WARD, who, if present, would vote in the affirmative, while he would vote in the negative.

Mr. HARDENBERGH stated that his colleague, Mr. HAMILTON, was paired with Mr. LYNCH.

Mr. HENDEE stated that his colleague, Mr. DENISON, was confined to his house by sickness.

The vote was then announced as above recorded.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

Mr. LORD demanded the previous question on the passage of the bill.

Mr. HOLMAN. I rise to a parliamentary inquiry. If the previous question is not sustained, will it not then be in order to recommit the bill?

The SPEAKER *pro tempore*. It will.

Mr. HOLMAN. Then I give notice if the previous question is not seconded I will make that motion.

The House divided; and there were—ayes 67, noes 65; no quorum voting.

The SPEAKER *pro tempore* appointed Mr. HOLMAN and Mr. LORD as tellers.

The House again divided; and the tellers reported—ayes 94, noes 65.

So the previous question was seconded.

The main question was then ordered to be put.

Mr. HALE moved to reconsider the vote by which the main question was ordered to be put; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The question next recurred on the passage of the bill.

Mr. HALE demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 107, nays 96, not voting 86; as follows:

YEAS—Messrs. Bagby, John H. Bagley, jr., John H. Baker, Banning, Bell, Bradley, William R. Brown, Horatio C. Burchard, Samuel D. Burchard, Burleigh, Campbell, Cason, Caswell, Caulfield, Conger, Cowan, Crapo, Crounse, Dobbins, Dunnell, Eames, Ellis, Evans, Finley, Fort, Foster, Hale, Haralson, Benjamin W. Harris, Harrison, Haymond, Hendee, Hereford, Abram S. Hewitt, Hopkins, Hunter, Hunton, Jenks, Frank Jones, Joyce, Kasson, Kelley, Ketcham, Kimball, Lapham, Levy, Lord, Luttrell, Maish, MacDougall, McCrary, McDill, Meade, Miller, Morgan, Norton, O'Brien, Oliver, O'Neill, Payne, Phelps, William A. Phillips, Piper, Plaisted, Poppleton, Potter, Powell, Pratt, Randall, Rea, John Reilly, James B. Reilly, Rice, Riddle, John Robbins, Robinson, Sobieski Ross, Rusk, Sampson, Schleicher, Seelye, Sinnickson, Smalls, Strait, Stenger, Stevenson, Stowell, Thompson, Martin I. Townsend, Washington Townsend, Tufts, Van Vorhes, Wait, Gilbert C. Walker, Alexander S. Wallace, John W. Wallace, Warren, G. Wiley Wells, White, Whiting, Wigginton, Wike, Alpheus S. Williams, James Williams, William B. Williams, James Wilson, and Yeatos—107.

NAYS—Messrs. Adams, Ainsworth, Anderson, Ashe, Atkins, George A. Bagley, William H. Baker, Blackburn, Bland, Blount, Boone, Bradford, Buckner, Cabell, John H. Caldwell, William P. Caldwell, Candler, Cannon, John B. Clarke of Kentucky, John B. Clark, jr., of Missouri, Clymer, Cochrane, Cook, Culberson, Cutler, Davy, Dibrell, Douglas, Durand, Faulkner, Felton, Forney, Fuller, Garfield, Gause, Gibson, Goodin, Gunter, Hancock, Hardenbergh, Henry R. Harris, Hartridge, Hartzell, Hatcher, Hathorn, Henderson, Hill, Holman, Hooker, Hubbell, Thomas L. Jones, Kehr, Knott, Lamar, Franklin Landers, Lawrence, Leavenworth, Lewis, L. A. Mackey, McFarland, Milliken, Mills, Money, Morrison, New, Packer, John F. Philips, Pierce, Platt, Reagan, William M. Robbins, Miles Ross, Scales, Singleton, Siemons, A. Herr Smith, William E. Smith, Southard, Sparks, Spencer, Springer, Stone, Tarbox, Terry, Thornburgh, John L. Vance, Robert B. Vance, Waddell, Waldron, Walling, Erastus Wells, Willard, Jeremiah N. Williams, Willis, Benjamin Wilson, and Young—96.

NOT VOTING—Messrs. Ballou, Banks, Bass, Beebe, Blaine, Blair, Bliss, Bright, John Young Brown, Cate, Chapin, Chittenden, Collins, Cox, Danford, Darrall, Davis, De Bolt, Denison, Durham, Eden, Egbert, Ely, Franklin, Freeman, Frost, Frye, Glover, Goode, Andrew H. Hamilton, Robert Hamilton, John T. Harris, Hays, Henkle, Goldsmith W. Hewitt, Hoar, Hoge, Hoskins, House, Hurd, Hurlbut, Hyman, King, George M. Landers, Lane, Le Moyne, Lynch, Lynde, Edmund W. M. Mackey, Magoon, McMahon, Metcalfe, Monroe, Mutchler, Nash, Neal, Odell, Page, Parsons, Purman, Rainey, Roberts, Savage, Sayler, Schumaker, Sheakley, Swann, Teese, Thomas, Throckmorton, Tucker, Turney, Charles C. B. Walker, Walsh, Ward, Wheeler, Whitehouse, Whitthorne, Andrew Williams, Charles G. Williams, James D. Williams, Wilshire, Alan Wood, jr., Fernando Wood, Woodburn, and Woodworth—86.

So the bill was passed.

During the roll-call the following announcements were made:

Mr. TUCKER. I am paired upon this question with Mr. WILLIAMS, of New York. If he were here he would vote "ay," and I would vote "no."

Mr. HURLBUT. I am paired upon this question with the gentleman from Wisconsin, Mr. LYNDE. If he were here he would vote "no," and I would vote "ay."

Mr. MONROE. I am paired upon this question with Mr. WARD, from New York. If he were present he would vote "no," and I would vote "ay."

Mr. EAMES. I desire to announce that my colleague, Mr. BALLOU, is absent by leave of the House. If present he would vote "ay."

Mr. PAGE. I am paired upon this bill with Mr. BASS, of New York. If he were present he would vote "no," and I would vote "ay."

The result of the vote was then announced as above recorded.

Mr. LORD moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

The SPEAKER *pro tempore*. The Chair will state that the regular order is the morning hour and the call of committees for reports of a public nature. [Cries of "Regular order."]

Mr. LAWRENCE. I rise to a privileged question. On the 7th of June the bill (H. R. No. 3672) to amend the act approved July 2, 1864, entitled "An act to amend an act entitled 'An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes,' approved July 1, 1862," and other acts in relation to the railroad companies therein named, was reported to the House and recommitted to the Judiciary Committee, and on the next day I entered a motion to reconsider the vote by which the bill was recommitted to the Committee on the Judiciary. I now call up for consideration that motion, which take precedence of the morning hour.

Mr. RANDALL. I hope the gentleman will yield to me to make a report from the committee of conference on the legislative, &c., appropriation bill.

The SPEAKER *pro tempore*. That is at all times in order.

Mr. RANDALL. I know that, but I do not desire to take the gentleman from Ohio off the floor if he will yield to me.

Mr. BURCHARD, of Illinois. I reserve the right to raise the question of consideration on the bill of the gentleman from Ohio.

GENEVA AWARD.

Mr. LORD. I ask unanimous consent of the House to make a statement in justice to the gentleman from Mississippi, [Mr. WELLS,] who introduced a substitute for the bill of the majority striking out the insurance companies and putting the balance of the fund into the Treasury. The amendment of Mr. JENKS was adopted, which was substantially the same as the substitute offered by the gentleman from Mississippi [Mr. WELLS] for the whole bill. I make this statement in justice to Mr. WELLS, who was the first to introduce the bill striking out the insurance companies and putting the balance of the fund into the Treasury.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. RANDALL. I submit a report from the committee of conference on the legislative, &c., appropriation bill, and I desire to ask the previous question upon it; but before doing so I wish to make the statement that after the previous question is sustained I will yield the floor for any questions that gentlemen desire to put or for debate within the limit of one hour.

The Clerk read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 2571) making appropriations for the legislative, executive, and judicial departments of the Government for the fiscal year ending June 30, 1877, and for other purposes, having met, after full and free conference, have been unable to agree.

SAML. J. RANDALL,
OTHO R. SINGLETON,
CHARLES FOSTER,
Managers on the part of the House.

LOT M. MORRILL,
WM. WINDOM,
R. E. WITHERS,
Managers on the part of the Senate.

Mr. RANDALL. I withdraw the call for the previous question for a moment.

Mr. BURCHARD, of Illinois. I understand that the gentleman proposes to occupy the hour allotted to him under the rules, and yield a portion of the time to this side of the House.

Mr. RANDALL. I did not propose to occupy the full hour, but only to occupy so much time as we acquaint the House with the circumstances connected with this report. The Senate desired to have this report returned to them as speedily as possible for reasons which may hereafter appear.

Mr. BURCHARD, of Illinois. Then I understand that the gentleman will yield a portion of the time to this side of the House.

Mr. RANDALL. I mean to be fair in all respects. I withdraw the demand for the previous question and hold the floor in my own right, and I desire to submit and have the Clerk read what I send to the desk, which is an offer made by the Senate conferees to the House conferees at their meeting this morning.

The Clerk read as follows:

The committee of conference on the part of the Senate submit that as anything like a just and intelligent adjustment of the salaries of the employés, clerks, heads of bureaus, chiefs of divisions and of the subdivisions of the Executive Departments, a service at once extended and diversified, must necessarily involve a critical and laborious examination into its details and duties, an undertaking quite impracticable in the last days of a session of Congress, and unwise to attempt in connection with an appropriation bill, the committee therefore propose, as a concession, in order to meet the views of the House on the subject of appropriations for the salaries, that the Senate will recede from its amendments to the bill of the House in this respect, and remit the question of the revision and adjustment of the same to a joint select committee of four, two of whom shall be appointed by the presiding officer of each House, whose duty it shall be to revise and adjust the salaries, having due regard to a just public economy and the efficiency of the service, and make report of their doing therein on the first day of the next session of Congress: *And provided*, That any change made in said salaries by Congress upon said report shall take effect from the 1st day of July, 1876; and all persons who shall be affected thereby and who shall continue in the service shall be deemed to have accepted the terms hereof and acquiesced therein.

But the Senate cannot, having regard to its constitutional rights and duties as a co-ordinate branch of the legislative department of the Government, assent to the changes in the existing law that it believes to be pernicious as the price of securing appropriations necessary to carry on the operations of the Government under the laws as they now exist. And upon the same principle the Senate does not demand that the House of Representatives shall vote to appropriate any money, even to meet the legal obligations of the United States, that the House may feel it to be its duty to refuse; thus leaving to each House absolute independence in respect of acceding or not acceding to new provisions of law that it believes to be unwise.

And the committee further submit that the Senate will recede from its amendments to the House amendments on the reduction of the civil list in the Executive Departments of clerks and employés, and agree to any amendments which shall reduce the number one-half that proposed by the bill of the House, observing in such reduction the exercise of such discrimination as to the needs of the service in the several subdivisions thereof as a careful examination of the same may indicate.

Mr. RANDALL. Mr. Speaker, the proposition of the Senate in its practical effect is just this: They accept the amount of money which the House proposes to appropriate on account of salaries as they are now fixed by law, which would leave open to future settlement a controversy which would arise at once between the clerks and other employés provided for in this bill and the Government; in other words, it would leave a claim on the Government for the balance of an appropriation, being the difference in the amount between the sums which we give in this bill and the sums as provided for by existing law. It places the House in the position of refusing to make appropriations more than we believe to be sufficient for the present year and throws the controversy into the future.

Mr. HALE. Will the gentleman allow me one question?

Mr. RANDALL. I will in a moment. Our proposition was this: We proposed to fix the salaries as provided for for this year in the words of the sections which I send to the Clerk's desk in lieu of the second section of the bill as it originally passed the House. We make the salaries fixed in this bill the permanent salaries of the officers to whom it relates.

The Clerk read as follows:

SEC. 2. That the sums herein appropriated as the compensation of the officers and employés of the Government, respectively, enumerated in this act shall be in full for the compensation of such officers and employés for the fiscal year ending June 30, 1877, unless Congress shall otherwise provide in the manner hereinafter authorized.

Mr. RANDALL. In that section we claim control over the appropriations for compensation to be given to these clerks for the fiscal year ending June 30, 1877. We go on further to accept an additional proposition which originated in the Senate and which is embraced in section 3, which I ask the Clerk now to read.

The Clerk read as follows:

SEC. 3. That a joint select committee of four shall be appointed, two by the presiding officer of each House, whose duty it shall be to inquire into the requisite number and proper salaries of the officers, clerks, and employés in the several Executive Departments of the Government, with a view to the due and permanent adjustment of the same, having regard to a just public economy and the efficiency of the service. Said joint committee shall sit during the recess of Congress, and shall make their report thereon to the two Houses on the first Monday of December next.

Mr. HALE. Will the gentleman allow me to ask him a question right here, before he leaves this subject?

Mr. RANDALL. Certainly.

Mr. HALE. Is the gentleman certain that the proposition of the Senate would leave open to the clerks a claim for the difference between the compensation fixed by this bill and that heretofore fixed by law? It struck me as the proposition was read that the scope of it was to this effect: that whatever the commission to settle salaries shall report as the proper salaries of these clerks shall apply from July 1, 1876. I did not hear it distinctly, because my attention was not called distinctly to it while it was being read; but that is what appeared to me to be the scope of the proposition.

Mr. RANDALL. I am not surprised that the gentleman should have received that impression. He will see that, according to the direct wording of the proposition on the part of the Senate, it practically makes the House appropriate on account of salaries, as it were. But suppose that this commission which is provided for should fail to agree. Then it would leave a claim on the part of the clerks against the Government for the remainder of their salaries according to existing law.

Mr. HALE. I think that is so. But if the commission did agree, their agreement would relate back to the 1st of July and would cover the whole year, would it not?

Mr. RANDALL. If they did agree, and Congress confirmed their recommendation to make these adjusted salaries retroactive, then well and good. But if Congress did not confirm their recommendation, or if they did not agree, then the entire number of clerks and employés affected by this bill would be put right back under the old law, and would have a claim against the Government for their salaries as now fixed by law.

Mr. HALE. That is on the assumption that the work of the commission came to nothing?

Mr. RANDALL. Yes. The next proposition is as to the reduction in the number of clerks, employés, &c. Perhaps the most intelligent way of getting at this matter exactly is to state the effect of the House bill and the effect of the Senate amendments in reference to the reduction in the numbers of clerks. The House bill, after many months of consideration in the Committee on Appropriations, provided for a reduction of twelve hundred in the number of clerks in the various Departments of the Government. The Senate in their amendments acceded to a reduction of three hundred, so that the number of clerks in controversy when the bill went to the committee of conference was nine hundred. The Senate by their second proposition proposed to accede to a reduction of three hundred more, which would make the number of discharged clerks when this bill shall go into effect six hundred, instead of twelve hundred as proposed by the House.

That proposition was rejected by the House conference on the ground that there were some places where the reduction would be very improper if only one-half of the proposed reduction was agreed to; that there might be some places where upon a review by the conferees an additional number should be allowed. The House conferees, or a majority of them, and I think all of them—the gentleman from Ohio [Mr. FOSTER] will correct me if I am mistaken—the House conferees preferred to consider each Department as it was reached in the bill, deciding in regard to each upon its own merits.

In reference to the 10 per cent. reduction of salaries, we have knowledge that the Senate has agreed to waive objection to the principle we have maintained in regard to the salaries of postmasters throughout the United States. According to the report on the post-office appropriation bill, hardly any postmaster is reduced in salary less than 10 per cent., while some of them have their salaries reduced 25 per cent.

Mr. CANNON, of Illinois. Will the gentleman allow me a question? I know he does not desire to misrepresent.

Mr. RANDALL. Certainly not.

Mr. CANNON, of Illinois. I wish to state for the information of the gentleman that the change in the salaries of postmasters from what they were under the legislation of June 23, 1874, the re-adjustment of which under that act would have been made as of the 1st of July this year by the conference post-office appropriation bill passed on yesterday, instead of being a reduction of 10 per cent., is an increase in all cases where the salaries are not above $1,500 a year.

Mr. RANDALL. The gentleman knows perfectly well that the salaries of postmasters heretofore receiving $4,000 a year are reduced.

Mr. CANNON, of Illinois. Certainly.

Mr. RANDALL. As I understand it, the House was compelled to compromise with the Senate on a proviso that the reduction should not make the salaries of those receiving $4,000 a year less than $3,000. Is not that a reduction of 25 per cent.?

Mr. CANNON, of Illinois. Those above $1,500 are reduced; those at $1,500 or below are increased, and the gentleman will bear in mind that of the thirty-six or thirty-eight thousand postmasters largely over thirty thousand have their salaries increased by the bill passed yesterday, the decrease in salary applying only to those postmasters whose salaries are over, say, $1,500.

Mr. RANDALL. Well, I only stated that upon the principle conceded by the Senate in the post-office appropriation bill the reduction of salaries in some cases was 25 per cent. Under that bill the salaries of ninety or one hundred postmasters who are receiving to-day $4,000 each would in all probability run down below $3,000 but for the proviso to which the House had to agree, which stopped the reduction at $3,000. Thus there are ninety or more postmasters at various places throughout the country whose salaries are reduced 25 per cent., while under this bill we ask a reduction in general of only 10 per cent.

Mr. HALE. Will the gentleman allow me a moment? I was a member of the conference committee which agreed to the post-office bill; and while it is true, as the gentleman says, that the Senate conceded the principle of the reduction of certain salaries, yet it is also true that the salaries of postmasters which are called compensation do not rest upon a fixed provision like the salaries of clerks, some of which have never been changed in the last twenty years.

Mr. RANDALL. I only cited that as an instance of the Senate changing law upon an appropriation bill.

Mr. HALE. The salaries of postmasters have been fixed under a law which allows flexibility, and from year to year under that law those salaries have been increasing so that almost every postmaster in the country is to-day receiving a larger salary than he was two, four, eight, or ten years ago. The fact of these salaries or this compensation constantly leaping up was an evil confronting the Senate.

Mr. RANDALL. That may be; but I want to direct attention to the fact that, while gentlemen are here contending that the salaries of the clerks and emp loyés of this Government shall not be reduced, there is not a branch of general industry, there is not a manufacturing establishment, there is not an individual employing laborers in this nation that is not making an enormous reduction of wages. Only this morning I heard of an instance where in my own region of country compensation has been reduced from $1.75 a day down to $1.15 a day—a reduction of 33 per cent.; while in these Departments of the Government we are only asking a reduction of 10 per cent. Now, when these enormous reductions in wages, clerk hire, &c., are being made in every branch of industry throughout the nation, we do not think it an unreasonable position to assume that the clerks and employés of the Government shall have their pay reduced 10 per cent.

Mr. FOSTER. Mr. Speaker, I think a little further statement is necessary to enable the House to understand this question thoroughly. The gentleman from Pennsylvania [Mr. RANDALL] has correctly stated the differences between the conference committees. Now, what is the difference in controversy in dollars and cents? I believe I can state that it is tacitly agreed on both sides that the 10 per cent. reduction of the compensation of members of Congress shall stand. I believe that is tacitly agreed to on both sides, although it has not appeared in the written propositions which have passed between the two conference committees.

Mr. RANDALL. We have not discussed that.

Mr. FOSTER. I believe that is tacitly understood.

Mr. RANDALL. It is embraced in our system of reduction, of course.

Mr. FOSTER. Now, according to the House bill, the reduction of the salaries of clerks will amount, I think, to about $250,000. That applies to the classes above first-class clerks. None others are touched.

The Senate objects to the House proposition, as I understand, not because it is a reduction of salaries, but because it is a change of law; that the House is undertaking to coerce the Senate into doing something that they do not desire to do by the threat that unless this is done on an appropriation bill the necessary means for the proper running of the Departments of the Government will be withheld. Whether the Senate is right or wrong is for the country to judge. Never yet in the history of this country has one House been able to coerce the other (even on an appropriation bill) to do what in its judgment it thought ought not to be done. In times gone by such an attempt has been characterized as revolution by high democratic authority; and it is safe to say now that it is nothing else than revolution for one House to undertake to compel the other to accept a

proposition embracing new legislation on an appropriation bill that it strenuously objects to, with the threat the wheels of Government must stop unless their assent is given.

For myself, I am willing to say that if I occupied the position of a Senator I would be willing to compromise upon this question: but the Senate, standing on their prerogatives, (and, as I understand, it is a solid sentiment, shared by democrats and republicans alike,) think we are trying to invade their rightful authority.

Mr. RANDALL. I have never seen any record which proves that statement. I can answer for some members of the Senate to the contrary.

Mr. FOSTER. A division on this question has never been asked in the Senate, so far as I know. There has been practical unanimity of sentiment in the Senate.

Mr. REAGAN. The record of yesterday's proceedings answers that question.

Mr. RANDALL. It is not a solid Senate by any means.

Mr. FOSTER. Practically it is. There may be a few Senators who adopt the view of the House; but it is known to the gentleman from Pennsylvania, as it is to me, that many democratic Senators stand with the majority of that body on this proposition.

Now, as to the reduction in the numbers of those employed, a question involving a very large sum of money, many times greater than the difference in salary, it is probable that we can agree, although this morning our side refused to agree to an even division of the differences. I know the Senate is willing to meet us upon this question half way at least, and perhaps more.

So that, Mr. Speaker, the difference, the whole thing we are haggling about, amounts to not over $250,000. We are (the House) standing upon our original action as to salaries of clerks, and undertaking, as the Senate asserts, to coerce them into the abandonment of a principle dear to them and to us for the purpose of trying to save $250,000.

The gentleman from Pennsylvania [Mr. RANDALL] has talked about reductions, that these reductions extend to the manufacturing interest. I agree with him. The Senate agree with us. The Senate agree and have shown a practical illustration of their agreement in the reduction and postponement of expenditure I hold in my hand a table which shows that the Senate, including the deficiency bill, have agreed to a reduction and postponement in the expenditures of $22,000,000 this year. They feel that they have gone to the utmost limit in the passage of these bills and in agreement to the conference committees in those cases. They say to us they have come toward us and agreed to the extent of $22,000,000 in reduction, and that therefore we ought not, in order to save only $250,000, to attempt to coerce them into the acknowledgment of a principle they do not agree to.

The Senate has yielded more than one-half of the differences between the Houses on the two bills, the post-office and Navy. On all questions of discretion, as distinguished from a change of law, they have yielded to the demands of the House, and in the bill we are now discussing they express a willingness to meet us more than half way.

To sum up, then, by their action they reduce and postpone expenditures to the extent of $22,000,000; they are willing to meet us more than half way on all questions of discretion. So that the expenditures next year will be reduced by the sum of $25,000,000. Now, shall we undertake to degrade the Senate for the purpose of saving $250,000 more?

Mr. O'BRIEN. Let me ask the gentleman from Ohio a single question. I believe I have the permission of the gentleman from Pennsylvania.

Mr. RANDALL. Go on.

Mr. O'BRIEN. The gentleman from Ohio first made reference to the solidity with which the Senate stand up and oppose retrenchment and reform in governmental expenditures and also in regard to the conferees on both sides, both on the part of the House and of the Senate, in recent conferences. I desire to inquire of the gentleman, if it is a proper inquiry, and if not he will not reply to it, whether the democratic member of the Senate conferees stands with the democratic members of the House conferees in favor of reduction and retrenchment or whether he sides with the republican Senators?

Mr. FOSTER. I prefer not to answer the question. I suppose it is well known how the democratic conferees stand.

Mr. RANDALL. In many respects the House conferees united against the Senate.

I want to say, Mr. Speaker, as this debate has been somewhat general, that the first proposition came from the two conferees on the part of the House, and not from the minority representation upon the conference; and to-day the conferees on the part of the House have agreed to the first section as offered the other day on the part of the House to the Senate, leaving out the third section; that is to say, allowing these appropriations to be the full sum for this year, and leaving it an open question for future legislation whether they should continue at reduced rates. That, I think, was the united conference on the part of the House. Both propositions, however, were rejected by the Senate conferees.

Mr. KASSON. Before the gentleman sits down, let me ask him a question.

Mr. RANDALL. Certainly.

Mr. KASSON. I want to say that when he says the Senate stands against changing the laws in the direction of economy, and cites their having yielded the principle upon the post-office bill, I think he fails to detect the distinction he ought to, because the Senate has never refused to concur in the direction of economy, even to changing the laws where their judgment believed it consistent with the good of the service.

Mr. RANDALL. Just let me say a word there——

Mr. KASSON. On the other hand, I wish to ask my honorable friend from Pennsylvania to state whether he, as a representative of the majority, really denies in principle the equal right of the Senate to pass independently upon the propriety and safety to the public interest of a change of the laws; whether he maintains that the House has the right itself to determine for both bodies all change of laws in respect to salaries and number of employés? I have not heard a distinct statement from him on that principle. Does he deny co-ordinate rights to the Senate in making changes in our laws? Does he charge the majority of the House has the right to dictate?

Mr. RANDALL. The Constitution itself makes a distinction between the two Houses, and in respect to revenue measures the House stands, as I think in terms, according to the Constitution, as the superior body.

Mr. KASSON. Simply for the origination of revenue bills; nothing else. Amendment and every other consideration by the Constitution are equal in the Senate. Hence I desire to know——

Mr. RANDALL. At an early period of this session the House determined to change the rule, and only to allow the incorporation upon appropriation bills where the subject-matter was germane and where it was in the line of retrenchment.

Mr. KASSON. I do not think my honorable friend comes to the point, which is: Does he deny as a matter of principle the equal right of the Senate to pass upon laws affecting the numbers to be employed and salaries?

Mr. RANDALL. Now, at a time like this, with prostration all around, we put legislation on an appropriation bill looking to a reduction, an enormous reduction, of the expenditures of this Government, and we propose to stand firmly if we can. I propose, at least, to stand firmly in my vote in favor of those retrenchments.

Mr. KASSON. Will the gentleman simply answer the question? Does he, upon principle, deny to the Senate the equal right with the House to act upon the laws relating to salaries and the numbers to be employed?

Mr. RANDALL. I think the Constitution and the practice and the judgment of this community is that the Senate should defer to the House in these respects.

Mr. KASSON. But does the gentleman deny the equal right of the Senate under the Constitution to pass upon these laws?

Mr. RANDALL. I do not deny its equal power.

Mr. KASSON. And equal right?

Mr. RANDALL. I take all the right for this side that the Constitution gives me. [Laughter.]

Mr. WHITE. Will the gentleman read that part of the Constitution to which he refers.

Mr. HOLMAN. The House does not pretend to deny, of course, that the powers of the two branches of Congress are the same; and no law can be passed and no appropriation of money can be made without the concurrence of the two bodies. But on the question of the appropriation of money there is certainly a distinction and difference between the House and the Senate. The power to originate revenue implies this of itself. The power, the very great power under the Constitution, of originating revenue measures certainly implies also a power to determine for what purposes money shall be raised. It goes one step beyond——

Mr. KASSON. That has always been in dispute, as the gentleman knows.

Mr. HOLMAN. It implies that the House has the power to determine for what purposes revenue shall be raised from the country. And there lies the distinction between the two branches.

Mr. KASSON. That does not involve the amount to be expended for the purposes of the Government.

Mr. HOLMAN. It inevitably does that very thing.

Mr. KASSON. Does the gentleman deny the equal right of the Senate under the Constitution to pass upon such laws?

Mr. HOLMAN. As I remarked, the powers are exactly the same. But the right of the House to originate money bills, and inevitably, as a result of that, the right of the House to determine for what purposes revenue shall be raised, does not leave the two bodies standing on the same footing as to revenue matter, the raising of revenue, and the appropriation of revenue.

Mr. KASSON. When the Constitution says that the Senate has the full power of amendment, does not that imply that it has equal power in the making of laws even for the raising of revenue?

Mr. HOLMAN. I did not precisely catch the gentleman's question.

Mr. KASSON. When the Constitution gives the Senate the full, unrestricted power of amendment, does not that imply that the Senate has equal power in the making of laws for the raising of revenue?

Mr. HOLMAN. The Constitution does not give the Senate that unrestricted power of amendment, but it is under the Constitution an implied power.

Mr. KASSON. It is given expressly in the Constitution.

Mr. HOLMAN. It is an implied power and perhaps an inevitable

power resulting from the relations of the two bodies as co-ordinate branches of the Legislature. But, after all, the Government must concede that the right of the Senate is rather a negative than an affirmative one. The Senate cannot take a bill to raise revenue, a bill for instance to abolish the duty on coal or the duty on tea or coffee, and build upon that a whole revenue system. And if the Senate should build a whole revenue system on a measure, would not the House say at once, the Senate has gone beyond its power, beyond its right; and why? It has trespassed upon a power, upon a right which the Constitution devolves upon the House. Therefore, can the gentleman say that the two bodies are exactly equal in this respect?

Mr. KASSON. Except in the power to originate revenue bills, they are exactly equal. Now, does the gentleman deny the equal right of the Senate under the Constitution except in the origin of bills?

Mr. HOLMAN. I am compelled to go beyond that; else I should go back upon the record and history of this House.

Mr. KASSON. I think so, as regards this session.

Mr. HOLMAN. I should go back on the history of this House in the experience of the gentleman from Iowa, [Mr. KASSON,] who was one of the foremost of the gentlemen who asserted the right of this House as against the assumption of power by the Senate to build a whole revenue system on a single revenue measure which the House had sent over to that body for consideration. In the Forty-second Congress we most emphatically denied the power of the Senate to build up a revenue system on a single proposition in connection with the revenue which the House had sent to the Senate.

Mr. KASSON. The gentleman surely recollects that when the Senate was democratic they passed several appropriation bills when the House was in a dead-lock; they originated appropriation bills, but they did not claim the right to originate revenue measures. The only question I desire to raise now is whether the gentleman from Indiana denies the right of the Senate to refuse to consent to a law fixing the number and the compensation of employés under the Government. Will he answer yes or no?

Mr. HOLMAN. Why, certainly not; but still the gentleman cannot say that the rights of the two bodies are equal as regards measures of revenue. I admit that in the practical results, inasmuch as the Senate must co-operate with the House in the passage of laws and inasmuch as the Senate may under certain limitations amend revenue measures from the House, for the practical purposes of legislation the two Houses must be equal.

Mr. KASSON. Allow me to ask this question: Suppose the House had passed a bill abolishing ninety-nine out of one hundred of the offices of the Government, which would practically abolish the Government itself; would he deny the right of the Senate to refuse to concur in that measure?

Mr. HOLMAN. Certainly not.

Mr. KASSON. That is the whole question.

Mr. HOLMAN. Certainly not; but the gentleman is submitting a proposition which is impossible in the nature of things.

Mr. KASSON. You have approached it very nearly.

Mr. FOSTER. Suppose they abolish one office and leave ninety-nine in the hundred.

Mr. HOLMAN. The gentleman ought not to put an impossible or improbable case. Sir, I remember the time when I heard gentlemen upon the other side of the House speak in different tones, and when a different spirit pervaded that side of the House than that which now pervades it. I heard gentlemen upon that side of the House with absolute admiration when as against the Senate that side of the House maintained every power that is given to the House by the Constitution in behalf of the people against the assumptions of the Senate.

Mr. KASSON. There has been no change of opinion or sentiment on that question on this side of the House.

Mr. WHITE. Will the gentleman from Indiana refer to the Constitution by sections, so that I may be enlightened as to its meaning?

Mr. HOLMAN. The strongest and most manly utterances I ever heard from the other side of the House were when an appeal was made in behalf of the right of the House, in behalf of the people, in behalf of retrenchment and reform against the solid hostility of the Senate to any retrenchment. Gentlemen upon the other side of the House at that day rose up to the occasion, and their speeches are on record in this Congress and are your most eloquent utterances of which the great party of which you are the representatives can now boast.

When the ground was first assumed as to the alteration of laws in an appropriation bill, it seemed to be at the outset a strong position, but a very distinguished Senator, whose name I am not permitted to mention, saw at the outset of this controversy over this bill the impossibility of standing upon the ground that the Senate could safely take the position that appropriations should be only made in conformity with the law, and that the House should not in an appropriation bill seek to change the law; and the reason was this: Take, for instance, a single Department of the Government, the Department of State. There is not an officer in that Department, except its head, who does not derive his existence from an appropriation bill. In 1855 what was known as the Hunter bill did not apply to the State Department at all, and, in that year, in an appropriation bill, the civil and diplomatic, as it was then termed, passed the 3d of March, 1855, a classification of clerks in the State Department was provided for and the number of officers provided for was twenty-four clerks with salaries amounting, including that of the head of the Department, to $46,000. The whole organization of the State Department was in an appropriation bill; and I find that in 1860, when the democratic office-holders were satisfied with the pay they received, although you on the other side at that time denounced that salary as too high, as excessive, and that they ought to be reduced, that they constituted too great a burden on the labor of the country, yet investigation shows that while in 1860 the number of employés in the State Department was thirty-four, the salaries amounting to $58,000, since that time, in appropriation bills, mark you, without one single, solitary instance of general legislation on the subject, the number of employés in the State Department was increased from thirty-four to ninety-two for the present year, and the amount of salaries from $58,000 to $123,480, as will appear from the following table:

Officers and clerks in the Department of State, 1855.

(Act of March 3, 1855.)

1 Secretary of State	$8,000
1 Assistant Secretary of State	3,000
1 chief clerk	2,000
8 clerks of class four	14,400
8 clerks of class three	12,800
2 clerks of class two	2,800
3 clerks of class one	3,600
Total	46,600

1860.

1 Secretary of State	$8,000
1 Assistant Secretary of State	3,000
1 chief clerk	2,200
1 disbursing clerk	2,200
1 superintendent of statistics	2,000
8 clerks of class four	14,400
9 clerks of class three	14,400
3 clerks of class two	4,200
3 clerks of class one	3,600
1 messenger	900
1 assistant messenger	700
4 watchmen	2,400
Total	58,000

1875.

1 Secretary of State	$8,000
1 Assistant Secretary of State	3,500
1 Second Assistant Secretary of State	3,500
1 Third Assistant Secretary of State	3,500
1 chief clerk	2,500
1 diplomatic bureau	2,400
1 consular bureau	2,400
1 bureau of statistics	2,400
1 bureau of accounts	2,400
1 bureau of rolls and library	2,400
1 bureau of indexes and archives	2,400
1 translator	2,400
12 clerks of class four	21,600
6 clerks of class three	9,600
11 clerks of class one	13,200
13 clerks of class ——, $900	11,700
1 proof-reader and packer	1,300
1 lithographer	1,200
1 chief engineer	1,200
1 assistant engineer	1,000
1 chief messenger	840
1 assistant messenger	720
10 watchmen—1 superintendent at $1,000: 9 at $720	7,480
1 conductor for the elevator	720
17 laborers, $720	12,240
14 firemen, $720	2,880
Total	123,480

And I take it that the duties of that Department at least have not been largely, if at all, increased since 1860.

Our foreign relations are not more extended to-day than they were sixteen years ago. Our commerce is not so extended; we have not so many sailors who are to receive the protection and care of our consuls and diplomatic representatives abroad.

The fact is the whole fabric of the State Department should have declined during the last sixteen years, and more especially since the termination of the war; but instead of that decline we find that the salaries in that Department stand now, as compared with 1860, as $123,480 to $58,000, and the number of employés as 92 to 34. This argument cuts both ways, or rather in one direction it cuts with double force, indicating first that the pretense that we are changing existing laws by provisions inserted in appropriation bills is entirely without foundation—that is, existing laws independent of appropriation bills. The whole fabric of the State Department, based on the act of 1855, has been built up on appropriation bills, and not a single officer of that Department, except the head of the Department himself, now holds office and receives his salary independent of appropriation bills.

Again, the rapid growth of the number of employés and the rapid increase of the salaries seem to challenge our attention, not of this side of the House alone or of the other side, but of the whole of Congress, as demanding retrenchment, and the reason why you cannot take the classification of clerks as it stood in 1860 is this——

Mr. KASSON. A question on that point before you get away from it.

Mr. HOLMAN. Let me finish this statement; I am not leaving the point. Gentlemen will find that between the head of the Depart-

ment of State and the chief clerk provided for by the act of 1855 there are now intervening no less than thirteen different officers, with salaries amounting to $24,000—intervening between the chief clerk, who then was next to the second officer of the Department, the Assistant Secretary of State.

Mr. KASSON. Does the gentleman propose to leave out of consideration the growth of the country, the internal-revenue system, the great increase of taxation imposed by the war? Does the gentleman leave all that out of sight?

Mr. HOLMAN. I do not leave it out of sight at all. On the contrary, I am confining my remarks to a single Department, and that Department one not affected by the internal revenue, not affected by the growth of the country, but only by the relations which our country sustains to the other nations of the world. I have selected that Department for the purpose of pointing out the extraordinary growth of clerks and salaries in a Department not affected by the development of our country or by the very remarkable changes caused by the operations of the late war.

Mr. KASSON. Does the gentleman say there has been no increase of our commerce abroad, no increase in the number of consuls and diplomatic officers, no increase in the foreign relations of this Government since the beginning of the war? They have been very nearly doubled.

Mr. HOLMAN. What has been doubled?

Mr. KASSON. The number of questions and the amount of labor of the State Department since 1860.

Mr. HOLMAN. I think the gentleman is mistaken. What new questions of international law have arisen of late years? I admit that for the time the conference of the two great nations at Geneva——

Mr. KASSON. Exactly; the Alabama claims and other questions.

Mr. HOLMAN. That was but a momentary affair and has long since passed by. Our commerce has declined, as shown by the number of our vessels. The protection of the men sailing upon our vessels has come to be of less consequence than it was sixteen years ago. Sixteen years ago we were still the ship-builders of the world.

Mr. KASSON. Does not the gentleman see that it makes no difference whether the goods invoiced are shipped on foreign bottoms or our own, so far as our consular business is concerned?

Mr. HOLMAN. The purpose I had in view when I arose was simply to declare what I understood to be the attitude of this House. The attempt to place this House in even an apparently wrong position will certainly fail before the intelligent judgment of the country. We do not assume that we have any more power than the Senate of the United States. As the representatives of the people we have equal but no greater powers than Senators.

As to practical steps in legislation, our right is exactly equal, except that revenue measures, and the purposes to which the revenues are to be applied, and the purposes for which revenues are to be raised, are measures which must originate in this House. In the halls of legislation the two bodies stand upon the same high ground of constitutional right. And further than that the House is now willing to make every reasonable concession to secure the passage of the remaining appropriation bills. In regard to the bills that have been passed, there has been no reluctance on the part of the House to meet the Senate, as the House has met the Senate for a hundred years past.

Mr. FOSTER. Not quite so long as that.

Mr. HOLMAN. We are even now approaching the grand anniversary of this legislative assembly. *De minimus non curat lex.* The gentleman would scarcely take away from a figure of speech the little time that remains. During all these years the House has met the Senate in deliberation. A committee of free conference is appointed. That very term "free conference" implies the relations of the two bodies. The representatives of this House not only meet the members of the Senate on equal grounds of high public duty, but all the courtesies that belong to the deliberations of great legislative bodies, during the interruption of legislation upon our appropriation bills, have been observed in the past history of our Government.

I do not think the people of this country will be at all deceived as to the present condition of things. This House was elected—not this side alone, but the other side also—this House of Representatives was elected on high pledges of retrenchment in the expenditures of the Government to the end that purity may be restored in the administration of our affairs.

We came here upon that pledge. Do gentlemen want us to back down upon that? Will they do it themselves? Will gentlemen on that side consent that no earnest effort shall be made to fulfill this pledge to the letter? We will insist upon its fulfillment.

Mr. FOSTER. Does not the gentleman know that both sides are insisting? The Senate has agreed to $22,000,000 of reduction.

Mr. RANDALL. They could have agreed to $40,000,000 if they had had the disposition.

Mr. HOLMAN. The judgment of the country is that the expenditures of the Government for the present fiscal year, in comparison with the last, should be largely reduced.

Mr. FOSTER. Does not the gentleman concede that the appropriations made by the House bill were in some cases too much reduced?

Mr. HOLMAN. I have already said in the presence of the gentleman, and I will make the statement here if he desires it, that as to the Surgeon-General's Office I think there should be a slight increase of clerical force. Does the gentleman refer to that?

Mr. FOSTER. I have asked the gentleman the question whether he does not agree that the House bill in some cases reduced too much.

Mr. HOLMAN. Well, I mention that case.

Mr. FOSTER. Are there not others?

Mr. HOLMAN. I do not remember any other.

Mr. FOSTER. I would ask the gentleman particularly about the Pension Office?

Mr. HOLMAN. In reply to that I would say that, if there is any branch of this Government where the vigilance of those controlling public affairs is important in order to secure promptness, it is in that Pension Bureau. While the number of cases to be acted on has been enormously reduced, the clerical force has been immensely increased; yet my constituents tell me, and such is my own experience, that frequently weeks elapse before citizens applying for pensions can even receive information touching their claims.

Mr. FOSTER. Will the gentleman answer my question?

Mr. HOLMAN. I do not understand that an increase of force is required there. What is required is increased application to public duty; nothing else.

Mr. FOSTER. Will the gentleman say that the House bill did not make too great a reduction in the Pension Office?

Mr. HOLMAN. I have said to the gentleman that an increased force is not required there. Increased vigilance on the part of the head of that Bureau is demanded in behalf of every pensioner in the country.

Mr. FOSTER. But do you not cut down the force too much?

Mr. HOLMAN. In that Bureau the force is larger in proportion to the duties to be performed than perhaps in any other under the Government, yet the citizen applying for a pension for wounds received in battle applies in vain for information even.

Mr. FOSTER. And notwithstanding that, the House reduced the force in that Bureau 25 per cent., so that the pensioners will have to wait still longer. Tell that to your constituents.

Mr. HOLMAN. In the Surgeon-General's Office I admit the force ought to be somewhat increased. I have already stated that in the presence of the gentleman from Ohio.

The only object I had in view in these remarks is fully accomplished. I claim that it is the duty of this House, as the representatives of the people, to insist sincerely and earnestly upon every retrenchment demanded in the public service. This is its duty as a House dealing with that august body the Senate, representing the States of this Union.

Mr. CANNON, of Illinois. I would like to ask the gentleman from Indiana [Mr. HOLMAN] one question.

Mr. RANDALL. How much of my hour remains?

The SPEAKER *pro tempore*. Eight minutes.

Mr. RANDALL. I yield five minutes to the gentleman from New York, [Mr. COX.]

Mr. CANNON, of Illinois. I wish to ask the gentleman from Indiana——

Mr. COX. I believe I have the floor.

Mr. HOLMAN. I hope the gentleman from New York will allow me to answer the question of the gentleman from Illinois.

Mr. COX. Very well.

Mr. CANNON, of Illinois. Does not the gentleman from Indiana know that the post-office appropriation bill as it passed the House absolutely increased the salaries of over twenty-five thousand postmasters in the United States, and as finally passed upon the report of the conference committee absolutely increases the salaries of over thirty thousand postmasters?

Mr. HOLMAN. The salaries at the small post-offices are increased.

Mr. CANNON, of Illinois. And it does not decrease the pay of over one hundred postmasters in the whole country.

Mr. HOLMAN. I am very glad to hear the gentleman talk so cheerfully. [Laughter.] He was rather disheartened yesterday. I am glad to find him in a different mood to-day.

Mr. CANNON, of Illinois. Yesterday, when the fact was pertinent, you refused to allow me to state it.

The SPEAKER *pro tempore*. The gentleman from New York is entitled to the floor.

Mr. HOLMAN. I hope the gentleman will allow me to complete my answer to the question of the gentleman from Illinois. The compensation at the smaller post-offices is slightly increased under the bill as passed.

Mr. CANNON, of Illinois. Over thirty thousand postmasters have their salaries increased by the bill.

Mr. HOLMAN. But in its general effect the bill makes a large reduction in salaries, amounting, as we understand, to $700,000 a year.

Mr. COX. Mr. Speaker, I do not propose to yield to any gentleman, for my time has been cut short. I notice that recently there have been admissions by gentlemen on the other side that at least $30,000,000 might well be saved over last year by our action this session. That means $30,000,000 for this one year. Good. Now why did you not thus commence to save as soon as the war closed? If $30,000,000 can be saved this year, $30,000,000 could have been saved every year since the end of the war; and somebody—I think I have him in my eye [laughter]—is responsible for $300,000,000 of excess and extravagance.

Mr. BURCHARD, of Illinois, rose.

Mr. COX. I cannot allow the gentleman to interrupt me. I understand him to make a reference to the life-saving service. It has not been hurt one dollar.

[Here other members rose]—

I do not propose to be interrupted again by gentlemen who are so prompt to laugh in this House at all efforts at economy. Perhaps they may laugh differently in their several districts next November.

This House is not in the same condition as the Senate on money bills. Any student of our Constitution can tell you that. Any one who will take Judge Story and go back with him to the British constitution for our guidance; any one who will consider the revenue proposition Franklin made in the constitutional convention after coming from England, fixing that peculiar clause which gives us superiority over the Senate upon "money bills," will not duck down to the Senate as before a golden calf for our worship. [Laughter.]

The Senate is a permanent body. It is more permanent than the House. It is not permanent for life, as the House of Peers, but it is permanent in the sense that it is only renewed once in six years.

As Judge Story well said, the House is nearer the people. They have local information. All revenue bills, which, by English construction, mean "all money bills," originate here; and, sir, if we have not the legal and constitutional, we have the moral superiority over the Senate in this relation, and should not defer to the Senate.

How is it in England? There the peers only "assent" to the bills of the Commons. It is a perfunctory arrangement only. They are one of the estates, and are required only as a form. Doctor Franklin, when he brought the English system to our shores, when he comprehended the great question of taxation and representation as affecting the colonies, made the clause in the Constitution according to the English theory. We should stand by it.

Mr. Speaker, I have seen two Congresses battle here bravely against the Senate. They put provisos to "money bills." One in 1855 was the famous Kansas proviso, which cut off the Army in order to kill those barbarous southern codes as well as slavery itself. The House stood by it. It defied a democratic Senate, and went home without the appropriation.

Again in 1865 a republican House was here. Questions about unlawful arrests and *lettres de cachet* came up. Who was the champion of *habeas corpus* and personal liberty then? Henry Winter Davis.

Mr. KASSON. Who was against him?

Mr. COX. I do not know how the gentleman stood. I do not think he was here then. Henry Winter Davis from about the quarter of the House where the gentleman from Iowa now sits rose up and moved an amendment to an appropriation bill, demanding public liberty and personal freedom, *habeas corpus*, release of those illegally tried and bound, and breaking down all illegal tribunals. He was fought by Thaddeus Stevens and a great many members on that side of the House. Points of order were made, but a republican Speaker ruled his proviso in order. We fought here behind him, your lamented eloquent republican leader, for many days and nights until disagreement was inexorably fixed by both Houses; and in the interest of personal liberty the House would not trade off liberty for money!

English history and our history are full of illustrations of the popular and parliamentary power against exactions and tyranny.

Mr. HUBBELL. Will the gentleman allow me to ask him a question?

Mr. COX. Certainly.

Mr. HUBBELL. The gentleman from New York is reported as saying at Saint Louis, "You of the Southern States need no Army until after November, and so far as the Indian wars were concerned, all we had to do was to turn the boys on our frontier loose and they would take care of the Indians." I wish to know whether he stands by that here to-day.

Mr. COX. I do not want to bring Saint Louis here, or anything but that which concerns us in the question as to the power and rights of the House; but what I meant to say there, and what I did say, was this, that we could well afford until after the election—you understand me, my honorable friends of the South—we can very well afford until after the election to keep the Army from the throats of the southern people.

Mr. RUSK. But you did not say that.

Mr. COX. Do you understand what is meant?

Mr. HUBBELL. Will the gentleman be kind enough to explain what he meant.

Mr. COX. I said further, that if you should turn loose the border men you could put down these Indian-contractors' wars a great deal sooner, cheaper, and better.

Mr. HUBBELL. I beg the gentleman's pardon——

Mr. COX. I will not be interrupted.

Mr. HUBBELL. But what I wish the gentleman to explain is——

Mr. COX. I will not be interrupted.

Mr. HUBBELL kept on addressing the House, but could not be heard, as the Speaker *pro tempore* constantly beat his gavel, calling him to order.

The SPEAKER *pro tempore*. The gentleman from Michigan is out of order, and will take his seat.

Mr. COX. When the gentleman asked me to yield to him for a question I courteously gave him the right to ask his question, and yielding to him I did not expect—but what he was a gentleman.

Mr. HUBBELL. You are not able to tell whether I am or not.

Mr. COX. The House sees it. When I referred to the Indian business I had in mind discussions here. I know these contractors' wars will not put down the Indian troubles. I have said so again and again here, and, if the telegraphic rumors as to the Custer massacre be true, to-day we have another illustration that the insane policy of expending large sums of money for the Army is not the true policy of Indian retrenchment.

I stand here, sir, for retrenchment as the men in the old parliamentary days of England stood by their privilege. They would not grant supplies until retrenchment, liberty, and reform were guaranteed. You remember the old song during the trial of the bishops in South England:

> And shall Trelawney die?
> And shall Trelawney die?
> Then forty thousand Cornish men
> Will know the reason why.

I almost quote it by saying:

> And shall retrenchment die?
> And shall retrenchment die?
> Then forty million honest men
> Will know the reason why.

[Great laughter and applause.]

Mr. RANDALL. How much of my time have I left?

The SPEAKER *pro tempore*. The gentleman's time has expired.

Mr. GARFIELD. I hope the time will be extended further.

Mr. PAGE. I appeal to the gentleman from Pennsylvania to let the time be extended.

Mr. RANDALL. I ask for a vote. I demand the previous question on the adoption of the report of the committee of conference.

Mr. PAGE. What is the first question?

The SPEAKER *pro tempore*. It is on agreeing to the report of the committee of conference.

Mr. PAGE. I ask the gentleman from Ohio be allowed five minutes by unanimous consent.

Mr. RANDALL. I demand the previous question.

The House divided; and there were—ayes 113, noes 75.

The SPEAKER *pro tempore*. There is a second to the previous question.

Mr. PAGE. No; I demand tellers.

Mr. MILLIKEN. I hope the gentleman from Ohio will be allowed five minutes.

Mr. RANDALL. I am urging this bill at the personal request of the Senator from Maine.

Mr. PAGE. Never mind the Senator from Maine; the House has some rights here.

Mr. RANDALL. I am carrying out the promise I made to the Senator from Maine.

Mr. PAGE. But this House has some rights.

Mr. RANDALL. The gentleman from Maine made a personal request to me that I would hurry this bill back to the Senate, and I am trying to do so in the interest of the public business.

Mr. PAGE. Yielding five minutes to the gentleman from Ohio will not make much difference.

Mr. FOSTER. It will save time if the gentleman will yield to the gentleman from Ohio.

Mr. HOLMAN. I trust my friend will allow five minutes.

Mr. PAGE. I hope the gentleman from Pennsylvania will not object to yielding five minutes to the gentleman from Ohio.

Mr. RUSK. No; he wants ten minutes.

Mr. PAGE. I will pledge the gentleman that it will not delay the passage of this bill as much as by refusing to yield.

The SPEAKER *pro tempore*. Order must be preserved, and gentlemen will resume their seats. Does the gentleman withdraw his demand for the previous question?

Mr. RANDALL. No; I do not.

The SPEAKER *pro tempore*. The Chair will appoint the gentleman from Pennsylvania [Mr. RANDALL] and the gentleman from California [Mr. PAGE] as tellers.

Mr. SPRINGER. Tellers were not ordered; a quorum voted.

Mr. RANDALL. It does not matter to me whether the bill stays here all day.

The House divided; and the tellers reported—ayes 92, noes 3.

Mr. KASSON. There is no quorum.

Mr. SPRINGER. I move there be a call of the House.

Mr. PAGE. I move the House adjourn.

The SPEAKER *pro tempore*. The House refuses to adjourn.

Mr. PAGE. I demand the yeas and nays on that motion.

Mr. RANDALL. Let them go on filibustering.

The yeas and nays were not ordered.

The House refused to adjourn.

Mr. SPRINGER. I move there be a call of the House.

The motion was disagreed to.

Mr. PAGE. I move the House adjourn, as there is no quorum voting.

The House refused to adjourn.

Mr. GARFIELD. I rise to address the House on the question now

pending. The previous question has not been called, and I am in order.

The SPEAKER *pro tempore*. The House is dividing on seconding the demand for the previous question.

Mr. GARFIELD. But it has not been seconded.

The SPEAKER *pro tempore*. The gentleman cannot have the floor except by unanimous consent.

Mr. GARFIELD. Very well; I am very comfortable.

The SPEAKER *pro tempore*. There is nothing in order except the motion for a call of the House, the last motion being the motion to adjourn.

Mr. GARFIELD. I wish to say, by unanimous consent, there is no disposition to delay, but when a gentleman rises and makes a decided attack upon the late chairman of the Committee on Appropriations, pointing directly to him, I have never before known the ordinary sense of fair play shut off a brief reply. That is all I ask.

Mr. RANDALL. When this subject was before the House the other day, nearly all the time was consumed by gentlemen on the other side.

Mr. GARFIELD. But there was no personal attack like that which has transpired to-day.

Mr. RANDALL. I am hastening this bill at the suggestion of the Senate.

Mr. COX. I hope the gentleman from Ohio will be allowed to go on, if I am allowed to answer him.

Mr. GARFIELD. That is all I ask.

Mr. RANDALL. Mr. Speaker, I propose, if these gentlemen want to fight it out, to give them five minutes on each side.

Mr. GARFIELD. I want ten minutes.

Mr. RANDALL. Very well; I am willing to yield ten minutes to each one of these gentlemen, but I do not want to be held responsible for delaying the appropriation bills.

Mr. HALE. That is fair.

The SPEAKER *pro tempore*. The gentleman from Pennsylvania has demanded the previous question. By common consent, ten minutes is allowed to the gentleman from Ohio and ten minutes to the gentleman from New York to reply.

Mr. COX. I do not think I will require that time.

Mr. CANNON, of Illinois. The gentleman has had ten minutes already.

Mr. GARFIELD. The gentleman from New York [Mr. COX] closed with a direct charge upon the management of appropriations by this House in recent years, stating that we had not made reduction of expenditure, and wanting to know why we had not done it; why we had delayed until these honest men came into power? This is the charge to which I rise to respond. I would like to know where the gentleman has been during these last ten years. I would like to know what he has read, and what he has heard, and what he has remembered of what he has read and heard that justifies him in making a statement like that on his responsibility and sending it out to the country. Does the gentleman not know that in the year 1865 the expenditures of this Government were twelve hundred and ninety-seven and one-half millions? And why were they twelve hundred and ninety-seven and one-half millions? Because eleven States, and all the assistance that the eleven States could get from those that would not help prevent the rebellion, piled up the enormous debt of three and a half billions of dollars for the faithful people of this country to pay. That load heaped upon the shoulders of the laboring-people of this country an honest nation felt bound to pay. Did he and his associates help prevent it? Or rather did not all who joined him in political opinions help pile up the debt which the nation was compelled to pay? Let the responsibility for these grievous expenditures rest where the events of our history have placed it.

I say twelve hundred and ninety-seven and a half millions were paid over the national counter in 1865. Of course it was an extraordinary amount. But in 1866, the year following the war, five hundred and twenty millions were paid out of the national Treasury to meet the necessary expenditures of the war and the Government. What since? We have steadily reduced expenditures in every year of the last ten, except two, in which there was a slight increase, from five hundred and twenty millions in 1866 down to two hundred and sixty-three millions in 1876, just closed; so that in the fiscal year that closed last week the expenditure was one thousand and thirty-four millions less than in the year 1865, and two hundred and fifty-three millions less than the expenditures for the year 1866. There has been a steady, constant reduction toward the level of peace, and the gentleman knows it if he is not party-blind to every fact in his country's history.

Let him turn to official analysis made at the Treasury of the total appropriations made by Congress at its last three sessions, and he will find that the total appropriations in the annual bills for 1874 were $172,000,000, and for 1873 were $155,000,000, and for 1876 were $147,000,000, a reduction in actual appropriations of more than $25,000,000 in three years. No man who is familiar with the subject will deny this.

The gentleman knows that for the last three years we have been fighting a constant battle in favor of the reduction of expenditures, and his colleagues know it. And he knows, moreover, that when we were overwhelmed by propositions to enlarge public buildings and to begin great expenditures for the construction of new ones, he was among the foremost of New York Representatives to plunge us into the expense of a great post-office building in his own city—a good work, a work that ought to have been done, perhaps—but he was the foremost in pressing it upon the House, as well as the public building at Albany, for the benefit of his people. And when, two years ago, the chairman of the Committee on Appropriations, instructed by the committee, attempted to restrict the great expenditures on public buildings, a joining of forces on his side of the House with many on this side prevented it. It comes, then, with an ill-grace from him to rise up in his place and taunt us with having made no more reductions than we have made, and denying even those we did make.

Now, Mr. Speaker, when the gentleman goes away to a distant, turbulent, stormy, popular assembly, and talks about sixty-four millions of reduction by his party in this House below the estimates, and thirty-nine millions of reduction below last year, does he know whereof he affirms? Does he not know that four millions of that sum have no right to be named as reduction, because it is a re-appropriation of unexpended balances that does not appear in the footing, but is as really an appropriation as though it were now made for the first time? Does he know that this House left out $2,000,000 required to pay the judgments of our Court of Claims and of the Supreme Court of the United States, and that if they mean to leave it out they mean to repudiate the solemn obligation of the Government? And he calls that a reduction of expenses! Here is a great public building in progress of construction for which the estimates for next year are $1,300,000, to save the precious records of the War and Navy Departments. The House appropriates but $200,000, I believe, and calls that a saving a million! Let the Navy and the War Departments burn, and where will the saving and the responsibility appear? If that is what the gentleman calls saving and if he goes out before the country and proclaims that as their honest saving, the country will know it and will understand the object and purpose of a pretense.

And what does the gentleman mean when he goes to a great stormy popular convention and says the Army can be dispensed with until November next and the pioneers can get along with the Indians alone? The bloody answer will come as it came yesterday, when hundreds of our soldiers fell down in death, with Custer at their head, because we have not an adequate army to restrain the savages of the West.

Mr. RANDALL. Why are you using the Army in the Southern States instead of sending them to the frontier?

Mr. GARFIELD. While these scenes are transpiring, the gentlemen on the other side are proposing still further to cripple our gallant little Army, break its spirit, and make it inefficient for the protection of our frontier. And all that, Mr. Speaker, because these gentlemen are preparing for an election; and when it is over they will come back to this place and make up by deficiency appropriations what they now refuse to provide for the manifest necessities of the public service.

They know that I will join them, notwithstanding their party zeal, in all honorable measures to reduce expenditures where reduction is possible. I have complimented them for all their reasonable reduction, because I believe they can reduce to the extent of fifteen or eighteen millions below the figures of last year. Now to-day we are informed that the Senate agrees to go to that extent and more; that the Senate expresses its willingness to go to twenty millions of reduction, which is all that the imperative necessities of this Government will permit; and yet these gentlemen are seeking to make the impression upon the country that they are the honest men, and that they are saving for the honest, hard-working people, when in fact they are attempting to delude the people by a pretense and a sham when they claim that they can reduce the necessary expenditures by the sum of $39,000,000.

Now, I happen to know that a large number of the very best and most thoughtful gentlemen on that side of the House do not approve of this policy. They do not indorse your conduct in that regard, but they submit to it for the sake of peace. They are men who agree with you in your political doctrines, but desire at the same time to discharge their duty as loyal representatives of the people; and you will find it out after the election, if not before.

Now, when the gentleman from New York comes here and undertakes to blacken the reputation of a worthy body of which he has long been a member, when he undertakes to cast discredit on men whom he knows have worked faithfully in the line of retrenchment, he must consent to be told that his statements are unfounded in fact and unworthy of this place.

Mr. COX. I do not object to being told anything by the gentleman. When I hold the gentleman from Ohio responsible for the expenditures of the last four years, I did it because he had been chairman of the Committee on Appropriations during the past two Congresses. Does the gentleman not know how he has been increasing the expenditures of the Government, since he has had charge of them, in the aggregate? No little refinement on details can hide the facts from the country. I do not, sir, understand the sensibility of the gentleman. Because I chose to fix the responsibility where it belongs, how does it blacken the gentleman? Men are not blackened on account of mere fiscal mistakes. Because men commit a rape on a cloud of statistics it does not follow that they are corrupt. It only shows that they are not statesmen. Men are blackened otherwise. In case they have failed to recognize the needs of a suffering and paralyzed coun-

try they are regarded not as bad, but weak; and therefore when the gentleman says that he has been engaged in cutting down expenditures, I fix the responsibility upon him in that respect. In the year 1872 the expenditures were about $153,000,000. Was that reduced then under the auspices of the gentleman? In 1873 the expenditures ran up to $180,000,000. In 1874—I still speak of the time of the gentleman's administration of economy—how was it? The expenses amounted to over $194,000,000. Am I not correct? Did it not require after such a record a good deal of audacity for the gentleman to call me to account for voting appropriations which I never voted for public buildings? I did not lead off in favor of the appropriation for the post-office in New York; but let that go.

Mr. GARFIELD. Your statement is not a correct one, and the chairman of your committee will tell you so.

Mr. COX. The chairman of the committee tells me that I am correct. I have examined the record. I am glad to see that the gentleman talks now "with bated breath and whispering humbleness." Here is the report on finance, page 577, Forty-fourth Congress, first session, Executive Document No. 2. It is all regularly from the Treasury, and proposes to give us the statement of expenditures—civil list, miscellaneous, military service, pensions, Indian, naval, &c., and in one column, when the gentleman began his appropriations, it has these net figures:

1871-'72	$153,037,346 15
1872-'73	180,229,971 32
1873-'74	194,217,210 27

Perhaps the gentleman will take some other opportunity to explain this over again. But did he not say the other day that we could save this year $15,000,000 or $18,000,000? Who was it on the other side of the House who said we could save $30,000,000? Ah, it was the distinguished financier from Ohio [Mr. FOSTER] who is sitting by his colleague [Mr. GARFIELD] now to prompt him. It was he who said that we ought to save $30,000,000 this year. Now, this is quite a difference between these two gentlemen. Is it $18,000,000 or $30,000,000? Which one of them is right? One or the other or both must be wrong; and yet they must be in a right direction. Keep along, gentlemen, and you will find out the truth. I did state at Saint Louis that we had reduced the estimates submitted by your administration $64,000,000, and the appropriations over last year nearly $40,000,000. I am thus instructed by gentlemen here who know all about it; and it will go to the honest men of Ashtabula and Fostoria, Ohio. [Laughter.]

I suppose the gentleman from Ohio wants to make these "eleven" southern States a scape-goat to carry into the wilderness the sins of the republican party. Have they not sacrificed enough? Must they again sacrifice for their ten years of radical suffering? There has been a time of profound peace since the treaty was made at Appomattox Court House. All the disturbances that have existed since that time in these States have resulted because of wrongful and vengeful interference with the self-government of the States and people.

You talk about the Army; why, a portion of it, its generals at least, are rollicking now at the Centennial in Philadelphia while Custer falls in the wilderness. You say that we have not troops enough and that this House cuts them off. Where are the 25,000, not yet diminished by our legislation, who constitute our Army? Three thousand of them and more are in the States of Mississippi and Louisiana, and in other Southern States. What are they doing there? There is no revolt there, no rebellion, no election yet. And only two thousand men are sent out to fight the wild Sioux Indians. I cannot understand what the gentleman means when he says that the Army needs to be increased. It has not been decreased as yet. Does he want more troops in the South than there are there now; I mean outside of the Texas border? Does he want still to punish these "eleven States?" If the purpose is to carry the elections in that forceful way, then for another reason forty millions of people will understand the "why."

I have already taken, sir, more time than I intended. I did not intend to be drawn into this last debate; but the gentleman made it personal because I had fixed the responsibility of this increase and large expenditure of money since the war. Suppose, according to his own idea, that we can save fifteen or eighteen million of dollars this year, or double that amount, according to his colleague, [Mr. FOSTER;] then during the last ten or eleven years since the war the republicans are responsible for the excess of expenditures.

We know that all through our civil administration there has been a riot of prodigality, not to speak of a system of badness, unearthed by our committees and which the people will stigmatize. In the name of purity and reform, I trust in them, next after God, for our salvation. Our hope is in their ballots to be given in November next for the election of an honest man, now governor of the State of New York, Samuel J. Tilden! [Applause and laughter on the floor and in the galleries.]

Mr. RANDALL. I want to answer a statement made by the gentlemen from Ohio [Mr. GARFIELD] as to the Army; I only want a minute or two.

Mr. COX. I will yield the remainder of my time to the gentleman from Pennsylvania, [Mr. RANDALL.]

Mr. RANDALL. The gentleman from Ohio [Mr. GARFIELD] has said that this House attempted to cripple the Army. I desire to state what this House has done in that respect. The gentleman from Ohio when he was chairman of the Committee on Appropriations year before last failed to appropriate enough to pay the Army by $500,000. Last year he failed to appropriate money enough to pay the Army by $900,000, arbitrarily cut off, as I am informed. We have supplied both these deficiencies.

And more, the bill which the House passed in reference to the Army makes it more efficient. It increases the cavalry force of the Army by twenty-three hundred men, to be used on the frontier, and provides that the reduction of the Army shall be only in the infantry and artillery, which are of no use comparatively for the protection of the frontiers and our border settlers. Therefore, this House has not only paid the Army that to which they were entitled at the hands of the gentleman from Ohio for two years, but we have augmented that branch of the Army which alone can be used to defend General Custer and those brave men who on yesterday fell in behalf of the border pioneers. So much for his accusation against this House in connection with the Army. The action of the Committee on Appropriations, except in one or two particulars, has met the approbation of all the officers of the Army.

Mr. GARFIELD. Allow me to say that we appropriated last year exactly what was asked for for the pay of the Army, and the failure, if there was any, was in the estimates.

Mr. RANDALL. No matter what you did. I am apprised by the Pay Department that the $900,000 was arbitrarily cut off, and no reason given for it. At all events, the fact stands forth that the money was not given to the Army, and for nearly a year they had to go without two weeks of their pay, and would have gone for a month this year without appropriations to pay them but for the action of this House.

Mr. FOSTER. I would like to have the gentleman tell the House what kind of appropriation was made to pay that deficiency?

Mr. RANDALL. I will tell you. The Paymaster-General did not know how to pay. I went up there and delved among their books and found that a year or two ago they had appropriated too much for other items. We re-appropriated that amount for the pay of the Army, which for two years you had neglected to appropriate an adequate amount for. I now call for the previous question.

The previous question was seconded and the main question was ordered.

The question was upon the motion of Mr. RANDALL that the House further insist upon its disagreements to the amendments of the Senate to the legislative appropriation bill and ask a further conference.

The motion was agreed to.

Mr. RANDALL moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER *pro tempore* appointed as the conferees on the part of the House Mr. RANDALL, Mr. MORRISON, and Mr. KASSON.

ORDER OF BUSINESS.

Mr. LAWRENCE. I must now resume the floor.

Mr. RANDALL. I would like to have the gentleman from Ohio, [Mr. FOSTER,] a member of the Committee on Appropriations, report two bills of the Senate, both of which are worthy charities, and which I think will cause no debate.

Mr. LAWRENCE, of Ohio. I will yield for that purpose.

JOHN T. KING AND L. B. CUTLER.

Mr. FOSTER. By direction of the Committee on Appropriations I report back, with an amendment, the bill (S. No. 872) for the relief of the family of the late John T. King and of L. B. Cutler.

The preamble recites that John T. King, lately employed as a carpenter and cabinet-maker about the Capitol, while in the discharge of his duties, was killed by an explosion of gas in the closet under the eastern stairway of the Senate, leaving a wife, three children, two grandchildren, and a mother-in-law without any means of support; and that L. B. Cutler, principal assistant in the folding-room of the Senate, was so injured, at the same time and under the same circumstances, as to be disabled for life, having a wife without means of support, and a mother to whose support he has partly contributed.

The bill therefore appropriates the sum of $3,000 for the aid and support of the family of the late John T. King, and the further sum of $3,000 for the aid and support of L. B. Cutler, to be paid to the Secretary of the Interior in trust for the above-mentioned purposes, who may, at his discretion, pay the same to the respective parties in annual installments, or all in one payment, or invest the same for their benefit, as he may think most expedient; provided that a further sum equal to the amount of the previous regular compensation of King and Cutler from the 19th of May to the 30th of June, inclusive, is appropriated, to be expended immediately by the Secretary of the Interior in the manner above stated.

The amendment reported by the Committee on Appropriations was to strike out the proviso of the bill.

The amendment was agreed to.

The bill, as amended, was then ordered to be read a third time; and it was read the third time, and passed.

Mr. FOSTER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

REMOVAL OF REMAINS OF HON. E. RUMSEY WING.

Mr. FOSTER also, by unanimous consent, reported back from the Committee on Appropriations, with a recommendation that it pass, the bill (S. No. 382) to appropriate $1,000 to remove the remains of Hon. E. Rumsey Wing, late minister to Ecuador, from Quito to the cemetery at Owensborough, Kentucky.

The bill was read. It appropriates for the purpose named in the title $1,000, out of any money in the Treasury not otherwise appropriated, to be used under the direction of the Secretary of State.

The bill was ordered to a third reading, read the third time, and passed.

Mr. FOSTER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, requested the House to return to the Senate the bill (S. No. 892) to encourage and promote telegraphic communication between America and Asia.

IMMIGRATION.

Mr. COX. I beg to say that the commissioners of emigration of the State of New York are here, and desire a conference with the Committee on Commerce to-morrow on the question of immigration. The Supreme Court of the United States has recently decided that all the State legislation by which this subject has heretofore been regulated is unconstitutional and void. There is some urgency, therefore, that Congress shall provide the needed legislation on the subject. I therefore ask unanimous consent to present the memorial of the commissioners of emigration, to be printed in the RECORD and referred to the Committee on Commerce; and also to introduce a bill on the subject, to be referred to the same committee.

There being no objection,

Mr. COX presented the following memorial; which was referred to the Committee on Commerce, and ordered to be printed in the RECORD:

Memorial of the commissioners of emigration of the State of New York.

To the Senate and House of Representatives of the United States in Congress assembled:

The commissioners of emigration of the State of New York, in obedience to the instructions contained in the following resolution of its Legislature—

"*Resolved*, (*if the Assembly concur,*) That the commissioners of emigration are hereby instructed to call the attention of the Congress of the United States to the present condition of the emigration laws, resulting from the decision of the Supreme Court of the United States declaring the State laws on that subject unconstitutional and void, and to impress upon Congress the necessity for speedy national legislation in regard thereto, and the said commissioners take such steps as in their judgment may be proper to secure such legislation"—

offer for the consideration of your honorable bodies the following statements and statistics:

From the month of May, 1847, up to the 20th day of March, 1876, the legislation of this State provided in substance that the captain, consignee, or owner of every vessel arriving at the port of New York from a foreign country, having on board as passengers immigrants or persons not citizens of the United States destined for the city of New York, should give a bond to the people of the State in the penal sum of $300 for each of such passengers, conditioned to indemnify every city, town, and county in the State against any charge or expense on account of the passenger named in the bond within five years from arrival. The parties interested in the vessel had, however, accorded to them by the same legislation the right to commute for this bond by paying a certain sum (which varied at different periods, the highest being $2.50 and the lowest $1.50) to the commissioners of emigration, whose duty it was made to pay out of this commutation fund the expenses which any city, town, or county of this State might incur for any alien passenger who might have arrived at the port of New York within the previous five years. The commissioners were also empowered to purchase land and erect whatever buildings the exigencies of immigration might demonstrate to be necessary for the care, support, and protection of such immigrants within the same period.

In the year 1847 the commissioners begun and for many years after continued to purchase lands on Ward's Island and to erect buildings thereon for the care and treatment of the sick and diseased and the support and maintenance of the necessitous among such immigrants.

These lands and buildings were purchased, erected, and have been and continue to be used exclusively for immigrants who have paid commutation-money and have arrived at the port of New York within five years from the date when they require and seek care or support from the public authorities.

The commissioners have also leased from the city of New York and occupied since the year 1855 the wharf and the made land adjoining the Battery in said city known as Castle Garden, and have inclosed it for the purpose of a landing depot for immigrants, whereby they have been enabled to afford protection to them against the frauds and depredations of emigrant-runners and other marauders who had combined to defraud and pillage the simple and unsuspicious strangers of whom the enormous mass of immigration to this country has been chiefly composed.

The following is briefly the mode of proceeding and operations at Castle Garden: After examination of their luggage on shipboard by the customs officers, the immigrants are transferred to this landing depot, where they are received by officers of the commission, who enter in registers kept for the purpose all necessary particulars for their future identification. The names of such as have money, letters, or friends awaiting them are called out and they are put into immediate possession of their property or committed to their friends whose credentials have first been properly scrutinized. Such as desire can find clerks at hand to write letters for them in any European language, and a telegraph operator within the depot to forward dispatches. Here, also, the main trunk lines of railway have offices, at which the immigrant can buy tickets and have his luggage weighed and checked; brokers are admitted (under restrictions which make fraud impossible) to exchange the foreign coin or paper of immigrants; a restaurant supplies them with plain food at moderate prices; a physician is in attendance for the sick; a temporary hospital ready to receive them until they can be conveyed to Ward's Island; those in search of employment are furnished it at the labor bureau connected with the establishment; such as desire to start at once for their destination are sent to the railway or steamboat, while any who may choose to remain in the city are referred to boarding-house keepers admitted to the depot, whose charges are regulated under special license, and whose houses are kept under constant and rigid supervision by the commission.

These services are rendered without any fee or compensation whatever to the commissioners.

The experience of the commissioners demonstrated the fact at an early day that a large percentage of the immigrants would either on their arrival or within the prescribed five years become chargeable to them as sick and diseased or as unable to support themselves. Under the influence of this fact the lands and buildings before mentioned were purchased and erected.

The establishment of Ward's Island, a beautiful and salubrious island in the East River to the north of Hell Gate, where sick and destitute immigrants are cared for until able to proceed to their destination, embraces over one hundred and twenty acres of land, whereon have been erected by the commissioners hospitals and refuge buildings, chapels, a school-house, and workshops of various sorts, in all about forty separate edifices, costing upward of $1,000,000. The main hospital has accommodation for five hundred patients, and is admitted to be, in plan and internal arrangements, one of the finest in the world.

The following statistics will show your honorable bodies the extent and importance of the services rendered by this State commission since its organization:

Number of alien immigrants arrived at the port of New York from May 5, 1847, to December 31, 1875, for whom commutation money was paid, 5,532,808.

Of which number the commissioners of emigration provided and cared for out of the emigrant fund for a greater or less period during the five years subsequent to arrival 1,717,838, as follows:

Number treated and cared for in the institutions of the commissioners of emigration, 547,209.

Number supplied temporarily with board and lodging and money relief in the city of New York, 485,669.

Number provided with employment through the labor bureau at Castle Garden, 400,187.

Number forwarded from Castle Garden to destination in United States and returned to Europe at their own request, 58,122.

Number relieved and provided for in various counties and institutions of this State at the expense of the commissioners of emigration, 226,651.

Many immigrants who on arrival have passed out of the State of New York to other States, possessed of strength and money, and who through various causes had suffered or lost both, soon after have been returned to this State and become a charge on this commission, and have been not only cared for in its institutions, but many on request have been returned at its expense to their native land. And in numerous cases immigrants destined for other States who have arrived here sick have been cured in the hospitals of the commission, and then dispatched to their destination to enrich other parts and communities of this country with their money, capital, and labor value unimpaired.

Ever since the tide of emigration first set strongly toward the United States the city of New York has been its chosen gate-way. Statistics show that of the immense European emigration the benefits are shared by many of the old and by all the new States, while the disadvantages have been principally borne by those on the Atlantic. To the West for the most part go the strong and vigorous immigrants, who become the bone and sinew of the agricultural population. The poorer, weaker, and less enterprising remain behind at or near their port of arrival. Whatever burden is imminent from the indolence of this latter class, and whatever danger is threatened from their diseases, the sea-port States must first encounter. It would seem, then, that the expensive and elaborate provision made for these exigencies, gradually perfected through many years, ought not to be cast aside and lost, but should be maintained.

The beneficent operations of this commission in the protection it has extended, the information it has imparted, the care it has exercised, and the support it has afforded to immigrants became by various means and through numerous channels well known many years ago throughout Europe. Some of the greatest of the impediments to leaving birth-place and friends to seek a new home in a foreign country, thousands of miles away, to wit, the uncertainties surrounding arrival, the dangers or apprehensions about the journey to the point of destination, increased a hundred-fold by ignorance in many cases of the language and in nearly all of the geography of the country, were thus removed, and immigration thereby encouraged and greatly increased. Indeed it has become a common fact that under and supported by the influence of this knowledge of the action and scope of the authority of the commissioners of emigration tens and hundreds of thousands of immigrants have disembarked at Castle Garden with no more anxiety or apprehension concerning themselves, their property, or their journey than the cabin passengers by the same vessels.

In January last the question of the validity of the statutes of this State, which required the bond and permitted the commutation of it, as stated in the early part of this communication, was brought up for argument and decision in the Supreme Court of the United States, and after elaborate argument and long consideration by the justices of this court these laws were in March last adjudged unconstitutional and void.

This adverse decision terminated at once the contributions to the fund by which the commissioners had been enabled to discharge the humane duties for which they were constituted, and in May last their available means became exhausted. The Legislature, influenced by the pledge implied in the receipt by its officers of the commutation money in former years that the immigrants on whose account it had been paid should receive its protection, care, and support, when needed, for five years from their arrival, appropriated, after this decision had been received and acted upon by the ship-owners, a sufficient sum from the State treasury whereby the commissioners will be able to redeem its faith for the year ending the 1st day of May, 1877. No provision, however, has been made for immigrants arriving subsequent to the promulgation of the judgment of the Supreme Court.

Miller, justice, delivering the opinion of the court, says in regard to the legislation of this State under consideration: "We are of opinion that this whole subject has been confided to Congress by the Constitution; that Congress can more appropriately and with more acceptance exercise it than any other body known to our law, State or national; that by providing a system of laws in these matters, applicable to all ports and to all vessels, a serious question, which has long been matter of contest and complaint, may be effectually and satisfactorily settled."

This decision affects not only the State of New York, but all other Atlantic States, and throws their ports wide open and leaves them unprotected against the introduction and subjects their people to the expenses of immigrants who at the time of their disembarkation may be sick, diseased, disabled, or who, before they leave the State in which they may have arrived, become from any cause a public charge. It also removes from the interior States, to which any of these immigrants may have gone, the right to return them, when necessitous, to the port or State of arrival. The reason which justified such return consisted in the receipt of commutation money and the pledge implied thereby. It has now been swept away by this decision and ceases to exist.

The entire country is therefore interested in this subject and in need of national legislation in regard to it.

Under these circumstances the commissioners of emigration of this State have had correspondence with the boards of charities or other proper officials of other States as to the principle and form of a law to meet the changed condition and present exigencies of the immigrant question. The result of this consultation has been a bill accompanying this communication, which is submitted for the consideration of your honorable bodies.

The lands and buildings above mentioned, on Ward's Island, and the landing depot at Castle Garden, are still in use, the former for immigrants who have arrived within five years previous to the decision of the supreme court, and for orders ac-

count of whom commutation money has been paid, and the latter for all arriving immigrants. They may be utilized in the future as they have been in the past, if the means to maintain them be provided. This can be done through the vessels bringing immigrants to the United States by Congress alone.

The experience of twenty-nine years with immigrants of all classes, conditions, and countries has matured a system which is in successful operation at this port. It is operated by officers, physicians, clerks, and other employés who have been engaged for years in the service, and are familiar with all its intricacies, peculiarities, and requirements, and if it be permissible here to speak favorably of an establishment instituted and carried on by these commissioners and their eminent predecessors, it seems to them that it would be of incalculable advantage to the immigrants hereafter arriving at the port of New York to maintain for them the arrangement which benevolence at first suggested, great intelligence organized, and much experience has matured, and that those of the United States to which the tide of immigration flows will reciprocally with the port States be the gainers by the provisions made by the latter for the receipt and treatment of sick or diseased immigrants on their arrival, and the establishments existing to secure them against frauds and depredations, or to maintain them if they come to require public aid or support.

Board of commissioners of emigration of the State of New York:

GEO. I. FORREST,
President.
HENRY A. HURLBUT.
GEORGE STARR.
DANIEL MAUJER.
GEORGE W. QUINTARD.
W. H. WICKHAM,
Mayor of the city of New York.
JAMES LYNCH,
President of the Irish Emigrant Society.
FREDERICK SCHACK,
President of the German Society.

NEW YORK, *June* 28, 1876.

Mr. COX also, by unanimous consent, introduced a bill (H. R. No. 3853) to regulate immigration; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

COMMISSION BETWEEN UNITED STATES AND VENEZUELA.

Mr. SPRINGER, by unanimous consent, reported from the Committee on Foreign Affairs the following resolution; which was read, considered, and agreed to:

Resolved, That the Committee on Foreign Affairs be authorized to print the evidence taken by said committee in relation to the petition of Seth Driggs and the mixed commission between the United States and Venezuela, and the report accompanying the same.

SAINT PAUL, MINNESOTA, A PORT OF APPRAISAL.

Mr. DUNNELL. I ask unanimous consent to report from the Committee on Commerce the bill (S. No. 413) establishing the port of Saint Paul, Minnesota, as a port of appraisal. This bill has the unanimous approval of the Committee on Commerce.

The bill was read. It provides in the first section that the provisions contained in, and the privileges accorded by, sections 2990, 2991, 2992, 2993, 2994, 2995, 2996, and 2997 of the Revised Statutes be extended to, and held to include, the port of Saint Paul, in the collection district of Minnesota.

The second section provides that the appraiser at the port of Saint Paul shall receive the same amount of salary that the deputy collector of that port now receives.

Mr. RANDALL. I believe this bill ought to go to the Committee of the Whole.

The SPEAKER *pro tempore*. It is subject to that point of order if the gentleman makes it. It creates a new office and provides for an expenditure of money.

Mr. DUNNELL. It does not increase expenditures. It simply provides that the officer created by this bill shall receive the compensation that an existing officer now receives.

Mr. RANDALL. It makes an increase.

Mr. DUNNELL. It does not involve any increase of expense. It is so stated by the Secretary of the Treasury. The bill is the unanimous report of the Committee on Commerce. I trust the gentleman from Pennsylvania will not insist on his point.

Mr. RANDALL. It increases the number of officers.

Mr. DUNNELL. It does not.

Mr. RANDALL. Well, it opens the way for that.

Mr. DUNNELL. There is a population of 70,000 interested in the passage of this bill.

Mr. REAGAN. This bill will operate as a very great relief to commerce, and it does not involve any increase of expenditure.

Mr. RANDALL. Is there no increase of expense at all?

Mr. DUNNELL. No, sir.

The SPEAKER *pro tempore*. The Chair understands that the point of order is not insisted upon.

Mr. HOLMAN. Renewing the objection, I wish to inquire whether the gentleman from Minnesota [Mr. DUNNELL] states that there is no increase of expense by creating this port of entry?

Mr. REAGAN. The bill does not create a new port of entry.

Mr. DUNNELL. It simply makes Saint Paul a port of appraisal; it is already a port of entry.

Mr. HOLMAN. I ask that the bill be again read.

The bill was again read.

Mr. HOLMAN. For the purpose of examining this subject I shall have to insist upon the point of order. The bill, as I understand, creates a new inland port of entry.

Mr. DUNNELL. Then I withdraw the bill.

SILVER COIN.

Mr. LAWRENCE. I now yield the floor to my colleague, [Mr. PAYNE,] and give notice that I will yield to no other business unless of a public and urgent nature.

Mr. PAYNE. I wish to take up from the Speaker's table joint resolution (H. R. No. 109) for the issue of silver coin, which comes back from the Senate with a request for a conference on the disagreeing votes of the two Houses, which I hope will be agreed to.

Mr. FORT. I should like to know what the difference between the two Houses is.

The SPEAKER *pro tempore*. The Clerk will read the resolution of the Senate.

The Clerk read as follows:

IN SENATE OF THE UNITED STATES, *July* 1, 1876.

Resolved, That the Senate insist on its first amendment to joint resolution (H. R. No. 109) for the issue of silver coin disagreed to by the House of Representatives, and disagree to the amendment of the House to the second amendment of the Senate to said joint resolution, and ask a conference of the House on the disagreeing votes of the two Houses thereon.

Ordered, That Mr. SHERMAN, Mr. BOUTWELL, and Mr. BOGY be conferees on the part of the Senate.

Mr. PAYNE. I move that the conference asked for on the part of the Senate be agreed to.

The motion was agreed to.

Mr. RANDALL moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. RANDALL. I ask the gentleman from Ohio to yield to me for a moment.

Mr. LAWRENCE. I yield to the gentleman from Pennsylvania, chairman of the Committee on Appropriations, to report on one of the appropriation bills.

Mr. RANDALL. I am directed by the Committee on Appropriations to report back the amendments of the Senate to the bill (H. R. No. 3749) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1877, and for other purposes, and to move that the House non-concur in those amendments, and ask a conference on the disagreeing votes of the two Houses.

Mr. PAGE. I ask for the reading of the Senate amendments.

Mr. RANDALL. I have no objections if you want to waste a couple of hours.

Mr. PAGE. Then let us have some statement of what they are.

Mr. RANDALL. There are two hundred and forty amendments of the Senate.

Mr. RUSK. They are all printed.

Mr. RANDALL. The amendments of the Senate are all printed, and the gentleman can see them for himself.

Mr. PAGE. If they are printed then I do not ask for their reading.

The amendments of the Senate were non-concurred in, and a committee of conference asked on the disagreeing votes of the two Houses.

PACIFIC RAILROAD.

Mr. LAWRENCE. I now call up my motion to reconsider.

Mr. BURCHARD, of Illinois. If I have the right, I wish to raise the question of consideration. What is the gentleman's motion on?

Mr. LAWRENCE. I now call up the motion to reconsider the vote by which the bill (H. R. No. 3672) entitled "An act to amend an act entitled 'An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes,' approved July 1, 1862," and other acts in relation to the railroad companies therein named, was recommitted to the Committee on the Judiciary. I entered the motion to reconsider on the 8th of June last. By the forty-ninth rule it is privileged, and takes precedence of everything else but a motion to adjourn.

Mr. BURCHARD, of Illinois. What is the subject-matter of the bill which the gentleman from Ohio proposes to call up? I will state frankly my only object is to prevent cutting out the morning hour.

Mr. LAWRENCE. The bill which I propose to call up for action at this time is one requiring the Pacific railroad companies to create a sinking fund to re-imburse the United States for the subsidy bonds and the interest advanced by the Government.

Mr. BURCHARD, of Illinois. Is it a report from any committee?

Mr. LAWRENCE. Yes; from the Committee on the Judiciary.

Mr. BURCHARD, of Illinois. I do not wish to antagonize the gentleman's bill, and if members of the various other committees have no objection I certainly have none, and will withdraw my point raising the question of consideration.

Mr. PAGE. I insist on the call in the morning hour of committees for reports. I put the question to the Chair, whether the morning hour does not take precedence. I do not believe that the committees of this House ought to be deprived of the right to report bills. The Indian Committee was on the floor in the last morning hour. I myself reported a bill which has never been acted on, although the previous question has been seconded and the main question ordered. I think the committees of the House have the right to have at least one hour in which they may be heard for the consideration of public business. I do not understand the notice which the gentleman from Ohio

[Mr. LAWRENCE] gave three weeks ago, that he would to-day call up the motion to reconsider the recommitment of the bill to which he has referred, takes precedence over the morning hour.

The SPEAKER *pro tempore*. The calling up of the motion to reconsider takes precedence over all other motions except the motion to adjourn.

Mr. LAWRENCE. By Rule 49 it is a privileged question, and takes precedence of everything else but the motion to adjourn.

The SPEAKER *pro tempore*. It is of high privilege, and the gentleman from Ohio is therefore entitled to the floor.

Mr. PAGE. Is there a motion to reconsider pending?

The SPEAKER *pro tempore*. The Chair is so informed.

Mr. BURCHARD, of Illinois. Pending that I raise the question of order, has not the House a right to raise the question of consideration, which the Speaker must submit to the House, namely: Will the House consider it now? If the House is averse to considering the motion to reconsider at this time, cannot the House so declare?

The SPEAKER *pro tempore*. The gentleman can raise the question of consideration.

Mr. PAGE. Then I ask the Chair to submit that question to the House.

Mr. LAWRENCE. When I called up the motion to reconsider I was entitled to the floor and have not yielded it.

Mr. HUBBELL. I renew the question of consideration.

Mr. LAWRENCE. This is a bill involving $150,000,000. It is a bill to put money into the Treasury.

Mr. RANDALL. It is too late to raise the question of consideration. The gentleman from Ohio took possession of the floor and yielded to me as chairman of another committee for the time being to make a report.

Mr. PAGE. The gentleman from Illinois reserved the right to raise the question of consideration.

The SPEAKER *pro tempore*. The gentleman from Illinois did reserve the right to raise the question of consideration, and he can do so at this time.

Mr. BURCHARD, of Illinois. I do not insist on raising the question of consideration.

Mr. LAWRENCE. It is too late for anybody else to raise it.

Mr. HUBBELL. I raise the question of consideration.

Mr. SCHLEICHER. I desire to make a parliamentary inquiry. I would like to know whether the unfinished business of the Committee on the Texas Border Troubles has not precedence of any new business?

The SPEAKER *pro tempore*. The Chair will state to the gentleman from Texas [Mr. SCHLEICHER] that if the House refuses to consider the privileged question now before it, that question may arise; but it does not arise at the present time, the regular order being the morning hour and the call of committees for reports.

Mr. LAWRENCE. This bill is necessary in order to save a large amount to the Government.

The question being taken on the question of consideration, there were—ayes 88, noes 12.

The point was made by Mr. MACDOUGALL and Mr. BANNING that a quorum had not voted.

Mr. BANNING. I make the point that a quorum has not voted, simply for the reason that I understand the gentleman from Ohio [Mr. HURD] has a substitute which he desires to offer for the bill of his colleague, [Mr. LAWRENCE;] and that gentleman is not here.

Mr. RANDALL. There is more than a hundred million of dollars involved in this bill due by the railroads to this Government.

Mr. MACDOUGALL. Will that spoil or waste before to-morrow?

Mr. BANNING. The gentleman from Ohio [Mr. HURD] will probably be here to-morrow.

Mr. LAWRENCE. The consideration of this bill was postponed on account of the gentleman from Ohio [Mr. HURD] going to the Saint Louis convention; but there was a distinct statement at the time, on the part of several members of the Judiciary Committee, that there would be no postponement after to-day. It is too much of a sacrifice to sacrifice $150,000,000.

The SPEAKER *pro tempore*. A quorum not having voted, the Chair will order tellers, and appoints the gentleman from New York, Mr. MACDOUGALL, and the gentleman from Ohio, Mr. LAWRENCE.

The House again divided; and the tellers reported—ayes 129, noes 22.

So the House agreed to consider the question.

The SPEAKER *pro tempore*. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. No. 3672) to amend the act approved July 2, 1864, entitled "An act to amend an act entitled 'An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes,' approved July 1, 1862," and other acts in relation to the railroad companies therein mentioned.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury shall at all times withhold payment of any money due from the United States to any railroad company which has received any gift or grant of land, or grant of a right of way or easement, or gift or loan of money or credit from the United States, whether such money so due be reduced to judgment or not, to the amount of any and all claims due from such company to the United States.

SEC. 2. That in any action or proceeding brought in pursuance of law by such company against the United States, any claim or demand in favor of the United States against such company may, at the election of the United States, be a set-off and pleaded as such, or may be made the subject of a separate action or actions in any court of competent jurisdiction.

SEC. 3. That all claims and demands for money due the United States from any such company, from the time they respectively become due, if payment be unreasonably withheld, shall bear interest at the rate of 6 per cent. per annum.

SEC. 4. That it shall be the duty of the several railroad companies to which bonds were issued under any of the several acts of which this act is amendatory to provide a sinking fund for the payment, according to law, of the interest and principal of such bonds, and for re-imbursing the United States for such sums as have been, and may from time to time be, advanced and paid by the United States upon such bonds and interest, and which may not be re-imbursed from compensation for services as now provided by law, and from 5 per cent. of net earnings. And for the purpose of providing such sinking fund said companies shall severally be required to pay into the Treasury of the United States, in addition to the said compensation for services and 5 per cent. of net earnings, the following annual installments, to wit: The Union Pacific Railroad Company shall, during the period of ten years from and after the 1st day of July, 1876, pay annually into the Treasury of the United States the sum of $750,000, to be paid one-half on July 1 and the other half on January 1 in each of said years. And during each and every year, commencing with the expiration of said period of ten years, the said Union Pacific Railroad Company shall pay into the Treasury of the United States $1,000,000 until the whole amount of bonds issued to said company, together with interest, shall have been fully paid, one-half of each annual installment to be paid on the 1st of July, and the other half on the 1st of January. And the said Central Pacific Railroad Company, on its own account and on account of the Western Pacific Railroad Company, shall, during the period of ten years from and after the 1st day of July, 1876, pay annually into the Treasury of the United States the sum of $568,210, to be paid one-half on July 1 and the other half on January 1 in each of said years. And during each and every year, commencing with the expiration of said period of ten years, the said Central Pacific Railroad Company shall pay into the Treasury of the United States the sum of $760,330, until the whole amount of bonds issued to said company, together with interest, shall have been paid, one-half of each annual installment to be paid on the 1st day of July and the other half on the 1st day of January: *Provided*, That the sums paid into the sinking fund under this act shall apply first to the extinguishment of interest and the balance to the principal of the aforesaid bonds. And there shall be paid into the Treasury on account of said sinking fund, annually, one-half on the 1st day of July and the other half on the 1st day of January in each year, by the Kansas Pacific Railway Company, $87,327; by the Central Branch Union Pacific Railroad Company, $22,296; and by the Sioux City and Pacific Railroad Company, $20,723, until the bonds issued to said companies respectively, and the interest thereon, shall be fully paid. And said several companies shall owe and be indebted to the United States in the several sums required to be by them respectively paid as aforesaid. And any company may pay any sum herein required to be paid in bonds, Treasury notes, or other evidences of debt against the United States, to be allowed at par.

The total sum required to be paid by any company in any one year by virtue of this act, and including said 5 per cent. of net earnings and said compensation for services as now required by law, shall not exceed the several sums following, to wit: By the Central Pacific Railroad Company, on its own account, $1,861,484, and on account of the Western Pacific Railroad Company $133,588; the Union Pacific Railroad Company, $1,969,462; the Kansas Pacific Railway Company, $489,034; the Central Branch Union Pacific Railroad Company, $124,856; and the Sioux City and Pacific Railroad Company, $116,050.

SEC. 5. That it shall be the duty of the Secretary of the Treasury to invest to the best advantage the money paid into the Treasury or collected in pursuance of this act on account of said sinking funds in any bonds issued by the United States, and to re-invest the same from time to time, with all interest and profits, and hold the same for the purpose of said sinking funds respectively; and at the maturity of the bonds issued to said railroad companies, to sell, dispose of, or otherwise apply said money and bonds, at not less than their par value, to the credit of said sinking funds respectively, in paying and canceling said bonds issued to said companies and the interest thereon advanced by the United States not already re-imbursed. But nothing herein shall require said 5 per cent. of net earnings or said one-half of the compensation for services rendered for the Government to be invested as herein mentioned.

SEC. 6. That if any such railroad company shall fail to pay any money or claim due or to become due the United States, or payable in pursuance of this act, such company shall be liable to an action therefor in any court of competent jurisdiction, at the suit of the United States. And it shall be the duty of the Attorney-General to institue the necessary suits and proceedings to collect said money and claims so due or payable, and otherwise obtain redress in respect of the same, and prosecute the same with all convenient dispatch to a final determination. And all such suits and proceedings shall have precedence in the courts over other cases.

SEC. 7. That it shall be unlawful for any such railroad company, or director, officer, or agent thereof, to make or pay, or cause or authorize to be made or paid, any dividend from the earnings, profits, or resources of such company, so long as such company may for sixty days be in default in paying to the United States any money due and owing by such company to the United States in pursuance of this or any act relating to such company or otherwise, the payment of which has been demanded of such company by the Secretary of the Treasury. Every person receiving such dividend shall be liable to refund the same to the United States; and every director, officer, or agent of such company who shall violate any provision of this section shall be individually and personally liable to account and to pay to the United States the whole amount of such dividend.

SEC. 8. That no director or officer of any company hereinbefore mentioned or referred to shall hereafter be interested, directly or indirectly, in any contract therewith, except for his lawful compensation as such officer. And every such person who shall violate the provisions of this section shall, on conviction thereof, be fined in any sum not more than $10,000 or imprisoned not exceeding one year, or both of said punishments may be inflicted.

SEC. 9. That any remedy herein provided shall not be deemed to deny, exclude, or impair any other heretofore existing in favor of the United States. And nothing herein contained shall affect any pending suit instituted under the fourth section of the act entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1874, and for other purposes," approved March 3, 1873. And nothing herein shall be deemed a waiver of the power and right of Congress at any time to alter, amend, or repeal this or any other act relating to any such railroad company; but such right and power are reserved to Congress. And nothing herein shall impair any right existing by law under the first-mortgage bonds issued under the act approved July 2, 1864, entitled "An act to amend an act entitled 'An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes,' approved July 1, 1862." And nothing herein shall be deemed a waiver of any right which the United States may have.

The SPEAKER *pro tempore*. The question before the House is on the motion of the gentleman from Ohio [Mr. LAWRENCE] to reconsider the vote by which the House recommitted this bill to the Committee on the Judiciary. The gentleman from Ohio is entitled to the floor.

Mr. LAWRENCE. It is tolerably evident that we will not be able to reach a vote on this bill this evening; and if it be agreeable to the House I will make a proposition which I think will lead to a disposition of it that I hope will be satisfactory on all sides.

I propose that the morning hour be allowed to-morrow; that after that there be two hours allowed for debate on this bill, equally divided, if there be anybody to speak against the bill, between those who are for it and those who are against it; that then the previous question be called; and that the closing hour be equally divided. I do not think, so far as I am able to learn, that there is any disposition on the part of those who have favored this bill, and who have examined it most, to consume any considerable time in the discussion. It has received more consideration than any bill that ever came before the Judiciary Committee during the years that I have been a member of that committee. It is very desirable that the bill should pass, and pass without delay, so that it may be acted upon by the Senate.

Mr. HENDEE. Let me inquire of the gentleman, if there is no opposition to the bill what is the use of three hours' debate upon it?

Mr. LAWRENCE. I stated that as the maximum time. If we find that there is no opposition to the bill, or but little opposition, we may close up the matter in half the time.

Mr. HENDEE. If there be no opposition to the bill, why not confine the debate to one hour after the morning hour to-morrow?

Mr. LAWRENCE. One gentleman, undoubtedly, desires to speak against the bill.

Mr. HENDEE. Is it the understanding that one hour after the close of the morning hour to-morrow the gentleman will call the previous question?

Mr. LAWRENCE. I propose that there shall be two hours' debate after the morning hour; after which I will call the previous question.

Mr. BANNING. I understand that the gentleman from Ohio [Mr. HURD] has a substitue which he desires to offer for the gentleman's bill. Is that the fact?

Mr. LAWRENCE. That is not my recollection. The gentleman from Ohio [Mr. HURD] did state to me, however, that he proposed to offer some amendments; and they may be in the nature of a substitute.

Mr. BANNING. I understand that the gentleman from Maine, [Mr. FRYE,] the gentleman from Ohio, [Mr. HURD,] and the gentleman from Wisconsin [Mr. LYNDE] are opposed to the bill reported by the gentleman from Ohio [Mr. LAWRENCE] and that they presented a minority report.

Mr. LAWRENCE. The gentleman from Ohio [Mr. HURD] and the gentleman from Maine [Mr. FRYE] have presented a minority report, which is printed. The gentleman from Wisconsin [Mr. LYNDE] has not united in any minority report.

Mr. BANNING. I understand that the gentleman from Ohio [Mr. HURD] has telegraphed that he will be here in the morning and that he wishes to speak on the bill.

Mr. LAWRENCE. Very well; my proposition will accommodate him. I propose that after the morning hour there shall be two hours' debate, and then I will call the previous question.

Mr. HURLBUT. I would suggest to the gentleman that to-morrow is private-bill day.

Mr. LAWRENCE. Private bills must give way to this.

Mr. RICE. That will be a matter of consideration for the House.

The SPEAKER *pro tempore*. This can only be arranged by unanimous consent.

Mr. WHITE. Then I object.

Mr. LAWRENCE. I hope the gentleman will not object.

Mr. WHITE. Before insisting on my objection I desire to make a parliamentary inquiry. If I understand correctly, the regular order to-morrow will be the consideration of the Private Calendar?

Mr. LAWRENCE. This will take precedence, because it will come up as unfinished business.

The SPEAKER *pro tempore*. If this is pending at the adjournment it would come up in the morning as unfinished business, and would take precedence of everything else.

Mr. WHITE. Then I withdraw my objection.

Mr. HOLMAN. I would suggest to the gentleman from Ohio, as the time to be allowed for discussing the bill is quite brief, that by unanimous consent the speeches be short. Let the time for speeches be fifteen minutes.

Mr. LAWRENCE. I am willing for that; we can arrange all that matter to-morrow. Let there be two hours' debate after the morning hour, and then let the previous question be called.

Mr. PAGE. I understand that this arrangement does not conflict with the morning hour at all.

The SPEAKER *pro tempore* It does not interfere with the call of committees for reports during the morning hour.

Mr. LAWRENCE. My proposition is that after two hours' debate, after the morning hour, the previous question shall be called.

Mr. WHITE. If this measure has precedence, why does the gentleman ask unanimous consent now?

Mr. LAWRENCE. I desire to fix a time for the consideration of this bill; otherwise it would take up the whole day, and we should lose the morning hour.

No objection was made, and the proposition of Mr. LAWRENCE was agreed to.

Mr. PAGE. I call for the regular order.

The SPEAKER *pro tempore*. The regular order is the call of committees for reports.

Mr. LAWRENCE. I must hold the floor, and therefore I move that the House do now adjourn.

WASHINGTON MONUMENT.

Mr. HOPKINS. Pending the motion to adjourn, I ask unanimous consent to take from the Speaker's table a concurrent resolution of the Senate in reference to the Washington monument.

The resolution was read, as follows:

Whereas it has pleased Almighty God to guide the United States of America safely through one hundred years of national life and to crown our nation with the highest blessings of civil and religious liberty: Therefore,

The Senate and House of Representatives in Congress assembled in the name of the people of the United States in reverent thankfulness acknowledge the fountain and source, the author and giver of all these blessings, and our dependence upon His providence and will; and

Whereas we recognize as our fathers did that George Washington, "first in peace, first in war, and first in the hearts of his countrymen," was one of the chief instruments of divine Providence in securing American independence and in laying broad and deep the foundations of our liberties in the Constitution of the United States:

Therefore as a mark of our sense of the honor due to his name and to his compatriots and associates, our revolutionary fathers,

We the Senate and House of Representatives in Congress assembled in the name of the people of the United States at this the beginning of the second century of national existence, do assume and direct the completion of the Washington monument in the city of Washington, and instruct the Committee on Appropriations of the respective Houses to propose suitable provisions of law to carry this resolution into effect.

Mr. RANDALL. The resolution provides for an appropriation, but there is no appropriation provided for in it.

Mr. HOPKINS. It directs the Committees on Appropriations of the two Houses to report a bill making the necessary appropriation.

Mr. HURLBUT. It is merely instructing the Committee on Appropriations, instead of the Committee on Appropriations instructing us, as they have been doing for the last six months.

Mr. ANDERSON. What amount of money will be necessary to complete this monument?

Mr. ATKINS. I hope the House will determine how much it means to appropriate for this purpose, and not leave it to the Committee on Appropriations.

Mr. HOPKINS. I do not know how much money would be needed. The resolution only came from the Senate to-day. I had no previous notice that such a resolution was contemplated. It passed the Senate unanimously. It provides that the Committees on Appropriations of the two Houses shall report a suitable bill, and it will be for those committees to ascertain the amount needed.

Mr. ANDERSON. I have no objection to the resolution.

Mr. HOPKINS. I have no desire to discuss the question, but I hope it will pass the House with the same unanimity with which it passed the Senate.

The question was taken, and the resolution was unanimously agreed to.

Mr. HOPKINS moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

OTOE AND MISSOURIA INDIANS.

Mr. PAGE. I desire to report from the Committee on Indian Affairs, with amendments, the bill (S. No. 779) to provide for the sale of the reservation of the confederated Otoe and Missouria Indians, in the States of Kansas and Nebraska.

The bill and amendments were read.

The SPEAKER *pro tempore*. Is there objection to the consideration of the bill at this time?

Mr. PAGE. I desire to say one word. This bill has the approval of the Indian Bureau, and was approved by the Committee on Indian Affairs of the Senate as well as by the committee of the House.

Mr. TERRY. I object to its consideration. [Cries of "Regular order."]

LEAVE TO PRINT.

Mr. LORD. I ask unanimous consent that my colleague from New York, Mr. LAPHAM, who was called home on public business and did not get back in time to make his speech upon the Geneva award bill, be allowed to have it printed as a part of the debates in the CONGRESSIONAL RECORD.

There was no objection, and leave was granted. [See Appendix.]

TELEGRAPHIC COMMUNICATION BETWEEN AMERICA AND ASIA.

The SPEAKER *pro tempore*, by unanimous consent, laid before the House a message from the Senate, requesting the return of the bill (S. No. 892) to encourage and promote telegraphic communication between America and Asia.

No objection was made, and the request was granted.

CHARLES DAIKER.

The SPEAKER *pro tempore*, by unanimous consent, also laid before the House a letter from the chief clerk of the War Department, transmitting reports of the commanding general of the Department of the Columbia on the case of Charles Daiker, of Sitka, Alaska; which was referred to the Committee on Military Affairs.

IRREGULARITIES IN PENSION CLAIMS.

The SPEAKER *pro tempore* also laid before the House a letter from the Secretary of the Interior, transmitting a communication from the Commissioner of Pensions recommending legislation authorizing him to waive irregularities in claims filed prior to July 1, 1876; which was referred to the Committee on Invalid Pensions.

WITHDRAWAL OF PAPERS.

Mr. LANDERS, of Indiana, asked and obtained unanimous consent for the withdrawal from the files of the House of the papers in the case of Mrs. Margaret A. Northeren for a pension.

Mr. WHITTHORNE asked and obtained unanimous consent for the withdrawal from the files of the House of the papers in the case of George P. Hebb.

LEAVE OF ABSENCE.

Leave of absence was granted as follows:

To Mr. PARSONS for one week;

To Mr. DENISON indefinitely from Monday last on account of sickness; and

To Mr. HARALSON for two weeks.

ENROLLED BILLS SIGNED.

Mr. HARRIS, of Georgia, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker *pro tempore* signed the same:

An act (S. No. 176) to authorize the Northwestern Improvement Company, a corporation organized under the laws of the State of Wisconsin, to enter upon the Menomonee Indian reservation and improve the Oconto River, its branches and tributaries;

An act (S. No. 369) to exempt vessels engaged in navigating the Mississippi River and its tributaries above the port of New Orleans from entries and clearances;

An act (S. No. 454) for the relief of the sureties of J. W. P. Huntington, deceased, late superintendent of Indian affairs in Oregon;

An act (S. No. 560) for the relief of Benjamin L. Cornish, late second lieutenant of the Thirty-second Wisconsin Volunteer Infantry;

An act (S. No. 728) for the relief of Martha J. Coston; and

An act (S. No. 962) to amend an act approved April 17, 1876, providing for the sale of a part of the custom-house lot in Rockland, Maine.

Mr. HARRISON, from the same committee, reported that they had examined and found truly enrolled a bill of the following title; when the Speaker *pro tempore* signed the same:

An act (H. R. No. 2575) to amend sections 3893 and 3894 of the Revised Statutes providing a penalty for mailing obscene books and other matters therein contained and prohibiting lottery circulars passing through the mails.

Mr. BAKER, of New York, from the same committee, reported that they had examined and found truly enrolled a bill of the following title; when the Speaker *pro tempore* signed the same:

An act (H. R. No. 3263) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1877, and for other purposes.

RANK OF THE PAYMASTER-GENERAL.

Mr. MACDOUGALL. I ask unanimous consent to report from the Committee on Military Affairs, with a recommendation that the same do pass, Senate bill No. 843, establishing the rank of the Paymaster-General.

Mr. HOLMAN. I insist upon the regular order.

The SPEAKER *pro tempore*. The regular order is the motion of the gentleman from Ohio [Mr. LAWRENCE] that the House now adjourn.

The motion was agreed to; and accordingly (at four o'clock and fifty minutes p. m.) the House adjourned.

PETITIONS.

The following petitions were presented at the Clerk's desk under the rule, and referred as stated:

By Mr. CASON: The petition of citizens of Des Moines Valley, Iowa, that Congress request the United States Supreme Court to issue a special mandate to the Federal courts in Iowa to postpone all action in reference to the Des Moines River lands awaiting the action of Congress upon certain memorials in regard to said lands, to the Committee on Public Lands.

By Mr. HOPKINS: The petition of Vincent T. d'Auville, a citizen of Pennsylvania, for compensation for the loss of time and property and for damages to his health and chances for advancement in life by reason of his illegal imprisonment by English authorities, to the Committee on Foreign Affairs.

IN SENATE.

FRIDAY, *July* 7, 1876.

The Senate met at eleven o'clock a. m.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Journal of yesterday's proceedings was read and approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. GREEN ADAMS, its Chief Clerk, announced that the managers on the part of the House at the third conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 2571) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1877, and for other purposes, having reported that they were unable to agree, it was

Resolved, That the House further insist on its disagreement to the amendments of the Senate to the said bill, and ask a further conference with the Senate on the disagreeing votes of the two Houses thereon; and that Mr. SAMUEL J. RANDALL of Pennsylvania, Mr. WILLIAM R. MORRISON of Illinois, and Mr. JOHN A. KASSON of Iowa be the managers at the conference on the part of this House.

PETITIONS AND MEMORIALS.

Mr. KERNAN presented the petition of Amy Otis, mother of Henry Otis, late of Company F, Ninty-eighth Regiment New York Volunteers, praying for an amendment to the fifteenth section of the act to revise, consolidate, and amend the laws relating to pensions, extending the time of limitation for obtaining arrears until the 4th of July, 1876; which was referred to the Committee on Pensions.

Mr. MERRIMON presented the petition of John H. Wheeler, D. C. Forney, and William Russell, citizens of the District of Columbia, praying that they be relieved from illegal assessments made by the authorities of Washington; which was referred to the Committee on the District of Columbia.

Mr. JONES, of Florida, presented the petition of Hannibal Rowe, of Milton, Florida, praying compensation for services rendered as agent of the United States Government while employed in protecting and preserving the live-oak timber in that State on the live-oak plantations belonging to the United States; which was referred to the Committee on Claims.

REPORT OF A COMMITTEE.

Mr. WITHERS, from the Committee on Pensions, to whom was referred the bill (S. No. 832) to increase the pension of Helen M. Stansbury, reported it without amendment.

BILL INTRODUCED.

Mr. WINDOM asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 978) extending and continuing the act entitled "An act to provide temporarily for the expenditures of the Government;" which was read twice by its title, and referred to the Committee on Appropriations.

SIOUX INDIANS.

Mr. INGALLS submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the President be requested to inform the Senate, if not incompatible with the public interest, whether the Sioux Indians made any hostile demonstration prior to the invasion of their treaty reservation by the gold-hunters; whether the present military operations are conducted for the purpose of protecting said Indians in their rights under the treaty of 1868, or of punishing them for resisting the violation of that treaty; and whether the recent reports of an alleged disaster to our forces under General Custer in that region are true.

FORT KEARNEY RESERVATION.

Mr. HITCHCOCK. I move that the Senate proceed to the consideration of the bill (S. No. 894) to provide for the sale of the Fort Kearney military reservation in the State of Nebraska. It is a bill that will take but a single moment. It was objected to by the Senator from Vermont [Mr. EDMUNDS] the other day, but I understand that he now withdraws his objection.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill.

The bill was reported from the Committee on Military Affairs with amendments.

The first amendment was in line 6, to insert after the word "only" the words "at the minimum price;" so as to read:

To offer said land to actual settlers only at the minimum price, under and in accordance with the provisions of the homestead laws.

Mr. HITCHCOCK. I ask to withdraw this amendment.

The PRESIDENT *pro tempore*. The amendment is withdrawn, if there be no objection. The Chair hears none.

The next amendment of the Committee on Military Affairs was to insert at the end of section 1 the following additional proviso:

And provided further, That the heirs of any person having made settlement and improvement as above described prior to June 1, 1876, may complete the pre-emption or homestead entry of the person so deceased.

Mr. HITCHCOCK. In line 14 I move to amend the amendment by adding after the word "any" the word "deceased," and to strike out the word "having" and insert "who had;" so as to read:

That the heirs of any deceased person who had made settlement and improvement as above described, &c.

The amendment to the amendment was agreed to.

The amendment, as amended, was agreed to.

Mr. FRELINGHUYSEN. I should like the Senator from Nebraska to be good enough to explain the nature of this bill.

Mr. HITCHCOCK. This is a reservation about ten miles square, two hundred miles west of Omaha. It has been abandoned for all military purposes. There is nothing on the land except the improvements placed there by settlers. Settlers have been there for some time; I do not know how long, but ever since it was abandoned, now two or three years ago. They have settled upon this reservation as they usually do in such cases, and this bill is to allow them to go on and pre-empt and homestead this land like any other land.

Mr. FRELINGHUYSEN. Is there any communication from the War Department upon the subject?

Mr. HITCHCOCK. There has been. The War Department approves it. The bill passed the Senate once before. The War Department approved the bill at that time.

Mr. SHERMAN. Let the first section be again read.

The Chief Clerk read the first section of the bill.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. MORRILL, of Maine. I rise to present a report of the committee of conference on the disagreeing votes of the two Houses on the legislative, executive, and judicial appropriation bill.

The Chief Clerk read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 2571) making appropriations for the legislative, executive, and judicial departments of the Government for the fiscal year ending June 30, 1877, and for other purposes, having met, after full and free conference have been unable to agree.

LOT M. MORRILL,
WM. WINDOM,
R. E. WITHERS,
Managers on the part of the Senate.

SAML. J. RANDALL,
OTHO R. SINGLETON,
CHARLES FOSTER,
Managers on the part of the House.

Mr. MORRILL, of Maine. I will simply send to the Chair and ask that the proposition of the conferees on the part of the Senate to the conferees on the part of the House of Representatives may be read at the Clerk's desk, and I ask the attention of the Senate to the proposition.

The PRESIDENT *pro tempore*. The Secretary will read what is desired.

The Chief Clerk read as follows:

The committee of conference on the part of the Senate submit that as anything like a just and intelligent adjustment of the salaries of the employés, clerks, heads of bureaus, chiefs of divisions and of the subdivisions of the Executive Departments, a service at once extended and diversified, must necessarily involve a critical and laborious examination into its details and duties, an undertaking quite impracticable in the last days of a session of Congress, and unwise to attempt in connection with an appropriation bill, the committee therefore propose, as a concession, in order to meet the views of the House on the subject of appropriations for the salaries, that the Senate will recede from its amendments to the bill of the House in this respect, and remit the question of the revision and adjustment of the same to a joint select committee of four, two of whom shall be appointed by the presiding officer of each House, whose duty it shall be to revise and adjust the salaries, having due regard to a just public economy and the efficiency of the service, and make report of their doing therein on the first day of the next session of Congress: *And provided*, That any change made in said salaries by Congress upon said report shall take effect from the 1st day of July, 1876; and all persons who shall be affected thereby and who shall continue in the service shall be deemed to have accepted the terms hereof and acquiesced therein.

But the Senate cannot, having regard to its constitutional rights and duties as a co-ordinate branch of the legislative department of the Government, assent to the changes in the existing law that it believes to be pernicious as the price of securing appropriations necessary to carry on the operations of the Government under the laws as they now exist. And upon the same principle the Senate does not demand that the House of Representatives shall vote to appropriate any money, even to meet the legal obligations of the United States, that the House may feel it to be its duty to refuse; thus leaving to each House absolute independence in respect of acceding or not acceding to new provisions of law that it believes to be unwise.

And the committee further submit that the Senate will recede from its amendments to the House amendments on the reduction of the civil list in the Executive Departments of clerks and employés, and agree to any amendments which shall reduce the number one-half that proposed by the bill of the House, observing in such reduction the exercise of such discrimination as to the needs of the service in the several subdivisions thereof as a careful examination of the same may indicate.

Mr. MORRILL, of Maine. Mr. President, I move that the Senate further insist upon its amendments and agree to the further conference asked by the House of Representatives, and if it is the desire of the Senate I will make some observations in regard to the attitude of the two Houses upon this great bill touching the entire civil service of the country and the circumstances surrounding it.

I begin by saying that the Committee on Appropriations of the Senate from the outset have been disposed, in great sincerity and candor and with alacrity, to meet every honest disposition on the part of the House of Representatives for retrenchment of the public expenditures, as I am sure every member of that committee will bear me out in saying, and as I certainly in turn will say of every member of that committee on the other side of the Chamber, and I am sure that those who have observed the temper of the Senate will agree that no other feeling or disposition has at any time been manifested except to meet every just demand for retrenchment which is consistent with the public service.

Now let us see what the precise points of the difference between the two Houses are upon this question. The House of Representatives sent this particular bill to the Senate, covering the entire civil service of the Executive Departments, with certain amendments: first, an amendment touching the compensation of this service and a change in the law in that respect and, secondly, a very large numerical reduction of the civil list. Those were the two fundamental propositions. The bill came from the House of Representatives at the end of six months to be considered by the Senate. To investigate a question so broad as anything like an intelligent and just consideration of the salaries would involve very great labor, very careful and exact consideration and detail, and a great deal of time. Now, consider that at the end of these six months the Senate was expected to consider and pass, or pass without consideration, the principal appropriation bills for carrying on the Government. That is the predicament in which the Senate found itself at the end of six months of the session of Congress.

What was to be done on the first proposition by your committee? By the exercise of the only function it is presumed to have, and the only real function it really has, it was to consider, first, what the service was, as established by law, and to provide for it; and if we had had any other function, that was the only practicable one at the late hour at which this bill came to us.

Mr. MORTON. Will the Senator before leaving that point state the extent of the changes?

Mr. MORRILL, of Maine. The extent of the changes covered the entire service. I am speaking now of the compensations to all clerks and employés receiving above $1,200 a year.

Mr. KERNAN. The Senator will allow me to ask what was the percentage of the general reduction?

Mr. MORRILL, of Maine. The percentage was not quite exact. It varied from 10 to 35 or 40 per cent.

Mr. EDMUNDS. It was a variegated percentage.

Mr. MORRILL, of Maine. Yes; the Senate will perceive there was no exact rule that could be applied. As a general proposition, 10 per cent. was applied to a certain class of clerks and employés above class one and up to class four, but beyond that it was irregular.

Mr. FRELINGHUYSEN. Not to interrupt the Senator again, I should like him to state what gross amount of reduction was made by the bills as passed by the Senate.

Mr. MORRILL, of Maine. In the whole?

Mr. FRELINGHUYSEN. What gross amount?

Mr. MORRILL, of Maine. On this particular bill?

Mr. FRELINGHUYSEN. No; the gross amount of all the appropriation bills.

Mr. MORRILL, of Maine. If my honorable friend will excuse me, I will come to that a little later. I should like to speak now of the difficulties the two committees have encountered in coming to an agreement on the disagreeing votes of the two Houses; and I am stating the difficulty your Committee on Appropriations found in the beginning. It was to enter upon the task of arranging the salaries of the entire civil service in the Executive Departments of the Government, and that, in the last month, it was to be hoped, of the session. If there were no question of law or parliamentary usage to control a matter of that sort, is it not obvious that such a task as that could not be undertaken? But your committee had no option about it. It had no right whatever to consider a question of a change of salaries. Its duty, and its whole duty, having charge of making appropriations for the service of the Government, was done when it had ascertained what that service was and the amount of appropriations demanded for it in order to comply with the requirements of law. That was the sum total, the beginning and the end of its whole duty, and anything else than that was a usurpation of the legislative functions of this body. Therefore the committee had nothing to do but to place that compensation where the law had placed it, and report the bill back to the Senate. I believe the Senate divided upon that whole subject but once, upon one single proposition, thereby approving as the committee had a right to believe and did believe the proposition that it was not the function of an Appropriation Committee to change the law, but to appropriate in obedience to it was the obvious duty of the committee.

We are met in conference upon the ground that the House of Representatives does not agree to the proposition of the Senate to place these salaries in harmony with the obligations of the law and the public service as established by law, but it will put its judgment and fiat against the Senate and against the law; it is insisted that it possesses that omnipotence which is peculiar to the House of Commons, and which practically constitutes the House of Commons the Parliament, and makes the Senate "the effete Lords of Great Britain." That is where we are. An appropriation committee has come to mean the will of one branch of Congress and but one, and on a question of that sort there is no co-ordinate branch; and that is the attitude in which the Senate is placed, and upon such ground as that conference is impracticable, conference is impossible because there is and there can be but one party to such a question.

Now, in order to get rid of this complication, let us see what the committee on the part of the Senate proposed. The House on the first conference, as I said on a former occasion, refused to concur with the Senate in placing the compensation in harmony with the law. They would appropriate no more. Very well. It must be seen that in order to get a conclusion there must be concessions on one side or the other. The Senate could not recede from its amendments and take the action of the House of Representatives changing by absolute law the entire salaries of the whole civil service in the Executive Departments. The Senate could not do that; especially the Senate could not do that if demanded as the price of any appropriation at all. To do that, was to concede that we were no longer a co-ordinate branch of the legislative department of the Government. It was abdication, as my honorable friend sitting near me [Mr. SHERMAN] says, absolute abdication. Well, if adhered to it is revolution. As

long as the House of Representatives simply insists, we are to confer; but when the House of Representatives gets so far that it adheres, it is revolution. That is what it is, absolute revolution. It is a defiance of the law, and that is revolution in this country. I maintain that in the Senate, in the House of Representatives, or out of it, the rule of right for our action here or elsewhere is the law, and it is equally obligatory on all; and whoever rebels against it is revolutionary.

What then did we propose? The House will appropriate no more than a certain portion for this compensation. We said, "We will take it, gentlemen." "Well, but there will be a claim for the balance." "Certainly there will." "Well, we shall be open to suit." Certainly you will, because this civil service is no myth. It is a reality; it is an entity. While it performs its duties it has its claims upon the Government as sacred as any right. It has a right to the compensations that are fixed by law until they are changed by the concurrent action of the two branches of Congress, with the assent of the President; and either branch that undertakes to innovate upon that basis gives the civil service a remedy against the Treasury of the United States. Now, how should such a complication as that be cut? The House would not yield, would not appropriate any more money; the Senate would not yield to the House to change the salaries. What, then, should be done?

The Senate conferees, in order to make a concession which would relieve the House from the appropriation of any more money, and in order to relieve the Senate from the embarrassment in which the House amendment changing the salaries had placed it, and maintain its own character and its own independence as a co-ordinate branch of the Government, said, "We will do this: we will take what you appropriate; but on the question what the salaries shall be for this particular year and for all the future, so far as we are concerned, we will remit that question to a committee of four appointed by the presiding officers of the respective branches, who shall revise and adjust the whole question of compensation covered by this bill; and, Congress enacting it, that shall be the compensation for this year." Is that fair? Is that a reasonable proposition? Can any Senator rise here and tell this committee if he can, pray instruct them, or some other committee, what is to be done in this difficulty consistent with the integrity of both branches of Congress, consistent with the views of economy which they present to us on the part of the House, and also consistent with our own prerogative or our own character as a co-ordinate branch of the Congress of the United States.

You will see, Mr. President, that instead of undertaking to arrange the salaries ourselves, which is an impossibility, if we were to try it at this period of the session, instead of taking these salaries from the House of Representatives and changing the law, we say to them, "Let the whole subject be revised, and whatever shall be the judgment of Congress upon that revision, the report being made on the first day of the next session, that shall be the law and that shall be the compensation." Provision is made in this proposition to the end that all persons in the civil service shall take notice of the fact that we are revising the salaries, and if they continue in office up to the time when the change is made the changed compensation shall be that which they shall receive.

If more can be done consistent with the integrity of this body, let some man here proclaim it. So far as I am concerned, with every disposition to make honorable and just concessions to the House of Representatives, and only anxious to guard against the perils of an assumption which denies to the Senate of the United States the rights of a co-ordinate branch of the Government on questions of this sort, I have done the utmost in my power to conciliate and to concede everything that would bring us to a conclusion.

So much for the first part. The next proposition was the reduction of the numerical force. The House of Representatives propose to reduce that force twelve hundred. I appeal to my associates on the committee if they do not believe we all acted in perfect good faith and with a desire to meet the House of Representatives at the very lowest figure consistent with the public service. The committee came to the conclusion that something like a third of the proposed reduction was all that the public service would bear without being crippled. I desire that the Senate should understand how we got at that. It was by no guess. In the first place this committee has some experience on this subject. Year after year since the war was over, since it became necessary to curtail the expenditures of the Government, it has been our annual, obvious, and exigent necessity to examine into this service in detail. We think we know something about it; but we are not apt scholars, perhaps. However, with that knowledge which we have, we made application to the heads of the Departments and Bureaus having this great duty in charge, requiring them to institute a careful inspection into the whole service and to report to the committee the lowest figure to which that service could be reduced with a view of meeting the House of Representatives as far as was practicable, consistent with the public welfare.

Thereby we reached the conclusion previously stated. But here is the disagreement. The bills must be passed in some way by some mutual concession. The House of Representatives stands on a reduction of twelve hundred, which is one-fourth of the entire service, and the Senate on its judgment, backed by the authorities at the head of this service, stands on one-fourth of that. What is to be done? This last proposition meets the House of Representatives half way. Why? It is better that the public service should suffer somewhat than to encounter the perils which will come from a disagreement on this subject; and therefore, although it is the judgment of your conferees that this concession will to some extent injure the public service, will involve a good deal of difficulty first and last, yet on the whole it is best to make that concession, distributing it carefully over the various Departments, and take the consequences, whatever they are. How is that received? Absolutely rejected. The Senate will judge what is to be done after that.

Now, just a word about the difficulties in which we are. It is said that we are dividing on a small matter. Well, Mr. President, if you look at this question of salaries as applicable to the clerks—I am not now speaking about the compensation of the members of Congress; but, taking this rule as it applies to the clerks, it is so small that it seems to me, standing by itself, it would be so immaterial—the mere dust in the balance—that you could hardly suppose the Congress of the United States would accord it a moment's consideration, as surely they would not. Now, what is the trouble? How much do Senators suppose is in controversy on that simple question of salaries touching the clerks? I see it is stated in the RECORD this morning that it all amounts to only $250,000, or less than $300,000.

Mr. WINDOM. Right at that point will the Senator allow me to make a suggestion?

Mr. MORRILL, of Maine. Certainly.

Mr. WINDOM. The Senator will bear in mind that a proposition was made from the House conferees to reduce on the second-class clerks $50 a year, on the third-class $50, and on the fourth-class $100, and that, footed up, makes less than $100,000, so that it is not the amount so much as the principle of coercing the Senate into an agreement on a change of the law.

Mr. EDMUNDS. That is all they care about.

Mr. MORRILL, of Maine. That shows how trivial a thing it is in the way of economy to touch those salaries; and that shows how right we were in our belief that the reduction of salaries fixed in 1854 when the purchasing power of the dollar was twice what it is now, particularly as applied to this city, is not the real point and that this effort is not in the interest of a just economy. I do not mean to impeach the motives of the House of Representatives. I have said heretofore and I repeat now that they think this can be done. I give them all credit; but I do not believe it ought to be done, nor do I believe it can be proved to anybody that a crusade upon salaries fixed in 1854 under those circumstances and never touched by the party in power down to this day is a matter of public necessity, or that there is any public justice in the attempt to raid upon the clerks in these Departments for any such purpose. It is too insignificant altogether for the consideration of statesmen.

Now let us see the order of events by which it comes to pass. The first event of which this is the outgrowth was the attempt of a committee to gather unto itself all the power of legislation upon an appropriation bill. There is where it began; and only in this light can you see the significance of what has been attempted, and only in this light can you see the importance of performing our duty to this Senate to-day and to the country to-day on the whole question of the salaries.

Do not understand that I am here to invoke the Senate of the United States to stand firm as to the change of a salary of a clerk from $1,400 to $1,350. That is not a subject of very great gravity in my mind, but the principle that lies behind it, the authority that demands the right to do it as against the Senate, covers the whole field of legislation and annihilates the Senate of the United States in principle. That is what it is. Now let us follow this out a little and we shall see the consequence of this change which we resist, of this undertaking to tell the Senate of the United States how much shall be appropriated and what laws shall be changed. Let us see what has been done on the line of the change of the public service through a Committee of Appropriations simply, whose functions are rather administrative than legislative. This is not the only instance. Other things in their order came up on other bills.

On the bill appropriating for the Army is a re-organization of the whole Army of the United States, a thing so delicate, a thing so complicated, a thing so critical in all its relations, as was well explained by my honorable friend from Illinois, the chairman of the Military Committee, [Mr. LOGAN,] that it would take months of the time of those best acquainted with the subject to comprehend it; and yet the whole thing is proposed to be done upon an appropriation bill. And, Mr. President, just in harmony with the purpose—just in harmony with the act—for I will not talk of motives or purposes—what do you find? It is proclaimed that the Army is altogether out of place in our system. Yes, sir; that has gone to the country absolutely that the Army of the United States is utterly out of place in our system, and one honorable gentleman has said here or somewhere else that he believes it is not only useless but on the whole it is pernicious in this country; that all we needed, he believed, was about three regiments of cavalry and those should be under the direction of the Interior Department to guard the frontiers against the Indians. See what a predicament we should be in. Abolish all the Army except three regiments and cover them into the Interior Department; and then abolish the Indian Bureau and cover that into the Army! That is the condition in which these bills come to us.

Then following out the same policy, you had a re-organization of the Navy to some extent, and then you had an abolition, absolute and unqualified, of the Indian Bureau, and then you had a repeal of the enforcement act. Think of that! You had a repeal on an appropriation bill of the enforcement act and of the election laws, and in consequence of that, of course you had a large reduction of the expenditures necessary for the maintenance of those acts.

Then again, as if the extravagance of the Government was so extreme that no branch of the public service could be omitted, you had an entire revision of the diplomatic and consular relations of this country. The salaries of this service were established in 1856, resting upon the basis of 1856. Now the expenses of living are increased very largely over the expenses of living at that day in all quarters of the world, and everybody who knows much about our foreign affairs knows that we pay our diplomats much less than any nation at all comparable with us as a power. That must all be revised and reduced, as if we stood in the presence of some overpowering exigency!

Mr. SHERMAN. With my friend's permission I will move that the order in regard to the meeting of the court at twelve o'clock be postponed until one to allow this matter to be discussed and disposed of.

Mr. EDMUNDS. It would be better to say "until the termination of this business."

Mr. SARGENT. We ought to notify the House, and so fix a definite time.

Mr. SHERMAN. Yes, I think we ought to fix a definite time. I think we ought to finish this matter; it is pressing. I think we had better fix an hour so as to notify the House.

Mr. EDMUNDS. I think we shall lose time by fixing an hour. I think it would be better to say, "until this matter is terminated, and that the House be informed when we are ready to receive the managers."

Mr. SHERMAN. I will make a motion that the trial be postponed for the present, and that due notice will be given to the House when the Senate is ready to proceed with the trial.

Mr. THURMAN. What is the pending question?

The PRESIDENT *pro tempore*. The report of the committee of conference on the legislative, executive, and judicial appropriation bill.

Mr. THURMAN. If I comprehend the object of my colleague in his motion, it is that the Senate shall take some definite action on this report.

Mr. SHERMAN. There is a request for another conference.

Mr. THURMAN. I wish to understand the precise question before the Senate.

The PRESIDENT *pro tempore*. The Senator from Maine has moved that the Senate insist on its amendments, and grant the request of the House for another conference. That is the pending motion.

Mr. THURMAN. Then, if it is in order to say a word on the motion of my colleague, I wish to say that I do not see why we cannot vote on that motion at once; but if there is to be a heated debate here, an impeachment trial, not of the late Secretary of War, but of the whole House of Representatives, or at least a majority of that House, I do not know when this debate will end.

Mr. SHERMAN. Does not my colleague see that it is very proper that the Senator from Maine should give to us the status of this question, just as was done in the House? I think the Senate is not to be led into a heated debate about this matter, but it is manifestly proper that we should understand the status of the bill.

Mr. THURMAN. I do see a propriety in our knowing the status of it; but as to the propriety of the heated and impatient manner in which the statement is made and the declaration that attributes to the House revolutionary proceedings, that is another question.

Mr. MORRILL, of Maine. Mr. President, I do not give way.

The PRESIDENT *pro tempore*. The Senator from Maine resumes the floor.

Mr. SHERMAN. I hope the question will be put on my motion.

Mr. MORRILL, of Maine. I will yield for that purpose.

Mr. THURMAN. One word more.

Mr. MORRILL, of Maine. I do not yield.

The PRESIDENT *pro tempore*. The Senator from Maine does not yield.

Mr. MORRILL, of Maine. Especially if the Senator attributes to me what I did not say. I said nothing which authorized the Senator from Ohio to make his remark that I had charged revolutionary purposes or proceedings upon the House of Representatives. I was stating of certain tendencies and certain results, and what they would be if they reached that point; and I said nothing of the purposes of the House of Representatives except what is honorable to them, nor do I intend to; but upon the status of things between the House of Representatives and the Senate of the United States, my honorable friend will pardon me if I state the exact condition of things; and I hope to be decorous in doing it.

Mr. President, I have said all I care to say about the pernicious policy of undertaking to gather into an appropriation bill the legislative functions of Congress and to insist upon enforcing that upon the Senate of the United States. I know, as everybody knows here, that we have been accustomed from time to time, on the one side and on the other, to propose alterations in the statutes of the country upon appropriation bills. That has been done, and that will be done, but it always implies of course the consent of both sides. Where an amendment of a statute is proposed by one side and the other side dissents, the party proposing is the innovating party, and so far as I know in the whole history of the country the innovating party always retires. If the Senate, for instance, proposes a material change in the law upon an appropriation bill or upon any other bill, but particularly upon an appropriation bill, which the House of Representatives does not see fit to accede to, it is the bounden duty of the Senate to retire from it. The law still remains, and is the law of the land, here as everywhere else. That is all I meant to say, and that is all I did say.

I hope, therefore, my honorable friend from Ohio will not think it is quite right for him to say that I have arraigned the House of Representatives as a revolutionary body. Nothing was further from my purpose, and nothing was further from anything I said. I repeat, Mr. President, that we are not quarreling or dividing (dividing is a better word, I withdraw the other) upon the question of the salaries of fourth-class clerks, fifth-class clerks, sixth-class clerks, or what not. We are dividing upon the general power undertaken to be exercised against the Senate to require it to receive whatever appropriation the House of Representatives sees fit to send to it, accompanied by whatever change of the law it sees fit also to send.

The PRESIDENT *pro tempore*. The Chair will interrupt the Senator to receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. G. M. ADAMS, its Clerk, announced that the House had passed the following bills:

A bill (S. No. 382) to appropriate $1,000 to remove the remains of Hon. E. Rumsey Wing, late minister to Ecuador, from Quito to the cemetery at Owensborough, Kentucky; and

A bill (S. No. 872) for the relief of the family of the late John T. King and of L. B. Cutler.

The message further announced that the House had agreed unanimously to the resolution of the Senate of July 5, 1876, relative to the completion of the Washington Monument in the city of Washington.

The message also announced that the House returned to the Senate, in accordance with its request, the bill (S. No. 892) to encourage and promote telegraphic communication between America and Asia.

The message further announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. No. 2685) for the distribution of the unappropriated moneys of the Geneva award; and

A bill (H. R. No. 3849) for the relief of James W. Harvey and James Livesey, of the firm of Harvey & Livesey, of Wisconsin.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker *pro tempore* of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore*:

A bill (S. No. 176) to authorize the Northwestern Improvement Company, a corporation organized under the laws of the State of Wisconsin, to enter upon the Menomonee Indian reservation and improve the Oconto River, its branches and tributaries;

A bill (S. No. 369) to exempt vessels engaged in navigating the Mississippi River and its tributaries above the port of New Orleans from entries and clearances;

A bill (S. No. 454) for the relief of the sureties of J. W. P. Huntington, deceased, late superintendent of Indian affairs in Oregon;

A bill (S. No. 560) for the relief of Benjamin L. Cornish, late second lieutenant of the Thirty-second Wisconsin Volunteer Infantry;

A bill (S. No. 728) for the relief of Martha J. Coston;

A bill (S. No. 962) to amend an act approved April 17, 1876, providing for the sale of a part of the custom-house lot in Rockland, Maine;

A bill (H. R. No. 2575) to amend sections 3893 and 3894 of the Revised Statutes providing a penalty for mailing obscene books and other matters therein contained and prohibiting lottery circulars passing through the mails;

A bill (H. R. No. 3263) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1877, and for other purposes;

A bill (S. No. 435) to amend section 5546 of the Revised Statutes of the United States providing for imprisonment and transfer of United States prisoners;

A bill (H. R. No. 702) for changing the name of the steam-propeller Senator Mike Norton to America;

A bill (H. R. No. 2676) for the support of the government of the District of Columbia for the fiscal year ending June 30, 1877, and for other purposes; and

A bill (H. R. No. 3839) to authorize the Commissioner of Indian Affairs to purchase supplies for the Indian Bureau in open market.

VOLUNTEERS FOR SIOUX WAR.

Mr. PADDOCK asked, and by unanimous consent obtained, leave to introduce a joint resolution (S. R. No. 20) to authorize the President of the United States to accept the services of volunteers to aid in suppressing Sioux Indian hostilities in the Northwest; which was read twice by its title.

Mr. PADDOCK. I move that the joint resolution lie on the table and be printed, and I desire to give notice to the Senate that to-morrow I shall call it up for consideration.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. G. M. ADAMS, its Clerk, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. No. 3749) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1877, and for other purposes, and asked a conference with the Senate on the disagreeing votes of the two Houses thereon.

EXTENSION OF LEGISLATIVE SESSION.

The PRESIDENT *pro tempore*. The hour of twelve o'clock having arrived, the legislative and executive business of the Senate will be suspended, and the Senate will proceed to the consideration of the articles of impeachment exhibited by the House of Representatives against William W. Belknap, late Secretary of War. The House of Representatives will be duly notified.

Mr. SHERMAN. I move that the court adjourn until to-morrow at twelve o'clock.

Several SENATORS. O, no.

The motion was not agreed to.

Mr. SHERMAN. I will then move that the court take a recess until two o'clock, with a view to finish the consideration of the legislative appropriation bill.

The PRESIDENT *pro tempore*. The Senator from Ohio moves that the Senate sitting for the trial of the impeachment adjourn until two o'clock.

Mr. SHERMAN. And on that motion I call for the yeas and nays.

The yeas and nays were ordered.

Mr. DAVIS. I understand——

Mr. SHERMAN. The question is not debatable. I should like to debate it myself if I could.

Mr. DAVIS. I was going to ask the chairman of the Committee on Appropriations if one o'clock would not be sufficient, instead of two o'clock. I see no use of extending the time more than one hour.

Mr. MORRILL, of Maine. That will be time enough.

Mr. DAVIS. Then I move to amend the motion by fixing one o'clock.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from West Virginia to the motion of the Senator from Ohio.

Mr. FRELINGHUYSEN. I hope that the amendment will prevail. There are peculiar reasons why we should hear the Senator from Maine, and I understand that he will not want to occupy more than an hour.

Mr. DAVIS. I understand that the Senator from Maine thinks one o'clock will afford sufficient time.

Mr. SHERMAN. I will accept the amendment, and modify my motion so as to say one o'clock.

Mr. MORTON. I will state that there are other Senators who desire to be heard upon this question. It is a question of great importance and cannot be passed over by shutting everybody out. I hope the time will not be limited to one o'clock.

Mr. EDMUNDS. Would it be in order now to move to amend the proposition so as to order that the business of the Senate sitting for this trial be suspended until the further order of the Senate, of which the House of Representatives will be notified?

The PRESIDENT *pro tempore*. Such a motion would be in order.

Mr. EDMUNDS. If that be in order, I move it as a substitute for the pending proposition.

The PRESIDENT *pro tempore*. The Senator from Vermont moves that the proceedings of the trial be suspended until the further order of the Senate, of which the House of Representatives shall be notified.

Mr. CARPENTER. I suggest to the Senator to also embody in his motion that the defendant be notified.

Mr. EDMUNDS. I suppose it will only be for two or three hours any way. I do not suppose anybody will go away.

Mr. CARPENTER. Very well.

The motion was agreed to.

LEGISLATIVE, ETC., APPROPRIATION BILL.

The PRESIDENT *pro tempore*. The Senate resumes its legislative business. The pending question is on the motion of the Senator from Maine, [Mr. MORRILL,] that the Senate further insist upon its amendments to the legislative, executive, and judicial appropriation bill disagreed to by the House of Representatives, and agree to the further conference asked by the House, on which the Senator from Maine is entitled to the floor.

Mr. MORRILL, of Maine. Mr. President, I have said all I desire to say, and more than I intended upon the branch of the subject to which I had been adverting. I said that I believed the Committee on Appropriations on the part of the Senate had from the beginning been disposed to meet the House of Representatives in a spirit of candor and fairness, appreciating their motives and willing to cut down the public service to the lowest point practicable. That is my belief, and I think the unanimous feeling of the Committee on Appropriations.

I now purpose to tell the Senate exactly what we have done and what has been realized, what the House of Representatives has done for the public service in the way of reduction and what the amount of reductions on the part of the Senate has been, and how the public service is left by its action.

I hope the Senate will give me their attention on this subject, because I think they will be surprised to see how near the House of Representatives and the Senate really stand upon the question of the appropriations for this year. There is an impression in the country, as there is here and in the House of Representatives, that the Senate has stood obstructing the reductions of expenditures.

The House of Representatives say to the country that we are supporting a very redundant service; that it is plethoric, that it needs to be curbed, to be pruned. In many respects that is true; but I think I am authorized to say that a wrong impression has prevailed about this service, and it is time the Senate of the United States addressed itself to a consideration of the subject. In the last three years we have reduced this very service about which so much complaint is made $33,000,000.

Whoever supposes that the Senate of the United States has been redundant upon this question of appropriations, year in and year out, has a total misapprehension of the labors and the performance of the Senate of the United States.

In the first place, and I mention it not particularly to criticise, it is said that the House of Representatives have reduced by their bills over the appropriations of last year $39,000,000. I will have very little to say about that, except that apparently it would seem to be true; that is to say, assuming that the amount of the appropriations last year was in round numbers $177,000,000, as it was. My understanding of it, which I get from a careful examination of the bills, is that the bills as they passed the Senate reduced the appropriations over those of last year $22,000,000. The difference, then, between us would seem to be that between $22,000,000 and $39,000,000. I do not speak with entire accuracy, but I speak with approximate accuracy. Now, how shall we account for that difference?

In order to see whether that reduction of $39,000,000 is really what it seems to be, it is necessary that there should be some analysis of the appropriations on the part of the House. In the appropriation bills of last year there was a deficiency of $4,000,000, and in making this estimate of $39,000,000 the House inadvertently reckoned that in as a reduction of the expenses of this year. Of course that should not be counted in. That would reduce their expenditure to $35,000,000. Then they have re-appropriated balances, a thing quite unprecedented as a general appropriation; that is to say, starting upon a career of economy, starting upon the idea of making a large reduction of the public expenditures apparent to the public, they count in, in the first place, the deficiency bill of last year, which does not belong to this year at all because it is not a reduction anywhere; then they re-appropriate balances, and they do not count those as an appropriation at all, that is to say, balances due from this service of the last fiscal year. Instead of making a direct appropriation out of the Treasury they re-appropriate that balance.

Mr. WEST. Without mentioning the amount.

Mr. MORRILL, of Maine. Without mentioning the amount. That does not go into the appropriation, and their appropriation seems to be less by so much as are those unexpended balances of the last year. I have not gone into those. I do not know but that some of my colleagues on the committee have; I have not. I have seen it estimated elsewhere to have been five millions in all. The whole of the re-appropriation is put at five millions. If you deduct that, then what? That brings it down to $30,000,000; that is to say, they have reduced the appropriations this year from those of last year $30,000,000. Then where do we stand? The Senate have conceded to the House of Representatives within $8,000,000. That is not bad. I am inclined to think I shall surprise many of my honorable friends here when I state this fact. I am now undertaking to justify the action of the Senate and the Senate committee. I will show you by and by that in some respects we have done this very reluctantly. I think it has been overdone; but it has been done in the spirit of concession to the House of Representatives. I think the House of Representatives have exacted more than they were authorized to exact of us in just public economy.

My judgment is that it will be found when the year expires that by reason of these reductions very large deficiencies will be required, and that is the way they will be made up. We shall get through this year; we shall get over this particular occasion, and when we come to reflective days in the future we shall see that we have struck the service down below its demands, and shall be obliged to make appropriations for deficiencies to no inconsiderable extent.

Now let us see how the House of Representatives manage to reduce the expenditures—rather the appropriations. That must be interesting to us all. How do they make the appropriations of this year fall so much below the appropriations of last year? I have already remarked that in the first place they got rid of the Indian Bureau; in the second place they went at the foreign service; in the third place they went at the Army—they did not want any Army; and in several other particulars they interfered with the public service. But coming down now to that service which is not fixed and certain by law, there is where the innovation begins; and what did they do? I will show you how they managed to reduce in the sundry civil bill. The sundry civil bill of last year was $29,459,855. The House appropriated $15,256,731.32 in this year's bill. The sundry civil bill is well understood by the Senate to mean that which covers all the outlying service in great variety, and the House of Representatives reduced that $14,000,000. How were they able to that? Did they have an intelligent appreciation, a solicitous regard for the service?

Let us see how they accomplished it. I will give you some of the items. It will be too tedious for you to listen to a detail of the whole, but I will give you some as a sample. There are two ways of reducing expenses. Everybody understands that. If your housekeeping has become very expensive this year you will sell off your carriages, you will dismiss your servants, you will break up a variety of things so as to curtail expenses. Now the House of Representatives adopted two methods: first, to curtail the salaries in the way of compensation; secondly, to dispense with certain branches of the public service. The first item we come to, to account for this reduction in the sundry civil bill, is in regard to navy-yards. We appropriate annually for the support of the navy-yards from one million to a million and a half of dollars ordinarily; latterly, a little less, about a million or a million and a quarter.

Mr. THURMAN. Are those appropriations made in the sundry civil bill?

Mr. MORRILL, of Maine. Yes, sir; in the sundry civil bill.

Mr. THURMAN. Is that the proper place for them?

Mr. MORRILL, of Maine. Yes, sir; all that outlying service goes into the sundry civil bill; it is usual there, and there it was not found this year, but was put in by the Senate. That service covers all the expenditures for all the navy-yards. I do not mean the appropriations for improvements, but for the civil force for the maintenance of the organization of the navy-yards. What did they do with that? Left it out altogether.

Come to another item, the question of fortifications. The estimate for fortifications this year was $3,315,000. What did they do with that? Appropriated $315,000; and what about the $3,000,000 omitted? What do we do? We accepted their action. Why? It was discretionary with the House of Representatives whether they would do it or not, and it was obvious enough that they did not intend to do such a thing as that; and that is a question over which either branch of Congress has control, particularly these outlying matters. Will not the Senate perceive how easy it is to retrench, to reform, and to reduce if you neglect the public service altogether in whole or in part? That is the way to account for it.

Now, what is to be said about that? It is a public service omitted, is it not? When does it come back to us? Next year, of course. It is a service omitted; I speak of the fortifications. As to these navy-yards, does anybody suppose that they are to exist without an appropriation?

Mr. SHERMAN. Is there no appropriation for repairs or painting, or anything of that kind?

Mr. SARGENT. Not a dollar.

Mr. MORRILL, of Maine. Then, Mr. President, another item is the judicial expenses of the Government, amounting to a little over $3,000,000 now. They have been increased of late years. The judicial expenses of the Government have been increased from various considerations. I will not stop to state them. They were appropriated for last year at something like three millions, perhaps a little over. The reduction on that was $834,250. Why? They do not want so much judicial proceedings this year. That is obvious, and I think I am authorized to make the remark from the fact that they repealed certain laws which involved large expenditures in the way of judicial proceedings; and that may be consistent. So you may go on and enumerate. If you are disposed to give up the public service, there is no end to your retrenchment. But the question for the Senate of the United States is, What does the public service demand? That is the question that comes home to every one of us, and that is the paramount question wherever it arises.

Further on we come to the Court of Claims. Has the Court of Claims any claims on Congress? We established the Court of Claims; we invite suitors there; we inspire the confidence that they will have justice done them there; and the legitimate inference would be that we would pay the judgments if they are against us. Well, they are estimated to have rendered judgments to the amount of $2,000,000 against the United States, but not a farthing is appropriated in the bill, not a penny. What becomes of the Court of Claims or what becomes of the judgments of suitors? Their payment awaits what? It awaits the good favor of the House of Representatives to appropriate money to pay the judgments which the suitors having been invited into the court have obtained against the Government of the United States. That is $2,000,000 more. I believe in almost every instance those judgments have passed through the Supreme Court of the United States and have the sanction of it. Now, it is an easy thing to save money in that way. Any man almost in his private affairs can be very saving if he will pocket other people's money and then refuse to pay his debts and he can get immunity from it. That is one way to reduce expenditures—an easy way!

Then again there is the item of public buildings, and a saving of $1,987,160 is made over last year for public buildings. Well, I agree that that is a field where there is the exercise of a discretion undoubtedly, and undoubtedly this is one of the years when a sound discretion should be exercised; but my own belief about it is, considering these public buildings as a necessity, and considering the money spent in them an investment which is not lost, that we have cut them down unreasonably. Yet the House thought otherwise, and the Senate consented. I believe we objected in one or two cases, Saint Louis was one; we generally concurred with the House. What has been saved? It is said, and the idea is given out, of large saving in public expenditures. Are we not going to finish these buildings? Of course we are. If we do not finish them this year, is it money absolutely saved? That depends upon whether you can sell the buildings for what they cost, and want to sell them; but if they are to stand there to waste, it is not money saved, it is not a just economy and a just administration of public affairs at all. I am accounting, remember now, Mr. President, for the reductions this year from the expenditures and appropriations last year.

Now I come to the Bureau of Engraving and Printing, $800,000. That is saved by the ordinary operations of the public service. We are not doing as much printing, and I hope we shall do less. The good day indicated by the resumption act, by the abolition of note printing and the introduction of silver, enables us to do that. It will enable us to do many more things, and when it is consummated our finances will be in a much better condition than they are at present.

Another item is as to the surveys of the public lands. Usually we appropriate something like a million or a little more than a million dollars to survey the public lands. Our domain is immense, as you know. It has been considered a good policy to survey the public lands. Heretofore I believe without exception, during the whole series of years that I know anything about the Senate, we have thought it one of the proper things to be done to open the public domain, to survey the public domain, and last year we appropriated about $1,000,000 for that purpose. This year it is thought good economy to save $630,000 on that, and so for that particular item there is that much less than was appropriated last year.

But I shall weary the patience of the Senate, I am sure, if I go on with these items. I give you these samples. This is the way these appropriations have been reduced. In many instances I approve them; in many instances, I am sorry to say, I do not to the extent proposed; but where the service has been flexible, where the House of Representatives has a right to exercise judgment, in regard to that, in every instance, the Committee on Appropriations on the part of the Senate have made ample concessions; and we are not dividing on any of them.

Now let me refer to one other item which is of a class omitted entirely from the public service, and goes into this estimate. We appropriated last year $1,060,000 toward the government of the District of Columbia. I would not like to enter upon that subject; but that we have some obligations to the District of Columbia I think is apparent from the fact that it is the capital of the nation; we have public buildings and grounds here; we own in the way of valuation at least one-half of all the property here, and in the end we shall have much more than one-half of all that is or ever will be here. We have an interest in it. That we have no obligations toward it, for myself, I have never supposed. I have believed that we have obligations to it. There is an administration here, civil and political, and we owe something to it. The appropriations for it last year were $1,060,000, not a penny this. What is to be done? I appeal to the Senate now whether that is a right thing to do in regard to the District of Columbia. I appeal to the Senate whether they believe there is a condition of things in this country which justifies the Congress of the United States in neglecting altogether any contribution to the government of the District of Columbia. That is the way to save money apparently; that is the way to keep down an appropriation bill; and does anybody suppose that the District of Columbia will have no claim on us in the future? Is there any Senator here who expects to be here next December who does not expect to hear the clamor come up from the District of Columbia for help? Does anybody here believe that there is any saving in leaving it out now? For myself I do not believe it. The Senate did non-concur in this matter so far as to appropriate $500,000, the fate of which I have not learned; but I have said sufficient upon that branch of the subject.

I wish now to say one thing more as to what the Senate has done approximately, and I shall relieve the patience of the Senate. I think it necessary that I should inform the Senate, because we are supposed to have been a little disposed to hold back from what the House of Representa ives has done in a spirit of economy. I have already stated that the sundry civil appropriation bill last year was $29,000,000 in round numbers. The House made it $15,000,000 this year in round numbers, and the Senate made it $19,000,000. The Senate you will see appropriates $10,000,000 less than it did last year. On what ground do they do that? It will be said at once, "on the ground that you are not so expensive this year;" and therefore it becomes necessary for us to consider the elements that go into this reduction of the Senate bill from $29,000,000 to $19,000,000, a reduction of $10,000,000.

Without specifying details, seeing the purpose of the House of Representatives to make the greatest possible economy in their judgment, and being disposed to meet the House of Representatives upon that basis, which I have already considered somewhat at length in stating their side of it, we have reduced the public service beyond what we believe it ought to be. That is the way to account for it and that is the way it stands. I will enumerate some of the branches of the service where we have made concessions which will have to be made good by an appropriation by a deficiency bill next year as certain as the service exists.

The revenue-cutter service has been reduced $250,000. I do not think it ought to be reduced a dollar. It is that sort of service that has a perfect establishment. You cannot reduce it without injuring its efficiency. But we yielded to that.

Take the judicial expenses of the Government, $838,000 reduction. Upon any basis that we know anything about, upon the representation of the Department of Justice, the appropriation is too low; but between this and December what they have got is enough, and when December comes the Department of Justice will raise its voice to justice for its needs, and a deficiency bill will supply what we now leave out.

Now as to public buildings; we put them in last year and would have been glad to put in this year; but out of deference to the House we agreed to leave them out.

Then you come to the Washington Aqueduct, $790,000; and then to the District of Columbia, $1,060,000, to which I have already referred; we leave that out except as to $500,000, the fate of which I say we do not know.

In this way it will be seen that I explain on behalf of the Committee on Appropriations of the Senate how it is that we consent to reduce the appropriations in the sundry civil bill from $29,000,000 to $19,000,000, and are still perfectly consistent with the idea that the public service is not what it is supposed to have been.

One other observation and I shall have done. It is said that what we have witnessed since this Congress began is all in the interest of an exigent public necessity; that the deficiency of our revenue estimates demands all that is being done and much more besides. I think it was enunciated on the floor of the Senate in that kind of emphasis which I was complained of exercising by my honorable friend from Ohio, [Mr. THURMAN]—I would remind him that he sometimes gets emphatic—that it was obvious that we must retrench, or tax, or borrow to preserve the public credit. It was a phrase so compact and so easy of transportation that it went everywhere; and particularly as it went from the lips of my honorable friend at the time it did, it made an impression all over the country that we were absolutely in a dilemma where we must either tax or borrow money, or must do some extraordinary thing in regard to expenditures. Of course I make no objection to the emphasis of my honorable friend, but to the general statement I do.

Now what is the fact? The late Secretary of the Treasury in his report told us that the receipts for the next year would be equal to all the obligations of the Government, including the sinking fund. I know, in answer to that, it will be said that since that time there has been a falling off in the customs revenue. That is true; but how much? Not above $6,000,000. And do those who reckon in that way know that the balances saved from the appropriations of the last year nearly meet the deficiencies up to this time? That is never taken into account; nobody has even observed that so far as I know. Ah, it may be said that we appropriated extravagantly last year. No, not at all. Under the present accountability of the Departments it has become the policy of Congress, and no sounder policy ever did exist, to say to these Departments, "You shall not spend one dollar for anything except for that for which it was specifically appropriated." Therefore, it will be seen that it has become the necessity of Congress to appropriate amply for the service, and the balance goes into the public Treasury. That accounts for the latitude in some of the branches where appropriations have been made. But what has been the result? The accountability under the act of 1870 has become so strict and so exacting that whoever is disposed to read the estimates, the appropriations, and the expenditures of the Government can tell what they are for each year with as much certainty as he can tell the state of his own private account, unless there is fraud and forgery in the exhibit. Now what I mean to say is that the expenditures of this year fall short of last year over $6,000,000.

As to next year, the latest estimate that I know anything of from the Treasury is: From customs, $150,000,000; from internal revenue, $122,000,000; from miscellaneous sources, $19,000,000; making $291,000,000 in all. If those receipts are to be realized, and they stand as against $303,000,000 last year, then the revenues of this Government are ample for all its purposes. Of course, it does not lie in human wisdom to say with entire accuracy whether that will be so or not. General causes operate upon our customs receipts and upon our internal revenue; but the probability, from the best information the Department has upon the subject, is that our revenues from all sources will amount to $291,000,000, which will be, according to the appropriations of this year, ample to meet all the obligations of the Government, including the sinking fund.

Mr. CONKLING. May I, without incommoding the Senator, ask him a question?

Mr. MORRILL, of Maine. Certainly, for I am about through.

Mr. CONKLING. Will he be good enough to state first the difference in the post-office appropriation bill between the amount proposed by the Senate and the amount to which the Senate ultimately agreed; and the same statement, if he has it before him, touching the naval appropriation bill?

Mr. MORRILL, of Maine. I can give that information as furnished to me very kindly and courteously by the chairman of the House committee. I have a list of all the bills, and I will give it to the Senate if it is desirable. Take the pensions; the pension bill, as reported by the House, was $29,923,500, and as passed by the Senate the same.

Mr. WINDOM. At that point I will suggest to the Senator whether that is not the whole estimate for this year.

Mr. MORRILL, of Maine. Precisely.

Mr. CONKLING. And there the two Houses agreed in the beginning; that is, we adopted the House bill.

Mr. MORRILL, of Maine. We adopted the House bill. That was the appropriation. It was simply the estimate, and understood by both Houses to be the exact demands of the service.

The Military Academy bill was $231,241 as passed by the House, $280,850 by the Senate.

Mr. CONKLING. What was the amount agreed upon?

Mr. MORRILL, of Maine. The bill is in conference. The consular and diplomatic bill as it passed the House was $922,847.50, and as it passed the Senate $1,341,647.50, which was the estimate and the appropriation for last year. The fortification bill was $315,000 as it came from the House, and the Senate passed it in concurrence at the same amount. The legislative, executive, and judicial bill as reported to the House was $14,009,871.61; as it passed the Senate, $16,635,338. As it is still in conference it cannot be told how it will come out. It will probably be somewhat reduced from what it passed the Senate, perhaps half a million or a million. On the basis of the proposition of the Senate conferees it will be reduced at the rate of from half a million to a million.

The river and harbor bill, somewhat unlike the exterior defenses, as it passed the House appropriated $5,872,850. It is still with the committee of the Senate, and of course I can say nothing of that. The deficiency bill for this year was $671,486.74 as it passed the House, and $840,831.27 as it passed the Senate.

Mr. CONKLING. Has that bill been agreed to?

Mr. MORRILL, of Maine. That bill has been agreed to, and appropriates for the deficiencies of the entire service for this year, except a small bill that passed early in the session in regard to some expenses of the House of Representatives.

The post-office bill as it passed the House appropriated $4,230,906 as deficiency over the postal revenues, and as it passed the Senate $7,286,647. The Senator from Louisiana [Mr. WEST] is better informed on this subject. There has been a conference upon it and there has been an agreement, and my understanding is that the result is a reduction of the bill somewhat as it passed the Senate.

Mr. CONKLING. That amounts to $5,667,498, as given by the Senator from Louisiana.

Mr. MORRILL, of Maine. Reduced a million from what it passed the Senate, and that results from some change of the public service, precisely what I am not well advised.

Mr. SHERMAN. I ask my friend from Maine if it is true—it has been stated elsewhere—that the compensation of the great body of the postmasters has been raised rather than lowered by that conference report?

Mr. MORRILL, of Maine. I do not know that I can speak with entire accuracy about that; but I should answer, from what I understand about it, numerically yes; that is to say, the salaries, as applicable to the lower class, which are the numerous class, have been raised; but my colleague will know how that is.

Mr. SHERMAN. I understand it has been stated elsewhere, and it ought to be put on record here, that the salaries of the great body of postmasters have been raised by the action of the committee of conference on the post-office bill.

Mr. MORRILL, of Maine. My understanding of that is—and if I am incorrect my colleague, who is chairman of that committee, will correct me—that the salaries of all postmasters below $1,500, who number about thirty thousand, have been increased either directly or indirectly.

Mr. HAMLIN. No, sir.

Mr. MORRILL, of Maine. Then I withdraw anything I have said on that subject as being inaccurate and ill-advised.

Mr. HAMLIN. If my colleague will allow me, I think in the scale adopted by the committee of conference it is probable that in one case in twenty that scale operates to increase some small offices and I think usually in less than $100, while the general reduction of the whole scale is between $400,000 and $500,000.

Mr. EDMUNDS. On salaries?

Mr. HAMLIN. On salaries.

Mr. MORTON. What percentage on the larger salaries?

Mr. HAMLIN. The postmasters that received $4,000 are uniformly reduced to $3,000 and some below $3,000. Those who received $3,000 are reduced perhaps on a general average to about $2,500.

Mr. MORRILL, of Maine. The naval bill as it passed the House of Representatives was $12,432,855.40, and as it passed the Senate $14,857,855, and as it became a law, $12,740,000. The Indian bill as it passed the House appropriated $3,900,000 in round numbers, and as it passed the Senate $4,900,000.

Mr. SHERMAN. Will my friend allow me to read what was stated by a member of the conference committee in the House, which I think is proper as matter of historical information? The Senator from Maine ought to correct it if it is wrong.

Mr. EDMUNDS. I do not think the Senator ought to read anything that was said in the House of Representatives.

Mr. SHERMAN. As a matter of information?

Mr. EDMUNDS. If it is read it must be commented on, and that leads to the difficulty the rule meant to prevent.

Mr. SHERMAN. I do not propose to comment on it at all, but to state facts.

Mr. EDMUNDS. But it would give anybody else the right to comment on it, and I do not think that is in order.

The PRESIDENT *pro tempore*. The Chair sustains the point of order.

Mr. SHERMAN. I call the attention of the Senator from Maine to a statement made positively, and he can correct it himself in parliamentary language.

Mr. MORRILL, of Maine. The Army bill as it passed the House was $23,192,334.22 and as it passed the Senate $27,715,572.20. The sundry civil bill I have already stated.

And, now, Mr. President, I have done. Thanking the Senate for their great consideration and patience, apologizing to them for the severe infliction I fear I have put upon them and knowing that I am not likely to repeat it, I take my leave of the subject and the Senate.

Mr. MORTON. Mr. President, the principle involved in the discussion this morning and in the apprehended dead lock between the two bodies is one of the utmost importance to the independence and character of this body, and it is one which, if carried out, involves the existence of any form of government, two houses instead of one constituting its legislative department. Has the House of Representatives a right to say to the Senate, "We will refuse to make appropriations which the general laws of the land require unless you will consent to the alteration of those laws; we will refuse to make an appropriation unless you consent that some law, which is obnoxious to one party or to the House, shall be changed or repealed?" That proposition involves the principle of nullification, pure and simple; it involves the precise position taken by the State of South Carolina in 1831 and 1832. South Carolina then said to the Government of the United States: "The tariff law is unconstitutional, and it is obnoxious; unless you repeal that law we will nullify it." Now, has the House of Representatives on the one hand, or the Senate on the other, a right to say to the other House, "A general law is obnoxious or it is unconstitutional in our view; unless you consent to repeal or to modify that law we will nullify it by withholding all the appropriations necessary to carry into operation the existing law?" Whenever either House takes that position it is nullification, it is revolution, and you can make nothing else out of it.

Mr. BOGY. That is to say, you mean that the Senate nullifies the action of the House.

Mr. MORTON. No, sir; I say if either House puts itself into that position, that is nullification. For example, here is a general law on the subject of the tariff. Suppose the Senate should say to the House—to avoid giving offense I will put it in that form—suppose the Senate says to the House "This tariff law is wrong," and, when the appropriation bill comes, attaches an amendment to it repealing certain sections of the tariff law, the House does not agree to that amendment, therefore the Senate says, "If you do not consent to this modification of the tariff law we will withhold all appropriations for custom-houses, for the collection of the revenue; we will nullify the whole law on the subject of collecting duties upon imports." If the Senate puts itself in that position, the Senate is a revolutionary and a nullifying body, and cannot justify its action for one moment; or if the House puts itself in that position, it assumes the attitude of a revolutionary or nullifying body.

Take for example the Army bill. Suppose the House attaches to the Army bill a provision repealing an election law, a law providing for the purity of elections; the Senate will not consent to the repeal of the election law; the House says, therefore, "We will make no appropriations for the Army." It says to us, "Repeal the election law or we will strike down the Army." That is no legitimate argument. Neither House has a right to do anything of that kind; that is the end of a government by two Houses instead of one. We should then be driven to go back to the old Roman senate, or to the French system, and have but one House instead of having two. If the House says: "You like the election law so well you will not repeal it, we will destroy the Army; take your choice; take your choice between giving up the election law or giving up the Army entirely," the House has no right to say that to us; it is the end of government if it does. Whether the election law is right or not is a question which the House has a right to present as a separate proposition; it is a fair matter of discussion between the two Houses. If we cannot agree to repeal or to amend it, the law must stand. But when the House comes in and says, "Repeal that or we will destroy the Army," that is illegitimate, it is revolutionary. It is the old argument, "Your money or your life."

So in regard to the Treasury Department. The House says, "The Treasury Department is one-half too large; it has too many employés; now, agree to reduce them one-half or we will destroy the whole Department, we will refuse to make any appropriations at all for the Department." Has the House a right to do that? As to whether a general law providing for the organization of the Treasury Department ought to be amended is a fair question for debate; but if it is not amended, it must stand; and until it is changed it is the duty of both Houses to appropriate according to the requirements of that law. But suppose the House says, "The Treasury Department is too large; it is too costly; reduce it one-half, or we will destroy it." Is that legitimate; is that constitutional? Can you carry on this Government upon that principle at all? Certainly not.

Take the case of the Army. Suppose it is proposed to reduce the Army one-half. We do not agree to that. The House says, "Then we will destroy the Army altogether; take one-half or take none; you must either take half a loaf of bread or take none." Suppose they should say in regard to the Navy: "The Navy is too large by one-half; reduce it one-half, or you shall have no Navy at all; we will make no appropriation for a single ship; we will tie them up at the docks to rot, or we will anchor them out in the stream and let them sink gradually." I therefore appeal to the Senate upon the principle involved here. I say that sort of threat, "Yield to our views about the election law, yield to our views about the size of the Army, yield to our views about the cost of the Treasury Department, yield to our views upon this subject and that, or if you do not do it we will destroy the Government," that argument is illegitimate, it is unconstitutional.

If there is a proposition on an appropriation bill to change a general law, if both Houses do not concur in it, then the House proposing it should yield. In other words, they have no right under the Constitution and under their oaths to withhold the necessary appropriations because the change of a law outside of these appropriations is not conceded. We are now brought face to face with that principle. If it is proper for the House to say to us, "Reduce your Army one-half or we will destroy it," they then put us in that trying position, and we should be required to argue with ourselves, "Well, must we yield up our convictions in order to save a part of the Army?" Has one House the right to put the other in that position? Suppose the House says to us, "Yield up your convictions about the election law," an outside thing altogether, affecting other matters; "yield that up or we will take away from you the Army, we will make no appropriations for it at all, and of course it must fall to pieces." Can the House say that inside of constitutional government? I say not. Beware, then, of the precedent you set in this matter. If one House can nullify a law because the other House does not consent to amend it, it is the end of a government with two Houses. We should then come back to one House only, where there can be no conflict of that kind.

It is then, Mr. President, a sharp issue, and there is no dodging it. The simple question is whether we shall be driven to a change of general legislation by the threat of destroying the Government, or of stopping the wheels of Government, or of stopping a particular department in the Government. That is the whole question. They can argue with us upon general principles, persuade us that the thing is wrong, that it ought to be changed; but to say to us, "If you do not agree to what we want, then we will destroy the whole thing," is no argument addressed to our reason. It is simply an argument addressed to our fears. We are, then, put in the position of saying we would rather yield on this subject than have the Government stop; we would rather surrender our judgment than to lose the Army or lose the Navy, or stop the wheels of the Treasury or any other Department of the Government. It does seem to me that no Senator can consent for one moment to the recognition of that principle. Whenever the argument of destruction is addressed to us we should resist it, and we should say to those who offer that argument and take that position, "Take the consequences of your revolutionary and unconstitutional proceedings."

Mr. THURMAN. Mr. President, will the Chair state what the question is that is before the Senate?

The PRESIDENT *pro tempore*. The Senator from Maine moves that the Senate further insist on its amendments and agree to the further conference asked by the House of Representatives.

Mr. THURMAN. That I supposed to be the question; and, so far as I know and believe, there is not a Senator in this Chamber who is not prepared to support that motion; and, if the question had been taken upon it as soon as it was made, it would have been unanimously adopted, and the Senate could have gone on with the quiet and orderly proceedings of the body. In view of this fact, I for one cannot help feeling some surprise that the very air of this Chamber has rung, for the last few hours I was going to say, but at any rate for an hour or more, with language of alarm, with language calculated to excite people's fears and imaginations, with talk about threatening the destruction of the Government, stopping the wheels of the Government, nullification, reducing the Senate to the condition of an effete House of Lords, and the like. Why, in the name of common sense and reason, what ground is there for all this declamation? Who has heard of any threat of destroying the Government? Because the House of Representatives exercises its own judgment, who is authorized either directly or by implication to charge that House, or a majority of its members, with being any less patriotic or any less devoted to the Constitution, or any less devoted to the Government than the Senators on this floor? Who is authorized to treat their adherence to their own opinion upon an appropriation bill, peculiarly a subject for legislation by the House, as a menace to the Senate, an attempt to coerce the Senate, an attempt to carry an obnoxious measure by a threat of stopping the wheels of Government? I must say, Mr. President, that if we are to have the appropriation bills passed, if the Government wheels are to run smoothly, this is not a very good way to achieve that purpose.

What is this great complaint that is made? That the House has introduced legislation into an appropriation bill? Pray is this the first instance of legislation in an appropriation bill? The Senator from Indiana alludes to an election law and says the House wants it repealed. How did that election law come to be the law? How did that measure which for the first time subjected the elections

of the States to the supervision of Federal officials become a law? There, sir, it lies before me [holding up the statute-book] in the midst of an appropriation bill—put in the midst of an appropriation bill in this very Senate. That is how it came to be a law. But if the House cannot put legislation in an appropriation bill, or the Senate cannot do so without infringing upon the rights of the other branch of the Legislature, pray let me ask the Senator from Indiana, who talks about nullification, what right have both Houses together to put legislation in an appropriation bill and coerce the executive department, the President, to sign the bill or go without the means of carrying on the Government?

Mr. MORTON. Will the Senator allow me to answer?

Mr. THURMAN. When I am done, because I know from experience the Senator will make a speech instead of answering a single question. I say it is idle alarm; and it is extraordinary that at this stage of the session the time of the Senate should be occupied by speeches that sound much more like speeches from the stump than speeches from the Senate Hall.

Mr. President, there is no man on this floor who approves, when it can be avoided, inserting important legislation in appropriation bills. We all admit that it is a vicious practice. Everybody, I have no doubt, in the House admits that it is a vicious practice. Every party has admitted that it is a vicious practice; and yet every party has done it under peculiar circumstances. Every party has from time to time resorted to it. They have not gone as far as our English ancestors. They have not made a grant of subsidy by the House of Commons a condition of grants to be made by the Throne, or concessions to be made by the House of Lords. No House of Representatives has ever done that yet. No House of Representatives has ever said to the President yet "We grant you subsidies on condition that you do thus and so." Our English ancestors have done it again and again. It was the strongest weapon of the people against the prerogative of the Crown. But under our form of government the President is supposed to have no prerogative, to be an independent branch of a limited government, and not to be coerced as the English House of Commons has coerced the monarchs of England. That is our idea, and therefore I do not say that the House of Representatives should ever go as far as the British Commons have gone; but I do remember when a certain Andrew Johnson was President of the United States that more than once he was compelled to swallow most distasteful legislation or let the appropriation bills fail. It was considered a good precedent then to make him acquiesce in the policy of the dominant party in these Halls.

Now, Mr. President, there is no nullification at all in this business; there is no disrespect to the Senate in the action of the House. I will take one of the cases put by the Senator from Indiana. He said, "Suppose the House should say 'reduce the Navy one-half or we will make no appropriations for the Navy.'" Sir, I can suppose a case in which it would be the duty of the House to say that very thing, in which it would be for the public interest rather to abolish the Navy altogether than to maintain it at the status in which it existed at the time; and so with the Army, and so with almost any other department that is not absolutely essential to the working of the Government. Of course you cannot abolish the judiciary without abolishing the means of obtaining justice. You cannot abolish the Treasury. Of course you can do no such thing as that. You must provide for the executive department. But I take the very case put, and I say that upon the high responsibility of their oaths and their duty to the country, it might be, although not likely to be, that the House or the Senate would be justified in saying, "Reduce the Army one-half, reduce the Navy one-half, or take the alternative of no Army or no Navy at all." That might be so.

Mr. SHERMAN. Does my colleague now assert in the presence of the American people that either House of Congress may say that the Army must be reduced one-half or entirely abolished, the Navy reduced one-half or entirely abolished, at the will of a single House of Congress?

Mr. THURMAN. Who said that? I say that if that is the judgment of that House it is bound to stand by its judgment; if that is its judgment it has a right to stand by its judgment. That is no dictating to the other House. Each House must stand by its judgment. What right has either House to say to the other, "You shall not exercise your own judgment?" That will not do at all, Mr. President. It is no dictating; it is no violation of either the letter or the spirit of the Constitution. The House of Representatives say, "We consider a certain reform more material than a certain appropriation." Now, if it were reduced to a single appropriation no one would hesitate for a moment in saying that the House was perfectly right. You might say that one House would not be right in losing a whole appropriation bill for an entire Department of the public service because of the refusal of the other to repeal a particular obnoxious piece of legislation; and yet if it were reduced to a single appropriation in regard to a single item every one would say at once that if that appropriation was not absolutely essential to the carrying on of the Government the House might, if in its judgment it was proper, say, "Repeal that legislation or you do not get that appropriation."

Mr. MORTON. Will the Senator allow me a question?

Mr. THURMAN. Yes, sir.

Mr. MORTON. The Senator is speaking of the election law, and says it was an amendment put by the Senate into an appropriation bill. So it was. Now suppose when that bill went back to the House of Representatives that House had refused to accept the amendment and sent the bill back to the Senate; if the Senate had then said, "You must accept this election law, or we will make no appropriation," the action of the Senate would have been nullification and revolution. But the House did not say that; the House took the election law, and it became the law of the land. Now the House puts a provision to repeal the election law on an appropriation bill. If the House should say to us, "Repeal this law or we will make no appropriation," what would that be but nullification and revolution?

Mr. THURMAN. O, nullification, Mr. President, is like a great many other things that are flaunted in people's faces now, that are full of sound and fury, and signifying nothing. There is no nullification in it at all. If without any good reason, if upon some mere proposition to repeal some insignificant law, or to enact some insignificant law, either House should say to the other, "Unless you enact this law, or unless you repeal this law, insignificant or unimportant, there shall be no appropriations at all to carry on the Government," that, I agree, would in practice be revolutionary; but you must judge every case by its own particular merits. If you had a President in the executive chair that you had good reason to believe was seeking to overthrow the liberties of this country, some man who was contriving to march into the Hall of the House of Representatives and tell his underlings to "remove that bauble," the mace of the Speaker, and to say to the Representatives, "Leave this chamber; the Lord has no further use for you;" some man like Napoleon, to enter into the French Assembly and order them out at the point of the bayonet—if you had reason to believe that there was some man at the other end of the Avenue plotting against the liberties of the people and the Constitution of his country, you would be perfectly right in refusing him one dollar; nay, it would be your duty to do it. That would not be revolution; that would not be nullification; but that would be the exercise of the power vested in you by the Constitution for the preservation of the Constitution and the liberties of the people.

But what is the use of talking as if we stood upon a volcano? What is the use of this alarm this morning? Here is a case of a very serious disagreement, I admit, between the two Houses; but no one has a right to suppose that either House is more patriotic than the other or that either House means to menace or to threaten the other.

Mr. President, I shall not go into anything like an examination of the figures presented by the chairman of the Committee on Appropriations. I am not qualified to do so. I do not belong to that committee; nor have I been, fortunately for me, on any of these committees of conference. If I were I should want time to examine his figures and his statements. I do not complain that he has made a statement for the Senate, although I must say, if I may do so, as I do with entire respect for him, entire respect for the intellect and the services of that distinguished Senator, that there was something of vehemence and passion in his manner this morning that did not look like the beginning of a peace conference; and when it is followed up by declamation about nullification and by an appeal to Senators not to have their independence trampled under foot by the House of Representatives, I do not quite understand the scene that has been enacted here to-day.

Mr. LOGAN. Mr. President, I certainly did not intend to take any part in this discussion, but the language uttered by the Senator from Ohio has been of such an extraordinary character that I feel called upon at least to make some remarks in reply to a portion of the statements made by him. The particular remark that calls upon me to say anything was that if the House of Representatives or the Senate either should conceive the idea that any branch of the Government, or, to state it as he did, that the Army or the Navy was in excess of what it ought to be, they would be perfectly justified in refusing an appropriation unless a reduction was made.

Mr. THURMAN. I did not say that broadly at all.

Mr. LOGAN. Then I will ask the Senator to state what he did say.

Mr. THURMAN. I said there might be a case; I did not say that case was now.

Mr. LOGAN. I did not say that you said it was now.

Mr. THURMAN. I said I could suppose a case in which it would be perfectly justifiable for either branch of Congress to take that ground.

Mr. LOGAN. Very well.

Mr. THURMAN. I can recollect when this country would have gone on in the old times of peace, perfect peace and quiet, when, if there had not been one hundred soldiers in the United States, the Government would have got along as well and the people been as happy as if there had been all that there were then.

Mr. LOGAN. The Senator from Ohio seems to be excited this morning, and probably he does not see exactly the force of the remarks he makes himself.

Now, sir, I believe that the statement made by the Senator that a case might arise where one House would have the right to demand of the other that they should do certain things or have no appropriation to carry on the Army is revolutionary in fact. It is what the Senator from Indiana denominated it, both nullification and revolution; and the suggestion probably is timely that where revolutions may not be successful by force they may possibly be brought about in a

peaceful manner by stubbornness. There would be no way more effective in this country to disorganize and destroy the Government than for one House to take upon itself to demand of the other that it should agree to a certain character of legislation or have no appropriations to carry on the Government. Why, sir, there could be no more effective plan adopted for the destruction of the Government than that would be.

Let us see for a moment, and I desire to discuss this matter in a dispassionate way. The two Houses of Congress, if I understand the Constitution, are based upon a perfect equality. They both are the representatives of the people, the members of the House the direct representatives of the people and the members of the Senate the representatives of the people of the various States, each House having equal power in matters of legislation; and neither branch has a right to say that anything shall be a law unless the other branch concurs. This, I believe, is a fair statement of the proposition; and when any Representative or Senator shall say that either branch of Congress has a right to demand that certain legislation shall occur or certain things shall not occur, they are usurpers of a power which the Constitution does not give them. They are attempting to take upon themselves the power of the House of Commons, not under a constitution like ours, where the powers are assigned and delegated to each branch of the Government.

In reference to appropriation bills, the Senator says that many times legislation has been interpolated in such bills. That is true; legislation has been put upon appropriation bills by either House of Congress at different times; but it was such legislation as was in consonance with the views of both Houses of Congress; it was such legislation as both Houses of Congress concurred in; and when both Houses concur in certain legislation it is, although not a good precedent, immaterial whether it is on an appropriation bill or not. But when one House proposes to put legislation on an appropriation bill and the other does not concur, then it is an attempt to force legislation that both branches of Congress do not agree to; which is unconstitutional legislation, for the Constitution requires the assent of both branches of Congress, and of the President also, to make legislation perfect.

Now, look at the attempt that is made and the argument that is made. I notice from reading the RECORD that certain gentlemen assert that the House of Representatives has the right, they do not say in so many words, to legislate, but that is clearly the inference, in respect to money bills. It has been asserted in this Congress that the House of Representatives has the sole right to originate and suggest what money bills shall be, and that it is the duty of the Senate to assent to that because the House has the right of origination. I differ with that logic. I do not believe the House has the sole right to originate appropriation bills. By precedent alone they have the right. The only right of originating bills given to the House alone is as to bills for the raising of revenue. They have a right to originate all bills for raising revenue, tax-bills, bills in reference to the tariff; but an appropriation bill to expend money is a different thing; and yet I do not care to discuss it, because precedent has given their origination to the House. Let them have it; but they have no right to say that because they originate such bills they can legislate as they please in them without the concurrence and sanction of the Senate and the President.

Now, what do they propose? They propose that, unless we reduce the Army by a very great reduction in numbers, muster out certain officers, hold others in reserve until vacancies occur, and also reduce their salaries to a very great and considerable extent, there shall be no money appropriated for the Army of the United States. They propose that unless we transfer the Indian Bureau to the War Department there shall be no money appropriated for the Indian service. They propose that unless we repeal the election law as applied to cities of over 20,000 population on the sundry civil bill there shall be no appropriation for the objects covered by that bill. I do not know that they propose to stand by that, but that is their proposition on appropriation bills and they say that they have the right to place this legislation upon them and that it is our duty to assent to it.

For one, while I remain in this body I am a representative in part of my State, sent here under and by virtue of the power of the people, a right having been given to them by the Constitution to be represented here for the purpose of joining in legislation; and unless my consent with that of others making a majority, or a majority without my consent, shall concur with the House in a bill proposed by them, it is not legislation; and I say to my brother-Senators now that when an attempt is made to put a law on the statute-book by putting it in an appropriation bill that does not meet my views, if the House do not withdraw it, it never can have my assent, and if I were in the House of Representatives I would maintain the same proposition. If I were in the House of Representatives the Senate should not force upon me, at least, a law if my voice was required to give it assent, to give it force, unless that law was in accordance with my views.

But it was said here the other day that the Army was once regulated by an appropriation bill. That is true, but that was by the consent of both Houses of Congress. It was a bill that I draughted myself and the only difference between the House and the Senate was in details. That bill was agreed to by both Houses of Congress and was put on an appropriation bill by a committee of conference, and not in the House or in the Senate. I offered it in the committee of conference myself, and it was agreed to; agreed to because both Houses were in favor of that line of policy, although they differed in reference to the details of the matter. But I being on the committee of conference then, if the Senate had said, "We do not concur in that legislation," I would have said "of course I shall withdraw it." It would have been my duty to do so as one of the conferees; it would have been the duty of the House to do it, as it is now; and I would do the same as a Senator. Any proposition that we should put on an appropriation bill that did not meet the assent of the House, I would vote at once to withdraw from the appropriation bill when it was returned to the Senate, because we have no right to say "Stand and deliver, or give me your life." No, sir; this proposition, in my judgment, is for the purpose of making a little capital before the country. If any capital can be made before the country by refusing to appropriate money to carry on the affairs of this Government, gentlemen are perfectly welcome to have the benefit of it so far as I am concerned. If it was left to me—and I only speak for myself—I would stay here until the termination of my time in the Senate before I would ever agree to a proposition on an appropriation bill because it was demanded with a hand at my throat. I would stand and say "Appropriate the money under the law as the law requires, a certain amount of expenditure for the purpose of carrying on the Government. That amount of money I will appropriate; but when you come to put on the appropriation bills vicious legislation and that which I do not consent to, I never will agree to do and never consent to it so far as I am concerned."

It is not necessary for one House to undertake to drive the other; it is not necessary for one House to undertake to demand of the other that they shall do certain things unless we lose our independence as a deliberative body. And, sir, I will say further—I might as well say it while I am up—that this attempt at legislation on appropriation bills at this time for the purpose of destroying the efficiency of the civil service and for the purpose of destroying the efficiency of the Army means more than economy. Why destroy the efficiency of the Army? The purpose I leave to the gentlemen engaged in that business to say, but it is for some purpose either hidden or not; and the same object is in view when an attempt is made to derange and destroy the civil service of the Government. If I had my hand on a man's throat, and he was too strong for me, I might resort to some other device, some other means I might use for his destruction. So it may be with gentlemen now who have failed of success perhaps in times gone by to take control of the affairs of this nation in one way. It may possibly be that another way seems to be a better one to obtain that strong hold and that control than the one they attempted once before. If Senators and Representatives desire to legislate honestly and fairly, and Senators and Representatives being out of power for the purpose of obtaining power legislate so that the country may understand that they intend if they get control to act honestly and fairly, does any Senator suppose that he is going to gain the confidence of this country, so recently out of confidence with him, by attempting to legislate to stop the very wheels of government? Does any party suppose that it is going to obtain the confidence of the people by destroying at the very start the machinery of government? Does any party suppose that it is going to obtain the confidence of these forty millions of people by as soon as they get only one branch of Congress taking steps by which they destroy the efficiency of the Government merely to obtain power? If you believe that, you have less appreciation of the intelligence of the American people, in my judgment, than you ought to have. They are intelligent; they understand political maneuvers about as well as the gentlemen who are engaged in them; and when they come to look at the case it will be pretty easy for them to see what there is beneath. The whole country will see it, and you take nothing by the hip.

Mr. KERNAN. Mr. President, I have only a few suggestions to offer. As I understand, the motion before us is for another conference committee on the bill making appropriations for the legislative, executive, and judicial expenses of the Government. The chairman has stated to us that the differences between the two Houses on this bill are, first, that the House is in favor of reducing the number of employés in all the Departments, including both Houses, about twelve hundred in number; and the other difference is in reference to increasing some salary, which the Senator said was not very large; I did not hear him state the amount. Surely all this debate about destroying the Government, about nullification and revolution, has no application to the bill in hand. Every business man, every company having numbers of employés, owing to the changing times, the reduction of the price of living, the cutting off of profits of business, is reducing its employés and reducing their pay. I assure gentlemen that the people of this country will stand a great deal of this kind of revolution.

The chairman of our committee said that they were willing to reduce these employés by one-third of the number of twelve hundred; that is, by about four hundred. This bill reaches over all the Departments and the employés of both Houses. I think every one knows that in times past the number has grown up beyond what is necessary. I think the times have changed, so that some reduction in salaries would be appropriate. I submit that there is nothing to alarm any one in this proposition. I doubt not another conference committee, as is asked for, conferring with the House in the right spirit, will

be able to agree. Surely I hope that this body will be ready to yield considerably in reference to reducing the employés of the Departments and reducing their salaries.

I trust, therefore, we shall not discuss the Army bill now, or any other bill, but have another committee of conference, and I hope they will agree in reducing the number considerably and in reducing their salaries also somewhat.

Mr. BOGY. Mr. President, I regret at this late hour of the session and under the circumstances now surrounding us, that this debate should have been forced upon the Senate; but we who believe in honest reform, and that the expenses of the Government have been too large and should be reduced to a smaller amount, and who also believe that there has been great extravagance heretofore, have a right to say something in reply to the most singular arguments which have been made by the Senator from Indiana [Mr. MORTON] and the Senator from Illinois, [Mr. LOGAN.]

The House, acting in obedience to a voice which is heard all around this whole country—the voice of both parties calling for economy and reform, which is a command of the people—has attempted to reduce the expenses of the Government. How has that been met by the Senate? The motives of the House have been assailed by both of the Senators; and this is not the first time that this has been done by different Senators on the other side.

The Senator from Indiana says that this is nullification, and an attempt to destroy the Government; and if it is permitted to go on, we shall soon get to the condition of the French government or of the old Roman governments, with only one house. If there be any nullification, it springs from the Senate and not from the House. The Senator from Indiana cannot deny that the House has, if not the exclusive right, nevertheless the right to give us an honest opinion as to what amount may be proper in any appropriation bill. It has that right beyond any doubt. The Senate has the right to oppose to the House its own views. That we have expended for all the different branches of the Government heretofore too large a sum of money is a fact undeniable. It is also the right of the Senate to say whether they will concur with the House or not; but it is not nullification for the House to insist upon its own view. When the day comes that the Senate will have the exclusive power to state to the House, "Unless you maintain the former status of extravagance, unless you maintain the Army as it is now, whatever it may be, we will consent to no reduction;" and it may also say, "Unless you consent to maintain an appropriation of $300,000,000 annually to carry on this Government, as is the case now, we will consent to no reduction"—when that day comes it will be nullification, but it will be nullification from the Senate and not from the House. When that day does comes I hope the House will stand to its rights, let the consequences be what they may.

Suppose we had an army of one hundred thousand men now, and the House of Representatives, speaking the voice of the people, not the voice of a party, but speaking the potential voice of the people, say: "We desire the army to be reduced one-half, and will appropriate no more." The Senate say no; regardless of what may be the condition of the country, and no matter how depressed the finances of the nation may be, or how much the people may be suffering; regardless of all these things we will contend for an army of one hundred thousand men, and if you do not agree to that there shall be no appropriation. Where is the nullification? Is it from the House or from the Senate? I say it is from the Senate.

Mr. LOGAN. Would it not take both Houses to consent to a reduction of the Army?

Mr. BOGY. There is nothing new in that idea. As a matter of course it takes both Houses; but is the Senate to dictate to the House? I say that neither House should dictate; but the dictation from the beginning during this whole session has been from the Senate and not from the House. Yet the Senate has yielded. According to the very argument made by the Senator from Maine who has now left his seat, the Senate has yielded to a legitimate reduction of $22,000,000. At the outset the Senate was not willing to yield, but it has yielded now $22,000,000.

Mr. WINDOM. I ask the Senator upon what he bases the statement that at the outset the Senate was not willing to make one cent of reduction?

Mr. BOGY. I base it upon the action of the Senate when those bills were before it. In one sense it did make a reduction, but this reduction was very small. It did not amount to anything like the reduction which was afterward agreed to, of $22,000,000.

Mr. WINDOM. The Senator from Maine stated here distinctly today, and the figures prove it, that the bills as passed by the Senate are a reduction of from eighteen to twenty million dollars on the appropriations of last year. That was a voluntary reduction reported by the Senate committee and made by the Senate.

Mr. BOGY. The Senator from Maine stated that the two Houses had agreed upon a reduction of $22,000,000. It was a reduction proposed by the House in part to which the Senate yielded to the amount of $22,000,000. That did not include the Army nor many other bills. The sundry civil appropriation bill as it was last year, and as the Senate wanted it this year, was $29,000,000. The House appropriated $16,000,000, making a difference of $13,000,000 upon the sundry civil bill alone.

Then there was a compromise upon an amount between those two figures. I cannot say what was the amount now, but these were the two figures at the outset. The pension bill appropriates about $39,000,000. In the Military Academy bill the amount proposed by the House was $231,000. The amount proposed by the Senate was $280,000, making a difference of about $50,000. In the diplomatic bill there was appropriated $922,000 by the House and in the Senate $1,341,000. The fortification bill stands at $315,000 instead of $4,000,000 as heretofore. The House, in making an appropriation of only $315,000 for fortifications this year, of course means this: that the system of fortifications heretofore adopted, both here and elsewhere throughout the world, is not adapted to the system of warfare carried on at this day, and it is just so much money thrown away, as we all know the fact to be. Some other system has got to be devised, and perhaps the best system is that which was brought about during the late war. If you go down to Hampton Roads you will see the old Fortress Calhoun, now commonly called the Ripraps. What vast sums of money have been thrown away upon that! It is an entire and total loss: and so it is in regard to most of the fortifications. The system of warfare has been changed. It matters not whether this money was wisely expended at the time, but the system has undergone a change. Therefore it is not our duty to appropriate three or four millions of dollars, as we have been doing for forty or fifty years past.

In the legislative and judicial bill the House appropriated some $13,000,000, the Senate $16,000,000. There is a difference of $3,000,000. I do not exactly remember the amount appropriated by the river and harbor bill, but even here there was a difference. In the post-office deficiency bill the House was $4,000,000, (leaving out the fractions,) and the other was $7,000,000; making a difference of $3,000,000. In the naval bill there was a difference of one or two millions of dollars, and so on. I make my statement from the speech made by the Senator from Maine this morning. All the different items amount to an aggregate of $39,000,000.

It may be true, and it was no doubt stated correctly, that a large portion of this amount can be explained away and justly and fairly, but that there was a retrenchment on the part of the House there can be no doubt. That this retrenchment is necessary on account of the financial condition of the country there is also no doubt; and any attempt here to place the House before the country as a body revolutionary in its character or disposed (to use a figure of one of the Senators) to take the Senate by the throat and say, "Yield, or your life," is not a correct statement of fact.

The House has acted within what I conceive to be not only its right, but its duty to the people. I do not deny that the Senate has the power also to refuse to yield; but in refusing to concur it should not assail the motives of the House. The House has acted in obedience to the voice of the people. That voice will be heard again. The day of reform has come, and so has the day for retrenchment and economy; and the people will enforce it. Senators may say what they please here and they may accuse us of bad motives; it matters not; the people will take up this question, and you will soon hear the refrain from mountain, valley, and plain.

Mr. LOGAN. I desire merely to call the Senator's attention to what he missed and may desire to discuss. As far as retrenchment is concerned there has been no point made, as the Senator well knows on that subject. The point made by the Senate is that the House cannot put upon an appropriation bill and force the Senate to agree to it a character of legislation which is not agreeable to the Senate. That is the only point of controversy between the House and the Senate.

So far as the appropriation for fortifications is concerned, that is a mere matter of discretion as to whether each House will agree to a certain amount or less. That is not a question of new legislation at all. It is merely a question as to the amount that we will appropriate, for there is no law fixing any amount to be appropriated. Hence that is no question between the Senate and the House; it is a mere matter of opinion as to the amount. The question is in regard to legislation that has been interpolated into an appropriation bill and forced upon the Senate, not a question as to the amount of money to be appropriated at all.

The PRESIDENT *pro tempore*. The question is upon the motion of the Senator from Maine, that the Senate further insist upon its amendments and agree to the further conference asked by the House of Representatives on the disagreeing votes of the two Houses.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the committee; and Mr. WINDOM, Mr. ALLISON, and Mr. BAYARD were appointed the further committee of conference on the part of the Senate.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. WINDOM. Before the Senate proceeds to the trial, I ask that the sundry civil bill, returned from the House recently, be taken up in order to move that the Senate insist upon its amendments and agree to the conference asked by the House.

The Senate proceeded to consider its amendments, disagreed to by the House of Representatives, to the bill (H. R. No. 3749) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1877, and for other purposes.

Mr. WINDOM. I move that the Senate insist upon its amendments and agree to the conference asked by the House of Representatives.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the committee; and Mr. WINDOM, Mr. MORTON, and Mr. THURMAN were appointed the conferees on the part of the Senate.

Mr. WINDOM subsequently said: I ask to be excused from serving on the conference committee on the sundry civil bill. I am already on two conference committees.

The PRESIDENT *pro tempore*. Is there objection to excusing the Senator from Minnesota? The Chair hears no objection; and the Chair appoints the Senator from California, Mr. SARGENT, in his place.

IMPEACHMENT OF W. W. BELKNAP.

Mr. SHERMAN. I move that the Secretary now inform the House that the Senate is ready to proceed to the trial, and also that he give notice to the defendant.

The PRESIDENT *pro tempore*. Is there objection to the motion of the Senator from Ohio? The Chair hears none, and the Secretary will inform the House of Representatives that the Senate is ready to proceed with the trial.

JOHN T. KING AND L. B. CUTLER.

Mr. MORRILL, of Vermont. I ask that the bill (S. No. 872) for the relief of the family of the late John T. King and of L. B. Cutler be laid before the Senate. It has been concurred in on the part of the House, except that they have stricken out the proviso. I wish the amendment concurred in by the Senate.

The PRESIDENT *pro tempore*. The Chair understands that the bill to which the Senator from Vermont refers passed the House without amendment, and has been sent to the office to be enrolled.

Mr. MORRILL, of Vermont. I see by the report of the House proceedings in the CONGRESSIONAL RECORD that there was an amendment made striking out the proviso.

The PRESIDENT *pro tempore*. The notice here is "without amendment." In that case the bill goes to the Committee on Enrolled Bills, and does not need the action of the Senate.

Mr. HAMLIN. What is the proviso?

Mr. MORRILL, of Vermont. It provides for the payment of the regular compensation of these two men who were injured by the gas explosion here to the 30th of June.

The PRESIDENT *pro tempore*. The Chair has been well advised that the bill is here as having passed the House "without amendment."

CHANGE OF NAME OF STEAMER.

Mr. CONKLING. I move to take up the bill (S. No. 884) to authorize the change of name of the steamboat Peter Crary to that of Joseph L. Chapman. It is not a very important matter except to those interested, and they are very anxious to have it acted upon.

The motion was agreed to; and the bill was read the second time, and considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

EQUALIZATION OF BOUNTIES.

Mr. LOGAN. I desire to give notice that to-morrow, unless some business intervenes which I cannot control and which the Senate will not be disposed to lay aside, I shall call up the House bill No. 58, known as the bounty bill, and ask the action of the Senate upon it. It is a bill which has passed the House to equalize the bounties of soldiers who served in the late war for the Union.

G. T. BEAUREGARD.

Mr. WHYTE. I ask unanimous consent of the Senate, before the managers come in, to take up the bill (S. No. 952) to remove the political disabilities of G. T. Beauregard, of New Orleans, Louisiana.

Mr. CONKLING. Is there a petition in that case praying for the removal of his disabilities?

Mr. WHYTE. Yes, sir; and the bill was reported from the Committee on the Judiciary after the petition was referred.

Mr. CONKLING. Is the petition at the desk?

The PRESIDENT *pro tempore*. The Secretary will find it.

Mr. WHYTE. I presented the petition myself.

The PRESIDENT *pro tempore*. The petition is with the papers in the office, and can be sent for, if the Senator desires it.

Mr. CONKLING. I should like to see the petition or hear it read.

The PRESIDENT *pro tempore*. It has been sent for. [A pause.] The petition is now here.

Mr. CONKLING. I should like to hear it read.

The PRESIDENT *pro tempore*. It will be reported.

The Chief Clerk read as follows:

NEW ORLEANS, *May* 23, 1876.

To the honorable the Senate and House of Representatives of the Congress of the United States:

The undersigned, an officer of the army of the Confederate States during the late civil war, respectfully asks of the Congress of the United States the removal of the disability imposed by a clause of the fourteenth amendment to the Constitution of the United States upon me.

Very respectfully,

G. T. BEAUREGARD.

Mr. CONKLING. I have no objection to the passage of the bill.

By unanimous consent, the bill was read the second time, and considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed, two-thirds of the Senators present voting in favor thereof.

IMPEACHMENT OF W. W. BELKNAP.

The PRESIDENT *pro tempore*, (at two o'clock p. m.) The Senate resumes its session in trial.

The Senate then proceeded to the trial of the impeachment of William W. Belknap, late Secretary of War.

The Senate sitting for the trial of the impeachment of William W. Belknap having adjourned then resumed its

LEGISLATIVE SESSION.

The PRESIDENT *pro tempore*. The Senate resumes its legislative business.

Mr. EDMUNDS. Mr. President, I offer the following order, which I shall ask to call up to-morrow morning:

Ordered, That Rule 20 of the rules for impeachment be so amended that on offers of and objections to evidence and other interlocutory and incidental questions one counsel or manager may open, one counsel or manager be heard in opposition, and one counsel or manager be heard in reply; and that the whole argument on each side shall not exceed thirty minutes without leave of the Senate.

Mr. CONKLING. I want to offer an amendment to that amendment, and I will ask the Secretary to refer to the number of the rule.

Mr. EDMUNDS. I do not offer it to be acted on now, but to-morrow.

Mr. CONKLING. Then I want to offer an amendment to come up whenever this amendment to the rules is taken up. I move to amend the amendment by adding that consultations of the Senate—if that is what they are called in the rule providing for them—may occur, if so ordered by the Senate, without the galleries being cleared and without closed doors, subject to the operation of the rule which confines the right of a Senator to ten minutes in debate upon interlocutory questions, and confines his right to debate to some other time, I believe, upon final questions. My purpose is to so change the rule that the members of this court, as it is called, may have an opportunity of expressing their opinions in consultation, as they do now under the rule for clearing the galleries or going out into some other chamber. If the Secretary will reduce my amendment to form in writing, as he has his pencil in his hand, I will offer it to-morrow, or whenever this amendment of the Senator from Vermont comes up.

The PRESIDENT *pro tempore*. The proposition will be reduced to writing. It is not in order now.

Mr. STEVENSON. Is that amendment in order?

The PRESIDENT *pro tempore*. Not now.

Mr. STEVENSON. Will it be when offered?

The PRESIDENT *pro tempore*. It will be as a proposition to the amendment of the Senator from Vermont.

Mr. STEVENSON. I only rise for information. I favor the motion of the Senator from New York and I hope it will be adopted; but I understood a similar proposition to have been ruled out of order as in direct antagonism to some standing rule.

The PRESIDENT *pro tempore*. The Chair ruled that it could be submitted in order; but the rule cannot be affected, except on the usual notice.

Mr. STEVENSON. Will this be regarded as notice?

The PRESIDENT *pro tempore*. This is a notice.

Mr. INGALLS. I move that when the Senate adjourns, it be until to-morrow at eleven o'clock.

Mr. COCKRELL. I give notice that I shall move to amend the resolution of the Senator from Vermont by striking out "thirty" and inserting "twenty;" so that the time limited shall be twenty minutes.

Mr. INGALLS. I call for the question on my motion.

The PRESIDENT *pro tempore*. The notice of the Senator from Missouri is not now in order. The Senator from Kansas moves that when the Senate adjourns it be to meet to-morrow at eleven o'clock a. m.

The motion was agreed to.

Mr. SAULSBURY. I move that the Senate adjourn.

The motion was agreed to; and (at five o'clock and thirty-seven minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, *July* 7, 1876.

The House met at twelve o'clock m. Prayer by the Chaplain Rev. J. L. TOWNSEND.

The Journal of yesterday was read and approved.

REPORT OF COMMISSIONER OF EDUCATION.

Mr. HOAR. I ask unanimous consent that the resolution of the Senate for printing the report of the Commissioner of Education be taken from the Speaker's table and referred to the Committee on Printing.

The resolution was as follows:

Resolved by the Senate, (the House of Representatives concurring.) That 10,000 copies of the report of the Commissioner of Education for 1875 be printed for the use of the Commissioner.

There was no objection, and the resolution was taken from the Speaker's table and referred to the Committee on Printing.

ORDER OF BUSINESS.

Mr. SCALES. I ask unanimous consent to offer a resolution.

Mr. LAWRENCE. I must call for the regular order, so that the morning hour may begin. I want to get at the Pacific Railroad bill as soon as possible.

The SPEAKER *pro tempore*. As the gentleman from Ohio [Mr. LAWRENCE] insists on the regular order, the Chair cannot recognize any requests for unanimous consent.

Mr. SPRINGER. The regular order this morning is the unfinished business of last Friday, which takes precedence of the morning hour. That unfinished business was a bill granting a pension to Daniel Clary. It can be disposed of in a moment.

Mr. LAWRENCE. I will not object to that.

Mr. SCALES. I hope the gentleman from Ohio will withdraw his objection to allowing me to offer a resolution.

Mr. LAWRENCE. I would do so if there were not so many gentlemen making similar requests.

DANIEL CLARY.

The SPEAKER *pro tempore*. The regular order is the unfinished business of last Friday, the bill (H. R. No. 3143) granting a pension to Daniel Clary. The question is on ordering the bill to be engrossed and read a third time.

The bill was read. It directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Daniel Clary, a private in Company F, Fourth Illinois Volunteers, in the Mexican war, and to pay to him a pension, to take effect from and after the 1st day of January, 1873.

Mr. HURLBUT. I wish to ask whether I heard the Clerk correctly. From what time does this pension date?

Mr. SPRINGER. January 1, 1873.

Mr. RUSK. Has this bill been before the Committee on Invalid Pensions?

Mr. SPRINGER. I ask for the reading of the report accompanying the bill.

The Clerk read as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. No. 3134) granting a pension to Daniel Clary, have had the same under consideration, and submit the following report:

It appears from the evidence submitted to the committee that said Daniel Clary was regularly mustered into the service of the United States as a private soldier in Company H, Fourth Illinois Volunteers, on the 15th day of June, 1846, and was honorably discharged the 9th day of May, 1847. It further appears from the evidence that he was a sound man when he enlisted and up to December thereafter, when his eyes became much inflamed, caused from cold settling in them, and which have continued sore and inflamed, more or less, ever since, until he has become totally and incurably blind. There is no doubt of his disease of the eyes having been contracted in the service in Mexico and in the line of duty. The evidence is clear of these facts. He applied for a pension under the general law in September, 1862, and soon thereafter filed affidavits fully establishing every fact necessary to sustain his application, yet his application was rejected by the Commissioner of Pensions. The committee are satisfied that the applicant is justly entitled to a pension, and report back said bill and recommend that the same do pass.

Mr. HURLBUT. Mr. Speaker——

Mr. SPRINGER. I believe I have the floor; but I will yield five minutes to my colleague, [Mr. HURLBUT.]

Mr. RUSK. How does this bill come before the House? By unanimous consent?

The SPEAKER *pro tempore*. No, sir; it is the unfinished business coming over from last Friday.

Mr. HURLBUT. The bill is properly before the House.

The SPEAKER *pro tempore*. It is entirely in order at this time.

Mr. RUSK. I wish to state that there was not unanimous consent to bring the bill before the House.

The SPEAKER *pro tempore*. It did not require unanimous consent; it is the unfinished business of last Friday.

Mr. RUSK. I objected last Friday to this bill coming up.

Mr. SPRINGER. If the gentleman desires to move an amendment I will yield to him for that purpose.

Mr. HURLBUT. I wish to move an amendment.

Mr. LAWRENCE. I rise to a point of order. The order of the House was that there should be a morning hour this morning and that after the morning hour the Pacific Railroad bill should come up.

The SPEAKER *pro tempore*. That is very true, and there will be a morning hour; but under the rules it does not begin until the unfinished business is completed. This bill was pending at the adjournment last Friday; therefore it is now first in order, and is properly before the House at this time.

Mr. HURLBUT. I regret to be compelled to offer the amendment which I believe should be made to this bill. I do it in deference to the clearly established opinion of the House, settled in a dozen or more different cases. I have tried in a great many cases of wounded soldiers and officers to have the pension date back; but it has been steadily and uniformly refused ever since I have been in Congress. I believe that the correct principle beyond all doubt is that a pension should date back to the time of the disability; but both Houses of Congress have refused to recognize that principle. In this case, if my colleague will consent that the bill should be so amended as to make the pension take effect from and after the passage of the act, I will withdraw any objection and will not offer the amendment I propose to submit.

Mr. FORT. I hope the modification suggested by my colleague [Mr. HURLBUT] will not be made. This is the case of an old blind soldier of the war with Mexico; and if a special law is ever proper in any case it is in this case. It is only proposed that the pension shall date back a few years.

Mr. HURLBUT. I desire to offer an amendment to test the sense of the House upon this question and to make a distinct precedent that shall apply to all similar cases. I wish it distinctly understood that I have no objection to this particular bill. I move to amend by striking out so much of the bill as makes the pension date from January 1, 1873, and to make it read "from and after the passage of this act."

Mr. SPRINGER. I dislike very much to consume the time of the House upon a matter of so little public importance as a bill granting a pension to an individual, particularly when the matter in controversy is so slight as whether the pension shall begin from the date at which it would have begun had the decision of the Department been in accordance with the facts or whether it shall begin from the passage of the bill. It is a difference——

Mr. HURLBUT. Of three years.

Mr. SPRINGER. It is a difference of three years. The only reason assigned by the gentleman from Illinois, my colleague, is that it sets a bad precedent or that it violates a precedent already established. The question with this pensioner is this, whether he is to be deprived of his rights by a bad precedent or to be remitted to the rights he should have by reason of the justice of his case.

Mr. HOLMAN. Let me ask the gentleman from Illinois a single question?

Mr. SPRINGER. Certainly.

Mr. HOLMAN. Ought not the law on a subject like this to be uniform? Ought not the Government to treat all who are entitled to this bounty from the public Treasury in the same way? Ought not all to be placed on the same footing? Is it not manifestly wrong to single out one case and apply to that a more favorable rule than we apply to the great body of those who are entitled to make the same claim upon the Government? It has been the uniform rule upon which we have acted for several years in reference to granting pensions that they should take effect from and after the passage of the act.

Mr. SPRINGER. That is correct; but let me state the reason why the rule in this case should be otherwise.

Mr. RUSK. I will state for the gentleman's benefit that the uniform rule for the last Congress and for this—the rule established by the Committee on Invalid Pensions—is to date all these pension cases from and after the passage of the act. That committee I will say have unanimously agreed to a bill granting all arrears of pension, covering all these cases by a general law, and we have been trying for the last two months to get it before the House, but so far have failed to do so.

Mr. FORT. The general law does not cover all cases or else these applications would never have to be made to Congress. In regard to this particular case the general law is faulty. It is for an old Mexican soldier, who has been compelled to bring his case to Congress, and I hope there will be no amendment to the bill.

Mr. RUSK. This is no more meritorious than many other cases.

Mr. SPRINGER. The reason for this special case is this: This pensioner applied for a pension in 1872 and furnished the necessary evidence, as this committee have found, and he should be allowed a pension dating from that time. For some mysterious reason, which the committee deem past finding out on their part, his application was rejected. He had no friends. He is totally blind; is a beggar upon the streets and has been deprived by reason of the fact that he had no friends, no one to press his case, of his right to this pension from the time of his disability up to this time. I take it that it is simple justice to him by reason of the fact that the Department failed to recognize the merits of his case at the time the application was made, and made upon a meritorious basis and upon sufficient evidence to entitle him to a pension—I say I think it is no more than justice, no more than right he should have his pension from the time of the disability. If the House, however, thinks otherwise I will not press it.

Mr. RICE. The rule is applied in this case as in every other case of a like character. The rule is uniform that where the pension has been allowed by the Committee on Invalid Pensions it shall date from and after the passage of the act. The principle involved in this is the same as that involved in every other case which has had merit. This is no more than any other meritorious case and should not be excepted from the general rule.

Mr. SPRINGER. There is more principle involved in doing justice than following a bad precedent.

Mr. RUSK. You cannot discriminate, and this would be an unjust discrimination.

The amendment was agreed to.

The bill, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. SPRINGER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MORNING HOUR.

The SPEAKER *pro tempore*. The morning hour now begins at thirty-four minutes past twelve o'clock; and this being Friday, reports of a private nature are in order, the call resting with the Committee on Indian Affairs.

SETTLERS, WIND RIVER VALLEY.

Mr. STEELE. I am directed by the Committee on Indian Affairs to report back a bill (H. R. No. 2419) for the relief of certain settlers in the Wind River Valley, Wyoming Territory, with an amendment, and I ask that the bill be put on its passage at this time.

The bill and amendment were read.

Mr. WILSON, of Iowa. I make the point of order the bill makes an appropriation, and must have its first consideration in the Committee of the Whole on the Private Calendar.

Mr. STEELE. I hope the gentleman from Iowa will withhold his objection until I can make a brief explanation of the bill. After I have explained its provisions I do not think there will be any objection to it.

Mr. WILSON of Iowa. We must either insist on an enforcement of the rule in regard to every gentleman or abolish it.

The SPEAKER *pro tempore*. Objection being made, the bill will be referred to the Committee of the Whole on the Private Calendar.

Mr. STEELE. I have a report to submit with the bill which I ask may be printed.

The bill and amendment were referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

SPENCER & MEAD.

Mr. BOONE, from the Committee on Indian Affairs, reported a bill (H. R. No. 3854) for the relief of Joab Spencer and James R. Mead, for supplies furnished the Kansas tribe of Indians; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

DENTISTS IN THE ARMY.

Mr. COOK, from the Committee on Military Affairs, moved that committee be discharged from the further consideration of the petition of George A. Miller, dental surgeon, for the passage of a law relative to the employment of dentists in the Army, and that it be laid upon the table; which motion was agreed to.

CHRISTOPHER W. ROBERTSON.

Mr. COOK also, from the same committee, moved that it be discharged from the further consideration of the bill (H. R. No. 3070) for the relief of Christopher W. Robertson, and that the same be laid upon the table; which motion was agreed to.

JAMES EVELETTE.

Mr. COOK also, from the same committee, moved that committee be discharged from the further consideration of the petition of James Evelette, for compensation as disbursing agent for the defenses of Washington, and as agent for the Engineer Department, and that the same be laid upon the table; which motion was agreed to.

DENTAL SURGEONS.

Mr. COOK, from the same committee, reported back adversely the petition of Dr. Alfred C. Post, Willard Parker, Louis Sayre, and others, asking for the passage of an act providing for the appointment of dental surgeons in the Army and Navy; which was laid on the table, and the report ordered to be printed.

LIEUTENANT HENRY ROMEYN.

Mr. HURLBUT, from the Committee on Military Affairs, moved that committee be discharged from the further consideration of the bill (H. R. No. 3242) for the relief of Lieutenant Henry Romeyn, Fifth United States Cavalry, and that the same be laid on the table; which motion was agreed to.

PROMOTION IN THE UNITED STATES ARMY.

Mr. HURLBUT also, from the same committee, moved it be discharged from the further consideration of the following cases, and that they be laid on the table; which motion was agreed to:

Petition of George McDermott, first lieutenant of Fifth Infantry, setting forth that a number of his juniors have been promoted over him, contrary to law, and asking for relief.

Petition of C. H. Smith, colonel Nineteenth Infantry, and others, asking for legislation declaratory of the rule of promotion in the line of the Army.

Petition of A. F. Forbus, first lieutenant, Fifth Infantry, and William H. Hathaway, second lieutenant Fifth Infantry, setting forth that 22 of their juniors have been promoted over them, and asking legislation fixing promotions in the line of the Army.

Petition of J. A. Payne, second lieutenant of the Nineteenth Infantry, giving a list of 22 officers who are first lieutenants and junior to petitioner by an original entry into the service, and asking for the passage of a law declaring a rule of promotion in the line of the Army.

Petition of R. Vance, first lieutenant, Nineteenth Infantry, and 3 other officers of the United States Army, asking for legislation fixing the rule of promotion in the Army.

Petition of A. Larke, second lieutenant, Tenth Infantry, and 13 other officers of the United States Army, asking for legislation fixing the rule of promotion in the United States Army.

Petition of George P. Borden and 27 other officers of the Army, asking legislation declaring the rule of promotion in the line of the Army.

Petition of Anson Carter, first lieutenant, Fifth Infantry, and 9 other officers, asking for promotion in accordance with section 1204 of the Revised Statutes of the United States.

Petition of A. M. Willard and 32 others, asking for the passage of a law fixing the line of promotion in the Army.

Petition of W. T. Krause, first lieutenant, of the First Infantry, asking for the passing of a law declaring the rule of promotion in the line of the Army.

Petition of Army officers, asking the passage of a law declaring the rule of promotion in the line of the Army.

GEORGE T. OLMSTED, JR.

Mr. STRAIT, from the Committee on Military Affairs, reported, as a substitute for House bill No. 3165, a bill (H. R. No. 3855) for the relief of George T. Olmsted, jr.; which was read a first and second time.

The bill reported as a substitute was read, as follows:

Be it enacted, &c., That the President be, and hereby is, authorized to re-appoint George T. Olmsted, jr., late a captain of the Second Regiment of Artillery, United States Army, a captain in the Army, and to duly commission him as the same.

SEC. 2. That nothing in this act contained shall be so construed as to authorize said Olmsted to receive any pay or allowances for any time that he has not been in the actual service of the United States.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. STRAIT moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ADVERSE REPORTS.

Mr. THORNBURGH, from the same committee, reported back, with an adverse recommendation, the bill (S. No. 366) to fix the date of entry into the military service of Colonel and Brevet Major-General Benjamin H. Grierson, United States Army, and to correct his record on the Army Register; and the same was laid upon the table and the accompanying report ordered to be printed.

Mr. TERRY, from the same committee, reported back, with adverse recommendations, bills of the following titles; and the same were severally laid on the table, and the accompanying reports ordered to be printed:

The bill (H. R. No. 2807) for the relief of Richard H. Fouts;

The bill (H. R. No. 2383) for the disposition of the arsenal grounds and buildings at Little Rock, Arkansas, and for other purposes; and

The bill (H. R. No. 174) for the relief of John S. Wood, late first lieutenant, Seventh Pennsylvania Cavalry.

WILLIAM H. FRENCH, JR.

Mr. TERRY, from the same committee, reported a bill (H. R. No. 3856,) as a substitute for House bill No. 1630, for the relief of William H. French, jr., United States Army, late Indian agent at Crow Creek, Dakota; which was read a first and second time.

The bill was read, as follows:

Be it enacted, &c., That the proper accounting officer of the Treasury be, and he is hereby, authorized to adjust and settle the property accounts of William H. French, jr., late Indian agent at Crow Creek, Dakota Territory; and if it shall be made clearly to appear that John A. Morrow, who was a contractor for furnishing supplies of beef-cattle to the Indian agencies, has delivered to Henry F. Livingston, agent at Crow Creek, beef-cattle in lieu of 422,100 pounds which he delivered to William H. French on the 9th November, 1870, at Crow Creek, and for which said Morrow afterward got receipts from said Livingston, and collected from the Government on both, then said accounting officer shall be authorized to give said French credit in his settlement accordingly.

Mr. WILSON, of Iowa. Is there a report in this case?

Mr. TERRY. There is no written report. Captain French was the Indian agent at Crow Creek. A few days before his term of service expired he received and receipted for a large number of cattle. It seems that the incoming agent also gave his receipt for the same cattle which were delivered at the Indian agency. The Government paid on each of these receipts and French was charged in his account for the cattle for which he gave the receipt. Afterward the contractor, who had thus been twice paid, delivered to the Indian agency cattle in lieu of those for which French had been charged. It clearly appears now from the records of the Department that French is entitled to credit for the amount of cattle he had been charged with, and this bill simply authorizes the Department to give him the proper credit.

Mr. HOLMAN. I understand the gentleman from Virginia to say that in consequence of French giving his receipt and his successor as Indian agent giving his receipt a few days afterward the Government paid this amount twice?

Mr. TERRY. Yes, sir; and now since that was done this contractor, who was thus paid for the same amount of cattle twice, has delivered to the agency the same number of cattle in lieu of those for which French was charged. The records of the Department show that this was done.

Mr. HOLMAN. This bill has the approval of the Department?

Mr. TERRY. Yes, sir; there is no doubt of its being correct.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. TERRY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CAMP LOWELL, MILITARY RESERVATION.

Mr. TERRY also, from the Committee on Military Affairs, reported a bill (H. R. No. 3857) as a substitute for the bill (H. R. No. 2788) for the relief of certain settlers on the Camp Lowell military reservation, Territory of Arizona; which was read a first and second time.

Mr. WILSON, of Iowa. I think the bill had better go to the Committee of the Whole, in order to put us all upon an equality in regard to these private bills.

Mr. TERRY. I will say to the gentleman that this bill is strictly correct.

Mr. WILSON, of Iowa. I would trust my friend from Virginia as much as any gentleman in the House, but I think it better that the bill should take the general course.

The bill was referred to the Committee of the Whole on the Private Calendar, and ordered to be printed.

FORT DODGE MILITARY RESERVATION.

Mr. TERRY also, from the Committee on Military Affairs, reported a substitute for the bill (H. R. No. 1540) authorizing the Secretary of War to sell a portion of the Fort Dodge military reservation in Kansas to the Dodge City Town Company.

The substitute was read.

Mr. WILSON, of Iowa. Is there a report in this case?

Mr. HOLMAN. Unless there is a report accompanying this bill I must object to its present consideration.

Mr. TERRY. I will state that there is a letter from the Secretary of the Treasury explaining this matter and showing that this bill ought to be passed.

Mr. HOLMAN. This seems to be a bill to sell real estate belonging to the Government.

Mr. WILSON, of Iowa. Is not this a public bill?

The SPEAKER *pro tempore*. The Chair is inclined to think that it is, if the gentleman makes objection to its consideration.

Mr. WILSON, of Iowa. It is an ungracious task to make objection to a bill reported by my friend from Virginia, but still I think that this is a public bill.

Mr. TERRY. It is not a public bill; it is a private bill, and it makes no appropriation of money, but authorizes the sale of certain portions of the reservation.

Mr. WILSON, of Iowa. I think this is a public bill, and this is private-bill day.

Mr. BANNING. This is a very important bill, and it ought to be passed.

Mr. TERRY. This land is of no importance to the Government, but it is of importance to the people of that locality.

Mr. WILSON, of Iowa. I think my friend from Virginia will say that his bill ought to go on the Private Calendar where we can discuss it, and that that is the safest place to which we can refer it. I think I shall have to insist that this is a public bill, and I believe that the rule holds that a bill proposing to sell public property is a public bill.

The SPEAKER *pro tempore*. If objection is made that the bill makes an appropriation of public property it must go to the Committee of the Whole on the Private Calendar, and if the objection is made that this is a public bill, it will have to go to the Committee of the Whole on the state of the Union.

Mr. TERRY. I must then withdraw the bill, for I do not want it to go to the tomb of the Capulets.

LAND AT KEY WEST, FLORIDA.

Mr. TERRY also, from the Committee on Military Affairs, reported back, with a favorable recommendation, the bill (S. No. 391) to authorize the Secretary of War to purchase for the use of the United States a parcel of land at Key West, Florida, now the property of Walter C. Maloney and wife.

Mr. DUNNELL. That is not a private bill.

The SPEAKER *pro tempore*. Objection is made that this is not a private bill.

Mr. TERRY. I remember very well that when I tried to get this bill through at the last session of Congress on a call for bills of a public nature objection was made that it was a private bill.

Mr. HOAR. The gentleman has the right to report a private bill on a public bill day, and objection could not have been taken and sustained.

Mr. DUNNELL. I withdraw my objection.

The Clerk read the bill, as follows:

That the Secretary of War be, and he is hereby, authorized to purchase for the use of the United States, at a price which shall be agreed upon between him and the owners, and not to exceed a reasonable sum, a certain parcel or tract of land belonging to W. C. Maloney and wife, lying and situate on the island of Key West, Florida, and adjoining the military reservation on said island: *Provided*, That the title of said parties to said property shall be found to be in all respects good and valid in law and equity.

SEC. 2. That if the Secretary of War and the owners of said property shall be unable to agree upon a price to be paid by the United States for said land, or if for any reason the United States shall fail to acquire the title to the same within a reasonable time after the passage of this act, then it shall be the duty of the Secretary of War to cause the possession of said property, or such part of it as is now or may be occupied by the United States, to be restored to the owners thereof.

Mr. HOLMAN. I reserve the point of order on that bill until the object of the bill and of the purchase proposed in it is explained. There is nothing on the face of the bill explaining the object of the purchase.

Mr. TERRY. There is a report of the Senate Committee on Military Affairs which I ask to have read.

The Clerk read the report, as follows:

The Committee on Military Affairs, to whom was referred the bill (S. No. 391) to authorize the Secretary of War to purchase for the use of the United States a parcel of land at Key West, Florida, have considered the same, and submit the following report:

This bill authorizes the Secretary of War to purchase a tract of land on the island of Key West, Florida, adjoining the military reservation.

Walter C. Maloney, jr., addressed a letter to Senator C. W. JONES touching this matter, in words as follows, to wit:

KEY WEST, FLORIDA, *November* 6, 1875.

DEAR SIR: Presuming upon your kind offers, I herewith inclose a map of the island of Key West, which, upon examination, will show you the cemetery laid down in *red* lines, my wife's portion of the same being one hundred and thirty by one hundred and seventeen feet. The street which you will find running through said cemetery is only an imaginary street, it being owned by my wife Euphemia, there being a great many officers and soldiers buried on the same.

Some years ago I offered to sell to the Government five acres contiguous to said cemetery for the sum of $1,000, and a bill passed the House of Representatives (House bill No. 4005) on the 19th of February, 1873, authorizing the Secretary of War to purchase the same for that sum. I am not now willing to sell at that price, but shall demand according to the rate which lands in the immediate vicinity have been selling; for instance, square 55, being about four hundred feet square, was divided, as shown by the map, and sold under execution at my instigation under foreclosure of mortgage, and brought $3,360. Thus you will perceive that lands must have rapidly increased in value since my said offer was made. The Government has also, on another portion of my land, erected privies, which are used by the troops, and which, thus far, I have been unable to have removed, although I have repeatedly requested it.

You will, therefore, oblige me very much by giving this matter your attention, as eighteen or twenty years' occupancy by the Governments is sufficient time to await their pleasure. My wishes in the matter are, first, immediate and unobstructed possession of my property. If that is refused upon the ground of military necessity, then that the value of such quantity of land as is desired be ascertained according to our State statute, (*vide* acts 1845, chapter 25, section 2, pamphlet 43,) or I will agree to submit the value to arbitration, the United States choosing one, I one, and those two an umpire, or third arbitrator; or I will sell such portion as is inclosed and marked as aforesaid for $400; or, if four or five acres are desired, will sell the whole at the rates square 55 sold for, as aforesaid. If all these propositions are rejected, please procure from the Secretary of War an order upon the post-commander to turn over to me said property, and to remove all obstructions therefrom, especially the privies and dead bodies buried thereon, as they will be rather poor and unwelcome associates, and have seriously affected the value of my property heretofore.

I hope I have not worried you, and that my requests aforesaid will not be construed as impertinent; but feeling confident of your ability to aid me, I have made bold to tax your good nature, hoping that it may lie in my power to some day reciprocate.

My father joins me in kind regards.

Your obedient servant,

W. C. MALONEY, Jr.

Hon. CHARLES W. JONES,
United States Senator, Washington, D. C.

December 18, 1872, General Hardie, inspector-general, made a report, of which the following is an extract, to wit:

[Extract from General Hardie's report, dated New Orleans, December 18, 1872.]

"A small piece of ground, outside the limits of the United States property at the barracks, appears to have been used during the war, though private property, for cemeterial purposes, it lying immediately outside the cemetery.

"Adjacent is another parcel of land, private property, used for the men's sink. The garrison limits cannot be contracted by the withdrawal of the bodies interred in the private property referred to, nor should the sinks be brought into the garrison limits. A plat, exhibited to the department commander and furnished the inspector-general at Washington with a copy of this report, exhibits the narrowness of the limits. The unhealthiness of the climate in the summer season forbids the propinquity of causes deranging to health.

"Five acres of land, which can be bought at $200 per acre, will furnish ground to include the cemetery site and other necessary land; and it is recommended that an application be made by the department commander to the Secretary of War to have the necessary appropriation for the purpose applied for."

This was accompanied by the following letter of the Secretary of War, January 13, 1873:

WAR DEPARTMENT, *January* 13, 1873.

The Secretary of War has the honor to submit to the House of Representatives for its consideration, with a view to the necessary legislation to carry it into effect, an extract from a report of Inspector-General James A. Hardie, of an inspection of the post of Key West, Florida, in which he recommends the purchase of five acres of land for the enlargement of the post, which is now insufficient for the wants of the garrison.

WM. W. BELKNAP,
Secretary of War.

February 3, 1874, the Secretary of War wrote a letter touching this land, as follows, to wit:

WAR DEPARTMENT, *February* 3, 1874.

The Secretary of War has the honor to recommend to the House of Representatives legislation by Congress authorizing the purchase of a piece of land adjoining the military post at Key West, Florida, embracing within its area five acres, the same being contiguous to and south of the reservation, including therein the private property taken in the year 1862 for the enlargement of the said military post, in extent being three hundred feet deep and seven hundred and fourteen feet long, or thereabouts, said land claimed and owned by one William C. Maloney, and that a sum not to exceed $1,000 be appropriated to pay therefor.

In this connection, attention is invited to letter from this Department, dated January 13, 1873, submitting to the House an extract from a report of Inspector-General James A. Hardie, of an inspection of the post of Key West, Florida, in which he recommended the purchase of the land referred to; also, to House bill 4005, third session Forty-second Congress, authorizing the purchase of the property, which passed the House February 19, 1873.

WM. W. BELKNAP,
Secretary of War.

January 26, 1876, the Secretary of War wrote the following letter, to wit:

WAR DEPARTMENT,
Washington City, D. C., January 26, 1876.

SIR: I have the honor to forward to you a copy of a letter of Mr. W. C. Maloney, of Key West, Florida, addressed to you on the 6th November, 1875, relative to certain lands owned by his wife, and occupied by the United States for military purposes.

Efforts have been made by this Department to obtain authority to purchase the land referred to by Mr. Maloney, as will be seen by the copies of letters herewith, addressed to the House of Representatives.

You will perceive by the papers herewith that a bill (H. R. 4005) passed the House at the third session of the Forty-second Congress, and was referred to the Military Committee in the Senate February 21, 1873, but for want of time, probably, was never reported.

At the price now asked, this land will cost about $4,620. It is, however, important for the Government to own this property, and I would recommend its purchase at the price named.

Your co-operation is respectfully requested.

Very respectfully, your obedient servant,

WM. W. BELKNAP,
Secretary of War.

Hon. CHARLES W. JONES,
United States Senate.

The map forwarded by Mr. Maloney, marked 415–1, War Department, 1876, is inclosed herewith.

The Government has for years been using a portion of this parcel of land for grave-yard and sinks. The owners are entitled either to the possession of this parcel held by the Government or to a reasonable price or value for the same.

Your committee therefore recommend the accompanying bill as a substitute, and recommend the passage of the same.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. TERRY moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

ORDNANCE STORES FOR KANSAS TERRITORY.

Mr. A. S. WILLIAMS, from the Committee on Military Affairs, reported back, with a favorable recommendation, the bill (H. R. No. 2813) relieving the State of Kansas from charges on account of ordnance furnished to Kansas Territory.

The question was upon ordering the bill to be engrossed and read a third time.

The preamble states that it appears from the books of the Ordnance Bureau of the War Department that the State of Kansas stands charged with $11,425 for arms issued to the Territory of Kansas; and that said arms were used by Government officials in maintaining the authority of the United States, and were never turned over to the State of Kansas.

The bill directs the Chief of the Ordnance Bureau of the War Department to cause the State of Kansas to be credited on its ordnance account with the amounts now charged against it for arms and ordnance stores issued to the Territory of Kansas upon the return to the United States, by the State of Kansas, of all such arms and other ordnance stores as may have come into its possession as the successor of said Territory.

Mr. HOLMAN. I believe this bill is subject to a point of order.

Mr. GOODIN. I trust the gentleman will hear an explanation of the bill.

Mr. HOLMAN. Is there a report accompanying the bill?

Mr. GOODIN. There is a report, but I can state briefly the purpose and necessity of the bill.

Mr. HOLMAN. I will reserve my point of order on the bill.

The SPEAKER *pro tempore*. The gentleman from Michigan [Mr. A. S. WILLIAMS] is entitled to the floor, having reported the bill.

Mr. A. S. WILLIAMS. I yield to the gentleman from Kansas, [Mr. GOODIN.]

Mr. GOODIN. During the troubles in Kansas Territory, which have become a part of the history of the country and are well known to every member of this House, it was thought necessary, in order to maintain the Federal authority therein, for the then governor of the Territory to apply to the United States Government for arms. I trust the gentleman from Indiana [Mr. HOLMAN] will listen to this explanation. Certain arms were then furnished to the governor of the Territory, to the amount of $11,425. Those arms were placed in the hands of the citizens of the Territory during the troubles which existed at that early period.

When the State government was established but one hundred and seventy stand of arms came into the possession of the State authorities. The greatest possible efforts have been made to obtain all the arms, but as I have said only the number named have ever been recovered by the State. The Ordnance Bureau of the War Department has charged up against the State of Kansas the arms furnished the governor of the Territory of Kansas for the maintenance of United States laws. Whenever the State of Kansas, through its executive, makes application to the Government of the United States for arms to the amount which the State deems to be its quota, we are answered that there is a charge against the State of Kansas for the arms furnished to the Territory of Kansas. The charge is made against the State as the successor of the Territory, and it must be upon the implied assumption that these arms which were delivered into the hands of the territorial governor passed into the possession of the successor of the Territory, which is the State of Kansas. As a matter of fact, however, all the records disclose that only one hundred and seventy stand of arms ever came into the possession of the State authorities, and the object of my bill is to relieve the State from the charges for arms above this amount.

The bill simply provides that the Chief of the Ordnance Bureau of the War Department shall credit to the State of Kansas the arms furnished to the Territory of Kansas. It seems to me that if the Government of the United States, in order to maintain peace and quiet in the Territory and to enforce its own laws during that stormy, turbulent period, found it necessary to furnish arms to the governor of the Territory, there is no good reason why they should be charged upon the books of the Ordnance Bureau of the War Department against the State, when the State has never had possession, control, or use of those arms.

Mr. BANNING. Will the gentleman allow me to ask him a question?

Mr. GOODIN. Certainly, with pleasure.

Mr. BANNING. These arms were all issued to the Territory of Kansas prior to its becoming a State, were they not?

Mr. GOODIN. They were.

Mr. BANNING. All of them?

Mr. GOODIN. Certainly; all of them.

Mr. BANNING. And the argument of the gentleman is that they should not be charged against the State.

Mr. GOODIN. I think the arms furnished to the Territory ought not properly to be charged against the State; but the Ordnance Bureau says it has been the custom where arms have been furnished to the executive of a Territory, and that Territory is afterward admitted as a State, to charge them against the State as the successor of the Territory. But, as I have said, it must be upon the assumption that the State is successor of the Territory and received the arms.

Mr. HOLMAN. I withdraw my point of order.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. A. S. WILLIAMS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

RANK OF THE PAYMASTER-GENERAL.

Mr. MACDOUGALL, from the Committee on Military Affairs, reported back, with a favorable recommendation, the bill (S. No. 843) establishing the rank of Paymaster-General of the Army.

The question was upon ordering the bill to be read a third time.

The bill provides that from and after the passage of the act the rank of Paymaster-General of the United States Army shall be brigadier-general; but no pay or allowance shall be made to said officer other than from the date of appointment under the act.

The bill was ordered to be read a third time; and it was accordingly read the third time, and passed.

Mr. MACDOUGALL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ADVERSE REPORTS.

Mr. MILLS, from the Committee on Naval Affairs, reported adversely upon the following; which were laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. No. 34) to equalize the pay of certain officers;

A bill (H. R. No. 903) to equalize the pay of the officers of the Navy and Army;

A bill (H. R. No. 1616) for the relief of Robert L. May, late of the United States Navy;

A bill (H. R. No. 1848) authorizing the restoration of Charles E. Boggs to the active list;

A bill (H. R. No. 2003) for the restoration of Henry E. Rhoades to the active list in the United States Navy;

A bill (H. R. No. 2011) to authorize the President to restore John Roop, late engineer in the Navy, to the active list of the Engineer Corps in the Navy;

The petition of E. B. Boutwell, late of the United States Navy; and

The memorial of Assistant-Surgeon James Phillips, of the United States Navy, praying that his commission may be made to bear date from April 21, 1862.

CIVIL ENGINEERS IN THE NAVY.

Mr. MILLS also, from the same committee, reported back, with a recommendation that it pass, the bill (H. R. No. 1574) to provide for the repeal of all laws authorizing the appointment of civil engineers in the Navy, &c.

The bill was read. It provides that all laws authorizing the appointment of civil engineers in the Navy be repealed; and that on and after the 1st day of July, 1876, all such offices shall be discontinued and the persons now holding the same shall be mustered out of the service.

Mr. MILLS. This is the unanimous report of the committee.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. MILLS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ADVERSE REPORTS.

Mr. WILLIS, from the same committee, reported back adversely

the following; which were laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. No. 85) authorizing corrections to be made in errors in prize lists;

A bill (H. R. No. 1835) to provide for reclaiming and improving the swamp and overflowed lands connected with the United States navy-yard, Brooklyn, Long Island;

A bill (H. R. No. 3219) for the relief of Jacob J. Hunker;

Remonstrance of citizens of Savannah, Georgia, against the establishment of a naval station at Port Royal; and

Memorial of citizens of Brunswick, Georgia, for the establisment of a naval station at that place.

Mr. WILLIS. I will state that as to the last two cases the committee have desired to be discharged from their further consideration because the subject, by an act already passed, has been referred to a commission.

WILLIAM WHEELER HUBBELL.

Mr. WILLIS also, from the same committee, reported back, with a recommendation that it pass, the bill (H. R. No. 2731) for the relief of William Wheeler Hubbell, and to make just compensation for the past making or use or vending of his patent explosive shell, fuses, and percussion exploders by the United States; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying reports of the majority and minority of the committee ordered to be printed.

PROFESSOR ORTON'S SURVEY.

Mr. WILLIS also, from the same committee, reported back, with a recommendation that it pass, the joint resolution (H. R. No. 54) relative to Professor Orton's geographical and scientific survey; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

ALBEMARLE AND CHESAPEAKE CANAL COMPANY.

Mr. WILLIS. The Committee on Naval Affairs have directed me to report back with a favorable recommendation the bill (S. No. 464) for the relief of the Albemarle and Chesapeake Canal Company. I ask that this bill be put on its passage now. It passed the Senate unanimously, and has the unanimous approval of the Committee on Naval Affairs of this House.

The bill was read. It directs the Secretary of the Navy to investigate the claim of the Albemarle and Chesapeake Canal Company for tolls on vessels transporting naval supplies, and to award such sum as he may find equitably due, not to exceed the sum of $3,742.20; such award being in full payment of all claims of the company against the Government.

Mr. FORT. This bill should go to the Committee of the Whole.

The SPEAKER *pro tempore*. The point being made, the bill will be referred to the Committee of the Whole on the Private Calendar.

ORDER OF BUSINESS.

Mr. LAWRENCE. I believe the morning hour has expired.

The SPEAKER *pro tempore*. The morning hour has expired, and under the order of the House made yesterday the gentleman from Ohio [Mr. LAWRENCE] is entitled to the floor for the consideration of the bill relative to the Pacific Railroad Companies.

Mr. BRIGHT. Pending that, I raise the point that this is private-bill day, "objection day;" and I move that the House resolve itself into Committee of the Whole on the Private Calendar.

The SPEAKER *pro tempore*. By order of the House the bill of the gentleman from Ohio [Mr. LAWRENCE] was made the special order for to-day after the morning hour. It conflicts, however, with the standing order of the House, the consideration in Committee of the Whole of bills on the Private Calendar. It is competent for the gentleman from Tennessee [Mr. BRIGHT] to raise the question of consideration upon the bill of the gentleman from Ohio. The question is, Will the House at this time consider that bill?

Mr. HOLMAN. As the House by unanimous consent ordered that the bill coming over as unfinished business should be proceeded with after the morning hour, I submit that it supersedes entirely the general order; and it is not competent to raise the question of consideration.

The SPEAKER *pro tempore*. The mere fact that the House made the order by unanimous consent has no more force than if the order had been made under a suspension of the rules; and the rules—and the rule with regard to the question of consideration is that it is competent to raise that question upon a report, even though it involves a question of privilege. It is certainly competent, the consideration of the Private Calendar being the regular order under the rules of the House, for the gentleman from Tennessee to raise the question of consideration upon the bill of the gentleman from Ohio.

Mr. RANDALL. The effect of that is to give preference to paying out money by the United States Government rather than getting it in.

The SPEAKER *pro tempore*. That is for the House to decide, not for the Chair.

Mr. RANDALL. I am aware of that; I only wanted the House to understand the question.

Mr. LAWRENCE. The question is whether we shall save money or lose it; whether we shall save $150,000,000 by the passage of this Pacific Railroad bill?

The SPEAKER *pro tempore*. The question is whether the House will at this time consider the motion to reconsider the vote by which the bill (H. R. No. 3672) an act to amend an act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean and to secure to the Government the use of the same for postal, military, and other purposes," approved July 1, 1862, and other acts in relation to the railroad companies therein named, was recommitted to the Committee on the Judiciary.

The question being taken, there were—ayes 65, noes 62.

Mr. BRIGHT. I demand tellers.

Mr. RANDALL. No; let us have the yeas and nays. We might as well settle the question now.

Mr. RUSK. I should like to ask a question. Will not this special order come up to-morrow?

Mr. RANDALL. No, sir.

Mr. RUSK. Why will it not come up to-morrow?

Mr. RANDALL. By not taking up the bill to-day it will be entirely thrown out of its place and will not come up to-morrow.

Mr. RUSK. As I understand it it does not lose its place.

Mr. RANDALL. It is an effort to defeat the measure. I call for the yeas and nays.

Mr. RUSK. I should like to ask the chairman whether this does not come up to-morrow.

Mr. BRIGHT. So far as I am concerned it is not an effort on my part to defeat the bill.

Mr. RANDALL. The result is the same.

Mr. TOWNSEND, of New York. There are a great many worthy and deserving bills upon the Private Calendar.

Mr. HOLMAN. Regular order.

Mr. TOWNSEND, of New York. There are a great many worthy and deserving bills on the Private Calendar, which can only be considered on Friday.

The SPEAKER *pro tempore*. Gentlemen will be kind enough to resume their seats. The pending question is not debatable. The order by which the bill of the gentleman from Ohio [Mr. LAWRENCE] comes up to-day is fixed for this day only and will not go over until to-morrow.

The yeas and nays were ordered.

Mr. WILSON, of Iowa. I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. WILSON, of Iowa. If the House refuses to consider the bill of the gentleman from Ohio to-day, will it not come up to-morrow as the pending special order?

The SPEAKER *pro tempore*. It will not. Its consideration was fixed for to-day, and the time it was to occupy in debate was fixed at two hours.

Mr. WILSON, of Iowa. Is it not the standing order of the House until disposed of?

The SPEAKER *pro tempore*. It is not a continuing order. It was made simply for to-day, and to continue two hours after the morning hour and no longer.

Mr. WILSON, of Iowa. Is it not a special order?

The SPEAKER *pro tempore*. It is a special order, but not a continuing order.

Mr. WILSON, of Iowa. Was it not a special order when it was called up before the House. If it should be postponed, then in order to go to the Private Calendar, this being objection day, will it not continue as the special order and come up to-morrow?

The SPEAKER *pro tempore*. It will not.

Mr. LUTTRELL. Would it be in order to make it a special order for to-morrow?

The SPEAKER *pro tempore*. The bill was ordered to be printed and recommitted, and the gentleman from Ohio entered a motion to reconsider, which yesterday he called up.

Mr. WILSON, of Iowa. Then, as I understand the Chair, the consideration of the bill was fixed for to-day only.

The SPEAKER *pro tempore*. That is all.

Mr. LUTTRELL. Will it be in order to move to postpone the consideration of the special order until to-morrow after the morning hour and to make it a special order for that time?

Mr. RANDALL. That requires unanimous consent.

Mr. LUTTRELL. I make the motion that the bill be postponed until after the morning hour.

Mr. HOLMAN. That motion is not in order, as the House is now dividing, the yeas and nays having been ordered.

The SPEAKER *pro tempore*. The question now before the House is whether it will proceed with the consideration of the special order for this time or go to some other business.

The question was taken, and decided in the affirmative—yeas 96, nays 88, not voting 105; as follows:

YEAS—Messrs. Adams, Anderson, John H. Baker, William H. Baker, Bell, Bradford, Buckner, Horatio C. Burchard, Cabell, John H. Caldwell, Campbell, Cannon, Caulfield, Chittenden, John B. Clarke of Kentucky, Conger, Cox, Crounse, Culberson, Cutler, Douglas, Ely, Faulkner, Finley, Forney, Fort, Gibson, Goodin, Gunter, Benjamin W. Harris, Henry R. Harris, John T. Harris, Hartzell, Haymond, Hays, Hereford, Hoar, Holman, Hopkins, Hunter, Hunton, Jenks, Frank Jones, Kehr, Kelley, Franklin Landers, Lawrence, Lewis, Luttrell, L. A. Mackey, Magoon, Maish, McDill, Miller, Monroe, Norton, Oliver, O'Neill, Packer, Page, Payne, Pierce, Piper, Poppleton, Potter, Randall, Rea, Reagan, John Reilly, James B. Reilly, Riddle, John Robbins, Miles Ross, Smalls, A. Herr Smith, William E. Smith, Southard, Sparks, Spencer, Stevenson, Stone, Terry, Washington Town-

send, Tufts, Turney, Van Vorhes, Walling, G. Wiley Wells, Whitthorne, Wike, Willard, James Williams, Benjamin Wilson, James Wilson, Woodworth, and Yeates—96.

NAYS—Messrs. Ashe, Atkins, Bagby, George A. Bagley, John H. Bagley, jr., Ballou, Blackburn, Blair, Boone, Bradley, Bright, Samuel D. Burchard, Burleigh, Caswell, John B. Clark, jr., of Missouri, Cochrane, Crapo, Davis, Davy, Dibrell, Dunnell, Durand, Eames, Egbert, Ellis, Evans, Felton, Foster, Goode, Robert Hamilton, Hancock, Hardenbergh, Hatcher, Hathorn, Hendee, Hill, Hubbell, Hurd, Thomas L. Jones, Joyce, Ketcham, Kimball, Lamar, George M. Landers, Lapham, Leavenworth, Levy, MacDougall, McFarland, Meade, Milliken, Money, Morgan, New, Phelps, John F. Philips, Plaisted, Platt, Pratt, Rice, William M. Robbins, Roberts, Robinson, Rusk, Scales, Seelye, Singleton, Sinnickson, Slemons, Stowell, Tarbox, Thornburgh, Martin L. Townsend, John L. Vance, Robert B. Vance, Wait, Waldron, Alexander S. Wallace, John W. Wallace, Walsh, Warren, White, Whiting, William B. Williams, Willis, Wilshire, Woodburn, and Young—88.

NOT VOTING—Messrs. Ainsworth, Banks, Banning, Bass, Beebe, Blaine, Bland, Bliss, Blount, John Young Brown, William R. Brown, William P. Caldwell, Candler, Cason, Cate, Chapin, Clymer, Collins, Cook, Cowan, Danford, Darrall, De Bolt, Denison, Dobbins, Durham, Eden, Franklin, Freeman, Frost, Frye, Fuller, Garfield, Ganse, Glover, Hale, Andrew H. Hamilton, Haralson, Harrison, Hartridge, Henderson, Henkle, Abram S. Hewitt, Goldsmith W. Hewitt, Hoge, Hooker, Hoskins, House, Hurlbut, Hyman, Kasson, King, Knott, Lane, Le Moyne, Lord, Lynch, Lynde, Edmund W. M. Mackey, McCrary, McMahon, Metcalfe, Mills, Morrison, Mutchler, Nash, Neal, O'Brien, Odell, Parsons, William A. Phillips, Powell, Purman, Rainey, Sobieski Ross, Sampson, Savage, Sayler, Schleicher, Schumaker, Sheakley, Springer, Strait, Stenger, Swann, Teese, Thompson, Thomas, Throckmorton, Tucker, Waddell, Charles C. B. Walker, Gilbert C. Walker, Ward, Erastus Wells, Wheeler, Whitehouse, Wigginton, Andrew Williams, Alpheus S. Williams, Charles G. Williams, James D. Williams, Jeremiah N. Williams, Alan Wood, jr., and Fernando Wood—105.

So the House agreed to consider the motion to reconsider called up by Mr. LAWRENCE.

During the roll-call the following announcements were made:

Mr. COX. My colleague from New York, Mr. HEWITT, is absent. He is paired on this bill with the gentleman from Ohio, Mr. FOSTER, but on this vote both gentlemen would vote the same way.

Mr. WILSON, of Iowa. My colleague, Mr. SAMPSON, is detained at his room by sickness.

The result of the vote was then announced as above recorded.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, informed the House that the Senate was ready to proceed upon the impeachment of William W. Belknap and to receive the managers on the part of the House, and that the Senate Chamber was prepared with accommodations for the reception of the House of Representatives.

The message also announced that the Senate had passed a bill (S. No. 984) to provide for the sale of the Fort Kearney military reservation, in the State of Nebraska; in which the concurrence of the House was requested.

ORDER OF BUSINESS TO-MORROW.

Mr. BRIGHT. I hope the gentleman from Ohio [Mr. LAWRENCE] will permit me to ask that by unanimous consent the House shall to-morrow go into Committee of the Whole on the Private Calendar, and that it be considered as objection day.

The SPEAKER *pro tempore*. Does the gentleman from Tennessee intend that this order shall take effect immediately after the reading of the Journal?

Mr. REAGAN. We want the morning hour.

Mr. BRIGHT. Let it be after the morning hour.

Mr. HUNTON. I desire to make a parliamentary inquiry. Suppose the bill now under consideration should not pass to-day, would the order proposed by the gentleman from Tennessee supersede the consideration of that bill to-morrow?

The SPEAKER *pro tempore*. If the bill now under consideration does not pass to-day, it will not interfere with the morning hour to-morrow. It will be the pending business after the reading of the Journal.

Mr. RANDALL. The gentleman who has charge of the bill, if it is not disposed of to-day, can call the previous question on it and it will then go over as unfinished business to come up after the reading of the Journal.

The SPEAKER *pro tempore*. Unquestionably. Is there objection to the proposition of the gentleman from Tennessee, [Mr. BRIGHT,] that to-morrow the House shall resolve itself into Committee of the Whole on the Private Calender, and that it be considered as objection day?

There was no objection, and it was so ordered.

RETURN OF BILL FROM THE SENATE.

Mr. FOSTER. The gentleman from Ohio [Mr. LAWRENCE] yields to me to offer the following resolution:

Resolved, That the Clerk be directed to request the return from the Senate of the bill (S. No. 872) for the relief of the family of the late John B. King and of L. B. Cutler.

In explanation of that resolution I have to say that the Clerk informs me that in enrolling the bill the amendment adopted by the House was omitted.

The resolution was agreed to.

PACIFIC RAILROADS.

The SPEAKER *pro tempore*. The House resumes the consideration of the bill (H. R. No. 3672) to amend the act approved July 2, 1864, entitled "An act to amend an act entitled 'An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes,' approved July 1, 1862," and other acts in relation to the railroad companies therein named, the pending question being on the motion of the gentleman from Ohio [Mr. LAWRENCE] to reconsider the vote by which the bill was recommitted to the Committee on the Judiciary. The gentleman from Ohio [Mr. LAWRENCE] is entitled to the floor.

Mr. LAWRENCE. We are now probably within a few days of the close of this session of Congress, and I am admonished by that fact that I ought not unnecessarily to consume one moment of the time of this House. This bill is one of too much importance to be allowed to rest without action before the House shall adjourn. If this bill or some equivalent measure shall become a law, it will save $150,000,000 to the Government; and without it that vast sum will be totally lost to the Treasury. It will be my purpose, in the few remarks I shall make, to demonstrate this to the House and to show the necessity and the justice of the measure now before us.

A brief recurrence to the history of the Pacific railroads may be necessary to enable the House to understand properly the subject on which we are called now to vote. Under the act of July 1, 1862, the Union Pacific Railroad Company was incorporated, and by that and subsequent acts it was authorized to construct a railroad from Council Bluffs, in Iowa, to a point five miles west of Ogden, in the Territory of Utah, a distance of 1,085.88 miles. By the same laws the Central Pacific Railroad Company, a California corporation, was authorized to construct a road from the western terminus of the Union Pacific Road to the city of Sacramento, and by another law, or the same law, it was authorized to extend the road to San José, a distance of 123.16 miles, making the Central Pacific Road 860.66 miles in length.

The act of July 1, 1862, for the purpose of enabling these companies and other connecting companies, or companies designed to construct connecting roads to make their lines of road and telegraph, granted to these several companies ten sections per mile along the entire lines of road. This was a pure gift to the companies, for which the Government neither asked nor received any equivalent, any return whatever.

Mr. TOWNSEND, of Pennsylvania. Ten sections on each side.

Mr. REAGAN. Was it not twenty sections?

Mr. LAWRENCE. The original act of 1862 gave ten sections per mile. That amount was doubled by the act of July 2, 1864. This is a subject I have studied somewhat, and I am tolerably familiar with these statutes, though I may not always be accurate.

For the purpose, too, of enabling these companies to construct these lines of road and telegraph, the Government by the original act of 1862 made a loan of credit to each company, or in other words, granted them bonds known as subsidy bonds; loaned them subsidy bonds payable thirty years after date, with interest at the rate of 6 per cent. per annum in currency. In order to secure the repayment of these subsidy bonds and the interest as it would accrue, the original act of 1862 gave the Government a first mortgage or lien upon the entire lines of road and telegraph. And at the time this act was passed it seems to have been understood by Congress that the railroad companies were to pay the interest as it accrued upon these subsidy bonds. The Attorney-General, in an opinion of December 15, 1870, decided that the companies were bound to pay the interest as it accrued upon these subsidy bonds. So far, then, all seemed very plain, and all very well. There was an absolute gift of lands to the companies. The subsidy bonds issued to them to enable them to make the roads were not a gift, but were simply a loan of credit. The companies at the maturity of the bonds thirty years from their date were bound to pay their principal, and according to the understanding of Congress they were bound to pay the interest as it accrued. So the Attorney-General held in the opinion to which I have referred.

It has recently been decided, however, at the last term of the Supreme Court that the railroad companies were not bound to pay the interest as it accrued and that they are by the existing law of the land not bound to pay it until the maturity of the subsidy bonds about the 1st of January, 1898—twenty-two years hence—except as the interest may be paid by the application, first, of compensation for half the services rendered by these companies to the Government in carrying mails, freights, and telegraphic messages; and secondly, by the application of 5 per cent. of the net earnings of the companies, the earnings which they make in their general business. The act of July 2, 1864, changed the original act of 1862 in many very material points. It was represented to Congress that to enable these companies to construct their respective railroads they required more aid than the subsidy bonds would give them, and they asked the permission of Congress to mortgage their roads for a sum in bonds to be issued by the companies equal to the amount of the subsidy bonds, and that this mortgage should be prior to that of the Government. The act of July 2, 1864, was accordingly passed granting all the companies asked.

The act of July 2, 1864, doubled the land grant and made other valuable changes; changes valuable to the companies under these acts of Congress. There have been issued to the several Pacific Railroad Companies subsidy bonds the principal sum of which aggregates $64,623,512. I have in my hand a table showing the amount of the subsidy bonds issued to the companies, taken from the public-debt statement of June 30, current year. From this public-debt statement

it appears further that the Government has again and again, year after year, been paying an annual interest upon these bonds of nearly $4,000,000, until the amount advanced from the Treasury for these companies is $23,289,021.81, after deducting the half compensation for services rendered by the companies to the Government. I submit the following table:

Bonds issued to the Pacific railway companies payable thirty years after date. Interest payable in lawful money at 6 per cent.

Name of railway.	Principal outstanding.	Interest accrued and not yet paid.	Interest paid by the United States.	Interest repaid by transportation of mails, &c.	Balance of interest paid by the United States.
Central Pacific	$25,885,120 00	$776,553 60	$11,804,251 27	$1,231,213 76	$10,573,037 51
Kansas Pacific	6,303,000 00	189,090 00	3,292,943 09	1,448,327 39	1,844,655 70
Union Pacific	27,236,512 00	817,095 36	12,701,420 01	4,079,704 77	8,621,715 24
Central branch, Union Pacific	1,600,000 00	48,000 00	829,808 26	44,408 05	785,400 21
Western Pacific	1,970,560 00	59,116 80	781,496 94	9,367 00	772,129 94
Sioux City and Pacific	1,628,320 00	48,849 60	731,553 49	39,477 28	692,083 21
Total	64,623,512 00	1,938,705 36	30,141,513 06	6,852,491 25	23,289,021 81

Now, Mr. Speaker, this process of paying interest is going on against the Government, and what will be the result? Why, sir, at the maturity of the subsidy bonds twenty-two years hence the amount of interest alone advanced by the Government with the interest compounded on the advances of the interest, if there were no credit for half service and 5 per cent. of the net earnings, would amount to the enormous sum of $316,112,571. The simple interest alone, without compounding it, amounts to $116,322,321.16. But the Government will be reimbursed to some extent from 5 per cent. of net earnings and half services, and there will not be due at the maturity of the subsidy bonds the whole amount of this $116,000,000 of interest or advance of interest. The 5 per cent. of net earnings of these companies to which to the Government is entitled and the compensation for half services which the Government is entitled, apply as credits on current interest advanced by the Treasury Department. This will reach about $440,000 a year for the Central Pacific Company and about an equal sum for the Union Pacific Company. After applying these credits there will remain of principal and interest not re-imbursed on the 1st of January, 1898, about $150,000,000.

What shall be done as to this $150,000,000? The chief purpose of this bill is to require these companies to pay into the Treasury semi-annually a fixed sum of money, which shall be invested by the Secretary of the Treasury in Government bonds, on the most advantageous terms possible, to accumulate on interest for the benefit of these companies until the 1st of January, 1898, and to provide that the amount so accumulated shall then be applied to liquidate the principal and interest of the subsidy bonds. That is the purpose of the bill.

I have prepared a short table showing the amount of money which it would be necessary for these several Pacific railroad companies to pay into the Treasury semi-annually to liquidate the interest unreimbursed and the principal of subsidy bonds due on the 1st of January, 1898. It would require to be paid semi-annually by the Central Pacific company $930,742, and by the Union Pacific company $994,731. The table is as follows:

Names of companies.	Amount of sinking fund required to pay off the principal at maturity, payable half-yearly from July 1, 1876, interest re-invested; at 5 per cent.	Amount of sinking fund required to pay off simple interest, payable half-yearly, from July 1, 1876, interest re-invested; at 5 per cent.	Total to be paid semi-annually.
Central Pacific	$332,408	$598,334	$930,742
Kansas Pacific	87,327	157,190	244,517
Union Pacific	355,261	639,470	994,731
Central branch, Union Pacific	22,299	40,138	62,437
Western Pacific	23,855	42,939	66,797
Sioux City and Pacific	20,723	37,302	58,025

The sums indicated in this table are the sums which should be paid inclusive of the 5 per cent. of the net earnings and the half service, in order to meet at maturity the interest and the principal of the subsidy bonds. If I could have my wish upon this subject I would require these companies to pay that sum.

The Judiciary Committee, however, after the most mature consideration, have not deemed it proper now to require the companies to pay that sufficient sum. In the bill now before the House the committee require a much less sum.

By this bill the Union Pacific Company is required to pay $375,000 semi-annually for a period of ten years, the Central Pacific Company, $284,105 for a period of ten years semi-annually, and after that period these sums are to be increased. After applying 5 per cent. of the net earnings and the half service, according to the provisions of this bill, the deficiency for the Union Pacific Company will be $334,731 and for the Central Pacific Company $421,730 semi-annually. I have thrown this statement as to these two companies into the form of a table, as follows:

	Union Pacific.	Central Pacific.
Sinking fund required by bill for first ten years, payable semi-annually	$375,000	$284,105
Add for 5 per cent. of net earnings and half services, semi-annually	225,000	225,000
Total payments, semi-annual	600,000	509,105
The requisite amount to pay subsidy bonds and interest at maturity	994,731	930,742
Semi-annual deficiency during first ten years	334,731	421,637

That is, if we require the payment of a sufficient sum, these two companies, which are the principal companies, would be required to pay the sums I have just stated in addition to the sums required by this bill.

This is the provision made by this bill to meet the $150,000,000 which will remain owing and due to the Government on the 1st day of January, 1898, not re-imbursed in the modes provided by existing law. The bill does not provide for the payment of a sufficient sum, but so far as it goes it is well, and, though it does not go so far as I would desire, I am for this bill, because it is just and because it secures a portion of what ought to be paid by these companies into the United States Treasury; and at some future day Congress can provide that the amount shall be increased, when possibly money may be borrowed at a lower rate of interest. And thus the Government may finally be re-imbursed for the vast sums of money which, under existing law, it is required to advance for these companies.

Mr. KASSON. If it does not interrupt the gentleman at the wrong point——

Mr. LAWRENCE. Certainly not.

Mr. KASSON. I wish to ask him to state what was the principle decided by the Supreme Court of the United States not long since, in some cases like this, as to the right of Congress to impair the obligation implied in the original charter. Several gentlemen have expressed doubts whether there was not in this bill a principle in contravention of that decision of the Supreme Court. If the gentleman can state it in brief, I would like him to state what was the principle, in that respect, settled by the Supreme Court, treating the charter as an original contract, and treating this bill as imposing an obligation on these companies in contradiction of the obligation contained in the original charter.

Mr. LAWRENCE. That reaches the question of the power of Congress to require this sinking fund. I will discuss that question before I get through.

Mr. KASSON. Very well; at the proper time.

Mr. LAWRENCE. Yes, at the proper time. It is perfectly right that the gentleman should call my attention to that point. I will say, however, for his information, that the Supreme Court of the United States has made no decision at all upon the question as to the power of Congress to change these Pacific railroad acts. The Supreme Court decided, in January last, I think, at all events during the last term of the court, a case known as "the interest case," the case of The United States *vs.* The Union Pacific Railroad Company, and it will be found commencing on page 180 of House Report No. 440, which I had the honor to submit to this House on the 25th of April last, on the subject of a sinking fund for the several Pacific railroad companies. There is nothing in that decision, not one word or one letter, that militates against the power of Congress to require the creation of this sinking fund. And before I get through I trust I shall be able to satisfy my learned friend from Iowa [Mr. KASSON] that this bill is authorized not only by the acts of 1862 and of 1864, but by repeated decisions of the Supreme Court of the United States and of other of the highest courts of this country.

Mr. KASSON. If that principle will be stated by the gentleman in due time, let that suffice for the present. But on the subject of the sinking fund, allow me to inquire whether this bill authorizes the same rate of interest on the funds paid into this sinking fund that is due to the United States on the bonds granted as subsidy?

Mr. LAWRENCE. I will state how that is.

Mr. TOWNSEND, of Pennsylvania. At the same time I would like the gentleman to state whether or not this bill interferes in any way with the principle laid down in the decision of the Dartmouth College case.

Mr. LAWRENCE. The Dartmouth College case was decided under a law which did not reserve to the legislative authority any power to change the original charter; whereas we are acting under a law which does reserve to Congress that right. That also will be discussed when I come to consider the question to which I refer.

This bill requires the Secretary of the Treasury to invest the money which shall be paid into this sinking fund by these companies to the best practical advantage. And it authorizes these companies to pay into the sinking fund any bonds of the United States or greenbacks or any evidences of Government indebtedness; the subsidy bonds, if you please. And if the railroad companies shall choose to pay into this sinking fund the subsidy bonds, then they will get 6 per cent. interest, precisely the rate the Government pays on those bonds. This bill gives them that privilege. If they choose they can invest in Government subsidy bonds and pay them into this sinking fund; and in that way they can regulate the rate of interest they will get.

Mr. KASSON. I believe there is no provision in this bill permitting these companies to pay into this sinking fund their own first-mortgage bonds?

Mr. LAWRENCE. No, there is not. But I will say this: This sinking fund will be practically for the benefit of the holders of the first-mortgage bonds, so that it amounts to the same thing.

Mr. KASSON. The gentleman mistakes my point. If they were allowed to purchase their own first-mortgage bonds, to that extent putting the Government where it was intended originally to be, the first mortgagee, they could get them very nearly at par. If, however, they buy United States 5 per cent. bonds, they will have to pay about 120 for them.

Mr. LAWRENCE. There would not be much objection to their paying their first-mortgage bonds into this sinking fund. But the companies have proposed no such thing. They resist every step taken to require a sinking fund, and have here to-day a powerful lobby against this bill.

Mr. KASSON. I allude to it only because it is desirable to obtain a practicable bill, and one that will not conflict with the decisions of the Supreme Court of the United States.

Mr. LAWRENCE. I am not afraid about the decision of the Supreme Court. There would not be much objection, I think, to that proposition; but it was not considered by the committee, or not deemed advisable at all events, and so it is not incorporated in the bill.

Allow me to say at this point that if this bill should pass and if the companies shall through this sinking fund or otherwise ultimately pay all of the subsidy bonds with their interest, the Government will have given to these companies without any interest on its advances of interest, more than $100,000,000. This bill does not ask that the Government be re-imbursed for this, as possibly it might do, though I will not say what might be the law on that subject; but I advert to this for the purpose of showing that we are dealing with these companies in no spirit of illiberality. We are making to them a gift of more than $100,000,000, in addition to the lands, by way of interest on the Government advances of interest which is never to be re-imbursed, which this bill does not ask to be re-imbursed. Whether Congress shall hereafter require it or not, I do not now undertake to say; but I do say that this bill does not require it. Now, these companies are left in the position of receiving besides their land grants an absolute money gift of more than $100,000,000; a sum sufficient, if economically expended, to construct the entire road from Omaha to Sacramento. And this we are doing without asking any recompense whatever.

Mr. RIDDLE. Are the companies willing to accept the provisions of this bill?

Mr. LAWRENCE. Certainly not, as their lobby here against it sufficiently proves. I never knew these companies to be willing to accept anything, unless it was something to their advantage, regardless of the question whether there was a mixture of advantage anywhere else.

Mr. RIDDLE. Have they been making propositions?

Mr. LAWRENCE. They have been making propositions; but those propositions (which I discussed in a speech made on the 14th of June last) are new demands upon the Treasury, new schemes for taking money from the Treasury, instead of paying it back. That is my understanding and construction of those propositions. If gentlemen desire to see my views on that subject they will find them in the speech to which I have referred, which is much fuller in its statements than the speech I am now making.

The three inquiries naturally arising in connection with this bill are: First, is this provision for a sinking fund necessary? Secondly, is it reasonable? Thirdly, has Congress power to require it?

And now a few words as to each of these questions.

Is it necessary? The president of the Union Pacific Railroad Company in a letter to the Secretary of the Treasury, dated February 9, 1875, uses the language which I ask the Clerk to read. I beg gentlemen to hear it. I like to quote these gentlemen, because they understand this subject.

The Clerk read as follows:

The mortgage held by the Government, in its terms and by judicial decision of the United States circuit court, cannot be enforced until the maturity of the bonds, which is near the close of the present century.

The bonds are accumulating an interest account, also uncollectible until the principal is due. The principal and interest when due will amount to the very large aggregate of over $77,000,000, though the actual amount advanced by the Government was only $27,236,512.

For this very large amount the Government has only a second mortgage, and if it be allowed to accumulate without any provision being made to meet it, the company will probably be utterly unable to pay it.

At the same time, it is equally manifest that the Government will be unable to collect it, except upon the assumption that it will advance the money to discharge prior mortgages and run the road on Government account, a policy which wise statesmanship could not advise.

By standing still, therefore, the company has a load of debt accumulating for which no provision is made, and the Government is drifting farther and farther from the opportunity to secure a just return for its advances. To do nothing is to injure both the Government and the company, perhaps irretrievably to both.

On page 287 of this House report No. 440 to which I have referred will be found a statement of the chairman of the Senate Committee on Railroads, that the cost of constructing the Union Pacific Railroad is estimated at from $39,000,000 up to about $71,000,000. I have no doubt that this road honestly constructed could have been built for $50,000,000. Suppose no sinking fund is provided, what is to be the condition of things on the 1st of January, 1898? After crediting to the Union Pacific company their 5 per cent. of net earnings and half services to the Government, this company will owe on its—

First mortgage	$27, 232, 000
Subsidy bond mortgage	27, 236, 000
Interest not re-imbursed to the United States	38, 225, 721
Total	92, 693, 721

In other words, the company will owe nearly twice what the whole road is worth.

Besides, its land-grant debt is $7,812,000, and its sinking fund about $14,299,000, making an additional debt of $22,111,000. But assuming that the land-grant mortgage and the sinking-fund mortgage should be paid, it would still leave a debt of over $92,000,000, when the road is not worth $70,000,000.

Sir, the first mortgage will be foreclosed. The holders of the first-mortgage bonds will buy in the road; for there will be no competition when it comes to be bid in. The few men who manage these roads will have these bonds in their hands. Then they will buy in the roads, and the Government will lose its principal and its interest on these subsidy bonds. All will be gone. Unless we secure it now it will be irretrievably lost.

Sir, can we rely on the honor of these corporations? I have not a word to utter against them. I believe in corporations. I am in favor of them. I would require them by law to do what is right, in order that we may stand by them. But it is not to be forgotten that we have had some experience with this Union Pacific Company. The gentleman from Massachusetts, [Mr. HOAR,] in a report which was made to this House on the 20th of February, 1873, told us what had been the result with regard to this company up to that time, and how far we could rely upon the integrity of the men who manage it. I ask the Clerk to read an extract from his report.

The Clerk read as follows:

In a report made to the House on the 20th February, 1873, by a committee thereof, it was said of the Union Pacific Company—

"That the moneys borrowed by the corporation, under a power given them only to meet the necessities of the construction and endowment of the road, have been distributed in dividends among the corporators; that the stock was issued not to men who paid for it at par in money, but who paid for it at not more than thirty cents on the dollar in road-making; that of the Government directors, some of them have neglected their duties, and others have been interested in the transactions by which the provisions of the organic law have been evaded; that at least one of the commissioners appointed by the President has been directly bribed to betray his trust by the gift of $25,000; that the chief engineer of the road was largely interested in the contracts for its construction; and that there has been an attempt to prevent the exercise of the reserved power in Congress by inducing influential members of Congress to become interested in the profits of the transaction. So that of the safeguards above enumerated none seems to be left but the sense of public duty of the corporators."

Mr. LAWRENCE. Mr. Speaker, the closing sentence which has been read is sublime in the depths of its irony! Sir, we cannot rely then on the mere, sole pleasure of the men who manage this corporation to provide for the payment of this indebtedness, for they do not pretend that they are setting apart one dollar to meet it when it comes to be due. They do not deny that they are dividing out in dividends among their stockholders the earnings of the road without setting apart one dollar to meet this indebtedness when it comes due. Why is that? If they intend to pay this debt when it becomes due they must provide the means of paying it. If they intend to provide the means this bill requires them to do just that and imposes nothing upon them but what they ought to do. If they do not intend to do that, this bill ought to pass and compel them to do what is necessary to secure the Government against loss. I need not refer to the value of the other roads and the amount of mortgages on them. They are in about the same condition as the Union Pacific, and that is enough.

This bill, Mr. Speaker, is a reasonable one. I have already shown, in the remarks I made on the 14th of June as they are reported in the RECORD, that these companies can pay this money required by this bill and still make reasonable dividends to their stockholders. I do

not deem it necessary to repeat the argument or to recite the facts and figures which I there gave. I only repeat the fact, which any gentleman can see, that these companies can make reasonable dividends to their stockholders and meet the sinking fund required by this bill.

But I do not place the right of Congress to create this sinking fund upon any question of that kind. It is the right of the creditors of a corporation to be paid first of all, and no corporation has the right to make dividends to the prejudice of its creditors. That is one of the first and elementary principles of law known by every student of the law of corporations and about which no lawyer ever entertained a doubt.

I do not wish, Mr. Speaker, unnecessarily to consume time, but that brings us up to the question, to which I invite the attention of the gentleman from Iowa, [Mr. KASSON,] of the power of Congress to provide this sinking fund. What is our power? I had occasion to argue that question in the report submitted to the House on the 25th of April at considerable length, and I refer gentlemen who wish to see a fuller discussion of that subject than I propose to make now to the report itself, where I have collected, I think, more than half a hundred authorities and decisions of courts on that question—nearly all the decisions made by the courts of the United States.

Let me call the attention of the House again to the fact that in the original act of 1862 only ten sections of land per mile were granted to these companies. By the act of 1864 the land grant was doubled. By the act of 1862 the Government held for the repayment of the subsidy bonds and interest advanced a first mortgage on the road. By the act of 1864 that mortgage was released, and these companies were authorized to issue their bonds, to be secured by a first mortgage on the roads equal in amount to the subsidy bonds.

Mr. TOWNSEND, of Pennsylvania. Postponed; not released.

Mr. LAWRENCE. Postponed, not released; my friend is correct, and the Government mortgage was made second to that of the bonds which were issued by the companies. The original act of 1862 required these companies to pay to the Government, as a credit upon the advances of interest, all the earnings for their services to the Government and 5 per cent. of their net earnings each year after the roads should be completed. The act of 1864 released these companies from applying all their earnings for service to the Government to repayment of advance of interest, and required only one-half to be so applied.

But Congress did something more. While they were surrendering the great security of a first mortgage, while they were surrendering the right to apply all the earnings for services to the Government, they provided in the twenty-second and last section, act of 1864, as follows:

> That Congress may at any time alter, amend, or repeal this act.

That is, while by this act Congress released one-half of the compensation for services rendered by the companies to the Government they said in effect, "If we find when these roads are completed that the means provided by existing law to pay the principal and interest of the subsidy bonds will not be enough, we will reserve the right to alter the contract and require such payments as will be sufficient."

Mr. BRIGHT. Did they accept the act of Congress?

Mr. LAWRENCE. Yes; of course they did, for there were "millions in it" for the companies. The sixth section of the act of 1862 declares these land grants and subsidy bonds are given to these companies upon the "condition" that said companies shall pay said bonds at maturity. And again:

> Said company may also pay the United States wholly or in part, in the same or other bonds, Treasury notes, or other evidences of debt against the United States, to be allowed at par; and after said road is completed, until said bonds and interest are paid, *at least* 5 per cent. of the net revenues of said road shall also be annually applied to the payment thereof.

Mark the words, "*at least*" 5 per cent. shall be applied to the payment thereof! That is coupled with the power in the act of 1864, to alter the contract so as to enlarge the demand which the Government may make on the companies.

Mr. BAKER, of Indiana. Let me ask the gentleman from Ohio a question, whether the power embodied in this twenty-second section to alter, amend, or change the charter in his judgment confers any authority upon Congress to change the status of the corporation as it exists at the time Congress may see fit to so alter and amend?

Mr. LAWRENCE. The status?

Mr. BAKER, of Indiana. Their contract rights.

Mr. LAWRENCE. It authorizes Congress to change the contract with the companies so as to require them to pay more than the original law required if they accepted it, as they did. Congress cannot change the status of a company so as to divest a vested right.

Now, Mr. Speaker, this question has been before the courts in quite a number of cases. In the case of Miller against the State, 15 Wallace, 478, a railroad company was organized under a law authorizing its creation, with thirteen directors to be elected by the stockholders. A subsequent statute gave the city of Rochester, which had become a stockholder, the power to appoint seven directors, leaving the other stockholders to elect six. The question arose whether the Legislature had the power to provide that mode of electing the directors. The court held that this was an authorized exercise of power under the reservation in the law of the right to alter or amend. Judge Clifford, in pronouncing the opinion of the Supreme Court, said that the reserved power may be exercised to almost any extent to carry into effect the original purpose of the grant, or to secure the due administration of its affairs (the affairs of the company) so as to protect the rights of the stockholders and creditors, and for the proper disposition of the assets. That is it. That covers the entire authority exercised, or proposed to be exercised in this bill. Judge Clifford says this power to alter or amend can be exercised almost to any extent to carry into effect the original purpose of the grant. What was the original purpose of the grant to the Pacific Railroad companies? It was to secure to the United States the re-imbursement of the interest which should be advanced upon the subsidy bonds, and the repayment of the principal of those bonds. Well, says Justice Clifford, Congress can exercise the reserved power to alter to any extent to effect that object. That is precisely what this bill proposes to do.

How shall Congress exercise that power? Why, says Justice Clifford, that power may be exercised for the proper disposition of the assets. Yes, sir, this bill proposes to deal with the assets of the company, to make a proper disposition of them to secure the repayment of this interest and the principal of these subsidy bonds.

Mr. Justice Clifford says that under this reserved power to alter, authority may be exercised almost to any extent to protect the rights of the creditors. The Government is the creditor, and we propose simply to take the assets of these companies and give them a particular direction, for the purpose of doing what these companies agreed to do. It would be marvelous law indeed if we required these companies to do a given thing, and there was no power under the sun to enforce the observance of that duty which they had agreed to perform! Why, sir, to say they shall do a thing, and then leave it in their discretion whether to perform it or not, is simply to issue a *brutum fulmen*, simply to say a thing shall be done, and then leave the companies not to do it. That would not only be bad law, but bad morals.

I have in this report, (House Report No. 440,) as I have already remarked, collected a number of authorities, and I call the attention of the House to a Massachusetts case. In Massachusetts the Legislature incorporated two railroad companies, and in the act incorporating them the right to alter and amend the charter was reserved. Subsequently the Legislature required the companies to extend their lines of road into a city and construct a union depot, at a cost of several hundred thousand dollars. The companies resisted, and said, although the Legislature had power to amend or alter their charters, they could not impose upon them a duty which required the payment of money away beyond the original purpose contemplated by the charter. The supreme court of that State held that, under the reserved power to alter or amend, the Legislature had the right to impose a new duty upon the companies to carry out the original design of their creation; that is, to accommodate the traveling public and to carry goods; that this depot was necessary for that purpose, and that under the power to carry out the original design of the company the Legislature could impose upon these companies the duty of extending their road, even although they were required to exercise the right of eminent domain to carry out that purpose. So the law was sustained. And that is a much stronger case than that covered by this bill. Here we simply require the payment of a debt which the companies have agreed to pay and at the time when they agreed to pay it.

My learned colleague, [Mr. HURD,] in his minority views accompanying the report of the committee on this bill, urges with great force his objections to the bill. I have already replied to these in my remarks on the 14th of June.

He insists that this bill may impair the right of stockholders to dividends. I have already shown he is mistaken in this as a matter of fact. But as a matter of law stockholders have no right to dividends to the prejudice of creditors. This is well settled in every book on the law of corporations.

My colleague [Mr. HURD] insists that this sinking fund may disable the companies from maintaining their roads. In this, as I have shown in my remarks on the 14th of June, he is mistaken as a matter of fact. The same argument could be employed to prove that Congress could not tax one of these railroad companies. But it would be answered by the case of Tomlinson *vs.* Jesup, 15 Wallace, page 454, in which the court said the reservation of a power to alter the charter "places under legislative control all rights, privileges, and immunities derived" from the charter, and that a tax could be levied.

The same argument could be employed to prove that Congress could not require a change of grade or the erection of a depot by any of these companies. But the courts have said that both could be required by legislative authority, as may be seen by reference to Worcester *vs.* Norwich Railroad Company, 109 Massachusetts Reports, page 103, and Commonwealth *vs.* Eastern Railroad Company, 103 Massachusetts Reports, page 254, and Fitchburgh Railroad Company *vs.* Grand Junction Railroad Company, 4 Allen, page 198, and numerous other authorities referred to in the report, page 440, of the Judiciary Committee on this bill.

Now, I will not multiply these authorities, for it seems to me they are perfectly clear and perfectly conclusive upon this subject; and if any gentleman desires to look at them more fully he can do so by looking into this report and consulting the books to which it refers.

Mr. JAMES B. REILLY. I would like to ask the gentleman from Ohio a question. As I understand it, the amount which this bill pro-

vides shall be paid into the Treasury will not fully re-imburse the Government?

Mr. LAWRENCE. It will not.

Mr. JAMES B. REILLY. What is the objection to fixing an amount at this time that will fully re-imburse the Government?

Mr. LAWRENCE. I cannot see any; but I defer to the judgment of the majority of the Judiciary Committee, who thought it better not to require the full amount now. And I always acquiesce in the judgment of the gentlemen with whom I am associated when they differ with me in sufficient numerical force, and of course for that reason I yielded to their judgment. I can only say that this is right so far as it goes; but in the future, when the profits of these roads shall increase, when money probably can be borrowed at a lower rate of interest, the amount can be increased. We have started in the right direction, and we ought not to vote down this bill simply because it does not accomplish all we would desire.

Mr. W. B. WILLIAMS. May I ask the gentleman from Ohio a question?

Mr. LAWRENCE. Certainly.

Mr. W. B. WILLIAMS. The bill in the last clause of section 5 says:

But nothing herein shall require said 5 per cent. of net earnings or said one-half of the compensation for services rendered for the Government to be invested as herein mentioned.

Why should not that be invested in the same manner as the moneys referred to in the previous portion of the section?

Mr. LAWRENCE. I will state the reason. It is because we have the right to credit that on the advances of interest now. The Government is entitled to credit the 5 per cent. of net earnings and half compensation for services as part payment on current advances of interest on the subsidy bonds, and we are not bound to accumulate that at interest and give the companies the benefit of it. The act of 1862 and of 1864 gives the Government this right.

Mr. W. B. WILLIAMS. Why not do this in your bill?

Mr. LAWRENCE. It is done by the existing law. The act of 1864 provides for that.

Mr. W. B. WILLIAMS. The act of 1864 provides for that as a sinking fund, and you are providing an additional sinking fund.

Mr. LAWRENCE. The act of 1864 provides that 5 per cent. of the net earnings and half of the compensation for the services rendered by these companies to the Government shall be applied right at the time the services are rendered, and 5 per cent. paid in liquidation of the interest advanced by the Government, so far as it will go. There is no necessity for investing that 5 per cent. or half services, because it is credited at once, and the amounts will be made up accordingly; whereas as to the residue of the interest not so re-imbursed it is not proposed in this bill now to exact payment until the maturity of the subsidy bonds. And for that reason this sinking fund is to be paid in and invested, and accumulate interest until the maturity of the subsidy bonds, and then applied; the result of which is that the companies get the benefit of the interest on the sinking fund, while the Government gets no interest on its advance of interest; making a difference of a hundred millions and more in favor of these companies. This is done to conform to what it is claimed the Supreme Court decided in the so-called "interest case" at the recent term of the court.

Mr. PAGE. Will the gentleman answer me one question?

Mr. LAWRENCE. Yes, sir.

Mr. PAGE. How much money in all did the Government give to these two roads? What was the original amount?

Mr. LAWRENCE. I can tell you that. The Government gave or made a loan of credit of subsidy bonds to the Central Pacific Company to the amount of $25,885,120; to the Union Pacific Company, $27,236,512.

Mr. PAGE. About $60,000,000 altogether.

Mr. LAWRENCE. Then there were other companies which received smaller amounts; and the total was $64,623,512.

Now, I have gone over, as fully as I could in the time I have taken, the one principal purpose of this bill, and I trust that it will pass the House by the decided majority which its justice and merits deserve. It is simply a question whether we will secure the repayment to the Government of $150,000,000 justly owing by these companies, or whether that vast sum shall be lost.

Mr. HURD obtained the floor.

Mr. KASSON. Will the gentleman from Ohio [Mr. HURD] allow me, before he proceeds, to ask for a little information from the gentleman who has just spoken?

Mr. HURD. I yield to the gentleman.

Mr. KASSON. I was waiting for the gentleman from Ohio [Mr. LAWRENCE] to come to the details of the bill as I supposed he would do, and therefore I did not interrupt him. I notice that section 8 of the bill provides—

That no director or officer of any company hereinbefore mentioned or referred to shall hereafter be interested, directly or indirectly, in any contract therewith, except for his lawful compensation as such officer.

And if he is, he is to be punished by a possible fine of $10,000 and a year's imprisonment. Does not that go much beyond what the committee desires? If an officer of the company has occasion to ship a single box of any kind of freight from San Francisco to New York, he would be liable, under this provision, to a fine of $10,000 and a year's imprisonment; that is, if he agrees to pay freight on it.

Mr. LAWRENCE. That possibly may not be a contract within the meaning of this section.

Mr. KASSON. I think it is.

Mr. LAWRENCE. This is taken word for word from the act of March 3, 1873, which Congress passed just after the Credit Mobilier *exposé*. The only difference is that this section applies it to all the companies, whereas in that act it was confined to one company. This will be seen by reference to the act found on page 167 of the Report No. 440 of the Judiciary Committee on this bill.

Mr. KASSON. That makes no difference in the view I take. If the literal terms of the act are to be taken, it punishes with fine and imprisonment any officer of the road who makes a contract for freight.

Mr. LAWRENCE. O, certainly it does not apply to any such case as that suggested by the gentleman.

Mr. KASSON. If strictly construed it prohibits him from being interested in any contract of any kind, and subjects him to imprisonment and fine.

Mr. LAWRENCE. I understand, I think, now the purpose and effect of the provision. If a railroad president can make contracts for carrying freight, he can buy coal mines and forests and produce, and secure advantages over all others. If he wants a single box carried he can have it done without freight charges. But he should not be permitted to secure advantages over other parties in carrying freights, either as to price or time of carrying. If so, he can drive all competition away. And the only remedy is to cut him off from all such contracts. Another purpose is to prevent him from being a contractor through a Credit Mobilier corporation or otherwise.

Mr. HOLMAN. I wish to inquire whether the debate upon this bill is to be confined entirely to the Committee on the Judiciary.

Mr. LAWRENCE. O, we shall have an hour after the previous question is seconded. I might occupy much more time in this discussion and explain in detail all the provisions of the bill; but it seems to me unnecessary. I rely on the inherent justice and manifest necessity for and propriety of the measure.

Mr. HURD. Mr. Speaker, I regret that I have been compelled to differ from the majority of the Judiciary Committee of this House in the report they have made upon the subject of the Union Pacific and Central Pacific Railroads. I regret it the more because of the high respect in which I have always held as a lawyer my colleague who has just addressed the House; but, notwithstanding the regret, I feel obliged by a sense of duty to maintain before this House in this discussion the views which have led me to a decision entirely different from theirs. I desire to say to this House that not only are there involved in this discussion questions of millions and millions of dollars, but the question of the honor of the Government, questions of its rights and duties and powers with reference to whom and with whom its has made contracts, and that in the determination of these questions we are to set the precedent by which powers in all future Congresses may be regulated.

The history of these railroads must be familiar to nearly every member of the House. By acts of Congress individuals were given certain powers, involving rights of way, involving the exercise of the right of eminent domain; certain privileges were conferred in the way of bonds and loans of the Government credit for the construction of these railroads. In addition to this there was a large contribution of individual capital made to these railroad enterprises.

When the railroads were completed they constituted a line from the one hundredth meridian of longitude in Nebraska to the Pacific Ocean. The Government has since exercised control over them, so far as the law fixed the exercise of such control and determined and ascertained its power.

The question that is involved in this discussion is what were the terms of the contract entered into between the Government and these companies? The terms can be ascertained only by reference to the provisions of the statutes themselves. By the law of 1862, it was provided particularly and especially that after these roads had been completed the Government should have power to retain at least 5 per cent. of the net earnings of the roads and also the whole of the compensation paid by the Government to the companies for services.

Afterward, in 1864, this law was changed chiefly in this, that only one-half of the compensation to be paid to the companies should be set aside for the security of the ultimate payment of these bonds. No person ever disputed that these bonds were loaned to the company; they were to be repaid to the Government at maturity. There was no dispute as to the time that the obligations were to run for a certain period of time, for payment was specifically stated on the face of the bonds themselves. There was a dispute, however, as to the maturity of the interest. It was maintained that the interest was to be paid semi-annually by the companies until the maturity of the bonds. The Attorney-General of the United States gave an opinion in favor of that view. But the question was carried to the Supreme Court of the United States, and that tribunal, the highest judicial tribunal of this country, decided that the interest was not payable by the companies until the bonds had matured. Since this decision there should be no doubt on the part of the General Government that it had no right to ask the payment of the principal or the interest until the maturity of the bonds, and the companies had the right to refuse the payment of any sum until the bonds had matured, as the contract stipulated. There was a time for the payment of the principal debt; there was a time for the payment of the interest; there was a fund

to be annually paid which was to insure the payment to the Government of the whole sums specified by law. Nothing could be plainer than this.

If judicial decision were necessary, judicial decision has been given. If legislative action were needed, legislative action has been had so that the contract between the Government and the companies was clearly understood. To fix any other time for payment without consent of the companies is a breach of the obligation; to demand any other security is an exercise of unwarranted power. At the beginning of the session my colleague who has just addressed the House introduced a bill providing for a sinking fund, compelling these railroad companies to pay a large amount of money, between one or two million of dollars a year, for the ultimate discharge of this debt which has been contracted.

There can be no doubt as to the effect of the provisions of this law. These provisions impair the obligations of the original contract, because they make a sinking fund where there never was a sinking fund before, or else they impose new duties on the companies in increasing the sinking fund which had been previously established. This law changes the time of payment of the interest from 1900 to each year between that period and now. It affects the vested rights of parties who are interested in these contracts and violates the plighted faith of the Government. It interferes with the obligations of the companies; it diminishes the value of the stock of the parties who have invested in them. The rights of the companies are jeopardized, because the law devolves upon them the duty of keeping their rolling-stock and tracks in order. This law imposes upon them an obligation which, if first performed, will render it impossible for the companies to discharge that duty and retain their franchises. It is easy to impose upon them an obligation which it will be impossible for them to perform in this regard. This law diminishes the security not only of the stockholders, but of the first bondholders. It impairs their rights and powers because it diminishes the value of the ultimate security for their payment.

I say, therefore, that the bill interferes with vested rights; it changes the time of the payment of the debt, so that it becomes due presently when it is not really due until the year 1900. It destroys the obligation of the contracts made with the companies and the original corporators of the company. The question which now presents itself is, has Congress the power to enact such legislation; if so, if Congress professes power, whence has it derived it? I say in the first place that you cannot derive it from the general powers granted to Congress for purposes of legislation; and it might be well to consider at this point this principal provision of the Constitution upon this subject. We only have the grant of legislative power that is contained in our Constitution, which is that the legislative powers herein granted shall be exercised by the Congress of the United States.

But supposing there was no limitation or restriction upon the legislative power; even in that case, I ask you, can you impair the obligation of contracts or destroy vested rights? It is very apparent that it cannot be done, because, in the first place, it is beyond the province of legislative power. The legislative power is not to deal with private individuals or private rights or pieces of property. It deals with general obligations, general duties, and general rights. Then the application of these in their generality to individual cases is reserved to the judicial power of the country. In the next place, I say that the legislative power cannot be so exercised, because in face of all the precedents and of all the authorities I defy the gentleman to cite one where the individual rights, or the value of property acquired by the individual has been permitted to be taken away by legislative authority without just compensation.

If it is your intention by legislative power to confiscate these roads, then let a tribunal be constituted to determine the value of the roads and of the stock held by individals, and then let the Government take possession of the roads and run them. But if you intend simply to exercise your constitutional power and to carry out the original contract, then I invite your attention to authorities upon this point numerous and clear. In Taylor *vs.* Porter, 4 Hill, 140, it is said:

> If there was not one word of qualification in the whole instrument, I should feel great difficulty in bringing myself to the conclusion that the clause under consideration had clothed the Legislature with despotic power; and such is the extent of their authority, if they can take the property of A, either with or without compensation, and give it to B. The legislative power of this State does not reach to such an unwarrantable extent. Neither life, liberty, nor property, except when forfeited by crime, or when the latter is taken for public use, falls within the scope of the power.

The supreme court of South Carolina in 1792 set aside an act of the colonial legislature which took away the freehold of one man and gave it to another without compensation, although the act was not prohibited by any express constitutional provision. They declared the act to be void as being against common right. (Bowman *vs.* Middleton, 1 Bay, 252.)

In Briggs *vs.* Hubbard, 19 Vermont, 91, it was said:

> Every law that takes away or impairs rights vested agreeably to existing laws is retrospective; to say the least of such laws, they are generally unjust, and neither accord with sound legislation nor the fundamental principles of the social compact.

In Rich *vs.* Flanders, 39 New Hampshire, 335, it is said:

> And Kent, in his commentaries, as we have before seen, states that a retrospective statute affecting and changing vested rights "is very generally considered in this country as unconstitutional and void," though the fact is otherwise in regard to remedial statutes. He does not make any distinction between the different States whose constitutions might differ in their provisions upon that subject, and probably for the best of reasons, that he could find no such difference. Indeed, the statement in our bill of rights, section 23, is but an assertion of a general principle, which was understood to be of universal application in all free governments; a principle which should be, and it is believed has been, applied in all of the States of this Union, without regard to the particular form of their constitution.
>
> Woodbury, J., in Merril *vs.* Sherburn, in alluding to the prohibition contained in section 23 of our bill of rights, speaks of them as "fundamental axioms of legislation." And Richardson, C. J., in Woad *vs.* Winnich, in speaking of retrospective laws, such as divest vested rights, says:
>
> "Retrospective laws of that kind deserve to be denounced, as they are denounced in our constitution, as highly injurious, oppressive, and unjust. They have been denounced by the most sound and intelligent jurists and statesmen in every age."

In Gardner *vs.* Village of Newburgh, 2 Johnson, 161, Ct. Chancellor Kent held—

> That, though the Legislature has power to take private property for useful and necessary public purposes, it is bound to provide a fair compensation to the individual whose property is taken, and until a just indemnity is afforded to the party the power cannot legally be exercised. This was when there was no constitutional provision upon the subject of appropriating property for the public use.
>
> My conclusion is that, upon principle as well as upon authority, a legislative act, whether it be a positive enactment or a repealing statute, which takes away the vested rights of property of individuals for any purpose (except where property is taken for public use and upon a just compensation) is to be adjudged invalid, as being above the power and beyond the scope of legislative authority. (People *vs.* Westchester, 4 Barbour, page 75.)

That was where in the State of New York there was no provision in its constitution relating to vested rights or relating to the obligation of contracts.

In Fletcher *vs.* Peck, 6 Cranch, 133, Chief Justice Marshall said:

> Where, then, a law is in its nature a contract—

Here there can be no doubt about this being a contract, for the Supreme Court has said there was a contract. By no act of the legislative authority, and certainly by no act of the judicial authority, can these companies be compelled to pay interest before the maturity of the bonds.

> Where, then, a law is in its nature a contract, when absolute rights have vested under that contract, a repeal of the law cannot divest those rights, and the act of annulling them, if legitimate, is rendered so by a power applicable to the case of every individual in the community.
>
> It may well be doubted whether the nature of society and of government does not prescribe some limits to the legislative power, and if any be prescribed where are they to be found, if the property of an individual, fairly and honestly acquired, may be seized without compensation.
>
> To the Legislature all legislative power is granted, but the question whether the act of transferring the property of an individual to the public be in the nature of a legislative power is well worthy of serious reflection.
>
> It is the peculiar province of the Legislature to prescribe general rules for the government of society; the application of these rules to individuals in society would seem to be the duty of other departments. How far the power of giving the law may involve every other power in cases where the Constitution is silent never has been and perhaps never can be definitely stated.
>
> The validity of this rescinding act, then, might well be doubted, were Georgia a single, sovereign power.

That related to the State of Georgia, where there was no provision in its constitution in reference to the obligation of contracts, where they had all the legislative power that any Legislature could exercise in the just order of civilized society.

I say, then, that if there were no provision in the Constitution of the United States upon the subject, that what has been proposed by the bill introduced by my colleague from Ohio [Mr. LAWRENCE] could not be sustained upon principle, for it is beyond common right and without the sphere of legitimate legislative authority. It impairs vested rights; it affects the value of property actually and honestly acquired. In doing that it denies that underlying principle, as Mr. Story calls it, which protects the rights of personal liberty and private property, and holds them as sacred.

But is there anything in the Constitution of the United States which confers power upon the legislative authority to impair the obligation of contracts or to divest vested rights? There is only one instance in which it is provided for by that instrument; that is where bankrupt laws are permitttted to be passed. It has been held that there the power is absolute to affect the obligation of contracts and to divest vested rights. But I say that the Constitution of the United States creates a Government of limited powers, and the measure and extent of those powers are to be found in the terms and phrases of the limitation and the delegation. If it be in one case expressly delegated that the obligation of contracts can be impaired, then I maintain the inevitable inference is that it was not intended, if you give a strict construction to the Constitution that the obligation of contracts could be affected in any other case.

But we are not left without judicial authority upon that point. In Griffin *vs.* Wilcox, 21 Indiana, 370, it was held that Congress had no power to pass a law depriving a person of a right of action against another who had arrested and imprisoned him without due process of law, upon the ground that a right of action was property of which he could not be deprived by the legislative authority.

In Hubbard *vs.* Brainerd, 35 Connecticut, 563, it was decided that Congress could not take away a vested right to sue for and recover back an illegal tax which had been paid under protest to a collector of the national revenue.

In Kentucky the same doctrine was held as to the power of Congress in Norris *vs.* Donivan, 4 Metcalf, 355. See also Cooley's Constitutional Limitations, 362, 645.

In Duer on Constitutional Jurisprudence, page 357, the distinguished author says:

A similar restriction with regard to the bills of attainder and *ex posto facto* laws is imposed by the Constitution on Congress as well as upon the State Legislatures; but not with regard to laws impairing the obligation of contracts, which are also retrospective in their operations, and equally inconsistent with sound legislation and the fundamental principles of the social compact. * * * The power possessed by a State Legislature, to which everything not expressly reserved is granted, and the temptation to abuse that power render express restrictions, if not absolutely necessary, at least prudent and useful; but the national Legislature has no power to interfere with contracts, except when it is expressly given to it. * * * But Congress is expressly invested with this power in regard to bankruptcy as an enumerated and not as an implied power, and in no other form can it impair the obligation of a contract.

In Hepburn *vs.* Griswold, 8 Wallace, 622, Chief Justice Chase discussed this question; and I refer to his language in connection with the particular point which has been suggested in the argument that because there is a restriction upon the States in regard to impairing the obligation of contracts, there is no restriction as to the Federal Government. In this case the Chief Justice said:

Among the great cardinal principles of that instrument, no one is more conspicuous or more venerable than the establishment of justice. And what was intended by the establishment of justice in the minds of the people who ordained it is happily not matter of disputation. It is not left to inference or conjecture, especially in its relation to contracts. * * * The same principle found more condensed expression in that most valuable provision of the Constitution of the United States, ever recognized as an efficient safeguard against injustice, that "no State shall pass any law impairing the obligation of contracts."

It is true that this prohibition is not applied in terms to the Government of the United States. Congress has express power to enact bankrupt laws, and we do not say that a law made in the execution of any other express power, which incidentally only impairs the obligation of a contract, can be held to be unconstitutional for that reason.

But we think it clear that those who framed and those who adopted the Constitution intended that the spirit of this prohibition should pervade the entire body of legislation, and that the justice which the Constitution was ordained to establish was not thought by them to be compatible with legislation of an opposite tendency. In other words, we cannot doubt that a law not made in pursuance of an express power, which necessarily and in its direct operation impairs the obligation of contracts, is inconsistent with the spirit of the Constitution.

It is true that this opinion was delivered in the legal-tender cases, afterward overruled by a packed Supreme Court. What effect is to be given to a decision made under those circumstances against the protest of Chief Justice Chase himself, I am not here to discuss; but I submit that this statement of his, delivered in that case, so fully according with the spirit of all the other authorities upon that subject, should be regarded as the law governing us; that we should not by acts of legislation impair the obligation of contracts, destroy vested rights, and affect unnecessarily the value of property, unless we propose to take the property by absolute confiscation and give the compensation which the Constitution provides for in such cases.

I maintain, then, that neither in a general grant of legislative power, nor in the particular provisions of the Constitution, can anything be found that justifies the measure which has been proposed by the gentleman from Ohio. But he seeks to argue that by reason of the terms of this contract, by reason of the provisions of the original law incorporating these companies, Congress may exercise this power; and he puts it upon two grounds: first, that there is a provision in the original act declaring that at least 5 per cent. of the net earnings of the roads shall be appropriated for the payment of this debt, and, secondly, that there is reserved a power "to alter, amend, or repeal."

Now, I ask attention for a moment to the first argument. It is really one of the most extraordinary propositions I have ever heard maintained, that a provision incorporated into the contract manifestly for the benefit of the debtor should be construed into giving absolute power to the creditor. Suppose in a contract between individuals it should be stipulated that at least 5 per cent. should be paid each year upon a particular debt, does that give power to the creditor to make it 10 per cent. or 50 per cent. at his discretion? No, sir; it is a provision for the benefit of the debtor, that he shall pay at least 5 per cent. and at his discretion as much more as he can. So that the provision in regard to 5 per cent., instead of being a provision out of which can be drawn these enlarged powers by which these companies can be swallowed up by act of legislation, is a limitation upon the power of Congress, and was intended to provide that the debtor should not be compelled to pay more than that except at his own discretion, or (putting it as strongly as possible for the gentleman) except upon the adoption of a new agreement between the debtor and the creditor.

But where can this power be found in the provision reserving authority to "alter, amend, or repeal?" Now, it is an admitted fact that no law passed by any legislative body is irrepealable. No law is beyond alteration or amendment. In every law that is passed this provision is just as much a part as though it were expressed in so many words. The courts have held over and over and over again that the power to repeal exists always. If not, it would be in the power of one Legislature to do for all future ages all legislation upon a particular subject-matter as to which the legislative power attaches. I insist, therefore, that these words incorporated into this statute go into it by a well-known principle with the same meaning and significance and force that they possessed before. If the law were subject to repeal before, how does it become more subject to repeal by asserting it in so many words in the statute? The word "repeal" has its significance derived from the statutes, derived from the history of the common law, derived from the history of congressional legislation. When used in the law, it has the same significance as before. What did it mean before? It meant that the legislative authority could alter, amend, or repeal so as not to divest vested rights or impair the obligation of contracts. Over and over and over again this has been held. It was expressly held in the Dartmouth College case in reference to corporations, and with a view perhaps to avoid somewhat the force of the reasoning in that case these words have been adopted by many Legislatures. What do they mean? Judicial construction is not lacking to determine their significance. In the fifteenth volume of Wallace's Reports are three cases in which this question as to what is implied in this reservation of power arose for decision. In the case of Tomlinson *vs.* Jessup, on page 459, the Supreme Court say:

The reservation affects the entire relation between the State and the corporation, and places under legislative control all rights, privileges, and immunities derived by its charter directly from the State. Rights acquired by third parties, and which have become vested under the charter in the legitimate exercise of its powers, stand upon a different footing; but of such right it is unnecessary to speak here. The State only asserts in the present case the power under the reservation to modify its own contract with the corporators; it does not contend for a power to revoke the contracts of the corporation with other parties or to impair any vested right thereby acquired.

In Miller *vs.* The State, page 498, the court say:

Power to legislate founded upon a reservation in a charter to a private corporation is certainly not without limit; and it may well be admitted that it cannot be exercised to take away or destroy rights acquired by virtue of such a charter, and which by a legitimate use of the powers granted have become vested in the corporation. But it may be safely affirmed that the reserved power may be exercised, and to almost any extent, to carry into effect the original purposes of the grant or to secure the due administration of its affairs so as to protect the rights of stockholders and of creditors, and for the proper disposition of the assets. Such a reservation, it is held, will not warrant the Legislature in passing laws to change the control of an institution from one religious sect to another, or to divert the fund of the donor to any new use inconsistent with the intent and purpose of the charter, or to compel subscribers to the stock, whose subscription is conditional, to waive any of the conditions of their contract.

In Holyoke Co. *vs.* Lyman, 15 Wallace, 519, it is said, "Vested rights, it is conceded, cannot be destroyed or impaired under such a reserved power;" *i. e.*, power to alter, amend, or repeal acts of incorporation.

So the Supreme Court of the United States in a very recent decision, after full consideration of the question, has decided that the power to alter, amend, or repeal incorporated into a statute is with limit, and the limit is it shall not impair the obligation of contracts or divest vested rights. It is precisely the limitation the same roads had before it was incorporated into the statute.

In Commonwealth *vs.* Essex County, 13 Gray, 253, it is said:

The rule to be extracted is this, that when under power in a charter rights have been acquired and become vested, no amendment or alteration of the charter can take away the property or rights which have become vested under a legitimate exercise of the powers granted.

This decision was made when by the general statute of the State of Maine it was provided that "all acts of incorporation are passed subject to amendment, alteration, or repeal, at the pleasure of the Legislature."

In Curran *vs.* Arkansas, 15 Howard, 5104, the Supreme Court say:

We do not consider, therefore, that the power of the State to repeal this charter enables the State to pass a law impairing the obligation of its contracts.

I defy the gentleman, with all his research, to produce a single authority anywhere in which a doctrine contrary to this has been held. In a very able case decided in 15 Monroe's Law and Equity Reports, page 357, the syllabus is this—I will not detain the House by reading the whole of the opinion:

A reservation by the Legislature in a charter to alter, repeal, or amend does not imply the power to alter or change the vested rights acquired by the corporators under the charter, and to add new parties and managers without the consent of the corporators.

The discussion is very full and elaborate. I quote briefly from the opinion:

And the question is, had the Legislature power, under the reserved right in the original charter, to alter, amend, or repeal the act incorporating the trustees, to assume to themselves, against the will and consent of the board of trustees, the very privilege which they had granted to the trustees. There can be no doubt that, without the reservation contained in the original act, the Legislature would have no right to make such an enactment without the consent of the trustees. The contrary is not urged in argument. The corporation is a private, not a public, one. The charter is a contract between the government and the trustees who were thereby incorporated. By this contract certain rights and immunities were vested in and conferred upon the trustees who were incorporated, and the Legislature had no right or power to change these rights and immunities, or to impair them, against the will and consent of the corporators, except so far as they had reserved the right to do so. If the act of the Legislature does not come within, but is contrary to, the spirit and meaning of the reservation, it impairs the obligation of the contract, and it becomes our unpleasant duty to declare the act unconstitutional and void.

I would ask gentlemen where in all the range of authorities, where in all the great writers of political economy, where in all the reports as we find them in England and this country, where in all our own great writers on constitutional law, they can find the power to pass the law sought to be enacted here in the speech of my colleague from Ohio, [Mr. LAWRENCE?]

When Chief Justice Marshall and Mr. Justice Story and Chancellor Kent have declared that the legislative power, if there were no limitations upon it, either by previous acts of legislation or by constitutional provisions, could not pass such a law as this, will this House say it can exercise this power? If there were any authority anywhere

to justify the doctrine which gentlemen proclaim, if there were any intelligent text-writer anywhere who justified the doctrine gentlemen maintain, I would have some doubt about the proposition I am urging, and I would not have the temerity to come here and fight the majority of the Judiciary Committee of the House; but I say I am justified and sustained by the text-writers, by all the books I have been able to examine. There is not an intelligent judicial authority, in my judgment, to be found maintaining the contrary proposition. If, therefore, we are without any authority in the very nature of legislative power, if without any authority by reason of the express grants to Congress by the Constitution of the United States, if without any authority under the provisions of this contract, entered into between these companies and the General Government, as expressed in the laws of 1862 and 1864, I ask the House to hesitate before it passes this bill.

I heard this afternoon, while the matter was under discussion, a distinguished gentleman say, in conversation with some one of his fellow-members, as a reason why a certain vote should be passed as to the order of business for this day, that this bill should be considered, because they meant to compel the railroads to pay what they owed to the Government. I felt like inquiring whether he had examined the question. I felt like asking the gentleman to point to the number of dollars the companies owed the Government. Has not the Supreme Court held that they do not owe the interest until the principal matures? Does not the contract, the bond, declare that the principal is not due until the time fixed by the terms of the bond (nearly twenty years) shall have been reached? Money due! You can say to-day you will enforce the provisions of the law for protecting the security which the law has contemplated and provided for; but I ask whether you can go further without the consent of the companies themselves?

Mr. Speaker, this is a higher question than the mere question of compelling railroad companies to pay debts. It reaches into the sphere of governmental obligation and governmental duties to the grand principles of free government and fair dealing by the Government toward its citizens. I have seen too much disposition to abandon the promises and pledges of the Government; I have seen too much disposition to say law shall be repealed to the destruction of vested rights and impairment of contract obligations, and I trust at least this side of the House will not embark in measures and schemes that sooner or later will involve the Government in dishonor and broken credit.

The contract may be a bad one. It may be true, as the gentleman from Ohio [Mr. LAWRENCE] remarked, that even if we pass his bill it will give $100,000,000 to these companies. It may be true that the companies will make two or three hundred millions of dollars or more. But the gentleman is more responsible for that than I am. This is my first session of Congress. I was not here when the law was passed; nor were my political friends in a majority in this House when it was passed. Even if the gentleman and his friends made bad contracts and passed laws pledging the credit of the Government, on the faith of which the capitalists of the world have invested vast sums of money, it is our duty to see the contracts enforced and the honest obligations of the Government liquidated. It may have been unwise legislation. I had occasion to say I regretted it, at the time it passed. But then here are the rights and duties and obligations of the Government, and I say the honor of this great country requires that they shall be regarded.

To-day there was handed to me a bill which represents the views of both of these companies upon the questions involved, and it presents a proposition to the Congress of the United States for the settlement of this matter. I may say here that the gentleman from Ohio [Mr. LAWRENCE] has read an extract from a letter written by the president of the Pacific Railroad Company to indicate that he had no disposition or inclination to have a settlement of this claim. On the contrary, I believe the letter was written with the object of obtaining a settlement, because the interest of the companies, as well as the interest of the Government, requires that something shall be done so that this debt shall ultimately be discharged.

The provisions of this bill I have not examined. I am not prepared to commit myself to the advocacy of one of them; but believing that it has been drawn with an honest purpose and intention that some agreement may be reached, I submit it that it may be read. I send this bill to the desk and ask the Clerk to read it.

Mr. LAWRENCE. I understand the gentleman does not indorse it himself.

Mr. HURD. I desire to offer it as a substitute.

Mr. LAWRENCE. Do you indorse it yourself?

Mr. HURD. No, sir. I desire to have it printed and to have it considered by the House. I introduce it by request, and I do not commit myself to any of its provisions. After a thorough study of it, I may.

The Clerk read the bill, as follows:

A bill to create a sinking fund for the liquidation of the Government bonds advanced to the Central Pacific Railroad Company of California and the Western Pacific Railroad Company, and to the Union Pacific Railroad Company, under and in pursuance of the act of Congress entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 1, 1862, and the acts amending the same or supplemental thereto, and for the settlement of the claim of the Government on account of said bonds.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purpose of liquidating the claim of the Government on account of the bonds advanced under said act of July 1, 1862, and the acts amending the same or supplemental thereto, the Secretary of the Treasury of the United States is hereby authorized and directed to carry to the credit of a sinking fund for the Central Pacific Railroad Company, a corporation organized under the laws of the State of California, the successor by consolidation of the Central Pacific Railroad Company of California and the Western Pacific Railroad Company, and to the credit of a sinking fund for the Union Pacific Railroad Company, the amount due, or which may be due, the said companies for the carriage and transportation of the mails, troops, munitions of war, supplies, and public stores for the Government under the acts aforesaid, up to and including the 31st day of December, 1875, which, if not amounting at said date to the sum of $1,000,000, shall be made up by the respective companies to that sum.

SEC. 2. That the said Central Pacific Railroad Company and the said Union Pacific Railroad Company shall each pay into the Treasury of the United States the sum of $750,000 per annum in equal semi-annual installments on the 1st day of April and October in each year, commencing on the 1st day of October, 1876, either in lawful money or in any bonds or securities of the United States Government, at par until such sums shall, with interest thereon as hereinafter provided, be sufficient, when added to the other sums to the credit of said sinking fund, to pay off and extinguish the balance of the claim for the Government bonds advanced as aforesaid, with 6 per cent. interest thereon from their respective dates. Interest on all sums placed to the credit of said sinking fund shall be credited and added thereto semi-annually at the rate of 6 per cent. per annum: *Provided, however*, That if the foregoing provisions shall prove insufficient to extinguish the balance of the claim of the Government aforesaid by the 1st day of October in the year 1910, the semi-annual payments shall be increased to such a sum as will be sufficient for that purpose.

SEC. 3. That the payments so to be made by said companies shall be in lieu of all payments or other requirements from said companies under said act, and the amendments thereto, in relation to the re-imbursement to the Government of the bonds so issued to said corporations: *Provided, however*, That, until the claims of the Government for said bonds and interest are fully paid, said companies shall not in any manner be released from their present liabilities to keep the said railroads and telegraph lines, constructed under the acts of Congress aforesaid, in repair and use, and to transmit dispatches over said telegraph lines, and transport mails, troops, munitions of war, supplies, and public stores upon said railroad for the Government, whenever required to do so by any Department thereof, at fair and reasonable rates of compensation; the whole amount of which shall, upon the compliance by the companies with the provisions hereof, be paid by the Government to said companies on the adjustment of the accounts therefor; and that the Government shall at all times have the preference in the use of the same for all the purposes aforesaid; said rates not to exceed the amounts paid by private parties for the same kind of service: *And provided also*, That all Government freight and transportation destined for points between the Missouri River and the Pacific coast, and on the Pacific coast, shall be sent by the said railroads until the aforesaid claims of the Government on account of bonds advanced to the companies are fully paid and satisfied; and that, until the aforesaid claims of the Government are satisfied, no discrimination shall be made against said companies in the rates of compensation for the carriage of the United States mails.

SEC. 4. That the mortgage of the Government created by the fifth section of the act of July 1, 1862, amended by the act of July 2, 1864, shall not be in any way impaired or released by the operations of this act unless or until the obligations of said companies, respectively, to the Government under said section 5 are, in accordance with the provisions of this act or otherwise, fully and perfectly performed; but said mortgage shall remain in full force and virtue, and, upon the failure of said companies to perform the obligations imposed upon them by this act, said mortgage shall be enforced as if this act had not been passed; the Government, however, duly crediting and allowing to the respective companies upon said mortgage all payments which may have been made in part execution of this act.

SEC. 5. That each of said companies shall be entitled at any time, whenever its financial condition will allow, to pay to the Government, in lieu of the semi-annual payments provided for in section 2 of this act, which may then remain to be made before the full payment and extinguishment of the balance of the Government claims as aforesaid, the then present value of all such future semi-annual payments, computed according to an interest-rate of 6 per cent. per annum; and upon such payment of the present value the said balance of the Government claim shall be discharged without further semi-annual payments. And each of said companies shall also be entitled, at any time, to commute at the same rate any of said semi-annual payments herein provided for by the payment of a specific sum equal to the then present value of such of said semi-annual payments so desired to be commuted, but the sum so paid shall not be less than $1,000,000 at any one time.

SEC. 6. That so much of the proviso to section 3 of the act of July 1, 1862, as reads as follows, "And all such lands so granted by this section which shall not be sold or disposed of by said company within three years after the entire road shall have been completed shall be subject to settlement and pre-emption, like other lands, at a price not exceeding $1.25 per acre, to be paid to said company," be, and the same is hereby, repealed: *Provided, however*, That said lands shall not be sold by said companies at prices exceeding an average of $2.50 per acre, and that said companies shall apply for and take out patents for the lands as fast as they are required for settlement and sale; and until said lands are patented they shall not be subject to local taxation under State, territorial, or municipal authority.

SEC. 7. That if this act shall be accepted by the said companies within four months from the date of its passage by votes of the directors and stockholders at regular meetings duly called, the same shall be deemed and construed to be a final settlement between the Government and the company or companies so accepting the same; such acceptance to be filed with the Secretary of the Treasury.

SEC. 8. That all acts and parts of acts inconsistent with this act are hereby repealed.

Mr. HURD. It seems to me that this matter is of sufficient importance to justify the House in holding that this measure which has just been read be printed, and that there be a delay in the final vote upon the bill until it has been printed and laid upon the tables of members, so that we may be informed of its provisions. I desire to make that motion, if it be in order.

Mr. LAWRENCE. It is not in order. That is not in accordance with the arrangement which was made yesterday. The arrangement was that after two hours' debate the previous question should be called. The gentleman of course can offer that as a substitute. But the order of the House last evening was that there should be two hours for discussion and that then the previous question should be called. The gentleman will have the right to offer an amendment, but it is not in order yet. The motion to reconsider is now pending. I will indicate when the amendment will be in order.

Mr. HURD. I was not here last evening, and was not aware what was the order made by the House. I desire to have this bill printed before the final vote is taken on the passage of the bill reported by the gentleman from Ohio, [Mr. LAWRENCE.]

Mr. TOWNSEND, of New York. I desire to ask a question of the gentleman from Ohio, [Mr. HURD.] Are there any sanctions in his

bill by which the Government can enforce its provisions if the railroad companies shall not choose to accept them?

Mr. HURD. The gentleman speaks of it as being my bill. It was handed to me to-day as a proposition which the railroad companies would accept.

Mr. LAWRENCE. I think they would.

Mr. HURD. I have not read it all through. I have not considered all its provisions, and am unable to say what it does contain.

The SPEAKER *pro tempore*. What is the proposition of the gentleman from Ohio?

Mr. HURD. I desire to make some proposition which shall be in order. The motion that I endeavored to make was that this substitute be printed and laid on the tables of members before the final vote shall be taken on the bill of the gentleman from Ohio, [Mr. LAWRENCE.]

The SPEAKER *pro tempore*. After the question of reconsideration is disposed of, the gentleman from Ohio [Mr. HURD] can offer a substitute, and may ask to have it printed and move a postponement. But the first question in order is the privileged question on the motion to reconsider.

Mr. CROUNSE. What is the attitude of that paper or bill which has been read at the Clerk's desk?

The SPEAKER *pro tempore*. It has only been read for information as part of the remarks of the gentleman from Ohio, [Mr. HURD.]

Mr. CROUNSE. It seems that nobody is willing to assume the paternity of it.

The SPEAKER *pro tempore*. The gentleman from Ohio desires to have it printed, and says he proposes to offer it as a substitute for the pending bill. That will be assuming the paternity of it.

Mr. LAWRENCE. I now ask for a vote on the motion to reconsider the vote by which the bill was recommitted.

The SPEAKER *pro tempore*. The Chair will state the question. The question before the House is, Will the House reconsider the vote by which the pending bill was recommitted to the Committee on the Judiciary?

The question being taken, it was decided in the affirmative; and the vote was reconsidered.

The SPEAKER *pro tempore*. The question is now upon the recommitment of the bill.

The question being taken, there were—ayes 29, noes 79; no quorum voting.

Tellers were ordered; and Mr. HURD and Mr. LAWRENCE were appointed.

Mr. SPRINGER. I ask unanimous consent to have my name recorded on the last roll-call. I came in a moment too late to vote on the question of taking up this bill. I vote "ay."

Mr. BURCHARD, of Illinois. The rule positively prohibits a vote being added to the roll-call after it is completed.

The SPEAKER *pro tempore*. The gentleman from Illinois asks unanimous consent to have his name recorded.

Mr. TOWNSEND, of New York. I object.

The question being on the recommitment of the bill, the House again divided; and the tellers reported—ayes 36, noes 111.

So the House refused to recommit the bill.

The SPEAKER *pro tempore*. The bill is now before the House for action.

Mr. LAWRENCE. The fourth section of the bill was drawn with a view to requiring the first payment to be made on the 1st day of July this year. As that time has passed, I have changed the dates in the fourth section so as to make the payments commence on the 1st of January next. I move to strike out section 4, and to insert in lieu thereof the section as I have changed it and which I send to the desk.

The Clerk read as follows:

SEC. 4. That it shall be the duty of the several railroad companies to which bonds were issued under any of the several acts of which this act is amendatory to provide a sinking fund for the payment, according to law, of the interest and principal of such bonds, and for re-imbursing the United States for such sums as have been, and may from time to time be, advanced and paid by the United States upon such bonds and interest, and which may not be re-imbursed from compensation for services as now provided by law, and from 5 per cent. of net earnings. And for the purpose of providing such sinking fund said companies shall severally be required to pay into the Treasury of the United States, in addition to the said compensation for services and 5 per cent. of net earnings, the following annual installments, to wit: The Union Pacific Railroad Company shall, during the period of ten years from and after the 1st day of January, 1877, inclusive, pay annually into the Treasury of the United States the sum of $750,000, to be paid one-half on January 1, and the other half on July 1 in each of said years. And during each and every year commencing with the expiration of said period of ten years, the said Union Pacific Railroad Company shall pay into the Treasury of the United States $1,000,000 until the whole amount of bonds issued to said company, together with interest, shall have been fully paid, one-half of each annual installment to be paid on the 1st of January, and the other half on the 1st of July. And the said Central Pacific Railroad Company, on its own account and on account of the Western Pacific Railroad Company, shall, during the period of ten years from and after the 1st day of January, 1877, pay annually into the Treasury of the United States the sum of $568,210, to be paid one-half on January 1 and the other half on July 1 in each of said years. And during each and every year, commencing with the expiration of said period of ten years, the said Central Pacific Railroad Company shall pay into the Treasury of the United States the sum of $760,330, until the whole amount of bonds issued to said company, together with interest, shall have been paid, one-half of each annual installment to be paid on the 1st day of January and the other half on the 1st day of July: *Provided*, That the sums paid into the sinking fund under this act shall apply first to the extinguishment of interest and the balance to the principal of the aforesaid bonds. And there shall be paid into the Treasury on account of said sinking fund, annually, one-half on the 1st day of January and the other half on the 1st day of July in each year, by the Kansas Pacific Railway Company, $87,327; by the Central Branch Union Pacific Railroad Company, $22,296; and by the Sioux City and Pacific Railroad Company, $20,723, until the bonds issued to said companies respectively, and the interest thereon, shall be fully paid. And said several companies shall owe and be indebted to the United States in the several sums required to be by them respectively paid as aforesaid. And any company may pay any sum herein required to be paid in bonds, Treasury notes, or other evidences of debt against the United States, to be allowed at par.

The total sum required to be paid by any company in any one year by virtue of this act, and including said 5 per cent. of net earnings and said compensation for services as now required by law, shall not exceed the several sums following, to wit: By the Central Pacific Railroad Company, on its own account, $1,861,484, and on account of the Western Pacific Railroad Company, $133,588; the Union Pacific Railroad Company, $1,969,462; the Kansas Pacific Railway Company, $489,034; the Central Branch Union Pacific Railroad Company, $124,856; and the Sioux City and Pacific Railroad Company, $116,050.

Mr. LAWRENCE. I now ask the previous question on the bill and the amendment.

The SPEAKER *pro tempore*. Does the gentleman admit the substitute offered by the gentleman from Ohio, [Mr. HURD?]

Mr. LAWRENCE. Does my colleague on the Judiciary Committee desire to offer that substitute for the bill? If he desires it, I have no objection to a vote being taken upon it.

The SPEAKER *pro tempore*. Does the gentleman from Ohio desire to offer the substitute which he had read for this bill?

Mr. HURD. The substitute has not been printed and it cannot be fully understood by the House, and therefore I will not press it to a vote.

The question was put upon seconding the previous question; and on a division there were—ayes 103, noes 2.

Mr. LANE. I call the attention of the Chair to the fact that no quorum has voted.

The SPEAKER *pro tempore*. The Chair, then, must appoint tellers.

Mr. LAWRENCE. I hope no further count will be insisted on; it will only consume the time of the House.

Mr. LANE. I insist upon a further count.

Tellers were ordered; and Mr. LAWRENCE and Mr. LANE were appointed.

The House divided; and the tellers reported—ayes 130, noes 17.

So the previous question was seconded. The main question was then ordered to be put.

Mr. LAWRENCE. I am now entitled to one hour to close the debate, and I will yield to my colleague on the committee from Virginia [Mr. HUNTON] for such time as he desires. How long does the gentleman require?

Mr. HUNTON. Just as long as you choose.

Mr. LAWRENCE. Very well; I yield absolutely to the gentleman.

Mr. HUNTON. Mr. Speaker, the magnitude of the interests involved and the delicate and complicated relations between the Government and the Pacific Railroad companies, constitute my excuse for trespassing on the time of the House.

By the act aproved July 1, 1862, the Union Pacific Railroad Company was incorporated for the purpose of constructing a railroad and telegraph line from the hundredth meridian west longitude in Nebraska to the western boundary of Nevada. By the same act the Central Pacific Railroad Company, incorporated under the laws of California, was also authorized to construct similar lines from San Francisco to the eastern boundary of California, connecting with the Union Pacific line at that point.

To enable these companies to construct their lines, the United States Government granted to them in said act five alternate sections of public lands on each side of said roads and within the limits of ten miles.

It was provided further that upon the completion of each forty miles (afterward reduced to twenty) the Government should issue to the said companies $16,000 per mile in Government 6 per cent. bonds, payable in thirty years, to be secured to the Government by the first lien on the roads. This sum of $16,000 per mile was to be increased to $48,000 for three hundred miles across the mountains, and to $32,000 for one hundred and fifty miles between the Rocky Mountains and Sierra Nevada Mountains.

In consideration of this munificent generosity of the Government these companies were bound to pay the bonds at maturity, keep their lines in repair, and at all times transport mails, troops, and munitions of war, supplies, public stores, and transmit dispatches whenever required to do so by the Government, the compensation for such services to be applied to the payment of said bonds and interest, and at least 5 per cent of the net earnings of said roads should annually be applied to the same purpose.

By subsequent provisions of the act, the Kansas Pacific, the Western Pacific, the Central branch, Union Pacific, and the Sioux City and Pacific Railroad Companies were authorized to be constructed and extended as branches of the two main lines on the same terms.

Congress reserved in this act a modified right to amend, alter, or repeal the said act.

But this generosity did not satisfy the parties who designed to take hold of the provisions of this act and who were named as corporators in the act. They did not begin to build these roads under this law and came before Congress asking further and additional aid. The act of July 2, 1864, was passed. By it the land grants were doubled. The amount to be retained by the Government for its transportation of supplies, troops, &c., was reduced one-half. The companies were authorized to issue their own bonds to the same amount

that bonds of the Government were issued, and these bonds of the companies, debts preferred before those of the Government by a first mortgage. The only benefit which was secured to the Government by the act of 1864 was the unconditional right to alter, amend, or repeal.

These companies at once commenced operations and before the time provided had completed their roads.

Under these two laws the various companies became entitled to $39,931,766 acres of land, as follows:

	Acres.
Union Pacific	12,000,000
Central Pacific, including late Western Pacific, now consolidated	9,100,000
Kansas Pacific	6,000,000
Denver Pacific	1,100,000
Central branch, Union Pacific	245,166
Burlington and Missouri River, in Nebraska	2,441,600
Sioux City and Pacific	45,000
Total	30,931,766

These figures are from approximate estimates merely, the adjustment of the grants not having been so nearly completed as to justify an attempt to state accurately the amount of lands inuring to each.

2. Of these lands the following amounts have been patented to the respective companies:

	Acres.
Union Pacific	1,625,402.28
Central Pacific, including the Western Pacific, consolidated	764,607.74
Kansas Pacific	516,555.19
Denver Pacific	49,811.59
Central branch, Union Pacific	186,453.28
Burlington and Missouri River	2,374,749.92
Sioux City and Pacific	40,196.64
Total	5,556,776.64

They have received from the Government bonds to the amount of $64,623,512, as follows:

Name of railway.	Authorizing acts.	Rate of interest.	Principal outstanding.
		Per cent.	
Central Pacific	July 1, 1862, and July 2, 1864.	6	$25,885,120 00
Kansas Pacific	July 1, 1862, and July 2, 1864.	6	6,303,000 00
Union Pacific	July 1, 1862, and July 2, 1864.	6	27,236,512 00
Central branch, Union Pacific	July 1, 1862, and July 2, 1864.	6	1,600,000 00
Western Pacific	July 1, 1862, and July 2, 1864.	6	1,970,560 00
Sioux City and Pacific	July 1, 1862, and July 2, 1864.	6	1,628,320 00
Total			64,623,512 00

Bonds payable thirty years from date; interest payable January and July.

On these subsidy bonds, amounting to $64,623,512, the Government has already paid $30,141,513 in interest, and owes for interest accrued and not yet paid to March, 1876, $646,235. These roads were completed, or most of them were, about the middle of the year 1869, and have been running ever since. Their incomes have been very large. By a report of the Secretary of the Interior, dated January 18, 1876, the net earnings of these roads for 1875 were as follows:

Union Pacific	$6,148,365 67
Central Pacific	8,021,498 13
Kansas Pacific	1,212,722 63
Sioux City and Pacific	210,230 66

These figures show that these companies are receiving very large sums of money annually out of which they could pay the semi-annual interest on the subsidy bonds, but they have instead disposed of the net earnings in dividends and left the Government to pay this interest.

To illustrate their ability to pay this interest, we will take as an example the Union Pacific. Its subsidy bonds amount to $27,236,212. One year's interest is $1,634,172, which could certainly be paid out of its net earnings of $6,148,365.67 and leave a large surplus for repairs and dividends.

It was expected that these companies would as soon as their net earnings justified it pay the semi-annual interest on the subsidy bonds and to that extent relieve the Treasury of the Government which had been so generous to them.

The debates upon the passage of these bills show that the construction placed upon the bills was that the companies would pay this interest as it fell due.

The Attorney-General, A. T. Akerman, in an elaborate opinion on this subject, dated December 15, 1870, addressed to the Secretary of the Treasury, concludes as follows:

My conclusion, then, is that the Government may lawfully claim from the company the amount of the interest in question as soon as such interest is paid by the Government.

To the particular question in your letter of November 23, I answer that the Government may retain the entire amount of compensation for services rendered to it by the company, applying the same to the interest paid by the United States, unless such interest shall have been repaid by the company, and in that event one-half of the compensation for such services may be reserved and applied to the principal of the bonds.

Very respectfully, your obedient servant.

But these companies have taken the ground that they are not bound to pay and will not pay the interest on the subsidy bonds until they mature—thirty years from their date.

This position taken by the companies was considered a breach of faith with the Government and a poor return for its generosity lavished upon it with an open hand. But the Supreme Court of the United States has sustained this position, and by existing laws the Government is powerless to collect this interest which it has to pay semi-annually for thirty years.

Amount of subsidy bonds as above	$64,623,512
Simple interest for about thirty years	114,322,300
Principal and interest at maturity	178,945,812

The interest upon these bonds has to be paid semi-annually, and if it is ever re-imbursed fully the interest so paid should become an interest-bearing sum, and at the maturity of the bonds they would owe the Government $380,736,083.79 by compounding the interest.

But by the decision of the Supreme Court the Government can only receive at maturity the principal and simple interest under existing laws. It may be that Congress does not possess the power to change the law in this particular; certain it is that no such change is attempted in the bill of the committee.

At the maturity of these bonds there will then be due from the companies to the Government the sum of $178,945,812, diminished by the credit of one-half of the compensation due from the Government for transportation of troops, supplies, &c., and by 5 per cent. on the net earnings; leaving at maturity at least the sum of $150,000,000 due from them to the Government.

It is the duty of Congress to provide for the payment of that sum at that time by appropriate legislation.

If we act the part of unfaithful public servants and take no action to provide the means to pay this enormous debt, it is almost certain these companies will take none, and at the time it falls due it will be impossible for them to pay this debt and interest. Their first-mortgage bonds have priority over the subsidy bonds. They amount to the same sum as the subsidy bonds, $64,623,512. If a sale is made under this first mortgage no private person or corporation could purchase so large and valuable a property at what is due on first-mortgage bonds. The Government must then become the purchaser and pay off the first mortgage or lose the amount of the subsidy bonds, both principal and interest.

The first alternative is forbidden by wise statesmanship; for no one could advise the Government to become the owner of these vast corporate franchises, the operations of which would not be profitable and would develop fraud and corruption which would dwarf the operations of the Credit Mobilier. It is plain that something must be done at once to protect the Government from a loss of $150,000,000. We shall be criminal if no effort is made to save a sum so large to the Government. The people, already overburdened with taxation, will not excuse us if they have to pay additional taxes to meet this vast sum lost to the Government by our most culpable neglect.

Let it be our endeavor to make no unjust or harsh law against these corporations, on the one hand, and, on the other, to enact some provision which will secure to the Government at the maturity of the bonds at least the aggregate of the sums paid by it semi-annually in interest, and thereafter pay the interest as it shall fall due, and gradually but surely extinguish the principal. I would in this way deal liberally by these companies, although they are not entitled to much forbearance at our hands.

It was supposed that these companies thus generously dealt with by the Government, with a property in their hands practically given them by the Government and of immense value, would have proceeded to build their roads in the most judicious, economical, and honest manner. But the contrary was the fact. The frauds and cheats of these companies have made the country blush with shame. Some of them are enumerated in the following extracts from the Wilson Credit Mobilier report on the Union Pacific, dated February 20, 1873:

Congress relied for the performance of these great trusts by the corporators upon their sense of public duty; upon the fact that they were to deal with and protect a large capital of their own, which they were to pay in in money; upon the presence of five directors appointed by the President especially to represent the public interest, who were to own no stock; one of whom should be a member of every committee, standing or special; upon commissioners to be appointed by the President, who should examine and report upon the work as it progressed; in certain cases upon the certificate of the chief engineer, to be made upon his professional honor; and, lastly, upon the reserved power to add to, alter, amend, or repeal the act.

Your committee find themselves constrained to report that the moneys borrowed by the corporation, under a power given them, only to meet the necessities of the construction and endowment of the road, have been distributed in dividends among the corporators; that the stock was issued, not to men who paid for it at par in money, but who paid for it at not more than thirty cents on the dollar in road-making; that of the Government directors, some of them have neglected their duties and others have been interested in the transactions by which the provisions of the organic law have been evaded; that at least one of the commissioners appointed by the President has been directly bribed to betray his trust by the gift of $25,000; that the chief engineer of the road was largely interested in the contracts for its construction; and that there has been an attempt to prevent the exercise of the reserved power in Congress by inducing influential members of Congress to become interested in the profits of the transaction. So that of the safeguards above enumerated, none seem to be left but the sense of public duty of the corporators.

Your committee, therefore, proceed to report the facts as they have been able to gather them from the evidence, relative to the manner in which the parties in whom these trusts were reposed have discharged them, and the consequences which have followed.

Your committee present the following summary of cost of this road to the railroad company and to the contractors, as appears by the books:

Cost to railroad company.	
Hoxie contract	$12,974,416 24
Ames contract	57,140,102 94
Davis contract	23,431,768 10
Total	93,546,287 28
Cost to contractors.	
Hoxie contract	$7,896,183 33
Ames contract	27,285,141 99
Davis contract	15,629,633 62
	50,720,958 94
	42,825,328 34
To this should be added amount paid Credit Mobilier on account of fifty-eight miles	1,104,000 00
Total profit on construction	43,925,328 34

These extracts show to a small extent how the Government was cheated and defrauded, and how the directors under the cover of the Credit Mobilier made the road cost $43,925,328.34 more than its actual cost to them, which large sum of money went into their pockets or was squandered in purchasing legislation and corrupting the very avenues to the Capitol. Nor were these enormities confined to the Union Pacific. It is confidently believed they are all guilty. But no such searching investigation has been made into the others; we may suppose because Congress was too sick at the disclosures already made to attempt any more.

The gentleman from California, [Mr. PIPER,] in a speech delivered on this floor on the 8th of April, 1876, spoke of the Central Pacific and its branches as follows:

The Central Pacific Railroad of California in 1870 became consolidated with the Western Pacific, the San Joaquin Valley, and the San Francisco, Oakland and Alameda Railroad Companies under the name of the Central Pacific Railroad.

With a desire to own every pass and natural avenue to the Pacific, the directors, by well-known means, also secured control of the Southern Pacific Railroad Company, a corporation formed October 11, 1870, by the consolidation of the San Francisco and San José, the Southern Pacific of California, the Santa Clara and Pajaró Valley, and the California Railroad Companies. The Southern Pacific Railroad of California should not be confounded with the Southern Pacific Railroad of Texas.

The schemes of these men to secure immense profits in the construction of roads to the Pacific were similar to those of the Credit Mobilier of America.

He then refers to a suit in California relating to the Central Pacific, and says:

Under these circumstances, the account given by Samuel Brannan, the plaintiff in this suit, may be considered as substantially true. He asserts that C. P. Huntington, Leland Stanford, Mark Hopkins, Charles Crocker, E. B. Crocker, and others, being a majority of the directors of the Central Pacific, formed themselves into a company styled the contract and finance company, for the purpose of taking contracts for the construction of the road at rates largely in excess of the sum at which the work could have been let out to responsible parties. The said directors then entered into a contract with themselves, as members of this fictitious corporation, for the construction of the Central Pacific, and transferred to the contract and finance company the entire subsidies of land, money, and bonds granted by the United States, the States of California and Nevada, and various municipal corporations of California in aid of the enterprise. They also granted to Wells, Fargo & Co. the exclusive right of running express trains for the transportation of freight, packages, and bullion over the Central Pacific, and received as pay for the concession stock in that company. They also bought up the stock of competing railroads, and, receiving the subsidy bonds from the United States, appropriated to themselves the profits of said roads. They so managed their operations, principally through the contract and finance company, as to earn immense profits, recklessly increasing the cost of building the Central Pacific to double or treble the amount necessary.

In order to obtain these immense grants of land and money, and to procure the re-organization of the competing railroads purchased by them, and to secure their re-election as officers thereof, they expended vast sums of money in lobbying, and in carrying out their schemes generally they rode rough-shod over the people of the Pacific coast, using every conceivable mode of oppression. These grave charges are substantially confirmed by the reluctant testimony of Richard Franchot and C. P. Huntington, given in the early part of 1873 before the special committee of this House appointed to investigate the operations of the Central Pacific.

House Executive Document No. 127, first session Forty-fourth Congress.

Act of 1862, section 6; act of 1864, section 10. In House Executive Document No. 127, first session Forty-fourth Congress, page 12, the Government directors of the Union Pacific Company say, referring to the case recently decided by the Supreme Court:

The company claims that the doctrine of this case evidently is that there is nothing due to the Government from the company on account of either principal or interest until the maturity of the subsidy bonds except one-half of such sum as the Government may create by its demands for transportation, and that, in fact, the only mode of re-imbursement now provided by law, either before, at, or after the maturity of the bonds, is this one-half of Government transportation, which is made by the tenth section of the act of July 2, 1864, to run so long in the future as there may be anything due to the Government, and even as against parties who may become possessed of the road under and by virtue of a foreclosure of the first mortgage—claiming that any other construction leaves nothing for the amendment relative to compensation for services rendered by the Government, contained in the fifth section of the said act, to operate upon.

This picture is too dark for further contemplation. There is a better and purer view to take of it. We turn from their corruptions with loathing to contemplate the magnificent work constructed by the Government. And while the world will never be able to think of this great work without horror at the corruptions of its constructors, yet it is a grand enterprise, greatly above anything of its kind in the world. Over twenty-seven hundred miles of continuous railway, with connections measuring as much more, spanning a continent, scaling mountains, furnishing a rapid transmission of mails and military stores, diminishing the costs of the Army, and binding remote sections of this Union together with an iron band.

This vast railroad line ought not to be crippled, and care should be taken that the object of Congress in its liberality to these roads should not be defeated. For these reasons and as a prudent financial measure, we should deal justly by these companies, as little as they deserve consideration, and impose no burden on them they cannot readily bear.

Can they bear such legislation as will provide as this bill does for a sinking fund which will pay all the interest due the Government on its bonds at their maturity and which will thereafter pay the interest semi-annually as it accrues and extinguish the principal in less than twenty years after maturity? Their ability is shown by a statement already made of the net earnings of the Central Pacific for the year 1875 of $8,031,498. Out of this immense sum the sum of $586,210 for ten years and $760,330 afterward provided for by the bill as a sinking fund can be paid and large dividends still be declared. No allowance is here made for the future increase of the net earnings, which, if we judge the future by the past, will be very large.

This bill is not only imperatively demanded at our hands for the protection of the Government, but it is demanded by the true interest of these companies. It certainly is to the interest of these companies that they shall be required to pay the sums enumerated in this bill annually rather than be sold out at maturity of the bonds to raise principal and interest accumulated into such a sum as to make payment impossible. This view of the subject is forcibly and clearly presented in a letter of Sidney Dillon, president of the Union Pacific, to Secretary Bristow, dated February 9, 1876, from which the following is extracted:

UNION PACIFIC RAILROAD COMPANY, PRESIDENT'S OFFICE,
23 Nassau Street, New York, February 9, 1875.

SIR: The existing relations between the Government and the Union Pacific Railroad Company are such as benefit neither party and tend continually to the injury of both.

The Government, in the prosecution of what it deems to be its just rights, has instituted legal proceedings against the company for claims of different origin and widely different character, and those claims are about to undergo or have already undergone judicial determination. Nothing can be more distasteful to this company than to have even the appearance of resisting a just demand of the Government. The directors, speaking for the stockholders, recognize and fully appreciate the great and generous aid extended by the Government to this magnificent enterprise, and it is their wish to do everything in their power to re-imburse to the Government, so far as they can and as speedily as may be, every dollar advanced from the national Treasury. The company also feel very keenly the disadvantage they incur, both in popular esteem and pecuniary resources, by being in seeming conflict with their great benefactor, the Government, and it is their most earnest desire to do everything they can to establish such relations of mutual trust and confidence as will best secure the demands of the Government and at the same time promote the prosperity of the company; and by promoting the prosperity of the company I do not mean simply the enhancement of the value of the property, but such extensions of the uses, resources, and facilities as will most rapidly develop the great national domain which it traverses for a thousand miles; and I would respectfully call your attention to the important fact that this great domain cannot be developed without increasing in value immensely the Government lands along the line of the road, and, in addition, increase the area of taxable property, a matter of vital importance to the whole country.

The mortgage held by the Government, in its terms and by judicial decision of the United States circuit court, cannot be enforced until the maturity of the bonds, which is near the close of the present century.

The bonds are accumulating an interest account, also uncollectable until the principal is due. Principal and interest, when due, will amount to the very large aggregate of overy $77,000,000, though the actual amount advanced by the Government was only $27,236,512.

For this very large amount the Government has only a second mortgage, and if it be allowed to accumulate, without any provision being made to meet it, the company will probably be utterly unable to pay it.

At the same time, it is equally manifest that the Government will be unable to collect it, except upon the assumption that it will advance the money to discharge prior mortgages, and run the road on Government account—a policy which wise statesmanship could not advise.

By standing still, therefore, the company has a load of debt accumulating, for which no provision is made, and the Government is drifting farther and farther from the opportunity to secure a just return for its advances. To do nothing is to injure both the Government and the company, perhaps irretrievably to both.

It cannot be otherwise than eminently proper that this bill which provides for a sinking fund from each of the said companies, as follows:

Union Pacific, first ten years	$750,000
Union Pacific, afterward	1,000,000
Central Pacific, first ten years	568,210
Central Pacific, afterward	760,330
Kansas Pacific	87,327
Central Branch	22,297
Sioux City	20,723

to be paid each year in semi-annual installments into the Treasury to be invested and compounded to pay the interest and principal of these subsidy bonds, should pass, provided Congress has the power and the right to pass such a law.

Has Congress the right to pass it? The act of 1862, section 18, provides:

SEC. 18. That whenever it appears that the net earnings of the entire road and telegraph, including the amount allowed for services rendered for the United States, after deducting all expenditures, including repairs, and the furnishing, running, and managing of said road, shall exceed 10 per cent. upon its cost, exclusive of the 5 per cent. to be paid to the United States, Congress may reduce the rates of fare thereon if unreasonable in amount, and may fix and establish the same by law. And the better to accomplish the object of this act, namely, to promote the public interest and welfare by the construction of said railroad and telegraph line and keeping the same in working order, and to secure to the Government at all times (but particularly in time of war) the use and benefits of the same for postal, military, and other purposes, Congress may at any time, having due regard for the rights of said companies named herein, add to, alter, amend, or repeal this act.

This is maintained to be, and I think is, only a modified right of repeal, alteration, and amendment, and can only be exercised under it

the better to promote the public interest and welfare by the construction of said railroads and telegraph lines and keeping the same in working order, and to secure to the Government at all times (but especially in time of war) the use and benefit of the same for postal, military, and other purposes.

Under this reservation it is contended Congress would have no right to pass this law, which compels what was not provided for, the original acts and the provisions of which do not come within the purposes for which the right to alter and amend was reserved; but by the sixth section of the act of 1862 these magnificent grants of lands and the loan of bonds were made—

Upon condition that said company shall pay said bonds at maturity, and shall keep said railroad and telegraph line in repair and use, and shall at all times transmit dispatches over said telegraph line, and transport mails, troops, and munitions of war, supplies, and public stores upon said railroad for the Government, whenever required to do so by any Department thereof, and that the Government shall at all times have the preference in the use of the same for all the purposes aforesaid, (at fair and reasonable rates of compensation, not to exceed the amounts paid by private parties for the same kind of service;) and all compensation for services rendered for the Government shall be applied to the payment of said bonds and interest until the whole amount is fully paid. Said company may also pay the United States, wholly or in part, in the same or other bonds, Treasury notes, or other evidences of debt against the United States, to be allowed at par; and after said road is completed, until said bonds and interest are paid, at least 5 per cent. of the net earnings of said road shall also be annually applied to the payment thereof.

Now, if these grants were made on condition that these companies should pay these subsidy bonds at maturity—and it is admitted that this can only be done by providing the sinking fund of this bill—it would seem plain that Congress has the right under the act of 1862 to force the companies to what they admit is essential to a compliance with this condition. To fail to do this would be alike injurious and unjust to the Government and these companies.

But the sixth section also provides that *at least* 5 per cent. of the net earnings shall be annually applied to the payment of these subsidy bonds.

When Congress provided that at least 5 per cent. should be so applied was it not meant that Congress should establish a larger percentage if it was necessary and could be taken without serious detriment to the companies? Under this provision of the sixth section it might be at least plausibly, and I think properly, maintained that Congress has the right to increase the percentage at least to a sum which, with the half compensation provided for elsewhere, would be equal to the semi-annual interest on the subsidy bonds and make the application at once to its payment. This would be better for the Government than the bill from the committee, and would make a difference of many millions of dollars against these companies, because they would not have the benefit of the compounding feature of this bill on the sums paid into the Treasury.

But the roads were not built under the law of 1862. To enable them to build their roads the law of 1864 was passed, which doubled the grants, &c., of the first law. The companies accepted this law. The only compensation to the Government in this law of 1864 is in the twenty-second section of the law, which reserves the unconditional right to alter, amend, or repeal.

It will be contended that this unconditional right to alter, amend, or repeal does not give to Congress the right to pass this bill.

The question of the power which the Legislature has by the reservation of this right has frequently been before the courts of this country.

The following cases it is thought will settle the law of this case:

Miller *vs.* State, 15 Wallace, 478.

A railroad company was organized under a law authorizing its creation, with thirteen directors to be elected by stockholders. A subsequent statute gave the city of Rochester, which had become a stockholder, power to appoint seven of the directors, leaving the other stockholders to elect six. The court held this was an authorized exercise of power under a reservation in the law of a right to alter or repeal.

Judge Clifford said of such charter:

The reserved power may be exercised, and to almost any extent, to carry into effect the original purpose of the grant, or to secure the due administration of its affairs so as to protect the rights of stockholders and creditors, and for the proper disposition of the assets.

Holyoke County *vs.* Lyman, 15 Wallace, 522.

Clifford, justice, in commenting on the reserved power to alter, amend, or repeal a charter, says:

Power to legislate, founded upon such a reservation, is certainly not without a limit, but it may be safely affirmed that it reserves to the Legislature the authority to make any alteration or amendment in a charter granted subject to it that will not defeat or substantially impair the object of the grant, or any rights which have vested under it, which the Legislature may deem necessary to secure either the object of the grant or any other public right not expresly granted away by the charter.

Hyatt *vs.* McMahon, 25 Barbour, 467.

A mutual insurance company was organized under a statute which authorized the directors to make assessments on premium notes to meet losses, but which reserved the legislative power to alter or repeal the charter. A subsequent law authorized receivers to make assessments. The plaintiff, as receiver, sued to recover an assessment.

Rosekrans, judge, said:

Another objection to the complaint is that the receiver has no power to make an assessment upon the premium notes belonging to the corporation; that by the terms of the contract it can only be made by the directors of the company; that the act of 1852, purporting to authorize receivers of mutual insurance companies to make assessments, is unconstitutional and void as to notes given before the passage of the act, (as was the case with the note in suit.) The conclusive answer to the objection of unconstitutionality of the act is the power reserved to the Legislature to alter or repeal the charter. The obligation of the contract was that the maker of the note should pay his proportion of losses and expenses of the company in proportion to the amount of his premium note. The note was made payable at any time when the directors should deem the same requisite for the payment of losses and incidental expenses. (Chapter 43, section 6.)

It has been said the assessment is not a judicial but a ministerial act, and may as well be performed by a receiver as by the directors. (14 Barbour, 373.) But whether this be so or not, the Legislature when they granted this charter reserved the right to alter it. * * * The Legislature exercised this right by declaring that when the assets of such corporation passed into the hands of a receiver he should make the assessment instead of the directors. This was a legitimate exercise of the reserved power. * * * Even if it increased the liability of the members, as it does not, it would be valid. (10 Barbour, 2, 60.) It need not be claimed to be without limit, or that it may be capriciously or wantonly exercised, but it may be affirmed that it may be exercised in all cases and to any extent to carry out the original purposes of the incorporation, and to secure the due administration of justice in regard to the rights of creditors of the corporation, and the proper disposition of its assets. (Northern Railroad Company *vs.* Miller, 10 Barbour, 262; Schenectady Plank Road Company *vs.* Thatcher, 1 Kernan, 102-115; White *vs.* Syracuse Railroad, 14 Barbour, 560; Troy Railroad *vs.* Kerr, 17 Barbour.)

Assessments by receivers have been sanctioned. (Bangs *vs.* Gray, 15 Barbour, page 264, same case, 2 Kernan, page 477; Hyde *vs.* Lynde, 4 Comstock, page 387; Devendorf *vs.* Beardsley, 23 Barbour, pages 656, 666.)

Worcester *vs.* Norwich Railroad Company, 109 Massachusetts, 103.

The statute of 1871 required five railroad companies to unite in a station in Worcester for the accommodation of the passenger trains of all said corporations. This would require an exercise of the right of eminent domain by the corporations, and a large expenditure of money to extend the roads and build a station. The city of Worcester and some of the corporations petitioned the court for the appointment of commissioners to determine the location of the station. The Norwich Railroad Company resisted. Chapman, chief justice, said:

Proof is offered that to extend the several railroads named to a union passenger station east of Grafton street would make it necessary for each of them to extend its tracks a great distance, * * * and at a cost amounting in the aggregate to several hundred thousand dollars. * * * The validity of the act and of the proceedings under it are denied. The petitioners contend that the act is valid under the provisions of the general statutes, (chapter 68, section 41,) which are similar to prior statutes affecting all railroads that have been chartered since March 11, 1831, and subjecting them to alteration, amendment, or repeal at the pleasure of the Legislature. The court has repeatedly had occasion to consider the provisions of the general statutes referred to. (Fitchburg Railroad Company *vs.* Grand Junction Railroad, 4 Allen, 198; Commonwealth *vs.* Eastern Railroad, 103 Massachusetts, 254; Commonwealth *vs.* Essex County, 13 Gray, 239; Commissioners *vs.* Holyoke, 104 Massachusetts, 446.) In conformity with these decisions, we think that the act of 1871 is a reasonable exercise of the right thus reserved to the Legislature.

Commonwealth *vs.* Eastern Railroad Company, 103 Massachusetts, 254.

The syllabus is:

A statute requiring a railroad corporation whose charter under the Revised Statutes, chapter 44, section 23, (general statutes, chapter 68, section 41,) is subject to amendment, alteration, or repeal at the pleasure of the Legislature to erect a station-house at a place on its road and cause trains to stop there, is not in violation of the Constitution of the United States as impairing the obligation of a contract.

Chapman, chief justice, said:

The defendants say that the act of 1868 violates the contract made with them by the Commonwealth, and requires them to expend their property for an assumed public use without compensation, contrary to the Constitution of the United States and of this State. * * *

But the act is not subjected to such an objection.

Fitchburgh Railroad Company *vs.* Grand Junction Railroad Company, 4 Allen, 198.

The court held that a law was valid which required a railroad company to make extensive changes in the level, grade, and connection of its road.

In Wisconsin the authorities on this subject in that State are collected in the great case of the Attorney-General *vs.* Railroad Companies, 35 Wisconsin, 570. In Kenosha Railroad *vs.* Marsh, 17 Wisconsin, 13, the court said of the reserved power to alter:

Undoubtedly the Legislature might, under this power, impose new duties and new restraints upon corporations in the prosecution of the enterprises already undertaken.

Parker *vs.* Metropolitan Railroad Company, 109 Massachusetts, 506.

It was held that under a power reserved to the Legislature to amend, alter, or repeal a charter, the rates of toll prescribed in the charter of a ferry company might be reduced by a subsequent statute.

Morton, judge, said:

The reservation of power is broad and comprehensive. Whatever may be its limitation, it at least reserves to the Legislature the right to make any reasonable amendment regulating the mode in which the franchise granted shall be used and enjoyed, which do not defect or essentially impair the object of the grant, or take away any property or rights which have become vested under a legitimate exercise of the powers granted. (Roxbury *vs.* Boston Railroad, 6 Cushing, page 424; Commissioners *vs.* Holyoke, 104 Massachusetts, page 446.)

Whiting *vs.* Sheboygan Railroad, 25 Wisconsin, 198, and the case in 35 Wisconsin, 570, hold that—

The Legislature may limit the tolls and fares to be received by this railroad company to a reasonable sum, beyond which the company shall not go.

The bill now proposed does not attempt to reduce the fares or rates on the Pacific railroads under the reserved power in the act of 1864.

These companies should not precipitate any question of that kind by now refusing to make provision for the payment of their debts. (Tomlinson *vs.* Jessup, 15 Wallace, page 454.)

A railroad company was incorporated in South Carolina in 1851 subject to a general law which reserved a right to alter, amend, or repeal. In 1855 an amendment of the charter exempted the stock from taxation, and did not reserve a right to alter this provision. The new constitution of 1868, and a statute under it, subjected the stock to taxation.

Field, justice, said:

The charter * * * constituted a contract. * * * The amendment formed a part of the contract. * * * The exemption from taxation added greatly to the value of the stock and induced the plaintiff to purchase the shares. * * * But these considerations cannot be allowed any weight in determining the validity of the subsequent taxation. The power reserved to the State by the law of 1841 authorized any change in the contract, as it originally existed or as subsequently modified, or its entire revocation. * * * The reservation affects the entire relation between the State and the corporation, and places under legislative control all rights, privileges, and immunities derived by its charter directly from the State.

Pennsylvania College cases, 13 Wallace, 190.

Under a reserved power to alter the charter of Jefferson College, the Legislature authorized a change of its location from Cannonsburgh to Washington, although it had sold scholarships to be satisfied in tution at Cannonsburgh.

Both the acts of 1862 and 1864 show that the railroad companies agreed to "keep the railroads and telegraph lines in repair and use, and shall at all times transmit dispatches over said telegraph lines, and transport mails, troops, and munitions of war, supplies, and public stores upon said railroads for the Government."

If the mortgage debts of the companies are permitted to accumulate with no provision for their payment, the roads must eventually be sold out and pass into other hands.

These sinking funds are necessary to keep the companies in a condition, as said by the supreme court of New York, "to carry out the original purposes of the incorporation."

3. This power to alter, as affecting the "individual liability" of stockholders, has received consideration from the courts, which may throw some light on this subject.

The proposed bill does not attempt to create a new individual liability on stockholders. It is not necessary to affirm that any such power exists. The railroad acts do not fix any limit to such liability if it can be imposed. Many state Constitutions and statutes treat the power to alter charters as a power to create unlimited individual liability, and hence in express terms restrict the power so that the individual liability shall not be more than double the amount of stock held. If a power to alter carries with it a power to create individual liability of stockholders for debts of a corporation, it might with much more force and justice be urged that a new liability could be imposed on the corporation itself which did not reach the stockholders.

Hyatt *vs.* McMahan, 25 Barbour, 467.

A charter was altered by the Legislature, and the court said of the alteration:

Even if it increased the liability of the members, as it does not, it would be valid.

Northern Railroad Company *vs.* Miller, 10 Barbour, 282.

This was an action to recover on a stock subscription under a charter which reserved a legislative right to alter or repeal. The defense was that the Legislature had altered the charter by authorizing the corporation to borrow money and to construct branch lines of railroad.

The court said:

The directors * * * by accepting the charter became bound by this condition or reservation; and every individual who subscribes to the stock of the company thereby makes himself a party to the contract, subject to the conditions and reservations of the charter. In effect he stipulates at the time he subscribes that the Legislature may alter or repeal the law, and thus change the obligation of his subscription or defeat it altogether. * * * Whatever modification is thus effected in the obligation created by his subscription is made by his own agreement. * * * What a man authorizes another to do is as obligatory upon him when done as if it had been performed by himself.

Sherman *vs.* Smith, 1 Black, 587.

The New York statute of 1838 authorized the organization of banking companies, and the law provided that the stockholders should not be individually liable for debts, but reserved the right to repeal or change the law. Afterward an amendment of the State constitution, in 1846, and a statute of 1849, declared that the shareholders of all banks which should continue to issue notes after a certain time should be individually responsible. The creditors of a bank organized in 1844 sought to enforce the individual liability. The stockholders resisted, on the ground that the original charter was a contract, protected by that clause of the Constitution of the United States which forbids the States to make any law impairing the obligation of contracts. The court held the stockholders individually liable for debts after the law of 1849.

Mr. Justice Nelson said:

The association was authorized to establish a bank subject to the liabilities prescribed in the act, [of 1838.] Now, the section which reserved to the Legislature the power to alter or repeal the act, by necessary construction reserved the power to alter or repeal all or any one of these terms and conditions or rules of liability prescribed in the act.

In the matter of the Reciprocity Bank, 22 New York, page 9.

The Reciprocity Bank was incorporated in 1834, under a law reserving a power to the Legislature to alter, modify, or repeal it. The act of 1849 imposed individual liability on stockholders for the debts of the bank.

The court say:

Within the power here reserved the Legislature would have had the right to pass the statute of 1849 and to impose the very liability now in question, even if the constitution of 1846 had never been adopted.

This applied to liabilities arising after the act of 1849. The bill now proposed is a provision for the payment of a debt created after the act of 1864 was passed. (See report of the Secretary of the Treasury for 1875, page 33.)

Other authorities might be cited: 1 C. E. Green's Equity Reports, 13; 30 New Jersey Law, 1 Vroom, 368; 31 id., 521–575; 51 New Hampshire, 504; 103 Massachusetts, 10; 12 Indiana, 285; 37 Barbour, 257–399; 44 Illinois, 500; 104 Massachusetts, 451; 4 Hill, 140; 15 B. Monroe, 340–642; 13 Gray, 239; 4 Allen, 198; 23 Pickering, 334; 21 Barbour, 513; 7 Greenleaf, 474; 23 Maine, 318; 30 Maine, 547; 39 Maine, 571; 6 Rhode Island, 491; 9 Rhode Island, 194; 1 Minnesota, 202; 19 Minnesota, 418; 1 Green, Iowa, 563; 26 Pennsylvania State, 287–302; 1 Paige, 102; 10 New York, 102; 14 New York, 336; 21 New York, 9; 22 New York, 9; 24 New York, 345; 14 Barbour, 559; 6 Cushing, 424.

By a statement made by an expert it will appear that the sinking fund provided for by this bill will not pay the interest on these bonds at maturity. It is as follows:

Statement of process of computation of values, given in response to the letter of Hon. WILLIAM LAWRENCE, member of Congress, bearing date May 29, 1876, addressed to Mr. Maclennan.

Assume, commencing in 1874, an annual payment of $450,000 as 5 per cent. of the net earnings and half services to be due to the Government from the Union Pacific Railroad Company, and a like amount from the Central Pacific Railroad Company, (meaning the Central Pacific and Western Pacific Companies;) required the amount that will be owing the Government at maturity of subsidy bonds (January 1, 1898) from each company, (1,) for principal, (2.) for interest not re-imbursed, no allowance being made for interest on these several payments:

	Union Pacific.	Central Pacific.
Principal	$27,236,512 00	$27,855,680 00
Thirty years' interest at 6 per cent	49,025,721 60	50,140,224 00
Five per cent. of the net earnings and half services from 1874–1897, both inclusive, (twenty-four years,) assumed to be $450,000 a year	10,800,000 00	10,800,000 00
Therefore, at maturity due the Government for principal	27,236,512 00	27,855,680 00
For interest not re-imbursed	38,225,721 60	39,340,224 00
Total	65,462,233 60	67,195,904 00

The amount of the proposed forty-four semi-annual payments by the Union Pacific Company of $375,000 each, the first payment to be made June 30, 1876, and the last or forty-fourth December 31, 1897, added to the amount of twenty-four semi-annual payments of $125,000 each, the first payment to be made June 30, 1886, and the last at the date of the maturity of the bonds, December 31, 1897, compounded semi-annually, at the rate of 5 per cent. per annum, is $33,500,755.50.

In like manner the amount of the proposed forty-four semi-annual payments by the Central Pacific Company of $284,105 each, the first payment to be made June 30, 1876, and the last or forty-fourth December 31, 1897, added to the amount of twenty-four semi-annual payments of $96,060 each, the first payment to be made June 30, 1886, and the last at the date of maturity of the bonds, December 31, 1897, compounded semi-annually, at the rate of 5 per cent. per annum, is $25,424,559.80.

The proposed forty-four semi-annual payments of $375,000 each by the Union Pacific, and of $284,105 each by the Central Pacific, and the twenty-four proposed payments for the last portion of the period, of $125,000 each by the Union Pacific Company and of $96,060 each by the Central Pacific Company are the same in value as twenty payments of $375,000 each by Union Pacific Company and of $284,105 each by Central Pacific Company for the first part of the period of twenty-two years (or forty-four half years) and of twenty-four semi-annual payments of $500,000 each by the Union Pacific Company and of $380,165 each by the Central Pacific Company for the remaining twelve of the twenty-two years.

The balances due to the Government at maturity of subsidy bonds (January 1, 1898) are therefore as follows:

By the Union Pacific	$65,462,233 60
Less	33,500,755 50
Or	31,961,478 10
By the Central Pacific and Western Pacific companies	$67,195,904 00
Less	25,424,559 80
Or	41,771,344 20

E. B. ELLIOTT.

TREASURY DEPARTMENT, *Washington, D. C., June* 10, 1876.

If this be so, and nothing more than a part of the interest due the Government at maturity is provided for in this bill, then this bill, it must be conceded by all, does not go beyond the purpose and intent of Congress in passing the law of 1862, and the right of appeal, alteration, or amendment reserved in that law must embrace the right to pass this law.

I think these considerations and the authorities cited establish the right of Congress to pass this bill.

If this right does exist, who is there on this floor so bold as to say we ought not to pass it? Who dare to say that the people of this country shall lose this $150,000,000 by the fraudulent and outrageous conduct of these bloated corporations?

Mr. LAWRENCE. I now yield five minutes to the gentleman from Indiana [Mr. HOLMAN] and then I shall call for a vote upon the amendment and then upon the bill.

Mr. CANNON, of Illinois. I ask the gentleman if he will not yield for a motion to adjourn?

Mr. LAWRENCE. O, no. I cannot do that.

Mr. CANNON, of Illinois. I will make the motion anyhow; I move that the House do now adjourn.

The question was put on Mr. CANNON'S motion; and on a division there were—ayes 28, noes 72.

Mr. WHITE. I make the point of order that no quorum has voted.

Mr. HOLMAN. The question was on a motion to adjourn and that does not require a quorum.

The SPEAKER *pro tempore*. It is not necessary on a motion to adjourn that a quorum should vote, and the House has refused to adjourn.

Mr. BLACKBURN. Did I understand the Chair to rule that a quorum was necessary on a motion to adjourn?

The SPEAKER *pro tempore*. The Chair ruled exactly contrary to that.

[Mr. HOLMAN addressed the House. His speech will appear in the Appendix.]

Mr. LAWRENCE. I now ask for a vote upon the amendment which I have offered to the fourth section of the bill.

Mr. THORNBURGH. I ask unanimous consent of the House to print in the RECORD as a part of the proceedings of the House some remarks which I have prepared.

There was no objection, and leave was granted. [See Appendix.]

The question was upon the amendment offered by Mr. LAWRENCE to the fourth section of the bill.

Mr. LAWRENCE. The original bill required that the first payment should be made on the 1st day of July, 1876. That date has already passed and it is impossible that the law can be enforced. I therefore propose to change the date until the 1st of January next.

Mr. PAGE. I wish the gentleman would make the date of payment in October and April.

Mr. LAWRENCE. The previous question is operating and no amendment is in order, but an amendment like that would change the whole structure of the bill.

The question was taken on the amendment, and it was agreed to.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

The question was on the passage of the bill.

Mr. HOLMAN. I call for the yeas and nays upon the passage of the bill.

The yeas and nays were ordered.

The question was taken; and there were—yeas 159, nays 9, not voting 121; as follows:

YEAS—Messrs. Ainsworth, Anderson, Ashe, Atkins, John H. Bagley, jr., John H. Baker, Banning, Bell, Blackburn, Blount, Boone, Bradford, Bradley, Bright, Buckner, Horatio C. Burchard, Samuel D. Burchard, Burleigh, Cabell, John H. Caldwell, William P. Caldwell, Campbell, Candler, Cannon, Caulfield, John B. Clarke, of Kentucky, John B. Clark, jr., of Missouri, Clymer, Cochrane, Conger, Cook, Cox, Crounse, Culberson, Cutler, Davis, Davy, Dibrell, Dobbins, Douglas, Dunnell, Durand, Eames, Egbert, Ellis, Evans, Felton, Finley, Forney, Fort, Goode, Goodin, Hancock, Hardenbergh, Henry R. Harris, John T. Harris, Harrison, Hartzell, Hatcher, Haymond, Hendee, Hereford, Holman, Hooker, Hopkins, House, Hunter, Hunton, Thomas L. Jones, Kelley, Ketcham, Franklin Landers, Lawrence, Leavenworth, Levy, Lewis, Luttrell, L. A. Mackey, Magoon, Maish, McDill, McFarland, Miller, Milliken, Mills, Monroe, Morgan, Morrison, Mutchler, New, Norton, Oliver, O'Neill, Packer, Page, Payne, John F. Philips, Piper, Plaisted, Poppleton, Potter, Powell, Randall, Rea, Reagan, John Reilly, James B. Reilly, Rice, Riddle, John Robbins, William M. Robbins, Robinson, Miles Ross, Sobieski Ross, Rusk, Sampson, Scales, Schleicher, Singleton, Sinnickson, Slemons, Smalls, A. Herr Smith, Southard, Sparks, Spencer, Springer, Strait, Stevenson, Stone, Tarbox, Terry, Thompson, Thornburgh, Martin I. Townsend, Washington Townsend, Tucker, Tufts, Turney, Van Vorhes, John L. Vance, Robert B. Vance, Gilbert C. Walker, Alexander S. Wallace, Walling, Walsh, Warren, Erastus Wells, White, Whiting, Wike, Willard, James Williams, James D. Williams, Jeremiah N. Williams, William B. Williams, Benjamin Wilson, James Wilson, and Yeates—159.

NAYS—Messrs. Bagby, Benjamin W. Harris, Hurd, Lamar, Le Moyne, MacDougall, Meade, Pierce, and G. Wiley Wells—9.

NOT VOTING—Messrs. Adams, George A. Bagley, William H. Baker, Ballou, Banks, Bass, Beebe, Blaine, Blair, Bland, Bliss, John Young Brown, William R. Brown, Cason, Caswell, Cate, Chapin, Chittenden, Collins, Cowan, Crapo, Danford, Darrall, De Bolt, Denison, Durham, Eden, Ely, Faulkner, Foster, Franklin, Freeman, Frost, Frye, Fuller, Garfield, Gause, Gibson, Glover, Gunter, Hale, Andrew H. Hamilton, Robert Hamilton, Haralson, Hartridge, Hathorn, Hays, Henderson, Henkle, Abram S. Hewitt, Goldsmith W. Hewitt, Hill, Hoar, Hoge, Hoskins, Hubbell, Hurlbut, Hyman, Jenks, Frank Jones, Joyce, Kasson, Kehr, Kimball, King, Knott, George M. Landers, Lane, Lapham, Lord, Lynch, Lynde, Edmund W. M. Mackey, McCrary, McMahon, Metcalfe, Money, Nash, Neal, O'Brien, Odell, Parsons, Phelps, William A. Phillips, Platt, Pratt, Purman, Rainey, Roberts, Savage, Sayler, Schumaker, Seelye, Sheakley, William E. Smith, Stenger, Stowell, Swann, Teese, Thomas, Throckmorton, Waddell, Wait, Waldron, Charles C. B. Walker, John W. Wallace, Ward, Wheeler, Whitehouse, Whitthorne, Wigginton, Andrew Williams, Alpheus S. Williams, Charles G. Williams, Willis, Wilshire, Alan Wood, jr., Fernando Wood, Woodburn, Woodworth, and Young—121.

So the bill was passed.

Mr. LAWRENCE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. No. 884) to authorize the change of name of the steamboat Peter Crary to that of Joseph L. Chapman; and

A bill (S. No. 952) to remove the political disabilities of G. T. Beauregard, of New Orleans, Louisiana.

The message also announced that the Senate had further insisted on its amendments disagreed to by the House to the bill (H. R. No. 2571) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1877, and for other purposes; had agreed to the further conference asked by the House on the disagreeing votes of the two Houses, and had appointed as conferees on the part of the Senate Mr. WINDOM, Mr. ALLISON, and Mr. BAYARD.

The message also announced that the Senate insisted on its amendments disagreed to by the House to the bill (H. R. No. 3749) making appropriations for sundry civil expenses of the Government for the year ending June 30, 1877, and for other purposes; had agreed to the conference asked by the House on the disagreeing votes of the two Houses, and had appointed as conferees on the part of the Senate Mr. WINDOM, Mr. MORTON, and Mr. THURMAN.

Mr. LUTTRELL. I move that the House now adjourn.

Mr. BANNING. I ask the gentleman to yield to me to offer a resolution to which I think there will be no objection.

Mr. LUTTRELL. I will yield to the gentleman.

Many MEMBERS. Regular order.

The SPEAKER *pro tempore*. The regular order is the motion of the gentleman from California [Mr. LUTTRELL] that the House now adjourn.

Pending the motion to adjourn,

ENROLLED BILL SIGNED.

Mr. HARRIS, of Georgia, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill of the following title; when the Speaker *pro tempore* signed the same:

An act (S. No. 382) to appropriate $1,000 to remove the remains of Hon. E. Rumsey Wing, late minister to Ecuador, from Quito to the cemetery at Owensborough, Kentucky.

SUNDRY CIVIL APPROPRIATION BILL.

The SPEAKER *pro tempore* announced the appointment, as conferees on the part of the House on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 3749) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1877, and for other purposes, of Mr. RANDALL, Mr. HOLMAN, and Mr. HALE.

DISTRICT COURTS IN WEST VIRGINIA.

The SPEAKER *pro tempore*. In the absence of the gentleman from Maine, Mr. FRYE, one of the conferees on the part of the House on the disagreeing votes of the two Houses on the bill (S. No. 472) prescribing the dates for holding the district court of the United States in West Virginia, at the request of the chairman of the House conferees, Mr. FAULKNER, the Chair appoints Mr. WALSH, of Maryland, as a conferee on the part of the House in place of Mr. FRYE.

LEAVE OF ABSENCE.

Leave of absence was granted as follows:

To Mr. MILLER for one week from Monday next;

To Mr. SEELYE for one day;

To Mr. DURHAM for twelve days, in extension of leave heretofore granted;

To Mr. SPENCER until Monday next on account of sickness;

To Mr. TOWNSEND, of Pennsylvania, for one day; and

To Mr. PACKER for two days.

Mr. PAGE. I insist upon the regular order.

The SPEAKER *pro tempore*. The regular order is the motion of the gentleman from California [Mr. LUTTRELL] that the House now adjourn.

The motion was agreed to; and accordingly (at four o'clock and thirty-five minutes p. m.) the House adjourned.

IN SENATE.

SATURDAY, *July* 8, 1876.

The Senate met at eleven o'clock a. m.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Journal of yesterday's proceedings was read and approved.

HOUSE BILLS REFERRED.

The bill (H. R. No. 2685) for the distribution of the unappropriated moneys of the Geneva award was read twice by its title, and referred to the Committee on the Judiciary.

The bill (H. R. No. 3849) for the relief of James W. Harvey and James Livesey, of the firm of Harvey & Livesey, of Wisconsin, was read twice by its title, and referred to the Committee on Claims.

PETITIONS AND MEMORIALS.

Mr. MERRIMON. I present the memorial of Samuel Strong and others, citizens of the District of Columbia, representing that they are creditors of the District government, and have made efforts for a long time to have their several claims paid, and have failed. They also set forth that a bill providing for the adjustment of claims against the District of Columbia has passed the House and is before the Senate, and that they have learned that the Committee on the

District of Columbia of the Senate will not take action upon that bill at the present session. They represent that they are large creditors; that there are many workmen in the District to whom they are indebted for work done upon the streets and elsewhere in this city; that they have no means of paying them; and that it is of grave moment that the bill referred to should be passed at this session. I move that the memorial and an accompanying letter addressed to me upon the subject be referred to the Committee on the District of Columbia.

The motion was agreed to.

Mr. MITCHELL. I present a memorial of some three hundred miners, prospectors, voyageurs, merchants, traders, and cosmopolitan citizens, pioneers of Alaska, in which they set forth numerous grievances in reference to the government of that Territory.

In this connection I desire to state that the history of government in Alaska for the last four or five years has been one of oppression, one that is scarcely compatible with the professions of our people in this centennial year or in accordance with the genius of American institutions. It has been a military misrule. I have been attempting since the first day of the present session to attract the attention of the Senate and of the appropriate committee to this fact. I introduced a bill early in the session providing for a civil government in that Territory. The bill has not yet been reported to the Senate. I take this occasion to again call the attention of the Committee on Territories to this important matter. The grievances of which the memorialists complain are fully and specifically set forth in the memorial which I now hold in my hand, and I earnestly hope that some action may be taken upon the part of the appropriate committee to provide a civil government for the people of Alaska. I move the reference of the memorial to the Committee on Territories.

The motion was agreed to.

TEMPORARY PROVISION FOR EXPENDITURES.

Mr. WINDOM. I am instructed by the Committee on Appropriations, to whom was referred the bill (S. No. 978) extending and continuing the act entitled "An act to provide temporarily for the expenditures of the Government," to report it without amendment, and I ask for its present consideration.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It extends the provisions of the act to provide temporarily for the expenditures of the Government, approved June 30, 1876, and continues that act in full force and effect for a period of ten days, and no longer, from and after the 10th day of July, 1876.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC PRINTING.

Mr. ANTHONY. I am instructed by the Committee on Printing to report a bill to extend for ten days the act authorizing the Congressional Printer to proceed with the public printing. Some doubts have been expressed whether the general act which was passed ten days ago covers the public printing. As the former general act has been extended, so far as the vote of the Senate is concerned, for ten days, we report a bill extending the act relating to the Government printing I am not sure but that it is covered in the other act, but for perfect security I think the act to which I refer had better be extended.

By unanimous consent, the bill (S. No. 979) to further extend an act entitled "An act to continue the public printing" was read three times and passed. It extends the provisions of the act to continue the public printing approved June 30, 1876, and continues that act in full force and effect for a period of ten days, and no longer, from and after the 10th day of July, 1876.

ORDER OF BUSINESS.

Mr. MORTON. If there is no objection, I should like to have the report made by the Committee on Privileges and Elections in regard to the Congressional Printer disposed of this morning. I think it important that that matter should be considered. The committee reported a resolution which was ordered to lie on the table and be printed. I ask to have it taken up and acted upon.

Mr. LOGAN. I gave notice yesterday that in the morning hour to-day I would call up the bounty bill.

Mr. KERNAN. I ask leave to introduce a bill.

The PRESIDENT *pro tempore*. Several Senators have risen with morning business.

BILLS INTRODUCED.

Mr. INGALLS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 980) granting a pension to Irena Garrett; which was read twice by its title, referred to the Committee on Pensions, and ordered to be printed.

Mr. KERNAN (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 981) for the better protection of life and property at sea; which was read twice by its title, referred to the Committee on Commerce, and ordered to be printed.

WITHDRAWAL OF PAPERS.

On motion of Mr. KERNAN, it was

Ordered, That Lena Bensinger have leave to withdraw her petition and papers from the files of the Senate, there having been no adverse report in the case.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. G. M. ADAMS, its Clerk, announced that the House had passed the following bills; in which the concurrence of the Senate was requested:

A bill (H. R. No. 1574) to provide for repeal of all laws authorizing the appointment of civil engineers in the Navy, &c.;

A bill (H. R. No. 3856) for the relief of William H. French, jr., United States Army, late Indian agent at Crow Creek, Dakota;

A bill (H. R. No. 2813) relieving the State of Kansas from charges on account of ordnance stores furnished to Kansas Territory;

A bill (H. R. No. 3143) granting a pension to Daniel Clary;

A bill (H. R. No. 3672) to amend the act approved July 2, 1864, entitled "An act to amend an act entitled 'An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes,' approved July 1, 1862," and other acts in relation to the railroad companies therein mentioned; and

A bill (H. R. No. 3855) for the relief of George T. Olmstead, jr.

The message further announced that the House had appointed Mr. WILLIAM WALSH, of Maryland, a member of the committee of conference on the disagreeing votes of the two Houses on the bill (S. No. 472) changing the times of holding terms of the district court for the district of West Virginia, in place of Mr. WILLIAM P. FRYE, of Maine, absent.

The message also communicated the request of the House that the Senate return to that body the bill (S. No. 872) for the relief of the family of the late John T. King and of L. B. Cutler.

The message further announced that the House had passed the following bills:

A bill (S. No. 391) to authorize the Secretary of War to purchase, for the use of the United States, a parcel of land on the Island of Key West, Florida; and

A bill (S. No. 843) establishing the rank of Paymaster-General.

The message also announced that the House had appointed Mr. SAMUEL J. RANDALL of Pennsylvania, Mr. WILLIAM S. HOLMAN of Indiana, and Mr. EUGENE HALE of Maine conferees on the part of the House of Representatives on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 3749) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1877, and for other purposes.

ENROLLED BILL SIGNED.

The message further announced that the Speaker of the House had signed the enrolled bill (S. No. 382) to appropriate $1,000 to remove the remains of Hon. E. Rumsey Wing, late minister to Ecuador, from Quito to the cemetery at Owensborough, Kentucky; and it was thereupon signed by the President *pro tempore*.

JOHN T. KING AND L. B. CUTLER.

The PRESIDENT *pro tempore* laid before the Senate the request of the House of Representatives for the return of the bill (S. No. 872) for the relief of the family of the late John T. King and L. B. Cutler; and by unanimous consent the request was ordered to be complied with, and the bill returned to the House of Representatives.

PRINTING INVESTIGATION.

Mr. KELLY. I ask that the Senate take up House bill No. 1316 and dispose of it. It is a bill which has been under consideration two or three times.

The PRESIDENT *pro tempore*. The Senator from Indiana had risen and also the Senator from Illinois before the Senator from Oregon in regard to taking up measures. Does the Senator from Indiana renew his motion?

Mr. MORTON. It will take but a moment I think to dispose of the resolution reported from the Committee on Privileges and Elections in regard to the Congressional Printer. I understand the Senator from Rhode Island [Mr. ANTHONY] has an amendment to offer to the resolution.

By unanimous consent, the Senate proceeded to consider the following resolution, reported by Mr. MORTON, from the Committee on Privileges and Elections, June 28:

Resolved, That the Committee on Printing be instructed to investigate the official conduct of A. M. Clapp as Congressional Printer, and for that purpose have power to send for persons and papers, and to make report at the present session of Congress.

Mr. ANTHONY. I cannot say that the Committee on Printing hankers after this investigation, which we have gone over I do not remember how many times. My friend on the opposite side of the Chamber [Mr. SAULSBURY] may remember. I believe the reports which we have made upon investigations of the Government Printer have always been unanimous. If we are to have another investigation I hope that, if it is possible, it shall be of such a character as that the matter will stay investigated. I do not know what the Committee on Printing can do more than it has done. I do not know where we shall look for further evidence. There are two natural enemies of the Congressional Printer, as natural as any enemies in the lower creation. The employing printers of this city think that the Government, through him, is making a profit that they are entitled to; and the printers who are employed think they have not sufficient wages nor sufficient rights and privileges, and the two classes,

antagonistic to each other in everything else, join against the Government Printing Office.

I wish to have an examination of the Government Printing Office made so far as possible by disinterested persons, not connected with the city of Washington or in any way concerned with printing here and without any interests that are liable to be brought in connection with the Government Office, in favor of it or against it.

With that view I offer the following amendment as an additional resolution:

Resolved, That the Committee on Printing be authorized to designate and employ three practical printers or publishers to thoroughly examine and report upon the present mode of conducting the public printing, what abuses, if any, exist or have existed, and what measure, if any, should be adopted to reform the same and to improve that branch of the public service, and that the cost of such examination be paid out of the contingent fund of the Senate.

Mr. SAULSBURY. I do not think I shall vote for the amendment. It simply proposes to transfer duties which I think devolve, according to the application of Mr. Clapp himself, upon some committee of the Senate. We remember that Mr. Clapp, after an examination into the management of the Printing Office had been had in the House of Representatives, presented a petition to the Senate asking this body to investigate through some committee the charges which had been preferred against him. The petition was referred to the Committee on Privileges and Elections, and I supposed it was still in that committee. The resolution which has been reported from the Committee on Privileges and Elections was agreed to at a time when I was not present at the meeting of the committee, and reported to the Senate without my knowledge.

So far as I am concerned I am very sorry that this investigation is proposed at all by this body. Mr. Clapp, however, saw proper to prefer his petition to the Senate, alleging that he was an officer of this body, and therefore was not subject to the jurisdiction of the House of Representatives when it undertook to investigate the management of the Printing Office under his charge. That memorial was referred to the Committee on Privileges and Elections; and had I been present at the time of the report now under consideration was agreed upon, I should have opposed it; I should have opposed the reference to the Committee on Printing because that committee is a small one, composed of three gentlemen only, and the labors of an investigation are very onerous. It could have been more properly, I think, investigated in the Committee on Privileges and Elections, which consists of a much larger number than the Committee on Printing.

But I am very sorry that it is to be investigated by any committee of which I am a member, for I certainly do not want any portion of the labor if I can avoid it. And yet I believe that a committee of this body, and not a committee appointed of printers outside, irresponsible to the body, is the proper tribunal to make the investigation if the investigation is to be had; and therefore I am opposed to the amendment of the Senator from Rhode Island. If the investigation is to be had, it ought to be had by a committee of this body, and not by persons deputed by any committee of this body to make an investigation into the affairs of that department. I hope, therefore, the amendment of the Senator from Rhode Island will not prevail because I think it is due, if we have an investigation, that it should be conducted under the management and control of this body and not by a commission appointed by any committee of the body.

Mr. ANTHONY. My colleague on the committee misapprehends the purpose of this amendment. I do not propose to shirk the investigation which the Senate imposes upon us. I do not suppose it would be proper in any manner to delegate to outside parties an investigation into the conduct of an officer of the Senate or any other officer unless we delegated it to judicial authority. But I propose to have an examination ancillary to that which the Committee on Privileges and Elections, very much to my disgust, has commended to us. I wish to have such an investigation as the Committee on Printing is not capable of making, because we are not experts at printing. My friend from Delaware is something of a printer——

Mr. SAULSBURY. I have no knowledge of it.

Mr. ANTHONY. And I have but very little knowledge of it. I should have no confidence whatever in my judgment to examine a large establishment of that kind and decide whether it was carried on in the most proper and economical manner, whether it had had the best methods, whether its order, its cleanliness, its discipline were all satisfactory. I propose an investigation by experts, to report to the Committee on Printing, not to the Senate, for our information. It is precisely in the same manner that an expert is brought before a court or a committee to give his testimony upon matters which are peculiarly within his knowledge.

But if this amendment does not meet the approbation of the Senator from Delaware, who is a member of the committee, I prefer that the whole matter should lie over until we can talk about it together. The resolution of the Senator from Indiana was introduced to the Senate in the absence of the Senator from Delaware, and I then hastily drew this amendment, and, not expecting the matter would be brought up this morning, had not shown it to my colleague on the committee; but I prefer that whatever amendment is made, coming from me at least, should meet the full approbation of my colleagues of the Committee on Printing. Therefore, if the Senator from Delaware is not satisfied with the purpose of this investigation, I should prefer that the resolution should lie over; but I wish it distinctly understood that I did not propose to delegate any power of the committee to these experts, but I thought if we could get some of these great printers, some of the men who have establishments nearly as large as the Government Printing Office, or as near to it as any in the country—take one from New York, one from Boston, one from Philadelphia, perhaps—men who have no interest whatever in the questions that have given us such immense annoyance arising out of the relations between the Government Printer and the employing printers and the working printers in this city; and if they could examine this vast establishment and give us their judgment upon it, it would be of great value to us and of value to the Senate. But if the Senator is not satisfied with it, I much prefer that the resolution should lie over.

Mr. MORTON. I ask to have the report read. It is very short.

The Secretary read the following report submitted by Mr. MORTON, from the Committee on Privileges and Elections, on the 28th of June:

The Committee on Privileges and Elections, to whom was referred the memorial of Hon. A. M. Clapp, Congressional Printer, have had the same under consideration, and beg leave to submit the following report:

The office of Congressional Printer is one which pertains equally to both Houses of Congress and to the whole Government. Although under the law the Congressional Printer is elected by the Senate, and in that sense may be said to be an officer of the Senate, yet his functions are of that general character as to make his conduct in the discharge of his duties a proper subject for investigation by either branch of Congress.

With the complaint which Mr. Clapp has made against the conduct of the committee of the House by which he has been investigated we have nothing to do, and can pass no judgment upon it; but, inasmuch as he was elected by the Senate and is removable at the pleasure of the Senate, and the responsibility for his continuance in office depends upon that body, the committee is of the opinion that his request for an examination as to his official conduct by a committee of the Senate should be granted.

The committee are further of the opinion that any investigation by a committee of the Senate, tending to affect the official conduct and character of a public officer, should be conducted with open doors, that the officer whose character is likely to be affected may have the opportunity of being present with counsel, if he chooses, and cross-examining the witnesses and bringing others in his defense, to the end that a fair investigation may be had and no injustice done. Such investigation should be conducted according to the generally recognized principles of evidence and the usages of courts, which long experience has shown are calculated to develop the truth, convict the guilty, and protect the innocent.

A committee of investigation appointed by the Senate should not be a lawless body, with power to trample upon private rights, which the law has never given to the courts, nor to blacken reputation with that sort of evidence which the code of every country rejects as insufficient and worthless. The committee therefore recommend the adoption of the following resolution:

Resolved, That the Committee on Printing be instructed to investigate the official conduct of A. M. Clapp as Congressional Printer, and for that purpose have power to send for persons and papers, and to make report at the present session of Congress.

Mr. SAULSBURY. I prefer that the further consideration of the resolution go over for a while. I am clearly of opinion that this labor ought not to be imposed upon a committee so few in numbers as the Committee on Printing. There are only three members on that committee and it would require at least two of that committee constantly present at the examination of any witnesses. I think, therefore, it had better go over. At any rate, if it comes to a vote now, I shall not only vote against the amendment of the Senator from Rhode Island, but I shall vote against the resolution of the Committee on Privileges and Elections. If the investigation is had at all, it ought to be by a special committee, or some committee composed of a larger number than the Committee on Printing. I hope, therefore, that the resolution will go over.

Mr. ANTHONY. I have no objection.

Mr. CONKLING. If this is to go over, I wish to ask the Senate to take up a bill which will take but a moment.

The PRESIDENT *pro tempore*. An objection will not send it over. The resolution is before the Senate.

Mr. MORTON. If it is the desire of the Senator from Rhode Island and the Senator from Delaware to have it go over, I shall make no objection.

Mr. ANTHONY. If this investigation is to be imposed upon us, I do not want to enter upon it with a difference among the committee, and I prefer that the resolution should go over.

The PRESIDENT *pro tempore*. No objection being made, the resolution will be laid over.

CHANGE OF NAME OF STEAMER.

Mr. CONKLING. I hope to be allowed to call up a bill which will take but a single moment. It is for the change of the name of a boat in which many people seem to feel urgently interested. It is House bill No. 3200.

The motion was agreed to; and the bill (H. R. No. 3200) to change the name of the steam barge Dolphin, of Clayton, New York, was considered as in Committee of the Whole.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

KENTUCKY SALT-WORKS.

Mr. CAMERON, of Wisconsin. On Monday last the Senator from West Virginia [Mr. CAPERTON] made a report from the Committee on Claims, recommending the payment of the claim of T. T. Garrard and others, praying compensation for the destruction of their salt, salt-wells, &c., in Clay County, Kentucky, by United States troops, in 1862. This claim is known as the Kentucky salt-works claim. I stated at that time that a minority of the committee dis-

sented from the report, and that at a future time I would ask permission to present the views of the minority. I now ask leave to present the views of the minority, and I move that they be printed.

The motion was agreed to.

ARMS FOR STONINGTON.

Mr. LOGAN. Mr. President——

Mr. EATON. I wish to appeal to the Senator from Illinois. Will the Senator from Illinois permit me to call up a resolution reported from the Committee on Military Affairs? I do not think it will take a moment.

Mr. LOGAN. Of course; I withdraw any right to call up anything this morning.

The PRESIDENT *pro tempore*. The Senator from Illinois holds the floor.

Mr. LOGAN. I yield to the Senator from Connecticut. It is very important that these little things should go through!

Mr. EATON. It is not important at all. I withdraw my request.

Mr. LOGAN. No; go on.

Mr. EATON. I am obliged to the Senator. I move to take up the joint resolution (H. R. No. 135) donating two cannon and carriages to the warden and burgesses of Stonington, Connecticut, which was reported by the Committee on Military Affairs.

The motion was agreed to; and the joint resolution was considered as in Committee of the Whole. The preamble recites that there are now at the town of Stonington, in the State of Connecticut, two eighteen-pounder iron cannon and two eighteen-pounder traveling-carriages, belonging to the same, which were used for the defense of the town against the attack of British men-of-war in the war of 1812, and which cannon are highly prized by the inhabitants of the town as memorable relics of the bombardment of the town on the 10th day of August, 1814. The resolution therefore donates the guns and gun-carriages named by the United States to the warden and burgesses of the borough of Stonington, to be owned and held by them and their successors in office, and gives permission to the warden and burgesses to place them on unoccupied land belonging to the United States, at the end of the Point, so called, in the borough of Stonington.

The joint resolution was reported to the Senate, ordered to a third reading, read the third time, and passed.

JAMES ATKINS.

Mr. WADLEIGH. I wish to call up House bill No. 1668.

Mr. WRIGHT. I have no disposition to object to the consideration of that bill; but, nevertheless, I want to say something upon it.

The PRESIDENT *pro tempore*. The question is on taking up the bill.

The motion was agreed to; and the bill (H. R. No. 1668) to supply an omission in the enrollment of the deficiency bill approved March 3, 1875, was considered as in Committee of the Whole. It is a direction to the proper accounting officers of the Treasury, in settling and adjusting the revenue, disbursing, and other accounts of James Atkins, late collector of internal revenue for the fourth district of Georgia, to credit him with $14,819.33, on account of loss of that amount by default of deputies in his employ; the amount being lost without neglect or fault of Atkins.

Mr. WRIGHT. The bill passed our committee; but I think myself that while the bill follows precedents, and not a few of them, it is, nevertheless, most dangerous legislation. It has never had my concurrence thus far; but the bill has passed, as I have said, our committee following precedents established in the Senate.

Mr. CONKLING. And passed both Houses once or twice, and failed of enrollment by an error.

Mr. WRIGHT. I believe so. This same bill passed both Houses at the last session and failed of enrollment, and that had not a little weight in determining the action of the committee; but nevertheless it presents the question of relieving an officer by reason of the fault and negligence of his deputies. That is the question that is presented in this case. I merely wish to say this much lest I might be regarded as concluded by this case, and it might be held as a precedent to bind me hereafter.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EQUALIZATION OF BOUNTIES.

Mr. LOGAN. I think it is pressing me rather far to ask me to yield any further. I have yielded as far as I can under the circumstances. I desire to call up the bill (H. R. No. 58) to equalize the bounties of soldiers who served in the late war for the Union.

Mr. SAULSBURY. That is a very important bill and cannot certainly be considered in the morning hour. Will an objection carry it over?

The PRESIDENT *pro tempore*. An objection will not carry it over. The question is for the Senate to decide.

Mr. LOGAN. It is a very important bill, but it is a bill that has been considered by the Senate and debated at great length at former sessions. It has passed the House five times, and I do not think it will require much consideration of the Senate now, for the same Senators who are here now, or a majority of them, have considered this bill several times. The mere reading of it will give the information necessary. I do not wish to discuss it. I am willing to take the vote as soon as the bill is taken up.

Mr. WITHERS. I will state to the Senator in that connection that there are upward of twenty Senators here who have never heard the bill discussed.

Mr. LOGAN. There may be some who have never heard it discussed; perhaps there are; but I speak of the majority of the Senate. They have heard it discussed. If it brings out discussion, it is like any other bill that is to be discussed or goes over until a time when it can be; but that should not interfere with taking it up. The Senate is not bound to pass it, but I ask that it may be taken up for consideration. When the morning hour expires, of course other business will come up, and I will then ask that it will be continued over until it can be considered.

The PRESIDENT *pro tempore*. The Chair will put the question on proceeding to the consideration of the bill after it shall have been read for information.

The bill was read at length.

The PRESIDENT *pro tempore*. The question is on taking up for consideration the bill just read.

Mr. SAULSBURY. I call for the yeas and nays on that motion.

The yeas and nays were ordered.

Mr. SHERMAN. I think the Senate ought to be called.

Mr. CONKLING. The yeas and nays will show the presence of a quorum.

Mr. SHERMAN. So important a proposition as this ought not to be taken up and acted on, it seems to me, without more than a bare quorum. Perhaps the yeas and nays will solve that question

The question being taken by yeas and nays, resulted—yeas 20, nays 25; as follows:

YEAS—Messrs. Allison, Boutwell, Cameron of Wisconsin, Conkling, Dawes, Ferry, Hamlin, Harvey, Hitchcock, Ingalls, Key, Logan, McMillan, Mitchell, Morton, Paddock, Wadleigh, West, Windom, and Wright—20.

NAYS—Messrs. Anthony, Bayard, Bogy, Booth, Caperton, Christiancy, Cooper, Davis, Eaton, Edmunds, Frelinghuysen, Gordon, Hamilton, Kelly, Kernan, McCreery, Maxey, Merrimon, Morrill of Vermont, Sargent, Saulsbury, Sherman, Wallace, Whyte, and Withers—25.

ABSENT—Messrs. Alcorn, Barnum, Bruce, Burnside, Cameron of Pennsylvania, Clayton, Cockrell, Conover, Cragin, Dennis, Dorsey, Goldthwaite, Howe, Johnston, Jones of Florida, Jones of Nevada, McDonald, Morrill of Maine, Norwood, Oglesby, Patterson, Randolph, Ransom, Robertson, Sharon, Spencer, Stevenson, and Thurman—28.

So the motion was not agreed to.

Mr. LOGAN. I desire to say to the Senate that this bill has passed the House since the year 1868 five different times and the Senate once, and it is now before the Senate again, having passed the House by a great majority at this session. I deem it just to the soldiers of this country who were defrauded out of their bounty that this Government should pay it at some time, and I think that they have waited long enough for it. I feel that I can demonstrate to the Senate or any other body that there is no one asking bounty by this bill except those who are entitled to it and who ought to have had it long ago. I give notice now that I will call it up every morning, and I will call the yeas and nays as to whether it shall be taken up or not until the country shall fully understand whether or not these men are to be longer deprived of that to which they are justly entitled.

Mr. CONKLING. I wish to ask a question of the Senator from Illinois. Is it the purpose of the Committee on Military Affairs to insist upon the amendment striking out sailors and marines?

Mr. LOGAN. No, sir; I propose to re-instate that myself.

Mr. CONKLING. And the same thing as to slaves and Indians?

Mr. LOGAN. The word "Indians" is not necessary in the bill. The bill applies to all soldiers, whether blacks, whites, or Indians. We strike those words out because they are not necessary to be in. It applies to all soldiers of every color. The only thing that it is necessary to put back is the clause as to sailors and marines.

Mr. CONKLING. I observe here the committee propose to amend by striking out the words "or State" in the fifth line of section 5.

Mr. LOGAN. That is in reference to the State bounties that were paid. When it was considered before, the committee for certain reasons thought best to strike that out and to report it to the Senate. Since that has been done, looking over the files and seeing the votes heretofore and what has been done on the bills heretofore, in my judgment, that word ought to be left in. I intended to suggest that to the Senate.

Mr. CONKLING. So that the effect will be to give bounty regardless of what the States gave?

Mr. LOGAN. No, sir; the effect then would be to give this bounty, deducting State bounties.

Mr. SAULSBURY. What is the question before the Senate?

The PRESIDENT *pro tempore*. Nothing.

Mr. SAULSBURY. Then I object to this debate.

Mr. LOGAN. I intend to leave that question as to State bounties to the Senate.

The PRESIDENT *pro tempore*. The Senator from Delaware objects to further debate.

BILLS BECOME LAWS.

A message from the President of the United States, by Mr. U. S. GRANT, jr., his Secretary, announced that the President had on the 5th instant approved and signed the following acts:

An act (S. No. 166) to amend section 1225 of the Revised Statutes of the United States; and

An act (S. No. 336) to authorize the construction of a ponton bridge across the Mississippi River from some feasible point in La Crosse County, in the State of Wisconsin, to some feasible point in Houston County, in the State of Minnesota.

The message also announced that the bill (S. No. 2) to repeal section 2303 of the Revised Statutes of the United States making restrictions in the disposition of the public lands in the States of Alabama, Mississippi, Louisiana, Arkansas, and Florida, and for other purposes, having been received by the President on the 22d of June, and not having been returned by him to the Senate within the ten days prescribed by the Constitution, had become a law without his signature.

AMENDMENT TO APPROPRIATION BILL.

Mr. SARGENT. I offer an amendment to the bill (H. R. No. 3749) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1877, and for other purposes, to be referred to the committee of conference who have charge of that appropriation bill.

The PRESIDENT *pro tempore*. It will be so referred.

LANDS WITHIN THE KLAMATH INDIAN RESERVATION.

Mr. KELLY. I move to proceed to the consideration of House bill No. 1316. I do not now expect to get it through this morning, but it is a bill that I have been endeavoring to get before the Senate two or three times. It has been fully considered, and I simply desire that it shall be taken up so that it may be ready to be proceeded with on Monday morning.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the bill? The Chair hears none, and it is before the Senate.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 1316) to adjust the claims of the owners of lands within the limits of the Klamath Indian reservation in the State of Oregon, the pending question being on the amendment offered by Mr. SHERMAN in line 12, after the word "mineral," to insert "and which are then subject to entry under the homestead or pre-emption laws of the United States."

IMPEACHMENT OF WILLIAM W. BELKNAP.

The PRESIDENT *pro tempore*. The hour of twelve o'clock having arrived, the legislative and executive business of the Senate is suspended, and the Senate will proceed to the consideration of the articles of impeachment against William W. Belknap, late Secretary of War.

The Senate then proceeded to the trial of the impeachment of William W. Belknap, late Secretary of War.

The Senate sitting for the trial of the impeachment of William W. Belknap having adjourned then resumed its

LEGISLATIVE SESSION.

The PRESIDENT *pro tempore*. The Senate resumes its legislative and executive business.

Mr. INGALLS. I move that when the Senate adjourns it be to meet on Monday at eleven o'clock.

The PRESIDENT *pro tempore* put the question, and declared that the noes appeared to prevail.

A division was called for, and the ayes were 32.

Mr. HOWE and others. Give up a further count.

Mr. EDMUNDS. Was there a quorum voting?

The PRESIDENT *pro tempore*. There was not a quorum voting. The noes will rise.

Mr. EDMUNDS. Is this a subject of debate?

The PRESIDENT *pro tempore*. It is.

Mr. EDMUNDS. I rise to address the Chair.

The PRESIDENT *pro tempore*. The Senator from Vermont will proceed.

Mr. EDMUNDS. I merely wish to say that I vote against eleven o'clock, because on Monday there are many committee meetings, and it appears to me we ought to have the hour between eleven and twelve for that purpose. If the Senate thinks otherwise, of course I have no objection to make. My reason for opposing eleven o'clock was that I thought we could make better progress with the public business by meeting at twelve and having the morning for committee work.

Mr. SARGENT. If the court would meet at one o'clock, which I know it cannot do on next Monday, it would enable the Committee on Appropriations to get the ear of the Senate upon conference reports. The different conference committees are meeting continually. We agree or fail to agree. If we fail to agree, it is necessary to make a report at once in order that new committees may be appointed. For myself, I should like to say that I have been at work in committee-room every morning at nine o'clock and all the time I can possibly spare from the Senate and from the time necessary to be devoted to eating and sleeping. I have found, as well as other members of the Committee on Appropriations, that there should be some time during the day, a half hour or more, when we can receive messages from the House and make reports from conference committees. For that reason I beg, until a better arrangement may be made, that we meet at eleven o'clock. Next Monday we shall probably hear the action of the House on the sundry civil bill. We expect to hear the action of the House to-day on the consular and diplomatic bill. That subject will be brought before us on Monday, as well as the failure between now and Monday to come to a conclusion on the sundry civil bill. I hope, therefore, the Senator from Vermont will not object to our meeting on Monday at eleven o'clock.

Mr. EDMUNDS. In that state of the case, as the Senator from California, a member of the Committee on Appropriations, states it, I shall not object; but I merely wish to say, withdrawing my objection if I made one, that I think we can receive messages from the House of Representatives at any time, whether we are sitting in trial or not, or from the President. I have no doubt if a message were announced from the House the Chair would suspend this particular trial, which is the Senate after all, and receive the message. But as my friend says he expects to make a conference report of some sort on Monday before the meeting of the court at twelve o'clock, I will let the committees take their share of the misfortune and agree to the hour named.

The PRESIDENT *pro tempore*. Is there objection to the motion that the Senate meet at eleven o'clock in the forenoon next Monday? The Chair hears no objection, and it is so ordered.

BILL INTRODUCED.

Mr. SHERMAN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 982) providing for the completion of the Washington Monument; which was read twice by its title, referred to the Committee on Appropriations, and ordered to be printed.

DEATH OF EDWARD Y. PARSONS.

A message from the House of Representatives, by Mr. G. M. ADAMS, its Clerk, communicated to the Senate the intelligence of the death of Mr. EDWARD Y. PARSONS, late a member of the House from the State of Kentucky, and transmitted the resolutions of the House thereon.

Mr. McCREERY. Mr. President, I ask for the reading of the resolutions of the House of Representatives.

The PRESIDENT *pro tempore*. The Chair will lay before the Senate the resolutions referred to.

The Chief Clerk read as follows:

CONGRESS OF THE UNITED STATES,
IN THE HOUSE OF REPRESENTATIVES,
July 8, 1876.

Mr. KNOTT submitted the following; which was agreed to:

Resolved, That a committee of seven members be appointed by the Speaker of the House to take order for superintending the funeral of Hon. EDWARD Y. PARSONS, late a member of this body from the State of Kentucky.

Resolved, That as a mark of the respect entertained by the House for the memory of Hon. EDWARD Y. PARSONS, his remains be removed to Louisville, Kentucky, in charge of the Sergeant-at-Arms, and attended by the said committee, who shall have full power to carry this resolution into effect.

Resolved, That the Clerk communicate these proceedings to the Senate.

Resolved, That as an additional mark of respect to the memory of the deceased the House do now adjourn.

Mr. McCREERY. I offer the following resolutions:

Resolved, That the Senate has received with deep sensibility the announcement of the death of Hon. E. Y. PARSONS, late a member of the House of Representatives from the State of Kentucky.

Resolved, That as an additional mark of respect for the memory of the deceased, the Senate do now adjourn.

The resolutions were agreed to unanimously; and (at four o'clock and fifty minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

SATURDAY, *July* 8, 1876.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. I. L. TOWNSEND.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, informed the House that the Senate was ready to proceed upon the impeachment of William W. Belknap and to receive the managers on the part of the House, and that the Senate Chamber was prepared with accommodations for the reception of the House of Representatives.

APPROVAL OF JOURNAL.

The Journal of yesterday was read.

The SPEAKER *pro tempore*. Is there objection to approving the Journal as it has been read?

Mr. WILSON, of Iowa. I ask the Clerk to read again that portion of the Journal in relation to the question of consideration upon the Pacific railroad sinking bill, which was in charge of the gentleman from Ohio, [Mr. LAWRENCE.]

The Clerk read that portion of the Journal, as follows:

The morning hour having expired,

The SPEAKER *pro tempore* announced the regular order of business, under the order of yesterday, to be the consideration of the motion whereby the bill of the House, No. 3672, to amend the act approved July 2, 1864, entitled "An act to amend an act entitled 'An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes,' approved July 1, 1862,"

and other acts in relation to the railroad companies therein mentioned, was recommitted to the Committee on the Judiciary; when

Mr. BRIGHT raised the question of consideration.

The question was then put, Will the House now consider the said motion? And it was decided in the affirmative.

Mr. WILSON, of Iowa. That portion of the Journal should read:

The SPEAKER *pro tempore* announced the regular order of business, under the order of yesterday, to be the consideration of the motion to reconsider the vote whereby the bill of the House, No. 3672, &c., was recommitted to the Committee on the Judiciary,

The SPEAKER *pro tempore*. The correction will be made.

The Journal, as corrected, was then approved.

REDEMPTION OF UNUSED STAMPS.

Mr. MONROE, by unanimous consent, submitted the following resolution; which was referred to the Committee of Ways and Means:

Resolved, That the Committee of Ways and Means be requested to report to this House as soon as practicable a bill providing, with suitable safeguards, for the redemption of unused internal-revenue stamps.

PUBLIC BUILDING AT DANVILLE, VIRGINIA.

Mr. YOUNG. I am directed by the Committee on Public Buildings and Grounds to ask unanimous consent to report for consideration at this time a substitute for House bill No. 1133, to provide for the erection of a public building in the town of Danville, Virginia.

The substitute directs the Secretary of the Treasury to procure by purchase, condemnation, or otherwise, in pursuance of the laws of the State of Virginia, a suitable lot of ground in the city of Danville, Virginia, and to cause to be erected thereon a building of brick suitable for the accommodation of the court-house, post-office, and other Government offices in that city, and provides that the lot of land and the building thereon, when completed upon plans to be previously made and approved by the Secretary of the Treasury, shall not exceed $60,000, and the lot of land shall be of such extent as to leave the building independent and unexposed to fire from any of the adjoining buildings. No money appropriated for this purpose shall be available until a valid title to the land shall be vested in the United States, and until the State of Virginia shall have ceded the jurisdiction over the same and relinquished the right to tax and assess the same while the United States shall be the possessor thereof.

Mr. FORT. Does not the point of order lie against this bill that it makes an appropriation?

The SPEAKER *pro tempore*. It can be acted upon at this time only by unanimous consent. If objected to, the bill is not before the House.

Mr. YOUNG. I withdraw the bill.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, announced that the Senate had appointed Mr. SARGENT in place of Mr. WINDOM as one of the managers on the part of the Senate in the conference upon the disagreeing votes of the two Houses on the bill (H. R. No. 3749) making appropriations for sundry civil expenses of the Government for the year ending June 30, 1877, and for other purposes.

The message also returned, in compliance with the request of the House, the bill (S. No. 872) for the relief of the family of the late John T. King and of L. B. Cutler.

The message further announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. No. 978) extending and continuing the act entitled "An act to provide temporarily for the expenditures of the Government;" and

A bill (S. No. 979) to extend and continue the act entitled "An act to continue the public printing."

The message also announced that the Senate had passed, without amendment, bills and a joint resolution of the following titles:

A bill (H. R. No. 1668) to supply an omission in the enrollment of the deficiency bill approved March 3, 1875;

A bill (H. R. No. 3200) to change the name of the steam-barge Dolphin, of Clayton, New York; and

Joint resolution (H. R. No. 134) donating two cannon and carriages to the warden and burgesses of Stonington, Connecticut.

MILITARY EXPEDITION AGAINST THE INDIANS.

Mr. BANNING. I ask unanimous consent to submit for adoption now the following resolution:

Resolved, That the Secretary of War be, and he is hereby, directed to report to the House the object of the military expeditions under Generals Crook and Terry now operating against the Northwest Indians and the circumstances leading to their necessity, with copies of all correspondence bearing upon the origin of the expedition; also copies of all military orders issued by the War Department directing those expeditions.

Mr. YOUNG. I object. I have a resolution I desire to offer in lieu of that.

Mr. PAGE and others called for the regular order.

RESERVATION OF THE SIOUX NATION.

Mr. BOONE. I rise to a privileged question. Several days ago I entered a motion to reconsider the vote by which the bill (S. No. 590) providing for an agreement with the Sioux Nation in regard to a portion of their reservation, and for other purposes, was recommitted to the Committee on Indian Affairs.

I desire at this time to call up that motion and have it disposed of.

Mr. CONGER. I raise the question of consideration upon that motion until after the morning hour.

The SPEAKER *pro tempore*. The bill will be read, after which the question of consideration may be raised.

The bill was read.

The SPEAKER *pro tempore*. Is the question of consideration raised upon this bill?

Mr. CONGER. I wish to say a word on this question. By unanimous consent——

Mr. HOLMAN. This bill is subject to a point of order, which I wish to reserve.

Mr. CONGER. By unanimous consent yesterday was devoted to certain business then before the House, and an agreement was made that to-day should be regarded as "objection day," and that we should proceed with the Private Calendar after the morning hour. The introduction of this or any other business that cuts off the morning hour will prevent the fulfillment of that unanimous agreement of the House. I hope that the House will not break in upon that arrangement; and therefore I raise the question of consideration upon this bill, which, however, I do not desire to antagonize.

Mr. PAGE. I suggest to the gentleman from Kentucky, [Mr. BOONE,] my colleague on the Committee of Indian Affairs, that if we have the morning hour, that committee will be called and he can present this report.

The SPEAKER *pro tempore*. This bill is pending upon a motion to reconsider; and the gentleman from Kentucky has risen to a privileged question to call up that motion.

Mr. BOONE. Upon the question of consideration I desire to say simply——

The SPEAKER *pro tempore*. This question is not debatable.

The question being taken, there were—ayes 57, noes 43; no quorum voting.

Tellers were ordered; and Mr. CONGER and Mr. BOONE were appointed.

The House divided; and the tellers reported—ayes 63, noes 85.

So the House refused to consider the bill.

ORDER OF BUSINESS.

Mr. PAGE. I call for the regular order.

The SPEAKER *pro tempore*. The regular order being called, the morning hour begins at fourteen minutes before one o'clock. The call rests with the Committee on Indian Affairs.

EXPLORATION AND SETTLEMENT OF BLACK HILLS COUNTRY.

Mr. PAGE. A bill reported from the Committee on Indian Affairs was pending when the last morning hour expired. That bill had been ordered to be engrossed and read a third time.

The SPEAKER *pro tempore*. That bill is first in order.

The House accordingly resumed the consideration of the bill (H. R. No. 1335) to declare the country north of the North Platte River and east of the summits of the Big Horn Mountains, in the Territory of Wyoming, open to exploration and settlement, and for other purposes.

The bill was read, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all that portion of country north of the North Platte River and east of the summits of the Big Horn Mountains, in the Territory of Wyoming, is hereby declared to be open to exploration and settlement; and the true intent and meaning of the treaty with the Sioux Indians, concluded April 29, 1868, is declared to be that white men are not excluded thereby from traveling over, exploring, or settling upon any portion of the Territory of Wyoming not included within the boundaries of the permanent reservation established for said Sioux Indians by the second article of said treaty of April 29, 1868.

Provided, That nothing herein contained shall be construed to impair the rights of the Indians to hunt within the limits of the Territory mentioned in this act.

Mr. BURCHARD, of Illinois. Mr. Speaker, I understood the agreement yesterday was that this day should be devoted to the consideration of private bills.

The SPEAKER *pro tempore*. The agreement made yesterday was that private bills should be considered to-day, but not until the expiration of the morning hour, and that at the expiration of the morning hour it would be in order to move to go in the Committee of the Whole on the Private Calendar. The understanding was distinct that the morning hour should remain intact.

Mr. FORT. I should like to make an inquiry.

The SPEAKER *pro tempore*. The gentleman from California is entitled to the floor.

Mr. FORT. I should like to ask the gentleman from California who reported this bill whether the intention of this bill is to open up to settlement this Black Hills country?

Mr. PAGE. This bill simply provides that a portion of the Black Hills country east of the Platte River shall be open to exploration by miners and other parties who may desire to explore the country for the purpose of developing its rich mineral resources. If the House desires any fuller explanation in respect to this matter, I will yield for ten minutes to the gentleman from Wyoming, that he may explain to the House this whole subject.

Mr. FORT. I hope, then, the gentleman from Wyoming will state whether the present Indian war was brought about by the exploration of this country, and whether this bill is to open up to settlement the country which they are now fighting about?

Mr. STEELE. Mr. Speaker, I do not think the question of the gen-

tleman from Illinois [Mr. FORT] as to how this war originated has any bearing on the bill now before the House; but I desire to say, in reference to this Indian war now being carried on against hostile Sioux and in regard to military operations in that country, that it is not a fact, as is sought to be stated, that the military or the Black Hills miners are responsible for the war, that the impression is not true that is sought to be created that this is an operation by the military arm of the Government, without any reference to what is known as the peace policy of the present Administration in dealing with the Indians.

In 1868 the United States made a treaty with the Sioux Nation of Indians which was a mistake, a grave mistake, if not a national dishonor and a national disgrace. That treaty to-day is the foundation of all the difficulties we are having in the Sioux country. It is the cause of the death of the gallant Custer and his men up the Big Horn country fighting those Sioux Indians.

Do the facts justify that statement? Let us see. In 1866 General Pope, then commanding that department, established the posts of Phil Kearney, Reno, and C. F. Smith to open the road to Montana, to protect its people and the western emigrants, and protect the friendly Crow Indians and the Crow country from incursions and raids of the hostile Sioux. In establishing those posts and in opening that route many men were killed, citizens and soldiers. Notably among the events which took place was the massacre of Fetterman and his command, ninety-six men and officers all told, at Fort Phil Kearney. Yet, after those men had sacrificed their lives, before any punishment had been inflicted on those savages, who respect nothing in the world but physical force, the Government went to work and made a treaty by which it ignominiously abandoned that country to the savages, dismantled its own posts, and left the bones of the brave men who had laid down their lives in the defense of their country's flag in that wilderness.

Sir, was it to be wondered at under these circumstances that Sitting Bull and the men under him believed they were superior to the General Government and that the General Government was unable to conquer them? Why, sir, any man who knows anything about the Indian nature and the characteristics of the Indian people knows the legitimate result of that cowardly policy of "peace at any price" was only to defer the evil day that has now come upon us. Since that time, since the making of that treaty, constantly have the Sioux depredated upon the frontiers of Nebraska, Wyoming, and Montana. More men have been slain there in the peaceful avocations of civil life, and no murmur has been raised in reference to them, than fell under the gallant Custer on the 25th of last month on the Big Horn. The friendly Crows have been raided upon with every full moon. So with the Shoshones and so with the Pawnees, and at last these outrages became so great and so long continued that even the peaceful Indian Bureau could stand it no longer and it called upon the military arm of the Government to punish those men. In carrying out the request of the peace department of the Government, in complying with the wish of the Interior Department and the Indian Bureau expressed in 1873 and again in the report made to this present Congress, these gallant men under Custer have been sacrificed in the Big Horn ravines. The war that is now upon us should have been prosecuted in 1868. The Sioux should then have been made to feel the power of the Government and to respect its authority, and we should not now have this war on our hands, because we counted dollars of more importance than national honor and the defense of our frontier we did not punish those Indians at that time.

What are the facts in reference to these Indians and are all the agency Indians on their reservation? We have seen reports from Indian agents and Indian inspectors in the papers every day that all these agency Sioux have positively remained upon their reservations and only desire to be well treated to remain at peace. I was up in that country last year at the time the commission was there attempting to negotiate a treaty with the Sioux, and at that time the Young-man-afraid-of-his-horses, the hereditary chief of the Ogallalla tribe and the man who by birth is entitled to rule over all that people, told me there were not in that northern country under Sitting Bull and Crazy Horse and other chiefs to exceed from one to two hundred lodges, which would not have given them over eight hundred fighting men all told. Yet the report we get now is that eighteen hundred lodges were there, giving about thirty-five hundred to four thousand fighting men in this encampment or village which General Custer struck. Where did those men come from to increase that number from one to two hundred lodges up to eighteen hundred lodges? They came, sir, from the agencies, where they had been fed and fattened by your Government, where they had been better armed than your soldiers; they came from those reservations to fight your troops, and, if you maintain your present policy, they will go back to their agencies as soon as the snow falls to feed themselves and their ponies and prepare for new depredations in the spring. Justice to your soldiers, justice to your frontier settlers, the honor of your flag, demand that these red-handed murderers shall be punished and made to feel the power of the Government, and that we shall not continue a system of government for the Indians by which these hostile Sioux may return to the agencies to be fed and pampered after slaughtering and murdering your troops and your citizens.

Mr. SEELYE rose.

Mr. PAGE. How long does the gentleman want?

Mr. SEELYE. About five minutes.

Mr. Speaker, some further words are necessary to complete the statement which the gentleman from Wyoming [Mr. STEELE] has just made. The Sioux, who are the cause of this disturbance in the Northwest, have never been upon a reservation. Sitting Bull has had no treaty with the United States at any time, but having the control of a few hundred savages has been marauding and murdering both Indians and white people in that region for a number of years. Now it became necessary to cause this marauding and murdering to cease, and the Government, perfectly right in its functions and the exercise thereof, last fall sent scouts to this Sitting Bull, demanding that he should appear upon a reservation at a given time or he would be forced to appear. He did not appear, and therefore the expedition under the charge of General Crook was fitted out against him. That expedition was not successful for reasons it is not necessary here to detail. It was repulsed with great loss. This very naturally excited Sitting Bull and his band, who at once came to the conclusion that they were able to contend with all the power of the United States.

Now the gentleman says that this chief has received re-enforcements from the bands that have been fed by the United States on reservations. That is a literal truth, but, Mr. Speaker, for a very different reason than the gentleman has assigned. The fact is that these Indians, with whom we have made a solemn treaty that their territory should not be invaded and that they should receive supplies upon their reservations, have seen from one thousand to fifteen hundred miners during the present season entering and occupying their territory, while the Indians, owing to the failure of this and the last Congress to make adequate appropriations for their subsistence, instead of being fattened, as the gentleman says, by the support of this Government, have simply been starved.

These are the first causes of their complaint. These excited the young men among them, and then, as you all know, the subsistence which had been eked out at diminished rations failed entirely by the 1st of April last, obliging this Congress to make another appropriation in order to carry the supplies to the end of the present fiscal year. But that appropriation was so small that before the 1st of July was reached the last pound of food was ready for distribution, and Congress has been obliged again in this temporizing and shiftless way to continue the supplies for a few days longer by special appropriation to meet the present emergency. Added to this, as we are assured by reports of officials of this Government, the word has gone abroad among the Indians that it is proposed to transfer them to the War Department, which means, as the Indians have interpreted it, that the Government intends to withdraw its protection from them and give them up to extermination under military rule. Now, the consequence of these facts, together with the excitement caused by the failure of General Crook's expedition, has been a wild restlessness and discontent which have spread more or less among all the Indians of that region, and though it is credibly reported that Red Cloud and Spotted Tail have succeeded, at the agencies which bear their names, in keeping the main body of their forces in order, it is well ascertained that many other Indians from other reservations and perhaps some from these have gone to join the force of Sitting Bull.

Mr. MILLS. Will the gentleman allow me to interrupt him a moment?

Mr. SEELYE. This is the literal truth, and it is important that we should understand it. The Indians have doubtless exaggerated some of the difficulties which are to be experienced by this transfer. It is not strange that they should exaggerate them. Wild, rude, ignorant as they are, it is quite to be expected that they would exaggerate. But the literal fact is that they, getting word that they were to be transferred to the care of the Military Department, and having these other sources of discontent which I have named, have become restless, and the Cheyennes and the Arapahoes have taken to the war-path, and are probably now re-enforcing Sitting Bull. He with his few hundred warriors could have withstood no such force as went against him under Custer. These exact facts Congress and the country should well understand.

Mr. PAGE. This bill reported from the Committee on Indian Affairs has no reference at all to this Indian war. All this discussion is out of place. It simply provides that the country east of the Big Horn Mountains and north of the North Platte River, in the Territory of Wyoming, shall be opened to exploration and settlement. In 1868 a treaty was made with the Sioux Indians and a reservation was set apart consisting of 25,000,000 acres of land. The treaty also provided that the Indians should have the right to hunt on the lands outside of the reservation. The bill now under consideration only provides that the portion of country described in the bill shall be open to exploration by miners. It is a rich mining country.

Mr. BURCHARD, of Illinois. Will the gentleman allow me a question?

Mr. PAGE. Yes, sir.

Mr. BURCHARD, of Illinois. I find that the treaty of 1868, to which reference has been made, guarantees on the part of the United States—

> That no white person or persons shall be permitted to settle upon or occupy any portion of the same; or without the consent of the Indians, first had and obtained, to pass through the same.

That applies to—

> The country north of the North Platte River and east of the summits of the Big Horn Mountains.

That seems to be the identical country described in the bill.

Mr. PAGE. I do not yield for a speech.

Mr. BURCHARD, of Illinois. I merely suggest this to the gentleman for the purpose of obtaining an explanation.

Mr. PAGE. The portion of country embraced within the provisions of this bill is not affected by the treaty from which the gentleman has just read. The treaty provided that a reservation of 25,000,000 acres should be set apart for the Sioux Indians. Under this treaty no white person has the right without the consent of the Indians to travel over that country. But the country this bill is intended to cover is outside of the reservation altogether.

Mr. KASSON. Will the gentleman from California allow me to read article 16 of the treaty? It is as follows:

The United States hereby agrees and stipulates that the country north of the North Platte River and east of the summits of the Big Horn Mountains—

Which, I remark, is the country described in the bill in identical modes of expression—

shall be held and considered to be unceded Indian territory, and also stipulates and agrees that no white person or persons shall be permitted to settle upon or occupy any portion of the same; or without the consent of the Indians, first had and obtained, to pass through the same.

The point now to which I wish to call the attention of the gentleman from California is that the bill does affect the treaty in declaring the true intent and meaning of that treaty to be—

That white men are not excluded thereby from traveling over, exploring, or settling upon, any portion of the Territory of Wyoming not included within the boundaries of the permanent reservation, &c.

The point I want to get at is, that if I read the bill aright, and that if I read the sixteenth article of the treaty aright, the bill directly repudiates the treaty.

The SPEAKER *pro tempore*. Does the gentleman from California yield further?

Mr. PAGE. I do not. Now, in reference to the question propounded by the gentleman from Iowa [Mr. KASSON] I desire to say that the bill only contemplates throwing that portion of the country open to exploration——

Mr. KASSON. "And settlement," the bill says.

Mr. PAGE. Which is outside of the Sioux reservation.

Mr. LANE. Let me call the attention of the gentleman from California [Mr. PAGE] to article 11 of that treaty.

Mr. PAGE. I will read it. Article 11 provides:

In consideration of the advantages and benefits conferred by this treaty, and the many pledges of friendship by the United States, the tribes who are parties to this agreement hereby stipulate that they will relinquish all right to occupy permanently the territory outside their reservation as herein defined, but yet reserve the right to hunt on any lands north of North Platte, and on the Republican Fork of the Smoky Hill River, so long as the buffalo may range thereon in such numbers as to justify the chase. And they, the said Indians, further expressly agree, &c.

Mr. KASSON. Now will the gentleman read the sixteenth article in connection with that?

Mr. PAGE. As I said before, this bill only contemplates throwing open to exploration that part of the country embraced in article 11 of the treaty. It was never contemplated by the commissioners making this treaty that all of the country east of the Big Horn Mountains and outside of this reservation should be forever kept exclusively for the Indians, and that white men should be excluded from exploring the mineral resources of that country. No such thing was ever contemplated.

Now, the bill under consideration simply provides that this part of the country referred to in the bill outside of the Indian reservation shall be open to exploration. It is a country rich in mineral lands, and it seems to me that it would be wrong to close this country to the citizens of the United States who desire to go there for the purpose of exploration; it is but just that this country should be thrown open to exploration.

Mr. KASSON. But according to the bill it is also for settlement.

Mr. PAGE. Why not? Is there any objection to its being thrown open to settlement?

Mr. KASSON. I have read the sixteenth article of the treaty, which says that no white person shall be entitled to settle there or to pass through the country without consent of the Indians.

Mr. PAGE. But there is an amendment to the bill which provides against the Indians from hunting in this territory.

Mr. KASSON. I think the gentleman does not desire to make the bill conflict with the provisions of the treaty, but it expressly opens this country to exploration and settlement.

Mr. PAGE. Exactly.

Mr. KASSON. This same treaty provides that no white man shall be permitted to settle in this country north of the North Platte River and east of the Big Horn Mountains.

Mr. PAGE. Without reference to the reservation?

Mr. KASSON. If that was so, why does article 16 say that the country north of the North Platte River and east of the Big Horn Mountains shall not be settled upon by white men?

Mr. PAGE. That is the reservation itself.

Mr. KASSON. No; the reservation lies farther east; but this embraces the whole country north of the North Platte River and east of the Big Horn Mountains.

Mr. PAGE. It seems to me that article 11 of the treaty ought to be conclusive on that point. The Indians themselves only reserved the right to hunt buffaloes in this country if there should be any there. Why should that article be so construed by the House as to operate to prevent the exploration by citizens of the United States of that country? I think that that certainly was not the object of the treaty. The eleventh article precludes the idea.

Mr. KASSON. The eleventh article of the treaty is consistent with the sixteenth. By the eleventh article of the treaty the Indians relinquished the right to occupy permanently this country, but retained the right to hunt buffaloes there; but the United States agreed that east of the Big Horn Mountains and north of the North Platte River no white man should be permitted to settle on or pass through the country without the consent of the Indians.

Mr. MAGINNIS. I desire to ask the gentleman a question, and it is whether the country east of the Big Horn Mountains and west of the North Platte River does not belong to the Crow reservation, and whether this late battle fought by Sitting Bull was not fought upon the Crow reservation?

Mr. PAGE. I cannot yield for war talk. I want the House to consider the bill under consideration, and all I have to say in conclusion is that it seems to me that the eleventh article of the treaty is perfectly conclusive upon this point. I do not see why the House should desire to prevent explorations by citizens of the United States of a large tract of country rich in mineral resources merely because the Indians claim the right to hunt buffalo on it. Now, the bill provides that it shall not be so construed as to prevent the Indians from hunting buffalo in this country; but I believe myself that there are now no buffalo in that section of the country, and therefore it seems to me that the Government should give authority to the miners and frontiersmen who desire to explore the vast mineral resources of their country to go there and to go there under the authority of law.

The SPEAKER *pro tempore*. The Chair will state to the gentleman from California that the previous question was called and sustained upon this bill when it was last under consideration, but it went over upon a demand for the reading of the engrossed bill, when the morning hour expired. The bill is now ready for its third reading and passage, and is under the control of the gentleman from California, [Mr. PAGE.]

Mr. PAGE. I do not like to call the previous question on the passage of the bill so long as any gentlemen express the desire to speak upon the bill. I now yield for a moment to the gentleman from Illinois, [Mr. HARRISON.]

Mr. HARRISON. I wish to ask the gentleman from Massachusetts [Mr. SEELYE] one single question. The gentleman from Massachusetts asserts that the Indians who have come from the reservations, who aided Sitting Bull to destroy Custer, were not those fattened at those reservations, but those who were starved and have been taught, by the action of this House in transferring the management of Indian affairs from the Interior to the War Department, that they were henceforth to be under the control of the War Department. That I understand to be the gentleman's position. Now, I wish to ask the gentleman if he understands that the Indians on these reservations have been taking the RECORD, to get the information as to this movement with such wonderful rapidity.

Mr. SPRINGER. The bill has not passed the Senate.

Mr. PAGE. I did not yield to the gentleman from Illinois for a speech.

Mr. HARRISON. The Chair gave me the floor.

The SPEAKER *pro tempore*. The gentleman from Illinois has the floor by the permission of the gentleman from California.

Mr. SEELYE. The gentleman has asked me a question. Does he desire an answer?

Mr. PAGE. I have the floor.

Mr. HARRISON. No; I have the floor, recognized by the Chair.

The SPEAKER *pro tempore*. There was no discussion after the previous question was ordered the other day. The bill is now upon its third reading and passage, and is of course under the control of the gentleman from California. The Chair does not understand the gentleman to have surrendered the floor at any time, but to have yielded to other gentlemen, as he deemed best. The Chair understood the gentleman from California to yield to the gentleman from Illinois, [Mr. HARRISON,] whereupon the Chair recognized the gentleman from Illinois.

Mr. HARRISON. I rise to a question of order. The gentleman from California [Mr. PAGE] took his seat——

Mr. PAGE. I yielded to the gentleman from Illinois [Mr. HARRISON] to ask a question. He came to me and asked me to yield to him one minute to ask a question of the gentleman from Massachusetts, [Mr. SEELYE.]

Mr. HARRISON. You have not yielded to me for a second.

Mr. PAGE. I now resume the floor.

Mr. HARRISON. I rise to a question of order. The gentleman from California said, "I am now through, and if there is any other gentleman who wishes to address the House on this subject I will yield to him;" and thereupon the Chair recognized me.

Mr. PAGE. Not at all.

Mr. HARRISON. I know that was so.

Mr. PAGE. I said I would make a few remarks myself, and would then yield the floor to some gentleman if he desired to discuss the bill.

The SPEAKER *pro tempore*. It is not worth while for gentlemen on the floor to discuss this point. The Chair has decided that the gentleman from California [Mr. PAGE] is entitled to the floor, and can control it as he will.

Mr. PAGE. I yield to the gentleman from Ohio [Mr. LAWRENCE] for three minutes.

Mr. LAWRENCE. I presume I am in the condition of many other gentlemen on this floor. I am not sufficiently informed to vote understandingly. It seems to me that this subject should be referred to the Committee on Indian Affairs with instructions to report to the House all the facts, so that we may vote intelligently.

If I understand the facts correctly as they have been represented to me they are these; I will state them so that I may ascertain whether I correctly understand them: In 1868 a treaty was made with these Indians, by which it was agreed that white citizens should not settle in this territory now occupied by the Indians. In violation of that treaty citizens of the United States have gone into that territory with a view to mining operations, and the Army has been sent there to protect those citizens who have gone there in violation of the treaty. That has led to this unfortunate war.

Mr. RANDALL. Who sent the Army there?

Mr. LAWRENCE. I suppose the gentleman understands that.

A MEMBER. Not the Committee on Appropriations.

Mr. LAWRENCE. This, according to representations which I have heard, has led to this unfortunate war by which the lives of some of our best, truest, bravest, most valuable, faithful officers and men have been sacrificed. Now, if this be a correct statement of the facts, then it is our duty to call back the Army and to give notice to the men who are there to vacate the territory. We will then be in a position in which we can treat with the Indians upon this subject. I do not know that I have stated these facts correctly, but I have stated them as I have understood them from several sources. I desire to learn from some member of the Committee on Indian Affairs what are the exact facts in this case. If we are the aggressors; if we have unnecessarily provoked this war; if we have undertaken to protect our citizens in invading a territory where they have no right to go; if we have sent our Army there to protect them in an unlawful trespass, then we are in the fault, however unfortunate the consequences have been, and it is our duty to recall our Army and do what is right. I wish distinctly to say I do not affirm that the facts are as I have heard them represented. My purpose is to ask for information.

It is fair to presume, and I do presume and believe, that the military operations which have resulted so disastrously have been directed by a justifiable necessity for sufficient reasons, and must be fully authorized. I have confidence to believe that the Interior Department and the War Department have taken no unnecessary or unjustifiable step. And we know beyond doubt that the brave and good and daring Custer and his brave and good and daring men acted in the line of duty in obedience to orders. History will do them justice, and I shall venerate their names and cherish their memories.

Let us know the facts so that we may act understandingly on the measure before us. Under all circumstances let us abide by our treaties and never let it be said we have done a wrong to any portion of the Indian race.

Mr. PAGE. I now yield to the gentleman from Maine [Mr. HALE] for three minutes.

Mr. HALE. I do not claim to know very much about the details of these different treaties. But I have heard enough and seen enough here, as the different articles of the treaty have been read and as the bill which is introduced and urged by the gentleman from California [Mr. PAGE] has been discussed, to tell me that this is the old, old story. A treaty is made at a given time with a tribe of Indians; under that treaty vast tracts of land, which at the time are deemed to be inaccessible and which are deemed for the far future to be unneeded, are ceded to the Indians for the sake of peace. Afterward it comes about, in the push that is constantly made upon our borders by the frontiersmen of the West, under the lead of the hardy men there who will not be controlled or restrained, this tract of land, ceded by treaty in years past to the Indians, is invaded, is sought to be occupied, and sought to be improved.

Then comes up the same old conflict that has been going on in this country for three hundred years between the advance of civilization, pushed forward by the frontiersmen, and the aborigines whose limitations are gradually being circumscribed; and at last there is a conflict. The demand of the frontiersman is resisted by the Indians. The result is that you have such an exhibition of war, of resistance, of slaughter as occurred the other day, and which cannot fail to move the human heart to sympathy for the gallant men of our Army, many of whom have gone safely through great wars that have convulsed all civilization, to be at last struck down in a petty Indian fight.

This involves all the great questions which have come up on this Indian matter for years past. I do not know that there is any way to prevent such bills as are offered by the gentleman from California [Mr. PAGE] coming up year by year by which we are continually encroaching upon and circumscribing the Indian limitations. One man says, or a hundred men in the Territory say, that the only way to manage this question is to put it in the hands of the War Department, and that of course means gradual but sure and unvarying extermination of the Indians.

Now, the War Department has had its hand on this matter for the last four weeks; and we have the result for the time being in the slaughter of our forces.

[Here the hammer fell.]

Mr. HALE. Let me say one word more. As I have said, I do not pretend to have exact information upon details; but the occurrences of the last week have profoundly impressed me with the necessity that there should be established by the Congress of the United States some defined policy on this question, that shall be pursued long enough to settle whether or not it is efficient; a policy that shall not be continually changing: this year peace, the next year war; this year treaty, the next year encroachment; this year yielding to the Indians for the sake of peace, the next year encroaching on what we yielded the year before. So long as that continues, so long as these fluctuations occur, we shall, when our troops are found at a disadvantage as they were the other day, have the melancholy slaughter that has confronted us here.

Mr. PAGE. I yield three minutes to the gentleman from Massachusetts, [Mr. SEELYE.]

Mr. SEELYE. Mr. Speaker, the Army is wisely where it is in the Northwest. This Government would have been derelict to its duty had it not placed a military force there and for precisely the purpose that this military force went to accomplish. Here was that wild, lawless, savage chieftain maranding upon and murdering neighboring Indians and neighboring whites. It was necessary that he should be subdued; and it was entirely within the power as it was rightly in the province of the military force there to subdue him. I say the Government would have been derelict to every duty had it not ordered him to be subdued. Now why was he not subdued? The only reason is that he received re-enforcements from these Indians on the reservations. Why did he receive them? The answer to that is threefold, and it is very simple, and I will repeat it briefly, though I have already given it once.

In the first place, we have not fulfilled the solemn treaty that we made with the Sioux for ceding to them the Black Hills. We covenanted that they should be kept in possession of the Black Hills country; that a single white person should not go there. In defiance of that covenant, from a thousand to fifteen hundred miners are there. This has especially excited the Sioux. In the next place, we have failed to fulfill our treaty stipulations in supporting these Sioux. The last Congress did not appropriate enough for their subsistence. This Congress has failed to supply that deficiency. Instead of feeding them, we have been starving them. The consequence is that they have become unsettled, as we might expect they would.

The third difficulty—and I say this in reply to the gentleman from Illinois, [Mr. HARRISON,] who seems so anxious to ask a question which he seems to be very unwilling to have answered—the third difficulty is the fact (whether these Indians, as he suggests, read the CONGRESSIONAL RECORD I will not inquire) that according to official reports lately received by the Government from its agents, who have been sent there to make inquest respecting this very matter, the Indians at these agencies have in some way learned that it is proposed by this Government to turn over the care of them to the War Department, and they have come to suppose that that means their extermination, as I suppose it does. But the simple fact is that, however they have received the information, they have received it—of this we have positive statement—and the consequence has been that the Cheyennes and Arapahoes have gone to swell the hosts of Sitting Bull, while it is also possible that from Red Cloud and Spotted Tail agencies others have also gone. These are truths which I should not repeat again, but they seem to be ignored, and they ought not to be forgotten.

Mr. PAGE. How much time have I remaining?

The SPEAKER *pro tempore*. The morning hour will expire in seven minutes.

Mr. PAGE. I yield three minutes to the gentleman from Illinois, [Mr. HURLBUT.]

Mr. HURLBUT. Mr. Speaker, in the presence of the great calamity which has fallen upon the country it is nearly time that this House of Representatives should consider this question on a broader basis than as simply a quarrel between different sets of men as to who shall administer Indian affairs. I regret to have heard as I came in here just now the remarks of the gentleman from Ohio, [Mr. LAWRENCE,] which I believe are substantially a repetition of the speech he made before the Methodist conference in Baltimore. [Laughter.] He speaks, as I think, upon this matter without knowledge, as he spoke then without knowledge when he said that at this end of the Capitol there was neither Christianity nor civilization. [Laughter.]

Now, sir, it is right for this House to know in the first place that these military operations which have resulted in the disaster that we all regret were not conducted against any tribe of Indians with whom this country has ever had any treaty relations. This northern tribe of Sioux has never been in any relation to the United States except that of a declared enemy. This movement of troops was necessary and right, and was demanded by those at present controlling Indian matters in order to bring these men down from their savage state into a condition of comparative civilization.

The gentleman from Massachusetts [Mr. SEELYE] has said that he does not know whether the Indians take the CONGRESSIONAL RECORD. I have never heard that they were so badly debased as to read it. But they have other means of information. There are interested parties in these United States to-day, parties closely related to these Indians, who can and do give them information, and color that in-

formation so as to make it most hateful to the Indians. Those men are the managers of the Indian reservations to-day. I speak of what is well understood.

Sir, there is but one policy to be pursued toward Indians or anybody else. There are classes of men, whether Indians or whites or others, who are accessible directly to ordinary arguments and ordinary processes of civilization; and others who are beyond such influences. Now, we might as well face the facts as we find them. I do not care what treaties you make; I do not care what reservations you establish; the fact remains that when there has been once given an opportunity and an inducement for the white population of this country to go into any Territory, there is not force enough in the Army of the United States to keep them out.

[Here the hammer fell.]

The SPEAKER *pro tempore*. The gentleman's time has expired.

Mr. RANDALL. I hope by unanimous consent the time of the gentleman from Illinois will be extended.

Mr. HURLBUT. I do not wish to trespass upon the House. I speak with knowledge of the people who constitute the men from whom the resources are derived to open up and pioneer your country, and I say to you there is not power enough in this Government to stop the progress of this conquering race to any place they may choose to go, and we may as well accept the fact. It is one of the evils of our special form of government that you cannot repress the conquering, predatory spirit, if you please, of the people of this country. There is not power enough to do it.

Now, sir, when the news went out that these Black Hills contained gold, there was just such a rush to it as there was to California, as there was to Nevada, and every other like place. And what is this Government to do? I admit we ought to maintain treaties. I abhor the idea altogether of treaties with Indians, because they are not nations. I hope we will try to keep good faith so far as we can. But you cannot stop it in any way in the world. If you increase your Army to 50,000 men, instead of reducing it as the gentleman from New York who has just wandered over there has said to 10,000, there is not power enough to stop that migration of our people. Now, sir, allow me to say on the general question of ethics, is there any reason why this part of this earth of ours controlled by the United States should be exempt by any treaty from that great law of development which governs the progress of nations? Strong men grow, weak men die. The uncivilized and barbarous tribes which will not accept civilization perish before its march. It is the law of the universe, and you cannot check it by any constitutional or legislative enactment.

This present bill, as I understand it, tries to a certain extent to remedy that which, if you choose, was a violation of contract. I am not denying that, but at the same time it was a violation of contract which this Government could not avoid. We seek now to make certain arrangements with semi civilized Indians. And before I leave the semi-civilized Indians allow me to suggest how beautifully the remark of my friend from Massachusetts illustrates the source——

Mr. PAGE. Mr. Speaker, I understand the gentleman from Illinois is proceeding by unanimous consent and not speaking in my time.

Mr. RANDALL. The gentleman from Illinois is speaking in his own time by unanimous consent.

The SPEAKER *pro tempore*. Such is the understanding of the Chair.

Mr. COX. I ask by unanimous consent that the time for this debate be extended one hour.

Mr. BRIGHT. I object, Mr. Speaker, and call for the regular order of business. The morning hour has expired, and under the order of the House yesterday we ought to proceed to the consideration of private bills.

The SPEAKER *pro tempore*. Is there objection to the proposition of the gentleman from New York that the morning hour be extended another hour?

Mr. COX. I will modify that, and ask by unanimous consent that the morning hour be extended for half an hour.

Mr. PAGE. Of course that is with the understanding that I shall not lose control of this bill.

Mr. RANDALL. The gentleman will still have his two minutes.

Mr. PAGE. I do not wish to lose control of the bill, as I wish to have a vote taken on it after the debate terminates.

Mr. BRIGHT. I do not object to debate, but I do object after the half-hour extension to a vote being taken on this bill.

The SPEAKER *pro tempore*. The Chair hears no objection, then, to the extension of the debate for half an hour.

Mr. CROUNSE. There is one bill the Committee on Indian Affairs has to report yet, and it is the only one in which my people are interested. I believe it will excite no discussion, and I hope by unanimous consent the committee will be allowed to report it before the expiration of the morning hour.

The SPEAKER *pro tempore*. That cannot be done.

Mr. PAGE. It is the understanding, then, that I shall have two minutes of my time, in which I shall call for a vote on this bill.

The SPEAKER *pro tempore*. The gentleman's time has expired.

Mr. PAGE. The gentleman from Illinois has not been speaking in my time, but by unanimous consent.

The SPEAKER *pro tempore*. The Chair knows of no rule which will give the gentleman from California the control of the floor any longer than one hour. The House has extended the morning hour half an hour, and the gentleman may call for a vote in that time and the Chair will recognize him for that purpose. The gentleman from Illinois is now entitled to the floor.

Mr. WILSON, of Iowa. There is a different shade to the real status of the question. The unanimous consent is that the Speaker may postpone putting the question to the House for half an hour. It is the duty of the Speaker to put that question, and the morning hour cannot terminate until he does put it.

Mr. BRIGHT. I object to the vote being taken.

The SPEAKER *pro tempore*. Then the half hour is to be used entirely in discussion, and the vote will go over until the next morning hour.

Mr. SPARKS. The gentleman from Illinois has unanimous consent and ought not to be interrupted.

Mr. PAGE. It is not yet too late for the gentleman from Tennessee to object.

The SPEAKER *pro tempore*. He objects to taking a vote, but not to the continuance of debate for half an hour.

Mr. WILSON, of Iowa. If that is the arrangement which is being made, I object to it. I do not object to another half hour's debate; but you cannot put off the execution of the order of the House, which was that the main question be put.

Several MEMBERS. It can be done by unanimous consent.

Mr. WILSON, of Iowa. By unanimous consent we can have further debate; but then the main question must be put.

Mr. HURLBUT. I think that is the understanding.

Mr. PAGE. I would like, Mr. Speaker, to understand what is the position of this matter.

Mr. RUSK. It is all right. The gentleman from California [Mr. PAGE] will have the floor back. There is no one objecting.

The SPEAKER *pro tempore*. The gentleman from Illinois [Mr. BURCHARD] will proceed.

Mr. HURLBUT. I ask the Clerk to read the letters which I send up, from the Interior Department and the War Department, in order that the House may understand how this campaign came to be made.

The Clerk read as follows:

DEPARTMENT OF THE INTERIOR,
Washington, December 3, 1875.

SIR: Referring to my letter to you dated the 29th ultimo relative to the status of certain hostile Sioux Indians residing outside of their reservations and remote from any agency, and requesting that steps be taken to compel them to go upon a reservation and cease their depredations, I have the honor to inform you that I have this day directed the Commissioner of Indian Affairs to notify said Indians that they must remove to a reservation before the 31st day of January next; that if they neglect or refuse so to remove, they will be reported to the War Department as hostile Indians, and that a military force will be sent to compel them to obey the orders of the Indian Office.

You will be notified of the compliance or non-compliance of the Indians with this order, and if said Indians shall neglect or refuse to comply with said orders, I have the honor to request that the proper military officer be directed to compel their removal to and residence within the bounds of their reservation.

Very respectfully, your obedient servant,

Z. CHANDLER, *Secretary.*

The Hon. SECRETARY OF WAR.

DEPARTMENT OF THE INTERIOR,
Washington, February 1, 1876.

SIR: On the 3d December last I had the honor to address a communication to you relative to the hostile Sioux roaming in the Powder River country under the leadership of Sitting Bull, informing you that I had directed couriers to be sent from each of the Sioux agencies, informing that chief that he must come in with his followers to one of the Sioux agencies before the 31st ultimo, prepared to remain in peace near the agency, or he would be turned over to the War Department and the Army be directed to compel him to comply with the orders of this Department.

The time given him in which to return to an agency having expired and the advices received at the Indian Office being to the effect that Sitting Bull still refuses to comply with the directions of the Commissioner, the said Indians are hereby turned over to the War Department for such action on the part of the Army as you may deem proper under the circumstances.

I inclose copy of communication from the Commissioner of Indian Affairs, dated the 31st ultimo, recommending that hostilities be commenced.

Very respectfully, your obedient servant,

Z. CHANDLER, *Secretary.*

The Hon. SECRETARY OF WAR.

Mr. CONGER. What is the date of that?

Mr. HURLBUT. The date is the 1st of February, 1876.

Mr. MAGINNIS. Has the gentleman a letter from the peace commissioners to the same effect?

Mr. HURLBUT. I do not deal with them. I want to call the attention of the House to this, partly in justice to the Department of War and to the Army of the United States, and, above all things, in justice to that magnificent body of soldiers who perished in the discharge of their duty. Sir, this very Indian Bureau called upon the Army, as those letters show, and turned over to the War Department those whom they could not manage by the ordinary agencies they had around them. And this expedition that has resulted so disastrously and yet so gloriously, for it is glory for any man to fall fighting against desperate odds in the discharge of duty whether successful or not—this expedition was under the immediate direction and by the request of the Department of Indian Affairs. The object of it was to hem in these men, these outside Sioux, these men who had not united in treaties with the Government, and bring them down, and compel them to stay on the reservations.

The gentleman from Massachusetts [Mr. SEELYE] has made an admission in his speech which if I had made with my known views on

this question might have been considered not exactly the thing. He has admitted the absolute failure of the existing system. He has admitted that the old and disabled remain at the agencies, and that among the chief sources of supply of this hostile band their allies, the men who furnished them with actual aid and with ammunition as well, are these very Indians that we have been feeding and pampering at these agencies. The gentleman says that they went because they did not get food enough.

Mr. STEELE. Will the gentleman allow me to make a remark in that connection? The gentleman from Massachusetts [Mr. SEELYE] says that the Government has failed to carry out its treaty stipulations in the matter of feeding these Indians. Now, I say that outside of any treaty stipulations the Government in the last two years has appropriated two and a half millions of dollars, and for the ensuing fiscal year is appropriating $1,600,000 to feed these Indians for which there is no treaty obligation or stipulation whatever.

Mr. HURLBUT. I say, Mr. Speaker, upon my knowledge that arms and ammunition and supplies to these declared enemies of the Government have been habitually furnished through and by reason of these agencies; that this central band of Sioux derived their arms and ammunition partly from the British provinces and largely from their friends and connections around these agencies. And, sir, the question seems to have resolved itself into this: that as long as under existing arrangements with regard to Indian affairs we can feed and pamper and clothe in absolute idleness a worthless gang of vagabonds, they will stand by the agencies and endure pampering and feeding; but whenever there is an opportunity to make glory and plunder by joining with their hostile brethren in an attack upon the flag under which they have been fed and pampered in idleness, they join.

Mr. TOWNSEND, of New York. Other Indians have done that.

Mr. HURLBUT. Others have done it; I do not blame them for it; the defect is in the system. The defect is in taking it for granted, in the first place, that anybody under God's heaven has a right to the land. There is no right about it. It is power only that gives occupation. There was no right reason for treating with these men about territory that they never occupied or from which they have expelled better men than themselves in the dim history of the past.

But now the immediate necessity is upon those people either of accepting the burdens and responsibilities and the duties of comparative civilization, abandoning their tribal organization and putting themselves as individuals within the reach of the Government, or of perishing. And I say this in no cruel spirit. If they stand in the attitude they occupy now they will die out just because they occupy it.

This present bill proposes, as I understand, to take such measures as in the judgment of the Committee on Indian Affairs can be taken at this time to keep peace among these partly civilized and partly controlled men. I am for that. And I do not know that I have anything further to say to the House. My simple object in rising was to vindicate the military authority of this country, to vindicate the reputation of the men who have died in the service, and to show to the country, as the country has a right to know, that these men died in the strict performance of their duty to which they were legally called.

Mr. HARRISON was recognized.

Mr. MAGINNIS. I hope as a representative of that country I will be allowed a few minutes.

Mr. HARRISON. A distinguished gentleman from my own State made himself famous by the assertion that no nation could exist one-half free and one-half slave. Now, sir, I am going to make an assertion, and the RECORD may send it down to fame, and it is this, that no people can exist one-half civilized and the other half barbarous. It is an utter impossibility that we can have in this country a nation marching ever onward in the track of civilization and yet keeping in her midst bands and tribes of savages in their tribal relations. It is an anomaly never heard of in any other country, and it is a system that must be discontinued sooner or later in this country. We have tried the religious plan, we have tried the Penn plan, and we find ourselves constantly liable to a shock such as startled us two days since. White heroes struck down by our savage *protégés*. A friend on my left talks of the Indian heroes, but he must have a dead Indian hero. [Laughter.] I never heard of an Indian a hero until the halo of death has been thrown around him. The hero Indian appeals to our sympathy, but he is a dead Indian and not a live one. Tecumseh was a grand old Indian, Logan was a grand old Indian, but it was not until these savages were dead and buried we recognized them as heroes. It is an utter impossibility that we can continue in this condition of affairs. We have a nation controlled by law, by law under the Constitution, and yet we uphold in a large portion of our Territories other nations than our own. Their people may commit all sorts of crime, and the law cannot reach them. They come into our own district, into the civilized portions of the country, and commit murder, and they cannot be tried by a court, but they are fought with under and according to the laws of war.

Sir, every man in America, whether he be an Indian, a black man, or a white man, should be held amenable to the laws of civilization, for that is the rule of this land. Civilization takes no step backward. It is ever moving onward. You might as well attempt to stop the current of the Mississippi or bid Niagara leap upward as to stop the tide of civilization and emigration going into the West. Sir, it is an utter impossibility. We can no more tame the leopard in his lair or change his spots than you can civilize the Indians while we encourage and maintain his tribal relations. I admit that if you mix him with the white man you may civilize him; but you must bring the Indian under the rules of our civilization and make him somewhat amenable to law before you can change his savage nature, and until that is done the problem of peace with our Indians will never be solved.

Now, Mr. Speaker, one word more. The gentleman from Massachusetts [Mr. SEELYE] asserts that it is the information that has been carried from Washington to these reservations of the intention of the change of the management of Indian affairs from the Interior to the War Department that has incited the Indian to aid hostile tribes in striking down the flower of the American Army.

How did that information get there? Does the gentleman admit that the Indian peace commission are a part of a system of spies; that it is a part of their duty to carry information from Washington to these people, to tell them when we are doing anything in this House hostile to them, so as to force them to wage war upon us? Sir, this war was commenced three months ago. The bill to which the gentleman refers has not yet passed, and we do not know here in the House if it will pass or ever become a law; and yet the peace commission, fearing that power would slip from their fingers, are encouraging this state of affairs. This is at least the inference to be drawn from the gentleman's remarks. Either the gentleman's information and assertion are all wrong or the peace system is all wrong; one or the other. I must hold and believe, Mr. Speaker, that I believe the way to treat the savage is to treat him as a savage as long as he retains his tribal relations; and as a savage teach him that we are able to master him. He knows no law but force. Give him force, but temper it with the spirit of Christianity and the rules of civilization. Use force, genial force if possible, harsh if necessary, but force nevertheless, and with that you will control the Indian, and at least prevent him from murdering white men. For three hundred years we have left him in self-control and have prayed for his civilization. The whole system must be changed. Scatter them among the white men or sprinkle white men with them. Give him civilized rulers and make him obey civilized laws. If that cannot be done, then let him submit to destiny, a destiny as certain and as unerring as the decrees of fate. Let him go to the happy hunting-grounds of his fathers, and let white men, or at least civilized men, take his place.

Sir, this is a big world of ours. But, sir, it is too small to surrender one inch of it to savagery and barbarism when civilization is ready to enter upon that inch. It is a big, great world. But under the will of high Heaven, as I interpret that will, it is for the possession of man in his state of amelioration, and not to be the battle-ground of savages. Where but in America have savages and civilized men stood for three hundred years side by side, and the savage savage still? If the Indian is tamable, then turn over a new leaf; tame him as savages have been tamed in other lands and in other ages, by mixing him with his superiors. If this cannot be done, the sooner he belongs to the past the better.

Mr. KASSON. I desire to get the attention of the House, for the few moments remaining allowed for discussion, to the bill under consideration. The debate has wandered over a very wide range, and propositions have been made here in relation to the general policy of managing Indians which I should be glad to discuss in the presence of this House. My friend from Illinois [Mr. HURLBUT] presents the subject of the civilization of the Indian almost in the words of Wordsworth, and would have it said of our Government:

> The good old rule
> Sufficeth them, the simple plan,
> That they should take who have the power,
> And they should keep who can.

I admit my surprise, and I beg to suggest that before the House accepts that doctrine they should demand some further discussion of the subject. American civilization and progress do not proceed upon that principle alone or chiefly. They proceed upon the greater principle of right, and acknowledge conscience in public affairs and the moral obligation of contracts.

In 1868 we made a treaty with these Sioux whose rights this bill would destroy.

Mr. MAGINNIS. Have they kept that treaty?

Mr. KASSON. That treaty was signed by the Lieutenant-General of the United States Army, by Spotted Tail, and by many other Indian chiefs belonging to the different Sioux tribes. And one "Sitting Bull's" name is attached to it; Sitting Bull of the Ogallalla band, not the one now fighting, I understand. There are several of that name.

What were the terms of that treaty? By the eleventh article we agreed with the Sioux that the Sioux should not disturb the United States in the building of railroads. The Sioux withdrew their opposition to the construction of railroads now being built on the plains. They agreed to permit the construction of railroads anywhere not upon their reservation. They agreed not to attack persons traveling there, or to disturb trains, coaches, cattle, &c. They also relinquished the right to "occupy permanently" the territory outside of their reservation, but retained the right to hunt on any land north of the North Platte and on the Republican Fork of the Smoky Hill River. That is article 11 of the treaty.

Article 16 of the same treaty relates to the same subject. The United States, however, then made an agreement on its part, and I

beg gentlemen who desire to vote correctly on this bill to listen to it. The United States agrees and stipulates that the country north of the Platte River and east of the summits of the Big Horn Mountains—the very territory embraced in this bill on which we are about to vote—shall be held and considered to be "unceded Indian territory;" that is to say, the Indians did not cede that territory outside of their reservation to the United States. The United States also stipulated and agreed that "no white person or persons shall be permitted to settle upon or occupy any portion of the same."

Mr. PAGE. Will the gentleman allow me——

Mr. KASSON. Not now; let me finish my statement. You have just heard that the United States, in consideration of this agreement with the Indians about the building of railroads and the maintaining of peaceful relations with the whites, &c., made the agreement with the Indians that "no white person or persons shall be permitted to settle upon or occupy any portion of this land," or, without the consent of the Indians first had and obtained, to pass through the same. Now you have the provisions of the treaty, signed by the chiefs of these bands of the Sioux and by the commissioners of the United States, and acted upon ever since.

The Indians relinquished all their claims to the "permanent occupation" of this territory outside of their reservation, but reserved the right to hunt on these lands north of the North Platte and on the Republican Fork of the Smoky Hill River. They reserved expressly the right to hunt on that territory which they said they would not permanently occupy, but which they also refused to cede to the United States, and which the United States said expressly no white persons should occupy.

Now, what is this bill which we are asked to vote for? It commences by declaring all that portion of the country north of the North Platte River and east of the summits of the Big Horn Mountains, in the Territory of Wyoming, to be open to exploration and settlement. That is directly in the teeth of the fifteenth article of that treaty, which says that the United States will not permit white persons to occupy that Territory or to pass through it without the permission of the Indians. And then the bill goes on to declare the true intent and meaning of the treaty concluded with the Sioux April 29, 1868, which is the treaty I have just read, to be that white men are *not* thereby excluded from traveling over, exploring, or settling upon any portion of this same territory, in Wyoming, except what is included within the boundaries of the permanent reservation established for the Sioux Indians. And then it goes on to provide that nothing therein contained shall be construed to impair the rights of the Indians to hunt within the limits of the territory mentioned in this act.

Mr. PAGE. Will the gentlemen allow me one question? He certainly does not want to mislead the House.

Mr. KASSON. Certainly not.

Mr. PAGE. The treaty states that white persons shall be forever prohibited from settling on this territory. That means the reservation, does it not?

Mr. KASSON. Not at all. The treaty says that the territory north of the North Platte and east of the summits of the Big Horn Mountains shall be excluded from settlement by the whites.

Mr. PAGE. The part from which white men are excluded is that part embraced in the Sioux reservation, and not the part outside of it.

Mr. KASSON. I beg the gentleman's pardon. In terms as plain as the English language is capable of making them the United States agrees that the country north of the North Platte and east of the summits of the Big Horn Mountains shall be held to be "unceded" territory, and stipulates that "no white person shall be permitted to settle upon" the same. There can be no dispute about that.

Mr. PAGE. What do you do with the eleventh article of the treaty?

Mr. KASSON. That is in perfect accord with the other. The eleventh article says that the Indians will not permanently occupy this territory, but they reserve the right to hunt on it. But by the sixteenth article the United States stipulates that no white persons shall occupy that territory, and that no white people shall pass through it without the consent of the Indians. It was left a sort of neutral territory until further arrangements should be made.

Then there is one other thing. The proviso of this bill reserves the right of the Indians to hunt upon the very territory where you propose to allow whites to settle. Now, as a western man I will never consent to any such policy; I will never permit wild Indians to roam among white settlements. If you repudiate one part of the treaty, then repudiate it all. I am against repudiating any part of it. And while I recognize the wicked conduct of a wandering portion of these tribes, still it is none the less true that the difficulties out of which this Indian war has grown have in part arisen out of the violation of the provisions of this treaty—not by the United States, but by white men. We could not prevent these white men stealing in there, although we tried to do so; but we need not break the treaty because individuals have broken the law. Now, this bill proposes that the United States shall not only sanction the acts of white men in the past but shall authorize the violation of the treaty in the future. To this I am unalterably opposed.

I therefore move, as I have a right to do under the rule, that this bill be recommitted to the Committee on Indian Affairs.

Mr. BRIGHT. I call for the regular order.

Mr. PAGE. The gentleman from Iowa [Mr. KASSON] has not the floor for the purpose of moving to recommit. It was the distinct understanding that I should resume the floor for the purpose of calling for a vote on the bill.

Mr. KASSON. I make the point that I have the right to move to recommit, under Rule 124, at any time before the passage of the bill.

Mr. PAGE. It is not according to the understanding.

The SPEAKER *pro tempore*. The morning hour has expired; and the gentleman from Tennessee [Mr. BRIGHT] calls for the regular order.

Mr. PAGE. I would not have yielded the floor, but would have called for a vote on the bill before the morning hour expired, if it had not been the distinct understanding that I should have the right to resume the floor at the termination of this debate.

Mr. BRIGHT. The gentleman from New York [Mr. COX] wants five minutes to speak upon this bill, and he proposes to call for the regular order at the end of that time.

Mr. MAGINNIS. And at the conclusion of his remarks, I would like to have five minutes.

Mr. CONGER. I call for the regular order. I have been struggling for that all the morning.

Mr. PAGE. I rise to a parliamentary inquiry: what is the status of the bill now before the House?

The SPEAKER *pro tempore*. The morning hour has expired; and, under the action of the House taken yesterday, the regular order is the motion to go into Committee of the Whole for the consideration of bills on the Private Calendar. By unanimous consent this debate may be extended so that the gentleman from New York [Mr. COX] and the gentleman from Montana [Mr. MAGINNIS] may be heard.

Mr. PAGE. When can we reach a vote on this bill?

The SPEAKER *pro tempore*. It goes over, and will be in order as the pending business on the next call of committees, which the Chair supposes will be next Tuesday morning. Is there unanimous consent that the gentleman from New York shall proceed for five minutes upon this bill?

There was no objection.

Mr. COX. Mr. Speaker, there is a great deal of misapprehension in the House as to the effect of this bill and as to the treaty stipulation referred to. This bill has reference to article 11 of the treaty, as the gentleman from California [Mr. PAGE] undertook to show. It also has reference to the last clause of the treaty which was read here as to the unceded territory. Now gentlemen ought to know that article 11 is almost obsolete, because for the consideration of $25,000 that right of the Indians on the Republican Fork and the lands north of the Platte was entirely given up. So I understand the fact.

As to the other article, article 16, whereby the United States stipulated that certain other territory should be considered to be unceded Indian territory, all that matter comes pertinently before the House in connection with this bill. It is not a question of live Indian or dead Indian or whether the Indian is heroic or otherwise. Those matters have no connection with the question which we are to consider as wise legislators in the light of economy and of good faith.

The gentleman from Illinois [Mr. HURLBUT] undertook to sneer at keeping treaties; at keeping faith with these Indians. He spoke of the white race as the conquering race. So it is. But we do make treaties with these Indians, and it was said in this treaty—

> From this forward all war between the parties to this agreement shall forever cease. The Government of the United States desires peace; and its honor is hereby pledged to keep it. The Indians desire peace; and they pledge their honor to maintain it.

But it seems from the argument of the soldierly gentleman from Illinois that honor counts for nothing; that treaties may be kept "if we can" keep them—a sort of India-rubber arrangement depending on the strength of the stronger arm. That is not civilization; and if the Indians do demean themselves so much as to read our records they will understand that we are far inferior in respect to honor and the observance of treaty rights. All of our Indian wars have come from the abrogation or the disregard of treaty stipulations thus solemnly made.

I see appended to this treaty the name of Sitting Bull. Perhaps he is not the Sitting Bull of whom we hear so much in the newspapers, for I understand there are two: one in the north among the Teton Sioux, who have never been brought under our control, who roam in a country of eight hundred square miles far up the Canadian border, who have been regarded almost as mists of the mountains or as myths. They roam where they choose; they have no treaty regulations or stipulations with us. As these Indians have never been brought within treaty stipulations or upon reservations, why, in the name of all that is good and pure and true and honest, as well as economical, do we make this sort of warfare? Why not, as I have said before, pursue the Canadian policy? Do not gentlemen remember that, when not long since the news came of the attack in winter on Crazy Horse's village, I had predicted then that the expedition would cost us a million dollars without result; that before the summer was over we should have another expedition which would also cost us enormously and be resultless? As has been said of the guerrillas of Spain, it may be said of these Sioux, roaming amid their vast mountains, that we might as well try to catch the wind or hold water in a sieve. You cannot conquer them in that way. You cannot save expense in that way. Before the summer is over $10,000,000 will be added to our Army expenses by reason of the failure to adopt a wise, enlarged, and comprehensive policy.

What we want, Mr. Speaker, is that the whole Indian service should be systematized. There should be a commission raised by this House, so as to advise us before December how we can best organize it as a department, having the military, to be sure, to be used under proper regulations. Thus we may save large expense in the shape of fighting. We may save this rascally business on our reservations by peace establishment. We may not need so many of these pious agents who defraud both the Government and the Indian. We may have, as they have in Canada, some honest, fair, and accountable system, and in the end, by aid of peaceful measures, enforced if need be at the proper time by the Army, and we may thus, and thus only, settle the question here.

But I will not sit in my seat here as a Representative of a Christian people, if you please, and listen to doctrines of extermination such as were propounded by gentlemen on this subject. I have been taught to believe, sir, there was a God in heaven; that there was a Prince of Peace on earth; that He taught a wiser doctrine than that of the older time, and that all history, all goodness, all persuasion from heaven and on earth lead us to be careful, watchful, prudent, non-expensive, just, faithful to treaty, and fulfilling the great behests of civilization toward these tribes.

Mr. BRIGHT. I now call for the regular order of business.

Mr. MAGINNIS. I wish to say a few words on this question. It is one in which my people are deeply interested, and as their Delegate upon this floor I hope I will be allowed five minutes' time.

Mr. BRIGHT. I must demand the regular order of business.

Mr. GARFIELD. I hope the Delegate of the Territory of Montana will be heard.

Mr. HOLMAN. I trust the gentleman from Tennessee will allow the gentleman from Montana to have five minutes.

Mr. RANDALL. The Delegate from Montana ought to be heard. It is a subject he fully understands.

The SPEAKER *pro tempore*. The Chair will put the question to the House. Is there objection to the Delegate from Montana being heard for five minutes?

There was no objection.

Mr. CONGER. I make no objection to the gentleman from Montana having five minutes, but I give notice when he has concluded his speech I must insist on going on with the regular order.

Mr. MAGINNIS. Mr. Speaker, I would not have participated in this discussion, which has so unexpectedly arisen and which has drifted so widely from the course proposed in the bill, but for the fact that I feel it incumbent on me to say some words in explanation of the expeditions which have been undertaken for the subjugation of the relentless savages of the Yellowstone, to prevent the Army from being placed in a false position before the country, and to defend the memory of the gallant Custer and his devoted followers, who have laid down their lives on the rocky ridges of the Little Horn in defense of the women and children of the frontiers. I have long known Custer—for some years a comrade, for many years a friend; and I do not propose that the noble cause in which he died, upholding the honor, the glory, the justice of the Republic, shall be represented as a lawless invasion of Indian country or as a battle for the protection of people who were unlawfully there.

In the late war this gallant young officer was one of the first whose daring inspired our cavalry, whose skill led it through many, many dangers, and whose dash and enterprise made him an honor to our flag and the dread of its foes. From his first charge at Baxter Station up to the day of his last charge at the fatal ford of the Little Horn, his enterprise always brought him to the front, and his nerve and vigor brought him victory, till he came to be recognized as the Murat of our armies. Sir, I feel no hesitation in glorifying his courage or conduct in the civil war. I have no fear of being misunderstood, for I feel what the eloquent gentleman from Mississippi [Mr. LAMAR] so well expressed when he said that while we should forbear to dwell on the darker memories of the war, we should cherish as a common heritage the glorious deeds performed by the soldiers of both sides in that conflict. It was the crucible in which the metal of this nation was assayed, and the stamp on our national character shall ever stand as a record of the heat of the fire in which that test was made.

But, Mr. Speaker, when I see distinguished members of Congress rising in their places here and without taking the trouble to investigate the facts, without taking the trouble to find out the origin or purpose of this war, without asking when or how it began or how long the United States has been waging it on the defensive, before commencing offensive operations, casting implied reproach on the memories of our brave and gallant soldiers and of our most daring cavalry officers, by implying that our troops are in that country lawlessly, in violation of treaties and without good reason, then I want a few minutes to state the facts of the case on this floor, and I thank the House for its courtesy in granting me by unanimous consent that permission.

Mr. LAWRENCE. I meant no such thing.

Mr. MAGINNIS. Mr. Speaker, this war was not brought on by any invasion of the country referred to in this bill by settlers or explorers. There is not a single white settler in that country to-day. Since the day the treaty was made or as soon thereafter as the evacuation could be accomplished, there never has been one there. The aggressiveness of the frontier has never then displayed itself there.

Nor, sir, was this war brought on by the invasion of the Black Hills, for it may astonish gentlemen here to know that it has been waged defensively on the part of the Government for twelve years before gold was discovered in the Black Hills. The gentleman from Massachusetts [Mr. SEELYE] who so ably and so conscientiously represents the peace policy on this floor, has shown you that this war had no connection with the Black Hills troubles or with the treaty Indians whose reservation covers the Black Hills. Those troubles, he thinks, have sent recruits to Sitting Bull; but the difficulty with him is of a very different origin. It is strange that gentlemen will not comprehend the fact that the word "Sioux" is the general name for many different tribes; and that some of these tribes are living under treaties while others are not and refuse to be considered in any other light than as enemies of the United States and their people. Of this latter class are Sitting Bull and his confederates; not young Sitting Bull, of Red Cloud agency, but the northern Sitting Bull, who never was at an agency and never was other than hostile to the country.

I propose to give a brief sketch of his history. He has never treated with the Government, has never been in council but once, and has never put his bloody mark to an agreement of peace. It is thought that he was an outlaw from the band who perpetrated the Spirit Lake massacre in Iowa. It is reasonably certain that he was an emissary to stir up the Minnesota Sioux to the fearful massacre in that State. But he first came to notoriety among the whites during Sully's and Sibley's expeditions in 1863 and 1864. He fought Sully in the country north of the Black Hills, and in bravado sent in a proposition for the white chief to come out and engage in individual combat. Sully drove him through the Bad Lands beyond the Powder River, when he retired into the Big Horn country, drove out the Crows who hunted there, and since then has made it his stronghold. To those who are finical about treaty obligations, I call attention to the fact that this last battle was fought on the Crow reservation, the Crows fighting on our side.

In 1865 he made war on the steamboats on the river, captured, tortured, and killed several small boat-loads of miners, and decimated the Rees and Mandans, friendly Indians since the days of Lewis and Clarke. These friendly Indians found no protection in our flag that covered them. Early in 1866 he attacked and endeavored to capture a stranded steamer; but it happened to have a detachment of troops and a load of well-armed miners on board, and he suffered a bloody repulse. Later a peace commission was sent to meet him. The council was held on the bluffs at the mouth of the Yellowstone, opposite old Fort Union. He received the presents graciously, then wheedled the commissioners out of twenty kegs of powder and ball, and then broke up the council and went for their scalps. [Laughter.] They escaped to the steamer, and under a shower of their own bullets got safe across to the fort. That commission then dissolved. [Laughter.] During the rest of that fall and winter he contented himself with besieging Fort Buford and murdering all stragglers from the garrison. In this inglorious inactivity his followers began to desert him, and he began organizing an expedition in 1867 to wipe out the Gallatin Valley. The Montana Volunteers were organized to meet him and Fort Ellis was established, and he gave that up.

Then in 1868 he declined to attend at Laramie, where the treaty under discussion was made; but he was present when the forts were evacuated, taunted and insulted our retreating soldiers, set fire to the quarters before they left, and but for the treaty Sioux would have attacked the troops, who were marched out without the honors of war. He then crossed the Yellowstone to wipe out the small settlement of Muscleshell, but a friendly Indian gave the settlers warning, and they ambushed the invader outside the village and killed thirty-six of his warriors, and he retreated, leaving the bodies on the field. This gallant fight and glorious victory, being achieved with slight loss of life by the settlers, was heralded by the peace-policy party as a wanton massacre, although the victims had marched three hundred miles to sack that settlement.

In 1869 he made raids on the Mandans, the Crows, the Rees, the Shoshones, and other tribes friendly to the whites. In the winter he blockaded Fort Buford, made several attacks upon it, and kept the garrison cooped up for several weeks at a time; so that in 1870 General Hancock, then commanding that department, thought of organizing an expedition, similar to the one recently undertaken, to bring him to peace. But it was about that time that the peace-policy fever was raging at its height, and on consultation with the other generals of the Army Hancock recommended that another effort should be made before proceeding to extremities. The Northern Pacific Railroad would greatly simplify operations, it was going on at that time, and pending its completion into the Big Horn country he advised that another effort should be made to keep Sitting Bull quiet. The next winter Congress appropriated $750,000 to buy peace with Sitting Bull until the railroad would enable us to control the situation. That was the celebrated Teton-Sioux appropriation, in regard to the use and expenditure of which some criticisms have been made. Into that matter I do not propose now to go. Anyhow they succeeded in drawing off about half his force, including some of his oldest warriors, and getting them into the agency at Fort Peck. He himself, still refusing to treat, endeavored to organize a general confederation against the whites. In 1872 he had two battles with Custer, in both of which he was defeated, and in 1873 he attacked Colonel Baker and was repulsed. He waged war on the settlements of Montana, killing settlers and running off stock; war on the Crows, whom he

drove from their reservation; and war on the Shoshones, and on every Indian and every man friendly to the United States or that honored its flag. In 1875 he attacked and captured two Government trains on the Carroll road, took all the stock of the Carroll Stage Company, murdered some unarmed recruits for the Montana posts, and, turning around, he again drove the Crows from their reservation, besieged their agency, and caused them to fly for shelter to the settlements, which he harassed until winter caused him to withdraw. During the winter he attacked the settlements at Fort Pease and drove them under protection of military authority back to the town of Bozeman.

Up to 1873 or '74 the peace commission had hopes that by the Government again getting down on its knees to him peace could be secured, but finding he was intractable and demoralizing all the Indians who were disposed to treat, they saw that he must be brought down; and the commission composed of such men as Mr. Brunot and Mr. Stuart, of Philadelphia, and all the peace men of that character petitioned the Indian Department to take some means to bring this scoundrel to terms. Their petitions resulted in the letters which the gentleman from Illinois [Mr. HURLBUT] has had read to-day; and the War Department after acting on the defensive for ten long, weary years determined to make an offensive campaign.

Now I ask any gentleman on this floor where the Government has violated its faith in making a war upon this intractable Indian, who has never recognized its power, who has defied its authority, and boasts that if he can get the Sioux Nation to join him, he will drive all the white men into the ocean from which they came.

Mr. TOWNSEND, of New York. Is not this the same wretch who organized a conspiracy to murder Senator ALLISON and his associates last summer?

Mr. MAGINNIS. He is the man who planned and organized that conspiracy, though he did not go into the council himself.

The gentleman from Iowa [Mr. KASSON] has read from the treaty a stipulation that all railroads should be allowed to be built through that country and travel should be allowed. Now, did not Sitting Bull attack Custer when he went out for the survey of the Northern Pacific, and did not Custer defeat him twice within fifty miles of the scene of this late disaster? Was that observing the treaty? Should not a treaty be binding on both sides?

Mr. KASSON. Let me remind the gentleman that Sitting Bull never signed that treaty. I discriminate between the treaty-making Sioux and this wandering band of Sitting Bull.

Mr. MAGINNIS. But two thousand of the warriors who followed him against Custer signed it through their representatives.

Mr. KASSON. That is conjectural merely. Sitting Bull's band embraces roaming Arapahoes and Cheyennes, as well as restless predatory Sioux.

Mr. MAGINNIS. But my sole purpose in rising was to defend the Army of the United States, to defend Custer and Sheridan and the men who have only after long entreaty taken the offensive to put down this freebooter and depredator who has waged unceasing war upon the United States for fifteen years.

Where is the man who dares to say that it was not only the right but the duty of the United States to follow the tiger to his lair, and to prevent his future ravages of peaceful settlers and friendly allies. The Government has been slow to move, God knows, and the shadow of its flag but a mockery of the protection that it owed to its people. Who shall question the justice of the pursuit of these outlaws, or claim that men could have died in any higher or holier cause than our brave cavalier and his troopers on the Yellowstone plains. Who shall claim that his murderers—the murderers of so many others—shall go unpunished. Sir, the Custer family died at the head of their column. The Republic will keep their memory green. Their Army associates are devoted and willing, and the power of this Government is equal to putting down any band of murderers and outlaws no matter how rough their crags or how remote their fastnesses. He who says otherwise belittles his country and insults her flag. There is no spot of ground between the oceans where that flag has not the right to wave and where the Republic has not got brave hearts and strong arms enough to carry it.

One repulse does not give enemies final victory, and the safety of the frontiers, the peace of all the other Indian tribes, the blood of our soldiers demand that these Indians shall be pursued until they sue for peace and submit themselves to the authority of the nation which will oppress no one and wrong nobody, but which is bound to give peace, security, and law to all red men and white alike.

PRIVATE CALENDAR.

Mr. BRIGHT. I call for the regular order.

The SPEAKER *pro tempore*. The regular order is the motion of the gentleman from Tennessee [Mr. BRIGHT] that the House resolve itself into Committee of the Whole for the consideration of the Private Calendar.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. SPRINGER in the chair.

The CHAIRMAN. The House is in Committee of the Whole for the consideration of the Private Calendar, this being objection day. The Clerk will proceed to read the first bill on the Calendar, beginning at the point where the Committee of the Whole last left off.

H. P. JONES & CO.

The first business on the Private Calendar was the bill (H. R. No. 1427) for the relief of H. P. Jones & Co., with an amendment by the Committee of Claims.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and instructed to pay to H. P. Jones, P. B. Ruffin, and James F. Cain, trading as H. P. Jones & Co., the sum of $200.10, with interest from February 26, 1873, being the amount of drawback of tax due to them on certain tobacco exported by them.

SEC. 2. That this act shall be in force from and after its passage.

The amendment was as follows:

In section 1, after "$200.10," strike out these words: "With interest from February 26, 1873."

Mr. HOLMAN. I call for the reading of the report. I think the reports in all these cases should be read without being expressly called for.

The report of the Committee of Claims was read, as follows:

That the claimants in February, 1873, shipped from Norfolk to Liverpool a lot of smoking-tobacco on which there was a drawback tax of $400.20, on compliance with the law in such cases provided by statute, which statute prescribed in substance that such drawback should be allowed upon proof to the Commissioner of Internal Revenue that the revenue-stamps affixed to the tobacco were destroyed before the shipment thereof.

The Department rejected the claim for this drawback on the ground that the proof of the destruction of the stamps was not satisfactory to the Department. The Commissioner claims in his letter of January 2, 1874, that claimants failed "to notify the collector of their district of their intention to export this lot of tobacco; that that officer was unable to issue his certificate as to the payment of the tax," and that "no inspection of the stamps was made by that officer."

Your committee find from the official papers, on file in the proper office for the port of Norfolk, that on the 26th day of February, 1873, the claimants did, on the usual approved form, request the inspector at such port to make the inspection of this tobacco preliminary to its shipment, alleging that the drawback was claimed. On the same date the collector for said port issued his order to said inspector directing the inspection to be made, and "to utterly destroy all revenue-stamps affixed thereto, and mark with some appropriate device or appendage each article or package thereof, and superintend the lading of the same on board of the vessel, and make return to the office." And on the same date the said inspector did make his return to said collector in due form, in which he states over his official signature that, in pursuance of said order, "upon a notice of shipment, &c., the stamps affixed to 'this tobacco' have been entirely destroyed by me, and said merchandise has been this day duly laden under my supervision," &c.

The proper manifest was issued, and the requisite affidavit of exportation and claim for drawback was made by the attorney of the shippers.

Long after this, when the claimants had called for their drawback, this same inspector, in a letter of date May 5, 1874, to the collector of customs, says:

"I have to say that I did not cancel the stamps. My orders were to see the boxes were aboard the vessel. I had no order to cancel stamps."

It was on this letter of the inspector that the Commissioner of Internal Revenue, Mr. Douglas, declined to pay this drawback.

It is apparent from the record that this inspector's statement, made in his letter of May 5, 1874, that he "had no order to cancel stamps" is false; for the order already quoted expressly directed him to "examine and ascertain the quantity, marks, and proper description of this merchandise" and "to utterly destroy all revenue-stamps affixed thereto," &c. His official return shows he made this examination and destroyed the stamps.

Either his official return or his letter is false. The other portion of the official record shows that his letter in a material part is false, and, as between the claimants, who seem to have fully complied with the law on their part, and the Government, whose agent is the sole cause of this loss, your committee hold that if any one is to be the loser, on every principle of justice and law it should be the Government, which alone is in default.

Nor will the Government lose anything, for there is no question but the claimants affixed the stamps; the tobacco and stamps went abroad, and if, in fact, they were not destroyed, the fault was solely that of the Government's agent, who by his official report made on the very day of the shipment showed a destruction of the stamps, thereby lulling to security the shippers and inducing them to let the cargo depart without further act or any suspicion on their part.

The plain duty of the Government in such case is to pay the citizen and deal with the delinquent official.

The amount actually paid by the claimants for stamps was $400.20, and this under the law was the amount of drawback to which they were entitled. But it appears from the papers in the case that the amount claimed is only $200.10, which is to be attributed doubtless to the impression that the exporter was only entitled to one-half of the sum paid for stamps as a drawback. As this one-half is what they claimed, your committee are disposed to abide their own election, and, with the accompanying amendment striking out the words "with interest from February 26, 1873," report the bill back for the allowance of $200.10, with a favorable recommendation.

There being no objection, the bill was laid aside, to be reported favorably to the House.

JOSEPH R. SHANNON.

Mr. HENDEE. When the House was last in Committee of the Whole on the Private Calendar I objected to the bill H. R. No. 3185. I now desire to withdraw the objection.

Mr. HAMILTON, of New Jersey. You cannot go back.

The CHAIRMAN. It can only be done by unanimous consent.

Mr. BURCHARD, of Illinois. I submit that it is impossible for the committee to give unanimous consent to go back. The committee has no power to change the rules. I have no objection to this particular bill, but I think it would be a bad precedent to go back. Some gentlemen who may know that a bill has been objected to and passed over, and who may be giving themselves no further concern about it, might find that an advantage had been taken of them if the precedent were established that we could go back in this way.

Mr. BRIGHT. I object.

Mr. BURCHARD, of Illinois. My objection is not particularly to this bill, but to the power of the Committee of the Whole to give unanimous consent.

The CHAIRMAN. The Chair will call the attention of the gentle-

man from Illinois to the rule on page 184 of the Digest, which shows that it is competent for the committee by unanimous consent to recur to a bill which has been objected to.

Mr. BURCHARD, of Illinois. The unanimous consent of the House.

The CHAIRMAN. The unanimous consent of the committee.

Mr. BURCHARD, of Illinois. I would like to hear that read.

The CHAIRMAN. The Clerk will read it.

The Clerk read as follows:

On such days, objection, such as is indicated by the above rule, or debate arising, is fatal to the further consideration of a bill, but an amendment may be entertained and voted on. And after a bill has been objected to, and on that account passed over, it cannot without unanimous consent be recurred to.

The CHAIRMAN. Objection is made by the gentleman from Tennessee [Mr. BRIGHT] to going back to the bill No. 3185.

J. E. PANKEY.

The next business on the Private Calendar was the bill (H. R. No. 2894) for the relief J. E. Pankey, of Fulton County, Kentucky, reported by the Committee of Claims with an amendment.

The amendment was to strike out in lines 6, 7, and 8 the following words: "With interest thereon from the 1st of April, 1872."

Mr. HURLBUT. I object to that bill because it allows interest.

The CHAIRMAN. The committee recommend an amendment striking out the interest.

Mr. HOLMAN. An important paper connected with this bill is a letter from the Commissioner of Internal Revenue, and I hope it will be read.

The CHAIRMAN. That letter is not in the hands of the Clerk.

Mr. HOLMAN. The papers of course were reported with the bill.

The CHAIRMAN. That paper does not accompany the report of the committee

Mr. HURLBUT. I understand that the Commissioner of Internal Revenue recommends the passage of this bill as proper.

Mr. BRIGHT. The chairman of the Committee of Claims addressed a letter to the Commissioner of Internal Revenue and his reply was favorable to the bill.

The amendment offered by the committee was agreed to; and the bill, as amended, was laid aside, to be reported favorably to the House.

JONATHAN WHITE.

The next business on the Private Calendar was the bill (H. R. No. 629) for the relief of Jonathan White.

The bill was read. It authorizes and directs the Secretary of the Treasury to pay to Jonathan White, of Minnesota, out of any money not otherwise appropriated, the sum of $55.40, the same having been illegally paid to the United States land officers at Redwood Falls, Minnesota, under a wrong construction of the tree-culture act.

Mr. DUNNELL. I think it is hardly necessary to read the long report which accompanies that bill, and the provision of the bill is simply to correct a misconstruction of the law.

No objection was made, and the bill was laid aside, to be reported favorably to the House.

NATHANIEL G. SMITH.

The next business on the Private Calendar was the bill (S. No. 358) for the relief of Nathaniel G. Smith, postmaster at Flemington, New Jersey.

The bill and report were read.

Mr. COCHRANE. I object to that bill.

Mr. HAMILTON, of New Jersey. This bill passed the Senate in the last Congress, and has passed the Committee on Claims of the Senate as well as the Committee of Claims of the House.

Mr. COCHRANE. If I had an opportunity of explaining my reasons for objecting I am sure the gentleman would be satisfied that my objection was well founded.

The CHAIRMAN. Discussion is not in order; the bill being objected to is passed over.

MARGARET M. LAMB.

The next business on the Private Calendar was the bill (H. R. No. 266) for the relief of Margaret M. Lamb, postmaster at Annawan, Illinois.

The bill was read.

Mr. COCHRANE. I object to that bill also because there is no evidence that the stamps for which it is proposed to allow this claim were destroyed.

Mr. BRADLEY. It is useless for us to continue the consideration of these bills in relation to postmasters so long as the gentleman from Pennsylvania objects to them.

Mr. COCHRANE. I understand that the bill which will next be read is a claim for postage-stamps which have not been destroyed, and I only object to the passage of the bills where the stamps were not destroyed.

JAMES W. LOVE.

The next business on the Private Calendar was the bill (H. R. No. 3490) for the relief of James W. Love, postmaster at Patriot, Indiana.

The bill was read. It authorizes the Secretary of the Treasury to place to the credit of the post-office fund, on money-order account, the sum of $26; and the Auditor of the Treasury for the Post-Office Department is directed to credit James W. Love, postmaster at Patriot, Indiana, in his account as such postmaster, $26, being for the loss of a like sum, money-order funds remitted by him to the post-office at Cincinnati for deposit and destroyed while *en route* by the burning of the mail-boat Pat Rogers on the Ohio River, August 5, 1874.

The report was read, as follows:

It appears that James W. Love was postmaster at Patriot, Indiana; that on the 4th of August, 1874, pursuant to regulations and instructions of the Post-Office Department, the said postmaster inclosed $26, in a registered letter, (number 9,) in the presence of a witness, having taken the description of each note inclosed, the same being surplus order funds. He placed the registered package in a mail-pouch, and delivered it to the messenger whose duty it was to carry the mail from the post-office to the boat-landing, and delivered the same to the mail agent on the boat. This pouch was so delivered on the evening of the 4th of August, as above mentioned, the route agent giving his receipt therefor. The mail-boat was the Pat Rogers, running on the line between Louisville and Cincinnati, and was burned the next morning, after receiving this package on board, which was August 5, 1874, while making an upward-bound trip. The money contained in the package in question belonged to the Government, and was being forwarded to Cincinnati for deposit, against which orders were to be drawn. It is perfectly apparent that when the money left the possession of the postmaster at Patriot he was no longer responsible for its safety, and was entitled to a credit therefor. The agent on board of the boat testifies that he received the package and had it in his possession, together with twenty-five others, in a mail-pouch, and when the boat was found to be on fire, he carried the pouch forward on to the forecastle of the boat, in hopes that she would land, but failing to make a landing, he was compelled to leave the pouch, and save himself as best he could, and the packages were burned up. The case was thoroughly examined by a special agent of the Department, and there appears no doubt as to the loss having actually occurred. The committee report the bill back with a substitute therefor, and recommend that the substitute do pass.

There being no objection, the bill was laid aside, to be reported favorably to the House.

CHARLES C. REYNOLDS.

The next business on the Private Calendar was the bill (H. R. No. 3491) for the relief of Charles C. Reynolds, of Milford, Indiana.

(Objected to by Mr. COCHRANE.)

VAN B. BOWERS.

The next business on the Private Calendar was the bill (H R. No. 92) for the relief of Van B. Bowers, postmaster at Bucklin, Missouri.

(Objected to by Mr. COCHRANE.)

GEORGE W. SPATES.

The next business on the Private Calendar was the bill (H. R. No. 3492) for the relief of George W. Spates, of Maryland.

(Objected to by Mr. HURLBUT.)

GEORGE CALVERT.

The next business on the Private Calendar was the bill (H. R. No. 3493) for the relief of George Calvert, of Prince George's County, Maryland.

(Objected to by Mr. LAWRENCE.)

JOHN J. ANDERSON.

The next business on the Private Calendar was the bill (S. No. 628) for the relief of John J. Anderson, surviving copartner of the firm of Anderson & White.

(Objected to by Mr. STONE.)

BUTLER, MILLER & CO.

The next business on the Private Calendar was the bill (S. No. 627) making an appropriation to pay the claim of Butler, Miller & Co.

The bill was read. It authorizes the Secretary of the Treasury to pay, out of any money in the Treasury not otherwise appropriated, to John J. Anderson, surviving copartner of the firm of Anderson & White, the sum of $8,597.83, in full of all claims of said Anderson & White, or either of them, against the Government of the United States, for cotton belonging to said firm, impressed for, and appropriated by, the authority of the Government of the United States to the defenses of Nashville in August and September, 1862, and for all damages in connection therewith.

Mr. FORT. I object to that bill.

Mr. WALLING. I hope the gentleman will hear the report read. The House committee adopted the report of the Senate committee.

The Clerk read the report, as follows:

On the 26th day of February, 1874, Mr. Pratt, from the Committee on Claims, made a report on the bill introduced for the relief of these petitioners. We have carefully examined the evidence submitted to the committee at that time; also the additional evidence now submitted, and in the light of all the evidence we adopt the report made by Mr. Pratt, which is as follows, namely:

"The bill directs the Secretary of the Treasury to pay to Butler, Miller & Co. $14,159.38, and to Hawkes, Miller & Co. $10,223.42, in full satisfaction and discharge of their claims for cotton taken at Nashville, Tennessee, in 1863, by the United States Army.

"The principal testimony in the case of the first-named firm is furnished by the Secretary of War, accompanying his letter to the committee dated April 12, 1872. In that letter he states that no record is found in his Department in the case of Hawkes, Miller & Co.

"The record furnished by him in the case of Butler, Miller & Co. purports to be certain proceedings had before a board convened by virtue of special field order No. 71, paragraph 7, Department of the Cumberland, in which the finding of the board is set out, as also the testimony of the witnesses examined before them. The record begins by saying that the firm appeared as—

"Claimants for loss, damage, and expenses accruing on certain bales of cotton alleged to have been taken by military authority for use on the fortifications at Nashville, Tennessee; that the claim was fully stated in the declaration of C. C. Comstock, (agent for Butler, Miller & Co.,) on file and marked F, and plainly set forth in Butler, Miller & Co.'s account against the United States, of which the following is a copy:

"The United States to Butler, Miller & Co., Dr.

To 17 bales of cotton, short, marked S. & Co., 7,871 lbs., at 57 c	$4,486 47
To damages on 22 bales as assessed, S. & Co., 10,192 lbs., at 1½ c	152 88
To 17 bales cotton, short, marked W., 8,296 lbs., at 57 c	4,728 72
To damages assessed on 68 bales, marked W., 32,489 lbs., at 4c	1,299 56
To 13 bales cotton, short, marked W. E., 5,278 lbs., at 57c	3,008 46
To damages on 44 bales as assessed, marked W. E., 17,881 lbs., at 1c	178 81
To J. A. McAllister's bill for drayage, storage, &c	713 30
To William Lyon, bill of rope, bagging, and twine	248 89
	14,817 09

"The substance of the testimony of the several witnesses examined is then set out and the conclusion of the board is stated in the following words and figures, to wit:

"J. A. McAllister, cotton merchant, and resident of Nashville, Tennessee, testifies that during the month of August, 1862, he had in store at his warehouse two hundred and twelve bales of cotton belonging to Spence & Sperry, marked S. & Co; one hundred and four bales belonging to C. A. Fuller, marked W., and sixty bales belonging to W. G. Elliot, marked W. E., in all three hundred and seventy-six; that said three hundred and seventy-six bales were taken by orders of Generals Rousseau and Negley, about the 5th and 24th days of September, 1862, for use on the fortifications at Nashville, Tennessee; that the said cotton bales were used on the fortifications about six months; that but eighty-seven bales of the lot marked W., and two hundred and forty-one bales and one bag of the lots marked W. E. and S. & Co., were returned, which leaves twenty-seven bales to be accounted for; that Butler, Miller & Co. purchased the whole lot of three hundred and seventy-six bales, belonging to Spence & Sperry, Fuller & Elliot, while it was being used in the fortifications, except a few bales that had been returned before the purchase was made, the above-named parties transferring the receipts obtained of the military authorities for the three hundred and seventy-six bales above mentioned to Butler, Miller & Co.; they (Butler, Miller & Co.) to stand in their (Spence & Sperry, Elliot & Fuller) place as to claim on the Government for loss or damage; that the cotton was hauled from the fortifications to the warehouse at the expense of Butler, Miller & Co.; that on ninety-one bales was paid drayage at $1 per bale; on one hundred and twenty-one bales, at $1.25 per bale; and on seventy-one bales, at fifty cents per bale; that he charged $1 per bale for storage, and twenty-five cents per bale for repairs on three hundred and twenty-seven bales and one bag. The above expenses were charged to and paid by Butler, Miller & Co.; that damages were assessed on one hundred and thirty-four bales by N. E. Alloway and N. K. Griffin, after the same were returned to the warehouse. Alloway charged, and we (J. A. McAllister & Co.) paid, (for Butler, Miller & Co.,) $26 for his services; that the ordinary rate for storage is fifty cents per bale, but he charged $1 per bale on Butler, Miller & Co.'s cotton on account of extra handling, incurred in having damages assessed and repairing done; that the price of cotton in Nashville, at the time it was being returned from the fortifications, was about fifty-five cents per pound. Witness states that the repairs above spoken of were about equally distributed between the lot of one hundred and ninety-three bales, upon which no assessment was made, and the lot of one hundred and thirty-four bales, which was assessed; that Butler, Miller & Co. furnished the material to repair said cotton bales, and that he has no interest whatever in this claim.

"N. K. Griffin, a member of the firm of A. Hamilton & Co., cotton factors, testifies that he, in company with N. E. Alloway, assessed the damages on a certain lot of cotton, said to belong to Butler, Miller & Co., some time during the months of December and January, 1862-'63; said cotton was stored in the warehouse of J. A. McAllister & Co; that the result of the assessment so made is the same as shown in exhibits B and C, on file with this board, namely: Forty-four bales, damaged one cent per pound; eighty-six bales, four cents per pound; sixty-eight bales, four cents per pound; and twenty-two bales, one and a half cents per pound damages; that the cotton so assessed was damaged by exposure to the weather, being wet and to some extent rotten and soiled with mud. Also, that the rope and bagging were torn from very many of the bales; that he thinks it was well worth $1 per bale to haul the cotton from the fortifications to the warehouse; that the price of cotton at the time it was being returned from the fortifications was about fifty-five cents in the Nashville market; and that in assessing damages they took into consideration the cost of material and labor in repairing the bales.

"The testimony of N. E. Alloway corroborates that of N. K. Griffin in every particular.

"C. C. Comstock, in his testimony before the board, states that he is interested in this claim to the extent that he has a certain percentage for his services as agent, and that while he admits the assessment of damages to have covered the cost of material and labor of repairing the one hundred and thirty-four bales upon which assessment was made, he claims that Butler, Miller & Co. ought to be paid for the expense of repairing the one hundred and niney-three bales upon which no assessment of damages was made.

"The board, therefore, concludes that three hundred and seventy-six bales of cotton belonging to Spence & Sperry, W. Y. Elliott & C. A. Fuller, were taken and used on the fortifications at Nashville, Tennessee; that while said three hundred and seventy-six bales were being so used they were purchased by Butler, Miller & Co., (except a few bales which were purchased after being returned to the warehouse;) that forty-seven bales of said cotton were never returned to Butler, Miller & Co., and one hundred and thirty-four bales were damaged while being used in the fortifications as alleged and to the extent alleged, namely: Forty-four bales damaged one cent per pound; sixty-eight bales, four cents per pound; and twenty-two bales, one and one-half cents per pound; that McAllister's bill (Exhibit D) is correct and just, except that he charges on three hundred and twenty-seven bales and one bag, when he should charge repairs on only one hundred and ninety-three bales; the repairs on the other one hundred and thirty-four bales and one bag being provided for in the assessment of damages; that William Lyon's bill for rope, bagging, &c., (Exhibit D,) is not to be allowed, except so much of it as would upon an average be required to repair the one hundred and ninety-three bales upon which damages were assessed; that Butler, Miller & Co.'s charge of fifty-seven cents per pound for the cotton that was lost in the fortifications is too much, fifty-five cents per pound being the price established by the evidence. The following statement sets forth fully what, in the opinion of the board, the claimants are entitled to:

United States to Butler, Miller & Co., Dr.

To 47 bales of cotton taken by military authority and not returned, weighing 21,277 pounds, at 55 cents per pound*		$11,702 35
To repairing 193 bales of cotton, at 25 cents per bale†		48 25
To rope, bagging, and twine for repairing 193 bales, at 76 cents per bale ‡		146 78
To storage on 327 bales, at $1 per bale		327 00
To drayage on 283 bales; that is, 121 bales, at $1.25 per bale	$151 25	
91 bales, at $1	91 00	
71 bales, at 50 cents	35 50	
		277 75
To paid assessment of 134 bales		$26 00
To damages on 22 bales of cotton, (as assessed,) weight 10,192 pounds, at 1½ cents per pound		152 88
To damages on 68 bales, (as assessed,) weight 32,489 pounds, at 4 cents per pound		1,299 56
To damages on 44 bales, (as assessed,) weight 17,881 pounds, at 1 cent per pound		178 81
		14,159 38

It will thus be seen that the board found that the claimants, Butler, Miller & Co., were entitled to $14,159 38, being less by $657.71 than the amount claimed.

"The record does not disclose the names of the officers constituting the board, nor when and where they sat in judgment on this case. The examinations are attested by J. J. Donnelly, captain Fourteenth Michigan Volunteers, who subscribes himself recorder of the board. The witnesses appear to have been sworn, but by whom it does not appear. Their names are as follows: J. A. McAllister, N. K. Griffin, N. E. Alloway, and C. C. Comstock. They were examined on behalf of the claimants and by the board. The theory of the board was that the cotton, that which was missing, was to be paid for by the ruling price at the time it was removed from the fortifications, three months after its original seizure, and not its value at the time of the seizure at the place of the seizure. We say such was the theory, for in looking over the testimony but one question seems to have been asked as to its value at that time; and the finding of the board discloses that its value was assessed at the last-named period. When taken, cotton at Nashville was worth only twenty-three cents per pound; when restored, it was worth from fifty to fifty-five cents per pound.

"With this general statement of the case we come to the facts as established by these witnesses.

"McAllister, the first witness, swears that he was a cotton merchant of Nashville, and during the month of August, 1862, had stored in his warehouse—

212 bales of cotton belonging to Spence & Sperry, marked S. & Co.
104 bales of cotton belonging to C. A. Fuller, marked W.
60 bales of cotton belonging to W. Y. Elliott, marked W. E.

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"That all the cotton was taken about the 5th day of September, 1862, by order of General Rousseau, except twenty-three bales, which were taken by order of General Negley, on or about the 24th day of September, 1862; that all this cotton, except twenty-three bales, was taken to Fort Confiscation; and as to the twenty-three bales, the witness does not know where they were used. Part of that taken to this fort was afterward taken away and used on other forts of the city. Tickets were given by Lieutenant Dearduff as the cotton marked S. & Co. was taken from the warehouse. These were ultimately surrendered to the number of one hundred and eighty-nine bales and a receipt given. The same officer issued tickets for one hundred and two bales, marked W., for which a general receipt was subsequently given. In the same manner tickets were given, marked W. E., for sixty bales on September 5, 1862. A general receipt was likewise given. On the 24th of September, 1862, the witness took a receipt from Fred. H. Kennedy for twenty-three bales marked S. & Co., and on the same day General Negley gave a receipt for one bale marked W., and on September 23, P. W. Hallo'an gave a receipt for one bale.

"The witness swears that the cotton was absent from the warehouse about three months, and that eighty-seven bales of the lot marked W. and two hundred and forty-one bales and one bag—a part marked W. E. and a part marked S. & Co.—were returned to the warehouse from the fortifications; or three hundred and twenty-eight bales and one bag in all were so returned.

"When this cotton was seized, two hundred and twelve bales belonged to Spence & Sperry, one hundred and four to C. A. Fuller, and sixty to W. Y. Elliott. While it was in the fortifications, Butler, Miller & Co. purchased all of it except a few bales, which had been returned to the warehouse from the street, but the number so returned is not given by the witness.

"The title to the cotton was passed to Butler, Miller & Co., by the transfer of the receipts which these several parties held, and by agreement this firm was to be subrogated to all the rights which Spence & Sperry, Fuller & Elliott had for loss, damage, &c., or, to adopt the language of the witness, 'Butler, Miller & Co. to stand in the place of the several parties as to claims for loss, damage &c.'

"It further appears by this witness that this firm paid the expense of hauling the cotton from the fortifications to the warehouse, the storage charges, and the expense of repairing the bales, including the rope and bagging necessary.

"Upon the return of the cotton, an assessment of damages was made upon one hundred and thirty-four bales, some of the cotton being wet, rotten, and muddy, and $26 was paid for this assessment.

"What the present claimants paid for the cotton, purchased as it was in the fortifications in its damaged condition, does not clearly appear; nor does the board seem to have thought that an important question, for but one question was asked on the subject; nor was but one question asked as to the price of cotton in Nashville at the time this seizure took place; and this same witness swears that he knew of but one sale about that time, of a lot of sixty-eight bales, which sold at twenty-three cents per pound. But he adds that there was no transportation for cotton at that time, and consequently there was no market price.

"When questioned as to its price when the cotton was returned, he says there were two or three sales of cotton after this at fifty-five cents per pound, but how long after he does not say.

"Mr. Griffin, the next witness, a tobacco and cotton factor of Nashville, assessed the damages on the returned cotton, in connection with N. E. Alloway, while it was in the warehouse of J. A. McAllister & Co.

"On forty-four bales, at one cent per pound.
"On sixty-eight bales, at four cents per pound.
"On twenty-two bales, at one and one-half cents per pound.
"The damage consisted in much of it being rotten, wet, and soiled with mud. The rope and bagging were off a good many bales.

"The cotton used on the fortifications was returned to the warehouse from the 23d of November to the 23d of December, 1862, and was hauled by draymen at $1 per bale. The market price at the time it was returned was fifty-five cents per pound.

"Mr. Alloway says the assessment of the damages was made in January. He was one of the appraisers, and had been in the cotton commission business. He agrees with Mr. Griffin as to the nature and extent of the damage done the cotton, but fixes the price at from fifty to fifty-five cents. The principle of the assessment was to affix the amount per bale to make it perfect and in good shipping order. This assessment was made at the request of McAllister & Co.

"C. C. Comstock, the last witness, speaks only to the point of the cost of the repairing done on the bales and the cost of the rope, twine, and bagging. And this concludes the testimony taken by the board.

"The claimants, with one exception, were not examined, and we are without any light, except that furnished by Spence, who gives us his impression only, upon the question what this lot of damaged cotton cost them while it was in the fortifications, if we shall conclude that to be a material question.

"Outside of the evidence taken by the board we have:

"First. The order, No. 5, of General Rousseau, dated August 30, 1862, impressing the entire stock of cotton bales then stored in Nashville into the service of the Government:

"'Captain Morton, of the Engineer Corps, is hereby authorized to take possession of it. The proper receipts will be given for the cotton, and it will be restored

*The weights of the missing bales are calculated from an average of the lots of corresponding marks as weighed after being returned from fortifications.

†It being proved by McAllister's testimony that repairing had been done on the ninety-three bales upon which no assessment was made, to an extent equal to that which had been done on the one hundred and thirty-four barrels which were assessed, the board allows repairing at the same rate.

‡That portion of the three hundred and twenty-seven bales upon which assessment was not made, and consequently not provided in the assessment.

at as early a day as possible. The owners are guaranteed against all losses except those which depend upon the fortunes of war.'

"Second. The statement of John J. Anderson, that the two firms mentioned in this bill had about seven hundred bales stored in Nashville, and which was taken by the military authorities and used in the fortifications, and that an award was made to each firm by the board on account of cotton not returned; that he was present when these awards were made, but cannot state the amounts.

"This witness says he procured from Secretary Stanton the order to General Rosecrans to convene the board of review to assess the loss and damages on the cotton that had been in the fortifications. Comstock was agent of the two firms, who lived at Columbus, and was present during the winter of 1862-'63 in Nashville, and a great part of the cotton taken was returned to him. The witness evidently is mistaken in speaking of the cotton as belonging to them when seized by the military and used in the fortifications.

"Third. Mr. Comstock, in an affidavit made in March, 1872, falls into a similar mistake, all the less excusable in him as the agent of these two firms and presumed to be well acquainted with their affairs. Thus, he says a very large amount of the cotton of each of these firms was taken to be used in the fortifications, and that those who took the cotton receipted for the same to him as the agent of the firms; whereas the truth is that the receipts were given to Spence & Sperry, to C. A. Fuller, and to W. G. Elliott, from whom Butler, Miller & Co. purchased, taking a transfer of the receipts. This witness represented the firms before the military board, and speaks of the award to Hawks, Miller & Co. as being over $10,000. He says he delivered these awards, or rather copies of them, to these firms respectively, and knows the amounts from memoranda now in his possession and made at the time. The gross amount of both was between $24,000 and $25,000.

"This witness confesses to his interest to the extent of the compensation to be received for his services.

"Two observations occur to this committee in connection with this witness's evidence. 1st. The glaring mistake he makes as to the cotton being seized while it was the property of these firms, and receipts therefor being given to him, tends to throw discredit over his entire testimony. 2d. He does not furnish the data in his possession, from which he estimates the award in favor of Hawkes, Miller & Co., and these data must have been quite imperfect when he can be no more exact than to say it was above $10,000, and that both awards amounted to between $24,000 and $25,000.

"Frank McClelland produces an account of Hawkes, Miller & Co. against the United States, being a true copy, as he says, from the one before the board, and on which the award was founded. It is—

For 4 bales of cotton	$1,105 80
For 4 bales of cotton	1,105 80
For damages on 58 bales	1,948 65
For damages on 101 bales	1,626 04
For 22 and 68 bales	4,437 13
	10,223 42

"Joseph H. Geiger swears to having had in his possession certified copies of the awards made by the board in behalf of both firms; that they were placed in his hands for collection at Washington; that he presented the claims to Secretary Stanton, who refused payment on the ground that there was no appropriation for that purpose. He then placed the copies in the hands of Hon. Thomas Corwin for his professional attention, since which time he has not seen them, although he has made careful search through Mr. Corwin's papers. He is not able to state the amount of either award, but thinks the two were about $25,000.

"William Spence, the last witness, proves the purchase by him at Huntsville, Alabama, of a large amount of cotton, which he shipped to Nashville and stored in the warehouse of James McAllister & Co., its seizure and employment in the fortifications, the receipt he received therefor from the military authorities for the number and weight of the bales, and the sale by him of this receipt to Samuel McClelland, one of the firm of Butler, Miller & Co. His impression is he was paid something over fifty cents per pound for the lot, at the weights made out by McAllister & Co. before the cotton was taken to the fortifications. He also states his impression that Hawkes, Miller & Co. had a large amount of cotton they had shipped from Huntsville at the time he shipped his own, and which was taken by the same military order and put into the fortifications, and much damaged, and that their case was considered by the military board. He does not state this as a fact, but an impression.

"It is a noteworthy fact that only one member of the two firms offers his testimony, and that this gentleman (Samuel McClelland) says not a word about the purchase of the cotton or its price or the damage occasioned or the extent of the loss. What he swears to, and the only thing he swears to, is a fact next thing to immaterial, as that Charles C. Comstock had not been for the past eight years directly or indirectly interested in the payment of these claims.

"It will be seen by this review of the testimony that, so far as the claim of Hawkes, Miller & Co.'s case is concerned, we have not the award itself nor a copy of it, but statements that such an award was made for at least $10,000, and was founded upon an account, a copy of which was taken by Frank McClelland from the record. Where and of whom they bought the cotton, how much was taken, and to whom receipts were given, we know nothing positively. It will be observed that the witnesses speak almost exclusively of the cotton of Butler, Miller & Co. The award before us has no reference to Hawkes, Miller & Co. Not a single member of either firm has volunteered his evidence in support of the claim, except Samuel McClelland, whose affidavit amounts to nothing; nor is there any excuse volunteered for this omission. These firms are said to reside in Columbus, Ohio, a State in which claimants may swear on their own behalf even in courts of justice. Much more could they and should they in a case before Congress. They know or should know better than any one else when and where they bought their cotton, its weight, quality, and condition, the price paid, the amount of loss, its value when lost, and what (if anything) they have received on account of it. They possibly could furnish some theory to account for so great a loss of bales out of the number placed in the fortifications.

"Butler, Miller & Co. claim to have purchased from the different parties three hundred and seventy-six bales and claim to have lost of this number forty-seven bales, containing—

21,445 pounds, worth fifty-seven cents or	$12,223 65
To this they add for drayage, storage, repairs, and damages	2,593 38
	14,817 03
The board finds they lost forty-seven bales, containing 21,277 pounds, worth	11,702 35
The other items allowed as above amount to	2,457 03
	14,159 38

"In this aggregate was included an item of storage of three hundred and twenty-seven bales, $327, but on what principle this should be charged to the United States is not perceived. Upon the return of the cotton to the warehouse the liability of the United States should cease.

"Returning to the order under which the cotton was seized, the guarantees to the owners are: First. That it shall be restored at as early a day as possible. Second. The owners are guaranteed against all losses, except those which depend upon the fortunes of war. The last qualifies the first, and the whole might properly be read as follows: 'The United States will restore to the owners as early as possible all the cotton taken in the condition when taken, except as to so much as shall be lost or damaged through the fortunes of war, and as to the cotton so lost or damaged the guarantee shall not operate.'

"Now, the claimants proceed on the theory that none was lost or damaged by the fortunes of war, and insist as to that lost they shall be paid in full, and as to that damaged an amount equal to the difference between the cotton when taken and when returned. Not only that, but as to the cotton not returned they claim that the loss should be estimated by the market price of the cotton at the time that not lost was returned.

"To test the soundness of this theory, let us suppose the forty-seven bales not returned were lost or destroyed soon after the seizure, and when cotton was worth only twenty-three cents per pound, what would be the rate of compensation then? The obligation is not to return an equivalent amount of cotton for that lost, for losses by the fortunes of war were contemplated and provided against. A literal construction of the order would relieve the United States from making compensation for what was thus lost. But to give a liberal construction to the order, compensation for that lost should relate to the time when the cotton was seized. It was then the loss to the owners occurred. If the cotton had burned up next day, the measure of damage to the owners would have been its market value on that day. Now, since there is no proof when the loss in fact occurred or how it occurred, the true principle seems to be to assess the loss by the figure the cotton would have commanded at the time of the seizure.

Upon this principle the 21,445 pounds were worth	$4,931 35
The other items as assessed by the board were	2,457 03
	7,388 38
From this should be deducted the storage	327 00
	7,061 38
But to this sum-total should be added, according to the testimony of McAllister, fifty cents a bale for handling, for inspection, and assessment of damages on the three hundred and twenty-seven bales	163 50
Which would leave due the claimants	7,224 88

"This result should not be disturbed by the price paid by Butler, Miller & Co. to the owners while the cotton was in the fortifications. They can lay no claim to a higher rate of indemnity than those under whom they derive title. They bought the owners' claim against the United States, whatever that was, nothing more.

"The committee therefore are of opinion that Butler, Miller & Co. on the evidence are entitled to $7,224.88.

"As to Hawkes, Miller & Co.'s claim, the committee do not see how they can recommend payment in the present condition of the evidence."

The committee therefore herewith report a bill for the relief of Butler, Miller & Co. in accordance with this finding, and recommend its passage.

Mr. FORT. I withdraw my objection.

There being no objection, the bill was laid aside, to be favorably reported to the House.

LEMUEL L. LAWRENCE.

The next business on the Private Calendar was the bill (H. R. No. 3319) granting a pension to Lemuel L. Lawrence, late second lieutenant of Company B, in the Sixth Regiment Illinois Cavalry Volunteers.

The bill directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Lemuel L. Lawrence, late second lieutenant of Company B, in the Sixth Regiment of Illinois Cavalry Volunteers, to take effect from and after the passage of the act.

Mr. HOLMAN. I call for the reading of the report.

The Clerk read the report, as follows:

The evidence shows that the said Lawrence was, in the early part of 1862, a second lieutenant in Company B, Sixth Illinois Cavalry Volunteers; that his said regiment was, about the 1st of March, 1862, stationed at Shawneetown, in Illinois, and that while said regiment was there in camp he, the said Lieutenant Lemuel L. Lawrence, was ordered with a squad of soldiers to march to Johnson County, Illinois, and arrest a soldier who had deserted from said regiment; that said Lawrence, in obedience to said order, did go to said county, and while attempting to execute said order in arresting the said deserter he was attacked by armed men and severely wounded. This wound has disabled him, and he is still suffering from said wound. These facts are all clearly established. The committee are of opinion that said Lawrence is entitled to a pension, and report said bill back and recommend that it do pass.

There being no objection, the bill was laid aside, to be reported favorably to the House.

JAMES B. TREADWELL.

The next business on the Private Calendar was the bill (H. R. No. 3497) granting a pension to James B. Treadwell, major Eighty-fifth Regiment Pennsylvania Volunteers.

The bill directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of James B. Treadwell, late major of the Eighty-fifth Regiment of the Pennsylvania Volunteers.

There being no objection, the bill was laid aside, to be reported favorably to the House.

ARTHUR W. IRVING.

The next business on the Private Calendar was the bill (H. R. No. 3498) granting a pension to Arthur W. Irving, late private Company C, One hundred and fourth New York Volunteers.

The bill directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Arthur W. Irving, late bugler Company C, One hundred and fourth New York Volunteer Infantry.

There being no objection, the bill was laid aside, to be reported favorably to the House.

JULIETT A. HENDRICKSON.

The next business on the Private Calender was the bill (H. R. No. 2768) granting a pension to Juliett A. Hendrickson, widow of William L. Hendrickson, late private Company E, Twenty-eighth Regi-

ment Illinois Infantry Volunteers. The bill directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Juliett A. Hendrickson, widow of William L. Hendrickson, late private Company E, Twenty-eighth Regiment Illinois Infantry Volunteers, and that she be paid a pension from and after the passage of this act.

There being no objection, the bill was laid aside, to be reported favorably to the House.

DALTON HINCHMAN.

The next business on the Private Calendar was the bill (H. R. No. 1479) granting a pension to Dalton Hinchman.

The bill directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Dalton Hinchman, late a private in Company G, Second Michigan Cavalry.

There being no objection, the bill was laid aside, to be reported favorably to the House.

THOMAS W. HEWITT.

The next business on the Private Calendar was the bill (H. R. No. 2120) granting a pension to Thomas W. Hewitt.

The bill directs the Secretary of the Interior to place the name of Thomas W. Hewitt, late of Company D, Third Regiment of Michigan Volunteer Infantry, upon the pension-roll, subject to the provisions and limitations of the pension laws, and that he be paid a pension from the passage of the act.

There being no objection, the bill was laid aside, to be reported favorably to the House.

JOHN FREY.

The next business on the Private Calendar was the bill (H. R. No. 2472) granting a pension to John Frey.

The bill directs the Secretary of the Interior to place upon the pension-roll, subject to the limitations and provisions of the pension laws, the name of John Frey, late a private in Company I, Thirtieth Regiment Illinois Volunteer Infantry, and to pay him a pension from and after the passage of this act.

There being no objection, the bill was laid aside, to be reported favorably to the House.

WILLIAM BUCKLEY.

The next business on the Private Calendar was the bill (H. R. No. 3499) granting a pension to William Buckley, private Company C, Fiftieth Ohio Volunteers.

The bill directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of William Buckley, late private Company C, Fiftieth Ohio Volunteer Infantry.

There being no objection, the bill was laid aside, to be reported favorably to the House.

MRS. ANN ANNIS.

The next business on the Private Calendar was the bill (H. R. No. 3011) granting a pension to Mrs. Ann Annis.

The bill directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Ann Annis, widow of Henry Annis, late a second lieutenant of Company G in the Fifty-First Regiment United States Colored Infantry.

There being no objection, the bill was laid aside, to be reported favorably to the House.

NELSON AINSLIE.

The next business on the Private Calendar was the bill (H. R. No. 3500) granting a pension to Nelson Ainslie.

The bill directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Nelson Ainslie, late a private in Company I, Fourteenth Regiment Michigan Volunteers.

There being no objection, the bill was laid aside, to be reported favorably to the House.

CATHARINE HAGAN.

The next business on the Private Calendar was the bill (H. R. No. 3501) granting a pension to Catharine Hagan.

The bill directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Catharine Hagan, widow of Patrick Hagan, late a private of Company I, Thirty-first Regiment New York Volunteers.

There being no objection, the bill was laid aside, to be reported favorably to the House.

ELIZABETH D. STONE.

The next business on the Private Calendar was the bill (H. R. No. 1566) granting a pension to Elizabeth D. Stone.

The bill directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth D. Stone, widow of Brinton Stone, lately an acting assistant surgeon in the United States Navy, to take effect from the passage of this act.

There being no objection, the bill was laid aside, to be reported favorably to the House.

MAGGIE A. NOBLES AND DANIEL G. NOBLES.

The next business on the Private Calendar was the bill (H. R. No. 3502) granting a pension to Maggie A. Nobles and Daniel G. Nobles.

The bill directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the names of Maggie A. Nobles and Daniel G. Nobles, minor children of Daniel G. Nobles, late captain of the Fourth Tennessee Volunteers, and to pay them the same rate of pension that Henrietta Nobles, the widow of said Captain Daniel G. Nobles, received previous to her remarriage; said pension to commence from January 11, 1872, the date of the remarriage of said widow, and to continue to said minor children till they severally attain the age of sixteen years, and no longer.

There being no objection, the bill was laid aside, to be reported favorably to the House.

PHILIP ROHR.

The next business on the Private Calendar was the bill (H. R. No. 3503) for the relief of Philip Rohr, of Virginia, for tobacco seized for use of the Army.

The bill directs the Secretary of the Treasury to pay to Philip Rohr, a citizen of Virginia, the sum of $1,600 for tobacco seized for the use of the Federal Army in 1864.

Mr. HOLMAN. I call for the reading of the report.

The Clerk read as follows:

Philip Rohr, of the State of Virginia, claims compensation for two thousand pounds of Virginia chewing-tobacco at $1 per pound, taken for the use of the Union Army.

The facts are few and about them there is no dispute. Claimant was a loyal man, a resident of Bristol, Washington County, Virginia, and was the owner of the tobacco for which payment is claimed. On the 15th of December, 1864, a force of Federal cavalry occupied Bristol under the command of Generals Stoneman and Burbridge. By order of General Burbridge the tobacco was seized, carried to the camp, distributed among and used by the soldiers of the command.

The case was presented to the commissioners of claims and rejected by them upon the ground that tobacco is not an Army supply, and this is the sole question upon which this case must turn.

Strictly speaking, tobacco is not a "supply;" it does not appear among the list of articles required to be furnished to the armies of the Government. The "ration" is provided for in the statute, and tobacco does not appear as one of its components. But in the decision of the many cases coming before Congress, in the absence of precise statutes to cover each case, and with only general provisions for our guidance, some latitude should be allowed, and each case should stand upon its own merits. In the case at bar, a commodity which is in general, we might say universal, use, which forms a great item of our commerce, and is an article of comfort and luxury, is taken from a loyal citizen, not by violence or robbery, but by the intelligent order of the general in command. The Revised Statutes (section 1149) recognize it as an article necessary and proper for the soldier, and oblige commissaries of subsistence to keep and sell it to the soldier on credit and at cost prices. In fixing the "ration," the statute confers power upon the President, who is Commander-in-Chief, to alter the component parts of the ration as the health and comfort of the Army may require. But the President, in a tremendous war such as was waged between the sections of this country, could only make such general regulations as were necessary, leaving to his subordinates in the field, in great part, the discretion conferred upon him.

Whisky is not a "supply;" yet there were times and occasions, in forced marches, in protracted cold or wet weather, when it was deemed requisite to the health and efficiency of the Army, and it was issued. It became then a supply from the nature of the use made of it, or, to use the civil-law term, "by destination." There are hundreds of articles not mentioned in the Army regulations or in the statutes as forming component parts of the soldier's ration, and which, strictly speaking, could not be termed "supply;" yet, if taken for "supply," issued as "supply," and used as "supply," we hold that they have become so by destination. So with the tobacco. General Burbridge, exercising that portion of the discretion conferred upon the Commander-in-Chief, and with which his commission as major-general had invested him, deemed the tobacco necessary for the health and comfort of his command. It became supply by "destination," and we think the Government is bound.

But your committee think the price perhaps too large. Eighty cents per pound seems to us a reasonable price for common chewing-tobacco. Two thousand pounds, at eighty cents, would be $1,600. We think he should be allowed that amount, and report the accompanying bill and recommend its passage. (*Vide* case of Stubblefield, third general report commissioners of claims, article 6, page 3.)

Mr. HURLBUT objected to the bill, but subsequently withdrew his objection.

There being no other objection, the bill was laid aside, to be reported favorably to the House.

THOMAS DAY.

The next business on the Private Calendar was the bill (H. R. No. 3504) for the relief of Thomas Day.

The bill was read. It directs the Secretary of the Treasury to pay to Thomas Day, of Indiana, out of any money in the Treasury not otherwise appropriated, the sum of $640.75, in full payment and satisfaction for the use of nursery grounds at Madison, Indiana, by the United States, in the year 1863, for a military post and for barracks and hospital purposes.

Mr. WILSHIRE. I object to this bill.

Mr. HOLMAN. I call for the reading of the report.

The CHAIRMAN. The bill is objected to.

Mr. HOLMAN. I submit that according to the rule of the House it is always proper that the report should be read if called for, and afterward the question is whether there is objection to the bill.

The CHAIRMAN. The language of the rule is:

The Calendar of private bills shall be called over; and the bills to which no objection is made shall be first considered and disposed of.

Mr. HOLMAN. But the practice has been uniform that the report, if called for, should be read; and afterward objection may be made if it be thought proper.

The CHAIRMAN. The report in this case is very short, and it may be read if there is no objection.

Mr. HOLMAN. The uniform ruling has been what I state.

The CHAIRMAN. The Chair would hold that the reading of the report is consideration of the bill; and when the passage of a bill is objected to its further consideration cannot take place on that day.

Mr. HOLMAN. This is a question of such vital moment that if the Chair entertains any doubt about it I can show the uniform, unbroken ruling. The question has never been raised perhaps during this session, but the ruling is uniform on this point.

The CHAIRMAN. That may be the practice of the Committee of the Whole, but the rule is otherwise. If there be no objection, the Clerk will read the report.

The Clerk read as follows:

The Committee on War Claims, to whom was referred the claim of Thomas Day, of Indiana, beg leave to report:

That this claim was before the Forty-third Congress, and a favorable report thereon made by Mr. JAMES WILSON, of the War Claims Committee of that Congress, now a member of this committee,

This claim is for the use and occupation of nursery-grounds by the United States, situated in Jefferson County, Indiana. Said grounds were occupied and used during the war of the late rebellion as a military post for barracks and hospital purposes. Your committee believe, from the evidence, that the claimant is entitled to the sum of $640.75, as a compensation for the said use and occupation. They report the accompanying bill, and recommend its passage.

Mr. WILSHIRE. I withdraw my objection.

There being no objection, the bill was laid aside, to be reported favorably to the House.

W. H. NEWMAN AND L. A. VAN HOFFMAN.

The next business on the Private Calendar was the bill (H. R. No. 1654) for the relief of W. H. Newman and L. A. Van Hoffman.

Mr. FORT. I object.

Mr. HUNTON. I ask for the reading of the report in the hope that the gentleman from Illinois [Mr. FORT] will withdraw his objection upon hearing the report read. This bill has been favorably reported in two different Congresses.

The report was read.

Mr. HUNTON. There has been no adverse report.

Mr. FORT. I understand there was an adverse report. I must insist on my objection.

Mr. RANDALL. I move the committee rise.

The motion was agreed to; and the Speaker *pro tempore* having resumed the chair, Mr. SPRINGER reported sundry bills with the respective recommendations of the committee thereon.

DEATH OF HON. EDWARD Y. PARSONS.

Mr. KNOTT. I rise to perform the most melancholy duty that has ever devolved upon me in the course of my public life: to announce to this House the sudden and unexpected death of my colleague, Hon. EDWARD Y. PARSONS. I move the adoption of the resolutions which I send to the Clerk.

The Clerk read as follows:

Resolved, That a committee of seven members be appointed by the Speaker of the House to take order for superintending the funeral of Hon. EDWARD Y. PARSONS, late a member of this body from the State of Kentucky.

Resolved, That as a mark of the respect entertained by the House for the memory of Hon. EDWARD Y. PARSONS his remains be removed to Louisville, Kentucky, in charge of the Sergeant-at-Arms and attended by the said committee, who shall have full power to carry this resolution into effect.

Resolved, That the Clerk communicate these proceedings to the Senate.

Resolved, That as an additional mark of respect to the memory of the deceased the House do now adjourn.

The resolutions were unanimously adopted.

The SPEAKER *pro tempore* announced the appointment of the following committee in pursuance of the first resolution just adopted: Mr. BLACKBURN, Mr. HOPKINS, Mr. HARTZELL, Mr. WALKER of Virginia, Mr. FORT, Mr. LAWRENCE, and Mr. CLARKE of Kentucky.

And then, in accordance with the concluding resolution, the House (at three o'clock and thirty-five minutes p. m) adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk under the rule, and referred as stated:

By Mr. ELY: The petition of James A. Whalen, that jurisdiction be conferred upon the Court of Claims to hear and determine his claim for damages against the United States for flour seized by the United States authorities at New York in 1862, to the Committee on War Claims.

By Mr. FENN: The petition of S. S. FENN, for re-imbursement of expenses incurred in contesting for a seat in the House of Representatives as a Delegate from the Territory of Idaho for the Forty-fourth Congress, to the Committee of Elections.

By Mr. PIPER: The petition of Benjamin S. Brooks, Egbert Judson, and John Center, owners of the island Yerba Buena, to be restored to the possession of the same, from which they have been ejected by United States authorities, to the Committee on the Judiciary.

By Mr. WELLS, of Missouri: Memorial of the city council and mayor of Saint Louis, Missouri, relating to the improvement of the Mississippi River at Saint Louis, to the Committee on Commerce.

IN SENATE.

MONDAY, *July* 10, 1876.

The Senate met at eleven o'clock a. m.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Journal of the proceedings of Saturday last was read and approved.

HOUSE BILLS REFERRED.

The following bills from the House of Representatives were severally read twice by their titles and referred as indicated below:

The bill (H. R. No. 1574) to provide for the repeal of all laws authorizing the appointment of civil engineers in the Navy, &c.—to the Committee on Naval Affairs.

The bill (H. R. No. 3856) for the relief of William H. French, jr., United States Army, late Indian agent at Crow Creek, Dakota—to the Committee on Indian Affairs.

The bill (H. R. No. 3143) granting a pension to Daniel Clary—to the Committee on Pensions.

The following bills from the House of Representatives were severally read twice by their titles and referred to the Committee on Military Affairs:

A bill (H. R. No. 2813) relieving the State of Kansas from charges on account of ordnance furnished to Kansas Territory; and

A bill (H. R. No. 3855) for the relief of George T. Olmstead, jr.

POST-ROUTE BILL.

Mr. HAMLIN. The bill of the House establishing certain post-roads in the country I am sure will interest more Senators than any other bill which may be brought before us, and I ask the Senate to allow me to take it up and have it passed this morning. It is House bill No. 3628, establishing post-roads.

Mr. MERRIMON. I ask the Senator from Maine to yield to me a moment that I may present a petition.

Mr. HAMLIN. If the Senator will allow me to get up the bill, I will suspend action upon it.

The PRESIDENT *pro tempore*. Is there objection to taking up the bill named by the Senator from Maine?

Mr. SARGENT. I object to the post-route bill, for the reason that there is not money enough to put it into operation. It would be a mere farce to pass another post-route bill without money enough under the general appropriation to put on a single route under it.

Mr. HAMLIN. I can give the Senator information which he has not got.

Mr. SARGENT. I have studied the matter carefully as a member of the Committee on Appropriations, and I assert boldly that if the Post-Office Department acts upon the previous post-route bill, and puts the service on under that act, there will not be a dollar left to carry out the service to be established by this bill.

Mr. HAMLIN. I tell the Senator there are $500,000 appropriated to meet this very case, and the money is there. The appropriations were made in gross by the Senate. As the bill came back from the committee of conference it appropriated a certain amount for what are called "star" bids, to wit, coach service, a certain amount for steamboat service, and a certain amount for railroads. Consequently the amount which is appropriated for railroads can only be used for railroad purposes. The amount passed by the House exceeds the estimates of the Department by about $500,000 for this branch of the service.

Mr. SARGENT. I have no doubt for this branch of the service; but we have already passed a bill of nearly a hundred pages making new post-routes. Here it is proposed to have another; and I still assert, after what the Senator has said, that from my examination of the matter I know there is not a dollar to put in operation any route to be established by this bill and keep up the present service.

Mr. HAMLIN. I know the Senator is mistaken.

Mr. COCKRELL. I desire to know if the bill has been printed.

Mr. HAMLIN. Long ago.

The PRESIDENT *pro tempore*. The bill has been printed. The question is on the motion of the Senator from Maine to take up the bill.

The motion was agreed to.

The PRESIDENT *pro tempore*. The bill is before the Senate.

Mr. HAMLIN. Let it be passed over for morning business.

The PRESIDENT *pro tempore*. The bill will be laid aside temporarily, if there be no objection, for the reception of morning business.

PETITIONS AND MEMORIALS.

Mr. MERRIMON. On Saturday last I presented the memorial of Samuel Strong and others, citizens of the District of Columbia, in favor of the passage of a bill now before the Committee on the District of Columbia, which provides for adjusting and paying claims unsettled against the District of Columbia. I now present the memorial of Thomas P. Morgan, William H. Groat, Morris Murphy, and others, contractors and creditors of the District, which is a concurrence in the former memorial which I presented. They join anxiously in the prayer for the relief prayed for in the former petition. I move that this additional memorial be also referred to the Committee on the District of Columbia.

The motion was agreed to.

Mr. BOGY presented the petition of H. Overstolz, mayor of the city of Saint Louis, Missouri, and Richard Walsh, city register, on behalf of the city of Saint Louis, praying for an appropriation to secure the bank of the Mississippi River opposite that city; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. WALLACE presented resolutions adopted at a meeting of soldiers of Allegheny County, Pennsylvania, in favor of the passage of a law for the equalization of bounties; which were referred to the Committee on Military Affairs.

Mr. SHERMAN. I present the petition of William Giles Dix, of Peabody, Massachusetts, at his request, praying that Congress may institute proper measures to convene a convention in the city of Philadelphia to modify the Constitution of the United States. I am informed that this gentleman is a respectable citizen of his State. He asks that his petition may be referred to a select committee; but I move that it be referred to the Committee on the Judiciary, which is properly charged with the subject.

The motion was agreed to.

Mr. SHERMAN. I also present the petition of a number of citizens of Iowa, who make very severe and bitter complaints against the action of Congress and different branches of the Government in regard to what are called the Des Moines River lands. They make charges of a very grave and serious character. I think similar petitions have been presented before and been referred, I think, to the Committee on Public Lands.

The PRESIDENT *pro tempore*. The petition will be referred to the Committee on Public Lands, if there be no objection. The Chair hears none.

Mr. EDMUNDS. I am very glad that reference has been made of the petition just presented. A similar petition was referred to the Committee on the Judiciary; and, in order not to have the jurisdiction divided, I move that the Committee on the Judiciary be discharged from the further consideration of the similar petition, and that it be referred to the Committee on Public Lands.

The motion was agreed to.

Mr. CAMERON, of Pennsylvania, presented the petition of W. L. Faulk, late captain in the Tenth United States Cavalry, praying the passage of a law authorizing the President to re-appoint him to his former rank and position in the Army; which was referred to the Committee on Military Affairs.

REPORTS OF COMMITTEES.

Mr. KERNAN, from the Committee on Patents, to whom was referred the bill (S. No. 691) for the relief of Edward A. Leland, reported it without amendment and submitted a report thereon; which was ordered to be printed.

Mr. CRAGIN, from the Committee on Naval Affairs, to whom was referred the bill (S. No. 667) for the relief of William Wheeler Hubbell, and to make just compensation for the past making, or use, or vending of his patent explosive shell-fuses and percussion-exploders by the United States, reported it with an amendment, the committee adopting the report made by them May 7, 1874.

He also, from the same committee, to whom was referred the bill (S. No. 776) to restore William J. Montgomery, late first assistant engineer United States Navy, to the active list of the Navy, reported adversely thereon; and the bill was postponed indefinitely.

Mr. THURMAN, from the Committee on Private Land Claims, to whom was referred the bill (S. No. 215) relative to the Santillan grant, a private land claim in the State of California, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the memorial of the San Francisco Land Association of Philadelphia, praying that certain records of grants of land in the Mission of Dolores, in and near the city of San Francisco, California, may be admitted in the establishment of their claim to said lands, which they allege to have been wrested from them by virtue of a decree of the United States Supreme Court, because of the absence of such records, asked to be discharged from its further consideration; which was agreed to.

Mr. WRIGHT, from the Committee on the Judiciary, to whom were referred various communications on the subject, reported a bill (S. No. 983) to extend the duration of the court of Alabama claims; which was read and passed to the second reading.

FORT KEARNEY RESERVATION.

On motion of Mr. HITCHCOCK, it was

Ordered, That Senate bill No. 894, to provide for the sale of the Fort Kearney military reservation in the State of Nebraska, be printed as passed.

TROOPS IN SOUTHERN STATES.

Mr. EATON. I offer the following resolution and ask for its present consideration:

Resolved, That the Secretary of War be directed to forthwith report to the Senate the number of United States troops of the various arms of the service now on duty in the States of Louisiana, Mississippi, Arkansas, Alabama, Florida, Georgia, South Carolina, and North Carolina, and, so far as is practicable, giving the location of each regiment, part of regiment, or separate command or detachment.

Mr. EDMUNDS. Let that go over.

Mr. EATON. I give notice that as soon as practicable, to-morrow, if possible, I will endeavor to get the floor for the consideration of the resolution in order to procure this information previous to action upon the joint resolution offered by the honorable Senator from Nebraska [Mr. PADDOCK] in regard to the volunteers against the Sioux.

AMENDMENT OF IMPEACHMENT RULES.

Mr. CAPERTON. I ask the Senate to proceed to the consideration of——

The PRESIDENT *pro tempore*. If the Senator rises to move to take up any measure, the Chair will state that if there is no further morning business the post-route bill is before the Senate.

Mr. EDMUNDS. I should like to ask the Senator from Maine, who has charge of the post-route bill, whether he would be willing to lay that aside in order to take up the resolution that I offered on Friday last, about the length of time occupied in arguing questions of the admission of evidence, &c., in the impeachment trial. Of course, if he is not willing, I shall not urge it; but I thought we might save time by acting upon the matter now.

Mr. HAMLIN. I have every disposition in the world to oblige the Senator, but I want to get rid of the post-route bill.

Mr. EDMUNDS. It is no obligation to me; it is only a suggestion which I make about the business before us.

Mr. HAMLIN. I think I shall run my chances for to-morrow morning to take up this bill, if it cannot be reached to-day. Therefore I will consent to let it be temporarily laid aside.

The PRESIDENT *pro tempore*. The post-route bill will be temporarily laid aside.

Mr. EDMUNDS. I move to take up the resolution about amending the twentieth impeachment rule.

The motion was agreed to; and the Senate proceeded to consider the following resolution, submitted by Mr. EDMUNDS, July 8:

Ordered, That Rule 20 of the rules for impeachment be so amended that on offers of and objections to evidence and other interlocutory and incidental questions one counsel or manager may open, one counsel or manager be heard in opposition, and one counsel or manager be heard in reply; and that the whole argument on each side shall not exceed thirty minutes without leave of the Senate.

The PRESIDENT *pro tempore*. The pending question is upon the amendment of the Senator from New York [Mr. CONKLING] which will be reported.

The CHIEF CLERK. It is proposed at the end of the resolution to insert:

And that consultations by the Senate upon any question shall, unless otherwise ordered, be had without clearing the galleries or closing the doors of the Senate Chamber, subject to the limitations on debate prescribed by the twenty-third rule; and questions may be asked by Senators of witnesses, managers, or counsel without reducing the same to writing.

Mr. KERNAN. Is an amendment to the original resolution now in order as to the length of time allowed?

Mr. EDMUNDS. No, sir. This is an amendment by addition. We must dispose of this first.

Mr. KERNAN. Very well. I was going to suggest a limitation of the time.

Mr. EDMUNDS. It is altogether too warm to say much, although every debate to-day must be heated; but I submit to the Senate and to my friend from New York [Mr. CONKLING] that his amendment I think would be somewhat disastrous in respect to prolonging the proceedings. As the rules now stand it appears to me, to say nothing of other causes, that we should not retire to consult except on matters that seem to be of considerable importance; and the result would be, as it has been so far on questions of evidence, that they would be decided by the Senate without any debate among Senators, but after hearing the arguments of counsel; and we should therefore get on faster without having that proposition in force. If it were in force, then of course every Senator on every question would be at liberty to occupy ten minutes of time, and I fear that the temptation to express our views would be so great—and I should feel it quite as much as anybody if the subject were open, I have no doubt—that a great deal of time would be occupied in that way.

In the next place, it does not appear to me that, considering what a consultation is and should be, a comparison of views, with liberty to retreat if one has stated an opinion which turns out not to be sound, the object would hardly be answered by a public consultation. Human nature is so constituted that I think we should be much more apt to stick to a false position after we had once publicly made it manifest than we should in a private consultation.

For these reasons I hope that the amendment of my friend from New York will not be adopted.

Mr. FRELINGHUYSEN. It seems to me that the order and the amendment are better omitted than enacted. Since we commenced taking testimony here I do not think we have had any debate in reference to the admissibility of evidence which has occupied an hour. This order is an invitation that it may occupy an hour. I do not think we have had any that occupied half that time.

Mr. EDMUNDS. The present rule gives them an hour on each side, and as many counsel as choose may speak.

Mr. FRELINGHUYSEN. But practically since we have commenced taking testimony we have not had any question debated that occupied an hour, or, I think, more than half an hour. As to the amendment of the Senator from New York, we have not been called upon once since the testimony was commenced to retire. Now, if we make a provision that we shall have a consultation with open doors, we shall, before we know it, run into these debates and time will be consumed.

The other provision of the amendment is a very proper one, that members of the Senate shall be at liberty to ask questions without reducing them to writing. The rule now requires them to be reduced

to writing; but practically that rule is not enforced. Therefore I think the best thing we can do in the way of saving time is to do nothing, but let the thing stand as it is.

It does seem to me that this trial ought not to occupy more than four or five days, and would not in an ordinary court. We, as members of the court, ought to give all the aid we can to bring it to a speedy termination.

Mr. MERRIMON. Mr. President, I beg to ask the Senator from Vermont a question about the nature of his resolution. I noticed, if I heard it correctly reported, that it provides that thirty minutes shall be consumed in debating any question arising on evidence, and that counsel on either side may speak. I beg to ask him how that thirty minutes are to be distributed? It does not make provision for that.

Mr. EDMUNDS. Why, Mr. President, exactly in the same way that under a similar rule debate is distributed in the Supreme Court in the adjoining chamber. Each side may use half an hour on an argument of an interlocutory question, instead of an hour as the present rule provides.

Mr. MERRIMON. I thought the resolution provided but thirty minutes for the whole debate.

Mr. EDMUNDS. No; thirty minutes on each side. The present rule is an hour on each side. The present rule as hitherto construed by the present occupant of the chair, following the decisions of the Chief Justice in the last impeachment trial, is made to mean that counsel and managers may occupy their whole hour, just as we do in a debate, whenever they can get the floor. There is no beginning and no end; but there is a running debate on all hands on a little simple question, so that the only effect of my proposition is to reduce the time on each side one-half; and then to say that one person shall be heard on one side in support of the objection that is made or in support of the offer made, and one person against it, and one person in reply, and there it ends.

Mr. MERRIMON. I want to add one word. I concur in the proposed amendment of the Senator from New York. I believe that a brief debate in open session here might very often elucidate a question that the Senate would otherwise act upon sometimes very hurriedly. I think with a brief debate the other day I should have given a different vote on one point raised than I did. I do not feel exactly satisfied about it now. It was a vote against the defense.

The Senator from New Jersey says that in an ordinary court this case ought to be disposed of in five or six days. I have no doubt it could be; but he ought to remember that it is a great state trial and this is not an ordinary court. It is a trial that ought to be proceeded with very cautiously. There ought to be great deliberation about everything. It is to be a high precedent in the face of the nation and the world, and I think we ought to proceed quietly and cautiously, and deliberate about every point that is at all of importance, and I think it ought to be done in public. Therefore, I trust that the amendment of the Senator from New York will prevail.

Mr. MORTON. I think the time fixed by the Senator from New York is twice as much as it ought to be. Fifteen minutes on a side are enough, sufficient I think to enable this court to understand a point without elaborate argument. I think the rule in regard to the admission of testimony is very liberal, and there is not any great danger of this court being misled by the admission of any improper testimony.

Mr. SHERMAN. I agree entirely with what the Senator from New Jersey says, that this is time wasted. I believe the good sense of the managers and counsel on any question that is likely to arise in this case will not allow them to consume much time. Therefore, if no other Senator desires to speak on it, I move that the resolution and amendment be laid on the table.

Mr. CONKLING. I want to say a word.

Mr. SHERMAN. I withdraw the motion, expressing my opinion that the better way is to do nothing.

Mr. CONKLING. If there was nothing before the Senate except the original resolution of the Senator from Vermont, I think I could vote with the Senator from Ohio to lay it on the table, for really I have seen no occasion for any rule abbreviating the opportunities of counsel or managers in the argument of any interlocutory question. I think the Senator from New Jersey was within bounds when he said that not half an hour had yet been occupied on an interlocutory question, and if my recollection is right, if you except one instance in which there was a colloquy about various things which may all be deemed to have pertained to one single interlocutory question, I do not think that anything like half an hour has been occupied; and therefore it seems to me it is hardly worth while for us, in anticipation of an evil which has not arisen, to shorten the rule in that respect.

But there are two other things in regard to this resolution, and I begin with the last. We violate systematically the rule in reference to putting questions. I do it and everybody does it with constraint, feeling that he should not do it. The Senator from Ohio awkwardly, as far as I can say he ever does anything awkwardly, tries to put a question and he says, "Mr. President, through the Chair, if that is the way to do it." Sure enough, "if that is the way to do it;" the Senator does not know; nobody knows. He can sit down and write out a question, and as I understand the rule that question must be addressed to the witness. If the Senator wants a manager to read a paper, if he wants to make an inquiry of any sort, there is no way under the rule in which he can get at it, feeling *de trop*, he inquires through the Chair. I think it is worth while to spend a moment in obviating that and allowing every Senator to put a simple question to enlighten himself and save time, without the necessity of putting it in writing.

Now, as to the matter of consultations, the Senator from Vermont does not understand my amendment as I do; else he would not say that it would authorize every Senator all the time to express his opinions. If that is what it means, I was unfortunate in draughting it. The amendment says that consultations, when they do take place, may be without clearing the galleries unless the Senate order them to be cleared; and it did not occur to me that the effect of that was to be to multiply consultations; but it occurred to me that it would have two effects, both of which are good, I think. I appeal to the RECORD, if it is noted there, to show, as I am confident it will show, that every time the Senate has retired or cleared the galleries upon the most insignificant question, if it be the question of an adjourned day, hours have elapsed before that decision was announced; when, had it been in open session, I do not believe, on one occasion particularly, one-fifth of the time would have been consumed. Now, I think that is an evil. I think it is a great mistake to turn out all the visitors in these galleries in order that the Senate may have what in open session would be a few moments' consultation, or that the Senate should retire to the Marble Room and there engage in that sort of consultation or conversation which has occurred heretofore. I think time would be saved by doing it just as we sit in our seats.

But again, I think it is wholesome and proper that the people of this country should understand what takes place upon this trial. If I do not regard its dimensions as great as those ascribed to it by the honorable Senator from North Carolina, I do remember that it is a trial before the Senate of the United States; and, if it is fit to be here, it is fit to be conducted decently and in order; and enough consequence attends it to make it a matter of interest to the people of the country, of as much interest as a great deal of the other business that transpires in the Senate. It has been made the occasion to discuss the question whether all citizens at large are impeachable and triable before this tribunal; and that question, which is one of dimensions as large as those referred to by the Senator from North Carolina, has been discussed by the Senate locked up in this iron box; and I judge from headings that I see in the RECORD that some members of the body have published "opinions," as they are called, upon that question. Senators who wrote or have been able to write since have published what they said, or what it is to be supposed they said, or what they supposed they ought to have said, or, as my friend from Illinois [Mr. LOGAN] suggests what they intended to say, or, as I will add, what they have thought since they intended to say. Some one of these forms of expression applies to what appears in the RECORD. Other Senators who expressing such opinions as they had at the time, and expressing them as they express opinions in debate, expressed opinions which were writ in water because they could not have the advantage of a stenographer or scribe to preserve even in substance what they said; and this is one of the inequalities, I think I may call it, (for, although every Senator has had as much time as every other Senator, every Senator does not have the gifts of his fellows or the facility of expressing himself clearly upon paper,) this is one of the inequalities which have grown out of the present condition of things. I think it has been a loss to the country. I think I see Senators around me now whose expressions on this subject have not appeared, and I imagine, will not appear in the RECORD, which expressions were valuable, and would be valued, and ought to have been produced, and ought to have been heard openly.

Now, Mr. President, I do not know how much of any serious question remains in this trial, whether a question of law or a question of fact; but whatever there may be, I submit that unless the Senate sees occasion at the time to direct that a consultation be secret, we might go on and express our opinions upon the remaining questions in this case. That is the purpose of my amendment, and its purpose is not at all, as suggested, to require consultations where they would not be required otherwise, to multiply them, nor even to deprive the Senate of the power, when it chooses to say so, of deciding that a consultation shall be secret; but it is to prevent the necessity on all occasions of having the Senate fly to a place of safety or seclusion, or unpeople the galleries here when they proceed to determine a question whether a certain thing shall be done on one day or another, or whether a piece of evidence is admissible or not, or whether some other incident in the trial shall occur or whether it shall be admitted or forbidden.

If the motion prevails to lay the original resolution on the table, of course I shall not feel at liberty to persevere in the amendment that I have offered; but if we consider it at all, I hope the Senate will consider the two subjects together.

J. T. KING AND L. B. CUTLER.

A message from the House of Representatives, by Mr. G. M. ADAMS, its Clerk, announced that the House had passed the bill (S. No. 872) for the relief of the family of the late John T. King and of L. B. Cutler, with an amendment; in which it requested the concurrence of the Senate.

Mr. MORRILL, of Vermont. I ask unanimous consent to use up one minute of the time of the Senate in concurring with an amend-

ment of the House to the bill just returned from the House of Representatives.

There being no objection, the President *pro tempore* laid before the Senate the amendment of the House of Representatives to the bill (S. No. 872) for the relief of the family of the late John T. King and of L. B. Cutler.

Mr. MORRILL, of Vermont. The House has stricken out the proviso, and I move that the Senate concur.

Mr. EDMUNDS. Let us hear it read,

The PRESIDENT *pro tempore*. The amendment of the House will be read.

The CHIEF CLERK. The amendment of the House is to strike out the words:

Provided, That a further sum equal to the amount of the previous regular compensation of the said King and the said Cutler from the 19th day of May to the 30th day of June, inclusive, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be expended immediately by the Secretary of the Interior in manner as aforesaid.

Mr. EDMUNDS. How much does this bill give as it stands?

Mr. MORRILL, of Vermont. Three thousand dollars.

The amendment was concurred in.

PERSONAL EXPLANATION.

Mr. CAMERON, of Pennsylvania. I wish to make an explanation that affects some other gentleman as well as myself. A week or ten days ago, when I was about going home, I went to the Senator from Georgia [Mr. GORDON] and asked him to pair with me during my absence. He very graciously consented to do so, and said that he would then go home, and we paired. After I got to my home, I remembered that some days before the Senator from Delaware [Mr. BAYARD] had called upon me and asked me to pair with him, and the moment that occurred to me I wrote a note to the Senator from Georgia stating the fact; but he had left the city of Washington and it was too late, and I put him in a wrong position which I desire to amend as much as I can. I regret very much that the lapse of my memory made me do wrong to him or to anybody else; but I want to state distinctly that the pair was made at my solicitation with the Senator from Georgia for my benefit, as I was not well.

ANDREW EVARTS.

Mr. ALLISON. The Committee on Pensions, to whom was referred the bill (S. No. 897) granting a pension to Andrew Evarts, have instructed me to report it back with an amendment. I ask that the bill be considered now. I think there will be no objection.

By unanimous consent, the bill (S. No. 897) granting a pension to Andrew Evarts was considered as in Committee of the Whole. It proposes to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Andrew Evarts, private in Company B, Fourth Ohio Volunteers, at the rate of $8 per month.

The Committee on Pensions reported the bill with an amendment, which was to add at the close of the bill the words "from and after the passage of this act."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

AMENDMENT OF IMPEACHMENT RULES.

Mr. EDMUNDS. Now, let us have the regular order.

The Senate resumed the consideration of the resolution submitted by Mr. EDMUNDS on the 8th instant, the question being on the amendment offered by Mr. CONKLING.

Mr. CONKLING. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. SARGENT. The Senator from Vermont [Mr. EDMUNDS] on Saturday expressed his opinion that it would be proper to suspend for a moment the court proceedings in order to receive a message from the House. I understand that to-day shortly after twelve o'clock, or after the court goes into session, there will probably be a ten-day bill from the House, and it will be necessary to receive that and act upon it, as it is the last day when the existing legislation reaches. I will ask that there may be an understanding that that message from the House may be received.

Mr. CONKLING. The court can take a recess for a moment and the Senate can go into legistative session.

The PRESIDENT *pro tempore*. It will be subject to the order of the Senate.

Mr. HAMLIN. I do not like to consume the time of the Senate, and yet I want to say a word in relation to the amendment that has been presented by the Senator from New York. I think if the Senate are wise they will adopt the amendment. I think the experience that we have already had in the progress of this trial ought to convince us all that our discussions, be they what they may, should be in public and not in secret. On Saturday we had a very large volume of the RECORD containing the opinions of the several Senators who had seen fit to prepare their opinions for publication. I have nothing to say about that. I did not participate in the debate; but I suppose I may say that the RECORD itself shows that in all that publication the interlocutory proceedings do not appear, which are quite as important in a proper estimate and quite as important in coming to a sound conclusion upon the questions there discussed as the abstract opinions are. I think if we had all of that debate it would be useful to the country, and would throw quite as much light upon the decision at which we arrived as the opinions which have been published.

I know the Senator from Vermont has told us, and I think he has repeated it certainly on one or two occasions, and there is much in it, that in an open debate one is not as willing to yield an opinion once expressed as he is in a consultation. While I may not refer to what took place in secret session, I think I may appeal to Senators to say that of all consultations it was the queerest that man ever beheld. It was as earnest, as determined, as positive a debate as ever took place in this body.

Mr. EDMUNDS. I do not think you ought to say that.

Mr. HAMLIN. The Senator says I ought not to say it, and I will take it all back. [Laughter.] I will then say that I ask Senators to recall to their minds what was the character of the debate that there took place, and I ask them in all candor if in a public debate anything would be said or done by any Senator from which he could not and would not as readily withdraw an opinion expressed as he did or would in the debate as it did take place? I think, therefore, that the experience of the body negatives entirely the suggestion of the Senator from Vermont, a suggestion which I thought had a good deal in it, and which, had the consultation been what I supposed a consultation would be, certainly would have been correct; but I can say, I think without violating any rule, that the consultation differed entirely from what I supposed it would be.

Again, I think it is not in accordance with the genius and spirit of the Government or the times that our discussion should be here in secret upon this matter. What is the question submitted to us for our consideration I know not and I care not; but we are called upon to decide it, and we decide it not only for ourselves but for the public as well; and why is it that that discussion which is to instruct or enlighten us in our judgment in the conclusion which we shall arrive at in a private consultation should not be made public for the instruction of the whole world? In other words, they may know truly what are the reasons which influence our judgment upon every question that is presented to us.

I do not recollect the precise phraseology of the amendment submitted by the Senator from New York, but I would make this suggestion that our consultations be here in open Senate, and I would not object to this qualification, "unless the Senate should otherwise order."

Mr. CONKLING. That is the way it is in my amendment.

Mr. HAMLIN. Then it meets my idea precisely. If, then, there be that which in the judgment of Senators should not be discussed publicly—and I am one who can see no such question—the rule will not be in force and we may hold a private consultation.

As to the consumption of time upon these interlocutory questions, the Senator from New Jersey has overstated it by more than half. I do not call to mind a single question that has occupied fifteen minutes, and I am sure the questions have not averaged ten minutes, and I do not, therefore, in the light of economy of time see any reason why each question should not be discussed in open Senate.

Mr. EDMUNDS. I want to ask, as this debate has got to go on a while longer, that the Chair will lay before the Senate a House bill which I understand is now here and which ought to be referred.

Mr. CONKLING. Let this be disposed of. I insist on the regular order; I want a vote on this question.

Mr. EDMUNDS. Then, Mr. President, I have a word to say. I was in hopes my friend from New York would allow that bill to be referred.

Mr. CONKLING. We have allowed so many things to be done that I think we ought to have a vote on this.

Mr. EDMUNDS. You ought to treat us all alike.

Mr. CONKLING. My honorable friend demanded the regular order himself. I am only following him. I want to vote on this question. We can do it as soon now as ever.

Mr. EDMUNDS. I will not bandy words with my friend from New York about demanding the regular order, because he has a perfect right to do it, and whatever anybody has a right to do he ought not to be complained about for doing.

I want to say one word in reply to the Senator from Maine. I do not feel at liberty, as the Senator from Maine did, to make any reference to either the character or nature of any discussions that have taken place when the doors have been closed or when the Senate has withdrawn. I supposed that, like the proceedings of an executive session, they were not to be made use of either directly or indirectly. So much for that.

Now, Mr. President, the Senator urges this amendment of the Senator from New York, as the Senator from New York does, upon the ground that the American people have a right to know the views and opinions of Senators. So they have. They have a right to know the views and opinions of all the judges of the United States courts when they are acting officially; they have a right to know the views and opinions of grand jurors and of petit jurors; but they have a right to know them all in the methods that human experience has shown to be most perfect for the security of purity in administration and orderly and seemly procedure in administering justice and in carrying on public affairs; and therefore there is the same force in the argument of the two Senators who have addressed you in support of this amendment to be applied to requiring the consultations of a jury

or the consultations of judges, after they have heard a point argued before them, to be stated in the hearing of the audience and of the counsel, that there is in requiring this, as it appears to me. What the American people have a right to know, and what everybody else has a right to know, is the opinion of the court which acts as a body, and where there is a difference of opinion they have a right to find it out and do find it out by dissenting opinions being filed just as in the case that has already taken place before the Senate. The American people do know what the judgment of the Senate was, because that was given in a public vote, and if in a private vote it was made public by us. They do know what were the views of Senators who chose to reduce them to writing and have them published according to the order of the Senate. How many Senators were convinced either way, if any, is a matter that they have no right to know any more than they have to know how many jurors in a given case where the jury are out for five, or six, or twelve hours, or six days, were brought over from one side to the other by the reason that their fellow-jurors gave. So in the case of a court, the public has no right to know how many of the judges, when the case is first stated in the consultation-room, lean to one side or the other and finally conclude that the side they did not lean to is after all the true one and afterward vote accordingly, and the judgment is so announced.

So it does seem to me, being as brief as possible in order to let this be voted on, that we, instead of securing a fundamental principle of public propriety, are violating one in opening the doors of the Senate to what are truly and really, no matter how much warmth there may be about them, consultations of judges in arriving at a conclusion, which, so far as the tribunal goes, is the conclusion of the body upon points that are presented.

But, Mr. President, I will not take any more time, for the reason that the hour is almost up, and I do not want to prevent a vote.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from New York, [Mr. CONKLING,] upon which the yeas and nays have been ordered.

Mr. MORTON. It seems to me that the amendment offered by the Senator from New York is a little too broad. The theory is that this is a court for the trial of impeachments, and the proposition is that when we are called upon to make up our opinions about a given question we are to consult in public.

Mr. CONKLING. Unless we choose to consult in private.

Mr. MORTON. I do not know of any court composed of more than one judge that holds its consultations in public. The judges announce their opinions in public when they agree; but when they consult together about making up their opinions that is a private matter, and the public is not interested in that. So far as we are a court, I think our consultations should be in private ordinarily. The public is not interested.

Mr. CONKLING. That is just what the amendment provides we may do.

Mr. STEVENSON. Is the question susceptible of division, or will the Senator from New York modify his proposition so that questions may be put in writing?

Mr. CONKLING. The rule is habitually disregarded now. Not one question has been so put in writing. A Senator rises and says "I want to put through the Chair, if it may be allowed, this question; is that a letter from so and so?" Suppose he stops to write that down. The rule requires that. The only way we proceed conveniently now is by a disregard of the rule. I do not care anything about that part of it. If my honorable friend from Kentucky wants to sit down every time that he desires to know the date of a paper and cut himself off from the privilege of just inquiring from his seat "what is the date of that paper," very well; it is a mere matter of convenience, and I do not insist upon it.

Mr. STEVENSON. I have never put a question myself since the trial has been going on. I have, therefore, no personal solicitude in it. I favor this proposition so far as open sessions go. It occurred to me, however, that if you allow every sort of question to be put without being reduced to writing we might get into a difficulty. That was my only reason for making the suggestion.

Mr. CONKLING. It is allowed now, practically, in disregard of the rule.

Mr. FRELINGHUYSEN. What became of the motion to lay the resolution on the table?

The PRESIDENT *pro tempore*. It was withdrawn.

Mr. SHERMAN. I did not renew it, because I did not wish to cut off debate.

Mr. FRELINGHUYSEN. I renew that motion.

The PRESIDENT *pro tempore*. The Senator from New Jersey moves to lay the resolution and amendment on the table.

Mr. CONKLING. I beg to appeal to the honorable Senator from New Jersey. It will require no longer to take the yeas and nays upon this amendment than upon the other question.

Mr. FRELINGHUYSEN. Very well; I withdraw the motion.

The PRESIDENT *pro tempore*. The roll-call will proceed on the amendment offered by the Senator from New York.

The question being taken by yeas and nays, resulted—yeas 23, nays 24; as follows:

YEAS—Messrs. Allison, Booth, Boutwell, Conkling, Cragin, Davis, Dawes, Ferry, Hamilton, Hamlin, Harvey, Howe, Kernan, Logan, McMillan, Merrimon, Paddock, Patterson Ransom, Stevenson, Wallace, West, and Windom—23.

NAYS—Messrs. Anthony, Bayard, Bogy, Cameron of Wisconsin, Caperton, Cockrell, Cooper, Edmunds, Frelinghuysen, Hitchcock, Ingalls, Kelly, Key, McCreery, McDonald, Maxey, Mitchell, Morrill of Vermont, Morton, Robertson, Sargent, Sherman, Withers, and Wright—24.

NOT VOTING—Messrs. Alcorn, Barnum, Bruce, Burnside, Cameron of Pennsylvania, Christiancy, Clayton, Conover, Dennis, Dorsey, Eaton, Goldthwaite, Gordon, Johnston, Jones of Florida, Jones of Nevada, Morrill of Maine, Norwood, Oglesby, Randolph, Saulsbury, Sharon, Spencer, Thurman, Wadleigh, and Whyte—26.

So the amendment was rejected.

The PRESIDENT *pro tempore*. The question recurs on the resolution.

Mr. KERNAN. I move to amend by inserting "fifteen" instead of "thirty" minutes.

The amendment was agreed to; there being on a division—yeas 27, nays 13.

The PRESIDENT *pro tempore*. The question is on the resolution of the Senator from Vermont as amended.

Mr. MCMILLAN. I ask for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 26, nays 16; as follows:

YEAS—Messrs. Anthony, Boutwell, Cameron of Wisconsin, Caperton, Cockrell, Davis, Edmunds, Ferry, Gordon, Hamilton, Hamlin, Harvey, Hitchcock, Kelly, Kernan, Logan, McDonald, Morrill of Vermont, Morton, Paddock, Patterson, Ransom, Robertson, Sargent, Wallace, and Withers—26.

NAYS—Messrs. Bayard, Bogy, Booth, Conkling Cooper, Frelinghuysen, Ingalls, Key, McCreery, McMillan, Merrimon, Sherman, Stevenson, West, Windom, and Wright—16.

NOT VOTING—Messrs. Alcorn, Allison, Barnum, Bruce, Burnside, Cameron of Pennsylvania, Christiancy, Clayton, Conover, Cragin, Dawes, Dennis, Dorsey, Eaton, Goldthwaite, Howe, Johnston, Jones of Florida, Jones of Nevada, Maxey, Mitchell, Morrill of Maine, Norwood, Oglesby, Randolph, Saulsbury, Sharon, Spencer, Thurman, Wadleigh, and Whyte—37.

So the resolution was agreed to.

Mr. MITCHELL. I move to reconsider the vote by which the amendment of the Senator from New York was defeated.

Mr. CONKLING. On that motion I beg to say a word. I learn that several Senators, who were in favor of allowing the Senate to consider questions openly in place of considering them privily, of putting it in the hands of the Senate to say whether consultations should be open or secret, were deterred from voting for the amendment because of the latter clause which permitted questions to be put without their being reduced to writing. If the vote is reconsidered, as I hope it will be, I will withdraw the latter part of the amendment, so as to take the sense of the Senate upon the simple question whether the Senate may be permitted, if it chooses, to deliberate openly and not privately.

Mr. SARGENT. I rise to a point of order. The resolution, as amended, has been passed on the yeas and nays, and I understand it was carried—the Chair will inform me if I am mistaken—by a vote of nearly two to one, 26 to 16. It is not in order to move to reconsider a vote upon an amendment prior to that vote which passed the resolution itself.

The PRESIDENT *pro tempore*. The resolution has passed, as stated by the Senator from California, and the Chair sustains the point of order raised by the Senator from California.

Mr. HAMLIN. I voted with the majority. I move to reconsider the vote adopting the resolution. That will give us a chance to get at the other.

The PRESIDENT *pro tempore*. It is in order now to reconsider the vote by which the resolution was passed.

Mr. EDMUNDS. I call for the regular order.

IMPEACHMENT OF WILLIAM W. BELKNAP.

The PRESIDENT *pro tempore*. The hour of twelve o'clock having arrived, the legislative and executive business of the Senate will be suspended and the Senate will proceed to the consideration of the articles of impeachment exhibited by the House of Representatives against William W. Belknap.

The Senate then proceeded to the trial of the impeachment of William W. Belknap, late Secretary of War.

During the proceedings of the trial Mr. SARGENT said: I move that the court take a recess until further order, that we may receive a message from the House of Representatives and act upon it.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message was received from the House of Representatives, by Mr. GEORGE M. ADAMS, its Clerk, announcing that the House had passed a bill (H. R. No. 3858) to continue the provisions of an act entitled "An act to provide temporarily for the expenses of the Government;" in which the concurrence of the Senate was requested.

TEMPORARY PROVISION FOR EXPENDITURES.

Mr. SARGENT. I ask that the bill just received from the other House be taken up and read.

The PRESIDENT *pro tempore*. Is there objection? The Chair hears none; and the Secretary will report the bill.

The Chief Clerk read the bill at length.

Mr. SARGENT. I ask that the bill may be put upon its passage.

By unanimous consent, the bill was read twice and considered as in Committee of the Whole. It extends the provisions of the act to provide temporarily for the expenditures of the Government, approved June 30, 1876, and continues that act in full force and effect for the

period of ten days from and after the 10th day of July, 1876, and no longer.

Mr. ANTHONY. I understand that this bill continues the precise act that we passed ten days ago.

Mr. SARGENT. For ten days longer.

Mr. ANTHONY. It was the opinion of some of the legal Senators that that bill did not cover the public printing, and a separate act was introduced to continue that branch of the service. I should like to know whether this act covers the public printing.

Mr. SARGENT. The Senate afterward modified the former general act, to which the Senator refers, by making it unquestionably cover the public printing. The act with reference to public printing was introduced at a time when it was supposed the general act would not cover that branch of the public service; but the general act has been modified so as to cover it.

Mr. ANTHONY. I only wished to call the attention of the Senate to the fact.

Mr. SARGENT. I think this act will cover it.

Mr. ANTHONY. Then there will be no necessity for passing the other bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

IMPEACHMENT OF W. W. BELKNAP.

Mr. CONKLING. Now, let us go on with the court.

Mr. SARGENT. I call for the regular order.

The PRESIDENT *pro tempore*. The Senator from California asks that the recess close. The Chair hears no objection, and it is closed. The Senate sitting for the trial of the impeachment resumes its session.

The trial was further interrupted to receive the following:

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. G. M. ADAMS, its Clerk, announced that the House had passed the following bills; in which the concurrence of the Senate was requested:

A bill (H. R. No. 629) for the relief of Jonathan White;

A bill (H. R. No. 1427) for the relief of H. P. Jones & Co.;

A bill (H. R. No. 1479) granting a pension to Dalton Hinchman;

A bill (H. R. No. 1566) granting a pension to Elizabeth D. Stone;

A bill (H. R. No. 2120) granting a pension to Thomas W. Hewitt;

A bill (H. R. No. 2472) granting a pension to John Frey;

A bill (H. R. No. 2768) granting a pension to Juliett A. Hendrickson, widow of William L. Hendrickson, late private Company E, Twenty-eighth Regiment Illinois Infantry Volunteers;

A bill (H. R. No. 2894) for the relief of J. E. Pankey, of Fulton County, Kentucky;

A bill (H. R. No. 3319) granting a pension to Lemuel L. Lawrence, late second lieutenant of Company B, in the Sixth Regiment Illinois Cavalry Volunteers;

A bill (H. R. No. 3490) for the relief of James W. Love, postmaster at Patriot, Indiana;

A bill (H. R. No. 3497) granting a pension to James B. Treadwell, major Eighty-fifth Regiment Pennsylvania Volunteers;

A bill (H. R. No. 3498) granting a pension to Arthur W. Irving, late private Company C, One hundred and fourth New York Volunteers;

A bill (H. R. No. 3499) granting a pension to Willian Buckley, private Company C, Fiftieth Ohio Volunteers;

A bill (H. R. No. 3500) granting a pension to Nelson Ainslie;

A bill (H. R. No. 3501) granting a pension to Catharine Hagan;

A bill (H. R. No. 3502) granting a pension to Maggie A. Nobles and Daniel G. Nobles;

A bill (H. R. No. 3503) for the relief of Philip Rohr, of Virginia, for tobacco seized for use of the Army;

A bill (H. R. No. 3504) for the relief of Thomas Day;

A bill (H. R. No. 3859) to remove the political disabilities of Manning M. Kimmell, late of Cape Girardeau County, Missouri; and

A bill (H. R. No. 3011) granting a pension to Mrs. Ann Annis.

The message also announced that the House had passed the bill (S. No. 627) making an appropriation to pay the claim of Butler, Miller & Co.

The message further announced that the House insisted upon its disagreement to the first amendment of the Senate to the joint resolution (H. R. No. 109) for the issue of silver coin; insisted upon its amendment to the second amendment of the Senate to the said resolution disagreed to by the Senate; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. HENRY B. PAYNE of Ohio, Mr. SAMUEL J. RANDALL of Pennsylvania, and Mr. FRANKLIN LANDERS of Indiana, managers at the conference on its part.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. No. 3858) to continue the provisions of an act entitled "An act to provide temporarily for the expenses of the Government;" and it was thereupon signed by the President *pro tempore*.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. G. M. ADAMS, its Clerk, announced that the House further insisted upon its disagreement to the amendments of the Senate to the bill (H. R. No. 1594) making appropriations for the consular and diplomatic service of the Government for the year ending June 30, 1877, and for other purposes, asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. OTHO R. SINGLETON of Mississippi, Mr. WILLIAM M. SPRINGER of Illinois, and Mr. JAMES MONROE of Ohio managers at the conference on its part.

The message also announced that the House had passed a bill (H. R. No. 3884) to continue the act entitled "An act to continue the public printing;" in which it requested the concurrence of the Senate.

THE PUBLIC PRINTING.

Mr. SARGENT. It seems that the House is of a different opinion from myself in reference to the general law covering the matter of public printing, and have passed a bill which is sent to us to cover the public printing. I do not wish it to rest on my judgment alone, but I ask that the Senate act upon that bill—it will take but a moment to pass it—so that it can be signed to-day.

The PRESIDENT *pro tempore*. The Chair hears no objection.

By unanimous consent, the bill (H. R. No. 3884) to continue the act entitled "An act to continue the public printing" was read three times, and passed. It provides that the provisions of the act to continue the public printing approved June 30, 1876, be extended and continued in full force and effect for a period of ten days from and after the 10th day of July, 1876, and no longer.

The Senate sitting for the trial of the impeachment then resumed its session.

The Senate sitting for the trial of the impeachment of William W. Belknap having adjourned then resumed its

LEGISLATIVE SESSION.

The PRESIDENT *pro tempore*. The Senate resumes its legislative business.

Mr. CAMERON, of Pennsylvania. I move that the Senate proceed to the consideration of executive business.

Mr. HOWE. I ask the Senator to withdraw that motion a moment, if he will. I move that the Senate proceed to the consideration of the bill (H. R. No. 2404) for the relief of John S. Dickson, late captain of paroled prisoners.

Mr. CAMERON, of Pennsylvania. I think we had better have an executive session.

The PRESIDENT *pro tempore*. Does the Senator from Pennsylvania insist on his motion?

Mr. CAMERON, of Pennsylvania. Yes, sir.

The motion was agreed to.

EXECUTIVE SESSION.

The Senate proceeded to the consideration of executive business. After twenty minutes spent in executive session the doors were reopened, and (at five o'clock and ten minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, *July* 10, 1876.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. I. L. TOWNSEND.

The Journal of Saturday last was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, informed the House that the Senate was ready to proceed upon the impeachment of William W. Belknap and to receive the managers on the part of the House, and that the Senate Chamber was prepared with accommodations for the reception of the House of Representatives.

TEMPORARY APPROPRIATIONS.

Mr. RANDALL. Mr. Speaker, I ask unanimous consent of the House, before proceeding with the call of States in the morning hour, to report from the Committee on Appropriations a bill (H. R. No. 3858) to continue the provisions of an act entitled "An act to provide temporarily for the expenditures of the Government."

The SPEAKER *pro tempore*. The Chair hears no objection.

The bill was received and read a first and second time.

The bill, which was read, provides that the provisions of an act entitled "An act to provide temporarily for the expenditures of the Government," approved June 30, 1876, be extended and continued in full force and effect for a period of ten days from and after the 10th day of July 1876, and no longer.

Mr. RANDALL. I demand the previous question.

The previous question was seconded and the main question ordered, and under the operation thereof the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time and passed.

Mr. RANDALL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PRINTING FOR WAYS AND MEANS COMMITTEE.

Mr. MORRISON. I ask unanimous consent to submit from the Committee of Ways and Means the following resolution:

Resolved, That the Committee of Ways and Means be authorized to have printed any documents for the use of said committee that they may deem necessary in connection with subjects being considered by said committee.

Mr. KASSON. That is rather broad. Cannot the gentleman limit it by naming the objects in reference to which he wishes documents printed?

Mr. MORRISON. I do not understand the gentleman from Iowa.

Mr. KASSON. Cannot that be limited to some class of subjects. It seems to me to authorize the printing of almost anything, investigations or anything else.

Mr. MORRISON. It provides for the printing of necessary documents in connection with subjects now being considered by the Committee of Ways and Means, which I think is entirely proper.

Mr. KASSON. It seems to me that is rather too broad. We ought to know exactly what printing it provides for. Let the gentleman limit it to any class of subjects, so the House may be advised what is proposed to be printed.

Mr. DUNNELL. Let the resolution be again read.

The resolution was again read.

Mr. KASSON. I must object to that in its present broad terms. It will authorize the printing of almost anything.

Mr. MORRISON. I am willing to insert the words "in relation to the revenue," if that will please the gentleman.

Mr. KASSON. Anything in relation to the revenue, I have no objection to.

The SPEAKER *pro tempore*. Is there objection to the consideration of the resolution as modified?

There was no objection, and the resolution, as modified, was adopted.

Mr. MORRISON moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MILITARY EXPEDITION AGAINST THE INDIANS.

Mr. BANNING. I ask unanimous consent to submit for adoption now the following resolution:

Resolved, That the Secretary of War be, and he is hereby, directed to report to the House the object of the military expeditions under Generals Crook and Terry now operating against the Northwest Indians and the circumstances leading to their necessity, with copies of all correspondence bearing upon the origin of the expedition; also copies of all military orders issued by the War Department directing these expeditions under Generals Terry, Crook, and Gibbon.

Mr. HURLBUT. I should like to amend the resolution offered by the chairman of the Committee on Military Affairs by inserting also the expedition under General Gibbon.

Mr. BANNING. I have no objection to that amendment or to naming all the commanders of expeditions, Terry, Crook, and Gibbon.

Mr. HURLBUT. There are three expeditions now operating, one under General Terry, one under General Crook, and another under General Gibbon, and we want information in reference to all of them.

The SPEAKER *pro tempore*. Is there objection to the resolution as modified.

There was no objection; and the resolution, as modified, was adopted.

Mr. BANNING moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. BANNING. Mr. Speaker, I hold in my hand an official document showing the present distribution of the troops of the United States, showing the number under General Crook's command to be only 1,790 men; the number under General Terry's command to be only 1,123; the number in the Territories to be 7,930; the number in the Southern States, excluding Texas, to be 3,334; the number in Texas to be 3,718; in short, an accurate statement of the distribution of United States troops at the present time; and as there is an uneasiness in the public mind, many wanting to know exactly the location of the troops, I move, if there be no objection, that the paper be printed for the information of the House in the RECORD, and also as a document of the House.

Mr. COX. At what date?

Mr. BANNING. Last Saturday. And shows we have enough troops, if they are property distributed, to conquer the Indians against whom we have sent a very small force.

Mr. HURLBUT. Is it official?

Mr. BANNING. Yes, sir; official, and bears date last Saturday.

The SPEAKER *pro tempore*. Is there objection to the printing of the document in the RECORD and also as a House document?

There was no objection, and it was ordered accordingly.

The document is as follows:

Distribution of United States troops.

MILITARY DIVISION OF THE ATLANTIC.

Posts.	Number of troops.	Remarks.
Fort Preble, Maine	42	Artillery.
Fort Independence, Massachusetts	51	Do.
Fort Warren, Massachusetts	87	Do.
Fort Adams, Rhode Island	251	Do.
Fort Trumbull, Connecticut	100	Do.
Fort Porter, New York	85	Infantry.

Distribution of United States troops—Continued.

MILITARY DIVISION OF THE ATLANTIC—Continued.

Posts.	Number of troops.	Remarks.
Fort Niagara, New York	46	Artillery.
Fort Ontario, New York	46	Do.
Fort Hamilton, New York	230	Do.
Fort Wadsworth, New York	83	Do.
Fort Wood, New York	46	Do.
Madison Barracks, New York	85	Do.
Plattsburgh Barracks, New York	45	Do.
Willet's Point, New York	211	Engineers.
Fort McHenry, Maryland	197	Artillery.
Fort Foote, Maryland	50	Do.
Fort Wayne, Michigan	146	Infantry.
Fort Gratiot, Michigan	39	Do.
Fort Brady, Michigan	81	Do.
Fort Mackinac, Michigan	81	Do.
Fort Monroe, Virginia	400	Artillery.
Fort Johnston, North Carolina	40	Do.
Fort Macon, North Carolina	79	Do.
Raleigh, North Carolina	72	Do.
Morganton, North Carolina	44	Do.
Charleston, South Carolina	187	Do.
Columbia, South Carolina	266	Infantry.
Greenville, South Carolina	42	Do.
Yorkville, South Carolina	43	Do.
Atlanta, Georgia	255	Do.
Savannah, Georgia	48	Artillery.
Fort Barrancas, Florida	114	Do.
Fort Brooke, Florida	82	Do.
Saint Augustine, Florida	84	Do.
Lebanon, Kentucky	37	Infantry.
Newport Barracks, Kentucky	82	Do.
Nashville, Tennessee	158	Do.
Chattanooga, Tennessee	42	Do.
Total Military Division of the Atlantic	4,077	

MILITARY DIVISION OF THE MISSOURI.

Fort Leavenworth, Kansas	331	Infantry.
Fort Riley, Kansas	42	Do.
Fort Dodge, Kansas	153	Cavalry and infantry.
Fort Hays, Kansas	96	Do.
Fort Larned, Kansas	37	Infantry.
Fort Wallace, Kansas	156	Cavalry and infantry.
Fort Lyon, Colorado Territory	157	Do.
Fort Garland, Colorado Territory	114	Do.
Fort Gibson, Indian Territory	40	Infantry.
Fort Sill, Indian Territory	552	Cavalry.
Fort Reno, Indian Territory	190	Cavalry and infantry.
Camp Supply, Indian Territory	68	Do.
Fort Elliott, Texas	199	Do.
Fort Marcy, New Mexico Territory	76	Infantry.
Fort Union, New Mexico Territory	277	Cavalry and infantry.
Fort Wingate, New Mexico Territory	229	Do.
Fort Craig, New Mexico Territory	59	Infantry.
Fort Stanton, New Mexico Territory	184	Cavalry and infantry.
Fort McRae, New Mexico Territory	64	Cavalry.
Fort Bayard, New Mexico Territory	169	Cavalry and infantry.
Fort Selden, New Mexico Territory	103	Do.
Omaha Barracks, Nebraska	117	Infantry.
Fort McPherson, Nebraska	105	Cavalry and infantry.
Sidney Barracks, Nebraska	105	Infantry.
North Platte, Nebraska	45	Do.
Camp Robinson, Nebraska	190	Cavalry and infantry.
Camp Sheridan, Nebraska	115	Infantry.
Fort Hartsuff, Nebraska	43	Do.
Fort D. A. Russell, Wyoming Territory	100	Do.
Fort Sanders, Wyoming Territory	85	Do.
Fort Fred Steele, Wyoming Territory	61	Do.
Fort Bridger, Wyoming Territory	183	Do.
Camp Brown, Wyoming Territory	123	Cavalry and infantry.
Camp Stambaugh, Wyoming Territory	74	Do.
Fort Laramie, Wyoming Territory	95	Infantry.
Fort Fetterman, Wyoming Territory	101	Do.
Cheyenne Depot, Wyoming Territory	51	Do.
Camp Douglas, Utah Territory	321	Do.
Fort Cameron, Utah Territory	146	Do.
Fort Hall, Idaho Territory	51	Do.
Fort Snelling, Minnesota	111	Do.
Fort Ripley, Minnesota	40	Do.
Fort Abercrombie, Dakota Territory	112	Do.
Fort Wadsworth, Dakota Territory	60	Do.
Fort Totten, Dakota Territory	85	Do.
Fort Pembina, Dakota Territory	86	Do.
Fort Randall, Dakota Territory	281	Do.
Fort Sully, Dakota Territory	206	Do.
Fort Rice, Dakota Territory	88	Do.
Fort Stevenson, Dakota Territory	65	Do.
Fort Buford, Dakota Territory	168	Do.
Fort Seward, Dakota Territory	42	Do.
Fort A. Lincoln, Dakota Territory	155	Do.
Lower Brulé Agency, Dakota Territory	53	Do.
Cheyenne Agency, Dakota Territory	76	Do.
Standing Rock Agency, Dakota Territory	69	Do.
Fort Shaw, Montana Territory	153	Do.
Fort Ellis, Montana Territory	68	Do.
Fort Benton, Montana Territory	45	Do.
Camp Baker, Montana Territory	49	Do.
Fort Bliss, Texas	52	Do.
Fort Brown, Texas	604	Cavalry and infantry.

Distribution of United States troops—Continued.

MILITARY DIVISION OF THE MISSOURI—Continued.

Posts.	Number of troops.	Remarks.
Fort Clark, Texas	303	Cavalry and infantry.
Fort Concho, Texas	490	Do.
Fort Davis, Texas	313	Do.
Fort Duncan, Texas	239	Do.
Fort Griffin, Texas	271	Do.
Fort McIntosh, Texas	54	Infantry.
Fort McKavett, Texas	406	Cavalry and infantry.
Fort Quitman, Texas	50	Infantry.
Fort Richardson, Texas	182	Cavalry and infantry.
Ringgold Barracks, Texas	304	Do.
San Antonio, Texas	55	Infantry.
Fort Stockton, Texas	199	Cavalry and infantry.
Baton Rouge, Louisiana	103	Infantry.
Bayou Sara, Louisiana	50	Do.
Coushatta, Louisiana	39	Do.
New Orleans, Louisiana	123	Infantry.
Natchitoches, Louisiana	40	Do.
Pineville, Louisiana	76	Do.
Shreveport, Louisiana	37	Do.
Saint Martinsville, Louisiana	38	Do.
Holly Springs, Mississippi	200	Do.
Jackson, Mississippi	78	Do.
McComb City, Mississippi	41	Do.
Port Gibson, Mississippi	44	Do.
Vicksburgh, Mississippi	98	Do.
Little Rock, Arkansas	78	Do.
Mount Vernon Barracks, Alabama	88	Do.
Livingston, Alabama	40	Do.
Mobile, Alabama	48	Do.
Huntsville, Alabama	38	Do.
In the field with General Terry	1,123	Cavalry and infantry.
In the field with General Crook	1,790	Do.
Total Military Division of the Missouri	15,110	

MILITARY DIVISION OF THE PACIFIC.

Alcatraz Island, California	118	Artillery and infantry.
Angel Island, California	109	Infantry.
Benicia Barracks, California	29	Cavalry.
Presidio of San Francisco, California	294	Cavalry and artillery.
San Diego, California	49	Cavalry.
Point San José, California	47	Artillery.
Camp Bidwell, California	142	Cavalry and infantry.
Camp Gaston, California	36	Infantry.
Camp Halleck, Nevada	91	Cavalry and infantry.
Camp Independence, California	50	Infantry.
Camp McDermit, Nevada	59	Cavalry.
Fort Yuma, California	90	Infantry.
Camp Apache, Arizona Territory	240	Cavalry and infantry.
Camp Bowie, Arizona Territory	132	Do.
Camp Grant, Arizona Territory	255	Do.
Camp Lowell, Arizona Territory	196	Do.
Camp McDowell, Arizona Territory	123	Do.
Camp Mojave, Arizona Territory	66	Infantry.
Camp Verde, Arizona Territory	240	Cavalry and infantry.
Fort Whipple, Arizona Territory	126	Do.
Prescott, Arizona Territory	26	Infantry.
Fort Boisé, Idaho Territory	34	Do.
Fort Lapwai, Idaho Territory	91	Do.
Fort Canby, Washington Territory	36	Artillery.
Fort Colville, Washington Territory	68	Cavalry.
Fort Townsend, Washington Territory	39	Infantry.
Fort Vancouver, Washington Territory	180	Do.
Fort Walla Walla, Washington Territory	187	Cavalry and infantry.
Camp Harney, Oregon	97	Do.
Fort Klamath, Oregon	107	Do.
Fort Stevens, Oregon	38	Artillery.
Fort Wrangel, Alaska Territory	33	Infantry.
Sitka, Alaska Territory	98	Artillery.
Total military division of the Pacific	3,576	

RECAPITULATION BY MILITARY DIVISIONS.

Atlantic	4,077
Missouri	15,110
Pacific	3,576
Aggregate	22,763

NOTE.—The foregoing statement exhibits only the number of officers and enlisted men serving at regular garrisoned posts or operating in the field against Indians, making a total of 22,763. Adding to this 4,216 belonging to the detachments at West Point, Ordnance Corps, non-commissioned staff of the Army, recruits at depots, in rendezvous and *en route*, and all other officers and men not serving at garrisoned posts would swell the force now in service to 26,979.

The foregoing distribution will be changed by sending six companies of the Twenty-second Infantry from the lake posts, and six companies of the Fifth Infantry from Kansas to General Terry, and five companies of the Fourteenth Infantry from Utah to General Crook.

RECAPITULATION BY STATES AND TERRITORIES.

Maine	42
Massachusetts	138
Rhode Island	251
Connecticut	100
New York	877
Maryland	247
Virginia	400
North Carolina	235
South Carolina	538
Georgia	303
Florida	280
Alabama	214
Mississippi	461
Louisiana	506
Tennessee	200
Kentucky	119
Arkansas	78
Texas	3,718
Michigan	347
Kansas	815
Colorado	271
Indian Territory	850
New Mexico	1,161
Nebraska	720
Wyoming	873
Utah	467
Idaho	176
Minnesota	151
Dakota	1,546
Montana	315
California	934
Nevada	150
Oregon	242
Arizona	1,484
Washington	510
Alaska	131
In the field under General Terry	1,123
In the field under General Crook	1,790
Total	22,763

Number of troops in southern States, exclusive of Texas.

Virginia	400
North Carolina	235
South Carolina	538
Georgia	303
Florida	280
Alabama	214
Mississippi	461
Louisiana	506
Tennessee	200
Kentucky	119
Arkansas	78
Total	3,334

THOMAS M. VINCENT,
Assistant Adjutant-General.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
July 8, 1876.

PRIVATE BILLS PASSED.

Mr. TERRY. Before going on with the morning hour I suggest, Mr. Speaker, that the bills which were reported from the Committee of the Whole House on the Private Calendar last Saturday and which are now on the Speaker's table on their passage be taken up and passed. It will take but a very short time, as the bills were passed in committee without objection, Saturday having been made objection day in the Committee of the Whole House on the Private Calendar.

The SPEAKER *pro tempore*. That can be done by unanimous consent.

Mr. REAGAN. I do not object if it does not interfere with the morning hour.

The SPEAKER *pro tempore*. Does the gentleman object?

Mr. REAGAN. I object if it interferes with the morning hour. But if we are to have the morning hour, then I do not object.

The SPEAKER *pro tempore*. It will not do away with the morning hour if these bills are taken up and passed at this time.

Mr. REAGAN. If it does not interfere with the morning hour of course I do not object.

The SPEAKER *pro tempore*. Does the Chair understand the gentleman as waiving his objection?

Mr. REAGAN. I do waive my objection if it does not interfere with the morning hour.

The SPEAKER *pro tempore*. The morning hour will only be postponed to a later period of the day.

Mr. HOLMAN. I rise to a parliamentary inquiry. What is the question before the House?

The SPEAKER *pro tempore*. The gentleman from Virginia [Mr. TERRY] asks by unanimous consent that bills reported from the Committee of the Whole House on the Private Calendar last Saturday be taken up and passed.

Mr. TUFTS. I object until after the morning hour.

Mr. TERRY. It will not interfere with the morning hour, and I hope the gentleman will withdraw his objection.

Mr. TUFTS. I withdraw my objection.

The following House bills, reported from the Committee of the Whole House on the Private Calendar, with the recommendation that they do pass without amendment, were taken from the Speaker's table, severally read a first and second time, ordered to be engrossed and read a third time; and being engrossed, were accordingly read the third time, and passed:

A bill (H. R. No. 629) for the relief of Jonathan White;

A bill (H. R. No. 3490) for the relief of James W. Love, postmaster at Patriot, Indiana;

A bill (H. R. No. 3319) granting a pension to Lemuel L. Lawrence, late second lieutenant Company B, in the Sixth Regiment Illinois Cavalry Volunteers;

A bill (H. R. No. 3497) granting a pension to James B. Treadwell, major Eighty-fifth Regiment Pennsylvania Volunteers;

A bill (H. R. No. 3498) granting a pension to Arthur W. Irving, late private Company C, One hundred and fourth New York Volunteers;

A bill (H. R. No. 2768) granting a pension to Juliett A. Hendrickson, widow of William L. Hendrickson, late private Company E, Twenty-eighth Regiment Illinois Infantry Volunteers;

A bill (H. R. No. 1479) granting a pension to Dalton Hinchman;

A bill (H. R. No. 2120) granting a pension to Thomas W. Hewitt;

A bill (H. R. No. 2472) granting a pension to John Frey;

A bill (H. R. No. 3499) granting a pension to William Buckley, private Company C, Fiftieth Ohio Volunteers;

A bill (H. R. No. 3011) granting a pension to Mrs. Ann Annis;

A bill (H. R. No. 3500) granting a pension to Nelson Ainslee;

A bill (H. R. No. 3501) granting a pension to Catharine Hagan;

A bill (H. R. No. 1566) granting a pension to Elizabeth D. Stone;

A bill (H. R. No. 3502) granting a pension to Maggie A. Nobles;

A bill (H. R. No. 3503) for the relief of Philip Rohr, of Virginia, for tobacco seized for use of the Army; and

A bill (H. R. No. 3504) for the relief of Thomas Day, of Indiana.

The following House bills reported from the Committee of the Whole House on the Private Calendar, with the recommendation that they do pass with amendments, were taken up, the amendments concurred in, and the bills, as amended, severally ordered to be engrossed and read a third time; and being engrossed, they were accordingly read the third time, and passed:

A bill (H. R. No. 1427) for the relief of H. P. Jones & Co.; and

A bill (H. R. No. 2894) for the relief of J. E. Pankey, of Fulton County, Kentucky.

The following Senate bill, reported from the Committee of the Whole House on the Private Calendar, with the recommendation that it do pass, was also taken up and ordered to a third reading; and it was accordingly read the third time, and passed:

An act (S. No. 627) making appropriation to pay the claim of Butler, Miller & Co.

Mr. WALLING moved to reconsider the votes just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MANNING M. KIMMELL.

Mr. HATCHER. I ask unanimous consent to introduce a bill (H. R. No. 3859) to remove the political disabilities of Manning M. Kimmell, late of Cape Girardeau County, Missouri, and to put it on its passage at this time. It is accompanied by a petition requesting the removal of his disabilities.

There was no objection, and the bill was read a first and second time.

The bill, which was read, provides (two-thirds of each House concurring therein) that the political disabilities imposed upon Manning M. Kimmell, late of Cape Girardeau County, Missouri, by the fourteenth amendment of the Constitution of the United States by reason of participation in the late rebellion, be removed.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed; two-thirds voting in favor thereof.

Mr. HATCHER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CHINESE IMMIGRATION.

Mr. FAULKNER. I ask unanimous consent to report from the Committee on Foreign Affairs in reference to a matter I think ought to be considered at once. I send up a preamble and resolution which I ask the Clerk to read.

The Clerk read as follows:

Whereas there are now in California and the adjacent Pacific States about one hundred thousand Chinese and other persons of the Mongolian race; and whereas the said population is increasing at the rate of from eight hundred to one thousand a week; and whereas it is estimated that 90 per cent. of said immigration consists of coolies, peons, or persons held in like condition of service or temporary bondage, having no sympathy and seeking no association with the political, social, or Christian elements of said States; and whereas it is asserted that the introduction of this large and rapidly increasing immiscible population has tended to produce demoralization, to disturb the natural functions of labor, and has proved injurious to the States in which it is found; and whereas it is believed by many persons that this class of immigration was not contemplated by the spirit of our Constitution nor by the policy of our early legislation, and, in any view, that it is of such doubtful expediency that it should not be encouraged or stimulated by treaty obligations. With a view, therefore, of throwing light upon the important and interesting questions here involved—

Resolved, That a committee of five members of this House be appointed to examine into the questions here presented, with full powers in the premises, and that the same are hereby instructed to report to this House at its next session.

Also resolved, That said committee shall have authority to employ a stenographer, and to send for persons and papers.

The SPEAKER *pro tempore*. Is there objection to the present consideration of this resolution?

Mr. SEELYE. I do not object, if the preamble states that it is alleged that such and such difficulties have occurred. If the preamble states facts, and if the facts be as stated, the commission is a work of supererogation.

Mr. FAULKNER. The preamble uses the language "it is estimated," "it is asserted," "it is believed."

Mr. SEELYE. I desire to have that distinctly expressed.

Mr. HURLBUT. I object to any special commission for that purpose, but am quite willing that the Committee on Foreign Affairs shall take charge of this matter. We are loaded down now with special committees, and I think this should be intrusted to the Committee on Foreign Affairs, whose duty it is to take charge of it.

Mr. TOWNSEND, of New York. I object to the present consideration of the resolution.

SETTLERS UPON CERTAIN LANDS IN MINNESOTA.

Mr. STRAIT. I ask unanimous consent to take from the Speaker's table and have put upon its passage at this time the bill (S. No. 547) for the relief of settlers upon certain lands in the State of Minnesota.

The SPEAKER *pro tempore*. Is there objection to the consideration of this bill at this time?

Mr. HOLMAN. Let the bill be read.

The bill was read.

Mr. HOLMAN. Withholding my objection for the moment, if I may be permitted to do so, I wish to say that I have no objection to this bill provided the grant to this road may be declared forfeited by the bill itself. I propose to add the following words:

And the grant of lands heretofore made to the said company is hereby annulled.

Mr. STRAIT. I must decline to accept that amendment.

Mr. HOLMAN. Then I object.

FUNERAL OF THE LATE HON. EDWARD Y. PARSONS.

The SPEAKER *pro tempore*. The gentleman from Illinois, [Mr. HARTZELL.] appointed on the committee of seven to take order for superintending the funeral of the late Hon. EDWARD Y. PARSONS, being detained at home by reason of sickness in his family, the Chair has appointed in his place the gentleman from Kentucky, Mr. WHITE.

SILVER COIN BILL.

The SPEAKER *pro tempore*. The Chair also desires to announce as the managers of the conference on the part of the House on the disagreeing votes of the two Houses on the bill commonly known as the silver bill Mr. PAYNE of Ohio, Mr. RANDALL of Pennsylvania, and Mr. LANDERS of Indiana.

RESIGNATION OF HON. JAMES G. BLAINE.

The SPEAKER *pro tempore*. The Chair also desires to lay before the House at this time the following communication received by telegraph from the Governor of Maine.

The Clerk read as follows:

AUGUSTA, MAINE, *July* 9, 1876.

To Hon. MILTON SAYLER,
Speaker of the House of Representatives:

Having tendered to the Hon. JAMES G. BLAINE the appointment of Senator in Congress, he has placed in my hands his resignation as Representative from the third district of Maine, to take effect Monday, July 10.

SELDEN CONNER,
Governor of Maine.

ORDER OF BUSINESS.

The SPEAKER *pro tempore*. The morning hour begins at forty minutes after twelve o'clock; and this being Monday, the first business in order is the call of the States and Territories, beginning with the State of Maine, for the introduction of bills and joint resolutions for reference to their appropriate committees, not to be brought back on motions to reconsider. Under this call memorials and resolutions of State and territorial Legislatures may be presented for reference and printing.

DEWITT C. CUMMINGS.

Mr. MACDOUGALL introduced a bill (H. R. No. 3860) for the relief of Dewitt C. Cummings; which was read a first and second time, and, with the accompanying petition, referred to the Committee on Patents, and ordered to be printed.

IMPROVED TRANSIT IN POSTAL SERVICE.

Mr. HOSKINS introduced a bill (H. R. No. 3861) to provide for testing certain methods of improved transit in the postal service, and for extending the same when in successful operation; which was read a first and second time.

Mr. KASSON. I ask that the bill may be read.

The bill was read in full, and was referred to the Committee on the Post-Office and Post-Roads.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, informed the House that the Senate had agreed to the amendment of the House of Representatives to the bill (S. No. 872) for the relief of the family of the late John T. King and of L. B. Cutler.

The message also informed the House that the Senate had passed without amendment the bill (H. R. No. 3858) to continue the provisions of an act entitled "An act to provide temporarily for the expenses of the Government," &c.

CAPTAIN W. L. FOULK.

Mr. COCHRANE (by request of Mr. HOPKINS) introduced a bill (H. R. No. 3862) for the relief of Captain W. L. Foulk; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MANN'S MARINE DANGER SIGNAL.

Mr. DOUGLAS introduced a bill (H. R. No. 3863) to authorize the

Secretary of the Treasury to test Mann's improved marine danger-signal, and for other purposes; which was read a first and second time.

Mr. KASSON. Let that bill be read.

The bill was read in full, and was referred to the Committee on Commerce, and ordered to be printed.

COMMISSION TO VISIT THE INDIAN TERRITORY.

Mr. SCALES introduced a joint resolution (H. R. No. 142) appointing a commission to visit the Indian Territory to look into and report on the condition and management of the Indians, &c.; which was read a first and second time.

Mr. TOWNSEND, of Pennsylvania. I desire to have that resolution read.

The joint resolution was read at length, and was referred to the Committee on Indian Affairs, and ordered to be printed.

JAMES H. GARDNER.

Mr. WALLACE, of South Carolina, introduced a bill (H. R. No. 3864) for the relief of James H. Gardner, of South Carolina; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

GIBBES & CO.

Mr. WALLACE, of South Carolina, also (by request) introduced a bill (H. R. No. 3865) for the relief of Gibbes & Co., of Charleston, South Carolina; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

MARY M'INTOSH.

Mr. WALLACE, of South Carolina, also introduced a bill (H. R. 3866) granting a pension to Mary McIntosh; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ELIZABETH WINTER.

Mr. BANNING introduced a bill (H. R. No. 3867) granting a pension to Elizabeth Winter; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

H. T. JOHNSY.

Mr. MONEY introduced a bill (H. R. No. 3868) for the relief of H. T. Johnsy, of Alcorn County, Mississippi; which was read a first and second time.

Mr. BURCHARD, of Illinois. I call for the reading of the bill.

The bill was read at length, referred to the Committee of Claims, and ordered to be printed.

COURTS OF THE UNITED STATES.

Mr. ELLIS introduced a bill (H. R. No. 3869) to confirm and satisfy orders, decrees, and judgments of the provisional courts of the United States for the State of Louisiana; which was read a first and second time.

Mr. EAMES. I ask that the bill be read.

The bill was read at length, referred to the Committee on the Judiciary, and ordered to be printed.

MARTHA J. DODSON.

Mr. YOUNG introduced a bill (H. R. No. 3870) for the relief of Mrs. Martha J. Dodson, of Hardeman County, Tennessee; which was read a first and second time.

Mr. HURLBUT. I call for the reading of the bill.

The bill was read at length, referred to the Committee on War Claims, and ordered to be printed.

ISAAC RAINS.

Mr. McFARLAND introduced a bill (H. R. No. 3871) for the relief of Isaac Rains, late corporal of Company K, Eighth Regiment Tennessee Volunteer Cavalry of the war of 1861; which was read a first and second time.

Mr. HURLBUT. Let that bill be read.

The bill was read at length, referred to the Committee on Military Affairs, and ordered to be printed.

GALLERS KERCHNER.

Mr. NEW introduced a bill (H. R. No. 3872) for the relief of Gallers Kerchner, of North Vernon, Indiana, praying that the Court of Claims be given jurisdiction to hear and determine his claim; which was read a first and second time.

Mr. HURLBUT. I call for the reading of the bill.

The bill was read at length, referred to the Committee of Claims, and ordered to be printed.

DANIEL M. FROST.

Mr. WELLS, of Missouri, introduced a bill (H. R. No. 3873) for the relief of Daniel M. Frost and the heirs and executors of William M. McPherson, all of the State of Missouri; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

AWARDS OF MEXICAN MIXED COMMISSION.

Mr. HURLBUT introduced a joint resolution (H. R. No. 143) relating to awards of the Mexican mixed commission; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

LAURIE TATUM.

Mr. TUFTS introduced a bill (H. R. No. 3874) for the relief of Laurie Tatum; which was read a first and second time.

Mr. FOSTER. I call for the reading of the bill.

The bill was read at length, referred to the Committee on Indian Affairs, and ordered to be printed.

JACOB B. CASEBEER.

Mr. AINSWORTH introduced a bill (H. R. No. 3875) for the relief of Jacob B. Casebeer; which was read a first and second time.

Mr. KASSON. I call for the reading of the bill.

The bill was read at length, referred to the Committee on Invalid Pensions, and ordered to be printed.

TRANSPORTATION OF DYNAMITE.

Mr. PIPER introduced a bill (H. R. No 3876) to prohibit the transportation of liquid nitro-glycerine, and to regulate the transportation of dynamite; which was read a first and second time.

Mr. HURLBUT. I call for the reading of the bill.

The bill was read at length, referred to the Committee on Commerce, and ordered to be printed.

TAXES ON DEPOSITS IN SAVINGS-BANKS.

Mr. PAGE introduced a bill (H. R. No. 3877) relating to the taxes upon deposits in savings-banks; which was read a first and second time.

Mr. HURLBUT. I call for the reading of the bill.

The bill was read at length, referred to the Committee on Banking and Currency, and ordered to be printed.

GEOGRAPHICAL SURVEYS.

Mr. ELKINS introduced a joint resolution (H. R. No. 144) authorizing the printing of geographical surveys west of the one hundredth meridian for 1875; which was read a first and second time, referred to the Committee on Printing, and ordered to be printed.

SETTLERS ON THE SAN JUAN AND OTHER ISLANDS.

Mr. JACOBS introduced a bill (H. R. No. 3878) for the relief of settlers on the San Juan and other islands, lately in dispute between the United States and Great Britain; which was read a first and second time.

Mr. HURLBUT. I call for the reading of the bill.

The bill was read at length, referred to the Committee on Public Lands, and ordered to be printed.

SUFFRAGE IN THE TERRITORIES.

Mr. KIDDER introduced a bill (H. R. No. 3879) in relation to the right of suffrage in the Territories; which was read a first and second time, referred to the Committee on the Territories, and ordered to be printed.

RESURVEYS OF LAND.

Mr. KIDDER also introduced a bill (H. R. No. 3880) to authorize the resurveys of lands where the surveys are fraudulent, erroneous, or obliterated and to legalize certain resurveys of the public lands; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

The SPEAKER *pro tempore*. The call of States and Territories has now been completed, but the Chair hopes that an opportunity will be afforded to gentlemen to introduce bills who were absent from their seats when their States were called.

Mr. GARFIELD, by unanimous consent, introduced a joint resolution (H. R. No. 145) authorizing the Secretary of State to publish the history of the several surveys and scientific expeditions by the United States during the present century; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

APPRAISEMENT OF IMPORTED MERCHANDISE.

Mr. FROST, by unanimous consent, introduced a bill (H. R. No. 3881) relating to the appraisement of imported merchandise; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

Mr. FROST. I ask unanimous consent to have that bill printed in full in the RECORD.

There was no objection.

The bill is as follows:

Be it enacted, &c., That the provision in section 2939 of the Revised Statutes authorizing the Secretary of the Treasury to prescribe the number of packages to be examined by appraisers be, and the same is hereby, amended by adding at the end of the section the words "and may in his discretion, under like circumstances, make the like regulation for any principal port of entry in the United States."

SUPPRESSING THE HOSTILITIES OF THE SIOUX INDIANS.

Mr. STEELE, by unanimous consent, introduced a bill (H. R. No. 3882) to authorize the President of the United States to enlist recruits for the Army of the United States, to serve not more than six months, to aid in suppressing the hostilities of certain bands of Sioux Indians; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

HOT SPRINGS RESERVATION.

Mr. WILSHIRE, by unanimous consent, introduced a bill (H. R. No. 3883) granting a right of way over the Hot Springs reservation of Arkansas to the Little Rock and Hot Springs Railway; which was

read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

ENROLLED BILLS SIGNED.

Mr. HARRIS, of Georgia, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a bill of the following title; when the Speaker *pro tempore* signed the same:

An act (H. R. No. 3858) to continue the provisions of an act entitled "An act to provide temporarily for the expenditures of the Government," &c.

COUNTERFEITING OF TRADE-MARK GOODS, ETC.

Mr. COX. I ask unanimous consent to take from the Speaker's table the bill to punish the counterfeiting of trade-mark goods and the sale or dealing in of counterfeit trade-mark goods; and I shall ask to put it upon its passage. I will say to the House that this bill was very thoroughly considered in the Senate by the Committee on the Judiciary of that body, and that our Committee on the Judiciary will hardly have time to report upon it at this session. Such Senators as Mr. CONKLING and Mr. THURMAN have thoroughly considered it. Its object is to protect honest merchants and manufacturers. I hope, therefore, there will be no objection to its consideration.

The Clerk began the reading of the bill, but before concluding,

Mr. COX said: I will not ask that the time of the House be taken up by the reading of this bill at length, but will ask that it be referred to the Committee on Patents, with leave to report it back at any time.

No objection being made, the bill (S. No. 846) was accordingly taken from the Speaker's table, read a first and second time, and referred to the Committee on Patents, with leave to report at any time.

SALE OF GOODS IN CENTENNIAL EXHIBITION.

Mr. MORRISON, by unanimous consent, reported from the Committee of Ways and Means a joint resolution (H. R. No. 146) to amend the act approved June 18, 1874, relating to the admission of articles intended for the international exhibition of 1876; which was read a first and second time.

The question was upon ordering the joint resolution to be engrossed and read a third time.

The joint resolution provides that the act approved June 18, 1874, entitled "An act to admit free of duty articles intended for the international exhibition of 1876," shall be amended so as to permit the sale and delivery during the exposition of goods, wares, and merchandise heretofore imported and now in the exhibition building, subject to such regulations for the security of the revenue and the collection of duties thereon as the Secretary of the Treasury may in his discretion prescribe; that the entire stock of each exhibitor, consisting of the goods, wares, and merchandise imported by him, and now in said buildings, shall be liable for the payment of duties accruing on any portion thereof, in case of the removal of such portion from said buildings without payment of the lawful duties thereon; and that the penalties prescribed by and the provisions contained in section 3082 of the Revised Statutes shall apply in the case of any goods, wares, or merchandise now in said buildings, sold, delivered, or removed without payment of duties, in the same manner as if the goods, wares, or merchandise had been imported contrary to law, and the article or articles so sold or delivered or removed shall be deemed and held to have been so imported with the knowledge of the parties respectively concerned in such sale, delivery, or removal.

The joint resolution was then ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

CONSULAR AND DIPLOMATIC APPROPRIATION BILL.

Mr. SINGLETON submitted the following report, which was read by the Clerk:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 1594) making appropriations for the consular and diplomatic service of the Government for the year ending June 30, 1877, and for other purposes, having met, after full and free conference have been unable to agree.

O. R. SINGLETON,
SAM. J. RANDALL,
CHAS. FOSTER,
Managers on the part of the House.

A. A. SARGENT,
FRED. T. FRELINGHUYSEN,
R. E. WITHERS,
Managers on the part of the Senate.

Mr. SINGLETON. I am instructed to ask the House further to insist upon its disagreement to the amendments of the Senate and to request another conference on the disagreeing votes of the two Houses thereon.

I will not detain the House by a lengthy speech, but it is proper that I should make a few remarks in reference to the grounds of disagreement between the two Houses. It will be remembered that at an early day of this session this bill was passed by the House after a very thorough consideration and honest investigation on the part of the Committee on Appropriations, and I believe there were but one or two dissenting votes on its final passage. Some objections were made to the bill, it is true, by members on the other side of the House, while it was being considered; but when the vote came to be taken upon its passage there were but one or two recorded against it.

The bill was at once sent to the Senate for its action, and from the course pursued it does appear to me, without intending any reflection upon that body to any extent whatever, that it did not show that courtesy in dealing with it which was due to this House. It will be found upon examination of the bill that, although they now admit in conference that large reductions may be properly made in this branch of the public service, yet when it came to be considered in the Senate that body struck out every proposed reduction made by the House and made but two amendments themselves, proposing reductions amounting, I believe, to but a few hundred dollars. One was the striking out of the House bill an allowance made to the amanuensis of Mr. Schenck while minister to England. At the time the bill was framed in the committee and passed by the House Schenck had not resigned his place as minister and having but one arm an amanuensis was indispensable; but by the time the bill came to be considered in the Senate his resignation had been tendered and accepted, and the Senate very properly struck out the provision for his amanuensis. The other proposed reduction by the Senate was the striking out the salary of a clerk whose services could be dispensed with amounting to $600. Those were the *only* amendments which the Senate proposed to the consular and diplomatic appropriation bill in the way of reducing expenditures. They restored every salary of every minister and all the consuls to old figures, and where we had proposed to dispense with consuls they re-instated the whole of them and sent the bill back to the House in that form.

It must be manifest to every fair-minded man that if the Senate had been disposed to consider in a proper spirit the question of retrenchment and reform in this service, they could have found some merit in the work of this House, and could then, as they now propose to do, have made some important changes looking to reform. But their wholesale rejection of our work manifests a determination to antagonize this House at every point. It has been asserted, and I believe it has never been disputed, that when this bill first went over to the Senate they determined to restore all the provisions contained in the corresponding bill of last year. Be that as it may, the result of their action shows that they were not willing to allow any retrenchment whatever, although when we come into conference with them now they admit that much can be done in that way.

The first committee of conference met, and I think the gentleman from Pennsylvania [Mr. RANDALL] will bear me out in the statement that when the question was distinctly asked of the conferees on the part of the Senate whether they intended to make any point on changes of law proposed by the House, they answered that they did not intend to stand upon that, did not intend to make any fight on that ground.

We then went earnestly to work, and first took up the diplomatic part of the bill, in order to see how near we could get together upon the salaries of our first-class ministers abroad. We very soon found that the conferees on the part of the Senate were not disposed to meet the House, as we believed, in a spirit of proper liberality on that point. It was contended that the salaries of $17,500 were but just and proper and ought not to be changed, while the House conferees stood to the provisions of the House bill. It was at this point that the disagreement took place.

That fact was reported to the House and a new conference was ordered. The Speaker of the House re-appointed the same committee for reasons satisfactory to himself, and the President of the Senate did the same thing, and it turned out to be exactly the old committee. We met again a few days ago, and when we went into session gentlemen may imagine our surprise when the conferees on the part of the Senate receded from the position they had first taken and declared that they never would recognize the right of this House to insert in appropriation bills any changes of existing law for the purpose of reducing salaries unless it suited the Senate to agree thereto. Although they had waived this objection in the first instance, we found that at our next meeting they took that ground to which they now adhere, declaring that under no circumstances whatever will they assent to the principle that this House has a right to change salaries without the consent of the Senate.

Now, in view of all the facts, it does seem very strange that the Senate should think proper to take this position with them. I cannot but regard it as more a matter of punctilio than a contest for any grand prerogative belonging to the Senate, because, sir, the doctrine for which that body now contends has been in times past departed from again and again. New legislation of every description has been incorporated into appropriation bills. Need I name a few instances? Why, sir, the first civil-rights bill passed by Congress was put on to an appropriation bill, although it was not germane to it and had no connection with it whatever, and it was forced through against the wishes of a minority.

More than that, it will be remembered that several years ago the bill of Mr. Orth, of Indiana, changing our whole consular system from beginning to end, making new classifications and re-arranging the salaries of all the consuls, was put upon an appropriation bill and in that form passed through the two Houses of Congress, both branches being then republican; and no objection whatever was made to it. So it has been again and again that changes of existing laws affecting almost every subject of legislation have been made in appropriation bills without protest upon the part of the Senate.

But, sir, all those changes were in the interest of office-holders—to in-

crease salaries, not to reduce them. As long as the movement was in that direction, as long as you were giving to the officers of the Government more than they already received under the existing laws, as long as they were made the recipients of the people's money, not one word of complaint ever came from the Senate. If they are sincere in asserting the prerogatives of the Senate and in contending for the rights and privileges of that body, how does it happen that this is the first time we have heard any complaint of changes of law upon appropriation bills? It is not easily accounted for. At the beginning of this session the Committee on Appropriations understood the difficulties that were in their way. They knew perfectly well that under the construction which had been given to the one hundred and twentieth rule of this House they could not cut down salaries, they could not retrench expenses; that under this rule the only movement which could be made toward changing the law was to increase salaries and enlarge the expenses of the Government. Therefore, at the first meeting, I believe, of the Committee on Appropriations, we considered that matter and proposed to the House that the rule should be so amended as not simply to give us power to increase, but to authorize us to reduce salaries; for under the operation of that rule many of them had gone up to exorbitant amounts. Under that rule the salaries of the minister to Germany and the minister to Russia were both raised from $12,000 to $17,500 upon an appropriation bill. There is no law now which authorizes those officers to receive this amount of salary except a provision tacked on to an appropriation bill. Thus it has been that all the tracks were found going into the giant's cave but none coming out.

The House, seeing the necessity of retrenchment and the difficulty that lay in the way of the Committee on Appropriations, granted at once the request of the committee; and the rule was changed. It was done after debate, gentlemen on the other side of the House opposing it, declaring that the amended rule would throw too much power into the hands of the Committee on Appropriations. Yet the House by a decided majority did change that rule and authorized the committee to report to the House any amendments, being germane and looking to a reduction of expenses, which in their judgment would accomplish the end contemplated. This bill was reported upon that basis; and, after long discussion and mature consideration, it passed this House, reducing the appropriations for the civil and diplomatic service about $450,000. And I here wish it to go to the country as a fact, that there were cast against it only a few votes, one or two, so fully were all satisfied that they could not afford to record their votes in opposition to it.

This difficulty has been sprung upon us at the other end of the Capitol, and Senators seem determined to maintain their position. They cannot consistently do it in the face of their former course. They cannot go before the country and justify themselves in this new assumption of power. They cannot convince plain people that the consequences of their course will not be to throw large amounts of money into the hands of friends to be used as heretofore for electioneering purposes. I do not charge this purpose upon the Senate; but this will be the effect, whether they intend it or not.

We propose that the expenses of the Government shall be reduced to the very lowest amount consistent with the public welfare. It must be apparent to every man who will think a moment about it that what was said by the gentleman from Pennsylvania [Mr. RANDALL] the other day is entirely true. There are but three modes of escape from our present embarrassments: first, to retrench to the very lowest point that will not injure the service of the Government; second, to add to the already grievous burdens of the people by increasing the tariff duties upon imported goods, (for we find now that our revenues under the law as it stands are falling off from $1,000,000 to $2,000,000 a month;) or, in the third place, we must raise money by a sale of interest-bearing bonds, thus increasing instead of diminishing the national debt.

Now, when these alternatives are presented, (and I should like gentlemen to point out any other mode by which we can get out of the difficulty,) what is the proper course to pursue? What should we do in the present emergency? Shall we borrow money and sell our bonds in market, avert drawing interest for the purpose of paying these enormous salaries and other Government expenses? No man in his senses will advise such a course at the present time. Shall we increase the tariff duties on imported goods? We should be equally far from taking that position. There is then but one other left, and that is retrenchment. That is retrenchment, sir, to the very lowest point consistent with the public good; and that is what we now propose to do, and that is what we feel to-day the Senate is attempting to prevent us from doing.

Mr. Speaker, it is very strange indeed that Senators, well-informed and patriotic as they are, should insist on keeping these salaries up to the present figures. As I remarked a moment ago, the salaries of ministers to Germany and Russia were fixed by law at $12,000 each, and yet by an amendment to an appropriation bill these salaries were increased to $17,500. So of other salaries. If they could be increased at this fearful rate by such an amendment, why may they not be reduced to $14,000 by the same process when the necessity of the times and our finances demand retrenchment? There surely can be nothing wrong in our efforts to bring them back again, not to $12,000, that is not the proposition of the House at all, but to $14,000. Yet the Senate will not agree to this change, but insists upon holding these missions up to $17,500.

Mr. HALE. Let me ask the gentleman a question.

Mr. SINGLETON. Very well, sir.

Mr. HALE. The gentleman referred to the increase of salaries of certain missions as having been put by the House upon an appropriation bill, did he not?

Mr. SINGLETON. I say they were ingrafted upon appropriation bills; that is, the salaries of ministers to Germany and England.

Mr. HALE. Yes, sir; and let me put this question to him.

Mr. SINGLETON. Very well, sir.

Mr. HALE. The House upon an appropriation bill put on an increase of certain salaries and sent it to the Senate, thereby changing the law. Now, does the gentleman hold that when the House did that it had the right to say to the Senate, "We have put on this increase of salaries and you must submit to it, or we will not let your bill go through?

Mr. SINGLETON. No, sir; you do not understand me as saying anything of the sort.

Mr. HALE. The gentleman says that he could not take that ground. The Senate would have the right to resist this change of the law. The Senate yielded to the demand of the House for increase of salaries. The Senate consented to the bill coming from the House. Two years later the House takes another position in reference to those salaries and proposes to put them back.

Mr. SINGLETON. That is a different issue.

Mr. HALE. The Senate has the same right, precisely the same right to its discretion in reference to the change of law that it had when the House sent over an increase of salaries.

Mr. SINGLETON. Do you call that a question or a speech?

Mr. HALE. Do you say yes or no?

Mr. SINGLETON. I do not like so many little speeches injected into my remarks, but I will answer in due time.

Mr. HALE. Has not the Senate the same right now as it had then?

Mr. SINGLETON. I am free to admit the House and Senate are co-ordinate branches of the legislative department of the Government, but they are not co-equal in every respect. That is my declaration, and I will make it good. If they are co-equal, then whatever the House can do the Senate can do, and whatever the Senate can do the House can do. And yet the gentleman knows perfectly well that is not the case, because here we prefer articles of impeachment against the Secretary of War or other officers guilty of malfeasance. The Senate takes up these articles and tries the case, and we have nothing to do with that trial except simply to have managers there to conduct it. They are to all intents and purposes the jury which decides the case. In this instance, then, they are co-ordinate, but not co-equal.

Mr. HALE. I admit that.

Mr. SINGLETON. Wait a moment.

Mr. HALE. Does the gentleman acknowledge that one is above the other?

Mr. SINGLETON. Yes, in some respects I do, and I will show it.

Mr. HALE. Each has certain privileges the other has not. Neither is above the other.

Mr. SINGLETON. I hope the gentleman will let me answer the question he put.

Again, the Senate is the treaty-making power. What has this House to do with making treaties? Further, the Senate has the veto power upon the nominations of the President for offices. Have we any voice in that matter? Are we equal with the Senate in these respects? Unquestionably not, because we have no voice in them whatever.

Again, there are certain privileges which belong to this House which do not belong to the Senate. One is the power to originate revenue bills, and it has been construed that revenue bills mean not only bills to raise money, but applies with equal force to bills proposing to disburse the money which has been already raised. No man will deny that, I apprehend.

Mr. KASSON. That is not agreed to.

Mr. HALE. It is not agreed to.

Mr. SINGLETON. Not under the Constitution? I assert that to be the case. The House has power to originate a revenue bill. Can the Senate originate such a bill?

Mr. BURCHARD, of Illinois. They pass bills making appropriations every day.

Mr. SINGLETON. Can the Senate originate a revenue bill? Has the Senate under the Constitution any power to originate such a bill? Certainly not.

Mr. KASSON. Not for raising money.

Mr. HALE. But the Senate can amend revenue bills coming from the House.

Mr. SINGLETON. I am coming to that point in a moment. Yes, sir; the Senate can concur with amendments.

Mr. HALE. It can put on its own amendments.

Mr. SINGLETON. I ask the gentleman not to interrupt me so often. The Senate can concur in amendments to a House bill when those amendments are proposed by the House itself. To *concur* implies that the amendment has been proposed by the House. The Senate has the right to propose amendments, but if the House reject them it

neither comports with the letter nor the spirit of the Constitution that the Senate may so far insist on those amendments as to stop the wheels of Government if not adopted by the House.

Mr. HALE. Let me ask the gentleman a question right here, right on this point.

Mr. SINGLETON. I will let the gentleman ask his question, and then I must insist upon going on unmolested.

Mr. HALE. Does the gentleman mean to advance the opinion here that there is nothing in the Constitution that gives the Senate the right to amend and insist on its amendment as we have the right to originate revenue bills?

Mr. SINGLETON. I mean to say just what the Constitution declares.

Mr. HALE. No, but——

Mr. SINGLETON. I will answer the question if the gentleman will only wait.

Mr. HALE. Let me put the question so the gentleman can understand it. Is there any more right given in the Constitution to the House to originate a revenue bill and insist upon it than there is in the Senate to propose amendments and insist upon them? Is there any more right in one than in the other?

Mr. SINGLETON. Why, sir, the gentleman must see there is a vast difference between the powers in reference to revenue bills. The Senate cannot originate a revenue bill under any circumstances.

Mr. HALE. Will not the gentleman answer?

Mr. SINGLETON. The House alone, under the Constitution, can originate such bills, and therefore has greater power over the subject than the Senate.

Mr. HALE. Will not the gentleman answer my question?

Mr. SINGLETON. Mr. Speaker——

Mr. HALE. Both of us are perfectly good natured; will not the gentleman answer that question? Let me repeat it again. Under the Constitution has not the Senate as much right to insist on its amendments to revenue bills as the House has to insist on its originating revenue bills?

Mr. SINGLETON. I do not believe it has, and I will give you the reason why.

Mr. HOLMAN. Certainly it has.

Mr. HALE. My friend from Indiana [Mr. HOLMAN] says certainly it has. The gentlemen disagree.

Mr. SINGLETON. I am not responsible for the opinions of anybody but myself. You asked me a question, and when I answered you openly, fairly, you tell me what somebody else says. Now I hope the gentleman will sit down, and let me go on.

Mr. HALE. I understand the gentleman to say——

Mr. SINGLETON. I cannot yield further.

The SPEAKER *pro tempore*. The gentleman from Mississippi declines to yield further.

Mr. HALE. I think the gentleman will certainly——

The SPEAKER *pro tempore*. Does the gentleman from Mississippi yield?

Mr. SINGLETON. I do not.

Mr. HALE. Will the gentleman——

Mr. SINGLETON. You will have an opportunity to respond.

Mr. HALE. I want to understand that last proposition of the gentleman.

Mr. SPRINGER. Will the gentleman from Mississippi yield to me for one moment?

The SPEAKER *pro tempore*. The gentleman from Mississippi is entitled to exclusive possession of the floor; and other gentlemen will allow him to proceed without interruption when he declines to yield.

Mr. SINGLETON. I propose to state again the opinion which I entertain in reference to this matter. As I have already stated, all revenue bills must originate with the House. They cannot originate anywhere else. And if that be true, then the powers of the Senate and the powers of the House in reference to such bills are not equal the one with the other. If they were, a revenue bill could originate in the Senate as well as in the House. But the Senate is entirely precluded from originating revenue bills.

Well, sir, I grant you that the Constitution provides that the Senate may, in regard to revenue bills, "concur with amendments;" that is, as I said a moment ago, with amendments put on by this House. The word "concur," I believe the learned gentleman from Massachusetts [Mr. SEELYE] will agree I am correct in stating, is derived from "*con*," meaning "together with," and "*curro*," meaning "I run." The Senate can run or agree with this House so far as amendments put on by the House are concerned. It may also, as the Constitution provides, "propose amendments." But I will not admit that it can by insisting upon its amendments defeat all revenue bills of this House.

The principle of changing existing laws by amendments to appropriation bills has been practiced so long by the party in power that, whether originally right or wrong, it has now grown into a *lex non scripta*, a common-law principle by which that party at least should feel itself bound. It is too late for the Senate to insist on their amendments to appropriation bills, and if this House refuse to agree to them it has the right to withhold all the appropriations for the support of the Government. I believe the explanation I have given expresses the spirit and intention of our fathers in framing that instrument.

It is a known fact that our Government, though different in many respects from that of Great Britain, is modeled after the English government to a certain extent. Our President here answers to the king, or, as it is now, the queen of Great Britain. Our Senate answers somewhat to the House of Lords, and this body, the House of Representatives, represents the House of Commons in England. Well, sir, it was demonstrated on this floor a few days ago by the gentleman from New York [Mr. COX] and it is a historical fact that at this day the House of Lords of Great Britain does not pretend to claim the power to restrict or control the appropriations made by the House of Commons. And the members of the Senate heretofore for the most part by their waiver of the right, if it were ever allowed, seem to have concurred in that idea in reference to our own Government. I believe this is the first time—at least it is the first time within my knowledge—where the Senate has come forward and made the point distinctly and proposed to stand upon it, and withhold necessary appropriations from the Government.

Before passing from this point, I wish to say that this may be a refinement, a very nice point, which is understood by the Senate and which may be understood by gentlemen on that side of the House; but I tell you the common people of the country will not and cannot appreciate it. The Senate has never objected to the power and practice of putting new laws on appropriation bills which had the effect of increasing expenditures, of increasing offices, of increasing salaries. But now, when it is proposed that we shall reduce instead of increasing expenditures, Senators take their stand on this point. I apprehend the country will not understand, will not appreciate the argument made in support of their position. And what is stranger to me than all else is that gentlemen on the other side of this House, as if they thought perhaps there was not determination enough in the Senate to stand up to this point, are constantly speaking words of encouragement to them and saying they hope the Senate will not recede from its position and that the wheels of the Government should be stopped rather than concession should be made. Members of this House who for years in the presence of the whole country have disregarded that rule, which they now claim to be inflexible, and have utterly set it at defiance in every possible shape and form, occupy a strange position when at this late day they think it necessary to encourage this disposition on the part of the Senate.

Mr. Speaker, I will be through what I have to say in a few moments. The first committee of conference, as I have said, reported disagreement not upon the question of law, but upon the amount of salaries, and another committee was appointed. When it came together instead of the conferees on the part of the Senate waiving the point of law in the second instance, as they had done in the first, they took the position that it was interfering with the Senate's prerogative and declaring that there they meant to stand, let the consequences to the country be what they might. Well, sir, as members of that committee of conference, backed up by the voice of this House and backed up by the sentiment of the country everywhere, we did not feel ourselves at liberty to yield that point. We did not feel ourselves at liberty to give up the bill which had been passed by the House and allow the Senate to say the Government shall be run in the old groove, that there should be no adequate retrenchment of our expenses, but that we must continue as heretofore spending our slender means extravagantly for a corrupt administration of the Government.

Mr. KASSON. Will the gentleman state what the difference in amount of money is between the House bill and the bill as passed by the Senate?

Mr. SINGLETON. It is about $435,000. I cannot state just the exact amount, because they have not offered, so far as any formal proposition is concerned, unless upon conditions to which we could not accede, to abate one single dollar contained in the bill as amended and sent back to the House.

Mr. KASSON. In their amendments did they propose any amendments except to make the bill to conform with the existing law? Were not the amendments proposed by the Senate simply restoring the appropriations where the existing law fixed them?

Mr. SINGLETON. The law, if you call that a law which gave to this amanuensis of Mr. Schenck a certain salary for one year; yet they struck it out and went back upon the principle they proposed to adhere to as they did in the case of the clerk, because by the law, as you call it, that was ingrafted upon an appropriation bill, they struck down the salary of the clerk, which was $600, and therefore went back upon the principle just as effectually as if the reduction had been $6,000,000.

Mr. KASSON. The gentleman from Mississippi did not understand my question. The principle of the Senate is that they will agree to changes of the law whenever their judgment approves of those changes. The point I raise is whether the amendments of the Senate making a difference of $400,000 in the amount appropriated by the bill were not simply amendments that made the amount appropriated conform to the principle of existing law.

Mr. SINGLETON. I have answered that question time and again. They struck out every amendment that we made and proposed to leave the salaries and expenses where the appropriation bill of last year left them, reducing nothing.

Mr. KASSON. Just as the law fixes it.

Mr. SINGLETON. There is no law regulating many of these salaries and expenses except that which was attached to an appropriation bill.

Mr. KASSON. It was a permanent law, not limited to a single year. The point is a very distinct one, and the gentleman can answer it. A law exists upon the statute-book fixing certain amounts to be paid under that law, and the amendments of the Senate are only designed to make the amounts of the appropriation conform to that law.

Mr. SINGLETON. I do not exactly understand what you mean. If you consider that the appropriation bill of last year with the amendments was a law to reach beyond that year, then the action of the Senate is in conformity to the law, but there is no separate statute upon the statute-book in relation to these salaries.

Mr. FOSTER. Why, there is.

Mr. SINGLETON. There is not in reference to ministers to Germany and Russia, and I defy the gentleman to show it.

Mr. KASSON. Does the gentleman deny that Congress has heretofore passed laws fixing the salaries of ministers and consuls?

Mr. RANDALL. Yes; in appropriation bills.

Mr. KASSON. This is a little colloquy between the gentleman from Mississippi and myself. Such a law exists on the statute-book. My inquiry is a practical one, whether the amendments of the Senate do anything but carry out the existing law?

Mr. SINGLETON. Now, if the gentleman will only sit down and wait I will answer his question. I say that there was a law passed giving a salary of $17,500 to the minister to England, $17,500 to the minister to France, $12,000 to the minister to Germany, and $12,000 to the minister to Russia, and yet the Senate have done what? Have they declared their willingness to abide by that law? Not at all, but it insists that the salaries of the ministers to Germany and Russia shall be $17,500 instead of $12,000 as fixed by law, thus changing said law by an amendment to an appropriation bill.

Mr. KASSON. But it was a permanent law, and not an appropriation for a single year; and now the question is whether the Senate proposes that the salaries shall be paid to the amount of the existing law.

Mr. SINGLETON. I say that there was no law passed fixing these salaries to $17,500, except by amendment to an appropriation bill, and by the same means we propose to bring them back to the act giving to each of them $12,000.

Mr. KASSON. Was it not the law?

Mr. SINGLETON. Was that a permanent law fixing these salaries, or only an appropriation for one fiscal year?

Mr. RANDALL. We propose to make this a permanent law.

Mr. KASSON. This is a little colloquy between the gentleman from Mississippi and myself, and I hope the gentleman from Pennsylvania will not interfere.

Mr. SINGLETON. I think I understand this matter fully. We propose to do now precisely what the Senate did when it raised these salaries from $12,000 to $17,500. This bill proposes to go in the opposite direction and bring the salaries down to $14,000 and not to $12,000, as fixed by the act regulating salaries.

Mr. KASSON. That is a correct statement.

Mr. RANDALL. Will the gentleman from Mississippi allow me a moment?

Mr. SINGLETON. Yes; I will allow the gentleman a moment now, although I have something else which I want to say.

Mr. RANDALL. A few words will suffice me to explain what I consider the differences between the two Houses on this bill. I have here in my hand a copy of an appropriation bill of 1874 for the year ending June 30, 1875, and in that bill are clauses re-arranging the entire diplomatic and consular service of the United States, both as to salaries and as to their respective positions.

It was stated when it was incorporated in the appropriation bill that it was a reduction. Subsequently it was ascertained, as I am informed, to have increased the expenses of the service $53,000. And I have here the figures which go to sustain this fact. The appropriations for this service for 1873 and 1874 amounted to $1,311,759. The appropriations for 1874 and 1875, which was a bill in which the entire diplomatic and consular service was changed, amounted to $1,370,185, or nearly $60,000 more than the year previous. Now, it will be observed that in that bill the Senate opposed legislation in an appropriation bill raising the salaries of the diplomatic and consular officers. We are in the position to-day of asking the Senate to lower the salaries of the diplomatic and consular service in the identical bill in which they raised them two years ago; and we propose to do it to the extent in the diplomatic service of $173,500 and in the consular service of $193,350.

The Senate in the recent conference took the ground that they would not go directly to the law, but directly to the details. The Senate offered to take the amount which the House appropriated for the diplomatic service and give to the President of the United States the disposition of that amount for the current year ending June 30, 1877. The difference therefore is thus far whether the President shall arrange the diplomatic service either by a reduction of the salaries of certain officers in connection with that service, or by withdrawing certain ministers, so as to make the entire service come within the limits of that amount.

Mr. KASSON. I suppose there was coupled with that a provision that the President should not in any case authorize the payment of any salary beyond the amount already authorized by law.

Mr. RANDALL. I think that clause was in the proposition. So far well. The House conferees, as I understand it, were willing to accept that, provided there was also incorporated in the bill a provision that these were the amounts of the salaries respectively that should be paid for the year. In other words, the House conferees desired that this bill should be in full for the diplomatic service for the year, and that it should be so expressed that no claim should come from any diplomatic officer for any additional sum unless it should be provided for hereafter in a different manner, looking very much to the same result as the proposition submitted on the legislative appropriation bill. There is where we separated. The Senate were willing to take the aggregate amount of money contained in the House bill, and to give the President the right to distribute it in the way I have indicated; but they were unwilling to go far enough, as the House conferees thought was desirable, and to say that this amount should be in full for the diplomatic service for this year. That is the point of difference.

Mr. KASSON. A little further information, if the gentleman pleases. The consular service was proposed to be included in the same arrangement, as I understand it.

Mr. RANDALL. The proposition did not point to the consular service with the same distinctness as I have given it as to the diplomatic service, because it was suggested that perhaps an additional sum beyond the amount agreed upon for that service by the House would be asked for by the Senate. The House conferees said that whenever that question arose they would be prepared to say whether they would advance on the amount the House had fixed for the consular service.

Mr. KASSON. In view of that fact, I beg to call the attention of the gentleman to this distinction: that the consular service more than pays for itself. It is not paid for out of our own Treasury, but out of the charges imposed upon the commerce of the country. I therefore desire to call his attention to the propriety of liberality in the direction of the number of consuls for the benefit of American commerce.

Mr. RANDALL. We never got far enough to be able to show whether we had any liberality or not in that particular. But I will admit—for I am very frank in my statements—that I have far more consideration for the consular service than I have for the diplomatic service. And I will now express the opinion here that if the entire diplomatic service was to fail for want of appropriations and our ministers were all brought home, I do not believe any material interest of the country would suffer.

Mr. KASSON. But the national honor would.

Mr. RANDALL. I know not in what respect. Perhaps there might be an allowance for the minister to the Court of St. James, a temporary minister in connection with the Winslow extradition case, though I am advised that that is being arbitrated directly between Washington and London by the respective secretaries of the two governments.

Mr. KASSON. I hope the gentleman does not desire to advertise our partisan dissensions to every country in the world by a proposition to withdraw our representatives abroad.

Mr. RANDALL. I believe the consular service is of great benefit to the commercial interests of the country; but I cannot see the use of the diplomatic service to the same degree. I believe I have stated correctly, as far as I am able, the differences between the two Houses.

Mr. SINGLETON. I want to make a few more remarks and then I will yield the floor.

The SPEAKER *pro tempore*. The gentleman has fifteen minutes of his hour remaining.

Mr. FOSTER. I hope the gentleman from Mississippi [Mr. SINGLETON] will allow me a part of the fifteen minutes or ask leave to have the time extended.

Mr. SINGLETON. Does the gentleman want it now?

Mr. FOSTER. I will take it when the gentleman pleases.

Mr. SINGLETON. I will yield to the gentleman now for ten minutes.

Mr. FOSTER. I may want more time than that. The gentleman from Pennsylvania, [Mr. RANDALL,] I think, has correctly stated the difference between the two conference committees on the diplomatic bill, although my friend from Mississippi, [Mr. SINGLETON,] in the fervor of his stump speech, forgot to state the ground of difference entirely.

Mr. SINGLETON. I intended to do it before I got through, but I was interrupted so much I could not do it.

Mr. FOSTER. As I understand it, this is the difference: The two conference committees, at the suggestion of the conference committee of the Senate, agreed to appropriate a gross sum, aggregating the amount appropriated in the House bill for the diplomatic service. I think I may say that it was understood that for the consular service a gross sum should be appropriated amounting to the gross sum of the House bill and dividing the difference between the two Houses, with the further provision that the President of the United States should be authorized to reduce salaries and to withdraw the diplomatic-consular service to the end that the total cost of that service should not exceed the amount appropriated. I do not believe that there was a single member of that conference committee who believed that under the provision proposed one dollar more would be used by the President or the Secretary of State than the amount agreed upon by the conference committees.

But the House, determining to humiliate the Senate and to compel

them to eat their own words, so to speak, insisted upon the clause that this aggregate sum should be a payment in full; in other words, that the law known as the Orth law should be repealed. To that the Senate conferees totally dissented from.

Now, there is no difference between these two committees; there is no difference between the House and the Senate as to the amount to be appropriated. I do not suppose that the gentleman from Mississippi or the gentleman from Pennsylvania [Mr. RANDALL] believes that the President would use one dollar more than we shall agree to appropriate.

Mr. RANDALL. That is not the point. The point in controversy is whether these officers would not have a claim.

Mr. FOSTER. They would not have a claim, because we authorize the President to reduce their salaries; we authorize him to withdraw the service. They could not have a claim if this proposition becomes the law.

Now, the Senate took the position that they are not to be dragooned into legislation to which they object. I think, Mr. Speaker, that the remarks of the gentleman from Mississippi justify me in going into the history of this diplomatic bill to a certain extent. I think I am justified in this by the statements which he has made and by his arraignment of the Senate. Now, I want to ask the gentleman from Mississippi whether he was not the chairman of a subcommittee who had charge of this matter, and whether he did not report to the Committee on Appropriations the identical amount of the Orth bill?

Mr. SINGLETON. I did not.

Mr. FOSTER. Then I am greatly mistaken.

Mr. RANDALL. Well, suppose he did?

Mr. FOSTER. I want to find out exactly when the yearnings of the gentleman from Mississippi for economy had their origin. I dislike to refer to matters which occurred in committee, but if I am not mistaken the gentleman from Mississippi was the chairman of a subcommittee having this matter in charge, and did make to that committee a report substantially in accordance with the Orth bill; and it was not until after the committee had a conference with one Keim that the reductions were made. I do not say that the committee got all their information from this man Keim, and I do not undertake to say a word against him. He may have known more about the proper appropriations to be made in this bill than the Secretary of State and everybody else; but until he was consulted no reductions were made. I want to say further that I do not believe the Secretary of State was consulted in a single instance on this matter after the reductions were determined upon. We took that man Keim into our committee-room, and accepted his suggestions as to what these appropriations should be.

Mr. TOWNSEND, of Pennsylvania. Who is Keim?

Mr. FOSTER. He is a gentleman from Pennsylvania.

Mr. RANDALL. I do not think he ever gave any testimony——

Mr. FOSTER. He came into our committee-room and stated item by item what appropriations should be made and what should be withheld.

Mr. RANDALL. He had been sent out by your administration to inspect the consulates. We consulted your own agent for the purpose of getting information as to the requirements of the service.

Mr. FOSTER. I want the House and the country to understand how this appropriation bill was made up.

Mr. SINGLETON. Does the gentleman from Ohio [Mr. FOSTER] say that the Secretary of State was never consulted?

Mr. FOSTER. The Secretary of State was consulted by the gentleman from Mississippi; and after that consultation he reported to the main committee appropriations precisely in accordance with the Orth bill.

Mr. SINGLETON. That is not true.

Mr. FOSTER. Practically it is.

Mr. SINGLETON. No, sir.

Mr. FOSTER. There may have been slight differences, but substantially the report was in accordance with the Orth bill. I think my friend from Maine [Mr. HALE] will corroborate me in this statement.

Mr. SINGLETON. Let me state the facts. The Secretary of State was consulted on two or three occasions, as the gentleman from Maine [Mr. HALE] very well knows, and we did to some extent conform to his views upon that matter. But afterward when we came into the committee-room we got other light.

Mr. FOSTER. You found Keim.

Mr. SINGLETON. We found Mr. Keim, whom your administration had sent out to make a report upon these very things. He came before us, and after we heard what he had to say there were changes made.

Mr. FOSTER. I yield to my friend from Maine, [Mr. HALE.]

Mr. HALE. As this matter has been brought up, I will state what were the facts. The gentleman from Mississippi and myself were appointed a subcommittee of the Committee on Appropriations to mature and report this appropriation bill to the committee. In conjunction with him, (for we worked together,) on full conference with the Secretary of State, and upon examination of the matter, we did report the consular and diplomatic bill to the whole committee, changing only certain discretionary appropriations or not interfering with any salary whatever. Our report was taken (as the committee had the right to take it if they chose) and was so torn and dismembered that I have never recognized it since.

Mr. RANDALL. That was all right; that is the way we ought to have done.

Mr. FOSTER. That may be all right; but I want to get at the facts and to show the precise time when my friend from Mississippi was attacked with this spasm of economy. It was certainly after the report of the subcommittee was made, and it required one Keim, of Pennsylvania, to enlighten the gentleman on that subject.

Mr. RANDALL. Mr. Keim is a very well informed gentleman.

Mr. FOSTER. I know nothing about him.

Mr. RANDALL. He has visited nearly all these consulates; he was sent there by the Government.

Mr. FOSTER. He may know more about them than the Secretary of State; he may know more about them than the Committee on Foreign Affairs who two years ago made the present arrangement.

Mr. RANDALL. If the Administration did not think him competent for this service, why did it send him out? Was it not our duty as legislators to hear the judgment of your own appointee?

Mr. FOSTER. I want the country to know how this bill was made up. I want the country especially to understand just when my friend from Mississippi was attacked with this spasm of economy.

Mr. SINGLETON. And I want the country to understand how you came in here and voted for this bill, and how afterward you "turned tail" and took the directly opposite view. I want the people to understand that.

Mr. FOSTER. Now, Mr. Speaker, the Committee on Appropriations reported this bill under the circumstances I have named. It went to the Senate. The Senate amended it, making the appropriations conform to the law as contained in the Orth bill.

It has been stated here this morning that the Orth bill was passed by being put upon an appropriation bill. Now, how was the Orth bill passed? The Committee on Foreign Affairs, of which I remember my distinguished friend from Maryland, [Mr. SWANN,] the present chairman of that committee, was a distinguished member, had this matter under consideration for six months. They were in daily consultation with the Secretary of State. They came into this House and asked one Monday morning that the rules might be suspended so they could offer this bill as an amendment to the consular and diplomatic appropriation bill. It was offered as such an amendment. It went on the appropriation bill under those circumstances after most mature and careful consideration, and was passed. And it is a law today. Now the Senate are surrendering——

Mr. SINGLETON. I want ten minutes myself.

The SPEAKER *pro tempore*. The time of the gentleman from Ohio has expired, and the gentleman from Mississippi has five minutes left.

Mr. SINGLETON. I am informed that I have but five minutes left, and therefore I cannot yield any further.

Mr. FOSTER. The time of the gentleman I have no doubt will be extended.

The SPEAKER *pro tempore*. The time of the gentleman from Ohio has expired, and the gentleman from Mississippi has but five minutes left.

Mr. CONGER. I move by unanimous consent the gentleman from Ohio be allowed five minutes longer.

Mr. SINGLETON. I do not object if it does not interfere with my time.

Mr. CONGER. I ask this inasmuch as this is one of the conferences upon which there has been a republican member, and I learn there are several upon which there was not any member from this side.

Mr. RANDALL. What is that last statement? I should like to have the gentleman from Michigan make it again.

Mr. CONGER. I understand there are several conference committees upon which there are no members from this side.

Mr. RANDALL. That is a reflection that ought to be met right here. What is the history of the conferences on the part of the two Houses?

Mr. FOSTER. Let that go.

Mr. RANDALL. We have in every instance conferred with that side of the House as to who should be the minority member of the committee of conference. I appeal to the gentleman from Ohio and the gentleman from Maine if that is not true.

Mr. SINGLETON. Does this come out of my time? If it does I must insist on going on.

Mr. RANDALL. No; the gentleman from Michigan made a charge and it is one which ought to be answered right here. He made the charge that upon every conference committee——

Mr. CONGER. No, I did not make any such charge.

Mr. RANDALL. I know you made it loosely.

The SPEAKER *pro tempore*. This discussion is out of order.

Mr. RANDALL. I dare not speak of any other body, but I can imagine a body doing the thing referred to. They have not put a representative democrat upon committees of conference. But in this House I defy any member of the Committee on Appropriations to say we have not in every instance consulted the minority as to whom they wanted as the minority member of the committee.

Mr. HALE. I believe that has been done.

Mr. FOSTER. That is true so far as the Committee on Appropriations is concerned.

The SPEAKER *pro tempore*. The gentleman from Mississippi has five minutes of his time left.

Mr. FOSTER. I understand that my time has been extended.

The SPEAKER *pro tempore*. That can only be done by unanimous consent. How much time does the gentleman want?

Mr. FOSTER. I should like to have five minutes.

The SPEAKER *pro tempore*. Is there objection to the gentleman from Ohio going on for five minutes longer?

A MEMBER. I object.

Mr. CONGER. I do not withdraw what I said.

Mr. RANDALL. It does not matter whether you withdraw it or not; it is not true.

Mr. FOSTER. Does any one object?

The SPEAKER *pro tempore*. Is there objection to continuing the time of the gentleman from Ohio five minutes. The Chair hears no objection, and the gentleman will proceed.

Mr. FOSTER. Mr. Speaker, I was saying I believe that the Senate, exercising the prerogative to which they are entitled and which no one denies, amended this diplomatic bill in accordance with existing law. That is the sum of their offending; nothing more and nothing less.

Now, Mr. Speaker, the House takes the position that unless the Senate yields this bill shall fail. The Senate meets us in conference, and says to us, "We will agree to appropriate a gross sum, to be placed in the hands of the President, that sum aggregating the amount appropriated by the House bill to be used for this purpose, and we will permit the President to curtail both salaries and service to the end that the service may not cost more than the appropriation made." The Senate meets us in that spirit, and then say to us, "Do not ask us to repeal existing law; we stand there, and we object to that." They say, "The House will come to us next and ask us to reduce the Army; that you will come to us and ask us to transfer the Indian Bureau."

Mr. RANDALL. Let me ask the gentleman a question.

Mr. FOSTER. They will say that "you will ask us to repeal the enforcement act, by which we only can have a fair election in New York and Mississippi." They say "we are compelled to make a stand somewhere, and we object to this legislation. We will give the money, we will appropriate the money according to the House bill. We will give you every guarantee that not one dollar more will be expended," but the House comes in and says "unless you repeal the existing law we will not accept your proposition." That is where we stand to-day, and the country will understand it as well as the gentleman from Mississippi or the gentleman from Pennsylvania.

Mr. RANDALL. Now will the gentleman answer me a question? Does not the proposition of the Senate conference committee give the President the right to change the law as to the amounts of salary and as to the continuance of certain officers?

Mr. FOSTER. Yes, sir.

Mr. RANDALL. Now we only want it to go a step further and say it shall be in full of the salaries.

Mr. FOSTER. The Senate does not want to go that far. That is what the Senate objects to. It is the repeal of existing law. And that is where we stand now.

One House or the other must yield, or the diplomatic and consular service will not be provided for.

According to all precedent this House must in the end fail to coerce the Senate to give legislative sanction to measures obnoxious to them.

Mr. CANNON, of Illinois. The gentleman from Ohio [Mr. FOSTER] yields to me for a moment. I want to make a single remark. I have been learning something this morning as to the appointment of these conference committees. I understand they are appointed by the Speaker on the suggestion of the Appropriations Committee; the democratic members on that side and the republican member on this.

Mr. RANDALL. Who said so?

Mr. CANNON, of Illinois. I judged that to be the case from the colloquy between the gentleman from Pennsylvania and the gentleman from Ohio.

Mr. RANDALL. That has not been stated.

Mr. CANNON, of Illinois. Now I wish further to say that if you want an agreement on this bill—and a similar course might bring about an agreement on other bills—I would mildly suggest that the chairman of the Foreign Affairs Committee, the gentleman from Maryland, [Mr. SWANN,] the gentleman from New York on that committee, [Mr. HEWITT,] and the gentleman from Massachusetts on that committee, [Mr. BANKS,] be appointed, or that some similar appointment be made outside the Appropriations Committee, if there be any wisdom outside of it. If such gentlemen were appointed they might mature a proposition to be submitted to the House and the Senate and let us vote on it.

Several MEMBERS. Good!

Mr. SINGLETON. I would like to know upon what authority the gentleman from Illinois makes the charge that the members of the conference committees on the part of the House were suggested by the Committee on Appropriations.

Mr. CANNON, of Illinois. I said that because of the statement of the gentleman from Pennsylvania [Mr. RANDALL] that he deferred to the gentlemen on the republican side to name the republican member of the committee of conference.

Mr. RANDALL. I did not say that. I said the minority member had always been put on after conference with the minority of the House.

Mr. CANNON, of Illinois. The minority of the House; who are they? The gentleman from Maine [Mr. HALE] and the gentleman from Ohio, [Mr. FOSTER?]

Mr. RANDALL. The minority of the Appropriations Committee, of course.

Mr. CANNON, of Illinois. Is that not precisely what I said?

Mr. SINGLETON. The gentleman from Ohio [Mr. FOSTER] has thought proper to assail the course taken by the conferees on the part of the House. I wish distinctly to state here that so far as that gentleman is concerned he has not once nor twice, nor a dozen times, but perhaps fifty times during this session of Congress, surprised the members of the Committee on Appropriations by the course he has pursued. He has shown himself the most pliable gentleman in the committee-room I ever knew in my life. But when he comes into this House he goes back on everything done in the committee-room; and in doing so he has surprised the members of that committee time and again. We do not know where to find him. What he says in the committee-room gives us no idea of what he may say when he comes into the House.

Mr. FOSTER. I say that the gentleman absolutely and intentionally misstates.

Mr. SINGLETON. Misstates what?

Mr. FOSTER. Misstates my position.

Mr. SINGLETON. Do you charge me with a lie?

Mr. FOSTER. I do if you say that.

Mr. SINGLETON. I say again what I have just stated. I say that time and again the gentleman has agreed to a proposition in the committee as understood by all the members, and when he has come into the House here he has risen and attacked it.

Mr. FOSTER. I say that is absolutely untrue.

Mr. SINGLETON. Very well, sir. We will have something to say about that after a while and elsewhere.

Mr. FOSTER. Here or elsewhere.

The SPEAKER *pro tempore*. Order, gentlemen.

Mr. SINGLETON. So far as the gentleman's statement here to-day of what has taken place in the conference committee is concerned, let me say that he knew nothing about what took place in the first conference, because he was not upon it.

Mr. FOSTER. I did not say I was.

Mr. SINGLETON. And yet he undertakes to state what took place in that committee on the part of the Senate and on the part of the House. I make the statement that, when we met together the proposition was made by the conference on the part of the Senate that they would take the amount which was intended by the House bill to be appropriated to the diplomatic service, provided we would give it to them and allow it to be paid out to the different officers upon account. It was not to be a final settlement. In other words, they would take $175,000, or about that amount, and would use it; but all the officers to whom it was paid were after all to have a claim upon the Government for the balance of their salary under the old law. Now, am I right about that? I ask the gentleman from Pennsylvania to say if that is so.

And when we proposed that this amount should be a finality, that they might take the whole sum and use it as the President and Secretary of State thought best for the service, but that was to be the whole amount appropriated for that purpose, the Senate conferees declined to accept it, and said that they would leave the whole question open. The proposition was then discussed of a commission to consist of two members of the House and two members of the Senate who should determine the question of whether anything more should be paid in this way of salaries, and if that committee composed of members of the Senate and of the House declared that nothing more should be paid, then the appropriation was to be a finality; but if they disagreed among themselves, the law was to stand as it now stands, and the salaries were to remain as at present.

[Here the hammer fell.]

Mr. SPRINGER. I yield ten minutes to the gentleman from Mississippi.

The SPEAKER *pro tempore*. The gentleman from Illinois then takes the floor in his own right.

Mr. CANNON, of Illinois. I rise to a parliamentary inquiry. I have no objection to the gentleman from Mississippi continuing his remarks; but this is a report, as I understand it, from a committee of conference, and according to the rule enforced against me when I was cut off the other day there can be but one hour for debate upon such a question, and therefore the gentleman from Illinois can have no time.

The SPEAKER *pro tempore*. The Chair would state to the gentleman from Illinois that the Chair ruled as to him that he could control the floor but for an hour, and he has now made the same rule that the gentleman from Mississippi now surrendering the floor, his hour having expired, has given it into the hands of the gentleman from Illinois. The Chair did not limit debate, and he had no right to do so.

Mr. RANDALL. The Chair will recollect that he stated to the gentleman from Illinois, who the other day made a conference report, that he was compelled at the end of the hour to call the previous question or else yield the floor.

The SPEAKER *pro tempore*. He must have called the previous question or surrendered the floor; but the Chair did not limit the debate.

Mr. SINGLETON. The proposition to appoint two members of the Senate and two members on the part of the House to whom this matter should be referred was of course with the understanding that it would result in a disagreement, and then under the old law these officers would have power to institute suits against the Government for the balance of the salaries due them under the old law. It would have engendered such a number of suits as would have cost us more than if we had given up the whole amount demanded by the Senate. We could not agree to that, as a matter of course. We wanted to make the appropriation a finality. When the Senate conferees said that they were willing to take for the diplomatic service the amount which the House proposed to give to that service but leave the matter open for further claims, I submitted an amendment which I ask to have read as a part of my remarks.

The Clerk read as follows:

And the President is hereby authorized and empowered to discontinue such missions as he may think will not be detrimental to the foreign service of the country, or he may apportion the salaries in such manner as he may in his judgment deem equitable and just, and the amount so appropriated shall not exceed the amount provided for in the House bill, and shall be in full of all services and expenses for the fiscal year ending June 30, 1877, so far as the diplomatic service of the country is concerned.

Mr. SINGLETON. A word more. It will be observed that in order to enable the Senate conferees to get out of the difficulty in which they had placed themselves, we proposed to give them exactly the amount appropriated by the House bill, but at the same time to give power to the President to continue the salaries of the first-class ministers at $17,500 and withdraw certain other unimportant ministers, or he might apportion the amount as he thought best for the public foreign service. We proposed to make it purely a matter of discretion with the President whether the one course or the other should be adopted; but the Senate conferees declined to agree to that proposition and so the matter ended, and this disagreement is here reported to this House for its action.

Mr. Speaker, let me state one fact in conclusion. I find that we receive twenty-two ministers and we send out thirty-one. There is not a nation on the earth that sends out as many ministers to foreign governments as the United States. We receive but twenty-two from all the world, and yet we send out thirty-one. Now, it is not necessary that this should be done. As already remarked by gentlemen to-day, our Government has been negotiating with Great Britain with regard to the matter of extradition of certain escaped criminals from the United States in the absence of a minister to the court of St. James in just as satisfactory a manner as if we had a minister there. What we need is not ministers at a salary of $17,500, but intelligent consuls at reasonable pay.

I believe that the whole service could be carried on satisfactorily with but two ministers, one in England and the other in some part of Germany. That is all that is absolutely necessary. I think that we ought to stand by our bills. The people are at our backs in this matter. We ought not to yield, and I trust the House will show in good faith an earnest desire to keep the pledges which every one of us made in our canvasses, and which have been made in the platforms both of the republican and democratic parties to cut down expenditures so that they shall not reach a larger amount than is absolutely necessary for the public good.

Mr. SPRINGER. Mr. Speaker, I propose on this occasion to submit some remarks in reference to the difficulty in which the two Houses of Congress now find themselves upon this and other appropriation bills, and to refer to some authorities in support of the views which I shall offer. The committee of conference upon the disagreeing votes of the two Houses on the consular and diplomatic appropriation bill have just submitted their report to the House, in which they state they are unable to come to any agreement thereon. The gentleman from Mississippi [Mr. SINGLETON] has stated the position of the House and also that of the Senate in relation to this particular bill. It appears that the same difficulty has been made in the consideration of the disagreeing votes upon this bill that arose upon the legislative, executive, and judicial appropriation bill heretofore reported to this House; and a similar state of affairs exists with reference to the other appropriation bills pending and not yet passed by the two Houses.

The position of the two Houses at this time, as it appears from the discussions had in this House, on this and other bills, is substantially this: The House of Representatives, acting under the provisions of the great rule of retrenchment adopted by this House at the commencement of the session, which is, that provisions may be inserted in appropriation bills changing existing laws which are germane to the subject-matter of the bills, and which shall retrench expenditures—the House acting under this rule has passed the usual appropriation bills for the support of the Government, by reducing salaries of nearly all officials, including the President of the United States, members of Congress, and diplomatic and consular officers, as well as the heads of the bureaus and the clerks in the various Departments of the Government. These reductions change the existing law in relation to salaries, but such changes have been made in every instance in the direction of the retrenchment of expenditures.

It has been estimated that these reductions in the appropriation bills already passed are $64,000,000, in round numbers, below the estimates of the various Departments for the fiscal year in which the Government has just entered, and also that the appropriations made by this House are over $39,000,000 less for the year ending June 30, 1877, than were the like appropriations made by the last Congress for the year ending June 30, 1876. I know that this statement has been controverted by gentlemen on the other side of the House; but even upon that side of the House it is admitted that the reductions made by this House of Representatives are thirty millions below the appropriations made by the last Congress for the fiscal year just ended. The reduction of the expenditures of the Government for a single year of $30,000,000 even is a matter of the greatest importance to the tax-payers of the country, and one which was hardly anticipated by the people who elected us. It is equal to the interest at 6 per cent. upon five hundred millions of the national debt; and the annual saving of that amount is a practical reduction of the national debt so far as the annual interest upon the same is concerned to the amount of one-fourth of the bonded debt.

On the 9th day of February last I had the honor to address the House upon the bill now under consideration. It was then pending in this House and under discussion. On that occasion I said:

And this House will not have finished its work until it shall have cut off all manner of official extravagance, abolished all sinecures, exposed corruption and peculation, reduced the public expenses $30,000,000, and thus have carried out the pledges made to the people when we were elected, to establish in all the branches and departments of the Government retrenchment, economy, and reform.

Therefore the reduction of expenditures as is admitted upon the other side of the House to the amount of $30,000,000 below the expenses of last year is as much as I expected at the commencement of the session could be accomplished, and even more than was anticipated by a large majority of members upon this side of the House.

Such is the position which the House has assumed in reference to appropriation bills, and such is the amount of the reduction that has been accomplished in the bills as passed by the House. The House insists upon its right to originate these bills and to reduce the salaries and other expenses of the Government in the manner provided.

Upon the other hand, it is contended by the Senate that all appropriations made by the House of salaries below those heretofore established by law, unless voluntarily agreed to by the Senate, cannot be insisted upon by the House; and this House is admonished that to adhere to its reductions of official salaries will be an act of revolution. A distinguished gentleman has said elsewhere than upon this floor—for I desire to make no references not according to parliamentary rules—that such action on the part of the House of Representatives would be nullification. I had the privilege of hearing some remarks made upon the legislative, executive, and judicial appropriation bill when the conference report upon that bill was submitted in the other branch of Congress.

I presume it will not be unparliamentary to refer to the present Secretary of the Treasury. When he announced the disagreement of the two Houses upon that bill he occupied a most anomalous position. I know of no parallel in the history of legislation in this country. I see a partial analogy in the position which he occupied to that of the "mighty angel" of the Revelations, who came down from heaven clothed with a cloud, having a rainbow upon his head, and with one foot upon the sea and the other upon the earth, swore by Him that liveth forever, and with other solemn asseverations, that there should be time no longer. The Secretary on this occasion, standing with one foot upon the turbulent sea of legislation and the other upon the firm vaults of the Treasury Department, announced that there was an end of all agreement between the two Houses upon that and other bills changing existing laws by the reduction of salaries of public officials. Having made this announcement, he left the subject and the Senate, and immediately repaired to the other end of the Avenue, and took the oath of office as Secretary of the Treasury.

In order that the position of the honorable Secretary of the Treasury may not be misunderstood, and regarding him as a representative of the party in power, I will quote a portion of his remarks. He said:

The Senate could not recede from its amendments and take the action of the House of Representatives changing by absolute law the entire salaries of the whole civil service in the Executive Departments. The Senate could not do that; especially the Senate could not do that if demanded as the price of any appropriation at all. To do that, was to concede that we were no longer a co-ordinate branch of the legislative department of the Government. It was abdication, as my honorable friend sitting near me [Mr. SHERMAN] says, absolute abdication. Well, if adhered to it is revolution. As long as the House of Representatives simply insists, we are to confer; but when the House of Representatives gets so far that it adheres, it is revolution. That is what it is, absolute revolution. It is a defiance of the law, and that is revolution in this country. I maintain that in the Senate, in the House of Representatives, or out of it, the rule of right for our action here or elsewhere is the law, and it is equally obligatory on all; and whoever rebels against it is revolutionary.

Here it is asserted that the House of Representatives may simply propose reductions of salaries, may propose to the Senate what amount of money shall be expended by the Government, and as the money which is to be expended is also to be raised by taxation the House would thereby be limited to the power to propose to the Senate what amount of money should be contributed by the tax-payers of this country. It is asserted with great confidence that while this House may propose amendments to existing law it may also insist upon its amendments and ask a committee of conference upon the disagreeing votes. But should this House, the immediate representatives of the people of this country, adhere to their measures of retrenchment,

adhere to the bills which have been passed reducing the expenses of the Government at least $30,000,000 below the past year, adhere to the position that the House of Representatives has the exclusive power to originate money bills, such adherence on our part would be absolute revolution. From this position I most respectfully dissent. This House, if it understands its proper functions and powers, will also dissent; and I am sure that the people of this country, already bowed down by the weight of taxation which has been heaped upon them year after year in the past, struggling now for a reduction of public expenditures, as well as denying themselves the luxuries of life by a reduction of their domestic expenses, will also dissent from this position.

I desire to call the attention of the House to another position assumed by the honorable Secretary of the Treasury. He said on the occasion above referred to:

Where an amendment of a statute is proposed by one side and the other side dissents, the party proposing is the innovating party, and so far as I know in the whole history of the country the innovating party always retires.

This brings me to the consideration of the question of the power of the House of Representatives over money bills. The first clause of the seventh section of the first article of the Constitution of the United States declares:

All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments, as on other bills.

The term "revenue bills" used in this connection was meant to include all bills on the subject of taxation and governmental supplies. Such bills are technically called "money bills," and the provisions in our Constitution in reference to them were borrowed from the British House of Commons, which body for five hundred years has exercised the right to originate all bills for raising revenue and meeting the necessary expenses of the government. For three hundred years previous to 1671 the House of Lords had exercised the right of amending such bills; but the right to originate them by the House of Commons had never been disputed. The Commons, however, in that year took an advanced position, to the effect that the House of Lords could not amend revenue or supply bills, but must pass them as they came from the Commons or not at all.

On the 3d of July, 1678, the following resolution was adopted by the House of Commons:

Resolved, That all aids and supplies and aids to His Majesty in Parliament are the sole gift of the Commons; and all bills for the granting of such aids and supplies ought to begin with the Commons; and that it is the undoubted and sole right of the Commons to direct, limit, and appoint in such bills the ends, purposes, considerations, conditions, limitations, and qualifications of such grants, which ought not to be changed by the House of Lords. (3 Hatsell, page 440.)

This resolution has ever since been accepted by the House of Lords as part of the British constitution. Since that time it has been held "that the Lords could not amend so as to alter the intention of the Commons with regard to the amount of the rate or charge, whether by increase or reduction, its duration, its mode of assessment, levy, collection, appropriation, or management, or the persons who shall pay, receive, manage, or control it, or the limits within which it is proposed to be levied."

In commenting upon the above resolution of the Commons, Mr. May, in his work on Parliamentary Law, page 407, says:

It is upon this latter resolution that all proceedings between the two houses in matters of supply are now founded. The principle is acquiesced in by the Lords, and, except in cases when it is difficult to determine whether a matter be strictly one of supply or not, no serious difference can well arise. The Lords rarely attempt to make any but verbal alterations in which the sense or intention is not affected; and even in regard to these, when the Commons have accepted them, they have made special entries in their journal, recording the character and objects of the amendments and their reasons for agreeing to them.

Mr. Blackstone, in his Commentaries, (volume 1, page 168,) says:

It is the ancient indisputable privilege and right of the House of Commons that all grants, subsidies, Parliament aids, do begin in this House and are bestowed by them.

The general reason given for this exclusive privilege of the House of Commons is that the supplies are raised upon the body of the people, and therefore it is proper that they alone should have the right of taxing themselves.

It would, therefore, be extreme'y dangerous to give the Lords any power of framing new taxes for the subject. It is sufficient that they have the power of rejecting, if they think the Commons too lavish or improvident in their grants.

But it is unnecessary to quote further upon this subject. The uniform practice of the House of Commons for two hundred years past has been in correspondence with this principle. It was well known to the framers of the Federal Constitution, and was the subject of much discussion in the constitutional convention. In fact the subject of taxation and the manner in which revenue should be raised was the most difficult subject before the convention. At that time it was not anticipated that the revenue arising from tariffs would be sufficient to meet the requirements of the General Government. Under the Articles of Confederation the expenses of the General Government were apportioned among the several States, to be raised in such manner as the States themselves might indicate. But this manner of raising revenue was found to be inefficient and impracticable, and the failure of this feature of the Articles of Confederation was one of the chief reasons for the formation of the Federal Constitution. The discussions in the convention all go to show the delicacy and importance of the question. The contest was between the larger and the smaller States. The equal representation in the Senate and the representation in the House of Representatives according to population and the manner of providing for the original revenue bills were subjects of compromise and concession. Inasmuch as the smaller States are allowed equal representation in the Senate with the larger ones, the larger States insisted upon retaining the power of originating money bills in the House of Representatives. So intimately is the subject of appropriation connected with the raising of the necessary revenue to meet such appropriations that the phrase "bills for raising revenue" has always been construed to cover all bills making appropriations.

Mr. BURCHARD, of Illinois. I desire to ask the gentleman if he maintains that the Senate has no power to originate bills to appropriate money, no power to act upon or pass an appropriation bill originating in the Senate taking money out of the Treasury?

Mr. SPRINGER. I will answer that question. I understand that by virtue of the Constitution of the United States all revenue bills must originate in the House of Representatives, but the Senate may propose or concur in amendments as in other bills.

I understand also that the writers on constitutional law almost universally construe the term "revenue bills" to include appropriation bills, and that the power and authority of the House to originate appropriation bills is exclusively in this body, although the Senate may propose amendments thereto.

Mr. BURCHARD, of Illinois. I desire to ask the gentleman if it has not been the practice for nearly a century past for the Senate to pass bills and send them to the House, and the House to concur in those bills, appropriating money out of the Treasury, pension bills and other bills appropriating money, not general appropriation bills; and if that has not been the practice from Congress to Congress?

Mr. SPRINGER. I will state that during the past ten or fifteen years, since the party of which my colleague is a member has been in power, it has been the practice to violate the Constitution on nearly every occasion when it was in their power to do so, and that we are not responsible for the repeated violation of that instrument by the gentleman's party. And yet we have the statement from the other end of the Capitol that if the House of Representatives shall insist upon its right to have control of revenue bills we will become revolutionists and nullifiers of the Constitution.

But my colleague has asked the question in good faith, and I will answer him in the same spirit. He desires to know whether it has not been the practice for nearly a century past for the Senate to originate and pass appropriation bills. I answer that such has not been the uniform practice of that body; on the contrary, from the adoption of the Federal Constitution down to the year 1832, the right of the House of Representatives to originate not only revenue bills, but also appropriation bills, was universally conceded to this body. I believe there is no instance on record from the adoption of the Constitution to 1832 where such bills have originated in the Senate of the United States. This fact is of the highest importance. It shows the contemporaneous interpretation of the Constitution by those who framed it, for many framers of the Constitution were afterward members of the Senate and of the House of Representatives. It shows also that the framers of the Constitution, by incorporating that clause in reference to the origin of revenue bills in the House of Representatives, had in mind the practice of the British Parliament on this subject. This provision was taken from the British system, and it was well known to the framers of the Constitution. The only modification in our Constitution of the British system is the incorporation into the Constitution of the right of the Senate to alter and amend money bills, which right was denied by the Commons to the House of Lords. Acting upon the theory of the British constitution, and with a full knowledge of the debates in the constitutional convention on this subject, the uniform practice of both branches of Congress from the organization of the Federal Government to 1832 was in favor of the origin in the House of Representatives of all money bills. At that time Mr. Clay, then a Senator from Kentucky, submitted a resolution in relation to the tariff, which proposed to reduce or repeal certain tariff duties. Mr. Clay's resolution was introduced in the Senate on the 9th of January, 1832, and is as follows:

Resolved, That the existing duties upon articles imported from foreign countries, and not coming into competition with similar articles made or produced within the United States, ought to be forthwith abolished, except the duties upon wines and silks, and that they ought to be reduced; and that the Committee on Finance be instructed to report a bill accordingly.

This resolution provoked an exhaustive discussion. There were in the Senate at that time Daniel Webster, William Marcy, George M. Dallas, Theodore Frelinghuysen, Felix Grundy, Thomas H. Benton, and many other distinguished statesmen. In this debate, while some affirmed the right of the Senate to originate bills for reducing taxation, as contradistinguished from bills for raising the revenue, yet the weight of authority was upon the side of those who maintained that all bills in any way affecting the public revenues and taxation ought to originate in the House of Representatives. In pursuance of this resolution a bill was reported, and that bill was also discussed at length; but on the 22d day of April, 1832, the bill was, on motion of Mr. Dallas, laid upon the table by a vote of 27 in the affirmative to 19 in the negative. Mr. Tazewell, a Senator from Virginia, just previous to the vote on laying upon the table, entered into a full and luminous exposition of the constitutional question, and after concluding his remarks he proposed that the bill should lie on the table, with the understanding that it was not to be taken up until the com

mittee had a reasonable time to make additional reports, or until a bill came from the other House. The bill having been laid upon the table, as stated, the question was disposed of for the present.

On the 12th of February, 1833, Mr. Clay addressed the Senate at length on the subject of the tariff, and submitted a bill "to modify the act of the 14th of July, 1832, and all other acts imposing duties on imports." The discussion on the merits of the bill and on the constitutional question was again renewed. The discussion extended over several days, and took a wide range, and questions not immediately connected with the bill were extensively discussed. The arguments on the constitutional question are not reported at length.

Mr. Chambers, of Maryland, said it was impossible for him to vote for the bill, as a measure originating in the Senate, while it contained a provision for increasing the duties. By the Constitution, he contended, the Senate could originate no such measure. He regarded the constitutional objection as insurmountable. (February 23, 1833.)

Mr. Dickerson, of New Jersey, said whether the rate of duty was raised or lowered the law was equally one for raising revenue within the Constitution. The distinction he regarded as an absurdity.

Mr. Silsbee, of Massachusetts, said he could not vote for the bill in the face of the Constitution, which expressly prohibited its originating in the Senate.

Mr. Frelinghuysen, of New Jersey, regarded the constitutional difficulty as altogether insuperable. He said, having taken a solemn oath to support the Constitution he could not, agreeable to his wishes, give his assent to a measure originating in the Senate in violation of its express provisions.

Mr. Webster was one of the principal characters in this great debate. He said:

The constitutional question must be regarded as important, but it was one which could not be settled by the Senate. It was purely a question of privilege, and the decision of it belonged alone to the House. The Senate, by the Constitution, could not originate bills for raising revenue. It was of no consequence whether the rate of duty were increased or decreased; if it was a money bill it belonged to the House to originate it. In the House there was a Committee of Ways and Means organized expressly for such objects. There was no such committee in the Senate. The constitutional provision was taken from the practice of the British Parliament, whose usages were well known to the framers of the Constitution, with the modification that the Senate might alter and amend money bills, which was denied by the House of Commons to that of Lords. This subject belonged exclusively to the House of Representatives. The attempt to evade the question by contending that the present bill was intended for protection and not for revenue afforded no relief, for it was protection by means of revenue.—*February* 23, 1833.

In this debate Mr. Clay insisted that the main object of the bill was protection and not revenue, and upon this ground he maintained that such a bill might originate in the Senate. He had presented the measure as one of conciliation and compromise, and urged its passage upon that ground. The question was never taken in the Senate upon the final passage of the bill, nor was any test-vote had upon the constitutional question, independent of the merits of the bill. But Mr. Clay, on the 26th of February, 1833, abandoned his bill, giving as a reason that the House of Representatives had just passed a bill of substantially the same purport, and that the Senate could take up and consider the House bill, stating that this would "supersede the objections of some Senators who believed the Senate was not the proper place for the origin of this bill." Thus ended the attempt of the Senate in 1833 to originate and pass a bill not for raising revenue but to reduce taxes and for protection. The Senate bill was laid on the table, and the House bill taken up, considered, and passed, the vote being—yeas 29, nays 16. The abandonment by Mr. Clay of his bill and the taking up and passage of the House bill to the same purport constitute a strong precedent in favor of the right of the House to originate such bills.

The Senate on the 26th of March, 1838, passed a bill for the establishment of the independent treasury. This bill was entitled "A bill to impose additional duties as depositaries upon certain public officers, to appoint receivers of public money, and to regulate the safe-keeping, transfer, and disbursements of public moneys of the United States." The vote upon the passage of it was—yeas 27, noes 25. This was not a bill for the raising of revenue, nor for repealing or reducing taxation. It was, however, regarded by the House as a money bill, having reference, as its title indicates, to the safe-keeping, transfer, and disbursements of the public moneys of the United States. Mr. Pickens, of South Carolina, said in the House that he considered this a question which, according to the theory of our Government, was peculiarly under the jurisdiction of the House, and upon that consideration alone he preferred to consider the House bill on that subject instead of the Senate bill. Mr. Cambreling, of New York, a member of the Committee of Ways and Means of the House, said that he could answer for himself as well as every one of his colleagues on that committee, and that the committee infinitely preferred the House bill to the Senate bill. He said they had seriously and thoroughly examined all the provisions of the Senate bill, and they had serious objections to many of its details; that some of its details besides those advanced by the member from South Carolina involves principles of a very grave importance. For one, he said, he should not depart from one single section or feature of the House bill, and he certainly felt it his duty as a measure of this character should emanate from the House to give the House bill the preference. A motion was made thereupon to lay the Senate bill upon the table; which was agreed to—yeas 106, noes 38. While the vote upon laying this bill upon the table cannot be claimed as a test-vote upon the constitutional question, yet it certainly indicated that the House regarded this bill as embracing the subject of legislation which should originate in the House of Representatives. So the bill was laid on the table. (Congressional Globe, second session Twenty-fifth Congress, volume 6, page 267.)

This question was again brought before Congress at the first session of the Twentieth Congress. Mr. McDuffie, of South Carolina, introduced into the Senate a bill to revive the compromise tariff act which was passed on the 2d of March, 1833. This bill was referred to the Committee on Finance in the Senate. The Committee on Finance at that time consisted of Mr. Evans, of Maine, chairman; and Messrs. McDuffie, Huntington of Connecticut, Levi Woodbury of New Hampshire, and John J. Crittenden. On the 9th of January, 1844, Mr. Evans, from this committee, reported that a majority of the committee had instructed him to ask that it be discharged from the further consideration of the subject, stating that the committee had come to this conclusion under the impression that the bill could not originate in the Senate, being one within the meaning of the Constitution to raise revenue; and for the purpose of enabling Mr. McDuffie to discuss the question, reported the bill back without amendment, and submitted the following resolution:

Resolved, That the bill entitled "A bill to revive the act of the 2d of March, 1833, usually called the comqromise act and to modify existing duties upon foreign imports in conformity with its provisions," is a bill for raising revenue within the meaning of the seventh section of the first article of the Constitution, and cannot, therefore, originate in the Senate: Therefore,

Resolved, That it be indefinitely postponed.

Mr. Berrien, a Senator from Georgia, discussed these resolutions at length on the 9th of April, 1844. He said that it was not on account of the representation of the people in the Senate or the House in different modes that he opposed the initiation of the bill now the subject of discussion. It was because the restriction was plainly written on the face of the Constitution; and however important might be the discussion on the merits of the bill, there stood in advance of it a question far more important, which was whether the Senate of the United States would confine its legislation within the limits of the Constitution or usurp a power which the Constitution had not conferred upon it. He is thus reported in the Globe:

Entertaining these opinions, not only upon the question itself but upon its comparative importance, he desired to state as briefly as possible the question involved in the inquiry whether the Senate had the constitutional power to entertain this bill, to originate a bill, which was now under discussion. He did not refer Senators to that particular clause in the Constitution, because it was well known to all present. It was simply that "All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur in amendments as in cases of other bills." Now here was a bill which was for raising revenue. He spoke of it in these general terms. The question involved was, what was a bill for raising revenue? The Senator from South Carolina [Mr. McDuffie] said if it were in any article essentially such a bill, the Senate had no right to entertain it. But he [Mr. McDuffie] denied that it was so; because, in the first place, it did not propose to raise by the imposition of new or increased duties, but to reduce taxation by the reduction of duties. Mr. Berrien maintained that this distinction was more specious than solid, inasmuch as the bill proposed a repeal of one kind of duty and prescribed that of another. Mr. Berrien proceeded to show that the bill would necessarily in its progress have to be so amended as to impose a different rate of duty; and therefore would be a bill for raising revenue. He next examined the argument that, the object being to reduce duties, not to increase them, the bill could not be within the terms of the inhibition in the Constitution; and he referred to the journal of the debates of the convention which framed the Constitution to show that the object of the inhibition with regard to the Senate was to prevent the Senate from originating bills for raising or appropriating money for revenue—a power that was reserved for the House of Representatives. He quoted several motions for amendment in the debates of the convention to show that such bills were always spoken of as money bills, including all revenue bills, the object of which was to raise money by taxation for revenue. Hence he argued there was no constitutional authority for the origination of this bill in the Senate.

Mr. Benton, of Missouri, in this debate said:

In all cases of doubtful jurisdiction between the two Houses, my rule is to solve the doubt in favor of the House, which, by the Constitution is charged with the general subject. Taxation and representation go together. The burdens of the people and the representation of the people are put together. The immediate and full representation of the people is in the House of Representatives.

The resolutions reported from the Committee on Finance of the Senate, after a debate extending through a period of sixty days, were finally, on the 31st of May, 1844, adopted—yeas 33, nays 4.

The sole question involved in this discussion was as to the constitutional power of the Senate to originate such bills, and the emphatic vote agreeing to these resolutions which they received establishes a precedent of the greatest importance. When it is considered that this vote denying jurisdiction in the Senate was given by the Senate itself, which body, like all other legislative bodies, is disposed to assume all the jurisdiction which the Constitution will give it, the precedent becomes all the more important and conclusive upon this subject.

I will now cite another important precedent in the legislation of Congress upon this subject. On the assembling of the first session of the Thirty-fourth Congress in December, 1855, there was a contest in the election of Speaker, lasting until the 2d day of February, 1856, at which time the honorable gentleman from Massachusetts, [Mr. BANKS,] now a member of this House, was chosen. The Senate being impatient on the subject of the appropriation bills, Mr. Brodhead, of Pennsylvania, on the 11th of December, submitted the following resolution:

Resolved, That the Committee on Finance be directed to inquire into the expediency of reporting the appropriation bills for the support of the Government or adopting other measures with a view of obtaining more speedy action on said bills.

Upon the introduction of this resolution Mr. Brodhead said that he did not ask the Senate to consider the resolution at that time, but when he did call it up he would ask the Senate to consider the question of the power and the right of that body to originate the general appropriation bills. On the 7th of January Mr. Brodhead called up his resolution for consideration. He discussed the subject at length, stating that his object was to have these bills considered by the Senate in consequence of delay on the part of the House of Representatives in considering and sending to the Senate appropriation bills. In order to illustrate this delay on the part of the House he submitted a statement showing the days on which the principal appropriation bills for the support of the Government were received in the Senate from the House of Representatives, and the number of days of each session expended by the House of Representatives before maturing and passing each bill, and the number of days left of each session to the Senate for its action upon each bill. He also argued that the Senate had power to originate appropriation bills. The same view was taken by Mr. R. M. T. Hunter, Senator from Virginia; by Mr. Toombs, of Georgia; by Mr. Clayton, of Delaware, and others. But Mr. Seward, of New York, arguing upon the subject from a constitutional stand-point, took a different position. He said:

It is true that according to the letter of the Constitution appropriation bills may be originated by the Senate, for they are not strictly revenue bills; yet we all know that in point of fact they have come into the place of revenue bills. We make a revenue bill but once in ten or twelve years, and these appropriation bills are in fact what were intended, I suppose, by the framers of the Constitution as bills of revenue. They appropriate the revenue which is only regulated by a bill passed once in a period of several years. Now, notwithstanding all the inconveniences attendant on the present mode of transacting business, I am quite satisfied that this branch of the national legislation is more safely reposed in the House of Representatives of the United States—representatives from limited districts, the direct representatives of the people themselves and not of the States; representatives responsible to the people directly and immediately at the expiration of every two years. I think it would be very much to be deplored, so far as concerns the appropriation of the public money, that it should in any degree be withdrawn from that House and concentrated in the Senate of the United States. As the tendency of things strikes me it is now, as it has for many years been, to concentrate in the Senate a larger share than in the House of the various legislation which the country requires. That happens so because the number of this body is smaller; because its rules, therefore, are more practicable and business can be more feasibly transacted; while, on the other hand, the constitution of the other House is such that the business is more slowly transacted and with great difficulty. But if I know anything of the constitution of the two Houses, what I do know has led me to believe that proposed appropriations are more carefully examined by committees in the House of Representatives than they naturally would be here; and that if this be not the fact, and if our committees are equal, yet there is a more strict sense of accountability on the part of members of that House in regard to the fiscal affairs of the Government. It is for these reasons, while I think some remedy is necessary for the inconveniences which have been suffered—and I am willing to vote for this resolution of inquiry—I yet at the same time am far from believing it will be right or safe or judicious or strictly within the spirit of the Constitution for us to assume this great branch of business, which properly belongs to the Commons of the country, the House of Representatives, according to the previous settled habit of the country.

Mr. Sumner, of Massachusetts, discussed the subject at great length, citing numerous authorities from the debates in the constitutional convention and from writers on parliamentary and constitutional law. His speech will be found on page 379 of the Congressional Globe, first session of the Forty-Fourth Congress, volume 32. I may be pardoned for quoting from this speech somewhat extensively from the fact that it bears directly upon the question which my colleague [Mr. BURCHARD] has put to me, and also is a subject of the greatest importance at this time. Mr. Sumner said:

We are carried first to the words of the Constitution, which are as follows:

"All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments as on other bills."

Under this provision the annual appropriation bills for the Army, Navy, Post-Office, and civil and diplomatic service, from the beginning of the Government, have originated in the House of Representatives, and this has always been done, I believe, without question. It is now proposed to reverse this standing policy and to originate these bills in the Senate; and this proposition has the sanction of the Committee on Finance of this body.

The proposition is a clear departure from usage, and on this account must be regarded with suspicion. A slight examination will demonstrate that it tends to a subversion of well-established landmarks.

Mr. Sumner then proceeded to discuss the subject in the light of the debates on the Federal Constitution, showing that the provision in the Constitution which he had quoted was the result of a compromise between the larger and the smaller States; and also showing that the phrases "revenue bills," "money bills," and "appropriation bills" were used as synonyms in all the debates on this subject. He also showed from these debates that great stress was placed upon this provision of the Constitution in reference to revenue bills, Colonel Mason having stated in the convention that "to strike out the section was to unhinge the compromise of which it made a part." After citing these authorities, Mr. Sumner further said:

And this brings me, sir, to the precise meaning of this provision. The seeming indefiniteness of the term "bills for raising revenue" may perhaps furnish apology for the present effort. It may be argued that while the Senate is placed under certain restrictions it may nevertheless originate "appropriation bills." This of course is a question of interpretation. Does this interdict upon the Senate extend to the bills by which money is appropriated to the support of the Government as well as by those bills by which it is directly obtained? Are appropriation bills included under the term "bills for raising revenue?" Now, I cannot join in the opinion so confidently expressed by the Senator from Virginia [Mr. Hunter] and the Senator from Georgia [Mr. Toombs] that it was clearly the intention of the Constitution to concede to the Senate the power of originating all appropriation bills; nor on the other hand do I assert that such exercise of power is in the strict sense unconstitutional. I approach the question as an inquirer anxious to find the real purpose of the fathers. There are several considerations which seem to shed light on the path to our conclusion.

First. The compromise between the small States and large States can be made completely effective, according to the obvious intent of the authors of the Constitution, only by interdicting the Senate from originating the great appropriation bills. If this interdict is restrained simply to tariff bills, which occur only at rare intervals, it becomes only a very inadequate compensation for the surrender made by the larger States to the smaller States in the constitution of the Senate. According to the reason of the rule the great appropriation bills must be equally within its intendment; the reason is as strong in one case as in the other.

Secondly. There is a second consideration, founded on the familiar use of the term *money bills* throughout the debates in the convention, as applicable to the bills which the Senate cannot originate. I need not occupy time by reference to instances, but whoever takes the trouble to investigate the matter in Mr. Madison's reports of the debates, and also in the report of the Virginia convention, will find that this term is universally employed, unless indeed where Mr. Gouverneur Morris uses the broader term "money plans," (ibid., page 282;) and Mr. Gerry "money matters," (ibid., page 283.) Now, all of these phrases are already applicable to "appropriation bills," by which the Government is carried on, and the inference seems irresistible that the parties who used them must have had such bills in mind.

The third reason advanced by Mr. Sumner was founded on the example of England, which was obviously in the minds of the framers of the Constitution; and he proceeded to explain the English system at length. He then said:

Thus on three accounts, first, by the reason of the thing; secondly, by the familiar use of the descriptive term "money bills" in all the debates; and, thirdly, by the example of England, the conclusion seems irresistible that "appropriation bills," by which the Government is carried on, are within the spirit of the interdict upon the Senate, and that this body cannot originate such bills without a violation of a well-established principle inherited from English jurisprudence, and also without unhinging, according to the language of Colonel Mason in the Federal convention, that compromise by virtue of which the small States are admitted to an equality of representation on this floor.

Then follow in the course of Mr. Sumner's remarks the following question and answer:

Mr. TOUCEY. I would beg leave to ask whether he denies the power of the Senate to originate appropriation bills?

Mr. SUMNER. I have already said that the language in the Constitution seemed to me indefinite. It is not on the face of it clear. I am driven therefore to contemporaneous evidence in order to seek its precise meaning; and referring to that, my conclusion is that according to the spirit of the Constitution it does not belong to this body to originate appropriation bills.

Such was the position of Mr. Charles Sumner, of Massachusetts, upon this subject in 1856. At that time the Senate had a majority of democrats, while the House of Representatives had elected a republican for Speaker, and that party had a controlling majority in the House. While the views of Senator Sumner at that time, or even now, may not be conclusive upon democrats, yet I insist that they ought to be sufficient to satisfy my colleague and the gentlemen upon the other side of this House and the dominant party in the Senate.

But there was further discussion upon this subject at that time. Senator Wilson, of Massachusetts, late Vice-President of the United States, was then a Senator. He said that he should not detain the Senate at length by entering into a further discussion of the question. He only desired to say that he should vote against the proposition; for, said he—

Whatever may be the constitutional powers of the Senate to originate general appropriation bills, there can be no doubt of the fact that when the Constitution of the United States was framed, its framers supposed that this was a compromise between the States and the people, that the theory settled in the Constitution was that money bills—general appropriation bills—should originate in the House of Representatives. The debates in the convention referred to by my colleague—the debates in the State convention, as will appear if Senators will examine those debates—abundantly sustain that position.

He further said:

The practice of the Government, of the wise men who framed the Constitution, from the year 1789 to the year 1856, during two entire generations, has been to adhere to this policy.

He also said that he preferred that the House of Representatives, representing the people, should mature the general appropriation bills of the country and take the lead in the appropriation of the money of the country; therefore he hoped that the Senate would make no change whatever.

I commend these views to the gentlemen on the other side of the House. The resolution, however, being one simply of inquiry, was adopted without a division, and the Senate did actually prepare and pass at that session two of the general appropriation bills; but it appears upon examination of the records of Congress that the House paid no attention whatever to the appropriation bills which originated in the Senate, but proceeded, as was the unbroken custom of this body, to mature and pass all the great appropriation bills in the first instance. The House at that session, by disregarding the bills that came from the Senate, asserted its power over appropriation bills and its right to originate such bills to the exclusion of the Senate; and I may here remark that that was the first House of Representatives that ever assembled in this country in which the republican party had a majority sufficient to elect the presiding officer. In fact it was at the very organization of the party, if indeed it can be said to have been organized at all at that time. The majority of that House was rather an opposition majority, composed of all elements then in opposition to the administration of Mr. Pierce.

Mr. BURCHARD, of Illinois. Will my colleague inform me what party had control of this House when it passed a joint resolution in regard to the Washington Monument, requiring an appropriation, which originated in the Senate?

Mr. RANDALL. There was no appropriation in it.

Mr. BURCHARD, of Illinois. It looks to an appropriation and promises one. Several pension bills have been passed that originated in the other House.

Mr. SPRINGER. Many things of that kind may have been done. I do not refer to penion bills and other minor matters. The Constitution, by its spirit, was framed with reference to the great appropriation bills—the supply bills of the House of Commons. In the Forty-first Congress the question was raised whether the Senate had the right to originate an act to repeal the income tax after the 31st day of December, 1869. The Senate passed the bill and sent it to this House. When it was taken up here, on the 27th of January, 1871, the House passed the following resolution:

Resolved, That the Senate bill (S. No. 1083) to repeal so much of the act approved July 14, 1870, entitled "An act to reduce internal taxes, and for other purposes," as continues the income tax after the 31st day of December, A. D. 1869, be returned to that body, with the respectful suggestion on the part of the House that section 7, article 1, of the Constitution vests in the House of Representatives the sole power to originate such measures.

The bill was returned to the Senate with a copy of said resolution The Senate thereupon asked for a committee of conference on the resolution, with which the House at once complied, as an act of courtesy, the question involved being the *prirrilege* of the House.

The House conferees were Messrs. Samuel Hooper of Massachusetts, (now deceased,) WILLIAM B. ALLISON of Iowa, and Daniel W. Voorhees of Indiana, and the conferees on the part of the Senate were Messrs. Scott, CONKLING, and Casserly.

At the meeting of the conference committees, the Senate conferees submitted and maintained throughout the conference the following propositions:

First. That the words "all bills for raising revenue shall originate in the House of Representatives," in the seventh section of the first article of the Constitution, mean only bills the direct purpose of which is to raise revenue *by the levy of taxes, imposts, duties, or excises.*

Second. That a bill may originate in the Senate to repeal a law or portion of a law imposing such taxes, duties, imposts, or excise, even if the repeal of such repeal render necessary the imposition of other taxes; and Senate bill No. 1083 being such an act, it is within the constitutional power of the Senate to originate it.

The committee on the part of the House maintained in reply:

That, according to the true intent and meaning of the Constitution, it is the right of the House of Representatives to originate all bills relating directly to taxation, including all bills imposing or remitting taxes; and that in the exercise of this right the House of Representatives shall decide the manner and time of the imposition and remission of all taxes, subject to the right of the Senate to amend any of such bills originating in the House, before they have become a law.

The conference committees were unable to agree, and on the 27th of February Mr. Hooper, in behalf of the House conferees, submitted an elaborate report to the House, which was signed by all the House conferees. This report was printed, (Report No. 42, Forty-first Congress, third session,) but for want of time, the Congress expiring on the 4th of March thereafter, there was no action of the House thereon. But it is important for its intrinsic worth, as well as on account of its presenting the views of the distinguished gentlemen who signed it, if not of the whole House of that Congress. I commend it to my colleague and those upon the other side of this House. This report reviewed the whole history of the clause in the Constitution on this subject, and cited numerous extracts from the debates on the Federal Constitution in support of the position of the House conferees. I may be pardoned from quoting from this report, as its conclusions are important at this time. The House conferees, after the review of the constitutional history, thus present their conclusions in the report to which I have referred:

We have thus given a brief history of the first clause of the seventh section and the compromises and adjustments which led to its insertion in the Constitution. A careful study of the debates will disclose that in all the discussions the words inserted were used as synonymous with the words "money bills" as used in the British constitution. It seems to us, therefore, that a fair interpretation of this clause, whether derived from the interpretation given to it by reason of its analogy to the British constitution or from the debates of the convention, is, that all bills directly affecting the revenue shall originate in the House of Representatives.

And the report of the House conferees, as if in anticipation of just such questions as that which my colleague [Mr. BURCHARD] has put to me, further states:

There are instances where the House has acquiesced in the Senate bills merely for the purpose of facilitating legislation, as, for example, during the present Congress the Senate passed what was known as the funding bill or loan bill and sent it to the House, where it was referred to the Committee of Ways and Means; but the committee considered and matured a bill of their own, which was reported to the House and passed. Immediately afterward the committee reported back the Senate bill and moved the bill that had passed the House as a substitute, for the purpose of getting a ready conference upon the bill, thus on the record apparently acquiescing in the action of the Senate; but this could not be quoted as a precedent against the privilege of the House, because, for reasons of convenience, the question was not raised.

The report contains among other and numerous citations of authority the following:

The commentators upon this clause of the Constitution, so far as they have undertaken to interpret its meaning, we think, sustain your committee in their interpretation.

Mr. Justice Story, in discussing this clause, says, (§ 876 of Story on the Constitution:)

"That it is fit the House should possess the exclusive right to originate money bills, since it may be presumed to possess more ample means of local information, and it more directly represents the opinions, feelings, and wishes of the people; and being directly dependent on them for support, it will be more watchful and cautious in the imposition of taxes than a body which emanates exclusively from the States in their political capacity."

Judge Tucker says:

"Now, as the relation between taxation and representation in one branch of the Legislature was fixed by an invariable standard, and as that branch of the Legislature possesses the exclusive right of originating bills on the subject of revenue, the undue weight of the smaller States is guarded against effectually in the imposition of burdens." (1 Tucker's Blackstone, appendix, 195.)

I call the attention of the House and the Senate also, where at least one of its members will recognize in this document principles which he so recently cherished, to the conclusion of this able report:

Your committee think the assertion of the proper privileges of this House in relation to money bills important, in order to preserve that balance of power and influence which the framers of the Constitution intended should be maintained when the clause under consideration was inserted in that instrument, and therefore present, for the consideration of the House, the accompanying resolution:

Resolved, That this House maintains that it is its sole and exclusive privilege to originate all bills directly affecting the revenue, whether such bill be for the imposition, reduction, or repeal of taxes; and in the exercise of this privilege, in the first instance, to limit and appoint the ends, purposes, considerations, and limitations of such bills, whether relating to the matter, manner, measure, or time of their introduction; subject to the right of the Senate to "propose or concur with amendments, as in other bills."

This is the last of the numerous precedents furnished by the legislation of Congress, so far as I am advised, in favor of the position now occupied by the majority of this House.

Mr. HURLBUT. Does the gentleman recognize no difference between an appropriation bill to pay money and a revenue bill to raise money?

Mr. SPRINGER. I recognize the difference that there may be in the provisions of the bills.

Mr. HURLBUT. Does the gentleman recognize the fact that an appropriation bill is not a revenue bill?

Mr. SPRINGER. I recognize the fact that an appropriation bill is that very kind of measure which was intended to be embraced by the terms of the Constitution, and especially in the clause which provides that all bills for raising revenue shall originate in the House of Representatives. At least such is the interpretation given to the clause by the framers of the Constitution, by the most authoritative writers on that instrument, and by the most enlightened statesmen of our country.

Mr. BURCHARD, of Illinois. If my colleague will allow me, I will say that I have been familiar with the discussions that have occurred upon this subject some years ago, and I never knew it maintained in the House that the Senate could not originate bills appropriating money. But it was contended that they had no right to originate revenue bills, and in the Forty-first and Forty-second Congresses we sent back to the Senate bills which had been passed by that body for the raising of revenue, tax bills, which we claimed that they had not the right to pass. But it was never held that the Senate had not the right to originate an appropriation bill. It has been a practice that the general appropriation bills should originate in this House, and it is a practice worthy of being maintained; but I never heard it claimed upon this floor until this session that they had no right to originate appropriation bills, and I think that if the gentleman will examine the debates on the Constitution and the original draught of the Constitution he will find that the power was conceded to the other branch to originate an appropriation bill. The practice in the British Parliament is different, for it is provided there that "*all grants and subsidies for parliamentary aid shall begin in the House of Commons*," and that language applies to appropriation bills as well as revenue bills. But the language of our Constitution is confined to bills for raising revenue. I hope the gentleman will answer this point in his remarks.

Mr. SPRINGER. I think I have cited authorities which are conclusive upon this subject. Appropriation bills which originate in the Senate have been uniformly rejected in the House. The constitutional right that the Senate has is to propose amendments, but when "it adheres it is revolution; that is what it is; absolute revolution." This House has the sole right to originate revenue bills. The Senate has the right to propose amendments to them, but if they are not acceptable to the House the Senate must recede. That is the condition of this bill and other appropriation bills. The Senate has exercised its constitutional right to propose amendments and this House insists on the passage of the bills as they came from the House. Now the Senate must recede or they will become responsible for all the consequences that may follow.

I have been somewhat lengthy in my remarks concerning the power of the House to originate all money bills. The question between the two Houses of Congress at this time does not turn upon the power of the House to originate the appropriation bills, for all these bills have originated in the House without question. But the question is of the highest importance in the present dead lock between the two Houses for this reason: If it be conceded that the House has the exclusive right to originate these bills, then the right of the Senate is limited to the power of proposing amendments. The party proposing is the innovating party; and after conference between the two Houses, if the House should insist upon its original bills, the Senate ought to recede. It must recede, else the power of the House to originate money bills is of no importance whatever; for the Senate may amend by incorporating upon the House bills amendments entirely changing the character thereof. The Senate, under the Constitution, may propose such amendments; but it cannot adhere to them. The Senate may propose and may insist and ask a con-

ference, but to adhere is revolution; yes, it is nullification. It would render null and void one of the most important compromise provisions of the Constitution.

I thank the Secretary of the Treasury for his admission that the party proposing an amendment was the innovating party, and that the innovating party must in the end retire. The Secretary referred to appropriations which changed existing law in reference to salaries. But as to these, his innovating theory is not correct. There are but two classes of salaries protected by the Constitution, the salary of the President and those of the judges of Federal courts. Members of Congress are elected for a stated period, but their salaries have so often been changed during their terms of office that the subject is wholly within legislative control. So far as other officers of the Government are concerned—officers appointed by the President and removable almost at his will—there is no obligation on the part of the Government to pay any sum of money beyond what Congress may from time to time appropriate. If Congress does not appropriate a sufficient sum, any official who feels aggrieved may resign. The Government has no contracts to carry out in reference to such salaries.

I have been amazed at the assertion that the Government owed these officials the sums heretofore fixed by Congress, and that we must vote those amounts and continue to vote them until both Houses of Congress and the President should conclude to pass a general law changing such salaries. Upon this theory, should the House and the Senate both concur in reducing the salaries, the President would have the right to veto such bills, and thus prevent all measures of retrenchment, changing existing law, unless two-thirds of each House should override the executive veto. That the President might do this, that he has the power to do so, cannot be denied. But it is not a question of power; it is a question of right, of justice. Would the President be justified in such an unwarrantable exercise of the veto power? Upon questions of revenue and appropriations, I maintain that the House, in the exercise of its constitutional prerogatives, can alone originate the general measures of legislation; and that, when so originated and submitted to the other departments of Government, after all propositions of amendment and conferences have been ended, its judgment ought to be respected.

Gentlemen may quibble about the power of the Senate as a coordinate branch of Government and the power of the President to veto any measure, and use these terms with various and varied meanings. But when it comes to a disagreement between the two Houses upon revenue and appropriation bills, which House, I ask, by all the rules of legislative propriety, ought to have the controlling influence? The House is the most numerous body. It is elected directly by the people for a term of two years only. Its members are apportioned among the States according to population, giving an equal representation to all sections. By all the authorities it is agreed that bills to raise revenue must originate in the House, and that this power was conferred upon that body in order to give it the controlling influence upon such bills. Whether this includes appropriation bills or not, the spirit of the Constitution would include such bills. The Congress cannot appropriate a greater sum than can be raised by taxation or loans. If the Senate can insist upon larger appropriations than can be met by the revenue of the Government, the bills for which, the House alone can originate, then the superior power of the House over revenue bills becomes a meaningless platitude, a "barren ideality." For this reason, then, as a matter of common sense and legislative propriety, if for no more sacred reason, I maintain the superior authority of the House over all money bills.

The Senate is elected by the respective States. The little State of Rhode Island has the same voice in that body as does the great State of New York. Upon these appropriation bills and the disagreeing votes of the two Houses, the two Rhode Island Senators claim the same influence and voice as that exercised by the thirty-three Representatives of New York upon this floor. In the one State there is a population of 217,353; in the other of 4,382,759. In this House the representation is according to population, and the right of voting away the people's revenue is equalized. But when the Senate sets itself up upon this question as superior to the House it asserts the voice of two Senators as equal to that of thirty-three Representatives in a matter affecting taxation and appropriations. If there were no provision of the Constitution on the subject, which body ought to yield on a question of this kind? I appeal to the candid judgment of members upon the other side of this House on this subject; I appeal to the judgment of the Senate itself; and above all and before all, I appeal to the great body of the American people, who furnish the revenue to support the Government, for their decision upon this question of retrenchment. In reference to taxation and appropriations, which of the three law-making powers, the House, the Senate, or the President, should have the superior voice? The immediate Representatives of the people, in the most numerous branch of the legislative department, in the contest between the two Houses and before the country at this time, will insist upon their superior control over the purse-strings of the people.

We have tendered to all the Departments of the Government a sufficient sum of money for an honest and economical administration of every branch of the public service. In reducing salaries and other expenses, we are but carrying out the popular will and responding to the depressed condition of all the business interests of the country. We think we know what the people desire in this matter. We believe we are representing them and their best interests They have been compelled to reduce their own expenses. Merchants and manufacturers have reduced the salaries and the per diem of their clerks and employés. Thousands are out of employment and other thousands are begging for bread. The price of living has largely decreased in every part of the country. All classes and conditions of society, without exception, have been compelled to retrench and economize. But one class has defied hitherto hard times and the House of Representatives. I refer to the office-holders of the Government. These are merry and fat while the people mourn and are depleted of their substance.

Let panics come and sweep down the great business houses of the land like a tornado does the giant oaks; let the floods descend and destroy whole regions of growing crops; let the grasshopper, like the plagues of Egypt, light upon the Western States and consume every green substance; let debts oppress and mortgages harass; let crops fail and railroads go into the hands of receivers; let all these things and worse befall others, there is one class of our people who are undisturbed. They are the office-holders. They care not "for the pestilence that walketh in darkness, nor for the destruction that wasteth at noonday." Come what may they are still happy and still rely with confidence upon the credulity of the people and the Senate of the United States to protect them. They have eaten of the imperial meat of Cæsar—our Cæsar—until they have grown exceeding great, at least in their own imaginations. They bestride the continent, like a Colossus, and overshadow all interests and control all sections. Their name is legion. They elect Senators, nominate Representatives and Presidents, and control wards, cities, counties, and States. There is no place "where their voice is not heard." They are now demanding their usual allowances from the people's purse. They will suffer no reduction; they must have enough for themselves and for the campaign committees also. Now, of all other times, would be most inconvenient to them to submit to a reduction of salaries. The election must be carried for their favorite candidates, and this will cost money. The usual assessments for campaign purposes will soon be made. Every man must pay up or lose his official head. Hence no reductions will be tolerated. The Senate must stand firm for high salaries. The House must yield. The people's money must be appropriated for the benefit of those who live upon the taxes.

Such is the contest now presented to the country by the two Houses of Congress. It is to be remarked that no bill has passed this House at this session reducing taxation. And why? Because no such reduction is possible in the present condition of the country. We have cut down appropriations between thirty and forty millions of dollars, but this reduction was necessary to meet the falling off of the revenue consequent upon the general depression of business through the country. The Senate must agree to the reductions proposed by the House, or else both Houses must agree to increased taxation to the amount of these reductions. This is the alternative. The House, in the exercise of its constitutional prerogative, has not originated and passed any bill to raise additional revenue. The appropriation bills as passed by the House will consume all the revenue that existing laws will produce. How unreasonable, then, is it for the Senate to insist upon appropriating more money for the ensuing year than will come into the Treasury from the taxation provided by law. Will the Senate force a deficit, or acquiesce in such appropriations as can be met by the existing law of the land?

Sir, history repeats itself. In 1858 this House was engaged in a similar contest with the Senate, at least it would so appear to one who should read the debates of this House at that time. A distinguished leader of the party in power, Hon. JOHN SHERMAN, of Ohio, was then a Representative of the people upon this floor. No stronger argument in favor of the power of the House over money bills can be cited than the speeches of this gentleman at that time. I fear he has changed with the changing times; but the great principles which he then uttered will never change. On the 27th of May, 1858, Mr. SHERMAN, rising to the sublime height of a true Representative of the people and speaking more for posterity than for the then present, said:

> Sir, retrenchment and reform are now matters of imperative necessity. It is not the mere cry of demagogues, but a problem demanding the attention and worthy the highest ability of the representatives of the people. No party is fit to govern this country who cannot solve it. It is in vain to look to executive officers for reform. Their power and influence depend upon executive patronage, and while we grant they will squander. The Senate is neither by the theory of our system nor by its composition fitted for the task. This House alone has the constitutional power to perfect a radical reform. The Constitution provides that no money shall be drawn from the Treasury but in consequence of appropriations made by law, and that all bills for raising revenue shall originate in the House of Representatives. These provisions were designed to invest in this House the entire control of the public purse, the power of supply. This is invested in the House of Commons and has been jealously guarded by it. It is the pearl beyond price, without which constitutional liberty in England would long since have fallen under the despotism of the Crown. By the exercise of this power we may hold the Executive and the Senate in check. But instead of using it this House has by slow degrees allowed the other departments of the Government to evade and virtually overthrow its constitutional power.—*Congressional Globe*, first session Thirty-fifth Congress, volume 36, page 2432.

In what way had the House allowed the Senate thus to overthrow its constitutional power? Mr. SHERMAN answered this question fully. He said:

> The Senate also has been guilty of an invasion of our privileges. When we send bills there they are returned to us loaded down with amendments for the very sums

which we refused to give. They send these amendments here, and we are impliedly told that unless we agree to them the entire appropriation bill will fall and Congress be called back in extra session.—*Ibid.* page 2432.

This exactly expresses the situation at this time between the two Houses of Congress. The Senate has returned every general appropriation bill passed by this House loaded down with amendments. The legislative, executive, and judicial bill was literally snowed under with senatorial amendments to the number of nearly one thousand, and the amounts appropriated by the House bill were increased by these amendments nearly $4,000,000. If Representative SHERMAN could see in 1858 such an overthrowing of the constitutional rights of the House as eloquently described by him, what must be his utter horror at this time when he beholds the Senate of to-day piling Ossa on Pelion, amendment upon amendment, and heaping up millions on millions. Such conduct on the part of the Senate was fitly described by Mr. Representative SHERMAN in the speech on this floor from which I have already quoted. At that time Mr. SHERMAN said:

The Constitution of the United States gives to the Senate power to propose amendments to revenue bills, but expressly withholds from it power to originate such bills. But by the abuse of their limited power to amend they defeat the exclusive power of the House. But not only that, the Senate at this session by direct usurpation has exercised the power which the Constitution confers upon this House alone.

And further:

Instead of a representative republic we are degenerating into a bureaucracy governed by red tape and subaltern clerks. While the powers of the House are invaded the Executive takes care to extend by construction his just powers.

I have thus quoted from the distinguished author of these extracts and from Seward, Sumner, Henry Wilson, and others for the purpose of showing that the House of Representatives in its present efforts in behalf of retrenchment is sustained on principle by the very highest authorities in the republican party; not the republican leaders of to-day, perhaps, but as they represented themselves in the infancy of the party, that infancy which implies purity and honesty of purpose. If the authorities shall be sufficient to convince the gentlemen upon the other side of this House, or those at the other end of the Capitol or at the other end of the Avenue, I shall be more than repaid for the effort I have made to throw some light on this subject.

The present position of the House has been assailed on account of provisions ingrafted upon appropriation bills changing existing law. With a few exceptions, such provisions are reductions of official salaries, and all such provisions are in the line of retrenchment. No provision has been ingrafted upon an appropriation bill by this House which did not come within our new Rule 120. This rule has been strictly construed by this House, and in every instance it has appeared upon the face of the provision itself that it did retrench expenses. But whence came this new light upon this subject? Of all bodies in the country the Senate is the last that should complain of such legislation. It has been the uniform practice of the Senate and the House for many years to ingraft new legislation upon appropriation bills. But the difference has been this: At former sessions of Congress such new provisions invariably increased expenditures or had no reference to expenditures whatever.

To cite instances of such legislation by previous sessions of Congress would be almost a waste of time. The glaring cases of general legislation forced upon appropriation bills since the close of the war are too fresh in the minds of the people to need any specific reference to them. Provisions the most odious, the most extravagant, the most disgraceful I had almost said, have, from time to time, been forced through Congress on appropriation bills by means of conference committees and otherwise. The various bills raising the salaries of members of Congress and other officials, giving back-pay, &c.; the increase, in the interest of express companies, of the postage on third-class mail matter; the re-organization of the consular and diplomatic service by the first session of the last Congress, in which the salaries were largely increased; the provision for the appointment of a Public Printer, at the same session; and the provisions classifying postmasters; the first act ever passed giving colored persons the right to testify in the courts, and innumerable other acts of general legislation were all passed as parts of general appropriation bills.

If Representatives on the other side of the House and Senators desire to examine a notable case of this kind, I refer them to the post-office appropriation bill which passed June 23, 1874. (Statutes at Large, volume 18, pages 232 to 237.) Here will be found five pages of general legislation, and some of it of the most vicious character, all tacked upon an appropriation bill. But while a vast amount of legislation has been accomplished in this way, both Houses of Congress have, from time to time, and notably at the close of the last Congress, attempted to ride appropriation bills with the most obnoxious partisan legislation. These attempts failed, but no thanks to those who are now so earnest in denouncing the retrenchment legislation of this House upon appropriation bills. Nothing could defeat those attempts but the most stubborn resistance on the part of the minority on this floor and in the Senate.

In conclusion, and by way of recapitulation, permit me to say further that the Constitution of the United States, if not by its strict letter, at least by its evident intent and spirit, having lodged in the House the sole right to originate all money bills, and the Senate having only the right to propose amendments, it becomes important to consider the relative positions of the two bodies on the pending appropriation bills. The House has originated and passed these bills as provided by the Constitution and in pursuance of the unbroken practice of this House from the adoption of the Federal Constitution to the present time. The Senate has proposed numerous amendments to these bills. What is the meaning of the word "propose?" Webster defines it thus:

To offer for consideration, discussion, acceptance, or adoption; as, to propose a bill or resolve to a legislative body; to propose terms of peace; to propose a question for discussion; * * * to propose alterations or amendments in a law

The power of the Senate, then, so far as appropriation bills are concerned, is limited to that of proposing amendments for the consideration, acceptance, or adoption by the House. If the House concur, very well; if not, the Senate must recede. It has no right to adhere to amendments; only the right to propose.

I know of no parliamentary meaning which the word has different from that which is here given from Webster. We are told that our bills change existing law in reference to salaries. But so far as this is concerned, I answer that we must change the law as to salaries by reducing them or we must change the laws in reference to taxes by increasing them. Shall we have reduced salaries or increased taxation? That is the question to be decided by this House. That is the question involved in the present dead lock.

In this centennial year of our nation's existence let us emulate the example of our fathers in their contests for the right.

In their ragged regimentals
Stood the old Continentals,
Yielding not.

So let us, their descendants, now enjoying the fruits of their sacrifices, stand firm for the right, "yielding not." If we do, I am sure we will receive the approval of a tax-burdened people and prove ourselves worthy of the new century upon which we have just entered.

Mr. CANNON, of Illinois. Will the gentleman allow me a single question?

Mr. SPRINGER. I cannot yield. I have agreed with the gentleman from Mississippi [Mr. SINGLETON] to move the previous question at the close of my remarks.

Mr. RANDALL. I hope the gentleman from Illinois [Mr. SPRINGER] will now call the previous question.

Mr. CANNON, of Illinois. I desire to ask the gentleman a question in the line of his remarks.

Mr. SPRINGER. I see the House is impatient; I do not desire to exclude any question of the gentleman.

Mr. CANNON, of Illinois. It is a little bit of a question.

Mr. SPRINGER. I must insist upon the previous question.

Mr. FOSTER. Before the previous question is put I desire to make a statement to the House upon a question of privilege, and I ask the attention of the gentleman from Mississippi, [Mr. SINGLETON.]

There was no objection, and leave was granted accordingly.

Mr. FOSTER. In the heat of the moment I applied epithets to the gentleman from Mississippi which after reflection I wish to retract and withdraw. I do not believe he intended to charge me with falsehood and deceit, as I at the moment thought he had. I wish no personal unkindness with the gentleman from Mississippi, or in any way to violate the proprieties of debate.

Mr. SINGLETON. I am very glad indeed the gentleman from Ohio [Mr. FOSTER] has said this. We have heretofore been upon the best footing in the world, and have never before had any misunderstanding. The gentleman pitched into me in a pretty strong way, and I came back at him in the same way. Now, as he withdraws his language, we are on exactly our old footing. I do not desire to have any difficulty with any one, but I have always felt it to be due to myself to maintain my rights.

Mr. SPRINGER. I now move the previous question, as I promised the gentleman from Mississippi to do so at this time.

The previous question was seconded and the main question ordered.

The SPEAKER *pro tempore*. The question is upon the motion of the gentleman from Mississippi [Mr. SINGLETON] that the House further insist upon its disagreement to the amendments of the Senate to the diplomatic and consular appropriation bill, and request a further conference on the disagreeing votes of the two Houses thereon.

The motion was agreed to.

PUBLIC PRINTING.

Mr. RANDALL. I desire to report a bill from the Committee on Appropriations which should be passed to-day.

There was no objection, and the bill (H. R. No. 3884) to continue the act entitled "An act to continue the public printing" was received and read a first and second time.

The question was upon ordering the bill to be engrossed and read a third time.

The bill provides that the provisions of an act entitled "An act to continue the public printing," approved June 30, 1876, shall be extended and continued in full force and effect for a period of ten days from and after the 10th day of July, 1876, and no longer.

Mr. RANDALL. I now call the previous question on the bill.

The previous question was seconded and the main question ordered; and under the operation thereof the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. RANDALL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

REPEAL OF RESUMPTION ACT.

Mr. HOLMAN. I ask unanimous consent to submit a resolution for adoption at this time.

The SPEAKER *pro tempore*. The Clerk will read the resolution, after which objection to its present consideration will be in order.

The Clerk read as follows:

Resolved, That the Committee on Banking and Currency be, and they are hereby, instructed to report to the House the following bill, and that the same be made the special order for Thursday next after the morning hour and be open for consideration and amendment, to wit:

A bill in relation to the currency.

Mr. KASSON. I object to that resolution.

Mr. RANDALL. Let the bill be read.

Mr. KASSON. I will object to it any way.

The Clerk read the bill, as follows:

Be it enacted, &c., That so much of the act entitled "An act to provide for the resumption of specie payments," approved January 14, 1875, as authorized the Secretary of the Treasury to redeem in coin United States notes be, and the same is hereby, repealed.

Mr. HOLMAN. This is simply to give the Committee on Banking and Currency authority to report such a bill for consideration and amendment.

Mr. KASSON. I object; the committee has ample power now.

Mr. HOLMAN. I move that the rules be suspended and the resolution be adopted.

Mr. SEELYE. Will the gentleman allow me a single inquiry?

Mr. RANDALL. Debate is not in order; I call for the regular order.

Mr. EAMES. I move that the House now adjourn.

The motion to adjourn was not agreed to.

The question recurred upon the motion of Mr. HOLMAN to suspend the rules and adopt the resolution read by the Clerk.

Mr. HOLMAN and Mr. HOSKINS called for the yeas and nays.

The yeas and nays were ordered.

The question was taken, and there were—yeas 105, nays 96, not voting 86; as follows:

YEAS—Messrs. Ainsworth, Anderson, Ashe, Atkins, John H. Baker, Banning, Bland, Blount, Boone, Bradford, Bright, John Young Brown, Buckner, Samuel D. Burchard, Cabell, John H. Caldwell, William P. Caldwell, Campbell, Cannon, Cason, Cate, Caulfield, John B. Clark, jr., of Missouri, Clymer, Cochrane, Cook, Cowan, Culberson, Davis, Dibrell, Dobbins, Douglas, Eden, Ellis, Evans, Faulkner, Felton, Finley, Fuller, Gause, Goodin, Gunter, John T. Harris, Harrison, Hartridge, Hartzell, Hatcher, Haymond, Hays, Henkle, Hereford, Hill, Holman, House, Hubbell, Hunter, Hunton, Jenks, Kelley, Knott, Franklin Landers, Lane, Lewis, Lynde, L. A. Mackey, McFarland, Milliken, Morgan, New, Phelps, John F. Philips, Poppleton, Randall, Rea, John Reilly, James B. Reilly, Rice, Riddle, Roberts, Robinson, Savage, Scales, Singleton, Slemons, William E. Smith, Southard, Sparks, Spencer, Springer, Stevenson, Stone, Terry, Turney, John L. Vance, Robert B. Vance, John W. Wallace, Walling, Walsh, Erastus Wells, Wigginton, James D. Williams, Jeremiah N. Williams, Benjamin Wilson, Yeates, and Young—105.

NAYS—Messrs. Adams, Bagby, George A. Bagley, John H. Bagley, William H. Baker, Ballou, Banks, Bell, Blair, Bradley, William R. Brown, Horatio C. Burchard, Burleigh, Candler, Caswell, Conger, Crapo, Crounse, Cutler, Davy, Dunnell, Durand, Eames, Ely, Foster, Freeman, Frost, Garfield, Hale, Robert Hamilton, Hancock, Hardenbergh, Benjamin W. Harris, Henderson, Abram S. Hewitt, Hoar, Hoskins, Hurd, Hurlbut, Kasson, Kehr, Ketcham, Kimball, George M. Landers, Lapham, Le Moyne, Levy, Luttrell, Edmund W. M. Mackey, Magoon, Maish, MacDougall, McDill, Meade, Miller, Monroe, Morrison, Mutchler, Norton, O'Brien, O'Neill, Page, Pierce, Piper, Platt, Potter, Powell, John Robbins, Miles Ross, Rusk, Sampson, Schleicher, Seelye, Sinnickson, Smalls, A. Herr Smith, Strait, Stowell, Tarbox, Thompson, Thornburgh, Martin I. Townsend, Washington Townsend, Tufts, Wait, Waldron, Alexander S. Wallace, Ward, G. Wiley Wells, Whiting, Wike, Willard, James Williams, William B. Williams, Willis, and Woodburn—96.

NOT VOTING—Messrs. Bass, Beebe, Blackburn, Bliss, Chapin, Chittenden, John B. Clarke of Kentucky, Collins, Cox, Danford, Darrall, De Bolt, Denison, Durham, Egbert, Forney, Fort, Franklin, Frye, Gibson, Glover, Goode, Andrew H. Hamilton, Haralson, Henry R. Harris, Hathorn, Hendee, Goldsmith W. Hewitt, Hoge, Hooker, Hopkins, Hyman, Frank Jones, Thomas L. Jones, Joyce, King, Lamar, Lawrence, Leavenworth, Lord, Lynch, McCrary, McMahon, Metcalfe, Mills, Money, Nash, Neal, Odell, Oliver, Packer, Payne, William A. Phillips, Plaisted, Pratt, Purman, Rainey, Reagan, William M. Robbins, Sobieski Ross, Sayler, Schumaker, Sheakley, Stenger, Swann, Teese, Thomas, Throckmorton, Tucker, Van Vorhes, Waddell, Charles C. B. Walker, Gilbert C. Walker, Warren, Wheeler, White, Whitehouse, Whitthorne, Andrew Williams, Alpheus S. Williams, Charles G. Williams, Wilshire, James Wilson, Alan Wood, jr., Fernando Wood, and Woodworth—86.

So (two-thirds not having voted in favor thereof) the rules were not suspended and the resolution was not adopted.

During the vote the following announcements were made:

Mr. GIBSON stated that he was paired with Mr. BLACKBURN, who, if present, would vote in the affirmative, while he would vote in the negative.

Mr. KNOTT. I wish to state, Mr. Speaker, that my colleagues, Mr. BLACKBURN and Mr. CLARKE, are absent by order of the House, and that my colleague, Mr. JONES, is detained from the House by illness.

Mr. MILLIKEN. I announce the absence of Mr. WHITE, who is also absent by order of the House.

Mr. KNOTT. And I also announce that my colleague, Mr. WHITE, is absent by order of the House.

Mr. WADDELL. I am paired with the gentleman from Iowa, Mr. WILSON, on all political questions. If present he would vote in the negative, while I would vote in the affirmative. I wish also to state that my colleague, Mr. ROBBINS, is detained from the House by sickness.

Mr. COWAN said: My colleague, Mr. NEAL, who is absent, is paired with Mr. BRADLEY, of Michigan. If he were present he would vote in the affirmative.

Mr. FORNEY. I am paired with the gentleman from Pennsylvania, Mr. PACKER. If present he would vote in the negative, while I would vote in the affirmative.

Mr. DURAND. My colleague, Mr. A. S. WILLIAMS, is absent from the House attending to important business. If present he would vote in the negative.

Mr. COCHRANE. My colleague, Mr. STENGER, is absent from his seat on account of ill-health. If present he would vote in the affirmative.

Mr. REA. My colleague, Mr. DE BOLT, has been called away in consequence of sickness.

Mr. HARDENBERGH. My colleague, Mr. TEESE, is detained from the House by important business. If here he would vote in the negative.

Mr. TOWNSEND, of New York. My colleague, Mr. LEAVENWORTH, is confined to his house by sickness. If here he would vote in the negative.

Mr. OLIVER. I am paired on this question with my colleague, Mr. MCCRARY; if he were present he would vote "no," and I would vote "ay."

Mr. WHITING. My colleague, Mr. FORT, is absent by order of the House. If present he would vote in the affirmative.

Mr. RICE. My colleague, Mr. MCMAHON, is in attendance by order of the House in the Senate as one of the managers of the impeachment of the Secretary of War. If present he would vote in the affirmative.

Mr. SCHLEICHER. My colleague, Mr. REAGAN, is absent from the House on account of sickness in his family.

The vote was then announced as above recorded.

MESSAGE FROM THE SENATE.

A message from the Senate by Mr. SYMPSON, one of their clerks, announced the passage of a bill (S. No. 897) granting a pension to Andrew Evarts; in which the concurrence of the House was requested.

CONSULAR AND DIPLOMATIC BILL.

The SPEAKER *pro tempore* announced as the managers of the conference on the part of the House on the disagreeing votes of the two Houses on the consular and diplomatic bill Mr. SINGLETON, Mr. SPRINGER, and Mr. MONROE.

REFRESHMENTS.

Mr. STONE. I ask unanimous consent and if that be not granted I shall move to suspend the rules and adopt the following resolution.

The Clerk read as follows:

Resolved, That the Committee of Accounts be, and they are hereby, instructed forthwith to provide the usual refreshments for members of the House during the remainder of the session in the cloak-rooms of this Hall in place of iced water.

The SPEAKER *pro tempore*. By the vote the resolution seems to be unanimously carried.

Mr. WILLIAMS, of Indiana. I demand the yeas and nays.

Mr. MACDOUGALL. What are usual refreshments?

The SPEAKER *pro tempore*. Debate is not in order.

The yeas and nays were ordered.

Mr. STONE. I move to modify the resolution by inserting the words "iced tea and lemonade."

Mr. BLAND. That does not preclude the drinking water? Some of us may wish water. [Laughter.]

The SPEAKER *pro tempore*. The Chair hears no objection, and the resolution will be modified accordingly.

Mr. WELLS, of Missouri. It should be under the control of the Clerk of the House, and I move to modify the resolution by inserting the words "the Clerk of the House."

The SPEAKER *pro tempore*. That can only be done by unanimous consent.

Mr. WILLIAMS, of Indiana. I object.

The question was taken; and it was decided in the negative—yeas 31, nays 147, not voting 109; as follows:

YEAS—Messrs. Ainsworth, George A. Bagley, Blair, William R. Brown, Horatio C. Burchard, Burleigh, Cowan, Dunnell, Eames, Ely, Hale, Hancock, Hartridge, Hays, Hubbell, Hurd, Hurlbut, Ketcham, Le Moyne, Levy, Edmund W. M. Mackey, MacDougall, Norton, Oliver, Piper, Platt, Strait, Stone, Washington Townsend, Alexander S. Wallace, and John W. Wallace—31.

NAYS—Messrs. Adams, Anderson, Ashe, Atkins, Bagby, John H. Bagley, jr., John H. Baker, William H. Baker, Banning, Bland, Boone, Bradford, Bradley, Bright, John Young Brown, Buckner, Samuel D. Burchard, Cabell, John H. Caldwell, William P. Caldwell, Campbell, Candler, Cannon, Cason, Caswell, Cate, Caulfield, John B. Clark, jr., of Missouri, Cochrane, Conger, Cook, Cox, Crapo, Culberson, Cutler, Davis, Davy, Dibrell, Douglas, Durand, Eden, Egbert, Ellis, Evans, Faulkner, Felton, Finley, Forney, Foster, Freeman, Frost, Frye, Fuller, Gause, Gibson, Goode, Goodin, Gunter, Robert Hamilton, Hardenbergh, Benjamin W. Harris, John T. Harris, Hartzell, Hatcher, Haymond, Hendee, Henderson, Abram S. Hewitt, Hill, Holman, Hooker, Hoskins, House, Hunter, Hunton, Kehr, Kelley, Kimball, Knott, Franklin Landers, George M. Landers, Lane, Lewis, L. A. Mackey, Magoon, Maish, McDill, McFarland, Milliken, Mills, Monroe, Morgan, Mutchler, New, Phelps, Pierce, Plaisted, Poppleton, Potter, Rea, John Reilly, James B. Reilly, Rice, Riddle, Robinson, Miles Ross, Rusk, Sampson, Savage, Scales, Seelye, Slemons, Smalls, A. Herr Smith, William E. Smith, Southard, Sparks, Spencer, Springer, Stevenson, Swann, Tarbox, Terry, Thompson, Thornburgh, Martin I. Townsend, Turney, John L. Vance, Robert B. Vance, Waddell, Wait, Walling, Walsh, Ward, Erastus Wells, Whiting, Wike, Willard, James Williams, James D. Williams, Jeremiah N. Williams, Willis, Wilshire, Benjamin Wilson, Woodburn, Yeates, and Young—147.

NOT VOTING—Messrs. Ballou, Banks, Bass, Beebe, Bell, Blackburn, Bliss, Blount, Chapin, Chittenden, John B. Clarke of Kentucky, Clymer, Collins, Crounse, Danford, Darrall, De Bolt, Denison, Dobbins, Durham, Fort, Franklin, Garfield, Glover, Andrew H. Hamilton, Haralson, Henry R. Harris, Harrison, Hathorn, Henkle, Hereford, Goldsmith W. Hewitt, Hoar, Hoge, Hopkins, Hyman, Jenks, Frank Jones, Thomas L. Jones, Joyce, Kasson, King, Lamar, Lapham, Lawrence, Leavenworth, Lord, Luttrell, Lynch, Lynde, McCrary, McMahon, Meade, Metcalfe, Miller, Money, Morrison, Nash, Neal, O'Brien, Odell, O'Neill, Packer, Page, Payne,

John F. Philips, William A. Phillips, Powell, Pratt, Purman, Rainey, Randall, Reagan, John Robbins, William M. Robbins, Roberts, Sobieski Ross, Sayler, Schleicher, Schumaker, Sheakley, Singleton, Sinnickson, Stenger, Stowell, Teese, Thomas, Throckmorton, Tucker, Tufts, Van Vorhes, Waldron, Charles C. B. Walker, Gilbert C. Walker, Warren, G. Wiley Wells, Wheeler, White, Whitehouse, Whitthorne, Wigginton, Andrew Williams, Alpheus S. Williams, Charles G. Williams, William B. Williams, James Wilson, Alan Wood, jr., Fernando Wood, and Woodworth—109.

During the roll-call,

Mr. RUSK. I move to dispense with the reading of the names.

Mr. CONGER. I object. I think all the usual forms should be gone through with on this solemn legislation. [Laughter.]

Mr. SINNICKSON. I am paired on all political questions, but as lemonade and iced tea are not democratic drinks I presume I have the right to vote, and will do so. [Laughter.]

The vote was then announced as above recorded.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, announced the passage without amendment of a bill (H. R. No. 3884) to continue an act entitled "An act to continue the public printing."

CHINESE IMMIGRATION.

Mr. PIPER. I move to suspend the rules and pass the following resolution.

The Clerk read as follows:

Whereas the Senate has passed a resolution authorizing the appointment of a committee of three Senators to visit the Pacific coast and report to Congress, at its next session, upon the character, extent, and effect of Chinese immigration into this country:

Resolved, That the Speaker is hereby authorized to appoint three members of this House to proceed to the Pacific coast, after the adjournment of Congress, to investigate, conjointly with said Senate committee or otherwise, the extent and effect of Chinese immigration into this country, with power to send for persons and papers, to administer oaths, to employ a stenographer, and to take evidence; said committee to report to Congress at its next session.

Mr. FAULKNER. Is it in order to move the reference of that resolution to the Committee on Foreign Affairs?

The SPEAKER *pro tempore*. It is not.

Mr. FAULKNER. I then give notice that the Committee on Foreign Affairs are ready to make a report on that very subject.

Mr. PIPER. I object to debate.

Mr. FAULKNER. The Committee on Foreign Affairs have instructed me to report a resolution, which I propose to submit to the House at the earliest possible moment.

The SPEAKER *pro tempore*. The gentleman from West Virginia is out of order.

The House divided; and there were—ayes 71, noes 76.

Mr. STONE demanded the yeas and nays.

The yeas and nays were ordered.

Mr. O'BRIEN. I move the House adjourn.

Mr. COX. Is it in order to move that when the House adjourns to-day it adjourn to meet on Thursday next?

The SPEAKER *pro tempore*. It is.

Mr. COX. I then make that motion.

The House divided; and there were—ayes 110, noes 71.

Mr. BRADLEY demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken, and decided in the negative—yeas 67, nays 117, not voting 104; as follows:

YEAS—Messrs. Ashe, Ballou, Banning, Bell, Blair, Blount, Buckner, Cabell, William P. Caldwell, Caswell, Cate, John B. Clark, jr., of Missouri, Cook, Cowan, Cox, Eden, Ellis, Foster, Frost, Gibson, Robert Hamilton, Hardenbergh, Hartridge, Hays, Hooker, House, Hurlbut, Kasson, Kehr, Knott, Lamar, Levy, Edmund W. M. Mackey, L. A. Mackey, MacDougall, McDill, Milliken, Monroe, Morrison, Mutchler, New, O'Brien, Phelps, Piper, Plaisted, Poppleton, Powell, Randall, Riddle, Roberts, Miles Ross, Scales, Seelye, Singleton, Slemons, Smalls, William E. Smith, Southard, Swann, Tarbox, Thompson, Martin I. Townsend, Waddell, Waldron, Willard, Jeremiah N. Williams, and Wilshire—67.

NAYS—Messrs. Adams, Ainsworth, Anderson, Atkins, Bagby, George A. Bagley, John H. Bagley, jr., William H. Baker, Boone, Bradford, Bradley, Bright, John Young Brown, Horatio C. Burchard, Samuel D. Burchard, Burleigh, John H. Caldwell, Campbell, Candler, Cannon, Cason, Caulfield, Conger, Crapo, Crounse, Culberson, Cutler, Davis, Davy, Dibrell, Dobbins, Douglas, Dunnell, Durand, Eames, Egbert, Ely, Evans, Faulkner, Felton, Finley, Forney, Freeman, Frye, Gause, Goode, Goodin, Gunter, Hancock, Benjamin W. Harris, John T. Harris, Hartzell, Hatcher, Hathorn, Haymond, Hendee, Henderson, Hereford, Abram S. Hewitt, Hill, Holman, Hoskins, Hubbell, Hunter, Hurd, Ketcham, Kimball, George M. Landers, Le Moyne, Lewis, Luttrell, Magoon, Maish, McFarland, Mills, Morgan, Norton, Oliver, Page, Payne, Pierce, Potter, John Reilly, James B. Reilly, Rice, John Robbins, Robinson, Rusk, Sampson, Savage, Schleicher, Sinnickson, A. Herr Smith, Sparks, Spencer, Springer, Strait, Stevenson, Stone, Terry, Thornburgh, Washington Townsend, Tufts, Turney, John L. Vance, Robert B. Vance, Wait, Alexander S. Wallace, Erastus Wells, G. Wiley Wells, Whiting, Wike, Alpheus S. Williams, James Williams, James D. Williams, William B. Williams, and Willis—117.

NOT VOTING—Messrs. John H. Baker, Banks, Bass, Beebe, Blackburn, Bland, Bliss, William R. Brown, Chapin, Chittenden, John B. Clarke of Kentucky, Clymer, Cochrane, Collins, Danford, Darrall, De Bolt, Denison, Durham, Fort, Franklin, Fuller, Garfield, Glover, Hale, Andrew H. Hamilton, Haralson, Henry R. Harris, Harrison, Henkle, Goldsmith W. Hewitt, Hoar, Hoge, Hopkins, Hunton, Hyman, Jenks, Frank Jones, Thomas L. Jones, Joyce, Kelley, King, Franklin Landers, Lane, Lapham, Lawrence, Leavenworth, Lord, Lynch, Lynde, McCrary, McMahon, Meade, Metcalfe, Miller, Money, Nash, Neal, Odell, O'Neill, Packer, John F. Philips, William A. Phillips, Platt, Pratt Purman, Rainey, Rea, Reagan, William M. Robbins, Sobieski Ross, Sayler, Schumaker, Sheakley, Stenger, Stowell, Teese, Thomas, Throckmorton, Tucker, Van Vorhes, Charles C. B. Walker, Gilbert C. Walker, John W. Wallace, Walling, Walsh, Ward, Warren, Wheeler, White, Whitehouse, Whitthorne, Wigginton, Andrew Williams, Charles G. Williams, Benjamin Wilson, James Wilson, Alan Wood, jr., Fernando Wood, Woodburn, Woodworth, Yeates, and Young—104.

So the motion was not agreed to.

During the roll-call,

Mr. COCHRANE said: My colleague, Mr. STENGER, is absent on account of ill health.

The result of the vote was announced as above stated.

Mr. HOLMAN. I wish to say that to-morrow can be very conveniently employed by the committees of conference; and if the House will adjourn till the day after to-morrow it is believed that business will be thereby very materially facilitated. I therefore move that when the House adjourns to-day it be to meet on Wednesday next.

Mr. MILLS. I hope that motion will not be adopted.

The SPEAKER *pro tempore*. The question is not debatable.

The question being taken, there were—ayes 111, noes 47.

Mr. RUSK and others called for the yeas and nays.

The yeas and nays were ordered, there being—ayes 33, noes 120.

Mr. HOLMAN. I ask permission of the House to say one word.

Mr. CONGER. Regular order.

Mr. HOLMAN. I trust gentlemen will allow me to say one word. [Cries of "Regular order."] The business of the House will be very much facilitated by an adjournment over for one day.

Mr. PAGE. Is debate in order?

The SPEAKER *pro tempore*. It is not. The only thing in order is the call of the roll.

The question was taken; and there were—yeas 98, nays 88, not voting 102; as follows:

YEAS—Messrs. Ashe, Atkins, John H. Bagley, jr., Ballou, Banning, Blair, Bland, Blount, Boone, Bright, John Young Brown, Horatio C. Burchard, William P. Caldwell, Campbell, Caulfield, John B. Clark, jr., of Missouri, Clymer, Cook, Cowan, Cox, Crapo, Davis, Davy, Douglas, Eames, Eden, Ellis, Evans, Faulkner, Forney, Foster, Frost, Garfield, Gibson, Goode, Hardenbergh, Hartridge, Hatcher, Haymond, Hays, Henderson, Hereford, Abram S. Hewitt, Holman, Hooker, House, Hunter, Hunton, Hurlbut, Kasson, Kehr, Lamar, George M. Landers, Lane, Levy, Edmund W. M. Mackey, L. A. Mackey, McDill, Milliken, Morrison, Mutchler, New, O'Brien, Payne, Phelps, Pierce, Piper, Plaisted, Poppleton, Powell, Randall, Riddle, Roberts, Scales, Seelye, Singleton, Slemons, Smalls, William E. Smith, Southard, Sparks, Stone, Tarbox, Terry, Thompson, Martin I. Townsend, Washington Townsend, Robert B. Vance, Waddell, Wait, Waldron, John W. Wallace, Walling, Willard, Alpheus S. Williams, James D. Williams, Jeremiah N. Williams, and Yeates—98.

NAYS—Messrs. Adams, Ainsworth, Anderson, Bagby, George A. Bagley, John H. Baker, Bradford, Bradley, Samuel D. Burchard, Burleigh, Cabell, John H. Caldwell, Candler, Cannon, Cason, Caswell, Cate, Cochrane, Conger, Crounse, Culberson, Cutler, Dibrell, Dunnell, Felton, Finley, Freeman, Frye, Gause, Goodin, Hancock, Benjamin W. Harris, John T. Harris, Hartzell, Hendee, Hoar, Hoskins, Hubbell, Hurd, Jenks, Ketcham, Kimball, Lapham, Le Moyne, Lewis, Luttrell, Magoon, Maish, MacDougall, McFarland, McMahon, Mills, Morgan, Norton, Oliver, Page, Platt, Potter, John Reilly, James B. Reilly, Rice, John Robbins, Robinson, Miles Ross, Rusk, Sampson, Savage, Schleicher, Sinnickson, A. Herr Smith, Spencer, Springer, Stevenson, Stowell, Thornburgh, Tufts, Turney, John L. Vance, Alexander S. Wallace, Erastus Wells, G. Wiley Wells, Whiting, Wike, James Williams, William B. Williams, Willis, Benjamin Wilson, and Young—88.

NOT VOTING—Messrs. William H. Baker, Banks, Bass, Beebe, Bell, Blackburn, Bliss, William R. Brown, Buckner, Chapin, Chittenden, John B. Clarke of Kentucky, Collins, Danford, Darrall, De Bolt, Denison, Dobbins, Durand, Durham, Egbert, Ely, Fort, Franklin, Fuller, Glover, Gunter, Hale, Andrew H. Hamilton, Robert Hamilton, Haralson, Henry R. Harris, Harrison, Hathorn, Henkle, Goldsmith W. Hewitt, Hill, Hoge, Hopkins, Hyman, Frank Jones, Thomas L. Jones, Joyce, Kelley, King, Knott, Franklin Landers, Lawrence, Leavenworth, Lord, Lynch, Lynde, McCrary, Meade, Metcalfe, Miller, Money, Monroe, Nash, Neal, Odell, O'Neill, Packer, John F. Philips, William A. Phillips, Pratt, Purman, Rainey, Rea, Reagan, William M. Robbins, Sobieski Ross, Sayler, Schumaker, Sheakley, Strait, Stenger, Swann, Teese, Thomas, Throckmorton, Tucker, Van Vorhes, Charles C. B. Walker, Gilbert C. Walker, Walsh, Ward, Warren, Wheeler, White, Whitehouse, Whitthorne, Wigginton, Andrew Williams, Charles G. Williams, Wilshire, James Wilson, Alan Wood, jr., Fernando Wood, Woodburn, and Woodworth—101.

So the motion was agreed to.

The SPEAKER *pro tempore*. There is a pending motion of the gentleman from Maryland [Mr. O'BRIEN] that the House adjourn.

ENROLLED BILLS SIGNED.

Mr. PLAISTED, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker *pro tempore* signed the same:

An act (S. No. 872) for the relief of the family of the late John T. King and of L. B. Cutler; and

An act (H. R. No. 3884) to continue the act entitled "An act to continue the public printing."

Mr. HARRISON, from the same committee, reported that they had examined and found truly enrolled joint resolution and bills of the following titles; when the Speaker *pro tempore* signed the same:

Joint resolution (H. R. No. 134) donating two cannon and carriages to the warden and burgesses of Stonington, Connecticut;

An act (H. R. No. 1668) to supply an omission in the enrollment of the deficiency bill, approved March 3, 1875; and

An act (H. R. No. 3200) to change the name of the steam-barge Dolphin, of Clayton, New York.

MILITARY HISTORY OF HIRAM S. LATHE.

The SPEAKER *pro tempore*, by unanimous consent, laid before the House a letter from the Secretary of War, transmitting the military history of Hiram S. Lathe; which was referred to the Committee on Military Affairs.

WITHDRAWAL OF PAPERS.

By unanimous consent, leave was granted to Mr. DURAND for the withdrawal from the files of the House of papers accompanying the bill of the Thirty-ninth Congress (H. R. No. 672) in relation to Michigan militia, there being no adverse report.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted—
To Mr. CHITTENDEN indefinitely;
To Mr. PHILIPS, of Missouri, for twelve days;
To Mr. PLATT for ten days;
To Mr. MONEY for two weeks;
To Mr. SEELYE for two weeks;
To Mr. HARRIS, of Georgia, indefinitely on account of sickness;
To Mr. WARREN for one week;
To Mr. WILSON, of Iowa, for two weeks;
To Mr. WALDRON for one week;
To Mr. STENGER indefinitely on account of ill health; and
To Mr. YEATES for fourteen days from Wednesday next.

ORDER OF BUSINESS.

Mr. O'BRIEN. I yield to the gentleman from Connecticut, [Mr. WAIT.]

Mr. WAIT. I rise to make a privileged report.

Several MEMBERS. Regular order.

The SPEAKER *pro tempore*. The regular order is the motion of the gentleman from Maryland [Mr. O'BRIEN] that the House adjourn.

The motion was agreed to; and accordingly (at five o'clock and twenty minutes p. m.) the House adjourned till Wednesday next.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk under the rule, and referred as stated:

By Mr. BANNING: The petition of Elizabeth Winter, widow of Jacob Winter, late a private in Company E, Twenty-eighth Ohio Volunteer Infantry, for a pension, to the Committee on Invalid Pensions.

By Mr. CANDLER: The petition of Larkin H. Davis, of Georgia, for a rehearing of his claim, rejected by the southern claims commission, to the Committee on War Claims.

By Mr. ELLIS: Papers relating to the claim of Mrs. May Barlow, of Louisiana, for property destroyed during the late war at Alexandria, Louisiana, to the same committee.

Also, papers relating to the claim of Michael Rourke, for compensation for losses sustained by him owing to the seizure of his distillery, rectifying establishment, and liquor store at New Orleans, Louisiana, by United States revenue officers, to the Committee of Claims.

By Mr. HOAR: The petition of Stephen Davis, of Oxford, Massachusetts, who was drafted in the war of 1812, and furnished a substitute who has since died, for the same pension as other soldiers or persons draw who rendered service during said war, and that he may draw all pay which his substitute might have drawn to the present time the same as if he had served in person, to the Committee on Revolutionary Pensions.

By Mr. HOPKINS: The petition of W. L. Foulk, late captain in the Tenth Cavalry, United States Army, to be restored to his former rank and command, to the Committee on Military Affairs.

By Mr. KETCHAM: Memorial of the board of trade of Scranton, Pennsylvania, urging the passage of House bill No. 3266, fixing the rates of postage on certain mail matter, and for other purposes, to the Committee on the Post-Office and Post Roads.

By Mr. LE MOYNE: Resolutions of the National Board of Trade, urging Congress to provide by law the means of continuing the special fast-mail service on all lines where the same is now in operation, and that it be extended where the necessities of the service demand it and it can be adopted at a reasonable cost, to the same committee.

By Mr. SEELYE: Remonstrance of Cherokee Indians against the establishment of a territorial government of the United States over the Indian Territory, to the Committee on Indian Affairs.

By Mr. SOUTHARD: The petition of clerks to the several regular committees of the House of Representatives that they be paid the same compensation per diem for past services as has been paid to the Senate clerks serving on like committees in the Senate of the United States, to the Committee of Accounts.

By Mr. THORNBURGH: The petition of Rehma Brown, widow of Henry Brown, late a private in Company K, Tenth Tennessee Volunteers, for pay, bounty, and commutation of rations due her late husband, to the Committee on Military Affairs.

By Mr. WILSHIRE: The petition of citizens of Hot Springs, Arkansas, for the grant of the right of way over the Hot Springs reservation to the Little Rock and Hot Springs Railroad, to the Committee on Public Lands.

By Mr. YOUNG: The petition of Milton W. Prewett and F. L. Pledge, trustees of the Grand Junction Baptist church, Hardeman County, Tennessee, for compensation for the destruction of said church in 1862 by United States troops, to the Committee on War Claims.

The following petition was presented at the Clerk's desk under the rule, without having indorsed thereon the name of any member of the House, and referred as stated:

The petition of citizens of Rienzi, Mississippi, that H. T. Johnsey, postmaster at said place, be re-imbursed the amount paid by him to the United States for property belonging to the United States mail service carried away and destroyed by a tornado on the 15th of March, 1875, to the Committee of Claims.

IN SENATE.

TUESDAY, *July* 11, 1876.

The Senate met at twelve o'clock m.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Journal of yesterday's proceedings was read.

CORRECTION OF THE JOURNAL.

Mr. EDMUNDS. I rise to the Journal. I think, in regard to a report of the Senator from Ohio, [Mr. THURMAN,] from the Committee on Private Land Claims, the Santillan land grant, the Journal does not show that any action was taken on the report. My recollection is that the report was adopted and the bill was indefinitely postponed, if it was a bill.

Mr. THURMAN. Yes; the bill was postponed indefinitely and the committee were discharged from the further consideration of the petition.

Mr. EDMUNDS. I move the Journal be amended so as to show the fact.

The PRESIDENT *pro tempore*. That correction will be made.

The Journal was approved.

PROPOSED LEGISLATIVE SESSION.

Mr. THURMAN. I rise to request that half an hour be taken for legislative business before we proceed to the trial. There are several bills which ought to be considered to-day—it is very important that they should be—and there are some reports that ought to be made. I do not know whether we must first go into trial before we can postpone it or whether such an order can be made now.

The PRESIDENT *pro tempore*. It will be necessary to go into trial before the motion can be entertained.

Mr. THURMAN. Then I give notice that when we proceed to the trial I shall move that a recess be taken for half an hour.

IMPEACHMENT OF W. W. BELKNAP.

The PRESIDENT *pro tempore*. The hour of twelve o'clock having arrived, the Senate will proceed to the consideration of the articles of impeachment exhibited by the House of Representatives against William W. Belknap.

The Senate then proceeded to the trial of the impeachment of William W. Belknap, late Secretary of War.

The Senate sitting for the trial of the impeachment of William W. Belknap having adjourned then resumed its

LEGISLATIVE SESSION.

The PRESIDENT *pro tempore*. The Senate resumes its legislative business.

Mr. CONKLING. I move that the Senate do now adjourn.

Mr. ALLISON. I ask the Senator to withdraw his motion for a moment.

Mr. CONKLING. For what purpose?

Mr. ALLISON. In order to make a report from a committee.

Mr. CONKLING. I withdraw it for a report from a committee.

Mr. THURMAN. I ask the Senator who made the motion to adjourn to withdraw it in order that I may move that when the Senate adjourn its legislative session it be to meet at eleven o'clock to-morrow.

Mr. CONKLING. What is the special object of that?

Mr. THURMAN. It is necessary for the purpose of disposing of the legislative business of the Senate pressing upon us.

The PRESIDENT *pro tempore*. The Senator from New York moves that the Senate do now adjourn, the Chair understands.

Mr. CONKLING. I do. I do not want to meet to-morrow at eleven o'clock.

Mr. ALLISON. I ask leave to make a report.

The PRESIDENT *pro tempore*. Does the Senator from New York yield to the Senator from Iowa?

Mr. CONKLING. I do, for the purpose of allowing the Senator to make a report.

REPORTS OF COMMITTEES.

Mr. ALLISON, from the Committee on Appropriations, to whom was referred the bill (H. R. No. 3022) making appropriations for the construction, repair, preservation, and completion of certain public works on rivers and harbors, and for other purposes, reported it with amendments.

Mr. OGLESBY. I ask leave to make a report. I am directed by the Committee on Public Lands, to whom was referred the bill (H. R. No. 2284) to amend section 2324 of the Revised Statutes concerning mineral lands, to ask to be discharged from its further consideration, and that it be referred to the Committee on Mines and Mining. The subject is one entirely under the control of that committee, and has no relation to public lands whatever.

The report was agreed to.

AMENDMENT OF BANKRUPT LAW.

Mr. THURMAN. The Committee on the Judiciary, to whom was referred the amendment of the House of Representatives to the bill (S. No. 332) to amend the act entitled "An act to amend and supplement an act entitled 'An act to establish a uniform system of bankruptcy throughout the United States,' approved March 2, 1867, and for other purposes," approved June 22, 1874, direct me to report it

back to the Senate with the recommendation that the Senate disagree to the amendment made by the House, and ask for a committee of conference. I hope that it will be done at once. The bill ought to be passed as soon as it can. I ask that the bill may be considered for that purpose and that the recommendation of the committee may be agreed to.

The PRESIDENT *pro tempore*. The Senator from Ohio moves that the Senate disagree to the amendment of the House to the bill and ask for a conference on the disagreeing votes of the two Houses.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the committee of conference on the part of the Senate; and Mr. EDMUNDS, Mr. THURMAN, and Mr. WRIGHT were appointed.

Mr. EDMUNDS. I wish to ask to be excused from service on that committee, certainly as its chairman. My honorable friend from Ohio has had charge of the matter, and I ask of the Chair that I may be either excused or put at the foot of the committee, one or the other, as he understands more about it than I do.

The PRESIDENT *pro tempore*. Is there objection to reversing the order. The Chair hears none, and the committee will stand thus: The Senator from Ohio, Mr. THURMAN, the Senator from Iowa, Mr. WRIGHT, and the Senator from Vermont, Mr. EDMUNDS.

HOUR OF MEETING TO-MORROW.

Mr. EDMUNDS. I move that when the Senate adjourns it be to meet at eleven o'clock to-morrow.

Mr. CONKLING. Pending that I move that the Senate do now adjourn.

The motion was not agreed to; there being on a division—ayes 15, noes 25.

The PRESIDENT *pro tempore*. The question recurs on the motion of the Senator from Vermont, that when the Senate adjourns it be to meet at eleven o'clock to-morrow.

The motion was agreed to.

JOHN S. DICKSON.

Mr. HOWE. Last evening I asked the Senate to consider House bill No. 2404, but it was in a little too much of a hurry to do it then. I ask the Senate to take up the bill now.

Mr. ROBERTSON. I move that the Senate now adjourn.

The PRESIDENT *pro tempore*. The Senator from Wisconsin has the floor.

Mr. ROBERTSON. I object to any business being interposed.

The PRESIDENT *pro tempore*. The Senator cannot make an objection. The Senator from Wisconsin has the floor. Does he yield to the Senator from South Carolina?

Mr. HOWE. For what purpose?

The PRESIDENT *pro tempore*. For an objection to the Senator introducing the business he proposes.

Mr. HOWE. The business is already introduced. I move that the Senate proceed to the consideration of House bill No. 2404.

Mr. ROBERTSON. What is it for?

Mr. HOWE. Simply to pay a soldier for a few months' service. It is a House bill.

Mr. ROBERTSON. Is the bill on the Calendar?

Mr. HOWE. Yes, sir.

Mr. ROBERTSON. Will one objection carry it over?

The PRESIDENT *pro tempore*. It is for the Senate to decide.

Mr. EDMUNDS. Let us hear the title of the bill read.

The Chief Clerk read the bill (H. R. No. 2404) for the relief of John S. Dickson, late captain of paroled prisoners, by its title.

Mr. ROBERTSON. I move that the Senate do now adjourn.

Mr. GORDON. Will the Senator allow me to have an order made?

Mr. HOWE. Will the Senator from South Carolina withdraw his motion?

Mr. ROBERTSON. The Senator's bill can be passed to-morrow in the morning hour.

Mr. HOWE. I hope the Senate will not adjourn now. I was coaxed out of pressing the motion to take the bill up last night. We should have passed it before this time, if the Senator had not interfered.

Mr. EDMUNDS. It is a little bill. Let us consider it.

Mr. ROBERTSON. I will yield, then.

The PRESIDENT *pro tempore*. The Senator from South Carolina yields to the Senator from Wisconsin, who moves that the Senate proceed to the consideration of the bill which he has named.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 2404) for the relief of John S. Dickson, late captain of paroled prisoners. It authorizes the Secretary of the Treasury to pay to John S. Dickson, late captain of Company B, paroled prisoners of Wisconsin Volunteers, the full pay and allowances of a captain of infantry for the period of nine months and twenty days, this being the time he served as captain of Company B, paroled prisoners, deducting therefrom the amount of pay received by him as sergeant of Company C, Eighteenth Regiment Wisconsin Volunteers.

Mr. EDMUNDS. What does it mean? I wish the Senator would explain it in a word.

Mr. ALLISON. Is there a written report?

Mr. HOWE. There is a written report, which is very brief.

Mr. EDMUNDS. Tell us in a word what it is.

Mr. HOWE. Mr. Dickson was a paroled prisoner of war. He was a sergeant in the company mentioned in the bill. He received the pay of a sergeant, but he was put on duty against the Indians with the rank of captain—while he was paroled—somewhere up in the Northwest. The report states the facts. This bill proposes to give him the pay of a captain, deducting the pay of a sergeant.

Mr. WITHERS. Was he ever commissioned as captain?

Mr. HOWE. No; he was not commissioned by the President as a captain.

Mr. EDMUNDS. Then we cannot pay him.

Mr. HOWE. But he was serving by the direction of the commander of the department, I think General Pope; I am not certain who the general was.

Mr. OGLESBY. What committee does the bill come from?

Mr. HOWE. The Committee on Military Affairs of the Senate, and it has passed the House.

Mr. LOGAN. We adopted the House report.

Mr. EDMUNDS. Let us hear the report.

The PRESIDENT *pro tempore*. The report will be read.

The Chief Clerk read the following report, submitted by Mr. BANNING from the Committee on Military Affairs of the House of Representatives April 7:

The Committee on Military Affairs, to whom was referred the bill (H. R. No. 2404) for the relief of John S. Dickson, having had the same under consideration, report back the accompanying bill and recommend its passage.

The committee find that John S. Dickson, late a sergeant of Company C, Eighteenth Regiment of Wisconsin Volunteers, was, on or about the 9th day of October, 1862, appointed, by order of Major-General John Pope, then in command of the Department of the Northwest, a captain of Company B, of Wisconsin Paroled Prisoners of War. That he, in obedience to the order, entered upon the discharge of the duties of such captain, having a full captain's command, and serving in the field against the Indians, this being a command separate and distinct from that of his regiment during the war of the rebellion, and clothed and subsisted himself as such, and took all the responsibilities of a captain. That he continued in the discharge of these duties for the period of nine months and twenty days. He, upon being relieved, returned to his regiment, and has received no pay except such as he was entitled to as a sergeant in his regiment. The evidence shows that he did his duty regularly and honorably. He earned the pay of a captain, and should have it. The committee regard this case as an exception to those cases in which the duties of officers have been discharged by soldiers without commissions or regular commands. This duty was a special one; was, under the circumstances, one that could be performed by no other officer at hand. This peculiar service of an officer of paroled prisoners by special order is as worthy of recognition and compensation as any other official military service.

Mr. MAXEY. I ask the Senator from Wisconsin if at that time a major-general had any authority of law to appoint a man a captain.

Mr. HOWE. None of law that I know of.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. WRIGHT. I move that the Senate do now adjourn.

The motion was agreed to; and (at five o'clock p. m.) the Senate adjourned.

IN SENATE.

WEDNESDAY, *July* 12, 1876.

The Senate met at eleven o'clock a. m.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Journal of yesterday's proceedings was read and approved.

EXECUTIVE SESSION.

Mr. HAMLIN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After four minutes spent in executive session the doors were re-opened.

HOUSE BILLS REFERRED.

The following bills from the House of Representatives were severally read twice by their titles and referred to the Committee on Pensions:

A bill (H R. No. 1479) granting a pension to Dalton Hinchman;

A bill (H. R. No. 1566) granting a pension to Elizabeth D. Stone;

A bill (H. R. No. 2120) granting a pension to Thomas W. Hewitt;

A bill (H. R. No. 2472) granting a pension to John Frey;

A bill (H. R. No. 2768) granting a pension to Juliett A. Hendrickson, widow of William L. Hendrickson, late private Company E, Twenty-eighth Regiment Illinois Infantry Volunteers;

A bill (H. R. No. 3011) granting a pension to Mrs. Ann Annis;

A bill (H. R. No. 3319) granting a pension to Lemuel L. Lawrence, late second lieutenant of Company B, in the Sixth Regiment Illinois Cavalry Volunteers;

A bill (H. R. No. 3497) granting a pension to James B. Treadwell, major Eighty-fifth Regiment Pennsylvania Volunteers;

A bill (H. R. No. 3498) granting a pension to Arthur W. Irving, late private Company C, One hundred and fourth New York Volunteers;

A bill (H. R. No. 3499) granting a pension to William Buckley, private Company C, Fiftieth Ohio Volunteers;

A bill (H. R. No. 3500) granting a pension to Nelson Ainslie;

A bill (H. R. No. 3501) granting a pension to Catharine Hagan; and

A bill (H. R. No. 3502) granting a pension to Maggie A. Nobles and Daniel G. Nobles.

The following bills from the House of Representatives were severally read twice by their titles and referred to the Committee on Finance:

A bill (H. R. No. 1427) for the relief of N. P. Jones & Co.; and

A bill (H. R. No. 2894) for the relief of J. E. Pankey, of Fulton County, Kentucky.

The following bills from the House of Representatives were severally read twice by their titles and referred to the Committee on Claims:

A bill (H. R. No. 3503) for the relief of Philip Rohr, of Virginia, for tobacco seized for use of the Army; and

A bill (H. R. No. 3504) for the relief of Thomas Day.

The bill (H. R. No. 3859) to remove the political disabilities of Manning M. Kimmell, late of Cape Girardeau County, Missouri, was read twice by its title and referred to the Committee on the Judiciary.

The bill (H. R. No. 629) for the relief of Jonathan White was read twice by its title and referred to the Committee on Public Lands.

The bill (H. R. No. 3490) for the relief of James W. Love, postmaster at Patriot, Indiana, was read twice by its title and referred to the Committee on Post-Offices and Post-Roads.

AMENDMENT OF PACIFIC RAILROAD ACTS.

The bill (H. R. No. 3672) to amend the act approved July 2, 1864, entitled "An act to amend an act entitled 'An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes,' approved July 1, 1862," and other acts in relation to the railroad companies therein mentioned, was read twice by its title.

The PRESIDENT *pro tempore*. The bill will be referred to the Committee on Railroads, if there be no objection.

Mr. EDMUNDS. I move that the bill be referred to the Committee on the Judiciary. The Committee on the Judiciary was instructed by a resolution of the Senate to inquire into precisely the condition of things that this House bill covers. We have been making that inquiry and have perfected a bill upon the subject which is analogous to this bill in its main features, looking in fact to the same object and in a large degree in the same way. I think it more convenient to get the two Houses to united action upon one bill that this bill should be considered, after the resolution of the Senate which was adopted some time since by that committee, rather than by the Railroad Committee. Therefore, I feel it to be my duty, in the interest of getting the united action of the two Houses, to make this motion.

Mr. WEST. Mr. President, I do not know that it is material to what committee this bill shall be referred. I do not know that any more speedy action can be anticipated through the efforts of the Judiciary Committee than of the committee indicated by the Chair as the one to which it should be referred.

With respect to what the Senator from Vermont, the chairman of the Judiciary Committee, has said, I merely wish to reply that, although the matter was originally committed to his committee by a resolution of this body on the 7th of January and by some subsequent proceedings, yet up to this hour we have heard nothing from the Judiciary Committee in connection with this proposed legislation. It would seem as if after a certain consideration of the subject the committee itself tired of it, because after it had the subject under consideration for some three months the chairman of the Judiciary Committee himself introduced a measure in this body looking to similar legislation, and asked that it should be referred to the Committee on Railroads. Thus the Committee on Railroads was charged with the investigation and consideration of this measure at the request of the chairman of the Judiciary Committee, though acting in his individual capacity as a Senator. It took the matter under consideration; it devoted time and labor to it, and reported a measure to the Senate. That measure lies upon your table, sir, liable to be called up at any time. If there is any analogy in the legislation it is quite as competent to be referred to the Committee on Railroads as to the other committee. I must contend, however, that where a committee is intrusted once with a question, pending action in another committee, when it has reported its action, any subsequent proceedings would naturally devolve upon it.

A reference of this bill to the Committee on Railroads would not interfere with any action by the Senate or by the Judiciary Committee. If, in pursuance of a duty with which they have been charged, the Judiciary Committee are ready to report any measure, doubtless it will receive the consideration of the Senate; but all the usual comity of this body, I think, is in favor of the committal of this bill to the committee which has been suggested by the Chair.

Mr. EDMUNDS. My friend from Louisiana exhibits a little more interest in this subject than I thought he would, which has led him to make use of an argument that is very far from being sound. That argument is that the chairman of the Judiciary Committee has done something in this body tending to show that the Judiciary Committee were desiring to get rid of doing a duty that the Senate, by an absolute order in the form of a commanding resolution, had required them to do, because the Senator who happens to be the chairman of that committee afterward introduced a bill on the subject of the Pacific Railroad and had it sent to the Committee on Railroads. My honorable friend could not have heard me then; somebody must have told it to him, for if he had heard me he would not have stated what he did. If he will look at the RECORD he will find that I stated when I introduced the bill that I introduced it by request, and moved that it be referred to that committee.

Mr. WEST. Where did the request originate for the reference?

Mr. EDMUNDS. The request for the reference originated with the railroad gentlemen who got up the bill, with whom I am acquainted, and who had been before the Judiciary Committee over and over again upon the subject that we had in our charge, and upon which we were commanded to act, and upon which we were getting facts. Then when they brought me this bill and asked me if I had any objection to introduce it, I said, "Not the slightest," and I stated to them that I should do it by request; that I did not choose to examine it, and judging from their conversation as to what it contained it would not be at all agreeable to my mind; but that whatever they wanted done with the bill, as they were respectable gentlemen, of course as a Senator I would do it with great pleasure. They wanted it referred to the Railroad Committee. I said, "Very well; it is nothing to me in introducing your bill by request. I do not care; the Senate has commanded us to do a certain thing that we shall undoubtedly do."

That bill was referred to the Railroad Committee. The Senate will remember that it was the bill which provided for the Government taking back the lands upon which it already has a complete lien in satisfaction of its debt, as far as they would go, or for a sinking fund; I do not remember the details, and of course should not go into them. It went to the Railroad Committee. The Railroad Committee has reported upon that bill favorably, changing it so that it is less obnoxious than it was before; but still to my mind it is very obnoxious in respect of the general method that it proposes to compel these railroad companies to do justice to the people of the United States, the tax-payers, and the Treasury.

Then, Mr. President, as I have said, acting under the express order of the Senate and not by the mere reference of a bill, we have endeavored carefully, faithfully, and patiently to do our duty in examining into the judicial situation—and that is all there is to it—between these companies and the United States, to find out what their legal rights are and what are the legal rights of the Government, and then to adopt the necessary legislation to have those legal rights put into due order and force for the benefit of all concerned. That we have endeavored to do, and we are ready to report. As I say, this House bill is a bill similar to that which we have agreed on. It is a bill to regulate the judicial rights of these parties and to bring them to a focus, and is not a bill to take back lands, or anything concerning the general policy of railroad management. Therefore, in the nature of the thing, it is a bill that properly belongs to the consideration of the Judicial Committee of this body, if we care anything about the substance rather than the name of questions that are to be covered. Of course in the personal sense it is far from being of the slightest consequence to me.

Mr. THURMAN. Mr. President, there are several considerations that make a reference of this bill to the Judiciary Committee the proper reference. In the first place, a bill was referred to the Railroad Committee; that committee has reported upon it, and its reference is exhausted; but the matter referred to the Judiciary Committee has not been reported upon yet, and will be this morning only in part, leaving the subject still before that committee, which makes it proper that this bill should go to that committee which still has the subject under consideration.

In the second place, it has been truly said by the chairman of the Judiciary Committee that the only questions likely to give rise to difficulty in the minds of Senators are legal questions, and those questions properly belong to the Judiciary Committee.

But, in the third place, it is a fit rule of parliamentary law not to send a child to a nurse that cares not for it, to use a quotation from the parliamentary manuals so often repeated to us by the late Senator from Massachusetts, [Mr. Sumner.] Now the Railroad Committee has reported a bill altogether inconsistent with the provisions of this House bill. To send this bill to the Railroad Committee is to send it to a nurse that cares not for it, nay, more, that is hostile to it. The report that the Judiciary Committee will make as soon as the committees are called for reports will show that in the main the House and the Judiciary Committee of the Senate concur; and therefore it is proper that this House bill should be sent to that committee. It is certainly a fixed rule of parliamentary proceeding to send a measure to a committee that is not hostile to it, but to one that is in favor of it, or at least that is indifferent.

For these reasons I hope that this bill will be sent to the Judiciary Committee. If sent to the Railroad Committee, you are sending the bill to a hostile committee.

Mr. WEST. Mr. President, the assumption made by the Senator from Ohio is scarcely warranted by the facts. There is no reason to know that the Committee on Railroads would be any way hostile to this arrangement.

Mr. EDMUNDS. What you have reported is altogether inconsistent with it.

Mr. WEST. The Committee on Railroads are quite as anxious and have spent more time and have given greater consideration to the settlement of this matter, I am sure, than the Committee on the Judiciary, because in six weeks we came to a conclusion, when the Judiciary Committee has not done it in six months.

Mr. THURMAN. That only shows that we gave greater consideration.

Mr. WEST. I do not know that. We worked, and perhaps the Judiciary Committee had something else to do. The proposition that we had before us was one concerning the return of the lands. We considered that. Now if another proposition comes before us we may consider that; and there is no reason in the world to suppose that we shall not act with as much regard for the interests of the Government of the United States as the Committee on the Judiciary. But I say it is something beyond my experience in this body that a committee shall be used for the convenience of any other committee. I say that the chairman of the Judiciary Committee referred this question by his own action to the Committee on Railroads. He did say that he introduced the bill by request, but he did not say that he asked for the reference by request. I waived the point when these questions were introduced, and allowed them to go to the Judiciary Committee until the Judiciary Committee returned them back upon us. I am speaking for my committee, and at their request, and by their direction, not that I have any personal feeling in it at all; but as the representative of the Committee on Railroads I am bound to represent their views here, and they ask, and have by a vote of the committee asked, that this bill should take the regular course suggested by the Chair.

Mr. THURMAN. Mr. President, I am wholly unconscious of having uttered a word that by any possibility could be construed into a reflection upon the Railroad Committee.

Mr. WEST. I did not say the Senator had.

Mr. THURMAN. When I spoke of that committee being hostile to this measure which has come from the House of Representatives, I spoke with regard to the bill which the Railroad Committee has reported; and any Senator who will take that bill and the House bill will see that the views of the Railroad Committee and of the House are almost, if not altogether irreconcilable, and, therefore, I say again that to send this bill to the Railroad Committee is to send it to a nurse that not only cares not for it, but that dislikes it.

Now, sir, one word as to the Judiciary Committee. The Judiciary Committee has not turned off any work; the Judiciary Committee has not brought back any bill into the Senate and asked that it might be referred to the Railroad Committee. The bill that was referred to the Railroad Committee was introduced by a Senator; it never went to the Judiciary Committee at all; but on that Senator's motion, and for reasons that he can explain, it was sent to the Railroad Committee.

But there is no necessity for going back into that. Here is a subject that is still before the Judiciary Committee, but upon which the Railroad Committee has exhausted the reference to it. That of itself is a sufficient reason for sending it to the Judiciary Committee. But when you consider that the questions really are legal questions, at least those about which there will be any material discussion, and when you consider that the bill which the Judiciary Committee will report will be more in accordance with the House bill than the bill reported by the Railroad Committee, I do not see how there can be the slightest doubt as to the parliamentary rule that this bill should go to the Judiciary Committee.

Mr. KELLY. Mr. President, I differ with my friend from Ohio, and think that the appropriate committee in this case is the one that has been considering a kindred bill or a bill for the settlement of the financial matters between the railroad companies and the United States. That committee has had this matter under consideration not only for weeks but for months, investigating the whole matter, and as every Senator here is aware it is a matter of no little complication. The adjudications of the Court of Claims, affirmed by the Supreme Court, settle certain rights of the companies and of the United States as to the 5 per cent. that the railroad companies must pay to the United States. This and other questions have been fully investigated by the Railroad Committee, the appropriate committee, the committee to which these railroad matters have ever been referred.

Now, why should the subject be taken away from that committee and transferred to the Committee on the Judiciary? It is very true that some questions, questions of great importance, I admit judicial questions, might be referred to that committee; but here is not a question simply of law, it is a question of the best policy for the United States to pursue in the settlement of this controverted matter; and as that has been heretofore the appropriate committee to refer railroad matters to, I do not see why we should depart from it now. It is very probable that our Railroad Committee may differ from the Railroad Committee of the House; but why not? Have we not a perfect right to differ?

Mr. EDMUNDS. The Railroad Committee of the House did not report this bill, but the Judiciary Committee of the House.

Mr. KELLY. That is true. But there is no reason when a bill relates to railroad matters, why it should not go to the Railroad Committee, as it seems to me. I think it was an improper reference in the other House, but that is a matter for them and I have nothing to say about it. I only allude to it now when the bill comes here in order to say that I think the bill ought to go to the Committee on Railroads.

Mr. EATON. Mr. President, I only desire to say a word upon this matter. I cannot well see, I confess, in this warm weather why there should be an unaccountable desire to take from the appropriate committee, the Committee on Railroads, this bill. I understand my honorable friend from Ohio to say that it ought not to go to the Railroad Committee because the Railroad Committee is hostile to this bill. Now, I beg to say to my friend as one of that committee that that charge ought not to be made. In the first place, I do not know as a member of that committee the terms of this bill; I have not seen it; have not read it; I do not know its details. I only know that it relates to railroads and relates to an adjustment between certain roads and the United States. Now, it ought not to be said that the Railroad Committee is hostile to the bill. What right has any Senator to make that charge against a committee of this Senate that has not had the bill in charge?

Mr. THURMAN. Will my friend allow me to interrupt him?

Mr. EATON. Certainly.

Mr. THURMAN. I thought I explained that. I can very well see why the Senator thinks that there may be no hostility to this bill on the part of his committee; but if he will take the bill reported by his committee, which we all have a right to suppose is the expression of its opinion, and compare that with the House bill, he will certainly see that the opinion of his committee is hostile to this bill.

Mr. EATON. I have not read the bill, as I observed, and it cannot be expected that every member of the Railroad Committee shall know what a bill is that may have been passed by the other House but not yet considered here.

My friend says that it is unparliamentary to send this bill to the Railroad Committee. I take issue there. In my judgment, it is unparliamentary to send it anywhere else except to the Railroad Committee. If it is a matter that relates to railroads, that committee is the proper committee to entertain and consider it.

But, says my honorable friend, there are grave judicial questions connected with it. There are grave judicial questions connected with almost every railroad matter that is brought before Congress; but it is not less proper that the matter should go to the proper committee, and if the committee require the opinion upon any judicial question of the Judiciary Committee, they will ask for that opinion. In my judgment the bill should go to the legitimate committee, the Committee on Railroads.

Mr. MITCHELL. Mr. President, of course no one will question the perfect good faith of the honorable chairman of the Judiciary Committee in moving the reference of this bill to that committee; but, sir, as one of the members of the Railroad Committee I should be very loath to see any action on the part of the Senate in reference to this matter that would place or have a tendency to place the committee of which I am a member in any false position before the Senate or before the country, in a position, as has been suggested by a Senator, of hostility to this bill, and which might perhaps go further in the estimation of some, and place that committee in a position of hostility to the general interests of the Government and of the Treasury of the United States in reference to the dealings of the Government with these railroad companies.

Now, what are the facts in reference to this matter bearing upon the question of the proper reference of this bill?

Mr. PADDOCK. I should like to inquire of the Senator from Oregon if the Railroad Committee was not first directed by the Senate to consider this matter?

Mr. MITCHELL. Certainly, by the reference of a bill to that committee which was considered at length and reported by that committee with amendments, not the original bill.

Mr. PADDOCK. That was the fact which I wished to elicit.

Mr. MITCHELL. I did not intend to say a word on this matter of reference, nor would I, had it not been for the remarks of the honorable Senator from Ohio in which he stated that it would be improper to refer this bill to a committee that was hostile to the measure, to a nurse that would have no proper care of the child. Are these remarks justified by anything that has taken place either in the Senate or before that committee? It appears to me not. We have a railroad committee. What are the uses or purposes of that committee? To consider railroad matters, I presume, to protect the interests of the Government wherever the interests of railroads come in conflict with the interests of the Government; having regard always, of course, for any vested rights of the companies. This is that case. Here is a great controversy existing to-day and for a number of years past between these railroad companies and the Government of the United States. These companies were organized by the Government of the United States; the breath of life was breathed into them by the United States; great charter rights were conferred upon them by the Government of the United States. They have become strong and powerful; and a conflict has arisen between them and the United States in reference to the rights of both parties.

Now then, a bill is introduced in the beginning of the session by the honorable chairman of the Judiciary Committee himself, and upon his motion that bill is referred to the Railroad Committee, the proper committee as I contend. He does not ask that it be referred to the Judiciary Committee, although it refers to the very identical subject upon which the House bill treats that is now before the Senate. It is true a resolution had been introduced and referred to the Judiciary Committee calling upon that committee to investigate the same general subject as to the legal rights of the Government and of these companies and as to the conflict existing, and they were called upon to report their views to the Senate. Notwithstanding that reso-

lution, this bill providing the solution of the difficulty is referred by the motion of the honorable chairman of the Judiciary Committee to the Railroad Committee. The Judiciary Committee proceed to investigate the general subject which they are called upon to investigate by the resolution; but up to this hour no report has been made by that committee. We know nothing of the views of that committee on this general subject. We do not know, so far as any action of that committee is concerned, whether the Judiciary Committee is hostile to the interests of the Government or friendly to the railroad companies. We know nothing on that subject so far as any action of that committee is concerned, because they have not spoken to the Senate as a committee.

But, again, as I was about to say, the bill introduced by the Senator from Vermont [Mr. EDMUNDS] was referred to the Railroad Committee, and the Railroad Committee took it up and after diligent examination for two long months they reported that bill with a great many amendments to the Senate, submitting the views, it is true, of the Railroad Committee upon this general subject.

Well, sir, it is said by the honorable Senator from Ohio that this is a different proposition; that here is an irrepressible conflict between the views of the House as presented in the bill under consideration and the views of the Senate Railroad Committee. There may to some extent be a conflict; there unquestionably is to a certain extent a conflict, but they both bear upon the same general subject; and what is that subject? It is the solution of this controversy between the railroad companies and the Government. That bill bore upon the same general subject; and I undertake to say that while it might perhaps have been proper enough originally to have referred this matter to the Judiciary Committee, and let that committee present their views and their theory of the solution of this matter, any such action now would have the effect to place the Railroad Committee, of which I am an humble member, in a false position in reference to the controversy between the Government and the railroads both before the Senate and before the country; and for one I do not see proper by keeping quiet, by remaining silent in my seat when a motion of this kind is made, to permit myself as a member of the committee, or the committee, to be placed in any such position.

Why, sir, there is no trouble about this matter. Taking it for granted for the sake of the argument that the views of the railroad committee are not in consonance with the views of the House in reference to this general subject, the same subject-matter is being considered by the Judiciary Committee. Their views will be presented to the Senate in reference to this matter in answer to the resolution that has been introduced and referred to that committee, and been under consideration by that committee for months past, I think since February.

Mr. EDMUNDS. Long enough, undoubtedly. We have been teased off a good while.

Mr. MITCHELL. It has been before the Judiciary Committee several months. Therefore I say the Senate of the United States will have the views of that able committee both in reference to the policy and the power of the Government, because they both come in for consideration and determination in this matter, and then the Senate can have the benefit of the views of both committees upon this subject and can act as would seem to be proper under all the circumstances. But I do say that after the Railroad Committee has been charged with this general subject, has considered it for two or three months, and has reported its views to the Senate, as a matter of simple courtesy the general subject should not be taken out of their hands now by what would seem to me to be an inappropriate reference of this bill at this time.

That is all I desire to say, and I did not intend to say one word, and would not have done so had it not been for some remarks made by the honorable Senator from Ohio.

Mr. DAWES. I am quite sure that personally as a member of the Committee on Railroads, if I were to consult my own ease and my own wishes, I should prefer to have the motion of the Senator from Vermont prevail; but it is quite worth while for the Senate to inquire whether it is well to charge two committees, at the same time, with the same duty, and the more complex and difficult the duty the more serious the question. The Senate charged the Railroad Committee with the consideration of the very question involved in this bill. They did it upon a vote of the Senate; and it has not any the less significance that they did it on the motion of the Senator from Vermont, himself representing the Judiciary Committee at all times and ready to assert at all times the prerogatives and jurisdiction of that committee. With the matter before him, and after the Senate had by a simple general resolution instructed his committee to inquire into these things, the conclusion of the Senate was that it was after all a matter within the jurisdiction and proper for the Railroad Committee to consider; and that was done with the approval and upon the suggession of the Senator from Vermont.

Now that committee has undertaken to discharge that duty. It has not completed its work. Some of the members of that committee, I happen to know personally, have devoted a great deal of time to the consideration of the difficult questions involved, not only of law but of fact, and not only in reference to this particular bill, but its effect upon all the relations of the Government to all this class of railroads. In the midst of this work there comes up from the House a cognate measure having reference to the same subject, differing in the questions of law that are involved not one particle from that which the Senate charged this committee to investigate, having somewhat a different plan from that which was suggested in the bill introduced by the Senator from Vermont and which he thought the Railroad Committee was the best of all the committees to investigate and in which the Senate concurred with him, and in obedience to which judgment of the Senate the committee undertook the task. Then there comes up this House bill, and somebody has informed the Senator from Ohio or the Senator from Vermont that it is not according to the views of the Railroad Committee, or they have some apprehension lest a conclusion after investigation may not be entirely in accordance with the views of some members of the Judiciary Committee before the investigation.

Mr. EDMUNDS. May I ask the Senator a question?

Mr. DAWES. Certainly.

Mr. EDMUNDS. He wishes to know whether the Judiciary Committee has polled the members of the Railroad Committee. I will state that on the 26th of May the chairman of the Railroad Committee reported to the Senate that he had polled the members of the Railroad Committee on this bill that I introduced about one of these railroads, and as far as it appears from the report every one of them was of opinion that Congress had not a particle of power to do anything without the assent of the company, and so they reported the bill with an amendment that it should not have any force at all unless the company did assent to it. That is the way we know how the Railroad Committee stands.

Mr. DAWES. I was speaking not of what the chairman of the Railroad Committee had said, so far as the report he has made or any other measure was concerned, but I was speaking of an assertion made by the chairman of the Judiciary Committee, and seconded by the Senator from Ohio, about the views which they entertained of what sort of a conclusion the Railroad Committee would come as to another measure. How they ascertained these views, or what propriety there is in either polling that committee upon any measure, or calling the attention of the Senate to it as a basis for a vote of want of confidence in that committee, is for older Senators than myself to determine for themselves. For my part, I have to say that no action of mine, and, so far as I am able to judge, no action of any other member of the Railroad Committee in reference to any other measure, reflects at all the views of those members of the committee, certainly not my own, for this is a new and distinct proposition, and no Senator has any authority to state to the Senate that the views of any member of that committee are such that that wonderful parliamentary axiom, so often quoted here, that it will not do to send a child for nursing to a hostile mother, must be applied to this Railroad Committee, so that after the Senate has set them to work upon this measure, and before a conclusion of their work, the Senate must come in and by a direct vote intercept and interdict any further investigation on their part, and turn over measures that belong to that committee to the Judiciary Committee.

Mr. EDMUNDS. Mr. President, my good friend from Massachusetts says that I represented the Judiciary Committee in having this bill which has been spoken of referred on the 3d of April to the Railroad Committee. He has no authority to make that statement. It is not true in point of fact.

Mr. DAWES. The Senator has mistaken what I said. I did not say you represented the Judiciary Committee in that particular thing. I said you represented it in all matters pertaining to its prerogatives and jurisdiction.

Mr. EDMUNDS. The Senator said it in such very close connection with the circumstance of this bill being referred to the Railroad Committee that the unsophisticated mind of an honest man would have supposed that he meant that; but the Senator withdraws that part of it, as he of course knows that when a Senator gets up here and introduces a bill by request and lets it take the particular reference that the man who wanted it introduced wishes it to take, if that is not necessarily an improper one, there is not a great deal of game to be caught by pursuing that animal any longer. I think I can dismiss that part of it now.

But what was the bill that went to the Judiciary Committee and upon which they have reported? It was a bill to create a sinking fund for the liquidation of the Government bonds advanced to the Central and Western Pacific Railroad Companies, and that was all as it was introduced, in respect to these two companies alone. What was the attitude of this general question between the people of the United States and the five or six railway companies that have got bonds at that time? The Senate before that time had by a resolution that I hold in my hand directed the Judiciary Committee—not introduced, as the Senator says or insinuates, by me at all, but introduced by the Senator from California [Mr. SARGENT] without any knowledge or consent of mine—"to inquire what legislation, if any, is necessary to secure indemnity to the United States for advances of interest paid and to be paid by the Government on account of subsidy bonds issued to the several Pacific railroad companies, and to secure indemnity against liability to pay the principal of such bonds by requiring the creation of sinking funds, or otherwise."

"By requiring," you will perceive, not at the option of the company, but doing something that binds, pledges.

Also whether the issues of the companies' mortgage bonds under the act of 1864 were in excess of the amount.

And a great variety of other subjects which did require much time to consider. In this state of things the bill went to the Railroad Committee. It is the only bill that I have heard of that they have had under consideration about it. They reported this bill on the 26th of May, with a report in writing, and which is now in print; and I beg to ask the honorable Senator from Massachusetts, if it is parliamentary to do so, whether he concurred in that report?

Mr. DAWES. It depends upon my answer, does it, whether by a vote of the Senate I shall, as a member of that committee, have anything further to do with railroads?

Mr. EDMUNDS. That is the answer. Then I take it the honorable Senator did concur in the report, and certainly the report appears to be a unanimous one; and, unless he corrects me, I shall say that he did concur in it, and, as far as we have any right to know anything about it, all the members who were present at the meeting concurred, which must have been a majority. Now, what does that report say? It says in substance, and there is no dodging it, that this House bill ought not to pass under any circumstances unless the railroad companies are willing it should and are willing to agree to it. They say:

The first question is—

On this bill for a sinking fund introduced by the Central and Western railroads themselves—

The first question is, have we any power to change the relations with these companies at all, without their assent?

The honorable committee go on to discuss that question. They then wind up in this way:

In the view of the committee it—

Speaking of the act of 1864—

In the view of the committee it is a contract modifying the provisions of the former contract, and cannot be altered, amended, or repealed without infringing upon the provisions of the Constitution.

The Railroad Committee has solemnly and formally reported to the Senate that no bill can meet its approval that alters, amends, or repeals any provision in any of these acts granting bonds. Now if that is their opinion, as we know it is their formal and official opinion, what is the object of sending this bill to them? This bill does not ask any assent of the railroad companies; it undertakes to exercise a power by Congress that the Railroad Committee says Congress does not possess in any degree.

The Senate then, laying aside all questions of courtesy that have been pressed in here—and there is nothing in them—has a right to refer a bill to any committee that it likes. It may refer this bill to the Committee on Contingent Expenses if it chooses, without any discourtesy to anybody. It is a matter of judgment. Now what does the Senate say by sending this bill to this committee? Does it not say that, in the judgment of the Senate, Congress has no power to pass the bill at all, and do you not say to the people of the United States that, in the opinion of the Senate, no matter how great the wrongs may be that are inflicted on you under these grants and charters, you are utterly remediless, unless it is with the royal assent and pleasure of the corporations which Congress has reserved the right to control by its legislation?

Now, in accordance with that report, this honorable committee reports and with the assent of the honorable Senator from Massachusetts, and undoubtedly drawn by him, that even this little act got up by the Central Pacific Railroad Company itself, and therefore, as I suppose, just what it wanted—that even this little act shall not be "operative"—I read from an amendment of the committee:

That this act shall not be operative unless the same shall be accepted by the said Central Pacific Railroad Company within four months of the date of its passage by votes of the directors and stockholders at regular meetings duly called.

Mr. President, this has got to be a matter of substance. If the Senate wish to consign this bill to its grave, to its official grave—not a question of guess or intendment or discourtesy to a committee that has formally and unanimously reported so far as we can know, certainly a majority of it, that we have not any power to touch the House bill except with the assent of the parties to be affected by it—the Senate can do it. That is all I have to say, and I ask for the yeas and nays on the motion to refer.

Mr. HAMLIN. The morning hour has so nearly expired that I ask the indulgence of the Senate to allow me to present the credentials of my colleague.

Mr. EDMUNDS. I think we had better have a vote, because we shall lose the time.

Mr. WEST. You will not get any vote before twelve o'clock.

Mr. EDMUNDS. I insist on the regular order, and we shall see.

The PRESIDENT *pro tempore*. The Senator from Vermont objects.

Mr. SHERMAN. I desire to say a few words on this question.

Mr. HAMLIN. Then I hope the Senator will withdraw his objection and allow these credentials to be presented. Will the Senator from Ohio allow me?

Mr. SHERMAN. Yes, sir.

Mr. HAMLIN. I ask that they be read.

The PRESIDENT *pro tempore*. The credentials will be read.

CREDENTIALS.

The Chief Clerk read the credentials of James G. Blaine, appointed by the governor of the State of Maine, to fill, until the next meeting of the Legislature of that State, the vacancy occasioned by the resignation of Lot M. Morrill.

The PRESIDENT *pro tempore*. The credentials will be placed on file.

AMENDMENT OF PACIFIC RAILROAD ACT.

The PRESIDENT *pro tempore*. The Senate resumes the consideration of the motion to refer the bill received from the House of Representatives.

Mr. SHERMAN. I desire to say a few words. I ask the Senator from Vermont whether this matter had not better go over now?

Mr. EDMUNDS. I should like to hear my friend. It will never go over with my assent. It is a matter of the utmost importance, and it is very hard to get it before the Senate. That is my only reason. I should be very glad to hear from my friend from Ohio.

PETITIONS AND MEMORIALS.

Mr. ROBERTSON. I have a petition. I present a petition of citizens of the District of Columbia, praying the passage of a law for the introduction of the metric system of weights and measures. I move that it be referred to the Committee on Finance.

The motion was agreed to.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. U. S. GRANT, jr., his Secretary, announced that the President had on this day approved and signed the following acts:

An act (S. No. 176) to authorize the Northwestern Improvement Company, a corporation organized under the laws of the State of Wisconsin, to enter upon the Menomonee Indian reservation, and improve the Oconto River, its branches and tributaries;

An act (S. No. 369) to exempt vessels engaged in navigating the Mississippi River and its tributaries above the port of New Orleans from entries and clearances;

An act (S. No. 435) to amend section 5546 of the Revised Statutes providing for imprisonment and transfer of United States prisoners; and

An act (S. No. 454) for the relief of the sureties of J. W. P. Huntington, deceased, late superintendent of Indian affairs in Oregon.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. G. M. ADAMS, its Clerk, announced that the House had passed a joint resolution (H. R. No. 146) to amend the act approved June 18, 1874, relating to the admission of articles intended for the international exhibition of 1876; in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker *pro tempore* of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore*:

A bill (S. No. 872) for the relief of the family of the late John T. King and of L. B. Cutler;

A bill (H. R. No. 1668) to supply an omission in the enrollment of the deficiency bill approved March 3, 1875;

A bill (H. R. No. 3200) to change the name of the steam-barge Dolphin, of Clayton, New York;

A bill (H. R. No. 3884) to continue the act entitled "An act to continue the public printing;" and

A joint resolution (H. R. No. 134) donating two cannon and carriages to the warden and burgesses of Stonington, Connecticut.

ORDER OF BUSINESS.

Mr. PADDOCK. I ask the Senator from Ohio to yield to me a moment.

Mr. EDMUNDS. I insist on the regular order.

The PRESIDENT *pro tempore*. The Senator from Ohio has the floor.

Mr. SHERMAN. Mr. President——

The PRESIDENT *pro tempore*. The hour of twelve o'clock has come.

Mr. WEST. I insist on the regular order.

The PRESIDENT *pro tempore*. The hour of twelve o'clock having arrived——

Mr. PADDOCK. I hope to have an opportunity——

Mr. EDMUNDS. I object; meaning no disrespect to anybody; but this bill now stands at the head and will by the rules until it is disposed of. I do not mean to be put to the trouble of trying to get to it. I intend, if sticking to the rules will enable me, that this bill shall stay where it is until it is disposed of. Therefore I object to all other business.

Mr. INGALLS. Does this bill come up to-morrow morning as the unfinished business?

The PRESIDENT *pro tempore*. Not necessarily.

Mr. EDMUNDS. I think it does.

The PRESIDENT *pro tempore*. Not within the morning hour.

Mr. EDMUNDS. We will try that when it comes up.

Mr. PADDOCK. I appeal to my friend from Vermont——

The PRESIDENT *pro tempore*. Does the Senator from Ohio yield?

Mr. INGALLS. I call for the regular order.

The PRESIDENT *pro tempore*. The regular order is demanded.

Mr. PADDOCK. I wish simply to take a bill from the table and refer it to a committee.

The PRESIDENT *pro tempore*. The regular order is demanded. Twelve o'clock having arrived, the legislative and executive business will be suspended and the Senate——

SUNDRY CIVIL APPROPRIATION BILL.

Mr. WINDOM. I ask unanimous consent to present the request of the Senator from California, [Mr. SARGENT,] who is sick, that he may be relieved from further service on the conference committee on the part of the Senate on the sundry civil appropriation bill.

The PRESIDENT *pro tempore*. Is there objection to the request? The Chair hears none.

Mr. WINDOM. I merely make the statement that I have such request from the Senator from California, [Mr. SARGENT.]

Mr. SARGENT was excused; and the President *pro tempore* being authorized to fill the vacancy, Mr. WINDOM was appointed.

REPORTS OF COMMITTEES.

Mr. THURMAN. I ask, before we go into the trial, by unanimous consent to be allowed to make a report from the Judiciary Committee on this Pacific railroad matter, that it may be laid on the table and be printed.

The PRESIDENT *pro tempore*. Is there objection? The Chair hears none.

Mr. THURMAN. I am directed by the Committee on the Judiciary, to whom was referred a resolution of the Senate of the 6th of January, instructing the committee to inquire into various matters relating to the Pacific railroads, and to whom were also referred the bill (S. No. 275) to amend the act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 1, 1862, and to amend the act amendatory thereof approved July 2, 1864; the bill (S. No. 316) to amend an act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 2, 1862, and to amend an act amendatory thereof approved July 2, 1864; and the bill (S. No. 564) to amend the act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 1, 1862, and the several acts amendatory thereof and supplementary thereto, to report a bill, and, accompanying that, a written report, which I ask to have printed.

The bill (S. No. 984) to alter and amend the act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 1, 1862, and also to alter and amend the act of Congress approved July 2, 1864, in amendment of said first-named act, was read and passed to the second reading, and the report was ordered to be printed.

Mr. WRIGHT. I ask unanimous consent to make a report from a committee.

The PRESIDENT *pro tempore*. The Chair hears no objection.

Mr. WRIGHT, from the Committee on Claims, to whom was referred the bill (S. No. 902) to authorize the Secretary of the Interior to ascertain the amounts due to citizens of the United States for supplies furnished to the Sioux or Dakota Indians of Minnesota subsequent to August, 1860, and prior to the massacre of August, 1862, and providing for the payment thereof, asked to be discharged from its further consideration and that it be referred to the Committee on Indian Affairs; which was agreed to.

He also, from the same committee, to whom was referred the bill (S. No. 738) for the relief of Withenbury & Doyle, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. No. 185) declaring the effect of permits to purchase products of the insurrectionary States in certain cases granted by the President of the United States, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

EQUALIZATION OF BOUNTIES.

Mr. LOGAN. I ask unanimous consent of the Senate to take up the bill (H. R. No. 58) to equalize the bounties of soldiers who served in the late war for the Union. I will say to the Senate that I do not desire to take it up for the purpose of having it discussed now, but merely to have it in order, so that it may be hereafter in the order of business to be voted on.

The PRESIDENT *pro tempore*. It would close within the morning hour. The Senator would gain nothing by that.

Mr. SHERMAN. There is one bill already up.

Mr. LOGAN. It would be business in the morning hour, would it not?

The PRESIDENT *pro tempore*. It would have to be called up afresh.

Mr. LOGAN. I ask that it be made a special order; it is the bounty bill.

Mr. EDMUNDS. O, no; we cannot agree to that.

The PRESIDENT *pro tempore*. The Senator from Vermont objects.

Mr. LOGAN. I ask the Senate to vote on it.

The PRESIDENT *pro tempore*. The regular order having been called for, one objection carries it over.

Mr. EDMUNDS. I do not object to my friends having a vote on the question whether that bill shall be made a special order.

The PRESIDENT *pro tempore*. The objection is withdrawn. The Senator from Illinois moves that the bounty bill be made a special order.

Mr. SAULSBURY. I object.

VOLUNTEERS FOR SIOUX WAR.

Mr. PADDOCK. I ask unanimous consent to take up joint resolution No. 20 from the table and refer it to the Committee on Military Affairs.

There being no objection, the joint resolution (S. R. No. 20) to authorize the President of the United States to accept the services of volunteers to aid in suppressing Sioux Indian hostilities in the Northwest was referred to the Committee on Military Affairs.

IMPEACHMENT OF W. W. BELKNAP.

Mr. LOGAN. I call for the regular order.

The PRESIDENT *pro tempore*. The Senator from Illinois calls for the regular order. The legislative and executive business of the Senate will be suspended, and the Senate will proceed to the consideration of the articles of impeachment exhibited by the House of Representatives against William W. Belknap.

The Senate then proceeded to the trial of the impeachment of William W. Belknap, late Secretary of War.

The Senate sitting for the trial of the impeachment of William W. Belknap having adjourned then resumed its

LEGISLATIVE SESSION.

The PRESIDENT *pro tempore*. Legislative and executive business will now be resumed.

Mr. HAMLIN. I move to take up the bill (H. R. No. 3628) establishing post-roads, which was laid aside yesterday morning.

The motion was agreed to.

HOUSE BILL REFERRED.

The joint resolution (H. R. No. 146) to amend the act approved June 18, 1874, relating to the admission of articles intended for the international exhibition of 1876 was read twice by its title and referred to the Committee on Finance.

BILL INTRODUCED.

Mr. BOUTWELL (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 985) for the relief of Charles P. James; which was read twice by its title, referred to the Committee on Claims, and ordered to be printed.

Mr. EDMUNDS. Let us have order.

The PRESIDENT *pro tempore*. The Senate will come to order.

THE WASHINGTON MONUMENT.

Mr. WINDOM. The Committee on Appropriations, to whom was referred the bill (S. No. 982) providing for the construction of the Washington Monument, have directed me to report it without amendment. This is the bill which the committee were instructed to report, or at least partially instructed. If there be no objection, I ask for its present consideration.

Mr. EDMUNDS. It had better be printed, that we may read it.

The PRESIDENT *pro tempore*. The bill will be printed and go on the Calendar.

ORDER OF BUSINESS.

Mr. EDMUNDS. Mr. President, I rise to inquire whether there was any unfinished business yesterday upon which we adjourned?

The PRESIDENT *pro tempore*. None.

Mr. EDMUNDS. Then I make the point of order that the business the Senate was engaged upon when the court-hour arrived was the bill of the House of Representatives on the subject of the relations of the United States to the Pacific railroads, and I insist that that is the pending business before the Senate.

Mr. HAMLIN. I suggest that there is no such thing as unfinished business of the morning hour.

The PRESIDENT *pro tempore*. The Chair will state that the railroad bill referred to by the Senator from Vermont was considered in the morning hour.

Mr. EDMUNDS. Yes, sir; but I submit to the Chair that when there is no unfinished business there is not any morning hour, and there is no such thing in the rules. Therefore I submit that when we proceeded to this trial, the question under consideration, like an appropriation bill or anything else, was the reference of this bill about the railroads, and I make the point that that is the present business before the Senate when the trial is adjourned and the Senate resumes legislative business.

The PRESIDENT *pro tempore*. The Chair will submit the question to the Senate, Shall the railroad bill which the Senator from Vermont has called up——

Mr. EDMUNDS. I do not call it up. It was submitted by the Chair under the rules which require him to submit for reference bills from the House of Representatives. That bill has not been referred, and that was the question we were upon when the court convened.

The PRESIDENT *pro tempore*. The Chair is stating the fact. He will not differ with the Senator as regards the fact.

Mr. HAMLIN. I hope the Senate will not violate its long, its universal, and uniform practice in this case.

Mr. EDMUNDS. So do I.

Mr. HAMLIN. By the rules of the body the first thing in order is for the Chair to submit to it in the morning hour communications from the Executive and communications from the House of Representatives, and they are all limited within the morning hour; and I affirm here without the slightest fear of contradiction—and I do not know but that it is the only thing that I would not say you cannot find precedents on both sides—that there is no instance where the business of the morning hour has been treated as a question that goes over as unfinished business; not in a single instance within thirty years has that occurred.

Mr. EDMUNDS. Mr. President, if I may be allowed to say a word, it did not go over. That is the point. It did not go over as unfinished business for some other day; but here is a day when the Senate has met without any unfinished business coming over from the day before, which takes precedence by our practice at one o'clock, but the way was free so that when one o'clock came or any other time came, if this bill or any other that was up in the morning hour, it would go right on because it could only be displaced by unfinished business or a special order, neither of which existed. Therefore this bill stands in exactly the attitude of any other bill that was under consideration at one o'clock when there was no unfinished business and no special order that was under consideration, when the Senate by a special order proceed to the consideration of executive business or to judicial business, as in this case which is like it. Now, then, we have disposed for the time being of this executive or judicial business, and the question is whether that bill is not before the Senate for reference just as it was before. I do not interfere with——

Mr. WEST. I rise to a point of order.

The PRESIDENT *pro tempore*. The Senator from Louisiana will state his point of order.

Mr. WEST. I make the point of order for the purpose of relieving the Senate; I know that it wants to retire; and my point is that that bill cannot be before the Senate because it has only been read once this day, and I object to its second reading.

Mr. EDMUNDS. I beg pardon, it was read the second time, and the question was on its reference.

Mr. WEST. No; I beg your pardon.

Mr. HAMLIN. I do not think that question comes up.

Mr. EDMUNDS. Let us have that decided, for that is a point of order that is good if well taken.

The PRESIDENT *pro tempore*. If the Senator from Louisiana states that he objected when the Chair stated that the bill would be considered read the second time and referred to the Committee on Railroads, the Chair will recognize the objection and sustain the point of order.

Mr. WEST. I did not object at the time, but I do not know that that forecloses me, because I have seen just such instances here where Senators have raised these objections. The mere fact that the Chair states that a bill will be considered as read the second time does not preclude an objection to it at a subsequent time. My point is this: that that bill, under the twenty-sixth rule, has not been read a second time, and it requires to be read a second time on a separate day. That is the point, and I raise it now.

The PRESIDENT *pro tempore*. The Chair would rule that, if the objection was made when the second reading was called for, the Chair would sustain the Senator from Louisiana. The Chai stated that the bill would be considered read the second time, and the question was upon its reference to the Committee on Railroads. No objection being made to the second reading by any Senator, it was considered as read the second time. The Chair therefore overrules the point of order made by the Senator from Louisiana.

Now, as to the point of order raised by the Senator from Vermont——

Mr. EDMUNDS. Mr. President, I believe I was taken off my feet (and I sat down in obedience to the rule) by the point of order. That being overruled, I believe I am entitled to the floor again.

I wish to show my fealty to law, Mr. President, at all times, and, therefore, when the point of order was made I sat down in as becoming a manner as I could. Now I believe I have the floor, but I do not intend to waste the time of the Senate; yet I seriously and really believe that we shall make a very extraordinary precedent, and one that has never existed before, if when there is no special order and no unfinished business a bill is taken up in the morning hour, and special business like this court or executive business intervenes and is disposed of, that bill loses its place before the Senate. That is the precise point. If my friend from Maine says there is any precedent for such a losing as that, I should like to know what it is.

The PRESIDENT *pro tempore*. The Chair will here state that the Senator from Vermont has stated the fact with this exception in the judgment of the Chair, that the morning hour had expired; we had reached twelve o'clock from eleven o'clock. The practice of the Senate has been that whenever the morning hour expires no business under consideration then goes over by virtue of its being pending at that time. It did not go over as the unfinished business, but it would require a motion to take it up at a subsequent day. If the morning hour had not expired and we had returned to complete the morning hour, then the Chair would rule that the bill was pending.

Mr. EDMUNDS. That is not my point. All there is of the morning hour is that when one hour is spent the unfinished business of the day before shall be taken up, or if there be a special order at any particular hour, that shall be taken up unless the unfinished business is proceeded with. On this day there was no unfinished business. Therefore there was no such thing as a morning hour which was to be cut off at all, for if that were so, if there had not been any court or any executive session, this bill being under consideration when twelve o'clock came it would have been the duty of the Chair to say "the morning hour expires and this bill goes over." The Chair would never say that, because there was no unfinished business and no special order to displace it. That is the point.

Mr. HAMLIN addressed the Chair.

The PRESIDENT *pro tempore*. If the Senator from Maine will allow the Chair to reply to the Senator from Vermont, he will simply state that when twelve o'clock arrived if there had been no trial session the duty of the Chair would have been to declare the morning hour expired the same as if there had been unfinished business of the day before.

Mr. EDMUNDS. What would have happened to the bill then?

The PRESIDENT *pro tempore*. Then any other proposition would have been in order. The Calendar would have been next if there was no special order, for if no special order then the Calendar would be the general order.

Mr. HAMLIN. That is it exactly; we should go to the Calendar.

The PRESIDENT *pro tempore*. The rule requires that if there is no unfinished business and no special order the Calendar of general orders shall be in order.

Mr. EDMUNDS. I should be very glad to hear the rule read which displaces a bill taken up in the morning hour when there is no special order and no unfinished business.

The PRESIDENT *pro tempore*. The Secretary will read the rule.

Mr. HAMLIN. Read it in connection with the other rule, which says if it is taken up in the morning hour it shall go over.

Mr. SAULSBURY. I move that the Senate adjourn.

Mr. HAMLIN. Before the question is put, I want to ask the Chair what becomes of the bill that the Senate voted to take up?

The PRESIDENT *pro tempore*. It is pending.

Mr. EDMUNDS. I made the point of order against its being taken up. ["Question."]

Mr. SHERMAN. I think we had better not adjourn.

Mr. HAMLIN. I hope the Senate will not adjourn.

The PRESIDENT *pro tempore*. The Senator from Massachusetts [Mr. BOUTWELL] rose to the introduction of a bill. The Chair asked the Senator from Maine [Mr. HAMLIN] if he would yield to the Senator from Massachusetts. The Senator from Vermont asked for order, there was so much confusion. The Chair rapped down and suspended business until order was restored. He then recognized the Senator from Massachusetts by permission of the Senator from Maine, and the bill was introduced and then the Senator from Minnesota [Mr. WINDOM] rose to make a report and was recognized.

Mr. EDMUNDS. Now, I rise to a point of order, and will state that as soon as the Chair stated the question was on this post-route bill——

Mr. SAULSBURY. I call the Senator from Vermont to order. A motion is pending for adjournment.

Mr. EDMUNDS. Then I hope the Senator will call the rest of the Senate to order, himself among the rest.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Delaware that the Senate adjourn.

The motion was agreed to; and (at five o'clock and twelve minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *July* 12, 1876.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. I. L. TOWNSEND.

The Journal of Monday last was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, informed the House that the Senate was ready to proceed upon the impeachment of William W. Belknap and to receive the managers on the part of the House, and that the Senate Chamber was prepared with accommodations for the reception of the House of Representatives.

The message also announced that the Senate disagreed to the amendments of the House of Representatives to the bill (S. No. 332) to amend the act entitled "An act to amend and supplement an act entitled 'An act to establish a uniform system of bankruptcy throughout the United States, approved March 2, 1867,' and for other purposes," approved June 22, 1874, asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. THURMAN, Mr. WRIGHT, and Mr. EDMUNDS as conferees on the part of the Senate.

The message also announced that the Senate had passed without amendment the bill (H. R. No. 2404) for the relief of John S. Dickson, late captain of paroled prisoners.

PRINTING OF TESTIMONY.

Mr. HURLBUT. I am directed by the Committee on Civil Service Reform to report back certain additional testimony, and to ask that it be printed and recommitted.

There was no objection, and it was so ordered.

REPORT OF COMMISSIONER OF EDUCATION.

Mr. VANCE, of Ohio. I am directed by the Committee on Printing, to whom was referred the following concurrent Senate resolution, to report back the same with the recommendation that it be adopted.

The Clerk read as follows:

Resolved by the Senate (the House of Representatives concurring,) That 10,000 copies of the report of the Commissioner of Education for 1875 be printed for the use of the Commissioner.

The resolution was adopted.

Mr. VANCE, of Ohio, moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CONTESTED ELECTION—THIRD DISTRICT OF LOUISIANA.

Mr. HARRIS, of Virginia. I rise to a privileged question. I am directed by the Committee of Elections to report the resolution which I send to the desk and ask its adoption at this time.

The Clerk read as follows:

Resolved, That C. B. Darrall, the sitting member, is entitled to the seat occupied by him in this House as Representative from the third congressional district of Louisiana in the Forty-fourth Congress.

Mr. HARRIS, of Virginia. I call the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof the resolution was adopted.

FORT KEARNEY MILITARY RESERVATION.

Mr. CROUNSE. I ask unanimous consent to take from the Speaker's table the bill (S. No. 894) to provide for the sale of the Fort Kearney military reservation, in the State of Nebraska.

The SPEAKER *pro tempore*. The bill will be read for information, after which objections, if any, will be in order.

The Clerk read as follows:

Whereas the tract of land in the State of Nebraska known as the Fort Kearney military reservation is no longer needed or used for military purposes, and has been abandoned by the military authorities: Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it shall be the duty of the Secretary of the Interior to cause said tract of land to be surveyed, sectionized, and subdivided as other public lands, and after said survey to offer said land to actual settlers only at minimum price, under and in accordance with the provisions of the homestead laws: *Provided*, That if any person has made permanent improvements upon said land prior to the 1st day of June, 1876, (being an actual settler thereon,) has exhausted his right to make a homestead entry, such person, or his heirs, may enter one quarter-section of said land under the provisions of the pre-emption laws: *And provided further*, That the heirs of any deceased person who had made settlement and improvement as above described prior to June 1, 1876, may complete the pre-emption or homestead entry of the person so deceased.

SEC. 2. That the sum of $3,000, or so much thereof as may be necessary, is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, for the purpose of carrying out the provisions of this act.

There being no objection, the bill was taken from the Speaker's table, read three times, and passed.

Mr. CROUNSE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CORRECTION OF CONFERENCE REPORT.

Mr. HENDEE. I offer the following resolution for the purpose of correcting a clerical error in the report of the conference committee on the bill for the repavement of Pennsylvania avenue.

The Clerk read as follows:

Resolved by the House of Representatives, (the Senate concurring.) That the conference committee on the bill of the House (H. R. No. 3411) for the repavement of Pennsylvania avenue be authorized to correct their report, namely, so that it will read, instead of "in line 22," (section 3,) "lines 16 and 22."

Also to insert in the matter inserted in lieu of lines 27 and 28, same section, after the word "Columbia," the words "from money."

Also, after the matter inserted after the word "it," line 3, section 7, strike out the rest of the sentence in line 4, to wit, the words "is necessary to make an even and regular grade."

The resolution was adopted.

Mr. HENDEE moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

OVERLOADING OF VESSELS.

Mr. HOSKINS, by unanimous consent, introduced a bill (H. R. No. 3885) to amend title 48 of the Revised Statutes of the United States and to prevent the overloading of vessels carrying freight or passengers; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

SURVEY OF COAST OF LONG ISLAND.

Mr. BLISS, by unanimous consent, introduced a joint resolution (H. R. No. 147) to authorize an examination or survey of the coast of Long Island between Gravesend Bay and Rockaway, for the purpose of acertaining the necessity of a breakwater between those points, and what improvements can be made to the channel of Sheepshead and Canarsie Bays for the benefit and protection of commerce, together with cost of the proposed improvements; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

JAMES A. GRAYER.

Mr. POWELL, by unanimous consent, from the Committee of Accounts, reported the following resolution; which was read, considered, and agreed to:

Resolved, That James A. Grayer, an employé in the folding department, be, and is hereby, allowed pay at the rate of $3.60 per day for six days' services in the month of April, 1876.

CLERK TO A COMMITTEE.

Mr. POWELL also, from the same committee, reported the following resolution:

Resolved, That the Committee on Expenditures in the War Department be, and is hereby, allowed the services of a clerk for thirty days from the 30th of June, at the rate of compensation heretofore allowed him, being the sum of $4 per day.

Mr. KASSON. I would suggest to the gentleman that he add the words "provided that it does not extend beyond the session."

Mr. POWELL. I have no objection to that.

The amendment of Mr. KASSON was agreed to.

The resolution, as amended, was adopted.

DAMAGES BY REBEL RAIDS.

Mr. ATKINS. I ask unanimous consent to offer the following preamble and resolution:

Whereas there was a military commission appointed by Special Order No. 73, issued from the headquarters, post of Bethel, district of Jackson, Department of the Tennessee, December 2, 1862, to investigate the nature and amount of damage done by the rebel raid on Henderson Station, Tennessee, November 25, 1862; and whereas a large sum of money was collected from the citizens living in and around Henderson, Tennessee, as was said, to re-imburse the Government of the United States and loyal citizens; and whereas bills for relief have been introduced for the relief of the citizens from whom the amount was collected, and upon proper search it has been found that a very large amount of this money so collected, instead of having been used as was intended, has not been turned into the Treasury of the United States:

Be it resolved by the House of Representatives, That a committee on military affairs be directed to inquire and ascertain the amount collected, and from whom, and to what use the same has been applied; and that legal steps be taken to place the funds in the possession of the Government, so as to enable justice to be had. And further, the committee so appointed shall be authorized to summon witnesses and send for person or persons, books, and papers, administer oaths, and to do anything needful and necessary to be done so as to have the money properly accounted for.

Mr. HURLBUT. I have no objection to that resolution, but all that information is already in the Treasury Department.

Mr. LAWRENCE. Not quite; the records of the Department do not show this information.

Mr. ATKINS. The gentleman from Ohio is correct.

The resolution was agreed to.

Mr. ATKINS moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. BAKER, of Indiana. I now call for the regular order of business.

EXPLORATION AND SETTLEMENT OF THE BLACK HILLS COUNTRY.

The SPEAKER *pro tempore*. The regular order is the call of committees for reports, and the morning hour begins at thirty-two minutes past twelve o'clock; and the call rests with the Committee on Indian Affairs. The gentleman from California [Mr. PAGE] has the floor upon a bill reported by that committee, and that bill is first in order.

The House accordingly resumed the consideration of the bill (H. R. No. 1335) to declare the country north of the North Platte River and east of the summits of the Big Horn Mountains, in the Territory of Wyoming, open to exploration and settlement, and for other purposes.

The bill was read, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all that portion of country north of the North Platte River and east of the summits of the Big Horn Mountains, in the Territory of Wyoming, is hereby declared to be open to exploration and settlement; and the true intent and meaning of the treaty with the Sioux Indians, concluded April 29, 1868, is declared to be that white men are not excluded thereby from traveling over, exploring, or settling upon any portion of the Territory of Wyoming not included within the boundaries of the permanent reservation established for said Sioux Indians by the second article of said treaty of April 29, 1868: *Provided*, That nothing herein contained shall be construed to impair the rights of the Indians to hunt within the limits of the Territory mentioned in this act.

Mr. PAGE. I ask the previous question on the bill and the amendment reported by the committee, for there was an amendment reported.

Mr. KASSON. Is there not a motion pending to recommit the bill to the Committee on Indian Affairs?

The SPEAKER *pro tempore*. The Chair will state that a motion to recommit the bill was made by the gentleman from Iowa during the half hour allowed for debate, but the gentleman from California

yielded the floor for debate alone as the Chair understood, and was to resume the floor at the close of the half hour, with the privilege of moving the previous question. It would be perfectly competent of course for the gentleman from Iowa to move to recommit, only that the previous question has been called upon the passage of the bill. The Chair is of the opinion that the gentleman from Iowa did not hold the floor tor that purpose. The Chair will state to the gentleman from Iowa, however, that precisely the same purpose may be accomplished and no injustice done him, because if the House desires to recommit the bill it may refuse to second the previous question.

Mr. KASSON. So that if the previous question is not sustained, a motion to recommit the bill can then be made.

The SPEAKER *pro tempore*. A motion to recommit will then be in order.

Mr. KASSON. I hope the Committee on Indian Affairs will have an opportunity to consider this bill once more.

The question was taken on seconding the previous question; and on a division there were ayes 11, noes not counted.

So the previous question was not seconded.

Mr. KASSON. I now move that the bill be recommitted to the Committee on Indian Affairs; and on that motion I ask the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof the motion to recommit was agreed to.

Mr. RANDALL moved to reconsider the vote by which the bill was recommitted; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, informed the House that Mr. WINDOM had been appointed a manager on the part of the Senate on the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the sundry civil appropriation bill in place of Mr. SARGENT, excused.

MESSAGE FROM THE PRESIDENT.

A message from the President of the United States, by Mr. U. S. GRANT, jr., informed the House that the President had approved and signed bills of the following titles:

An act (H. R. No. 3495) for the relief of the mail contractors on route No. 19319 in Tennessee;

An act (H. R. No. 3670) authorizing the Nebraska City Bridge Company to construct a ponton railway bridge across the Missouri River at Nebraska City, in Otoe County, Nebraska;

An act (H. R. No. 2387) to fix the retired pay of Surgeon-General Clements A. Finley, retired;

An act (H. R. No. 3858) to continue the provisions of an act entitled "An act to provide temporarily for the expenditures of the Government," &c.;

An act (H. R. No. 2676) for the support of the government of the District of Columbia for the fiscal year ending June 30, 1877, and for other purposes;

An act (H. R. No. 3263) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1877, and for other purposes;

An act (H. R. No. 2575) to amend sections 3893 and 3894 of the Revised Statutes providing a penalty for mailing obscene books and other matters therein contained, and prohibiting lottery circulars passing through the mails;

An act (H. R. No. 3839) to authorize the Commissioner of Indian Affairs to purchase supplies for the Indian Bureau in open market; and

An act (H. R. No. 1100) relative to the redemption of unused stamps.

ORDER OF BUSINESS.

The SPEAKER *pro tempore*. The Committee on Indian Affairs has now had its two full hours, and the call, therefore, now rests with the next committee.

SALE OF OTOE AND MISSOURIA INDIAN RESERVATION.

Mr. MORGAN. I ask unanimous consent to make an additional report from the Committee on Indian Affairs.

The SPEAKER *pro tempore*. That can only be done by unanimous consent.

Mr. HALE. What is the report; on what subject?

The SPEAKER *pro tempore*. The title of the bill will be read.

The Clerk read as follows:

A bill (S. No. 779) to provide for the sale of the reservation of the confederated Otoe and Missouria Indians in the States of Kansas and Nebraska.

No objection was made.

The bill was read, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, with the consent of the Otoe and Missouria tribes of Indians expressed in open council, the Secretary of the Interior is authorized to cause to be surveyed the reservation of said Indians lying in the States of Kansas and Nebraska.

SEC. 2. That the lands so surveyed shall be appraised by three commissioners, one of whom shall be designated by said Indians in open council, and the other two by the Secretary of the Interior.

SEC. 3. That after the survey and appraisement of said lands, the Secretary of the Interior shall be, and is hereby, authorized to offer the same for sale, through the United States public land office at Beatrice, Nebraska, for cash, if practicable, to actual settlers only, in tracts not exceeding one hundred and sixty acres to each purchaser: *Provided*, That if, in the judgment of the Secretary of the Interior, it shall be more advantageous to sell said lands upon deferred payments, he may, with the consent of the Indians expressed in open council, dispose of the same upon the following terms as to payments, that is to say, one-third in cash, one-third in one year, and one-third in two years from date of sale, with interest at the rate of 10 per cent. per annum: *And provided further*, That no portion of said land shall be sold at less than the appraised value thereof, and in no case less than $2.50 per acre.

SEC. 4. That the proceeds of said sale shall be placed to the credit of said Indians in the Treasury of the United States, and bear interest at the rate of 5 per cent. per annum, except such portion thereof as the Secretary of the Interior, with the approval of the President, may deem necessary to be immediately expended in removing said Indians to the Indian Territory, procuring a reservation for their use, and providing thereon homes and means of support.

SEC. 5. That the commissioners for the appraisement of said lands shall be paid for their services at the rate of $5 per day while actually employed, and their actual expenses; which sum, together with the cost of survey, and all other necessary incidental expenses of the execution of this act, shall be paid from the money realized by the sale of said lands.

SEC. 6. That certified copies of the plats and field-notes of said lands, when surveyed, shall be prepared under the direction of the Secretary of the Interior, and kept in the land-office at Beatrice, Nebraska, to be used as other official plats and notes; and the register and the receiver shall be allowed such fees only for the sale of said lands as are now authorized by law in case of sales of public lands of the United States, to be paid out of the moneys arising from the sale thereof.

The Committee on Indian Affairs reported the following amendments to the bill:

Amend section 3 by inserting in the third line, after the word "offer," the following words, namely, "one hundred and twenty thousand acres from the western side of."

Amend section 4 by striking out all of said section after the words "per annum," in the third line thereof, and inserting in lieu thereof the following: "which income shall be expended for the benefit of said tribes under direction of the Secretary of the Interior.

In section 3, line 13, amend by striking out "ten" and inserting "six."

Amend by adding the following after section 6, which shall be a new section of said bill:

SEC. 7. That whenever the Sac and Fox of the Missouria tribe of Indians shall, in open council in the usual manner, express their consent thereto, the Secretary of the Interior shall be, and hereby is, authorized, in like manner and upon the same terms prescribed in the preceding section of this act, to cause to be offered for sale a portion of their reservation lying in the States of Kansas and Nebraska, not exceeding in quantity ten sections of land, to be taken from the western portion thereof, and the proceeds arising therefrom shall be used for the benefit of said tribes as the Secretary of the Interior may direct.

Mr. KASSON. I ask that the first of those amendments will be read with the context so that we may understand it.

Mr. CROUNSE. I would say that it simply provides that a portion only of the reservation shall be sold, whereas the original bill provided for the sale of the entire reservation.

Mr. KASSON. I do not understand the first amendment.

The first amendment was again read.

Mr. MORGAN. I will state that the bill as it passed the Senate provided for the sale of the entire reservation and for the removal of these Indians to the Indian Territory. There was opposition to this on the part of the Indians, and it was agreed between members of the Senate and members representing the States of Kansas and Nebraska that only a portion of that reservation should be sold. This meets the approbation of the Department of the Interior. There are 170,000 acres of land in this reservation. The first amendment provides for the sale of 120,000 acres in the western portion, leaving them 50,000 acres; and there being only three hundred of these Indians, that is a sufficient amount of land for agricultural operations. The second amendment strikes from the Senate bill the provision for the removal to the Indian Territory of these Indians. The third amendment provides for the sale of a portion of the Sac and Fox reservation upon same terms.

Mr. LAWRENCE. This bill provides for the sale of some of these lands on a credit?

Mr. MORGAN. Yes, sir.

Mr. LAWRENCE. And provides that the purchaser shall pay 10 per cent. interest on the lands for which payments are not made at the time of sale, which seems to me that that is unnecessarily burdensome on the purchasers, and I suggest to the gentleman that it would be better to strike out 10 per cent. and insert 6 per cent. I am not aware of any instance where 10 per cent. has been charged in such cases.

Mr. MORGAN. Ten per cent. interest is the usual interest on deferred payments on the sale of school and other lands.

Mr. LAWRENCE. Well, it is too much.

Mr. MORGAN. Settlers are very willing to pay 10 per cent. interest in order to secure the deferred payment.

Mr. KASSON. I think that if the gentleman will allow an amendment reducing the rate of interest to 6 per cent. it would more accord with the practice of the Government and be more satisfactory to the people who buy these lands.

Mr. MORGAN. I have not yet moved the previous question, and the gentleman can offer the amendment.

Mr. KASSON. I would not do it without the gentleman's consent; but if he will allow me I will move to strike out 10 per cent. and insert 6 per cent.

Mr. MORGAN. I am willing to accept that.

Mr. KASSON. Then I offer that amendment.

Mr. LAWRENCE. It is much better to adopt that.

The SPEAKER *pro tempore*. The gentleman cannot accept an

amendment, but he can allow it to be pending under the call for the previous question.

Mr. MORGAN. Very well, sir; then I move the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof the amendments reported by the Committee on Indian Affairs were agreed to.

The amendment offered by Mr. KASSON was then agreed to.

The bill, as amended, was ordered to a third reading; and it was accordingly read a third time, and passed.

Mr. MORGAN. I move that the title be amended so as to read:

A bill to provide for the sale of a portion of the reservations to the confederated Otoe and Missouria, and the Sac and Fox, of the Missouri tribes to the Indians of the States of Kansas and Nebraska.

The amendment to the title was agreed to.

Mr. MORGAN moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

FAVORABLE REPORTS.

Mr. MACDOUGALL. I have been instructed by the Committee on Military Affairs to report favorably sundry private bills, and to move their reference to the Committee of the Whole on the Private Calendar.

Mr. EDEN. Is that in order under this call?

The SPEAKER *pro tempore*. Any bill may be reported under this call. Public bills are not in order on Friday, because that is private bill day; but under the general call of committees for reports of a public nature any bill can be reported.

Mr. MACDOUGALL, from the Committee on Military Affairs, reported favorably the following bills; which were referred to the Committee of the Whole on the Private Calendar, and the accompanying reports ordered to be printed:

A bill (H. R. No. 1047) for the relief of Frederick Heidelman;

A bill (H. R. No. 1953) for the relief of Alfred Muller, late acting assistant surgeon in the United States Army; and

A bill (H. R. No. 3407) to cancel and remove the charge and finding of desertion against Frederick Sunkel, late private Company A, Twelfth Regiment Missouri Volunteers.

EDWARD S. MEYER.

Mr. MACDOUGALL also, from the same committee, reported back, with amendments, House bill No. 36, to restore the name of Captain Edward S. Meyer to the active list of the Army.

The bill authorizes the President to restore to the active list of the Army the name of Captain Edward S. Meyer, of the Ninth Regiment of Cavalry, who was retired on the ——— day of ———, 187-, for reason of physical disability, resulting from wounds received at the battle of Chancellorsville, from which he has since sufficiently recovered to return to active duty, and to assign him to any vacancy in his grade now existing, or which may hereafter occur in any of the cavalry regiments of the Army; and provides that the rank and pay of the said Captain Edward S. Meyer shall be and continue the same as if he had remained in active service.

The first amendment of the committee was to fill the blanks in the bill so as to read "24th day of August, 1872."

The amendment was agreed to.

The next amendment was to strike out the words "and the rank and pay of the said Captain Edward S. Meyer shall be and continue the same as if he had remained in active service."

The amendment was agreed to.

Mr. MACDOUGALL. I call the previous question on the bill as amended.

The previous question was seconded and the main question ordered; and under the operation thereof the bill, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. MACDOUGALL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

A. S. BLOOM.

Mr. JOHN REILLY, from the same committee, reported a bill (H. R. No. 3886) for the relief of A. S. Bloom, late a major in the Seventh Kentucky Volunteer Cavalry; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. JOHN REILLY also, from the same committee, reported adversely upon the following; which were laid on the table, and the accompanying reports ordered to be printed:

The petition of John C. Hawley, late a private Eighth New York Cavalry; and

The petition of A. P. Rambo, late of the Tennessee Cavalry Volunteers.

MILITARY ROAD IN DAKOTA.

Mr. A. S. WILLIAMS, from the same committee, reported back with an amendment the bill (H. R. No. 2653) making an appropriation for the improvement and repair of the military road between Springfield and Fort Randall, in the Territory of Dakota.

The bill proposed to appropriate $5,000, to be expended under the direction of the Secretary of War, for the improvement and repair of the military road leading from Sioux City, in the State of Iowa, to Fort Randall, in the Territory of Dakota, the same to be expended between Springfield, in said Territory, and Fort Randall.

The amendment was to strike out "$5,000" and to insert "$2,500."

The amendment was agreed to.

The bill, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. A. S. WILLIAMS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MILITARY POSTS ON THE YELLOWSTONE AND MUSCLESHELL RIVERS.

Mr. THORNBURGH, from the same commtitee, reported back with an amendment the bill (H. R. No. 2118) to provide for the construction of military posts on the Yellowstone and Muscleshell Rivers.

The preamble to the bill states that Lieutenant-General Philip H. Sheridan and Brigadier-General Alfred H. Terry have, in their reports to the Secretary of War for the year 1875, set forth the great importance and immediate necessity of the construction of military posts at certain points on the Yellowstone and Muscleshell Rivers, in the Territory of Montana, and in the Military Department of Dakota, and such recommendations have been transmitted to Congress with the approval of the Secretary of War.

The bill appropriates the sum of $300,000, or so much thereof as may be necessary, for the construction of such military posts or depots at such points as may be selected by the Secretary of War.

Mr. MAGINNIS. I hope there will be no objection to the passage of this bill at this time.

The amendment reported from the Committee on Military Affairs was to strike out "$300,000" and insert "$200,000."

The amendment was agreed to.

The bill, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. THORNBURGH moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ALBERT W. PRESTON.

Mr. MACDOUGALL, from the same committee, reported back, with a favorable recommendation, the bill (S. No. 928) for the relief of Albert W. Preston.

The bill provides that Albert W. Preston, who was, on December 15, 1870, duly retired from the active service and placed upon the list of retired officers of the United States Army, with the full rank of colonel, on account of wounds received in battle while performing the duties of colonel in command of his regiment, shall be excepted and relieved from the operations of the act of Congress entitled "An act for the relief of General Samuel W. Crawford, and to fix the rank and pay of retired officers of the Army," approved March 3, 1875, solely because the injuries received by him in battle are more severe, dangerous, and disabling, and more fully incapacitate and disqualify him for any service than the loss of an arm or leg, or the permanent disability of an arm or leg by resection, and that he shall hereafter hold and receive the rank and pay of colonel upon the list of retired officers of the Army.

Mr. MACDOUGALL. I call the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof the bill was ordered to be read a third time; and it was accordingly read the third time, and passed.

Mr. MACDOUGALL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ADVERSE REPORTS.

Mr. BANNING, from the same committee, reported back the following petitions, with the recommendation that they be laid on the table:

The petition of the Illinois State Medical Society, praying such legislation as will place the Medical Corps of the Army on an equal footing with the officers of the staff corps of the Army.

The petition of the residents and citizens of Santa Fé, asking favorable legislation to increase the efficiency of the Medical Corps of the United States Army.

The motion was agreed to.

PROMOTION IN MEDICAL CORPS.

Mr. BANNING. I am also directed by the Committee on Military Affairs to report back the following resolution, and to move that it be laid upon the table, as the legislation asked for has already passed the House:

A resolution to place the Medical Corps of the Army on an equal footing with other staff corps of the Army and with that of the Medical Corps of the Navy.

The motion was agreed to.

ENLISTED MEN AS SERVANTS.

Mr. BANNING. I am also directed by the Committee on Military Affairs to report back an executive document relative to the employment of enlisted men as servants with the recommendation that it be laid upon the table, as the legislation asked for has already passed the House.

The motion was agreed to.

EFFICIENCY OF THE ARMY.

Mr. BANNING. I am also directed by the Committee on Military Affairs to report back executive document relative to the passage of House bill (H. R. No. 2935) to promote the efficiency of the Army of the United States, to provide for its gradual reduction, and to consolidate certain of its staff departments, and for other purposes, with the recommendation that it be laid upon the table, as that bill has already passed the House.

The motion was agreed to.

BOUNTY.

Mr. THORNBURGH. I am directed by the Committee on Military Affairs to report back the petition of 48 soldiers of Allegheny County, Pennsylvania, in regard to bounty, and several other petitions on the same subject, with the recommendation that they be laid upon the table, the House having passed a bill covering those petitions.

PHILIP S. WALES.

Mr. ROBBINS, of Pennsylvania, from the Committee on Naval Affairs, reported back a bill (S. No. 123) for the relief of Philip S. Wales, medical inspector in the United States Navy, with the recommendation that it do pass.

The bill, which was read, authorizes and directs the Secretary of the Navy to place on the prize-list of the United States steamship Pensacola the name of Philip S. Wales, with the rank of surgeon in the Navy, as being entitled to receive his share of the proceeds of the prize-money awarded to the fleet under command of Admiral Farragut, to which fleet Surgeon Wales was attached during the operations resulting in the capture of New Orleans in the month of May, 1862.

Mr. ROBBINS, of Pennsylvania. I demand the previous question on the passage of that bill.

Mr. TOWNSEND, of New York. Is there a report accompanying that case?

Mr. ROBBINS, of Pennsylvania. There is.

Mr. TOWNSEND, of New York. Then I ask for the reading of the report.

The Clerk read as follows:

This officer asks, in his memorial, that authority be given to enter his name on the list of those entitled to a share in the prize-money awarded to the fleet under command of the late Admiral Farragut for the capture and destruction of rebel vessels during certain engagements resulting in the capture of New Orleans in 1862.

His claim is based upon the following facts, established to the satisfaction of the committee: While attached to the United States sloop Vincennes, off Pass à l'Outre, in March, 1862, Wales applied for orders to some vessel intended to go up the Mississippi River with the attacking fleet, and on the 8th of that month was ordered to and reported for duty on the Colorado. It was ascertained, however, that this vessel could not pass over the bar, and he again applied for duty, and received the following autograph letter from Flag-Officer Farragut:

FLAG-SHIP WISSAHICKON,
Pilot Town, April 7, 1862.

SIR: You will take charge of the hospital at Pilot Town, and make such arrangements as you deem most necessary for the comfort of sick and wounded that may be committed to your charge.

You can take any of the houses in the place, or the furniture or other appliances that may be essential to the comfort of the sick or wounded.

Very respectfully,

D. G. FARRAGUT,
Flag-Officer.

Surgeon P. WALES,
United States Steamer Colorado.

He at once opened a hospital, agreeably to the foregoing order, and attended to the wounded as sent him from the vessels then forcing the passage of the river, and from time to time received orders from the fleet-surgeon which show the nature of his duties and his connection with the fleet.

After receiving orders to open the hospital, the paymaster of the Colorado transferred his accounts (May 21, 1862) to the paymaster of the Pensacola, but the orders of Wales not being directly to that vessel, but on duty to the whole attacking force, that officer would not take up his accounts, and they were kept by Wales himself until sent home sick, condemned by medical survey, in August of that year.

These facts show that Wales was attached to the fleet, and is, therefore, entitled to share in the prize-money awarded. If his accounts had been taken up by the officer of the Pensacola, then his name would have appeared on the list; but being immediately under Flag-Officer Farragut's orders, and detailed as before stated, the absence of his name on prize-list is, in the opinion of your committee, satisfactorily accounted for.

The following testimonials from naval officers so clearly state the facts in this case that they are printed in full as a part of this report:

PHILADELPHIA, *March* 2, 1864.

I hereby certify that Surgeon Philip S. Wales, United States Navy, was attached to Admiral Farragut's squadron at the time of the capture of New Orleans. He was ordered by Admiral Farragut to take charge of the United States naval hospital at Pilot Town, at the Southwest Pass, established at the time of the attack upon Forts Jackson and Saint Philip, and New Orleans.

Dr. Wales remained in charge of that hospital for some months with most responsible and laborious duties, treating the wounded and sick of the fleet with ability and in a manner most creditable to himself and to the service.

J. M. FOLTZ,
Surgeon United States Navy, late Fleet-Surgeon, &c.

WASHINGTON, D. C., *October* 14, 1875.

I certify that the accounts of Surgeon Philip S. Wales, United States Navy, were transferred from the United States steamer Colorado to the United States steamer Pensacola in 1862. The surgeon, Wales, was ordered to the West Gulf squadron and assigned to duty in charge of the sick and wounded at the hospital in Pilot Town, from some cause which I do not now recollect, but presume that from the fact of his being at a distance from the fleet, and there being no regular communication with the Pensacola, is a reason why his accounts were not taken up on the books of said ship, but should have been, and I conscientiously consider him entitled to a share of the "prize-money accruing from the capture of New Orleans and its defenses by Farragut's fleet."

GEO. L. DAVIS,
Pay Inspector United States Navy.
Late Paymaster of the United States Steamer Pensacola in 1862.

The committee are of the opinion that Surgeon Wales is entitled to the relief asked for, and report the accompanying bill without amendment and recommend its passage.

The previous question was seconded and the main question ordered; and under the operation thereof the bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. ROBBINS, of Pennsylvania, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BENJAMIN P. LOYAL.

Mr. HARRIS, of Massachusetts, from the Committee on Naval Affairs, reported a bill (H. R. No. 3887) for the payment of bounty and prize-money to Benjamin P. Loyal; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

COMMODORES ON RETIRED LIST.

Mr. HARRIS, of Massachusetts, also, from the same committee, reported back a bill (H. R. No. 800) relating to the promotion of commodores on the retired list of the Navy, with amendments.

The bill, which was read, provides that section 1460 of the Revised Statutes, to wit: "There may be allowed upon the retired list of the Navy nine rear-admirals by promotion on that list: *Provided*, That this section shall not prevent the Secretary of the Navy from promoting to the grade of rear-admiral on the retired list, in addition to the number herein provided, those commodores who have commanded squadrons by order of the Secretary of the Navy, or who have performed other highly meritorious service," be amended by adding thereto the following words: "or who, being at the outbreak of the late war of the rebellion citizens of any State which engaged in such rebellion, exhibited marked fidelity to the Union in adhering to the flag of the United States."

Mr. HARRIS, of Massachusetts. I now ask for the reading of the report from the Committee on Naval Affairs.

The Clerk read as follows:

The Committee on Naval Affairs, to whom was referred the bill H. R. No. 800, recommend that the same be amended as follows, namely: In line 4, after the word "statutes," insert the words "be so amended as to read as follows."

After the word "commodores," in line 9, strike out the words "who have commanded squadrons by order of the Secretary of the Navy, or."

In the eleventh line, after the word "performed," strike out the word "other," and in the same line, after the word "service," and in line 12 strike out the words "be amended by adding thereto the following words;" so that the same shall read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1460 of the Revised Statutes be so amended as to read as follows, to wit: "There may be allowed upon the retired list of the Navy nine rear-admirals by promotion on that list: *Provided*, That this section shall not prevent the Secretary of the Navy from promoting to the grade of rear-admiral on the retired list, in addition to the number herein provided, those commodores who have performed highly meritorious service, or who, being at the outbreak of the late war of the rebellion citizens of any State which engaged in such rebellion, exhibited marked fidelity to the Union in adhering to the flag of the United States."

And the committee recommend the passage of the bill as amended.

Mr. HARRIS, of Massachusetts. The purpose of this bill is in the first place to limit the power of the Secretary of the Navy to appoint upon the retired list of rear-admirals commodores who have commanded squadrons by his own appointment. And the second object of the bill is to allow the Secretary of the Navy to appoint to the grade of rear-admiral commodores who at the outbreak of the war being citizens of Southern States, of States in rebellion, adhered to the cause of the Union. I understand, and I believe that it is the opinion of the committee, that this bill cannot affect more than one or two individuals. The individual particularly aimed at was nearly forty-five years in the service of his country, and was put upon the retired list as a commodore; when, if he had continued a few months, not more than two or three months, more as a commodore, he would have been entitled to be retired as a rear-admiral. This is the object of the bill. I call the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof the amendments were agreed to, and the bill, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. HARRIS, of Massachusetts, moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. PAGE. Has the morning hour expired?

The SPEAKER *pro tempore*. The morning hour has expired.

Mr. RICE. I move that the House now resolve itself into Committee of the Whole on the state of the Union for the purpose of considering the bill (H. R. No. 2893) to provide for arrears of pensions on account of death, or wounds received, or disease contracted in the service of the United States since the 4th day of March, 1861, and for the payment of the same.

Mr. SCHLEICHER. I desire to call the attention of the Chair to the fact that the unfinished business before the House now that has precedence of all others is the report of the Committee on Texas Border Troubles.

The SPEAKER *pro tempore*. For what purpose does the gentleman from Kentucky [Mr. BOONE] rise?

Mr. BOONE. I desire to make another effort to take up the motion I made to reconsider the vote by which the bill (S. No. 590) providing for an agreement with the Sioux Nation in regard to a portion of their reservation, and for other purposes, was recommitted to the Committee on Indian Affairs.

The SPEAKER *pro tempore*. For what purpose does the gentleman from New York [Mr. HEWITT] rise?

Mr. HEWITT, of New York. I rise to a privileged report. By order of the House the Committee on Foreign Affairs was authorized to report at any time in the matter of the investigation of the Emma Mine. I desire now to report back the report and evidence which were recommitted to the committee, and to ask for a vote on the resolution with which the report concludes.

The SPEAKER *pro tempore*. The Chair will state the order of precedence in regard to these several matters, and the order in which the question of consideration can be raised between them. The gentleman from New York, [Mr. HEWITT,] however, rises to a privileged report, and is entitled to the floor. The question will then recur on the next question of highest privilege, that of reconsideration, moved by the gentleman from Kentucky, [Mr. BOONE.] If the House chooses to take up that question the others will for the present be delayed. If the House refuses to consider it, the question will next recur, Will the House consider at this time the report made by the gentleman from Texas [Mr. SCHLEICHER] on the subject of Texas border troubles? If the House should refuse to consider that report the question will then recur on the motion of the gentleman from Ohio, [Mr. RICE,] that the House resolve itself into Committee of the Whole on the bill reported from the Committee on Invalid Pensions. The Chair will now hear the report of the gentleman from New York, [Mr. HEWITT.]

EMMA MINE INVESTIGATION.

Mr. HEWITT, of New York. The Committee on Foreign Affairs instruct me to report back the report and evidence in the case of the Emma Mine investigation, to submit the resolution with which the report concludes, and to ask for a vote of the House thereon; and on that I call the previous question.

The SPEAKER *pro tempore*. The Clerk will report the resolution.

The Clerk read as follows:

Resolved, That this House condemns the action of General Robert C. Schenck, United States minister at the court of St. James, in becoming a director of the Emma Silver-Mining Company of London, and his operations in connection with the shares of the said company and the vendors thereof, as ill-advised, unfortunate, and incompatible with the duties of his official position.

The SPEAKER *pro tempore*. On this resolution the gentleman from New York asks the previous question. Is there a second?

The previous question was seconded and the main question ordered; and under the operation thereof the resolution was adopted.

Mr. HEWITT, of New York, moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

The SPEAKER *pro tempore*. The question recurs, Will the House now consider the motion of the gentleman from Kentucky [Mr. BOONE] to reconsider the vote by which the bill (S. No. 590) providing for an agreement with the Sioux Nation in regard to a portion of their reservation, and for other purposes, was recommitted to the Committee on Indian Affairs.

Mr. CONGER. I wish to reserve points of order on that bill.

Mr. TOWNSEND, of New York. I desire to debate that question if it is debatable.

The SPEAKER *pro tempore*. It is not debatable. This is simply a question of priority of business. It may be discussed on the motion to reconsider, provided the House agrees to take up that question. But the question now is, Will the House consider that question?

Mr. CONGER. Would that be the regular order of business, except for raising the question of consideration?

The SPEAKER *pro tempore*. The motion to reconsider is a privileged motion, and may be brought up at any time. This comes in among the regular orders of the day, and has the highest privilege of the various questions now presented to the House.

Mr. BANNING. I would like to have the bill again reported by its title.

The title of the bill was again read.

The question of consideration of Mr. BOONE's motion being taken, there were—ayes 30, noes 50; no quorum voting.

Mr. BOONE. I call for further count.

Mr. YOUNG. I think if the House understood the nature of this bill and its importance there could be no objection to considering it at this time.

The SPEAKER *pro tempore*. Debate is not in order.

Mr. YOUNG. It is a bill of the highest importance.

Mr. CONGER. I think we had better find out whether the Sioux have captured all our Army before we go to treating with them.

Tellers were ordered; and Mr. SCHLEICHER and Mr. BOONE were appointed.

The House again divided; and the tellers reported ayes 25, noes not counted.

So the House refused to consider Mr. BOONE's motion.

The SPEAKER *pro tempore*. The next question is on the consideration of the joint resolution reported by the gentleman from Texas; the joint resolution (H. R. No. 96) to provide for the protection of the Texas frontier on the Lower Rio Grande. The question is, Will the House at this time take that resolution into consideration?

The question being taken, there were—ayes 37, noes 40; no quorum voting.

Tellers were ordered; and Mr. LUTTRELL and Mr. SCHLEICHER were appointed.

The House again divided; and the tellers reported ayes 85, noes not counted.

So the House agreed to consider the joint resolution.

Mr. SCHLEICHER. I now move that the House resolve itself into Committee of the Whole on the state of the Union for the purpose of considering the joint resolution (H. R. No. 96) to provide for the protection of the Texas frontier on the Lower Rio Grande.

The motion was agreed to.

MESSAGE FROM THE ARGENTINE REPUBLIC.

The SPEAKER *pro tempore*. Before the House goes into Committee of the Whole on the state of the Union, the Chair, by unanimous consent, lays before the House a telegram, which will be read.

The Clerk read as follows:

NEW YORK, *July* 11, 1876.

To Congress:

Argentine congress, inspired by sacred remembrances to-day raises in freemen's souls, heartily congratulate your Congress on the glorious centenary of that great country.

Given congress in session.

MARIANO ACOSTA CARLOS SARARIA,
Secretary.

BUENOS AYRES, *July* 4, 1876.

The SPEAKER *pro tempore*. The telegram will be referred to the Committee on the Centennial.

Mr. KASSON. I think it should go to the Committee on Foreign Affairs, and I make that motion.

The motion of Mr. KASSON was agreed to.

VETO MESSAGE—NELSON TIFFANY.

The SPEAKER *pro tempore* also, by unanimous consent, laid before the House the following veto message from the President of the United States:

To the House of Representatives:

For the reasons set forth in the accompanying report of the Secretary of War, I have the honor to return herewith, without my approval, House bill No. 1337, entitled "An act for the relief of Nelson Tiffany."

U. S. GRANT.

EXECUTIVE MANSION, *July* 11, 1876.

Mr. CONGER. If the report accompanying the message is not long I would like to have it read.

The report of the Secretary of War was read, as follows:

WAR DEPARTMENT, *June* 7, 1876.

SIR: I have the honor to return House bill No. 1377 for the relief of Nelson Tiffany.

The Adjutant-General, to whom the bill was referred, reports as follows: "Nelson Tiffany, private Company A, Twenty-fifth Massachusetts Volunteers, deserted October 10, 1864, and remained absent until April 25, 1865, when he surrendered under the President's proclamation, thereby acknowledging his desertion."

If this bill becomes a law it will not only falsify the records of this Department, but will be an injustice to every man who served honorably during the war of the rebellion.

I inclose the report (No. 402) of the Senate Committee on Military Affairs in this case.

Very respectfully, your obedient servant,

J. D. CAMERON,
Secretary of War.

Mr. BANNING. I move that the message and accompanying documents be referred to the Committee on Military Affairs, and be printed.

The motion was agreed to.

CLAIMS FOR INDIAN DEPREDATIONS.

The SPEAKER *pro tempore* also, by unanimous consent, laid before the House a letter from the Secretary of the Interior, transmitting the claims of sundry individuals for damages from Indian depredations; which was referred to the Committee on Indian Affairs.

COST OF MILITARY COMMISSION.

The SPEAKER *pro tempore* also, by unanimous consent, laid before the House a letter from the Secretary of War, transmitting a report of the Adjutant-General as to the cost, &c., of the European commission, consisting of Majors Delafield and Mordecai and Captain G. B. McClellan, United States Army; which was referred to the Committee on Military Affairs.

PROTECTION OF THE TEXAS FRONTIER.

The House then resolved itself into Committee of the Whole on the state of the Union, (Mr. MONROE in the chair,) and resumed the consideration of the joint resolution (H. R. No. 96) to provide for the protection of the Texas frontier on the Lower Rio Grande, upon which the gentleman from New York [Mr. TOWNSEND] was entitled to the floor.

Mr. TOWNSEND, of New York. Mr. Chairman, here is an evil that ought to have been remedied long ago. The marauding of the lawless characters gathered upon the right bank of the Rio Grande has been carried on unchecked from year to year until the patience of any government and of any people ought to have been long ago exhausted. Indeed, sir, were it not for the fact that we look with compassion upon the condition of our sister republic upon the other side of the Rio Grande and consider her to be in the condition of a human frame so affected by disease that the blood circulates but feebly in the extremities, war should have been declared long since. Had these outrages been perpetrated for six months continuously from the Canada border where we have adjoining our Republic an enemy worthy of our steel, war would have been declared and the wrongs would have been avenged by the strong hand, the *ultima ratio* of all people, as well as of kings. But, sir, I rejoice that war has not been declared. I rejoice that we have exhibited to the world a specimen of the forbearance of the Republic toward a neighbor that has intended us no wrong. And even now, if these resolutions are voted upon separately, I shall feel myself at liberty to vote against the second resolution. But I say without hesitation that if the majority of this House are in favor of adopting the second as well as the first resolution, I shall vote for them both, I am prepared to swallow the whole.

Sir, the highest duty of a government to her citizens is protection. She has not the right to sit still and say, "You owe me your allegiance; your property is mine, if I ask for it according to the forms of the Constitution; your lives are mine, if I call upon you for the defense of the Government; but your protection shall be left to your own hands." Sir, I care not whether the citizens who claim the protection of the Government live in Texas, live in Louisiana, live in Mississippi, live about Augusta, upon the borders between Georgia and South Carolina, I am ready to use the *ægis* and the power of the Government to defend the citizen that is attacked and marauded on.

But it will be said, and I concede it, that the acts authorized by the second resolution, *i. e.*, the authorization by the President to the Army to follow red-handed robbers and murderers across the border may lead to war. They may very possibly lead to war, and were these acts so frequently perpetrated upon our brethren of Texas authorized to be done upon our northern border, and they were accomplished, they would lead to war. I have not forgotten, sir, how the United States fermented and heaved with excitement when a band of men from Canada came over to Schlosser's, just about the Falls of Niagara, and cut out the steamer Caroline in our waters. This was a vessel that had been engaged in marauding across the river into the British possessions. Upon that vessel was one individual. The vessel, being cut out, went over the Falls of Niagara, and a human life was lost, not hundreds, as in the case of Texas, but one life was lost, and I know that at that time, as a citizen of the State of New York, I would have sacrificed everything that I possessed and everything that I hoped for to have had that insult to our flag avenged.

But Mexico has no right to complain. We forbear simply because of her weakness. We should be doing ourselves injustice if we waited a single day before declaring war if Mexico was a power that we thought was fully able to do what a neighboring nation ought to do, and to vindicate her own soil from being the refuge of robbers and murderers who commit their depredations upon a neighboring state.

But, it is said, your Army is weak. Yes, we have but a small Army; we have scarce twenty-five thousand men in our Army. We have a war upon our hands in the Northwest, a war as well foreseen in December last as it is to-day, a war that has been threatening, a war that has been notified to this House and to this nation. And yet we have but 25,000 men in our Army. Not only have we but 25,000 in our Army, but this House, in so far as it was able to do so, has engaged in the unholy task of cutting down that pitiful number. We have an Army of but 25,000 men to guard a frontier of sea and land against foreign nations of more than fifteen thousand miles; an Army of 25,000 to keep in order 200,000 savages, professed savages, savages that nobody has any doubt about, in addition to other savages that have their defenders. This House has endeavored to cut down that Army by something like four thousand men.

But there was a glorious object connected with that; in cutting down the Army two blows could be struck. In 1866 the Government of the United States, feeling that 4,000,000 of men who had been enfranchised by the events of the war were entitled to join with others in bearing arms in the defense of their rights; feeling that it was a violation of duty and a violation of the principles of equality to deny to any citizen of the country the right to bear arms, although they knew it was done in some countries—they knew that when that horde of godless robbers, the Turks, from the interior of Asia invaded the east of Europe and conquered the Christian countries there as well as in the west of Asia, they denied to their Christian subjects the right to bear arms; but those who in 1866 sat in these Halls did not propose that this nation should be a body of Turks, and they created two colored regiments.

In 1869, believing that the proportion of colored men in the Army was not sufficient to give them their fair opportunity to learn the art of war, to be instructed in the means of personal defense, to bear arms in the cause of a country which we may presume they love as well as we, we created two more regiments. Therefore, when this House met in last December we had two regiments of infantry of colored men and two regiments of cavalry of colored men. And the work of this House has been to legislate these men out of the rights which we conferred upon them by the legislation of 1866 and 1869.

Now, there is no mistake about that. We hear a great deal upon the other side about legislating in the interest of economy. This is not merely legislating in the interest of economy. The bill itself as it passed this House—(I hope to God it will be stopped in the other body)—the bill itself as it passed this House was drawn I presume by the honorable chairman of the Committee on Military Affairs in such wise that there should be no mistake either as to the object or purport of the proposed legislation. Sections 1104 and 1108 of the Revised Statutes, providing that the enlisted men of certain regiments shall be colored men, are thereby repealed. But we are not left there. Mr. SMALLS, of South Carolina, moved that hereafter enlistments in the Army may be without respect to color, and this House voted it down so quick that it made his head swim.

Mr. BANNING. Will the gentleman allow me a question?

Mr. TOWNSEND, of New York. I have no time. The gentleman will excuse me; I have but my hour.

Mr. BANNING. I will not take a minute.

Mr. TOWNSEND, of New York. I will not allow you a minute. I have had to sit here for the last seven months with my mouth closed without an opportunity from month to month to utter one word. I have been compelled to listen to the tirade of abuse and misrepresentation poured upon my party until at last I am on the floor. [Laughter.] Now wait your time, introduce your resolution, move the previous question on it, shut my mouth, and then tell your story. [Laughter.]

Now, this is all very well. These men are nothing but "niggers." They hold an inferior position; they are not as wise as we are; they are not as intelligent as we are; they are not as rich as we are. If some of us did a short time ago love these colored men better than the chairmen of some committees do to-day, before they got into their present company and their present association, still they are nothing but "niggers" after all.

But I never pass out of yonder door into the Hall where the House of Representatives were wont to meet until a recent date, but what I am filled with an emotion such as I rarely feel in this world, in looking upon the features of that lovely face hanging there portraying the lineaments of Thomas Jefferson. I learned my politics of him, and he learned his at the source of all good, whether he knew where his teaching came from or not.

More than fifty years ago, yes, sixty years ago, I read in the writings of that man, when speaking of the treatment by the American people toward these blacks, these words: "When I remember that God is just, I tremble for my country."

It has been a long, long time since that utterance. God's providence has moved slowly but it has moved surely. It never fails. When in the spring and summer of 1864 I saw those immense bodies of men on the one side and the other gathered at Charlottesville, at Gordonsville, in the Wilderness and all the way to Richmond, in Richmond and around Richmond, I thought I could see the shade of Thomas Jefferson standing at Monticello looking about him upon the serried ranks and the monstrous slaughter and saying: "When I remember that God is just, I tremble for my country."

Gentlemen, every suffering of that war, every noble spirit upon the southern side, every noble spirit upon the northern side that has been quenched, every limb that has been lost, every family that has been widowed, every little cluster of orphans owe it all to the wrong which under God the people of this country have done to the colored man. And continue it, and I tell you, although "the mills of God grind slowly," the time will come when you will find "they grind exceeding small."

Why, sir, there stands now in the world an illustration of how slowly and yet how finely God's mills do grind. Four thousand years ago there was a family of guests in Egypt that had come in there perhaps two thousand strong to seek bread in a dreadful famine. The Egyptains had the power; these men were weak and they were reduced to slavery. For nearly four hundred years they were enslaved. By and by the time came when I presume the chairman of some committee on military affairs in Egypt proposed a bill which was adopted by which the males were directed to be stifled by the midwives at their birth. How powerful Egypt was at that day! How improbable it was God could ever avenge the wrong! Yet that people, whose males were to be exterminated at birth, have been kept by God in the hollow of His hand. They have been persecuted by Christian nations in modern times until we gave them the first real enfranchisement. Latterly all western Europe has put them upon a footing of equality; and now after four thousand years the nation that persecuted and oppressed them only exists in a few starved villages upon the banks of the Nile; blear-eyed, dirty, hopeless, they are starving in that land of eternal plenty, while the oppressed race has risen and flourished and bids fair in the next fifty years to absorb the majority of land in your commercial metropolis.

Ah! not only so, but this inferior people, who were not capable of understanding the wisdom of Egypt, stands to-day in the three great nations of western Europe as the interpreters of the principles of government. Castellar in Spain, Gambetta in France, Disraeli, prime minister in England, are of this race that was put down four thousand years ago, and whose wrongs it was believed God never would avenge.

But, Mr. TOWNSEND, are you opposed to legislation in the interest of economy? Mr. Chairman, there are other things in government besides economy. The people of this country understand that there are other things in this Government besides economy. It was believed in 1860 that the great body of this nation was so wedded to the almighty dollar that it would consent to have that judgment passed which the false mother asked Solomon to execute—that we would consent to have the professedly beloved child cut in two because it could be done in the interest of economy. Sir, our people rose as one man, and we pursued the democratic party, for it was the democratic party that did it, until we reversed the judgment which this woman proposed to have entered. Ay, sir, we expended over $5,000,000,000. We not only expended that money, but, thank God and the brave spirits of the country, we paid over three thousand millions of money. Five thousand millions we expended, and we have actually paid and wiped off the slate three thousand millions, so that there are but about two thousand millions remaining to be paid, and by God's help that sum shall be paid to the last dollar.

"In the interest of economy!" Has God made a true and loyal American who would be willing to see our ministers and consuls degraded in foreign courts and before foreign governments? Let the work go on, cripple the Government to your will, disgrace the Government before foreign nations; but you will find it will awaken a spirit such as was awakened in 1860 and has never been put down, and will not be put down to the end of time, certainly not until another Centennial.

I read in a newspaper the other morning a speech, made, as was stated, by Hon. JOHN RANDOLPH TUCKER, from Virginia, and I think I have a right to presume it was made by the same gentleman who represents the Appomattox district in this House. He says that we must carry out the principles of economy; that under Buchanan's administration the expense of this Government was but $2 to the individual, while under this Administration it is eighteen. I do not know whether his figures are correct or not; I do not care whether they are correct or not. But, sir, I put it to you and the country to know whose fault it was that the expenses of this Government are what they are?

Is it the fault of the republicans? We had an election in 1856. The republicans cast nearly as many votes as the democrats. James Buchanan, a democrat, was elected. Did not the republicans submit? Were not the four years of Buchanan's administration perfectly peaceable, so far as the minority were concerned? And yet in 1860, when the republicans elected their President, the democratic party revolted; O, do not say the South; four out of five of the democratic constituency of this country revolted as democrats. And for four long years we were called to pour out our treasure and to shed the blood of our boys—O, and God forgive us, of their boys—the bravest and best fell on both sides; and we have incurred a debt of five thousand millions of money. Three thousand millions have been paid off by the republican party, and about two thousand millions remain. The interest on that portion of remaining debt which bears interest is in round numbers $100,000,000 per annum, and this a portion of our annual expenditure.

Did republicans cause that? Did Grant cause that expenditure? Would not the republican party have been accursed before God and the world had not those expenditures been made? I submit it as well to men who took the southern side in that conflict as to men who took the northern side. I will not now stop to talk about the brave boys on the southern side who fill graves over which no monuments have been erected. But there is another item. We feel ourselves bound to gather the bones of the honorable dead who fell under the flag of the country into cemeteries, and we are putting head-stones over them. We are appointing keepers to those cemeteries and the American flag waves over them. And God grant that it may wave over them to the end of time.

But we have to pay thirty-odd millions—I think that amount has now been reached, it is in the neighborhood of $30,000,000—to pension the maimed, the halt, the wounded, and the blind that have come home from the war; making, with the interest on the debt, $130,000,000. And more than half of the entire clerical force employed at Washington is employed in matters connected with the administration of those duties devolved upon the country by the results of the war. And if the gentleman from Virginia [Mr. TUCKER] or any other democrat, South or North, can get any pleasure in reading up the record, God grant that his soul may be filled with rejoicing.

Let the country bear witness I have not introduced this thing. When I spoke here before, alluding to these subjects, I did it with a degree of kindness that certainly no living man can complain of. I say now, Mr. Chairman and gentlemen, that there is not lingering in the bottom of my heart one drop of unkindness toward the men engaged in that struggle. I say to them, "Come up, gather around me, or I will go down to you if you will let me, and we will build up again the walls of our national Zion." But when from your side of the House you taunt us with the expenses you have caused us, our human nature would be craven if we did not stand up and tell whence this offense comes.

But we are all full of "economy" now. I am after economy. I want to talk a little more about economy. One of the economical propositions is to reduce the force employed in the Government offices. One is to reduce the pay of our consuls abroad. Another is to reduce the number of our foreign ministers. Another is to cut down the salaries of those that are clerks in the great national offices. But remember, O! my fellow-citizens of the country, remember it is easier for the majority of this House to do this thing than for the minority. I know that it must plague some men to walk about the halls of our public offices and see the empty sleeve and to remember who made that sleeve empty. I know that the clump of the wooden foot upon the pavement and in the corridors is not to all a pleasant sound; I know the sight of the altered figure of a man upon crutches, with the consciousness that you or I brought him to crutches, is not a pleasant sight. But I do not think the employment of such men in our national offices is distasteful to the great nation that we sit here to represent.

But our salaries must be cut down! It is a great measure of reform. It is in the interest of economy. And that man whose magic wand raised about the center of this House, a little upon the left side, whips every man that wants a party standing into line, tells us that it must be done. He admits that he thought differently three or four years ago; that he thought that, instead of a salary of $5,000 as we found it when we were elected, the salary ought to be $7,500. He admits that he has been converted! Now, sir, I love conversion. Conversion is the very life of the Christian Church. Conversion is the very life of the democratic or republican church. But, sir, in conversion we expect converts to do works meet for repentance. And if I am rightly informed my powerful and potential friend on the other side of the House carries on his work as an exhorter recently converted on this subject with $5,000 in his pocket; no restitution made in that religious church; the $5,000 received for increase of salary and back pay; while we are lectured and his own party friends are menaced if they do not vote to make the salaries $4,500. Now I will not say that the gentleman is playing against us with loaded dice. That is not quite the thing. But I say this: I say he has an advantage at the start. He goes into this fight as I saw a boy once with pieces of bread and butter in both hands going out of his father's house. I asked the man where his boy was going. He said he was going off to starve. Now our friend from Pennsylvania starts with $5,000 in his pocket to go off to starve. And I want the country to understand that this convert to the doctrine of retrenchment, "intrenchment," reform and deformity keeps his $5,000, if I am rightly informed, in his pocket. If I am wrong and any gentleman tells me so I will make the *amende honorable;* but so I am informed.

Mr. BLAND. The gentleman from Pennsylvania is not in his seat; he is out on a committee of conference, and I do not think it fair that the gentleman should assail him in his absence.

Mr. TOWNSEND, of New York. I shall have no other opportunity. If the gentleman from Missouri would give me the opportunity to say these things when the gentleman from Pennsylvania was in his seat, I would say them then; but this potential wand has met me here during the winter and I have not been permitted even to protest against most of the partisan measures and harangues which have been made in this House, so that I have to use the means which God and nature have put in my power to fight the Tammany savages. [Laughter.]

Now, sir, I would not do any hurt to Tammany. I do not want to say anything wrong or to do any wrong to Tammany; but inasmuch as Tammany is professedly our Indian organization, I used the term "savages" simply in that sense. [Laughter.] I do not want to say an unkind thing or an unparliamentary thing, for I have lived in this House seven months without doing so, and if I have done any one injustice or harm on this occasion just let me be corrected, and I will take back what I have said with a good will, and what I have said shall never go out to the world. So much so far as that is concerned.

Now, sir, I have said about all I have wanted to say about this matter. Is not the Government rich enough to defend Texas from the little state of Tamaulipas or against the republic of Mexico? Were it not for the fact that we have taken Texas under our ægis, covered her with our shield, Texas could take care of these men; but she pays her taxes to us; she gives us her ports in which to collect our revenue; she is a loyal State in this confederacy. I grant you that formerly Texas went out of the Union in the rebellion; but there never was a time when a majority of the citizens of Texas would not have preferred, had their position been consistent with it, that the Stars and Stripes should forever have floated over that State. But whether this be so or not, whether I am right about it or not, since reconstruction there has been no State more loyal, more true to us, more faithful to the flag, and as a consequence more flourishing than the State of Texas.

And let me say here, because I ought to say it, that if more disturbed States would faithfully and cordially accept the state of things created by the result of the last war and the passage of the amendments to the Constitution, more of those States would be at peace, more would flourish. Ay, you would have what I intimated some time ago—you would have the providence of God with you; and

when God is for you, who shall be against you? and when God is against you, you may have the most flippant politicians, as flippant as on the other side of the House or on this in your favor, and yet the judgment of God will be ground out, and you will be ground under it as between the upper and the nether millstones.

Mr. STEVENSON. Mr. Chairman, I desire, before the vote is taken upon the joint resolution reported by the Select Committee on Texas Frontier Troubles, to offer an amendment striking out the second section of the joint resolution.

I shall offer this amendment, sir, for the purpose of avoiding a grave error into which we shall be led by its adoption. While I am not unmindful of the terrible condition of affairs upon our southwestern frontier and shall most cheerfully co-operate with the select committee in whatever lawful measures may be necessary for the adequate protection of our citizens upon the Mexican border, yet, sir, I am unwilling even, to accomplish a desired end, to vote for a measure which amounts to a declaration of war against a nation with which our Government is now at peace. Certainly, sir, the measure here proposed should only be resorted to when all others have failed. The section of the joint resolution of which I complain is as follows:

SEC. 2. That, in view of the inability of the national government of Mexico to prevent the inroads of lawless parties from Mexican soil into Texas, the President is hereby authorized, whenever, in his judgment, it shall be necessary for the protection of the rights of American citizens on the Texas frontier, above described, to order the troops to cross the Rio Grande, and use such means as they may find necessary for recovering the stolen property and checking the raids, guarding, however, in all cases, against any unnecessary injury to peaceable inhabitants of Mexico.

Mr. Chairman, I confess my amazement that such a resolution should have met the grave indorsement of the distinguished gentlemen who constitute this select committee. Stripped of its verbiage, what does this resolution mean? With a preamble asserting the inability of the national government of Mexico to prevent the inroads of lawless parties from Mexican soil into Texas, it authorizes and empowers the President of the United States *to order our troops into Mexico* whenever, in his judgment, it shall be necessary for the protection of the rights of our citizens upon the Texas frontier. In other words, it authorizes the President of the United States to violate a well-settled principle of international law. It authorizes him to commit an act which, unexplained, is by all governments regarded as a sufficient pretext for war. It authorizes the invasion by an armed force of the domain of a friendly power. For one I desire, here and now, to enter my solemn protest against conferring upon the Executive a power the exercise of which may prove so pernicious in its consequences. No right is more sacredly and jealously guarded by a government than that of the inviolability of its territory. Its failure to defend this right or to secure redress for its violation is an evidence of weakness and demonstrates its incapacity for the high prerogatives of sovereignty.

Vattel, on page 169, says:

Since the least encroachment on the territory of another is an act of injustice, in order to avoid the commission of any such act and to prevent every subject of discord, every occasion of quarrel, the limits of territories ought to be marked out with clearness and precision. We should not only refrain from usurping the territory of others; we should also abstain from every act contrary to the rights of the sovereign, for a foreign nation can claim no right in it. We cannot then, without doing an injustice to a state, enter its territories with force and arms in pursuit of a criminal and take him thence. This would at once be a violation of the safety of the state and a trespass on the rights of empire, or supreme authority vested in the sovereign. This is what is called a violation of territory, and among nations there is nothing more generally acknowledged as an injury that ought to be vigorously repelled by every state that would not suffer itself to be oppressed.

Other authorities to the same point might be cited, but that to which I have referred is, the world over, a standard upon international law.

Sir, in the light of the authority I have read and of all of the recognized authorities upon this subject, how can the Congress of the United States stand justified in the adoption of a solemn resolution authorizing the President for any purpose to order troops across the Rio Grande without the consent of the republic of Mexico? The necessity of protecting our citizens from border raids does not relieve us from the question of international law involved. Mexico has sovereign rights to be considered eqnally with our own. We cannot presume that she would regard the unauthorized invasion of her territory in any other light than as an act of hostility calling for an apology from our Government, or, failing in this, in a resort to arms. An invasion of empire, not by irresponsible parties, but inspired by solemn act of Congress. Sir, it would illy comport with the dignity or power of this great Republic, with its forty-four millions of people, to trench even to a hair's breadth upon the rights or sovereignty of a friendly power. The greater the internal discord and the less able, as is the Republic of Mexico, to maintain inviolate her sovereign rights, the greater the reproach upon us, should our Government wantonly invade them.

I do not question the assertion, Mr. Chairman, that the authority conferred by this resolution would be exercised with due caution by the Executive. The danger does not rest here alone. The discretion is vested in the *troops* when within the domain of a foreign power "to use such means as *they* may find necessary" for recovering stolen property, checking the raids, &c.

Is there a Representative upon this floor who would for a moment consent that our Government should submit that the troops of a foreign power should, under the pretext of "recovering stolen property" or of "checking raids," invade the territory of the United States? Would not the attempted enforcement of such a resolution by the republic of Mexico or the dominion of Canada call for prompt and aggressive action upon the part of our Government? The golden rule applies to nations as well as to individuals.

Sir, the passage of this resolution is a step in the wrong direction. Of what avail are extradition treaties if the doctrine announced in this resolution is to become the settled or even occasional policy of our Government? The passage of this resolution calls a halt in our progress toward that glad era in the world's history when enlightened arbitration is to supplant the sword. If this resolution is to pass and the sovereign rights of Mexico to be invaded in order that cattle-thieves may be captured and raiders punished, why not reclaim and punish Brent and Winslow in the same summary manner? Why await the slow movements of diplomacy in the formation of a new extradition treaty with Great Britain? Is the answer to be found in the fact that the latter government is able, while Mexico is not, to protect itself against such encroachment?

Mr. Chairman, have we so soon forgotten the lessons of history? Have we so soon forgotten that because of the violation of the laws of nations in the seizure of Slidell and Mason in a neutral vessel upon the high seas the Secretary of State was compelled, upon the part of our Government, to disclaim the act, and that, too, after Congress had extended a vote of thanks to the captors? Sir, within a few hours this House has made final disposition of fifteen and a half millions of dollars in gold, paid into our Treasury by Great Britain because of her violation of the laws of nations.

Mr. Chairman, as to what would be the effect of the adoption of this resolution by Congress, and of its attempted enforcement by military power, I will not attempt to forecast. That it would result in a serious rupture between the two governments I can hardly believe; but that it would give the Mexican government just cause for complaint can hardly be denied. There are reasons to which I need hardly advert why Mexico would regard with grave apprehensions the invasion of her territory by our troops for any purpose, or under any pretext.

I have given, sir, briefly my reasons in opposition to the passage of the second resolution reported by the select committee. The able arguments of the gentleman from Texas [Mr. SCHLEICHER] and of my colleague [Mr. HURLBUT] have failed to convince me of the propriety of its adoption. It can hardly be that this House will upon reflection commit itself to a resolution in direct violation of the law of nations. However desirable the end, it cannot be reached by the violation of one jot or tittle of the rights of a sister republic. The resolution, sir, is fraught with danger. We cannot upon the pretext of doing a great right do a little wrong.

"Twill be recorded for a precedent;
And many an error, by the same example,
Will rush into the state: it cannot be.

Mr. Chairman, the first resolution reported by the committee meets with my hearty indorsement. That resolution is as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purpose of giving efficient protection to the country between the Rio Grande and Nueces River, in the State of Texas, from the cattle-thieves, robbers, and murderers from the Mexican side of the river, the President of the United States be, and hereby is, authorized and required to station and keep on the Rio Grande River, from the mouth of that river to the northern boundary of the state of Tamaulipas, above Laredo, two regiments of cavalry for field service, in addition to such infantry force as may be necessary for garrison duty, and to assign recruits to said regiments, so as to fill each troop to number one hundred privates; and they shall be kept up to that strength as long as they shall be required in that service.

The Government owes protection to its humblest citizen. No matter what the cost, the settler upon the Rio Grande must be protected from the depredations of the thieves and robbers that have so long infested our southwestern border. No words of mine can add to the description already given of the border outrages by the eloquent gentleman who represents the Rio Grande district upon this floor.

By the resolution just read two regiments of cavalry, with such infantry force as may be necessary, are provided. To the passage of this resolution I think there can be no possible objection. If this force is inadequate to the full protection of the most remote settler between the Rio Grande and the Nueces, then let it be augmented as experience may demonstrate the necessity. The humblest settler upon the frontier must find ample protection at the hands of his Government. Far removed from the great centers of civilization he must none the less be protected by the strong arm of that Government. I agree with the gentleman from Michigan, [Mr. CONGER,] that ten or even twenty regiments, if necessary, must be furnished to protect the property and lives of the settlers upon our frontiers. As to the imperative duty of the Government in this respect there can be no question whatever.

But, sir, while I shall vote for the first section of the joint resolution, I shall at the proper time, for the reasons indicated, move to strike out the remaining section. I am persuaded, Mr. Chairman, that full protection can be guaranteed to every citizen without the violation of any of the sovereign rights of the republic of Mexico.

Mr. CULBERSON. Mr. Chairman, for one of the Representatives on this floor from Texas, I desire to say that that State feels too deep an interest in the success of this measure to allow either one of her

Representatives to be drawn off into the discussion of general politics while this measure is under consideration. The gentleman from New York [Mr. TOWNSEND] will therefore fail in his object, so far as I am concerned, to lead us away from the subject under consideration.

Sir, the able and exhaustive report of the committee presents to the consideration of the House a subject of deep interest to the people of the State of Texas and should be of like importance to the people of all the States. In view of the connection of the questions presented with the State which I have the honor in part to represent I shall claim the indulgence of the House to submit some remarks upon them.

The evidence which accompanies the report of the committee establishes several propositions in connection with the Texas frontier troubles. Among them may be mentioned—

First. That for many years that section of the State which is embraced between the Rio Grande and Nueces River, immediately in front of the State of Tamaulipas in Mexico, has been subject to incursions and raids by armed bands of Mexicans, subjects of the Mexican government.

Second. That these bands and parties of armed men are organized in Mexico for the purpose of entering upon the territory of Texas to rob and plunder our citizens of their property and drive them from their homes or murder them.

Third. That these raids, with varying degrees of atrocity, have been more frequent within the last eighteen months than at any time before, and have resulted in the loss to our citizens of a large amount of property and many valuable lives.

Fourth. That so insecure have life and property become in that locality in consequence of these raids that a reign of terror exists, and this section of the State is in danger of being entirely overrun and devastated by Mexicans, subjects of the government of Mexico.

Fifth. That these armed organizations are openly formed in Mexico and that government is either powerless or unwilling to repress them.

Sixth. That the property stolen from our citizens is often openly exhibited in Mexico and sold in open market to agents and officers of the Mexican government, and the violators of the law are protected and shielded from punishment by a prevailing sentiment of hostility to the inhabitants of that section of the State of Texas.

I have said, sir, that all of these propositions are established by the evidence which accompanies the report of the committee; and inasmuch as this evidence is printed and placed on the desk of each member, I shall not trouble the House with reading at large from it, but will append to my remarks such portions of it as I may deem necessary to refer to.

Mr. Chairman, the state of affairs which exists to-day on that border, and which has existed, with more or less atrocity, for many years, has not been entirely unknown to the authorities of this Government. Governors of the State of Texas, Representatives in Congress, commissioners appointed by Congress to ascertain the loss to life and property on that border, Legislatures of the State, conventions of the people without regard to party, grand juries, and a vigilant and able public press, from time to time, have earnestly called the attention of the authorities to the condition of the people in that section, and have earnestly invoked protection against the incursions and raids of Mexicans.

The Government has not been altogether indifferent to the memorials and application for aid which have from time to time been made, but the means which have heretofore been employed to give protection have been wholly inadequate and insufficient; and the failure, so long persisted in, to adopt the proper means to suppress the outrages upon life and property has resulted in that deplorable state of affairs which the proof, now before us, shows to exist.

Sir, it is remarkable that this Government, possessing such power and strength, and always so justly jealous of its honor and the rights of its citizens, should have submitted so long to the invasion of its territory by armed bands of subjects of a neighboring power, without resorting to those means which are clearly within its power, and which are adequate to give complete protection, repose, and tranquillity to that distracted border. Notwithstanding the inadequacy of the force employed to protect it has been known and admitted for years by the highest officers of the Government, desolation and death have been allowed to riot in that locality, until one of the fairest sections of the State has been surrendered up to a reign of terror, anarchy, and crime.

We are told, Mr. Chairman, to look for an excuse for the apathy and indifference of the Government to the wrongs and outrages which have been inflicted upon our citizens in the remoteness of that border from the seat of Government and the difficulty of obtaining and transmitting correct information, the anxiety of this Government to maintain and preserve friendly relations with a neighboring republic, weak and distracted by revolutions constantly recurring, the anomalous condition of the Southern States, and the alleged conflict of evidence as to the true cause and responsibility of these troubles.

Mr. Chairman, whatever may have been the cause which has heretofore controlled the action of the Government in withholding the means of adequate and complete protection against the outrages complained of, there can be no justification for withholding them any longer. The evidence now before Congress presents the true condition of that border and the causes which have produced it, and it appeals in the strongest terms to those in whose hands rest the power and honor of the country to apply a complete and adequate remedy.

When Texas was admitted into the Union she surrendered to the General Government her right to keep and maintain an army for defense, save in one emergency named in the Constitution. Her forts and public defenses and all munitions of war were conveyed to the General Government. I beg to read a part of the second section of the resolutions of annexation, which is as follows:

> Said State, when admitted into the Union, after ceding to the United States all public edifices, fortifications, barracks, ports and harbors, navy and navy-yards, docks, magazines, arms and armaments, and all other property and means pertaining to the public defense belonging to the republic of Texas, shall, &c.

No right remains to the State of Texas to even treat with a foreign government for peace. The General Government is bound by the highest obligations of sovereignty and the imperious demands of national honor to protect its citizens from the encroachments of foreign enemies and the inviolability of its territory from invasion. No higher or more binding obligation rests upon this Government, and all who appreciate its obligations or have a due regard for the preservation of the honor of the Government will unite, or should do so, in producing a remedy which shall be ample, just, and adequate to put an end to the incursions of armed Mexicans upon the territory of Texas.

What remedy, Mr. Chairman, ought to be applied? There must be a change. The present mode of defense has proven to be wholly insufficient and inadequate. The population which has endured these wrongs so long cannot be expected to submit much longer to them, nor will it be expected that the State of Texas can much longer refrain from the application of a remedy which will relieve its citizens from a repetition of these outrages and prevent the annual recurrence of taxation to provide defense and protection to the lives and property of its citizens on that border.

The committee, in seeking a proper and adequate remedy for these evils, have gone to the very root of them and have fully investigated all the attending circumstances, so as to be enabled to present to Congress and the country the true condition of that border and the necessity which exists to apply an effective remedy. Prominent among the inquiries made by the committee were:

First. To ascertain the prevailing sentiment of the people of the state of Tamaulipas toward the inhabitants of that section of the State of Texas which lies between the Rio Grande and Nueces River.

Second. The extent of the exposed frontier.

Third. The character and peculiarities of the country contiguous to the boundary line and the character of the offending population.

These were important inquiries, for without information in regard to each one of them Congress could not intelligently adjudge the propriety of the remedy proposed by the committee.

The proof shows that there exists among the population of the state of Tamaulipas a deep-seated feeling of enmity toward the inhabitants of that section of the State of Texas which lies between the Rio Grande and the Nueces River. This feeling of hostility has existed since the close of the war of Texan independence from Mexico. It has been transmitted from sire to son and has lost none of its intensity by the lapse of time. It had its origin, mainly, in the controversy between Texas and Mexico in regard to the western boundary of Texas, and was strengthened and confirmed by the events connected with the results of the war between the United States and Mexico. The territory which lies between the Rio Grande and Nueces River, at the date of the war between Texas and Mexico, constituted a part of the state of Tamaulipas and was subject to its jurisdiction. When that war closed the republic of Texas claimed the Rio Grande as its western boundary, and this claim was recognized by Santa Anna, who was then a prisoner of war. The Mexican government, however, never acknowledged the independence of Texas.

Upon the annexation of Texas to this Government the troops of the United States occupied this territory, and war ensued. The two first battles were fought between the Nueces and the Rio Grande. The treaty of peace between the United States and Mexico established the Rio Grande as the boundary-line, but the people of Tamaulipas have always regarded the severance of this territory from the State of Tamaulipas as an especial wrong and the inhabitants of that territory as intruders and enemies. This feeling has contributed to keep up animosity and to establish a public opinion throughout the state of Tamaulipas which protects, fosters, and encourages constant raids upon that territory.

Mr. Chairman, it may be conceded that such assumptions on the part of the people of Tamaulipas are absurd and unfounded; but the evil results which flow from them exist nevertheless, and must be considered in applying a proper remedy. The raiders and robbers who commit depredations upon that territory are not impelled by ebullition of passion or by cupidity alone; but a spirit of hostility, revenge, and reprisal actuates them. This feeling of hostility is not confined to a few lawless men along the border, but pervades to a large extent the population of the state of Tamaulipas, as may be seen displayed and fully exemplified in the alacrity with which those who plunder and rob our citizens are shielded and protected by the entire population of that state.

The line to be defended is about four hundred miles long. "The river which constitutes the boundary is a broad, crooked, shallow

stream, skirted by a belt of fifteen or twenty miles of impenetrable thickets, crossed by narrow ways." The officers who are familiar with the country testify that small parties of armed men can and do often pass from Mexico into Texas across this stream and thicket near the soldiers without being observed. Once in Texas, by previous concert these parties embody into bands and companies, and drive herds of cattle rapidly across the river along these paths. On the Texas side of the river the population is sparse, while on the Mexican side it is much more numerous.

The character of this population ought to be considered in making up the estimate of the means necessary to defend this border. The section of country which is the theater of these raids contains about 30,000 inhabitants. Nine-tenths of this number are Mexicans. They are for the most part orderly and law-abiding. Many of them cast their fortunes with Texas in the war of independence; and they and their descendants have faithfully maintained the character of good citizens. They are land-owners, and a large number of them own large estates in stock. The American population will compare favorably with any section of the State. They are enterprising, industrious, and good citizens. Many of them have been immensely wealthy, owning immense herds of cattle and other stocks. On the Mexican side of the river the population is quite different, and they cannot better be described that in the strong, terse language of my colleague [Mr. SCHLEICHER] in his report, as follows:

> It is shown from the evidence before us that there is on the Mexican or south side of the Rio Grande a population far more numerous than that on our side, and who support themselves mainly by robbing our people. It is shown that they possess only a scanty supply of cows; that they have a few sheep and goats; that their agriculture is not enough to support but a small portion of their number, notwithstanding which they live better, dress better, are mounted and armed better than the same class elsewhere in Mexico. From their entire impunity and the great attractions of the spoils, their numbers are continually increasing. From the oldest times, and among all people, punishment of crime has always been considered necessary to prevent its increase; but here we have the strange spectacle of a community openly subsisting on crime, while there is no punishment for them. Their own nominal government is not strong enough to inflict it, while the Government of their victims—our own Government—from a highly refined sense of international politeness, has refrained from inflicting it.
>
> All vagrant and dangerous elements are congregating to that paradise of robbers; a new generation is springing up, knowing no means of livelihood but robbing, aptly compared by our commanding general on that border to the pirate communities which formerly resided on the northern coast of Africa. When the robbers return with a drove of cattle, it is stated by the witnesses, old men and young boys all turn out to help the cattle out of the miry ground of the river-bank.

Such a population, encouraged by the better class, shielded and protected from punishment by the local authorities of that State, will not readily yield up their vocation. They are bold men. They have been bred in civil commotions and revolutions. They have no regard for law or government.

Mr. Chairman, a defensive policy with a reasonable force, in view of all the circumstances, will in the future, as it has in the past, prove a failure, and cannot give adequate protection. This Government is powerful enough, it is true, to police the entire line with soldiers and guard every pathway across the river, but this is wholly impracticable. It would require not less than ten thousand soldiers. This is not the opinion of a civilian, but it is the deliberate judgment of such men as General Ord and Captain McNally, who are thorougly acquainted with the requirements of that service. They are both educated and accomplished soldiers. One of them has already reached high rank in the Army and the confidence of the country; the other, though comparatively a young man, is the most trusted leader upon the border. The cost of maintaining such a force would not fall short of twelve millions of money.

If these raids were projected against certain sections of that territory only, or if the points of attack could be reasonably anticipated, if the parties who engage in these hostile expeditions embraced only a small number of the population of the state of Tamaulipas, or if these raiding parties were accustomed to make their entry upon our territory in large bodies, a strictly defensive policy with a reasonable force might be successful. But such is the length of the line and the uncertainty of the points of entry, such is the number who openly engage in these encroachments or abet and encourage them, and such is the character of their entries, in small parties, embodying in the interior of that territory, that no reasonable number of troops could successfully render adequate protection.

Mr. Chairman, I take it that there is no international obligation resting upon this Government that requires it to keep and maintain such a force upon the Rio Grande as a strictly defensive policy and adequate protection of its territory from constant recurring invasion by the subjects or citizens of Mexico would require. The honor of the nation could not remain unsullied in the face of such humiliation, even if justice to the people would tolerate the imposition of such a burden of taxation as would be necessary to support the enormous cost of such a policy. All that any government could be required to do in such case would be to provide a force reasonably sufficient to protect its territory from invasion by irregular organizations of armed men operating in such way as to escape the vigilance of their own government, though it might be able and entirely willing to repress them. But if, as in the case of these troubles, as the proof shows, these raids have occurred for a series of years, in such manner and under such circumstances as to render it utterly impossible to anticipate them from our side of the river by a reasonable number of troops, and the government of Mexico has failed to restrain them, either for want of power or from unwillingness, there is no obligation upon this Government to maintain a defensive policy, which cannot give relief and freedom from invasion except at the risk of dishonor and the expenditure of vast sums of money. As well might it be said that in order to maintain friendly relations with Mexico we should build a wall along the border which Mexicans could not scale, or that we should people the boundary-line with soldiers.

Mr. Chairman, I think in view of the condition of public sentiment in the state of Tamaulipas, the character of the population, the length of the exposed border, and the difficulty and expense attending a defensive policy, the remedy recommended by the committee is the proper one. It is just to Mexico and is delayed justice to our citizens. Two regiments of cavalry, consisting of twelve hundred men each, with infantry sufficient to garrison the necessary posts, will constitute a force sufficient, acting defensively, to repel all such attempts at invasion by the subjects of Mexico which may occur under such circumstances as would make it proper to meet them on a strictly defensive policy.

Mr. Chairman, I am led to understand, however, that even the first section of these resolutions will be opposed because it provides for a small increase (about five hundred men) to the present force of the Army. It ought to be remembered that this increase of force is not intended to be permanent but will be disbanded when the exigency of that service will justify it. It is said that the Army is already too large and too expensive, and instead of being increased it should be diminished and the expenditures thereby lessened. The assertion is also made that the military force now stationed in the Southern States remote from the borders of the country are not only wholly unnecessary for any purpose in these localities, but a serious impediment oftentimes to repose and tranquillity.

Mr. Chairman, I shall not now stop to combat either one of these propositions, for as I view them they might be successfully demonstrated to be true. It is sufficient now to say that there is a decided difference of opinion on this subject in Congress, and in view of it there is no hope of arriving at legislative concurrence in respect to it. This difference of opinion is firmly fixed and cannot be removed or overcome. If this be true, and no one can deny it, it would be the gravest injustice to Texas; a sad disregard of the honor and obligations of this Government; a folly if not a crime to defeat these resolutions because a majority of this House may believe that the Army is already large enough for all purposes. When you attempt to control the Army and place and dispose it to suit your views of economy and good administration, you will find impediments in the way which cannot be overcome during the existence of this Congress. Under the wise disposition of the powers of this Government it requires the concurrence of the legislative and executive departments to enact laws, except in such cases as are otherwise provided for.

The President has declared in his annual message that the military force of the United States disposable for service on the Texas border was inadequate to render complete protection to life and property. When the President transmitted this message to Congress there were stationed in the State of Louisiana 701 soldiers, in Mississippi 336, in Florida 245, in North Carolina 226, in South Carolina 522, in Georgia 317, in Alabama 222, in Tennessee 205, and in Kentucky 112, and with unimportant changes this disposition of troops in the States named exists to-day. The declaration of the President is doubtless intended to declare that in the judgment of the Executive the present disposition of the force of the Army could not be materially changed with safety to the service. While a majority of the House might be satisfied that none of these troops are necessary in those localities, and might well be transferred to the border, yet it will hardly be said that you can pass a law which would require the Executive to conform to your views and opinions on this subject. In the mean time, while we debate these questions and vainly strive to reach a legislative concurrence, what must become of the people on the border? Shall brigands and robbers be allowed to overrun that territorry and drive out the remaining population? Have there not been enough of bloodshed and robbery, enough of murder, arson, and anarchy, enough of terror and vandalism upon that unfortunate border to induce Congress to avail itself of the remedy which we all can agree upon and put an end to this reign of terror and crime? In a government like ours, where the co-ordinate departments are independent of each other, and each is assigned its respective duties in the division of power, tolerance of opinion must often be indulged, or the gravest evils will result. A grave public duty ought never to be left undischarged because the mode of discharging it cannot be made to conform to the peculiar views of each department of the Government in which is vested the power to prescribe the manner of peforming it. If one mode is not acceptable another may be, and where no surrender of principle is involved mere choice of expedients ought not to be allowed to defeat necessary legislative action.

It is said, Mr. Chairman, that ample provision was made in the Army appropriation bill which passed the House to meet the demands of the service on the Texas border. I do not so regard it. On the contrary, that bill leaves Texas in a much worse condition than she is under the present law.

It is true that, in order to preserve the cavalry arm of the service and to render it as efficient as possible in view of the demand for reduction in the Army, my colleague [Mr. MILLS] offered an amendment which provided that there should be eight cavalry regiments and

that the President should be authorized to recruit them up to the maximum of twelve hundred men each, and that a sufficient amount of this force should be transferred to the border of Texas to give protection.

This amendment standing by itself would have, perhaps, secured to us an additional force on the Rio Grande, but it was also provided in that bill that no enlistment should be made until the Army was reduced to 22,000 men by ordinary discharges.

Thus the President was constrained to await the reduction of the Army from 25,000 down to 22,000 before he could fill up the cavalry regiments to twelve hundred men each. Instead, therefore, of increasing the force on the Rio Grande, the effect of the bill decreased it.

That bill has been amended in the Senate, and both of the provisions referred to have been stricken out at the instance and under the urgent appeals of Senator MAXEY. The bill as reported back to the House retains ten regiments of cavalry, and the maximum of each is raised to twelve hundred men. If that bill could pass in the shape now presented to the House, we might reasonably hope to secure an increased force upon our border, as the amendment proposed by the Senator from Texas and adopted by the Senate provides for the transfer of a sufficient force from these regiments to our border to give protection; but there is no hope of its passage, and we earnestly insist that there should be no hesitancy in supporting these resolutions because of any provisions in that bill.

The gentleman from Illinois [Mr. HURLBUT] endeavored earnestly to strike out that provision of the bill which reduced the Army to 22,000 men. Had he been successful in his patriotic and noble effort to serve the best interest of the country, the necessity, so far as the increased force is concerned, to defend our border would have been obviated. The thanks of Texas are due to him, and I feel authorized in behalf of over two millions of people to tender him the undivided admiration of a gallant and outraged people for his manly fight in their behalf.

Mr. Chairman, while the force provided for by these resolutions is deemed sufficient by those who are familiar with the demands of this service, the service to meet and repel ordinary disturbances on that border, it will not be sufficient to police the line and give adequate protection on a purely defensive policy. Some other provision auxiliary and in addition to this force will be necessary and ought to be provided. The committee recommend that the President be authorized, whenever in his opinion the protection of the rights of American citizens requires it, to direct a pursuit of marauders into their own territory for the purpose only of recapturing stolen property and checking the raids. In the opinion of all military men who have served on that border in recent years, such authority and the prompt exercise of it is absoluteiy necessary to secure complete protection in the absence of a force sufficient to police the entire line and guard every crossing on the river. Nothing but a display of power and authority to use the most effective measures to crush out these lawless bands can restore quiet and order.

It is said that the adoption of the second resolution reported would be equivalent to a declaration of war by this Government against the government of Mexico, or that it would lead to actual war. I do not believe either one of these propositions. It is true that every independent nation has the right of immunity from invasion of its soil by the armed subjects or citizens of other nations. This right is inseparable from independence and sovereignty and is usually guarded with great jealousy. Neighboring powers should always, under proper circumstances, recognize and respect this right to the end that peace should be preserved. But this right is founded in reason.

There are reciprocal obligations resting upon neighboring powers in respect to this right of immunity from invasion. Each nation is required to restrain its citizens from unlawful and warlike expeditions into and upon the territory of other nations. The territory of one nation cannot be made the rendezvous or sanctuary of lawless men for the purpose of fitting out and concerting warlike or hostile expeditions into the territory of another nation; and the licensed use of territory for any such purpose would be a just cause of war on the part of the nation injured. It will therefore appear that Mexico is entitled to the right of immunity from invasion if it has discharged the duty it owes to this Government of making in good faith proper efforts to restrain the lawless people who organize and concert upon its territory warlike and predatory expeditions into the territory of Texas.

If Mexico has the power to restrain and suppress the outrages which are complanined of and fails to exercise it, it would be a just cause of war, but if that government is powerless to apply the necessary force to restrain its lawless citizens a different state of case would exist and different rules should be applied. The evidence shows that the government of Mexico is wholly unable to perform and discharge her duty and reciprocal obligations to this Government. The authority of the general government of Mexico is not respected or obeyed on that border. The state of Tamaulipas, especially, for many years has been the theater of civil commotion and revolution, respecting no government for any considerable period of time and swayed alone by the power of military domination. The general government has not been able heretofore to command or enforce respect and obedience on the part of its citizens in Tamaulipas to its authority much less to enforce respect to the rights of American citizens. The state of Tamaulipas to-day is in the very throes of a revolution and the national authority is overthrown. In such case the inquiry arises what is the right of this Government? Is it to declare war against Mexico and invade its territory for the purpose of waging war? I think not; because the government of Mexico is not a party, so to speak, to the wrongs complained of. These expeditions into our territory do not operate under a flag or any symbol of national authority. It may be that those who compose or aid and comfort the participants in these outrages are as hostile to the government of Mexico as they are disrespectful and regardless of the rights of American citizens. This population of Tamaulipas takes advantage of the weakness of their own government to assail the rights of our citizens.

In such case we have choice of two remedies. We can either people the entire line with soldiers at an enormous cost to the Government and at the risk of dishonor, or we can pursue the marauders into their own territory for the purpose of recapturing stolen property and checking raids. Both remedies rest on the doctrine of national self-defense. As to the first there is no doubt expressed and as to the latter neither reason nor authority can show the non-existence of the right in this case or the want of authority to execute it. We are under no obligations to Mexico to break the pursuit of marauders at the boundary line. For years we have been accustomed to chase her subjects from our soil ladened and burdened with the spoils of plunder and sometimes stained with the blood of our murdered citizens. Uniformly we have paused at the line in respect to the nationality of Mexico only to have our officers and soldiers taunted by the Mexicans from their side of the river. The local authorities of the state of Tamaulipas receive the fleeing raiders with open arms and cover their approach into Mexico. How long ought a brave people submit to such indignities; how long ought a strong and powerful Government tolerate such invasion of its territory? Because of the weakness of Mexico and the internal troubles which have environed its government, this Government has for years endeavored to do no act which might be construed as wanting in respect to the nationality of that government although abundant cause and provocation have existed to justify an entry upon its territory and chastisement of the robbers who commit these outrages. The people of Texas insist that the weakness of Mexico shall not longer be allowed as a plea in justification for the failure of this Government to apply the proper remedy of relief.

But, Mr. Chairman, it is said that although we have this right under the circumstances to enter the territory of Mexico, the exercise of it will lead to war. As before said, I do not think so. It would, however, depend upon the conduct of Mexico. That government admits that it has no power to restrain the lawless and vicious men who engage in these expeditions or those who aid and encourage them. It has for years been advised of the existence of these troubles, and no effort has been made in good faith to suppress them. And if now, when this Government, after full notice, shall adopt a different policy and determine to put an end to these encroachments, that government shall resist the means employed, then war will and ought to come, and it ought not to cease until all Mexico should be made to feel and know that the soil of the United States is sacred against the tread of an armed foreigner, be he soldier or robber, with or without a flag. The true doctrine upon this subject is stated by Governor Coke in his letter to the Attorney-General, and I beg to call the attention of the House to the following extract from that letter, which I ask the Clerk to read:

The Clerk read as follows:

If these Mexican raids which this force is called out to repel were of recent date, of irregular occurrence, and of such character as to elude the efforts of an ordinarily vigilant and energetic government to suppress, and such efforts were being made in good faith by the authorities of Mexico, I grant, in that case, that to allow an armed force to pursue even robbers, for the purpose of recovering their booty, across the Rio Grande would be a violation of the rights of Mexico and of well-settled principles of international law. The right of the government of Mexico to immunity for its territory from the incursions of armed forces from Texas would then be based on a proper discharge of the duties of that government to Texas in repressing the lawlessness of its own people and preventing and punishing their crimes committed against the people of a neighboring state. It is because each state or nation has undertaken to restrain its people from making war on the people of its neighbors that the law of nations forbids an armed force from one entering the territory of another. The right of immunity grows out of and depends upon the performance of this duty, which each power owes to the other. No state has surrendered the right of defense of its people in its own way against aggressions from neighboring states or people except upon the promise and performance of the great duty toward itself, which all nations owe each other, of so governing their people as that they shall not depredate or make war upon other nations or any of their people or territory. I apprehend that international courtesy, comity, and amity have never been required by the law of nations, to be carried to the romantic extent of surrendering the great natural right of self-defense against the constant infliction of serious, permanent, and wrongful injury upon the people of one nation by those of another, although the attacks may be unauthorized by the government of the territory from which it comes.

Mr. CULBERSON. Mr. Chairman, the enactment of these resolutions will not lead to war, nor would the promulgation of an order as contemplated by these resolutions or the execution of such order involve this Government in a war with Mexico. I believe that the passage of these resolutions will announce to Mexicans a firm determination on the part of this Government to put an end to these invasions, and no necessity will ever arise to execute such orders. But, sir, if I am mistaken in this, and our troops should be compelled to cross the river, Mexico would treat the matter as she has done

heretofore. In 1860 a detachment of troops crossed the river to repel a threatened attack upon a steamer in the river. In 1874 General McKenzie led his troops into Mexico and inflicted deserved punishment upon a tribe of Indians, subjects of Mexico. In 1875 the brave and gallant McNally led a company of Texas Rangers into Mexico and assailed the robbers in their stronghold. This gallant movement, made with a small force of State troops, was in obedience to an order issued by the governor of Texas covering a contingency precisely similar to the one contemplated by these resolutions. No war followed either of these acts of so-called invasion. Mexico will in the future, as in the past, as I believe, recognize the right of this Government to put an end to these outrages, since she is unable to do so.

It is said, sir, that it is unwise to vest the President with such discretion. I believe that the President already is vested with the authority to do just what it is contemplated by these resolutions he shall do, and I would be willing to strike out the word "authorize" and all discretion and require him to perform this duty. The surest guarantee against the danger of an improper exercise of this power and authority by the President lies in the course pursued by him heretofore in regard to these troubles. The danger is that he will in the future, as in the past, fail to deal vigorously and effectively with these invaders until the most serious complications may arise and war will be the result.

We hear it said, Mr. Chairman, that the responsibility of the present condition of the Texas-Mexican border rests jointly on the population of Texas and Tamaulipas. While it is admitted that Mexicans have committed from time to time depredations upon the territory of Texas, it is alleged that such outrages have been provoked by the bad conduct of Texans. There is no foundation for such an arraignment of the people of Texas or any part of them. We challenge the proof of any outrage upon the person or property of Mexicans. In order to show the injustice of this charge and its falsity, I beg to read to the House the following extract from the testimony of General Ord. On page 33 of the report he is reported to have said:

Question. State whether these raids are mutual from either side of the river, or whether it is possible on account of the Mexican surveillance on the frontier for American raiders to go over there. Has such a thing not come to your knowledge?

Answer. I inquired carefully when I was down there to ascertain if any raids had been committed by Americans on Mexicans, and I could not hear of a single instance. When, on the Upper Rio Grande, I suggested the possibility of outlaws on our side stealing horses and carrying them to Mexico, the people laughed at me, because, they said, the Mexicans were so much more expert in stealing, and because that class of people was so much more abundant on the other side an American who should cross with stolen property would not hold it an hour after he had crossed. Besides, on the Mexican side of the Lower Rio Grande, so far as I could see, there is nothing to steal. The people on the Mexican side are nearly all supplied with beef, or pretty largely supplied, from our side; and I was told by a gentleman who was for a long time consul at Monterey, Mr. Ulrich, that the price of beef there varies with the arrival and departure of raiding bands going after cattle into Texas. Besides this, they have a system of rural police among the population living in the villages close to the border of the river who would communicate the arrival of a party of Americans so quickly that in less than six hours after Captains McNally and Randlett crossed the river with their little force between two and three hundred of this rural police and rancheros were in front of him, and as many as five hundred would have been there in less than twenty-four hours if he had remained. So that there is neither temptation to go there for plunder nor prospect of getting it out if they should get any.

Q. Do you consider the Mexican system of surveillance of the river as much more effective than ours?

A. Yes; they keep a sharper lookout in proportion, just as a band of robbers would keep a better lookout to cover their retreat than the shepherds would keep in watching their flocks. It is hence next to impossible for anybody to go there and return without being either discovered or without a large force being gathered to resist them. That is one reason why I am anxious to have a larger military force there than we have now. The only way of recovering cattle and of preventing future raids is to cross the river; and I want a sufficient force to cross and to maintain itself on the other side for a short time if necessary.

I desire also to call attention to an extract from the letter of Secretary Fish to Mr. Foster, American minister at Mexico; and I trust that it will be remembered that no case could be named in response to the challenge of the Secretary. This letter is reported on page 157, and the extract is as follows:

It may be regarded as frivolous to seek to justify the hostile incursions into our territory on the ground of retaliation for similar excursions from this side. There have been none such, and proof of the contrary is challenged. Indeed, the charge is improbable on its face, from the fact that Mexico, near the border, holds out no temptation to plunderers from this side, while the reverse is the case in respect to baits in Texas for Mexicans.

I am, &c.,

HAMILTON FISH.

The following extracts from the letter of J. Ulrich, United States consul at Monterey, Mexico, to Mr. Hunter, Second Assistant Secretary of State, confirms the view taken by Mr. Fish. I read from the report, page 149:

If the newspaper reports of the Mexican minister's charge be true, that the raids are made by ex-confederates, no greater insult could be offered to the Americans of the Texas frontier. Such statements are constantly published in Mexican newspapers, and urged by Mexican orators who take advantage of the general ignorance of their countrymen to make assertions only ludicrous to intelligent persons, knowing well the national want of capacity to distinguish between a lie and the truth, and we, who are accustomed to seeing these tricks, have been astonished that a man occupying the position of Señor Mariscal should so mistake his audience as to make such a charge in the United States.

The writer is not an ex-confederate, but an old abolitionist of the Sumner and Greeley school. He has, however, felt the insult none the less keenly. He is personally under obligation to Señor Mariscal for making these charges, as, by so doing, he fully corroborates the opinion of Mexican diplomacy given to Department in dispatch No. 185 of July 31, 1873.

No half-way measures will answer in treating with Mexicans. There is no trait in the national character more striking, in all of them, high or low, than their utter disregard of consequences from any act. In every position of life, as servants, mechanics, lawyers, or governors, or merchants, they are never controlled in any of their doings by fear of a future responsibility. There must always be shown them that there is a watchful eye on their movements and a hand ready to strike. Fear alone will restrain them, and that must be fear of direct and immediate chastisement for misconduct. They are gamblers by nature, and are always ready to risk their all on a chance. They respect persons of no nationality but the Spaniards, and they only, as they understand from long experience their mode of treatment, which, from the conquest till now, has always been brutal; while they despise the American, who, from education and training, is disposed to treat every one on terms of equality, kindness, consideration; and a disposition on the part of any one to treat them as equals only elicits their contempt; and although these are their personal traits, they carry them into every relation of life. Nothing but the "hard hand" will keep them straight, either as individuals or as a nation.

Inspector-General N. H. Davis, writing from San Antonio, Texas, May 14, 1875, to Inspector-General R. B. Marcy, War Department, says. I read from the report, page 143:

From good and reliable information it is established as a fact that organized bands of armed Mexicans cross over the river from Mexico into Texas, where they are joined and aided by their leagued confederates, Mexicans, to steal cattle, horses, and mules, rob stores and houses, and massacre unoffending and innocent persons in the country between the Rio Grande and the Nueces River. This marauding upon the section of country named has been carried on for years, more or less, but for the past year it has been practiced to such an extent that life and property are insecure, and the better classes of people having property, and especially Americans, are fleeing to the towns for the protection of their lives; among these are persons who have lived in the country and with Mexicans for many years.

I might add much more of the very highest testimony to show that this charge is wholly false; but I am admonished that my time is limited.

The gentleman from Michigan [Mr. CONGER] is induced to vote against the second resolution, because, among other reasons, a commission organized by the government of Mexico have arrived at the conclusion that the depredations complained of are committed by American citizens, who flee across the river into Mexico for safety when pursued by their fellow-citizens or by the soldiers of our Army. I have already shown that these charges are false by testimony taken by the committee, and which cannot be impeached. If any other proof should be necessary to satisfy a reasonable man as to the falsity of this charge, it may be found in the conduct of the Mexican government. According to the argument of the gentleman, the existence of these outrages is admitted. The extent of them and the length of time in which they have occurred, with more or less frequency, are admitted by him, and he is willing to vote any number of troops and any amount of money to prevent their recurrence. Did it never occur to him that if it were true, as alleged in the report of the Mexican commission, that these outrages were committed by American citizens, who, when pursued, escape into Mexico, that the Mexican government would arrest these maranders and deliver them up to the authorities of Texas to be tried, or subject them to a trial before the tribunals of that country, the laws of which make it penal for any person to bring stolen property within the jurisdiction of that government?

In what respect, Mr. Chairman, is the attitude of the question changed when it is falsely assumed that these outrages are committed by our own citizens who escape to Mexico for safety? If this be true as stated, the duty would rest upon the Mexican government to surrender up these fugitives from justice, or repel them from its territory? What right has the Mexican government to shelter and shield from punishment from year to year criminals who use its territory as a sanctuary? Has that government the power to suppress such outrages, or is it true that she is powerless to do so? In either case this Government is compelled by no law of neutrality or of nations to submit to such grave and serious infractions of international duty on the part of Mexico.

If the gentleman had read the testimony taken before the committee of Congress with half the care he states he had read the report of the commission, he would have ascertained that that report was wholly unreliable, if not a compilation of deliberate falsehood. The committee investigated that report, and the testimony shows that it is a base and unmitigated libel upon the character of the people of Texas.

I have a few words to say in regard to this book which is called the Reports of the Mexican Border Commission. These reports were published in 1873 in Mexico. Since the organization of the committee by Congress to investigate these border troubles a large number of copies of the reports of this Mexican commission, published in New York in 1875, have been distributed in Congress and elsewhere in order to impair the effect of the investigation ordered by Congress. The book contains about four hundred and fifty pages.

I need not refer to the proof to show that hundreds of lives have been lost in Texas at the hands of Mexican banditti, thousands of dollars' worth of property stolen and carried away, towns and villages sacked, and murder most foul committed in sight of our flag, all since this report was made in 1873. But I desire to call attention to the charge made in that report, wherein it is said that one cause of provocation for such irregularities as had occurred in Texas at the hands of Mexicans was that the Mexicans had been defrauded of their lands between the Rio Grande and Nueces River by the people of Texas under color of law administered by the courts of Texas. If this charge is willfully and deliberately false, no reliance can be placed upon any other charges made by it. In order to show the falsity of this charge and a knowledge of its baseness on the part of that commission I shall simply ask the Clerk to read the following extract from the testimony

of Colonel J. L. Haynes, a distinguished citizen of Texas, of long residence on that border, and one of the ablest lawyers of that State.

The Clerk read as follows:

The commission here charge a deliberate attempt on the part of the people and the Legislature of Texas to rob the Mexicans in Texas of their lands. If true, it would be a very grave charge; but it is absolutely false as to the legislation of the State. That portion of the State between the Rio Grande and the Nueces River was, previous to 1836, a part of the state of Tamaulipas, from which state the titles to the lands in this territory were issued. On the 19th of December, 1836, Texas declared the Rio Grande to be its boundary, but it was not until the treaty of Guadalupe Hidalgo, in 1848, that this claim was finally made good. The titles issued by Tamaulipas were not known to our records nor to be found among our archives, and legislation on the subject became necessary. On the 8th of February, 1850, an act was passed by the Legislature of Texas authorizing the appointment of a board of land commissioners to investigate these titles. (Paschal's Digest of Laws of Texas, article 4440.) The board reported a part of their work, and on September 4, 1850, an act was passed to confirm the titles in Webb County, including about fifty leagues, or two hundred and twenty-odd thousand acres of land. (Paschal's Digest, article 4459.)

Upon a further and fuller report of the board, the Legislature, by act approved February 10, 1852, confirmed directly, by name, to the Mexican grantees in Nueces, Cameron, Hidalgo, Starr, Zapata, Webb, and Kinney Counties about two thousand leagues, or over eight millions of acres of land. (Paschal's Digest, article 4461.) By act approved February 11, 1858, the titles in El Paso County were confirmed. (Paschal's Digest, article 4466.) By act of February 11, 1860, parties whose titles were not confirmed were authorized to bring suit in the district courts for confirmation, and under this act over two hundred leagues, or nearly a million of acres, were confirmed by decrees of the courts. (Paschal's Digest, article 4481.) On the 15th of August, 1870, the foregoing act was substantially re-enacted, with a limitation as to time, and the district court of Travis County under this act has confirmed the titles to nearly a million of acres more of these titles. (Paschal's Digest, article 7068.) Over ten millions of acres of land have thus been confirmed to grantees of titles issued by Tamaulipas. The grantees of these lands and their heirs now own and occupy these lands, excepting a few who have sold their lands, and one reason of the prosperity of the Mexican towns on the Rio Grande in comparison with our towns is this fact, the Mexicans receiving large incomes from their lands and stock-ranches in Texas, which they spend in improving their own towns. The recent constitutional convention of Texas expressly recognized all these confirmations, and gave the owners five years' additional time within which to have their lands surveyed and plotted on our maps, a resurvey being the only condition imposed by the various acts of confirmation. The supreme court of Texas has acted with equal justice to these parties, the titles issued by the former governments having been fully sustained; and I cite, among many others, the following decisions: Hancock *vs.* McKinney, 7 Texas; Titus *vs.* Kimbro, 8 Texas; Jenkins *vs* Chambers, 9 Texas; Treviño *vs.* Hernandez, 13 Texas; and Cavasos *vs.* Treviño, 35 Texas. The land involved in the case of Treviño *vs.* Hernandez is situated in Cameron County, and the question arose as to certain acts of the Mexican authorities between December 19, 1836, and the American occupation of the Rio Grande in 1846; and the court held that these authorities were *de facto* in power and that their acts and decisions should be respected. There can be, therefore, no just complaint against the laws and their execution in Texas in this regard on the part of the Mexicans, and the allegation of the Mexican commission against our State and people on this subject is proven by our laws and decisions to be not only deliberately but maliciously false. * * *

Mr. CULBERSON. It is said, sir, that the people of Texas desire to involve this Government in a war with Mexico that they may avenge the wrongs they have endured and profit by the expenditures of the Government. No assertion could be more unfounded. If any such feeling existed among any considerable number of people of that State ample opportunity and abundant provocation have already been given to induce them to manifest it. The wish, and I might add the anxiety of the people of Texas, to secure the enactment of a law by Congress which will compel the authorities of the Government to render protection springs from no unworthy motive. Surely the highest evidence of the falsity of such assertion will become apparent when we contrast it with the past conduct of that people. Sir, they have submitted for many years to these raids and indignities; they have witnessed the murder of their fellow-citizens, the destruction and removal of thousands of dollars' worth of property and the surrender of one of the finest sections of the State to a reign of terror and crime, and no act of insubordination to the obligations of this Government to a friendly neighboring power can be attributed to them. They have, not without murmuring it is true, witnessed the apathy and indifference of the Government to the wrongs which have been heaped upon them by their hostile neighbors. They have borne from year to year a burden of taxation to aid in that defense which the Government by every consideration should alone have extended.

We all know that Texas has the strength and the will to avenge her wrongs. In the days of her weakness she humbled the pride of Mexico and secured an empire from it and dropped it into the lap of the United States. In her strength to-day she could sweep from the face of the earth that population which has so grievously wronged her and secure tranquility and repose for the future; but rather than violate the law of the land by assuming the right and exercising the power which belongs to the General Government, she has awaited the hour when the national honor can no longer rest unvindicated and unasserted in her behalf.

Sir, every consideration which looks to the advancement of Texas in prosperity and greatness forbids any desire for war on our part, and especially a war with Mexico. Texas is now the great hope of the Union. It is larger than all New England, and embraces every variety of soil and production. It offers to the young of all the States and the good people of all countries the finest inducements for immigration. Its advancement in wealth, population, and in all that tends to make a State rich and powerful is attracting the attention of the whole country. Our two thousand miles of railway are now in successful operation. Immense forests of timber are yielding their treasures. Mineral resources, unsurpassed by those of any other State, are beginning to render rich reward to the laborer. Agricultural interests are extending their area and will soon demonstrate the fact that Texas is capable of being ranked among the first producing States of the Union. Every train of cars which enters the State carries young, enterprising immigrants seeking homes for life.

Why should the people of Texas desire war, and of all wars, one with Mexico? If they desired to suspend the development of the grand resources of the State, stop the completion of its internal improvements, open up a vast and beautiful country beyond it where the tide of immigration would inevitably flow—offer to her young men the ways of war with its vices instead of preserving the ways of peace with its virtues—it might be truthfully said that the people of Texas desired a war with Mexico. War would inflict upon Texas the most serious evils, and her people deeply appreciate the importance of preventing it. This Government has the power and can effectually apply the means which will preserve peace, and nothing will more certainly accomplish it than the adoption of these resolutions and a strict enforcement of them.

If neither insults to our national honor nor constant wrong to the people of Texas will move this Government to assert its power and shield that people from the cruel invasions of armed Mexicans, self-preservation will require that State to take care of its border by the most effectual means. The State heretofore, under the guidance of her patriotic governor, has endeavored to keep faith with all national obligations and the relations of this Government with Mexico, and has refrained from all acts calculated to disturb those relations. Her people have not only submitted to most grievous wrongs inflicted upon them by the subjects of that government, but have sustained an annual expenditure of large sums of money from the treasury of the State to aid in a defensive policy. Neither a due regard for its relations to the Government nor of the relations of this Government to that of Mexico can require longer submission of the people of that State to such encroachments and wrongs.

In view of all the circumstances, I may be allowed to appeal to the House to adopt these resolutions.

Whatever may be the result, we feel that the Texas delegation will in the future be held exempt from all evil and disastrous consequences which may flow from a failure to secure the adoption of these resolutions.

During the delivery of the speech of Mr. CULBERSON the following interruptions were made, which are appended in their respective order:

Mr. HURLBUT. Will the gentleman allow me one moment to give an authority on this subject?

Mr. CULBERSON. Certainly.

Mr. HURLBUT. When this matter was under discussion some time ago I laid down the principle that in the exercise of the right of self-defense a nation had the right to cross into the boundary limits of a country with whom they were on peaceable terms, provided the that nation neglected to fulfill its obligations, whether under treaty or under the general laws of nations.

Mr. YOUNG. Does the gentleman claim the right to do that without first a declaration of war?

Mr. HURLBUT. Certainly. Now that point is disputed, and I desire to read for the benefit of the House the law which I find in Halleck's International Law, page 96, and the authorities which are there quoted.

But it may be asked shall the state, which is suffering from the piratical incursions organized in and emanating from a neighboring state, do nothing in self-defense and for self-preservation? Must she wait until the invading force crosses her own borders before she can attack and destroy it? Not at all. If the neighboring state, from the want either of the will or of the ability, neglects to prevent such excursions, or to suppress such organizations, the threatened state may cross the frontier and attack and destroy the threatened danger. But the act is one of hostility, and she performs it in the exercise of her belligerent rights, not in the exercise of a pacific right of self-defense. It is not necessary that such act should precede by a declaration of war, nor, indeed, that it should be followed by a public and solemn war in form; nevertheless it is a belligerent act, justifiable, perhaps, by the circumstances of the case and the culpable neglect of the other party, and, as such, belongs to that class of hostile operations known in international jurisprudence as imperfect war, and which will be more particularly discussed in another chapter. (Wheaton's Elements of International Law, part 2, chapter 1, § 13; Grotius de Jure Belli et Pacis, liber 1, cap. 3, § 1; Burlamaqui's Droit de la Naturelle, &c., tome 5, part 4, chapter 3; Vattel, Droit des Gens, liv. 2, chapter 6, § 72.)

Mr. STEVENSON. I desire to ask the gentleman from Texas whether in his judgment it is not possible to defend the people there and to avoid all danger without the passage of the second section of this joint resolution?

Mr. CULBERSON. I will come to that directly.

Mr. CONGER. Will the gentleman allow me a question?

Mr. CULBERSON. Yes, sir.

Mr. CONGER. It is, whether the statement I made the other night, that the Mexican government denies the responsibility of that government for these outrages, is not a fact?

Mr. CULBERSON. I am coming to that in a moment. Now, it is said, and the gentleman over the way from Michigan [Mr CONGER] reiterates it, that the responsibility for these outrages on the Texas border rests conjointly on the people of Texas and Mexico, or else solely on the people of Texas. Now, I refer the gentleman from Michigan to the testimony of General Ord before the committee. He swears that he went down to Texas to take command. He had heard of the statements made in the book to which the gentleman referred

the other night, a book printed in 1873, and he went up and down the river from Manedo to the mouth of the Rio Grande to ascertain if those statements were true, and he swears positively and unequivocally that no instance could be found where a citizen of Texas had gone upon Mexican soil and committed depredations. To the same purport is the testimony of Captain McNally, a brave and gallant soldier in command of the Texas troops on that border.

Mr. CONGER. The point is not what the facts were, but what between the two governments was the conclusion of each government; what the assumption was that the Mexican government on the report of its own commissioners stood in the attitude of denying to our Government.

Mr. CULBERSON. I am prepared to show that that is false.

Mr. SCHLEICHER. Let me ask the gentleman from Michigan one question; did he ever read the report of the committee?

Mr. CONGER. I have read portions of it.

Mr. SCHLEICHER. Ah! portions of it.

Mr. CONGER. Yes. Now the point I wish to call the attention of the gentleman to was that the Mexican government, as such, denied their responsibility for these acts.

Mr. CULBERSON. I understand that.

Mr. CONGER. I do not know whether it is just, and I do not defend it.

Mr. CULBERSON. I understand your position. Now, sir, in addition to the testimony of Major-General Ord, who commands the Department of Texas, I want to call the attention of the gentleman from Michigan to the testimony of Secretary Fish.

[Here the hammer fell.]

Mr. HOOKER. I move that the time of the gentleman from Texas be extended twenty minutes.

The CHAIRMAN. That can only be done by unanimous consent.

Mr. CONGER. I hope there will be no objection, as the gentleman has been interrupted considerably.

Mr. STEVENSON. I think the gentleman from Texas is entitled to more time; I yielded to him a portion of my time, and I think he is perhaps entitled to an hour on his own account.

The CHAIRMAN. The Chair hears no objection, and the gentleman has twenty minutes longer.

Mr. CULBERSON. I call the attention of the gentleman from Michigan to the testimony of Secretary Fish.

Mr. HARRISON. Mr. Chairman, I dislike exceedingly to say anything in opposition to this joint resolution. I dislike it because the resolution is favored by all of the delegation from Texas, a delegation which is, I believe, entitled to as high respect as any other delegation in this House; every man of which is my friend. I dislike it, too, because the chairman of the committee who reported the resolution is a man whom I admire, and I know that he is with true German honesty in earnest in this matter. But, sir, I feel that it is my duty to oppose it. I cannot stand here and allow a resolution to pass this House which I believe will bring dishonor upon the American name and will make this House justly amenable to the charge of being willing to dishonor the American name.

Mr. STEVENSON. I desire to ask my colleague whether it is because he has objection to the first section of the joint resolution that he opposes it?

Mr. HARRISON. I have no objection to that; it is the second section to which I object. Sir, we are asked to allow the President of the United States to permit the soldiers of the United States to cross the Rio Grande and go into Mexico—for what purpose? In my opinion, sir, to catch, as I take from this very report itself, men who have gone from the American side, from Texas into Mexico, with Texas cattle. Sir, it is one of the most singular of the phenomena of the human mind that different men will look at the same subject apparently with equal brains and certainly with equal honesty, and they will see the facts in so different a light one from the other. The gentleman from Texas quotes from this report to prove that it is perfectly right that General Grant, at the head of the American Army, should send the soldiers of the United States into a peaceful sister-republic because of the facts that are shown in this report.

Now I have read this report with a great deal of care. I have also read the report from the Mexican side which has been animadverted upon. I do not now intend to make a speech. What I propose to do is, in a sincere and earnest belief that by so doing I will simply be doing my duty, to read from this report extracts which it seems to me ought to convince members of this House that they should vote against this second resolution.

Before I proceed to-day, however, I wish to say a word on another subject. There is another reason why I dislike to oppose this resolution; it is because it was so ably advocated by my distinguished friend from New York, [Mr. TOWNSEND,] who spoke an hour ostensibly in advocacy of the resolution, but never once referred to it. I dislike to oppose anything that that gentleman advocates. To me he has the roundest head I ever saw, not a bump upon it, and a mind equally in all its characteristics as round as the head that contains it. He says that he feels kindly toward the southerners, and all his milk of human kindness flows out toward them whenever he gets up here; that he does not want to say anything disagreeable to the people south of Mason and Dixon's line.

Now, the gentleman has certainly more winning ways to make the people of the South hate him than any other man I ever saw. He never gets up here that he does not say something that is an insult to a large portion of the members of this House. I cannot account for it, for I know that he is a gentleman and a man of kind disposition, unless upon the supposition that he is a good deal like a baby well fed and dandled upon its mother's knee. When it is perfectly full of milk a little shaking causes it to gush out very freely. Now, it must be that the gentleman every morning takes a full bottle of gall before he comes up here, and when he rises in his seat and shakes himself up the gall gushes out and flows over a portion of the members of this body.

Now, I do not think that is the way to bring back the fraternal feeling which once existed. The proper way is to regard every man, whether from the North or the South, the East or the West, as an American citizen, and to hold that when he comes into this Hall he is actuated by an earnest desire to do that which is best for our common country. I do not believe the best way is to be eternally hurling epithets into the faces of those from a different section from ourselves.

It may be all correct enough to charge against republicans from this side of the House, or against democrats on that side. We are from the same common localities, and it may be that my neighbor, a representative of the district next to mine, is a republican, and a democrat may be the representative of the district next to that of the gentleman from New York, [Mr. TOWNSEND.] But the southerners on this floor are the representatives of a whole section. It is true that such expressions will have the effect of throwing a fire-brand upon this floor and of enkindling hatred between the two sections of this country, which ought to cease.

Now, to come back. I propose to take this report, signed by the gentlemen on this committee, and to read extracts from it here and there. I shall make no logical argument, but will allow gentlemen to listen to these extracts and see if we are justified in directing the President of the United States to go into the territory of a government at peace with ours, into the territory of a sister republic, weak it is true, and to violate not only the sanctity of our treaties, but the sanctity of good fellowship.

We would not dare to introduce into this House a resolution to authorize the President of the United States to follow marauders into Canada. I say we would not dare do it, not because we are afraid of England, but because we know that the moment we pass such a resolution in this House England would consider it a declaration of war. My colleague [Mr. HURLBUT] says it is the right of any government to pursue marauding parties into the territory from which those marauding parties may come. That, as an act of emergency, would probably be justifiable to the United States. If there should be a marauding party coming from Canada into New York we might be justified in following that party into Canada; but that is a very different thing from coolly and deliberately passing a resolution by the Congress of the United States authorizing the President to follow these maranders into a foreign country.

Mr. HARRIS, of Massachusetts. Will the gentleman allow me to ask him a question?

Mr. HARRISON. Certainly.

Mr. HARRIS, of Massachusetts. I desire to ask the gentleman from Illinois whether he thinks, if the citizens of Canada committed depredations upon our northern frontier, and when we called upon England to protect our citizens from them she either neglected or refused, does he believe that the United States would not dare to invade Canada?

Mr. HARRISON. Yes, sir; I do say that we would not dare do it in this way; and saying this I use the word dare in a proper sense. We would do it by a declaration of war, not stealthily by ordering our troops to follow them. We would demand of England that she should protect our borders, and if she did not do that we would declare war. Before we would do that, too, we would order a commission to discuss the matter with England. We are not always so mighty brave. We cried out fifty-four forty or fight, and then back down to forty-nine; we have done that before.

Now, what is it asked that we shall do? We are asked to pass a resolution providing that the soldiery of the United States—I will read the resolution:

SEC. 2. That, in view of the inability of the national government of Mexico to prevent the inroads of lawless parties from Mexican soil into Texas, the President is hereby authorized, whenever, in his judgment, it shall be necessary for the protection of the rights of American citizens on the Texas frontier, above described, to order the troops when in close pursuit of the robbers with their booty to cross the Rio Grande and use such means as they may find necessary for recovering the stolen property and checking the raids, guarding, however, in all cases against any unnecessary injury to peaceable inhabitants of Mexico.

Ah! kind Government. We will say to the soldiery, Go into our sister-republic; follow these cattle-thieves, but do not injure peaceable inhabitants of Mexico; do not use any more force than is absolutely necessary; and yet the captain of a company or the colonel of a regiment is to be the judge of what is necessary! We are asked here calmly to pass a resolution to make the colonel of a regiment or the captain of a company judge of what is necessary when he goes into this sister-republic.

Now, sir, I am for dealing out the same even-handed justice to Mexico, if we pretend to be at peace with her, that I would to England with her bayonets bristling all along Niagara and the lake shores. I say if we cannot make Mexico protect our border, then order a com-

mission. Let this Congress direct the President to appoint a commission to meet with a commission from Mexico. If that fails, then let us be men enough to declare war. Do not let us take territory under the pretense of protecting ourselves.

The gentleman from Texas who has just taken his seat [Mr. CULBERSON] says that it will not bring on war, but that Mexico must be taught her duty. Ah, Mr. Chairman, the old hatred that was aroused at Alamo still rankles in the heart of a Texan. I do not wonder at it. The same old hatred which San Jacinto could not wipe out still rankles in him.

But my friend behind me says there is no hatred in the Texan, hatred of the Mexican. Yes, there is hatred in the Texan of the Mexican. *Carthago delenda est*, has been written upon the wall of every Texan's house, only the word Mexico takes the place of Carthago; and the Texan always reads it, and it will not be until Mexico, his Carthage, is destroyed that he will forget it. I cannot blame him for it. He suffered years ago outrages few civilized nations ever attempted to put on another. But it is our clear right in our calmness to prevent him from committing an outrage upon the people on the other side belonging to a sister republic.

Mr. SCHLEICHER. Permit me to send to the Clerk's desk to have read a short paragraph.

Mr. HARRISON. Certainly.

Mr. SCHLEICHER. I ask the Clerk to read what I have marked.

The Clerk read as follows:

On January 16, 1873, Mr. Hamilton Fish wrote to Mr. Nelson, then American envoy in Mexico:

"The federal government of that republic appears to be so apathetic on this subject, or so powerless to prevent such raids, that sooner or later this Government will have no other alternative than to endeavor to secure quiet on the frontier by seeking the marauders and punishing them in their haunts, wherever they may be. Of course we should prefer that this should be done with the consent, if not with the co-operation, of Mexico. It is certain, however, that, if the grievances shall be persisted in, the remedy adverted to will not remain untried."

Mr. HARRISON. All right, sir. Let us then try to do something with the consent and co-operation of Mexico. Let us ask her to meet us by commission. Let us treat this weak sister-republic as we would treat proud England, with her fortresses of the sea ready to protect her honor. Then if Mexico persistently refuses, or is powerless to curb her maraunders, why then, sir, we will proceed as a proud nation conscious of the right should proceed. Then, sir, if necessary let war be Punic. Then, sir, the world will justify our cry, Mexico *delenda est*. But not till then.

I say, let us try something else. Gentlemen say we shall pass this resolution even with the Chief Magistrate up in the White House, who has put his name high upon the pinnacle of fame, the man who knows his name will be handed down to the latest period of time because of his military triumphs, and with military pride ready for new triumphs. But even General Grant has not asserted that we should declare war by an overt act of this sort, but told us to try something else. Let us, then, try to do something else, and then, if something else cannot be done, we may *act*.

Now I am going to commence to read the report of these gentlemen, and I ask this House to listen to it, and simply to do what is right. As I said, it is strange how men will learn the same facts, and yet look at them with such different eyes. Here is this Captain McNally, the chivalrous and bold, as the gentleman says, and let us see what he says about this territory.

And by the way, Mr. Chairman, as you will find in reading this testimony, there is a range of two hundred miles along the Rio Grande where cattle are permitted to range from the far northern to the far southern borders—a range of two hundred miles where they are allowed to range far from their owners, protected by nothing but marks, and, as I shall show before I get through by quotations from Texan papers, these marks are removed and others branded upon them by the Texans themselves. And these cattle, which range two hundred miles away from their owners, are stolen by men and carried across the border, as it is proved in the testimony, by men living in Texas, claiming allegiance to the United States flag, claiming the protection of the United States, and that the juries in Texas dare not convict them.

Mr. SCHLEICHER. I should like the gentleman from Illinois to tell me where he finds any such testimony.

Mr. HARRISON. I find it here in the testimony printed in this book.

Mr. SCHLEICHER. Then I hope the gentleman will lay it before the House, so we may see it.

Listen to what John S. McCampbell swore to before this committee:

By the CHAIRMAN:

Question. You say that the owners of American ranches do not generally live upon their ranches?

Answer. A great many of them have removed from their ranches. There are some still living on them. Captain Kennedy and Captain King, for instance, live on their ranches; but a good many other Americans have removed from their ranches to Corpus Christi, and are living there. Nearly all above there are stock-raisers; and they would not keep their families out on the ranches at all, on account of the dangers to which they would be exposed.

By Mr. WILLIAMS:

Q. The farms there are principally stock farms, I suppose?

A. They are stock farms principally. There is some little planting done about San Diego; but the country generally is a stock country, for the raising of sheep, cattle, and horses.

By Mr. HURLBUT:

Q. Are the courts still held in these counties?

A. Yes; in the Rio Grande counties.

Q. You have stated that you were compelled to abandon your own law practice there on account of what you believed to be a risk to your life?

A. Yes; that is, my practice on the Rio Grande.

Q. Has there been any obstruction to the administration of justice in that region of country by the ordinary courts?

A. I cannot answer that, because the judges go and hold court; but, as a general thing, they cannot convict. They cannot well convict a man for stealing cattle there: at least it is very hard work.

Q. Why not?

A. You could not get a man indicted for cattle-stealing in some of the river counties.

Q. Why not?

A. The Mexican jurors are afraid of their lives. If they would bring a bill of indictment against a cow-thief, or a raider from the other side of the river, those raiders would kill them.

Q. Then I understand you that there is such a reign of terror there that men do not venture to appear before a grand jury, and that a grand jury does not venture to indict for fear of consequences that might follow to witnesses and jurors?

A. Yes; I make that statement in reference to these counties, especially Starr, Zapata, and Hidalgo.

Q. Does there exist in these counties any military organization under the laws of the State of Texas?

A. None, that I know of.

Q. Is there, in your judgment, sufficient force there in the form of military organizations, or *posse comitatus*, if ordered out by the sheriff, to repel that class of raiders whom you have spoken of?

A. No, sir; I do not think it possible to keep them repelled. It might be possible for the sheriff to get enough men together to whip one of those parties; but the Mexican citizens who live out there are very reluctant to go in pursuit of raiders, because, if they fail to catch and capture them and if their efforts are known, their ranches will be no more, and themselves, too. They have to act very cautiously. I mean the Mexican citizens who live there.

Q. Then I understand you to state substantially that the civil authority, as it exists there, is, in your judgment, powerless either to prevent or punish those raids?

A. I think it is powerless to prevent those raids; and it is powerless to punish them because the raiders cannot be caught under present organization.

Here are men on this side aiding in or directly stealing cattle, and the Texan authorities do not or cannot punish. And therefore we are asked to pass this resolution directing our soldiers to violate the territory of a sister-republic with whom we have sacred treaties.

Mr. SCHLEICHER. They are all living on the other side. There are none on this side.

Mr. HARRISON. I will get it on this side.

Mr. SCHLEICHER. Excuse me. You have made a mistake. They are living on the other side, but are known on this side, because there is only a mile or two between.

Mr. HARRISON. I will give the facts as I get to them. I will commence reading at the beginning. It will not be methodical, but it will show my points. John S. McCampbell is asked, "If you could not get a man indicted for stealing in some of the river counties"—the river counties of Texas on the Rio Grande—"and why not?" He says: "Why, the Mexican jurors on this side, that is, men speaking Spanish, and claiming to be our people, are afraid of their lives. If they would bring in a bill of indictment against a cow-thief or a raider, these raiders would kill them."

Mr. REAGAN. Will the gentleman allow me a moment?

Mr. HARRISON. Certainly.

Mr. REAGAN. Does the gentleman not know that the witness is speaking of the terror produced in the minds of Mexicans on this side of the river by those raiders? It is the terror of those raiders that prevents them from indicting them.

Mr. HARRISON. I know that; but I contend if you cannot punish a thief caught on this side by your own courts, then do not ask the United States to violate the territory of a sister republic and follow the raiders into that territory. Protect your own territory; protect it by your laws, by your jurors, if possible; if necessary by your soldiery; but do not practice upon the weakness of a sister republic.

Mr. SCHLEICHER. Will the gentleman allow me one moment?

Mr. HARRISON. Yes, sir.

Mr. SCHLEICHER. The gentleman says we should protect our own territory. Now he will find in the evidence of General Ord that General Ord says he has never had force enough to hold the open country against those raiders; that they held the country against even the military force of the United States.

Mr. HARRISON. I do not argue one word against the first portion of this resolution. It is the last portion that I object to. Let us see what Captain McNally says further. In speaking of this side of the Rio Grande, he says:

The country is filled with numbers of armed Mexicans.

Mr. SCHLEICHER. Excuse me. That is on the other side of the Rio Grande.

Mr. HARRISON. It is on this side of the Rio Grande. And is that Mexico?

Mr. SCHLEICHER. He does not say so. Read the commencement of the sentence you have referred to, and you will find that it is on the other side.

Mr. HARRISON. I will read the whole sentence.

The country is filled with numbers of armed Mexicans; and it is a most common sight to see four or five or six men, well armed and mounted, whose business no one knows. If you ask them who they are, they will say, "We belong to a ranch fifteen or twenty miles distant," or, "We are trading stock," or, "We have been visiting Brownsville or Matamoras," or, "We belong on the other side of the river," or, "We are going to our employer's ranch in the interior," or they may claim to belong

to some neighboring ranch. We know nothing of them, and if we take them to the ranch to which they say they belong the servants of the ranch generally without hesitation verify their statement, in many instances from friendship, most frequently from fear. The Mexican owners of ranches on this side of the river, those who are citizens of Texas, are almost to a man as much opposed to this system of raiding as the American citizens of Texas are. Many of them have not nerve enough to take an active, decided stand against it, either by giving information or by personal assistance.

And the witness is speaking of his endeavors to protect cattle on this side of the Rio Grande.

Why do not you kill them? Why do not you arrest them, take them and put them in jail, hang them; "shoot them on the spot?" But do not send our soldiery over to the other side to arrest them, and in doing so violate our treaty with a sister republic. She is weak and perhaps revolutionary, and would be an easy prey to us. They maraud upon us and steal cattle, and we are asked to pass a resolution here which will direct our soldiers to maraud upon them. But with Christian charity we bid them do no *unnecessary* act to peaceable inhabitants of Mexico! O, considerate committee! O, kindly resolution! Sir, never will I consent to so dishonor my proud country as to vote for this gentle resolution. "Get rich my son; honestly if you *can*—but *get rich*."

Mr. REAGAN. Will my friend allow me to interrupt him again? Mr. McNally in that testimony is explaining the very difficulty to which General Ord has referred, the difficulty of identifying these Mexicans among the Mexicans that live on this side of the river, and showing the subterfuges to which the raiders and murderers and cattle-thieves resort to prevent detection.

Mr. HARRISON. I admit all the gentleman says. I admit there are outrages; but I claim the American Government should protect our citizens against these outrages, but not by violating other territory. Let us have courts, and if jurors on this side, sworn to do their duty, will not convict cattle-thieves, do not let us blame the Mexicans and follow the thieves over there. Let us inflict no more hardship on peaceable Mexicans than the circumstances would demand. Captain McNally or Mr. McCampbell (I will not stop to see which) says:

A large proportion of the Mexican population on this side of the river have their homes on the other side. They live over here, and are employed on this side, but they claim no citizenship here, and they are in active, direct sympathy with the raiders. They are their kinsfolk, their cousins, uncles, and brothers—for it seems to me as if all the Mexicans on both sides of the river are relatives.

Now, sir, these men live over here; and a little further on I will show that some of them are citizens.

Mr. SCHLEICHER. Does Captain McNally not say that they are in active sympathy with the raiders? Consequently they are not the raiders.

Mr. HARRISON. I admit it; but I claim that you should punish them by law on this side, and not follow them to the other side. I claim that you shall not permit the violation of the territory of a country with which we are at peace, because marauders, one-half of them living on our side, claiming when they are attacked to be American citizens, are stealing our cattle, and we cannot by Texan jurors convict them.

Now, sir, another question was put to Captain McNally.

Q. To your knowledge, is there any raiding from this side on the other side?

Mr. SCHLEICHER. Read on.

Mr. HARRISON. There is a mark in the report here, but that is not what I intended to read. He says he does not know of any.

Mr. SCHLEICHER. Read what he says about it.

Mr. HARRISON. He says:

I made inquiries about that when I went down and during the time I have been there, for the last ten or eleven months. I have not even heard of a single charge made by any Mexican either on this side or the other side of the river of any Texan crossing the river for such a purpose.

I never charged that. I do not believe it; I would not believe it; I do not want to believe it. I read further from Captain McNally's evidence. We are asked to pass a resolution to direct the soldiers to follow cattle-thieves into Mexico, to violate Mexican territory, and we are told it will not bring on war. McNally says—I think I am reading from McNally's testimony; but it is at least from one of the witnesses here in the report—page 11:

I have no idea that any number of Americans, unless, possibly, four or five or six hundred strong, could cross the river and succeed in getting back. If they did, they would have to move very rapidly.

By Mr. LAMAR:

Question. Do you mean to say that, on the Mexican side of the river, they could bring together a force which would overpower five hundred armed men?

Answer. Yes; at any time within twenty-four hours. If five hundred of the best troops we can get were to cross the river, go four miles into the interior, and remain twenty-four hours in one place, I have not the remotest idea that they would ever return. I speak as a soldier. I served four years in the confederate army. I have met some of these Mexicans out there, and they are men who stand killing splendidly. They have an organization on the other side called the "rural police." The chief man is the owner of a ranch, or the superintendent, as the case may be. He is not an alcalde. I believe they call them *encargados*. He is a civil officer, and has some of the functions of a civil officer. He sends an alarm to one ranch, and it is spread from ranch to ranch in every direction. Men carry the news very rapidly—at least fifteen miles an hour. The men are all mounted, and very well armed. These frontiermen are armed with Winchester rifles and carbines, and quite a number of them with Spencer rifles. I do not know where they got them, but I believe they bought them (the Spencer rifles) at Fort Brown, at some Government sale. They gather rapidly, and are very patriotic.

And yet we are asked to order our soldiers across the river to recover cattle whose owners live two hundred miles away, who have turned their cattle loose with only a small brand upon them. Our soldiers are to be ordered to follow these cattle where only four or five hundred men can go with safety, and we are told it will not bring war upon us. Your Army is to be ordered in companies to follow these marauders where Captain McNally says that in twenty-four hours they could raise enough men to overpower five hundred of our soldiers; and yet it is said that would not bring on war. In one place McNally says that it will not have any effect, and in another place he says that they will be overpowered if we send five hundred men. Suppose you send your soldiers over there and have them murdered as Custer and his command were murdered by Sitting Bull and his men, then war with Mexico will be the watchword and "On to Mexico!" will be the cry, at least until after the election is over.

Sir, let McNally be heard again as to the Texan laws:

By Mr. HURLBUT:

Q. State whether there is sufficient power under the laws of Texas to stop and investigate the character of suspected persons in that belt of country.

A. No, sir; there is not.

Q. Can you, bearing a commission as you did from the governor of Texas, lawfully stop and detain any person on the high-road whom you suspect to be in this business?

A. I cannot.

Q. State whether in your judgment it would not be necessary for the thorough protection of that frontier to give the extraordinary powers that belong to military officers in a district under martial law.

A. I think that we could find a better remedy than the declaration of martial law in that district. Martial law would certainly work a great many hardships to innocent persons, as it always does. Our civil code practice has very many objections and difficulties. These people who raid on Texas are not claimed by Mexicans as citizens of that country. They say that they are outlaws and murderers, and that as far as they are able they stop their crossing, and they want us to assist them in doing so. They desire that we shall render them all the assistance in our power to break that system up. I believe that if orders were issued to our military authorities to pursue these bands to the other bank of the river, and punish them so severely that the pay they got for crossing a herd of cattle would not compensate them for the risk they run in making the raid, it would be the most effectual and rapid way of breaking this thing up, without subjecting any innocent parties to harm. In carrying out that policy there is no probability that one innocent man would suffer.

Ah, yes! we have peaceable people on the other side of the Rio Grande wanting us to help them to break up this system. And you are told you must send your soldiers over there and do more violence to these peaceable citizens. These Mexicans want to be at peace, and we are told that because this Government has not an arm strong enough to keep our own thieves from stealing our property and escaping to the other side, we must go over to the other side, using no more force than is absolutely necessary.

Now here is another place:

Question. And you think that if the Mexican government were to allow United States forces to penetrate that territory, the people of Tamaulipas would not revolt?

Answer. I do not think the government of Mexico would pay any attention to it. I do not think the government would ever know it, officially, at the city of Mexico.

Here we are told to send them there, and that the Mexican government can know nothing about it, and that when they come back again the government at the city of Mexico will have no knowledge of their proceedings.

Here is another question:

Q. I suppose that you are aware that sending a body of troops under the flag of the United States into a country with which we are at peace is a declaration of war?

A. I hardly think so. I do not know of any writer on international law who does not agree to the principle that where a nation is unable or unwilling to restrain its turbulent people from depredating on a neighboring territory, the nation so depredated upon has the right to pursue these robbers into their fastnesses across the line, and there to punish them for their offenses.

"A Daniel come to judgment," "yea, a very Daniel!" American citizens, or those claiming to be citizens, steal Texan cattle and escape over the border, and he knows of no international law that will prevent our following them and catching them on the other side. I do not believe that the people of the United States would stand quietly for fifteen minutes—ah, I will put it at that short space of time—when the telegraph should bring over the wires the news that a body of red-coated Englishmen had followed escaping criminals over into New York or Vermont. The whole nation would fire up, and the minute-men would leave their plows and hurry to the frontier; but here is a weak, a miserable republic that cannot take care of herself, and we are to send our soldiery over her borders.

Mr. Chairman, I say let us go to Mexico and demand of the government of that republic that if it cannot protect us from these wrongs we will take the matter into our own hands; but we should not pass a resolution here as an insult to her, and which she would be forced, in her pride, to consider a declaration of war.

I quote now from the testimony of General William Steele:

The inhabitants along the lines of the river are mostly Mexican-speaking; whether they are mostly citizens who expect to remain there or whether they are fugitives, I do not know; I think the latter are the largest class.

In Hidalgo County, at the same time, I inquired of him how many Americans there were. "Americans" is the general term for all English-speaking persons, those from the North. He told me there were ten. I asked him if there were any others who spoke English. He said there were three others, making thirteen in that county who spoke English. It is that large portion of floating population there who have produced such a state of terror upon those who really have the interests of the country at heart, that if they should see a drove of cattle being taken across the river they would be afraid to say a word. Many have been killed because they talked too much.

The people living on the borders speak Mexicano, and here is where the thieves are harbored. And it is among these people we should operate. There is the field for our labors. Make them within our

own borders behave themselves. Declare martial law if no other law can be enforced. We had better do that to our own citizens than to allow our military men to go over the border and insult a sister republic. Captain McNally in answer to this question, "State to the committee what your means and facilities of information were about these raids," says:

After being on the river for some weeks, I found that I could employ for money Mexican cattle-thieves as spies; I made inquiry about the character of the men who composed the various bands on the opposite bank, and I found they were organized into bands of fifteen or twenty or thirty, according to the size of the ranch at which they live. I made inquiries into the personal character and reputation of the individuals of the band, and I selected those whom I knew to be tricky, and secured interviews with them. I made a proposition to them to sell their companions, tendering them handsome rewards, and promising to pay them more than they could make by raiding. For instance, if twenty of them crossed the river after a herd of cattle, and got two hundred head, the share of each of them would come to so many dollars. I proposed paying them $10 apiece for every one of their companions whom they would locate so that I could get in sight of them while on our side and in possession of stolen cattle. Then, if they escaped me, very well; I would still pay the amount, $10, for each one; that is, if they would notify me that they were going to cross the river on a certain day, and if they would place me at a certain point where I could see these men in the act of driving cattle, I would give them $10 apiece for each one that I saw in that manner, whether I succeeded in capturing the parties or not; and, if it was a strong party and well armed, I was to give $15 apiece, besides giving them a regular salary of $60 a month. All those whom I approached readily entered into my plans, and without any exception, I found them to be reliable and trustworthy.

The Mexican thieves can be hired for $15 apiece for each thief pointed out; and this wonderful Captain McNally found these thieves trustworthy.

Mr. REAGAN. I trust the gentleman will not pervert the testimony in that way. He was giving $15 apiece besides giving them a regular salary of $60 per month.

Mr. HARRISON. That is correct. They were to have $15 apiece and $60 a month, and he says that they were trustworthy, and yet in another place he says they are thieves. Why not employ them as spies on this side? Why do you send them to a sister republic because it is in a half-defenceless condition and almost in the state of revolution?

Sir, this is a proud and grand Government of ours. I want to see it always conducted as a proud and grand Government. Let our Republic deal with a weak sister as if that sister were her own peer. She is our peer in nationality; let us deal with her as if she were our peer in strength, and then we shall hand our name down to the future in honor.

I would inquire, Mr. Chairman, how much time I have?

The CHAIRMAN. The gentleman has twenty-five minutes more.

Mr. HARRISON. General Steele says that in Hidalgo County only ten or fifteen speak English.

Now, there is a county with apparently only ten or fifteen persons in it who can speak the English language, and they would be afraid to say a word "if they should see a drove of cattle being taken across the river." And we are asked to let these men steal cattle and drive them past these men, and then to send our troops over on the other side and catch them, "using no more force than is necessary." Now that is not the way one nation should deal with another. If our nation deals so with a proud nation it is war; and if with a weak nation, it is a dishonor to ourselves, and I am unwilling to dishonor America.

Mr. WILLIAMS asks Steele:

Have you any reason to believe that the people on our side were co operating with them?

Answer. There are people living on this side who do that, but they can hardly be classed as citizens. In fact, it is very hard to define who is a citizen there. In this report of this county they are given as residents and citizens, and the residents largely outnumber the citizens. Many of these residents are mixed up with smuggling on this side. The Free Belt, where goods are admitted free of duty, affords fine opportunities for smuggling all along there.

That is, the Americans, men living there under the protection of Texas and United States laws, steal cattle from our own people, and we are asked to allow our troops to follow them into the territory of a foreign government. I say put an army there if possible, and whenever a man is seen who cannot give a proper answer as to what his business is arrest him. If you want to commit an outrage do it in the United States, and not on the other side of the line. If you want to commit an illegal act, do it in this country. Let General Dix go there, and whenever he sees a man driving a herd of cattle shoot him on the spot, and do not follow him into Mexico.

I will now quote from General Ord, who, speaking of the thieves on the Texan side, says:

These vagabonds on the northern side of the river are frequently in collusion with the robber-bands from Mexico, and for that reason the Mexican government states that those raids are not committed by Mexicans, but are committed by Americans, because some of these same fellows may have probably been naturalized, or had obtained some right under the Texas laws, which are very liberal, to remain there, and to have the benefit of citizenship; but they are nevertheless Mexicans.

Question. You do not apply that to the entire Mexican population on our side?

Answer. Not at all; only to the roving class, who have no permanent home. The best class of Mexicans are just as anxious as the American stock-raisers are to put a stop to these raids, and quite a company of them co-operated very actively in the recovery of the cattle by Captain McNally and Captain Randlett, when they crossed the river recently.

Q. Have you ever been on the opposite side of the river?

A. I have been.

This report here denies there are any such on the other side of the river. This report says the reason they say so is that these robber-bands come from the other side to help them.

Here is what Lieutenant Beacom tells about his horses being stolen, and he went quietly over into Mexico:

Early the next morning, accompanied by two soldiers and two Mexicans, I again crossed the river, and by circuitous routes followed the trail as far as the town of Guerrero, Mexico, accompanied by one Mexican, having left the other with the two soldiers on this side. I entered the town, obtained the assistance of the officials of Guerrero, and in two hours the thieves had been captured and horses with their trimmings in my possession

It is very curious that our soldiers can go over there and recover their horses, but we cannot catch these fellows who steal cattle which have wandered away two hundred miles from the owners. We are asked to give authority to follow them with our soldiers and violate the territory of our sister republic. I am with you, gentlemen, in putting in the hands of the President soldiers and power enough to protect you, but let the soldiers remain on this side the line. I have friends in Texas, and some of them not far from this border. I would like to have them protected, but I will never by vote consent that this House shall vote power to the President of the United States to order the soldiery of the United States across the border of a government with which we are at peace to arrest these thieves, "using no more force than is necessary." That is a pretty phrase, "necessary violence;" but the officer is to judge of that.

Now here is what Colonel Edward Hatch says, speaking of men who he was certain were cattle-raiders on this side the Rio Grande:

They are represented as citizens of Texas, and should the military make any arrests, they will be so considered until we can catch them in a body armed.

Speaking of certain ranches, he says:

The people of the ranches are Mexicans, and few have declared their intention of becoming American citizens. In this precinct there are nearly one thousand families, with eleven registered voters, five of whom are entitled to vote.

That is, they are considered Texans, and until we can catch them in a body armed we are utterly powerless to make arrests. Texas laws protect these marauders, and our soldiery dare not arrest them unless we see them in armed bands. And yet we are asked here to allow our soldiers to cross over the border. Now, I would do to Mexico as I would do to a nation that had behind it battalion after battalion to protect her borders. Then you would do as an honorable and high-toned nation should do.

Now here are some extracts from Texan papers which I take from the report of the Mexican commission:

Many stock-raisers of Refugio County have been in our city for several days examining hides by virtue of injunctions, of which they bring their pockets full. They seem to be exasperated from having found the remains of animals killed on the pasture, evidently for the purpose of taking hides.—*Goliad Guard.*

A commission of property-owners have arrived in our city (San Antonio) in search of stolen hides taken from dead animals. We have been advised that a large number of troublesome lawsuits have been instituted against several of our merchants to whom hides have been consigned for sale.—*San Antonio Weekly Herald*, March 8, 1873.

An organized band of cattle-thieves, under the leadership of the notorious thief Alberto Garza, are scouring Nueces and Duval Counties; said band numbering from twenty to thirty men.

The last number of the Gaceta, of Corpus Christi, gives an interesting account of the operations of these banditti, who killed and flayed in one place two hundred and seventy-five heads, in another three hundred, and in another sixty-six.—*Daily Ranchero*, Brownsville, March 1, 1873.

Another newspaper, referring to this same band and to the ineffectual persecution of it, says:

We believe that the cattle-owners of the Nueces and Rio Grande ought to do something better than to run after these robbers. They must direct their attention to the buyers of hides. A little discipline exercised against these supporters of thieves will soon put a stop to the trouble. If there were no buyers the thieves would soon take another course. The merchant who buys from the thieves is worse than the thieves themselves. He is only one, but he turns twenty into scoundrels, trusting in his position to save himself from reproach and censure.—*The Sentinel*. May 2, 1873.

This ranch carries on another speculation, which consists in branding all the young cattle that can be found, regardless of their owners. * * * It is said that some men of the Nueces County not far from here came and collected all the calves they could find and branded them for the benefit of those whom they serve. If this business continues nothing will be left to our stock-raisers but their corrals and wells.—*The Sentinel*, Brownsville, February 11, 1873.

There are many persons on this side (Texas) who maintain themselves by cattle-stealing. The peculiar character of our Mexican population, combined with the advantages of a very scattered population and the dense thickets, makes this cattle-stealing a very profitable business. Where there is fire there is smoke. This old proverb occurs to us when we hear it said "such or such a person has made his living by cattle-stealing." We know they cannot be reached by our tribunals. They have many able friends. * * * The public opinion certainly accuses many among us of being implicated in cattle-stealing.—*Daily Ranchero*, Brownsville, February 10, 1872.

Here is quotation after quotation showing that cattle are being stolen and branded and killed in Texas whenever they are caught away from their own localities, and we are asked therefore to pass a resolution that would dishonor the good name of our country. It may be very fine for gentlemen to forget their own country's honor in their hatred for Mexico; but the time will come when they will thank the Congress of the United States for refusing to pass this second resolution. I will vote for the first, but I will never vote for the second, nor do I think this House ought to do it.

I now yield the balance of my time to the gentleman from Texas, [Mr. REAGAN.]

Mr. DUNNELL. The gentleman promised to yield to me.

Mr. HARRISON. That is true.

Mr. DUNNELL. If the gentleman from Texas [Mr. REAGAN] desires to go on now, I will give way to him.

Mr. FOSTER. It is now nearly five o'clock, and I ask the gentleman to give way to a motion that the committee now rise.

Mr. REAGAN. If I can be recognized as entitled to the floor, I will give way for that motion.

Mr. FOSTER. I move that the committee now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker *pro tempore* having resumed the chair, Mr. MONROE reported that the Committee of the Whole on the state of the Union, pursuant to the order of the House, had had under consideration the joint resolution (H. R. No. 96) to provide for the protection of the Texas frontier on the Lower Rio Grande, and had come to no resolution thereon.

GEORGE H. GIDDINGS.

Mr. HANCOCK, by unanimous consent, introduced a bill (H. R. No. 3888) for the relief of George H. Giddings; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

LEAVE OF ARMY OFFICERS.

Mr. REAGAN. I move that the House now adjourn.

Mr. BANNING. I ask the gentleman to yield to me for a moment.

Mr. REAGAN. If it will not interrupt the regular order of business.

Mr. BANNING. I ask unanimous consent to take from the Speaker's table House bill No. 1692 to amend an act approved May 8, 1874, in regard to leave of absence of Army officers. It has come back from the Senate with a single amendment, to which I think there will be no objection.

No objection was made; and the bill and amendment were taken from the Speaker's table.

The amendment of the Senate was read, as follows:

In line 4, after the word "allowed," insert the words "in the discretion of the Secretary of War."

Mr. BANNING. I move the amendment of the Senate be concurred in.

The Senate amendment was concurred in.

Mr. BANNING moved to reconsider the vote by which the amendment of the Senate was concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

REAL-ESTATE POOL.

Mr. GLOVER, by unanimous consent, from the Select Committee on Real-Estate Pool and Jay Cooke's Indebtedness, reported testimony taken by that committee, and moved that it be ordered to be printed and recommitted.

The motion was agreed to.

LEAVE OF ABSENCE.

Leave of absence, by unanimous consent, was granted in the following cases:

To Mr. WHITE for one week;
To Mr. GOODE for three days;
To Mr. CHAPIN for eight days;
To Mr. WILLIAM B. WILLIAMS for four days;
To Mr. JOYCE for ten days; and
To Mr. CASWELL indefinitely after the thirteenth instant.

ENROLLED BILL.

Mr. BAKER, of New York, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled an act (H. R. No. 2404) for the relief of John S. Dickson, late captain of paroled prisoners; when the Speaker signed the same.

ARMY APPROPRIATION BILL.

The SPEAKER *pro tempore* announced that he had appointed as one of the conferees on the part of the House on the disagreeing votes of the two Houses on the Army appropriation bill Mr. BANNING instead of Mr. RANDALL, who had asked to be relieved from service.

The motion of Mr. REAGAN was then agreed to; and accordingly (at four o'clock and fifteen minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and other papers were presented at the Clerk's desk under the rule, and referred as stated:

By Mr. CONGER: The petition of Colby Short, late a private of Company L, First Regiment Michigan Cavalry Volunteers, for the passage of an act to enable him to receive an honorable discharge from the military service, to the Committee on Military Affairs.

Also, the petition of Sarah J. Cowell, the widow of James T. Cowell, deceased, late a private in Company C, Fifth Regiment Michigan Volunteer Infantry, for a pension, to the Committee on Invalid Pensions.

Also, the petition of Arthur P. Randall, of Watertown, Michigan, late a private in Company M, of the First Michigan Regiment of Engineers and Mechanics, for a pension, to the same committee.

By Mr. FAULKNER: Papers relating to the claim of Dr. Francis Tumblety, for compensation for damages on account of incarceration of himself in the year 1865 by United States military authorities, to the Committee on Foreign Affairs.

By Mr. THOMAS: Papers relating to the claim of John H. Tolson, for indemnity for the loss of the schooner Ann and her cargo, sunk in the Patapsco River by colliding with the United States steam-tug Robert Leslie, to the Committee on Commerce.

IN SENATE.

THURSDAY, *July* 13, 1876.

The Senate met at twelve o'clock m.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Journal of yesterday's proceedings was read and approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. G. M. ADAMS, its Clerk, announced that the House had passed the following bills; in which the concurrence of the Senate was requested:

A bill (H. R. No. 36) to restore the name of Captain Edward S. Meyer to the active list of the Army;

A bill (H. R. No. 800) relating to the promotion of commodores on the retired list of the Navy;

A bill (H. R. No. 2118) to provide for the construction of military posts on the Yellowstone and Muscleshell Rivers; and

A bill (H. R. No. 2653) making appropriation for the improvement and repair of the military road between Springfield and Fort Randall, in the Territory of Dakota.

The message also announced that the House had passed the following bills:

A bill (S. No. 123) for the relief of Philip S. Wales, medical inspector in the United States Navy;

A bill (S. No. 894) to provide for the sale of the Fort Kearney military reservation, in the State of Nebraska; and

A bill (S. No. 928) for the relief of Albert W. Preston.

The message further announced that the House had passed the bill (S. No. 779) to provide for the sale of the reservation of the confederated Otoe and Missouria Indians in the States of Kansas and Nebraska, with amendments; in which it requested the concurrence of the Senate.

The message also announced that the House had passed a concurrent resolution authorizing the conference committee on the bill (H. R. No. 3411) for the repavement of Pennsylvania avenue to make certain corrections in their report; in which the concurrence of the Senate was requested.

The message further announced that the House had concurred in the resolution of the Senate for the printing of 10,000 copies of the report of the Commissioner of Education for 1875.

ENROLLED BILL SIGNED.

The message also announced that the Speaker *pro tempore* had signed the enrolled bill (H. R. No. 2404) for the relief of John S. Dickson, late captain of paroled prisoners; and it was thereupon signed by the President *pro tempore*.

EXTENSION OF LEGISLATIVE SESSION.

The PRESIDENT *pro tempore*. Is there objection to continuing the legislative session for morning business, the presentation of petitions and matters of form?

Mr. EDMUNDS. Subject to a call for the regular order.

The PRESIDENT *pro tempore*. The Chair hears no objection.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a message from the President of the United States, transmitting, in compliance with a resolution of the Senate of the 7th instant, a report from General W. T. Sherman, together with the most recent reports received from Brigadier-General A. H. Terry as to demonstrations by the Sioux Indians; which, on motion of Mr. PADDOCK, was ordered to lie on the table and be printed.

PETITIONS AND MEMORIALS.

Mr. KERNAN presented the petition of over 600 seamen of the merchant marine of the United States, praying for the passage of the bill (H. R. No. 3187) to amend title 53 of the Revised Statutes relating to merchant seamen; which was referred to the Committee on Commerce.

He also presented the memorial of the commissioners of emigration of the State of New York, and others, calling the attention of Congress to the present condition of the emigration laws resulting from the decision of the Supreme Court of the United States declaring the State laws on that subject unconstitutional and void, and in favor of speedy legislation by Congress in regard thereto; which was referred to the Committee on Commerce.

Mr. SHERMAN presented a petition of citizens of the State of Iowa, praying for the adoption of such legislation as will quiet the titles of actual settlers to certain lands in that State, embraced within the limits of the Des Moines River grant; which was referred to the Committee on Public Lands.

Mr. MORRILL presented the petition of B. D. Carpenter, of the District of Columbia, praying that his claim against the United States for property taken and appropriated by United States troops be referred to the Court of Claims for adjudication; which was referred to the Committee on Claims.

REPORTS OF COMMITTEES.

Mr. CONKLING, from the Committee on Commerce, to whom was referred the bill (S. No. 981) for the better protection of life and property at sea, asked to be discharged from its further consideration, and that it be referred to the Committee on Naval Affairs, the

same subject being in another form before that committee; which was agreed to.

Mr. SHERMAN, from the Committee on Finance, to whom was referred the bill (H. R. No. 2922) to authorize the Secretary of the Treasury to make allowances for compensation to collectors of internal revenue who went out of office prior to February 8, 1875, upon final settlements of their accounts, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. No. 972) authorizing the commissioners of the District of Columbia to issue certificates in the case of loss or destruction of registered certificates or bonds of the District, reported adversely thereon; and the bill was postponed indefinitely.

Mr. COOPER, from the Committee on Finance, to whom was referred the bill (H. R. No. 1713) for the relief of Berthold Loewenthal, of Chicago, Illinois, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (H. R. No. 256) for the relief of Herman Hulman, of Terra Haute, Indiana, reported adversely thereon; and the bill was postponed indefinitely.

Mr. CAPERTON. I am directed by the Committee on Claims, to whom was referred the petition of Marie Louise Perrin and Trautmann Perrin, praying for compensation for the destruction of their property by the bombardment of Greytown, Central America, to submit an adverse report thereon. The Senator from New Hampshire [Mr. WADLEIGH] may desire the adverse report to be placed upon the Calendar.

The PRESIDENT *pro tempore*. That order will be made if there be no objection.

Mr. CAMERON, of Wisconsin. I am directed by the Committee on Claims, to whom was referred the bill (S. No. 56) for the relief of loyal citizens of Loudoun County, Virginia, therein named, to report it adversely, with a recommendation that the bill be indefinitely postponed. At the request of some persons who are interested in the bill, I ask that it go upon the Calendar.

The PRESIDENT *pro tempore*. The bill will be placed upon the Calendar, with the adverse report of the committee.

Mr. WRIGHT. Yesterday morning I reported adversely from the Committee on Claims the bill (S. No. 185) declaring the effects of permits to purchase products of the insurrectionary States in certain cases granted by the President of the United States, being somewhat general in its nature, and recommended its indefinite postponement. I now report from the committee the petition of Rees B. Edmondson, who prays relief in one of the cases proposed to be covered by that general bill, and I ask to be discharged from its further consideration. There is no written report in this case, but the written report upon the general bill is sufficient, as it covers all the points that are made in this petition.

The report was agreed to.

Mr. WHYTE, from the Committee on Naval Affairs, to whom was referred the petition of Daniel G. Wright, administrator of the estate of Samuel T. Anderson, formerly naval storekeeper, United States Navy, praying for the allowance and payment of claims alleged to be due the estate of said Anderson for services rendered during the war of 1812, submitted a report thereon, accompanied by a bill (S. No. 986) for the relief of the administrator of Samuel T. Anderson.

The bill was read and passed to the second reading, and the report was ordered to be printed.

Mr. COCKRELL, from the Committee on Claims, to whom was referred the petition of Joseph Ritzell, of West Virginia, praying compensation for the use and destruction of his property in that State during the late war, submitted an adverse report thereon; which was agreed to, and ordered to be printed.

RIVER AND HARBOR BILL.

Mr. ALLISON. I desire to give notice that at the earliest possible moment the Committee on Appropriations will call up the river and harbor bill.

BILLS INTRODUCED.

Mr. BAYARD asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 987) for the transfer of Paymaster Robert Burton Rodney from the retired list to the active list of the Navy; which was read twice by its title, referred to the Committee on Naval Affairs, and ordered to be printed.

Mr. ANTHONY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 988) authorizing the President to invite the international statistical congress to hold its tenth session in the United States and to appoint delegates to the ninth session thereof; which was read twice by its title, referred to the Committee on Foreign Relations, and ordered to be printed.

WITHDRAWAL OF PAPERS.

On motion of Mr. WRIGHT, it was

Ordered, That Mrs. Mary Walsh have leave to withdraw from the files her petition and papers upon leaving copies.

MISSISSIPPI INVESTIGATION.

Mr. BOUTWELL. I submit the following resolution for reference to the Committee on Printing:

Resolved, That 4,000 copies of the report of the special Committee to Investigate the late Election in Mississippi be printed for the use of the Senate.

Mr. BAYARD. I should like the order amended so as to include the views of the minority.

The PRESIDENT *pro tempore*. The resolution is to be referred to a committee for their recommendation. If there be no objection the order will be so amended, and referred to the Committee on Printing.

ISSUE OF SILVER COIN.

Mr. SHERMAN. I ask leave to have an order made to print the report of the committee of conference on what is known as the silver bill. The report is ready, and I wish it to be printed so that it may be laid before the Senate in due form.

The PRESIDENT *pro tempore*. The Chair hears no objection, and the order to print will be made.

OTOE AND MISSOURIA INDIANS.

The PRESIDENT *pro tempore* laid before the Senate the amendments of the House to the bill (S. No. 779) to provide for the sale of the reservation of the confederated Otoe and Missouria Indians in the States of Kansas and Nebraska.

Mr. EDMUNDS. The amendments had better be printed.

Mr. PADDOCK. I move that the Senate non-concur in the amendments of the House and ask for a committee of conference on the disagreeing votes of the two Houses.

The motion was agreed to.

Mr. EDMUNDS. Let the amendments be printed as well.

The PRESIDENT *pro tempore*. The amendments will be printed, if there is no objection.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate; and Messrs. INGALLS, PADDOCK, and RANSOM were appointed.

IMPEACHMENT OF W. W. BELKNAP.

Mr. SPENCER. I ask to have laid before the Senate the concurrent resolution of the House in relation to the conference report on the bill for the repavement of Pennsylvania avenue.

Mr. EDMUNDS. I call for the regular order.

The PRESIDENT *pro tempore*. The Senator from Vermont calls for the regular order. The legislative and executive business of the Senate will be suspended, and the Senate will proceed to the consideration of the articles of impeachment exhibited by the House of Representatives against William W. Belknap.

The Senate then proceeded to the trial of the impeachment of William W. Belknap, late Secretary of War.

The Senate sitting for the trial of the impeachment of William W. Belknap having adjourned then resumed its

LEGISLATIVE SESSION.

The PRESIDENT *pro tempore*. The Senate resumes its legislative business.

Mr. ALLISON. I move to proceed to the consideration of House bill No. 3022, being the river and harbor bill.

Mr. EDMUNDS. I ask that no business be done until we have order.

The PRESIDENT *pro tempore*. Senators will resume their seats. Business will be suspended until order is restored. [After a pause.] The Senator from Iowa moves to postpone the present and all prior orders for the purpose of considering what is known as the river and harbor bill.

Mr. EDMUNDS. I do not rise to make any opposition to this motion, but to say to my friend from Maine that I find on looking at the RECORD that when I made the point of order yesterday evening his bill was already up and therefore there was no point of order about it. I did not hear the Senator, and the confusion was so great that I did not hear the Chair either put the question or state that it was carried; there was such a rumpus going on. I therefore apologize to the Senate for making a point of order after the occasion for it had gone by, and to my friend from Maine for the trouble I gave him.

The PRESIDENT *pro tempore*. The Chair will state that the unfinished business is the bill called up by the Senator from Maine yesterday, the bill (H. R. No. 3628) establishing post-roads, pending which the Senator from Iowa [Mr. ALLISON] moves the postponement of this and all prior orders for the purpose of considering the river and harbor bill.

Mr. HAMLIN. Inasmuch as the post-route bill is now before the Senate, I hope the Senator will not interpose an objection to displace this, but let us go through with it and then take up the river and harbor bill. The Senator knows how easily that bill always goes through. I hope he will not interpose an objection to displace this bill. It is one in which many Senators are interested.

Mr. ALLISON. I suppose that bill will only take a short time.

Mr. HAMLIN. Then let us dispose of it.

Mr. ALLISON. But this bill ought to pass immediately if it is to pass at all, and therefore I trust there will be no objection to taking it up now. I understand the general consent of the Senate has been to take up appropriation bills when they are ready.

Mr. HAMLIN. I do not understand that that rule goes to the extent of displacing a question now before the Senate. The Senate can do as it pleases. I do not think I shall move to take this bill up again during this session. Twice we have had it before the Senate, and twice will it have been displaced if it is displaced now.

Mr. EDMUNDS. I wish to inquire of the Chair how this post-route bill gets up before one o'clock as the unfinished business?

The PRESIDENT *pro tempore*. The Senator from Vermont objecting to the morning hour being considered as expired, it continues till one o'clock. The Senator from Iowa moves the present consideration of House bill No. 3022.

Mr. HAMLIN. That will involve the same trouble twenty minutes hence. When twenty minutes shall have expired the post-route bill will come up in its order as the unfinished business.

The PRESIDENT *pro tempore*. The Senator from Maine is correct.

Mr. HAMLIN. I hope I shall be allowed to call it up now and go on with it.

Mr. ALLISON. I think it important to finish the river and harbor bill to-day.

Mr. HAMLIN. I have nothing further to say.

Mr. WRIGHT. I understand that the morning business has been gone through with; and the morning business being concluded, then the morning hour has expired the same as if we had come to one o'clock.

The PRESIDENT *pro tempore*. The Chair was not aware that morning business was through. The Chair when the Senate passed from the trial session to legislative business called for resolutions; and the Senator from Iowa [Mr. ALLISON] made his motion.

Mr. WRIGHT. I understand the ruling of the Chair to be that inasmuch as one o'clock had not arrived the morning hour had not expired.

The PRESIDENT *pro tempore*. If the morning business is concluded, the morning hour has expired.

Mr. WRIGHT. Then the bill of the Senator from Maine would be the pending order, whether we had reached one o'clock or not.

The PRESIDENT *pro tempore*. But the residue of the hour up to one o'clock would be open to any motion to take up any special matter.

Mr. WRIGHT. But I wish to inquire whether it will be necessary to move to displace the pending order in order to do that, as if we had reached one o'clock?

The PRESIDENT *pro tempore*. If the morning business has been concluded, the Chair would regard the morning hour as over, and up to one o'clock a motion would be in order to proceed to the consideration of any matter. It is only by common consent that the morning hour is declared concluded before the hour has expired.

Mr. BOUTWELL. What has become of the House bill in regard to the Pacific railroads?

The PRESIDENT *pro tempore*. It was cut off by the expiration of the day yesterday.

Mr. BOUTWELL. I supposed that would come up this morning in the morning hour.

The PRESIDENT *pro tempore*. When the Chair has an opportunity, he will lay it before the Senate.

Mr. FRELINGHUYSEN. Would it be in order for me to call up a conference report on which I wish to submit a few remarks?

The PRESIDENT *pro tempore*. It would be.

CONSULAR AND DIPLOMATIC BILL.

Mr. FRELINGHUYSEN. Then, Mr. President, I move that the Senate further insists on its amendments to the diplomatic and consular appropriation bill, and that a committee of conference be granted as asked by the House of Representatives; and, in view of some remarks which have been made elsewhere in reference to that bill, I wish to say a few words.

The diplomatic service was organized and the salaries fixed in 1856 under Mr. Pierce's administration. The purchasing power of a dollar then was certainly a third more than it is now. Since that time there has been an increase in salaries of about $50,000, that sum being compensated, as I understand it, by the price which has been demanded for passports, being $5 for each individual. The House of Representatives made extensive changes in this bill, in the countries to which we should send representatives and in the amount of salaries to be paid. The Committee on Appropriations referred the bill to the Committee on Foreign Relations. They appointed a subcommittee, and that subcommittee met the Committee on Appropriations, and without regard to their political views advised them that no change in existing laws should be made. Consequently, the Committee on Appropriations did not agree to the change of the law, but reported the bill to the Senate with amendments retaining the law as it now exists, and with great unanimity the Senate passed the bill with the amendments. The House, as they had a right, still insisted upon this change in the laws.

Mr. President, these existing salaries are moderate. They are such as are required to enable any person to live in republican respectability. They cannot be made less without rendering these positions mere decorations of millionaires.

This disagreement between the two Houses led to a conference. I am not aware that there was anything then said in reference to changing the law. The conferees on the part of the Senate hoped to bring the conferees on the part of the House to their views. Failing in that, the conferees of the Senate then offered to divide the difference between the amount of salaries fixed by the House and those provided by existing laws and insisted on by the Senate. That offer was rejected.

Another conference was called. The conferees on the part of the Senate proposed then, for the sake of coming to a settlement, to adopt the appropriation as made by the House, and that the President, as was the case in the earlier days of the Republic, should have the distribution, the administration of this fund; providing further that he should not apply any of this fund to pay a diplomat at any official post which did not exist under the present laws, and providing also that no salary should be increased, and providing further that a committee should be appointed, consisting of two members of each House, who should adjust these salaries, and that every person holding office in the diplomatic and consular service should be subject, in his salary, to such legislation as might be adopted on that report at the next session of Congress. Had this offer been accepted there would probably have been no difficulty, no question would have arisen; for the President in the exercise of his good judgment would doubtless have discontinued the less important diplomatic positions and paid the full salary to those which could not be dispensed with.

That offer was rejected by the House, they insisting that in addition the conferees on the part of the Senate should agree that there should be no claim for any salary beyond the amount thus appropriated. In other words, they called upon us as conferees to change the law which both Houses had established, and this we were to do to prevent the appropriations from failing. Well, Mr. President, for one—and I do not want to say anything that is indiscreet—I would let that appropriation bill fail and every other before I would legislate upon such terms.

Legislation upon appropriation bills is a bad practice, but it has precedent. It is a bad practice, for the reason that our Constitution creates three negatives on the passage of every law. The House has a negative on the Senate, the Senate has a negative on the House, the President has a negative on both. This legislation on appropriation bills virtually deprives the President of his negative. But that was not the question before the committee.

The question was whether the Senate at the close of a session should be driven to such legislation as they did not approve, as they had with great unanimity declared against, for fear that the appropriation bill should fail. I do not like to legislate under any fear, and my opinion is that the Senate does not. I deprecate this difference between the two Houses; but the Senate cannot do otherwise than to decline to accede to the claim that is made by the other House. That claim strikes at the very corner-stone of the Government. The first article of the Constitution declares that the legislative power shall be vested in the Congress, consisting of a Senate and of a House of Representatives. All civilized governments recognize the wisdom of having two branches of the legislature; every State of the Union has indorsed the policy of this form of government.

When our Constitution was formed an important compromise was made to preserve the popular feature of our Government. To prevent the States from having an undue power in matters of taxation, so as to prevent Rhode Island and Delaware and New Jersey having a voice in taxation equal to New York and Virginia, it was provided that all bills for raising revenue should originate with the House of Representatives, the Senate having the right to propose and concur in amendments as in other cases. This, according to my view, does not confer on the House the right to originate appropriation bills; but precedent, which makes law, which aggregates to itself power, is in favor of this claim by the House. I do not care now to dispute that position; but let us be careful how we make further precedents. The conferees of the Senate on this bill not only did not question the right of the House to originate the bill, but surrendered all the Senate amendments, and agreed to take just the sum that the House appropriated; but we were told that we must go further, and change existing laws. Thus while the Senate gives the House the fullest benefit of the great compromise, the House demands that the States as represented in the Senate shall be silenced not only on appropriation bills but on general legislation. The Senate is told in relation to this and other bills that it must alter the law naming the countries to which we send representatives; that we must alter the law fixing the salaries, to all of which the House has agreed; that we must alter the law organizing the Army; that we must reduce the Army from 25,000 to 11,000; that we must change our Indian policy; that we must repeal our registry and election laws, and such like legislation.

Now, Mr. President, the Senate cannot agree to this demand of the House, because it would be destructive of the most fundamental principle of the Government, which is, that the legislative power of the United States shall be vested in a Congress which shall consist of a Senate and House of Representatives. We cannot agree to it, because it would be violating the very compromise of the Constitution under which the House claims its right to originate money bills; the consideration for agreeing to that was the States should have their voice on all legislation in the Senate.

To agree to the demand of the House would be the most objectionable centralization and destructive of the rights of the States, if the Senate is to be brought at the end of a session to accede to just such legislation as is demanded of us or else the appropriations must all fail.

Further, to agree to the demand of the House would be to destroy that stability of the Government which is derived from the existence of the constitutional powers of the Senate. In order to give that stability the term of a Senator continues through three Congresses, only one-third of the Senators going out every two years. But where is the stability if at the close of any session we are to be brought to

adopt just such legislation as one branch of Congress demands of us? The Senate might just as well have no legislative power as to have legislative power only when we are suffered to exercise it.

I have been surprised in looking at the RECORD at some remarks made by a Senator for whose judgment and unpartisan patriotism I have much respect, to which I must make an allusion. The Senator said:

> I say that upon the high responsibility of their oaths and their duty to the country, it might be, although not likely to be, that the House or the Senate would be justified in saying, "Reduce the Army one-half, reduce the Navy one-half, or take the alternative of no Army or no Navy at all.

Mr. President, a law, which the Senate and every member of it, the House of Representatives and every member are just as much bound to respect as the wayfaring man, declares that the Army of the United States shall consist of twenty-five thousand men; and we are told that the House of Representatives or the Senate, separately, have on their oaths and on their responsibility to the country the right to say that that Army shall be reduced to twelve thousand. Well, if the House or Senate has the right to say that the Army shall be reduced to twelve thousand, either has the right to say that it shall be reduced to nine thousand, and if to nine, to six, and if to six, it may be abolished. They have the same right, and it is so claimed, in regard to the Navy, and if either House acting separately can reduce the Navy one-half, it can on their oaths and their responsibilities to the country abolish it entirely. So either House can determine that the Executive shall receive but one-half of the compensation fixed by law, and that no greater appropriation shall be made, and if so, can say that no appropriation shall be made for the Executive. So, too, either House may say that the Supreme Court shall consist of but three instead of nine justices and make their appropriations accordingly. So the House may say that the Senate shall have but half the appropriation required by law for the salaries of Senators, and if but half, it may say there shall be no appropriation and thus abolish it. Mr. President, that will not do. The Senate and the House of Representatives are bound by their oaths, by their responsibilities to the country, to make the appropriations that are necessary to carry out existing laws. The Senate and the House of Representatives have no right to make appropriations for any other purpose than to carry out existing laws. Appropriations are incident to existing laws, and may not be used as an instrumentality to coerce legislation.

Mr. President, this nation has in our generation passed through a fearful ordeal. Five hundred thousand brave men, North and South, have died in that great trial; but our Republic, as it was given to us by our fathers, we possess intact. The Executive performs his functions; the judiciary discharges its duties; the Representatives of a free people at the other end of the Capitol legislate like freemen. This Senate hitherto has legislated freely and untrammeled and will, sir, I trust forever continue so to do.

I hope that a better spirit will prevail and that all will see that not because the Senate will not, but because it cannot, it declines to be placed in any position where it cannot legislate freely.

Mr. ANTHONY. Mr. President——

The PRESIDENT *pro tempore*. The Chair will call up the unfinished business, the morning hour having expired.

Mr. ANTHONY. I beg leave to add a single word in general terms to what has been said.

Mr. SAULSBURY. I hope this debate will not be closed on the termination of the remarks of the Senator from Rhode Island. There have been some things said in connection with this bill that need replying to. I am perfectly willing the Senator from Rhode Island shall go on, but I claim——

Mr. ANTHONY. I will not go on if it is to prejudice the appropriation bills. I have only a word to say.

Mr. KERNAN. I object. I think we had better go to the appropriation bills.

The PRESIDENT *pro tempore*. Objection being made, the Chair will call up the unfinished business, which is the bill (H. R. No. 3628) to establish post-roads.

Mr. ALLISON. I am sorry to disturb the Senator from Maine, who has charge of this bill, but I move to lay it aside and take up the river and harbor bill.

The PRESIDENT *pro tempore*. The Senator from Iowa moves the postponement of the unfinished business and all prior orders, for the purpose of considering what is known as the river and harbor bill.

Mr. SAULSBURY. I hope that will not be done. The bill of the Senator from Maine will pass in a very few minutes, and cannot delay the river and harbor bill long.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Iowa.

The motion was agreed to; there being, on a division—ayes 22, noes 19.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. G. M. ADAMS, its Clerk, announced that the House had concurred in the amendments of the Senate to the following bills:

A bill (H. R. No. 2684) to amend sections 246 and 251 of the act entitled "An act to revise and consolidate and amend the statutes relating to the Post-Office Department," approved June 8, 1872, as amended by the twelfth section of the act entitled "An act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1875, and for other purposes," approved June 23, 1874, and for other purposes; and

A bill (H. R. No. 1970) relating to the approval of bills in the Territory of Arizona.

The message also announced that the House had appointed Mr. HENRY B. BANNING, of Ohio, a conferee on the part of the House on the disagreeing votes of the two Houses on the bill (H. R. No. 3717) making appropriations for the support of the Army for the fiscal year ending June 30, 1877, and for other purposes, in place of Mr. SAMUEL J. RANDALL, of Pennsylvania, excused.

BILLS BECOME LAWS.

A message from the President of the United States, by Mr. U. S. GRANT, jr., his Secretary, announced that the President had on the 12th instant approved and signed the following acts:

An act (S. No. 962) to amend an act approved April 17, 1876, providing for the sale of a part of custom-house lot in Rockland, Maine; and

An act (S. No. 560) for the relief of Benjamin L. Cornish, late second lieutenant of the Thirty-second Wisconsin Volunteer Infantry.

The message also announced that the bill (S. No. 375) for the relief of Maria W. Sanders, having been received by the President on the 30th of June, and not having been returned by him to the Senate within the ten days prescribed by the Constitution, had become a law without his signature.

RIVER AND HARBOR BILL.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 3022) making appropriations for the construction, repair, preservation, and completion of certain public works on rivers and harbors, and for other purposes.

Mr. ALLISON. I ask to have the amendments of the Committee on Appropriations read, as has been the custom during the session in reference to our appropriation bills, so as to dispense with the formal reading of the bill at length before acting on the amendments.

The PRESIDENT *pro tempore*. The amendments will be considered in their order as the bill is read if there be no objection.

The first amendment of the Committee on Appropriations was to strike out lines 9 and 10 in the following words:

> For the improvement of the harbor at Dunkirk, New York, $18,000.

Mr. ALLISON. I desire to make one or two explanations in reference to this bill before we enter upon it. The bill as it came from the House appropriated $5,872,850. As reported by the Senate Committee on Appropriations we have increased the amount of the bill $36,314. I ask the indulgence of the Senate while I state that the Committee on Appropriations have found great difficulty in the consideration of this bill. This bill has heretofore been considered by the Committee on Commerce and only came to the Committee on Appropriations at a late day in the session, and but for the fact that the Committee on Commerce had made great progress in the consideration of the bill and prepared the bill for the Committee on Appropriations, it could hardly have been reported in as brief a time as we have been able to report it.

The Committee on Appropriations in considering the bill have endeavored to reduce appropriations wherever it was possible to do so by omitting appropriations which appeared not to be necessary at this time, or if necessary, not so absolutely necessary but that they might be postponed until next year. Therefore we have struck out many items found in the House bill. We have added, however, additional sums in many cases to the House appropriations, finding from an examination of the reports of the engineers and from the condition of the harbors and rivers that the appropriations made by the House were entirely inadequate for the economical progress of the works at these various points where the sums have been increased.

We have also been compelled to strike out many appropriations which would be very useful but which can be postponed, as the committee think, for another year. The first item in the bill, the item just read by the Secretary, is one of the items that we have omitted. The bill as it came to us appropriated $18,000 for the harbor of Dunkirk. On examination of the reports it appeared that this sum would be entirely inadequate to do the work necessary to be done at that point; and inasmuch as the harbor is now in good condition the Committee on Appropriations recommend that this session no appropriation be made for it.

Mr. FERRY, (Mr. MITCHELL in the chair.) I should like to have the Senator state whether the bill has been reduced or increased as it came from the House, by the Senate Committee on Appropriations.

Mr. ALLISON. The bill has been increased $36,314.

The PRESIDING OFFICER, (Mr. MITCHELL in the chair.) The question is on the first amendment of the Committee on Appropriations, striking out lines 9 and 10.

The question being put, there were on a division—ayes 22, noes 5; no quorum voting.

Mr. SHERMAN. There is a quorum present.

Mr. CONKLING. I suggest that if the question is tried over again there will be a quorum voting.

The PRESIDING OFFICER. The Chair will put the question again.

The question being again put, there were on a division—ayes 32, noes 8.

The PRESIDENT *pro tempore*. The amendment is agreed to.

The next amendment of the Committee on Appropriations was in line 12, to increase the appropriation for the improvement of the harbor at Buffalo, New York, from $75,000 to $100,000.

Mr. ALLISON. I desire to say a word in reference to this appropriation. Buffalo is one of the most important harbors in this country. More commerce passes through that harbor perhaps than through any other harbor except that at the city of New York. There is a great improvement going on at the city of Buffalo. On examination of the reports of the engineers the committee were satisfied that it would require $100,000 to economically push forward the work at that point, and therefore they increase the amount $25,000 over the House appropriation. While I am up, I will say that at all the important points in the State of New York, at Buffalo, Oswego, and New York City, the Committee on Appropriations have recommended a slight increase over the appropriations made by the House.

Mr. MAXEY. May I ask the Senator what is the estimate of the engineers for Buffalo?

Mr. ALLISON. Two hundred thousand dollars.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was to strike out lines 15 and 16, in the following words:

For the improvement of the harbor at Olcott, New York, $6,000.

The amendment was agreed to.

The next amendment was in line 18, to increase the appropriation for the improvement of the harbor at Oak Orchard, New York, from $2,000 to $6,000.

The amendment was agreed to.

The next amendment was to strike out lines 19, 20, 21, and 22, in the following words:

For the improvement of the harbor at Pultneyville, New York, $5,000.
For the improvement of the harbor at Great Sodus Bay, New York, $5,000.

The amendment was agreed to.

The next amendment was in line 24, to increase the appropriation "for removing obstructions in the East River and Hell Gate, New York" from $200,000 to $350,000.

The amendment was agreed to—ayes 29, noes not counted.

The next amendment was in line 39, to reduce the appropriation "for the improvement of the harbor at Marquette, Michigan," from $5,000 to $2,000

Mr. FERRY. Mr. President, I should like to know the reason of the committee for this reduction. The amount is but $5,000. They propose to reduce that to $2,000.

Mr. ALLISON. That harbor is reported by the Chief of Engineers to be in good condition, and this sum is only enough for riprapping, and therefore I think $2,000 will keep it in repair.

Mr. FERRY. Do the engineers report the harbor in good condition and make no recommendation?

Mr. ALLISON. They recomended $15,000, I believe.

Mr. FERRY. They recommended $25,000, I think.

Mr. ALLISON. But that is for an extension of the harbor; and $5,000 would not extend the harbor very far. Therefore we concluded not to increase the appropriation but simply to keep the harbor in good repair.

Mr. FERRY. I desire to state, Mr. President, that the act of 1875 gave Marquette harbor $15,000, and this bill as passed by the House gives it $5,000, a reduction of about 66 per cent. Now, it is proposed by the Senate committee to reduce still further about 60 per cent. from the bill of the House, cutting down $5,000 to $2,000. I do not desire to be captious about these matters of appropriations, and still it is well known by those who are conversant with the matter that if these small appropriations are allowed to run by for next year the Government will be obliged to appropriate a larger amount to cover the deficiency and the waste and neglect of the current year. The action of the water and sand is more or less detrimental to these harbors. The policy of the Government thus far has not been to finish up the harbors at once, but to distribute the money appropriated to different harbors and keep them up together. While a harbor is unfinished, it is necessary to keep up the appropriations from year to year. It would be wiser to appropriate enough to complete at once, but this course has not been pursued. I trust this amendment will not be concurred in.

Mr. ALLISON. I only have one word to say in reply. This harbor at Marquette is a very important harbor, and the engineers reported in favor of an extension of the breakwater four hundred feet, at a cost of $68,000, or $170 per linear foot, the depth of water where this breakwater is being built being thirty-three feet. Now the engineer estimates that one-half this sum should be appropriated this year and one-half next year. Evidently, if this breakwater is to be commenced, we should appropriate at least the amount required, $35,000. The House, instead of appropriating enough to begin a work necessary in the near future, appropriated $5,000, which would build about forty feet or perhaps thirty feet of this breakwater; and it occurred to your committee that that was a proposition certainly not in the interest of economy. Therefore the committee propose to appropriate $2,000 to preserve and protect this harbor, and yielding to the House in its desire for economy omit an appropriation to extend this breakwater. That is all there is in reference to this harbor at Marquette. If the sum is increased at all, it ought to be increased to $35,000, so that the work necessary can be commenced and pushed forward.

Mr. FERRY. I should like to ask the Senator if, in his judgment, the $2,000 is sufficient to keep the harbor in its present condition for a year?

Mr. ALLISON. I only know that the Engineer Department state that $2,000 will keep it in repair. Of course I do not know the details. I only know that that is the estimate of the engineers for keeping it in repair.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was to strike out lines 40 and 41, in the following words:

For the improvement of the harbor at Frankfort, Michigan, $5,000.

Mr. FERRY. In looking through this bill it would seem as though the knife had been directed pretty effectually to Michigan.

Mr. EDMUNDS. It is the largest sore probably.

Mr. DAWES. Perhaps it could not go amiss.

Mr. FERRY. The Senator from Vermont says it is the largest sore, and the Senator from Massachusetts says it cannot go amiss. Now, I want to submit to the Senate that there has been a good deal said about Michigan having so large a proportion of the appropriations. For appropriation bills, unfortunately Michigan has the largest coast of any State in the Union. I think she has 15 per cent. of the whole coast of the country. That is one fact which should be kept in mind in considering an appropriation bill that necessarily contains items for different harbors. We have the whole commerce of the upper lakes passing by that coast, and if that commerce is to be protected the harbors should be developed and made safe; and it is with that intent the Government has controlled itself in distributing the public funds for this purpose. Take the harbors of Michigan with that extended coast of 15 per cent. to the whole of the country, and it seems a large number; but when we come to the aggregate amount appropriated the sum is not so large. Let me look at it. I want to call the attention of the committee to two appropriations. I see they have not directed the knife to those two places, one for Sault Ste. Marie, which I suppose would be considered in the light of a national work, for which the appropriation is $200,000, the same as last year, and the other the appropriation for a harbor of refuge on Lake Huron. Lake Huron unfortunately has not many harbors for commerce, but fortunately for an appropriation bill. For that harbor of refuge $100,000 was appropriated last year and $100,000 proposed this year, without change by the Senate committee. Those two harbors, I take it, are of such national importance that the committee deemed it not advisable to touch them. So I understand from the action of the committee and from the remarks of the chairman.

That being the case, it was, aside from these national works, provided for the whole State of Michigan the sum of $278,000 by the act of 1875. I call the attention of Senators to the amount, and then ask whether it is reasonable to cut out these harbors and leave the commerce to suffer when in the aggregate it is so small compared with the coast of the State and the amount of its commerce. I am taking up a little time on this, because I want what I say to apply generally to all the points stricken out by the committee. I do so now, and will not allude to the subject in its general aspect again. I desire to disabuse the impression that Michigan has so large an appropriation compared with other States, with due regard to its extensive coast and commerce. With a view to economize, the delegation of Michigan proposed to cut down the appropriation of last year about 19 per cent. The House conformed to that line of economy and passed the bill appropriating $225,000 for the whole of Michigan, except for the two national works named. It is proposed by the committee to cut down still further 20 per cent. on the House bill, reducing the sum to $180,000.

I desire to call the attention of the Senate to another fact in this connection with reference to the importance of the shipping involved. I have sought the latest official report that I could find, which is that of 1873. The commerce since then has increased. I want to give to the Senate a little view of the amount of the commerce of these inland lakes. The number of vessels engaged on all of our coastwise trade in 1873 was 76,801, and the amount of tonnage was nearly twenty-nine millions. On the northern lakes the number of vessels that cleared in one season was 54,605, and the tonnage 15,000,000. Compared with the whole amount of shipping of the whole coastwise trade of the United States, both on the Atlantic and the Pacific, with all the inland lakes, that on the northwestern lakes was 71 per cent. of the number of vessels, and 51 per cent. of the tonnage of the whole. I want now to narrow the comparison down to Lakes Michigan, Superior, and Huron touched by the coast of the State of Michigan. I am not stating these facts to waste the time of the Senate. I have not occupied this floor much, and I desire here, in justice to the State of Michigan and for the purpose of placing before the Senate stubborn and convincing facts, to show the amount of business upon Lakes Huron, Michigan, and Superior, tributary to and protected by these ports, which it is now proposed to neglect and injure by the proposition of the committee of the Senate.

Take those three lakes; and the number of vessels cleared in that year was 38,000, and the tonnage nearly ten millions, being 49 per cent., almost one-half of the whole coastwise trade of the United States, and the tonnage 34 per cent. I will speak now of Lake Mich-

igan simply, and give you the commerce of the three customs districts of Lake Michigan, namely, the districts of Michigan, Chicago, and Milwaukee, the commerce of which bears directly upon the coast of Michigan, and what is that? The number of vessels clearing from those three districts was 29,164, and the amount of tonnage seven millions and over, making from those three districts of that single lake a percentage on the whole coastwise trade of the United States of 37 per cent. and the tonnage 25 per cent., so that you have a commerce on Lake Michigan equal to 25 per cent. of the tonnage of the whole coastwise trade of the United States and seventeen hundred miles of Michigan State coast—15 per cent. of the whole of the country—and it is proposed to cut $225,000 down to $180,000, notwithstanding the number of vessels cleared in a season was 37 per cent. and the amount of the tonnage 25 per cent. of the whole of the nation.

I have stated these general facts simply with a view of disabusing a wrong impression prejudicial to the State of Michigan. I know every time the harbor and river bill is up in Congress it is charged that Michigan has the lion's share. This remark was implied by my friend from Massachusetts, [Mr. DAWES,] and probably the impression was caught in the House in which he has so long been a distinguished member; yet when I thus invite his attention to the comparison of the commerce he ought with others to dismiss that false and unjust impression.

Mr. DAWES. I beg the Senator's pardon. I do not want any such construction to be put upon the remark I made. I appreciate the commerce of Michigan, if the Senator will give me a moment.

Mr. FERRY. Certainly; I yield to the Senator with pleasure.

Mr. DAWES. There is no Senator who appreciates the commerce of Michigan more than I do; and there is no person either in this branch or the other who has been more liberal in regard to appropriations for the harbors in that State than I have been. I trust the Senator will not put such construction on my remark.

Mr. FERRY. Mr. President, there is nothing more in the remark than its tone and reflection. It was perfectly natural, and it agrees with the general impression, but it is an unwarrantable one. It is to correct that impression that I am occupying a little attention now, and the chairman of the committee must not be impatient, for I remind him that I have occasion at times to exercise some patience, and so I trust that this is the opportunity when the chairman will accord it to me. It is for that reason that I have gone into a statistical statement relying upon no vague declaration, but based upon fact. I have every harbor here, with the appropriations under the law of 1875 and the proposed appropriation by the bill of the House now pending, showing the percentage of deduction in each case and also the proposition of the committee cutting down that deduction still further, but I am not disposed to take up the time by giving the *pro rata* of each harbor, and will give the aggregate of all the harbors named in Michigan. Including Sault Ste. Marie and the harbor of refuge on Lake Huron, the law of 1875 gave $578,000. The bill of the House proposes to give $525,000, and the Senate proposes to cut it down to $480,000. Take out the two national works referred to, and the proposition of the Senate is to cut Michigan down to $180,000. I call the attention of the committee as well as of other Senators to the fact that there are other propositions in this bill looking to general interests, such as the improvement of the Mississippi River, such as the improvement of the Missouri River, the Arkansas River, Rock Island, for instance. I do not mention Rock Island because it lies in the vicinity of the State represented so efficiently by the Senator in charge of this bill; but I only want to call his attention to it that he may sympathize with me and with my State as he deplores the unfortunate condition of his river and his channel fronting his State, to remedy which he asks for a substantial appropriation, and I heartily support him in it.

I have always regarded the river and harbor bill as a bill general in its character and of vastly more importance than most bills we pass here in Congress. I have always been an advocate of its provisions for North or South, East or West, and while aggregating four or five millions of dollars the resulting benefits are so multiplied that we cannot well compute the value to the country. There is no bill, I repeat, of so general importance to the nation as the river and harbor bill. It is now proposed to cut down the sums fixed by an economical House by a still further reduction of 20 per cent. as respects the State of Michigan, appropriating but $225,000 all told except for the two places of what is admitted of national importance. I ask, as compared with other appropriations running up to hundreds of thousands, whether it is fair to strike out, as has been done here, so many harbors around that State? If I were to allude to other considerations it would be to say that if Senators lived upon the water as I do, and were conversant with the loss of property and of life, their sympathies as well as their duty here in a legislative capacity would appeal convincingly to them. Yet I do not wish to make that appeal, because I have based my claim upon justice; and upon that I stand. With a coast of 1,700 miles, with a proportion to the whole commerce of the United States of 25 per cent., with a number of vessels and proportional tonnage of 37 per cent., but $225,000 is asked for these harbors in a bill appropriating over $5,000,000. How much, I will ask the Senator from Iowa, is the aggregate of this bill?

Mr. ALLISON. Nearly $6,000,000.

Mr. FERRY. There is asked for Michigan, aside from those two national works, $225,000 out of a bill of $6,000,000; yet we see an amount of tonnage here on the three lakes involved of 34 per cent. of all our coastwise tonnage. I ask, Mr. President, in the light of this, whether I am wrong in appealing to the justice of the Senate and asking if Michigan is getting more than her share because forsooth she has more harbors and because she has more coast? I trust the amendments will not be concurred in, but that the amount appropriated by the House shall be awarded to the State of Michigan.

Mr. ALLISON. Mr. President, I sympathize with my honorable friend in regard to the appropriations for his State. I also appreciate and understand the importance of improvements at the several places in his State which are named in these bills annually; but the committee proceeded upon an entirely different theory from that suggested by the Senator from Michigan. We did not look at State lines and State boundaries in preparing this bill. We said, "We will take those improvements that are of national importance wherever they may be found, and we will appropriate money enough to carry them on, because that is true economy; we will not dole out $1,000 to this harbor, $5,000 to that harbor, and $200,000 to this State, and $50,000 to that, as though we were making a sort of division of spoils in this river and harbor bill." On the contrary, we proceeded upon the theory that these great improvements of national importance should go on, notwithstanding the disposition to economize. Therefore we said for the canal at Sault Ste. Marie $200,000 shall be appropriated; for the harbor of refuge on Lake Huron, by which harbor passes the entire commerce of the upper lakes amounting to hundreds of millions annually, we said we will give a hundred thousand dollars; so that when those poor sailors are wrecked by storms they may find there a harbor of refuge built by the United States sufficient to protect them from the elements. But when we come to consider the question of these various harbors along the lakes and along our sea-coast we went into a specific and detailed examination of the engineer's report in each individual case. If we found a harbor to be in good condition, and if we found the amount appropriated by the House bill not sufficient to carry on the work economically, we omitted it entirely for this year. Let me take the harbor at Frankfort. The harbor at Frankfort is one of some importance upon Lake Michigan. The House appropriated $5,000 for it. We examined the engineer's report with reference to this harbor. We found that it had received in all a considerable sum of money already. The original estimate was $46,000. There has been appropriated since $30,000, leaving $16,000 to complete the work; but owing to a diversion of some of the funds of the original appropriation of $30,000 the engineer estimates for $25,000, and here is his language:

> It will require $25,000 to make the extension as proposed. This sum should be appropriated at one time, so that the work can be done in a single season.

There is the engineer's estimate. He says $25,000 will complete this harbor. The harbor is in good condition and $25,000 will complete the extension of it, but that the $25,000 necessary to complete it should be appropriated in a single season. Therefore we had left to us the alternative of either appropriating $25,000 or nothing, because $5,000 will do absolutely nothing toward the completion of this work. Let me say here that these appropriations are not covered into the Treasury. I have no doubt that if we appropriate $5,000 this year the Engineer Bureau would not expend one dollar until we should appropriate the additional $20,000 necessary to complete this work.

Mr. FERRY. Mr. President, I have a word or two more to say. I am glad that the chairman of the committee has referred to the harbor of refuge on Lake Huron, and also to the Sault Ste. Marie appropriation. They have been considered two points of national importance. The appropriations have been uniform. They were last year $200,000 at Sault Ste. Marie for the purpose of widening that canal, and $100,000 for the harbor of refuge in Lake Huron. That is the appropriation suggested for this year. It is accorded by the House bill, and has not been changed by the committee.

When the Senator speaks of the vast amount of commerce, he forgets the fact that it comes largely from Chicago and Milwaukee, and all that commerce has to pass through the straits. Any one who is conversant with the lakes knows that the prevailing winds are westerly, and that the western coast of Michigan is the most dangerous. It is well verified by the fact that on Lake Huron it was considered necessary only to make one harbor of refuge, when the policy of the Government has been to make two or three harbors of refuge on the western coast of Michigan. With the prevailing winds westerly and the route of commerce lying along that shore in order to reach the straits, these very harbors are necessary for protection and safety. The nearer you approach any coast the less the working room and the more easy must be access to places of safety, and the more you must facilitate entrance to your harbor. Where a vessel has the whole scope of the lake she can take care of herself. I want to cite you to a fact that is forcible in this connection. Take the salient point of Big Point au Sable, on the western coast of Michigan. There never was a light-house there until 1866. Prior to that time from one to four vessels loaded with grain, generally from Chicago, went ashore every fall, sinking enough to build two such light-houses, yes, three lights, every year. When the attention of the Government was called to it it appropriated $30,000 for a light-house; and I believe it is a fact that there has not been a vessel ashore since then. Why? It was right in the line of commerce and vessels generally hugged that shore, and whenever the wind veered to the northwest they frequently went ashore, and generally at night. With that light before

them they sight and keep clear of the coast. I give that as an illustration of governmental protective works for the safety of commerce. So with harbors on the western coast of Michigan. Make them safe and easy of entrance and commerce is protected. I acknowledge that Michigan harbors are numerous, but they are a necessity of an extended coast.

If it is to be the policy not to distribute public money to various harbors and not farm it out as it seems to be termed, why not then apply it to the completion of such harbors as may be deemed ample? The committee do not see fit to recommend this. I am not questioning their judgment, but I am taking issue with a policy which would deny to these places such sums as will enable vessels to enter, so that life and property are kept in safety, even by the small installments of from five to ten thousand dollars, and I think in most instances they do not exceed $15,000. With the exception of Saint Joseph and Saginaw Harbors, $15,000 is the highest sum the committee propose for any; and I think in no other instance is the amount appropriated by the House bill larger than $15,000. Having regard to my duty and my relation to this body and to the Government, I frankly say that, considering the commercial interest of these lakes and the appropriations to be distributed throughout the States, it is not only unfair but it is not altogether just to confine Michigan even to $225,000.

I have no desire, Mr. President, to occupy more time. When, however, the honorable representative of the Committee on Appropriations is pressing the importance of protecting the property and the life of citizens passing through the Sault Ste. Marie Canal, I want him to remember that the commerce of Lake Michigan cannot pass to the lower lakes and the Atlantic coast except through the straits, and to do that it must pass by and be secured by these very harbors. Between Beaver Island and the coast vessels have but little sea-room. If the wind veers adversely they have no other recourse than to these harbors, which governmental generosity seeks to provide. It is to keep up these harbors that annual appropriations are asked, and, though small each year, they save larger appropriation perhaps succeeding years, even if the same policy of keeping the harbors in their present condition without developing them further is pursued. I must confess my surprise that with an aggregate so small and a coast so extended and important the committee should have adopted a policy that does stick the knife into this Michigan sore, as characterized by the Senator from Vermont.

The PRESIDING OFFICER. The question is on the amendment of the Committee on Appropriations, which has been read.

The question being put, a division was called for, and the ayes were 14.

Mr. ALLISON. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. ALLISON. Before the vote is taken I wish to call the attention of the Senate to the fact that the engineers state in reference to this harbor that it requires $25,000 to complete it, and that it ought to be completed in a single season. This bill appropriates only $5,000, and the Department could not enter upon the work. Therefore I hope the amendment will be agreed to, striking out this item.

Mr. DAVIS. There is considerable difference between the amount appropriated by the committee and the amount asked for by the Senator from Michigan. It is true if any appropriation for new work is to be made it ought to be much larger. In regard to the last amendment of the committee which has been agreed to, the committee thought $2,000 necessary after consulting the report of the Engineer Department for keeping the work in repair for the present year and the committee believed that it would be an economy to fix the amount at $2,000. The committee, it will be found, has lessened the appropriations not only for Michigan but in other places.

The question being taken by yeas and nays, resulted—yeas 14, nays 27; as follows:

YEAS—Messrs. Allison, Booth, Conkling, Davis, Dawes, Eaton, Kernan, McCreery, Sherman, Wadleigh, Wallace, West, Windom, and Withers—14.

NAYS—Messrs. Bogy, Bruce, Caperton, Christiancy, Cockrell, Cooper, Dennis, Ferry, Frelinghuysen, Gordon, Hamilton, Harvey, Howe, Ingalls, Jones of Florida, Key, Maxey, Merrimon, Mitchell, Morton, Norwood, Oglesby, Paddock, Ransom, Robertson, Spencer, and Whyte—27.

ABSENT—Messrs. Alcorn, Anthony, Barnum, Bayard, Boutwell, Burnside, Cameron of Pennsylvania, Cameron of Wisconsin, Clayton, Conover, Cragin, Dorsey, Edmunds, Goldthwaite, Hamlin, Hitchcock, Johnston, Jones of Nevada, Kelly, Logan, McDonald, McMillan, Morrill, Patterson, Randolph, Sargent, Saulsbury, Sharon, Stevenson, Thurman, and Wright—31.

So the amendment was rejected.

Mr. CONKLING. That I may not be found in laches I want now to give notice to the honorable Senator who has charge of this bill that I shall feel it my duty and my privilege also to move to reconsider—I shall not interpose to do it now—the vote by which the Senate has agreed to sundry amendments the subjects of which were in the State of New York, and which were identical, as I understand it, with the amendment just rejected, except in some instances the merit of the work was greater and the occasion more urgent than in the instance upon which the Senate has now voted. My colleague and myself—I believe I can speak for my colleague in that regard—did not feel at liberty to interpose and resist the amendments striking out works in the State of New York as long as we supposed it was the judgment and purpose of the committee to adopt a fixed line of policy touching this bill. That line of policy we understood to consist mainly in this, that wherever there was a work local in a sense in its character as distinguished, for example, from the blasting of rocks and removing the obstruction at Hell Gate in the Sound, which concerns many other States, indeed I might say all the Atlantic States, quite as much as it does the State in which that work resides—where there was an instance of a work local in a sense, circumscribed in the interest which it affected, and a large estimate made shown to be necessary by the engineers to complete that work, and where a trifling sum would preserve the harbor, would keep whatever had already been completed, there the committee took the lower sum. Or to restate myself in other words the committee refused, first, to appropriate for new enterprises; second, they refused to appropriate a partial and inadequate amount for the performance of a work which the engineers reported required a larger sum, and a larger sum in a single season. In place of making such partial appropriations, the committee said, "We will now appropriate so much as is necessary to protect, preserve, maintain, guard against the deterioration of harbors and other works, and in instances local in character we will not go further. We cannot appropriate, as in the case in hand, $35,000, the estimate of the engineers, held by them to be necessary for expenditure in one season, to make one job of it, and to do an economical and business-like thing; we cannot afford to do that; it is unwise to appropriate $5,000, a fraction of the required sum, and yet a sum larger than is needed for preservation; and therefore we take from the engineers a statement of the amount of money necessary to preserve and protect the harbor," which the Senator having charge of the bill tells us in one case was $2,000. They appropriate that; they recommend it; but now the Senate overrules that recommendation.

Mr. President, the case I have stated is stronger for the reduced appropriation, stronger for eliminating the appropriation than in three instances in my own State which I can point out, which the Senate has already passed, and passed without contention on the part of my colleague or myself.

The PRESIDING OFFICER. The Chair will call the attention of the Senator from New York to the fact that the amendment just voted upon is in lines 40 and 41. The amendment of the committee, in lines 38 and 39, was agreed to by the Senate.

Mr. CONKLING. That is, to strike out altogether the $5,000.

The PRESIDING OFFICER. The Senate agreed to the amendment of the Committee on Appropriations making the alteration in line 39.

Mr. CONKLING. I beg pardon of the Chair; but it is a still stronger illustration of what I am talking about.

Mr. FERRY. Will the Senator from New York allow me a moment?

Mr. CONKLING. Certainly.

Mr. FERRY. I at first rose to vote against striking out the item for New York to which the Senator has referred; but I discovered that the Senators from New York did not want it in the bill, and I supposed it was because they judged that it was not really necessary. I notice in lines 23 and 24 an amendment for which I voted, striking out $200,000 and inserting $350,000 for an item in New York, because I felt that it was of importance. I am heartily in sympathy with the Senator from New York in his desire to reconsider and replace the items struck out in regard to that State.

Mr. CONKLING. Mr. President, it was to relieve myself and to relieve my colleague too, although he is abundantly able to speak for himself, of such a misunderstanding as the Senator from Michigan now suggests, that I rose to ask the attention of the Senate. I did not vote to strike out these prior lines 15 and 16, 19 and 20, 21 and 22, and so on relating to the State of New York, because I did not believe that the work, within the general scope and genius of river and harbor bills, ought not to be done, that it was not important, that it was not suitable, that it was not well in all regards tried by the principles of our river and harbor bills; but I acquiesced in the report of the committee and voted to sustain their report for a reason which I have endeavored to state, namely, that the committee at this time had found itself so straitened by the considerations operating upon it as to feel bound to restrict appropriations first to the preservation of work which has been done, and second to the continuation of such works as seemed paramount and exigent in their importance, and to postpone to a more convenient or a less straitened season, other and intermediate works. Therefore it was, I repeat again, that I assented to the amendments striking out works in the State of New York which I may say, without intending to institute any disparaging comparison with Michigan or any other State, can be demonstrated, for reasons as strong as exist in the case of the amendment just passed upon, to be appropriate and important subjects of appropriation at a proper time.

The Chair has reminded me that lines 40 and 41 contain the amendment on which the Senate has voted, and that amendment was to strike out $5,000, for the improvement of the harbor at Frankfort, Michigan. What are the facts? As I understand, the engineers report that that work, when it is to be done, will cost $25,000, and it ought to be done in a single season. Why? For some occult scientific reason which we cannot understand? Not at all; but for a reason of common sense which addresses itself to every man in this body, whether he lives on the water or lives inland. We all understand that if the machinery, the apparatus, the gangs of hands, the whole

outlay and preparation for a definite and limited work are to be assembled in order to do that work, the true way is, if it is so small that they can dispose of it in a single season, to do it and make an end of it, and not by an appropriation this year of $5,000 to go on and dredge to a certain extent and have the wash and effect of time and tide undo a large part of the work by another year, and then come in again with a second installment, redredge, re-assemble these dispersed hands, bring together again the machinery which is there and which has fallen into disrepair or been carried elsewhere, and then the third year follow it up again. We all understand that the same reasons which would lead a man who proposed to build a vessel or to construct a house, or to do any other definite and entire thing which could be done within a limited space, to do it at one continuous time and not to scatter it through a period of years and build it up by sporadic and isolated efforts, renewed from time to time, justify the engineers in saying that if a certain work is to be done on a certain harbor which costs $25,000, it ought to be done and the mode ought to be taken to do it, and not to show "how not to do it" by pecking away, a little this year, and something more next year, and something in addition the year after, and spreading it over a series of years to manifest loss and increase of cost.

I understand the Senator in charge of the bill to say further that the engineers report that for the preservation of anything found in that harbor, as it is now, no appropriation is necessary this year. The honorable Senator tells us that the board of engineers say that unless their work or some part of it is to be undertaken no appropriation whatever is necessary this year. Now, what has the Senate done? The Senate, resting its action on the action of the House, which it is not for me to criticise, has proceeded to guess off here that $5,000 which happens to be just one-fifth of the definite sum required for a definite work if it be performed, shall be appropriated for what? To be committed to the discretion of some officer, we know not who, to be applied in violation of the recommendation of the board of engineers. That is all we know about it.

Mr. President, I intended when I arose to occupy but a moment about this bill, and although I have been led to say something more than I meant to do, I will not be tempted at this time into a line of remark with which I may at some time trouble the Senate touching the philosophy and methods of our river and harbor appropriations. I believe them to be radically wrong. I believe that river and harbor bills at last are apt to be matters of bounce and chance, industry and push; I use all these words with respect for everybody; and the question is, as has been illustrated this morning, which work, which State, which instance shall be espoused by some Senator who, resolutely making an outcry against reduction, prevents reduction being made? And it is largely, from first to last, a matter of perseverance, of industry, of activity, of zeal, of espousal by members of this body and by members of the House represented in committee and represented elsewhere. We have but one gauge in the whole business; we have but one yard-stick, but one safe-guard by which we pretend to go. What is that? The reports, the estimates, the certificates on oath and on honor of the board of engineers. We say by that we can measure somewhat our judgment and our duty in making these appropriations. Here comes a board of engineers to the two committees of this body, last to the Committee on Appropriations, and say that in this instance to maintain that harbor as it is no appropriation whatever is necessary for this year; they say that if an appropriation is to be made this year it should be for $25,000, to do a definite work during this season; and thereupon the Senate turns round against the recommendation of the engineers, against the recommendation of the committee, and says "We will do neither one nor the other; we will not stand by the idea of merely maintaining this harbor; we will not take the idea of doing this work, but betwixt and between, as a matter of guess, we will say that one-fifth of the amount required for the work, which amount is totally unnecessary if the work is not to be commenced, the one-fifth being totally inadequate, shall be appropriated and the engineer in charge shall be permitted to use his own discretion as to whether he will spend it or not, and, if so, how, and then we trust to the winds, the waves, the chances of time and opportunity, the question whether all the work done with this $5,000 shall be obliterated, the dredging filled up, and the whole thing lost, or whether it shall be lost only in part, knowing as we do at this time that in large part it must be lost.

Mr. President, without wishing to aim my remarks at any instance in Michigan or elsewhere, I do humbly submit to the Senate that there should be some "method in this kind of madness" found in river and harbor bills; that professing, as we do, to receive light from the engineers we ought to legislate upon some theory consistent either with their judgment or with our own common sense, and not by mere guess and caprice establish one rule for one State and another rule for another State and make appropriations which the individual judgment of no Senator can heartily approve.

The PRESIDING OFFICER. The pending amendment is to strike out $15,000 and insert $14,000 in line 43, "for the improvement of the harbor of Manistee, Michigan."

Mr. FERRY. I merely rise to ask the gentleman in charge of the bill if that is the suggestion of the engineer?

Mr. ALLISON. That is the revised estimate of the engineer, and if the Senator will turn to page 246 of Executive Document 1, Forty-fourth Congress, volume 2, part 1, he will see that the engineer reports in relation to this harbor:

> There is now an available water-way of but nine and a half feet between the piers. To increase this water-way to twelve feet, $5,000 will be needed for dredging, making a total aggregate of $13,771.40 for dredging and building the three hundred and twenty feet of pile revetment.

That is so near $14,000 that we thought we would make the appropriation $14,000, as we supposed this amount of $13,771.40 was a sort of guess-work, as the rest of it seems to be.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was to strike out lines 46, 47, 48, and 49, in the following words:

> For the improvement of the harbor at Pentwater, Michigan, $10,000.
> For the improvement of the harbor at White River, Michigan, $10,000.

Mr. FERRY. I ask the Senate to non-concur in this amendment. What I said before covers this case; but I will say a word or two more, especially as I intended to interrupt the Senator from New York, but disliked to do so then. I wanted to put to him a question. The Engineer Department recommend the completion of the different harbors and the appropriation, say for illustration, of from $50,000 to $200,000 each, and declare the necessity for their completion as harbors of protection to the shipping of the lakes. Disregarding this, the Senate adopts the policy of appropriating only a part, and by that method even the water is deepened, so that in some cases from seven feet it is deepened to ten, as was stated in the case of Manistee and in other places to eleven or twelve feet. I wanted to ask the Senator if that did not prove beneficial, and if the harbors cannot be completed on the department plan? Why abandon benefits derived from a modified policy?

I agree perfectly with the Senator that if the Government should adopt the policy of completing entirely these necessary works we should then have valuable harbors, and not left as now in an unfinished condition, necessitating annual appropriations to provide for destruction incident to incompletion. We know very well that if we were to meet such necessary appropriations at once it would take so large an amount from the Treasury that it would not be wise to do it; nor would it be possible to do it now. If we cannot pursue that policy, ought we not to adopt a modified one, by which in a measure commerce is protected, life saved, and the country flourish? In that line of policy I hope the Senate will non-concur in this amendment.

I have shown that the aggregate to Michigan in the House bill is only $225,000. The amendments of the committee lessen that by $40,000. The Senator from New York remarks that he did not wish to draw any discriminating comparison between States; neither do I. I feel in the case of the increase for New York Harbor, as the committee propose by a larger appropriation for Hell Gate, that there ought to be a large appropriation for the improvement going on there. I am ready to vote for it. I have heretofore voted for that because foreign commerce is protected by safer entrance to New York and the prosperity of the whole country is advanced.

So also I see that notwithstanding the cases that are cut out the increase for New York Harbor is almost as much as the whole amount of the appropriation to Michigan. That increase is nearly $200,000 on the House bill, and yet I do not allude to that to show that New York is getting more than Michigan—not at all. It is necessary for New York; I appreciate it; I vote for it, because I believe that the House had under their economical policy cut lower than the circumstances justified.

Mr. CHRISTIANCY. I wish to remark that in reference to the amendment now under consideration, as well as the next—that is, for Pentwater Harbor and White River, Michigan—there is no such recommendation from the Engineer Department as that to which the Senator from New York and the member of the Committee on Appropriations in charge of the bill have alluded; no recommendation that the money asked for should be expended at one time. Therefore there is nothing in any such ground as applied to these two appropriations.

Mr. CONKLING. Will the Senator allow me to interrupt him to correct a misapprehension, not of mine, but of some other Senators? The Senator says that there is no such recommendation touching the amendment to which he is now speaking; not that there was none touching the other amendment.

Mr. CHRISTIANCY. O, no; I take no issue there; but, on the contrary, as I read the recommendation of the engineer and the statement in reference to the facts connected with the harbor, I draw the inference, which I think every one must draw, that unless there be some amount appropriated here this work will not be found another year as good as it now is; in other words, there should be an amount of money appropriated to keep the work in as good condition as it is now and to avoid the loss of a considerable amount of money already expended there. Such would be my inference from the reading of the engineer's report. I hope, therefore, that the Senate will not agree to this amendment.

Mr. ALLISON. If we are to have a struggle upon each and every amendment to this bill on the theory that New York has not had enough, or that Michigan has not had enough, or that Oregon, if you please, Mr. President, has not had enough in the bill, we might as well take the bill as it came from the House and simply add to it

such sums, as in our judgment, we think necessary to carry on the great works of internal improvement which are national in their character and concern the whole people. Now take for example this improvement of the harbor at Pentwater, Michigan. There is an estimate in this case of $49,200, and the Engineer Department say that that ought to be appropriated and could be profitably used this season. Thirteen thousand two hundred dollars of that sum is to be used for dredging; $18,000 is to be used for what is called pile revetment to protect that dredging, and they should be done together. In other words, $31,200 of this sum shall be expended at one time, or none of it. Now you appropriate here $10,000 in order that Michigan may get her share, and I speak that not disrespectful of my good friend, for I want Michigan to have her share. How are you going to divide that $10,000 between the dredging and the pile revetment necessary for this harbor? If you appropriate anything here whatever, appropriate in a manly way $31,200 to go on with this improvement. If you cannot do that, then stand and in the same manly way omit this appropriation until next year and then appropriate $31,200.

Mr. FERRY. I should like to ask the Senator if it would not be prudent and good policy if under the manly pressure, which we did not seem to have with the committee, we cannot get the larger amount to complete both, to appropriate enough to dredge out and keep the channel usable rather than to divert the whole sum and let the channel fill up, so that then when next year comes around you would have not only to double but quadruple the amount to be appropriated to put the harbor in as good condition as it was before? I say if we cannot get enough for revetment and get enough for dredging, let us have enough to make the harbor accessible so that commerce can pursue its way.

Mr. ALLISON. But this dredging is to widen the channel. They have a channel there twelve feet deep and they propose to widen it from seventy feet to one hundred feet, I believe, and therefore dredging is required. The revetment is also required as part of this improvement. It does seem to me that we ought to pay some regard in these appropriations to the recommendations made by the Engineer Department, and the Engineer Department say "the estimate or omit;" that is their language. Perhaps I ought to say here that this committee, or a portion of them at least, undertook in the presence of the Engineer Bureau to make a careful statement of this bill with a view that whatever money we did appropriate should be economically and prudently expended, and when we came to this harbor they showed us the character of this work and said that $10,000 was of no account toward its completion, and I do not believe that if we were to appropriate this sum this year the Engineer Bureau would use one dollar of it. This harbor does not need dredging for the purpose of keeping it in repair; it needs nothing for repair; it needs only this dredging for the purpose of widening it; and therefore unless you appropriate at least $31,000 you may as well leave it out. I trust the Senate will leave it out.

Mr. FERRY. I have but a word to say on this amendment. I wish to call the attention of the Senator from Iowa to one fact. Take the one at my residence, a harbor that I know all about, and it is also a harbor of refuge; and we owe it to the Government, too, in the main. The work was partly done by private citizens, but largely by the Government. The entrance, which only had seven feet and a half of water, now has eighteen feet of water, made so by a moderate expenditure. Grand Haven has not received a very large amount of appropriation. What is the report of the engineer for this year? He asks that $51,000 should be appropriated to complete it and make it permanent. With a view of economizing and providing for the other places, we can get along without so much. Last year I declined taking any appropriation for Grand Haven, that other harbors along the coast of Michigan might receive more. The recommendation was for a large amount, but I thought we could get along then. This year there was a certain amount needed to secure existing cribs and to prevent the water working out the sand and stone, and that moderate amount should be given to this harbor to protect it. For the purpose $15,000 is given instead of $51,000 for completion. Now if we had a full Treasury I would ask the whole amount on the principle that the Senator from Iowa suggests, but we are not in a condition to do that. Now, I say rather than let it run to waste and destruction, let us keep it along with a moderate sum, and keep up in this way all of these harbors so that at each place vessels can enter and business can succeed. Who is desirous of blocking up harbors by allowing sand-bars and shifting of cribs, for lack of small protective appropriations, and thereby destroy the business of a locality, when the Government has taken it in hand to develop its resources? And, as my friend from Vermont suggests, such denial absolutely cribs the business. It does in a double sense, and it is for that reason I would try to obviate it.

Mr. DAVIS. The amendment now under consideration, in my judgment, affects many more items in this bill. I was not one of the subcommittee that carefully examined this bill, but I am a member of the Appropriation Committee which considered it. I think that on the fate of these two amendments, as well as the one for Frankfort, already passed, depend many other items in this bill. It would be unfair to other sections of the country, to other States, to re-instate the two items now under consideration and not include many others that have been stricken out in this bill, and I think the Senate ought at once now to settle what its policy will be. If these two items are to be kept in the bill and not stricken out, then by general consent all the items that the House appropriated for should be retained. All have merit. There is not one in the bill that is without merit, and there are many not in the bill of as much merit as some already in the bill. I believe it is just to the entire country that this should be a test; and if the items now under consideration should remain in the bill, then let us keep them all in the bill.

Mr. EDMUNDS. What are the particular cases to which the Senator from West Virginia refers in respect to which this would be a test? He has some in his mind clearly.

Mr. DAVIS. There are two items now pending.

Mr. EDMUNDS. But the Senator said that this applied in many other respects, and spoke of cases that were equally meritorious that ought to be guided by this vote. What are those cases?

Mr. DAVIS. The Senator misunderstood me. I have nothing in my mind whatever except the two cases before me, but all in the bill have merit or they would not be here. I have reference to no particular amendment in the bill, but upon the principle that the Appropriation Committee considered this bill and recommended the striking out of these two items, they have recommended the striking out of a hundred other items, and if the principle is not good and will not hold here let us put them all back.

Mr. MAXEY. I concur in the necessity of making appropriations for the great national arteries and highways of commerce. So concurring, I voted, and without hesitation, for the increase of the appropriation for the harbor at Buffalo, New York, because I know that that is important. I voted in like manner for the increase of the appropriation at Hell Gate, near the city of New York, because I know that is important. But, sir, as States are made up of counties and the Federal Union of States, so the great commerce of the country is made up of these small streams of commerce, and it has been the policy of this Government almost from its foundation to aid and encourage commerce not only by appropriations to the great arteries but by fostering and encouraging the development of commerce by making appropriations for the improvement of the smaller rivers and the smaller harbors. While we who may be little fish are perfectly willing to help the big whale, we think the whale ought not to try to deprive us of the little there may be for our benefit. Hence I have taken this view of the matter, that the House of Representatives have carefully examined this bill and they have passed this bill of appropriations and it has come to us, and the Appropriation Committee of the Senate seem to have stricken out the bill by wholesale. I have a case in point in my own mind where an appropriation has been made for years, was made I believe last year, and an appropriation was recommended by the Chief Engineer for the present year, and by some oversight it was not in the Book of Estimates that I have obtained and have here, a most important work. And so knowing of a case in my own State, I apprehend that same character of knowledge is in the possession of those from other States in respect to their States. The idea presented by the Senator from West Virginia is, in my judgment, correct. I do not think it would be right to call upon me or to call upon any other Senator to aid in the improvement and development of the great harbors, such as Buffalo, such as the city of New York, and others that might be named, and deprive the smaller rivers and the smaller harbors of their appropriations, because it is what goes out of the small harbors into the great harbors that makes up this great commerce in the great places. I think comity, justice, equity, and the usages of the country clear back to the foundation of the Government all sustain the general policy of the House bill; and for one, therefore, I shall vote to non-concur in all these amendments striking out items.

Mr. KERNAN. Mr. President, I hope I shall be pardoned for saying a few words in addition to what was said by my colleague. The present amendment proposes to strike out an appropriation of $10,000 for the improvement of the harbor at Pentwater, Michigan. The Senator in charge of the bill informs us that the work to be done there requires in round numbers $40,000, and the Engineer Department advises us to omit it or appropriate all. It is not a work that can be continued with small sums of $5,000 or $10,000 from year to year continuously, and it seems there is no great detriment to the service if we omit it for a year, as we are informed. I concur in the general view expressed by the Senator from Iowa that where a work can be preserved for a small appropriation so as to furnish useful facilities and advantages to commerce, or where without great detriment we need not commence the work at all, this is a proper year to reduce or omit appropriations. I do not believe it is wise for us to act in the spirit that we should have a sort of distribution of this money, each State getting something. This is the business of the Government of the United States, and I think we should do as good business men would do, omit appropriations where they can be properly deferred, and complete works in progress, if it can be advantageously done.

With this view I did not make a struggle against striking out the appropriation in lines 9 and 10, and yet that was for a harbor, a harbor at a dangerous place on Lake Erie, where the Erie Railroad, one of the great arteries of transportation, reaches the lake at Dunkirk. It was useless to struggle for it this year, for the reason that the harbor is in reasonable condition; it will answer fairly for the year; and if there is to be a general policy of cutting off where we can do it without serious detriment, we were disposed to submit. So take lines 21 and 22, an item for the improvement of the harbor at Great Sodus Bay,

New York, $5,000. A railroad runs to that point. We should like an appropriation there; but we thought that if the policy acquiesced in by the Senate should be that which I have stated we would forbear for this year, and only ask for appropriations where they were really necessary and would be well used.

Mr. MAXEY. The Senator from New York is a man who understands as well how to take care of his own State as any of us, and I call his attention to the fact that in two items our committee increase the appropriations for New York $175,000, and all that is stricken out amounts to $36,000.

Mr. KERNAN. I utterly disclaim here and now that I am here to take care of the State of New York and get all the appropriations I can for her. I am here to ask that which is for the public good, and not otherwise. While the committee have increased the appropriation for Hell Gate, a work that has been going on for years, yet I believe the estimate of the engineer was $400,000; and it is a work going on, it is a work of great importance; and is there any comparison in the estimation of my friend from Texas between that work and dribbling out $5,000 apiece to harbors on Ontario and Erie and Michigan? Is it not better for us, as a good business man would do, to say, "I will finish up this work this year; let another that the public do not suffer for go for another year, and then finish that." For one I do not believe it is my duty to my country or my State to say, "You have so much, and let us have so much, whether it is really important this year or not." Suppose a man owned a large tract of country; would he think of starting his buildings on different farms, laying out $5,000 or $10,000 there and another $5,000 there and another there, and so on? We should look as careful men at the interests of the country, in my judgment, to preserve what has been completed if it answers reasonably well in this year, when our appropriations are required to be as low as possible, cutting off the others, particularly if they are appropriations of $5,000 or $10,000, which the engineers say will do no good. I disclaim the notion that I am looking to New York, except as I would look to every other portion of the country, giving what is necessary for the public good and cutting off this year where without detriment it can be done. However, if this is to be done in this way, then I know that at Dunkirk, I know that at Sodus Bay and one or two other places, it is certainly far more important that we should have even the small sums given by the House bill than to distribute them in the way we are doing at some other places. All I ask is to act with my brethren on the policy which they adopt. I am in favor of the policy recommended by the committee and will act with it; but if the Senate differ I want their policy applied to my own State as well as to others.

Mr. FERRY. I desire to ask the Senator from New York a question. Does he not appreciate the fact that the House bill in the case of Michigan to which of course the allusion now is, as that is the pending question, is a reduction from last year's bill of 20 per cent.? I ask him as a question of economy and in consideration of the condition of the times, where we are unable to complete in one harbor and where the committee deem it impossible to appropriate to complete harbors and are obliged to distribute the appropriations more or less, whether there is not a comprehension of the necessities of the case in the reduction of 20 per cent. on last year's bill?

Mr. KERNAN. If my friend will state facts, as against what are stated by the committee, to show that $10,000 is needed at Pentwater either to preserve the work or to economically continue it, then I will vote for it; but I will vote for it upon no theory that it is a reduced percentage or anything of that kind. It is on the necessity of the money that I vote. If the public good demands it, I will vote for it; but if we begin in the various States to say "You have got so much, and so must we," it seems to me we shall not be doing what we should wisely do as a Senate for the various States. I want to repeat that I am prepared to vote, no matter in what State, where the facts show that there is more required, and let each proposition be considered alone; but when we are giving $5,000 here and $5,000 there on no other argument than that we ought to vote it because another State has it, I for one most respectfully say we had better not act upon that argument. Let us look at each case alone. If there is a state of things requiring the House appropriation, I shall vote for it; if it requires more I shall vote for it; but I do not want to get into the notion that I vote something for New York because another State has got a large amount. I want to act in the light of the facts given to us by the committee and by the gentlemen from the respective States, doing that which a good, prudent business man would do to preserve the work and further the public good.

Mr. FERRY. One word. I want to call the attention of the Senator to the fact that the report from the Engineer Department recommends $49,000 for the completion of this harbor.

Mr. KERNAN. I alluded to that, and the Senator from Iowa stated after consultation that in consequence of the condition of things they advised that we appropriate the whole or none, and he says "appropriate none because they can get along this year."

Mr. FERRY. I do not know on what theory or basis the Engineer Department has settled a judgment. I only give you fact against theory. Take the harbor where I reside. The Engineer Department have recommended appropriations for it year after year, and it is only this year that they recommended $51,000. They recommended $200,000 for building a north pier. What was the action of Congress? They appropriated, I believe, only $50,000, and they added to that $15,000 or $20,000 more, so that we have now a depth of water of eighteen feet, and we had before but seven and a half feet. I say there is a fact showing that by a moderate appropriation and expenditure of money the depth of water is increased and the harbor made safe.

I do not know what the theory of the Engineer Department may be. I do not know under what pressure the Engineer Department have been brought to send a supplemental report here that certain harbors can as well be shut out this year as not. If I were applied to as head of a Department and told, "Here is so much; we must frame the bill within some limits; now we ask you to report certain harbors that can be shut out, in the face of your report that they required a large amount to complete them," I might make such a supplemental report temporarily; but I ask on the basis the Senator has stated, one of common sense, business judgment, what are we to do? If here were large appropriations beyond the capacity of the Government, I should have nothing to say; but I repeat what I have stated before, that the aggregate to Michigan is but $225,000 outside of Sault Ste. Marie and the harbor of refuge, which the chairman has declared are national works in the broadest sense, and for which appropriations have been made from year to year, and will be, I suppose, until they are completed. Now aside from them the aggregate is $225,000; and in the face of that I merely urge for these places the moderate amounts by which the depth of water can be preserved and property made safe. If you shut them out and let them fill up, by and by when we again appeal to you, then the argument will be made, "They are of no value; they have filled up mean time;" when, if you had pursued the course we are asking here, you would have kept them along year after year until you were able to complete them, and the while business would be developing and the best interests of the Government conserved.

Mr. ALLISON. I move that the five-minute rule be applied to this bill. I hope there will be no objection.

The PRESIDING OFFICER. The question is on the motion of the Senator from Iowa.

Mr. EDMUNDS. Is that in order? I should like to have the rule read. I think the rule applies to the general appropriation bills, and not to the river and harbor bill; but I am not sure about that. I should like to hear it read.

The PRESIDING OFFICER. The order will be read.

The CHIEF CLERK. The Senate on the 28th of February, 1876,

Resolved, That during the present session it shall be in order at any time to move a recess, and, pending an appropriation bill, to move to confine debate on amendments thereto to five minutes by any Senator on the pending motion, and such motion shall be decided without debate.

Mr. EDMUNDS. All right.

The PRESIDING OFFICER. The question is on the motion of the Senator from Iowa to apply the five-minute rule to this bill.

Mr. ALLISON. If any Senator will say he wants to speak to this bill more than five minutes, I do not desire to press the motion now.

Mr. STEVENSON. I raise the point of order that this rule does not apply to the river and harbor bill.

The PRESIDING OFFICER. It applies to all appropriation bills, and this is certainly an appropriation bill within the meaning of the order of the Senate.

Mr. STEVENSON. I think not; I think the Senator from Rhode Island [Mr. ANTHONY] will bear me out that the rule is always made specifically to apply to the river and harbor bill, when it is desired to be done.

Mr. CONKLING. The rule says any appropriation bill. What is this bill? An act making appropriations for the construction, repair, preservation, and completion of certain public works on rivers and harbors, and for other purposes.

Mr. ANTHONY. Does it say "any appropriation bill?"

Mr. CONKLING. It says "an appropriation bill."

Mr. ANTHONY. I was under the impression that it said "a general appropriation bill;" and I know formerly we had to pass a special order for the river and harbor bill to bring it under the rule.

Mr. WEST. There does not seem to be any appeal from the decision of the Chair; but I should like to state what is within my recollection, and I have no doubt within the recollection of many other Senators, that this five-minute rule has always been applied to the river and harbor bill as well as to others. I remember standing in this place, having that rule applied to me in debate on a very important question in connection with a river and harbor bill, and by the courtesy of the Senate the time was extended.

The PRESIDING OFFICER. The motion is not a debatable one.

Mr. CONKLING. Is there any appeal from the decision of the Chair?

The PRESIDING OFFICER. The Chair has not heard any. Does the Senator from Kentucky appeal?

Mr. STEVENSON. No, sir.

The PRESIDING OFFICER. The question is on the motion of the Senator from Iowa.

The motion was agreed to; there being, on a division—ayes 31, noes 9.

Mr. WALLACE. Mr. President, it is very certain that we are brought to one of three propositions upon the pending amendment: either we must adopt the theory of the committee that money should be appropriated for great national objects, for the development of important harbors and the continuance of work that is vital and essential, or adopt the theory of the House bill, which gives small

amounts to national works and distributes small amounts to very many new works on small rivers, or we must adopt both theories and increase this bill by the amount of a million dollars. For my part, and speaking for the people of the State I represent, I cannot consent to agree that the proportions of this bill as it came from the House are to be swollen. It contained $5,800,000 then and it contains about that amount of money now. Beyond this amount I shall be unwilling to vote. I am then brought to the settlement of this question in my own mind as between the theory of the committee and the theory of the House bill; and it seems to me that there can be but one decision reached as between these two propositions: the one is the continuance of works that are vital and essential to the whole commerce of the country, the improvement of the great national arteries, those great streams that are boundaries between States; the other is the appropriation of money to small streams and new work. It does seem to me that the Senate cannot hesitate in its choice as between these two propositions and that it ought to sustain the theory of the committee. If this amendment be voted down, the Senate is at sea, and combinations and anti-combinations will be made in the Senate and the propositions of the bill will necessarily and inevitably be swollen.

Mr. COCKRELL. I desire to ask the Senator from Pennsylvania one question. If the theory of the committee be adopted that all appropriations must be made for works already commenced, when will those works be completed in order that other works of equal necessity may have an opportunity? As I understand, there are some works for which appropriations have been made for the last fifty years consecutively. Now, the theory of the committee, I understand, is to confine appropriations to that class of works and cut off new works?

Mr. WALLACE. "Order is Heaven's first law." We must take them in their order, the order of their necessity, the order of their indispensable necessity to the commerce of the country; and I shall always vote for that which my judgment tells me is the most necessary to conduct the commerce of this great country. I will not vote for a new appropriation to a small river when I know that one of the great ports of the country requires an appropriation in order to make the harbor more safe or to protect the vessels that enter there.

Mr. FERRY. I should like to call the attention of the Senator from Pennsylvania because he is of the committee. If the bill had been reduced a million of money I could see the force of what has been said by the Senator from Pennsylvania, but inasmuch as the bill has been increased, as stated by the Senator in charge of it in his opening remarks, some $36,000, I cannot understand how this distribution can be done for the best interests of the country. Take an illustration, (and it is always best to illustrate upon home matters:) For Sault Ste. Marie more is required than $200,000. That, in the public judgment, is a question of national importance. Yet the committee do not decide to increase that, but in the State of Michigan, which is the case now pending, instead of increasing on those large works, the appropriation for the State is decreased. I know those items are not touched as they came from the House, but they are not increased, and yet they are of national importance, it is said.

The bill is increased but $36,000. It is not diminished. If it was cut down one-half, then some places must be left out; but it is more like a redistribution. Now, with that view in changing the aggregate, ought we not to keep in mind these places which the Government has already taken in hand?

The PRESIDING OFFICER. The question is on the amendment striking out lines 46, 47, 48, and 49.

The question being put, there were on a division—ayes 19, noes 21.

Mr. ALLISON. I ask for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 20, nays 22; as follows:

YEAS—Messrs. Allison, Booth, Conkling, Davis, Dawes, Eaton, Edmunds, Howe, Kernan, McCreery, Morrill, Oglesby, Robertson, Thurman, Wadleigh, Wallace, West, Windom, Withers, and Wright—20.

NAYS—Messrs. Bogy, Caperton, Christiancy, Cockrell, Cooper, Dennis, Ferry, Frelinghuysen, Gordon, Hamilton, Ingalls, Jones of Florida, Key, Maxey, Merrimon, Mitchell, Norwood, Paddock, Ransom, Spencer, Stevenson, and Whyte—22.

ABSENT—Messrs. Alcorn, Anthony, Barnum, Bayard, Boutwell, Bruce, Burnside, Cameron of Pennsylvania, Cameron of Wisconsin, Clayton, Conover, Cragin, Dorsey, Goldthwaite, Hamlin, Harvey, Hitchcock, Johnston, Jones of Nevada, Kelly, Logan, McDonald, McMillan, Morton, Patterson, Randolph, Sargent, Saulsbury, Sharon, and Sherman—30.

So the amendment was rejected.

Mr. WITHERS. Mr. President, in view of the character of the votes which have been cast on these amendments and the manifest purpose of the Senate to dissent from the views which have guided the committee in the presentation of this bill, I think it would be only just to other schemes which have equal merit with many of the amendments that have been put on the bill that the bill should be recommitted to the committee, and that they should frame a bill embodying the House items and other amendments, many of which have been suggested, possessing equal merit with those incorporated in the bill. It is clear that the Senate dissent entirely from the views of the committee; that they are not willing to restrict the appropriations to the objects to which the committee deem it proper that they should be restricted. I think it would be best, under all the circumstances, to recommit the bill. I make that motion.

The PRESIDING OFFICER. The Senator from Virginia moves to recommit the bill to the Committee on Appropriations.

Mr. WINDOM. I hope the bill will not be recommitted. I think it will be disposed of much more promptly if the Senate continues with its present consideration.

Mr. WITHERS. I will not insist on the motion to recommit if the chairman of the committee is opposed to it; but I thought it would lead to a more fair, equitable, just, and symmetrical bill to recommit it rather than to thrust each individual amendment to the contingency of an active or eloquent advocate on the floor, or the absence of some person whose special interest it might be to guard that appropriation. It seems in the way we are proceeding we might modify any amendment of the committee or deny appropriations to subjects of great merit, and permit others to be stricken out, simply because they had an eloquent and earnest advocate on the floor.

Mr. WINDOM. The committee have exercised their best judgment on the bill, but the Senate does not seem to concur in it. It seems to me the best way is to take the sense of the Senate. I think that is the quickest way to get through with it. I have no other objection to the proposition.

The PRESIDING OFFICER. Does the Senator from Virginia insist on his motion?

Mr. WITHERS. No, sir; I withdraw it.

The PRESIDING OFFICER. The motion to recommit is withdrawn. The next amendment will be stated.

The next amendment of the Committee on Appropriations was in line 55, to increase the appropriation for the improvement of the harbor at Green Bay, Wisconsin, from $8,000 to $12,000.

Mr. STEVENSON. I should like to ask the Senator in charge of the bill why that is done. I see other items are stricken out that I think are more important than that.

Mr. ALLISON. Green Bay is a very important harbor, I would state to the Senator from Kentucky. The engineer in charge states that the sum of $12,000 is the lowest sum that he can carry on the necessary improvements for at this place. Therefore the committee give him the amount requested in his revised estimates. I cannot, just at this moment, say exactly how this $12,000 is to be expended. Major Roberts is a very faithful engineer.

The PRESIDING OFFICER put the question on the amendment, and declared that the noes appeared to prevail.

Mr. ALLISON. I dislike to annoy the Senate, but I must ask for the yeas and nays on this amendment.

Mr. MORRILL. I suggest to the Senator to take a division.

Mr. ALLISON. I will try a division first.

Mr. EDMUNDS. Take the yeas and nays. I like this record.

Mr. RANSOM. I think the Senate voted under a misapprehension. I think the amendment will carry on a division.

The PRESIDING OFFICER. Is the call for the yeas and nays insisted upon?

Mr. CONKLING. Let us have the yeas and nays.

Mr. ALLISON. Very well.

The yeas and nays were ordered.

Mr. HOWE. I do not know but that I ought to say a word about this amendment, though I do not care to say more than that. There is a cut across a point which has formed in front of the entrance to Fox River, and to straighten the entrance to the river the engineers have heretofore cut a channel across that point and have protected it by breakwaters at each end. The engineers want to finish the dredging of this channel. They say it will cost $12,000. The bill appropriated $8,000. Here is a proposition to give them what they want to complete the work. If it is the opinion of the Senate that there is economy in appropriating $8,000 this year and $4,000 the next, and leaving the commerce which enters that river to another year to have an entrance provided for it, I shall acquiesce in that judgment, but I should think it rather a poor sort of economy.

Mr. THURMAN. Do I understand the Senator to say it is needed to complete the work?

Mr. HOWE. It is, I understand.

Mr. THURMAN. Has the Senator any objection then to inserting before the word "improvement" the words "completion of?" Then I would very cheerfully vote for the amendment.

Mr. HOWE. I have no sort of objection to that.

Mr. CONKLING. That would be a perfectly harmless amendment. Whether they be in or not, the words will not save anything.

Mr. ALLISON. I will say one word with reference to this amendment. This is principally for dredging. The idea of appropriating $8,000 for dredging and preparing and placing in this harbor all the machinery necessary to carry on dredging, seems to me to be rather an absurdity. I think $12,000 is too little, but the engineer, Major Roberts, who has charge of this work, in his revised estimates, having been telegraphed to by the Engineering Bureau to reduce the estimates two-thirds, says that $12,000 is the lowest sum he can get along with. I think we ought to adopt his view. He certainly, being on the ground, has some knowledge of this subject that we cannot have here in the Senate. Therefore, I think we had better take his view than our own, as the difference is only $4,000.

The question being taken by yeas and nays, resulted—yeas 32, nays 10; as follows:

YEAS—Messrs. Allison, Bogy, Caperton, Christiancy, Conkling, Cragin, Davis, Dawes, Dennis, Eaton, Edmunds, Ferry, Frelinghuysen, Hamilton, Hamlin, Harvey, Howe, Ingalls, Jones of Florida, Kernan, Key, Maxey, Mitchell, Morrill, Oglesby, Ransom, Robertson, Sherman, West, Windom, Withers, and Wright—32.

NAYS—Messrs. Cockrell, Cooper, McCreery, Merrimon, Norwood, Paddock, Saulsbury, Spencer, Stevenson, and Thurman—10.

ABSENT—Messrs. Alcorn, Anthony, Barnum, Bayard, Booth, Boutwell, Bruce, Burnside, Cameron of Pennsylvania, Cameron of Wisconsin, Clayton, Conover, Dorsey, Goldthwaite, Gordon, Hitchcock, Johnston, Jones of Nevada, Kelly, Logan, McDonald, McMillan, Morton, Patterson, Randolph, Sargent, Sharon, Wadleigh, Wallace, and Whyte—30.

So the amendment was agreed to.

The next amendment of the Committee on Appropriations was to strike out lines 56 and 57, in the following words:

For the improvement of the harbor at Menomonee, Wisconsin, $10,000.

The amendment was agreed to.

The next amendment was in line 61, to reduce the appropriation for the improvement of the harbor at Two Rivers, Wisconsin, from $15,000 to $5,000.

Mr. HOWE. I wish the Senator in charge of the bill would state the reason for making that amendment.

Mr. ALLISON. Major Roberts, the same engineer who recommended the increase at Green Bay to $12,000, said he could get along at this place with $5,000; and we thought we should have to take his recommendation in both instances, as we had taken it in one.

The amendment was agreed to.

The next amendment was in line 69, to reduce the appropriation for the improvement of the harbor at Sandusky City, Ohio, from $30,000 to $25,000.

Mr. THURMAN. There is a very small difference between the House bill and the proposition of our committee, $5,000. I wish to say that I have a personal knowledge of the harbor at Sandusky City, and I know of no harbor that requires an appropriation much more than that harbor. It is one of the most tortuous channels that I know of on Lake Erie into the port, and my own impression is that $30,000 is a small appropriation. I do not, however, want to call any yeas or nays upon it or make any division. I should be glad if the appropriation should be left for Sandusky as the bill came from the House. It is a matter too small, however, for much contest.

Mr. SHERMAN. I have no desire to interfere with the bill merely because an appropriation in regard to my own State is proposed to be reduced; but I wish to call attention to some facts that I have discovered in this bill to show that the committee have reduced in one place and have not followed the same policy in reducing in another place. The appropriations here made for the two harbors in Ohio—there are not many of them for the State—are not near up to the estimates submitted to us at the beginning of the session. The House reduced the estimates and placed the amounts very low. A paper, which has been furnished me very kindly by the Committee on Appropriations, from which I will read, shows that they have made no reduction in some of the places, but have made it in this case. The rule ought to be applied equally. This letter is dated February 25, 1876:

UNITED STATES ENGINEER OFFICE, BUFFALO, NEW YORK.

GENERAL: After replying to the Department telegram of to-day in relation to the reduction of estimates, I found that I had misunderstood it and had only reduced the aggregate one-third instead of to one-third.

Brigadier-General A. A. HUMPHREYS,
Chief of Engineers, U. S. A., Washington, D. C.

Quite an important difference.

I have consequently sent a second telegram in which I suggest the following appropiations: Toledo, $75,000.

They have adopted that reduction.

Sandusky, $25,000.

Reducing it $5,000 below what it was in the bill as it came from the House.

Buffalo, $85,000.

The committee have not reduced Buffalo, but have increased it to $100,000.

Mr. ALLISON. We increased it $15,000 more than was recommended.

Mr. SHERMAN. So I say; but you have reduced in the case of two principal harbors in Ohio. At Sandusky City there is a reduction of $5,000, and the breakwater at Cleveland, which I have the chief interest in because I know more about it, has been reduced from $75,000 to $50,000. The engineers report in their printed estimates that a large sum ought to be appropriated at Cleveland and recommend the sum of $500,000 on the ground that that is a work of supreme importance already commenced and entered upon, being not specially for Cleveland but the whole lake, a breakwater and harbor of refuge intended for all the commerce of Lake Erie. It is not a mere protection of the harbor, but a breakwater and port of refuge for the vessels entering into Lake Erie. That work has been entered upon. It has been commenced and the engineer recommends an appropriation of $500,000 for that purpose. That would be a very large sum, and I would not ask that that large sum should be appropriated; but $75,000 is the amount fixed by the House, and it seems to me that it ought not to be reduced without a very strong reason for it. The reason that is given in this paper is no reason at all. It seems that the Chief of Engineers called upon the subordinate engineers to reduce their estimates to one-third of the amount they had previously recommended, and upon that the engineer undertakes to reduce them to one-third of the amount he had previously recommended. These reductions were based upon that idea. Here is the estimate showing that the engineer does not estimate what he thinks is necessary, but he estimates by an arbitrary rule furnished him by the Chief of Engineers and says that one-third of the given sum is so much. That is the way this reduction is made.

I think, therefore, in regard to these two appropriations, both of which are important, especially at Cleveland, that the amount ought to be left where the House put it, unless it is increased. I want to stand by the committee so far as I can; but I think in those two cases, at least in the case of the breakwater at Cleveland, they ought to leave the amount as fixed by the House.

Mr. ALLISON. I only desire to say a word in reply, and in doing so I think I ought to state to the Senate that the engineer or the Engineer Bureau was only endeavoring to carry out what was supposed to be the wish of Congress. The Engineer Bureau estimated for rivers and harbors an aggregate of $14,000,000. The House committee said to the Bureau, "you must reduce that about two-thirds." When it was supposed that the policy of Congress would be to reduce the appropriation to $5,000,000, then the Chief of Engineers sent to these various district officers and asked them to say how this money could be economically and prudently expended without reference to what they recommended for each specific case in their regular estimates. The Senator from Ohio says that in the report made by Colonel Blunt he estimates only $85,000 for Buffalo. But if the Senator will turn upon the other page of the letter he will see:

Cleveland can, I think, get along very well with the $50,000 which I estimate, the same as last year. Buffalo, which I have put at $85,000, should really have $100,000.

That seemed to be his best estimate, that he ought to have $100,000 for Buffalo, and the committee gave it to him. That was their policy, to follow out in both instances what seemed to be the estimate and opinion of the engineer in charge. In Sandusky he recommended $25,000. I know Sandusky is an important harbor and there is very little difference between $25,000 and $30,000; but it seems to me we must establish some rule with reference to these appropriations. I have no doubt twice $25,000 or twice $30,000 could be applied at Sandusky City, as I believe $150,000 might be expended at Cleveland; but that is not the question. The question is how can we bring the bill within a reasonable sum which we can afford to appropriate at this session, and in order to do that we must take the smallest sums at each one of these places.

The PRESIDING OFFICER. The question is on the amendment proposed by the committee in line 69.

The question being put, there was on a division—ayes 16, noes 22.

Mr. ALLISON. I ask for the yeas and nays. I want to get the judgment of the Senate with reference to the action of the committee.

The yeas and nays were ordered.

Mr. WEST. I should like the Senator in charge of this bill to read to the Senate what the engineer in charge of that harbor says definitely in regard to the appropriation required. If I am correct, he asks $25,000 for this work, and the committee have amended the bill in accordance with that recommendation; and now the Senate proposes to put on more than our engineering authority asks for.

Mr. SHERMAN. I read the very letter to the Senate.

Mr. WEST. I ask to have it read again. What does it say?

Mr. SHERMAN. The letter is in response to a demand made by General Humphreys that the estimates should be reduced to one-third. Upon that peremptory order Colonel Blunt submits estimates based upon one-third of the amount he supposes to be necessary.

Mr. EDMUNDS. How much is the amount of business at Sandusky? What is the amount of commerce there?

Mr. SHERMAN. It is very large. I cannot state it.

Mr. EDMUNDS. What is the amount of duties collected?

Mr. SHERMAN. I cannot tell. Sandusky is not so important by far as Cleveland, the chief port of entry. I can say to the Senator that it is very large at Sandusky, because it is the terminus of two large railroads running through the State of Ohio.

Mr. ALLISON. Its tonnage is 524,000.

Mr. SHERMAN. It has 524,000 tonnage. That is a very large tonnage.

Mr. EDMUNDS. Going by water?

Mr. SHERMAN. Yes, sir; by water, on Lake Erie. An immense amount of coal comes into Sandusky for shipment to the upper lake.

Mr. EDMUNDS. What are the commodities exported, may I ask the Senator?

Mr. SHERMAN. The Senator takes me rather by surprise.

Mr. COCKRELL. Where does the Senator from Louisiana get his statement?

Mr. WEST. I will answer as soon as I have the floor. I did not know I had yielded.

Mr. SHERMAN. I will answer the question before taking my seat:

Sandusky Harbor, Ohio, is in the collection district of Sandusky, Ohio. * * * Entrances and clearances during the fiscal year ending June 30, 1875, 3,271. Tonnage of same, 524,941.

Mr. EDMUNDS. That is the tonnage of the vessels. What do they carry? What are the commodities that are shipped from there?

Mr. SHERMAN. The shipments there I know of are wheat, and largely coal and iron-ore.

Mr. WEST. And oil?

Mr. SHERMAN. No oil, I think. Cleveland is the great oil port; but iron-ore, and wheat and other agricultural products, corn and whisky, are shipped there, and it is also a large lumber port.

Mr. WEST. I wish to say a few words in respect to this reduction of the estimates originally made by the Engineer Corps for the improvement of rivers and harbors to be appropriated for at the present session of Congress. The total estimates of the Engineer Corps were $14,301,000. As soon as they were submitted to Congress there was a notification sent to the Engineer Corps that there was an absolute necessity for cutting down these estimates to one-third of the amount, leaving the Engineer Corps the discretion as to how the money should be applied. On the proposition of the Senator from Ohio we are cutting loose entirely from our usual reliable authority as to the amount of money required for each specific appropriation, and the Senate in voting against the amendment of the committee actually adopt the estimate of the Senator from Ohio as against the estimate of their constituted authorities. The engineer here in this letter says absolutely and positively that he can get along with $25,000 at Sandusky. Does the Senate propose to give the engineers more than they say they can do with? I think not. If you depart from that proposition now, you will do it all the way through the bill, and you will so load it down that it will break of its own weight. If Senators expect to get their appropriations passed here as recommended originally, they had better send this bill forward and not load it down, or they will have the amendments set at naught by both Houses, and we shall have to go back to the original proposition. The only safety is to stand by the recommendations of the committee.

Mr. THURMAN. I believe a part of my five minutes remains. The Senate has not set a very good example of standing by the committee so far as taking its reductions is concerned; that is to say, they have not stood by it at all.

Mr. WEST. That was not by my vote.

Mr. THURMAN. The Senator asks us to stand by the action of the committee in regard to the engineer's report, and tells us that the engineer says he can get along with $25,000. I dare say he can get along with $10,000 or with $500.

Mr. WEST. Is it not the time to get along with as little as we can?

Mr. THURMAN. Undoubtedly it is the time to get along with as little as we can; but that mere getting along does not overthrow the estimate which was sent in first, and which is far above the amount which is in the bill. This response of his to the letter to know the very least amount he could get along with, is not the estimate of the Department as to what really is needed for the improvement. That is all I have to say upon this particular amendment. When the amendment is reached in regard to Cleveland I will have something to say about it. There are some very singular provisions in this bill in respect to the harbors on Lake Erie, I must say.

The PRESIDING OFFICER. The yeas and nays have been ordered on the amendment, and the Secretary will call the roll.

The question being taken by yeas and nays, resulted—yeas 18, nays 24; as follows:

YEAS—Messrs. Allison, Anthony, Boutwell, Conkling, Davis, Eaton, Edmunds, Harvey, Howe McCreery, Morrill, Oglesby, Robertson, Wadleigh, West, Whyte, Withers, and Wright—18.

NAYS—Messrs. Bayard, Bogy, Bruce, Caperton, Christiancy, Cooper, Dawes, Dennis, Ferry, Frelinghuysen, Gordon, Hamilton, Jones of Florida, Kernan, Key, Maxey, Merrimon, Mitchell, Norwood, Ransom, Sherman, Spencer, Stevenson, and Thurman—24.

ABSENT—Messrs. Alcorn, Barnum, Booth, Burnside, Cameron of Pennsylvania, Cameron of Wisconsin, Clayton, Cockrell, Conover, Cragin, Dorsey, Goldthwaite, Hamlin, Hitchcock, Ingalls, Johnston, Jones of Nevada, Kelly, Logan, McDonald, McMillan, Morton, Paddock, Patterson, Randolph, Sargent, Saulsbury, Sharon, Wallace, and Windom—30.

So the amendment was rejected.

The next amendment of the Committee on Appropriations was in line 73, to reduce the appropriation "for a breakwater at Cleveland Harbor, Ohio," from $75,000 to $50,000.

Mr. THURMAN. I ask, and I do it from a sense of duty, that the Senate disagree to that amendment. The Engineer Department estimated the appropriation needed for the continuance of that work at $200,000.

Mr. SHERMAN. They estimated it at $500,000 in their printed report here. They say that amount is necessary to go forward with the work.

Mr. THURMAN. The House cut it down to $75,000 and now our committee has cut it down to $50,000. I beg the Senate to remember that Cleveland is the largest city, except Chicago, on the lakes; that its commerce is equal to that of any city on the lakes; that there are large lines of internal improvement, railroads and canals, that terminate at Cleveland; and that this work, which ought to have been commenced many years ago, and which really was commenced too late, is a great and urgent public necessity. There is not a member of the House or a member of the Senate who has been at Cleveland who has paid the least attention to this subject who does not know the necessity for this improvement; and to cut down the appropriation to the poor sum of $50,000 is really to do very great injustice to that port and to those who transact their business with it. The truth of it is, I do not quite understand how this bill is framed. The House made appropriations for several ports in Ohio, not large but small, reasonable appropriations. The House, on page 16, appropriated for the harbor of Ashtabula $10,000; for the harbor of Port Clinton $5,000; for Fairport Harbor $8,000. Our committee have stricken them all out. They have reduced Sandusky $5,000 and Cleveland $25,000, and have left but one appropriation that concerns Ohio in the whole bill untouched, the appropriation for Toledo, and that is not near what it ought to be. If we are to have harbors at all, these appropriations proposed by our committee in reference to harbors in Ohio are too small. I do not understand precisely upon what principle the committee went, and so far as Cleveland is concerned I do hope the Senate will disagree to the amendment.

Mr. ALLISON. I have only one word to say in relation to this harbor. I endeavored to state a moment ago the principle upon which the committee acted. That principle was to adopt as nearly as we could the suggestion that comes from the House for economy, namely, to limit the total aggregate of this bill to a certain sum. In order to ascertain how that sum should be expended, we had to resort to the recommendations of the engineers in charge of the works. We did not resort to the method which seemed to be adopted elsewhere of parceling these appropriations out in some respect as to States, at least, but we followed the directions of the engineers. Cleveland is an important place. I agree with the Senator from Ohio with reference to this harbor at Cleveland; they have a very large commerce there. We have made appropriations for Cleveland Harbor ever since 1827. Last year we made the first of a series of appropriations for a new harbor virtually at Cleveland, a harbor which is to cost when completed $1,800,000. We began that harbor last year with an appropriation of $50,000. The engineers say, and very properly, that they can use $500,000 or $200,000 in the completion of that harbor. Certainly they can. They recommend that the harbor shall be completed in three years, and in order to do that they must expend large sums each year. That is true. If we had the $14,000,000 to appropriate, estimated for by the Engineering Bureau, we could give Cleveland $200,000 as the estimate provides for in our Book of Estimates.

Mr. THURMAN. But you cut it down more than two-thirds.

Mr. ALLISON. Why?

Mr. THURMAN. You cut it down three-fourths.

Mr. ALLISON. We cut it down because the engineer says $50,000 there will do. If we should make a sliding scale cutting below the knee and going up on all these appropriations we could come up to this method; but we do not do that. We follow the Engineering Bureau, and therefore we have fixed $50,000. We do not seem to have had much success with our amendments. I leave it to the judgment of the Senate.

Mr. WEST. As a member of the committee, I wish to say merely one word in support of the amendment. After the estimates from the various Executive Departments were submitted, upon the sounding call for economy and reform that we have heard, those estimates were curtailed materially, and the principle of economy is going into effect on all propositions from other Departments except in the direction of improvement for rivers and harbors. I merely, before the vote is taken on this question, desire to lay officially before the Senate the report of the engineer in charge of this work, who says that with $50,000 he can meet all the requirements of commerce the present year at that harbor:

Cleveland can, I think, get along very well with the $50,000 which I estimate, the same as last year.

What other authority is to be our guide except the officers who are making these improvements? Here we have the official notification that $50,000 is all that they ask, and yet it is proposed to give them $75,000. If that is in accordance with the doctrine of economy and reform, I must confess I do not understand it.

Mr. THURMAN. What engineer has said what the Senator has just read?

Mr. WEST. C. E. Blunt, lieutenant-colonel of engineers, in a letter dated "United States Engineer Office, Buffalo, New York, February 25, 1876," addresed to Brigadier-General Humphreys:

Cleveland can, I think, get along very well with the $50,000 which I estimate, the same as last year.

Mr. THURMAN. Then what did they mean by estimating for $200,000?

Mr. SHERMAN. They estimated for $500,000.

Mr. WEST. I have explained that over and over again. They asked for $14,000,000, and we propose to give them but five million and a half. Here is an instance in which you propose to give them more than they ask absolutely. I do not understand the logic of such a proposition.

Mr. SHERMAN. I have here a printed report signed "C. E. Blunt lieutentant-colonel of engineers," who, I think, is the same officer who wrote the letter from which the Senator has just read. It is a statement submitted to us, giving the details of the commerce of Cleveland and describing the work that is going on there, the nature of the work, and the importance of it. The terms are as strong as it is possible for human language to express. I find among other items that he states that the commerce of Cleveland to be 1,978,115 tonnage. He also says:

Amount required for completion of project, $1,750,000.
Amount that can be profitably expended during the next fiscal year, $500,000.

This is signed by this same Colonel Blunt. I hope Senators will remember these facts which have been submitted to us. From the annual estimates referred to by my colleague it appears that they found that $500,000 was a larger sum than it was necessary for them to call for, but they said that amount might be profitably expended and urged the necessity of appropriating one-third of the whole amount. However, General Humphreys, in submitting the annual estimate to

Congress, submitted the amount as necessary to be appropriated for this Cleveland project at $200,000, thus reducing Colonel Blunt's proposition to $200,000. But as the House of Representatives called on General Humphreys to reduce the aggregate from $15,000,000 down to $5,000,000 or $6,000,000, or to about one-third, then Colonel Blunt being called on by General Humphreys to reduce his estimates sends in these sums, and he puts it at even less than one-third of the amount that had been estimated by General Humphreys, and one-tenth of the amount that he said ought to be expended at this harbor. Senators say that the report of Colonel Blunt has recommended only the appropriation of $50,000. Colonel Blunt says they can get along with $50,000, and so they would rather have $50,000 than nothing at all. For my part I am perfectly willing to lay this bill on the table as a matter of public policy, if we are in such a condition of affairs that the House of Representatives think they can resort to revolutionary expedients in order to promote economy. If that is the case let us lay this bill on the table at once. I would not hesitate in doing it, because we can suspend all the operations and can get along without any of this money if it is a matter of necessity to do so; but we are now acting upon the idea that we are to appropriate what is necessary for the Cleveland Harbor, taking a reasonable view of it, and we are justified in doing that. There is nothing in the condition of our country or the state of its finances that should make us do anything in an extraordinary way. We ought not to appropriate much money. We ought to make our appropriations as low as possible.

Mr. WEST. Except simply for Sandusky!

Mr. SHERMAN. I am willing to have an equal rule of reduction; but the Senate will not apply evenly the rule of appropriating one-third of the estimates first made. The board of engineers estimated $200,000. One-third of $200,000 is not $50,000. You reduce the amount more than by the rule which you apply to other cases.

Mr. WEST. There is no necessity for it when the engineer says he can get along with $50,000.

Mr. SHERMAN. The engineer simply says he can get along with $50,000. He said in regard to Buffalo that he could get along with $85,000, but you have given him $100,000 there; and you have given appropriations in many instances more than they stated they could get along with.

Mr. WEST. "Get along very well" is the engineer's expression.

Mr. SHERMAN. So they can by not doing anything. We must be reasonable in regard to these matters. I know it is unpleasant for the Committee on Appropriations to have their bills differed with by the Senate, but they must take things as they come. I believe this Cleveland Harbor, or port of refuge as it is called, or breakwater, is the most important work on the northern lakes, not for Cleveland, because so far as Cleveland is concerned they have their harbor and are getting along very well.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SHERMAN. I will end. I hope this amount will be left as it was in the bill as it came from the House.

The question being taken by yeas and nays, resulted—yeas 21, nays 26; as follows:

YEAS—Messrs. Allison, Anthony, Boutwell, Cockrell, Conkling, Dawes, Eaton, Hamlin, Hitchcock, Howe, McCreery, McMillan, Morrill, Oglesby, Robertson, Wallace, West, Whyte, Windom, Withers, and Wright—21.

NAYS—Messrs. Bayard, Bogy, Cameron of Wisconsin, Caperton, Christiancy, Conover, Cooper, Davis, Dennis, Ferry, Frelinghuysen, Gordon, Hamilton, Ingalls, Jones of Florida, Kernan, Key, McDonald, Maxey, Mitchell, Norwood, Ransom, Sherman, Spencer, Stevenson, and Thurman—26.

ABSENT—Messrs. Alcorn, Barnum, Booth, Bruce, Burnside, Cameron of Pennsylvania, Clayton, Cragin, Dorsey, Edmunds, Goldthwaite, Harvey, Johnston, Jones of Nevada, Kelly, Logan, Merrimon, Morton, Paddock, Patterson, Randolph, Sargent, Saulsbury, Sharon, and Wadleigh—25.

So the amendment was rejected.

MILITARY POSTS ON THE YELLOWSTONE AND MUSCLESHELL RIVERS.

Mr. WINDOM. I ask the Senator from Iowa to yield to me that I may call up a bill on the President's table, to which I think there will be no objection.

Mr. ALLISON. Very well.

The bill (H. R. No. 2118) to provide for the construction of military posts on the Yellowstone and Muscleshell Rivers was read twice by its title.

Mr. WINDOM. I am instructed by the Committee on Appropriations to recommend the passage of the bill. It has not been referred to the committee, but the committee has examined it, and I have in my hand three brief letters from the War Department which I will ask to have read.

The PRESIDING OFFICER. The question is on the motion to take up the bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

The preamble recites that Lieutenant-General Philip H. Sheridan and Brigadier-General Alfred H. Terry have, in their reports to the Secretary of War for the year 1875, set forth the great importance and immediate necessity of the construction of military posts at certain points on the Yellowstone and Muscleshell Rivers, in the Territory of Montana, and in the Military Department of Dakota, and such recommendations have been transmitted to Congress with the approval of the Secretary of War.

The bill appropriates the sum of $200,000, or so much thereof as may be necessary, for the construction of such military posts or depots at such points as may be selected by the Secretary of War.

The bill was reported to the Senate without amendment.

Mr. WINDOM. Unless it be desired, I will not ask to have the letters read. I suppose every Senator understands the purpose of the bill.

Mr. SHERMAN. Let the letters be printed in the RECORD.

Several SENATORS. Let us hear the letters read.

The Secretary read as follows:

WAR DEPARTMENT,
Washington City, July 13, 1876.

SIR: I have the honor to invite your attention to the inclosed copies of telegrams, dated the 7th and 12th instant, from Lieutenant-General Sheridan, asking an appropriation of $200,000, for the establishment of two military posts on the Yellowstone.

Concurring in the views of General Sheridan, I have respectfully to request that House bill No. 2118, which passed the House yesterday, be reported to the Senate, with the favorable recommendation of your committee, at the earliest practicable date.

Very respectfully, your obedient servant,

J. D. CAMERON,
Secretary of War.

[Telegram.]

CHICAGO, ILLINOIS, *July* 12, 1876.

To General W. T. SHERMAN, *Washington, D. C.:*

Do not neglect to urge the appropriation for the two posts on the Yellowstone—one at or about the mouth of Tongue River, the other in the Big Horn Valley. Our summer's work with all its hardships and losses may be of no avail if these posts are not established. If we could only get one, namely, that at or about the mouth of Tongue River, it would be of incalculable value.

P. H. SHERIDAN,
Lieutenant-General.

Extract copy telegram dated

PHILADELPHIA, PENNSYLVANIA, *July* 7, 1876.

To General W. T. SHERMAN, *Washington, D. C.:*

Your dispatch received. I think it premature to think of asking for volunteer cavalry, with the attendant expense. * * *

If Congress will give the $.00,000 which I have asked for for the past two years for the establishing of the posts at Tongue River and the mouth of the Big Horn, it will be in the interest of economy and will settle the Sioux question.

* * * * * * *

P. H. SHERIDAN,
Lieutenant-General.

The bill was ordered to a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. G. M. ADAMS, its Clerk, announced that the House further insisted on its disagreement to the amendments of the Senate to the bill (H. R. No. 3478) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1877, and for other purposes, agreed to the further conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. SAMUEL J. RANDALL of Pennsylvania, Mr. WILLIAM A. J. SPARKS of Illinois, and Mr. STEPHEN A. HURLBUT of Illinois, managers at the conference on its part.

The message also announced that the House insisted an its amendments to the bill (S. No. 332) to amend the act entitled "An act to amend and supplement an act entitled 'An act to establish a uniform system of bankruptcy throughout the United States, approved March 2, 1857,' and for other purposes," approved June 22, 1874, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. WILLIAM P. LYNDE of Wisconsin, Mr. SCOTT LORD of New York, and Mr. WILLIAM P. FRYE of Maine, managers at the conference on its part.

The message also announced that the House had concurred in the report of the committee of conference on the disagreeing votes of the two Houses on the joint resolution (H. R. No. 109) for the issue of silver coin.

RIVER AND HARBOR BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 3022) making appropriations for the construction, repair, preservation, and completion of certain public works on rivers and harbors, and for other purposes.

The next amendment of the Committee on Appropriations was to strike out lines 76, 77, and 78, in the following words:

For the improvement of the harbor at New Haven, Connecticut, by constructing a breakwater, $10,000.

Mr. EATON. I desire to inquire of the Senator in charge of the bill—I do not ask any favors for my State but such as are entirely proper and just—why this $10,000 is cut out? I want to be treated as others are.

Mr. ALLISON. I will say to the Senator from Connecticut that this breakwater has been estimated for by the Bureau of Engineers at a cost I think of a million dollars.

Mr. EATON. Four hundred thousand dollars.

Mr. ALLISON. It is a very large sum at any rate. Perhaps the Senator is right as a matter of fact. Ten thousand dollars would go but a very short distance in building the breakwater, and therefore the committee thought they would omit it entirely this year, and let the breakwater be commenced next year. I may say in addition that

we gathered from the Engineer Office that the improvement at Saybrook Bar was a very important work and very necessary to the commerce of the entire Connecticut River, and therefore we increased the appropriation from $20,000 to $50,000 in the next item.

Mr. EATON. The work on the breakwater has not been commenced, the Senator says.

Mr. ALLISON. Yes.

Mr. EATON. I think the estimate is less than $400,000.

Mr. ALLISON. The engineer says:

For the most economical construction of the breakwater a period of four years would be required, and should Congress see fit to direct the construction of the breakwater, the sum of $150,000 could be profitably expended during the next fiscal year.

The committee thought it was hardly worth while to commence on $10,000 so great an undertaking as the construction of a breakwater.

Mr. EATON. I am very much inclined to think that the committee are entirely right, although the item is for my State, and I feel an especial interest in public works in my own State as well as other States. I think it is a bad time to commence new works. There is one work in my State that was in process of construction, a very important work, upon which $25,000 was expended, and by some neglect, perhaps owing to the death of Mr. Starkweather, it has failed to be included in this bill. I shall at the proper time move an amendment that a certain amount of money be appropriated for that work.

The PRESIDING OFFICER. The question is on the amendment to strike out lines 76, 77, and 78.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was in line 80, after "Hartford," to insert "including Saybrook Bar," and to strike out "$20,000" and insert "$50,000;" so as to make the clause read:

For the improvement of Connecticut River below Hartford, including Saybrook Bar, Connecticut, $50,000.

The amendment was agreed to.

The next amendment was to strike out lines 82 and 83, in the following words:

For the improvement of the harbor at Milford, Connecticut, $5,000.

Mr. EATON. I want to ask the Senator in charge of the bill, because I wish to be satisfied of the reasonableness of this action of the committee, the reason why this item is struck out. It has been supposed to be necessary in years past to make appropriations for this harbor. Why is it not necessary now?

Mr. ALLISON. I believe at this harbor they have adopted a system of small jetties for the improvement of the harbor, and the Engineer Department recommends a small breakwater here at a cost of $55,000. The same argument applies to a breakwater costing $55,000 that applied to the breakwater at New Haven. We thought $5,000 too small a sum. It might be that $5,000 could be used for some other purpose.

Mr. EATON. Is the honorable Senator certain that there is such a recommendation?

Mr. ALLISON. I have before me the report:

The general interests of commerce require frequent harbors of refuge along Long Island Sound, and, as one such, Milford Harbor possesses many natural advantages; it is so nearly land-locked that a breakwater of moderate dimensions would cover a large anchorage-ground for the class of coasting-vessels which constitute the principal shipping in the sound; it has good holding-ground, and lies near the channel most frequented by such vessels.

Then he goes on to estimate $55,000 for this purpose, and that is the only estimate.

Mr. MORRILL. Mr. President, I noticed the Senator from Connecticut did not ask the Senator in charge of the bill the reason of the increase on line 80, where the sum proposed by the committee is $30,000 more than was proposed by the House. The Senator from Connecticut did not seem to have his attention attracted to that amendment.

Mr. EATON. The Senator from Vermont will favor us I suppose with his views of the matter. He did not hear what the Senator from Iowa said as to the reason for that amendment. It was that very much more money ought to be expended upon the mouth of the Connecticut River, and nobody knows better than my honorable friend from Vermont the great importance of the commerce of that river. It was sufficiently explained to me, and I took the $30,000 from the committee and the Senate very kindly passed it, just as I did not ask the striking out of this $10,000.

Mr. FERRY. I have noticed that the Senator from Connecticut has been very logical on all these amendments. He has sustained the committee, and necessarily he should sustain this amendment. I had the pleasure of voting with him for the increase in line 80, because my theory is that money thus expended is well expended; and whenever a Senator gives good reasons why an appropriation should be made for a locality, I feel in duty bound to stand by him. I thought I could not resist the opportunity of suggesting to the Senator that he is really logical in sustaining the committee.

Mr. DAWES. I am constrained to make an inquiry of the committee why these words "below Hartford" are in this appropriation?

Mr. EATON. That has passed.

Mr. DAWES. I was inquiring of the committee. For several years there was an appropriation made for the Connecticut River. I supposed, because I got it into the bill, that it was going to be expended between Hartford and Springfield, but somehow or other our Connecticut friends were always too smart for me, and have got it expended down below Hartford. Now, I see they have taken care to put these words "below Hartford" into the bill, so that I shall be relieved from all trouble or effort in getting any portion of this expenditure above Hartford. There is a portion of the river above Hartford and below Springfield that is capable of great improvement; but I never could get a dollar expended on it, although $40,000 was appropriated for that purpose one year, and $20,000 another. It all floated off down below Hartford, and I congratulate my friend from Connecticut on these words in this paragraph. I observed them as soon as my eye fell on the bill.

Mr. ALLISON. These words were found in the bill as it came from the House.

Mr. DAWES. Yes, sir.

Mr. EATON. What is the question before the Senate?

The PRESIDING OFFICER. The amendment to strike out the lines 82 and 83, as to Milford Harbor.

Mr. EATON. My honorable friend from Massachusetts was speaking about the Connecticut River above Hartford and this amendment is as to the harbor of Milford.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was to strike out lines 84 and 85, in the following words:

For the improvement of the Housatonic River, Connecticut, $5,000.

The amendment was agreed to.

The next amendment was to strike out lines 88 and 89, in the following words:

For the improvement of Taunton River, Massachusetts, $5,000.

Mr. DAWES. I have been sustaining the committee all along as far as I could conscientiously, but I am inclined to believe that the committee have proposed four or five amendments here all in succession striking out items on the Atlantic coast for the want of information in respect to the condition of the improvements there and in respect to the importance of the improvements. I think if they understood them, carrying out their own principle they would not have applied it to these cases. Take this at Taunton River. Taunton River is a very short river and is substantially a harbor of the coast, but in order to make it of the slightest value the river has to be deepened a few miles up to the wharf. It was estimated that it would cost $10,000 to complete that improvement so as to make it of the slightest value. Five thousand dollars was expended last year, so expended as to deepen it up half way. Five thousand dollars more will complete the improvement up to the wharf, so that that which was done last year will be of some avail. Without the expenditure of the $5,000 additional, that will be of no avail. There is a large commerce entering Taunton River, coal from New York and Philadelphia, and a large amount of commerce for that section of the country. There has been a good deal of shipping built with reference to this improvement. All of it will fail and be of no use unless this $5,000, which will complete the work, is appropriated now. I think, therefore, that it is a departure from the principles established by the committee, and there is something like that to be said about the other items which I will say when they are reached.

I agree with the committee that it is useless to make a small appropriation that will not complete the work but will leave it incomplete and in a condition not to be of any practical use; but where it can be completed, if it is of importance enough to begin, I think it is of importance enough to finish. These items are for the Atlantic coast. I think if all the items for the Atlantic coast were gathered together on one page, it would be a pretty bad page, as bad as Michigan. I appeal to the Senator from Iowa if he is not conscious of having made a mistake here.

Mr. ALLISON. In reply to the Senator from Massachusetts I would say that we received from the proper Department a telegram from General Warren, upon a request for a reply with reference to these reductions, and General Warren stated that if he was reduced to one-third, all should be left out except Block Island and Saybrook Bar. I mention Block Island for the benefit of my friend from Rhode Island. The committee adopted the suggestion of General Warren, that, if ruled down to one-third, these two projects, one at Block Island and one at Saybrook Bar, were so important that all the others could be left out.

In reference to the Taunton River, I know that the engineer's estimates are that $5,000 will complete it.

Mr. DAWES. If $5,000 will complete the work, it is hardly worth while to withhold it, for it is an important work.

The PRESIDING OFFICER. The question is on the amendment striking out the item in lines 88 and 89.

The question being put, there were on a division—ayes 23, noes 11; no quorum voting.

Mr. DAWES. I call for the yeas and nays.

The yeas and nays were not ordered.

Mr. PADDOCK. I should like to inquire if there has been before this an appropriation upon the pretension that that appropriation would complete the work? So many appropriations are made with that pretension, that that particular appropriation will complete the work, that I make the inquiry in this case.

Mr. DAWES. I never heard so in this case. The whole estimate,

as I understand it, was that it would take $10,000 to do the whole work. Five thousand dollars of that, with that understanding, was appropriated last year, and $5,000 was proposed for the completion of it this year—$10,000 in all. It never has been eked out by any pretense of the kind suggested.

Mr. PADDOCK. No lingering, long-drawn-out appropriation for completion?

Mr. DAWES. No; there is not any "linked sweetness" about it. I should like to have the vote taken over again on this amendment. I do not want the yeas and nays unless they are necessary. I think if the Senate really understand the matter they will not refuse this $5,000.

The PRESIDING OFFICER. The Chair will submit the question again on this amendment.

Mr. BOUTWELL. I think we had better have the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 21, nays 23; as follows:

YEAS—Messrs. Allison, Booth, Cockrell, Conkling, Davis, Eaton, Hitchcock, Howe, Kernan, McCreery, McDonald, Morrill, Norwood, Oglesby, Robertson, Wallace, West, Whyte, Windom, Withers, and Wright—21.

NAYS—Messrs. Anthony, Bogy, Boutwell, Bruce, Christiancy, Cooper, Cragin, Dawes, Dennis, Ferry, Frelinghuysen, Hamilton, Hamlin, Ingalls, Key, McMillan, Maxey, Merrimon, Mitchell, Patterson, Ransom, Spencer, and Stevenson—23.

ABSENT—Messrs. Alcorn, Barnum, Bayard, Burnside, Cameron of Pennsylvania, Cameron of Wisconsin, Caperton, Clayton, Conover, Dorsey, Edmunds, Goldthwaite, Gordon, Harvey, Johnston, Jones of Florida, Jones of Nevada, Kelly, Logan, Morton, Paddock, Randolph, Sargent, Saulsbury, Sharon, Sherman, Thurman, and Wadleigh—28.

So the amendment was rejected.

Mr. EATON. I desire to give notice that I shall ask the reconsideration of the vote of the Senate on the amendment in lines 82 and 83 and also in lines 84 and 85. I will not ask for a reconsideration of the vote striking out the item for the improvement of the harbor at New Haven, because that is a new work, but these two items are old works, and if it be necessary that the improvement at Taunton River should go on they ought to be continued also.

The PRESIDING OFFICER. The Chair will suggest that the Senator can accomplish his purpose when the bill is reported to the Senate.

Mr. EATON. I propose to give notice now.

Mr. MORRILL. The Senator from Connecticut can hardly move a reconsideration unless he voted with the majority.

Mr. EATON. I did vote with the majority.

The PRESIDING OFFICER. The next amendment will be reported.

The next amendment of the Committee on Appropriations was to strike out lines 90 and 91, in the following words:

For the improvement of the harbor at Fall River, Massachusetts, $10,000.

Mr. BOUTWELL. I wish to say to the Senate generally that this bill contains for the Atlantic coast of Massachusetts, I believe, $105,000, $50,000 for the completion of a work in the harbor of Boston, and six other small appropriations, one of which has been passed upon, and all of them relate to works that are important, that have been undertaken. I believe in no case has the amount expended or the amount called for been in excess of the original estimate.

As regards this particular amendment for Fall River, the original estimate was $45,000. Twenty-five thousand dollars have been expended, and the probability is, from the reports of the engineers, that the work will be completed not only for the original sum, but for an amount somewhat less than the original sum estimated. Fall River is the largest manufacturing city in this country. It obtains large supplies from other portions of the country for the support of its large manufacturing population.

The same is true of another appropriation for the Merrimac River, through which supplies are furnished not only for Newburyport at the mouth of it, but for Haverhill and Lawrence and Lowell and Nashua, all of which are great manufacturing cities lying upon that river.

Mr. PADDOCK. I should like to inquire of the Senator from Massachusetts if there was a year before this a small appropriation, or is there have been preceding this an appropriation for the same purpose?

Mr. BOUTWELL. I suppose the Senator from Nebraska means to ask whether any of these are new works.

Mr. PADDOCK. Yes, sir.

Mr. BOUTWELL. They are not. They are works undertaken and in progress, and I believe two or three of them will be completed by the appropriation that is now asked for; but at any rate none of the works are likely to cost more than the estimate. I hope, therefore, the Senate will, without my troubling them with remarks on the four appropriations that are now immediately before us, agree to sustain the original bill.

Mr. ALLISON. I should like to say one word with reference to this Fall River appropriation. The three harbors, Taunton, Fall River, and New Bedford, were all struck out on the recommendation of General Warren that the money assigned to him by the Chief of Engineers should be used on Block Island and Saybrook Bar. All these works have been appropriated for heretofore. I think these two yet undisposed of can very well remain over until next year, although the money, as stated by the Senator from Massachusetts, can be properly expended. There is no question about that fact at these two harbors. It is a mere question for the judgment of the Senate whether or not this bill shall be kept down within reasonable bounds, and only such appropriations made as are absolutely essential, or whether we shall enlarge it beyond the limit proposed by the committee.

The amendment was rejected.

The next amendment of the Committee on Appropriations was to strike out lines 92 and 93, in the following words:

For the improvement of the harbor at New Bedford, Massachusetts, $10,000.

Mr. PADDOCK. I should like to hear some explanation of that.

Mr. DAWES. New Bedford is one of the most important harbors on the Atlantic coast. The tonnage at New Bedford is among the largest on the Atlantic coast, excepting, of course, New York. It has had this improvement in its harbor estimated for to cost $25,000, of which $10,000 was expended last year. Owing to the reduction of the cost of materials, it is now estimated that $10,000, instead of $15,000, will complete that work. The work itself until completed is of no use. It is an important improvement to one of the most important harbors upon the Atlantic coast, and it is precisely like the first one which I have spoken of. There has been just that much expended last year upon a general estimate of $25,000. The re-estimate this year is that $10,000, instead of $15,000, will complete what it was supposed would cost $25,000.

Mr. ALLISON. At this harbor of New Bedford they seek to secure sixteen feet of water. The appropriation last year was used for dredging. The material is hard mud, so called by the engineers. Of course $10,000 or $15,000 more would probably secure sixteen feet of water at low tide, and the result of not having this improvement completed is that occasionally when vessels reach this harbor at low tide they are obliged to wait until high tide to float; that is, if they draw more than sixteen feet of water. The committee thought this work might, among others of a similar character, lie over until next year.

Mr. DAWES. Here is one of the most important harbors upon the Atlantic coast in the condition that the Senator from Iowa states, that can be completed and made one of the best harbors in the world, where all the whaling-vessels of the world have in times past gone in to discharge their cargoes from all the Frozen Ocean after years of adventurous voyages. More wealth has been brought into that harbor through the adventures and the dangers and the perils of the whalemen of Massachusetts for the benefit of the commerce of the country than into any other harbor on the Atlantic coast, excepting New York. And yet $10,000 to complete that the Senator from Iowa begs the Senate to withhold. I trust they will not do so.

The question being put, there were on a division—ayes 10, noes 19; no quorum voting.

Mr. ALLISON. Let us have the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 14, nays 29; as follows:

YEAS—Messrs. Allison, Conkling, Eaton, Edmunds, Harvey, Hitchcock, Howe, Kernan, McCreery, Oglesby, Wallace, West, Whyte, and Windom—14.

NAYS—Messrs. Anthony, Bogy, Boutwell, Bruce, Cameron of Wisconsin, Caperton, Christiancy, Cooper, Cragin, Dawes, Dennis, Ferry, Frelinghuysen, Gordon, Hamilton, Hamlin, Ingalls, Jones of Florida, Key, Maxey, Mitchell, Morrill, Norwood, Paddock, Patterson, Ransom, Spencer, and Stevenson—29.

ABSENT—Messrs. Alcorn, Barnum, Bayard, Booth, Burnside, Cameron of Pennsylvania, Clayton, Cockrell, Conover, Davis, Dorsey, Goldthwaite, Johnston, Jones of Nevada, Kelly, Logan, McDonald, McMillan, Merrimon, Morton, Randolph, Robertson, Sargent, Saulsbury, Sharon, Sherman, Thurman, Wadleigh, Withers, and Wright—30.

So the amendment was rejected.

The next amendment of the Committee on Appropriations was to strike out lines 94 and 95, in the following words:

For the improvement of Merrimac River, Massachusetts, $10,000.

The question being put, there were on a division—ayes 15, noes 21; no quorum voting.

Mr. EDMUNDS called for the yeas and nays, and they were ordered; and being taken, resulted—yeas 15, nays 30; as follows:

YEAS—Messrs. Allison, Conkling, Eaton, Edmunds, Hamlin, Hitchcock, Howe, Kernan, McCreery, Morrill, Oglesby, Saulsbury, Wallace, West, and Whyte—15.

NAYS—Messrs. Anthony, Bayard, Bogy, Boutwell, Bruce, Cameron of Wisconsin, Caperton, Christiancy, Conover, Cooper, Cragin, Dawes, Dennis, Ferry, Frelinghuysen, Gordon, Hamilton, Harvey, Ingalls, Jones of Florida, Key, McMillan, Maxey, Merrimon, Mitchell, Paddock, Patterson, Ransom, Spencer, and Stevenson—30.

ABSENT—Messrs. Alcorn, Barnum, Booth, Burnside, Cameron of Pennsylvania, Clayton, Cockrell, Davis, Dorsey, Goldthwaite, Johnston, Jones of Nevada, Kelly, Logan, McDonald, Morton, Norwood, Randolph, Robertson, Sargent, Sharon, Sherman, Thurman, Wadleigh, Windom, Withers, and Wright—27.

So the amendment was rejected.

The next amendment of the Committee on Appropriations was to strike out lines 96 and 97, in the following words:

For the improvement of the entrance of Salem Harbor, Massachusetts, $10,000.

Mr. ALLISON. I think I will make one more effort to have an amendment adopted. I believe the committee has not been sustained to any great extent yet. The engineers say that this appropriation is unnecessary practically; but I suppose that makes no difference. The engineer in charge of this work, who is a Mr. Thom, says:

Under the appropriation of March 3, 1873, this channel was opened for a width of about one hundred feet, and under that of June 23, 1874, it has been completed to the projected width of three hundred feet. To complete the sea-wall and breakwater, which are comparatively unimportant works, will require an additional appropriation of $23,000.

Here is a harbor that is actually completed, but there is some little unimportant work that might be continued at an expense of $25,000. Ten thousand dollars of it is appropriated in this bill.

Mr. BOUTWELL. I think upon the statement made, which is supported I see by the report of the engineers, we shall all concur in the report of the committee.

Mr. ALLISON. I am glad to have one amendment concurred in.

The PRESIDING OFFICER. The question is on the amendment.

The amendment was agreed to.

Mr. INGALLS. I move that the Senate do now adjourn.

Mr. SHERMAN. I should like to make a conference report.

The PRESIDING OFFICER. The question is on the motion to adjourn.

The question being put, there were on a division—ayes 24, noes 20.

Mr. WITHERS. I ask for the yeas and nays.

The yeas and nays were ordered, and being taken, resulted—yeas 28, nays 20; as follows:

YEAS—Messrs. Boutwell, Bruce, Cameron of Wisconsin, Christiancy, Conkling, Conover, Cooper, Cragin, Dawes, Edmunds, Ferry, Frelinghuysen, Hamilton, Harvey, Hitchcock, Ingalls, Jones of Florida, Jones of Nevada, McCreery, McMillan, Mitchell, Norwood, Patterson, Ransom, Sherman, Spencer, Stevenson, and West—28.

NAYS—Messrs. Allison, Anthony, Bogy, Caperton, Davis, Dennis, Eaton, Gordon, Hamlin, Howe, Kernan, Key, McDonald, Maxey, Merrimon, Oglesby, Paddock, Wallace, Whyte, and Withers—20

ABSENT—Messrs. Alcorn, Barnum, Bayard, Booth, Burnside, Cameron of Pennsylvania, Clayton, Cockrell, Dorsey, Goldthwaite, Johnston, Kelly, Logan, Morrill, Morton, Randolph, Robertson, Sargent, Saulsbury, Sharon, Thurman, Wadleigh, Windom, and Wright—24.

So the motion was agreed to; and (at five o'clock p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, *July* 13, 1876.

The House met at twelve o'clock m. Prayer by Rabbi Dr. M. LILIENTHAL, of Cincinnati, Ohio.

The Journal of yesterday was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, informed the House that the Senate was ready to proceed upon the impeachment of William W. Belknap and to receive the managers on the part of the House, and that the Senate Chamber was prepared with accommodations for the reception of the House of Representatives.

POST-OFFICE BIDS.

Mr. CLARK, of Missouri. I move, by unanimous consent, that the House take from the Speaker's table the bill (H. R. No. 2684) to amend sections 246 and 251 of the act entitled "An act to revise and consolidate and amend the statutes relating to the Post-Office Department," approved June 8, 1872, as amended by the twelfth section of the act entitled "An act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1875, and for other purposes," approved June 23, 1874, and for other purposes, which has been returned from the Senate with amendments, in order that they may be concurred in.

There was no objection, and the amendments of the Senate were read.

The first amendment was to strike out the following words, from line 3 to line 11: "246 and 251 of the act entitled 'An act to revise, consolidate, and amend the statutes relating to the Post-Office Department,' approved June 8, 1872, as amended by the twelfth section of the act entitled 'An act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1875, and for other purposes,' approved June 23, 1874," and to insert in lieu thereof "3946 and 3951 of the Revised Statutes;" so as to read:

That sections 3946 and 3951 of the Revised Statutes be amended to read as follows.

The second amendment was in line 14, to strike out after the word "section" the words "246" and insert "3946."

The third amendment was in line 33, to change "section 251" to "section 3951."

The fourth amendment was in line 39, after the word "bidder," to insert the words "or bidders, in the order of their bids;" and in line 42, after the word "bid," to insert "or bids;" and in the same line, after the word "high," to insert "and in case each of said bids shall be considered too high, then the Postmaster-General shall be authorized to enter into contract, at a price less than that named in said bids, with any person, whether a bidder or not, who will enter into contract to perform the service in accordance with the terms and provisions prescribed for the execution of other contracts for similar service; and in case no satisfactory contract can be thus obtained, he shall re-advertise such route;" and in line 51, to strike out the words "in which case he shall re-advertise such service;" so as to read:

SEC. 3951. That after any regular bidder whose bid has been accepted shall fail to enter into contract for the transportation of the mails according to his proposal, or having entered into contract, shall fail to commence the performance of the service stipulated in his or their contract as therein provided, the Postmaster-General shall proceed to contract with the next lowest bidder or bidders, in the order of their bids, for the same service, who will enter into a contract for the performance thereof, unless the Postmaster-General shall consider such bid or bids too high, and in case each of said bids shall be considered too high, then the Postmaster-General shall be authorized to enter into contract, at a price less than that named in said bids, with any person, whether a bidder or not, who will enter into contract to perform the service in accordance with the terms and provisions prescribed for the execution of other contracts for similar service; and in case no satisfactory contract can be thus obtained, he shall re-advertise such route.

Amend the title so as to read:

An act to amend sections 3946, 3951, and 3954 of the Revised Statutes.

Mr. CLARK, of Missouri. I move the amendments of the Senate be concurred in.

The motion was agreed to.

Mr. CLARK, of Missouri, moved to reconsider the vote by which the amendments of the Senate were concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

VETO POWER IN ARIZONA TERRITORY.

Mr. PATTERSON, by unanimous consent, from the Committee on the Territories, reported back the bill (H. R. No. 1970) relating to the approval of bills in the Territory of Arizona, with amendments by the Senate, and with the recommendation that the Senate amendments be concurred in.

The amendments of the Senate were read, as follows:

In line 15, strike out the word "three" and insert the word "ten."
In line 18, strike out the word "three" and insert the word "ten."
At the end of the bill insert:
And provided further, That acts so becoming laws as aforesaid shall have the same force and effect, and no other, as other laws passed by the Legislature of said Territory.

The amendments of the Senate were concurred in.

Mr. FORT moved to reconsider the vote by which the amendments of the Senate were concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PAY OF COMMITTEE CLERKS.

Mr. FORT, by unanimous consent, from the Committee of Accounts, reported the following resolution; which was read, considered, and agreed to:

Resolved, That the Committee on the Real-Estate Pool and Jay Cooke Indebtedness be, and they are hereby, allowed to retain the services of a clerk from the expiration of the last term of said clerk to the 15th day of July, 1876, with compensation of $4 per day.

Mr. FORT also, by unanimous consent, from the Committee of Accounts, reported the following resolution; which was read, considered, and agreed to:

Resolved, That the Committee on Expenditures in the State Department be, and they are hereby, allowed to retain the services of a clerk for thirty days, from the 16th of June to the 16th of July, at a compensation of $4 per day.

FINAL ADJOURNMENT.

Mr. MACKEY, of Pennsylvania. I offer the following resolution for reference to the Committee on Appropriations:

Resolved by the House of Representatives, (the Senate concurring.) That the Speaker of the House of Representatives and the President of the Senate be, and they are hereby, directed to adjourn their respective Houses *sine die* on the 25th July, 1876, at twelve o'clock meridian.

Mr. SPRINGER. I object.

Mr. PAGE. If in order, I move to amend by inserting "the 20th" instead of "the 25th of July."

The SPEAKER *pro tempore*. The resolution can only be referred at this time by unanimous consent.

Mr. MACDOUGALL. I would like to inquire if that is not a privileged question?

Mr. SPRINGER. I have no objection to the reference of the resolution. Let it be referred to the Committee on Appropriations.

The SPEAKER *pro tempore*. That is what the gentleman from Pennsylvania asks.

Mr. GARFIELD. The resolution ought to go to the Committee of Ways and Means. That has always been the custom with such resolutions.

Mr. SPRINGER. I understand that the usage has been that resolutions of this kind have gone to the Committee of Ways and Means. I agree to its going to that committee.

The SPEAKER *pro tempore*. Does the gentleman from Pennsylvania [Mr. MACKEY] object to the change of reference?

Mr. GARFIELD. I hope the gentleman will not object to that. If he does, I move that it be referred to the Committee of Ways and Means.

Mr. COCHRANE. I call for a division on that question.

The question being taken, there were ayes 101, noes not counted.

So Mr. GARFIELD's motion was agreed to; and the resolution was referred to the Committee of Ways and Means.

Mr. GARFIELD moved to reconsider the vote by which the resolution was referred to the Committee of Ways and Means; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CONTESTED ELECTION—BUTTS VS. MACKEY.

Mr. THOMPSON. I rise to present a report from the Committee of Elections. I ask that the resolution may be read, and that the report and resolution be printed and lie on the table.

The SPEAKER *pro tempore*. The Clerk will report the resolution.
The Clerk read as follows:

Resolved, That neither C. W. Butts nor E. W. M. Mackey was lawfully elected to the Forty-fourth Congress from the second congressional district of South Carolina, nor is either of them entitled to a seat in said Congress.

Mr. PAGE. I ask that the resolution may be again read.
The resolution was again read.
The motion of Mr. THOMPSON was agreed to; and the report and accompanying resolution were ordered to be printed and to lie on the table.

ORDER OF BUSINESS.

Mr. SAMPSON. I rise to a privileged question.
Mr PAYNE. I rise to present the report of a committee of conference.
The SPEAKER *pro tempore*. The gentleman from Ohio [Mr. PAYNE] rises to present the report of a committee of conference, which is of higher privilege than the question to which the gentleman from Iowa [Mr. SAMPSON] rises.

SILVER COIN.

Mr. PAYNE. I present the following report:
The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments to the joint resolution (H. R. No. 109) for the issue of silver coin having met, after full and free conference have agreed to recommend, and do recommend, to their respective Houses, as follows:

That the House recede from its disagreement to the first amendment of the Senate to said joint resolution, and agree thereto amended, as follows:

In line 4 st ike out the word "now" and insert "at any time."

And the Senate agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the second amendment of the Senate to said joint resolution, and agree to a substitute for said House amendment, as follows:

Add to the second amendment of the Senate the following:

SEC. 3. That in addition to the amount of subsidiary silver coin authorized by law to be issued in redemption of the fractional currency it shall be lawful to manufacture at the several mints and issue through the Treasury and its several offices such coin to an amount that, including the amount of subsidiary silver coin and of fractional currency outstanding, shall in the aggregate not exceed at any time $50,000,000.

SEC. 4. That the silver bullion required for the purposes of this act shall be purchased, from time to time, at market rate, by the Secretary of the Treasury, with any money in the Treasury not otherwise appropriated; but no purchase of bullion shall be made under this act when the market rate for the same shall be such as will not admit of the coinage and issue, as herein provided, without loss to the Treasury; and any gain or seigniorage arising from this coinage shall be accounted for and paid into the Treasury, as provided under existing laws relative to the subsidiary coinage: *Provided*, That the amount of money at any one time invested in such silver bullion, exclusive of such resulting coin, shall not exceed $200,000.

And the House agree to the same.

H. B. PAYNE,
SAML. J. RANDALL,
Managers on the part of the House.
JOHN SHERMAN,
GEO. S. BOUTWELL,
LOUIS V. BOGY,
Managers on the part of the Senate.

Mr. PAYNE. Mr. Speaker, I presume that the House understands the questions that are involved in this report.

Mr. LANDERS, of Indiana. Mr. Speaker, I am opposed to this report, and I merely want information as to the action that will be taken in regard to it.

Mr. PAYNE. The gentleman from Indiana asks me not to move the previous question, so as to enable him to move that the House non-concur in the report. If I understand it the question will be on concurring, and a failure to concur would be a non-concurrence. A motion, therefore, to non-concur is unnecessary.

The SPEAKER *pro tempore*. The result in either case will be the same.

Mr. PAYNE. It will be remembered by the House that the first resolution upon this subject passed by the House was one simply for the distribution of the silver coin that had accumulated in the Treasury in anticipation of the ingathering of the fractional notes, for which, under law, silver coin was alone exchangeable.

That resolution went to the Senate, having in it the word "now." That appeared to confine the application of it to so much subsidiary silver coin as was at that time in the Treasury. The Senate amended that by striking out the word "now." That was the first amendment.

It will also be remembered that in the mean time, on the recommendation of the Committee on Banking and Currency, the House had passed what is known as the Randall bill, a bill which provided that an additional amount of subsidiary silver coin should be manufactured at the mints—I mean in addition to what the previous law authorized, which was limited by the amount of fractional currency outstanding—to the amount of $20,000,000, and providing a bullion capital, so to term it, of $1,000,000, the use of which was supposed to be necessary in order to carry out this additional coinage.

There was a third section to that bill which provided that the "trade-dollar," so called, which under the present law is a legal tender to the amount of $5, should be deprived of its legal-tender quality. That was the third section of what is known as the Randall bill.

The Senate amended this specie-distribution resolution by adding a section to this clause in regard to the "trade-dollar" depriving it of its legal-tender quality, and then the original resolution was so returned to the House with those two amendments, the first striking out the word "now" and the second adding to it a clause depriving the "trade-dollar" of its legal-tender qualities. To the first amendment the House non-concurred; that is, as to striking out the word "now." In the second amendment they concurred, but adding an additional amendment which embraced the two first sections of the Randall bill, namely, providing for the issue of $20,000,000 additional subsidiary silver coin and providing a capital of $1,000,000 to carry it out.

In addition to that there was added to it as a proviso the proposition of the gentleman from Indiana, [Mr. LANDERS.] I have the words before me and will read them:

And provided further, That the Secretary of the Treasury is directed to authorize the coinage of a standard silver dollar of the same weight and fineness as that in use January 1, 1861, and that said dollar shall be a legal tender in payment of all debts public or private.

To that amendment the Senate disagreed, and hence the committee of conference upon the disagreeing votes.

The committee have agreed with reference to the first amendment striking out the word "now," and in order to remove all ambiguity of expression they have agreed to substitute for the word "now" the words "at any time," so that the resolution will simply and distinctly provide that to the extent of $10,000,000 the subsidiary silver coin in the Treasury at any time hereafter may be distributed throughout the country on the security of an equal amount of legal-tenders, but these legal-tender notes are to be held in the Treasury until the fractional currency coming into the Treasury shall equal the amount of the subsidiary coin issued. To that I apprehend there can be no objection on the part of the House. As to the second proposition, so much of it as embraces the two sections of what is called the Randall bill, the committee of conference have agreed to a substitute substantially confirming what the House desired in regard to that bill. The committee, however, instead of providing that this increased issue may be $20,000,000, thought it would be better to provide that the amount of fractional currency outstanding, including both paper and subsidiary silver coin, should at no time exceed fifty millions, it being believed that is the limit to which the necessity or wants of the country will reach for the next one, two, or three years. They also reduce the amount of bullion capital, so called, from one million to two hundred thousand dollars, and that provision it is believed should be satisfactory both to the House and to the Senate. It is satisfactory to the gentleman from Pennsylvania, [Mr. RANDALL,] who introduced the bill.

The House may understand the precise change made in the two respects to which I have alluded, by the substitution of $50,000,000 in place of $20,000,000 as the highest limit of this additional coinage, and the reduction from $1,000,000 to $200,000 of the "bullion capital," so called, I will ask the Clerk to read again the substitute for the House amendment to the second amendment of the Senate.

The Clerk read as follows:

Add to said second amendment of the Senate the following:

SEC. 3. That, in addition to the amount of subsidiary silver coin authorized by law to be issued in redemption of the fractional currency, it shall be lawful to manufacture at the several mints and issue through the Treasury and its several offices such coin to an amount that, including the amount of subsidiary silver coin and of fractional currency outstanding, shall in the aggregate not exceed $50,000,000.

SEC. 4. That the silver bullion required for the purp se of this act shall be purchased from time to time at market rate by the Secretary of the Treasury with any money in the Treasury not otherwise appropriated; but no purchase of bullion shall be made under this act when the market rate for the same shall be such as will not admit of the coinage and issue as herein provided without loss to the Treasury; and any gain or seigniorage arising from this coinage shall be accounted for and paid into the Treasury as provided under existing laws relative to the subsidiary coinage: *Provided*, That the amount of money at any one time invested in such silver bullion, exclusive of such resulting coin, shall not exceed $200,000.

Mr. REAGAN. As this report has not been printed, I desire to ask a question for information. As I understand it this silver is to be purchased by legal-tender notes, and those legal-tender notes are to be held as a separate fund until fractional notes to that amount are taken up.

Mr. PAYNE. If there shall be $6,000,000 or $10,000,000 of increased coinage of subsidiary silver, the bullion for that purpose is to be purchased by the use of this $200,000, and the coinage of that bullion and the seigniorage to be covered into the Treasury will have no connection whatever with the fractional notes or with the legal-tender notes.

In this connection I wish to state a fact of some interest to the House. The Senate had contended in their discussions, and had virtually decided, that they would not permit any increase of this subsidiary silver coinage unless for every dollar of such increased coinage put in circulation a dollar of legal-tender notes was surrendered and canceled. But the Senate have not insisted upon that before the committee of conference, and have yielded. There is therefore no connection whatever between the subsidiary silver coinage and the legal-tender notes. If there should be six millions, or eight millions, or ten millions of dollars of increased silver coinage issued under this law, there will be no corresponding reduction of legal-tender notes in consequence of that issue. That point was yielded by the Senate, and most gladly accepted by the conferees on the part of the House.

I apprehend there will be no difficulty on the part of the House in yielding a ready assent to these amendments. In regard to the other provision, relating to the silver dollar, we were unable to agree, except that a majority of the conferees on the part of the House and all the

conferees on the part of the Senate agreed to drop from this bill all that related to the silver dollar. I will explain in a very few words so that it may be understood.

It will be remembered by the House that early in the session a bill was passed which recognized the old silver dollar of 1861, as a legal tender to the amount of fifty dollars. That bill was amended in the Senate by reducing the amount for which it should be a legal tender to $20. It has since transpired that it is exceedingly doubtful whether a measure can be passed through the Senate that will recognize this old silver dollar as a legal tender for more than $5. It is an ascertained fact that no bill can pass the Senate that will recognize it as a legal tender beyond $20. We were therefore met in conference with this stubborn fact: that if any provision was to be made in regard to the remonetizing, so to speak, of the old silver dollar, the amount for which it would be received as a legal tender must be reduced at least to $20, and probably to $5.

Now, the proposition introduced by the distinguished gentleman from Indiana, [Mr. LANDERS,] who feels himself unable to agree to the action of the committee of conference, was in its general terms ill-advised as a measure upon so important a subject. I trust the House will bear with me for a few moments while I suggest some of the important features involved in the proposition to make the old silver dollar of 1861, containing 412.8 grains of silver, a legal tender in the payment of all debts, public and private.

Owing to the remarkable decline in the price of silver within the last few months, and its more remarkable decline within the last ten days, the silver dollar of 1861 is now worth less than eighty cents in gold. It will strike the mind of every gentleman that so extreme and sudden a change in the value of the silver dollar renders the proposition to make it a legal tender in the payment of all debts, public or private, a proposition of the most startling and revolutionary character.

I will not stop to dwell upon the want of definiteness and distinctness in the proviso as worded by the gentleman from Indiana, [Mr. LANDERS,] except to say that it is wholly impracticable. The proviso says that the Secretary of the Treasury shall be directed to authorize the issue of this silver dollar. It does not provide any of the details which are necessary in a statute to enable an officer to carry it out. In some way, by some general proclamation, the Secretary of the Treasury is instructed to authorize the re-issuing of the silver dollar of 1861.

Now, right here is one very important feature, and I am only submitting these suggestions to the consideration of the House as reasons why the committee could not agree in recommending the adoption of this proposition by the two Houses. Here is a profit of twenty cents on the dollar for every dollar's worth of bullion manufactured into coin and put into circulation. The Government by the power of the statute authorizes the bullion, which is the private property of an individual, to undergo manufacture at the Mint, to receive the stamp of the Government, and then to have an enforced circulation at 20 per cent. above the value of the silver bullion. Who is to have the profit of this 20 per cent. increased value? My friend from Indiana [Mr. LANDERS] will say that this enforced increase of value shall inure to the benefit of the owner of the bullion, and not to the benefit of the Government; while those who look to the interests of the Government will say, and with great propriety, that this artificial or enforced increase of value to the extent of 20 per cent. given to this article of merchandise in the form of silver bullion should inure to the benefit of the Government as the power that gives this increased value; that the benefit of this increase should go into the Treasury of the nation. This question is not settled by the proviso of the gentleman from Indiana, and it is a very material one.

Another question is presented here. This silver dollar is to be made a legal tender for all debts, public and private. I grant that this comes directly to the proposition that the bondholder for his principal and his interest shall be compelled to receive this silver dollar in payment at par. I am not going to discuss that question here, for there is not time and this is not the occasion. I believe myself that legally the Government has a right to coin this silver dollar and to require the bondholder to receive it in payment of his debt. Whether it is desirable, whether it is equitable, whether it is politic is a question which needs to be discussed very seriously by this House and the Senate before such a proposition is enacted into a law.

The difficulty does not stop here. It will be observed that this silver dollar at its present discount of 20 per cent. is worth nearly 10 per cent. less than greenbacks. There is to-day $5,000,000,000 of indebtedness in this country the consideration of which was the legal-tender currency. Is this House prepared to enact by law that the creditor in those obligations shall be bound to receive his pay in a currency 10 per cent. less than that which was valid when the debt was contracted? For, although this silver dollar was a legal tender when the bonds were given, it has not been since 1873 a legal tender in payment of anything; so that every creditor who holds an obligation the consideration of which was legal-tender notes, an obligation contracted when silver was not a legal tender, would be compelled to receive in payment of this legal-tender indebtedess a currency 10 per cent. less valuable than that in which it was contracted and with which but for this legislation it must legally be discharged.

There are other questions arising in connection with this proposition. I am suggesting these considerations as showing the important features of this provision, which contemplates a reduction of 20 per cent. in the currency with which debts may be discharged. It reduces the tariff 20 per cent. the very moment it is enacted into a law. That may or may not be desirable; but it will occur to every one that this is a question to be considered, to be deliberated upon, to be discussed.

I venture to say that no member of this House or the Senate is to-day prepared to decide in this provisional, imperfect, and inconsiderate manner that this policy, to be attended with such important, vast, and vital results throughout the whole extent of the country, shall be adopted without reflection and without discussion.

There is another consideration that ought not to be overlooked. Why has this silver dollar been out of circulation since 1834? Simply because the gold dollar was relatively cheaper than the silver dollar, and for no other reason in the world. It has not been coined, it has not been kept in circulation since 1834, simply and solely for the reason that the gold dollar, being equally a legal tender, was cheaper than the silver dollar; and the cheaper currency always displaces the dearer. Now it will follow that if you adopt as a legal currency a silver dollar worth but eighty cents, as compared with the gold dollar, you will drive gold out of circulation. Within six months after a supply of silver dollars shall have been provided by the mints there will be no gold in the country. With absolute certainty it will be excluded from circulation by the cheaper currency which this provision proposes to make a legal tender in the payment of debts.

Mr. Speaker, this is all and more than I intended to say. I did not propose at all to introduce upon this report a discussion of the merits and demerits of the silver currency. My individual opinion is that silver must be made a very important instrumentality in regulating the future currency of this country. My own opinion is that during the next twelve months or two years, no subject connected with finance will press itself upon the attention of the American people and their Government so firmly and obstinately as this very question of utilizing silver or regulating the currency of the country. All that is meant by this report is that a proposition of this sort would be attended with very important consequences and that it is premature and immature legislation, which neither this House nor the Senate nor the country without further examination and discussion is prepared to adopt.

Silver is now on the decline. Within ten days it has gone down in London from fifty-two to forty-seven and one-half pence per ounce. None of us can tell where this decline is going to stop. How much further may silver be reduced in value, and how much of a depreciated standard is this country prepared to adopt as a legal tender in the payment of debts? My individual opinion is that Congress and the country should wait. Perhaps the next session will enable us to determine whether silver has reached the bottom mark, whether it has acquired a stable position, whether a standard value of silver may be adopted by Congress, not a depreciated one, not one which may perhaps be rendered unstable, if not otherwise undesirable, in consequence of the rapid fall of silver, and whether we may not give to the silver dollar a value something like that of the gold dollar, thus securing stability and with it equity between creditors and debtors everywhere.

For these reasons, thus imperfectly and summarily given to the House, the committee were unable to agree to recommend any policy in regard to the silver dollar.

It was suggested (and I suppose I am guilty of no parliamentary impropriety in saying it) that, as a matter of compromise, perhaps we could agree, the two Houses might agree, on adopting this dollar as legal tender for debts to the amount of $20; but, as the Senate unanimously insisted on not making it legal tender for duties on imports or interest on the public debt, my friend from Indiana was not satisfied by any sort of means. Nothing less than absolute legal tender for all public and private debts, in the face of the fact that probably not a single member of the other body—but I cannot judge of that, and it is merely conjectural—that not a single member of the other body was prepared to adopt it, and the House will readily see there was no agreement of opinion among us, for if we consented it should be a legal tender to $5 or $20, excepting as to duties on imports and the public debt, it accomplishes but very little. A legal tender to the amount of $5 is only a provocation, and it amounts to very little. Evidently that is not the measure of policy this House and Congress ought to adopt. When they grapple with this great question of silver currency and the silver dollar and the making it legal tender in payments of debts, I think they should take in the whole subject, looking to the widest extent to which it may be received as legal tender for payment of debts, and consider also the question whether they will have a violation of the public faith, if not of the letter of the contract yet the spirit of the contract and the expectation of the parties to the contract.

Mr. HARRISON. Will the gentleman from Ohio let me ask him a question?

Mr. PAYNE. Be very brief; I have already exceeded my time.

Mr. HARRISON. Has there not been an abnormal appreciation of gold? I use the expression *abnormal* not in proportion to its supply, but by reason of the demonetization of silver in European countries.

Mr. PAYNE. I understand you very well.

Mr. HARRISON. Is not the debtor injured by that appreciation which has been brought about by foreign nations throwing silver out of the money of the world?

Mr. PAYNE. I understand your question. Mr. Speaker, it will be after all but an individual opinion, an approximate opinion, and if my individual opinion is worth anything to my friend from Illinois I am very glad to give it to him.

Mr. HARRISON. It is, and I am asking you for it.

Mr. PAYNE. In my opinion there has been relatively an appreciation of gold, but no one, in my opinion; there is not a living man who can approximate an estimate of that appreciation.

Mr. HARRISON. Does not that appreciation, though, injuriously affect the debtor class?

Mr. PAYNE. Do not occupy my time, as I wish to be brief.

Mr. HARRISON. Has not that hurt the debtor class as much as the other would?

Mr. PAYNE. Not as much, but to an extent. It is in that direction undoubtedly, but there is no standard by which you can measure the appreciation or depreciation of gold. No financier has yet been able to find any standard by which he can tell whether, as compared with this period, five years hence, or five years after, there has been appreciation or depreciation of gold. No discovery has been made.

Mr. WILLARD. I should like to ask the gentleman a question.

Mr. PAYNE. Be brief.

Mr. WILLARD. I wish to ask the gentleman whether he thinks silver has depreciated from the gold standard more than the products of industry of the country?

Mr. KASSON. Yes, it has.

Mr. PAYNE. That is opening a wide field, and a very interesting one, and I should be glad, when my time is not so brief as it is now, to enter into its discussion. Undoubtedly that is a consideration.

Mr. LAWRENCE. Will my colleague let me make an inquiry?

Mr. PAYNE. You must be brief.

Mr. LAWRENCE. Does my colleague mean to say that Government bonds may be properly paid in silver dollars? This question is not involved in this bill, nor can it be made by an amendment, since it has been decided that the report of a committee of conference cannot be amended, but as reference has been made to the question I ask my colleague for his opinion. I may say also that I do not believe it was wise to commence this silver resumption now, but since it has been commenced and threatens to result in a scarcity of change-money, I do not see any remedy but to continue it.

Mr. PAYNE. I mean to say, in my opinion, they can be legally paid in silver dollars. If the gentleman will refer to the famous law of 1869, about which a great deal has been said unfavorable as well as favorable, he will find there the solemn pledge of the Government given that the public debt shall be paid in gold or silver coin.

Mr. BRIGHT. It does not say coin; it says coin or its equivalent.

Mr. PAYNE. I must be excused from going into these collateral questions, because the time is limited in which this discussion is to take place.

I merely wish in closing to say that I have not brought out these features of this policy with the view of discussing their merits or demerits now. I think such a discussion would be out of place at present. In a matter of such vast interest, affecting every other interest in the country, affecting its honor, its credit, reaching and extending into the future for an indefinite time, it is not the place, in the shape of a sort of rider or proviso to a House amendment or a Senate amendment to a bare, simple resolution, providing for a little distribution of silver coin, to discuss the merits of these questions. And that was the view of the committee. They had no desire to belittle its importance or to evade its discussion, but they thought this was an unsuitable occasion for settling this policy.

Let a bill to establish the silver dollar as a legal tender come before the House at a proper time and in proper a shape. It has not been discussed in the House at all. Under the previous question, on motion of the gentleman from Indiana, [Mr. LANDERS,] it was adopted as a proviso to something with which it has no sort of connection and no sort of relation, except that the word "silver" may perhaps be mentioned in both. It is for that reason, without prejudging, without forestalling an opinion on the merits of the various propositions that have been suggested, that this committee of conference have dropped this provision from their report. At the proper time they, with others, will be prepared to discuss it.

I now yield twenty minutes of my time to the gentleman from Indiana. [Mr. LANDERS.]

Mr. PHILLIPS, of Kansas. Will the gentleman from Ohio, before he resumes his seat, allow me to ask him one question?

Mr. PAYNE. After the gentleman from Indiana has spoken.

Mr. LANDERS, of Indiana. Mr. Speaker, I do not understand the arrangement that has been made as to the disposition of time allotted to this debate. I understood the gentleman from Ohio [Mr. PAYNE] to say that he would occupy but ten minutes. He has now occupied thirty and parceled out to other gentlemen favoring the report so much of the remainder of the hour allotted as to allow me and my friends only twenty minutes. It was proposed that we were to have one-third of the time. I objected to that, and insisted we should have half.

Mr. PAYNE. If the House will extend the time I should be very glad.

The SPEAKER *pro tempore*. The gentleman from Ohio is entitled to an hour, during which he controls the floor; and out of sixty minutes he proposes to give twenty minutes to the gentleman from Indiana, [Mr. LANDERS.] It is within the power of the House either to extend the time, or to sustain the demand for the previous question. It is a matter for the House and not for the Chair to decide. The gentleman from Indiana [Mr. LANDERS] is entitled to the floor.

Mr. LANDERS, of Indiana. The House can clearly see my object in introducing this amendment; it is couched in language so plain that no man can fail to understand it. My object is to restore the silver dollar to its proper position, the position it has occupied ever since 1792, until by the action of Congress it was demonetized in 1873.

My friend from Ohio [Mr. PAYNE] objects to this proposition because silver has depreciated in value, and insists that to agree to my proposition "would be a great hardship upon the creditor class." Mr. Speaker, I want to be understood here as being disposed to give every man, whether debtor or creditor, the benefit of his contract. The large portion of our debt has been created under the act of 1862. That act provided for the sale of bonds. It provided for the use of legal-tender currency and for the payment of interest on the bonds. It also provided in what way the tariff dues should be collected. It will be found by examining that act that the interest on the bonds of the Government was to be paid in coin. It also provided that the tariff dues shall be collected in coin. It provided further that the bonds should be placed on the market and sold at par for gold and silver or Treasury notes. I ask you, Mr. Speaker, whether or not the creditors of the Government have not obtained every privilege that belongs to them under that law?

Mr. MACDOUGALL. I suggest that the gentleman speak from the Clerk's desk, where he will be better heard by the whole House.

Mr. LANDERS, of Indiana. I prefer to speak from my seat. The gentleman will excuse me.

The creditors of the Government invariably took their option. They bought our bonds with Treasury notes when they were not worth over fifty cents on the dollar! I am not complaining of that, because it was the law; and when a man lives up to the letter of the law there is no ground for complaint. But the debtor class has an option in that law. They have a right to pay those bonds and the interest on the same either in gold or silver coin. Now it is clearly to be seen that the object of this law of 1873 was to deprive the debtor class of that right; and it is for that *right* I am now contending. I contend that the right which was taken from the debtor class by the act of 1873 should be again restored to them.

Did not that act repudiate the contract? Did it not say that the debtor should not have the rights that belonged to him under the contract? And is not that repudiation? It is of the same class of legislation as that of 1869. The act of 1869 was a repudiating act. It repudiated the contract, and said that the bonds should be paid in coin, which under the original contract should have been paid in lawful money. It said that hereafter they should be paid in coin alone. And now because one kind of coin is depreciating in value this bondholding class is not satisfied with the first repudiation, but come in with a second repudiating act, and declare that such silver coin shall not be regarded as money.

The object of this amendment is to prevent this second outrage and act of repudiation. Now, if the debtor class has a right to pay their debts in silver, will this Congress deny to them that right? If they have not that right and Congress should say that silver is a full legal tender, it is a question for the courts to determine, and as a matter of course they are always open to decide such questions. From the legislation of the past it would seem that the debtor class have had no friends here. Shall this thing continue? Are your constituents all creditors? Mine belong to both classes.

But the gentleman from Ohio dwells on the fact that silver has declined in value. Now, when a contract has been made and parties bound by it to pay a debt either in silver or gold coin at its fixed lawful rate, I ask if it is any fault of the debtor if either of these commodities decline in value before the debt falls due? I never heard that question raised before. Suppose a contract to be made to pay a debt in wheat or corn and the price fixed is the standard of a certain number of pounds to the bushel, and when the time for delivery arrives grain has declined in value, would any sensible or honest man say for that reason more pounds should be put into the bushel to pay the debt? There is just as much sense in one proposition as the other. Certainly your contract is not to pay in the precious metals at what they are worth at time of payment, but to pay in them at their value when the contract was made; and it would be as much an act of injustice to the people to change that standard as it would to the bondholder should they appreciate in value. But I would like the gentleman from Ohio or any other gentleman occupying the position on this question that he does to prove to this House that silver has declined and that gold has not advanced in value. I would like any gentleman to show how he would determine the question of value compared with each other. We know that they are separated and apart. Is there not just as much argument to prove that gold has advanced as that silver has declined? The argument that silver has declined is because in many governments, including our own, it has been demonetized. Has not that act alone created a greater demand for gold? The value of all commodities is regulated by supply and demand; if you cut off the demand for one and increase it for another, I ask if each would not be equally affected by the change.

The question now is whether or not we have a right to pay our debts in silver? The word coin used in all the acts authorizing the

issue and sale of bonds, according to Chief Justice Chase, means "That we have two kinds of dollars; we have one dollar a paper dollar, and we have a coin dollar, which is a piece of gold or silver of a certain degree of weight and fineness." Again in the act of 1869, which was an act to explain what the language of the various acts relating to the issue of bonds meant. You will find that the word "coin" means gold and silver, and it was in consequence of the use of that language that the infamous act of 1873 was passed. I want the double standard restored, because all contracts have been made under the double standard, which has existed since the foundation of the Government. The silver dollar that we now seek to restore was inaugurated by Mr. Hamilton in 1792, and has never been changed since that day so far as the amount of pure silver it contains is concerned, while the standard of gold has been changed at least twice. The law of 1792 fixed the gold eagle at 270 grains. In 1838 it was changed to 258 grains, which is the standard at this time.

The silver dollar has been changed only in the amount of alloy and not in the amount of grains of pure silver it contains. I want gentlemen to remember that there has been more changes in the legislation of the country relating to gold than there have been in silver. And I solemnly believe that if we restore the double standard the value of the two metals would soon be equalized. If, on the contrary, you have but one standard, you have nothing left to use in its stead. Under such a policy should a demand for it come from other countries, it would go there in accordance with the laws of trade, and this country would be left without a standard, and business would go to rack and ruin in consequence. If you pass this bill making silver a full legal tender you will find, in my judgment, that in a very short time it will approximate to the value of gold.

Should the majority report be adopted, what will we have left as money? Gold! Nothing but gold to measure the value of all the property of this vast country! All its commodities and its labor be regulated by it! While to-day there is not a dollar of gold in the Treasury beyond its demand obligations. What then will be the condition of the debtor class? "I pause for a reply!"

You will find under that policy the labor of the country will come down to forty cents per day. The labor of the country is its wealth and its value is measured by its money. I have passed sleepless nights fearing that this republican policy, under the dictation of certain leaders of both parties, might be carried out under the bill reported by the majority. Our condition would be far worse than it was before the war, because then we had silver with gold in use as money. If you deprive the debtor class of that now you will be doing them a great act of injustice. If you countenance this act of repudiation for the benefit of the creditor class the people will hold every one of you to a strict account for so doing.

Mr. PAYNE. I move that the time of the gentleman from Indiana [Mr. LANDERS] be extended for ten minutes.

The SPEAKER *pro tempore*. The gentleman from Ohio [Mr. PAYNE] has ten minutes of his hour remaining.

Mr. PAYNE. I desire to use that time myself.

The SPEAKER *pro tempore*. If there be no objection, the time of the gentleman from Indiana [Mr. LANDERS] will be extended for ten minutes.

There was no objection, and the extension of time was accordingly made.

Mr. LANDERS, of Indiana. It is not my object to defeat this bill. I am in favor of all its provisions, but I am also in favor of the further provision to make the standard silver dollar a full legal tender. I want to say to the gentleman from Ohio [Mr. PAYNE] that he is very much mistaken as to the temper of the Senate. When he hears from the Senate on this report, I think he will find it will be voted down. I have been assured that it will be rejected. The Senate has discussed this question thoroughly.

Mr. KASSON. I must remind the gentleman from Indiana [Mr. LANDERS] of the rule which prohibits a reference to the action of the other body.

Mr. FORT. Why did not the gentleman interpose when the honorable gentleman from Ohio [Mr. PAYNE] was threatening this House so terribly with the action of the Senate?

Mr. KASSON. Because he spoke of the conference committee, which he had a right to do.

Mr. KELLEY. He said that not a single member of the other body, referring to the Senate, were willing to adopt this measure.

Mr. LANDERS, of Indiana. The Senate has discussed this measure quite fully, and some of its members most intelligently. While it did not receive much attention there at first, it is now receiving the respectful consideration of that body, and I am satisfied what the result will be when its action is reported on this question.

Mr. Speaker, how much time have I remaining?

The SPEAKER *pro tempore*. The gentleman has nine minutes of the extension granted him by the House.

Mr. LANDERS, of Indiana. My friend from Ohio [Mr. PAYNE] started out with ten minutes and consumed thirty. However, I will yield five minutes of my time to the gentleman from Illinois, [Mr. FORT.]

Mr. FORT. Mr. Speaker, there are many things in and affected by this bill and amendments which it might be well to discuss. It occurs to me, however, that the principal question now before the House is whether silver should continue to be demonetized as a coin of the United States. If I have read and understood the laws aright, up to 1873 silver coin in standard dollars was a legal tender to any amount for all debts, both public and private, and had so been a legal tender for all debts since about the year 1792. If that be so, why was it demonetized? Let those who did it answer. It will occur to every gentleman here that all or nearly all of the public debt of this country was contracted while silver in standard dollars was a full legal tender for all sums. And nearly all the private debts of the people of this country, at least all that are three years old, were also contracted while silver in the form of silver standard dollars was a legal tender to any amount. And as a matter of course all of such debts were legally and in equity payable in silver coin of the United States. And no creditor of the Government, whether resident or foreign, could ask or expect his debt to be paid in anything better, and no private citizen had any right to demand anything else of his debtor up to that date. That had been the law of our country for more than eighty years.

With this law upon our statute-books, venerable for its age and for its distinguished paternity, our Government negotiated all its immense loans and borrowed its billions of dollars with which to carry on war and conquer peace. And in this silver coin of the standard dollar it agreed to pay the lender. And never in any one instance did it promise to pay exclusively in any other coin.

The promise was to pay in the coin of the United States where specie was mentioned at all; and in no instance did the Government promise to pay in any dearer or more precious metal.

In 1873 the law of eighty years' standing by which silver dollars had been made a legal tender was repealed. How I know not; to inquire, I have but little time. It is enough for me to know that I was not responsible for that repeal. The history of the passage of that most mischievous law may not be fully written, and some may hope that it never may be written; but by some maneuver it was done. And whether it was discussed or understood here at the time I cannot state, but I am told by gentlemen who were here that it was not. But this I do say, Mr. Speaker, and I here emphatically declare that the people of this country were not consulted about the repeal of that important and satisfactory law. It slipped through one House and then the other, as things sometimes do, and as I fear this, to my mind, most objectionable and pernicious measure will get through this House, for want of proper discussion and consideration.

Mr. LAWRENCE. Does the gentleman refer to the act of February, 1873?

Mr. FORT. I refer to the act repealing the legal-tender quality of silver in standard dollars, passed, as most bad laws do pass, near the close of the session, in February, 1873.

Mr. KASSON. I want to remind the gentleman that it was before Congress two or three sessions.

Mr. FORT. I ask the gentleman to search the records and see if that question was ever discussed in Congress. No, Mr. Speaker, it was put through under the suspension of the rules at the bidding of the bondholders and, as the CONGRESSIONAL RECORD shows, without even being read to the House. Of course I was not here at that time, but I have examined the records, and state that so far as they show the House was not advised that this old, time-honored law was even to be modified, to say nothing of its being repealed by the then pending bill.

This little mischievous law repealing the legal-tender quality of silver dollars was stolen through Congress, as I believe, by being hidden in the body of a long bill professing only to modify the coinage laws, and was not discovered by the good men who were on guard here then.

And, Mr Speaker, one thing is certain, that no matter what transpired here in Congress, the fact remains that the repeal of that old law was never discussed before the people. They were never asked to give their views upon the question or consent to repealing the legal-tender quality of silver, with the payment of which they might make good almost all their promises. Why was this repeal? I know not. It certainly was not in the interest of the tax-payers. I imagine, from the speech of the honorable gentleman from Ohio, [Mr. PAYNE,] that it must have been in the interest of somebody else than the tax-payers. Ay, Mr. Speaker, the story is told in a few words. It was in the interest of the bondholders and hence it was done.

The honorable gentleman says that silver has depreciated; that it is not honest now to compel the creditor to receive his pay in silver because it is not par with gold. This he says would be cheating our creditors. Dishonest, is it? Ah, was not silver a legal tender when he, the creditor, the bondholder, took his bond? Did he not then know that he might be lawfully and in honor paid in silver? Did he not in taking the bond assume and in like manner promise to take his pay in silver coin? I say that the tax-payer ought to hold the bondholder to his contract.

Mr. Speaker, the bargain was—because the law defining what our coin was and what its quality was was a part of the contract between the tax-payer and the bondholder—that the debt was to be paid in the coin of the United States, either silver or gold. We had, and in my judgment still ought to have, the option to pay in either. We were and are a silver-producing country; and shall we voluntarily to our own great damage yield to the desire of our creditors and pay them in the most costly metal, and thus virtually throw away one-half our precious metal so far as using it as money at least goes, the certain effect of which will be to increase the value of gold and thus

increase the value of our bonds, thereby enriching foreign bankers and impoverishing ourselves, and make it more and more difficult for the people to secure the desired coin, gold, with which to pay our debts. Mr. Speaker, the position gentlemen take amazes me.

Ah, but silver has depreciated, it is said. It is not honest money. I wish to ask the honorable gentleman this question: Suppose that gold should depreciate; suppose that by the discovery of some immense bonanza in our own country or some other country gold should become so abundant as to become depreciated, what then would the gentleman do? Will he come in here with a bill in the interest of the bondholder, and say that as gold has depreciated, and that it is "dishonest money," and that we must not ask the bondholder to take his pay in gold, but that we must pay him in diamonds or some other more valuable commodity?

[Here the hammer fell.]

Mr. LANDERS. I now yield the remainder of my time to the gentleman from Tennessee, [Mr. BRIGHT.]

Mr. CLARK, of Missouri. Is it in order to move that the time of the gentleman from Illinois [Mr. FORT] be extended?

The SPEAKER *pro tempore*. That can be done by unanimous consent. What extension does the gentleman propose?

Mr. FORT. I do not think that I shall require more than three minutes.

Mr. CLARK, of Missouri. I ask unanimous consent that the gentleman's time be extended for five minutes.

There was no objection.

Mr. FORT. I am very much obliged to the gentleman from Missouri [Mr. CLARK] and to the House for the courtesy.

Mr. Speaker, are we to dance to the caprice of Shylocks, and become ridiculous and run mad in trying to please our creditors, and insist on paying them more or something more valuable than we and they at the time agreed should be paid? Wherefore is it that gentlemen manifest so much interest in our creditors and so little in ourselves? They bought our bonds at greatly depreciated rates. Our bonds have appreciated, and are worth from 25 to 50 per cent. more than we got for them. We do not complain of that, but are willing to pay them in full in the same metal mentioned expressly and by implication in the contract. And now that the bonds have appreciated and that gold has also appreciated, we are asked, and by our own countrymen, too, to purchase the most costly metal and pay with it, and to abandon silver—our own most abundant product—as money, and not ask our creditors to take it as pay, although they agreed to do so.

Sir, we all profess to be desirous to return to specie payments, do we not? For one, that is my earnest desire. I may not be so very anxious about it as some of my friends farther East; but I wish to reach a specie basis as soon as possible by the road of economy and prosperity. I would do nothing to delay the coming of that day when a greenback shall be par. And we all wish to pay all our demands in coin as soon as we can consistent with national prosperity. Now I ask gentlemen to consider this question: If we discard this vast volume of precious metal which can be coined into money, and thereby reduce our means at least one-half and thereby make it impossible to resume as soon by perhaps years, are we not then traveling from resumption, and not toward it? How can we resume without precious metal and what have we to gain by discarding one-half of what we have?

Gentlemen are certainly hard to please. The greenback is not good enough for a domestic currency because they say it is below gold. Silver is not good enough for the bondholder because it is depreciated below gold and is not honest money.

But, Mr. Speaker, by demonetizing silver they are appreciating gold and making it more dear and still widening the margin between it and the greenback, and making it that much harder to resume, and putting off the desired day that much longer. Are you not, gentlemen, in fact doing all you can to retard resumption, as you certainly are doing all you can to increase our debt and making it harder to pay, and placing so much more burden upon an overloaded people? I beg gentlemen to pause and consider.

By demonetizing silver you throw away one-half your means essential to resume specie payment. Will some financier tell me how he expects to reach specie payments thereby?

Ah, Mr. Speaker, I hope for no resumption by this road, and, with all respect to the gentleman, say that, in my judgment, that result will not be promoted by this measure.

In my judgment there is a conflict now pending between the debtor and creditor classes, and the creditor class has secured the first advantage by demonetizing silver, thus making bonds and other evidences of indebtedness so much the more valuable and also depriving the debtor class of that much of their means to pay.

Property may rise and fall in value, but indebtedness remains at the same amount, measured by dollars and cents. And so it is that the creditor gains by the value of the dollar. If that class can by any means or measure increase the value of money they increase the value of their notes and bonds, and so in this case if they can dethrone silver they reduce the volume of coin, and of course render the remaining quantity, which would be gold, by so much the more valuable.

Mr. Speaker, in my humble judgment, the most gigantic scheme ever organized has been set on foot all over the world by the Rothschilds and others of the creditor class to double their own enormous wealth and to double the debts of the debtor class. The promise to pay is so many dollars, and the value of the dollar doubled, and you have the result as stated. Mr. Speaker, why is it that our countrymen, of all other people, are to be the greatest losers by this unholy scheme? Why is it, I earnestly ask, do they join the conspirators, and help thus to bind the helpless and aggrandize the money kings of Europe?

Mr. Speaker, the silver dollar was the first legal-tender coin we ever had. About the year 1792 the Hamiltonian dollar was authorized by law, and was made of the same value as the Spanish milled dollar then in circulation here. It remained our only dollar, and it was not till long after the beginning of the present century that we had any gold coin of our own, when the coinage of the eagle and half eagle was authorized, the dollar being the unit and the standard of value all this time and up to and till the lamented repeal of its legal-tender quality. And now it is by the wise men of our day degraded and dishonored for all sums over $5; and I would ask, why have you left it a legal tender for any sum if it is so dishonored, so dishonest? I presume the gentleman will say, O well, it will do to pay off small debts; do to pay for a day's labor; do to pay small tradesmen with.

Ah, Mr. Speaker, if it is good enough to pay the poor hired girl for a week's work or good enough to pay the laboring-man for a day's work, is it not good enough to pay the bondholder, inasmuch as he agreed to take it? Mr. Speaker, this cry of dishonest money will not do for all ears. If it is dishonest money why will gentlemen pay it out for honest labor? The poor man must take it. It is a legal tender for him; but the rich having large amounts must have better money. This doctrine of the distinguished gentleman, with all respect to him personally, I may be allowed to characterize as monstrous. The purchaser of real estate or any other valuable thing must take it subject to the chances as to whether it shall rise or fall in value. And so it should be with bonds, bills, or gold, or silver. Congress cannot stand ready to regulate the value of one to suit the other.

Mr. Speaker, I have no prejudice against the bondholders; none in the world. I have none against anybody. They got our bonds cheap; they have made a handsome profit in their advance, and ought to be content; and, so far as I am concerned, they must be. I would pay them all we owe them according to the bond and the contract, and nothing more. We have some rights reserved to ourselves, and, for one, I am not willing to yield them; not willing to pay them so many millions more than we agreed to pay. And, more than all, I am not willing to reduce our volume of money by dishonoring all the silver we have and all our mines may produce.

Now, Mr. Speaker, it seems to me that if we are disposed to resume specie payments we should hold all our resources ready to subserve that end. If we can redeem our paper currency in any kind of precious metal, is it not best to reserve the right to do so? Should we demonetize and discard that metal of which we have most and which our country produces? Let it be understood here in this House to-day that he who votes to sustain this report of this committee votes to continue demonetization of silver coin, and that he votes to deprive the Government that much of its wealth and of its ability to meet its demands, that much of its ability to redeem the legal-tender notes and pay its bonds in coin. He who votes to disagree to this report votes, in my judgment, to retain all that we have with which we can make good our promises and votes to promote the prosperity of the country.

Mr. Speaker, it seems to me that our duty is plain; that we should retain within our control every means we have to redeem the promises we have made; and, mark you, every dollar of indebtedness which this Government owes was contracted when the silver dollar of standard value of 371¼ grains was a legal tender; and every bondholder who bought a bond at from fifty to seventy-five cents on the dollar took the bond with the understanding and agreement that he might be, and in all probability would be, compelled to take his pay in silver coin of the United States. Why is it that gentlemen from the East come in here and so eagerly insist that we must pay our debts in a better and more valuable coin than that in which they were contracted to be paid?

Mr. MACDOUGALL. Will the gentleman from Illinois tell us what bonds of the Government were taken at forty cents on the dollar?

Mr. FORT. The gentleman very well knows that many of our bonds were sold upon the market when gold for greenbacks was at 150, 200, and 240 in greenbacks; but we do not complain of that. The bonds have appreciated, and now the bondholder ought to take the same coin he agreed to take.

Mr. KELLEY. Two hundred and eighty.

Mr. FORT. Yes; 280, as the honorable gentleman from Pennsylvania suggests; those bonds were paid for in greenbacks. We are now asked to pay those bonds not in silver but in something more valuable; they want them paid in gold. We are told that silver is not good enough for the bondholder. Mr. Speaker, it is singular that the Government, and in fact the debtors as a class, come out second best in all these contests; and I doubt not that if gold should for any reason depreciate a few cents these same gentlemen would be here eloquently and persistently demanding that the Government must make good to them the depreciation, having their bond for the pound of flesh, that they must have it nearest the heart.

Mr. MACDOUGALL. When gold was at 240, what were greenbacks?

[Here the hammer fell.]

Mr. LANDERS, of Indiana. I yield now the balance of my time to the gentleman from Tennessee, [Mr. BRIGHT.]

The SPEAKER *pro tempore*. The gentleman from Tennessee has five minutes of the original time of the gentleman from Indiana, [Mr. LANDERS.] More than an hour has expired, and gentlemen have been speaking by consent of the House.

Mr. BRIGHT. Mr. Speaker, it will be impossible within five minutes to enter upon the discussion of this question. I can only throw out a few suggestive thoughts.

Mr. LANDERS, of Indiana. I move that the time for discussion be extended one hour, to be divided into five-minute speeches.

The SPEAKER *pro tempore*. The Chair will state that unless the previous question is called and sustained at the close of the hour of the gentleman from Ohio, discussion may be extended indefinitely. It depends entirely on the action of the House. As the hour has not yet expired it is better not to anticipate it.

Mr. BRIGHT Mr. Speaker, I will state to the House that there are some profound questions connected with the subject of the demonetization of silver, and there is great propriety in its restoration to its ancient place. It will be remembered, sir, that there is an implied recognition in the Constitution of the United States that gold and silver should both be the standard coins of the United States. In the analysis and discussion of this subject by the old statesmen they clearly demonstrated that the States made a surrender of the question of coinage and the regulation of the value of coins to the Government of the United States with the understanding that the double standard of gold and silver should remain with them.

And now the question is presented, Mr. Speaker, why is it that the Constitution of our country has been invaded and one of the most important rights of the States and people has been stricken down by congressional legislation? Was this question ever submitted to them? Never. Were they consulted about it in any popular canvass? Never. Then why is it when they are oppressed, burdened, tax-ridden, bled almost to death by taxation, you deprive them of one of the constitutional means of discharging their obligations to the creditor? What would you think, Mr. Speaker, of the guardian who intending to discharge the obligation of his ward should pay twofold the value of that obligation when he could have discharged it for one-half? What would equity, what would the courts of the country say? They would deprive him of his fiduciary relation and substitute another who understood the relation better and would discharge the obligation fairly.

Now, it was admitted by Mr. Calhoun, by Mr. Benton, and by all the old statesmen, that gold *and* silver should be the currency and legal tender of the United States. I have the authority before me, and will quote a few of them on the subject:

* * * He (Mr. Benton) fully concurred with the Senator from South Carolina (Mr. Calhoun) that gold in the United States ought to be the preferred metal; not that *silver* should be *expelled* but *both* retained; the mistake, if any, to be in favor of gold instead of being against it. Mr. Benton believed that it was the intention and declared meaning of the Constitution that foreign coins should pass currently as money and at their full value within the United States; that it was the duty of Congress to promote the circulation of these coins by giving them their full value; that this was the design of the States in conferring upon Congress the exclusive power of regulating the value of these coins; that all the laws of Congress for preventing the circulation of foreign coins and underrating their value were so many breaches of the Constitution, and so many mischiefs inflicted upon the States; and that it was the bounden duty of Congress to repeal all such laws; and to restore foreign coins to the same free and favored circulation which they possessed when the Federal Constitution was adopted.

* * * * * * *

He denounced this exclusion of foreign coins as a fraud, and a fraud of the most injurious nature, upon the people of the States. The States had surrendered their power over the coinage to Congress; they made the surrender in language which clearly implied that their currency of foreign coins was to be continued to them; yet that currency is suppressed; a currency of intrinsic value for which they paid interest to nobody is suppressed.—*Benton's Thirty Years' View*, pages 444, 446.

Thus it appears, sir, that when the States surrendered the power to the General Government of regulating coins and coinage it was with the implication that all the avenues of commerce should be so kept open that foreign coins should be permitted to flow in and the people should be permitted to avail themselves of that privilege; and why is it now that foreign coins are demonetized in like manner, and you are narrowing the means of discharging the obligations of the people down to a single standard? Sir, it is discrimination in favor of domestic and foreign bondholders against the tax-payers of our country.

Every State under the Constitution has the right to make *silver* as well as gold a legal tender. They are equal in the eye of the Constitution. Yet if a State should pass a law making *silver* a legal tender the General Government says no, that *it* has the sovereign power of coinage and it will not coin silver; that it has the power of regulating the value of coins, and it will exercise the power to exclude foreign coins; and thus it sweeps away one of the most vital rights of the States and the people. In this way it cuts off one of the financial arms of the States. It is a financial *mayhem* of the States, leaving them with one arm instead of two to fight against the encroachments of monopolies and taxation. This demonstrates the fact that the money power is outgrowing all the restraints of the Constitution; it pushes through them like Job's behemoth through the snares. The act of February 12, 1873, demonetized the silver dollar, and the amendment of the House proposed to restore it. The Constitution, justice, equity, and honor say let the ancient coin be restored.

There is another outrage which has been perpetrated upon the people, but I have not time to enlarge upon it. It will be remembered that on the adoption of the Federal Constitution we had no American coin. It was all foreign, and the Spanish milled silver dollar was constituted by statute the unit of value of this country. Will any gentleman or Representative here be kind enough to point out any statute where there is any other unit of value fixed by law? It is nowhere to be found. Yet, in despite of all that, you have demonetized the old coin which formed your unit of value and which enabled this Government first to inaugurate its system of commerce and discharge its debts.

Not only so, Mr. Speaker, but there is another thought which I wish to lay before this honorable body, and the device which is meditated is no shallow one. This body must understand that there is a European project now on foot, in which a certain party in the United States sympathize, that is to reach an international unification of the value and standard of coin; and it is to make the gold coin the standard of value, and to demonetize silver. Suppose that England, Germany, and the United States succeed in the scheme of inducing the nations to demonetize silver, what would be the result?

Our Director of the Mint in his report for 1874, speaking of gold and silver, said:

The world's stock of precious metals is generally estimated at from ten to twelve thousand million dollars, nearly equally divided as to the two metals.

The silver coin being destroyed, it would leave the world's stock of gold coin about five or six thousand millions. This would appreciate the value of gold twofold by making it scarce and increasing the demand for it. The Government of the United States and the States and our corporations being largely indebted to England and Germany, would find the burden of their debt doubled, because those, with other European nations, could not spare the gold to come and remain in the United States. Such a project, if successful, would make the rich richer and the poor poorer. It would deprive our people of one of the means of paying their debts—all the contracts, public and private, being payable in gold or silver. This would be a folly only equaled by its injustice.

The people will not always remain in ignorance of the frauds which have been perpetrated against them. In due time they will administer the proper retribution.

But my time will not permit me to extend my remarks further. I will close by appending to my remarks an instructive and valuable article from the Cincinnati Commercial of July 8, 1876.

THE FINANCES OF FRANCE AND GERMANY.

During the disappearance of the precious metals from circulation in this country, the old double standard was abolished by indirection. Of course this was not done accidentally, but systematically and in the interest of the holders of securities, with the purpose of increasing the weight of debts, public and private. The main money question before the people of the United States is, whether the double standard shall be restored. We want resumption of specie payments, but we demand that it shall be upon the old specie basis. Our debts were made when there were two money metals. We do not propose to impose on the people resumption in one metal.

The debts up to 1873 were payable in coin of "gold and silver." We propose that they shall be paid in "gold and silver." That's fair, isn't it? Those who are in favor of an exclusive gold standard use the example of England. We have referred to the greater prosperity of France under her double standard, and the existence of that standard in France has been disputed. We have obtained exact information on this subject, and submit it in the form in which it was received:

CINCINNATI, *July* 7, 1876.

The Editor of the Commercial:

Some few weeks ago you expressed a wish that I would ascertain and give you the exact status of silver in our sister-republic of France. In compliance therewith I wrote to Paris and have this day received the following reply.

Yours, respectfully,

JAMES GILMORE.

PARIS, *June* 23, 1876.

SIR: We can reply as follows to the several inquiries conveyed by your letter of the 2d instant.

The five-franc piece is an unlimited legal tender, and may, therefore, be employed to any extent for payments; the smaller silver coins are of inferior fineness, and acceptance of the same cannot be enforced beyond an amount of fifty francs per each payment.

The Bank of France issues no more five-franc notes and destroys those which return to the bank in course of circulation.

The bank has at present on hand 581,278,000 francs in silver coin and bullion, 1,468,340,000 francs in gold coin and bullion.

In March, 1875, the bank held 495,000,000 francs in silver and 1,325,000,000 francs in gold, which shows that the respective increases of the silver and gold paid in have taken place in proportions which do not differ so widely as might be anticipated from the great abundance of silver.

From our previous remarks on five-franc pieces, it follows that, in case the bank resumed specie payments, these could be legally effected in silver coin, using the pieces inferior to five francs to the maximum extent of fifty francs per payment.

We will add, for your guidance, that one-fourth-franc pieces have been withdrawn from circulation, and are replaced by twenty-centime pieces.

The commercial value of gold and of silver is as follows, namely: silver of 1000-1000 fineness, 218·89 francs per kilogram; gold of 1000-1000 fineness, 3434.44 francs per kilogram. The kilogram is equivalent to 32.1543 ounces.

It is on the above basis that silver and gold are quoted, with so much per cent. loss or premium.

The mint receives, however, these two metals on the following footing: Gold, 3437 francs per kilogram; silver, 220.56 francs per kilogram.

In consequence of the international treaties, the mint, being provided with silver for its coinage till December, 1878, does not, for the present, receive any more of this metal.

Subjoined you have the weekly condensed report of the Bank of France, which was published yesterday.

Yours, truly,

MARCUARD, ANDRÉ & CO.

BANK OF FRANCE.

	June 22.	*June 15.*
Assets.	*France.*	*France.*
Cash and bullion	2,048,316,159	2,034,310,983
Bills discounted and advances	476,747,757	469,366,574
Treasury bonds	476,187,500	476,187,500
Liabilities.		
Active note circulation	2,307,831,075	2,498,482,220
Public deposits	147,744,364	130,500,533
Private deposits	454,687,309	439,585,003

France has done well to adhere to her bimetallic money. The financial depression and disturbances in Germany are to be largely attributed to the action of the imperial government looking to demonetizing silver. Germany attempted to adopt the gold standard upon receiving the indemnity of France, and has thereby placed herself in great difficulties. She is attempting to rid herself of the people's money—silver—to the extent of 200,000,000 thalers. M. Henri Cernuschi, author of Mécanique de l'échange, in a pamphlet on Bimetallic Money, describes the troublesome task upon which Germany has entered, as follows:

"Where can all this silver be sent to or what can be done with it? Up to the present England and the United States admit only gold as a legal tender. Consequently, these countries cannot absorb the silver furnished by the German thalers. France, Italy, Belgium, Switzerland—that is to say, the Latin union—though admitting the bimetallic *régime*, have coalesced to prevent the Germans coming to their mints to have their thalers turned into pieces of five francs; and to this end they have by common agreement suspended their ancient free coinage of silver. Austria and Russia are condemned to a chronic state of paper currency; they cannot think of acquiring the silver of Germany. There remain China and India. In these countries gold is not employed, as their payments are made in silver. But they have neither heavy credits on Germany nor the rest of Europe, and are therefore not in a position to send thither large sums. One can hardly imagine a cause for a great exportation of silver from Berlin to Pekin short of the hypothesis of a decisive battle being lost by the Germans in fighting against the Chinese, and the latter having imposed a heavy indemnity on the former.

"Moreover, we should bear in mind that if it is hard to find an outlet for demonetized silver, the purchase of the gold to replace it is no less difficult.

"London, the chief mart of precious metals, can only furnish Australian and Californian gold according to the supplies received thence. Were the usual stock, of which the English themselves stand in absolute need, trenched upon, the result would be a terrible crisis in the British market, which would immediately re-act upon all the rest of Europe, bringing with it ruin and disaster.

"It is scarcely necessary to point out the gigantic losses Germany would, before causing this disastrous crisis, entail upon herself should she continue to offer heavy sums of silver and to demand heavy sums of gold. The silver so offered would be more and more depreciated, and the price of gold would rise in a converse ratio, entailing a loss of millions to the German treasury.

"The ministry of the empire have foreseen these difficulties. To meet them they inserted in the decree, ruling that from January 1, 1876, all payments shall be made neither in florins nor thalers, but exclusively in marcs, a restrictive clause, to maintain in circulation the thalers, which are to be counted as gold, and to be each held as equivalent to three marcs.

"We see from this that the imperial government wishes to secure itself time, and hopes to demonetize slowly. But a slow demonetization is not without serious drawbacks, since it determines the exportation of gold. Here are the reasons why it does so:

"Since demonetization has begun silver, which is constantly offered to foreign markets, goes on falling in price, while at home the value of the thaler, this coin being a legal tender under the restrictive clause above mentioned, and appraised at three golden marcs, is not depreciated. Bankers, therefore, when they have payments to make abroad are careful not to transmit thalers. They send gold marcs, reserving their thalers for home payments. Government buys back the gold in foreign markets, and the bankers go on exporting it. The Treasury thus undertakes to weave a Penelope's web without any Ulysses in the distance. Already 20,000,000 of marcs have been sent abroad, the sixth part of all that has been coined. To sum up, Germany has judged prudent not to demonetize rapidly, while the success of a slow demonetization appears highly doubtful."

Discussing the remedies for the disordered finances of Germany, the same writer says:

"Germany is not committed to the monometallic system to the extent of being unable, without a great effort, to abandon it. On the contrary, she has never so closely approached a bimetallic *régime*, which in point of fact she already legally, though provisionally, possesses. In order that bimetallism become permanent and absolute, it would suffice for her government to ordain, firstly, that the coinage of gold and silver in the public mint shall be open to every one; secondly, that the weight of a silver marc shall be equal to one-third the weight of a thaler; thirdly, that pieces of four or five silver marcs shall be struck in order to make *rouleaux* of one hundred marcs, which cannot be done with the existing coins of three marcs—the thalers; fourthly, that no more thalers shall be struck, and the existing ones hereafter melted down and transformed into pieces of four or five marcs; fifthly, that there shall not be under the value of two marcs any more coins of low standard, and that those of five marcs, the coinage of which has begun, shall eventually be called in.

"It is obvious that the application of a law to this effect would not meet with any difficulty, and it would be attended with important advantages. The German government would be relieved of its monetary cares; it would be no longer obliged to seek issues which do not exist for its silver; it would not be obliged to demand more gold than can possibly be supplied; it would avoid the losses ensuing by the continued fall of silver, and purchase of gold, which goes on rising; it would cease to fear the exportation of golden marcs; and finally, satisfied with having in the whole empire a single denominational unity, the marc, it would leave the Germans free to make use at will of gold or silver money, as was always practiced in the states of the Latin Union up to 1874.

"The coalition formed between France, Italy, Belgium, and Switzerland to resist the monetary enterprises of Germany would be at once dissolved. The monetization of silver would be free in these countries, and there would be an end to a monetary war without precedent and without end, which is as contrary to scientific principles as to the interests of the States by whom it is waged. The English market, and with it the continental markets, would escape from the crisis which is inevitable if the German government persists in demanding more gold than can be furnished.

"Is there an economist, banker, or statesman who can deny the reality and the importance of the advantages we have just enumerated?"

The people of the United States are in the humiliating position of having had the double standard abolished in *the dark by the gold ring;* that is to say, the people here have been deprived of one of the precious metals, and they are expected to submit, because the metal in which they have had *their rights stolen from them* is cheap.

We think we can trust the intelligence of the people to resist this oppression. They can obtain valuable lessons pertinent to the case in studying the prosperity of France under the double standard and the depression in Germany resulting from the attempted demonetization of silver. The people of the United States never had the great question of abolishing silver money referred to them. They were deprived of their rights in silver by a juggling coinage regulation, and those who are urging the continuance of the exclusive gold standard must be of the impression that the people do not know their rights or dare not assert them.

Mr. COX. I do not propose to discuss this bill with reference to the proposition rejected in the conference. That proposition spreads over a large and open sea of tempestuous discussion. It might well engage our continuous attention for a week. It involves not merely the demonetization, but the remonetization of silver, and all the business relations of the whole people.

I know perfectly well what the Constitution says in relation to gold and silver both in the eighth section of the first article wherein Congress has the power to coin money and regulate the value thereof, and in the tenth section of the same article where it is declared that no State shall make anything but gold and silver coin a legal tender. These constitutional clauses are sacred, and nothing in this bill derogates from them.

I cannot now enter upon that question. It bears me away from the conference report. Silver should not be demonetized. No vote of mine shall tend that way. This bill does not thus tend.

I agree with the distinguished gentleman from Ohio [Mr. PAYNE] that legally, and I will go further, and say morally, silver is a part of the coin of this realm and should be so utilized. This report proposes to use it properly.

But, sir, the precise question before the House now is one concerning convenience; it is temporary; it is not constitutional or economical in a large sense. This report is not amendable. You have to vote ay or no upon it. If you vote for it, you facilitate the issue of subsidiary silver coin, so as to accommodate the people between now and our next session of Congress. You fill the vacuum caused by the displacement of the fractional currency. You help the people in their need and distress for "change." If you vote it down, I suppose I speak with parliamentary propriety when I say that there is no hope of such relief at this session either in this body or the other.

Now, Mr. Speaker, to come back to the proposition before the House. You all remember the first bill introduced here for the issue and fair distribution of the $10,000,000 of silver coin in exchange for an equal amount of legal-tender notes, or really for so much fractional currency in the final result. That first bill, reported from the committee of which I am chairman, was intended to open new sluices for the fluent circulation of those $10,000,000. That was the simple original bill, intended only to give facility to a prompt and fair distribution. The various amendments made since are in fact each and all irrelevant to that bill, which had one object and only one. To that bill the Senate made an amendment, striking out the word "now," which was well enough. Then they added the third section of another silver bill which we passed. It had reference to the trade-dollar, and was intended for good reasons to impair its value or demonetize it to a certain extent for certain purposes on the Pacific. That was the bill as the Senate sent it back to the House. Then on this bill thus amended by the Senate the House fixed the whole bill of the gentleman from Pennsylvania as to the issue of the twenty millions of silver coin minted out of bullion to be bought in the market on certain conditions and limitations.

Now, sir, I desire to say that a better bill than either that for twenty millions of the gentleman from Pennsylvania, or than the original ten-million-dollar bill to which the House attached the twenty-million bill, might be enacted with advantage. I refer to the bill introduced by the gentleman who represents the Saint Louis district in Missouri, [Mr. WELLS.]

This bill of the gentleman from Missouri authorizes—and I beg the attention of the House to it, for I believe it would be most acceptable when this matter shall properly come up—it authorizes any owner of silver bullion to deposit the same at the assay office in New York, or at any coinage mint, and to receive in payment therefor subsidiary silver coin at a rate of price per standard ounce to be fixed and announced from time to time by the Director of the Mint, with the approval of the Secretary of the Treasury. It provides that the cost of the coinage shall devolve on the seller of the bullion, and the profit or seigniorage arising therefrom shall accrue to the Government. So that if that bill were a law the Treasury would not have to go out and spend its money on hand to buy the bullion in the market; but every man in the country who owned bullion and deposited it in the assay offices or mints should there have it coined, the Government paying nothing for the bullion and receiving pay for the coinage. That seems to be the most sensible bill which has been introduced in connection with this subject. But it is not now before the House. I hope it may be considered, however, when we consider more comprehensively how best to monetize silver.

The simple question is shall we now, in pursuing the idea of making the old silver dollar a legal tender, the discussion of which has been raised by the gentleman from Indiana, [Mr. LANDERS,] lose the whole benefit of the ten-million and the twenty-million bill which have been so carefully considered by both Houses, and so sedulously guarded by proper provisions.

I might agree with all that was said by the gentleman from Indiana. I agree that even the bonds should be paid in silver as well as in gold. I will not stop to argue the proposition that silver being now 20 per cent. below gold and 10 per cent. below greenbacks, that it is a good time for one class and not for another. I will not stop to argue the relation between the debtor and the creditor class in this connection. These matters might all be pertinent, and in my judgment the points seem well taken. But the question now is, shall we forego passing this bill for silver change; the ten millions and the twenty millions; or lose the measure as matured and the consequent

benefit of it to the people, because we do not by this report reach a larger relief?

That, sir, is all that I intended to say at this time.

Mr. LANDERS, of Indiana. I desire to ask the gentleman from New York one question.

Mr. COX. Very well.

Mr. LANDERS, of Indiana. Can we not appoint another conference committee, should this report not be concurred in?

Mr. COX. I should think from the indications I have seen, without referring to the Senate or saying anything that would be irregular, that such a committee would be utterly fruitless of result. We would gain nothing by it.

Mr. LANDERS, of Indiana. That is not the question; can we not do it?

Mr. COX. I suppose you could raise another conference by some management here. I proposed to yield a portion of my time to the gentleman from Pennsylvania, [Mr. RANDALL,] but he is not in the Hall, and therefore I will yield five minutes to his colleague, [Mr. TOWNSEND.]

Mr. TOWNSEND, of Pennsylvania. I rise to support the report of the conference committee. I think it is a report that ought to be accepted by this House, and I am sure that it will commend itself to the sound judgment of all the people of the country.

I shall address myself chiefly to that portion of the report which has reference to what is called the Landers amendment, making the silver dollar of 1861 a legal tender for all debts, public and private; and I want to say that I agree with the gentleman from Indiana [Mr. LANDERS] and the gentleman from Illinois, [Mr. FORT,] in the hope and desire that the national bonds of which they have spoken shall be paid according to the original meaning and intent of the contract.

Mr. LAWRENCE. What is that?

Mr. TOWNSEND, of Pennsylvania. The gentleman from Ohio inquires what was the original meaning and intent of the contract? We have to gather it from the circumstances surrounding the offer and taking of the loan itself when first made. We have to look to what the Government did; and when we examine its acts we find them in the promises and action of the agents of the Government who had charge of the negotiation of our great loan. The negotiation of a loan of over $1,000,000,000 was intrusted to a single house. The house of Jay Cooke & Co. were the sole parties authorized to negotiate the loan; they were authorized to go into the market and obtain it; they were the recognized and responsible agents of the Government. They went into the market; they distributed their circulars all over the country and they assured every man and every woman who could scrape together $50 or more that these bonds which they were selling to the people were payable principal and interest in gold. There was no time during the whole negotiation of the loan when some of these circulars dated in 1863 and distributed by their subagents were not to be found in every hamlet, every village, and every city on the continent, without objection from the Treasury Department; and in these circulars thus sent forth in reply to the inquiry "Will the face of the bonds be paid in gold when due?" Jay Cooke & Co., the accredited agents of the Government, with the sanction of the Secretary of the Treasury, with the sanction of Congress, (for there was no expression of opinion or action by the Secretary or Congress to the contrary,) said: "These bonds are called five twenties because, while they are *twenty*-year bonds, they may be redeemed by the Government *in gold* at any time after *five* years."

Again, in answer to another inquiry, they say that "Congress has provided that these bonds shall be *paid in gold* when due." And again they say in the postscript: "Those who neglect these 6 per cent. bonds, the interest and principal of which they will get in *gold*, may have occasion to regret it." I submit as a part of my remarks the entire circular. It was an original circular emanating from their house, hundreds of thousands of which were circulated throughout the country to induce people to invest in the national loan. It reads as follows:

——, BERKS COUNTY, PENNSYLVANIA, *March* 20, 1863.

JAY COOKE, Esq.,
United States Loan Agent, 114 *South Third Street, Philadelphia.*

DEAR SIR: I see by our papers that you are selling for the Government a new loan called five-twenties. I expect to have shortly a few thousand dollars to spare, and as I have made up my mind that the Government loans are safe and good, and that it is my duty and interest at this time to put my money into them in preference over any other loans or stocks, I write to get information of you as follows:

First. Why are they called five-twenties?

Second. Do you take country money or only legal tender notes, or will a check on Philadelphia or New York answer for subscriptions?

Third. Do you sell the bonds at par?

Fourth. As I cannot come to Philadelphia, how am I to get the bonds?

Fifth. What interest do they pay, and how and where and when is it paid, and is it paid in gold or legal-tenders?

Sixth. How does Secretary Chase get enough gold to pay his interest?

Seventh. Will the face of the bonds be paid in gold when due?

Eighth. Can I have the bonds payable to bearer with coupons or registered and payable to my order?

Ninth. What sizes are the bonds?

Tenth. Will I have to pay the same tax on them as I now pay on my railroad or other bonds?

Eleventh. What is the present debt of the Government, and what amount is it likely to reach if the rebellion should last a year or two longer?

Twelfth. Will Secretary Chase get enough from custom-house duties and internal revenue, income taxes, &c., to make it certain that he can pay the interest punctually?

I have no doubt that a good many of my neighbors would like to take these bonds, and if you will answer my questions I will show the letter to them.

Very respectfully,

S. M. F.

OFFICE OF JAY COOKE, SUBSCRIPTION AGENT, AT
OFFICE OF JAY COOKE & CO., BANKERS, 114 SOUTH THIRD STREET,
Philadelphia, March 23, 1863.

DEAR SIR: Your letter of the 20th instant is received, and I will cheerfully give you the information desired by answering your questions in due order.

First. These bonds are called five-twenties because, while they are twenty-year bonds, they may be redeemed by the Government in *gold* at any time after five years. Many people suppose that the interest is only 5.20 per cent.; this is a mistake: they pay 6 per cent. interest.

Second. Legal-tender notes, or checks upon Philadelphia or New York that will bring legal tenders, are what the Secretary allows me to receive; no doubt your nearest bank will give you a check or *legal tenders* for your country funds.

Third. The bonds are sold at par, the interest to commence the day you pay the money.

Fourth. I have made arrangements with your nearest bank or banker, who will generally have the bonds on hand. If not, you can send the money to me by express, and I will send back the bonds free of cost.

Fifth. The bonds pay 6 per cent. interest in *gold*, 3 per cent. every six months, on the 1st day of May and November, at the Mint in Philadelphia or at any subtreasury in New York or elsewhere. If you have coupon bonds, all you have to do is to cut the proper coupon off each six months and collect it yourself or give it to your bank for collection; if you have registered bonds, you can give your bank a power of attorney to collect the interest for you.

Sixth. The duties on imports of all articles from abroad must be paid in *gold*, and this is the way Secretary Chase gets his *gold*; it is now being paid into the Treasury at the rate of $200,000 each day, which is twice as much as he needs to pay the interest in gold.

Seventh. Congress has provided that the bonds shall be paid *in gold* when due.

Eighth. You can have either coupon bonds, payable to the bearer, or registered bonds, payable to your order.

Ninth. The former are in fifties, one-hundreds, five-hundreds, and one-thousands; the latter in same amounts, also five-thousands, and ten-thousands.

Tenth. No! You will not have to pay any taxes on these bonds if your income from them does not exceed $600, and on all above $600 you will only have to pay one-half as much income tax as if your money was invested in mortgages or other securities. I consider the Government bonds as first of all; all other bonds are taxed ½ per cent. to pay the interest on the Government bonds, and the Supreme Court of the United States has just decided that no State, or city, or county can tax Government bonds.

Eleventh. The present bonded debt of the United States is less than three hundred millions, including the 7 3-10 Treasury notes; but the Government owes enough more in the shape of legal-tenders, deposits in the sub-treasuries, certificates of indebtedness, &c., to increase the debt to about eight or nine hundred millions. Secretary Chase has calculated that the debt may reach one thousand seven hundred millions if the rebellion lasts eighteen months longer. It is, however, believed now that it will not last six months longer; but even if it does, our national debt will be small compared with that of Great Britain or France, while our resources are vastly greater.

Twelfth. I have no doubt that the revenue will not only be ample to pay the ordinary expenses of the Government and all interest on the debt, but leave at least one hundred millions annually toward paying off the debt, and that the Government will be able to get out of debt again, as it has twice before, in a few years after the close of the war.

I hope that all who have idle money will at once purchase these five-twenty year bonds. The right to demand them for legal-tenders will end on the 1st day of July, 1863, as per the following authorized notice:

SPECIAL NOTICE.

On and after July 1, 1863, the privilege of converting the present issue of *legal-tender notes* into the national 6 per cent. loan (commonly called five-twenties) will cease.

All who wish to invest in the five-twenty loan must, therefore, apply before the 1st of July next.

JAY COOKE,
Subscription Agent,
114 *South Third Street, Philadelphia.*

Those who neglect these 6 per cent. bonds, the interest and principal of which they will get *in gold*, may have occasion to regret it.

I am, very truly, your friend,

JAY COOKE,
Subscription Agent, at office of Jay Cooke & Co.,
114 *South Third Street, Philadelphia.*

* * * * * * * *

Mr. KELLEY. By whom?

Mr. TOWNSEND, of Pennsylvania. By Jay Cooke & Co., as I said before, the recognized agents of the Government, by whose acts, recognized by the Government and Congress, we are morally if not legally bound.

Now, the objection that is made by the gentleman from Indiana and the gentleman from Illinois is that these bonds were purchased at 40 per cent. on the dollar. How were they purchased? They were purchased from the Government with the money issued by the Government, with its legal-tenders, which it had let fall from the one hundred cents which it got for them to a depreciation of forty cents on the dollar, and with which, as it appears by the circular, it invited the people to invest in the bonds. The Government had no right to complain, and no one now has a right to complain that the Government issued bonds at a hundred cents on the dollar and took in payment its own notes, which it let fall to the depreciation of forty cents on the dollar, whereby the people who held the notes were the sufferers. It only put those persons in a proper position who were suffering from its own inability to keep its paper promises at par. The people had suffered that depreciation and they were entitled to have that depreciation and loss made good to them, and the best the Government could do was to give its bonds, payable at a distant day, for its depreciated legal-tenders.

Now, sir, I say that that was right and proper and according to the idea held out by the accredited agent of the Government, which was afterward followed up by the declarations, if I remember right, of

Secretaries Fessenden and Chase, that the bonds were payable in gold. That a party or a government is bound by the recognized acts of its agents is a well-known principle both of morals and of law. A doubt, however, was started whether from the wording of the bonds they were payable in gold, and on March 18, 1869, by the first act of General Grant's administration, which was entitled "An act to strengthen the public credit," and which was intended to settle that doubt and silence cavilers, it was declared that—

> The faith of the United States is solemnly pledged to the payment in coin or its equivalent of all the obligations of the United States not bearing interest known as United States notes, and of all interest-bearing obligations of the United States except in cases where the law authorizing the issue of any such obligation has expressly provided that the same may be paid in lawful money or other currency than gold and silver.

This was a declaratory act, and was an express recognition of the promise that the Government agents had made, that the bonds should be paid principal and interest in gold.

But gentlemen say that the word "coin" is used in the act, and not the word "gold." To know what was intended by the word "coin" we must look at the condition of the metallic currency at that day.

The subsidiary coins were not a legal tender beyond $5, and consequently it did not mean that depreciated currency.

The silver dollars were evidently not in the contemplation of Congress, for only $4,709,490 in silver dollars had been coined from the foundation of the Government to the year 1869. Only $1,000 in silver dollars had been coined between 1805 and 1839. They formed no part of the circulation; practically they had become obsolete, and not one payment in ten thousand was made in the silver dollar, and probably not $200,000 were then in the United States. The halves and quarters of the old standard were not contemplated, for they did not form one-tenth part of the coinage of the country, there having been coined of such only $68,679,507 up to 1853, when the new coinage was only made a tender up to $5. The greater part of both had been exported in settlement of balances due foreign nations. The only coin then thought of was the gold coin, of which up to 1869 there had been coined at our mints the sum of $695,891,622. Gold was the only coin in circulation for the payment of large debts up to the opening of the war. No one thought of anything else, no one paid in anything else who by law was required to pay in coin, for it was the easiest to obtain. And when the act of 1869 was passed the only recollection of Congressmen of coin was gold coin, for silver had only been used for change, and gold had been the means or medium for the payment of large obligations.

I repeat it, then, that the word coin in the act of 1869 was intended to mean gold coin alone, for it was the only or uppermost idea in the minds of all when it was uttered, especially as silver coin, except for the minor transactions, had passed out of sight and out of mind; in fact, almost all the silver coins but the overvalued subsidiary coins had left the country, and it is most likely that none of the men who passed the law had ever seen a silver American dollar.

Not to accept this report but to allow the proviso or amendment of the gentleman from Indiana [Mr. LANDERS] to prevail would be to allow the solemn obligations of the Government to be paid off in coin worth less than eighty cents in the dollar, and give such a shock to our credit as would disgrace us in the eyes of the civilized world and depress our bonded obligations 20 per cent. in value. It would, besides, drive every gold coin out of the country within an incredibly short space of time. Within a week British standard silver has sold in the market at fifty-four pence sterling per ounce, equal in our currency to 92.726 cents. This makes the value of two silver half dollars weighing 385.8 grains, 74.53 cents; the value of the old silver dollar of 412.5 grains, 79.70 cents; and the value of the trade-dollar of 420 grains, 81.134 cents.

Gold is at 112 premium, making the legal-tender paper dollar worth 89.29 cents. Thus it is proposed to pay our obligations with silver dollars 20 3-10 per cent. below par, and worth nearly ten cents less than the paper dollar. This would be partial repudiation. Nay, more, it would be an imposition on the masses of the people, requiring the laborer to take less for his wages, the farmer to take less for his wheat and corn, the mechanic to take less for his work than he had contracted to receive. It would also add to the price of every commodity that should be bought with such currency.

This depreciation in the price of silver has been effected by many causes. The demonetization of silver by European countries, the great supply of the American mines, the falling off of the demand in India have all tended to this depreciation and greatly disturbed the proportionate values of gold and silver, which had ranged at 15½ or 16 to 1.

The weight of the gold dollar is 25.8 grains and the weight of the old silver dollar is 412.5 grains. If three more grains were added to the silver dollar the proportion would be exactly as 16 to 1. At the present price of silver, however, the gold dollar is to the old silver dollar as 20.7 to 1, and the gold dollar is to the subsidiary silver (two half dollars) as 21.4 to 1. And all this difference in the proportions between the two metals has taken place within a very short space of time.

It is said, however, that gold has appreciated, and that silver has not depreciated to the extent I have named. It may be true that gold may have slightly appreciated since the demonetization of silver by Germany and the Scandinavian countries, but there is no certain evidence that such is the case. A small advance may have taken place in the controversy between France and Germany to obtain sufficient gold for their respective uses, but of this no one can affirm with certainty. For a time there was a small advance given by the Bank of England for American double eagles, but from this advance the bank has receded, and there is no commodity of certain quality and steady price that indicates any such advance; and it is beyond the power of man to say that such appreciation has taken place. No European political economist, so far as I have observed, maintains it. On the contrary, it would seem as if gold had depreciated in value, if the wages of labor afford any test, for wages are higher in the golden State of California in *gold* than in the Eastern States in *legal tenders*, as shown in Young's late work on Wages in Europe and America.

It may be safely said that as a practical measure we have never had a double standard in successful operation in this country. We have tried the experiment, but it has failed. We had to change the proportions in 1833, and then again in 1834, and again in 1853. It is just as impossible to keep up a fixed proportion between the values of gold and silver as between wheat and corn, or whisky and tobacco. The Rhode Island colonists tried it with their wampum-peage two hundred years ago, and failed. The values of all these articles will depend on demand and supply and other causes, and no legislation can prevent it. It never did prevent it and never will.

The only sound policy for any government to pursue is to have a single standard, and to use that metal for it which is most valuable in the eyes of the world. The European governments have found that out, and are abandoning the double standard, mostly using gold, but silver only for subsidiary coins; but legislators in this House are anxious to adopt the worn-out devices which European governments have cast aside. There is no wisdom in this. It is taking a step backward in financial science, and acknowledging that we cannot learn by the experience of others. It is turning back the finger upon the dial of time.

I repeat it then, in my judgment, we should have but a single standard, and that standard should be gold. Silver should be used only in subsidiary coins, in tokens under one dollar in nominal value, and so overvalued as not to be liable to exportation, and for the small contracts of every-day life. I know that such a policy would not be agreeable to the owners of great bonanza silver mines, but it would conduce to the interests of the people, and would prevent them from being taxed 10 to 20 per cent. in all their transactions that might be made in silver coin.

It is said that we must utilize our silver, and that the best way to do it is to put it into coin. By the act of 1873 we made the trade-dollar; we gave to the mine-owner the whole seigniorage on his bullion and we coined for him one hundred and twenty-five cents' worth of coin from his ounce of fine silver when standard silver was only worth at present rates about ninety-three cents to the ounce, and allowed it to be a legal tender to the amount of five dollars. Happily, we have taken away this special privilege by the bill in conference, and his only use for trade-dollars is now in foreign markets.

There is no reason why the owners of silver mines should have special privileges to the disadvantage of the people, and the legal-tender quality of the trade-dollar has been withdrawn in pursuance of a sound political economy.

I need add little or nothing concerning that part of the report which adopts what is called the Payne bill. It is a measure that relieves temporarily the scarcity of small change that has been occasioned by the hoarding of greenbacks. The ten millions of subsidiary coin that can at once be thrown into the circulation, in exchange temporarily for the legal tenders, will be sufficient to supply the pressing demand for change, and the disposition to hoard will pass away as soon as the people see that they can get as much as they want.

The Randall bill provided for an additional twenty million of subsidiary coin to supply a vacuum that my colleague thought would exist because of the destruction of the greenbacks. I thought when his bill was before the House that his estimate was too high by ten millions, and offered an amendment accordingly. The principle of that amendment has been adopted by the committee.

The committee of conference has modified his bill so that the whole amount of the fractional currency and subsidiary coin shall not exceed fifty millions, a sum amply sufficient when we remember that the whole amount of fractional currency authorized by law was fifty millions, and that not more than forty-two millions and a half thereof were ever at one time in the hands of the people.

I think the report of the committee should be adopted. It will give us an abundant supply of subsidiary coin, it will save us from a depreciated currency, and at the same time preserve our national honor as involved in the payment of our national obligations, and will show to the world that we intend to pay our debts according to the general understanding of the terms of the contract between the Government and the people, and which we have since recognized by appropriate legislation.

[Here the hammer fell.]

Mr. COX. I yield for five minutes to the gentleman from Pennsylvania, [Mr. KELLEY.]

Mr. KELLEY. Mr. Speaker, I cannot say what I desire to in five

minutes, but I can express the hope that this report may be rejected by this House as a measure involving dishonesty, discreditable to the House and the country.

The gentleman from Ohio [Mr. PAYNE] tells us that it would be dishonest to pay the foreign bondholders in silver which has so greatly depreciated, and yet this report which he sustains proposes to go on buying silver with gold-bearing bonds or money that would redeem such bonds in order to make the American people accept it when greatly debased as money. Not valuable enough to pay the rich bondholder, says the report, but more than valuable enough to pay the farmer for his wheat and the laborer for his day's work. It may be answered that this report does not propose to issue 5 per cent. gold bonds. It proposes, as I have said, to buy silver with money which would buy these bonds and it leaves them outstanding. It proposes to bring us to specie payments by enlarging our gold obligations, by adding to our gold expenditures in order to make a fractional currency of $50,000,000 for the purchase of the mere material of which we pledge the revenues of the country to the payment of $2,500,000 interest in gold annually. But more and worse, we incur this gold indebtedness for the purchase of a depreciating commodity. A commercial house in my district advised me but yesterday of the rate of its purchases of silver during the last six months.

I submit the brief but suggestive statement:

You may be interested to know that—

January 28 we paid	$1 21¼
February 19 we paid	1 18⅞
March 16 we paid	1 19½
April 3 we paid	1 17
May 19 we paid	1 16½
June 19 we paid	1 13⅛
June 29 we paid	1 11⅛
July 5 we paid	1 09
To-day	1 06

all gold, for silver bullion, 9.9+ fine, mint assay, per troy ounce. Say to-day $1.06 gold per troy ounce against $1.21¼ gold per troy ounce in January.

Shall we go on and bind the laboring-people, the farmers, the manufacturers, the capitalists of this country, to pay $2,500,000 annually in gold for a material out of which to make fractional currency while it is declining with the measure of rapidity indicated by these purchases? Can we increase our power to pay our debt by depriving ourselves of one of the great elements for its payment? Can we increase our resources by depriving silver of its quality of money and yet using it as a mere token coinage? What has depreciated silver? We and Germany by demonetizing it have deprived it of its use and consequently of its value. Silver is valuable as money. It is no longer used for plate. Families do not have it converted into table services; they can get white metal in forms of equal beauty and the robber will not carry them off, for he cannot melt it into ingots as he can silver. Nickel-plating is cheaper and more durable than silver-plating. So that, by demonetizing silver, we who own the most valuable silver mines of the world, depreciate its value and will soon close the least productive mines and will thus deprive another class of laborers of opportunity to earn wages. We it is who are running up the price of gold, measuring the price by all our commodities, including silver. We are running it up as rapidly as the mercury went up a few days ago in yonder thermometer, proving that our unchangeable standard is of everchanging value.

I pray you, Mr. Speaker and gentlemen, to pause. Stand by the provisions of the Constitution. Maintain the first dollar you ever had, and the only dollar you had until 1834. Then other nations rated silver at 15½; that is to say, that silver and gold bore the relation of 1 to 15½. Gold was discovered in the Southern States, and in order to make a market for it we put silver up to 16 to 1, that other nations might thenceforth take our silver and leave us our gold When we put it up to 16 to 1 it was more profitable to take our silver, and it was exported, leaving gold to circulate. In the present condition of her affairs, Germany would be compelled to remonetize silver if we re-establish our old dollar which the joint resolution of March 18, 1869, fully recognized. We are the masters of the situation. When we pay the German bondholders in silver dollars such as they agreed to receive, Germany, which is to-day struggling to get gold enough to maintain her credit, will remonetize her thaler and other silver coins, and our joint action will restore the old relation of 15½ or 16 of silver to 1 in gold. The oft-referred-to resolution of March 18, 1869, is as follows, and proves our right to pay our debt, principal and interest, in silver coin:

The faith of the United States is solemnly pledged to the payment in coin, or its equivalent, of all the obligations of the United States not bearing interest, known as United States notes, and of all interest-bearing obligations of the United States, except in cases where the law authorizing the issue of any such obligations has expressly provided that the same may be paid in lawful money, or other currency than gold and silver.

[Here the hammer fell.]

Mr. COX. I now yield to the gentleman from Iowa, [Mr. KASSON.]

Mr. KASSON. I answer the gentleman from Pennsylvania [Mr. KELLEY] appealing for the rights of labor that we who sustain this report demand of this House so to provide that you shall not cheat the wages of labor at the rate of eighty cents for a dollar's worth of service by making silver an unlimited legal tender when more depreciated than paper money. If we owe the laborer a month's wages, let him, in God's name, have a dollar's worth of real money for a dollar's worth of labor, and let him not be—as that gentleman proposes—paid off at the rate of eighty cents. The laborer is worthy of his hire, paid in good, sound gold money.

Now, sir, I leave that proposition against the proposition of the gentleman from Pennsylvania. No man deals honestly by the producing interests or the labor of this country who does not propose as soon as possible to pay them good, hard money for the product or the worth of their labor; and on that platform I have stood for years against all the clamors for inflation and all the attempts to reduce the money of the United States to the level of the money of San Domingo, where they take a market-basket full of it to market to get a dozen of eggs for breakfast. The laws of supply and demand, say gentlemen, must regulate the value of money, whether it be gold, silver, or paper. Where you require a laborer to take, as in San Domingo, $1,000 in money to buy his breakfast, are you increasing the value of money by increasing the demand for it? I regret that there is not more time to go into this whole subject, but there is not time, and I leave it.

One word in answer to the gentleman from Tennessee, [Mr. BRIGHT.] He says that we passed in 1869 that law of public credit and national faith, one of the noblest laws ever passed by Congress as the representative of the national and popular honor, without consulting the people in their popular assemblies. Sir, at the convention at Chicago in 1868, one of the parties announced to the people of this country, and announced it in the face of those who were clamoring for repudiation, that the people of this great Republic would not repudiate, but would pay their bonds according to the letter and the spirit of the contract. We went before the people on that platform, and among others, the people of Tennessee, my honorable friend's own State, and by more than 20,000 majority the people of that State approved that platform, and the people of the whole country elected upon it a majority to this House, which, with the Senate, passed the act of 1869. It was one of the most glorious tributes ever rendered by a republic to public virtue and public honesty. It showed that the intelligent American people would repudiate demagogues, but would not repudiate public faith nor national honor, the two priceless jewels of our Republic.

Mr. BRIGHT. Mr. Speaker——

Mr. KASSON. I have but a few minutes.

Mr. BRIGHT. I only want to make a correction. I suppose the gentleman does not wish to do me an injustice.

Mr. KASSON. I certainly do not; and if it is not taken out of my time I will yield.

The SPEAKER *pro tempore*, (Mr. SPRINGER.) It must be taken out of the gentleman's time.

Mr. KASSON. Then I hope I will be allowed to go on; and if I have done the gentleman any injustice he will have an opportunity to correct it.

Now to this report, which is before the House, it is not a proposition that leads logically to all this debate upon the legislation of past years. There is no proposition in it to demonetize silver, to change its legal-tender quality, nor to increase the public debt. There is a proposition in it simply to get silver small coin into circulation throughout the borders of the United States in response to earnest demands for it. The whole purpose of the Committee on Banking and Currency and of the committee of conference, as I understand it, is to facilitate the remonetizing of small silver by providing for its more rapid coinage and distribution among the people. There is not a clause in this report, as I understand it, that proposes to increase by one dollar the debt of the United States, whether bonded or otherwise. There is a clause that authorizes the exchange of one kind of money for its full value in silver bullion to be coined and distributed among the people, in order to increase the stock of silver coin in circulation in the community. That is the whole purport of this proposition. A vote for the report is not a vote to demonetize silver, but it is a vote to remonetize it and to satisfy the demand of the whole community for a supply of silver change.

[Here the hammer fell.]

Mr. COX. I now yield to the gentleman from Illinois [Mr. BURCHARD] for five minutes.

Mr BURCHARD, of Illinois. I shall vote to concur with the report of the committee of conference, although I supported the amendment of the gentleman from Indiana [Mr. LANDERS] authorizing the coinage of the silver dollar. This dollar, issued under the law of 1792 and the law of 1837, was the unit of value and a legal tender in payment of all debts, and is a legal tender to day unless the provision has been repealed in the revision of the laws.

Mr. LAWRENCE. Repealed by the act of 1873.

Mr. BURCHARD, of Illinois. I said by the revision of 1873. I do not mean the coinage act, but the revised code of 1873. As this report now stands it presents a proposition to authorize the issue of $50,000,000 of subsidiary silver coin. I am for that. If I cannot have the amendment of the gentleman from Indiana [Mr. LANDERS] and also provide for the issue of the legal silver dollar, and the committee of conference on the part of the House have only been able to secure the coinage of $50,000,000 of subsidiary silver coin, I am willing to take what I can get. I am glad to have one conference committee report an agreement.

Mr. LANDERS, of Indiana. Allow me to correct the gentleman. I did not agree to the report.

Mr. BURCHARD, of Illinois. The majority of the committee of conference did. All legislation is the result of concession and compromise among individual members as well as between the two Houses. Because I cannot get all that I want I shall not decline to accept what is satisfactory to me as far as it goes. This much I desired to say in justification of those who voted for the amendment of the gentleman from Indiana, but will now vote to concur in this conference report.

Prior to the organization of the Government, in 1786, under the Confederation, the Spanish milled dollar was recognized as the unit of account and the standard of value. That dollar, or its equivalent, the American silver dollar of 371¼ grains of pure silver, for nearly a century continued not only the unit and standard of value, but a "legal tender in payment of all sums whatsoever."

The coinage act of 1873, unaccompanied by any written report upon the subject from any committee, and unknown to the members of Congress, who without opposition allowed it to pass under the belief, if not assurance, that it made no alteration in the value of the current coins, changed the unit of value from silver to gold. It made the gold dollar the unit of value. It omitted the silver dollar from the list of silver coins, although the Mint at Philadelphia was then coining the same silver dollar and had during each of the two preceding years coined more than a half million of silver dollars.

Our monetary system had adopted and was based upon both gold and silver as its standard of value. The coins of each metal were legal tender; those of gold had been changed. The eagle of to-day contains 15$\frac{6}{10}$ less grains of pure gold than the eagle coined from 1792 to 1834. The silver dollar coined in 1872, under the act of 1837, contained 371¼ grains of pure silver—the identical weight of pure silver in the silver dollar established in the first coinage act passed by the Government. The relative values of gold and silver were established by that act at 15 of the latter to 1 of the former. The alloy was one-twelfth for gold coin and about 10$\frac{1}{2}$ per cent. for silver coin. All gold and silver coins issued from the Mint were made a lawful tender in all payments whatsoever.

It was further provided by the act of 1792—

That the money of account of the United States shall be expressed in dollars or units, dimes or tenths, cents or hundredths, and mills or thousandths, a dime being the tenth part of a dollar, a cent the hundredth part of a dollar, a mill the thousandth part of a dollar, and that all accounts in the public offices and all proceedings in the courts of the United States shall be kept and had in conformity to this regulation.

The *eagles* were each "to be of the value of $10 or units, and to contain 247½ of a grain of pure or 270 grains of standard gold."

The *dollars* or *units* were each "to be of the value of a Spanish milled dollar as the same is now current, and to contain 371$\frac{4}{5}$ parts of a grain of pure or 416 grains of standard silver; *half dollars* each to be of half the value of the dollar or unit."

The acts of 1834 and 1837 changed the standard of purity for both gold and silver coins, so that gold coins were made to contain nine-tenths instead of eleven-twelfths of pure gold, and the silver coins by the act of 1837 were made to contain nine-tenths of silver and one-tenth alloy. The increased purity of the standard was compensated by a diminution of the weight of the silver coins, so that the dollar silver coin and the fractional parts of the dollar contained the same amount of pure silver as required prior to the passage of the act for the same denominations. The dollar was established at the weight of 412½ grains, the half dollar of the weight of 206¼ grains, and lesser coins at the proportional number of grains that their proportional value bore to the silver dollar. It was also provided—

That dollars, half dollars, and quarter dollars, dimes and half dimes shall be legal tenders of payment according to their nominal value for any sums whatever.

The gold coins were to consist of eagles, weighing 258 grains, and the half and quarter eagles, containing respectively one-half and one-fourth as many grains of standard gold. While silver coins issued prior to the passage of the act continued a legal tender for their nominal value only, gold coins issued after July 31, 1834, remained a legal tender.

In 1853, without changing the standard of purity of coins in any respect and without changing the weight of the silver dollar or its relative exchangeable value or unlimited legal-tender power in payments, Congress provided for coining silver coins subsidiary to the silver dollar and reduced their weight. It provided for a silver half dollar of 192 grains of standard silver, a quarter of a dollar of 86 grains, as well as a dime and half-dime correspondingly reduced in value.

The silver dollar was not named and not disturbed. The coins mentioned and provided for in the act were made a legal tender for sums of $5 and less.

Thus stood our coinage and standard before and during the contraction of our present large indebtedness and at the time our outstanding United States notes and bonds were authorized and issued.

The laws authorizing national loans from 1861 to 1875 provide for payment in lawful money or in coin. They promise to pay dollars. The dollar or unit was, and continued until 1873 to be, the silver dollar of 412½ grains of standard silver as well as the gold dollar of 25.8 grains of standard gold. The public credit act of 1869 was a pledge to pay the bonds in coin or its equivalent. Our dollar or unit of value, the standard for over eighty years, the silver dollar weighing 412½ grains, still "a legal tender in payment for any sums whatever," was being coined and issued by the Mint.

Did we guarantee the value? Did we promise that if gold appreciated and silver declined we would cease to mint or use the silver dollar and pay in the more valuable metal? Unless our legislation has depreciated or debased the coin, we are under no legal or moral obligation to pay our public debt in any coin better than the silver dollar, then legal tender and unit of value. If our legislation has caused the depreciation, we have the right and it is our duty to undo the evil.

The funding act of 1870, which authorized the refunding of $1,500,000,000 of the national debt at lower rates of interest, and under which $500,000,000 of 6 per cent. bonds have been refunded into 5 per cent. bonds, expressly provided that the bonds thus issued should be payable in coin of the then existing standard of weight and purity. The act itself excludes the idea that this coin must be gold, for a subsequent section of the act authorized the deposit of gold in the Treasury for which gold certificates by the terms of the act were to be issued payable in gold. The bonds were to be paid in coin of the weight and purity established by law; the gold certificates must be paid in gold.

The coinage act of 1873 provided for the issue of a trade-dollar of 420 grains of standard silver. It failed to provide, in fact impliedly forbade, the coinage of the silver dollar. That silver dollar still remained a legal tender for payment at its nominal value of any sums whatever.

The revisers of the code completed the work of degrading the silver dollar and overthrowing the standard of value established by our fathers. The code provides that silver coins shall be legal tender only for sums not exceeding $5.

The recognition of silver dollars as, jointly with gold coins, a standard of value and their coinage at the Mint will stay the rapid appreciation of gold now so manifest in the depressed and falling price, measured in gold, of commodities throughout the world. To restore the silver dollar is just to the public creditor, the private citizen, and above all to the people whose earnings must procure the coin to redeem the promise of the Government to pay its debt in coined dollars of the standard established by law when the debt was contracted.

But I do not insist upon tying this great question, this important subject of legislation, to a proposition which I also heartily favor and desire to pass, to supply a much-needed circulation of subsidiary silver coins.

The demonetization of silver in 1873 was done ignorantly, hastily, and inadvertently. Its restoration should be undertaken carefully and considerately and accomplished after full discussion and due deliberation. When we have secured the $50,000,000 subsidiary silver coin, we will see what can and ought to be done about the silver dollar.

Mr. CANNON, of Illinois. Mr. Speaker, I simply desire to say that, though I favor the continued coinage of the silver dollar and making it a legal tender as it was prior to 1873, yet, for the reasons advanced by my colleague [Mr. BURCHARD] and others, I shall vote to concur in the conference report.

Mr. COX. I now yield to the gentleman from Ohio [Mr. GARFIELD] for ten minutes.

Mr. GARFIELD. I can hardly conceive a situation in which the House could be brought more directly face to face with what seems to present on the one hand public honor and on the other the deepest public disgrace than the alternative propositions now presented to this House in this report. Everything in the way of controversy hinges upon the proposed amendment of the gentleman from Indiana, [Mr. LANDERS.] It is claimed that, by the terms of the act of 1869, it would be lawful for us to pay the public debt in silver dollars such as might have been coined under the law as it stood in 1861.

Now I desire to recall to the mind of the House the letter and the spirit of that law. After all the doubt and the turbulent excitement about what the actual obligation of the nation was in regard to the public debt, the first act of the Congress approved by President Grant made a solemn declaration designed to put all those doubts to rest. It was declared by Congress that—

The faith of the United States is solemnly pledged to the payment—

In what? Not in silver, not in gold, not in coin, but—

in coin or its equivalent of all the obligations of the United States not bearing interest, known as United States notes, and of all the interest-bearing obligations of the United States, except in cases where the law authorizing the issue of any such obligations has expressly provided that the same may be paid in lawful money or other currency than gold and silver.

Mr. LANDERS, of Indiana, rose.

Mr. GARFIELD. I decline to be interrupted. The declaration there was that the payment of all these national obligations not specifically currency obligations was to be in "coin or its equivalent." Now, what did Congress mean? What were our laws before 1861? Why, Mr. Speaker, since 1834 we have had one standard, a dollar; and we have by law embodied it in two metals, gold and silver. But all the time, in order to have one standard, not two, we have sought to make the coins of the two metals conform to the one standard; keeping the amount of metal in one so adjusted to the amount of metal in the other that a dollar of gold should be equivalent to a dollar of silver. Every hour that we had a double standard it was double only on the ground of equivalency; and when by reason of the shifting value of the two metals in reference to each other, the silver dollar and the gold dollar have varied from each other in

value, Congress has undertaken to equalize them by increasing the amount of metal in one or decreasing the amount of metal in the other. We always sought to avoid the evil of having two kinds of dollar, one worth more than the other. And when Congress promised to pay *in coin* it was a promise to pay gold coin or silver coin of equal value to the same nominal sum in gold. I cannot believe that this statement will be denied.

Congress saw a few years ago that it was going to be difficult to keep up the equality or equivalency of the dollar in the two metals; so it dropped one of the metals, except as a subsidiary coin, and left the national standard of value embodied in the other, namely, in gold. Now, the fact that in 1873 we adopted a device to preserve the constancy of the value of the dollar does not by any means signify that we meant to change the old obligation so that men to whom the Government owes money can lawfully be paid in money of a different value.

By monetary changes abroad and by mining developments at home it has happened that to-day, by reason of the fluctuations in the relative values of the two metals, silver has so depreciated that if it were now a legal standard of payment of all amounts the employés and other creditors of the Government could be compelled to accept seventy-nine cents as full payment for every dollar due them, and thus they would be swindled to the extent of twenty-one cents on the dollar by being compelled to receive silver rather than gold, or to the extent of ten cents on the dollar by paying them silver rather than Treasury notes. And the most amazing feature of the case is that some good men, holding these places of high responsibility, do not see that this would be as dishonest as it would be ruinous in its results to the credit of the nation.

Let it be remembered that we are solemnly bound by the act of 1869 to pay in coin or its equivalent. Dare any man say that we can pay in this so greatly depreciated silver and really obey the law of equivalency which was the basis and spirit of the statute of 1869? He denies the principle of equivalency who proposes to pay in this silver coin. He violates the law who violates the essential object of it—equivalency.

If you insist on paying in silver, then I insist that your silver dollar must be equivalent to your gold dollar. Do gentlemen consent to maintain equivalency in the two standards and then pay in silver? Manifestly not. Their incentive is gone the moment they are asked to pay one hundred cents on the dollar. Some one has said that there is an innate desire in the human mind to get a chance to cheat somebody. A great minister once said that there were two things in human nature which when united always made iniquity complete—one was the desire to do a dishonorable thing, and the other was the opportunity to do it. It has happened in the fluctuations of these metals that there is now a notable opportunity to cheat several millions of men by adopting the baser metal as the standard of payment, and thus accomplishing a swindle on so grand a scale as to make the achievement illustrious. By the proposed measure one-fifth of the enormous aggregate of public and private debts can be wiped out as with a sponge. This nation owes $2,100,000,000, and private citizens of the United States probably owe $2,500,000,000, possibly more. At the present moment the relation of debtor and creditor in the United States involves nearly $5,000,000,000. It is proposed by the amendment of the gentleman from Indiana [Mr. LANDERS] that at one fell stroke one-fifth of all this enormous sum shall be wiped off, repudiated, and that this process shall be called honest legislation! Since I have been in public life I have never known any proposition that contained so many of the essential elements of vast rascality, of collossal swindling, as this. I do not charge that such is the purpose of the gentleman; but such, in my judgment, is the effect of the amendment proposed. But, aside from the political ethics involved in this scheme, we should consider its effects upon the business of the country.

Gentlemen may remember the financial shock of 1837, the later shock of 1857, and that still later in 1873. Conceive them all united in one vast crash, and the financial ruin, the overthrow of business would be light in comparison with the shock which would follow if the principle here proposed were adopted. By a principle improperly called "Gresham's law," for it was known as far back as the days of Aristophanes, where two legal standards of value are put in circulation in the same country, the less valuable always drives out the more valuable. Put in operation the provision now suggested, and all our gold coin will leave the country as fast as it can be carried abroad. Do this, and a revolution in our monetery affairs utterly unparalleled in the history of our nation will follow. The gentleman from Pennsylvania, [Mr. KELLEY,] in his remarks, gave the key to the philosophy of this proposed legislation. "Why," said he, "what does a man want to do with silver when he can have something made of white metal that the thief will not care to steal?" What is the meaning of that? It is that he wants money so cheap and so valueless that nobody will care to steal it.

Mr. KELLEY. I was speaking not of money but of household utensils.

Mr. GARFIELD. It amounts simply to the grim summary of Thomas Carlyle, the theory of "cheap and nasty," quantity at the expense of quality, glittering sham at the expense of reality.

The SPEAKER *pro tempore*. The gentleman's time has expired.

Mr. KELLEY. Does the gentleman from Ohio mean to say I speak of white-metal for money? If he does he will compel me to denounce his statement as false.

The SPEAKER *pro tempore*. The time of the gentleman from Ohio has expired.

Mr. COX. I now yield five minutes to the gentleman from Kansas, [Mr. PHILLIPS.]

Mr. PHILLIPS, of Kansas. Mr. Speaker, there are several features in the bill reported from the committee which it behooves this House carefully to consider. What I wish first to state to the gentleman from Ohio in order to correct what he has said is, that while he read from the statute, he did not read it all. First it states that the obligations of the United States shall be paid in coin or its equivalent, and next that they may be paid in other currency than gold and silver in case the obligation does not require them to be paid in gold or its equivalent.

I wish to say a word further to the gentleman from Ohio. He endeavored to create an impression upon the House that the design was by the word "equivalent" that Congress should be compelled when silver declined to add to that silver enough to make it equal to gold, and when gold declined to add to it enough to make it equal to silver. Read the law, and gentlemen will see that such was not its purpose. Such is not the language, Mr. Speaker, and such was not the intention of the law. The real design was that if the payments were made in paper or other evidences of credit or money, that it should be at their gold market-value.

What I wish to impress upon the House as a practical question involved in the bill as reported is this: that the demonetization of silver in Europe by the four great powers has caused a decline in silver more than our production. The production of silver in the Nevada mines by application of improved machinery alarmed oriental and other nations which absorbed it. It also alarmed the leading nations in Europe and they demonetized it. What was the result? They stand to-day on the edge of the most terrible financial crisis that ever threatened any set of nations. And to-day where do we stand? We have a resumption act by which it is proposed in little more than two years to put the whole of our credit upon a gold basis; and we propose in this bill, I say, in spite of what the gentleman from Iowa [Mr. KASSON] has said, to take a step to demonetize our silver coin and to take away one of the elements of the coin of the Republic—our constitutional money, legal coin when all our debt was contracted. It is proposed to place the whole public and private indebtedness, the whole floating debt of the country, not upon gold and silver coin, but upon a narrow basis of gold coin alone. We have a pyramid of public and private credit on a basis of gold and silver, and now we propose to take one-seventh part of the base away. If that be done, I say the credit of the Government, the credit of the individual, with this basis diminished from gold and silver to gold alone, will crumble in the most awful crash that ever visited a nation and shattered its credit and commerce to pieces.

The purpose of the law as here proposed, the alarming fact with reference to it, as it comes from the Senate, is that it demonetizes the old silver coin. The gentleman from Iowa, [Mr. KASSON,] who says he wishes to pay labor not in one hundred and sixty cents for two dollars, but in two hundred cents—to that gentleman I wish to state that he really does not propose to do anything of the kind. On the contrary, he proposes to go to a gold basis with $5 as the lowest amount of gold coin, and this reduced, and fast reducing in value coin of subsidiary silver, halves and quarters, as a legal tender for $5 or $20, and thereby proposes to pay to the bondholder in five-dollar gold pieces, and the laboring-man not in gold coin but in silver coin at, as he says, one hundred and sixty cents on two dollars, which is the only thing in which he can be paid for his labor and the only thing in which he will be paid. I am amazed at a gentleman of his intelligence urging such a measure with such an argument.

Mr. Speaker, there are some things in the report to recommend it. The alarming feature, however, is that it incorporates those things steadily and persistently brought into the House in the interest of money to increase its value and always give them the highest-priced article. You can see by the statute just read that it was not until 1869 the attempt was made by legislation to fix any coin payment in the statutes—several years after the war closed, and after the obligations were incurred. You can see from that day, step by step, attempts in legislation to increase the value of these securities. You can see, step by step, the destruction and demonetization of silver to destroy that constitutional coin and elevate the value of these securities by paying them in an article much higher, an article 20 per cent. higher than the old constitutional coin in which we can legally pay them. We have it in our power now to force the remonetization of silver as coin, and thus increase its value. It seems as if all these changes of legal standards were in the interest of the bondholder, home and foreign, and the only interest which does not seem to stir the sympathies of this House is the interest of the long-suffering taxpayer.

[Here the hammer fell.]

[Mr. HOLMAN addressed the House. His speech will appear in the Appendix.]

[Mr. CANNON, of Illinois, by unanimous consent, obtained leave to have printed in the RECORD remarks on the pending bill. See Appendix.]

Mr. COX. I yield five minutes to the gentleman from Pennsylvania, [Mr. RANDALL.]

Mr. RANDALL. It would be well to inquire what it really is that

this bill embraces. The first feature as to which there seems to be no difficulty in either House relates to taking away from the trade-dollar legal-tender qualities. I need not consume any time upon that question. Both Houses have voted with great unanimity upon the subject. The next feature relates to subsidiary coin. And the effect accomplished by this report is to give to the Government the opportunity of issuing fifty millions of subsidiary coin in substitution of the amount of fractional currency now out; and in addition thereto up to fifty millions which is about six millions more. And we accomplish that result without issuing any bonds or any permanent indebtedness of the Government such as was provided for in one of the sections of the act known as the resumption act.

Mr. HEWITT, of New York. May I ask the gentleman, how does he pay for the excess?

Mr. RANDALL. I pay for the excess by buying it with $200,000, until I gradually get out or purchase $200,000 of bullion with the greenback money in the sinking fund, and I issue that out as the resulting coin at the subsidiary value; the Government thereby gaining the seigniorage.

I would be willing and desire to go a little further and aggregate sixty millions of subsidiary coin; but it was thought that in view of the fact that not more than fifty millions could be minted until we came here again, it was better to yield that point.

I believe that $60,000,000 of subsidiary coin, in view of the increased population of the country, can be well floated in this country for change money.

There was a difficulty between the Senate and House as to the two sections which I originally suggested. The House was unwilling to make it an agency for retiring any greenbacks whatever. The Senate were willing to agree to the $20,000,000, provided we would retire an equal amount of greenbacks, mixing two questions which clearly ought to be separate—the question of greenbacks and the question of subsidiary coin. However, after a conference the Senate yielded that point, and we succeeded in incorporating into the report the bill as it originally passed the House, and which keeps the two questions separate and does not provide for the withdrawal of greenbacks. I say, therefore, that there are two plain features in the report: First, we get rid of increasing any of the indebtedness of the Government, permanent or otherwise, by the issuance of subsidiary coin, and we secure an amount of subsidiary coin for the use of the people of the country of $50,000,000, which is a great thing to accomplish. If you do not adopt this report, you may encounter the danger between now and December next of having a dearth of change money by which the retail business of the country can be conducted.

[Here the hammer fell.]

Mr. COX. I yield now five minutes to the gentleman from Michigan, [Mr. WILLARD.]

Mr. WILLARD. The bill which we are now considering as it left this House and went to the conference committee embraced two measures, one to give an enlargement of the amount of subsidiary coin for the use of the country, and the other to make the old American silver dollar a full legal tender for the payment of all debts, public and private.

Now as the bill is brought to us from the committee of conference it retains only one of those measures, and we are asked by the chairman of the committee to forego the consideration of the remaining measure on the ground that it will embarrass the passage of the other.

Now, Mr. Speaker, it of course becomes a question in regard to the importance of this particular measure which we are desired to postpone; and upon this permit me to say that in view of the great currency contest that is going on, not only in this country but throughout the world, between the creditor class on the one hand and the debtor class on the other, it seems to me that if we take into consideration the condition of our national finances and the condition of our people, it is the most momentous question that can be presented to us, and that this Congress ought not to adjourn until it meets it and disposes of it on the ground and in accordance with the principles of exact and equal justice.

The gentleman from Ohio [Mr. GARFIELD] has proclaimed that the amendment which was offered by the gentleman from Indiana, [Mr. LANDERS,] and which is now shorn from the bill, was a swindling measure; but let me say that the swindling in regard to this subject has already taken place in the moneyed centers of the world; for England, which holds in large measure the credit of the world, and Germany, which has become also a great credit-holding nation, have been determined to exclude from the uses of commerce a part of the coin of the world in order to appreciate that other portion of the coin which they choose to retain. There has been a studied and persistent effort on the part of the great capitalists of our times to appreciate the value of their credits and to take from the debtor classes that which honestly belonged to them.

We have recently, Mr. Speaker, become a debtor nation. Late events, the events of the last fifteen years, have made us a debtor nation to a greater extent than we ever dreamed of, and there is now a greater national debt estimated *per capita* resting upon the population of this country than upon that of any other nation, I believe, in the civilized world, unless we make an exception perhaps of England. And where are our dues to be paid? They are to be paid in those great commercial centers to which I have alluded; and just as a planet in the skies may appear to the ordinary observer a fixed star and its movements may not be observed, just so there has been within the last few years a gradual appreciation in the value of gold, and we as a nation, the greatest silver-producing nation on the planet, are asked to throw our influence on the side of the creditor class and against our own interest and the interest of every American citizen. I trust, sir, that we shall consider that this is not simply a question for our own people, but a question which attracts the attention of the whole world.

We ought in this struggle in regard to the currency standard to array ourselves with the Latin nations of Europe, with France, with Spain, and Italy, as well as with the vast populations of Asia, and demand that silver shall not be excluded from being a part of the world's coin. Our own home interests demand such action on our part, as also do the growth and extension of our commerce with all those nations which require the boundless products of our silver mines in exchange for the results of their manifold industries. Let us not take the side of greedy England and grasping Germany in this coinage contest, but let us courageously champion those industrial classes who are striving to prevent gold from having an undue appreciation in comparison with all the productions of honest labor. We fight on the side of equal justice to all and against the unjust exactions of foreign monopoly when we fight for the restoration of the old-fashioned silver American dollar to its rightful place in our American currency.

[Here the hammer fell.]

Mr. COX. I yield one minute to the gentleman from Ohio, [Mr. SAVAGE.]

Mr. SAVAGE. I only wish to read the balance of the sentence read by my colleague [Mr. GARFIELD] to show the wrong construction he put upon the word "coin:"

> The faith of the United States is solemnly pledged to the payment in coin, or its equivalent, of all the obligations of the United States not bearing interest, known as United States notes, and of all the interest-bearing obligations of the United States—

There the gentleman stopped. I read the remainder of the clause:

> except in case where the law authorizing the issue of any such obligation has expressly provided that the same may be paid in lawful money or other currency than gold or silver.

It will be seen that the words "gold and silver" are used as equivalent to the word "coin," as used in the first part of the clause, and showing the construction which this body at that time put upon the word "coin."

Mr. KELLEY. That was the act of 1869?

Mr. SAVAGE. Yes, sir.

Mr. COX. I now yield two minutes to my colleague, [Mr. HEWITT.]

Mr. HEWITT, of New York. In the two minutes allowed me the most I could do would be to ask a question, and I will refrain even from that. But I wish to remind the House that when the proposition was originally made to substitute silver for the paper fractional currency of the United States I opposed it with all the ability at my command. And to day if I could go back and withdraw the silver from circulation and substitute the fractional paper currency I would vote for it and advocate it as a measure of sound public policy. But that time has gone by. The law of Gresham, which has been quoted here to-day, that the inferior currency, meaning by that inferior in market value, will drive out the superior currency, that law has been in operation until the paper fractional currency is disappearing and the silver currency is taking its place. The consequence is that there is a dearth of currency which cannot now be supplied except by the substitution of silver coin.

Now, while I am embarrassed to the last degree in view of my convictions on this subject by voting in favor of the report of the committee of conference, I am driven to it by this consideration: that whatever loss may be involved in it, the loss to the community by the interruption of its business, by the stoppage of all retail trade, by the inability to pay the wages of labor, by the inability of the laboring man to get his daily supplies, will be so great that unless we furnish currency of some kind it will be recorded against this House that we were a parcel of blunderers, who took away from the people their only currency they had and gave them nothing instead. Hence I shall vote for this report of the conference committee, not as a measure of choice, but as one of absolute necessity against which I can and ought to make no resistance.

[Here the hammer fell.]

Mr. COX. I have but three minutes left, and I will close the debate in that time and then call the previous question.

Mr. LAWRENCE. Will the gentleman allow me to ask him a question? [Cries of "Regular order!"]

Mr. COX. In the three minutes which I have remaining I desire first to answer what seems to be an erroneous impression on the part of many gentlemen on both sides of the House. There is nothing in this bill reported from the committee of conference that proposes either to issue bonds or more greenbacks for the purchase of silver bullion. Nor does it retire the legal-tenders. The House will remember that the bill originally did propose to retire greenbacks; but, on the motion of the gentleman from Texas, [Mr. REAGAN,] one section of the original bill contained the clause "or in exchange for legal-tender notes." That clause, however, was stricken out by a decided vote of this House.

Any matter connected with the volume of our currency, therefore, does not come up now. We propose to make no more debt; we issue

no more bonds, we create no more interest by the passage of this report, and we are not embarrassed, as the Senate was, by inflation, contraction, and greenback questions.

The House has already approved every proposition in this conference report except one. That one is in the proviso of the twenty-million section. That proviso is to this effect:

That the amount of money at any one time invested in such silver bullion, exclusive of such resulting coin, shall not exceed $200,000.

When this bill went from the House to the Senate the proviso had for its limit the sum of $1,000,000. For some cautious purpose, of which we should not complain, the Senate reduced the sum to $200,000, exclusive of the resulting coin. Therefore, if gentlemen will look closely at this bill they will find that the conference report really makes our bills thus coalesced safer and better in that respect. It guards against reckless, speculative, and excessive expenditure for bullion "at any one time." In every other regard this House has already approved this bill.

If gentlemen vote for this conference report, it does not follow that they do not approve of the proposition of the honorable gentleman from Indiana, [Mr. LANDERS.] That is an open question. It ought so to remain, when gentlemen like the distinguished gentleman from Pennsylvania [Mr. KELLEY] arise here and say that silver was wrongfully demonetized by the act of 1873. But I ask him why, as the then chairman of the Committee on Coinage, Weights, and Measures, he did not at that time, May 27, 1872, oppose that measure? It passed this House by yeas 110, nays 13, and was reported by Mr. Hooper, of Massachusetts. The gentleman from Pennsylvania [Mr. KELLEY] was the chairman of that committee, and did not say a word against it.

Moreover, I would like to ask my honorable friend from Pennsylvania—although I cannot allow him to reply, [laughter,] I will ask him in the RECORD—why it is that he is so anxious to make silver legal tender for all public dues? Will it not make the tariff 20 per cent. less according to his theory? I would like myself to see the tariff cut down 20 per cent. and let the depreciated silver be paid for public as well as private debts, as proposed by the gentlemen from Indiana and Pennsylvania. But will the gentleman favor that? I imagine not. But the tariff has no business in connection with this conference report. Its discussion is as irrelevant as the discussion on this bill as to making the silver dollar a legal tender.

I hope the House will vote on the measure pure and simple. It is a measure for the accommodation of the people between now and December next; that is, to pursue the policy begun of silver coin in the place of fractional paper currency, for the business of the public, whether north or south, east or west.

I now call the previous question, and hope the House will sustain the call and agree to the report of the committee of conference.

The previous question was seconded, there being on a division ayes 111, noes not counted.

The main question was then ordered, which was upon agreeing to the report of the committee of conference.

Mr. LANDERS of Indiana, Mr. HOLMAN, and others, called for the yeas and nays on the adoption of the report.

The yeas and nays were ordered.

The question was taken; and there were—yeas 129, nays 76, not voting 82; as follows:

YEAS—Messrs. Adams, Bagby, George A. Bagley, John H. Bagley, jr., Ballou, Banks, Banning, Beebe, Bell, Blair, Bliss, Bradley, William R. Brown, Buckner, Horatio C. Burchard, Samuel D. Burchard, Burleigh, Candler, Cannon, Caswell, Caulfield, Cochrane, Collins, Conger, Cook, Cox, Crapo, Croome, Cutler, Danford, Darrall, Davy, Durand, Eames, Ellis, Ely, Freeman, Frye, Garfield, Gause, Gibson, Hancock, Hardenbergh, Benjamin W. Harris, Harrison, Hartridge, Haymond, Hays, Henkle, Abram S. Hewitt, Hill, Hoar, Hoskins, Hubbell, Hurd, Hurlbut, Jenks, Frank Jones, Kasson, Kehr, Kimball, Lamar, George M. Landers, Lapham, Lawrence, Leavenworth, Le Moyne, Lynde, Magoon, Maish, MacDougall, McDill, Meade, Milliken, Mills, Monroe, Mutchler, Nash, Norton, Oliver, O'Neill, Packer, Page, Payne, Phelps, Pierce, Piper, Plaisted, Potter, Powell, Pratt, Rainey, Randall, John Reilly, John Robbins, Miles Ross, Rusk, Sampson, Schleicher, Singleton, Sinnickson, Smalls, A. Herr Smith, Strait, Tarbox, Teese, Thomas, Thompson, Thornburgh, Martin I. Townsend, Washington Townsend, Tucker, Tufts, Turney, Waddell, Wait, Waldron, Charles C. B. Walker, Alexander S. Wallace, John W. Wallace, Erastus Wells, Whitehouse, Whiting, Wike, Andrew Williams, Alpheus S. Williams, James Williams, Jeremiah N. Williams, and Willis—129.

NAYS—Messrs. Ainsworth, Anderson, Ashe, Atkins, John H. Baker, Blackburn, Bland, Boone, Bradford, Bright, John Young Brown, Cabell, John H. Caldwell, William P. Caldwell, Campbell, Cason, Cate, John B. Clark, jr., of Missouri, Clymer, Cowan, Culberson, Davis, De Bolt, Dibrell, Dobbins, Douglas, Dunnell, Eden, Egbert, Evans, Finley, Forney, Fort, Glover, Goodin, Gunter, John T. Harris, Hartzell, Hatcher, Henderson, Holman, Hopkins, House, Hunter, Kelley, Franklin Landers, Lane, Edmund W. M. Mackey, L. A. Mackey, McFarland, Morgan, New, William A. Phillips, Poppleton, Rea, Reagan, James B. Reilly, Riddle, Robinson, Savage, Slemons, Sparks, Spencer, Springer, Stevenson, Stone, Terry, Throckmorton, Van Vorhes, John L. Vance, Robert B. Vance, Gilbert C. Walker, Willard, James D. Williams, Benjamin Wilson, and Woodburn—76.

NOT VOTING—Messrs. William H. Baker, Bass, Blount, Chapin, Chittenden, John B. Clarke of Kentucky, Denison, Durham, Faulkner, Felton, Foster, Franklin, Frost, Fuller, Goode, Hale, Andrew H. Hamilton, Robert Hamilton, Haralson, Henry R. Harris, Hathorn, Hendee, Hereford, Goldsmith W. Hewitt, Hoge, Hooker Hunton, Hyman, Thomas L. Jones, Joyce, Ketcham, King, Knott, Levy, Lewis, Lord, Luttrell, Lynch, McCrary, McMahon, Metcalfe, Miller, Money, Morrison, Neal, O'Brien, Odell, John F. Philips, Platt, Purman, Rice, William M. Robbins, Roberts, Sobieski Ross, Sayler, Scales, Schumaker, Seelye, Sheakley, William E. Smith, Southard, Stenger, Stowell, Swann, Walling, Walsh, Ward, Warren, G. Wiley Wells, Wheeler, White, Whitthorne, Wigginton, Charles G. Williams, William B. Williams, Wilshire, James Wilson, Alan Wood, jr., Fernando Wood, Woodworth, Yeates, and Young—82.

So the report of the committee of conference was agreed to.

During the roll-call the following announcements were made:

Mr. COCHRANE. My colleague, Mr. STENGER, is absent by leave of the House.

Mr. WADDELL. My colleague, Mr. ROBBINS, is detained from the House by sickness; and my colleague, Mr. YEATES, is absent by leave of the House.

Mr. CABELL. My colleague, Mr. HUNTON, is absent on account of sickness.

Mr. CLARK, of Missouri. My colleague, Mr. PHILIPS, is unavoidably absent, and has now on the Speaker's table an application for leave of absence.

Mr. BRIGHT. My colleague, Mr. WHITTHORNE, is absent on business by leave of the House.

Mr. FOSTER. On this question I am paired with my colleague, Mr. SOUTHARD. If he were present he would vote in the negative, and I should vote in the affirmative.

Mr. G. A. BAGLEY. My colleague, Mr. ODELL, is confined to his house by sickness.

Mr. BRADLEY. My colleague, W. B. WILLIAMS, is absent by leave of the House.

Mr. LANE. The two gentlemen from California, Mr. WIGGINTON and Mr. LUTTRELL, are detained from the House on account of sickness.

Mr. COOK. My colleague, Mr. SMITH, is detained at home by sickness.

Mr. SCALES. I am paired with the gentleman from Massachusetts, Mr. SEELYE. If present he would vote "ay," and I should vote "no."

Mr. FRYE. My colleague, Mr. HALE, is absent on a conference committee. If here he would vote "ay."

The result of the vote was announced as above stated.

Mr. PAYNE moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LEAVES TO PRINT.

Mr. CASON, Mr. GOODIN, Mr. OLIVER, and Mr. CAMPBELL, by unanimous consent, obtained leave to have printed as part of the debates remarks on the report just adopted. [See Appendix.]

MESSAGES FROM THE PRESIDENT.

Messages in writing from the President of the United States were presented by U. S. GRANT, jr., one of his secretaries.

INDIAN APPROPRIATION BILL.

Mr. SPARKS submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 3478) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1877, and for other purposes, having met, after full and free conference have been unable to agree.

SAMUEL J. RANDALL,
WILLIAM A. J. SPARKS,
L. A. HURLBUT,
Managers on the part of the House.

J. A. LOGAN,
A. T. CAPERTON,
WILLIAM WINDOM,
Managers on the part of the Senate.

Mr. SPARKS. Mr. Speaker, I move that the House further insist on its disagreement and ask another conference. The Senate, I understand, has re-appointed the same conferees; and I suggest that this course be adopted in the House.

The motion of Mr. SPARKS that the House further insist and ask another conference was agreed to.

The SPEAKER *pro tempore* announced the appointment of Mr. RANDALL, Mr. SPARKS, and Mr. HURLBUT as the committee of conference on the part of the House.

FIRST NATIONAL BANK OF AMESBURY.

Mr. HAYMOND. I rise to make a privileged report. The Committee on Banking and Currency have directed me to report back, with a favorable recommendation, the bill (H. R. No. 3693) changing the name of the First National Bank of Amesbury to the First National Bank of Merrimac.

The SPEAKER *pro tempore*. The gentleman from Indiana asks unanimous consent to make a report from the Committee on Banking and Currency. Is there objection?

Objection was made.

ORDER OF BUSINESS.

The SPEAKER *pro tempore*. The regular order is the motion of the gentleman from Texas, [Mr. SCHLEICHER,] that the House go into Committee of the Whole upon the unfinished business of yesterday's session. That motion failing, the regular order will be the morning hour for the call of committees. Meanwhile, however, the gentleman from Iowa [Mr. SAMPSON] rises to a question of reconsideration, a matter of higher privilege. Before that gentleman proceeds the Chair will lay before the House several messages from the President.

ELIZA JANE BLUMER.

The SPEAKER *pro tempore* laid before the House the following message and accompanying documents:

To the House of Representatives:

For the reasons stated in the accompanying report by the Commissioner of Pensions to the Secretary of the Interior, I have the honor to return without my approval House bill No. 11, entitled "An act granting a pension to Eliza Jane Blumer."

U. S. GRANT.

EXECUTIVE MANSION, *July* 13, 1876.

DEPARTMENT OF THE INTERIOR,
Washington, July 8, 1876.

SIR: I have the honor to return herewith a bill (H. R. No. 11) entitled "An act granting a pension to Eliza Jane Blumer," and to invite your attention to the inclosed copy of a communication addressed to me on the 7th instant by the Commissioner of Pensions relating to said bill.

In the opinion of this Department the misdescription of the soldier in the bill is of such a character as would render it difficult if not impossible to carry the provisions of the bill into effect should it become a law.

I have the honor to be, with great respect, your obedient servant,

CHAS. T. GORHAM,
Acting Secretary.

The PRESIDENT.

DEPARTMENT OF THE INTERIOR,
Washington, D. C., July 7, 1876.

SIR: I have the honor to return herewith engrossed House bill No. 11, giving to Eliza Jane Blumer a pension as the widow of Henry A. Blumer, private of Company A, Forty-seventh Pennsylvania Volunteers, with the suggestion that, if the bill is intended to pension Eliza Blumer, whose application No. 46382 on file in this Office has been rejected, it should designate the soldier as of Company B of said regiment, it failing to appear from the records of the War Department that he served in any other company than that last named.

I am, sir, very respectfully, your obedient servant,

J. A. BENTLEY, *Commissioner.*

The Hon. SECRETARY OF THE INTERIOR.

Mr. RUSK. I move that the message of the President, with the accompanying papers, be referred to the Committee on Invalid Pensions, and ordered to be printed.

The motion was agreed to.

NEW ZEALAND.

The SPEAKER *pro tempore* also, by unanimous consent, laid before the House the following message from the President, and accompanying report from the Secretary of State.

The Clerk read as follows:

To the House of Representatives:

I transmit herewith, in answer to a resolution of the House of Representatives of the 1st ultimo, a report from the Secretary of State upon the subject.

U. S. GRANT.

WASHINGTON, *July* 13, 1876.

To the President:

The Secretary of State has the honor to report that upon the 21 day of June he received a copy of a resolution of the House of Representatives in the following words:

"*Resolved*, That the Secretary of State be directed, if not inconsistent with the public service, to furnish to the House copies of the correspondence between the State Department and the government of Great Britain in relation to the sequestration of the lands and property in New Zealand claimed by William Webster, an American citizen, by purchase of the native chiefs of that country by Webster before its cession to and occupation by the British government.'

No correspondence has taken place between the Department of State and the government of Great Britain in relation to the sequestration of the lands and property in New Zealand claimed by William Webster, an American citizen. In the years 1841 to 1844 certain correspondence was had between the legation in London and the foreign office of Great Britain in reference to the general question of land titles held in New Zealand by American citizens, but no correspondence has taken place in regard to the particular claim of Mr. Webster.

Respectfully submitted.

HAMILTON FISH.

DEPARTMENT OF STATE,
Washington, July 13, 1876.

The message and accompanying papers were referred to the Committee on Foreign Affairs, and ordered to be printed.

VINDICATION OF THE CLERK OF THE HOUSE.

Mr. WAIT, by unanimous consent, submitted the following report:

The special committee, to whom was referred the resolutions submitted by Mr. WHITE, and adopted by the House on the 26th of April last, directing an inquiry into certain alleged improper attempts of the Clerk of the House and his subordinates to influence legislation, beg leave to report:

That on investigating the facts they find no foundation whatever for the charges contained in the newspaper article recited in the preamble of the resolution; and executing the specific instructions of the House they find from the testimony taken by the committee—

First. That neither the Clerk nor his subordinates have "violated any law or done any act inconsistent with their position as employés of the House;" and

Secondly. That "further legislation" is not necessary to protect the House from undue influence on the part of its officers and employés.

The committee recommend that the resolution be laid on the table and the committee discharged.

The report was adopted.

Mr. WAIT moved to reconsider the vote by which the report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BANKRUPTCY.

Mr. SAMPSON obtained the floor, but yielded to Mr. LYNDE.

Mr. SCHLEICHER. I rise to a question of consideration.

The SPEAKER *pro tempore*. The gentleman from Wisconsin desires to ask for a committee of conference.

Mr. LYNDE. I ask, by unanimous consent, to take from the Speaker's table the bill (S. No. 332) to amend an act entitled "An act to amend and supplement an act entitled 'An act to establish a uniform system of bankruptcy throughout the United States,' approved March 2, 1867, and for other purposes," approved June 22, 1874, returned from the Senate with non-concurrence in the amendments of the House, and to insist upon the amendments of the House disagreed to by the Senate, and to agree to the conference asked by the Senate.

There was no objection, and it was ordered accordingly.

The SPEAKER *pro tempore* appointed as managers of said conference on the part of the House Mr. LYNDE, Mr. LORD, and Mr. FRYE.

ORDER OF BUSINESS.

The SPEAKER *pro tempore*. The gentleman from Iowa [Mr. SAMPSON] rises to call up the motion to reconsider the vote by which the bill (H. R. No. 3370) to amend the statutes in relation to damages for infringements of patents, and for other purposes, was ordered to be engrossed. Does the gentleman from Texas [Mr. SCHLEICHER] raise the question of consideration?

Mr. SCHLEICHER. I do. I raise the question of consideration.

Mr. HUBBELL. And pending that I move that the House adjourn.

Mr. SAMPSON. I have this only to say in relation to the question of consideration——

The SPEAKER *pro tempore*. The question of consideration is not debatable.

ENROLLED BILLS SIGNED.

Mr. BAKER, of New York, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker *pro tempore* signed the same:

An act (H. R. No. 1970) relating to the approval of bills in the Territory of Arizona;

An act (S. No. 391) to authorize the Secretary of War to purchase a parcel of land on the island of Key West, Florida;

An act (S. No. 627) making an appropriation to pay the claim of Butler, Miller & Co.; and

An act (S. No. 843) establishing the rank of the Paymaster-General.

FORTS AND MILITARY POSTS IN TEXAS.

The SPEAKER *pro tempore*, by unanimous consent, laid before the House a letter from the Secretary of War, transmitting a report on the act to purchase sites in Texas for forts and military posts; which was referred to the Committee on Military Affairs.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. FAULKNER for two weeks; and

To Mr. PHILIPS, of Missouri, an extension for twelve days.

MRS. ELLEN J. BROSNAN.

On motion of Mr. CONGER, by unanimous consent, leave was given to withdraw from the files of the House papers in the case of Mrs. Ellen J. Brosnan, there being no adverse report thereon.

ORDER OF BUSINESS.

Mr. MACDOUGALL. Will the gentleman from Michigan [Mr. HUBBELL] yield to me for a moment?

Several members called for the regular order.

The SPEAKER *pro tempore*. The regular order is the motion of the gentleman from Michigan [Mr. HUBBELL] that the House adjourn.

The question being taken, there were—ayes 80, noes 67.

Mr. SPRINGER. I call for tellers.

Tellers were not ordered.

So the motion was agreed to; and accordingly (at four o'clock p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk under the rule, and referred as stated:

By Mr. CULBERSON: Memorial of the Cherokee Nation of Indians, by their delegates at Washington, District of Columbia, protesting against the allowance of the claim of the North Carolina band of Cherokee Indians to any part of the funds or annuities belonging to the Cherokee Nation, to the Committee on Indian Affairs.

By Mr. HOPKINS: Memorial of the Chamber of Commerce of Pittsburgh, Pennsylvania, showing the retirement from that city of Hall's Safe Company because of the discriminations against that city in freight charges by railroad companies, to the Committee on Commerce.

By Mr. LANE: Remonstrance of the people of Flint District, Cherokee Indian Nation, against the establishment of a United States territorial government over the Indian Territory, to the Committee on Indian Affairs.

By Mr. WELLS, of Missouri: Memorial of William Elhart, Henry Fox, Louis Muir, and several hundred cigar manufacturers of Saint Louis, Missouri, that the six-dollar tax per thousand on cigars be repealed and a tax of $5 per thousand be substituted, thereby restoring the tax on cigars to the amount it was prior to the passage of the act approved March 5, 1875, to the Committee of Ways and Means.

IN SENATE.

FRIDAY, *July* 14, 1876.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Journal of yesterday's proceedings was read and approved.

EXTENSION OF LEGISLATIVE SESSION.

The PRESIDENT *pro tempore*. Is there objection to the Chair calling for morning business?

Mr. EDMUNDS. Subject to the regular order.

The PRESIDENT *pro tempore*. The Chair hears no objection, and the legislative session will be continued subject to objection.

HOUSE BILLS REFERRED.

The following bills from the House of Representatives were severally read twice by their titles, and referred to the Committee on Military Affairs:

A bill (H. R. No. 36) to restore the name of Captain Edward S. Meyer to the active list of the Army; and

A bill (H. R. No. 2653) making an appropriation for the improvement and repair of the military road between Springfield and Fort Randall, in the Territory of Dakota.

The bill (H. R. No. 800) relating to the promotion of commodores on the retired list of the Navy was read twice by its title, and referred to the Committee on Naval Affairs.

REPAVEMENT OF PENNSYLVANIA AVENUE.

The PRESIDENT *pro tempore* laid before the Senate the following concurrent resolution of the House of Representatives; which was read:

Resolved by the House of Representatives, (the Senate concurring,) That the conference committee on the bill of the House (H. R. No. 3411) for the repavement of Pennsylvania avenue be authorized to correct their report, namely, so that it will read, instead of in "line 22, (section 3,)" "lines 16 and 22;" also to insert in the matter inserted in lieu of lines 27 and 28, same section, after the word "Columbia" the words "from money;" also, after the matter inserted after the word "it," line 3, section 7, strike out the rest of the sentence in line 4, to wit, the words "is necessary to make an even and regular grade."

The resolution was concurred in.

ISSUE OF SILVER COIN.

Mr. SHERMAN submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments to the joint resolution (H. R. No. 109) for the issue of silver coin having met, after full and free conference have agreed to recommend, and do recommend, to their respective Houses, as follows:

That the House recede from its disagreement to the first amendment of the Senate to said joint resolution, and agree thereto amended, as follows:

In line 4 strike out the word "now" and insert "at any time."

And the Senate agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the second amendment of the Senate to the said joint resolution, and agree to a substitute for said House amendment, as follows:

Add to the second amendment of the Senate the following:

SEC. 3. That in addition to the amount of subsidiary silver coin authorized by law to be issued in redemption of the fractional currency, it shall be lawful to manufacture at the several mints and issue through the Treasury and its several offices, such coin to an amount that, including the amount of subsidiary silver coin and of fractional currency outstanding, shall, in the aggregate, not exceed at any time $50,000,000.

SEC. 4. That the silver bullion required for the purposes of this act shall be purchased, from time to time, at market rate, by the Secretary of the Treasury, with any money in the Treasury not otherwise appropriated; but no purchase of bullion shall be made under this act when the market rate for the same shall be such as will not admit of the coinage and issue, as herein provided, without loss to the Treasury; and any gain or seigniorage arising from this coinage shall be accounted for and paid into the Treasury, as provided under existing laws relative to the subsidiary coinage: *Provided*, That the amount of money at any one time invested in such silver bullion, exclusive of such resulting coin, shall not exceed $200,000.

And the House agree to the same.

JOHN SHERMAN,
GEO. S. BOUTWELL,
LOUIS V. BOGY,
Managers on the part of the Senate.

H. B. PAYNE,
SAML. J. RANDALL,
Managers on the part of the House.

Mr. BOGY. Mr. President, I feel it to be my duty to explain very briefly my position with regard to this report. I concurred with the committee in making it, and I hope that it will be adopted. Nevertheless, it does not accomplish the object which I desired, which was to make silver a legal tender for all amounts excepting duties upon imports and the interest upon the public debt; not but what I believe that according to law duties upon importations can legally be paid with silver and that we have a right to pay the interest upon the public debt also with silver, because it is one of the coins recognized by law in force at the time that provision was made for the payment of duties and for the issue of bonds of the Government. Believing that to be the law, nevertheless, as a matter of policy, I am at this time willing not to insist upon the execution of that as a matter of strict right. In concurring with the report of the committee of conference, I did so because the session is very far advanced and I feel the necessity of providing a subsidiary coin for the use of the people. Subsidiary coin is becoming already very scarce. Therefore, it is a matter of absolute necessity to provide something as a measure of relief.

I have felt, and I feel now, that it is very difficult to impress upon the mind not only of the Senate but of the country the great importance of making silver a legal tender. We all know that the price of silver at this day is very low; that it is more depressed than it has ever been heretofore; but the cause of this depression is well understood. It can only be temporary. In my opinion the fact that silver is now so depressed is the stronger reason why we should avail ourselves of its existence to make it a legal tender, because by making it a legal tender a value would be imparted to it, to say the least, equal to greenbacks; you would thereby furnish to the debtor class the means of payment equal to greenbacks, and enable the country to carry out all its contracts based at the time they were made on the basis of paper when it was worth from 15 to 20 per cent. less than gold.

We have provided by law for the resumption of specie payment at a given time. Whether that be a wise law or not is not now properly a question to be discussed. It is there, and it is not worth while upon an occasion like this to criticise it. We are bound to resume at a given time if this law is not repealed, to wit, on the 1st day of January, 1879; and whether we succeed in resuming or not efforts will be made to do so. The consequence will be that greenbacks will be continually appreciated until they will be equal in value to gold. That being so, every existing obligation contracted at the time when this paper money was worth 15 to 20 per cent. less than gold will have to be paid in greenbacks equal to gold. The effect of this will be oppressive, especially on the debtor class. How can that be avoided? I see but one way, which is to provide a coin—a silver coin—to take the place of those greenbacks which necessarily will appreciate to the value of gold. Silver, the old standard dollar of 412.8 grains, the money which has existed in this country from the very beginning of the Government, ought to be provided and made a legal tender so as to take the place of the paper legal-tenders.

But we are told by Senators, and the public press coincides with the sentiments expressed on this floor, that gold is now too low and that the money thus issued would be depreciated money. In my opinion, if you will impart to silver the character of a legal tender, you will give to it a value at least equal to greenbacks, and it would be better that it were not worth more than this paper for some time to come. Impart to silver a value equal to gold and issue twenty, thirty, forty, or a hundred millions, and what would become of it? It would be treated just as gold is now treated, as an article of merchandise. It would not circulate. It would accumulate in the great centers of trade, and the country would have no more in circulation than it has now of gold. Not that I favor a depreciated currency, but I favor a coin which, for the time being, in a moment of suspension of specie payments, as is the fact now, will take the place of the irredeemable paper money and enable contracts to be fulfilled upon a basis of the same character in which they were entered into originally. I furthermore believe that resumption of specie payment is an impossibility as long as we maintain the one gold standard. The only way to effect this is by issuing silver coin and make it a legal tender, and if between this day and the day of resumption we are able to put into circulation from eighty to one hundred million dollars of this coin and diminish the legal-tender paper to a corresponding amount, resumption will be possible, while the amount to be redeemed will be less and the means of doing the thing correspondingly increased. The amount of paper legal tenders is now about three hundred and fifty millions. By diminishing this one hundred millions there will remain but two hundred and fifty millions to be redeemed, with one hundred and fifty millions in gold now in the country. By adding one hundred millions of silver redemption is easy.

Hence, while I concur with this report, because I see the necessity of providing a subsidiary coin, which is becoming very scarce, nevertheless, in concurring, I was well aware that we abandoned the greater object, which was to make silver a legal tender. But the session is far advanced, and there is not as much unity of opinion upon that subject as I would desire. Not only gentlemen on the other side but some of my friends on this side think that silver is too low at this time to justify making it a legal tender. Gentlemen who are in favor of silver as a legal coin under ordinary circumstances have doubts if it is wise to do so now because of its low price. It is only astonishing that it is not lower; and being low is the best reason, in my opinion, why we should now provide for its issue, believing that so soon as it is made a legal tender a greater value will thereby be given to it, at least equal to the present paper legal-tenders.

If gold were demonetized and silver monetized would not the former go down immediately and the latter go up? Silver is demonetized in a manner all over Europe and in this country. It is demonetized by law in England and in Germany and by financial regulations throughout the Latin states as a measure of protection against the silver invasion that would come from Germany. France, Belgium, Italy, all the Latin states are compelled to limit their coinage of silver. Hence at this time there is no demand for silver except for the arts. The amount consumed for that purpose we know is comparatively small. That it is depressed is, therefore, not astonishing; but the fact that it is not more so is really remarkable. The result will be that this great question, in my estimation the greatest before the world at this period in the material order, will have to be reconsidered and re-investigated by the commercial nations. England cannot carry on her vast commerce with China, Hindostan, and her Indian possessions with silver depressed as it is now. Throughout all the East, in India, China, and all the Eastern nations silver is the only standard; and it is now depressed so low that the exchanges between that vast region of the world and England are at a rate per-

fectly ruinous and the commerce existing between these two points is on the eve of being destroyed. Hence the subject has to be reconsidered and re-examined.

I am anxious to impart a value to silver for another purpose. We ought not to forget the fact that to-day we are the great silver-producing nation, and if the price of silver remains depressed as it is now, and perhaps to be still more so, all the silver mines in this country will have to stop operations; for they cannot go on with any profit on the present basis. The silver-mining operations of the interior of the continent will have to stop, thus creating a loss of forty or fifty millions a year, now of such value in paying the annual balance against us.

Mr. President, under the circumstances it is not my desire or intention to discuss this subject. I only wished to avail myself of this opportunity to place my views before the Senate, because in concurring with this report I have not carried out the views which I entertained. I did so from necessity. My intention is at an early day, not during this session because it is too far advanced, again to urge upon the consideration of Congress the absolute necessity of making silver a legal tender for all amounts.

I have no disposition to detain the Senate now, and I hope the report of the committee, although not carrying out my views but to a very limited extent, will be adopted.

Mr. JONES, of Nevada. Mr. President, I do not know why so promising a beginning should have so small an ending. I indulged the hope that the report of the committee would at least have been of such a character as to permit us to take the sense of the Senate on the transcendantly important proposition of making money, full-weighted, full legal-tender money, out of our great staple, silver; that we would have been permitted to record our votes for or against the restoration of the only legal unit of value in this country, namely, the silver dollar of the Constitution, of which we were deprived by indirection in 1874. We were deprived of it in the interest of the creditors and to the injury of the debtors of the country. But in this hope I was mistaken. I find that instead of taking any step toward the undoing of the vicious and unjust legislation of 1874, and restoring us to the same condition which we were in when specie payments were suspended—to the position we occupied when our debts were contracted—the committee have contented themselves with bringing in a bill, or rather a report, to substitute for full legal-tender paper money, debased, underweighted, subsidiary, token money to the amount of $50,000,000. In order to resume specie payments to that extent the committee would transfer the stamp of Government from the paper money, which they urge is redeemable and redeemable only in gold, to an underweighted silver token not redeemable in anything; and for this purpose they would increase the bonded indebtedness of this country, or at least take out of the sinking fund that which would decrease it if applied to that purpose. Verily, the mountain has been in labor and a mouse brought forth.

Under the present system the fractional currency is as good money, or can be exchanged for such, as any other portion of the currency. The poor man's money and the rich man's money are one as good as the other; but under the system which the committee recommends the poor man's money is good only in this country and by force of law; his scanty saving must, of necessity, be in debased token coinage; for it is in that that he will be sure to receive his wages. But the money-lender's and rich man's money will be good everywhere, needing neither Government stamp nor law to keep it up. This sort of a scheme will in no wise relieve the wants of the country or remove the pall of doubt and uncertainty which now hangs over it and causes complete stagnation and paralysis in every industrial department.

I do not see why the Government should pay out a great many millions of dollars to get a subsidiary money, when if we are not to have full-weighted money we might just as well put a stamp on paper, for it is nothing at last but a stamp on metal, and a very small amount of metal at that, compared with what it is intended to pass for. It does not meet the case at all, and I believe that the country would be infinitely better off to continue to print its fractional currency upon paper. Paper can be got, type can be got, and labor can be got from any portion of the world; but silver is scarce; it is not produced everywhere, and if we are not going to use our silver now as money, but simply to use it as a token, I think we had better continue on with our present system until necessity forces us, as it is sure to do, to use silver as full money and not subject our currency to abrasion and loss when other and cheaper material will answer for a token currency as well.

I am sorry that I have been unable, judging from the speeches that have been delivered on this floor, to make myself understood by Senators who, I am sure, are in favor of relieving the distressed condition of the business men and the laboring classes of this country. Notwithstanding this, I shall say but a few words on the subject at this time.

The distinguished Senator from Indiana [Mr. MORTON] the other day told us that he was in favor of the silver dollar, provided you made a silver dollar that was worth a dollar. He says, "Give us a dollar that is worth a dollar, and then I am in favor of making that silver dollar a legal tender for any amount." Now the question arises what is a dollar? What does the gentleman mean by saying "worth a dollar?" We propose a silver dollar that is worth as much as any dollar that any debtor in this country owes. What other or larger silver dollar does anybody want? We propose a silver dollar that equitably liquidates obligations in this country; and this being done, what is the difference, Mr. President, as to what is the size of your unit of value?

I seems to me that—whether purposely or not I am unable to say—two questions have been mixed up with regard to the resumption of specie payments. Gentlemen tell us that we should have a standard of gold, and they tell us we must have a particular unit of that standard. The old unit in the standard of gold was 25$\frac{8}{10}$ grains of gold, nine-tenths fine. No business has been transacted upon that unit in fourteen years; no obligations have been made upon that unit in fourteen years; no notes have been drawn, no mortgages have been executed upon that unit.

Then I ask, if the paper dollar of to-day is worth only eighty-nine cents in gold, is it honest, is it right, is it legitimate, that by a trick of legislation you shall make the debtors of this country pay one hundred cents where they owe but eighty-nine? I think nobody dare answer that question in the affirmative. Gentlemen are asking for an ideal unit that has not been in existence in this country since 1861. Nobody has been doing business on the gold dollar. The people have been doing business on such a unit as the Government furnished them. I say when you resume specie payments, that is one thing; but to resume specie payments in a particular unit of a particular standard, that is an entirely different thing.

In 1834, when the business of the country was based upon silver, when all the contracts of the country were in silver, then gold was a legal tender equal with silver. At that time there were 27$\frac{4}{10}$ grains of standard gold in the dollar. When Congress attempted to equalize the two metals was it attempted to increase the weight of the silver dollar, which was 6$\frac{4}{10}$ per cent. below the value of the gold dollar? Was it attempted at that time to raise the value of the silver dollar to the gold dollar? No, sir. Congress said it would be an outrage on the rights of the business men of the country; an outrage not to be tolerated; therefore they took one and seven-tenths grains out of the gold dollar to make it comport with the contracts and with the engagements that existed in the country.

There are but two classes of persons interested in what shall be the unit of value: the debtor and the creditor. To the man who owes nothing and the man who has nothing owing to him, it is not important what your unit of value shall be. If you should make two dollars out of one of the present dollars, to the man that owes nothing and has nothing owing to him all that would happen would be that he would ask twice as many dollars for what he had to sell and pay twice as many for what he had to buy.

I wonder what was the reason that in 1792 Alexander Hamilton insisted that 371$\frac{4}{10}$ grains should be in the silver dollar. What a piece of stupidity it was! He must have been an old fogy to have put such an odd number of grains into a dollar—371$\frac{4}{10}$ grains. Why did he not put 400 so as to admit of easy decimal relations? Why did he not put 500 or 200, so that relative calculations could be easily made? Why did he put into the dollar exactly 371$\frac{4}{10}$ grains? Why did he do this when the Spanish milled dollar had 375 grains in it?

Because Hamilton knew that the unit of value made no difference to anybody but debtor and creditor, and he took the Spanish milled dollars and assayed a large number of them to find out what was the average value of that dollar and he found that 371$\frac{4}{10}$ grains of pure silver was in the dollar and that 371$\frac{4}{10}$ grains exactly measured the dollar that the debtor owed in this country. Hence that was the weight of the dollar ordained in 1792. He made a real dollar to exactly measure the value of the contracts in the country which had been made in dollars. He did not attempt to inflate contracts so as to agree with an ideal unit, as is proposed to be done now.

At the present time, when we have a paper dollar that is worth eighty-eight or eighty-nine cents in gold, we find a clamor made on the part of certain sections of this country that these dollars shall be "appreciated" by force of law to one hundred in gold. Sir, the gentlemen who talk so loudly of this sort of resumption are very fortunate in the fact that they find their own interest lying in the same direction with the "honor" of the Government. If you want to get to equitable specie payments, make a metal dollar that the debtor can earn with the same amount of labor as he now can earn the paper dollar which he owes, and you will have no difficulty about resumption. Do not make a dollar that gives from 15 to 25 per cent. bonus to the creditors of this country and punishes the debtors to that extent.

I predict that whenever the people of this country have a square vote on this proposition they will never submit to resumption in the present gold unit. I have been in favor of remonetizing the silver dollar because I believed that to be a preventive against the further issue of irredeemable paper money, because I believed we could the sooner and easier get to hard pan, and felt sure that the present temporary depression in silver or rise in gold must be of very short duration.

We know the cause of the so-called decline in silver; we know that Germany has not more than $150,000,000 on hand now of surplus silver to feed the world with, and we know that this country needs a great deal more than that sum to supply her wants; and if the demonetization of silver in Germany—for certainly it is not overproduction, because the world is not producing more now than it did five years ago—if the demonetization has caused the appreciation of

gold and decline of silver, the remonetization of silver by this country will cause silver to go back to its old normal relation with gold. It is a very easy thing, but is it a wise thing for the creditors of this Government to assist to demonetize half the money of the world and thus double its debts?

I hold it to be sound in political economy and philosophy that it is against our interest that any gold should be used as a circulating medium in this country until we have paid our debts. What an unheard-of proposition, that a country burdened with $2,000,000,000 of public debt should attempt to introduce a machine for effecting its internal exchanges that would raise the burden of such debt at least 20 per cent., and not only this, but increase also the weight of a vast amount of corporate, municipal, State, county, and city debts!

What peculiar claims have the Tweed gang upon the tax-payers of New York? When they got the bonds of that city to a large amount, they swindled the city. They did not give value to the extent of twenty cents on the dollar for the bonds that they now hold. Why should the tax-payers of New York be bound to pay these dishonestly obtained bonds in gold, when by their terms they are at best payable in paper? Why should this country, whose bonds were sold for greenbacks when greenbacks were worth but fifty cents on the coin dollar, resume specie payments in a particular metal and make those bonds good dollar for dollar in that metal and thus compel the tax-payer of this country to pay them in such particular metal? I want to know why in the resumption of specie payments every dollar of indebtedness over this broad land, which indebtedness amounts probably to $1,500,000,000 of State, county, and city indebtedness, shall be unnecessarily raised 20 per cent., and the tax-payer burdened with this unjustly increased weight of obligation?

I want to know why the seven or eight thousand millions of private debts which exist in addition to those of the nation, the States, and the municipalities, and which were engendered in greenbacks, shall be increased in the interest of the creditor and to the ruin of the debtor. I tell you, sir, it is not the money-lender that gives prosperity to the country; it is the active business man; it is the borrower, the hopeful, the industrious, the enterprising man; he who is always in debt. That is the man who lends fleetness to the wings of commerce; that is the man who gives elasticity to the flagging footsteps of industry. It is not the man who, instead of inaugurating enterprises, sits back and lends money. If any legislation is to be had, it should be in favor of the masses of the people of the country. Let a few honest words be said for Lazarus; let us not always be nodding to Dives. We hear a wail throughout this country from certain classes whenever you propose to make money plenty so as to keep up prices at the range in which they were when debts were contracted. We hear a wail lest somebody with a fixed income is going to be hurt, or somebody with a fixed salary is going to be hurt. We have heard no words of encouragement or defense for that much larger class who have incomes neither fixed nor unfixed, but who have very fixed obligations to meet.

I have already said more than I intended to when I arose. I did not intend to go further than to protest against the smothering of this great question by the action of the conference committee so that a fair vote of the Senate cannot be had upon it.

We now come to the proposition of issuing subsidiary coin, something foreign to the bill that we thought we were going to discuss, and upon whose merits we can get no vote because many gentlemen in this Chamber who are in favor of issuing a full-weighted silver dollar are also in favor of this proposition of subsidiary coins. I should have liked a vote taken so that the people of this country could know who it is that is in favor of inflation; I mean that worse kind of inflation, the inflation of debts and a contraction in the prices of property and labor. That is the inflation which the people ought to dread the most.

I desire to call the attention of the Senate to the following points in this connection:

First. I would warn the Senate of the serious juncture of business affairs throughout the country.

No remedy exists for this state of affairs but that of giving the country such a unit of value as will encourage bank discounts, render the money market easy, and enable debtors and mortgagors to equitably liquidate their indebtedness. Such a unit of value is only to be found in the silver dollar.

Second. That the present time is the best for the application of this remedy. Gold has risen, and with it the greenbacks, which, owing to a perversion of the law, are now based upon gold. I say that gold and greenbacks have risen so high that the latter will purchase in the market enough silver to render possible the resumption of specie payments in silver. The accomplishment of this result would put an end to the existing fall of prices and tightness of loanable funds. Let the present opportunity pass and it may never again be in our power to recall it.

Third. That, in order to consolidate her recently-established unity, Germany has resolved to call in the numerous silver coins of her component states and issue gold coins instead. Her efforts to carry out this policy, which, whatever may be its wisdom from a political or dynastic point of view, is financially unsound and dangerous, has caused a rapid rise in gold and fall in silver. The nature of this perturbation in the long-standing relation between the metals is such that it can only be temporary. *While it is our last opportunity.* No other country except the United States is in a position to take Germany's rejected stock of silver; specie payments having been suspended in many of the countries of Europe. We know exactly how much silver Germany has to sell. We know exactly how much we need in order to resume specie payments and with it our lost commercial prosperity. The two amounts are substantially the same; so that if we absorb Germany's stock, the price of silver will rise and gold will fall, until the old-time relation will be restored. Why, then, shall we refuse to seize this propitious moment and refuse to make avail of the advantages it offers us?

Fourth. I have said that the present abnormal enhancement of gold and depression of silver can only be for a time, but unless we put a stop to it at once by removing the restraints imposed by the sinister legislation of 1873, a great revulsion will be brought upon the country. A new and further expansion of paper will occur. Either this or repudiation will be the only choice left us. And the evil may not stop here. You propose to consummate an act of great injustice upon a free people, and I warn you that it is not to be done with impunity. Our forefathers revolted from authority rather than pay an enhanced price for a few chests of tea. Now you would assist to impose an addition of 20 per cent. to all the debts of this country, and I do not believe that the spirit of liberty is so dead with our people that you will succeed in accomplishing this purpose without opposition. You are treading upon dangerous ground. You are pressing the spring down too far.

Fifth. To arrest the present rise of gold and fall of silver will be to save the country from numberless sacrifices and dangers. To refuse to do it will invite new difficulties and disorders. It is in your power to adopt either course. Upon you lies the grave responsibility of deciding this important subject correctly.

Sixth. The country will hold us to a strict accountability and the votes on this subject will be scrutinized with more severity six months hence than on any other subject.

Seventh. Before this Congress meets again the opportunity to purchase silver at 20 per cent. under gold will be lost. The opportunity to resume payments in specie will be lost. The opportunity to relieve the commercial dread and uncertainty which now tie the hands of industry will be lost.

Eighth. There are other grave dangers with which inaction on this subject menaces us. Our fisheries, the whole product of which is valued at but a few millions a year, have always formed an important subject of legislation with us. It forms the basis of many of our foreign treaties. It has often drawn us into controversies which threatened the country with war. And yet how insignificant are not all of the New England fisheries compared with the Pacific coast mines. The product of these mines amounts to over a hundred millions a year. They form the basis of the industries of several important States. They support directly and indirectly several millions of persons. Their product is indispensable to the world and forms an indissoluble portion of its industries. Yet you propose to destroy them all by adverse legislation or inaction. Is this a wise or just course?

Ninth. If you fail to restore the silver dollar to its rank of full legal tender, and so neglect the mining interests of the country, the mines will be closed and all the capital invested in the veins of the Sierra Nevadas will be lost. At one blow you will destroy hundreds of millions, and to the industrial distress that already exists in the East you will add that of the far West. The mines, once abandoned, will never be re-opened. If neglected for six months the restoration of the old normal market relation of 16 to 1 will not be sufficient to induce their re-opening.

Tenth. Nature has given us the vast range of the Sierra Nevadas rich with argentiferous deposits. That which the world has sighed for fifty centuries to grasp and in quest of which this continent was drenched in blood by its Spanish conquerors, nature has given us in reward for scientific and enlightened labor. But no sooner do we come into possession of the coveted prize than you would deprive us of it by legislation.

Eleventh. We have protected everything in our laws except the precious metals. Codfish, bodkins, shoe-strings, and tombstones are protected; even iron, steel, nickel, and copper are protected; but not gold and silver. These great metals which differ from all other substances in the most important respect that there is a vast stock of them on hand in the world stored up from the ages, these bases of contracts, these conservators of prices, of the relations between capital and labor, of property, of civilization, these we do not protect at all. More than this, we propose to destroy that one of them which we produce in the greatest abundance and to adopt the one which Great Britain almost monopolizes.

Twelfth. The trade of Asia lies at our doors. Instead of opening these doors to it, we propose to double lock and bolt them. By assisting to lower the purchasing power of silver we deny ourselves all the profits of this great commerce.

Thirteenth. You will render almost valueless a vast portion of our possessions stretching from Mexico to Alaska. Adding to this your one-sided taxes on iron, steel, tools, chemicals, and the numerous other commodities employed in the production of silver, you will cause great discontent among the people of the Pacific coast States, and induce them to believe that they are denied that equal protection and encouragement which they are entitled to under the terms of the Constitution.

Fourteenth. The size of a unit of value is of no account except between debtors and creditors. Give these a unit which accurately measures the contracts between them and you do justice to both. This is what was done in 1792 by adopting the silver dollar. This is what would be done by adopting it now. No man would complain and the country would enjoy an immense relief.

Fifteenth. Subsidiary coins are only tokens representing gold. Substantially they are promises to pay gold printed on silver. They had better be printed on paper; it is cheaper.

Sixteenth. The error which lies at the base of all erroneous views on this subject is the supposition that gold is immovable. But this is fallacious. Gold is subject to the same laws of supply and demand as other commodities. It rises and falls just the same. This fact is discernible whenever it is valued in any other commodity than itself. Whatever there seems to be of fixity about gold applies with even greater force to silver, because its production and consumption are more regular. The assumed immobility of gold reminds one of the geocentric theory of the universe, which theory assumed the earth to be stationary and all the planets and the sun to revolve around it; whereas we now know that the earth revolves around the sun and the sun itself around some more distant center.

The question before us is too important to be buried beneath a puerility like this error. We must settle it with all our eyes open or we will bring upon the country such an aggravation of distress, and that quickly too, that no man can foresee in what dire disasters it will end.

Seventeenth. It is claimed that the issue of token coins under the bill now before us will be a step toward the resumption of specie payments in the East. I maintain that, on the contrary, it is a step toward the suspension of specie payments in the West. The Pacific coast States, California, Nevada, Oregon, and some of the Territories, and to some extent also the State of Texas, have a specie currency and have never suspended specie payments. This currency, according to the custom of the country and under the law as at present construed, is of gold. In this state of affairs the Government, under the act of 1853, issued several millions of silver tokens which were sent to these States and put into circulation, the Government receiving for them their nominal or tale value in gold, thus making some 10 or 15 per cent. by the operation and flooding those States with a large amount of subsidiary coins.

After having done this, the Government under the present bill will turn right around and sell this same sort of subsidiary coin to the Eastern States for par in greenbacks. The Pacific States took this coin and gave gold for it, with the understanding, derived from the law as it then stood, and relying upon the good faith of the Government, that none of it would be issued except for gold. But, in violation of this faith and after you sold all you could for gold, you sell the same coin in the East for greenbacks, which are at 12 per cent. discount in gold. At the present time a man in California can sell a gold dollar for $1.12 in greenbacks and buy $1.12 in subsidiary silver coins, which the law makes him to pay out at par in California. By compelling the Pacific States to pay you gold for what you are now selling for greenbacks you wronged them out of some $600,000. By now issuing fifty millions more of this token coinage you will compel them to suspend specie payments. Already your token coins are at a discount of 6 per cent. in San Francisco, and this depreciation will be aggravated by the present bill. You have in effect left that coast without any par fractional currency for their gold coins. This anomalous state of affairs has produced an extraordinary derangement of the currency. Wholesale prices are quoted in gold and retail prices in debased silver. There can be but one ending to this. That ending will be suspension. The Pacific coast community must have small coins, and the value of those coins must be in accord with the larger ones. The former cannot be repudiated, because there must be a fractional currency, and there is no way of replacing the debased coins. Our banks cannot issue fractional notes. But gold will cease to be paid. This means suspension of specie payments and the exportation of some thirty millions of gold from the country.

Yet the legislation which is responsible for it is by some erroneously styled and by others complacently regarded as "a step toward specie payments!"

The PRESIDENT *pro tempore*. The question is on concurring in the report of the committee of conference.

Mr. SHERMAN. I forego making any remarks on account of the peculiar circumstances, so as not to delay the trial. I will simply say that the question of the dollar is postponed to the next session, and this bill simply deals with subsidiary coin and makes suitable provision to get that coin into circulation. That is all there is in the conference report.

The report was concurred in.

HOUR OF MEETING.

Mr. HAMLIN. I move that the regular hour of the meeting of the Senate until otherwise ordered be eleven o'clock.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Maine.

The motion was agreed to.

IMPEACHMENT OF W. W. BELKNAP.

Mr. EDMUNDS. I call for the regular order.

The PRESIDENT *pro tempore*. Legislative and executive business will be suspended, and the Senate will now proceed to the consideration of the articles of impeachment exhibited by the House of Representatives against William W. Belknap.

The Senate then proceeded to the trial of the impeachment of William W. Belknap, late Secretary of War.

The Senate sitting for the trial of the impeachment of William W. Belknap having adjourned then resumed its

LEGISLATIVE SESSION.

The PRESIDENT *pro tempore*. The Senate resumes its legislative business.

PETITIONS AND MEMORIALS.

Mr. CONKLING presented a petition of shipping merchants of New York, praying the passage of the House bill relative to the distribution of the Geneva award; which was referred to the Committee on Commerce.

He also presented a petition of citizens of New York and a petition of ship-owners of New York, praying the passage of House bill No. 3187 to amend the Revised Statutes relative to merchant seamen; which were referred to the Committee on Commerce.

REPORTS OF COMMITTEES.

Mr. BOUTWELL. I am instructed by the Committee on the Revision of the Laws, to whom was referred the bill (H. R. No. 1816) to repeal section 1218 of the Revised Statutes of the United States, to report it back, and ask that the committee be discharged and the bill referred to the Committee on Military Affairs. It is a proposition for new legislation.

The report was agreed to.

GOODS AT INTERNATIONAL EXPOSITION.

Mr. SHERMAN. I am directed by the Committee on Finance, to whom was referred the joint resolution (H. R. No. 146) to amend the act approved June 18, 1874, relating to the admission of articles intended for the international exhibition of 1876, to report it favorably, accompanied by a letter stating its purpose and which justifies the committee in asking that it be considered now. It is to facilitate the payment of duties on articles brought to the international exposition.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

Mr. SHERMAN. I ask for the reading of the letter I send to the Chair.

The Chief Clerk read as follows:

TREASURY DEPARTMENT, *June* 30, 1876.

SIR: Representations have been made to this Department by foreign exhibitors at the international exhibition and others that it is in many instances impracticable for such exhibitors who desire to sell and deliver dutiable articles during the exhibition to comply with existing laws and the Treasury regulations made thereunder requiring prepayment of duties or the securing of the same by bonds.

In view of the international features of the exhibition and the desirability of promoting the wishes of foreign exhibitors so far as possible consistently with the security of the revenue, it is deemed proper that some modification of these laws and regulations be made as to goods sold during the exhibition.

It is believed that a joint resolution in the form herewith inclosed will meet all the difficulties complained of, and I respectfully recommend its passage by Congress.

Very respectfully,

CHAS. F. CONANT,
Acting Secretary.

Hon. MILTON J. SAYLER,
Speaker pro tempore House of Representatives.

The joint resolution was reported to the Senate, ordered to a third reading, read the third time, and passed.

REVISION OF RULES.

Mr. FERRY, (Mr. ANTHONY in the chair.) The Committee on Rules, to whom was referred the subject of the revision of the rules of the Senate, have directed me to submit a report and ask that it may be printed. I desire to state in this connection that the committee have given much time and care to this revision, and believe that they have so revised and classified the rules that they will commend themselves not only to the consideration but perhaps the approval of the Senate.

I desire also to call the attention of the Senate to the fact that they have ordered a new edition of the Manual and provided for that edition, and it would seem desirable that these new rules, if they meet the approval of the Senate, should be embodied in that manual. The report will probably be printed and laid upon the table to-morrow. I trust that the different Senators will give such attention to the report as will enable the committee to call it up promptly at an early day and ask the consideration of the Senate to the question of the adoption of the new rules.

BILL INTRODUCED.

Mr. MAXEY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 989) for the relief of John G. Tod, of Texas, of the late Texas navy; which was read twice by its title, referred to the Committee on Naval Affairs, and ordered to be printed.

RIVER AND HARBOR BILL.

The PRESIDING OFFICER, (Mr. ANTHONY in the chair.) The hour of one o'clock having arrived, it is the duty of the Chair to call up the unfinished business of yesterday, being the river and harbor bill.

Mr. WINDOM. Will the Senator from Iowa yield to me to call up the bill (S. No. 982) providing for the construction of the Washington monument, which the committee were instructed to report?

Mr. MORRILL. I have not had time to examine that bill. I hope the Senator from Minnesota will allow it to go over for half an hour.

Mr. WINDOM. I have no objection.

The PRESIDING OFFICER. The unfinished business is before the Senate.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 3022) making appropriations for the construction, repair, preservation, and completion of certain public works on rivers and harbors, and for other purposes.

The PRESIDING OFFICER. The reading of the bill will be continued. The next amendment of the Committee on Appropriations will be read.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was in line 99, to reduce the appropriation for the improvement of Penobscot River, Maine, from $12,000 to $10,000.

Mr. HAMLIN. I wish to suggest to the Senator in charge of the bill that the word "five" in line 99 should be stricken out and "four" inserted, to make the apportionment.

Mr. ALLISON. That is correct. I move to strike out "five" and insert "four" in line 99, so as to make the clause read:

For the improvement of Penobscot River, Maine, $10,000; $4,000 of which shall be expended at or near the "Narrows" in said river at Bucksport.

The amendment was agreed to.

The Chief Clerk continued the reading of the bill.

The next amendment of the Committee on Appropriations was to strike out lines 102 and 103 in the following words:

For the improvements at Richmond Island, Maine, $15,000.

Mr. HAMLIN. I hope those words will not be stricken out, because I have been disposed to follow the action of the committee and to act upon the suggestions which they have made, and acting upon those very suggestions, this item should remain in the bill. I suppose in presenting the bill to the Senate the committee intended to have a general regard for the commerce of the whole country. Maine has a coast with indentations of five hundred miles, and nearly all the European commerce passes along by it, and there is in addition thereto also the domestic commerce. The House bill for all those purposes, and embracing more harbors than there are in any two States in this Union, appropriated $40,000. The Senate committee reduced it to $15,000. That is the small regard which the commerce of the country in that direction is to receive. But when you come to Richmond Island—that is the point now to which I invite the attention of the Senator who has the bill in charge—we find it a harbor of refuge upon the coast of Maine, by which all our domestic commerce and all the commerce of Europe passes. It is one of the most desirable harbors as a harbor of refuge on our coast anywhere, and the engineers tell us, I think, that there have been about $100,000 expended in the improvement of this harbor, and the engineers tell us that this $15,000 closes up and completes the work, as it will, and I think they have entered into contracts to complete it.

Now, taking it to be the view of the committee that you ought not to commence to any extent new works and expend a small sum of money for them, you ought to allow this to remain, because it completes the work and is of a most important character. I hope, therefore, that this amendment will not be agreed to by the Senate.

Mr. ALLISON. Mr. President, this Richmond Island is very near the coast, and a year or two ago an improvement was begun connecting the island with the mainland by a breakwater, throwing in loose rock and stone with a view of making, as the Senator from Maine says, a harbor of refuge; but it has remained there for a long time without being connected with the mainland, and Major Thom, who has in charge all the works in Maine, in making his revised estimate stated that this could be omitted, and therefore the committee, as I have said many times, desiring to economize, omitted this improvement. It is a work that can be done next year as well as this.

Mr. HAMLIN. Yes, Mr. President, and there is no appropriation in this bill that cannot be omitted. That is very true; but here is a little appropriation that completes your work. Now what has been the theory of this committee on this bill all through? That you would not expend $5,000 upon a work where it would do no good; where the accretion and deposit of a coming year would be equivalent to what you would remove by that small sum, and I thought there was force in it; but when you come to an appropriation securing a harbor of refuge for all the commerce that goes along the Atlantic coast, and $15,000 will complete the work, I say the theory and the argument on which they based their report not only justify but demand that this item should be kept in the bill.

The question being put, a division was called for; and the ayes were 7.

Mr. ALLISON. I dislike to ask for a further count for fear we should not have so many.

Mr. EDMUNDS. As one-seventh of the number, I give it up.

The PRESIDING OFFICER. The amendment is not agreed to. The next amendment will be read.

The next amendment of the Committee on Appropriations was in line 105, to reduce the appropriation "for the improvement of Cocheco River, New Hampshire," from $15,000 to $14,000.

The amendment was agreed to.

The next amendment was in line 107, to increase the appropriation "for the improvement of the harbor at Burlington, Vermont," from $20,000 to $25,000.

The amendment was agreed to.

The next amendment was in line 109, to reduce the appropriation "for the improvement of the harbor at Swanton, Vermont," from $10,000 to $2,000.

The amendment was agreed to.

The next amendment was to strike out lines 110 and 111, in the following words:

For the construction of ice harbor at Chester, Pennsylvania, $6,000.

Mr. WALLACE. I hope the Senate will not agree to this amendment. In the absence of my colleague I am required to call the attention of the Senate to the fact that for the Schuylkill River about $28,000 is appropriated by this bill to aid the vast commerce of the city of Philadelphia. This ice harbor is indispensable for the protection of vessels in the river Delaware from drifting ice. There are rows of piers extending into the Delaware which are now being broken down and becoming dilapidated. It is necessary to repair them in order to preserve that protection from drifting ice in the winter season in the Delaware, and I trust that to that great commerce this amount of money, $34,000 in all, will not be hesitated to be given by the Senate.

Mr. ALLISON. If my colleague on the committee deserts me on this appropriation, I do not know hardly what I shall do. We only had seven votes, I believe, on the last division in favor of an amendment of the committee. I suppose on this division we shall have only six. This is a very old improvement at Chester, and the engineer seemed to have some doubt originally as to whether the United States should maintain it. In his revised estimates he recommends the omission of this harbor, and following that rule we omitted it. I leave it to the judgment of the Senate.

Mr. FERRY. I was out of the Chamber and should like to know from the Senator from Pennsylvania—I do not see his colleague present—whether this is a necessary appropriation, and whether we should concur in the recommendation of the committee in the judgment of the Senator, aside from his obligation to the committee. I am speaking of his direct representation.

Mr. WALLACE. I can only state what the member of the House from the district represents, and what I have no doubt my colleague would represent in regard to this matter if he were here. If this harbor is to be preserved at all as a refuge for vessels from the drifting ice in the Delaware, then this appropriation is indispensable. It is necessary to repair the piers that constitute the harbor. They are rotting down. This amount of money is recommended by the engineer in his primary report, and is indispensable if the harbor is to be preserved. Chester is well known to be one of the largest ship-building places in the country; and when it is considered that the whole amount of money appropriated to the commerce that centers at Philadelphia by this bill is but $34,000 and the whole amount to the State of Pennsylvania less than $100,000, it seems to me the Senate ought not to grudge this small amount to that State.

Mr. ALLISON. I was about to say to the Senator from Pennsylvania that in all these reports there seems to run the idea of a doubt as to whether the United States should maintain this pier at all or not, and that was an additional reason why we proposed to leave it out. Of course this sum can be usefully expended there by somebody. There seems to be some question as to whether the United States should incur the expense.

Mr. DAWES. I should merely like to add that the Representative of the district was here a few moments since and informed me that this was not to be used for the construction of this ice harbor, but for repair. He stated that it was all going to decay and would pass away unless this money was expended. I make this suggestion in addition to what the Senator from that State has already stated.

The PRESIDING OFFICER. The question is on the amendment of the committee to strike out lines 110 and 111.

The amendment was rejected.

The next amendment of the Committee on Appropriations was to strike out lines 112 and 113, in the following words:

For the improvement of Passaic River, New Jersey, $10,000.

Mr. FRELINGHUYSEN. I have been gratified to see that there were no local partialities manifested by the Senators in reference to this bill, but it is on a broad, catholic patriotism that everybody looks at it. [Laughter.] Looking at it in that light, I feel bound to object to this amendment. I notice that the committee have stricken out every possible appropriation for the State of New Jersey, although there are several most important works going on there, and they have not given that State one farthing. The facts regarding this appropriation are these: The Passaic River is a river upon which there is a good deal of commerce connected with the city of Newark, which has a population of about 130,000 people. That district pays a revenue to the United States only second to one other in the whole Union. The Government have already expended $90,000 on this work. The original estimate was $100,000. This $10,000 is to complete it. It is for dredging the river. I think my friend from Iowa yesterday said that he was almost ready to pay $4,000 out of his own pocket rather than to take the dredging-machines away from Green Bay and put them back there again. This work will all be done for $10,000, and you will not be taking the dredging-machines out and putting them back again. I know the Senate will not agree to this amendment.

Mr. President, I have voted uniformly against the amendments of the committee, and I want to state why. The Congress of the United States in both branches have determined that these were valuable works to the country; and things are now in such a condition that you can get a third more work done for the same money than when these improvements were undertaken. It is a profitable time for the Government to do this work which they have approved. The people want the employment, and it seems to me that it is just the time to do it. Then we know we have a very economical House, and they have recommended these works. I want the Senate to agree whenever they can with those recommendations. Besides, the Federal Government goes to the people consequently as a tax-gatherer to enforce the laws to collect revenue, and it is for the benefit of the country that the Federal Government should occasionally present itself to the people in acts of beneficence in improving their prosperity.

Therefore I have voted against all these amendments, for I think the work ought to go on at this time for the profit of the Government and for the good of the people.

Mr. ALLISON. I can only say with reference to this appropriation that the estimate of the engineer in charge is for $34,000. It is for dredging, as said by the Senator from New Jersey. Colonel Newton in his revised estimates omitted this appropriation, and the Committee on Appropriations followed the recommendation of the engineer. The Senate does not seem disposed to follow either the committee or the engineers in these appropriations. I can only say that these are the reasons which actuated the committee in omitting this appropriation.

The PRESIDING OFFICER. The question is on the amendment striking out lines 112 and 113.

The amendment was rejected.

The next amendment of the Committee on Appropriations was in line 118, to increase the appropriation "for the construction of piers in Delaware Bay, near Lewes, Delaware," from $30,000 to $35,000.

The amendment was agreed to.

The next amendment was to strike out lines 124 and 125, in the following words:

For the improvement of Elk River, Maryland, $5,000.

Mr. DENNIS. Mr. President, I ask that the appropriation may be retained in the bill. I have a personal knowledge of that work, and I know that it is all important. An appropriation was made last year, and another one is required this year, which I think will be all that will be necessary to complete the work. I take this occasion to say that Maryland has only four appropriations in this bill, $75,000 for Baltimore, $5,000 for Elk River, $5,000 for Wicomico River, and $5,000 for Chester River at Kent Island Narrows. Two of those appropriations have been stricken out by our committee, and two remain. This is a matter of necessity or I should not ask it. I trust that the Senate will disagree to this amendment.

Mr. ALLISON. The object of this appropriation is to dredge a channel eight feet deep at low water between Cedar Point and Elkton, in Maryland. The engineers recommend for that work $20,000, and the House has given them $5,000. If my friend from Maryland [Mr. DENNIS] thinks he can get a dredging-boat up there and all the apparatus for dredging and economically spend $5,000, and the Senate agree with him, then this appropriation ought to be made.

The amendment was rejected.

Mr. WITHERS. I ask that the Senate pass upon the next four items, amounting in the aggregate to $10,000 together. They all stand upon precisely the same footing. They are appropriations for the preservation of work that has been in progress for some years, and in one or two instances there is an unexpended balance, amounting to as much as was appropriated by this bill originally in the House.

While I am up I will take the occasion to say that as a member of the committee I have sustained the amendments reported from the committee until the sentiment of the Senate has been so unmistakably declared to be adverse to the principle upon which the committee framed the bill, that I think I am now at perfect liberty to secure for old Virginia the amount of these small appropriations which have been stricken out by the committee. I ask that the same measure may be meted to us which has been meted to other States, and that the four amendments from line 128 to line 135 inclusive, the items amounting in the aggregate to $10,000, may be non-concurred in.

The PRESIDING OFFICER. The vote on the amendments will be taken together if there be no objection.

Mr. ALLISON. I have no objection to considering these amendments together. I think there is some force in what is said by the Senator from Virginia. The Senate seems to have abandoned the principles upon which this bill has been framed by the Committee on Appropriations. Therefore, perhaps, these appropriations have as much merit as a number that have been retained. I think the appropriation for Accotink Creek, however, ought to be omitted. The engineer seems to think it is unnecessary, or at least he does not ask that the appropriation be made for it. Four thousand dollars is the amount.

Mr. WITHERS. The Senator will find on page 120 of the volume the report on Accotink. Appropriations have been made for the improvement of this stream. It is in the collection district of Alexandria, the nearest port of entry here below us. The amount required to complete the work according to the original estimate is $14,000, of which $5,000 has been expended. The amount appropriated by this bill is $4,000, which I understand from gentlemen who are perfectly conversant with it will furnish them as much navigation as is necessary. That is all I have to say.

Mr. ALLISON. Colonel Davis does not ask for it in his revised estimates.

The PRESIDING OFFICER. Does the Senator from Iowa ask a separate vote upon this amendment?

Mr. ALLISON. I call for a separate vote on the appropriation for Accotink Creek.

The PRESIDING OFFICER. The amendment will be reported.

The next amendment of the Committee on Appropriations was to strike out lines 128 to 133 inclusive, in the following words:

For the improvement of the mouth of Occoquan River, Virginia, $2,400.
For the improvement of Aquia Creek, $3,000.
For the improvement of Nomoni Creek, Virginia, $1,000.

The amendment was rejected.

Mr. NORWOOD. For the purpose of making haste on this bill, as we have seen the disposition of the Senate with regard to the amendments of the committee to the House bill, I move that the Senate non-concur in the amendments of the Committee on Appropriations to the House bill striking out different provisions of the House bill. I do not include the amendments where there is any decrease or any change of amounts, but only those amendments that strike out provisions of the House bill.

Mr. WINDOM. I do not understand the motion.

The PRESIDING OFFICER. The Senator from Georgia moves that the amendments of the committee reducing the appropriations be acted upon together.

Mr. NORWOOD. That is not exactly the form in which I wish the motion to be put. I move that we non-concur in the amendments which strike out entirely provisions of the House bill. There are other amendments that reduce the House bill, and there are others that increase the appropriations made by the House. I do not propose to touch those amendments. In nearly every instance the Senate has refused to concur in the amendments of the committee which strike out the provisions of the House bill altogether. I therefore, in order to test the Senate on this question, move that we do not concur in any of the amendments made by the committee to strike out provisions of the House bill.

Mr. WINDOM. The motion of the Senator from Georgia is a somewhat remarkable one, and yet I am not at all prepared to say that I desire now to oppose it. Two distinct principles of action are indicated in the bill as it came from the House and as reported from the Committee on Appropriations. The title of the bill of the House, I believe, is "an act making appropriations for the construction, repair, preservation, and completion of certain public works on rivers and harbors, and for other purposes." The words "and for other purposes" are peculiarly appropriate. Read by the light of subsequent provisions they mean an act to make smooth and easy the re-election of the present Congress. I think any one who will carefully examine the bill as it came from the House of Representatives will find that it is designed, or at least the effect of it, if not the design—for I will not attribute any improper motives to anybody—is to remove obstructions in the congressional route to Washington rather than to remove obstructions from the rivers and harbors for which the appropriations are made. Yet, Mr. President, I am not criticising the present House of Representatives for the system they have adopted in making these appropriations. I have for years contended that the appropriations in this bill were more political than for purposes of improvement. I think a reform very necessary.

The Committee on Appropriations have recommended these reductions, and I think the principle upon which that committee has acted is far wiser than that of the original bill. Yet, without finding the slightest fault with the action of the Senate or being in the slightest degree sensitive as regards this action, I see as plainly as the Senator from Georgia evidently does that the Senate disapproves of the principle adopted by the committee; and as the action of the Senate thus far has been so uniform I am rather inclined to think that we had better pass the bill just as it came from the House.

Mr. WHYTE. I certainly think that this would be an act highly improper, and I was going to say almost indecorous, on the part of the Senate, to our Committee on Appropriations, which has taken the trouble to go over this bill with great care, examine the details, and strike out where they thought the works were not works of national importance and increase the appropriation where the necessities of the public service seemed to require it. I do not think that the Senate ought in a lump to repudiate the action of that committee. It will be very hard for gentlemen hereafter to take the trouble to go over long and tedious bills of appropriation if they find that, when their work comes into the Senate, by a majority vote the whole of it is to be repudiated without even considering the reasons which actuated the committee in reducing or in striking out various items of appropriation.

There is a great deal in what the Senator from Minnesota has just said to the Senate. It is high time for the Senate and the House of Representatives to look at these river and harbor bills. It is high time to call a halt upon these appropriations. We must remember that up to 1859 the appropriations annually had never exceeded half a million dollars, and if I remember correctly only $335,000 were ap-

propriated for rivers and harbors throughout this country in one year. In a time like this, when the cry is going up all over this land for economy and retrenchment, we find a bill upon our table appropriating $5,800,000 for rivers and harbors and creeks and fish-ponds throughout this land. I for one raise my voice in protest against this wholesale repudiation of the action of the committee.

Mr. FERRY addressed the Chair.

The PRESIDING OFFICER. With the permission of the Senator from Michigan, the Chair will remark that the motion of the Senator from Georgia requires unanimous consent, inasmuch as the items would be divisible at the request of any Senator.

Mr. CONKLING. What motion?

The PRESIDING OFFICER. That all the amendments in which an entire appropriation is stricken out be taken together in one vote.

Mr. FERRY. I was a little surprised to hear—especially from a western Senator and one so identified with the interest of transportation and the interest of wise economy, who has distinguished himself by the part which he has taken in the furtherance of these great enterprises—the remarks that fell from his lips that this bill seemed to be one emanating more from political interest and local pressure than from regard for the public good. I do not give his words, but I give the idea which he suggested. I have not forgotten that the river and harbor bill has usually passed perhaps with more unanimity than any other important act of Congress. I do not forget either that it has recently passed the other branch of this Congress, which we regard as the one more directly representing the sentiments of the people, for its members officially stand nearer the people than the members of this body, who are supposed to represent States. In the judgment of the House of Representatives and in consideration of economy is sent us a bill proposing to appropriate five millions and upward, and that I think is something like from eight hundred thousand to a million dollars less than was appropriated by the act of 1875. The House, therefore, has not forgotten its duty in seeking to economize the expenditures of this year over last year. It has considered the general interest of the country in cheapening transportation by facilitating the commerce of the country, an important industrial force of the nation and one contributing largely to its prosperity. Certainly the House bill must be considered as an economical bill since it is $1,000,000 less than was passed last year; and, as I stated yesterday concerning my own State, the bill of to-day is something like 20 per cent. less than the act of last year. The committee of the Senate, adopting a principle which, in their judgment, they thought would carry them through, have appealed to this body for concurrence. The chairman stated this morning that the Senate follows neither the committee's principle nor the principle of the Engineer Department, for the reason, I may add, that they have adopted the principle suggested by the Senator from New York [Mr. KERNAN] on my right on yesterday, the principle of common sense, of business judgment; and, steering between the two extremes, I am pursuing that principle to-day.

As I understand the bill as reported from the committee, it is an increase of about $30,000 over the bill of the House, and I take it that a bill could not come from the present House of Representatives unless it was one of supposed economy. The House of Representatives submit to the Senate this bill, and it should be taken as a fair representative of the wish of the people, for they stand between us and the people. It is upon that theory I act. I have not voted for the rejection of every recommendation of the committee. I have in each case where I have not possessed the knowledge myself interrogated the Senator, as I did I think the Senator from Pennsylvania, who is a member of the committee, asking him to dissociate himself from the obligation of the committee and answer whether in his judgment as a Senator the appropriation is necessary for the harbor within his State. On his saying it was, my vote followed the statement; and so I shall be governed hereafter. I claim with my colleague to know what is best for the interest of Michigan; and in submitting that judgment to the Senate I take it that the Senate will accord such sufficient knowledge to the representatives of the State. I accord equal force to the representations of the representatives of the different States.

I am not disposed to recognize this bill as a political engine no more than any other legislation of the country may be political engineering. This is a political body. The other House is a political body. This Congress is the head of the political power of the United States. Through its agency we operate for the interests of the whole people. We are not a personality; we are but the instrument of the people. We are here representing their interest, and where their property and their life are at stake. They demand of us protection to vital interests through this river and harbor bill, in which the whole country east and west, north and south, is interested. If the appropriation for these harbors is not lavish, if in the aggregate it does not exceed last year's appropriation but falls below, are we not then on the side of economy? Are we not following out the indication of the people? Are we not conserving the best interests of the country? Are we not acting in the interest, not of that west, alluded to by the Senator from Minnesota, [Mr. WINDOM,] which may be more politically inclined than other localities, but for the whole country? I cannot bandy comparisons with my friend on my left, [Mr. WINDOM;] but I take it in his travels in advancing the great object of transportation which is indissolubly linked to his name he has found the people almost a unit upon this question of cheap transportation and better harbors, and it is by facilitating commerce through the opening of ports and the clearing away of obstacles that cheap transportation is attained.

Mr. WINDOM. I would not trouble the Senate with another word were it not that I think the Senator from Michigan must have misapprehended my remarks. I do not wish to be placed in the position of opposing bills for internal improvement, for, as the Senator has very justly said, I am perhaps as liberal on this subject as any other Senator on this floor. I am always willing to vote for as large appropriations as the condition of the country will permit and as can be economically used at important points, and which will substantially benefit the commerce of the country; these three conditions should always exist together. It is because I am so earnestly in favor of improving the water-routes of the country that I do not like to see appropriations frittered away as they have been by the bill from the House of Representatives. If we had appropriated some $15,000,000 it is quite possible that very many of these places which the Senate committee have advised the Senate to omit would have been greatly benefited; but the House of Representatives, acting upon what my friend has been good enough to call "economy," and what I am willing to call an assumed economy, required the Secretary of War to reduce his estimates to one-third of the amount which he said was required for carrying on this work. In making that reduction very many cases were found in which one-third of the amount recommended could not be economically used this year. The great waste for many years in our river and harbor appropriations has been that we did not appropriate money enough to complete any given work. The contractors who undertook the work were compelled to contract for small jobs and small amounts, and consequently to supply themselves with what I think is called the "plank" necessary for that purpose. Not knowing who may get the next contract, they put into each contract the whole cost of getting ready for it. I say where a work will cost $30,000 to complete it, if you appropriate $10,000 or $5,000 a year you add a very large percentage to its ultimate cost.

The true policy is undoubtedly to ascertain what are the works of the most importance, and appropriate money enough each year to do something; not merely money enough to get somebody's vote from some congressional district, but money enough to complete some part of the work. But the principle, as I read it, of this bill, in a very large number of cases has been to appropriate just as little as would pass the bill and satisfy the local interests depending upon it.

While I am in favor of liberal river and harbor appropriations, my opposition to the House bill is based upon the fact that it is constructed upon a wrong principle. The Committee on Appropriations have endeavored to correct that mistake; not that they were opposed to many of these improvements, but because when the Engineer Department advises us to make much larger appropriations than those made by the House or to omit for this year, we have thought it prudent to omit.

I am not at all sure that the committee is right in this course. In fact since the bill has come into the Senate I am very much disposed to believe that it was wrong; because I always assume that the judgment of a majority of the Senate is very much nearer correct than the judgment of a single committee. The committee felt confident that they were acting on the right principle, and certainly they acted conscientiously in the matter. I think it is sufficient for us to assume now that we have been mistaken, and that to clear out the political obstructions in certain congressional districts is much more important than to remove the obstructions in the rivers and harbors of the country.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. WINDOM. I then say in conclusion to the Senator from Georgia that I shall make very slight objection to his motion.

The PRESIDING OFFICER. The Chair regards the remarks of the Senator from Maryland in the nature of an objection to the motion of the Senator from Georgia, which requires unanimous consent.

Mr. SAULSBURY. I rise for the purpose of saying that I could not vote for the proposition of the Senator from Georgia. The committee have reported certain amendments, some of them increasing the appropriations made in the House bill in certain respects and in other instances they have entirely stricken out the appropriations made by the House. If we adopt the amendments increasing the appropriations of the House and strike out the amendments of the committee reducing the appropriations of the House we shall destroy the bill in a certain sense and make a much larger appropriation than was made in the bill as it came from the House. That is very evident.

I take it for granted the committee understand something of what is proposed by the bill, and that they have not stricken out any appropriation made by the House without some valid reason for it. Hence as a general rule I have voted to sustain the action of the committee, because in my opinion it was in the interest of economy. I have no doubt that there is much more money appropriated by the bill as it came from the House than is absolutely necessary to meet the wants of the country. I would vote now to reduce every appropriation in the bill as it came from the House 25 per cent. I have no question but that we could get along with this reduction of the appropriations made by the House. The condition of affairs in the country is such at the present day that we ought to economize in every respect that we can.

I rose, however, for the purpose of stating my objections to the

proposition of the Senator from Georgia, which, I understand from the Chair, is overthrown by a single objection that has been made. I would say that I think this is a better bill than that which we have had heretofore. I see no appropriation in this bill for the Falls of Saint Anthony. I think, therefore, that in this respect this bill is a much better bill, more carefully guarding the interests of the country, and I shall vote to sustain the amendments of the committee wherever I can in my judgment do so.

Mr. NORWOOD. As under the ruling of the Chair the remarks of the Senator from Maryland [Mr. WHYTE] were in the nature of an objection and would require these amendments to be acted upon separately, I withdraw the motion that I made. In doing so, I may say, in reply to what the Senator from Maryland said about the motion being rather discourteous, that it seems to me to be just about as discourteous to vote against these amendments in gross as it is to take them up and vote against them in detail; and the only object that I had in view was to save time.

The PRESIDING OFFICER. The Secretary will read the next amendment.

The next amendment of the Committee on Appropriations was to strike out lines 134 and 135, in the following words:

For the improvement of Accotink Creek, Virginia, $4,000.

Mr. WITHERS. I must say a word in behalf of Accotink. It is almost here in the city of Washington, just down the Potomac. The object is merely to enable the traffic to reach that village.

Mr. SAULSBURY. Has the board of public works anything to do with it?

Mr. WITHERS. I will state to my friend that the board of public works does not extend quite so far, and this place is on the other side of the river. The object of the appropriation is merely to enable vessels to go up to this village of Accotink. It is a small place, to be sure, but it is an important interest to the people there. It is true that no appropriation was asked by the engineer for it or recommended by the revised estimates; but if we adhere to that principle and omit appropriations in all cases that are not recommended in the revised estimates we shall have to strike out a good many items which have been put back by the vote of the Senate.

In general I concur with the view of the committee in framing this bill restricting appropriations to objects of national importance, but I recognize fully the right of the Senate to express its opinion on the subject, and as they have done so in unmistakable terms I bow to the superior wisdom of the body and only ask them that my own State may be made a beneficiary of the extended principle which they have announced by their votes on the various amendments. It is true that the engineer does not ask for an appropriation for Accotink. I see my friend [Mr. ALLISON] is holding himself in the leash, ready to read the report for me, and I can well anticipate him by stating that the engineer says no appeal has been made in behalf of the improvement by those actually interested in it and that no examination of the creek has been made during the year past. That is sufficiently explained. They have made no examination, because there has been no fund to defray the expenses. I contend that the assertion of the engineer in regard to the anxiety of the people is not sustained by the facts, because the appropriation has been asked, if not by the engineer, by the Representative of that district, who is presumed to know more about the wants of the people than the engineer can know, and the provision has been put in the House bill, a bill of which we hear so much as having been framed in the interest of economy. The Representative of the district desires it as the people desire it. It is not a new work. It is a work already commenced, and I ask that the Senate may give the appropriation which is asked.

Mr. ALLISON. Accotink Creek, I think, is a very short stream running into the Potomac, extending up in Virginia somewhere to the village of Accotink, a few miles from the mouth of the creek. If we are to be asked to improve all these little rivers in all the great States and little States, I think we must swell this bill to a very large size. The Senator from Virginia stated truly that the people in the neighborhood of this stream have not yet learned that the Government is anxious to distribute its bounty to them, as they have not asked, as the report says, for this improvement. That is all I have say with reference to the question. I leave it to the judgment of the Senate.

The amendment was rejected.

The next amendment of the Committee on Appropriations was in line 138, to increase the appropriation "for the improvement of James River, Virginia," from $60,000 to $75,000.

The amendment was agreed to.

The next amendment was in line 141, to increase the appropriation "for the improvement of Cape Fear River, North Carolina," from $100,000 to $200,000.

Mr. RANSOM. This amendment is proposed by the committee on the strongest report ever sent here by the Engineer Department in favor of any appropriation.

The amendment was agreed to.

The next amendment was to strike out lines 142, 143, and 144, in the following words:

For the improvement of the French Broad River between Brevard and the Buncombe County line, North Carolina, $15,000.

Mr. RANSOM. I hope the Senate will not agree to this amendment or the next one, for reasons already advanced. I will not detain the Senate, though I could make a speech of an hour showing that the principle that only large streams ought to be fostered will not do. This country is made of human beings, individual units, and it will not do to cut off the hands and fingers and all the little veins and small arteries by which the heart is fed. These are small places to some extent, but they have great merit in them. I will read the report of the Engineer Department if the Senate desires, but I do not care to detain the Senate.

Mr. ALLISON. I hope the Senator from North Carolina will take time enough to tell us something about this river between Buncombe and Brevard.

Mr. RANSOM. I am very sorry that my friend from Iowa does not know as much about the county of Buncombe as I do. I will say that there is a very large district covered by this item. Although I live several miles from there I believe it is the finest part of this habitable globe. There are there the finest mountains, the finest streams, and the most minerals to be found anywhere in the same extent of country. Did the Senator from Iowa read the report of the engineer, in which he says that there is a prospect of mining gold and precious jewels in the counties which this river drains? Did he ever read the description of the streams there? Though this has been a district in the United States since the foundation of the Government, I believe this is the first solitary dollar ever voted by the Congress of the United States to it.

Mr. ALLISON. I did take some pains to examine into this "French Broad River, between Brevard and the Buncombe County line, North Carolina," and read also as much of the reports of the engineer as I could find on the subject; and I have here before me a special report upon this river made at the present session of Congress. Speaking of the French Broad River, Major McFarland states:

The entire river runs through a mountain region, with fertile though narrow valleys along its upper and lower sections. This mountain region abounds in undeveloped mineral wealth——

Mr. RANSOM. We want to develop it.

Mr. ALLISON.

which in the future may require the improvement of this river and of some of its large branches. At present neither the amount nor the value of the products of the region under discussion would seem to justify any attempt at the improvement of its low-water navigation.

Mr. MERRIMON. He assigns a reason for that.

Mr. ALLISON. As I understand, this French Broad River between these two points is a beautiful little mountain stream, having at low water about a foot and a half or two feet of water.

Mr. RANSOM. I do not want to interrupt the Senator, but he has no idea of the French Broad—no conception of it.

Mr. ALLISON. It does not connect with any other water-course. I believe it is stated somewhere in this report that should in the great future railroads be built to the town of Asheville, or some other town the name of which I have forgotten, then there might be some utility in improving this river; and until that is done, I think the universal testimony of the engineers is that no money should be expended on this river.

Mr. PADDOCK. Mr. President, we have not distinctly heard on this side of the Chamber what has been said in regard to this amendment. I should like to know by whom the report is made from which the Senator from Iowa read.

Mr. ALLISON. This is the report sent to the House of Representatives by the Secretary of War at the present session, and is a report made to the Secretary of War by Major McFarland, who is in charge of these improvements. He does not recommend the expenditure of any money on this river at this time.

Mr. PADDOCK. How long has he been in charge of this branch of the service?

Mr. ALLISON. I do not know, but some time; two or three years perhaps.

Mr. MERRIMON. Mr. President, I regret to see my friend from Iowa making such war on this small appropriation. If he knew the locality of this river and its character, I am sure he would not oppose it. Why, sir, I believe I can say that this is one of the most beautiful streams in the world. It is over two thousand feet above the level of the ocean. It is not a small stream, such as he has described. At low water it is from four to six feet deep, except upon occasional shoals. I do not ask the Senate to take my statement about that; it is so stated by the engineer who examined it. I beg to read an extract from his report:

The part of the river which has been examined is thirty-nine miles in length, varies in breadth from seventy-five feet to three hundred feet, and has an average depth of from four to six feet, except at the reefs and shoals. It has an average fall of fourteen inches per mile, and flows through a fertile valley which has a width of about one mile and a height above the sea-level of two thousand feet. It lies entirely in Transylvania County, which had in 1870, according to the census returns for that year, a total population of thirty-five hundred and thirty-six.

In that respect he is mistaken. It lies in Transylvania, Henderson, and Buncombe Counties, and along its banks are some of the richest iron deposits in this country. If this river could be made navigable, which could be done at very small expense, it would develop one of the most interesting sections of country in the Union. That it should be developed has been an anxious desire of the people

of that section for years, and I venture to say that this appropriation is more meritorious than many embraced in this bill about which no word has been said. I hope the amendment will not be concurred in.

Mr. WINDOM. Before the Senator takes his seat I wish to ask him one question. Is not this river located in Buncombe?

Mr. MERRIMON. It passes through Buncombe; it has its rise in Transylvania, passes through Henderson and passes through Buncombe. Now I see the Senator's point, and I answer him promptly no, sir; there is no buncombe about it [laughter] except so far as Buncombe County embraces part of it. It is a substantial proposition and a meritorious one, and one that the Senator from Minnesota and all the Senators here will be glad to see if it shall be encouraged as it ought to be by the General Government. It is one of the most delightful summer countries in the world; and when you visit it, it will give you great pleasure to ride in a steamboat along this river and see the most beautiful valley on the continent. I trust the amendment will not be concurred in.

Mr. ALLISON. Only one word in reply to the Senator from North Carolina. I thought I could not be mistaken about the depth of this river. I have no doubt that what is said by the Senator is true as to portions of the river; that is, there are pools in this river undoubtedly from four to six feet; but the engineer, who has made an accurate estimate of the cost of improving it, states that it will require $125,000 to make a channel thirty inches. I read from this special report, page 6, where after giving an estimate of the cost he says:

Total for upper section, $125,000, for making a channel thirty inches deep at low water.

So that we are entering upon this improvement to cost $125,000 for the purpose of reaching a depth of water of two feet and a half.

Mr. MERRIMON. My friend is mistaken. The engineer says to do the work embraced in this bill will require about $19,000.

I want to make another remark. One reason assigned in the first report made by the engineer who suggested that it was not necessary then to make the expenditure was that the contemplated railroads had not reached Asheville, in the county of Buncombe. Two railroads will soon be completed to that point, and before this work can be done and steamboats can be operating upon the river the roads will have reached that point, and the obstacle that he then suggested will be out of the way.

The PRESIDING OFFICER. The question is on the amendment.

Mr. ALLISON. I think I must ask for a division on this appropriation. It seems to me this appropriation ought not to be made. I will test the sense of the Senate once more.

The question being put, the ayes were 13.

The PRESIDING OFFICER. Is a further count demanded?

Mr. ALLISON. I think I shall have the yeas and nays on this.

The yeas and nays were ordered.

Mr. RANSOM. I do not intend to detain the Senate. I should have said more if I had supposed there would be any difficulty in regard to this amendment. There are four reports in the last three years on this matter, and the Senator from Iowa, if he examines them, will see that this beautiful stream is supposed to be a part of the great water-line between the eastern and western waters, forming a connection with the Tennessee River; and this is connected with other appropriations in this bill for Tennessee. The improvement of this river will, besides, open up a mountain region of unsurpassed mineral wealth to this country; and even if the other part of that great water-line to which I have alluded should not be completed, this river will connect two parts of this country through the mountains where railroads will soon furnish facilities for transportation.

The question being taken by yeas and nays, resulted—yeas 14, nays 26; as follows:

YEAS—Messrs. Allison, Anthony, Conkling, Cragin, Eaton, Edmunds, Hamlin, Morrill, Oglesby, Sherman, Wallace, West, Windom, and Wright—14.

NAYS—Messrs. Barnum, Bayard, Bogy, Caperton, Cockrell, Cooper, Dennis, Ferry, Gordon, Harvey, Hitchcock, Ingalls, Jones of Florida, Kelly, Key, Maxey, Merrimon, Mitchell, Norwood, Paddock, Patterson, Randolph, Ransom, Robertson, Stevenson, and Withers—26.

ABSENT—Messrs. Alcorn, Booth, Boutwell, Bruce, Burnside, Cameron of Pennsylvania, Cameron of Wisconsin, Christiancy, Clayton, Conover, Davis, Dawes, Dorsey, Frelinghuysen, Goldthwaite, Hamilton, Howe, Johnston, Jones of Nevada, Kernan, Logan, McCreery, McDonald, McMillan, Morton, Sargent, Saulsbury, Sharon, Spencer, Thurman, Wadleigh, and Whyte—32.

So the amendment was rejected.

The next amendment of the Committee on Appropriations was to strike out lines 145 and 146, in the following words:

For the improvement of Pamlico River, North Carolina, $25,000.

Mr. MERRIMON. I can say to the Senate that that is a matter of great moment. Obstructions were put into the river some years ago, and vessels going to Washington, North Carolina, are bound to anchor out a mile or two from the town. The object of this appropriation is to remove those obstructions. It is very essential to commerce that the appropriation should be made.

Mr. ALLISON. What are the obstructions?

Mr. MERRIMON. I do not know exactly; but there are obstructions there.

Mr. RANSOM. I will tell the Senator from Iowa why they were. They were piled up there during the war. We have nothing to conceal about it. I feel that the Senator in his magnanimity and I know that the Senate will not let that be a cause why the river should be obstructed. There is a strong report of the engineer in this case, and I am sure that the Senator from Iowa will not dispute it.

Mr. ALLISON. After passing the French Broad, I do not think I shall make any very great objection to this appropriation.

Mr. RANSOM. I expected that.

Mr. ALLISON. It has quite as much merit as the French Broad, I think. These obstructions are of course lying in the river between the mouth of the river or Pamlico Sound and the little town of Washington which has about twenty-five hundred inhabitants.

Mr. MERRIMON. But has very considerable commerce.

Mr. RANSOM. It was burnt twice during the war.

Mr. ALLISON. Obstructions were put into the river during the war by driving piles.

Mr. EDMUNDS. Who put them in?

Mr. ALLISON. I do not know. They were put in by the rebel forces, of course, and they were cut off three feet below the water, and those obstructions now run along for a considerable distance, and they must be taken out before navigation can be restored. I suppose the Senate desires to remove these obstructions, judging from the votes we have already had.

Mr. RANSOM. I think my friend from Vermont did not hear my remark. I stated very candidly, I have no concealment about it, that these obstructions were put in by the confederates during the war; and they are now in the way of the commerce of that river. As the engineer states, they are five miles below the town, which was twice burnt up during the war. The engineer states that the town has a large commerce, an immense lumber trade, and that the commerce of nearly the whole country is impeded by these obstructions. I ask it as due to North Carolina; but it is equally due to the States of my honorable friend from Vermont and from Iowa. Vessels from Boston, from Portland, from New York, from Baltimore, from Philadelphia, all go down there for their lumber, and your citizens are subjected to as much inconvenience as ours are by these obstructions. The engineers recommend the improvement, and we ask a smaller amount than they recommend.

Mr. EDMUNDS. Do I understand the committee to give up this amendment?

Mr. ALLISON. The committee give up nothing. We have just had a vote on the French Broad. I do not know whether the Senator from Vermont was in when that vote was taken.

Mr. EDMUNDS. That was the Buncombe amendment.

Mr. ALLISON. Yes, Buncombe.

Mr. EDMUNDS. I was in on that. What I want to know is what the engineer on the last revision of retrenchment and reform recommends about this particular river?

Mr. ALLISON. I think the last report says nothing about it. This is not in the regular estimates. There is a special report from the engineer stating what it will cost to remove these obstructions and the character of the obstructions. There is no estimate for this.

Mr. EDMUNDS. And no recommendation?

Mr. ALLISON. And no recommendation for the appropriation of the money. There is a statement in a special report which I have before me giving the cost of this improvement.

Mr. RANSOM. I ask the Senator's pardon; there is a strong recommendation. There can be no stronger recommendation than the statement of the facts.

Mr. ALLISON. The facts are stated, but there is no recommendation for an appropriation.

Mr. EDMUNDS. Let us hear the document read. This is getting interesting.

Mr. ALLISON. It is quite a lengthy document.

Mr. EDMUNDS. Let us hear it.

Mr. ALLISON. I will read the report:

An examination of the river was made under the orders of Colonel Craighill, and in his report dated December 31, 1872, an estimate was submitted for removing the artificial obstructions placed in the river during the war, for dredging the bar below the town, and for the construction of a dike. These obstructions are encountered about six miles below the town of Washington and nearly opposite Hill's Point. They consist of four rows of piles driven in pairs, so that the second row is about ten feet from the first, each pile being driven so as to divide the space of the preceding row. At an interval of one hundred and fifty yards the second pairs are driven in the same manner. These piles were cut off at three feet below low water, and present a formidable obstruction to navigation. A channel one hundred feet wide has been opened through them and is marked by buoys.

This narrow pass is not only dangerous at night and in foggy weather, but offers a serious obstacle to vessels beating up the river at any time. The bar commences nearly opposite the lower wharf. The worst point occurs about half a mile from the wharf. Five feet depth is found here at low water, and under the influence of the winds the depth is much less. On such occasions boats are compelled to load below the bar. From this point the water deepens very gradually; in fact the bar may be said, with short intervals, to extend seventy-four hundred feet, the depth in this distance ranging from six and one-half to seven feet, the deeper intervals being eight feet. The sudden expansion of the river, the meeting of the tidal and fluvial currents, and a current from a small bay and creek on the north side combine to form this bar. The expansion may be reduced and the effect of the creek and bay neutralized by a dike. No structure of the sort was recommended by Colonel Craighill, and I have omitted it from my estimate on account of the following considerations: A short dike of twenty-one hundred feet in length, near the northern shore, would but partially modify the forces which form the bar, and, on the other hand, a long (seventy-four-hundred-foot) dike near the channel would transfer the bar lower down, and would itself prove an obstruction unless marked by a beacon. Without further examination the position and effect of a dike cannot be definitely determined. Its construction, therefore, may be deferred until the effect of the dredging and of the removal of the obstructions can be observed.

The town of Washington, at the head of navigation, on the Pamlico River, has a population of two thousand and sixty. The steamers which ply between the points

of the sound and Norfolk and Baltimore cannot proceed above Washington, but a small steamer ascends as far as Greenville at low water, and at high water as far as Tarborough, twenty-five miles from Washington. A branch railroad connects Tarborough with the Wilmington and Weldon Railroad.

Twice, during the war, Washington was nearly destroyed by fire, but it is now slowly recovering the population and trade which it had in 1861. A large and flourishing timber trade at that time was carried on between the town and northern ports, the lumber being composed chiefly of pitch-pine.

Mr. Elliot estimated the tonnage at 1,125 tons, which he regarded as less than the actual amount. Beaufort County, which is chiefly tributary to Washington and the trade of the Pamlico River, has a population of 13,011. According to the last census, the value of the farm products is $496,161. The land products, in bushels, are as follows: Wheat, 1,987; corn, 179,994; oats, 3,674; Irish potatoes, 3,893; sweet-potatoes, 102,625; and 1,987 bales of cotton, 3,245 pounds of tobacco, and 59,396 pounds of rice.

APPROXIMATE ESTIMATE.

33,000 cubic yards of dredging, at 50 cents	$16,500 00
1,500 piles, at $6 each	9,000 00
Contingencies, 10 per cent	2,550 00
Total	$28,050 00

Mr. RANSOM. The Senator from Iowa is mistaken in one thing. The engineer says:

This amount should be granted in one appropriation, in order that the work may be economically executed.

I was very certain there was a recommendation for the appropriation. It is next to the last line, on the ninth page of the document.

Mr. EDMUNDS. The extraordinary thing about this is that it does not appear to have been recommended in the regular estimates of the Department submitted to Congress at the beginning of the session; but this is a special report, made by Abert, "United States civil engineer," to General Humphreys, dated 14th of December, 1875, in which he says that the act of Congress approved March 3, 1875, provides for the survey or examination of Pamlico River, North Carolina, which duty was assigned to him; and then he describes what the obstructions are, and of course they are no less obstructions because the rebels put them in, and in due time, if the public necessity requires it, of course they have got to be taken out. All the injury that the rebels did to the country, large as it is, has got to be redressed and made good in the end undoubtedly. There is no point about that. But the thing that occurs to me is that in this particular summer, this particular, glorious summer of reformation and retrenchment, when you pinch off the toe-nails of every clerk in a Department in order to save a little something for the tax-payer, it is found necessary that these pinchings should be applied not only in this particular item—for this merely illustrates it—but to opening the commerce of our glorious country, when the retrenchers say there is no business to be done on the rivers; that the country has got into such a comatose condition that we must rake and scrape and pare everywhere, and take all the parings to open the rivers up to a commerce that does not exist, and means for an industry that has long since died out! There is a slight inconsistency about that which as one of the tax-payers of this country I cannot help observing.

If this estimate had been in the regular estimates and had been recommended by the head of the Department, of course it would have stood just like all these other estimates that we can get along without for this year of difficulty and trouble, and it might go in or go out upon an equality with the others. But all we have here is this report from Mr. Abert, a civil gentleman, hired I suppose by the month, that this amount, which it will cost, he says should be granted in one appropriation in order that the work may be economically executed. That, I dare say, is entirely true with reference to nine-tenths of each item of these appropriations. The economy of the work, if you say nothing about the Treasury and the tax-payer, would be greatly subserved by granting the whole sum necessary in one lump, even for the largest works, so that systematic, persistent, and continuous application could be made to the construction of these various works. There can be no doubt about that. That is all this civil engineer says, and he says what is almost an axiom in an economical point of view where applied to the work itself. You may say the same of taking the stumps out of your farm, if you happen to have one; but if you do not happen to have any money, although it would be very economical to take out the stumps, and take them all out at once, you might possibly let the cattle graze among the stumps another year until you get the money to take them out. That is about the state of the case here. General Humphreys, it appears, has transmitted to Congress the report of this Mr. Abert, who seems to have had a great deal of work in various parts of North Carolina.

Mr. MITCHELL. Is he a colonel of engineers?

Mr. EDMUNDS. He says that he is a "United States civil engineer" and, therefore, I take it he is not a colonel. I never knew a colonel to drop his title in making an official report. If there is such a rare bird as that, we ought to know him at once.

Mr. President, what I am saying is not directed to this particular item any more than to all these others. If we are really in earnest in saying that we do not intend to tax the people this year any more than they are taxed, and have a balance at the end, these matters of what are called public improvements, every one of them, could wait; and a small appropriation for the mere preservation of what has been done, so that nothing will be lost by waste and decay, would be the true economy. Probably this particular improvement is just as much called for as nine-tenths of the others; but it does lack what it is said many of the others possess, a regular estimate by the Secretary of War and a recommendation in his annual report that the public service for this year requires and justifies this expenditure; but that remark, as I say, does not apply to this particular item any more than to the others.

Mr. RANSOM. I return my thanks to the Senator from Vermont for what he last said in reference to this appropriation; and I must ask the Senate to indulge me for one moment while I say a word in reference to Colonel Abert. I happen to know this gentleman, and when I say that he has been employed by the Chief of the Corps of Engineers, General Humphreys, I need say but little more. But it gives me very great pleasure here in the Senate, so far as I can, to bear my testimony to the ability, the scientific attainments, and the fidelity of this gentleman. I can say that he is known among the Corps of Engineers as a gentleman of the very highest order of intellect and of character. The only reason why this report did not come in with the general report was that it was made at a later day.

I will make one remark more about this matter and end it. If through our inadvertence to take out these obstructions or to attend to a little harbor down in North Carolina, or South Carolina, or Maryland, or Massachusetts, or anywhere else, some disaster should occur to the commerce of this country, some small skiff, if you will, or some little schooner, some little sail-boat should go to wreck, and four or five lives be lost, I think we should be paying very dearly indeed for our economy.

Mr. EDMUNDS. As my friend seems to have implied that I said something adverse to the character or position of Mr. Abert——

Mr. RANSOM. I was satisfied that the gentleman did not mean anything of that kind.

Mr. EDMUNDS. I am well satisfied that I did not do so, because all I said was that he stated a self-evident truth when he said this amount should be granted in one appropriation to subserve the purposes of economical expenditure.

Mr. RANSOM. I am sorry that I was mistaken in supposing that my friend would not without knowledge make a reflection on any individual that would be calculated to wound his feelings. I can assure my friend from Vermont that anything and everything which he says here has too much weight with the country, would make too much impression on any individual, to let any slur go from him unanswered against the character of any man. I am very sorry that I misunderstood him.

The PRESIDING OFFICER. The question is on the amendment of the committee to strike out lines 145 and 146.

The amendment was rejected.

The next amendment of the Committee on Appropriations was to strike out lines 147 and 148, in the following words:

For the improvement of Clinch River, Tennessee, $12,000.

Mr. KEY. At last, in this bill we have reached the State of Tennessee. That State, as the Senate knows, is an interior State. It has no coast and no harbors; but we have some great rivers there that are equal to harbors, and we want them opened so that we may get to them. The river spoken of in this item and the two mentioned in the succeeding items drain Eastern Tennessee; rising in the western part of North Carolina and in Southwestern Virginia and running through Tennessee, they come together and make what is known as the Tennessee River. Steamers are now plowing the bosoms of these rivers. The Government has heretofore made appropriations to open the Upper Tennessee River above Chattanooga. It has well-nigh got through with that branch of the work. It has there its boats, its floating shop, all the apparatus necessary for cleaning out these rivers, and there is but an appropriation of $15,000 to that part of the river. That property can be usefully employed, for there the Government hires its own hands, does its own work; and I say that in no part of this country, in my opinion, has so much been accomplished at so cheap a rate as in Eastern Tennessee. These rivers are very important to the people of that section of the State and to the whole country. The country along them is exceedingly fertile, raising for the market a large amount of surplus products. Along these rivers are immense beds of ore and coal that only need some natural channel by which they may get to the markets of the world. Harbors they have not; railroads they cannot have; and the only way which those people can have to get their products and minerals to market is by opening up these natural channels. The appropriations are not large, but they are very important to the people of that section of the country. None in this bill is more useful or more necessary, and I hope the action of the House will be confirmed.

Mr. WITHERS. I will add one word to what has been so well said by the Senator from Tennessee, inasmuch as I have some local knowledge of this particular stream. It rises in Virginia and flows through Virginia for more than a hundred miles. It is the only artery by which the people of that section of the country can bear their products to market. They are from fifty to seventy miles distant from any railroad. The stream is a large, bold stream, that can easily be made navigable by the removal of some rocks that obstruct the navigation at various points: and I am sure that the same amount of money could scarcely be better expended in developing any artery than this particular river, the Clinch, and its branches. The country through which they flow is fertile in minerals and its agricultural productions are unsurpassed by those of any equal area within my knowledge.

They have never had a dime of appropriation made for improvements by the General Government, and I am sure that the amount of the appropriation which is asked for now for this stream will more than repay the country ten times over in five years if it be granted.

Mr. ALLISON. So far as the committee could make investigation they found no estimate for this appropriation. I think there is no estimate for this work nor has there been any survey by the board of engineers. I am very glad to know from the Senator from Virginia and the Senator from Tennessee that this is a valuable improvement, and if it will have the effect to open up this great, beautiful, and broad river, that argument may have weight with the Senate.

Mr. KEY. The Government has property there now worth $100,000 that has been devoted to opening up the Tennessee River, and when the $15,000 appropriated by this bill for that are expended that property can be applied to their work without any new expenditure.

Mr. ALLISON. The only reason the committee struck this out was that they could find no data upon which to recommend it.

The PRESIDING OFFICER. The question is on the amendment to strike out lines 147 and 148.

The amendment was rejected.

Mr. WITHERS. I have to suggest a verbal amendment which was inadvertently omitted by the clerk in transcibing, as I am informed by the Representative of the district, and that was to insert "and Virginia" after "Tennessee;" so as to read:

For the improvement of Clinch River, Tennessee and Virginia, $12,000.

Mr. KEY. I have no objection to that.

The PRESIDING OFFICER. That amendment will be considered as agreed to, if there be no objection. The next amendment of the Committee on Appropriations will be read.

The next amendment of the Committee on Appropriations was to strike out lines 149 and 150, in the following words:

For the improvement of the Hiawassee River, Tennessee, $10,000.

Mr. KEY. What I have said of the Clinch River applies to this, except that this river rises in North Carolina instead of Virginia. It is a very valuable river, and boats run on it already. Ten thousand dollars will help it very much.

Mr. ALLISON. I feel bound to place on record the information we were able to gather in reference to this river. The engineer in charge states that the commerce of the river is very limited. It was found that the cost of giving it a channel two feet in depth, the depth adapted for the tonnage, would be out of all proportion to the amount of benefit to be derived from it; and accordingly the estimate is based upon a depth of two feet at low water and a channel the width of forty feet. That is what it is proposed to do in this river to get a depth of water of two feet and a channel forty feet wide.

The amendment was rejected.

The next amendment of the Committee on Appropriations was to strike out lines 151 and 152, in the following words:

For the improvement of the Powell River, Virginia and Tennessee, $10,000.

The amendment was rejected.

The next amendment was in line 153, after the words "Cumberland River," to strike out "above" and insert "below;" in line 154, after "Tennessee," to strike out "from Nashville to the Kentucky line $25,000, and thence to the foot of Smith's Shoals $20,000; and for Smith's Shoals, $30,000," and insert "$35,000;" so as to make the clause read:

For the improvement of Cumberland River below the city of Nashville, Tennessee, $35,000.

Mr. COOPER. Mr. President, on the theory of the committee I am at a loss to know why they propose this amendment. They certainly will not deny that the river here provided for is one of importance and has heretofore received appropriations from the Government for its improvement. In the Book of Estimates the estimate for it is $250,000, and this appropriation agreed on by the Representatives of Tennessee and Kentucky bordering on the river is $75,000, apportioned as agreed upon by the House.

Now, if there is any one conversant with the facts who has suggested to the committee a change in that arrangement and a reason for it, I should be glad to know why they propose to change that which was agreed upon by the Representatives from both the States of Kentucky and Tennessee bordering upon this river—a lengthy river, navigable for many hundreds of miles above the city of Nashville and below. The Book of Estimates, I say, contains an estimate of $250,000 for the work above and below the city; but the Representatives agreed to take $75,000 and apportion it as here agreed by the House. I do not see any reason why the committee on their own theory should have changed it. I hope the amendment will not be agreed to.

Mr. ALLISON. The House bill proposes to expend in all $98,000 upon the Cumberland River above Nashville, Tennessee, and does not propose any expenditure on the Cumberland River below Nashville. The estimated cost of the proposed improvement above Nashville is $235,000, of which the engineer states that $100,000 might be economically expended during this year. The estimated cost of improving the Cumberland below Nashville, Tennessee, is $284,000, of which $100,000 might be appropriately expended during this year.

Mr. COOPER. One hundred and seventy-five thousand dollars, I think.

Mr. ALLISON. Very well; that only makes the case stronger. Now the House have appropriated $100,000 in round numbers for the Upper Cumberland and nothing for the Lower Cumberland. The engineer in charge of this work, Major McFarland, in his revised estimates, states that the Upper Cumberland might be omitted altogether, and that $35,000 is the lowest sum that he can get along with on the Lower Cumberland below Nashville. The Committee on Appropriations adopted the suggestions of the engineer in charge of this work; and inasmuch as not one dollar has hitherto been expended upon the Upper Cumberland, we thought it more prudent and economical to follow the estimate of the engineer in charge and give $35,000 to the Lower Cumberland, and postpone the improvement above Nashville until next year.

I wish to call the special attention of the Senate to the fact that this bill provides nothing for the Cumberland below Nashville, and appropriates $100,000 for the Cumberland above Nashville, in the States of Tennessee and Kentucky.

Mr. COOPER. Mr. President, the simple question then is whether the Senate will agree with the engineer in charge or with those who represent the people as to the expenditure of money agreed by the engineer to be necessary in order to improve the river. The Representatives along that river say that their people will be greatly benefited by this appropriation being expended on the Upper Cumberland. The engineer says you had better expend it on the Lower Cumberland. The engineers agree that to improve the river would require $300,000 or $400,000, and that $275,000 might be advantageously expended this year on the whole river. The Representatives along the river, both above and below, meet together and say, "Under your estimates we are entitled to $400,000, but Congress is unable to give us more than $98,000; now, give that to us above the city of Nashville; it is more advantageous to our people; it is less money than your own engineers say could be justly expended." Which will the Senate follow, your engineer in charge or the Representatives of the people along the line of that river? It seems to me that the people through their Representatives ought to be listened to.

Mr. STEVENSON. A portion of Kentucky is deeply interested in the improvement of the Upper Cumberland. Some of our Kentucky rivers flowing through a rich mineral and lumber region empty into the Cumberland, and their only means of access to market is by the Cumberland when properly improved to Nashville. It is true, as the honorable Senator from Iowa [Mr. ALLISON] who has charge of the bill says, that no appropriation for the improvement of the Upper Cumberland has been made, but it is equally true that the Chief Engineer, who made this report, says:

No appropriation has ever yet been made for this purpose; but the improvement appears to be one which must exercise an important influence upon the prosperity of the State of Tennessee, and especially upon its capital, and is one which deserves the attention of Congress. One hundred thousand dollars could be well expended during the coming year in this improvement.

In addition to what he so well says about Tennessee, a good deal might be added about the coal and lumber products of Kentucky. An appropriation was made for the Cumberland River, both above and below Nashville. The Representatives in the other House, as I am informed, met and agreed in writing as to the amounts in which the appropriation should be divided. By that agreement the amount to be appropriated to the Cumberland above Nashville was put into the House bill, which the Senate committee have stricken out, and I hope the Senate will not concur in the proposed amendment of the Senate committee in striking out the appropriation to the Cumberland above Nashville. That amendment is in open disregard of the known wishes of the Representatives in the House from several of the districts concerned, as expressed in their written agreement. I hope the amendment will be disagreed to and the appropriation in the House bill be restored.

The amendment was rejected.

The next amendment of the Committee on Appropriations was to insert as lines 162, 163, 164, and 165 the following words:

For removal of Beaver and Sailor Bend rocks and for cleaning out snags and fallen trees in the Little Kanawha, West Virginia, $7,300.

Mr. EDMUNDS. What does that mean? I should like to hear it explained.

Mr. ALLISON. The Little Kanawha is a small river in West Virginia on which it is stated there is considerable navigation, and the engineer informs us that by an expenditure of $7,300 a few rocks can be taken out of the stream and thereby enable a certain class of vessels to go up it some eighty miles. The committee thought on examination it was wise to give this small sum.

Mr. EDMUNDS. The only query in my mind about it is that I see "fallen trees" are also to be taken out, and I wanted to ask the committee whether they were to be taken out to the very source of the river, to its fountain springs, or in some of the lower parts of the stream. I suppose as the clause stands the object is to take them all out from the top spring to the bottom of the stream.

Mr. DAVIS. Mr. President, the terms of the appropriation would answer the Senator's question. The sum is $7,300. The Little Kanawha is a river of some importance to the State of West Virginia, upon which there are oil-works to a considerable extent, and a great many who have speculated in oil know something about it. Some seasons as much as 200,000 barrels of oil come down this stream. There are now, by individual enterprise, locks and dams constructed

for about forty miles on this river. The engineers, by their examination, say that there are rocks at certain places in the river and certain trees have fallen in which obstruct navigation, and $7,300 will take them out, and that will add to the present lock-and-dam improvement about sixty-three miles of navigation. That is the whole of the case.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was in line 169, to increase the appropriation for the improvement of the Chattahoochee and Flint Rivers, Georgia, from $20,000 to $25,000.

The amendment was agreed to.

The next amendment was to strike out lines 170, 171, and 172, in the following words:

For continuing the work of dredging and removing obstructions to navigation in Cypress Bayou, Texas, $30,000.

Mr. MAXEY. It will be observed that this appropriation is for continuing the work of dredging Cypress Bayon. I would state to the Senate that the city of Jefferson, a place of twelve or fifteen thousand inhabitants, is at the head of that bayon in Eastern Texas, and that place is connected by water with the city of New Orleans. Down that stream comes quite a large commerce in cotton; last year, I believe, 40,000 or 50,000 bales. An appropriation of $50,000 was made by the United States to dredge out the Cypress Bayon between that point and where the bayou enters the Red River, above Shreveport. In addition to that, the people of Jefferson expended $20,000 for a dredge-boat, which was turned over to the Government to aid in that matter, and the State in like manner has expended a large amount of money. This is important, and I speak from personal knowledge, and ask that the amendment be non-concurred in.

Mr. ALLISON. I think I ought to say that the committee struck out this item for the reason that the engineers report that it is only a temporary work in its nature and character.

Mr. MAXEY. I know the character of the place perfectly well. I know that an improvement has been made there, and I know that it is important. From the member from that district, who lives there, I have lying on my table now a complete statement of the commerce of that place, which I know is large. I do not want to trouble the Senate by reading it. I will add that a railroad is now in the course of construction at the rate of three miles a day connecting the town in which I live with Jefferson, which will be done by the 1st of September; and in view of the rapid development of Texas this appropriation should be granted.

Mr. ALLISON. I only wish to state why the committee proposed to strike out this appropriation. The engineer states that the work is only temporary in its character, and then goes on to state, speaking of the decay of trade at this town of Jefferson:

But there are other causes existing that have had this effect, and among them is the completion of the Cairo and Fulton Railroad, which passes through Jefferson and has caused the trade of the country which had Jefferson for a shipping and receiving point to be diverted to other points north and south, so that to the removal of the raft alone Jefferson cannot attribute the decline of her trade.

Mr. MAXEY. Right there, if the Senator from Iowa will permit me, I will say that the additional road which I have spoken of is the transcontinental branch of the Texas Pacific that terminates at Jefferson.

Mr. ALLISON. The engineer continues:

These facts are stated in order that it be determined whether, in view of the cost of the plan of relief presented, the improvement be carried out.

It was a question for the committee whether or not this expenditure of $30,000 should be incurred in continuing this work when other causes seem to be operating upon the trade of Jefferson, and when the engineer in charge makes no estimate for this year. Of course if the Senate think otherwise they will vote accordingly.

Mr. MAXEY. The city of Jefferson itself has gone to an expense of over a million of dollars to secure those railroads, the most important one of which I have just now named, the Texas Pacific, and the East Line road is now under contract. Of course the result will be to bring more commerce there. That region is in one of the richest parts of the whole State of Texas. The appropriation is right properly passed by the House, and it ought to be granted.

The amendment was rejected.

The next amendment was to strike out lines 173 to 178, in the following words:

For the improvement at Sabine Pass, and for improvement of Blue-Buck Bar and Sabine Bay, and for deepening the channel over the bar at the mouth of the Sabine River, and for deepening of the channel over the bar at the mouth of Neches River, where these rivers enter Sabine Bay, $60,000.

Mr. MAXEY. On that appropriation made by the House I ask that the Senate amendment be non-concurred in, and I will especially call the attention of the Senator from Iowa to the fact that the estimate was not found in the book, so that, I presume, he was thereby misled; but I know that the estimate was made, and that the appropriation was according to the rule adopted by the House within the estimate. I have in my possession now an official estimate from the Chief of Engineers, General Humphreys, and I will read so much of it as explains his reason for not including it in the regular Book of Estimates originally:

By reference to my last annual report it will be observed that no estimate was submitted for continuing the work of improvement at Sabine Pass, Texas. The reason for this omission was that it was believed the work would have progressed so far under the last appropriation as to enable the officer in charge to determine whether an open cut through the bar would be permanent. This has not, however, been satisfactorily shown as yet; but in view of the growing importance of the interests concerned, it is not deemed advisable to await further developments, and I have therefore to submit an estimate for continuing the improvement now in progress, for a channel of twelve feet depth, during the next fiscal year, of $83,000.

Again, it will be observed that this is for continuing an improvement already in progress. The amount proposed was $83,000. The amount appropriated is $60,000. I will add that the Sabine River is the dividing line between the State of Louisiana and the State of Texas, and there are hundreds of thousands of acres of the finest white-pine lands along the Sabine, the only place in Texas where white pine is found, and the commerce of the country demands that that white pine shall be got out. Men connected with shipping say that the best spars and the best masts that can be obtained, since the pine forests in Maine have been so much depleted, can be found on the Sabine River in the State of Texas. Twelve feet of water there will give an outlet to enable it to go to the commerce of the world.

In addition to that we have as fine cypress there as anywhere in the world. Seventy million shingles were shipped down that river last year. They have four, five, or six steamboats on it, besides sloops and schooners. Twelve thousand bales of cotton were sent down that river last year.

In view of all these things and the fact that it is a continuance of a work which is essential to the development of that portion of the country, I ask that the amendment be non-concurred in and that the bill as passed by the House be sustained.

The amendment was rejected.

The next amendment of the Committee on Appropriations was to strike out from line 179 to 181, in the following words:

For deepening the channel over the bar at the mouth of the Trinity River where it enters Galveston Bay, $12 500.

Mr. MAXEY. It will be observed that there is not a dollar asked toward the improvement of Trinity River. Trinity River is navigable for some five hundred miles, carrying thousands of bales of cotton to commerce. The river empties into Galveston Bay about forty miles from the city of Galveston. The bar is formed where the river debouches into the bay; and all that we ask is this $12,500 to remove that bar in order that the commerce of the Trinity River, which covers nearly thirty counties, can get full ingress and egress. The appropriation is small; but it is for the simple removal of a bar which has formed across the mouth of the river where it enters the bay.

The amendment was rejected.

The next amendment of the Committee on Appropriations was to strike out lines 182 and 183, in the following words:

For the improvement of Pass Cavallo, inlet to Matagorda Bay, Texas, $40,000.

Mr. MAXEY. Mr. President, there is a line of steamships already in full operation between the city of New Orleans and Powder Horn, which is the port of entry of Indianola. In order to get to Powder Horn these vessels have to pass up this Pass Cavallo. It will be borne in mind by those who have kept up with the history of the country that last fall we had a terrible cyclone in Texas that devastated almost that entire coast country. The city of Indianola, which is the commercial point of which Powder Horn is the port of entry, was swept away. There is leading now from the city of Indianola in the direction of San Antonio a railroad, which has been carried a distance of about eighty miles from San Antonio, which will connect the city of San Antonio, the largest and most flourishing city in Western Texas, with salt water and with the commerce of the world.

This Pass Cavallo, or bar at the mouth separating the Gulf from the port of entry at Powder Horn, was largely accumulated by reason of the cyclone that we suffered from last fall. The people of that section were prostrated; so much so that in the city of Boston—and I thank God that the hearts of the northern people do open out toward southern men sometimes—the people of Boston sent their money down there to help us out. We cannot remove the obstruction; we have not got the money. This opens up to commerce a magnificent portion of the country, perfectly well known to my colleague who lives in that portion of the State, and I assert here as a Senator from that State that I regard this appropriation as necessary, and I ask my colleague if that statement is not correct.

Mr. HAMILTON. In addition to what my colleague has said, the port of Indianola, in the way of entrance to which stands Pass Cavallo, is the outlet for a large and growing section of country. Railroads are now extending out to the westward in addition to the facilities hitherto enjoyed in that country for its commerce. Last September a gale swept over that coast, and while it damaged the town very greatly it improved the navigation of the bar, opened a channel several feet deeper than it had been for many years before; but it is not straight. It requires an additional sum now to clear out all the obstructions; and although there is no estimate made for this work by the engineer during the last year, only during the last Congress surveys were made all along that coast and a system of improvements recommended which was designed to be tested at Galveston first, because all these bars are similar. There is a good deal of quicksand, and the bars are shifting, the channel is shifting; and the Government has entered upon a system of experiments at Galveston, which the engineers think will be entirely successful. That

work is now in progress, and it withstood the tempest of last fall very thoroughly. The intention was, as soon as that was completed, to apply the same system to Pass Cavallo and to the bar which furnishes an inlet to the towns of Rockport and Corpus Christi, both very important places on the coast, and not one solitary dollar has ever been appropriated by the Government for the improvement of either one of these places. They have almost been lost sight of. They lie a long way off, and there are so many very important points demanding the attention of the engineers of the Government that somehow or other these outside places have not had the attention they really deserve.

The sum is inconsiderable, and inasmuch as it is the first money appropriated for these places, I hope the Senator from Iowa will not persist in objecting. I hope the amendment of the committee will not be concurred in in regard to both Pass Cavallo Bar and the other point.

Mr. MAXEY. I am under many obligations to my colleague for making the statements that he has submitted. Now, while it may appear to some gentlemen that it is singular we should ask for these various things, it should be borne in mind that we have twelve hundred miles of coast; it should be borne in mind that we have increased our population since the census of 1870 more than double; it should be borne in mind that last year we sent 600,000 bales of cotton to market; it should be borne in mind that the interests of the United States demand that there should be free means of ingress and egress to the commerce of this great and growing State. I most earnestly ask the Senate to non-concur in this amendment.

Mr. ALLISON. The two amendments from line 182 to 183 and line 184 to 186, as suggested by the Senator on my right from Texas, [Mr. HAMILTON,] may as well be considered together. The committee struck these items out of the bill for the reason that they are experimental in their character. There is no stone at either of these points, and therefore the only possible way of making an improvement is the adoption of the experiments now going on at Galveston. As I remember these locations, they are in the extreme southeast corner of Texas.

Mr. HAMILTON. The first one, Pass Cavallo, is about the center of the coast of Texas. The other is a little farther west.

Mr. ALLISON. If these improvements are entered upon they must go on according to the experiments now being made at Galveston. If these experiments at Galveston should prove unsuccessful, then every dollar of money we appropriate here will be money thrown away. I ask Senators to bear in mind that we have left in this bill $300,000 for the harbor of Galveston. We have permitted these engineers to go on and make these experiments, and given them ample money and opportunity to make the experiments at Galveston, and I do not think it is prudent for us to have them enter upon the same experiments at two other points in the State of Texas. These experiments are made with basket jetties filled with sand; and, as was said by the Senator from Texas, [Mr. HAMILTON,] they did withstand the storms of last winter, but they have only had one test. Is it wise for us to commence this experiment again at Pass Cavallo?

Mr. MAXEY. I will state to the Senator that the test made was such as has not been put upon any public work for fifty years. The test, the cyclone of last fall, was a very severe one, and it stood it boldly and rode it out.

Mr. ALLISON. The experiment may be successful; but here are two appropriations, one of $40,000 and one of $10,000, without any estimate of any engineer for the improvement, without any recommendation so far as I know on the subject.

Mr. MAXEY. I have the estimates here.

Mr. ALLISON. But not this year. And why? Because this is experimental. Now the Senate puts in every little river, every little harbor, and every little streamlet in the United States against the suggestions of the committee, when we have read over and over again here reports showing that improvements in this bill are unnecessary, unimportant, and a waste of money; and now we propose to add $50,000 for experimental basket jetties at two ports upon the Gulf of Mexico, and call it economy!

Mr. President, I do not believe this money ought to be appropriated at this time. I believe it may turn out to be an absolute waste of money; and therefore the committee adheres to its recommendation in favor of striking out this $50,000; and I trust the Senate will concur.

Mr. MAXEY. Mr. President, this is no untried experiment. I stated to the Senator that when that cyclone swept over the coast of Texas last fall, such a one as no public work has been subjected to for fifty years, the work at Galveston Island withstood that and rode it out boldly. I say more than that, the system of jetties, so far as they have been carried on—and you have only to look at the mouth of the Mississippi River, you have only to look at Galveston—is proving to be one of the most magnificent experiments ever made by the Engineer Corps, and I say if successful it will save the United States Government millions of dollars.

I stated that I intended to appeal to the mercy of the Senator, or rather to his kindly heart, for he has one. These people had all they had on earth swept from them by the cyclone last fall; their commerce was stricken down for the time being; and yet the line of steamships was kept up by its owner; the work on the railroad was continued; and it is necessary, as my colleague has well told you, for an outlet to a great, growing, and prosperous country back of it; and they have no other means. Now I ask if the request I have made is unreasonable? It is right and should be passed, and I ask that it shall be.

Mr. ALLISON. I think I shall ask for the yeas and nays on this amendment.

The yeas and nays were ordered; and being taken, resulted—yeas 10, nays 31; as follows:

YEAS—Messrs. Allison, Cameron of Pennsylvania, Conkling, Howe, Oglesby, Saulsbury, Wallace, West, Windom, and Wright—10.

NAYS—Messrs. Barnum, Bayard, Bogy, Caperton, Christiancy, Cockrell, Conover, Cooper, Davis, Dawes, Ferry, Gordon, Hamilton, Harvey, Hitchcock, Ingalls, Jones of Florida, Kelly, Key, McDonald, Maxey, Merrimon, Mitchell, Norwood, Patterson, Randolph, Ransom, Robertson, Spencer, Stevenson, and Withers—31.

ABSENT—Messrs. Alcorn, Anthony, Booth, Boutwell, Bruce, Burnside, Cameron of Wisconsin, Clayton, Cragin, Dennis, Dorsey, Eaton, Edmunds, Frelinghuysen, Goldthwaite, Hamlin, Johnston, Jones of Nevada, Kernan, Logan, McCreery, McMillan, Morrill, Morton, Paddock, Sargent, Sharon, Sherman, Thurman, Wadleigh, and Whyte—31.

So the amendment was rejected.

The next amendment of the Committee on Appropriations was to strike out lines 184 to 186, in the following words:

For the improvement of Aransas Pass and approaches to Rockport and Corpus Christi Harbors, Texas, $10,000.

Mr. HAMILTON. I thought the Senator from Iowa put this item with the preceding amendment which has just been voted upon.

Mr. ALLISON. They ought to stand together. I do not make any point on this amendment, the other having been rejected.

The amendment was rejected.

Mr. NORWOOD. In lines 187 and 188 I offer a verbal amendment so as to make the clause more intelligible. I send the amendment to the desk.

The PRESIDING OFFICER, (Mr. MITCHELL in the chair.) The amendment will be reported.

The CHIEF CLERK. It is proposed to strike out lines 187 and 188, in the following words:

For the improvement of the Coosa River, Georgia, $40,000.

And in lieu thereof to insert:

For the improvement of the Coosa River from Rome, Georgia, to the bridge of the Selma, Rome and Dalton Railroad Company, in Alabama, $40,000.

Mr. NORWOOD. That is merely to designate more particularly where the work is to be done.

Mr. SPENCER. This amendment ought to be adopted. I was going to offer the same amendment myself. I think the Senator in charge of the bill will accept it.

Mr. ALLISON. There is no objection to the amendment. We supposed the engineer would expend this money between the points named in the amendment. Therefore under the circumstances there is no objection to it.

The PRESIDING OFFICER. Is there objection to this amendment? If there is none, the amendment will be considered as agreed to. The Clerk will report the next amendment of the Committee on Appropriations.

The next amendment of the Committee on Appropriations was in line 189, after the word "Arkansas," to insert "and Louisiana;" and to strike out "eight" and insert "fifteen;" so as to read:

For the improvement of the Ouachita River, Arkansas and Louisiana, $15,000.

The amendment was agreed to.

The next amendment was to strike out lines 191 and 192, in the following words:

For the improvement of the Tombigbee River, Alabama, $13,950.

Mr. SPENCER. I hope that this amendment will not be adopted. I feel called upon to ask the Senator in charge of the bill why we should strike out so important a river as the Tombigbee? Appropriations have been made for it for several years. The stream drains a large portion of the State of Mississippi and several hundred miles of the State of Alabama. It is one of the important water-courses of this country. I am thoroughly astonished that the committee should have stricken out this appropriation. I hope the Senate will not concur with the committee.

Mr. ALLISON. I am rather astonished myself, Mr. President, that we should have made this amendment in view of the votes that we have had upon all the amendments of the committee thus far. I will state for the information of the Senator from Alabama that we made this amendment on the statement of the engineer in charge that no engineering or commercial need for appropriations for the Tombigbee and Pascagoula Rivers existed. Upon that statement we thought we would strike it out. We are evidently wrong.

Mr. SPENCER. The Senator cannot be very well acquainted with the resources of the States of Alabama and Mississippi and the geography of the country if he does not know that the Tombigbee River is a very important stream. I hope the Senate will not concur in the amendment.

The amendment was rejected.

AMENDMENT OF BANKRUPT ACT.

Mr. THURMAN. The Senator from Iowa gives me leave to ask the Senate to hear a report from a conference committee. I submit the report.

The Chief Clerk read the report, as follows:

The committee of conference of the Senate and House of Representatives on the disagreeing votes of the two Houses on the amendment of the House to the bill of the Senate No. 332, to amend the act entitled "An act to amend and supplement an act entitled 'An act to establish a uniform system of bankruptcy throughout the United States,' approved March 2, 1867, and for other other purposes," approved June 22, 1874, after a full and free conference have agreed to recommend, and do recommend, to the two Houses, respectively, as follows:

That the Senate recede from its disagreement to the amendment of the House, and concur therein with an amendment, as follows:

Strike out all of the amendment of the House after the word "that" and insert in lieu thereof the following:

Section 5108 of the Revised Statutes is hereby amended so as to read as follows:

"SEC. 5108. At any time after the expiration of six months from the adjudication of bankruptcy, or, if no debts have been proved against the bankrupt, or if no assets have come to the hands of the assignee, at any time after expiration of sixty days and before the final disposition of the cause, the bankrupt may apply to the court for a discharge from his debts. This section shall apply in all cases heretofore or hereafter commenced."

And that the House concur in the same.

A. G. THURMAN,
GEO. G. WRIGHT,
GEO. F. EDMUNDS,
Managers on the part of the Senate.
WM. P. LYNDE,
SCOTT LORD,
WM. P. FRYE,
Managers on the part of the House.

The report was concurred in.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. GEORGE M. ADAMS, its Clerk, announced that the House had agreed to the amendments of the Senate to the following bills:

A bill (H. R. No. 339) for the relief of E. D. Franz;

A bill (H. R. No. 341) for the relief of Louis Rosenbaum; and

A bill (H. R. No. 1808) for the relief of Daniel Wormer, of Albany, New York.

The message also announced that the House had passed the following bill and joint resolution; in which it requested the concurrence of the Senate:

A bill (H. R. No. 3892) to remove the political disabilities of George Watson Carr, a citizen of the State of Virginia; and

A joint resolution (H. R. No. 148) in reference to the wreck of the United States monitor Tecumseh.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (S. No. 928) for the relief of Albert W. Preston;

A bill (H. R. No. 1970) relating to the approval of bills in the Territory of Arizona;

A bill (S. No. 391) to authorize the Secretary of War to purchase a parcel of land on the island of Key West, Florida;

A bill (S. No. 627) making an appropriation to pay the claim of Butler, Miller & Co.;

A bill (S. No. 843) establishing the rank of the Paymaster-General;

A bill (S. No. 123) for the relief of Philip S. Wales, medical inspector in the United States Navy;

A bill (S. No. 894) to provide for the sale of the Fort Kearney military reservation in the State of Nebraska;

A bill (H. R. No. 339) for the relief of E. D. Franz;

A bill (H. R. No. 341) for the relief of Louis Rosenbaum;

A bill (H. R. No. 1808) for the relief of Daniel Wormer, of Albany, New York;

A bill (H. R. No. 2684) to amend sections 3946, 3951, and 3954 of the Revised Statutes; and

A bill (H. R. No. 3411) authorizing the repavement of Pennsylvania avenue.

RIVER AND HARBOR BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 3022) making appropriations for the construction, repair, preservation, and completion of certain public works on rivers and harbors, and for other purposes.

The PRESIDING OFFICER, (Mr. MITCHELL in the chair.) The next amendment of the Committee on Appropriations will be stated.

The CHIEF CLERK. The next amendment of the committee is in line 194, to increase the appropriation "for the improvement of the harbor at Cedar Keys, Florida," from $10,000 to $20,000.

The amendment was agreed to.

The next amendment was in line 196, to increase the appropriation "for the improvement of the Lower Willamette and Columbia Rivers from Portland, Oregon, to the sea" from $15,000 to $30,000.

The amendment was agreed to.

The next amendment was in line 199, to increase the appropriation "for the improvement of the Upper Willamette River, Oregon," from $15,000 to $25,000.

The amendment was agreed to.

The next amendment was to strike out lines 202 and 203, in the following words:

For breakwater at Wilmington, California, $30,000.

Mr. BOOTH. I do not wish to be so eccentric as not to say anything in regard to this amendment. I will state frankly that I have approved of the theory of the committee; but if the theory is not to be adopted, I should like to know why this item should be made an exception. I will say in regard to this amendment, and in regard to the appropriation for Monterey Harbor, which has also been stricken out by the committee, that California has a coast line of about fifteen hundred miles. The only two good harbors are at San Francisco and San Diego. The breakwater at Wilmington has been in progress for a great many years, and I believe the appropriation has not heretofore been omitted. If there is any very good reason for omitting it this year I shall not press my opposition to the amendment. In regard to Monterey, I will state that that is a port of considerable importance on account of its railway connection with one of the best wheat-growing districts in the State. It is in a fair way to become the best harbor in all respects except the harbors at San Francisco and San Diego. I understand the appropriation to be simply for a breakwater, and if it can be made a good harbor, very much of the wheat in that portion of the State which is now compelled to go by the railway system of the State will be able to find transportation by vessels from the coast. If there is any good reason for striking out these appropriations I shall not insist on retaining them; but as the theory of the committee has been entirely broken down, I ask to have these two items retained.

Mr. ALLISON. The committee understand that this is the beginning of a new work for a breakwater at Wilmington. We have hitherto expended a considerable sum of money in extending the piers out from the harbor. The work will be expensive. I am told that very near this point there is a very good harbor without cost to the Government; I have forgotten the name of it. The colleague of the Senator [Mr. SARGENT] was entirely willing that this item should be stricken out. He regarded it as an unnecessary expenditure of money. Upon his recommendation the committee omitted it. I think the Senator will find that there is no necessity for this appropriation.

Mr. BOOTH. There is certainly no good harbor near Wilmington.

Mr. FERRY. I am very glad that the golden opportunity is offered to gain us the support of the "golden slope." We have not happily had the support of my friend from California on my right, because he has concurred with the committee, and I trust that if now we stand by him he will stand by us.

Mr. BOOTH. I do not think the Senator from Michigan wants to make any bargain at all. If the general theory of the committee had been sustained I should not have said one word, for I candidly have not given the attention to this subject that the committee have. I was willing to adopt their judgment; but if their theory is to go all to pieces, I should like to save a little from the wreck.

Mr. FERRY. Upon that principle I suppose the Senator will be sustained. The Senate has declared in regard to a part of this bill that it would not follow the mean line of policy adopted by the committee.

Mr. EDMUNDS. That is not parliamentary language. I call my friend to order.

Mr. FERRY. I do not use it in an offensive sense. There are two meanings to the word "mean," I will inform the Senator from Vermont. There are two different kinds of meanness.

Mr. EDMUNDS. This is a means to an end.

Mr. FERRY. And justifiable means as well. It was only in that sense I was sustaining the Senator from California, and especially in the absence of his colleague coming to his support in opposing this amendment. It is upon that basis that I have acted. Wherever a Senator from a State has declared an appropriation to be necessary I have been willing to support it, and I shall support it cheerfully in this case.

Mr. EDMUNDS. I have tried as hard as I could to stand by the committee, because I believed that with their better means of examination and scrutiny and with a view to that great retrenchment and reform that has been so much preached, they could tell better what to strike out than we could. I have voted with them every time; but I find that a majority of the Senate is of opinion that retrenchment and reform, as that song has been sung, is a mere humbug, intended for "the ears of the groundlings;" and that whatever in and of itself is right and proper and useful for the public advantage ought to be put into this bill. I am satisfied now from the statement of the Senator from California that this thing is a useful and proper thing in and of itself; and as that is the basis of his proposition I shall vote for it.

The amendment was rejected.

The next amendment of the Committee on Appropriations was in line 209, after "San Joaquin River," to strike out "below Stockton, California, to be applied below Stockton," and insert "California;" so as to read:

For the improvement of San Joaquin River, California, $20,000.

The amendment was agreed to.

The next amendment was to strike out lines 212 and 213, in the following words:

For the improvement of Monterey Harbor, California, $12,000.

Mr. ALLISON. I hope this amendment will be concurred in. This is a small harbor at Monterey. I do not see the Senator from California [Mr. BOOTH] present.

Mr. KEY. The Senator from California left the Chamber for a moment.

Mr. ALLISON. The engineers have made a careful estimate of its

cost and have presented, I think, three different modes of improvement, the lowest being $7,000,000 and the highest $12,000,000. To begin this work the House have appropriated $12,000. The committee thought it was rather too small a sum to begin a work costing either $7,000,000 or $12,000,000.

Mr. KEY. The Senator from California is absent from the Chamber for a moment. I think the amendment ought not to be disposed of until he returns.

Mr. WEST. In the present temper of the Senate I think he can trust it.

The PRESIDING OFFICER. The Senate cannot wait on the Senator from California.

The amendment was agreed to.

The PRESIDING OFFICER. The next amendment of the committee will be stated.

The Chief Clerk proceeded to read the next amendment.

Mr. BOOTH. I understand that when I was out of the Chamber a moment ago the amendment which I really was anxious to have non-concurred in was agreed to.

The PRESIDING OFFICER. That is the fact.

Mr. EDMUNDS. I move to reconsider the vote by which the amendment was agreed to.

The motion to reconsider was agreed to.

The PRESIDING OFFICER. The question recurs on agreeing to the amendment of the committee to strike out the appropriation of $12,000 for the improvement of Monterey Harbor, California.

Mr. BOOTH. I wish that amendment non-concurred in under the circumstances. I spoke of it before, and really it is of much more importance than Wilmington, and is the place in regard to which I principally addressed my remarks.

Mr. WINDOM. I have no doubt it is a very important place, but fearing the voice of the Senator from Iowa was not quite loud enough to be heard in this corner of the Chamber, I desire to repeat what he said a little while ago, that the careful estimates of the engineer show that the improvements will cost only from $7,000,000 to $12,000,000.

Mr. EDMUNDS. Does the Senator mean to say that some of the estimates are careful and others are not?

Mr. WINDOM. I mean that all are careful.

Mr. EDMUNDS. The Senator said "the careful estimates."

Mr. WINDOM. The House proposed to appropriate $12,000. It seems to me that unless very great progress can be made this year, certainly the Senate ought to vote the item out. It would not be a very valuable commencement of a twelve-million-dollar work to expend $12,000 this year, and certainly it will be in the line of economy, since the facts are known, for us to strike it out and not begin now.

Mr. CONKLING. But "tall oaks from little acorns grow."

The PRESIDING OFFICER. The question is on the amendment striking out.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was to strike out lines 218 and 219, in the following words:

For the improvement of the harbor at Little Sodus Bay, New York, $5,000.

Mr. CONKLING. I voted with the committee every time until we reached Monterey; I weakened a little on Monterey, I confess.

Mr. EDMUNDS. We had a battle there once.

Mr. CONKLING. I hope, inasmuch as the committee has been disagreed with in nearly all other cases, the chairman of the committee will bear me out in saying that this is an instance in which the reasons for preserving the House bill are very much stronger than in many of the other cases where it has been adopted by the Senate. I think my friend from Iowa will sustain me in the same observation, when I make it, which I shall do, about some of the earlier items in the bill. I think the whole committee will agree that the items in the State of New York which have been stricken out are, for more cogent and pressing reasons, important, and come nearer the view of the committee than a large part of the amendments which have been disagreed to. I ask the Senator from Iowa whether I am not right in this statement?

Mr. ALLISON. For Little Sodus Bay we had an estimate of $17,000. The committee on reading the report thought the whole sum ought to be appropriated at one time. Therefore, in view of the economy that we propose, we thought we could not appropriate $17,000 now, and hence omitted the appropriation entirely. It is a meritorious improvement. I will say to the Senator from New York that this is also one of those little harbors of refuge that we have heard something about in the debate.

Mr. CONKLING. It is a harbor of refuge on Lake Ontario. It is a necessary harbor. It is a harbor in which improvements have been partially made, and they are waiting and suffering for continuance. As my colleague [Mr. KERNAN] reminds me, it is the terminus of a railroad, the Southern Railroad, and there is considerable traffic there. I could say other things about it; but I cannot think that in view of the judgment of the Senate they will select any one State to be excepted from a rule applicable to the other States.

The PRESIDING OFFICER. The question is on concurring in the amendment of the committee to strike out the appropriation.

The amendment was rejected.

The next amendment of the Committee on Appropriations was in line 221, to increase the appropriation "for the improvement of the Schuylkill River, Pennsylvania," from $18,000 to $28,000.

The PRESIDING OFFICER put the question upon the amendment, and declared that the noes appeared to prevail.

Mr. WALLACE. I hope not.

Mr. ALLISON. I think the Senate must have voted under a misapprehension. The amendment increases the appropriation made by the House.

Mr. CONKLING. Then it will certainly carry.

Mr. EDMUNDS. That was a misapprehension!

Mr. WALLACE. Owing to the increased terminal facilities on the Lower Schuylkill near Philadelphia, a very largely increased amount of shipping has been thrown into that part of the Schuylkill River. It is necessary to increase the depth of water in order to accommodate the large amount of grain and oil shipped from the lower part of the city of Philadelphia so as to enter the Delaware and go thence to the sea. The engineer recommended an appropriation of, I believe, $50,000. The committee have increased the appropriation made by the House from $18,000 to $28,000. It is indispensable that this appropriation at least be made in order that the great commerce at that port be accommodated. It is one of the most important improvements that can be added to the commerce of the city of Philadelphia.

Mr. CONKLING. Evidently the question on the amendment was taken under a misapprehension.

The PRESIDING OFFICER. The question is on the amendment striking out "$18,000" and inserting "$28,000" for the improvement of the Schuylkill River. Is the Senate ready for the question?

Mr. EDMUNDS. I am not quite ready. I am in favor of this amendment, although I voted under a misapprehension against it just now. I have been along the Schuylkill lately below the Fairmount dam, and I have observed that it really needs improvement. It is covered with coal-oil and a great many things of that kind that ought to be cleared out; and the Delaware, a comparatively unimportant river just up there, does not seem to be large enough to hold the shipping. I am satisfied, therefore, that there cannot be any doubt that the Lower Schuylkill, to say nothing of the upper, the committee ought to have provided for, as they did for the Little Kanawha, &c., and the falling trees ought to be provided for.

The PRESIDING OFFICER again put the question and declared that the noes appeared to prevail.

Mr. WALLACE. Divide, Mr. President.

Mr. CONKLING. May I inquire, is it understood by a majority of the Senate that the amendment of the committee in this case is to increase an appropriation?

The PRESIDING OFFICER. The Chair has stated that fact some two or three times.

Mr. CONKLING. Then I cannot understand why the committee is not sustained in this case. It seems to me that if the Senate understand it there can be no question.

Mr. COCKRELL. I doubt not that the committee ought to be sustained on principle. The distinguished Senator from New York voted, I believe, to sustain every proposition coming from the committee increasing the appropriations made by the House. I believe I voted against every one of them and I have voted against this one. I am not astonished at the distinguished Senator from New York stating that we voted under a misapprehension, because I believe it has been the rule of the Senate to increase every appropriation.

Mr. CONKLING. Mr. President, if the honorable Senator wishes to decorate me, I should like him to be a little more accurate. I have not voted to increase every appropriation; far from it. I have voted on this bill to stand by the committee in every case until we reached Monterey. That case struck me very much as a word struck the old lady who listened to a sermon. She said she was not very much moved until the preacher came to that beautiful word, "Mesopotamia." When we reached Monterey I deserted the committee, but until that time I stood by them in all their amendments to this bill.

The PRESIDING OFFICER. The question is on the amendment.

Mr. DAVIS. A division has been called for.

Mr. EDMUNDS. We have had debate since then.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was to strike out lines 222, 223, and 224, in the following words:

For the improvement of the Delaware River between Trenton and White Hill, New Jersey, $7,500.

Mr. FRELINGHUYSEN. I hope the amendment will not be agreed to. I understand that that is a work of dredging which has been going on there for some years. I have looked at the report. Some $25,000 has been expended. My colleague, who is just now absent from the Chamber, has looked into the case.

The amendment was rejected.

The next amendment was to strike out lines 225 and 226, in the following words:

For the improvement of the harbor at Bridgeport, Connecticut, $15,000.

Mr. EATON. I have a word to say in regard to this amendment. I think the committee will bear me witness that I have been willing to stand by them in striking out appropriations for all the States. It is not the temper of the Senate to do it, however, and I desire to see this improvement given to my own State. Bridgeport is a town of twenty-five or thirty thousand inhabitants, of very considerable for-

eign trade, and the terminus of two railroads. Really this appropriation is necessary for the harbor there.

Mr. EDMUNDS. May I ask the Senator from Connecticut a question?

Mr. EATON. Certainly.

Mr. EDMUNDS. The Senator says it is a town of very considerable foreign trade. May I ask what was the total amount of duties received on foreign merchandise at that port during the last fiscal year?

Mr. EATON. I am not able to inform the Senator.

Mr. EDMUNDS. Did it amount to $3,000,000, or so?

Mr. EATON. Not more than a million and a half, in my judgment.

Mr. EDMUNDS. Why, not more than that?

Mr. EATON. Not more than a million and a half; probably not quite so much as that; but it is a smart town, deserving of the appropriation, if any town is deserving of an appropriation of this character. That is all I have to say. I desire that the Senate shall stand by its own action in regard to Bridgeport.

The amendment was rejected.

The next amendment of the Committee on Appropriations was to strike out lines 231 and 232, in the following words:

For the improvement of the harbor at Saugatuck, Michigan, $3,000.

Mr. FERRY. I believe this is the first time I have asked the Senate to-day to non-concur in an amendment for Michigan. It takes the Senator from Vermont [Mr. EDMUNDS] by surprise, but it is a fact. I will state that I had introduced an amendment increasing this appropriation to $5,000, and had it referred to the committee; but the action was a sort of boomerang one. It seems they have stricken out the whole item. I trust the Senate will non-concur in the amendment of the committee and restore the $3,000. It is necessary. The Engineer Department have reported that this should be given so as to keep off the demolition of the improvements already made. I trust the Senate will non-concur.

The amendment was rejected.

The next amendment of the Committee on Appropriations was in line 233, after the word "harbor" to insert "and river;" and in line 234 to strike out "twelve" and insert "twenty;" so as to make the clause read:

For the improvement of the harbor and river at Saint Joseph's, Michigan, $20,000.

The amendment was agreed to.

The next amendment was in line 240, to reduce the appropriation "for the improvement of the harbor at Port Washington, Wisconsin," from $12,500 to $10,000.

The amendment was agreed to.

The next amendment was in line 243, to increase the appropriation for the improvement of the harbor at Oswego, New York, from $70,000 to $100,000.

The amendment was agreed to.

The next amendment was to strike out lines 244 and 245, in the following words:

For the improvement of the harbor at Waddington, New York, $5,000.

Mr. CONKLING. May I inquire of the Senator from Iowa is there no estimate or recommendation for that?

Mr. ALLISON. There is no estimate. There have been several appropriations made for Waddington, and the engineer's reports show that the work has been practically completed. They say that no further estimate is made.

Mr. CONKLING. Did the Senator say that the engineer reports that the work is practically completed?

Mr. ALLISON. Practically completed, as I remember.

Mr. CONKLING. If the Senator is right about that——

Mr. ALLISON. I will read the report:

The original estimate for this harbor was $17,000, which would have completed all the work then intended; it was deemed best, however, to make some further improvements, and up to the close of the fiscal year $25,000 has been appropriated, of which $19,983.17 has been expended. No further appropriation will be required for the harbor.

I merely state this for the information of the Senate.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was in line 250, to increase the appropriation "for the improvement of Hudson River, New York," from $25,000 to $66,000.

Mr. FRELINGHUYSEN. I do not exactly understand the clause to which this amendment is moved. The clause reads:

For the improvement of Hudson River, New York.

New Jersey has some interest in the Hudson River. The State of New York, by its highest court, had the manhood and the integrity to declare that the boundary was the center of the river and that New Jersey had equal rights in that river. It was so held by a unanimous decision, although New Yorkers had prior to that time somewhat questioned it. I notice on the seventeenth page, where it speaks of the Hudson River, the bill says:

For dredging Hudson River in front of Jersey City, $25,000.

That is stricken out by our committee and "for the improvement of Hudson River, New York," $25,000 is increased to $66,000. I should like to know whether this $66,000 is intended to include the $25,000 which is afterward stricken out; and if it is, I should like this clause amended to say "for the improvement of the Hudson River between New York and New Jersey."

Mr. ALLISON. I will say in reply to the Senator that it is intended to include all the appropriations for the Hudson River in this line; and the paragraph read by the Senator from New Jersey was stricken out because we supposed it was included in the $66,000. I think the amendment suggested by the Senator from New Jersey ought to be inserted.

Mr. FRELINGHUYSEN. Suppose you insert then the words "and New Jersey" after "New York;" so as to read:

For the improvement of Hudson River, New York and New Jersey, $66,000.

Mr. ALLISON. Or you might strike out "New York."

Mr. CONKLING. That is the better thing to do. It would not do to put it the other way.

The PRESIDING OFFICER. Is there objection to the suggestion to strike out "New York" after "Hudson River?"

Mr. CONKLING. I do not object to that, but I should object to the other words, for I think the result might be to misapply the appropriation.

The PRESIDING OFFICER. The modification will be considered as made. The question is on the amendment of the committee increasing the appropriation from $25,000 to $66,000.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was to strike out lines 259 and 260, in the following words:

For the improvement of Mackey's Ferry, North Carolina, $3,000.

The amendment was agreed to.

The next amendment was in line 262, to reduce the appropriation "for the improvement of the Yazoo River, Mississippi," from $22,000 to $15,000.

The amendment was agreed to.

The next amendment was to strike out lines 263 and 264, in the following words:

For the improvement of Pascagoula Bay, Mississippi, $10,000.

The amendment was agreed to.

Mr. SPENCER. I do not see the Senator from Mississippi here, and I know he feels a great interest in this. I know that Pascagoula Bay is a very important point and needs the appropriation. It is but a short distance from Mobile, in my State, and I am conversant with it. I hope the Senate will not agree to this amendment.

Mr. ALLISON. If the Senator will allow me to read from the report of the engineers, he will concur in striking this out.

Mr. SPENCER. I do not think I shall.

Mr. ALLISON. I will read it at a venture.

An appropriation of $30,000 is recommended for this work, its expenditure being made contingent on the State of Mississippi securing from the owners of Noyes Canal a release of all claims the latter might have against the United States were the latter to proceed with works of improvement without such release. Without this precaution the United States would place itself in the position of trespasser on the rights of an individual, secured by State charter, and become responsible for damage in a sum which, owing to the indeterminate value of the right, (the question of further increase of value from presumed increase of commerce being a factor,) might amount to double or treble the value of the work.

They recommend $30,000 to be appropriated upon the condition stated. The committee were not prepared for the condition, and therefore struck out the appropriation.

Mr. SPENCER. Every public officer is supposed to do his duty, and he will not become a trespasser. I do not think there is any danger of that. I have no doubt but that the State of Mississippi will be glad to yield its rights to the Government if they will go on with the improvement. I know its importance and that many people in the State of Mississippi take great interest in it. I hope the Senate will not concur in the amendment.

Mr. ALLISON. This Noyes Canal is a private corporation, and we ought hardly to enter on this improvement without the consent of its owners.

Mr. COCKRELL. What is the objection of the committee to this appropriation?

Mr. SPENCER. Thirty thousand dollars is recommended by the Engineer Corps. I do not think there is any reason for the objection. I cannot conceive of any.

Mr. ALLISON. I just read from the engineer's report, showing that $30,000 is recommended upon condition that some private parties release their rights to a canal which must be improved if this work goes on.

Mr. COCKRELL. Can it not be done without the acquisition of the canal?

Mr. ALLISON. I understand not.

Mr. SPENCER. I suggest to the Senator from Iowa that he move an amendment, "Provided the State of Mississippi release its rights" or that the corporation release its rights, as recommended by the engineer.

Mr. COCKRELL. Just have that inserted in.

Mr. SPENCER. It will not take long to prepare it.

The PRESIDING OFFICER. Does the Senator from Alabama offer an amendment?

Mr. SPENCER. I do offer that amendment, "Provided that the corporation named releases its rights." I do not know the name of it; I have not got the book with me.

Mr. ANTHONY. Let it be passed over until the Senator prepares his amendment, and we can go on with the rest of the bill.

The PRESIDING OFFICER. Is there objection to that suggestion? The Chair hears none, and the next amendment will be reported.

The next amendment of the Committee on Appropriations was in line 265, after the word "White," to strike out "and Saint Francis Rivers" and insert "River at Buffalo Shoals;" and at the end of the clause to strike out "of which there shall be expended $10,000 upon White River and the remainder upon Saint Francis River;" so as to make the clause read:

For the improvement of White River at Buffalo Shoals, Arkansas, $15,000.

The amendment was agreed to.

The next amendment was to strike out lines 270 and 271, in the following words:

For the improvement of the Perquimons River, North Carolina, $3,000.

Mr. RANSOM. I hope that amendment will not be concurred in. I did not resist the amendment in reference to Mackey's Ferry. I wonder if the Senator from Iowa has read the report in reference to Perquimons River.

Mr. ALLISON. Perquimons River is a little stream that rises in the Dismal Swamp and runs into Albemarle Sound.

Mr. RANSOM. It is larger than all the rivers in Iowa put together except the Mississippi.

Mr. ALLISON. Is it indeed? It may be wider, but it is very much shorter. The map discloses that it is only forty-five miles long, and rises in a swamp, and is very shallow, and enters into Albemarle Sound. We thought this a very small appropriation for so big a river, I would say to my friend.

Mr. RANSOM. It is a very small appropriation for so large a river. Let me tell the Senator from Iowa one thing which he has not found out, by way of general information, that the State of North Carolina has more river shore, navigable river water, than any other State in this Union.

The amendment was rejected.

Mr. ALLISON. I must suggest now from the committee another amendment. That river should be spelled with an "*a*;" it should be Perquimans.

Mr. RANSOM. Yes, sir. The mistake was made by the committee and not by the geographies or our people.

Mr. EDMUNDS. What authority has the Senator from Iowa for changing the name?

Mr. ALLISON. I examined into that subject very carefully, as I have most of these amendments. It is Colton's map of North Carolina that spells it with an "*a*."

The next amendment of the Committee on Appropriations was to strike out from line 274 to line 278, in the following words:

For the improvement of the Rockcastle River, Kentucky, $2,000; and, in the discretion of the Secretary of War, to be expended on Cumberland and Rockcastle Rivers above Nashville, Tennessee, $23,000.

Mr. STEVENSON. I hope that item will not be stricken out. Rockcastle River was surveyed under an appropriation made by Congress in 1874. It is a river in Southeastern Kentucky which flows through a rich coal and lumber region in the State. It is a narrow river, flowing in a southeasterly course from the narrows and empties into the Cumberland. The high conglomerate cliffs set well back, forming a narrow valley composed of bottom and sloping ground, covered with a dense growth of timber where not in cultivation. On the bold prominences on either side stand immense lofty piles of rock, with their spires, recesses, and projections drawn in bold relief by nature, resembling the towers on castles in the old fatherland. From these rocky projections it takes its name of Rockcastle River.

Mr. EDMUNDS. Is it the old red sandstone or the new?

Mr. STEVENSON. I do not know whether it is the old or new. The engineer, Mr. McCalla, describes it as a conglomerate sandstone in his report. This river empties into the Cumberland in a little over eight miles from the narrows. A survey was ordered and made by R. C. McCalla. He recommended an appropriation of $5,000 with which to remove the large bowlders which in the lapse of ages have fallen down from the high precipitous heights on either side, dotting occasionally the narrow valley from points near the base of the cliffs to the margin of the river, and at different points more or less obstructing the channel.

The money asked for in this small appropriation is required to blast those bowlders which now obstruct even in high water lumber crafts and coal barges. Were these obstructions removed and the Cumberland River above Nashville improved, immense quantities of coal and lumber would find a market in access to Nashville. The sum of $2,000 is small; its appropriation might, I am informed, be of great convenience to the people living near this river who have no other means of access to market. The other item of $23,000 is subject to the approval of the engineer.

The engineer, Mr. McCalla, in 1874, in his report states:

Estimate for removing obstructions in Rockcastle River from the narrows to the mouth:

3,230 cubic yards blasting of stone bowlders, at $1 per cubic yard	$3,230 00
Clearing timber off banks and superintendence	1,770 00
	5,000 00

The committee has only given $2,000, and this the Senate committee struck out.

Mr. EDMUNDS. They are to clear the banks as well as the river, I understand?

Mr. STEVENSON. No, the banks are already cleared; but very immense rocks have fallen from the immense rocky prominences on the banks of the river and obstructed it.

Mr. EDMUNDS. Where the river has fallen in?

Mr. STEVENSON. No, the bowlders have fallen into the river, and at points almost obstruct at certain points its passage, but the water percolates through the mass of stone. Below the narrows a large number of these rocks can be removed, and I hope this appropriation will remain in the bill.

Mr. ALLISON. This is a little river about eight and a half miles long, and the object, I understand, of this appropriation is to knock the tops off some rocks that are lying in the river. It seems to me that it is a very worthy appropriation.

Mr. RANSOM. I hope nothing will be said about small rivers in North Carolina hereafter.

Mr. STEVENSON. My friend from Iowa is extremely facetious, but unfortunately very deficient in his geography. He is greatly mistaken when he says that Rockcastle River is only eight and a half miles long.

Mr. ALLISON. I mean from the narrows to the mouth, where this improvement is.

Mr. STEVENSON. Yes; but the river is sixty or seventy miles long, and flows through one of the richest coal regions in Kentucky.

Mr. EDMUNDS. And, as General Cass said about our country, capable of indefinite expansion.

Mr. STEVENSON. Yes; and this is a very little appropriation of $2,000, which would be of untold benefit to the country.

Mr. EDMUNDS. I am satisfied the Senator is right.

The amendment was rejected.

The next amendment of the Committee on Appropriations was to strike out lines 281 and 282, in the following words:

For the improvement of the Ocmulgee River, Georgia, $25,000.

Mr. NORWOOD. I hope the Senate will not concur in this amendment. The Ocmulgee River is one of the most important to commerce in the State of Georgia, and we have many large rivers there. It is about four hundred miles long and navigable for that extent. Steamboats have been running upon it and doing business there ever since steamboats have been built. There are rocks that impede the navigation and there are some sand-bars. This river runs through about twenty counties, and the productions of over thirty counties are conveyed on its bosom. Nearly 100,000 bags of cotton are raised by the counties that contribute to the commerce of this river. It runs into the Altamaha, which itself enters into the sea at Darien, which is one of the largest timber ports in the United States. I am sure no appropriation has ever been made for the benefit of this river, and it is important that these obstructions should be removed. It is very frequently the case that steamboats are snagged and sunk upon this river. Fifty thousand dollars expended upon it would obviate that difficulty and contribute largely to the commerce of the river. I beg, therefore, that the Senate will not concur in this amendment.

Mr. ALLISON. I only desire to say that the estimated cost of improving this river is from $600,000 to a million dollars. Five hundred and seventy-three thousand dollars is one estimate and another is a million of dollars. The appropriation here is $25,000. It seems to me hardly worth while to enter on the improvement of this river at this time.

Mr. NORWOOD. Who made those estimates?

Mr. ALLISON. Mr. Frobel.

Mr. NORWOOD. I have the statement of Mr. Frobel here before me. The honorable Senator is certainly mistaken about the improvement that I am speaking of and for which this appropriation is made. Here is Mr. Frobel's estimate; it is $64,740 from Macon down to the sea-coast.

Mr. ALLISON. Undoubtedly, but this is for the improvement of the Ocmulgee River.

Mr. NORWOOD. We do not propose to run up to the head of that river. We are not going to improve the river from its beginning to its mouth, but between Macon and the seaboard; and if the Senator from Iowa will allow an amendment to that clause, I will put in "between Macon and the mouth of the river," or "between Macon and Darien."

Mr. ALLISON. I certainly have no objection to an amendment of that kind.

Mr. NORWOOD. Very well; I will move to amend the clause by inserting, after the word "river," the words "between Macon and the seaboard;" so as to make the clause read:

For the improvement of Ocmulgee River between Macon and the seaboard, $25,000.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question recurs on the amendment of the committee to strike out the clause as amended.

The amendment was rejected.

The next amendment of the Committee on Appropriations was to strike out lines 283 and 284, in the following words:

For the improvement of the port of Darien, Georgia, $5,000.

Mr. NORWOOD. In reference to this amendment I have a word or two to say. As I said a moment ago, the port of Darien probably ships more timber than any other port along the Atlantic coast. I think the estimate is that the total amount of timber and lumber that is shipped from the various ports of the United States is $2,104,000 in value in round numbers, and of this amount Georgia alone ships five hundred and eighty-three thousand dollars' worth of timber and lumber, and the larger part of this goes through the port of Darien. There is a small obstruction in the water, on account of which vessels drawing a large draught cannot get up to the town of Darien, and this appropriation, only $5,000, is asked to remove that obstruction. It is important to the commerce of the place, and it is a town that I believe has never had a dollar appropriated for it by the Government. I hope the Senate will not concur in the amendment.

The amendment was rejected.

The next amendment of the Committee on Appropriations was to strike out from line 285 to line 287, in the following words:

For the improvement of New River from the lead mines in Wythe County, Virginia, to the mouth of Greenbrier River, West Virginia, $25,000.

Mr. WITHERS. As my friend from North Carolina said a while ago, we now come to an improvement which is one possessing real merit. This appropriation which is asked for New River——

Mr. EDMUNDS. That is why you call it New River, I suppose, because it has real merit?

Mr. WITHERS. It was named before I knew anything about the stream, and I cannot answer the question. Why it should have been so named I cannot imagine, unless it presented the novel spectacle of an immense stream running on the top of a mountain. Its course is through the whole State of Virginia, rising in North Carolina, and it is really the Great Kanawha, rising in the State of North Carolina and running almost on the top of the Alleghany Mountains, a very large, bold stream, constituting the Kanawha after its junction with the Greenbrier. There are many very large and valuable establishments—mineral works for iron, lead, zinc, and other ores—along the borders of this stream and immediately accessible to it.

Mr. EDMUNDS. May I ask are "the other ores" boat-oars? [Laughter.]

Mr. WITHERS. No; the object is now to open an establishment of that kind, and if this amendment be adopted I have no doubt boat-oars would also be found on that stream. The stream is one of great magnitude, and while I am aware that the engineers in making the surveys and estimates indicate a very large sum as necessary to make the full and complete improvement of this river, yet the amount appropriated, though apparently so small, and possibly in the opinion of some Senators totally inadequate to subserve any good purpose, I am sure will be found, if the Senate will listen to me a moment, to be useful, so that the money will not be thrown away.

The Virginia and Tennessee Railroad crosses this stream at a point called Central Depot, some thirty or forty miles below the Wythe lead mines, which is the proposed commencement of this work. There are lead mines there which have been worked for nearly a century. Large quantities of zinc ore are being transmitted now from that point to Trenton, New Jersey, for smelting, and a very large number of iron-furnaces can be found along the whole course of that stream. They now have to haul the product of their mines over rough, mountainous roads a considerable distance to the railroad. At the particular point which I indicate, if this river was improved, it could be brought by water navigation to the Virginia and Tennessee Railroad. At the junction of the Greenbrier is the crossing of the Chesapeake and Ohio Railroad. The same conditions prevail there as at the locality which I have previously described—a rough mountain country, rich in ores and minerals of various kinds. Those works are now cut off from market for the want of a proper mode of transportation. This $25,000, if spent at either one or the other of these places, would open up a large area of country which is now entirely cut off, and enable the citizens of those localities to get their products to the railroad either at one point or the other.

I therefore hope that it will be the pleasure of the Senate to disagree to this amendment of the committee and to leave the appropriation as it passed the House.

Mr. ALLISON. I should like to have the Secretary read what I have marked in the engineer's report as to this river.

The Chief Clerk read as follows:

It was necessary to proceed by rail to Wytheville, and then over a mountain road about twenty-five miles to Independence, in Grayson County. From this point I visited the river, drove along the banks as far as practicable and crossed and recrossed it at several points. A cursory examination was made of the copper mines at Ore Knob and the mineral deposits at some other points.

Returning to Wytheville I visited the lead and zinc mines of Captain Raper, situated on New River, about fourteen miles from Wytheville. The following general description of the river will give an idea of its character:

Two tributary streams, which rise in the mountains of North Carolina, unite on the border of Virginia to form New River. The north fork rises at the base of the Blue Ridge, Ashe County, and the south fork at the foot of Stone Mountain, Watauga County, and they unite about five miles above the mouth of Wilson Creek, in Grayson County, Virginia. From Wilson Creek to the lead mines the distance is estimated at forty miles, and from the mines to Max Meadows, the shipping point of the Atlantic, Mississippi and Ohio Railroad, (formerly known as the Lynchburg and Tennessee Railroad,) the distance is ten miles by the turnpike, but by way of the river the distance to the railroad bridge is thirty miles. This portion of the river has been surveyed under the orders of Colonel Craighill.

The section of the river between the source and the lead mines flows among ridges of the Appalachian chain and intersects in its course fertile valleys and hill-slopes covered with forests of fine timber. Near its course may be observed precipitous cliffs of granite and limestone. Between the terminal points of the survey the river flows rapidly over a rocky bed, composed of the upturned strata of granite, gneiss, mica, micaceous schist, slate, sandstone, limestone, and ferruginous rocks in recurring series, and inclined at every angle from zero to ninety degrees. Portions of the strata may be observed beneath the water, or appearing above the surface, scattered in irregular masses along its course. These obstructions, taken in connection with the rapid descent of the stream, constitute insuperable objections to the improvement of the natural channel by lateral dams and rock excavation. I saw nothing, however, to justify the conclusion that the river could not be improved by means of locks and dams, and small sections of canals. To determine this question a careful instrumental survey will be necessary.

Mr. WITHERS. All I have to say in reply to that is, while the remarks of the engineer are strictly true as applicable to the portion of the river to which that survey referred, it is entirely above the point where this appropriation proposes that the money shall be expended. The road on which he traveled to Independence, in Grayson County, is a long way above the Wytheville lead mines. It is that portion of the river to which the engineer's attention seems to have been especially directed.

Mr. ALLISON. Now I wish to ask my friend how he proposes to expend $25,000 in this river so that it will be beneficial to its commerce after it is expended.

Mr. WITHERS. I undertook to explain how I supposed it could be done when I had the honor of addressing the Senate on the subject a few minutes ago. While I admitted the entire inadequacy of this appropriation to secure any general improvement of the New River sufficiently to be valuable, I think I did indicate how it was possible that the amount might be expended with very great benefit to the section of country lying a few miles contiguous to either of the railroads which cross this stream, thereby affording the mineral products of the region a safe and cheap method of transportation to the railway, when they can be sent out to market. I think to that extent the amount which is proposed to be appropriated by this bill is ample to secure the benefit which I have described.

Mr. SHERMAN. Unless we really intend to load down this bill as we have other river and harbor bills, so as to make it ridiculous, I appeal to the Senator from Virginia and all other Senators not to press items of this kind. This New River is a famous river in Virginia as a mountain stream, fierce in its floods, sweeping away dams like brushwood, running through a beautiful mountain country. I have crossed the river two or three times.

Mr. EDMUNDS. Does it not need improvement so much the more for navigation?

Mr. SHERMAN. Twenty-five thousand dollars or two millions could not make a navigable canal of the bed of New River. All the work of man cannot prevent the freshets of those mountain torrents sweeping away the work in a single season. I have seen the river; it is a great mountain stream full of grand bowlders, running at a declivity, I should say, of forty or fifty feet to the mile.

Mr. EDMUNDS. That is not equal to many a railroad bridge.

Mr. SHERMAN. I think we ought to stop somewhere. This is the mountain stream that we go down by the Chesapeake and Ohio Railroad. I do not say an engineer cannot build a canal along there, but it would not last.

Mr. WITHERS. At the point where this stream is crossed by the Chesapeake and Ohio road——

The PRESIDING OFFICER. The Senator from Virginia has exhausted his time and over.

Mr. EDMUNDS. I ask that he proceed by unanimous consent.

Mr. WITHERS. I think I might have an opportunity of correcting a misapprehension of the Senator from Ohio.

Mr. EDMUNDS. I hope the Senator will be allowed to proceed.

The PRESIDING OFFICER. The Chair hears no objection.

Mr. WITHERS. The description given by the Senator from Ohio is literally true at that point at which the Chesapeake and Ohio road crosses New River, and I will admit that $25,000 might just as well be thrown into the stream at that point as to attempt to improve the river there. But the river is of a very different character at other points which I have indicated, where it is susceptible of improvement, where the fall is a very moderate one, not exceeding a few feet in the mile, and where the removal of some obstructions and bowlders and probably the blasting out of a few ledges of rock would give a navigation of twelve or fifteen miles either way for this amount, and enable the people in that section of country and the mineral products of that region to be brought to the railroad, whence they may get an outlet to market. I tell you that now the products of that section of country through which this river passes have to be hauled by the hundreds and thousands of tons by the mountain roads in wagons to the railroad for transportation. There are tons of zinc-ore, lead, iron, and pyrites going daily over these mountains now by teams. The expenditure of this money would give them water transportation to the railroad, and thereby cheapen the cost to which they would be subjected and very much increase the production of these minerals.

Mr. CAPERTON. Mr. President, the New River of which the Senator from Ohio speaks between these points, the mouth of Greenbrier and what is called the Central bridge, is a river that is susceptible of very great improvement at very moderate expense. There is tolerable batteau navigation now, but a small expenditure of money would not only improve that navigation, but, in all probability, would put it in a condition to be navigated by a very small passenger steamboat. It is very important, inasmuch as it connects the

western people with the people on the northern part of this river. It is very important in affording an outlet to the great county of Buncombe, in North Carolina, of which we have heard. It is an expenditure which will be very valuable, because it passes through an exceedingly rich mineral country and can be made exceedingly productive by a small amount of improvement.

Mr. WHYTE. I wish to ask the Senator from Iowa a single question. It occurs to me that it is pretty near time for us to unload in regard to the items that are being restored and the amendments that are put on in the Senate. The bill as it came from the House, I understood, appropriated five millions and eight hundred and odd thousand dollars. The Senate Committee struck out a number of the appropriations, but added amounts elsewhere increasing the appropriations in the bill some $36,000, so that the bill as reported by the committee appropriated about $5,900,000. Now I want to ask the Senator from Iowa if all these appropriations which were stricken out by the committee are restored in the Senate how great then will the appropriations be in the bill?

Mr. ALLISON. I will say to the Senator from Maryland that the committee have added to this bill $981,900 and subtracted from it $945,586; all that we have struck out, with the exception of a few thousand dollars, thus far in the bill has been re-inserted.

Mr. WHYTE. So that $6,700,000 will be the appropriation; a larger sum than was ever appropriated by any Congress before, I believe.

Mr. EDMUNDS and others. O, no.

Mr. DENNIS. Last year's bill was larger.

Mr. ALLISON. We voted last year $6,662,000.

Mr. WHYTE. But this is $6,700,000.

Mr. ALLISON. It is more than last year. In reference to this river it will be seen that the engineer says he has not made an accurate survey of it, and he recommends that the first thing to be done is to make an accurate survey. It may be that it can be improved as suggested by the Senator from Virginia; but the Senator cannot show a suggestion from any engineer as to how it shall be done, nor can he show a suggestion made by an engineer that it can be improved even between the points named in this bill at any reasonable cost.

Mr. CAPERTON. The gentleman will allow me to say that the survey of which he speaks, as I understand, was made in reference to the river within these points. The survey made in 1872, and on account of which there was an appropriation, was a survey confined within the limits contemplated by this bill. So that estimate has no reference whatever to this portion of the river.

Mr. WITHERS. I would also call the attention of the Senator from Iowa to the fact that the portion of the report of the engineer that he has caused to be read at the Clerk's table in regard to how it can be improved is at a point where it is much more difficult to improve than it is between the points indicated in the bill.

Mr. ALLISON. As I understand this report of S. T. Abert, civil engineer, he speaks of the whole river:

Examination of New River, from the lead mines, in Wythe County, to the "mouth of Wilson," in Grayson County, Virginia.

Mr. WITHERS. From the lead mines to Independence, which is going up the river.

Mr. ALLISON. Then he describes the whole river, and says an accurate survey should be made. If there has been any survey made of this portion of the river lying between the mouth of the Greenbrier and these lead mines, and a report showing that it is susceptible of improvement, then I may yield my objection.

Mr. WITHERS. There has been such a survey, and such a report has been printed. It is a special report. The survey was made in 1874.

Mr. ALLISON. I have not been able to find it.

Mr. WITHERS. An appropriation was based upon that survey.

The PRESIDING OFFICER. The question is on the amendment striking out the item.

The amendment was rejected.

The next amendment of the Committee on Appropriations was to strike out lines 288, 289, 290, and 291, in the following words:

For the improvement of the Mattapony River, Virginia, $10,000.
For the improvement of the Pamunkey River, Virginia, $6,000.

Mr. WITHERS. I wish to call attention to the reports of the engineers in the case of the Mattapony and Pamunkey Rivers. The reports of the engineers show the importance of this work; they show the value of the products which would be liberated by the construction of this improvement; and I think one or two phrases of them will suffice to give the opinion of the engineers upon the subject. For example:

The expenditure of the moderate sums estimated will afford such avenues to market as cannot be surpassed by any other region in the country.

The estimates are for the two streams, the moderate estimate which the engineer speaks of for the Mattapony River $34,000, and for the Pamunkey $17,500, of which the House bill proposes to appropriate $10,000 to one stream and $6,000 to the other, making an aggregate of $16,000. I hope the Senate will restore these two provisions of the bill.

The amendment was rejected.

The next amendment of the Committee on Appropriations was in line 293, to increase the appropriation for the improvement of the harbor at Norfolk, Virginia, from $13,000 to $39,000.

Mr. ALLISON. I will say to my friend from Maryland [Mr. WHYTE] that here is a chance to unload now.

Mr. RANSOM. I hope the Senate will sustain this amendment.

The amendment was agreed to.

The next amendment was to strike out lines 295 and 296, in the following words:

For the improvement of the Warrior and Tombigbee River, Alabama, $15,000.

Mr. SPENCER. I hope this amendment will not be agreed to.

Mr. HAMLIN. That is the river that runs up, and it ought to be improved.

Mr. SPENCER. No; it runs down. [Laughter.]

Mr. EDMUNDS. Is it a good deal run down? [Laughter.]

Mr. CONKLING. Do not run down this river, whichever way it runs. [Laughter.]

Mr. SPENCER. There are many thousands of bales of cotton transported on this river every year. The navigation is very dangerous, and it ought to be improved. I hope the amendment will not be agreed to. I appeal to the generosity of the Senate.

Mr. CHRISTIANCY. I think that river must run up as well as down, for I find there is another place in which there is money appropriated for the same river.

Mr. EDMUNDS. Because it runs both ways.

Mr. SPENCER. I will explain to the Senator from Michigan that the Tombigbee and Warrior form a junction near Demopolis, Alabama, and the previous appropriation was for the main river below Demopolis. This appropriation is for the Warrior and Tombigbee above Demopolis.

Mr. ALLISON. Where is this intended for?

Mr. SPENCER. Above Demopolis. If the Senator has no objection we will insert in line 286 "above Demopolis" after "Alabama." I move that amendment.

The amendment was agreed to.

Mr. SPENCER. Now I hope the amendment as amended will be voted down.

Mr. ALLISON. Before the vote is taken I desire to call attention to the character of this improvement and what the engineer says with reference to it. The engineer in charge of this portion of the public improvements says:

The permanent improvement of the river at any reasonable expense was regarded as impracticable.

This improvement would not be worth undertaking unless it should provide for the passage of such steamers as now ply on the Tennessee and Alabama Rivers, and this would require such an increase of dimensions of canal and locks in the part already surveyed that the expense, supposing the scheme might then be found practicable, would be enormously increased, and when to this is added the cost of permanently improving the Tombigbee River for the same class of boats from Fulton to Demopolis, a distance of three hundred and twenty miles, it is apparent that the cost would be too great to justify any further serious consideration of the project until the increase of the population and products of the country to be benefited by its execution shall have furnished some reasonable economic ground for doing so.

Mr. SPENCER. If the Senator from Iowa will allow me I will state that he is reading the report of the engineers in reference to the Tombigbee River above Columbus, Mississippi. There is steamboat navigation, and has been since steamboats have been in existence, to Columbus, Mississippi, on the Tombigbee River; and to Tuscaloosa on the Warrior River. Steamboats ply there, and every winter thousands and tens of thousands of bales of cotton are taken to market.

Mr. ALLISON. Undoubtedly at certain times.

Mr. SPENCER. And that portion he reads from applies to the improvement above.

Mr. ALLISON. Above Demopolis? That is what is inserted here.

Mr. SPENCER. Above Columbus, Mississippi, between Columbus, Mississippi, and Fulton, Mississippi.

Mr. ALLISON. I will read:

But they contemplated only such an improvement of the river as would fit it for high-water navigation from Demopolis, Alabama, at the head of low-water navigation, two hundred and fifty miles above Mobile, and two hundred miles above the mouth of the Tombigbee, to Columbus, Mississippi, at the head of high-water navigation, one hundred and seventy miles above Demopolis.

He speaks of the character of this permanent improvement and says it cannot be made at any reasonable cost.

Mr. SPENCER. Boats daily visit Columbus, Mississippi, and Tuscaloosa, Alabama, on the Warrior and Tombigbee Rivers, for seven or eight months in the year; and this small appropriation, $15,000, is for the purpose of taking out the snags in the river. I think it would be a great outrage if this amendment of the committee were adopted.

The amendment was rejected.

The next amendment of the Committee on Appropriations was to strike out lines 297 and 298, in the following words:

For the improvement of the Choctawhatchie River, Florida and Alabama, $5,000.

Mr. SPENCER. I am utterly and absolutely astonished that such an important stream as the Choctawhatchie River, in Alabama and Florida, should be reported to be stricken out by the committee when the small sum of only $5,000 is proposed. I hope the Senate will not consent to any such outrage being perpetrated on the southern country.

Mr. HOWE. Mr. President, I should regard that appropriation more favorably, I think, if it was made to improve the name of the river instead of the river itself. [Laughter.]

The amendment was rejected.

The next amendment of the Committee on Appropriations was to strike out lines 299 and 300, in the following words:

For the improvement of the Apalachicola River, Florida, $5,000.

Mr. JONES, of Florida. I hope this amendment will not be agreed to. This river is a very important river, and the appropriation is a very small one. The work has been on hand for some time; a snag-boat has been purchased for the purpose, and the work has been going on for some years. We propose to continue it if we can get this appropriation.

The amendment was rejected.

The next amendment of the Committee on Appropriations was to strike out lines 301 and 302, in the following words:

For removing obstructions and deepening channel at the Pass of Brazos Santiago, Texas, $10,000.

Mr. MAXEY. I hope the Senate will non-concur in that amendment. It will be remembered by many of the Senators here that the port of Brazos Santiago was the important port during the Mexican war; it was the great depot of supplies for Taylor's entire army. Circumstances might make it important again. The bar at that island cuts off that port. I know myself that during the Mexican war the steamer Harney was sunk just inside that bar and the mast of that steamer was used as a guide for vessels getting in there. It is also the port for Point Isabel, and Point Isabel is connected by rail with the city of Brownsville, opposite Matamoras. This appropriation is designed for the removal of that sand-bar and those obstructions which got there during the Mexican war. While the State of Texas is receiving some appropriations this year, I beg to say that from the date of its admission into the Union, the 3d of March, 1845, down to a year ago the entire appropriations for the State of Texas for rivers and harbors amounted to but $75,000. That was the whole sum. Hence, as no appropriations have been made, the necessity for making appropriations for the removal of these obstructions. I hope the amendment will not be concurred in.

The amendment was rejected.

The next amendment was to strike out lines 305 and 306, in the following words:

For the improvement of the French Broad River, in Tennessee, $15,000.

Mr. EDMUNDS. Have we not had the "French Broad" already once?

Mr. ALLISON. This is another portion of the river.

Mr. EDMUNDS. Is this the dry portion or the wet portion?

Mr. PADDOCK. I move that the Senate adjourn.

The PRESIDING OFFICER. The Senator from Iowa has the floor.

Mr. ALLISON. The other was for the improvement of the French Broad from Brevard to Buncombe County, North Carolina. This is for the French Broad in Tennessee.

Mr. EDMUNDS. If this is not for Buncombe, I am for it.

Mr. KEY. I will say to the Senator from Vermont that this is really a meritorious appropriation. This part of the French Broad River is in Tennessee, a great many miles from Buncombe County. It is a part of the river on which there is a great deal of trade, and I think the appropriation eminently proper.

The amendment was rejected.

Mr. PADDOCK. I move that the Senate do now adjourn.

Mr. ALLISON. I hope the Senator will withdraw that motion.

The motion was not agreed to.

The next amendment of the Committee on Appropriations was to strike out from line 307 to line 310, in the following words:

For the improvement of the Missouri River at the point where it is cutting into the Kansas shore above Saint Joseph, Missouri, for the protection of the city of Saint Joseph, $10,000.

Mr. BOGY. I hope the Senate will not adopt this amendment. The improvement proposed is of very great importance. I will not detain the Senate. I hope the appropriation will be retained as it came from the House. The appropriation is in pursuance of a survey made by the engineers, and is recommended by the engineers. I have the recommendation in my hand.

The amendment was rejected.

The next amendment was to insert as lines 311 and 312 the following:

For the improvement of the Missouri River above the mouth of the Yellowstone, $35,000.

Mr. EDMUNDS. Where is that? I should like to have that explained.

Mr. INGALLS. So should I.

Mr. BOGY. I hope that this amendment will be adopted. The navigation of the Missouri River above the Yellowstone has become of very great importance. I am not prepared now to state the number of boats that are navigating that portion of the river; but the number is large. The Government has great need of that river. There are many boats now engaged in Government employ transporting munitions of war, provisions for the Army, Indian supplies, and many other matters. The country is settling with great rapidity. I do know of my own personal knowledge that that portion of the river really needs very great improvement; and the $35,000, although not sufficient to make the work complete, will go a great way to make the river navigable by the removal of large bowlders that are scattered along the bed of the river. There is a sufficiency of water at all seasons of the year, but the navigation is somewhat interrupted, not by rapids and cascades, but by large rocks and bowlders that intercept the channel at different points, which could be removed with great ease. Of course this is away beyond my State; it is in the Territory of Montana; but I am somewhat acquainted with the river and I know that this improvement is very much needed. I hope, therefore, that the amendment will be adopted. It is urged by the Delegate from that Territory, and I think it is necessary that it should be made.

Mr. ALLISON. The committee inserted this recommendation for the reason chiefly that the Government itself has a large interest in transportation on the Upper Missouri. It was very strongly recommended by the Chief of Engineers, General Humphreys, whose letter I have in my hand, in which he states that this improvement would be greatly to the advantage of the Government, as by it the cost of transportation of Army supplies will be materially reduced. There are several papers connected with this case, a special recommendation from the Chief of Engineers that $75,000 be appropriated.

Mr. EDMUNDS. Are there any settlements above the mouth of the Yellowstone on the Missouri?

Mr. ALLISON. Several.

Mr. BOGY. Montana is settling with great rapidity.

Mr. ALLISON. This is certainly a very important appropriation to the Government itself. It is the first appropriation of the character for the Upper Missouri, and I shall be very glad to have the concurrence of my good friend near me, [Mr. INGALLS,] who has voted against me, I believe, during the entire time we have considered this bill.

Mr. INGALLS. Having lived on the shores of the Missouri River for nearly twenty years I can sincerely say that I know of no stream on the habitable globe that stands more in need of improvement. It is a little too thick for a beverage and a little too thin for cultivation. The distance above the mouth of the Yellowstone is something like a thousand miles. There is not an acre of surveyed land in that distance; there is not a habitation of civilized man. During six months of the year the stream is entirely closed by ice, and for three months of the remainder there is not water enough in it to float an ordinary flat-boat.

Mr. BOGY. I am astonished at the statement made by the Senator from Kansas, and it cannot be sustained by what I know to be the fact. There is an abundance of water there, and the river is never closed beyond three months. It is not closed two weeks longer than it is at the point where the gentleman resides.

Mr. INGALLS. I live two thousand or twenty-five hundred miles by the river below the mouth of the Yellowstone; and for three or four months in the year, even at that point, where it is swollen by numerous affluents and tributaries, aside from the period when the river is not closed by ice, it is not navigable for an ordinary scow.

Mr. BOGY. The navigation of the Missouri, it is a notorious fact, is generally better higher up than it is below. The Senator astonishes me.

Mr. INGALLS. I am therefore amazed—as I believe is the favorite and popular term upon the discussion of this bill—that the committee should recommend an appropriation of this magnitude that can certainly be of no conceivable use to any interest upon this continent, either private or governmental.

Mr. ALLISON. I only want to correct one statement made by my friend. The climate at Fort Benton above the Yellowstone is milder than it is where the Senator from Kansas or myself lives, and the river is not frozen up as long at Fort Benton as it is at Sioux City, fifteen hundred or two thousand miles below.

Mr. INGALLS. The meteorological records of that region will show the river is closed at that point from November to April in eight years out of ten.

Mr. WINDOM. I share with the Senator from Missouri in the astonishment which he has expressed at the remarks just made by the Senator from Kansas, and I confess that I am unable to understand them unless it be that he has been in his early youth too near the muddy waters of the Missouri. It seems to me that those muddy waters are so strangely mixed with fact and misrepresentation of fact that there must be a good deal of mud in them.

Now, to state that there is no business on the Upper Missouri is to contradict the known facts which are reported daily in the papers of that whole region. We know, too, that there is no place in the new portions of the country where the Government itself is more interested in the improvement than there. We have these recommendations from the Department urging the appropriation because of its necessity in the transportation of Government freights, and I myself know that large amounts of Government freights are transported up the Missouri River and around to Fort Benton. We have a fort there. We yesterday passed a bill authorizing the construction of two more forts in that neighborhood, and I know, furthermore, that a very large portion of the trade of Montana will come over that route, and that a very considerable portion of it does go that way now; and to state that there is no trade there is certainly to make a most remarkable statement in view of the facts.

Mr. President, we have passed a great many appropriations here to-day that were valuable and some that were not so much so; but to stop at this moment and refuse to appropriate for what is really a national work it seems to me would be adding a fitting climax to the action of the Senate thus far on this bill.

Mr. INGALLS. There are not ten boats a year leaving Saint Louis

for the Upper Missouri River. When the Senator talks about commerce, I certainly ought to be able to speak with some degree of intelligence on that subject, and the only conceivable interest that I can conceive that any corporation should have in this would be the Northern Pacific Railroad that runs through the State of Minnesota, and might possibly desire to have a continuation from Bismarck up to the Territory of Montana to some point on the Upper Missouri.

Mr. WINDOM. I am informed that there are forty boats on the Upper Missouri River.

Mr. BOGY. Certainly there are.

Mr. WINDOM. I think the Senator from Kansas would do well to look into the commercial statistics of that region of country.

Mr. BOGY. I cannot permit the remarks made by the Senator from Kansas to go; but I am inclined to think that he has been speaking in a jocular way. To state here that there are not ten boats leaving Saint Louis a year to go to the mouth of the Yellowstone is a most singular statement. There are sometimes ten boats a week that start to go up the Missouri River. They go up from the month of May until September or October, and they get there because there is an abundance of water at one season of the year for large boats and at another season for smaller boats; but it is a fact, which I assert here, that from the mouth of the Yellowstone to Fort Benton there is a larger volume of water than there is between the Yellowstone and Sioux City. The reason why the navigation is interrupted is not owing to a want of water, but owing to the fact that there are large rocks in the channel of the river; and it is another fact that the severe winter season in that country is not longer or as long as it is lower down. Where you approach the western shore of the continent, although it is east of the mountains, yet the western winds affect the climate of Montana, and it is not as cold in Montana as it is in the little city of Nebraska City.

Mr. PADDOCK, (at five o'clock p. m.) I move that the Senate do now adjourn.

The motion was not agreed to.

The PRESIDING OFFICER. The question is on the amendment.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was to strike out lines 318 and 319, in the following words:

For the improvement of the Wicomico River, Maryland, $5,000.

Mr. DENNIS. I ask to be heard on that question, and to state to the Senate some facts in relation the Wicomico River. It is on the Eastern Shore of Maryland, a place that is not very well known to the Senate or to the country. I will read you some statistics from the report of the Chief of Engineers.

Capital engaged on merchandise, $325,000; annual sales of merchandise, $1,200,000; shipments of lumber, board-measure, 15,000,000 feet; shipments of cord-wood, 5,000 cords; shipments of railroad ties, 6,000; shipments of grain, 60,000 bushels; sales of fertilizers, 300 tons; sales of oyster shells for lime, 35,000 bushels; number of vessels trading from this town, 20; aggregate tonnage, 1,050 tons; sales of berries and fruits, $40,000; sales of garden-truck and vegetables, $13,000.

I had intended when this bill was before our committee to furnish statistics which were of importance to the whole country. I had carefully prepared from the Coast Survey the coast line of all the States of this Union, together with the water-courses, and I will give it to the Senate.

Estimate of the general shore-line of the sea-coast, bays, islands, and tide-water rivers of the United States.

Location.	Main shore, including bays, sounds, &c.	Islands.	Rivers to head of tide water.	Total.
	Statute miles.	*Statute miles.*	*Statute miles.*	*Statute miles.*
ATLANTIC COAST.				
Maine	798	514	367	1,719
New Hampshire	73	10	39	122
Massachusetts	435	259	70	764
Rhode Island	80	108	35	223
Connecticut	166	59	200	425
New York	50	270	395	725
New Jersey	72	138	236	446
Pennsylvania	.....	.....	56	56
Delaware	63	8	51	127
Maryland	503	298	535	1,336
District of Columbia	.....	.....	25	25
Virginia	532	298	741	1,572
North Carolina	370	433	866	1,669
South Carolina	175	191	344	710
Georgia	119	141	218	480
Florida, (Atlantic coast)	363	29	255	650
Total of Atlantic coast to Cape Florida	3,799	2,788	4,453	11,040
GULF COAST.				
Florida, (Gulf coast)	1,144	1,229	175	.....
Alabama	120	67	40	.....
Mississippi	95	107	22	.....
Louisiana	941	550	565	.....
Texas	1,209	316	263	.....
Total of Gulf coast	3,509	2,269	1,065	6,843

Estimate of the general shore-line of the sea-coast, &c.—Continued.

Location.	Main shore, including bays, sounds, &c.	Islands.	Rivers to head of tide water.	Total.
	Statute miles.	*Statute miles.*	*Statute miles.*	*Statute miles.*
PACIFIC COAST.				
California	1,136	272	240	.....
Oregon	362	14	133	.....
Total of Pacific coast	1,498	286	373	2,157
Total for Washington Territory	953	631	133	1,717
ALASKA TERRITORY.				
Alaska	5,418	.....	.....	.....
Islands near Sitka	.....	1,751	.....	.....
Kodiak Island	.....	530	.....	.....
Aleutian Islands:				
Fox Islands	.....	553	.....	.....
Andreanowsky Islands	.....	697	.....	.....
Blijnil or Rat Islands	.....	375	.....	.....
Islands in Behring Sea:				
Pribylow Islands	.....	69	.....	.....
Nounivat Island	.....	173	.....	.....
Saint Lawrence Island	.....	264	.....	.....
Total for Alaska	5,418	4,412	.....	9,830

Maryland has thirteen hundred and thirty-six miles of coast line. We have only in this bill the sum of $90,000, $75,000 of that amount is appropriated for the improvement of Baltimore Harbor. It would be a work of supererogation to state to the Senate the great advantages of that harbor. It is the terminus of the Baltimore and Ohio Railroad, the great outlet from the valley of the Ohio and the Upper Mississippi. Its value cannot be overestimated. Our committee have made no deduction from that appropriation. There are but $15,000 appropriated in addition to that for the State, and most of that sum is for tributaries which go toward furnishing the market of Baltimore almost entirely. I have enumerated to you the amount of provisions shipped from this little town of Salisbury, Maryland, with its twenty-five hundred inhabitants, thousands and thousands of shipments. Five thousand dollars, I think, will be enough to finish and complete that harbor, with a very small appropriation to keep it up afterward. I only ask that the Senate may not agree to the amendment proposed by the committee; and I am assured by the committee themselves that if they had thoroughly understood the case they would not have objected to this appropriation.

The amendment was rejected.

The next amendment of the Committee on Appropriations was to strike out lines 320 and 321, in the following words:

For the improvement of Big Sandy River, Kentucky and West Virginia, $25,000.

And in lieu thereof to insert:

For removing bowlders and snags in Big Sandy River, Kentucky and West Virginia, including Louisa Fork, Virginia, $15,000.

Mr. STEVENSON. I hope the pending amendment will not be concurred in. I am told that the Senate committee in reducing the appropriation from $25,000 to $15,000 acted under a misapprehension of the existing state of facts. I am informed that this reduction was made on an estimate made in 1874 stating that $15,000 would answer; but since that a most memorable freshet has occurred in that section of Kentucky, and it will require $25,000 now to remove the obstructions and snags out of that river. I learn further that an appropriation of $25,000 would not be as much now, in consequence of that freshet, as $15,000 would have been when the estimate was made two years ago. Such is the information furnished me upon the subject. The Big Sandy River is a boundary line between two States and has a good deal of inland trade. It is twenty-six miles long from Catlettsburgh, on the Ohio River, to Louisa, in Lawrence County, where it forks. The Louisa Fork to Piketon, in Pike County, Kentucky, is eighty-six miles above Louisa, or one hundred and twelve from Catlettsburgh; while Warfield, on Terry Fork, is thirty-five miles above Louisa and sixty-one miles from Catlettsburgh. Aside from the coal and salt, the exports brought down this river are very considerable, and by a table made on the 1st of July, 1870, exceeded $1,200,000. I doubt not they have greatly increased since.

Mr. EDMUNDS. I wish the Senator would read the tables.

Mr. STEVENSON. I will with pleasure. The articles exported are singled out with their values:

Articles exported.

	Value.
Saw-logs, sawed lumber, and fencing-posts	$550,000
Staves and spoke-timber	80,000
Tan-bark	75,000
Keg-timber	8,000
Hoop-poles	25,000
Barges and small craft	45,000
Fruit	40,000

	Value.
Feathers, bees-wax, ginseng, tallow, hides, poultry, eggs, butter, flax-seed, rags, and produce of country stores	$165,000
Wheat and corn	50,000
Potatoes	6,000
Live stock	175,000
	1,219,000

Not including coal or lumber.

Mr. EDMUNDS. The Senator has mentioned sawed logs and other lumber.

Mr. STEVENSON. The amount of the items which I read was $1,219,000, and in addition to that the finest coal in the world is to be found along the forks of this river, in quality unsurpassed in any part of the western country.

Mr. EDMUNDS. How would it do to make the appropriation payable out of the gold found on the banks? I think the Senator said there was gold there.

Mr. STEVENSON. No, sir, I said not one word about gold. They have salt, iron, and coal. The State of Kentucky has made large appropriations to this river, and its trade and commerce will in the future be very profitable. I am sure that the committee would not have reduced this appropriation if they had known of the necessity of increased appropriation caused by the freshet since the estimate was made. I hope the original appropriation of $25,000 will be restored.

Mr. ALLISON. The committee had not heard of the freshet of which the Senator from Kentucky speaks, and therefore they relied upon the estimate of the engineer made before the freshet occurred. There has been a careful survey of the Big Sandy River made and a suggestion that it be improved by a system of dams and locks from the mouth of the Big Sandy up to a certain point.

Mr. EDMUNDS. Is there room for them?

Mr. ALLISON. I presume there is room for dams on the Big Sandy. Now the engineer reports that fourteen thousand and some hundred dollars can be economically expended in getting out a few bowlders and snags; but we were pressed very strongly (and I think the Senate can appreciate what that means) to include in this appropriation Louisa Fork, which is a branch of the Big Sandy and which runs up in Virginia somewhere, which has a lumbering interest on it and they float out logs. I believe the water is about a foot and a half in depth at low water in Louisa Fork.

Mr. EDMUNDS. The Senator has spoken of a "lumbering interest." Does he not mean a slumbering interest?

Mr. ALLISON. No; there is really a saw-mill or two on this Louisa Fork, and they get out lumber there. Therefore we concluded to insert the Louisa Fork and allow this whole appropriation of $15,000 to be expended upon these two rivers in the discretion of the engineer who might have charge of the work. I think $15,000 will serve the purpose required by the Senator from Kentucky, and I hope he will not insist on an increased appropriation.

Mr. STEVENSON. I do insist upon it, and I repeat what I said just now, that the report to which the Senator from Iowa refers was made two years ago. I have that report now before me. In it the assistant engineer, James E. Bell, reports that for removal of obstructions the smallest sum he can get along with is $15,000; and I say since that a most memorable freshet has occurred during the last year, which rendered this appropriation of $25,000 necessary.

The Senator from Iowa says the Senate committee had no information of this freshet since the estimate in 1874. So I supposed. But the House committee did have, and I hope the appropriation will be restored. The Senator from Iowa seems to know little about either the Big Sandy River or the country through which it passes. Steamboat navigation often exists to Louisa or even farther on both forks of the river during the winter and spring months, and a finer mineral region, consisting of coal and iron, besides the finest lumber, can scarcely be found. Our State geologist, Professor N. S. Shaler, says:

> The salt-wells of this valley seem destined to play an important part in its industry. The supply of lime is practically inexhaustible, and they are sure of fuel from the lower grades of coal at about the actual cost of mining.

In a very short period, if this river shall be improved and dammed, immense quantities of both coal and iron will find markets through the access of this river and its two forks. This river is the only outlet for an immensely productive country, inexhaustibly rich in both agricultural and mineral wealth, and all we ask is aid for the removal of existing obstacles to the transportation of these articles to market. I hope the appropriation of $25,000 will be restored, and the amendment of the Senate committee disagreed to.

The amendment was rejected.

Mr. FRELINGHUYSEN. I suggest to the Senator in charge of the bill that it is time to adjourn.

Mr. EDMUNDS. O, no; this is too important a bill.

Mr. SAULSBURY. I move that the Senate adjourn.

The motion was not agreed to.

The next amendment of the Committee on Appropriations was to strike out lines 338 and 339, in the following words:

> For the improvement of Au Sable River, Michigan, $2,500.

Mr. FERRY. I hope the Senate will non-concur.

Mr. CHRISTIANCY. I hope the amendment will not be concurred in.

The amendment was rejected.

The next amendment was in line 340, after the word "river," to insert "including Saginaw Harbor;" and in line 341, after the word "Michigan," to strike out "eleven" and insert "twenty-five;" so as to make the clause read:

> For the improvement of the Saginaw River, including Saginaw Harbor, Michigan, $25,000.

Mr. CONKLING. Does the Senator from Michigan object to that?

Mr. CHRISTIANCY. No, sir.

Mr. FERRY. I hope the amendment will be concurred in. This is for the river and the harbor at the entrance to the river. I am something like the Senator from New York: I am disposed now to concur with the committee.

The amendment was agreed to.

The next amendment was in line 344, in the appropriation for the improvement of the harbor at Milwaukee, Wisconsin, to strike out "twenty-six" and insert "thirty-two."

Mr. CAMERON, of Wisconsin. This amendment increases the appropriation for the Milwaukee River from $26,000 to $32,000.

Several SENATORS. That is enough; we understand it.

The amendment was agreed to.

The next amendment was to strike out lines 351 and 352, in the following words:

> For the improvement of the harbor at Monroe, Michigan, $7,000.

Mr. CHRISTIANCY. I hope that amendment will not be concurred in, and I will briefly state the reasons. This is a place with which I am very familiar myself, having lived there thirty-eight years of my life. It is a canal connecting the lake with the river, and this appropriation is made simply to keep the work from going to destruction, to keep up the wooden revetments on each side of the canal.

The amendment was rejected.

The next amendment was in line 356, to reduce the appropriation for the improvement of the harbor at Thunder Bay, Michigan, from $15,000 to $4,764.

Mr. FERRY. I want to state one fact that I think will be sufficient to convince the Senate that the paragraph ought to stand as the House passed it. The State of Michigan chartered a company to build this harbor. They expended, I think, nearly $100,000, and long before the expiration of the time the act was repealed because there was so much clamor made on the part of those interested in commerce against the tax imposed. Now the Government has taken it in hand, after the citizens had expended $100,000. It is asked now that the Government in taking it in hand should expend $15,000, and it is to protect the work already done.

Mr. EDMUNDS. Has the Government taken it in hand?

Mr. FERRY. The Government is proposing to take it in hand by the paragraph sent us by the House and even by the amendment proposed by the Senate committee. The amount the Senate committee have put in is simply for a particular purpose. It does not cover the object of protecting this harbor. That is just what is wanted, $15,000.

Mr. ALLISON. This harbor was examined by an engineer. It now has twelve feet of water and is in good condition. The engineer tells us that to secure another foot in depth will require an expenditure of $4,764, and the committee thought they would compromise with these people at Thunder Bay and give them another foot of water.

Mr. EDMUNDS. What is the use of the other foot?

Mr. ALLISON. It will allow a vessel drawing thirteen feet of water to enter the harbor instead of one drawing twelve, which is all the advantage I know of, and there are very few of that character of vessels that will probably require to enter this harbor.

Mr. FERRY. The Senator knows very well from his familiarity with the Western streams that the sand works rapidly at these bars, and it is necessary to keep that depth of water. I think the number of clearances there was about five hundred last year and the amount of property nearly $3,000,000.

Mr. EDMUNDS. What collection district is it in?

Mr. FERRY. In the Huron district.

The amendment was rejected.

The next amendment of the Committee on Appropriations was to strike out lines 358 and 359, in the following words:

> For the improvement of the harbor at McCargoe's Cove, Michigan, $15,000.

Mr. FERRY. I should like to have the Senator from Iowa state what he knows in regard to this, and give us the facts in regard to this case.

Mr. ALLISON. I will state in reply to the question of the Senator from Michigan that no estimate was made for this. I looked carefully at Colton's latest map and could not find this place, and then I looked at some gazeteer with a view to finding this place and I could not find it, and there being no estimate for it we proposed to strike it out.

Mr. FERRY. Is there any recommendation from the Engineer Department?

Mr. ALLISON. There is no recommendation.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was to strike out lines 360 and 361 in the following words:

> For the improvement of the harbor at Ashtabula, Ohio, $10,000.

Mr. THURMAN. I invite the attention of the Senate in all seriousness to that proposition.

Mr. EDMUNDS. How far from the lake is Ashtabula?

Mr. THURMAN. The port of Ashtabula is on the lake. If the Senator will go there some time he will find a very nice harbor, at which two railroads terminate and where an amount of business is done that I think will surprise him.

Mr. EDMUNDS. What collection district is it in?

Mr. THURMAN. I do not know the number of the district.

Mr. EDMUNDS. I mean the customs district?

Mr. THURMAN. I cannot answer as to that. I know something of this harbor. I visited it and spent half a day at this improvement last summer. But I do not speak as from my own knowledge. What does the engineer say?

Amount required for the fiscal year ending June 30, 1877, $20,000.

That is in the general report of the engineer-in-chief. Then in the special report of the local engineer, he says in reference to this harbor:

When this work is done, there will remain to be built one hundred and forty feet of west pier to complete the five hundred feet extension projected and approved, and the completion of the channel, by blasting and dredging, to a width of one hundred feet and depth of fourteen. An appropriation of $25,000 was made by act of March 3, 1875, and contract for work in the channel has been made with Messrs. Case & Jennings.

The pier-extension will then remain to complete the improvement at this harbor. For this I estimate $20,000 to be required, which would be best granted in one appropriation.

Amount required for entire and permanent completion of improvement, $20,000.
Amount that can be profitably expended during the next fiscal year, $20,000.

The House appropriate only $10,000. It would have been much better I think, from my own personal observation, if they had appropriated the whole $20,000. There is real danger that if the pier on the west side is not completed, which would complete the whole work, the injury resulting from its non-completion may be more than the cost of completing the whole work. I do sincerely trust that this, which is as meritorious appropriation as there is in this bill, will be retained, and the amendment of the committee disagreed to.

Mr. EDMUNDS. I should like to ask the Senator why on his information, then, he does not move to amend this paragraph by making this $10,000 $20,000, which it seems is necessary should be appropriated; otherwise this $10,000 will be lost.

Mr. THURMAN. No, I do not say that; but really the appropriation ought to be the full $20,000, for it is an appropriation to complete the work. The work is a splendid work. I speak of my own personal knowledge and from conversation with the engineer on the very ground. It needs about $20,000 to complete it, and it ought to be completed really in one appropriation.

Mr. EDMUNDS. I wish the Senator would move to amend the paragraph, then. It is in the interest of reform and economy.

Mr. THURMAN. I do not like to move to increase beyond what the committee has done.

Mr. ALLISON. The Senator need have no delicacy about that. The Senate has taken its own judgment.

The PRESIDING OFFICER. The question is on the amendment striking out the paragraph.

The amendment was rejected.

The next amendment of the Committee on Appropriations was to strike out lines 362 and 363, in the following words:

For the improvement of the harbor at Port Clinton, Ohio, $5,000.

Mr. THURMAN. I ask the attention of the Senate to that little amendment. The engineer reports:

The amount required for the fiscal year ending June 30, 1877, $20,000.

That is the report of the engineer-in-chief. The local engineer reports in respect to that—

The sum of $20,000, which can be advantageously expended during the next fiscal year, is recommended.

And he goes on to give—I will not take the time of the Senate in reading it—a statement of the business done at this comparatively small port, as I grant it is, but an extremely useful one and one whose business is increasing all the time. I hope there will be no objection to granting this small sum, one-fourth of what he recommends.

The amendment was rejected.

The next amendment of the Committee on Appropriations was to strike out lines 364 and 365, in the following words:

For the improvement of Fairport Harbor, Ohio, $8,000.

The amendment was agreed to.

Mr. THURMAN. This is called Grand River Harbor in the reports. In the printed report which was sent to us there is no recommendation for an appropriation for that harbor; it was supposed to be unnecessary; but on the 10th of February the Chief of Engineers made this special report:

OFFICE OF THE CHIEF OF ENGINEERS,
Washington, D. C., February 10, 1876.

SIR: I beg leave to submit a copy of a communication from Lieutenant-Colonel C. E. Blunt, Corps of Engineers, in charge of the improvements at Grand River Harbor, Ohio, explaining the necessity of an increase of the estimate submitted for this work for the next fiscal year arising from the bad condition of the old pier built in 1828, and asking for $8,000 to put the work in good condition.

As this is a necessary expenditure, I would ask that Colonel Blunt's proposition be recommended to the favorable consideration of Congress.

Very respectfully, your obedient servant,

A. A. HUMPHREYS,
Brigadier-General and Chief of Engineers.

Hon. WILLIAM W. BELKNAP,
Secretary of War.

Colonel Blunt's letter is as follows:

GRAND RIVER HARBOR, OHIO.

UNITED STATES ENGINEER OFFICE,
Buffalo, New York, November 30, 1875.

GENERAL: In my annual report on Grand River Harbor I have not requested any additional appropriation for next year, supposing at the time that the balance remaining of the last one after extending the west pier would be sufficient to do the work of repairs at the south end or old portion of that pier, built in 1828.

A recent examination, however, made with a view to the commencement of work at this section, shows not only a much worse condition of the old work than was supposed, but a recent invasion of sand into the west side of the channel adjoining, which is steadily encroaching upon and narrowing it.

The sum of $3,000 will not therefore be sufficient to put this part of the work and channel in good condition, and having made careful estimate I find that $8,000 in addition will be required for that purpose, which fact I therefore respectfully report.

Very respectfully, your obedient servant,

C. E. BLUNT,
Lieutenant-Colonel of Engineers.

Brigadier-General A. A. HUMPHREYS,
Chief of Engineers, United States Army.

Mr. EDMUNDS. Is there any recommendation from the Secretary of War?

Mr. THURMAN. There is. The Secretary of War communicates this.

Mr. EDMUNDS. Let us hear what he says.

Mr. THURMAN. I have his letter here.

The Secretary of War has the honor to transmit to the House of Representatives copy of a statement of Lieutenant-Colonel C. E. Blunt, Corps of Engineers, United States Army, explaining the necessity for the increase of the estimate submitted for the improvements at Grand River Harbor, Ohio, and to request favorable consideration of the recommendation of the Chief of Engineers.

Mr. EDMUNDS. What Secretary does that?

Mr. THURMAN. General Belknap.

Mr. EDMUNDS. What date?

Mr. THURMAN. February 12, 1876. You have the authority then of the Secretary of War, General Humphreys, the Chief of Engineers, and Colonel Blunt, the engineer in charge. I hope the amendment of our committee will not be agreed to.

The amendment was rejected.

The next amendment of the Committee on Appropriations was to insert as lines 366 and 367 the following:

For repair of piers at mouth of Black River, Ohio, $6,000.

The amendment was agreed to.

The next amendment was in line 369, to increase the appropriation for the improvement of the Fox and Wisconsin Rivers from $190,000 to $350,000.

Mr. SAULSBURY. That is a very heavy increase of appropriation. I should like an explanation.

Mr. ALLISON. It is a great national work and the engineer in charge says that $350,000 is the lowest possible sum with which he can carry on the work.

The amendment was agreed to.

The next amendment was to strike out lines 371 and 372, in the following words:

For the improvement of the harbor at Norwalk, Connecticut, $7,000.

Mr. BARNUM. I do not think the committee understood the situation of this matter when they agreed on this amendment. The machinery is there and the work is going on, and $7,000 is the amount estimated to complete it. I hope the Senate will not concur in the amendment.

The amendment was rejected.

Mr. ALLISON. I think I shall take the liberty of suggesting an adjournment. It is now half past five, and it does not seem possible to reach a conclusion.

Mr. EDMUNDS. I hope the Senator will not do that. There is more money in the Treasury to-day than there will be to-morrow. Now is the time to pass this bill.

Mr. SAULSBURY. Mr. President, I think we are very greatly demoralized; I fear I am getting so myself. I actually voted for a five-thousand-dollar appropriation for Wicomico River, in Maryland.

Mr. ALLISON. I will submit a motion to adjourn.

The motion was agreed to; and (at five o'clock and thirty minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, *July* 14, 1876.

The House met at twelve o'clock m. Prayer by Rev. SIDNEY CORBETT, D. D., rector St. Mark's parish, Minneapolis, Minnesota.

The Journal of yesterday was read and approved.

CORRECTON.

Mr. SAVAGE. I rise to a question of privilege. In the debate yesterday, on concurrence in the report of the committee of conference on the silver bill, the gentleman from Ohio, [Mr. GARFIELD,] in reading from the act of 1869, read the clause—

The faith of the United States is solemnly pledged to the payment in coin, or its equivalent, of all the obligations of the United States not bearing interest, known as United States notes, and of all the interest-bearing obligations of the United States—

There the gentleman stopped. Afterward, in the course of the debate, obtaining the floor by the courtesy of the gentleman from New York, [Mr. COX,] I called attention to the fact that the gentleman from Ohio had stopped in the middle of a sentence and I read the rest of the clause, which is as follows:

Except in case where the law authorizing the issue of any such obligation has expressly provided that the same may be paid in lawful money or other currency than gold or silver.

stating at the time that the gentleman had omitted that part of the sentence. Either with or without the gentleman's consent—I do not know which—the reporters have put in the gentleman's remarks the whole sentence, making it appear as if he had read the whole sentence, while I took exception to his only reading a portion of it, and thus placing me in the false position of calling attention to a fact which does not exist, if the report in the RECORD be correct. I desire, therefore, that I may not appear in a false position, that this correction go into the RECORD in order to show that the gentleman did stop in the middle of the sentence and that the additional clause has been added to his remarks since.

ELIZA JANE BLUMER.

Mr. MUTCHLER. I ask unanimous consent to introduce a bill granting a pension to Eliza Jane Blumer, and to ask for its passage at this time.

The bill (H. R. No. 11) entitled "An act granting a pension to Eliza Jane Blumer was returned yesterday by the President without his approval, the reason given for the return of the bill being that there was a clerical error in it. The soldier on whose account the pension was granted was described in the bill as a private of Company A, Forty-seventh Regiment Pennsylvania Volunteers. The records in the War Office show that he was a private of Company B; and because he was described as a private of Company A instead of Company B, the President returned the bill without his approval. In the bill which I send to the desk, the correction is made, and I ask that it be put upon its passage.

The SPEAKER *pro tempore*. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension-roll, subject to the provisions and limitations of the pension laws, the name of Eliza Jane Blumer, widow of Henry A. Blumer, a private of Company B, Forty-seventh Regiment Pennsylvania Volunteers, to take effect on and after the date of the said Henry A. Blumer's death, as shown by evidence on file in the Pension Office.

Mr. RUSK. I understood that that bill with the President's message was referred yesterday to the Committee on Invalid Pensions.

The SPEAKER *pro tempore*. The bill which was returned by the President without his approval, on account of a clerical error, was referred to that committee. The Chair understands that the bill sent up by the gentleman from Pennsylvania [Mr. MUTCHLER] is a new bill.

Mr. MUTCHLER. It is precisely the same bill, except that the soldier is correctly described as having been a member of Company B, instead of Company A.

Mr. RUSK. I shall have to object to it anyhow, as it dates back.

ORDER OF BUSINESS.

Mr. POPPLETON. I rise to a question of the highest privilege. I desire to call up the resolutions reported by the Committee of Elections in the contested-election case of Abbott *vs.* Frost.

Mr. MUTCHLER. I suggest that the objection of the gentleman from Wisconsin [Mr. RUSK] comes too late.

The SPEAKER *pro tempore*. The Chair thinks not. The gentleman had a right to object when the bill was read.

Mr. POPPLETON. I will yield for a moment to the gentleman from Delaware, [Mr. WILLIAMS.]

WRECK OF THE MONITOR TECUMSEH.

Mr. WILLIAMS, of Delaware, by unanimous consent, from the Committee on Naval Affairs, submitted the following report:

The Committee on Naval Affairs, to whom was referred a joint resolution in relation to the wreck of the United States monitor Tecumseh, respectfully report that the steam monitor Tecumseh was sunk by a torpedo in Mobile Bay during the late war in forty-five feet of water, with all on board; that the location of said wreck is accurately ascertained and marked by a large buoy, with twenty-five feet of water above her turret, so that said wreck does not form an obstruction to navigation; that on August 7, 1873, the said wreck, together with the wreck of the confederate transport King, was sold by William A. Richardson, Secretary of the Treasury, to James E. Slaughter (under the provisions of the joint resolution of June 21, 1870) for the sum of $50. Now, in the opinion of your committee, no more noble tomb than the hull of this monitor can be found for the brave and patriotic men who lost their lives in defense of their country, and that the sale of said wreck with no provision for the proper removal of their remains is shocking to the feelings of every right-minded man; and to prevent the consummation of so great an outrage as the scattering and destruction of the remains of the noble men so gloriously entombed, we report a joint resolution and recommend its passage as a substitute for the joint resolution referred to your committee.

Whereas the wreck of the monitor Tecumseh was sold to Joseph E. Slaughter under the provisions of the joint resolution of June 21, 1870; and whereas it is understood that the purchaser of said wreck proposes to break up and raise the same without regard to the bodies of the one hundred and fifty officers and sailors of the United States Navy who went down with said vessel: Now, therefore,

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Navy be, and hereby is, directed to prevent the breaking up or destruction of said wreck unless the said bodies be carefully removed under the inspection of an officer appointed by him; and should the purchaser or his assigns decline to so remove the bodies, the Secretary of the Treasury is directed to tender the amount paid for said wreck, with lawful interest on the same, to said purchaser or his assigns, and to take possession of said wreck.

The joint resolution (H. R. No. 148) in relation to the wreck of the United States monitor Tecumseh was read a first and second time.

Mr. HALE. Let me ask the gentlemen a question. As I understand it, this sale to which the report refers of the wreck of this vessel was under an act of Congress. Is not that so?

Mr. WILLIAMS, of Delaware. It was under authority of a joint resolution of Congress.

Mr. HALE. So that if there is any fault in the matter it is not in the Department, but in Congress.

Mr. WILLIAMS, of Delaware. The sale was authorized under a joint resolution of Congress for the sale of abandoned property.

The joint resolution was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. WILLIAMS, of Delaware, moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. BRIGHT. I call for the regular order of business.

The SPEAKER *pro tempore*. The regular order of business is the call of committees for reports of a private nature, but the gentleman from Ohio [Mr. POPPLETON] calls up a question of the highest privilege.

Mr. SCHLEICHER. Is not the unfinished business the regular order?

The SPEAKER *pro tempore*. Not on Friday morning. The rule requires that the morning hour on Friday shall be given to the call of committees for reports of a private nature.

Mr. POPPLETON. I yield for a moment to the gentleman from Iowa, [Mr. PRATT.]

LOUIS ROSENBAUM.

Mr. PRATT, by unanimous consent, from the Committee of Claims, reported back the bill (H. R. No. 341) for the relief of Louis Rosenbaum, with the Senate amendment thereto, and with the recommendation that the amendment of the Senate be concurred in.

The amendment of the Senate was read, as follows:

In line 11, after the word "authorize," insert the "Secretary of the Treasury shall be satisfied that said check has not been paid and, further, that;" so that it will read:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Louis Rosenbaum the sum of $1,424.37 in lieu of check numbered A 270[illegible]8, on the assistant treasurer of the United States at New York, dated the 5th day of January, 1874, payable to the order of said Louis Rosenbaum, and signed by M. P. Small, brevet brigadier-general and commissary of subsistence; which said check, it is claimed, has been lost, and was never received by the said Louis Rosenbaum: *Provided*, That before the payment hereinbefore authorized, the Secretary of the Treasury shall be satisfied that said check has not been paid, and, further, that the said Louis Rosenbaum shall execute a bond of indemnity to the United States, with sufficient sureties, against the claim of the payee in said draft, or the claim of any person or persons in possession of or claiming the same; and also to fully indemnify the United States against all loss and damages in the premises.

The amendment of the Senate was concurred in.

Mr. PRATT moved to reconsider the vote by which the amendment of the Senate was concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

E. D. FRANZ.

Mr. PRATT also, by unanimous consent, from the same committee, reported back the bill (H. R. No. 339) for the relief of E. D. Franz, with a Senate amendment thereto, and with the recommendation that the amendment be concurred in.

The amendment was read, as follows:

In line 13 of the bill, after the word "authorize," insert "the Secretary of the Treasury shall be satisfied that said check has not been paid, and further that;" so that it will read:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to E. D. Franz the sum of $2,019.82, in lieu of check numbered 2510, drawn on the United States assistant treasurer at San Francisco, California, payable to the order of one Daniel Hazard, and indorsed by said Hazard to L. and H. Huning and by said L. and H. Huning to the said E. D. Franz, said check being signed by J. J. Dana, major and quartermaster United States Army; which said check, it is claimed, was lost on being sent by said L. and H. Huning to the said E. D. Franz, and was never received by said E. D. Franz: *Provided*, That before the payment hereinbefore authorized, the Secretary of the Treasury shall be satisfied that said check has not been paid, and further that the said E. D. Franz shall execute a bond of indemnity to the United States with sufficient sureties against the claim of the payee in said draft or the claim of any person in possession of or claiming the same, and also to fully indemnify the United States against all loss and damages in the premises.

The amendment of the Senate was concurred in.

Mr. PRATT moved to reconsider the vote by which the amendment of the Senate was concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SAMUEL J. CRAWFORD.

Mr. PRATT also, by unanimous consent, from the same committee, reported as a substitute for House bill No. 644, a bill (H. R. No. 3889) for the relief of Samuel J. Crawford; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and ordered to be printed.

MINOR CHILDREN OF JOHN C. ROBINSON.

Mr. KNOTT, by unanimous consent, introduced a bill (H. R. No. 3890) for the relief of the minor children of John C. Robinson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN A. BRIDGELAND.

Mr. CALDWELL, of Tennessee. I ask unanimous consent to submit a report at this time. The Committee on Expenditures in the State Department, to whom was submitted by a resolution of the House an inquiry in relation to certain matters bearing upon the official conduct of John A. Bridgeland while supervisor of internal revenue in Texas, have instructed me to present the report and the accompanying evidence and to ask that the same be printed, laid upon the table, and the committee discharged from the further consideration of the same.

Their being no objection, the report was received, and with the accompanying testimony ordered to be printed and laid on the table

DANIEL WORMER.

Mr. EDEN. I ask unanimous consent to take from the Speaker's table House bill No. 1808, which has been returned from the Senate with an amendment. It is a bill for the relief of Daniel Wormer, of Albany, New York.

There being no objection, the bill and amendment were taken from the Speaker's table.

The amendment of the Senate was in lines 4 and 5 of the bill, to strike out "$3,500" and insert in lieu "$2,000."

Mr. EDEN. The amendment of the Senate reduces the amount given by the bill as it passed the House. I move that the amendment of the Senate be concurred in.

The motion was agreed to.

Mr. EDEN moved to reconsider the vote by which the amendment of the Senate was concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

RAILROAD IN DAKOTA TERRITORY.

Mr. KIDDER, by unanimous consent, introduced a bill (H. R. No. 3891) to aid in the construction of a railroad and telegraph line from Fort Abraham Lincoln to the Little Missouri River, in the Territory of Dakota; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

ORDER OF BUSINESS.

Mr. HOLMAN. I must now insist upon the regular order of business.

The SPEAKER *pro tempore*. The gentleman from Ohio [Mr. POPPLETON] has called up the report of the Committee of Elections in the contested-election case of Abbott *vs.* Frost, from the fourth congressional district of Massachusetts.

Mr. HURLBUT. I desire to raise the question of consideration upon that case. This is private-bill day, and there are a great many bills on the Private Calendar which can be passed if the House can reach them. I therefore will call for a vote upon the question whether the House will now take up this election case or will proceed to the consideration of private bills.

Mr. POPPLETON. The right of a member to his seat is a question of the highest privilege. It seems to me that it can be hardly proper to raise the question of consideration in such a case.

The SPEAKER *pro tempore*. The Chair is inclined to think that the question of consideration may be raised in this case. If the majority of the House are opposed to taking up the matter, it is within their power to refuse to proceed with its consideration. The question before the House is: Will the House proceed at this time to consider the report of the Committee of Elections in the contested-election case of Abbott *vs.* Frost? The Clerk will read the rule.

The Clerk read as follows:

When any motion or proposition is made the question, Will the House now consider it? shall not be put unless it is demanded by some member or is deemed necessary by the Speaker. * * * And it is competent for a member to raise the question of consideration upon a report even though a question of privilege is involved in the report.

The SPEAKER *pro tempore*. The Clerk will now read the resolutions reported from the Committee of Elections.

The Clerk read as follows:

Resolved, That Rufus S. Frost was not elected, and is not entitled, to a seat in the House of Representatives in the Forty-fourth Congress from the fourth congressional district of Massachusetts.

Resolved, That Josiah G. Abbott was elected, and is entitled, to a seat in the House of Representatives in the Forty-fourth Congress from the fourth congressional district of Massachusetts.

The SPEAKER *pro tempore*. The question before the House is, Will the House proceed at this time to the consideration of the resolutions just read by the Clerk?

The question was taken; and upon a division, there were—ayes 82, noes 65.

Before the result of this vote was announced,

Mr. LANE and others called for tellers.

Mr. HOLMAN. I would inquire of the Chair when the morning hour will begin?

The SPEAKER *pro tempore*. The morning hour would begin at once but for the interposition of this business.

Mr. HOLMAN. Is not this election case a question of the highest privilege?

The SPEAKER *pro tempore*. It does not do away with the morning hour at all.

Mr. HOLMAN. It is the regular business, however.

The SPEAKER *pro tempore*. The morning hour will begin as soon as this business is disposed of if the House shall choose to take up this report of the Committee of Elections. The question now is upon ordering tellers upon the question of consideration.

The question was taken; and tellers were ordered, there being 30 in the affirmative; more than one-fifth of a quorum.

Mr. POPPLETON and Mr. HURLBUT were appointed tellers.

Mr. TOWNSEND, of New York. With the permission of the House, I desire to state that the minority of the Committee of Elections have not the least objection to the instant consideration of this case. If any of them shall vote against taking up the report at this time, it will be simply for the purpose of proceeding with the business on the Private Calendar. We do not desire to delay the consideration of this case.

The House again divided; and the tellers reported that there were—ayes 82, noes 72.

So the House decided to proceed with the consideration of the contested-election case of Abbott *vs.* Frost.

Mr. POPPLETON. I will now yield one hour to the gentleman from Indiana, [Mr. BAKER,] and give notice that at the expiration of that hour I will call the previous question.

Mr. BAKER, of Indiana. With the understanding that it shall not be taken out of my time, I will yield to the gentleman from Virginia, [Mr. HARRIS,] who desires to get action upon a disability bill.

GEORGE WATSON CARR.

Mr. HARRIS, of Virginia. I ask unanimous consent at this time to introduce for immediate action a bill to remove the legal and political disabilities of George Watson CARR, a citizen of the State of Virginia.

Mr. HURLBUT. I would suggest to the gentleman that he leave out of the bill and the title the words "legal and." The Senate invariably strike out those words when they are in such bills as this.

Mr. HARRIS, of Virginia. I accept the gentleman's suggestion, and will modify the bill and title accordingly.

The SPEAKER *pro tempore*. Is there a petition accompanying this bill?

Mr. HARRIS, of Virginia. There is.

There being no objection, the bill (H. R. No. 3892) to remove the political disabilities of George Watson Carr, a citizen of the State of Virginia, was received, read three several times, and passed, two-thirds voting in favor thereof.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, announced that the Senate was ready to proceed with the trial of the impeachment of William W. Belknap and to receive the managers on the part of the House, and that the Senate Chamber was prepared with accommodations for the reception of the House of Representatives.

The message also announced that the Senate had disagreed to the amendments of the House of Representatives to the bill (S. No. 779) to provide for the sale of the reservation of the confederated Otoe and Missouria Indians in the States of Kansas and Nebraska, asked a conference with the House upon the disagreeing votes of the two Houses, and had appointed as conferees on the part of the Senate Mr. INGALLS, Mr. PADDOCK, and Mr. RANSOM.

The message also announced that the Senate had passed without amendment the bill (H. R. No. 2118) to provide for the construction of military posts on the Yellowstone and Muscleshell Rivers.

The message further announced that the Senate had agreed to the resolution of the House of Representatives to amend the report of the committee of conference on the bill (H. R. No. 3411) for the repavement of Pennsylvania avenue.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the joint resolution (H. R. No. 109) for the issue of silver coin.

ELECTION CONTEST—ABBOTT VS. FROST.

The House proceeded to the consideration of the resolutions reported by the Committee of Elections in the case of Josiah G. Abbott *vs.* Rufus S. Frost, from the fourth congressional district of Massachusetts.

Mr. POPPLETON obtained the floor and yielded to Mr. BAKER, of Indiana.

Mr. BAKER, of Indiana. Mr. Speaker, I do not speak to-day with any serious expectation of inducing any gentleman on the democratic side of the Chamber to vote for the republican member. I beg them, however, to pause and at least examine the case fairly and dispassionately. Under the spur of party zeal, I trust they will not blindly follow their party friends composing the majority of the Committee of Elections. I am so thoroughly convinced of the public wrong and private injustice which they ask the House to consummate that

I cannot consent to allow this case to pass in silence. If here and now the cause of justice must give place to partisan considerations, I believe there is a higher forum before which the decision of this House will be carried for review. There I cannot doubt a decision will be rendered which will satisfy the blindest partisan that the honest electors of the fourth congressional district of Massachusetts entertain the belief that they have the right to choose their own Representative in Congress. I believe such a change will be made at the next election in the representation of this ancient Commonwealth as will satisfy the dominant party in the House that if there is one thing more than another which the intelligent and patriotic voters of that State and of the whole country are determined to resent it is the wrong done them under form of law in electing here to represent them men whom they repudiated at the polls.

I beg the majority to recollect that they were sent here as an experiment. The people are watching their acts with jealous scrutiny to see whether in the past sixteen years of retirement from "their country's service for their country's good" they have forgotten their old ways of crookedness and maladministration. The people are watching to see whether they have learned anything new; to see, in a word, whether being washed up into public life by the tidal wave of 1874 they come up as they went down in 1860, festering all over with corruption and reckless of the perpetuity and welfare of the nation. The thoughtful men of the country demand that the party that controls the destinies of the Republic shall stand abreast the progressive movements of the day; that it shall recognize the revolution accomplished by the war and the recent constitutional amendments, and that it shall be pure, peaceable, and just in its administration of public affairs. The people demand of the party in possession of the Government large performance in every needed legislative reform. The party of large promise and small performance must step down and out. Such has been the democratic party. The people expect and have a right to demand that, rising above considerations of mere partisan advantage, the party in power in this House will decide the great questions relating to its organization and membership on the principles of right and justice. If such elevated views govern in the decision of the case under discussion, the report of the majority will not be adopted as the judgment of the House.

There are only two questions involved in this contest upon which I deem it important to speak. On the other questions the minority of the committee reached by mutual concessions conclusions which harmonize with the views of the majority. The first question to which I shall address some observations relates to the decision of the democratic majority of the committee, Mr. THOMPSON excepted, to reject the entire vote in ward 4 in the city of Chelsea. The next question relates to the decision of the whole of the democratic majority of the committee to strike off 300 votes alleged to have been cast by employés of the Charlestown navy-yard.

THE VOTE IN WARD 4, CHELSEA.

The ground of contest is as follows:

Sixth. That the votes and check-list and the result of the counting of the votes in ward 4 in said city of Chelsea at said election were not returned forthwith by the warden of said ward to the clerk of said city of Chelsea by any constable in attendance at said election or by any ward officer, as required by law, and in fact were not returned to said clerk until the morning following the election.

The statute regulating the return of the ballots, check-list, and the result of the counting is found in sections 40 and 41 of chapter 376, acts of 1874.

SEC. 40. In all elections in cities, whether the same be for United States, State, county, city, or ward officer, it shall be the duty of the warden or other presiding officers to cause all ballots which shall have been given in by the qualified voters of the ward in which such election has been held, and after the same shall have been sorted, counted, declared, and recorded, to be secured in an envelope, in open ward meeting, and sealed with a seal provided for the purpose; and the warden, clerk, and a majority of the inspectors of the ward shall indorse upon the envelope for what officers and in what ward the ballots have been received, the date of the election, and their certificate that all the ballots given in by the voters of the ward, and none others, are contained in said envelope.

SEC. 41. The warden or other presiding officer shall forthwith transmit the ballots, sealed, as aforesaid, to the city clerk, by the constable in attendance at said election or by one of the ward officers other than the clerk; and the clerk shall retain the custody of the seal, and deliver the same, together with the records of the ward and other documents, to his successor in office.

This statute must be construed as directory. The rule is thus well stated by the distinguished author of American Law of Elections, in section 88:

In general, where a statute requires an official act to be done by a given day for a public purpose it must be construed as merely directory in regard to the time. Accordingly it is uniformly held that a statute requiring an officer or board to certify the result of an election or in any way to make known the result, or to issue a commission on or before a given day or within a given number of days after the election, is directory, and not mandatory. Such acts are valid though performed after the expiration of the time. (*Ex parte* Heath *et al*., 3 Hill, 42.)

This doctrine has been uniformly maintained by the courts, and nothing is better settled. (People *vs.* Allen, 6 Wendell, 486, and cases there cited; Colt *vs.* Eves, 12 Connecticut, 243–253, and cases there cited.)

This principle has been uniformly applied in deciding cases of contested elections by the House. Unless the statute expressly declares that the act shall be invalid provided it is not done within a given time, or unless the delay is so great as to render doubtful the result, a failure to certify the result of the election forthwith will not affect the validity of the returns. In Brockenbrough *vs.* Cabell, 1 Bartlett, page 84, decided by a democratic House in 1846, this principle was distinctly ruled. The committee says:

The law of Florida requires that the return of votes given for Representative in Congress shall be returned to the secretary of state within thirty days next after the election. Your committee deem the provisions of the law only as directory, and are of the opinion that the votes returned after the thirty days should be counted as well as those returned within that time. A different construction might lead to bad results and tend to defeat the will of the people; a different construction would permit a corrupt officer to defeat the voice of a majority by his refusing to make his return; it would subject the will of that majority to be defeated by the accidental loss of returns. What is the will of the majority legally expressed at the polls has been the rule of the committee, and such the settled rule of the House in a great number of cases.

These principles clearly cover this case and settle the invalidity of the ground of objection to this poll. It is not alleged in the notice of contest that there was any fraudulent conduct or conspiracy on the part of the officers conducting the election to withhold improperly the ballots, check-list, and return of the count. The contest is grounded on the single fact that they were not returned forthwith by the constable in attendance at the election, and that as a legal consequence their delivery on the next morning was too late to satisfy the law. It was therefore insisted that the return from this ward must be rejected. The authorities all show that this principle is unfounded, and hence the majority of the committee is compelled to abandon the issue presented in the notice of contest. They place their decision not on the legal consequence of the failure to make the return forthwith, but on the ground that the ballots, check-list, and return were, while so withheld, fraudulently tampered with. They use this language:

Your committee find from the evidence in the case serious reasons for suspecting that actual fraud was committed in favor of the returned member in this ward.

The majority of the committee, being seized upon by a "suspicion of fraud," leap to the conclusion that five hundred and seventy-five republican voters ought to be disfranchised, not because fraud is alleged or proved, but because in the purity and simplicity of their hearts they "suspect actual fraud" was committed! And the only earthly reason apparent for this suspicion seems to be because Mr. Frost's neighbors preferred him to his democratic competitor. The majority seem to have decided this case on suspicion and not on averment and proof. And thus the party claiming to believe in the right of the people to choose their own representatives give fresh evidence that with them profession and practice are strangers to each other. But is it possible that outside of the committee who signed the report a lawyer can be found on the floor of the House who believes that under the issue tendered any question of fraud arises? No rule of law will permit the contestant to shift his ground of contest and for the first time in his testimony attack the honesty of the officers holding the election by attempting to show that the ballots, check-list, and returns were held back to be tampered with. No such issue is presented in the pleadings, and it would overturn the most ancient and salutary rule of law to permit it. The rule is as elementary as it is uniform that the proofs must be confined to the point in issue and must be relevant to it. There is neither reason, law, nor precedent to justify a departure from this rule. While this House may make a different precedent it cannot give to it the weight of either law or reason.

THE CASE MADE IN THE TESTIMONY.

But when we examine the testimony the charge of fraud is utterly unsustained. The testimony clearly shows that the counting and sealing up the ballots, check-list, and returns were not completed until about a quarter of twelve o'clock at night; That the ballots and check-list, duly sealed up and certified, were delivered to a police officer having the power and authority of a constable to take to the office of the city clerk; that when he reached the office of the city clerk he found it closed; that he then delivered the sealed package containing the ballots and check-list to the captain of the night-watch of the city of Chelsea, who also possessed under the law the authority of a constable, who retained it till the next morning; that the officer to whom the package was delivered by the warden who presided at the election procured it in the morning from the captain of the night-watch, and about seven o'clock in the morning he delivered it to the city clerk; that the seals of the package were unbroken and the package intact. The package had been from the time it left the warden's hands constantly in the hands of an officer vested with the power and authority of a constable. The sworn return of the counting was delivered as required by law to the clerk of the election board. He was the rightful custodian of it. He had it in his possession until about seven o'clock of the morning of the 4th of November, 1874. He could not gain access on the night of election to the office of the city clerk. The ballots, check-list, and the sworn return were in evidence before the committee, and they exactly agree. There was nothing on the face of the return to raise a suspicion that it had been tampered with after it left the hands of the officers holding the election. This fact establishes the conclusion that the ballots and check-list had not been tampered with after they left the custody of the election board. In fact there is not one scintilla of proof in the record that shows that there had been any attempt to tamper with the ballots, check-list, or return after they left the ward-room. There is nothing in the record calculated to raise a suspicion of tampering in an unperverted mind.

The only place, then, where any wrong could have been done was at the ward-room by the sworn officers holding the election, the majority of whom were democrats. The contestant did not have the face to impute the grave crime to the officers holding the election in ward 4, Chelsea, of tampering with the ballots and falsifying the returns. Still it seems to have been as easy for the majority of the committee to help him out on this as it was on his defective notice.

The testimony relied on to stamp the gentlemen holding this election with the commission of a grave crime is given by one Augustus Andrews and one Dexter A. Tompkins. This man Andrews says that at twenty minutes or quarter before ten o'clock in the evening he went to the ward-room of ward 4, Chelsea, where the election had been held; that when he went in there he saw six or eight men present, one or two of whom were police officers; that some of those present were inside of the rails; a few outside; that they were doing nothing, unless one or two were writing; that he asked them if they could give him their figures; that one of them going to another desk gave him the figures—the vote for both Frost and Abbott in that ward; that he asked them if they had forwarded their return, and they said, "Yes," they had just sent them down; that he did not see any ballots or check-list there; that he immediately drove back to the city marshal's office, in Chelsea, and asked a police officer if he had received the figures of the votes of ward 4; that he said he had, and gave them to him; and they corresponded with those given to him just previously at the ward room of ward 4. This is the evidence which raises the suspicion in the mind of the majority that actual fraud was committed by the election board.

I venture to say that it will not excite any serious suspicion in the mind of a candid inquirer for truth. Suppose it is true that he saw six or eight men at the ward-room, and that two only were engaged in writing, and that he saw no ballots and check-list; and suppose, on inquiry, some person, he cannot tell whom, told him the number of votes, and said they had just sent the returns down—and what of all that? Does it prove the commission of a crime upon the officers of the election? But this man is either mistaken in what occurred, or was ignorant of the law fixing the place where the returns were to be sent, or else is testifying falsely. He says he got the returns from the returning board first, and was told they had just sent down their returns. He says that he then immediately drove to the city marshal's office, and asked a police officer there if he had received the figures, and he said he had and gave them to him, and they corresponded with those which he had obtained at the ward-room. If he had got the figures, as he swears, from the officers holding the election, why go to the city marshal's office? Why in any event go to the city marshal's office, for the law required the returns to be sent to the city clerk's office, and not to that of the city marshal? If he doubted the man he talked with at the ward-room, why did he not go to the place to which he knew the returns must be sent? Why inquire of a police officer at a place where there was no means of ascertaining what the vote was if he had just been at the ward-room? This man's evidence, if true, is utterly valueless; but his story bears the indication of being grounded much more upon fancy than fact.

The only other testimony relied on to prove the suspected fraud is that of Tompkins. This man is a music-teacher and a member of the general court. He claims that on the night of November 4, 1874, at the counting-room of a livery-stable he heard one McMichael say that he went to Chelsea on the night of the election and directed or told the ward officers of ward 4, Chelsea, to retain their returns until they heard from ward 2, Boston. Such frivolous hearsay is invoked as evidence. It is absolutely valueless even if was not contradicted. McMichael, however, contradicts it flatly, and explains what he said so clearly as to leave no doubt that this stable tale-bearer misunderstood what passed between McMichael and another person with whom he was talking. There is one other item of hearsay, and only one which is relied on. That is the statement of the clerk Norris; that an inspector of election told him, while they were at work counting, that somebody sent word to keep back the return till ward 2, Boston, had sent in its returns; that no notice was taken of it; that they worked as hard as they could to complete the returns.

I have now gone over and given the substance of all the evidence, hearsay and other, relating to the election in ward 4, Chelsea. It is absolutely valueless to impeach the sworn returns. To reject this poll will be in my judgment a flagrant outrage on the dearest rights of the people.

The next question relates to the striking off of 300 votes alleged to have been cast by employés of the Charlestown navy-yard. The contestant claims that these men were bribed "by giving them employment in the navy-yard at Charlestown." In his brief, page 20, he states his claim thus:

> It is claimed by the contestant that a large number of votes were secured for the returned member by giving voters employment in this navy-yard. The exact number of votes thus secured it is impossible to ascertain.

The statute of Massachusetts provides that "if any person shall pay, give, or bestow, or directly or indirectly promise any gift or reward to secure the vote or ballot of any person for any officer to be voted for at any national, State, or municipal election," he shall be deemed guilty of bribery, and upon conviction be punished by fine or imprisonment, or both, at the discretion of the court.

This statute does not materially change the rule of the common law. Being a penal statute it must be strictly construed. The statute neither disqualifies the voter to vote nor the person voted for to hold the office. The supreme court of Pennsylvania in the case of The Commonwealth *vs.* Shaver (3 Watts and Serg., 338) decided that—

> The trial and conviction of a sheriff of the offense of bribing a voter previously to his election to the office does not constitutionally disqualify him from exercising the duties thereof.

The only notice of contest raising this question is as follows:

> That many votes were cast and counted at said election for you [the returned member] in said fourth congressional district by persons who were induced to cast said votes by paying, giving, and bestowing upon such voters gifts and rewards, and by promising to pay, give, and bestow to and upon such voters gifts and rewards.

This notice is insufficient to raise any issue or admit of any proof under it. The act of Congress to prescribe the mode of obtaining evidence in cases of contested elections provides, among other things, that the contestant shall, "within thirty days after said election, give notice in writing to the member whose seat he intends to contest; and in such notice shall specify particularly the grounds on which he relies in such contest." It is needless to go into the discussions which have arisen as to what is the true meaning of the words "shall specify particularly the grounds of contest on which he relies." It is manifest that it was not intended as an idle formality. The framers of the law evidently meant to require the averments in the notice of contest to be as certain and definite as the facts of the case would permit. The notice ought to be sufficiently specific as to the time, place, and nature of the charge to put the returned member on notice and enable him to prepare his defense and thus prevent any surprise. The law is thus accurately stated in American Law of Elections, section 344:

> It seems settled by the decisions of the House of Representatives that a notice is good under the law if it specify the number of illegal votes polled, for whom polled, when and where polled, without specifying the names of the illegal voters. (Wright *vs.* Fuller, 1 Bartlett, page 152; Vallandigham *vs.* Campbell, 1 Bartlett, page 243; Ottero *vs.* Gallegos, 1 Bartlett, page 177.)

The notice in this case does not specify the number of votes which are claimed to have been procured by giving employment to the voters. It simply alleges "that many votes were cast and counted" which were thus procured.

> Such an allegation may mean five, or ten, or twenty, or five hundred; it is uncertain and not particular. This point was expressly ruled in the case of Lelar, sheriff of Philadelphia, in 1846. The courts say they will require of the party complaining of illegal votes to state the number; for instance, thus twenty voted under age; fifteen voted who were unnaturalized foreigners; ten voted who were non-residents, &c. This particularity the courts require, because otherwise they would be converted into a mere election board for the purpose of counting disputed ballots. They do not, as this House does not, require the names of the illegal voters to be given. (Wright *vs.* Fuller, 1 Bartlett, page 181.)

Can any reputable lawyer be found who will contend that the averment that "many fraudulent votes were cast" raises any specific issue? As well contend that a declaration by A alleging that B owed him "many dollars," or in replevin that he wrongfully detained "many cattle," would be sufficient. Such an allegation would be treated by any respectable court in this country as nugatory. To hold it a sufficiently "particular statement" is to nullify the statute and to run against the current of all the authorities. But possibly the great end to be accomplished in unseating a republican and seating a democrat justifies the means. We can only bow in silent wonder at such evidences of reform and fair dealing.

Again, the notice only alleges—

> That many such votes were cast and counted in the fourth congressional district.

This district is composed of seven wards of the city of Boston, the whole of the city of Chelsea, and the two towns of Winthrop and Revere. There are not less than thirteen voting-precincts in it. The only notice is that somewhere in this district many votes were procured to be cast and counted by giving employment to voters in the navy-yard. But where? In Boston? If so, where, in what ward or wards? In Chelsea? At what voting-place? In Revere or Winthrop? The notice gives us no information. The whole question is reduced to this: Does a notice of contest "specify particularly the grounds of contest" when it simply alleges "that many illegal votes were cast in the district?" To so hold would abrogate the statute and do away with the necessity of any notice of contest at all. It gives no more specific notice than it would to serve a paper stating simply the fact of an intended contest. How can the returned member prepare for the trial of the question whether illegal votes have been cast or not? If it is answered that he knows whether he has corrupted any voters or not, the sufficient reply is that such an argument would do away with all pleading. The law gives the contestee the right to a specific statement of the grounds of contest. He is entitled to this information for his defense.

But it has been suggested that this objection has been waived. There is no system of laws with which I have any acquaintance whereby going to trial on a declaration bad in substance the defendant is held to have waived the objection. Neither by the common law nor by statute is the failure to object to the sufficiency of such a declaration before going to trial held to be a waiver. The objection can be taken at any stage of the trial of the cause. I submit that we are bound to apply this principle of law to this case.

There are other considerations which show that the doctrine of waiver can have no just application to this objection to the notice. The returned member cannot waive the rights of the people in this

contest. His failure to object *in limine* to the sufficiency of the notice cannot abridge the people's right to have this case decided by the established rules of law. The certificate of election issued to Mr. Frost entitles the fourth congressional district to have him remain as their Representative until his *prima facie* right is overcome by averment and proof as required by the statute. How can the sitting member by any act of omission defeat the people's right to have the question settled in accordance with the law and fact?

This question affects not only the people of the district but of the whole country; and for us to shirk the responsibility of deciding it according to the law on the theory that a member can waive the public right involved is an unworthy evasion of duty. I recognize the value and importance of the doctrine of waiver in cases where it is fairly applicable. Where parties representing only their own private interests do any act amounting to a waiver, or where they do an act which, if they were allowed to recall it, would operate as a fraud upon their adversary, a court may well act upon and enforce the waiver. Here no wrong or injury can be claimed to result from Mr. Frost's pressing this objection, and hence no question of waiver can arise. The House, with due regard to public interests, cannot permit a contestant to disregard a plain requirement of law, one essential to the speedy and correct disposition of election contests. How can a limit be put upon the scope of the inquiry in any other manner than by requiring a specific statement of the grounds of contest? Must the committee and the House be left with no knowledge of the issues to be tried except such as they may gain from reading a mass of incongruous and conflicting testimony? Such a practice would prove intolerable. With the application of a reasonable rule on this subject this class of cases has become sufficiently numerous and laborious. We owe obligations to the whole body of the people which forbid our tolerating a practice which would consume our time in settling questions which are not brought before us as the law requires. To adhere to the law can work no injustice. To depart from it cannot otherwise than prove dangerous.

In conclusion on this point I want to say that there is no provision of law providing when, where, or in what manner objection can be taken to the sufficiency of the notice. It cannot be made until the case is brought before the House for the consideration of the questions pertaining to the contest. This is the first and only place where such objection can be made or considered. I submit that the House cannot escape the duty of deciding the question whether the above specification of contest is legally sufficient. To hold it sufficient would override the statute, reverse the precedents of the House, run counter to the uniform current of judicial authority, and practically relieve a contestant from the necessity of giving any notice whatever. I beg gentlemen to consider whether an act of such flagrant disregard of all law and precedent is just or prudent at this time?

PROOFS OF ALLEGED NAVY-YARD FRAUDS.

I come now to the alleged bribing of voters by giving them employment in the navy-yard. This is an old and, with the democratic party, a familiar subject. Their profligate and shameless prostitution of the navy-yards of the country to partisan purposes during their control of the Government is a record which presents a foul blot upon the page of our history. So debauched had this service become during the time of Buchanan, the last bachelor President the people of this country propose to have, that the President, the Secretary of the Navy, many democratic members of Congress, and other high officials used the patronage of the navy-yards as a means of controlling elections and enriching favorites. Corruption and venality grew rank through the whole service. The corruptions, frauds, and peculations of the democratic party—of some of the loudest of the democratic reformers of to-day—in the Navy Department polluted the very fountain of government, and they were equally shameless in all the other Departments.

You had but to strip the mask of democracy from their faces and you beheld the bloated and hideous features of a corruptionist. You had but to strip the mask of patriotism from their faces and you beheld the ghastly visages of traitors plotting here on this sacred spot, in the capital of the nation, to overthrow and dismember the Republic. The same men are now the patriots and reformers of to-day—the men who, like the Pharisees, thank God they are not like the radicals. Their conversion to the cause of patriotism and reform looks much like a death-bed repentance. It looks much as though they wanted to be esteemed genuine reformers in order to again revel on the spoils of office. This eager yearning to unearth corruption through secret committees of the House is new-born. It is a well-known historical fact that when Congress proposed to investigate and expose the frauds, corruptions, and peculations of Andrew Jackson's administration, he took the high ground that the executive being an equal co-ordinate Department of the Government, the Congress could not constitutionally investigate his administration. He also planted himself upon that other constitutional guarantee found in the bill of rights, that no man accused of crime shall be compelled to furnish evidence to convict himself. And in this defiance of the power of the House the democratic reformers of that day sustained him, and thus practically defeated all investigation. And so, during the whole history of this corrupt and profligate party while in possession of the Executive Departments of the Government, it has opposed investigation into its own corruptions and frauds. The country will estimate at their true worth both the motive and character of the secret, *ex parte*, inquisitorial investigations conducted by this same party at this time.

I propose further on to adduce some well-authenticated facts to prove the truth of my charge of corruption in the navy-yards in the days of democratic supremacy. Before proceeding to do so, I wish to make a few additional observations in reference to the alleged bribing of voters in the navy-yard by giving them employment. It is not my purpose to go into any minute analysis of the mass of testimony on this subject. I submit that a careful reading of it will show that the exigencies of the public service fully justified the increase of force; and that a considerable portion of it could have been longer retained with advantage to the Government. It will also show that when the reduction took place it was not for the want of profitable employment, but for the want of money to carry on the work. With but one or two exceptions the witnesses concur in stating that the men were steadily and usefully employed. These exceptional witnesses, and particularly Splaine, are so thoroughly contradicted and overthrown by the uniform statement of many others, that no candid mind can hesitate in disregarding their testimony. The testimony shows that much the largest portion of the employés in the navy-yard came from other congressional districts. The force there employed is shown to have been residents of five or six districts in the State of Massachusetts.

The only ground upon which the charge of bribery rests is that Mr. Frost and his political friends gave recommendations to a number of voters asking the proper officers in the navy-yard to give those parties labor. The testimony shows that persons who were not voters were employed as well as those who were. No questions were asked and no conditions imposed on such as sought employment. It is clearly shown that no inducement, no suggestion was held out by Mr. Frost or any other person for him to affect or influence any one in giving his vote. If any single man in the navy-yard had been influenced, or even a suggestion made to him as to his vote, this could have been easily shown. The force which it is claimed had been bribed by being given employment had all been discharged, and they were no longer under any necessity of covering up the corruption if any existed. The law required that the contestant should prove that the voters had been bribed, corrupted. I denounce the new-made law that a recommendation for employment made by a candidate for office shortly before election amounts to bribery, to corruption of the voter. I denounce as unworthy of this House the infamous doctrine that a candidate for Congress is to be branded as a briber of voters simply by proof that he has signed letters recommending laborers to employment in the public service. It is an imputation on the honor of American manhood to apply to them the doctrine that every voter who procures a candidate for office to recommend him for employment is thereby impliedly bribed and corrupted. This is the doctrine which this House must hold to unseat Mr. Frost. And I undertake to say that the very men who are sitting in judgment on his case have a hundred times done the same thing. O! consistency, rare jewel; but thou art not found consorting with democratic reformers.

Gentlemen need not talk about there being any direct proofs of corrupting voters. There is not one word of it; I defy its production. Even the basest and vilest of the gang who were subsidized to swear for Abbott could not name a man who had been employed under any agreement made with Mr. Frost or his friends that in consideration of such employment he would vote the republican ticket. But, says the majority, it is to be inferred from the fact that a large number of men were employed shortly before election on Mr. Frost's recommendation. Then the committee, inferring from these facts that the voter thus employed was bribed, infer without a shadow of proof two other facts: First, that he voted; second, that he voted for Mr. Frost. Is not this a monstrous proposition? Why I say that no rule of law would justify the striking off a vote, even on direct and positive proof of bribery, without proof that the man thus bribed had voted. Now, I want to say, after the most careful scrutiny, there is no evidence to show that a man recommended for employment by Mr. Frost voted at the election in 1874.

I want to go further, and affirm that the only shadow of proof touching on this point is this, that on the check-list of those voting are found names similar to the names of those recommended. That is all the proof there is, and it is no proof at all. The fact that Mr. Frost recommended a John Smith for employment is no evidence that he is the same John Smith who voted in one of the wards of Boston. There are four men now in this city named John H. Baker; but I submit, with deference to the majority, that these four are not one and the same person. These same check-lists show that there are often two, and sometimes more, men in a large ward of a city having the same name.

Now, gentlemen, I respectfully state that you cannot show a single scintilla of further proof that the men recommended by Mr. Frost voted. I further affirm that you cannot even by hanging your case on that presumption take the list of names of the increased force in the navy-yard and comparing it with the check-list find enough names alike on both lists to count Mr. Frost out. So far as proof is concerned you might as well strike off a thousand as three hundred. Be candid now, gentlemen, and give us the names of the three hundred voters whom you disfranchise. You cannot do it. You strike blindly simply because you have the power to make your blow effective.

The increased force placed on the rolls of this navy-yard between October 1 and 31, 1874, was just five hundred and eighty-six. These came from five or six congressional districts. I beg to be informed how the majority ascertained that just three hundred, no more, no less, came from Mr. Frost's district, and only two hundred and eighty-six came from all the others. I want gentlemen to inform us how they obtained this information. It is not in proof in this case, and yet, most surprising conclusion, the majority reports it as an established fact.

We believe the law is undoubted that the contestant is bound to show that in consequence of this increased force being employed he lost votes which he otherwise would have received, or that Mr. Frost received votes which he otherwise would not have received. This he has not done nor even attempted to do. A certain number of men, legal residents and qualified voters of the fourth congressional district, were employed in the navy-yard between the 1st of September and the day of the election. The qualifications of an elector of a member of Congress in this State are that he be a male citizen twenty-one years of age; that he shall have resided in the State one year and within the city or town and congressional district in which he claims to vote six months next preceding the election; that he shall have paid a poll-tax assessed upon him within two years next preceding the election, and that where his right to vote was not acquired before May 18, 1857, he shall be able to write his name and read the Constitution in the English language. Besides this, the navy-yard is not located within the fourth congressional district. Hence it was manifestly impossible to have colonized any man in the district for voting purposes. No man could be a voter at the election in 1874 unless he possessed the qualifications requisite before he was employed in the navy-yard. No man employed in the navy-yard voted who was not a legally qualified elector. They having all the legal qualifications of voters cannot be deprived of their right to vote.

But if we concede that bribery would disqualify such an elector, must not the proof of bribery be conclusive? And yet there is not a scintilla of legal evidence to support the charge and justify the branding a large body of men with crime. It is not even shown how these men voted or that they voted at all. It is clear that they were lawful voters, and that no influence, inducement, or dictation was used upon any voter. It is not shown that a single one of them voted contrary to his free and uninfluenced convictions. I challenge the proof to show that a single man of this increased force in the navy-yard was bribed by Mr. Frost or any one on his behalf to vote for him. You ask the House to infer that every man of this increased force was bribed because they were recommended and employed by republicans; that they voted and that they cast their votes for the returned member. No rule of law will justify the indulgence of such presumption to disfranchise electors otherwise duly qualified. I submit that both the law and the evidence in the case will be disregarded by the unseating of Mr. Frost; and I beg gentlemen to pause before consummating this great public wrong and private injustice. Doubtless appeals to the lofty consideration of right and justice will fall upon unwilling ears and prove unavailing. However that may be, it seemed to me that duty demanded thus much at my hands.

FRAUDS IN RELATION TO THE AGENCY FOR PURCHASING COAL FOR THE NAVY.

I cannot, however, leave this case without a brief historical review of the management of the Navy and navy-yards by the democratic party during the administration of James Buchanan. The facts are found in a report of the Committee on Expenditures in the Navy Department, No. 621, of the first session of the Thirty-sixth Congress. This report discloses the grossest corruption in the appointment of one Dr. Hunter as agent to purchase coal for the Navy. In May, 1858, some of the applicants for appointment of coal agent met each other and also Hon. J. Glancy Jones, then a member of Congress, at Washington. It was agreed that Dr. Hunter should be appointed, and the emoluments of the office should be farmed out between Hunter, John F. Smith, and Hon. J. Lawrence Getz, since a democratic member of Congress. This corrupt arrangement the committee find was known to the President, and he interposed no objection, but acquiesced in it. It was thus corruptly arranged to reward democratic politicians for partisan service.

The duties of this agency were performed in a manner equally as profligate as its procurement was corrupt. Dr. Hunter never purchased any coal, did not know its market value, and took no pains to ascertain it. The only duty he performed was to sign formal papers and draw his salary. He resided at Reading, Pennsylvania, and intrusted the purchasing of coal to Tyler, Stone & Co., Philadelphia, dealers in coal, who furnished the same to the Government at $3.85 per ton, when the value of the same quality of coal in that market was only $3.50 per ton. Dr. Hunter regularly signed formal papers falsely certifying that a specific quantity of coal of the best quality had been duly inspected and weighed by him and shipped on board a named vessel. These papers were sent to the proper Bureau in the Navy Department, and all parties there knew or ought to have known that these certificates were false. In the six months from the 1st of July, 1858, to the 31st of December, 1858, Tyler, Stone & Co., partisan friends of President Buchanan, claimed to have furnished and were paid for about forty thousand tons of coal at $3.85. The direct fraud upon the Government on this amount of coal was over $14,000, while Dr. Hunter received for his laborious services in signing false certificates during this period the sum of $7,452.92, which he divided with one of his partners, John F. Smith; and thus the money plundered from the Treasury was placed where it would do the most good. Swindling, thy name is democratic honesty.

LIVE-OAK TIMBER.

The Government was swindled on a larger scale and with a more shameless disregard of law, if possible, in the purchases of live-oak timber for the Navy. Mr. W. C. N. Swift was the lucky man this time. He had been an old-line whig, came over to the democratic party, and speedily fell into the ways of your genuine democratic reformer of the present day. Mr. George Plitt, of Philadelphia, was an active and intimate friend of President Buchanan and was treasurer of the democratic State central committee of Pennsylvania. Mr. Swift placed in the hands of Mr. Plitt $16,000, of which $10,000 was contributed by Mr. Swift and the balance he procured from his immediate friends. This money was to be used as a corruption fund in the presidential election of 1856. Pending the presidential election of 1856, Plitt introduced Swift to Mr. Buchanan and used all his influence to place him in the very best relations with him. When success was achieved, of course so able a corruptionist as Mr. Swift could not be overlooked by a reform democratic administration. He was not overlooked. The whole power and influence of the Government was turned in his favor. He furnished all the live-oak timber for naval construction.

Without going into details, and without speaking of the wrong done to other parties who having taken contracts found them suddenly canceled without excuse and awarded to Swift, it is sufficient to say that Swift and his friend Plitt, with whom Swift divided the plunder, grew rich out of these frauds upon the Government. The Government was swindled in the price paid, being much higher than others would have furnished it for, and nearly one hundred thousand dollars' worth of timber which had been rejected as unfit for use by the naval inspectors was finally taken off his hands. All these frauds were connived at by the Secretary of the Navy, and must have been known by the President.

CONTRACTS FOR MACHINERY.

In June, 1858, an act was passed authorizing the building of seven sloops of war. The Secretary of the Navy was empowered to advertise for proposals for their construction, and he was required to let the contracts to the lowest responsible bidder. He had no legal discretion, and the President had no right to interfere in the matter. In July, 1858, the Secretary invited sealed proposals for the steam-machinery, &c., of these sloops. For the steam-machinery, &c., of the large sloop at Portsmouth, New Hampshire, one thousand horse-power, the Novelty Iron-Works, New York, put in a bid at $98,500, and Woodruff & Beach, Hartford, Connecticut, put in a bid at $125,000. The latter firm, party friends of the Administration, were awarded the contract at a loss to the Government of $26,500. The loss to the Government from accepting bids contrary to law and on grounds of partisan expediency, on the item of steam-machinery alone for these seven sloops was $71,500. The contract for the steam-machinery for the large sloop built at Philadelphia was awarded to Merrick & Sons, of that city, at the price of $102,000 over the Novelty Iron Works, New York, whose bid was $98,000. This was done at the express suggestion of the President, in order to bribe Merrick & Sons, who were old-line whigs, to secure the vote of the four hundred and fifty laborers in their employ. This interference by the President was in violation of law, and was as corrupt and shameless as it would have been for him to have dictated to a judge of his own appointment a decision which he should make. The crime was far more infamous than the grave offense committed by Belknap. But Buchanan was a democratic reformer of the Tilden stripe, and Belknap was not.

I have time to refer to only one further specimen of democratic honesty and reform in connection with the Navy. That is the corrupt use of the navy-yards as mere political machines to carry elections. The report to which I have referred shows that in the summer and fall of 1858 the force in eight navy-yards was increased from 6,697, May 1, 1858, to 10,038 November 1, 1858. The only occasion for this great increase was to carry elections for the democratic party. In the Brooklyn navy-yard the number of laborers May 1, 1858, was 1,379, and November 1, 1858, it had been increased to 2,488—an increase of 1,109 men. In the Philadelphia navy-yard the number of men employed May 1, 1858, was 1,064, and between the 16th and 31st of October the number had been increased to 1,722—an increase of 658 men. In the navy-yard at Portsmouth, New Hampshire, the number of men May 1, 1858, was 544, and October 1 to 15 it had swollen to 900—an increase of 356 men, enough to control the election in so small a State and one so nearly equally divided politically. In the navy-yard at Boston May 1, 1858, there were 966 laborers employed, and on November 1, 1858, there were 1,576—an increase of 610 men. The increase of force in the navy-yard in Washington during this period was about 100 men. At the navy-yard at Norfolk, Virginia, there were employed June 30, 1858, 1,223 men, and October 31, 1858, 1,936 men—an increase of 713.

The selection of the men in these navy-yards was placed by the Secretary of the Navy under the control of the democratic Congressmen who lived in their vicinity. The correspondence of democratic members of Congress printed in the report shows that they quarreled among themselves as to their respective claims to have control of this patronage; and that Secretary Toucey undertook to settle their

differences by directing "that the masters should select from the different districts adjacent to the yard, in equal proportions, upon the recommendation of members, the workmen employed in the shops." This was probably as fair a division as could be made.

Doubtless the Secretary knew that when setting up the primaries, bullying honest voters, stuffing the ballot-boxes, and falsifying the returns were the objects in view he could not find abler or more skillful admirals in this department of naval warfare than the democratic Congressmen thus commissioned. One of them was that noble reformer, Hon. John Kelly, a big Indian of Tammany, I believe, whose sudden conversion to Mr. Tilden's support shows the estimate yet placed upon the virtues he developed under a former democratic administration. When Kelly, Morrissey, and reformers of that class propose to secure for Tilden 50,000 majority in New York, the long service which they have had under that great and good democratic reformer, Tweed, and Tweed's late bosom friend, Samuel J. Tilden, doubtless warrants them in the belief that they can redeem their promise. If they should succeed and return the fell brood of corruptionists who vampire-like sucked the life-blood of the nation in former days to the control of the national Government, every decent man in the land will have occasion to exclaim with Schurz: "Humbug, thy name is democratic reform!"

I cannot better close this brief review of the conduct of naval affairs by the last democractic administration than in the guarded words of the report:

> This system, added to the abuses previously existing, has reduced the navy-yard to a mere political machine, where idleness, theft, insubordination, fraud, and gross neglect of duty prevailed to an alarming degree.

Mr. POPPLETON. I now call the previous question.

The previous question was seconded and the main question ordered.

Mr. POPPLETON. I now yield fifteen minutes of the hour to which I am entitled to the gentleman from Massachusetts, [Mr. FROST,] the contestee.

Mr. FROST. Mr. Speaker, the House has been informed by the gentleman who has preceeded me that both the democratic and republican members of the committee agree that I was elected by 58 majority unless the vote of ward 4, Chelsea, is thrown out, or 300 votes deducted from my majority on account of the voters employed in the navy-yard. I propose to read to the House two short documents from democratic officials regarding the vote of ward 4, Chelsea. The first is from the warden, the presiding officer at elections, and he a democrat:

BOSTON, *June* 27, 1876.

MY DEAR SIR: I have to acknowledge the receipt of your esteemed favor of the 15th instant, and in reply I am pleased to give you the facts in regard to the vote of ward 4, Chelsea, and my connection therewith.

I was first elected warden at the fall election in 1873, and, having been twice re-elected, continue to hold the office. At each of the three elections I received nearly the unanimous vote of both political parties. I have never before held a political office, having steadily refused to accept any and all that have been tendered me. I accepted this at the request of many citizens and thinking that perhaps it was my duty to bear a portion of the burden incident to our republican form of government.

I am engaged in mercantile business, and a close application to the same precludes any possibility of political aspirations.

My political sentiments, however, are now, and ever have been, in sympathy with democracy, and at every election, State and national, (with one exception, when I cast no vote,) I have voted the straight democratic ticket. At the election in 1874, when Judge Abbott and yourself were rival candidates for Congress—with all due respect for your many qualifications to ably fill the office—I then, as ever, cast a straight democratic ballot, voting for Judge Abbott, who was our regular nominee.

As regards the congressional vote in ward 4, Chelsea, in 1874, there can be no doubt of the accuracy of the ballot as returned to the city clerk. It was carefully counted by honest men, and as carefully and honestly recorded, and I am confident that there is not one of the five ward officers but who will say under oath that the vote as returned to the city clerk was exactly the same as made up in open ward meeting and there announced on the evening of election.

The delay in the transmission of the ballots, returns, &c., to the city clerk was occasioned by the polling of a heavy vote, an unusually large portion of which were badly "scratched." Especially was this the case with the names for State representatives and for some offices of minor importance.

As the count was about closed, a slight discrepancy was discovered on one of the State offices, and a recount of those ballots was ordered, which delayed our returns fully an hour or more. The documents were then signed and sealed and put into the hands of the officer of the law in attendance and one of the officers of the ward for transmission to the city clerk.

The officer subsequently reported to me that they proceeded immediately to the City Hall, and on arriving there found the hall closed. They then took the documents to the city marshal's office at once, and left them in charge of the marshal over night, delivering them to the city clerk at an early hour the following morning.

This may not have been in accordance with the strict letter of the law, but that by this delay any infringement of the law was intended or any tampering with the ballot was premeditated or accomplished I here most emphatically deny.

If the ballot, &c., were not returned according to law, and if this point is of itself sufficient evidence to throw out the entire vote, that of course ends the matter. If, however, evidence may be received to prove the vote as recorded accurate and honest, it can readily be obtained.

I have in my possession all the papers on which the original count was kept and made up by the inspectors, clerk, and myself, and can prove the same to be the original papers by the several ward officers, whose writing and figures are upon the same.

These papers show in detail the several counts through the day, and, as they agree with the returns as recorded with the city clerk and have never for one moment been out of my possession, I know beyond a possibility of question that the vote was not changed or altered, but as recorded with the city clerk is exactly as it was made up in open ward meeting, there announced to the citizens, and is correct in every particular.

From these papers a comparison of the voting can be made, and will show that on each count the proportion of votes for the several offices, excepting that of governor, on each political ticket varied but a trifle during the entire day.

Again, after the close of the polls and as soon as the count was made up on any office of special importance the result was immediately announced to the citizens in waiting. These announcements were made from seven and one-half to ten o'clock. The result of the congressional vote was announced at from nine to nine and one-half o'clock, and as announced to the public agreed with the returns made to the city clerk.

This is susceptible of proof by the citizens who were present at the announcement, as also by all of the ward officers, and still again by the reporters of the several Boston newspapers, each of which published this count in connection with the count of the whole city in their early morning edition, as their files of November 4, 1874, will prove, and this count as published agrees with the count made up in open ward meeting as also with the recorded count of the city clerk.

This, I believe, so far as concerns the facts and my connection therewith, covers the entire ground. The statements herein contained I am ready at any time to make oath to, and have every confidence that the same will be sustained under oath by every ward officer and citizen who were present or who are knowing to the facts.

I am informed that the committee have reported in favor of throwing out the entire vote of ward 4, Chelsea. I sincerely hope that such gross injustice may not be done.

Very respectfully and waiving all personality, the question of who is entitled to the seat in Congress from the fourth district is of minor importance when compared with the question, shall an entire ward of over one thousand legal voters be disfranchised on a technicality of law when there exists abundant evidence to prove the accuracy and honesty of the vote questioned? Shall the ward officers, the city clerk, (a faithful officer of over thirty years' standing,) the city marshal and his several subordinates, the representatives of the Boston papers, and the many citizens who were present at the announcement of the vote in the ward-room and whose evidence can be obtained, shall they all by inference be branded as liars? Either they *are*, and are to-day criminals before the law, or they are *not*; and the vote of ward 4, Chelsea, is correct and honest, and as such is no more to be questioned than would be a roll-call of the House of Representatives.

With great respect for both yourself and Judge Abbott, I have herein written nothing as *for* or *against* either, but solely in the interests of the legal voters of ward 4, Chelsea, to the end that on this question they may have justice done them, and not be deprived of their suffrages on that occasion.

With kind regards, I beg to remain your obedient servant,

ALONZO R. JAMES.

Hon. R. S. FROST, *Washington, D. C.*

The second letter is from the democratic representative to the Legislature of Massachusetts:

CHELSEA, *June* 17, 1876.

DEAR SIR: I cannot help expressing my regret at that part of the committee's report relating to ward 4, Chelsea. As a democratic resident of that ward for the past twenty years, I can truly say that the ward has always been noted for its fairness and honesty in all that related to its conduct of elections. Although a strong republican ward, outnumbering my own party at times ten to one, we have always had a representation on the board of ward officers; and at the late congressional election the warden, Mr. James, and one of the inspectors, Mr. Powers, were democrats; and I feel that the report of the committee is as much a reflection upon our own party as yours. Mr. James is, as you know, one of our best citizens, a thoroughly honest, conscientious gentleman; no man in our community has a better reputation, and to his desire to have a thoroughly correct return made may be ascribed the delay which resulted in the technical violation of the election laws.

Although a democrat from the day I cast my first vote and an active worker for Judge Abbott during the campaign, I cannot help expressing my sorrow at what I consider a most unjust imputation upon the officers and citizens of ward 4.

Truly yours, &c.,

HENRY T. HOLMES,

Democratic Representative to the Legislature of Massachusetts From the Thirteenth District for the Years 1875 *and* 1876.

Hon. RUFUS S. FROST.

If this is the sentiment of democrats, how do you suppose the remainder of the community feel?

To show you that the votes of ward 4 were correctly counted in 1874, I will read the record of the two previous presidential elections in comparison with it:

Vote of ward 4, *Chelsea.*

1868.

Hooper	482
Harvey	103

1872.

Hooper	543
Morse	156

1874.

Frost	581
Abbott	111

Now as to the navy-yard vote. The evidence shows most conclusively that the exigencies of the public service not only justified but actually required a large increase of force, and, further, that a considerable portion of that force could have been retained longer with manifest advantage to the Government, and that when it was suddenly reduced it was not for the want of profitable labor, but for the want of money to carry on the work. With but one or two exceptions, the witnesses concur in stating that while there the men were usefully employed. These exceptional witnesses who attempt to deny this are so fully contradicted by the unanimous statement of the others that no unprejudiced mind can be left in doubt.

Another fact also stands out in plain relief upon this evidence, and that is, that the increase in the force was limited to applicants from no one or two congressional districts, but extended to five or six.

Another fact appears, and that is, that persons who were not voters at all were employed, and, further, that no questions were asked and no conditions imposed upon the men who entered upon the service. It is clearly and conclusively shown that no coercion, no influence, no suggestion even was ever held out by any person in the service of the Government to any other person to affect or influence his vote. So clearly did this appear by the contestant's own evidence that he thought it important to show by one witness that at one of the entrances to the yard a person was once seen holding in his hand what appeared to be ballots. But whether they were ballots, or, if

so, what kind or for whom, or whether a solitary voter took one, much less whether he voted one, is left in a state of uncertainty. The contestant has rendered a public service in showing that, if the Government did attempt by the simple increase of force indirectly to increase the chances of a party triumph, the voter was left completely untrammeled and absolutely free to exercise his right of suffrage without sacrificing a jot or tittle of his manhood. But, leaving the subject still open for comment or criticism in its merely political and partisan aspects, the contestant wholly fails to derive any advantage from the evidence he adduces for several of the most obvious reasons.

He fails to show that a solitary voter from the force in the navy-yard was improperly or illegally induced to vote for Rufus S. Frost. He fails to show that one illegal vote was thrown at all by that body of men. He utterly fails to show that a solitary vote was changed by the circumstance of that employment. He even fails to show that any of that increased force voted for Mr. Frost at all or that they did not vote for Mr. Abbott. The obvious presumption that the applicants for labor would be mostly from the party having the labor in its gift is one that runs into every department of government; but who ever seriously proposed to disfranchise a man for that reason? Who would disfranchise clerks in the post-offices throughout the country for the same reason? On the other hand, this very presumption—and that is all the contestant contests upon—is fatal to the contestant's case, for if the new employés of the navy-yard were republicans, and employed because they were republicans, the argument is conclusive that no votes were changed by the employment, but that the parties worked as they voted, and, finally, *voted* as they *worked*—republicans. As a matter of law or logic the contestant was bound to show that in consequence of this increase of force he lost votes which he otherwise would have received or that Mr. Frost received votes which he would not have otherwise received; and this he has not done or even attempted to do.

I lay down this last proposition as the least which the contestant was obliged to do, while I deny that even that would of itself constitute a valid objection to a vote unless the contestant went much further. In a word, the evidence on this branch of the case is this: A certain number of men were employed in the navy-yard between the dates of October 1 and December 1 whose legal residences were within the limits of the fourth congressional district. It is not proved or known how these men voted, nor whether they voted at all; but it does appear that no influence, dictation, or suggestion was used upon a solitary voter, or that he voted in a single instance contrary to his settled convictions. Those, if any, who voted for Mr. Frost had a legal right so to do; those, if any, who voted for Abbott acted with equal freedom. Not a solitary illegal vote was thrown for either, so far as the evidence discloses. This statement of the case, which is in exact accord with the evidence, is a sufficient reply to the claims made by the contestant and a complete vindication of the vote given to Mr. Frost, whatever that vote was from that quarter.

When asked to recommend workmen to those who employed men in the navy-yard, I never asked them about their politics. I remember of two men who applied to me for recommendation whom I knew to be strong democrats, whom I knew would vote for Judge Abbott. As I knew them to be good workmen I recommended them cheerfully, and felt a little pride in showing them that I had no partisan feeling.

The House will, therefore, see that it would be a great wrong to throw out the vote of ward 4, Chelsea, and an equal injustice to disfranchise the workmen in the navy-yard by jumping at a round three hundred, and saying you guess that is about the right number to be deducted, when there is not the first scintilla of evidence to show that a single fraudulent vote was cast by a workman in the navy-yard.

I therefore hope, Mr. Speaker, that the House will *rise above partisanship* and refuse to throw out the vote of ward 4, Chelsea, and also refuse to disfranchise the workmen in the navy-yard. If they do, the sitting member will be retained in his seat.

Mr. POPPLETON. Mr. Speaker, it is a little remarkable that according to the practice which has obtained in the management of contested-election cases in this Congress, gentlemen whose seats are contested come upon the floor of the House and undertake to make their case here rather than before your committee in the committee-room. This is not the only time that this has occurred during the present Congress. In another case, after the proof was submitted, after the issues were made up, after the deliberations of the committee were concluded, its judgment formed, and its report made to the House, the contestee placed himself in the attitude of attempting to furnish proof before the House and to ignore your committee.

Mr. FROST. Will the gentleman allow me to ask him a question?

Mr. POPPLETON. Certainly.

Mr. FROST. I would like to ask the gentleman whether I have not offered these matters in testimony before the committee—certainly without ignoring the committee?

Mr. POPPLETON. I can say in reply to the gentleman's question that after the report of the committee was printed, after their labors upon this case were closed and a deliberate conclusion reached, when weeks had elapsed after that period, then the contestee did present these letters for my consideration as chairman of the sub-committee, and only then. The point I make is that if gentlemen have facts within their possession or knowledge which bear upon the case, it is their duty to present those facts before the tribunal authorized to hear and determine the question. It does not lie with gentlemen, after the committee have adjudicated the question and made their report, to come upon the floor of the House and appeal to members to listen to *ex parte* statements by men who might have been called as witnesses, whose sworn testimony might have been produced before the committee.

Mr. FROST. Will the gentleman allow me one word by way of personal explanation?

Mr. POPPLETON. Certainly; I yield to the gentleman.

Mr. FROST. I would like to say that so far from my wishing to ignore the committee, these letters were sent to me of their own accord by gentlemen who felt that they were being injured at home by the report of the committee.

Mr. POPPLETON. I can hardly imagine, Mr. Speaker, how gentlemen can be injured with the courts open, and in the face of the service of a notice of contest notifying the gentleman that on account of laches, on account of misconduct, on account of neglect on the part of the officers of the fourth ward, Chelsea, the vote of that ward was to be attacked and that Judge Abbott would ask this House to exclude that vote from the count; I can hardly see how gentlemen can place themselves on record and say that they are afraid injustice is going to be done them. There were forty days within which they might have presented their proof. Mr. Andrews, a reputable gentleman, swears that upon the night of the election, between the hours of nine and ten o'clock, he went to that poll and that the vote as then announced to him varied materially, to the extent of some 220 votes, from the vote as given afterward upon the recount of the ballots. The testimony of Mr. Andrews was on file. The warden of that precinct was challenged by that testimony to step upon the witness-stand and swear that what Mr. Andrews said was not true. The three inspectors and the night-watchman, who had the unlawful custody of those ballots during a period of about seven hours in the night, were challenged to step upon the witness-stand and contradict the testimony of Mr. Andrews, who swore that there was a discrepancy of at least 220 votes between the count as given to him at the ward polls at night and the return count of the board of inspectors some four days afterward. This testimony was of record.

Mr. TOWNSEND, of New York. Will the gentleman from Ohio allow me to interrupt him?

Mr. POPPLETON. With the greatest pleasure in the world; I am always ready to accommodate my friend from New York.

Mr. TOWNSEND, of New York. Did that witness testify that any officer of the election or any police officer told him what he heard?

Mr. POPPLETON. I will answer the gentleman's question by reading Mr. Andrews's testimony.

Mr. TOWNSEND, of New York. Very well.

Mr. POPPLETON. And this House will then understand what he has sworn to.

Mr. TOWNSEND, of New York. That is right.

Mr. POPPLETON. I read now from the deposition of Augustus Andrews:

Interrogatory 1. State your name, age, residence, and occupation.

Answer. My name is Augustus Andrews; my age is twenty-two years; I reside at No. 5 Baldwin Place, Boston; am counselor at law.

Int. 2. On November 3, 1874, did you go to the ward-room of ward 4, Chelsea; if so, at what time?

A. I did, at twenty minutes or quarter of ten o'clock in the evening.

Int. 3. State what you saw, and what took place while you were there.

A. When I went in there were six or eight men present, one or two of whom were police officers; some of those present were inside of the rails; a few outside; they were doing nothing unless one or two were writing; I asked them if they could give me their figures; thereupon one of them, going to another desk—

Now what does that mean, "going to another desk?" It was to some man who had authority and the right inside that railing. None but officers of the election were allowed inside by the statute.

Thereupon one of them, going to another desk, gave me the figures—the vote both for Frost and Abbott in that ward. I asked them if they had forwarded their returns. They said, "Yes; they had just sent them down."

Int. 4. Did you see any check-list or ballots in the room while you were there?

A. I did not.

Int. 5. What did you then do?

A. I immediately drove back to the city marshal's office, in Chelsea, and asked a police officer if he had received the figures of the votes of ward 4. He said he had, and gave them to me. They corresponded to those given to me just previously at the ward-room of ward 4.

That is the testimony of Andrews. He further goes on and states that the vote given him was 150 for Abbott and about 400 for Frost. After these ballots had lain in the custody of this night-watchman overnight, after they had gone away from the proper legal receptacle, after they had been seven or eight hours in the unlawful custody of an unlawful officer, so far as the election law is concerned, then, on a recount, some four days afterward, instead of 150 ballots in the box for Abbott and 400 for Frost, the vote stood 575 for Frost and 105 for Abbott. There is the witness, and there is the testimony that this self-reliant and self-sacrificing member of the Legislature and warden volunteered to send their communications to the contestee since to contradict—now when the case is closed, when the testimony is closed, and when your committee have made their report and asked for your verdict, these *ex parte* communications are produced.

Mr. FROST. Will the gentleman allow me?

Mr. POPPLETON. Certainly.

Mr. FROST. With all respect to the committee, I wish to call the

attention of the House to the fact that against the evidence of one young man which has just been given to the House I place the testimony of the warden and representative, both of them democrats.

Mr. POPPLETON. It is a stubborn fact in this case that no witness that is called contradicts the testimony of Andrews, not a witness.

I affirm here now, not a single witness who is called contradicts the testimony of Mr. Andrews as to this conversation having been had in that ward-room. He stands unimpeached and uncontradicted so far as that is concerned. Another remarkable fact—a fact that was made an issue by the brief of the contestant in this case, a fact that was presented in the form of argument by the brief in this case—is that about six months before the case was concluded, before the case was argued, before it was considered, Judge Abbott asked the pertinent question, the overwhelming question, under the aspect of things as they at present stand, "Why did not you call the warden? Why did not you call the night-watchman? Why did not you call the three inspectors, the men who were possessed of knowledge as to the integrity of those ballots?" Why are they left out? That proposition was presented to the gentleman and to his counsel more than six months before the case closed, before the case was submitted—presented by the brief of the contestant himself. And this is remarkably strange, after that period has elapsed, after the challenge was made, and after the invitation was extended, if you have any testimony the committee were anxious you should produce it. I hurl back any charge upon the democratic membership of that committee of any intent or purpose of unfairness in the adjudication of this case. Look at the result of the work of your committee. Examine it fairly and see whether the deliberate judgment of that committee has not been exercised upon the case free from bias or partisanship. When the challenge is made that this proof be produced, why is not the proof produced? Why was it not produced six months ago and your committee allowed to pass upon it and the contestant allowed to take counter-proof to show the absurdity or falsity of the statement?

Mr. Speaker, the time for appeal upon a proper case and the adjudication of a proper case is when that case is on trial; when it is being submitted to the arbitration of the properly constituted legal authority, and not under such circumstances and at such times as this. So much for that.

The statute of Massachusetts regulating this matter of the counting of the ballots and the return of the vote is a recent statute, a statute enacted by the Legislature of the State of Massachusetts the same year that this election occurred; a statute, as is proclaimed and as is not denied, which was enacted for the sole purpose of preventing frauds that had grown up in this district and in the adjoining district of Massachusetts. It was proclaimed that the enactment of the statute was for that sole purpose; that the object and aim were to stop the tide of fraud and corruption flowing out of those two districts. No matter whether coming from democratic precincts or republican precincts, no matter whether coming from democratic wards or republican wards, the object was one and alike; and that was to stay the tide of fraud and corruption that emanated from those districts. And what are the terms of this statute? It provides that when the ballots are polled and have been counted and when the returns are sealed up they shall be—what? They shall be "forthwith" transmitted to the custody of the properly designated legal officer. That is the law. They shall be transmitted "forthwith."

Now what was done in this case? Why, sir, instead of that being done, the returns are taken and put in the custody of the night-watchman, a man unknown to the law, a man unrecognized. And, what is more, they venture to do that thing in the face and eyes of the statute. And what more? They fail to call that night-watchman, though he is in the city of Boston, under the very droppings of the sanctuary of these parties. They failed to call him as a witness to show that while these ballots were in his possession no fraud was perpetrated. Now who is to blame for this? Is the contestee or the contestant? The law had been violated, openly violated. The law had been trampled down, openly trampled down. Now who shall assuage the vengeance that is due for this violation of law? No one except the contestee himself. And the night-watchman, within whose knowledge the whole facts are contained, could have been subpœnaed and placed upon the witness-stand. But, no; he is as dumb as the ox before the slaughter. And yet gentlemen ask us, a committee that has deliberately gone to work to discharge its duty, to go back of the records, to go behind all this, and to say, "We will excuse you from this criminal act of neglect;" for if that be true which is written upon the document presented by the contestee himself, it would amount to criminal neglect on the part of the contestee or those who are managing his case for him. They ask us to go back and to receive these things in the form in which they appear here, in the form of mere *ex parte* communications.

The statute, as I said before, was enacted that very year for the purpose of preventing these very frauds that had been growing in intensity until they had assumed mammoth proportions. And then what is done? Why, sir, deliberately, in the face and eyes of this statute, these ballots are withheld from the custody of the city clerk and are not carried to him at all until opportunity after opportunity under the shades and darkness of night has been afforded for the perpetration of the most outrageous frauds.

Now, it is not necessary in a case of this kind that there should be affirmative proof that actual fraud was committed, although I regard the testimony of Mr. Andrews as *prima facie*, if not conclusive, evidence of the fact that frauds were committed, and that these ballots were tampered with. That is not necessary, I say; but it is only necessary in the eyes of the law that it shall appear that opportunities were afforded for the commission of fraud; and whenever that appears the onus of proof shifts at once onto the contestee, and he must prove the fact that while those ballots were thus in such illegal and unlawful custody, no tampering took place with them, no offense was committed in the way of interference with them, and that the ballots were intact.

While upon this subject I may remark that the question is involved here whether or not this statute is mandatory. I contend that a law appertaining to elections, for the maintenance of the purity of elections, as contradistinguished from the mere matter of regulating forms that are to be observed in the conduct of the election—a law enacted to prevent frauds, when the violation of or neglect to comply with its provisions would open the door to the perpetration of frauds—is mandatory in its character. When the violation of a statute enacted to prevent frauds, or the simple omission to execute its provisions, throws the door open for the perpetration of fraud, that statute is mandatory in its character, and is not directory at all. If this were not the rule, Mr. Speaker, it would be utterly impossible to determine the purpose of a mandatory statute. The object of the statute is, first, to prevent the perpetration of frauds. Now if, by violating the plain terms of that statute, you open the door to fraud, you ignore the statute, and ignore the legislation upon that subject, and the legislation goes for nothing.

Now, Mr. Speaker, we have undoubted authority from the other side of the House; we have the best authority, perhaps I may say, with due deference to the gentlemen who constitute the minority of the Committee of Elections; we have the authority of Mr. MCCRARY, the author of the work on the American law of elections. We have also the authority of Judge Hoar, a clear-minded, clear-headed, jurist upon the same subject, and I beg the House to bear with me while on this point I read the authority furnished us by these gentlemen in a contested-election case to be found in second Bartlett, page 467, decided in the Forty-second Congress of the United States. In the debate in the House of Representatives Mr. MCCRARY says:

> If the law provides an officer whose duty it is to hold possession of the ballot-boxes and ballots themselves after the polls are closed, I think no recount should ever be allowed, unless it appears that the ballot-boxes and ballots had remained in the custody of that officer during the interval between the election and the recount.

In this case a recount was provided for by the laws of Massachusetts:

> That ought always to be one of the prerequisites, and without it there can be neither certainty nor safety.

He further says in the same case:

> I think another rule must be observed. It must appear that the ballots have been securely kept, that they have not been exposed, and that there has been no opportunity to tamper with them. This ought to appear affirmatively.

Now, that is the opinion of Judge MCCRARY, a pretty good authority in this House, and who ought to be first-class authority for the other side of the House. Further on in the same case Judge Hoar, of Massachusetts, says:

> It makes no difference for the purpose of my point whether it (the ballot-box) was there (in an exposed place) for twelve hours or twelve days. Now, I do not claim that there is any evidence here that when the bar-room was left alone in the day-time or in the night-time any person entered it, opened that box, and substituted other numbered ballots for the ballots which it contained. All I have to say is that adroitness less than that practiced for a less important purpose in many and ordinary cases of crime, robbery, burglary, and forgery, could easily accomplish that result. Now, we know how eager, how unscrupulous, how adroit, in many instances, are the means which are used to affect political contests. It is not the question whether the friends of the very respectable and very able gentleman who claims this seat did, or were capable of doing, such a thing. The question is whether you are willing to turn out a sitting member from this House, whenever hereafter in any district of the country any member may be able to do such a thing, and may have been able to do it without detection? The interests of the sitting member and of the contestant disappear before a question like this, which involves the interests of the American people in the establishment and maintenance of a strict, wise, and safe rule of public policy.
>
> It is not merely a question whether the recount was correct; it is a question whether you know and are sure that the thing counted upon the recount was the same thing that was counted, or which should have been counted at the time the original count was made.

The question is not whether the recount was correct, but are you sure; is there, in the language of Judge MCCRARY, affirmative proof that these ballots have not been disturbed in any shape or form? I say that in this case there is not a scintilla of proof on that question put in evidence on the part of the contestee, and we are left to the stubborn facts on the stubborn platform erected by the rules and decisions of law to find a verdict in this case. Aside from that we have the testimony of Anderson, which is uncontradicted, which affirmatively shows that these ballots must have been tampered with.

Now, Mr. Speaker, if this view shall be taken of this case, it puts an end to the contest; it leaves a majority for Mr. Abbott of 412 votes. I beg the House to remember this, that it is admitted that in the town of Winthrop there were 2 illegal votes cast for Frost. It is admitted and conceded, too, that there was a vast amount of fraud and corruption in the fifth ward of the city of Boston.

In order to avoid trouble and to save the labor of writing out the testimony of one hundred or more witnesses, which would depict to your view a scheme of fraud and crime unheard of and unrecorded in the record of either party of the past, we have agreed unanimously that 105 fraudulent, illegal, desperate, criminal votes were polled for Mr. Frost in the fifth ward of the city of Boston. That is the deliberate conclusion of the entire committee. Then, too, in the second ward of Boston the same set of men, the same vampires from the custom-house of Boston are found manipulating the tally-sheets and ballot-boxes of that ward; and it is agreed unanimously by the committee that 30 unlawful, fraudulent, corrupt, villainous votes were cast for Frost in that ward. The agreements of the committee go right down until we come to the navy-yard, which is the cess-pool from which all this iniquity has flowed out in connection with that district. The employés at the navy yard with those from the custom-house go hand in hand, devils like, and march down over the rights of the people of that district. Custom-house and navy-yard, twin sisters on their mission of fraud and crime, join hands that the work may be the more complete.

Mr. SPARKS. Will the gentleman allow me a question at this point?

Mr. POPPLETON. Certainly.

Mr. SPARKS. I understood the contestee to say that he presented these two letters, one from the inspector and the other from the representative of the district in the State Legislature, to the contestant. Now, I want to know if those letters were presented to the subcommittee and accepted by that subcommittee as proof and testimony?

Mr. POPPLETON. Not at all, sir.

Mr. SPARKS. A further question. Were they rejected by the subcommittee, and was the contestee warned that they would not be received?

Mr. POPPLETON. Not at all; nothing of the kind.

Mr. SPARKS. To whom were they submitted?

Mr. POPPLETON. To the chairman of the subcommittee. These letters were presented possibly ten or fifteen days after the report of this committee had been made and submitted to the House and ordered to be printed, and ready to be called up at any time.

Mr. SPARKS. Do I understand the gentleman to say that they were submitted after the report was made to the House?

Mr. POPPLETON. Yes, a long time after; after the committee had fully discharged every obligation it felt itself under, had made its deliberate report; and then ten or fifteen days after that—I will not undertake to state the exact length of time—these papers were presented for our consideration. We had no authority to act upon them. The warden and the representatives in the State Legislature were living at the time the testimony in the case was taken, and, as I have said, more than six months before that time Mr. Abbott, the contestant, had asked the contestee, "Why do you not call the warden? Why do you not put the inspector on the stand and the night watchman on the stand?" It is a little too late to come in with this last dodge.

But my attention was called away from the navy-yard. Now, I am not going to take up the time of the House in discussing this navy-yard business. It is the source from which all their blessings have flowed in this district. It has been the cess-pool whose bitter waters the honest people of the fourth congressional district of Massachusetts have been compelled to drink from year to year from the time that Mr. Burlingame represented the district down to the present time. During that whole period the history of the district has been fraught with charge upon charge of corruption and iniquity on the part of the manipulators of the navy-yard located in that vicinity. The gentleman from Indiana tells the House that the democratic party made use of the navy-yards and that democratic administrations used to use the navy-yards for political purposes, and I suppose he would have his argument go so far as to hold that the republicans had a right to use the navy-yards also. So far as a charge against the democracy is concerned, one thing is certain: that the democracy of the present day, marching on the line of reform, are going to reform the republican party, and if the democratic party needs reform in any respect, they will get their full measure of it.

Now in order to show you the line of policy adopted, I will read you a little piece of literature which you will understand quite well:

BOSTON, MASSACHUSETTS, *October* 23, 1874.

MY DEAR COM.: I wish you would approve requisitions for men to be employed as they may be made until the 1st of November.

You will remember that the election occurred on the 3d day of November.

Some fifty additional men have been allowed from the Chelsea district, and I suppose some more will be required from Gooch's district.

My friend from Massachusetts [Mr. BANKS] is interested in this.

Now mark the authoritative declaration of an officer high in the administration.

The administration desire the success of Gooch and Frost.

Yours respectfully,

I. HANSCOM.

Chief of Bureau of Construction of United States.

There was the groundwork of your navy-yard officers and your navy-yard vote. Is not that pleasant literature for some of these gentlemen to read? Why, sir, there were five hundred and fifty-eight men employed in that yard, some of them from the 26th of September and some of them from the 1st of October, and the sun had hardly set upon the night of the election when discharges commenced and extended to the number of three or four hundred men during the month of November; and yet, in view of these facts, the gentleman from Indiana [Mr. BAKER] gets up and tells you what a terrible offense the democratic members of the Committee of Elections have committed in undertaking to unseat his dear friend, the gentleman from Massachusetts, [Mr. FROST.] I say that if you of the republican party obtain 500 votes in this way, so long as I am a member of the Committee of Elections I shall send these votes back and say to the honest people of the district, "Your votes shall be counted and none of these fraudulent votes shall."

Another little point, another little episode. Here is a gentleman employed in the Boston custom-house, and I want you to look at him and see how he appears. He is one of the recommenders. I am sorry to say that the contestee is one of the recommenders also for the employment of men in the navy-yard. I regret to say it, but it is a fact that stands out in this case in bold relief; and I would steer very far from the record if I did not announce the fact that the contestee is also one of the parties recommending men for employment in the navy-yard just preceding the election. This man's name is Charles H. Leach. Here is his first letter:

CUSTOM-HOUSE, BOSTON, MASSACHUSETTS, SURVEYOR'S OFFICE,
September 19, 1874.

MR. HAINS:

DEAR SIR: The bearer, Mr. Donovan, of ward 2, desires employment in your department. If you can favor him in this direction you will oblige the undersigned.

Yours, respectfully,

CHARLES H. LEACH.

Now here is another letter written on the 31st of October, four days before the election. I ask gentlemen to listen to it:

BOSTON, *October* 31, 1874.

FRIEND SAMSON: Can you give employment to this man? He is capable of doing good service. I hope I shall not be obliged to ask another favor before election—a few days, that's all.

Yours, respectfully,

CHARLES H. LEACH.

We will use him at the polls Tuesday.

[Here the hammer fell.]

The SPEAKER *pro tempore*. The time of the gentleman from Ohio [Mr. POPPLETON] has expired.

Mr. SPRINGER. I ask consent that the gentleman's time be extended.

There was no objection.

Mr. POPPLETON. Mr. Speaker, the gentleman from Illinois [Mr. SPRINGER] is very kind in requesting that my time be extended, and I very highly appreciate the compliment just paid me by the House in complying with the request. But I will not detain the House longer on this subject, and will ask that a vote be now taken on the report.

The SPEAKER *pro tempore*. The first question is upon the resolutions reported by the minority of the Committee of Elections as a substitute for the resolutions reported by the majority of the committee.

The resolutions of the minority of the committee were as follows:

Resolved, That Rufus S. Frost was elected, and is entitled, to a seat in this House, &c.

Resolved, That Josiah G. Abbott was not elected, and is not entitled, to a seat in this House, &c.

Mr. TOWNSEND, of New York, and Mr. HURLBUT called for the yeas and nays upon substituting the resolutions of the minority for the resolutions of the majority of the Committee of Elections.

The yeas and nays were ordered.

The question was taken; and there were—yeas 79, nays 102, not voting 106; as follows:

YEAS—Messrs. Adams, George A. Bagley, John H. Baker, William H. Baker, Ballou, Bradford, Bradley, William R. Brown, Horatio C. Burchard, Burleigh, Candler, Cannon, Conger, Crapo, Crounse, Culberson, Danford, Darrall, Davy, Dobbins, Dunnell, Eames, Evans, Foster, Freeman, Frye, Garfield, Hale, Hardenbergh, Benjamin W. Harris, Hathorn, Hendee, Henderson, Hoskins, Hunter, Hurlbut, Kasson, Kehr, Kelley, Ketcham, George M. Landers, Lapham, Lawrence, Leavenworth, Edmund W. M. Mackey, MacDougall, McDill, Monroe, Nash, Norton, Packer, William A. Phillips, Pierce, Plaisted, Potter, Pratt, Rainey, John Reilly, Robinson, Rusk, Sampson, Schleicher, Smalls, A. Herr Smith, Strait, Stevenson, Thornburgh, Throckmorton, Martin I. Townsend, Washington Townsend, Tufts, Van Vorhes, Wait, Alexander S. Wallace, John W. Wallace, Whiting, Willard, Andrew Williams, and Woodworth—79.

NAYS—Messrs. Ainsworth, Anderson, Ashe, Atkins, John H. Bagley, jr., Banning, Beebe, Bell, Blackburn, Bland, Boone, Bright, John Young Brown, Buckner, Samuel D. Burchard, Cabell, John H. Caldwell, William P. Caldwell, Cate, Caulfield, John B. Clark, jr., of Missouri, Clymer, Cochrane, Collins, Cook, Cowan, Cox, Cutler, Davis, De Bolt, Dibrell, Eden, Ellis, Felton, Finley, Forney, Ganse, Glover, Goodin, Gunter, John T. Harris, Harrison, Hartridge, Hartzell, Hatcher, Henkle, Hereford, Hill, Hooker, Hopkins, House, Hurd, Jenks, Frank Jones, Knott, Franklin Landers, Lane, Levy, Lewis, Lord, Maish, Meade, Milliken, Mills, Mutchler, New, Phelps, Poppleton, Powell, Randall, Rea, Rice, Riddle, Scales, Singleton, Siemons, William E. Smith, Spencer, Springer, Stone, Tarbox, Teese, Thomas, Tucker, Turney, Robert B. Vance, Waddell, Gilbert C. Walker, Waling, Walsh, Erastus Wells, Whitehouse, Wigginton, Wike, Alpheus S. Williams, James Williams, James D. Williams, Jeremiah N. Williams, Willis, Wilshire, Benjamin Wilson, and Young—102.

NOT VOTING—Messrs. Bagby, Banks, Bass, Blair, Bliss, Blount, Campbell, Cason, Caswell, Chapin, Chittenden, John B. Clarke of Kentucky, Denison, Douglas, Durand, Durham, Egbert, Ely, Faulkner, Fort, Franklin, Frost, Fuller, Gibson, Goode, Andrew H. Hamilton, Robert Hamilton, Hancock, Haralson, Henry R. Harris, Haymond, Hays, Abram S. Hewitt, Goldsmith W. Hewitt, Hoar, Hoge, Hol-

man, Hubbell, Hunton, Hyman, Thomas L. Jones, Joyce, Kimball, King, Lamar, Le Moyne, Luttrell, Lynch, Lynde, L. A. Mackey, Magoon, McCrary, McFarland, McMahon, Metcalfe, Miller, Money, Morgan, Morrison, Neal, O'Brien, Odell, Oliver, O'Neill, Page, Payne, John F. Philips, Piper, Platt, Purman, Reagan, James B. Reilly, John Robbins, William M. Robbins, Roberts, Miles Ross, Sobieski Ross, Savage, Sayler, Schumaker, Seelye, Sheakley, Sinnickson, Southard, Sparks, Stenger, Stowell, Swann, Terry, Thompson, John L. Vance, Waldron, Charles C. B. Walker, Ward, Warren, G. Wiley Wells, Wheeler, White, Whitthorne, Charles G. Williams, William B. Williams, James Wilson, Alan Wood, jr., Fernando Wood, Woodburn, and Yeates—106.

So the resolutions of the minority of the committee were not adopted.

During the call of the roll the following announcements were made:

Mr. THOMPSON. I am paired on this question with my colleague, Mr. HOAR. If present he would vote "ay," and I would vote "no."

Mr. VANCE, of Ohio. I am paired on this question with Mr. WOODBURN, of Nevada. If present he would vote "ay," and I would vote "no."

Mr. WALKER, of Virginia. My colleague, Mr. HUNTON, is absent on account of sickness; and my colleague, Mr. GOODE, is absent by leave of the House.

Mr. BROWN, of Kentucky. My colleague, Mr. CLARKE, is absent by leave of the House.

Mr. COCHRANE. My colleague, Mr. STENGER, is absent by leave of the House.

Mr. SCALES. I am paired with the gentleman from Massachusetts, Mr. SEELYE; if present he would vote "aye," and I would vote "no."

Mr. CASON. I am paired with Mr. FULLER, of Indiana; if here he would vote "no," and I would vote "ay."

Mr. HENDEE. Both of my colleagues, Mr. JOYCE and Mr. DENISON, are absent on account of sickness; if here they would both vote "ay."

Mr. HUBBELL. I am paired with Mr. DURHAM, of Kentucky; if present he would vote "no," and I would vote "ay."

Mr. PIPER. I am paired with my colleague, Mr. PAGE; if present he would vote "ay," and I would vote "no."

Mr. McDILL. My colleague, Mr. OLIVER, is necessarily absent from the House.

Mr. G. A. BAGLEY. My colleague, Mr. ODELL, is detained from the House by sickness.

Mr. SINNICKSON. On this question I am paired with Mr. MONEY, of Mississippi. If here he would vote "no," and I would vote "ay."

Mr. BRADLEY. My colleague, Mr. W. B. WILLIAMS, is absent by leave of the House. My colleague, Mr. WALDRON, is paired on this question with Mr. NEAL, of Ohio. If present, Mr. WALDRON would vote "ay," and Mr. NEAL would vote "no."

Mr. MORGAN. I am paired with Mr. PLATT, of New York. If present he would vote "ay" and I would vote "no."

Mr. FORT. I am paired with Mr. CLARKE, of Kentucky.

Mr. WADDELL. My colleague, Mr. YEATES, is absent by leave of the House.

Mr. LYNDE. I am paired with Mr. BLAIR, of New Hampshire. If present he would vote "ay" and I would vote "no."

Mr. POPPLETON moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The question then recurred on the adoption of the following resolutions, reported by the majority of the Committee of Elections:

Resolved, That Rufus S. Frost was not elected, and is not entitled, to a seat in the House of Representatives in the Forty-fourth Congress from the fourth congressional district of Massachusetts.

Resolved, That Josiah G. Abbott was elected, and is entitled, to a seat in the House of Representatives in the Forty-fourth Congress from the fourth congressional district of Massachusetts.

The resolutions were adopted.

Mr. POPPLETON moved to reconsider the vote by which the resolutions were adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SINKING FUND.

Mr. STONE, by unanimous consent, introduced a bill (H. R. No. 3893) to amend section 2 of an act to further protect the sinking fund and to provide for the exigencies of the Government, approved March 3, 1875; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, announced that the Senate had passed, without amendment, the joint resolution (H. R. No. 146) to amend the act approved June 18, 1874, relating to the admission of articles intended for the industrial exhibition of 1876.

ENROLLED BILLS SIGNED.

Mr. BAKER, of New York, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker *pro tempore* signed the same:

An act (S. No. 123) for the relief of Philip S. Wales, medical inspector in the United States Navy;

An act (S. No. 894) to provide for the sale of the Fort Kearney military reservation, in the State of Nebraska;

An act (S. No. 928) for the relief of Albert W. Preston;

An act (H. R. No. 339) for the relief of E. D. Franz;

An act (H. R. No. 341) for the relief of Louis Rosenbaum;

An act (H. R. No. 1808) for the relief of Daniel Wormer, of Albany, New York;

An act (H. R. No. 2684) to amend sections 3946, 3951, and 3954 of the Revised Statutes; and

An act (H. R. No. 3411) authorizing the repavement of Pennsylvania avenue.

ORDER OF BUSINESS.

Mr. BRIGHT. I move that the morning hour be dispensed with and that the House now resolve itself into Committee of the Whole for the consideration of business on the Private Calendar. Pending that motion, I ask unanimous consent that, should this motion be agreed to, this may be considered as "objection day." The House will remember that on last Friday, which was "objection day," the business of the Committee of the Whole was interrupted.

Mr. PIPER and Mr. SCHLEICHER objected.

Mr. CONGER. I raise the question whether the motion of the gentleman from Tennessee, [Mr. BRIGHT,] which involves dispensing with the morning hour and thereby a suspension of the rules of the House, does not require unanimous consent?

The SPEAKER *pro tempore*. The effect of this proposition is simply to postpone the morning hour, which may be done by a majority vote. This amounts to nothing more than a question of consideration as to what business the House will take up.

Mr. CONGER. But the effect is to dispense with the morning hour.

The SPEAKER *pro tempore*. The House may at any time by a majority vote postpone the business of the morning hour. The Chair overrules the point.

The question being taken on the motion of Mr. BRIGHT that the House resolve itself into Committee of the Whole for the consideration of business on the Private Calendar, there were—ayes 78, noes 52; no quorum voting.

Tellers were ordered; and Mr. BRIGHT and Mr. SCHLEICHER were appointed.

The House divided; and tellers reported—ayes 95, noes 55.

So the motion was agreed to.

Mr. BRIGHT. I now renew the request for unanimous consent, that this be considered "objection day," for the reason already stated, that on the last "objection day" the business of the Committee of the Whole was interrupted.

Mr. PIPER. I object.

LAND CLAIMS IN NEW MEXICO.

The House resolved itself into Committee of the Whole, (Mr. BLACKBURN in the chair,) and proceeded to the consideration of business upon the Private Calendar, the pending bill being the bill (H. R. No. 344) to confirm certain land claims in the Territory of New Mexico.

Mr. COCHRANE. I rise to a parliamentary inquiry. On the last "objection day" certain bills were objected to; and on the second reading of those bills, as I understand, five objections are required to postpone them again. I desire to know whether that rule applies to-day?

The CHAIRMAN. This is not objection day; and the House has refused to have it so considered. The first bill in order is a bill which was pending in the Committee of the Whole on the Private Calendar on the last day when bills were taken up for consideration and discussion. It is the bill (H. R. No. 344) to confirm certain land claims in the Territory of New Mexico.

Mr. HOLMAN. I call for the reading of the bill.

The bill was read.

The CHAIRMAN. When the bill was last under consideration in the Committee of the Whole on the Private Calendar, the pending question was on the amendment moved by the gentleman from Indiana [Mr. HOLMAN] to strike out in the second section, line 4, the words "United States" and to insert in lieu thereof "the parties respectively asserting claims to said lands."

Mr. DUNNELL. I notice that the Delegate from the Territory of New Mexico [Mr. ELKINS] is absent as well as the gentleman from Vermont [Mr. JOYCE] who reported this bill from the Committee on Private Land Claims. I therefore suggest by unanimous consent that it be passed over for the present.

Mr. TOWNSEND, of New York. The gentleman from Vermont [Mr. JOYCE] is absent on account of ill health.

Mr. DUNNELL. He is absent on account of ill health, and as I understand desired to speak on this subject and I believe was entitled to the floor.

Mr. LUTTRELL. Then, if there be no objection, I hope the bill will be postponed until next private-bill day.

Mr. FORT. While the Delegate from New Mexico is absent, there is no doubt he would like to have the bill passed; and if there is no objection I do not see why the amendment should not be adopted and the bill passed, for the amendment certainly is a correct one.

Mr. BUCKNER. I have no objection, if that is the wish of the House that it should be passed over for the present on account of the absence of the gentleman from Vermont who has charge of the

bill, as well as of the Delegate from New Mexico at whose suggestion the bill was reported.

Mr. DUNNELL. If the House is disposed to act favorably on the bill I do not object.

Mr. FORT. If there is no objection to the bill I submit, after having been reported unanimously from the Committee on Private Land Claims, we ought to pass it.

The CHAIRMAN. Then the question is on the amendment of the gentleman from Indiana, [Mr. HOLMAN.]

Mr. HOLMAN. I suppose there will be no objection to the suggestion of the gentleman from Minnesota, that the bill be passed over for the present. It was my intention to move to strike out the enacting clause of the bill, but in the absence of the gentleman from Vermont and the Delegate from New Mexico I am willing to agree that the bill shall be passed over for the present.

The CHAIRMAN. The Chair hears no objection, and the bill is passed over.

MISSOURI LAND CLAIMS.

The CHAIRMAN. The next business on the Private Calendar is a bill (H. R. No. 820) for the relief of the mission of Saint James, in Washington Territory.

Mr. BUCKNER. The clerk is mistaken as to the order in which these bills come in. The next business on the Private Calendar is the bill (H. R. No. 819) to confirm certain land claims in the State of Missouri. It was passed over by unanimous consent with the understanding that it should not lose its place on the Calendar. It has never been acted on, and I insist that, not losing its place under the understanding, it is the bill which must next come up, the unfinished business having been disposed of.

Mr. DUNNELL. That bill was originally objected to by me, and I do not see how we can go back and take it up.

Mr. BUCKNER. I will tell the gentleman from Minnesota that while he opposed the bill and offered an amendment to it, I was not at the time in a condition of health to go on with its consideration, and it was on my account, by unanimous consent, that the bill was passed over with the understanding that it should not lose its place on the Calendar.

Mr. DUNNELL. It was passed over, and necessarily the call must go on from the place where it left off.

Mr. BUCKNER. But it was passed over with the understanding that it was not to lose its place on the Calendar.

The CHAIRMAN. The bill just passed over in reference to land claims in the Territory of New Mexico came up this morning as the unfinished business on the Private Calendar. That being disposed of, the call of the Calendar goes back to the beginning, and the bill in reference to land claims in Missouri, having been passed over with the understanding that it should not lose its place, comes up this morning, as suggested by the gentleman from Missouri, as the first business in order.

The bill was read.

The first section of the bill provides that the decisions made in favor of land claimants by the recorder of land titles at Saint Louis, Missouri, acting as commissioner, under the act of Congress approved June 22, 1860, entitled "An act for the final adjustment of private land claims in the States of Florida, Louisiana, and Missouri, and for other purposes," extended by an act of Congress approved June 10, 1872, as entered in the transcript of decisions transmitted by said recorder to the Commissioner of the General Land-Office, and by him laid before the Forty-third Congress, be, and the same are hereby, confirmed; saving and reserving, however, to all adverse claimants the right to assert the validity of their claims in a court or courts of justice, to wit: Eight thousand arpents to the legal representatives of J. Clamorgan; twenty-nine hundred and forty-four arpents to the legal representatives of Peter Provenchere; seven thousand and fifty-six arpents to the legal representatives of Francis J. B. Valle; seven thousand and fifty-six arpents to the legal representatives of Francis Valle, sr.

The second section of the bill provides that, if it shall be found that any tract or tracts confirmed as aforesaid, or any part thereof, had been previously located by any other person or persons under any law of the United States, or had been surveyed and sold by the United States, this act shall confer no title to such lands in opposition to the rights acquired by such location or purchase; but the individual or individuals whose claim or claims are hereby confirmed shall be permitted to locate so much thereof as interferes with such location or purchase on any unappropriated land of the United States that may be subject to entry at private sale; provided that such location shall conform to the legal divisions and subdivisions, and shall not interfere with the rights of other persons.

Mr. BUCKNER. I ask the Clerk to read the report of the committee.

The Clerk read as follows:

The claims mentioned in this bill come before Congress for its action by virtue of the fourth and fifth sections of the act for the final adjustment of private land claims in the States of Florida, Louisiana, and Missouri, approved June 22, 1860. (12 Statutes, pages 84, 85, and 86,) the provisions of which were extended by act of Congress approved June 10, 1872, and on account of the action of the Commissioner of the Land Office as required by said first-mentioned act, and reported to Congress at the first session of the Forty-third Congress. By the provisions of the first-named act the recorder of land titles in the State of Missouri was made a commissioner to hear and decide, according to equity and justice and the principles in such acts set forth, all the claims provided for by this act. Having done this, the act required this officer to certify his decision to the Commissioner of the General Land Office, who either approves or disapproves the action of the recorder, and in either event the law requires him to bring the matter to the attention of Congress.

The claims thus provided for are described in the first section of the act as being for lands claimed by virtue of "grant, concession, order of survey, permission to settle, or other written evidence of title," emanating from any foreign government, bearing date prior to the cession of the territory out of which said States were formed, &c. The recorder of land titles at Saint Louis, after hearing the evidence in each of these cases, decided in favor of their confirmation, respectively; that is to say, to the legal representatives of Jacques Clamorgan, 8,000 arpents; of Peter Provenchère, 2,944 arpents; of François Vallé, jr., 7,056 arpents, and of J. Baptiste Vallé and François Vallé, sr., 7,056 arpents.

The Commissioner of the General Land Office approved of the decision of the recorder as to the two claims first above mentioned, and under the law his judgment is final and conclusive against the Government, as to them. As to the two claims, each a league square, (7,056 arpents,) of François Vallé, jr., and J. Baptiste Vallé, and Francois Vallé, sr., that officer disapproved of the judgment and decision of the recorder, on the ground that the papers "filed in these cases do not show either a grant, concession, order of survey, permission to settle, or other written evidence of title." The recorder, on the contrary, had held, in his decision of these cases, that they each show that there is written evidence of title of these claims emanating from the Spanish government and bearing date during the time said government claimed jurisdiction over the territory in which this land is situated.

The question before the committee is as to the proper construction of the first section of the act aforesaid, as applied to the facts of the two claims of François Vallé, jr., and Francois Vallé, sr., and J. Baptiste Vallé. Was there any "written evidence of title" to the land claimed, emanating from the Spanish government? If we are to understand that by the language "written evidence of title" Congress designed that the claimants should have written evidence of a complete and perfect title from the Spanish government, these parties certainly had no claim against the Spanish government. Among all the claims in the State of Missouri which have been recognized and confirmed by the United States, there were not more than 1 per cent. that were complete and perfect titles. They were inchoate and imperfect titles, and were known as concessions, orders of survey, or permits to settle, made under the authority of the laws of Spain. Neither of these descriptions of title was evidence of complete title. Looking at the several acts of confirmation passed by Congress to carry out the stipulations of the treaty with France, it seems to your committee that Congress intended by this act to recognize the right of such claimants as held any written evidence from any officer or agent of the Spanish government showing present right to the possession of a tract of land, and which, according to the usages and practice of the Spanish government at New Orleans, would in time be perfected into a complete and perfect title.

In the two cases before the committee, the initiatory proceedings seem to have been somewhat different from the most of the claims confirmed in the State of Missouri, but they comply more exactly with the regulations adopted by the intendant-general at New Orleans in 1799. The thirty-second article of these regulations directs that "the granting or sale of any land shall not be proceeded in without formal information having been previously received that they were vacant; and, to avoid any more mistakes, besides the signature of the commandant or syndic of the district, the information ought to be joined by that of the surveyor and two of the neighbors," &c. This statement was directed to be addressed, with the petition, to the intendant-general, upon which he would cause the final title to issue. This was the mode of proceeding in these cases, the parties being at once put into possession of the lands by the commandant. In the other form of proceedings, on the petition of the applicant the concession was made by the lieutenant-governor, and a plat of the land in the first instance made and the party put in possession, the papers being afterward sent to the intendant-general for approval and the issuance of a final and complete title. In this class of cases the commandant, on receiving the written petition of the applicant, finds out by the surveyor and two citizens whether the land desired is vacant; if so, he orders the petitioner to be put in possession and a survey to be made, and then the petitioner waits for a final title from the intendant-general at New Orleans.

In the two cases before your committee, the petitioners apply to the commandant for a league square of land, and, according to the rules and regulations prescribed by the intendant-general at New Orleans, the surveyor of the province, in company with two citizens, examine the land asked for and certify to the commandant that it belongs to the public domain, who reports these facts to the intendant-general at New Orleans, puts the party in possession, and recommends the grant to be made. The intendant-general refers the applications to the proper department of the government at New Orleans, and, before any action is taken, the change of government takes place. So far as written evidence of title is concerned, it is not perceived why this objection of the Commissioner would not have excluded a large portion of the claims in Missouri, confirmed by the act of July 4, 1836. It is true these claims were founded on a concession, warrant, or order of survey. Neither of these made a perfect title, and the very object of the statute of 1860 was to enlarge the right of these claimants and extend their right to confirmation to cases which were not, strictly speaking, concessions, orders of survey, or permissions to settle, but where they had any written evidence of title, that is, as we construe those words, any cases where an authorized officer of the Spanish government gave consent in writing to an appropriation of a part of the public domain, and put the petitioner in possession thereof. In both of these cases, possession is proven to have been taken by the applicants and maintained by them for many years after the change of government.

The short time intervening between the filing of the petition in these cases and the cession of this territory and purchase by our Government, and the difficulty of communicating with the government at New Orleans, no doubt prevented favorable action thereon by the Spanish authorities, and Congress has by its legislation, since the report of the last board of commissioners was acted upon in 1836 and prior to the passage of the acts under which these claims are prosecuted, shown its recognition of claims with no higher evidence of title than these claimants have produced. In the act of 4th of July, 1836, confirming the report of this board, many claims were excepted from confirmation; but since the passage of this act most of the claims thus excluded from confirmation have been confirmed by a special act of Congress. The claims thus confirmed have no higher dignity, nor are they supported by any better evidence of title, than the two claims whose confirmation by the recorder has been disapproved by the Commissioner of the General Land Office. (11 Statutes of the United States, page 294.)

It is the opinion of your committee, therefore, that these four claims should be confirmed, with the usual clause of saving of advance rights and allowing relocation upon any public lands of the United States; and they recommend the passage of the bill (H. R. 819) accompanying this report.

MESSAGE FROM THE SENATE.

The committee informally rose; and a message from the Senate, by Mr. SYMPSON, one of their clerks, notified the House that that body had adopted the report of the committee of conference on the disagreeing votes of the two Houses on the bill (S. No. 332) to amend an act entitled "An act to amend and supplement an act entitled 'An act to establish a uniform system of bankruptcy throughout the United States,' approved March 2, 1867, and for other purposes," approved June 22, 1872.

MISSOURI LAND CLAIMS.

The committee resumed its session.

Mr. DUNNELL. I offer the following amendment.

The Clerk read as follows:

Provided further, That no location shall be made on any land north of the State of Missouri.

Mr. DUNNELL. Mr. Chairman, I objected to the passage of this bill when it was up before. My attention was called to some statements made in the report of the Committee on Private Land Claims, and to the large amount of land it is proposed to convey by this bill. It provides for the disposition of about twenty-four thousand acres of the public land, and the very best that can be said by the committee is that the title is uncertain; to use the words of the committee, which I will read from the report:

Neither of these made a perfect title, and the very object of the statute of 1860 was to enlarge the right of these claimants and extend their right to confirmation to cases which were not, strictly speaking, concessions, orders of survey, or permissions to settle, but where they had any written evidence of title, that is, as we construe these words, any cases where an authorized officer of the Spanish government gave consent in writing to an appropriation of a part of the public domain, and put the petitioner in possession thereof.

These imperfect and inchoate titles have been for a very long time unsettled and unadjusted. For seventy or eighty years these claims obtained no recognition by the Government, and now upon the report of this committee, unsatisfactory in its reasonings and its conclusions, it is proposed to grant scrip to the amount of 24,000 acres of land. It will be remembered all these original claimants have passed away.

Really these men who get hold of this scrip are not any of them the original owners or the original claimants. It is now proposed to give them scrip, and they are to be allowed to go anywhere, anywhere in the country, and locate this scrip on any unappropriated land. They may be public lands open to homestead entry; they may be timber lands of the country. It is proposed, I say, to give scrip to the amount of 24,000 acres of land.

Now, I have offered an amendment here. I have said to gentlemen that if the lands could be found in the State of Missouri, where these claims exist, then if the State of Missouri presented no objection, very well. But if the rights of these claimants originally pertained to the State of Missouri, then I insist that they should find their lands in that State, rather than go into the State which I in part represent, and other States where there are large quantities of the public lands. And it must be remembered that the amount of public lands now open for entry under the homestead law is very small; but there are still very valuable timber lands in the country. It is proposed to give away 24,000 acres of these lands upon what I consider a very unsatisfactory title.

In the discussion that was had here upon the bill which was passed over to-day in regard to certain private land claims in the Territory of New Mexico, the great objection to that bill was the vague, uncertain character of those Spanish titles. And it will be remembered that the General Land Office has itself passed against two of these claims. Deliberately has the General Land Office investigated two of these claims and decided against them. Now the Committee on Private Land Claims comes in and says, "As we construe this concession these claims should be confirmed, and we propose to grant scrip to the amount of 24,000 acres." I believe it would be very much better to abide by the results of the decision of the General Land Office. I am unable to discover from this report any other than special pleading to get through this especial bill. I see no good argument furnished why we should give scrip to the amount of 24,000 acres.

I am opposed, Mr. Chairman, to the issuance of scrip. We have issued a great deal of it. It has been a source of corruption and a source of fraud, and we have already parted with large areas of our public lands by the issuance of scrip; and I think the time has now come when there should be a good, solid, substantial argument whenever we are called upon to dispose of more of the public lands. I confess that I am unwilling that 24,000 acres of land in my own State should be plastered over by scrip held by a title almost a hundred years old, resting primarily upon a Spanish grant. I am unwilling that 24,000 acres should be thus covered over by the holders of this scrip, non-residents, to be held in that way for many years. I desire that the public lands should be open to an easy, ready settlement by homestead entry; and therefore I am seriously opposed to this method of meeting the rights, if they have any, of these claimants.

Mr. BUCKNER. The objection which the gentleman from Minnesota [Mr. DUNNELL] makes, as I take it, to this bill is not so much that the bill is wrong in itself. He offers no argument against the views set forth here by the Committee on Private Land Claims as to the construction of the statute referred to. But he objects to the bill because there is some danger of the loss of his pine lands; because, in other words, there is danger that the Government of the United States shall be required to do what they agreed to do in the treaty by which Missouri, of which I believe Minnesota was then a part, was acquired; that is, inasmuch as they have taken land which formerly really belonged to these parties, they shall give them land elsewhere.

Now, sir, the objection that this is a large amount of land may operate with some gentlemen. They may be inclined to say, "If it were a small amount of land, we should be willing to grant it; but, because it is large, because of its size, we will not do justice and comply with the treaty obligations of this Government." I confess, sir, that sort of logic does not operate with me at all. If the claims are just; if it is due to these parties that they should have this land, and the Government have sold what originally belonged to them, and by the terms of the treaty and under the laws of Congress belonged to them, then it matters not whether the quantity is large or small. The Government of the United States should do its duty in the premises.

I suppose, sir, we might have got rid of the objection of the gentleman from Minnesota if we had agreed to give these parties the right to locate their land in the State of Missouri, and had excluded the pine lands of Minnesota. I take it that is the ground of the objection of the gentleman. If we could have done that in justice to these parties, or in justice to anybody, I presume we should have had no objection to this bill. But on what principle can that be claimed? There are claims for lands coming up against the Government in Indiana and in the Southern States where there are no public lands; in Arkansas, Alabama, &c., where the public lands are all exhausted. Will the gentleman's argument apply to such claims? It would be equivalent to saying that no such claims could be entertained at all.

No, sir; this is not a claim against the State of Missouri. These lands belonged to these parties when the territory now occupied by Missouri was a Territory and Minnesota was a part of that Territory. And therefore Minnesota has no right, and no other part of the country west of the Mississippi River has the right, to be exempt from the operations of this act. It is impossible that the Government should indemnify claimants by certified locations in Illinois or Indiana at this day, or even in Missouri to a very great extent, because our public lands amount now to very little in value; and that is true in reference to many other States of the Union. Hence, there can be no propriety in the suggestion of the gentleman that it should be confined merely to the State of Missouri. If there is any objection to the bill at all it grows out of the construction which the Committee on Private Land Claims have given to the law, and the gentleman from Minnesota [Mr. DUNNELL] does not attempt to show that that construction is wrong or improper.

Mr. DUNNELL. Is not the construction of the committee in direct conflict with the previous construction given by the General Land Office?

Mr. BUCKNER. I will answer the gentleman on that subject. The Commissioner of the General Land Office referred this subject to a clerk in his Office who made one decision, and the recorder of land titles at Saint Louis decided in another way, to wit, that this was written evidence of title, and the difference of opinion between these two officers brings the case here and it is for the House to decide. The question is what is meant by "written evidence of title." The Committee on Private Land Claims on an examination of the matter had not a doubt but that these cases were included in the term "written evidence of title," and it is for the House to say which is the proper construction. I admit that so far as the Commissioner of the General Land Office is concerned he has said that there is no written evidence of title. I cannot say that he is wrong. The recorder of titles says that he is wrong, and here is a statute passed by Congress in 1860 which says that the party who has written evidence of title shall have a claim against the Government for the land originally granted to him. Now the report from the General Land Office contains all the evidence of title. It is true that there is no title from the Spanish government, from the *intendent generale*, but the title emanates from an officer of the Spanish government, which the Spanish government would have respected but for the fact that it went out of existence before the maturity of the title.

Mr. SMITH, of Pennsylvania. Has this question of title been investigated by the courts?

Mr. BUCKNER. No, sir; it could not be, in the nature of things. It is a matter for Congress. Two officers of the Government decided differently, and the law requires in such a case the question shall be brought here, and the Committee on Private Land Claims decided against the opinion of the clerk in the Land Office and in favor of the opinion of the recorder of titles. Now, if the gentleman can show that written evidence of title is anything else than is here presented, then it is a fair subject for discussion.

But there are two of these claims about which there is no dispute at all. They come in on a different principle altogether, and both the Commissioner of the General Land Office and the recorder of land titles decided that the Government must give them 11,000 arpents of land. As to the others I have no question about them. I have stated in answer to the gentleman that there is a diversity of opinion between the recorder of land titles and one of the clerks in the General Land Office, and hence the question is brought before Congress and we have to decide it. And the Committee on Private Land Claims have decided that the recorder of land titles was right, and the parties are entitled to the land; not to the lands originally granted, for the Government has sold those lands long ago and the money received for them has gone into the Treasury; and inasmuch as you cannot give the parties the lands which were originally granted them, the law of 1860 gives them the right to come in and have a relocation on any public lands in the United States. That is what this bill promises. There is no question of title here. It is only a question whether the Government shall carry out the treaty stipulation involved in its treaty with France in the acquisition of the territory of

Louisiana, of which Minnesota was then a part. I shall not go into an argument as to whether the Committee on Private Land Claims are right in their construction or whether the clerk of the Commissioner of the General Land Office is correct in his construction. I submit this report as proving that written evidence of the title does not mean a perfect title. An officer of the government of Spain, or rather France, gave written evidence of title with possession of the land, and hence the cases come within the terms of the act; and if it is wrong to give the parties the benefit of this legislation, then the act of 1860 and the extension of that act in 1872 were wrong, and not the committee in reporting this bill.

Mr. FORT. This land claim is respectable for one thing, and that is its extreme age. Before I vote on the question I hope the gentleman from Missouri will explain to this House how it is that these claims for these lands have slipped to this date, and also how it is, when he says the Commissioner of the General Land Office has decided against these titles, the claimants do not take an appeal to the Secretary of the Interior and then to the courts in the regular way and test their title, if title they have to these lands. Now, Mr. Chairman, it does seem to me that, if a bill is to be passed at all by which these claimants may have their rights, if rights they have, it should provide that the question should be submitted to some judicial tribunal.

Mr. BUCKNER. The law does not so decide; that is the trouble.

Mr. FORT. If the law does not so decide why does the gentleman ask us to pass another law? By his presence here in reporting this bill he confesses that the existing law is not sufficient. If the law was now adequate he would have no need to come to the House and ask the House to take jurisdiction of this very intricate matter. It must occur to any mind on a moment's reflection that this is a question that ought to be determined judicially. It is impossible for gentlemen here to settle this question and say whether the title passed from Spain to these claimants at that time.

I think it is asking too much of a committee of this House or of the other House to sit judicially upon such a question as this and determine it. If the law of 1860 is not sufficient—by the way, so far as I know, that law has not been quoted here to-day—if that is not sufficient, then I think this House should require of these claimants that they come in here with a bill which will properly open the doors of the court and allow the court to say whether they are entitled to this land or not. It is very singular that a claim of this description, for 24,000 acres of land—whether the amount be more or less matters but little—should sleep for nearly a hundred years, and this House to-day be called upon to settle the title which, if it attached at all, attached before any gentleman in this House was born. Why do they not explain how it is that they have delayed so long to ask for justice?

Mr. BUCKNER. I will answer the gentleman right here if he has no objection.

Mr. FORT. Very well.

Mr. BUCKNER. If the gentleman were at all familiar with the legislation of Congress upon this subject he would not ask that question. When the treaty was made the Government of the United States did not know, and could not know, but what it would settle all these claims. The very first act of Congress of 1805 was confined to claims for not exceeding two thousand arpents. As the train of facts in the history of the country became developed, just so did Congress proceed to provide for these claims. In 1836, some thirty years after the acquisition of this territory, in the act of July 4, 1836, there were more claims allowed than at any prior time.

Mr. FORT. Why was not this claim made then?

Mr. BUCKNER. It did not come within the spirit of any law which the Government had authorized. Prior to that time evidence of survey and cession was required to confirm the title; but in 1860 the law was extended so as to cover all cases where there was any written evidence of title. Up to that time these parties had no claim against the United States as a political body.

Mr. FORT. Why did not these parties then come into Congress and present their claim? Why did they wait until to-day? The gentleman from Missouri [Mr. BUCKNER] says they had no claim. Had they no claim then?

Mr. BUCKNER. When?

Mr. FORT. The gentleman says that there was no law in existence which authorized their claim. That is no reason why they should not have applied for legislation as they apply to-day.

[Here the hammer fell.]

Mr. HOLMAN. I have before me the act of 1860, on which this proceeding is founded. I wish to call attention to the second section of that act as indicating the sanctity or verity that should be ascribed to the report upon which this bill is founded. The second section provides as follows:

> That the registers and receivers of the several land offices in the States of Florida and Louisiana, within their respective land districts, and the recorder of land titles for the city of Saint Louis, for the State of Missouri, and their successors in office, shall be, and they are hereby, appointed commissioners to hear and decide, under such instructions as may be prescribed by the Commissioner of the General Land Office, in conformity with this act and according to the justice and equity of the principles hereafter established, in a summary manner all matters respecting such claims within the district aforesaid as come within the provisions of this act.

"In a summary manner." This recorder of land titles in the city of Saint Louis and the State of Missouri was an officer having scarcely the dignity and importance of a register or receiver of the land office. I believe the salary has always been $500 a year. He stood upon the same footing with the register of the land office at Chillicothe for many years and up to the present time, and the register of the land office at Indianapolis, Indiana, and at Springfield, Missouri. That is to say, the office was a nominal one; and by an act passed at this session of Congress we have abolished all these offices as mere sinecures.

This officer in Saint Louis was authorized to hear and decide in a summary manner; none of the safeguards of judicial proceedings, none of the safeguards which surround important judicial proceedings were deemed to be necessary. He was to hear and decide in a summary manner these claims and report to the Commissioner of the General Land Office; the Commissioner of the General Land Office was to report to Congress, and Congress was then to take the subject into consideration and determine what legislation was proper.

But I wish to call the attention of the gentleman from Missouri [Mr. BUCKNER] to the fact that I do not find in this act of 1860, although I have not had time to examine it carefully, any provision that seems to contemplate that the Government of the United States shall re-imburse these parties by issuing land scrip for the land which they may not be able to obtain under the provisions of that act. These ancient claims were generally without limit, as shown by this act. They were frequently merely possessory, their limits poorly defined, generally by monuments instead of by metes and bounds. After this long lapse of time, independent of the perils of fraud in such transactions, of course those claims became exceedingly obscure.

Now this act of 1860 certainly did not contemplate that if these lands became exhausted in any way, were disposed of by the Government of the United States before the claim is set up, therefore the United States shall substitute other lands for those disposed of.

Mr. GARFIELD. I would like to ask the gentleman whether the summary judgment passed in this case was passed by that recorder of land titles in Missouri that we have been trying to abolish for the last eight or ten years?

Mr. HOLMAN. This is the same gentleman.

Mr. GARFIELD. I can state from my personal knowledge that while I was a member of the Committee on Appropriations I undertook two or three times to leave out any provision for this officer, as he seemed to be ornamental rather than useful. But I was always overborne by the statement that he had in his custody some important records. I never heard, however, until to-day that he was a judge or had any judicial functions.

Mr. HOLMAN. We never succeeded in getting this officer dispensed with until this session of Congress, but I am glad to assure my friend from Ohio that at this session we have finally abolished that office by the concurrence of both branches of Congress.

Mr. GARFIELD. I inserted in one of the appropriation bills (I think four yeas ago) a clause directing that all the records in possession of this officer should be forwarded to the General Land Office, to be a part of the public archives; but I found that the roots of this office ran down among so many Missouri interests that I could not very well carry the measure through; I was overborne. It always seemed to me that the business of that office should be consolidated with that of the General Land Office here in Washington.

Mr. HOLMAN. I tried to get the office abolished long before my friend from Ohio began his efforts; I tried as far back as 1861. No good reason was ever given why the office should not be abolished; but for some reason or other it was always kept up. At this session for the first time everybody seemed to acquiesce in the policy of abolishing the office. One argument which had been used in favor of keeping it up was that the salary was but trivial—$500. The records of this office are simply copies from the General Land Office, which happened to be there. We have directed them to be turned over to the State authorities of Missouri as has been done in other States.

Now this is the officer who was authorized to hear and determine these questions "in a summary manner," as a justice of the peace, under our State laws, is directed to hear "in a summary manner" cases of assault where the fine does not exceed one or two dollars. It now turns out that we are asked to give 11,000 arpents of land as the result of these judgments in two cases alone. An arpent, I believe, is a little less than one acre.

Mr. RIDDLE. Six-sevenths of an acre.

Mr. HOLMAN. So that the land in these two cases alone is something like nine or ten thousand acres. Now, Mr. Chairman, I have no objection to these claimants, whoever they may be, (whether foreigners or Americans,) getting whatever land they can find there that they have obtained a right to at any time during the last century. As to that, I think it may be well enough to confirm the titles upon the statement of the gentleman from Missouri. But as to giving them other lands, to that I object. I therefore desire to move that that portion of this bill be struck out. I suppose the gentleman from Missouri will have no objection to that.

Mr. BUCKNER. Does the gentleman propose to abrogate the provision of law on this subject? Here is the provision, which I can read to the gentleman.

Mr. HOLMAN. I stated that I had not been able to read the act through.

Mr. BUCKNER. I wish the gentleman had read it through. I wish he was more familiar with the legislation of Congress in reference to these old claims. If he had been, I do not think he would have made the speech that he has made.

Mr. HOLMAN. Will my friend read that section?

Mr. BUCKNER. The section is as follows:

And be it enacted, That whenever it shall appear that lands claimed, and the title to which may be confirmed under the provisions of this act, have been sold in whole or in part by the United States prior to such confirmation, or where the surveyor-general of the district shall ascertain that the same cannot be surveyed and located, the party in whose favor the title is confirmed shall have the right to enter upon any of the public lands of the United States a quantity of land equal in extent to that sold by the Government: *Provided*, That said entry be made only on lands subject to private entry at $1.25 per acre and as far as may be possible in legal divisions and subdivisions, according to the surveys made by the United States.

Mr. HOLMAN. My friend is right. I had not got as far as that section. I was struck with the second section. The "summary" proceeding struck me with so much admiration that I could not read beyond that point.

Mr. TOWNSEND, of New York. I would like to put a question to the gentleman from Missouri, if he will allow me.

Mr. BUCKNER. Certainly.

Mr. TOWNSEND, of New York. I have not been able to find out from this report or from the debate thus far the nature of what is claimed to be "written evidence of title" in these cases.

Mr. BUCKNER. That is a proper question; and I will answer it. The evidence is that an officer of the Spanish Government was authorized under the direction of the intendant-general, who then lived at New Orleans, to go out and in the presence of two witnesses select and survey this land and put it in the possession of these parties. Of this, written evidence is given which is filed in the office of the recorder of land titles, who was the keeper of all the old Spanish and French archives in the State of Missouri. By the act of Congress he was authorized to render judgment upon these titles. In the State of Missouri, hundreds and thousands of our titles are dependent upon the judgment of that officer, the recorder, of whom the gentleman from Indiana has spoken.

The only question here is what is the meaning of the language "written evidence of title?" Congress certainly meant something by it. It had never been used in any law prior to 1860. As far back as 1825 and 1830 these parties filed their claims; and the commission of 1836 in their report on these very claims say that there is no pretense of fraud in connection with them, but that they had no jurisdiction; that these were neither warrants nor orders of survey, nor concessions by the lieutenant-governor, and that therefore they had no jurisdiction. Then Congress came in and passed this additional section for the benefit of these parties, where they had "written evidence of title." As I have said, that could not have meant perfect titles; but it meant just such titles as the Spanish government would recognize if it had not transferred the land to us. That is what I say it means; and that is all there is of it.

In 1836 these claims, extending from 1805 to 1836, are reported to have been filed before the commissioners, who decided that they had no jurisdiction. Congress, in the first instance, declared that the act should not cover grants of more than two thousand arpents. Afterward it was found that this excluded a large number of claims; for some of them embraced 30,000 arpents, many of them seven thousand and fifty-six arpents. Until 1836 these claims of seven thousand and fifty-six arpents were never confirmed at all. The Frémont claim, with which I happen to be familiar, embraced 10,000 arpents, which was in excess of the law, so that only seven thousand and fifty-six arpents were confirmed. But the claimants were equally entitled to the confirmation of the remainder; and, so far as this particular claim was concerned, no question was ever raised. All the officers decided in favor of that claim.

Now these parties have not been guilty of any laches. The Government never authorized these claims to be confirmed. Yet they have been knocking at the doors of the commission and at the doors of Congress, asking that the Government should discharge the obligation which it assumed in the treaty with France.

Mr. DUNNELL. I wish to ask whether the parties in these cases were ever before Congress heretofore?

Mr. BUCKNER. No, sir; none of these parties were ever before Congress. Congress in the first place authorized a board of three commissioners to examine titles. In 1834 Senator Linn, Mr. Harrison, a former member of Congress, and one other gentleman were authorized to pass upon these claims under the law. Then the recorder of land titles was authorized to hear and determine these claims. In all these cases these parties put in their claims; yet because it was held that there was no jurisdiction—in other words, because Congress had not authorized the confirmation—the claims were rejected. This appears from the report to which I have referred.

The gentleman from Indiana, [Mr. HOLMAN,] without knowing anything about the matter, has said that this recorder of land titles has merely copies of the records here at Washington. Sir, this recorder is the custodian of all the old Spanish archives and muniments of title of one-third of the land in the State of Missouri. It is true his business is now disappearing; he has not much to do now; and therefore I and others have consented that the office should be dispensed with. But he has been a very important officer. The law gave this officer authority to determine upon these claims. It is not now a question whether that law was right; the question is whether Congress will carry out the obligation it thereby assumed.

A gentleman near me reminds me that this act was by its original terms to continue in force only three years; but it was extended in 1872. These parties have been asserting their claims to these lands all the time; and as the Government has sold some of these lands it is but just that other lands should be given in the place of them. In 1836 Congress granted millions of acres upon relocation, because under previous laws the lands to which the parties were entitled had been sold.

The CHAIRMAN. The question is upon the amendment of the gentleman from Minnesota, which will be read.

The Clerk read as follows:

Add to the second section the following:

And provided further, That no location shall be made on any lands north of the State of Missouri.

Mr. HOLMAN. I desire to move an amendment to strike out the last clause of the second section, which reads as follows:

But the individual or individuals whose claim or claims are hereby confirmed shall be permitted to locate so much thereof as interferes with such location or purchase on any unappropriated land of the United States that may be subject to entry at private sale: *Provided*, That such location shall conform to the legal divisions and subdivisions, and shall not interfere with the rights of other persons.

I find that the statement of the gentleman from Minnesota as to the number of arpents in these lands is correct. The number altogether is 24,956, which, estimating an arpent as six-sevenths of an acre, would be about twenty thousand acres. I find this bill does not provide exactly to whose benefit these lands shall inure. The only description of the persons who are to receive these lands is in the concluding part of the first section:

Eight thousand arpents to the legal representatives of J. Clamorgan; two thousand nine hundred and forty-four arpents to the legal representatives of Peter Provenchère; seven thousand and fifty-six arpents to the legal representatives of François J. B. Vallé; seven thousand and fifty-six arpents to the legal representatives of François Vallé, senior.

These were the original claimants, I suppose. Now it does not appear, although it might be inferred perhaps, that these were citizens of the United States. That fact, however, is not apparent. After the lapse of one hundred years, it seems to me we ought to be informed who are to be the recipients of the benefits of this act of Congress; to whose benefit this legislation is to inure.

Mr. BUCKNER. To the legal representatives, whoever they are.

Mr. HOLMAN. Well, in the course of a hundred years the blood of our people circulates frequently through a multitude of veins, and may branch off into such innumerable channels as to become very thin. [Laughter.] It seems to me that after such a lapse of time legislation of this character should be adopted with great caution.

How does it happen that with the great city of Saint Louis, growing up and rendering lands in that part of the country valuable, this matter should have rested till the year 1860; that Congress should not until then have organized this tribunal? Even then it will be observed the authority of the tribunal was limited to five years.

A MEMBER. Three years.

Mr. HOLMAN. At the expiration of three years the power of this tribunal seems to have expired, and no claim has been asserted since.

Mr. BUCKNER. Yes, sir; the claim has been asserted from the beginning.

Mr. HOLMAN. Well, that does not appear upon the face of these papers.

Mr. BUCKNER. There is no necessity that it should.

Mr. HOLMAN. The time specified by the act of Congress expired; and then in 1872 the authority of this court, this recorder of land titles, was extended. In 1873 or in 1874 this report is made to Congress for the first time. Yet the city of Saint Louis has been a great and prosperous city for half a century, a very important and influential community for more than three-quarters of a century. If this is a *bona fide* claim against the Government, coming down to us from the former government of that region of country, how has it happened that this claim has not been sooner asserted?

Mr. FORT. Did the report show officially any copy of this paper title? Is there any evidence of that?

Mr. HOLMAN. I have seen none.

Mr. LAWRENCE. May not some of these "legal representatives" who are provided for be speculators who have been buying up these claims for a song?

Mr. HOLMAN. That may be. I would be glad if the names were mentioned. I should like to know who are to be the recipients of these 20,000 acres of lands to be located anywhere upon our territorial domain.

Mr. BUCKNER. Particular parties may die out; and thus the names of the representatives may change.

Mr. HOLMAN. But, sir, that is not the principle upon which we act in our ordinary legislation. It is our practice to specify who are to receive the benefits of an act of Congress. According to the gentleman's argument we should not name any persons in our bills, for fear they may die out before the bill drags its slow length through both branches of Congress.

To my mind there is in this case a want of assurance that this is a claim which the Government of the United States should respect. There is great moral force in those statutes of repose which have been adopted by every State of this Union, and by every civilized community, under the name of statutes of repose, statutes of limitation, statutes against frauds—for these are statutes of repose. I would like to ask my friend from Missouri whether there is not moral force

in the proposition that a principle which seems to have been universally adopted as between citizen and citizen throughout this broad land may safely be applied in behalf of the Government against an ancient claim like this. A citizen settling upon land, after the lapse of a certain time—generally only twenty years—less than an ordinary human life-time, acquires under the law, as a measure of public policy, the safeguards of a title. Now, after the lapse of over one hundred years, there certainly does appear no danger of injustice if Congress rejects a claim to lands in a highly cultivated and improved region of country—lands which for years have been growing every day more valuable, particularly where there has been no actual possession of these lands and no successful assertion of the claim to them during all this period. The universal recognition of the statute of repose seems to me to apply most forcibly as an argument in this case; and while I would not invoke that principle in behalf of the Government after a lapse of only twenty, twenty-five, or thirty years where a citizen of a foreign nation asserted a claim under a treaty, yet after a whole century has elapsed it seems to me there are too many chances of fraud and too many difficulties in ascertaining the truth to justify legislation of this kind. I have no objection, of course, to these parties obtaining possession of any lands to which they may be entitled——

Mr. BUCKNER. The Government has sold their lands.

Mr. HOLMAN. How has that happened? Why were they not there asserting their claims?

Mr. BUCKNER. Let me give the gentleman a little information; for I see he is striking in the dark.

Mr. HOLMAN. I am trying to get at the facts.

Mr. BUCKNER. I will take one of these claims—the claim of Francis Vallé, jr. This is one of the claims certified by this recorder of land titles. The Spanish grant in this case was surveyed by the deputy surveyor, as appears in the printed documents of Congress, and was recorded by the surveyor-general of the Territory of Louisiana on the 24th of February, 1806.

This claim was presented before the board of commissioners appointed in 1805; and according to the report made to Congress, which I hold in my hand, it appears that the board decided that the claim ought not to be confirmed.

Mr. STEVENSON. What is the date of the first record?

Mr. BUCKNER. The first record is February 24, 1806. All parties were required to present their claims before this commission appointed to Congress; and the opinion of the court was "that this claim ought not to be confirmed," and for a very good reason.

Mr. HOLMAN. In what year was that decision made?

Mr. BUCKNER. In 1810.

Mr. HOLMAN. The matter was pretty fresh then.

Mr. BUCKNER. The reason that the claim was not confirmed was because, as the commissioners afterward decided, they had no jurisdiction, "there being no concession warrant or order of survey."

Now in 1860, Congress provided "that any party who has either an order of survey, a warrant, or concession, or any written evidence of title from the French or Spanish government shall have his claim confirmed." Various claims had been rejected because of want of jurisdiction, because they were not embraced in the classes of cases which the different tribunals were authorized to act upon. Up to 1860 there was no authority for these claims to be allowed, although they had been urged upon Congress for fifty years. Now, under the act of 1860, the recorder of land titles decides in favor of these claimants. If there is any objection to that action, a previous Congress, not this Congress, is responsible. The United States Government for a time did not recognize to what extent its faith had been pledged to France. The whole policy of the Government has been, wherever its faith has been pledged by treaty in acquiring territory, to carry out its obligation to the letter. That is the reason Congress year after year has been extending these provisions of law in order that any party who at any time had any claim against the Spanish government might be re-imbursed.

Mr. HOLMAN. Will the gentleman allow me a question?

Mr. BUCKNER. Yes, sir.

Mr. HOLMAN. We acquired that territory, I believe, in 1803. This tribunal was organized in 1806, three years afterward.

Mr. BUCKNER. In 1805.

Mr. HOLMAN. And this claim was recorded in 1806?

Mr. BUCKNER. Yes, sir.

Mr. HOLMAN. One year afterward.

Mr. BUCKNER. And let me say to the gentleman that at that time, according to my recollection, no claim could be confirmed if it embraced more than two thousand arpents; yet in our State we have confirmed many claims to the extent of 30,000 arpents.

Mr. HOLMAN. Now, as the legislation establishing this tribunal was in 1805, two years after we acquired that territory, when the terms of the treaty were fresh in the minds of all men and when the obligation resting upon our Government was distinctly recognized, when our relations to France were of the most intimate character and the duty of carrying out in good faith the terms of the treaty was clearly conceded, we cannot assume that the tribunal organized at that time to determine upon these titles was not, especially as to the rules prescribed for their determination, just such a one as the terms of that treaty seemed to demand.

Mr. BUCKNER. And yet under the act of Congress of 1834, which extended the provisions of previous legislation, there were more claims confirmed than ever had been confirmed prior to that time.

Mr. HOLMAN. That may be true. But we want to do justice here not simply to these unknown claimants, but to the Government and to the people who desire to settle our public lands, not in large tracts as would be the case inevitably under this bill, but in small quantities, a quarter section each. We want to do exact justice; and I ask whether we cannot repose with absolute confidence upon the assumption that the legislation of Congress passed when the treaty was fresh in the minds of the parties was more just in declaring the character of claims to be recognized under that treaty and the rules to be observed by the tribunal of adjudication than any rules that may now be prescribed after this long lapse of years? If these claims were then rejected is it not safe to assume that they were properly rejected?

[Here the hammer fell.]

Mr. SAVAGE. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker *pro tempore* having resumed the chair, Mr. BLACKBURN reported that the Committee of the Whole on the Private Calendar had had under consideration the bill (H. R. No. 819) to confirm certain land claims in the State of Missouri, and had come to no resolution thereon.

BANKRUPTCY.

Mr. LYNDE submitted the following report:

The committees of conference of the Senate and House of Representatives on the disagreeing votes of the two Houses on the amendment of the House to the bill of the Senate (No. 332) to amend the act entitled "An act to amend and supplement an act entitled 'An act to establish a uniform system of bankruptcy throughout the United States,' approved March 2, 1867, and for other purposes," approved June 22, 1874, after a full and free conference have agreed to recommend, and do recommend, to the two Houses respectively, as follows:

That the Senate recede from its disagreement to the amendment of the House and concur therein with an amendment, as follows:

Strike out all of the amendment of the House after the words "that" and insert in lieu thereof the following:

Section 5108 of the Revised Statutes is hereby amended so as to read as follows:

SEC. 5108. At any time after the expiration of six months from the adjudication of bankruptcy, or, if no debts have been proved against the bankrupt, or if no assets have come to the hands of the assignee, at any time after the expiration of sixty days, and before the final disposition of the cause, the bankrupt may apply to the court for a discharge from his debts. This section shall apply in all cases heretofore or hereafter commenced."

And that the House concur in the same.

WM. P. LYNDE,
SCOTT LORD,
WM. P. FRYE,
Managers on the part of the House.

A. G. THURMAN,
GEO. G. WRIGHT,
GEO. F. EDMUNDS,
Managers on the part of the Senate.

The report was adopted.

Mr. LYNDE moved to reconsider the vote by which the report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ENROLLED JOINT RESOLUTION SIGNED.

Mr. BAKER, of New York, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a joint resolution of the following title; when the Speaker *pro tempore* signed the same:

Joint resolution (H. R. No. 109) for the issue of silver coin.

ORDER OF BUSINESS.

Mr. SAVAGE. I move that the House adjourn; but yield for a moment to the gentleman from New York, [Mr. BEEBE.]

The SPEAKER *pro tempore*. The gentleman cannot yield unless he yields for all purposes.

Mr. CONGER. I move that the House adjourn.

Mr. BEEBE. I wish to inquire whether it is not competent for the gentleman to yield for a motion?

The SPEAKER *pro tempore*. The Chair will state the rule, as it seems to be strangely misunderstood. A gentleman who makes a motion to adjourn, and then yields the floor, yields it for all purposes.

Mr. CONGER. I move to adjourn unconditionally.

MINER HILL FARM, VIRGINIA.

The SPEAKER *pro tempore*, by unanimous consent, laid before the House a communication from the Secretary of War, transmitting copies of papers relating to the occupation by United States troops of Miner Hill farm, Virginia; which was referred to the Committee on War Claims.

WITHDRAWAL OF PAPERS.

By unanimous consent, leave for withdrawal of papers was granted in the following cases, there having been no adverse report:

To Mr. STEVENS, papers in the case of James Sinclair; and
To Mr. HOSKINS, papers in the case of Lee & Durham.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted—

To Mr. ELLIS for twelve days from the 17th instant:
To Mr. HOAR indefinitely; and
To Mr. CROUNSE indefinitely.

Mr. CONGER. I do not object in these cases; but hereafter, unless some good reason is given, I shall feel it my duty to object to granting members indefinite leave of absence.

The SPEAKER *pro tempore*. That is probably a very proper suggestion.

The motion of Mr. CONGER that the House adjourn was agreed to; and accordingly (at five o'clock p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk under the rule, and referred as stated:

By Mr. HOPKINS: Proceedings of a mass meeting of soldiers of Allegheny County, Pennsylvania, with resolutions favoring the passage of the bill equalizing bounties, to the Committee on Military Affairs.

By Mr. KIDDER: A paper relating to the incorporation of the Fort Abraham Lincoln and Little Missouri Railroad Company, to the Committee on Public Lands.

By Mr. MAGOON: The petition of Hon. C. Hutchinson and 131 others, citizens of Grant County, Wisconsin, that there be no reduction of the present tariff on lead and zinc, to the Committee of Ways and Means.

Also, memorial of the Wisconsin Legislature, for a centennial directory, to the Committee on the Centennial Celebration.

Also, memorial of the Wisconsin Legislature, against the bridging of the Detroit River, to the Committee on Commerce.

Also, memorial of the Wisconsin Legislature, for a tri-weekly mail from Waupaca via Dayton, Belmont, and Almond, to Plainfield, to the Committee on the Post-Office and Post-Roads.

Also, memorial of the Wisconsin Legislature, for mail service between Durand and Pepin, Wisconsin, to the same committee.

Also, memorial of the Wisconsin Legislature, for mail service between Kiel and Memee, to the same committee.

By Mr. NEW: Papers relating to the claim of Gallus Kerchner, for compensation for stone delivered to and by the United States on the arsenal grounds at Indianapolis, Indiana, to the Committee of Claims

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IN SENATE.

SATURDAY, *July* 15, 1876.

The Senate met at eleven o'clock a. m.

Prayer by Rev. WILLIS G. CRAIG, of Keokuk, Iowa.

The Journal of yesterday's proceedings was read and approved.

HOUSE BILLS REFERRED.

The bill (H. R. No 3892) to remove the political disabilities of George Watson Carr, a citizen of the State of Virginia, was read twice by its title, and referred to the Committee on the Judiciary.

The joint resolution (H. R. No. 148) in reference to the wreck of the United States monitor Tecumseh was read twice by its title, and referred to the Committee on Naval Affairs.

CONGRATULATIONS OF ARGENTINE CONGRESS.

The PRESIDENT *pro tempore* laid before the Senate the following communication; which was read:

NEW YORK, *July* 11, 1876.

To Congress:

Argentine congress, inspired by sacred remembrances to-day raises in freemen's souls, heartily congratulate your Congress on the glorious centenary of that great country.

Given congress in session.

MARIANO ACOSTA CARLOS SARARIA,
Secretary.

BUENOS AYRES, *July* 4, 1876.

Mr. WEST. I suggest that the communication lie on the table for a moment, there being no representative of the Committee on Foreign Relations in the Chamber.

The PRESIDENT *pro tempore*. The Senator from New Jersey [Mr. FRELINGHUYSEN] is present.

Mr. HAMLIN. We do not need to refer it. Let it be printed.

The PRESIDENT *pro tempore*. The communication will lie on the table and be printed, if there be no objection.

GEORGE JACKSON.

Mr. DAVIS. I wish to give notice that as soon as I can get the floor for the purpose I shall ask the Senate to proceed to the consideration of the bill (H. R. No. 329) to remove the political disabilities of George Jackson, a citizen of West Virginia. It has passed the House and been reported favorably by the Judiciary Committee of the Senate.

REPORTS OF COMMITTEES.

Mr. WRIGHT, from the Committee on Claims, to whom was referred the bill (S. No. 840) for the relief of Norman H. Ryan, reported it without amendment.

Mr. WADLEIGH, from the Committee on Claims, to whom was referred the bill (H. R. No. 186) to provide for compensation to the owners of certain lands ceded by the United States to Great Britain in and by the treaty of Washington of July 9, 1842, reported it with amendments, and submitted a report thereon; which was ordered to be printed.

He also, from the Committee on Patents, to whom was referred the bill (S. No. 571) extending the jurisdiction of the Court of Claims of the United States, and for other purposes, reported it with an amendment, and submitted a report thereon; which was ordered to be printed.

Mr. EDMUNDS, from the Committee on the Judiciary, to whom was referred the bill (S. No. 866) to remove the political disabilities of Thomas H. Williams, of Maryland, reported it with an amendment.

He also, from the same committee, to whom was referred the petition of Reuben Davis, of Mississippi, praying the removal of his political disabilities, reported a bill (S. No. 990) to remove the political disabilities of Reuben Davis, of Mississippi; which was read and passed to the second reading.

Mr. HAMLIN, from the Committee on Post-Offices and Post-Roads, to whom was referred the petition of Edwin Rogers, postmaster at North Adams, Massachusetts, praying the passage of a law relieving him from the liability for the amount of certain postage-stamps alleged to have been stolen from his office on May 1, 1876, submitted a report thereon, accompanied by a bill (S. No. 991) for the relief of Edwin Rogers.

The bill was read and passed to the second reading, and the report was ordered to be printed.

CONSULAR AND DIPLOMATIC BILL.

Mr. FRELINGHUYSEN. By the expiration of the morning hour the other day my motion was not acted upon to agree to another conference with the House on the bill (H. R. No. 1594) making appropriations for the consular and diplomatic service of the Government for the year ending June 30, 1877, and for other purposes. My motion was that the Senate further insist on its amendments and ask for a further conference.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the committee on the part of the Senate.

JAMES W. LOVE.

Mr. HAMLIN. The Committee on Post-Offices and Post-Roads, to whom was referred the bill (H. R. No. 3490) for the relief of James W. Love, postmaster at Patriot, Indiana, have instructed me to report it back and recommend its passage. It makes an appropriation of but $26. It is a very clear case, and I hope the Senate will pass the bill. If the report be read I am sure no Senator will object to the bill.

By unanimous consent, the bill (H. R. No. 3490) for the relief of James W. Love, postmaster at Patriot, Indiana, was considered as in Committee of the Whole. It directs the Secretary of the Treasury to place to the credit of the post-office fund, on money-order account, the sum of $26; and the Auditor of the Treasury for the Post-Office Department to credit James W. Love, postmaster at Patriot, Indiana, in his account as such postmaster with $26, being for the loss of a like sum, money-order funds, remitted by him to the post-office at Cincinnati for deposit, and destroyed while *en route* by the burning of the mail-boat Pat Rogers, on the Ohio River, August 5, 1874.

Mr. HAMLIN. I can state in a word that this money was transmitted by the direction of the Department from the office to another, and was burned in transit.

The bill was reported to the Senate without amendment, and ordered to a third reading.

The PRESIDENT *pro tempore*. The bill will be read the third time by its title.

Mr. EDMUNDS. Let us hear the bill read at length, a regular third reading.

The bill was read the third time at length.

The PRESIDENT *pro tempore*. The question is on the passage of the bill.

The bill was passed.

MEDAL TO LIEUTENANT MASON.

Mr. FRELINGHUYSEN. I am directed by the Committee on Foreign Relations, to whom was referred the joint resolution (S. R. No. 17) authorizing Lieutenant Theodorus B. M. Mason, of the United States Navy, to accept a silver medal from the King of Italy, to report it without amendment, and I ask to have it passed. I will state the facts.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

Mr. FRELINGHUYSEN. Mr. Mason was a lieutenant in the Navy. He was on board of one of our ships at Callao, Peru. There was an Italian vessel there laden with petroleum which took fire. There were a great many other vessels in the harbor and they were all frightened at it. The lieutenant of this vessel with a part of the crew took a small boat and went to the ship with a Babcock extinguisher and put the fire out, and saved the ship.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

THIRD-CLASS MAIL MATTER.

Mr. HAMLIN. I move to take up the bill (H. R. No. 2581) to amend section 3887 of the Revised Statutes. I want to get it off the Calendar by an indefinite postponement. It will take but a moment.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. HAMLIN. This is a bill which authorizes the sending of packages with the name and address of the sender through the mails. That provision was incorporated in the post-office appropriation bill, and therefore this bill becomes unnecessary. I move that it be indefinitely postponed.

The motion was agreed to.

JAMES F. BUCKNER.

Mr. MORRILL. I move to take up House bill No. 3486, reported from the Committee on Finance.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 3486) for the relief of James F. Buckner. It authorizes the proper accounting officers of the Treasury in the settlement of the accounts of James F. Buckner, collector of internal revenue for the fifth district of Kentucky, to credit and allow such amounts as are shown to have been stolen or embezzled by his late deputy collector and cashier, George N. Jackson, it being first proved to the satisfaction of the Secretary of the Treasury that such embezzlement or larceny did not occur through any fault or negligence of Buckner; but Buckner is to assign and transfer to the United States, and for their benefit, any bond or other security, lien, by judgment or otherwise, against Jackson or others, and the right to prosecute all suit or suits thereon or for the enforcement thereof, and the exclusive benefit of all such shall inure to the United States.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LAWSON & BREWIS.

Mr. WITHERS. I move the present consideration of the bill (H. R. No. 1807) for the relief of Anthony Lawson, surviving partner of the firm of Lawson & Brewis, of Alexandria, Virginia.

Mr. EDMUNDS. Is this bill reported to-day?

The PRESIDENT *pro tempore*. No, it is on the Calendar.

Mr. EDMUNDS. Let us hear it read.

The Chief Clerk read the bill.

Mr. EDMUNDS. I should like to hear the report in that case read.

Mr. WITHERS. There is a House report.

The PRESIDENT *pro tempore*. The report will be read.

Mr. EDMUNDS. We have a law on that subject somewhere.

The Secretary read the following report, submitted by Mr. TUCKER, from the Committee of Ways and Means of the House of Representatives February 4:

The Committee of Ways and Means, to whom was referred the bill for the relief of Anthony Lawson and Thomas A. Brewis and their heirs, respectfully report:

They find that certain lots of land in the city of Alexandria, Virginia, were assessed for direct taxes under the law of Congress approved June 7, 1862, entitled "An act for the collection of direct taxes in the insurrectionary districts within the United States, and for other purposes," as the legal property of Anthony Lawson and Thomas A. Brewis, partners under the name and style of Lawson & Brewis, and that default being made in the payment of the taxes assessed thereon, the same were sold under said law to sundry parties, and deeds executed therefor. The proceeds of sale were paid into the Treasury, and were largely in excess of the direct taxes, costs, and legal charges accrued thereon by reason of the sale thereof as aforesaid.

Under the laws of the United States the original owners are entitled to the excess of proceeds, and Thomas A. Brewis having departed this life, the legal right to demand said excess has accrued to Anthony Lawson, the surviving partner of the late firm of Lawson & Brewis.

It appears that all of the lots mentioned in the bill reported by your committee have been repurchased from those who claim under the tax sales aforesaid by said Lawson & Brewis, so that no quitclaim or release deeds are necessary to be executed in order to confirm the titles under said sales.

Your committee therefore report the accompanying bill, with a change of title and like change of provisions from the bill referred to the committee, in view of the legal rights of the said Anthony Lawson as surviving partner of the firm of Lawson & Brewis.

Mr. EDMUNDS. Can the Senator read to the Senate the present law upon the subject of direct tax sales and the circumstances under which money is to be repaid? The law has been amended once or twice on topics of this kind.

Mr. WITHERS. I have not investigated the matter myself, but it has been investigated fully and reported by two committees of this body, the Committee on Claims and the Committee on Finance, both of whom recommend the passage of the bill. It was also recommended by the committees of the last Congress, but failed to pass for want of time in the closing hours of the session. The law, I understand, is fully complied with. Cases have been adjudicated upon the same principle. This money has been lying in the Treasury and the parties have been unable to recover possession of it for several years in consequence of difficulties. I suppose there will be no objection to the passage of the bill.

Mr. EDMUNDS. I should like to see the present statute, if it is to be found, upon that subject, so that we shall not have one law for one man and another law for another. I want to see the law if it is possible to find it. It is impossible to find the law in a moment, Mr. President.

Mr. KERNAN. Is it not the law of 1862 and 1863?

Mr. EDMUNDS. There is a later one, where we re-adjusted the whole thing on the subject of claims of this or some other character; I do not know what. I cannot find it in the book. The man who made these indexes deserves to be reproached; but we did pass about three or four years ago a systematic statute on the subject of disposing of claims about direct tax sales.

Mr. KERNAN. Did it apply to surplus money?

Mr. EDMUNDS. I do not remember. That is exactly why I want to find the statute. If I remembered exactly how it was I would state it, but I do not remember. I do know that difficulties were constantly arising, and a provision of law was made to guard the rights of persons and the rights of the United States. Whether it would apply to this case it is totally impossible to tell without finding the statute; but I do not feel justified in stopping my friend's bill because I cannot find the law.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It authorizes the Secretary of the Treasury to pay to Anthony Lawson, the surviving partner of Lawson & Brewis, or to his assignee or personal representative, without interest, the amount of the proceeds of sale for direct taxes due the United States of certain lots of land in Alexandria, Virginia, less, in each case, all the taxes, costs, and legal charges accrued by reason of the sale.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EXTENSION OF ALABAMA CLAIMS COMMISSION.

Mr. WRIGHT. I do not wish to interfere with further morning business, but I reported from the Judiciary Committee on Monday a bill to extend the duration of the court of commissioners of Alabama claims. That commission expires on the 22d of this month, and if the bill is to be passed at this session of Congress, it is important that it should be acted upon at a very early day.

Mr. MERRIMON. That will give rise to debate.

Mr. EDMUNDS. We have got through the morning business already.

Mr. WRIGHT. If the morning business has been concluded, I now move that the Senate proceed to the consideration of the bill I have named. Of course if there be morning business I will give way to that after the bill shall be taken up. It was recommended by the committee unanimously, I may say, and it is very important that it should be passed.

Mr. MERRIMON. I think that bill will give rise to some discussion.

Mr. WRIGHT. I am very sure it will not.

Mr. MERRIMON. I am sure it will. The Senate is very thin. How long is it proposed to extend the commission?

Mr. WRIGHT. To the 1st of November next.

Mr. MERRIMON. Will one objection carry the bill over?

The PRESIDENT *pro tempore*. It will not. The bill is on the Calendar, subject to the order of a majority of the Senate.

Mr. MERRIMON. Has it been just reported?

The PRESIDENT *pro tempore*. It was reported on Monday, and is on the Calendar.

Mr. WRIGHT. The bill was reported since the last Calendar was made out, and therefore it is not on the printed Calendar.

The PRESIDENT *pro tempore*. The question is, Will the Senate proceed to the consideration of the bill?

The motion was agreed to.

The PRESIDENT *pro tempore*. The bill is before the Senate.

Mr. COOPER. While the clerk is looking for the bill just taken up, I ask the Senator from Iowa to let us pass Senate bill No. 620, to remove the political disabilities of James Argyle Smith, of Mississippi.

The PRESIDENT *pro tempore*. Does the Senator from Iowa yield for that purpose?

Mr. WRIGHT. If the bill is found I wish to proceed with its consideration. If not I will yield, if it will not displace this bill.

The PRESIDENT *pro tempore*. The bill is now found.

Mr. WRIGHT. Let the bill be read. We can dispose of it in a minute.

The bill (S. No. 983) to extend the duration of the court of commissioners of Alabama claims was read the second time and considered as in Committee of the Whole. By it the existence of the court of commissioners of Alabama claims, created by the act entitled "An act for the creation of a court for the adjudication and disposition of certain moneys received into the Treasury under an award made by the tribunal of arbitration constituted by virtue of the first article of the treaty concluded at Washington the 8th of May, A. D. 1871, between the United States of America and the Queen of Great Britain," is continued and extended to the 1st day of November next, with the same effect and no other as if the last-named day had been named in the act for the termination of the powers of the court.

Mr. COOPER. Now I ask the indulgence of the Senator from Iowa——

Mr. WRIGHT. I do not think there will be any discussion. We can pass this bill in a few minutes.

Mr. COOPER. The Senator is mistaken about that.

Mr. SAULSBURY. I offer an amendment to the pending bill to strike out "the 1st day of November" and insert "the 1st day of January."

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Delaware.

Mr. MERRIMON. I think this is a bill of very considerable mo-

ment. The Senate is very thin, and I had hoped the Senate would not consider it this morning. I doubt whether we have a quorum present now. I move to reconsider the vote by which the Senate agreed to take up this bill for consideration at this hour, and upon that I ask for the yeas and nays.

Mr. EDMUNDS. You cannot reconsider a vote of that kind.

Mr. MERRIMON. I have no objection to acting on the bill when the Senate shall be full.

The PRESIDENT *pro tempore*. The Senator can move to lay the bill on the table. Does he make that motion?

Mr. MERRIMON. I do not want to be factious about this matter, but I want the Senate full when the bill is considered.

Mr. DAVIS. I appeal to the Senator from Iowa to let his bill lie for a few moments until the Senate is full, and then probably there will be no objection to going on with it.

Mr WRIGHT. I do not think there can be any objection to this proposition. The business before the court is of such a character that it is impossible for them to get through by the 22d of this month. Unless we act on this bill by the 22d of this month the commission will fail; and it must be acted on by both Houses.

The proposition is to extend the time to the 1st of November. After due investigation and inquiry, it is believed they can get through with their work by that time, and not before; and therefore we have fixed the 1st of November as the proper time for closing the commission.

Mr. MERRIMON. While I take it there is no objection to extending the commission, there will be objection to allowing it to expire on the 1st day of November. There is a large surplus amount of this fund that will not be disposed of by that time and cannot be under the existing law. A bill has passed the House extending this commission for a considerable period in the future and also providing for a further distribution of the Geneva award fund. If the commission shall expire on the 1st of November it may give rise to a very serious difficulty about the disposition of that fund in the future or raising another commission to dispose of it. If the House bill is to pass, or if the Senate is to mature a bill for the further distribution of the fund, this commission ought to be continued to act under such legislation as may be had in that behalf.

Mr. WRIGHT. My friend will allow me to say that if the House bill shall be passed, or anything like it, then that in itself extends this commission a year. That bill proposes to enlarge their jurisdiction; but by reason of the possibility that that may not pass and in view of the business now before the commission, it is proposed to extend its time so that it may close up its present business. If its jurisdiction shall be extended, in that bill we can extend its time also.

Mr. MERRIMON. It has ten days yet before it expires.

Mr. WRIGHT. I know it has some days yet; but this bill has to pass here and go to the other House. It is now before the Senate and I trust the Senate will dispose of it.

Mr. DAWES. If the House bill does not pass at this session, it goes over to the next session. What propriety is there in terminating that commission between the sessions? I suggest to the Senator from Iowa that pending the House bill it is hardly worth while to cut off the heads of the commission. The House bill may not be disposed of this session; and certainly if it is not, with that House bill pending, which contemplates a final disposition of the balance of the award and such a disposition of it as will necessitate the continuance of the commission beyond November, it seems to me that it would be rather singular to extinguish the commission.

Mr. WRIGHT. The theory of this proposed legislation is this: The first bill gave life to this commission for a year or about a year. It provided that the President might extend the life of it for six months. It was extended six months. At the present session of Congress we have extended its life to the 22d of this month. Believing originally that it should close its work in a year or within the six months additional for which the President was allowed to extend its time, at this session we have passed a law continuing it to July 22, believing we had given them sufficient time to close up the work. It seems they are unable to do it. Now, in view of their present jurisdiction, we have believed that by the 1st of November they can close up their work, and we deemed it appropriate and proper that the commission should be closed up at that time. This is the third extension of its time.

I may say without any disrespect to the commission—and certainly I have no other than the kindest feelings—that it seems to me next to impossible to ever close one of these commissions when they get started. We propose, therefore, that this work shall be closed up by the 1st of November, so far as the present jurisdiction is concerned, and the commission wound up.

Mr. MERRIMON. If it is proper, I should be glad if the Senator would answer me this question: Why the 1st day of November was selected? Why not let the commission expire when Congress shall come together again at some period within the next session?

Mr. WRIGHT. For this reason: If you extend the time beyond what is necessary to close up its work, the Government is paying five to ten or fifteen thousand dollars a month for this commission; and if they can close the work by the 1st of November, why not save that expense?

Mr. DAWES. Is it on the ground that this commission has failed to discharge its duty with a rapidity that would meet the views of the committee?

Mr. WRIGHT. Not at all.

Mr. DAWES. Is it not an unusual commission; is it not rather a special duty that has grown upon the commission a good deal by legislation since it was created? The jurisdiction of the commission has been enlarged for claims that it did not apply to when it was created.

Mr. EDMUNDS. We gave it more time for that purpose.

Mr. DAWES. You gave it more time for that purpose. I have never heard but that the commission addressed itself with remarkable diligence to the discharge of its duty; and certainly in view of the fact that there is a large balance of the award undisposed of and that a bill with remarkable unanimity thus far has reached this body for a final disposition of the balance of the award, which will necessitate the continuance of the commission or the creation of a new one at the next session of Congress, it is very strange, it seems to me, that it is deemed absolutely necessary to extinguish it in November before the meeting of the next session of Congress.

Mr. WRIGHT. Let me say one word in addition to what I have already said. The jurisdiction of this tribunal has not been enlarged by our subsequent legislation, but provision was made by the act of January last allowing the additional time for the filing of claims, but not any other or different claims than those allowed before, and those claims were filed. In view of the permission thus given to file additional claims and in view of the fact that a few cases then remained undisposed of at the time we passed that law, we extended the court to the 22d of July. Now they have disposed, as I understand, of all the cases then pending, and, if not a large proportion of those subsequently filed, certainly of a very considerable number of them, and the committee, after due correspondence, believed unanimously that they could close their work by the 1st of November, and, therefore, we did not see the necessity of extending the time of this commission two or three months longer at an expense to the Government, if they could close their work at that time.

Now let me say another thing. I have not suggested nor will I suggest for a moment that any member of this commission has been the least wanting in diligence or fidelity to duty. I think they have been as faithful as any commission perhaps we have ever had; but the work can be closed up at that time, as I understand, and I do not see any necessity for continuing it beyond that.

Mr. MERRIMON. I wish to ask the Senator whether, if the work of this commission is closed, under existing legislation there will not remain an undistributed balance of eight or nine million dollars.

Mr. WRIGHT. There will be a large balance undistributed; there is no question about that; but are you to keep the commission alive until we exhaust that fund, and keep it alive for the purpose of exhausting the fund?

Mr. MERRIMON. There is legislation proposed and pending before Congress now to provide for distributing that fund and how it shall be distributed, enlarging the jurisdiction of this commission. I understand a bill has passed the House for that purpose and is before the Senate now. If that is to be done, why shall we allow this commission to expire and go to the trouble of providing a new commission, with probably new men, who will have to become informed on the subject and prepared to make decisions? and very important decisions they will be called on to make. This commission is better qualified than any other commission could be probably for some time after it shall be appointed. The new commission would have to learn the current business, the run of decisions, the run of the law on the subject. This commission is already informed, it is educated on the subject, and if that large surplus is to be distributed, I can see no reason in the world for allowing this commission to expire. Let us wait and see whether their jurisdiction will be enlarged, and it will be time enough then to say whether we shall allow it to expire before the next session of Congress.

Mr. WRIGHT. The effect of my friend's logic would be this, that if we do not pass the bill that is now before us from the House at the next session, we must still continue the commission in life in the possibility that we may have some legislation in the future. This thing is all in a nut-shell. They have a certain jurisdiction. With the matters now before them and of which they have jurisdiction, they can close the work by the 1st of November, if the Senate shall pass the House bill that provides for continuing them in life; but if we do not pass it, then, upon the Senator's logic, we should continue this commission until the next session on the possibility that we shall pass it; and if we do not pass it, then we shall still continue the commission rather than have this fund undistributed. At present there are before the commission certain cases. It is believed they can close their work by the 1st of November; and if after that there shall be additional legislation, that will continue them in life; but why continue them in life in view of the possibility that we may have legislation hereafter?

Mr. SAULSBURY. What will be the effect of passing the bill proposed by the Senator from Iowa? This commission, with its present jurisdiction, after it shall have made all its awards, will leave in the Treasury of the United States several millions of dollars. To pass this bill and wind up the commission on the 1st day of November next will be virtually locking that money permanently in the Treasury of the United States, which, in my judgment, ought to be

distributed to some other claimants. The time is very short between the 1st of November and the 1st of January. My amendment continues in existence this commission until Congress at the next session shall have time, if they see proper so to do, to enlarge the jurisdiction of the commission so that they may deal with the residue of that fund which is now outside of their present jurisdiction. It may be that there will be a little expense in paying the commissioners; but we had better do that than destroy the commission and then perhaps have a conflict in reference to the creation of another commission for the purpose of distributing the $8,000,000 or $9,000,000 which remain in the Treasury. I hope, therefore, that the amendment I have offered will prevail.

I am not very partial to these commissions; but I know nothing about the labors of this commission. I presume they have been diligent and faithful in the discharge of their duty; but if you require them on the 1st day of November to wind up their business, it will be a very short time from then to the 1st of January when at the next session Congress can, if it sees proper, enlarge the jurisdiction of the commission so as to deal with the residue of the fund. I hope my amendment will prevail.

Mr. JONES, of Florida. I desire to ask the Senator from Iowa a question. Was there anything before the committee that reported this bill from the commission with regard to this business? Have they expressed any opinion with respect to the time it will take them to complete the unfinished business?

Mr. WRIGHT. I can say to the Senator from Florida that as far as that is concerned we have no information from them directly. Of course I suppose they would have great delicacy in expressing an opinion on the subject; but we have a report as to the condition of the business, and we know what they have done, and we know the length of time that is given them by the proposed bill.

Mr. EDMUNDS. This commission has been, I believe, extended twice already, and we have enlarged its jurisdiction in one single respect, and that was to take in a certain class of claims like those in the original bill, but which, through the distance of the claimants from the United States at the time, or through accident or mistake, failed to get presented within the limit that the statute applied. That class of persons were almost entirely sailors, sea-faring men, some of whom had returned to the United States to find that the time for filing their claims for personal effects, &c., had gone by. It was thought hard to cause them to lose their little claims on that account; and the Senate, therefore, unanimously, I believe, passed the bill which allowed them to come in. The old cases, the main cases, with almost no exception, have long since been disposed of. Under this new provision as to personal effects, &c., accidents, and absent men, there were filed more than six hundred claims. The court has disposed of about two hundred of them; and it has been found, just as might have been anticipated as the court wades along into this class of claims, many of the claimants, if they are the persons who were actually on board these vessels, which nobody knows, are far off, some in the Sandwich Islands, some in the East Indies, scattered all over the world. The commission has found that a Sandwich Islander, for instance a Kanaka, puts in a claim that he was on a certain whaling-vessel that was destroyed, and that he had fifteen hundred dollars' worth of clothing and personal effects that he wants to be paid for out of what is called this fund. Many of these cases are so evidently fictitious from the very nature of the case that the court has felt, I believe, considerable disgust at them; and, I have no doubt, taking those that were outside of the United States, those that have not been disposed of, of returned sailors whose identity and homes were known, that more than half the claims that are left are absolutely fraudulent; and as to the other half I think it may be safely guessed as to one-half of that half that although put in in the names of some persons really in existence somewhere, those persons never heard that they had any claim to file nor filed any, because in the case of people absent from the United States it is done under a power of attorney, as it is called. I think therefore we shall not run any great risk of doing any particular injustice to anybody as the law now stands. If we let this commission expire a week from to-day, which I believe is the day it does expire, the 22d, the commissioners will report to the Secretary of State the cases they have decided, and the claimants will get their pay and the thing will be wound up. For one, I am not very eager, I confess, from the inquiries and investigation I have made about this business, to extend this commission at all, because I believe the instances will be very rare in which any honest claimant will ever lose his money, and if any such instance should exist it can be afterward ascertained, as we do in all such cases, and provided for.

Mr. MERRIMON. If the Senator will allow me, I beg to ask him if there was not a very earnest debate here at the very last session as to whether the jurisdiction of this commission should be enlarged so as to bring in a very large class of claimants who insisted that they were meritorious?

Mr. EDMUNDS. I am coming to that. I was about to dismiss this part of these small claims that are left, and to say if any of them, as undoubtedly some of them are, are just, they can readily and easily be provided for without keeping up this very expensive institution. I do not mean when I say "very expensive" unnecessarily or extravagantly expensive, but from the nature of things a commission of five eminent gentlemen at $6,000 a year, and a head counsel at $8,000, and an assistant counsel and clerks and agents and stenographers and rooms and porters and messengers and so on, of course takes money. So that taking the law as it now stands, as I have said, it will not be a very serious calamity if the commission expires as it is; but we thought on the whole, with some doubt, that it perhaps might be well to give them two or three months more to close out, as far as they then could, cases in which the testimony has not yet come in. We thought perhaps it would do to let them go on until November, when they could wind up all the cases that looked to them as if they had any real merit in them; but to be sure a good many people who are engaged in prosecuting claims of this kind and appearing for the honor of the claimant without any real authority may be a little disappointed, if there are any such.

Now, the question is that which my friend from North Carolina and my friend from Delaware allude to when they say that there is a large class of claims against this money—I do not call it a fund; I do not know what is meant by a "fund" in this connection. The treaty did not say that it was a fund; the award did not say that it was a fund; the act of Congress that we have already passed on the subject does not say that it is a fund. It is money in the Treasury that belongs to the United States. Whether anybody has a claim against the United States in respect of the subjects out of which that money came, is another question.

My friends ask, why not keep this commission alive in order to consider whether we will not contrive some other claim upon the fund, as there are a good many, and allow them to be paid out of it as they call it a fund? The answer is obvious to me in respect of continuing this particular commission as good as it is, for, I dare say it is as good a commission as any that we have had, although it belongs to that class of commissions that human experience has shown never terminates. The Mexican commission is one illustrious instance of that; begun under the treaty of 1848, in spite of all we can do, it is still prosperous and being paid its daily allowance out of the Treasury; and there is the Spanish commission, which has certainly the quality of longevity if nothing else. We thought it would be rather a wholesome thing, knowing that these gentlemen would not feel hurt by it, for they are all honorable and eminent men, to find one commission that could terminate somewhere and at some time.

What harm is it to do? Suppose Congress shall pass a bill which shall provide for the payment of the claims of those persons whose property was destroyed by the rebel cruisers outside of the three vessels that Her Majesty's government of Great Britain were held responsible for the action of. That is one set of claims. Suppose it should happen that the Senate and House should decide, and the President should agree, that the war-premium men, the people who paid enhanced premiums on account of the state of war, should be re-imbursed all their war premiums, although there would be a serious inquiry whether the war-premium men did not charge their premiums in the cost of their goods, just as they did freights and commissions and everything else; and so whether you and I and all the rest of the people of the United States did not pay the war premiums ourselves when we bought the goods. That would be worth thinking of—but we cannot stop to discuss that now—and in that case, Mr. President, you and I would be the true claimants; and I trust, if we are, our dividend will be large.

Mr. MAXEY. Will the Senator allow me to ask a question?

Mr. EDMUNDS. Yes, sir.

Mr. MAXEY. I understand that he referred to the Mexican commission organized under the treaty of 1848. Will the Senator please state when it was organized? I want to know how long it has been at work.

Mr. EDMUNDS. I do not know. As far as I can remember it was organized when I appeared to occupy a seat on the floor of this body, as the expression sometimes is, and I have no doubt that it will outlast my continuance here, although I hope to be regularly elected a great many times. [Laughter.]

Suppose the Senate should decide, as it has once already decided and as both Houses have decided and as the President has decided by his approval of the bill, that there is no just ground upon which we can stand in respect of paying claims for damages from the outside cruisers; and I will not give the reasons for it and it may be that we cannot reconsider that point. There are strong moral equities, I admit. It may be that we can get over that difficulty; but we found once that we could not; we found once that we could not allow the war premiums. Great consideration was given to both those questions, and both Houses concluded that they could not properly be included. We found that we could not allow the claims of the insurance companies, to whom I have not yet alluded, who made money out of the premiums they had taken growing out of this very state of rebellion and belligerency on the high seas, and who, having filled their pockets with premiums, now come in to take the dividends. That is another class. The Senate was very evenly divided upon that point, but a majority of the Senate were of the opinion in passing the law that that sort of claim would not stand. But of course since that time the Senate has very considerably changed its membership.

All these questions have to be discussed and considered carefully by this body, because they are important and in some degree intricate. They have been considered by the House of Representatives, and the House of Representatives has sent us a bill which embraces the outside-cruisers people, if you may call them so, and the war-premium men, and drops the insurance men. A good many gentlemen

in the Senate for whose opinion I have very high respect believe sincerely, and give very strong reasons for their belief, although I do not concur in them, that the insurance companies are those who are first entitled, and I do not know but exclusively entitled. There are others who think that the outside-cruisers people have the best right, and that neither of the others have any, and there may be some, probably there are, who believe that the war-premium men are entitled and that theirs is the best right. When speaking of them I ought to say that it is due to the war-premium men that the Senate should know that a firm of enterprising attorneys in this town, undoubtedly from the most patriotic motives, have sent a printed letter to all the war-premium men who could be heard of calling upon the war-premium men to write to the chairman of the Judiciary Committee and to every one of the rest of the Judiciary Committee and to each one of their own Senators and Representatives a particular letter and to bring pressure to bear—I believe I quote the very words, "pressure to bear"—in order that the just claims of the war-premium men might be duly considered; and, in response I suppose to that invitation, I have received, much to the advantage of our good friend the Postmaster-General who gets the postage, a good many letters that follow with scrupulous fidelity this invitation that has emanated from this city. There cannot be any doubt that that class of people who prey upon a fund, if you call it a fund, who pray for it and get it usually, are rather plentiful about the capital at this time. I think it would be wholesome for public morals, if nothing else, that on the principle that this commission now exists it should terminate at once; and if Congress at the next session chooses to consider, as undoubtedly it will and ought, what ought to be done with the sufferers by the outside cruisers and with the war-premium men and with the insurance companies, we shall do it in a pure atmosphere and with a fresh start.

Mr. SAULSBURY. Mr. President, I do not know anything about the merits of the different claimants for this money. I have not sufficiently examined the question to make up any opinion or express any opinion in reference to the equitable claims of the insurance men or the war-premium men. But one thing is certain, the Government of the United States demanded from Great Britain payment of certain losses sustained by the people of this country and obtained fifteen and a half million of dollars, which is now in the public Treasury. The commission that is in existence has awarded something less than half that amount to claimants upon that money. The residue is in the public Treasury. That commission will terminate within a few days unless it is extended. The proposition of the Senator from Iowa is to extend it to the 1st day of November in order that it may adjudicate and pass upon the claims now filed before it. It seemed to me—and the reason I offered the amendment was this—that the 1st of November is so near the period when Congress will again assemble that we had better continue the commission, if we continue it all, till Congress can take action. If we extend its time to the 1st of November we had better extend it until the 1st of January, when the Congress of the United States may consider the propriety of extending the jurisdiction of the commission so that they may include other claims than those of which they have jurisdiction at present. I think that while it may cost a few thousand dollars perhaps to continue the commission two months longer, we had better do it rather than to abolish the whole machinery for ascertaining and determining the rights of claimants upon this money. We had better incur a little additional expense so that the machinery by which the adjudication of claims against this money may be taken into consideration shall be kept up. I therefore think that there will be great propriety in the adoption of the amendment which I have proposed to this bill, and I hope the Senate will so regard it.

Mr. BOUTWELL. Mr. President——

Mr. MERRIMON. I call for the regular order.

The PRESIDENT *pro tempore*. The morning hour has expired. The river and harbor bill is the unfinished business.

Mr. INGALLS. The Senator having that bill in charge is not present, and I suggest that this debate go on until he enters the Chamber.

The PRESIDENT *pro tempore*. Is there objection to the suggestion of the Senator from Kansas. The Chair hears none. The Senator from Massachusetts will proceed.

AMENDMENT OF PACIFIC RAILROAD ACTS.

Mr. WEST. With the consent of the Senator from Massachusetts, I wish to say that there is a bill lying on the table upon which there is a question of reference, as to which committee it shall be referred to; and I should like to see if we cannot have an understanding as to whether that question cannot be fixed for some definite time; not by making it a special order, but by an understanding of the Senate that that question of reference shall be taken up and submitted to the Senate upon the conclusion of the river and harbor bill. I make that suggestion to the Senate, and I believe that will be accepted by the chairman of the Committee on the Judiciary.

Mr. EDMUNDS. It will in substance, most decidedly. I have endeavored to get this railroad measure in such an attitude as that it would receive consideration in some way, and I shall be very glad indeed if the Senate will consent to take it up in order that we may find out what the judgment of the Senate is about it, whether of reference to one committee or another or no reference at all, in order that we may get action and be free from any imputation of negligence in respect to this important subject.

The PRESIDENT *pro tempore*. Is there objection to making this matter a special order after the conclusion of the river and harbor bill. The Chair hears no objection.

Mr. HAMLIN. I object. I want the post-route bill to follow this.

Mr. WEST. I can only say then, as the objection defeats any arrangement, that I will make an effort to test the sense of the Senate as between the two questions.

COURT OF COMMISSIONERS OF ALABAMA CLAIMS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. No. 983) to extend the duration of the court of commissioners of Alabama claims.

Mr. BOUTWELL. Mr. President, I do not wish to prolong this debate, and I hope I err in the inference I draw from the remarks made by the Senator from Iowa, and also from the remarks made by the Senator from Vermont, that they on the whole are in favor of retaining this money in the Treasury of the United States.

Mr. EDMUNDS. I have made no such intimation at all and have expressed no opinion. I have stated the difficulty that surrounded the subject and the two views of it.

Mr. BOUTWELL. I said I hoped I erred in the inference I drew. I find in regard to the Senator from Vermont that I was in error, and I presume also, as I see that my friend from Iowa rises, that I am in error in regard to him.

Mr. WRIGHT. I wish to say to the Senator from Massachusetts that I am sure I uttered not one sentence from which he could infer that. I said expressly that extending the jurisdiction was a matter for subsequent consideration, but taking the present jurisdiction I thought it advisable to close it at present; but on the question of extending the jurisdiction I expressed no opinion.

Mr. BOUTWELL. Mr. President, I am not in error perhaps in supposing that the remarks of the Senator from Iowa were very guarded in that particular. But I am quite sure that, independently of anything that has been said by any honorable Senator, the effect of this proposition is one step, and a very long step, and a very important step, in favor of the position that this money is not a fund in trust for anybody, but is the property of the United States and to be held by the United States unless we can find those so indigent or so deserving that we can take it from the Treasury and endow it upon such persons as a gift.

I should feel that the country was dishonored if in the end it should become the judgment of the Congress that there were not persons or parties, whose rights and interests were represented at Geneva by this Government, to whom this money could be paid either upon legal or equitable grounds. If we have, either by misrepresentation as to the extent of losses or by superior skill in the management of what has been called the greatest lawsuit of modern times, overreached a rival and in the main a friendly country, and taken from the people and the government of that country millions of money without right as matter of law and without equity as matter of justice, and put that money in the Treasury of the United States, disagreeable as the admission must be, I should hold that the Government was irretrievably disgraced. Therefore I am in favor of continuing this commission as an assertion that we still recognize that there are parties whose rights have not been considered fully by the Congress of the United States to whom this money is due and to whom it is ultimately to be paid. For one I had rather, if in the end there be no parties to whom this money is properly due either as matter of law or equity, vote to return it to the government of Great Britain upon the ground that there was an error in the trial of this cause.

There are, however, parties, in my judgment, who have legal rights, and who, if they could go into the courts of the United States upon well-settled principles of administration that have been recognized in this Government from the first and have been recognized in the government of Great Britain through all time where the law has a history, could have those rights established. There is no doubt about that. Then there are other persons who have equitable claims. I cannot now consider the extent and much less the nature of those claims; but there are persons who have equitable claims upon this money whose rights should be considered. As a mere matter of convenience, this money should be paid to the parties having just claims for it. Consider to what extent the Government of this country has been troubled by the spoliation claims, and we and our successors for two generations shall not hear the last appeal that will be made from persons and parties who will consider themselves to have been wronged if we hesitate to do that which the law and justice require us to do in behalf of those who suffered by the depredations of cruisers for which Great Britain was made responsible.

It is not to me an argument that, because we have two commissions, one upon Spanish claims and one upon Mexican claims, which the honorable Senator from Vermont intimates are of no service and which there is not power enough in Congress to abolish, therefore we should apply the hand of the Government to a commission that has done faithful service, and close their doors and end their powers.

Between the 1st of November and January there are two months. The expense of maintaining this commission cannot be great. If we close it in November, it is a substantial declaration that there is no further work to be done. Let it continue until January; there will be a month of the session of Congress that will intervene after the close of this session. In that time, if nothing be done during this

session with the bill from the House, there will be an opportunity for the Senate to consider it; and I say in the presence of our responsibility to Great Britain, in the presence of our responsibility to those who have claims upon this fund, in the presence of our responsibility to ourselves, who as agents of the people of this country have received this money upon the declaration and upon proofs that it was due to our citizens, that we should not take one step which indicates that we have either erred or been guilty of something worse in the course we have pursued.

The PRESIDENT *pro tempore*. The regular order, being the river and harbor bill, is before the Senate.

Mr. WRIGHT. I trust we may have a vote. I think we can get a vote on this question and get it out of the way.

Mr. WINDOM. If the Senate is ready to vote, I will not insist on the river and harbor bill until a vote can be taken.

The PRESIDENT *pro tempore*. If there is no objection, the consideration of the bill called up by the Senator from Iowa will be continued. The question is on the amendment of the Senator from Delaware [Mr. SAULSBURY] to strike out "November" and insert "January."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, and read the third time.

A division was called for on the passage of the bill, and resulted—ayes 34, noes 4.

So the bill was passed.

PETITION.

Mr. HAMLIN presented the petition of Rufus H. Waite, of Portland, Maine, praying for the passage of an act authorizing the change of the name of the schooner-yacht Captain Charles Robbins to that of Minnie; which was referred to the Committee on Commerce.

BILL INTRODUCED.

Mr. HAMLIN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 992) to authorize the Secretary of the Treasury to issue a register and change the name of the schooner Captain Charles Robbins to Minnie; which was read twice by its title, referred to the Committee on Commerce, and ordered to be printed.

RIVER AND HARBOR BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 3022) making appropriations for the construction, repair, preservation, and completion of certain public works on rivers and harbors, and for other purposes.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was to strike out lines 373 and 374, in the following words:

For the improvement of Shrewsbury River, New Jersey, $5,000.

Mr. FRELINGHUYSEN. Shrewsbury River, New Jersey, is a river upon which there are a great many steamboats that ply constantly, taking produce to the city of New York. There is in that river a sand-bar, and the effect of it is that vessels are often detained there for many hours and lose their entire cargo which is perishable. I hope that this amendment will not be agreed to.

Mr. WINDOM. I shall content myself, in the absence of the Senator in charge of the bill, by simply stating the grounds upon which the committee struck it out. The reduced estimate said "omit." Practicing on the principle laid down on the other propositions, the committee recommended that this item be omitted. I have no other argument to make about it. I have no doubt the work is valuable. If the principle on which the Senate has acted should be carried out, this may as well go in as others.

Mr. FRELINGHUYSEN. It is quite a valuable work, and this appropriation will relieve very much the steamers that navigate that river.

The amendment was rejected.

Mr. SPENCER. Yesterday we passed over temporarily an amendment on page 12, the item for the improvement of Pascagoula Bay, Mississippi, $10,000.

Mr. WINDOM. The Senator from Iowa has given much more attention to this bill than I have. I prefer that the Senator from Alabama should wait until he comes in.

Mr. SPENCER. Very well; it was passed over to enable me to prepare an amendment. I have now prepared it.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was in line 376, to increase the appropriation for the improvement of the harbor at Erie, Pennsylvania, from $40,000 to $50,000.

The amendment was agreed to.

The next amendment was in line 378, to increase the appropriation for the improvement of the breakwater at Block Island, Rhode Island, from $20,000 to $40,000.

The amendment was agreed to.

The next amendment was to strike out lines 383 and 384, in the following words:

For the improvement of Providence River, Rhode Island, $5,000.

Mr. ANTHONY. I am not surprised that my friend from Minnesota [Mr. WINDOM] deserted this side of the Chamber and went over there when this amendment came up. I can see at this distance the blush of ingenuous shame that overspreads his handsome countenance. This pitiful sum of $5,000 is all that is given to the State of Rhode Island, with its large littoral frontier with Narraganset Bay, which is the natural entrepot of the commerce of New England, which supplies not only the great manufacturing establishments of our State, but those of Western Massachusetts and part of New Hampshire and Vermont, which receives more coal than any other port north of New York; and all the House has given it is $5,000, and this it is proposed to strike out. True, the committee have increased the appropriation for Block Island, but this is a national appropriation, and New York is as much more interested in it than Rhode Island as the commerce of New York is greater than the commerce of Rhode Island. I am sure the Senate will not agree to this amendment. The amount ought to be $25,000.

Mr. WINDOM. That is the reason the committee recommended to strike it out. It should be a great deal more or nothing. I will content myself, however, with reading to the Senate a very brief note from G. K. Warren on this subject:

CHIEF ENGINEER UNITED STATES ARMY,
Washington, District of Columbia.

If reduced to one-third, leave out all I estimated for except Block Island and Saybrook Bar.

The committee left it out under General Warren's direction.

Mr. ANTHONY. The Senate have overruled that in preceding instances, and I am quite sure they will in this.

The amendment was rejected.

The next amendment of the Committee on Appropriations was to strike out lines 385 and 386, in the following words:

For the improvement of Otter Creek, Vermont, $5,000.

Mr. EDMUNDS. Mr. President, I can convict this committee of the greatest injustice they have done in any instance. [Laughter.] Otter Creek in Vermont has existed since the establishment of American independence, to begin with; and, to leave joking aside, this is an important small river. The city of Vergennes upon it is six miles from Lake Champlain, and of course everybody knows that Lake Champlain is the great water highway between Canada and the States, with the great State of New York on one side and the still greater State of Vermont on the other.

Mr. MERRIMON. How large is Otter Creek?

Mr. EDMUNDS. Otter Creek up to the city of Vergennes is six miles long. Its depth is not as much as it ought to be, but about ten times the depth of any river that I know of in North Carolina. [Laughter.]

Mr. MERRIMON. Then it would be from fifty to eighty feet.

Mr. EDMUNDS. Yes, sir; fifty to eighty feet in spots. There are sundry bars in the river. Leaving joking aside—though this bill is getting to be rather a joke—there are sundry places in this river where sand and mud bars have formed that impede navigation. Lines of steamers have for a great many years run there. They have sometimes been discontinued in the early part of railroad operations, but have been again revived. It is a large and important manufacturing point, having property to receive and property to export, and of course communicates with the ports on the other side of Lake Champlain.

Mr. CONKLING. How wide?

Mr. EDMUNDS. I should think at the head, at the city, it is four hundred feet wide. A steamboat line runs from this city to Fort Henry and to Westport and to Ticonderoga in the State of New York at this present time. These small sums of money are necessary, and so reported by the engineers, to clear out the mud-bars that have formed at its mouth. If the Senate thinks it is the case for standing by the committee, I have nothing to say.

Mr. WINDOM. The engineer's report upon this subject is as follows:

OTTER CREEK, VERMONT.

No appropriation was made for this work for the fiscal year ending June 30, 1875. Under the appropriation of March 3, 1875, it is proposed to dredge about eight thousand cubic yards of material composed of sand, stone, clay, trees, and saw-mill *débris* from Vergennes Basin, between Brick-yard and Sharkey Bend. Contract for this work has been made with James D. Hancock, dated June 26, 1875. For completing the improvement of the channel the sum required will be $43,146.

We have before us a letter from Colonel Newton, of the Engineer Corps, making the revised estimate, saying that certain work should be done and that all others should be omitted. This one is omitted. It is evidently the opinion of Colonel Newton that it is unnecessary now to spend $43,146 for improving communication between Sharkey Bend and the Brick-yard. But if my friend insists that Sharkey Bend and the Brick-yard are so important points that they ought to be connected, I shall not make any opposition.

Mr. EDMUNDS. I insist as I have said, and without any jocoseness, that this small sum of $5,000 is desirable, as has been shown by observation and experience there, to improve this channel for the commerce that does actually exist between the city of Vergennes on the one side and the villages and towns on the western side of the lake in the State of New York. If the Senate think this is not right, I beg them not to vote for it.

Mr. MORRILL. I rose at the same time that my colleague did, knowing his modesty and his inaptitude for extemporaneous debate,

and believing that he would hardly feel it his duty to make the proper explanation of this matter. True, he has done so; but he has not said all that might be said in relation to the State of Vermont. We have not put in any claims here for any other river, nothing for the Ompompanoosuc, nothing for the Passumpsic, nothing for the Winooski, nor for the Black or White River, nor for the Lamoille River. We have not even asked for any surveys of these rivers. Under the circumstances, as this is for the accommodation of a city of great enterprise and the oldest city of our State, and I do not hope to be any more economical than are my friends on the opposite side of the Chamber, therefore I hope the appropriation will be made.

The amendment was rejected.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was to strike out lines 389 and 390, in the following words:

For the improvement of Belfast Harbor, Maine, $8,000.

Mr. HAMLIN. Mr. President, I trust that item will not be stricken out. Belfast is one of the most important harbors on our coast. It is a port of entry on which the city of Belfast is situated. I think I am accurate in saying that thousands of vessels go annually into and out of that harbor. There are at the mouth of the harbor some rocks which want to be removed. This $8,000 will remove them. I hope the Senate will not concur in this amendment.

Mr. WINDOM. I think this comes within the principle on which the Senate have adopted all the others. I make no opposition to it.

The amendment was rejected.

The next amendment of the Committee on Appropriations was in line 392, to increase the appropriation for the improvement of the harbor at Rondout, New York, from $30,000 to $50,000.

The amendment was agreed to.

The next amendment was to strike out lines 393 and 394, in the following words:

For dredging Hudson River in front of Jersey City, $25,000.

Mr. FRELINGHUYSEN. Eccentric as I may appear, I think that item ought to be stricken out and the amendment ought to be agreed to, because the committee inform us that, on the eleventh page, "for the improvement of the Hudson River" the amount was made $66,000, instead of $25,000, to cover this same improvement.

Mr. WINDOM. That is the fact.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was to strike out lines 397 and 398, in the following words:

For the improvement of the channel between Staten Island and New Jersey, $10,000.

Mr. FRELINGHUYSEN. That amendment ought not to prevail. There is not in the whole bill a more important improvement than that. The water between Staten Island and New Jersey, known as Arthur Kill, is the great avenue of all internal commerce between Philadelphia, and consequently a good deal of the West, and New York. The Delaware and Raritan Canal alone does a business transporting there 40,000,000 tons a year. It is not a matter in which New Jersey is particularly interested. Pennsylvania is interested; New York is interested; and I hope that the appropriation will be retained.

Mr. WINDOM. This does differ a little from a good many of those items which the Senate has voted to retain; but I desire that the Senate shall be informed in reference to its condition, and then I shall be willing to have the vote taken. General Newton in his special report says——

Mr. FRELINGHUYSEN. What is the date of that?

Mr. WINDOM. December 18, 1875. After stating the facts quite fully, with reference to this improvement he says:

To sum up:

First. In the present condition and prospect of Elizabethport it would not be expedient to prosecute the works of permanent improvement designed in 1873 and commenced in 1874.

Second. The depth in the present channel being sufficient for the class of vessels using the canal, and for the barges and small class of vessels which, for the future, and until a change for the better, will continue to frequent Elizabethport, no apparent necessity exists for deepening or widening the channel.

Third. No increase in depth or width in the channel can be maintained, except by repetitions of the dredging process.

Three distinct reasons are given why it is wholly unnecessary. I hope the Senator from New Jersey will withdraw his request.

Mr. FRELINGHUYSEN. The work has been going on there.

Mr. WINDOM. Under an old appropriation.

Mr. FRELINGHUYSEN. I know the character of this avenue between Staten Island and New Jersey and that the amount of commerce there is as great, probably, as on any waters of the United States. It is not a matter for Elizabethport; I should not think of asking for that; but it is a question which involves the commerce of Newark, of Philadelphia, and of New York.

Mr. WINDOM. That is all very true; but from the best information we can get there is water enough now for all the purposes of commerce in that locality; for all the purposes that the channel is used for or desired to be. I merely read the report of the Engineer's Office to show you how little they know about these matters!

Mr. FRELINGHUYSEN. The statement is made to me, and it has been verified, that a great many vessels can only pass there at high tide, and have to wait and be delayed until the tide rises. I presume that is the fact.

The amendment was rejected, ayes 9, noes not counted.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, in line 400, to reduce the appropriation for the improvement of the harbor at Provincetown, Massachusetts, from $5,000 to $4,000.

The amendment was agreed to.

The next amendment was to strike out lines 401 and 402, in the following words:

For the improvement of Ipswich River, Massachusetts, $5,000.

The amendment was agreed to.

The next amendment was, in line 404, to increase the appropriation "for the construction of piers of ice harbor and removing obstructions at New Castle, Delaware," from $12,000 to $15,000.

The amendment was agreed to.

The next amendment was, in line 407, after "Michigan," to insert:

Including removal of the wreck of the City of Buffalo.

So as to make the clause read:

For the improvement of the harbor of refuge, Lake Huron, Michigan, including removal of the wreck of the City of Buffalo, $100,000.

The amendment was agreed to.

The next amendment was to strike out lines 411 and 412, in the following words:

For the improvement of the Osage River, Missouri, $25,000.

Mr. COCKRELL. I do trust that the Senate will not concur in this amendment proposed by the Committee on Appropriations. This Osage River drains a valley one hundred and fifty miles from east to west by eighty miles from north to south, embracing within its limits from fifteen to eighteen counties, with 150,000 inhabitants. In 1870 its assessed wealth was over $40,000,000. Its area is about eighteen thousand square miles. Its productions are very great; a million and a half bushels of wheat in 1870, 5,750,000 bushels of corn, a million and a half bushels of oats, 375,000 pounds of tobacco, 273,000 pounds of wool, with great numbers of cattle, horses, mules, hogs, and sheep, the timber (and the bottom lands of this river are heavily timbered) consisting of hickory, oak, walnut, ash, elm, sycamore; but its chief importance is its mineral wealth, consisting of iron, coal, lead, zinc, buhrstone, marble, grit, and kaolin. I read now from the engineer's report of the survey of this river:

The Osage Valley derives its chief importance from the richness of the vast mineral deposits. Professor Pompelly, in his geological report of 1873, spoke in very high terms of its mineral resources, though hardly one-tenth of the real value of its deposits was known at that time. Rich banks of iron and valuable veins of lead and coal are found almost every day. All this vast wealth is now unavailable for want of transportation, and it seems to be the province of a paternal government to assist in bringing these great necessaries of life, iron and coal, into market, whereby the whole country would be benefited. The principal minerals are iron, coal, lead, zinc, buhrstone, marble, grit, and kaolin.

The lead in this area exists in very great quantities. I will read an extract from a letter from Hon. Joseph W. McClurg, late a member of the House of Representatives and the last of the republican governors of the great State of Missouri:

There was almost no mining for lead ore when we built our furnace in the fall of 1871.

That fall, 1871, we shipped 336 pigs, 84½ pounds each; in 1872, we shipped 1,187 pigs, 84½ pounds each; in 1873, we shipped 594 pigs, 84½ pounds each; in 1874, we shipped 1,030 pigs, 84½ pounds each; in 1875, we shipped 3,033 pigs, 84½ pounds each; and to-day we have 391 pigs, 84½ pounds each, ready for shipment, with a furnace now running.

There are vast quantities of iron all over that country. This valley is situated between the Missouri Pacific and the Missouri, Kansas and Texas Railways on the north and northwest and the Atlantic and Pacific Railroad upon the south and southeast. The Osage River is formed by the junction of the Marmaton and Little Osage two hundred and forty miles above its mouth, and eight miles below the city of Jefferson enters into the Missouri, and it meanders up through these twelve or fifteen counties and is situated midway between these two lines of railway, varying from twenty-five to thirty miles from either one of the roads on the north or south. Here is this vast country and its great and wonderful resources; and the only possible outlet for these minerals and products is the Osage River.

This river is two hundred and forty miles in length, and there have already been appropriated for its improvement $100,000 in appropriations of $25,000 a year; and we only ask a continuance of the work already begun. Now, to show the absolute importance of an appropriation to carry into force and effect the improvements already started and to remove the actual damage which these unfinished improvements have imposed upon the navigation of that stream, I will read from a letter of a very worthy gentleman, Mr. Lambert, living toward the mouth of the Osage River, at Castle Rock:

CASTLE ROCK, *December* 4, 1875.

DEAR SIR: This end of the Osage River is now in such a condition that boats cannot run, although there is sufficient volume of water if concentrated in the channel to make three feet of water at this low-water season for steamboats. The unfinished condition in which the river was left by the Government's agents has rendered the work done by them at Bolton's shoal a complete obstruction to navigation. There is now over three feet of water on the old shoal, and there is sufficient volume of water to make this depth all through the lower end of the river. The engineer so constructed the lower end of the trailing-wall at Bolton's Shoal by curving it to the right and leading the water to a ground bar on the left of and from the true channel, that the concentrated force of the water discharged against this

bar is carried to a point below the trailing-wall, spreading and dissipating the force of the water, depositing the ground, and forming a complete obstruction to navigation.

Governor J. W. McCLURG,
Linn Creek, Missouri.

This is confirmed by the letter of Governor McClurg, from which I quoted before. Governor McClurg lives at Linn Creek, and he is probably more familiar with the Osage River than almost any gentleman, engineer or other, in the United States. He has lived there for many years since long prior to the war, and has used this river and knows its power and its value and knows its adaptability to improvement, and in view of his confidence and judgment the representatives of the people are willing to undertake this enterprise.

He says further:

We are (Draper, McClurg & Co.) now building a light-draught steamer here. We expect to run her at all times and to adopt a system of scraping the shoals in low water by steel scrapers, the bottom of the river in the shoals consisting of gravel. A freshet washes it back again, when another scraping is necessary. At the same time there should be some repairing of the wing-dams that were constructed some years ago under an appropriation by our State.

I do trust, in view of the great importance of this work, its practicability, and the absolute necessity of this appropriation in order to make former appropriations and work done under them of any force and effect, that this amendment will not be concurred in, and that this great valley of the Osage River will be given this $25,000.

The PRESIDING OFFICER, (Mr. MITCHELL in the chair.) The Senator's time has expired.

Mr. WINDOM. I am well aware that the discussions of this bill do not contribute to any public benefit, unless it be to a knowledge of the geography of various sections of the country. The geographical contributions may be of some value. Otherwise I think the debate is of none; but I desire to call the attention of my friend again to the ignorance displayed by the Engineer Department on this subject; and then I will submit the question to the Senate. I read from the last report. General J. H. Simpson sums up the case with reference to this improvement as follows:

The results may then be summed up as follows:

1. The Osage River is not susceptible of permanent or even satisfactory temporary improvement for navigation at low stages of water.

There is one important little item, that it is not susceptible of improvement at all.

Mr. COCKRELL. Will the Senator allow me to ask him a question? Did Mr. Simpson make the survey or was he sitting back and commenting upon the survey made by another gentleman who recommends it?

Mr. WINDOM. I said in the start that I was reading this report to show the ignorance of the Engineer Department. I am arguing that General J. H. Simpson did not know anything about it.

Mr. COCKRELL. Does he state whether he made the survey himself or whether it was made by another man?

Mr. WINDOM. I do not know about that. I suppose another man made the survey, but he is the supervising engineer, at least.

Mr. COCKRELL. Mr. Gordon made the survey, and he recommends an appropriation of $100,000.

Mr. WINDOM. General Simpson says:

2. It is susceptible of improvement to the extent of obtaining a ruling depth of four feet at all times, by means of locks and dams, twenty-two in number if of eight feet lift, and twenty-seven if of six and a half feet; the cost of the former estimated at $2,857,330.30; of the latter at $3,090,825.

An appropriation is proposed of $5,000 to commence a work that will cost $3,000,000. Undoubtedly the money will be used very economically.

Mr. COCKRELL and others. It is $25,000.

Mr. WINDOM. That is a little worse. He proceeds as follows:

3. If a ruling depth of four feet is obtained in the Osage by means of locks and dams, the same would be required over the bar at the debouchment of the river, and as far down the Missouri as its junction with the Mississippi, to utilize the improvement at all stages of water; problems not yet solved.

4. The Osage, since the introduction of railroads running parallel with it, and at no very great distance, is no longer a necessary link in the great current of trade westward.

5. Its navigable portion would be entirely within the State of Missouri, and though its improvement would doubtless be of value in developing the rich mineral and agricultural resources of the region through which the river passes, it cannot be regarded as one of national importance, and therefore requiring Government aid.

On this point I address myself to my honorable friend from Missouri on the question of strict construction and State rights.

6. Should the improvement be made—

I call the attention of the Senator again to this language particularly—

Should the improvement be made, the advantages resulting would be far from commensurate with the great cost, say $3,000,000.

For these several reasons I do not feel justified in recommending the project, and therefore do not advise that any further appropriation by Congress should be made for the work.

To recapitulate to my honorable friend from Missouri, I will say that in the first place it is impracticable; the improvement cannot be made; in the second place, $25,000 will not go very far on an expenditure of $3,000,000; in the third place, the ruling depth will require an improvement at the mouth, and the engineer says is an insolvable question yet whether it can be improved at all or not. The next point is that its constitutionality is very doubtful, at least in the estimation of the Senator from Missouri.

Mr. COCKRELL. Not at all.

Mr. WINDOM. I appeal to his conscience on that subject. I am a little more liberal in my views than he is generally on that question. The sixth point is that if the improvement were made at all, it would not pay when you are done with it. These are the little items of objection which the Engineer Department very ignorantly make to this appropriation.

Mr. BOGY. The report of the engineer is based upon the idea that a large improvement of the Osage River would take a sum of from $2,000,000 to $3,000,000 so as to obtain the depth of four feet of water. It is not our intention to ask for an appropriation for that object, but we ask for an appropriation of $25,000, which is the same amount that has been given every year; and each appropriation has done a very large amount of good. We do not need four feet of water for an inland river, but we do need a depth of from two to two and a half feet, which can be obtained and is obtained every year by these small appropriations.

The whole argument of my friend from Minnesota and the very assertion of the report read by him show an opposition to a large appropriation for this great improvement, because the river is perhaps not of that high national character to justify it; but it comes within the rule laid down by the House and by the Senate also to make appropriations for rivers within the States. The Osage River is more important than two-thirds of the rivers for which appropriations were made yesterday. It has a length of from one hundred and fifty to two hundred miles. It passes through a very rich country. An appropriation of $25,000 will enable the river to be cleared of snags and other impediments to navigation and be productive of an infinity of good.

I hope the amendment will not be adopted, and that the appropriation as it came from the House will be sustained.

Mr. WINDOM. This appropriation stands upon a little different principle from that which has been heretofore decided by the Senate. I therefore ask that the question be settled by the yeas and nays. I call for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. STEVENSON, (when Mr. MCCREERY'S name was called.) I desire to state that my colleague was called home by illness in his family.

The roll-call was concluded; and the result announced—yeas 16, nays 26; as follows:

YEAS—Messrs. Allison, Anthony, Boutwell, Conkling, Dawes, Hamlin, Kernan, McMillan, Morrill, Randolph, Saulsbury, Sherman, Wallace, West, Windom, and Wright—16.

NAYS—Messrs. Barnum, Bogy, Bruce, Caperton, Christiancy, Cockrell, Cooper, Davis, Dennis, Ferry, Frelinghuysen, Gordon, Hamilton, Harvey, Ingalls, Jones of Florida, Kelly, McDonald, Maxey, Mitchell, Norwood, Paddock, Patterson, Robertson, Stevenson, and Withers—26.

ABSENT—Messrs. Alcorn, Bayard, Booth, Burnside, Cameron of Pennsylvania, Cameron of Wisconsin, Clayton, Conover, Cragin, Dorsey, Eaton, Edmunds, Goldthwaite, Hitchcock, Howe, Johnston, Jones of Nevada, Key, Logan, McCreery, Merrimon, Morton, Oglesby, Ransom, Sargent, Sharon, Spencer, Thurman, Wadleigh, and Whyte—30.

So the amendment was rejected.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 418, to increase the appropriation "for the improvement of the Illinois River, Illinois," from $40,000 to $50,000.

The amendment was agreed to.

The next amendment was in line 422, after the words "for the improvement of the Upper Mississippi River," to strike out "$20,000" and insert "$30,000;" and to add after the word "dollars," in the same line, the words:

And $7,000 thereof may be applied in constructing the necessary machinery used in Captain Edward Bell's process for building wing-dams and applying said process in the improvement of said river.

Mr. EDMUNDS. What is the necessity for the Captain Edward Bell's part of the amendment?

Mr. WINDOM. I will say in explanation that it was inserted on my motion and upon the very urgent request of the Chamber of Commerce of Saint Paul, who have seen the machine tested and its operation in the river. It has proved a great success at La Crosse, and they are very desirous, being exceedingly interested in the economical improvement of the river, that it should be tried. That is all there is of it.

Mr. EDMUNDS. The question I want to have answered is, why, if it is a good method of doing this work, it does not fall within the general discretion of the Department?

Mr. WINDOM. I presume it does. The amendment does not compel them to use the machine; it is merely suggestive if they should like to have it.

Mr. EDMUNDS. My reason for the inquiry was that the last instance of the kind that I have known was in an appropriation bill where we authorized somebody to apply somebody's process for a pneumatic tube from the Capitol to the Printing Office, and I believe $50,000 was expended, was it not?

Mr. ANTHONY. Twenty thousand dollars. It was all thrown away.

Mr. EDMUNDS. We expended something of the kind. That little authority to apply the process resulted in the absolute squandering of $20,000 or $30,000, and that of course led me to fear that this would be construed as a command, although it does not read so, any more

than did the authority in the other bill. If this matter is within the general authority of the Department, if it is agreeable to the Senator, I wish he would consent to strike out this clause.

Mr. WINDOM. I think it is within the general authority of the Department to use the machine, but the people at Saint Paul and the chamber of commerce there and also at La Crosse, where this machine has been tested, have been very anxious that it should be tried here. They believe that with $30,000 for the use of this machine an improvement can be made greater than double that sum without it; and as it will make no change in the law on that subject, as is suggested, I should like to have it stay in the bill. If the Engineer Department are satisfied it ought not to be done they will not do it; but I think we can convince them that it ought to be done.

Mr. EDMUNDS. I of course shall not interfere with my friend's wishes, but, to carry out without any possible doubt his meaning, I move to amend the amendment by inserting after the word "may," in line 423, the words "in the discretion of the Secretary of War." I believe all this is under his charge.

Mr. WINDOM. I have no objection to that amendment, for if we cannot convince the Department that it ought to be done we do not want to do it.

Mr. EDMUNDS. Very well.

The PRESIDING OFFICER. Is there objection to this amendment to the amendment?

Mr. WINDOM. There is no objection.

The PRESIDING OFFICER. It will be considered as agreed to.

The amendment, as amended, was agreed to.

Mr. PADDOCK. I desire to offer an amendment to come in after "dollars," in line 430.

The PRESIDING OFFICER. The Chair will suggest to the Senator from Nebraska that the amendments reported by the Committee on Appropriations are to be acted upon first according to the practice of the Senate.

Mr. PADDOCK. Very well.

Mr. OGLESBY. After the amendments proposed by the committee shall be gone through with, I understand the text of the bill will be open to amendment?

The PRESIDING OFFICER. The text of the bill will then be open to amendment in committee.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was in line 427, to increase the appropriation "for the improvement of Rock Island Rapids, Mississippi River," from $20,000 to $50,000.

The amendment was agreed to.

The next amendment was to insert, as lines 438 and 439, the following:

For removal of a bar in the Mississippi River opposite Dubuque, Iowa, $18,000

The amendment was agreed to.

The next amendment was to strike out lines 442, 443, and 444, in the following words:

For examination and surveys of rivers and harbors, and for incidental repairs of harbors, for which there is no special appropriation, $50,000.

Mr. ALLISON. I will say in relation to this amendment that we strike out the appropriation here and insert it in another place.

Mr. WITHERS. It is a mere transposition.

Mr. ALLISON. It is a mere transposition of the clause; that is all.

Mr. WEST. We reserve it for the conclusion of the bill.

The amendment was agreed to.

The next amendment was, in line 466, to increase from $15,000 to $24,000 the appropriation "to ascertain in current and next fiscal years, as required by act of March 3, 1875, the depth of water and width of channel secured and maintained, from time to time, by James B. Eads at South Pass of the Mississippi River, and to enable the Secretary of War to report during the construction of the work the payments made from time to time and the probable times of other payments, and to report during the construction of the work all important facts relating to the progress of the same, materials used, and the character and permanency with which the said jettee and auxiliary works are being constructed."

The amendment was agreed to.

The next amendment was, in line 468, to increase the appropriation "for the construction of a canal around the Cascades of the Columbia River, in the State of Oregon," from $50,000 to $100,000.

Mr. MITCHELL. I desire to offer an amendment to the amendment proposed by the committee. It does not increase the appropriation, but simply provides for giving the right of way.

The PRESIDING OFFICER, (Mr. EDMUNDS in the chair.) The amendment will be reported.

The CHIEF CLERK. It is proposed after line 469 to insert:

Of which amount the Secretary of War is authorized to expend so much as, in his judgment, may be necessary and proper to secure title and right of way for canal and locks, not exceeding the sum of $10,000; and whenever in the prosecution of the said work it shall become necessary to obtain the right of way over any lands for the said canal and locks the Secretary of War shall take possession of and use the said lands, after having purchased the same, or in case the said lands cannot be purchased for a reasonable price, then after having paid for the same or secured the value thereof, which value may be ascertained in the mode provided by the laws of Oregon for the condemnation of lands for public uses in that State. The Department of Justice shall represent the interests of the United States in any legal proceedings under this act to obtain the right of way for the said canal.

Mr. ALLISON. I do not quite understand how this amendment appropriates the sum of $10,000.

Mr. MITCHELL. It does not increase the appropriation. It simply provides that so much of the appropriation reported by the committee may be employed for the purpose stated.

Mr. ALLISON. Of this sum?

Mr. MITCHELL. Yes, sir. There is no question about it. It does not increase the appropriation a dollar.

The amendment to the amendment was agreed to.

The amendment, as amended, was agreed to.

The next amendment of the Committee on Appropriations was to strike out lines 470 and 471, in the following words:

For the improvement of the harbor at Racine, Wisconsin, $9,000.

Mr. HOWE. It will be noticed that this is an amendment in the wrong direction. This reduces the aggregate of that appropriation. I understand that this amendment was determined upon by the committee upon the supposition that it was the opinion of the Engineer Corps that no further appropriations were required at that point. Subsequent to the annual report it seems the engineer in charge there has made another examination, and has transmitted to the General-in-Chief a letter which I will ask the Clerk to read. It is very brief.

The PRESIDING OFFICER, (Mr. MITCHELL in the chair.) The Secretary will report the letter.

Mr. ALLISON. I make no objection to disagreeing to the amendment of the committee, in view of the action of the Senate.

Mr. HOWE. The Senator in charge of the bill says he has no objection to retaining this clause. I do not care, then, to have the letter read.

The amendment was rejected.

The next amendment of the Committee on Appropriations was at the end of lines 473 and 474 to strike out the words "to be expended between Red-fish Bar and Morgan's Point;" so as to make the clause read:

For the continuing of the work on the ship-channel in Galveston Bay, $100,000.

Mr. MAXEY. The amendment proposed by the committee does not at all touch the appropriation as embodied in the House bill, but strikes out the point of expenditure, between Red-fish Bar and Morgan's Point. I stated to the Senator in charge of the bill, yesterday, that there is a difference of opinion or a controversy, if you please, between the commercial interests centered at Galveston and those centered at Houston as to the route that the channel through Galveston Bay should take to the points above Red-fish Bar. One of those places is represented in the lower House by one Representative and the other by another. This expression as it appears in the House bill was inserted upon a compromise between those two Representatives. It is inserted by agreement, and neither myself nor my colleague objects to the bill as it came from the House in this respect. It is an agreed matter on the part of all who have an interest in it, and I ask that the amendment be not concurred in and that the words proposed to be stricken out be restored.

Mr. ALLISON. The committee made inquiry at the Engineer Office with reference to this appropriation, and found, as the Senator from Texas has said, that there is a very great controversy going on there, locally, as to the method that should be adopted in making this improvement in Galveston Bay, and that the engineers have not absolutely determined that question for themselves. I have no doubt that our Texas friends have arranged so as to have this appropriation expended agreeably to themselves, but at the same time it seems to me it would be better to leave so large an expenditure to the discretion of the engineer in charge as to the point where the money shall be expended.

Mr. MAXEY. I will reply to what the Senator has said. I shortened what I had to say a moment ago as much as possible, for I do not want to take up time. I, personally, know all about this controversy. It was at my instance settled among the Texan delegation in the manner which I have stated. The Committee on Appropriations has made the very point that I suggested to the Representatives in the lower House and should satisfy all parties, that is to say, to let the Chief Engineer make a survey, and that survey will settle it; and the very survey which we asked for you have incorporated in this bill. That would settle the trouble.

Mr. ALLISON. I know that was an additional reason.

Mr. MAXEY. I will say in addition, that every dollar of this hundred thousand dollars ought to be appropriated between Red-fish Bar and Morgan's Point. It will not interfere with anybody, and by the time the survey can be made and the work begun there this controversy will be officially settled by the Chief Engineer, and we shall have no further trouble. As it is agreeable to everybody, I trust the amendment of the committee will not be insisted upon.

The amendment was rejected.

The next amendment of the Committee on Appropriations was in line 476, to increase the appropriation "for the improvement of the mouth of the Mississippi River" from $100,000 to $150,000.

The amendment was agreed to.

The next amendment was in section 2, after line 2, to insert:

Three Forks of Kentucky River, to Savannah, Georgia, via Cumberland Gap.

Mr. ALLISON. Unless some Senator asks for a specific vote on these various amendments to section 2 the vote may be taken upon

all. I will say that the committee adopted the rule of inserting all the surveys that they could find, as that seemed to be the rule adopted by the House. We have added such surveys as we found among the papers in the committee-room, and then at the end of the bill we inserted an amendment with reference to the method of conducting these surveys. I call the attention of the Senate to line 163 of section 2. Unless some Senator asks for a specific vote on these surveys, I ask that they be considered as agreed to.

Mr. KERNAN. I should like to inquire about a clause on page 27. I understand the Senator asked to have all the amendments included in section 2 voted on at one time?

Mr. ALLISON. Yes, sir.

Mr. KERNAN. The clause to which I call attention, page 27, line 149, reads in this wise:

The Missouri River, from the town of Saint Charles, to the mouth of said Missouri River, with the view to protect the owners of land on the banks of said river, in Saint Charles County, Missouri, against the deflection and abrasion of the current of said river by reason of the erection of the Saint Charles bridge.

I should like to know upon what principle we are going into surveys to protect private owners in this way?

Mr. ALLISON. I do not think I can state any principle very distinctly upon which that is to be authorized.

Mr. EDMUNDS. Will the Senator refer to the date of the act which authorized the building of that bridge across the river?

Mr. ALLISON. I do not remember the date of it; but I think it was passed in 1866.

Mr. KERNAN. Who built the bridge?

Mr. ALLISON. The bridge was built by a railroad company.

Mr. KERNAN. A private corporation?

Mr. ALLISON. A private corporation, and in the State of Missouri. When we are surveying nearly every river and bridge we can find, I do not think there can be any objection to surveying that point.

Mr. KERNAN. I can hardly conceive where we shall stop if we make appropriations to expend money to protect the owners of land along rivers whose lands by the railroads or somebody else have been injured by building bridges over the stream.

Mr. ALLISON. This is a House provision, I will state to the Senator.

Mr. EDMUNDS. What if it is?

Mr. KERNAN. I cannot help that. It seems to me this is not a provision that we ought to pass. A bill passed with such provisions as this has no sort of regard for the public welfare. It is not simply giving money to relieve individuals from the wash of a stream caused by nature, but, what is worse, caused by some company building a bridge. If there is any wrong done them, the company is liable. This clause has not the slightest relation to anything that I conceive of that this Government has a right to do.

Mr. EDMUNDS. At what town is the bridge?

Mr. ALLISON. Saint Charles.

Mr. EDMUNDS. It is strange I cannot find the act authorizing the bridge.

Mr. KERNAN. If we go on in this way, to say nothing of some other things in this bill, we may bid adieu to the hope of ever paying our debts or ever reducing taxation. It seems we are paying the public money out without the slightest regard to the doctrines which have been held by all parties in times past as to the mode of applying the public funds. I had supposed that it was well settled that we would only apply the public moneys to works which are of national importance; not to clear out streams and blow up rocks, which we do ourselves in the State of New York by private subscription and sometimes by taxing adjacent land. Our appropriations are not to be applied to a work that cannot be said to be a national one. By the tail-end of this provision we are going to relieve some individuals who have got flooded in consequence of building a railroad bridge over a stream. I trust the amendments making surveys will not be agreed to in gross.

Mr. ALLISON. The clause to which the Senator refers is not an amendment, but a part of the bill as it came from the House.

Mr. EDMUNDS. We shall have to strike it out by and by.

Mr. KERNAN. Can it be done now?

Mr. ALLISON. I do not object to striking it out.

Mr. BOGY. Before that motion is made I wish to say that I think the wording of this section may not be very fortunate; yet I do not think it possible for any one to conceive that the bank of any river can be worn away without affecting individuals or the Government of the United States. This is the substance of this matter: A bridge has been built over the Missouri River, which is one of the large streams of this country. No matter by whom the bridge was built, it is there as a fact, and the navigation of the river is thereby afffected.

Mr. EDMUNDS. May I ask the Senator a question? Can he tell us the date of the act when Congress authorized this bridge to be built across the Missouri River?

Mr. BOGY. I am not able to say, but it must have been from six to eight years ago. The bridge, of course, was built by a private company under a law of Congress authorizing the Missouri River to be bridged. The bridge is a fact, and the effect upon the navigation of that river has been very great. It has caused an immense amount of abrasion or erosion of the banks below that bridge. Of course, if the banks are eroded individuals are affected; and that need not to have been expressed in the words of the act.

The object of this clause is to make a survey and ascertain to what extent the building of that bridge has affected the navigation of that river below the bridge. I do not commend the words of the clause; I do not think they are very fortunate; but anybody who will look at it with any care will see that the effect of building that bridge, and putting piers in the channel of the Missouri River, has been to create currents and counter-currents which may dam the width of the river below to such an extent as will make the river nearly impassable; that is the truth. The intention is not to benefit the owners although the effect of all improvements, no matter where, must necessarily be to benefit some owners. The object of this clause is not to give any appropriation for the work, but by a mere survey to ascertain the effect the building of that bridge has had upon the navigation of the Missouri River below that bridge. I repeat, it is of no consequence by whom the bridge was built. It was built under an act of Congress, by authority of Congress, and it is there an impediment to navigation. I hope my friend from New York will not move to strike out this particular clause because it is in my State.

Mr. INGALLS. Unless the object of this survey is to ascertain what damage has been inflicted upon certain riparian proprietors, with the purpose further of making an appropriation to indemnify them against any loss they may have suffered, then the provision of the bill is entirely nugatory and trifling; because it certainly cannot be supposed that Congress is going to authorize a survey for the purpose of indulging in an idle curiosity to ascertain whether these men have or have not suffered by the erection of this bridge, and to what extent they have suffered loss.

The town of Saint Charles is about twenty miles above the mouth of the Missouri River. The bridge erected at that point is one of the largest upon this continent. I think with its approaches it is more than a mile and a quarter long. It was constructed by a railroad corporation and is now operated by the North Missouri Railroad Company. If the principle is to be adopted of holding the United States Government liable for the losses that riparian proprietors may suffer by reason of the construction of bridges over navigable streams by private corporations, it is difficult to say where the raids upon the Treasury will end. There is a bridge across the Missouri at Saint Louis. This one at Saint Charles is the next. Above that the stream is bridged at Boonville and, I believe, also at Lexington.

Mr. COCKRELL. No.

Mr. INGALLS. It is to be bridged at Lexington, then.

Mr. COCKRELL. Not yet.

Mr. INGALLS. A few miles above that point several railroad corporations have a common bridge across the Missouri River at Kansas City. Forty miles above that point the Missouri River is bridged at Leavenworth. Twenty-five miles above that point it is bridged at Atchison. Twenty-five miles above that point it is bridged at Saint Joseph. There is a ponton-bridge authorized at Nebraska City. The last bridge, I believe, erected is at Omaha, or between Omaha and Council Bluffs, operated by the Union Pacific Railroad. It is certain that every one of these structures has resulted in some damage either to the navigation of the stream or to the land owned by the persons upon its banks. If the principle is to be adopted that the United States Government is to be held liable for every loss that may ensue by reason of the construction of bridges over that river, then it is certainly a matter of very grave importance to the Treasury of the United States. The object must be what the section itself contemplates, because it is not correct, as the Senator from Missouri says, that that river is now of any great value for the purpose of commerce or navigation. The utility of that river for navigation has long since ceased. There is a line of railroads upon either bank of the river, running from Saint Louis to the city of Omaha upon the west side and to Sioux City and perhaps above that upon the eastern bank. It is impossible for water transportation to compete with transportation by rail. Therefore below these points, as I said, the Missouri River is no longer useful for navigation. The object, then, of this clause between lines 149 and 154 of section 2 must be precisely what the language implies, and that is to ascertain what damage private individuals have sustained by reason of the construction of a bridge by a private corporation.

The PRESIDING OFFICER. Is there any objection to considering all the amendments making surveys together?

Mr. BOGY. I make a point of order. I presume that this whole discussion is out of order.

Mr. ALLISON. I ask that the consideration of the clause in regard to the Missouri River be postponed until the committee shall have finished its amendments.

Mr. KERNAN. I assent to that.

Mr. EDMUNDS. What is the pending question?

The PRESIDING OFFICER. The suggestion made by the Senator having the bill in charge to consider all the amendments of the committee relating to surveys together. Is there any objection to that proposition?

Mr. EDMUNDS. Yes, sir.

The PRESIDING OFFICER. The Senator from Vermont objects. The Clerk will report the pending amendment, being the first one relating to surveys.

The CHIEF CLERK. It is proposed to insert after line 3 of section 2 the words:

Three Forks of Kentucky River, to Savannah, Georgia, via Cumberland Gap.

Mr. EDMUNDS. I should like to hear that explained. We all know what a survey means. It means money.

Mr. ALLISON. I will say with reference to these amendments providing for surveys that the committee did not make a careful examination into the propriety of the surveys. They found a large number of surveys in the bill coming from the House and a larger number of amendments for surveys sent to the committee by Senators. Inasmuch as the appropriations for surveys, as the bill came to us from the House, provided for $50,000, at the end of the bill we inserted that sum, with a provision that the Secretary of War should make an estimate of the cost of all these surveys and should only survey such rivers as are most important to commerce. If the Senator objects to any one of these amendments I will vote with him to strike it out. The committee had not time to go through a detailed examination of this bill to study the geography of this country sufficiently to ascertain whether the surveys sent to us from the House were such as should be made or not. It was perfectly evident, however, that the large number of surveys provided for could not be made with an appropriation of $50,000. Therefore the committee undertook to distribute the appropriations rather than make a critical and careful examination of the several rivers and harbors proposed to be surveyed.

Mr. EDMUNDS. If there is any value in human experience, it shows that a provision for surveying a river is a provision for the appropriation of money. It is only the first step, and that is the one that costs, as the proverb has it, toward the taking of money from the Treasury. In addition to that, when you come to the last page of the bill it recites:

> And the sum of $50,000 is hereby appropriated for such examinations and surveys and for incidental repairs of harbors for which there is no especial appropriation provided for by law.

That covers all these amendments of the committee and a good many of the provisions of the House bill. That being the state of the case, it is proposed this year to go into new surveys and to take $50,000 from the pockets of the tax-payers for new surveys. The country has got along a hundred years now, and where is the harm of saving this $50,000 this year and letting these new works of survey, which do cost money and involve the expenditure of a great deal more, wait until the country is in a more prosperous condition?

We have heard in the newspapers and from the stump and in both Houses of Congress and everywhere else a great cry that has considerable foundation for it, that the finances of the Government are not in a particularly wholesome condition; that we cannot impose any more taxes, and that we ought not to do it; but that, in order to bring ourselves within our income, we must retrench, we must diminish salaries, we must diminish employés; but when it comes to a proposition to go roaming about somewhere to find a new opportunity for the expenditure of public money, then all our cry about reform and retrenchment and opposition to taxation suddenly dies out. This is a distinct proposition when you put it altogether—I know nothing about this particular case of course—to take $50,000 from the Treasury now for the mere purpose of making fresh explorations to find some river somewhere that you can appropriate money for hereafter to improve the commercial interests of the country. If there ever was a time when we are entitled to stop and to wait until we have money and have prosperity, it appears to me that an item of this character is the one to begin upon.

Mr. ALLISON. May I suggest to the Senator that this provision also requires the Engineer Bureau to repair such harbors as are not specifically provided for in the bill, so that the whole sum of $50,000 may be expended without surveying a single one of these rivers and harbors?

Mr. EDMUNDS. So it may; but will the Senator point out a harbor that we have not made any provision for where there is any urgent necessity for expending money this year? If he can, then it is left to the discretion of the Secretary of War to take $49,000 to hunt up some new river to improve, and put $1,000 upon the reparation of some harbor not now good. Mr. President, that is, to use a common expression, "a little too thin."

Mr. ALLISON. I know of no such harbor now; but we heard the Senator from Texas [Mr. MAXEY] yesterday glowingly describe a great storm that passed over that State, a cyclone, requiring a great expenditure of money; and the Senator from Kentucky [Mr. STEVENSON] made it a special reason for an appropriation for the Big Sandy River that a great storm had occurred since the reports; and probably another storm may occur in the Big Sandy or Louisa Fork or on Lake Champlain or somewhere, making it necessary to expend a thousand or two thousand dollars to keep a harbor in repair. Therefore this fund is provided for that purpose.

Mr. EDMUNDS. Mr. President——

The PRESIDING OFFICER. The Senator has exhausted his time.

Mr. EDMUNDS. I move to amend this amendment by striking out "Three Forks."

It is perfectly true that there may an occasion arise when some sudden calamity, a cyclone will strike a harbor and make it dry land and that it will be necessary for the Secretary of War to dig it out forthwith in order to save the nation; and perhaps we ought to provide a contingent fund for that purpose; but is it necessary, in order to prevent a cyclone and save a harbor, that we should survey the Three Forks of the Kentucky River?

Mr. ALLISON. The Senators from Kentucky think so, and we inserted it.

Mr. EDMUNDS. I see; it is very logical indeed. In order to save the existing harbors and have money to protect them in case a sudden catastrophe should fall on any of them, we are to appropriate $50,000 that may be expended in searching for some river that can have a harbor, and when we do find it we may possibly have a storm that will fill it up, and in that case it will be desirable to have the money. That is reform and retrenchment. Very good. I withdraw my amendment to the amendment.

The PRESIDING OFFICER. The question is on the amendment of the committee.

Mr. SAULSBURY. I shall vote for the amendments of the committee. They do not increase the amount appropriated for surveys, but only add to the objects which the engineers may examine. If they increased the expense of the bill at all I should be inclined to vote against the amendments of the committee; but they do not increase the expense. They only add other items of survey so that the engineers may have a greater variety of rivers and creeks to examine, and they will determine where the $50,000 shall be expended, if it is not sufficient to cover all the objects named.

Mr. WITHERS. My idea has always been that the policy of the Government has been to extend the improvement of the rivers and harbors of this country so as to increase the facilities for securing access to market from different localities and to secure the protection of vessels engaged in commerce; and as it is in the nature of things impossible that this work can be accomplished in one, or two, or three, or five years, but must of necessity be progressive, I think the committee did exactly right in reporting in favor of these projected surveys.

So far as my own section of country is concerned, very few surveys have been made of the principal rivers. It is still more strongly the case in regard to sections farther south. The northern portions of the Union have been very generally examined and surveyed and reported upon and improved. It seems to me nothing but right and proper that this system of surveys should be continued, and that it should be applied to all streams and waters of any importance in order to ascertain whether the expenditure of a certain amount of money by the Government in improving these rivers could be worthily expended, and that the country would be repaid for it in the increase of its material wealth.

The policy adopted by the committee in reporting all these amendments was, in the opinion of the committee, in the interest of economy. It was manifestly impossible for the sum of $50,000 to secure all the surveys which are reported by the committee; and the object of the committee consequently was to leave it to the discretion of the Secretary of War and Engineer Bureau to spend that money at such localities as, in their opinion, would be most conducive to the public interest. I think, therefore, that I may well claim that this bill as reported by the committee is in the interest of economy in that direction rather than to vote a specific sum for every survey asked, the aggregate of which would be very much greater, judging from the disposition and views of the Senate as indicated by the votes which have been heretofore taken, than the amount which is appropriated by the bill before us.

Mr. SHERMAN. One observation has occurred to me in regard to this matter, and that is that when these reports are made by the engineers, who are supposed to be very skillful, graduates of West Point, educated at the expense of the Government, we do not pay much attention to their reports. Not a single opinion read from the engineers since this bill has been before the Senate has been regarded in the slightest degree.

Mr. WITHERS. Yes, I got the Mattapony in on the report of the engineers.

Mr. SHERMAN. In the case of the New River a report of an engineer was read opposed to the improvement, and I had some recollection of seeing the New River rushing through a mountain gap where all the power of man could not have prevented its pursuing the course marked out by nature, and yet upon the observations of the honorable Senator from Virginia a considerable sum—I do not know how much—was appropriated for the commencement of the improvement of the New River against the opinion of the engineer.

Mr. WITHERS. I beg the Senator's pardon, but I trust he will allow an interruption which I know his courtesy will permit.

Mr. SHERMAN. Certainly.

Mr. WITHERS. The opinion of the engineer which was quoted here did not at all apply to the portion of New River for which I asked the appropriation, nor did the portion of the river which was surveyed so critically by my friend from Ohio come within the category of the appropriation which I supported.

Mr. SHERMAN. In other words, the engineer did not find the place where the New River could be made navigable. That was his misfortune. He ought to have known better; he ought to have examined the matter more carefully; and as an engineer trained for that particular business he showed his incompetence. Therefore I do not see any use in continuing the employment of a class of engineers whose reports we do not regard when they are made to us.

A more striking case is the case from New Jersey, where the board of engineers certified that a certain channel was amply sufficient and the water deep enough, and yet the Senator from New Jersey upon

the statement of somebody whom he did not name induced us to overrule the opinion of the engineer and appropriate a considerable sum of money to open up a channel between New Jersey and Staten Island. I therefore do not see any object in paying $50,000 for the reports of engineers when we can overrule them so easily without their costing so much as that.

Mr. HAMILTON. I would inquire of the Senator from Iowa if this amendment means that the engineers must commence at the Three Forks of Kentucky River and survey by the Cumberland Gap to Savannah, Georgia? That is the way it reads.

Mr. ALLISON. If they can find the Three Forks of the Kentucky River, I suppose they will begin with one of them, and then go on via Cumberland Gap to Savannah, Georgia, and if they can reach that point, they will have surveyed the region proposed to be surveyed here. This amendment was inserted at the request of some Senator, or taken from some amendment proposed in the Senate, and was not examined as to its phraseology by the committee.

Mr. HAMILTON. It is evidently a jumble. There can be no object in such a survey. It goes in a direction where no stream runs at all.

Mr. WITHERS. I will state without any specific knowledge on the subject that the impression on my mind is that one of the great connecting interior water-lines recommended by the Select Committee on Transportation was through the State of Georgia, making a connection between the Tennessee River and the Coosa River by the way of the Etowah, in order to make a water connection from the Northwest to the South; and the object of this survey, I take it, is to include the Cumberland River and its tributary, the Kentucky, in this survey. I do not know what else it is, because I say frankly the committee did not examine critically all these proposed amendments for surveys which were suggested, but presumed they would all be left better to the discretion of the Secretary of War and the Engineer Bureau to select such as in their opinion would be most important to expend the money appropriated upon.

Mr. DAVIS. After diligent inquiry from members from Kentucky and persons who ought to be familiar with this locality, I am told that they know no such river. One gentleman says it is five hundred miles from the locality where my colleague of the committee thinks it may be.

Mr. WITHERS. I know nothing about it personally.

Mr. SPENCER. I would suggest to the Senator from West Virginia that there must be some mistake about this amendment. It could not have been in earnest. You cannot connect any watercourses as indicated there.

Mr. EDMUNDS. It is to make water-courses.

Mr. DAVIS. The object of my rising was to move that the Senate non-concur in this amendment. It is a misprint or something else.

The PRESIDING OFFICER. The amendment can be rejected. The question is on the amendment to insert lines 4 and 5 in section 2.

The amendment was rejected.

The next amendment of the Committee on Appropriations was to insert as line 6 of section 2:

Cumberland River, above Cumberland Falls, Kentucky.

The amendment was rejected.

The next amendment was in line 7 of section 2, between the words "Virginia" and "Danville," to strike out the word "to" and insert "via;" and in line 8 to insert:

To Danbury, North Carolina; and Stanton River, from Roanoke, Virginia, to Brookneal, Virginia;

So as to make the clause read:

Dan River, from Clarksville, Virginia, via Danville, Virginia, to Danbury, North Carolina; and Stanton River, from Roanoke, Virginia, to Brookneal, Virginia.

The amendment was agreed to.

The next amendment was to insert as lines 14, 15, 16, and 17 of section 2:

Etowah River, in Georgia, from Cooper's Iron Works to Canton; and the south branch of said river, known as Little River, from its junction with the Etowah above Cooper's Iron Works to the mouth of Cooper's Sandy Creek.

The amendment was agreed to.

The next amendment was in line 47 of section 2, to strike out the word "Head" before "Haven Creek" and insert "Tread;" so as to make the clause read:

Tread Haven Creek, at or near Easton Point, Talbot County, Maryland.

The amendment was agreed to.

The next amendment was to insert as lines 49, 50, 51, 52, and 53:

Slaughter Creek, near the mouth of Little Choptank River, Maryland.
Brown's Creek and Southeast Creek, Maryland.
Corsica Creek, Maryland.
Harbor at Leonardstown, Maryland.

The amendment was rejected.

The next amendment was to insert as lines 54, 55, 56, 57, 58, 59, and 60:

Duck Creek, from its mouth to Smyrna Landing, Delaware.
Dover River, or Saint Jones's Creek, Delaware.
Murderkill Creek, Delaware.
Mispillion Creek, Delaware.
Brandywine River, Delaware.
Broad Creek, emptying in Nanticoke River, from its mouth to the town of Laurel, in the State of Delaware.

Mr. SAULSBURY. I will say that these are short creeks or rivers running up from the Delaware Bay, all except the last one, to important towns in my State, upon which there is considerable commerce. They are very short; for instance, Duck Creek is only about seven miles from the town of Smyrna to the mouth of Delaware Bay. There is considerable commerce upon it, and at one time Smyrna was one of our principal places of business in the State. Dover River runs from my own town to Delaware Bay; is a river of about fifteen miles in length, upon which there is considerable commerce and where several vessels run. Murderkill Creek runs from the town of Frederica to the Delaware Bay, and is about seven miles. Mispillion Creek runs from Milford to the Delaware Bay, and is about seven miles long; and at that point I will say there is a ship-yard at which there are a number of vessels built, sometimes for New England trade, and this is a very important point. The Brandywine is near the city of Wilmington. My colleague is not present, but it is a matter in which the people of his city feel some interest. Broad Creek is in the lower part of the State. I have had a letter from a gentleman in that place saying that there are twenty vessels plying on that creek. It is a short creek of some fifteen miles, and they desire to have a survey, so that some obstructions may be removed.

I referred these amendments to the committee, and they have been adopted in the committee. I hope the Senate will allow them to remain in the bill.

The question being put on the amendment, there were—ayes 9, noes 16; no quorum voting.

Mr. ALLISON. The Senator from Delaware has explained the importance of these rivers and creeks, and I think there ought to be no objection to having them surveyed.

Several SENATORS. Let us vote again.

The PRESIDING OFFICER. The Chair will submit the question again to the Senate.

Mr. EDMUNDS. It appears that there is not a quorum. I ask the Chair to count the Senate and see whether there is a quorum present.

The PRESIDING OFFICER, (after counting the Senate.) There are forty Senators present. The question is on the amendment.

Mr. SAULSBURY. I will say that I have no personal interest in the matter, and no very special wish to gratify. I believe, however, these are as important as many other points named in this section of the bill. I am willing to strike out the whole section, but if you put in everybody else's amendment I see no reason why amendments for my State should not be concurred in. I am perfectly willing to strike out the entire section, and I say furthermore, that I am perfectly willing to vote this whole bill down, though it has some appropriations for Delaware, but I believe there are many unwise appropriations of money in this bill. I believe it is contrary to the intent and spirit of our fathers in reference to public improvements; and if you bring this question to a test vote, I think I shall vote against the whole bill, but I do not see why these items should not be voted for Delaware.

The PRESIDING OFFICER. The question is on the amendment inserting the items as to Delaware in the second section.

The amendment was agreed to—ayes 27, noes not counted.

The next amendment of the Committee on Appropriations was to insert as lines 65, 66, and 67 of section 2:

McKenzie River, Oregon, with a view of ascertaining the most practicable steamboat channel from the mouth of said river to the mouth of Mohawk River at Yarnels.

The amendment was agreed to.

The next amendment was to insert as lines 70 and 71 of section 2:

Songo River, and the channel leading from Long Lake to Sebago Lake, Maine.

The amendment was agreed to.

The next amendment was to insert as lines 90, 91, 92, 93, and 94 of section 2:

A survey of that portion of the Monongahela and Allegheny Rivers lying within and along the boundaries of the city of Pittsburgh, which portion of said rivers is hereby placed under the direction of the engineer in charge of the Ohio River.

Mr. HAMLIN. I should like a little information in relation to this matter before I vote. I propose to use all alike. According to my recollection the State of Pennsylvania has made very extensive improvements by locks and dams on that river. I passed over it some years ago and that is my recollection. Now what I want to know is if the design of this clause is to transfer the State works to the Government?

Mr. WALLACE. There is no such intention. The Senator from Maine is right in the fact that the Monongahela has been improved by locks and dams and slackwater navigation; but this amendment does not reach to that part of the Monongahela. This is intended simply to give a police power for navigation rights over the two rivers in front of the city of Pittsburgh, as I understand it. The engineer in charge of the Ohio is there, and there is a necessity for allowing him to have control over the fronts of the rivers on the city which form the Ohio at their junction. It comes from the members representing Pittsburgh and is desired by them.

Mr. DAVIS. I understand that there is a large river front on the two rivers at Pittsburgh, and that coal-barges coming down those rivers when the water is low are tied up at different places along the wharves and along the banks, and in some cases very much to the interference of regular commerce. It has been desired, as explained to me, that the wharves and banks of the rivers should be put under

control of the Government so as to make some general regulation and serve commerce as well as the coal-boats. That was the object of the clause.

Mr. EDMUNDS. I wish to ask the chairman of the Committee on Rivers and Harbors, or rather the gentleman who has this bill in charge, where he gets the authority to put the shore of the Allegheny and the Monongahela Rivers in the city of Pittsburgh under the charge and direction of the engineer. What become of the rights of the State of Pennsylvania to exercise jurisdiction over that shore?

Mr. ALLISON. I think I will turn that question over to my friend, the Senator from Pennsylvania, who has charge of this amendment.

Mr. WALLACE. The power of the engineer in charge of the Ohio River is to be extended over the portions of the rivers Monongahela and Allegheny that lie around the city of Pittsburgh. Control is not taken away from the State further than is necessary to regulate the exercise of navigation and the passage of commerce there.

Mr. EDMUNDS. If that is good democratic State-rights doctrine, I am for it. But this amendment says that these rivers at their junction are put under the direction of the engineer in charge, and if "direction" is not complete and absolute control, if he cannot say to this boat "go" and to the other "come," or to this officer of the State "go" and to the other "come" or certainly "go," then I do not understand the use of language. If this provision had said that these improvements there were put under his direction it would be one thing, but to put those two rivers into the absolute control and direction of the engineer who happens to be in charge, it appears to me is to set up a kind of king there.

Mr. WALLACE. I do not think the power given by this provision of the bill will allow the exercise of any such autocratic authority as the Senator supposes. No interference, it seems to me, need be feared with the right of the State. It would simply be under the power to regulate commerce, taking care that steamboat navigation was not interfered with. I should be the last person to agree with any interference by the United States with rights of individual property or with State authority; but I do not think that can be reasonably inferred from the use of these words.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was to insert as lines 95, 96, 97, 98, and 99 of section 2:

For continuing survey of the Youghiogheny River, to continue the slackwater navigation up said river to the headwaters at the foot of the Alleghany Mountains, thence by canal to Cumberland, intersecting there the Chesapeake and Ohio Canal.

Mr. EDMUNDS. Now I want to make another inquiry, and I am not doing it for the purpose of fun, but I wish seriously to be informed. This river, if I am correct in my supposition, the name of which I cannot pronounce, is wholly within the jurisdiction of the State of Pennsylvania. It does not lie between two States, does it?

Mr. WALLACE. It does not.

Mr. EDMUNDS. And here you propose to continue slackwater navigation "up said river to the headwaters at the foot of the Alleghany Mountains." That is to say, the river naturally is not a navigable stream in the public and constitutional sense. Now I wish to know whether Congress has any authority to pick up any brook it chooses in the State of Pennsylvania or in the State of Vermont and call it slackwater navigation, and oust the State authorities from their control over the very same subject. I am not speaking of private property; but suppose the State of Pennsylvania has already provided or chooses to provide for arranging that river so that logs may be floated down it or otherwise, or to say that a dam shall be here and shall not be in another place, and Congress undertakes out of its own supreme power to control commerce to say, "We will take that brook from the State of Pennsylvania and have it ourselves so far as any use of it is concerned, and we will direct by our supreme power where dams shall be put and where they shall not be put;" can it be possible that we have any authority to do a thing of that kind?

Mr. WALLACE. Mr. President, in justice to myself and to those by whom this clause was put in the bill, it is proper to state that this proposition comes from the engineers in charge, and is to continue surveys already commenced. I agree fully with the Senator from Vermont as to the constitutional and legal doctrine involved in this subject. We have no legal right to appropriate money as proposed to be appropriated here, and I will go with him to the fullest extent upon that theory and doctrine. But this is simply to continue surveys already commenced, and at request of the member of the House the committee put in this item, although it was considered as one of those least necessary. I am entirely content that the Senate may do with this proposition just what it pleases.

Mr. ALLISON. In furtherance of what is said by the Senator from Pennsylvania, I will say to the Senator from Vermont that I think Pennsylvania will find no fault with this amendment.

Mr. EDMUNDS. I dare say; but that is not the point.

Mr. ALLISON. As far as the Monongahela is concerned, the State of Pennsylvania has already improved that river very largely. I think she has built, through a company chartered for the purpose, six or seven locks and dams, whereupon the United States has taken hold of that same improvement, and has now built, I think, two. Last year we appropriated a considerable sum, and in this bill there is found an appropriation of $25,000 to begin a new lock and dam on the Monongahela River, which is wholly in the State of Pennsylvania.

Mr. EDMUNDS. That does not prove that it is constitutional.

Mr. ALLISON. I was merely explaining that probably there would be no difficulty from the State of Pennsylvania.

Mr. HAMLIN. I desire to make an inquiry of the Senator from Pennsylvania as to what is the intent and meaning of the latter part of this amendment:

Thence by canal to Cumberland, intersecting there the Chesapeake and Ohio Canal.

Does that mean that after you have found the headwaters of this stream you are then to construct a canal from there to the Chesapeake and Ohio Canal?

Mr. ALLISON. That is the idea.

Mr. WALLACE. I understand that to have been the original purpose of this survey, with which I had nothing to do. It originated, I believe, in 1874.

Mr. HAMLIN. I supposed that was the meaning, but it seemed a little obscure.

Mr. DAVIS. This is a continuation of a survey that has been in progress for three years. It was originally intended, and is now by those who favor it, to ascertain the practicability of connecting the Chesapeake and Ohio Canal that starts at Georgetown, and is now finished as far as Cumberland, with Pittsburgh. The river Youghiogheny and the river running from this side of the mountain, which is Savage River, have been surveyed roughly. The intention of this additional survey is to allow the engineers, who are now at work, as I understand, if upon the judgment of the Secretary of War he can do it out of the $50,000, to continue that survey at least long enough to get a report. There is no money appropriated for it specially.

Mr. EDMUNDS. I wish to ask the Senator from West Virginia if he supposes that is within the constitutional authority of Congress?

Mr. DAVIS. As much so as many others.

Mr. EDMUNDS. But that does not answer the question. Will the Senator tell me, if he is willing, whether the thing in itself is within our constitutional power according to his view?

Mr. DAVIS. The Senator from West Virginia would prefer not going into that argument now.

Mr. SAULSBURY. This is certainly objectionable, and is liable to the objection suggested by the Senator from Vermont, as an attempt on the part of Congress to make a survey looking to the appropriation of money for an artificial highway, which I do not believe we have any constitutional power to do. I shall therefore vote against the amendment. While I have stood by the committee usually, I shall vote against this amendment.

Mr. WHYTE. If this was a new proposition I should say that the Senate ought to vote it down; but on the 23d of June, 1874, Congress ordered these surveys to be made, and they are not yet completed. This amendment is simply to complete the surveys which by the act of June 23, 1874, Congress authorized, and about which we have a report made by Major Merrill, showing the requirement of an additional small appropriation to complete the work already begun. This is a proposed survey to see whether such a continuation can be practicable of the Chesapeake and Ohio Canal, intended to connect the waters of the Ohio with the waters of the Chesapeake.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was to insert as lines 114, 115, 116, and 117:

A survey to ascertain the practicability and cost of a water-route from head of tide-water on the Patapsco River, Maryland, to head of tide-water on the Eastern Branch of the Potomac River, near the town of Bladensburgh, Maryland.

Mr. EDMUNDS. I should like to ask my friend from Maryland, for whose opinions on constitutional law I have a very great respect, whether he believes that this provision for a survey for a canal from the headwaters of the Patapsco to the headwaters of the Eastern Branch of the Potomac, wholly within the State of Maryland, is within the constitutional power of Congress?

Mr. WHYTE. Mr. President, the United States is a stockholder in this company, holding two millions and a half out of eight millions of stock; and I do think that if the United States can open up any route which will yield a revenue to the people of the United States on the money invested in this canal it is a legitimate and proper work, and is an exception to the general rule, with which I agree, as stated by the Senator from Vermont.

The amendment was agreed to.

The next amendment was to insert as lines 118, 119, and 120 of section 2:

To ascertain the practicability and cost of cutting a deep channel from the lower anchorage of the bay of Mobile to the city of Mobile, Alabama.

The amendment was agreed to.

The next amendment was to insert as lines 121 and 122 of section 2:

A survey to ascertain the cost and practicability of removing the obstructions in Withlacoochee River, Florida.

The amendment was agreed to.

The next amendment was to insert as lines 123, 124, 125, 126, and 127 of section 2:

An examination and survey to ascertain the cost and practicability of removing the obstructions at the entrance of the harbor of Pensacola, Florida, and of deepening the channel of Blackwater River between Pensacola and Milton in said State.

The amendment was agreed to.

The next amendment was in line 161 of section 2, after the word "near" to insert "and between;" so as to make the clause read:

Delaware River, near and between Petty's and Smith's Islands.

The amendment was agreed to.

Mr. ALLISON. I have some amendments to offer for additional surveys.

Mr. EDMUNDS. Are the amendments reported by the committee all disposed of?

The PRESIDING OFFICER, (Mr. MITCHELL.) There is one undisposed of from line 163 to line 172 of section 2.

Mr. EDMUNDS. I insist on the regular order. Let us have the vote on the fifty-thousand-dollar appropriation, and then we will put in the other rivers.

Mr. ALLISON. I submit whether the committee cannot make the amendments in their order. I offer a list of surveys which we have picked up.

The PRESIDING OFFICER. The Chair thinks the amendment of the Senator from Iowa will be in order coming from the committee.

Mr. EDMUNDS. I make the point of order so as to make the law for the Senate, (I do not care which way it is decided,) because the committee has no more right than anybody else, that we cannot consider any other amendments than those reported with the bill until they are disposed of.

The PRESIDING OFFICER. In order that the point may be well settled, the Chair will submit it to the Senate.

Mr. WEST. I hope the Senate will understand that pending debate on this bill other amendments have been submitted to the committee, and the amendments now offered by the Senator in charge are supplemental to amendments already offered, but they are objected to by the Senator from Vermont.

Mr. ALLISON. Many of these amendments were submitted to the committee before the bill was reported, and were omitted by accident.

Mr. EDMUNDS. I hope I shall not be misunderstood. I am not objecting to the amendment the Senator from Iowa wishes to offer. I am only asking that we follow the law of the Senate and go through with the amendments that are reported and in the bill, of which there is a single one left. That is my point of order, and, as I say, I do not care which way the Senate decide it. It was never disputed before, and after it is decided if the Senator has any special object of course I shall not make any objection.

Mr. ALLISON. The committee had no special object. If it satisfies the Senator any better to vote on the printed amendment, I will waive offering the other for the present.

Mr. EDMUNDS. All I want now is to know what the rule of order is, for on some other bill it may be important.

The PRESIDING OFFICER. The Chair will make this statement: All the amendments reported by the Committee on Appropriations and in the printed bill, with the exception of two, have been agreed to or disagreed to by the Senate, pending which the Senator from Iowa offers another amendment from the committee. The question is whether that is in order. This the Chair will submit to the Senate.

Mr. SHERMAN. I would ask the Chair if the Secretary remembers any precedent or any rule on the subject?

The PRESIDING OFFICER. The Chair is advised that it is simply a practice of the Senate; that there is no definite rule on the subject.

Mr. ANTHONY. I understood the Senator from Iowa to consent that it should go in the way the Senator from Vermont wanted.

Mr. ALLISON. I did propose to waive it, but my honorable friend from Vermont wanted a ruling on this point.

Mr. EDMUNDS. I do not want any ruling if the Senator waives it, because that leaves it where it is. The simple point is—and it is of no consequence in this particular bill, but it is of consequence that we preserve some order—that going through the bill according to law we have come to a fifty-thousand-dollar amendment. Now the gentleman representing the committee proposes to go back and put something else into the body of the bill before we vote upon this amendment. That I insist is not in order, but I do not care anything about it on this bill.

Mr. ALLISON. Very well, I waive it.

The PRESIDING OFFICER. The Secretary will report the last amendment.

The CHIEF CLERK. It is proposed to add at the end of the second section of the bill:

And the sum of $50,000 is hereby appropriated for such examinations and surveys, and for incidental repairs of harbors for which there is no special appropriation provided for by law: *Provided*, That the Secretary of War shall make an estimate of the total cost of the examinations and surveys herein provided for; and in case the sum herein appropriated shall prove insufficient to complete said examinations and surveys, only such rivers and harbors shall be examined and surveyed as in his judgment are most important.

The amendment was agreed to.

Mr. CONKLING. I now ask the Senator from Iowa if he will allow me to turn back to pages 1 and 2 of the bill?

Mr. ALLISON. I want to add a few surveys.

Mr. CONKLING. I know that, but as we have taken the order of finishing the bill as it stood, I have a suggestion to make.

Mr. ALLISON. Go on.

Mr. CONKLING. The committee under its policy reported to strike out several items in the bill on pages 1 and 2 relative to the State of New York. I think I have the acquiescence of the committee in saying that those provisions as they stood in the House bill are quite as urgent and meritorious as the average provisions standing in the House bill, and therefore I ask that the vote may be reconsidered by which these amendments were agreed to and these provisions stricken out; I will read them:

For the improvement of the harbor at Dunkirk, New York, $18,000.

Since the vote of the Senate I have received by telegraph and by letter urgent expostulations from people there remonstrating against the propriety of dropping that work.

So too we find on page 2, lines 15 and 16:

For the improvement of the harbor at Olcott, New York, $6,000.

Again in line 19:

For the improvement of the harbor at Pultneyville, New York, $5,000.

And at line 21:

For the improvement of the harbor at Great Sodus Bay, New York, $5,000.

For varying reasons, but for truthful reasons in each of these cases, these provisions as they stood in the House bill, assuming that the Treasury is in condition to make such appropriations as the Senate has considered it fit to make now, should be where they are. I ask that the vote striking them out be reconsidered and that the amendment be non-concurred in.

The PRESIDING OFFICER. Is there objection to the motion covering these several amendments? If not, the Chair will put the question on the motion to reconsider them all at once.

The motion to reconsider was agreed to.

Mr. CONKLING. Now I ask that the amendments be non-concurred in, the vote being taken together.

The PRESIDING OFFICER. The Chair will put the question in reference to all these amendments, there being no objection. The question is on the amendments reported by the committee as stated by the Senator from New York.

The amendments were rejected.

Mr. ALLISON. I ask now to insert the omitted surveys. After line 162 of section 2 I move to insert:

Survey of the Potomac River, from Georgetown, District of Columbia, to the new outlet-locks constructed on the Chesapeake and Ohio Canal.

Survey of the Red River above the raft to western boundary of the State of Arkansas.

Little River, from its mouth to the western boundary of Arkansas.

Examination and survey of the Missouri River immediately above and at Nebraska City, Nebraska, with a view of determining what measures, if any, are necessary to be adopted to preserve the landing for steamboats and other vessels at said port.

Roanoke River, from Weldon, North Carolina, to Clarksville, Virginia.

Survey, estimate, and report of the cost of a dyke from the upper north end of the island known as Bloody Island, Mississippi River opposite the city of Saint Louis, to the wing-dam opposite Brooklyn, Illinois, and of the practicability and usefulness of such dyke for improving said river and its harbor and for protecting the lands on the east bank of said river against overflow and the deflection and abrasion of the current of said river.

The amendment was agreed to.

Mr. HARVEY. Among the surveys I notice a topographical error on page 22, line 26 of section 1. "Kansas City" should be "Arkansas City."

The PRESIDING OFFICER. The Chair hears no objection to that amendment, and it will be made.

Mr. WRIGHT. I have two little amendments, and I want to offer both.

The PRESIDING OFFICER. The Chair will state that there is an amendment reported by the committee not yet acted upon on page 12. It will be read.

The CHIEF CLERK. The committee reported to strike out lines 263 and 264 of section 1, as follows:

For the improvement of Pascagoula Bay, Mississippi, $10,000.

Mr. SPENCER. I hope the same course will be taken with that as with the others, and then I have a proviso to offer to perfect the paragraph.

The PRESIDING OFFICER. The question is on the amendment to strike out the clause.

The amendment was rejected.

Mr. SPENCER. Now I offer the following proviso to that appropriation, to come in after line 264:

Provided, That the State of Mississippi shall secure from the owners of the Noyes Canal a release of all the claims the latter might have against the United States were the United States to proceed with works of improvement without such release.

Mr. EDMUNDS. What does that mean?

Mr. SPENCER. The Senator from Iowa can explain what it means. He has the book there with the reports of the engineers. It appears the canal is owned by some private parties.

Mr. LOGAN. Let us understand what the question is.

Mr. SPENCER. I will endeavor to explain the amendment so that the Senator from Illinois shall understand it. The Engineer Department reports that such a proviso is necessary. The Senator from Iowa can read the recommendation, if the Senator from Illinois desires.

Mr. EDMUNDS. What is the state of facts that makes this proviso necessary?

Mr. ALLISON. Some private parties own a canal, called the Noyes Canal, at the point where this improvement is to be made. The en-

gineer recommends that any appropriation made shall be upon the condition that the State of Mississippi shall release whatever interest it has in this canal.

Mr. SPENCER. That the State of Mississippi shall indemnify the Government of the United States against any damages which the owners of the canal might claim.

Mr. ALLISON. I ask the Secretary to read what I have marked in the report which I send to the desk.

Mr. EDMUNDS. Before that is done I wish to say that the substance of it taken together is that we are to appropriate money to improve a canal now owned by private parties; but before we can do it safely we must buy the canal. I think that is a good thing; we ought to buy it before we go at it.

Mr. ALLISON. We must be released from damages that might occur from our improvements to this corporation.

Mr. EDMUNDS. That is another way of stating the same thing.

Mr. LOGAN. We are to improve their canal, and if they are damaged any we are not to pay damages.

The PRESIDING OFFICER. Is the Senate ready for the question?

Mr. CONKLING. Let me make an inquiry. I ask the Senator from Iowa whether I understand it right. An improvement is proposed. The engineers say that an impediment or contingency standing in the way is the possibility of objection or claim by a private corporation that they are interfered with and they say that the assent or indemnity of the State in which the improvement is to be made should be obtained before the work proceeds. Now, the Senator from Alabama offers an amendment requiring that condition-precedent suggested by the engineers to be complied with. Am I right in my statement?

Mr. SPENCER. Entirely right.

Mr. CONKLING. Then really I do not see why it is not a case somewhat familiar. I know nothing about the merits of this work, whether it should be done or not; but it is a very familiar thing where an improvement is to be made which the law-making power adjudges to be proper, and private rights intervene, to require a relinquishment of those rights. Not only the records of the Senate, but the decisions of the Supreme Court will abundantly support me in saying that that is not unusual in legislation. If there be no other objection to that amendment, if the work be meritorious, I do not think the fact that a Senator offers an amendment complying with the recommendation of the engineers by cutting off any possibility of claim against the Government for damage or trespass hereafter, should disparage or defeat it.

Mr. LOGAN. No; the point I make is that I want to know if this money is for the improvement of private property.

Mr. CONKLING. Not at all. As I understand, improving this water-way, in the estimation of the engineers, may have the effect to impair certain vested rights of a private corporation. They say, therefore, that either those rights should be relinquished or the State should indemnify the General Government against any claim for damages which, in consequence of these rights, may hereafter be preferred. The Senator from Alabama offers an amendment providing as a condition-precedent to the expenditure of this money that the Government shall be saved harmless, indemnified against the possibility of claim in that regard.

The amendment was agreed to.

Mr. DENNIS. I ask that the Senate reconsider the vote by which the amendment of the committee in lines 49, 50, 51, 52, and 53 of section 2 were non-concurred in. I was not aware at the time that it concerned all the streams there named.

The motion to reconsider was agreed to.

The PRESIDING OFFICER. The question recurs on the amendment to insert as lines 49 to 53 in section 2 what will be read.

The Chief Clerk read as follows:

Slaughter Creek, near the mouth of Little Choptank River, Maryland.
Brown's Creek and Southeast Creek, Maryland.
Corsica Creek, Maryland.
Harbor at Leonardstown, Maryland.

The amendment was agreed to.

Mr. WRIGHT. I have two amendments that I wish to offer to this bill. I propose on page 15, after line 331 of section 1, to insert:

For the improvement of the harbor at Fort Madison, Iowa, $10,000.

The question being put, it was declared that the ayes appeared to prevail.

Mr. DAVIS. I ask whether the committee considered the amendment offered by the Senator from Iowa?

Mr. WRIGHT. The amendment is in accordance with an estimate that has been made by the Secretary of War and was referred to the Committee on Commerce. I offer the amendment in pursuance of this recommendation. It may be an objection that it is founded on an estimate, for many have been passed not founded on estimates; but I have one founded on estimate made by the Secretary of War after two examinations of the harbor by persons deputed to make the examination.

Mr. DAVIS. I do not know anything about the amendment. My attention was called off at the time, and although it comes from the colleague of the Senator who has charge of the bill, yet I think the Senator is bound to take care of his bill.

Mr. WRIGHT. What objection is there to the amendment either in point of order or anything else?

Mr. NORWOOD. I raise the point of order that the amendment has already been adopted.

Mr. WRIGHT. This amendment is offered in pursuance of an estimate made by the War Department; and that, I understood, comes within the rule.

Mr. WEST. I should have been very glad as a member of the committee to have raised a point of order against this amendment; but, under my reading of the rule, that point cannot be made. It does come here in pursuance of an estimate from the head of a Department.

Mr. DAVIS. Where is the estimate? Is it in the Book of Estimates?

Mr. WEST. There is a special estimate.

Mr. WRIGHT. I understand that this amendment has been adopted, and unless there is some question of order made or some reconsideration of it, I do not wish to make any point, but I am sure I am in order under all the rulings made here before.

Mr. DAVIS. If the amendment has been adopted, I move a reconsideration.

Mr. NORWOOD. My understanding is that the amendment was voted upon and adopted.

The PRESIDING OFFICER. The Chair would inquire of the Senator from Iowa if this estimate is in the regular Book of Estimates?

Mr. WRIGHT. The amendment is recommended by a special letter of the Secretary of War on a communication made to him, which I will send to the Clerk to have read.

The PRESIDING OFFICER. It is the individual opinion of the present occupant of the Chair that it would be in order; but the precedents have been otherwise. The Senate ruled against the present occupant of the Chair on this precise question at the last session, that in order to be in order an item moved as an amendment must either be reported from a committee or be in the regular estimates.

Mr. DAVIS. The regular Book of Estimates. It has been so decided.

The PRESIDING OFFICER. Following that precedent, the present occupant of the Chair would sustain the point of order made by the Senator from Georgia.

Mr. ALLISON. The point of order of the Senator from Georgia was that this amendment had been agreed to.

The PRESIDING OFFICER. The Chair understood that the point of order was that it was not reported from a committee and not in the Book of Estimates.

Mr. NORWOOD. My point was that the objection came too late; that the Senate had already adopted the amendment.

Mr. SAULSBURY. There were no yeas and nays taken, no division called, and nothing else intervened.

Mr. WEST. It is not a material matter, but I shall appeal from the decision of the Chair.

The PRESIDING OFFICER. The Senator from Georgia and the Senator from Delaware are both under misapprehension. The Chair had not announced the result.

Mr. WRIGHT. Allow me to say one word. I trust my friend from Georgia will make no objection. There being a recommendation for this special work, the matter being referred to the War Department and having sent an engineer there who made the examination and that engineer having made a report, I do not think the point of order is well taken. I trust he will not press it as against this amendment.

Mr. NORWOOD. My point of order was in favor of the amendment.

Mr. WEST. I shall take an appeal from the decision of the Chair, the decision of the Chair being that estimates must be in the regular Book of Estimates. The whole action of this committee has been upon revised estimates. Are you to come to the conclusion that when, in November, the Departments make up their estimates and send you here the regular book, it is not discretionary with them, pending the action of Congress, to revise those estimates and throw them out? Most assuredly an estimate is good for us whether it is in the regular book or whether it is the after reflection and the sober second thought of the head of the Department; and, following the rule as it stands, clearly the Senator has a right to offer it. What does the rule say?

Or moved by direction of a standing or select committee of the Senate, or in pursuance of an estimate from the head of some of the Departments.

Is there anything there said about the regular Book of Estimates? Do you intend to shut out your heads of Departments that they shall not have the opportunity to revise their estimates?

Then take the other proposition, that the Senator had the opportunity of giving notice of this amendment. He did give notice of it; he referred this amendment to the Committee on Commerce and it should have been transferred; but possibly in the transfer from the Committee on Commerce to the Committee on Appropriations it has been lost sight of. It is not a matter of any great moment, but there is the principle laid down in your text and your law, and you are bound to adhere to it.

Mr. ALLISON. This amendment was considered by the Committee on Appropriations, and under the rule adopted by the committee we did not insert it. But the Senator from West Virginia says I ought to take care of this bill. I have been endeavoring for two days to take care of this bill, and the Committee on Appropriations have been voted down again and again, until at last we had but seven votes in favor of the action of the committee on this bill. Now my

colleague offers an amendment with reference to an appropriation for a harbor in my own State of $10,000. The report of the engineer shows that this harbor has been obstructed by the action of the United States itself by means of building the improvement below the city of Fort Madison, and thus in a degree diverting the channel of the Mississippi River from the city to the opposite shore. The object of the amendment is to close up one of the chutes on the opposite side of the river in order to throw this river again into the canal now being constructed by the Government of the United States and for which there is an appropriation of $275,000 in this bill to complete. Therefore, if there is an appropriation outside of what the Committee on Appropriations have reported, I think the amendment suggested by my colleague is a proper one. The Committee on Appropriations did not report it, because they desired in good faith to postpone for this year absolutely every appropriation that they did not believe essential to the existing commerce of the country; but the Senate has over and over again by the votes of every section of this country, from the south to the north, the east to the west, rode this bill down so that it has now over $900,000 more appropriated for the rivers and harbors than it had when it came from the Committee on Appropriations; and I shall not stand here in my place and oppose a just and worthy appropriation, and especially, too, when the cause for that appropriation was made by the action of the Government.

Mr. ANTHONY. I admire the virtue of those Senators who, having overrode the committee and got everything they wanted for their own sections, now oppose——

The PRESIDING OFFICER. Will the Senator allow the Chair a moment? There is a misapprehension on the part of the Chair. He now understands that the Senator from Georgia really did not make the point of order at all; consequently there is no question of order before the Senate.

Mr. ANTHONY. That has spoiled my speech; I was going to speak to the point of order. Clearly, I think, the amendment is in order.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Iowa, [Mr. WRIGHT.]

Mr. DAVIS. I desire to understand the rule. I have no doubt, in fact I hear of several similar amendments to be offered now upon this ruling. If a recommendation from the Department is an estimate, not an estimate coming in the regular Book of Estimates, but a letter, printed or otherwise, from the Department makes an amendment in order, then of course the request of the Senator from Iowa is in order in the Senate. But the Chair asked the Senate to rule on it so that there would be no misunderstanding whether or not the present amendment is in order under the rule the Senate has heretofore generally acted on.

Mr. WRIGHT. Allow me to make one inquiry. I wish to ask the Senator from West Virginia whether he makes the point of order on this amendment?

Mr. DAVIS. I make it on all, because I understand there are half a dozen.

The PRESIDING OFFICER. The Senator must make his point on this.

Mr. WRIGHT. This is the only one before us now.

Mr. DAVIS. Of course it must be made on some one.

Mr. WRIGHT. The Senator makes it on this?

Mr. DAVIS. Of course, and I ask the Chair to rule on it.

Mr. ANTHONY. I ask the Senator from West Virginia to point out the rule which requires that an amendment to the river and harbor bill shall be according to the estimate of the head of a Department. If he will do so he will point to a rule I do not know of. All the general appropriation bills require as a condition of an amendment that it shall be from a standing or select committee of the Senate or upon the estimate of a Department; but this rule does not apply to the river and harbor bill, for it is not a general appropriation bill. The river and harbor bill is not a general appropriation bill; it does not go to the Committee on Appropriations, although it has for special reasons in this case been sent there this session, but goes to the Committee on Commerce.

And in like manner notice of amendments to bills making appropriations for rivers and harbors shall be given and referred to the committee to which such bills shall be referred.

But nothing is said about requiring an estimate from the Department. Amendments have always been made to river and harbor bills without the recommendation of a Department.

Mr. MERRIMON. I do not understand that this amendment has been referred to the committee at all.

Mr. ANTHONY. That is another question. I understood the chairman to say it had been referred to the committee and rejected by the committee.

Mr. DAVIS. I understand it to be the case that it had been referred.

Mr. EDMUNDS. Then there is nothing in the point.

Mr. DAVIS. I withdraw the point of order. I am satisfied now.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Iowa, [Mr. WRIGHT.]

The amendment was agreed to.

Mr. WRIGHT. I have one other amendment based on the same estimate made by the Secretary of War to follow the amendment I have just offered:

For the improvement of the Rush Chute of the harbor at Burlington, Iowa, $10,000.

Mr. THURMAN. I wish to know if my understanding was right of the remark made by the Senator who has this bill in charge a few minutes ago. I understood him to say that the Senate had put $900,000 on this bill above the amount reported by the committee.

Mr. ALLISON. About that sum. That is, the committee struck out about $900,000 and it has all been re-inserted.

Mr. THURMAN. How much did the committee add to the House bill?

Mr. ALLISON. The committee added $36,000 to the House bill; the committee changed the bill to the extent of $36,000. The committee struck out provisions in the House bill to the amount of $945,000 and added $980,000.

Mr. THURMAN. So that the committee of the Senate increased the House bill.

Mr. ALLISON. Thirty-six thousand dollars.

Mr. WITHERS. The action of the Senate has restored all the House bill items stricken out by the committee.

Mr. THURMAN. The action of the Senate has added $900,000.

Mr. EDMUNDS. Nine hundred and fifty thousand dollars.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Iowa, [Mr. WRIGHT.]

Mr. MERRIMON. Has that been referred.

Mr. WRIGHT. It is in the same situation as the other.

The amendment was agreed to.

Mr. NORWOOD. I offer an amendment to come in after line 205 of section 1:

For the improvement of the harbor of Brunswick, Georgia, $10,000.

I hold in my hand a letter from the Secretary of War dated May 10, 1876, communicating to the Senate, in response to a resolution introduced by my colleague, the estimate made by the Chief of Engineers, General Humphreys, for the work for which I ask that amount. He says:

The town of Brunswick is situated about eight miles above the narrows formed by Saint Simon's and Jekyl Islands, upon a branch of the main stream which flows around Buzzard's Island. In this branch, near its lower confluence with the main channel, and below the town, there is a shoal, upon which there is only 10 feet soundings at mean low water, which ought to be removed.

He then proceeds:

If a channel be cut through the ten-foot shoal one hundred feet wide at bottom and fifteen feet deep at mean low water, vessels drawing over twenty-one feet can pass through at high tide and reach the deep anchorage near the city. At twenty-five cents per cubic yard of dredging the cost will be:

For 50,000 cubic yards, at twenty-five cents per yard	$12,500
Add 20 per cent. for contingencies	2,500

It is estimated that they can probably accomplish that work with $10,000, or that amount can be expended during the present fiscal year, and if not sufficient, a small additional appropriation will accomplish the work. The town of Brunswick in the year 1874 had in port three hundred and four vessels with a tonnage of 77,800 tons, and the value of the exports of that town during that year was $691,000. Vessels that draw over ten feet of water cannot reach the city on account of that shoal, and it is for the purpose of removing that shoal that I ask this appropriation. It is based, as I have stated, on the estimate of the Chief of Engineers, and that estimate is communicated by the Secretary of War and the appropriation is recommended by the head of the Department.

Mr. EDMUNDS. I wish to inquire whether this amendment has been submitted to the Senate and referred to the Committee on Appropriations?

Mr. NORWOOD. Yes, sir.

Mr. WITHERS. The amendment was referred to and considered by the committee.

The PRESIDING OFFICER. It is in order.

The amendment was agreed to.

Mr. WHYTE. Mr. President, we have been for the last two or three days distributing the money of the people with as much generosity as if it were our own, and I now propose an amendment to this bill by which we shall get some money back into the public Treasury, and I should like to see how the sense of the majority of the Senate will appear upon this proposition. It is to insert on page 6, after line 123 of section 1, the following:

For the improvement of the Potomac River west of Cumberland, including the purchase of sites for dams and locks, $150,000.

This amendment I proposed on the 4th of May, and it was sent to the Committee on Commerce and thence transferred to the Committee on Appropriations with the bill.

I desire to put myself right because I am afraid my friend, the Senator from Vermont, may appeal again to my constitutional views in regard to this bill.

This amendment is for the purpose of aiding in the extension of the Chesapeake and Ohio Canal from Cumberland (its present terminus) to Savage River by the north branch of the Potomac, so as to reach the coal-fields of George's Creek. This is really a work of national importance and national concern. As I stated awhile ago the United States is a stockholder in this company to the extent of two and a half millions of dollars. Originally, I think, the United States subscribed to the capital stock $1,000,000, Washington and Georgetown subscribed $1,500,000, making a total of $2,500,000. These amounts so subscribed by the cities were subsequently assumed by Congress, and the United States now holds $2,500,000 in a capital

stock of $8,226,593.67. The Government also holds an amount of the preferred bonds of this company for the benefit of the Indian trust fund.

This canal was one of the very first lines proposed between the West and the seaboard.

The Select Committee on Transportation Routes to the Seaboard, in their report at the first session of the Forty-third Congress, page 234, speak highly of this water route, and thus refer to it:

Its construction was begun in the year 1828, and it was completed to Cumberland, Maryland, on the eastern slope of the Alleghany range, in the year 1851, at a cost of $11,071,000. This route, in its topographical features and in the commercial results which it is expected to subserve, is quite similar to the James River and Kanawha route.

Congress last year appropriated for the Kanawha route the sum of $300,000, and a similar amount is appropriated in this bill.

The same reasons which induce these appropriations for the Kanawha route apply to the Chesapeake and Ohio Canal.

The canal company has been quite successful of late in paying off the accumulated interest on the bonded debt, and is approaching a period when it may be remunerative to the stockholders and the United States among them; but it is necessary to extend the canal to the coal-fields so that some competition with the railways between Cumberland and the coal region may be afforded to the canal. This extension would save twenty-eight miles railroad transportation. The act of Congress of March 3, 1875, provided for surveys for the continuation and completion of this canal, and under that act Major Merrill has made his report which is found in Executive Document, H. R. No. 137, of this session, on page 32. He states as follows:

This North Branch canal has been treated as a local extension to the coal-fields of the existing Chesapeake and Ohio Canal, and therefore its dimensions and draught have been made the same as those of the canal already built. It is, therefore, a smaller canal than the one projected as the Will's Creek through-transportation route.

From the mouth of Savage River to the guard-lock at Cumberland the distance by the canal-line is thirty and one-half miles, and of this distance nearly two miles is the slack-water of the Cumberland pool, leaving twenty-eight and one-half miles of canal proper. The fall is 335.3 feet, and is overcome by 43 locks, the average lockage being 7.8 feet. The canal is assumed to be of the same size as the Cumberland division of the existing canal, namely, 62 feet width of water-surface, 32 feet width of floor, and 6 feet depth of water, with locks 100 feet long and 15 feet wide.

The estimated cost is	$2,656,558
If we omit the upper two miles, whose estimated cost is	418,314
We have as the cost of the canal from Cumberland to George's Creek	2,238,244

The original surveys for this canal were made by engineers of the General Government, under the direction of the United States board of internal improvements. The first division, from Washington to Cumberland, a distance of one hundred and eighty-four miles, has been completed, and this amendment is intended for the preparation of the Potomac River for the construction of the second division of the canal, from Cumberland to the coal mines. And after that we may hope to see it carried on its last division, to the Ohio River, as a great water-line from the Mississippi River to the Atlantic Ocean.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Maryland, [Mr. WHYTE.]

The amendment was rejected.

Mr. CAMERON, of Wisconsin. I ask that the vote by which the Senate agreed to the amendment striking out lines 56 and 57 be reconsidered. That clause is for the improvement of Menomonee Harbor at the mouth of Menomonee River.

Mr. ALLISON. I believe that is pretty nearly the only amendment the committee reported striking out appropriations that has not been disagreed to. I suppose we might as well disagree to that also.

The motion to reconsider was agreed to.

The PRESIDING OFFICER. The question is on the amendment of the committee striking out lines 56 and 57 of section 1, in the following words:

For the improvement of the harbor at Menomonee, Wisconsin, $10,000.

The amendment was rejected.

Mr. EDMUNDS. There is one left of $8,000 for the harbor of Swanton, in Vermont. I believe that is the last one of the committee's amendments that were agreed to. I voted for it, but I am bound to say that the appropriation is just as necessary and more so than most of those the Senate has put on. Therefore, to have equality all around, I ask the Senate to reconsider that.

The PRESIDING OFFICER. Is there objection?

Mr. ALLISON. It seems to me that ought not to go in.

Mr. EDMUNDS. It is just like all the others.

The motion to reconsider was rejected.

Mr. ANTHONY. I propose an amendment which is according to the estimate and the recommendation of the War Department, notice of which was given, and it was printed and referred to the committee, and I think that the chairman of the committee will not object to it. The amendment is for the improvement of Little Narraganset Bay, Rhode Island and Connecticut, $10,000.

Mr. ALLISON. It is a meritorious improvement, and the committee, under the rule established, do not object to it.

Mr. ANTHONY. It is necessary to an improvement that has been going on for four years, which is comparatively useless unless this appropriation is made.

The PRESIDING OFFICER. The amendment will be read.

The Chief Clerk read the amendment, as follows:

For the improvement of Little Narraganset Bay, Rhode Island and Connecticut, $10,000.

Mr. MERRIMON. I want to say to the friends of this bill that if they expect to pass it they are getting it into very bad condition.

Mr. ANTHONY. If my friend from North Carolina objects we can go back and take a little out of the French Broad or some of those rivers. Here is the only local appropriation, except the pitiful sum of $5,000, that has been given to the State of Rhode Island; and after the liberality we have shown to everything in North Carolina, I do not think it becoming in my friend to make the objection.

Mr. MERRIMON. Will my friend vote for the bill with this amendment on it?

Mr. ANTHONY. Will I vote for it because it gives an appropriation to my State? I cannot tell how many other amendments will be put on. I cannot tell whether I shall vote for the bill until it is completed; but if there is anything that would make me vote against the bill it would be some of the absurd amendments put on for improvements in the State of the Senator from North Carolina. This amendment will strengthen my disposition to vote for the bill very much indeed.

Mr. MERRIMON. My opinion has been, and that was the suggestion I meant to make to the friends of this bill, that a warfare that is legitimate will now be made upon it with a view to crush it, and to heap up appropriations to such an amount as that nobody in the Senate will support it. It is rapidly approaching that point now.

Mr. ANTHONY. I think if anything will imperil this bill it will be the rejection of such amendments as those offered by my friend from Iowa, and this that I offer now, after amendments of the kind advocated and insisted on by my friend from North Carolina were put on the bill.

Mr. MERRIMON. My friend does me and the river that I insisted upon yesterday great injustice. There seems to be a false idea prevailing that no river in the mountains is fit to be improved by the General Government. If the Senator could know that river, if he could know the public want and necessity for the improvement that is proposed to be made there, we should hear no such complaints from him. Because it is away on the mountains two thousand feet above the level of the sea, a beautiful river passing through a rich country that is to be developed, Senators suppose therefore that no money ought to be appropriated for it, but that we ought to appropriate money forever only to improve the seaports and large rivers down in the flat country. When it is proposed to ask a few dollars to improve a river in the mountains it is shocking!

Mr. ANTHONY. I voted for the Senator's river.

Mr. MERRIMON. I am very much obliged to the Senator.

Mr. ANTHONY. Perhaps if the Senator knew Little Narraganset, and if he would give as much favor to my improvements as I give to his, we should get both through. I propose now, as each of us has been ignorant of the needs and necessities of the improvements proposed by the other, to introduce Little Narraganset to the French Broad River, and that the two may go in arm and arm together.

The amendment was agreed to.

Mr. OGLESBY. I desire to move an amendment to a clause on page 19 of the bill, and I hope the Senate will concur in it. From line 431 to line 437, inclusive, the sum of $200,000 is appropriated in the bill as it came from the House and in the bill as it came back to the Senate from the Committee on Appropriations of this body. In the $200,000 appropriated for the improvement of the Mississippi River there are two exceptions specified in the only paragraph on the subject. I wish to get the consent of the Senate now (and I think the Committee on Appropriations of this body will not object to it) to strike out "twenty" in line 434 and insert "thirty;" so as to read:

For the improvement of the Mississippi River between the mouths of the Illinois and Ohio Rivers, ($15,000 of which are to be expended between the mouths of the Illinois and Missouri Rivers and $30,000 of which are to be expended to prevent erosion and destruction of its banks between the foot of Dickey Island and the mouth of the Ohio River,) $200,000.

I offer the amendment for this reason: This paragraph appropriates, as I have before said, $200,000, $20,000 of which are to be expended to prevent erosion and destruction of the banks between the foot of Dickey Island and the mouth of the Ohio River. That is manifestly below what is necessary for any practical good. The sum ought to be $50,000 or $60,000. Twenty thousand dollars was appropriated by the House bill and the Senate committee have agreed to it. It is so manifestly below what is necessary that I hope the Senate will consent that we increase it from $20,000 to $30,000, not interfering with the aggregate appropriation of $200,000.

Mr. MERRIMON. Was that amendment referred to the committee?

The PRESIDING OFFICER. It does not increase the appropriation, and therefore would require no reference to a committee.

Mr. ALLISON. It is a mere change. I think there will be no objection to it.

The amendment was agreed to.

Mr. OGLESBY. I have another amendment to offer in the same paragraph and in exactly the same condition. It is very short and will conclude all I have to say on this bill. After the word "rivers," in line 434, I move to insert:

And $5,000 of which is to be expended to prevent erosions of its banks between islands 14 and 15, near the town of Kaskaskia, Illinois.

Mr. EDMUNDS. What is the object of that amendment?

Mr. OGLESBY. The Mississippi River approaches the Kaskaskia about a mile or a mile and a quarter above the town of Chester, on the Illinois side, at one bend of the river. It has been making such erosions as have been wearing away the bank rapidly at the rate of six hundred feet a year, and unless something is done to prevent it, it will cut through into the Kaskaskia River and throw off a large body of most elegant land, many thousands of acres, and take the bed of the river away from Saint Mary's, on the Missouri side, which would be quite disastrous. I am not able to go into details or minutiæ about it. Five thousand dollars of this $200,000, though it is not enough, can be judiciously expended to resist the wearing or the abrasion or erosion. For one, I at least say that hereafter there may be revetment or other work laid down to stop this wearing. It is a very small sum, and if the Senate will give us $5,000 out of the $200,000 we will let the bill go.

Mr. COCKRELL. I understand it does not increase the appropriation.

Mr. OGLESBY. Not at all.

Mr. BOGY. It does not increase the appropriation at all.

Mr. EDMUNDS. The only objection I have to this amendment—I do not know whether it will apply in fact or not—is that it raises the question as to whether it is the duty of the United States to expend public money to prevent rivers from wearing into the lands of States as distinguished from improving them for the purposes of commerce and navigation. It is no part of the duty of the United States, I take it, to keep the river banks of the navigable rivers of this country from wearing in too far on either side. If it were a part of our duty, of course we should have our hands full, because a river does wear something on one side, more or less, all the time. If the object of the amendment is to protect the land intereat, not to protect navigation, then I cannot vote for it on principle; but if the object of this particular thing is to keep the river in proper limits for navigation, I can go for it, so that it will not spread out over the land and be lost entirely, and then it would fall within the general principle of the bill.

Mr. OGLESBY. I do not know that I can say anything to satisfy the Senator from Vermont on this subject. Of course as the banks of the Mississippi are worn away above or below any particular bend, the effect is to fill up the channel parallel with the current of the stream and to obstruct and impede navigation and to hinder it in every way. What is the use of permitting a river to do this when it is going with great force and velocity in one direction, if it can be stopped from that washing away by running it in its regular sweep along the lines of the States? The people of the States and of the United States, I believe, are perfectly willing it should continue to run in its accustomed channel. It would be exceedingly inconvenient to all concerned if it should take a notion to run somewhere else. It is the interest of all to keep the stream where it has been going, in its natural channel, and to keep the washings of the banks of the river from filling up and obstructing the navigation. Certainly the Senator will see that it will be beneficial to commerce and beneficial to navigation, and stop what is a very increasing injury and impediment to navigation.

That is about the best I can say for this amendment. Of course we do not want the Mississippi River to break loose from its natural boundaries and run over into Illinois. We are trying to keep it off all we can. It would bring great damage if it were to do so. If this expenditure of $5,000 out of $200,000 shall be put along there and judiciously used under the direction of the engineers, the inhabitants on both sides of the river will be protected. Although this is a small sum, the people believe that good will result from it and the river will be kept more naturally in its natural channel. That is about all I can say. It is in the interest of free and uninterrupted navigation.

The amendment was agreed to.

Mr. BARNUM. I move to reconsider the vote by which the amendment of the committee striking out lines 76, 77, and 78 of section 1 was agreed to, in the following words:

For the improvement of the harbor of New Haven, Connecticut, by constructing a breakwater, $10,000.

The motion to reconsider was agreed to.

The PRESIDING OFFICER. The question recurs on agreeing to the amendment proposed by the committee striking out these words.

The amendment was rejected.

Mr. ALLISON. I move to amend the paragraph just retained by striking out the words "by constructing a breakwater," if the Senator from Connecticut will consent to it. Ten thousand dollars will not make a breakwater at New Haven.

Mr. BARNUM. I have no objection to the amendment which the Senator proposes.

The amendment was agreed to.

Mr. BARNUM. I now move to reconsider the vote by which lines 82 and 83 were stricken out, as follows:

For the improvement of the harbor at Milford, Connecticut. $5,000.

The motion to reconsider was agreed to.

The PRESIDING OFFICER. The question is on concurring in the recommendation of the committee striking out this clause.

The amendment was rejected.

Mr. BARNUM. I move to reconsider the vote by which the amendment of the committee was agreed to striking out lines 84 and 85, in the following words:

For the improvement of the Housatonic River, Connecticut, $5,000.

The motion to reconsider was agreed to.

The PRESIDING OFFICER. The question recurs on concurring in the recommendation of the committee striking out this clause.

The amendment was rejected.

Mr. ROBERTSON. On page 12, line 273, I move to strike out "ten" and insert "fifty;" so as to increase the appropriation for the improvement of the harbor at Charleston, South Carolina, from $10,000 to $50,000.

Mr. ALLISON. I will venture to enter a protest against my friend. General Gillmore, who has charge of this harbor, only recommends $10,000. I do not see very well how more than that sum can be expended.

Mr. ROBERTSON. General Gillmore estimated for one channel only. There are two channels in the harbor of Charleston. One is Beach Channel, and the other is Pumpkin Hill Channel. There seems to be a difficulty between the engineer of the United States Government and the engineer of the city. General Gillmore ignored entirely Pumpkin Hill Channel. The engineer of the Government in charge there recommended $10,000, while $50,000 is considered necessary by the city engineer. I ask for a vote upon the amendment.

The amendment was rejected—ayes 7, noes not counted.

Mr. HOWE. On page 4 an amendment was agreed to in the sixty-first line striking out "$15,000" and inserting "$5,000" "for the improvement of the harbor of Two Rivers, Wisconsin." I did not object to that amendment, feeling for one inclined to accept such recommendations as the committee felt bound to make. The Senate has not imposed that duty upon itself. The engineer asked for this harbor for the next year $25,000. The House appropriated $15,000, but a part of what the engineer asked for. The Senate committee, for reasons which seemed good to them undoubtedly, proposed to reduce it to $5,000. I think I am abundantly justified, in view of the action the Senate has already taken, in asking the Senate to reconsider that vote. I move the reconsideration of the vote by which that amendment was agreed to.

The motion to reconsider was agreed to.

The PRESIDING OFFICER, (Mr. WALLACE in the chair.) The question is on agreeing to the amendment of the committee striking out "$15,000" and inserting "$5,000."

Mr. HOWE. Which I hope the Senate will not agree to.

The amendment was rejected.

Mr. SPENCER. I move on page 20, line 450, to strike out "three" and insert "five;" so as to read:

For the improvement of the Tennessee River, $500,000.

This is a work of national importance, one of the great works which we are engaged in at the present time. The engineers asked for $750,000 for this year. I propose that we shall give them two-thirds of what they asked for.

Mr. MERRIMON. Has that amendment been referred to the committee?

Mr. SPENCER. The amendment was offered by me in the Senate and referred to the Committee on Appropriations. It was not acted upon by them. This is a work of such great importance that I think every Senator understands it. I will not detain the Senate by making any further remarks upon it. I hope that the amendment which I have offered will carry. It is a matter of justice.

Mr. THURMAN. I see that this is an old acquaintance of mine. There is an appropriation in the House bill, a part of this same item, of $285,000 to be expended upon Muscle Shoals in the Tennessee River. Thirty-one years ago the House were appropriating for Muscle Shoals in the Tennessee River, and they have been appropriating for Muscle Shoals ever since, I suppose.

Mr. SPENCER. If the Senator will allow me to interrupt him, I will correct an error. It is true that thirty-one years ago they did appropriate for it; but they ceased appropriating money about thirty years ago. They commenced in the last three years to appropriate money again, and they are now going on to complete this great work.

Mr. THURMAN. There are two works of internal improvement in this country which I should like to see finished before I die, although I have not much hope of seeing that result. One is for the improvement of the Fox and Wisconsin Rivers and the other is Muscle Shoals.

Mr. ALLISON. I will say to the Senator that I want to see the Fox and Wisconsin Rivers improvement completed before he dies.

Mr. HOWE. I want to say for the encouragement of my friend, the Senator from Ohio, that there is one way in which that hope of his can be gratified. The Government of the United States has but recently undertaken to open that great channel, worth more to the East and to the West, as I solemnly believe, than any artificial water channel proposed in the United States. The Government has but recently undertaken it, and although he, like myself, is somewhat advanced in life and cannot hope to linger through another century at all events, yet there is one way in which he can hope to see that work completed, and that is by saying to the Government of the United States to take hold of it as a business matter, appropriate the money that is required for the completion of it, and have it done within his life-time. I do not know of any other way by which he can see it done.

The PRESIDING OFFICER, (Mr. MITCHELL in the chair.) The question is on the amendment of the Senator from Alabama to increase the appropriation for the improvement of the Tennessee River from $300,000 to $500,000.

Mr. ROBERTSON. I move to amend the amendment by striking out "$500,000" and inserting "$750,000."

Mr. SPENCER. This is a matter in which the people of my State are deeply interested. I hope the Senator will not kill my amendment by his kindness. I voted to give him $50,000 for Charleston Harbor.

Mr. ROBERTSON. I got so much for Charleston that I want to help my friends out.

The PRESIDING OFFICER. Does the Senator from South Carolina insist on the amendment to the amendment?

Mr. ROBERTSON. I do.

The amendment to the amendment was rejected.

The PRESIDING OFFICER. The question recurs on the amendment of the Senator from Alabama.

The amendment was rejected, ayes 4, noes not counted.

Mr. EDMUNDS. We have now got apparently to the end of perfecting this bill, and we find ourselves in this attitude: The bill as it came from the House of Representatives appropriated $5,872,850. The Committee on Appropriations, after a most careful and intelligent examination of the bill, endeavoring to do their fair and impartial duty, reduced that in House respects by about $900,000 and increased it by nearly a million dollars, so as to make the total increase $46,314.

Mr. ALLISON. Thirty-six thousand three hundred and fourteen dollars is the exact increase.

Mr. EDMUNDS. I took it from the chairman yesterday, and I thought it was $46,000. Now, then, we have gone through with this bill in committee. After going through a page or two we deserted the committee and left everything there was in the bill, right or wrong, in it, and have added everything that the committee recommended, wise or unwise, so that we have got a bill now that comes up to almost $7,000,000. We have done that in spite of the revised estimates of the engineers in respect to what could be got along with this year and what could be dispensed with, merely because gentlemen from various States wished it.

This can be said without discrimination, for we have all done it, although I will say for myself that I stood by the committee as long as they had any friends to stand by them and until we were reduced to what would form a Parliament of Great Britain or a masonic lodge, as I am told, so that there was no use to hold on any longer. The question is whether we have a right in performing a duty as guardians of the public Treasury and the public interest to let a bill of this character pass in spite of the examination of the committee, in spite of the reports of the engineers in respect of the fitness of any particular work or how much it would cost, and in spite of the paramount necessity of having the least appropriations possible this year in the time of our distress and necessity. Should we be justified in sending a bill of this character back to the House of Representatives? It appears to me that we should not, and I move to strike out all after the enacting clause of this bill and insert what I send to the Chair.

Mr. PADDOCK. Mr. President——

The PRESIDING OFFICER. The Senator from Vermont offers a substitute. The Chair will state that the Senator from Nebraska [Mr. PADDOCK] sent up an amendment some time ago to the original bill.

Mr. EDMUNDS. I beg pardon. I withdraw my amendment.

Mr. PADDOCK. Before the amendments of the committee were fully through with I offered an amendment which lies on the table. It costs nothing to anybody and is a mere act of justice relating to the distribution of an appropriation.

Mr. EDMUNDS. I make no objection. I supposed the whole thing was through.

Mr. PADDOCK. I forbore to offer it.

The PRESIDING OFFICER. The amendment will be reported.

The CHIEF CLERK. After the word "dollars," in line 430, it is proposed to insert:

Provided, That $45,000 of said sum shall be expended for improvements on the Missouri River.

Mr. ALLISON. I do not think there is any objection to that amendment.

The amendment was agreed to.

Mr. EDMUNDS. Now I ask that my amendment be read.

The CHIEF CLERK. It is proposed to strike out all after the enacting clause of the bill and to insert:

That the sum of $4,000,000 is hereby appropriated for the fiscal year ending June 30, 1877, to be expended for the repair, extension, preservation, and completion of works for the improvement of rivers and harbors under the direction of the Secretary of War: *Provided*, That the Secretary of War is hereby authorized to cause such expenditures to be made so as best to subserve the interests of commerce; and he is required to report to Congress, at the opening of its December session, all expenditures made under the appropriations of this act up to that time, in detail.

Mr. EDMUNDS. The effect of this amendment will be to reduce the sum of money taken from the Treasury from about $7,000,000—it is not quite that—to $4,000,000, and to have the responsible officers of the War Department, (we know who they are and with what fidelity and purity they have always exercised their trust,) the Corps of Engineers, take this $4,000,000 and apply it in this year of retrenchment and of strict economy to those works of public improvement that the general interests of the nation most imperiously demand, in the way of construction and to carrying on those already ordered by way of preservation and repair, in order that, in the responsible judgment of the Secretary of War, (which means, as we all understand, in law and in fact, the responsible judgment of the Corps of Engineers and its Chief,) he may apply this money to the objects where there is the greatest necessity.

This is not a time, as it appears to me, when we can improve our rivers and harbors as we would do if our Treasury were overflowing and our people were abounding in prosperity; but it is the time and the occasion where, economy being demanded, it can be most usefully employed without serious detriment to public interests.

This proposition is not without a precedent. The provision is an exact copy, except as to the sum and the dates of course, of the act of the 10th of April, 1869. In the sixteenth volume of the Statutes, page 44, is found this act:

That the sum of $2,000,000 is hereby appropriated for the fiscal year ending June 30, 1869, and the year ending June 30, 1870, to be expended for the repair, extension, preservation, and completion of works for the improvement of rivers and harbors under the direction of the Secretary of War: *Provided*, That the Secretary of War is hereby authorized to cause such expenditures to be made so as best to subserve the interests of commerce; and he is required to report to Congress, at the opening of its December session, all expenditures made under the provisions of this act up to that time, in detail.

It will be seen therefore that the amendment which I have proposed is an exact reproduction of that act except in respect of the sum. I think myself this sum ought to be smaller; but to meet the views of gentlemen who have asked extensive improvements and appropriations, I have made it as large as I thought I could possibly vote for under the circumstances. I have for the reasons I have stated offered this amendment, believing it the best public interest, both of improvement as well as economy, to leave it to the responsible Corps of Engineers to take all the money we can now spare and apply it where the interests of commerce and the general interests of all the States most require it.

Mr. FERRY. I am sorry to say that all who have voted for the amendments to this bill do not prove themselves to be the friends of the bill. I am driven to say this by the proposition made by the Senator from Vermont. I do it in the best of spirit, with a desire to have some bill passed. Certainly this body does not wish to have a bill of this kind rejected. I can foresee by the substitute proposed by the Senator from Vermont that the wish is to kill the bill and have no river and harbor bill for this year. Why I take the ground I now propose to is that I think I have been logical in this, that I have sought to avoid an increase of this bill beyond the amount it contained when it came from the House. I had amendments, and had taken the regular course to submit these amendments by print and reference, but refused to offer them because I saw and felt in the progress of consideration that the bill would in the end be seriously loaded and perhaps be defeated. I first proposed to the Committee on Appropriations in behalf of the delegation of Michigan that we would consent to a modification of the House appropriations for that State to the reduction of $40,000, yes, $41,000, as I am reminded by my colleague.

Considering as the committee has, and as Congress hitherto had, that the appropriation for the Sault Ste. Marie of $200,000 and for the harbor of refuge of $100,000, and repeatedly made, were recognized as of national character and importance, it left us more especially for the State of Michigan but $225,000; and of that we were disposed to assent to a reduction by the Senate of $41,000 as an earnest of our desire to co-operate in the policy stated of economy.

This proposition was declined for good reasons, doubtless, on the part of the committee, and in that refusal I acquiesced with proper spirit.

When the bill from the committee was under consideration there were certain amendments made by the committee which I deemed to be unjust, and accordingly I asked the Senate for non-concurrence. In the non-concurrence of all of them I did not persist. All of the appropriations of the House which the committee rejected have not been non-concurred in by this body. The amount agreed upon by the Senate is less for Michigan than the House bill appropriated. On the principle of economy so assiduously asserted my course has placed me squarely, fairly, and justly. I have been disappointed, to say the least, with the character of some of the amendments offered by other Senators. To a certain extent I coincided, but as soon as I discovered that the object of putting amendments on the bill was to burden and defeat it I opposed further amendments. Now, because the bill has swollen by such means to a million of dollars over the report of the committee, the Senator from Vermont who also has voted to load the bills now submits a substitute to appropriate $4,000,000 to be distributed as the Engineer Department shall adjudge, instead of $5,800,000, as provided by the House bill.

I want to call the attention of the Senate to the fact that in the judgment of the Senate committee who have had charge of this bill they have deemed the House bill substantially the proper amount upon which the Senate could justly stand; for I think their report did not advance it more than $40,000. Hence in the aggregate it is substantially the amount of the House bill.

Mr. THURMAN. And nearly a million more has been added.

Mr. FERRY. Not as recommended by the committee.

Mr. THURMAN. As recommended by the Senate.

Mr. FERRY. I referred to the bill as coming from the committee to the Senate, as confirmatory in amount of the judgment of the House. I think I am correct in the statement, because I interrogated the committee in the opening of its consideration, and the Senator in charge of the bill stated that the increase as proposed by the committee was between $30,000 and $40,000. I now appeal to the Senator in charge of the bill whether I am correct or not.

Mr. THURMAN. The Senator is quite right about that, but the effect in the Senate has been to increase it more than $900,000.

Mr. FERRY. I am aware of that; but not with the assent of the committee, but by the Senate and materially aided by Senators who avowedly intended by their concurrence to so increase as to effectuate the defeat of the bill.

Mr. GORDON. I want to ask the Senator from Ohio, with the permission of my friend from Michigan, whether he understands the committee to say that the amendments made by the committee of the Senate increased the appropriations made by the House a million of dollars?

Mr. THURMAN. I say this, and it is the simplest thing in the world——

The PRESIDING OFFICER. Does the Senator from Michigan yield?

Mr. FERRY. I yield.

Mr. THURMAN. Our committee struck out $945,000 of the appropriations made by the House, inserting appropriations in the aggregate to the amount of $980,000, increasing the appropriation made by the House bill $36,000. The Senate has defeated the committee on almost every proposition, thus keeping in the appropriations made by the House. The Senate have also concurred with the committee in adding the appropriations recommended by the committee, and they have adopted divers amendments offered neither by our committee nor coming from the House. The consequence of this is that the bill as it now stands instead of being a bill of about $5,800,000 is a bill to appropriate in round numbers nearly $7,000,000.

Mr. FERRY. Now I will come back to what I was stating.

The PRESIDING OFFICER. The time of the Senator from Michigan has expired. Is there objection to his continuing. ["Go on."]

Mr. FERRY. I am not disposed to trespass on the time of the Senate, my intention being to warn the friends of the bill that its fate was now the issue.

The PRESIDING OFFICER. The Senator from Michigan will proceed.

Mr. FERRY. I stated that the bill as coming from the Senate committee did not increase substantially the House bill save about $40,000. In the judgment of that committee, therefore, by their amendments to the bill, they deemed the House bill in amount substantially correct. In the distribution of that amount they have stricken out paragraphs and inserted amendments. In respect of my own State they have added in two or three cases and stricken out in several others.

Now that it appears obvious that the object of those who have supported later amendments is to load down the bill for the purpose of its defeat, I ask of the friends of the bill that we waive all individual interest in special appropriations, and that we plant ourselves upon the judgment of the committee of the Senate in amount and rest on the House bill. As the two do not in the aggregate materially differ, we cannot by taking the House bill be much astray, since we have the confirming judgment of the Senate committee. Then we will have a law, if approved by the President. We will have a bill that appropriates $5,800,000, which the House of Representatives has passed, and this, remember, is the body of the people. We will then have affirmed their judgment, and indirectly shall have confirmed the judgment of our own committee, who have declared here by their report that the House bill in amount is about the just sum to be appropriated by this body.

I know that this may strike unfavorably in some localities, yet I believe, and I appeal for support to the friends of this bill, that it is the only way by which we can arrest concerted defeat and secure a river and harbor bill at this session. I dismiss all declamation that the Government cannot appropriate for the river and harbor bill. No better use of the public money in a moderate way can be made than in this direction. I am prepared here to say that the bill as passed by the House is not extravagant and no more than is demanded by the commercial interests of the country. I fully believe that the people throughout the country will support us in this action. I am ready to cast my vote upon it. I am willing to submit to the people that we have approved a measure sent here by the House of Representatives, which, while it did not satisfy each Senator, did meet the necessities of commerce in the main. I am willing to face the country on this approval rather than let the knife be plunged into the life of this bill. Let us, then, friends of the measure, unite upon this proposition. I am ready to support the House bill, as it seems we can do no better. Let us non-concur in this substitute; let us non-concur in every amendment of the committee; and let us fall back on the House bill and concur in that, and, with the President's approval, we shall have a river and harbor act.

Mr. THURMAN. The substitute offered by the Senator from Vermont proposes to place the sum of $4,000,000 in the hands of a single officer of the Government, to be expended substantially at his discretion. I do not say that I would not vote to do that if the proper officer were designated rather than to vote for the bill in its present condition, but if that proposition is to be adopted, the officer selected ought to be one who is not, in common parlance, a political officer; he ought to be one who is wholly removed from politics. I have certainly nothing to say against the Secretary of War; I have no imputation whatever to make upon him; but he is of that class of officers who are called political officers, and I do not think it would be wise to intrust this large sum of money in the hands of a political officer.

If, therefore, the amendment of the Senator from Vermont is to be pressed, I shall move to amend by striking out "Secretary of War" and putting in "Chief of Engineers," so as to put this money under the disposition and control of General Humphreys, the Chief of Engineers, an Army officer wholly removed from politics.

Mr. CONKLING. Let me ask the Senator a question, if I may?

Mr. THURMAN. Certainly.

Mr. CONKLING. Is there any officer in the Government, except the Commissioner of Patents, not the head of a Department, who has a right to report, and does by law report to Congress? And, if not, would it not be rather odd to commit to the head of a Bureau or a division in a Department a discretion of this sort and direct him to report to us?

Mr. THURMAN. I see no difficulty in directing any officer, whether he is the head of a Department or a subordinate officer, to report to us. My object in rising to these preliminary remarks on that subject was to show that I do not wish to be forced, if I can avoid it, to the adoption of a proposition that puts so large a sum of money under the control and within the discretion of any one man.

I therefore now move, and upon that I have a word or two to say, that this bill with the pending amendment be recommitted to the Committee on Appropriations with instructions to cut down the appropriations to a sum not to exceed in the aggregate $4,000,000. That motion I submit, which is in order now, I believe.

The PRESIDING OFFICER. Yes, sir. The question is on the motion of the Senator from Ohio to recommit the bill with the pending amendment.

Mr. THURMAN. I wish to say a word on this motion.

Mr. FERRY. With instructions?

Mr. THURMAN. With instructions.

Mr. FERRY. What are the instructions?

Mr. THURMAN. To cut down the appropriations to a sum not exceeding in the aggregate $4,000,000.

Mr. President, there is a cry all over the country for economy. There is a cry all over the country for reform. There is a cry all over the country that this people are taxed beyond endurance. There is a belief all over the country that the weight of taxation that rests upon the people is one of the greatest obstacles to a return of prosperity. This is a belief and in my judgment a well-founded belief. I do not think, in view of these facts, that it is right and proper for us to appropriate in this river and harbor bill a larger sum than ever has been appropriated in the most prosperous times of the Republic, for I think it will be difficult to find a bill of this character that ever passed Congress, even in the most prosperous and flush times of the Republic, that appropriated a sum of money equal to that appropriated by this bill as it now stands.

I have heard it said that it is a good distribution of the public money; that it will afford aid and relief here and there where the country is suffering. That is an argument in favor of paternal government. That is an argument that the Government must afford employment to everybody who is out of employment. If you once begin with that, pray where will you stop? If it is the interest of the Government, if it is the duty of the Government to take the taxes drawn from all classes of the people, but which in the end are drawn from the consumers, however poor they may be, and then undertake to dole out charity or afford employment to everybody who is in necessity in the country, if this General Government is to become a common almoner for all who are in want throughout the length and breadth of the land, I want to know what kind of a republican government you will have and what kind of a pure, economical, and reformed government you will have?

I want to vote for a fair and reasonable river and harbor bill. I want to vote for one which will go just as far as under the circumstances of the case we can go at this time; but I do not want to preach economy in one breath and expend $7,000,000 as this bill proposes to expend it.

Mr. FERRY. I will move an amendment to the instructions proposed by the Senator from Ohio, that the committee be instructed to report the House bill immediately.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Michigan.

Mr. FERRY. This will bring us directly to a vote on the House bill substantially. The issue comes squarely upon that question. I may err in judgment, but I consider that we stand now upon the life or the death of the bill. The Senator from Ohio has spoken of economy. I am not here in my place as a Senator in this body disposed to criticise the judgment of the House when the question is whether we take the House bill appropriating $5,800,000 or the Senate modifications swelling it to $8,800,000, and doubt long which is in the in-

terest of economy. I am willing to measure my estimate of economy as between the two by supporting the judgment of the House. It is the people's body, composed of men who represent the different congressional districts, and who by force of which are doubtless more conversant with the commercial necessities of the various localities. Therefore in such support I am not intruding alone my own judgment. For in fact I am fortified by the judgment of the House and by the judgment of the Committee of Appropriations of the Senate, for, as I said in the remarks I submitted before, I now repeat both House and Senate committee came to the same amount substantially.

I appeal to the friends of this bill. Let us drop special interests. Let us consider the vital condition of this bill; that it is this or nothing. Instead of agreeing with my friend, who says, "Drop the whole bill," I say, "No; I am opposed to dropping the whole bill, because I believe the people demand a bill of this kind." We are differing upon the amount. I will rest upon the House and upon the original judgment of the committee. After having expressed ourselves here and consumed three days in the consideration of the bill, we have increased it by something like a million dollars. Some who have aided in this increase now seek to defeat the bill. Let us then go back to the point we started from, to the bill as it came from the House; and then, as I said before, with the President's approval we will have an act providing for the preservation and development of the harbors of the States, and in this way stimulate the growth of commerce and add largely to the prosperity of the nation.

Mr. HOWE. Mr. President, I am opposed to the recommittal of this bill either with the instructions proposed by the Senator from Ohio [Mr. THURMAN] or those proposed by the Senator from Michigan, [Mr. FERRY.] The Senator from Michigan is quite correct perhaps in a constitutional sense when he calls the other House of this Congress "the people's body;" but if they are that this year, they have always been that. They may stand nearer the people than we do; they are no more responsible than we are. They undoubtedly in the aggregate know more of the commercial wants of the country than we do; there are more of them to know. [Laughter.] But, Mr. President, there never has been an appropriation bill of any description which passed the other House of Congress which was acceptable either to the Congress of the United States or to the people of the United States. The Constitution of the United States meant that this body should have a voice in legislation, should have something to say about the expenditures of money. Do not expect that in this year of our Lord the Senate will retire from that office. The mere fact that the House of Representatives has approved the bill which came to us for the purpose of improving your rivers or your harbors is not conclusive in my mind that the bill is the best it might be.

I therefore am not prepared to take the House bill. As an individual, I do not believe that that is the wisest way in which the aggregate amount appropriated could be expended. I am strengthened in this conclusion by the report of the committee of this body, which has considered the subject and which has reported to this House a variety of amendments. I will not agree to the recommittal of this bill under the instructions moved by the honorable Senator from Ohio. He suggests two things: first, instead of letting the aggregate amount be expended according to the amendment moved by the Senator from Vermont [Mr. EDMUNDS] under the direction of the Secretary of War, whom he is pleased to call a political officer, he asks that it should be expended under the direction of a Bureau officer. I have no less confidence in the judgment or in the integrity of the Chief of Engineers than has the Senator from Ohio. I have not a doubt that, if the money be expended under the direction of the Secretary of War, as proposed by the Senator from Vermont, or, according to the terms of the amendment, under the direction of the Chief of Engineers, the Chief of Engineers will substantially direct the expenditure; but I will not agree to cashier by my vote the Secretary of War. He is at the head of that Department, happily or unhappily; I believe happily, and not unhappily; but until he has been tried and is found wanting I will not agree by my vote to cashier him; and while he holds that place I will not by my vote agree to put any subordinate of his above him. Therefore I should entirely disagree to the proposal of the Senator from Ohio upon that point.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. EDMUNDS. This is a general question. I do not think the rule ought to apply to it.

The PRESIDING OFFICER. The Chair hears no objection, and the Senator from Wisconsin will proceed.

Mr. CONKLING and Mr. INGALLS. The rule does not apply to this question at all.

Mr. EDMUNDS. It does not apply to a motion to recommit at all.

The PRESIDING OFFICER. That is a fact. The Senator from Wisconsin will proceed.

Mr. HOWE. I have one word of criticism to make upon the amendment moved by the Senator from Vermont. He proposes an expenditure of $4,000,000 during the current fiscal year for the purpose of improving the channels of commerce throughout this broad continent. Certain Senators seem to start back affrighted at the idea that the bill as it stands proposes an expenditure of nearly $7,000,000. It would be a great deal of money for me to pay, I admit; the payment of it would embarrass me; but if you mean honestly to devote yourselves to the improvement of your channels of commerce throughout the continent, stretching from one ocean to the other and from the lakes to the Gulf, the sum of $7,000,000 is not a profligate sum; the sum of $4,000,000 is a pitiful sum. O, says the Senator from Ohio, we are in danger of exposing ourselves to the charge of being a paternal government. A great many accusations could be hurled against the Government that it could not stand up under so well as that, I think. If a government should happen to have in its administration a little paternal feeling, slightly tinctured with charity, I could even forget an offense so monstrous as that. Is it treason to the Constitution for the Government of the United States to be even at times a little charitable? Were you never? When cities are burned you have sent charity to those cities, and when foreign peoples have hungered you have freighted vessels carrying your own flag and at your own cost to carry them food. I do not think it the most disreputable work in which the Government of the United States could ever engage.

There was years ago a Napoleon who reigned in France. It is a commonly received opinion that he was not a mean statesman nor a very vulgar politician; and we know, for history tells us, that more than once when the people of France hungered for food because they could not get work he inaugurated great works of public improvement for the express purpose of giving employment to those who could not find employment elsewhere. The policy of that may be doubtful here. It might have been doubtful there. It is a policy which I do not commend to the Senator from Ohio, and it is a policy which I do not commend to the Senate of the United States. It is a policy not expressed in this bill, and not suggested by this bill.

Mr. THURMAN rose.

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Ohio?

Mr. HOWE. If the Senator from Ohio wants me to yield, I do.

Mr. THURMAN. I wish to state to my learned friend that he will find a much more striking example in Roman history when the party in power in Rome gave to the people bread and shows, *panem et circenses*.

Mr. HOWE. If I was half as well read in history as my honorable friend from Ohio, I know I could give a better example than I did here. I was speaking upon the exigency of the moment, and I ventured to suggest to him such instances as occurred to me at the moment. I say that the policy to which I referred is not the policy of the bill before us. It is not the policy which I commend. I do not ask that a dollar should be appropriated during the current year for work that will not yield to the people more than the dollars you expend upon them. I have not asked it. I know as surely as I know I stand here that you might expend even in the districts with which I am acquainted personally, not merely the amount of money asked for in this bill, but double the amount the very next year, and instead of making the people of the United States poorer thereby you would make them richer thereby. I know that. It is because the wants of your internal commerce call for these appropriations that I champion them.

I am not prepared to say but that there may be appropriations in the bill as it stands which it is not wise to make, which are not careful. I have listened to the explanations from time to time of the honorable Senator who has charge of the bill, and I have thought sometimes that the evidence adduced did not justify making all these appropriations, and I have voted against a large portion of them. Notwithstanding, pass the bill as it stands, and I am firm in the belief that instead of the people of the United States being made poorer by the appropriation they will be made richer by the appropriation.

Sir, I did not mean to trespass upon the time of the Senate. I am as much in favor of an honest, sensible economy, I think, as any man on this floor. I am as much opposed to that sort of economy which is merely fabricated for the month of November next as any man who was ever born. I have not any stomach for that sort of thing. I want appropriations made when good judgment justifies them, and not at any other time. There may be, I say again, appropriations here which I would be glad to strike out. I know there are appropriations here, and a great many of them, which I voted against; but those whom I could not control have ingrafted them upon the bill, and the question which seems to be presented to me at this moment is, shall we sacrifice the bill because of those objectionable features? I would not myself object to agreeing to the amendment proposed by the Senator from Vermont if he would increase the amount to be distributed from $4,000,000 to $6,000,000 or $5,500,000; but to propose the bare sum of $4,000,000 in the name of commerce to meet the wants of this country is such a beggarly kind of legislation that I cannot for one assent to it.

Mr. GORDON. Mr. President, I think the object aimed at by the Senators who have spoken upon this bill is the same with each, to economize; and yet between what is necessary for the improvement of these rivers and for the preservation of the works which have already been begun I apprehend that there are things in this bill which ought not to have been here. I apprehend that there are amounts given to certain works too large, greater possibly than the necessities of the case require; but I apprehend that that has been the truth with regard to every such bill that has ever passed the Congress of the United States. I am quite sure that the Senator from Ohio, my friend on my right, [Mr. THURMAN,] is mistaken, if I understood his assertion that this bill provides for an appropriation larger than has ever occurred before in the history of this country—I mean the bill as it came from the House.

Mr. THURMAN. I did not say that. I said the bill as it now stands.

Mr. GORDON. But the proposition submitted by the Senator from Michigan [Mr. FERRY] is to non-concur in all the amendments made by the Senate, and I apprehend upon that proposition a large majority of this body will agree. The House bill, as it comes to us, provides, according to my estimate, for about $6,000,000 of appropriation; probably a little under that.

Mr. COCKRELL. Five million eight hundred and sixty thousand dollars.

Mr. GORDON. That is less by a million, if my recollection serves me aright, than the appropriation bill passed at the last session of Congress. There is not, so far as my knowledge goes, in the limits of my own State, one single appropriation which has been made in this bill which might not, with an eye single to true economy and the real development of the country and the ultimate paying of the national debt, have been doubled and trebled. Take the case of a river in North Georgia, the Coosa River, to which is appropriated the paltry sum of $40,000. It traverses a region of iron which would furnish enough metal to bind up this entire continent almost, with coal enough in the mountains in immediate contiguity to this iron to smelt every ton of iron in it, and the engineers call for an appropriation of between $300,000 and $400,000; and yet so great has been the stretch of economy by the House that they have refused to give to that river over $40,000.

Take the case of the Ocmulgee River, in Southern Georgia, which my colleague appealed for yesterday, which was stricken out by the Senate committee. Over that river passes not only 100,000 bales of cotton per annum, but one-fourth of the entire lumber that is exported from the whole United States. Think of it, sir. One-fourth of the entire export of lumber from the United States passes down this river, which was stricken out from any appropriation whatever by the Senate committee. I say, sir, when you come to analyze each particular appropriation as I am doing—but I will not consume the time of the Senate longer—a kindred state of facts will be found with reference to every one of them.

The Senator from Michigan struck the key-note when he said that the members of the House were fresh from the people and they were acquainted with the local wants of the people; they know the condition of these rivers, the necessity for improvement; and I apprehend we can make no mistake if we recede from our position and stand by the House bill; and as that seems to be the object of the friends of the measure to get at the House bill in the shortest and most expeditious manner, I want to appeal to my friend from Michigan to withdraw his amendment and let us come to a vote upon the motion of my friend from Ohio. If that should be voted down, then we can come to the proposition made by my friend from Michigan to nonconcur in all the amendments made by the Senate committee and ask a vote directly upon that question when we get into the Senate. I hope therefore my friend will withdraw his motion.

Mr. FERRY. As my object is the same that is now suggested by the Senator from Georgia and the reason why I offered my amendment to the motion of the Senator from Ohio [Mr. THURMAN] was because the motion to recommit has precedence of my first proposition that we non-concur in all the amendments and take the House bill, which we could do on the bill being reported to the Senate by non-concurrence in the amendments made in Committee of the Whole, I will withdraw, at the suggestion of the Senator from Georgia, my amendment to the motion of the Senator from Ohio, to instruct further the Committee on Appropriations.

The PRESIDING OFFICER. The amendment is withdrawn, and the question is on the motion of the Senator from Ohio to recommit the bill with instructions.

Mr. THURMAN. Mr. President, I wish to say a few words in reply to what has been said; I do not want to take up the time of the Senate. I do not believe that any Senator on this floor can sit down and coolly reflect upon the condition of the country and say that we ought to appropriate $4,000,000 on this bill. It is useless to say that this country affords a wide field for improvement. Certainly it does; so wide a field that you might appropriate a thousand millions of dollars instead of four or seven millions, and still there would be much work to be done to make this country what some ardent enthusiastic lover of improvement thinks it ought to be. There is no end to improvement. It has been said that a man can bury the national exchequer in the improvement of a tract of land of one hundred and sixty acres, and so he can; and when you go into this work of improvement, improvement such as every local neighborhood shall demand or desire, or such as every interested person or set of persons shall promote, there is no end to improvement. The question with us is how much can we afford to give. Under the present circumstances, at a time when we are cutting down everywhere, when we are proposing to cut down the salaries of clerks whose salaries were fixed twenty years ago and who are living at starvation wages now or nearly so, when you are cutting down everywhere, reducing everywhere, it is proposed that on the other hand you shall extend your internal improvement appropriations beyond what they ever amounted to before.

Mr. President, upon this subject I must say that the world moves faster than I do. I cannot help it; it may be my misfortune. I can recollect the time when not a man in all the Senate of the United States or the House of Representatives would have ventured to defend appropriations that are in this bill; when not a man in either branch of Congress would have said that appropriations that I can point out in this bill were within the competency of Congress to enact. We know the long struggle on the question of internal improvements; we know how finally the strict constructionists came to agree that, in respect to what Mr. Calhoun called inland seas, the Mississippi, Missouri, and the like, the power should be conceded; but to go into every little sunfish creek, to go into every raccoon fork, wholly within the bounds of a State and make appropriations of $10,000 or $20,000 to improve canoe navigation is a thing which no man thirty years ago, when I had the honor of a seat in the other House, ever dreamed could be constitutional.

Where are we to end? I say it with some satisfaction that to the best of my knowledge and belief not one dollar was ever appropriated by the Federal Government for the improvement of a river that lies wholly within the State of Ohio. She has asked, through her representatives, that her ports on her great lake in the north of the State should be improved. She would have been extremely content to take 10 per cent. of the customs received at those ports for the improvement of the ports. She has asked that the great river that bounds her on the south, and that runs between five or six States, shall be improved; and no one has gainsaid the justice or propriety of that; but to ask that her little rivers and creeks within her own boundaries shall be made navigable for some petty steamboat that runs thirty or forty miles is what that State never has asked, and I trust in God never will.

Mr. ALLISON. Mr. President, I trust whatever else may be done with this bill that it will not be recommitted to the Committee on Appropriations. The Committee on Appropriations undertook an earnest and honest work with reference to this bill. They found the bill appropriating $5,872,000 of money. They examined in detail every item of the bill, and undertook to sift from it such appropriations as were not absolutely necessary for the continuation of great works of national improvement and for the preservation and protection of harbors of general usefulness in the commerce of the country. They brought in this bill with amendments striking out $945,000, and inserting, it is true, about the same sum; but I call the attention of Senators to the character of the amendments proposed by the Committee on Appropriations. For the great harbor of New York, at which is concentrated almost the entire commerce of this country, there was found in this bill an appropriation of but $200,000 for carrying on the improvements in the East River at Hell Gate. We increased that appropriation $150,000. For the great river the Mississippi, threading, as it does, some ten or fifteen States of this Union, with its tributaries, there was but $100,000 appropriated for the improvement of its mouth, when the Engineer Department of the Government said that was not enough. So of various great harbors in this country. The Committee on Appropriations undertook to take the advice of the Engineer Bureau of this Government in order that the appropriations made in this bill might be of utility. We increased, therefore, the appropriations at the great harbors and upon the great rivers of the country.

When this bill came back into the Senate every item of appropriation struck out by the Committee on Appropriations was re-inserted in the bill, and the Senator from Ohio who now favors a reduction of the total appropriation to $4,000,000 voted for the increase of every appropriation in his own State above the recommendation of the committee, and notably so in two instances where the engineer officer in charge of the very work stated to us that the amount suggested by the committee was sufficient to carry on that improvement for the present year.

And the Senator from Michigan—I am just beginning to understand this bill—the Senator from Michigan now comes in open Senate and appeals to what he calls the friends of this bill to stand by the House bill because the appropriations there made were made by the immediate representatives of the people. Does the Senator from Michigan mean to abdicate the rights of the Senate to judge of an appropriation bill, and turn it over, with reference to this bill and all other bills, to the absolute exclusive judgment of the House of Representatives?

Mr. FERRY. Does the Senator want a reply?

Mr. ALLISON. Of course I have no objection to hearing one.

Mr. FERRY. I do not wish to interrupt the Senator.

Mr. ALLISON. That is the proposition of the Senator from Michigan with reference to this bill; that we shall take it *verbatim et literatim* as it came from the House, without dotting an *i* or crossing a *t*; without putting in a semicolon or a comma, and pass it through, when the debates on this measure in the Senate disclose that very many of these appropriations as passed by the House are absolutely worthless, and notably two of them in the State of Michigan, which by his proposition would remain in this bill. One of them is McCargoe's Cove, a place which no man in this Chamber, so far as I have understood, has yet been able to ascertain the existence and location of—"no fellow can find it out;" that is one of the things that cannot be discovered. Yet, McCargoe's Cove is in this bill for $15,000, and the Senator from Michigan appeals to the Senate to pass this bill as it came from the House in order that McCargoe's Cove may be improved. [Laughter.]

I know it was the misfortune of the Committee on Appropriations that we did not increase the appropriations for the State of Michigan to any great degree. We did increase the appropriations in the State of Michigan to the extent of fifteen or twenty thousand dollars; $8,000

at Saint Joseph, Michigan, because it was stated by the Senator from Michigan and others that this was a harbor of refuge, and it was necessary to have a larger appropriation than that provided by the House.

Mr. EDMUNDS. But you reduced them on the whole, so that they will get more on the House bill than on your recommendation.

Mr. ALLISON. Yes, sir. So again of that great lumber harbor of Saginaw; that harbor we increased from the House appropriation $15,000, and increased over the estimates of the Engineer Bureau $15,000.

Mr. MERRIMON. Why so?

Mr. ALLISON. Why? We did it because it was said that if we would increase that appropriation $15,000 we could get another foot of water in this harbor.

Mr. EDMUNDS. Who said so? You said the engineers did not recommend it.

Mr. ALLISON. The Engineer Bureau did state that an additional expenditure would give another foot of water at this harbor, but they said furthermore that it was impossible to state how many vessels that would benefit. They have there now thirteen feet of water, and the proposition of the Engineer Bureau was to create a depth of fourteen feet of water. We inserted that appropriation, which was a new appropriation, recognizing the fact that this was a great lumber harbor and that there was a great trade there. We recognized that fact and increased the appropriation at that particular place in order that they might get an additional foot of water. Now the Senator from Michigan appeals to this body not to stand by what they have done heretofore, but to take this House bill without amendment and without inserting what the Engineer Bureau of this Government say is absolutely necessary to carry on the great works of national importance which are now being conducted by that department with reference to the commerce of this country.

Mr. HAMLIN. Will my friend tell me what amount the bill as passed by the House appropriated for works in the State of Michigan?

Mr. ALLISON. In answer to that I will state that the Committee on Appropriations did not know State lines or State boundaries. The State of Michigan has in all in the bill as it came from the House about $525,000 or $530,000; but I will not go into a question of arithmetic with my friend from Michigan on that point.

Mr. FERRY. I do not wish to interrupt the Senator, but on a question of fact let me say a word. I stated that, except the $200,000 for Sault Ste. Marie and the $100,000 for the harbor of refuge, which the Senator himself had declared to be a national work, there was left $225,000 in the House bill. I think I am correct.

Mr. ALLISON. Undoubtedly. I do not go into a controversy with the Senator from Michigan as to whether Michigan has its proper share. I do not look upon this bill as a bill of plunder. I supposed it was a bill initiated and passed, if it ever does pass, for the purpose of extending and improving the commerce of this country, and whether Michigan gets $200,000 or the half of this appropriation did not enter into the calculation or the consideration of this committee. We did not figure up any State. I do not know what Michigan has in this bill; I only know it as I have gathered it from this debate. But what I object to is that, according to the proposition of the Senator from Michigan, the Senate is to abdicate its authority, surrender absolutely to the House. Why is this bill of such an extraordinary character? These amendments have all been put on in this bill by a majority of more than two-thirds of the body, increasing the appropriations, and almost every Senator has voted for one or more of the increases made in the bill. I do not see that we are in such an extraordinary condition that we cannot go on with this bill as we go on with other bills; but, if we cannot do that, then let us do something else; but above all things do not recommit this bill to the Committee on Appropriations.

Mr. FERRY. Mr. President, I would not rise for another word, only I cannot pass what has been stated by the Senator from Iowa. In defense of the bill the Senator has carried the impression that I had for my State a special interest in falling back on the House bill, and I rise for the purpose of correcting that impression and verifying the position I took, which was that to save a bill of some kind, I suggested we should have the House bill inasmuch as it was palpable that the Senate was determined to kill the bill as now modified. I do not say that that is the object, although we cannot tell yet whether the Senator who has proposed the substitute reducing the amount to $4,000,000 will vote for the bill then. I cannot say. I take it for granted that he would. But aside from that, the object of some who have voted for amendments in the latter part of the bill has confessedly been to so increase the bill as to thus justify more in voting against it and thus kill the bill.

Mr. ALLISON. May I interrupt the Senator a moment? There has not been added to this bill $40,000 except what was proposed by the Committee on Appropriations and corresponding reductions made on the House bill.

Mr. FERRY. I stated that in prior remarks.

Mr. ALLISON. I beg pardon; I did not hear the Senator.

Mr. FERRY. I then put the question to the Senator in order to verify my statement, if I was not correct that the report of the Senate committee increased the House bill only some $40,000. The Senator now states that it is $40,000. He has forgotten that I put the question to him in the early consideration of the bill.

Mr. ALLISON. The Senator does not understand what I mean. I mean to say that there have been no additions to this bill as it stands, made by the Senate, except additions amounting in the aggregate to $40,000; so that there has been no riding down of this bill as it came from the Committee on Appropriations except by agreeing to our provisions.

Mr. FERRY. I understood from the Senator from Vermont that the bill had been increased now over a million; that it came from the House $5,800,000 and was now $7,000,000.

Mr. EDMUNDS. I did not say anything of the kind. I said that as it was reported from the committee it was increased $36,000. I said according to the votes of the Senator and his *confrères*, and I resisted them as long as I could, they had carried it up to the point I named. Now the Senator wants to keep it there by sticking to the House bill.

Mr. FERRY. What is the amount?

Mr. EDMUNDS. It is now $6,858,000, with all you have stuck on it.

Mr. FERRY. The Senator from Vermont states that the bill now stands, as modified by the Senate in Committee of the Whole, $6,800,000 and over. That is not very different from the statement of my recollection of what he had put it at, $7,000,000. As it came from the House it was $5,800,000 and over. So that the Senate and the committee of the Senate have increased the bill something like a million of dollars. Now, my proposition is to fall back upon the House bill as it came from the House, which would be $5,800,000. I reply to the Senator from Iowa [Mr. ALLISON] that I do not differ with him upon his statement of the increase made by the Senate committee to be but $40,000, and have so said. The large increase of a million has been made by the Senate.

Let me not be misunderstood as to why I propose as I have. I am willing to vote for the bill as the Senate has now shaped it; but I see by indications that there are enough who are disposed to kill the bill with the present amendments; and, convinced of that, I have fallen back upon the House bill, rather than have no bill at all. I prefer to take the House bill rather than nothing, as the result evidently would be from present apparent intentions.

Now I come back to the State of Michigan. The increase proposed by the committee on the House appropriation for the State of Michigan was $14,000 for Saginaw, and $8,000 for Saint Joseph. That the Senate have concurred in. In the case of Saint Joseph, last year $35,000 was appropriated. In the House bill, instead of appropriating as was done last year for harbor and river, they left out "river" and therefore Benton Harbor was not provided for, a work already commenced by the Government. I am not disposed to take up time to go into details, but will say in explanation that there is a bridge that has been built over that river that has interfered somewhat with navigation, necessitating the development of the river inside so as to protect Benton Harbor.

Mr. EDMUNDS. Who authorized the bridge?

Mr. FERRY. The State of Michigan, I suppose; but that is not the particular point to which I am inviting attention. As long as that bridge remains, the entrance is obstructed more or less, to obviate which the Government has appropriated money to open a fitter channel by which Benton Harbor can be reached. That was appropriated last year under the phrase "harbor and river." The House committee omitted that by accident. The Senate have restored that and given $8,000, in order to provide for Benton Harbor which was not provided for by the House, and have given in all $20,000, instead of $35,000, as appropriated last year.

Now in regard to Saginaw. One moment's attention to the paragraph will show that the appropriation of the House applies simply to the river of Saginaw; nothing for the harbor.

Mr. PADDOCK. How much for it?

Mr. FERRY. Eleven thousand dollars for the river and nothing for the harbor. I think I have the liberty of saying that it was accidentally omitted by the House; a communication of which fact has been sent to the committee of the Senate; and it was in view of that that the amendment of $14,000 additional was made to provide for the harbor. So that, if the House bill is adopted, Michigan loses that $22,000.

Mr. EDMUNDS. How much does she lose on the whole?

Mr. FERRY. The Senator from Vermont asks me how much Michigan loses on the whole if we take the House bill to-day. I say she loses the two amendments offered by the committee, $22,000, less appropriation for McCargoe's Cove of fifteen thousand. If the bill of the House is adopted that will be restored. But aside from that, Michigan will stand $22,000 less; and had I followed the example of other Senators and asked to reconsider that amendment which was concurred in and replace what had been rejected, this $15,000 for that cove would have been concurred in by the Senate.

But notwithstanding this example and that my amendments were pending before the committee, I refused to offer any; nor have I moved to reconsider any that have been passed over. The proposition that I now suggest to the Senate is to non-concur in the amendments of the committee, simply that and nothing else. I waived amendments, and waived reconsideration of rejected appropriations, and stand upon the House bill if it is proposed to defeat the bill as it now stands. If failure is to attend this by the votes of supposed friends, then I am for falling back to the next best thing, and that is the House bill.

Mr. EDMUNDS. May I ask the Senator a question?

Mr. FERRY. Certainly.

Mr. EDMUNDS. The Senator says he loses by his proposition, taking the House bill just as it came from the House, simple and pure, as distinguished from what he would get if we take the recommendation of the committee.

Mr. FERRY. With the exception of McCargoe's Cove.

Mr. EDMUNDS. But on the whole if we take the House bill how much money is appropriated to the State of Michigan?

Mr. FERRY. If we take the House bill, we appropriate for the State of Michigan, including Sault Ste. Marie and the harbor of refuge, $525,500.

Mr. EDMUNDS. Now, if you will take the House bill as reported by the committee with its amendments, how much is appropriated for Michigan on the committee's report?

Mr. FERRY. Forty-one thousand dollars less than the House bill.

Mr. EDMUNDS. That is the way I understood it; which makes it $40,000 the other way.

Mr. FERRY. The Senate committee's report is $41,000 less than the House bill. I stated that in my remarks; but the Senator has not forgotten that the Senate non-concurred in several of the amendments of the committee striking out various appropriations to Michigan, so that the bill as it now stands I prefer and am ready to vote for it. The Senator, however, with others, shows a disposition to defeat it. To prevent this, I urge the adoption of the House bill.

Mr. WHYTE. Mr. President, what is the question now pending before the Senate?

The PRESIDING OFFICER. The pending question is on the motion of the Senator from Ohio to recommit the bill with the pending amendments to the Committee on Appropriations, with instructions to cut down the total appropriations to $4,000,000.

Mr. WHYTE. I believe that yesterday I was the first Senator that called the attention of the Senate to the road upon which they were going, and I warned them that they would haul up at a very uncomfortable place before they got through, and I think we have reached that now, Mr. President.

I was educated in that school of politics, of which I am not ashamed, that used to incorporate as a plank in the platform that the Constitution does not confer upon Congress the right to commence or carry on a general system of internal improvements. I was brought up from the cradle to believe in that doctrine. I stood by Franklin Pierce when he vetoed the river and harbor bill in 1854, and I believe that veto was a well-considered message to Congress. As time has rolled on we have become as extravagant in our appropriations for these purposes as we became during the war in almost everything relating to private expenditure. When I yesterday called the attention of the Senate to the fact that by restoring the appropriations which the Committee on Appropriations had stricken out, and adding the increases which they had suggested, we should have a larger sum total of appropriation than had ever passed through both Houses of Congress for the improvement of rivers and harbors, I heard "O, no; O, no," all around the Senate Chamber, and I presumed that in my bad eyesight I had mistaken the figures. But I assert it to-day now as a truth, as I asserted it yesterday, and I challenge contradiction of my figures, that if this bill passes as it is now in Committee of the Whole, it will be the largest appropriation for rivers and harbors that ever has passed Congress since the foundation of the Government; and in this time of trial to the American people, it is a shame and a reproach to the representatives of the people. I have made up my mind that I shall vote against this bill. Whether as it came from the House or as it has been doctored by the Senate, it never shall receive my support.

Mr. President, anterior to the war, when the country was in great prosperity, and we were upheld in the eyes of all nations, growing richer and richer day by day, and more powerful as a nation, we were satisfied to appropriate less than half a million dollars for those great works of public improvement which would promote the commerce and navigation of the whole country. Many men who had serious doubts as to the constitutional power of Congress to appropriate at all, yielded their constitutional scruples, and voted frequently for appropriations that were for the improvement of navigable rivers, such rivers as Congress under the judiciary act gave to the courts of the United States jurisdiction over, and afterward, when the old judiciary act was increased in its spread and growth by the act of 1845, we went a step further and appropriated money for those rivers and harbors of the coast and the great inland seas because it was in the interest of that commerce which was being carried on between the States. But our fathers would have raised up their hands in horror if they had seen us making appropriations for Accotink Creek and French Broad River and New River and these various rivers inside of States upon which you might float an ordinary batteau and nothing more. No, Mr. President, the last appropriation, as I remember, before the war was only over $300,000, the appropriation in 1860, and then in 1871 we began again with $4,834,000; in 1872, $5,401,000; in 1873, $6,321,000; in 1874, $5,511,000; in 1875, $6,293,000, and now, in the days of economy and retrenchment, we propose to launch a bill for rivers and harbors amounting in its appropriations to $6,700,000 or $6,800,000.

No, Mr. President, I will not vote to curtail the salaries of the clerks in your Departments; no, I will not vote to cut down the salaries of your clerks and your collectors in the custom-houses of the country; no, I will not vote to cut down my own salary, in the interest of economy and retrenchment, and then pour out in a torrent like Niagara the public money at the expense of $7,000,000 to the tax-paying people of this country. Others may do it and may do it conscientiously; but educated as I have been, I cannot in a day or an hour change the course through which my political life has been running.

Mr. ANTHONY. Mr. President, I move that the Senate do now adjourn.

The PRESIDING OFFICER. The Senator from Rhode Island moves that the Senate do now adjourn.

Mr. KERNAN. To what hour will it be if we adjourn?

The PRESIDING OFFICER. Till eleven o'clock. That is now the regular hour of meeting.

The question being put, there was on a division—ayes 32, noes 17.

So the motion was agreed to; and (at four o'clock and forty-eight minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

SATURDAY, *July* 15, 1876.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. I. L. TOWNSEND.

The Journal of yesterday was read and approved.

EXPENDITURES IN THE NAVY DEPARTMENT.

Mr. BEEBE. On behalf of the Committee on Expenditures in the Navy Department, I ask unanimous consent that the testimony taken by that committee be printed.

There being no objection, it was ordered accordingly.

ORDER OF BUSINESS.

Mr. SCHLEICHER. I move that the House resolve itself into Committee of the Whole to resume the consideration of the unfinished business, the report of the Committee on Texan Border Troubles. Pending that motion, I ask unanimous consent that the speeches be limited to fifteen minutes each and the entire debate in committee to an hour and a half.

Mr. EDEN. Are we not entitled to the morning hour?

The SPEAKER *pro tempore*. Not if the House chooses by a majority vote to adopt the motion of the gentleman from Texas, [Mr. SCHLEICHER.]

Mr. EDEN. Can a majority suspend the rules of the House?

The SPEAKER *pro tempore*. The morning hour may be postponed by a majority vote. That is within the power of the House.

Mr. SCHLEICHER. I yield for a few moments to the gentleman from Michigan, [Mr. A. S. WILLIAMS.]

RELIEF OF GENERAL CUSTER'S FAMILY.

Mr. A. S. WILLIAMS. I ask unanimous consent to introduce for present consideration two bills. Before they are read I wish to say a few words to indicate their character and the reasons why I ask this prompt action on the part of the House. They refer to the condition of the family of General Custer, consisting at present of his wife and his aged father and mother, whose three sons, one grandson, and one son-in-law fell in the recent sad disaster on the Little Big Horn.

One of these bills proposes to give to Mrs. Custer, the widow of General Custer, $50, the sum that was given to the widow of General Canby, who fell in the Modoc war, and has been given to families of other superior officers who fell under like circumstances of peculiar sacrifice.

The other bill, Mr. Speaker, which is for the benefit of the aged couple who have already, I understand—indeed, I know—passed the age of three score and ten, provides they shall be paid $80 a month during their lives, and the survivor $80. At most, these people cannot long survive, and certainly a grateful country owes to parents so situated and in dependent circumstances this small relief.

I hold in my hand a letter signed by the most eminent people in Monroe, where this couple reside, from which I will read an extract:

> We need not formally acquaint you with the tragic and terrible event which robbed the State and nation of one of its bravest and noblest soldiers; his worth and general excellence of character are well known to you, a brother officer; but we desire now to bring to your notice the sad fact that in this fell blow his worthy, respectable, and aged parents are deprived of *their only means of support*. In fact, we have the knowledge that the financial affairs of General Custer are left in such a condition that the family are about penniless. We feel that we have but to mention this to you to secure your prompt and vigorous action toward securing from the present Congress an act for a special pension for these afflicted people during the remainder of their lives, which at the longest can be but for a few years—this venerable couple who have thus seen their three sons sacrificed in the service of the Government. Even their little home is so heavily incumbered that they must lose it unless material aid is extended to them.

They were dependent, Mr. Speaker, upon these noble, I may say heroic, sons, who have fallen in the service of their country. I ask that the bills may be read and put on their passage.

Mr. TERRY. I desire to say only a word on the bills now sought to be introduced by my friend from Michigan.

The SPEAKER *pro tempore*. As soon as the bills are reported for

the information of the House the Chair will recognize the gentleman from Virginia. The Clerk will read the first bill.

Mr. A. S. WILLIAMS. I ask to introduce, by unanimous consent, a bill (H. R. No. 3894) granting a pension to Mrs. Elizabeth Custer, widow of the late George A. Custer.

The bill, which was read, provides that a pension at the rate of $50 a month from and after the passage of this act be granted to Mrs. Elizabeth Custer, widow of George A. Custer, late lieutenant-colonel of the Seventh United States Cavalry and brevet major-general, during her widowhood, and that the Secretary of the Interior be directed to place her name on the pension-rolls, subject, except as hereinbefore provided, to the provisions and limitations of the pension laws.

The SPEAKER *pro tempore*. The Clerk will now read the second bill for the information of the House.

The Clerk read as follows:

A bill granting a pension to Emanuel H. and Maria Custer.

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-rolls, subject to the provisions and limitations of the pension laws, except as hereinafter provided, the names of Emanuel H. Custer and Maria Custer, his wife, the father and mother of the late Lieutenant-Colonel and Brevet Major-General George A. Custer and the late Thomas W. Custer, captain and brevet lieutenant-colonel, both of the Seventh United States Cavalry, and to pay to the said Emanuel H. Custer and Maria Custer, and to the survivor of them, a pension of $80 per month from and after the passage of this act.

Mr. GARFIELD. I desire to ask the gentleman from Michigan whether it is so drawn that $80 is to be paid to the whole family or for each member?

Mr. A. S. WILLIAMS. Only one $80 to the father and mother, and one $80 dollars to the survivor of them.

Mr. GARFIELD. I should like to ask the gentleman whether it cannot be construed to mean $80 to each one?

Mr. A. S. WILLIAMS. O, no; only one $80.

Mr. RUSK. The question before the House is whether unanimous consent shall be granted to the bill being now considered.

The SPEAKER *pro tempore*. That is the question before the House.

Mr. RUSK. I say this is a most extraordinary bill.

Mr. GARFIELD. I hope there will be no objection to the passage of the first bill for the relief of the widow of General Custer. The facts of the case are well known to the House. I think if we follow precedents we may safely say—certainly we may hope—that no such precedent as the death of General Custer under the circumstances is likely to occur again. I believe, in the three or four great slaughters in history from the days of Thermopylæ down, there has never before been a total and absolute slaughter of the whole command as in the case of General Custer. I do not inquire in the question of fault in carrying out orders. His unexampled gallantry and heroic death answer all controversy. I hope the bill will pass without objection.

The SPEAKER *pro tempore*. The gentleman from Ohio has not the floor for remarks. The gentleman from Virginia holds the floor. There is no question before the House but asking unanimous consent. The Chair holds that in all such cases the bill asked to be introduced by unanimous consent should be read first for the information of the House. If there is no objection to the bills at this time they can be considered. Is there objection?

Mr. HOLMAN. The inquiry applies to both bills?

The SPEAKER *pro tempore*. It does.

Mr. HOLMAN. I hope the Chair will confine it to the first bill.

The SPEAKER *pro tempore*. Is there objection to the introduction of the first bill for the relief of the widow of General Custer?

Mr. HOLMAN. I hope there will be no objection.

Mr. RUSK. I wish to have the provisions of the first bill read, as I was not in and do not know exactly what they are.

The bill was again read.

The SPEAKER *pro tempore*. There being no objection, the bill is now before the House for consideration.

The bill was read a first and second time.

Mr. TERRY. I do not think it just to allow this occasion to pass without saying a word in support of the bill which has just been read. It comes before the House with the informal approval of the Committee on Military Affairs, with which committee I have the honor of serving, and is unanimously indorsed by that committee, and as a member of that committee I do——

Mr. RUSK. I should like to ask the gentleman a question. Is this report from the Committee on Military Affairs? It is irregular if it is.

Mr. TERRY. I will say to the gentleman, if he will allow me to explain, that this bill was mentioned privately in the Committee on Military Affairs and has its indorsement, although it is not the formal report of the committee.

The SPEAKER *pro tempore*. That does not affect the position of the bill. It has been properly introduced.

Mr. TERRY. I was proceeding to say that the name of Custer is familiar to the people of this country not less by his death in the peculiar circumstances under which it occurred, which will eternally throw a halo of glory around his name, but on account of his brilliant career in the late civil war, in which he displayed a gallantry which scarcely any equaled and none surpassed. I hope this side of the House at least will be unanimous in paying this just tribute of respect to the gallant and brave man who has fallen at the head of his brave followers.

Mr. COX. The gentleman who is now near my seat [Mr. RUSK] has surmised that this proceeding was somewhat irregular. Indeed this whole proceeding with respect to General Custer partakes of a sad irregularity. His death was irregular in many sad ways. Whatever we may think, Mr. Speaker, of the origin of this Indian war in which he fell as a sacrifice, whatever we may think of the action of the War Department or of the commanders over him, or whatever may be our thought otherwise, it seems to me this House should not hesitate a moment in giving this relief by both bills to his widow and family and to his father and mother who were dependent upon him and upon his relatives who fell with him in this terrible massacre. I therefore appeal to the gentleman from Wisconsin not to impede the progress of the passage of these bills. It is better than a monument to Custer. It is kinder and more becoming the American Congress and more in consonance to-day with the feeling of the American people. And it is a proud thing to see a gentleman like my friend from Virginia, [Mr. TERRY,] who was in our civil war against Custer when he gained his loftiest plaudits, urging this House to make no obstruction to the passage of these bills. I knew General Custer for many years. He was born in Ohio. He lived near its border. His honor is shared not only by Ohio and Michigan, but by the whole country to-day. He was a man of rare cultivation; a literary man in many elegant ways. He was a man of rare generosity of character and liberality. He gave away all that the country gave him in the shape of money. These families were dependent upon him; and when his brothers and others of his connections fell with him, this House can do no less than pass both bills, even though it may seem a little irregular to the gentleman from Wisconsin. I hope the objection will be withdrawn, and that the bills may be put upon their passage by unanimous consent.

Mr. STEVENSON. I wish to ask the gentleman from New York if any provision is to be made for the pay of pensions to the families of other officers and privates who fell?

Mr. COX. I have not named any names in that connection. I hope those cases will be properly considered.

Mr. RUSK. I have not the least objection to the bill for the relief of the widow of General Custer by paying her a pension of $50 per month. That has been the custom heretofore. But gentlemen will recollect that in the last Congress the Committee on Invalid Pensions presented a bill allowing a pension of $50 a month to the widow of Captain Thomas, who fell in the Modoc war, and who was slaughtered in the same way as General Custer. That proposition was rejected, and she was only allowed a pension of $30 a month. I merely speak of this now to show that the House was not so liberal in that case as it proposes to be in this. I asked that that pension be granted by unanimous consent in that case, but the proposition was rejected.

In regard to the second bill I will say that when a pension has been granted it has been the custom that each person whose loss may be represented by a pension shall be represented by one representative only. The second bill proposes, as I understand it, to place on the pension-rolls at $80 per month three representatives, the wife, the mother, and the father.

Mr. MACDOUGALL. Eighty dollars covers the whole.

Mr. RUSK. I do not so understand it.

Mr. MACDOUGALL. Eighty dollars a month covers the whole pension granted by the second bill.

The SPEAKER *pro tempore*. The Chair would remark that the second bill is not properly under discussion at this time. The question is on the first bill introduced by the gentleman from Michigan.

Mr. RUSK. I have no objection to the first bill, and will give it my heartiest support, though I think it should have come from the Committee on Invalid Pensions; and as one of the committee I would have been cheerfully ready to report it at the earliest moment.

The bill (H. R. No. 3894) granting a pension to Mrs. Elizabeth Custer, widow of the late George A. Custer, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. A. S. WILLIAMS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER *pro tempore*. The Clerk will now report the second bill.

Mr. A. S. WILLIAMS. I wish to say a word in reply to the gentleman from Wisconsin.

The SPEAKER *pro tempore*. The gentleman will wait till the bill has been reported at the Clerk's desk, because it is still a question whether the House will consider it at this time.

The bill was again read.

The SPEAKER *pro tempore*. Is there objection to the consideration of the bill?

Mr. RUSK. I hope the gentleman from Michigan will consent that it shall go to the Committee on Invalid Pensions; we will give it an early consideration.

Mr. A. S. WILLIAMS. It is very late in the session, and I have consulted some of the members of the Committee on Invalid Pensions, who approved of the bill.

Mr. RUSK. If the gentleman will consent that it shall be referred to the Committee on Invalid Pensions, I am willing that that committee shall have leave to report it back immediately or at any time.

Mr. A. S. WILLIAMS. Allow me to state a fact or two in connection with this matter. Here were three sons of the parties for whose benefit this bill is intended killed. Two of them were not married, and of course no pension results from their death. For that reason these pensions should go to the dependent parents. They lost also a grandson in that massacre.

The SPEAKER *pro tempore*. Is there objection to the consideration of the bill?

Mr. AINSWORTH and Mr. RUSK objected.

Mr. COX. I hope the gentleman from Wisconsin will withdraw his objection. The Committee on Invalid Pensions will undoubtedly be ready to report a bill at any time, and it seems ungracious to delay the matter.

Mr. MACDOUGALL. I intend to introduce a bill to cover all these cases.

Mr. CANNON, of Illinois. Mr. Speaker, I arise to a parliamentary inquiry. I heartily agree with the bill to pension the widow of the late General Custer; but I would go further. In many a humble home in the United States the widow and orphans, or perchance aged parents of private soldiers who fell under the lead of the gallant Custer, mourn the loss of the dead one. These less noted ones are apt to be overlooked. Would it be in order to offer a resolution instructing the proper committee, either the Committee on Military Affairs or on Invalid Pensions, to report a bill at an early day to place such representatives also upon the pension-roll, thereby covering the whole case?

The SPEAKER *pro tempore*. That can be done at this time by unanimous consent.

Mr. GARFIELD. I ask unanimous consent that this bill be referred, together with all the facts relating to the persons killed, to the Committee on Invalid Pensions, with leave to report at any time.

Mr. LUTTRELL. And what in the mean time is to become of these old people who have been deprived of their means of living?

No objection was made, and the bill (H. R. No. 3895) was read a first and second time, and, with all the facts relating to the case, referred to the Committee on Invalid Pensions.

CORRECTION.

Mr. TERRY. I rise to make a correction. I observe on the vote taken yesterday on the amendment of the minority of the Committee of Elections in the case of Abbott *vs.* Frost I am on the record as not having voted. That is an error; I responded to my name and voted "no."

The SPEAKER *pro tempore*. The correction will be made.

Mr. SCHLEICHER obtained the floor.

PROTECTION OF IMMIGRANTS.

Mr. HEREFORD. I was instructed by the Committee on Commerce to report a bill, which I do not propose to report at this moment, concerning the arrival of emigrants in the city of New York and in other ports of the United States. As every member well knows, it has been decided that the various State laws on this subject are unconstitutional, and it is very important that a bill should be passed by Congress so that all the emigrants shall be taken care of in a similar manner as they were taken care of by the various State organizations. I am instructed by the Committee on Commerce to report a bill covering that ground, and I ask that after the disposition of the bill in relation to the Texas border the committee shall have leave to report the bill for immediate action. It will only take a few moments, I think, to dispose of it, and it will save hundreds of thousands of dollars, and it is also in the interest of humanity to the thousands of immigrants arriving at the various ports of the United States by steamers and other vessels.

The SPEAKER *pro tempore*. What is the motion of the gentleman from West Virginia?

Mr. HEREFORD. It is that immediately after the disposition of the Texas bill the Committee on Commerce have leave to report a bill for the protection of immigrants arriving at the various ports of the United States.

Mr. CONGER. I object to that motion, and I object to the bill. I want it to come up when we can discuss it.

The SPEAKER *pro tempore*. It is not a matter for debate now.

ORDER OF BUSINESS.

Mr. SCHLEICHER. I now move that the House resolve itself into Committee of the Whole on the state of the Union for the purpose of considering the joint resolution (H. R. No. 96) to provide for the protection of the Texas frontier on the Lower Rio Grande.

Pending that motion I move that all debate be limited to an hour and a half, and that speeches be limited to fifteen minutes.

Mr. BURCHARD, of Illinois. I presume that that motion only applies to the general debate, and would not cut off five-minute debate.

Mr. SCHLEICHER. It refers to all debate in the Committee of the Whole.

Mr. GARFIELD. Ah! But the gentleman cannot cut off the five-minute debate.

The SPEAKER *pro tempore*. The five-minute debate will of course occur after the general debate closes, and it cannot be cut off by a motion of this kind.

The question was taken on the motion to close debate, and it was agreed to.

The question was then taken on Mr. SCHLEICHER'S motion to go into Committee of the Whole on the state of the Union, and it was agreed to.

PROTECTION OF THE TEXAS FRONTIER.

The House then resolved itself into Committee of the Whole on the state of the Union, (Mr. MONROE in the chair,) and resumed the consideration of the joint resolution (H. R. No. 96) to provide for the protection of the Texas frontier on the Lower Rio Grande.

The CHAIRMAN. The debate upon this bill is now limited to one hour and a half, and all speeches are limited to fifteen minutes. When the committee rose the gentleman from Minnesota [Mr. DUNNELL] was entitled to the floor.

Mr. DUNNELL. Mr. Chairman, I do not expect to occupy the whole time assigned me, for I think I shall be able to express my views on these resolutions in less time. I suppose it will be admitted that the facts in this report upon which we are acting are substantially true. I am not disposed to doubt any portion of this report. But if I were to admit it to be wholly true, yet I am unable to see my way clear for voting for any other than the first of these two resolutions.

It is true that we have had troubles upon the Texas frontier for some time, serious difficulties, largely growing out of the unfortunate condition of affairs in the republic of Mexico. Yet these disturbances I think should not wholly be charged up against the government of Mexico. We know the history of that republic, its various struggles and the difficulties with which it has had to contend, and especially the difficulties with which it has had to contend since the present liberal party of that republic came into power. For one I think the Government of the United States should proceed very cautiously and kindly in its legislation whenever the republic of Mexico is in question.

We have rights, to be sure, that ought to be protected, and the citizens along the Texas frontier should not be forgotten in our legislation; they ought to have the protection which this first resolution proposes to give them. But when we propose to give all the needed protection, we ought to be very careful that we do not violate any treaty stipulations that exist between that republic and our own.

These troubles are to be admitted and are to be regretted. I am unable to discover any good reason why, if we adopt this first resolution, we should go beyond that in legislating upon this question. By the first resolution we propose that there shall be a force of two regiments of cavalry detailed to protect that frontier. It is the protection of the frontier alone that we have in view. The gentlemen representing that region of country ought not to ask Congress to go beyond that. They will not undertake to say that this force which is provided by the first resolution is not sufficient to give them protection. It is protection simply that they desire; protection alone that they need.

I am unwilling to vote for this second resolution because of its exceedingly doubtful and hazardous character. As was well said by the gentleman from Illinois, [Mr. HARRISON,] the other day, by passing this second resolution we will be putting into the hands of the officer, it may be a colonel of a regiment or any officer whatever, power to determine the question whether or not he shall pass over the line and pursue these murderers from Mexico. It will be seen at once that this is a very great power to confer upon the officers of these regiments along the line. In the heat of an engagement, under the circumstances in which they may be placed many times, they may pass beyond and go into the territory of a friendly republic and attempt the punishment of these maraunding bands. I think it would be exceedingly dangerous to allow them to do so, where we do not desire to court a war with the republic of Mexico. She has her history, she has her identity, she has her individuality and place in history as we have our place in history. She is a republic in all her essential characteristics; she has no other tendencies than toward a republic. Therefore, I think we should consider that we have no other desire in dealing with that republic than to protect our own citizens. I ask the gentleman from Texas, [Mr. SCHLEICHER,] whom I very much respect, whether there is any other thing than protection to be desired on the part of this people who are thus injured by these bands from Mexico?

Mr. SCHLEICHER. Nothing but protection.

Mr. DUNNELL. Now, if it be true that in this first resolution providing for two cavalry regiments we give what is deemed to be a sufficient force for protection, why should we be asked, in addition to that, to allow them the liberty to pass over the line? They will be more powerful for the purposes of protection so long as they keep this side of the line. So long as they remain upon American soil they are a mightier force for protection than if they were divided up into pursuing bands here and there along and over the line and within the republic of Mexico.

The gentleman says it is protection they want; that they want nothing else. We want nothing else for ourselves, and we certainly ought not to ask that this force be intrusted with any discretionary power whatever. I do not think there is a single gentleman on this floor who does not sympathize with the portion of the State of Texas that is thus afflicted. We are not divided upon that issue. There is no political issue involved here. Our own defense stands out prominent. We are bound to take care of the people of Texas and to prevent these marauding forces from Mexico. But I insist that the very

moment you intrust our forces with the right to go beyond our lines within the territory of Mexico you entangle us in a war.

It ought not to be forgotten that there has been a correspondence between our own Government and the Mexican minister of foreign affairs. Whenever this condition of things has been brought home to the Mexican government it has always replied that it regretted the condition of things and that to the extent of its ability it would seek to remedy them. We admit that there is a concession of weakness on the part of the Mexican government. We should not take advantage of that confession. As a humane republic it is our duty to regard that concession when we reply to our sister-republic that we must and will protect our own citizens.

In a letter that appears in this report, from Mr. Foster, our minister to Mexico, is to be found this statement:

> The remedy which I would propose is permission for the regular troops of the United States to follow the raiders across the border when in close pursuit, or, what would be still more efficacious, permission to temporarily occupy certain points on the Mexican side where the raiders are accustomed to cross the river. I was of the opinion that then the troubles would soon cease. But Mr. Lafragua said the executive has no authority to grant such permission without the consent of congress, and it would not be prudent to ask for this consent; the sentiment of the country would not approve it.

Our Government is informed at once of the feeling of Mexico. At the request of Mr. Fish the proposition was made to the Mexican government that our troops should be allowed to go across the line and pursue these bands of marauders. The Mexican minister says in reply that the sentiment of the country will not permit it; that the executive authority has no right to grant it; that the congress would not grant it. Now, in the face of this declaration coming from the Mexican government, shall we, a friendly republic, going beyond the necessities of the case which are those of protection alone, clothe this force of ours with authority to rush here and there into the republic of Mexico? If this be permitted we have trouble at once; we have war at once. We do not desire any of the territory of Mexico. We have territory enough of our own. We desire not an inch of Mexican territory. But it is our bounden duty to respect the republic of Mexico, to cherish her in her weakness, rather than strike at her, to encourage her in this declared purpose to take care of these marauders when the time shall come.

Mr. Chairman, I have had some little acquaintance in Mexico, having lived there a while. I have some idea of the struggles that have been going on there. I know something of the liberal party that is now in the ascendancy there. I was acquainted with the late president of the republic. I know that there are internal struggles there which would move the heart of every lover of republican liberty, no matter in what section of the country he might be. We are not at liberty, therefore, to strike at this republic, but should be content in securing simply the protection that we are able to give by the passage of this first resolution. Let us pass the first, but by all means reject the second.

Mr. REAGAN. Mr. Chairman, for the few minutes that I am allowed to occupy the floor, I ask the attention of the House upon a single point in this discussion. After the very full discussion of the general merits of these resolutions by the chairman of the select committee, [Mr. SCHLEICHER,] by the gentleman from Illinois, [Mr. HURLBUT,] and by my colleague, [Mr. CULBERSON,] I should feel it an unnecessary trespass upon the attention of this House to undertake to go over the general grounds of this bill, especially in view of the fact that the testimony upon which we are called to act has been drawn out by an able and impartial committee and printed and laid upon the tables of members for two months or more.

I know how difficult it is for members to get time to read a volume of testimony like this; yet I feel quite sure that if they could have examined this testimony and ascertained its purport, there would be no great opposition to the adoption of these resolutions. The testimony is as full and complete as testimony in such a case could be expected to be. It is the testimony of many citizens of all shades of opinion; it is the testimony of public meetings of an imposing character grouping together the facts which make up the grievances intended to be met by these resolutions; it is the testimony of the Legislature of the State of Texas; it is the testimony of the constitutional convention of that State; it is the testimony of the revenue officers of the United States and of our military officers on duty there; it is the testimony of the adjutant-general and the governor of the State of Texas; it is the testimony of the Secretary of State and of our minister in Mexico. This testimony makes out the case which we have asked this House to consider; and upon the consideration of this case we ask for that relief which the testimony shows is necessary to the frontier settlements in Texas.

I need only refer to the fact that in 1859 General Cortina, at the head of an armed military band of marauders, crossed the Rio Grande River, invaded American soil, took possession of Brownsville, released from jail prisoners charged with theft and murder, shot down the sheriff, assaulted, wounded, and I believe killed one or two others in releasing these prisoners, bid the town defiance, marched off up the river and remained for some time upon American soil, being finally driven back into the Mexican territory.

This state of things, a condition of war, went on until it was interrupted by the recent war between the States. A condition of things then grew up which made it more to the interest of the Mexicans to trade with the people on the north of the Rio Grande who crossed the river for cattle and other commodities than to steal their property and murder their citizens. Thus there was a partial arrest of these depredations until the close of the war.

This testimony discloses that from the close of the war until now a condition of war has prevailed for some hundreds of miles along that frontier. I say a condition of war, because this testimony shows it; not only the testimony to which I have referred from various general sources, but the testimony of the military authorities of the United States stationed upon that frontier and charged with the duty of protecting its people. This proof shows that many American citizens have been killed; that houses have been burned; that two United States postmasters at least have been killed and their families robbed; two revenue officers killed; others assaulted and driven from their duty. Altogether it is shown by indisputable and conclusive testimony that more than one hundred American citizens have been slaughtered there since 1865. In addition to that, this testimony shows that between one and three million dollars' worth of property has been taken from the people of Texas and carried across the Rio Grande, often by men wearing the military uniform of Mexico, and by men known to be in the service of that government. The proof shows that Cortina, who has defied his own government as he has defied ours, was a participant in the plunder and murder of our people.

Mr. DUNNELL. If he has defied his own government would you hold his government responsible?

Mr. REAGAN. The main object of my remarks is to answer the very question presented by the gentleman from Minnesota. I have made these preliminary observations for the purpose of saying that the only object I have in view in addressing the committee is to call their attention to the policy and necessity of adopting the second resolution; for there seems to be a general concurrence that it would be proper to adopt the first resolution.

It was assumed by the gentleman from Illinois, [Mr. STEVENSON,] who moves to strike this out, that to authorize our troops to cross the Mexican border is a virtual declaration of war; that the crossing of the Rio Grande in pursuit of marauders would be an act of war, and that it would be unjust and impolitic in a great government to make war in an irregular way without a formal declaration of war for just cause.

The same general views underlie the remarks of my friend from Minnesota [Mr. DUNNELL] who has just taken his seat, as well as of the gentleman from Illinois [Mr. HARRISON] who addressed the House yesterday. The gentleman from Illinois [Mr. HARRISON] put this question repeatedly to the House, "If these people come upon American soil, murder the people, take their property from them, why not arrest them and punish them by civil law?" That question is answered most fully by testimony before you, and especially by the testimony of Major-General Ord, United States Army, now in command of that border. I will refer to one communication at this point, and I ask the attention of the members of the House while I read it:

> HEADQUARTERS DEPARTMENT OF TEXAS,
> *San Antonio, Texas, August* 23, 1875.
>
> SIR: Inclosed please find letters from Hon. J. E. Dwyer, State senator; Mr. P. Marcedi, sheriff of Starr County, Texas, and others, Nos. 2588, 2589, 2592, 2646, 2683, 2711, 2745, 2834, 3450. I beg to call especial attention to statement of Hon. J. E. Dwyer.
>
> Having examined the country and visited many of the ranches and places named, I find, from best sources of information, that the within statements are generally reliable; and that, while there are quite a number of useful and peaceable Mexicans settled on the east side of the Rio Grande, like all Mexicans not *jente de razon*, they submit docilely to any power or force that chooses to override them, so that, the country being now overridden by the Mexican raiders, civil authority overawed or elected by peons in their interest, the military powerless for the reason that while really it is a time of war and public danger no proclamation to that effect has been made by the president, and the aforesaid civil authority (Mexican) is paramount, and every judge and sheriff of the state, knowing the facts, assured me it was impossible to convict any raider, murderer, or offender who may be connected with or under the protection of the raider bands.

Mark his language; he calls it a time of war.

> The circumstances are almost identical with the piracies on our commerce once committed by the Algerines, who fled in safety with their prizes to their own ports. There the offenses were committed on the open seas; here they are committed, with the same ease and atrocities, on the open plains. In both cases the pirates found a ready sale for their captures in the ports where their expeditions were fitted out, namely, Algiers and Tripoli, for the Moors, and Matamoras, Reynosa, Camargo, Mier, and Guerero, for the Mexicans, and in both cases the pirates were rewarded by promotion. The leader of the band that murdered Lovell in May last and plundered the custom-house at Carizo is now captain of the guard at Mier.
>
> I have to ask that these papers and this letter be referred to the Secretary of State.
>
> Very respectfully, your obedient servant,
>
> E. O. C. ORD,
> *Brigadier-General U. S. Army, Commanding.*
>
> ADJUTANT-GENERAL, U. S. ARMY, *Washington, D. C.*

The evidence fully bears out the statement of General Ord that Mexicans are promoted who signalize their skill in murder and plunder.

Now, then, if the gentleman from Illinois [Mr. HARRISON] were in his place, I would ask him, with this and the other testimony corroborating it all through the case, what he means by saying to the people who have suffered the calamities of war for ten years, lost hundreds of lives, had the custom-house and post-office of the United States plundered upon their own soil, the military defied, two millions of property stolen, what he means by saying to them in the face of such testimony as this, "Protect yourselves. Why do you not arrest and punish the offenders?" It seems to me, and I say it with all respect

that it is a cruel wrong to a people outraged, plundered, murdered, as these have been, powerless to protect themselves by civil authority, having surrendered all their military authority in this respect to the Government of the United States, to turn upon them now and say, "Why do you not protect yourselves?" It is tantalizing them in the hour of their calamity, in the hour of their helplessness.

But I must pass from this, and I have only time to read another statement of General Ord, which perhaps I can refer to at once. I cannot take time to read as I ought to, but I will read a single sentence from the testimony of General Ord:

I satisfied myself that the only way to protect the property of the people on that frontier and to prevent these raids was to cross the river whenever the troops struck a trail with the prospect of overtaking the cattle-thieves.

I refer further to his testimony that, owing to the peculiar condition of the country, being dense chaparral for twenty miles back on the northern line of the river, some two hundred miles in length, where the ralders can penetrate without being seen and go back one hundred miles from the frontier into the interior to rob and murder the people, he has stated that it would require a very large force, occupying a defensive position, to protect the people there. I do not remember his words, but he shows that it will take a larger force than this Government can afford. Captain McNally, comparatively a young man, is yet a skillful, brave officer and an earnest, able man, and he says that 10,000 men posted there within that border, with that peculiarity of population and country, without authority to cross the river, would be insufficient.

Here I wish to say to the House, and I fear I will not get an opportunity to say the main thing for which I rose before I close, and if I do not I will ask the House for a few moments longer—I wish to say to the gentleman from Minnesota, as well as to the gentleman from Illinois who proposed the amendment to strike out the second section, that I agree with the feelings they express, and I concur with the sentiments to which they give utterance that it is not our policy to cause war between the United States and Mexico. We wish their friendship, we wish their commerce. We do not desire to violate their territory or to wound the pride or national honor of the Mexican people. There is no man representing Texas here who feels and expresses any other sentiment. To-day I say to you if the country on the south side of the Rio Grande was tendered to our people as a free gift, with the present population upon it, I would vote against its annexation.

So I think most of the people of Texas would do. It is not conquest, it is not war we want. We sympathize with the present president of Mexico, President Lerdo, because we believe he is trying to establish civil government on a broad, popular basis; because he has extended education; because he is extending railroad and telegraph lines; because he has aided in making a final separation between church and state; because we believe his views are liberal. We have no desire to harm him and to wound his feelings of kindness which we believe he entertains toward our country. Why, then, you say, do we propose to authorize our troops to go upon Mexican soil? Now let me call your attention to the resolution.

The CHAIRMAN. The gentleman's time has expired.

Mr. REAGAN. I should like to get the consent of the committee to have ten minutes more.

Mr. LEAVENWORTH. I move that the time of the gentleman be extended ten minutes.

The CHAIRMAN. The Chair will state that the committee is acting under the order of the House; that general debate on this bill has been limited to an hour and a half, and that each speaker has been confined to fifteen minutes. Strictly speaking the Chair supposes the committee has no power to extend the time.

Mr. REAGAN. Cannot the committee by unanimous consent extend my time?

The CHAIRMAN. A motion that the committee rise for the purpose of obtaining from the House an extension of time would be in order.

Mr. COX. I move that the committee rise to obtain from the House an extension of time, and also for another purpose, that a bill for the relief of the Custer family, which has now been prepared by the Committee on Invalid Pensions, may be brought before the House.

The motion that the committee rise was agreed to.

The committee accordingly rose; and the Speaker *pro tempore* having taken the chair, Mr. MONROE reported that the Committee of the Whole on the state of the Union had had under consideration the joint resolution (H. R. No. 96) to provide for the protection of the Texas frontier on the Lower Rio Grande, and had come to no resolution thereon.

Mr. RICE. I move that when the House shall again resolve itself into Committee of the Whole the time of the gentleman from Texas [Mr. REAGAN] be extended for fifteen minutes, and also that the original limitation of an hour and a half for general debate be extended to an hour and three-quarters.

There was no objection, and the motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, announced that the Senate had passed without amendment bills of the following titles:

A bill (H. R. No. 1807) for the relief of Anthony Lawson, surviving partner of the firm of Lawson & Brewis, of Alexandria, Virginia;

A bill (H. R. No. 3486) for the relief of James F. Buckner; and

A bill (H. R. No. 3490) for the relief of James W. Love, postmaster at Patriot, Indiana.

The message also announced that the Senate had passed a joint resolution and a bill of the following titles; in which the concurrence of the House was requested:

Joint resolution (S. No. 17) authorizing Lieutenant Theodorus B. M. Mason, of the United States Navy, to accept a silver medal from the King of Italy; and

A bill (S. No. 983) to extend the duration of the court of commissioners of Alabama claims.

RELIEF OF THE CUSTER FAMILY.

Mr. RUSK, by unanimous consent, introduced a bill (H. R. No. 3896) granting a pension to Maria Custer and Emanuel H. Custer; which was read a first and second time.

The bill was read. It authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the names of Maria Custer and Emanuel H. Custer, dependent mother and father of Brevet Major-General George A. Custer, Brevet Lieutenant-Colonel Thomas W. Custer, and Boston Custer, who were killed on the 25th day of June, 1876, at the battle of the Little Big Horn, and pay them a pension at the rate of $50 per month each for the two last-named sons.

Mr. KASSON. I wish to inquire if both the Custers last named were in the service? One was.

Mr. RUSK. Boston Custer was not an enlisted man, but was under the command of Major-General Custer, and comes within the rule.

Mr. KASSON. I think, if it does not affect the amount of pension, the name of Boston Custer should be left out. I think the name of a civilian should not be recognized in a pension bill.

Mr. BANKS. No one would like to object to the passage of the bill now before the House; but I desire to ask the gentleman from Wisconsin [Mr. RUSK] whether it is not necessary to give some consideration to the families of the others who were slaughtered in that battle, and who are left as dependent as those here named? Should not the bill go to the Committee on Invalid Pensions in order that proper provision may be made for all the cases?

Mr. RUSK. I will state to the gentleman from Massachusetts that while he was not in the House a bill similar to this was introduced this morning and referred to the Committee on Invalid Pensions. We have not had time to have a meeting as a committee; but as a member of the committee I have consented to this, and I believe the majority of the committee will agree to it. The general law will provide for the families of those who fell in this battle other than the father and mother of these three officers. General Custer has a widow. We passed a bill for her relief at $50 a month. This is to relieve the aged father and mother. They had three sons killed in that disaster, and I think the bill is just and proper and ought to pass.

Mr. KASSON. I ask the gentleman, if it does not affect the amount, to leave out the name of the civilian. As the bill now stands it seems to state a ground of liability which the United States has never assumed; liability, namely, for the loss of a civilian.

Mr. RUSK. The United States has invariably, where a man was lost in battle, recognized its liability when he was acting under orders, under the command of any officer.

Mr. KASSON. I understand that Boston Custer was a civilian.

Mr. RUSK. He was not an enlisted man. But that makes no difference, when he was acting under the orders of the commanding officer.

Mr. KASSON. I think the gentleman is mistaken in his views. I move to amend the bill by striking out the words "and Boston Custer."

Mr. BANKS. I think the gentleman from Wisconsin should allow the bill to be referred to the committee of which he is a member, that the committee may give us a report on the facts relating to the entire case.

Mr. RICE. The facts are pretty generally known; and the reason for asking the passage of this bill now is that it may go through both Houses of Congress before the adjournment. The whole country is acquainted with the facts.

The SPEAKER *pro tempore* The gentleman from Iowa [Mr. KASSON] moves to amend the bill by striking out the name of Boston Custer.

Mr. RUSK. I have no objection to that at all.

The amendment was agreed to.

The bill, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. RUSK moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. CONGER. In connection with that measure I desire to move that the Committee on Invalid Pensions be directed to inquire into the facts and report a bill for the relief of the families of others who also perished in this battle.

The SPEAKER *pro tempore*. Is there objection to the consideration of the motion of the gentleman from Michigan at this time?

Mr. JENKS. I object to the motion at present, because the general law provides for these cases.

Mr. MACDOUGALL. The general law applies to Custer's case too.

Mr. JENKS. It did not so far as the last case is concerned.

Mr. MACDOUGALL. I have a bill prepared for this very purpose which I would like to introduce.

Mr. CONGER. Is my motion objected to?

The SPEAKER *pro tempore*. It is objected to.

TEXAS BORDER TROUBLES.

Mr. SCHLEICHER obtained the floor.

Mr. YOUNG. By leave of the gentleman from Texas I desire to submit this motion to the House, that the Committee of the Whole on the state of the Union be authorized by unanimous consent to extend the time of any speaker in the discussion upon the pending bill without the committee rising and the Speaker taking the chair for that purpose.

The SPEAKER *pro tempore*. Does the gentleman yield for that motion?

Mr. SCHLEICHER. I move that the House resolve itself into Committee of the Whole on the state of the Union on the Texas border troubles.

Mr. MACDOUGALL. I ask the gentleman to yield to me to introduce this bill.

The SPEAKER *pro tempore*. Objection has been made two or three times for the introduction of any further bill, and the question now is upon the motion of the gentleman from Texas that the House resolve itself into Committee of the Whole on the state of the Union, with the understanding that the time of the gentleman from Texas [Mr. REAGAN] be extended fifteen minutes, and that fifteen additional minutes shall be allowed for the time of general debate.

The question was taken on Mr. SCHLEICHER's motion, and it was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, (Mr. MONROE in the chair,) and resumed the consideration of the joint resolution (H. R. No. 96) to provide for the protection of the Texas frontier on the Lower Rio Grande.

Mr. REAGAN. Mr. Chairman, when I was interrupted in the course of my remarks I was about to call the attention of the committee to the second section of the resolution presented, and I invoke the attention of the House to the particular wording of that section, and the attention of all those who have read the testimony to the fact that the wording of that section conforms to the spirit of the testimony upon which it is predicated, and from which it will be seen that the committee did not mean to do what would necessarily be an act of war or lead to war, but meant simply to meet the case presented to them by the testimony.

The second section of the resolution reads:

That in view of the inability of the national government of Mexico to prevent the inroads of lawless parties from Mexican soil into Texas, the President is hereby authorized, whenever in his judgment it shall be necessary for the protection of the rights of American citizens on the Texas frontier above described, to order the troops, when in close pursuit of the robbers with their booty, to cross the Rio Grande, and use such means as they may find necessary for recovering the stolen property and checking the raids, guarding, however, in all cases against any unnecessary injury to peaceable inhabitants of Mexico.

What I call attention to is the language, which shows that the federal republic of Mexico is unable to restrain these raids, that the purpose of the pursuit and the state of facts when pursuit will be made are shown by the resolution to be when the troops are in close pursuit of the robbers with their booty. This language shows what the purpose was. What are the facts upon which this resolution was reported? I have to make the statement very briefly, trusting to the knowledge of the members of the House of the facts stated in the report of the committee. They are that for ten years past the state of Tamaulipas has been nearly all the time acting in open defiance of the authority of the Mexican Republic. I call attention to the correspondence between our minister and the secretary of state of Mexico, and especially to the letters of our own Secretary of State, embodied in this evidence, which show that the Mexican government either cannot or will not restrain these marauders. The truth is, and the evidence shows it conclusively, that these Mexicans along the border are acting in defiance of the policy and of the wishes of the Mexican government, violating international comity and international law, and sacrificing the lives of our people and taking from them their property. They come across the Rio Grande and commit depredations upon our soil; they burn post-offices and kill postmasters; they rob custom-houses; they rob farm-houses and burn them and kill the owners; they carry away hundreds of thousands of cattle and horses, and when they have crossed the Rio Grande, closely pursued by the citizens or the military, they mock at our condition. Knowing that our Government is disposed to respect the rights of Mexico, they avail themselves of that honor perhaps and action to bid open defiance between the governments of Mexico and the United States.

Now, then, it has been said here, and the illustration has been made by several gentlemen, that if we were to authorize our troops to go into Canada to make reprisals and to arrest wrong-doers it would be an act of war against Great Britain, and we are asked would she not declare war. The same proposition has been put in the reverse form. If the British government should send its forces across our border, would not we deem it an act of war? Certainly, in both cases the proposition made is well sustained by reason. Why? Because each of these nations respects its international obligations with the other, and enforces its local laws, and prevents wrong-doing, and aids with sufficient power to recapture and by extradition to return the wrong-doer to the country in which the wrong was perpetrated, so that there can be no excuse for such an act on the part of either of these parties against the other. Is that the case before this Congress? It is to this that I desire to call the attention of the House. There are men and Mexican border men who are violating the law and subverting the policy of Mexico, bandits and robbers occupying, as General Ord says, the position of the pirates of Algeria and Tripoli. This is known to us all. They bid defiance to their own laws and to our laws. Their government cannot control them, and our Government while it respects this border cannot control them. But it is said that if you permit our troops to cross the border it will be an act of war, and will wound the pride of Mexico and necessarily lead to war. Gentlemen have not examined the whole history of this case. If our troops should cross the border it would be no cause for war, because the Mexican government knows as well as we do that they cannot and do not control these marauders and robbers.

Now, sir, a better illustration of the case on hand would be this: That to-day we have treaty stipulations of friendship and amity with the Sioux Nation, and because we have treaty stipulations with them we should send no troops to the Black Hills country to avenge the murder of Custer and his heroic comrades. We have treaty stipulations, but those stipulations were not intended to be a shield for our enemies and death and destruction to our own citizens.

It is said, however, that by the law of nations it would be an act of war. The gentleman from Illinois, [Mr. HURLBUT,] a member of the committee who has examined all the testimony and looked well into the law of nations, read you a paragraph from Halleck's Laws of War, which I beg leave to trespass upon the time of the House to read again:

But it may be asked shall the state, which is suffering from the piratical incursions organized in and emanating from a neighboring state, do nothing in self-defense and for self-preservation? Must she wait until the invading force crosses her own borders before she can attack and destroy it? Not at all. If the neighboring state, from the want either of the will or of the ability, neglects to prevent such excursions, or to suppress such organizations, the threatened state may cross the frontier and attack and destroy the threatened danger. But the act is one of hostility, and she performs it in the exercise of her belligerent rights, not in the exercise of a pacific right of self-defense. It is not necessary that such act should be preceded by a declaration of war, nor, indeed, that it should be followed by a public and solemn war in form; nevertheless it is a belligerent act, justifiable, perhaps, by the circumstances of the case and the culpable neglect of the other party, and, as such, belongs to that class of hostile operations known in international jurisprudence as imperfect war, and which will be more particularly discussed in another chapter. (Wheaton's Elements of International Law, part 2, chapter 1, § 13; Grotius de Jure Belli et Pacis, liber 1, cap. 3, § 1; Burlamaqui's Droit Naturell, &c., tome 5, part 4, chapter 3; Vattel, Droit des Gens, liv. 2, chapter 6, § 72.)

I have here before me Wheaton and Vattel, and I have reference to their authorities, but it is sufficient to say that the law here laid down is sustained by all the law-writers on this subject: If Mexico cannot restrain the robbers and marauders that organize upon her borders and make their forays upon our people, she has not only no right to complain if we control and check them, but she ought to be obliged to us for doing so for the preservation of the law and for the enforcement of the right.

While I feel sure that no government in Mexico could freely consent to an invasion of their territory under any circumstances or for any purpose, I do not doubt the Mexican authorities, impressed as I am with the belief that that government means to be just, desires good neighborhood and peaceable commercial relations with us, and would be obliged to us if in the case contemplated by the resolution we broke up this nest of pirates, robbers, and marauders.

Mr. JONES, of Kentucky. I would ask the gentleman if the Mexican government ever intimated that they were unable to prevent these lawless incursions?

Mr. REAGAN. It has not, so far as I know, formally so said. But the Secretary of State of the United States, and Mr. Foster, our minister to the Mexican government, have warned that government that as they could not or would not do this, if they failed to do so it would render it necessary that our forces should cross the border.

[Here the hammer fell.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. COCHRANE. I move that the gentleman's time be extended.

The CHAIRMAN. The Committee of the Whole cannot extend the time.

Mr. CONGER. When this discussion first began in Committee of the Whole and after the opening remarks made by the gentleman from Texas who has charge of this matter, [Mr. SCHLEICHER,] I took occasion to make some remarks upon this joint resolution, in which I gave my approval to the first section and admitted the necessity and urged the propriety of providing in some manner for the defense of our Texan frontier. I took occasion also to call the attention of the Committee of the Whole to the fact that the second section of the joint resolution, in my judgment, authorizes acts which by any civilized nation, if done without its consent, would be a declaration of war. I supported that proposition then by stating that our Government had submitted a proposition to Mexico for permission to pursue marauders across the border and that the Mexican government had refused that permission.

I also stated—and I desire to call the attention of the gentleman

from Texas [Mr. THROCKMORTON] to what I then said, because he criticised my remarks in an unnecessary consumption of time and with an unnecessary disingenuousness—I said that, on the complaint of our Government that these robberies, these murders had been committed by Mexicans invading our soil from Mexican territory, that government had done as all governments are bound to do, appointed a commission to examine into the subject, giving that commission authority to make full and complete research by visiting that border region and taking testimony wherever and whenever they could find anything bearing upon the subject. I said that I had seen that report, the report of that commission, and had read it with great attention and with great care.

Now the gentleman from Texas, [Mr. THROCKMORTON,] with a disingenuousness that is unworthy of the very forcible discourse he delivered here and of the power which he manifested in his remarks, asserted to this House that I had said that I had read that report "with pleasure," as if it pleased me to learn that a foreign nation disputed a fact asserted by our Government; as if it pleased me that a foreign nation made a defense against charges which we believe cannot be disputed. His words were "The gentleman from Michigan says he read the report with very great pleasure." Now there was nothing in the tenor of my remarks that indicated anything of that kind. And the gentleman did not strengthen his position in this House nor before the people by resorting to any such means either of prejudice or persuasion. But that is immaterial to the question now before the House.

I took an early opportunity to call the attention of the friends of this joint resolution to the serious objection, in my mind, and, as it has since appeared, in the minds of many other members of this House, to the second section of this joint resolution. I cannot let this opportunity pass without reading to this Committee of the Whole and to the gentleman from Texas who has spoken to-day [Mr. REAGAN] a part of the report of our minister to Mexico in regard to his negotiations on this very subject, and of the proposition which he made, under the direction of the President of the United States, through our Secretary of State to the Mexican Government. He says in his communication that in a formal conversation which he had with the Mexican minister of foreign affairs he submitted this proposition. I will use his own words:

> The remedy which I would propose is permission for the regular troops of the United States to follow the raiders across the border when in close pursuit.

The very language of this joint resolution:

> Or, what would be still more efficacious, permission to temporarily occupy certain points on the Mexican side where the raiders are accustomed to cross the river. I was of the opinion that then the troubles would soon cease. But Mr. Lafragua said the executive has no authority to grant such permission without the consent of the Mexican congress, and it would not be prudent to ask for this consent; the sentiment of the country would not approve it; and he referred to the indignation occasioned by the passage into Mexican territory of General Mackenzie.

I understood the gentleman from Texas [Mr. REAGAN] to say that already two expeditions have crossed the Mexican border in pursuit of these raiders. Did I understand him correctly to say "by authority of the United States?"

Mr. REAGAN. I did not say "by authority." For one of the expeditions to which I referred there is no publicly proclaimed authority, and I do not care to raise that question.

Mr. CONGER. I understood the gentleman to say in regard to General Mackenzie that he crossed by authority.

Mr. REAGAN. I disremember the language I used.

Mr. CONGER. Does the gentleman now claim that General Mackenzie did cross by any authority of the United States?

Mr. REAGAN. I do not know that he had any precedent instructions.

Mr. CONGER. In this very communication, from which I am reading, the Mexican minister referred to the indignation caused by the passage into Mexican territory of General Mackenzie. Our minister says:

> I replied that General Mackenzie crossed without authority from either government; but, if permission was given, the necessity for it would be known to the public, and there would be no violation of national sovereignty, and good citizens ought to be satisfied.

The whole thing is in that simple proposition. If the authorities of a neighboring State permit the crossing of troops into its borders of course there is no occasion for war, of course the act is not a belligerent one, and of course it would lead to no complications. But here our Government, through our Secretary of State, made a distinct proposition to the Mexican government to permit our forces to cross the borders and to pursue raiders; and we are told first that the president of Mexico has no authority to permit that without the consent of the Mexican congress, and, second, that the public feeling of Mexico is so strong against it that even if it were asked by the president of the Mexican Republic it would injure his position as the chief officer of that State.

The indignation of the Mexicans at one crossing by General Mackenzie was so great that the Mexican government at once applied to the United States Government to ascertain if it had authorized that crossing of troops into their territory, that invasion of their territorial rights; and then this Government, knowing perhaps as much in regard to the rules of war, as much in regard to what constitutes belligerent acts, as some members on this floor, hastened to disavow any authority of the United States for the act, hastened to allay the indignation of the Mexican people by disavowing any authority on the part of General Mackenzie for the violation of their territory.

Mr. REAGAN. Will the gentleman allow me to ask him a question?

Mr. CONGER. Yes, sir.

Mr. REAGAN. As the gentleman opposes this mode of protecting our people, I ask him whether, in view of all the facts of the case, any other efficient mode of protection has occurred to his mind; whether he prefers a declaration of war against peaceful people who do not want war or the cheaper mode of securing ourselves against these marauders?

Mr. CONGER. I have said in previous remarks—I wish the gentleman had been in his seat and had done me the honor to hear me—that I would cheerfully support, and hoped every gentleman in this House would support, the first section of this joint resolution providing two full regiments of cavalry for the protection of that frontier. I also said, as the gentleman may find by turning to the RECORD, that if ten regiments or twenty regiments were needed to protect that frontier I would vote to give them at any time now or hereafter.

But when a measure of this character had been the subject of diplomatic correspondence between the two governments, and when the solemn request of this Government had been refused by Mexico, I cannot give my consent that Congress, in the face of all these facts, should incorporate into a joint resolution authority for our troops to pass where the Mexican government has said they could not pass without exciting the indignation of their people and endangering the supremacy of their government.

Mr. REAGAN. I would like to ask the gentleman further——

Mr. CONGER. As the gentleman has had his half hour, I prefer to say what I have to say without interruption.

Now, when any gentleman on this floor urges the proposition that this is virtually an act of war, that if the government of Mexico has any pride, any patriotism, any valor, it must receive the act as such and must follow it up by actual war, gentlemen on the other side do not answer that proposition. The gentleman from Texas has read an authority exactly on my side from Halleck, in which it is said that such an act without the consent of the other government is a belligerent act. I thank him for the authority.

Mr. REAGAN. Will the gentleman allow me right here to read a paragraph from Vattel?

Mr. CONGER. I have read Vattel, I have read Grotius, I have read Halleck; and I do not think anybody needs to spend days and weeks in reading international law to know that the violation of the territory of another country by armed troops without the consent of that country is a belligerent act, and has always been treated as such. It is one of the common modes of commencing war.

Now, how do gentlemen meet that proposition? They repeat over and over again, "Robbery! Murder! Cattle-stealing! Mule-driving!" Does that meet the proposition? I had expected that my friend from Texas, who is the statesman of his delegation, would meet the proposition as a statesman, and not go on repeating over and over and over again the accounts of cattle-stealing. Cattle-stealing is a bad thing; robberies and murders are bad; but plunging two nations into war is infinitely worse. Especially for a proud, strong, war-like nation such as the United States of America has proved itself to be, to commence belligerent acts upon a sister-republic when that republic is approaching more the form of permanent, consistent, civilized government than it ever has before; to take just the time when that government is doing the best it ever has been able to do to maintain the rights of its citizens and prevent the encroachment of its people upon the rights of others; to take just this moment to declare war is unworthy the people of the United States and unworthy of the Congress in which such a proposition may originate.

Now I do not desire to be misunderstood or misrepresented again. I am in favor of pursuing by all legal and legitimate means all measures which shall give protection on the Texas frontier of property, of home, of life, of everything for which the citizen can appeal to this Government for protection. And I am in favor of doing it at whatever cost; for the nation that cannot protect its citizens against the incursions of any body on God's footstool ought to be dethroned from power.

[Here the hammer fell.]

Mr. BANKS. I asked the Chair to put my name on the list of members who were to speak on this question, but it was in deference to the request of the chairman of the committee rather than because of my own judgment that I gave my consent.

I do not think it is impossible for Congress to pass a resolution of this kind without a violation of international law. On the contrary I believe that under circumstances such as may exist, or such as might exist, the Government of the United States might give an order to this effect without any serious offense to the government of Mexico. But it depends wholly upon the manner in which it is done and the circumstances which require it.

Now, sir, in this case our difficulty here in this House or in Congress is that we have no means of communicating or entering into negotiations with the government of Mexico on this subject. And we cannot remove any difficulties which she might have in a process of this kind, or express to her any views of our own in regard to the circumstances in which we are placed. We have no power of communication with the Mexican government. The executive govern-

ment has that power. They are enabled to communicate at any time, in any manner and to any extent, on this and other subjects. Now my trouble in this regard is that the executive government of the United States has never suggested in any form whatever that is a matter of record for us either the necessity for a power like that embraced in the second section or a declaration of the manner in which it is to be used if that power is given. And if this be the case, then the House will stand in the position of having forced upon the executive government a power, an extraordinary power for which the Government has never asked, without any declaration as to the manner in which that power is to be used, and without any intimation on the part of the executive officers of the Government as to the consequence of giving that power. I rose here especially to ask the honorable chairman of the committee if he has any such communication from the executive department of the Government as will relieve us in these two respects, either as to the necessity of the power embraced in the second section or as to the manner in which that power is to be used and the consequences that may flow from it. On that, sir, my vote will depend.

Mr. SCHLEICHER. I feel at liberty to state to the committee that I had several interviews with the Secretary of State, Mr. Fish; but that I have no official communication from him at all. Before the committee acted upon this matter I submitted the resolution to him, and asked him for his opinion. He only gave it privately. He expressed himself that for years he had thought that finally there would be nothing left but the adoption of the measure proposed; that all other means would be tried by him, but that he expected it would come to that. I even consulted with him as to the special wording of the resolution, and he suggested some changes in the wording, which were made. Before the action of the House was asked on the resolution, I addressed a note to Mr. Fish, saying I would not make any statement before the House as to the conversations with him, or as to his opinion, that would have any coloring of an official expression on his part, without knowing exactly how far I should go; and I desired him to state to me in writing how far I should go in that respect. I have not received an answer to that communication. And I consider his failure to answer meant simply this, that he declined to give an official opinion about it, and that his desire was to leave the matter entirely to the responsibility of the House alone.

Mr. BANKS. Those are what I understood to be the facts of the case as regards the communication between the executive department of the Government and the committee having this subject in charge; and they do not seem to me to be sufficient to justify us in taking the step which we would take if we passed the second resolution. According to my judgment it is our duty to consult with the executive department of the Government before taking a step of this kind, and to have an expression of its opinion as to the necessity of the measure, as to the manner in which the power is to be used, and as to the probable consequences that may flow from it. And not having this, I presented to the committee a formula upon this subject, which includes the proposition as to crossing the boundary line between the two governments, but did not go to the extent this resolution goes. And I should feel myself unable to vote for it under the declaration made by the honorable chairman of the committee, the gentleman from Texas, [Mr. SCHLEICHER.]

Now I want to say that I do not think it will necessarily follow there will be war between the two governments if this resolution should be passed and should be enforced. It may result otherwise than in war; and yet we must all admit it may result in war. It will depend on the manner in which it shall be used; and we have no power to control the manner in which it shall be used.

The executive department gives us no assurance as to the extent to which the power should be carried, and the probability is that it will rest in the end only on the responsibility of the subordinate officers who are to exercise this power, and I would not like under the circumstances to give such power to those officers.

It is a fact already known to all the members of the House that upon the Upper Rio Grande there is a constant passing over the line between Mexico and the United States by Mexican soldiers and the soldiers of the United States for the purposes suggested in this resolution. But that is with an understanding between the subordinate officers who respect the two governments, and hence it leads us into no trouble. We do not know if such an understanding can be obtained with regard to the Lower Rio Grande; we do not know if the executive government demands this power. We do not know, nor can we judge, what the consequence or results will be. The House of Representatives will have forced on the executive department of the Government an extraordinary power for which it is not asked and which may lead to serious trouble between the two governments, which I am sure no member of the House desires to occur.

Mr. COX Some few years ago the Committee on Foreign Affairs, of which I was then a member, gave a good deal of study to this matter. We examined it in detail. We found much exaggeration in favor of interested parties in the reports made from the Rio Grande frontier, as to the losses incurred there. We found a great deal of dispute and recrimination between the two governments on the two sides of the Rio Grande. We took no definite action. Since that time there has been much testimony taken in relation to these raids.

It seems now, however, to be conceded by those who have examined the question that in the last ten years there has been at least a loss of $2,000,000 or $3,000,000 of property belonging to our people which has been stolen and carried upon the other side of the Rio Grande. For this our citizens have had no compensation. In fact, this border itself has been depopulated, wasted, deserted. It remains a desolation.

Now the Rio Grande is a fordable river with numerous curves in it. Beyond it are the Sierra Madre Mountains. They are some one hundred and fifty miles beyond. They afford refuge for these Mexican marauders and their prey.

It is a pity that in fixing the boundary we did not make those mountains instead of a shallow river the western limit of Texas. It would have saved us much trouble, anxiety, and losses and money.

But the question is raised, does the Executive Department desire to have some such authority from Congress as this bill would devolve upon it? This second section should meet approval because we may, I think, at this time, when the incumbent is not a candidate, trust the Executive in its execution. From "necessity" this second section can be justified as well as the first. President Grant in his message refers to this subject and asks for some such power.

Mr. STEVENSON. The discretion, if I understand the resolution correctly, is not vested exclusively in the President of the United States, but in the troops who are sent across the border, and they are to be allowed to exercise such means as they may deem proper for the suppression of these outrages.

Mr. COX. I do not so read the second section. It is as follows:

That, in view of the inability of the national government of Mexico to prevent the inroads of lawless parties from Mexican soil into Texas, *the President is hereby authorized, whenever, in his judgment, it shall be necessary for the protection of the rights of American citizens on the Texas frontier*, above described, to order the troops to cross the Rio Grande, and use such means as they may find necessary for recovering the stolen property and checking the raids, guarding, however, in all cases, against any unnecessary injury to peaceable inhabitants of Mexico.

This seems to be perspicuous enough. It is the President who bears the responsibility of judgment and of ordering.

Mr. STEVENSON. How can that be made available?

Mr. COX. I presume that while our troops are pursuing the robbers the remedy may be had under this section; at least the President would have the right and power in the first instance to issue his orders. Until he issues them the troops cannot of course act, and no evil results will happen.

Now, sir, I am not very particular on points of international law connected with these outrages. When it comes down to the point of open and flagrant robbing, we ought to take vigorous and decided action. The Mexican government is confessedly powerless. It knows well that our troops will cross, as they have crossed the border, without orders. We cannot afford any special refinements of diplomacy in this matter; but there is a law laid down by our international writers called the law of necessity. That law applies here and now. You find it in Puffendorf and Vattel, and all the other publicists. I admit that Vattel, which I hold in my hand, derives the law of necessity to extremes, for he instances that a nation cannot perpetuate and preserve itself except by stealing its wives in certain emergencies. He justifies almost the rape of the Sabine women on the plea of necessity. I quote his language on that point:

A nation cannot preserve and perpetuate itself except by propagation. A nation of men has therefore a right to procure women, who are absolutely necessary for its preservation; and if its neighbors who have a redundancy of females refuse to give some of them in marriage to those men, the latter may justly have recourse to force. We have a famous example of this in the rape of the Sabine women. But though a nation is allowed to procure for itself even by force of arms the liberty of obtaining women in marriage, no woman in particular can be constrained in her choice, nor become by right the wife of a man who carries her off by force, a circumstance which has not been attended to by those who have decided, without restriction, that the Romans did not commit an act of injustice on that occasion. It is true that the Sabine women submitted to their fate with a good grace, and when their nation took up arms to avenge them, it sufficiently appeared from the ardor with which these women rushed between the combatants that they willingly acknowledged the Romans for their lawful husbands.

So you see, sir, how far this law of necessity has been carried by just writers. The Sabine rape was not, however, justified in detail but only as belonging to a peculiar set of emergencies and circumstances. But if that be justified why may not the *via facti*, or execution, which is not war, be justified in a case of open rapine when the *via amicabilia* fails to stop the wrong-doers?

He further lays down the following principle; it is upon this that the second section can be justified:

We thus call the right which necessity alone gives to the performance of certain actions that are otherwise unlawful, when without these actions it is impossible to fulfill an indispensable obligation.

Extreme necessity revives the primitive communion, the abolition of which ought to deprive no person of the necessaries of life. The same right belongs to individuals when a foreign nation refuses them a just assistance. Captain Boutekoe, a Dutchman, having lost his vessel at sea, escaped in his boat with a part of his crew and landed on an Indian coast, where the barbarous inhabitants, refusing him provisions, the Dutch obtained them sword in hand.

What is the obligation referred to in this first paragraph? To protect our people and their property. The men on this side of the line are not devoting their labor to feed the lazy greasers on the other side. They are not grazing for the benefit of Cortinas and his band, who carry off their property to his ranch at their pleasure. The obligation upon our part is to protect that border, at least, or our side of it, against lawless rascals.

That obligation is indispensable. To follow our property across the

border, which is an act "otherwise unlawful," may be justified by this citation from Vattel.

This, sir, is international law. International law is founded on the best morality, on the opinions of the best writers, on conscience, and on those various treaties which nations make with each other. This basis of international law is not upturned by this second section. It should avail in this case as of necessity; otherwise we might as well give up all this border altogether and leave its four hundred miles to these marauders, and say that we have no power to protect our people there. We might as well abdicate our Federal sovereignty and turn over the "premises" to Mexico.

But I propose to show that this right had heretofore been exercised. On page 14 of this report will be found an official letter from General Robert E. Lee, then a brevet-colonel commanding in the Department of Texas, to the civil and military authorities of the city of Reynosa, Mexico. He writes as follows:

GENTLEMEN: In pursuance of instructions received from the honorable Secretary of War of the Government of the United States, I hereby notify you that you must break up and disperse the bands of banditti within your jurisdiction engaged in committing depredations upon the persons and property of American citizens, and that I shall hold you responsible for the faithful performance of this plain duty on your part. I have been informed that there are now within your jurisdiction armed followers of Cortina who were engaged in the recent outrages committed by him on this side of the Rio Grande prepared to make similar aggressions.

This state of things cannot longer exist, and must be put an end to.

I am,

R. E. LEE,
Brevet Colonel, Commanding.

In orders issued to Captain Brackett he said:

I have been informed that threats have been uttered by citizens of Reynosa against residents of Edinburgh and Tobasco. I desire you to inform the authorities of Reynosa of the menaces, and give them to understand that *they will be held responsible* for outrages committed by their citizens on American soil. You will give protection to all citizens within the line of your operations.

R. E. LEE,
Brevet Colonel, Commanding.

General Houston, then governor of Texas, April 14, 1800, gave the same orders and justified them. January 16, 1873, Secretary Fish wrote to Mr. Nelson, then the American minister to Mexico, as follows:

The federal government of that republic appears to be so apathetic on this subject, or so powerless to prevent such raids, that sooner or later this Government will have no other alternative than to endeavor to secure quiet on the frontier by seeking the marauders and punishing them in their haunts wherever they may be. Of course we should prefer that this should be done with the consent if not with the co-operation of Mexico. It is certain, however, that if the grievances shall be persisted in *the remedy adverted to will not remain untried.*

There is surely justification for such unequivocal conduct and language.

So on all through the history of these border troubles, our people have been compelled, without much dissent from Mexico and with the implied assent of our Government, to cross this border. Natural law authorizes men to go after their property. For the protection of their rights as citizens, when the Government fails, they will be a law unto themselves.

But I desired, Mr. Chairman, to discuss something besides this matter. I find that my colleague [Mr. TOWNSEND] made quite an excursion outside of this subject. He crossed the border, and I am a little disposed—as I see him announced as a candidate for governor of New York—to follow him across the border. In his speech he discoursed about Jefferson, colored troops, the Jews, Egypt, Chancellorsville, the mills of God, Tammany, economy——

Mr. MACDOUGALL. I would suggest to my colleague whether he had not better postpone his remarks until his colleague is present.

Mr. COX. Why did not your colleague postpone his speech until the gentleman from Pennsylvania, [Mr. RANDALL,] whom he attacked, was on the floor? I would be very glad to have my colleague here, although I shall say nothing about him in his absence that is not decorous.

Mr. MACDOUGALL. I presume the gentleman would be very glad to be here, and he said he would have been glad to have Mr. RANDALL here.

Mr. COX. At the time when he was attacked the chairman of Appropriations [Mr. RANDALL] was in a conference committee. He was trying if possible to obtain an agreement on our appropriation bills. He was trying in the interest of economy to sustain this House. He was attacked for this economy by our colleague, [Mr. TOWNSEND,] the candidate for governor of the State of New York. What did he not refer to in that speech? Not merely Mexico. He referred bitterly to our recent civil war, so as, if possible, to raise himself in the estimation of northern people by reviving the spirit of hate and strife. Moreover, he said he did not care for economy or its figures; and he did not. He referred to Tammany, and in nearly twenty instances he appealed to God, with whom he seemed to be somewhat too familiar. The gentleman also said how kindly he felt toward the South—"a degree of kindness that certainly no living man can complain of." He always prefaces his speeches with such remarks—

As the bat of Indian brakes
With pinions fans the wound it makes,
And soothing thus the dreamer's pain,
Drinks the life-blood from the vein—

So he fans us into a gentle feeling, while he would drink the blood from our southern people.

And what was his speech about when you get to the marrow of it? It was against economy all through. That is its burden. Does he not know the last result we have ciphered it down to, $38,516,312.09? I am happy, by leave of this House, in being able to furnish him and his constituents authentic details, corrected and revised up to day by the indefatigable gentleman from Illinois, [Mr. SPRINGER,] which show democratic reductions over last year:

Statement of appropriation bills passed by the House of Representatives at the present session of Congress, showing the estimates of the Departments for each bill; the amounts appropriated for the year ending June 30, 1877, by this House; the reductions made in each bill below the estimates, and the reductions made by this House below the amounts appropriated for the year ending June 30, 1876.

Bills.	Estimates of the Department for year ending June 30, 1877.	Appropriation for the year ending June 30, 1876.	Appropriation bill as passed the House for the year ending June 30, 1877.	Reduction below estimates of the Department.	Reduction below appropriations for the year ending June 30, 1876.
Military Academy, passed the House January 31	$437,470 00	$364,740 00	$231,241 00	$206,229 00	$133,499 00
Pension bill, passed the House January 31	29,533,500 00	30,000,000 00	29,533,500 00	.....	466,500 00
Consular and diplomatic, passed the House April 10	1,352,485 00	1,374,985 00	912,747 50	439,737 50	462,237 50
Fortification bill, passed the House February 15	3,406,000 00	850,000 00	315,000 00	3,091,000 00	535,000 00
Legislative, executive, and judicial, passed the House April 28	20,836,307 00	18,902,236 99	12,998,815 61	7,837,491 39	5,903,421 38
River and harbor bill, passed the House April 10	14,301,100 00	6,643,517 50	5,872,850 00	8,428,250 00	770,667 50
Deficiency bill, passed the House April 12	2,723,471 70	4,703,699 18	671,486 74	2,051,984 96	4,032,212 44
Post-office bill, passed the House May 17	37,939,805 99	37,524,361 00	33,739,109 00	4,200,696 99	3,785,252 00
Navy bill, passed the House May 23	20,871,666 40	17,001,006 40	12,432,855 40	8,438,811 00	4,568,151 00
Indian bill, passed the House June 6	5,787,995 64	5,360,554 55	3,979,602 11	1,808,393 53	1,380,952 44
Army bill, passed the House June 19	33,348,708 50	27,933,830 00	23,192,334 72	10,156,373 78	4,741,495 28
Sundry civil bill, passed the House June 23	32,560,475 29	26,644,350 09	14,857,326 54	17,703,148 75	11,787,023 55
Total	203,098,985 52	177,303,280 71	138,736,868 62	64,362,116 90	38,516,312 09

* This statement has been carefully corrected and compared.

But if the gentleman wants really good, genuine economy, I advise him to go to the annual message of the governor of the State of New York, Samuel J. Tilden, of whom he has perhaps heard. He will find a variety of good reading in the line of economy. In the latter part of that message he will read why economy is so indispensable both in Federal and local affairs. According to that statement our Federal, State, county, city, and town taxes amounted in 1870 in currency to $730,591,521 against $83,000,000 gold in 1850, and $154,000,000 gold in 1860. The taxes in 1870 were $18.91 a head against $3.57 in 1850 and $4.90 in 1860. These taxes are eating up not merely income and earnings, all through the country. In 1870 the Federal taxes amounted to $450,000,000, while the State, county, city, and town taxes amounted to $280,000,000. Perhaps it would be better to express these amounts in tabular form.

The aggregate Federal taxation of the eleven years now closing, computed in currency from the official statements, is more than $4,500,000,000; the local taxation, assuming the census statement for 1870 as an average, is more than $3,000,000,000; the aggregate taxation exceeds $7,500,000,000.

The extravagance of our governmental consumption is illustrated by a comparison of the public expenditures of 1870, five years after the close of the war, with those of 1860 and 1850:

TAXES IN THE UNITED STATES.

	1850.	1860.	1870.
	Gold.	*Gold.*	*Currency.*
Federal	$40,000,000	$60,010,112	$450,000,000
State, county, city, and town	43,000,000	94,186,746	280,591,521
	83,000,000	154,196,858	730,591,521
Population	23,191,876	31,443,321	38,558,371
TAXES PER HEAD.			
Federal	1 72	1 91	11 67
Local	1 85	2 99	7 24
	3 57	4 90	18 91

If the gentleman would not disdain to learn more from this message, he may find in it that the daily wants of the masses of mankind, even in the most productive and prosperous countries, press closely upon their daily earnings. It is only a small portion of their current income which they are able to save and to accumulate.

In Great Britian and Ireland, despite the wealth which their people have long been storing up, especially in machinery and moneyed capital, despite the yearly influx of $150,000,000 from interest on investments in other countries, the annual growth of wealth from the savings of all their people is not deemed by the best authorities to exceed six or seven hundred million dollars.

The accumulated wealth of the United States is the result of a shorter period of growth and is less in amount. We have to pay to foreign creditors annually in coin more than $100,000,000. We are richer in the natural powers of the soil, and our labor is, on the whole, more efficient. We earn more, but have less disposition to save and less of the habit of saving.

What will my colleague think when he further learns from this message of Governor Tilden "that a governmental consumption in every year, in bad as well as good years, must be considered greatly excessive when it amounts to a share of the national earnings larger than the whole people are able to save in prosperous times for all new investments; for erecting dwellings and other buildings; for improving farms, increasing the stock of live animals and of agricultural implements; for all manufacturing and mechanical constructions and machinery; for all warehouses and stores and increased supplies of merchandise; for ships and steamers and telegraphs and railroads and their equipments; for all objects which individual and corporate enterprise provide for the future in the progress of a populous and rapidly growing community.

Such taxation is in itself a monstrous evil, and its incidents aggravate its direct injuries. When the exaction from the people was, as in 1860, one-quarter of its present amount per head, even if it were unscientific and unskillful in the levy, the mischief was comparatively inconsiderable. But with the quadruplication of the exaction, the difficulty of obtaining good methods of imposing it is greatly increased, and the mischiefs of bad methods become well-nigh intolerable.

When governments take from the people, for official expenditure, nearly all *the surplus earnings of individuals*, science and skill in the art of taxation become necessary; necessary to preserve and enlarge the revenue, necessary to gild the infliction to the tax-payers. Our present situation is that we have more than European burdens, as seen in the most costly governments of the richest of modern nations supporting immense navies and armies and public debts; and to these burdens we have conjoined an ignorance and incompetency in dealing with them which are peculiarly our own. We have not yet acquired the arts belonging to a system which the founders of American government warned us against and fondly believed would never exist in this country.

The consequence is that the pecuniary sacrifices of the people are not to be measured by the receipts into the Treasury. They are vastly greater. A tax that starts in its career by disturbing the natural courses of private industry and impairing the productive power of labor, and then comes to the consumer distended by profits of successive intermediaries and by insurance against the risks of a fickle or uncertain governmental policy and of a fluctuating governmental standard of value, blights human well-being at every step. When it reaches the hapless child of toil, who buys his bread by the single loaf and his fuel by the basket, it devours his earnings and inflicts starvation.

Another evil of such a system of excessive taxation is that it creates and nourishes a governmental class, with tendencies to lessen services and to enlarge compensation, to multiply retainers, to invent jobs and foster all forms of expenditure—tendencies unrestrained by the watchful eye and firm hand of personal interest, which alone enable private business to be carried on successfully. In other countries such a class has found itself able, sometimes by its own influence and sometimes in alliance with the army, to rule the unorganized masses.

In our country it has become a great power, acting on the elections by all the methods of organization, of propagating opinion, of influence, and of corruption. The system, like every living thing, struggles to perpetuate its own existence.

Every useful and necessary governmental service, at a proper cost, is productive labor. Every excess beyond that, so far as it is saved by the official, merely transfers to him what belongs to the people. So far as such excess is consumed, it is a waste of capital as absolute as if wheat of equal value were destroyed by fire or gold were sunk in the ocean.

Probably such waste by governmental expenditure in the eleven years since the war amounts to at least as much as our present national debt."

My colleague may also learn that the misgovernment in the South is another call for economy.

And yet my colleague would disregard economy. Let him from the same source learn this also:

It cannot be doubted that the systematic and extreme misgovernment imposed on the States of the South has greatly detracted from our national prosperity. In those impoverished communities it has not stopped with the ordinary effects of ignorant and dishonest administration. It has inflicted upon them enormous issues of fraudulent bonds, the scanty avails of which were wasted or stolen, and the existence of which is a public discredit, tending to bankruptcy or repudiation. Its taxes, generally oppressive, in some instance have confiscated the entire income of property and totally destroyed the marketable value.

It therefore became indispensable that not only the governors of States but the legislators in the Federal Congress should cut down these enormous taxes that were eating up the earnings and substance of our people.

Mr. MACDOUGALL. Is it on account of this great economy on the part of Governor Tilden that my colleague supported him so ably at the Saint Louis convention? [Laughter.]

Mr. COX. I suppose I supported him just as you supported Mr. CONKLING, who was not nominated. [Laughter.] How did you stand with regard to Mr. CONKLING and Mr. BLAINE and the rest of them? O! you were an original Hayes man, were you? When you ask questions of that kind you should consider your own miserable condition. [Laughter.]

Mr. GARFIELD. I would like to ask the gentleman a question.

The CHAIRMAN. The gentleman's time has expired.

Mr. COX. I will answer the gentleman with great pleasure, if my time be extended. If my time is out, more reason for its extension. [Laughter.]

Mr. GARFIELD. I ask that the gentleman's time be extended for five minutes.

The CHAIRMAN. The Speaker of the House and the House have held strictly that it is not within the power of the Committee of the Whole, when under an order from the House, to extend the time for general debate or the time allotted to each speaker. It is in the power of the Committee of the Whole to rise in order that the time of the gentleman may be extended.

Mr. GARFIELD. Then I rise to reply, and will yield all my time except one minute to the gentleman from New York.

Mr. SCHLEICHER. I hope this additional time will not come out of the time allowed for general debate.

Mr. COX. I will not take up the time of the House, but will print for the use of my friend from Ohio the details of that economy which we commend in this presidential and centennial year to the great people of the country.

Mr. GARFIELD. I only wanted to say that $450,000,000 which Governor Tilden states in that paper as the amount of Federal taxation for 1870 is an overstatement by at least $100,000, according to the official records of the Government, as I am ready to show.

Mr. COX. Why, sir, that calculation does not include the extra taxes by reason of the protective tariff—the cost of consumption—which would increase the amount $1,000,000,00 if rightly computed.

In compliance, therefore, with the generous leave of the House to extract from our governor lessons of economy for the whole country, I conclude by calling attention to his first pronunciamento at Syracuse, on the 17th September, 1874, before taking upon himself the active candidacy of that year, which made him our governor by 50,000 majority:

One thing only remains in its integrity; that is our taxes. Amid general decay, taxation puts out new sprouts and grows luxuriantly.

"It seats itself"—

if I may borrow a figure from the greatest of our American poets—

"upon the sepulchre,
And of the triumphs of its ghastly foe
Makes its own nourishment."

National taxes, State taxes, county taxes, town taxes, municipal taxes. The collector is as inevitable as the grim messenger of death. Incomes, profits, wages; all these fall, but taxes rise.

Six years ago I had occasion to say that while values were ascending, and for some time after, it might be easy to pay these taxes out of the froth of our apparent wealth; but that when the re-action of an unsound system of government finance should set in, the enormous taxations which that system had created would consume not only our incomes and profits, but trench upon our capital. What was then prediction is now experience.

Retrenchment in public expenditure. Reform in public administration. Simplification and reduction of tariffs and taxes. Accountability of public officers, enforced by better civil and criminal remedies. The people must have these measures of present relief—measures of economy for the future.

A change of men is necessary to secure a change of measures. The opposition is being matured and educated to take the administration. The democracy, with the traditions of its best days, will form the nucleus of the opposition. It embraces vastly the larger body of men of sound ideas and sound practices in political life. It must remove every taint which has touched it in evil times. It must become a compact and homogeneous mass. It must gather to its alliance all who think the same things concerning the interests of our Republic. It is becoming an adequate and effective instrument to reform the administration and to save the country.

It reformed itself in order that it might reform the country, and now, in your name and in the name of the 500,000 voters whom you represent, we declare that in this great work we will tread no step backward. Come weal or come woe, we will not lower our flag. We will go forward until a political revolution will be worked out and the principles of Jefferson and Jackson shall rule in the administration of the Federal Government.

Let us obey the patriotic maxim of old Rome, never to despair of our country. Actual evils can be mitigated. Bad tendencies can be turned aside. The burdens of government can be diminished. Productive industry will be renewed, and frugality will repair the waste of our resources. Then shall the golden days of the Republic once more return and the people become prosperous and happy.

The taxes levied by the Legislature of 1874 were 7¼ mills on a valuation of $2,169,307,873. Their produce, when all realized, is $15,727,482.08.

The taxes levied by the Legislature of 1875 were 6 mills. They were computed in the comptroller's office and in the legislative committees on the valuation of the previous year. On that basis their produce would have been $13,015,847.24.

The reduction would have been $2,711,634.84. But the valuation was increased to $2,367,780,102. The produce of a 6-mills tax on that amount is $14,206,680.61. The increase of the valuation gives an excess over the estimated amount of $1,190,833.37. The reduction actually effected is $1,520,801.47.

A reduction of taxes, without reduction in appropriations, would but create a deficiency and a floating debt. These would have to be paid by a subsequent increase of taxes. The appropriation bills were framed to correspond with the lower valuation, and much effort was made to keep down the appropriations. The result is shown in the following table:

Appropriations and taxes of 1875 compared.

	Mills.	Appropriations of 1875.	Tax computed on valuation of 1874.	Tax computed on valuation of 1875.	Excess.
Schools	1¼	$2,712,000 00	$2,711,634 84	$2,959,725 13	$248,090 29
County debt	2	4,260,000 00	4,338,615 75	4,735,560 20	396,944 45
Capitol	½	1,000,000 00	1,084,653 94	1,183,890 05	99,236 11
Canal floating debt	½	266,000 00	271,163 48	295,972 51	24,809 03
Canal awards	1-5	422,766 90	433,861 57	473,556 02	39,694 45
General purposes	1⅜	2,986,225 00	2,982,798 33	3,255,697 64	272,899 31
Deficiency and asylums	11-20	1,525,213 53	1,193,119 33	1,302,279 06	109,159 73
Total	------	13,172,805 43	13,015,847 24	14,206,680 61	1,190,833 37

Excess of appropriations over tax computed on valuation of 1874	$156,958 19
Excess of tax computed on valuation of 1875 over tax computed on valuation of 1874	1,190,833 37
Excess of tax computed on valuation of 1875 over appropriations of 1875	1,033,875 18

After one year of democratic rule in the Empire State the State taxes were reduced, as compared with the last year of republican rule, to the extent of two and three-quarters millions of dollars.

The following table gives in detail the amount saved to each county on a comparison of the tax for 1875, under democratic rule, with the tax of 1874, under republican rule:

Counties.		*Counties.*	
Albany	$79,798 25	Franklin	$3,795 45
Allegany	6,195 31	Fulton	2,408 88
Broome	4,696 61	Genesee	9,529 58
Cattaraugus	6,027 17	Greene	4,144 50
Cayuga	13,530 52	Hamilton	397 47
Chautauqua	12,071 38	Herkimer	7,034 90
Chemung	6 224 45	Jefferson	10,351 81
Chenango	7,843 99	Kings	128,739 88
Clinton	4,541 27	Lewis	3,016 45
Columbia	15,526 74	Livingston	9,925 77
Cortland	4,558 99	Madison	5,152 09
Delaware	6,321 64	Monroe	24,881 99
Dutchess	19,075 66	Montgomery	6,358 71
Erie	35,538 58	New York	779,198 52
Essex	4,278 34	Niagara	9,499 87
Oneida	10,246 06	Schoharie	3,512 86
Onondaga	21,728 00	Seneca	6,896 07
Ontario	12,611 69	Steuben	9,663 98
Orange	12,269 90	Suffolk	8,235 01
Orleans	6,651 06	Sullivan	1,439 55
Oswego	9,911 69	Tioga	2,153 42
Otsego	6,162 24	Tompkins	5,505 45
Putnam	3,524 92	Ulster	6,903 15
Queens	14,364 80	Warren	1,895 66
Rensselaer	18,623 06	Washington	8,911 16
Richmond	4,067 38	Wayne	9,872 03
Rockland	4,710 60	Westchester	113,492 50
Saint Lawrence	9,480 75	Wyoming	5,944 11
Saratoga	6,413 37	Yates	5,460 11
Schenectady	3,847 89		

Had the State assessors not raised the valuation since the rate of taxation was fixed by the Legislature and governor the saving would have been much more.

The governor promised, if the people should send him a Legislature to co-operate with him, to make twice as large a reduction in the taxes next year. This Legislature did not come; but he did well without such a body, as the governor's message reveals. I am allowed graciously to print from it:

The reduction in the appropriations of 1875, below the taxes of 1874—counting, at its true construction, one item about which there may be some doubt—is $2,554,677.65. This leaves the sum of $1,033,875.18 applicable to the reduction of taxes for the coming fiscal year.

The objects in respect to which a reduction of taxes was effected were:

	1874.	1875.	Reduction.
Extraordinary canal repairs	$1,898,144 39	None.	$1,898,144 39
Asylums and reformatory	813,490 45	$479,800 00	333,690 45
General purposes	4,189,475 84	3,696,117 66	493,358 18
			2,725,193 04

REDUCTION OF STATE TAXES FOR 1876 TO ONE-HALF THE TAXES OF 1874.

The taxes for State purposes in 1874 were 7¼ mills on a valuation of $2,169,307,873, producing	$15,727,482 08
The taxes for State purposes in 1876, if reduced to 3.625 mills on the valuation of 1874, or 3.321 mills on the valuation of 1875, which is $2,367,780,102, would yield	7,863,741 04

From these figures from Governor Tilden's message my colleagues may learn what benefit our governor has bestowed on our State; and he as well as others may infer how much benefit an economist may render to the whole nation when he may select a cabinet of honest officials and demand accountability in Federal as he has in State matters.

Mr. TUCKER. I am aware of the delicacy of the question which is now before the committee. It involves drawing the border line between the right of self-preservation on the part of this country upon the one hand and on the other the duty which the country owes to another country with which it is at peace. Upon this question I will take the liberty of quoting Phillimore, who, in his great work upon international law, says:

The right of self-preservation is the first law of nations as it is of individuals. A society which is not in a condition to repel aggression from without is wanting in its principal duty to the members of which it is composed and to the chief end of its institution. (1 Phillimore on International Law, page 225.)

Again he says:

We have hitherto considered what measures a nation is entitled to take for the preservation of her safety within her own dominions. It may happen that the same right may warrant her in extending precautionary measures without these limits, and even in transgressing the borders of her neighbor's territory. For international law considers the right of self-preservation as prior and paramount to that of territorial inviolability and, where they conflict, justifies the maintenance of the former at the expense of the latter right.

The case of conflict indeed must be indisputable, *pouveridia na luce clarior*, in the language of canonists. Such a case, however, is quite conceivable. A rebellion or a civil commotion, it may happen, agitates a nation; while the authorities are engaged in repressing it bands of rebels pass the frontier, shelter themselves under the protection of the conterminous state, and thence, with restored strength and fresh appliances, renew their invasion upon the state from which they have escaped. The invaded state remonstrates. The remonstrance, whether from favor to the rebels or feebleness of the executive, is unheeded, or, at least, the evil complained of remains unredressed. In this state of things the invaded state is warranted by international law in crossing the frontier, and in taking the necessary means for her safety, whether these be the capture or dispersion of the rebels or the destruction of their stronghold, as the exigencies of the case may fairly require.

Phillimore then cites Vattel as follows:

Vattel maintains strongly this opinion: "Il est certain que si mon voisin donnait retraite à mes ennemis lorsqu'ils auraient du pire et se trouveraient trop faibles pour m'échapper, leur laissant le temps de se refaire et d'épier l'occasion de tenter une nouvelle irruption sur mes terres, cette conduite, si préjudiciable à ma sûreté et à mes intérêts, serait incompatible avec la neutralité. Lors donc que mes ennemis battus se retirent chez lui, si la charité ne lui permet pas de leur refuser passage et sûreté, il doit les faire passer outre le plus tôt possible, et ne point souffrir qu'ils se tiennent aux aguets pour m'attaquer de nouveau; autrement il me met en droit de les aller chercher dans ses terres. C'est ce qui arrive aux nations qui ne sont pas en état de faire respecter leur territoire: le théâtre de la guerre s'y établit bientôt; on y marche, on y campe, on s'y bat, comme dans un pays ouvert à tous venants." (Phillimore on International Law, pages 226-228.)

After citing some illustrative cases, Phillimore goes on to say:

In all cases where the territory of one nation is invaded from the country of another, whether the invading force be composed of the refugees of the country invaded or of subjects of the other country or of both, the government of the invaded country has a right to be satisfied that the country from which the invasion has come has neither by sufferance nor reception (*patientia aut receptu*) knowingly aided or abetted it. She must purge herself of both these charges; otherwise if the cause be the feebleness of her government the invaded country is warranted in redressing her own wrong by entering the territory and destroying the preparations of war therein made against her, or if these have been encouraged by the government, then the invaded country has a strict right to make war upon that country herself, because she has afforded not merely an asylum but the means of hostility to the foes of a nation with whom she was at peace. For it never can be maintained that however much a state may suffer from piratical incursions which the feebleness of the executive government of the country whence they issue renders it incapable of preventing or punishing, that until such government shall voluntarily acknowledge the fact the injured state has no right to give itself that security which its neighbor's government admits that it ought to enjoy, but which that government is unable to guarantee.

It must be admitted that there is a practical acknowledgment of such inability which, as much as a voluntary confession, justifies the offended country in a course of action which would under other circumstances be unlawful.

* * * * *

Now, it is presumed that a sovereign knows what his subjects openly and frequently commit, and as to his power of hindering the evil, this likewise is always presumed, unless the want of it be clearly proved. So Vattel: "Si un souverain, qui pourrait retenir ses sujets dans les règles de la justice et de la paix, souffre qu'ils maltraitent une nation, ou dans son corps ou dans ses membres, il ne fait pas moins de tort à toute la nation que s'il la maltraitait lui-même." (1 Phillimore's International Law, pages 230-232.)

Now, Phillimore and Vattel are speaking of a case where a nation permits enemies from another nation to find refuge within its borders. But the case now before the committee is one in which the Mexican nation harbors in its own realm its own citizens who are the enemies of our peace upon our borders; and the question is whether international law prevents us from vindicating the right of our territorial inviolability against marauders who are protected under the government of Mexico, for Mexico says, "We are powerless to keep them from going over." That is the question.

Why, sir, suppose that, while I am walking along the streets, a ferocious dog attacks me and by one of my limbs pulls me within the border of the land of my neighbor, who owns the dog, have I no right to follow him up and make him desist from his seizure of my property or of my person, or to secure myself against a further attack? Or, if it is necessary for me to go inside the premises of my neighbor to prevent his renewal of attack, have I not the right to do it? Can there be any idea in any man's mind that I became a trespasser upon my neighbor's property by taking steps to prevent a disturbance of or attack on me by a dog or any other marauder he may have on his premises? It seems to me the common sense of the matter is clearly in favor of such right. The common law justifies me in pursuing a robber or highwayman who assails me, so far as is necessary to give me complete security against a renewal of his attack.

Mr. Chairman, the whole question turns on this: that Mexico says "I am unable to do this." Well, sir, if you have a household that you are unable so to control as to be consistent with my peace and safety, I have the right to maintain my peace even if I violate the integrity of your household. Your house is a castle for your defense; but not an asylum for my enemies, from which to assail me.

Now, sir, in the brief remarks I shall make on this subject I will call the attention of the House to the fact that wherever the property of the American citizen is taken by the citizens of a foreign power this country has the right to grant letters of marque and reprisal. And I beg the committee to understand that reprisals for private wrong are within the limits of peaceable remedy, as laid down by the writers on international law, which I will now quote:

Retorsion, we have seen, is a vindication of offended comity. But even an injury done to the rights, *stricti juris*, of a state may be vindicated by the employment of a kind of force which nevertheless falls short of war, and the use of which is, and has always been held to be, compatible with the maintenance of general pacific relations. Such a vindication may be sought and obtained through the medium of *reprisals*. "*Observa*," Bynkershoek says, "*represaliis locum non esse nisi in pace*." (3 Phillimore's International Law, page 10.)

XIX. What are the subjects of reprisals? Strictly speaking, they affect the *persons* (*ἀνδροληψία*) as well as the *goods* of the subjects of the government against which they are granted.

In modern times, however, they have been chiefly confined to goods, and here it is to be observed that, *jure gentium*, all the subjects of the injuring government are liable to reprisals, whether they be native or domiciled, but not those who are travelers or passing guests. (Ibid., page 21.)

In other words, reprisal is a peaceable remedy. So Phillimore says, and so all the authorities say. It is of course not the most peaceable, but it is peaceable in the sense of being in contrast to a belligerent remedy. You may make reprisals, I say, for such injuries as we are now considering; and I beg to call the attention of the committee to one of the most striking cases of it. Let me read what Phillimore states occurred in England in the time of Cromwell:

When France was ruled by Cardinal Mazarin, during the minority of Louis XIV, and England was under the vigorous despotism of Cromwell, an English merchant-vessel was illegally seized and confiscated on the coast of France. The owner of the vessel, a Quaker, complained to Cromwell, who gave him a letter of which he was to be the bearer to Mazarin, told him to wait three days for an answer, which answer must be the restitution of the ship and cargo. "Tell the cardinal," said Cromwell, "that you have orders from me not to wait longer than three days." The Quaker went, and returned reporting the failure of his mission to Cromwell. Without any further diplomatic communication, that vigorous ruler dispatched two ships of war to make prize of French vessels in the channel. They accomplished their task; Cromwell sold the prizes, paid out of the proceeds to the Quaker the value of his loss, and then apprised the French embassador that the residue was at his service.

"Cette insolente *justice*," says Mr. Villemain in his biography of Cromwell, "n'excita ni réclamation ni guerre;" but in truth it was an act of substantial *justice*, and *insolent* only because *the forms* of previous diplomatic remonstrances, certainly a grave defect, had been omitted." (3 Phillimore's International Law, pages 24, 25.

And the committee are aware of the celebrated case, which he also quotes, of General Jackson in 1834 recommending reprisals on France for her refusal to carry out obligations she owed to this country. (Idem, page 33, 34.)

So reprisals are peaceable remedies. Now, if we have the right to make reprisals of *Mexican property* in order to indemnify American citizens for damage done to their property, *a fortiori* we can make an entry upon Mexican territory to the extent and for the purpose of getting back our own property. If we can take another man's property to indemnify us for loss of our own, resulting from his sufferance or reception, (*patientia aut receptu*,) cannot we retake our own property *in specie* which has been lost, and thus to indemnify ourselves?

I beg to go a little further. But this is not reprisal. We do not propose to go that far. We only go to the extent of crossing into the Mexican territory to get at our own property, when the government in whose territory it is has declared it is unable to restore the property to us. That is all. If a gentleman tells me "I am not able to let you get your property; somebody has brought it here on my premises, and I am unable to hand it over to you for some cause, I care not what," what then am I to do? Am I to let it alone in the possession of that neighbor? Am I a trespasser when I go on the land of my neighbor to recover my property? If I go peaceably to the premises of my neighbor and reclaim my property, I say *that* is a peaceable act; it is not war. I thereby declare no war or enmity against my neighbor when I do that peaceably; I merely remedy the grievance done to me, which he declares he is unable to redress.

Now, Mr. Chairman, the treaty relations between Mexico and this country are such that I suggest an amendment to the second section, which I think will obviate all the objections made to the passage of this joint resolution. The treaty of 1848 and later treaties between Mexico and this country require the extradition of thieves and marauders escaping into Mexican territory. Now suppose Mexico says, "I cannot deliver them," will this House hold we have not the right to cross the border and seize them? But we do not propose to do that. We have not even made a demand for them. What we propose to do is simply this, to recapture our own property. Now it is provided in one of the treaties referred to that, if difficulty should occur between this country and Mexico, resort should not be had at once to reprisals; in which provision it is by implication conceded that reprisals would be a peaceable remedy between parties bound together in peaceful relations by treaty. So there can be no question on that point between the two countries. Gentlemen need not be afraid, therefore, that this is or can be regarded as an act of war. It is a peaceable remedy between nations at peace, a remedy taken by the nation, who has the power to take it, when and because the other nation has not the power to give it.

Now, sir, I would propose this amendment, and I send it to the Clerk's desk for the purpose of having it read. My proposition is substantially that notice should be given by the President of the United States to the Mexican government calling attention to the wrongs and injuries of which we complain, calling upon it to redress them on its own motion, and providing further that, if within four months after the service of this notice the government of Mexico does not provide the remedy and if these inroads and invasions continue, then the President is authorized to use so much of the Army of the United States as may be necessary for the purpose of recapturing, and only for the purpose of recapturing, the property of American citizens with entire respect to the persons and property of peaceful citizens of Mexico.

Furthermore, if I may be permitted to end the sentence——

The CHAIRMAN. There are but five minutes left of the time for general debate, which it is the understanding of the Chair go to one of the colleagues of the chairman of the committee. The amendment of the gentleman from Virginia which he has sent up to be read can be withheld until it properly comes before the House in order.

Mr. TUCKER. I will take only one single minute.

Mr. THROCKMORTON. I believe I have the floor for the remaining time, and I yield it to the gentleman from Virginia.

Mr. TUCKER. I am obliged to the gentleman. The latter part of my amendment provides that the President shall give formal notice to the Mexican government of this joint resolution, declaring that it is within the limits of our peaceful remedies, and with the purpose of maintaining peaceful relations between the two countries, and that unless Mexico can afford a remedy of prevention against these inroads and ravages upon our territory, we will be obliged to take into our own hands the redress which is there indicated.

Now, sir, I ask gentlemen can there be a fairer proposal to a friendly nation? We say to them, "These marauders are a people you have the power to control, or if you have not you ought to have, and do not control, and they are continually injuring us. If they continue to do so we will have to take the remedy into our own hands, and we give you fair time, we give you a fair chance to provide the remedy yourself. If you do not, with entire deference to you, with a spirit entirely friendly, and holding peaceful relations to you, we will go into your territory and get our property." That is all.

Why should we not? It is not war; it is peace—peace in the form in which I present it in my amendment, with the utmost deference to a weak power.

Gentlemen have said we would not do the same to Great Britain. Great Britain did the same to us. When the Caroline in 1838 fired across the border between Great Britain and American territory, fired into a British vessel and upon British soldiers, Great Britain sent a Captain McLeod and crew into American territory, cut out the Caroline from her American moorings, and sent her down Niagara Falls; and she vindicated her right to do so on the principle that she had the right to protect her own territory either against direct invasion from the American Government or the indirect invasion by those whom the Government of America would not prevent. Her right to do so was acknowledged again and again. There was no difficulty about it.

Mr. JONES, of Kentucky. Let me ask the gentleman a question?

Mr. TUCKER. Certainly.

Mr. JONES, of Kentucky. If I understand the proposition of the gentleman from Virginia, he goes further than this joint resolution proposes to go. I understand him to say it is within the right of this Government, after one of these incursions into our territory and property of our citizens has been taken off, to send its troops in search of that property and recapture it. I understand the resolution only to go to the extent that our troops may pursue these lawless raiders with

their booty, in hot pursuit as it were, when they come upon our territory to take property and carry off women and children—that our troops when they see them in the act, when they have crossed the border and committed these depredations, shall pursue them in "hot pursuit," as it were, across the border. I understand that is only the extent to which this joint resolution goes.

Mr. TUCKER. I do not propose to go to the full extent of our right, or as far as we would be justified in going. I would always, sir, in private and public affairs deal with a weaker opponent much more generously than with a stronger, and so every magnanimous and noble nation will act. In this case we deal with Mexico with entire respect, and with a deference to its unhappy condition which we should not show to a more powerful neighbor.

Mr. JONES, of Kentucky. I understand that the gentleman's amendment does not go entirely to the extent of the position now laid down.

Mr. TUCKER. No, sir.

The CHAIRMAN. The time of the gentleman has expired.

Mr. TUCKER. I again thank the gentleman from Texas [Mr. THROCKMORTON] for his courtesy in yielding me a part of his time.

The CHAIRMAN. The limit fixed for general debate has now been reached, and the next thing in order is the consideration of the bill by sections for amendment under the five-minute rule.

Mr. SCHLEICHER. I have just now discovered a very important clerical error in the second section. The words "when in hot pursuit of the robbers with their booty" have been left out in section 2. I ask unanimous consent that that correction may be made.

Mr. HURLBUT. It is a misprint.

Mr. SCHLEICHER. Those words are left out of the bill as printed. They were in our report. I move to insert after the word "troops," in section 2, line 6, the words:

When in hot pursuit of the robbers with their booty.

Mr. HURLBUT. Let the section be read as it will be when amended.

The Clerk read as follows:

SEC. 2. That in view of the inability of the national government of Mexico to prevent the inroads of lawless parties from Mexican soil into Texas, the President is hereby authorized, whenever in his judgment it shall be necessary for the protection of the rights of American citizens on the Texas frontier, above described, to order the troops when in hot pursuit of the robbers with their booty to cross the Rio Grande, and use such means as they may find necessary for recovering the stolen property and checking the raids, guarding, however, in all cases, against any unnecessary injury to peaceable inhabitants of Mexico.

There was no objection, and the omitted words were inserted in the second section.

Mr. CONGER. I now desire to offer the amendment I indicated. I desire to move to strike out the second section.

The CHAIRMAN. The second section is not as yet before the committee for consideration. The first section will be read by the Clerk.

The Clerk read as follows:

Resolved, &c., That for the purpose of giving efficient protection to the country between the Rio Grande and Nueces River, in the State of Texas, from the cattle-thieves, robbers, and murderers from the Mexican side of the river, the President of the United States be, and hereby is, authorized and required to station and keep on the Rio Grande River, from the mouth of that river to the northern boundary of the state of Tamaulipas, above Laredo, two regiments of cavalry, for field service, in addition to such infantry force as may be necessary for garrison duty, and to assign recruits to said regiments, so as to fill each troop to number one hundred privates; and they shall be kept up to that strength as long as they shall be required in that service.

Mr. SCHLEICHER. I offer on the part of the committee the following amendment to the first section:

Strike out the words "the northern boundary of the state of Tamaulipas, above Laredo," and insert in lieu thereof the words "Fort Duncan and above, if necessary."

I will state what is the object of that amendment. From late reports we find that the raids have extended higher up than the upper boundary of Tamaulipas, and by this amendment we move the boundary on which these troops can be stationed higher up, so as to cover that ground.

Mr. HARRISON. I rise to oppose the amendment *pro forma*, desiring to answer some remarks of my friend from Virginia, [Mr. TUCKER.] My eloquent friend begs the question when he assumes that the Government of Mexico acknowledges its inability to prevent these outrages. Sir, I claim that the gentleman has not read, or, if he has read, he has not read carefully, the report and testimony before this House. The testimony shows that the outrages committed along the Rio Grande, if not committed by men living on this side of the river, were at least committed by those who were in actual connivance with men living on this side. The gentleman says that if a wild dog belonging to his neighbor comes over into his ground and seizes him by a limb, shall he not follow him into and upon the premises of that neighbor? I ask the gentleman if he had a wild dog on his own side and that dog brings over the wild dog from the other side, whether that would justify him in following the wild dog of his neighbor. First, keep your own wild dog in subjection. Do your own duty at home. Prevent your lawless men from committing outrages before you propose to retaliate or make reprisals upon your neighbor. Pluck the beam from your own eye, and then the mote in that of your neighbor will not seem so large.

Now, sir, by the testimony, as collated by myself three days ago, when the House was not so full as it is now, I showed, by quotations from the evidence of the very men relied upon by the gentleman of this committee, that these outrages had been committed either by men living on this side, Texans, or by men who, living in Texas, under the liberal laws of that State, were claiming the protection of Texan laws. Sir, I do not intend to vote against the first section of this joint resolution. I am willing to send soldiers, and enough of them, to protect the border from men who live on this side or on the other side who commit outrages upon peaceable citizens, and prevent them from crossing to the other side. And if they do cross, let them in the emergency of the moment, in hot haste, follow them, as a simple right. But do not let this Congress here, acting calmly in its right as the Congress of the American people, pass a resolution that will say, "You of Mexico deny these outrages as having been committed by your people."

Your report denies these wrongs; but we will not take a word you say, but will garble the testimony that comes here from prejudiced men of this nation; we will read and listen to so much of that testimony as is in our favor, but will turn a deaf ear to everything that is against us. We will assume, against your protestations to the contrary, that you acknowledge your people all in the wrong and our people all in the right, and we will order our troops upon your soil. Or, according to the amendment of the gentleman from Virginia, we will give you ninety days to correct the evil we claim you are doing; and if you fail to correct them, our soldiers shall cross over and make reprisals. Magnanimous proposition from this proud Republic to that poor, revolution-torn but proud sister-republic!

If gentlemen will carefully read the testimony before the committee, they will find that according to the evidence of their own witnesses, brought by these gentlemen, out of a thousand families in one county there are only some ten or fifteen who do not speak Mexican and only five or six who are registered voters, and that by jurors selected from those thousand families they cannot convict a single thief. Why? Because the jurors protected by the Texan laws dare not bring in a verdict; and therefore because they do not enforce the law we are to allow our soldiers to cross over the border.

I say what I am saying, sir, not really in opposition to the first resolution but in order to answer the gentleman from Virginia. I admit that the gentleman from Virginia may be right as to international law and that he has laid down the law correctly, but the facts brought up here by this committee are not sufficient to justify us to ask under the law laid down by him—not sufficient to justify us in taking this high-handed movement and demanding of Mexico, "If you do not do this or that, if you do not prevent outrages which you deny you are responsible for, and do it in ninety days, we will march over your border." Let a commission be appointed by the President of the United States and let us revise our treaty if necessary. Let us treat them as a nation, our peer in everything of nationality, though not our peer in power, but let us treat Mexico as if she were our peer in power as well as in nationality.

[Here the hammer fell.]

Mr. TUCKER. I move to strike out the last word for the purpose of saying a single word in reply to the gentleman from Illinois. My friend from Illinois says that I have assumed that the Mexican government acknowledged itself unable to prevent or redress these wrongs. Now, I said that out of charity and kindness for her. But she is at all events in this dilemma: either she is able to redress these wrongs and will not do so, which would be, *stricti juris*, a cause of war, or she is unable to do it; and that is the ground on which I put it; and therefore we must redress these wrongs ourselves because of her inability to do so. It is her misfortune, not her fault.

Mr. HARRISON. Will the gentleman allow me a question?

Mr. TUCKER. Yes, sir.

Mr. HARRISON. Is it not the fact that she is unable to protect our people from marauders who live upon our side of the line?

Mr. SCHLEICHER. There is not a word in the whole evidence to sustain the statement of the gentleman from Illinois.

Mr. TUCKER. I say this, and I am sustained by the authorities cited by me this morning, that, if there were rebels on this side of the Rio Grande who fled into the Mexican territory and there combined with other parties who were in complicity with them and fortified themselves, we should have the right to pursue them there and destroy their fortifications; that is the principle, and therefore why these marauders come from this side or the other side of the border the remedy proposed is entirely legitimate.

Mr. REAGAN. I desire to say one word.

The CHAIRMAN. To what question does the gentleman speak?

Mr. REAGAN. To the informal amendment proposed by the gentleman from Virginia, [Mr. TUCKER;] and I do so for the purpose of saying a word in response to what has been said by the gentleman from Illinois [Mr. HARRISON] to-day and what was said by him on a former occasion. He assumes that the testimony develops the fact that these marauders were citizens of Texas. He got that not from the report of the evidence which the committee have taken, but he got it from the Mexican report, a considerable part of it, at least, which I have examined; and in order to illustrate the reliability of that report, I will say this, that it devotes many pages to an attempt to vindicate the character and the conduct of General Cortina, a man who has bid defiance to all the laws of Mexico and the laws of the United States, to the laws of Tamaulipas and of Texas; who has deposed governors and shot judges and alcaldes. He has been at the

head of an organized band of cattle-stealers, and there is evidence that he was engaged in supplying a large contract with Spain with cattle stolen from the people of Texas, and there is no dispute about it.

The gentleman referred to another point. He states that it is developed in the testimony that many inhabitants on the northern bank of the Rio Grande are Mexicans. That testimony was brought in for the purpose of showing the difficulty of enforcing the laws. Many of them are not English-speaking people. Marauders come among them and neither the civil officer nor the soldiers can determine who are the marauders and who of those Mexicans belong to Texas. The very evidence that the gentleman read on a former occasion was that whenever the marauders were overtaken either by the military or civil authorities, they excused themselves by stating, "I live at such and such a place," or, "I am going to such a place." And it is impossible for either the military or the civil authorities to know what is the truth in regard to them. Under the laws of Texas the civil authorities dare not make an arrest without an affidavit, and the military have no right to make arrests in civil cases, hence it is as shown by the testimony of the military and civil officers that the existence of the Mexican population on this side of the Rio Grande gives protection to the marauders and makes it difficult to enforce the laws. And yet the gentleman from Illinois, in disregard to the facts of the case, in disregard of humanity to his own fellow-citizens, in disregard of the national honor and of the welfare of this people, mocks them in the hour of their calamity by saying why not arrest these men, when the testimony reveals the impossibility of doing it? What does he propose for them to do? Does he propose to deliver our people bound hand and foot to the robbers there rather than vindicate their rights by the laws of nations and the laws of common reason?

[Here the hammer fell.]

Mr. TUCKER. I withdraw the formal amendment.

Mr. HARRISON. I move to strike out the last five words. Now, Mr. Chairman, as there is a question of veracity here——

Mr. REAGAN. O! no.

Mr. HARRIS, of Virginia. A question of recollection.

Mr. HARRISON. No, sir; I quoted and read directly from the testimony. It is true that I read, or rather I understand, that testimony differently from the gentlemen. I claim that they look at it through Texan eyes and I look on it as an American citizen. I say that our national honor and the high position we occupy among the nations of the world forbids that we should go into Mexico, a poor, unfriended nation, overcome with revolution and demand at her hands what she cannot give us just now.

I will read the testimony which I quoted. I cannot give the page, because, not having the report marked before me as I had when I made my speech, I am compelled to read from the printed copy of the remarks which I made two or three days since.

Mr. MILLS. Does the gentleman propose to prove his own statements by reading from his own speech?

Mr. HARRISON. Not at all; I say I read from the testimony in the report.

Mr. MILLS. You say you are reading from your own speech.

Mr. HARRISON. I am reading from the testimony as collated in my speech. I merely read from my speech for convenience.

Mr. SCHLEICHER. You do not read all the testimony.

Mr. HARRISON. I read the following:

The country is filled with numbers of armed Mexicans; and it is a most common sight to see four or five or six men, well armed and mounted, whose business no one knows. If you ask them who they are, they will say, "We belong to a ranch fifteen or twenty miles distant," or, "We are trading stock," or, "We have been visiting Brownsville or Matamoras," or, "We belong on the other side of the river," or, "We are going to our employer's ranch in the interior," or they may claim to belong to some neighboring ranch. We know nothing of them, and if we take them to the ranch to which they say they belong the servants of the ranch generally, without hesitation, verify their statement, in many instances from friendship, most frequently from fear.

There are men riding about in squads of four or five or six, according to this testimony. They do not arrest them because when they go to the ranch which they claim to be from the servants there will acknowledge them. Now, in another place is this testimony:

A large proportion of the Mexican population on this side of the river have their homes on the other side. They live over here, and are employed on this side; but they claim no citizenship here, and they are in active, direct sympathy with the raiders.

Did I say anything more than that? This is testimony from the gentleman's own witness, not from the Mexicans. I did not read one word from the Mexican report except the quotations made from the Texan newspapers. The gentleman said when I made these quotations: "O, they are partisan;" as if it were a republican charging a democrat or a democrat charging a republican. How are we to suppose that they are partisan? This Mexican report gives the statements copied from these newspapers, and that is all that I read from that report; I did not read another word from the Mexican report. What I read was from the testimony of witnesses brought here by the gentleman himself to prove his point, and I claim that it proved my side of the question.

[Here the hammer fell.]

Mr. HANCOCK. I wish to say but a word or two upon this subject. I had observed the view which the gentleman from Illinois [Mr. HARRISON] seemed determined to take of the statements of Captain McNally, from whose testimony I presume he quoted in reading from his speech the other day. Allow me to explain to the gentleman from Illinois that Captain McNally simply meant to depict, as well as he might be able, probably not in such glowing terms of eloquence as the gentleman from Illinois could use, the condition of that country and the necessity of some prompt measures being taken in regard to securing the persons and property of the people of Texas. The roaming parties to which he makes allusion are persons who covertly came into the country from the other side of the Rio Grande and assume to have some relations with persons living on this side. In that way they evade suspicion for a great while and frequently detection, and also escape arrest, not alone by the civil authorities but by the military authorities. In that way they are enabled to penetrate into the country for a great distance.

This is a country that is sparsely peopled. These marauders come in different detachments, and have their rendezvous sometimes one hundred and twenty miles and even one hundred and fifty miles east of the Rio Grande. When they have formed their junction with their confederates they band themselves together and are able to drive out of the country the cattle, horses, or any other character of stock they may select, and escape interference from either the civil or military authorities.

Mr. HARRISON. Will the gentleman allow me a question just there?

Mr. HANCOCK. Yes, sir.

Mr. HARRISON. When these men are seen on your side, why do you not arrest them and punish them?

Mr. HANCOCK. The same rule applies there as in Illinois, where there are probably not so many persons of this character; it is almost indispensable to catch them first.

Mr. HARRISON. You see them.

Mr. HANCOCK. I am trying to explain to the gentleman from Illinois why it is that they cannot be arrested by the civil authorities by reason of the peculiar condition of the country, it being very sparsely peopled. If the gentleman will read from the testimony he will find that in fact—and I mean no offense by saying so—he really knows nothing about what the witness has said upon the subject; he seems to have most unqualifiedly misapprehended what the witness intended to convey. If he will read the testimony entirely through, I think he can hardly misunderstand what was the purpose of the witness, in his effort to convey to the committee an understanding of the true condition of that country and the necessity of something being done for the protection of the people there.

Mr. SCHLEICHER. I move to amend by striking out the last two words. I do not wish to say an original word of my own; but the gentleman from Illinois [Mr. HARRISON] has read two or three snatches from the evidence of Captain McNally, but he has omited a very material part. I wish to read it all in connection, including what he read:

The country is filled with numbers of armed Mexicans; and it is a most common sight to see four or five or six men, well armed and mounted, whose business no one knows. If you ask them who they are, they will say, "We belong to a ranch fifteen or twenty miles distant," or, "We are trading stock," or, "We have been visiting Brownsville or Matamoras," or, "We belong on the other side of the river," or, "We are going to our employer's ranch in the interior," or they may claim to belong to some neighboring ranch. We know nothing of them, and if we take them to the ranch to which they say they belong, the servants of the ranch generally, without hesitation, verify their statement; in many instances, from friendship; most frequently from fear. The Mexican owners of ranches on this side of the river, those who are citizens of Texas, are, almost to a man, as much opposed to this system of raiding as the American citizens of Texas are. Many of them have not nerve enough to take an active, decided stand against it either by giving information or by personal assistance. Still a number of them have done it since I have been out there; and some eight or ten of them, or probably twelve, have been killed on that account. It has been the history of those border counties that when any man, Mexican or American, has made himself prominent in hunting those raiders down, or in organizing parties to pursue them when they are carrying off cattle, he has been either forced to move from the ranch and come into town, or he has been killed. Quite a number of Americans have been killed within the last year out there, and also quite a number of Mexicans; probably twelve or fifteen for that offense alone. The men on the other side of the river threaten to kill them, and the fact is known publicly. They say, "We will kill that man within a week," and the report is heralded abroad over the country, and if the man does not leave they usually carry their threat into execution. We have a few Mexican rancheros who take an active part against these raiders, and who send me information and aid me with their services personally in hunting down the raiders and in keeping out a guard in their own neighborhood, sending out regularly the vaqueros to certain points to watch the trains of cattle. But the large proportion of the Mexican settlers on this side of the river is a floating population, who vote on this side as well as on the other. Many of them have been born and claim citizenship in Mexico. A large proportion of the Mexican population on this side of the river have their homes on the other side. They live over here, and are employed on this side: but they claim no citizenship here, and they are in active, direct sympathy with the raiders. They are their kinsfolk, their cousins, uncles, and brothers—for it seems to me as if all the Mexicans on both sides of the river are relatives.

Mr. HARRISON. Now, Mr. Chairman, the gentleman directly contradicted the accuracy of my statement of the evidence; but he has not only read exactly what I quoted but additional matter which strengthens my position. It appears by what he has just read that many of these men vote on both sides of the river.

Mr. SCHLEICHER. Not the raiders, but the floating population.

Mr. HARRISON. Now, Mr. Chairman, I do not oppose at all the first resolution. The gentleman from Texas [Mr. HANCOCK] says, "First catch your thief." Now, when we learn from Captain McNally's testimony that he goes with these men, that he rides along with them, it looks as if with the regiments which I will vote to send there, we might succeed in taking them.

But do you not bring in here testimony which shows that the outrages are committed by men living on this side and voting on both sides of the river? I suppose that next fall they will come over in crowds; they are invited, it seems, to come up and vote. But this second resolution says, "Let your colonels, your captains, and lieutenants be sent over the border; but be careful not to do any unnecessary injury to peaceful citizens" Gentlemen, if that resolution passes it will be a dishonor to the American nation, and therefore I oppose it.

Mr. SCHLEICHER. I withdraw my *pro forma* amendment.

Mr. HILL. I renew the amendment. I am very anxious to do what is necessary to protect the people on the borders of Texas; but I confess that I have considerable trouble in relation to this second section of the resolution.

The CHAIRMAN. The first section is now under consideration.

Mr. HILL. Well, though my remarks might more pertinently be presented when the second section shall be under consideration, I believe while I am up I will say what I had intended to say.

The argument of my very excellent friend from Virginia [Mr. TUCKER] does not altogether satisfy my mind; and I think the instances he quotes upon the question of law are not exactly in point. Still, I concede the general proposition that self-preservation is just as much the law of nations as of individuals; and cases may arise, and doubtless have arisen—such cases are mentioned by all the law-writers—where you may under certain circumstances pursue marauders even into the territory of a nation with which you are at peace. But this is giving a very strong power to the executive government and a very dangerous one, one that may result in no damage or in very great damage, and one which I think ought to be conceded with very great caution.

Now I want to ask the gentleman from Texas [Mr. SCHLEICHER] this question: if we shall pass the first section of the resolution and give two full regiments of cavalry to be stationed permanently on that border, does not the gentleman believe that that will remedy these difficulties? At least does it not give such promise of remedy that it ought to be tried first before going further?

Mr. SCHLEICHER. I answer the gentleman that certainly it will give some measure of security; but I wish to state right here that when the committee first met for the consideration of this question there was not a single member who contemplated the passage of any such proposition as is embraced in the second section. But it appears from the evidence that there is on our side of the river a thicket two hundred miles long and twenty miles wide, with only occasional paths through it, so that there are great facilities for the marauders to make their escape across the river, and the only chance of securing them is by following them across the river, perhaps only a few hundred yards, for the country on the other side is open. It was only after these facts were impressed upon us that the committee—very reluctantly, I can assure the gentleman—came to the conclusion to recommend the second section.

Mr. HILL. I have no doubt of that; but the question is whether the presence (known to these marauders in Mexico) of two full regiments of cavalry, always ready to capture and punish them, would not deter them from their incursions?

Mr. REAGAN. I refer the gentleman to the testimony of General Ord and other officers giving their opinion as military men that that will not be sufficient.

Mr. HILL. I withdraw the *pro forma* amendment.

The question then recurred on the amendment reported from the committee to strike out in the first section the words "northern boundary of the state of Tamaulipas above Laredo" and insert "Fort Duncan and above, if necessary."

The amendment was adopted.

The question then recurred on the second amendment reported from the committee, to add to the first section the following:

And the measures herein directed shall be carried out without delay, any restrictions or limitations in the laws in regard to the Army notwithstanding.

Mr. SCHLEICHER. I will in a few words explain the necessity of that amendment. The proposition in the first section is that the two regular regiments to be stationed there shall be immediately recruited to one hundred privates in each company. Now, the Army appropriation bill as it passed this House the other day contains a section, section 6, that the President shall not be authorized to accept any recruits until the Army by natural reduction has been reduced to 22,000 men. At present the Army is little over 25,000 men, and it may take two or three years, and at least one year, before the Army by natural causes is reduced to 22,000. Therefore, unless this proposition is especially guarded against that provision in the Army appropriation bill, it would be entirely futile. For that reason I have provided in case that provision remains in the Army appropriation bill, so far as the recruiting of these two regiments is concerned it shall be free from the restrictions and limitations of that proviso.

Mr. FORT. I wish to ask the gentleman from Texas whether it could not be provided that infantry men may be transferred to the cavalry arm by their own consent? Then, instead of discharging the soldiers already enlisted and who to some extent have been drilled, they may be transferred to the cavalry service, and in that way we may go right along.

Mr. SCHLEICHER. I do not see how any member of this House can have anything to do with that. It will be in the hands of the military authorities, and they very likely will do it. I merely wish to guard this section against the provision now contained in the Army appropriation bill, which would render this joint resolution futile, or at least suspend its full operation for a year or two.

The question was put to the committee.

The CHAIRMAN. It would appear by the sound the amendment is rejected.

Mr. SCHLEICHER. I hope not, as the amendment is one that is very necessary. I ask that the amendment be again read.

The amendment was again read.

Mr. HURLBUT. Permit me to explain what that means. It is simply to authorize the recruiting of these two regiments to the full standard and to keep them so without reference to any reduction of the Army that may now or hereafter be adopted.

The committee divided; and there were—ayes 84, noes 12; no quorum voting.

Mr. CONGER. No quorum has voted.

The CHAIRMAN. Does the gentleman from Michigan insist on a further count?

Mr. CONGER. I think it is a dangerous proposition to make. It has been agreed the Army shall be limited to a particular number of men, of which fifty shall constitute a company in all of the regiments. This proposes that these twenty companies shall have one hundred each, and that reduces so much from other regiments in the cavalry service.

Mr. SCHLEICHER. It does nothing of the kind, but simply provides that these two regiments shall be recruited to the full standard of one hundred men to each company.

Mr. CONGER. The Army appropriation bill provides that there shall be so many in the Army. I do not know by what policy this House will destroy the Army altogether. This is in that direction.

The CHAIRMAN. Debate is not in order.

Mr. CONGER. I have the floor, and have the right to debate the pending proposition.

The CHAIRMAN. The House is dividing on the question and debate is not in order. Does the gentleman call for tellers?

Mr. CONGER. I do not.

The CHAIRMAN. Then no further count being insisted on, the amendment is adopted.

Mr. FORT. I have an amendment to offer, and I hope the chairman of the committee will give me his attention. I move to add to the amendment just adopted the following:

And the Secretary of War is authorized to transfer any enlisted man from the infantry to the cavalry on his request.

Mr. SCHLEICHER. I have no objection to that amendment.

Mr. FORT. Then I do not wish to discuss it.

Mr. HURLBUT. It cannot be done. The man who enlists in the infantry cannot be transferred to the cavalry without his own consent.

Mr. FORT. It is the desire of the gentleman having this bill in charge, as I understand him, to have these two regiments immediately recruited up to the full standard, and of course it is much better to keep in the Army men who have been enlisted and served in the infantry, and who have been drilled to some extent, by transferring them to the cavalry at their own request. They will be in lieu of new recruits, and I can see no good reason why the Secretary of War should not be allowed when the time of an infantry-man has expired to re-enlist him in the cavalry if he so desires. As the law now stands by the Army appropriation bill just passed our infantry force has to be reduced. This provides that the cavalry force shall be increased. For my part I can see no objection then to transferring an infantry-man whose time has expired and who is about to be discharged to the cavalry service if he so desires.

Mr. MILLS. If the proposition of the gentleman from Illinois is to leave it optional with the infantry to be transferred to the cavalry, I can only say to him that the result will be that the whole of the infantry will be transferred to the cavalry.

Mr. SCHLEICHER. If there be objection to the amendment of course I do not accept it, but will allow it to be voted upon by the House.

Mr. FORT. I will modify my proposition so as to provide that such transfer shall take place only until said regiments are full.

Mr. HURLBUT. That takes away the objection I originally made. It is not worth while, however, to do it. It is not worth while to encumber the resolution with anything of the kind because it can be done now. No man recruited in the infantry can be transferred to any other arm of the service but by his own consent.

The amendment was rejected.

Mr. SMALLS. I offer the amendment which I send to the desk.

The Clerk read as follows:

Add to the first section the following:

Provided, That no troops for the purposes named in this section shall be drawn from the State of South Carolina so long as the militia of that State peaceably assembled are assaulted, disarmed, and taken prisoners, and then massacred in cold blood by lawless bands of men invading that State from the State of Georgia.

Mr. SMALLS. I hope the House will adopt that proviso as an amendment to the bill. As I have only five minutes I send to the desk a letter published in one of the newspapers here from an eye-witness of the massacre at Hamburgh, and I ask the Clerk to read it.

The Clerk read as follows:

The origin of the difficulty, as I learn from the best and most reliable authority, is as follows: On the Fourth of July the colored people of the town were engaged

in celebrating the day, and part of the celebration consisted in the parade of the colored militia company. After marching through the principal streets of the town, the company came to a halt across one of the roads leading out of the town. While resting there two white men drove up in a buggy, and with curses ordered the company to break ranks and let them pass through. The captain of the company replied that there was plenty of room on either side of the company, and they could pass that way. The white men continued cursing and refused to turn out. So the captain of the militia, to avoid difficulty, ordered his men to break ranks and permit the buggy to pass through:

Mr. SCHLEICHER. I rise to a point of order. I wish to know if this proposition is germane to the bill.

Several MEMBERS. Too late.

The CHAIRMAN. The Chair desires to say that it strikes him as being as germane as other propositions which have been generally entertained to make it allowable.

The Clerk continued the reading of the letter, as follows:

The order was obeyed, and the white men went on their way uttering threats. The next day a colored trial justice issued processes against the officers of the company, based on the complaint of the two white men, citing the officers to appear and answer to a charge of obstructing the public highway. They obeyed the writs, and after a slight examination the justice adjourned the trial until Saturday, the 8th instant. On that day, at an early hour, the town commenced to fill up with white men, armed to the teeth with repeating rifles and revolvers. The colored people had no idea of the bloody tragedy which was soon to take place, and consequently made no preparations to resist an attack, and were almost defenseless.

Late in the afternoon General M. C. Butler, one of the most malignant of the unreconstructed rebels, rode into the town, accompanied by a score of well-armed white men, and stated to the leading colored men that he came for the purpose of prosecuting the case on the part of the two white men, and he demanded that the militia company should give up their arms and also surrender their officers. This demand the militia was ready to comply with for the purpose of avoiding a difficulty if General Butler would guarantee them entire safety from molestation by the crowd of white desperadoes. This Butler refused to do, and persisted in his demand for the surrender of the guns and the officers, and threatened that if the surrender was not immediately made he would take the guns and officers by force of arms. This threat aroused the militia company to a realizing sense of their impending danger, and they at once repaired to a large brick building, some two hundred yards from the river, used by them as an armory, and there took refuge. They numbered in all about forty men and had a very small quantity of ammunition. During this time, while the militia were taking refuge in their armory the white desperadoes were coming into the town in large numbers, not only from the adjacent county of Edgefield, but also from the city of Augusta, Georgia, until they numbered over fifteen hundred well-armed and ruffianly men, who were under the immediate command and direction of the ex-rebel chief, M. C. Butler. After the entire force had arrived, the building where the militia had taken refuge was entirely surrounded and a brisk fire opened upon it. This fire was kept up for some two hours, when, finding that the militia could not be dislodged by small arms, a messenger was sent to Augusta for artillery. During all this time not a shot had been fired by the militiamen. The artillery arrived and was posted on the bank of the river and opened fire on the building with grape and canister.

Mr. SCHLEICHER. I rise to a question of order. If this be read as a part of the gentleman's remarks, is he not subject to the five-minutes rule?

The CHAIRMAN. The gentleman from South Carolina was recognized at thirty-two minutes past three o'clock. There is still half a minute remaining.

Mr. TOWNSEND, of New York. I hope the paper will be read through.

The Clerk resumed the reading of the paper, as follows:

The militia now realized that it was necessary to evacuate the armory at once. They proceeded to do so, getting out of a back window into a corn-field. They were soon discovered by the ruffians, and a rush was made for them. Fortunately, by hiding and hard fighting, a portion of the command escaped, but twenty-one were captured by the bushwhackers and taken immediately to a place near the railroad station.

[Here the hammer fell.]

Mr. RAINEY. I rise to oppose the amendment, and I yield my time to my colleague [Mr. SMALLS] in order that the reading of the letter may be continued.

A MEMBER. The two gentlemen are on one side.

The CHAIRMAN. The present incumbent of the chair confesses to some doubt whether the multiplication and piling up of *pro forma* amendments for the purpose of mutual accommodation is strictly in accordance with the spirit of the rule. The Chair felt that in the debate that terminated a little while ago. But inasmuch as these things have generally been practiced—a multiplication of *pro forma* amendments or a gentleman getting the floor in order to yield time to another—the Chair allows this.

Mr. COX. I hope the paper will be read through.

Mr. HARTRIDGE. I ask that it may be read by unanimous consent.

Mr. HANCOCK. I hope there will be no objection to its being read through.

The CHAIRMAN. The paper is being read in the time of the gentleman from South Carolina, [Mr. RAINEY.]

The Clerk continued the reading, as follows:

Here a quasi-drumhead court-martial was organized by the blood-hunters, and the last scene of the horrible drama began. It must now be remembered that not one of the twenty-one colored men had a pistol or gun about them. The moment they were captured their arms were taken from them, and they were absolutely defenseless. The orderly sergeant of the militia company was ordered to call the roll, and the first name called out to be shot in cold blood was Allan T. Attaway, the first lieutenant of the company, and holding the position of county commissioner of Aiken County, in which county Hamburgh is situated. He pleaded for his life, as only one in his position could plead, but his pleadings were met with curses and blows, and he was taken from the sight of his comrades and a file of twelve men fired upon him. He was penetrated by four balls, one entering his brain, and the other three the lower portion of his body. He was instantly killed and after he was dead the brutes in human shape struck him over the head with their guns and stabbed him in the face with their bayonets. Three other men were treated in the same brutal manner. The fifth man when taken out made a dash for his life, and luckily escaped with only a slight wound in his leg.

In another portion of the town the chief of police, a colored man named James Cook, was taken from his house and while begging for his life brutally murdered. Not satisfied with this, the inhuman fiends beat him over the head with their muskets and cut out his tongue.

Another colored man, one of the marshals of the town, surrendered and was immediately shot through the body and mortally wounded. He has since died. So far as I have been able to learn only one white man was killed. It will thus be seen that six colored men were brutally murdered and one wounded, while on the side of the whites only one man was killed. After this holocaust of blood was over the desperadoes in large bodies entered the houses of most of the prominent colored men of the town and completely gutted them. They stole all they possibly could, and what they could not steal they destroyed. Furniture was smashed, books torn to pieces, pictures cut from their frames, and everything that could be destroyed was given up to the demon of destruction. Such scenes my eyes have never before witnessed and the distress and suffering among the poor colored people was heart-rending to behold. The town is desolate and the inhabitants have taken refuge in Aiken, Columbia, and other points. The civil authorities are powerless or too negligent to do anything, and peace and order cannot be preserved unless United States troops are sent to this point at once.

The scenes during the massacre were fearful to behold—the moon shining down upon the horrid scene lighting up the whole with a ghastly light; the popping of the small arms; the screams of frightened women and terrified children; the loud reports from the artillery, all tended to make a scene terrible and more than fearful to behold. And now what was the provocation given for this hellish slaughter? The answer is, nothing. Legally the militia had the right of way over the public road. The day was the nation's holiday. The militia had a perfect right to parade, and vehicles of all kinds were required to keep out of their way, and not interfere with their marching. Again, General Butler had not the shadow of a right to demand the arms of the militia. They were organized under the constitution and laws of the State, and were part and parcel of the armed force of the Commonwealth. No private citizen had the slightest right to molest them. Such molestation was a direct blow at the power and authority of the State. It was a revolutionary step, and should be thus punished.

[Here the hammer fell.]

Mr. COCHRANE. I ask unanimous consent that the reading of the letter be finished.

Mr. COOK. I hope there will be no objection.

The CHAIRMAN. Unanimous consent cannot be granted in Committee of the Whole.

Mr. CONGER. I move to strike out the last word of the amendment of the gentleman from South Carolina, [Mr. SMALLS,] and, as part of my remarks, I ask that the reading may be continued.

The CHAIRMAN. The Chair, perhaps, was not thoroughly understood when he spoke before. He desires simply to say that although he has some doubt about the propriety of these *pro forma* arrangements, still he cheerfully consents to their being continued, because such has been the practice in the Committee of the Whole House.

The Clerk resumed, and concluded the reading of the letter, as follows:

Are the southern colored citizens to be protected or are they to be left at the mercy of such ruffians as massacred the poor men of Hamburgh? The murdered Attaway was a man of considerable prominence in the republican party of the county. He was a law-abiding citizen, held a responsible office, and was well thought of by very many people. The other murdered men were good citizens and have never been known to infringe the law. The whole affair was a well and secretly planned scheme to destroy all of the leading republicans of the county of Aiken living in Hamburgh. M. C. Butler, who lost a leg while fighting in the ranks of the rebels, and who is to-day the bitterest of Ku-Klux democrats, was the instigator of the whole affair and the blood-thirsty leader of the massacre. He boasted in Hamburgh during the fight that that was only the beginning; that the end would not be until after the elections in November. Such a man should be dealt with without pity or without hesistation. The United States Government is not powerless, and surely she will not be silent in an emergency like this, the parallel of which pen cannot describe. In this centennial year will she stand idly by and see her soil stained with the blood of defenseless citizens, and witness the bitter tears of women and children falling upon the murdered bodies of their loved ones? God forbid that such an attitude will be assumed toward the colored people of the South by the "best Government the world ever saw." Something must be done, and that quickly, or South Carolina will shed tears of blood and her limbs be shackeled by democratic chains.

What I have written in this letter are facts which I vouch for entirely, and are not distorted in any degree. It's a "plain, unvarnished" narration of painful and horrible truths.

Mr. HILL. Read the name attached to the letter.

The CHAIRMAN. The Chair understands there is no name given.

Mr. HILL. Who is the author of the letter?

Mr. GUNTER. I call for the date of that paper and the name attached to it.

Mr. CONGER. I believe my time has not expired.

The CHAIRMAN. The gentleman's time has not expired.

Mr. DOUGLAS. I call for the reading of the name of the author of the letter.

Mr. CONGER. I claim the floor for the balance of my time.

Mr. COCHRANE. Before this matter is concluded, I desire to know whether there is any name attached to that communication.

The CHAIRMAN. The Clerk informs the Chair that there is only a *nom de plume* attached.

Mr. COCHRANE. I understand that the name attached to that communication is erased. I ask the gentleman from South Carolina [Mr. SMALLS] whether he erased the name?

Mr. CONGER. I hope that all this will not be taken out of my time.

The CHAIRMAN. The gentleman from Michigan [Mr. CONGER] has five full minutes of sixty seconds each.

Mr. CONGER. Then I yield five minutes to the gentleman from South Carolina, [Mr. SMALLS.]

Mr. SMALLS. This is a letter written by a gentleman who was an eye-witness of this transaction to me, and I, sir, had that letter published in the paper. I am responsible for the name.

Mr. COCHRANE. Whose name is it? Who wrote that letter?

Mr. SMALLS. I will say to the gentleman if he is desirous that the

name shall be given in order to have another negro killed, he will not get it from me. [Applause.]

Mr. JONES, of Kentucky. I ask the gentleman from Michigan [Mr. CONGER] to yield me two minutes.

Mr. CONGER. I have already yielded five to the gentleman from South Carolina, [Mr. SMALLS.]

The CHAIRMAN. Does the gentleman from South Carolina wish to occupy the rest of the five minutes?

Mr. SMALLS. I do not.

Mr. CONGER. Then I resume the floor.

The CHAIRMAN. The gentleman from Michigan has three and a half minutes of his time remaining.

Mr. CONGER. When an amendment was before the committee to increase the regiments without any reference to the action of the House in reducing the Army, I made a suggestion to the House that that proposition would draw from other cavalry regiments a large portion of their quotas and leave them with a very diminished number of men. The amendment that is offered here is a very simple and a very proper one and in accordance with the amendment which was last under consideration. It is that, in portions of the United States where the lives and property of the citizens are alleged to be invaded, where it is alleged that property is taken and life taken by riotous men, in regions of country where troops are as necessary to protect them as they are necessary to protect our citizens on the borders of Texas, notwithstanding this resolution which we propose to pass, troops shall not be taken from those regions where their presence is equally necessary for the protection of the life of the citizen and the protection of his property.

I venture to say there is no man on this floor that dare rise in the presence of the American people to oppose this amendment, and I challenge any man to it; not alone on account of the statements in that communication, of the truth or falsity of which I do not now speak, but from the common knowledge which every one has of the events in the State of South Carolina. From facts universally acknowledged I venture to say that the same spirit which will induce every member of this committee and every member of this Congress to raise his voice and his hand in defense and protection of the citizens of the country would palsy the hand that would be raised to oppose the extension of that protection to one portion of the United States where the same necessity for protection exists.

Sir, I believe that the cutting down of the Army was the result of a determination on the part of some men somewhere to prevent troops being sent into States where lawless men take the lives of peaceable citizens. I just charge that as the attempt inaugurated in this House and carried out, I regret to say, with the assent of men who never ought to have given it their assent.

Mr. MILLIKEN. I would ask the gentleman if he has any member in his eye or in his mind whom he pictures as that man?

Mr. CONGER. I charge that the natural and inevitable result of that reduction must be to leave the Army so small that with the Indian war upon our hands and the necessity of protecting the Texas border there would be no forces to be sent into other portions of our country where the presence of an Army is eminently desirable and necessary.

[Here the hammer fell.]

Mr. COX. Mr. Chairman, I understand that this town of Hamburgh is immediately opposite Augusta, in the State of Georgia, across the river. The town of Hamburgh is mostly made up of a colored population. It has a colored magistrate or intendant. It has moreover a colored militia company. This trouble occurred in the first place, as I understand authentically, by the killing of a white man. That was the beginning of it. Afterward the negroes intrenched themselves in a house and they were driven out from it. The gentleman from Georgia [Mr. HARTRIDGE] has a letter, which he will read here, and which will explain the whole matter. It is from a gentleman who has been inculpated on the other side. I do not take the statement which has been read as absolute verity. It has no name attached to it. It is indorsed indeed by the member from South Carolina opposite as being authentic, but who indorses the gentleman? [Cries of "O! ah!" from the republican side of the House.]

Mr. RAINEY. A large constituency do.

Mr. SMALLS. A majority of 13,000.

Mr. COX. Thirteen thousand people may indorse the gentleman, yet he comes here with all the prejudice belonging to his race, and he will admit that much himself.

Mr. SMALLS. No, sir; I will not admit it.

Mr. COX. Now wait until I get through. These gentlemen from South Carolina have had read a statement which is anonymous, and they ask legislation based upon it. And then the gentleman from Michigan rises here and challenges every member in this House to vote against that proposition if he dare, because of the condition of the Army. Sir, it becomes us not only to inquire into the basis of the letter which has been read here, but into the basis of the statement of the gentleman who indorsed it. Now I do not impugn the gentleman's veracity at all when I say that he may speak from hearsay, and that, not having been on the ground himself, he may have had partial accounts of the subject. Does he understand me? And, if so, why this unnecessary clap-trap on the other side of the House?

Now the gentleman from Michigan has another motive. This letter was intended to be shaken into the face of the House for political and bad party purposes, for the gentleman knows that in the distribution of the Army there is strength enough in the South to protect every one to whom protection in the South is due.

Mr. HILL. The Hamburgh riot was got up for that express purpose.

Mr. COX. I have no doubt of it. The State of Georgia is not touched by this matter, but is entirely innocent in regard to it.

Mr. RANEY rose.

Mr. COX. The gentleman must wait until I get through. The State of South Carolina is to-day a republican State and the worst governed State in the Union; it is bad all around; bad at its borders; bad in its heart; bad on the sea-coast; bad in Edgefield County; everywhere rotten to the core, as your own party papers have said. Give South Carolina a democratic government and fair play as has been the case in Tennessee, Virginia, and other States which have been rescued from maladministration, and you will see that every man, black and white, will be cared for under the law.

Mr GARFIELD, (in his seat). As they were at Hamburgh.

Mr. COX. Will the gentleman rise and repeat his remark? I could not hear it.

Mr. GARFIELD. I will do so presently.

Mr. COX. It does not belong to the United States to look after every petty disturbance in a State and to put the military there. It is a new idea that you have to touch with a Federal bayonet every sore place in the country. How is the Army distributed? The 26,979 men are distributed as follows: 4,216 at West Point and in the Ordnance Corps and non-commissioned staff; 7,930 in the Territories; 3,778 in Texas; 3,334 in other Southern States; 2,913 against operating the Sioux under Generals Terry and Crook, and about 4,500 in the northern cities and forts.

This Texas border bill does not detract from the force of the Army South, North, East, or West to any considerable extent. This matter is brought up to divert us from the question of protecting the Texan frontier, as we should do by pertinent legislation; to get up a cry throughout the land for this fall's elections and for sinister purposes; to stimulate malignancy and shake the bloody shirt in the face of the people. This is the only object. The people will understand it. Anonymous letters read here, apparently from the South, will not affect them. The device is thin. The gentleman from Georgia [Mr. HARTRIDGE] has an authentic letter which explains this matter. He will give it to the House, and I now yield to him for the purpose of having it read.

Mr. CONGER. I withdraw my formal amendment.

Mr. HARTRIDGE. I renew it. The object of the introduction of this amendment is self-evident. The partisan purpose which it is intended to subserve is easily recognized by every intelligent mind. I should not rise to oppose it were it not for the fact that it does gross injustice to an honorable and gallant gentleman, and endeavors to cast an imputation upon a portion of the people of the State which I have the honor in part to represent.

The people of Augusta, Georgia, have no immediate Representative upon this floor. The hand of Providence pressing heavily upon their gifted Representative prevents him from raising his voice, as he would do if here, in defense of the honor of his constituents. But there is no Georgian upon this floor who will not feel it his duty, his pride, and his pleasure to enter his protest against any imputation such as that conveyed by this amendment against a community distinguished for its intelligence, for its integrity, for its virtue, and for its obedience to the laws and the Constitution.

This anonymous communication so far as we know its nature, anonymous so far as this House is concerned, anonymous so far as this country is concerned, is read here to give to this House a partisan view of the unfortunate occurrence at Hamburgh, South Carolina. No one regrets that occurrence more than I do, none regrets it more than the people of my State do. Even now all the papers of Georgia, democratic as they are, are calling out for an investigation of this matter, and they stand ready, if there be any fault, if there be any crime, to stamp it with their condemnation and to aid in its punishment. An investigation is going on conducted by the Governor of South Carolina, through his official agents, his attorney-general, his adjutant-general, and his coroners holding inquests over the bodies of those unfortunate dead. It would have been well to have waited until that inquest had given to the world the result of its determination before casting this fire-brand into this assembly.

But I do not propose to address this House longer upon this subject. I arose simply to give my reasons for asking that the letter be read which I send to the Clerk's desk. It comes from General Butler himself; it is signed by him; there is no hiding of his signature. He desires that the world shall know what part he took in this matter.

Mr. CONGER. Is he the same General Butler that is charged in the other letter with being engaged in this affair?

Mr. HARTRIDGE. He is the same General Butler.

Mr. DOUGLAS. And a gentleman, as I know.

Mr. CONGER. He may be a gentleman, but I ask is he the person charged in the other letter?

Mr. HARTRIDGE. He is the same General Butler who is slandered by that communication.

Mr. COOK. And he is the peer of any man on this floor.

Mr. HARTRIDGE. I ask that the letter that I send to the Clerk's desk be read as a portion of my remarks.

Mr. MACDOUGALL. Will the gentleman yield to me for a question?

Mr. HARTRIDGE. Let the letter be first read.

Mr. MACDOUGALL. Is this General Butler an officer of the militia of South Carolina?

Mr. HARTRIDGE. Let the letter be read.

The Clerk read the following from the Augusta Constitutionalist, published in Augusta, Georgia, July 13, 1876:

The following is General M. C. Butler's account of the Hamburgh militia riot of Saturday night. The general begins by saying that—

Certain newspapers, editors, and reporters have done me so much injustice by false reports in reference to the recent disturbance in Hamburgh, that it is due to myself to make to the public a statement of my connection with it. On Friday evening, July 7, Colonel Charles Shaw, with his brother, Rev. William Shaw, was at Edgefield C. H., to see Mr. H. W. Addison and Mr. A. J. Forris and myself on business. After transacting it, Colonel Shaw said to me that Mr. Robert J. Butler, who lives near Hamburgh, in Aiken County, desired me to be at Hamburgh on the following evening (Saturday) at four o'clock to represent professionally his son, Thomas Butler, and son-in-law, Henry Gelson, in a trial to be held before Trial-Justice Prince Rivers.

Mr. Butler has been a lucrative client of mine for many years. I inquired of Colonel Shaw if he knew the nature of the case to be tried, and he said he knew nothing except what he had heard; that these two young men had had an altercation with a company of negro militia in the streets of Hamburgh on the 4th of July, and that Mr. Robert Butler had complained to Rivers, the major-general of militia and trial-justice, and he supposed the trial referred to that matter. I accordingly left Edgefield at nine o'clock the next morning in a buggy. When I had gone about seven miles on the old stage-road I met Dr. John Wise, who inquired if I had heard the news from Hamburgh. I replied that I had heard nothing special, but was on my way to Hamburgh to attend a trial before Rivers. He said the information had reached his neighborhood that the negro militia had threatened to lynch Thomas Butler and Henry Gelson if they were not convicted, and that several young men had gone in that direction.

When nearing the town, I sent word to Mr. Robert Butler to meet me in Hamburgh and give me the facts of the case in which he wished me to appear. Mr. Butler did meet me in a short time, and I there, for the first time, ascertained the character of the trouble. I had nothing whatever to do with the matter up to that time. Knew nothing but what I have stated. My business there was simply professional. I had nothing about me but one law-book, and had no idea of there being a collision than an utter stranger. I learned after reaching Hamburgh that Mr. Henry Sparnick, of Aiken, was in town, as the attorney of the colored militia, and sent for him with a view of arranging for the trial or effecting some arrangement between the parties. Mr. Sparnick met me, and I think will do me the justice to say that my earnest effort was to prevent any further trouble, if possible, and he appeared equally anxious.

Mr. Robert Butler then interposed and said to Mr. Sparnick that if these men would make acknowledgments for their abuse and maltreatment of his son and son-in-law he would be satisfied. I said nothing about any apology myself. It was then proposed that we hold a conference with the officers of the militia company and Prince Rivers and see if we could not adjust matters. I made this proposition to Mr. Sparnick and he assented, saying he had influence with the negroes and he thought we could arrange it. He went off, as I supposed, to bring his clients, and did not return. Sam Spencer, a negro man, came to Mr. Damm's store, where I was with Mr. Robert Butler, his son, and son-in-law, and said that he desired to see me privately.

I at once went into Mr. Damm's back room. He said he was sorry to see so much excitement, and I expressed regrets at it. When he said that he thought inasmuch as Trial-Justice Rivers was to hear the case he would prefer not to be in the conference. I agreed with the propriety of that position, and he then said that the officers of Doc Adams's militia company would meet me, but did not like to come to me at Damm's store, as there were armed men there, but would meet me at his (Spencer's) office if agreeable to me. I said certainly; I would meet them at his office, and alone, if they preferred. He then went off, and did not return. The time appointed for the trial having arrived, I proceeded with my clients to the trial justice's office. Rivers was not in, and after a time his clerk went for him, and he opened his court. I inquired, as a preliminary question, whether he was sitting as a civil or a military officer. He replied that that depended upon the facts as they would be developed; that he was then acting as a peace officer. I remarked that I was indifferent as to the character of the court, as we only desired to arrive at the facts, and inquired if the accused parties would be present. He said that he did not know, but would have them called, which his constable proceeded to do from the door.

About this time Sam Spencer came in and said to me that he thought if the trial could be suspended the matter could be settled. I replied that he must see the trial justice, and if he would suspend I had no objections; whereupon Rivers announced the case suspended for ten minutes, and I was invited by the intendant of the town, a negro man named Gardner, to the council chamber for the purpose of meeting the militia officers of Adams's company. I repaired at once to that place, and remained there about a quarter of an hour, nobody appearing but Gardner, with whom I had some talk as to the necessity of something being speedily done, and that I thought the best solution of the matter was that these people should deliver up their arms as a means of settling the present difficulty, and a guarantee against a future recurrence. He said he knew nothing about it, and waiting, as I thought, long enough, I got in my buggy and went over to Augusta on business, having no relation to the Hamburgh matter; and while there was questioned by a number of people as to the status of affairs in Hamburgh, to whom I replied that I thought a collision between the whites and blacks imminent and likely to take place.

After dispatching my business, I was returning through Hamburgh on my way to spend the night at Mr. Robert Butler's, two miles in the country, and leave for home next morning. When about half way across the bridge I met a delegation of four negroes, Pixley, Edwards, Spencer, and Sims, who stopped me and said that if I would go to Spencer's office the officers of the militia would meet me and endeavor to stop the impending trouble. I agreed; went directly to the appointed place and waited there some twenty or thirty minutes, but one of the officers, Cartledge, appearing. He said he would do all in his power to induce the militia to disband and give up their guns, and I believe he did. While I was in Augusta a body of men rode into the town of Hamburgh mounted. I went around the street to look for Butler, and had not been gone long before I received a message from Prince Rivers, asking me to meet him. I declined to do so, saying that we had made about four appointments which were observed by myself only, and that he must come to me. I did, however, go to meet him, and he asked me if the men would give up their arms would I guarantee the safety of the town. I said I had nothing whatever to do with the town and could give no guarantee of any sort, as I had no command or authority; but would say as a citizen that, in my judgment, if they would do that there would not be the slightest trouble; and he said that he thought that right, and would go and advise them to that course.

In about ten minutes the report was circulated that the negroes refused to give up their arms and intended to fight, and a few minutes thereafter the fight did ensue. The negroes were fortified in their drill-room in a brick building known as Sibley's corner, and they raised a yell and fired from the windows, which was responded to by the whites and a general firing took place. Not a very great while after the firing began Mr. McKie Merriwether, a most estimable young man, was shot through the head and killed.

Not a negro had then been touched, and Merriwether's death naturally infuriated the already excited crowd, and they were under the leadership of no one. During the firing some parties unknown to me brought over a piece of artillery, and fired four or five times at the building and returned. The firing of the negroes from their position then ceased. I left the crowd arresting the negroes. How many were killed I do not know.

This collision was the culmination of the system of insulting and outraging of white people which the negroes had adopted there for several years. Many things were done on this terrible night which of course cannot be justified, but the negroes sowed the wind and reaped the whirlwind.

I did not attempt to accomplish by force what I could accomplish by peaceful means. I was not the leader of this body of infuriated men. I was there in the line of my profession. The collision was a sort of spontaneous combustion. I thought I saw it approaching, and did all that any human being could to prevent it.

I have no objection to being saddled with whatever responsibility fairly attaches to my conduct; but I have no idea of permitting newspaper reporters, for the sake of a sensation or any other purpose, presenting me as the leader of a mob, when I was no more the leader and no more responsible than any other person who might have been there in the line of his duty.

M. C. BUTLER.

During the reading of the letter,

The CHAIRMAN said: The five minutes of the gentleman from Georgia [Mr. HARTRIDGE] has expired.

Mr. GARFIELD, Mr. KASSON, and others: Let the whole letter be read.

There was no objection; and the Clerk resumed and concluded the reading of the letter.

Mr. JONES, of Kentucky. I desire to say a word or two on this subject. I am very glad that letter has been read, for I know the man who wrote it and have known him from infancy.

In regard to this trouble at Hamburgh it is to be greatly deplored, and no one in this country deplores it more than I do. I have a love for the State of South Carolina. I was reared upon her soil, and I venerate her ancient name and fame. Even now, when I believe she is under one of the most despicable governments the sun ever shone upon, I have a sympathy for every human being that inhabits that land. I am a friend of the colored man, and whenever the colored race in South Carolina desire anything for their civilization or elevation, I will be one of the first men to come to their rescue in a proper sense and spirit.

I have no doubt the exact truth of the unfortunate occurrence at Hamburgh has been told in that letter. I vouch for every word of it. I read yesterday in the public journals the letter which was sent up here, and very imprudently asked to be read to the House by the member from South Carolina, [Mr. SMALLS.] I believe it to be a slander and a lie. Does he know it to be true? He does not. In my judgment it is a mere fabrication for political effect.

But, sir, as far as M. C. Butler is concerned, to call him a Ku-Klux would be an insult to the most honorable blood in America. I have known his family all my life. They have been in every war of this country from the Revolution down. They have been distinguished soldiers, heroes, and statesmen, as he is one to-day. He was a gallant and brilliant officer in the confederate army from the firing of the first gun of the war to the last; and when the war ended he surrendered like a soldier and a hero, and he has behaved himself as a soldier and a hero ever since. He was one of six or seven brothers who went to the front, and I believe but three survived the conflict. In addition to the noble Butler blood which runs through his veins, he inherits through his venerated mother, whom I well knew, the blood of the gallant Commodore Perry of Lake Erie fame. He has been eminently conservative and loyal ever since he surrendered his sword.

Why, sir, the conservative party in South Carolina five years ago sent here to have his disabilities removed. They were removed at my instance; and they ran him for lieutenant-governor upon the conservative ticket with R. B. Carpenter, who went from Kentucky into South Carolina, and who was always a most loyal Union man.

Mr. BUCKNER rose.

Mr. JONES, of Kentucky. I will not allow myself to be interrupted. Sir, if there be a man in the Union whom we can recognize as the proud chevalier—*sans peur et sans reproche*—it is M. C. Butler, of South Carolina.

I repeat that I have known him from boyhood. I knew his father and all his great uncles—all distinguished and honorable men. What is stated in that letter is literally true. I would vouch for M. C. Butler the world over.

Mr. RAINEY. Mr. Chairman, no member on this floor can deprecate more heartily than myself the opening of this discussion. I had anticipated that when this Congress met its action would be such as to exercise a salutary effect upon the entire democratic party of the country; that it would close its deliberations without agitating these questions affecting the lives and liberties of American citizens. But it appears to me that so long as the negro has a vote in this country, so long as he has a voice in this Government, it is necessary that he should on every proper occasion appeal to the country in behalf of those rights.

Sir, I regret as much as any man here that outbreak at Hamburgh. I regret that the proceeding was measurably countenanced by a cavalier who has descended from noble stock—the very best that peopled the soil of Carolina. When I make this assertion I am not influenced by any partisan prejudice; I do not speak from hearsay or mere con-

jecture. I am sustained in what I say by the democratic papers of South Carolina. I have in my hands the News and Courier, the leading democratic paper of the State, which contains an article from the Augusta Chronicle and Sentinel, stating the very fact that General Butler went from Hamburgh across the bridge into Augusta, saw young men over there, and said to them: "Things over in Hamburgh look squally; young men, we may want you over there this evening; get yourselves in readiness." The editor of this democratic paper, published in the city of Augusta, says that General Butler made use of that expression, and that those young men, fully armed and to the number of two or three hundred, went over there.

And, sir, what are we to say of brave white men who fought in the confederate army coming out in armed force to capture and subjugate forty defenseless negroes collected in a building where they could not defend themselves? These men said that they were willing to surrender the few arms they had, but not until General Butler or some one else high in authority should give them assurance that their property, their liberty, and their lives would be secure. Did they exact from General Butler any more than is accorded to them by the Constitution? I ask whether they had not as much right to bear arms as General Butler or anybody else? Had they menaced or threatened any one while engaged in that parade on the Fourth of July? No, sir; the whole trouble arose because a few men, inflamed with whisky and with a determination to subdue the negro in the South, told them with threats that they must stand from across the road so that these men might be enabled to drive by unmolested.

Why, sir, just think of it! What would be thought if here in Washington City, when a military company was parading on the Fourth of July, two men should come up in a buggy and demand of the officers that the company should get out of the way, and if they did not, should at once set to work and murder the men of that military company? I ask you, citizens of the United States, would you stand it? I ask you, brave men who fought for your country's liberties long before you took part in the war of the rebellion, would you stand it? I ask you, proud southern men who boast of your gallantry and your intelligence and your superiority to my race, would you stand it? I ask you, men of the North who sacrificed your blood and treasure, who sacrificed the lives of your sons and your relatives, would you stand it? Do you, then, expect negroes to stand all this? Do you expect my race to submit meekly to continual persecution and massacre by these people in the South? Are you not going to allow us any right of self-defense? In the name of my race and my people, in the name of humanity, in the name of God, I ask you whether we are to be American citizens with all the rights and immunities of citizens or whether we are to be vassals and slaves again? I ask you to tell us whether these things are to go on, so that we may understand now and henceforth what we are to expect?

The CHAIRMAN. The gentleman's time has expired.

Mr. RAINEY. One word more. I ask to have published as part of my remarks an editorial from the Charleston News and Courier and some other extracts which I have not had time to read.

Mr. GARFIELD. Let them be printed.

The CHAIRMAN. The Chair hears no objection, and the gentleman has consent to print them.

Mr. GARFIELD. What is the date of the editorial of the News and Courier?

Mr. RAINEY. July 10, 1876.

The papers ordered to be printed are as follows:

THE BLOODY WORK AT HAMBURGH.

Assuming that the accounts of the Hamburgh fight given by the Augusta newspapers are in the main correct, we find little, if any, excuse for the conflict itself and absolutely none for the cowardly killing of the seven negro prisoners who were shot down like rabbits long after they had surrendered.

The insolence of the negro militiamen out of which the trouble came could easily have been punished without a resort to arms. General Butler, who appears to have been in command of the whites, admitted that an apology by the militiamen would satisfy his clients. The affront to Mr. Butler, therefore, was not the immediate cause of the fight that followed. This was brought on by the demand that the militiamen surrender their arms into the keeping of the whites. The presence of armed bodies of negroes is a menace to any community; but we do not understand that the danger was such as to justify the whites in demanding the surrender of the arms or in laying siege to the house in which the negroes took refuge and killing the negroes who attempted to escape. The killing of seven of the prisoners was barbarous in the extreme. We have no words strong enough to express our condemnation of such a crime. They who do such deeds sow the wind. We pray that they and those who are innocent of the wrong may not reap the whirlwind.

It pains us to be forced to speak in this strain of any act done in South Carolina by white men; but the higher intelligence and culture of the whites impose on them the duty of self-reverence and self-control. When they give way to passion and revenge, when they kill unarmed prisoners, they do what, as soldiers, they would not have dreamed of doing; they wrong themselves, their State, and increase a hundred-fold the difficulties and dangers of our political and social future.

What followed is given in the words of the Augusta Chronicle and Sentinel of to-day:

THIS THING HAD GONE ON LONG ENOUGH.

After waiting some time, General Butler told Rivers that he must proceed. The constable then went to the door and called Adams, who, however, failed to answer. It was then ascertained that Adams, with his company, was up the street in a defiant attitude. General Butler thereupon informed Rivers that this sort of thing had gone on long enough and it was about time that it was put a stop to. The negroes must give up their arms at once, and he would give the names of twenty of the best citizens in Edgefield as security that they would be turned over to Governor Chamberlain. Rivers then asked if General Butler, in case the arms were given up, would see that the town was protected during the night. General Butler answered in the affirmative. Rivers assured him that he would go immediately to Adams and persuade him to give up the arms. He accordingly went to that worthy and talked with him for some time. Upon his return he told General Butler that the mayor, Gardner, and the officers of the company would confer with him at the council chamber. General Butler accordingly went thither and had a conference with the negro leaders. He told them that the arms must be given up; there was no necessity for them in that place, and they had no business with them. As for the Adams case, Mr. Butler would be satisfied if Adams would make an apology.

THEY INTENDED TO FIGHT.

This conference accomplished nothing. The negroes still hesitated about giving up the arms. In the mean time, however, a number of white citizens had assembled in the town and matters began to look squally. General Butler rode over to Augusta and told several young men that he might need their services in Hamburgh during the afternoon. He then returned to the town. Just after crossing the bridge he was met by Prince Rivers, who said he would make one more effort to induce the negroes to give up their guns, and if they would not yield they must take the consequences. Accordingly he conferred with the officers of the company, and shortly returned to General Butler with the announcement that the negroes said they would not give up their guns; they intended to fight. In the mean time the news of the trouble had spread in Augusta and caused much excitement. A large number of young men hastily procured arms and ammunition and hastened to the scene. Many others waited at the foot of the bridge anxiously awaiting the result. By seven o'clock there was a large crowd at that point.

OPENING FIRE.

Upon learning the result of Rivers's efforts, General Butler determined to accomplish by force that which could not be done by peaceable demands. The negroes had intrenched themselves in a large brick structure, known as Sibley's building, on a corner, and defied the whites. The latter surrounded the house, and at half past seven o'clock opened fire upon it. This was returned by the negroes, and a constant fusilade was kept up for over two hours.

THE FIRST MAN KILLED.

About eight o'clock a young man named T. McKie Merriwether, who was standing near the front of the Charlotte, Columbia and Augusta Railroad bridge, was struck in the head by a minie-ball fired from one of the windows of the Sibley building, and almost instantly killed. His body was placed on a litter and brought to the city by a number of young men. Mr. Joseph Merriwether, father of the unfortunate young man, also accompanied the body to the city.

The deceased was in the twenty-third year of his age. His father lives in Edgefield County, about fifteen miles from Augusta. The Constitutionalist to-day gives the subjoined account of the way in which Merriwether was killed:

"Two young men were firing from behind an abutment of the Charlotte, Columbia and Augusta Railroad bridge when two negroes slipped through the tall weeds on the edge of the river, and coming up unperceived in the rear of them shot and killed a Mr. Merriwether, son of Dr. Merriwether, of Edgefield, the ball striking him behind the ear, killing him instantly. The young man who was with Merriwether turned and fired at the negroes, killing one dead. The other threw down his gun and made an effort to escape, but was pursued and captured by the young man and brought in as a prisoner."

But an eye witness informs the Chronicle and Sentinel that he happened to be looking at Merriwether when he was killed. Two shots were fired almost simultaneously from one of the windows, and it was probably one of these which struck the unfortunate young man, as he instantly fell.

SENDING FOR ARTILLERY.

Soon after the death of Merriwether several men were sent over to Augusta for a piece of artillery. This was procured and carried to Hamburgh as soon as possible. The piece was stationed on the river bank, a short distance from the house where the negroes had taken up their position, and a fire opened with canister. Four rounds were fired. Little damage was done the building, but the fire had the effect of completely silencing the negroes. During the evening eight negroes were captured, two of them members of the company.

THREE NEGROES KILLED.

About half past eight or nine o'clock a party of five escaped from the building and ran across an open field. They were fired upon by the white men, and two of them returned the fire, but without effect. About ten o'clock a negro jumped over the fence in rear of the house and attempted to escape, but he was instantly fired upon and fell dead, riddled by bullets. It was then ascertained that he was Jim Cook, the marshal of the town, who had been one of the chief promoters of the difficulty. His head was almost shot to pieces. Soon after this another negro, named John Thomas, first lieutenant of the company, was caught while attempting to escape. After he was arrested he was shot in the back by some unknown party and seriously, perhaps mortally, wounded. This action was condemned in the severest terms by every one, and especially by General Butler.

TWENTY-NINE PRISONERS.

About twelve o'clock general search was made throughout the town and resulted in the finding of fifteen more negroes, making twenty-nine in all. A negro who attempted to escape was shot in several places and badly wounded. The negro lieutenant, John Thomas, who, as stated above, was shot in the back, was expected to die from the wound. A young man named Morgan was accidentally shot in the leg by one of his comrades while pursuing a fleeing negro. He was firing at the negro, together with others, at the time. His wound, while painful, is not considered dangerous. The negroes who were last captured were discovered hid away in cellars and under floors.

KILLING THE PRISONERS.

Early this morning seven of the prisoners were taken out and killed. The Chronical and Sentinel says that about two o'clock, or a little before, the roll was called of the prisoners, and those who were considered ringleaders of the disturbing element in this county were carried to a corn-field near the river and turned loose. As they ran they were fired upon and killed. One of the men shot was named Attaway, a county commissioner and a member of the Legislature. The prisoners died almost without a groan. The remainder were then turned loose. Before the shooting took place a detail of twenty-five men was made and ordered to take the prisoners to Aiken to jail. On the way it was determined to kill the ringleaders, and the shooting was done as described. Some gentlemen from Augusta interfered and saved the lives of three by persuading the guards to let them bring the negroes to this city. They were taken to the city-hall and discharged. The man who was shot after being captured, John Thomas, was also brought to the city-hall. He cannot possibly recover. The list now foots up ten negroes killed, one white man killed, another severely wounded. The wounded man is in the hospital. As the remainder of the prisoners were turned loose they were fired into, but it is not known whether any of them were killed or not.

THE FORCE OF WHITE MEN

in Hamburgh during the evening numbered several hundred, a portion of whom were from South Carolina and a portion from Augusta. They were armed with revolvers, shot-guns, and rifles, and were under the leadership of General Butler.

At eight o'clock a force of Augusta city police, armed with police-guns, was marched to the South Carolina end of the city bridge and drawn up in line across the structure in order to protect the latter, as it was understood that threats in regard to it had been made by the negroes. There was no demonstration in that direction, however. During the evening while the firing was going on in Ham-

burgh intense excitement prevailed in Augusta and everybody was anxious to learn the latest news from the front. It was a matter of no little danger to attempt to get near the scene while the battle was progressing, as the balls were flying in every direction. Several of the balls fell in Washington street.

TRYING THE TORCH.

When the negroes first fired from the windows of the Sibley building they set up a loud yell. The fire and the yell were both answered at once by the whites. A number of the latter were stationed on the river bank and kept up a rapid fire at the building. Just after the firing began kerosene oil was poured on a small wooden structure next to the Sibley building and the torch applied to it. Information of the fact was conveyed to General Butler, who immediately rode to the spot and ordered the fire extinguished, peremptorily forbidding any such attempt in the future.

THE CALL FOR TROOPS.

It is said that the ammunition in the possession of the negroes was furnished to them by a white man named Schiller, who came over to Augusta and purchased it yesterday morning. It was rumored during the evening that the negroes had telegraphed to Charleston for Federal troops, but the rumor could not be traced to any authentic source. None of the arms held by the negroes were captured, but a quantity of ammunition was found in one of the houses. Prince Rivers fled from Hamburgh and took refuge in this city.

THE STATEMENT OF A PRISONER.

A reporter conversed with one of the negro prisoners named Gilbert Muller, who works in Augusta. He said that he knew nothing about the origin of the difficulty. All he knew was that when he got home from his work that afternoon his captain ordered him to get his gun and "fall in" with the company. He obeyed orders and was with the company in the house while the firing was taking place. He declared, however, he did not fire a single shot. Each member of the company had two rounds of ammunition. They had all gone into the cellar of the building when the cannon commenced firing, and he supposed they were there now. For his part he considered it best to give himself up, and he therefore did so.

SIOUX CIVILIZATION.

Sitting Bull is said to be profoundly gratified with the reports of the Hamburgh riot. It shows that Sioux civilization and Sioux tactics are spreading. Sitting Bull thinks all the prisoners, and not only four, should have been shot; but still he is not exacting. He knows it requires time to educate a community up to the Sioux standard.—*New York Herald.*

TERRIFIED SUBMISSION.

The Charleston News and Courier reports that since the riot at Hamburgh the condition of the negroes is that of "terrified submission." The recent achievements of that great chief, Sitting Bull, seem to have made an impression upon the confederate Major-General Butler, who commanded "the attacking column," for, according to the same journal, "two of the bodies were mutilated with hatchets or bayonets." As a further bit of information, we are informed that "all the killed had families, with one exception, and the grief and distress of the women and children were violent and heart-rending." We hope our readers will bear in mind that these extracts are not from a speech of Senator Morton, intended to inflame the North, but from the Charleston News and Courier, one of the ablest journals in the South, and leading the campaign in South Carolina for Tilden and Hendricks.—*New York Herald.*

Mr. HANCOCK. Mr. Chairman, I do not rise for any purpose of entering into a discussion of the facts connected with the unfortunate occurrence alluded to as having taken place in Hamburgh, South Carolina. I think I am warranted in expressing my regret that it should have been brought in during the consideration of the subject-matter now before the committee. Both sides, however, seem to have had an opportunity of presenting their *prima facie* cases. We are not in a condition now to ascertain really what the facts are, and I trust a moment's reflection will satisfy those who manifest so much feeling with reference to this unfortunate occurrence that there is really no necessity for bringing forward the amendment proposed to the first section of the joint resolution now pending before the committee, as that resolution does not contemplate interference with the troops in South Carolina or elsewhere. The troops there in the main are infantry. This contemplates the raising of two regiments of cavalry for the defense of the Texan border. Hence there can be no ground of apprehension whatever that the forces now employed in South Carolina are in danger of being removed to meet the requirements of this resolution. Furthermore the Army is under the direction of the Commander-in-Chief, in whom I presume all gentlemen have an abiding confidence he would not take from any portion of the country which might seem to require its service such numbers of the Army as would injure the peace, quiet, and security of that section.

These two reasons, either one of which would seem to be satisfactory, would demonstrate there is no necessity for this amendment for the purpose of guarding against any danger that might possibly result to South Carolina or any other State by reason of any requirement contained in this joint resolution. Both together induce me to hope the mover of the amendment will on reflection, after he has brought to the attention of the House and possibly of the people of the United States the facts which he conceived it to be his right and duty to present, withdraw his proposition and enable the House to proceed quietly and in good temper with the consideration of the subject-matter properly before us. We can then go on without any undue heat or excitement and pass upon this measure important to the interests of the whole country, for it is of interest to the whole country that we should preserve our peaceful relations with a neighboring republic. If measures of the character presented by the gentleman from South Carolina be brought forward and insisted upon, they must certainly lead to crimination and recrimination, out of which I have not witnessed so far any substantial result. I sincerely trust the proposition will not be insisted upon. It can result in no good whatever to any party. Now, after both sides have been heard, I hope it will be withdrawn and the committee allowed to proceed with the consideration of the report from the special committee for the protection of the Texas border.

Mr. SCHLEICHER. I move the committee rise for the purpose of closing debate.

Mr. SMALLS. I hope not, inasmuch as I was charged by the gentleman from New York——

Mr. SCHLEICHER. It is perfectly evident that we will not get through until late to-night if this debate is allowed to go on, and I insist on my motion.

Mr. GARFIELD. I suggest we allow further debate. It will be the quickest way out of it.

Mr. FOSTER. We are going to have it.

Mr. SCHLEICHER. You can have it on the next section.

Mr. GARFIELD. It will then be out of order.

Mr. HARRIS, of Virginia. This whole amendment is out of order.

Mr. SCHLEICHER. I cannot withdraw my motion.

The committee divided; and there were—ayes 87, noes 57.

So the motion was agreed to.

The committee accordingly rose; and the Speaker *pro tempore* having resumed the chair, Mr. MONROE reported that the Committee of the Whole on the state of the Union had according to order had under consideration the joint resolution (H. R. No. 96) to provide for the protection of the Texas frontier on the lower Rio Grande, and had come to no resolution thereon.

Mr. SCHLEICHER. I move the House go into Committee of the Whole on the state of the Union to resume the consideration of the joint resolution in reference to the Texas border troubles; and pending that motion, I move that all further debate be closed on the first resolution and the pending amendment.

Mr. GARFIELD. I suggest there are a few gentlemen who wish to speak for a few moments on the pending subject. I think twenty or twenty-five minutes at the outside would satisfy gentlemen.

Mr. STEVENSON. I move the House adjourn.

Mr. GARFIELD. I think this side of the House will be satisfied with twenty-five minutes.

Mr. HOLMAN. I call for the regular order of business.

Mr. BANKS. The gentleman from Texas [Mr. HANCOCK] appealed to the gentleman from South Carolina to withdraw his amendment, and made a very excellent speech of five minutes. Now, the gentleman from South Carolina should at least have the privilege of saying whether he will withdraw it or not. If the motion of the gentleman from Texas [Mr. SCHLEICHER] is agreed to he will not have that privilege.

The SPEAKER *pro tempore*. The Chair will first put the question on the motion of the gentleman from Illinois, [Mr. STEVENSON,] that the House do now adjourn.

The question being taken, there were—ayes 97, noes 41.

So the motion was agreed to.

ENROLLED BILLS.

Pending the announcement of the vote on the motion to adjourn,

Mr. BAKER, of New York, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker *pro tempore* signed the same:

An act (H. R. No. 1807) for the relief of Anthony Lawson, surviving partner of the firm of Lawson & Brewis, of Alexandria, Virginia;

An act (H. R. No. 3486) for the relief of James F. Buckner; and

An act (H. R. No. 3490) for the relief of James W. Love, postmaster at Patriot, Indiana.

Mr. PLAISTED, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill and joint resolution of the following titles; when the Speaker *pro tempore* signed the same:

An act (H. R. No. 2118) to provide for the construction of military posts on the Yellowstone and Muscleshell Rivers; and

Joint resolution (H. R. No. 146) to amend the act approved June 18, 1874, relating to the admission of articles intended for the international exhibition of 1876.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was given as follows:

To Mr. HOOKER for four days from and including the 14th; and

To Mr. CABELL for four days.

MILITARY EXPEDITION AGAINST SIOUX INDIANS.

The SPEAKER *pro tempore*, by unanimous consent, laid before the House a letter from the Secretary of War, transmitting a report of the operations of the military expedition against the Sioux Indians; which was referred to the Committee on Military Affairs.

RELIEF OF THE FAMILY OF GENERAL CUSTER.

Mr. RUSK. I ask unanimous consent, prior to the announcement of the vote on adjournment, to made a correction in the bill passed this morning providing for a pension to the father and mother of General Custer. I move to strike out in the last line of the bill the words "the two last named sons," and insert in lieu thereof the words "their two sons."

There was no objection, and the correction was made.

ORDER OF BUSINESS.

Mr. MACDOUGALL. I hope the same courtesy will be allowed to me to introduce a bill for the relief of the heirs of the officers and men who fell in the recent fight with the Indians on the Little Big Horn River under command of Brevet Major-General George A. Custer.

Mr. COX. I call for the regular order.

Mr. MACDOUGALL. I ask the gentleman to yield to me that I may offer this bill.

Mr. COX. I yield for that purpose.

Mr. HOLMAN. I call for the regular order.

The SPEAKER *pro tempore*. The House cannot entertain the motion of the gentleman from New York [Mr. MACDOUGALL] when the regular order is demanded.

The result of the vote on the motion to adjourn was then announced; and accordingly (at four o'clock and forty minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk under the rule, and referred as stated:

By Mr. LANDERS, of Indiana: Papers relating to the petition of John S. Bishop, for a correction of his war record, to the Committee on Invalid Pensions.

By Mr. JOHN REILLY: The petition of First Lieutenant James M. Bell, Seventh United States Cavalry, for pay for loss and damage to property in transit while changing stations from Fort Lincoln, Dakota Territory, to Shreveport, Louisiana, to the Committee on Military Affairs.

By Mr. SPENCER: A paper relating to the extension of post-route 30130, in the State of Louisiana, to Colfax, Grant Parish, to the Committee on the Post-Office and Post-Roads.

By Mr. SPRINGER: Memorial of James S. Nottingham, of New Mexico, for an investigation by the House of the charges against Judge Warren Bristol, of said Territory, to the Committee on the Judiciary.

By Mr. TERRY: A paper relating to the establishment of a post-route from Speer's Ferry, Virginia, to Kyles Ford, Tennessee, to the Committee on the Post-Office and Post-Roads.

IN SENATE.

MONDAY, *July* 17, 1876.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Journal of the proceedings of Saturday last was read and approved.

PETITIONS AND MEMORIALS.

Mr. McMILLAN presented the petition of Charles F. Yeager, of Saint Paul, Minnesota late an officer in the engineer department of the volunteer service, United States Navy, and doing duty on board the United States vessel Samson, engaged in the Red River expedition, praying, in behalf of himself and the officers and crew of that vessel, such legislation as may be necessary to authorize the redistribution of the prize-money accruing from the capture of certain cotton by that vessel; which was referred to the Committee on Naval Affairs.

Mr. MAXEY. I present a joint resolution of the Legislature of Texas, which I ask be read.

The PRESIDENT *pro tempore*. The Secretary will report the resolution.

The Chief Clerk read as follows:

Joint resolution instructing our Senators and requesting our Representatives in Congress to ask protection for the frontier and compensation for past expenditures by the State in that behalf.

Be it resolved by the Legislature of the State of Texas, That the Federal Government owes to Texas protection of her exposed frontiers, by virtue of her right as a member of the Union to an equal participation in the benefits and blessings which its Constitution guarantees to all the States, among which is defense against invasion; and the republic of Texas upon her accession to the Union having ceded to the United States all public edifices, fortifications, barracks, ports, and harbors, navy and navy-yards, docks, magazines, arms, armaments, and all other property and means pertaining to the public defense, the faith of the United States thereby became solemnly pledged to extend to the frontiers of the said republic of Texas the most ample protection, without which, as a condition-precedent, Texas would have had no sufficient inducement to surrender her independent political position.

SEC. 2. That our Senators in the Congress of the United States are hereby instructed and our Representatives are hereby requested to present to Congress now assembled these resolutions of the Legislature of the State of Texas, and to urge upon that body the enactment of such laws as will secure to our frontiers ample military protection against Indians and Mexican freebooters, the military forces of the United States on our borders being too weak under the most effective command to afford such protection, and the State of Texas being compelled, in defense of the property and lives of her citizens, to maintain in the field a considerable military force at her own expense.

SEC. 3. That our said Senators be instructed and our Representatives requested to present and urge before Congress the passage of a bill re-imbursing the State of Texas for the large appropriations of money which from time to time have necessarily been made by her Legislature because of the failure of the Federal Government to provide sufficient protection to our frontiers.

SEC. 4. That the governor of the State be requested to transmit to our Senators and Representatives in Congress a copy of these resolutions, together with an itemized statement of all expenditures made by the State in the protection of her frontiers.

SEC. 5. The fact that Congress will adjourn at an early day and the necessity for prompt action require that this joint resolution take effect, and it is hereby declared that it do take effect, from and after its passage.

Approved July 6, 1876.

THE STATE OF TEXAS,
Department of State:

I, A. W. De Berry, secretary of state for the State of Texas, do hereby certify that the above and foregoing is a true and correct copy of the original enrolled senate joint resolution No. 169, passed by the fifteenth Legislature of the State of Texas, and now on file in this department.

In testimony whereof I have hereunto signed my name and affixed the seal of State at the city of Austin this the 7th day of July, A. D. 1876.

[SEAL.] A. W. DE BERRY,
Secretary of State.

Mr. MAXEY. In reference to this resolution I beg leave to state that my colleague and myself have anticipated the wishes of the Legislature as indicated by these instructions so far as protection is concerned. The amendment which I had the honor to present to the Army appropriation bill, and which passed the Senate, increasing the number of cavalrymen to one hundred in a company, will accomplish the purpose had in view by the Legislature. I am informed that this amendment is to be retained in the report of the committee of conference upon that bill, and a force of cavalry maintained in Texas according to that amendment will accomplish the object sought. There is no doubt that the amendment referred to will afford an adequate cavalry force on the Mexican and Indian frontiers of Texas for the complete protection of those frontiers. I move that the resolution of the Legislature be referred to the Committee on Military Affairs.

The motion was agreed to.

Mr. SARGENT presented a memorial of certain clergymen of San Francisco, California, remonstrating against any change of the shipping-commissioner law, by which the appointment of commissioners shall be vested in the Secretary of the Treasury; which was referred to the Committee on Commerce.

Mr. LOGAN presented the petition of Curtis Smith, Robert S. Wood, and others, employés in the Bureau of Engraving and Printing, praying for a short leave of absence to visit the exhibition at Philadelphia; which was referred to the Committee on Printing.

He also presented the petition of W. W. Wilkins and others, citizens of Minnesota, on behalf of Louis B. Idell, late of the Eighteenth Regiment Illinois Volunteers, praying that a patent may be issued for certain land pre-empted by him in that State; which was referred to the Committee on Public Lands.

REPORTS OF COMMITTEES.

Mr. ANTHONY. I am instructed by the Committee on Naval Affairs, to whom was referred the petition of Admiral Charles Wilkes, praying for the passage of a law to relieve him from liability for the payment of certain moneys alleged to have been heretofore paid by him to Paymaster Hosford, United States Navy, to report a bill for his relief and recommend its passage. This is a small sum, due, undoubtedly, to an old and faithful public officer; and I think there will be no objection to its immediate passage.

The bill (S. No. 993) for the relief of Admiral Charles Wilkes was read and passed to the second reading.

Mr. ANTHONY. I ask to have the bill read at length subject to objection.

The Chief Clerk read the bill.

Mr. EDMUNDS. Let that go over.

Mr. ANTHONY. I think if the Senator will hear a statement of this case he will consent to let the bill pass.

Mr. EDMUNDS. I have no doubt of that. I only oppose it on the principle that I do not think any claim bill ought to go through on the day it is reported, be it ever so good; that is all. I have no doubt I shall vote for the bill when it is taken up to-morrow. I think it is a wrong principle to act on a bill of this kind at once, for once in awhile we get very badly mistaken. That is my only reason.

The PRESIDENT *pro tempore*. The Senator from Vermont objects to the present consideration of the bill, and it will be placed on the Calendar.

SOUTHERN CLAIMS.

Mr. WRIGHT. I wish to state that I shall ask the Senate, immediately upon the disposition of the present pending order, to proceed to the consideration of the bill known as the southern claims commission bill. I do this out of protection to myself, because of the numberless inquiries and constant importunities which are made with reference to this bill, and also for the purpose of saving some friends who say they do not see how they can live possibly unless the bill is disposed of. I shall therefore ask the Senate, immediately upon the disposition of the pending appropriation bill, if I can get the floor, to proceed to the consideration of this bill.

BILL INTRODUCED.

Mr. WRIGHT asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 994) to amend section 2931 of the Revised Statutes of the United States, so as to allow repayment by the Secretary of the Treasury of the tonnage-tax where it has been exacted in contravention of treaty provisions; which was read twice by its title, referred to the Committee on Foreign Relations, and ordered to be printed.

ESTATE OF AMOS IRELAND.

Mr. MERRIMON. I move that the Senate take up Senate bill No. 781, which is a small bill for the relief of the estate of Amos Ireland. I think when the report is read it will be sufficient to pass the bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 781) for the relief of Margaret Ireland, widow of Amos Ireland.

The bill was reported from the Committee on Claims with amendments, in line 6, to strike out the words "the amount due, if any, for his services;" in line 7, after the word "to," to strike out the words "his widow, the said Margaret," and insert "the administrator of the estate of Amos;" in line 8, after "Ireland," to insert the word "deceased;" and after the word "deceased" to strike out the words "and a sufficient sum is hereby appropriated for that purpose out of any moneys not otherwise appropriated by law" and insert "the sum of $208.33 for his services from January 1, 1861, until May 31, 1861, upon producing proper evidence of qualification as administrator of his estate; and a sufficient sum is hereby appropriated for that purpose out of any moneys not otherwise appropriated by law;" so as to make the bill read:

That the proper accounting officers of the Treasury be, and they are hereby, authorized and directed to adjust and settle the account of Amos Ireland, as captain of the light-vessel at Brandt Island Shoals, North Carolina, and allow the administrator of the estate of Amos Ireland, deceased, the sum of $208.33 for his services from January 1, 1861, until May 31, 1861, upon producing proper evidence of qualification as administrator of his estate; and a sufficient sum is hereby appropriated for that purpose out of any moneys not otherwise appropriated by law.

Mr. EDMUNDS. Let us hear the report read.

Mr. MERRIMON. I ask the Clerk to read the report.

The Chief Clerk read the following report, submitted by Mr. COCKRELL, from the Committee on Claims, June 21:

The Committee on Claims, to whom was referred the bill for the relief of Margaret Ireland, widow of Amos Ireland, have had the same under consideration, and respectfully report as follows:

Your committee find, from the evidence filed in the case, that Amos Ireland was loyal to the United States throughout the war; that he was employed under contract as keeper of the light-vessel stationed at Brandt Island Shoals, in North Carolina, at a salary of $500 per annum, and that he performed service in that capacity from December 31, 1860, up to June 30, 1861, for which he received no pay. Your committee addressed a letter to the Secretary of the Treasury, and received through him, from the Light-House Board, the information that Amos Ireland was employed as keeper of the light-vessel at Brandt Island during the year 1860, at a salary of $500 per annum; that the accounts of the superintendent of lights show that he was paid up to and including December 31, 1860; that no accounts were received from the superintendent during the year 1861; and, although the presumption is that some service was rendered, there is no positive evidence of the fact on file in this Office, and that it is not known positively at what time light-house service was discontinued at the said station, as no direct order or instructions were issued from the Light-House Office with reference thereto. Your committee find the reply of the Secretary confirmatory of the facts set forth in the evidence, as far as the records show anything in relation to the case and are satisfied that the claim is a just one. In view of the fact that service was discontinued on all mail-routes on May 31, 1861, at which time all authority of the United States was suspended in North Carolina, your committee recommend payment only from December 31, 1860, until May 31, 1861, at the rate of $500 per annum, payable to the administrator of the estate of Amos Ireland, deceased, upon furnishing satisfactory proof of qualification as administrator, and recommend the passage of the bill as amended.

Mr. EDMUNDS. I should like to ask the Senator from North Carolina, who is undoubtedly familiar with it, at what time the authorities of the State of North Carolina, or the rebel authorities, assumed control of the coast upon which this light-house stands?

Mr. MERRIMON. I am unable at this moment to inform the Senator.

Mr. EDMUNDS. Well, cannot the Senator tell us somewhere near what time did the State of North Carolina secede, as it is called?

Mr. MERRIMON. The truth is I am not at all familiar with this claim. I go by the report of the committee. I know this to be true, that a great many of the people who remained along the banks, as they are called, that is, the coast of North Carolina, adhered to the Union long after the war began and many of them during the whole war. I take it this person was a loyal person. He was in the service of the Government, and, it seems to me, the committee have limited his claim very much.

Mr. EDMUNDS. I have not any right to doubt at all, and I do not, that this person was a loyal person, because the committee find he was. I take that to be a fact; but the committee propose to pay him, if I rightly heard the reading of the bill, down to the 31st day of May, 1861. I have a general impression that the confederate authority, whatever that may have been called, either rightfully or wrongfully, was in sway there for two months before that time; and, if so, this poor fellow, loyal as he may have been——

Mr. MERRIMON. I will remind the Senator—he may remember the fact; it is historical—that North Carolina did not secede until the 20th of May, 1861.

Mr. EDMUNDS. That is just what I was trying to get at.

Mr. MERRIMON. That is the fact.

Mr. EDMUNDS. That is the very question I asked the Senator a moment ago, and he said he could not tell.

Mr. MERRIMON. And the State, after the ordinance of secession, did not get control of the light-houses and other public works along the coast until after that time, not until May 31, 1861. I am very sure the State did not, though I would not state positively. I think it did not.

Mr. EDMUNDS. Very well; that being the state of the case, this claim is perfectly correct undoubtedly. I tried to get exactly that information from my friend.

Mr. RANSOM. There is no doubt, if the facts were known, that this man served the Government up to the 31st of May.

Mr. EDMUNDS. That appearing, Mr. President, I have no objection at all to the claim.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the relief of the estate of Amos Ireland, deceased."

CHARLES F. CHANDLER.

Mr. WADLEIGH. I move that the Senate proceed to the consideration of the bill (S. No. 722) for the relief of Charles F. Chandler.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill. It declares that the letters-patent of the United States dated January 21, 1873, No. 135014, granted to Augustus H. Seyerth, shall be good and valid in law for the full term for which the letters-patent were granted by the Commissioner of Patents, in the same manner and with the same effect, and no other, as if letters-patent for the invention described in the letters-patent of the United States had not been granted and expired, or may not expire, in foreign countries, during the period for which letters-patent may have been granted in foreign countries.

Mr. COCKRELL. Is there a report in the case?

Mr. WADLEIGH. There is a report.

The PRESIDING OFFICER. The report will be read.

The Secretary read the following report, submitted by Mr. WADLEIGH, from the Committee on Patents, June 21:

The Committee on Patents, to whom was referred the petition of Charles F. Chandler, submit the following report:

The petition prays for the declaring valid for the full term for which the same were granted—that is, seventeen years from January 21, 1873—of United States letters-patent issued to Dr. Augustus Seyferth, and which letters-patent, having become forfeited in England, might, under the laws of 1870 (Revised Statutes, section 4887) be construed to have expired in this country.

We find that Chandler purchased his interest in the said letters-patent in 1869. He immediately proceeded to apply through an attorney to obtain letters-patent for the same. The grant was delayed in consequence of circumstances wholly beyond his control, and by two interferences which were decided in his favor. But for these circumstances he would have obtained his patent for the full term of seventeen years under the act of 1861.

We also find that the letters-patent for this same invention which have been forfeited in England were not so forfeited by any neglect or carelessness on the part of either Seyferth or Chandler.

We find that any doubt or uncertainty as to the validity of this patent, and as to whether it is in force or not, should be removed.

We find also that no laches or negligence can be charged against either Chandler or Seyferth, and that Seyferth is entitled to his American patent for the full term for which it was granted, and we recommend the passage of bill S. No. 722, for the relief of Charles F. Chandler.

Mr. CONKLING. For what is the patent, I inquire of the Senator from New Hampshire?

Mr. WADLEIGH. For a process for refining sugar.

Mr. CONKLING. May I inquire what the process is in general? I do not want the particulars; but enough to enable us to know. It seems to be a very important matter.

Mr. WADLEIGH. It is a chemical process for refining sugar; and parties in England who held an assignment there did not consider it worth enough to make the payments necessary to keep their patent alive in England, and on that account the patent was forfeited here under the law of 1870, passed after the applicant had made application to the Patent Office for his patent. It is a very just case, Mr. President.

The bill was reported to the Senate.

Mr. EDMUNDS. Does the bill reserve the right of people who have used the invention before this patent becomes valid, it being now invalid?

Mr. WADLEIGH. The patent was granted for fourteen years, and this bill merely gives him the same right that he has under the patent as granted.

Mr. EDMUNDS. What is the object of the bill, then?

Mr. WADLEIGH. The patent in England was assigned to certain parties there, and it was assigned in the United States to this Chandler. He made application to the Patent Office of the United States for a patent in 1869. In 1870 the Congress of the United States passed a law which, as construed, invalidates patents here, provided they are invalidated from lapse in foreign countries. The parties who held the assignment in England, probably from not deeming the patent to be very valuable there, forfeited the patent there by not making certain periodical payments required by the law of England; and our law of 1870, passed after the application was made to the Patent Office and while it was pending there when the patent lapsed in England, deprived the assignee here of any rights under the patent. His patent lapsed on account of the neglect of parties in England.

Mr. EDMUNDS. In accordance with the general law?

Mr. WADLEIGH. In accordance with the general law passed after he made his application here. He made his application in 1869, and it was pending in the Patent Office until after the passage of the law of 1870. These parties in England did not make the payments there which they should have made; and the patent lapsed, so that, though the patent granted for fourteen years, he has held it but two months.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. G. M. ADAMS, its Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 332) to amend the act entitled "An act to amend and supplement an act entitled 'An act to establish a uniform system of bankruptcy throughout the United States,' approved March 2, 1867, and for other purposes," approved June 22, 1874.

The message also announced that the House had passed the following bills; in which the concurrence of the Senate was requested:

A bill (H. R. No. 3894) granting a pension to Mrs. Elizabeth Custer, widow of the late George A. Custer; and

A bill (H. R. No. 3896) granting a pension to Maria Custer and Emanuel H. Custer.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolutions; and they were thereupon signed by the President *pro tempore:*

A bill (H. R. No. 1807) for the relief of Anthony Lawson, surviving partner of the firm of Lawson & Brewis, of Alexandria, Virginia;

A bill (H. R. No. 2118) to provide for the construction of military posts on the Yellowstone and Muscleshell Rivers;

A bill (H. R. No. 3486) for the relief of James F. Buckner;

A bill (H. R. No. 3490) for the relief of James W. Love, postmaster at Patriot, Indiana;

A joint resolution (H. R. No. 109) for the issue of silver coin; and

A joint resolution (H. R. No. 146) to amend the act approved June 18, 1874, relating to the admission of articles intended for the international exhibition of 1876.

CHARLES C. CAMPBELL.

Mr. CAPERTON. I move to take up House bill No. 429.

The motion was agreed to; and the bill (H. R. No. 429) for the relief of Charles C. Campbell, of Washington County, Virginia, was considered as in Committee of the Whole. It provides for the payment to Charles C. Campbell, of Washington County, Virginia, of $6,000, for property taken and used as supplies by the armies of the United States, under Generals Stoneman and Burbridge, in the year 1864, while upon their marches in the States of Virginia and Tennessee, which sum is to be in full satisfaction of all claims of Campbell against the United States.

Mr. EDMUNDS. Let us hear the report.

Mr. WRIGHT. I can state in a moment what there is in this bill. As to the taking of this property there is no question. It is abundantly established. As to the loyalty of Mr. Campbell, there is no one who raises any question. He is a man of unexceptional character, of the very highest integrity, and of the most thorough devotion to the Union. He had this claim, handed it over to an agent of the southern claims commission, and supposed he had presented it until it was too late, and then finding it was too late he comes to Congress.

Mr. WITHERS. Before the report is read, I will state that this man is from the southwestern part of the State. There is no question that the character given of him by the Senator from Iowa is perfectly correct. He had the reputation during the war, I know, of being a Union man all the time. He was engaged in manufacturing salt for the people around there. His original claim for property destroyed amounted to nearly $20,000; but the Committee on Claims cut it down to this small amount.

Mr. WRIGHT. What he would be entitled to under other circumstances would be much more than the committee agreed to give him.

Mr. CONKLING. For whom was he manufacturing salt?

Mr. WRIGHT. In Virginia, I believe it was.

Mr. CONKLING. But for whom; for what market?

Mr. WRIGHT. He had salt-works there for a number of years before.

Mr. CONKLING. For what market did he manufacture during the war?

Mr. WRIGHT. I do not understand that he was manufacturing for any market at that time.

Mr. EDMUNDS. The Senator from Virginia says he was. I should like to hear the Senator from Virginia state again what this gentleman was engaged in during the war and where.

Mr. WITHERS. He was engaged in his ordinary occupation. He was engaged at this time in manufacturing salt at the salt-works under a contract with some of the people in East Tennessee at and around Bristol. He was residing at that time at Bristol, on the borders of Virginia and Tennessee; his loyal character is unassailable.

Mr. EDMUNDS. How extensive was his salt manufactory?

Mr. WITHERS. That I cannot tell you; but he must have had a good deal of material and horses and one thing and another connected with it for hauling wood and so forth from the fact that he claims to have lost about $20,000.

Mr. EDMUNDS. Is it the salt-works that this allowance is made for?

Mr. CAPERTON. No, supplies.

Mr. WITHERS. It is for supplies, provisions, corn, &c., taken from him by the Army. General Burbridge certifies to the claim.

Mr. EDMUNDS. I should like to hear the report read in full. There is a little too much salt in it, I am afraid.

The Secretary read the following report submitted by Mr. CAPERTON from the Committee of Claims on the 1st instant:

The Committee on Claims, to whom was referred the petition of Charles C. Campbell, of Virginia, praying compensation for certain property taken by United States forces during the war, together with the House bill No. 429, have had the same under consideration, and report as follows:

Petitioner represents that during the late war he resided in Washington County, Virginia, and was the owner of a large property, consisting of salt-furnaces, salt-store goods, salt-sacks, horses, mules, wagons, harness, and cotton yarn, to each of which items he attaches a value amounting in the aggregate to $19,210; that the salt-furnaces and salt were taken and destroyed by the Union armies under the commands of Generals Burbridge and Stoneman, and the other articles, amounting in the aggregate to $8,500, were taken and used as supplies by the armies aforesaid. He therefore prays compensation.

In addition to his own affidavits, the petitioner filed with his petition the depositions of eight witnesses, establishing beyond question his loyalty to the Union, his ownership, and the value of the personal property, and the fact that it was taken under orders and used by the Federal forces.

In the course of the investigation before the House committee the petitioner seems to have surrendered his claim for compensation to a portion embraced in the list set forth in his petition, and to have confined his claim to the horses, mules, harness, wagons, salt, and flour, the total value of which he placed at $6,762. From the prices offered by the petitioner the House committee seem to have made deductions which reduced the amount to $6,000.

Your committee, after an examination of the testimony, are satisfied that no further deductions would be justified, and they therefore conclude to report back the House bill without amendment, and to recommend its passage.

In explanation of the delay attending the prosecution the petitioner has filed his affidavit, in which he states that within the term for filing his claim before the southern claims commission he did place his claim in the hands of one William Mullenix, a lawyer living in Bristol, a commissioner appointed by the southern claims commission, who resided within three or four miles of petitioner, who promised petitioner to put it in proper form and file it before the board; and that he did not know of his neglect to do so until after the expiration of the period within which it should have been filed; that petitioner was entirely ignorant of the provision relating to the time within which claims should be presented, and relied upon Commissioner Mullenix to do all that was necessary for the proper prosecution of his claim, and believed in good faith that when he had placed his claim in the hands of said Mullenix, he being commissioner, that he had done all required of him in order to put in his claim in the way of adjustment.

Mr. EDMUNDS. I should like to hear the House report. It seems there was one.

The PRESIDENT *pro tempore.* There is no House report with the papers.

Mr. EDMUNDS. I think this is a claim of so much importance in principle that we ought not to pass it without clearly understanding the exact grounds upon which it is supposed to rest. The first proposition is that this claim being what it purports to be, it confessedly should have gone before the southern claims commission, where testimony can be taken and witnesses can be cross-examined by the counsel for the Government under oath, and the exact nature of this gentleman's occupation ascertained at these salt-works, which it seems the Army found it necessary to destroy (or else they were guilty of a very wanton outrage) as being a kind of structure and manufacture like a powder-works that was distinctly useful to the rebellion. I suppose that must have been the principle upon which the salt-works were destroyed. This man should have gone to the commissioners of claims, it is agreed. He did not go there. The excuse for his not going there is that he so misunderstood the law as to suppose that a commissioner appointed by the claims commission to take testimony, like a master in chancery in an ordinary case, or a notary public, was the authorized agent of the United States to receive and file claims, or else that he was this gentleman's attorney, which seems to be the more probable statement of the case, and promised his client that he would file this claim within the time required by the statute and did not do it. Now, therefore, the first question is whether it is within the just duty of Congress to relieve claimants of this character—I might say of almost every other character but it is enough for this purpose to say of this character—against the statute of limitations where the accident or the fault has been that of some agent of the party himself.

It is scarcely necessary to say that if you do it in one case you must do it in all cases resting upon the same general facts, and I am not ready, for one, to have Congress declare that wherever in the Court of Claims, or in the southern claims commission, or in any claim against the United States the statute of limitations has become a bar, we are to open that bar and try the case in Congress ourselves, and allow a man to come in after the evidence may have been lost that would have defeated the claim in the first instance, upon the ground that through some fault or accident or mistake of his or his counsel he did not get into the regular tribunal in season. It is a principle that we ought never to take up, because it would be destructive, in my opinion, of the public interests, and would make a great raid, if I may say so, upon the Treasury, and in respect of claims and cases that we cannot after a great lapse of time know anything about; and that is the precise ground on which this action of Congress rests, that we are to remove the bar of the statute of limitations which has prevented this man, through the fault of his counsel, from getting into the tribunal we have established to try the cause and give him the money without trying it except as we do on *ex parte* testimony before a committee, and thereby establish the principle that wherever a man can satisfy Congress that through his own neglect or accident or that of his attorney he has failed to move his claim within the time when the United States can know something about it and try it in the regular way and before the witnesses against it are dead, we shall open the doors to all such cases. It does appear to me that that is a very unsafe principle.

Of course I can scarcely expect to produce much impression against the report of so able a committee as this; but, still, I feel bound to say what I am saying on that principle which is directly involved in this bill.

Then, when you come to the claim itself, it appears that, as presented to this committee, this was a claim for the destruction of this man's salt-works, and for taking and carrying away his horses, and wagons, and mules, &c. It does not appear to be the case of supplies taken up in a friendly country, when the army is on the march, and the quartermaster's voucher is given because it has not money to pay, to be turned in and delivered as quartermaster and commissary stores of the War Department; but as he states his own case, he—

was the owner of a large property, consisting of salt-furnaces, salt-store goods, salt-sacks, horses, mules, wagons, harness, and cotton yarn, to each of which items he attaches a value, amounting, in the aggregate, to $19,210; that the salt-furnaces and salt were taken and destroyed by the Union armies under the commands of Generals Burbridge and Stoneman, and the other articles, amounting, in the aggregate, to $8,590, were taken and used as supplies by the armies aforesaid.

It was a taking and at the same time and of the same nature as that other part of the act, which was the destruction of these extensive salt-works, which must have been upon the theory that it was contraband of war, to use a short phrase. Now, the question is whether we ought not to have further evidence upon the subject of how extensively this man was manufacturing salt; whether he was supplying the confederate army with it, or whether, as was suggested by the Senator from Virginia, it was a little one-horse neighborhood affair, where he was making salt for the neighbors. If it was that, that is one thing; but if it was the other thing, then, I take it, we should all agree, until we change our policy with the next administration, if that happens to be the wrong one, and pay for all claims of this character, that it is not admissible. As it stands, I, for one, cannot vote for it, and I shall ask for the yeas and nays on the passage of the bill.

Mr. WRIGHT. I hope we shall have a vote.

The bill was reported to the Senate without amendment and ordered to a third reading.

Mr. WRIGHT. If the yeas and nays are to be called on this bill, I wish to say one word, not to take up time. There is no claim in this bill for any injury to or loss of the salt-works; it is for property that was taken and used by the Army by competent authority. That is settled by the very terms of the report, and no claim could go through our committee that was not thus settled. The case is exceptional in that the application was not made to this person as attorney, but to one whom he recognized as acting and who was acting for the southern claims commission. We have passed no bill through our committee yet where the person had failed to go to the Court of Claims or to the commission merely because he relied on some attorney who failed to do his duty. We put the case on its exceptional ground. Here was a loss of property taken for the use of the Army, and a loss by a loyal man. That is all there is of this case.

Mr. LOGAN. I desire to ask the Senator a question that was asked a while ago, but the answer failed to be elicited. I have no knowledge of this case myself, but I know something about salt-works down South, and I want to know who this man made salt for during the war.

Mr. WRIGHT. I do not understand that he made salt for any person during the war.

Mr. LOGAN. The Senator from Virginia said he did.

Mr. WRIGHT. The suggestion of the Senator from Vermont was that he would like to know whether this man was not making salt for the rebel army. We have found upon that subject because we found his loyalty. If there had been any suggestion of anything of that kind in the papers, that he was making salt for the enemy or for any other than the neighbors, we certainly should have looked into it closely.

Mr. LOGAN. I have a distinct recollection of the destruction—at least the information of it; I was not there—of certain salt-works in Virginia by our Army, on the ground that they were manufacturing salt for the confederate army. It has dropped out here that these works were destroyed. I want to know what they were destroyed for. If they were destroyed because they were manufacturing salt for the confederate army, the owner could not be a loyal man.

Mr. WITHERS. I can tell the Senator from Illinois that the salt which was manufactured in Virginia for the rebel army was at a different place and by a different firm entirely, a much larger establishment than this, and one which was supplying the army with salt by contract.

Mr. LOGAN. I know nothing about this man's salt-works, but the question I want to know is for whom was he manufacturing salt when the salt-works were destroyed?

Mr. WITHERS. For such of the people of the neighborhood around him as chose to go there and buy from him.

Mr. LOGAN. I ask whether or not he was manufacturing and selling to the confederate army?

Mr. WITHERS. Not to my knowledge, and, so far from that, I believe to the contrary, though I cannot say of my own knowledge that not a particle of his manufacture ever went to the army; but I know the confederate army's supply of salt was drawn from a different source, a different establishment, owned by different parties.

Mr. LOGAN. Does the Senator have any knowledge why these salt-works were destroyed?

Mr. WITHERS. I have no knowledge except the general fact that when these raids, as we called them, were made, the officers in charge were not very particular as to what property they did destroy. Salt was considered contraband of war, I presume, at the time, and all the salt-works that they came across they destroyed, whether the salt was devoted to public or private use.

Mr. LOGAN. Until I can get that question definitely answered, I shall vote against the bill. I see many loyal men coming here now that I did not find during the war.

Mr. WITHERS. It would be very difficult or impossible for Mr. Campbell to prove a negative in the case.

Mr. LOGAN. I do not ask anybody to prove a negative; but I do say, inasmuch as these salt-works were destroyed and the owner is not asking pay for the destruction of the salt-works, it is a very suspicious circumstance, to my mind. Here his salt-works were destroyed by our Army and he was a loyal man, and they were not destroyed because they were violating the law or because they were manufacturing salt as contraband of war for the rebel army; but he is entitled to pay for the salt-works because he does not claim pay for the destruction of the works. That is a very suspicious circumstance, in my mind; so much so that I will not vote for it until I know something about why the property was destroyed that he does not ask pay for.

Mr. WITHERS. It seems to me that the Senator's position is rather illogical, if he will pardon me for saying so. The claim is not made for the salt-works. Salt was regarded as contrabrand of war at that time.

Mr. LOGAN. Not the salt, but the salt-works.

Mr. WITHERS. Of course I mean the works for the manufacture of salt.

Mr. LOGAN. Salt-works, if they are not running, are not contraband of war; and if they were destroyed without doing something, that was improper to be done, and he is entitled to pay for it. That is the proposition, and I ask why he does not ask pay for his salt-works?

Mr. WITHERS. Simply because the salt-works that were in operation then were regarded by the military authorities as contraband of war and as calculated to furnish aid and comfort to the enemy, I suppose, and consequently were destroyed wherever they were met with. But this man was not engaged in the manufacture of salt under contract to supply the rebel army at all, because that salt I know was supplied from a different source. The question is as to pay for his horses and his mules and his harness and his food, which were admittedly taken by the military authorities and used for the Army—so acknowledged by the commander of the forces—from this man, whose loyalty has not been questioned and who I can undertake safely to say has fully proven it before the Claims Committee. Whether he shall not be paid for this private property taken for public use is the question before the Senate.

Mr. CONKLING. The Senator has told us that salt-works were property contraband of war.

Mr. WITHERS. In the estimation of the military commander, I have said.

Mr. CONKLING. In the light of that sentiment I ask the Senator to listen to these words from the House report:

That the memorialist, Charles C. Campbell, is a native of Virginia, and resided in said State during the war of the rebellion; that in the year 1864 he was the owner of certain salt-works at Saltville, in the State of Virginia, used and occupied by him at that time in the manufacture of salt; that he was also the owner of five four-horse and mule teams, fully equipped with harness and wagons used in hauling supplies for said salt-works and for other purposes.

I ask the Senator from Virginia to distinguish, if he will or if he can, in respect of their being contraband, between the salt-works, the realty, and the fixtures, and the five fully equipped mule-teams and wagons owned and operated in connection with those works to haul supplies to them and carry them on. Can there be such a distinction? Of course, we all know, applying our common sense, that the mule-teams used in connection with the salt-works were employed not only in hauling materials to the salt-works, but in carrying away and delivering wherever it was to be delivered the product of the salt-works. So they were the apparatus, the material, the property used, not only in connection with these works but to carry them on and to give them that effect which we are told made them contraband of war. Being so regarded, they were destroyed. The memorialist comes here assuming that, so far as this application is concerned, they must be regarded as properly destroyed; but distinguishing between the salt-works, whatever that term may cover, and the personal property used in connection with them, and by dint of which personal property and its use alone these works were or could be operated and made contraband of war, he is entitled to recover for the personal property.

Now, Mr. President, had the salt-works, the buildings, the evaporating-vats—if that was the theory on which they made salt,—the boilers in which they boiled the salt, been there disused, in repose, they would not have been contraband of war more than so many other boilers and tubs and vats; but because, as the Senator has explained to us they were used in manufacturing one of the prime necessities not of life only but for military operations in the country of an enemy, they were despoiled and prostrated by military force. Now how it can be that the *impedimenta*, if I may use a military phrase, which belong to this establishment and carried it on and characterized it and

made it contraband of war, do not partake of the character of the salt-works, I confess my mind is not microscopic enough to discover.

Mr. WITHERS. Mr. President, I do not claim to possess a microscopic mind, and I certainly cannot compete with the distinguished Senator from New York in drawing nice legal distinctions, and yet it is very clear to my mind that there is a distinction, and one that should be properly recognized, between the personal property, the horses and harness and food, which by no possible stretch of authority could be considered contraband of war in any community, and the salt product which seems to have been so regarded, and which I believe for the first time in civilized warfare was regarded as contraband of war. But assuming that the military authorities so construed it to be contraband of war, I can see readily how they would have destroyed the salt and destroyed the machinery used in the manufacture of salt for which the claimant could recover nothing, and yet when the destruction extended further, not the destruction merely, the effect of which would have been to deprive this hostile community of a necessary of life, and there was an appropriation for Government use of horses, mules, harness, and wagons; it seems to me that some legal distinction ought to exist between the two cases, and that the principle which would be applied to the one should not properly apply to the other.

Mr. CONKLING. If the Senator will pardon me a moment, is not a flouring-mill situated in an enemy's country, turning out flour for the enemy, contraband in that sense in which a wagon-train loaded with that flour is contraband?

Mr. WITHERS. Provided they are engaged in the manufacture of flour for the public enemy; and if this manufacture of salt had been to supply the armies of the confederacy with salt, then it would have been properly considered contraband of war. But I contend that a flouring-mill where flour is manufactured for Tom, Dick, and Harry, the neighborhood bringing in the grist and carrying it home for their wives and children to eat, is not contraband of war; nor do I believe that salt manufactured for private use through the country is so contraband. But admitting that it shall be regarded as contraband of war, I believe that the horses and the harness and the wagons, which were merely incidentally used in the manufacture of that article, but were also used for other purposes, when they were not destroyed but appropriated and receipted for and used for the military purposes of the Government ought to be paid for as any other private property taken for public use.

Mr. EDMUNDS. I should like to call the attention of the Senator from Virginia to his distinction between the horses and the vats and the wood to another distinction on the same principle, or rather the same one extended. Suppose the army of General Burbridge and General Stoneman had taken a few sacks of this salt, and the soldiers had salted their porridge with it, on his principle I suppose we ought to pay for that. The salt itself was innocent. It is not the badness of the salt that makes it contraband of war, neither is it the wickedness of the mule that makes him contraband of war. It is the application of those forces of nature and those subjects of manufacture to the aid of the enemy that makes them contraband of war. If making gunpowder for the support of the enemy is an illegitimate transaction, and you have a right to come down upon it when you can reach it with your army, it is rather an extraordinary idea to say that the wood that is piled up to make the charcoal and that the saltpeter that is accumulated and not yet gone into the powder and the horse that is drawing the wood are perfectly innocent; that they are within the protection of the law; but it is only the perfected substance that we can do anything about, and all the destruction of the rest is illegal. Now, suppose this army had shot down the mules and had burnt up the wood and destroyed the wagons, would anybody contend, supposing the salt-works were contraband, that it was not a lawful destruction? Of course nobody would. Then suppose, instead of destroying the contraband of war, there is a military confiscation of it, the salt and the vats and the horses and everything are taken up and distributed among the Army, either as loot or as for use, does that make any difference in the principle? It certainly does not.

The Senator struck the key-note of the thing when he said it was incidental to carrying on this illegal trade, this illegal business, that horses and wagons and mules were used. Everybody knows that the incident goes with the principal thing; and if these salt-works, therefore, were going on contrary to the laws of war, so that we were entitled to destroy them, then we were entitled upon the principles of the laws of war to take for military use as of right everything that was connected with the carrying on of that business. That I understand to be the law and to be justice. Of course, it is a misfortune to this loyal man, as he is called, that he was in the midst of the enemy's country making gunpowder or making salt for them. He may have been very loyal indeed; but if he was supplying the rebels with the munitions of war, then I take it his loyalty is not of that kind which entitles him to redress when we destroy and confiscate the property which he is making use of for such purposes.

Mr. HOWE. Will the Senator allow me to ask him a question?

Mr. CAPERTON. I hope the Senate will dispose of the bill. It will take but a few minutes.

The PRESIDENT *pro tempore*. The hour of twelve o'clock has arrived. If there is no objection the consideration of the bill will be continued.

Mr. HOWE. Does the report find as a fact that this property was situated in the enemy's country?

Mr. EDMUNDS. I do not think it does, but I will tell you what the owner himself says. I have the affidavit here, which is rather rich reading:

In the year 1862 I purchased an interest in the salt-works in Washington County, Virginia—

Which is the southwest corner of Virginia, or near the southwest part of Virginia. I believe we all know, politically and judicially and every other way, that the southwestern portion of Virginia in the year 1862 and down in fact to the year 1865 was in the enemy's country. There cannot be any doubt about that, I take it. He goes on—

in connection with a partner.

Who that partner was the committee does not inform us; whether he was Mr. Jefferson Davis or Mr. George T. Beauregard or Mr. R. M. T. Hunter, or whoever it may have been we do not know. It seems convenient for this gentleman not to give the name of his partner.

We erected two furnaces and bought one other, making three in all—

This was during the flagrance of the rebellion and in the enemy's country. What sent this loyal man into that place called Saltville into the extensive business of making salt in the midst of the enemy's country would be a subject of curious inquiry. He goes on—

and proceeded to make salt on private account. We bought horses, mules, wagons, harness, and everything that was necessary to carry on the manufactory of salt successfully. We had our three furnaces making salt at the time Generals Burbridge and Stoneman made their raid into Virginia.

I take it that is tolerable evidence that it was rather a forcible eruption at that time, and they were in very successful operation, giving it, I suppose, by the spoonful to the poor neighbors about! Let me see what he says he was doing:

We had five four-horse and mule teams, with a complete outfit of harness and wagons, together with an extra wagon, in case of breakage to keep the work moving, running and hauling wood to the railroad near Emory and Henry College, some ten miles by rail from Saltville, from which point we shipped the wood by rail to Saltville. Generals Burbridge and Stoneman, in their march or raids into Virginia in December, 1864, came upon and took away from us all the above-described property, with the teamsters that were colored men.

That was very cruel; these wicked Union generals to carry off into captivity the colored men that this Union man was hanging on to make salt! I am very glad we have got at that. How unhappy those colored men must have been! Just think of it; carried away to the North, away from their loyal master!

together with three fine horses and a very fine mule that I kept at my house in Bristol. In addition to the above Generals Burbridge and Stoneman took from me one hundred bunches of cotton yarn, one stock of goods, and destroyed three carloads of salt.

That was the way the neighbors were going to have this salt. They could not get it unless the salt was loaded on the railroad cars to be distributed to the neighbors about the village, I suppose!

That was taken in the town I live in, (Bristol.) At Marion, forty-four miles east of my residence, they took from my mill about one hundred and nine barrels of flour.

It seems this loyal man was milling flour pretty extensively, as well. That, I suppose, was for the neighbors, to be dealt out on railroad cars. What is the name of that railroad, may I ask the Senator from Virginia?

Mr. WITHERS. The Virginia and Tennessee, now the Atlantic and Mississippi and Ohio.

Mr. EDMUNDS. What were the principal points it ran to in the confederate territory at that time?

Mr. WITHERS. That railroad is a continuous line from Norfolk through Lynchburgh, Abingdon, and Knoxville, to Chattanooga.

Mr. EDMUNDS. That railroad at that time was under confederate control, was it not?

Mr. WITHERS. All that portion of it was.

Mr. EDMUNDS. And yet this loyal man was loading his salt into confederate railroad cars in order to deliver it to his loyal neighbors in the immediate vicinity of this mill to keep up life! If that is what you call a loyal man, I beg to be excused, Mr. President.

Mr. WITHERS. I merely want to explain one or two circumstances connected with this matter which my friend from Vermont has certainly misapprehended. In the first place, I want him to recollect that this is not a claim for powder or saltpeter, nor is it a claim for salt, but it is a claim for horses and harness, mules and flour. According to the extended construction given by my friend from Vermont to what constitute articles contraband of war, every barrel of flour, every ear of corn, and every pound of meat that is raised in any community during the progress of a war is an article contraband of war. I dissent entirely from that doctrine. If this flour was being manufactured for the confederate army, for the supply of the rebellion, then I admit the distinction might be a good one; but it is in proof that it was not so manufactured, and the fact that it was shipped on the railroad does not constitute evidence that it was designed for the use of the rebel army or for any person in the military employment of the Confederate States. I will here state a fact, which perhaps may not be within the knowledge of some who hear me, that the salt-works in that section of Virginia supplied the salt not only for the rebel army under a contract with the proprietors of the large salt-works

which were located in the same neighborhood, but communities all through the South everywhere appointed agents and purchased and made contracts with individual and private operators and manufacturers for the salt for their respective neighborhoods. They sent these men there and they manufactured the salt and distributed it sometimes by lines of railway and sometimes by private conveyance, as the necessities or location of the parties required; but that was the mode of distribution which was used for the communities from which this gentleman hailed, at and around Bristol, some forty miles distant. If transportation on a railway which was located within the southern confederacy convicts an article of being contraband of war, then I presume I should have to give it up; but I deny the fact that such evidence is proof that the article was contraband of war. But I recall again the fact that it is not the salt which he claims for, but the horses, the provisions, the food, the harness, and those matters of private property which were not destroyed but which were appropriated and receipted for by the military officers; and I take it that any one who knows the *personnel* of the committee who have investigated this claim must know that they never would have passed upon the claim and recommended the passage of the bill if the proof of loyalty had not been conclusively satisfactory to their own minds.

Mr. WRIGHT. I trust that we shall have a vote.

Mr. WITHERS. I will not delay a vote.

Mr. CONKLING. Has the morning hour expired?

The PRESIDENT *pro tempore*. The morning hour has expired, and by common consent the bill has been continued.

Mr. INGALLS. I call for the regular order.

Mr. WRIGHT. I trust there will be no objection now to a vote on this bill.

Mr. WITHERS. I appeal to my friend from Kansas to let us have a vote on the bill.

Mr. WRIGHT. This is a case of extreme hardship, and it is better to have it settled one way or another, and not trouble the Senate with it again.

Mr. INGALLS. The morning hour has expired, and I observe that the managers and counsel are here. We have already had a postponement of the trial for several days. I think we had better go on.

IMPEACHMENT OF W. W. BELKNAP.

The PRESIDENT *pro tempore*. The Senator from Kansas calls for the regular order. Legislative and executive business will be suspended and the Senate will proceed to consider the articles of impeachment exhibited by the House of Representatives against William W. Belknap, late Secretary of War.

The Senate then proceeded to the trial of the impeachment of William W. Belknap, late Secretary of War.

The Senate sitting for the trial of the impeachment of William W. Belknap having adjourned then resumed its

LEGISLATIVE SESSION.

The PRESIDENT *pro tempore*. The Senate resumes its legislative business.

Mr. CONKLING. I call for the regular order.

Mr. CAMERON, of Pennsylvania. I ask the Senate to take up the bill from the House for the relief of Mrs. James K. Polk.

Mr. DAWES. I should like unanimous consent to withdraw a motion I made some days since to reconsider a vote.

The PRESIDENT *pro tempore*. The Senator from New York calls for the regular order, which is the unfinished business.

Mr. EDMUNDS. What is the unfinished business?

The PRESIDENT *pro tempore*. The river and harbor bill.

Mr. EDMUNDS. Is that before the Senate?

The PRESIDENT *pro tempore*. It is.

Mr. CAMERON, of Pennsylvania. Now, I move that the order be postponed for the present for the purpose of taking up the bill for the relief of Mrs. James K. Polk, widow of a former President of the United States. It will not take five minutes.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Pennsylvania.

The question being put, there were, on division—ayes 19, noes 18.

Mr. EDMUNDS. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. EDMUNDS. I voted against postponing this river and harbor bill, not because I am at all in favor of the river and harbor bill as it stands, though I hope we shall get one that I can be in favor of, but because this matter of Mrs. Polk was reported the other day, and since that time some information has come to my possession, which of course I know nothing about personally, but from a respectable source, touching her loyalty, which I have handed over to one of the members of the committee. I do not think we ought to press the matter until that can be inquired into. That is all I have to say.

Mr. CAMERON, of Pennsylvania. I think I could give some testimony about the loyalty of Mrs. James K. Polk. I do not think anybody who knows her doubts that at all. She has been living in retirement in Nashville for twenty-five years in the house in which her husband died. During the war she nursed the soldiers of the Federal Army when they were in Nashville and did more acts of kindness of that kind than anybody there. While she was here she was a pattern of everything that was excellent in woman. Never has there been in the White House a lady who was more popular than she was; never was there any one who did more acts of generous kindness than she did while she was here. This bill asks for only $1,500.

Mr. HOWE. Will the Senator allow me to make him a suggestion? Has he not already discovered that by moving this bill at this time he will force a great many to vote against the bill who would be glad to vote for it? This is after the expiration of the morning hour; the river and harbor bill is the unfinished business and that is in a crisis, and there are a great many Senators who do not feel at liberty to postpone that for a minute for the consideration of anything else. I think if the Senator would allow this to go over for the present and move it at any time in the morning hour, it would pass in less time than we have already spent upon it.

Mr. CAMERON, of Pennsylvania. The Senator from Wisconsin is a wise man and I will take his advice, hoping that he will help me to-morrow to get this bill through. I withdraw the motion.

The PRESIDENT *pro tempore*. The motion is withdrawn.

PAPERS WITHDRAWN.

On motion of Mr. KERNAN, it was

Ordered, That the papers relative to the claim of Mrs. Ellen J. Brosnan be withdrawn from the files of the Senate, and, with the accompanying additional papers, be referred to the Committee on Claims.

EQUALIZATION OF BOUNTIES.

Mr. LOGAN. I ask unanimous consent of the Senate to make House bill No. 58 the special order after the disposition of the river and harbor bill.

The PRESIDENT *pro tempore*. The Senator from Illinois asks unanimous consent that the military bounty bill be made the special order to follow the present order, which is the river and harbor bill.

Mr. WHYTE. I object.

Mr. INGALLS. It can be done with the concurrence of two-thirds.

The PRESIDENT *pro tempore*. Two-thirds by fixing an hour. The river and harbor bill is now before the Senate. The Senator from Illinois moves to postpone it for the purpose of offering a motion that the bounty bill be made the special order for some hour that he may name.

Mr. LOGAN. I move that it be made the special order after this bill.

The PRESIDENT *pro tempore*. Some definite time must be fixed.

Mr. LOGAN. Then I will say two o'clock to-morrow.

The PRESIDENT *pro tempore*. The Senator from Illinois moves that the bounty bill which he has named be made the special order for two o'clock to-morrow.

Mr. LOGAN. I will say one o'clock.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Illinois.

Mr. WHYTE. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. MORRILL. Is the first vote upon postponement of the river and harbor bill, or directly on this proposition of the Senator from Illinois?

The PRESIDENT *pro tempore*. The Senator asks unanimous consent to make the motion. If there be no objection the Chair will put the question on that. Is there objection? The Chair hears none. The question now is on the motion to make the bounty bill the special order for one o'clock to-morrow afternoon.

Mr. STEVENSON. My colleague [Mr. MCCREERY] is detained at home by the illness of his family.

The question being taken by yeas and nays, resulted—yeas 28, nays 20; as follows:

YEAS—Messrs. Allison, Anthony, Bontwell, Bruce, Cameron of Pennsylvania, Cameron of Wisconsin, Christiancy, Conkling, Conover, Cragin, Dawes, Ferry, Frelinghuysen, Hamlin, Harvey, Hitchcock, Ingalls, Key, Logan, McMillan, Mitchell, Morton, Oglesby, Patterson, Spencer, West, Windom, and Wright—28.

NAYS—Messrs. Barnum, Bayard, Bogy, Booth, Caperton, Cooper, Eaton, Gordon, Hamilton, Kelly, Kernan, Merrimon, Norwood, Sargent, Saulsbury, Stevenson, Thurman, Wallace, Whyte, and Withers—20.

ABSENT—Messrs. Alcorn, Burnside, Clayton, Cockrell, Davis, Dennis, Dorsey, Edmunds, Goldthwaite, Howe, Johnston, Jones of Florida, Jones of Nevada, McCreery, McDonald, Maxey, Morrill, Paddock, Randolph, Ransom, Robertson, Sharon, Sherman, and Wadleigh—24.

The PRESIDENT *pro tempore*. Two-thirds not having voted for the motion, the order is not made.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. G. M. ADAMS, its Clerk, announced that the House had passed the following bills:

A bill (S. No. 333) for the relief of Major Foster A. Hixon, late a paymaster in the Army; and

A bill (S. No. 952) to remove the political disabilities of G. T. Beauregard, of New Orleans, Louisiana.

The message also announced that the House insisted upon its amendments to the bill (S. No. 779) to provide for the sale of the reservation of the confederated Otoe and Missouria Indians in the States of Kansas and Nebraska, disagreed to by the Senate, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. C. H. MORGAN of Missouri, Mr. WILLIAM W. WILSHIRE of Arkansas, and Mr. W. A. PHILLIPS of Kansas, managers at the conference on its part.

The message further announced that the House had passed the following bill and joint resolutions; in which it requested the concurrence of the Senate:

A bill (H. R. No. 147) to authorize the Secretary of War to pay ex-

penses incurred by the State of Oregon and citizens of California in suppressing Indian hostilities in the States of Oregon and California in the years 1872 and 1873;

A joint resolution (H. R. No. 152) instructing the Secretary of War to forward to the State of North Carolina authenticated copies of certain State records captured in 1865; and

A joint resolution (H. R. No. 153) to correct an error in the enrollment of the post-office appropriation bill.

ENROLLED BILL SIGNED.

The message also announced that the Speaker *pro tempore* of the House had signed the enrolled bill (S. No. 332) to amend the act entitled "An act to amend and supplement an act entitled 'An act to establish a uniform system of bankruptcy throughout the United States,' approved March 2, 1867, and for other purposes," approved June 22, 1874; and it was thereupon signed by the President *pro tempore*.

POST-OFFICE APPROPRIATION BILL.

Mr. HAMLIN. I ask the Senate to consider the joint resolution correcting an error in the post-office appropriation bill. I think it will only take a moment.

By unanimous consent, the joint resolution (H. R. No. 153) to correct an error in the enrollment of the post-office appropriation act was read twice and considered as in Committee of the Whole. It proposes to amend the act approved July 12, 1876, making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1877, and for other purposes, in line 36 of section 7, as printed by authority of the Department of State, by striking out after the word "sums" the word "not."

Mr. HAMLIN. This is the way it now reads:

Three-tenths of 1 per cent. on all sums over $320,000 and not exceeding $640,000; 2-10 of 1 per cent. on all sums not over $640,000 and not exceeding $1,000,000.

That word "not," before "over $640,000," got in there in engrossing or printing improperly, and the Department cannot execute the law until the change is made.

The resolution was reported to the Senate, ordered to a third reading, read the third time, and passed.

RIVER AND HARBOR BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 3022) making appropriations for the construction, repair, preservation, and completion of certain public works on rivers and harbors, and for other purposes.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Ohio [Mr. THURMAN] to recommit the bill to the Committee on Appropriations with instructions to reduce the aggregate amount of the appropriations contained in the bill to a sum not exceeding $4,000,000.

Mr. THURMAN. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. KERNAN. Mr. President, I trust that the Senate will not adopt either the bill as it came from the House or the bill as it has been amended by the Senate. The bill as it came from the House appropriated $5,872,000; and the Senate has added to that sum $900,000 more. As gentlemen on the other side on Saturday appealed to the friends of this bill to stand by it, I appeal to Senators who believe we should only appropriate the lowest sum consistent with the public good not to pass this bill either as it came from the House or as it has been amended in the Senate.

It is idle for us to talk about economizing or reducing taxes if we do not stop making appropriations of the character of these. The Senate have had from the committee information on all, or a large portion, of these appropriations; all that information was desired upon; and this bill appropriates money in the face of the reports by your engineers that there is really no need of appropiating money at all; and we appropriate $5,000 or $10,000 in the face of their recommendations that the public will not suffer if the work stands as it is now or the river stands, without any appropriation at all, but that, if we ever do the work talked about in the appropriation, it should be done as one job for the sake of economy. Now, I ask the Senate whether we shall go on and appropriate this large sum of nearly $6,000,000 by the one bill, and nearly $7,000,000 by the other, when I submit that every gentleman who has listened to the information we have received must be satisfied that there is a very unwise, not to say a very wasteful, expenditure of public money to a very large amount in this bill. It is not for continuing necessary work, it is not confined to that; it is not for commencing works which will be really beneficial to the commerce of the country. But large appropriations are here—for what? To clear out bowlders and snags in streams that there is no pretense will ever be channels of commerce in the proper sense of that term.

I appeal to the Senate in a time when the business of the country is depressed, when taxation is heavy, and when our revenues will run short of the estimates, as it is believed, whether we should go on appropriating either the one or the other sum. My judgment is that the sum named in each of the motions which have been made is too large; that the business of the country and the country itself will be as well served and as prosperous if we do not appropriate more than $3,000,000 by this bill to improve and protect and preserve rivers and harbors, instead of making appropriations where, as in the case of one of the rivers the gentlemen favoring it say they hope to make a channel of water three feet deep, and not confined to anything which can be called streams to carry commerce, and thus benefit the Union. It is a bill to begin a system of internal improvements of small streams within a State, and I hope that we shall not pass it.

It has been said that we ought to defer greatly to the House of Representatives. I hope in regard to this, the first bill that comes here largely increasing expenditure and not cutting it down, we shall not carry that deference too far. Moreover, I have looked at the proceedings of the House as contained in the RECORD, and it seems that this bill on the 11th of April was reported back and the previous question was ordered. The Speaker had to rule that there was to be no debate or amendment.

Mr. EDMUNDS. That is not in order.

The PRESIDENT *pro tempore*. The Senator from New York is out of order in referring to the proceedings of the House of Representatives.

Mr. KERNAN. I am reading from the RECORD before me.

The PRESIDENT *pro tempore*. The Senator cannot refer to proceedings of the House as bearing on a bill before the Senate.

Mr. KERNAN. I will not do so, then. I have great respect for the House, but as to this bill I think we should exercise our judgment on the facts we have here, and not concur in the bill of the House. It is a wasteful expenditure of public money. It is one that will not subserve the public good, in my judgment. This is a time when we should not appropriate a dollar unless it be really necessary for the welfare of the country in its national character; and that is not the nature, in my judgment, of largely more than half of these six or seven million dollars. Therefore I shall be constrained to vote for the motion to refer the bill back and limit the appropriation to a much smaller sum.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Ohio [Mr. THURMAN] to recommit the bill.

Mr. EDMUNDS. Mr. President, I shall vote against the motion to recommit, but not upon the ground that I am in favor of the bill as it came from the House, for I believe, with all respect to the House, that it is preposterous and extravagant in the last degree. I am speaking of the bill, not of the House, of course. Nor will I vote for it as it has been "perfected," as we call it, in the Senate, because in respect of extravagance and "preposterosity," as the late Mr. Sumner would say, we have made it about just as bad as it was when it passed the House, considering the relative position of the two bodies. We have not doubled the money, but when we have fixed up this bill, taking it substantially as it came from the House, and have ridden it with three-quarters of a million more, I think we cannot shake our "gory locks" at the House of Representatives and say that they are deserving of any special malediction. Taking the bill as it stands, I cannot help saying it will be far from graceful—it would not be in order for me to say disgraceful—for the Senate of the United States to pass it. Here are seventy-eight instances in which our own committee, charged with this special work, (and I believe with the full concurrence of the whole committee, or all who were here, who had the matter originally in charge,) has stricken out House provisions as being under existing circumstances absolutely improper; and in at least seventy-five of those instances, if not the whole seventy-eight, we have overruled the careful and unprejudiced examination of our committee and have put the bill back as the House had it. That is our account.

I say that I shall vote against the recommitment. I do not do it on the ground that I am in favor either of the bill as it came from the House or as it now stands. It would be a pretty hard piece of work to vote for it as it came from the committee, not on the ground that they have not made careful and intelligent changes, but on the ground that as they have left it it calls for more money than we can on this occasion afford to appropriate, I fear.

What will happen if the bill goes back to the committee just as it stands with these instructions? They are at once embarrassed with what is an almost insuperable difficulty. They are to take $4,000,000 and spread it around—how? The instructions do not say how. That point is perfectly free. The honorable occupant of the chair, who descended from the seat of Jove the other day and thundered at us about Michigan, would naturally be expected to say, "Michigan is in such an insular position that it is necessary we shall have every dollar that is appropriated in the House bill for that State, possibly excepting the cove of Mr. McCargoe," if that is his name. I should say as a matter of course that the great State of Vermont, which has three little appropriations for her share, ought not to be cut down. To be sure, out of those ports and harbors she puts nearly a million of dollars into the Treasury every year in the way of customs, which is a slight circumstance to be considered. I on the same ground should be expected to go before the committee and to contend, up-hill and down, "You must not throw off anything from Vermont; we have only got the widow's mite as it is, and we are pouring into the lap of the Treasury hundreds and hundreds of thousands of dollars in the way of customs," and so on. I only mention these two States by way of illustration, and cannot mean any offense to the Chair by taking those States; and so it will be all over the Union.

Therefore, Mr. President, we are putting in the way of this committee work that, situated as they are, it will be almost impossible for them to perform. Suppose they perform it and report the bill

back in the best way they can, as undoubtedly they will do if we compel them again to undertake the work, how long would their report stand? McCargoe's Cove, and Otter Creek, and New River, and Little Sodus Bay, and Sandusky, which my friend over the way [Mr. THURMAN] is so much interested in in spite of the report of the engineers, would all cry here like "the pelican in the wilderness," and we should have to put them back; and we should find ourselves at the end of three or four days again just where we started. I think what I have proposed, with due deference, is the true thing to do; and that is to provide as we have done on two occasions before, of one of which my amendment is a copy, to put into the responsible Executive Department that has charge of these works all the money we can afford to spend to preserve and repair and continue works in progress for this year, and make that Department responsible for applying it to the places where there is the greatest necessity for the public service. That was found in 1869, when we got into just such a state of things as we have now, (the bill ridden down in the two Houses with preposterous propositions,) to be the only way out; and what was the result? I venture to say that there never was a year when the public money thus appropriated was more prudently, economically, and fairly spent and applied to the best objects than that year. Let us do that now. That is my reason for voting against this proposed reference.

Mr. MORTON. Mr. President, the river and harbor bill as it came to us from the House is a pretty good illustration of the spirit that has prevailed in regard to appropriations at this session. The bill as it came here from the House embraced appropriations for $5,872,000. I am advised by my friend from Iowa [Mr. ALLISON] that the Senate committee and the Senate have added to it about $800,000, making it something like $6,670,000. Last year the appropriations were $6,662,000; so that if the bill passes now with the amendments made by the Senate it will be within a few thousand dollars of what it was last year.

Mr. EDMUNDS. I think the Senator is a little mistaken in saying the committee added so as to make so much. They also subtracted in other places; so that it is an increase of only $36,000. I only correct the Senator in respect to the use of the word "committee," lest it be misunderstood. The Senate has done it.

Mr. MORTON. The members of the House and of the Senate of both parties are not influenced by the pressure of any necessity for contracting appropriations. Where their local interests are involved there is money enough for that purpose; there is no falling short of the revenue. If this small river and that small harbor and the other creek require improvement in their particular States or neighborhoods, there is no determination to diminish the appropriations. I am not going to find fault with them, but I am going to contrast that with the cutting down of appropriations in other respects. While members will not permit their local interests to be affected by this demand for small appropriations and cutting down the expenses of the Government, yet we find large reductions in other respects where it does not fall upon them locally, but where the effect is simply to cripple the operations of the General Government. That seems to be the spirit. Take the general appropriation bills. There is no objection to crippling the Army or to crippling the Navy. Take the Court of Claims, where we are bound to appropriate for the payment of their judgments, nearly all of which have been re-affirmed by the Supreme Court of the United States, requiring about $2,000,000 to do it. There they make no appropriations at all. There is retrenchment, but it is retrenchment by repudiation. Take your navy-yards and your naval stations. I have heard it said that the property of the United States at these different places amounts to $50,000,000, and from its nature requires improvements and repair every year to make it serviceable. The repairs for this year were estimated by the Department at a million and a half, and yet no appropriation was made for it. The property was to go down, to become unserviceable for the use of the Navy. Why? The only effect is to cripple the operations of the General Government, impair the efficiency of the Navy, and make the impression of retrenchment, that the democratic party is running this Government at a diminished expense, and consequently that the republican party must have been extravagant and corrupt.

You may run through these retrenchments, and so far as I am advised you can point to but few that do not indicate the simple purpose of making political capital and not because money can be honestly and justly saved. In many respects there must be large deficiency bills next year or public works will go to ruin and the public service in many respects be seriously impaired or perhaps destroyed.

I do not propose to vote for the recommittal of this bill. The Senator from Ohio [Mr. THURMAN] sees that this bill does not comport with other bills. He sees very clearly that the character of this bill shows the purpose and spirit with which retrenchments have been made in other bills, and shows that that has been done for the purpose of making capital, and not for the purpose of subserving the best interests of the Government. I am not surprised that one so shrewd as the Senator from Ohio sees the importance of recommitting this bill and cutting it down also.

But, Mr. President, this Government is established for the good of the people, and the improvement of rivers and harbors and keeping them in navigable condition pertains to the interest of this people. Some of the appropriations, I doubt not, are not deserving. That has always been the case; but the most of them, I presume, are worthy. A little river may be open; it may benefit a hundred or two hundred thousand people in that neighborhood. It is not of national importance, but it is of immense importance to the people in that State or that Territory; and so with regard to others, and thus, spread all over the country, these improvements and appropriations are for the general benefit. If our object is to build up our country, to improve it and to better the condition of this people, let us take the best means to do it. Sometimes we will be mistaken. Sometimes the money will be thrown away; but in the main it will be well expended. The interests of this country have been built up immensely by these improvements from time to time, although some of them have been frauds and mere speculations.

Without attempting to go into the details of this bill, I will say that in the main I approve of it. If any appropriations here can be shown to be improper, I will vote for striking them out; but I will not vote to recommit the bill in the wholesale, because in the aggregate it is too large and it does not comport with the general action of the House in regard to other appropriation bills. That is all my friend's motion means. It means that the bill as it stands is a criticism and a rebuke upon other reductions that have been made. It is a condemnation of them. Here is where the local and the direct interests of the members are affected. They will not remit anything; they will not withhold a dollar; but when it comes to those general appropriations that only go to the operation of the Government, to the credit of the Government, they are willing to reduce the appropriations millions for the purpose of making the impression upon the country that the democratic party is for reform, retrenchment, and economy.

Mr. MAXEY. Mr. President, I am in favor of just and wise economy. I recognize the distress of the people of the country. I know that labor all over the country is without employment. I know that debt hangs heavily over the Federal Government, over the States, and over the cities, counties, and people. If I looked at this great question which is now before the Senate from that single stand-point, I would agree that this appropriation for the improvement of rivers and harbors ought not to be made; but in so far as the proposition of the Senator from Vermont amended by that of the Senator from Ohio is concerned, whether the appropriations were $4,000,000, $1,000,000, or $40,000,000, it could by no possibility ever receive my assent. I hold this Government to be a government by the people, of the people, and for the people. I understand that it is a representative Government in which the other House of this Congress represent the people in their primary capacity, and this body represents the States of the Union in their corporate capacity. Whenever I bring myself to the point, as I never will, that I will make any one man in all this land, whether he be the Chief Engineer or whether he be the Secretary of War, or any other man, overseer of the rivers and harbors of this country, of the necessities for their improvement, and to place in his hand the autocratic power of disposing of $4,000,000 in such manner as to him may seem best, I will yield all my ideas of a representative republican form of government.

No, sir; that is a species of autocracy. That is in direct and palpable violation of the very spirit, purpose, and intent of the Constitution and of the principles upon which it is based. In this Government it was designed and intended that whenever appropriations were to be made for the use and benefit of the people and in discharge of the constitutional duties of the Government, they should be made specifically by the joint action of these two Houses, and that every specific appropriation made to that end should be pointed out by the law-making power. Carry out the idea of the pending proposition of the Senator from Vermont, amended by the Senator from Ohio, and what consequences inevitably follow. If you can place $4,000,000 in the hands of the Secretary of War or the Chief of Engineers for the purpose of improving rivers and harbors, then you can place all the money for the Army in the hands of the Secretary of War; all the money for the Navy in the hands of the Secretary of the Navy; all which is designed for foreign relations in the hands of the Secretary of State; that which is designed for Indians and internal concerns in the hands of the Secretary of the Interior; put these sums in gross in their hands and tell them to distribute as to them may seem best. In short, let this Congress declare before the American people that we have not the capacity in ourselves to do what they sent us here to do. This great power they have intrusted in our hands and our action will in effect say that we have farmed it out to other men who have more brains, greater capacity, and who better know how to dispose of it. It is violative of the very elementary principles of free government.

I will examine the question of river and harbor improvements in the light of a business proposition. It is said that the appropriation asked for here, sent up by the House, $5,882,000, increased by the Senate some $900,000, is the largest appropriation that has ever been made by any Congress. That may be so; but gentlemen forget that this is a great, a growing, and a progressive country. They say we are in debt. How does a good, prudent business man get out of debt? Suppose you had a plantation of five hundred acres of land, and you had the hands, as well as the land and the mules, to run a place of a thousand acres, but you had not the money for the needed implements and provisions and forage; yet you had every other thing necessary to run a plantation of a thousand acres. Your crops of a thousand acres would make say $10,000 over and above all the expenses, while your

five hundred acres would yield but $5,000 profit. You, by the use of your credit, increase that plantation to a thousand acres, and your profits over and above all expenses are doubled. I ask if any prudent man would say that you should not use your credit for the purpose of increasing your business in order to enable you to increase your profits and thereby pay your debts? It is business; it is prudence; it is common sense. Again, suppose a merchant, who by his prudence, his sagacity, his integrity, is running a business of $100,000, and is enabled to increase that to $200,000. Necessarily he must employ more clerks, pay larger house rents, his freight and other bills will be larger; but the net profits after deducting all these expenses are greater. But according to the theory of keeping the expenses down to a fixed figure, you must lose all these increased profits, because it costs a greater outlay to get these increased profits. In other words, notwithstanding our country contains a population of 44,000,000 people, notwithstanding that the commerce and productions of this country are wonderfully increasing everywhere, we must take the commerce of this young giant, lay it upon the bed of Procrustes and say to the producers, "If you dare to go beyond four million expenditures we will cut you off at the knees; you shall not do it." That may be business, it may be prudence, it may be economy. It does not so seem to me.

The Senator from New York greatly opposes this bill. If you will turn to the expenditures in the State of New York for rivers and harbors, as shown by a letter of the Secretary of War transmitted to the other House on the 3d of February, 1876, and published for the use of the other House, accompanied by a letter of the Chief of Engineers of the 1st of February, you will find a full and complete statement of all expenditures in each State of this Union for rivers and harbors from the year 1824 down to March 3, 1875, inclusive. In the State of New York alone those expenditures amount to $7,332,603.46. Thus it will be seen that the American people have paid for the benefit of the single State of New York more money for the improvement of these rivers and harbors than is asked in this bill, increased as it has been by the Senate amendments, for the whole American Union. The State of New York alone has had this vast sum of $7,300,000 appropriated by the whole people of America for the improvement of her rivers and harbors. They are mainly completed, although we have in this very bill appropriated several hundred thousands more for that State. It will be remembered that in the West and in the South there are States which are rising, progressing, coming up in wealth, in commerce, in improvement, in population. For the purpose of opening up these rivers and harbors, these arteries of commerce in order that what they raise may get into the commerce of the world, sound judgment, wisdom, prudence, economy demand that appropriations should be made.

I have taken the largest State in the American Union. I come down then to the State of the Senator, [Mr. SAULSBURY,] who had something to say in regard to the bill, the smallest State, the State of Delaware. I say that State has received $2,709,759.70 out of the pockets of the American people for river and harbor improvements.

Mr. SAULSBURY. Will the Senator be kind enough to point out for what improvements, for what rivers?

Mr. MAXEY. Precisely; with the greatest pleasure.

Mr. SAULSBURY. Does the Senator include the Delaware breakwater?

Mr. MAXEY. I am speaking of what the Senator's State got for rivers and harbors. I can give the items if you desire them.

Mr. SAULSBURY. I prefer you to give the items.

Mr. MAXEY.

Improving New Castle Harbor, Delaware, $177,000.
Improving Wilmington Harbor, Delaware, $79,356.
Delaware breakwater, $2,168 403.70.
Improving Broadkiln River, Delaware, $10,000.

I suppose that this last is one of your great national improvements:

Piers at Lewes, Delaware, $275,000.

Mr. SAULSBURY. I desire, if the Senator will allow me, to say that everybody who knows anything about the character of the Delaware breakwater knows that, while it is situated within the territorial limits of the State of Delaware, it is a work of national importance and is not designed to benefit the commerce of Delaware. It is situated at the mouth of Delaware Bay, where shipping from the ocean can take refuge in time of storm. It is comparatively of no value whatever to the commerce of the State of Delaware, and never was designed to be. Again, with reference to the ice-harbor at New Castle, we have but comparatively very little commerce at that point, but it is a very valuable point to all the commerce going up the Delaware Bay to the city of Philadelphia. When the ice forms in the river, it is necessary that the shipping coming in from the ocean should have some place of refuge. Hence that ice-harbor at that point was established, not for the benefit of the State of Delaware or the commerce of Delaware, but for the general commerce of the whole country. I say now, with the exception of the appropriation of $10,000, to which the gentleman has referred, for Broadkiln Creek, which was obtained some few years ago by a colleague of mine in the other House of Congress, and with the exception of the appropriations for Wilmington Harbor, there has scarcely ever been a dollar appropriated to streams within the State in which I live.

Now, with reference to the appropriations for Wilmington Harbor, in the whole history of this country the appropriations have been some $79,000. That is a very important commercial point. That in fact is almost the Clyde of America, where iron ships are being built and iron vessels repaired. These are not works of local importance——

Mr. MAXEY. I did not propose to yield to the Senator from Delaware to interject a speech. He has gone very far beyond the point for which I yielded.

Mr. SAULSBURY. I wanted to correct an error in the statement of my friend.

Mr. MAXEY. I have heard the statement. I do not care to have a speech interjected into mine. I prefer to make my own speech, and then the Senator is at perfect liberty to answer, if he can, anything I may have said.

I learn now that what is dignified in this letter of the Chief of Engineers as Broadkiln River is simply Broadkiln Creek, and that Delaware has gotten an appropriation for this great national thoroughfare of Broadkiln Creek. But the Senator says what has been done for Delaware has been for great national purposes. We heard the eloquent Senator from Georgia ask last Saturday for an appropriation for a river in Georgia, which bore upon its bosom to the commerce of the world one-fourth of all the lumber shipped in the Union. If that is not a great national enterprise, what is a national enterprise? So much, then, for Delaware.

I find by reference to the same letter with the statistics furnished that Maryland received $1,041,537.50. I find that Ohio received $2,046,928.18, and this exclusive of the Ohio River, which washes the entire eastern side of the State of Ohio and drains many of her richest and most beautiful valleys, the improvements on which river inure to the benefit of the State of Ohio as much as they do to any other State in the entire Mississippi Valley. Yet outside of that river the State of Ohio has got within her borders and for her benefit $2,046,928.18 for her rivers and harbors. I will read some of the items:

Huron Harbor, Ohio	$97, 273 71
Black River Harbor, Ohio	168, 204 77
Cleveland Harbor, Ohio	391, 244 84
Grand River Harbor, Ohio	204, 670 29
Ashtabula Harbor, Ohio	263, 901 21
Conneaut Harbor, Ohio	106, 629 93

The Senator from Ohio said the other day that Ohio had never asked for one solitary dollar nor had obtained it for anything within its borders peculiarly Ohioan. Here is another appropriation:

Cunningham Creek, Ohio	$19, 781 12

That is scarcely, I presume, a national highway. It is in the State of Ohio, I presume. The Senator from that State knows much better than I do, for I never heard of it before. I find that Sandusky River, not the harbor of Sandusky, but Sandusky River, within the limits of the State of Ohio, received $30,000. So they can appropriate there when they set their heads to it moneys for improvements of their own waters, within their own borders, for both creeks and rivers. I, therefore, cannot see that the State of Ohio is any better than the other States which are claiming something.

I want to look at another little item for the benefit of the distinguished Senator from Vermont, [Mr. EDMUNDS.]

Burlington Harbor, Vermont, $371, 172 20.
Deepening channel between the Hero Islands, Lake Champlain, $21, 000.

Mr. EDMUNDS. May I ask the Senator, deepening what?

The PRESIDENT *pro tempore*. The Senator from Vermont appeals to the Senator from Texas.

Mr. EDMUNDS. I inquire of the Senator from Texas to state again, deepening what channel?

Mr. MAXEY. I will leave that out. I will start out with the Senator's favorite.

Mr. EDMUNDS. I prefer the Senator to state, if he is kind enough to state, what he has just read.

Mr. MAXEY. I first read this item:

Burlington Harbor, Vermont, $371,172.20.

The next item in this table is:

Deepening channel between the Hero Islands, Lake Champlain, $21,000.

I will now read the Senator's favorite, the creek which has existed since the Declaration of Independence, according to his speech of Saturday; and which, according to some, is an utterly unconstitutional creek, and has no business to be in Vermont:

Improving Otter Creek, Vermont, $15,000.

I understand, Mr. President, that the records of the Department will show, as I will state for the benefit of my democratic friends, that a bill for the improvement of Otter Creek, which according to the Senator from Vermont is ten times deeper than any stream in North Carolina, although but seven miles long, was approved by General Jackson himself. So that we have tolerably good democratic authority for it.

So I might go on in every one of these improvements. I am not blaming the Senators for whose States the appropriations were made, the question here being on making these appropriations for rivers and harbors now necessary to be improved. If these appropriations aided in developing the great commerce of the country and making this a richer and more powerful and more prosperous people, the appropriations were right.

I find also in this table:

Providence River, Rhode Island, $50,000.

I do not suppose that that is any more a great national river in the State of Rhode Island than many other rivers that are down in this bill—

Pawtucket River, Rhode Island, $52,000.
Pawcatuck River, Rhode Island, $50,000.

My knowledge of geography is at fault. I never heard of Pawcatuck River before; but the people of America heard of the Pawcatuck River to the tune of $50,000.

Then follows—

Newport Harbor, Rhode Island, $28,500.
Wickford Harbor, Rhode Island, $10,000.
Breakwater at Block Island, Rhode Island, $245,000.

I find that the State of Connecticut comes in for her share, and so all the way through, running all along.

Several SENATORS. What is the document?

Mr. MAXEY. This is an official document signed by General Humphreys, the Chief Engineer of the United States, called out by the chairman of the Appropriation Committee of the House, printed and published by authority for the use and benefit of all concerned.

The theory presented here by some Senators is that we ought to stop improvements. I remember, and I am not an old man, when wheat was cut by the sickle. That cost from six bits to a dollar. I remember we passed from that on to the scythe and cradle, costing, I think, from $4 to $6. I know that now we cut wheat with reapers that cost from $150 to $400. That is economy. Every good farmer knows that it is economy to buy the reaper instead of attempting to cut his wheat with a sickle or with a scythe and cradle. The world moves and we move with it. I remember, when I was but a boy, seeing on the plantation of my old grandfather the servants there flailing out wheat with a flail made of two pieces of wood tied together with a string. I do not know that any gentleman here has ever seen it. I have no doubt the Senator from Indiana [Mr. MORTON] has. That cost nothing. We passed from the flail on to the tramping-floor, and from the tramping-floor we passed into the magnificent thrashers. There can be seen upon every plantation in the North and Northwest that class of implement which the genius of man has given to save muscle and to save labor. The thrasher costs from $400 to $600. Yet according to the theory of these gentlemen progress should stop; farmers should never spend from $400 to $600 on the thrasher, because it costs more than the flail which costs nothing. What economy!

If I were in debt and had the means at my disposal, with my energy and what I hope is my integrity, backed by a good credit, if it were necessary to use my credit to pay my debts, I would combine credit, with energy and brain, to work out that debt. That is the way when a man is in debt to get out of it. Here we find by these magnificent improvements in agriculture in the great West and in my own country where we now have on large plantations the steam cotton-gin—and where in my own State we have the thrasher and the reaper as well—we find agriculture moving ahead as it is gloriously. I thank God that it is moving ahead. I am one of those who believe in labor. I believe that an honest man is the noblest work of God, and I believe that the honest man is a laboring-man. When you get into that magnificent country you find we are developing our wheat interest, which but a few years ago in the commerce of the world was unknown, by the addition of these new implements of agriculture, the splendid plows that we have, the turning-plow, the gang-plows, and all the various other improvements in plows, the buggy-plow, and so on, and by the reaper and thrasher. We to-day send to the markets of the world seventy million bushels of wheat. What are we doing down in the South? The largest crop of cotton ever sent to market anterior to the war was 5,250,000 bales.

With the labor system entirely changed by the war, with the people of that country thrown on their own resources, and everything organized afresh, we have by energy, by enterprise, and by brain lifted up the prostrate commerce, the prostrate agriculture of that country, and to-day we send again five million bales to market. In my own State that but a few years ago was unjustly held out all through the world as made up of desperadoes, robbers, and murderers, in the last commercial year six hundred thousand bales of cotton were sent to market, and I am proud to say that the city of Galveston, in my own State, is to-day the third cotton-exporting city in the Union. That is what brain will do coupled with energy, with enterprise, and integrity, and all the improvements in agricultural implements of the day. The theory of placing commerce on a procrustean bed, cutting off its legs if it grows too large, is a theory behind the age we live in.

I am not surprised that some of the Senators who, or their predecessors, or both combined, have secured for their States these magnificent appropriations from the Federal Government, from the pockets of the whole people, should come forward now and preach economy. I remember of hearing of an old woman in a neighborhood who was a universal pest. She would borrow every neighbor's kettle in all the country. They finally became tired and worn out with her, and raised a purse and bought a kettle and presented it to her. After the old lady got to use it she said she had studied about the thing a long time, and for her part she could not see how people could do without a kettle, and she neither intended to lend nor borrow. Now my friends who have got their kettle do not want to lend or borrow; but we who are coming up from the great new West and the great new Southwest and from the rejuvenated South come forward and say to you, "Give us something in order to place us upon that great level of prosperity, progress, and development that your States have reached aided by the generosity of the American people." It is right, Mr. President, it is fair, it is democratic, if there be any truth in figures as I have shown, because you cannot find a State in any administration that has not got its appropriations for rivers within its own limits. Ah, but the theory is that on these $4,000,000 we could get along. Yes, we could get along, no doubt, and so the farmer could have got along with his old flail; he could have got along with the thrashing-floor; but he gets along far better and becomes far richer by the use of the thrasher. So it is with all things. In old times we could get along without steamboats, we could get along without railroads, we could get along without steam printing-presses, we could get along without the telegraph; but the Lord deliver me from such getting along!

I trust that I am up with the spirit of the age. I belong to that younger class of men who believe in developing the great resources of this magnificent country. I live in a State that is progressive and among a progressive people; a State which to-day may be justly termed "the empire State of the South," and in a short time will become the empire State of the Union. Give us means and facilities of commerce and we can in that State on full development produce the cotton and wool to clothe the world, the wheat for its bread, and the beef for its meat. Such is the State of Texas with its magnificent future.

Now, sir, have I asked for one solitary dollar for my State which does not come within the strictest rule of the strictest construction of the Constitution? But two appropriations for rivers have I asked for my State. Each of those rivers runs through two States, the Cypress Bayou heading in Texas, the navigation beginning in Texas and running into Louisiana; the Sabine River, the boundary line between the State of Texas and the State of Louisiana, emptying into the Gulf of Mexico. All the other appropriations I have asked for are around the Gulf coast on salt water fronting the Gulf, and according to any construction are for national enterprises. I did not ask, nor did my colleague, for the addition of one solitary dollar to what was given us by the House, because we saw—for I have seen such things before—that the effect, if not the purpose, of the amendments which were being piled on the bill in the Senate would be to destroy the bill, and thus prevent any appropriation whatever for the improvement of rivers and harbors.

Mr. EDMUNDS. May I ask the Senator a question?

Mr. MAXEY. Yes, sir.

Mr. EDMUNDS. I merely wish to ask him what amendments he refers to when he speaks of amendments that were piled on to the Senate bill. The only amendments that have been piled on the bill of any kind whatever, except for two or three very large works that everybody agrees to be of great importance, were in striking out items in the House bill to the number of seventy-eight. If that is going to destroy it by making it worse than it was before, I do not understand it.

Mr. MAXEY. Well, Mr. President, I do not propose to go into details in what I have to say. The RECORD, and the bill, and the amendments will show for themselves. I say that I have asked for no additional appropriation. While, as I have said, the city of Galveston is the third cotton-exporting city of the Union; while its commerce is constantly and rapidly increasing, and while there is a vital necessity for opening up the commerce of that harbor, which is the only harbor now immediately available, where all the railroads concentrate, where we can get everything in the whole State out, and where the cost to the people in lighterage by reason of obstructions needing to be removed is above $500,000 annually, yet on consultation with my colleague we agreed that we would ask for not one solitary dollar more than what the House had given us; because, although right in itself, it might endanger the bill; and so the Senate I am glad to say, and I am grateful to the Senate for so doing, restored to the bill the items which had been stricken out by the committee, but we asked not a dollar, nor was a dollar given to us, over and above what was in the bill as it came from the House.

Sir, it is said that it is proposed here to abandon the right of the Senate to amend appropriation bills. Not one thing of the kind; nothing of the sort. If the Senate in its judgment and wisdom believes the bill as it came from the House a better bill than the bill encumbered as it is with amendments, then it is their judgment, it becomes their judgment by indorsing the judgment of the House, precisely as when a bill is sent up which has passed the other House, we pass it here without amendment, the judgment of the House becomes the judgment of the Senate, and we are not simply obeying the dictates of the House.

But it is proposed to let the Chief Engineer take all this money, this $4,000,000, which the Constitution contemplates shall be distributed and apportioned where it rightfully ought to go by act of Congress, by the action of the Senate and House of Representatives; and we shut our eyes and close our ears and say to him, "We cannot determine what to do with this money; please take it and distribute it for us; put it where you think it will do the most good." Sir, I want the people's Representatives and the States' Senators to put the money down where they say it ought to go, to leave

it to no man's dictation where that money shall go. I recognize as the key-note the sentiment which was uttered by the Senator who occupies the chair, [Mr. FERRY,] that the people's Representatives know better the wants of the people than the Secretary of War or the Chief Engineer of the United States Army. It may be that there are items in the bill which ought not to be there. If there are not, it is the first omnibus bill that I ever saw or heard of that did not contain items which ought not to be in it. But the question is, is the little of evil which there may be in the bill superior to the greater good which is in the bill? Does the evil outweigh the good? Where the evil may be inappreciable and the good is abounding everywhere, I say that wisdom is to take the bill notwithstanding there may be something about it that ought not to be there. Should the mariner stop his ship in mid-sea because barnacles have fastened themselves to the keel, and thereby stopped to a certain degree the progress of the ship through the waters? That would be very unwise; and yet that would be the result here.

Sir, the House of Representatives came by a vote—I have sent and got the number from the RECORD——

The PRESIDENT *pro tempore*. The Senator cannot refer to the votes in the House on a bill pending in the Senate.

Mr. MAXEY. I will not refer to the vote of the House, but I will say that the bill comes up to us here stripped, so far as we can know, so far as we have a right to read the official RECORD which is published and placed on our table every morning—stripped of politics. I trust that is within the parliamentary rule, and that is true.

Now, sir, having an abiding faith in the integrity of the Representatives of the people; believing that those Representatives when they cast their votes hold themselves responsible to the men who sent them there; believing that they will have to give when they return an account of their stewardship; believing that the House bill as it came here is a better bill than the bill as amended; looking upon it as a bill that we can all go before the country upon, that we can all stand upon, that party capital cannot be made out of because there are too many in the same boat—believing this to be the case, and that it is a wise bill notwithstanding there may be here and there, as it is asserted, some items which ought not to be there, still upon the whole it is a good bill, and such a bill as this Senate ought to pass, and I believe should pass.

Now, Mr. President, I refer to the appropriations which have been received for my own State. Up to about three years ago the State of Texas, so far as I am able to find from the records, never received a dollar of aid in any form, shape, or manner. The city of Galveston since the war has increased from a population of 10,000 to a city of 40,000 inhabitants, the third cotton, exporting city in the Union. The city of Houston, which is——

Mr. MITCHELL. The Senator from Texas just stated that this was a good bill and ought to pass in his judgment. I desire to know whether the Senator refers to the bill as it came from the House or the bill as amended in committee here?

Mr. MAXEY. I referred to the bill as it came from the House. I have not touched the other branch of the question for a reason which might be drawn very easily from what I have said. I am not responsible for any of the amendments made here; and Senators who have made the amendments of course can explain them much better than I can. That branch of the case I have not touched.

I was going on to say that the city of Houston had about eight thousand inhabitants at the close of the war and to-day it has over 20,000; it is at the head of the Buffalo Bayou, which empties into Galveston Bay. The principal appropriations which have been made in Texas are for the benefit of getting commerce out and in to these two central points of the commerce of the State of Texas, and altogether there is appropriated $411,200. The entire Gulf coast of the State is twelve hundred and nine miles. We have been in the Union thirty-one years, and that is all we have received during all that time. Our State in the mean time has doubled its population since the year 1870. We must look at these facts, Mr. President, when we talk about improving. I remember that twenty years ago I traversed the State of Iowa, so very well represented by the distinguished Senator before me, [Mr. WRIGHT,] from the Mississippi River to the Missouri in an open wagon. It was difficult to find a house then where you could stay all night. I was there two years ago, and it is a magnificent State. They have kept pace with the improvements of the age, and their rivers and harbors have been liberally improved by the Government.

The improvements in the means of getting your commerce out, must keep pace with the commerce itself. Must you not have an equilibrium between commerce and the facilities of commerce? It seems to me that this is fair and reasonable. Look at the United States now, with forty-four millions of people, with its railroads going in every direction, with the Atlantic and Pacific bound together by iron ties. You can now get in a Pullman car in the city of New York and traverse the whole United States down to the city of Galveston, on the Gulf coast, or go across the continent to the Golden Gate. You can go anywhere you please by railway. Your rivers are bearing off commerce in every direction. And when you have forty-four millions of people; when art, industry, enterprise are pushing forward with nerve and energy, with skilled intellect in every direction, it does seem to me that it will not do for us to talk about what was the way fifty years ago. If we want to return to the days of the flail, let us return there; if we want to keep pace with the world as the world moves, let us move with the world.

Mr. President, I have spoken without note, but according to what I believe to be the true spirit and true theory of national enterprise; I believe that this thing of river and harbor improvement should be conducted on business principles; I believe that a good, sound business man would do precisely what the Congress of the United States is asked to do in these matters.

I do not think that the bill as it came from the House is an unreasonable bill. I do not think that it will oppress the American people. I believe it will vitalize the industries of the American people; I believe that it will open up the arteries of commerce and will increase trade, foster labor, give employment to hundreds and thousands of the unemployed, develop our resources, and add to the wealth of the country, put capital and muscle in combination with land, with machinery, with all the arts of industry, and develop our resources; and when you have got this great commerce opened up then furnish the facilities of shipping that commerce to all the ports of the world. In this way I believe, and sincerely believe, that the prosperity of the United States as a nation will be increased, the means of paying the public debt will be enlarged, and the happiness of the whole people will be forwarded. And I am sustained in these views by the action of Congress under every political party that has had control of the Government through a long series of years, running back for more than half a century.

Mr. CONKLING. Mr. President, the Senator from Texas in quest of sectional comparison has fallen upon the State of New York. Going back fifty years for his material, he has brought to the notice of the Senate two facts; first, that during our history $7,000,000 has been devoted by Congress to improving waters within the territorial limits of that State: and, second—and this he made matter of reiteration and of weighty emphasis—that the whole nation has been taxed to pay this money for New York.

In half a century national highways, and the chief gate-ways of the nation, situated in the State of New York, have been improved, and the nation has contributed $7,000,000. Having heard the comments of the Senator on these two facts, I have some words of comment.

In the first place, standing, as New York has ever done, by the country, and upholding its honor, its power, and its credit, she has herself been a great tax-payer and contributor—whenever the "whole nation has been taxed," in the words of the Senator, New York has been a large part of the whole. Down to 1860 90 per cent. of all the revenues the General Government enjoyed from the beginning were derived from the State of New York. That period embraces some epochs and trials both in war and in peace; it embraces the epoch which ushered in the State of the Senator as a member of the Union; it embraces the cost of some wars, and among them the war fought for the annexation of Texas. I repeat again, that, from the morning of the Republic down to 1860—down to the hour when half a continent, including Texas, stood under the uplifted banners of revolt, the State of New York yielded 90 per cent. of the revenues, whether taxes, customs, excises or loans which had given the American Republic its claim to primacy among the powers of the earth.

Mr. MAXEY. Will the Senator from New York permit me to interrupt him?

Mr. CONKLING. Certainly.

Mr. MAXEY. Referring to the war which was brought on by the annexation of Texas, I would state that that war brought in the Territories of New Mexico, of Arizona, of Nevada, of Colorado, and of Utah, and the great State of California; and the gold mines of California alone have yielded over $2,000,000,000 of gold, to say nothing of the silver of Nevada, and that the annual income resulting from the improvement opened up by the annexation of Texas and the various countries brought in as a consequence would pay the debt created by the Mexican war.

Mr. CONKLING. Let me complete the picture for the honorable Senator. It brought into the coffers of the State of Texas also $10,000,000, of which New York and every other State paid its quota, as consideration for the release of a title the validity of which I forbear to pronounce upon.

Mr. MAXEY. The Senator will pardon me. I will say that during the day the illustrious Rusk, my lamented predecessor, represented the State of Texas on this floor, the true boundary-line between the United States and Mexico was disputed, and consequently between Texas and New Mexico, and it was settled here by a solemn vote of this body, and $10,000,000 was paid for the release by Texas of her claim to New Mexico, which I assume to be a just and honest claim, or it would not have been granted.

Mr. CONKLING. Mr. President, when the volume is closed, the student who explores the facts will in vain look for the ground on which the State of Texas may taunt the State of New York with the appropriations made to improve the national channels of commerce and trade.

Mr. MAXEY. I trust the Senator will pardon me; I dislike very much to interrupt him; but I will say to the Senator that so far from taunting her, if he will look to the RECORD, when the committee of the Senate asked an increase of appropriation to improve your harbor at Hell Gate, looking, as I do, upon your great city of New York as the commercial metropolis not only of the American Union but of

the Western Hemisphere, I voted for it. I do not wish to detract in the slightest possible degree, and I stated this morning that I had no complaint to make of those improvements, that the interest of commerce demanded them, or otherwise, I presumed, they would not have been granted; but New York had been thus improved, and from that I deduced that others should be also.

Mr. CONKLING. Mr. President, I think I did not misapprehend the Senator. My colleague made some observations, wholesome as they seemed to me, and he was met by the honorable Senator from Texas with several comments and one story. An anecdote was told about a woman who having obtained her kettle at the expense of other people, said at once that she would neither lend or borrow; and the illustration was transferred to one or both Senators from New York who disapprove the pending bill as it came from the House. The State of New York was cited in illustration of the alleged unfairness of those who having profited by appropriations, hesitate to vote these proposed appropriations. I rose to examine the allegation touching past appropriations for rivers and harbors in New York, and the further allegation that the whole nation has been taxed that New York might receive these contributions. The taxes paid by New York prior to 1860, I have referred to, and I now speak of the truth since. While the income tax existed—a war tax, brought on by the rebellion—New York, with one-tenth of the population, paid more than one-third of the entire tax. New York, with one-tenth or one-eleventh of the population, yields to the General Government now nearly, if not quite, one-third of the entire present revenues. Sixty-odd per cent. of customs duties are collected at the port of New York, and a proportion of the internal revenue of which I do not stop to speak exactly, making in all a total of well-nigh one-third, to speak within limits, of the entire revenue which supports the Government.

These facts will determine the weight and value of the statement that the whole nation has been taxed for the improvements of New York and her harbors. Of taxes, New York has had the lion's share to pay, wherever or however the taxes have been expended.

Now a few words about the $7,000,000, and where it has gone. The figures will show that nearly one-half the sum has been bestowed upon three works. What are they? Hell Gate, as it is called, rocks lying in the throat of Long Island Sound, hidden rocks endangering all the coastwise trade of the nation, lying in the pathway of all the boats passing up and down the Atlantic coast through a great and crowded strait within the geographical limits of the State of New York; a work no more local in New York than the winds which sweep her plains, or the waves that wash her shores.

What is the next work? Improving the Hudson River; that river flowing in a valley which together with the Mohawk was decreed by nature to be the carrying-place to the markets of the world from the granaries of the West—from that great basin, between the two watersheds, two thousand miles long and fourteen hundred miles wide, blessed with fertility capable of feeding the world. Between the prairies and tide-water there can be no such northern route; it has been impaired by rival powers, but it remains the great carrying-place for the cereals and products of the West. Canada by building the Welland Canal, by so adjusting ocean toll-sheets that English bottoms from Montreal, Halifax, and elsewhere, may just underbid American bottoms, has somewhat impaired this route; other causes have produced like effects, but the Hudson River and its continuation, the Erie Canal, have long floated, and still float a commerce far greater than that on the river Rhine, traversing, as it does, seven sovereignties in the heart of Europe. It was to preserve and enlarge this channel, running to the wheat-fields of the West that about a million dollars during half a century have been appropriated.

What is the third work which the table of the Senator will speak of? The harbor of Buffalo; the harbor at the east end of Lake Erie; that harbor which land-locks and protects not the propellers of New York, not the barges or the craft of New York but the vessels and cargoes of Wisconsin, Ohio, Michigan, Illinois, and every other State whose capital is embarked on the great lakes. The products of every wheat-field, mine, forest, and pasture west of the city of Buffalo, seeking movement to tide-water, are protected and kept in safety by the harbor of Buffalo.

These three works, Mr. President, constitute about one-half—I speak from recollection—of the table which the industry of the honorable Senator has produced. If in viewing them, if in contemplating the history and the facts, Senators can discover an argument in favor of dredging a creek in the hope of obtaining twenty inches of water, and helping out the cord-wood or saw-logs of a little neighborhood, so be it. If the Senate can see the analogy between these works and improvements made on little inland streams wholly within States and even single counties—streams which the Supreme Court has decided are not national highways, are not public navigable rivers, but which lie wholly within the domain and jurisdiction of the States,—streams which the States may bridge, or dam, or divert—streams belonging to riparian owners, so be it. I think it will puzzle the honorable Senator from Texas to vindicate the provisions of the House bill in various of its provisions, by finding that in the greatest harbor of the country, and in the track of the greatest commerce of the hemisphere it has been found wise, in the estimation of Congress, regarding the general welfare, to bestow appropriations upon indispensable works.

Mr. President, I have no doubt of the power of Congress to appropriate money to improve navigable rivers; they are the public highways,—and harbors; they are the national gate-ways. I have no doubt of the wisdom of exerting that power, and I would go a great way, believing I should keep within the agency with which New York honors me were I to go a great way in voting for these improvements. But, sir, from comparatively small beginnings we have grown to great abuses. Prior to the war these appropriations, as other Senators have said, were very limited. In 1869 they had reached $2,000,000; in 1870 they amounted to $3,745,900; in 1871 $4,408,000; in 1872 $5,602,000; in 1873 $6,287,900; in 1874 $5,248,000; in 1875 $6,662,000. How comes this? The vice is in the process; and if the members of this body would address themselves to that process, legislation of this nature would be corrected.

Let me state the method which begets these bills.

In the first place, upon almost any application a survey is ordered by law. When once a survey is made, the Government is like a man who puts his fingers between the belt and the wheel; his hand, and then his arm, will be drawn in, and so will he. The survey having been made, estimates follow. That is the natural, intended, and inevitable result. The work is found to be feasible, and the engineers state how much it will cost. This year these surveys and estimates brought to us amount to $14,000,000. Then what happens? Everybody must see that all the estimates cannot be adopted and the money appropriated. There must be picking and choosing, and somebody must pick and choose. How is that done? Members in each House, members from localities where for any motive—and I will not deal in motives—there is a strong disposition to obtain an expenditure of money, members in the House, members in the Senate, members in committee join a strife and competition for two purposes, first to get that which they want, and second by a process, sometimes called "log-rolling," to combine enough that others want to give legs and wings to the bill; and we have the product of such methods in the bill before us. I am going, notwithstanding an admonition given another Senator from the Chair, to say, and I speak with a belief that I violate no rule, that this House bill passed without one word of debate. That is not out of order. I say the bill passed under the previous question, without any amendment being allowed, and I hold up the Manual of parliamentary law when I deny that such a statement is out of order. I say this bill, like the three or four preceding river and harbor bills, was made up, as we know,—and I speak of no proceedings in the House,—by a subcommittee; made up by a subcommittee of two or three or perhaps four men; passed as so made up through the Committee on Commerce; and was carried into the House where the previous question operates, if I may borrow the words of Mr. Webster, with the precision of a trip-hammer and somewhat of its monotony. Now, sir, I repeat, all this is not out of order, and it is true. And thus we have in this case and in other cases a survey and estimate for all manner of things with a total of fourteen millions; then two or three gentlemen sit down and pick and choose from that fourteen million the items for which a vote shall be asked, these items are located here and there, perhaps for reasons distilled from the pure alembic of judgment, perhaps for reasons concerning the commerce of the country and that only, and perhaps for reasons which have nothing to do with the ostensible objects of the bill. Being passed through the House as it is presented, without discussion, without amendment, without debate, without the possibility of understanding, it comes here. It has been by two committees of the Senate the subject of careful consideration. The Committee on Commerce, as more than one Senator near me knows, devoted night after night to its provisions, and days to the ugly puzzles they presented; and then, because by the order of the Senate so many members of that committee were sent to a distant State that it was long without a quorum, the bill was referred to the Committee on Appropriations. The Committee on Appropriations examined it with great care and came here with various recommendations, recommendations of two sorts, first that a large number of these appropriations, not less than seventy-eight in number, ought not *per se* to be granted; and, second, recommendations showing that if the amount of money is to be expended it should not be expended on the appropriations designated by the House, but upon others instead. Four days when this day is completed will have been devoted by the Senate to these amendments; and now we are told by our honorable presiding officer, who avowedly speaks for Michigan, who does not blink the idea that a river and harbor bill is what the children call a grab-bag into which everybody is to plunge and get what he can, who does not blink the doctrine

> That they should take who have the power,
> And they should keep who can;

that the House bill is the true solution of the whole problem.

He calls on "the friends of the bill," as he denominates them, to rally each for his locality and his interest and do—what? Discard by one single understanding all the amendments adopted by the Senate, adopt by one single understanding all the propositions made by the House, incurably vicious as some of them are conceded to be, and accept as an ultimate product of perfected legislation the schedule made by two or three members of the House who sat down and selected from $14,000,000 $5,872,000. Mr. President, what a comment is this upon those infirm processes of legislation of which Thomas Jefferson wrote! What a comment it is upon his cup-and-saucer illustration—his saying that the two Houses, one like a cup in which the tea might be too hot, and the

other the saucer which would cool it, together would produce healthful temperature! After all the ado of legislative action, after all the action of two committees of this body and four days given in the dying hours of this session to a consideration of the bill, we are conjured to go back and accept the work, necessarily crude, done by two or three members of the House, which received in bulk as matter of little more than form the *imprimatur* of a House by which it never was considered.

This would indeed be a lame and impotent conclusion.

Dropping now all discussion of this particular bill and its oddities if oddities it has, I venture to make one general observation. I assume from the response which some of us saw and from the other response which we all heard to the hailing cry of the presiding officer, "that the friends of the bill," not only the dwellers in the valleys but in the hill country round about on every side who have little pet interests or large objects of concern in this bill are to come up, not with a chorus but with a vote each, to reject, good, bad, and indifferent, all the Senate amendments and adopt, good, bad, or indifferent all the items put in by the committee of the House, and so to pass the bill. The motives for this are so obvious that one of them would teach me its probability. If the bill should be amended at all, it would go back to the House, and going back to the House no man knoweth that the previous question would prevent one lisp of explanation or even the reading of the bill, and for aught we know if it were committed to the wild winds and waves of the House it might be read aloud in the hearing of the members—nay or it might be amended; and remembering the zeal which attends it, all this would be too slow. I assume that the dwellers in Mesopotamia, and in Sandusky; that the democrats of the strictest sect, especially the Jeffersonian democrats, the strictest constructionists of the Constitution, the democrats who believe that States ought to carry on State works, that the State of New York illustrated the Constitution when she expended many millions of her own to make an artificial river three hundred and thirty-five miles long and seven feet deep, held in artificial banks, a river carried over steams by aqueducts and through mountains by excavations, and other artificial rivers in all twelve hundred miles long; all the democrats who approve of a construction of the Constitution which commits wholly to States the exertion of such powers, will perhaps make haste, and see which shall be the first in flinging down his representative crown before an opportunity to gain a local appropriation. We shall see when the yeas and nays are recorded. It has been said that it is an ill wind that blows nobody any good. The process and habit of river and harbor legislation is radically wrong. In this bill stand appropriations for which no Senator would answer. In this bill stand appropriations to be expended in localities which no member of this body knows. In this bill are appropriations for the smaller States at places the location of which neither of the Senators from those States knows; the name of which we never heard, and which are not found in Colton's atlas, or in any gazetteer we are told. I rest a remark on these facts.

Mr. CHRISTIANCY. Does the Senator refer to the port in Michigan called McCargoe's Cove?

Mr. CONKLING. Does the Senator think I referred to that?

Mr. CHRISTIANCY. If that is what the Senator refers to, I can give him the information.

Mr. CONKLING. I have so much more confidence in my friend than I have in myself that I leave it to him to say whether that is one of the places.

Mr. CHRISTIANCY. I heard the remark made.

Mr. CONKLING. Mr. President, this bill is brought forward at a time when we are told prosperity lies bleeding in the streets, when we are told that every branch of industry is languishing and that the people are bowed down under a weight of taxation, under a crush of public burdens which no patriotism can support.

I think the presence and success of such a bill at such a time, will make and leave an impression. I hope that some of the able members of the House, and the Senate—those whose lead we follow—will consider whether there should not be some substitute for this random inexact method, a commission, if you please, of men expert in such affairs, and above all things responsible for their plans, and acts, and recommendations, men to inquire and ascertain and determine and certify on their oaths a definite *projet*, a budget, each year for public improvements to be submitted to Congress; the matter to be so guarded that like any other board, or commission, or special tribunal, it will be responsible, to the end that appropriations for rivers and harbors may not be, as has been said of foreign mission donations, the application of a dollar to an object and the expenditure of $5 in the process of applying it. I believe some such expedient should be substituted for all this. I believe that this very bill at this time, if Senators and others are sincere in the appreciation they say they have of the general poverty and distress, will be considered an era in this species of legislation, an occasion to which thought should be given, and which action should follow.

Mr. President, this bill appropriates many items, making up a large aggregate, which ought not to be appropriated, sometimes because the amount is wholly inadequate; sometimes because it is entirely inopportune now, owing to the condition of the work; sometimes because it is entirely needless and will be improvident in the end at any time; and this money if it shall buy anything of value to the country, will purchase attention to this subject, and to the vice of this kind of legislation. If its expenditure does not do that, it will be wasted indeed.

One word more and I have done. I believe it to be the duty of the House of Representatives and of the Senate to scrutinize this bill and every other, to reduce to the lowest sum, compatible with the public interest and the considerations honestly involved, the amount of money to be appropriated. In so far as any member of this body, in so far as any Department of this Government, legislative or otherwise, has striven to do that, no man has heard, no man will ever hear me charge him or charge it with revolution, with usurpation, with repudiation. I do not believe honest retrenchment to be blamable anywhere. I believe that if the House of Representatives say "We will not appropriate needed money unless you will agree to repeal the resumption act; we will not appropriate money unless you agree to repeal the election law; we will not appropriate money unless you agree to transplant the Indian service from the Interior Department to the War Office, or unless you will agree to do some other matter independent of appropriations and concerning existing law"—if the House shall do these things or any of them, I believe the Senate has a right to do all things of rightful resistance, and then, like the apostle, stand. But when the question touches the improvemeunt of a harbor, or the amount that should be paid for any service, graduating the sum which shall be received by an individual or a corporation under an appropriation bill, I believe it to be fair matter of legislation, of consideration, and of action in one House and in both Houses; and in so far as the Senate under the lead of conference committees has consented to the reduction of appropriations where those reductions could be properly, safely, suitably made, I believe they have done service to the country and that the Senate has done service in following their lead. In what cases these reductions will turn out to have been wise and safe, and in what cases unwise, I do not know. I make no observation upon it; I am speaking merely of a principle, and I speak of it to ask Senators, to ask Senators especially on the side of the Chamber which just now specially affects a heroic and I might say spasmodic virtue on the subject of retrenchment and economy, how they can reconcile it to themselves in this era of scrutiny and care, to vote for a bill which confessedly—yes, confessedly—contains appropriations unjustifiable at any time, improper ever to be made according to the report of the engineers, according to the admission of the Senators from the State in which the work is to be situated, a bill which contains appropriations improvident, unnecessary, unfit, wrong at any time—how they can reconcile it to their new evangel of economy, retrenchment, and improvement, to swallow such a bill whole, to take it "with all its imperfections on its head" as it emanated from a subcommittee and received the stereotyped *imprimatur* of the previous question without amendment or debate. No, Mr. President, if there is any sincerity in the idea that appropriations shall be reduced, I ask Senators to observe that sincerity in dealing with a bill, some parts of which no Senator has risen to justify.

Mr. THURMAN. Mr. President, I shall not follow Senators in the very discursive debate that has occurred this morning on this bill. I shall endeavor to be very brief in what I shall say, and confine myself to what really, in my judgment, demands the earnest attention of the Senate. First, however, let me dispose of a little matter preliminary. Last Saturday afternoon I find by the RECORD—for I did not happen to be in the Senate at the time the words were spoken—the Senator from Iowa who has this bill in charge [Mr. ALLISON] addressed an *argumentum ad hominem* to me in these words:

> When this bill came back into the Senate every item of appropriation struck out by the Committee on Appropriations was re-inserted in the bill, and the Senator from Ohio who now favors a reduction of the total appropriation to $4,000,000 voted for the increase of every appropriation in his own State above the recommendation of the committee, and notably so in two instances where the engineer officer in charge of the very work stated to us that the amount suggested by the committee was sufficient to carry on that improvement for the present year.

I do not know what are the two instances alluded to by the Senator from Iowa, but this I do know, that in every case the appropriation I advocated was far less than the estimate of the engineer.

Mr. ALLISON. Will the Senator allow me to interrupt him?

Mr. THURMAN. Certainly.

Mr. ALLISON. The Senator from Ohio, if I remember correctly, advocated the appropriation of $30,000 for Sandusky Harbor and $75,000 for Cleveland Harbor. The Committee on Appropriations recommended $25,000 for Sandusky Harbor and $50,000 for Cleveland Harbor, and did so on the recommendation of the engineer in charge of each of those particular works that he could get along with that sum; and therefore I said that inasmuch as the Senator from Ohio had increased the appropriations in this bill as they came from the Committee on Appropriations, to that extent he was responsible for the increase of this bill. That is all I meant to say.

Mr. THURMAN. That will be responsible to the amount of $30,000. I can stand that pretty well.

Mr. EDMUNDS. If you are not obliged to pay it yourself, but pay it by taxation.

Mr. THURMAN. O, yes; we shall see about that. What did I say about Sandusky? Let me see.

> There is a very small difference between the House bill and the proposition of our committee, $5,000. I wish to say that I have a personal knowledge of the harbor at Sandusky City, and I know of no harbor that requires an appropriation much more than that harbor It is one of the most tortuous channels that I know of on

Lake Erie into the port, and my own impression is that $30,000 is a small appropriation. I do not, however, want to call any yeas or nays upon it or make any division. I should be glad if the appropriation should be left for Sandusky as the bill came from the House. It is a matter too small, however, for much contest.

I think that was rather modestly put, and the whole amount of difference was $5,000, and the amount in the House bill was far less than the estimate of the engineer. Of course the engineer said he could get along with $25,000. He might have said he could get along with $2,500. Then in regard to Cleveland the engineer estimated $200,000, and the House gave $75,000. Our committee cut it down to $50,000, one-fourth of the estimate of the engineer, and why? Because the engineer said he could get along with $50,000; and what I have just said will apply to that: he could get along with $5,000, I suppose. So that in no case have I advocated any appropriation up to or equal to the estimates made by the engineers; indeed, far less than the estimates.

Well, Mr. President, the appropriations made for Ohio in this bill are very small. I do not complain of that. They were small even in the House bill. Retaining the House bill, they will be still small for Ohio. I do not complain of it. I do not ask to increase any amount that was in the House bill. Nay, more, if my motion shall prevail and there are more meritorious works than those in Ohio, and it is necessary to reject works in Ohio in order to cut the bill down to four millions, I say now to my friend, cut down the Ohio appropriation; take only those that are most meritorious, for which there is the greatest necessity. Do it if you can; but I think you will find some trouble in selecting a more meritorious work or one of more national importance than the harbor at Cleveland, or one that deserves better than the harbor at Sandusky. I think it will be found a little difficult to discover any more meritorious appropriations than these. But I say again, let every appropriation stand on its own merits, and if there are places that are more deserving of appropriations than those of Ohio named in this bill, and it is necessary to reject in order to get down to four millions, then I say reject those in my State.

I am quite in earnest about this matter, Mr. President. This bill is a monstrous bill, in my humble judgment, as it now stands. I say nothing about motives; I say nothing about the history of the bill; but I say right on the face of the bill itself, the idea of appropriating in round numbers $7,000,000 for river and harbor improvements at this time is to my mind a monstrous proposition. I know very well that in the eloquent speech that we heard from the Senator from Texas [Mr. MAXEY] this morning very much was said about the fruits that we were to reap from the seed that was to be sown by this bill; but before I take any notice of that let me notice another thing that was said by that Senator.

He called our attention to the fact that in fifty-one years the appropriations for ports in Ohio amounted to $2,000,000—$2,000,000 in fifty-one years. Well, sir, let me tell the Senator that one single county in my State pays four times that amount of internal-revenue tax in a single year; let me tell him that the State of Ohio has paid within the last nine years $200,000,000 of revenue tax alone; and let him then ask himself whether or not that State is not entitled to some care of her ports and her harbors.

Mr. MAXEY. Will the Senator permit me a word?

Mr. THURMAN. Certainly.

Mr. MAXEY. I am not disposed to detract from the State of Ohio; very far from it. I admit the greatness of that State, its growing and increasing prosperity; but the point I make is that these very appropriations to the amount of over $2,000,000 which they have received from the Government have aided them in developing the wealth of that country; and that we, the undeveloped West and the undeveloped Southwest, want also that which he has received, so that we may be great and prosperous, and have one country to pay this great tax.

Mr. THURMAN. Beyond all question these improvements have been of service, otherwise they ought not to have been made; but in the face of the facts I have stated—and I have said not a word about the amount of the customs duties that Ohio pays, which will amount to about $20,000,000 a year, estimating it upon her population, or nearly that—certainly it must be admitted that the Government has not been lavish with the State of Ohio.

Again, I said in the remarks I submitted last Saturday that Ohio; never had asked for an improvement of a river wholly within her borders. The Senator calls my attention, in answer to that, to a document which he produces, and he reads from it: "For the improvement of Cunningham Creek." Why, does the Senator know what Cunningham Creek is that is here spoken of? Does he know that it is a port right on Lake Erie, not the improvement of a stream wholly within the boundaries of the State of Ohio for navigation along that stream, but the improvement of a port?

Mr. MAXEY. There may be a misapprehension of language. I never did understand a creek to be a port.

Mr. THURMAN. I will show the Senator another case right here, and I can show him plenty. The Chicago River at Chicago is improved in the same way, because it is part of the harbor; and the same is true of the East River and the North River at New York. Take the other case which he cited, "Sandusky River, Ohio, $30,000." The river to which that appropriation applies is just as much a part of the port, and any part of the bay of Sandusky is a part of the port. If the Senator had been there and gone up that stream he would have found that he would go but little way until the river falls over a ledge of rocks; and it is only that deep part below the ledge of rocks and within the city of Sandusky, and forming a part of its port as much as the East River between Brooklyn and New York is part of the port of New York, that is covered by this appropriation. I am glad the Senator has produced this report; and it affirms the truth of what I stated, that for the improvement of any river or stream, not a port, but for the navigation of a river or stream lying wholly within the boundaries of the State of Ohio not one dollar ever was appropriated by the General Government.

Now, Mr. President, having disposed of those matters which are preliminary, I have only a few words to say upon the subject of this bill, for I do not believe that any great good is to be derived from debate. I am not going to follow the Senator from Indiana, [Mr. MORTON,] who made somewhat of a partisan speech this morning; but I do commend what he said to the consideration of my democratic friends on this floor, for if this bill passes you will hear much more of the same sort between now and November next, and I think you will deserve to hear it, too.

Mr. MERRIMON. Will the Senator allow me a word?

Mr. THURMAN. Certainly.

Mr. MERRIMON. The bill as it came from the House is a retrenchment bill. It appropriates in the neighborhood of a million dollars less than the bill of last year.

Mr. THURMAN. I am speaking of the bill as it now is.

Mr. MORTON. Will the Senator allow me a word?

Mr. THURMAN. Certainly.

Mr. MORTON. I have not been here during the discussion of this bill; but I am advised by those who have been that the Senate amendments striking out certain parts of the House bill were voted down by both parties here, and largely by my democratic friends; and that the additions which have been made to this bill in the Senate have been largely made by the votes of the democratic members of this body. In other words, they were made by the votes of all parties; so that this bill as it stands here to-day is as much the bill of the democratic members of this body as any other portion of the Senate; and if that is so, that is an end to the talk about retrenchment.

Mr. MERRIMON. But it is the bill of the Senate; and the bill of a republican Senate at that.

Mr. THURMAN. Both gentlemen are right, no doubt. This bill breaks over all party lines; that is the truth about it. It is stronger than the resolutions of 1798 by a long way; that is perfectly clear; and it is stronger than any interpretation of the Constitution that ever was given by the most latitudinarian man who ever held a seat on this floor. That is true, too. It breaks through everything. It is like a great freshet that carries everything before it, blots out all lines, scatters desolation everywhere.

But, Mr. President, one word more about this bill. I believe that we cannot afford to appropriate more than $4,000,000. I do not think we ought in the circumstance of the case to do that. The Senator from Texas says we have 44,000,000 people, and I often hear the expression that we have boundless resources; and yet we hear every day people talking about a million or a million and a half of men in this country being without employment. Why, sir, there is a country that has more than 200,000,000 people under one government, and yet we would not set them up as an example to be followed, nor do we envy their condition or the condition of the laboring-men in that country. There never was a greater fallacy in this world than to advocate extravagance, whether it be extravagance in private life, extravagance of municipal governments, extravagance of State governments, or extravagance of the Federal Government, under the idea that the people of this country have boundless resources. No, sir; they have not boundless resources. The resources of no people are boundless, and there never were a people so rich that extravagance might not bring them down to poverty. That argument will not do.

A word now as to the proposition of the Senator from Vermont, [Mr. EDMUNDS,] which I foresee is to antagonize a recommitment of this bill. Although there is an example of it, a precedent for it, I do think that it is not a good way to appropriate money.

Mr. EDMUNDS. The Senator says there is a precedent for it. Is not the Senator aware that for the first ten or fifteen years of this Republic, in its pure days, the appropriations were almost all of them made in that way for the foreign service and for the internal service and so on?

Mr. THURMAN. I do not think there was a river and harbor bill in the first fourteen or fifteen years.

Mr. EDMUNDS. There was what came exceedingly near it, if the Senator will look at the statutes.

Mr. THURMAN. It was so small that you would not recognize it as the progenitor of this bill which is before us.

Mr. EDMUNDS. You would on the Darwinian theory.

Mr. THURMAN. Who would say that we should make appropriation of $20,000,000, and place it in the hands of the Secretary of War, to conduct the military affairs of the country and pay the expenses of the Army? Who would say that we should do the same thing for the Navy or any of the other Departments? The truth is, we were accustomed a few years ago, and I remember very well that the Senator from Vermont helped to correct it and I had a little, humble part in helping to correct it, to group together nearly all the objects of

naval appropriations in a bill a page long or two pages long and then appropriate so many millions in bulk, leaving it absolutely in the discretion of the Secretary whether he would apply a cent to one object or appropriate all to another object. That was a very vicious way. The Senator from Vermont opposed it.

Mr. EDMUNDS. So I did; but if the Senator can show that the cases are parallel there will be something in his point.

Mr. THURMAN. I think they are parallel. I do not think that mode of appropriation or this mode of appropriation is according to the spirit of the Constitution, which requires that no moneys shall be drawn from the Treasury except upon appropriations made by law, which means that we are to exercise our judgment as to the objects for which money is to be spent. At all events, Mr. President, whether that is the case or not, it does seem to me that that ought to be only the last possible resort, and that we ought not, unless all other means fail, to vest so great a discretion as the expenditure of $4,000,000 in one man, and he a political officer, with power to use what objects he will foster and what objects he will give nothing to. Just look at it. You put this $4,000,000 into the hands of the Secretary of War; he may expend as much as he pleases upon one object or as little as he pleases. He can select just where he pleases and reject just what he pleases. I do not know, with the single exception of the precedent read by the Senator from Vermont the other day, of any such thing in the history of the Government, always excepting the naval appropriation bills of which I spoke a while ago. I think that was an abuse. I opposed it. It has been to a great extent corrected, and I do not like the idea now of setting a worse and looser precedent than even that.

I hope, therefore, that this bill will be recommitted, and recommitted with the instructions; and while the Senator from Michigan, the President of the Senate, warned the friends of this bill that they must rally to its support, I say to them in perfect good faith, you are in danger of losing everything by asking too much.

Mr. LOGAN. Mr. President, I do not rise for the purpose of replying to anything that has been said by the Senator from Ohio or anything that has been said in the discussion of this bill particularly, but to give in a very brief manner my judgment in reference to the bill and my views in regard to this character of legislation.

There has been something said here this morning in reference to remarks of a partisan character. I have nothing to say in reference to that except to call the attention of the country to some of the provisions of this bill and some of the omissions in other bills. When I hear the sound in all directions of reform and economy and assaults made, too, upon this and former administrations and upon the party that has been in power on account of its extravagance, which extravagance, if that is a proper term, was produced certainly not by its own conduct but by the conduct of others, this bill as it is strikes me as a very strange kind of economy. From the arguments and speeches made this winter in both Houses of Congress, I had begun to think that the object of legislation this session, so far as appropriation is concerned, is to appropriate money, especially on bills of this character, for such points or places as work was absolutely demanded on and money absolutely demanded to be expended upon, and that other places, rivers, harbors, creeks, spring branches, or whatever they might be termed, certainly were not to be incorporated in this bill at this particular time, especially by the economists of this country.

Before referring in detail to this particular bill, I want to call the attention of the Senate, and especially of the Senators on my left, to a proposition that was made in the House and the Senate. A letter was written by William A. Potter, Supervising Architect of the United States, to the House of Representatives, in which he says, prior to the passage of the sundry civil bill:

> TREASURY DEPARTMENT, OFFICE OF THE SUPERVISING ARCHITECT,
> *June* 14, 1876.
>
> I have to inform you that the amount, $250,000, included in the "estimate of appropriations required for the service of the fiscal year ending June 30, 1877," is absolutely necessary to be appropriated for the proper and economical continuation of the work upon the construction of the United States custom-house, court-house, and post-office at Chicago, Illinois. With this sum made available, in addition to the balance now in the Treasury, I feel confident of being able to place the roof upon the building and protect the work from the severities of the coming winter season, and advance the entire work during that season to such a point as will enable me to fit the building for the accommodation of the Post-Office Department on or before the 4th of July, 1877. I cannot urge too strongly the making of this appropriation, the necessity for which is apparent from the fact that the public offices in Chicago are now located in buildings totally unsuited to their wants, and for which enormous rentals are paid annually. The work upon the new building has been delayed by a series of events unequaled in the construction of any building under the direction of this Office, and its completion at an early day is not only a necessity to supply the demands of the public service, but will result in a large saving to the Government from rentals and furnish proper facilities for the citizens of Chicago.
>
> Very respectfully,
>
> WM. A. POTTER,
> *Supervising Architect.*

I read that to call the attention of the Senate to the fact that the Supervising Architect held that it was absolutely necessary that a certain amount of money should be appropriated for the purpose of roofing in certain buildings in Chicago belonging to the Government in order to protect them against the inclemency of the winter season. The House of Representatives absolutely refused to appropriate one cent. When that bill came to the Senate, the Committee on Appropriations of the Senate did appropriate the $250,000 for the purpose of preserving those buildings absolutely necessary, as recommended by the Supervising Architect; and in a committee of conference, of which the Senator from Ohio [Mr. THURMAN] was one on the part of the Senate, the Senator from Minnesota [Mr. WINDOM] another, and I do not remember the third member, the House absolutely demanded that that appropriation should be stricken out, and the Senate agreed to it, leaving the public buildings in the city of Chicago without being covered in, to be exposed to the weather during the winter season; and this was done by the House committee on the ground that economy demanded that it must be done. That very same Congress that is so economical that it cannot appropriate money to cover in buildings the roofing of which is recommended as being absolutely necessary, can appropriate over $1,000,000 for surveying creeks and spring branches and hollows, and places where water never runs except when it rains, for political purposes all over this land. That is the character of economy that we have now. That is the kind of reform that we have. The Government is to let buildings be destroyed that absolutely need appropriations for their protection, and the money of the country is to be squandered for the purpose of electing somebody to Congress.

Now, in order to make this thing plain, so that we may all understand it, I want to call attention, and I propose in my feeble manner to defend somewhat the Committee on Appropriations in the Senate for what they have done on this bill, and I want Senators as I go along in the different States where these appropriations are made, if they desire to do it, to explain something about the character of these rivers and harbors that the House feel such a great interest in having surveyed and having money expended upon; and I desire to call the attention of the country especially to the location of these particular appropriations. First, beginning on line 142:

> For the improvement of the French Bread River between Brevard and the Buncombe County line, North Carolina, $15,000.
> For the improvement of Pamlico River, North Carolina, $25,000.
> For the improvement of Clinch River, Tennessee, $12,000.
> For the improvement of the Hiawassee River, Tennessee, $10,000.
> For the improvement of the Powell River, Virginia and Tennessee, $10,600.
> For the improvement of Cumberland River below the city of Nashville, Tennessee.

"Above" the House had it:

> From Nashville to the Kentucky line, $25,000, and thence to the foot of Smith's Shoals, $20,000; and for Smith's Shoals, $30,000.

While the House of Representatives will not appropriate money to cover in public buildings that are absolutely going to loss, they appropriate thousands of dollars in certain localities where there is no necessity, in my judgment, in many instances for it. For what purpose? I will not say for political purposes, but somehow or other, singularly it strikes democratic districts every time:

> For the improvement at Sabine Pass, and for improvement of Blue Buck Bar and Sabine Bay, and for deepening the channel over the bar at the mouth of the Sabine River, and for deepening of the channel over the bar at the mouth of Neches River, where these rivers enter Sabine Bay, $60,000.

All these propositions that I have read were put in by the House and stricken out by the Senate Committee on Appropriations and reinstated by the Senate over the head of the committee, and I notice, too, by a solid vote on the left of this Chamber, aided by a few gentlemen on the right, the balance of this side necessary to make a majority being absent.

Mr. SAULSBURY. I wish to correct the Senator. I voted to sustain all the amendments of the Senate committee. I did vote for one amendment for the State of Maryland, an appropriation of $5,000 for Wicomico River, and really apologized to the Senate for doing that.

Mr. LOGAN. Very well. We will make the Senator from Delaware an exception. I did not notice that he sustained the committee, but a single exception is immaterial. The Senate did not sustain the committee. I am only comparing this appropriation bill with what the House and Senate did for the public buildings in the city where I live, not appropriating one dollar when it was recommended by the Department, the estimates made for it, and when the Supervising Architect said it was absolutely necessary. In that case the necessity for economy and reform was so strong that no appropriation was made where it was necessary, but in these instances appropriations are made. I leave the country to draw the inference:

> For deepening the channel over the bar at the mouth of the Trinity River where it enters Galveston Bay, $12,500.

That was stricken out by the Appropriation Committee of the Senate and re-instated by the Senate.

> For the improvement of Pass Cavallo, inlet to Matagorda Bay, Texas, $40,000.
> For the improvement of Aransas Pass, and approaches to Rockport and Corpus Christi Harbors, Texas, $10,000.
> * * * * * * *
> For the improvement of the Tombigbee River, Alabama, $13,950.
> * * * * * * *
> For breakwater at Wilmington, California, $30,000.

These appropriations were all stricken out by the Senate committee and re-instated by the Senate.

> For the improvement of Mackey's Ferry, North Carolina, $3,000.
> * * * * * * *
> For the improvement of Pascagoula Bay, Mississippi, $10,000.
> For the improvement of White and Saint Francis Rivers, Arkansas, $15,000; of which there shall be expended $10,000 upon White River and the remainder upon Saint Francis River.
> For the improvement of the Perquimons River, North Carolina, $3,000.
> * * * * * * *
> For the improvement of the Rock Castle River, Kentucky, $2,000; and, in the

discretion of the Secretary of War, to be expended on Cumberland and Rock Castle Rivers above Nashville, Tennessee, $25,000.

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For the improvement of the Ocmulgee River, Gergia, $25,000.
For the improvement of the port of Darien, Georgia, $5,000.
For the improvement of New River from the lead-mines in Wythe County, Virginia, to the mouth of Greenbrier River, West Virginia, $25,000.
For the improvement of the Mattapony River, Virginia, $10,000.
For the improvement of the Pamunkey River, Virginia, $6,000.

* * * * * * *

For the improvement of the Warrior and Tombigbee River, Alabama, $15,000.
For the improvement of the Choctawhatchie River, Florida and Alabama, $5,000.
For the improvement of the Apalachicola River, Florida, $5,000.
For removing obstructions and deepening channel at the Pass of Brazos Santiago, Texas, $10,000.

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For the improvement of the French Broad River in Tennessee, $15,000.

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For the improvement of the Wicomico River, Maryland, $5,000.
For the improvement of Big Sandy River, Kentucky and West Virginia, $25,000.

The Senate will notice there are a great many other propositions that were stricken out also by the Appropriation Committee of the Senate. The Senate will also notice, and the country will notice, too, that the Appropriation Committee of the Senate struck all these appropriations out of the bill. Why? Because they considered them of no utility at the present time, or else because they considered the economy that had been so much talked about of so great necessity that they did not wish to allow these amounts to be appropriated; but in the economy of the Senate the body has re-appropriated until the bill is swelled to such a character that no one now desires to own it.

The bill as it came from the House of Representatives has been denominated by both republicans and democrats as monstrous. I have but little to say in reference to it, and what I shall say will be couched in a very few sentences. Senators and Representatives preach economy to this country for a purpose, the effect of which has been to cripple the Army of the country, to cripple the Navy of the country, to cripple the diplomatic service of the country, to cripple the civil service of the country. The purpose has been to go before the country and claim that they have produced economy by legislation in these halls, and then by one fell swoop on a river and harbor bill they pile on millions of dollars that are of no use whatever, of no benefit to anybody except to certain districts of the country, out of which political capital can be made.

Senators may not believe this, but I believe it. I am constrained to believe it when I take the different districts and localities for which this money has been appropriated by the House of Representatives. It is our duty to appropriate money for all the service of this country, every dollar that is necessary, and not one cent more, but not to strangle, stifle, or cripple any of the service, either civil or naval or military. I will go as far as any man to do that; but when it becomes a political jobbery in legislation, drawing a veil over the eyes of the people, I do not believe in any such economy. Appropriate as much money as is necessary for the Army, the Navy, and the civil service, and if you can demonstrate a necessity for a reduction in that way, make the demonstration to the country and satisfy them that you are honest in what you attempt to do; but when you attempt to make that demonstration and then upon a bill like this scatter the money of the Treasury all around the country where it is not necessary for any purpose whatever, except political purposes, I say the people of the United States are too intelligent to be hoodwinked in any such manner. It only is an evidence that men can cry economy when they themselves thrust their hands into the Treasury up to their arm-pits and rob the people of this country and distribute the money for political purposes where it is not needed. It demonstrates that fact, and demonstrates it clearly. They cry economy before the country and demonstrate that they are in favor of economy by crippling the Army because they may dislike it, by crippling the Navy because it has been of no particular service perhaps except to the country which we propose to maintain, by crippling the civil service, by cutting down $50 in the yearly pay of a poor clerk who can hardly obtain boarding and lodging and decent clothing in the town on his present salary. That is the cry of economy that is given to us here to dish out to the people. They will cut down $50 on a poor woman's or a poor man's salary and force the poor clerk to live in a way not decent hardly for people to live, and then go before the country and say to the people, "Why, we are for economy. Did we not strike the poor clerks? Yes, we did. Did we not strike the poor women in the Departments? Yes, we did. We cut down salaries; that is true. We cut down the numbers. There is economy for you equal to a hundred thousand dollars which we have saved by striking them down." They have cut them down so that the work cannot be done. Did you not cripple the Army? Yes, you did. You tried to cut down their salaries; you tried to muster officers out of the service; you tried to cut down the regiments; you tried to destroy the Army by putting it in a shape that no man would know whether it was an army or a confused mass of individuals thrown together without anything to guide or support them. Did you not cut down the Navy? O, yes, you did; you tried to cripple it. Did you not cut down the salaries of yourselves? O, yes, you did that.

Every man has a right to estimate his own capacity and his own worth; and the people may be satisfied that these reformers knew better what they are worth than anybody else; but it was not sincere. The evidence shows it. Some of the very men who have been howling the loudest for cutting down the salaries of members of Congress are men who themselves voted like myself for an increase of salaries some two or three years ago. Therefore it is not an honest economy. It is such economy as a man will preach before an election for the purpose of obtaining votes and for no other purpose. You may tell us that you crippled poor clerks; that you cut down their salaries; that you cut off a few clerks here in the Senate, a few messengers in the Senate, a few in the House, a few in the custom-houses and in the post-offices. We admit that you have done all that. You have stopped the fast-mail trains. We agree to that. You have crippled the mail service of the country. You have done all these things, and for all these things I am willing you shall have all the credit the country will give you. You are entitled to it all for you have certainly done it. I am willing you shall have all the credit for it. When you present this bill showing hundreds of thousands of dollars appropriated for the purpose of satisfying certain districts and certain members of Congress in order to make political capital, you will satisfy the country that there is no honesty in your economy.

In reference to my position on this bill, I will say that I am not in favor of striking out all the amendments and leaving it as the House had it. I will agree to no such proposition. I will not agree that the House of Representatives is the only legislative body in this country. I will not agree that they are endowed by the Constitution of this country with the sole power to legislate for it, and that the Senate has only to bow assent. Whether my State might be benefited by taking the House bill or not, is immaterial to me. There is a principle involved that I will not agree to. I have not made the calculation to see whether the State of Illinois would receive more money by the House bill than it would by the Senate bill, for I do not care; it makes no difference. It is improper; it is not proper legislation. It is not according to the design of this Government or our Constitution that we should submit alone to one body to legislate for the country; and for that reason I will not agree to such a proposition.

I only wish to say further that if we cannot agree upon a proper bill to be passed distributing these funds properly to harbors and rivers where a necessity absolutely exists for the appropriation, then I am in favor of the proposition of the Senator from Vermont. But first I am in favor of the Appropriation Committee themselves seeing whether or not this bill cannot again be put in proper shape. I believe the bill as it came from the Appropriation Committee in the Senate was very nearly a fair bill. I think it appropriated too much money. That is my judgment about it; but if we were to give the amount of money that was in the bill I believe it was as fairly distributed as probably it can be done. If there is a necessity for cutting down further, which a great many Senators think there is, then I am willing that the committee themselves shall take the bill and cut it down in accordance with the sense of the Senate. I am in favor of referring the bill back to the committee for the purpose of giving them an opportunity of rereporting it, either as they did report it or cutting it down in accordance with whatever the sense of the Senate may be. Then, if the House cannot agree upon it, I will take the proposition of the Senator from Vermont as the best proposition we can get; and if we cannot get that let us have no bill at all.

Mr. MAXEY. I have no purpose, Mr. President, to make any additional speech at all; but if I correctly understand the distinguished Senator from New York, I wish to correct a misapprehension under which he seems to be laboring, that I had referred to the State of New York in a sectional sense. Certainly nothing was further from my intention. I referred to the State of New York as the greatest State in the American Union and showed what had been appropriated to New York. That is a northern State. I then referred to the State of Delaware, which is the smallest State, I think, among the old States of the Union, and showed what that State had got; and I then referred to the State of Vermont and the State of Rhode Island in the East, to the State of Ohio in the West, and to the State of Maryland in the South; so that certainly my remarks cannot be construed to have been sectional, nor were they so intended.

I desire further to say that there is not in the State which I have the honor to represent in part the slightest possible sectional feeling toward the State of New York. On the contrary, the city of New York receives more than half of the magnificent crop of cotton which Texas produces. Millions and millions of dollars of commerce and trade flow between the State of Texas and the city of New York. Undoubtedly I have no sectional feeling toward that city or toward that State, and I do not indulge in sectional remarks.

I desire to make a further remark in connection with what I said to which the Senator from Ohio replied. It is perhaps because I do not understand the English language very well that he and I could not look alike. I said that the appropriation was $19,781.12 for Cunningham Creek, Ohio. The Senator says that is a harbor. I took the official report of the engineer, and I could not look at it other than as I have it here. I could not make creek mean harbor. When I came to the appropriation for Sandusky River the Senator said that it is not for Sandusky River, but for a harbor at Sandusky City; but I see in separate and distinct items—

Sandusky City harbor, $176,580.

* * * * * * *

Sandusky River, Ohio, $30,000.

The enginner makes the distinction between the river and the har-

bor, and I cannot make river mean harbor any more than I can make creek mean harbor. In every instance in this bill, so far as I can judge, where an appropriation was made for a harbor the word "harbor" is used, where for a river the word "river" is used, where for a creek the word "creek" is used. I simply took the English language precisely as I found it. I think the tabular statement which I presented abundantly sustains what I said in regard to the appropriation for Ohio.

Mr. CONKLING. I wish to say to the honorable Senator from Texas that if I seemed in my remarks to misunderstand what he said about the State of New York, I am very glad to hear him disclaim a disposition to reflect upon it.

Mr. MAXEY. Unquestionably I had not the slightest sectional feeling.

Mr. CONKLING. And I have only to add, Mr. President, that when I remember all the contributions which have been made by the State of New York for the general welfare; and when I remember on the other side what has been received by that State in return, which I forbear to characterize, I hope the honorable Senator from Texas, if he saw anything too animated in my remarks, will pardon something to the consciousness that I have of the truth of history.

Mr. CAPERTON. Mr. President, I ask the attention of the Senate for a brief period while I attempt to answer some of the objections made to this bill. I will address myself first in order to the objections taken by the Senator from New York to the manner in which the passage of this bill was obtained. He referred to the action upon this bill when it was before the committee of the lower House. He said that he had a right to refer to that. I have no objection to the reference, whether it is within the parliamentary rule or not. He referred to the fact that this bill had been committed to three persons composing a subcommittee; that those three persons had concocted a bill, and that that bill was introduced into the House and passed by that body. He seeks in this way to take from the bill all the credit of the House *imprimatur*.

In the first place I will correct the Senator as to one fact. The Committee on Commerce, I believe, is composed of eleven members, and, so far as I have been informed, the subcommittee was composed of seven members. This subcommittee reported the bill to the main committee and that committee reported it to the House.

The Senator then complained that it was passed under the operation of the previous question; but he did not refer the Senate to the fact that that previous question could only have been had by a vote of two-thirds; so that if there is anything to be inferred from the action in the lower House from the facts as far as we can gather them, without a violation of the parliamentary rule, I think the *imprimatur* is very strong.

Mr. CONKLING. Shall I understand the Senator to say that the previous question in the House is ordered only by a two-thirds vote, or does he mean in this instance that the House suspended the rule?

Mr. CAPERTON. It was a suspension of the rule.

Mr. CONKLING. O, yes; a suspension of the rule, so that the report might be made, without of course knowing what the report was. Nobody knows what the report is when he votes to suspend the rule.

Mr. CAPERTON. It is the same thing. The rule was suspended for the purpose of permitting this bill to be reported.

Mr. CONKLING. Certainly it was.

Mr. CAPERTON. And to suspend that rule requires two-thirds. The previous question requires only a majority. This bill was well known. It had been printed probably for a week before and it is to be presumed that every member of that House was familiar with the provisions of the bill. The very fact that the suspension of the rules could be obtained is proof that there was a very general concurrence in the provisions of the bill on the part of the House.

Mr. CONKLING. May I interrupt the Senator once more?

Mr. CAPERTON. Certainly.

Mr. CONKLING. I understand the Senator now to say that when the rules of the House were suspended to enable the bill to be reported, it was then passed *instanter*, and that the presumption is that every member of the House knew what the report was.

Mr. CAPERTON. Yes, when we take that fact in connection with the other fact, which is very familiar to the Senator, that it is customary to print a bill of this description and place it upon the desks of the members.

Mr. CONKLING. Before it is reported?

Mr. CAPERTON. Before it is reported.

Mr. CONKLING. I will take that into the account when I know it. I do not know any such rule now.

Mr. CAPERTON. I understand that it was recommitted and printed a week or ten days before this action was had. I think this is pretty strong evidence that there was a pretty general concurrence on the part of the members, the immediate representatives of the people, as to the provisions of this bill. I do not think, then, that any prejudice should result from the fact which has been adverted to by the Senator from New York. It is a little extraordinary, it is something upon which we ought to felicitate ourselves, that in regard to a bill of this importance there should be that general concurrence of opinion on the part of the members of the lower House. This bill which operates not sectionally, this bill which applies to the East and to the West, to the North and to the South, this bill which affects Michigan and Maine, Colorado and California, Missouri and Virginia and all the States to some extent, all agreeing and uniting in it, is framed to suit the views, the interests, and the wishes of the people throughout the whole length and breadth of the land, as these facts evidence. I shall not take up the time of the Senate in dwelling longer on this point.

I desire now to speak of the character of objection made by the Senator from Ohio, [Mr. THURMAN,] and the Senator from Maryland, [Mr. WHYTE.] The Senator from Maryland indulged in a good deal of severe denunciation. He said that this bill ought to bring reproach and shame upon the representatives of the people; that it is contrary to all his notions of governmental policy; that it is in violation of the doctrines of the fathers from which he had gotten his teachings, and that he should oppose the bill, as it came from the House, first and last. It is a singular sort of opposition that that Senator is making, as well as the Senator from New York. They propose to build up this bill, they propose to freight this horrible vessel that is to carry so much dismay and destruction to our financial interests. I believe the Senator from Maryland proposed to incorporate in the bill something in reference to the Upper Potomac, and I believe he proposed to reinstate some other amendment which had been stricken out by the Senate committee. I think he wanted to get that in.

Mr. WHYTE. No.

Mr. CAPERTON. At all events his colleague did, and I suppose he concurred and united with his colleague.

Mr. WHYTE. Excuse me. I sustained the committee, but proposed an amendment for the Chesapeake and Ohio Canal.

Mr. CAPERTON. I believe the Senator did offer an amendment to appropriate $150,000 for that improvement. I believe the Senator from Ohio offered an amendment for the Sandusky improvement and the Cleveland improvement. I do not understand the ethics of these gentlemen. I do not understand why, if they are so terribly opposed to a bill of this description, they should be willing to put their little all in this bill and to avail themselves of thus putting it in if it should happen to become a law.

Mr. RANSOM. Will my friend from West Virginia allow me to make a suggestion?

Mr. CAPERTON. Yes, sir.

Mr. RANSOM. I did not have the pleasure of being in the Senate on Saturday, but my observation on Friday was, and the Senator will correct me if I am in error, that nearly every amendment which had been made by the Committee on Appropriations in this body striking out items from the bill which the House had placed in it, was invariably restored, without exception, on the motion of a Senator from the State to which they applied. I hope the Senator comprehends me.

Mr. CAPERTON. Yes, I understand that perfectly. There is no question about that. It is to that point I was addressing myself.

Mr. RANSOM. That is the way I understood the Senator.

Mr. CAPERTON. I say that the Senator from Ohio and the Senator from Maryland were the advocates for the restoration of such amendments, as well as the Senator from New York, I believe, and I am sure the Senator from Vermont [Mr. EDMUNDS] was interested in a little Otter Creek improvement.

Mr. EDMUNDS. Yes; and if the Senator will allow me to say so, it was after I voted with the committee, believing that their judgment must be better than mine, on every item, until my friend over there and all his compeers had overruled them and until there was only seven of us left. Then I said as they say in tanneries, "Let the tail go with the hide," and put in Otter Creek.

Mr. CAPERTON. Yes, sir; and hence it is that I say I do not understand the ethics of these gentlemen. If they think the bill is wrong, that it is a monstrosity, a great vessel carrying away something it ought not to carry, if it is carrying contraband, why will you put your goods on it and say, "If you can get through safely I want to have the benefit of it." Is that the principle, the ethics of these gentlemen who speak against the bill?

Mr. CONKLING. If my friend will pardon me, as he did me the honor to refer to me, will he point out in the bill any instance in the State of New York which illustrates what he is now saying?

Mr. CAPERTON. I do not recollect.

Mr. CONKLING. The Senator will hardly be able to do it. He will find the harbor of Dunkirk and he will find three harbors on Lake Ontario, which has long been called an inland sea. If the honorable Senator will institute an analogy between those harbors on the great lakes and some creek where after it is improved twenty inches of water will be found on which a man can run a scow to float down his cord-wood to market——

Mr. SARGENT. And by which the trout fishing will be improved.

Mr. CONKLING. And whereby, as my friend says, the trout fishing will be improved, (and that makes me suspect that he is not a fisherman,) I will admit that the cases are parallel.

Mr. CAPERTON. The Senator does not comprehend me at all. I understand that he and the Senator from Vermont and the Senators from Maryland and Ohio all oppose this bill. The Senator from New York opposes it. I do not recollect his epithet, but he used some exceedingly harsh epithet. It was a monstrosity. Should any of these Senators help this monstrosity by incorporating their provisions and by connecting their names in that manner with it?

Mr. EDMUNDS. Certainly; "the hair of the same dog effects a cure," they say.

Mr. CAPERTON. The Senators say "although it is a monstrosity, although we think this is a great steal, yet if we can get our provisions in, if we can participate in the steal a little, we will go along and do it." The question must resolve itself to that. I have not analyzed all these various appropriations; some of them may be, as the Senator from Indiana [Mr. MORTON] very well expressed it this morning, of exceeding propriety. I do not know particularly abont them, except those that concern my own State. The Senator from Maryland made reference to them. I think one or two Senators referred to the New River improvement as a river which is not much more than equal to the floating of canoes. Gentlemen speak in regard to such matters without thinking or without information. I call the attention of the Senator from Maryland, as well as the Senator from Ohio and other Senators, to the fact that the portion of that river which is proposed to be improved is a river which extends through the two States of Virginia and West Virginia. More than that, it is upon a line, and it is to be improved for the purpose of affording an outlet from the Chesapeake and Ohio road to the great Virginia and Tennessee road at a distance of some fifty-five or sixty miles, when, if you desire to get from the one point to the other now, you have to go a distance of three or four hundred miles down by Lynchburgh. It does not fall within the objection taken by these gentlemen. It does not fall within the objection taken by the Senator from Ohio, that it is making an improvement upon a river within the limits of a State. I shall not go into that subject, and will only remark that it is well settled that although a river, its source and its mouth, may be within the limits of a State, yet if it discharges itself into another stream upon which there is considerable commerce, it is as much within the contemplation of the Constitution as if it discharged itself into the ocean.

But the Senator from New York says that this is contrary to all the old doctrines of the democratic party; that it is contrary to all of its teachings, and is in the face of a veto which was made of a river and harbor bill by President Pierce. I have a book here which I commend to the attention of the Senator from Maryland, inasmuch as he proposes to set up a new school of political economy, or rather an old school which he proposes to revive and re-establish. I commend this work to his attention, from which he will ascertain whether or not the doctrine which he now maintains has been the doctrine of the democratic party. I see that General Jackson signed three bills for improving the navigation of the Hudson River, and Mr. Van Buren one. I see that bills numbering some dozen for the improvement of the Cumberland road, east of the Ohio River, in Maryland, Pennsylvania, and Virginia, were signed by Jefferson, Madison, Monroe, John Quincy Adams, Jackson, and Van Buren. I see that Jackson and Van Buren both signed bills improving the Pamlico River below Washington, North Carolina. I see that Jackson and Van Buren both signed bills improving Neuse River, the harbor of New Berne, North Carolina. I see that Adams and Jackson, Adams signing one and Jackson six, approved bills for improving Cape Fear River. I see that John Quincy Adams and Jackson and Van Buren signed bills for improving the navigation of the Savannah River. I see that Adams and Jackson and Van Buren all signed bills for improving the navigation of the Red River, in Louisiana; that Jackson and Van Buren signed bills improving the navigation of the Arkansas River, and that Adams and Jackson and Van Buren approved a number of bills for the Cumberland road in Indiana. I see that bills were approved for improving the navigation of the Huron River in Ohio. I do not know whether that is a river entirely within the confines of the State or not.

Mr. THURMAN. Yes; it is in the State.

Mr. CAPERTON. It lies altogether within the State of Ohio?

Mr. THURMAN. It is a port.

Mr. CAPERTON. It is a small river altogether within the limits of Ohio?

Mr. THURMAN. My friends are not quite as well acquainted with their geography as I am. The Huron River is not a navigable river at all. Nobody pretends to navigate it except in a canoe; but below the falls, within a very few miles of the lake, is a port. Sometimes these appropriations have been in name for the river and sometimes for the harbor or port, but they are all really for the port.

Mr. WITHERS. I will ask my friend if the harbor is at the falls?

Mr. THURMAN. No; the harbor is below the falls.

Mr. WITHERS. So I supposed. What do you call the portion between the falls and the harbor? Is it the Huron River, or what?

Mr. THURMAN. The harbor extends up to or quite to the falls. There have been no appropriations for the river above the falls.

Mr. CAPERTON. Still it is a river within the State of Ohio.

Mr. THURMAN. It is the mouth of a river.

Mr. CAPERTON. The mouth is within the territorial limits of Ohio.

Mr. THURMAN. The mouth is on Lake Erie.

Mr. CAPERTON. I understood the gentleman to say on Saturday that Ohio had never asked for an improvement of a river within the State limits.

Mr. THURMAN. Not unless it was at the mouth of a river, and so constituted a port.

Mr. CAPERTON. I see that eleven appropriations were made, signed by Adams and Jackson and Van Buren and Tyler. Here is another bill improving the navigation of Black River, Ohio. That is another river all within the territorial limits of Ohio, I understand.

Mr. THURMAN. Yes; on Lake Erie.

Mr. CAPERTON. I am answering the gentleman's statement that Ohio had never asked for an appropriation for a river lying altogether within the limits of Ohio.

Mr. THURMAN. Either I cannot make myself understood or else gentlemen are very dull of apprehension or cannot understand me, one or the other. I repeat that, so far as I know, Ohio has never asked for a dollar or received a dollar for the improvement of the navigation of a river wholly within the boundaries of that State. These appropriations in name may be for a river; but they are all appropriations for the month of the river where the port is, on Lake Erie.

Mr. CAPERTON. Here I see an appropriation for removing obstructions from the mouth of Ashtabula Creek, Ohio.

Mr. THURMAN. Yes.

Mr. CAPERTON. I see one for improving the navigation of Conneaut, Ohio.

Mr. THURMAN. A very fine port, indeed.

Mr. CAPERTON. Then there is an appropriation for improving the navigation of Cunningham Creek.

Mr. THURMAN. That is a port on the lake, of which I have before spoken to-day.

Mr. CAPERTON. I call the attention of gentlemen who are looking back to the lessons taught by their fathers to these facts.

Mr. MERRIMON. Whom are the bills approved by?

Mr. CAPERTON. By Adams, Jackson half a dozen times, Van Buren, Tyler, and so on, all democrats. These are the fathers to whom the Senator from Maryland proposes to refer us and by whom he proposes to be guided. I do not see that there were any appropriations approved by Mr. Pierce. I understand from the Senator from Maryland that Mr. Pierce did veto a harbor bill on the idea perhaps that Congress had no constitutional power to pass a harbor bill. I do not propose to be taught by Mr. Pierce if that was his doctrine. I do not propose to be guided by the Senator from Maryland if he invokes to his aid the teaching of such men as Mr. Pierce.

Mr. President, I used to hear in old times a great deal about the doctrine of strict construction, and a great deal of opposition to works of internal improvement. It made at one time, as I think the Senator from Maryland said, one of the planks in the platforms of parties; but it has long since rotted out. It never can be re-established. I hope and trust in God it never will be. I shall never take my stand upon it for one. The Senator from Maryland is younger than I am. My mission is but short compared with his. He may succeed in establishing it, but as long as I can wag a tongue I will oppose utterly the doctrines of the old fathers as he maintains them and is illustrated by the veto of President Pierce.

It is almost within my life-time when the State of Virginia was equal in commerce with the State of New York. It is not as much as a century ago when her commerce was equal to the commerce of New York; when her exports were greater and her imports about equal. This equality continued for some little time, up to about 1796, when New York commenced to shoot ahead and Virginia to retrograde, until in the course of not much more than a quarter of a century New York outstripped her 30 to 1 in trade and commerce. That was about the time Washington had pointed out this great line of improvement extending to the West by the Kanawha, for which a little appropriation is provided in the bill, to his countrymen as the line by which was to be opened up an intercourse between the East and the vast valley of the West, when Chief Justice Marshall approved it and surveyed it and held it up. Unfortunately about that time our illustrious men became politicians and ceased to look after the commercial interests of the country. They attached more consequence to the political condition of the country. About the time the doctrines of 1798 and 1799 were coming, this retrograde movement took place. It took place when there was no reason for it; when, so far as all the elements necessary to constitute a great, a rich, and a powerful State are concerned, Virginia was far ahead of New York. She had more within her borders of all those elements which make the foundations of commercial strength and greatness than the State of New York. But they were neglected; and history will bear me out in it, because our great men instead of pursuing the important commercial career which was pointed out by the great man of New York, De Witt Clinton, devoted themselves only to politics and let the commercial interests of the State die.

I say I do not want to be brought back to the ideas of the past. I do not desire to see the fathers, whom the Senator from Maryland relies upon, and that class of politicians re-instated in order to put another obstacle in the way of our advancement. I hope that this great scheme, which found its origin in the brain of Washington and its approval in such men as Marshall, will be revived and that we shall yet see this vast highway opened to connect the East and the West in all their commercial relations.

Now, Mr. President, I have but a word or two more to say. It has been a most pleasing spectacle to me that the subject of this river and harbor bill has engaged the attention and the hearts and the wishes of so many men composing this Congress. There is nothing that conduces so much to bring men together, to soften the asperities which arise sometimes from sectional differences, as the contem-

plation and the working up of these river and harbor schemes. The Senator from New York and the Senator from Illinois seem to apprehend that it is for mere political purposes. I do not know how much of politics there may have been in it. I do not know how many members of Congress may have secured their election by it or how many members of the Senate may secure their return by it. I never stop to inquire about a thing of that sort. I only know that in the operation, the mere effort to bring about these things, you are conducing greatly to that national harmony which it ought to be the desire of every member of this body and the other House to bring about. I think, unless there be some more solid or well-grounded objection to this bill or to some important provisions of it, there ought to be no hesitation in passing it. It was brought about after great care, after great deliberation, after a comparison of views on the part of all the members who might be affected by the various appropriations provided for in the bill; and I will say that respect ought to be paid to the wishes of those who represent those various places.

Mr. WALLACE. Mr. President, the pending motion is one to recommit with instructions to reduce the total to four millions. I shall support this motion of the Senator from Ohio mainly because of the instructions it contains. I regard this bill in its present proportions as a monstrosity, as it has already been characterized on the floor of the Senate, and I will take any parliamentary means in my power to reduce its proportions. The first of those, it seems to me, is to send it to the proper committee in order that they may endeavor there to bring it down to what it ought to be. Following that, if that shall not prevail, comes the motion of the Senator from Vermont, which is to strike out all after the enacting clause and insert a provision by which there is to be appropriated $4,000,000 for rivers and harbors, which are to be expended under the direction of the Secretary of War. To such a proposition I cannot agree. It is exceedingly bad, in my judgment. There is no safety or propriety in intrusting to any officer of this Government, it matters not whether he be the Secretary of War or the Chief of Engineers, or the President himself, the power that belongs to the representatives of the people to make distinct and specific appropriations of their money to legitimate objects of the Government. Short appropriations, distinct appropriations, specific appropriations, are to be made by Congress to carry out the theory that is embodied in our institutions, which the fathers regarded as vital and essential, which is plainly written in the organic law and is as clear and plain as anything that has come down to us from the past. A specific appropriation by the House of Representatives, to be expended under the direction of the proper officer with the necessary safeguards for expenditure and accountability around the Treasury, has come to be an indispensable American principle, and I cannot vote to give to any man the right to expend an enormous amount of the money of the people without control and without direction. These are no times for loosing the bonds of official accountability or for loose appropriations.

But, sir, beyond and above all this, what is this proposition? It is, sir, a confession of the impotence of this body and of its co-ordinate branch of the Government to perform the very duty for which the people have sent them here. This Congress, vested by the people with power to make appropriations, to expend their money, confesses its impotence and practically says, "We are unable to pass an appropriation bill; the Secretary of War shall expend the money at his pleasure." This is the position in which we would be placed by the adoption of the proposition of the Senator from Vermont. I cannot consent by my vote to any such proposition.

So far as I am concerned, I shall endeavor with all my power, as I already have done, to reduce the proportions of this bill. I beg to correct the gentlemen on the other side of the Chamber who have said that all on this side have voted to increase its proportions by voting to restore the amendments stricken out by the Senate committee. I have endeavored throughout not to increase its proportions, but to sustain the committee.

Mr. COCKRELL. Will the Senator allow me a moment?

Mr. WALLACE. I am about to answer the Senator. When the Senate by test votes upon at least three propositions settled the question that the policy of the Committee on Appropriations was not to be followed by the Senate and refused to permit the amendments made by that committee to stand as the sense of the Senate, then, at the request of a member of the lower House, I asked the Senate to restore one of the appropriations that was in the bill of the House, and which had been stricken out by the committee of the Senate. For that amendment, which was $6,000 for the ice-harbor at Chester, I voted. For all the other amendments reducing the size of the bill, as made by the Senate committee, I voted. Have I answered the question of my friend, the Senator from Missouri?

Mr. COCKRELL. Yes, sir.

Mr. WALLACE. I cannot vote for this bill in its present form on two grounds. First it appropriates money for improper purposes, and second, it is extravagant in amount. Whence comes our power to make these appropriations? It comes from the power in the Constitution "to regulate commerce among the States." "Commerce *among* the States" are the words of the Constitution. As I understand the authorities, commerce means and includes navigation; commerce among the States means and includes intercourse between them. Navigation, as applied to this clause, means as well ascending as descending navigation. Without both the stream is not a navigable water of the United States. Intercourse means not commerce and traffic simply from one State by a water-course at its flood into another without the power and means of returning, but also an opportunity for the productions of that other State to traverse the highway and carry its productions to a market. A navigable highway is a water which possesses the capacity of ascending as well as of descending.

Intercourse means interstate traffic. When we find a river that has at its flood a descending navigation, but is naturally in such a condition that it is not navigable in the other direction, then we have no navigable water of the United States within the meaning of the Constitution and the decisions under it to which we can lawfully appropriate money. If I rightly understand the decisions in The Montebello, 20 Wallace, and The Daniel Ball, in 10 Wallace, this is now the doctrine of the law. Although there may have been in the former case the recognition of the right of an appropriation for improvement of the Fox and Wisconsin Rivers, which points beyond this, yet careful study of that case satisfies me that the law is as I have stated it. That case was peculiar. This line was an old thoroughfare. It had been used for many years, and its public character was recognized by the ordinance of 1787, and traffic was shown to have existed there since 1718. The general principle is that where a river is not navigable in fact that Congress has no control over it, but that its control belongs exclusively to the States, and that whether such a stream is a part of a continuous line from a navigable stream, naturally navigable, into another State or whether it lies wholly within the State is immaterial. If a river be navigable in fact within a State as a part of a continuous line of communication Congress has the power to appropriate money to improve it so far as it is so navigable under the power to regulate commerce. If it lie wholly within a State and be navigable in fact, if not a part of a continuous line of communication, Congress has no control over it, and it belongs to the State to regulate its commerce. If it be part of a continuous line from without to within a State, but its character is such that no ascending navigation in fact exists, nor can naturally exist, the Congress has no control over it under this power, but the jurisdiction of the State is exclusive.

Apply these doctrines, these rules of law, the now settled law, not the theories and dogmas of fifty years ago but the law that has grown up from the necessities of your ever expanding commerce, that which has come from the growth of your country, that which has crystallized itself through the decisions of the Supreme Court upon the power to regulate commerce among the States. Apply these doctrines to our present bill for improving rivers, for appropriating money to that object, and we have the question settled, because the court has given us settled doctrines. The rivers to which we may give the money of the United States are those which the Constitution of the United States, as interpreted by the Supreme Court, have recognized to be navigable waters of the United States, and those, and those alone, are such as are navigable in fact, and are avenues of interstate commerce.

In this bill as it came to us from the House there are at least twenty instances of appropriations of money to rivers which are not navigable rivers within the meaning of the Constitution and laws. It is not a question of a short river reaching from a lake into a State. Such a stream may be navigable for but ten miles and still be within the purview of the general power. It seems to me, then, that there is no room for difference between my friend from West Virginia and my friend from Maryland. They will both agree that the doctrines of the Constitution as interpreted by the Supreme Court are our platform, and that the decisions of the court have followed the progressive march of that commerce which the intense desire of our countrymen for gain has pushed to its furthest limits in the development of the natural highways and internal arteries of our great net-work of lakes and rivers.

Take my own State. What would become of the finances of the Government if under the doctrines that are inculcated in this bill that great State were to come here by her representatives and demand that because the Susquehanna is connected with the Chesapeake Bay and bears upon its bosom annually millions of dollars' worth of commerce from its headwaters to tide-water, because that river is navigable for descending in its flood, that therefore the General Government is bound to appropriate the money which would be at least $40,000,000 to create ascending navigation, to clean it out and make a channel by which to ascend to our mountains and draw therefrom the vast treasures of coal, of iron, of grain, and of lumber that we annually produce. No such wild theory has ever been entertained, and we of Pennsylvania prefer that none such ever should be.

Yet that is the doctrine upon which many appropriations in this bill rest. That is the inevitable result of the appropriation of money for these small and non-navigable streams. We believe in no such doctrine. The Susquehanna, like many of the small streams named in the bill, is properly and legally under the control of the State in which they are. The State has exclusive control of them. It is sound theory and good democratic doctrine that the State is to control the streams that are within the State when they are not navigable in fact by ascending navigation.

The bill, Mr. President, is too large in its proportion, too profuse in expenditure. I have nothing to say about what the House did in reference to the bill. Whether it was or was not considered there does

not enter into the question in my mind, but I take the bill as I find it and I but state my conviction when I say that it is enormous in its proportions.

In 1866 and 1867, when we had good times, when there was a redundancy of money, when the revenues of the Government were larger than ever before or since, the river and harbor bill was but a trifle over $3,000,000. Yet now, in these times in which every man is economizing, in which all are retrenching, in which the necessity for retrenchment comes to the Government as it does to the private citizen, this bill is doubled in its proportions. In place of being $3,000,000 and a trifle over, as in 1866, we find it now nearly $7,000,000. It is said that political capital is to be made from this. Then if the bill in the House contained but $5,800,000 and political capital was made out of it in the House, what is to be made of it in the Senate when it is swollen to the proportion of nearly $7,000,000? It necessarily follows that the Senate has taken the same line that the House took, and is inclined to make political capital too. But, Mr. President, it is nothing of the kind. We understand the process by which this bill has been made to assume these unwieldy proportions, and I for one will go as far as I can to reduce its size. If I fail to obtain a reduction of its proportions I shall vote against it. Rather will I permit no appropriation for rivers and harbors this year than to permit a bill with such proportions as this to go on the statute-book when the condition of the country is as it is to-day.

Economy is necessary now; and the taunts of our friends on the other side that we are not honest in economizing, that we are not honest in retrenching, come with ill-grace when they look to the amount which the House of Representatives has reduced the appropriation bills up to this time. When we find, as we do now, competition in every calling, surplus production on every side; when we find and recognize, too, the fact that the increase of but a trifle upon the cost of production that increased taxation makes means, if it means anything, the destruction of some important branch of your manufactures; when it means the shutting off the blast of the furnaces, the filling up of your mines, the throwing broadcast upon the country of hundreds and thousands of artisans and laborers, as it has done in the State that I represent; when increased taxation means this, is it for us to fail to pursue the line that endeavors to reduce taxation, to fail to pursue the line of retrench and economy? We must reduce our expenditures as the beginning of ease in taxation.

Sir, increased or heavy taxation means decreased production, shortened time, unemployed labor, artisans and laborers thrown out of employment. It means, sir, more than this: It means starvation, privation, death in many an American home; it means wife and children pining for want; it means the father upon the bed with fever for the want of the generous food that would come from proper wages to follow from full time of labor and legitimate employment. These, sir, are some of the results that come from increased and ever increasing taxation; and representing such a people as I do, I should be faithless to my highest duty if I did not appeal here in my place for a reduction of expenditure, whether it be upon a river and harbor bill or upon any other bill given to us to pass upon.

But it is said distribute your money, give employment to idle men. It would be a strange paternity, a singular specimen of governmental policy for us to undertake by this process to give to the starving artisans and laborers of this country employment. It would be quenching the smoke of the furnace, putting out the fires of the puddlers, and turning thousands out of employment to mock them with a pittance. Such a paternity would be that which would give to the children who cry for bread a stone. No, sir, let us reduce taxation by reducing our expenditures; let us stop this system which is driving out of existence our manufactures, and let us by a just economy and reduction of taxation enable them to recuperate their exhausted energies.

Mr. President, I shall vote against this bill because it is unconstitutional in many respects, as I view it; because it takes from the States jurisdiction over streams on which the States have the control, and not the General Government; because it sends the agents of the General Government to destroy rights vested under State laws; and because it is extravagant in amount and unjustifiable now. But before I shall vote against it, I shall make every effort in my power to reduce its proportions to a fair amount.

Mr. MORTON. Mr. President, the Senator from Pennsylvania spoke about a proposition to increase taxation and of his being in favor of a reduction of taxation. If any bill has come from the House at this session to reduce the taxes I am not aware of it. Does my friend now of any?

Mr. WALLACE. The appropriation of a less amount for continuing the expenses of the Government necessarily reduces taxation. The Senator knows that as well as I do.

Mr. MORTON. O, no; my friend is entirely mistaken. The taxes are not paid on appropriation bills, but on tax bills. The amount of tax to be collected depends upon tax bills, and it has to be paid whether you make any appropriations or not.

Mr. EDMUNDS. And that is on the tariff and whisky in the main. Which does the Senator from Pennsylvania propose to reduce?

Mr. MORTON. If the burdens of the people are to be reduced by diminishing the amount of taxes they have got to pay, then we must have reform tax bills, and nothing of the kind has been presented to us. It is simply a reduction of appropriations.

My friend from Ohio said a while ago that I had made a partisan speech. My friend dislikes anything partisan, I know; he is so strictly impartial in regard to everything of a political character that for fear of being partial he leans a little to the republican side.

Mr. THURMAN. I do not recollect the instance. [Laughter.]

Mr. MORTON. And I presume nobody else does but myself. [Laughter.] This whole subject of appropriations is political, and every member of this Senate knows it, every member of the House knows it. Talk about keeping politics out of it! I am simply frank and ingenuous, and my friend is simply disingenuous. This whole question of appropriations in the House and here is political, and we all know it, and the object has been to reduce the appropriations, in most cases improperly and to the injury of the public for the simple purpose of making a little political capital. My democratic friends understand this just as well as I do. The whole thing is a state of preparation for the coming election, and every one of the appropriation bills, except this one, is simply a method of preparing to carry this country for the democratic party. We all understand that. It is no use of disguising it for a single moment.

Mr. THURMAN. Do I understand the Senator from Indiana to say that there can be no appropriate reduction of the expenditures of Government, that they have reached their lowest point, and that any reduction is a mere sham and a partisan trick?

Mr. MORTON. My friend must not put it precisely in that way. I did not say that. I have no doubt there can be some reductions in appropriations, always; it is the business of every party, of every Congress to be looking out for such reductions. Sometimes there comes a necessary increase in appropriations, where it is just as virtuous and just as patriotic to make an increase as it is on the other hand to make a reduction; but what I do mean to say, and what I believe, is that the great bulk of these reductions have not been in the interest of economy, have not been in the interest of the country, but simply in the interest of a party to enable them to carry the next election, to go before the country and with a great show of economy and retrenchment say, "See here how much we have reduced the appropriations." But if they were asked "Have you reduced taxes any," they would be compelled to say "No, we did not think about that; we thought you had to pay on the appropriation bills, not on the tax bills; and consequently we confined ourselves exclusively to the appropriation bills."

Mr. BOGY. The Senate was in the way.

Mr. MORTON. Well, it was just as much in the way on the appropriation bills as it was in the way of the reduction of the tax bills; but the House tried it very strongly on the appropriation bills.

One word in regard to the merits of this bill. A good deal is said about improving little harbors and creeks and rivers. My information—and I believe it is true—is that very much good is often done by these small improvements, and that as much is added to the commerce of the country in proportion to the amount appropriated by small improvements as is done by the large ones. Some of our friends who come from States that have received large appropriations think now that there ought to be retrenchment and that we ought to enter upon a different system, and especially when they come from those States that are finished or nearly so; but those that come from States where the commerce is not yet fully developed and where they need this relief take a different view. So far as the Eastern States are concerned they have been liberally treated. They have had none too much, but their improvements are nearly all made. They stand now in need of but very little, although I see in regard to Hell Gate (we have been going at that gate for a long while) there is $300,000 in this bill yet. New York has received an appropriation of seven or eight millions—none too much; it is a great State.

Mr. THURMAN. Will the Senator allow me? New York has received $7,000,000; but the Senator says nothing about what has been appropriated for Michigan. Michigan received 11,000,000 of acres of land.

Mr. MORTON. That is a little diversion, and its exact purpose I do not understand.

Mr. THURMAN. The lands were given for internal improvements.

Mr. MORTON. I was speaking in regard to the State of New York. I said it was a great State and had received none too much; but New York does not constitute, after all, 90 per cent. of this whole country by any means. New York City is the great entrepot of commerce. What comes to the whole country goes through there, and most of what goes out from the whole country goes through New York, and it pays both ways.

Mr. President, a part of the statement made by my friend from West Virginia was very interesting. He showed what had been the practice under democratic Presidents, but he referred especially to the diverse history of New York and Virginia; that as early as 1795 or 1796 New York had turned her attention toward her material interests, and what had been the result? She had grown in power, in wealth, population, and capital; that Virginia had turned her attention to abstractions, and she had followed them up until they had led her to civil war and almost to ruin and bankruptcy. But I think a change has come over the spirit of the South. I think the Southern States now see the necessity of looking to their material interests, and dropping this business of political abstractions which had been followed to their great detriment and the detriment of the nation for so many years; and for one I am glad to see it.

Mr. President, the common run of speeches in this body and the other would indicate that the nation is on the eve of bankruptcy, that our revenues have fallen off until we can scarcely carry on the Government, and that it is necessary to reduce expenditures very largely upon that account. We are told that the people are at the point of starvation. What said Mr. Tilden? I am afraid this will be regarded as partisan. If so, I apologize to my friend from Ohio; but it is a part of the current history of the country. Mr. Tilden, who was nominated by the democratic party for President the other day, was serenaded at Albany two or three nights afterward, and in his speech he said that the wolf was at the door of nearly every house in this country gaunt and hungry; and he said that the product of the centennial year—I think I can give his very language—was licensed evil and wickedness and those crimes for which our fathers left the Old World and planted themselves in this new wilderness. It is that kind of talk which is to enter so largely into this campaign, and that is so largely false, absolutely false. There is distress in this country, but no such distress as that. There are many men out of employment. There are those who are suffering for the means perhaps of living. But this is nothing like so general as we are told. The country is not upon the brink of ruin and starvation. That statement, in substance, in the body of it, is absolutely untrue, put out for political effect; and these appropriations are to be reduced, in many cases so improperly, upon the statement that the National Government is upon the eve of bankruptcy, that our revenues have gone down to a very small amount, and that we are compelled to make these reductions for the purpose of paying our way.

Mr. MERRIMON. I would call the Senator's attention to the fact that the number of failures in this country for the last six months was near five thousand, and the amount for which they failed over $100,000,000.

Mr. MORTON. There have been a great many failures, and there are going to be a great many more, I fear. We have had a panic, and it will take us some years to get over it. It is said the issues of the war are all passed; but my friend should bear in mind that these are a part of the consequences of the war inevitably. They have come upon us, and time alone can cure them all. But what I mean to say is that they are not one-half as bad, they are not one tithe in their magnitude what is represented for political purposes.

Mr. President, the Secretary of the Treasury now, recently a member of this body, in a speech the other day which was the result of very careful preparation on his part, made a statement in regard to the revenues of the country. I desire now to call the attention of the Senate to that statement. He was better informed than I am.

Mr. LOGAN. I would call the Senator's attention to a fact that he well remembers, that it has not been but a few years since large appropriations every winter were made to feed the starving people of Washington City. There has been no such appropriation this winter or the last two years; so that the distress has not increased specially here.

Mr. MORTON. The Senator is entirely right about that, and it is one of the circumstances that enter into the general statement of the situation. I will ask the Secretary to read the statement of the Secretary of the Treasury as a member of this body a few days ago on this very question.

The Secretary read from the RECORD of July 8 as follows from remarks of Mr. Morrill, of Maine:

> Now what is the fact? The late Secretary of the Treasury in his report told us that the receipts for the next year would be equal to all the obligations of the Government, including the sinking fund. I know, in answer to that, it will be said that since that time there has been a falling off in the customs revenue. That is true; but how much? Not above $6,000,000. And do those who reckon in that way know that the balances saved from the appropriations of the last year nearly meet the deficiencies up to this time? That is never taken into account; nobody has even observed that so far as I know. Ah, it may be said that we appropriated extravagantly last year. No, not at all. Under the present accountability of the Departments it has become the policy of Congress, and no sounder policy ever did exist, to say to these Departments "You shall not spend one dollar for anything except for that for which it was specifically appropriated." Therefore, it will be seen that it has become the necessity of Congress to appropriate amply for the service, and the balance goes into the public Treasury. That accounts for the latitude in some of the branches where appropriations have been made. But what has been the result? The accountability under the act of 1870 has become so strict and so exacting that whoever is disposed to read the estimates, the appropriations, and the expenditures of the Government can tell what they are for each year with as much certainty as he can tell the state of his own private account, unless there is fraud and forgery in the exhibit. Now what I mean to say is that the expenditures of this year fall short of last year over $6,000,000.
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> As to next year, the latest estimate that I know anything of from the Treasury is: From customs, $150,000,000; from internal revenue, $122,000,000; from miscellaneous sources, $19,000,000; making $291,000,000 in all. If those receipts are to be realized, and they stand as against $303,000,000 last year, then the revenues of this Government are ample for all its purposes. Of course, it does not lie in human wisdom to say with entire accuracy whether that will be so or not. General causes operate upon our customs receipts and upon our internal revenue; but the probability, from the best information the Department has upon the subject, is that our revenues from all sources will amount to $291,000,000, which will be, according to the appropriations of this year, ample to meet all the obligations of the Government, including the sinking fund.

Mr. MORTON. That I believe to be a correct and fair statement, so far as I know. The statements made by Mr. Tilden, and they are the common talk of his party, that the wolf is at the door of nearly every man in this country; that the Government is on the brink of ruin, and that the centennial products of this year are the licensed wrongs and wickedness that brought our fathers to this country, I believe in their substance and in their body are false, and I do not want to see currency and strength given to them by what is said in this body. It shall not be said and go unrebuked, at least while I am present.

In regard to this bill I care very little. I spoke of it this morning simply for the purpose of calling attention to the fact that this bill was a rebuke to the action of the House and of the democratic party upon all other appropriation bills; that as this bill went to the local interests of Senators and Representatives the appropriations were maintained and even increased, while upon other bills where the appropriations were not local, did not go to the personal interest of members but went to the general interest of the Government, the appropriations were largely reduced; and my friend from Ohio confessed that I was right, and called the attention of his friends not long ago to what I said on that subject and said they would be told of it time and again this year. My friend could not fail to perceive that, and he warned his party friends that this bill would be held up as a contradiction of the avowed purpose for which other reduction in the appropriations have been made.

Mr. KERNAN. Mr. President, I have urged on this body, I have urged it believing it to be true, that the condition of the people of the country, the condition of their business, and the condition of their currency called on Congress to appropriate as small an amount out of the Treasury as would enable us to get along without serious detriment to the public service. I shall be very happy to know that I am mistaken; but I am surprised to hear the argument that there is nothing in the condition of the country or of the Treasury that calls upon us to scrutinize bills that we pass appropriating public money.

Mr. MORTON. If my friend from New York refers to me, he has not correctly understood me. I have not said there was not distress and suffering in the country; but I have said that the representations upon that subject were grossly exaggerated. I have said that so far as appropriations were concerned, they did not reduce the burdens of the people, that the burdens are laid by taxation and not by appropriations; and if my friend will allow me one moment, I will say that if the reductions should be made according to the bills sent to us by the House of Representatives there would be a large surplus revenue which would be invested in the payment of the debt; but the reduction in the appropriations does not relieve the burdens of the people at this time. What the people have got to pay, whether they are able to pay or not, is determined by tax bills, not by appropriation bills.

Mr. KERNAN. Everybody here certainly knows that the reducing of appropriation does not *per se* reduce taxation; but everybody knows that if are going to reduce taxation we must reduce appropriations, or we ought to do so. How are the people to be relieved? It is by letting us, if we can, have a surplus revenue that goes to pay the debt, and then we know that we shall be able to reduce taxation. We cannot do it in an appropriation bill, I know. But why is the argument put forth as though it rebuked those who incidentally say as I said yesterday that we must cease to appropriate so largely if we ever intend to cut down taxation? The object of trying to keep three or four millions of this bill in the Treasury is that it may go to some other necessary purpose, and that we may have a surplus, and having a surplus we can then reduce taxation, and have a proper system.

So far as the argument about this bill goes, we must treat each appropriation by itself, and if we can, without serious detriment to the public service, reduce the appropriation by $3,000,000, bringing it down from $7,000,000 to $4,000,000, it is a service to the people and will relieve them of so much taxation in the future. The Senator from Indiana seems to rebuke those who talk of this as a time for economy. He knows that the returns for the last six months show that the number of failures is larger and the amount involved in the failures larger than for the previous six months. The distress is reaching the most thrifty portion of the country. I saw it stated that it had affected New England. All this shows that there is a very large body of men thrown out of employment, and surely the people are not in a condition to make light of the suggestion that it is a time when we should all seek to appropriate as small a sum as is consistent with the absolute necessities of the Government.

Mr. EDMUNDS. May I ask the Senator what are the causes in his opinion of these failures? Is it taxation by the national Government, by customs, and by the whisky tax?

Mr. KERNAN. I believe it is a combination of causes, and I believe that one of the reliefs is by lightening all classes of business from direct and indirect taxation.

Mr. EDMUNDS. What are the causes?

Mr. KERNAN. I shall not now in a five minutes speech attempt to recount them all, if I could; but I still say, and, if I am mistaken, I shall be happy, that really the people are suffering from depression so that they ought to be relieved from every dollar of taxation we can properly relieve them from. If Mr. Tilden is wrong, and the Senator from Indiana is right, if this is not a time of depression and hardship that requires economy, the country will know it and I will not argue it. Every man in his neighborhood can find it out. All I want to say is that I trust gentlemen will not be moved by the argument that the state of the people and the state of the Treasury is such that we need not pay much attention to cutting down this bill three or four millions dollars.

Mr. FERRY, (Mr. MITCHELL in the chair.) Mr. President——

Mr. HOWE. Mr. President, I know my friend from Michigan wants to occupy some time, and as I want to occupy but little, I ask his permission to occupy that now.

On the pending question of whether we are poor or not too poor, I want to make one remark. I am not so familiar with the condition of the country as a great many others are. My own impression is that the country is not so rich as that we can afford to make an improper or profligate expenditure in any direction, and on the other hand I am inclined to think the country is not so rich as that we can afford to withhold an expenditure which is calculated to make the country richer. I never saw the time, I never read of a people so prosperous that they could afford to throw away money in appropriations. There is not an expenditure in this bill before the Senate which this country could ever afford to make unless it is one which will make the country stronger and more prosperous. If these appropriations are wisely made, then they tend to make the country greater, wealthier, and more prosperous. So many of them as are not of that character, you ought to take out of the bill. So many of them as are of that character, if you hesitate to make them upon any theory that you are poor, I must say in all sincerity the Senate will be very unwise. Sir, the object of all these appropriations is to water all the channels of our national prosperity and make the increase more abundant.

Mr. EDMUNDS. Water the stock.

Mr. HOWE. Not to water the stock, but to enlarge the stock, and to water the crop and to increase the harvest; and the man who refuses to make a sensible appropriation in this way and in this direction upon the ground that the country is poor, you will one day be dead sure to see, unless an early death overtakes him, refusing to plant in spring because he is too poor to part with his seed.

Mr. FERRY. Mr. President, in the discussion of this bill I find the maxim again verified, that the first shall be last and the last first. Michigan seems to be first and last the target at which all the opposing weapons are aimed. In the opening of the discussion upon this bill Michigan was made the fore-front.

Mr. EDMUNDS. And in the bill, too.

Mr. FERRY. And in the bill, too, my friend from Vermont says. Yes, in good-fellowship with Vermont and other States, as she has the right to be in apportionment for rivers and harbors. And so at the closing of this discussion we have Michigan again arrayed before this body. The Senator from Vermont, who says Michigan is in this bill, said that the presiding officer left the chair and came down upon the floor to thunder upon this bill.

Mr. EDMUNDS. No, I said Jove came down.

Mr. FERRY. Jove, he stated, came down. I do not arrogate nor emulate. I leave the Senator at liberty to do so. The Senator from New York [Mr. CONKLING] stated that the Senator from Michigan called upon the friends of this bill as though the Senators of that State were alone the friends of this bill, and so the Senator from Ohio [Mr. THURMAN] could not resist the temptation to rise and say that Michigan had received 11,000,000 acres of land for internal improvements. It is, Mr. President, a very mixed suggestion to cite an appropriation of lands for internal improvements years past on an appropriation bill of to-day for rivers and harbors.

Mr. President, by the generosity of this body I have been charged with the responsible duties of the chair which you now occupy, and I think I have shown my appreciation of that designation by the constancy with which I have attempted to fill it. When a harbor and river bill is before the Senate for consideration, Michigan having a coast of over seventeen hundred miles, which is 15 per cent. of the whole coast of the nation, with an annual commerce in number of vessels cleared and tonnage of 49 per cent. as to vessels and 34 per cent. in tonnage as compared to the whole coastwise trade of the country, I ask whether it would become my duty and whether I should ignore my obligation to the State I in part represent by remaining in the chair and by not taking the floor in fidelity to the interests of my State? Could I be so indifferent to what so largely concerns the State of Michigan? Senators will bear me out that I do not unnecessarily occupy the floor, and I should not have done so on this occasion had not my State been directly and largely interested in the bill. It then became my duty to do it, and I should have been unworthy my trust if I had not. What has been my course upon this bill? When I found the Committee on Appropriations in their labors incident to the reference of this bill to that committee encountering perplexity and difficulty in finding some principle upon which they could be just and impartial to the whole country, I acquiesced in the policy which they settled upon, but with notice that I would appeal to the Senate. I ask the Senate whether I did or did not in the best of spirit make that appeal to their judgment upon the report of that committee? I stated then, as I state now, that the committee of the Senate fixed upon the same amount substantially that the House of Representatives fixed. They added less than $40,000. I think the chairman stated that the committee had increased the bill $36,000. I want that borne in mind when I recall the proposition I made on Saturday to concur in the House bill. I was advancing the policy of economy when I did it. When I discovered on that day that the bill was being loaded down, I suggested that by falling back upon the House bill we should save a large amount and have a more economical bill.

Now, Mr. President, in regard to the State of New York; and I refer to it in good temper. The Senator from New York [Mr. CONKLING] alluded to Michigan while I was in the chair, and drew comparisons and made reflections prejudicial to her standing in this bill.

Mr. CONKLING. I must beg the Senator's pardon. I did not allude to Michigan. It was a French king I believe who said "I am the state." The Senator does not mean to say that; and unless he is the State I did not allude to Michigan. I alluded to his calling upon the friends of the bill to take the House bill as it was. That certainly was not an allusion to the State of Michigan.

Mr. FERRY. No, Mr. President, that is a fine distinction, but bears the like implication that "I assumed to be the State." The honorable Senator referred then to the appeal I made to the Senate that the friends of the bill should stand by the House bill if the Senate bill could not be passed. If I was mistaken in the implication of the Senator, I ask his pardon and I take it back.

Now I will, as he did, draw a comparison, because it fits the case in hand; and I do it, as I said before, fortified by the fact that I have voted for every increase of appropriation for the State of New York. If I had opposed any appropriation for that State I could not fairly indulge in this illustration. The Senate committee in their report recommended for the State of New York $191,000 more than the House bill contained for that State. It was due to New York. I make no complaint of it. That was 37 per cent. of increase over the House bill for the State of New York. The Senate, by non-concurring in committee amendments, increased this so that the bill now gives New York $230,000 instead of $191,000 increase over the House bill, being an increase by the committee and by the Senate as the bill now stands over the House bill of 45 per cent. I do not imply that that is more than New York should have; it is not; and I am glad that I aided in giving her that amount; but when Michigan is invidiously arrayed I desire that justice should be done to that State. What are the facts? The Senate committee reported less for Michigan than the House bill gave her by over $44,000—a percentage of decrease on the House bill of over 8 per cent., instead of an increase of 37 per cent. as in the case of New York. The Senate in the progress of the bill added to this for Michigan, so that the bill as it stands to-day gives $3,000 more to Michigan than the House bill gave to her, instead of an increase of $230,000 as was given New York, being for Michigan an increase of $\frac{1}{70}$ of 1 per cent. and for New York an increase of 45 per cent. I was careful on Saturday to say that I was willing, if the disposition was to kill the bill, to fall back upon the House bill as more economical than the Senate bill. I was careful not to urge that the Senate bill be taken because it involved even a small increase to Michigan in the aggregate, for I might have been taunted with the fact that well I might because it was an increase over the House bill.

Mr. EDMUNDS. Do you say that the committee reported an increase over the House bill?

Mr. FERRY. I did not. If the Senator had paid attention to what I said he would have understood that I did not.

Mr. EDMUNDS. I paid the strictest attention.

Mr. FERRY. I said the Senate bill reported for Michigan less than the House bill gave her by over $44,000. I add that in the progress of the bill up to its present condition the Senate had added thereto until Michigan has more than the House bill by $3,000, as the bill now stands amended.

Mr. EDMUNDS. Do I understand you to say that the Senate committee reported more for Michigan than the House bill contained?

Mr. FERRY. I repeat, no; the Senator is less astute than he usually is, or he does not give attention to my words, or else I have a very blundering way of expressing myself.

Mr. EDMUNDS. Something is the matter, evidently.

Mr. FERRY. Evidently there is. I will again repeat what I did say and ask the special attention of the Senator. The Senate committee reported upon the House bill referred to them a decrease of $44,000 for Michigan, which was of course less than the House bill gave by $44,000. Does the Senator understand me so far now?

Mr. EDMUNDS. Yes, I have got as far as that.

Mr. FERRY. In the progress of this bill in its consideration here in the Senate by non-concurring in the amendments proposed by the committee the Senate so far increased the appropriations to Michigan as to make the aggregate for that State more than the bill as it came from the House by $3,000. Does the Senator understand me throughout?

Mr. EDMUNDS. Now I understand it.

Mr. FERRY. Therefore I say I hesitated on Saturday to urge any preference for this bill as it stands amended by the Senate because it increased the appropriation for Michigan. Now, since I have stated the fact, I will say that I am willing to vote and I shall vote for this bill, notwithstanding amendments have been made which I wish had not been made; but I defer to the judgment of the Senate.

What was my proposition? On Saturday, when I discovered in the progress of the bill that certain Senators who first concurred with the amendments of the committee afterward non-concurred in their amendments and still further retraced their steps in order to reconsider the concurrence with the committee and by that means increasing the appropriations to the various States—when I discovered what was being done and which was not only palpable to the Senate but was freely stated within our hearing, that loading down the bill would be an effectual way of defeating it, I proposed then in order to save some bill that the House bill be agreed to. I did this when it was

indicated by the proposition of the Senator from Vermont to recommit the bill upon a basis of four million——

Mr. EDMUNDS. That was not my proposition.

Mr. FERRY. No; but left the Secretary of War to distribute the money.

Mr. EDMUNDS. You said to recommit. I made no such proposition. My proposition was to amend by providing four millions.

Mr. FERRY. I stand corrected, not in amount, but in form. The proposition of the Senator from Vermont was a substitute for the bill by placing four millions in the hands of the War Department to be distributed by the judgment of that Department. The proposition of the Senator from Ohio [Mr. THURMAN] was to recommit the bill with instructions to the committee to insert four millions as the basis, and that the committee frame the distribution. I foresaw, by the former labors and perplexity of the committee, that it would be almost an impossibility to make such a distribution and give as much satisfaction as they had given by their report. I moved an amendment to those instructions, that the committee be instructed to insert the House bill. At the instance of the Senator from Georgia [Mr. GORDON] I withdrew that amendment on his suggestion that we should non-concur in all these motions and non-concur with the Senate amendments and the amendments of the committee, and thus be brought back to the House bill, in accordance with the proposition I first made.

Now, Mr. President, let me consider for a moment whether or not the House bill is in the interest of economy. I have no official scruples; I have no etiquette; no sensibility to be vexed by agreeing to the House bill, and thus affirming the judgment of the House. I reiterate what I said on Saturday, that I believe each member of Congress knows more and better of the interests of his locality and of his own congressional district than a Senator can representing in part a State; at least I will assume that as to myself, and as I am a peer with others here it cannot be unfair to ascribe it to others, and until they can show to the contrary the position I will assume to be a sound one. Familiar as I am with my native State, I accord to the different members from Michigan of the other House greater knowledge of their districts, and I have acted on that basis when the amount of appropriation for the State was assigned by the committee of the House, for I co-operated with them in State distribution within the limits thus apportioned to the State.

In doing that I showed by my action that I conceded that the members from Michigan of the House understood the interests of their districts better than I. On Saturday last I appealed to the friends of the pending bill, whoever they might be, without intimating who the friends of the bill were. I made that broad appeal, which would include every sympathizer and friend of the bill. It included myself and it included others; and if it excluded any, it was by their own election and action, not by mine. My appeal was solely for the purpose of saving some bill. I foresaw the objection to placing $4,000,000 in the hands of any committee and charging them with the perplexing and almost impracticable duty of adjusting it to the satisfaction of this body or the other, and unwilling to impose the burden or the trial, much less to cast in any way reflection upon the committee; far from it. I could not concur in such a proposition.

Now, let me see whether the House of Representatives in framing this bill acted in the interest of economy. No exception, I take it, will be taken because it originated in the proper House as has been the custom heretofore. There has been nothing irregular about that. The bill came from the House as it always does. The Senator from West Virginia commented upon what had been said by the Senator from New York, within the proprieties of the rule of course, in giving the history of the progress of the bill in the House. That history which the Senator from New York gave is the history of the progress of this bill not only but many others on numerous other occasions in the House, as we all know; and if I were to know or could know what had occurred in the Committee of the Senate on Appropriations I should assume that the business had been submitted to a subcommittee in order to economize time and facilitate progress, then reported to the general committee. I do not know that to be so, but I should suppose it to be so. It is customary in much of the business transacted by either body; and as that was the case in the House, as stated by the Senator from New York, it may be a fair presumption that it was so in the Senate. I do not state it; but as was said of the House, it may be said to be the common procedure in legislative bodies. When the bill was reported to the House, as stated by the Senator from West Virginia, it lay upon the tables in print several days, for a week at least, and then the rule was suspended by two-thirds vote and the bill was upon the previous question passed. I see nothing especially singular nor irregular in that. It is a common practice

Now, Mr. President, I come to the course the House has taken in respect of this bill, and cannot see that there is anything especially political in it. The Senator from Indiana has well stated that this is not a political bill. If we wanted any more evidence of that it lies in the fact of the division to-day upon the merits of the bill on either side of this Chamber. The Senator from West Virginia differed with others of his political *confrères*, showing that there is no political complexion given to the bill. It is for the interests of commerce throughout this country.

It is not strange that in the framing of this bill for all sections and all States there should be a difference of opinion, and some places and States getting more than others. There is nothing strange in that. On a bill of this character I find no difficulty in concurring with the House of Representatives, the larger body of the people, who are as well calculated to suit the interests of the localities as members of this body who represent States. I have so believed in regard to the interests of my own State and have so acted. Without any abdication of rights or trust I can cheerfully do this with no violation of feeling nor breach of etiquette between the two Houses. I do not feel that it is surrendering to the House of Representatives. It simply is concurring in the judgment of the co-ordinate branch of Congress. I say it is merely fortifying our own judgment with the judgment of the House. I am reminded by the fact that the Committee on Appropriations reported to this body for its action substantially the same amount contained in the House bill. To that extent the committee of this body verified the judgment of the House, although in its distribution the two differed. It was a very natural incident to differ upon that; but when they came to the same amount, to that extent they concurred in judgment.

We as a Senate have increased the bill by the amount of $800,000. We have differed with the judgment of the House. I am willing now to adopt the Senate bill as it stands to-day. I shall vote against the recommittal proposed by the Senator from Ohio. I shall vote to disagree to the substitute offered by the Senator from Vermont. I shall then vote for the bill as it now stands. If it is not to carry I shall then non-concur in the Senate and committee amendments and take the House bill.

Why do I do this? At the opening of the bill I stated that I would vote for non-concurrence in the committee's amendments on the statement of any Senator giving good reasons for the appropriation, and have so voted. Wherever there was a failure to do so, I did not vote against the action of the committee. But when the Senators gave good reasons, as I professed and tried to give in the case of appropriations for Michigan, I voted for their amendments and non-concurred in the amendments of the committee precisely as I did in the case of my own State.

Probably in some cases we have placed upon this bill amounts that we should not: but that is an inevitable sequence of any bill. You please every State. You cannot adjust this bill to every section upon principles of entire justice. It must be based upon a principle of practical sense; upon a policy of giving to the different sections the best we can under the circumstances for the interests of commerce; for this distribution involves easier and cheaper transportation and the growth and development of the country. I dismiss it from the plane of politics and I place it upon an industrial basis. It commends itself to the people, and it may be to the other branch of Congress, and to this

Mr. President, failing, if I should with others with my vote in passing this bill as it now stands, I shall then vote to non-concur in all the amendments of the Senate and committee, and fall back upon the House bill. The House has given us a bill less in amount than last year. The bill of last year was $6,293,000; the bill of this year is $5,872,000, a reduction of $400,000 and over. The House having acted to that extent in the interest of economy, I am not far from such commendable landmark when I stand upon the House bill. If I cannot get the Senate bill, notwithstanding it increases it $800,000, I will as the only resort support the House bill. This will accord with a spirit of economy, and will commend itself to good judgment and to the people.

I am surprised at the implication that when we originate bills and they go to the House, and the House concurs, or when the House originates bills and they come here and the Senate concurs, it should be considered a surrender of either House to the other. No, Mr. President, it is an affirmation in our official capacity and upon our best judgment, that the other House is right. And so when we pass a bill and the other House concurs they also affirm our judgment to be best and that the Senate is right. So I have no feeling in this respect. I care not for such a matter where a bill originates. All that I care is that it shall be measurably just; all that I ask is that it shall in the main be in the interest of economy; and the most I do care is that a bill of this character shall commend itself to the judgment of the people and shall conserve their best interests. I appeal to Senators if the people have not generally accorded with what has been done on river and harbor bills.

In 1871 the river and harbor appropriation bill aggregated $4,800,000; in 1872, $5,400,000; in 1873, $6,300,000; in 1874, $5,500,000; in 1875, $6,290,000, and this bill from the House proposes $5,800,000. It is therefore less than the bill of last year; and we cannot by comparison of the two years past be chargeable with extravagance.

Now, Mr. President, I conclude. Nor have I occupied much of the time of the Senate; but I have claimed this much as a right; and whenever the State of Michigan is concerned it shall be my duty, together with my colleague, to defend the interests of the State we have the honor to represent; and I should be recreant to that State and to the country of which she forms so valuable and honorable a part, if I failed to maintain her rights.

Mr. SARGENT. I move that the Senate proceed to the consideration of executive business.

Mr. EDMUNDS. I wish the Senator from California would let me make a little speech.

Mr. SARGENT. I yield.

Mr. EDMUNDS. I do not want more than three-quarters of an hour; but if the Senate desire an executive session, I have no objection to postponing what I have to say.

Mr. SARGENT. If the Senator has no preference——

Mr. EDMUNDS. I had just as soon speak to-morrow.

Mr. SARGENT. I move that the Senate proceed to the consideration of executive business.

The PRESIDING OFFICER. If there be no objection, before submitting that motion the Chair will lay before the Senate some House bills for reference.

Mr. HAMLIN. I think we can dispose of these bills in the morning hour to-morrow at their proper time.

The PRESIDING OFFICER. The question is on the motion of the Senator from California.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were re-opened, and (at five o'clock and thirteen minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, *July* 17, 1876.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. I. L. TOWNSEND.

The Journal of Saturday last was read and approved.

NEW YORK POST-OFFICE.

Mr. POPPLETON, by unanimous consent, from the Committee on Expenditures on Public Buildings, presented a report of their subcommittee on the expenditure of public moneys in the construction of the post-office building in the city of New York, the furnishing of the same, &c., and moved that the report, together with the testimony, be printed and lie on the table.

The motion was agreed to.

ORDER OF BUSINESS.

Mr. SCHLEICHER. When the House adjourned on Saturday, I was in possession of the floor for the motion that the House resolve itself into Committee of the Whole on the report of the committee in regard to Texas border troubles.

The SPEAKER *pro tempore*. That cannot interfere with the morning hour on Monday. The morning hour begins at twelve minutes past twelve o'clock; and this being Monday, the first business in order is the call of the States and Territories, beginning with the State of Maine, for the introduction of bills and joint resolutions for reference to their appropriate committees, not to be brought back on motions to reconsider. Under this call memorials and resolutions of State and territorial Legislatures may be presented for reference and printing.

WASHINGTON MONUMENT.

Mr. HOPKINS introduced a bill (H. R. No. 3897) providing for the construction of the Washington monument; which was read a first and second time.

Mr. FOSTER. I call for the reading of the bill at length.

The bill was read at length, and was referred to the Committee on Appropriations, and was ordered to be printed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, informed the House that the Senate was ready to proceed upon the impeachment of William W. Belknap and to receive the managers on the part of the House, and that the Senate Chamber was prepared with accommodations for the reception of the House of Representatives.

N. P. CHEDESTER.

Mr. VANCE, of North Carolina, introduced a bill (H. R. No. 3898) for the relief of N. P. Chedester, of North Carolina; which was read a first and second time.

Mr. FOSTER called for the reading of the bill.

The bill was read, referred to the Committee of Ways and Means, and ordered to be printed.

BRUNSWICK AND ALBANY RAILROAD COMPANY.

Mr. SMITH, of Georgia, introduced a bill (H. R. No. 3899) for the relief of the Brunswick and Albany Railroad Company; which was read a first and second time.

Mr. FOSTER called for the reading of the bill.

The bill was read, referred to the Committee on War Claims, and ordered to be printed.

R. BENACHI.

Mr. SPENCER introduced a bill (H. R. No. 3900) for the relief of R. Benachi; which was read a first and second time.

Mr. FOSTER called for the reading of the bill.

The bill was read, referred to the Committee on War Claims, and ordered to be printed.

JOHN HORNER.

Mr. ATKINS introduced a bill (H. R. No. 3901) granting a pension to John Horner; which was read a first and second time, referred to the Committee on Revolutionary Pensions, and ordered to be printed.

HUGH DAVIS.

Mr. YOUNG introduced a bill (H. R. No. 3902) for the relief of Hugh Davis, of Lafayette County, Tennessee; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

WESLEY WOOD.

Mr. A. S. WILLIAMS, introduced a bill (H. R. No. 3903) for the relief of Wesley Wood; which was read a first and second time.

Mr. HURLBUT called for the reading of the bill.

The bill was read, referred to the Committee on Military Affairs, and ordered to be printed.

PROTECTION OF THE TEXAS FRONTIER.

Mr. REAGAN presented the joint resolution of the Legislature of the State of Texas, instructing their Senators and requesting their Representatives in Congress to ask protection for the frontier and compensation for past expenditures by the State in that behalf; which was referred to the Committee on Military Affairs and ordered to be printed, and also to be printed in the RECORD.

The joint resolution is as follows:

Joint resolution instructing our Senators and requesting our Representatives in Congress to ask protection for the frontier, and compensation for past expenditures by the State in that behalf.

Be it resolved by the Legislature of the State of Texas, That the Federal Government owes to Texas protection of her exposed frontiers, by virtue of her right as a member of the Union, to an equal participation in the benefits and blessings which its Constitution guarantees to all the States, among which is defense against invasion; and the republic of Texas, upon her accession to the Union, having ceded to the United States all public edifices, fortifications, barracks, ports and harbors, navy and navy-yards, docks, magazines, arms, armaments, and all other property and means pertaining to the public defense, the faith of the United States thereby became solemnly pledged to extend to the frontiers of the said republic of Texas the most ample protection, without which, as a condition-precedent, Texas would have had no sufficient inducement to surrender her independent political position.

SEC. 2. That our Senators in the Congress of the United States are hereby instructed, and our Representatives are hereby requested, to present to Congress now assembled these resolutions of the Legislature of the State of Texas, and to urge upon that body the enactment of such laws as will secure to our frontiers ample military protection against Indians and Mexican freebooters; the military forces of the United States on our borders being too weak, under the most effective command, to afford such protection, and the State of Texas being compelled in defense of the property and lives of her citizens to maintain in the field a considerable military force at her own expense.

SEC. 3. That our said Senators be instructed and our Representatives requested to present and urge before Congress the passage of a bill re-imbursing the State of Texas for the large appropriations of money which from time to time have necessarily been made by her Legislature because of the failure of the Federal Government to provide sufficient protection to our frontiers.

SEC. 4. That the governor of the State be requested to transmit to our Senators and Representatives in Congress a copy of these resolutions, together with an itemized statement of all expenditures made by the State in the protection of her frontiers.

SEC. 5. The fact that Congress will adjourn at an early day and the necessity for prompt action requires that this joint resolution take effect, and it is hereby declared that it do take effect, from and after its passage.

Approved July 6, 1876.

THE STATE OF TEXAS,
Department of State.

I, A. W. DeBerry, secretary of state for the State of Texas, do hereby certify that the above and foregoing is a true and correct copy of the original enrolled senate joint resolution No. 169, passed by the fifteenth Legislature of the State of Texas, and now on file in this department.

In testimony whereof I have hereunto signed my name and affixed the seal of State at the city of Austin this 7th day of July, A. D. 1876.

A. W. DEBERRY,
Secretary of State.

[SEAL.]

JOHN H. PICKERING.

Mr. TUFTS introduced a joint resolution (H. R. No. 149) for the relief of John H. Pickering; which was read a first and second time.

Mr. HURLBUT called for the reading of the joint resolution.

The joint resolution was read, referred to the Committee on Indian Affairs, and ordered to be printed.

NATIONAL SANITARY ABBATTOIR COMPANY.

Mr. KASSON (by request) introduced a bill (H. R. No. 3904) to incorporate the National Sanitary Abbattoir Company of the District of Columbia; which was read a first and second time.

Mr. KASSON called for the reading of the bill.

The bill was read, referred to the Committee for the District of Columbia, and ordered to be printed.

SUPPRESSION OF SIOUX HOSTILITIES.

Mr. PHILLIPS, of Kansas, introduced a joint resolution (H. R. No. 150) to authorize the President of the United States to accept the services of volunteers in aid of suppressing Sioux hostilities in the Northwest; which was read a first and second time.

Mr. HURLBUT called for the reading of the joint resolution.

The joint resolution was read, referred to the Committee on Military Affairs, and ordered to be printed.

ORDER OF BUSINESS.

The SPEAKER *pro tempore*. The call of the States and Territories having now been completed, the Chair will at this time recognize

gentlemen for the introduction of bills for reference who may have been absent when their States were called, but for no other purpose until the expiration of the morning hour.

EQUESTRIAN STATUE OF THE LATE GEORGE A. CUSTER.

Mr. WADDELL introduced a joint resolution (H. R. No. 151) to authorize the erection of an equestrian statue of the late General George A. Custer; which was read a first and second time, referred to the Committee on the Library, and ordered to be printed.

MOSES BRADLEY.

Mr. PHELPS introduced a bill (H. R. No. 3905) for the relief of Moses Bradley, late private in Company G, First Regiment Connecticut Heavy Artillery; which was read a first and second time.

Mr. GARFIELD called for the reading of the bill.

The bill was read, referred to the Committee on War Claims, and ordered to be printed.

TAX ON STATE BANK CIRCULATION.

Mr. ATKINS introduced a bill (H. R. No. 3906) to repeal the tax on State bank circulation; which was read a first and second time.

Mr. GARFIELD called for the reading of the bill.

The bill was read, referred to the Committee on Banking and Currency, and ordered to be printed.

GOLD AND SILVER COIN.

Mr. LANDERS, of Indiana, introduced a bill (H. R. No. 3907) for the immediate utilization of gold and silver bullion, to encourage the coinage thereof, and to make the standard silver dollar a full legal tender; which was read a first and second time.

Mr. LANDERS, of Indiana. I move that the bill be referred to the Committee on Coinage, Weights and Measures, and ordered to be printed.

Mr. KASSON. I call for the reading of the bill.

The bill was read.

Mr. BANKS. That bill ought to go to the Committee of the Whole on the state of the Union, and I move that it be referred to that committee.

Mr. BRIGHT. Would it be in order to move to refer the bill to the Committee on Banking and Currency?

The SPEAKER *pro tempore*. It would; but the first question to be put under the rules is upon the motion of the gentleman from Massachusetts [Mr. BANKS] to refer the bill to the Committee of the Whole on the state of the Union.

Mr. LANDERS, of Indiana. I have been informed by several gentlemen that they desire to discuss this bill. In view of that fact I am disposed to yield to the suggestion made by the gentleman from Massachusetts, [Mr. BANKS,] and allow the bill to be referred to the Committee of the Whole House on the state of the Union.

The motion to refer to the committee was agreed to.

HUGH L. GALLAGHER.

Mr. HARRIS, of Virginia, (by request,) introduced a bill (H. R. No. 3908) for the relief of Hugh L. Gallagher; which was read a first and second time.

Mr. HURLBUT. I ask that the bill be reported.

The bill was read at length, referred to the Committee on War Claims, and ordered to be printed.

COLUMBUS REID.

Mr. SPENCER introduced a bill (H. R. No. 3909) for the relief of Columbus Reid, of Louisiana; which was read a first and second time.

Mr. KASSON. Let the bill be read at length.

The bill was read in full, referred to the Committee on War Claims, and ordered to be printed.

RESUMPTION OF SPECIE PAYMENTS.

Mr. EAMES introduced a bill (H. R. No. 3910) in addition to an act entitled "An act to provide for the resumption of specie payments," approved January 14, 1875; which was read a first and second time.

Mr. HALE called for the reading of the bill at length.

The bill was read in full, referred to the Committee on Banking and Currency, and ordered to be printed.

JOHN W. ROBINSON.

Mr. SINGLETON introduced a bill (H. R. No. 3911) for the relief of John W. Robinson, a resident of Hinds County, in the State of Mississippi; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MRS. ELIZA C. CAGE.

Mr. SINGLETON also introduced a bill (H. R. No. 3912) for the relief of Mrs. Eliza C. Cage, of Hinds County, in the State of Mississippi; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MRS. ANN SHEELY.

Mr. SINGLETON also introduced a bill (H. R. No. 3913) for the relief of Mrs. Ann Sheely, of Concordia Parish, in the State of Louisiana; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JULES BEAUCHERY.

Mr. SINGLETON also introduced a bill (H. R. No. 3914) for the relief of Jules Beauchery, late of Brownsville, Texas; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JAMES STEWART.

Mr. SINGLETON also introduced a bill (H. R. No. 3915) for the relief of James Stewart, an alien resident of Delhi, Louisiana; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

HUGH LEWIS.

Mr. SINGLETON also introduced a bill (H. R. No. 3916) for the relief of the estate of Hugh Lewis, late of Madison County, Mississippi; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

DAVID J. BROWNE.

Mr. SINGLETON also introduced a bill (H. R. No. 3917) for the relief of David J. Browne, an alien resident of Hinds County, Mississippi; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MONUMENT TO GENERAL NICHOLAS HERKIMER.

Mr. G. A. BAGLEY introduced a bill (H. R. No. 3918) to appropriate money for the erection of a monument to the memory of the late General Nicholas Herkimer, of New York; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

LEVI W. POND AND EAU CLAIRE LUMBER COMPANY.

Mr. KIMBALL introduced a bill (H. R. No. 3919) to repeal an act entitled "An act confirming and extending a patent right to Levi W. Pond and Eau Claire Lumber Company," approved June 10, 1872; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

Mr. KIMBALL also introduced a bill (H. R. No. 3920) to amend an act entitled "An act confirming and extending a patent to Levi W. Pond and Eau Claire Lumber Company," approved June 10, 1872; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

ORDER OF BUSINESS.

Mr. HURLBUT. Has the morning hour expired?

The SPEAKER *pro tempore*. The morning hour has expired.

Mr. PIPER. Then I call for the regular order of business.

CHINESE IMMIGRATION.

The SPEAKER *pro tempore*. At the time of the adjournment on Monday last, the yeas and nays had been ordered upon the motion of the gentleman from California [Mr. PIPER] to suspend the rules and pass the resolution which the Clerk will read.

Mr. SPRINGER. I rise to a point of order. The motion to suspend the rules having failed on Monday last by reason of adjournment, it cannot now come up as unfinished business. Each motion to suspend the rules is independent and of itself. If the House failed by adjournment to suspend the rules on the day the motion is made, it cannot again come up as unfinished business.

Mr. PIPER. The unfinished business was the calling of the yeas and nays, which had been ordered.

The SPEAKER *pro tempore*. In this instance the yeas and nays had been ordered, and the House was about to proceed to vote when the motion to adjourn was made and carried. It seems to the Chair but fair to recognize the motion to suspend the rules and pass the resolution as now coming up as unfinished business. The gentleman from California [Mr. PIPER] is entitled to the vote which was ordered upon his motion. The Clerk will read the resolution.

The Clerk read as follows:

Whereas the Senate has passed a resolution authorizing the appointment of a committee of three Senators to visit the Pacific coast and report to Congress, at its next session, upon the character, extent, and effect of Chinese immigration into this country:

Resolved, That the Speaker is hereby authorized to appoint three members of this House to proceed to the Pacific coast, after the adjournment of Congress, to investigate, conjointly with said Senate committee or otherwise, the extent and effect of Chinese immigration into this country, with power to send for persons and papers, to administer oaths, to employ a stenographer, and to take evidence; said committee to report to Congress at its next session.

Mr. HOLMAN. In order to save time, I move to reconsider the vote by which the yeas and nays were ordered upon this motion, as I presume there will be no objection to the adoption of this resolution.

Mr. RANDALL. If there be no objection, I would like to have inserted in this proposition an appropriation of $6,000 to meet the necessary expenses of the committee already appointed by the Senate and the committee which may be appointed by the House. An effort was made to insert such an appropriation in the sundry civil bill while it was before the committee of conference; but it could not be done because there was nothing in controversy between the two Houses relating to that subject.

Mr. HOLMAN. The difficulty is that this is not a joint resolution. An appropriation must be made by the action of both Houses.

Mr. RANDALL. Then I will hereafter present a separate proposition for the necessary appropriation.

Mr. HOLMAN. I presume there is no objection to this resolution; and on that account it is hardly desirable to occupy time in calling the yeas and nays.

Mr. LUTTRELL. What is the proposition of the gentleman from Indiana?

The SPEAKER *pro tempore*. To reconsider the vote by which the yeas and nays were ordered.

Mr. HOLMAN. I withdraw the motion to reconsider.

Mr. LUTTRELL. Do I understand this to be a joint resolution.

The SPEAKER *pro tempore*. It is a simple resolution; and discussion of it is not in order.

The question was taken; and there were—yeas 186, nays 14, not voting 86; as follows:

YEAS—Messrs. Ainsworth, Ashe, Atkins, Bagby, George A. Bagley, John H. Bagley, jr., John H. Baker, Ballou, Banks, Banning, Blackburn, Blair, Bland, Bradford, Bright, John Young Brown, William R. Brown, Buckner, Horatio C. Burchard, Samuel D. Burchard, John H. Caldwell, William P. Caldwell, Campbell, Candler, Cannon, Cason, Cate, John B Clarke of Kentucky, John B. Clark, jr., of Missouri, Clymer, Cochrane, Conger, Cox, Crapo, Culberson, Cutler, Danford, Darrall, Davis, Davy, De Bolt, Dunnell, Durand, Eames, Eden, Evans, Felton, Finley, Forney, Fort, Foster, Frye, Garfield, Gause, Gibson, Goodin, Gunter, Hale, Andrew H. Hamilton, Hancock, Hardenbergh, John T. Harris, Harrison, Hartridge, Hartzell, Hatcher, Hathorn, Henkle, Hereford, Hill, Holman, Hopkins, Hoskins, House, Hubbell, Hunter, Hurd, Hurlbut, Jenks, Frank Jones, Thomas L. Jones, Kasson, Kelley, Kimball, Knott, Lamar, Franklin Landers, Lane, Lapham, Lawrence, Leavenworth, Le Moyne, Levy, Luttrell, Lynde, L. A. Mackey, Magoon, Maish, MacDougall, McDill, McFarland, Meade, Miller, Milliken, Monroe, Morgan, Morrison, Nash, New, Norton, O'Brien, Oliver, O'Neill, Packer, Page, Payne, Piper, Plaisted, Poppleton, Powell, Pratt, Rainey, Randall, Rea, Reagan, John Reilly, James B. Reilly, Rice, Riddle, John Robbins, William M. Robbins, Robinson, Miles Ross, Rusk, Sampson, Savage, Scales, Schleicher, Schumaker, Singleton, Sinnickson, Slemons, A. Herr Smith, William E. Smith, Sparks, Springer, Strait, Stevenson, Stone, Tarbox, Teese, Terry, Thompson, Thornburgh, Throckmorton, Washington Townsend, Tucker, Tufts, Turney, Van Vorhes, John L. Vance, Robert B. Vance, Waddell, Wait, Charles C. B. Walker, Gilbert C. Walker, Alexander S. Wallace, John W. Wallace, Walling, Walsh, Ward, Warren, Erastus Wells, Whitehouse, Whiting, Whitthorne, Wigginton, Wike, Alpheus S. Williams, James D. Williams, Jeremiah N. Williams, William B. Williams, Willis, Wilshire, Benjamin Wilson, and Woodburn—186.

NAYS—Messrs. Anderson, Boone, Bradley, Cook, Haymond, Kehr, Lewis, Edmund W. M. Mackey, Phelps, William A. Phillips, Pierce, Potter, Willard, and Young—14.

NOT VOTING—Messrs. Adams, William H. Baker, Bass, Beebe, Bell, Bliss, Blount, Burleigh, Cabell, Caswell, Caulfield, Chapin, Chittenden, Collins, Cowan, Crounse, Denison, Dibrell, Dobbins, Douglas, Durham, Egbert, Ellis, Ely, Faulkner, Franklin, Freeman, Fuller, Glover, Goode, Robert Hamilton, Haralson, Benjamin W. Harris, Henry R. Harris, Hays, Hendee, Henderson, Abram S. Hewitt, Goldsmith W. Hewitt, Hoar, Hoge, Hooker, Hunton, Hyman, Joyce, Ketcham, King, George M. Landers, Lord, Lynch, McCrary, McMahon, Metcalfe, Mills, Money, Mutchler, Neal, Odell, John F. Philips, Platt, Purman, Roberts, Sobieski Ross, Sayler, Seelye, Sheakley, Smalls, Southard, Spencer, Stenger, Stowell, Swann, Thomas, Martin I. Townsend, Waldron, G. Wiley Wells, Wheeler, White, Andrew Williams, Charles G. Williams, James Williams, James Wilson, Alan Wood, jr., Fernando Wood, Woodworth, and Yeates—86.

So the motion to suspend the rules and adopt the resolution was agreed to.

During the roll-call the following announcements were made:

Mr. CUTLER. My colleague, Mr. HAMILTON of New Jersey, is detained from the House by sickness.

Mr. TUCKER. My colleagues, Mr. GOODE and Mr. HUNTON, are detained from the House by sickness; and my colleague, Mr. CABELL, is absent by leave of the House.

Mr. TOWNSEND, of Pennsylvania. I am requested to state that Mr. G. WILEY WELLS is detained at home by illness.

The result of the vote was announced as above stated.

MAJOR FOSTER A. HIXON.

Mr. LAPHAM. Mr. Speaker, in the RECORD of the 1st instant I find among the bills recorded as having passed Senate bill No. 333 for the relief of Major Foster A. Hixon, late a paymaster in the Army. Upon inquiry of the Clerk I learn that this is an erroneous statement, that in fact the bill was not passed. Inasmuch as I am obliged to be absent from the House during the remainder of the week engaged in the trial in the Senate, I ask unanimous consent that the Committee of the Whole on the Private Calendar be discharged from the further consideration of this bill, in order that it may now be considered in the House and put on its passage.

There being no objection, the Committee of the Whole was discharged from the further consideration of the bill, and the House proceeded to consider it.

The bill was read. It provides that the claim of Major Foster A. Hixon, late a paymaster in the Army of the United States, to be credited in the settlement of his accounts with the sum of $10,000, which he claims was stolen from him at Charleston, South Carolina, on the 1st of March, 1867, be referred to the proper accounting officers of the Treasury Department, with directions to examine the same; and if they shall be satisfied from the evidence presented that he suffered such loss, without any negligence on his part, and that it is equitable and just, they shall allow him the amount as a credit in the settlement of his accounts.

The bill was ordered to a third reading, read the third time, and passed.

Mr. LAPHAM moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ELECTION CONTEST—PLATT VS. GOODE.

Mr. BROWN, of Kansas. I am directed by the Committee of Elections to submit a report in the contested-election case of Platt *vs.* Goode, from the second congressional district of Virginia. I give notice that I shall call it up at the earliest practicable moment.

The report, which was accompanied by the following resolutions, was laid on the table, and ordered to be printed:

Resolved, That John Goode, jr., was not elected, and is not entitled, to a seat in the House of Representatives in the Forty-fourth Congress from the second congressional district of Virginia.

Resolved, That James H. Platt, jr., was elected, and is entitled, to a seat in the Forty-fourth Congress as Representative from the second district of Virginia.

Mr. BLACKBURN, by unanimous consent, submitted a statement of the views of a minority of the Committee of Elections upon the same case; which was laid on the table, and ordered to be printed.

The resolution accompanying the report of the minority is as follows:

Resolved, That John Goode, jr., was elected, and is entitled, to the seat which he now holds in the House of Representatives in the Forth-fourth Congress from the second congressional district of Virginia.

E. K. SNEAD, DECEASED.

Mr. TUCKER, by unanimous consent, from the Committee of Ways and Means, reported a bill (H. R. No. 3921) for the relief of E. K. Snead, deceased, and his sureties, for loss of certain books of special stamps and coupons; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

G. T. BEAUREGARD.

Mr. TUCKER. I move, by unanimous consent, to take from the Speaker's table a bill (S. No. 952) to remove the political disabilities of G. T. Beauregard, of New Orleans, Louisiana.

There was no objection, and the bill was read a first and second time.

The bill, which was read, provides (two-thirds of each House concurring therein) that the political disabilities imposed upon G. T. Beauregard, of New Orleans, Louisiana, by the fourteenth amendment to the Constitution of the United States by reason of participation in the rebellion are hereby removed.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed, two-thirds voting in favor thereof.

CUSTER'S COMMAND.

Mr. MACDOUGALL. I move to suspend the rules and pass a bill granting a pension to the heirs of the officers, non-commissioned officers, musicians, and privates who belonged to the command of Brevet Major-General George A. Custer, and were killed in the recent battle with hostile Indians in the Little Big Horn Mountain.

The bill was read, as follows:

A bill granting relief to the heirs of the officers and men who fell in the recent Indian fight on the Little Big Horn River, under the command of Brevet Major-General George A. Custer.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and is hereby, instructed to ascertain the name of each officer, non-commissioned officer, musician, and private who belonged to the command of Brevet Major-General George A. Custer, who was killed in the recent battle upon the Little Big Horn River, and also to ascertain the name of each of their heirs who would be entitled to pensions, and to place the names of such heirs upon the pension-rolls, according to the rank of said officer, non-commissioned officer, musician, and private, at such rate of pension as $50 per month bears to the rank of lieutenant-colonel, subject to the limitations of the pension laws.

Mr. HOLMAN. Let the bill be again read; it does not seem to change existing law, and if it does not, it certainly is not necessary to re-enact the law over again.

The bill was again read.

Mr. JENKS. I move the bill be referred to the Committee on Invalid Pensions.

The SPEAKER *pro tempore*. That is not in order. The question is, Will the House suspend the rules and pass the bill?

The House divided; and there were—ayes 51, noes 78.

Mr. MACDOUGALL demanded the yeas and nays.

The SPEAKER *pro tempore*. Thirteen have voted in the affirmative, which is not a sufficient number.

Mr. MACDOUGALL. I demand tellers on the yeas and nays.

Tellers were not ordered.

So the yeas and nays were not ordered.

The SPEAKER *pro tempore*. The House has refused (two-thirds not voting in favor thereof) to suspend the rules, and the bill therefore is not before the House.

SPECIE RESUMPTION.

Mr. SPRINGER. I move to suspend the rules and adopt the following resolution.

The Clerk read as follows:

Resolved, That the Committee on Banking and Currency be, and they are, instructed to report to the House, immediately after the reading of the Journal tomorrow, the following bill; and that said bill shall be subject to amendment in the House before the previous question is moved, to wit:

A bill to repeal the resumption clause of an act approved January 14, 1875.

Be it enacted, &c., That so much of the act of Congress entitled "An act to provide for the resumption of specie payment," approved January 14, 1875, as provides for the redemption of United States legal-tender notes be, and the same is hereby, repealed.

Mr. HOSKINS demanded the yeas and nays.

Mr. HOLMAN. Yes, let us have the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 102, nays 92, not voting 92; as follows:

YEAS—Messrs. Ainsworth, Anderson, Ashe, Atkins, John H. Baker, Beebe, Bland, Boone, Bradford, Bright, John Young Brown, Buckner, Samuel D. Burchard, John H. Caldwell, William P. Caldwell, Campbell, Cannon, Cate, John B. Clarke of Kentucky, John B. Clark, jr., of Missouri, Clymer, Cochrane, Cook, Culberson, Davis, De Bolt, Dibrell, Douglas, Eden, Evans, Felton, Finley, Forney, Fort, Gause, Goodin, Andrew H. Hamilton, John T. Harris, Hartridge, Hartzell, Hatcher, Haymond, Henkle, Hereford, Hoge, Holman, Hopkins, House, Hubbell, Hunter, Jenks, Thomas L. Jones, Kelley, Franklin Landers, Lane, Lawrence, Lewis, Lynde, L. A. Mackey, McFarland, McMahon, Morgan, New, Payne, William A. Phillips, Poppleton, Randall, Rea, Reagan, John Reilly, James B. Reilly, Rice, Riddle, William M. Robbins, Robinson, Savage, Singleton, Siemons, William E. Smith, Sparks, Spencer, Springer, Stevenson, Stone, Terry, Thomas, Turney, Van Vorhes, John L. Vance, Robert B. Vance, Waddell, Gilbert C. Walker, Walling, Walsh, Erastus Wells, Whitehouse, Whitthorne, Wigginton, James D. Williams, Wilshire, Benjamin Wilson, and Young—102.

NAYS—Messrs. George A. Bagley, John H. Bagley, jr., William H. Baker, Ballou, Banks, Bell, Blair, Bradley, William R. Brown, Horatio C. Burchard, Burleigh, Candler, Caulfield, Conger, Crapo, Cutler, Danford, Davy, Dunnell, Durand, Eames, Egbert, Foster, Frye, Garfield, Gibson, Hale, Hancock, Hardenbergh, Benjamin W. Harris, Henderson, Hoskins, Hurd, Hurlbut, Kasson, Kehr, Ketcham, Kimball, Lamar, Leavenworth, Le Moyne, Levy, Lord, Luttrell, Edmund W. M. Mackey, Magoon, Maish, MacDougall, McDill, Meade, Miller, Monroe, Morrison, Norton, O'Brien, O'Neill, Packer, Page, Pierce, Piper, Plaisted, Potter, Powell, Pratt, Rainey, Miles Ross, Rusk, Sampson, Schleicher, Schumaker, Sinnickson, Smalls, A. Herr Smith, Strait, Tarbox, Teese, Thompson, Thornburgh, Throckmorton, Martin I. Townsend, Washington Townsend, Tufts, Charles C. B. Walker, Alexander S. Wallace, Warren, Whiting, Wike, Willard, Alpheus S. Williams, William B. Williams, Willis, and Woodburn—92.

NOT VOTING—Messrs. Adams, Bagby, Banning, Bass, Blackburn, Bliss, Blount, Cabell, Cason, Caswell, Chapin, Chittenden, Collins, Cowan, Cox, Crounse, Darrall, Denison, Dobbins, Durham, Ellis, Ely, Faulkner, Franklin, Freeman, Fuller, Glover, Goode, Gunter, Robert Hamilton, Haralson, Henry R. Harris, Harrison, Hathorn, Hays, Hendee, Abram S. Hewitt, Goldsmith W. Hewitt, Hill, Hoar, Hooker, Hunton, Hyman, Frank Jones, Joyce, King, Knott, George M. Landers, Lapham, Lynch, McCrary, Metcalfe, Milliken, Mills, Money, Mutchler, Nash, Neal, Odell, Oliver, Phelps, John F. Philips, Platt, Purman, John Robbins, Roberts, Sobieski Ross, Sayler, Scales, Seelye, Sheakley, Southard, Stenger, Stowell, Swann, Tucker, Wait, Waldron, John W. Wallace, Ward, G. Wiley Wells, Wheeler, White, Andrew Williams, Charles G. Williams, James Williams, Jeremiah N. Williams, James Wilson, Alan Wood, jr., Fernando Wood, Woodworth, and Yeates—92.

So (two-thirds not having voted in favor thereof) the rules were not suspended.

During the roll-call the following announcements were made:

Mr. JENKS. My colleague from Pennsylvania, Mr. STENGER, is absent by leave of the House.

Mr. OLIVER. I am paired with my colleague from Iowa, Mr. MCCRARY. If he were here he would vote "no," and I should vote "ay."

Mr. BRADLEY. My colleague from Wisconsin, Mr. WALDRON, is absent by leave of the House. On this question he is paired with Mr. NEAL, of Ohio. If present he would vote "no," and Mr. NEAL would vote "ay."

Mr. TERRY. My colleague from Virginia, Mr. CABELL, is absent by leave of the House; my colleagues, Mr. GOODE and Mr. HUNTON, are absent on account of sickness. If present they would vote "ay."

Mr. TOWNSEND, of Pennsylvania. I desire to announce that Mr. WELLS, of Mississippi, is absent on account of illness.

Mr. SPARKS. My colleague from Illinois, Mr. BAGBY, left the Hall a while ago quite unwell.

Mr. SCALES. My colleague from North Carolina, Mr. YEATES, is absent by leave of the House. I am paired with the gentleman from Massachusetts, Mr. SEELYE, who if present would vote "no," and I would vote "ay."

Mr. MACDOUGALL. My colleague, Mr. ADAMS, is absent on account of illness. If present he would vote "no."

Mr. LAWRENCE. I am requested to announce that the gentleman from Kentucky, Mr. WHITE, is detained at home by important business.

Mr. ATKINS. The gentleman from Kentucky, Mr. BLACKBURN, is detained at his room by sickness.

Mr. DARRALL. On this question I am paired with my colleague from Louisiana, Mr. ELLIS. If present he would vote "ay," and I should vote "no."

The result of the vote was then announced as above recorded.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. No. 722) for the relief of Charles F. Chandler; and

A bill (S. No. 781) for the relief of the estate of Amos Ireland, deceased.

NORTH CAROLINA OFFICIAL RECORDS.

Mr. ROBBINS, of North Carolina. I ask unanimous consent to have put upon its passage at this time the joint resolution which I send to the desk.

The joint resolution was read, as follows:

A joint resolution instructing the Secretary of War to forward to the State of North Carolina authenticated copies of certain State records captured in 1865.

Whereas there are in the War Department sundry letter-books of the executive office of the State of North Carolina which were removed from Raleigh in 1865, upon the surrender of that city to the Army of the United States.

Resolved, &c., That the Secretary of War is hereby instructed to cause complete and accurate copies of all such letter-books pertaining to the State of North Carolina to be made without delay, and forward said copies, duly authenticated by the seal of his Department, to the executive office of said State.

Mr. HURLBUT. I wish to ask the gentleman from North Carolina what is the authority for the statement in the preamble. I desire that he shall state where he gets the information and what the character of these books is. Until he makes that statement I reserve the right to object.

Mr. ROBBINS, of North Carolina. These letters are nothing but copies of the executive correspondence of North Carolina for several gubernatorial terms, which were brought here, as was proper to be done. And it is desired that copies shall now be forwarded to the executive office of the State.

Mr. KASSON. Was this correspondence during the period of the confederate government?

Mr. ROBBINS, of North Carolina. Yes, sir; and before that period, I believe.

Mr. HALE. I would ask the gentleman if he has made application to the Department for copies? Why, before submitting a resolution of this kind, does the gentleman not go to the Department and see if there is any objection to granting his request?

Mr. ROBBINS, of North Carolina. I suppose there can be no objection to passing this resolution directing the Secretary to have copies made and forwarded.

Mr. KASSON. I presume there would be no objection unless as regards the question of the clerical force that would be required to do this work. The resolution directs this to be done "without delay" I think the gentleman should present a letter from the Department as a basis for the resolution.

Mr. HALE. The Department would not object if it be a proper thing.

Mr. ROBBINS, of North Carolina. There are only two or three letters and the copying would not take up much time.

The SPEAKER *pro tempore*. There is objection to the present consideration of the joint resolution.

Mr. ROBBINS, of North Carolina. Then I move that the rules be suspended and that the joint resolution be passed.

The question being taken on suspending the rules, there were—yeas 99, noes 47.

So the rules were suspended, (two-thirds having voted in favor thereof,) and the joint resolution (H. R. No. 152) was passed.

INVESTIGATION OF WHISKY FRAUDS IN SAINT LOUIS.

Mr. COCHRANE. I move that the rules be suspended and the following resolution adopted:

Resolved, That leave be, and the same is hereby, granted to the Select Committee to Investigate the Whisky Frauds at Saint Louis to have printed the testimony heretofore taken by said committee; said testimony, when printed, to be referred back to said committee.

The rules were suspended, (two-thirds voting in favor thereof,) and the resolution was adopted.

COMMITTEE-CLERK.

Mr. POWELL. I am instructed by the Committee of Accounts to offer the resolution which I send to the desk; and I move that the rules be suspended and that the resolution be adopted.

The Clerk read the resolution, as follows:

Resolved, That the Committee on Expenditures in the War Department be, and is hereby, allowed the services of a clerk for the term of sixty days from the 30th day of May, 1876, at the rate of compensation heretofore paid him, if the session of Congress shall continue for that length of time.

The rules were suspended, (two-thirds voting in favor thereof,) and the resolution was adopted.

WAR EXPENSES IN OREGON AND CALIFORNIA.

Mr. LANE. I move that the rules be suspended, and that the Committee of the Whole on the state of the Union be discharged from the further consideration of the bill (H. R. No. 147) to authorize the Secretary of War to pay the expenses incurred by the State of Oregon and citizens of California in suppressing hostilities in the States of Oregon and California in the years 1872 and 1873, and that the same be passed.

Mr. COX. I call for the reading of the report accompanying the bill.

Mr. LANE. The bill has been reported by the Committees on Military Affairs of the last and the present Congresses.

The bill, as proposed to be amended, was read, as follows:

Be it enacted, &c., That it shall be the duty of the proper accounting officers of the Treasury to examine and determine the amounts justly due to the State of Oregon and citizens of California upon claims for expenses incurred in suppressing the Modoc Indian hostilities in the States of Oregon and California in the years 1872 and 1873; and the sums found due to the State of Oregon shall be paid to the State of Oregon upon the presentation of evidence to the accounting officers of the Treasury that the State of Oregon, by act of its Legislature, has assumed the payment of the claims to the original holders thereof or to their assigns; and the sums found due to citizens of California shall be paid to the persons entitled thereto by a disbursing officer, under the direction of the Secretary of War.

SEC. 2. That for the payment of the claims of the State of Oregon the sum of $70,268.88, or so much thereof as may be necessary, be, and is hereby, appropriated out of any money in the Treasury not otherwise appropriated; and for the payment of the claims of citizens of California the sum of $4,441.63, or so much thereof as may be necessary, be, and hereby is, appropriated out of any money in the Treasury not otherwise appropriated.

Mr. HOLMAN. I wish to inquire of the gentleman from Oregon whether this latter item of four thousand four hundred odd dollars

to be paid to citizens of California was found to be due by the commission appointed by the last Congress?

Mr. LANE. Yes, sir; that amount was found due, and the Committee on Military Affairs has reduced it by the proposed amendment.

Mr. HOLMAN. Are all the sums contained in this bill the sums found due by that commission?

Mr. LANE. Yes, but the Committee on Military Affairs have reduced the amount below that reported by the commission.

Mr. HOLMAN. How much is the reduction?

Mr. LANE. Two thousand dollars as to Oregon and about $200 as to California.

Mr. Speaker, I cannot imagine that any member of this House can object to this bill, as reported with amendments by the Committee on Military Affairs, except it should be myself. That committee is composed of honorable, able, and, best of all, pure and good men. They are wholly incapable of doing an intentional wrong, and therefore I should not and I will not complain of their action. I am constrained to say, however, in justice to myself that, in my opinion, the bill as introduced by me was entitled to the favorable consideration of this body. Most certainly I introduced it in good faith. With the history of the Modoc war the gentlemen of this House are familiar. It was a remarkable and will doubtless prove a memorable contest. These Indians, vicious and desperately bad men, had by treaty of the 14th day of October, 1864, ceded their land or right of occupancy, for I recognize no other title in the Indians, to the United States and agreed to go upon the reservation provided for them. Notwithstanding this solemn cession of their territory they continued to claim ownership therein and to exact contributions, rents, &c., from the settlers thereon. That there may have been a laxity in the discipline at the Klamath agency I am neither prepared to assert nor deny; but if such was the case, it would rather increase than diminish the responsibility of the General Government. Sure it is the Indians were not confined to the reservation, but, on the contrary, went beyond the limits thereof, committing depredations upon the whites, stealing cattle, horses, and sheep, and otherwise seriously annoying them.

The Indian department in Oregon finally, in response to frequent appeals from settlers, and in accordance with duty, sought by peaceable means to induce these Indians to keep their treaty and return to the reservation. All measures of a pacific character failed. In November, 1872, the superintendent of Indian affairs in Oregon having conferred with and acting under instructions from the Indian Department at Washington, proceeded to Link River, near the reservation, for the purpose of requiring the recusant Modocs to comply with the stipulations of the treaty. The instructions were to use peaceable means if possible, forcible if necessary. As I have indicated, peaceable means failed, and on the 29th day of November, 1872, Major Jackson, of the United States Army, who was endeavoring to execute the order of the superintendent for the removal of the Indians, was resisted and his troops were fired upon by them. The war then began. On that night eleven citizens were massacred, and on the day following seven more fell victims to savagery of the infamous red scoundrels under the command of Captain Jack and the immediate lead of Hooker Jim. Husbands were murdered in presence of their wives, and harmless, innocent children were tortured to death within the gaze of their unhappy mother.

But it is unnecessary to dwell upon these horrors. Owing to the character of the country in which the Indians sought refuge and whence they directed their operations, the war assumed very serious proportions. Dismay spread throughout the exposed settlement. The United States troops were insufficient to guarantee immediate protection. An urgent demand was therefore made upon Governor Grover for troops to protect the lives and property of our citizens and to secure the rites of burial to the dead. In response to these demands the governor, who was vigilant as well as cautious, prompt as well as careful, called out troops, purchased supplies, and provided the necessary transportation. These troops co-operated with the regular Army and acted under the orders of the regular Army officers, and it is conceded their services were valuable indeed, and even absolutely necessary to secure protection to the lives and property of citizens in that exposed region.

Under the first call two companies were raised composed of one hundred and twenty-eight men, officers and privates. Their average service was fifty-two days, from December, 1872, to February, 1873. They participated in the first fight, that of January 17, 1873. The result of that engagement was unfortunate. The lava beds furnished to the Indians a fortification more secure and, for the character of their warfare, more formidable than art could provide. The volunteers, however, displayed that valor which always distinguishes the frontier soldier. Had it not been for their presence and assistance on that day the fate of the regular soldiers, and gallant, brave souls they were, from commander to private, might have been painful indeed to contemplate.

After the assassination of the peace commissioners, April 11, 1873, and the breaking out of new hostilities, a second call, justified by the extraordinary emergency of the occasion, was made, and three companies, comprising one hundred and fifty men, officers and privates, were then furnished by the State. Their average service was forty-four days, from May until the close of the war. The last capture, numbering a dozen warriors, including one of the murderers of General Canby, was made by the Oregon volunteers under the command of General Ross.

After the suppression of hostilities the board of State auditors, organized according to the laws of Oregon, consisting of governor, secretary of state, and the adjutant-general, assembled at Salem and proceeded to audit the accounts, so far as to ascertain and determine the indebtedness of the State to individuals arising from services as soldiers for supplies and transportation. The board allowed $2 per day for private soldiers and $2 per day for private horses engaged in the service, the State purchasing supplies and procuring transportation upon credit, and under most pressing circumstances may have been compelled—I do not know that it was so—in certain instances to pay higher rates than were paid for similar services and supplies by the officers of the regular Army who purchased for cash. This board found due from the State to citizens for services and supplies heretofore mentioned the sum of $131,000, and on the 22d day of October, 1874, the Legislature of that State passed a law providing for the payment of the entire amount so found due, and that, too, in gold coin of the United States.

Recognizing the legal obligation of the Government to make reimbursement, Congress by act approved June, 1874, directed the Secretary of War to ascertain the amount of the expenses incurred by the State of Oregon and citizens of California in suppressing the Indian hostilities referred to. General James A. Hardie, Inspector-General United States Army, was detailed for that purpose. From an examination of his report, as well as from my personal observation, he performed that task with much care, but unfortunately, and I think unjustly, from a strict military point of view and not in that spirit of equity and justice that should influence Congress in the premises. In General Hardie's report he recommends the payment of $72,637.83 to the State of Oregon and to re-imburse the citizens of California the sum of $4,621.33. The Government has acknowledged, and very justly, too, its liability, but by General Hardie's report it is sought to reduce the amount to be paid. The Committee on Military Affairs seem to concur in this view.

Is it just to confine the State in this matter to the rules governing the regular Army? I think not. It may be true that it cost the State of Oregon for supplies and transportation more than it did the United States, but I apprehend it was only the difference between cash and credit. It was certainly the temporary inability of the Government to furnish adequate protection for its citizens that Oregon was required to ask for any credit whatever. True we could not obtain volunteers at less than the price audited, but it was the fault of the Government and not of my people that the State of Oregon was compelled to ask for soldiers at all. The compensation of volunteers under these circumstances should not be measured by the pay allowed the regular soldier. In the one instance the enlistment is for a long period, business arrangements are made with that view, and no pecuniary sacrifice is required. In the other, the case of the volunteers, the enlistment is for the war only, homes are deserted, families abandoned, business suspended, and the brave fellows go to the front to fight, to suffer, to shoot, and be shot at. They enjoy not the ease and comfort and security of a soldier in peace, but nobly welcome the dangers and cheerfully endure the privations of war. I trust the value of our brave volunteers in such emergencies will not be depreciated or their services underestimated. When the danger is greatest, when their valor, their patriotism is tested, they have always and most nobly and gallantly responded and have fully met the test and proved themselves adequate for the occasion. In this instance they only asked of the State compensation commensurate with their services and the sacrifices made. The State has honored the claim. Will the General Government fail to recognize its obligation to the State? We do not ask, although entitled to, full re-imbursement. The State pays in coin, while we only ask the currency of the Government.

As for the gallant citizens of California who rendered most valuable service, the Inspector-General recommends the payment of the amount embraced in the bill as introduced by myself. If the rule laid down by General Hardie is to prevail in all cases, what need have we for a standing army? If we can obtain volunteers whenever occasion demands who are to be paid only for the time actually engaged in war at the same price we obtain regular soldiers, then the soldier of peace is worse than useless; for I greatly doubt if he is even ornamental.

Understand me, however, I do not mean to antagonize the report of the committee, for I cannot afford to imperil the success of the bill even as amended. I repeat, that I doubt not the members of that committee are disposed to act fairly. I am only sorry that they did not view this matter as I do. I appreciate their situation. They could not forget that our Government is burdened with an immense debt; that our Treasury is depleted; that financial distress prevails throughout the country; that the melancholy "wail" of "hard times" comes up from the poor people throughout the land and from every direction. God grant that in the immediate future such change in the management of governmental affairs may be wrought that general relief may be obtained and that this distressful cry may cease, never to be heard more.

I have performed my duty. I accept the report of the committee. It is the best I can do. I sincerely trust at another time, another Congress, when the country is more prosperous, will be disposed to fill full the measure of justice for my State.

Mr. LUTTRELL. I was present at the time General Hardie, the commissioner appointed to take the testimony, took this testimony, and I know that the accounts are correct in every particular.

The question was taken on Mr. LANE'S motion, and (two-thirds

voting in favor thereof) the rules were suspended, and the bill, as amended, was passed.

ERROR IN ENROLLMENT.

Mr. HOLMAN. I ask leave to offer the joint resolution which I send to the Clerk's desk.

The joint resolution was read, as follows:

Resolved, &c., That the act approved July 12, 1876, entitled "An act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1877, and for other purposes," be amended as follows:

In line 36, section 7, of said act, as printed by authority of the Department of State, after the word "sums" strike out the word "not."

The SPEAKER *pro tempore*. Will the House give its consent to the consideration of this resolution at this time?

Mr. CONGER. I must reserve the right to object until the matter is explained.

Mr. HOLMAN. The mistake was in the enrollment of the conference report; it was not in the engrossment of the House bill, nor in the proceedings prior to the passage of the bill through the Senate with amendments.

The mistake is as follows:

The language of the act was in line 36, section 7—

Two-thirds of 1 per cent. on all sums not over $640,000 and not exceeding $1,280,000

The first "not" should be stricken out from that passage.

No objection being made, the joint resolution (H. R. No. 153) received its several readings, and was engrossed and passed.

ORDER OF BUSINESS.

Mr. VANCE, of Ohio. I desire to offer a resolution for adoption now.

Mr. EDEN. I move that the House do now adjourn.

LEAVE OF ABSENCE.

Pending the motion to adjourn,

Mr. POPPLETON was granted leave of absence for three days.

Mr. HEWITT, of Alabama, was granted an extension of his leave of absence for fifteen days.

Mr. HATHORN was granted leave of absence for one week on account of his health.

Mr. WELLS, of Mississippi, was granted leave of absence on account of sickness.

Mr. REA was granted leave of absence for six days.

LEAVE TO PRINT.

Mr. COX. I ask unanimous consent for leave to print in the RECORD, as a part of the debates, some remarks upon the German treaty and the bill of the gentleman from West Virginia [Mr. FAULKNER] in relation to that subject.

There was no objection, and the leave was granted. [See Appendix.]

SALE OF INDIAN RESERVATION.

Mr. MORGAN. Pending the motion to adjourn, I ask unanimous consent to call up the bill (S. No. 779) to provide for the sale of the reservation of the confederated Otoe and Missouria Indians in the States of Kansas and Nebraska for the purpose of agreeing to the conference requested by the Senate on the disagreeing votes of the two Houses on the amendments of the House thereto.

No objection was made.

Mr. MORGAN. I move that the House insist on its amendments and agree to the conference requested by the Senate.

The motion was agreed to.

The SPEAKER *pro tempore* appointed Mr. MORGAN, Mr. WILSHIRE, and Mr. PHILLIPS of Kansas as managers of the conference on the part of the House.

ORDER OF BUSINESS.

The result of the vote on adjournment was then announced upon a division—ayes 91, noes 66.

Mr. SPRINGER. I call for tellers.

Tellers were not ordered, only 28 members voting therefor.

Mr. O'BRIEN and Mr. SPRINGER called for the yeas and nays.

The question was put on ordering the yeas and nays; and on a division there were—ayes 30, noes 87; so (one-fifth voting in favor thereof) the yeas and nays were ordered.

Mr. SPRINGER. I rise to a parliamentary inquiry. Is the resolution of the gentleman from Ohio [Mr. VANCE] pending at this time?

Mr. EDEN. I object to debate.

Mr. SPRINGER. Was that resolution entertained by the Chair?

Mr. MORRISON. That is no parliamentary inquiry; it is a false pretense.

Mr. SPRINGER. It is not.

Mr. EDEN. I call the gentleman to order.

The SPEAKER *pro tempore*. The Chair will state that there is no difficulty about this matter. When the gentleman from Ohio [Mr. VANCE] rose to offer his resolution the gentleman from Illinois [Mr. EDEN] rose and moved to adjourn, and the resolution of the gentleman from Ohio was not forwarded to the desk or reported to the House and it is not therefore before the House.

Mr. HOLMAN. But he was recognized by the Chair. [Cries of "Regular order."]

The question was taken on Mr. EDEN's motion; and there were—yeas 99, nays 99, not voting 88; as follows:

YEAS—Messrs. Ashe, Atkins, John H. Baker, Ballou, Banks, Bright, John Young Brown, William R. Brown, Horatio C. Burchard, Samuel D. Burchard, William P. Caldwell, Candler, Cannon, Clymer, Conger, Cook, Cox, Danford, Darrall, Davis, Durand, Eames, Eden, Egbert, Evans, Felton, Forney, Foster, Frye, Fuller, Garfield, Gause, Gunter, Hale, Benjamin W. Harris, Henderson, Hill, Hubbell, Hunter, Hurd, Hurlbut, Thomas L. Jones, Kasson, Kehr, Ketcham, George M. Landers, Leavenworth, Lynde, Edmund W. M. Mackey, Magoon, Morrison, Nash, O'Brien, Oliver, O'Neill, Packer, Page, Pierce, Plaisted, Powell, Pratt, Rainey, Randall, Reagan, James B. Reilly, Miles Ross, Sampson, Schleicher, Schumaker, Singleton, Smalls, A. Herr Smith, William E. Smith, Strait, Stone, Tarbox, Teese, Terry, Thompson, Martin I. Townsend, Washington Townsend, Tucker, Walt, Charles C. B. Walker, Alexander S. Wallace, John W. Wallace, Walsh, Warren, Erastus Wells, Whitehouse, Whiting, Whitthorne, Wigginton, Wike, Alpheus S. Williams, Jeremiah N. Williams, Willis, Wilshire, and Young—99.

NAYS—Messrs. Ainsworth, Anderson, George A. Bagley, John H. Bagley, jr., Bell, Blair, Bland, Boone, Bradford, Bradley, John H. Caldwell, Cate, Caulfield, John B. Clarke of Kentucky, John B. Clark, jr., of Missouri, Cochrane, Crapo, Culberson, Cutler, Davy, De Bolt, Dibrell, Dobbins, Douglas, Dunnell, Finley, Fort, Goodin, Andrew H. Hamilton, Hancock, Hardenbergh, John T. Harris, Harrison, Hartridge, Hartzell, Hatcher, Haymond, Hereford, Holman, Hopkins, Hoskins, House, Jenks, Kelley, Kimball, Lamar, Franklin Landers, Lane, Lawrence, Le Moyne, Levy, Lewis, L. A. Mackey, Maish, MacDougall, McDill, McFarland, Miller, Milliken, Mills, Monroe, Morgan, New, Norton, Payne, John F. Philips, William A. Phillips, Piper, Poppleton, Potter, Rea, John Reilly, Rice, Riddle, John Robbins, William M. Robbins, Robinson, Rusk, Savage, Scales, Sinnickson, Slemons, Sparks, Spencer, Springer, Stevenson, Thornburgh, Throckmorton, Tufts, Turney, John L. Vance, Robert B. Vance, Waddell, Gilbert C. Walker, Walling, Willard, James D. Williams, Benjamin Wilson, and Woodburn—99.

NOT VOTING—Messrs. Adams, Bagby, William H. Baker, Banning, Bass, Beebe, Blackburn, Bliss, Blount, Buckner, Burleigh, Cabell, Campbell, Cason, Caswell, Chapin, Chittenden, Collins, Cowan, Crounse, Denison, Durham, Ellis, Ely, Faulkner, Franklin, Freeman, Gibson, Glover, Goode, Robert Hamilton, Haralson, Henry R. Harris, Hathorn, Hays, Hendee, Henkle, Abram S. Hewitt, Goldsmith W. Hewitt, Hoar, Hoge, Hooker, Hunton, Hyman, Frank Jones, Joyce, King, Knott, Lapham, Lord, Luttrell, Lynch, McCrary, McMahon, Meade, Metcalfe, Money, Mutchler, Neal, Odell, Phelps, Platt, Purman, Roberts, Sobieski Ross, Sayler, Seelye, Sheakley, Southard, Stenger, Stowell, Swann, Thomas, Van Vorhes, Waldron, Ward, G. Wiley Wells, Wheeler, White, Andrew Williams, Charles G. Williams, James Williams, William B. Williams, James Wilson, Alan Wood, jr., Fernando Wood, Woodworth, and Yeates—88.

So the House refused to adjourn.

During the roll-call,

Mr. COCHRANE said my colleague, Mr. STENGER, is absent by leave of the House.

Mr. MILLIKEN. I desire to say that my colleague, Mr. BLACKBURN, has gone to his room sick.

Mr. MONROE. The gentleman who sits at my right, Mr. Ross, of Pennsylvania, is detained at his room by illness.

The result of the vote was then announced as above recorded.

Mr. FORT. I rise to a point of order. Does not the Speaker have the casting vote in case of a tie?

The SPEAKER *pro tempore*. The Speaker does not consider himself bound to adjourn the House; that is no part of his duty.

REPEAL OF RESUMPTION ACT.

Mr. VANCE, of Ohio. I now move that the rules be suspended for the adoption of the resolution which I send to the Clerk's desk.

The Clerk read the resolution offered by Mr. VANCE, of Ohio, as follows:

Resolved, That the Committee on Banking and Currency be, and they are hereby, instructed to report to the House immediately after the reading of the Journal to-morrow a bill to repeal the resumption-day clause of the act entitled "An act to provide for the resumption of specie payment," approved January 14, 1875.

Mr. KASSON. Is it in order to make these indirect attacks on Governor Tilden from that side of the House? [Laughter.]

The SPEAKER *pro tempore*. The gentleman from Iowa is entirely out of order in his remark. The only question is, Will the House suspend the rules and pass the resolution offered by the gentleman from Ohio, [Mr. VANCE?]

Mr. FORT. And upon that question I call for the yeas and nays.

Mr. HUBBELL. Pending the motion to suspend the rules, I move that the House now adjourn.

Mr. HOLMAN. Has there been any intervening business since the House voted down a motion to adjourn?

The SPEAKER *pro tempore*. The Chair regards the offering of a resolution, its reading by the Clerk, and the motion to suspend the rules and pass the resolution, as intervening business.

Mr. HOLMAN. I call for the yeas and nays on the motion to adjourn.

The yeas and nays were ordered; there being 42 in the affirmative, more than one-fifth of the last vote.

The question was taken; and there were—yeas 100, nays 90, not voting 96; as follows:

YEAS—Messrs. John H. Bagley, jr., William H. Baker, Ballou, Banks, Bell, Blair, Bright, John Young Brown, William R. Brown, Horatio C. Burchard, Samuel D. Burchard, Burleigh, Candler, Cannon, Conger, Cox, Crapo, Danford, Darrall, De Bolt, Dunnell, Durand, Eames, Felton, Foster, Frye, Garfield, Gause, Gunter, Hale, Hardenbergh, Benjamin W. Harris, John T. Harris, Hartridge, Hays, Henderson, Hoskins, Hubbell, Hurlbut, Kasson, Kehr, Kelley, Ketcham, Lamar, George M. Landers, Leavenworth, Le Moyne, Edmund W. M. Mackey, Magoon, MacDougall, McDill, Meade, Miller, Milliken, Morrison, Nash, Norton, O'Brien, Oliver, O'Neill, Packer, Page, William A. Phillips, Pierce, Piper, Plaisted, Powell, Pratt, Rainey, Randall, Sampson, Schleicher, Schumaker, Sinnickson, Smalls, A. Herr Smith, Strait, Tarbox, Teese, Terry, Thompson, Thornburgh, Martin I. Townsend, Washington Townsend, Tufts, Waddell, Wait, Charles C. B. Walker, Alexander S. Wallace, John W. Wallace, Warren, Erastus Wells, Whiting, Wigginton, Wike, Jeremiah N. Williams, William B. Williams, Willis, Wilshire, and Woodburn—100.

NAYS—Messrs. Ainsworth, Anderson, Ashe, George A. Bagley, John H. Baker,

Bland, Boone, Bradford, Bradley, John H. Caldwell, William P. Caldwell, Campbell, Cason, Cate, Caulfield, John B. Clarke of Kentucky, John B. Clark, jr., of Missouri, Clymer, Cochrane, Cook, Culberson, Cutler, Davis, Davy, Dibrell, Douglas, Eden, Egbert, Evans, Finley, Forney, Fort, Goodin, Andrew H. Hamilton, Hancock, Hartzell, Hatcher, Henkle, Hill, Holman, Hopkins, Hunter, Jenks, Frank Jones, Knott, Franklin Landers, Levy, Luttrell, Lynde, L. A. Mackey, Maish, McFarland, Mills, Monroe, Morgan, New, Poppleton, Potter, Rea, Reagan, John Reilly, James B. Reilly, Rice, Riddle, John Robbins, William M. Robbins, Robinson, Miles Ross, Rusk, Savage, Scales, Siemons, William E. Smith, Sparks, Spencer, Springer, Stevenson, Stone, Throckmorton, Tucker, Turney, Van Vorhes, John L. Vance, Robert B. Vance, Gilbert C. Walker, Walling, Whitehouse, Whitthorne, James D. Williams, and Benjamin Wilson—90.

NOT VOTING—Messrs. Adams, Atkins, Bagby, Banning, Bass, Beebe, Blackburn, Bliss, Blount, Buckner, Cabell, Caswell, Chapin, Chittenden, Collins, Cowan, Crounse, Denison, Dobbins, Durham, Ellis, Ely, Faulkner, Franklin, Freeman, Fuller, Gibson, Glover, Goode, Robert Hamilton, Haralson, Henry R. Harris, Harrison, Hathorn, Haymond, Hendee, Hereford, Abram S. Hewitt, Goldsmith W. Hewitt, Hoar, Hoge, Hooker, House, Hunton, Hurd, Hyman, Thomas L. Jones, Joyce, Kimball, King, Lane, Lapham, Lawrence, Lewis, Lord, Lynch, McCrary, McMahon, Metcalfe, Money, Mutchler, Neal, Odell, Payne, Phelps, John F. Philips, Platt, Purman, Roberts, Sobieski Ross, Sayler, Seelye, Sheakley, Singleton, Southard, Stenger, Stowell, Swann, Thomas, Waldron, Walsh, Ward, G. Wiley Wells, Wheeler, White, Willard, Andrew Williams, Alpheus S. Williams, Charles G. Williams, James Williams, James Wilson, Alan Wood, jr., Fernando Wood, Woodworth, Yeates, and Young—96.

Before the result of the vote was announced,

ENROLLED BILL SIGNED.

Mr. HAMILTON, of Indiana, by unanimous consent, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill of the following title; when the Speaker *pro tempore* signed the same:

An act (S. No. 332) to amend the act entitled "An act to amend and supplement an act entitled 'An act to establish a uniform system of bankruptcy throughout the United States,' approved March 2, 1867, and for other purposes," approved June 22, 1874.

The result of the vote on the motion of Mr. HUBBELL was announced as above recorded; and accordingly (at three o'clock and forty-five minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk under the rule, and referred as stated:

By Mr. DUNNELL: Protest of the people of Going Snake district, Indian Territory, against the establishment of a United States territorial government over the Indian country, to the Committee on Indian Affairs.

By Mr. ELLIS: The petition of Mrs. Emily McKnight, that Congress confirm to her late husband's representatives the title to the lands known as the Navy Commissioners' Islands, Louisiana, to the Committee on Private Land Claims.

Also, papers relating to the claim of G. P. Work, for compensation for carrying the United States mail between New Orleans and Munroe, Louisiana, in 1866, 1867, 1868, and 1869, to the Committee of Claims.

Also, memorial of Mrs. Mary Camus, administratrix of the estate of Jacques Theodule Camus, deceased, for compensation for the use and occupation of certain wharves at New Orleans, Louisiana, by the United States Navy, to the same committee.

By Mr. MAGINNIS: The petitions of citizens of Montana Territory, for the reduction of the military reservation at Fort Shaw, in said Territory, to the Committee on Military Affairs.

By Mr. SAVAGE: The petition of citizens of New Burlington, Ohio, for the establishment of a tri-weekly mail between Burlington and Xenia, Ohio, to the Committee on the Post-Office and Post-Roads.

By Mr. SAYLER: Petition of the president and secretary of the Maine Medical Association, in obedience to instructions from their association, for the establishment of the metric system of weights and measures, to the Committee on Coinage, Weights, and Measures.

By Mr. SMITH, of Pennsylvania: The petition of Alexander Worrall, to be refunded certain rent and costs paid under a decree of the Virginia court of hustings, to the Committee on War Claims.

By Mr. SPENCER: A paper relating to the establishment of a post-route between Pine Grove and Ponchatoula, Louisiana, to the Committee on the Post-Office and Post-Roads.

By Mr. A. S. WILLIAMS: Papers relating to the petition of Jeptha Rubert, for a pension, to the Committee on Invalid Pensions.

IN SENATE.

TUESDAY, *July* 18, 1876.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

THE JOURNAL.

The Journal of yesterday's proceedings was read.

Mr. EDMUNDS. I should like to have the first clause of the first rule read, to know whether we can approve the Journal in the present stage of proceeding.

The PRESIDENT *pro tempore*. The rule will be reported.

The Chief Clerk read as follows:

1. The presiding officer having taken the chair, and a quorum being present, the Journal of the preceding day shall be read, to the end that any mistake may be corrected that shall be made in the entries.

Mr. SHERMAN. What is the question?

The PRESIDENT *pro tempore*. The Journal has already been read.

Mr. EDMUNDS. It has not been approved?

The PRESIDENT *pro tempore*. It has not been approved if there is objection. It will be considered approved if there be no objection.

Mr. EDMUNDS. I ask if we have a quorum present?

The PRESIDENT *pro tempore*. The attention of the Chair being called to it, there is not a quorum present. The Secretary will call the roll of the Senate.

The Secretary called the roll of the Senate, and thirty-seven Senators answered to their names.

The PRESIDENT *pro tempore*. A quorum being now present, the Journal will stand approved, if there be no objection.

HOUSE BILLS REFERRED.

The following bills from the House of Representatives were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (H. R. No. 3894) granting a pension to Mrs. Elizabeth Custer, widow of the late George A. Custer; and

A bill (H. R. No. 3896) granting a pension to Maria Custer and Emanuel H. Custer.

The following bill and joint resolution from the House of Representatives were severally read twice by their titles, and referred to the Committee on Military Affairs:

A bill (H. R. No. 147) to authorize the Secretary of War to pay expenses incurred by the State of Oregon and citizens of California in suppressing Indian hostilities in the States of Oregon and California in the years 1872 and 1873; and

A joint resolution (H. R. No. 152) instructing the Secretary of War to forward to the State of North Carolina authenticated copies of certain State records captured in 1865.

ADVERSE REPORTS RECOMMITTED.

Mr. SHERMAN. I ask unanimous consent of the Senate that the bill (S. No. 738) for the relief of Withenbury and Doyle, reported adversely from the Committee on Claims, be placed upon the Calendar with the adverse report. The day for a motion to reconsider is past, but the bill can be placed on the Calendar by unanimous consent.

The PRESIDENT *pro tempore*. Is there unanimous consent to placing this bill on the Calendar with the adverse report of the committee? The Chair hears no objection.

JAMES TEBAULT AND JAMES REID.

Mr. BOUTWELL. Some days since the Committee on Claims reported adversely upon the petition of James Tebault and James Reid and others, praying additional compensation as laborers in the Treasury Department. Other papers concerning that claim have been placed in my hands, and I ask that the papers on which the report was made may be recommitted with the additional testimony that has been submitted.

The motion was agreed to.

PETITIONS AND MEMORIALS.

Mr. MAXEY. I ask that the bill (S. No. 953) to remove the political disabilities of John G. Walker, of Texas, be taken up and put on its passage.

The PRESIDENT *pro tempore*. Morning business has not yet been called. Petitions and memorials are in order.

Mr. ANTHONY. I present the memorial of Mr. Joseph C. G. Kennedy, formerly the Superintendent of the Census, who was a delegate to, I think, the first statistical congress, and who represents that the report of the delegation to the last statistical congress, whereof Mr. Edward Young, of the Statistical Bureau of the Treasury Department, was chief, contains what purports to be a translation of the speech of Mr. Adolphe Quetelet, the celebrated statistician, in which reference was made to Mr. Kennedy as the originator of the idea of a statistical congress, and that this translation omits that passage referring to him. Mr. Kennedy states that as this document was printed by order of the Government, at the expense of the Government, and has the *imprimatur* of the Government upon it, it is a manifest injustice to him. A man's literary and scientific reputation is a part of his property which ought to be protected in every fair and honorable way. I desire to state that one of the delegates to that congress was a constituent of mine, Dr. Edwin M. Snow, and I would guarantee that this error, whether it was intentional or not, does not fall in any respect within his responsibility. If the error was unintentional it ought to be corrected. If it was intentional something more should be done. I move the reference of this memorial to the Committee on Foreign Relations.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. OGLESBY. I am instructed by the Committee on Public Lands, to whom was referred the bill (H. R. No. 1984) to provide for the sale of certain lands in Kansas, to ask to be discharged from its further consideration, and that it be referred to the Committee on Indian Affairs, as the land is Indian land and not public land, and is affected by Indian treaties.

The report was agreed to.

Mr. CAMERON, of Wisconsin, from the Committee on Commerce, to whom was referred the bill (H. R. No. 2689) to authorize the con-

struction of a bridge across the Missouri River at or near Sioux City, Iowa, reported it without amendment.

He also, from the Committee on Claims, to whom was referred the bill (S. No. 807) for the relief of John E. Catlett, of Hannibal, Missouri, reported it with an amendment, and submitted a report thereon; which was ordered to be printed.

Mr. FRELINGHUYSEN, from the Committee on Finance, to whom was referred the bill (S. No. 705) for the relief of Albert Towle, postmaster at Beatrice, Nebraska, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

Mr. WRIGHT, from the Committee on Claims, to whom was referred the bill (H. R. No. 516) for the relief of Floyd C. Babcock, reported it with an amendment.

Mr. SPENCER, from the Committee on the District of Columbia, to whom was referred the bill (H. R. No. 3435) providing for the adjustment of claims against the District of Columbia, and for other purposes, asked to be discharged from its further consideration and that it be referred to the Committee on the Judiciary; which was agreed to.

Mr. CAPERTON, from the Committee on Claims, to whom was referred the bill (H. R. No. 3849) for the relief of James W. Harvey and James Livesey, of the firm of Harvey & Livesey, of Wisconsin, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

Mr. BOOTH, from the Committee on Public Lands, who were directed by a resolution of the Senate of the 27th of January last to inquire if the third section of an act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 1, 1862, &c., has been complied with by the railroad company mentioned therein, and whether further legislation is necessary to carry that law into effect, submitted a report thereon, accompanied by a bill (S. No. 995) in relation to the sale of lands granted to certain railroad companies.

The bill was read and passed to the second reading, and the report was ordered to be printed; and on motion of Mr. BOOTH the bill and the report were recommitted to the Committee on Public Lands.

Mr. CAMERON, of Pennsylvania, from the Committee on Foreign Relations, to whom was referred the bill (S. No. 988) authorizing the President to invite the international statistical congress to hold its tenth session in the United States, and to appoint delegates to the ninth session thereof, reported it without amendment.

Mr. INGALLS, from the Committee on the District of Columbia, to whom was referred the bill (S. No. 963) in relation to the cancellation of mortgages, reported it with an amendment.

Mr. INGALLS. The Committee on Indian Affairs, to whom was referred the bill (H. R. No. 3625) providing for the sale of the Osage ceded lands in Kansas to actual settlers, have instructed me to report the same favorably with amendments. I believe it is not in order to ask for the consideration of a bill on the same day on which it is reported. The recent decision of the Supreme Court renders some action on this bill or a kindred bill essentially necessary. It affects an area of country some fifteen hundred square miles in extent, a little larger than the State of Rhode Island and but a trifle smaller than the State of Delaware, and directly or indirectly affects the homes of about thirty thousand people. I desire to give notice that to-morrow I shall ask unanimous consent during the morning hour for the consideration of the bill.

MISSISSIPPI INVESTIGATION.

Mr. ANTHONY. I am instructed by the Committee on Printing, to whom was referred a resolution to print four thousand copies of the report of the Special Committee to Investigate the late Election in Mississippi, to report it without amendment and recommend its passage. I ask for its present consideration.

Mr. SAULSBURY. I inquire if the resolution includes the views of the minority?

Mr. ANTHONY. Certainly. I never knew a report to be printed on our side that did not include the views of the minority, if they wanted us to include them.

The PRESIDENT *pro tempore*. The resolution will be reported.

The Chief Clerk read the following resolution, submitted by Mr. BOUTWELL July 13:

Resolved, That 4,000 copies of the report of the Special Committee to Investigate the late Election in Mississippi be printed for the use of the Senate.

The Senate proceeded to consider the resolution.

Mr. SAULSBURY. I call the attention of the Senate to the fact that the language of the resolution does not provide for publishing the views of the minority.

Mr. ANTHONY. The Senator can amend it in that way if he desires; but it is unnecessary to do so.

Mr. SAULSBURY. I move to add "and also the views of the minority thereon."

Mr. ANTHONY. Very well, I have no objection to that amendment.

Mr. SHERMAN. It should read, "the report of the committee, including the views of the minority."

Mr. ANTHONY. Yes, sir; that is better.

Mr. EDMUNDS. We ought to find out whether there are any views of the minority ready.

Mr. ANTHONY. I do not want the report delayed, and unless the views of the minority are presented at once it would be very inconvenient to the printer.

Mr. MORTON. Does the resolution include the testimony?

Mr. ANTHONY. Yes, sir.

Mr. SAULSBURY. My remembrance is that my colleague the other day moved to amend the resolution so as to include the views of the minority, but as it is reported the resolution does not contain the amendment.

Mr. ANTHONY. That is possible; but the views of the minority would be printed whether the resolution included them expressly or not.

Mr. SAULSBURY. I have no doubt it is the desire of the committee to print the views of the minority, but I call attention to the language of the resolution itself.

Mr. ANTHONY. Let the amendment be put in, and that will settle it.

Mr. SHERMAN. If the views of the minority are to be published, it is certainly important to know if the views of the minority have been filed. That is one consideration.

Mr. SAULSBURY. I do not know as to that.

Mr. SHERMAN. I understand the Senator from Delaware, [Mr. BAYARD,] the colleague of the Senator, asked leave to file the views of the minority. I do not think this report ought to be delayed if the views of the minority have not been filed.

Mr. SAULSBURY. My impression is that my colleague amended the resolution when it was introduced for reference so as to include the views of the minority.

Mr. SHERMAN. I think he simply asked leave to file the views of the minority.

Mr. WITHERS. He asked that an amendment be made to this resolution itself.

Mr. SHERMAN. I do not think the majority report ought to be delayed if the views of the minority are not filed.

Mr. ANTHONY. Let the resolution be passed and we can provide for printing the views of the minority when presented.

Mr. SAULSBURY. I appeal to Senators that it would be a very unfair thing to publish the report of the majority with the testimony, without the views of the minority accompanying that report. It would be but slight recompense to the minority to publish in a separate manner their views. The views of the minority ought to accompany the report of the majority. That has always, I believe, been customary, and I am sure that was the object of my colleague.

Mr. ANTHONY. It has been customary for the minority to present their views. They certainly do not expect the Committee on Printing to make a minority report for them. We can do so, I suppose, if they want us to do it.

Mr. EATON. What is the question before the Senate?

The PRESIDENT *pro tempore*. The question is on the adoption of the resolution reported from the Committee on Printing.

Mr. EATON. As the Senator from Delaware [Mr. BAYARD] is absent I hope the Senator from Rhode Island will consent to let the resolution lie on the table for the present.

Mr. ANTHONY. I would rather withdraw the report, and then perhaps I can get it before the Senate again with less difficulty.

Mr. BOUTWELL. I think if Senators will listen a moment, they will see that there is no trouble about this report. The testimony taken by the committee is voluminous. It is now in the hands of the Printer. It is desired by the Printer that the Senate should decide whether there shall be an extra number of copies printed. This is a proposition for an extra number in order to avoid expense should the Senate desire to have more than the customary number. The committee has not consulted in regard to the report, I may say, and there is neither majority nor minority report prepared. It is my understanding that if the Senate decide that an additional number shall be printed, when the committee confer, if they agree the report of the committee will be printed with the testimony; if they disagree and there are two reports, the majority and the minority reports will be printed. The business now is with the testimony, to ascertain whether the Senate will order an extra number of copies or not. The report will be printed, whether there is one report or whether there are two.

Mr. SAULSBURY. I think it is due to my colleague and due to the Senator from Indiana, [Mr. MCDONALD,] neither of whom is in the Chamber, that this matter shall not be pressed to a final issue in their absence. I therefore hope the Senator from Massachusetts will consent to let the resolution lie over.

Mr. BOUTWELL. When it is understood that the whole report shall be printed, and that, if there are two reports, both shall be printed, I cannot see any objection to passing this resolution. It is very important to the Printer. The work of printing the testimony is now delayed because they have not type enough to go on, as I understand, and leave that stand which has been used.

Mr. MORTON. They will have to distribute and set up the type again, if the work cannot be done at once.

Mr. BOUTWELL. They will have to set the type again. The reports will both be printed. Gentlemen need not be concerned about any difficulty in printing the views of the minority. They will have the same circulation as the views of the majority. I hope there will be no objection to the resolution.

Mr. ANTHONY. I will answer the suggestion of the Senator from

Delaware, my colleague on the Printing Committee. His colleague desires this report to be printed, and of course he expects it to be printed with the views of the majority.

Mr. SARGENT. Does the resolution provide for doing that?

Mr. ANTHONY. It has been amended so as to provide for it.

Mr. SARGENT. Then is there any objection to the resolution?

Mr. BOUTWELL. I cannot see how there can be any objection.

The PRESIDENT *pro tempore*. The Chair will state that the Senator from Delaware [Mr. BAYARD] called attention to the matter when the resolution was introduced, and his amendment was referred to the committee that the views of the minority be printed with the majority report, but there was no action taken by the Senate upon his suggestion.

Mr. ANTHONY. I think, as a matter of convenience, as the Senator from Delaware [Mr. SAULSBURY] is aware, to avoid distributing the type, the order to print should be made now.

Mr. THURMAN. Let the resolution be reported.

Mr. SARGENT. As amended.

The PRESIDENT *pro tempore*. The resolution, as amended, will be read.

The Chief Clerk read as follows:

Resolved, That 4,000 copies of the report of the Special Committee to Investigate the late Election in Mississippi, with the views of the minority, be printed for the use of the Senate.

The resolution, as amended, was agreed to.

EDUCATION REPORT.

Mr. DAVIS. While the subject of printing is up I should like to inquire of the chairman of the Printing Committee as to the report on education, whether or not any copies have been ordered for the use of the Senate, or whether there is a resolution now pending before the committee on that subject? I have had from several sources requests for the report of the Commissioner of Education for 1875, and I have inquired at the document-room, and find that there are none ordered to be printed so far as they know. I desire to know from the chairman whether there is a resolution now pending before his committee.

Mr. ANTHONY. The Senate passed a resolution on the report of the Committee on Printing for printing 10,000 copies of the report of the Commissioner of Education.

Mr. DAVIS. For the use of the Commissioner, but none for the use of the Senate.

Mr. ANTHONY. I am not sure. I think that it was printed for the use of the Commissioner and was included in the sundry civil bill. At all events we have passed a resolution for printing it for the use of the Commissioner.

Mr. DAVIS. I should be glad if the Senator would see to that, so that the Senate may get a portion of those 10,000 copies. I understand that the Commissioner appropriates them to his own use and that there are none for the use of the members, for I applied and could get none for my State.

Mr. ANTHONY. It would be competent for the two Houses of Congress to order the distribution.

CHINESE IMMIGRATION.

Mr. SARGENT. I offer the following resolution and ask for its present consideration:

Whereas on the 6th day of July, 1876, the Senate authorized the appointment of a special committee of three Senators to investigate the immigration of Chinese to this country; and whereas on the 17th day of July, 1876, the House of Representatives authorized the appointment of a special committee of three members of the House to discharge similar duties:

Be it resolved by the Senate, (the House of Representatives concurring,) That said special committees shall act as a joint special committee of the two Houses for the purposes aforesaid and with the powers conferred by the resolutions appointing them.

Mr. EDMUNDS. I would suggest to the Senator from California that he ought to provide for their expenses, otherwise there will not be any opportunity.

Mr. SARGENT. I understand they will send over here from the House side a bill which will cover that point.

Mr. EDMUNDS. Why not, as this is a joint resolution, just add "the expenses to be paid one-half out of the contingent fund of the Senate and one-half out of the contingent fund of the House."

Mr. SARGENT. Perhaps it would be better to add that. I will add those words.

The PRESIDENT *pro tempore*. The words proposed to be added will be read.

The Chief Clerk read as follows:

The expenses of said committee to be paid one-half out of the contingent fund of the Senate and one-half out of the contingent fund of the House of Representatives.

The PRESIDENT *pro tempore*. The resolution will be so modified.

The resolution, as modified, was agreed to.

TREASURY STATEMENTS AND ACCOUNTS.

Mr. CAMERON, of Pennsylvania. I now ask the Senate to take up the bill from the House of Representatives appropriating some $1,500 to the widow of the late James K. Polk for property taken. It will not occupy any time.

Mr. BOUTWELL. If the Senator from Pennsylvania will yield, I rise to what is in the nature of a personal explanation.

Mr. CAMERON, of Pennsylvania. Of course, with the understanding that I do not lose my place.

Mr. BOUTWELL. Although I have to confess to the Senate that I should not rise to a personal explanation, but the matter to which I call attention relates to the party to which I belong and to the reputation of the country.

The convention of the democratic party which met at Saint Louis on the 27th of June, among other allegations set forth in their platform on which they base the statement that there should be a reform in the Government, say that "a late Secretary of the Treasury forced balances in the public accounts." That statement in the platform, in connection with the well-known fact that the honorable Senator from West Virginia [Mr. DAVIS] called the attention of the Senate to what he supposed were discrepancies in the public accounts, leads me to conclude that this paragraph relates to myself; but as relating to myself I am wholly indifferent to it. The character of the party with which I am connected is in a certain sense affected, but I do not know that even in that aspect of the case I should have called attention to it. But the reputation and the credit of the country are concerned in knowing whether at any time by any Secretary of the Treasury balances in the public accounts have been forced.

The honorable Senator from West Virginia brought this matter to the attention of the Senate very early in the session. The subject was referred to the Committee on Finance. That committee, as I understand—for I never was with the committee when that subject was under consideration—submitted an investigation of these allegations to a subcommittee consisting of the honorable chairman and the honorable Senator from the State of New York, [Mr. KERNAN.] I am informed that they investigated the subject for many weeks, perhaps extending over a period of months. What I do know is that on the 6th day of June, twenty-four days before this resolution was passed in the Saint Louis convention, that committee made a report. I was not present in the Senate when the report was made, but there is nothing in the report to indicate that it was not a unanimous report. In that report it is said:

Your committee, in conclusion, would say that they are fully satisfied that there has not been the slightest change in the books of the Treasury.

Your committee are not prepared to recommend any change in the mode of keeping or making public these accounts. The system is the growth of the experience of the Department since its organization, and it would be a very delicate and dangerous task to propose any change in this respect. Certainly it ought not to be done without a much more full and critical examination than your committee could make without the aid of experts and the most careful study.

I make this statement here and now in order that if there be any member of that committee, if there be any person in this Senate, who doubts the truth of that statement, here and now he may make his doubt known to the Senate and to the country.

Mr. DAVIS. It is true, as the Senator from Massachusetts, late Secretary of the Treasury, says, that early in the present session I called the attention of the Senate to what I believed and still believe to be discrepancies and alterations in the annual statements to Congress. I have not stated, nor do I state now, that the books of the Treasury Department have been changed, for I was in an official way deprived of any examination whatever of the books of the Department; neither have I sought in any capacity whatever to examine the books. I have to repeat what I said formerly, that if the books have not been changed they do not agree with the statements sent to Congress, and I am ready to make that statement good here or elsewhere at any time. I shall in a few days, as soon as opportunity offers, review the report of the Finance Committee appointed by the Senate to investigate the subject. I do not speak with any degree of censure of the committee, for it was stated at the time by many Senators and a part of the committee itself that the Finance Committee would not have time to make a thorough examination of the subject. I take it that the committee will say now, if it is necessary to say anything about it, that their time was so occupied that they had not an opportunity of going to the Treasury Department and making a proper and thorough examination of the books there, but had to depend necessarily upon the reply of the Treasury Department and its officials.

The statement of the Senator from Massachusetts, which is proper, as to the notice in the democratic platform formed at Saint Louis, is correct. I knew as little of that until I saw it in print as he or any other Senator or any other gentleman did. No word of mine, no action of mine, no thought of mine expressed to anybody caused it to be put there, and I was somewhat surprised when I saw it, though I thought it was very properly there, and I believe now that it is properly there, and I am gratified that the country has at last taken notice of the facts, and hope that it will result in good and bring about a thorough examination of this subject.

Mr. President, I think I can show, and I shall show without any personal allusion to any Senator in a very short time, when I undertake to review the answer of the Treasury Department, that the late Secretary of the Treasury who has just resigned admits in more than one place that discrepancies and alterations have been made in the the annual statements to Congress by a former Secretary. He says that the debt statement has been remodeled and restated. He makes the statement in his report over and over again that the discrepancies do exist, and makes an effort in some instances to explain them away. As to the books, I cannot speak nor do I intend to speak; but I do speak as to the annual official statements made to Congress. They have been changed. The figures have been altered both as to revenue and as to expenditures and as to the public-debt statement. The changes and alterations of amount went back as far as 1835;

and when the restatement and remodeling, as the Secretary of the Treasury says, came to the end, it made a difference of two hundred and forty-odd million dollars. In other words, between the annual report of 1869, if you go back and add up the statement as there given, and then take that made in 1871, you will find a difference of over $260,000,000 in the debt statement, and in some single years, one I recollect now, more than $90,000,000 in advance of what was reported the year before. If there was a right cause or law for going back twenty or thirty years and restating the figures and advancing them, that ought to be shown; and it belongs to those who caused the restatements to be made to show it, not to me. I state the fact that there has been such restatements and changes.

Mr. KERNAN. Mr. President, it will be remembered that, when the resolution offered by the Senator from West Virginia was proposed to be referred to the Committee on Finance, I for one opposed it because the committee was overworked. I think I did that with the approval of the chairman, who thought we had too much to do to undertake this investigation. But the Senator from Massachusetts is correct in supposing that the matter was referred to a subcommittee consisting of the chairman and myself; and it is due to us to say that neither of us—I did not go I am sure—ever went to the Treasury to examine these books which would have taken time beyond anything we could think of bestowing; but the resolution was communicated to the Treasury Department and there came back a very large mass of statements and figures purporting to be explanations of the discrepancies complained of. I looked at those very hurriedly before they were printed. I discovered that it was idle for me to attempt to understand the matter, having had no connection with the original investigation or the complaint, and therefore I did not attempt it. Therefore I cannot say that there was any such thing as was alleged, nor could I say from any examination of mine that it was not so; but the figures were all reported and I called the attention of the Senator from West Virginia then to the fact that they would be printed and of course those who had knowledge on the subject making these charges would look into them. That is all I can say. I had not the time nor the information which would enable me to investigate the points involved in such a mass of figures, and I concurred in the report made by the chairman.

Now, a single word about the resolution. Like the Senator from West Virginia, I did not hear that resolution read, and until read in the convention it did not attract my attention.

Mr. EDMUNDS. You could probably prove that by every member of the convention.

Mr. KERNAN. No; I suppose the gentleman who drew it had some knowledge; I infer he had more than I had, for he must have been looking at the debates that had been going on here. I did not know anything about the intention to offer the resolution.

All I can say is that the answer made by the Treasury was published, to the end that those who had examined the matter before and supposed there were changes could verify their allegations and find out whether the inquiry was properly answered or not. This was all that the committee could do, hurried all the time by other business. I cannot say that it does answer the charges or that it does not. I suppose those who looked into it would be able to examine it carefully.

Mr. SHERMAN. I should like to say a word on this subject. The charge of an alteration of the books of the Treasury did excite my great interest. The alleged discrepancy in the Treasury accounts was a matter totally immaterial compared with the allegations that the books of the Treasury had been altered. As to the discrepancy in the statements of accounts, I could see how that might arise. Therefore, on the first inquiry we made, I went to the then Secretary of the Treasury myself and to the Assistant Secretary and demanded in the name of the Committee on Finance that all the books of the Treasury should be examined by the best experts they had in the Department to see whether there was any ground whatever for an allegation that any book in the Treasury Department had been changed or altered. I also called in a second instance for any explanation of a discrepancy in the statement of accounts, which was quite a different thing, as Senators will see who reflect a moment. Here is the specific answer in regard to alteration of books made by the Secretary of the Treasury in response to my distinct demand:

> In this connection it should be stated that in no instance has there been any erasure or alteration in the books and records of this Department, and the changes made in the published reports have been only to express with greater accuracy the precise condition of the public accounts, as shown by such books and records.

As a matter of course I did not, nor could I without devoting too much time, go through all the books and examine them myself; but I made the responsible head of the Department certify, on the examination of his experts, that no such alteration was made. Senators who want to examine this matter will find in the last communication from the Secretary of the Treasury, Mr. Bristow, on page 36 of this report, an ample detail of the reason why changes in the mode of stating the debt accounts and the other accounts were made; why in 1871 a re-examination of the statements for many years before was made and a full and satisfactory explanation, so far as I can gather from the documents submitted to us, of every discrepancy pointed out by the Senator from West Virginia. I do not want to go into a statement about a complicated question of this kind, involving book accounts, but the material point is that there was no alteration whatever of any book or paper in the Treasury Department, and, second, that every discrepancy or alleged discrepancy that was pointed out by any one was fully accounted for and the reasons for the discrepancy were shown, and, third, the most ample and satisfactory reasons were given why in 1871 a change in the mode of stating the accounts, not in keeping them, not in writing them out, but in stating their results, was made; and that was approved, and is now undoubtedly the best plan of stating not only the debt statement but all the accounts of the Treasury Department, so that discrepancies which heretofore have existed between the Register's accounts and the Treasurer's accounts could be easily and readily explained.

Mr. BOUTWELL. Mr. President, after what has been said I purpose to assert myself upon one point in respect to this business, and that is that up to the time the investigation was undertaken in 1869 the books of the Treasury Department, although accurately kept upon the plan which was devised, had not stated the loan account accurately from the very first day they were opened under the administration of Alexander Hamilton. I also assert that during the four years that I administered the Treasury Department, for the first time in the history of the Government the books of the Department represented the exact state of public affairs; not that there had been any fraud; not that there had been any inaccuracy in the keeping of accounts; but the system in respect to the public loans was such that no accurate results could be reached. Upon that statement I purpose to stand here and as matter of history.

These assaults originated by the honorable Senator from West Virginia, and instigated I doubt not by his associates, as far as they have been expressed in the Saint Louis platform, will ultimately fall harmless because the more investigation there shall be the more clearly will the truth appear. And as for the honorable Senator from West Virginia he deals with facts and figures and simple propositions in arithmetic as a child deals with geometric blocks, whose value he does not appreciate and whose powers he cannot comprehend; and a child may from those blocks rear a fabric that will challenge criticism and explanation and description and defense, and when destroyed will defy the powers of artisan or architect or mechanician to reproduce it. But a phase is presented both by the child and man that may be the object even of envy. They dwell for the time, and as time goes on more completely dwell, in obscure security in reference to the work they have done.

Mr. DAVIS. Mr. President, I hardly know whether I ought to notice the latter part of the remarks of the honorable Senator from Massachusetts. I hardly think they are worthy of himself, and I had almost said they were not worthy of my notice. Alexander Hamilton made a form of book-keeping, as we are told by the chairman of the Finance Committee, and we are told by him that he would be a bold man who would interfere with it; and yet there has been a man that has interfered with it. I will not say he is a child. The Senator from Massachusetts knows who interfered with it. He knows that by his order, and by his written order, a balance-sheet went from his office to that of the Register directing him to make his next annual statement compare with the one he sent. He knows that the statement sent from his office (for I take it nothing went from the office on so important a matter but that he would know of it) to the Register, who is the official book-keeper of the Government. He was directed to make certain entries, and to report them to Congress. Whether or not this caused a change of the books I know not; but I do know that the statements made to Congress, which the public accepted as correct, were changed, and are to-day so, and I re-assert it and I know what I am saying. I can make good every figure I have given and mean to do so.

I regret very much that the Senator from Massachusetts has seen proper to make personal allusion to me, not only now but heretofore. I thought I had the right to bring the matter to public notice when I believed there were discrepancies and wrongs in the Treasury Department, and I believe yet as a Senator that that is my right. I think it comes with a very bad grace from a Senator with as much experience as the Senator from Massachusetts, and who knows how to weigh words so well, to use the language he has toward myself. Sir, I can hardly trust myself to talk of him, and therefore I will dismiss that part of the subject.

But as to the Treasury statements, I say Secretary Bristow, in his report over his signature, says that the gentleman who was Secretary in 1869 did remodel and restate the public-debt statement; and I add that in doing so he vastly increased the apparent amount, so far as the debt statements are concerned, of the Government debt, in some single years ninety odd millions of dollars. In the year 1862 or 1863—I forget which—Secretary Chase, indorsed by the Register, followed by Fessenden, followed by McCulloch, all stated the debt to be $514,000,000 in round numbers. But in 1871, for some cause unknown to myself, those figures are changed; and in the report sent to you here to-day, and every report since 1871, it is stated at $524,000,000 in round numbers, increasing the debt statement of that single year near $10,000,000.

I say that the revenue, after having been paid into the Treasury according to the reports, has gotten out of the Treasury in some way without an appropriation by Congress, if you take the figures as reported by the honorable Senator from Massachusetts to the Senate in his annual reports while Secretary of the Treasury. I say further that the expenditures for pensions in a single year were reported for

eight or ten years to be $9,000,000, and they have been changed and raised to $16,000,000, and the reports that come here this session show them to stand now at $16,000,000 when they were reported by several Secretaries at $9,000,000. I give round numbers.

However, Mr. President, I expect in a few days, if the trial of the impeachment shall have ended and I can get the floor, to review the report to the Finance Committee made by the Treasury Department, and I believe then I shall to any impartial mind not only show that the explanations of these discrepancies are not substantial and will not hold, but new discrepancies, amounting to large amounts of money, are shown; and it is a strange fact that no discrepancy or change or alteration except the ones pointed out by myself have been noticed in this report, and not all of them. I shall show new ones for large amounts of money, and it is for those who made the changes to explain to the Senate why they were made, and not myself.

TELEGRAPHIC COMMUNICATION WITH ASIA.

The PRESIDENT *pro tempore*. The morning hour has expired.

Mr. CAMERON, of Pennsylvania. I hope the Senate will now indulge me for five or ten minutes in getting up the bill for the relief of Mrs. Polk.

Mr. EDMUNDS. I call for the regular order.

The PRESIDENT *pro tempore*. The unfinished business is before the Senate.

Mr. DAWES. If the Senator from Vermont will withdraw his call for the regular order for a moment, I should like to ask unanimous consent to withdraw a motion which I entered some weeks ago, to reconsider the vote by which the Senate passed a bill creating a corporation for the laying of a Pacific telegraph cable. I entered that motion, not for the purpose of obstructing the construction of such a telegraph, but because I thought it might contribute to the construction of it, for there were persons who had been endeavoring, without success, for some time to obtain such legislation as would authorize them to lay such a cable, and I was apprehensive that the creation of the corporation—not believing myself that the men engaged in it were able to construct it—might really delay the result aimed at. I thought it would facilitate the construction of the telegraph if I should move to reconsider, and add to this bill the second section of a bill which has been reported by the same committee, authorizing any persons to construct a telegraph who saw fit; but I have ascertained, on comparing this bill creating a corporation with that section, that the provisions would be incongruous, and the Senator who reported both bills [Mr. HOWE] assures me that he will put the bill which contains this section upon its passage, if the Senate will permit him. It will accomplish all I desired in moving the reconsideration, if that can be done, and therefore I ask unanimous consent to withdraw the motion to reconsider; and if the Senate will permit the Senator from Wisconsin to put that bill upon its passage it will excite no debate and can be done in a moment.

The PRESIDENT *pro tempore*. Is there objection to withdrawing the motion to reconsider the vote by which the bill (S. No. 892) to encourage and promote telegraphic communication between America and Asia was passed?

Mr. DAWES. I ask unanimous consent to withdraw the motion to reconsider the vote by which that bill was passed.

The PRESIDENT *pro tempore*. Is there objection to withdrawing the motion? The Chair hears none.

Mr. ALLISON and Mr. EDMUNDS. Regular order.

Mr. HOWE. The Senator from Massachusetts asked leave to withdraw that motion to reconsider, and seems to lay me under some obligation to move to consider Senate bill 541, which relates to the same subject, and if there be no objection to considering the bill now I should be glad.

Mr. EDMUNDS. I think we had better go on for the present with the regular order.

The PRESIDENT *pro tempore*. The regular order is the unfinished business, the river and harbor bill.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. U. S. GRANT, jr., his Secretary, announced that the President had this day approved and signed the act (S. No. 382) to appropriate $1,000 to remove the remains of Hon. E. Rumsey Wing, late minister to Ecuador, from Quito to the cemetery at Owensborough, Kentucky.

RIVER AND HARBOR BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 3022) making appropriations for the construction, repair, preservation, and completion of certain public works on rivers and harbors, and for other purposes, the pending question being on the motion of Mr. THURMAN to recommit the bill to the Committee on Appropriations with instructions to reduce the aggregate amount of the appropriations contained in the bill to a sum not exceeding $4,000,000.

Mr. MERRIMON. Mr. President, I had not intended by any word of mine to give this debate a partisan turn. I was inclined, as I generally am in the discussion of measures before the Senate, to debate the pending bill upon its merits and to leave the discussion of party politics to some other more appropriate and opportune occasion. But two or three republican Senators on yesterday manifested a fixed and persistent purpose to assail, arraign, and defame the democratic party and that party as represented by the House of Representatives, and to question the sincerity and honesty of their professions and the wisdom of their policy. I therefore deem it not out of place on this occasion, in view of indubitable and unanswerable facts, to accept the challenge as broadly as it is presented, and to see whether or not the objections which they have raised have any sure foundation and are really worthy the consideration of the Senate or the country.

The Senator from Indiana [Mr. MORTON] in his remarks yesterday took occasion to say some very harsh things of the democratic party, to denounce it, to question its sincerity, and to hold it up to the ridicule and execration of the country. What he said, however, was unsustained by any argument or fact which he ventured to state, and I take it that mere empty assertion, wordy declamation, unsustained by fact, will go but a short way with persons who look to reason, to fact, and to justice to control their action; and in this particular case they will do it the more readily because his broad assertions were directly in the face of an actual fact. He declared that the professions of the democratic party as represented in the other House to correct misrule, to reform the administration of the Government, and to retrench the expenses of the Government were mere dissembling, that they were hypocritical, that they were false and fraudulent, and intended simply to catch the votes of the people. As I said a moment ago, he cited no fact and he made no argument to sustain that charge, and it was made in the face of the very fact that the House at the present session has reduced the regular appropriation bills more than thirty-eight millions from the aggregate amount appropriated for the public service for the last year, and about sixty-four millions less than the official estimates for this current year.

But he said all this is most hypocritical. Sir, that is unjust; that, it seems to me, is unfair; it is discourteous. Why should he thus question the motives of a great party or of the House of Representatives? What reason can he assign for it? What event has transpired that warrants it? Such I undertake to say is not the fact; but if it were, what is material to the people, to the country, is that there should be retrenchment and reform; and if they get this from the House of Representatives, I take it that there will not be a very great deal of question about the motive. The great end to be attained is to have retrenchment and reduction of the expenses of the Government, the extravagant, enormous magnitude of which has been brought about, as I believe and shall attempt to show in a very brief way and by presenting now only one or two points, by the misrule of the republican party which he represents on this floor.

He said that while this party make such loud professions of reform and retrenchment they have not passed a bill and sent it to the Senate proposing to reduce the taxes of the people one farthing, and this he said with an air of triumph as though there were no answer to his imputation. There are two plain explanations of the suggestion he thus makes with so much apparent confidence. The first one is this, that the industries of the country, the trade of the country, and the condition of the country in every material respect, through the misrule which has prevailed in this country for the last ten years, have become so prostrated, the sources of revenue are so impaired, that even if the revenue laws shall remain this year as they were last year, the revenue that will be realized will not be sufficient to meet the appropriations to an amount equal to what they were last year, by many millions of dollars. That is conceded on all hands. We learn this fact from the Treasury Department, and it is manifest to every mind at all familiar with the condition of the country. And if the reductions of appropriations proposed by the House were not made, taxation would necessarily have to be largely increased.

There is another explanation that it is worth while to mention. If the Senate shall concur in the action of the House in reducing the regular appropriations by the amount of $38,000,000, it is believed that the House may safely send a revenue bill to the Senate reducing the taxes of the people equal to $20,000,000. Congress is not yet adjourned; we are not prepared to say when it will adjourn, and the work of the House in the direction of retrenchment and reform is not yet complete. It is wise and necessary that the House should wait until the Senate shall take action on the various appropriation bills, in order to see whether the work which they have so wisely and necessarily begun in reducing the appropriations for this year by the amount of $38,000,000 less than they were a year ago shall be concurred in by the Senate. If it shall not, then the revenue laws must stand as they are, notwithstanding the prostrate condition of business of all kinds in the country. But if it should turn out that the Senate shall concur, then the House may send a revenue bill here reducing taxes by the amount of $20,000,000 this year and we may expect that result.

So, then, I say, Mr. President, in what fell from the Senator from Indiana yesterday there is really, with all due respect to him, nothing. He declaimed loudly; he said hard words; he laughed and made faces at the House and the democratic party; but, I repeat, he stated not one fact and he made not one argument to sustain the imputation which he made; and he made it in the face of the fact, patent to him and the country, that the House of Representatives have already reduced the appropriations to an amount $38,000,000 less than they were last year.

The Senator from Illinois [Mr. LOGAN] likewise indulged in some extravagant imputations against the House and the democratic party.

He declared that it was the manifest purpose of the House and the democratic party to embarrass the Government, and in the end subvert and destroy it, and that that was apparent in the fact that there was a disposition to cut off the usual appropriations needed to carry on the necessary branches of the public service. It is a remarkable and striking fact that he also cited not one solitary fact, nor did he adduce any reasonable argument to sustain so grave a charge. It really seemed that he expected the country to believe his empty declaration without facts, without argumentation, and also to believe it in the face of what is manifest as to the actual retrenchment that has been effected by the House of Representatives. He said that the House and the party boasted that they had impaired the public service in failing to make the proper and appropriate appropriations for the support of the Army. Why, Mr. President, did he go on in his speech to show the Senate whereby the efficiency of the Army was impaired in any respect? Did he produce the testimony of a single military officer or soldier or civilian to the effect that if the appropriation bill for the support of the Army shall pass and become a law as it came from the House, thereby the military service of the country would be impaired, that the General of the Army would resign, that all the great officers of the Army would resign, that the Army would be disbanded, and that it could not do the service that is necessary in that branch of the public service? Did he point to the investigations of any committee of this body or of the other House or anywhere? Could he point to any memorial calling attention to any such result as that? He did not, and for the very good reason that he could not. There is no pretense that any general in the Army will resign or think of doing so because of the appropriations made by the House of Representatives. It is not pretended by the citation of any fact or circumstance that the Army will be less efficient this year than it was last year. The Articles of War, the rules and regulations governing the Army, the laws affecting the Army are just as complete and effective this year under the action of the House of Representatives as they were last year, and the Army will do the country service in the future as it has in the past, and do it as effectually and as well, notwithstanding the appropriations have been cut down by the House to a reasonable measure.

The same remarks are applicable to the Navy. He said that the efficiency of the Navy had been greatly impaired. Did he point to any fact showing that the vessels which are now in the public service and on foreign stations will be brought home and taken out of commission and laid up? Did he point to a single fact stated by any one who would know that any naval officer contemplated resignation? Could he show that the Secretary of the Navy proposed to abandon his post; that any admiral, or rear-admiral, or that any captain in the Navy, or anybody in the naval service contemplated the abandonment of his service because there was not an amount sufficient appropriated to supply the Navy for the next year? On the contrary, all the laws and regulations touching the Navy calculated to promote and secure its efficiency remain just as they did last year, and the Navy will go on and discharge all its duties notwithstanding the appropriations have been cut down to a less sum than last year, just as they did last year, and they will be just as efficient.

Then take the civil service. Will the cutting down of the salaries of members of Congress, of the number of employés in the various Departments, the cutting down of pay to employés anywhere affect the public service? Can any fact be pointed to to sustain that charge? I apprehend not. We do not hear that any civil officer of the Government is going to resign on account of the fact that his salary has been reduced. The employés in the various Departments of the Government do not contemplate abandoning their positions because the House has seen fit to cut down their pay; and, even if they were to do so, there are hundreds and thousands just as efficient as they are and anxious to take their places, and who would discharge the duties devolved upon them as efficiently and as well.

So that this is the merest clamor and claptrap intended to get around that fixed, definite, and determined policy of the democratic party to bring about reform and to retrench the expenses of the Government. That is not the way, in my judgment, to meet this question. It cannot be done by indirection. The majority in this body had better step forward and recognize the necessity, and say that they join with the democratic party in this good work, for, if they do not, they will find, in my opinion, that the people will condemn them at the ballot-box in November next.

The Senator from Illinois then makes a thrust at the pending bill. He says it is plain that the purpose of this bill was to promote the success of a great many democratic aspirants in the various congressional districts of the Union. In support of that imputation also he cited no single fact. He did not point to a single district where the interests of a single member of the House who seeks to be re-elected to the next Congress would be materially benefited by a single appropriation contained in the bill; and I venture to say, if he had gone on and analyzed the various appropriations, he would have found that there was no substantial ground for his imputation. I take it that the people of the country will not be governed in their action at the ballot-box by an empty suggestion of that character, when there is no fact to sustain it.

Why, sir, take the appropriations for my own State—and I shall have something more to say about them by and by; the principal appropriations are made for places on the seaboard. They are appropriations made for the benefit of localities where the republican party prevail. They are made in that section of the State where the republican party are most powerful. They are made in localities where it is expected that they realize their largest majorities in the approaching election, and they are made where also the democrats could expect to realize very little indeed more than they ever do. The other appropriation, a very small one, the sum of $15,000, is made for an improvement in a democratic district where they have from three thousand to four thousand majority, and where it is wholly unnecessary that any improper appropriation should be made or other consideration resorted to in order to secure votes for the democratic party. They are there already, and they need no appropriation of this kind to influence their action.

So then I say, sir, the assaults made yesterday against the democratic party were mere empty declamation, without force or effect, and ought not to influence the vote of a single human being when he comes to pass upon the great issues before the country.

But, Mr. President, I want to go a little further and make a point or two which I will not ask the Senate or the country to consider and believe by reason of my mere assertion; I shall state the facts and give the figures from the record and the arguments at my command to support the charges I make against the republican party of the country. I will not stop now to go into a history of this party, to advert to the fact that it is a party that had its origin in moral causes and in the doctrine of a higher law than the Constitution; that it has accomplished all its ends by force, and that the great purpose for which it came into existence has been accomplished, and that it is no longer a party of principle, that it is a mere political organization held together by the public patronage of the Government. I believe if there were no public patronage, no offices or places to be bestowed or withheld, the republican party of the nation could not live twenty-four hours. As a great party of principle its work has been accomplished, and I challenge any Senator upon this floor who belongs to that party to cite any great distinctive principle which its votaries advocate that is not common to every party and everybody in this country. I repeat, there is no distinctive principle of government that distinguishes it from any other party in the country. It is now distinguished by reason of its extravagance in public expenditures and the gross and appalling frauds which it tolerates and in many instances countenances by indirection, if not directly.

Mr. SHERMAN. I should like to ask my honorable friend what principle the democratic party now stands upon?

Mr. MERRIMON. The great leading principle they are now standing upon and fighting for—embodying as they do a class of men that belonged to all parties in the past—is to reform maladministration and retrench the expenses of the Government.

Mr. SHERMAN. What single act of reform has the democratic party accomplished since 1840? In the history of our country I can show fifty for the republican party. Let us come down to the facts now. This is the commencement of a political campaign. Name me a single reform in doctrine, law, or practice that the democratic party has inaugurated and carried out.

Mr. MERRIMON. Why, sir, everybody in this country and throughout the whole civilized world knows that up to 1860 no country on the face of the globe prospered as did this country and that this Government had been administered by the democratic party substantially for forty years before that time.

Mr. SHERMAN. I say since 1840, since the organization of the new whig and democratic parties, name me a single reform or great measure which is enduring and now on the statute-book started, organized, and carried out by the democratic party.

Mr. MERRIMON. Why, sir, after 1840——

Mr. MORTON. I should like to add to that question. I should like my friend from North Carolina to name one single good act of any kind that the democratic party has performed in twenty-five years. [Applause in the galleries.]

The PRESIDENT *pro tempore*. Applause in the galleries is out of order. The Sergeant-at-Arms will see that it is not repeated.

Mr. MERRIMON. My friends had as well understand at once that I shall not be frightened by questions put in that shape to me or by the clapping of hands in the galleries or elsewhere. Why, sir, in the purer days of the Republic, from 1840 down, the Government was comparatively pure and no country—I repeat what I said a moment ago—ever prospered as did this country down to 1860, and I ask the gentlemen who put these questions with such an air of triumph if they or either of them dare deny that fact? They cannot point to the time when the democratic party stole the revenues of the country; they cannot point to the time when corruption permeated the whole body-politic, and when the party itself had to condemn itself, as has been the case with the republican party, as I shall have occasion to show before I take my seat. I am asked to point to a single measure of reform. But, sir, the government was so pure, it operated so evenly except on a single question, that positively the people of this country did not know that they paid to support the Government they lived under. Down to 1850 there was scarcely ever a complaint that anything ever was stolen from the Government, that the Government was plundered of its revenue, that injustice was done to any section, and the only complaint I ever heard brought against the democratic party was that the republican party insisted that they were pro-slavery in their practices, tendencies, and sympathies.

But, sir, it was not my purpose, as I said, to go into a history of the republican party and to point out its various usurpations, the means by which they accomplished their ends, and I do not stop to criticise their purposes or to inquire whether they were right or wrong. It is not my purpose now to point out the means by which they accomplished those ends. Let that go for what it is worth; it has passed into history, and the work of that party has been done rightfully or wrongfully, and the country and the world accept it. But as to its practices in relation to the administration of the Government, particularly since the war, I have something to say. I wish to call attention to the maladministration of the Government and the corruption practiced and tolerated by that party, particularly in reference to the revenues of the country, before I take my seat.

The frauds practiced by thousands of the votaries of this party and tolerated by it upon the Government from 1866 down to 1871 were so enormous, so appalling, that the better men of the party could not fail to see the appalling evils to which the country was subject, and they endeavored to inaugurate means of reform, and to that end they raised a commission for the purpose of ascertaining what could be done to reform the Government in the matter of the civil service. I wish to call attention to a commission that was specially raised for that purpose and to one or two things which that commission said, which I take it the republican party are bound by, for every member of this commission was a republican; they were indorsed by a republican President, and I take it by a republican Congress. In commenting upon the evils to which the country was at that time subject, that commission said what I shall read; but before I read from the report I wish to call attention to who composed the commission. In 1870 an act passed Congress authorizing the raising of a commission to inquire into such reforms as could be made in the civil service of the country. That commission was composed of George William Curtis, Alexandar G. Cattell, Joseph Medill, Dawson A. Walker, E. B. Elliott, Joseph H. Blackfan, and David C. Cox. These commissioners were all republicans and I do not doubt that they belonged to the better class of republicans, that they were intelligent and honest men, and that they were adapted to the service for which they were selected. I admit that there are good men in the republican party, that there have always been good men in the republican party; but then I say they have been impotent to control that party and they are particularly impotent to do it now and to bring about those reforms which are essential to the welfare of the country. That commission said in their report:

> It is not easy to compute in figures the exact economical difference between a good and a bad system of the civil service. It is, necessarily, a matter of inference and of comparison between the probable operation of a careless and a careful method. But it is calculated, by those who have made a careful study of all the facts, that one-fourth of the revenues of the United States are annually lost in the collection, and for a large part of that loss a system of the service which is fatally unsound may reasonably be held responsible.

That sentence was written by this republican commission which had been indorsed by a Congress overwhelmingly republican, which had been indorsed also by a republican President; and besides the country knows that they were warranted in making that statement, and if it ever has been denied by any republican authority I have never heard it. So I take it to be true that no man can or will dare to deny the truth of what is so stated.

Now, sir, in discussing the subject of the revenues let us take up the single item of taxes on distilled spirits. Let us see how they were collected, or rather not collected. According to a statement which I have before me giving the amount of internal revenue raised from distilled spirits from the year 1863 to the year 1875 the aggregate number of gallons upon which the Government received revenue was 616,890,390. I will ask the Clerk to read the table I send to him.

The Chief Clerk read as follows:

Statement showing the number of gallons of distilled spirits on which Internal tax was collected and returned to the Office of the Commissioner of the Internal Revenue for each fiscal year since the organization of the present internal-revenue system.

Fiscal years ending June 30—	Number of gallons of spirits distilled from—		Total.
	Apples, grapes, and peaches.	Grain and molasses.	
1863	(a)	16,149,954	16,149,954
1864	(a)	85,295,393	85,295,393
1865	(b)22,065	16,936,780	16,958,845
1866	248,654	14,599,289	14,847,943
1867	440,607	14,148,132	14,588,739
1868	515,262	6,709,546	7,224,808
1869	908,857	61,183,559	62,092,416
1870	1,223,830	77,266,368	78,490,198
1871	2,472,011	59,842,617	62,214,628
1872	1,089,698	65,145,880	66,285,578
1873	2,658,260	62,945,154	65,603,414
1874	766,688	61,814,874	62,581,562
1875	1,757,203	62,668,709	64,425,912
Total	12,103,135	604,706,255	616,890,390

(a) Included in next column. (b) Mostly included in next column.

The number of gallons that ought to have been accounted for in that time is 13,000,000,000, according to the estimate made by the late Mr. Fessenden (then Secretary of the Treasury) in 1864. In that year he said in his report, in making his estimates on the subject of the internal revenues, that the number of gallons distilled was equal to about one hundred millions per annum, and if that amount of spirits was distilled in 1864 it is reasonable to estimate that after peace returned, and when the industries of the country had been in some measure renewed, the number of gallons produced annually would increase; but for the sake of certainty and fairness I take it that the annual production of spirits in this country since 1864 and anterior to that time as far back as 1863, was equal to 100,000,000 gallons per annum. If that is correct, I repeat the number of gallons that ought to have been made from 1863 to 1874 was 13,000,000,000 of gallons. In the years 1865, 1866, 1867, and 1868 the tax on spirits was $2 a gallon. This ought to have yielded $800,000,000 in those years. Now hear the fact, and a material one, that only $104,000,000 were realized; so the loss to the Government pending that time was $696,000,000! I ask the Senator from Indiana and I ask the Senator from Ohio, who propounded their questions with such an air of triumph a while ago, where did that money go to; into whose pockets did that go? It went into the pockets of those who collected the revenue and those who controlled the revenue; it went into ten thousand avenues to corrupt and demoralize and impoverish the country and prostrate the industries of the country, and to bring about the present state of general public distress and suffering. That is where it went. It went to control the elections and secure the immense majorities that the republicans got in the years 1867, 1868, 1869, and 1870. And, sir, the fruits of these $696,000,000 not accounted for brought about the evils that now beset this Government on every hand, and that call so loudly for that reform and retrenchment which the democratic party expect to provide and secure for the American people at the next election.

But let us carry this estimate a little further. In thirteen years next before 1875 the distilled spirits ought to have amounted to 1,300,000,000 gallons. The number of gallons upon which taxes were paid, as I have said, was 616,809,390. I take it that the Government has attempted to realize revenue upon distilled spirits equal to $2 on a gallon from the time the internal-revenue system of taxation began down to the present time. If the country had realized what was due it, the amount of revenue which should have been realized from that source would have been equal to $2,600,000,000. The amount realized was $1,233,618,730.

Mr. MORRILL. Will the Senator from North Carolina allow me to ask him a question?

Mr. MERRIMON. In one moment. The loss realized upon this basis was $1,366,381,220! Now I will hear the Senator.

Mr. MORRILL. I desire to ask the Senator from North Carolina how much of this loss he thinks might be fairly attributed to the illicit distilleries in the woods of North Carolina?

Mr. MERRIMON. Why, Mr. President, I scarcely expected such a question from such a Senator. With all due respect to him, it is immaterial. If every gallon distilled there had been lost, what of it? How would that alter the case? Here was the republican party with the whole Government at its back, the Army and the Navy, with absolute power to execute the law; and if they failed to execute the law, if they allowed dishonest or corrupt men in North Carolina or in Vermont, or anywhere else to rob the Government of its revenues, plunder the people of the nation, and to impoverish honest men who were endeavoring to live up to the law, who is responsible for it but the republican party; and why will not the American people hold them to a strict account when they come to express their voice at the ballot-box? Why did this party, duly charged by its own seeking to do so, fail to execute the law upon dishonest men everywhere? And who will be bold enough to say they are not responsible for failure and neglect to do so?

Mr. SHERMAN. I would ask the Senator a question. He makes his very large estimate at the rate of $2 a gallon; but as we charged the two-dollar tax only for a short time, and the whole of that during the democratic administration of Andrew Johnson, I ask him if it is exactly fair to charge us with the two dollars' tax during all the republican administration when we had not a two-dollar tax? The two-dollar tax continued, I believe, from 1865 to 1868.

Mr. MERRIMON. I will answer the gentleman with a great deal of pleasure.

Mr. SHERMAN. I was about to say that during a portion of Mr. Johnson's administration at the rate of $2 a gallon the whisky tax receipts ran down to $12,000,000 per annum, while they ought to have been, according to the figures now given by the Senator from North Carolina, $200,000,000.

Mr. MERRIMON. In the years 1865, 1866, 1867, and 1868 the tax on spirits was $2 a gallon. This ought to have yielded to the Government $800,000,000, but only $104,000,000 was realized, and there was a loss to the Government during that time of $696,000,000.

Mr. SHERMAN. That was during Johnson's administration.

Mr. MERRIMON. And suppose it was. This effort of the honorable Senator from Ohio and other republican Senators to make the Senate and the country believe that Andrew Johnson's administration was democratic is positively, laughably absurd. Will anybody

pretend that the democratic party elected Andrew Johnson to be President of the United States or Vice-President? Was he not nominated by the republican party on the ticket with the late President Lincoln? Was he not elected by the republican party wherever the republican party cast votes? And did they not quarrel with their own President; and after they had quarreled with him did they not abridge his powers by the tenure-of-office bill, whereby they sought to compel him to use their instruments, whereby these frauds were committed? Why, sir, if he had desired to turn these men out there was an act of Congress staring him in the face forbidding him to do it, and passed for that very purpose; and when he undertook to exercise a power that belonged to him under the Constitution this same republican party impeached him for it. And now, sir, in the face of all that, the Senator from Ohio and other Senators have the boldness and hardihood to stand up and say Andrew Johnson's administration was democratic! Shame on you, Senators!

Mr. LOGAN. Let me ask the Senator if he himself was elected by republican votes.

Mr. MERRIMON. I certainly was in part. But what of that?

Mr. LOGAN. I only refer to it as an illustration.

Mr. MERRIMON. But republican votes could not corrupt me, nor were they intended to do so. If I could consent to sell my conscience for republican votes or democratic votes, I should disgrace this place and disgrace myself as an American citizen. But, Mr. President, I put it to Senators, I put it to the country to show how that bears on the merits of this discussion, how it changes the truth to the extent of the weight of a feather.

Mr. SHERMAN. The Senator from North Carolina should certainly not hold the republicans responsible for his acts now, and I do not think therefore we ought to be held responsible for the acts of Andrew Johnson, who within three or four months after he became President of the United States abandoned the party that elected him and gave his full power, all the power that was given him by the Constitution and the laws, to the democratic party during the whole of the rest of his administration. It is not just or right, when making a party speech, to hold the republican party responsible for the acts of Andrew Johnson or the administration of Andrew Johnson any more than we are responsible for the acts of the Senator from North Carolina. I suppose that it is the logic of the argument.

Mr. MERRIMON. There is just this difference between my case and action and that of Mr. Johnson: The republicans in the Legislature of North Carolina did not nominate me; I did not ask them to vote for me; they voted for me of their own free will and pleasure. Their votes were not cast upon any such ground as that; they could not elect their own candidate and preferred me to another gentleman of my party. No man was more surprised than myself when I received their votes. I no more expected to be elected at the moment I was elected than the Senator from Indiana expected to be elected by the Legislature of North Carolina when I was elected. But Mr. Johnson was nominated by the republican party as a republican; he was nominated as their candidate, as a man embracing and practicing their principles; he was recognized as the republican President of the Union, and until they quarreled with him about his policy of reconstruction, which I think was most unfortunate for the country and which I did not indorse, he was in full fellowship with them and recognized by them; but they quarreled with him, and in the exercise of powers that did not belong to them, as I believe, they sought to embarrass his lawful authority. They passed laws that forbade him to exercise his constitutional powers and to prevent him from turning corrupt and bad men out of office, whereby these very taxes that were lost were lost. Yea, sir, and when he was pressed to the wall and undertook to exercise his right as a Chief Magistrate under the Constitution of his country, they impeached him, and he was tried in this very Chamber for an alleged violation of a law which as good lawyers as there are in this country believed was wholly void, and they came within one or two votes of convicting him for it.

Sir, such a subterfuge as that is not going to weigh with the people of this country. They are too intelligent to allow republican Senators here or republican orators anywhere to tell them, and in such a way as to make them believe it, that the democratic party of this country are responsible for the administration of Andrew Johnson. They are no more responsible for it than I am responsible for it. Sir, those $696,000,000 have gone somewhere, and I see the fruits and the result of that loss to the Government cropping out in nearly five thousand failures in business for over $100,000,000 this year, in the number of workshops and manufacturing establishments that are standing idle to-day, in the cry that comes up from every corner of the land that the people are oppressed, that the workingman is without labor, that poverty and starvation and demoralization stare us in the face wherever we go and on which side soever we look. There, sir, is where it crops out, and this is one of the reasons among a thousand others that have given rise to the present prostrate condition of the industries and the hopes of this country.

Here, sir, I want to read another appropriate paragraph from the report I read from a while ago that is wholesome reading for the Senators and the republican party, pointing to the very results that have come about and what the people may expect if they allow the demoralization that is now prevalent everywhere to continue. Hear what the commission say:

> We would not exaggerate the importance of the peril; but the constant exposure of official dishonesty, the vast system of political corruption, the disclosure of which has produced a peaceful revolution in the city of New York, should suggest to every good citizen the possibility of a similar revolution which might not be peaceful.
>
> Republicans, recognize the fact of an organized system of corruption in this country!
>
> If, by that great and organized corruption, it had been possible—and such a contingency is not improbable—to decide a presidential election, and in a manner universally believed to be fraudulent, the consequences would probably have been civil war. If such corruption is not staid, the result is only postponed; and nothing so surely fosters it as the system which makes the civil service a party prize and convulses the country every four years with a desperate strife for office.

Why, sir, we see the effects like unto those described in the paragraph which I have just read every day. We see cabinet officers come in and go out almost weekly, and high officers of the Government that discharge their duty faithfully and receive the commendation of the good people of the whole country turned out without a word of warning or cause sufficient or satisfactory to the people. We see and realize the truth of these words as though they had been the words of a prophet. I want to call attention to another fact, and a very material fact, to illustrate the truth of that paragraph, and that is the increase of the civil-service officers, employés, and retainers in the Government. I hold in my hand a summary of the number of employés borne upon the civil list of the United States from 1859 to 1875, inclusive, compiled from the Biennial Register. Any one who wishes to verify this statement can do so by looking to the records; and the facts that I am going to call attention to are very material. In 1859, in the State, Treasury, Interior, War, Navy, Justice, Post-Office, and Legislative Departments, there were in all 44,537 employés. Now, mark how they regularly go up. In 1861, they were 46,049; in 1863, they were 47,375; in 1865, they were 53,167; in 1867, they were 56,113; in 1869, they were 54,207; in 1871, they were 57,605; in 1873, they were 86,600; in 1875, they were 94,119. Thus we see that the number of employés from 1860 down to now has regularly every year increased, until last year they amounted to the enormous number of 94,119. And under the practice of the republican party, perhaps the practice of all parties, but it is wrong no matter what party practices it, here is an army of 94,119 retainers to go out to secure the election of the candidate for the Presidency of the party in power. Yes, sir, not only that number, but all their dependents may be included, and all their influences are thrown in that direction; and with this corrupting system practiced by a party and pointed out in the paragraph from the report of that commission that I read a moment ago, who can dare to say that the day is not distant when the country may realize the evil that they warned the Congress and the country against? And is it not high time for the good people of all parties to take warning and action before it is too late?

If a single source of internal revenue was thus prostituted—and I do not see how anybody is going to get around the statement that I have made about it; I cite you to republican authority and refer you to the record—I say if this country has realized such evil from the single source of revenue, distilled spirit, what must be the untold extent and magnitude of the corruption, the plunder, the outrages upon the revenues of the country, when we come to consider the customs duties; the internal-revenue tax upon tobacco, upon trades, upon professions, upon incomes? If the estimates I have made at all approximate the truth, can you not well see why the country groans under grievous burdens? We learn from the Bible that "when the wicked rule the people mourn." When we see such practices carried on and tolerated by the party from year to year in defiance of the best men in the party, what else can we expect except the demoralization, the poverty, and the distress that prevail throughout this country from one end of it to the other? How can we expect any other result than the prevailing evils we experience in every walk and business and condition of life? These, in my judgment, are facts and figures and arguments that the Senate and the country would do well to consider when they come to elect their Chief Magistrate next November.

I might enlarge, as the Senate can see at once, very much upon this subject of malpractice and corruption in the collection of the revenues, but I do not want to trespass unnecessarily upon the time of the Senate. I simply want to get my points before it, and let Senators if they wish show that they are groundless if they can.

I want now to call the attention of the Senate to another point that is likewise striking in its character, and which ought to be considered at this time. The entire net ordinary receipts of the Government from the 4th of March, 1789, the day the Federal Constitution went into operation, to the 30th of June, 1875, were $6,337,034,618.25. The aggregate amount of revenue collected down to 1861, more than seventy years, was $1,841,953,353.62. Mark what I say, since the year 1861, fourteen years as against seventy, the amount of revenue collected was $4,495,081,264.63. These are receipts. I come now to expenditures. From the 4th of March, 1789, to June 30, 1875, the whole amount of money expended by the Government was $6,801,956,954.69. If any one wishes to verify this statement, let him read the report of the Register of the Treasury, November 4, 1875, pages 65 to 67. From March 4, 1789, to June 30, 1861, the entire net expenditure of the Government was $1,581,706,195.34. That covers the expenses of the

Government for over seventy years. Now, see what was expended under republican rule. From June 30, 1861, to June 30, 1875, the net ordinary expenses amounting to $5,220,250,759.35.

Mr. LOGAN. I desire to call the Senator's attention to one point before he leaves it, with his permission.

Mr. MERRIMON. Very well, sir.

Mr. LOGAN. By an examination of the expenditures from 1861 up to 1865 the Senator will find that they were all paid by the Northern States, and he might find a reason for that if he would look at it a little further.

Mr. MERRIMON. I do not care to controvert that fact; but suppose I concede the point as proved.

Mr. LOGAN. I merely call your attention to it.

Mr. MERRIMON. I submit to my honorable friend that that is a poor way to debate the merits of a question. Is it not begging the question? If the evil I point out exists it is our duty as the American Senate to correct it, no matter by whose act it came about. You cannot draw me into a side controversy of that sort.

Mr. LOGAN. There is no side controversy about it.

Mr. MERRIMON. I am here to meet the issue, to meet it on principle, and to stand upon it, and to ask the American people from every quarter to stand upon it and vindicate it.

But passing on to the figures I had, which may be a little troublesome before we adjourn and before this campaign is over, I will state that fourteen years of republican rule cost the people nearly three and one-half times as much as seventy years of rule preceding 1861. During the war I concede to the honorable Senator that the expenses were necessarily increased. I make no point about that here. Without stopping to debate who is responsible for that, I recognize the fact. Let those who made the occasion for it take the responsibility. I am not here to debate that question. That is in the past. Let us look into the future and meet its responsibilities. That is what I am prepared to do, whatever may be the disposition of other Senators. I shall not quarrel with any one about the past; no good can come to any one or to the country by doing so.

Mr. LOGAN. If the Senator will allow me, I will state that I did not wish to debate the question with him; but inasmuch as he is making the republican party responsible for the very large expenditures for the last few years, I merely desired to direct his attention to the cause of the expenditures, and to ask whether it is very fair for the Senator to accuse the republican party of these large expenditures when the Northern States paid the money and when he may very easily see where the responsibility lies; that was all. I merely wished to call his attention to that point.

Mr. MERRIMON. Suppose in the face of the Senate and the world I concede that for argument's sake; suppose I concede that the responsibility for it rested upon my own head; suppose that I concede it rested upon the head of the southern people; suppose that I concede it rests upon the head of the democratic party—however such is not the fact—how does that alter the merits of the matter that we are debating? If there is a public evil, if corruption is rife in the land, if we see it stalking abroad everywhere, permeating every place in the Government, no matter what may be the direct or remote cause, it is the duty of the Senate and of all good men to correct it by every means in their power.

More than that, I will remind the honorable Senator that the debt he talks about is to be paid yet; that it is the debt of this country, and all this country, the whole people, have to help pay that debt. It is the business of every patriot to be about seeing how our resources shall be husbanded, how our people shall prosper, how our industries shall be increased and improved, in order that we may be both ready and able to meet the obligations that rest upon us and which will continue to rest upon us until they shall be discharged. Let the Senate and let the world know the fact that we are careful and anxious about the matter. For one, I am not a repudiationist. I recognize the high and solemn obligation of our public debt. While I have the honor to hold a seat in the Senate I shall always be ready to do that which is necessary to discharge that obligation according to its letter and its spirit.

But this is a digression; let me go back a little. Four years of President Johnson's administration cost $1,012,420,202.14. Six years of the present administration cost $1,021,813,950. I admit, for I shall deny nothing that is just, if I know it, that in administering the Government the necessary expenses—and the expenses I have been talking about—were necessarily greater during the late war; but after the war those expenses ought to have gone down rapidly until they reached a normal state. But such was not the fact. Ten years of peace under republican rule cost this country $2,034,238,152.14, nearly one-third more than all the expenses of the Government from 1789 to 1861, including the war of 1812, the Indian and the Mexican wars. If we add to the ordinary expenses of the Government during the present administration the amount of principal and interest of the public debt it will amount to $4,008,438,461.82. This is more than two and a half times the entire expenses of the Government from March 3, 1789, to June 30, 1861. I have before me a table showing the expenses of the present administration from June, 1870. I will not detain the Senate to read it but will ask permission to print it with my remarks.

Mr. EDMUNDS. The Senator had better send it up to the desk and have it read by the Clerk.

Mr. MERRIMON. Very well; I will do so. I have also another table—the two tables may go together very properly—a table of the civil list. I have also a table of the net ordinary expenses of the United States Government in periods of four years from the organization of the Government down to June 30, 1875. A friend of mine had this table prepared at the Statistical Bureau, and it may be regarded as entirely reliable. Let the Clerk read these tables which I send to him.

The PRESIDING OFFICER, (Mr. MITCHELL in the chair.) The Secretary will report the tables.

The Chief Clerk read as follows:

Civil list and net ordinary expenditures of the United States Government, by periods of four years, from the organization of the Government. (Condensed from the report of the Register of the Treasury for 1875.)

Dates.	Civil list.	Net ordinary expenditures.
From March 4, 1789, to December 31, 1792	$1,138,052 03	$3,797,493 20
For four years ending December 31, 1796	1,607,969 07	12,093,205 35
For four years ending December 31, 1800	2,329,433 08	21,348,351 19
For four years ending December 31, 1804	2,297,648 17	17,174,432 96
For four years ending December 31, 1808	2,616,772 77	25,926,355 72
For four years ending December 31, 1812	2,887,197 98	36,117,357 98
For four years ending December 31, 1816	3,768,342 61	108,537,086 88
For four years ending December 31, 1820	4,494,606 42	57,698,087 71
For four years ending December 31, 1824	4,665,602 11	45,665,421 88
For four years ending December 31, 1828	5,271,124 34	50,501,913 31
For four years ending December 31, 1832	6,081,307 73	56,270,480 62
For four years ending December 31, 1836	7,659,086 86	89,522,286 68
For four years ending December 31, 1840	9,899,496 58	121,729,801 16
From January 1, 1841, to June 30, 1845	11,508,546 86	104,360,163 10
For four years ending June 30, 1849	10,615,571 14	165,381,026 34
For four years ending June 30, 1853	14,214,458 90	165,684,050 48
For four years ending June 30, 1857, (Pierce)	25,036,171 74	232,820,632 35
For four years ending June 30, 1861, (Buchanan)	25,180,671 32	261,165,809 62
For four years ending June 30, 1865, (Lincoln)	30,765,508 71	3,176,017,346 94
For four years ending June 30, 1869, (Johnson)	*66,412,391 61	1,012,420,202 14
For four years ending June 30, 1873, (Grant)	†69,989,774 16	656,066,892 39
For one year ending June 30, 1874, (Grant)	17,646,253 38	194,217,210 27
For one year ending June 30, 1875, (Grant)	17,346,929,53	171,529,848 27

* This includes $7,200,000 paid for Alaska; also $5,505,451.79 paid for mail service, Post-Office Department.

† Total in six years of Grant's two terms, $1,021,813,950.91.

Statement of the number of employés borne upon the civil list of the United States from 1859 to 1875, inclusive, compiled from the Biennial Registers.

Departments.	1859.			1861.			1863.			1865.			1867.			1869.			1871.			1873.			1875.
	At Washington.	Elsewhere.	Total.	At Washington.	Elsewhere.	Total.	At Washington.	Elsewhere.	Total.	At Washington.	Elsewhere.	Total.	At Washington.	Elsewhere.	Total.	At Washington.	Elsewhere.	Total.	At Washington.	Elsewhere.	Total.	At Washington.	Elsewhere.	Total.	Total.
State	34	339	373	33	366	399	34	374	408	37	398	435	39	434	473	47	528	575	57	387	444	63	401	464	460
Treasury	487	3,295	3,782	494	2,697	3,191	1,103	3,721	4,824	2,067	4,176	6,243	2,529	5,582	8,111	2,451	5,631	8,082	2,543	6,050	8,593	2,800	8,603	11,430	11,316
Interior	607	691	1,298	675	610	1,485	829	634	1,463	924	583	1,507	774	984	1,758	1,322	849	2,171	1,452	1,412	2,864	1,500	1,991	3,581	3,750
War	90	246	336	120	703	823	670	749	1,419	924	2,379	3,303	1,645	1,023	2,668	644	692	1,336	564	968	1,532	584	1,082	1,666	4,720
Navy	73	19	92	81	17	98	115	23	138	118	21	141	115	48	163	80	93	173	111	90	201	119	8,122	8,241	10,105
Justice	6	206	212	6	268	276	9	204	213	9	212	221	11	219	230	41	198	239	44	260	304	47	681	728	728
Post-Office	101	38,193	38,294	107	39,506	39,613	160	38,574	38,734	173	40,971	41,144	234	42,189	42,423	289	41,057	41,346	426	42,925	43,351	495	59,730	60,225	65,726
Legislative	140	.....	140	164	.....	164	176	.....	176	173	.....	173	287	.....	287	285	.....	285	316	.....	316	325	.....	325	314
Total	1,538	42,989	44,527	1,882	44,167	46,049	3,096	44,279	47,375	4,425	48,742	53,167	5,634	50,479	56,113	5,159	49,048	54,207	5,513	52,092	57,605	6,023	80,637	86,660	94,119

Summary and comparative statement of expenditures or appropriations in the several branches of the public service named in the fiscal years from 1868 to 1875, respectively.

Branch of service.	1868.	1869.	1870.	1871.	1872.	1873.	1874.	1875.	Remarks.
Post-Office	$22,730,592 00	$23,698,131 50	$23,998,837 63	$24,390,104 08	$26,658,192 31	$29,084,944 00	$32,126,414 58	$33,611,309 45	Expenditures.
Indians	3,988,353 00	6,927,773 48	3,407,938 14	7,426,997 44	7,061,728 82	7,951,704 00	6,692,462 09	8,384,656 82	Do.
War	123,246,548 00	78,501,990 61	57,655,676 40	35,799,491 82	35,372,157 20	46,323,138 00	42,313,927 22	51,130,645 98	Appropriations.
Naval	16,288,244 00	17,356,350 00	18,453,270 00	19,250,000 00	19,832,323 00	18,296,733 00	22,276,237 00	20,813,946 00	Do.
Coast Survey	455,700 00	478,410 72	506,279 06	735,000 00	729,000 00	852,928 75	841,000 00	780,635 44	Expenditures.
Survey of public lands	373,252 30	429,495 78	641,497 37	564,940 76	838,514 96	1,128,060 00	1,271,493 15	1,299,636 36	Do.
Surveyors-general's offices	95,209 00	96,596 08	114,962 89	121,144 05	557,359 95	414,135 00	735,524 86	690,303 38	Do.
Judiciary	723,378 00	2,357,661 94	2,610,342 53	3,320,918 98	3,594,077 52	3,826,131 00	3,436,567 25	3,704,309 90	Do.
Subtreasury	260,113 00	272,614 27	305,075 06	324,074 73	430,835 82	493,661 00	549,477 50	460,379 77	Do.
Miscellaneous	53,009,867 00	56,474,061 53	53,237,461 56	60,481,916 23	60,984,757 42	73,328,110 00	85,141,593 61	71,070,702 98	Do.

Mr. MERRIMON. Now, Mr. President, I have in my hand——

Mr. EDMUNDS. Before the Senator goes on, will he explain these tables sufficiently to tell us what he means by "net ordinary expenses?"

Mr. MERRIMON. I mean such expenditures as do not include the interest on the public debt.

Mr. EDMUNDS. Including everything else but interest on the public debt?

Mr. MERRIMON. Yes, sir, the regular expenses of the Government; that is what I mean.

Mr. EDMUNDS. The Senator says he means everything, if I understand him, except the interest on the public debt; all other expenditures.

Mr. MERRIMON. Except the interest on the public debt and any special appropriations that may have been made, as for example the appropriation made to pay certain unusual expenses about the Navy when it was contemplated that we should probably have a war with Spain about Cuba; and I believe that pensions are excepted also.

Mr. EDMUNDS. Let us understand it. My only object is information, not debate. Do I understand the Senator to say that what he calls his table of net ordinary expenditures does include all the appropriations made by law and all the expenses of the Government except those for interest on the public debt?

Mr. MERRIMON. No, sir; the Senator did not so understand me.

Mr. EDMUNDS. It does not?

Mr. MERRIMON. No; because there are other things that might not be included, as for illustration—I cannot specify all, nor do I know all—the appropriation of moneys to pay the expenses that were incurred specially at the time it was apprehended we might have a conflict with Spain.

Mr. EDMUNDS. Let me understand the Senator as to this table. Does he mean to say that it is only a table of the net ordinary expenses as he now defines them?

Mr. MERRIMON. That is as I understand it, put down in the regular documents that come to Congress, as *not ordinary expenses.*

Mr. EDMUNDS. I am merely inquiring for information; that is all.

Mr. MERRIMON. Yes, sir; I think my friend desires to get information. I am sure he cannot have any other motive—he is very frank always.

Mr. EDMUNDS. Are these official tables, reported to Congress?

Mr. MERRIMON. Yes; they are official tables. The statistics are taken from the books containing the reports to Congress.

Mr. EDMUNDS. But who took them? That is what I wanted to get at.

Mr. MERRIMON. They were obtained from the reports made by the Secretary of the Treasury and other proper officers.

Mr. EDMUNDS. Then I understand this statement to be certified by the Secretary of the Treasury that the Senator had read.

Mr. MERRIMON. I do not understand that the Senator understood me to say that. Those figures are taken from the official books.

Mr. EDMUNDS. By private hands?

Mr. MERRIMON. Yes, sir.

Mr. EDMUNDS. O!

Mr. MERRIMON. If the Senator doubts their correctness, it is the easiest thing in the world to verify them. I am astonished to see an experienced lawyer question the correctness of anything that can be verified so easily and is of record.

Mr. EDMUNDS. I am not questioning anything; I am only asking the Senator to tell us what his tables are.

Mr. MERRIMON. I know the Senator does not in terms; but he has a very artful, astute way of seeming to question things without saying so, and that I apprehend he is doing at this moment. It can pass for what it is worth. If there is anything in the tables that is not true it is very easy for the Senator, or anybody else, to verify them and prove that it is false.

Mr. EDMUNDS. There is a very easy way of stating the truth so as to make it a falsehood.

Mr. MERRIMON. It would place me certainly in a very awkward position if the Senator could do so. The tables are not false; they are figures from official records. I did not write them myself; but I do not hesitate to say they are correct. They are taken from the public records of the country; go and see the record.

I have another table here. The Senator from Vermont seems to be a little careful that everything that is said should go into the RECORD. This table I did intend might be published in my remarks without detaining the Senate by its reading; but, as it is desired that it shall be read whether anybody hears the reading or not, I will send this table to the Clerk and ask him to read it so that it may go in. This statement shows the number of gallons of spirits distilled from 1863 to 1875.

Mr. LOGAN rose.

The PRESIDING OFFICER. Does the Senator from North Carolina yield?

Mr. MERRIMON. Yes, sir.

Mr. LOGAN. I merely wish to make a statement. Yesterday I gave notice that at one o'clock to-day I would call up House bill No. 58, to equalize the bounties of soldiers who served in the late war for the Union. Of course circumstances have put me in a position where it is impossible for me to do it. I merely wish to make this statement in order to give the reason why I did not do as I suggested I would do. The reason is well known to Senators. I could not interfere with the Senator from North Carolina while he was upon the floor, and he took the floor before one o'clock.

Mr. MERRIMON. Mr. President, I have in a very hurried way submitted some desultory remarks and made some points which I believe are material in view of what was said by some Senators yesterday upon political topics. I have not had time nor opportunity to collect a great many other facts tending to strengthen what I have said to-day. If need be, I may do so upon another occasion. It was no purpose of mine to engage in a political discussion on this occasion; but I thought it was due the Senate, due the House of Representatives, and due the democratic party and the country that somebody should say something in reply to what fell from Senators on the other side yesterday, and when we said that something it should be based upon fact. If Senators can overturn these facts, I submit let them do so. If they cannot do it, the statement I have made must go for what it is worth. I believe the facts I have stated are true, my data are likewise true, and my deductions are fair and just. Let any one show the contrary who can.

I now wish to detain the Senate for a few moments upon the bill before us. I can say truly that I am opposed to any river and harbor bill that I have ever seen. I believe that the river and harbor appropriations made for many years past have been made under a vicious system of legislation. They have brought about a practice of what may not be inaptly termed "cross-lifting" to pass a bill or, as the practice is styled I believe by the Supreme Court, "log-rolling." I do not believe in that way of passing measures through Congress. I believe it is essentially wrong and that it is vicious. I have always voted since I have been in Congress for the river and harbor bill with great reluctance. I have not suffered my action at any time to be controlled by considerations such as those I have just adverted to. I have uniformly voted for amendments to such bills upon what I regarded as their merits at the time. In the case of the present bill I have voted to sustain the House bill except in a few instances, where I thought the amendments proposed by the committee were meritorious and ought to have been made.

I recognize the evils forcibly depicted by the Senator from Vermont, [Mr. EDMUNDS,] the Senator from Ohio, [Mr. THURMAN,] and other Senators in this debate. The speeches which they have made would be very proper upon another occasion. I believe that this system of making appropriations for improving the rivers and harbors of the country ought to be made in an entirely different way. I believe that a measure ought to be devised for that purpose, and if such a measure were before Congress I am quite sure no one would be more ready to support by his voice and his vote such a measure than myself. But such a measure is not here, nor is this the time to consider it. It seems to me that we ought to look into the merits of this bill and the necessities and considerations which ought to prompt the Senate to pass it. I shall think seriously in the future of aiding some Senator in bringing forward a bill for the purpose of devising some other way by which to determine what appropriations should be made for public works. It might be well to consider whether a commission cannot be provided, consisting of heads of Departments or certain officers of the Government, who, aided by the Chief Engineer of the Government, might determine what public works ought to be consid-

ered by Congress from time to time. I do not commit myself to such a course of action as that at this time, but some one like it, I am sure, ought to be adopted for the purpose of preventing the very difficulties and the practice which we see prevailing in the case of the bill now before the Senate, and which has prevailed for many years past. It ought to be corrected; but it ought to be corrected at a proper time and in a proper way. These eloquent speeches that are made now are not made for the purpose of bringing about this reform. They are manifestly for the purpose of defeating this particular bill, or if not for defeating the bill, to cut down the appropriations in such a way as to leave only such appropriations in the bill as will subserve the interests of persons who are deeply interested in them. I cannot join in any such warfare upon the bill as that. I think that it ought to be tried upon its real merits, and that we ought to vote for it in that light and in that light alone.

It is said that this bill is not consistent with the action of the House of Representatives in making appropriations for other general purposes. I do not assent to that proposition. It is not true in fact; for the bill as it came from the House made the appropriations less in amount than the appropriations of last year by over $800,000. Therefore it is in the line of retrenchment and reform. There is another consideration that must be taken into this account. There is no bill which is passed by Congress that is better calculated to improve the country in material respects and aid in its development than river and harbor bills. I do not believe that the country can do a better service than to open up in a proper lawful way its rivers and harbors, and promote the convenience and interests of commerce by so doing; but I do not care to enlarge upon that point.

There is another incidental effect that this appropriation will have at this time, and that is one that might weigh something. I do not advocate the policy that Congress shall appropriate money at any time, in any emergency, to feed and clothe the laborers of the country who are out of employment. I do not think that Congress has any such power, and if it had I should doubt the wisdom of exercising it at any time, but we know that there are thousands and tens of thousands of laborers who are out of employment to-day. They are in the cities; they are in the country; they are clamoring for bread; they are clamoring for raiment. They complain that the industries of the country are so depressed that they cannot get labor. They are ready to labor if labor were offered. If these appropriations should be made and distributed over the country, as they will be from one end of it to the other, hundreds, perhaps thousands of such persons out of employment shall receive employment. I think that that is a consideration that we are not at liberty to throw entirely out of the case.

I shall therefore, Mr. President, while I do not concur in the bill in its present shape, give it my support in some shape, at the same time disapproving of the practice of passing river and harbor bills. I shall be ready to join any Senator between now and the next session of Congress in devising some plan by which this vicious system of legislation can be dispensed with in the future. It is often the case that we have to do the best we can with an existing evil. So it is in this case.

I wish now to say a word or two upon the subject of two or three appropriations. I have been astonished that Senators ordinarily very generous in their feelings and liberal in their votes should become exceedingly stingy on this particular occasion, and particularly when somebody else is to be benefited by the appropriations contained in the bill other than themselves. I believe special reference has been made on one or two or more occasions to the appropriations made for my own State. One or two Senators have laughed at them, others have sneered at them, others have made faces at them, and thereby they expected to produce the impression upon the Senate and the country that they were simply monstrous.

Mr. CONKLING. If the Senator will point out those Senators we will have them dealt with immediately.

Mr. MERRIMON. I do not care to be personal. I never am personal in my remarks when I can avoid being so.

Mr. CONKLING. Any man who made a face at North Carolina should be put to death. [Laughter.]

Mr. MERRIMON. I would not have him put to death, but I would endeavor in a proper way to teach him better manners the next time.

I call attention to the four streams that are provided for in North Carolina. Take the Cape Fear River. At the place where this improvement is to be made and for many miles above it, the Cape Fear River is larger than the Mississippi at Memphis. More than that, an immense commerce floats upon it. Ships by the hundreds enter there annually. The trade of that town goes to South America, to the West Indies, to Europe, and I might say almost all over the globe. There is an immense coastwise trade that goes north and south from the port of Wilmington. If there is any work of national importance in a very considerable measure it is the port of Wilmington. The appropriation made by the House and the Senate—for it was increased in the Senate—is not equal to the amount demanded by the engineer. We might reasonably have asked that.

Mr. ALLISON. I will interrupt the Senator if he will yield.

Mr. MERRIMON. Certainly.

Mr. ALLISON. The Senate Committee on Appropriations increased the appropriation at Cape Fear River $100,000.

Mr. MERRIMON. I know the Senate committee did that.

Mr. ALLISON. That sum goes to swell the aggregate amount of these appropriations.

Mr. MERRIMON. So it does.

Mr. ALLISON. And not a voice was raised against Cape Fear in this Senate by anybody. This is a proper appropriation.

Mr. MERRIMON. That is very true. I am very glad to hear the Senator say it is a very proper appropriation. It is a public work that has been on hand for some years and ought to be completed as soon as possible. Can anybody complain that that appropriation was made for North Carolina? It is true that North Carolina is locally benefited. Wilmington particularly is locally benefited; but Maine, and Massachusetts, and Rhode Island, and Connecticut, and New York, and New Jersey, and Pennsylvania, and Maryland, and every State upon our Atlantic coast is benefited by that appropriation. They have almost a direct interest in the improvement that is going on at the mouth of the Cape Fear River. My friend [Mr. EATON] suggests to me that so have the West an interest in that improvement. They send their breadstuffs, their wheat, corn, and grain to the East by way of Baltimore, Philadelphia, and New York, and those productions go to North Carolina and to South Carolina by way of this port. I am glad to see that the merit of this appropriation is conceded by all.

Let us come to the next appropriation in North Carolina, which is for Pamlico River. That is not a creek; that is not a stream to float merely a flat-float. It also is a stream nearly as large, I will venture to say quite as large, as the Mississippi River at Saint Louis. An immense coastwise trade floats upon that stream. There are obstructions in the river whereby the vessels cannot get up to the trading point, to wit, the town of Washington. Everybody can see that those obstructions ought to be taken out. A small appropriation is made for that purpose. Can any reason be assigned why that appropriation shall not be made, or that it is not a just and a wise appropriation to be made? I have heard no reason except the simple unfounded suggestion that those are creeks, and only fish-boats float upon them, in North Carolina and elsewhere. Now we come to Perquimans River. Perquimans River is a larger river than the Pamlico River, and a very considerable commerce floats upon it. It is true it is a short river. It ought scarcely to be called a river at all, for it is really an estuary of Albemarle Sound. The river is very deep. There are some obstructions near the place where the vessels stop, and it is necessary to remove them. The trifling appropriation of $3,000 is made for that purpose. It is legitimate; it is proper; it is necessary.

Then we come to the appropriation that so much noise and parade is made about, that so many faces are made at, about which so much laughter is indulged in, and that is the improvement of the French Broad River. If any Senator knew the character of that stream, its location, the interests that would be developed, and the conveniences that would be subserved by this proposed improvement, I do not believe that a Senator present would hesitate for a moment to say that the appropriation is really a proper one.

We have heard Senators talking a great deal about conscience. Yesterday some Senators did not know how any man who had a conscience could vote for such appropriations as the French Broad River and similar appropriations. I believe I have some conscience, and I can vote for that appropriation without doing violence to conscience. I believe that it is a work of public improvement that will be beneficial to a section of the country that is very deserving. This is not a mere branch; it is not a mere creek. It is true it is in the mountains, but it is not a stream that is confined to North Carolina. It rises in North Carolina, passes into the State of Tennessee, and forms a main branch of the Tennessee River. Below the North Carolina line some distance it is navigable for boats, and I believe it is navigated every day. Through the Smoky Mountains there is an immense shoal. This part of the river cannot be made navigable, but from Asheville, in the direction of the source up a distance of forty-five miles, the river, as the engineer has stated, is from seventy-five to three hundred yards wide and has a depth of water, at low water, of from four to six feet, except upon the reefs and shoals. It passes through a beautiful rich valley with magnificent mountains on either side. The valley is rich in soil and in other respects. There are valuable deposits of iron-ore and other minerals along on either side of this stream. Iron is or has been manufactured at two or three places. With a small expenditure of money it can be made navigable for forty-five miles above the town of Asheville, which will answer a useful purpose. Although there is no railroad to Asheville at this time, and has not been in the past, it has been seriously contemplated several times to improve the river by private enterprise. It is expected that two railroads, one from the State of South Carolina, and one passing from east of the Blue Ridge, North Carolina, will reach Asheville within the next twelve or fifteen months. When that shall be done, this improvement will be a very proper one; it will be an exceedingly meritorious one; one that the Senate and Congress might well be proud of. I am sure if the American people could see and know it and appreciate its worth, after the proposed improvement shall be made no man would hesitate to say that Congress had made a wise expenditure of money in that behalf. Therefore, I say it is not monstrous or vicious to make this appropriation.

Mr. EDMUNDS. What river is the Senator referring to?

Mr. MERRIMON. It is the French Broad.

Mr. EDMUNDS. Is that the one that the engineer reported last year would require a steam-pump to get water into it?

Mr. MERRIMON. No, sir. I expect that river is in the State of Vermont.

Mr. EDMUNDS. O, no; it is in the State of North Carolina. I have the report right here. I have the report all ready for you.

Mr. RANSOM. I will inform the Senator from Vermont that no appropriation has been asked here for that river, but it will be improved some of these days.

Mr. MERRIMON. Is the fact that the French Broad is a mountain stream any objection to it? Is the fact that this navigation cannot connect with the navigation in the State of Tennessee, by reason of the shoals I have mentioned in the Alleghany Mountains, a reason why the improvement should not be made? I know that thousands and millions of dollars have been appropriated for the improvement of the Mississippi River as high as the Falls of Saint Anthony. Navigation cannot pass above those falls, but above those falls the Mississippi is navigable for two or three or four hundred miles, and thousands of dollars have been appropriated for the improvement of the Mississippi River above that point, while it is not contemplated a boat can ever pass over and around those falls.

I take it Congress has complete power to make this appropriation. For my own part I have no doubt about the fact that Congress has the power under the Constitution to make appropriations for the improvement of rivers and harbors in the proper way. I do not deem it necessary to go into an argument to prove the truth of this position, and indeed it is unnecessary that I should do so, because the practice to make such appropriations has prevailed in this country from almost the beginning of the Government. Statesmen of every variety of political views and of different views on the Constitution have supported measures of that character. To say that it is anti-democratic is to contradict the history of our legislation from the time the democratic party had an existence down to this time.

There is another point I want to say a word to my friend from Iowa [Mr. ALLISON] about. The other day he not only laughed at this French Broad appropriation, as he called it, but he said the engineer had not made any estimate for it. He said there was no need of it, because the railroad had not reached Asheville yet. I am assured that the railroad will reach there at no very distant day. But why so much clamor about this appropriation and smaller appropriations? I see two or three appropriations made here by the House for small streams and the committee of the Senate do not say a word about them. I do not exactly understand it. Here is one of them:

For the improvement of the Chippewa River, Wisconsin, $15,000.

On looking at the engineer's report I do not see any recommendation for an appropriation for that river. Besides that, it is one of these small streams that we hear so much complaint about. Yet the committee did not see fit to take any notice of that at all, they let it pass. Here is another item in the bill:

For the improvement of the Red River of the North, Minnesota, $10,000.

It was amusing reading to me when I turned over to the engineer's report to see that river described; yet there is nothing said about that in the debate. That is one of the little streams of the character that is complained of.

I do believe the appropriations made by the bill as it came from the House have been made in such a way as to be distributed fairly all over the country. As my colleague said the other day, it is a very unwise policy that only looks to the heart without reference to the various arteries and veins that go to support the whole system of the body. In order that we may have an immense commerce on the seaboard, a commerce that will go to every clime, by which we shall interchange our products with the products of all nations, we must improve the rivers, the rivers in the mountains as well as the rivers in the valleys and the lowlands, in order that any one who has anything to sell may have an opportunity to get to the markets of the world.

Mr. WINDOM. Will the Senator yield to me for a moment?

Mr. MERRIMON. Yes, sir.

Mr. WINDOM. I want to call his attention to the fact, as he has referred to the Red River of the North, that there were seven vessels, good-sized steamers, running on that river all last year. Two more are being built this year, and a very large amount of work has been done by them. There is a large commerce between this country and the British provinces. If the gentleman compares that with his mountain stream I will ask him if they ever heard of a steamboat up in Buncombe County or heard a steam-whistle?

Mr. MERRIMON. If the Government had done as much for Buncome County as it has done for the Red River, steamboats would have been there a long time ago.

Mr. WINDOM. I doubt very much if they know what a steamboat means in Buncombe County.

Mr. MERRIMON. I could not expect the Senator to make so ungenerous a remark as that. I was going a moment ago to doubt whether the voice of civilization had ever been heard on the Red River. I take it that it has. I should be very discourteous to say that no human being there ever saw or heard a steamboat or a steamboat whistle on the Red River of the North. I did not mean to make any point against the Senator's appropriation. I take it that it is just and meritorious. I was pointing out, and I think with some force, that it depended upon where the river was very much whether the appropriation was right or wrong.

Mr. WINDOM. It depends very much upon what its business is and its capacity for improvement.

Mr. MERRIMON. See what the policy of the Government has been toward this river in Minnesota.

Mr. MCMILLAN. The Senator is aware that the Red River of the North is a boundary line between the State of Minnesota and Dakota Territory, and that it extends from Minnesota into the British province of Manitoba; that it is crossed by the Northern Pacific Railroad, and is navigable of itself, but requiring certain improvements to facilitate the navigation.

Mr. MERRIMON. I do not intend to make a point against the appropriation for that river. I have no doubt it is a stream that ought to be improved. I think the Government has done a wise work in improving the navigation of the rivers of the Northwest, aiding in cutting canals, and all that kind of improvement. We see the fruits of it, the generous and noble results. Profiting by that experience let us go on and make that improvement somewhere else. We want some of these improvements in North Carolina. If southern statesmen in the past, as my excellent friend from West Virginia [Mr. CAMERON] stated yesterday, have talked too much about political obstructions, in the future I do not think they will do it; at all events I shall not. I have no conscientious scruples about this appropriation. I believe it is a wise and proper one, and if Congress shall make it they will not regret it in the future. The time will come when that country will blossom as the rose; when it will become the seat of wealth and refinement, and its resources will be developed so that it will be the summer-resort for our fellow-citizens from every quarter of the Union. I have no doubt about it.

I confess I am not satisfied with the amount provided by this bill as amended in the Senate. I wish a less amount than it contains now. I shall venture, however, to vote for it as it is, if need be, with the hope that it may be made what it ought to be in the conference committee.

I beg pardon for having detained the Senate so long. I thought, under the circumstances, I was warranted in saying what I have said.

Mr. MORTON. Mr. President, I shall detain the Senate but for a few minutes. I think it is proper to make some answer to what has been said by the Senator from North Carolina. My friend is undoubtedly sincere in what he has said to-day. He believes it all, and hence I shall not call in question his motive for any declaration. It is sometimes said that figures cannot lie; but we know that they can be placed so that they lie prodigiously. The figures which have been put into the hands of my friend from North Carolina—I know not by whom—do lie prodigiously; they come nowhere near the truth. I will ask my friend to let me see that statement about the defalcations in Johnson's administration in regard to whisky. It is very interesting.

The Senator was asked this question in the course of his remarks: What good thing has been done of any character by the democratic party in the last twenty-five years? I will ask what good thing has been done or suggested by that party in twenty-five years? I should like for any Senator on this floor to name it. I will give him the floor to name it.

Mr. SAULSBURY. I will tell the Senator. I say to him that the democratic House of Representatives at the present session have investigated and exposed the corruptions which have been practiced under the Administration which he supports; and that the various committees of that body have brought to light not only a degree of extravagance and of loose administration, but a degree of corruption that has astonished this whole country. That is a noble service which has been rendered by the democratic party at the present session.

Mr. MORTON. We know that the democratic party has assumed the role of the detective. How much it has discovered will appear more fully when we get the evidence. But that is dodging the question. The Senator has mentioned certain investigations during this session which I think up to this time have merited chiefly and received the contempt of the country. I repeat the question, What good thing has been done or suggested by the democratic party in the last twenty-five years? I see my friend from Connecticut, [Mr. EATON,] who has an excellent memory. If there was one good thing in the history of his party for twenty-five years he would not hesitate to name it.

Mr. EATON. And he will name it before we get through with this discussion.

Mr. MORTON. When I look back I remember the fugitive-slave law in 1850; I remember the repeal of the Missouri compromise in 1854, that breach of faith which was the beginning of the war; I remember the border-ruffian outrages in 1855 and 1856; I remember the Lecompton constitution and the Dred Scott decision in 1857; I remember the democratic party in 1860 saying there was no power to coerce a State to remain in the Union; I remember its opposition to every war measure; I remember its meeting at Chicago in 1864, during the last great struggle, when every honest man knew that the rebellion was doomed unless it was saved from the North, and their declaring to the world, Mr. Tilden himself being on the committee, that the war was a failure and ought to be abandoned. I know that in any other country in the world than this, struggling with armed rebellion, that declaration would have been punished as high treason, as it deserved to be, made at that time and under the circumstances.

I remember its opposition to the abolition of slavery. I remember its opposition to the fourteenth and fifteenth amendments. I remember the counsel it gave to the South to reject all reconstruction. I remember the outrages of the Ku-Klux and white-leaguers who received protection and encouragement in the tents of the democratic party. I put the question to my friend—and I will give him the floor to answer—what good thing has his party done or even suggested in twenty-five years? Continually evil; the blackest and the most damnable record in the history of parties in this or any other country.

My friend from North Carolina talked a great deal about the expenses of the republican party. He talked about the increased expenses of the Government. He said the last four years had cost the country more to maintain this Government and carry it on than during the previous history of the Government. I do not know whether he is right about that or not; but I will assume for the sake of argument that he is; and I ask who is responsible for it? I answer, my friend and those with whom he has acted during that period. If we have incurred billions of expense, if we are now oppressed by a national debt, if we are burdened by heavy taxes, I tell him, he and those who acted with him have laid those burdens upon us. They are directly responsible; and it requires all the face—I will not say cheek—it requires all the good countenance even of my friend to stand up and say to the republicans, "You republicans did not conquer our rebellion quite as cheaply as you ought to have done; you have not handled taxation and the public debt and the other consequences growing out of our treason as well as you ought to have done. Therefore we are indignant about it. You ought to have done this business better; you ought to have whipped us at half the expense, and you did not. We propose to take the Government out of your hands and ourselves to settle with and deal with the consequences of our own crimes and blunders." That is the argument of my friend.

Mr. MERRIMON. Will the Senator let me say a word?

Mr. MORTON. Certainly.

Mr. MERRIMON. I do not concede what the Senator said. I deny it. I deny it substantially, perhaps not altogether in detail. But suppose it was true, is it not my duty and the duty of every good man to reform these acknowledged abuses? Is that any warrant for the wholesale plunder which I have only to a very limited extent developed here this morning?

Mr. MORTON. Mr. President, the Senator does not meet the point at all. He says, suppose it is so; suppose that he and his friends are responsible for all these things, is it not his duty to reform abuses? Certainly it is; and it is his duty and those who act with him to come back and pay these debts if they could; but they cannot do it. It is in bad taste for him and others to come here and throw these things in the face of the republican party as if they were crimes upon our part, when they are but the consequences, the legitimate results of his own conduct and those who acted with him. I am not putting it in a personal sense. When the Senator arraigns the republican party for the consequences of the rebellion, I tell him it is not within his power and it is not good taste for him to hold us responsible for it.

Mr. MERRIMON. That is simply a question of taste, then.

Mr. MORTON. No, sir; it is no question at all. There is no question about it. If these things are the natural and the legitimate consequences of the rebellion, it does not become those who were concerned in that rebellion, who helped to make it, or took any part in it, to throw it up to us as if it were a crime on our part; and that is what is continually being done. We are held responsible for the crimes, the misfortunes, and the blunders of others.

Mr. MERRIMON. Are we to sit here with our mouths closed, and are we not the equals of other Senators on this floor? If not, we ought to be turned out and sent away. I take it we are sent here under the Constitution of our country to do whatever we can by our advice and by our votes and co-operation calculated to promote the best interests of the country. I am here for that purpose. If I am not here as an equal, if I am not at liberty to discuss measures and to aid in maturing them, the sooner the republican party turn me and the men like me out the better.

Mr. MORTON. My friend has not been sitting here all the morning with his mouth closed, we all know, [laughter;] it is his perfect right to hold the party in power responsible for any of its misdeeds, and to seek to reform abuses that now exist and make things better in the future; but that is not what I am talking about, and I do not intend to have my friend, with all his shrewdness, escape from the point. I bring him right back and I tell him that all the demoralization of the times that he complains of, these vast expenses, these increased employés, and the enlargement of the civil list, all these are things that he and those who acted with him are responsible for; and they have no right to lay them at our doors as a crime or an offense.

The Senator said in the course of his argument that the republican party had accomplished all its measures by force. It was imputed to us as a crime that we had accomplished our measures by force. Sir, that is in great part true. We had to put the rebellion down by force. It required much blood and it required much treasure to put it down; and we are paying the debt every day; and even that is imputed to us as a fault, that the republican party has had to accomplish its measures by force. If we attempt to protect the colored people of the South and the white republicans from the numerous slaughters that have fallen upon them in the past and from those with which they are threatened in the future, we are told that we are trying to do it by force. Ay, if we cannot do it in any other way, it is our duty to do it by force. The protection of the lives of the people is the highest duty that is ever imposed upon government; and when such slaughters take place as occurred in South Carolina the other day where ten men were murdered in cold blood under circumstances of atrocity that would shame anything that has occurred in Indian warfare for years past, if we try to protect men from the repetition of those things even by force, would it not be justified?

The Senator referred to the great corruption of the republican party. He spoke about the exceeding purity of the Government under democratic administration, and how vile and how wicked it was under republican administration. I have been mingling with the democrats for a great many years and I know them pretty well everywhere.

Mr. MERRIMON. You used to belong to them.

Mr. MORTON. Yes, I did in their better days, and I suppose I shall never cease having that thing thrown up to me. I left them in 1854, twenty-one years ago and better. I am now of age in the republican party, and whenever a democrat wants to hurt my feelings he charges me with having been a democrat. [Laughter.]

Mr. MERRIMON. I can assure my friend that I did not intend to wound his feelings. I thought it very probable that was the proud part of his life.

Mr. MORTON. No, Mr. President, that is not the proud part of my life. The proud part of my life is that which was occupied in assisting in putting down the rebellion, preserving this Union, and conquering my friend and others who were in arms with him.

Mr. MERRIMON. My proudest part is the attempt to break up this corruption.

Mr. MORTON. I am coming to "this corruption" now. The Senator has brought in a statement that the Government lost during the administration of Andrew Johnson over a billion of dollars by frauds on the revenue in regard to whisky. This illustration, like the others, is exceedingly unfortunate. It happens that it was during a democratic administration.

Mr. MERRIMON. O!

Mr. MORTON. It was when the administration of the laws was under the control and the influence of the democratic party; but my friend says that the republican party is responsible for Johnson's administration, because it elected him, just in the same way that the republican party of North Carolina is responsible for my friend's speech this morning, because they elected him. I imagine that if the republicans of North Carolina had heard my friend's speech this morning they would come to the conclusion they had done a very bad job, [laughter;] that they had made a very bad mistake. My friend says he could not help getting their votes; he did not know about it; it was a surprise to him; he had no intimation of it, and he has never forgiven them for voting for him yet, and he was trying to punish them this morning. [Laughter.]

Mr. MERRIMON. I was very grateful for their votes.

Mr. MORTON. Ah! Grateful to those corrupt fellows for voting for him, and comes here to take Government money by the votes of a party that he describes as being the most corrupt that ever existed.

Mr. MERRIMON. I did not describe individuals in that way.

Mr. MORTON. My friend describes the republican party generally as being the most wicked and corrupt organization. It has done some good and generous things; my friend must admit that. It passed a bill enabling my friend to take a seat here and to give us the benefit from time to time of his distinguished eloquence.

Mr. President, it so happens that under the administration of Mr. Johnson, when the democratic party had full control of him and controlled his appointments, the frauds upon the revenue in the collection of the tax on whisky increased enormously, and although the tax at that time was $2 on the gallon the last year of his administration the collection was a little over $12,000,000, a mere bagatelle. The Senator from Ohio stated the fact here this morning. So much for democratic administration as compared with republican administration.

The most corrupt administrations this country has ever had were those that were purely democratic, and the documents in the Treasury Department show it. The most corrupt periods of our administration were under democratic rule.

Mr. MERRIMON. I ask the Senator to cite his facts.

Mr. MORTON. I am going to. That is what I am going to do, and there is where I shall have the advantage of my distinguished friend. My friend believes all he said this morning; but when his speech is in print, it will look like that veritable history of Baron Munchausen; but, so far as my statement is concerned, I will verify it here. I have the statement from the Treasury Department; I am going to read it. Some four or five months ago, on the 9th of February, I believe, the Senate passed a resolution calling on the Secretary of the Treasury to make a statement from the books of the Treasury of all the defalcations and failures to make settlement, from whatever cause, that had occurred in our country since the 1st of January, 1834. That embraced the last administration of General Jackson. That document was sent here and with it an analysis printed officially. It

comes over the signature of the Secretary of the Treasury; it is true; it is given by detail; and it is worth ten thousand of the loose statements that my friend has made here this morning, I do not care how sincere he is in making those statements.

Mr. MERRIMON. Allow me one word?

Mr. MORTON. Yes, sir.

Mr. MERRIMON. I allowed the Senator to interrupt me whenever he wanted to. That report does not present the facts at all, and I had supposed that my friend knew it. It does not present a true state of any case that is mentioned in it, and I believe in support of this declaration I might appeal to the Senator from Rhode Island, [Mr. ANTHONY.] I remember to have had a conversation with him about that, if I may allude to the conversation at all; if it is disagreeable to him I will not.

Mr. ANTHONY. Go on, sir; I do not understand what the allusion is.

Mr. MORTON. I can set that matter right. The statement is not correct in this, Mr. President, that there are defalcations put down that do not exist, that were afterward settled; but so far as the proportion is concerned between the different adminstrations, so far as my purpose is concerned in the comparison I propose to make, it is the same as if every defalcation here stated took place. The objection is that the statement is not too small, but too large.

Mr. MERRIMON. My objection is——

Mr. ANTHONY. I should like to have the Senator from North Carolina state what the reference to me is. I did not hear it.

Mr. MORTON. I prefer going on. My friend has no right to anticipate my statement by coming in with a *caveat* in advance.

Mr. MERRIMON. The Senator from Indiana ought not to read that paper, for it does not present the facts. I have read no paper that does not present the facts as shown by the official records. That paper does not present the facts.

The PRESIDING OFFICER. Does the Senator from Indiana yield?

Mr. MORTON. I do not yield to my friend to make such a statement as that. I stated wherein it does not present the facts, that some of these defalcations in all administrations were afterward settled or turned out to be nominal; but that pertained just as much to one as to another, and, so far as the object I have in view is concerned, it is a fair statement, because it shows the proportion in all administrations, and now I propose to give it just as it is furnished from the books of the Treasury Department, and it puts to flight ten thousand lies that are being told every day in every State and from every stump about the republican party.

Take the last administration of General Jackson, The defalcations and failures to make settlement on the thousand dollars of collection as shown by the books of the Treasury were $10.55; in Van Buren's administration, $21.15; in Harrison and Tyler's administration, $10.37; in Polk's administration, $8.34; in Taylor and Fillmore's, $7.54; in Pierce's administration, $5.86; in Buchanan's administration, the last democratic administration, $6.98; in Lincoln's administration, $1.41, and that was during the war; in Johnson's administration, forty-eight cents; in Grant's first administration, forty cents; and in the last three years of Grant's administration, twenty-six cents on the $1,000. Here we have the statement from the Treasury Department that puts to flight all these Munchausen stories that are told about the monstrous corruption and degradation of the republican party; and I undertake to say now that all things considered, while there are defalcations, and there always will be until human nature is regenerated, and while there will be failures and short-comings and frauds, I believe to-day it is the purest and best administration this country has ever had.

Mr. MERRIMON. Gracious alive!

Mr. MORTON. The Senator says "gracious alive." It requires stronger declarations than that to get over these figures. My democratic friends have but two arguments in this campaign. The argument has been, in the South, violence, intimidation; and the argument in the North is the cry of reform and corruption. The first argument is the shot-gun, the revolver, the bowie-knife, and it is sharp and murderous; and the second argument is false and hypocritical. [Applause in the galleries.]

The PRESIDING OFFICER. The rules must be observed.

Mr. MORTON. I think it has been said that in the last year of Buchanan's administration, in 1860, the expenses of the Government were only $60,000,000. Well, Mr. President, the population then was 31,000,000; it is now not less than 44,000,000; and when you take the expenditures of the Government then and compare them with the expenditures now, and the population then 31,000,000, now 44,000,000, and take out the payment of the interest on the public debt, the payment of pensions, and all the expenses brought upon us by the rebellion, I make the declaration without fear of contradiction that the expenses of the Government now are less *per capita* than they were in 1860. If they have been increased the responsibility is just where I placed it and where history will place it.

Mr. President, I should like to read this whole statement, but it is long and I will ask the privilege of incorporating it in my remarks. I mean the statement from the Treasury Department with all its details.

The PRESIDING OFFICER. Is there objection?

Mr. EATON. I object. I object because it was not permitted to the honorable Senator from North Carolina to have a table printed in his remarks.

Mr. ANTHONY. Then have it read.

Mr. MORTON. I did not object to what my friend offered.

Mr. EATON. Let it be read.

Mr. MORTON. Let it be read from the beginning; it is good reading; it is in detail, and the detail and particularity will show the truth of what I said as a general statement. If my friends will have the patience to hear it read, I am sure we shall not object.

Mr. EATON. Let us hear it.

The PRESIDING OFFICER. The Secretary will read the paper.

The Secretary read as follows:

TREASURY DEPARTMENT, *Washington, D. C., June 19, 1876.*

Statement showing the receipts and disbursements of the Government from January 1, 1834, to June 30, 1875; exhibiting also the amount of defalcations and the ratio of losses per $1,000 to the aggregate received and disbursed, arranged in periods, as nearly as practicable, of four years each, and also in the periods prior and subsequent to June 30, 1861; prepared under the direction of the Secretary, to accompany his answer to a resolution of the United States Senate, dated February 9, 1876, calling for a detailed statement of balances due from public officers no longer in the public service which have arisen since 1830:

Disbursements, losses, and ratio of loss per $1,000, to aggregate disbursements.

Period.	War.			Navy.			Indians.			Pensions.		
	Disbursements.	Losses.	Loss on $1,000.	Disbursements.	Losses.	Loss on $1,000.	Disbursements.	Losses.	Loss on $1,000.	Disbursements.	Losses.	Loss on $1,000.
Jan. 1, 1834, to Dec. 31, 1837	$36,885,422 32	$502,062 83	$13 60	$20,275,832 24	$213,405 94	$10 53	$12,095,456 75	$130,256 56	$10 76	$10,873,957 03	$17,906 63	$1 65
Jan. 1, 1838, to Dec. 31, 1841	37,711,097 43	206,873 89	5 48	24,428,848 64	101,256 23	4 14	12,879,740 60	4,215 61	32	10,290,804 48	101,951 64	9 90
Jan. 1, 1842, to June 30, 1845	20,483,584 91	48,359 58	2 35	24,920,331 48	54,291 93	2 17	4,573,354 42	10,585 29	2 31	6,650,769 55	11,533 38	1 74
July 1, 1845, to June 30, 1849	88,500,398 38	747,275 33	8 44	33,550,831 62	115,666 69	3 45	5,084,563 30	11,768 92	2 31	6,112,345 31	71,196 44	11 64
July 1, 1849, to June 30, 1853	40,280,994 37	373,158 05	9 26	36,771,937 67	141,493 87	3 85	11,417,463 40	69,497 61	6 08	8,318,428 22	1,257 41	15
July 1, 1853, to June 30, 1857	62,492,668 32	378,333 37	6 05	50,843,720 68	377,505 68	7 42	11,322,013 17	38,088 97	3 36	5,316,887 56	18,840 51	3 54
July 1, 1857, to June 30, 1861	88,307,575 55	287,516 48	3 25	52,615,998 89	183,510 52	3 49	14,325,403 42	982,417 05	68 58	4,577,393 06	4,649 51	1 01
July 1, 1861, to June 30, 1865	2,713,569,422 83	4,241,868 55	1 56	314,223,986 21	1,079,639 44	3 43	13,169,317 75	136,582 62	10 37	23,263,779 07	29,650 45	1 27
July 1, 1865 to June 30, 1869	583,749,510 99	542,547 69	92	120,173,925 90	98 422 02	81	19,135,153 08	73,973 97	3 86	88,810,848 02	94,540 67	1 06
July 1, 1869, to June 30, 1873	175,150,962 73	169,900 39	97	85,987,323 86	180,964 68	2 10	25,848,369 29	23,557 44	91	120,676,926 67	230,826 93	1 90
July 1, 1873, to June 30, 1875	83,434,573 20	23,742 80	28	52,430,213 69	26,670 77	50	15,077,118 91	2,676 38	17	58,404,630 88	.....	.....
Total.....	3,930,566,021 03	7,521,638 96	1 91	816,252,950 88	2,572,827 77	3 15	144,927,954 09	1,483,620 42	10 23	343,386,769 85	582,373 57	1 69
Jan. 1, 1834, to June 30, 1861	374,661,551 28	2,543,579 53	6 79	243,437,501 22	1,187,130 86	4 87	71,697,995 06	1,246,830 01	17 39	52,140,585 21	227,355 52	4 36
July 1, 1861, to June 30, 1875	3,555,904,469 75	4,978,059 43	1 39	572,815,449 66	1,385,696 91	2 41	73,229,959 03	236,790 41	3 23	291,246,184 64	355,018 05	1 21

Disbursements, losses, and ratio of loss per $1,000, to aggregate disbursements—Continued.

Period.	Miscellaneous.			Post-Office.		
	Disbursements.	Losses.	Loss on $1,000.	Disbursements.	Losses.	Loss on $1,000.
January 1, 1834, to December 31, 1837	$23,921,077 47	$300,154,05	$12 54	$11,607,884 58	$13,696 31	$1 17
January 1, 1838, to December 31, 1841	25,372,936 06	2,485,356 47	97 95	18,284,961 77	51,809 86	2 83
January 1, 1842, to June 30, 1845	21,535,282 45	4,008,452 22	46 82	18,666,750 90	2,679 46	14
July 1, 1845, to June 30, 1849	32,139,077 73	766,262 44	23 84	16,861,478 41	2,571 24	15
July 1, 1849, to June 30, 1853	68,899,995 00	899,785 74	13 05	26,582,570 74	52,946 20	1 99
July 1, 1853, to June 30, 1857	111,122,107 75	862,084 11	7 75	40,439,110 70	280,128 05	6 92
July 1, 1857, to June 30, 1861	101,302,826 81	834,731 96	8 24	56,957,922 74	172,278 46	3 02
July 1, 1861, to June 30, 1865	115,145,844 93	1,111,281 85	9 65	48,779,085 45	93,467 63	1 91
July 1, 1865, to June 30, 1869	201,926,036 61	1,080,156 84	5 34	81,016,296 91	167,236 74	2 06
July 1, 1869, to June 30, 1873	248,032,245 27	440,953 04	1 77	104,132,079 69	117,797 60	1 13
July 1, 1873, to June 30, 1875	156,212,296 59	317,248 86	2 03	65,737,724 03	34,970 63	53
Total	1,105,803,726 67	10,106,467 56	9 13	489,155,854 82	989,582 38	2 04
January 1, 1834, to June 30, 1861	384,487,303 27	7,156,826 99	18 61	189,490,678 74	576,109 78	3 04
July 1, 1861, to June 30, 1875	721,316,423 40	2,949,640 57	4 08	299,665,176 08	413,472 60	1 38

Disbursements, losses, and ratio of loss per $1,000 to aggregate disbursements—Continued.

Period.	Net total, exclusive of post-office.			Gross total, exclusive of post-office.			Administration.
	Disbursements.	Losses.	Loss on $1,000.	Disbursements.*	Losses.	Loss on $1,000.	
January 1, 1834, to December 31, 1837	$104,051,745 81	$1,163,786 01	$11 18	$110,308,325 19	$1,163,786 01	$10 55	Jackson's.
January 1, 1838, to December 31, 1841	110,683,427 21	2,899,653 84	26 19	137,094,438 34	2,899,653 84	21 15	Van Buren's.
January 1, 1842, to June 30, 1845	78,163,322 81	1,133,242 40	14 49	109,187,401 24	1,133,242 40	10 37	Harrison and Tyler's.
July 1, 1845, to June 30, 1849	165,381,026 34	1,712,169 82	10 35	205,194,700 57	1,712,169 82	8 34	Polk's.
July 1, 1849, to June 30, 1853	165,688,818 66	1,485,192 68	8 96	194,370,493 14	1,485,192 68	7 64	Taylor and Fillmore's.
July 1, 1853, to June 30, 1857	241,097,397 48	1,674,852 64	6 94	285,638,875 65	1,674,852 64	5 86	Pierce's.
July 1, 1857, to June 30, 1861	261,359,197 73	2,292,825 52	8 77	328,183,268 39	2,292,825 52	6 98	Buchanan's.
July 1, 1861, to June 30, 1865	3,179,372,350 79	6,599,022 91	2 07	4,667,457,921 22	6,599,022 91	1 41	Lincoln and Johnson's.
July 1, 1865, to June 30, 1869	1,013,795,474 60	1,889,641 17	1 86	3,891,576,259 10	1,889,641 17	48	
July 1, 1869, to June 30, 1873	655,605,827 22	1,046,202 48	1 59	2,601,158,569 90	1,046,202 48	40	Grant's.
July 1, 1873, to June 30, 1875	365,648,833 27	370,338 81	1 01	1,406,699,819 31	370,338 81	26	
Total	6,340,937,422 52	22,266,928 28	3 51	13,936,870,972 05	22,266,928 28	1 59	
January 1, 1834, to June 30, 1861	1,126,424,936 04	12,361,722 91	10 97	1,369,977,502 59	12,361,722 91	9 02	
July 1, 1861, to June 30, 1875	5,214,512,486 48	9,905,205 37	1 89	12,566,892,569 53	9,905,205 37	78	

*Includes expenditures for public debt.

POSTAL MONEY-ORDERS.—Amount involved to June 30, 1875, $389,718,785.38; loss, $156,818.42; loss per $1,000, forty cents.

Receipts, losses, and ratio of loss per $1,000 to aggregate of receipts.

Period.	Customs.			Internal revenue.		
	Receipts.	Losses.	Loss on $1,000.	Receipts.	Losses.	Loss on $1,000.
January 1, 1834, to December 31, 1837	$70,185,498 06	$1,211,566 25	$17 26	$20,519 41	.....	.....
January 1, 1838, to December 31, 1841	67,283,444 08	264,502 94	3 93	9,964 20	.....	.....
January 1, 1842, to June 30, 1845	78,946,436 31	254,939 03	3 23	5,892 71	.....	.....
July 1, 1845, to June 30, 1849	110,564,342 31	7,719 11	06	3,647 26	.....	.....
July 1, 1849, to June 30, 1853	194,957,446 48	215,749 08	1 10	.....	.....	.....
July 1, 1853, to June 30, 1857	245,148,753 03	131,277 05	53	.....	.....	.....
July 1, 1857, to June 30, 1861	184,125,082 85	38,776 03	21	.....	.....	.....
July 1, 1861, to June 30, 1865	305,360,453 61	31,261 99	10	356,846,137 30	$423,288 60	$1 18
July 1, 1865, to June 30, 1869	699,977,488 65	254,498 55	36	924,698,401 12	2,126,602 16	2 29
July 1, 1869, to June 30, 1873	805,268,591 96	20,935 15	02	572,369,401 98	826,265 67	1 44
July 1, 1873, to June 30, 1875	320,271,536 04	3,407 28	01	212,417,278 48	283,195 63	1 33
Total	3,082,089,093 98	2,434,632 46	78	2,066,371,242 46	3,659,352 06	1 77
January 1, 1834, to June 30, 1861	951,211,003 72	2,124,529 49	2 23	40,023 58	.....	.....
July 1, 1861, to June 30, 1875	2,130,878,090 26	310,102 97	14	2,066,331,218 88	3,659,352 06	1 77

Receipts, losses, and ratio of loss per $1,000 to aggregate of receipts—Continued.

Period.	Miscellaneous.			Net total.			Gross total.		
	Receipts.	Losses.	Loss on $1,000.	Receipts.	Losses.	Loss on $1,000.	Receipts.*	Losses.	Loss on $1,000.
January 1, 1834, to December 31, 1837	$62,796,053 70	$172,239 16	$2 74	$133,002,971 77	$1,383,825 41	$10 40	$135,995,960 92	$1,383,825 41	$10 17
January 1, 1838, to December 31, 1841	26,832,178 67	127,825 40	4 76	94,125,586 95	392,328 34	4 16	129,948,548 91	392,328 34	3 01
January 1, 1842, to June 30, 1845	8,545,683 07	175,042 36	20 48	87,498,012 09	429,981 39	4 91	116,736,004 87	429,981 39	3 68
July 1, 1845, to June 30, 1849	12,019,158 04	10,390 87	86	122,587,147 61	18,109 98	14	201,857,508 45	18,109 98	08
July 1, 1849, to June 30, 1853	12,624,329 01	60,521 50	4 79	207,581,775 49	276,270 58	1 33	211,908,612 91	276,270 58	1 30
July 1, 1853, to June 30, 1857	37,024,174 86	81,724 73	2 20	282,172,927 89	213,001 78	75	282,179,829 56	213,001 78	75
July 1, 1857, to June 30, 1861	12,838,290 35	155,227 80	12 09	196,963,373 20	194,003 83	98	313,359,679 56	194,003 83	62
July 1, 1861, to June 30, 1865	67,251,745 08	53,943 01	80	729,458,335 99	508,493 60	69	4,670,460,137 61	508,493 60	10
July 1, 1865, to June 30, 1869	91,743,064 44	181,621 19	1 97	1,716,418,354 21	2,562,721 90	1 49	4,042,316,438 46	2,562,721 90	63
July 1, 1869, to June 30, 1873	79,024,848 56	107,497 86	1 35	1,457,262,842 50	954,698 68	65	2,576,645,585 22	954,698 68	37
July 1, 1873, to June 30, 1875	51,273,027 73	35,581 01	69	583,961,862 25	322,183 92	55	1,420,222,898 02	322,183 93	22
Total	462,573,453 51	1,161,634 89	2 51	5,611,033,789 95	7,255,619 41	1 29	14,100,631,205 09	7,255,619 41	51
January 1, 1834, to June 30, 1861	172,680,767 70	782,991 82	4 52	1,123,931,795 00	2,907,521 31	2 58	1,390,986,145 18	2,907,521 31	2 09
July 1, 1861, to June 30, 1875	289,892,685 81	378,643 07	1 30	4,487,101,994 95	4,348,098 10	96	12,709,645,059 91	4,348,098 10	34

*Includes receipts for loans.

NOTES TO THE FOREGOING TABLES.

1. In cases where the accounts of defaulting officers embraced more than one period the losses, unless known to have occurred in other periods, have been charged to the periods in which the accounts were opened in this Department. In cases of defaulting banks, however, for want of other information, the losses have been charged to the periods in which they are reported on the books, though doubtless in several instances they actually occurred in previous periods. No losses of the latter kind, however, have been included unless known to have occurred within the period covered by this statement.

2. No deductions have been made for amounts which may be collected hereafter, though a large percentage of the recent losses will doubtless be yet recovered.

3. In preparing this statement the receipts and disbursements since June 30, 1843, have been classified by fiscal years as in the published official reports; the losses have in all cases been classified by calendar years, it not being practicable to separate the losses occurring in the fractional years of each period, but the periods compared being of the same length the result is substantially correct.

Mr. MORTON. I ask my friends to state what good thing the democratic party had done or proposed to do in a quarter of a century, and my friend from Delaware referred to investigations set on foot by the House of Representatives which he said had developed great frauds and corruption. I might ask the Senator what frauds on the Government of the United States have been developed thus far that he can name; what the Government has lost by any frauds that have been proven before these investigating committees. We are now sitting as judges upon a Cabinet officer, and in regard to his case it is not proper for the Senator or for me to express any opinion; but it is not even charged that so far as he was concerned the Government lost anything by him; and now, in view of this very broad statement, the only saving clause he can possibly make for the democratic party in twenty-five years, I ask him to name the investigation that shows that the Government has lost anything by fraud that has been developed or practiced. I will give him the floor.

Mr. SAULSBURY. The Senator from Delaware will answer after the Senator from Indiana finishes his speech.

Mr. MORTON. I offer my friend the floor. I want him to state what single dollar it has been shown that the Government has lost by any of these frauds and corruptions which it is said have been developed. I will give him the floor now to do it.

Mr. SAULSBURY. The Senator from Delaware will take his own time.

Mr. MORTON. Mr. President, I have already taken more time than I intended to do; but I am going to conclude by this question that I propound to that Senator and to the whole country: Who can be safely trusted with reform? Reform is the normal business of every party at all times, and of every Congress. It is like the poor: the necessity for reform is always present with us; and that party is truly the reform party that carries it on quietly and steadily from year to year, and not that party which breaks out now and then with spasmodic declarations in favor of reform, but which in all intermediate periods practices corruption whenever it has the chance. I ask what men or set of men can be best intrusted with this Government? I say they are the men who preserved this Union, who put down the rebellion, who have preserved this Government, who have preserved the credit of the country and are laboring to make it perfect, who are determined to pay its debts and to maintain its good name; the men who have amended the Constitution, who have abolished slavery, who have conferred equal rights upon men of every race, color, and condition. They are the honest men to be intrusted with reform. I think we can trust them better than we can those men who come to us fresh from the rebellion, who come to us fresh from slavery; better than we can trust those hacks and humbugs who have come down from twenty years of democratic misrule before the war; better than we can trust the fugitives who have been kicked out of the republican party for incapacity and fraud; better than we can trust the alumni of Tammany Hall.

Mr. SAULSBURY. Mr. President, I believe the pending question is the motion of the Senator from Ohio [Mr. THURMAN] to refer the river and harbor bill to the Committee on Appropriations, with instructions to limit the amount of appropriation to $4,000,000. I had intended before the vote was taken on that motion to submit some remarks upon the bill and in favor of the motion of the Senator fron Ohio. I had not intended to enter into any political discussion on this question. The Senator from Indiana, [Mr. MORTON,] however, has seen proper in the conclusion of the remarks which he has just submitted to call upon me personally to explain what losses to the Government have been revealed by the investigations going on in the House of Representatives by reason of the action of the republican party, and perhaps before I close my remarks I may have something to say in answer to that interrogatory. I propose, however, at the outset to confine myself to the consideration of the bill under discussion, intending that the remarks which I make shall be in favor of the motion of the Senator from Ohio to recommit that bill with instructions to report an amount not exceeding $4,000,000 for rivers and harbors.

Now, sir, what are the provisions of this bill? Let us look at it as it lies on our tables. It proposes to appropriate money to the improvement of rivers and harbors of national importance, appropriations necessary and proper for the protection and benefit of the general commerce of the whole country, and, in so far as the bill proposes to make appropriations to objects of that character, it is in harmony with the usages of the Government, I believe, from the foundation of the Republic, and I have no objection to make, therefore, to that portion of the bill. It is, I believe, the general sentiment of the country that those harbors essentially necessary for the protection of the general commerce of the country should receive the fostering care and protection of the General Government. But the bill goes further; the bill, both as it came from the House of Representatives and as it was reported from the Senate Committee on Appropriations and has been amended here, goes to the extent of appropriating money from the public Treasury, not to works of improvement necessary and advantageous to the general commerce of the country, but it proposes a distribution, unequal it is true, of the public moneys of this country among the States of this Union for the purpose of cleaning out their rivers and creeks, many of them wholly internal, within the State, and over which the General Government has no control; rivers and creeks, too, that have no navigation and no commerce which Congress can regulate under the power contained in the Federal Constitution to regulate commerce. It appropriates money to clean out streams that are not navigable and to make navigable mere branches or streams of water that are now admitted not to be navigable for any kind of vessels and which have no commerce. I shall not specify any particular work; but I say that so far as the bill applies to that class of improvements it is in my opinion wrong in its provisions, and in my judgment we have no right to appropriate money for any such purpose.

The argument of the Senator from Pennsylvania [Mr. WALLACE] yesterday, which was very clear and lucid, showed conclusively, to my mind, that the appropriation of moneys out of the Treasury for the purpose of originating navigation where none existed is unauthorized by the provision of the Constitution giving to Congress the power to regulate commerce, or by any other provision of that instrument. If we go into that kind of improvement by the General Government, where will be your limit? If, for instance, Congress may take a stream, whether in North Carolina, or West Virginia, or Missouri, or Delaware, or anywhere else, upon which there is no commerce, which is not navigable, which contains obstructions that have up to the present time defied the ingenuity of man to overcome, and attempt to make them navigable and set commerce upon them, where is the limit to its power? If, I say, the Federal Government may, out of the public Treasury, go into any of these States and clean out rivers, dig out channels, in other words, make mere branches and streams which are not navigable highways for commerce, where is the limit to the power of the General Government in that behalf? If you can make an artificial highway in the bed of a rivulet merely because there is water passing down it, may you not cut a canal across any elevated portion of your country? May you not connect the waters of the Pacific and the Atlantic by a canal, and make a highway for commerce where none exists?

Again, if you may construct one kind of artificial highway, I ask the question whether you may not make any kind of an artificial highway. If you may dig a canal or if you may clean out an unnavigable stream and make it navigable by cutting a channel in it, by removing obstructions, and open it to the commerce of a State, then I take it you may build railroads within the limits of a State, railroads for mere local improvement and only of local value.

Now take up this bill and answer me this question, are there not many of its provisions which propose to benefit certain localities alone, and not to advance the general commerce of the country? Sir, it is a stretch of the authority conferred by the Constitution when you attempt by the exercise of the power of the Government, when you attempt by appropriations out of the public Treasury to advance the local interests of particular neighborhoods, and you are going a great way, in my opinion much further than the Constitution of this country warrants in any such attempts. If you may promote local advantages by appropriations from the public Treasury to works of this character, I know of no limit whatever. I know the argument that has been repeated on this floor, and perhaps will be repeated again, that it is developing an undeveloped country, that it is adding to the products of the country and bringing into market and into the general commerce of the country productions which otherwise would not be brought in. In other words, that it facilitates the advantages of neighborhoods and localities and adds to their productive industry, and by that means adds to the general wealth of the country and to the commerce of the country. But test the logic of that argument. If that is a substantial reason why you may appropriate money out of the public Treasury, then I ask may you not upon the same process of reasoning appropriate money out of the Treasury to drain the swamps and savannas of the Southern States, to cut canals and ditches for the purpose of draining and reclaiming the lands that are now not arable, and by that means promote the general interests of the country by developing the resources of the country, developing the productive capacity of certain localities whereby they may contribute to the general products of the country and thereby incidentally benefit the commerce of the country?

We ought to pause before we take such a wide departure, we ought to look to what consequences such a doctrine may lead; for I confess standing here in my place that if the doctrines of this bill, which are no worse than former bills of the kind, are to prevail, if the public money of the country is to be taken from the Treasury and appropriated to works wholly local in their interest and to the improvement of streams that are not navigable, I know no limit to the power of Congress; and if a majority of the Senate should represent neighborhoods that might need canals or ditches cut for the purpose of their reclamation and development, they would have the same author-

ity to vote money to such objects, because the same argument that sustains the one would sustain the other; that is, the argument that it develops the country and furnishes a means for the increased production of the country and thereby the incidental enlargement of the commerce of the country. I have no objection to any of these local interests; I should be glad to see them promoted; but I want to see them promoted in a proper way; I want to see them promoted by the States and by the localities in which they lie. I do not believe that every neighborhood that has a little stream running through it should come to Congress and ask for an appropriation of money that the obstruction may be cleaned out and navigation made where nature never designed that there should be navigation.

I shall not go through the details of this bill for the purpose of pointing out and making invidious distinctions between the different items of appropriation here. My purpose is answered when I say that the bill as it came from the House and as it is now before the Senate contains appropriations of that character for which I cannot, with a due regard to the Constitution of the country and a just regard for the interest of the people, vote. I am perfectly willing that all appropriations to proper objects should be made, and I am therefore in favor of referring this bill back to the committee that they may eliminate from it those matters which are objectionable, and put it in such shape as will enhance and promote the general interests of the commerce of the country, and wipe from it everything which proposes simply the advantage of the local interests of neighborhoods.

But, Mr. President, suppose we have the power; suppose there was authority under the Constitution of the country for Congress to put its hands in the Treasury and take therefrom money and appropriate it to every object named in this bill, then I ask would it be right, would it be proper, would it be expedient in the present condition and circumstances of the country to do so? Let us look for a moment at our condition. Your revenues have fallen off. That is not denied in any quarter of this House. You have a large public debt the interest of which must be paid. The honor of the Government is pledged to it; and I apprehend that there is not a Senator on this floor who would be willing to see the period arrive in the history of this country when the revenues of this Government should not be sufficient to meet, and promptly to meet, the plighted faith of the Government. It makes no difference what may be our views as to the propriety of the creation of that debt; it may make no difference what may be our views of that policy which placed our debt in foreign countries and extracts from the people of this country $100,000,000 in gold to pay to foreign capitalists; it makes no difference what may be our views in reference to the extravagance which created the public debt as it exists; it makes no difference what may be our view in reference, I had almost said, to the stealings that are incorporated in the public debt; it is the public debt of the country and is binding on the country. Every man on this floor I trust feels sufficient interest in the honor and dignity of this country to provide promptly for the extinguishment of the interest of that debt as it falls due and the ultimate extinguishment of the principal of the debt as soon as the business interests of the country will justify it. Therefore I say our first duty is to maintain inviolate the plighted honor and faith of the Government and uphold its credit, whether we approve of the manner in which that credit was transferred to foreign capitalists or not, and we should not by unwise appropriations frit away the public money and lessen the ability of the Government to meet its obligations.

Well, sir, you have other debts that must be paid. You have a pension debt of near $30,000,000. You have pledged the country to pay that debt, and many persons are now living upon the bounty of the Government for whose support you are pledged to provide, the wives and children of men who fell in the war. We are pledged to pay to them the dues which the Government promised to the soldier if he lived and promised to his wife and children if he died. I do not want to endanger that fund in any particular. While I have no doubt that many frauds have been committed upon the pension fund, while I have no doubt that there are a large number of persons now pensioned by the Government who ought never to receive pensions because they are not entitled to them under any law of the land, (and I am justified in that remark because I have understood that a former Commissioner of Pensions declared that a large percentage of the pension claims upon the Government were fraudulent,) yet while we have the pension list to provide for, I want to see no part of the revenues of this country improperly diverted to other subjects so as to endanger that responsibility which rests upon the Government. Your revenues are pledged to other objects and are falling off, and you are not in a condition to-day to engage in this wholesale business of improvement throughout the whole length and breadth of this land of the character which I have described.

It is not only the condition of the Government in reference to its revenues that forbids this wild appropriation of money, but the actual condition of the country forbids it. I am aware that the Government has but to exert its power and it can call in from the people by taxation enough means to maintain its honor and credit even if you appropriate this money. I know that by the exertion of the taxing power the Government may be in receipt of additional revenues and may take from the people of this country that which they actually need for their support and may put it in the Treasury; but I am not in favor of such an exertion of the taxing power of this Government. The fact is that our views in reference to the taxing powers of this Government, I am fearful, are becoming entirely too undefined. The Government has the right to tax the people of this country for the legitimate purposes of government; but we are fast lapsing into that condition when we rely upon the taxing powers of the Government for every purpose and believe that power unlimited. Now, sir, as a citizen of the Government I am bound to yield my just share and proportion of the expenses of the protection which that Government gives me; but the Government is bound and we as Senators are bound to see that the power of taxation is not improperly exercised, but that it is kept within the proper limits. We should be careful to do nothing that would necessitate the exercise of the taxing power improperly. We should make no appropriations of money which will devolve on Congress the duty and necessity of exercising the taxing power in any greater respect than is absolutely necessary for the proper administration of government and the maintaining of the honor and dignity of the Government and the happiness of the people.

If we keep on with these wild, extravagant expenditures, there must be at least the present maximum of taxation kept up and perhaps largely increased. The people of this country want to be relieved from oppressive burdens. They have felt for years that the burdens of government were pressing heavily upon them, but they have nobly responded to the demands of the Government; but that response is felt to be oppressive all over this country; the people are becoming poor, and you find throughout every portion of this country, now that bankruptcies are occurring, that real estate is depreciated, that men are out of employment because capitalists have been unable to carry on their business. Scarcely any people on the face of the earth have had such a strain upon them as the American people in the last ten or fifteen years. I do not know the exact amount that has been collected from the people of this country, but I will venture the remark that there has been upon the average not less than $400,000,000 for the last fifteen years, which would aggregate $6,000,000,000 that has been collected from the American people. During the present Administration it will average more than $300,000,000 which has been collected from the people and placed in your Treasury; and I say again, and I repeat it with emphasis, that no people on the face of the earth can stand such a drain upon their resources.

There are comparatively very few men who have more than what is absolutely necessary for the support of themselves and their families, and yet they have been compelled to contribute to the expenses of the Government. They have felt that they were bound to uphold in part the honor and dignity of the country, and they have not complained; but the wolf is at their door now; men are becoming poor everywhere. Take up the papers in any county almost, in any State of this Union, and you will find the advertisements of the sheriff or auctioneer of forced sales and men who are being sold out. I know that is the case in my own State, and I believe to-day we are in better condition than almost any State in this Union, simply because in the management of our State affairs we have been exceedingly economical and prudent; and yet the people are becoming poor because of this continual drain on their resources. We ought, therefore, I say again, to be careful how we appropriate the money in the Treasury which has been placed there by taxation of the people, and which must be replaced, if we take it out of the Treasury and improperly apply it, by additional taxation.

Looking away now from individual interests, looking at the country as a whole, I say that we are not in a condition to expend money for these purposes at the present time, at any rate to expend it so lavishly as is proposed by this bill. It is true that judging by one statement of facts the country would seem to be prosperous. I believe that our exports exceeded our importations and that the balance of trade was slightly in our favor during the last fiscal year, perhaps from sixty to seventy million dollars in our favor. But that does not show our real condition. Suppose the balance of trade is in our favor slightly; suppose it is even $70,000,000; we are still debtors because we have the interest to pay in foreign countries on the national debt and upon municipal bonds and corporation and State bonds held abroad. We have an amount of not less, I apprehend, than $125,000,000 to pay annually in interest abroad so that your $70,000,000 would be unequal to your interest account abroad and leave you minus some $50,000,000. My friend from Connecticut [Mr. EATON] says our interest account abroad is $200,000,000. If that is the case does it not demonstrate that as a whole we are becoming poorer? To illustrate. Suppose for instance upon my farm I raise a thousand dollars' worth of wheat or other products to sell, and it requires $900 to meet the ordinary wants of my family. I have $100 surplus left. If I am clear of debt the small surplus would be a slight addition to my capital; but if upon my farm I owe a mortgage of $5,000, the interest of which is $300, my $100 of surplus would only pay one-third part of my interest, and thus my indebtedness is becoming increased, I am daily becoming poorer and poorer; and that is just the condition of this country. While the balance of trade may be slightly in our favor it is wholly insufficient to meet the interest which we have to pay abroad, and we are becoming as a country poorer and poorer every day. It is not in a condition to have any additional burden laid upon it which can be properly dispensed with.

With the thermometer at 86° while I speak I do not propose to trespass long on the time of the Senate, but for these reasons assigned

and others not mentioned I am in favor of a recommittal of this bill so that the Committee on Appropriations, with a proper regard to the condition of the country, with a proper regard to the revenues of the country, and with a proper regard to the interests of commerce, may re-adjust it and eliminate all these matters which are improper to be placed in this bill. I am in favor, as a general rule, of economy, and I am especially in favor of economy at this time, when I know, and you know, sir, that all over this country from one end of it to the other there is a demand for retrenchment and for reform.

Yesterday the honorable Senator from Indiana [Mr. MORTON] and the honorable Senator from Illinois [Mr. LOGAN] saw proper in their criticisms on this bill to refer to it as a political job, as got up for political purposes, dispensing with that professed economy which the House of Representatives had attempted to practice. Well, sir, I do not approve of the House bill. I think the House bill a mistake in providing for some of the improvements to which I have referred. The House made a mistake in the amount of the appropriations, which I do not believe under existing circumstances ought to have exceeded two and a half millions or three millions of dollars. But, sir, that bill is not liable to the criticism of the Senator from Illinois and the Senator from Indiana, because as it came from the House to the Senate it was a reduction of expenditures; it provided for a less appropriation than the bill of last year of something near a million dollars; and to that extent it was in the line of economy. I am only sorry that it did not go to a greater extent. I know how difficult it is for the committees of either House of Congress to confine appropriations within proper and legitimate limits; I know the importunities that are made to the committees by members representing the various States of this Union for appropriations for their States. The work is not an easy one for the Committee on Appropriations or the Committee on Commerce having charge of the bill to resist the importunities of Senators and Representatives to do something for the interests of their States. The bill, however, as it came from the House appropriated less money by near a million dollars than the bill as it now stands, and was a better bill than it is at present, but we ought, in my opinion not to hesitate to refer this bill back to the committee that it may be properly revised.

Mr. President, this is about all that I intended to say on this subject; but I have a word or two in reply to the interrogatory submitted to me by the Senator from Indiana. That Senator inquires what good the democratic party has done. Why, sir, I need not answer the question. The history of this country discloses what the democratic party has done. The fathers of that party took hold of your Government in its very infancy; and their first act was to wipe from the statute-books of this country the alien and sedition laws that had disgraced your legislation. They took hold of your country when it was only thirteen small colonies and added the vast domain of the West to your territory. It reached forth its hand and took in "the lone star" of my friend from Texas. It extended its jurisdiction and brought into your country the Californias, with all their rich mines of gold and silver. It extended your area from a small strip of country on the Atlantic seaboard and has given a sea-coast of one thousand miles upon the shores of the Pacific. Then, sir, the democratic party took hold of your currency when it was at a discount, when it consisted of the notes of wild-cat banks and of a national bank, and when that national bank was attempting to measure arms with the Government of the country it took hold of that institution and exposed its rottenness and corruption, and it gave you a democratic currency of gold and silver. Comparatively few men in the country had ever seen a piece of gold coin until the democratic party of the country came into power and gave you, under the lead of Jackson and Benton, gold and silver and made your currency convertible therein. It is too late for the Senator from Indiana to inquire now about what the democratic party has done. It paid off your national debt during the administration of General Jackson; and I venture, at the suggestion of the Senator from Connecticut, to say that, if the national debt that you have created shall ever be paid, it will be paid under the auspices of democratic policy. The country has come to believe that the wasteful extravagance of the republican party, unless reversed, will render it impossible to pay any large proportion of the public debt of this country, and are looking to the democracy to save the country from the ruin which republicanism has brought upon it.

I know that during the administration of the Senator from Massachusetts in the Treasury Department there was some reduction of the public debt, but how? You had enormous taxation upon the country; you drained the people of their resources; you were impoverishing the country and placing its resources in the public Treasury; and then a very unwise policy—I speak it with all due deference to the Senator—was instituted of taking the surplus revenue and applying it so as to enhance the value of the bonds of the Government in the hands of the foreign holders, which should have been applied to redeeming the promise of the Government to pay its greenbacks in coin.

Sir, your republican party has been wholly inefficient and incompetent to manage the interests of this country. Here stands to-day your greenback at a discount, notwithstanding your solemn promise in 1869 that it should be redeemed in coin. Often have I heard the chairman of the Finance Committee hold up that resolution to his brother-Senators on the republican side and call upon them to redeem their promise; but it is not redeemed. Your greenbacks are at a discount still and will ever remain at a discount until democratic policy shall give the country a currency based upon gold and silver and bring up your greenbacks from their depreciated condition to an equality in marketable value with coin.

Mr. SHERMAN. If the Senator were to say that in Ohio, the democrats there would set him down as the worst kind of a black republican. [Laughter.]

Mr. SAULSBURY. I am afraid there are a good many things wrong in the State of Ohio. I should very much regret to have to part company with my friend, the honorable chairman of the Finance Committee, but if the public sentiment of the people of Ohio was right I am very sure he would be serving his last term in the Senate.

Mr. SHERMAN. I believe I read this morning in a newspaper a speech made by perhaps the ablest democrat in the State, a campaign speech, in which he denounced the republican party for its attempt to resume specie payments as a great crime against civilization; denounced its efforts to bring about the resumption of specie payments as the most undemocratic measure it has adopted in the life-time of the party.

Mr. SAULSBURY. And I think the criticism was perfectly right. I think that orator, be he who he may, knew full well that the Senator from Ohio and his party when they passed the bill declaring that they would resume in 1879 knew at the time that they would not be able to do it. He knew that it was thrown out as "a tub to the whale;" that there was no sincerity in his party when they declared that they intended to resume specie payments; he knew they were impotent to do it; he knew that they had accumulated a large public debt which required all the gold that could be obtained in the country to pay the interest on that debt, and he knew full well that that was not an honest declaration on the part of the republicans, but was a bridging over a scheme of a republican Congress to prevent a disruption on the currency question. Hence when that gentleman denounced their bill in favor of resumption, he did it because he knew that it was not the honest purpose of the party to resume and that they were wholly impotent for it. Now, sir, the democratic party do mean to resume; but they do not mean to disrupt the business of this country; they do not mean by a violent shock to the business interests of the country to bring it back in a day, and undo in a day all the evil which the republican party has done in fifteen years. But we pledge the country and we pledge the Senator from Ohio that when we come into power we will take measures looking to resumption at the proper time by the proper means, and will give assurance to the country that at no very distant day, and just as soon as we can undo the evils which have been done by the republican party, the currency shall be restored to a sound basis.

Now, Mr. President, I have stated some of the things which the democratic party has done, and I will tell the Senator from Indiana some other things which it has done. It has not been in power for the last fifteen years until fortunately it obtained the control of the House of Representatives at the present session of Congress, but the democratic party has been in existence in all that time. We have been here and in the other House and in the States of this Union protesting against your violations of the Constitution and holding up that instrument before you and asking you to have respect for it. We have at last by awakening public opinion compelled you to pay some respect to that Constitution which for years you seemed to disregard and trample in the dust. I have read somewhere of the man who when his friend fell upon the battle-field bent over his body and defended it from the indignities of the foe. It reminds me of the democratic party that during these past years when the Constitution of the country was stricken down stood over that Constitution and preserved it in some respect from the desecration of the men who were trampling it in the dust, until it has come forth again to have some measure of respect on the other side of this Chamber.

Now, sir, I repeat what I said to the Senator from Indiana when I say that in the other House of Congress, if I may refer to the other House, investigations have been going on which have exposed corruptions, which have exposed loose and wasteful administration of the Government. The Senator asked me what had been loose or had been discovered to have been loose by any of those committees. I will answer that question. I say in reply to the inquiry what have the investigations shown to have been lost by the General Government, that the investigations show that men of influence in this Administration have been speculating upon their influence, upon Navy contracts, upon Army contracts, upon contracts for supplies to the Indians, and the Government has had to pay increased prices which have been charged in the contract. One firm—I do not wish to mention names—acknowledges that in reference to Navy contracts they have made $300,000. Sir, you will find out when the reports of these committees come in what they reveal. I shall not anticipate them. I mention that single instance in response to the inquiry of the Senator from Indiana.

Sir, I repeat again that there never was in the history of this country, I had almost said in the history of any civilized country on the face of the earth, a looser—and I use a mild term when I say "looser"—administration of public affairs than has existed in the last eight years, and the people of the country are waking up to the fact. The people have felt the oppression and are demanding relief. You may oppress the American people to a certain extent, but when

their burdens become too oppressive and grievous they will cry out.

Mr. SHERMAN. Will my friend allow me? I really do wish now that he would reply in specific terms to the question of the honorable Senator from Indiana. If there is any corruption in the country let us know what it is, who committed it; give us the facts and circumstances, and I will examine for myself to find out who are guilty and who are responsible. If some Army or Navy contractor has cheated the Government to the amount of $300,000, I should like to know who he is, and I should like to know with whom he combined; and if there is any wrong I will join the Senator and disclose it and expose it. Let him give us the particulars.

Mr. SAULSBURY. The Senator is not a novice in the history of this country; he is not a novice in the history of his own party; and I utter what I have no doubt is true when I express the belief that he himself as chairman of the Finance Commitee has protested against some of the doings of his party privately in the ears of men of authority. It is not for me to point out all the individual robberies that have taken place. Why, sir, I could point to numerous cases. Does he remember the Paymaster Hodge? That was a defalcation, they say; but why were the men placed in power that were suffered to default and rob the Government? Why were the whisky men, McKee and others, suffered to run the whisky business in Saint Louis?

Mr. WINDOM. Will the Senator allow me to ask him a question?

Mr. SAULSBURY. I am speaking to the Senator from Ohio. Let me get through with him.

Mr. SHERMAN. We have got the case of Major Hodge and the case of McKee. I want to know what other cases there are of gross fraud and corruption in which the republican party has been implicated, and I really desire to have the fullest information. The gentleman has had the benefit of about fifty-five investigating committees. Now let us have the names and details, the nature of the case, exactly the extent of our offending, and I think when the matter is examined into a majority of them will be found to be on the other side.

Mr. SAULSBURY. Mr. President, I am not to be diverted from my own line of thought by the ingenuity of the Senator from Ohio or the Senator from Minnesota, who desires to be heard upon this question.

Mr. WINDOM. Will not the Senator allow me to make——

Mr. SAULSBURY. But a few days ago when I was in Saint Louis a gentleman kindly invited me to take a ride with him after the labors of that memorable convention were over which gave hope and promise to this country. I took the ride, and among the other points of the city he said, "I want to show you our jail." I went there and I saw by accident these men, McKee and others. While the sympathies of my nature always preponderate even for the criminal in the dock, and I have never seen one sentenced to the punishment of death but what I felt commiseration for the unfortunate criminal, yet I felt not the pang of regret that these public plunderers who had robbed the Government of its revenue had been ferreted out by an honest Secretary of the Treasury and prosecuted until they found their lodgement in the jail at Saint Louis; and now I want to ask my friend from Ohio why——

Mr. WINDOM rose.

The PRESIDING OFFICER. Does the Senator from Delaware yield?

Mr. SAULSBURY. Not at present; I will be courteous to my friend.

Mr. WINDOM. I thought the Senator from Delaware was through with the Senator from Ohio, and might allow me to put a question.

Mr. SAULSBURY. I ask why Mr. Dyer, why Secretary Bristow, why Mr. Henderson, why Postmaster-General Jewell have been summarily dismissed? Ah, do not tell, gentlemen, for you would be revealing party secrets. My friend [Senator EATON] reminds me of my venerable friend Pratt, who I believe to be a perfectly honest man. In the Internal Revenue Bureau my friend Pratt is no more. He has gone the way of the Secretary of the Treasury, of the Postmaster-General, of Henderson, and of Dyer, and I do not call upon my friends to tell the reason why, for it might be revealing state secrets.

Mr. WINDOM. Has not my time arrived when I can get a question to the Senator?

Mr. SAULSBURY. I will yield to my friend from Minnesota now.

Mr. WINDOM. My purpose in rising a moment ago was to appeal to my friend from Delaware not to permit his courtesy to those whom he called thieves to prevent his giving us the names of those exposed by the House of Representatives. We hear a great deal of "this corruption" in general terms. We have heard a great deal to-day. Now I beg my friend that he will not allow his regard for thieves, as he calls them, to prevent our having their names.

Mr. SAULSBURY. My honorable friend will have access to the reports, and I commend them to him as good reading for every day in the week except the Sabbath, and on the Sabbath day I would ask him to read some of the chapters of Nehemiah, where he will find a perfect illustration of the oppressions which this republican party has brought upon the country. He will find there that when Nehemiah went up to rebuild the walls of Jerusalem, after he had become reinstated, the people cried out and complained to him of the oppression which their rulers had placed around them, and he called the rulers before him and compelled them to disgorge and deliver back the mortgaged property to those who had been oppressed Let me tell my friend when our Nehemiah comes in on the 4th of March, and the democrats have the power in the House and in the Senate, we intend to call upon plunderers everywhere to disgorge their ill-gotten gains, and to place them back in the Treasury, or in the conscience fund, if you please.

Mr. WINDOM. If I do not trouble my friend from Delaware——

Mr. SAULSBURY. Not at all.

Mr. WINDOM. I should like to ask him whether I am to find the names of those thieves disclosed by these investigating committees anywhere else than in the book of Nehemiah? If so, please inform me in what report and give the names.

Mr. SAULSBURY. He will find in the reports of the committees that I referred to. He will find that Navy contracts have been given out, if not corruptly yet under a loose administration, whereby the Government has been robbed, and he will find that vessel-knees which cost in my own State only $9 to the contractor were taken to New York and Philadelphia and paid for by the Government at twenty-seven or eight dollars per knee. He will find that men have sold their influence to obtain contracts.

Mr. WINDOM. Will the honorable Senator now give us the name? Evidently he is getting very close to something.

Mr. SAULSBURY. I refer him to the House record, to the reports of the committees. I am not here to deal in personalities. I speak of your party. I eschew that vulgar partisanship which attempts to deal with private individuals; but I deal with your party. I say that from the crown of its head to the sole of its foot, judging by its acts during the last eight years, it is nothing but bruises and putrifying sores.

Mr. WINDOM. That is very general. Cannot the Senator descend to particulars a little more than that?

Mr. SAULSBURY. I do not choose to answer the Senator's questions. I refer him again to the reports of the committees, wherein he will find revealed the loose administration of public affairs and the corruptions that are cropping out in every department of this Government. Was there no corruption, I will ask my friend, in the squandering of $3,000,000 by the Department of Justice in employing agents, deputy marshals, and marshals to go down through Alabama, through Mississippi, through all the Southern States to intimidate the people, spending the public money for political purposes to deter men from going to the election and voting the democratic ticket? Why, sir, when the facts of your administration become fully revealed the people of this country will be astonished and indignant.

Mr. WINDOM. What I desire is to be astonished now, if the Senator will only reveal what those frauds discovered are.

Mr. SAULSBURY. Well, there some who are so blind that they will not see. If my honorable friend will only look into the history of his own party; if in fact he would divulge what he himself knows, he would not only astonish me but he would astonish the whole country, for I have no doubt that my good honest friend has been inquiring into these wrongs and has tried in his way to help correct them.

Mr. WINDOM. Mr. President——

The PRESIDING OFFICER. Does the Senator yield further?

Mr. SAULSBURY. No, sir.

The PRESIDING OFFICER. The Senator from Delaware declines to yield. The Senator from Delaware will proceed.

Mr. SAULSBURY. Mr. President, I did not intend to be betrayed into this line of remark. I do not think I should have uttered a word political in its character except for the interrogatory specially addressed to me by the Senator from Indiana. He never rises in his place but what he attacks the democratic party; and we are compelled always when we say anything in defense of the democratic party or retaliate at all on the republican party to refer to the Senator from Indiana. It might be supposed, if we did not know better, that he was the only man in the republican party, because he never suffers any Senator to make a speech on this side of the Chamber which he thinks is doing damage to the republican party but what he deems it his mission to rise and correct the statements and, if he can, to furnish the antidote; and hence none of us can make a speech on this side of the Chamber but we are compelled to reply to the Senator from Indiana. I should be very glad to hear from other gentlemen. There are men of great ability on the other side of the Chamber, men whom I should be glad to hear from occasionally; but the whole monopoly of party management on this floor on the republican side seems to be taken by the Senator from Indiana except as it is contested occasionally by my worthy friend the Senator from Illinois.

I now yield the floor, apologizing to the Senate for the time I have taken and for the line of remark in which I have been compelled to indulge in reply to questions directed to me personally by the Senator from Indiana.

Mr. MERRIMON. Mr. President, I wish that the Senator from Indiana in his animadversion upon what I submitted to the Senate this morning had gone into the facts and made arguments to disprove the points which I made. I regret exceedingly that he saw fit to pursue a line of argument which seems to be common with him on all occasions. He makes an *ad hominem* argument. He says I lived in one of the Southern States during the war, and that I participated in and was committed to that war and am responsible in some measure for all its errors, and then he goes on in a long speech declaiming against the war and its desolations and crimes and the causes that

gave rise to it, &c. I submit to the Senate and country that that is not the way to answer argument. He seems to know and feel that it puts gentlemen in my position at a disadvantage when he can cite the war on us. If he had been where I was, I suspect his record would have been very different from what it is. I deplored the war; I did all that I could to avert it; and when it came, against my judgment and against my wishes, I went with my State, my people, and kindred. I did all that I could to mitigate its horrors. I aided in maintaining law and order till the people made the grand struggle which resulted so disastrously. Since the war I have done all in my feeble power to restore the Union, to restore good-will and feeling between the people of the North and the people of the South. I desire to see the Union restored, not in name, but in spirit. I have no war to make upon the northern people. I regret that there are any northern gentlemen who are unfriendly to the southern people. I wish that the spirit of antipathy, dislike, and hate could be blotted out forever, and that we could see nothing but a national spirit everywhere as cordial as it was at any period since the beginning of the Government.

I have an interest in the Union. My ancestors helped to establish it by their blood and such treasure as they had. I am attached to the Union. I expect to stand by it, to live in it, and to die in it. I hope to live to see a cordial state of feeling prevail from the lakes on the north to the Gulf on the south, and from the Atlantic coast to the Pacific, when we shall be one people in name and one people in spirit. No good comes of talking and declaiming about the dead past. Why should the Senator want always to array the northern people against the southern people, and why should any unpatriotic southern man want to array the southern people against the northern people? I can see no just or patriotic reason for such a course of action here or elsewhere. I have no gushing professions of admiration or love to make. We know that we have passed through a terrible civil war—one that produced tragic and awful results. I wish they could be forgotten, but now that the war is over——

Mr. HARVEY. Will the Senator from North Carolina permit me to ask him whether in his speech this morning he did not arraign the republican party for preserving the country by force?

Mr. MERRIMON. I did not do any such thing.

Mr. HARVEY. I think the RECORD will show it.

Mr. MERRIMON. There is the RECORD. There it will stand. I say the republican party could have accomplished all it did inside of the Constitution. They might have maintained the Union, they might have sustained and vindicated the Union through the American people, under the Constitution, and by a different line of policy and action, and they might have restored the South to the Union and the Union in a different and more satisfactory way to the whole country.

Mr. HARVEY. Will the Senator permit me to interrupt him again?

Mr. MERRIMON. O yes, sir.

Mr. HARVEY. Do we understand the Senator to say that the use of force for the preservation of the Union was unconstitutional? His argument is certainly subject to that interpretation.

Mr. MERRIMON. I will not go into that argument. I think it is rather discourteous for a Senator, when he sees another pursuing a particular line of argument, to undertake to divert him from it by questions which can scarcely be called pertinent. I want to see this Union restored. It belongs to me in part. As I said a moment ago, my ancestors helped to establish it. I am here and I mean to stay here. I have no quarrel with the northern people or with the northern soldiery who maintained the Union. I have no quarrel to make with them. I feel this day that I have an interest in the Army as as much as the honorable Senator from Illinois [Mr. LOGAN] or the Senator from New York, [Mr. CONKLING.] It is my Army, and I expect to maintain and defend it wherever it shall be necessary to do so. I expect to maintain and defend the honor of this country, not only here, but on every place on the earth where I shall have occasion to go.

I think it is unpatriotic and wrong to be forever waving the war, with its tragic events, its sorrows and desolations, in the face of southern men who have come here in pursuance of the action of the republican party itself. I think it is ungenerous in any Senator or any one to want to see southern gentlemen come here and fall down and worship a party instead of honoring and defending their country. I do not intend to do that thing. While I am here I intend to stand here having and exercising equal rights with any Senator on this floor, and when I cannot have and exercise them I will go out of the Senate. I say furthermore that if I and gentlemen situated like myself are not to be permitted to speak here freely, if we are not to be allowed to discuss economic questions here, all questions of legislation, the sooner the majority turn us out and let the world know it the better. Let them do it, and see if the American people will indorse it. I do not believe the people of this country expect or desire such a state of things.

I said a moment ago that I had no gushing professions to make with respect to the northern people and the northern soldiery. I respect the whole people. I have high respect for them as a people. I honor them for their courage, I honor them for their energy, I honor them for their perseverance, I honor them for all things that constitute a great and noble people. I have profound respect for them. So have the southern people, and so, I believe, the great mass of northern people have for southern people. I shall not make any such false pretensions as to say that I love and admire any portion of the northern people because they happened to kill some of my people or helped to desolate my country. That would be unnatural and false. If I hear a southern man say that he does, I hear him say what is unnatural and false. I do not believe him. If I hear a northern man make such professions, I hear him say what is unnatural and false, and I do not believe him. But it is perfectly natural and proper for men who have been enemies to have profound respect for each other. So it is between the northern soldiery and the southern soldiery. So it is between the patriotic southern man and the patriotic northern man. Patriotic men at the North and patriotic women at the North have respect for patriotic men and women at the South, and so patriotic men and women at the South have all proper respect for the northern people. They can live together as one people, they can restore the Union; they can restore its cordiality, they can restore its integrity, they can restore its prosperity; and out of the desolations and sorrows of the past they may yet draw a measure of comfort, and together they may increase the power and glory of our common country to a degree that no one has yet ever dreamed of. I trust in God that that day is not very distant.

Therefore I say it is ungenerous and unjust, it so seems to me, and I do not mean to be offensive, on the part of the Senator from Indiana, whenever he engages in a debate with some Senator from the South, to brandish the war at him forthwith as though that proved anything. I admit that there was crime during the war. Who ever expected a civil war without crime, crime on one side and crime on the other side, crime that good men deplored and condemned? I know crimes were committed in the South at which I stood horrified and shuddered. I have no doubt that Senators on the other side know of crimes perpetrated on the side of the North at which they stood horrified and shuddered. Are the good people of this land in the North or in the South to be responsible for that? They deplore it, I deplore it, and every good man deplores it; but let the dead past bury its dead. Let us forget the past as nearly as we can, only profiting by the sorrows and desolations that happened to us. Let us go forward to restore the Union, to make the most we can out of our lost fortunes. Let the patriotic northern men come and help us to revive our impaired and ruined fortunes in the South and help to build us up. I believe that is the true policy. When that policy comes to prevail, as I trust it will before a great while, you will find men of little souls who have managed by one means or another to get into place go out of place and go out of the sight of a patriotic people to be heard of no more.

The honorable Senator was pleased to allude to the manner of my election to the Senate as though that bore the weight of a feather upon the issue between him and me. I submit whether that was proper or a fair or gallant way to debate a question. I do not think so.

Mr. MORTON. The Senator spoke of it before I did.

Mr. MERRIMON. No, sir.

Mr. MORTON. O, yes; the Senator spoke of it before I did in reply to a question of the Senator from Illinois, [Mr. LOGAN.]

Mr. MERRIMON. Somebody mentioned it; I beg the Senator's pardon. I cannot conceive that that changes my status here. We all know that we have a half dozen excellent gentlemen on this floor, I believe most of them on the republican side, who were elected by republican and democratic votes. Are they on that account any less republicans? Does anybody suppose that they compromised their honor or principles by accepting an election by a combination of republican and democratic votes? Some of the most illustrious men who ever graced this Hall were elected by a combination of this kind. I might mention a dozen cases. I believe I may refer to the case of the late Mr. Sumner, who at one time was elected by a combination of democrats and free-soilers. True, indeed, I was elected by a combination of democrats and republicans; but I did not sell my conscience, I did not sell my principles. The republicans had faith in me; they believed that I was the friend of this country, that I was the friend of the Union, and that I would stand by it and see justice done them and justice done the country; and so I will. No republican in my State has ever been dealt with in his rights here as a constituent of mine otherwise than as a democrat since I have occupied a place in this Chamber. I have not known party at all in the discharge of my duty to my constituents here. I am as free as any Senator on this floor. If I were not, I would scorn myself and abandon my place here and hide my head forever. No, sir; I am a freeman; I am a Senator in contemplation of law in every respect, and so I will be until my term shall expire.

I repeat, that that system of argumentation is unfair and unjust. I wonder that the honorable Senator pursues it for one moment; it certainly proves nothing. I expect to debate questions upon their merits. If the points I made this morning are groundless, if the figures I cited are false, show it and push me to the wall; but when you come to debate a question with me do not do it by going off on a side and pointless issue. It you cannot meet it, say you cannot meet it and be done with it. So much upon that matter. I might make allusions that would not be pleasant and would seem unfriendly. I cannot afford to do so. I do not care to go into the personal or even into the political record of Senators on this floor. I shall not do it. I might allude to speeches made by the honorable Senator from Indiana upon subjects and show that since that time he has changed

his ground, and all that; but suppose he did, what does that prove? It does not prove anything. Suppose I was elected by the republicans, what does that prove? It proves nothing to this point. Suppose the war was horrible and I was responsible for it, the whole South responsible for it, and the democratic party responsible for it, how does that prove anything about this issue? As stated, it only proves that there is an evil, that there is misrule, that there are corrupt practices, that the people are plundered, that the country is disordered and universally distressed, and that, whoever is responsible for it, it is the duty of every Senator here to endeavor to remove it and to bring to the attention of the public and the Senate such means as will result in their cure.

The Senator has with an air of triumph—I do not know that I complain of that—asked a great many questions that seemed to divert myself and my honorable friend who has just preceded me from the points we were making, supposing that they could not be answered. I submit that is not a proper way to debate this question. Other Senators may think differently. I think we ought to have an opportunity to prepare the facts and to bring them before the Senate in a fair and proper shape and way. I hold myself ready to do that upon all occasions. Since I took my seat I have come across an official report which I propose to submit to the Senate and which contains some interesting facts by way of showing a vast sum of money that has been squandered in the internal-revenue system. I will answer the question that the Senator put to my honorable friend a while ago, and I will answer it as answered by a republican House of Representatives. On the 13th day of December, 1870, on the motion of Mr. Winchester, it was resolved by the House of Representatives—

That the Secretary of the Treasury be, and he is hereby, directed to furnish this House a statement of the balances due from collectors of internal revenue who are not now in office, and the total amount of the balances so due as they appear on the books of the accounting officers of his Department on the 30th day of June, 1870; that he further inform this House what amount of said balances have been paid, and in detail, by whom, since the 2d day of May, 1870; the names of the collectors who have been sued on their bonds since their removal from office, with the cause of removal in each case; by what President said collectors were appointed and by what President they were removed.

The late Secretary of the Treasury, Mr. BOUTWELL, made reply, as he was required to do, to that resolution and furnished this document, which I would like to incorporate into my remarks, but I reckon I will have to have it read. Before asking the Clerk to read it I wish to call attention to the aggregate sum of money that the Government was defrauded of. The aggregate balance due to the United States from defaulting officers at that time out of office was $20,700,983.33. I desire to call attention to some of the items contained in this report—just a few of the largest ones. Here is J. Bryant, his first term.

Mr. EDMUNDS. From what State?

Mr. MERRIMON. From Illinois. The net balance against him was $436,474.73.

Mr. LOGAN. Will the Senator allow me right there?

Mr. MERRIMON. I will, sir.

Mr. LOGAN. I will state that Mr. Bryant was not a defaulter to this Government for one cent.

Mr. SHERMAN. He was worth a million.

Mr. LOGAN. I desire to call the attention of the Senator, for he claims to be fair, to the authority from which he is reading. He ought to know the fact; but if he does not, if he will examine the books, he will see that it does not show defalcations. The fact is that one collector turned over to his successor the uncollected tax-lists which were charged to the collector, and so they stood on the books. These charges appear in that report. The fact is that they were not defaulters to the Government at all; they were simply charged with uncollected taxes.

Mr. SHERMAN. The document from which the honorable Senator reads shows distinctly that these are not defalcations, not debts due.

Mr. LOGAN. The Senator read the name of Mr. Bryant, an honorable gentleman of my State, a man who stands high, the brother of the New York poet. He is a gentleman and a scholar. He was charged just as all these other collectors were when the books were turned over with the uncollected taxes. That report makes it appear as though he had defaulted, when he did not owe the Government a cent; and the statement here shows it. I cannot sit here and hear such a statement made without doing justice to these officers.

Mr. MORTON. I ask the Senator if the report shows that these taxes were afterward collected.

Mr. LOGAN. Certainly. What I wanted to do was to call the Senator's attention to the fact that the Comptroller's report gives that explanation, and the whole thing shows that the Senator's statement is not a correct statement. I will state further that when Mr. Bryant settled with the Government instead of being a defaulter the Government was indebted to him. So it will appear throughout that report. That thing has been explained a hundred times.

Mr. BOUTWELL rose.

Mr. MERRIMON. I wish Senators would let me have an opportunity to proceed.

Mr. EATON. We can suppose it to be a fact. My friend is reading from an official report.

Mr. MERRIMON. I am going to explain all that in a moment. I want, however, to premise by saying that I would not do any man in the world an injustice. I have no desire to do this man an injustice. What the Senator from Illinois means by injustice that I have done I do not know.

Mr. LOGAN. I propose to make it perfectly clear if the Senator will allow me. The report from which the Senator now reads is a report of charges on the books against collectors, and they are charged in the report the same as if they were defaulters, when in fact these were mainly non-collectable taxes charged to the collector and the defalcation as charged is not true as against these men.

Mr. SHERMAN. And they have been settled.

Mr. LOGAN. And they have been settled and the books show the fact. It was not a defalcation for a single dollar.

Mr. MERRIMON. Now I will give the Senate the benefit of the information I have. This is an official paper. It is a paper prepared under the order of a republican House of Representatives.

Mr. SHERMAN. The paper itself shows that these are balances.

Mr. MERRIMON. I want to state that it is a report made by Secretary BOUTWELL and Comptroller Tayler.

Mr. EDMUNDS. Will the Senator give the number of the Congress and the date of the session?

Mr. MERRIMON. Executive Document No. 140, Forty-first Congress, third session. At the head of the table are these words:

Statement of balances due from collectors of internal revenue who were out of office on the 30th day of June, 1870.

The communication from Secretary BOUTWELL is dated February 18, 1871, more than six months after the time these parties went out of office, before their accounts were settled or adjusted, so as to make the books of the Internal Revenue Bureau show what they ought to have shown.

Mr. SHERMAN. Will my friend allow me to explain that matter now, and let him follow after my explanation? Of course he does not want to do injustice to anybody.

Mr. MERRIMON. I do not want to do injustice.

Mr. SHERMAN. Under the internal-revenue laws whenever assessments are made by an assessor of internal revenue they are charged at once to the collectors, the whole balance, good, bad, and indifferent. For instance, the assessor makes up a list of assessments, and on his assessment-roll there may be half a million of dollars. The whole of that amount, under the internal-revenue law, was charged against the collector and stood against the collector until the money was paid, it made no difference whether they found it to be bad or not. This is an old document. The result was that from 1862 up to 1870 the amount accumulated of unpaid taxes in the Internal Revenue Office was $20,000,000. The exact amount is given in the report which the Senator has in his hand, $21,381,487.83. This is the aggregate of uncollected, unpaid assessments that accrued in the service of the internal revenue in a series of nine years, covering an amount of taxes of nearly $2,000,000,000. These were all charged to the collectors. When a collector went out of office this charge still remained against the new collector. It went over, and there was charged to the new collector the whole of this unsettled, unliquidated balance. The document itself shows that fact.

I will now read a paragraph which the Senator could not have read, or I think he would not have mentioned names here. There are excellent men, men who stand high in the community, men of great wealth and great property in that list. For instance, there is one name here that I heard quoted to-day or yesterday, a man in New York worth $2,000,000, Sheridan Shook. He is said to be a very wealthy man in New York and he, according to this report, was a defaulter in hundreds of thousands. He has not defaulted at all.

Mr. LOGAN. His account is all settled and squared up.

Mr. SHERMAN. This is shown, too, by the papers, as the Senate will see. Mr. Tayler, the Comptroller, in giving these balances, states:

The balances and payments as shown by this statement are those which appear by accounts adjusted; but in many of them, I have no doubt, the balances will wholly, or in part, disappear when further reports and vouchers shall have been transmitted to the auditor and been acted upon. In a large proportion of the cases the balances against collectors consist of tax-lists charged to them, but turned over to their successors in office. Under the existing law the accounting officers cannot credit an outgoing collector with lists so turned over unless the Commissioner of Internal Revenue shall certify that such outgoing collector has used due diligence. In the absence of such certificate the accounting officers cannot credit collectors with taxes turned over to their successors, and in almost every case a collector must appear to be in arrears, though nothing be due from him, until the required certificate shall have been supplied.

So that here this paper itself shows that this $20,000,000 of uncollected taxes accrued in a period of nine years, during which the internal revenue collected was over $2,000,000,000.

My friend from Delaware [Mr. SAULSBURY] has eulogized Mr. Pratt because he was a member with us. I will ask now, as a proper explanation of this document in order to show the actual cash deficiency in the colletion of internal revenue, to have a very brief letter from Mr. Pratt read.

Mr. MERRIMON. I did not yield to my friend to reply to the Senator from Delaware.

Mr. SHERMAN. I simply want to have this letter read, because it will show the exact cash balance. There are delinquencies no doubt. Some of these men are defaulters. This letter shows the exact facts.

Mr. STEVENSON. I should like to ask the Senator from Ohio if he does not know that there are many hundreds of thousands, and perhaps millions, on that list which have never been paid?

Mr. SHERMAN. No doubt there are delinquencies.

Mr. EDMUNDS. General Steedman, for one; a prominent instance.

Mr. SHERMAN. I do not think it right to go into names.

Mr. STEVENSON. I do not want to go into names, but I suppose every man, whether a democrat or a republican, ought to pay his debts.

Mr. SHERMAN. The reason I ask to have the letter read is because the letter shows the facts of the really ascertained defalcations, no doubt to a large amount.

Mr. DAVIS. One minute. I wish to call the attention of the Senator from Ohio to a single point.

Mr. SHERMAN. I ask the Senator to let the letter be read.

Mr. DAVIS. I prefer stating a fact, and that is the statement is of defalcations by collectors who are out of office. It does not give the whole amount. There is nothing about those who were in office at that time. That statement is only of such men as were out of office.

Mr. SHERMAN. Yes, because there was charged over to the new collector the whole amount. The report to which the Senator from North Carolina referred contains simply uncollected balances due from individual tax-payers, so that every man who failed to pay his liquor license, or failed to pay his tobacco license, or failed to pay his income tax, or any tax whatever, was assessed by the Internal Revenue Office; it was charged over to the collector.

Mr. DAVIS. Provided he was out of office.

Mr. SHERMAN. Provided he was out of office. The great body had gone out of office.

Mr. DAWES. I ask the Senator from Ohio if it is not true that these amounts charged to the collector who had gone out of office were also charged over, the same items, to his successor in office; that is, if the same sum is not charged to the man who has gone out and to the man who has come in?

Mr. SHERMAN. It is repeated. I think the law is wrong. I helped to frame that law. I think the law unjust; but we went on the ground that we would make the collector account for every dollar returned by the assessor, and he must either produce the money or by proper certificates show the Commissioner of Internal Revenue that he could not collect the money, and until that certificate was furnished he was charged with the whole amount, although it may have been shown that he never received any portion of the money charged on the books to him. I now ask that the letter be read.

The PRESIDENT *pro tempore*. The Secretary will read the letter.

The Chief Clerk read as follows:

TREASURY DEPARTMENT, OFFICE OF INTERNAL REVENUE,
Washington, D. C., March 18, 1876.

SIR: In compliance with your request, I have the honor to submit herewith the following statement taken from the books and records of this Office:

The total of internal revenue tax returned by the various collectors of internal revenue during the period from September 1, 1864, to March 31, 1865, being from the organization of the internal system to the close of the month preceeding the end of Mr. Lincoln's administration, is $283,111,131; the ascertained "cash deficiencies" of collectors appointed during that period are $414,568.10, or about 13-100 of 1 per cent. of the amount collected. In the period from April 1, 1865, to February 28, 1869, being the period in even months covered by Mr. Johnson's administration, the collections were $817,068,405; ascertained cash deficiencies of collectors appointed in that period, $1,626,302.52, or about 2-10 of 1 per cent. of the amount collected. In the period from March 1, 1869, to February 28, 1876, being from the beginning of the present administration to the close of the last month, the collections are $854,808,237; ascertained cash deficiencies of collectors appointed in this period, $592,751 86, or about 69-1000 of 1 per cent. of the amount collected.

As the balances for the last period mentioned are of comparatively recent occurrence and are now in process of collection, it is believed that a large proportion of it will ultimately be recovered, so that the actual ultimate loss will be very much less than herein shown.

Respectfully,

D. D. PRATT, *Commissioner.*

Hon. J. S. MORRILL,
United States Senate.

Mr. SHERMAN. All I want to show is the total amount of defalcations and losses of the internal revenue from the beginning of the service to that date is $2,632,000, from the first organization of the internal-revenue service down to date.

Mr. EDMUNDS. What percentage is that on the amount collected?

Mr. SHERMAN. It is very small. The amount is given in the letter.

Mr. DAVIS. It will be noticed that the Commissioner says "ascertained" all the way through. He does not say that is the balance of the taxes. It is the ascertained balance.

Mr. EDMUNDS. That is the way everybody's character stands. It is good until it is ascertained that he has stolen something. It ought to be so here.

Mr. MERRIMON. I do not care, Mr. President, after what has been said, to have this document read as a part of my remarks. I will scrutinize it a little more, for I am sure I would not do any human being injustice.

Mr. LOGAN. It did a great deal of injustice when it was published to as good men as there are in this country.

Mr. MERRIMON. It is strange to me, however, that such a document should be published under the sanction of the House of Representatives, and by a republican House, when the republican party was to suffer such detriment by it. I may have occasion to refer to this subject again. I will scrutinize the document.

I wish to make another remark and I do not want to detain the Senate very long. It is perfectly idle for republican Senators on this floor to deny the fact that there have been immense losses in the internal-revenue service of this country; not a million only but millions.

Mr. WINDOM. Will the Senator allow me to ask him a question?

Mr. MERRIMON. I trust the Senator will not interrupt me; yet I do not want to be discourteous.

Mr. WINDOM. The Senator has occupied the floor nearly all day. Will he not permit me to ask him a question?

Mr. MERRIMON. I will.

Mr. WINDOM. The question put by the honorable Senator from Indiana was as to what had been revealed by the investigating committees this winter. The honorable Senator in answer to that digs up an old report here made by a republican Congress, that has no earthly connection with the investigations of this winter. He may not be willing to yield to me again and as I have the floor, before I sit down, I want to appeal to him, for I know his good nature, to state if any frauds have been unearthed wherein the Government has lost any money by these investigating committees, and if so, tell us who it is and how much the Government has lost.

Mr. MERRIMON. In the first place, as I said a moment ago, it is exceedingly unpleasant to go into detail in regard to individuals. I do not like to be forced to make personal remarks about anybody, even persons not in the Senate. It is not a pleasant duty to any well-disposed person. But a complete answer to that question, and I think my friend from Delaware answered it a while ago, is this: The reports for the most part of the committees in the House which have been engaged in investigating the frauds and corruptions that have been practiced on the Government are not yet made and printed. What they will develop when they are made remains to be seen. I have seen snatches of some of them that did develop villainies and rascalities not only disgraceful to the republican party, but disgraceful to the American people. If I were disposed to state them now I cannot remember the names, nor is it material for me to do so. It will astonish the American people when they learn that republican Senators here deny that frauds of the grossest character for amounts that are appalling have been practiced upon the Government. The press of the country, the public men of the country, gentlemen in the republican party, republican Senators themselves, have spoken of it, and have insisted upon reform; but this demon of corruption has such a hold upon this organization that they cannot throw it off, and there will be no reform until there is a change of parties in the administration of the Government. A republican President, however well disposed, cannot break the hold of bad, designing men upon the republican party and republican office-holders. They will not loose their hold.

Mr. WINDOM. I want to ask the Senator whether it is merely a lack of memory which renders him unable to mention a single name of a person who has been proved guilty of defaulting the Government by this winter's investigation, or whether it is due to the courtesy of the honorable Senator toward those he designates as thieves?

Mr. MERRIMON. I want to say to my h norable friend that if I knew the name of one as charged by a committee of the House I would not tell the Senate now; but there have been frauds developed. I know that to be the fact. I have read them in reports made in the House. Besides I have not the reports before me now. I would not state them from memory. I would not do anybody injustice. It does seem to me the Senator has a poor way of getting a question answered by asking a question of a Senator who has the floor which he knows cannot be answered at the moment because of the want of the very reports he ought to have in order to answer properly.

Mr. WINDOM. I want to ask the Senator if he considers it a proper thing to do, when unable to remember or unable to give the name of a single individual who has been guilty, or as to one single dollar that has been lost, to make a charge of universal corruption upon the whole party? Is that quite the thing to do?

Mr. MERRIMON. It is, where I know the general fact to be true. I know the general fact to be true. When you come to specify particular items, I may not be able to state them, but I can state the general fact.

Mr. WINDOM. I am asking the Senator how he knows the general fact to be true when he cannot state a single item constituting that general fact?

Mr. MERRIMON. In my speech this morning I showed, and I challenge any Senator to deny them, taking the figures from the record, that over a billion dollars that ought to have gone to the public Treasury did not go there.

Mr. WINDOM. I ask the Senator to stick to his text. He has told us what a wonderfully good thing the democratic House has accomplished this winter, and I am on a little line of inquiry in order to ascertain what it is. He appeals again to some old report of a republican investigating committee with regard to the internal revenue, but wholly evades the question as to what these investigations have done. I ask the honorable Senator if it is not a fact that after, I think, there have been twenty or thirty investigating committees at work, after they have ransacked penitentiaries and lunatic asylums, when the whole power of this Government has been behind them, the whole Treasury of the Government at their command, and with all the enmity, the vengeful feeling, they had against the republican party, with these investigations going on for seven months, my friend is unable to point to a single dollar lost by this Government or a single man who has been convicted of stealing from it?

Mr. MERRIMON. I am not only able to point to a single dollar, but I can point to millions.

Mr. WINDOM. Let us have it.

Mr. MERRIMON. I can point to millions in general terms, but I cannot specify items now because of the absence of the reports. It is amazing that the Senator should make such a statement as he does in view of the facts that stare him and the American people in the face on every hand. Look at the whisky rings at Saint Louis, at Chicago, Indianapolis, and elsewhere.

Mr. WINDOM. Will the Senator allow again for a moment——

Mr. MERRIMON. No, sir; I will not yield to my friend again. I think the debate now is not profitable to either side. It is mere desultory colloquy.

Mr. WINDOM. That has been my impression for some time.

Mr. MERRIMON. I do not think it is, because neither of us is dealing in facts. [Laughter on the republican side.]

Mr. WINDOM. I am very happy to hear the Senator say that. I do not make that confession for myself.

Mr. MERRIMON. I see nothing to laugh at. It is well that you can see something to laugh at. I see nothing that is amusing. I say when we come to talk about the various items of fraud and corruption that have been developed by the House of Representatives—I have not the data here; I have not the reports of the committees of the House, nor has the Senator, upon which to predicate his question—and therefore it is improper for me to make an answer. Does that afford any reasonable ground for laughter? If the Senators on that side can take any benefit from that, let them have it. If they can laugh at as small things as that, they will have serious things to cry about before they are done with this subject.

I repeat what I said a moment ago, that it is amazing, and it will be amazing to the American people, to know that Senators on this floor seriously—do they do it seriously?—want the people to understand from them that the republican party as an organization is absolutely honest, that it never wasted any money, and nobody ever under its wing and protection perpetrated frauds upon the Government. Senators are surely laughing and trifling in making such attempt.

Mr. MORTON. I beg the Senator from North Carolina to understand that I have no personal feeling whatever in regard to any member of this body, certainly not in regard to himself; but my friend must remember that he provoked by his speech this morning everything that I said. He began by saying that I had defamed the democratic party. He then indulged in general and wholesale charges of corruption against the republican party. If what my friend has said is true it is the most corrupt party this country has ever seen; corrupt from top to bottom and thoroughly rotten. He went on to read long tables of figures to show the vast increase of expenditures, going back and bringing it along during the war up to the present time to show that the republican party had squandered the public money and was responsible for great waste. It was proper and it was right that I should say in reply to that that those increased expenditures, this heavy taxation and this great debt were the result of the rebellion, and that the men who made the rebellion were responsible for it, and not the men who put down the rebellion; that although the republican party had to make this debt, had to collect these taxes, had to make these expenditures, yet it was not to blame for it, but the men who made the war were to blame for it. If my friend did not want me to speak of these things he ought not to have referred to the subject. When the republican party is overwhelmed with the charge of extravagance and vast expenditures, it is competent for its members in self-defense to tell the cause. So far as the charge of corruption is concerned, of extraordinary corruption, of corruption beyond that of the democratic party, I deny it *in toto*. I say it comes far short of that which has characterized and distinguished democratic administrations in the past.

My friend says I referred to the war. Is not the war constantly forced upon us? Is not the war the cause of all this objection? Are we not to-day dealing with the results of the war? Certainly we are. We want peace. Nobody wants it more than we do. I am sure the republican party desire it quite as much as the other party do; I am afraid very much more, and why? There are slaughters going on in the South from time to time. Need I mention the Mechanics' Institute in New Orleans, Vicksburgh, Coushatta, Red River, Colfax, Clinton, and Hamburgh within a few days ago, where the blood is scarcely cold? With these things happening from time to time, because we raise our voice in objection to them, and say that we ought to protect those people, and that they ought not to be murdered, we are charged with reviving the issues of the war, with calling back the memories of the war! It does not lie in the mouth of the democratic party to make charges against us on this subject.

We are just on the eve of a great campaign. I speak what is in the mouth of everybody when I say that democratic success in that campaign depends upon carrying Louisiana, Mississippi, Florida, North Corolina, and South Carlina, States which are largely republican, having an aggregate republican majority of nearly 100,000. Their chances of success depend upon overcoming that majority, and how? As it was done in Mississippi last year, as it has been done in Louisiana; and the campaign has recently been opened in South Carolina by the events at Hamburgh within the last ten days. Give us peace, give us a fair election, give us protection to men of all parties, to men of all colors and races, and then we shall have quiet, and no more will be heard; but as long as these terrible events continue we must be expected to raise our voices against them.

Mr. MERRIMON. I wish to say just one word. I deny absolutely that I provoked this debate. The Senator well knows, as the Senate well knows, that yesterday morning he opened this debate with a most violent assault upon the democratic party and upon the House of Representatives. I had not intended to say one word on political subjects until he did it. I thought he did injustice to the House and to the democratic party, and I resolved in the course of the evening to say what I said this morning. I regret that I could not say it in a more orderly way, not having had ample time to prepare myself. Sir, if these figures hurt, it is not my fault. And while Senators have laughed somewhat to-day, there will be occasion to weep before the campaign which has just opened is closed. The facts and records will be brought to the public attention that in my judgment will secure a verdict of condemnation of the republican party at the ballot-box in November next.

I repeat, sir, this debate was not begun or provoked by me. I had not intended to take part in it until I heard what fell from the Senator from Indiana yesterday. I did not mean to be offensive to him at all by saying that he had defamed the democratic party. I used that word in a general sense, and I am sure, if I understand what defamation is, he did defame that party in strong and not very select terms. Of course I did not mean any personal allusion to him or anybody else.

Mr. SHERMAN. When I entered the Senate Chamber this morning I had not the slightest expectation of participating in any political debate; indeed I regretted that a political debate had sprung up on this river and harbor bill; but I must confess, when I listened for a while to the Senator from North Carolina and heard the great republican party, to which I have the honor to belong, arraigned as a pack of thieves, with the most opprobrious language, with arguments far-fetched, exaggerated, out of place, I could not help but feel somewhat the old fire rising in me, I could not help feeling some indignation that he should be willing to classify more than one-half of all the people of the United States as being guilty of offenses and crimes which would disgrace the penitentiary of any State. The Senator probably was not aware how broad and sweeping these charges made by him of corruption were or he certainly would not have indulged in them. Then, when you come to look at his argument, this was one of them, and the principal one: that the tax on whisky was $2 a gallon, and somebody had said, I do not know who, that 100,000,000 gallons of whisky were made in a year.

Mr. MERRIMON. Mr. Fessenden said so in 1864.

Mr. SHERMAN. I remember the remark made by Mr. Fessenden. He was one of twenty million republicans who made an error. There never have been 100,000,000 gallons of whisky made since the tax was imposed. It was estimated in 1860 that there were 100,000,000 gallons made, by the census returns, at a time when whisky was worth fourteen or fifteen cents a gallon; but then it was consumed in burning fluid and in a thousand ways that it cannot be consumed now; but since the tax has been levied on it it has never reached anything like that proportion. Mr. Fessenden simply said that prior to 1860 it was estimated that the whisky produced in this country was 100,000,000 gallons; and upon this fact, detached, separated, the Senator says that the republican party ought to have collected from the people of the United States $200,000,000 a year.

In the first place, no one was foolish enough in the beginning of our internal-revenue taxation to propose a tax of $2. It was a foolish venture. We put on a smaller tax, commencing with twenty cents, and we collected more revenue then than with the two dollars' tax. We gradually raised it until 1866. It was demanded by public sentiment that we should do what we did in 1866. We then raised the tax to $2 a gallon, and that tax remained three or four years. During all the time from 1861 to 1865 the honorable Senator by his logic charges the republican with losing this Government $200,000,000 a year, less the amount of tax we actually collected; and that is the kind of argument on which he goes to the people to show that the republican party was corrupt!

It so happened that when this two-dollar tax was levied the democratic party had control of the executive authority of the Government; it had the President. It is true we elected Mr. Johnson; we made a mistake in doing it and we never ceased to regret our mistake. Mr. Johnson turned over the whole executive power of the Government to the democratic party, and the Senator has presented a numerous list, which contains hundreds of names of men on this list who were defaulters, but I would not read them lest some of them might not have been, but there are on it the names of men appointed by Mr. Johnson who are now active leaders in the democratic party, because most of those who went over with Johnson went into the democratic party. During that time when there was a two-dollar tax we are charged with wasting and squandering $200,000,000 a year collected from the whisky tax, or which ought to have been collected! Why, sir, under the administration of Andrew Johnson the tax collections on whisky went down to twelve millions in a single year. The republican party, however, was charged with the responsibility of the Government. Were we not anxious to collect this tax? Was it not our interest to collect the tax? Did we not pass laws as severe as the Draconian code? Did we not use every effort to collect this

tax? And yet under President Johnson we could not do it. Why? Partly because the political disputes of the time made it difficult to collect internal taxes because of bad appointments or differences between the Senate and the President as to appointments, but it was mainly because the law was wrong. We ought never to have attempted in our broad country to put on a tax of $2 a gallon, and we made the discovery that we had made a mistake and in a short time we repealed that law and then we commenced collecting the whisky tax. After we reduced the tax down to fifty cents, I believe that the whisky tax was as thoroughly and completely collected as any tax could be. The only difficulty in collecting the whisky tax after that time was in the States of North Carolina, Tennessee, and other southern sparsely populated States. In the great cities for several years when the tax ranged between fifty and sixty cents a gallon it was collected with great exactitude, great correctness; but there was a difficulty in collecting it in some of the southern and sparsely populated States; there force had to be used to collect it; the Army had to be employed more or less to a considerable extent, but all was collected that could be collected. So it continued.

Now, to make this loss of the whisky tax the substratum of this great effort it seems to me was not treating the Senate of the United States with that proper respect with which it is necessary to be treated. If this was a popular argument to be used in the compaign in North Carolina, the Senator might have reserved it until he went down there to make a speech to that people, where documents could not be produced at once to correct him; but made here in the Senate Chamber he must have expected that it would excite indignation, reply, remark, and exposure if it was not correctly and well founded. That is all the feeling I had about it; but if there was a little heat—I am sorry I had it—it was but natural when the Senator was arraigning us as a set of scoundrels and rascals corrupting the whole party——

Mr. MERRIMON. I beg the Senator's pardon.

Mr. SHERMAN. The language was most broad that the republican party was the most corrupt that had ever existed.

Mr. MERRIMON. I said expressly in the commencement of my speech that there were in the republican party, as in every other party, good men.

Mr. SHERMAN. But they must be "few and far between," according to the Senator's general declamation. We are sensible men here, and we know very well that the great mass of all political parties of our countrymen are honest, desire to do their duty to their country, to their families, to their God, to themselves; and therefore this broad declamation against parties ought not to be indulged in. We have a right, however, to arraign the official conduct of parties, but in doing so should give particulars; and therefore when the Senator was thus declaiming I asked him, if the republican party was so bad, what had the democratic party done for the last forty years that would induce him to go for it or that would command his respect. My friend from Indiana spread that question a little further, and wanted to know what good measure the democratic party had ever adopted. It is a remarkable fact, Mr. President, and I may as well put in here as this is a political discussion, that there is not a single position taken by the democratic party for the last thirty years on which they now dare to make a stand and defend it. You may look over the whole political arena and you will find it to be so. I say when you contrast the position of these two great parties, what they have done, what they have proposed, where they stand, the contrast may be drawn by any intelligent man. I say the democratic party has been compelled to abandon and recede from every position it has taken, and it will not now in this canvass in which it seeks again to come into power stand upon any position it has taken for the last thirty years.

But, sir, its cry is reform. Well, every honest man is in favor of reform. There never will be a period in the history of mankind that reform will not be an imperative demand. Crimes, offenses are continually occurring; there will be efforts against the interests of the mass of mankind. There has been a continual struggle since Adam was born in this world of ours between good and evil; but we have come to believe that in this Republic of ours good has been in the ascendant and evil has been sent to the penitentiary. Such has been our common thought and among men of all political parties.

But, sir, we are now told that the democratic House, where they have a casual democratic majority, have unearthed corruptions, exposed frauds, shown that the people have been robbed; and we naturally inquire where, when, by whom? And now, gentlemen, it will not do for you to talk about corruption and fraud and dishonesty and wrong in a general hap-hazard way as something that will be disclosed, some bugaboo that will be developed after a while. Where is it? Who has stolen the public money? Name your man. It will not do for my honorable friend from Delaware to say O, well, somebody has plundered the Government to the extent of $300,000 in some contracts, but I do not want to name him? That is not the way. The names have got to be given, the place, the time, the circumstances.

Mr. SAULSBURY. I refer the Senator to the report of the Committee on Naval Affairs where he will find it all given.

Mr. SHERMAN. It was an unfortunate remark for the Senator to make. During the last democratic administration that governed the country the House of Representatives, by a resolution passed by the votes of men of both political parties, denounced the administration of the Navy Department then in terms stronger than can be used now and for the same class of contracts that have been investigated into recently. But I do not wish to go into that; "sufficient unto the day is the evil thereof." I do not believe that when the report is made and it comes to be discussed, any wrong or fraud will rest upon the head of that Department, and if there is, the republicans will be as swift to punish him as the Senator can be; but until then he is bound as an honest and honorable man to consider him innocent.

Mr. SAULSBURY. I have not said a word against the head of the Navy Department; I have not referred to him.

Mr. SHERMAN. We ought not to deal in insinuations. I naturally leaped to the conclusion that there was some wrong or fraud to be disclosed by some committee of the House in regard to the Navy Department, and necessarily its head. Now, sir, ought we to deal in such imputations? Are men's characters to be made a football of? If the House makes any allegation against any member of this Government, we are bound to try him, as judges, sworn under our oath in the particular case, and we have no right to prejudge. The only particular cases that my friend from Delaware gave us—he was unfortunate there—were those of a defaulting paymaster of the Army of the United States and a man convicted of whisky frauds. Paymasters are generally men selected in honor. The Senator gave his name as Major Hodge. Well, Major Hodge was a defaulter; but he was tried, convicted, and sent to the penitentiary for his defalcation. I understood he was a democrat always. I knew his father before him. He was in the regular Army. Would you hold the republican party responsible for his defalcation because he gambled away the public money, lost it, and squandered it? I hear a Senator say we ought to have known it. Are we omniscient? Is the democratic party omniscient? O, no. The very moment his offense was detected he was punished and sent to the penitentiary. I know it is claimed that he was pardoned. I hear it said, "Grant pardoned him." So he did, on the demand of numberless democrats high in official position. If he did wrong, he did the wrong of being merciful to a man who had violated his public duty.

Mr. LOGAN. He pardoned the Ku-Klux, too, on the same kind of recommendations.

Mr. SHERMAN. It is not on such premises as that that a great party like the republican party is to be tried and convicted. And you say there were McDonald and McKee—my honorable friend saw them within the bars of the State prison. Who put them there? What democrat shared in that work? Not a democrat. They were put there by republicans; and when did a democratic administration put a democrat behind the bars of the penitentiary for official misconduct? Tell me the case, when, where, and under what administration. But unfortunately they say Dyer, Pratt, and others have been removed; and we are brought in and arraigned, not for offenses charged against the republican party, but because in our administration the Secretary of the Treasury resigns, the Commissioner of Internal Revenue resigns, or disputes, coldness, or disagreement arise in the administration of the Government, and we are at once charged, because these men retire from office, with seeking to shield the guilty instead of protecting innocence. Ah, gentlemen, you must do something better than that if you wish to make an arraignment against the republican party.

But some one said, I think my friend from North Carolina, or perhaps my friend from Delaware, that we had squandered $3,000,000 in the Southern States from the judiciary fund. Why, sir, what became of that $3,000,000? It was the money expended in putting down the Ku-Klux organization, the most infamous organization in modern history since the time of some of those in India, which disgraced the civilization of the old countries. Three million dollars were spent for that purpose, and no doubt some money was wasted, some was defrauded; but that occurs in the administration of every large fund of this kind; there is petty peculation which plunders and robs from the public as well as from private individuals. Public crime as well as private crime exists in every community, in every State, in every land, in the quiet hamlet, in the Connecticut village as well as in the border regions far remote. There will be vice and crime everywhere; it accompanies all agencies that are human, and we cannot avoid it entirely. All we can say in reply is that when these peculations occur we expose them and we punish them; and when we contrast our conduct and our administration with that of others gone before us, ours is far more favorable than theirs.

Here is the official statement of the actual losses that occurred during our war. They are all honorable to us. Scarcely any money was lost in our war by defalcation and peculation; I say scarcely any in proportion to the percentage of other losses. Take the case of the internal revenue, the very service that was sought to be saddled with $20,000,000 of unaccounted balances. Take that case, and we have the fact that only $2,376,000 have been lost of all the taxes that have been levied in the form of internal taxation since the organization of the system to the last year, or $\frac{1}{10}$th of 1 per cent.

There is another remarkable fact shown in our military history. I have not the statement before me, but I saw the statement made that the losses—including Major Hodge's defalcation, which is one of the largest—that occurred by paymasters and other disbursing officers in our war, compared with the Prussian service, the English service, or any service of which we had a record, was only about one-tenth of

the amount. The actual fidelity in the disbursements of public men after the war and during the war is almost unprecedented in the history of mankind.

You, gentlemen, have now had the full power of this Government; you have an organized House whose sole purpose has been to delve in and try to find if we have been guilty of rascality or wrong. They have ample means, ample ability, and what has been the outcome? You tell us that something will be disclosed when the reports are printed. Can it be possible that these men are withholding their reports in order to prevent us from answering them, or to prevent the men whom they accuse from answering them in the proper way? I trust not. I do not believe it, and will not believe it. They have here and there fallen upon delinquents. Men of both political parties have been struck at by these committees. They may not have been groping in the right direction, but wherever they groped they found a democrat; and they found no doubt some bad republicans. But if this is to be a campaign of scandal, if this is to be a campaign of abuse, then I warn gentlemen that the people of this country are a kind-hearted people. I never saw an intelligent crowd in Ohio but what turned with loathing and disgust from a man who addressed them in the language of calumny and reproach. Go to that people, talk to them plain common sense; be the orator ever so dull, be he ever so witty, they will bear it all; they will take a joke in kind, good humor; but commence your strain of calumny and reproach by trying to prove that Grant is a rascal and that all these republicans who have carried the American banner in triumph, in peace and in war, are scoundrels, and they will turn their backs upon you unless you bring facts, figures, names, and dates, and prove your charges. Sir, your campaign of scandal and slander will be at an end in thirty days after it has commenced. Your cry of reform will require something else than mere empty air. The people will ask what security do you, the democratic party, give us for reform. Why is Governor Tilden any more likely to reform this Government than Governor Hayes? What is there in the character of these two men that gives one, Tilden, the pre-eminence over Hayes as a reformer? What is there in the conduct of your party that gives you the right to claim to be reformers? You have been driven from all your positions; you do not stand where you stood at any time within the last thirty years. Sir, the people will know who are these prophets of reform before they trust them. You must show something else than the history of the last few years in the Southern States; you must show something else in the nature of reform before they will trust the old associates of Tweed in New York; you must show that the democratic party has in it elements of reform which will give some security for their promises; otherwise the people will not heed your talk about reform.

Sir, I again express my regret to the Senate that I have been led to participate in this debate. I think myself we ought to leave this question to the people of the United States and let them discuss it in their assemblages all over this broad land of ours; and my hope is that, although they may see here and there something to find fault with in the course of the republican party or the republican leaders, they will think on the whole it is better for the North and South to trust that strong, powerful political organization that has guided our country through the perils of war, that has secured reconstruction, and on the whole has given to the country a wise administration of affairs.

I appeal to my friends from the Southern States, because I think I can say that at least I am not their enemy, that the time has not arrived when the democratic porty can again come into power in this country. Its history during recent events has not been such as to excite the hopes and emotions that ought to follow the success of a great political party. It is better for the South that a good man who will be fair and honest and straightforward, true to his word, manly in every undertaking, bold in execution of every promise, should preside over this Government for four years longer before you revive again in a popular contest the old struggle between the democratic and republican parties. At all events I pray my democratic friends not to commence it here by gross exaggeration, by wholesale calumny, by charges that will never be proven, and by pretenses that have not been justified by the past history of the democratic party.

Mr. BOGY. I move that the Senate adjourn.

The PRESIDENT *pro tempore*. Will the Senator withdraw that and allow the Chair to announce the conference committee on the consular and diplomatic bill?

Mr. BOGY. Certainly.

CONSULAR AND DIPLOMATIC BILL.

The PRESIDENT *pro tempore* announced as the third committee of conference on the part of the Senate on the disagreeing votes of the two Houses on the bill (H. R. No. 1594) making appropriations for the consular and diplomatic service of the Government for the year ending June 30, 1877, and for other purposes, Mr. FRELINGHUYSEN, Mr. EDMUNDS, and Mr. WITHERS.

MISSISSIPPI ELECTION INVESTIGATION.

Mr. ANTHONY. I wish to make a formal correction. The resolution to print the report of the Mississippi conmmittee was passed as a Senate resolution. It should have been a concurrent resolution. I ask unanimous consent that it be so journalized and corrected.

The PRESIDENT *pro tempore*. If there be no objection, the correction will be made.

FORFEITURE OF RAILROAD LANDS IN KANSAS.

Mr. INGALLS submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 1771) to declare forfeited to the United States certain lands granted to the State of Kansas in aid of the construction of railroads by act of Congress approved March 3, 1863, having met, after full and free conference have agreed to recommend, and do recommend, to their respective Houses as follows:

That the Senate do recede from their third amendment to said bill.

JOHN J. INGALLS,
P. W. HITCHCOCK,
WM. W. EATON,
Managers on the part of the Senate.

JOHN R. GOODIN,
JAMES W. McDILL,
BENONI S. FULLER,
Managers on the part of the House.

Mr. CONKLING. What is the nature of the amendment?

Mr. INGALLS. This is a bill providing for the recession to the United States of certain lands heretofore granted to the State of Kansas in aid of certain railroads. The House bill provided that those lands should be disposed of under the homestead law; the Senate amendment was that they should be disposed of under the public-land laws of the United States. The committee of conference have agreed, by receding from the amendments of the Senate, that the land shall be disposed of under the homestead law.

Mr. SARGENT. I should like to ask the Senator from Kansas if that report deals with the whole bill, with all the amendments?

Mr. INGALLS. The other amendments were adopted by the House of Representatives. The conference was only on one amendment.

The report was concurred in.

RIVER AND HARBOR BILL.

Mr. BOGY. I renew my motion.

Mr. ALLISON. I ask the Senator from Missouri to yield to me for one moment.

Mr. BOGY. Very well, sir.

Mr. ALLISON. I think we ought to go back to the consideration of the river and harbor bill if we intend to pass it at this session; and I should like to have the Senator give way to me long enough for me to make a motion to lay the whole subject on the table, to at least test the sense of the Senate as to whether they want a river and harbor bill at this session. Here it is certainly within a few days of the close of the session, and we have been five days considering this bill and have made practically no progress in its consideration.

Mr. EATON. Mr. President——

Mr. ALLISON. I trust we shall finish this bill to-night. At least let us dispose of one or two of the questions now involved in it.

Mr. EATON. Mr. President, I propose to submit some remarks to the Senate on this question.

Mr. BOGY, (at five o'clock and five minutes p. m.) I renew the motion to adjourn.

Mr. ALLISON. On that I ask for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 21, nays 32; as follows:

YEAS—Messrs. Barnum, Bayard, Bogy, Booth, Bruce, Cockrell, Cooper, Cragin, Eaton, Gordon, Hitchcock, Kelly, McDonald, Merrimon, Norwood, Oglesby, Randolph Robertson, Saulsbury, Stevenson, and Wallace—21.

NAYS—Messrs. Allison, Anthony, Boutwell, Cameron of Wisconsin, Caperton, Christiancy, Conkling, Conover, Davis, Edmunds, Ferry, Hamlin, Harvey, Howe, Ingalls, Kernan, Key, Logan, McMillan, Maxey, Mitchell, Morrill, Paddock, Patterson, Sargent, Sherman, Spencer, Wadleigh, West, Windom, Withers, and Wright—32.

ABSENT—Messrs. Alcorn, Burnside, Cameron of Pennsylvania, Clayton, Dawes, Dennis, Dorsey, Frelinghuysen, Goldthwaite, Hamilton, Johnston, Jones of Florida, Jones of Nevada, McCreery, Morton, Ransom, Sharon, Thurman, and Whyte—19.

So the motion was not agreed to.

Mr. MITCHELL. I move that the Senate proceed to the consideration of executive business.

Mr. ALLISON. Before that motion is put I ask leave to introduce a substitute for the river and harbor bill, and ask that it may be printed.

Mr. CONKLING. Then you agree to this motion.

Mr. ALLISON. I only put in a *caveat* in case the motion prevails.

The PRESIDENT *pro tempore*. The Senator from Iowa submits a substitute to be printed.

Mr. EDMUNDS. I ask that it be read. ["No!" "No!"] I see it is a long bill; I will not ask for the reading.

The PRESIDENT *pro tempore*. The proposed substitute will be printed if there be no objection. The Senator from Oregon moves that the Senate proceed to the consideration of executive business.

Mr. ALLISON. I understand the Senator from Connecticut [Mr. EATON] desires to make some remarks. I only wish now to appeal to the Senate after he has finished what he may desire to say on political topics that we shall come back to the business of the Senate and finish this bill.

The PRESIDENT *pro tempore*. The Senator from Oregon moves that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After eight minutes spent in executive session the doors were re-opened, and (at five o'clock and twenty minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, *July* 18, 1876.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. I. L. TOWNSEND.

The Journal of yesterday was read and approved.

HON. E. Y. PARSONS.

Mr. BLACKBURN. I ask unanimous consent to submit and have passed at this time a resolution to which I suppose no gentleman will object in view of the late period of the session at which it becomes necessary to offer it.

The Clerk read as follows:

Resolved, That the Clerk of this House be instructed to pay to the widow of Hon. E. Y. Parsons, of Kentucky, late a member of this House, the amount that he would have received for the remainder of the term for which he was elected.

There was no objection, and the resolution was adopted unanimously.

THOMAS B. VALENTINE.

Mr. WALLING. I ask unanimous consent to submit for adoption at this time the resolution which I send to the Clerk's desk.

The Clerk read as follows:

Resolved, That the clerk of the Committee on the Public Lands be authorized to attach to any deposition he may be required to give in the case of Hovey vs. Valentine, now pending in the district court at San Francisco, California, a copy of the minutes of the proceedings of the Committee on the Public Lands on House bill No. 1024, [Forty-second Congress,] for the relief of Thomas B. Valentine.

Mr. RANDALL. Is that from a committee?

Mr. WALLING. It is from the Committee on Public Lands.

Mr. GARFIELD. It occurs to me that it is an unusual request that a clerk should certify to the proceedings of a committee. I do not know that I caught precisely what the request was.

Mr. WALLING. While the clerk of the Committee on Public Lands was in California last year, he was subpœnaed as a witness in the case of Hovey vs. Valentine, and they sought to interrogate him about what took place in the Committee on Public Lands of this House. The case is for the claim of an attorney for services rendered his client, a part of those services being before the Committee on Public Lands. The clerk declined to testify, believing that he had no right to communicate in that way what transpired in a committee. This resolution is for the purpose of enabling him to attach to his deposition a copy of that portion of the record of the committee.

Mr. RANDALL. Is it to be the hearsay statement of the clerk, or a statement in regard to the action of the committee?

Mr. WALLING. It is the record of the action of the committee upon that bill.

Mr. GARFIELD. If it is for legal purposes, I have no objection.

Mr. LUTTRELL. What can be the object? I want to know the object.

Mr. WALLING. It is to relieve the clerk of the committee from the embarrassing position in which he is placed by the court.

There being no objection, the resolution was received and adopted.

ORDER OF BUSINESS.

Mr. GAUSE. I ask unanimous consent to report from the Committee on Public Lands and have put on its passage at this time the joint resolution (H. R. No. 135) to modify the order appointing a receiver of Hot Springs, Arkansas.

Mr. MORRISON. I object.

Mr. DUNNELL. I ask leave to report a bill.

Mr. RANDALL. I call for the regular order.

Mr. WALLING. As I am compelled to leave to-morrow, I ask leave to introduce a bill.

The SPEAKER *pro tempore*. The regular order is called for; and the morning hour begins at twenty minutes after twelve o'clock. The business in order is the call of committees for reports.

TERRITORY OF OKLAHOMA.

Mr. CALDWELL, of Tennessee, from the Committee on the Territories, reported as a substitute for House bill No. 943 a bill (H. R. No. 3922) to provide for the organization of the Territory of Oklahoma and for the better protection of the Indian tribes therein; which was read a first and second time, and ordered to be printed.

Mr. CALDWELL, of Tennessee. I move that this bill be made a special order for the second Wednesday in December next at two o'clock.

Mr. KASSON. I reserve all points of order upon the bill.

The motion was agreed to.

BOUNDARIES OF OREGON.

Mr. WIGGINTON, from the Committee on the Territories, reported back, with a recommendation that it pass, the bill (H. R. No. 630) conforming the boundaries of the State of Oregon to those fixed and defined in the constitution of that State as presented to Congress when applying for admission to the Union; which was referred to the Committee of the Whole on the state of the Union, and the accompanying report ordered to be printed.

LAW LIBRARY FOR DAKOTA.

Mr. G. A. BAGLEY, from the Committee on the Territories, reported back, with a favorable recommendation, the bill (H. R. No. 1548) to appropriate money for the purchase of a law library for the Territory of Dakota.

The bill was read. It appropriates $2,500, to be expended by and under the direction of the governor of the Territory in the purchase of a law library, to be kept at the seat of the government thereof, for the use of the governor, supreme and district courts, members of the Legislature, and such other persons as shall be provided by law, and the sum of $200, or so much thereof as may be necessary, is appropriated for the purpose of paying the freight thereon.

Mr. HOLMAN. It seems to me this bill ought to go to the Committee of the Whole.

The SPEAKER *pro tempore*. It must go there, as objection is made. It will be so referred.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, announced that the Senate had passed a resolution (in which the concurrence of the House was requested) authorizing the special committees appointed by the Senate and House of Representatives to investigate the immigration of Chinese into this country, to act as a joint special committee.

The message also announced that the Senate had passed without amendment the joint resolution (H. R. No. 153) to correct an error in the enrollment of the post-office appropriation act.

The message also returned to the House of Representatives for its concurrence the bill (S. No. 892) to encourage and promote telegraphic communication between America and Asia.

ELECTION OF TERRITORIAL OFFICERS.

Mr. PATTERSON, from the Committee on the Territories, reported back, with a recommendation that it pass, the bill (H. R. No. 3257) to provide for the election of a territorial governor, secretary, treasurer, auditor, and superintendent of schools in the several Territories of the United States.

The bill was read, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following officers for each of the several Territories (who shall hold their respective offices for two years and until their successors are elected and qualified) shall hereafter be elected by the qualified voters of each of said Territories: a governor, secretary, territorial treasurer, territorial auditor, and superintendent of schools. The term of office of each of the above-named officers shall commence upon the first Monday in January after their election; and the Tuesday next after the first Monday in November in the year 1876 is established as the day of holding the first election under this act; and the Tuesday next after the first Monday in November in every second year thereafter is established as the day for holding all subsequent elections. All votes for said officers must be by written or printed ballots, and shall be cast and counted and the result declared under such registration as may be provided by law; but the first election herein provided for shall be held under the laws as they may exist in the several Territories governing the election of Delegates to Congress at the date of said election. But this section shall not apply to Territories hereafter to be formed until Congress by special act shall so decide.

SEC. 2. That the qualifications and duties of such territorial treasurers, auditors, and superintendents of schools shall be declared by the legislative assemblies of the several Territories; but nothing herein contained shall in any manner change or impair the duties, rights, powers, and obligations of the governors and secretaries of the several Territories as they are now, or may hereafter be, provided for by act of Congress, except so far as the manner of their selection and their term of office are hereby changed.

SEC. 3. That the President may at any time, for good cause, remove either the governor or secretary of any Territory, and, with the consent of the Senate, appoint a successor to hold his office during the unexpired term of the person removed; and the cause of any such removal shall be communicated by the President to the Senate at the next succeeding session thereof; and the President, by the consent of the Senate, may fill all vacancies in the office of governor or secretary occasioned by death or resignation, and in such event the appointee shall hold his office during the unexpired term of the officer who has died or resigned.

Mr. KASSON. This bill should go to the Committee of the Whole, as it creates a new office.

Mr. PATTERSON. It creates no new office.

Mr. KASSON. Is not the superintendent of schools a new office?

Mr. PATTERSON. No, sir; that office is already provided for by the statutes.

Mr. STEELE. And paid for by the Territories.

Mr. KASSON. I understood from the reading of the bill that it created some new obligations which would involve the payment of money.

The SPEAKER *pro tempore*. From the reading of the bill the Chair would be inclined to the same opinion as the gentleman from Iowa; but he will hear the gentleman from Colorado.

Mr. PATTERSON. Mr. Speaker, upon a cursory examination of this bill, it might be supposed to make a very great innovation upon the present method of selecting and appointing officers of the several Territories belonging to the Government, yet when the bill is scanned closely it will be found that the innovation is not so great as might be supposed, but that the measure is rather an attempt upon the part of Congress to regulate some very evident abuses which have grown up in the management of the Territories by the General Government.

The law as it now stands provides five territorial officers: a governor, a secretary of the Territory, a treasurer, an auditor, and a superintendent of schools. The first two officers are appointed by the President with the consent of the Senate, and their salaries are paid out of the national Treasury, while the last three officers, the treasurer, the auditor, and the superintendent of schools, are appointed by the governors of the Territories with the consent of the territorial council, and their salaries are paid out of the territorial treasury, not by the General Government.

While the law as it stands purports to have these three last officers selected from the people of the Territory, yet they are all substantially the officers appointed by the President of the United States, because the governor being appointed by the President, selects the treasurer, the auditor, and superintendent of schools, and in no way is the appointment of these officers given to the people except as the territorial council may see fit to indorse or repudiate his selection. In this year of reform inaugurated by both political parties, and in this centennial year, when the people are all returning to the fountain of their liberties for the purpose of drinking anew the waters of freedom, the Committee on the Territories thought it would be a fitting reform to inaugurate, to permit the people of the several Territories to elect these officers for themselves. The only change that is introduced is in permitting the people to elect. By the provisions of the proposed law, where they are elected by the people, they are under the control and management of the Chief Executive of the United States, because, sir, the power is expressly given to the President, the power which he now has, of removing the governor or secretary for good cause, provided only that he shall communicate the cause to the Senate of the United States at the next session of Congress.

The benefits which would accrue from this change are very evident; benefits of the civil service at large, and certainly great and inestimable benefits to the people of the several Territories. It is a fact well known and beyond dispute that, as a rule, the men who are selected to fill the offices of governors and secretaries of the several Territories——

Mr. DUNNELL. The gentleman seems to be advocating the passage of the bill, and not answering the objection.

Mr. PATTERSON. What was the objection?

Mr. DUNNELL. That it was subject to the point of order.

Mr. PATTERSON. I did not understand I was called upon to answer that objection. If the gentleman from Iowa is still of the opinion it is open to the point of order, I will answer the objection he makes.

Mr. KASSON. I will say to the gentleman and to the Chair that I hold it is subject to the point of order. We have always held, so far as I know, and Speakers of the House have always heretofore held, where a new office is created for which no appropriation is made and no compensation is affixed, yet the creation of the office by Federal law implies a right to Federal compensation, and therefore it is subject to the point of order that it should have its first consideration in the Committee of the Whole.

Mr. PATTERSON. Before I answer the gentleman from Iowa, I wish to ask him this question: What new office is created by this bill?

Mr. KASSON. There are three officers which are not now paid by the United States, at least in the bill: auditor, treasurer, and superintendent of schools.

Mr. PATTERSON. I will state to the gentleman from Iowa that they are already provided by law. The only change made by the bill is that, instead of having these officers appointed by the governor of the Territory, with the consent of the territorial council, they shall now be elected directly by the people. It in no manner changes the mode of compensation.

Mr. KASSON. I may be mistaken on this point, but I was not aware the United States ever created the office of superintendent of schools for the Territories.

Mr. PATTERSON. The law of Congress provides that the governor of a Territory shall, as one of his powers, appoint the three officers named in this bill, and that his appointment shall be ratified by the territorial council.

Mr. KASSON. Are they now paid by the United States or the Territory?

Mr. PATTERSON. They are paid by the Territory out of the territorial treasury.

The SPEAKER *pro tempore*. Does this bill contemplate any change in that regard?

Mr. PATTERSON. Not in the slightest; simply that they shall be elected by the people.

The SPEAKER *pro tempore*. It creates no new office?

Mr. PATTERSON. It does not.

Mr. HALE. Does it not in some degree change the source from which the money comes from which they are to be paid?

Mr. PATTERSON. Not in the slightest degree.

Mr. HALE. Not in reference to any single officer?

Mr. PATTERSON. Not in reference to any single officer; not the slightest change; not the dotting of an i or the crossing of a t, so far as the present mode or source from which the payment comes.

Mr. HALE. From what fund are the expenses of the election to be paid?

Mr. PATTERSON. From the territorial fund, every dollar of it.

Mr. HALE. By territorial tax?

Mr. PATTERSON. Every dollar of it. The expenses of elections for members of the Legislature and county officers—indeed of every election held in the territory—are paid out of the territorial fund raised by taxation on property within the Territories.

Mr. HALE This, then, only applies to election by the people?

Mr. PATTERSON. That is the only change proposed.

The SPEAKER *pro tempore*. Upon the statement of the gentleman from Colorado, [Mr. PATTERSON,] the Chair considers that the bill is clearly not subject to the point of order. The gentleman from Colorado will proceed.

Mr. GARFIELD. May I be allowed to call the attention of the Speaker for a moment to the rule?

All proceedings touching appropriations of money and all bills making appropriations of money or property, or requiring such appropriations to be made, or authorizing payments out of appropriations already made, shall be first discussed in a Committee of the whole House.

It seems to me that this rule fairly covers appropriations to be made out of the territorial treasury or our own; because we have complete legislative control over the Territory in this, that if we disapprove of their laws they are void. Now it occurs to me that the recent rule, Rule 112, covers just such cases as this, because it is legislation that will result in an appropriation which can be an appropriation only by our consent. I do not know if the Speaker has looked at this particular rule, which is the new rule.

The SPEAKER *pro tempore*. Rule 112?

Mr. GARFIELD. Yes, sir.

The SPEAKER *pro tempore*. The Chair has that rule before him.

Mr. PATTERSON. I will say that the subtilty of the argument of the gentleman from Ohio [Mr. GARFIELD] surpasses my understanding. I have to repeat again that the existing laws for the payment of salaries to officers of Territories are not changed in the slightest degree. The bill neither adds to nor takes from them. The matter of payment, of appropriation, and of salaries, are all precisely as they are under existing laws.

The SPEAKER *pro tempore*. The Chair understands the gentleman from Colorado to say that the laws relating to those matters are not affected at all by this bill, and that the change has reference only to the mode of election of these officers?

Mr. PATTERSON. That is all.

The SPEAKER *pro tempore*. Under the statement of the gentleman from Colorado the bill, in the judgment of the Chair, is not liable to the point of order.

Mr. KASSON. Will the gentleman from Colorado be good enough to inform me if there is any statute of the United States authorizing the territorial Legislatures to create these offices by name?

Mr. PATTERSON. No, sir.

Mr. KASSON. So I understand.

Mr. PATTERSON. The law provides for these three latter officers as officers necessary for the purpose of carrying on the territorial government.

Mr. KASSON. Will the gentleman allow me to inquire if the law to which he refers as authorizing these officers is not section 1857 of the Revised Statutes, which says that—

All township, district, and county officers, except justices of the peace and general officers of the militia, shall be appointed or elected in such manner as may be provided by the governor and Legislative Assembly of each Territory; and all other officers not herein otherwise provided for, the governor shall nominate, and by and with the advice and consent of the legislative council of each Territory, shall appoint.

Are not these three officers therefore designated by the authority of the territorial Legislature under this general law?

Mr. PATTERSON. No, sir; they come under the latter clause:

And all other officers not herein otherwise provided for, the governor shall nominate, and by and with the advice and consent of the legislative council of each Territory, shall appoint.

The SPEAKER *pro tempore*. The House will come to order. It is impossible in the confusion for the Chair to hear the remarks of gentlemen.

Mr. KASSON. The point I wanted to get before the Speaker and the gentleman from Colorado is this: The gentleman was not quite accurate when he said that these officers were provided for by existing United States law. The language is, and I will read it again in the hearing of the Speaker:

And all other officers not herein otherwise provided for, the governor shall nominate, and by and with the advice and consent of the legislative council of each Territory, shall appoint.

Now, instead of their being local territorial officers appointed by territorial authority, which gives them no claim upon the United States Treasury, this bill makes them officers distinctly by name under Federal law, and as such creates them officers distinctly by Federal authority; as I regard it, giving them a claim upon the Treasury of the United States, as all officers newly created by the Federal Government would have unless there is a clause in the bill to the contrary, stating that they are to be paid for out of the territorial revenue.

Mr. PATTERSON. The gentleman from Iowa [Mr. KASSON] does not appreciate the scope of the expression "not herein otherwise provided for." That refers to other officers than those spoken of for township, district, and county purposes, who are elected under laws of the territorial Legislature.

Mr. KASSON. That I agree to.

Mr. PATTERSON. But the officers "herein otherwise provided for" are the officers that are, I think, provided in other sections of the statutes of the United States bringing these officers into existence.

Mr. KASSON. I would like the gentleman to point to the section of the Revised Statutes that creates these three officers. I cannot find it. I may have overlooked it.

Mr. PATTERSON. The gentleman from Wyoming [Mr. STEELE] has the United States Statutes before him, and will satisfy the gentleman from Iowa.

Mr. MAGINNIS. I want to call the attention of gentlemen, and especially the gentleman from Ohio, [Mr. GARFIELD,] to the fact that where the Territory makes a law, and the United States concurs in it, that is the law. Now these officers are made by territorial law. The United States have confirmed that law, and they are officers by law.

Mr. KASSON. Allow me to say that the United States does not concur in territorial legislation except by implication. The territorial laws remain in force until repudiated by legislation of Congress. And that does not make them United States officers, and this bill I think does.

Mr. PATTERSON. Section 2 of the bill as reported recognizes the present standing of the three officers referred to.

Mr. HALE. What does the gentleman propose to read from?

Mr. PATTERSON. I read section 2 of the bill:

SEC. 2. That the qualifications and duties of such territorial treasurers, auditors, and superintendents of schools shall be declared by the legislative assemblies of the several Territories; but nothing herein contained shall in any manner change or impair the duties, rights, powers, and obligations of the governors and secretaries of the several Territories as they are now, or may hereafter be, provided for by act of Congress, except so far as the manner of their selection and their term of office are hereby changed.

That makes a clear distinction all the way between the three latter-named officers and the two former.

Mr. HALE. Has the gentleman any objection to this amendment being inserted, which would save the point made by the gentleman from Iowa, [Mr. KASSON,] "nor shall anything herein be so construed as to render these three officers officers of the United States, with a claim upon the Treasury for the payment of salaries?"

Mr. PATTERSON. We have not the slightest objection to that amendment, and I know that I speak the sentiment of the Committee on the Territories, if that will satisfy the minds of objecting members. If that is their understanding of the bill we have no objection to having it amended in the way proposed by the gentleman from Maine; it is as broad as it is desired.

Mr. KASSON. I want to say that I make the point of order that this bill should be considered not in the morning hour, but in Committee of the Whole. It makes a change in the practice of the Government for one hundred years, and I think we ought to insist upon the right to consider it by sections. I therefore make the point distinctly that there are three officers named in this bill that are not named in the laws of the United States, and that being the case they would have claims on the United States Treasury for their future compensation.

Mr. SOUTHARD. I would say that these officers are now officers of the Territories under and by virtue of the laws of the territorial government or under and by virtue of the laws of the United States now in existence. The present bill in no possible manner creates new officers or a new mode for the payment of these officers, but simply provides, as has been well said by the gentleman from Colorado, that those officers shall be selected in a different manner. The bill does not provide for new officers or new salaries, but simply prescribes the mode and manner of their selection; they are to be elected by a vote of the people instead of by the appointing power of the Government, and therefore I submit that the point of order does not lie.

Mr. KASSON. I think the gentleman from Ohio and myself can come to an understanding. We both agree that in some of the Territories at least we have these three officers, but the incumbents are not appointed by authority of the United States law. They are simply territorial appointments at the option of the territorial authorities. Now the proposition is to create these three offices under United States law in all the Territories of the United States; that is the distinction on which I insist.

Mr. SOUTHARD. I think the gentleman from Iowa puts the case too strongly.

Mr. STEELE. Mr. Speaker, allow me to say just one word in reference to the point of order and in reference to the question raised by the gentleman from Iowa [Mr. KASSON] as to the creation of new offices. The organic acts of all the Territories of the United States provide that the district, township, and county officers may be selected in a particular mode, namely, by an election by the people. All other officers and those new officers created by legislative enactments in the various Territories are to be appointed by the governor of the Territory by and with the advice and consent of the legislative council of the Territory.

Now, then, the only difference there is in the present method of selecting these officers and the proposed method is this, that Congress having authorized the several Territories to create such offices as may be necessary for their government, every one of the Territories has created these offices, defined their duties, and prescribed their compensation; they are paid for to-day by the money of the people of the Territories raised from them by taxation, and yet the people who create these offices and pay the officers their compensation have no vote in their selection under the present system. Now the only change proposed is in the method of the selection of these officers, instead of being appointed by the governor that they shall be elected by the people. No change is proposed in reference to the qualifications, duties, and compensation of these officers. They are to remain as they are to-day, and they are to be paid by the people of the Territories and not by the Government of the United States.

The gentleman from Iowa [Mr. KASSON] says that this bill, if passed, will be going back on the precedents for one hundred years in reference to the selection of officers for the Territories. I think it is time for Congress to go back on the precedents of one hundred years in depriving the people of the Territories of the rights of citizenship and allow the people to choose the officers whom they pay for themselves, and I would suggest to the gentleman from Iowa that it is a good season for the commencement of reform in reference to the Territories, and to establish a principle which would give them the right to home rule and local self-government.

There is nothing in this bill which looks to the compensation of these officers by the United States. The bill expressly provides that their duties and qualifications shall be prescribed by the Legislature of the Territory, as they are at the present time.

Now the only objection to the reference of this bill to the Committee of the Whole is not a fear of the fullest discussion in reference to it, but the gentleman from Iowa knows well that if it goes to the Committee of the Whole it will sleep that sleep that knows no waking.

Mr. CONGER. I rise to a point of order. I submit that the merits of the bill cannot be discussed on the point of order.

Mr. JACOBS. I desire to say a word on the point of order. The organic act of Washington Territory passed in 1853 was an exception to the other organic acts, and one of the provisions of the organic act of that Territory was that the auditor, school superintendent, and treasurer were to be elected by a joint convention of the Legislature.

The Legislature was to meet together in joint convention and elect them. At the last session of Congress this was changed. That Congress changed the mode of the election of these three officers in that Territory. Now, if the last Congress had the power to make this change in the election of those territorial officers in that Territory, I cannot see why this Congress has not the power to pass this bill.

Mr. HURLBUT. I do not understand it to be a question of power, but a question of order that is before the House, and I desire for a moment to address myself to the question of order.

As I understand this proposition there is no law of the United States which in terms creates these three offices. There is a law which allows the Territories to create these or other offices at their discretion, and there is an implied approval of the action of the Territories in that regard by Congress in not interfering with their action. Under the existing law it is discretionary with the Territories to have these three officers or not. The bill now pending proposes to make it obligatory and compulsory upon each Territory to appoint these officers, and there is in my judgment a doubt as to whether the point of order attaches to this bill. It is creating by act of Congress imperatively and decisively in all the Territories, without discretion, three officers whom they might not themselves desire to create.

Mr. PATTERSON. Allow me to say one word in reply to the points which have been made, and I think that any difficulty about this matter will be easily set aside. Let us grant that what the gentleman from Illinois says is true, it is simply a general power that is given to the Territories to bring into existence the three offices named in this bill, and that Congress tacitly recognizes the bringing of them into existence and that this bill specifically creates them. Let us admit that each of these propositions is true, and yet it cannot possibly be objectionable under Rule 112. And why? Because Rule 112 must necessarily refer to appropriations of money out of the general Treasury and cannot refer to appropriations made by any other political organization, either State or territorial. Such a construction has never been placed upon this rule.

Now, the gentleman from Maine, if the Chair had any doubt in his mind upon that proposition, has offered an amendment which specifically meets the supposition that this bill might possibly give color to a claim that the money to be paid to these officers is to be drawn from the Treasury of the United States.

The gentleman from Maine has proposed an amendment, which is accepted by myself in behalf of the committee, which entirely and positively prevents such a supposition from being entertained.

The SPEAKER *pro tempore*. The gentleman from Colorado will observe that the mere fact that that amendment is necessary in order to bring the bill within the rule is in itself a sufficient reason why the point of order should be sustained by the Chair. And it could only be by the unanimous consent of the House that that amendment obviating the objection to the bill could be accepted. The Chair is inclined to think that the bill in its present form does practically create three offices not specifically provided for by the statutes of the United States. The Statutes at Large provide in general terms for the appointment of officers within the Territories, but this is a specific declaration of law on the part of the United States that these three officers shall be provided, and it designates their term of office, and they are mentioned in immediate connection with other territorial offices the expenses of which are provided for by the General Government. The Chair therefore holds that the bill of the gentleman is liable to the point of order raised by the gentleman from Iowa.

The bill might possibly be so amended as to avoid the point of order, but upon its face and for the reasons stated by the Chair it is now certainly subject to it.

Mr. GARFIELD. I think the bill ought to go to the Committee of the Whole on the state of the Union where it can be debated by sections.

Mr. PATTERSON. If that is done it will pass out of the centennial year and half its virtue will be gone.

Mr. GARFIELD. O, I cannot but think that we ought to debate this bill in the Committee of the Whole on the state of the Union by sections.

Mr. PATTERSON. In order to obviate the objection of the Chair I desire on the part of the Committee on the Territories to present a modification of section 2 of the bill and to ask that it shall be considered as a part of the bill as reported.

The SPEAKER *pro tempore*. That can only be done by unanimous consent.

Mr. KASSON. I object to the consideration of the bill.

Mr. PATTERSON. I have seen the same thing done thousands of times this session; an amendment suggested and accepted.

Mr. CONGER. The gentleman certainly will not claim that the modification he proposed to the bill has been submitted to the Committee on the Territories?

The SPEAKER *pro tempore*. The Chair can only act on the bill as reported. The point of order has been made and sustained by the Chair, and the bill is referred to the Committee of the Whole on the state of the Union.

Mr. PATTERSON. I ask that this bill may be made the special order for Saturday next after the morning hour.

The SPEAKER *pro tempore*. That will require unanimous consent.

Mr. HURLBUT. I object to making any more special orders; we have more now than we can dispose of.

PENITENTIARY AT BOISÉ CITY, IDAHO.

Mr. FORT, from the Committee on the Territories, reported back, with an amendment, the bill (H. R. No. 1972) to authorize the construction of an inclosure around the United States penitentiary at Boisé City, in the Territory of Idaho.

The bill appropriates the sum of $2,000, or so much thereof as may be required, to construct a wooden inclosure around the United States penitentiary at Boisé City in the Territory of Idaho, to be expended by the United States marshal for the district of Idaho, under the direction of the Attorney-General of the United States.

The amendment reported from the committee was to strike out "$2,000" and insert "$1,500."

Mr. HOLMAN. I desire to reserve any point of order that may lie against this bill until I can hear some explanation of it.

Mr. FORT. I do not suppose any explanation is necessary. This is a penitentiary belonging to the Government of the United States, and it is cheaper to build a fence around it than to guard it.

Mr. HOLMAN. I do not make any point of order on the bill.

The amendment reported from the committee was agreed to.

The bill, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. FORT moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SIOUX CITY, BLACK HILLS AND PACIFIC RAILROAD COMPANY.

Mr. JONES, of Kentucky. I am instructed by the Committee on Railways and Canals to report back, with a recommendation that the same do pass, House bill No. 3000, incorporating the Sioux City, Black Hills and Pacific Railroad Company. There is no subsidy or Government aid in this bill; it is an ordinary railroad charter for a railroad from Sioux City, Iowa, westward, through Nebraska, Dakota, Wyoming, Idaho, and Oregon, to Portland, Oregon.

Mr. SAVAGE. I will reserve any point of order upon this bill until it is read.

ORDER OF BUSINESS.

The Clerk began the reading of the bill, but before concluding,

Mr. EDEN. Has the morning hour expired?

The SPEAKER *pro tempore*. The morning hour has expired.

Mr. SCHLEICHER. I rise for the purpose of moving to go into Committee of the Whole on the joint resolution in relation to the protection of the Texas frontier.

Mr. KELLEY. I ask the gentleman to yield to allow me to introduce a bill for reference only.

Mr. SCHLEICHER. I will yield for that purpose.

COINAGE OF THE SILVER DOLLAR.

Mr. KELLEY, by unanimous consent, introduced a bill (H. R. No. 3923) to provide for the coining of the standard silver dollar of the United States and for restoring its legal-tender character; which was read a first and second time, referred to the Committee on Coinage, Weights, and Measures, and ordered to be printed.

W. J. MURCHISON.

Mr. REAGAN, by unanimous consent, introduced a bill (H. R. No. 3924) for the relief of W. J. Murchison, postmaster at Weldon, Houston County, Texas; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

JAIL ON JUDICIARY SQUARE, WASHINGTON.

Mr. KIMBALL. I am instructed by the Committee on Public Buildings and Grounds to report back, with an amendment, Senate bill No. 842, authorizing the commissioners of the District of Columbia to remove the jail on Judiciary Square to grounds near to the Washington Asylum for the use of the District.

The bill was read, as follows:

Be it enacted, &c., That the commissioners of the District of Columbia are hereby authorized and empowered to tear down and remove the jail situate on Judiciary Square, in the city of Washington, and, with the material thereof, and such other as may be necessary, to locate and construct within the present year a suitable building or buildings for the work-house of the Washington Asylum, for the use of said District, upon the following grounds, namely: Upon the public reservation in said city of Washington now occupied in part by the buildings of the Washington Asylum, beginning on the east side of Nineteenth street east, at the southwestern angle of the ground occupied by said Washington Asylum; running thence south along the east line of said street to the point at which the north line of E street, if prolonged, would intersect the east line of said Nineteenth street east; running thence east three hundred feet; thence north to the south boundary of the asylum grounds; thence west three hundred feet to the point of beginning; and that it shall be lawful to use said building or buildings and grounds for the imprisonment under the laws of persons sentenced to imprisonment by the police court of said District, or by the supreme court of said District in cases appealed from said police court, for violation of the municipal laws or ordinances in force in said District.

SEC. 2. That said commissioners shall not expend more than $14,000 in and about the aforesaid work of tearing down, removal, and construction; which sum is hereby appropriated for that purpose out of any money in the Treasury not otherwise appropriated.

SEC. 3. That for the removal of the earth and rubbish, grading, sewerage, and other improvements of Judiciary Square, the sum of $2,000 is hereby appropriated out of any money in the Treasury not otherwise appropriated, in lieu of the money to have been derived from the sale of the jail in said square, and appropriated June 3, 1874.

The amendment reported from the committee was in section 2 of the bill to strike out the words "money in the Treasury" and insert in lieu thereof the words "revenues of the District of Columbia."

The amendment was agreed to.

The bill, as amended, was ordered to a third reading, read the third time, and passed.

Mr. KIMBALL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

L. D. EVANS.

Mr. HANCOCK. I am directed by the Committee of Ways and Means to submit a report upon House bill No. 3141 for the relief of L. D. Evans; and I move that the report be printed and recommitted to the Committee of Ways and Means.

Mr. CONGER. Not to be brought back on a motion to reconsider.

The SPEAKER *pro tempore*. The Committee of Ways and Means has the right to report at any time.

Mr. CONGER. To report revenue bills.

Mr. HOLMAN. This is a private bill, not a revenue bill.

The SPEAKER *pro tempore*. The Chair did not notice the character of the bill.

The motion to print and recommit was agreed to.

Mr. CONGER moved to reconsider the vote by which the bill was recommitted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

FRUIT BRANDY.

Mr. HANCOCK. If my colleague [Mr. SCHLEICHER] will yield to me, I desire to report from the Committee of Ways and Means, for consideration at this time, a bill relating to the production of fruit brandy, and to punish frauds connected with the same.

Mr. SCHLEICHER. I will yield if it does not take too much time.

Mr. HANCOCK. I desire to report this bill for present consideration. It has been prepared by the Internal Revenue Department, and has the unanimous approval of the Committee of Ways and Means. The Representatives from California insist that it is very important to have it passed now in order that the people may avail themselves of its provisions in connection with the present crop of grapes.

Mr. LUTTRELL. It will require but a moment to pass the bill; and I hope the gentleman from Texas [Mr. SCHLEICHER] will give way.

The SPEAKER *pro tempore*. It is not in order to debate the bill now.

Mr. HANCOCK. I suppose there will be no objection to it.

The bill was read.

The SPEAKER *pro tempore*. Is there objection to the consideration of this bill now?

Mr. CONGER. I object.

Mr. HANCOCK. I ask, then, that the bill may be printed and recommitted.

There being no objection, the bill (H. R. No. 3925) was reported, read a first and second time, ordered to be printed, and recommitted.

Mr. SCHLEICHER. I rise for the purpose of moving that the House resolve itself into Committee of the Whole to resume the consideration of the joint resolution for the protection of the Texas frontier.

Mr. CONGER. I withdraw my objection to the consideration of the bill reported by the gentleman from Texas, [Mr. HANCOCK.]

Mr. LUTTRELL. The objection is withdrawn; and I hope the bill will now be considered and passed. It is a very important measure to the people of the Pacific coast.

The SPEAKER *pro tempore*. The Chair cannot go back, after other business has intervened, to take up business which has been objected to.

CHINESE IMMIGRATION.

Mr. RANDALL. I ask unanimous consent that the concurrent resolution from the Senate in regard to a joint special committee upon the subject of Chinese immigration be taken from the Speaker's table and considered now.

There being no objection, the resolution was taken from the table and read, as follows:

Whereas on the 6th day of July, 1876, the Senate authorized the appointment of a special committee of three Senators to investigate the immigration of Chinese to this country; and whereas on the 17th day of July, 1876, the House of Representatives authorized the appointment of a special committee of three members of the House to discharge similar duties:

Be it enacted by the Senate, (the House of Representatives concurring,) That said special committees shall act as a joint special committee of the two Houses for the purposes aforesaid, and with the powers conferred by the resolutions appointing them; the expenses of the said joint committee to be paid one-half out of the contingent fund of the Senate and one-half out of the contingent fund of the House of Representatives.

The resolution was concurred in.

ENROLLED JOINT RESOLUTION SIGNED.

Mr. BAKER, of New York, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a joint resolution of the following title; when the Speaker *pro tempore* signed the same.

Joint resolution (H. R. No. 153) to correct an error in the enrollment of the post-office appropriation act.

HEIRS OF WILLIAM H. ARNOLD.

The SPEAKER *pro tempore*, by unanimous consent, laid before the House a letter from the Secretary of War, transmitting a report on the bill (H. R. No. 3780) for the relief of the heirs of William H. Arnold; which was referred to the Committee on War Claims.

PENN'S COVE MILITARY RESERVATION.

The SPEAKER *pro tempore* also laid before the House a letter from the Secretary of War, transmitting reports concerning the Penn's Cove military reservation, Washington Territory; which was referred to the Committee on Private Land Claims.

PROTECTION OF TEXAS FRONTIER.

Mr. SCHLEICHER. I now renew my motion that the House resolve itself into Committee of the Whole on the state of the Union for the purpose of resuming the consideration of the joint resolution (H. R. No. 96) to provide for the protection of the Texas frontier on the Lower Rio Grande. Pending that motion I move that all debate on the pending section and the amendments thereto be limited to twenty minutes.

Mr. SMALLS. I ask the gentleman to allow a little more time. Twenty minutes will allow only ten minutes for each side. I hope the gentleman will agree to give at least an hour.

Mr. GARFIELD. I trust the gentleman from Texas will at least consent to allow thirty minutes. I think that will be satisfactory.

Mr. SCHLEICHER. I accept the suggestion of the gentleman from Ohio [Mr. GARFIELD] and modify my motion accordingly.

The motion to limit debate in Committee of the Whole upon the pending section and amendments thereto to thirty minutes was agreed to.

The question recurring on the motion of Mr. SCHLIECHER that the House resolve itself into Committee of the Whole, it was agreed to.

The House accordingly resolved itself into Committee of the Whole, (Mr. MONROE in the chair,) and resumed the consideration of the joint resolution (H. R. No. 96) to provide for the protection of the Texas frontier on the Lower Rio Grande.

The CHAIRMAN. When the committee rose it had under consideration an amendment to section 1, offered by the gentleman from South Carolina, [Mr. SMALLS,] which will be reported by the Clerk.

The Clerk read as follows:

Provided, That no troops for the purposes named in this section shall be drawn from the State of South Carolina so long as the militia of that State peaceably assembled are assaulted, disarmed, and taken prisoners, and then massacred in cold blood by lawless bands of men invading the State from the State of Georgia.

Mr. SMALLS. I offered that amendment, and desire to say a word upon it.

The CHAIRMAN. Debate on the pending section and amendments thereto has been limited by the House to thirty minutes. Speeches have been made for and against the pending amendment, and it will be well for the gentleman therefore to preserve the proper order and submit an amendment to the amendment.

Mr. SMALL. I move as a formal amendment to strike out the last word.

Now, Mr. Chairman, in offering the amendment which has been read by the Clerk I did it believing that the race to which I belong are being outrageously treated in the district I have the honor to represent upon this floor. Notwithstanding that, sir, the gentleman from New York [Mr. COX] rose upon this floor and attempted to state to the House and to the country that I had introduced this matter for bad political purposes. If it has been the custom of the gentleman from New York to bring in matters here for bad political purposes, it is not so with me.

That gentleman early undertook to state to the House that South Carolina was the worst-governed State in the United States; that it was rotten to the core—rotten all round its borders. I agree with the gentleman from New York that South Carolina is rotten all round its borders, and for that very reason I have offered the amendment to this bill to cut off that rotten part all round South Carolina so as to let the core stand. It is those rotten parts which are troubling us. We are getting along all right ourselves.

He stated that I vouched for the author of that report. I state again to this House that that report which was read from the desk was signed by an honorable gentleman, a loyal gentleman, one who risked his life for the protection and defense of this Government. I say again I know that if I had given his name to this House in the next few hours it would have been known at Hamburgh, South Carolina, and I would not have given ten cents for his life, for General Butler, the gentleman who was attempted to be made a saint of in this House, would at once have organized another band of Ku-Klux and hunted him down.

I will tell the gentleman from New York that I was vouched for by nearly fourteen thousand majority of loyal men to this Government, and, sir, I will say men of my native State, the State of South Carolina, where I was born and reared. I will ask the gentleman in God's name who indorses him, whether the people of New York or the people of Ohio?

Mr. COX. Both of them. [Laughter.]

Mr. SMALLS. It is a good thing if the gentleman is indorsed by both of them. I do not desire to take up the time of the House, as gentlemen on that side have only seen fit to allow us ten minutes to debate on this question. Thank God, I hold in my hand the official investigation of the attorney-general of that State, and if that report does not place everything charged in that former letter upon General Butler's head, then I do not know how any man can be proved guilty of any crime within the borders of the United States.

I have nothing to say in reference to the complimentary remarks of the gentleman from Kentucky [Mr. JONES] in regard to General Butler. General Butler might have been in the days he knew him everything he has stated in regard to him, but I can tell him that since General Butler left him he has either got into bad company or has been badly advised, for there has not been a row or riot in South Carolina since reconstruction in Edgefield that General Butler has not led; he has been the leader of every riot or outrage perpetrated upon the good people of that State.

Why, sir, this military company is a regularly organized body of the militia of that State. It was celebrating the Fourth of July, and men having no authority at all asked those men to give up their arms.

The CHAIRMAN. The gentleman's time has expired.

Mr. SMALLS. I ask that the report of the attorney-general of the State of South Carolina be printed as a part of my remarks.

The CHAIRMAN. The Chair hears no objection.

Mr. SMALLS. Also the statement of the coroner and other papers.

The CHAIRMAN. The Chair hears no objection.

The papers referred to are as follows:

DOC ADAMS'S STATEMENT—THE STORY OF THE TWO-HOURS' SIEGE, AND HOW HE WITH A DETACHMENT OF HIS COMPANY ESCAPED FROM THE ARMORY.

[From our special correspondent.]

AIKEN, SOUTH CAROLINA, *July* 12.

I send you a statement of Doc L. Adams, the captain of the militia company, just as it has been given by him. He saw a part of the affair and was quite an interested party. Here is the statement:

I am captain of Company A, Eighteenth Regiment National Guard of the State of South Carolina, which company has been stationed at Hamburgh; in fact it was made up there from the citizens of the town and vicinity.

On Saturday, the 8th day of July, about half past four o'clock, General Butler, with about thirty or forty men, assembled at the office of Trial-Justice Rivers, in Hamburgh. The occasion of this was because at that hour the trial of the militia officers was to take place. I went to Trial-Justice Rivers and stated to him that I and the other officers of the company did not want to be tried before him that evening, and that we would give bond for our appearance before the circuit court. My reason for saying this to him was because I had heard threats made against myself and others by the forty or more armed men who were crowded round Rivers's office. On making this statement to Rivers he told me I could use my own judgment about the matter, as he was of the opinion himself that it would be unsafe for myself and the other officers to be tried at that time. I, having concluded not to go to the court, a committee came from General Butler for me to meet him at the house of S. B. Spencer, where a hundred or more armed white men were congregated. I refused to go, believing my life would be unsafe. The white men were armed with revolvers and sixteen-shooters. I then made the proposition that if General Butler would meet me half way and keep his men back I would meet him, and we would try and settle the matter without any trouble. This General Butler refused positively to do, and sent a message to the effect that the arms of the company and the officers must be given up to him, and that he would not guarantee any protection whatever even if the arms and officers were surrendered. I refused to agree to this, as I saw if I did my men and myself would be at the mercy of General Butler and his men. I then, to preserve the lives of my men and myself, took refuge in a brick building we used as an armory. There were thirty-eight of us in all. We had hardly got in and secured the entrance before General Butlers' men opened fire on us. At this time General Butler had about two hundred men. They kept up a brisk fire on the building for over half an hour before we fired one shot from the building. General Butler's men were posted under the trestle of the Charlotte, Columbia and Augusta Railroad and under the abutment of the bridge of the same company. This was between six and seven o'clock p. m. We remained in the building until about eight o'clock.

My reasons for leaving was because I heard threats made by General Butler's men to blow the building up, and to send to Augusta for cannon, and I knew we could not hold it if either of these means were resorted to. After getting out of the building with my men the company divided, and I took command of one portion and gave Lieutenant Attaway command of the other. The number with me amounted to about a dozen or so men; Attaway had twenty-one. I went to the left of the building with my men and escaped. Attaway and his men were captured. This is all that I can speak of positively, as when I made my escape I and the portion of men with me came right on to Aiken. At the time I left I think there were four or five hundred men under General Butler, with re-enforcements

coming in from Augusta and Edgefield. Between twelve and one o'clock at least two thousand men were present, armed to the teeth. I left for Aiken about three o'clock Sunday morning.

DOC L. ADAMS,
Captain Company A, Eighteenth Regiment N. G. S. S. C.

The above statement is signed with Adams's own signature. He seems to be a man of some intelligence, and as "mild-mannered" as possible. He gave the statement without hesitation and in a manner which convinced me of his sincerity.

C. McK.

PRINCE RIVERS'S STATEMENT.

The testimony was closed at this point, and though many other witnesses were waiting, this was deemed sufficient. The verdict has not yet been rendered.

Prince Rivers made the following written statement in substance to Attorney-General Stone to-day: On the affidavit of one Robert Butler, he issued warrants as trial justice for Doc Adams and the other commissioned officers of a militia company in the town of Hamburgh for obstructing the highway and preventing the said Robert Butler from passing. This was on the 5th of July, 1876. Owing to some confusion taking place in this office on the said day he postponed the trial till Saturday, the 8th, at four p. m., at which time General M. C. Butler appeared as counsel for Robert Butler. During the said trial M. C. Butler asked for more time, which was granted, he, Butler, promising to be ready within an hour; but he never returned to Rivers's office any more, but went to Augusta and returned with two companies of soldiers, and demanded the immediate surrender of the arms in the possession of the militia to him. After some talk with Rivers he, General Butler, granted them a half hour to comply with his terms. Rivers then went to the drill-room of the company and consulted with the men who were there assembled to get them to give up their arms sooner than have bloodshed. This they refused to do, saying that General Butler had no authority to make them give up their arms. The time having expired, General Butler gave the order for the troops under him to fire, which they did, and said fire was not returned by the militia for some time. Butler told me he would have the arms or burn the town. I, Rivers, offered to box the guns and send them to Chamberlain, but Butler would not agree to this.

THE HAMBURGH RIOT—OFFICIAL REPORT OF ATTORNEY-GENERAL STONE.

OFFICE OF THE ATTORNEY-GENERAL,
Columbia, South Carolina, July 12, 1876.

SIR: According to your request of Monday last I have visited Hamburgh for the purpose of ascertaining the facts connected with the killing of several men there on the night of the 8th of July.

My information has been derived chiefly from Trial-Justice Rivers, and from the testimony of persons who have been examined before the coroner's jury now in session, and from those who received wounds from the armed body of white men who had taken them prisoners.

From this information the following facts seem to be clearly established:

During the administration of Governor Scott a company of State militia was organized at Hamburgh, of which Prince Rivers was captain. This company was known as Company A, Ninth Regiment National Guard of the State of South Carolina. Arms were at that time furnished to it and some ammunition. This company, previous to May, 1876, had for some time but few names on its roll, drilled rarely, and scarcely kept alive its organization. But in May of this year the number of members increased to about eighty, and one Doc Adams was chosen captain.

On the 4th of July the company drilled on one of the public streets in the town of Hamburgh. The street on which they drilled was between one hundred and one hundred and fifty feet wide, but it was little used, and was overgrown with grass, except in that portion which was used as a carriage road. While the company was thus drilling Thomas Butler and Henry Getzen, his brother-in-law, came along in a carriage and demanded that the company should make way for them. Adams halted the company, remonstrated with Butler and Getzen for thus seeking to interfere with the company, and called their attention to the fact that there was plenty of room on each side of the company to pass.

Finding them unwilling to turn out of their course, Adams finally opened ranks and allowed them to drive through.

This incident seems to have angered Butler and Getzen, who made complaint before Trial-Justice Rivers against the militia company for obstructing the highway. The trial justice on the following day issued a warrant against Adams, as he was the captain of the company, and had him brought before him for trial. During the progress of the trial Adams was arrested by the trial justice for contempt of court, and subsequently the case was continued until four o'clock Saturday afternoon, July 8.

At that time Butler and Getzen, with General M. C. Butler, who had been employed by Robert J. Butler, father of the former, as their attorney, repaired to the office of the trial justice, but Adams did not appear.

General Butler inquired as to the nature of the charges against Adams, and asked if the trial justice was to hear the case as trial justice or in his official capacity of major-general of militia.

To this the trial justice replied that he was to hear the case as a trial justice, but if the facts showed that a military offense had been committed, Adams would have to be tried by a court-martial.

General Butler then stated that he thought the case might be arranged, and at his suggestion time was given him to see the parties.

After this the trial justice did not see General Butler at his office, but learned that he had gone over to Augusta.

In the mean time the trial justice had been informed that some two hundred or three hundred armed white men were in Hamburgh, and that a demand had been made by them that the militia should surrender their arms. After a consultation with Messrs. Jefferson and Spencer, Rivers sent for General Butler. He rode up to the back gate of Rivers's house. The two had a conversation, in which General Butler said that he had given orders to have the guns given up in half an hour, and the time was nearly up.

Rivers asked if some other arrangement could not be made, to which General Butler replied in the negative.

Rivers then asked if he would not consent to have him receive the arms, box them up, and send them to the governor. To which General Butler replied that he would box them up and send them to the governor, and if he, the governor, should return them to the company it would be at his own risk. Rivers then asked if they would give a bond for the arms, to which General Butler said that he would stand the bond, and turning to another person—I think R. J. Butler—asked if he would not go on a bond also, to which he replied that he would.

Rivers then asked for time before fire should be opened on the militia, so that he might have a conference with the militia officers. This was acceded to, and Rivers then went to the building known as the Sibley building, in the second story of which the company had its armory and drill-room, and where it was then assembled, and told Captain Adams what might be expected if he should refuse to give up the arms. To this Adams replied that General Butler had no right to the guns; that the company held them, and he proposed to hold them, unless General Butler showed some authority to take them.

After this interview Rivers returned to General Butler, with whom was Robert J. Butler. He told them the decision to which the company had come. Then Robert J. Butler said that General Butler was his attorney; that he had come to settle the matter. If the company would apologize for the insult to his son and son-in-law he would do nothing more. But the whole matter was in General Butler's hands. General Butler said that, as the men would not meet him, he would have no more to do with them. General Butler was asked by Rivers if he would guarantee the safety of the town should the militia surrender their arms. He said that would depend on how the men behaved themselves afterward.

This statement is confirmed by S. P. Pixley.

While these negotiations were going on the armed body of white men in the town were concentrated on the bank of the river near the Sibley building. Soon after they were broken off firing began. Men who were in the building say that it was commenced by the whites firing upon the building. Adams gave his orders not to shoot until he directed them to. The company had very little ammunition, and all they had was a portion of that issued to the company when it was first organized.

After the firing had begun it was returned by the militia, and one of the attacking party, McKie Merriweather, was shot through the head and instantly killed. After this a piece of artillery, said to belong to the Washington Artillery, of Augusta, was brought over from Augusta and four charges of canister were fired from it upon the armory, but without injuring any one. The persons in the armory escaped from the rear by means of ladders, and hid under floors of adjacent buildings, or wherever else they could find shelter.

The first man killed by the whites was James Cook, town marshal. He had been in the armory, but was not a member of the company. He had gone into the street from the rear of the Sibley building, and was at once fired on and fell dead instantly, pierced by five or six bullets.

Afterward the whites began their search for the members of the company. They succeeded in getting about twenty-five colored men as prisoners, some of whom were never members of the company. As fast as the men were captured they were taken to a place near the South Carolina Railroad, where a large party of armed men stood guard over them.

None of those thus captured had arms in their hands.

Subsequently, and at about two o'clock a. m., six men took A. T. Attaway out of the "ring." He and his mother begged for his life, but in vain. He was then told to turn round, and was shot to death by the crowd.

David Phillips was next taken out and was similarly killed.

Pompey Curry was next called out. He recognized among the bystanders Henry Getzen and Dr. Pierce Butler, and called on them to keep the other men from killing him. He ran, and was shot at as he ran, one bullet striking him in the right leg below the knee.

Afterward Albert Myniard, Moses Parks, and Hampton Stevens were killed. Stevens did not belong to the company. Nelder John Parker, who has been commonly referred to in the newspaper reports as John Thomas, was corporal in the company.

When he was arrested and taken to the spot where the other prisoners were, he recognized among the party two gentlemen of Augusta, named Twiggs and Chaffee. He appealed to them for protection. They said he should not be hurt. He states that General M. C. Butler asked him if he was one of the d—d rascals. The reply was in the affirmative. He was then shot in the back. Messrs Twiggs and Chaffee then said if he was shot again they would shoot the ones who did it. They took him off, and had him taken to Augusta. He was shot before Attaway was killed. He may recover from his wounds.

One Butler Edwards was taken as a prisoner. He says he was taken before General Butler, who, at the time, was in the street near the Sibley building. This was about twelve o'clock.

Threats were made to shoot him. General Butler directed that he be taken to the others. He recognized among the crowd one Captain Carwile and ——— Dunbar, of Augusta; said he had a long talk with the former. He was among the prisoners who were let loose and told to run; as they ran they were fired at and he was shot in the head. He was not a member of the company.

Willis Davis, one of the members of the company, was taken to the place where were the other prisoners. The men stated that John Swaringen, of Edgefield County, had charge of the prisoners. He states that he saw General Butler before the men were killed, who asked him what he was doing, and told him he would have enough of it before he got through. He was shot in the arm, near the elbow, when about twenty paces distant from the crowd. The ball is still in his arm, and he suffers much pain. He also states that some of the young men from Georgia remonstrated against shooting the prisoners, but in vain.

Besides the killing and wounding of the men herein named, the party broke open several stores and houses, and, in some instances, robbed the inmates. They took from Mr. Charles Roll, the postmaster, and a very respectable white citizen, a gun which he had in his store, and his private property. From an old colored man, named Jacob Samuels, in his employ, they took a watch and set fire to his house. They broke open the house of Trial-Justice Rivers, and did much damage, as well as robbed him of clothing. They obtained kerosene oil and attempted to set fire to a house, but were prevented by Colonel A. P. Butler from doing so. The ropes of the public wells were cut and some fences were torn down.

So far as I can learn, the primary object of the whites was to take away from the militia their arms.

The man Parker, who was wounded, states that on Friday, the 7th instant, he had a long talk with one Harrison Butler (white) on Broad street, Augusta. Butler told him that if Rivers did not give orders for the militia to give up their arms they would take them any way on the next day.

On Saturday rumors were abroad in Hamburgh that there were armed parties coming in to take the guns, but little credit was attached to them.

One of the white citizens of Hamburgh heard a conversation between David Phillips and General Butler in the afternoon. Phillips talked very "big," as the gentleman said, and General Butler told him that they wanted those guns and were bound to have them.

In the afternoon Colonel A. P. Butler went to the various stores in town and told the proprietors that they must not sell any liquor to his men. In spite of this, however, some of the men compelled one of the storekeepers to furnish them liquor. From the same person they obtained kerosene oil to use in setting fire to a house.

The whites were armed with guns and small arms of various kinds, and many of them had axes and hatchets.

It is proper to state that the intendant of Hamburgh, Mr. Gardner, was informed by General Butler, in an interview with him, that the arms of the company must be given up.

Trial-Justice Rivers is now holding an inquest and taking the testimony of witnesses. Until their verdict is rendered, it will be impossible to tell who were engaged in the attack on the militia and the subsequent killing and wounding of the colored men.

It may be possible that a careful judicial investigation may show some slight errors in some of the minor details stated in this report. But, making due allowance for such errors, the facts show the demand on the militia to give up their arms was made by persons without lawful authority to enforce such demand or to receive the arms had they been surrendered; that the attack on the militia to compel a compliance with this demand was without lawful excuse or justification; and that after there had been some twenty or twenty-five prisoners captured and completely in the power of their captors, and without means of making further resistance, five of them were deliberately shot to death and three more severely wounded.

It further appears that, not content with thus satisfying their vengeance, many of the crowd added to their guilt the crime of robbery of defenseless people, and were only prevented from arson by the efforts of their own leaders.

Yours, very respectfully,

WILLIAM STONE,
Attorney-General, South Carolina

HON. D. H. CHAMBERLAIN, *Governor.*

Mr. COX. Mr. Chairman, I have no response to make to what has just fallen from the other side. It was advertised pretty largely that I was to be in some way or other attacked to-day by somebody of a different color and race. The attack has been made. I said the other day that South Carolina was bad at the center and to the circumference. I presume, Mr. Chairman, that South Carolina is worse now than she was when this book which is in my hand was written. It is entitled, "A Prostrate State: South Carolina under Negro Government. By James S. Pike, late minister of the United States at The Hague." The author is a republican gentleman of observation, honesty, and intelligence. In this little book he has shown the effect of this terrible negro government upon the resources and morals of South Carolina. In chapter 3 all the foulness of the State government is developed. It shows how the treasury has been drained by thieves. It shows that the State treasurer can be of no use there because all the means of the State have been robbed. It shows how, after the carpet-bag governments had taken nearly all, there was a worse crew of robbers called native Africans of South Carolina. It refers to them especially. I do not know whether the members from South Carolina in this House belong to the Chamberlain faction or to the other faction, or to what class they do belong. All I know is that this little book authentically states the fact that—

They are the highwaymen of the State. They are professional legislative robbers. They are men who have studied and practiced the art of legalized theft. They are in no sense different from or better than the men who fill the prisons and penitentiaries of the world. They are, in fact, of precisely that class, only more daring and audacious. They pick your pockets by law. They rob the poor and the rich alike by law. They confiscate your estate by law. They do none of these things, even under the tyrant's plea of the public good or the public necessity. They do all simply to enrich themselves personally. (Chapter 8, page 58.)

Following the example which has been set, I make some other extracts from this book to show how utterly wicked is the government of South Carolina:

That the State has been victimized, plundered, and robbed by audacious scoundrels from abroad is not to be denied. But at home she is mainly rescued from their clutches, and it is not they whom the people of the State will have much longer to contend with. Those who would reform South Carolina in the future will have chiefly its native population only to deal with. (Page 36.)

Mr. Chairman, this is a commentary on the virtue of carpet-bagism compared with native rascality.

The author, in chapter 17, treats of the principal frauds practiced in South Carolina under several heads, as follows:

1. Those which relate to the increase of the State debt.
2. The frauds practiced in the purchase of lands for the freedmen.
3. The railroad frauds.
4. The election frands.
5. The frauds practiced in the redemption of the notes of the Bank of South Carolina.
6. The censns fraud.
7. The fraud in furnishing the legislative chambers.
8. General and legislative corruption.

In regard to the first of these he says, on page 122:

We have elsewhere stated that in round numbers the State debt of South Carolina has been increased from $5,000,000 to $15,000,000 since the war closed.

It turns out in this as in almost every other point that the fuller the investigation the worse the disclosures. The debt is a great deal more than $15,000,000, with nothing to show for it.

And again, after a careful statement of the debt question, he concludes on page 127:

Striking out, then this item of indebtedness to the bank, which we will allow to be offset by its credits, though it is quite possible this makes too favorable a showing for the State, we find the following result as the upshot of the comptroller's report:

Whole State indebtedness	$26, 621, 917 00
Deduct due to bank	1, 839, 011 00
Total	24, 782, 906 00

Leaving an outstanding debt of $24,783,690 in round numbers.

Why, sir, South Carolina to-day is a victim of this joint black and white rapacity. Pillage is the rule and honesty the exception. One more extract will suffice in this connection. From chapter 3, page 25, is the following:

The corruption of the State government of South Carolina is a topic that has grown threadbare in the handling. The last administration stole right hand and left with a recklessness and audacity without parallel. The robbers under it embraced all grades of people. The thieves had to combine to aid one another. It took a combination of the principal authorities to get at the treasury, and they had to share the plunder alike. All the smaller fry had their proportions, the legislators and lobby-men included. The principal men of the Scott administration are living in Columbia, and nobody undertakes to call them to account. They do not attempt even to conceal their plunder. If everybody was not implicated in the robberies of the treasury some way would be found to bring them to light. All that people know is that the State bonded debt has been increased from five to fifteen millions, and that besides this there are all sorts of current obligations to pay afloat, issued by State officers who had authority to bind the treasury. They are all tinctured with fraud, and some of them are such scandalous swindles that the courts have been able temporarily to stop their payment.

The whole of the late administration, which terminated its existence in November, 1872, was a morass of rottenness, and the present administration was born of the corruptions of that; but for the exhaustion of the State, there is no good reason to believe it would steal less than its predecessor. There seems to be no hope, therefore, that the villainies of the past will be speedily uncovered.

If there were any justification, which I do not say there is, for any outrages either on or from black or white, and I will not decide on that, sir, until the Hamburgh inquest is properly made up and returned—if there were any justification, it would be found in the provocations of this miserably bad government, which Mr. Pike locates not on the borders, nor outside of the borders, but in the very heart of the State, in Columbia, and from the center all around. Does he not say (page 24) that the principal rascals live in Columbia and nobody calls them to account; that they do not even conceal their plunder and their scandalous swindles? They boast of stealing and are proud that they are not discovered.

Here, Mr. Chairman, is one chapter in this volume devoted entirely to the State debt scoundrelism of the State government. It runs up the debt from five millions to some twenty-four or twenty-seven million dollars. But can anybody tell how much more it is, owing to the malfeasance of the officials and the various kinds of frauds that were perpetrated? There is another chapter devoted to the fraud in the expenditure of $700,000 appropriated by the Legislature to buy lands for the freedmen.

For the freedmen! If there is one thing worse than another it is a white rascal above a black rascal. All through the late experience of Congress you have seen, sir, that the worst men who have preyed upon the negroes in this country have been their white allies. The gentleman from Virginia [Mr. DOUGLAS] can tell you, from his Committee on the Freedman's Bank, how $64,000 was discovered by his committee to have been robbed from soldiers, sailors, and marines; how much was stolen by your Freedman's Bank, not to speak of the Bureau. How much? At least a million and a half. Am I not correct? Did not the gentleman's committee so report?

Mr. RAINEY. Mr. Chairman——

Mr. COX. O, honey, sit down. [Laughter.]

Mr. RAINEY. I rose to ask the Chair a question.

Mr. COX. I did not ask you to get up. Allow me to finish.

Mr. RAINEY. I wanted to know what was the pending question before the committee.

The CHAIRMAN. Does the gentleman from New York yield to the gentleman from South Carolina?

Mr. COX. No, sir.

Mr. RAINEY. The gentleman should not raise issues that are not embraced in the pending question.

Mr. COX. I do not desire to have any collision with the gentleman. One of the colored members said the other day that I was good in everything except in being a democrat. I have always had the kind words of those gentlemen. I have never, as some gentlemen on the other side have done, called them "niggers." I did once call them colored members, for which I was called to account. I did not know how else to describe them. I believe they are to be treated under the Constitution and the law with fairness and equality. Why not? They have the same immortal souls. Some of them are better looking than some of their white *confrères* across the way. [Laughter.] I do not see why we should be all the time keeping up this race contest.

I believe, Mr. Chairman, if I may attempt to bring the committee back to good humor—I believe in what an old parson once said to a congregation in Ohio. Members of Congress and others used to go down and hear him preach; and one day, when one of my predecessors was sitting there with a gold-headed cane, and brass buttons on his blue coat, the type of a statesman of the old school, he gave this illustration: "There is the old judge; when he goes to the market-house to buy a roast of mutton, does he ask whether it be a black sheep or a white sheep? No. All he seeks to know is, is it good mutton?" So it is, said he, at the last great day when the horn shall sound, and the question will be not "whether he was a black sheep or a white sheep, but whether it is good mutton." [Laughter.]

It may be that the great body of the black people in South Carolin a belong to the category of the good sheep; but I am afraid from the testimony in this book that some of them will not go on the right side on the day of judgment. I am afraid the Good Shepherd will not provide for them.

Mr. SMALLS. Have you the book there of the city of New York? [Laughter.]

Mr. COX. I presume that the gentleman from South Carolina, by making that remark, seeks to embarrass me in consequence of the fact that I belong to that portion of the democratic party, along with Governor Tilden and others, who drove out the rascals, as you did not in your party in South Carolina. [Laughter and applause.]

Mr. TOWNSEND, of New York. Mr. Chairman, I have no time to talk about South Carolina, but—

There is a land of pure delight
Where saints immortal reign,

and that land is the city of New York. The population of South Carolina in 1870 was 716,500, the population of the city of New York was 942,000. The population of South Carolina was about three-fourths of that of the city of New York. The gentleman from New York who has just taken his seat [Mr. COX] said that the republican administration are eating out the substance of South Carolina.

Now, sir, the debt of South Carolina over and above every deduction is less than $10,000,000. The debt of the city of New York over and above every deduction is $114,000,000. Who eats out the substance of the people?

But, sir, more than that. Gentlemen say that bad men with bad motives have ruined the State of South Carolina. How about William M. Tweed? He was the ruler of the city of New York in one form or another for more than twelve years. He was the ruler of New

York through Tammany Hall at the time when the gentleman from Ohio brought his little "carpet-bag" to the city of New York and set it down in Tammany Hall, which was then flourishing in all its power and glory, and looked up smilingly for the approbation of William M. Tweed. [Great laughter.] While William M. Tweed ruled New York $40,000,000 was stolen from that people by Tweed and his immediate associates, and there is to-day a judgment entered against William M. Tweed for his share of the stealings which could be traced to his hands of over $6,000,000; Peter B. Sweeney, the city treasurer, stole another share; Richard B. Connolly another share; Andrew J. Garvey stole his share; and Ingersoll stole still another share of the $40,000,000, and every man of them has left this country for his country's good excepting two—Garvey, who is in State's prison, and Ingersoll, who has been pardoned out by the "reform" governor of the State of New York. But there was not only this stealing of $40,000,000 by this Tweed gang, but Thomas C. Fields, another glorious leader of Tammany, got an appropriation from the Legislature to the amount of more than $100,000 nominally for the benefit of the firemen, but he actually stole every dollar of it. Henry Genet got an act passed for a court-house in the city of New York and stole the $100,000 appropriated for the court-house, and the sheriff of New York let him run away. The present sheriff allowed William M. Tweed to go to his residence and go up-stairs unattended to see his wife and allowed him thus to leave for parts unknown, and the "reform" governor of the State has not found time to investigate the outrage of letting him escape or to remove him from office, as he had the power to do. This is the party of reform and retrenchment in the city of New York from which my colleague [Mr. COX] hails.

But, sir, we have not told the whole story yet. Tammany elected judges to protect these thieves and robbers—George G. Barnard, McCunn, and Cardoza—every one of whom was impeached and two of them convicted and one resigned. But, sir, we are not through yet. There are now some decent judges in New York and Tammany opposed every one of them, and if Tammany opposed them my colleague who sits over there talking about purity and reform voted against every one of them, for he has never found occasion to quit Tammany yet. And when Boss Tweed's successor, the noted John Kelly, came and waved his wand over him as he sat in our Speaker's chair and said to him, "Come out of that chair and go with me to Saint Louis to carry out the great farce which we have planned," and said, "We have elected our delegates, and we want you, Brother COX, to go with me to Saint Louis in the attitude of the brother of the temperance lecturer. You know that while the one brother was lecturing on temperance the other was exhibiting himself as an awful example; and that is the part you and I will enact at Saint Louis." [Laughter.]

The gentleman went out, and he and Mr. John Kelly enacted the farce and tried to make the world believe that if they nominated Tilden they would be opposing Tammany, that notorious sink of political corruption.

[Here the hammer fell.]

Mr. COX. I am glad that my colleague has at last brought before the House this new story of New York and Tweed and Sweeney and others. For driving him out, Governor Tilden to-day is perhaps the most eminent candidate for the Presidency of the United States. For that Governor Tilden is responsible. I know the gentleman does not support Governor Tilden or the men who like John Kelly aided him in driving out the Tweeds, Connollys, and Sweeneys from New York and Tammany; but there is one thing that you cannot plow around, and that is that, whereas in New York the authorities there, democrat and republican alike, with Governor Tilden at their head, have been instrumental in punishing their rascals, yet, according to the authority I have quoted, the South Carolina rascals still go unconvicted and unpunished in the courts of justice.

Mr. TOWNSEND, of New York. I suppose that when Tweed ran away he ran to punishment.

Mr. COX. Although Tweed was a rascal he had the aid, every time he wanted it, of legislatures and their members, which were republicans. The gentleman from Troy knows well—I do not say that he had any part in it, but still he knows well—that Tweed bought up the republicans in a body and controlled the Legislature of the State for his nefarious purposes. So that if there is anything in that he is as much to blame as I am for such associations. The gentleman talks about my bringing my carpet-bag from Ohio to New York. [Laughter.]

Mr. TOWNSEND, of New York. And putting it into Tammany Hall.

Mr. COX. Now wait a moment. You did not do it well enough when you were up, and now that you are down you cannot observe the rules and behave, as I did when you were speaking. I want to say to the gentleman that I have always maintained here the right of locomotion. It is the right of going and coming when and where we please. I had a right to go back to New York, within sight of my grandfather's old congressional district. And if, after eight years of honorable service here as a Representative from the State of Ohio, the people of New York in a republican district nominated and elected me to Congress, it is not to my discredit. When I had been there two years I declined to run, when the candidacy was tendered, in a congressional district where there was a democratic majority of 17,000 because I thought that some day or other some mean man would call me a carpet-bagger. I ran two years later in my own district, where I lived, in a republican district; I ran there twice and was elected each time, not by the aid of Mr. Tweed, though not with his opposition. I did so because the people supposed then, as they did afterward when they adopted me as their candidate at large for the State of New York and gave me 17,000 votes more than any of the rest of our ticket—they supposed that under the Constitution of this country I could come and go as I pleased, without asking the gentleman from Troy as to my business.

I never in this Hall called any gentleman to account for carpet-bagging. I do not care where a man is born, so that he is good and just. Our Saviour was born in Bethlehem, in a manger, and came out of Nazareth. We worship him, though he was in one respect a foreigner. We do not, however, necessarily worship the little African fetishes that come from Congo and Guinea, which are the objects of devotion of the gentleman from Troy, and about the only devotion which he has shown this session worthy of the name of religion.

This South Carolina amendment does not properly belong to this Texas bill. I do not care whether or not, for this legislative purpose, this outrage shall be laid at the door of the whites or blacks. We have outrages in the North. We had an extraordinary outrage not long ago at Newark, New Jersey, but we do not invoke the Federal sword for that. The point is, shall the Federal Government intervene whenever lawlessness occurs or a trouble arises between the blacks and the whites in the southern country? Shall the power of the Federal Government be aggrandized and abused so that no conciliation can ever come to this distracted country? It never will come under the teachings of such men as my colleague from the Troy district.

One word more and I am done. A proper amendment to this bill, *ad absurdum*, would be that the Army should not be moved from the State of New Jersey because of the troubles there recently in Newark, where several men were murdered in a tannery and in a river; or from Indianapolis or Pennsylvania, or anywhere else where there is any conspicuous trouble or crime. What I stand for here is not to recriminate against South Carolina or to answer criminations against New York. This South Carolina amendment came here not by our motion. But when the black race is arrayed against the white race, when the gentleman from Georgia [Mr. HARTRIDGE] rises here and asks time for a fair discussion and a fair hearing of these charges, it becomes us, when important legislation is asked for on a bill connected with the defense of the border of Texas, to inquire into the facts of the case and to wait for the inquest to develop the true state of the facts.

[Here the hammer fell.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. GARFIELD. It is not the least sad of all the sad facts in the subject that we are now engaged in considering, that so grave an occurrence as the one which has been introduced officially by a member of this House has elicited so little attention from the majority that the whole drift of the discussion should have been turned away into a partisan direction, and partly and mainly turned into laughter.

Now I want to state in a word what I understand to be the facts which we are called upon to consider by this amendment. A legally organized militia company, parading with arms that are legally held by them, in their own town, on the centennial Fourth of July, were accosted by two young men who demanded that the company should get out of the road; and because the whole company did not at once move out of the road for the two men who could have gone quite as well a little at one side, it was resolved by sundry persons to disarm that legally organized military company of the State; and because the company did not consent to be disarmed at the command of unauthorized persons, an organized mob, led by a distinguished gentleman who served as an officer in the war against the Union, assailed, surrounded, opened fire upon them, captured some of them, and after capture murdered in cold blood without warrant or authority a considerable number of American citizens. This has been stated here in the House, on the official authority of the attorney-general of South Carolina. The papers of the dominant party in that State and Georgia admit that the real and only ground of this outrage was the fact that the military company was composed of colored men; that colored men had used their rights as citizens to organize themselves as a part of the State militia. Now I have no doubt that there are multitudes of good men in the South and many on the other side of this House who deeply deplore this bloody and atrocious outrage. But how has it been treated in this discussion? The first utterance was by the gentleman from New York, [Mr. COX,] who arose in his place and declared that the negroes began the affray by killing a white man. That statement has been answered by the fact that they made no hostile demonstration until they were fired into by the mob. Again the gentleman from New York [Mr. COX] stated that this matter was introduced here for a bad purpose, a bad motive, to stir up bad blood, and to affect the elections. And to-day we have been treated to an extreme example of his usual method. He has attempted to laugh at a group of atrocious murders. His levity was never so horribly out of place.

The only calm and thoughtful declaration which has been made on this subject on the other side of the House was by the gentleman from Georgia, [Mr. HARTRIDGE,] who spoke manfully and regretfully upon the subject and suggested that we should wait until the official examination was had.

I am more troubled than by the mere fact of the murder about the symptoms that I see around me. Has it come to pass that a murder

like this cannot be discussed in this House without its being charged that there is a bad motive for speaking of it? Do our northern democrats care more for the interests of their party than for the safety of the lives of citizens? But I am still more anxious to know, and to know from gentlemen of the South who can speak with knowledge and by authority, whether this is a sporadic case of murder, or whether it is a symptom which indicates a general condition of feeling in their section. My anxiety is to know whether this instance indicates a settled purpose to declare that black men shall not be legally organized into militia companies, shall not parade peaceably in the streets under arms, shall not be allowed all the rights, privileges, and immunities of citizens of the United States of whatever color. That, Mr. Chairman, is my great anxiety in regard to this case.

We fought a great war to establish the Union and the equal rights of citizens before the law; and I wish we could lay aside all the bitterness of that contest; but I say distinctly to gentlemen from the South that the era of our good feeling can never be ushered in in its fullness until you let us know that the old spirit of caste and race which caused the war has been laid aside with the weapons we carried in the field; and until a black man, while he behaves himself, lawfully and peaceably shall enjoy all the rights, all the privileges, all the protection, and all the guarantees of the Constitution that a white man enjoys in all our States. When that is done, we can shake hands in full assurance of peace, and can hang the olive branch over all our doors; until that time comes, we must keep watch with that eternal vigilance which is the price not only of liberty but of equal justice to all citizens.

Mr. LAMAR. Mr. Chairman, I do not propose to discuss or analyze this terrible and disgraceful affair at Hamburgh, although I think that the gentleman from Ohio [Mr. GARFIELD] has not given a fair and impartial statement of the circumstances in which it originated. But those circumstances are of no moment here upon this question, nor are the provocations which led to the final fearful tragedy involved in the proposition now before us. Nor are they in my opinion (and here I differ with the member from Ohio) the legitimate topic of debate or discussion on this floor; they belong to another tribunal to which the constitutions of States as well as that of the Federal Government remit these subjects.

Whether in the circumstances and these provocations the whites or the blacks were most to blame is a question to which I shall not now recur. Through all the confusion which has been thrown around this transaction, (and I must say, notwithstanding the honorable character of the informant of the member from South Carolina, which I do not question in the slightest degree, his document was evidently written, and perhaps very naturally, under great exasperation and excitement,) through all the uncertainty which exasperation and exaggerations have thrown around this subject, there is one fact which gleams out acknowledged, or, if not acknowledged, is indisputable. It is that a body of white men did without authority of law put to death a number of black men, who had been taken as prisoners; I mean who had been captured and deprived of their liberty, but who were not prisoners in the legal sense of the term, inasmuch as those capturing them had no right under the law to deprive them of their personal liberty.

Now, sir, I wish to say here in my place—and what I say here just as it drops from my lips and falls upon the reporter's notes is at once sent throughout the entire South and every constituent of mine in every home and hamlet will read what I say; and even if I were base or ignoble enough to utter here what I would swerve from there, as has been falsely charged against southern men, the RECORD would always convict me—in my place here and with the responsibilities surrounding me, I assert that no excuse or palliation can possibly be found for these outrages and this barbarism. [Applause.]

As a southern man and as a democrat I have a remark or two to make upon this subject. Mr. Chairman, we of the South have a lawless class precisely as you of the North have lawless classes. As a consequence we have riots in which human life is lost precisely as you have such riots, with this difference: Ours without preconcert flame up in different localities and are confined to short periods of time, while yours in more than one instance have held several counties in terror, have extended over months of time, and have involved a larger loss of human life, defying the authorities of your States.

There is another fact which I wish to mention. In those Southern States where disorders and violence occur there are governments of a peculiar character and type, invariably governments of one character and type. They are governments which are called republican governments, but it is a spurious republicanism which has no identification or sympathy with the views and purposes that have inspired the following of the great republican party of this country. And, sir, those State governments have invariably encouraged these disorders and these murders by their inefficiency, by their imbecility, by their cowardice, and by their connivance, for they have in every instance not only failed to punish these murders, not only failed to administer justice, not only failed to execute the laws, but they have used the occurrences as occasions to appeal to Congress and to the North for help in maintaining the power which they are so ruthlessly exercising.

[Here the hammer fell.]

Mr. GARFIELD. I hope the committee will allow the gentleman from Mississippi [Mr. LAMAR] to conclude. I very much want to hear the statement he is making. If no member objects, I hope the Chair will not interpose.

The CHAIRMAN. The Chair can only say that the House strictly limited debate in committee to six speeches of five minutes each, and rather more than that time has already been occupied.

Mr. GARFIELD. If no member objects, I hope the Chairman will allow the gentleman from Mississippi to go on.

Mr. BANKS. If the Chairman does not interpose, there will be no objection upon the floor.

Mr. CONGER. We begged gentlemen to give longer time. I will move that the committee rise in order that the House may extend the time.

Mr. LAMAR. I would like very much to reply to a remark made by my friend from Michigan, [Mr. CONGER.]

Mr. GARFIELD. And I would like a reply to my inquiry.

Mr. CONGER. I move that the committee rise in order that the time may be extended.

Mr. SCHLEICHER. I gave the longest time that was asked for. Twenty minutes had been agreed upon; but at the suggestion of the gentleman from Ohio [Mr. GARFIELD] it was extended to thirty minutes.

The CHAIRMAN. Discussion is not in order.

Mr. SCHLEICHER. If we keep on extending the time for discussion it will go over until to-morrow, and I do not know how much longer, for, sir, the time never will be in this when some member does not wish to speak.

The CHAIRMAN. The gentleman from Michigan moves that the committee rise for the purpose of extending the time for debate on the first section of the pending bill.

The committee divided; and there were—ayes 101, noes 43.

So the motion was agreed to.

The committee accordingly rose; and the Speaker *pro tempore* having resumed the chair, Mr. MONROE reported that the Committee of the Whole on the state of the Union had, according to order, had under consideration the joint resolution (H. R. No. 96) to provide for the protection of the Texas frontier on the Lower Rio Grande, and had come to no resolution thereon.

Mr. SCHLEICHER obtained the floor.

Mr. CONGER. The committee rose for a special object on my motion, and I insist that I am entitled to the floor.

The SPEAKER *pro tempore*. The Chair is supposed to know nothing of what takes place in committee. The gentleman from Texas is entitled to the floor.

Mr. CONGER. I believe the Chair was present when my motion was made and when it was carried by a vote of the committee.

Mr. SCHLEICHER. I move that the House resolve itself into the Committee of the Whole on the state of the Union; and pending that motion I move that all further debate on the first section of the pending bill and amendments thereto be limited to ten minutes.

Mr. CONGER. I move to amend that by extending the time for debate to one hour, giving the first five minutes to the gentleman from Mississippi [Mr. LAMAR] who was on the floor at the time the debate closed.

The SPEAKER *pro tempore*. The question is on the amendment of the gentleman from Michigan.

Mr. HALE. It is understood by these gentlemen that it is to be divided up into five-minute speeches.

Mr. CONGER. Yes; under the five-minute rule.

Mr. LAMAR. In view of the evident difficulty we are getting into I will say that I do not wish to prosecute my remarks.

The SPEAKER *pro tempore*. All this discussion is unnecessary and out of order.

The House divided on Mr. CONGER's amendment; and there were—ayes 74, noes 129.

Mr. CONGER. I demand the yeas and nays.

Mr. KASSON. I will move to make it twenty minutes.

Mr. CONGER. I demand the yeas and nays on my proposition.

The House divided; and there were—ayes 37, noes 137.

So (one-fifth having voted in the affirmative) the yeas and nays were ordered.

Mr. HOSKINS. In view of the lateness of the session I ask we may compromise this matter by allowing thirty minutes for debate.

The SPEAKER *pro tempore*. That can only be done by unanimous consent.

Mr. CONGER. I prefer to have the yeas and nays on my motion.

The question was taken; and decided in the negative—yeas 67, nays 126, not voting 93; as follows:

YEAS—Messrs. Adams, George A. Bagley, John H. Baker, William H. Baker, Ballou, Banks, Blair, Bradley, William R. Brown, Horatio C. Burchard, Burleigh, Cannon, Cason, Conger, Darrall, Davy, Dunnell, Eames, Evans, Fort, Foster, Frye, Garfield, Hale, Hendee, Hoge, Hoskins, Hunter, Kelley, Ketcham, Lawrence, Leavenworth, Edmund W. M. Mackey, Magoon, MacDougall, McDill, Miller, Monroe, Nash, Norton, Oliver, O'Neill, Packer, Page, Pierce, Plaisted, Platt, Potter, Pratt, Rainey, Robinson, Sampson, Savage, Smalls, A. Herr Smith, Thompson, Martin I. Townsend, Tufts, Van Vorhes, Wait, Alexander S. Wallace, John W. Wallace, Whiting, Willard, Andrew Williams, William B. Williams, and Woodburn—67.

NAYS—Messrs. Ainsworth, Anderson, Ashe, Atkins, Bagby, John H. Bagley, jr., Banning, Beebe, Bell, Blackburn, Bland, Bliss, Boone, Bright, John Young Brown, Buckner, Samuel D. Burchard, Cabell, John H. Caldwell, William P. Caldwell, Candler, Cate, John B. Clarke of Kentucky, John B. Clark, jr., of Missouri, Clymer, Cochrane, Collins, Cook, Cox, Culberson, Cutler, Davis, De Bolt, Dibrell, Douglas, Eden, Ellis, Felton, Finley, Forney, Gause, Goode, Goodin, Gunter, An-

drew H. Hamilton, Hancock, Hardenbergh, John T. Harris, Hartridge, Hartzell, Hatcher, Haymond, Hereford, Abram S. Hewitt, Hill, Holman, Hopkins, House, Jenks, Thomas L. Jones, Kehr, George M. Landers, Lane, Le Moyne, Luttrell, L. A Mackey, Maish, McFarland, McMahon, Meade, Metcalfe, Milliken, Mills, Morgan, Morrison, Mutchler, New, Odell, Payne, Phelps, Piper, Powell, Randall, Reagan, John Reilly, James B. Reilly, Rice, Riddle, John Robbins, William M. Robbins, Miles Ross, Scales, Schleicher, Schumaker, Sheakley, Singleton, Siemons, William E. Smith, Southard, Sparks, Spencer, Springer, Tarbox, Teese, Terry, Thomas, Throckmorton, Tucker, Turney, John L. Vance, Robert B. Vance, Waddell, Charles C. B. Walker, Gilbert C. Walker, Walling, Walsh, Erastus Wells, Whitehouse, Wigginton, Wike, Alpheus S. Williams, James D. Williams, Jeremiah N. Williams, Willis, James Wilson, and Young—126.

NOT VOTING—Messrs. Bass, Blount, Bradford, Campbell, Caswell, Caulfield, Chapin, Chittenden, Cowan, Crapo, Crounse, Danford, Denison, Dobbins, Durand, Durham, Egbert, Ely, Faulkner, Franklin, Freeman, Fuller, Gibson, Glover, Robert Hamilton, Haralson, Benjamin W. Harris, Henry R. Harris, Harrison, Hathorn, Hays, Henderson, Henkle, Goldsmith W. Hewitt, Hoar, Hooker, Hubbell, Hunton, Hurd, Hurlbut, Hyman, Frank Jones, Joyce, Kasson, Kimball, King, Knott, Lamar, Franklin Landers, Lapham, Levy, Lewis, Lord, Lynch, Lynde, McCrary, Money, Neal, O'Brien, John F. Phillips, William A. Phillips, Poppleton, Purman, Rea, Roberts, Sobieski Ross, Rusk, Sayler, Seelye, Sinnickson, Strait, Stenger, Stevenson, Stone, Stowell, Swann, Thornburgh, Washington Townsend, Waldron, Ward, Warren, G. Wiley Wells, Wheeler, White, Whitthorne, Charles G. Williams, James Williams, Wilshire, Benjamin Wilson, Alan Wood, jr., Fernando Wood, Woodworth, and Yeates—93.

So the amendment was disagreed to.

During the vote,

Mr. CUTLER stated that his colleague, Mr. HAMILTON, was absent on account of illness.

Mr. VANCE, of Ohio, stated that his colleague, Mr. POPPLETON, was absent by leave of the House.

Mr. COCHRANE stated that Mr. HUNTON was absent on account of sickness.

Mr. POWELL stated that his colleague, Mr. ROSS, was absent on account of illness.

Mr. HUBBELL stated that he was paired with Mr. DURHAM, of Kentucky, who if present would vote in the negative, while he himself would vote in the affirmative.

Mr. WELLS, of Missouri, stated that his colleague, Mr. STONE, was absent from the city.

The vote was then announced as above recorded.

The SPEAKER *pro tempore*. The question is on the motion of the gentleman from Texas [Mr. SCHLEICHER] that when the House again resolves itself into Committee of the Whole all debate on the pending section and amendments be closed in ten minutes.

Mr. CONGER. I move to amend that by making the time forty minutes. I ask the gentleman from Texas [Mr. SCHLEICHER] to accept that proposition.

Mr. HANCOCK. We made one contract with you already and you would not stand by it.

Mr. RANDALL. The time was fixed by the request of that side of the House and that time has expired.

Mr. CONGER. When was it fixed?

Mr. RANDALL. This morning. The original time suggested by that side was twenty minutes, and the agreement was finally made at their request that there should be thirty minutes. What they asked was acceded to, showing that there has been no disposition to cut off debate.

Mr. CONGER. The gentleman from Pennsylvania cannot deny that there has been a disposition to cut off debate. We have asked an hour, or forty minutes, or thirty minutes, and that is refused with a strong hand.

Mr. RANDALL. This is brought in to excite bad feeling. We want to preserve peace.

Mr. CONGER. The gentleman does not want us to discuss particular subjects. That is the trouble. I will modify my amendment and move to strike out ten minutes and insert thirty minutes; and upon that I call for the yeas and nays.

On the question of ordering the yeas and nays there were ayes 47.

So (the affirmative being more than one-fifth of the last vote) the yeas and nays were ordered.

Mr. MILLS. I suggest that we compromise on fifteen minutes and give it all to the gentleman from Michigan.

The SPEAKER *pro tempore*. The proposition of the gentleman from Texas is not in order. It can only be entertained by unanimous consent.

The question was taken on Mr. CONGER's amendment, and there were—yeas 73, nays 111, not voting 102; as follows:

YEAS—Messrs. Adams, George A. Bagley, John H. Baker, William H. Baker, Ballou, Banks, Blair, Bradley, William R. Brown, Horatio C. Burchard, Cannon, Cason, Conger, Crapo, Darrall, Davy, Dobbins, Dunnell, Eames, Evans, Fort, Garfield, Goodin, Hale, Hendee, Henderson, Hoge, Hoskins, Hunter, Hurlbut, Kelley, Ketcham, Kimball, Leavenworth, Magoon, MacDougall, McDill, Miller, Mills, Monroe, New, Norton, Oliver, O'Neill, Packer, Page, Pierce, Plaisted, Platt, Potter, Pratt, Rainey, Robinson, Sampson, Savage, Sinnickson, Smalls, A. Herr Smith, Thompson, Thornburgh, Martin L. Townsend, Washington Townsend, Tufts, Van Vorhes, Wait, Alexander S. Wallace, John W. Wallace, Warren, Whiting, Willard, Andrew Williams, William B. Williams, and Woodburn—73.

NAYS—Messrs. Ainsworth, Anderson, Ashe, Atkins, Bagby, John H. Bagley, jr., Banning, Bell, Blackburn, Bland, Bliss, Boone, Bright, John Young Brown, Buckner, Samuel D. Burchard, Cabell, John H. Caldwell, William P. Caldwell, Candler, Cate, John B. Clarke of Kentucky, John B. Clark, jr., of Missouri, Clymer, Cochrane, Collins, Cook, Cox, Culberson, Cutler, Davis, De Bolt, Dibrell, Douglas, Eden, Egbert, Felton, Forney, Gause, Gunter, Andrew H. Hamilton, Hancock, Hardenbergh, John T. Harris, Harrison, Hartridge, Hartzell, Hatcher, Haymond, Hereford, Holman, Hopkins, House, Jenks, Thomas L. Jones, Kehr, George M. Landers, Levy, Luttrell, L. A. Mackey, Maish, McFarland, McMahon, Meade, Metcalfe, Milliken, Morgan, Morrison, Mutchler, Odell, Payne, Phelps, Powell, Randall, Reagan, John Reilly, James B. Reilly, Rice, Riddle, William M. Robbins, Miles Ross, Scales, Schleicher, Schumaker, Sheakley, Singleton, Siemons, William E. Smith, Southard, Sparks, Spencer, Springer, Tarbox, Teese, Terry, Thomas, Throckmorton, Turney, John L. Vance, Robert B. Vance, Waddell, Charles C. B. Walker, Gilbert C. Walker, Walsh, Erastus Wells, Whitehouse, Wigginton, Alpheus S. Williams, James D. Williams, Jeremiah N. Williams, and Benjamin Wilson—111.

NOT VOTING—Messrs. Bass, Beebe, Blount, Bradford, Burleigh, Campbell, Caswell, Caulfield, Chapin, Chittenden, Cowan, Crounse, Danford, Denison, Durand, Durham, Ellis, Ely, Faulkner, Finley, Foster, Franklin, Freeman, Frye, Fuller, Gibson, Glover, Goode, Robert Hamilton, Haralson, Benjamin W. Harris, Henry R. Harris, Hathorn, Hays, Henkle, Abram S. Hewitt, Goldsmith W. Hewitt, Hill, Hoar, Hooker, Hubbell, Hunton, Hurd, Hyman, Frank Jones, Joyce, Kasson, King, Knott, Lamar, Franklin Landers, Lane, Lapham, Lawrence, Le Moyne, Lewis, Lord, Lynch, Lynde, Edmund W. M Mackey, McCrary, Money, Nash, Neal, O'Brien, John F. Phillips, William A. Phillips, Piper, Poppleton, Purman, Rea, John Robbins, Roberts, Sobieski Ross, Rusk, Sayler, Seelye, Strait, Stenger, Stevenson, Stone, Stowell, Swann, Tucker, Waldron, Walling, Ward, G. Wiley Wells, Wheeler, White, Whitthorne, Wike, Charles G. Williams, James Williams, Willis, Wilshire, James Wilson, Alan Wood, jr., Fernando Wood, Woodworth, Yeates, and Young—102.

So Mr. CONGER's amendment was not agreed to.

Mr. SCHLEICHER. I move that the House resolve itself into Committee of the Whole on the state of the Union upon the Texas border bill, and pending that motion I move that all debate upon the first section and amendment thereto be closed in twenty-five minutes, and on that motion I move the previous question.

The question was put on seconding the previous question, and on a division there were ayes 105, noes not counted.

So the previous question was seconded.

The main question was then ordered.

Mr. SAVAGE. I desire to know whether the twenty-five minutes are to be an addition to the time already allowed?

The SPEAKER *pro tempore*. The time already allowed has expired. This motion is to allow twenty-five minutes for debate upon the commencement of the session of the committee.

Mr. HALE. This is the motion of the gentleman from Texas, [Mr. SCHLEICHER,] is it not?

The SPEAKER *pro tempore*. It is to extend the time twenty-five minutes.

The question was taken on Mr. SCHLEICHER's motion, and on a division there were—ayes 119, noes 30.

So the motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, (Mr. MONROE in the chair,) and resumed the consideration of the joint resolution (H. R. No. 96) to provide for the protection of the Texas frontier on the Lower Rio Grande.

The CHAIRMAN. Debate upon this bill is now limited under the five-minute rule to twenty-five minutes, and the gentleman from Mississippi [Mr. LAMAR] is entitled to the floor for five minutes.

Mr. LAMAR. Mr. Chairman, I shall speak as rapidly as I can. The gentleman from Ohio [Mr. GARFIELD] asked if this was a sporadic case or one typical of the general condition of things South. I answer that there is no community in the South that is not thrilled with horror at such occurrences. Sir, it is a wonder that society does not go to pieces under the operation of governments that allow such lawlessness to stalk abroad in the land unpunished. They are governments which live on violence and disorder, and when they cannot have violence they provoke it in order to use it as an instrument of political power.

A word in answer to the argument of the gentleman from Michigan [Mr. CONGER] Saturday, in all good-temper. The use of the Army never produced any good effect in such cases as this. The troops always get to the scene of the disturbance after the occurrence and too late to prevent it, and as a means of righting personal and private wrongs, as a means of preventing violence to personal security, the Army is slow, cumbersome, is ineffective, and almost useless; and in spite of the efforts of the Army officers to the contrary, whose actions cannot be too highly commended, it is converted into a monstrous engine of political oppression and corrupt political intrigues. That is the only use to which it is put in the South. The gentleman must see how utterly inappropriate the use of the Army is in such cases. A riot like this in the streets of a town or village is not a thing for the Federal Government to intervene about, for it violates no Federal law, it does not conflict with national authority, it has no relation to the exercise of the right of suffrage.

This was a riot like the riots which occurred in the State of Pennsylvania in the mining regions, or in Indiana, where, on the day of the last election, three or four colored men were killed; or like that which occurred the other day in New Jersey, where seven men were killed, two of them put to death by stoning. Why do you not apply the same remedy there? Why confine your Federal intervention to prevent murder and riot to one section alone?

What is the remedy in this case? It is clear. It is the duty of the governor of South Carolina to take prompt and severe measures to have apprehended and punished the men who committed such a crime. He cannot use measures too vigorous or too summary to bring the men who shot down these prisoners in cold blood to a swift retribution. I understood the eloquent and gifted gentleman from Georgia [Mr. HARTRIDGE] to promise the co-operation of the governor of Georgia, if the case touches Georgia in any way, to bring these men to condign punishment. Is the governor of South Carolina doing anything in that direction? If he is he will meet my support and praise and that of the good citizens of South Carolina; but if instead of doing that he is rushing to Washington to invoke once more the

demon of discord and sectionalism, to drag their material of passion through this Chamber, he will not be doing that which will prevent disorders in that State. I say, sir, if there is lawlessness, it is because these so-called republican governments have been not only corrupt and lawless themselves, but also because they have encouraged it by giving it impunity through their imbecility and cowardice, and often by actually inciting it. I say that wherever, as in the State of Arkansas to-day, the governor has ruled with a firm hand and enforced the law, lawlessness has been crushed out and all citizens, black and white, are alike secure. Governor Garland has in one year put down the spirit of lawlessness in that State, and it is now as peaceable a community as any in the country. I repeat, it is not the fault of the people, whose property interests and business investments and industrial arrangements depend upon peace and order, and are utterly ruined by such disorders, but of governments either too inefficient to put down crime or so much interested in producing that they furnish provocations to it.

Why, sir, the other day Governor Kellogg, of Louisiana, appointed as a tax-collector to a parish in that State—so I read in the press—a man who was a captain of a band of murderers and robbers. If he had sent his police to hunt him down and shoot him like a wolf, him and his marauding band, he would have done his duty. But instead of that he legalizes robbery and theft by making the robber a public officer, and when riots and disturbances grow out of such actions as these he comes here to Washington and calls on this Government to bring about order. Sir, these occurrences are ruinous to the South, they are unnatural and morbific elements, and disappear wherever this kind of men is eliminated from political and social control in the South and the management of affairs falls into the hands of her own people.

Mr. KASSON. Mr. Chairman, for the first time during this debate the House has heard from a gentleman of the opposition a distinct, direct, and pointed condemnation of this most serious and alarming outrage upon human life, human liberty, and constitutional rights.

Mr. LAMAR. The gentleman is mistaken. I only repeated what my gifted friend from Georgia [Mr. HARTRIDGE] said.

Mr. KASSON. The gentleman from Georgia "deplored" the outrage. I failed to hear him condemn the men who were involved in its commission.

Mr. HARTRIDGE. The gentleman will allow me a word?

Mr. KASSON. The gentleman must excuse me, as my time is so short. Even the gentleman from Mississippi was not able to close his eloquent denunciation of the outrage without impliedly turning the responsibility for these riots and outrages upon the republican element in the South.

Let us come to the point before this House under debate. On the 4th day of July last a militia company was assembled in the streets of Hamburgh, South Carolina, celebrating the anniversary of their national independence and ours. They were lawfully observing it, when two young white men got into a quarrel with them; but the day closed without disaster. On the following day an armed organization from Georgia, where the chief criminals yet remain, invaded the State of South Carolina and committed murderous outrages which are certified in the report of the attorney-general of South Carolina over the signature of Governor Chamberlain, which report I now hold in my hand. The question is, were these militiamen violating the law when they were attacked? Had this militia company the right to assemble and parade on the national holiday? Your Constitution tells you, in the second amendment to it, that—

> A well regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed.

And yet the gentleman, General Butler, who is commended as a noble exponent of chivalry, (and his personal character may be all that his friends claim,) proposed, as is admitted, that the arms borne by this militia company should be surrendered to unauthorized persons, and to deprive the militia of South Carolina of the right secured to them by the Constitution of the United States. And then from that first proposition to violate a constitutional right they went on to other and more serious violations of constitutional rights and liberties, even to the taking of prisoners who were lawfully in the militia company, and not only that, but disarming them of the arms they had a lawful right to hold. And not only that; "let the angels weep, but let honest men do more than deplore;" let them condemn with all the energy of which human nature is capable; they told these prisoners to run, and as they ran from them they "chivalrously" amused themselves by shooting them down, and even in two instances mutilating their dead bodies!

And when the gentleman from South Carolina, [Mr. SMALLS,] whose State and district have thus been invaded and outraged, brings the matter to the attention of this House, the gentleman from New York [Mr. COX] calls it bad in morals, bad in motive, and charges that it is brought in here for a bad political purpose. Sir, the democratic party did not always take this position. In 1840 they declared in their national platform:

> That every citizen of every section of the country has a right to demand and insist upon an equality of rights and privileges and to complete and ample protection of person and property from domestic violence or foreign aggression.

They re-enacted that in their platforms until 1864. But when there came to be citizens of another color, citizens who were dependent, ignorant, poor, and needing protection, the democratic party commenced leaving out of their platforms this principle of the right of the citizen to protection in person and in property. I stand here, independent of all party on this question, to say that, be the wronged citizens white men of Texas or black men of South Carolina, this great Republic of 44,000,000 of people owes all its energy and all its power to protect all citizens of this country against outrages upon liberty and life such as have been perpetrated in this case. This is what the gentleman from South Carolina [Mr. SMALLS] has asserted, as is his right. And I rise here to defend him and the race he represents against being laughed out of this tribunal of the nation and from the presence of the American people when they bring their complaints before them and demand redress and protection in the name of humanity and of constitutional right.

[Here the hammer fell.]

Mr. HARTRIDGE. I did not intend to participate further in this debate, and I should not now do so were it not for certain words which have fallen from the gentleman from Iowa [Mr. KASSON] who has just taken his seat. I desire to state to that gentleman and to to this House, simply as a repetition of what I had the honor to utter in his hearing on Saturday last, that I deplore this occurrence as much as any gentleman upon this floor; that the people of the State of Georgia deplore it, and, as I then said, I now say that the people of Georgia, through their press, are calling for a rigorous and thorough and vigorous investigation of this matter; and they stand pledged, when the truth is elicited, to stamp with their condemnation all who are to blame and to aid in their punishment. Can anything be clearer or plainer than that?

I not only deplore, but I here pledge my constituents, I pledge my State through its official authorities, to aid in the investigation of this matter and to punish those who are guilty. But I desire to wait until we learn who are guilty. I am not prepared now, from what I have heard and what I have read, to give my judgment as to who is guilty or who is innocent. I am not prepared to say upon this floor that the people of Georgia or the people of South Carolina, white or black, are guilty in this transaction. I am not prepared so to say upon the statements of Governor Chamberlain and his attorney-general, and to give a judgment now.

I wait for the evidence that is to be given under oath. I wait for the evidence upon which the governor of South Carolina shall base his official action; and if he sees fit to demand any one from the State of Georgia who has been guilty of this crime, when that demand comes, based upon his official investigation, based upon evidence setting forth the facts, my word for it the authorities of Georgia will respond according to justice and the Constitution.

Why, sir, gentlemen upon the other side of the House do not understand our condition to-day in the South. You seem to think that there is all the time a war of races there between the blacks and the whites. Is it not our interest to live together there in peace? Is not the black race the only race fit to furnish us labor? Must not the white race furnish the capital? Is it not the interest of capital and labor to live in peace and friendship? Why, then, should we provoke these disturbances? Why should we excite these outrages? Why should we seek to overturn and subvert all the means of our prosperity and happiness?

The cupidity of the North, engaging in the African slave trade, put this race in our midst as slaves. The power of the North has left them to us as freemen. There they must live; with them we must live; and unless the two races live in accord and harmony there is no future of happiness or prosperity for us. More than that, there is something in the hearts of southern people. We are not savages. There is some feeling on our part toward this race among whom we were born and reared, and with whom we daily live. There is scarcely one of us upon this floor from that section who can look back to the days of his infancy or childhood without seeing something to bring up pleasant and loved memories in connection with this race. For my part, were I to seek to outrage this colored race, there would rise to rebuke me the memory of the nurse of my infant years—the memory of her whose bosom, although dark with the hue of slavery, yet tenderly and softly pillowed my infant head; whose hands, although hardened by toil, yet kindly ministered to my infant wants; whose voice, although untrained and untutored, sweetly sang the lullaby that soothed my infant slumbers. I tell you, gentlemen, there are ties of interest, there are ties of policy, there are ties of memory and the best emotions of the heart to bind the white people of the South to the colored race. [Applause.]

Mr. HALE. Mr. Chairman, this House has presented this morning a remarkable spectacle. This has been no ebullition of sentiment. The subject-matter before us has been nothing of fancy. It has come up from no desire to "shake the bloody shirt." The gentleman from South Carolina, [Mr. SMALLS,] representing a defrauded and murdered race, has offered a practical amendment to the bill before the House, a perfectly germane amendment to a bill which proposes to regulate the movements of the United States Army. The amendment is in these words:

> *Provided*, That no troops for the purposes named in this section shall be withdrawn from the State of South Carolina so long as the militia of that State, peacefully assembled, are assaulted, disarmed, taken prisoners, and then massacred in cold blood by lawless bands of men invading that State from the State of Georgia.

The circumstances calling out this amendment are that at least six men, citizens of the United States, equal citizens with you, sir, and

me and the leaders upon the other side; men whom we have undertaken to clothe with all the high privileges and rights that spring from our Constitution and the laws; men whom we have made fellow-citizens with us, have been wantonly and foully murdered. And yet the majority of this House upon a deliberate roll-call have refused to allow sixty minutes debate upon this subject of the slaughter of our fellow-citizens. Why, sir, the taking of the life of a single British subject, entitled to the protection of the British flag, has forced entrance to the House of Commons and has there dominated all other subjects for weeks and months. And the French Assembly has again and again debated for days and weeks upon the wrongs of a single French citizen. This tenderness for the life and property of the citizen has been the common pride of every legislative body that has ever been known to the civilized world. And yet the majority of this House decline to give an hour for debate to this overweening, overmastering subject, or inquiry into the causes which led to the murder of these six men and for discussion of the means by which we may prevent like occurrences by the presence of United States armed forces.

The gentleman from Georgia asks why do these things continue to occur? Let me tell him that they will continue just as long as members on that side of the Chamber rise as one man to stamp down the discussion of these atrocities. Let me tell him that so long as the democratic party are led by men in whose neighborhood these scenes are enacted, and who have nothing but good words for the actors in the terrible drama, the raiders and murderers in Georgia and South Carolina will go high-handed on their bloody work, and will, as they believe, be protected in it.

Sir, there is something to do besides invoking sentiment and quoting poetry, as has been done in this case. I charge upon the gentleman from Mississippi, [Mr. LAMAR,] who has a philosophical, speculative mind, and has human sympathies; who sees the wrong and infamy of these things—[here the hammer fell]—I charge upon that gentleman, who has been twice chosen by his constituents a Representative in this House, and has been further indorsed by election to a seat in the Senate—I charge upon him the responsibility, not of the acts themselves, but of putting a stop to these things in his State. I charge upon the gentleman from Georgia [Mr. HARTRIDGE] that he and his associates must stop them there. [Here the hammer again fell.] I charge upon the leaders of the dominant party in all the Southern States that they must stop these murders. [Cries of "Order!"]

Mr. LAMAR. I have discharged my responsibility in part by defeating the authors of such disorders in my State.

Mr. MACKEY, of South Carolina. Mr. Chairman, in connection with the subject now under discussion the gentleman from New York [Mr. COX] has seen fit to denounce South Carolina as one of the worst-governed States in the Union. For this assertion there is no foundation whatever, and instead of South Carolina being badly governed at present she has a better government to-day than she has had for years. I would like to remind the gentleman of this fact, of which he seems to be entirely ignorant, that to-day the only question dividing the democracy of South Carolina is whether or not they shall nominate as their candidate the man who is now the republican governor of our State. If the present government of South Carolina is so bad and corrupt, why are the democrats discussing the propriety of making the head of that government their candidate in the next election? It is an indisputable fact that should Governor Chamberlain again be the nominee of the republican party he will receive hundreds of democratic votes. Many of the leading democrats in the State know this, and hence they argue that it would be inexpedient to nominate a democratic candidate should Chamberlain receive the republican nomination. At one time the State government of South Carolina may have been exceedingly bad, but such is not the present condition of affairs. Taxes have been reduced, assessments lowered, corrupt officials removed, and numerous reforms inaugurated, and the vast improvement in the government is fully recognized by two-thirds of the democratic papers in the State. Quotations from Pike's Prostrate State have no application whatever to the present condition of affairs in our State. This much I have deemed it necessary to say in refutation of the assertion that South Carolina is to-day the worst-governed State in the Union.

In regard to the Hamburgh affair, I think no language too severe can be used in condemnation of it, and I am gratified to see that nearly every democratic paper in the State denounces it. But while the democratic papers of South Carolina denounce this Hamburgh affair as a most brutal outrage it is rather surprising to find northern democrats attempting to palliate and excuse it. Even admitting that South Carolina is badly governed, it is no excuse whatever for such acts of brutality. Really this whole affair is so revolting that I do not believe the people of South Carolina will thank any gentleman here or elsewhere for making any defense of it, for a defense of this affair almost involves an approval of it, and I cannot believe that the people of South Carolina approve of such barbarity.

That particular section of the State where this affair occurred has for years, in my opinion, been a disgrace to the State of South Carolina. Ever since the war that region appears to have been infested with a gang of desperadoes who upon the slightest provocation murder a man with as much coolness as if they were killing a wild boar. Even the murder of white men by white men is not an uncommon occurrence there, and it is looked upon by the rest of the State as the dark corner of South Carolina. The Hamburgh massacre is only the outbreak of a lawless spirit which has prevailed in that section for years. It was this spirit of lawlessness and of terrorism which in 1868 at the presidential election actually prevented any polls being opened in Edgefield County, because no republicans could be found to risk their lives to serve as commissioners of elections. It was the only county in the State in which no election was held.

The CHAIRMAN. The gentleman's time has expired.

Mr. MACKEY, of South Carolina. I desire to print some extracts.

The CHAIRMAN. The Chair begs to ask one small favor of the committee. It has been the purpose of the Chair, because he found it would be agreeable to the committee, to divide the time with exact equality between the two sides of the House in the debate on this question. He kept the time as carefully as he could, and having been earnestly pressed to give one of the Representives of South Carolina on the left the floor he did so with the belief that he had divided the time with exact equality in view of the fact that the distinguished gentleman from Mississippi had had two five-minute speeches. But gentlemen on my right who claim to have kept the account correctly expressed to the Chair the opinion he has somehow kept from them one five-minute speech. If so, the Chair regrets it.

Mr. RANDALL. The Chair need not be uneasy on that score, for we are all satisfied of his impartiality and fairness.

The CHAIRMAN. The Chair would be glad to have an additional five minutes allowed to gentlemen on the right. He did the best he could. Is there objection——

Mr. RANDALL. We are satisfied, and we hope now to have a vote.

The CHAIRMAN. Is there objection to the gentleman from South Carolina printing with his remarks the extracts he refers to?

Mr. HILL. I do not know what he wants to print.

Mr. COX. Let him print them; and I ask to print a report in answer to the gentleman as to the outrages and bad conduct there in South Carolina.

Mr. KASSON. What date?

Mr. CONGER. I object.

Mr. COX. Then I object to any other printing.

Mr. KASSON. That is all right.

Mr. CONGER. The gentleman has printed thousands of pages that way.

Mr. COX. I am not accountable to the gentleman from Michigan for anything I print.

Mr. GARFIELD. I hope the gentleman from South Carolina will be allowed to print the extracts he refers to.

Mr. COX. I object.

Mr. HANCOCK. I wish to move a substitute for the pending amendment.

Mr. CONGER. Have the twenty-five minutes allowed for debate expired?

The CHAIRMAN. There have been five speeches of five minutes each.

Mr. CONGER. But five minutes were given to the gentleman from Mississippi.

The CHAIRMAN. That was part of the twenty-five minutes, as the Chair understood.

Mr. HOGE. I ask to be heard on this question.

Several members objected.

Mr. HOGE. I have no doubt you object.

Mr. CONGER. I rise to a point of order.

Mr. COX. I withdraw my objection to the gentleman from South Carolina printing his extracts.

Mr. CONGER. Then I withdraw my objection to the gentleman from New York printing.

Mr. HILL. I wish to say a word to the House. This whole matter is being investigated by a coroner's inquest. It will be judicial, and I do not think anything ought to be printed until then. Wait for the facts. Get the facts and print them, but do not print speeches in advance.

Mr. CONGER. The point I make is that I am under the impression that but twenty minutes have been occupied.

The CHAIRMAN. The Chair is willing to be governed by the committee.

Mr. CONGER. My impression is that but four gentlemen have spoken under the extension of time.

Mr. EDEN. I object to debate.

The CHAIRMAN. The Chair's impression is that there have been five speeches of five minutes each.

Mr. MACKEY, of South Carolina. I desire to know if there is objection to my request to print certain extracts?

Mr. COX. I make no objection if I am permitted to print a report from a committee of this House.

Mr. HILL. I object to all this printing, and I did so a few moments ago. I object because nothing should be printed upon this subject which is not official. All these prejudgments are improper.

The CHAIRMAN. Objection being made to the printing, leave is not granted.

Mr. FOSTER. I desired to submit some remarks on the question which has just now been under discussion, but did not find an opportunity to do so in the time allowed for debate. I ask unanimous consent of the House to print some remarks as a part of the debates.

Mr. SHEAKLEY. I object.

Mr. FOSTER. We can speak on the next section just as well as on this. It would be a saving of time to give leave to print.

Mr. HANCOCK. I send to the desk what I offer as a substitute for the amendment of the gentleman from South Carolina.

The Clerk read as follows:

Provided, That no part of the troops provided for by this resolution shall be taken from any State or service where troops shall now be stationed, if, in the judgment of the President, the public service requires the continuation of troops in such localities.

Mr. SMALLS rose.

Mr. RANDALL. I suggest to the gentleman from Texas——

The CHAIRMAN. The gentleman from South Carolina is recognized; but no debate will be allowed. For what purpose does the gentleman rise?

Mr. SMALLS. I rose for the purpose of accepting, if it is in my power to do so, the substitute of the gentleman from Texas for my amendment.

Mr. HALE. The gentleman has a right to do that.

Mr. CONGER. I move an amendment to the substitute.

Mr. COX. I call for the reading of the substitute.

The CHAIRMAN. The Clerk will report it again.

The amendment offered by Mr. HANCOCK was again read.

Mr. COX. I hope that will be voted down.

Mr. CONGER. I desire to offer an amendment to the amendment. I move that the words "or hereafter" be inserted after the word "now;" so that it will read "where troops may now or hereafter be stationed;" so that it shall be a law which shall have force hereafter as well as at this time.

Mr. HANCOCK. I have no objection to that.

Mr. COX. I hope the amendment will be voted down.

Mr. RANDALL. I would like to know who is the Commander-in-Chief of the Army of the United States, the President or Congress?

The CHAIRMAN. The Chair is obliged to say to the gentleman from Pennsylvania that debate is not in order. The question is on agreeing to the amendment of the gentleman from Michigan to the amendment of the gentleman from Texas.

Mr. PAGE. The gentleman from Texas has accepted the amendment of the gentleman from Michigan as a part of his own amendment.

The CHAIRMAN. Then it forms part of the amendment. The Clerk will read it as now modified.

The Clerk read as follows:

Provided, That no part of the troops provided for by this resolution shall be taken from any State or service where troops may now or hereafter be stationed, if, in the judgment of the President, the public service requires the continuation of troops in such localities.

Mr. COX. Would it be in order to offer an amendment to that, to add the words:

Provided, The President be called upon by the constitutional authorities or the governors of the States for that purpose!

The CHAIRMAN. Is there objection to the amendment of the gentleman from New York?

Mr. PAGE. I object.

Mr. COX. I have a right to offer that amendment.

The CHAIRMAN. The gentleman from New York will reduce his amendment to writing and send it to the Clerk's desk.

Mr. COX. I will not press this amendment, though it be a constitutional one. I will simply ask that the amendment of the gentleman from Texas be voted down.

Several members called for the regular order.

Mr. COX. I ask that the amendment be again reported as it now stands with the addition suggested by the gentleman from Michigan, [Mr. CONGER.]

The amendment, as modified, was again read.

The question being taken on Mr. HANCOCK's amendment, as modified, there were—ayes 90, noes 95.

Mr. CONGER called for tellers.

Tellers were ordered; and Mr. HANCOCK and Mr. SCHLEICHER were appointed.

The committee again divided; and the tellers reported—ayes 86, noes 83.

So the amendment was adopted.

The CHAIRMAN. The Clerk will report the second section of the joint resolution.

Mr. CLYMER. I move that the committee do now rise.

The question being taken on the motion that the committee rise, there were—ayes 71, noes 92.

Mr. COX. I call for tellers.

Tellers were ordered; and Mr. SCHLEICHER and Mr. CLYMER were appointed.

The committee again divided; and the tellers reported—ayes 73, noes 83.

So the committee refused to rise.

The CHAIRMAN. The clerk will now report the second section of the joint resolution.

The Clerk read the second section, as follows:

SEC. 2. That, in view of the inability of the national government of Mexico to prevent the inroads of lawless parties from Mexican soil into Texas, the President is hereby authorized, whenever, in his judgment, it shall be necessary for the protection of the rights of American citizens on the Texas frontier above described, to order the troops when in close pursuit of the robbers with their booty to cross the Rio Grande, and use such means as they may find necessary for recovering the stolen property and checking the raids, guarding, however, in all cases against any unnecessary injury to peaceable inhabitants of Mexico.

Mr. HOGE. I move to strike out the last word.

Mr. Chairman, in rising to speak upon this question I will say that I had hoped the occasion would not have arisen at this late period, when I as a member of Congress should be called upon to rise in my place and speak upon the subject that now is occupying the attention of the House. I was in hopes that the time had passed in South Carolina when these outrages, these deeds of blood and murder could ever occur again. I was in hopes they were forever passed.

I can remember, Mr. Chairman, that in 1868, during the memorable election in the third congressional district, which I had the honor to represent on this floor, there were nearly three hundred of our citizens that were murdered; so that this outrage that has been perpetrated in Edgefield is nothing new in the history of South Carolina. Over three hundred of my constituents at that time suffered loss of life by adhering to and advocating the principles of the republican party. But while this state of affairs has existed, I do not want to make the statement to-day to this House, nor do I believe it, that even in South Carolina all the white men who belong to the democratic party are in favor of the murderers. I do not believe that. On the contrary, I know there are many men in our State that belong to that party who are as much opposed to these deeds of blood and violence as I am.

But I do state to-day, and I stated from the knowledge that I have gained from experience, after nearly eleven years' residence in South Carolina, and having been intimately connected with the politics of that State during that time—I do state that there is an element in the democratic party either controlled or partly controlled by the men who headed the band of murderers at Hamburgh, a party headed by such men as General M. C. Butler and General Geary, and men of that class, who by their acts and their words, by their counsel to the people who do these deeds of blood, urged them on to commit these great crimes. While perhaps General Butler would be too much of a gentleman or too honorable a man to shoot a negro if he had told him to run off, for the mere pleasure of seeing him fall, yet by his advice these dirty scoundrels and murderers who did that shooting were actuated and encouraged to do these deeds of blood; it was by just such men as Butler and Geary, of Edgefield County. Those are the men who advocated and recommended this outrage upon the colored people; and it was simply because they are members of the republican party, because they cannot control their suffrages and get them to put them in office by their votes. They say to them, "You have to act with the democratic party in South Carolina, or we will make you do it." The edict has gone forth that a black man in South Carolina must either vote the democratic ticket in the future or follow in the footsteps of those who fell at Hamburgh. It has placed my distinguished friend from Mississippi—no, I do not know that he would allow me to call him that—it has placed him in a position to obtain a seat upon this floor, to be elected to the Senate. He says that they have peace in Mississippi and in Arkansas. So they have; but it is the peace of the grave; it is lasting peace to the colored man and to the white man who dares to advocate those great principles of civil and religious liberty that have been advocated by the leaders of our party—principles which came down to us from our forefathers, and which it is our duty to perpetuate and hand down to our children as a sacred heritage.

[Here the hammer fell.]

Mr. HOGE. I believe that I am entitled to an hour.

The CHAIRMAN. No; the general debate was closed upon this bill some days since.

Mr. HOGE. Then I desire to have printed as a part of my remarks a statement of Governor Chamberlain upon this subject.

Mr. EDEN. I object.

Mr. COX. I rise to oppose the amendment for the simple purpose of saying that it is a sign of good government where the people are contented. The people of South Carolina are not contented.

There is something wrong, but my friend from Ohio—I mean from South Carolina, although I believe he came originally from Ohio——

Mr. HOGE. I did not carpet-bag as you did. I took a knapsack instead of a carpet-bag; that is all.

Mr. COX. I have no doubt that the gentleman had a knapsack and a trunk, too, for he had more to carry than I could possibly get together; but I wished to have read only when about to be interrupted a pertinent extract from a report, No. 481, part 2, of the Forty-third Congress, first session. It is a very good description of that sort of government in South Carolina which has provoked so much misconduct and for which the Federal Government should not be called upon to give a remedy. I ask the Clerk to read the extract I have marked from that report.

Mr. RAINEY. Unless the gentleman will allow me to put in a counter-report, I will not consent to the reading of the extract.

The CHAIRMAN. The gentleman from New York has a right to have it read as a portion of his remarks.

The Clerk read as follows:

Their allegations are, in substance as contained in the memorial and as made known to the committee in its presentation, that the entire population of the State consists of 415,814 negroes and persons of color and 289,667 whites; that of all these only about 300,000 are tax-payers, and all the remainder are non-tax-payers and a very large proportion non-property-owners; that the present taxable values or prop-

erty of the State of all kinds on which taxes can be now levied amount in the aggregate to about the sum of $150,000,000 as against the taxable values of the State before the war of $500,000,000; that the annual levies of taxes now amount to the enormous sum of $2,500,000 levied upon the $150,000,000, as against a little over $400,000 levied upon the $500,000,000 before the war. This astounding exhibit is in no way met or modified by the suggestion of the majority that before the war slaves were estimated in making up the taxable values, or that *per capita* taxes and taxes upon trades and professions were levied. There stands the present levy of $2,500,000 upon the valuation of $150,000,000, whereas before the war only about $400,000 was levied upon the people and property of $500,000,000 in all the ways and forms suggested. Nor is this increase of the oppressive burden made to appear any the less by the comparison of it with the levies in other States, for the reason that the actual levies in South Carolina are scarcely a moiety of the moneys expended, the debt growing and increasing at an annual rate greater than the taxes assessed.

[Here the hammer fell.]

Mr. HOGE. I withdraw the formal amendment.

Mr. FOSTER. I renew it. I have a word to say on this subject to gentlemen from the South. It has been my good or bad fortune politically (I do not know which) to join other gentlemen in a report on Louisiana affairs in which the truth was told when it bore heavily on my party friends. I denounced the fraud of the returning board of Louisiana, and joined heartily with Mr. WHEELER in bringing about the compromise that bears his name. I have never failed to denounce my party when I found it in the wrong.

I concede that you have had bad government in some of the Southern States, perhaps in South Carolina, though I doubt it now. Under Governor Chamberlain the government of South Carolina has greatly improved.

If I know myself I have none but the kindest feelings for the people of the South. I long to see the day when peace shall reign throughout your borders, when prosperity shall bless all your undertakings. I long to see the day when we will hear no more of the color line; when every man, be he black or white, shall be in the full, unrestrained possession of every right vouchsafed to him by the Constitution and the laws.

I cannot, however, close my eyes to scenes of horror and bloodshed, of which the Hamburgh massacre is a sample; scenes and outrages that would disgrace the savage.

Talk not to me about your chevaliers, your men of high honor, when they stand by and witness (and, as I believe, encourage) the barbarities of Hamburgh.

Are Mississippi outrages and tactics to be transplanted to South Carolina? Did you sell out the solid vote of the South to Tilden; and do you propose to ratify your bargain by scenes of bloody barbarity, a parallel of which can only be found in the South where you prate so much of honor and high breeding?

Let me tell you, gentlemen of Georgia, that it lies within your power to stop these infernal outrages. Be as active in hunting out the human fiends who crossed the bridge at Augusta, Georgia, to Hamburgh, South Carolina, with artillery to shell out of the citadel the forty negroes that could not be dislodged by hundreds of armed whites from your State and the State of South Carolina. See that they are caught and punished.

Mr. COOK. What evidence is there that a single man went from Georgia?

Mr. CONGER. I call the gentleman to order.

Mr. COOK. These men never went from the State of Georgia.

Mr. FOSTER. They did. General Butler admits it.

Mr. COOK. No, sir.

Mr. FOSTER. When you have caught and punished these men then sing to us a panegyric to the vindication of outraged law, instead of talking to us about noble blood. Ay, a nobility that murders in cold blood a captured negro.

If you gentlemen have not the influence to stop these outrages you are not fit to be Representatives in the American Congress. You can do it if you will. When you have tried and have succeeded you will hear the most welcome shout of "Well done, good and faithful servants" that has been heard since the dawn of Christendom. We will fall on your necks and rejoice.

[Laughter on the democratic side of the House and loud cries of "O, no!"]

Mr. COOK. You must not fall on my neck; you have fallen on our property and on our rights as it is, and now you want to fall on our necks. [Laughter.]

Mr. FOSTER. We did fall on you, and you remember the fall.

Stretch out your hands in charity to God's poor whom you have with you. Give them to understand by every act of yours that you recognize their complete political rights. Wipe out all distinctions in your laws on account of color.

Let them feel and know that their old masters are their friends, and that they will if need be fight the world in arms to preserve their liberty, notwithstanding it was obtained against the masters' will.

Your professions will not do. These barbarities must cease. If they do not you must expect that the power of the Government will be exerted to its full limit if need be to protect the humblest African in your midst.

Lay not the flattering unction to your souls that because you can give Tilden a united vote he will be elected.

The instrumentalities used to bring about a united South for Tilden will as certainly give the North to Hayes.

We are as tired of southern misrule as you are. This misrule is not a one-sided matter South as well as North. The rascals hunt in pairs, as they do in the North.

When you catch a Belknap you catch a Pendleton with him. [Laughter and cries of "O!" "O!" on the democratic side of the House.] So in the South, the stealings are divided between the parties.

I beseech and implore you, men of the South, to stop these outrages upon the black man, thus restoring confidence in you in the North, and then henceforth we will dwell together in unity, peace, and goodwill. The horrors of the war will be forgotten. Then we will go hand in hand exalting and glorifying the Republic.

Mr. LE MOYNE obtained the floor.

The CHAIRMAN. Before the gentleman from Illinois [Mr. LE MOYNE] commences his remarks, the Chair begs leave to make a single suggestion. That is, that as gentlemen on both sides of the House will have their opportunity to be heard, it would be much better not to interrupt gentlemen who are speaking where they decline to yield; let those gentlemen save their remarks until they themselves have the floor.

Mr. LE MOYNE. Mr. Chairman, I do not propose to talk politics, and it may be as well for the committee now to consider some questions of law involved in the resolution now before us. It has already been somewhat discussed, and I have been surprised at some of the propositions of law adduced in its support, and quite surprised at the argument of that eminent lawyer the gentleman from Virginia, [Mr. TUCKER.] He says we are warranted in taking the course authorized by this resolution by the law of nature—by the right of self-preservation. He surely will not contend that our self-preservation, the preservation of our sovereignty, depends upon restoring the property stolen from the citizens of Texas. Not taken by the authority of any State or government, but only by the theft of outlaws. Whatever rights we have by the law of nature we have in common with all other nations. Mexico is as fully entitled to self-preservation as we are, and we have no natural rights which we are not bound to yield to her. Yet by the proposed action you override and destroy her nationality. You assume to send your representatives without her consent into her territory, where she has exclusive jurisdiction, to control and dispose of the rights of property. You do this as a nation. You disregard her rights and treat with contempt all her authority. But the gentleman says it may be considered as an act of "reprisal," and this is not a belligerent act. Reprisals have always been considered sufficient cause for the declaration of war, and I would ask if the gentleman can adduce a single instance within the present century where a reprisal has been made that it has not been followed by war, and we all know that in modern times a reprisal made on the property of persons residing within the limits of the state making it would be certain to produce war. How much more certainly would it do so if it was made by invading the territory of the nation to be punished? But this is not an ordinary reprisal, where the amount of damage is ascertained and compensation for that amount taken. It is a reprisal without limit as to time and without measure as to damage.

The gentleman by his illustration recognizes the rule that the same general principle prevails in inter and intra national law. He says, "If a dog attacks me and by one of my limbs pulls me within the border of my neighbor, have I no right to follow him up and make him desist?" Does he mean that the Mexican thieves are likely to drag our soldiers across the line? I presume not; if they did, our soldiers would hardly be in condition to then either capture them or recover the property. A more apt illustration would be this: If I lose my property, may I break into my neighbor's house by force and seize it or its equivalent in value? Such measures of redress subvert all government and abrogate all law. But what will be the practical operation of this resolution. It provides that the President may when he thinks proper order the military to cross the frontier. It is not intended when the occasion arises to then procure his authority. No; he must deputize his discretion—must deputize it to the commander of every little post along the frontier. When any man loses his cattle, he applies to the officer to get it for him across the border. The officer is then in much the same position as a sheriff executing a writ of replevin, except that the sheriff is armed with a writ issued by a judicial tribunal, which has found that there is sufficient cause for the issuing of the writ. When the sheriff is armed with this writ, he can only execute it within his own bailiwick.

The sheriff has no authority beyond the jurisdiction of the court issuing the writ; but here you would authorize one of your servants to exercise his functions in territory over which you have no control whatever.

[Here the hammer fell.]

The CHAIRMAN. The five minutes of the gentleman have expired.

Mr. COCHRANE. I take the floor, and yield my five minutes to the gentleman from Illinois, [Mr. LE MOYNE.]

Mr. CLYMER. I move that the committee now rise.

Mr. COCHRANE. I hope not till the gentleman from Illinois has concluded his remarks.

Mr. FORT. The gentleman from Illinois [Mr. LE MOYNE] is entitled to the floor, and cannot be taken from it by a motion that the committee rise.

The CHAIRMAN. The Chair is of the impression that that is a

sound view of the case. The gentleman from Illinois [Mr. LE MOYNE] will proceed in the time yielded to him by the gentleman from Pennsylvania, [Mr. COCHRANE.]

Mr. LE MOYNE. I thank the gentleman for his courtesy.

It is said this is not an act of war. Then it is a peaceful function. If you can authorize such an act by a military officer, can you not also confer authority upon a civil or judicial officer? Can you send a judge into Mexico and by the authority you confer can he adjudicate upon property there found? Of course not. Yet, by every principle of either natural or positive law, you can as fully authorize such acts by a judge as by a soldier. But the soldier, upon being applied to by a claimant, enters Mexico, is shown the property claimed; but some one else, being in possession, also claims it. In all civilized communities under such circumstances a judicial tribunal hears the claimants and determines their rights. But here an officer of dragoons is the court; an officer who is acting under the influence and perhaps control of one of the parties; and he disposes in this foreign territory of the rights of property, no matter how large or important the interests concerned are; and from this decision there is no appeal unless it be an appeal to arms, which would be the only appropriate appeal, as the only law governing such a tribunal is the law of brute force. But this officer at once proceeds to execute his own judgment, to remove the property beyond the jurisdiction of the only tribunals having the right to control it.

The condition of Texas is greatly to be deplored, and her citizens have the right to be protected; but modern civilization has some rights, and the decencies of nationality demand some deference.

I do not argue this upon any sentimental grounds or urge the rights of the weak republic, &c., for I have a certain degree of contempt for the so-called rights of the skulking savages that infest our borders; but we cannot afford to do wrong. Our own honor demands that we regard the principles of universal law. Our good name forbids that we trample on the rights of any, however weak, however mean, however despicable the victim.

To pass this resolution would in my opinion be discreditable to this House as a body of lawyers and law-makers. To attempt to carry it into effect would be a cowardly act, disgraceful to a powerful people.

Mr. BANKS. Mr. Chairman, in my remarks yesterday I spoke of an amendment which I proposed to offer as a substitute for the second section. I ask now to submit it.

The Clerk read as follows:

That whenever it shall appear to the President that the government of Mexico is unable to prevent the existing lawless invasion of the territory of the United States from Mexico for purposes of plunder or robbery, he shall be, and hereby is, authorized, if in his judgment it becomes necessary, after due notice to the government of Mexico, to order the troops charged with the defense of the territory of the United States, when in close pursuit of such invaders, to cross the Rio Grande and to use such means, not amounting to acts of war, as may be requisite for the recovery of stolen property and to protect the citizens and territory of the United States against the acts of outlaws and robbers.

Mr. BANKS. I do not wish to make any extended remarks on this question, but simply to say that the difficulty in this case is that the invaders of Texas, after committing their robberies, cross the river, stop on the opposite side with their booty, and there defy our troops. This amendment, without involving the country in any danger of war, would authorize the President, if he thought it necessary under the circumstances, after due notice to the government of Mexico, to order the troops to cross the river and recover the stolen property. The proposition is entirely within the rights and powers of this Government, and will meet the whole difficulty without involving the Government in any danger of war.

Mr. MACDOUGALL. I move to amend by striking out the last word, and yield my time to the gentleman from South Carolina, [Mr. HOGE.]

Mr. HOGE. Mr. Chairman, in addition to what I have already said, permit me to remark that the opposition to the colored man in the South, leading to these deeds of violence and blood, is the result of the prejudice existing in the minds of the white people there against him as a colored man—the prejudice of race. It is the objection they have and have had to him——

Mr. SCHLEICHER. Mr. Chairman, I rise to a question of order. As long as the amendment of the gentleman from South Carolina [Mr. SMALLS] providing that troops should not be withdrawn from that State was pending to the first section, all this debate came within the scope of the question before the committee. But since that section has been passed, I do not see what earthly connection there is between the subject which the gentleman from South Carolina [Mr. HOGE] is now debating and the question before the committee.

The CHAIRMAN. While the Chair agrees with the gentleman from Texas [Mr. SCHLEICHER] as to the questionable pertinency of much that has been said on all sides of the House, yet this latitude of debate, so far as the Chair knows, has always been allowed upon subjects of this kind, and therefore the Chair permits it to go on.

Mr. HOGE. I find that this state of affairs is the result of that prejudice which has grown out of the institution of slavery, a condition of society in which men have been in the habit of carrying revolvers and bowie-knives and of resorting to the shot-gun to settle their personal difficulties.

Mr. HARRIS, of Virginia. I rise to a question of order. I think the Chair is under a misapprehension in one respect. When the House is in Committee of the Whole on the state of the Union and has not under consideration a special order, the latitude of debate is unbridled; but under a rule which I desire the Clerk to refer to, the debate when the House is in Committee of the Whole upon a special order must be confined to the question under consideration and cannot take the latitude which the gentleman from South Carolina is now seeking to take.

The CHAIRMAN. The Chair is aware of the point which the gentleman makes, and has thought of it often during the debate, but has inferred that it was the wish of the whole committee to allow speakers this latitude. The Chair dislikes——

Mr. HARRIS, of Virginia. But any gentleman can raise the question of order whenever he thinks proper, and the Chair must then enforce the rule.

The CHAIRMAN. The Chair thinks it would hardly be fair to make the point now, just before adjourning, against a gentleman who has but a few minutes left.

Mr. HARRIS, of Virginia. That is a matter for the party who makes the point, not for the Chair.

Mr. RANDALL. What is the rule?

Mr. MACDOUGALL. I think five minutes more upon this question will not hurt gentlemen on the other side.

Mr. HOGE. There is this prejudice existing in the minds of the white people where slavery has existed; it is one of the results of that institution. This opposition to the colored man and to his enjoyment of civil and political rights has come under my observation in South Carolina and other States of the Union having a similar state of society from the commencement of reconstruction up to the present day. There is a deep-seated hatred against the black man. There is but one thing he can do to win forgiveness from his old master; that is, to bow down to him, to surrender all his political rights, and agree to vote the democratic ticket.

Mr. Chairman, the gentlemen from Georgia who have spoken on this question and condemned the acts of these men must not forget that some of the men from the soil of Georgia dared to cross the Savannah River and invade the sacred soil of South Carolina without any authority of law, without being called upon by its government, and took part in these murders, assisting in shooting down private citizens of South Carolina. And it is not the first time citizens of Georgia have crossed the Savannah River to invade the rights of black men in South Carolina. They have been doing it ever since 1868 up to the present hour. The edict has gone forth that they intend to carry South Carolina, that they intend to do it peaceably if they can but by violence if necessary, just as Georgia has been carried and is to-day under the control of the democratic party.

The CHAIRMAN. The gentleman's time has expired.

Mr. HOGE. And Mississippi is in the same condition——

The CHAIRMAN. The gentleman's time has expired.

Mr. HOGE. Arkansas is in the same condition——

The CHAIRMAN. The time of the gentleman has expired.

Mr. COX. I rise now for the purpose of ending this political debate.

Mr. PAGE. I make the point of order that the gentleman from New York has spoken on this subject.

Mr. COX. But not on this amendment.

Mr. HOGE. I have had but three minutes of my time, the other two having been taken up by questions and points of order.

The CHAIRMAN. But the Chair gave the gentleman his full time, exclusive of interruptions, and the gentleman from New York is now entitled to the floor.

Mr. COX. Mr. Chairman, this debate was given a partisan turn by the gentleman from New York, [Mr. TOWNSEND,] who crossed over the border for the purpose of bringing in matters irrelevant to this Mexican question.

Mr. HOGE. The gentleman will allow me to ask the House for the privilege to print.

Many MEMBERS. "No!" "No!"

Mr. HOGE. I merely wish to print this little statement of facts.

The CHAIRMAN. Objection is made by many members.

Mr. COX. I hope I will not be interrupted, Mr. Chairman, while you are in the chair.

Mr. HOGE. I only ask that to be done.

Several members objected.

The CHAIRMAN. The gentleman from New York has the floor.

Mr. COX. The gentleman from South Carolina should not take up my time.

Mr. HOGE. I ask the gentleman from New York to allow me to ask to print additions to my speech. Does the gentleman object?

Mr. COOK. I object to the printing of any libel upon the State of Georgia from any newspaper.

Mr. COX. Under the domination of the other side for many years when it was in the majority upon this floor, we never had a chance to respond at the end of a debate. I claim the right now at this time to respond.

Mr. GARFIELD. O!

Mr. COX. The gentleman never rises to a moral attitude when he interrupts me. He is always making remarks in his seat which are reported, but he does not give a fair chance for answer by allowing what he says to be heard.

The gentleman from Ohio [Mr. FOSTER] made a tender speech here to-day from a deliberate piece of writing, and then there was, as advertised for two days, an attack upon me; and the gentleman from New York [Mr. TOWNSEND] and the gentleman over in that

corner [Mr. SMALLS] made it to-day in pursuance of the notice. It was a partisan attack.

The gentleman from Ohio [Mr. FOSTER] desired to fall on the necks of this side of the House for some good purpose or other. I understand that sort of affection. [Laughter.]

Mr. FOSTER rose.

Mr. COX. Wait a moment. It is my chance, and my only chance. I say let him fall on the manly neck and form of the gentleman from Texas, [Mr. SCHLEICHER,] who can support him. [Laughter.] Why does he not tender his sympathetic affections to his own party, and fall on the neck of Mr. Bristow, who was discarded because he pursued the guilty? [Laughter.] Why does he not fall on the neck of that other large man from Indiana, Mr. Pratt, who was turned out of the office of Commissioner of Internal Revenue?

A MEMBER. Because he was innocent.

Mr. COX. Yes, because he was honest. Or on Mr. Yaryan, or Mr. Dyer for the prosecution of whisky thieves? Or Mr. Jewell, who retired for some reason as yet to the grand jury unknown?

I know, sir, on whose neck he falls. I know where his sympathies are and where his class of men fall, who so eagerly desire to be affectionate toward the South, and to this side, and to help South Carolina out of this trouble. They fall on the neck of McKee. [Laughter.] And McDonald, and Joyce, and Babcock. [Laughter.] And Delano and Avery. [Laughter.] And sometimes they fall so as to embrace a barrel of crooked whisky. [Great laughter.]

Mr. COOK. And why do not they fall on the Freedman's Bank, which robbed the colored people of over $1,000,000?

Mr. COX. The Freedman's Bank I have already referred to. Does the gentleman from Ohio—does that side of the House—think the republican party has not defended the Administration, and thereby defended all these men? Let him read the plank in the Cincinnati republican platform now before me.

When the gentleman from New York [Mr. TOWNSEND] talks of Tweed and others with whom I have no association, I would ask how is he on Yaryan?

Mr. TOWNSEND, of New York. When did you dissolve your association with Tweed?

Mr. COX. How is he on Babcock, on Williams, and the rest of the men that your President keeps in office?

Mr. TOWNSEND, of New York. When did you dissolve your connection with Tweed?

Mr. COX. I never had a connection with him to dissolve. It was the republican Legislature, of which you were the great comforter, that helped Tweed to commit his frauds upon New York City. Everybody knows that I never once gave my voice or vote to help him in my life; and I will submit to no such insinuation.

Mr. TOWNSEND, of New York. You never voted free of Tammany influence since God made you. [Loud cries of "Order!" "Order!" and rappings of the Chairman's gavel.] You had to leave that chair, thank God. [Cries of "Order!" "Order!" and rappings of the gavel, during which Mr. TOWNSEND, of New York, made further remarks that were inaudible.]

Mr. BURCHARD, of Illinois. I rise to a question of order.

The CHAIRMAN. The gentleman from New York [Mr. TOWNSEND] will take his seat.

Mr. COX. If the gentleman from New York intimates that I left that chair at the beck of any man, he states what is untrue. That statement ran for several days in the press, but there was no truth in it. I was elected as a delegate from my district; and no alternate being there, I went to Saint Louis, but at no man's call; and that remark is a falsehood from beginning to end.

[Here the hammer fell.]

Mr. COX. Now, I ask to say in conclusion——

[Cries of "Order!" "Order!"]

Mr. COX. So you do not want to hear any more!

The CHAIRMAN. The time of the gentleman from New York has expired. The gentleman from Virginia [Mr. TUCKER] has been recognized.

Mr. TUCKER. I rise to offer the amendment of which I spoke the other day as a substitute for that offered by the gentleman from Massachusetts [Mr. BANKS.] I ask that it may be read.

The Clerk read as follows:

SEC. 2. That the President of the United States be authorized and is hereby requested to present to the government of Mexico a formal statement of the injuries and damages done to the citizens of the United States by the inroads and invasions of the United States by lawless bands from the Mexican states; and, furthermore, to demand that the government of Mexico shall prevent and restrain all such inroads and invasion in future.

If the Mexican government shall not within four months after such formal statement and demand take effective measures to prevent such inroads and invasion, the President of the United States is hereby authorized to use the Army of the United States, or so much thereof as he may deem necessary, to drive out any bands of invaders and to pursue them into the territory of Mexico for the sole purpose of recovering the property taken from citizens or others under the protection of the United States, guarding in all cases against any unnecessary injury to the persons or property of peaceable inhabitants of Mexico.

The President is further requested at once to notify this joint resolution to the Mexican government with an earnest remonstrance against the wrongs done to the people of the United States, and that while forbearing to take any measures but such as are recognized as just and proper between nations at peace, the government of the United States will be constrained, saving the peaceful relations between the two countries, to take such action as is indicated by this joint resolution, unless the Mexican government shall effectually prevent the evils complained of in the future.

Mr. HOLMAN. I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker *pro tempore* having taken the chair, Mr. MONROE reported that the Committee of the Whole on the state of the Union had, according to order, had under consideration the joint resolution (H. R. No. 96) to provide for the protection of the Texas frontier on the Lower Rio Grande, and had come to no resolution thereon.

Mr. SHEAKLEY. I move that the House do now adjourn.

LEAVE OF ABSENCE.

Pending the motion to adjourn, leave of absence was, by unanimous consent, granted as follows:

To Mr. FRANKLIN an extension for six days;

To Mr. ROSS, of Pennsylvania, indefinitely on account of sickness;

To Mr. POWELL for four days; and

To Mr. LANDERS, of Connecticut, for two weeks on account of illness.

The motion to adjourn was agreed to; and accordingly (at five o'clock and seven minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk under the rule, and referred as stated:

By Mr. HILL: Memorial of Mrs. Mary A. Washington for equitable compensation for property at Hot Springs, Arkansas, of which she has been deprived by a decision of the United States Supreme Court, to the Committee of Claims.

By Mr. JENKS: The petition of 100 oil-producers of Pennsylvania, for the prevention of unjust discrimination by common carriers, to the Committee on Commerce.

By Mr. McDILL: The petition of John Barke and 95 citizens of Iowa, for the establishment of a post-route from Red Oak to Sidney, Iowa, to the Committee on the Post-Offices and Post-Roads.

IN SENATE.

WEDNESDAY, *July* 19, 1876.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented the petition of Thaddeus S. Stewart, of Mount Pleasant, Iowa, praying for a pension; which was referred to the Committee on Pensions.

REPORTS OF COMMITTEES.

Mr. McMILLAN, from the Committee on Claims, to whom was referred the petition of A. B. Meacham, chairman of the late Modoc peace commission, praying compensation for injuries received in the Modoc Indian massacre while treating with the Modocs under a flag of truce, asked to be discharged from its further consideration, and that it be referred to the Committee on Pensions; which was agreed to.

Mr. CRAGIN, from the Committee on Naval Affairs, to whom was referred the bill (H. R. No. 800) relating to the promotion of commodores on the retired list of the Navy, reported it without amendment.

Mr. CRAGIN. The same committee, to whom was referred the joint resolution (H. R. No. 148) in reference to the wreck of the United States monitor Tecumseh, have had it under consideration, and have instructed me to ask to be discharged from its further consideration, and that it be referred to the Committee on the Judiciary.

I beg to make a brief statement in relation to this resolution. The United States monitor Tecumseh was sunk by a torpedo during the war in Mobile Bay in forty-five feet of water. There were on board about one hundred and twenty-five officers and men. Only eight or ten of them escaped, and it is supposed that about one hundred and twenty men are now entombed in the vessel. It was an iron-clad, and was sealed almost water-tight when it went down. In 1873 the Secretary of the Treasury under authority of law sold this vessel to a man by the name of Slaughter, in Alabama, for $50, and he made certain assignments to other parties. They propose to blow up this vessel, in order to raise the iron, &c., and get at the safe and find what money there is in it, and what other property. There was a protest made against this proceeding as being an outrage upon the remains of the brave officers and men who are now entombed in this vessel. The owners applied to Congress for authority to be given the Secretary of the Navy to employ them to remove these bodies and to inter them at the nearest national cemetery, a reasonable price being paid therefor. The House committee reported a joint resolution, which passed the House, forbidding the owners, the parties who bought this vessel from the Secretary of the Treasury, from blowing it up or disturbing it unless they first remove the bodies; and, if they refused to do that, to direct the Secretary of the Treasury to refund to them the purchase-money with interest from the day it was paid. As this involves a legal question, the rights of the owners to the vessel, &c., after its purchase, the committee thought best to report the

resolution back and ask that it be referred to the Committee on the Judiciary.

The report was agreed to.

Mr. WRIGHT, from the Committee on Claims, to whom was referred the bill (S. No. 946) for the relief of Gibbes & Co., of Charleston, South Carolina, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (S. No. 221) to refund to the State of North Carolina certain moneys therein named, reported adversely thereon; and the bill was postponed indefinitely.

Mr. WRIGHT. The same committee, to whom was recommitted the bill (H. R. No. 3273) for the relief of Mrs. Ellen J. Brosman upon what is claimed to be additional evidence, direct me to report it adversely. We find that the evidence which has been committed to us in this case is substantially what we had before, and we again recommend the indefinite postponement of the bill.

The bill was postponed indefinitely.

Mr. WRIGHT. A few days since the Committee on Claims reported upon the petition of James Tebault and others, praying additional compensation as laborers in the Treasury Department, recommending the rejection of the claim and the indefinite postponement of the bill (S. No. 820) for the relief of James Tebault and others. It was recommitted upon what was claimed and stated to be additional evidence. We have considered that additional evidence, adhere to the former report, and again recommend that the claim be rejected.

The report was agreed to; and the bill was postponed indefinitely.

Mr. WRIGHT. I desire to say a word on this subject. I know that it is impossible for Senators, when appealed to to move for the recommittal of a case of this kind, to examine the testimony to see whether there is or is not additional evidence such as would justify a recommittal. It imposes very great additional labor upon us to have these cases recommitted from time to time and when we come to examine them find substantially the same evidence. Of course we cannot resist these motions; but I wish to say now that when a case shall have passed the time under the rule for a motion to reconsider to be made I shall feel it to be my duty to resist such motion, unless I can have the assurance of the Senator making the motion that he has examined the case and is satisfied that there is additional evidence of some weight.

H. P. JONES & CO.

Mr. BAYARD. I am instructed by the Committee on Finance, to whom was referred the bill (H. R. No. 1427) for the relief of H. P. Jones & Co., to report it without amendment and recommend its favorable consideration. I ask that the bill may be now considered. It is a very small amount.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It authorizes the Secretary of the Treasury to pay to H. P. Jones, P. B. Ruffin, and James F. Cain, trading as H. P. Jones & Co., the sum of $200.10, being the amount of drawback of tax due to them on certain tobacco exported by them.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. KELLY. If there is no further morning business, I ask——

The PRESIDENT *pro tempore*. The Chair has not called all the orders. The introduction of bills is next in order.

Mr. HARVEY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 996) for the relief of George W. Smith; which was read twice by its title, referred to the Committee on Military Affairs, and ordered to be printed.

Mr. COCKRELL asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 997) for the relief of William Morrison; which was read twice by its title, referred to the Committee on Claims, and ordered to be printed.

Mr. SARGENT asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 998) for the pardon of deserters from the United States Army; which was read twice by its title, referred to the Committee on Military Affairs, and ordered to be printed.

BILL RECOMMITTED.

Mr. MORRILL. I am directed by the Committee on Finance to move that the bill (S. No. 530) to re-imburse purchasers at direct-tax sales in Arkansas declared illegal by United States courts in consequence of a defective board of commissioners be recommitted to the Committee on Finance.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. G. M. ADAMS, its Clerk, announced that the House had passed a bill (H. R. No. 1972) to authorize the construction of an inclosure around the United States penitentiary at Boisé City, in the Territory of Idaho; in which it requested the concurrence of the Senate.

The message also announced that the House had agreed to the resolution of the Senate authorizing the special committees appointed by each House to investigate the subject of the immigration of Chinese to this country to act as a joint committee.

The message further announced that the House had passed the bill (S. No. 842) authorizing the commissioners of the District of Columbia to remove the jail on Judiciary Square to grounds near to the Washington asylum for the use of the District, with an amendment, in which the concurrence of the Senate was requested.

ENROLLED BILL SIGNED.

The message also announced that the Speaker *pro tempore* of the House had signed the enrolled joint resolution (H. R. No. 153) to correct an error in the enrollment of the post-office appropriation act; and it was thereupon signed by the President *pro tempore*.

ORDER OF BUSINESS.

Mr. FRELINGHUYSEN. If there is no other morning business, before the Senator from Oregon goes on, as I have to leave the Chamber, there is a bill which will create no discussion that I hope the Senate will take up. I wish the Senate to consider the bill (S. No. 938) for the relief of George T. Olmsted, jr. It will lead to no discussion.

Mr. KELLY. I cannot give way, because two or three Senators have asked the same thing. If there is no further morning business I insist upon my bill being considered.

Mr. INGALLS. I gave notice yesterday that during the morning hour to-day I should ask the Senate to consider House bill No. 3625, which is a matter of very great importance to a large number of people in my State, and which has been pending for a considerable time. I trust the Senate will allow me to get that bill up.

Mr. FRELINGHUYSEN. I think that an important bill, and I will help the Senator from Kansas to get it up if he will first help me to pass the bill for the relief of Mr. Olmsted.

The PRESIDENT *pro tempore*. The Senator from Oregon asked for the consideration of a bill upon the conclusion of morning business. Does the Senator from Oregon yield to the Senator from New Jersey?

Mr. KELLY. No; I beg to be excused for the present.

Mr. ANTHONY. Then I rise to morning business if the Senator from Oregon objects.

The PRESIDENT *pro tempore*. The Senator from Rhode Island rises to morning business, which he will present.

ROCHAMBEAU PAPERS.

Mr. ANTHONY. Mr. President, I offer a resolution of inquiry, and I desire, in a few words, to state its purport. Among the distinguished foreigners drawn to Philadelphia by the exposition was the Marquis de Rochambeau, grandson of the illustrious captain who led the forces of our generous allies in the war of Independence, and who with Washington received the surrender of Cornwallis at Yorktown. The marquis held, and I suppose still holds, the commission of the French government in connection with the Exposition. A part of the purpose which he had in visiting this country, with which his name is so closely and gratefully associated, and to which his hereditary attachment has been increased by study and by intelligent observation, was to visit this capital, in order to better witness the workings of our Government and to make the acquaintance of our public men. An unexpected summons from home called him away suddenly, and left this part of his plan unfulfilled.

The Marquis de Rochambeau has inherited the papers of his grandfather. Among them are many of very great value connected with his service in America, including reports of the *état major*, memoranda, letters, maps, charts, plans of battles, of marches, and of military operations, which have never been made public. A gentleman connected with our legation in Paris, a man of culture and scholarship, well known to my friend from Indiana, [Mr. MORTON,] and who is himself addicted to historical studies, has written to me on the subject. After speaking of the marquis as an amiable and accomplished gentleman, bearing a great name with undiminished honor, he says:

> I have been more especially interested in his acquaintance as I found that he possessed among his family papers a perfect treasure of untouched historical material concerning our revolutionary war. You are aware that in the records of that period which have been preserved there is a comparative paucity of staff reports giving minutiæ and technical data, which form the basis of accurate military history. It is precisely in this kind of material that the Rochambeau papers are richest. I have repeatedly talked with the marquis since I have seen these archives of the fitness of allowing them to be printed and the originals preserved by our Government. He is animated by a very liberal spirit and a just pride in his illustrious grandfather, and it will not be difficult to make some arrangement which will place the documents within the reach of all historical students.

Mr. MORTON. By whom is the letter signed?

Mr. ANTHONY. By Mr. Hitt.

I also have a letter from the marquis, in which he confirms his desire to place these papers at the disposition of our Government, either for publication, under his own editorial supervision, or to be deposited among the public archives. I am sure I need not, in this place and in this centennial year, urge the importance of anything which illustrates the military history of the Revolution, especially documents so precious and authentic as these; and with a view of obtaining further information on the subject I offer the following resolution:

> *Resolved*, That the Committee on the Library be instructed to inquire into the expediency and practicability of obatining the papers of the Count de Rochambeau relating to the war of Independence and now in the possession of his grandson, the Marquis de Rochambeau.

The resolution was considered by unanimous consent, and agreed to.

GEORGE T. OLMSTED, JR.

Mr. KELLY. Mr. President——

Mr. FRELINGHUYSEN. I ask the permission of the Senator from Oregon to enable me to move that the Senate proceed to the consideration of Senate bill No. 938.

Mr. INGALLS. I beg the Senator's pardon. Having given notice yesterday that to-day, at the expiration of the morning business, I should ask the Senate to take up a bill, it really seems to me that courtesy to me would allow that matter to be proceeded with.

Mr. FRELINGHUYSEN. If my friend will permit me, I will state that I called up this bill also yesterday morning.

Mr. KELLY. And I have called up my bill two or three times.

Mr. INGALLS. The Senator from Oregon certainly has no precedence by way of unfinished business in the morning hour. As when I reported this bill yesterday I gave notice, and no objection was made, it seems to me, considering the importance of the bill, I certainly ought to be entitled to have it considered by the Senate now.

Mr. FRELINGHUYSEN. The bill which I wish to get up would have been passed by the Senate before this time if the Senator had not intervened.

Mr. KELLY. I will yield to the Senator from New Jersey if the bill is to take but a minute.

The PRESIDENT *pro tempore*. The Senator from Oregon was recognized, and he now yields to the Senator from New Jersey. The Senator from Kansas will be recognized after the Senator from Oregon.

Mr. FRELINGHUYSEN. I move that the Senate proceed to the consideration of the bill (S. No. 938) for the relief of George T. Olmsted, jr.

The motion was agreed to.

The PRESIDENT *pro tempore*. The bill is before the Senate.

Mr. FRELINGHUYSEN. The House has already passed this same bill as House bill No. 3855. I move to substitute it for the Senate bill. Both of them have the unanimous report of the Military Committee of each House.

The PRESIDENT *pro tempore*. Is there objection?

Mr. FRELINGHUYSEN. It is suggested to me that it will require the bill to go to the House again if we adopt a substitute, and therefore I move that the Committee on Military Affairs be discharged from the consideration of the House bill, as their report in the shape of the Senate bill is printed, and that the vote be taken on the House bill.

The PRESIDENT *pro tempore*. The Chair hears no objection; and the bill (H. R. No. 3855) for the relief of George T. Olmsted, Jr., is before the Senate as in Committee of the Whole.

It authorizes the President to re-appoint George T. Olmsted, jr., late a captain of the Second Regiment of Artillery, United States Army, a captain in the Army, and to duly commission him as the same. This is not to be so construed as to authorize Olmsted to receive any pay or allowances for any time that he has not been in the actual service of the United States.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LANDS IN KLAMATH INDIAN RESERVATION.

Mr. KELLY. Twice House bill No. 1316 has been under consideration, and I now move that the Senate take it up and dispose of it.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 1316) to adjust the claims of the owners of lands within the limits of the Klamath Indian reservation in the State of Oregon, the pending question being on the amendment of Mr. SHERMAN in line 12, after the word "mineral," to insert "and which are then subject to entry under the homestead or pre-emption laws of the United States."

The amendment was agreed to.

Mr. MITCHELL. I move to amend the bill by striking out, commencing in line 19, the following words:

And likewise any indemnity lands within the limits of said reservation that have been selected and approved to the State of Oregon under the provisions of said act.

The amendment was agreed to.

Mr. MORRILL. Let the bill be read.

The Chief Clerk read the bill.

Mr. MORRILL. This appears to be a bill in which my colleague took some interest and was proposing some amendments. I understand he is absent on a committee of conference. I submit to the Senator from Oregon that it is hardly fair to take up this bill in his absence.

The PRESIDENT *pro tempore*. The Chair will state to the Senator from Vermont that there was an amendment pending which the Chair was not aware of, and it will now put to the Senate, proposed by the Senator's colleague, [Mr. EDMUNDS.] The Secretary will report the amendment.

The CHIEF CLERK. After the word "act," in line 31, the amendment is to insert "or any act of Congress amendatory or supplemental thereto."

The amendment was agreed to.

Mr. MORRILL. I do not know whether that is all the amendment my colleague proposed or not.

The PRESIDENT *pro tempore*. There are amendments of the committee not yet acted on which the Secretary will report.

The CHIEF CLERK. In the fifth line of the bill the Committee on Public Lands propose to insert after the word "scrip" the words "for quantities of land not less than one section;" and in line 12 to strike out the words "the subdivision" and insert the words "one section."

The amendment was agreed to.

Mr. EDMUNDS. Let us hear the bill read as it stands now.

The PRESIDENT *pro tempore*. The bill will be read as it now stands.

The CHIEF CLERK. As amended, the bill reads:

That the Commissioner of the General Land Office be, and he is hereby, authorized, under the direction of the Secretary of the Interior, to issue scrip for quantities of land not less than one section to the legal owners of the land granted to the State of Oregon by act of Congress approved July 2, 1864, to aid in the construction of a wagon-road from Eugene City to the eastern boundary of the State, authorizing them to select and locate, of the unoccupied and unappropriated public lands of the United States, not mineral, and which are then subject to entry under the homestead or pre-emption laws of the United States, and in tracts not less than one section, as provided for in the United States lands laws, and if unsurveyed when taken, then to conform when surveyed to the general system of the United States land surveys, a quantity of land equal in amount to the lands within the limits of said grant embraced in the Klamath Indian reservation designated and set apart by the Commissioner of the General Land Office as lands in place, the quantity of said lands to be ascertained by the Commissioner of the General Land Office. And the said Commissioner shall issue patents for the lands so selected: *Provided*, That no scrip nor patents shall issue as hereinbefore provided until the owners of the lands embraced in said reservation shall execute and deliver to the Commissioner of the General Land Office a deed conveying to the United States all their right, title, and interest to the same: *Provided further*, That no scrip issued in pursuance of the provisions of this act, or any act of Congress amendatory or supplemental thereto, shall be located upon other than the public lands lying within the said State of Oregon.

Mr. EDMUNDS. Mr. President, I did not expect this matter to come up this morning, and my excuse for not being here is that I was obeying the order of the Senate in attending a conference committee, but it is up and we must consider it, as little ready as we may be.

This grant to the State of Oregon is from Eugene City, by way of a certain pass in the mountains near Diamond Peak, to the eastern boundary of the State, and was for a military wagon-road. Here is the Klamath Indian reservation in green, [exhibiting a map,] and this land grant runs with a broad red color sweeping across this Diamond Peak pass, then turning south and taking a swoop diagonally across the reservation so as evidently to take all the best part of it, then bending to the east and south again clear to the southern border of the State, and then northeast up to the Territory of Idaho. Undoubtedly I am bound to suppose that the topographical necessities were such as to make it necessary to sweep in that particular way and to pop down upon that identical reservation and, as they say out West, scoop it. Judging from the peculiarity that as soon as they got through the mountains they took a sudden turn to the south so as to cross that reservation, I take it there must have been some high topographical necessity for it; and I want to have it borne in mind, as the fact is as shown by the dates of the statutes and of this Indian treaty, that when this road actually started, before the legislative grant took effect, the reservation had been already set out by the treaty and the Indians were being gathered upon it; so that when the road was built there it was built to the knowledge of the builders across the reservation. The reservation did not cover the road, but the road covered the reservation.

Now I propose to show to the Senate, if I can have its attention, for I have examined the subject a little more carefully than I did when I had the honor to address the Senate the other day, that the State of Oregon and its grantees never acquired any title at all to the lands within the reservation under that grant. I stated the other day that that was my impression. A careful examination of the subject since has convinced me that my impression was perfectly correct, and that the people who are now making this claim for 100,000 acres of land to be taken somewhere else in the State of Oregon never had any rights to lands in this reservation at all and have not any now. They are neither the legal nor the equitable owners of a foot of that land.

The grant was made, as will be found in volume 13, page 355, of the Statutes at Large, on the 2d of July, 1864—

That there be, and hereby is, granted to the State of Oregon, to aid in the construction of a military wagon-road from Eugene City, by way of Middle Fork of Willamette River, and the most feasible pass in Cascade range of mountains, near Diamond Peak, to the eastern boundary of the State, alternate sections of public lands, designated by odd numbers, for three sections in width on each side of said road.

Alternate sections of public lands on a line to be laid down going from Eugene City to the eastern boundary of the State passing near Diamond Peak. I stated the other day—and that is perfectly well settled law, every body knows it and I never heard it disputed—that a grant of that kind gave nobody any interest in any particular land until the grant should be located. If it were otherwise, no lands in Oregon after this act could be sold to a pre-emptioner, taken up as a homestead, or in any other way disposed of, because they were all subject to this mortgage and the settler might be turned out of his possession by the subsequent location of the road over his section of land. That is not the law. These floating grants, I repeat, the law is perfectly well settled, give no interest in any particular foot of territory at all until the location is made and the line defined by marks upon the earth and notice given to the proper land officer.

Then all the lands that at that time, at the time of the location, are the property of the United States and within the description of

the statute are those to which the grant attaches and no others; so that, in this vast distance of four hundred and sixty-one miles from Eugene City to the boundary of Idaho, every settler who between the 2d of July, 1864, and the time when in 1867 or in 1868 or whenever it was this road began to be located and built had taken up his little homestead or his pre-emption claim or his bounty-land claim or whatever it might be, when the road came along within three miles of his section, was not to be turned out of it. He had acquired a title to his section before the location of the line, and the grantees had no right ever to turn him out, and nobody ever thought they had such a right, and so far as I know they never attempted it. Certainly if they did attempt it, they attempted to violate the law.

So then, Mr. President, this shows, what as I have said the law clearly is, that whatever rights were taken under this grant were acquired from foot to foot and yard to yard and mile to mile according as the road was located and the proper returns made to the Land Office of the United States, so that it could be known where the float, as it is called, was to lie down, and when it did lie down it only attached to the lands that at that time, not at the date of the passage of the law, belonged to the United States and were not in any respect affected by the private claims and private ownership.

That being the state of the case, this treaty was made in October, 1864; made before the State of Oregon had accepted this land grant at all, before she had transferred it to the Oregon Military Road Company; and in that treaty this reservation was made and described by metes and bounds, with territorial limits perfectly notorious to the State of Oregon and everybody there, for it was in her interest that the reservation was established and the Indians were gathered in from the rest of her territory to live there. At that time, I say, this location of this Indian reservation was made, and at a time, as I repeat, when the State of Oregon had not acquired a title to a single section of this land that is claimed, or any other under the grant made by the act of 1864.

Now the question is simply whether the right of the Indians under this treaty is to be overborne and we are to buy off these claimants, or whether the claimants or those from whom they claim under this grant were entitled to any alternate section within the Klamath reservation. I am perfectly convinced, as I have said, that they are not entitled to any at all, because at the date of the grant and at the date of its location this Indian reservation was not the public land of the United States the subject of grant to a railroad company. One authority for that—many might be cited—the last one decided this very winter, is the case of Newhall *vs.* Sanger. That arose in the State of California. In that case there was a grant, I believe not merely of public land, as this act expressed it, but a grant of the lands of the United States to the Western Pacific Railway Company within certain limits, twenty miles, I believe, of the line of the road, of all lands of the United States by alternate sections. On one part of this road, after it was located and laid down, it was found that there was then existing a claim under an old Mexican grant. It turned out within two weeks after the location of the road, by a decision of the Supreme Court, that that Mexican claim was absolutely groundless and that the claimant to that piece of land thus within the twenty-mile limit of the railway had no title to it whatever, and that under the treaty of the United States with Mexico of 1848 the land was public property of the United States. As soon as this decision was made settlers under pre-emption and homestead and other rights, in accordance with law—it does not make any difference how they got in, but it was under the statutes as to public lands—went and took up some of the sections on this old Mexican claim. The railway company insisted that both within the spirit and letter of the law, inasmuch as it turned out that there was not even a claim to this land on the part of anybody when the statute was passed giving it to the company, nor a just claim on the part of anybody when they located their line of road, they were entitled to it and not the pre-emptors who went there after their road was located and after it had been ascertained that there never had been any valid claim to this land, but that it had always belonged to the United States.

I had the honor to argue that cause in the Supreme Court, and I expended what little resources of ingenuity I possessed to convince the court that the claim of the railway was right and that these people who had interpolated themselves by pre-emptions and homestead claims, &c., after the location of the road and after it had been ascertained that there was no claim upon the ground when the road was located at all, were not entitled to set up their pretensions against this grant of Congress to the railway company. But unhappily for me, or rather for my client—it only made me unhappy in the moral sense of being defeated in a cause that I argued—the Supreme Court held exactly the reverse, and said this:

> The act of July 1, 1862, (12 Statutes, page 492,) grants to certain railroad companies, of which the Western Pacific by subsequent legislation became one, every alternate section of public land, designated by odd numbers, within ten miles of each side of their respective roads, not sold, reserved, or otherwise disposed of by the United States, and to which a homestead or pre-emption claim may not have attached at the time the line of the road is definitely fixed. It requires that within a prescribed time a map designating the general route of each road shall be filed in the Department of the Interior, and that the Secretary thereof shall then cause the lands within a certain distance from such route to be withdrawn from pre-emption, private entry, and sale. The precise date of the location of the Western Pacific road is not stated in the record, but the inference is that it took place between the first day of the December term (1864) of this court and the 13th day of February, 1865.
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> It is a conceded fact that the lands embraced by it fall within the limits of the railroad grant, which were enlarged by the amendatory act of 1864.
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> There can be no question that by the withdrawal in question the grant took effect upon such odd-numbered sections of public lands within the prescribed limits as were not excluded from its operation, and the question arises whether lands within the boundaries of an alleged Mexican or Spanish grant, which was then *sub judice*, are public lands within the meaning of the act of Congress under which the patent, whereon the appellee's title rests, was issued to the railroad company.
>
> The subject of grants of land to aid in constructing works of internal improvement was fully considered at the present term in Leavenworth, Lawrence, and Galveston Railroad Company *vs.* The United States.

Another decision at the same term which lays down with more amplification the same doctrine I have already stated, as to when grants take effect and what are "public lands" within the sense of the acts of Congress making land grants to corporations:

> We held that they attached only to so much of our national domain as might be sold or otherwise disposed of, and that they did not embrace tracts reserved by competent authority for any purpose or in any manner, although no exception of them was made in the grants themselves. Our decision confined a grant of every alternate section of land to such whereto the complete title was absolutely vested in the United States.

Now, mark what the court say next, which covers this subject completely:

> The words "public lands" are habitually used in our legislation to describe such as are subject to sale or other disposal under general laws. That they were so employed in this instance is evident from the fact that to them alone could, on the location of the road, the order withdrawing lands from pre-emption, private entry, and sale apply.

If it be the law, as it certainly is settled to be, that the words "public lands" are habitually used in our legislation to describe such as are subject to sale or other disposal under general laws, then it seems to me that it is perfectly manifest that the land covered by this Klamath reservation does not fall within the grant made to the State of Oregon, but exactly the reverse. Even at the date of the act of 1864, to go no further down, the Indian title, which was the only question in the Lawrence, Leavenworth, and Galveston case, had not been extinguished; and in no sense under the statutes of the United States were these lands occupied by the Indians that were afterward diminished to the reservation kept for them and the rest of them in the same treaty granted to the United States, subject to the general land laws of the United States; they were not subject to entry; they were not subject to pre-emption; they were not subject to homestead; they were not subject to any of the land laws of the United States. They were within its political jurisdiction and subject to its political control; but as property of the United States it was property not yet reduced to possession and not yet subject to grant, because the Indian title had not been extinguished; and although it is the law that the Indian title to lands in States or in Territories held by their original right is not a title in fee which they can dispose of by grant or conveyance, yet it is a title which gives them exclusive right of occupancy forever until they cede it away or until by conquest, as in the case of a war with a foreign nation, we acquire a complete jurisdiction over it. That was the state of it at that time.

The law, therefore, Mr. President, as it appears to me and as it has appeared to the Supreme Court in its decisions now brought down to this last crystallized statement as to what is meant by the term "public lands" in these land grants, was that the grantees of this right to build this wagon-road under the State of Oregon and the grant to the State of Oregon never attached to the land covered by the Klamath reservation. More than all that, as I have said, the treaty by which these lands were kept by the Indians and all the rest of their lands in that part of Oregon were ceded to the United States was made in October, 1864, and before the State of Oregon had accepted this grant at all, and before a single step had been taken for the construction of this road.

Mr. MITCHELL. May I ask the Senator a question?

Mr. EDMUNDS. Certainly.

Mr. MITCHELL. Without reference to the merits of this controversy at all, one way or the other, I desire to inquire of the Senator from Vermont why it is that in his judgment the rights of this company did not attach to these lands; whether it was because the Indian title had not been extinguished, or because some other rights had attached by virtue of the treaty?

Mr. EDMUNDS. I will answer my friend on both grounds.

Mr. MITCHELL. I inquire for my own personal information.

Mr. EDMUNDS. Certainly, on both grounds. According to these late decisions of the Supreme Court, in two cases where as I have said I presented all the reasons I could think of against that construction, the term "public lands" in all land grants to a corporation or to a State covers those lands that have been so dealt with before as to be subject to sale or other disposal under the general laws of the United States, and my friend knows just as well as I do that under the general laws Indian lands that have been brought within the control of the United States and the Indian title not extinguished are not yet subject to the general laws of the United States.

Mr. MITCHELL. Now I desire to ask the Senator from Vermont if he does not know that the Indian title has never been extinguished to any of the public lands in Oregon, except a very small proportion indeed, upon which to-day there are hundreds of settlers owning the land in fee and having title from the occupants in possession?

Mr. EDMUNDS. I do not know how that is, and I do not care how it is. I am talking about what the law is. If the people of Oregon have overrun all the Indians, Congress so far as I know is not responsible for it in respect to this particular question; and whether they are right or are wrong in respect to the possessions they have acquired has nothing to do with what is the law. The Supreme Court have determined what the law is. Of course that does not bind Congress in the exercise of its discretion. If we think the Supreme Court have made a mistake in construing a statute of the United States, we can correct that mistake by changing the statutes and making them something else; but I am speaking about what this bill says that we are to pay these people for one hundred thousand acres of land of which they have the title and we want to buy it in order to preserve to the Indians all that we agreed they should have by the treaty.

Now, sir, I come to the treaty, Mr. President. The treaty was not ratified until three or four years afterward, and I do not know but that meantime—I have forgotten how the fact is if I ever knew—the construction of this road had begun, and I do not know but that it had reached this reservation, though I think not. I do not know how that is.

Mr. KELLY. It was completed on the 17th of February, 1870.

Mr. EDMUNDS. The report does not say whether it was completed in conformity with the statutes or not, and I have had a letter from an Oregonian, who appears to be respectable and who writes a good hand and writes English, in which he rather more than insinuates that the building of this road was rather a catamount performance, and that as a "first-class road in every respect," as the statutes about the Pacific railroad said, it would hardly have passed muster. But I do not know how that is. The committee must inquire.

Now, the question is, next as to the effect of this treaty. The treaty, as I have said, was made in October, 1864, and before any claim on the part of the State of Oregon, if one could have existed to these lands, had arisen. It was not, as my friend says, ratified until afterward. Take that to be so, what is the settled principle of public law upon a question of that kind? It is that a treaty when ratified and confirmed takes effect in respect of the rights that the parties under it are to obtain or retain, from the date of its negotiation. Therefore, whatever right these Indians were to acquire in this territory they took as the title stood at the time of the date of the treaty, even if it had not been ratified until this time, and the parties who built their road across it built it at their peril, knowing what the law was, and that if the treaty was ratified their title to the alternate sections of land would never exist. We can all see that there is a reason for that. Suppose the case of a treaty with a foreign nation, by which one nation is to acquire from the other an extent of territory. The negotiation is made on the 1st of January, 1876, I will say, and the treaty is ratified on the 1st of July, 1876. Meantime the granting party, who is granting to the other territory, goes and makes land grants all over that territory, grants away the estate that by the treaty it is to grant to the other power. Would it be tolerated among civilized nations for a single moment, that, after a treaty is negotiated and while it is awaiting ratification between the two powers according to the form of their respective governments, either power can go on and change the nature of the subject and dispose of the land that it has engaged to convey away by treaty to somebody else? Of course not. The injustice of it would be monstrous, and it would not be tolerated, and never was tolerated, for a single moment. That question arose very early in this Government, and it was not a new one in public law.

Under the treaty by which we acquired from Spain certain lands and from France certain other lands coming from Spain through France, the King of France, after the date of his treaty releasing his rights in Florida or Alabama or wherever it was down there, and before the treaty took effect by its ratification, made grants to his subjects just as kings did of grants all along our coast at first; and the question arose in the Supreme Court afterward whether those people who took title by grants from the King of France between the time of negotiation of the treaty and the time of its ratification had a good title, or whether the title came to the United States by the treaty and to the claimants under its grants. The Supreme Court unanimously decided, what was a perfectly well-settled principle of public law, that a French grant after the negotiation of the treaty and before its ratification was absolutely null and void; that the treaty took effect from the date of negotiation, no matter how long after it was ratified, and that a treaty being a public act, it was notice to everybody, and the party who took his grant under the King of France got no title at all.

Mr. MITCHELL. Suppose the treaty by its terms was to take effect from the date of its ratification?

Mr. EDMUNDS. Suppose, my friend from Oregon asks, it was by its terms to take effect from the date of its ratification. He puts the case of a grant made by one party to another to take effect from the date of its ratification, and meantime the granting party going on and disposing of the land to somebody else. The law would be exactly the same there, because the point is that where land is the subject of a grant the grant begins at the date of the commencement of the enterprise, and that it is bad faith, public bad faith, and absolutely illegal for the granting party to undertake meantime to make any other disposition of it. Therefore when such a treaty says it shall take effect from its ratification, it cannot be construed to mean that if meantime the granting party has sold all the land that he agreed to convey, the treaty then taking effect from its ratification, nothing would be conveyed.

Mr. MITCHELL. In that case, would it not simply go to the question of bad faith on the part of the granting power?

Mr. EDMUNDS. Not by any means; it would go to the question of title. The effect of a phrase in a treaty that it shall take effect from its ratification is not to unfix or to defeat any rights that the treaty proposes to convey, but it is to say at what time active obligations on the part of either party in respect of executory duties they are to perform are to begin; and if in a treaty with Great Britain we were to acquire the province of Canada and it was to take effect from the date of its ratification, and after its negotiation Great Britain conveyed all the public lands she had in that country to a private corporation, it would not do to say that the treaty taking effect from the date of ratification, we got no title to the land. That would be killing the horse after you had engaged to sell him, although the sale would not be consummated and take effect until he was delivered. That would not do, Mr. President. The consequence is——

The PRESIDENT *pro tempore*. The morning hour has expired.

Mr. EDMUNDS. I should like to say one word more.

The PRESIDENT *pro tempore*. Is there objection?

Mr. KELLY. I hope this bill will be disposed of.

Mr. EDMUNDS. I do not want to displace the regular order. I did not suppose this matter would come up in the morning hour and was not at all prepared to make any very consecutive remarks about it; in fact I was not present when it came up.

Mr. SHERMAN. We had better go on with the regular order.

Mr. BOUTWELL. I do not object to the debate continuing, the right to object at any time in the future being reserved to any member of the Senate.

The PRESIDENT *pro tempore*. Is there objection to continuing this subject, subject to a call for the regular order?

Mr. SHERMAN. I think we had better go on with the regular order.

ARMY APPROPRIATION BILL.

Mr. ALLISON. I ask leave to make a report from the committee of conference on the Army appropriation bill.

The PRESIDENT *pro tempore*. If there be no objection the report will be received.

The Chief Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 3717) making appropriations for the support of the Army for the fiscal year ending June 30, 1877, and for other purposes, having met, after full and free conference have agreed to recommend, and do recommend, to their respective Houses, as follows:

That the Senate recede from its amendments numbered 15, 16, 18, 19, 27, 28, 33, and 35.

That the House recede from its disagreement to the amendments numbered 1, 2, 6, 8, 9, 10, 12, 13, 14, 17, 20, 24, 29, 31, 36, and 37, and agree to the same.

That the House recede from its disagreement to the amendment numbered 3, and agree to the same with an amendment striking out "five" and inserting "three;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 4, and agree to the same with an amendment striking out "one hundred and five" and inserting "ninety;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 5, and agree to the same with an amendment, as follows:

Strike out all of said amendment after the word "and," in line 6, and insert in lieu of the words stricken out the following: "As provided by law, with a force of enlisted men not exceeding four hundred, after present terms of enlistment have expired;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 7, and agree to the same with an amendment, as follows: Strike out the words "sixty-eight" and insert in lieu thereof the word "eighteen;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 11, and agree to the same with an amendment striking out "two hundred and fifteen thousand five hundred and seventy-three" and inserting "one hundred and sixty-one thousand six hundred and thirty-seven;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 21, and agree to the same with an amendment striking out "$4,000,000" and inserting "$3,750,000."

That the House recede from its disagreement to the amendment numbered 22, and agree to the same with an amendment striking out "one million and seventy" and inserting "eight hundred and fifty;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 23, and agree to the same with an amendment, as follows: At the end of said amendment add the following: "*Provided*, That such assignment of recruits shall not increase the total aggregate of the Army beyond the number of 25,000 enlisted men, as provided for in this act;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 25, and agree to the same with an amendment, as follows: Strike out from said amendment the word "nine" and insert in lieu thereof the word "five;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 26, and agree to the same with an amendment, as follows: Strike out from said amendment "five hundred" and insert in lieu thereof "one hundred and fifty," and strike out all of the proviso; and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 30, and agree to the same with an amendment, as follows: Strike out from said amendment the word "five" and insert in lieu thereof the word "four;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 32, and agree to the same with an amendment, as follows: Retain the proviso proposed to be stricken out; and the Senate agree to the same:

That the House recede from its disagreement to the amendment numbered 34, and agree to the same with an amendment, as follows: Strike out "two hundred" and insert "one hundred and seventy-five," and insert at the end of the bill the following:

SEC. 3. That every military post may have one trader, to be appointed by the Secretary of War on the recommendation of the council of administration approved

by the commanding officer, who shall be subject in all respects to the rules and regulations for the government of the Army.

SEC. 4. That the whole subject-matter of reform and re-organization of the Army of the United States shall be referred to the commission hereinafter provided for, who shall carefully and thoroughly examine into the matter with reference to the demands of the public service, as to the number and pay of men and officers and the proportion of the several arms, and also as to the rank, pay, and duties of the several staff corps, and whether any and what reductions can be made either in the line or staff, in numbers or in pay, by consolidation or otherwise, consistently with the public service, having in view a just and reasonable economy in the expenditure of public money, the actual necessities of the military service, and the capacity for rapid and effective increase in time of actual war.

The commission hereby created shall consist of two members of the Senate and two members of the House of Representatives, to be appointed by the presiding officers of each House respectively, of the Secretary of War and two officers of the Army, one from the line and one from the staff corps, to be selected by the President with special reference to their knowledge of the organization and experience in service.

Such commission shall assemble as soon as practicable and proceed to the consideration of the matters with which they are charged, and make report to Congress by the first day of the next session through the President of the United States with all the evidence, record or otherwise, which they shall have received and considered.

And the sum of $1,000 is hereby appropriated from the contingent fund of the War Department to defray the expenses of such commission, to be expended under the direction of the president of said commission.

W. B. ALLISON,
JNO. A. LOGAN,
J. B. GORDON,
Managers on the part of the Senate.

J. D. C. ATKINS,
H. B. BANNING,
S. A. HURLBUT,
Managers on the part of the House.

Mr. CONKLING. I hope the Senator who makes this report will acquaint us with its generalities at least.

Mr. ALLISON. Mr. President, it will be observed from the reading of section 4, which will be the last section in the bill, that all matters relating to the organization of the Army are to be submitted to a commission, consisting of two members of the Senate, two of the House, the Secretary of War, and two Army officers. The House recedes from all its amendments relating to the reduction, re-organization, and pay of the Army. The remaining provisions in the bill have reference of course to details of appropriations. The House bill as it originally came to the Senate appropriated $24,350,259.06. That appropriation was increased by the Senate $3,211,000 in round numbers. The conference reduced the amendments of the Senate $1,492,193.60, leaving the total of the bill, as it will be if passed, $26,069,167.80 or $1,864,000 less than the Army appropriation bill of last year.

If there are any other explanations called for I can give them, but I believe I have given the substance of the changes made.

The report was concurred in.

IMPEACHMENT OF W. W. BELKNAP.

The PRESIDENT *pro tempore*. Legislative and executive business will now be suspended and the Senate will proceed to the consideration of the articles of impeachment exhibited by the House of Representatives against William W. Belknap, late Secretary of War.

The Senate then proceeded to the trial of the impeachment of William W. Belknap, late Secretary of War.

During the trial the proceedings were temporarily suspended and the Senate resumed its

LEGISLATIVE SESSION.

The PRESIDENT *pro tempore*. The Senate resumes its legislative session.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. G. M. ADAMS, its Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 1771) to declare forfeited to the United States certain lands granted to the State of Kansas in aid of the construction of railroads by act of Congress approved March 3, 1863.

The message also announced that the House had passed the bill (S. No. 983) to extend the duration of the court of commissioners of Alabama claims.

SUNDRY CIVIL BILL.

Mr. WINDOM submitted the following report, which was read:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 3749) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1877, and for other purposes, having met, after full and free conference have agreed to recommend, and do recommend, to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 2, 13, 17, 21, 22, 23, 24, 25, 26, 27, 28, 32, 39, 40, 44, 45, 50, 52, 55, 62, 63, 64, 67, 69, 70, 71, 72, 73, 74, 76, 78, 79, 82, 85, 86, 87, 93, 97, 98, 100, 101, 102, 104, 106, 109, 110, 111, 121, 124, 125, 130, 132, 133, 134, 136, 140, 148, 152, 153, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 200, 208, 217, 240, 242, and 244.

That the House recede from its disagreement to the amendments of the Senate numbered 4, 5, 6, 12, 15, 18, 19, 29, 31, 33, 35, 38, 41, 42, 48, 51, 53, 57, 59, 60, 65, 92, 94, 95, 96, 112, 114, 115, 116, 117, 118, 119, 123, 126, 127, 128, 131, 137, 138, 146, 147, 150, 154, 155, 157, 158, 159, 180, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 193, 194, 195, 197, 198, 199, 201, 202, 203, 204, 205, 206, 207, 209, 210, 211, 212, 213, 214, 215, 216, 218, 219, 220, 222, 223, 224, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 241, 243, and agree to the same.

That the House recede from its disagreement to the amendment numbered 3, and agree to the same with an amendment, as follows: Add at the end of said amendment the words "or so much thereof as may be necessary;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 7 and agree to the same, with an amendment as follows: For "Green *vs.* Van Wyck" substitute "Van Wyck *vs.* Green;" and the Senate agree to the same.

That the Senate recede from its amendment numbered 8 and agree to the clause proposed to be stricken out, with an amendment inserting after the word "department" in said clause the words "from March 6 to March 14, 1876;" and the House agree to the same.

That the Senate recede from its amendment numbered 9 and agree to the clause proposed to be stricken out, with an amendment adding at the end thereof "for services performed during the present session;" and the House agree to the same.

That the Senate recede from its amendments numbered 10 and 11 and agree to the clauses proposed to be stricken out, with an amendment as follows: After the word "service" in the first clause add the words "during the present session," and at the end of the second clause add the word "dollars;" and the House agree to the same.

That the Senate recede from its amendment numbered 14, and agree to the clause proposed to be stricken out, with an amendment as follows: After the word "service" in said clause insert "during the present session;" and the House agree to the same.

That the House recede from its disagreement to the amendment numbered 16, and agree to the same, with an amendment as follows: Strike out the words "$4,800, or so much thereof as may be necessary," and the word "for," being the first word in the second clause of said amendment, substituting therefor the words "and for," so as to join the two clauses; and strike out the words "two thousand" at the close of the second clause and substitute therefor the words "three thousand four hundred;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 20, and agree to the same with an amendment as follows: Insert after the word "RECORD" in line 25, page 5 of the bill, the words, "and for lithographing, mapping, and engraving for both Houses of Congress, the Supreme Court, and the Court of Claims, and for the necessary materials," and in lieu of the sum proposed to be inserted by said amendment substitute "$133,737.50;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 30, and agree to the same with an amendment substituting for the word "five" the word "three;" and the Senate agree to the same.

That the Senate recede from its amendment numbered 34, with an amendment as follows: In line 1, page 7 of the bill, strike out "For" and insert "and for," so as to connect the clauses; and after the word "dollars," in line 2, page 7 of the bill, insert the following: "And of the sums hereby appropriated for the several Departments, courts, and for the debates and proceedings in Congress, there shall only be used for the several purposes herein provided the sums specified, and the unexpended balances shall not be used for any other purposes;" and in line 13, page 7 of the bill, after the word "lowest," insert the word "responsible;" and the House agree to the same.

That the Senate recede from its amendment numbered 36, with an amendment as follows: Strike out therefrom the words "on the 30th day of June, 1876," and insert in lieu thereof the following: "from and after the passage of this act," and also strike out the words "and he shall receive a salary at the rate of $3,500 a year" and insert in lieu thereof the following: "and the Joint Committee on Printing are hereby authorized and directed to inquire into the question of public printing and report at the next session of this Congress, with authority to sit during the recess, and to report such reforms as are necessary to secure faithful and economical work for Congress and the Departments;" and the House agree to the same.

That the House recede from its disagreement to the amendment numbered 37, and agree to the same with an amendment substituting in place of the words stricken out the following:

"That all executive proclamations and all treaties required by law to be published shall be published in only one newspaper, the same to be printed and published in the District of Columbia and to be designated by the Secretary of State, and in no case of advertisement for contracts for the public service shall the same be published in any newspaper published and printed in the District of Columbia unless the supplies or labor covered by such advertisement are to be furnished or performed in said District of Columbia."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 43, and agree to the same with an amendment, as follows: Strike out of said amendment the word "its" and substitute therefor the word "the," and after the word "expenses" insert "of schools, the police, and the fire department;" and the Senate agree to the same.

That the Senate recede from its amendment numbered 46, and agree to the clause proposed to be stricken out with an amendment, as follows: In lines 6 and 7, page 11 of the bill, substitute "$16,670" for the sum there named, and after the word "thousand," in line 17 of same page, insert "five hundred," and after the word "dollars," in line 27 of the same page, insert "miscellaneous sanitary work," and after the word "expenses," in line 1, page 12, insert "one thousand," and strike out in line 2, page 12, the word "that" and insert in lieu thereof the word "and;" and the House agree to the same.

That the Senate recede from its amendment numbered 47, and agree to the text proposed to be stricken out with an amendment, as follows: After the word "to," in line 15, page 15 of the bill, insert the following: "$127,243.91, being;" and the House agree to the same.

That the Senate recede from its amendment numbered 49, and agree to the text of the bill by striking out all after the word "dollars" in line 19, page 18, to the end of the clause; and the House agree to the same.

That the House recede from its disagreement to the amendment numbered 54, and agree to the same with an amendment substituting "ten" for the word proposed to be inserted; and the Senate agree to the same.

That the Senate recede from its amendment numbered 56, and agree to the text proposed to be stricken out with an amendment, as follows: After the word "to," in line 13, page 20 of the bill, insert "$3,500, being;" and the House agree to the same.

That the Senate recede from so much of its amendment numbered 58 as substitutes the "Secretary of the Interior" for the "Surgeon-General of the Army;" and the House agree to the same.

That the House recede from its disagreement to the amendment numbered 61, and agree to the same by substituting the word "ten" for the word "twenty;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 66, and agree to the same by substituting the word "twenty" for the word "thirty;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 68, and agree to the same with an amendment, as follows: Add at the end of said amendment the words "to be disbursed by the Secretary of the Treasury for mint purposes;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 75, and agree to the same with an amendment, as follows: In lieu of the word proposed to be inserted insert "two," and before the word "thousand," in line 27, page 22 of the bill, insert "and fifty;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 77, and agree to the same with an amendment, as follows: In lieu of all the amended clause insert the following: "Court-house and post-office at Lincoln, Nebraska; For completing the building, $30,000; and for grading approaches, furniture and carpets, $10,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 80, and agree to the same with an amendment substituting for the word "reconstruction," in line 16, page 23 of the bill, the word "remodeling," and restoring the words stricken out, amended as follows: After the word "city" add "being $30,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 81, and agree to the same with an amendment, as follows: Strike out the word "fifty" and insert in lieu thereof "in full for the same, thirty;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 83, and agree to the same with an amendment, as follows: In lieu of the words proposed to be inserted insert the word "eighty;" and the Senate agree to the same.

That the Senate recede from its amendment numbered 84, substituting for the words proposed to be stricken out the words "three hundred and fifty;" and the House agree to the same.

That the House recede from its disagreement to the amendment numbered 88, and agree to the same by substituting for "$65,321.85" the following: "$40,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 89, and agree to the same, with an amendment as follows: Strike out "twenty-five" and insert "fifteen;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 90, and agree to the same, with an amendment as follows: Strike out "two" and insert "one;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 91, and agree to the same, with an amendment as follows: Strike out "twenty-five" and insert "ten;" and the Senate agree to the same.

That the Senate recede from its amendment numbered 99, and agree to the text proposed to be stricken out, with an amendment as follows: After the word "to" in line 24, page 28 of the bill, insert the following: "$3,000, being;" and the House agree to the same.

That the House recede from its disagreement to the amendment numbered 103, and agree to the same, with an amendment as follows: In lieu of the words proposed to be inserted, insert "seventy-five;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 105, and agree to the same, with an amendment as follows: In lieu of the words proposed to be inserted, insert the word "thirty;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 107, and agree to the same, with an amendment as follows: In lieu of the sum proposed to be inserted, insert "$100,000," and add at the end of said amendment the following: "And the act entitled 'An act making appropriations for the naval service for the year ending June 30, 1877, and for other purposes,' approved June 30, 1876, is hereby amended as follows: After the word 'Washington,' in the clause appropriating 'for necessary repairs of naval laboratory,' &c., strike out the last ten words, as follows: 'and the same shall be closed during the coming year;'" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 108, and agree to the same, with an amendment as follows: In lieu of the sum proposed to be inserted insert "$50,000;" and the Senate agree to the same.

That the Senate recede from its amendment numbered 113, and agree to the text proposed to be stricken out, amended as follows: "To aid in the completion of the monument in Fairmount Park, Philadelphia, in commemoration of the emancipation of the colored race, $3,000, to be paid to the duly authorized officers of the association having the work in charge."

That the House recede from its disagreement to the amendment numbered 120, and agree to the same, with an amendment as follows: Strike out "sixteen" and insert "six;" and the Senate agree to the same.

That the Senate recede from its amendment numbered 122 and agree to the text proposed to be stricken out by inserting after the word "hundred" in line 3, page 34 of the bill, the words "and twenty-five;" and the House agree to the same.

That the House recede from its disagreement to the amendment numbered 129, and agree to the same, with an amendment as follows: In line 20, page 36 of the bill, strike out the words "and twenty-five;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 135, and agree to the same, with an amendment as follows: In lieu of "one hundred" insert "seventy-five;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 139, and agree to the same, with an amendment as follows: In lieu of the word "two" insert "three," and add, to follow as a new paragraph, the following:

"For salaries and traveling expenses of agents at seal-fisheries in Alaska, one agent and three assistants, $9,465: *Provided, however*, That the two assistant agents whose salaries as fixed by law at $2,190 each per annum shall be discontinued from and after the 1st day of October, 1876."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 141, and agree to the same, with an amendment as follows: Strike out all of the amended text, being lines 25, 26, 27, on page 41, and lines 1 to 7, both inclusive, on page 42 of the bill, and the words proposed to be inserted; and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 142, and agree to the same, with an amendment as follows: Strike out "forty" and insert "twenty;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 143, and agree to the same, with an amendment as follows: Strike out "twenty" and insert "ten;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 144, and agree to the same, with an amendment as follows: In lieu of the word "continuing" substitute the word "completing," and strike out the words "sixty-nine" and insert the word "nineteen," and add at the end of said amendment the following: "and the board of testing iron and steel provided for in said section shall be discontinued from and after the expenditure of the amount herewith appropriated," and the Senate agree to the same.

That the Senate recede from its amendment numbered 145, with an amendment, as follows: Substitute for the sum proposed to be inserted, "being $56,235.04;" and the House agree to the same.

That the Senate recede from its amendment numbered 149, and agree to the words proposed to be stricken out, with an amendment as follows: "amounting to $350,000;" and the House agree to the same.

That the House recede from its disagreement to the amendment numbered 151, with an amendment as follows: Add at the end of said amendment the following: "*Provided*, That the said sum shall be expended under the direction of the Secretary of the Smithsonian Institution; and it shall hereafter be the duty of all watchmen or policemen employed in the grounds belonging to the United States to cooperate with the Metropolitan police in enforcing the rules and regulations of the board of Metropolitan police made in relation to the public works and approved by said board."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 156, and agree to the same with the following amendment: After the word "region," in line 18, page 44 of the bill, insert as follows: "Including $10,000 for the preparation and publication of maps, charts, and other illustrations necessary for the reports of said survey;" and the Senate agree to the transposition so made and recede from the balance of its amendment.

That the Senate recede from its amendment numbered 160, and agree to the text proposed to be stricken out with an amendment, as follows: strike out "two" and insert "three;" and the House agree to the same.

That the Senate recede from its amendment numbered 178, and agree to the text proposed to be stricken out with an amendment, as follows: strike out "twelve," in line 23, page 45 of the bill, and insert in lieu thereof the word "thirteen;" and the House agree to the same.

That the Senate recede from its amendment numbered 179, substituting therefor the following: "For survey of private land claims, $25,000;" and the House agree to the same.

That the House recede from its disagreement to the amendment numbered 181, and agree to the same with an amendment, as follows: In lieu of the words proposed to be inserted, insert the following: "Unless such company is exempted by law from the payment of such cost;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 192, and agree to the same with an amendment, as follows: In lieu of the sum proposed to be inserted insert "$1,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 196, and agree to the same with an amendment substituting for the sum proposed to be inserted "$1,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 221, and agree to the same by substituting for the sum proposed to be inserted "$1,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 225, and agree to the same by substituting for the sum proposed to be inserted "$1,500;" and the Senate agree to the same.

WM. WINDOM,
O. P. MORTON,
Managers on the part of the Senate.
SAM. J. RANDALL,
WM. S. HOLMAN,
EUGENE HALE,
Managers on the part of the House.

Mr. WINDOM. It may perhaps be proper that I should make a brief explanation of the more important points of agreement made by the conference.

The total reductions from the bill as it passed the Senate and went to the conference committee are $4,156,155.29.

Mr. CONKLING. If the Senator has them before him, I beg him to give the total appropriation proposed by the House, the total proposed by the Senate, and the amount appropriated by the bill if he can do so without inconvenience.

Mr. WINDOM. The total additions made to the bill as it left the Senate are $29,361.39, which chiefly consist of restoring items that the Senate had stricken out of the House bill. The net reduction from the Senate amendments is $4,126,793.90. The net additions made to the bill by the Senate were $5,099,840.40. Deduct the net reductions made in conference, $4,126,793.90, and it leaves the amount added to the House bill as reported from the conference $973,046.50. The total of the bill as agreed to by the conference is $16,229,779.82.

Mr. CONKLING. That is what the bill now appropriates?

Mr. WINDOM. The total of the bill as it now stands. The total appropriation for the fiscal year 1875–'76 was $26,644,350.09; so that this bill is less than the bill of last year by $10,414,572.27. And, Mr. President, this report shows a reduction by the conference committee upon the bill as it passed the Senate of $4,156,155.29. I deem it my duty to call the attention of the Senate to the items which constitute this reduction. I am unable to see that there is any great saving to the country in the reduction named, and I think the Senate will be unable to see it when I state the items. The report of the conference committee is of course the result of concessions on both sides, but I must admit that so far as the amounts are concerned it is the result largely of concessions on our side. It is not such a report as I would have desired. I am not satisfied with the bill as I report it from the conference committee, nor do I think the committee of the Senate is satisfied; but under the circumstances I believe it to be the best that can be obtained, and therefore hope the report may be adopted.

I now proceed to state the items which constitute this large reduction from the action of the Senate, amounting to over $4,000,000, and I will add to each of these items a little note of comment showing of what they consist.

First, on the Library of Congress there is a reduction of $4,400. This amount is for preparing an index now in progress, and of course the money will have to be appropriated hereafter, so that this item is merely postponed to some future time.

On printing and binding, and on lithographing and mapping, the reductions amount on the first to $491,770.16, and on the latter to $18,000. The expenses of the public printing, binding, &c., for the last year show that these items will be indispensable the current year. Hence striking them out means a deficiency next winter, nothing more nor less.

Then on the District of Columbia general expenses, $500,000. And I beg to add as a comment upon that, that instead of being a just economy, it is in my judgment simply the refusal to bear a fair proportion of the expenses of the District of Columbia, and to that extent is a repudiation of the obligation which we are under to the District.

I want to pause here for a moment, Mr. President, to comment upon the position which this agreement as to the District of Columbia and the laws we have passed leave this District. It is true we have consented to this arrangement, but I am unwilling that the Senate shall vote upon it without knowing exactly its nature. Last winter the commissioners of the District of Columbia sent to Congress a bill providing for taxation. We retained it here until late this summer, I think, and then passed a bill providing for taxation to take effect next December. We have also during this session postponed for one

year the redemption of real estate sold for taxes; we have also repealed certain license laws out of which they received about $100,000. So far, therefore, as our legislation is concerned we have taken from the people of the District all power to collect any money under taxation or otherwise until next December. In addition to that we have imposed upon the District by several acts several duties to be performed which will cost money, among others, in a bill which passed the Senate—I do not know now whether it passed both Houses or not, but I believe it has—as to repaving Pennsylvania avenue.

Mr. CONKLING. It has passed both Houses.

Mr. WINDOM. In that bill we require the District to relay the water-pipes; we also require various other duties of the District; and we have an act upon our statute-book which prohibits under penalty of imprisonment in the penitentiary and a very large fine any officer of the District from increasing the indebtedness of the District, so that, summing it up, we have denied to the District authorities all power to collect money under taxation, we have imposed upon them certain expenditures, and refuse to appropriate any money to aid them. That is the position of affairs.

Mr. SARGENT. And they have almost nothing in their treasury.

Mr. WINDOM. They have now $255,000 in the treasury.

Mr. SARGENT. With the August interest coming due.

Mr. WINDOM. We provide that, with the exception of certain current expenses, such as schools and one or two other items, all the money in the treasury shall be appropriated for the payment of interest on bonds. I submit that it leaves the District in a very bad condition; but all things considered the committee felt bound not to break up the conference and defeat the bill on that proposition. But there is one of the savings of $500,000 which enter into this reduction.

Mr. ALLISON. May I ask the Senator whether or not the schools will be obliged to close before these taxes that have been levied this year are paid into the Treasury?

Mr. WINDOM. I can only answer that by giving the opinion of the commissioners. They say they will. It may not be regarded as a strong argument in favor of the adoption of the conference report; but it is a plain, simple statement of the facts in the case which I desire the Senate to know before they act upon it.

The board of health we have reduced $1,827. The revenue-cutter service is reduced $25,639.49. This amount is merely withheld from a most valuable, economical, and important service, and I very much fear will result in a greater loss than saving.

The item for courts in Utah Territory we have reduced $23,000. There was a certain expenditure incurred amounting to $43,000. It has been audited and the amount is understood to be exactly that sum. The House bill appropriated $20,000 and provided that this should be in full payment of the $43,000 due. The committee secured an amendment striking out that proviso requiring a debt of $43,000 to be paid with $20,000, and have agreed to this amendment; but the $23,000 is a debt due and will have to be appropriated for next year in some deficiency bill.

The item for collection of claims due the United States we have reduced $2,500, and for defending suits against the Secretary of the Treasury we have reduced from the Senate bill $5,000. The officers of the Government who are responsible for the collection of claims due to the United States and for the defense of suits say that this reduction will embarrass them. This false economy will probably result in losses much greater than the amounts saved by the reduction. Five thousand dollars reduction is affected by omitting the item for repairs of the Insane Asylum. This I regard as simply a postponement until next year, for these repairs will have to be made. Then on the Smithsonian Institution there is a reduction of $20,000. That was the $20,000 which the Senate appropriated to take care of a large and valuable collection which the Smithsonian has under its charge. The Senate committee was compelled to recede from that provision.

Then there is the item of $6,000 for the examination of the rebel archives. This strikes out the whole provision made by the Senate for the examination of these archives. The examination of these archives has saved the Government many millions by furnishing evidence to defeat improper claims. The reason for refusing to continue so valuable an appropriation can hardly be founded upon a just economy.

Mr. EDMUNDS. What was the reason stated by the House conferees?

Mr. WINDOM. That it was not necessary to examine them any more; that it was a work which need not be done, as I remember now; that it was at least a saving that could be accomplished this year. In fact that is the argument throughout, that certain things can be postponed until the future.

Mr. EDMUNDS. The oblivion extends to the archives as well as the rebellion.

Mr. WINDOM. The United States Official Postal Guide is reduced $10,000 below the amount found necessary last year. The information the committee have on that subject is that this has been the most economical mode of furnishing information to thirty or forty thousand post-offices in the United States that has ever been adopted. This will not furnish it adequately during the coming year.

"Mints and assay offices" have been reduced from the Senate bill $64,000. The acts of this Congress have very largely increased the work required at the mints. Withholding necessary appropriations may render the mints unable to comply with the law. They can comply to some extent with it, but I think the amount of reduction is larger than it should be.

Now I come to twelve items which I will read together and comment upon them all at once: Subtreasury and post-office at Boston reduced $50,000; court-house and post-office at Cincinnati, $50,000; court-house and post-office at Chicago, $225,000; court-house and post-office at Topeka, Kansas, $50,000.

Mr. LOGAN. That leaves the post-office at Chicago without any appropriation.

Mr. WINDOM. It leaves an unexpended balance.

Mr. LOGAN. But I am speaking of any appropriation in this bill for roofing.

Mr. WINDOM. Without any appropriation in this bill.

Mr. LOGAN. It leaves it without a covering this winter.

Mr. WINDOM. Post-office and court-house at Trenton, New Jersey, reduced $20,000, from $50,000 to $30,000; appraisers' buildings, San Francisco, $20,000 reduction; State, War and Navy building, $250,000 reduction; court-house and post-office at Saint Louis, $150,000 reduction; at New York, $100,000 reduction; at Albany, $50,000 reduction; Post-Office Department building, $25,321.85; repairs of buildings under Treasury Department $100,000.

These twelve items for the construction and repairs of public buildings amounting to $1,090,321.85 may show a reduction in the aggregate of the appropriation bills for this year, and hence may serve a purpose next November; but the buildings are now in progress and must be completed. Postponement until next year is in no sense a saving of money; on the contrary, the failure to appropriate enough to carry on the work economically and protect that which has already been done may in some cases work loss to the Government.

The next five items are of like character. Expenses of buoyage, $15,000; signal-light crib, Chicago, $5,000; light-house at Little Traverse, Michigan, $12,000; light-house, Straits of Mackinac, $15,000; light-house, Narragansett Bay, $35,000. These are items that are withheld and will have to be appropriated in the future.

Mr. LOGAN. That $5,000 I understand is for the crib at Chicago.

Mr. WINDOM. It is.

Mr. LOGAN. I merely call attention to the fact that the House passed a bill for that purpose, and I had it put on the appropriation bill as an amendment.

Mr. WINDOM. I was not aware of that fact. At Rock Island arsenal the reduction is $165,000. The arsenal is in progress of construction, and the money must be appropriated hereafter. In the item of navy-yards and stations the reduction is $585,000. The appropriation last year was some $1,200,000. The total appropriation now for taking care of fifty millions of property is $100,000. On the item of manure for public grounds the reduction is $2,000; for the care of various reservations in the District the reduction is $10,000; graveling roadways, &c., $3,000; reduction on Capitol Grounds improvement, $100,000; Coast Survey reduction, $25,000; rent of buildings Coast Survey, $3,600; transportation of United States securities, $25,000; furniture, &c., in buildings under the Treasury Department, $25,000; custodians of various buildings under Treasury Department, $25,000; temporary clerks Treasury Department, $60,000. This amount was stricken down, but will have to be added to some other bill or the permanent force of clerks increased.

The Signal Office is stricken down $100,000; the geographical survey of the Territories west of the one hundredth meridian, $30,000; testing iron, steel, &c., $50,000; care of armory building, $1,500; maps for Powell's survey, $10,000; surveying public and private land claims, $72,400. This is for the general surveys, and of course is only a postponement until some future time. For various surveyor-generals' offices the reduction is $4,500; collecting revenue from sales of public lands, $166,216.79. This item is the difference between the estimates of the Department and the amount appropriated in the House bill. There is some question as to whether those estimates are correct or not, and if it is found that this sum is insufficient, the deficiency can be provided next year.

The item for the purchase of the Freedman's Bank building, $325,000, is omitted. This can hardly be called a saving, because it was proposed to use the money for the purchase of property which would be worth the money to be paid for it and would save in rents an amount, if paid for in bonds, equal to the interest. We rent the building now for as much or more than 5 per cent. interest on what the bonds would amount to.

Now, Mr. President, I have gone through the items of saving in this bill so called the reduction, amounting to four millions one hundred and fifty-odd thousand dollars, with the exception of certain items, which amount to $249,980, that might possibly be called a saving, and I will state the reductions of that character.

There is for the United States Official Postal Guide $10,000, on which I have already commented. Then the Reform School in the District of Columbia $18,480. This was for the enlargement of the grounds of the reform school, and I presume can be postponed without any serious inconvenience. Then there is for manure for public grounds $2,000. I think that is an actual saving. Then in the case of various reservations there is a reduction of $10,000. Whether that is a saving or not remains to be seen when we ascertain how the grounds look next winter. In the item for custodians of buildings $25,000 re-

duction is made by cutting down salaries already very poorly paid, and what results there may be as to the care of buildings remains to be seen. The $100,000 on the Signal Office is undoubtedly a saving, but it is a saving upon a most important service and of very doubtful expediency. There are the items of geographical surveys of Territories, $30,000; testing iron, steel, &c., $50,000; offices of surveyors-general, $4,500. All these items, amounting to $249,900, might possibly be construed to be an actual saving out of this total of over $4,000,000. Now, Mr. President, one or two other remarks and I will submit the question to the Senate.

I am requested by the Senator from New York to restate the totals of the bill. The House appropriated originally $15,256,731.32. To that the Senate added $4,126,763.90, making the total $19,400,000 in round numbers as the bill passed the Senate.

Mr. BOUTWELL. How much is in the bill now?

Mr. WINDOM. The amount appropriated in this bill as reported now is $16,229,777.82.

There is one item, not of dollars and cents, to which I wish to call the attention of the Senate for a moment, and that is the change with reference to the Public Printer. As the bill now stands, reported from the conference committee, the Printer, who has been elected by the Senate for several years past, will be appointed by the President, and the act will take effect from the date of its passage. I mention this fact at this point for the purpose of saying that, so far as I know, there was nothing personal in the action of the committee, at least so far as the Senate members were concerned. There was no desire to strike at any particular individual, so far as I know; but the ground upon which this change was made was that the House has for several years disputed the propriety of the Senate electing or appointing the Public Printer, for the reason that he is the Printer for the House as well as the Senate and for the Departments. The House insisting upon that and the Senate committee not being able to resist it upon principle, they agreed to this amendment.

I do not think of any further remarks. I will answer any question if I can. The bill is a pretty large one. I will submit a table showing the various items of appropriation to which I have referred:

Reductions and additions made in Senate and amendments in conference to the sundry civil bill.

	Reductions.	Additions.	Action.	Remarks.
George W. Green, contestee		$3,000 00		
Adolph Erdman		45 00		
Wages of folders, House		72 39		
Clerk to Committee on Commerce, &c		100 00		
Clerk to Committee on Expenditures in the War Department		92 00		
C. F. Benjamin and H. H. Smith		500 00		
Reporting, House committees		20,000 00		
Clerk to Committee on Patents		52 00		
Library of Congress	$4,400 00		Postponed	This amount is for preparing an index, now in progress, and of course the money will have to be appropriated hereafter.
Printing and binding	491,770 16		Postponed	The expenses of public printing, binding, &c., for last year show that these items will be indispensable for the current year. Hence striking them out means a deficiency for next winter.
Lithographing and mapping	18,000 00			
District of Columbia—general expenses	500,000 00		Repudiated	Instead of economy, the refusal to bear a fair proportion of the expenses of the District of Columbia means repudiation of an obligation which must be met hereafter.
board of health	1,827 00			
Revenue-cutter service	25,639 49		Withheld	This amount is merely withheld from a most valuable and important service, and will doubtless result in losses much greater than the pretended saving.
Courts in Utah Territory	23,000 00		Postponed	This amount is unquestionably due, and is merely postponed for some future deficiency bill.
Collection of claims due United States	2,500 00		Withheld	The officers of the Government who are responsible for "collection of claims due the United States" and for "defense of suits" say that this reduction will seriously embarrass them. This false economy will probably result in losses much greater than the amount saved.
Defending suits against the Secretary of the Treasury	5,000 00			
Repairs—Insane Hospital	5,000 00		Postponed	Until next year.
Smithsonian Institution	10,000 00			
Examination of rebel archives, &c	6,000 00		Withheld	The examination of those archives has saved the Government many millions by furnishing evidence to defeat improper claims. The reasons for refusing to continue so valuable an appropriation can hardly be founded upon economy.
United States Official Postal Guide	10,000 00			A very doubtful saving.
Mints and assay-offices	64,000 00		Postponed	The acts of this Congress have very largely increased the work required at the mints. Withholding the necessary appropriation will render the mints unable to comply with the law.
Reform School, (District of Columbia)	18,480 00			A doubtful economy.
Subtreasury and post-office, Boston	50,000 00			
Court-house and post-office, Cincinnati	50,000 00			
Court-house and post-office, Chicago	225,000 00			
Court-house and post-office, Topeka, Kansas	50,000 00			
Assay-office, Helena		1,500 00		
Court-house and post-office, Trenton, New Jersey	20,000 00			These twelve items for the continuation and repairs of public buildings, amounting to $1,090,321.85, may show a reduction in the aggregate of appropriation bills of this year, and hence may serve a purpose next November; but the buildings are now in progress and must be completed. Postponement until next year is in no sense a saving of money. On the contrary, the failure to appropriate enough to carry on and protect the work will in many cases result in losses to the Government.
Appraisers' building, San Francisco	20,000 00		Postponed	
State, War, and Navy building	250,000 00			
Court-house and post-office, Saint Louis	150,000 00			
Court-house and post-office, New York	100,000 00			
Court-house and post-office, Albany, New York	50,000 00			
Post-Office Department building	25,321 85			
Repairs buildings under Treasury Department	100,000 90			
Expenses of buoyage	15,000 00			
Signal-light crib, Chicago	5,000 00			
Light-house, Little Traverse, Michigan	12,000 00		Withheld	The five items for buoyage and light-houses are all necessary for the protection of our commerce and for security to life and property.
Light-house, Straits Mackinac	15,000 00			
Light-house, Narraganset Bay	35,000 00			
Rock Island arsenal	165,000 00		Postponed	The arsenal is in progress of construction and the money must be appropriated hereafter.
Navy-yards and stations	585,000 00		Postponed	The United States have over $50,000,000 invested in navy-yards, stations, &c. True economy would protect and preserve them. This reduction leaves but $100,000 for this purpose.
Manure for public grounds	2,000 00			Saving.
Monument, emancipation colored race		3,000 00		
Care various reservations	10,000 00			Possibly a saving.
Graveling roadways in Mall, between Four-and-a-half and Sixth streets	3,000 00		Postponed	The work of improving the Capitol grounds has been begun upon a plan which will doubtless be completed.
Capitol grounds	100,000 00		Postponed	
Coast Survey	25,000 00		Withheld	From a valuable service.
rent of buildings	3,600 00			Probably only postponed.
Transportation of United States securities	25,000 00		Withheld	For deficiency bill next session.
Furniture, &c., buildings under Treasury Department	25,000 00		Postponed	
Custodians, buildings under Treasury Department	25,000 00			A saving by reducing compensation already very small.
Temporary clerks, Treasury Department	60,000 00			This amount will have to be added for permanent clerks or inserted in some other bill. It is in no sense a saving.
Signal Office	100,000 00			A possible saving by crippling a most important public service.
Geographical survey of Territories west of the one hundredth meridian.	30,000 00			A discretionary item, which may or may not be a saving.
Testing iron, steel, &c	50,000 00			A discretionary item. The tests are worth far more than their cost.
Care of armory building	1,500 00			

Reductions and additions made in Senate and amendments in conference to the sundry civil bill—Continued.

	Reductions.	Additions.	Action.	Remarks.
Maps of Powell's survey	$10,000 00		Postponed	The surveys have been made at considerable expense; their publication is only postponed.
Surveying public and private land claims	72,400 00		Postponed	Until next year.
Office surveyor-general Minnesota	500 00			These items may be called a saving, but it could have been made much larger by withholding all appropriations for such expenses.
Dakota Territory	500 00			
Washington Territory	500 00			
Nebraska and Iowa	500 00			
California	2,000 00			
Oregon	500 00			
Collecting revenue from sales of public lands	166,216 79			This item is the difference between estimates and the amount appropriated by House bill. It will probably be required as a deficiency.
Purchase of Freedman's Bank building	325,000 00			This reduction is not a saving, because it was proposed to use it in the purchase of property worth the sum to be paid.

Mr. SARGENT. I should like to inquire what became of the legislation in the bill repealing the election law?

Mr. WINDOM. The House recede from the provision repealing the election law, so that it is stricken out of the bill. I ought to add, before I sit down, that perhaps the remarks I have made are not very commendatory of the report; but I desire to say that after long and tedious efforts to arrive at a result, it is the best conclusion to which the committee think they can come. Therefore I submit it, and hope the Senate will put an end to the bill by adopting the report.

Mr. BOUTWELL. I wish to ask the Senator from Minnesota, before I give my vote to this report, whether in his opinion this is the bill that the Senate must take or else abandon the branches of the public service covered by the appropriations mentioned in the bill?

Mr. WINDOM. I could hardly say that in so strong terms as the question would indicate. I can only say that after earnest effort to secure a bill which would meet the requirements of the public service, this was the best we were able to accomplish in this conference. I would not be willing to answer the question as broadly as it is asked. These are all discretionary items, and each House has an equal right with the other to exercise its discretion upon them. I think the Senate has no more control over the discretion of the House than the House has over that of the Senate. If the House of Representatives feel, as I am bound to concede to them, that in their judgment the House bill was right and the Senate bill wrong, we can only attempt to show them that we were right and they were wrong; and if we fail, we have to meet on some common ground. I do not know whether a new conference could obtain any better agreement or could remedy any of the defects which I have pointed out or not. I doubt it. And as the session is so near its close, I think we had better take the bill as we have it rather than to attempt to change the agreement by a new conference.

Mr. ANTHONY. I should like to ask the Senator in regard to the public printing, if the proposition contained in the House bill was adopted to practically abolish the Government printing and to give out all the printing by contract to the lowest bidder? Was that measure of supposed economy adopted?

Mr. WINDOM. It was not. That was stricken from the bill.

Mr. ANTHONY. I understand that the reduction of the appropriation for the public printing is about half a million.

Mr. WINDOM. It is $491,770.16 below the amount used last year.

Mr. ANTHONY. That undoubtedly will last until Congress meets again. The idea of appropriating a million dollars for printing and then ordering printing to be done costing a million and a half dollars is a manifest absurdity. We order certain printing to be done, and we do not make a sufficient appropriation to do it. We have now before us from the House propositions which have not met with the favor of the Senate Committee on Printing which would increase the public printing more than a hundred thousand dollars. In order to enable us to do that work we have the appropriations for the public printing reduced half a million.

I know there has been a statement made which has been so often replied to and refuted in this body that it seems supererogatory to do it again; but I will read from the report of the Committee on Printing, signed by the committee unanimously, which disposes of one statement, upon the faith of which I suppose this reduction was largely made, and that is, that the charges made by the Public Printer for the public printing were far beyond the cost at which the work could be done by individuals. Everybody has heard that, and those who cannot remember it know that it has been replied to effectually here half a dozen times, perhaps. I cannot do it better than to read from a report made by the Committee on Printing in June 1874, upon a letter of F. & J. Rives and George A. Bailey, proprietors of the Globe, charging the Congressional Printer with being a defaulter to the Government in his paper account and with other malfeasance in office. The report says:

> The next charge is in these words:
> "We further accused him of charging against the Departments enormous prices for the work done for them, by which means he became enabled to do other work for less than cost, *and, as he has done in many instances, for private purposes, for nothing at all.*"

Here is what the committee say:

> When the Government printing was performed by printers elected by the Senate and the House of Representatives, the prices of the various descriptions of work were fixed by law. These prices are much above the cost of the work. It has been the custom of the Congressional Printer, and of his predecessors, to charge or estimate the cost of the work at these prices, and, deducting the actual expense of carrying on the office from the aggregate of these charges, and taking into the account the amount of material and machinery added to the office during the year, the stock on hand, the work unfinished, &c., to call the balance the "amount of earnings in excess of expenditures." The amount for the last year was $264,812.11.

That is, the amount at which the work was done, is less than what are called the extravagant charges of the Government Printer. They would be extravagant if the Government had to pay them; but the Government pays the lesser sum:

> The original purpose of keeping the accounts in this manner seems to have been to exhibit the savings of the Government Printing Office, then an experiment, over the former system. And as the appropriation for the public printing was made in bulk, without specifying the amount that might be expended by each Department, no attention was called to the exaggerated charges or estimates. When the present system was adopted of appropriating specific sums for the printing of each Department, the attention of the executive officers was directed to the rapid absorption of their appropriations, and the Congressional Printer revised his charges and made the corrections date back to the time when the present system of specific appropriations was adopted, July 1, 1873.
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> By the testimony of experts, employing printers of Washington, summoned by the accusers, it appears that the prices now charged by the Congressional Printer do not vary materially from the cost as estimated at their offices. Of eleven examples the average cost was testified by one witness to be $4.55, by another to be $5.39. The average of these two is $4.97. The prices charged for the same to customers are respectively $6.52 and $7.37, an average of $6.94. The price charged by the Congressional Printer is $4.99.

That is to say, the charges made by the Government Printer are less than one-half of one per cent. Four dollars and ninety-seven cents was the price given by the experts and $4.99 the price charged by the Government Printer; and $6.94 the price given by the experts which they would charge their customers. This report concludes in exonerating the Public Printer from the charges brought against him.

Mr. MORRILL. Mr. President, I do not intend to vote for this conference report. I desire to call the attention of the Senate to one or two points. The first one is the revenue-cutter service. Manifestly this is a reduction of the revenue-cutter service. The revenue cutters must be kept in port; they are not to be supplied with fuel so that they can render prompt and continuous service. Therefore the facilities for illicit importations will be largely increased by the diminution of the power on the part of the Secretary of the Treasury to keep these vessels in service.

Then, again, take the mints and assay offices. We have all endeavored to get the subsidiary coin minted and into circulation, and yet we refuse the mints and assay offices the appropriate amounts of money to accomplish that purpose.

A single word in relation to the public buildings. It is manifest to all Senators that buildings that are long in progress are always expensive. The most extravagant buildings that we have are those whose erection is protracted from year to year. Here is an appropriation made for the State, War, and Navy Department building, but it is utterly insufficient to even roof it over the present season. The same is true of Chicago. The building there is to remain unroofed during the next succeeding winter. Then take the post-office and custom-house at Saint Louis, and also at Cincinnati. There is an appropriation sufficient to keep the men employed for this year, but it leaves nothing for getting out stone, so that they may go on with the building the succeeding year. It seems to me that the Senate committee have yielded too much in this direction. Take some of the smaller appropriations. Here was an appropriation for Trenton, where the building is completed and roofed in, ready to be plastered, and yet the House refuses to appropriate the meager sum of $20,000 to plaster it and finish it.

Take the building at San Francisco, the appraisers' building, where the commerce of the country is largely increasing and where the building is a very great necessity. The appropriation here made will not complete the building in six years. Take the building at New York, where we have expended, as we have for the War and State Department building, some millions of dollars; and yet by this conference report we refuse the small amount that may be necessary to complete that building. The millions that have been expended on the War and State Department building for the purpose of accommodating those Departments are to lie idle, and we are to pay continuous rent for other buildings and leave this building to be completed at some future time.

I call attention to the repairs of the buildings under the Treasury

Department, buildings all over the country. Annually we are required to appropriate money for the annual repairs of hundreds of buildings, and yet the House committee does not appropriate a sufficient sum by three-fifths of what is annually called for to keep these buildings in ordinary repair. Take all our navy-yards. They utterly refuse anything for the repair of the navy-yards. Of what possible use can our navy-yards be unless they are kept in repair? Then take the Signal Office where our country has won distinguished honor and where the nations of Europe are fast copying our example and our method. Yet that is to be crippled and destroyed. We have made geographical surveys. We have the maps ready for publication, Powell's maps, and yet the House entirely refuse to print the results after we have been at the vast expense of making the surveys.

Take the reservations in this city; there are four hundred acres of them; and the House refuses $10,000 necessary to keep the fences and trees and the roadways in ordinary repair. Take another small item. Here is the Armory building, entirely useless at the present time, unoccupied. It was proposed that we should allow it under the charge of the Smithsonian Institution to receive the twenty car-loads that have been sent to the exhibition at Philadelphia from the Smithsonian Institution, the twenty other car-loads that have been received from the several States and Territories, and the twenty more car-loads that have been given to us by the nations that are making their exhibitions from abroad at Philadelphia. The House have indeed allowed us to use the Armory, and have appropriated something for fitting it up, but they have utterly refused the small sum of $1,500 for the purpose of allowing a watchman to take care of it at night and to provide for somebody to be there through the day, as is absolutely necessary if these large exhibitions are to be seen or even to be taken care of.

Under the circumstances, Mr. President, I do not intend to vote for this conference report.

Mr. CONKLING. Mr. President, I hope that for most of the reductions made by the conference committee better reasons can be assigned than for one to which I am going to call attention, I mean the public building already started in Albany, which is the capital of the State of New York. That the Senate may see the wisdom of striking out of the bill the amendment introduced by the Senate, which was first to the effect that $50,000 should be appropriated, and second to the effect that the limit which stood in the way of utilizing some money that may remain now should be removed, I will read from a letter written by the Supervising Architect of the Treasury on the 26th of last month. He says:

There is a large amount of granite and other stone piled on the street surrounding the building—

Which, I ought to say, is in one of the most conspicuous and crowded parts of that city.

There is a large amount of granite and other stone piled on the street surrounding the building which will be used in making the foundation of the building. The use of the public streets is undoubtedly of great inconvenience to the public of Albany, and it is feared that unless the material is disposed of the municipal authorities will require the Government to remove it to the site of the building, which can only be done with great cost and inconvenience.

Here is the presentation in part of the predicament of that building, a building which stood upon a part of this site razed to the ground, the materials removed, disposed roundabout at convenient distance, and now by striking out the amendment which removed the limit and by striking out also the amendment which gave $50,000 to the continuation of this building, the whole thing is left *in statu quo*, the streets encumbered by material valuable for use but detrimental there; and now the United States will be left like any other trespasser who encumbers the highways of cities. Yet there is no fund that I know of applicable even to a removal of what the law denounces as a public nuisance.

I hope as I said, Mr. President, that some or all of the other reductions of this bill are founded upon better reasons than this so-called reduction seems to be.

Mr. SARGENT. Mr. President, I am aware that this bill in the shape in which it is presented to us by the conference report is not such a one as is satisfactory to the Senate. It is very far from being satisfactory to myself. I do not think it is economy to dole out small appropriations to public buildings which the necessities of the public require, or that we should strike down the Signal Service which has rendered such excellent service to commerce and to science, or that it is well to prevent the survey of the public lands for settlers requiring homes, or that it is well to do very many things which I might particularize which are in this bill; but I am firmly convinced that it is the best bill that we can get. If you send it back to another conference, what do you send it back upon? Upon which item? Upon a general dissatisfaction? Are you prepared to send it back simply because the Albany building is not taken care of? I think the appropriation of $50,000 ought to be made for that building, but I should like to remind the Senator from New York that some $47,000 of unexpended balances on that building are still available and can be used to prevent the streets from being encumbered, and perhaps go some way toward the foundation of the building. Therefore the case is not quite so lamentable; and in this instance, and it may be in others, there is something to be said in favor of the bill even as it stands.

The appropriation for the building at Chicago was stricken out, it is true, contrary to my judgment. This is one of the items which was passed upon in the conference committee before sickness drove me from it and I was compelled to resign. In the case of Chicago, the Senate amendment was stricken out, which made an appropriation of several hundred thousand dollars to continue that work, but it must be remembered that some $500,000 or $600,000 of unexpended balances are available for the present year. I know that by having an additional appropriation they might get out stone to go on another year, and now they will be compelled to stop, but during the present year the work can go on.

I think it would be wise on the part of the Senate to adopt the report if they desire that the light-house service shall go on or that the Signal Service shall go on, though not in its present amplitude, or that there shall be something done on public buildings, that essential parts of the public service shall go forward which are necessary as we know. Sundry civil bills are to be attended to, even if not in an economical way or as ample as we might desire. I think it might not be well to send the bill back to another committee of conference. I do not know how another committee of conference on the part of the Senate can do any better than this one has done. My impression is that the result of that would be that we should have no bill at all. There has been important legislation stricken from this bill by the action of the House conferees. What the result would be in another conference I do not know. They might refuse hereafter to discard that legislation from the bill. I think it would be the part of wisdom for the Senate to adopt the conference report.

Mr. BOUTWELL. I suppose it is better to agree to the report of the conference committee, but I have no doubt the losses, especially in the matter of public buildings, will be twice as large as the amount that is now saved. For example, at the city of Boston the foundations of the extension of the post-office building have been laid, in some portions completed foundations, and in others, as I understand, not yet completed. It is quite manifest that without a dollar to protect or complete that work—and there is not a dollar in this bill for that purpose—great injury must come to it from exposure to the weather in the summer and in the winter. Probably twice the amount will be expended to repair the damage done that would be now necessary to preserve the work. The Senate put in an appropriation of $50,000, but it has been stricken out by the conference committee.

There is one peculiarity in this bill which attracts my attention. We have here in process of building a State Department very much needed. We are paying each year in rent for the War Department and the Attorney-General's Office a very large sum of money. But $250,000 are appropriated by this bill for the prosecution of that great work, while, I observe, $450,000 are appropriated for the prosecution of the custom-house at Saint Louis, where I believe there are not ample but moderate and thus far sufficient accommodations already in the ownership of the Government.

Mr. CRAGIN. Mr. President, I expect to vote for the report of the conference committee, but I wish to call attention more specifically than has been done to the appropriation made for the repair and preservation of the navy-yards. One year ago Congress appropriated about $1,000,000 for repairs of the buildings, walls, &c., of the different navy-yards in the country. The Senate amended the House bill so as to appropriate $500,000 for this purpose; less than one-half of what was appropriated last year. By the conference report the amount is reduced to $100,000 for the repair and preservation of all the navy-yards in this country. The property in the navy-yards of the United States to-day has cost the Government more than $100,000,000. There are more than five hundred buildings, and by this appropriation only $200 is appropriated to each building. I call the attention of the Senate and the country to this fact; and hereafter when we shall have lost by deterioration, by failing to repair this vast amount of property, four, five, or ten times the amount of the money appropriated, the country will understand the reason. My friend from Wisconsin [Mr. HOWE] the other day gave an illustration which to my mind was very apt and very pertinent. He asked us what would be thought of the farmer who would refuse to plant because he was too poor to spare the seed necessary for planting. What shall be said of this great country when it is too poor to appropriate money enough to keep in repair its own property, its buildings, which are necessarily going to destruction and ruin?

Mr. LOGAN. Mr. President, I do not stand exactly in the same position with some of my friends. I shall not vote for this report; and I propose to give my reasons for that course very briefly. I never deem it my duty to vote for a thing that I think is wrong just because it may please somebody. I may be somewhat more uncompromising in my notions than others are; but when I think a thing is radically wrong, when I see points in it that strike at certain sections of the country and are very liberal to others, I shall vote for no such proposition. When the bill was up before I read, and read twice, to the Senate a letter from the Supervising Architect of the United States, declaring most emphatically that unless an appropriation was made for roofing the custom-house at Chicago great damage would be the result. I use his words; he says, "It is absolutely necessary for the preservation of the walls of that building." When I see $450,000, I believe it is, appropriated for the Saint Louis custom-house, and every dollar stricken out for the roofing of the Chicago custom-house, it strikes me that there is some reason for it, and a strange one to me, too. There is an unexpended balance; that is true; and yet Senators

well know the fact, for they have had this information, that there is an unexpended balance, for the reason that a suspension of work on that building occurred nearly a year ago in order to examine the foundation. That examination was made. A portion of the money that is now an unexpended balance is required for the purchase of materials. The appropriation made by the Senate was required, according to the letter of the Architect, for the purpose of roofing it in when the material was purchased. Yet, with that unexpended balance, which is no more than is necessary to procure the material, the money for the purpose of putting the roof on is refused by the House and by the Senate. The Senator from California said there were $500,000 or $600,000 of unexpended balances, and that was the reason we could dispense with a further appropriation this year.

Mr. SARGENT. Five hundred and ninety-six thousand dollars. I said, however, that I was in favor of the additional appropriation proposed by the Senate, not for this coming year, for I suppose that nearly $600,000 would be sufficient this year, but in order that stone might be cut out ahead.

Mr. LOGAN. I will show the Senator, who was on the conference committee, that he is mistaken. I have a telegram here from the Supervising Architect. Five hundred thousand dollars or $600,000 would not be sufficient, if there was that much of unexpended balance, for the purpose of procuring material and roofing the house, and doing everything necessary to be done. The Senator is mistaken in that respect. The Supervising Architect says that $371,272.61 is the unexpended balance. The unexpended balance you would require them to use for the purchase of material and the payment for stone that has already been purchased and the roofing of that house is not equal to the appropriation that you make for the Saint Louis custom-house which is not so far advanced.

Mr. SARGENT. If the Senator will allow me a moment, I suppose he is correct——

Mr. LOGAN. I know I am correct. I have the very telegram here.

Mr. SARGENT. The Senator will allow me to say that it is now near the 20th of July. It depends upon the date at which the unexpended balance was made out. The other statement of the balance was made in May.

Mr. LOGAN. This unexpended balance is about the time the conference committee reports, I notice. It is very easy for them to ascertain how much it is. It cannot be any more now than it was yesterday, nor than it was last March. Certainly the unexpended balance does not increase. It certainly decreases if they are using it.

There is another point in this bill that strikes me as very strange which I noticed the other day. I do not speak of the House or the Senate as a body, but I speak of the legislative department of the Government. We find hundreds of thousands of dollars were appropriated in a bill the other day either for the purpose of producing rain in order to make a stream where one does not exist, or for the purpose of digging the stream out so that you may paddle a canoe on it, and for purposes of that kind. Senators and Representatives would rise and say it is necessary for the commerce of the country to open streams upon which a skiff was never rowed up or down since the world began. Here at the port of Chicago, where thousands and thousands of vessels float and where millions and millions of the commerce of the nation flow out every year, when we ask for a little appropriation of $5,000 to put a light on the crib in order to give warning to vessels there where many have been sunk in the lake, it is refused. A bill passed the House for that purpose, introduced by a member of Congress from Chicago. It came to the Senate and was referred to the Committee on Commerce. The Committee on Commerce could not get a quorum and they did not report it. I stated the facts to the Senate when this appropriation bill was up and asked that they put this appropriation on the bill, which the Senate did. It had before passed the House, and the amount I believe that passed the House in a special bill was only a thousand dollars less than the appropriation in the bill made by the Senate; and after passing both Houses, then the committee of conference of both Houses strike it out. I suppose that is for the benefit of commerce! They strike out a proposition that has been adopted by both Houses. I ask why that is done?

Mr. EDMUNDS. They are opposed to legislation on an appropriation bill perhaps!

Mr. LOGAN. I presume that must be the reason! I want to know why it is done. I want to know why it is when an appropriation is agreed to by both Houses, when a special bill has passed making the appropriation and it goes to the Senate, and when not reported by the committee back to the Senate so that this body may agree to it, it is put on this appropriation bill, the committee of conference strike it out. I should like some one to explain it, why that is done. I state to the Senate that it is necessary, as they well know it is necessary, for the benefit of commerce. I suppose that if I had asked for $10,000 to scoop the mud out of some spring branch, as was done here by Senators from different States, it would have been appropriated and would have been all right. Why? Because I would have to agree to vote for somebody else's branch provided he voted for mine; but when it comes to an honest proposition that is absolutely necessary, it cannot be agreed to after it passes both Houses. That is a strange kind of legislation it seems to me.

Then I have another reason which I will give for voting against the conference report. It is as immaterial to me as it is to anybody else whether these appropriations are made or not. The House and Senate have agreed to a proposition to strike out every dollar of appropriation for the examination of the rebel archives. Why is that? Is it not a well-known fact to the House and the Senate too that the examination of these rebel archives under the appropriations that have been made heretofore has saved millions of dollars to this Government? The examination of these archives has saved more money to this Government than you appropriate in this whole bill, amounting, say, to $16,000,000; and it can be demonstrated, if time were given to do it. The examination so far has saved to the country more than the whole amount you appropriate in the bill, and still you strike out an appropriation of $6,000 for the continuation of this examination of these archives. Why is that done? Is it done so that the evidence shall not be secured from the best sources that now exist against claims that have no basis or foundation whatever which are being made against this Government every day? There is the record of your confederate cotton and your confederate property which may by examination be shown so that these claims may be rejected; and yet no appropriation is given. Why is that? I will not say that it is because there is a desire that these claims may go through before these archives are examined. I will not say any such thing, for I do not believe that is the purpose; but it is an oversight, and a grievous one, too. It is an oversight when we speak of economy to refuse a small appropriation that would save to the country a vast amount of money. Economy does not consist alone in cutting down appropriations. It is false economy when you undertake to pare off little items and at the same time refuse that which will produce a benefit to the country much larger than the whole amount you cut off.

As has been said, the discussion recently in the chambers of the legislative department of this Government on the subject of economy has developed the theory that what you can cut off of an appropriation bill is the only kind of economy that is known in this land; that is to say, it is saving taxation. It is thought we save taxes by cutting off small amounts from appropriation bills, when in fact nothing is saved thereby. I do not wish to discuss that question. I think there is a great distinction between appropriating money and raising money by taxation. Where you cut off appropriations that are absolutely necessary and at the same time do not reduce taxation, and tell me that that is economy, I tell you that it is false economy. We have for years attempted to reduce the expenditures of the Government, and it has been done every year with the exception of one or two sessions of Congress. Every Congress for the last ten years has done it; but the manner of the economy has been not only cutting down the amount that you appropriated, but at the same time reducing taxation. The taxation has been reduced along with the reduction of the expenses of the Government, and it has been reduced a greater amount than the expenses each Congress, with one or two exceptions. That of course has nothing to do with this bill. I merely mention it incidentally.

For these reasons which I have given, on account of the propositions I have stated in this bill, besides many others about which I do not wish to detain the Senate with discussion, I shall vote against the report. The three items that I have given are enough, as far as I am concerned, to induce me to vote against the conference report.

Mr. WINDOM. I do not think I understand the Senator with reference to the light at Chicago. Does he mean to say that it passed both Houses?

Mr. LOGAN. I said that a special bill was introduced in the House of Representatives by a member from Chicago for that purpose. It passed the House and came to the Senate. It was referred to the Committee on Commerce. They not having reported it at the time that this bill was up for consideration, I moved to put it in this bill, which the Senate agreed to do. Therefore I say it has passed both Houses. I do not mean that it has passed both Houses on this bill, but in the manner which I mentioned, showing the assent of both Houses to the proposition.

Mr. EDMUNDS. Mr. President, I am going to ask for the yeas and nays on the adoption of this report before I sit down. I shall vote against this report. The two Houses have not agreed to any time of adjournment. There is no reason for any Senator voting in favor of the report, unless he thinks it is right, on the ground that we are in a pinch at all. I do not think it is right in many respects, but only one I will mention, and that is the one to which the Senator from Illinois has referred, about the appropriation for examining the rebel archives, in respect to which my attention has been particularly drawn for several years past. If I correctly understand the Senator from Minnesota, the House conferees insist upon striking that provision out.

Mr. WINDOM. That is the reason it was stricken out.

Mr. EDMUNDS. And the Senate conferees are forced to agree to it. Whatever may be their motives, it is said that this evidence contained in the rebel archives now in possession of the Government shall be locked up against any use to which it may be applied in sifting out the false from the true claims against the Government. That is the attitude of the House of Representatives. What are the claims on the Government in respect of which these archieves may furnish, as they have furnished, most important and valuable evidence in protecting the Treasury? The law provides for the restoration of captured and abandoned property to people who were loyal to the Government of the United States during the rebellion, and it provides against restoring it to those who were not loyal. Taking that to be

the law, it is of great consequence to know, in respect of the many millions that are still undisposed of and claimed, whether the claimants fall within the attitude described by the act of Congress. It has already happened, from investigations that have been made into those archives, that men who have come forward in the Court of Claims and sworn that they bore true loyalty to the Union during the whole rebellion were at the same time voluntary subscribers to the confederate cotton and other loans. Then the law provides that the claims of loyal citizens, anywhere in the Union, for supplies furnished to or taken by the armies of the United States during the four years of the rebellion, may, upon proper proof of loyalty and the justness of their claim, be recommended to Congress by what is called the southern claims commission. In the exercise of its duties it has happened more than once, more than twice, more than many times that these archives, being assorted and systematized, and labeled, and alphabeted, and put within reach, have furnished the conclusive evidence that men who claimed and pretended to be within the authority of the act of Congress were pretenders and falsifiers.

Mr. SAULSBURY. I should like to ask the Senator how long the examination of those archives has been going on and what amount of money has been expended in their examination?

Mr. EDMUNDS. I do not know.

Mr. SAULSBURY. Then I should like to ask the further question whether most of those claims against the Government are not already barred by the statute?

Mr. EDMUNDS. Many of them are barred, but every year, in spite of the bar, the Senator and his associates bring in bills here to remove the bar, and whenever the Senator has his way it will be removed.

Mr. SAULSBURY. I should like to say, in reply to that, that whenever an honest claim comes before the Senate, whether it comes from Vermont or from a Southern State, that honesty which I learned in youth, and which I trust I have practiced through life, will compel me to vote for an honest claim without reference to the locality from which it comes.

Mr. EDMUNDS. Undoubtediy; but how are we to find out what is honest and what is dishonest? Perhaps the Senator's way is to wait the longest possible time and only take the story of the claimant. The general principles of law are somewhat different, and it has been thought necessary in most civilized communities—possibly in Delaware—to be in the interest of truth and of justice and of honesty that there shall be statutes of limitation and repose. Therefore I suspect the Senator is not quite accurate when he says that the best proof of the honesty of a claim is its staleness; that the statute of limitation has run upon it; for that is the effect of what the Senator said.

Mr. SAULSBURY. I beg to say that the Senator cannot put words into my mouth.

Mr. EDMUNDS. I cannot wish to do that. If I can only get them out it will be enough for me.

Mr. SAULSBURY. I have stated no such proposition here. In reply to the criticisms which the Senator has made on my criterion of honesty, I believe it will be admitted that the criterion of honesty of the Senator from Vermont is limited by geographical lines.

Mr. EDMUNDS. That may be possible. I know something about geography, and geography sometimes determines what is allowable and what is not. The line between *meum* and *tuum* as between states and nations is marked by geography. It may be that the Senator does not know it, but that is so. "Keep on your own side of the line" is a geographical proposition, and a moral one no less.

Coming to the question again, I was saying that the southern claims commission had claims amounting to millions before it, saying nothing about those that had not been presented. I was saying that it had found in its experience that many claims of large amounts, pushed forward on the pretense of fidelity to the Union, turned out from the official records of the confederacy, as far as they had been examined, to be absolutely false and fictitious.

To be a rebel is to be one thing. The man who is a rebel from the conscientious conviction that either his duty to his State or his love of what he considers to be liberty compels him to resist the power of a general government is entitled to respect, for he acts upon his conscience, no matter how wrong he may be; but the man who adds to being a rebel the additional and entirely different quality of being a liar it appears to me is not entitled to very great consideration. I think there is a distinction, and a very broad one. Our forefathers were rebels in what they believed and what turned out to be a righteous cause. Some of our brothers on the other side of the Chamber were rebels in what no doubt they believed to be also (I think they were wrong) a righteous cause, but they failed. To undertake to add to that the idea that you are to lock up in the vaults of the Treasury Department, if they are kept there, or the War Department, the evidence which is to find out whether the man who was a rebel and now comes forward pretending he was not, is adding to the misfortune or the crime of his assault against the Government, for the base lust of gain, the crime of perjury and falsehood, I think is an entirely different thing. The House of Representatives say these evidences of the status of the claimants in the South shall be sealed up and their *ex parte* statements shall be taken, although if you would appropriate a small sum of money to continue the systematizing and putting in order of these things it might turn out, as it has frequently turned out, that these claims were false and untrue.

Then there is the statute which authorizes settlements in the War Department, in the Quartermaster's Office, for other claims of loyal citizens. They are to be tested by the evidence that these confederate archives of various characters show as to the status of the claimant. That is to be sealed up. That is the attitude of the House of Representatives on this most important matter. It will turn out, if we ever get back to the river and harbor bill, referring to the table of my honorable friend from North Carolina [Mr. MERRIMON] about the expenses of the Government and so on, that millions of the appropriations every year, in one way and another, are appropriations to persons the test of whose right in the first instance to any relief is that of loyalty to the Government during the rebellion. I hold that the attitude of the House of Representatives is upon this point to say that there shall be no more inquiry by any authority of this Government into that fountain, pregnant of evidence respecting the standing upon which claimants to the amount of millions year by year are drawing money from the Treasury. I take it that it must be done—and I say it with respect, for the House of Representatives is entitled to its opinion—upon the principle that hereafter the test of fidelity to the Union in respect of taking money from the Government as to affairs occurring during the rebellion shall be abolished, and that there shall be no more any distinction in respect of claims upon the Treasury growing out of the war of the rebellion between those who stood by their country and those who spent all that they had of power and of money against it. That is an attitude which the House of Representatives has a perfect right to occupy. I neither criticise it nor condemn it. The House of Representatives is an independent body. It is entitled to its opinion, and inasmuch as that appears to be its opinion, we must take it for such as it is. But it does appear to me that before we take this fatal step of sealing up this evidence, we ought to try once more to persuade the members of the House that a fair fidelity to existing law should not compel us to seal up these pregnant fountains out of which has poured so much of security and safety to the Treasury.

Mr. EATON. Will my friend allow me to ask him a question?

Mr. EDMUNDS. With great pleasure.

Mr. EATON. He speaks of sealing up the evidence. I understand that the evidence is open, that it is labeled, that it is classified. I was about to ask the Senator from Vermont what was the object of this $6,000? The evidence is there, and may be obtained at any time, as I understand, whenever a claim is presented against the Government.

Mr. EDMUNDS. Yes, Mr. President, Connecticut like Vermont is an agricultural State, and my friend may be fond of hunting for a needle in a hay-mow. Without a body of clerks in charge, without a constant system of protection and supervision and arrangement, a system that cannot end until the uses for which the testimony is desired end, it is perfectly impossible to find anything. How are the judges of the Court of Claims to do? Are they to adjourn that court and make an expedition up to the War Department and begin to mouse around to see what they can find? Are the commissioners of southern claims to do the same thing? Are the Committees of Claims of the House of Representatives and the Senate, where millions year by year are determined upon this test of loyalty, to leave their Chambers, and hire a hack or go on foot, and without even lemonade, up to the War Department and see what they can find? Mr. President, in the language of the distinguished Senator from Ohio, [Mr. THURMAN,] "that won't do." If we are in honest earnest that these tests of the law and of public policy are still to be applied, then in honest earnest we must provide the small means necessary to furnish them.

For that reason, without stating others, I shall vote against this report in the hope and in the belief—I trust I may believe it—that when the House of Representatives come to consider the importance of this subject they will do this little thing, when reform is so much in fashion and economy is so much in fashion, to protect the Treasury against the millions of false and fictitious claims that are pressing against it all the time.

Mr. WINDOM. I will detain the Senate a moment, Mr. President, for the purpose of saying that I think perhaps in some of these particulars Senators overestimate the importance of passing these appropriations at this time. It will only be some three or four months until Congress will be in session again, and I will say for one that my reason for agreeing to many of the provisions of this bill was that we could then by deficiency bills supply the necessary funds for the service. I think we shall have a very large deficiency bill at the next session, but there will be less difficulty in passing these appropriations at the next session of Congress than now, and I think it is hardly worth while to defeat this report because of the several little things mentioned by Senators here.

So far as this searching of the rebel archives is concerned, I think it very important; I think the appropriation ought to have been retained; but it is a fact as the Senate knows that we have been searching them for several years and possibly no great damage—although I think it is an improper thing to strike it out—will result between now and next session. I have no doubt that when Congress meets at the next session we can make the appropriation.

So far as the revenue-cutter service is concerned on which my friend from Vermont [Mr. MORRILL] laid a great deal of stress, I will say that there will not be the slightest difficulty in making up the deficiency when we meet next winter. The total appropriation for the

revenue-cutter service is $909,530.49 as the Senate passed the bill and the reduction of $25,639.40, while it may affect the service, will not affect it before next winter. The whole bill is framed upon the idea of deficiencies next winter and they can be supplied without any great detriment to the service.

Mr. CONKLING. How much money has been appropriated already for this purpose, I will inquire?

Mr. WINDOM. I cannot answer the question.

Mr. LOGAN. I believe the next session of Congress that will meet in December will be composed of the same members of both Houses as are sitting here now. I should like the Senator to tell me why it is that he has so much confidence that the House of Representatives next winter will appropriate money for the rebel archives or the other propositions mentioned when they refuse to do it now on the ground that it is unnecessary to do it.

Mr. WINDOM. We shall meet next winter under very different circumstances. We shall have passed November, and will be entirely differently situated from what we are now.

Mr. EDMUNDS. I ask for the yeas and nays on the question of concurring in this report.

The yeas and nays were ordered; and being taken, resulted—yeas 39, nays 12; as follows:

YEAS—Messrs. Allison, Barnum, Bayard, Bogy, Booth, Boutwell, Cameron of Wisconsin, Caperton, Christiancy, Cockrell, Cooper, Cragin, Dawes, Eaton, Ferry, Frelinghuysen, Hamilton, Kelly, Kernan, Key, McMillan, Maxey, Merrimon, Norwood, Paddock, Patterson, Ransom, Robertson, Sargent, Saulsbury, Sherman, Stevenson, Wadleigh, Wallace, West, Whyte, Windom, Withers, and Wright—39.

NAYS—Messrs. Anthony, Bruce, Conover, Edmunds, Hamlin, Harvey, Hitchcock, Ingalls, Logan, Mitchell, Morrill, and Spencer—12.

ABSENT—Messrs. Alcorn, Burnside, Cameron of Pennsylvania, Clayton, Conkling, Davis, Dennis, Dorsey, Goldthwaite, Gordon, Howe, Johnston, Jones of Florida, Jones of Nevada, McCreery, McDonald, Morton, Oglesby, Randolph, Sharon, and Thurman—21.

So the report was concurred in.

IMPEACHMENT OF W. W. BELKNAP.

The PRESIDENT *pro tempore*. The Senate will resume its session for the trial of the impeachment of William W. Belknap.

The Senate then resumed the trial of the impeachment of William W. Belknap, late Secretary of War.

The Senate sitting for the trial of the impeachment of William W. Belknap having adjourned then resumed its

LEGISLATIVE SESSION.

The PRESIDENT *pro tempore*. The Senate resumes its legislative session.

FUNERAL EXPENSES OF JOHN T. KING.

Mr. HOWE. I offer the following resolution, which I ask may be considered at the present time:

Resolved, That the Secretary of the Senate be, and he is hereby, authorized to pay out of the contingent fund of the Senate the medical and funeral expenses of John T. King, deceased, who died from injuries received by the recent explosion of gas in the Capitol: *Provided*, That the bills rendered shall be approved by the Committee to Audit and Control the Contingent Fund of the Senate before they are paid.

Mr. EDMUNDS. I inquire, Mr. President, whether the rules do not require that resolutions of that character shall be referred to the Committee on Contingent Expenses?

The PRESIDENT *pro tempore*. The rules so require.

Mr. EDMUNDS. It is a very proper resolution, but I think we ought to follow the law of the Senate.

The PRESIDENT *pro tempore*. The Chair understood the Senator from Vermont to object to unanimous consent for the passage of the resolution now.

Mr. EDMUNDS. No, sir; the only trouble is that if it passes the Senate by unanimous consent, violating the law of the Senate, the accounting officers of the Treasury may not pay the money.

Mr. HOWE. If we have unanimous consent to consider the resolution, the rule will not trouble it afterward.

The PRESIDENT *pro tempore*. The Chair understands——

Mr. HOWE. Is there any objection?

Mr. EDMUNDS. I think it had better be referred.

The PRESIDENT *pro tempore*. The Senator from Vermont objects.

Mr. HOWE. Then I ask to have it referred.

The PRESIDENT *pro tempore*. The resolution will be referred to the committee.

Mr. CONKLING. I move that the Senate do now adjourn.

The motion was agreed to; and (at five o'clock and twenty-five minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *July* 19, 1876.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. I. L. TOWNSEND.

The Journal of yesterday was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, informed the House that the Senate was ready to proceed upon the impeachment of William W. Belknap and to receive the managers on the part of the House, and that the Senate Chamber was prepared with accommodations for the reception of the House of Representatives.

The message also announced that the Senate further insisted on its amendments to the bill (H. R. No. 1594) making appropriations for the consular and diplomatic service of the Government for the year ending June 30, 1877, and for other purposes, disagreed to by the House of Representatives, agreed to the further conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. FRELINGHUYSEN, Mr. EDMUNDS, and Mr. WITHERS, as conferees on the part of the Senate.

The message further announced that the Senate had adopted a concurrent resolution for the printing for the use of the Senate 4,000 copies of the report of the special committee to investigate the late election in Mississippi, with the views of the minority; in which the concurrence of the House was requested.

The message further announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 1771) to declare forfeited to the United States certain lands granted to the State of Kansas in aid of the construction of railroads by act of Congress approved March 3, 1863.

The message further announced that the Senate had passed without amendment bills of the House of the following titles:

The bill (H. R. No. 1427) for the relief of H. P. Jones & Co.; and

The bill (H. R. No. 3855) for the relief of George T. Olmstead, jr.

PACIFIC RAILROADS.

Mr. JENKS, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Whereas it is alleged that the measurement of the distances on the Union Pacific and Central Pacific Railroads, upon which bonds were issued by the Government to the companies owning said railroads, was hastily and inaccurately made: Therefore,

Resolved by the House of Representatives, That the Secretary of War be requested to detail a sufficient force from the Engineer Corps of the Army to make a careful and exact survey of the distances of said roads between Omaha and Sacramento, distinguishing between the sections for which bonds were issued to the companies at different rates, exhibiting the number of miles at each rate, designating the point between which the different rates were charged, and report the result of the survey to this House at the commencement of the next session of Congress.

Mr. JENKS moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PRINTING OF TESTIMONY.

Mr. JENKS, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the testimony taken before the Committee on Invalid Pensions under the order of the House be printed and referred back to said committee.

Mr. JENKS moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 3717) making appropriations for the support of the Army for the fiscal year ending June 30, 1877, and for other purposes.

REDEMPTION OF LANDS.

Mr. YOUNG. I desire to ask unanimous consent to make a statement which shall not exceed five minutes, and then I desire to yield to the gentleman from Arkansas [Mr. GUNTER] to present a bill which I wish to put upon its passage to have passed at this time.

No objection was made.

Mr. YOUNG. I now yield the floor to the gentleman from Arkansas, [Mr. GUNTER.]

Mr. GUNTER. I report back from the Committee on Private Land Claims the bill (H. R. No. 3144) to provide for and regulate the manner of redeeming lands sold for non-payment of direct taxes. I ask that the bill be read and put upon its passage. The report of the committee is unanimous in favor of the bill.

The bill was read, as follows:

Be it enacted, &c., That all lands, houses, and tenements sold for non-payment of the direct tax due the Government of the United States under and by virtue of an act of Congress approved August 5, 1861, and the various acts subsequent to and amendatory thereof, and which were bought for and in the name of the United States, and the title to which acquired by such purchase still remains vested therein, may be redeemed within two years from and after the passage of this act, by the person or persons, his or her heirs, assigns, or legal representatives, in whom the legal title to such lands, houses, and tenements was vested at the time the same was sold, upon the payment into the Treasury of the United States of the amount of direct tax assessed thereon and all costs incurred by the Government of the United States in assessing said tax and advertising and selling said property, together with 6 per cent. interest thereon from the date of sale: *Provided, however*, That when any of the persons above named, other than the person or persons in whom the legal title of said property was vested at the time of sale, shall redeem the same as hereinbefore provided for, the benefit of such redemption shall accrue to those who would have been legally entitled to the estate had no such sale ever been had; and the person so redeeming shall acquire no title thereby except such as he may have had or was entitled to have previous to such sale.

SEC. 2. That where any lands, houses, and tenements have been sold for direct taxes, and the title thereto still remains vested in the United States by reason of having purchased the same at such sale, and the legal owners thereof, his heirs, assigns, or legal representatives, shall desire to redeem said property, as hereinbefore provided for, he or they shall make written application to the Commissioner of Internal Revenue, accompanied by a description of the particular property in question, and a certified copy from the records of the county or parish in which the same is situated of the title by which it was held at the time of the sale, or if the application to redeem is made by other than the legal owner, then he shall furnish, in addition to the certified copy of the deed as aforesaid, properly authenticated record evidence of his right to redeem under the provisions of this act as heirs, assignee, or legal representative; but if there be no record evidence of such right, then the same may be proven by the affidavits of two witnesses taken before any judicial officer competent to administer oaths under the laws of the United States, or the State or Territory within which the property is situated; and when such application and accompanying papers are received by the Commissioner of Internal Revenue, he shall at once furnish to the person making such application a statement of the amount due the United States for the taxes and costs aforesaid upon the land, houses, and tenements proposed to be redeemed.

SEC. 3. That when the legal owner of any land, houses, and tenements, bought and held by the United States as aforesaid, or his heirs, assigns, or legal representatives, shall pay into the Treasury of the United States the amount of taxes and costs due upon the same, as ascertained in accordance with the preceding section, the Secretary of the Treasury shall cause the Commissioner of Internal Revenue to give to such owner, heirs, assignee, or legal representative a certificate that said lands, houses, and tenements have been redeemed; and such certificate of redemption shall operate as a release and quitclaim of all right, title, and interest which the Government of the United States may have acquired by virtue of any proceedings had under the aforesaid act of Congress, approved August 5, 1861, or any act subsequent to or amendatory thereof.

SEC. 4. That in all cases where any lands, houses, and tenements have been redeemed as hereinbefore provided for, and for the recovery of which suit has been brought by the United States in any of the district courts thereof against the owner or occupant thereof, such suit shall be dismissed, upon the payment, by the owner, his heirs, assigns, or legal representatives, to the officers hereinafter enumerated, the following cost of suit, namely: To the clerk of said court, for issuing the writ, $1; for docketing the cause, twenty-five cents; for filing declaration and plea, ten cents each; to the marshal, for serving the writ, $1; to the district attorney, for preparing and filing declaration, $2.50; and no other or further costs and fees shall be charged.

SEC. 5. That in all cases where the legal owner of any lands, houses, and tenements, bought and held by the United States as aforesaid, or his heirs, assigns, or legal representative, shall prove, to the satisfaction of the Secretary of the Treasury, by the testimony of two or more credible witnesses, and a plat and drawing of the property and its boundaries, that the same was inclosed within the lines of any military fortification, held and occupied by the military forces of the United States at the time the direct tax assessed thereon became due and payable, then the said Secretary of the Treasury shall cause the Commissioner of Internal Revenue to give to such owner, his heirs, assigns, or legal representative, a certificate of redemption, without the payment of any part of the tax and costs hereinbefore mentioned, and said certificate shall have the same force and effect as provided for in the third section of this act; and in all cases where suits are pending as aforesaid for the recovery of such property by the United States, the Secretary of the Treasury shall direct the same to be dismissed without cost to the defendant.

SEC. 6. That all of the lands, houses, and tenements above described, which are not redeemed as aforesaid within two years from and after the passage of this act, shall be sold by the Secretary of the Treasury for cash, at public auction to the highest bidder, after having advertised the time and place of such sale for a period of thirty days in one or more public newspapers published in the county or parish in which the property is situated.

SEC. 7. That the foregoing provisions of this act shall not apply to any lands now being used as national cemeteries, or upon which public buildings or works have been erected by the Government of the United States; and that all laws and parts of laws heretofore enacted that are in conflict with the provisions of this act be, and the same are hereby, repealed.

During the reading of the bill,

Mr. HALE said: I may as well save time by objecting at this point. This is is a very important bill. Has it been before any committee of the House?

Mr. GUNTER. I will say to the gentleman that it has been before the Committee on Private Land Claims, and has been considered by that committee and unanimously agreed upon.

Mr. HALE. It revolutionizes the whole system established by the act of 1861.

Mr. YOUNG. If the gentleman will allow me a moment I think I can convince him that this bill in no wise conflicts with the act of 1861 or any subsequent act upon the subject, but is a substantial repetition of former acts of Congress providing for the redemption of lands sold for direct taxes; and the only titles which it affects are those which are still vested in the Government by virtue of purchase made under act of 1861 and the act subsequent to and amendatory to the same. It is not intended to interfere with any lands the title to which is held by private individuals.

Mr. HALE. I have no objection to hearing the gentleman, but I reserve the right to raise an objection of order.

Mr. YOUNG. The bill only provides, if the gentleman will allow me to explain——

The SPEAKER *pro tempore*. Discussion is not in order. The Clerk has not yet finished reading the bill.

The Clerk resumed, reading the entire bill.

Mr. YOUNG. Now, if the House will bear with me while I explain the bill very briefly, my remarks shall be confined within the limits of five minutes, and I think I can convince gentlemen who are objecting that it is a measure which ought to pass and that there are no objectionable features in it.

Mr. HALE. I do not object to the gentleman continuing his remarks, but I desire to reserve the right to object to the consideration of the bill at this time. It is evident that the bill is too long, too complicated, and too much in detail.

Mr. YOUNG. But if gentlemen will hear my reasons for making it so, I do not think they will urge this objection. For instance, that clause of the bill which refers to lands within the lines of military fortifications was prepared with a view to relieve a large number of people who have been grossly imposed upon. In the city of Memphis, where I reside, several acres of land were inclosed within intrenchments for military fortifications, constructed, I believe, under the direction of the gentleman from Illinois [Mr. HURLBUT] during the late war, and while he was military commandant of that district. The original owners of some of this land had not redeemed it after it was sold for direct taxes, and subsequently sold out to innocent purchasers who had no knowledge that there was any cloud upon the title. This resulted from the fact that no record of these direct-tax sales was kept at Memphis, but were forwarded to Washington City, and the books of the recorder's office did not show that there had been any such sales. A great many small lots of this land were bought by colored people and the poorer class of whites, who erected small buildings upon them in which they have resided ever since; and they did not even know that the Government set up any claim to it until they were evicted by the United States marshal, by order of the Treasury Department, under the law of 1872.

Another reason why this feature was incorporated in the bill is the fact that in the United States circuit court of North Carolina, and perhaps in other States, it was decided that the Government had no right to impose these direct taxes upon property which was held and occupied for military or other purposes; and that was the view taken by Mr. LAPHAM, a republican member of the Committee upon Private Land Claims and one of the ablest lawyers in this House. It may be objected that these lands should have been redeemed under former acts of Congress providing for the same; but in answer to that objection I have to say that an examination of those laws will disclose the fact that they are so ambiguous in their terms that it will require a cultivated legal mind to comprehend and understand them. Hence it was that I prepared the present bill in terms so plain and explicit that the most ignorant man might readily comprehend them and avail himself of their benefit. That provision of the bill which refers to the costs of court where such costs have been necessitated, was suggested and made necessary by the fact that the regular fees allowed by law, added to the taxes, penalty, and interest would in many cases amount to more than the land was actually worth; and I think surely that the officers of the different courts, and certainly those of my own city, would urge no objection to this clause. I have prepared the bill with great care, and may safely state that no injury can result to the Government or any private individual by its passage, but a very great benefit and advantage would accrue to a large class of poor people that ought to be protected.

Mr. FORT. Does the bill cover any other lands than those now owned by the Government?

Mr. YOUNG. No, sir; it does not. It simply provides that the original owners of all lands sold for direct taxes, and the title to which is still vested in the Government, may redeem the same within two years from the passage of this act, and in no way interferes with any title acquired by private individuals, though it might with great propriety and justice have gone to that extent.

Mr. FORT. Suppose it should be claimed that the whole city of Memphis was included within the lines of military fortifications?

Mr. YOUNG. It would be just as reasonable to suppose that the whole United States was included within breastworks. So far as this objection applies to the city of Memphis I can state that only three or four acres were included within the breastworks or fort erected in the lower part of the city.

[Here the hammer fell.]

The SPEAKER *pro tempore*. The time of the gentleman from Tennessee has expired.

Mr. YOUNG. This is a very important matter, not only to my constituency but to many other sections of the Southern States, and I shall be extremely obliged if the House will give unanimous consent for me to continue my remarks for a little while longer.

Mr. HALE. I move that the time of the gentleman from Tennessee be extended.

The SPEAKER *pro tempore*. There being no objection, the gentleman from Tennesse will proceed.

Mr. HALE. I wish it understood that while I am entirely willing for the gentleman to be heard fully I reserve my objection of order, with the understanding that I shall have an opportunity for a brief reply.

Mr. YOUNG. I cannot speak from personal knowledge of any section of the country except my own, but I am sure the House will believe me when I give the assurance that I have presented facts as they exist in the district which I represent, and I have the assurance that a similar state of facts exists in almost every Southern State. I would not insist so earnestly upon the passage of the bill at this time were it not for the reason that by so doing the infliction of further injury may be prevented. If it is not passed now, in consequence of the probability of an early adjournment it is not probable that I shall be able to secure a vote upon it at all.

Mr. CONGER. Although the bill does not exclude lots of land used as cemeteries, does it not exclude property which has been taken and on which these cemeteries have been placed?

Mr. YOUNG. No, sir; the bill expressly excludes such lots of land as are now held and used by the Government for any public purpose.

Mr. CONGER. Those for forts?

Mr. YOUNG. Not only forts, but that used for cemeteries, churches, school-houses, and every other public purpose. The bill is so explicit in this particular that no difficulty could possibly arise upon it.

Mr. CONGER. Why does not the gentleman bring in a bill to meet the particular case that he is familiar with? Upon his statement, I have no doubt the House will act upon it favorably.

Mr. YOUNG. The bill does cover my particular case and all other cases of a similar kind.

Mr. CONGER. I mean a bill to cover the facts as they exist in that locality and none other.

Mr. YOUNG. The bill makes provision, and properly so, I think, for all cases of a like kind in the United States. If they are not of this character they are of course not included, and every other locality is entitled to the same benefits which I ask for the city of Memphis.

Mr. CONGER. It is because of its generality that I must object to the bill. The gentleman might have a bill passed for his own case.

Mr. YOUNG. I would not like to ask this House to pass a bill for my particular section alone when other localities are equally interested and have as strong demands upon Congress for legislation to relieve them of the same burden of which I complain. It has already been intimated that I have obtained too much legislation for my own State, and that Congress has already dealt more liberally with me than with some others.

Mr. HURLBUT. I do not think you can carry this bill.

Mr. YOUNG. Possibly not, under the circumstances which surround me, when the objection of one member can defeat the bill; but in my judgment the bill should pass without the opposition of any member. Under the provisions of this bill no possible injury could result to the Government from its passage. It provides that all which the Government claims as due shall be paid before any certificate of redemption shall issue.

Mr. CONGER. But there may be some instances where innocent purchasers under the Government may have erected houses upon the lots, under the impression that they were obtaining good titles.

Mr. YOUNG. It is in some measure the object of this bill to protect innocent purchasers, and as I have before stated, there is no purchaser that can possibly be affected by it except the Government, as it is not sought, as before remarked to interfere with any titles other than those held by the Government. The innocent purchasers whom I desire to protect are those who through their ignorance, and by suppression of the facts were induced to buy the land which had already been sold for direct taxes and bought by the Government. Those poor people have erected small buildings upon the different lots purchased which are valuable to them but worthless to the Government. By the provisions of this bill the Government would receive more money than by a rigorous enforcement of the law as it now stands. This bill has been shown to the former Secretary of the Treasury, Mr. Bristow, and to the late Commissioner of Internal Revenue, Mr. Pratt, neither one of whom, as far as I am advised, urged any objection to its passage, and to me they expressed their entire approval of it. I have a letter from one of these gentlemen upon the subject, but have not got it at hand now. At my written request, however, further proceedings in the courts have been suspended until Congress has taken action upon this measure, and should it fail to do it at the present session these proceedings will be continued, and numbers of poor people will be turned out of their homes.

I am almost daily in receipt of letters from persons at my home urging me to press the passage of this measure at as early a day as possible. It will be observed that the bill was reported nearly three months ago, and I have been constantly endeavoring nearly every day since that time to bring it to the attention of the House, but various circumstances have prevented me from doing so. The bill was given in charge by the committee to the late Mr. Parsons, but in consequence of his illness and subsequent death it was not presented to the House by him; and since that time the chairman of the committee, the gentleman from Arkansas, [Mr. GUNTER,] has taken it in charge himself, and both he and I have used our utmost exertions to obtain an opportunity to present it, but have not been able to do so till this morning. Every member of the House must see that from the press of business which will occupy the time from now until the adjournment it will be almost hopeless to get it before the House again and have it properly considered.

Mr. FORT. Will the gentleman allow me to ask him a question?

Mr. YOUNG. Certainly. I shall be glad to furnish all the information upon the subject I can, and to explain the bill as fully as possible in the little time I have the floor.

Mr. FORT. Is it not a fact that the bill provides that whenever the property is within the lines of the military fortifications—not within the fortifications, but within the lines of the fortifications—and occupied by military forces it is included within the provisions of the bill?

Mr. YOUNG. The terms "military fortifications" and "military occupancy" used in the bill refers to the period of the war. If they referred to the present time that section of the bill which applies to property held and used for Government or public purposes would of course protect all property used for any public purpose, such as cemeteries, forts, school building, &c. But rather than have the bill defeated I am willing that this provision should be stricken out, though I think it should pass with it in it.

Mr. FORT. That would render the bill less objectionable, and with that alteration I do not think I should oppose it.

Mr. HALE. This is too important a bill to be hastily passed, and I do not think the gentleman from Tennessee ought to insist upon it now when there is so little time to discuss it.

Mr. YOUNG. I have already given the reasons for the delay, which I think should satisfy the gentleman that it has been no fault of mine. But I have also stated the reasons why I insist so earnestly upon its passage now.

[Here the hammer fell.]

The SPEAKER *pro tempore*. The extension of time allowed the gentleman from Tennessee has expired, and there being objection, the bill is not before the House.

Mr. YOUNG. Then I ask to withdraw it from further consideration for the present.

Mr. HALE. It seems to me that some temporary remedy might be adopted until the matter can be more fully considered.

Mr. YOUNG. That may be possible, and if I find that I cannot secure the passage of the bill during the present session I may resort to it.

Mr. FORT. With that section stricken from the bill I would have no objection to it.

Mr. HALE. I reserved my objection to this bill until it could be explained. I am now obliged to say that I must insist upon that objection for these reasons: If I thought the bill in its scope would apply only to the local case of Memphis, which has been referred to by the gentleman from Tennessee, [Mr. YOUNG,] who has stated the facts of that local case, I might withdraw my objection. But the bill is one of far more serious importance. It revolutionizes the Government titles gained under the direct-tax act, ordinarily so called, of 1861. The bill ought to be objected to for the very reason which is urged by the gentleman from Tennessee, that this is so late a day in the session. It is a serious question whether in regard to an act embodied in the pages of the United States Statutes of that year, an act that courts have passed upon time and time again since, we should now, in the hurry of unanimous consent and with five or ten minutes debate on each side, pass a bill which will revolutionize all the titles gained under that act. For these reasons I must insist upon my objection.

The SPEAKER *pro tempore*. Objection being made, the bill is not before the House.

UNAPPROPRIATED PUBLIC LANDS IN OHIO.

Mr. WALLING. I ask unanimous consent to report back, with amendments, from the Committee on Public Lands for consideration at this time the bill (H. R. No. 3158) to grant to the State of Ohio the unsold and unappropriated public lands remaining in that State, and to provide for the safe-keeping of the records relating to lands heretofore disposed of within said State.

The bill was read.

Mr. HURLBUT. I object to the consideration of the bill at this time, because it should have its first consideration in Committee of the Whole.

Mr. WALLING. Is it subject to that point of order?

The SPEAKER *pro tempore*. It is unquestionably.

Mr. WALLING. Then I withdraw the bill.

FORFEITURE OF RAILROAD LANDS IN KANSAS.

Mr. GOODIN. I rise to submit a privileged report from a conference committee.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 1771) to declare forfeited to the United States certain lands granted to the State of Kansas in aid of the construction of railroads by act of Congress approved March 3, 1863, having met, after full and free conference have agreed to recommend, and do recommend, to their respective Houses as follows:

That the Senate do recede from their third amendment to said bill.

JOHN R. GOODIN,
JAMES W. McDILL,
BENONI S. FULLER,
Managers on the part of the House.

JOHN J. INGALLS,
P. W. HITCHCOCK,
WM. W. EATON,
Managers on the part of the Senate.

Mr. GOODIN. Mr. Speaker, a gentleman on my left desires an explanation of this report. The object of the bill, which was first passed by the House, was to declare forfeited certain lands granted by acts of Congress to the Leavenworth, Lawrence and Galveston Railroad Company, in Kansas; and it provided that upon the restoration of those lands to market, the railroad company having failed to comply with the requirements of the law making the grant, the lands should be opened to entry under the provisions of the homestead and pre-emption laws. The bill went to the Senate, where it was changed so as to permit the entry of these lands under the existing laws of the United States, which would authorize private entry of the lands as well as entry under the provisions of the homestead and pre-emption laws. Upon my motion the House non-concurred in that amendment of the Senate. The Senate insisted upon the amendment. In the committee of conference which met yesterday, the Senate agreed to recede from that amendment, leaving the bill as originally introduced by me and passed by the House.

The report was adopted.

Mr. GOODIN moved to reconsider the vote by which the report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LANDS LOCATED WITH MILITARY WARRANTS.

Mr. GOODIN, by unanimous consent, submitted a report of the Committee on Public Lands on the bill (H. R. No. 600) to authorize the Secretary of the Interior to ascertain and certify the amount of land located with military warrants in the States described therein, and for other purposes; which was ordered to be printed and recommitted, not to be brought back on a motion to reconsider.

EXPENDITURES IN THE WAR DEPARTMENT.

Mr. CLYMER. I ask unanimous consent to submit for adoption at this time the following resolution:

Resolved, That the testimony and the evidence taken before the Committee on Expenditures in the War Department be printed for the use of the House.

Mr. PAGE. I object. I do not object to the reference of the resolution to the Committee on Printing, but to its adoption now.

Mr. CLYMER. Will the gentleman allow me a word of explanation? In May last an order was made to print this same evidence for the use of the committee. It has been printed and is in type. Unless this order be made to-day it will be distributed, and thus the Government will be subjected to a large additional cost.

Mr. MacDOUGALL. If it has been printed once, why does the gentleman want it printed again?

Mr. CLYMER. I beg the gentleman from California not to press his objection.

Mr. PAGE. I think the resolution ought to go to the Committee on Printing, that they may decide whether additional copies are necessary. I do not think the type will be distributed for a day or two.

Mr. CLYMER. That is my fear.

Mr. PAGE. I object.

Mr. CLYMER. I ask, then, that the resolution be referred to the Committee on Printing.

There being no objection, the resolution was so referred.

ORDER OF BUSINESS.

Mr. BLAND. There are some committees that have not been called for three months. I demand the regular order.

The SPEAKER *pro tempore*. The morning hour begins at two minutes before one o'clock, and the call rests with the Committee on Naval Affairs.

INTERNAL REVENUE.

Mr. MORRISON. I rise to make a privileged report. I am directed by the Committee of Ways and Means to report a bill (H. R. No. 3926) to amend the laws relating to internal revenue.

The bill was read a first and second time.

Mr. MORRISON. I ask that this bill be printed and made a special order for next Saturday immediately after the reading of the Journal, and that it be considered in the House as in Committee of the Whole under the five-minute rule.

There being no objection, it was ordered accordingly.

Mr. CONGER. I reserve all points of order on that bill.

Mr. MORRISON. There are no points of order about it.

SIOUX CITY, BLACK HILLS AND PACIFIC RAILROAD.

The SPEAKER *pro tempore*. At the expiration of the morning hour yesterday the bill (H. R. No. 3000) incorporating the Sioux City, Black Hills and Pacific Railroad Company was reported from the Committee on Railways and Canals by the gentleman from Kentucky, [Mr. JONES,] and its reading was unfinished. The Clerk will proceed with the reading of the bill.

Mr. SAVAGE. This bill is subject to the point of order I reserved yesterday.

The Clerk concluded the reading of the bill.

Mr. SAVAGE. I make the point of order that this bill must have its consideration in the Committee of the Whole on the state of the Union, as it makes a grant of the public lands to this company.

The SPEAKER *pro tempore*. If that statement is correct the bill must go to the Committee of the Whole on the state of the Union.

Mr. SAVAGE. I will refer to the language of the bill to which the point of order lies. It enacts that the provisions of an act entitled "An act granting to railroads the right of way through the public lands," approved March 3, 1875, are hereby extended and made applicable to this company. That entitles railroads passing through the Territories to a grant of two hundred feet of public land.

Mr. DAVY. This bill is of too great importance to be rushed through the House without being properly considered, and therefore I move it be referred to the Committee of the Whole on the state of the Union.

Mr. JONES, of Kentucky. I do not propose to discuss this bill at any length, and am not particularly interested in it. I presume the Representatives upon this floor from Oregon and intermediate Territories are.

Mr. SAVAGE. Was not my point of order sustained by the Chair?

The SPEAKER *pro tempore*. The Chair is hearing the chairman of the Committee on Railways and Canals on the point of order.

Mr. JONES, of Kentucky. What is the point of order?

The SPEAKER *pro tempore*. It is that the bill appropriates the public land of the United States, inasmuch as it gives the right of way through a portion of it under a provision of a certain act which has been read. That is undoubtedly the case in the last section of the bill as read by the gentleman from Ohio, and it must necessarily go to the Committee of the Whole on the state of the Union to receive its first consideration. And it is so referred.

Mr. JONES, of Kentucky. I cannot hear distinctly what the Chair states, and do not know what is his decision.

The SPEAKER *pro tempore*. The bill is unquestionably liable to the point of order made by the gentleman from Ohio, and it must be considered in the Committee of the Whole on the state of the Union.

Mr. SPRINGER. The point of order is this: it appropriates public land by giving the right of way over a certain portion of the public land. That is appropriation of the public land to that extent; and to appropriate one acre or one foot to this railroad company makes the bill liable to the point of order. The point being made it must necessarily go the Committee of the Whole on the state of the Union. That is the point of order the Speaker has decided.

The SPEAKER *pro tempore*. The bill is referred to the Committee of the Whole on the state of the Union.

LAKE MICHIGAN AND SOUTHEAST ATLANTIC RAILROAD.

Mr. JONES, of Kentucky, from the Committee on Railways and Canals, reported back a bill (H. R. No. 3758) chartering a passenger and freight railway from Lake Michigan to the Southeast Atlantic seaboard, with the recommendation that it do pass.

Mr. EDEN. I reserve all points of order upon that bill.

The SPEAKER *pro tempore*. That unquestionably is the gentleman's right.

The bill was read *in extenso*.

Mr. EDEN. I make the point of order that it should be first considered in Committee of the Whole.

The SPEAKER *pro tempore*. On what ground?

Mr. EDEN. Upon the ground that the general railroad law which provides the right of way through the public lands of the United States shall be granted to any railroad company duly organized under the laws of any State or Territory, except the District of Columbia, or by the Congress of the United States, which shall have filed with the Secretary of the Interior——

The SPEAKER *pro tempore*. It is utterly impossible for the gentleman to be heard, and the Chair would therefore request that the law be sent up to the Clerk's desk to be read.

The Clerk read as follows:

Be it enacted, &c., That the right of way through the public lands of the United States is hereby granted to any railroad company duly organized under the laws of any State or Territory, except the District of Columbia, or by the Congress of the United States, which shall have filed with the Secretary of the Interior a copy of its articles of incorporation and due proofs of its organization under the same, to the extent of one hundred feet on each side of the central line of said road. Also the right to take from the public lands adjacent to the line of said road all material, earth, stone, and timber necessary for the construction of said road. Also ground adjacent to such right of way for station-buildings, depots, machine-shops, side-tracks, turn-outs, and water stations, not to exceed in the main twenty acres for each station, to the extent of one station for each ten miles of its road.

Mr. EDEN. That act was approved March 3, 1875. In connection with that I wish to call the attention of the Chair to a clause in the first section of the bill:

And said company is hereby vested under the laws of the United States with all the privileges, powers, duties, obligations, and rights necessary and usual for the purpose.

Mr. HOLMAN. I wish to call the attention of the Chair to the seventeenth section of the bill as also presenting the question whether the surrender by the Government of the right of property is a grant of franchise. It is a question also whether the present rule of the House in regard to bills granting property, as well as making appropriations of money, would extend to franchise alone, as the right to cross a stream subject to the jurisdiction of the United States. The question has never been before the House before. I have never known it to be raised under the present rule. But here is a franchise granted; and that franchise is certainly to be regarded as property and seems to me within the meaning of the rule.

Mr. JONES, of Kentucky. Before the decision of the Chair is given on those points of order, I desire to say that I do not think the bill is subject to any such points of order as have been made. The road, if ever built, will not run through any of the public lands of the United States. But I am willing that the bill should go to the Committee of the Whole for the reason which I shall state, and I hope I may be allowed to say a word or two in explanation.

The committee was not entirely agreed upon reporting this bill. There was a majority, however, in its favor. I consider this a very important enterprise. And, as I have said before on this floor, I will briefly repeat that I do not doubt the power of the General Government to grant corporations and especially railroad corporations. In that opinion I am supported by the greatest lawyers and judges this country has ever produced and by the action of every Congress of the United States almost from the very first down to the present.

I am in favor of all these railroad enterprises in the interest of commerce and in the interst of cheap transportation. Why, sir, our Railroad Committee is burdened with petitions from States and cities, coming especially from the large commercial centers, asking our committee to report some bill, or that the Congress of the United States shall enact some law for the furtherance of cheap transportation, so that the people, the producers and the consumers, shall be protected against the immense combinations and frauds of railroad companies.

I regard this bill in the interest of commerce and in the interest of cheap transportation.

Mr. TOWNSEND, of New York. I rise to a question of order. I ask the Chair, is debate in order?

Mr. JONES, of Kentucky. I am proceeding by common consent.

The SPEAKER *pro tempore*. The gentleman from Kentucky is entitled to the floor.

Mr. JONES, of Kentucky. Although it is proposed that this company shall be chartered by the Congress of the United States——

Mr. SPRINGER. I rise to a question of order. The gentleman is not discussing the point of order but the merits of the bill.

The SPEAKER *pro tempore*. The gentleman from Kentucky himself desires that the bill shall take a reference to the Committee of the Whole.

Mr. SPRINGER. I thought a point of order was pending.

The SPEAKER *pro tempore*. The gentleman from Kentucky is entitled to the floor on the question of referring the bill to the Committee of the Whole.

Mr. JONES, of Kentucky. I will not occupy more than three minutes. I was saying, Mr. Speaker, that although this company is proposed to be chartered by the Congress of the United States, yet it is subject to the consent and the laws of every State through which the road may pass. As a State-rights man I would not report a bill except under such provisions and conditions. But, sir, as I perceive that it is not the disposition of the House, especially on this side of it, to consider these railroad measures at this session, and as there is some difference of opinion, whether as to principle or policy I can hardly say, and as I desire the bill to be fully discussed, I am perfectly willing that it shall go to the Committee of the Whole.

Mr. EDEN. I desire to ask the gentleman from Kentucky a question.

Mr. JONES, of Kentucky. I will hear the gentleman.

Mr. EDEN. I wish to ask him whether as a State-rights man he considers the Congress of the United States has power to authorize municipal corporations in the States to subscribe to the capital stock of this company?

Mr. JONES, of Kentucky. I think the Congress of the United States has a perfect right to grant any corporation within the powers of the Constitution, especially for the public benefit. And Chief Justice Marshall thought the same thing. And I advise the gentleman if he wants to see good constitutional and State-rights doctrine to read Chief Justice Marshall's decision in the case of McCulloch against The State of Maryland.

The SPEAKER *pro tempore*. The question is on the motion to refer the bill to the Committee of the Whole on the state of the Union.

Mr. SPRINGER. Is the point of order withdrawn?

The SPEAKER *pro tempore*. As the gentleman from Kentucky himself moves to refer the bill to the Committee of the Whole on the state of the Union, it is not necessary for the Chair to give a decision on the point of order.

Mr. SPRINGER. I desire to move that the bill be referred to the Committee on the Judiciary, with instructions to inquire and report whether Congress has the power to create such corporations.

The SPEAKER *pro tempore*. The question must first be put on the motion of the gentleman from Kentucky.

Mr. SAVAGE. I desire to say one word.

The SPEAKER *pro tempore*. Does the gentleman from Kentucky yield to the gentleman from Ohio?

Mr. JONES, of Kentucky. Yes, sir.

The SPEAKER *pro tempore*. The remarks of the gentleman can only be on the question of reference. The merits of the bill are not before the House.

Mr. JONES, of Kentucky. I do not desire that the merits of the bill shall be discussed now.

Mr. SAVAGE. I have only a word to say in reply to what the gentleman from Kentucky has said. He has intimated that the opposition to some of these bills, or all of them, is made to them as a question of policy, and that at the next session those who are opposing these bills will perhaps favor them. All I have to say in reply to that is that the gentlemen who are opposing this bill, that I at least have any knowledge of, and so far as I am concerned myself, and the other members of the minority of the committee, ground the opposition to the bill on the belief that it is improper, unconstitutional, and in every sense of the word a violation of democratic doctrine.

Mr. JONES, of Kentucky. I concede that the gentleman opposes the bill, as he thinks, on principle.

The SPEAKER *pro tempore*. This discussion is not in order. The question is on the motion to refer the bill to the Committee of the Whole on the state of the Union.

The motion was agreed to.

Mr. SAVAGE moved to reconsider the vote by which the bill was referred to the Committee of the Whole on the state of the Union; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

FRUIT BRANDY.

Mr. HANCOCK. I desire to enter a motion to reconsider the vote by which the bill (H. R. No. 3925) relating to the production of fruit brandy, and to punish frauds connected with the same, was referred to the Committee of Ways and Means.

GOLD AND SILVER MINES.

Mr. BLAND. I report from the Committee on Mines and Mining the bill (H. R. No. 3635) to utilize the product of gold and silver mines, and for other purposes, with amendments.

The Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That coin-notes of the denomination of $50, and multiples thereof up to $10,000, may, in the mode hereinafter provided, be paid by the several mints and assay offices at San Francisco, Carson City, Philadelphia, and New York, for the net value of gold and silver bullion deposited thereat; and of the bullion thus received not less than 75 per cent. in coin or fine bars shall at all times be kept on hand for redemption of the coin-notes, gold for gold, and silver for silver. The gold deposited shall be computed at its coining value, and silver at the rate of 412.8 grains standard silver to the dollar, less the lawful mint charges, and such charge for transportation from the several assay offices to the mints for coinage, and from the latter to the assistant treasuries respectively at which the coin-notes shall be payable.

SEC. 2. That for bullion deposited at the mints of San Francisco and Carson the coin-notes issued shall be redeemable on demand at the assistant treasury at San Francisco; and for bullion deposited at the Philadelphia Mint and assay office at New York the notes shall be redeemed at the assistant treasury at New York.

SEC. 3. That the Secretary of the Treasury shall from time to time cause coin and fine mint-bars (stamped) to be transferred from the mint to the assistant treasuries at San Francisco and New York in such amounts as may be necessary for the redemption of the coin-notes.

SEC. 4. That the coin-notes issued under the provisions of this act shall be receivable without limit for all dues to the United States; and the coin mentioned in this act shall be a legal tender for all debts of the United States, public and private, not specified to be paid in gold coin.

SEC. 5. That the gold-coin notes issued under this act shall be redeemed on presentation in gold coin or fine bars, and silver in silver dollars or fine bars.

SEC. 6. That the coin notes authorized by this act to be issued shall be prepared under the direction of the Secretary of the Treasury, and shall be transferred to the mints and assay offices named in this act as a part of the bullion fund, and from which fund deposits shall be paid for in coin or coin notes at the option of the depositor.

SEC. 7. That the fine gold and silver bars by this act authorized to be issued shall bear the mint stamp of fineness, weight, and value, and the value of the gold bars shall be computed according to their coining rate and the silver bars at their coining value in dollars.

SEC. 8. That the Secretary of the Treasury shall prescribe the necessary regulations for carrying into effect the provisions of this act.

The amendments were read, as follows:

At the end of line 17, section 1, add the following:

And there shall be coined at the mints of the United States the silver dollar hereinbefore mentioned.

In line 4, section 4, strike out the words "of the United States."

Mr. RANDALL. I would like to have the fourth section of that bill read again.

The Clerk again read the fourth section, as proposed to be amended.

Mr. BLAND. This is a bill which was referred to the Committee on Mines and Mining.

Mr. OLIVER. I desire to raise the point of order upon this bill that it must go to the Committee of the Whole on the state of the Union. It creates an obligation on the part of the Government of the United States to pay some money.

Mr. BANKS. There is no appropriation provided for in the bill and it does not follow that any expense would be incurred.

Mr. TOWNSEND, of Pennsylvania. It is very evident from the terms of the bill that it will occasion additional expenses to the Government in regard to the making of coin notes.

Mr. BANKS. Whenever an appropriation is presented the gentleman is secure when the time comes.

Mr. TOWNSEND, of Pennsylvania. It should go to the Committee of the Whole on the state of the Union under the rule.

Mr. BANKS. O, there is no such rule as that.

Mr. SPRINGER. I will read to the gentleman the rule upon this subject.

Mr. BLAND. I desire to be heard on the point of order.

Mr. OLIVER. I desire to submit some remarks on the point of order.

Mr. BLAND. I will hear the gentleman first and then I will close myself.

Mr. OLIVER. This bill proposes to create an obligation on the part of the Government of the United States by the issue of coin notes, an obligation which we must meet.

Mr. BLACKBURN. I would inquire of the Chair if the morning hour has not expired?

The SPEAKER *pro tempore*. The morning hour has expired.

Mr. SPRINGER. Will the gentleman allow me to read the rule before he insists upon the close of the morning hour?

Mr. BLACKBURN. I must insist on the regular order.

Mr. BLAND. I desire to say that to-morrow morning after the reading of the Journal I shall call for the regular order, so that the morning hour shall commence, and I shall press this bill to its passage.

ALABAMA CLAIMS.

Mr. LORD. I ask unanimous consent that the bill (S. No. 983) to extend the duration of the court of commissioners of Alabama claims be taken from the Speaker's table and passed.

The bill was read, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the existence of the court of commissioners of Alabama claims, created by the act entitled "An act for the creation of a court for the adjudication and disposition of certain moneys received into the Treasury under an award made by the tribunal of arbitration constituted by virtue of the first article of the treaty concluded at Washington the 8th of May, A. D. 1871, between the United States of America and the Queen of Great Britain," be, and the same

is hereby, continued and extended to the 1st day of November next, with the same effect and no other as if said last-named day had been named in said act for the termination of the powers of said court; and said act is hereby continued in force during said period.

SEC. 2. That the powers of the clerk of said court are hereby extended for an additional period not to exceed two months from and after the termination of the existence of the court, for the purpose of closing his accounts, depositing the records, documents, and all other papers in the possession of the court or its officers in the office of the Secretary of State, as provided in said act; and all disbursements made by him during this period shall be under the direction of the Secretary of State.

No objection being made, the bill was read a first and second time, ordered to a third reading, and was accordingly read the third time, and passed.

Mr. LORD moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CONTESTED-ELECTION CASE—C. W. BUTTZ VS. E. W. M. MACKEY.

Mr. THOMPSON. On behalf of the Committee of Elections I call up the report of that committee in the contested-election case of C. W. Buttz *vs.* E. W. M. Mackey from the second congressional district of South Carolina, and I call for the reading of the resolution reported by the committee.

The Clerk read the resolution as follows:

Resolved, That neither C. W. Buttz nor E. W. M. Mackey was lawfully elected to the Forty-fourth Congress from the second congressional district of South Carolina, nor is either of them entitled to a seat in said Congress.

Mr. THOMPSON. I yield to the contestee, [Mr. MACKEY.]

Mr. MACKEY, of South Carolina. Mr. Speaker, I am well aware how useless it is in this House to argue against the report of a committee, and more particularly against the report of the Committee of Elections in a contested-election case. The judgment of the committee in contested-election cases is invariably and naturally accepted by a large majority of members as conclusive, without any attempt upon their part to investigate the matter for themselves. Notwithstanding these facts I cannot allow the report in this case to go upon record uncontradicted. I therefore ask the patient attention of the House to what I am about to say, in which I shall endeavor to be as brief as possible.

The adoption of the report of the committee scarcely affects me personally. Nowhere in that report am I charged with participation or even with knowledge of the frauds which, in the opinion of the committee, vitiate the election in Charleston, and if a new election is ordered the same constituency will, I believe, return me here, if I so desire, in vindication of the fairness and honesty of their original choice. To that judgment I am willing to be referred. Time will show whether my confidence is misplaced or presumptuous.

COMMITTEE'S REPORT.

But the report of the committee is so extraordinary, so extravagant a libel upon the people of Charleston, that I feel bound to protest against the truth of its conclusions in defense of the character of a community in which I was born and have always lived, and by whose votes, irrespective of party, I was elected to this Congress.

From the report of the committee and the evidence in the case it appears that Mr. Buttz charged bribery, repetition, and violence on the part of my supporters in certain counties. Of these charges made in his protest some were abandoned, others sustained by evidence which the committee themselves have not deemed worthy of notice or which they have stricken out as illegal. The committee in their report confine their attention and rest their conclusions entirely upon the character of the vote of the city of Charleston; and it appears that the evidence upon which the committee rely is entirely *ex parte*, and that their conclusions result from the fact that the uncontradicted *ex parte* testimony showed not my participation in the illegalities alleged; but, in the language of the report—

The evidence clearly shows that most gross frauds were perpetrated at the voting-precincts in the city of Charleston, through repeating, bribery, intimidation, and violence, and that the same were carried on under such circumstances as to satisfy the committee that they must have been done with the knowledge and assent of the officers of the election.

In support of this charge the committee cite in full the testimony of Rafferty, Foster, Rivers, Gurney, Bonum, and Thompson, and say:

The whole evidence, of which the above is a fair specimen, clearly shows the character of the election in the city of Charleston, and must, we think, satisfy the House that such an election ought not to be sanctioned or tolerated. To allow the returns from such voting-precincts to be canvassed is to encourage fraud and corruption, and your committee have unanimously come to the conclusion that the whole vote of the city of Charleston must be rejected, as fraud was committed by, or assented to by, the managers of the election as well as by other parties, and it is impossible to ascertain how many legal votes were cast.

ELECTION OFFICERS.

This charge is explicit. They declare that the frauds were committed "with the knowledge and assent" of the managers and officers of election.

Now, it is not only a matter of general notoriety, but it appears on the record and is confirmed by the governor's proclamation, that at this election each party had its representation at the management of the polls. One manager represented the independent republican party, another the democrats, and a third the regular republican party. The ticket on which Mr. Buttz was a candidate was known as the regular republican ticket. The ticket on which I ran was known as the independent republican ticket. The democrats supported the independent republican ticket. As it is impossible to suppose that the contestant attempted to prove or that the committee mean to assert that the managers in Mr. Buttz's interest conspired to defeat him, this charge is simply a charge against the integrity of the other managers, namely, the democratic and independent republican. The conclusion thus reached by the committee is that at the first and only opportunity offered to the democrats of Charleston to take their places on the board of managers and contribute to secure a just and honest election they deliberately took advantage of it to perpetrate a fraud so unblushing and shameless that a democratic committee of this House are forced to denounce their conduct and proclaim their infamy. While as a republican I might, as a matter of partisan interest, accept such a verdict from such authority, yet, as a Representative of the city of Charleston, elected by both democratic and republican votes, I pronounce such a charge a foul stigma upon the well-established character of some of the very best citizens of that community, who much against their wishes and with genuine reluctance accepted the position on that occasion of managers of election, and who discharged a delicate and difficult duty with eminent tact and fairness.

Considerable stress is laid upon the fact by some witnesses that a majority of the managers at each poll were my supporters, and this seems to have had some weight with the committee. The answer to this is that, with three managers at each poll and with only two candidates for Congress, the majority of managers if they supported any one at all had to support either Mr. Buttz or me. It was natural for the managers at each poll on the part of the regular republicans to support Mr. Buttz, their candidate. It was equally as natural for the managers on the part of the independent republicans to support me. If the remaining managers representing the democrats supported me it is certainly not my fault, for I did not claim to be a democrat. It therefore hardly becomes a democratic committee, in the entire absence of all testimony to that effect, to assume that these democratic managers connived at or assented to fraud in order to elect me. And yet this is just what the committee have done.

But the charge of the committee goes even further. For not only were there democratic managers, but the United States district court appointed to each of these polls two supervisors, one selected by the regular republicans, the other by the democrats, and these representatives of Federal power and purity must have combined with the managers for the perpetration of this iniquitous fraud.

If this conclusion of the committee be true, the contestant had the completest opportunity to prove it specifically by calling the seventeen managers and seventeen supervisors appointed in his interest. But an examination of the record will show that of these thirty-four competent witnesses the contestant called but five, and these, with the exception of one, to whose testimony reference will be hereafter made, failed utterly to sustain the charge. On the contrary, the returns of the election at every poll were not only signed as correct by the managers appointed in the interest of Mr. Buttz, but their correctness was further indorsed by the supervisors appointed in his behalf.

EXAMINATION OF THE TESTIMONY.

Surely under these circumstances I may properly ask the attention of the House while I briefly sift the testimony upon which the committee have based their extraordinary conclusion. This testimony is contained in the evidence of thirty witnesses. Other witnesses were examined, but the committee have rejected their testimony as illegally taken. Now, out of these thirty witnesses, four—Washington, Montgomery, Drayton, and Driscoll—testify simply to certain matters that transpired at first precinct, ward 1; four others—McPherson, Relyea, Fosberry, and Wigg—bear evidence against the second precinct of the same ward, making no reference whatever to any other poll. Five more—Abrens, Simmons, Gurney, Saunders, and Bonum—testify to the conduct of the election at first precinct, ward 4. With the exception of Bonum, who makes a slight reference to another precinct, the testimony of these five witnesses relates exclusively to that one poll. Three more witnesses—Louis Dunneman, August Dunneman, and Pompey Virgin—testify exclusively to intimidation at ward 8, and of this intimidation I shall have something more to say hereafter. So that the testimony of these sixteen witnesses—more than half of the whole number examined—relates exclusively to the four precincts named. Now, admitting their evidence proves conclusively everything the witnesses assert—and this I by no means do admit—yet I maintain it can be used only as evidence to establish a certain state of facts against these four polls, and when the committee accept it as evidence against the remaining thirteen polls, they violate all the laws of evidence. If these witnesses have proved "repeating, bribery, intimidation, and violence" at these four polls to such an extent that it is impossible to purge them, then let these four polls be excluded from the count, and it would still leave me a large majority. But since these sixteen witnesses testify only to what came under their observation, the committee cannot assume the same state of facts at any other poll, for not one of these fifteen witnesses pretends to know anything but what occurred at their own polls, nearly all of them stating in their evidence that they were stationed at their respective polls all day, which fact alone would preclude them from knowing anything of what transpired at the other thirteen polls. I scarcely suppose the posi-

tion assumed by me in regard to these witnesses is open to any dispute. If it is, I would like to have it contradicted now by either of the gentlemen who sign this report.

Now, this disposes of these sixteen witnesses for the present. We have left the testimony of fourteen more witnesses upon whose evidence the committee have thrown out the remaining thirteen polls. Just think of it; thirteen polls, containing the votes of over seventy-five hundred citizens, or more than two-thirds of the voters of the city of Charleston, rejected from the count, and the voters disfranchised upon the testimony of fourteen witnesses; about one for each poll. Again, of these fourteen witnesses the testimony of one, A. T. Stevens, relates only to ward 7; and the testimony of another, J. J. Lesesne, relates only to second precinct, ward 4. Neither of these two witnesses testifies to any transactions at any other polls. Both occupied positions at their respective polls which kept them there all day, and consequently their testimony can only be used as evidence against those two polls. While their testimony is utterly insufficient to reject those two polls, throw them out with the other four, and you still fail to overcome my majority.

Now, then, there remain twelve more witnesses whose testimony is of a more general character, some testifying as to two polls, some as to three, some as to four, and so on. But it is upon the testimony of these twelve witnesses that the committee have decided to reject the remaining eleven polls; for, bear it in mind that not one word in the testimony of the other eighteen witnesses relates in any way or manner to these eleven polls. Now, in rejecting the votes of eleven polls upon the evidence of only twelve witnesses, it is reasonable to suppose that the committee would have required not only testimony of the strongest character—not vague and general, but clear and specific—but that they would have further required witnesses of reasonable good character, men of veracity and respectability, men of whom if nothing good could be said at any rate nothing bad was known. Now let us see if they have done so. On the contrary, I assert without fear of contradiction that the committee have rejected these eleven polls upon the testimony of twelve of the vilest wretches that ever lived, and I will prove it without going outside of the evidence in this case.

GREEN, WHITING, AND BARING.

To begin with, take the three witnesses, Green, Whiting, and Baring. Compare their testimony, and you will ascertain that these three witnesses, giving testimony at different times, used the same language, word for word, letter for letter.

Testimony of A. W. Green.

Question. Did you observe any illegal voting or repeating of votes on that day? and, if so, state what you saw.

Answer. Yes; I saw George Grobson and seven others vote at the city-hall, first precinct, ward 1; and then the same eight went over to the court-house, first precinct, ward 2, and voted again. I then followed them, and they went to the second precinct, ward 1, and they voted again. They then went to the Palmetto engine-house, second precinct, ward 3, and there voted. I continued to follow them, and they went to the second precinct, ward 5, and there voted; and then they went to Eagle engine-house, first precinct, ward 5, and there voted; they then went to market-hall, first precinct, ward 3, and there voted; and they then went to the Washington engine-house, first precinct, ward 6, and they there voted.

Q. Are you sure that each of the eight men voted at each of the precincts named by you?

A. Yes; I am.

Q. What ticket did they vote?

A. They voted what was known as the Green or independent-republican ticket.

Q. Whose name was on that ticket for Congress?

A. E. W. M. Mackey; and each one of the eight men had the independent-republican ticket with his name on it pinned upon the lapel of his coat all the time they went around, and the same tickets in their hands.

Testimony of C. H. Whiting.

Question. Did you observe any illegal voting or repeating of votes on that day? and if so, state what you saw.

Answer. Yes; I saw George Grobson and seven others vote at the city-hall, first precinct, ward 1; and then the same eight persons went over to the court-house, first precinct, ward 2, and voted again. I then followed them, and they went to the second precinct, ward 1, and they there voted. They then went to the Palmetto engine-house, second precinct, ward 3, and there voted. I continued to follow them, and they went to the second precinct, ward 5, and there voted; and then they went to Eagle engine-house, first precinct, ward 5, and there voted; they then went to market-hall, first precinct, ward 3, and there voted; they then went to the Washington engine-house, first precinct, ward 6, and there voted.

Q. Are you sure that each of the eight men voted at each of the precincts named by you?

A. Yes; I am.

Q. What ticket did they vote?

A. They voted what was known as the Green or independent republican ticket.

Q. Whose name was on that ticket for Congress?

A. E. W. M. Mackey; and each one of the eight men had the independent republican ticket with his name on it pinned upon the lapel of his coat all the time they went around, and the same tickets in their hands.

Testimony of Joseph Baring.

Question. Did you observe any illegal voting or repeating of votes on that day? and, if so, state what what you saw.

Answer. Yes; I saw George Grobson and seven others vote at the city-hall, first precinct, ward 1; and then the same eight went over to the court-house, first precinct, ward 2, and voted again. I then followed them, and they went to the second precinct, ward 1, and they there voted again. They then went to the Palmetto engine-house, second precinct, ward 3, and there voted; I continued to follow them, and they went to the second precinct, ward 5, and there voted; and then they went to the Eagle engine-house, first precinct, ward 5, and there voted; they then went to market-hall, first precinct, ward 3, and there voted; they then went to the Washington engine-house, first precinct, ward 6, and there they voted.

Q. Are you sure that each of the eight men voted at each of the precincts named by you?

A. Yes, I am.

Q. What ticket did they vote?

A. They voted what was known as the Green or independent republican ticket.

Q. Whose name was on that ticket for Congress?

A. E. W. M. Mackey; and each one of the eight men had the independent republican ticket, with his name on it, pinned upon the lapel of his coat all the time they went around, and the same tickets in their hands.

Q. Do you know whether these eight men were paid for their votes; and, if so, by whom?

A. Yes; they were each of them paid by a man named George, who received the money in my presence from Major E. Willis.

Q. What position did Willis occupy that day?

A. He was a member of the rallying committee, and had charge of a large amount of the money raised to buy up the votes.

Q. Did you see him pay men for voting?

A. Yes; he had his pockets full of money, and paid off the crowd as they came up to vote.

Q. Do you know any of the persons by name whom he paid through the said George to vote? and, if so, name them.

A. Yes; Clarence Rose, William Levy, Tobey Hazell, Henry Hipp, E. S. Ferrett, and many others whose names I do not recollect.

Q. Are you acquainted with Charles H. Whiting; and, if so, was he with you on election day, and did he have the same opportunity of seeing the same as you testify to in this examination?

A. Yes; I am well acquainted with him and was with him on that day, and he saw all I have testified to in this examination.

Q. Do you know whether these eight men were paid for their votes; and, if so, by whom?

A. Yes; they were each of them paid by a man named George, who received the money in my presence from Major E. Willis.

Q. What position did Willis occupy that day?

A. He was a member of the raffying committee, and had charge of a large amount of the money raised to buy up votes.

Q. Did you see him pay men for voting?

A. Yes; he had his pockets full of money, and paid off the crowd as they came up to vote.

Q. Do you know any of the persons by name whom he paid through the said George to vote? and, if so, name them.

A. Yes; Clarence Rose, William Levy, Toby Hazell, Henry Hipp, E. S. Ferrett, and many others whose names I do not recollect.

Q. Are you acquainted with A. W. Green; and, if so, was he with you on election day, and did he have the same opportunity of seeing the same as you testify to in this examination?

A. Yes; I am well acquainted with A. W. Green, and he was with me on that day, and saw all I have testified to in this examination.

Q. Do you know whether these eight men were paid for their votes; and, if so, by whom?

A. Yes; they were each of them paid by a man named George, who received the money in my presence from Major E. Willis.

Q. What position did Willis occupy that day?

A. He was a member of the rallying committee, and had charge of a large amount of the money raised to buy up the votes.

Q. Did you see him pay men for voting?

A. Yes; he had his pockets full of money, and paid off the crowd as they came up to vote.

Q. Do you know any of the persons by name whom he paid through the said George to vote? and, if so, name them.

A. Yes; Clarence Rose, William Levy, Toby Hazell, Henry Hipp, E. J. Ferrett, and many others whose names I do not recollect.

Q. Are you acquainted with Charles H. Whiting and A. W. Green; and, if so, were they with you on election day, and did they have the same opportunity of seeing the same as you testify to in this examination?

A. Yes; I am well acquainted with them both, and was with them on that day, and they must have seen all I have testified to in this examination.

Is it possible for any reasonable man, accustomed to examine witnesses and to analyze testimony, to believe that this coincidence of language is natural? Green and Whiting were examined on the 15th of February, Baring on the 27th, twelve days later, and yet their testimony does not vary one word, except that Baring was not asked the last two questions propounded the other witnesses. One of two things is certain: either these three witnesses were thoroughly drilled before they were put on the stand, or their evidence was manufactured by the contestant with the connivance of the notary public. The latter theory I believe to be the correct one, for it will be noticed no cross-examination is attached to the testimony of these three witnesses, for no one was present to represent me during their examination, if such examination was ever held. That the evidence of these three witnesses was manufactured may be doubted by some upon the ground that the contestant would hardly be guilty of such an act. Wait a minute and see.

C. W. BUTTZ.

The contestant in this case is the same Mr. C. W. Buttz who was counsel for Hon. R. C. De Large in the contested-election case of Bowen *vs.* De Large in the Forty-second Congress. The Committee of Elections in that case used the following language in their report, which was signed by GEORGE W. MCCRARY, GEORGE F. HOAR, William M. Merrick, G. W. Hazelton, W. E. Arthur, and E. Y. Rice:

This case came on to be heard before the committee at the December session of 1871–'72. Mr. DeLarge then applied for a postponement and for leave to take further testimony, on the ground that the counsel employed by him to prepare his cause and take testimony in his behalf had possession of the evidence and refused to surrender the same to be used before the committee, and further that said counsel had been tampered with and bribed by said Bowen to act for him. *The committee found both these allegations to be proved.*

If further evidence is needed to prove that much of the testimony of the contestant was manufactured in the same way let them again compare the testimony of two other witnesses, Washington and Drayton, who in answer to the same queries used the same language word for word, except in answer to one query where Washington appears to have forgotten half of the answer.

The testimony of Green, Whiting, and Baring, with its wonderful similarity, if produced by a highly honorable man would hardly be accepted as evidence, but how much less worthy of belief is it when procured in his own interest by a man whom a few years ago this House convicted of the disgraceful charge that while acting as the attorney of a contestee he had been bribed and tampered with by the contestant of that contestee? The testimony of Green, Whiting, and Baring, instead of being the evidence of three distinct individuals, is clearly the evidence of one individual with three different signatures. All three swear to one and the same thing, namely, the repeating of eight men at eight different polls. The facts sworn to by them stands upon their testimony alone. No one else saw what they claim to have seen. And yet, unsupported by a single witness, this manufactured evidence is deemed sufficient to warrant the committee in throwing out eleven polls.

Had Mr. Buttz been content to remain as the contestant in this case I should have had nothing whatever to say about him, but since he has made himself a witness in his own case, he must share the fate of the other witnesses. I have undertaken to prove that the twelve witnesses upon whose evidence the committee have decided to throw out eleven polls are all unworthy of belief. Mr. Buttz is one of those twelve, and as such I am speaking of him. His evidence, however, amounts to very little; really it ought to have been classed with the evidence of those five men which relates exclusively to ward 4, precinct 1. To the throwing out of this poll I have already stated I have no objections, though I do not think the evidence warrants it. The rest of his evidence, therefore, which is used to assist in throwing out eleven precincts, consists in one case of repeating at the first precinct, ward 3. The following extract from his evidence, which constitutes all that is left of it, is nothing more than his opinion—the opinion of a defeated candidate:

I conscientiously believe that not more than 6,500 voters deposited the 10,500 votes as returned by the board of commissioners of elections as having been cast in this city, the difference being made up of illegal and repeated votes.

What Mr. Buttz "conscientiously believes" is no evidence. He must prove it. If this is evidence, then it was unnecessary for him to take any testimony at all, for his notice of protest furnishes stronger evidence than this, and no doubt he "believes" all that is contained in his protest.

L. J. TAYLOR.

If Mr. Buttz's opinion as to how many votes were actually cast is to affect the issue, then we must contradict him with his own witness, Taylor, who swears that the 10,500 votes were cast by 7,000 voters, thus contradicting Mr. Buttz, who swears they were cast by only 6,500 voters. Is not such testimony simply ridiculous? And yet it is upon such evidence the committee have decided to throw out these eleven precincts. If not thrown out upon this testimony then there is no evidence at all against these precincts. All Taylor knows about the election is contained in the following query and answer:

Q. Did you notice anything particularly regarding the election on that day?
A. I did; I went to the different polling precincts throughout the city on that day, and closely observed what transpired in regard to the purchasing and repeating of votes by the Green-Mackey party. I am satisfied that there was more illegal voting at that election on that day, and more bribery and corruption used on that day, than at any previous general election within my knowledge. I saw William Johnson pay H. H. Rodgers $2.50 to vote the Green-Mackey, or independent republican party's ticket, at second precinct, ward 6. I tried to have both Johnson and Rodgers arrested, but neither Brown nor Dickerson could do so for fear of personal injury, from the violent threats made against them and me by the independent republican party. I saw and know that it was impossible to have any of the repeating voters or purchasers of votes arrested, because the city government and the police force were working openly in their favor and in the interest of the independent republican ticket, and would not interfere or make any arrest of any of those parties. I do not conscientiously believe that there were more than 7,000 voters or persons that voted the 10,500 votes returned as having been the number of votes cast on that day in the city. I know positively of many voters who did not go out of their houses or vote at all, and of some who returned to their homes without voting at all for fear of bodily harm and on account of the threats made against any one who would vote the union republican ticket or interfere with the Green-Mackey party's repeaters and purchasers of votes for the independent republican ticket.

W. H. THOMPSON.

Another one of these twelve witnesses is W. H. Thompson, and his testimony is cited in full in the report of the committee in support of their action. Hence I shall examine it very thoroughly. Thompson in his testimony attempts to prove the following facts:

First. That there were intimidation and bribery at the first precinct, ward 1. He swears to no specific instance, gives the name of no one that was intimidated or bribed, but simply states in a general manner that there was much bribery and intimidation.

Second. That the manager at second precinct, ward 1, was drunk, in consequence of which no objection was made to anybody voting who wanted to.

Third. That there was repeating at first precinct, ward 3.

Fourth. That there was violence at first precinct, ward 4.

Fifth. That Major Willis was bribing voters at second precinct, ward 4.

Sixth. That there was intimidation at ward 8.

Seventh. That there was bribery at certain other precincts.

Now it will be noticed that with the exception of the third and seventh points all of his testimony refers to the six polls already covered by the testimony of the first eighteen witnesses. With regard to the six polls I have already said throw them out and my majority is still unaffected. Therefore this portion of his testimony cannot possibly be used as evidence against the other eleven polls. The balance of his testimony alleges repeating at first precinct, ward 3 and bribery at all the precincts in wards 5, 6, 7, and 8. His testimony on the latter point is so remarkable that I will quote it in full:

I went to the different precincts in wards 5, 6, 7, and 8, and at each of them I saw money freely paid by the partisans of the Green-Mackey ticket.

Now, then, is this sweeping statement, contained in one brief sentence, really to be regarded as evidence against the votes of those four wards, constituting one-half of the city? If so, elections are utterly useless, for such testimony can be procured to set aside elections as fast as they are held. This evidence is nothing more than the declaration of a disappointed candidate, for it must be borne in mind that the witness, W. H. Thompson, was the candidate for State senator on the defeated ticket, and we know how usual it is for all disappointed aspirants, when defeated by the people, to attribute their defeat to fraud and bribery on the part of their opponent. Certainly the two distinguished lawyers who sign the report will hardly contend that such a general statement of a defeated candidate, even when made under oath, is to be considered as sufficient evidence for the rejection of the entire vote of four wards, comprising seven polls. If Thompson's testimony be true then the inquiry naturally follows how is it that Mr. Thompson, with a full knowledge of all these facts, failed to contest the election of his opponent, but to this day has allowed that opponent to retain his seat in the South Carolina senate without any attempt on his part to unseat him? In view of Mr. Thompson's testimony this fact is still more surprising when it is remembered that the majority of the South Carolina senate are men elected on the same ticket with Mr. Thompson. The only inference is that Mr. Thompson knew he could not sustain this declaration before any tribunal at home, and that he had a greater respect for the intelligence of the election committee of the South Carolina senate than he had for the Committee of Elections of the United States House of Representatives. Testimony which the latter committee have received he did not attempt to impose upon the former.

In connection with Mr. Thompson's failure to contest the election of his own opponent, the same fact is true of all the other defeated candidates on Buttz's ticket. In Charleston County, on the same ticket with Mr. Buttz were placed the names of eighteen candidates for representative in the Legislature of South Carolina, all of whom were defeated, some, however, by a smaller majority than Mr. Buttz. The eighteen representatives who were elected ran on the same ticket with me, received the same votes, and were elected by the same majority. They still hold their seats in the Legislature, although upon the meeting of that body in November, 1874, notice was given on behalf of the defeated candidates on Buttz's ticket that a protest would be filed against the election of the eighteen members for Charleston County, and though such protest was filed, yet no attempt was made to sustain it. The contestants virtually abandoned it for the want of evidence, and finally, on the 23d January, 1875, the committee on privileges and elections submitted the following report, the resolution appended thereto being adopted without any opposition:

In the case of the contest of the seats of the members from Charleston County, the committee on privileges and elections beg leave to respectfully report the following resolution:

"Whereas the contestants, being duly notified, failed to appear, by counsel or otherwise, before the committee to substantiate the allegations set forth in their protest: Therefore

"*Be it resolved*, That the contest be dismissed, and that the present sitting members be declared legally entitled to their seats."—*Journal house of representatives of the State of South Carolina*, regular session, 1874–'75, page 306.

Now, it must be remembered that the legislative candidates who were defeated with Mr. Buttz would have had their case tried before a house of representatives containing an overwhelming majority of their political friends not only willing but glad to seat them; hence their absolute failure to prove or even attempt to prove their protest can only be explained upon the theory that the only witnesses to be found in support of their protest were the witnesses who have testified for Mr. Buttz, and that, the character of these witnesses being so well known at home, the legislative contestants were unwilling to insult the intelligence of any tribunal there by presenting to it the evidence of such witnesses.

Now I appeal to the common sense, to the practical political sagacity of every member of this House, that if this election was the mass of fraud and corruption that has shocked the virtuous sensitiveness of the Election Committee, is it reasonable to suppose that the members of the Legislature elected on the ticket with me would have been allowed to retain their seats in that body? And yet at home, where the facts of this election were every-day history, known to every man in the State, the results remain undisturbed. It has been reserved for the committee of this House to discover that the election in Charleston was so tainted with fraud and corruption that it "ought not to be sanctioned or tolerated."

CORNELIUS M'HENRY.

Cornelius McHenry, a constable of the court of which Mr. Buttz is the solicitor, is another of the twelve witnesses whose testimony I am now sifting. To him I barely refer, however, as his testimony is of little or no consequence. With the exception of the first precinct, third ward, it relates exclusively to two of the first four polls to which I have already alluded. The balance of his testimony relates to repeating at one poll only of the eleven I am now discussing.

BURKE AND FOSTER.

This disposes of seven of the twelve witnesses. The evidence of five more remains to be examined. Before taking them up in detail, I may as well state that all of them are repeaters, and according to their own evidence they have all committed gross outrages upon the law, for which two of them, Burke and Foster, were convicted, and the evidence of their conviction is found in the printed record. The three, however, who have never been tried or convicted deserved to be convicted much more than the two who really were. The evidence of the two who were convicted is of so little importance in connection with the throwing out of the votes of eleven polls that I will first consider their testimony. Burke simply swears to one fact, namely, that he voted twice, not being a citizen, and that he was paid $1 each time for his vote. One of these votes was cast at sec-

ond precinct, ward 1, which is included in the four polls first disposed of. His other vote was cast at first precinct, ward 3. Foster, the other convict, testifies to his having voted at three polls with three other men and at one poll with four men. For this little service they received $1 apiece each time they voted. Two of the polls at which they voted are included in the four to which I have so frequently alluded as being the polls to which almost the entire mass of this evidence refers, and as being the only polls affected by this testimony. The other polls at which Foster and his little gang voted are first precinct, second ward, and first precinct, third ward, two of the eleven now under discussion.

The testimony of Burke and Foster may be true, and if so it only proves a few cases of repeating, a thing which it is almost impossible to prevent entirely at elections in large cities. In considering the evidence of these men I am reminded that, notwithstanding the number of illegal votes alleged by the contestant, these two men are the only persons he has caused to be arrested for all this alleged repeating, bribery, intimidation, and violence. Is not this fact alone sufficient to discredit all these charges, especially when we remember that not only was the United States court opened to him, but that as solicitor of the first circuit, embracing the city of Charleston, he had at his complete command all the machinery of the law to punish the men who had, as he alleged, by fraud, bribery, intimidation, and violence cheated him of his election?

In reviewing the testimony of McHenry, Thompson, Buttz, and Burke, it will be seen at a glance that the evidence of these four witnesses, except where it refers to the six polls already disposed of, has reference to one poll only, first precinct, ward 3. All the facts alleged by these four witnesses occurred at that one poll. Adding this one poll to the six already disposed of and we ascertain that the remaining ten polls are to be rejected upon the evidence of eight witnesses, the other twenty witnesses not testifying to a single fact in regard to these remaining ten polls. Ten polls are to be rejected upon the testimony of eight witnesses. Of these eight witnesses we have already proved that the testimony of three, Green, Whiting, and Baring, is so clearly manufactured that it should be stricken from the record entirely, so that really the evidence against these ten polls depends upon the testimony of five witnesses only, Foster, Taylor, Rafferty, Kossell, and Rivers. The testimony of the first two I have already examined. It relates to two polls only and cannot possibly affect the others.

In examining the evidence of these three creatures, upon whose testimony the voters of eight precincts are to be disfranchised, I shall apply to it a certain principle of law applicable to such cases. This principle was laid down by the committee a few months ago in the case of Bromberg *vs.* Haralson. In their report of that case the committee say:

> The testimony of a conspirator swearing to his own infamy and implicating others in the same crime is always jealously scrutinized, and *unless corroborated in material points by evidence coming from uncontaminated sources* cannot generally be received as sufficient to establish a litigated fact.

With the application of such a rule to the testimony of Rafferty, Kossell, and Rivers it must all be rejected. Apply the same rule to the testimony of the trio, Green, Whiting, and Baring, to which I have already called attention, and it ceases to be evidence in this case.

H. T. KOSSELL.

I shall now examine the testimony of these three men with reference to the principle just cited, beginning with Kossell, who testifies that he had in charge six men who voted sixty times, each time at a different precinct, except once, when he voted them twice at the same precinct. Kossell's testimony stands by itself, being uncorroborated by any kind of evidence whatever. Of him not one of the other witnesses make the slightest mention. Kossell seems to have been unknown, and I cannot even imagine where Buttz got him.

ISAAC B. RIVERS.

Isaac B. Rivers testified that during the canvass preceding the election he supported Buttz, but that on the day of election he voted for me. After the election, however, he renewed his allegiance toward Buttz by swearing for him that he had done considerable repeating on election-day for me. Rivers, I understand, has again changed, and is now willing no doubt to testify for me that he did considerable false swearing for Buttz. Under these circumstances it is exceedingly doubtful in what capacity Rivers excels, whether in repeating or in perjury. Until that doubt is removed no faith should be placed in his testimony. Rivers, like Kossell, is uncorroborated in a single instance of repeating. How both might have been and yet were not corroborated I shall show in the analysis of Rafferty's testimony. A slight attempt at corroborating Rivers is made by two witnesses. Thompson says:

> I met Isaac B. Rivers at different times during the day, going from poll to poll with a carriage full of men.

Lesesne, in reply to the question—

> Did you see any carriages and wagons controlled by Major Willis carrying voters to and from that precinct that day?

Answers—

> Yes; I saw them all day, and Isaac B. Rivers had charge of one of them.

Neither of these two witnesses saw Rivers vote a single man; they simply saw him with "a carriage full of men;" but whether or not he voted them they do not say. What is more common on election-day than to see carriages full of men? Are such things evidences of fraud? Such vague testimony will hardly be considered evidence in corroboration of Rivers.

HOGAN RAFFERTY.

I have reserved the examination of Rafferty's testimony for the last, because he did more false swearing during his examination than all the other witnesses together. I cannot refrain from remarking here that had the committee compared the testimony of Rafferty and Rivers with that of other witnesses they never would have quoted them in full in their report as evidence to illustrate the character of the election in Charleston. Such witnesses cannot justify the action of the committee in throwing out the entire vote of the city of Charleston.

And who is Hogan Rafferty? All we know of him is contained in his own testimony. He is the witness to his own infamy. He swears to having cast 606 illegal votes himself, by taking a gang of twenty-five men and voting them twice at nearly every precinct. For which dirty work he says he was paid $10. If for $10 he would vote 606 illegal votes, how much do you think it cost to purchase his services as a witness in this case, especially when made safe against prosecution for perjury by the contestant, who was able to give him such guarantee by virtue of his position as solicitor of the first circuit. Are the rights and franchises of any community to be at the mercy of the oaths of such men? And yet the testimony of such a creature is cited as evidence by the committee in support of their report. In attaching any importance to the testimony of this witness the committee seem to have entirely forgotten that most excellent rule laid down by themselves, which I have already cited.

Apply that rule to the testimony of Rafferty and what is such testimony worth? Let us see if he is "corroborated in material points by evidence coming from uncontaminated sources." If not, as I shall clearly demonstrate, then his evidence should have had no weight with the committee. Reject the testimony of Rafferty and the contestant has no case whatever, for it must be remembered Rafferty alone proves more than one-half of the illegal votes charged by the contestant as having been cast for me. Now the best evidence from uncontaminated sources to corroborate Rafferty, as well as Kossell and Rivers, would have been the managers and supervisors at each poll appointed in the interest of Mr. Buttz, for all through the printed evidence it appears that the party of which Mr. Buttz was the candidate had at every one of the seventeen precincts in the city of Charleston one manager selected from themselves and one United States supervisor, making thirty-four respectable and competent witnesses—at least presumably so. Yet out of these thirty-four managers and supervisors, the best witnesses he could have had, the contestant has taken the evidence of only two supervisors and three managers, none of whom corroborate Kossell or Rivers in any particular whatever; and by one only of these five witnesses is Rafferty corroborated. I give their names, so that their testimony can be referred to: J. J. Driscoll, A. W. Gurney, supervisors; W. H. Ahrens, A. T. Stevens, W. E. Burke, managers. The testimony of the latter, however, has been excluded by the committee as illegally taken; still I have no objections to its being considered in connection with the testimony of the other four witnesses just named. Now these five managers and supervisors, with the exception of Ahrens, not only fail to corroborate Rafferty, but they fail to prove a solitary illegal vote. By examining their evidence in connection with that of Rafferty's, it will be seen how completely they fail to corroborate him. If Rafferty's testimony be true, the facts sworn to by him could hardly have escaped the attention of these managers and supervisors, who had been appointed to look after the interest of the contestant and his party at their respective polls.

J. J. DRISCOLL.

J. J. Driscoll, who swears he voted for the contestant, was United States supervisor at precinct 1, ward 1, (city hall,) at which poll Rafferty swears Murphy voted "twenty-five men, mostly sailors, each of whom had a green badge tied in the button-hole of the left lappel of their coats with a black ribbon." Rafferty further testifies that he voted these same men again in the afternoon at this poll. And yet when Driscoll was examined not one question was asked him in reference to these votes, which he could not have helped noticing had any such occurrence taken place at this poll. On the contrary, when asked "do you know of any illegal voting at the election on that day," he says nothing whatever about Rafferty and his repeaters, but gives a full statement of such cases of illegal voting as did occur at his precinct. It is proper to state here that of the four cases mentioned by Driscoll as illegal voting not one was really such a case, and this will appear upon an examination of his testimony. So that the United States supervisor at this poll fails to prove a single instance of illegal voting, intimidation, and bribery, and seems to know nothing whatever of Rafferty and his mythical repeaters. Nesbitt, the manager in the interest of Buttz at this poll, although summoned as a witness by the contestant, was never examined, and we must conclude that the failure of the contestant to examine him was owing entirely to the fact that Nesbitt knew of no frauds, intimidation, or bribery at this poll. Kossell also voted his six men at this precinct, but as in the case of Rafferty this fact was unknown to Driscoll. Rivers did not honor this poll with his presence.

WARD 7.

Another poll at which Rafferty swears to having voted his twenty-five sailors twice was ward 7. The manager of election at that precinct

appointed to represent the contestant was A. T. Stevens, one of the witnesses produced by the contestant. Judging from his testimony he was evidently an ardent friend of Buttz and very tenacious of his rights, and it is reasonable to suppose that it was impossible for twenty sailors in black dress coats with green badges tied to the left lapel to have voted in a gang at this poll twice and escaped the attention of this vigilant manager. And yet when called as a witness not one question is asked him on the subject, and Rafferty is again left without the corroboration he so much needs. Not a single witness corroborates Rafferty as to his repeating at this poll. So, too, with Kossell who also visited this poll with his repeaters. His visit there was unknown to Stevens or any other witness. What becomes of the rule of the committee in the case of Bromberg *vs.* Harlson? Why did they not apply it in this instance?

W. E. BURKE.

Another election officer appointed in the interest of Mr. Buttz was W. E. Burke, a manager at ward 8. His testimony having been rejected by the committee as illegally taken, I only refer to it to say that even had it been received as good testimony it would only furnish additional proof to show how completely Rafferty, Kossell, and Rivers are uncorroborated by the election officers.

A. W. GURNEY.

Another witness whose evidence is contained in full in the report of the committee is A. W. Gurney, also an election officer—not one of those charged with a guilty knowledge of these alleged frauds, but one of those who was acting in the interest of the contestant to prevent fraud. Eager as he was during his examination to disclose all the frauds alleged at his poll, he omitted to make any mention whatever of Rafferty and his sailors. Was it possible for twenty-five repeaters coming up in a gang, with Rafferty at their head, to have escaped his vigilant eye? No; had Rafferty really been there with his sailors Gurney would have seen them. His failure to see them certainly ought to weaken Rafferty's evidence as far as this precinct is concerned. Nor did Gurney see either Kossell or Rivers, both of whom claim to have visited this poll with their repeaters. If Gurney did not see them, he did see some other things, but giving all credit to his testimony it amounts only to this: that there were some irregularities at the poll of which he was supervisor, and his statement of frauds is simply a vague declaration that there was bribery, without even an attempt on his part, except in one instance, to specify the offense or the offender. But if this is true, how can Mr. Gurney account for the fact that, as United States supervisor, appointed in the interest of Mr. Buttz, he signed the returns of this very precinct as correct, and at the time made no statement whatever to the officers to whom he was bound to report of any fraud or violence? The person whom he charges with influencing the election by bribery and intimidation was a well-known and highly respectable merchant of Charleston, a democrat, who would have been ready and prompt in meeting any such accusation if made where Mr. Gurney was bound by his oath of office to make it, before a jury in the district court of the United States. But Mr. Gurney's evidence, like much other evidence which seems to have deluded the committee, can be explained by the fact, outside of the record I admit, that it was well understood in the community of Charleston that upon the contestant's success he was to have been one of the earliest recipients of official patronage. Mr. Buttz's failure has driven this veracious witness from the community which he could neither benefit by his patriotism nor injure by his perjury.

W. H. AHRENS.

The only one of the five election officers produced as witnesses who corroborates Rafferty in any particular is W. H. Ahrens, a manager at first precinct, ward 4, appointed in the interest of the contestant. In his evidence he testifies to having seen Rafferty march up a gang of twenty-five men in the forenoon and vote them, and again in the afternoon. Strange to say, this open violation of the law was only seen by Ahrens, who called no one's attention to the fact at the time. Remember that at this same poll there were Gurney, the United States supervisor just referred to, and John Bonum, another witness in this case, who occupied the double position of deputy sheriff and deputy United States marshal. Yet neither of these witnesses saw what Ahrens saw. Perhaps the following fact will explain why Ahrens alone at this poll saw Rafferty and his sailors. As soon as the contestant ascertained that he was defeated, like most defeated condidates he entered his protest against my election, serving his first notice upon the county board of canvassers, afterward taking the case up to the State board of canvassers, and finally bringing it here before Congress. As soon as he began his contest he of course undertook to find the necessary witnesses. At that time there was pending in the court of general sessions for Charleston County two indictments against this William H. Ahrens, both for assault with intent to kill, the punishment for which is fine and imprisonment in the penitentiary. Ahrens saw his chance; he offered his services as a witness, a *nolle prosequi* was entered as to both indictments by the solicitor of the court, Mr. C. W. Buttz, the contestant in this case, and Ahrens, released from all fear of the penitentiary, became a witness for the contestant. The records of the court of general sessions of Charleston County will prove the truth of my assertion. Ahrens, however, had signed as correct the returns of the election before he had ascertained he would be needed as a witness, and consequently in his evidence he attempts to explain that fact by saying he did it under protest. Ahrens of course, like all the other witnesses in this case, makes vague and general statements as to bribery, intimidation, and repeating, but in view of the fact I have just stated little credence should be given to his testimony procured under such circumstances. Notwithstanding Ahrens's anxiety to accommodate Buttz in the matter of furnishing testimony, he makes no reference whatever to either Kossell or Rivers, who both swear to having repeated their gang at this poll.

With the exception of Ahrens, therefore, not one of these five managers and supervisors corroborate Rafferty. But on the contrary, when examined as witnesses for the contestant to prove the repeating, bribery, and intimidation alleged by him, they make no reference whatever to Rafferty and his sailors, who seem to have been a perfect myth to them, nor do any of them make any mention whatever of either Rivers or Kossell.

POLLS REJECTED UPON RAFFERTY'S TESTIMONY ALONE.

I have endeavored to show how utterly unreliable is the whole testimony of Rafferty; how, if his story was true, it could have been corroborated by certain witnesses, and how, when these witnesses were examined, they failed in any respect whatever to furnish the corroboration so much needed in order to give Rafferty's testimony any value as legal evidence. I have examined it thoroughly because if rejected, as it should be, the rest of the evidence produced by the contestant would, even if true, affect only one or two polls in the city which if thrown out would still leave me a majority. Notwithstanding the barefaced perjury of this witness the committee, in utter violation of the rule laid down by themselves in a previous case and already cited by me, have rejected whole polls upon his testimony alone, no evidence whatever, either good or bad, being offered to corroborate him. In the second precinct, ward 2, and the third precinct, ward 4, no evidence whatever, except Rafferty's statement that he voted twenty-five men at each of those precincts twice, is offered either as to repeating, bribery, or intimidation. But upon the evidence of this one man, unsustained by a single other witness, the entire vote of these two precincts, amounting in the aggregate to 942, is thrown out and these voters are disfranchised because one scoundrel can be found to swear that he repeated some votes there.

POLLS REJECTED IN THE ABSENCE OF ALL TESTIMONY.

But if the action of the committee is extraordinary in throwing out the votes of these two precincts upon this one man's testimony, how much more extraordinary must be considered their action in throwing out the votes of polls upon the evidence of no one at all. Against the third precinct, ward 3, and the third precinct, ward 6, nothing whatever is alleged either in the way of repeating, or of bribery, or of intimidation. Rafferty does not even swear against these two polls; the contestant does not even allege any irregularities at them; and yet the committee have cast them out for no other reason, I can imagine, than that they are situated in the city of Charleston. Do the Committee of Elections by their action in throwing out the votes of these two polls mean to say that whenever in any city irregularities, fraud, intimidation, or bribery are proved at one or more polls, or even at a majority of polls, then the entire vote of the city becomes so tainted that it must be excluded from the count? Is this a new principle in the law of elections established by the thirteen eminent lawyers composing the committee?

The unaccountable action of the committee in throwing out these four polls induces me to call attention to a few other polls rejected by the committee, and against the purity of which the evidence is really worthless.

WARD 2, FIRST PRECINCT.

Take the first precinct, ward 2, where the total vote was 484. Against this poll the only irregularity charged is the repeating of the twenty-five sailors by the never-failing Rafferty, uncorroborated, however, as far as this poll is concerned, by a single witness. But if Rafferty's testimony be true, will the committee assert that the poll cannot be purged by the deduction of these 50 votes, which, if proven at all, are proven specially enough to warrant their being deducted from the count? In addition to Rafferty's testimony against this poll is the evidence of Green, Whiting, and Baring as to 8 other illegal votes. From the wonderful similarity of the testimony of these three witnesses, bearing upon its face the evidence of manufactured testimony, I am certainly not unreasonable when I ask that such evidence should receive no consideration whatever, especially since it is uncorroborated. One other witness, Foster, whose certificate of conviction is produced by the contestant himself, swears to 5 more illegal votes. Now then, at this poll each instance of illegal voting is sworn to with sufficient clearness to have made it the duty of the committee to purge the poll. Admitting as true every word of the testimony relating to this poll, only 63 illegal votes were proven and the poll should have been purged by their deduction, since no witness whatever testifies to any bribery or intimidation, nor is any evidence whatever produced against the conduct of the officers of elections in charge of the poll.

WARD 3 SECOND PRECINCT.

Take second precinct, ward 3, the total vote of which was 566. At this poll there is no evidence whatever of either bribery or intimidation. The ubiquitous Rafferty does not even claim to have visited it with his sailors. He seems to have ignored it entirely. The only irregularity charged by the contestant is the polling of 17 illegal votes there, 8 of which are proven by the trio, Green, Whiting, and

Baring. The other 9 are proven by Rivers, to whose testimony I have already referred. Admitting this exceedingly doubtful evidence, do the committee pretend to say that a poll of 566 is incapable of being purged of 17 illegal votes clearly and distinctly proved if the testimony be accepted as worth anything? And yet this poll the committee in their spirit of casting out have rejected entirely.

WARD 5.

Take again precinct 2, ward 5, the total vote of which was 261. Again at this poll no evidence whatever is offered as to any bribery or intimidation. The only charge against it is 15 illegal votes, 6 of which are proven by Rafferty, 8 by the trio, Green, Whiting, and Baring, and 1 by Buttz himself. Admitting them all, notwithstanding the utter worthlessness of the proof, I again ask are 15 illegal votes, when there are no other irregularities charged, sufficient to warrant the rejection of a poll of 261? If not, why then was the poll rejected by the committee instead of purged?

Take still another poll: first precinct, ward 5. The total vote there was 831. Again no charge as to bribery or intimidation at this poll. The only testimony impeaching its purity is that of the trio, Green, Whiting, and Baring, as to the 8 illegal votes of Grobson, and that of Kossel as to 6 illegal votes cast under his direction, making in all 14 illegal votes. Yet upon this testimony alone, and because of 14 illegal votes only, the committee have decided to reject this whole poll of 831 votes.

The two last polls comprise the whole vote of ward 5, there being only two precincts in the ward. I have stated that there was no evidence against either of these polls as to any bribery or intimidation, unless we consider as evidence the vague and general statement of the witness Thompson, that he "went to the different precincts in wards 5, 6, 7, and 8, and at each of them I saw money freely paid by the partisans of the Green-Mackey ticket."

It will hardly be contended that such a general statement of a defeated candidate, even when made under oath, is to be considered as sufficient evidence for the rejection of the entire vote of a whole ward, especially when such statement is unsustained by the oath of a single other witness as to a solitary instance of bribery or intimidation at either of these polls.

I have cited these eight polls to show upon what utterly worthless testimony the committee have decided to reject the entire vote of the city of Charleston. In two of these instances, as I have already shown, there is not a word of testimony of any kind, and at the other six polls the testimony in regard to repeating is exceedingly meager, less perhaps than usually occurs at any election, while there is no testimony whatever as to intimidation or bribery, and absolutely none in regard to the conduct of the managers. And yet, without a single witness impugning their conduct, these managers are branded as guilty of fraud or of permitting fraud at their polls.

BRIBERY, INTIMIDATION, AND VIOLENCE.

Before closing this examination of the testimony I desire to notice briefly the evidence upon which are based the charges of bribery, intimidation, and violence, with the view of proving that the committee are mistaken in concluding that "the evidence clearly shows" bribery, intimidation, and violence. The evidence relating to these charges is of so general and vague a character, consisting so entirely of opinions rather than facts, that they should be stricken out for uncertainty and irrelevancy.

BRIBERY.

First as to the charge of bribery. What is the testimony? It consists of such statements as the following:

Open bribery was practiced and constant complaint was made to me as a United States supervisor that votes were being bought by the Mackey party.—*Testimony of A. W. Gurney.*

I am satisfied that there was more illegal voting at that election on that day and more bribery and corruption used on that day than at any previous general election within my knowledge.—*Testimony of S. J. Taylor.*

I am fifty-five years in this city and have never seen such bribery, open purchasing of votes at any general or municipal election in my life.—*Testimony of John Bonum.*

I saw a large number of persons paid from one to three dollars each for voting the independent-republican ticket. Captain Sales was the principal purchaser, and paid the most of them.—*Testimony of August Dunneman.*

All this is not *testimony* to the purchase of a single vote which could or would be received by a judicial body. They are simply the violent expression of extravagant opinions which are heard everywhere the day after a hotly contested election from the partisans of the defeated candidate. But when you come to analyze the proof, which one would suppose in such a case of open, universal, unblushing bribery would be ample, I assert that in this record, in this mass of uncontradicted *ex parte* testimony, if you except the twenty-five sailors with green badges who are marched up and down through its pages just as the scant supernumeraries in a third-class theater are marched from wing to wing of the scenes to represent an army until the twenty-five are swelled to six hundred and six, you will not find fifty cases of bribery specifically sworn to.

As a fair specimen of the whole of the evidence upon this subject I ask attention to the testimony of J. J. Lesesne upon this subject. In his evidence he says:

I saw a large number of persons, *more* than one hundred, that E. Willis *paid that day* to vote the independent-republican ticket.

There is not the slightest scintilla of evidence in this statement as to who these persons are, whether they voted, where they voted, for whom they voted, or why they should not have voted.

When cross-examined and asked: "Did you see Willis give tickets to any one you speak of?" What is his answer? "No; but they went around the corner and returned together." When asked, "Was there repeating of any votes at that precinct that day?" his answer is: "Yes, there was; but I did not know who they were or their names."

It is simply a bald assertion of the witness that he knew more than one hundred persons who were paid on that day to vote. I cannot, with decent respect for the intelligence of this House do more than direct their attention to this so-called testimony, and yet it is about as good as the rest of the testimony upon this subject.

One of the witnesses examined by the contestant to prove the charge of bribery was John Simmons. His character is explained in the following certificate:

THE STATE } vs. JOHN SIMMONS. } Grand larceny.

STATE OF SOUTH CAROLINA, *Charleston County:*

Let the defendant, John Simmons, be imprisoned in the penitentiary at hard labor for the period of one year from date.

R. F. GRAHAM.

CHARLESTON, *December* 12, 1871.

A true copy.

[SEAL.]

JACOB WILLIMAN,
C. G. S. & C. P.

JULY 12, 1876.

Simmons during his examination admitted his conviction for grand larceny and his sentence to the penitentiary.

INTIMIDATION AND VIOLENCE.

Out of the thirty witnesses examined by the contestant eleven only testify as to the alleged intimidation and violence. The testimony of these eleven witnesses, with one exception, relates exclusively to four polls, namely: first precinct, ward 1; first and second precincts, ward 4; and first precinct, ward 8. One witness only, Thompson, testifies as to intimidation or violence at first precinct, ward 1. His testimony is given in these words:

At first precinct, ward 1, I saw that the crowd of Green-Mackey bullies governed that precinct and used every means of intimidation to prevent any one from voting the regular republican ticket.

That is the only testimony in the whole record as to intimidation at that poll.

The same is the case as to the intimidation and violence at second precinct, ward 4, where the charges are sustained by one witness only, Lesesne. His testimony is that—

The crowd had partaken so frequently of free whisky that they were ready for a riot upon any pretext whatever, and I was closely pressed and threatened on several occasions.

The evidence is not that a riot actually occurred, but that the crowd "were ready" for one. By neither witness is there any mention whatever of a single person who was prevented from voting by either intimidation or violence. Such is the testimony that has led the committee to believe that intimidation and violence prevailed at these two polls.

The testimony of six witnesses, including Thompson, relates exclusively to the first precinct, ward 4. These six witnesses are McHenry, Gurney, Bonum, Buttz, Ahrens, and Thompson. Their testimony we have already examined in detail, and as it relates only to this one poll, we can scarcely think it necessary to comment upon it, especially as we have already expressed the opinion that, admitting all that is charged against this poll to be true, it was the duty of the committee to reject that poll, and not assume that because violence and intimidation were proven against this poll that the same state of affairs existed at all the other polls.

The testimony of three other witnesses, Louis and August Dunneman and Pompey Virgin, relates to ward 8. A portion of the testimony of Thompson also refers to this ward. The latter says that at this poll "The Union republicans were so intimidated that some were driven from the polls without voting." The Dunnemans and Virgin testify to about the same thing though more in detail. But notwithstanding all this intimidation and violence, Mr. Buttz received at this poll a larger vote than at any other poll in the city. Out of 1,103 votes cast, Mr. Buttz received 413, giving me only a majority of 177. If Mr. Buttz's supporters were driven from this poll without voting, I would like to ascertain how it was possible for him to receive nearly half of the whole vote cast there. The very fact that the contestant received such a large vote at this poll is the best evidence needed to refute the charge of intimidation and violence as far as this poll is concerned. Certainly this fact should raise a doubt as to the charge unless sustained by the evidence of reliable witnesses. Both Louis Dunneman and Thompson were defeated candidates. Pompey Virgin's character is unfolded in the following certificate:

THE STATE } vs. POMPEY VIRGIN. } Burglary and larceny.

STATE OF SOUTH CAROLINA, *Charleston County:*

Let the defendant be imprisoned in the penitentiary at hard labor for ten years.

[SEAL]

R. F. GRAHAM.

JUNE 16, 1871.

A true copy.

JACOB WILLIMAN,
C. G. S. and C. P.

JULY 12, 1876.

Certainly 1,103 voters are not to be disfranchised upon the testimony of four witnesses only, two of whom are defeated candidates, another a brother of one of these candidates, and the other a penitentiary convict. Against this poll there is no other testimony except that of Rafferty and Kossell.

The last of the eleven witnesses testifying as to violence and intimidation is Taylor. His testimony relates to no particular poll. It is too vague and uncertain to prove anything. It can hardly be considered as evidence. It is in these words:

I know positively of many voters who did not go out of their houses or vote at all, and of some who returned to their homes without voting at all, for fear of bodily harm, and on account of the threats made against any one who would vote the Union republican ticket.

Admitting every word of the testimony of these eleven witnesses to be true, four polls only are affected, no attempt whatever being made to prove intimidation or violence at the other thirteen polls; yet the committee have concluded that intimidation and violence prevailed at all the voting-precincts in the city. How did they reach this conclusion? Certainly not by an examination of the evidence; for if anything is clearly shown it is the fact that the report of the committee proves beyond a doubt their failure to examine the testimony. But the testimony of these eleven witnesses does not even sustain the charge as to the four polls. If their evidence be true, that such general violence and intimidation prevailed at these four polls, certainly some one ought to have been found who would have sworn that he went to the polls, that he attempted to vote for Mr. Buttz, and that he was prevented from so doing by the threats of my friends. But throughout the whole city it appears the contestant could not find a single voter who would swear that he was prevented from voting by violence or intimidation.

REASONS FOR NOT TAKING TESTIMONY.

Having thus examined the character and value of the testimony upon which the committee have relied, I am naturally brought to the consideration of the question which seems so thoroughly to have perplexed them, and that is why I have not taken or produced any testimony in reply.

That such a question should have been raised forces me to the conclusion that the committee could scarcely have examined the evidence with any reference to the usual principles of legal and judicial examination. I can only understand their conclusion upon the supposition that they were bound to believe everything that a witness says unless another witness contradicts him, and that the more general and vague a charge so much the more credible is it. I am not afraid to say that before any judge in this land three-fourths of the testimony upon this record would have been absolutely excluded, and that with such a case no lawyer of reputation would have risked his professional character by putting up witnesses to meet a case which had not been made. I had a good right to presume that vague and general charges of repeating, bribery, intimidation, and violence would scarcely command the respectful attention of the committee, coming from a source the purity of which had once before been tested by Congress. Had I willfully neglected to reply to testimony bearing directly upon the issue made and possessing in itself that sort of character which entitled it to consideration, it might be different; but I submit to the candid judgment of this House whether a candidate elected by an overwhelming majority might not well hold himself above the necessity of meeting such evidence as this record contains. As in a court of law a defendant may rest his defense upon the character of the prosecutor and his witnesses as established by previous convictions, so in this case I relied upon such convictions as sufficient to cast a doubt on the good faith of the prosecutor and the evidence of his witnesses, unless fully "corroborated in material points by evidence coming from uncontaminated sources;" for it must be remembered that of the witnesses examined by the contestant, and upon whose testimony the conclusions of the committee rest, two were convicted by the United States courts, one convicted and sentenced to the penitentiary for burglary and larceny, another convicted and sentenced also to the penitentiary for grand larceny, another indicted for assault with intent to kill, and the contestant himself, a witness also, not only convicted by Congress of having sold his client's evidence in an election case, but also tried, convicted, and sentenced in this very capital for an offense so infamous that it will not bear repetition.

At the general election of 1874 I was elected member of Congress for the second congressional district of South Carolina (including the city of Charleston) by a majority of 2,542 votes over Mr. C. W. Buttz. Mr. Buttz served me with notice of protest, concluding his protest with this allegation:

That I (C. W. Buttz) received a majority of all the legal votes cast for member of the Forty-fourth Congress in the second congressional district of South Carolina and am therefore entitled to the position.

This it became Mr. Buttz's duty to prove. I was bound to prove nothing. It was obligatory upon Mr. Buttz to set aside that 2,542 majority. He undertook to do so. His examination of the greater portion of his witnesses was irregular and illegal. I protested formally against the continuation of such examinations, refused to attend them, and never saw a large portion of his testimony until it was printed by the committee. Feeling sure that he could not reduce my vote below a large majority, knowing the worthless and disreputable character of his witnesses, I took no counter-testimony. I was willing, as I am now, to let the case stand as he made it, due attention being given to the testimony and the witnesses as they appear upon his record.

The extent to which his proof went, without contradicting a single witness or challenging a single statement, was 897 votes, which, deducted from my majority of 2,542, still left me a majority of 1,645. But the committee in their report have decided to strike out all of his testimony taken after a certain time, which reduces the number of illegal votes proven by him to 789, leaving me a majority of 1,753. Upon this I submit to the House I had a right to stand. Mr. Buttz had undertaken to prove that this majority of 2,542 votes certified to by the proper official authority as given to me consisted of bad, illegal, fraudulent votes, which upon sufficient proof the committee were bound to strike from my count. No general statements, no vague allusions, no opinions however "conscientiously" held by Mr. Buttz or any other witness could be considered. Mr. Buttz had to prove that at least 2,542 votes were illegally cast and were cast for me. This he failed to do, and the committee recognize his failure when they refuse to seat him. The logical consequence of their refusal to seat Buttz ought to seat me. But just here the committee itself interposes to raise an issue not raised by Buttz, and which, therefore, I was not bound to meet. The committee say to me: "It is true that Mr. Buttz claims to be legally elected, that he has undertaken to prove your 2,542 majority illegal, that he has failed to do so, but in proving 789 bad votes he has led us to think that there must have been some great frauds at this election and that all the managers must have conspired to commit them. Why did not you prove that this was not so; why did not you examine witnesses?" My reply was: "I do not think you have the right to shift the burden of proof from Mr. Buttz's shoulders to mine. Mr. Buttz undertook to make his case and has failed. I had and I have the right to stand simply on the defensive. But if you insist upon changing the issue; if you ask for proof that this election was fair and right, give me ten days, and I will take the testimony of every manager and United States supervisor at the Charleston polls." This clear right was refused me a month ago; and now the committee, after making the issue themselves and refusing to allow evidence to be taken on the issue they make, pass a sweeping condemnation upon a whole community without giving them a chance to be heard. I submit that in common justice, when they made this issue, they were bound to afford a fair trial before they decided it. For I beg the House to bear in mind that the committee, as I have said, do not charge me personally with purchasing a single vote or corrupting a single voter. At that election the general ticket upon which I was a candidate for Congress contained no less than thirty-two candidates for other offices—governor, lieutenant-governor, State senator, county commissioners, members of the Legislature, &c. There is no charge against one or against all of these. The committee simply concludes that there was such general fraud as proved conspiracy or connivance on the part of the managers. The testimony made no attempt and the committee have made no attempt to bring this fraud and corruption home to me.

It is proved beyond question that I and the ticket on which I was a candidate were enthusiastically supported both by the independent republicans and the democrats. In endeavoring to explain my majority the witnesses of the contestant established this. One of them says, on page 27:

The wealth of the city and the city government, including the police force, were all supporting the independent republican ticket.

Again:

E. W. M. Mackey, the candidate for Congress on the independent republican ticket, is one of the city aldermen, and controls the committee on the police department; and then G. I. Cunningham, the mayor, and Captain Hendricks, the chief of the police, belong to Mackey's clique and do his bidding.

What does this mean? Who represent the wealth of the city if not its merchants, its bankers, its tax-payers? What do the city government and the police force represent if not the order and decency of the city; and when all these elements, comprising every democrat and every independent republican in the city, by the testimony of the contestant himself, combined to support me, I appeal to the common sense of every man who hears me if my majority is not naturally and honorably explained; if there could exist in such a contest any necessity on my part for resort to the dark, dirty, and dangerous ways of bribery and corruption? I leave it to any representative of any city of any size in this House if with such a combination in my favor it was possible for me to be defeated. The democratic majority who make this report will scarcely take issue with me when I say that by far the larger portion of the wealth and the influence of the city of Charleston is democratic, and when they make this report they must mean to declare that from their practical experience democratic wealth and influence never interfere in an election except to influence it corruptly.

In reference to this whole allegation of enormous illegal voting in the city of Charleston, there is one sufficient and single reply. It is clear that if votes had been repeated to such an extent as the committee allege, then the vote of Charleston as returned must have been much greater than its legal vote.

Now, the voting population of the city of Charleston, according to the United States census of 1870, was 11,550. The vote cast at this election was 10,404. Where is the increase that such universal illegal voting ought to show?

Moreover, compare the vote cast at this election with the vote cast at previous elections:

1868, municipal election	10,102
1870, general election	11,231
1871, municipal election	10,366
1872, general election	6,175
1873, municipal election	12,097

The smallness of the vote at the general election of 1872 is owing to the fact that the democrats took no part whatever in that election.

At this point, then, of my argument I claim:

1. That I had and have a perfect right not to take counter testimony but to stand upon the defensive, and that if Mr. Buttz fails to prove his case I am entitled to my seat.

2. That if the committee makes a new issue, that of the general fairness of the election, while I do not deny their right to investigate that issue, they cannot decide it without investigation, and not only I, but the people of Charleston have a right to submit testimony in proof of their innocence.

Mr. Speaker, I have said what in justice to my constituents I was bound to say. My interests or those of the contestant are not worth the consideration of this House. But surely it is a very grave exercise of the power of this body to record a public censure upon a whole constituency, to declare that one of the oldest and most honored cities of this Commonwealth is unworthy of its right of suffrage, and that fifty of its best-known citizens, selected for the responsible position of managers of election, placed under the sanction of their solemn oaths, corruptly conspired to defraud the people whom they represented and to perpetrate a shameful imposition upon the Legislature of the nation. Granting that I have been altogether wrong in my management of this case as far as I was personally concerned; granting that my confidence in my knowledge of the truth was rash and presumptuous; granting that as the case was made there was reasonable doubt excited in the minds of the committee as to the fairness of this election, surely the committee had it in their power to investigate this matter, to require me to produce, what the law did not require me to offer, proof of a negative. Time sufficient has elapsed since I formally prayed for permission to furnish this testimony for it all to have been taken and considered at an expense of a little time and a little labor, and surely the question of the disfranchisement of a whole community was grave enough to justify that expenditure of time and labor. The seat, as far as I was concerned, might be forfeited, but the censure and condemnation of the entire constituency, without opportunity of vindication, does seem not only an act of supererogation but of injustice. This condemnation, however, is unsustained even by this *ex parte*, uncontradicted testimony, to the details of which I have called attention, and I contend now that on its face it is unworthy of credence, that there is not a grand jury in the county where they live which would bring in a true bill upon any evidence they could give. And it does seem to me the strangest conception of duty that the committee was bound to accept this testimony unless it was expressly contradicted by other evidence. Is the character of the testimony itself not to be considered? Is there, can there be a more conclusive reply than the inconsistencies of the testimony itself? And do not the acknowledged associations of the witnesses stamp ineffaceably the character of the accusation which they are called to prove?

CONCLUSION.

Before concluding I desire to explain what position I occupied in the last general election in South Carolina, as such explanation is necessary for a thorough understanding of this case.

At the general election of 1872 F. J. Moses, jr., was elected governor. Notwithstanding he was elected on a reform platform, his administration of affairs during the two years of his term of office was so venal and corrupt that it brought the republican party of South Carolina into disrepute all over the country. With hardly an exception every republican paper in the country condemned the government of the republican party in South Carolina during that period as a disgrace to civilization, and they all without an exception declared that a continuation of such misgovernment would be a serious injury to the future prospects of the national republican party. In fact, I think it will be admitted that the mismanagement of the republican party in South Carolina aided the democrats considerably in obtaining their present majority in the national House of Representatives. Moses became known all over the country as the robber governor of South Carolina, and while still governor was actually indicted by a grand jury for the crime of grand larceny and breach of trust. He escaped trial and probably conviction only by refusing to submit to arrest.

Under these circumstances, when the republican State convention met in 1874, many republicans entered it with the determination to submit only to the nomination of a man without any stain whatever upon his character. After a bitter contest Hon. D. H. Chamberlain was nominated for governor. In the opinion of many republicans he was at that time considered as very little better than Moses. In justice, however, to Governor Chamberlain I am glad to say that subsequent events have proved that those who opposed him knew as little about him as those who supported him. Whatever errors he may have committed, he has during his administration displayed the qualities of an earnest reformer. Nevertheless, his nomination at the time was considered as an attempt to continue the misrule of the former two years. Hardly a republican paper North approved of it; in fact, I know of none that did except the National Republican of this city, (Washington.) Hence many of the best republicans in South Carolina refused to abide by the nomination, impressed with the belief that in so doing they were really acting for the best interests of the national republican party, which could no longer afford to be burdened by the misdoings of the party in our State. Another republican convention was called, to which some of the ablest and most popular republicans in the State were elected. They nominated a new ticket, with Judge Green, a staunch republican, as their candidate for governor. This ticket was designated the independent republican ticket, in contradistinction to the regular republican ticket. It received the support of many thousands of republicans all over the State, and the democrats, believing that the independent republicans were in earnest in their efforts to purify the State government, refrained from making any nominations for State officers, but voted for the independent republican nominees.

In the second congressional district the republicans who had nominated Judge Green also nominated me for Congress. Previous, however, to my nomination by the independent republicans, I had received the regular nomination of the republican party. The regularity of that nomination, it is true, was disputed, owing to a division among the delegates. Eighteen of the delegates elected to the regular convention nominated me, while the remaining nine who had attempted, in violation of the party rules, to decide who the other eighteen delegates should be, united with a contesting delegation from Charleston which a few days before the State convention had declared irregularly elected, and by which decision under the rules of the party in our State the congressional convention was bound. The latter convention, thus irregularly organized, nominated the contestant in this case, C. W. Buttz.

My nomination by the independent republican party was not sought, but was made at a time when I was confined to my room by a severe attack of illness. In the heated political campaign which followed these nominations I declared in favor of Judge Green. By so doing my opponent gradually became recognized as the candidate for Congress of the regular republican party, though in truth he had never obtained such regular nomination. In the election I received the vote of nearly every democrat in my district, which of course elected me, since the republican vote was divided between me and the contestant. In voting for me the democrats were fully aware that I was a republican, for I had never assumed to be anything else but a republican.

Mr. THOMPSON. I move the previous question on the resolution reported by the committee.

The previous question was seconded and the main question ordered.

Mr. THOMPSON. I do not propose, Mr. Speaker, to go into any lengthy discussion of this case, but merely to state to the House very briefly the reasons which have induced the committee to make the report that they have made. The contestee presents his views of the case, and presents them with considerable force, but there is this difficulty with regard to it: he has produced no particle of testimony by which to sustain the view he presents.

The testimony is all upon one side. If the testimony for the contestee had been as good as his argument it would have been of very material help to him.

The committee were compelled to make one of three reports: either to decide in favor of the sitting member or in favor of the contestant, or to declare the seat vacant. I am frank to say that if the contestant were here and should present his case with the ability that the sitting member has shown, he would make out a very much better case than the sitting member has. I will say that in my judgment the case of the sitting member is at least third best. [Laughter.]

When the sitting member admits that in the city of Charleston we show that about 1,100 illegal votes were cast, which is saying a great deal in favor of the position of the committee—a little leaven we are told will leaven the whole lump; I think it is equally true that a great deal of corruption will corrupt the whole lump—when you start with the admitted fact that 1,100 illegal votes were given in one city, it is certainly a matter which calls for very serious consideration.

Mr. MACKEY, of South Carolina. Will the gentleman yield to me for a word to correct?

Mr. THOMPSON. Certainly, if you only desire to correct what I am saying——

Mr. MACKEY, of South Carolina. I wish to ask you a question.

Mr. THOMPSON. Very well.

Mr. MACKEY, of South Carolina. Where is the proof that there were 1,100 illegal votes?

Mr. THOMPSON. In the printed testimony. You will see it there. Where else can you expect to find it?

Mr. MACKEY, of South Carolina. I have looked, and I count up but 789.

Mr. THOMPSON. The gentleman says he counted up 789. He certainly did very well for a man who counts so reluctantly as he must have counted. [Laughter.] But if he had made a fair count he would have come somewhere between 1,100 and 1,200. I will not correct him in this matter, but I will simply say that I hope he will make a recount.

There is certainly no member of the Committee of Elections who

has any but the kindest feelings toward the sitting member. We would have decided in his favor if we could have done so, and we certainly would have done so with the greatest pleasure. We have not found anything in the testimony which has reflected upon him personally. But in this case we have been compelled to adopt the very impartial course of deciding for the seat itself; it is for the protection of the seat rather than of the sitting member that we report.

But take the number the gentleman says, between 700 and 800 illegal votes; that is a pretty round number. The testimony is that there were between 1,100 and 1,200 illegal votes that are known to have been cast, and they saw a large number more illegal votes moving in the same direction. That procession of illegal votes certainly were never half counted. They made some mistake, or they would have counted far more than the sitting member has counted, more than the committee has counted. If that procession had been fairly counted, I have no doubt that instead of 1,100 or 1,200 illegal votes there would have been found to be 3,000 illegal votes.

The city of Charleston, with a population of from forty-eight to fifty thousand, cast about 10,500 votes, I think a little more. I do not know how they obtain voters down there, but they vote very differently there from what they do with us in Massachusetts.

Mr. MACKEY, of South Carolina. There were more than 11,000 legal voters in Charleston.

Mr. THOMPSON. The gentleman says that that vote is among the possibilities. The United States census shows that perhaps by some possibility, with the lame and the halt and the dying and those who were away, they might obtain 11,000 votes there.

But they never voted up so close as that to the number of legal voters. They must have voted there for the dead as well as the living. The number of persons who were to vote must before election day have been diminishing from various causes. I say again that there is no city in the United States with a population of the city of Charleston that casts any such vote. They did not cast any such legal vote in Charleston. I submit that they could not have come within two or three thousand legal votes of that number; 8,000 votes would have been a very large vote there. I believe the second congressional district of South Carolina would beat every other district in the United States in the number of votes cast. It is the banner district in this particular.

The testimony here shows, and I have no doubt such is the case, that that great number of votes was obtained by voting the same person two or three times. The testimony is not contradicted that twenty-five men alone cast more than 600 votes. Now, if twenty-five men can cast 600 votes——

Mr. MACKEY, of South Carolina. That statement is unsupported.

Mr. THOMPSON. The gentleman says that is unsupported. I do not know what he means by that. The witnesses swear to that statement; it is here in print, and it is uncontradicted. What kind of support does he expect us to have? Does he expect us to have a cast-iron support to prop it up? This statement is supported by the oaths of witnesses, and is not contradicted. It is very strongly supported, too, by the number of votes cast in that district, which I verily believe are two or three thousand more than the number of legal voters in the district.

It was shown here conclusively that a very large number of illegal votes were cast in that district, and were cast in such a manner as to clearly implicate those who presided at the election in the fraud. It cannot be that twenty-five men can be marched up in a body in the morning and again in the afternoon and voted all at once without the officers of the election knowing something about it. Your committee believe, as we here report, that it was done at least with the connivance of the officers of the election. I believe it is the safe rule that where you find the officers of election acting fraudulently, conniving with fraud, you should place very little reliance upon their action; that such a fact should go very far toward vitiating the election.

The contestee assumes the ground that the Committee of Elections ought to be held to the specific illegal votes; that is, if the testimony does not show 2,500 illegal votes specifically by name, then he ought to retain his seat. Now we took the opposite view, and said that if there was testimony sufficient to show that the election was fraudulent, to show that it was impossible to tell how many legal or how many illegal votes were thrown, if the election was conducted in such a manner as to show there was no security at all for the legal voters, then it ought to be set aside and a new election ordered.

Let us see how this would stand, if we consider for a moment the case of Mr. Buttz. Mr. Buttz would take the ground that if we throw out these voting-precincts—those that we have thrown out—then he would have a clear and decided majority. That certainly would be the case; but the throwing out of more than 10,000 votes will necessarily disfranchise so many persons that your committee thought the election ought not to stand. They believed it fairer to all parties to remit the case to the people and let them determine by a fair election who their Representative shall be. That is all that this report recommends to the House.

I do not think it necessary for me to go into a detailed examination of the matter. I think that what the House has learned from the sitting member, the evidence, and the report of the committee suffices to fully justify the position of the committee upon this question, which is that the election in the city of Charleston was conducted in such a manner and there were so many illegal votes cast that it is impossible to determine what the real vote was; that it would be unfair in a district like that to throw out one-third of the entire votes and then seat the contestant, because it is impossible to tell who the choice of the people of that district really is. Therefore we felt compelled to report that the case be remitted again to the people. The committee were unanimous in this decision; and the gentleman from New York, [Mr. TOWNSEND,] a member of the subcommittee of which I was the other member, came to this conclusion before we had any conference. The committee, looking over the whole matter, determined unanimously that neither the contestant nor the contestee was entitled to the seat. And in behalf of the committee I ask that the resolution reported by the committee may be adopted by the House.

The question was then taken on adopting the following resolution, reported by the Committee of Elections:

Resolved, That neither C. W. Buttz nor E. W. M. Mackey was lawfully elected to the Forty-fourth Congress from the second congressional district of South Carolina, nor is either of them entitled to a seat in said Congress.

The resolution was adopted.

Mr. THOMPSON moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SITTING COMMITTEE ON PUBLIC LANDS DURING RECESS.

Mr. WALLING. I ask unanimous consent for the consideration at this time of a resolution agreed to by the Committee on Public Lands.

The Clerk read as follows:

Resolved, That the Committee on Public Lands be, and the same is hereby, authorized to prosecute the investigation of all matters especially referred to it for investigation, as also all other matters demanding investigation within the scope of the duties of the committee, and especially the investigation into the Des Moines River land grant and the transactions of the Northern Pacific Railroad Company and the Lake Superior and Puget Sound Land Company in relation to the disposition of the public lands under the grant of said Pacific Railroad Company, during the recess of Congress by subcommittees to be appointed by said committee; such subcommittees to have power to subpœna witnesses, send for persons and papers, employ a stenographer, administer oaths, and do all things necessary for the proper performance of their duties; the expense of such investigation to be paid by the Secretary of the Treasury out of any funds appropriated for such purpose or funds not otherwise appropriated, upon vouchers approved by the chairman of the Committee on Public Lands.

Mr. HALE. I object. This resolution, if I heard it correctly, provides for the sitting of investigating committees during the recess. That I object to now and hereafter in all cases.

Mr. WALLING. I believe the gentleman from Maine [Mr. HALE] voted the other day for the resolution of the gentleman from Iowa [Mr. OLIVER] to investigate the Des Moines River land grant. It is utterly impossible to carry out that investigation during this session; it can only be done during the recess.

Mr. LUTTRELL. We agreed the other day to a resolution for a committee to investigate the Chinese question during the recess.

Mr. WALLING. We have on several occasions raised committees to sit during the recess. These are questions which cannot be investigated during the present session.

Mr. KASSON. Is this a joint resolution or merely a House resolution?

The SPEAKER *pro tempore*. It is a House resolution.

Mr. KASSON. We cannot appropriate money by a resolution of this House.

Mr. WALLING. That part may be struck out.

Mr. HALE. I object to the resolution.

MILITARY EXPEDITION AGAINST THE NORTHWEST INDIANS.

Mr. BANNING. I am directed by the Committee on Military Affairs to ask that an order be made for the printing of the answer of the Secretary of War to the resolution of this House inquiring as to the object of the military expedition under Generals Crook and Terry against the Northwest Indians.

Mr. KASSON. Is this an executive communication which has been made to the House?

Mr. BANNING. It has been made to the House and referred to the Committee on Military Affairs.

Mr. KASSON. Usually such communications are ordered to be printed at the time they are referred. If that was not done in this case, of course there should be no objection to doing it now.

The SPEAKER *pro tempore*. The Chair will state that these executive communications are usually not ordered to be printed until the committee so reports, unless a special request be made. That request is made in this instance. Is there objection?

There being no objection, it was ordered accordingly.

CONTRACTS TO FURNISH SOLDIERS' HEAD-STONES.

Mr. BANNING, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the Committee on Military Affairs be permitted to print the testimony taken by that committee in reference to the contracts to furnish soldiers' head-stones.

Mr. BANNING moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ARMY APPROPRIATION BILL.

Mr. ATKINS. I submit the following conference report.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two House on the amendments of the Senate to the bill (H. R. No. 3717) making appropriations for the support of the Army for the fiscal year ending June 30, 1877, and for other purposes, having met, after full and free conference have agreed to recommend, and do recommend to their respective Houses, as follows:

That the Senate recede from its amendments numbered 15, 16, 18, 19, 27, 28, 33, and 35.

That the House recede from its disagreement to the amendments numbered 1, 2, 6, 8, 9, 10, 12, 13, 14, 17, 20, 24, 29, 31, 36, and 37, and agree to the same.

That the House recede from its disagreement to the amendment numbered 3, and agree to the same with an amendment striking out "five" and inserting "three;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 4, and agree to the same with an amendment striking out "one hundred and five" and inserting "ninety;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 5, and agree to the same with an amendment, as follows:

Strike out all of said amendment after the word "and," in line 6, and insert in lieu of the words stricken out the following: "As provided by law, with a force of enlisted men not exceeding four hundred, after present terms of enlistment have expired;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 7, and agree to the same with an amendment, as follows: Strike out the words "sixty-eight" and insert in lieu thereof the word "eighteen;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 11, and agree to the same with an amendment striking out "two hundred and fifteen thousand five hundred and seventy-three" and inserting "one hundred and sixty-one thousand six hundred and thirty-seven;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 21, and agree to the same with an amendment striking out "$4,000,000" and inserting "$3,750,000."

That the House recede from its disagreement to the amendment numbered 22, and agree to the same with an amendment striking out "one million and seventy" and inserting "eight hundred and fifty;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 23, and agree to the same with an amendment, as follows: At the end of said amendment add the following: "*Provided*, That such assignment of recruits shall not increase the total aggregate of the Army beyond the number of 25,000 enlisted men, as provided for in this act;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 25, and agree to the same with an amendment, as follows: Strike out from said amendment the word "nine" and insert in lieu thereof the word "five;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 26, and agree to the same with an amendment, as follows: Strike out from said amendment "five hundred" and insert in lieu thereof "one hundred and fifty," and strike out all of the proviso; and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 30, and agree to the same with an amendment, as follows: Strike out from said amendment the word "five" and insert in lieu thereof the word "four;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 32, and agree to the same with an amendment, as follows: Retain the proviso proposed to be stricken out; and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 34, and agree to the same with an amendment, as follows: Strike out "two hundred" and insert "one hundred and seventy-five," and insert at the end of the bill the following:

SEC. 3. That every military post may have one trader, to be appointed by the Secretary of War on the recommendation of the council of administration approved by the commanding officer, who shall be subject in all respects to the rules and regulations for the government of the Army.

SEC. 4. That the whole subject-matter of reform and re-organization of the Army of the United States shall be referred to the commission hereinafter provided for, who shall carefully and thoroughly examine into the matter with reference to the demands of the public service, as to the number and pay of men and officers and the proportion of the several arms, and also as to the rank, pay, and duties of the several staff corps, and whether any and what reductions can be made either in the line or staff, in numbers or in pay, by consolidation or otherwise, consistently with the public service, having in view a just and reasonable economy in the expenditure of public money, the actual necessities of the military service, and the capacity for rapid and effective increase in time of actual war.

The commission hereby created shall consist of two members of the Senate and two members of the House of Representatives, to be appointed by the presiding officers of each House respectively, of the Secretary of War and two officers of the Army, one from the line and one from the staff corps, to be selected by the President with special reference to their knowledge of the organization and experience in service.

Such commission shall assemble as soon as practicable and proceed to the consideration of the matters with which they are charged, and make report to Congress by the first day of the next session through the President of the United States with all the evidence, record or otherwise, which they shall have received and considered.

And the sum of $1,000 is hereby appropriated from the contingent fund of the War Department to defray the expenses of such commission, to be expended under the direction of the president of said commission.

J. D. C. ATKINS,
H. B. BANNING,
S. A. HURLBUT,
Managers on the part of the House.

W. B. ALLISON,
JNO. A. LOGAN,
J. B. GORDON,
Managers on the part of the Senate.

Mr. ATKINS. I demand the previous question on the adoption of that report.

The previous question was seconded and the main question ordered.

Mr. ATKINS. I desire to submit a remark or two in explanation of the report. It will be observed that the House bill, which provided for the re-organization of the Army, was not acceptable to the Senate. The Senate declined to agree to the re-organization. They declined also to agree to the decrease of the Army from 25,000 to 22,000 enlisted men. They also objected to the decrease of the salaries of officers. The committee upon the part of the House concurred finally with the Senate committee in recommending to the House and to the Senate that a commission should be appointed, composed of two members of the House and two of the Senate, appointed by their respective presiding officers, also of the Secretary of War, and an officer of the line and an officer of the staff, appointed by the President of the United States, who should sit during the recess, and submit a report to Congress at its next session, embracing the whole subject of the re-organization of the Army, the reduction of salaries, the reduction in the numbers, the reduction in the number of officers, &c. The conferees upon the part of the House thought it was wise to agree to that proposition. We believe, sir, that there can be and will be a permanent reform effected by the commission; and therefore, without giving the reasons for that opinion, we concur in the recommendation of the Senate conferees.

This bill does not diminish the actual force of the enlisted men in the Army. The force is kept at 25,000 men, as now provided by law. It does not touch the salaries of any of the officers; not in a single instance. It diminishes the force in the Signal Corps from four hundred and fifty to four hundred men. The House reduced it to three hundred and fifty, and the conference report puts the number at four hundred men. The Senate had fixed it at four hundred and fifty. The House bill had fixed the number of Indian scouts at one hundred and fifty; the Senate insisted upon three hundred. And as one hundred and twenty of those Indian scouts fell with the lamented Custer the other day, the conferees on the part of the House thought the demand was reasonable; and we agreed to the amendment of the Senate fixing the number of Indian scouts at three hundred men. The companies of cavalry, under this conference report, are increased to one hundred men. I believe that those are the distinctive features of the bill as agreed to in the committee of conference.

Mr. SPRINGER. I would like to ask the gentleman to make a statement of the difference in figures between the bill as now presented and the bill as it passed the House and as it passed the Senate.

Mr. EDEN. Before the gentleman from Tennessee passes to that I would like to know if I understood the gentleman correctly. Is there an actual increase in the number of the Army under this bill?

Mr. ATKINS. No, sir. I said there was not an actual increase.

Mr. EDEN. I misunderstood the gentleman.

Mr. ATKINS. The Army remains at twenty-five thousand enlisted men as now provided by law.

Mr. HOLMAN. There is an increase in the number of scouts.

Mr. ATKINS. It is not an increase in the number of scouts as provided by law, but an increase over the number provided in the House bill.

In reply to the question of the gentleman from Illinois [Mr. SPRINGER] I will say that the original estimates as submitted by Ex-Secretary of War Belknap for the support of the Army for the present year ending June 30, 1877, were $33,348,708.50. Secretary Taft revised those estimates, and reduced them five millions; leaving them at $28,793,708.50. The bill for the support of the Army for the last fiscal year ending June 30, 1876, appropriated $27,933,830. The House Appropriations Committee reported to the House a bill appropriating $23,155,077.12 for the support of the Army for this year. As it passed the House it appropriated $24,183,259.06, including the unexpended balances. The bill as it passed the Senate appropriated $27,561,361.40. The net increase of the Senate bill over the House bill was $3,378,102.34. The bill as it passed the conference committee and which is now presented to the House appropriates $26,069,167.80. The reduction made in conference as conceded by the Senate was $1,492,193.60. The House concession was $1,885,908.74. The amount appropriated for this fiscal year below that appropriated for the last fiscal year for the support of the Army is $1,864,662.20.

In view of the fact, Mr. Speaker, that the House bill was upon the basis of 22,000 enlisted men, I consider that the reductions as made in this conference report are very reasonable.

Mr. BANNING. And we have given one hundred and fifty additional scouts.

Mr. ATKINS. Yes, sir.

Mr. STONE. Will the gentleman from Tennessee yield to me for a question?

Mr. ATKINS. Yes, sir.

Mr. STONE. Has that report been printed.

Mr. ATKINS. I am not a very good parliamentarian, but I think the gentleman's question comes too late if he intends to make the point of order that the bill is not printed, the main question having been ordered.

Mr. STONE. I merely asked the question for information. I think the House should understand what it is voting on. I venture to say that there are not more than three men in the House who understand it.

Mr. ATKINS. The gentleman should speak for himself and not for the House.

The report of the committee of conference was agreed to.

Mr. ATKINS moved to reconsider the vote by which the report of the committee of conference was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PRINTING OF TESTIMONY.

Mr. SINGLETON, from the Committee on Printing, reported the following resolution; which was read, considered, and agreed to:

Resolved, That the testimony and evidence taken before the Committee on Expenditures in the War Department be printed for the use of the House.

Mr. SINGLETON moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ENROLLED BILLS SIGNED.

Mr. PLAISTED, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker *pro tempore* signed the same:

An act (H. R. No. 1427) for the relief of H. P. Jones & Co.; and

An act (H. R. No. 3855) for the relief of George T. Olmsted, jr.

Mr. BAKER, from the same committee, reported that they had examined and found truly enrolled a bill of the following title; when the Speaker *pro tempore* signed the same:

An act (H. R. No. 1771) to declare forfeited to the United States certain lands granted to the State of Kansas in aid of the construction of railroads by act of Congress approved March 3, 1863.

RESIGNATION OF A MEMBER.

The SPEAKER *pro tempore*. The Chair lays before the House a communication which the Clerk will read.

The Clerk read as follows:

WASHINGTON, *July* 19, 1876.

To the honorable the Speaker of the House of Representatives of the United States:

I hereby respectfully resign my seat as a member in the House of Representatives of the United States of the Forty-fourth Congress.

Very respectfully, your obedient servant,

WINTHROP W. KETCHAM.

PROTECTION OF TEXAS FRONTIER.

Mr. SCHLEICHER. I now move that the House resolve itself into Committee of the Whole on the state of the Union for the purpose of considering the joint resolution (H. R. No. 96) to provide for the protection of the Texas frontier on the Lower Rio Grande.

Pending that motion I move that all debate upon the pending section and amendments thereto be closed in fifteen minutes.

The motion to close debate was agreed to.

The question was taken on Mr. SCHLEICHER'S motion to go into Committee of the Whole on the state of the Union, and it was agreed to.

The House accordingly resolved itself into Committee of the Whole, (Mr. MONROE in the chair,) and resumed the consideration of the joint resolution (H. R. No. 96) to provide for the protection of the Texas frontier on the Lower Rio Grande.

The CHAIRMAN. By order of the House the five-minute debate upon the whole bill is limited to fifteen minutes.

Mr. SCHLEICHER. Mr. Chairman, there are two substitutes offered in place of the second section of the joint resolution, and before the House decides which of the two to vote for I will say a few words upon the necessity of having this second section or one of the substitutes adopted.

It has frequently before been mentioned that all the military men who appeared before the committee and who were familiar with the condition of affairs upon the Lower Rio Grande with one voice insisted that there was a necessity of having this power to cross the river in order to have efficient protection. The reason for it is this: Upon our side of the river there is a dense thicket extending in a width of fifteen or twenty miles along the banks of the river, and experience has shown that in nine cases out of ten the raiders, if seen or encountered at all, were met by the troops just as they emerged from that thicket and were on the point of crossing the river with their booty. No matter how many troops are stationed there for defensive purposes this thing will continue, for if experience has taught anything it has taught this: That the troops will find, in nine cases out of ten, the raiders emerging from the thicket and in the act of crossing the river, and in many cases they have a part of the herd of stolen cattle grazing on the other side of the river and parade them before the eyes of our soldiers; and in such cases our troops have nothing to do but to stand idle and look at these raiders, who from the opposite banks cast all sorts of epithets against our men. Sir, I have been assured that old soldiers have stood upon our banks of the river actually crying for mortification and shame that these men, who had been for years preying upon our people, right in view of them carried off their booty and laughed at them.

Does this House wish such a state of things as that to continue? It is a perfect farce to say that, if our troops are sent there for the purpose of preventing these raids and they are in sight of the robbers and the stolen cattle, they must not follow or the Mexican government will make it a cause of war. It is perfectly ridiculous according to my views. No sensible government could make a case of war out of such an occurrence.

But gentlemen are exceedingly tender not to interfere with the boundary of Mexico or the rights of the Mexican government. I wish, sir, that some of that tenderness could be transferred to our own people. Is not our boundary as sacred in our eyes as that of the Mexicans? And yet in the last ten years again and again have "armed bands invading our country from Mexico," as the President says in his message, crossed our borders and right under our eyes have drained our country of its wealth and resources and murdered our people. Sir, they have established communities of robbers upon our borders and all military men say that it is impossible by defensive acts upon this side of the border alone to break up this system.

The committee were at first not in favor of recommending a measure of this kind, but they were forced to the conclusion by the evidence adduced before them that the defense of the border would be very imperfect without this power and that it is a necessary incident of our self-defense.

I say that for ten years these Mexicans in armed bands have crossed over the border and disregarded our boundary. They have heaped insults upon us for ten years in succession, continually, and without cessation.

Now, as regards the feelings of the Mexicans; gentlemen have dwelt upon the fact that the Mexicans would be offended if we did this thing. I suppose that, in the first place, they really would be offended at having their cheap market for beef broken up. Then, again, it is said that the patriotic feelings of the Mexicans would be aroused by our crossing into their territory. I ask gentlemen if the feelings of our own people do not deserve some consideration also. The feelings of our people have been outraged for ten years past, not only by these armed bands of Mexicans passing over into our country, but by their robbing and murdering our people; a thing which it is not expected that our soldiers would ever do. I claim that a share at least of this sympathy which is so very freely bestowed upon the Mexican people should be bestowed upon our people also.

[Here the hammer fell.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. BANKS. I desire to modify the amendment which I submitted yesterday in regard to the notice to be given to the government of Mexico. Instead of saying "after due notice," I will modify it so as to require "the President of the United States to give to the government of Mexico full and sufficient notice of the intention of this Government," &c.

Now a word or two in regard to my purpose in offering this amendment. It was one that I suggested to the committee as embodying my views of the question at the time the subject was originally brought up for consideration. It is indispensable that there should be some power to follow those invaders of our country when we are in close pursuit of them in possession of their booty in order that we may recover from them the property they have stolen. As the chairman of the committee [Mr. SCHLEICHER] has said and as every witness has testified, these raiders simply cross back to the other side of the Rio Grande, and there they stop and defy our troops who are in pursuit of them.

The House very generally and I think very properly hesitates to authorize any act which may result in war and which may be considered by the government of Mexico as an act of war. Many persons think that for Congress to grant authority to our troops to cross the border between the two countries would be an act of war. There is a precedent which we can follow and which will relieve us of all difficulty in this matter.

In 1868, I think it was, there was a statute passed in relation to the arrest of naturalized citizens of this country while in foreign countries. They arrested our naturalized citizens and refused to release them or to consider their case at all as naturalized citizens of this country. For fifty years we had demanded a hearing and discussion of that question, and it had been refused. The House of Representatives by a very decided vote passed a bill authorizing the President of the United States on the arrest of a naturalized citizen in a foreign country and a refusal to release him on demand of this Government, to make a reprisal by arresting any subject of that government who should be found within the jurisdiction of the United States.

Upon a discussion of the question, the Senate thought that this reprisal would amount to an act of war. But that is not so. A reprisal is not an act of war of itself. It may be attended by circumstances which would make it an act of war; but in itself an act of reprisal is not an act of war. But to avoid this difficulty, the Senate adopted this phraseology:

If the release so demanded is unreasonably delayed or refused, it shall be the duty of the President to use such means, not amounting to acts of war, as he may think necessary and proper to obtain or effectuate such release.

The House accepted that phraseology. Upon the passage of that act followed the naturalization treaties which have secured in nearly all foreign countries the recognition of the rights of naturalized citizens upon exactly the same basis as those of native-born citizens.

I have adopted that phraseology in the amendment I have proposed. The advantage of that is that whatever is done cannot of itself be an act of war, because the President has no authority to do anything which shall amount to an act of war. If, for example, a person be killed or if an innocent person be injured in his property or his rights, it will admit of an explanation on the part of this country to the Mexican government and of compensation to the person injured. Therefore, there can be no possibility of this act being of itself an act of war, because the President has no authority to make any act of war, and it admits of a proper consideration for any injustice done to a Mexican subject or of explanation to the Mexican government and a proper apology being made for it.

In addition to this, it gives us the right to follow up on the instant these men who come over our borders and rob our people and return to the Mexican territory with our property. These men are not Mexican subjects; they are not citizens of the United States. They are outlaws; they are robbers; and the Mexican government does not pretend to hold itself responsible for them. Therefore if we follow the wake of such men when they are fleeing from our country with the property of our people in their possession, and arrest them and recapture that property, it cannot be regarded by the Mexican government as an act of war or as an act of injustice, especially when it is predicated upon the other fact that this proceeding is not to be undertaken until a full and sufficient notice shall have been given of our purpose to the Mexican government and the President shall have been satisfied that the Mexican government is unable to protect our rights in this regard.

[Here the hammer fell.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. TUCKER. Mr. Chairman, I do not know how the question stands before the committee just now.

The CHAIRMAN. The Chair will state the position of the question if it is desired. When the committee rose yesterday there were two substitutes pending. The gentleman from Massachusetts, [Mr. BANKS,] who has just resumed his seat, offered a substitute for section 2. The gentleman from Virginia, [Mr. TUCKER,] who has just claimed the floor, offered a substitute for the substitute of the gentleman from Massachusetts. As the matter now stands the vote will be first taken on the substitute of the gentleman from Virginia, and then on that of the gentleman from Massachusetts.

Mr. TUCKER. Mr. Chairman, the amendment of the gentleman from Massachusetts has the same purpose as my own. The only difference between the two propositions is that mine is more specific. It fixes the terms of the notice that shall be given to the Mexican government before there shall be any action taken by the President of the United States; and it directs the President to present to the government of Mexico a formal statement of the injuries and damages suffered by citizens of the United States from these inroads and invasions, and formally to demand the prevention and restraint by that government of such inroads and invasions in the future. It then provides that, "if the Mexican government shall not within four months after such formal statement and demand take effective measures to prevent such inroads and invasions, the President of the United States" shall be "authorized to use the Army" "to drive out any bands of invaders and to pursue them into the territory of Mexico for the sole purpose of recovering the property taken from citizens or others under the protection of the United States," guarding against unnecessary injury to the persons or property of peaceable inhabitants of Mexico.

It further provides that the President shall notify this joint resolution to the Mexican government with a remonstrance against these wrongs and that, "while forbearing to take any measures but such as are recognized as just and proper between nations at peace, the Government of the United States will be constrained, saving the peaceful relations between the two countries, to take such action as is indicated by this joint resolution, unless the Mexican government shall effectually prevent the evils complained of in the future."

Now, the substitute of the distinguished gentleman from Massachusetts provides only that—

Whenever it shall appear to the President that the government of Mexico is unable to prevent the existing lawless invasion—

Now, my amendment proposes that when this shall appear to the President, if four months elapse without the Mexican government making reparation or taking any steps in the matter, the President may use the Army to drive out bands of invaders.

The amendment of the gentleman from Massachusetts continues—

he shall be, and hereby is, authorized, if in his judgment it becomes necessary, after full and sufficient notice to the government of Mexico—

This does not fix the term of the notice—

to order the troops charged with the defense of the territory of the United States, when in close pursuit of invaders, to cross the Rio Grande, &c.

I think, therefore, with very great deference to the views of my distinguished friend, that perhaps the substitute which I offer is more specific and definite, particularly in the matter of notice; and I should prefer, on that account, to see it adopted, although of course if the gentlemen in charge of this bill prefer that of the gentleman from Massachusetts, I have no special objection.

Mr. SCHLEICHER. I believe I can say on behalf of the committee that they are entirely satisfied to accept the substitute of the gentleman from Massachusetts.

The CHAIRMAN. The Chair desires to remind the committee that the time limited for debate by order of the House has closed.

Mr. BANKS. I desire to say that I modify my amendment in accordance with the suggestion of the gentleman from Virginia by striking out the words "full and sufficient notice" and inserting "notice of four months."

The CHAIRMAN. The first question is on agreeing to the substitute of the gentleman from Virginia [Mr. TUCKER] for the substitute of the gentleman from Massachusetts, [Mr. BANKS.]

Mr. STEVENSON. I ask that both the substitutes may be read.

Mr. PAGE. I understand that the committee have accepted the substitute of the gentleman from Massachusetts in place of the section as it stands.

Mr. THORNBURGH. The committee has no power to do that; there must be a vote upon it.

Mr. PAGE. I ask that the second section as well as the proposed substitutes be read.

The Clerk read the second section, as follows:

SEC. 2. That, in view of the inability of the national government of Mexico to prevent the inroads of lawless parties from Mexican soil into Texas, the President is hereby authorized, whenever, in his judgment, it shall be necessary for the protection of the rights of American citizens on the Texas frontier above described, to order the troops, when in hot pursuit of the robbers with their booty, to cross the Rio Grande and use such means as they may find necessary for recovering the stolen property and checking the raids, guarding, however, in all cases, against any unnecessary injury to peaceable inhabitants of Mexico.

The Clerk also read the following proposed substitute of Mr. BANKS, as modified:

That, whenever it shall appear to the President that the government of Mexico is unable to prevent the existing lawless invasion of the territory of the United States from Mexico for purposes of plunder or robbery, he shall be, and hereby is, authorized, if in his judgment it becomes necessary, after notice of four months to the government of Mexico, to order the troops charged with the defense of the territory of the United States, when in close pursuit of such invaders, to cross the Rio Grande and to use such means, not amounting to acts of war, as may be requisite for the recovery of stolen property and to protect the citizens and territory of the United States against the acts of outlaws and robbers.

The Clerk also read the proposed substitute of Mr. TUCKER, as follows:

SEC. 2. That the President of the United States be authorized and is hereby requested to present to the government of Mexico a formal statement of the injuries and damages done to the citizens of the United States by the inroads and invasions of the United States by lawless bands from the Mexican states; and, furthermore, to demand that the government of Mexico shall prevent and restrain all such inroads and invasions in future.

If the Mexican government shall not within four months after such formal statement and demand take effective measures to prevent such inroads and invasions, the President of the United States is hereby authorized to use the Army of the United States, or so much thereof as he may deem necessary, to drive out any bands of invaders and to pursue them into the territory of Mexico for the sole purpose of recovering the property taken from citizens or others under the protection of the United States, guarding in all cases against any unnecessary injury to the persons or property of peaceable inhabitants of Mexico.

The President is further requested at once to notify this joint resolution to the Mexican government, with an earnest remonstrance against the wrongs done to the people of the United States, and that, while forbearing to take any measures but such as are recognized as just and proper between nations at peace, the Government of the United States will be constrained, saving the peaceful relations between the two countries, to take such action as is indicated by this joint resolution, unless the Mexican government shall effectually prevent the evils complained of in the future.

The question being taken on agreeing to the substitute of Mr. TUCKER, it was not agreed to.

The question was then taken on agreeing to the substitute of Mr. BANKS; and there were—ayes 88, noes 5; no quorum voting.

The CHAIRMAN. If there be no objection, the substitute will be regarded as agreed to.

Mr. SCHLEICHER. I move that the committee rise and report the joint resolution to the House.

Mr. CONGER. There was no quorum, and I think on a declaration of war we should have a quorum.

The CHAIRMAN. The vote is still to be taken on the second section as amended by the substitute, which question the Chairman will put to the committee. The question is on agreeing to the second section of the joint resolution as amended by the substitute of the gentleman from Massachusetts, [Mr. BANKS.]

Mr. CONGER demanded a division.

The committee divided; and there were—ayes 85, noes 38; no quorum voting.

The CHAIRMAN. Is a further count insisted upon?

Mr. CONGER. I shall ask for the yeas and nays on that amendment in the House.

Mr. BURCHARD, of Illinois. When the substitute was adopted what necessity was there for putting the question again?

The CHAIRMAN. Perhaps the gentleman from Illinois is technically right.

Mr. CONGER. If gentlemen agree there shall be a vote by yeas and nays in the House, I will not object to the adoption of the second section as amended.

Mr. SCHLEICHER. I agree you shall have the yeas and nays on that question in the House.

Mr. CONGER. Very well; I do not ask for a further count.

The second section, as amended, was then adopted.

Mr. SCHLEICHER. I move the committee rise and report the bill to the House.

The motion was agreed to.

The committee accordingly rose; and the Speaker *pro tempore* having taken the chair, Mr. MONROE reported that the Committee of the Whole on the state of the Union had, according to order, had under consideration the joint resolution (H. R. No. 96) to provide for the protection of the Texas frontier on the Lower Rio Grande, and had directed him to report the same back to the House with sundry amendments.

Mr. SCHLEICHER. I call for the previous question on the joint resolution and amendments.

Mr. CONGER. I hope the gentleman will not attempt that. I wish to make a remark or two on the joint resolution.

Mr. SCHLEICHER. Let the House decide whether it will sustain the demand for the previous question or not.

The previous question was seconded and the main question ordered.

SUNDRY CIVIL APPROPRIATION BILL.

A message was received from the Senate, by Mr. SYMPSON, one of their clerks, announcing the adoption of the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 3749) making appropriations for the sundry civil expenses of the Government for the year ending June 30, 1877, and for other purposes.

PROTECTION OF TEXAS FRONTIER.

The SPEAKER *pro tempore*. The amendments reported from the Committee of the Whole on the state of the Union will now be read in their order.

The Clerk read as follows:

In lines 9 and 10, strike out "the northern boundary of the State of Tamaulipas, above Laredo," and in lieu thereof insert "Fort Duncan, and above if necessary."

The amendment was concurred in.

The Clerk read as follows:

Add to line 15, after the word "service," the following: "And the measures herein directed shall be carried out without delay, any restrictions or limitations in the laws in regard to the Army notwithstanding."

Mr. CONGER. There was a proviso to that amendment.

The SPEAKER *pro tempore*. The Chair is advised that they were separate amendments.

Mr. CONGER. Let the proviso be read.

The Clerk read as follows:

Provided, That no part of the troops provided for by this resolution shall be taken from any State or service where troops may now or hereafter be stationed, if in the judgment of the President the public service requires a continuance of troops in such localities.

Mr. HOLMAN. Is this all one amendment?

The SPEAKER *pro tempore*. The Chair is now informed it is one amendment.

Mr. HOLMAN. One provision changes the laws in regard to the Army——

The SPEAKER *pro tempore*. It is not open to debate.

Mr. CONGER. Then the vote is to be taken upon it as one proposition?

The SPEAKER *pro tempore*. It is.

The committee divided; and there were—ayes 56, noes 101.

Mr. HALE. I demand the yeas and nays.

The yeas and nays were ordered.

Mr. RANDALL. Let the amendment be again read.

The amendment was again read.

Mr. RANDALL. That increases the Army.

Mr. KASSON. I rise to a parliamentary inquiry. The first portion on the recommendation of the gentleman from Texas [Mr. SCHLEICHER] was adopted, and after that, as a separate proposition, the proviso was adopted as an independent amendment. If that be so, we can call for a division of the vote on the separate amendments.

The SPEAKER *pro tempore*. The Chair is informed these amendments were offered by different members of the committee and separately voted on. That being the case, they must necessarily be voted on separately.

Mr. HOLMAN. They came to the House as one amendment, the proviso being offered as an amendment to the amendment, both constituting one amendment.

Mr. GARFIELD. It is plainly divisible. It is the Hancock amendment on which we ask the yeas and nays.

Mr. BANKS. The latter is a separate proposition unquestionably.

Mr. KASSON. Put on in Committee of the Whole by a separate vote.

Mr. GARFIELD. We ask for the yeas and nays on the Hancock amendment, and not on the first branch of it. We do not propose to ask for the yeas and nays.

Mr. RANDALL. One is to be put down; is that the idea?

Mr. GARFIELD. No; we ask for the yeas and nays on the Hancock amendment.

Mr. SCHLEICHER. The first has lost its importance since the conference report on the Army bill has been adopted which leaves the Army at twenty-five thousand.

Mr. HALE. If the Chair will pardon a suggestion——

The SPEAKER *pro tempore*. The Chair is willing to accept suggestions, but he is more anxious to learn the facts from the Clerk.

Mr. HALE. I called the yeas and nays, intending to call them upon the Hancock amendment, bearing in mind, as I did, yesterday, in Committee of the Whole, the two propositions were not one amendment. I do not think any member here will concede one proposition is in any way dependent upon the other. They were separate and distinct propositions. Upon one there was quite a contest, tellers being called, and a close vote of the committee being had. That was the Hancock amendment, and it was upon that I intended to call the yeas and nays. I do not desire to have the yeas and nays on the other proposition.

Mr. HOLMAN. As the measure comes to the House, what is called a separate amendment is a proviso to a proposition adopted by the Committee of the Whole, and however separately acted on in committee, both come into the House as one proposition.

Mr. KASSON. I suggest the gentleman from Indiana is in error.

The SPEAKER *pro tempore*. It is not necessary for this matter to be discussed further. The Chair is ready to decide the point.

Mr. WARREN. I desire to make a parliamentary inquiry different from anything which has hitherto been suggested. The question I desire to ask of the Chair is whether a motion to commit this bill to the Committee on the Judiciary, with instructions to inquire and report if it interferes with the constitutional power of the President over the Army, would be in order?

The SPEAKER *pro tempore*. Such a motion would not be in order, as the previous question is operating. The Chair is informed by the Clerk that the amendment, and what is apparently a proviso to it, were entertained in the Committee of the Whole as entirely different propositions; that one came in a considerable time after the other had been adopted. The proviso was adopted as a substitute for the amendment offered by the gentleman from South Carolina, [Mr. SMALLS,] whereas the other was offered by the gentleman from Texas [Mr. SCHLEICHER] on behalf of the committee, and was separately voted on. More than that, the Chair must say that the amendment and proviso involve distinct propositions, at least to such an extent that a division upon them could be had at any rate. The question is upon the amendment first reported by the Clerk. It will be again reported.

The Clerk read as follows:

Add to the first section these words:

And the measures herein directed shall be carried out without delay, any restrictions or limitations in the laws in regard to the Army notwithstanding.

Mr. RANDALL. That increases the Army.

Mr. SCHLEICHER. I desire to say that I consider that amendment entirely immaterial, since both Houses have agreed to the report of the committee of conference on the Army bill, under which the Army is not to be reduced.

Mr. HALE. I do not call for the yeas and nays on that amendment.

The question being taken on the amendment, it was not agreed to.

The SPEAKER *pro tempore*. The Clerk will read the next amendment.

The Clerk read as follows:

Add at the end of the first section the following:

Provided, That no part of the troops provided for by this resolution shall be taken from any State or service where troops may now or hereafter be stationed, if, in the judgment of the President, the public service requires the continuation of troops in such localities.

The SPEAKER *pro tempore*. On this amendment the yeas and nays have been ordered.

Mr. HOLMAN. I rise to a question of order. The amendment to which this proviso was attached having been voted down, I submit that the proviso falls with it.

Mr. GARFIELD. The proviso attaches to the section, and not to the amendment which has been voted down.

The SPEAKER *pro tempore*. The Chair overrules the point of order.

The question was taken; and there were—yeas 80, nays 98, not voting 106; as follows:

YEAS—Messrs. Ainsworth, Anderson, John H. Baker, William H. Baker, Ballou, Banks, Bell, Blair, Bradley, William R. Brown, Horatio C. Burchard, Burleigh, Cannon, Conger, Darrall, Davy, Dobbins, Dunnell, Durand, Eames, Evans, Foster, Garfield, Hale, Hancock, Hardenbergh, Hendee, Hoge, Holman, Hoskins, Hunter, Kasson, Kelley, Kimball, Lawrence, Leavenworth, Le Moyne, Magoon, MacDougall, McDill, Miller, Monroe, Morgan, Nash, Norton, Oliver, O'Neill, Packer, Page, Payne, William A. Phillips, Plaisted, Platt, Potter, Pratt, Rainey, John Reilly, James B. Reilly, Rusk, Sampson, Savage, Sinnickson, Smalls, A. Herr Smith, Stevenson, Tarbox, Thornburgh, Martin I. Townsend, Washington Townsend, Tufts, Van Vorhes, Wait, Charles C. B. Walker, Alexander S. Wallace, Willard, Aipheus S. Williams, Charles G. Williams, James D. Williams, William B. Williams, and Willis—80.

NAYS—Messrs. Ashe, Atkins, Bagby, John H. Bagley, jr., Banning, Blackburn, Bland, Boone, Bradford, Bright, John Young Brown, Buckner, Samuel D. Burchard, Cabell, John H. Caldwell, William P. Caldwell, Candler, Cate, Caulfield, John B. Clarke of Kentucky, Clymer, Cochrane, Collins, Cook, Cox, Culberson, Cutler, Davis, De Bolt, Dibrell, Douglas, Eden, Felton, Finley, Forney, Fort, Gibson, Glover, Goode, Gunter, Andrew H. Hamilton, John T. Harris, Hartridge, Hartzell, Hatcher, Henkle, Hereford, Abram S. Hewitt, Hill, House, Thomas L. Jones, Kehr, Lamar, Franklin Landers, Lane, Levy, Lewis, Luttrell, Mackey, Maish, McFarland, Metcalfe, Milliken, Mills, Mutchler, New, Phelps, Piper, Randall, Reagan, Rice, Riddle, William M. Robbins, Miles Ross, Scales, Schleicher, Singleton, William E. Smith, Southard, Spencer, Springer, Stone, Terry, Thompson, Thomas, Throckmorton, Tucker, Turney, John L. Vance, Robert B. Vance, Waddell, Warren, Erastus Wells, Whitehouse, Wigginton, James Williams, Jeremiah N. Williams, and Young—98.

NOT VOTING—Messrs. Adams, George A. Bagley, Bass, Beebe, Bliss, Blount, Campbell, Cason, Caswell, Chapin, Chittenden, John B. Clark, jr., of Missouri, Cowan, Crapo, Crounse, Danford, Denison, Durham, Egbert, Ellis, Ely, Faulkner, Franklin, Freeman, Frye, Fuller, Gause, Goodin, Robert Hamilton, Haralson, Benjamin W. Harris, Henry R. Harris, Harrison, Hathorn, Haymond, Hays, Henderson, Goldsmith W. Hewitt, Hoar, Hooker, Hopkins, Hubbell, Hunton, Hurd, Hurlbut, Hyman, Jenks, Frank Jones, Joyce, King, Knott, George M. Landers, Lapham, Lord, Lynch, Lynde, McCrary, McMahon, Meade, Money, Morrison, Neal, O'Brien, Odell, John F. Philips, Pierce, Poppleton, Powell, Purman, Rea, John Robbins, Roberts, Robinson, Sobieski Ross, Sayler, Schumaker, Seelye, Sheakley, Siemons, Sparks, Strait, Stenger, Stowell, Swann, Teese, Waldron, Gilbert C. Walker, John W. Wallace, Walling, Walsh, Ward, G. Wiley Wells, Wheeler, White, Whiting, Whitthorne, Wike, Andrew Williams, Wilshire, Benjamin Wilson, James Wilson, Alan Wood, jr., Fernando Wood, Woodburn, Woodworth, and Yeates—106.

So the amendment was not agreed to.

During the roll-call the following announcements were made:

Mr. VANCE, of Ohio. My colleague, Mr. POPPLETON, is absent by leave of the House.

Mr. SAVAGE. My colleague from Ohio, Mr. MCMAHON, is engaged on the impeachment trial.

Mr. CABELL. My colleague from Virginia, Mr. HUNTON, is detained from the House by sickness.

Mr. TOWNSEND, of Pennsylvania. I desire to announce that Mr. WELLS, of Mississippi, is absent on account of illness.

Mr. CASON. I am paired with my colleague from Indiana, Mr. FULLER. I do not know how he would vote on this amendment; but I presume if he were here he would vote "no," and I would vote "ay."

Mr. COCHRANE. My colleague from Pennsylvania, Mr. STENGER, is sick and is absent by leave of the House.

Mr. DUNNELL. I desire to state that my colleague, Mr. STRAIT, was yesterday called away by important business.

Mr. BRADLEY. My colleague, Mr. WALDRON, is absent by leave of the House.

Mr. EGBERT. I am paired with my colleague, Mr. WALLACE. If he were here he would vote "ay" and I should vote "no."

Mr. MACDOUGALL. My colleague, Mr. ADAMS, is absent on account of illness. If present he would vote "ay."

The result of the vote was then announced.

The next amendment reported from the Committee of the Whole on the state of the Union was the following, as a substitute for the second section of the joint resolution:

That, whenever it shall appear to the President that the government of Mexico is unable to prevent the existing lawless invasion of the territory of the United States from Mexico for purposes of plunder or robbery, he shall be, and hereby is, authorized, if in his judgment it becomes necessary, after notice of forty days to the government of Mexico, to order the troops charged with the defense of the territory of the United States, when in close pursuit of such invaders, to cross the Rio Grande and to use such means, not amounting to acts of war, as may be requisite for the recovery of stolen property and to protect the citizens and territory of the United States against the acts of outlaws and robbers.

Mr. CONGER. The last vote taken in the Committee of the Whole on the state of the Union was upon the adoption of the second section as amended, and that is the proper question to be put to the House.

Mr. SCHLEICHER. Is this the substitute offered by the gentleman from Massachusetts, [Mr. BANKS?]

The SPEAKER *pro tempore*. The Chair so understands.

Mr. SCHLEICHER. We have accepted that in the committee.

Mr. RANDALL. If I understand it, a negative vote upon this question votes out the second section.

Mr. HOLMAN. O, no; the question is upon the amendment. This was offered in committee as a substitute for the second section, and it now comes into the House, and I suppose must be voted on in the same form.

Mr. BURCHARD, of Illinois. It was understood in committee that a vote was to be taken in the House upon this question as if upon a motion to strike out the section.

Mr. HOLMAN. It comes into the House as a substitute for the second section.

Mr. RANDALL. It does not come as a substitute; it comes as an amendment.

The SPEAKER *pro tempore*. The question is on agreeing to the second section, as amended.

Mr. GARFIELD. Then a negative vote votes out the second section.

The question was taken; and there were—ayes 98, noes 55.

Mr. CONGER. I call for tellers.

Tellers were not ordered, only fifteen members voting therefor.

Mr. CONGER. I call for the yeas and nays.

The question was put on ordering the yeas and nays; and on a division there were—ayes 31, noes 86.

So (one-fifth voting in favor thereof) the yeas and nays were ordered.

LEAVE OF ABSENCE.

Leave of absence was granted to Mr. WALLING for ten days on important business.

Leave of absence heretofore granted to Mr. DURHAM was extended for five days.

Mr. O'NEILL. I move that the House do now adjourn.

The motion was agreed to—ayes 117, noes 44; and accordingly (at five o'clock and seven minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk under the rule, and referred as stated:

By Mr. BANKS: The petition of John S. Gallaher, jr., of Washington, District of Columbia, for the difference of pay between $3 per day for sixteen months and the pay of a third-class clerk for the same length of time, on account of services rendered in the Navy Department, to the Committee on Naval Affairs.

By Mr. CAULFIELD: The petition of R. G. Dyrenforth, that he be re-imbursed the amount expended by him in defending himself against certain charges preferred against him, while examiner in the United States Patent-Office, by George Olney, of Brooklyn, New York, and from which he was exonerated, to the Committee on Patents.

By Mr. DANFORD: The petition of Lieutenant William S. Spriggs, late of the One hundred and sixteenth Ohio Volunteer Infantry, to be relieved from the unjust sentence of a court-martial, to the Committee on Military Affairs.

By Mr. MACKEY, of South Carolina: The petition of Noneto Plandolet, a subject of Alfonso, King of Spain, living at Barcelona, in that kingdom, that his claim for the proceeds of cotton seized and sold by United States Treasury agents at Augusta, Georgia, be referred to the Court of Claims to render judgment for such damage as they shall deem him justly entitled to by reason of said seizure and sale, to the Committee on War Claims.

By Mr. MAGOON: Memorial of the Wisconsin Legislature, requesting an investigation into the right of Hon. GEORGE W. CATE to hold a seat in the present Congress, to the Committee of Elections.

Also, the petition of Charles Cowles, Clayton Morgan, and other citizens of Leroy, Wisconsin, for a commission of inquiry concerning the alcoholic liquor traffic, to the Committee of Ways and Means.

Also, the petition of Thomas Hunsacker, and 50 other citizens, of Grant County, Wisconsin, against reducing the present tariff on lead, to the same committee.

Also, the petition of W. J. McCoy, and 26 other citizens, of Grant County, Wisconsin, of similar import, to the same committee.

By Mr. MORRISON: Papers relating to the claim of Charles Valier, for three months' extra pay as second lieutenant Company M, Seventh Regiment Illinois Cavalry, to the Committee on War Claims.

IN SENATE.

THURSDAY, *July* 20, 1876.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Journal of yesterday's proceedings was read and approved.

HOUSE BILL REFERRED.

The bill (H. R. No. 1972) to authorize the construction of an inclosure around the United States penitentiary at Boisé City, in the Territory of Idaho, was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

REMOVAL OF THE DISTRICT JAIL.

The PRESIDENT *pro tempore* laid before the Senate the amendment of the House of Representatives to the bill (S. No. 842) authorizing the commissioners of the District of Columbia to remove the jail on Judiciary Square to grounds near to the Washington Asylum for the use of the District.

The amendment of the House of Representatives was in section 2, lines 5 and 6, to strike out the words "money in the Treasury" and insert in lieu thereof the words "revenues of the District of Columbia;" so as to read:

Which sum is hereby appropriated for that purpose out of any revenues of the District of Columbia not otherwise appropriated.

Mr. MORRILL. I ask to have the Senate disagree to the amendment in order to move for a committee of conference, for this reason: We now own this building, and it would seem perhaps proper that we should meet the expense that may be required to put it up again on Government land. If we allow the bill to pass as amended by the House, it seems to me we shall lose all control over the property. As it is for the convenience of the United States court, as well as for other purposes, it is perhaps most proper that it should remain a Government building. I therefore ask to have the amendment of the House non-concurred in, so that a committee of conference may be appointed.

The amendment was non-concurred in.

Mr. MORRILL. I move that a committee of conference be appointed on the disagreeing votes of the two Houses.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Mr. MORRILL, Mr. PADDOCK, and Mr. COOPER were appointed.

REPORTS OF COMMITTEES.

Mr. INGALLS, from the Committee on Pensions, to whom was referred the bill (S. No. 750) granting a pension to T. B. Murdock, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

Mr. INGALLS. I am instructed by the same committee, to whom was referred the bill (H. R. No. 3184) granting a pension to Emerick W. Hansell, to ask to be discharged from its further consideration and that it be referred to the Committee on Claims. Mr. Hansell was the messenger of the Department of State who was in attendance upon Secretary Seward at the time of his attempted assassination on the 14th of April, 1865. One of the other messengers, who received similar injuries, was awarded by Congress the sum of $5,000 by a special act for injuries received on that occasion. The committee believe that the claim of Mr. Hansell is meritorious and just, but being unwilling to establish a precedent of pensioning persons in civil life, they ask that the bill be referred to the Committee on Claims.

The report was agreed to.

Mr. WRIGHT. The Committee on Claims, to whom was referred the petition of John D. Thorne, praying compensation for certain cotton taken and appropriated by United States troops in Louisiana during the late war, instruct me to report it back and recommend that

the claim be rejected. I wish to say in this connection that the Senator from West Virginia farthest from me [Mr. CAPERTON] does not agree with the other members of the committee. He is not in his place this morning, and he requested that the case should go upon the Calendar. There is no bill, however, in the case, and it cannot go on the Calendar, being a mere petition. The report may at present, as the Senator from West Virginia is not in the Chamber, lie on the table without any order on the subject of rejection.

Mr. DAVIS. What case does the Senator report?

Mr. WRIGHT. The petition of John D. Thorne, of Louisiana.

Mr. DAVIS. I suggest to the Senator that it lie upon the table.

Mr. WRIGHT. I have so suggested.

The PRESIDENT *pro tempore*. The report will lie upon the table for the present, if there be no objection.

Mr. KEY, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. No. 421) referring to the Court of Claims for adjudication and determination the claims of the parties therein named for the past and future use of the Norton post-marking and postage-canceling hand-stamp and the Robertson improved hand-stamp, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. No. 748) for the relief of James B. Guthrie, reported adversely thereon; and the bill was postponed indefinitely.

Mr. BOOTH, from the Committee on Pensions, to whom was referred the bill (H. R. No. 1931) granting a pension to John J. Partillo, of Gratiot County, Michigan, reported it without amendment and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (H. R. No. 2468) granting a pension to David McComb, late employé in the naval service of the United States, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

He also, from the Committee on Public Lands, to whom was referred the bill (S. No. 859) for the relief of certain claimants under the donation-land law of Oregon, approved September 27, 1850, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

Mr. BRUCE, from the Committee on Pensions, to whom was referred the bill (H. R. No. 2079) granting a pension to Henry H. Kaiser, late private in Company H of Eighth Regiment of United States Veteran Volunteers, submitted a report thereon recommending that the case be referred to the Commissioner of Pensions for his action; and the committee was discharged from the further consideration of the bill.

He also, from the same committee, to whom was referred the bill (H. R. No. 3178) granting a pension to Thomas Galloway, late captain of Company C, First Maryland Cavalry Volunteers, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

HAMBURGH RIOTS.

Mr. PATTERSON submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the President be requested to communicate to the Senate, if in his opinion not incompatible with the public interest, any information he may have in regard to the recent slaughter of American citizens at Hamburgh, South Carolina.

REPORT OF THE COMMISSIONER OF EDUCATION FOR 1875.

Mr. DAVIS submitted the following resolution; which was referred to the Committee on Printing:

Resolved, That 2,000 copies of the report of the Commissioner of Education for 1875 (out of the 10,000 copies ordered) be delivered to the superintendent of the folding-room of the Senate for use of the Senate.

OSAGE LANDS IN KANSAS.

Mr. INGALLS. If there is no further morning business I move that the Senate proceed to the consideration of House bill No. 3625, to which I have previously called the attention of the Senate.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 3625) providing for the sale of the Osage ceded lands in Kansas to actual settlers.

The bill was reported from the Committee on Indian Affairs with an amendment in section 2, line 17, to strike out the following proviso:

Provided, That the sixteenth and thirty-sixth sections in each township of said land shall be reserved for State school purposes, in accordance with the provisions of the act of admission of the State of Kansas.

And in line 21 after the word "provided" to strike out "further."

Mr. SAULSBURY. This, I suppose, is a very important bill. I know but little about questions connected with the public lands, but I have always regarded them as questions of importance. There is, I suppose, not more than one-fourth of the Senate present, and I hope the Senator from Kansas will let the bill go over until the Senate becomes fuller, or at least until some members of the Senate come in who are familiar with questions of this kind. I know personally but very little about it, but I see that this is a question of public lands in Kansas affecting the interests of railroad corporations. It is therefore a very important bill, and one that ought not to be considered very hastily. I hope the Senator will let the bill go over for further consideration.

Mr. INGALLS. If the Senator from Delaware desires any information on the subject, I shall be very happy to give it to him; but I should regret, on account of the absence of any Senators who ought to be here, that the bill should be postponed at this stage of the session. The passage of the bill is rendered necessary by the decision of the Supreme Court rendered at its October term in the case of The United States vs. The Leavenworth, Lawrence and Galveston Railroad Company. By the act of March 3, 1863, certain lands were granted to the State of Kansas in aid of the construction of certain railroads. In 1867 the Osage Indians, who then occupied a large reservation in the southern part of Kansas, made a treaty by which they ceded to the United States a tract fifty miles in length by thirty in width, being fifteen hundred square miles, which was to be sold for the benefit of those Indians to the amount of $300,000, the remainder of the fund derived from the sale to be placed to the credit of the Indians generally for civilization purposes. This reservation lay directly upon the route of those railroads to which I have previously alluded. The Secretary of the Interior decided that when the cession was made by the Osage Indians to the United States that portion of their reservation became public land of the United States and that the grant to the State for the benefit of those railroad corporations became immediately operative upon the Osage ceded lands within those limits upon the extinction or surrender of the Indian title. Patents were issued to the State of Kansas, which were transferred to the corporations as their roads were constructed. A very large number of people from all parts of the country immediately emigrated thither and settled supposing that the title to the alternate sections was in the railroads, and made their purchases of those corporations. Probably thirty thousand people are within the limits of that cession at the present time, and there are not less than half a dozen towns of from a thousand to five thousand inhabitants in the same area.

The question whether the grant to the State became operative within the limits of the Osage reservation was raised in the circuit court for the district of Kansas by a suit instituted for that purpose under the directions of the Attorney-General. The case was decided in favor of the United States before the circuit court; was taken on appeal to the Supreme Court of the United States, and was there decided at the last October term—the opinion not being delivered until April of this present year—to the effect that the grant to the railroads did not become operative within the reservation, but that in fact it was not the territory of the United States nor public lands subject to disposal under the land laws of the Government, and that therefore no title passed to the railroads. It therefore becomes necessary that some method should be devised by which these purchasers can obtain title to their property by paying for it over again. That is all they ask, and this bill is to carry out the provisions of the treaty which provides for the disposition of these lands by the United States.

Mr. MITCHELL. I desire to ask the Senator from Kansas whether these settlers who went on to these lands after the Osage title had been extinguished went there prior to the time of location of the road or subsequent to that time?

Mr. INGALLS. These settlers went on the land partly in pursuance of a joint resolution of Congress under date of April 10, 1869, and many more of them after the Secretary of the Interior had decided that the alternate sections belonged to the railroad corporations. These settlers then entered upon them, made their purchases and their improvements, and have remained until the present day.

Mr. PADDOCK. Made their purchases of the railroad companies?

Mr. INGALLS. Made their purchases in many instances of the railroad corporations, in many cases paying for them in full, in others paying for them partially, but in all cases making very considerable improvements. In consequence of the decision of the Supreme Court, the title having been held never to have vested in the railroad corporations nor in the State of Kansas, but to have remained in the Government, these men find themselves nominally in the attitude of trespassers; and the question now is what title shall they obtain and in what manner shall it be obtained from the Government of the United States?

Mr. BOOTH. I desire to ask the Senator from Kansas if many of these persons who purchased of the railroads under the ruling of the Secretary of the Interior did not purchase more than one hundred and sixty acres?

Mr. INGALLS. It is undoubtedly true that many of them did. I suppose there may be a hundred instances in which purchasers from the railroads secured from two to five quarter-sections of land, making from three hundred and twenty to eight hundred acres in the aggregate.

Mr. BOOTH. One case has been brought to my knowledge by a letter of a party who purchased in good faith of the railroad companies eight hundred acres of this land; has continuously occupied it for several years; has put very valuable improvements on it, so that in fact his improvements are now estimated to be worth $40,000. There may be other parallel cases. Of that I know nothing; but under the provisions of this bill such persons could only buy from the Government tracts of one hundred and sixty acres of land, at a dollar and forty cents per acre. It seems to me that in that regard this bill is liable at least to work a very great injustice.

Mr. INGALLS. That is undoubtedly true, Mr. President; but it is one of the unfortunate sequences that follow the decision of the Su

preme Court that the title was not in the railroad corporations, but remained in the Government. The question now is, the land policy of the United States being based upon the theory of single settlements of one hundred and sixty acres each, whether in consequence of this misfortune of these parties we shall depart from that and allow them to purchase from the Government the full amount of the land that they bought from the railroad corporations.

Mr. BOOTH. In connection with that, it is only fair to state that these parties who purchased of the railroads purchased under the decisions of the Department.

Mr. INGALLS. That is true.

Mr. BOOTH. Up to that time the United States had done every official act which was necessary to be done to give the citizens and settlers and those desiring lands notice that the title was in the railroad companies; and under that notice they made these purchases. So that it is not exactly an original question of land policy, but it is a question of how far we shall deviate from that well-established policy in order to do simple justice, if we can do it, to men who have purchased in good faith.

The PRESIDENT *pro tempore*. The question is on the amendment reported by the Committee on Indian Affairs.

Mr. DAVIS. I should like to ask the Senator who has charge of this bill whether or not the land in question all lies in the State of Kansas.

Mr. INGALLS. It lies wholly in the State of Kansas and within organized counties. It has been settled for seven or eight years. It is to-day occupied by one of the most prosperous, enterprising, and industrious communities in my State. It covers two entire counties, and portions of two or three others, I believe.

Mr. SHERMAN. What is the object of the amendment?

Mr. INGALLS. The proviso in the original bill that was read reserved, within these lands, the sixteenth and thirty-sixth sections for the State of Kansas for school purposes. That being Indian territory the Committee on Indian Affairs thought the right of the State of Kansas to the sixteenth and thirty-sixth sections did not attach under the act of admission. The amendment withdraws the sixteenth and thirty-sixth sections from the operations of the school system. These sections have been taken and improved by claimants upon the belief that the rights of the State did not attach within the bounds of Indian reservations.

Mr. SHERMAN. The citizens of Kansas are more interested in this matter than any one else; but the sure effect of striking out this provision will be something like what we have seen in the California substitution of other lands in the State to make good the school sections. It seems to me the citizens of Kansas are more interested in preserving the school fund, the sixteenth and thirty-sixth sections in this Osage Indian territory, than any other portion of the United States; but at all events the United States is interested to this extent, that if these sections are not given for school purposes the United States has got to make them good from other parts of the territory of the United States. I ask if there is any provision of law similar to the one found in regard to the California reserved school sections?

Mr. INGALLS. There is not; and I beg to say in this connection that if the Senate will agree to give us the sixteenth and thirty-sixth sections out of this Indian land we shall receive them with very great gratitude and with entire satisfaction. The subject was before the Committee on Indian Affairs, and it was determined against my judgment and in opposition to my wish that the State of Kansas had no right under the act of admission to the sixteenth and thirty-sixth sections in land that had been Indian territory and was simply ceded to the United States Government for purposes of sale. If the Senate think otherwise, it certainly will be exceedingly gratifying to me, and I have no doubt that the State of Kansas, through its Legislature, will pass resolutions of thanks to the Senate.

Mr. SHERMAN. Mr. President, I will tell you what can be done and what ought to be done. This bill assumes that the United States has the power to sell this land at a dollar and forty cents an acre to a certain class of persons. The whole bill is based on the assumption that the United States has that power to sell.

Mr. INGALLS. The Senator seems to be unfamiliar with the facts. That power was conferred by the treaty of 1867. It was originally Indian land.

Mr. SHERMAN. I am aware of that.

Mr. INGALLS. By the treaty of 1867 the Osage Indians ceded a portion of their reservation, fifty by thirty miles in extent, to be sold by the United States Government, and out of the proceeds $300,000 was to be placed to the credit of the Osage Indians, and the balance to constitute a civilization fund for the benefit of the Indians at large.

Mr. SHERMAN. It comes back again to the proposition that the United States has the power to sell these lands reserved by the treaty. It has power to fix the price at which the land shall be sold. Some of this land is worth at least three or four time $1.40 an acre; but it is all to be sold at $1.40 an acre to actual settlers, so that the Government of the United States assumes the right to fix the price and sell this land. Why, therefore, ought it not to give to the State of Kansas the right to buy the school sections at $1.40, instead of giving that right to actual settlers, because if we now, in violation, I think, of the law which admitted the State of Kansas into the Union of States, appropriate the sixteenth and thirty-sixth sections for other purposes—that is, sell them to actual settlers—we shall undoubtedly be subject to a kind of reclamation on the part of the State of Kansas for a substitution for these lands we have thus disposed of? That right has been recognized in the case of California, and has been the subject of boundless complaints brought to our attention at this session very strikingly.

I think, therefore, that instead of striking out this proviso it ought to be kept in, and the State of Kansas allowed to take the land embraced in the sixteenth and thirty-sixth sections at $1.40 an acre. They will then become a part of her school fund, and I have no doubt the lands can be sold by the State of Kansas at a price greatly exceeding that, and the spirit of the law which gives to the State these two sections of land in each township will be observed by the United States, so far as it can be done in accordance with our treaty with the Indians. Certainly, if we have a right to sell this land to actual settlers at $1.40 an acre, we have a right to sell it to the State of Kansas. I am, therefore, opposed to striking out the proviso. I think it is a wise one, even if the State of Kansas has to pay the price fixed for actual settlers. It will save largely for its school fund, and we shall be saved from future reclamation on the part of the State of Kansas.

Mr. HARVEY. If my recollection is correct concerning this matter, the question as to the sixteenth and thirty-sixth sections is not essential to the bill at all, for the reason that the grant which was said to have been made to the railroad companies was of the odd-numbered sections. The sixteenth and thirty-sixth sections, usually called school lands, are both even-numbered sections in each township; and, unless my recollection is at fault, they are not affected at all by the operation of this bill, nor were they touched by the terms of the supposed grant to the railroads. I am not positive, but my recollection is that the grant was of the odd-numbered sections alternately. So I think that question is immaterial to the bill.

Mr. SAULSBURY. I desire to call the attention of the Senator from Kansas to the eighth section, which provides for paying certain fees.

Mr. INGALLS. Will not the Senator allow us to take the question on the pending amendment.

Mr. SAULSBURY. Yes, sir.

The PRESIDENT *pro tempore*. The question is on the amendment of the committee.

The amendment was rejected.

Mr. SAULSBURY. I call the attention of the Senator from Kansas to the provisions for the payment of costs to clerks, attorneys, and other persons employed.

Mr. EDMUNDS. I move to strike out the eighth section, which I ask to have read.

The PRESIDENT *pro tempore*. The Secretary will report the eighth section.

The Chief Clerk read section 8 of the bill, as follows:

SEC. 8. That it shall be the duty of the Attorney-General of the United States, for the time being, to ascertain and determine the amount of costs and necessary expenses incurred in prosecuting the two suits commenced in the name of the United States against the Leavenworth, Lawrence and Galveston Railroad Company and the Missouri, Kansas and Texas Railroad Company in the circuit court of the United States for the district of Kansas, for the purpose of testing the validity of the title to said lands claimed by said railroad companies, and the costs and expenses of prosecuting said cases in the Supreme Court of the United States; said expenses to include the fees justly due to the attorneys retained at the instance of the settlers on said land, with the approval of the Attorney-General of the United States; that, after determining the amount of costs and expenses as aforesaid, the Attorney-General shall certify the said amount, and to whom due, to the Secretary of the Interior; and the Secretary of the Interior shall pay to the parties entitled thereto the sum so allowed and certified to, as aforesaid, out of the proceeds arising from fifteen cents per acre on the sale of said lands.

Mr. EDMUNDS. I think that this is a novel proposition in legislation. Here are certain lands which were ceded by the Osage Indians to the United States in trust, to be held by the Secretary of the Interior in a certain way provided by the treaty. Then the United States made a railroad land grant of alternate sections which ran across these lands. Then the settlers swept on and took up their locations, and so forth, and then got into a controversy with the railroad companies as to which owned these lands, the settlers claiming under pre-emption or homestead, one or both, and the railroads claiming under their grant. The Attorney-General, either under the authority of a statute or under his general authority, which I think he would possess——

Mr. INGALLS. Under his general authority.

Mr. EDMUNDS. The Attorney-General instituted a bill in equity to set aside and vacate these railroad claims as being not authorized by the grant and in violation of the treaty. The settlers, as I have been informed, employed certain eminent counsel at a stipulated fee, depending upon success, and finally the case has been determined. Now the proposition is to take out of this money belonging to the Indians the money necessary not only to re-imburse the United States for doing its duty in vacating these grants that the Secretary of the Interior had certified to these railroad companies, but also to pay the counsel for the settlers in fighting for their claims, although it was all done by way of volunteering in the same suit. I never heard of a proposition of that kind before in any law that we have passed; and I think, besides being wrong in principle and a wrong to the Indians, it is also setting a precedent which, if followed, would make a very large inroad upon the Treasury. Therefore it appears to me that this case, like all others, ought to be left just where the law

leaves it. If anybody has retained any counsel to assert his rights, either in a suit to which he was a party or in one to which he was ready to volunteer aid, he ought to pay for it; and neither the United States nor this Indian trust fund should be called upon to pay a single dollar.

Mr. INGALLS. Mr. President, I fully agree with the principles laid down by the Senator from Vermont. I regret to say that he has been led by his unfamiliarity with the case into a misunderstanding of the facts. The settlers in the original litigation before the circuit court of the United States for the district of Kansas employed counsel, among whom were Hon. Jeremiah S. Black, of Pennsylvania; Hon. William Lawrence, of Ohio, and Hon. Wilson Shannon, now of Kansas. When the case was taken on appeal from the circuit court to the Supreme Court the Attorney-General authorized and directed these persons to appear on behalf of the Government. They did so. Two of them appeared in person, and all three of them filed briefs, assisted, I believe, by the attorney of the United States for the district of Kansas. In consequence of this appearance and this retainer the Government was subjected to a liability for fees which the settlers themselves propose to pay by a voluntary imposition of fifteen cents per acre upon these lands in addition to the fund of $1.25 for which they would legally, perhaps, or at least naturally have been sold. This fifteen cents an acre is an imposition that is consented to voluntarily by the settlers for the purpose of relieving the Government from any additional liability by reason of the litigation of this very important cause.

Mr. KERNAN. Will the gentleman state how large a fund this fifteen cents an acre will raise?

Mr. INGALLS. I am not able to say precisely what the amount will be.

Mr. KERNAN. A pretty large fund?

Mr. INGALLS. Yes, sir.

Mr. KERNAN. Several hundred thousand dollars?

Mr. INGALLS. By no means. The Senator is entirely mistaken in the amount.

Mr. EDMUNDS. How many acres are there in these two reservations?

Mr. INGALLS. There is but one reservation.

Mr. EDMUNDS. It is under two articles in the treaty, I see.

Mr. INGALLS. No, sir; it is under the first article of the treaty. What we are now dealing with is what is known as the Osage ceded lands, a tract fifty by thirty miles in extent within the original limits of the Osage reservation.

Mr. KERNAN. One other question. The settlers held under the railroad company, I understand?

Mr. INGALLS. Some of them did.

Mr. EDMUNDS. Part of them did; they were not all resisting the railroad right. It was the squatters who resisted the railroad right.

Mr. KERNAN. Then I understand there was a portion of them who did not hold under the railroad, who were mere squatters.

Mr. INGALLS. Those who did not hold under the railroad went on the lands under the provisions of the joint resolution of April 10, 1869, which declared that they had that right. They were not squatters.

Mr. EDMUNDS. No, declared they had it subject to the legal rights of the railroad company.

Mr. INGALLS. But it proves to have been a valid right, because it has been decided that there were no other valid rights.

Mr. KERNAN. There is no more unthrifty and expensive way than to create a fund, we do not know how large, to settle claims the amount of which we do not know.

Mr. INGALLS. It is left entirely to the sound discretion of the Secretary of the Interior and the Attorney-General.

Mr. EDMUNDS. Mr. President, I am persuaded that my friend from Kansas must be laboring under some mistake about this employment by the United States, because we have a statute which points out precisely how counsel may be employed by the Attorney-General, and another statute which requires him to report in his annual report every year to Congress the name of every one of the counsel so employed in all the business of the Government and the compensation that has been agreed to be paid or has been paid to them. Now, I have looked over the report of the Attorney-General, not with reference to this particular item, because I never heard of it before as connected with legislation and never saw this bill until this moment, but I have looked over the report of the Attorney-General as a matter of course two or three times with some care in respect of all items of that kind, as it is the duty of the Committee on the Judiciary to do, to see how the Law Department of the Government is being administered, and I feel very sure that there is no report from the Attorney-General that any of these gentlemen have been employed about any business of this character or any other. I may be mistaken; I have not the report before me; but I suspect it will turn out on inquiry and when we get the official papers that the Attorney-General has employed, as it is called, these gentlemen just as in a very important confiscation case where I myself was counsel once for the purchaser at the marshal's sale of a large amount of rebel property confiscated, and there was an attempt on the part of the owner to re-open it, and I was trying to defend the rights of the purchaser although the suit was in the name of the United States, and I of course had to have the authority of the Attorney-General to be allowed to go into court and argue the cause, but of course at the expense of my own client. I suspect it will turn out in this case, if we get at the papers, that the authority which the Attorney-General gave to those gentlemen to appear and argue this cause was an authority to argue it at the expense of their clients, whoever they might be.

Therefore, Mr. President, I submit that this kind of legislation is altogether unique and is altogether improper both in principle and in point of precedent. Then there is another thing about this which partly applies to the eighth section. My friend says that this is an additional sum of fifteen cents an acre above the dollar and a quarter which would be the legal or the natural price; and therefore it is really a tax upon the settlers. It is not only a tax upon the settlers who are already there, so far as they are concerned who have been parties to this litigation in fact, but is a tax upon all purchasers of the lands, whoever they may be.

Mr. INGALLS. Would I disturb the Senator if I were to say that there is a settler on every quarter section of the land already? It is all occupied.

Mr. EDMUNDS. I did not know that. Then my last remark would not apply. Now, let us see whether this fifteen cents an acre is additional to what we are bound by treaty obligations to get for this land if we can. My friend says—and I have no doubt he is correct, because it is a matter that he knows about—that the bill only covers the land mentioned in the first article. Am I right about that?

Mr. INGALLS. It covers a tract of land within the original limits of the Osage reservation, known as the Osage ceded tract, which was fifty by thirty miles in extent, and out of the proceeds of which $300,000 were to be paid to the Osages and the remainder to be applied as a civilization fund for the benefit of the Indians at large.

Mr. EDMUNDS. Does it cover or in any way affect that tract of land "twenty miles in width from north to south on the north side of the remainder of their then present reservation?"

Mr. INGALLS. I understand it does not.

Mr. EDMUNDS. I see by the first few lines of the first section of this bill that it does in terms cover the lands mentioned in the first article, and so apparently plainly does not include those mentioned in the second. So the Senator is undoubtedly correct. But in the third line of the second section the word "land" is used without any limitation "as mentioned in the first section," which might, inasmuch as this railway crosses the whole of it, extend "the land" to all land named in the second article; but a single word would correct that. There is no need to spend any time about it.

Now I will come back to the fifteen-cent question. Let us see exactly what the treaty between the United States and these Indians provided should be done with the land mentioned in the first section. The treaty is in volume 14 of the Statutes at Large, page 687:

ARTICLE I.

The tribe of the Great and Little Osage Indians, having now more lands than are necessary for their occupation, and all payments from the Government to them under former treaties having ceased, leaving them greatly impoverished, and being desirous of improving their condition by disposing of their surplus lands, do hereby grant and sell to the United States the lands contained within the following boundaries, that is to say: Beginning at the southeast corner of their present reservation and running thence north with the eastern boundary thereof fifty miles to the northeast corner; thence west with the northern line thirty miles; thence south fifty miles to the southern boundary of said reservation; and thence east with said southern boundary to the place of beginning: *Provided*, That the western boundary of said land herein ceded shall not extend further westward than upon a line commencing at a point on the southern boundary of said Osage country one mile east of the place where the Verdigris River crosses the southern boundary of the State of Kansas.

That is merely description. Now comes what the United States is to do:

And in consideration of the grant and sale to them of the above-described lands the United States agree to pay the sum of $ 00,000, which sum shall be placed to the credit of said tribe of Indians in the Treasury of the United States, and interest thereon at the rate of 5 per cent. per annum shall be paid to said tribes semi-annually in money, clothing, provisions, or such article of utility as the Secretary of the Interior may from time to time direct. Said lands shall be surveyed and sold, under the direction of the Secretary of the Interior, on the most advantageous terms, for cash, as public lands are surveyed and sold under existing laws, but no pre-emption claim or homestead settlement shall be recognized; and after re-imbursing the United States the cost of said survey and sale, and the said sum of $300,000 placed to the credit of said Indians, the remaining proceeds of sales shall be placed in the Treasury of the United States to the credit of the "civilization fund," to be used, under the direction of the Secretary of the Interior, for the education and civilization of Indian tribes residing within the limits of the United States.

In the first place you will see, Mr. President, that the express provision of this treaty is that these lands shall be sold on the most advantageous terms obtainable. They are not to be sold for a dollar and a quarter an acre, or a dollar and a half an acre, or two dollars and a half an acre, or any other definite sum; they are to be sold in the nature of a trust for a particular purpose, on the best terms that can be got. In whose discretion? Not in the discretion of Congress, but in the discretion and under the administration of the Secretary of the Interior. Now this bill provides—the whole of it as well as the eighth section—that instead of the Secretary of the Interior exercising the discretion that the treaty reposed in him and performing the duties that devolved upon him to get the most money that he could for those lands, we now having got rid of this outstanding claim of the railroad companies, these lands shall be sold to the settlers at a fixed price of $1.40 an acre, $1.25 as my friend explains to be devoted to the trust mentioned in the first article, and the fifteen cents to be devoted to the trust of paying the counsel and

the expenses mentioned in section 8. It does appear to me, Mr. President, that this provision of this act is in the face of this treaty. The trust, the agreement, the contract, call it whatever you will, is that the United States received these lands upon the terms that they shall be disposed of by the Secretary of the Interior on the best terms he can get in his discretion, for cash, and it says in addition (which is a part of my present point) that homestead and pre-emption claims shall not be allowed to be established within that boundary.

Then came the act of 1869 which, notwithstanding this treaty, did say that actual settlers might take up these lands subject to the legal rights of everybody. I do not remember the language, but that is the substance of it. They have gone on, as it is stated, and have occupied these lands, but there is still here the duty which this treaty imposes of having the lands sold for cash, not at a price to be fixed by law, but at a price that the Secretary of the Interior deems to be the just and best one that can be got.

Now, is there not something in the suggestion, even as to these settlers, that if they chose under the act of 1869 subject to their chances to go on and occupy these lands that have become very valuable by the circumstance that the railway had been laid across and near them, they would be bound in equity and in law, following the treaty, to pay, if they want to keep the lands, the price that the Secretary of the Interior exercising the discretion that the treaty reposes in him should deem to be the fair, and just, and best price?

It may be said that this money is money in which the Indians have no interest; but this is a mistake. Although the balance, after the $300,000, is appropriated to the general civilization fund, yet still that civilization fund by its constitution is a trust for the benefit of these very Indians as well as others. They are, therefore, not only the founders of the charity, if you can call it such, as the institutors of the trust, but they are with others of their people the beneficiaries who are entitled to have the last sum made out of the sale of these lands made as large as it justly and honestly can be.

So, then, Mr. President, it appears to me that this bill in its present shape ought to have an amendment at the end of it providing that it shall not take effect until these tribes of Indians shall agree to its provisions; and if it is just, of course they will be got to agree. If we fail to do that, the result will be, as experience has shown in other cases, it is inevitable morally that the Indians by and by will come back to Congress and say, "Here we have got a great claim against the United States; these lands, instead of having been worth $1.25 or $1.40 an acre, were really and honestly worth to the settlers themselves, over and above all improvements, $2.50 or $3 or $5, depending upon location; and as the United States has violated the trust, the United States must make up to the Indians and to the civilization fund the sum that is thus deficient." We do not want to engage in any operation of that kind, it appears to me; and at the proper time, to guard against what seems to me to be an inevitable trouble hereafter, I shall move that provision; but my present motion is to strike out the eighth section about the law expenses.

The PRESIDENT *pro tempore*. The hour of twelve o'clock has arrived.

Mr. EDMUNDS. Perhaps we can take a vote on this amendment.

Mr. SHERMAN. I think we had better go on with the trial.

Mr. INGALLS. I ask unanimous consent to have it understood that this matter may be taken up to-morrow at the conclusion of the morning business.

The PRESIDENT *pro tempore*. Is there objection to the suggestion of the Senator from Kansas?

Mr. DAVIS. I have several mornings tried to get up a bill to remove the political disabilities of a citizen of West Virginia, reported from the Judiciary Committee some time since, and have not had an opportunity. Therefore I shall have to object to anything excluding that.

Mr. INGALLS. With the understanding that I will permit the Senator to have that bill taken up after this is before the Senate; will that be satisfactory?

Mr. DAVIS. Yes; I have no objection if I have an opportunity of calling up the bill and disposing of it.

The PRESIDENT *pro tempore*. The understanding is that the request of the Senator from Kansas includes the bill of the Senator from West Virginia. The Chair hears no objection to the suggestion in that form.

THOMAS H. WILLIAMS.

Mr. DENNIS. I ask that the bill (S. No. 866) to remove the political disabilities of Thomas H. Williams, of Maryland, be considered now.

There being no objection, the bill was considered as in Committee of the Whole.

The Committee on the Judiciary reported an amendment to strike out the word "doctor" before "Thomas H. Williams."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed by a two-thirds vote.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. U. S. GRANT, jr., his Secretary, announced that the President had on the 19th instant approved and signed the act (S. No. 872) for the relief of the family of the late John T. King and of L. B. Cutler.

ORDER OF BUSINESS.

Mr. ANTHONY. I ask the Senate to take up the bill (S. No. 992) for the relief of Admiral Charles Wilkes that I reported the other day. I presume there will be no objection to it.

Mr. SHERMAN. I objected to others; the counsel are present, the case is called, and I do not think other business should interpose.

The PRESIDENT *pro tempore*. The Senator from Ohio objects.

Mr. SHERMAN. I do not object to the bill, but we ought to go on with the trial.

INDIAN APPROPRIATION BILL.

Mr. WINDOM. Mr. President, some two weeks ago or more the Senate appointed a committee of conference on the Indian appropriation bill. Three or four days since the House of Representatives appointed a committee on the same bill. I have no report of agreement or disagreement to make, but feel it to be my duty to report progress or want of progress, and to state the reason why the committee has been unable to act and confer upon that subject, and the reason I give I receive from the chairman of the House committee of conference, to wit, that they do not deem that the Senate has expressed itself yet on the subject of the transfer of the Indian Bureau to the War Department, and they await the action of the Senate upon the separate bill that has been sent from the House for that transfer. That is the ground upon which we have thus far been unable to obtain a meeting, and it is the information I have from the chairman of the House conferees as to their present position on that subject. I suggest it so that the Senate may govern its action accordingly by its own sense of propriety as to the order of business or by that suggested from the House.

Mr. HAMLIN. I want to ask my friend if the House has even appointed a committee on the bill?

Mr. WINDOM. A committee has been appointed.

Mr. HAMLIN. When was it appointed?

Mr. WINDOM. Within three or four days.

Mr. HAMLIN. Was not the delay in appointing that committee placed expressly on the ground that they would not act until the Senate acted on the bill to which the Senator has referred?

Mr. WINDOM. I understood it so from the present chairman of the committee.

Mr. HAMLIN. I understood it so from other members of the committee distinctly.

Mr. DAWES. I should like to have the Senator state distinctly whether the committee on the part of the House declined to meet the committee on the part of the Senate for the purpose of a conference on the bill on which they were appointed?

Mr. WINDOM. Not in terms; but after several requests we have been unable to obtain a meeting, and I am informed this morning that that is the cause of the delay.

Mr. DAWES. Do they neglect to meet on request?

Mr. WINDOM. They do not meet, and have been requested. The Senator can put whatever construction upon it he pleases. I ought in justice to state that I am informed that the same reason has been given by the republican member of that committee, but I do not wish to make a political matter of it.

ORDER OF BUSINESS.

Mr. MAXEY. I ask the Senate to put on its passage the bill (S. No. 493) for the removal of the political disabilities of John T. Walker, of Texas. The bill comes from the Judiciary Committee.

The PRESIDENT *pro tempore*. The Senator from Ohio has objected to any further legislative business.

Mr. MAXEY. This is only a bill to remove the political disabilities of a gentleman, regularly reported from the Judiciary Committee, and will take but a moment.

Mr. SHERMAN. It seems to me it is wrong for the Senate when the case is ready to be proceeded with, and the time has arrived, to go on with other business. I have no objection to the bill referred to, but I think we ought to go on with the regular order.

The PRESIDENT *pro tempore*. The Senator objects.

Mr. SHERMAN. I give way to a conference report; to nothing else.

IMPEACHMENT OF W. W. BELKNAP.

The PRESIDENT *pro tempore*. Legislative and executive business will now be suspended and the Senate will proceed to the consideration of the articles of impeachment exhibited by the House of Representatives against William W. Belknap, late Secretary of War.

The Senate then proceeded to the trial of the impeachment of William W. Belknap, late Secretary of War.

After some time spent in the consideration of the articles of impeachment, the trial was temporarily suspended and the Senate resumed its

LEGISLATIVE SESSION.

The PRESIDENT *pro tempore*. The Senate resumes its legislative session.

TEMPORARY PROVISION FOR EXPENDITURES.

Mr. WINDOM. I offer a bill for which I ask present consideration. I offer it on behalf of the Committee on Appropriations, although I have not the assent or approval of a majority of the committee, because I have not been able to find them. It is a copy of the last ten-

days extension act which was passed, precisely like the former which received the assent of both Houses.

By unanimous consent, leave was given to introduce a bill (S. No. 999) to continue the provisions of an act entitled "An act to provide temporarily for the expenditures of the Government."

By its terms the provisions of the act to provide temporarily for the expenditures of the Government, approved June 30, 1876, are extended and continued in full force and effect for a period of ten days from and after the 20th day of July, 1876, and no longer.

Mr. BAYARD. I ask the Senator from Minnesota if the bill provides for the expenditure in proportion to the time?

Mr. WINDOM. It is the old bill.

Mr. BAYARD. I ask if the Senator knows?

Mr. WINDOM. That is the effect.

Mr. BAYARD. I merely wanted to know.

Mr. EDMUNDS. I will state to the Senator from Delaware that the first bill passed provides for the proportional expenditure, and these propositions are merely continuing the original proposition.

Mr. BAYARD. That was precisely what I wished to know.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the bill?

By unanimous consent, the bill was read twice, and considered as in Committee of the Whole.

Mr. ANTHONY. There was some doubt, I believe, on the first bill whether it included the expenditures for the public printing; but I understand it was modified in such a way as to undoubtedly cover that. I should like to have the Senator who is in charge of the bill and is familiar with it to state whether that is so or not.

Mr. CONKLING. There was a supplementary bill passed.

Mr. ANTHONY. I know; but it was said to be unnecessary.

Mr. WINDOM. There has been no modification of the original bill. It was supposed to be necessary to pass a supplementary bill. However, I supposed it is very probable the sundry civil bill will pass to day, and if so that will answer the purpose of the Senator.

Mr. MORRILL. I suggest to the Senator from Minnesota that he say "eleven days" instead of ten, so as to include the entire month.

Mr. WINDOM. This bill is an exact copy of the previous one.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

ORDER OF BUSINESS.

Mr. CONKLING. I ask leave to make a report. The Committee on Commerce, to whom was referred the bill (S. No. 992) to authorize the Secretary of the Treasury to issue a register and change the name of the schooner Captain Charles Robbins to Minnie, have directed me to report it without amendment.

Mr. ALLISON. I call for the regular order, whatever it is.

The PRESIDENT *pro tempore*. The trial session was suspended for a particular purpose.

Mr. ALLISON. I did not understand that.

IMPEACHMENT OF W. W. BELKNAP.

The PRESIDENT *pro tempore*. The Senate resumes the trial session.

The Senate again proceeded to the trial of the impeachment of William W. Belknap, late Secretary of War.

After some time spent in the trial session,

Mr. ANTHONY. I ask unanimous consent that the trial may be interrupted for the passage of a bill.

The PRESIDENT *pro tempore*. Is there objection? The Chair hears none, and the Senate resumes its

LEGISLATIVE SESSION.

Mr. ANTHONY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1000) to continue the public printing; which was read twice, and considered as in Committee of the Whole.

The bill authorizes the Congressional Printer to continue for ten days the work required by law in advance of appropriations to be hereafter made.

Mr. BAYARD. I suggest to the Senator from Rhode Island whether, as an appropriation bill has already passed, as I understand, providing for what is deemed necessary by the two Houses for the expense of printing, this bill should be coupled with a provision, that is usual, not increasing the appropriations made for printing.

Mr. ANTHONY. Let that amendment be added; I have no objection to it.

The PRESIDENT *pro tempore*. The bill will be so amended, if there be no objection.

Mr. EDMUNDS. Would it not be better to say that it shall not authorize any expenditure for public printing? We have only provided for continuing the existing law until we can find some other. Now, as the Senator from Delaware suggests that this shall not authorize an increase of appropriation when there is not any, we might as well make whole bones of it and say it shall not authorize any expenditures at all.

Mr. ALLISON. As I understand, the former extensions already include public printing; do they not? We have already passed two bills extending the time.

Mr. CONKLING. We have passed supplemental bills on the subject of public printing.

Mr. ANTHONY. On each of those occasions we passed a supplemental bill to provide for the public printing under the understanding or misunderstanding that the general bill did not cover this branch of the public service. This bill is just like the others. The amendment which the Senator from Delaware proposes, it seems to me, would destroy the appropriation altogether. He says it shall not increase the appropriation. There is no appropriation whatever now.

Mr. BAYARD. There is not in fact an appropriation, but there is an appropriation bill which contains money for this purpose which has passed both Houses, but has not yet been signed.

Mr. ANTHONY. I do not understand that it has passed both Houses. We have received no official notice of its passing the other House.

Mr. BAYARD. Then I suggest to the Senator he had better delay the consideration of this bill.

Mr. ANTHONY. Senators may do as they choose about it. I understand if this bill does not pass the Congressional Printer will not be authorized to print our proceedings to-morrow, because it is impossible that the sundry civil bill can be sent us and signed to-day. The Senate now know as much as I do about it, and they can pass the bill or not, as they please.

Mr. BAYARD. It has become a question of how much I know or how much I do not know, or what may be the relative knowledge of the Senator from Rhode Island and myself. The real question is whether or not we are making in any way a double appropriation for the same purpose. A bill making appropriations for printing expenses has, I believe, been agreed on in conference, and I thought it had been adopted by each House. The only question I made was whether this appropriation for ten days would not be a cumulative appropriation for the same purpose; and therefore I asked the Senator from Rhode Island, in order that he might prevent that taking place, which I do not suppose he intended. It is very far from my wish to embarrass the operations of the Government in any way, and I shall take great pains to prevent that ever being done; but it is certainly right and proper, when we are reduced to this extraordinary condition of affairs of passing these bills from ten days to ten days, that we should be careful that we are not cumulative in our provisions for the public service.

Mr. ANTHONY. This bill authorizes expenditures in advance of appropriations. I understand that the money expended under it will be deducted from the appropriations when made; and if it does not effect that purpose and the Senator from Delaware will propose such an amendment as will effect that purpose, it will be exactly in the line of my wishes.

Mr. BAYARD. If the Senator having it in charge is satisfied that the result is not reached that I desire to avoid, I have no objection.

Mr. ANTHONY. That is my understanding.

Mr. FRELINGHUYSEN. I understand that this is continuing a bill that now exists and has passed twice, and that by that bill it is provided that the appropriation made shall be deducted from the current appropriation bill of the year. It does not really appropriate anything in addition to that bill.

Mr. HOWE. Let the bill be reported once more.

The bill was read.

Mr. HOWE. I think the Senator from Delaware will see that this bill appropriates nothing whatever. It simply authorizes the Public Printer to go on with his work and to be paid when we appropriate the money.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. G. M. ADAMS, its Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 3717) making appropriations for the support of the Army for the fiscal year ending June 30, 1877, and for other purposes.

The message also announced that the House had passed the following bills and joint resolution; in which it requested the concurrence of the Senate:

A bill (H. R. No. 3927) making an appropriation to defray the expenses of the Joint Select Committee to Investigate Chinese Immigration;

A bill (H. R. No. 3928) to continue the provisions of an act entitled "An act to provide temporarily for the expenditures of the Government;" and

A joint resolution (H. R. No. 96) to provide for the protection of the Texas frontier on the Lower Rio Grande.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore*:

A bill (H. R. No. 1427) for the relief of H. P. Jones & Co.;

A bill (H. R. No. 3855) for the relief of George T. Olmsted, jr.; and

A bill (H. R. No. 1771) to declare forfeited to the United States certain lands granted to the State of Kansas in aid of the construction of railroads by act of Congress approved March 3, 1863.

TEMPORARY PROVISION FOR EXPENDITURES.

Mr. WEST. In the absence of the chairman of the Committee on Appropriations I venture to suggest to the Senate the propriety of taking up the act that continues the appropriations for ten days further.

The PRESIDENT *pro tempore*. If there be no objection, the Chair will lay before the Senate a bill from the House of Representatives.

The bill (H. R. No. 3928) to continue the provisions of an act entitled "An act to provide temporarily for the expenditures of the Government" was read three times, and passed.

IMPEACHMENT OF W. W. BELKNAP.

The PRESIDENT *pro tempore*. The Senate returns to trial session, and is ready to proceed with the argument.

The Senate again proceeded to the trial of the impeachment of William W. Belknap, late Secretary of War.

The Senate sitting for the trial of the impeachment of William W. Belknap having adjourned then resumed its

LEGISLATIVE SESSION.

The PRESIDENT *pro tempore*. The Senate resumes its legislative session.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. G. M. ADAMS, its Clerk, announced that the House had passed the bill (S. No. 1000) to continue the public printing.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore*:

A bill (H. R. No. 3717) making appropriations for the support of the Army for the fiscal year ending June 30, 1877, and for other purposes; and

A bill (H. R. No. 3928) to continue the provisions of an act entitled "An act to provide temporarily for the expenditures of the Government."

Mr. CONKLING. What is the hour of the meeting of the Senate?

The PRESIDENT *pro tempore*. Eleven o'clock for legislative session.

Mr. CONKLING. I move that the Senate do now adjourn.

The motion was agreed to; and (at four o'clock and forty-seven minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, *July* 20, 1876.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. I. L. TOWNSEND.

The Journal of yesterday was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, informed the House that the Senate was ready to proceed upon the impeachment of William W. Belknap and to receive the managers on the part of the House, and that the Senate Chamber was prepared with accommodations for the reception of the House of Representatives.

PROTECTION OF THE TEXAS FRONTIER.

The SPEAKER *pro tempore*. The regular order of business this morning is the unfinished business of yesterday, being the joint resolution (H. R. No. 96) to provide for the protection of the Texas frontier on the Lower Rio Grande, and the pending question is upon the substitute for the second section, upon which the yeas and nays had been ordered when the House adjourned yesterday.

The substitute for the second section of the joint resolution was read, as follows:

That whenever it shall appear to the President that the government of Mexico is unable to prevent the existing lawless invasion of the territory of the United States from Mexico for purposes of plunder or robbery, he shall be, and hereby is, authorized, if in his judgment it becomes necessary, after notice of forty days to the government of Mexico, to order the troops charged with the defense of the territory of the United States, when in close pursuit of such invaders, to cross the Rio Grande and to use such means, not amounting to acts of war, as may be requisite for the recovery of stolen property and to protect the citizens and territory of the United States against the acts of outlaws and robbers.

Mr. DUNNELL. I ask unanimous consent to report back a Senate bill——

Mr. RANDALL. I call for the regular order of business.

Mr. SCHLEICHER. There is hardly a quorum present, and I would myself prefer that the vote should be taken when more members are here. I would like, therefore, to have this question postponed for a time.

The SPEAKER *pro tempore*. That can be done only by unanimous consent.

Mr. LUTTRELL. Several gentlemen desire to introduce bills and resolutions for reference only. May not this question be postponed for a time and allow that to be done?

The SPEAKER *pro tempore*. By unanimous consent it can be done.

Mr. LUTTRELL. I have a resolution which I desire to have referred to the Committee on the Post-Office and Post-Roads to be considered at its first meeting, which will probably be to-morrow morning.

Several MEMBERS. Regular order.

The SPEAKER *pro tempore*. The regular order is the call of the yeas and nays on the amendment reported from the Committee of the Whole.

Mr. SCHLEICHER. I move that there be a call of the House.

The question was taken; and upon a division there were ayes 16.

Before the noes were counted,

Mr. SCHLEICHER. I withdraw the motion for a call of the House.

Mr. LUTTRELL. I ask unanimous consent to refer this resolution to the committee of which I am a member.

Many MEMBERS. Regular order.

Mr. ROBBINS, of North Carolina. I ask that the second section of the joint resolution be read, for which the Committee of the Whole have reported a substitute.

The Clerk read as follows:

SEC. 2. That in view of the inability of the national government of Mexico to prevent the inroads of lawless parties from Mexican soil into Texas, the President is hereby authorized, whenever, in his judgment, it shall be necessary for the protection of the rights of American citizens on the Texas frontier, above described, to order the troops to cross the Rio Grande, and use such means as they may find necessary for recovering the stolen property and checking the raids, guarding, however, in all cases, against any unnecessary injury to peaceable inhabitants of Mexico.

Mr. SCHLEICHER. I understood the Chair to rule on yesterday that the vote to be now taken was upon agreeing to the second section as amended.

The SPEAKER *pro tempore*. That is what the Chair understands.

Mr. RANDALL. The amendment now pending is a substitute which was adopted in Committee of the Whole for the second section of the joint resolution. If voted down the second section will be out entirely, and the joint resolution will consist only of the first section.

The SPEAKER *pro tempore*. That is the ruling of the Chair.

Mr. HALE. Let us understand this. Does the Chair rule that if this substitute is voted down the original second section is out of the joint resolution?

Mr. RANDALL. And the joint resolution will consist simply of the first section.

The SPEAKER *pro tempore*. That is the ruling of the Chair.

The question was taken; and there were—yeas 89, nays 96, not voting 98; as follows:

YEAS—Messrs. Ainsworth, Anderson, Atkins, Bagby, Banks, Beebe, Bland, Bradford, Bright, John Young Brown, William R. Brown, Buckner, Cabell, John H. Caldwell, William P. Caldwell, Cannon, Cate, Caulfield, Cook, Cox, Darrall, Davis, Dibrell, Dobbins, Douglas, Felton, Forney, Foster, Gause, Goode, Gunter, Andrew H. Hamilton, Hancock, Hartridge, Hartzell, Hatcher, Haymond, Hereford, Abram S. Hewitt, Hill, Hoge, Hurd, Hurlbut, Frank Jones, Kasson, Franklin Landers, Lane, Levy, Lewis, Luttrell, McMahon, Meade, Metcalfe, Milliken, Mills, Morgan, Odell, Payne, Piper, Reagan, John Reilly, James B. Reilly, Rice, Riddle, John Robbins, William M. Robbins, Sampson, Schleicher, Schumaker, Sheakley, William E. Smith, Southard, Spencer, Springer, Tarbox, Terry, Throckmorton, Tucker, Van Vorhes, Robert B. Vance, Waddell, Alexander S. Wallace, White, Whitthorne, Wigginton, Wike, Alpheus S. Williams, Willis, and Woodburn—89.

NAYS—Messrs. Adams, Ashe, John H. Bagley jr., John H. Baker, William H. Baker, Ballou, Bell, Blackburn, Boone, Bradley, Horatio C. Burchard, Burleigh, Candler, John B. Clarke of Kentucky, John B. Clark, jr., of Missouri, Clymer, Cochrane, Conger, Crapo, Cutler, Davy, De Bolt, Dunnell, Durand, Eames, Eden, Egbert, Ely, Evans, Fort, Gibson, Hale, Hardenbergh, John T. Harris, Harrison, Holman, Hopkins, Hoskins, House, Hubbell, Hunter, Thomas L. Jones, Kehr, Kelley, Kimball, Knott, Lawrence, Le Moyne, L. A. Mackey, Maish, MacDougall, McDill, McFarland, Miller, Monroe, Morrison, Mutchler, New, Norton, Oliver, O'Neill, Packer, Page, Platt, Potter, Pratt, Rainey, Randall, Robinson, Miles Ross, Rusk, Savage, Scales, Sinnickson, Smalls, A. Herr Smith, Strait, Stevenson, Swann, Teese, Thomas, Thompson, Washington Townsend, Tufts, Turney, John L. Vance, Walsh, Ward, Erastus Wells, Whitehouse, Whiting, Willard, Charles G. Williams, James Williams, James D. Williams, William B. Williams, and Young—96.

NOT VOTING—Messrs. George A. Bagley, Banning, Bass, Blair, Bliss, Blount, Samuel D. Burchard, Campbell, Cason, Caswell, Chapin, Chittenden, Collins, Cowan, Crounse, Culberson, Danford, Denison, Durham, Ellis, Faulkner, Finley, Franklin, Freeman, Frye, Fuller, Garfield, Glover, Goodin, Robert Hamilton, Harlson, Benjamin W. Harris, Henry R. Harris, Hathorn, Hays, Hendee, Henderson, Henkle, Goldsmith W. Hewitt, Hoar, Hooker, Hunton, Hyman, Jenks, Joyce, King, Lamar, George M. Landers, Lapham, Leavenworth, Lord, Lynch, Lynde, Magoon, McCrary, Money, Nash, Neal, O'Brien, Phelps, John F. Philips, William A. Phillips, Pierce, Plaisted, Poppleton, Powell, Purman, Rea, Roberts, Sobieski Ross, Sayler, Seelye, Singleton, Slemons, Sparks, Stenger, Stone, Stowell, Thornburgh, Martin I. Townsend, Wait, Waldron, Charles C. B. Walker, Gilbert C. Walker, John W. Wallace, Walling, Warren, G. Wiley Wells, Wheeler, Andrew Williams, Jeremiah N. Williams, Wilshire, Benjamin Wilson, James Wilson, Alan Wood, jr., Fernando Wood, Woodworth, and Yeates—98.

So the substitute for the second section was not agreed to.

During the call of the roll the following announcements were made:

Mr. CUTLER. My colleague, Mr. HAMILTON, of New Jersey, is absent on account of sickness.

Mr. SCALES. My colleague, Mr. YEATES, is absent by order of the House.

Mr. COCHRANE. My colleague, Mr. STENGER, is absent by leave of the House.

Mr. VANCE, of Ohio. My colleague, Mr. POPPLETON, is absent by leave of the House.

Mr. GUNTER. My colleague, Mr. SLEMONS, is absent by leave of the House.

Mr. THROCKMORTON. My colleague, Mr. CULBERSON, is absent on account of sickness.

Mr. BRADLEY. My colleague, Mr. WALDRON, is absent by leave of the House.

Mr. CANNON, of Illinois. My colleague, Mr. CAMPBELL, is absent on account of sickness.

Mr. TOWNSEND, of Pennsylvania. Mr. WELLS, of Mississippi, is still absent on account of illness.

The vote was then announced as above recorded.

Mr. KASSON. Before the next vote is taken I desire to make a parliamentary inquiry as to the present status of this joint resolution.

The SPEAKER *pro tempore*. The Chair will hear the gentleman.

Mr. KASSON. As I construe the rule, the original text of the second section of the joint resolution is now before the House as the result of the vote just announced, and in the next vote must be voted on as a part of this joint resolution. I want to ascertain from the Chair distinctly the status of this question.

The House knows this joint resolution in two forms: One is the original text referred to the Committee of the Whole; the other is the original text with certain amendments reported from the Committee of the Whole. In the House the question is taken on concurring with the amendments made in the Committee of the Whole. So far as they are concurred in, the House changes the original text; so far as they are non-concurred in, the original text remains to be voted on. This will, I think, appear clearly from Rule 107.

> Upon bills committed to a Committee of the Whole House, the bill shall be first read throughout by the Clerk, and then again read and debated by clauses, leaving the preamble to be last considered; the body of the bill shall not be defaced or interlined; but all amendments, noting the page and line, shall be duly entered by the Clerk on a separate paper, as the same shall be agreed to by the committee, and so reported to the House.

It appears from this that the original text always comes back subject to the concurrence of the House in the amendments made in the Committee of the Whole; and as in this case the amendment to the second section is now non-concurred in, the original section comes back without modification, and is to be voted on in the next vote as part of the joint resolution.

Mr. HOLMAN. I sought yesterday to call attention to the fact now mentioned that if the amendments reported from the Committee of the Whole were rejected, the original text would stand; that the amendments of the Committee of the Whole were a substitute for the text as referred to that committee. That seemed to me to be inevitable; but the opinion that this proposition came to the House as one amendment was so generally expressed upon the floor that further discussion of the subject was waived. If the Chair adopts the view now expressed, the only mode in which the House can declare its opinion upon the real question is by reconsidering the vote by which the main question was ordered.

Mr. KASSON. Yes, sir; we shall have to reconsider in order to make the joint resolution open to amendment.

Mr. HOLMAN. If the Chair adopts that view I will enter a motion to reconsider.

Mr. TUCKER. I move to reconsider the vote by which the main question was ordered, so that I may propose the amendment which I offered in Committee of the Whole as a substitute for the second section.

Mr. CONGER. I would like to say a word to the Chair upon this point of order. The Speaker having three times, once yesterday and twice this morning, stated distinctly that the proposition before the House was that last voted on in Committee of the Whole, which was upon adopting the second section as amended, the attention of the Chair having been called to the question by myself and other members both yesterday and to-day and the Chair having each time announced that the question was upon accepting or rejecting the second section as amended, and the Chair having gone further and stated to the House that if the vote just taken should be in the negative the second section would be rejected as a whole and the joint resolution would remain with only the first section, I submit that it is entirely too late, after the Chair has given his decision on the subject unquestioned and after the vote has been taken, to raise that question. Whatever the rule may be, I assume that it is now to be taken as the unanimous consent of the House that such is the true order of business.

The SPEAKER *pro tempore*. The Chair sustains entirely the view of the gentleman from Michigan, [Mr. CONGER.] The distinct announcement of the Chair which the gentleman has stated was made upon information furnished by the gentleman from Massachusetts, [Mr. BANKS,] and it seemed to accord fully with the understanding of the House. The motion of the gentleman from Virginia [Mr. TUCKER] may, however, be entertained. If it is the disposition of the House to reconsider the ordering of the main question for the purpose of allowing amendments, that may be done. The question is on the motion of the gentleman from Virginia.

Mr. HOLMAN. But it may be important to know the view of the Chair, as that might influence the vote now to be taken. If the view entertained yesterday is still entertained, that this comes before the House as one amendment, there would be no motive for reconsideration with a view to either amending the second section or striking it out.

The SPEAKER *pro tempore*. Certainly not; but the gentleman from Virginia may have some other amendment which he proposes to offer.

Mr. CONGER. I understand the Chair to rule that so far as that amendment is concerned it is rejected.

The SPEAKER *pro tempore*. The Chair rules that the second section is rejected.

Mr. HOSKINS. I did not understand the ruling of the Chair. Did the Chair rule that the vote last taken rejecting the amendment rejects also the entire second section?

The SPEAKER *pro tempore*. The Chair was informed by the gentleman from Massachusetts [Mr. BANKS] who offered the substitute that the vote in Committee of the Whole was upon adopting the second section as amended; and therefore in the House the vote was put in the same form. The question is a mere question of fact. Upon the statement of the gentleman from Massachusetts the Chair made his decision, and upon that question the vote was taken.

Mr. HOSKINS. I should like to inquire of the mover of the last motion why he desires to reconsider?

Mr. RANDALL. He does not now, as I understand it.

Mr. HOLMAN. If the second section is rejected there is nothing to which the amendment can be added.

Mr. MILLS. But he proposes to reconsider for the purpose of moving that amendment to the first section.

Mr. RANDALL. That will open the whole bill to amendment and discussion.

Mr. MILLS. Of course; and that is what is desired.

Mr. HOSKINS. I make the point of order that the previous question having been partially executed, it is not now in order to move a reconsideration.

Mr. BURCHARD, of Illinois. Certainly not until after the vote has been taken on the engrossment and third reading of the resolution, and then it can be.

Mr. HOSKINS. I make a point of order, and ask the decision of the Chair upon it.

The SPEAKER *pro tempore*. The Chair sustains the point of order. The Chair will state, after a vote is taken on the engrossment and third reading of the joint resolution, then the previous question having exhausted itself, it will be in order for the gentleman from Virginia to move to reconsider.

Mr. RANDALL. Let the resolution be again read.

The resolution was again read.

The joint resolution was then ordered to be engrossed and read a third time.

Mr. TUCKER. I now move to reconsider the vote by which the joint resolution was ordered to be engrossed.

Mr. HALE. I do not think it is fully understood what is the gentleman's object, and I hope he will be permitted to state it.

Mr. TUCKER. The House has already rejected the second section as it was amended by the substitute offered by the gentleman from Massachusetts, [Mr. BANKS.] I propose, if there is a reconsideration of the vote ordering the joint resolution to be engrossed and read a third time, to offer the amendment which was rejected in committee to the first section of the joint resolution.

Mr. HALE. Will not a reconsideration open up the whole question?

The SPEAKER *pro tempore*. Unquestionably, upon reconsideration, the previous question no longer operating, the joint resolution will be open to discussion and amendment.

Mr. HALE. This, then, is retracing the just-taken action of the House.

Mr. TUCKER. The reason, if the gentleman from Maine will give me his attention for a moment, is this: When the gentleman from Massachusetts offered his amendment in the Committee of the Whole, I offered my amendment as a substitute, saying at the same time if the substitute offered by the gentleman from Massachusetts was agreeable to the advocates of the joint resolution I was perfectly willing to accept it; but the House has voted that down, and I believe there are some members of the House who would accept my substitute more readily than that of the gentleman from Massachusetts.

Mr. HALE. What is the gentleman's substitute? Is it the second section as originally reported in the joint resolution?

Mr. TUCKER. No, sir; it is an amendment which the gentleman will see in the RECORD of to-day on page 39. I explained it yesterday and on Saturday.

Mr. HALE. I had not the pleasure of listening to the gentleman yesterday, and am ignorant of what the amendment is. Let us have it read.

Mr. TUCKER. I ask that the amendment be read.

Mr. HOSKINS. I rise to another point of order. This bill having been ordered to be engrossed and read a third time, I make the point of order that it is not now in order to offer an amendment; that the first thing is to reconsider the vote by which the joint resolution has been ordered to be engrossed and read a third time, and until that is done no amendment is in order.

The SPEAKER *pro tempore*. That is the motion now pending, and the gentleman from Virginia and the gentleman from Maine merely ask for the reading of the amendment offered by the gentleman from Massachusetts which was rejected yesterday.

Mr. TUCKER. I only ask for the reading of the amendment, giving notice that if the motion to reconsider is agreed to I shall move it as an amendment to the joint resolution.

The amendment was read, as follows:

> SEC. 2. That the President of the United States be authorized, and is hereby requested, to present to the government of Mexico a formal statement of the injuries and damages done to the citizens of the United States by the inroads and invasions of the United States by lawless bands from the Mexican states; and, furthermore, to demand that the government of Mexico shall prevent and restrain all such inroads and invasions in future.

If the Mexican government shall not within four months after such formal statement and demand take effective measures to prevent such inroads and invasions, the President of the United States is hereby authorized to use the Army of the United States, or so much thereof as he may deem necessary, to drive out any bands of invaders and to pursue them into the territory of Mexico for the sole purpose of recovering the property taken from citizens or others under the protection of the United States, guarding in all cases against any unnecessary injury to the persons or property of peaceable inhabitants of Mexico.

The President is further requested at once to notify this joint resolution to the Mexican government, with an earnest remonstrance against the wrongs done to the people of the United States, and that, while forbearing to take any measures but such as are recognized as just and proper between nations at peace, the Government of the United States will be constrained, saving the peaceful relations between the two countries, to take such action as is indicated by this joint resolution, unless the Mexican government shall effectually prevent the evils complained of in the future.

The House divided; and there were—ayes 54, noes 77.

Mr. REAGAN demanded tellers.

Tellers were ordered; and Mr. TUCKER and Mr. HALE were appointed.

The House again divided; and the tellers reported—ayes 70, noes 79.

So the motion to reconsider was disagreed to.

The question recurred on the passage of the joint resolution.

Mr. THOMPSON demanded the yeas and nays.

The yeas and nays were not ordered.

The joint resolution was passed.

Mr. SCHLEICHER moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, announced the passage of a bill (S. No. 866) to remove the political disabilities of Thomas H. Williams, of Maryland; in which concurrence was requested.

It further announced that the Senate disagreed to the amendment of the House to the bill (S. No. 842) authorizing the commissioners of the District of Columbia to remove the jail on Judiciary Square to grounds near to the Washington Asylum for the use of the District of Columbia, asked for a conference on the disagreeing votes of the two Houses, and had appointed Mr. MORRILL, Mr. PADDOCK, and Mr. COOPER as managers of such conference on its part.

MESSAGE FROM THE PRESIDENT.

A message from the President of the United States was communicated to the House by Mr. U. S. GRANT, jr., his Private Secretary, who also announced that the President had approved and signed bills and a joint resolution of the following titles:

An act (H. R. No. 3884) to continue the act entitled "An act to continue the public printing;"

An act (H. R. No. 3200) to change the name of the steam-barge Dolphin of Clayton, New York;

An act (H. R. No. 2404) for the relief of John S. Dickson, late captain of paroled prisoners;

An act (H. R. No. 3411) authorizing the repavement of Pennsylvania avenue;

An act (H. R. No. 1970) relating to the approval of bills in the Territory of Arizona;

An act (H. R. No. 702) for changing the name of the steam-propeller Senator Mike Norton to America;

An act (H. R. No. 1668) to supply an omission in the enrollment of the deficiency bill approved March 3, 1875; and

A joint resolution (H. R. No. 146) to amend the act approved June 18, 1874, relating to the admission of articles intended for the international exhibition of 1876.

The message also announced that bills of the following titles, not having been returned by the President to the House within the ten days prescribed by the Constitution, have become laws without his signature:

An act (H. R. No. 2301) granting a pension to Mary B. Hook;

An act (H. R. No. 590) for the relief of Mrs. Susan E. Rhea, widow of Dr. J. Burrows Gardiner;

An act (H. R. No. 1939) granting a pension to Sarah Emmons;

An act (H. R. No. 1204) granting a pension to Henry H. Wharff, of Company C, Eighteenth Regiment of Ohio Volunteers;

An act (H. R. No. 1849) granting a pension to Abigail S. Dawney;

An act (H. R. No. 2289) granting a pension to Jane Bertholf;

An act (H. R. No. 2303) granting a pension to Mary S. Greenlee;

An act (H. R. No. 2804) granting a pension to Harriet C. Dunham, widow of Charles A. Dunham, late private Company A, One hundred and eighteenth Regiment Pennsylvania Volunteers;

An act (H. R. No. 2081) granting a pension to William McLay, late a private in Company G, Twelfth Illinois Infantry Volunteers;

An act (H. R. No. 1598) granting a pension to William R. Duncan;

An act (H. R. No. 1602) granting a pension to Margaret E. Cogburn;

An act (H. R. No. 2586) granting a pension to John L. Bartley;

An act (H. R. No. 3037) granting a pension to Samuel D. Falls, late unassigned recruit Ninth Regiment Minnesota Volunteers;

An act (H. R. No. 2701) granting a pension to Nancy H. Blacknall, widow of Thomas Y. Blacknall, late private of Company L, Seventh Tennessee Cavalry;

An act (H. R. No. 2310) granting a pension to Emanuel B. Herr;

An act (H. R. No. 1944) granting a pension to Niram W. Pratt;

An act (H. R. No. 2162) granting a pension to Clara Brosch, mother of Joseph Brosch, jr., late private in Company H, Twenty-fourth Regiment Illinois Infantry Volunteers;

An act (H. R. No. 2691) for the allowance of certain claims reported by the accounting officers of the Treasury Department; and

An act (H. R. No. 597) for the relief of Anderson J. Smith.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. RANDALL. I rise to make a report from the committee of conference, which I ask the Clerk to read.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 3749) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1877, and for other purposes, having met, after full and free conference have agreed to recommend, and do recommend, to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 2, 13, 17, 21, 22, 23, 24, 25, 26, 27, 28, 32, 39, 40, 44, 45, 50, 52, 55, 62, 63, 64, 67, 69, 70, 71, 72, 73, 74, 76, 78, 79, 82, 85, 86, 87, 93, 97, 98, 100, 101, 102, 104, 106, 109, 110, 111, 121, 124, 125, 130, 132, 133, 134, 136, 140, 148, 152, 153, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 200, 208, 217, 240, 242, and 244.

That the House recede from its disagreement to the amendments of the Senate numbered 4, 5, 6, 12, 15, 18, 19, 29, 31, 33, 35, 38, 41, 42, 48, 51, 53, 57, 59, 60, 65, 92, 94, 95, 96, 112, 114, 115, 116, 117, 118, 119, 123, 126, 127, 128, 131, 137, 138, 146, 147, 150, 154, 155, 157, 158, 159, 180, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 193, 194, 195, 197, 198, 199, 201, 202, 203, 204, 205, 206, 207, 209, 210, 211, 212, 213, 214, 215, 216, 218, 219, 220, 222, 223, 224, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 241, 243, and agree to the same.

That the House recede from its disagreement to the amendment numbered 3, and agree to the same with an amendment, as follows: Add at the end of said amendment the words "or so much thereof as may be necessary;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment, as follows: For "Green *vs.* Van Wyck" substitute "Van Wyck *vs.* Green;" and the Senate agree to the same.

That the Senate recede from its amendment numbered 8, and agree to the clause proposed to be stricken out, with an amendment inserting after the word "department" in said clause the words "from March 6 to March 14, 1876;" and the House agree to the same.

That the Senate recede from its amendment numbered 9, and agree to the clause proposed to be stricken out, with an amendment adding at the end thereof "for services performed during the present session;" and the House agree to the same.

That the Senate recede from its amendments numbered 10 and 11, and agree to the clauses proposed to be stricken out, with an amendment as follows: After the word "service" in the first clause add the words "during the present session," and at the end of the second clause add the word "dollars;" and the House agree to the same.

That the Senate recede from its amendment numbered 14, and agree to the clause proposed to be stricken out, with an amendment as follows: After the word "service" in said clause insert "during the present session; and the House agree to the same.

That the House recede from its disagreement to the amendment numbered 16, and agree to the same, with an amendment as follows: Strike out the words "$4,800, or so much thereof as may be necessary," and the word "for," being the first word in the second clause of said amendment, substituting therefor the words "and for," so as to join the two clauses; and strike out the words, "two thousand" at the close of the second clause and substitute therefor the words "three thousand four hundred;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 20, and agree to the same, with an amendment as follows: Insert after the word "RECORD," in line 25, page 5 of the bill, the words "and for lithographing, mapping, and engraving for both Houses of Congress, the Supreme Court, and the Court of Claims, and for the necessary materials," and in lieu of the sum proposed to be inserted by said amendment substitute "$133,737.50;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 30, and agree to the same with an amendment substituting for the word "five" the word "three;" and the Senate agree to the same.

That the Senate recede from its amendment numbered 34, with an amendment as follows: In line 1, page 7 of the bill, strike out "for" and insert "and for," so as to connect the clauses; and after the word "dollars," in line 2, page 7 of the bill, insert the following: "And of the sums hereby appropriated for the several Departments, courts, and for the debates and proceedings in Congress, there shall only be used for the several purposes herein provided the sums specified, and the unexpended balances shall not be used for any other purposes;" and in line 13, page 7 of the bill, after the word "lowest" insert the word "responsible;" and the House agree to the same.

That the Senate recede from its amendment numbered 36, with an amendment as follows: Strike out therefrom the words "on the 30th day of June, 1876," and insert in lieu thereof the following: "from and after the passage of this act," and also strike out the words "and he shall receive a salary at the rate of $3,500 a year," and insert in lieu thereof the following: "and the Joint Committee on Printing are hereby authorized and directed to inquire into the question of public printing and report at the next session of this Congress, with authority to sit during the recess, and to report such reforms as are necessary to secure faithful and economical work for Congress and the Departments;" and the House agree to the same.

That the House recede from its disagreement to the amendment numbered 37, and agree to the same with an amendment substituting in place of the words stricken out the following:

"That all executive proclamations and all treaties required by law to be published shall be published in only one newspaper, the same to be printed and published in the District of Columbia and to be designated by the Secretary of State, and in no case of advertisement for contracts for the public service shall the same be published in any newspaper published and printed in the District of Columbia unless the supplies or labor covered by such advertisement are to be furnished or performed in said District of Columbia."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 43, and agree to the same with an amendment, as follows: Strike out of said amendment the word "its" and substitute therefor the word "the," and after the word "expenses" insert "of schools, the police, and the fire department;" and the Senate agree to the same.

That the Senate recede from its amendment numbered 46, and agree to the clause proposed to be stricken out with an amendment, as follows: In lines 6 and 7, page 11 of the bill, substitute "$16,670" for the sum there named, and after the word "thousand," in line 17 of same page, insert "five hundred," and after the word

"dollars," in line 27 of the same page, insert "miscellaneous sanitary work," and after the word "expenses," in line 1, page 12, insert "one thousand," and strike out in line 2, page 12, the word "that" and insert in lieu thereof the word "and;" and the House agree to the same.

That the Senate recede from its amendment numbered 47, and agree to the text proposed to be stricken out with an amendment, as follows: After the word "to," in line 15, page 15 of the bill, insert the following: "$127,243.91, being;" and the House agree to the same.

That the Senate recede from its amendment numbered 49, and agree to the text of the bill by striking out all after the word "dollars," in line 19, page 18, to the end of the clause; and the House agree to the same.

That the House recede from its disagreement to the amendment numbered 54, and agree to the same with an amendment substituting "ten" for the word proposed to be inserted; and the Senate agree to the same.

That the Senate recede from its amendment numbered 56, and agree to the text proposed to be stricken out, with an amendment as follows: After the word "to," in line 13, page 20 of the bill, insert "$3,500, being;" and the House agree to the same.

That the Senate recede from so much of its amendment numbered 58 as substitutes the "Secretary of the Interior" for the "Surgeon-General of the Army;" and the House agree to the same.

That the House recede from its disagreement to the amendment numbered 61, and agree to the same by substituting the word "ten" for the word "twenty;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 66, and agree to the same by substituting the word "twenty" for the word "thirty;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 68, and agree to the same, with an amendment as follows: Add at the end of said amendment the words "to be disbursed by the Secretary of the Treasury for mint purposes;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 75, and agree to the same, with an amendment as follows: In lieu of the word proposed to be inserted insert "two," and before the word "thousand," in line 27, page 22 of the bill, insert "and fifty;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 77, and agree to the same, with an amendment as follows: In lieu of all the amended clause insert the following: "Court-house and post-office at Lincoln, Nebraska; for completing the building, $30,000; and for grading approaches, furniture, and carpets, $10,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 80, and agree to the same with an amendment substituting for the word "reconstruction," in line 16, page 23 of the bill, the word "remodeling," and restoring the words stricken out, amended as follows: After the word "city" add "being $30,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 81, and agree to the same, with an amendment as follows: Strike out the word "fifty" and insert in lieu thereof "in full for the same, thirty;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 83, and agree to the same, with an amendment as follows: In lieu of the words proposed to be inserted insert the word "eighty;" and the Senate agree to the same.

That the Senate recede from its amendment numbered 84, substituting for the words proposed to be stricken out the words "three hundred and fifty;" and the House agree to the same.

That the House recede from its disagreement to the amendment numbered 88, and agree to the same by substituting for "$65,321.85" the following: "$40,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 89, and agree to the same, with an amendment as follows: Strike out "twenty-five" and insert "fifteen;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 90, and agree to the same, with an amendment as follows: Strike out "two" and insert "one;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 91, and agree to the same, with an amendment as follows: Strike out "twenty-five" and insert "ten;" and the Senate agree to the same.

That the Senate recede from its amendment numbered 99, and agree to the text proposed to be stricken out, with an amendment as follows: After the word "to," in line 24, page 28 of the bill, insert the following: "$3,000, being;" and the House agree to the same.

That the House recede from its disagreement to the amendment numbered 103, and agree to the same, with an amendment as follows: In lieu of the words proposed to be inserted insert "seventy-five;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 105, and agree to the same, with an amendment as follows: In lieu of the words proposed to be inserted insert the word "thirty;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 107, and agree to the same, with an amendment as follows: In lieu of the sum proposed to be inserted insert "$100,000," and add at the end of said amendment the following: "And the act entitled 'An act making appropriations for the naval service for the year ending June 30, 1877, and for other purposes,' approved June 30, 1876, is hereby amended as follows: After the word 'Washington,' in the clause appropriating 'for necessary repairs of naval laboratory,' &c., strike out the last ten words, as follows: 'and the same shall be closed during the coming year;'" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 108, and agree to the same, with an amendment as follows: In lieu of the sum proposed to be inserted insert "$50,000;" and the Senate agree to the same.

That the Senate recede from its amendment numbered 113, and agree to the text proposed to be stricken out, amended as follows: "To aid in the completion of the monument in Fairmount Park, Philadelphia, in commemoration of the emancipation of the colored race, $3,000, to be paid to the duly authorized officers of the association having the work in charge."

That the House recede from its disagreement to the amendment numbered 120, and agree to the same, with an amendment as follows: Strike out "sixteen" and insert "six;" and the Senate agree to the same.

That the Senate recede from its amendment numbered 122, and agree to the text proposed to be stricken out by inserting after the word "hundred" in line 3, page 34 of the bill, the words "and twenty-five;" and the House agree to the same.

That the House recede from its disagreement to the amendment numbered 129, and agree to the same, with an amendment as follows: In line 20, page 36 of the bill, strike out the words "and twenty-five;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 135, and agree to the same, with an amendment as follows: In lieu of "one hundred" insert "seventy-five;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 139, and agree to the same, with an amendment as follows: In lieu of the word "two" insert "three," and add, to follow as a new paragraph, the following:

"For salaries and traveling expenses of agents at seal-fisheries in Alaska, one agent and three assistants, $9,465: *Provided, however*, That the two assistant agents whose salaries are fixed by law at $2,190 each per annum shall be discontinued from and after the 1st day of October, 1876."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 141, and agree to the same, with an amendment as follows: Strike out all of the amended text, being lines 25, 26, 27, on page 41, and lines 1 to 7, both inclusive, on page 42 of the bill, and the words proposed to be inserted; and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 142, and agree to the same, with an amendment as follows: Strike out "forty" and insert "twenty;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 143, and agree to the same, with an amendment as follows: Strike out "twenty" and insert "ten;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 144, and agree to the same, with an amendment as follows: In lieu of the word "continuing" substitute the word "completing," and strike out the words "sixty-nine" and insert the word "nineteen," and add at the end of said amendment the following: "and the board of testing iron and steel provided for in said section shall be discontinued from and after the expenditure of the amount herewith appropriated;" and the Senate agree to the same.

That the Senate recede from its amendment numbered 145, with an amendment as follows: Substitute for the sum proposed to be inserted, "being $56,235.04;" and the House agree to the same.

That the Senate recede from its amendment numbered 149, and agree to the words proposed to be stricken out, with an amendment as follows: "amounting to $350,000;" and the House agree to the same.

That the House recede from its disagreement to the amendment numbered 151, with an amendment as follows: Add at the end of said amendment the following: "*Provided*, That the said sum shall be expended under the direction of the Secretary of the Smithsonian Institution; and it shall hereafter be the duty of all watchmen or policemen employed in the grounds belonging to the United States to cooperate with the Metropolitan police in enforcing the rules and regulations of the board of Metropolitan police made in relation to the public works and approved by said board."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 156, and agree to the same, with the following amendment: After the word "region," in line 18, page 44 of the bill, insert as follows: "Including $10,000 for the preparation and publication of maps, charts, and other illustrations necessary for the reports of said survey;" and the Senate agree to the transposition so made and recede from the balance of its amendment.

That the Senate recede from its amendment numbered 160, and agree to the text proposed to be stricken out, with an amendment as follows: Strike out "two" and insert "three;" and the House agree to the same.

That the Senate recede from its amendment numbered 178, and agree to the text proposed to be stricken out, with an amendment as follows: Strike out "twelve" in line 23, page 45 of the bill, and insert in lieu thereof the word "thirteen;" and the House agree to the same.

That the Senate recede from its amendment numbered 179, substituting therefor the following: "For survey of private land claims, $25,000;" and the House agree to the same.

That the House recede from its disagreement to the amendment numbered 181, and agree to the same, with an amendment as follows: In lieu of the words proposed to be inserted, insert the following: "Unless such company is exempted by law from the payment of such cost;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 192, and agree to the same, with an amendment as follows: In lieu of the sum proposed to be inserted insert "$1,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 196, and agree to the same, with an amendment substituting for the sum proposed to be inserted "$1,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 221, and agree to the same by substituting for the sum proposed to be inserted "$1,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 225, and agree to the same by substituting for the sum proposed to be inserted "$1,500;" and the Senate agree to the same.

SAM. J. RANDALL,
WM. S. HOLMAN,
EUGENE HALE,
Managers on the part of the House.
WM. WINDOM,
O. P. MORTON,
Managers on the part of the Senate.

Mr. RANDALL. Mr. Speaker, this result has been reached after a great deal of time and a great deal of attention given to the subject. The estimates upon which this bill is based as coming from the Department were $32,560,475.29. The amount reported by the Committee on Appropriations of this House was $14,626,981.74. The amount of the bill as it was passed by the House was $14,857,326.54, and unexpended balances $569,978.95. The Senate money amendments aggregated $5,068,390.27. The Senate yielded on money amendments $4,153,255.29. The House yielded $921,134.98. The total amount appropriated by the sundry civil bill of last year was $26,644,350.09. The amount appropriated under this report, as closely as can be reached, is $16,357,905.47. The reduction therefore of appropriations, including unexpended balances, this year under those of last year is $10,266,444.62. This reduction has been reached, as I have said, by close examination. The amounts provided for in this bill are in the main discretionary, and the committee think that in no particular has the Government been crippled.

I noticed a statement in the Senate yesterday that these large reductions would result in fact in deficiencies. Not only is that not the case, but there is no justification for any Department of the Government attempting to spend during the year more than the amount indicated in the bill. First it is in violation of law to do so, and second they would immediately make themselves amenable to that law if they did so. I am sorry that that statement was made, because it might give some semblance of justification for the executive officers of the Government to go beyond the amount appropriated. Feeling as I do that the committee have in no degree crippled the Government, I feel warranted also in saying that except upon a palpable and plain showing the House and Congress at its next session will discountenance the appropriation of any money for deficiencies. We have an example of that sort to warn us against the repetition of

it in the building of the New York post-office. The executive officers of the Government in charge of that work absolutely increased the expenditures beyond the law to the extent of $227,000, and they really have made themselves amenable to and punishable under the law. We sent a special committee to New York to make an examination of the subject, and they have reprimanded and censured in the strongest terms the acts of these officers who involved the Government in contracts and expenditures beyond the appropriations made by Congress; but they recommend the payment of those excessive expenditures, and I take it that this House will have to pass a bill to provide for the payment of these sums, because the parties who furnished these material did so in good faith, and the prices paid seem not to have been exorbitant. But I want to warn distinctly the officers of the Government that they ought not to any extent involve the Government for any expenditures beyond the amount appropriated. Now if any gentleman desires to make inquiries about the details of the bill, I shall be ready to answer them and to give the reasons which governed the committee of conference in this action. I now yield to the gentleman from Maine, [Mr. HALE,] who is a member of the committee of conference.

Mr. HALE. Mr. Speaker, the committee of conference upon this very important bill in the results reached was fraught with some important lessons. To begin with, it illustrates very clearly what is the actual position of the two bodies upon what is called the dead lock. A committee of conference upon a bill of this kind is after all the place where if the two bodies come into collision at all you will find the conflict, because either body in its action upon appropriation bills acts largely upon the belief that finally the differences of appropriations must be settled by the conferees, and so upon important bills the conferees are selected with that view. Now, to say nothing of the conferees on the part of the House, they met on the part of the Senate a very able board of conferees consisting, first, of the gentleman from California, Mr. SARGENT, afterward excused on account of sickness and his place filled by the present chairman of the Committee on Appropriations of the Senate, the gentleman from Minnesota, Mr. WINDOM, the distinguished gentleman from Indiana, Mr. MORTON, and the eminent Senator from Ohio, Mr. THURMAN.

They represented the Senate views and the committee came together. Now, I will say this freely: that if there was any disposition on the part of the Senate to antagonize fair reductions upon appropriation bills, here was a conference that would be able to maintain the senatorial bill; but, as the result shows, the Senate has in this case, without making any improper opposition to the reduction of discretionary appropriations, largely yielded to the House; yielded in some cases, I believe, although I am a good deal of an economist myself, more largely than future events will show that the Government can be run for. But in many cases also it has yielded to the House in cases where we all believe that the Department and the service could be maintained. This item of $4,000,000 and over, which the Senate has yielded in this case, is almost entirely made up of items upon discretionary appropriations, involving no change of law, and therefore the Senate did not place itself upon its prerogatives as being co-ordinate with the House and entitled to like consideration. They did not yield in cases where a law was sought to be repealed and that repeal forced upon them by the House, but they waived largely their first opinion in deference to the House on discretionary appropriations. Take, for instance, the item for the surveys of public lands. The Senate yielded there, and yielded largely, because it believed that for the coming year it might be possible for the work to continue with this limited supply of money, although it did not believe it to be enough.

It yielded also largely on the appropriations for public buildings, which involved no change of law. The Senate also consented to yield on the appropriations for navy-yards; and, although we have millions of dollars of property there, and the appropriation provided for in this report amounts to only one mill on the dollar, and the Senate asked five mills on the dollar, yet the Senate yielded and cut down the amount to $100,000. The Secretary of the Navy, who has charge of this fund, I feel bound to say and I am free to say, will take the appropriation and do the best he can with it, because it is our property that is to be cared for there, not his.

So in regard to the printing; the Senate yielded largely there, because the House is quite as much interested in the printing as the Senate; and, although the Senate believed that the amount was not large enough, still, as no change of law was involved in this matter, the Senate yielded.

This item of four million odd hundred thousand dollars is made up of items on which the representatives of the Senate yielded because no change of law was involved and the House had not sought to drive the Senate by a change of law.

There are other items of this bill from which the House receded, where it had attempted to force upon the Senate vital changes in the recognized law of the land. That is a good result to come out of this conference, because this House through its conferees met the Senate fairly and freely in a spirit of conciliation. There was in this bill a clause which was put in by the House repealing the law which provides for the protection of the purity of elections in certain cases. That was a clear case of legislation, and of legislation upon an appropriation bill. In regard to that the Senate took square ground that it could not concede, that it could not give way, as it was giving way upon questions of appropriation. The House committee, with a majority of gentlemen of course from the other side, gave way upon that point and yielded to the Senate. Therefore, the spirit of concession on the part of the Senate with reference to discretionary appropriations was met by a spirit of concession upon the part of the House, where a change of law had been attempted, and the proposed change was given up. That I hold to be a desirable result coming out of this conference. It is to me a good omen, a harbinger, an indication that the dead lock that we have been laboring under in weather which is threatening us all with injurious consequences, may soon be broken. I hope that will be so.

There is another feature that has been agreed upon by the conferees in this report which is a good one. That is the feature that the items of re-appropriation which were in the bill as it went to the Senate in an indefinite form, not showing really how much they contribute to the expenses of the coming year as permissible under this bill, are put into a definitive form. The amount is stated in each case so that we may know what it is, and the various items that go to make up the aggregate appropriation of this bill.

My friend, the chairman of the Committee on Appropriations, [Mr. RANDALL,] and my colleague on that committee, the gentleman from Indiana, [Mr. HOLMAN,] will both want to know next winter how much Congress appropriated at this session, and how much will have been spent under the appropriation bills, because they will then be in the same condition as to management and leadership that they are now in. They do not want any blind about the matter. Therefore by the action of the committee of conference between $500,000 and $600,000 of the items of which were not counted in the aggregate appropriations of the bill as it went to the Senate are now put in distinctly as re-appropriations, and are so stated and will be added to the aggregate appropriations by the bill, so that we will know how much we have given to the Departments.

Mr. RANDALL. My figures are all that way.

Mr. HALE. Certainly; I only referred to this specifically as a good result coming from the action of this committee of conference. There is one item which my friend the chairman has mentioned, and to which I wish to say a few words: the question of deficiency. It is true that the chairman of the Committee on Appropriations of the Senate when he presented this report to that body, in the running comments which he made upon it, argued that the Senate had made a concession in regard to many items with the view that deficiencies would have to be provided for at the next session of Congress. My friend, the chairman of the Committee on Appropriations of the House, objects to that statement. One of his objections is that it may imply that the heads of Departments are to be given power to spend more money than is appropriated in this bill, which is against the law. But the chairman of the Committee on Appropriations of the Senate evidently did not go to that extent. It is but justice to him to say that all that he claimed was that after four or five months of the present fiscal year have expired Congress will again be in session during the first half of the present fiscal year. If increased appropriations are needed before the present appropriations are expended, if that becomes clearly and advisedly necessary, then they will be made. The next Congress will be called upon to interpose a remedy at a time when the heads of Departments and Bureaus will not have expended all the money appropriated and will not have trenched upon the law. That, I take it, is all that the chairman of the Committee on Appropriations of the Senate intended to say.

Now in regard to this matter of deficiencies, I am not quite as sanguine as my friend, the chairman of the Committee on Appropriations of the House; neither do I go to the extent that the chairman of the Committee on Appropriations of the Senate seemed to go. I would say that a fair medium in this matter of deficiencies and reduction of expenditures for the actual free running of the Departments would perhaps lie about half way between the views of the average Senator and the views of the gentleman from Pennsylvania. The Senator from Minnesota, the chairman of the Committee on Appropriations of the Senate, represents perhaps the average Senator in his views of deficiency, and my friend from Pennsylvania [Mr. RANDALL] represents rather the extreme view upon the other side.

Mr. RANDALL. There can be no view outside of what is the law, which is that the heads of Departments shall not expend beyond the amounts appropriated.

Mr. HALE. Yes; but the gentleman will not claim, if he sees next winter that a particular appropriation is not enough to run the Department until July 1, 1877, that he would refrain from appropriating a deficiency; I believe he has already said that he would. The necessity will arise at a time when the law has not been infringed, before the amount appropriated has been all expended. I do not believe that my friend, with all his economy, with all his opposition to deficiencies and increased appropriations, will be able to keep them down entirely next winter. That has never been done under republican administrations; it was never done in the good old days of the democratic administration, the days that were illuminated by the conduct and performances of men in high places at that time.

Mr. RANDALL. I desire to say that the deficiencies were very low this year, and I attribute it to some extent to the fact that in the last House we gave notice that there would not be any deficiencies allowed. It is also a merit which should attach to your party to some extent.

Mr. HALE. I am glad that the gentleman has frankly made that admission; and I agree with him that the deficiencies will be kept down. But there will be more difficulty in keeping them down next winter upon the extreme basis of reduction which has been carried out by this Congress than ever before.

My friend will find as surely as time rolls on (and I predict it now for his benefit) that this body itself, which is now foremost in the reduction of expenditures, will, in its incidental expenses and matters of that kind, furnish large items of deficiency next winter. It is impossible that it should be otherwise. That is a thing that cannot be wholly foreseen now. It is a thing that cannot be prevented by my friend now. The immense expenses that have been incurred in connection with the different subjects that have been taken up by this House and pursued in one direction and another, and which are inadequately appropriated for now, must involve demands for deficiency appropriations. They will ring at our doors next winter in that imperious manner which will demand appropriations from the Treasury. And not only will this demand come from branches of the service connected with this House; other Departments to some degree will join in the demand for deficiencies. Only then will it be actually known and actually told how much money this Congress has given for expenditures during the fiscal year between July 1, 1876, and July 1, 1877. We cannot keep down the deficiencies altogether. I hope they will be comparatively small. I have no doubt that the Departments, under the restrictions laid upon them, will endeavor to adhere to the rule we have given, and in many cases they can do so; but in some cases my friend will find that they cannot.

But on the whole the outcome of this conference is, as I have said, a matter of great encouragement to me. It illustrates the position of the Senate and the House on this question of appropriations. The late chairman of the Committee on Appropriations of the Senate—now the Secretary of the Treasury—in a speech which he made on this subject just before leaving that body which he had so long honored, stated this matter of the position of the Senate forcibly and eloquently. In summing up what was the actual condition of the dead lock, he showed that while it was claimed that the House and the Senate were $39,000,000 apart, that the House was seeking to reduce by that amount the taxation of the people and the Senate was resisting, yet the truth clearly was that the Senate had already yielded nearly $22,000,000; that $9,000,000 of the remaining $17,000,000 was made up of re-appropriations which are to be counted, and of deficiencies which are not to be reckoned here; thus leaving the two bodies only about seven or eight million dollars apart. The country should understand that upon this question of expenditures involving the reduction of taxation the Senate, instead of being at issue with the House to the extent of $39,000,000 and resisting the demands of the House for reductions, has willingly yielded $22,000,000 and more; so that the real difference between the two bodies at the time when that speech was made was only seven or eight million dollars.

Mr. RANDALL. Let the people judge whether the Senate would have yielded this reduction if the House had not been here to enforce it.

Mr. HALE. That is a question, and upon that the gentleman is entitled to just as much credit as a fair view of the subject may give. My experience in this conference has been, as I said, that when a fair Senate conference is confronted with a question of fair reduction on a discretionary appropriation, it will yield for the sake of reducing expenditures and will not block the wheels of the House rolling on in that direction. But when you seek to drive through that body by main force a change of law—of law that has stood for years, it may be—when you claim the right to do this, then we shall find a conference that will not be yielding, as we found this conference; we shall find a conference that will maintain what the Senate believes to be its rights.

Mr. RANDALL. I want to say respectfully but pointedly that this outcry about "a change of law" is a mere subterfuge for keeping up excessive appropriations. It is quite certain that almost all these extravagant appropriations made in the past have sprung out of legislation incorporated in appropriation bills.

Mr. DUNNELL. Can the chairman of the Committee on Appropriations readily inform the House how much is appropriated in the bill as now reported for the explorations and surveys under Professor Hayden, Professor Powell, and Lieutenant Wheeler?

Mr. HOLMAN. I will answer the gentleman as nearly as I can remember. The appropriation made by the House for the survey under Professor Hayden was $65,000; and that has not been changed. The appropriations made for Lieutenant Wheeler, $30,000, and for Professor Powell remain as they stood in the House bill.

Mr. DUNNELL. What was the amount for Professor Powell?

Mr. HALE. Thirty thousand dollars.

Mr. HOLMAN. The Senate added $10,000 for maps and charts; but the conference committee agreed that this $10,000 should be deducted from the $30,000.

Mr. GARFIELD. According to this report, what is the condition of the bill in regard to the Signal Service?

Mr. HOLMAN. The only reduction made of the increase made in the Senate is $100,000.

Mr. GARFIELD. How does this appropriation for that service compare with former appropriations?

Mr. HOLMAN. I am not able to state the exact difference.

Mr. HALE. This is about $60,000 less.

Mr. HOLMAN. The only reduction that excites apprehension (if there is any apprehension about it) on the part of the gentleman having charge of this service is the reduction of force made by the Army appropriation bill.

Mr. GARFIELD. I ask the gentleman whether the state of the appropriation is such that it will require a reduction of the number of stations?

Mr. RANDALL. It is thought not; neither reduction of the number of men by the Army appropriation bill nor will the reduction of the money appropriation exceed $50,000.

Mr. FOSTER. It reduces twenty-two stations. It does reduce the number of stations.

Mr. RANDALL. We have not reduced the number of stations at all.

Mr. GARFIELD. Congress has nothing to say about stations.

Mr. FOSTER. The understood effect of it is that it will reduce the number of stations.

Mr. HOLMAN. On the contrary, we do not take away a single station.

Mr. RANDALL. As originally proposed, and as consented to by the chief, there would have been a reduction, but in the Army bill instead of one hundred and fifty reduction it only remains fifty, and in this appropriation $100,000. Last year this department cost nearly a million of dollars and it will cost nine hundred thousand this year.

Mr. WHITE. Allow me to ask the gentleman a question.

Mr. HOLMAN. Certainly.

Mr. WHITE. Whether this final agreement in conference was reached before or after the caucus the other night?

Mr. RANDALL. That is a very small matter. It does not matter at all.

Mr. WHITE. Is it not the first case in the history of the country in which a caucus was held in regard to such matters?

Mr. HOLMAN. I beg to say to the gentleman from Kentucky that there has been no caucus held on any appropriation contained in this bill.

Mr. WHITE. Do I understand the gentleman to say there has been no caucus in regard to any appropriation bill?

Mr. HOLMAN. There has been no sum increased or diminished either by the republican or democratic party, so far as I am informed, in caucus. If there has been, I am not informed of it. The gentleman will excuse me. This appropriation was——

Mr. WHITE. Do I understand the gentleman to say there has been no caucus in reference to any appropriation bill? Does he say there has been none in reference to the legislative appropriation bill?

Mr. HOLMAN. I am talking about appropriations, and not about small political matters.

Mr. WHITE. Does he say there has not been one also in reference to the sundry civil bill?

Mr. HOLMAN. I cannot consent to let the gentleman from Kentucky branch off into a political discussion.

Mr. WHITE. Does he say there has been none in regard to the sundry civil appropriation bill? I hope the gentleman will answer.

Mr. HOLMAN. I do not yield to the gentleman for any political harangue.

Mr. WHITE. I ask for a simple answer.

Mr. HOLMAN. If the gentleman asks anything about the appropriation bill I will answer him. If he wishes to ask about any appropriation made in this bill I will be glad to hear him—as to any increased charge upon the industries of the country, or any reduction of the present charges of the industries of the country. If he has any such question to propose, I will answer him with pleasure.

Mr. WHITE. I wish to know simply whether this was the agreement on the part of the democrats of the House in caucus or on the part of members here?

Mr. RANDALL. It is nobody's business if it is.

Mr. HOLMAN. The gentleman from Kentucky, after he has been in the House much longer than he has, and I trust his constituents will weigh his public services fairly and well, will find out that the most valueless of all time employed here—the most against the interests of his constituents and mine, and all other constituencies in the country—is that time employed in small political controversies. With a country oppressed by taxation and laboring under financial embarrassment, with the people actually suffering, we cannot afford, in considering an appropriation bill like the one now up, to descend to small partisan debate, and mere petty, party discussion.

Now, Mr. Speaker——

Mr. WHITE. Now, Mr. Speaker, before the gentleman goes further, I hope he will allow me a moment.

Mr. HOLMAN. My friend will excuse me——

Mr. WHITE. He will certainly allow me a moment, after making that harangue?

Mr. HOLMAN. My friend will have to excuse me.

Mr. WHITE. I ask a moment; I wish to make a statement.

Mr. HOLMAN. I cannot yield.

The SPEAKER *pro tempore*. The gentleman from Indiana has repeatedly stated to the gentleman from Kentucky that he declined to yield.

Mr. WHITE. The gentleman from Indiana does not desire to do me injustice.

Mr. HOLMAN. The gentleman can get another time for political discussion. I am now seeking to discuss a question of appropriation of public money.

The SPEAKER *pro tempore*. The gentleman from Indiana is entitled to the floor without interruption, and will proceed.

Mr. HOLMAN. The gentleman from Maine, [Mr. HALE,] who has made a very fair and temperate statement with regard to the spirit with which this conference has been conducted, overlooks the fact that this bill, like all others appropriating money, almost all, contains important legislative provisions, changes in the fundamental law of the departments.

My friend should not have overlooked that fact. It was known to the House and to the Senate that many millions of acres of absolutely worthless lands had been surveyed; desert lands that by no possible irrigation could be made valuable for agricultural purposes; that many millions of acres of such lands had been surveyed, giving enormous profits to those who made the surveys. Perhaps of the 161,000,000 acres of surveyed lands undisposed of it will be found that at least 50,000,000 acres have been surveyed at enormous prices, three times the prices that were paid immediately after the war, that are absolutely worthless. Now, sir, we have cut off this evil at the root by a legislative provision of this bill. We provide that no lands shall be surveyed except lands that are naturally adapted for agriculture or capable of being adapted to agriculture by the facilities that may be furnished or can be furnished by irrigation, and coal lands and mineral lands, rendering it impossible under the law that vast sums of money should be expended in the survey of desert lands, sand banks that could not possibly be converted into any use for the husbandman.

We have in the same connection abolished many offices by direct legislative provision. Where land offices have become absolutely valueless, kept up from year to year as mere sinecures, the offices by this bill are abolished. The reforms in this respect I believe can be claimed to be actually valuable. And the Senate in common with the House has participated in bringing forward these reforms, legislative reforms, by placing them on this appropriation bill.

I wish to call the attention of the gentleman from Maine [Mr. HALE] to another fact. He and the gentleman from Pennsylvania have talked about deficiencies. Why, sir, there can be no deficiency under this bill; it is impossible there should be deficiencies except in connection with two or three branches of the service.

Mr. HALE. Take printing for instance.

Mr. HOLMAN. The Department of Justice, the public printing, the revenue-cutter service, the Light-House Board, and the Signal Service are all the branches of the service involved in this bill where by any reasonable possibility a deficiency can possibly occur.

Mr. GARFIELD. I do not think the gentleman should enumerate the Signal Service as one of those where a deficiency may occur. I do not think there ought to be or can be a deficiency in the Signal Service. Last year we said to the chief of the Signal Service that he had no warrant whatever for making stations except as we gave the money; that if he did not stay within the appropriation he violated the law. I agree with the gentleman in his statement as to the other branches where there may be deficiencies, but I think that in this branch there cannot be a deficiency.

Mr. HOLMAN. I mentioned those five branches of the service where such a thing might possibly occur as a deficiency. But for that branch of the service referred to by the gentleman from Ohio, the Signal Service, we have made full and ample appropriations. In the light-house service and the revenue-cutter service the appropriations made by this bill are almost up to the appropriations made the last fiscal year; and they are substantially up to the estimates. In other words, in every branch of the public service that is absolutely necessary for the administration of the Government the appropriations are made ample.

Mr. GARFIELD. Did the gentleman refer to the Judiciary Department as a branch of the service where a deficiency might occur?

Mr. HOLMAN. Yes, sir. I mentioned the Department of Justice.

Mr. GARFIELD. I wish to say in this connection that that is one branch of the service where it is absolutely impossible for the officers in charge of it to so guide themselves that there may not be a deficiency; but of course that deficiency will not probably disclose itself until we come together again. The number of people that will be summoned as witnesses, the number of murders to be tried under our criminal jurisdiction, and the number of revenue frauds to be tried in our courts are things which no man in advance can more than approximately estimate. And therefore the gentleman may find warrant for a deficiency appropriation for that Department next winter.

Mr. HOLMAN. I have taken all that into account. I have mentioned the Department of Justice and the Printing Bureau, the appropriations for the Department of Justice being $2,500,000 and the appropriations for the Printing Bureau $1,100,000. I do not hesitate to say that so far as the question of deficiencies arising under this bill is concerned it is impossible that there should be deficiencies, except those growing out of one or the other of those branches of the service. The opinion of the Senate seems to concur with that of the House that the appropriation of $2,500,000 to the Department of Justice was ample. The Senate did not increase that sum, although the appropriation made by the House reduced the amount half a million below the appropriation of the last fiscal year. I therefore feel perfectly confident that there cannot come before this House at the next session from the Departments deficiencies of any considerable moment. I question very much whether a condition of things can possibly occur where a deficiency to the extent of a single dollar can be presented by the Departments of the Government. And I am very glad that the gentleman from Pennsylvania, the chairman of the House Committee on Appropriations, and the gentleman from Maine have both given, in effect, the one rather more positively than the other, notice to all the Departments of the Government that it is the belief of this House after making a very careful investigation and a very impartial investigation, an investigation conducted not by one side of the House but by both sides of the House, that the appropriations made by this bill are ample.

Mr. GARFIELD. Will the gentleman state how much reduction in this bill grows out of reductions in the appropriations for public buildings?

Mr. HALE. The gentleman means the difference between this year's appropriations for that purpose and the last.

Mr. HOLMAN. The gentleman from Ohio knows what the appropriations were last year.

Mr. GARFIELD. I do not know.

Mr. HOLMAN. Something over $4,000 for new buildings.

Mr. RANDALL. This bill appropriates $2,000,000 less for that purpose.

Mr. HALE. A little more than that.

Mr. HOLMAN. It is a little more than $2,000,000, and the reduction in the bill from the appropriations for the last fiscal year will be about $8,000,000 without taking public works into account.

Mr. GARFIELD. In the same connection I desire to ask the gentleman if he remembers what is the amount appropriated in the bill as reported from the committee on conference for the new building for the State, War, and Navy Departments?

Mr. HOLMAN. Three hundred and fifty thousand dollars.

Mr. GARFIELD. And the estimate was $1,300,000. Of course we can stop the work on that building, but as the work is going forward, and as it has been repeatedly suggested to us that the archives of the War and Navy Departments are kept in buildings which are liable to be burned and which are not fire-proof, is it policy to delay the completion of this building? We pushed the construction of that wing of the building designed for the State Department for the sake of getting the precious archives belonging to that Department out of danger of fire, and I ask the gentleman from Indiana if he thinks it wise to cut off a million dollars of the estimate of this work and appropriate an amount merely sufficient to carry the building up a short way, and not sufficient to make it habitable; whether we are not, in doing this, running a risk which we ought not to do and postponing a necessary appropriation, not saving it?

Mr. HOLMAN. The gentleman's policy of completing these great buildings at once in fact largely increases the amount of cost, in the judgment of those who have investigated the subject, instead of diminishing the cost.

The great buildings which have been constructed in this city, including the Treasury Department, were in progress for some twenty years. There was no attempt made in those days to finish these large structures at once, as we are now trying to do. It was not thought necessary to burden the country by such heavy exactions. All these large buildings in this city, the Post-Office Department, the Patent Office, and the Treasury building, were built up slowly through a very considerable period of years.

Now, the gentleman from Ohio was very well aware that the War Department and the Navy Department, which contained these precious archives to which he refers, are at least as secure now as they have been for the last half century.

Mr. GARFIELD. O, no, they are not; because a balloon story has been added to each of those buildings of very light material, and in consequence we have twice had the Navy Department on fire and some of the records have been destroyed. That should be a warning to us against delaying the building of the present edifice.

Mr. HOLMAN. The buildings are now more secure than they were before the war.

Mr. GARFIELD. O, no; far less.

Mr. HOLMAN. There are a greater number of persons employed as watchmen and in other ways; these archives are much more secure now than they were twenty-five years ago. We only entered upon the erection of this new building very recently, and so far as the War and Navy Departments are concerned new buildings would not have been erected for them at all had it not been in connection with the State Department. It becomes necessary to erect a building for the State Department because there was no building at all for that Department. Gentlemen will remember that the State Department was at the north end of the Treasury building, but the new Treasury building was built slowly and was the work of years, and when, in the progress of its reconstruction the corner where the old State Department was reached, it was torn down and the Treasury building was extended. We had then no building for the State Department, and the necessity for a new building for that Department lead to the idea that a building should be put up which would include the War and Navy Departments. But for this, even in the prosperous times which we had a few years ago, when the country was feeling no burden at all, I think the construction of a new Navy and War Department would not have

been thought of. But it was perhaps well enough that the work was entered on in connection with the new State Department. There is, however, no such necessity of haste about this matter as to require us to throw the labor of years into a single year and place on the industries of the country burdens of taxation in a single year which ought to be borne for a period of several years. Let us learn something from our fathers in reference to this matter of burdening the people for public works.

There is one item to which neither the gentleman from Maine [Mr. HALE] nor the gentleman from Pennsylvania [Mr. RANDALL] has referred, and that is the insertion in this bill of a provision which was not referred in any form to the committee of conference. I believe there have been few instances of this kind, but I feel confident that with a full knowledge of the fact every gentleman will concur in the provision. It was found that the agents for the Alaska fur-seal fisheries had not been provided for in any of the appropriation bills and had been overlooked in the estimates.

We have four of these agents, or rather one principal agent and three assistants at the islands of Saint George and Saint Paul. Their compensation is fixed by law, and the amount to be received by them as traveling expenses to Alaska and back for the purpose of counting the number of skins taken from the fur seals is also provided by law. Under these circumstances and at the urgent request of the Treasury Department, the committee of conference consented to incorporate an appropriation of the necessary amount of money, providing at the same time for abolishing two of these assistants after the 1st day of next October. A gentleman of very great intelligence, and more familiar with those fur-seal islands than any other gentleman in this country that I know of, a gentleman who was sent as an agent to that region at two different times, I think, by special provision of law——

Mr. GARFIELD. I suppose the gentleman refers to Professor Elliott, of the Smithsonian Institution.

Mr. HOLMAN. Yes. After consulting with him as to the duties of these agents, it was thought entirely safe to diminish the number of assistants by two. We have appropriated in this bill the necessary money to pay the salaries of one principal agent and one assistant for the present fiscal year, and to pay the salaries of the other two assistants up to the 1st day of October next, by which time they will have returned to San Francisco. The offices of those two assistants are abolished after that time, leaving but the principal and one assistant.

I believe I have referred to the only instance in this entire bill where a subject was acted upon which was not properly referred to the committee of conference by one or the other House. I believe the uniform practice has been, where such a thing as this has occurred, to call the attention of the House to the fact, for the House has the right to assume that the committee of conference took jurisdiction of no subject-matter except those regularly referred to it for action.

I had intended to yield long before this to the gentleman from Minnesota, [Mr. DUNNELL,] and will do so now with great pleasure.

Mr. DUNNELL. I came to my seat just as the gentleman from Indiana [Mr. HOLMAN] was referring to the very safe condition of the War and Navy Department buildings. I desired to ask him if he was not aware that last winter the Secretary of War issued an order that in almost every room in the War Department building no fire should be built, in order to avoid a conflagration, and that in those buildings they are unable to have the ordinary fires in winter because those buildings are regarded by the officers who have them in charge as utterly unsafe?

Mr. HOLMAN. The buildings are not fire-proof, as my friend knows. I simply meant to say, and presume I did say, that the War and Navy Department buildings are as safe now as they have been at any time for the last fifty years. There is no new emergency in regard to them. They are now a great deal better buildings than they were before the war; they are as good as they were during the war and as they have been since the close of the war, when these archives were as precious and perhaps a little more valuable than now, that the most valuable of them have gone into history. It is very true that there is now a great deal of very valuable material there which must be preserved; but there is no reason for extraordinary expenditures now to complete a fire-proof building for either the War or the Navy Department.

And I wish to say further to the gentleman that we appropriate $350,000 for that building. We deal here in such enormous sums of money that amounts which a few years ago would have been regarded as very large scarcely arrest our attention. Look over the appropriations from year to year for the construction and completion of the new Treasury building. I think there was but one instance during the whole progress of that great edifice that the annual appropriation for that purpose was larger than $300,000.

Mr. MILLER. Will the gentleman yield to me for a question?

Mr. HOLMAN. Certainly.

Mr. MILLER. Is it true that the Government is now paying large sums for rent of buildings in this city, which it would not be obliged to pay if this building was completed?

Mr. HOLMAN. The Government would save a very considerable sum of money in that way. But still it is certain we are permitting the Departments to pay at least twice as much for rent as ought to be paid.

I will mention to the gentleman from New York [Mr. MILLER] one objection there is to a large appropriation at this time for the new State Department building. By the contract under which that building is being constructed, and which we must certainly get rid of sooner or later, a very great wrong is being done the country. Under that contract we pay parties having the contract for finishing the rough stone so as to adapt it for use in the building a profit of 15 per cent. upon the entire cost. Therefore the larger the amount of money they can expend for labor upon this rough stone, in hewing the stone into shape, the more their emoluments will be increased. As soon as that contract is got rid of, and this unwarrantable drain upon the Treasury can be stopped, I for one will be willing to increase the annual appropriation for that building. Still I regard $350,000 for that building ample under the circumstances, and very ample indeed in view of the fact that at this time the Treasury is suffering so monstrously by this most unjustifiable contract.

Mr. MILLER. If the gentleman will allow me, I will say that I do not belittle the sum of $350,000. But it seems to me that in a business point of view, as business men, it is poor economy for us to pay out large sums of money for rent and to lose the interest of all the money we have already expended upon this new State Department building, while the property itself is probably being depreciated by not being completed. If it was a new building, like the post-office building in Philadelphia, for which the Committee on Appropriations have given $450,000, I might think there was some force in the argument that we had better not make a large appropriation for commencing a new work. But when the work is already commenced and far advanced, it seems to me to be economy to push it forward to completion.

Mr. RANDALL. The statement of the gentleman from New York [Mr. MILLER] needs correction. In the first place, the building at Philadelphia is not a new one, but a building in progress. Three million dollars has been appropriated for it already. In the second place, the amount we appropriate this year is $350,000, not $450,000.

Mr. MILLER. The money heretofore appropriated seems to have been expended in buying the ground and in providing the material; for the gentleman from Illinois [Mr. LE MOYNE] told us the other day that he could see nothing of the building above ground, and he had seen it very recently.

Mr. RANDALL. That is owing to the neglect of the architect, who went off to buy nine hundred thousand dollars' worth of stone for the first, second, and third stories, and forgot that he required stone for the foundation.

Mr. MILLER. I do not understand that stone is such material as would depreciate by delay or perhaps improve very much by seasoning.

Mr. HOLMAN. I wish to say (and with these remarks I will conclude what I have to say on this bill) that this whole system of renting buildings for the Government in this city is in the main a system of favoritism. Large numbers of buildings rented in this city at high rents are manifestly not actually required for the public service.

Mr. MILLER. Then we had better stop that evil at once.

Mr. HOLMAN. I doubt very much whether even the completion of the new War Department and Navy Department building will put a stop to this system of favoritism. The only way in which we can arrest this evil is by cutting off the appropriations, which we have largely done this year.

Mr. HALE. Did not the last Congress strike at the root of that evil by providing that thenceforward no building in the city of Washington should be hired for any purpose by the Government until an estimate had been submitted and an appropriation therefor made by Congress?

Mr. HOLMAN. That is true.

Mr. HALE. I remember that circumstance with some pride, because of my own participation in the matter.

Mr. HOLMAN. Yes, sir, the gentleman offered that provision; and it was adopted. It was a very wise provision; but gentlemen should bear in mind that since that time buildings have been rented in utter disregard of that limitation.

Mr. DUNNELL. I want to occupy just a single moment. I think the gentleman from Indiana [Mr. HOLMAN] is always anxious to be well understood. He stated a few moments ago that the records in the War Department had largely passed into history, and that the present records there are comparatively valueless.

Mr. HOLMAN. As compared with what were there during or at the close of the war.

Mr. DUNNELL. The records that were in the War Department at the breaking out of the rebellion had very largely passed into history; but the records there now are of greater value than at any previous time in the history of the Government. The War Department records could have been better lost at any other time than the present. Their value is beyond estimate.

Mr. HOLMAN. Why more valuable than before the war?

Mr. DUNNELL. They have been largely increased in quantity. There have been added to the archives of the War Department valuable rebel records—records for which we paid large sums.

Mr. HOLMAN. Does not my friend know that the most valuable of the records of the War Department—those pertaining to the Second Auditor's Office—are not in the War Department building at all, but in Winder's building, a structure understood to be entirely fire-

proof. That building contains the most valuable archives of the War Department.

Mr. DUNNELL. The Adjutant-General's Office is in the War Department building; and it is in the Adjutant-General's Office that the test is made of the verity and correctness of all the other records.

Mr. HOLMAN. But the soldiers are interested particularly in the records of the Second Auditor's Office; and those are in Winder's building, a fire-proof edifice.

Mr. RANDALL. Mr. Speaker, this question in regard to the archives brings me to consider some statements made yesterday in the Senate, in which the impression was given or attempted to be given that we had in some way interfered with the appropriations for the preservation of the rebel archives, and thereby interfered with the defense of the Government against improper claims.

Now, sir, those rebel archives are appropriated for in three different ways: first, in the legislative appropriation bill, where the amount given is $6,000; again in this sundry civil bill, the appropriation here being $6,000; and besides there is another item which last year was $50,000, but which the Committee on Appropriations have reduced to $40,000.

Now, I rather regret that allusion has been made to this subject in the Senate, because it brings me to notice a great abuse which has taken place in connection with the expenditure of the money heretofore appropriated; and this is one of the reasons why we have reduced the appropriation: In connection with the appropriation of $50,000 made last year, a provision was incautiously inserted, under which clerks already receiving salaries from the Government were allowed to do additional work at additional pay in copying these archives. Under this provision regularly authorized clerks receiving already salaries from the Government have obtained a large portion of this money in addition to their regular pay. And the result was that toward the end of the fiscal year quite a number of clerks who had been paid out of that fund were discharged, when, if this appropriation had not been allowed to be eaten up by additional salaries to regular clerks, they would have been continued up to the end of the fiscal year. For instance, the chief clerk of the War Department, in addition to his regular salary, drew some sixteen hundred dollars from this fund. I think it was an improper act, and if I had been Secretary of War it would have been short work for that officer. Another officer, a Mr. Barnard, has received in one way or another additional pay out of this fund.

And this is the abuse the committee have cut off. Incautiously this was allowed under a sort of provision embraced in the last year's appropriation bill. This gross abuse was allowed seemingly under the law. No such thing was ever intended. It was not understood at the time, for if it had been it would have been at once corrected. In addition to the two officers I have named there are others in the War Department who have been paid out of this fund double salaries. This is what we have cut off in the amount we have appropriated for the rebel archives to which I have alluded.

The CHAIRMAN. The hour of the gentleman from Pennsylvania has expired.

Mr. EDEN. I wish to ask the gentleman what is the amount which remains in the various appropriations relative to these rebel archives?

Mr. RANDALL. This fund was exhausted. It was exhausted before the end of the last fiscal year and exhausted in the manner I have stated by salaried officers in the War Department receiving additional or double salaries paid out of that fund for which there was no justification in my mind, although the law was so cunningly framed as seemingly to allow it. It is what is known in the Treasury Department as a "slush" fund. We came across items of the same sort in other bills. There is one in the legislative bill which I hope will be stricken out.

I promised to yield to the gentleman from Illinois [Mr. HARTZELL] and then to the gentleman from Virginia, [Mr. HARRIS,] but as my hour has expired I will allow the gentleman from Illinois to take the floor and he can occupy it in his own right and after him the gentleman from Virginia can take the floor and then I will demand the previous question.

Mr. HUBBELL. I call for the regular order of business.

Mr. HALE. I hope there will be no objection to the extension of the time of the gentleman from Pennsylvania.

Mr. RANDALL. I am obliged to the gentleman, but I do not want it.

RETRENCHMENT AND REFORM.

Mr. HARTZELL. Mr. Speaker, while it is not my purpose to elaborately argue the many points of difference between the party I have the honor in part to represent on this floor and the republican party, I hope to be able briefly to recur to those most prominent. It can doubtless be said with truth, as a general proposition, that the long-continued retention of power by any party in any country begets corruption. It can certainly be truthfully stated that this general condition is exemplified by republican rule.

In as brief a manner as possible, I propose to show by figures and undisputed facts that since the conclusion of the late war the expenses of all the different departments of the Government have been on the increase; that while all the valuable industries are languishing, while all the products of labor are decreasing in value, while the agricultural, manufacturing, mercantile, and labor interests are under the influence of stagnation that almost equals death, offices and office-holders are increasing in number, and public expenditures consequently alarmingly increasing in amount; that money-wealth, instead of being diffused among the many and throughout the producing districts, is rapidly accumulating in the few and in the cities; that we have fallen upon those times that, either from unwise administration or some other unfortunate and uncomprehended condition, the rich few are daily becoming richer and the poor many, who are the bone and sinew of the state, are daily becoming poorer. Assuming that this state of affairs exists, the highest duty of a Representative of the people is to carefully study the situation and attempt to apply a remedy. One remedy from which immediate relief must result to the people is by reducing expenditures, and thereby decreasing the burdens of taxation.

It has been the effort of the majority of this House from the first day of this session until now to decrease the financial budget for the present year. Although enthralled as we have been by constant opposition from the minority, there has been a reduction of over $30,000,000, without interfering with the efficiency of any of the Departments of the Government. To this reduction a factious and unauthorized opposition has been developed in the Senate, the republican branch of Congress, and while their leading representatives are constantly promulgating theories of rigid economy for the laboring millions they oppose with desperate energy every effort to deprive the official household of any of their gaudy trappings, useless display, and riotous extravagance. The democrats demand as the representatives of the people that the strictest economy shall be practiced in the administration of public affairs; that useless offices shall be abolished and that useless office-holders shall be driven to producing pursuits; that, instead of absorbing the hard-earned wages of the poor, they shall by labor be compelled to add their quota to the wealth of the state.

Before I conclude it will be my attempt to show that offices and office-holders in the midst of the general depression that has surrounded us for the last few years have been almost constantly increasing; that the apparent attempt has been to make places to reward partisans rather than to consider the welfare of the people or the economy of public administration. It cannot be doubted that without damage to public interest from four to five hundred millions of dollars could have been saved to the people in the last ten years, the saving of which would have prevented the present depressed condition of affairs and the untold and little-understood misery and unhappiness that it entails. What, then, is our duty and what do the people demand?

Retrenchment, economy, and reform are demanded by the people. The eloquent appeals of unscrupulous politicians to secure partisan triumph and the rhetorical fulminations of partisan laudation, partisan honesty, and partisan integrity in this often-referred-to centennial year will not suffice to meet their demands. They demand of their servants, to whom they have confided the control of this great and free nation, that they shall be frugal, honest, and economical in all their expenditures and expel from the public service at once and forever all venal, incompetent, and corrupt men. They demand, sir, that fraud and corruption shall at once cease in every Department of the Government, and that there be an immediate return on the part of all officials to that economy, patriotism, and virtue which characterized the conduct and action of our fathers. They demand a reduction of expenditures in every branch of the Government, and that not one dollar nor one dime more than is absolutely required for carrying on our Federal affairs shall be appropriated from their depleted Treasury. They demand that the extravagance and reckless expenditures which have crept into the various departments within the past fifteen years shall absolutely and forever cease. They have witnessed with sorrow and indignation the frauds, the peculations, and the arbitrary acts of the party in power. They have seen their Treasury despoiled, their Constitution wantonly violated, their States subverted, and their Legislatures dispersed to maintain the power, patronage, and supremacy of a party.

Fraud and corruption in office are almost as frequent as the offices themselves are numerous, and the greatest violators of law have their apologists among the highest officials in the land. The history of civil service, as administered by the party in power, is a recital of extravagance, fraud, and corruption. Men occupying high and responsible positions as Government officials, whose characters are blackened by crime and who are in some instances arraigned before the tribunals of their country to answer indictment, are still recognized as suitable persons to perform the functions of their high offices. Rings have been formed with and without congressional aid for the purpose of plundering from the people's Treasury the results of their hard-earned gains. Money is deified and wealth is so centralized that free institutions are endangered and the rightful power of the people destroyed. A disregard for the sacred teachings of the Constitution and a contempt for the forms of law mark the advent and the reign of the party in power and will result in their overthrow. Party despotism is unrelenting in its demands, and he who profits by its influences is compelled to wear, like Gurth, the collar around his neck marked "this is the born thrall of Cedric the Saxon."

But, sir, the time has come, and very fortunately, too, for the welfare of the country, that empty promises and loud professions of economy by political parties will not satisfy the demands of the over-taxed people. They have declared for true economy in every department of

the Government, and that all reckless expenditure shall absolutely cease. They have defied the authority of party, which for so many years has chained the country to the car of corruption. With united voice they demand that their servants in all official positions must be honest, economical, and competent. We are admonished daily by the condition of all our material interests that retrenchment, economy, and reform in all the departments of the Government are absolutely required for the perpetuity and preservation of the life of the nation. American commerce has almost abandoned the high seas; the agriculturists of the country are bowed to the earth with low prices and oppressive taxation and are struggling on their broad acres for a bare existence; the factories and machine-shops are nearly all idle, mechanics are thrown out of employment, and in many instances are without the actual necessaries of life; destitution and misery are stalking from city to city, from hamlet to village, and from ocean to ocean.

While the business of the country is paralyzed and universal bankruptcy threatens the whole people, the burdens of taxation are more oppressive, ruinous, and exacting than ever before.

National taxes, State taxes, county taxes, town taxes, municipal taxes. The collector is as inevitable as the grim messenger of death. Incomes, profits, wages, all these fail, but taxes rise.

Mr. Speaker, during the year 1875 there were 7,740 business failures in this country, whose aggregate losses were $201,060,353, and during the first three months of the year 1876 the failures amounted to 2,806 and the losses amounted to $64,644,156. If the failures continue throughout the remainder of this year in the same proportion, they will present the startling number of 11,224, while the aggregate losses will reach the enormous sum of $258,500,000. With these numerous evidences of financial ruin, which are constantly presented to the minds of the people, is it surprising that they should forget party ties and leaders and look only to the protection of themselves and the preservation of their Government from universal bankruptcy and decay? The great political revolution that swept over this country in 1874 and gave to the democratic party a majority in this branch of the legislative department was inaugurated by the people of all political parties in the interest of economy, retrenchment, and reform. And, sir, if we prove faithful to our trusts and obey the demands of the people in appropriating such sums of money only as are requisite and necessary for an economical administration, the ides of November next will witness a revolution at the ballot-box unequaled in the annals of our political history. Sir, understanding, as I think I do, the wants and desires of the people whom I have the honor to represent, knowing, too, the hardships and privations to which they are subjected by cruel and reckless legislation and oppressive taxation, I am ready and willing to vote for all necessary appropriations for an economical administration of the Government, but not one dollar more. I am one of those, Mr. Speaker, who hold that governments like individuals must be economical to be successful. The question presented by the republican policy in their determination to perpetuate present extravagance is whether we shall make further loans and spend the principal and go only for a few years to come to the people for the interest, or so increase the burdens of taxation that the principal sum can be extorted from them annually, while the majority of this House demand such reduction of expenditures that the inauguration of this republican policy is unnecessary.

The gentlemen on the republican side of this House insist that they are for retrenchment and reform wherever it is possible. But when you propose the reduction of the salaries of any of the employés in the Departments they say it is not practicable. When you propose a reduction of the clerical force in any o f the Departments of the Government, they say you cannot do it without seriously affecting the public service.

The truth, is Mr. Speaker, the loud professions of economy coming from the gentlemen on the other side are a deception. They are intended to be extensively circulated over the country with the hope of deluding the people into the belief that they are in favor of reducing the expenditures, while in reality they are here laboring and voting for excessive appropriations and high salaries, which in the aggregate amount to many millions of dollars more than are required for an honest and economical administration.

In 1855, while discussing the appropriation bills of that year in the Senate of the United States, Mr. Benton said: "That a practical man, acquainted with the objects for which the Federal Government was created and familiar with its financial workings from the time its fathers put it into operation, could take his pen and cross out nearly the one-half of the appropriations for that year, and leave the Government in full vigor for all its proper objects, and more pure, by reducing the number of those who live upon the substance of the people." Sir, while the Committee on Appropriations have not gone to the extent suggested by Colonel Benton in 1855, they have had the wisdom and courage to reduce the appropriation for this year $39,000,000 below last year, and the democratic side of this House have had the courage and patriotism to stand by them in their labors. I am aware, sir, that the annual saving of $39,000,000 is of small consequence to some of the gentlemen on the other side of this House, but it is of vast importance to the tax-paying people of the country, who must meet it. Why, Mr. Speaker, the entire net ordinary expenses of this Government for the year 1846 were only $26,418,459.59, being over $12,500,000 less than the reductions made by this House. I desire in this connection to submit some carefully prepared tables showing the annual net ordinary expenses of the Government, exclusive of pensions and interest upon the national debt, from 1852 to 1860, both inclusive, and from 1867 to 1875, both inclusive:

1852	$37,988,095 78
1853	42,321,850 15
1854	50,734,863 42
1855	54,838,565 39
1856	65,476,297 99
1857	64,730,763 12
1858	71,710,668 87
1859	65,133,727 36
1860	58,955,952 39
Total amount net ordinary expenses for nine years from 1852 to 1860	511,290,804 47

The following table shows the annual net ordinary expenses of the Government, exclusive of pensions and interest upon the national debt, from 1867 to 1875, both inclusive:

1867	$182,011,182 16
1868	206,132,701 33
1869	161,989,733 17
1870	136,081,304 98
1871	123,139,932 70
1872	124,668,453 43
1873	151,129,210 04
1874	149,580,570 34
1875	142,673,632 05
Total amount net ordinary expenses for nine years from 1867 to 1875	1,376,806,720 20

Here, Mr. Speaker, we see that the net ordinary expenses of the Government for the nine years from 1867 to 1875, exclusive of pensions and the interest upon the national debt, exceed those for the nine years from 1852 to 1860 in the enormous sum of $865,515,915.73, nearly half enough to pay the whole national debt. Sir, is it not time that the American people were ordering a halt in all extravagant legislation and reckless expenditures and demanding in the most emphatic manner a return to that economy and simplicity which are the safe guards of a republican form of government? The people refuse longer to close their eyes to the imperial displays which are going on all around them, and which not only threaten a subversion of free institutions, but are impoverishing and bankrupting the country. In this connection, Mr. Speaker, I wish to present the following carefully prepared statement, showing the amount of the different appropriation bills passed by this House as compared with the appropriations made for the same purposes by the last Congress:

Military Academy bill:	
Amount recommended by this House for year ending June 30, 1877.	$231,241 00
Amount appropriated by last Congress	364,740 00
Reduction over last Congress	133,499 00
Pension bill:	
Amount recommended by this House for year ending June 30, 1877.	$29,533,500 00
Amount appropriated by last Congress	30,000,000 00
Reduction over last Congress	466,500,00
Consular and diplomatic bill:	
Amount recommended by this House for year ending June 30, 1877.	$922,847 50
Amount appropriated by last Congress	1,351,285 00
Reduction over last Congress	428,437 50
Fortification bill:	
Amount recommended by this House for year ending June 30, 1877.	$315,000 00
Amount appropriated by last Congress	850,000 00
Reduction over last Congress	535,000 00
Legislative, executive, and judicial bill:	
Amount recommended by this House for year ending June 30, 1877.	$13,009,807 61
Amount appropriated by last Congress	18,734,225 00
Reduction over last Congress	5,724,417 39
River and harbor bill:	
Amount recommended by this House for year ending June 30, 1877.	$5,872,850 00
Amount appropriated by last Congress	6,643,517 50
Reduction over last Congress	770,667 50
Deficiency bill:	
Amount recommended by this House for year ending June 30, 1877.	$662,315 07
Amount appropriated by last Congress	4,703,699 18
Reduction over last Congress	4,041,384 11
Post-office bill:	
Amount recommended by this House for year ending June 30, 1877.	$32,189,109 00
Amount appropriated by last Congress	37,524,361 00
Reduction over last Congress	5,335,252 00
Navy bill:	
Amount recommended by this House for year ending June 30, 1877.	$12,808,655 40
Amount appropriated by last Congress	17,011,306 90
Reduction over last Congress	4,202,651 50
Indian bill:	
Amount recommended by this House for year ending June 30, 1877.	$3,905,771 27
Amount appropriated by last Congress	5,360,554 55
Reduction over last Congress	1,454,783 28

Army bill:	
Amount recommended by this House for year ending June 30, 1877	$23, 254, 477 12
Amount appropriated by last Congress	27, 933, 380 00
Reduction over last Congress	4, 678, 902 88
Sundry civil bill:	
Amount recommended by this House for year ending June 30, 1877, about	$14, 926, 981 74
Amount appropriated by last Congress	26, 644, 350 09
Reduction over last Congress about	11, 717, 368 35

The following statement shows the actual reductions made in the twelve appropriation bills passed by this House for the fiscal year ending June 30, 1877, over those passed for a similar purpose by the last session of the republican Congress for the fiscal year ending June 30, 1876:

Military Academy bill	$133, 499 00
Pension bill	466, 500 00
Consular and diplomatic bill	428, 437 50
Fortification bill	535, 000 00
Legislative, executive, and judicial bill	5, 724, 417 39
River and harbor bill	770, 667 50
Deficiency bill	4, 041, 384 11
Post-Office bill	5, 335, 252 00
Navy bill	4, 202, 651 50
Indian bill	1, 454, 783 28
Army bill	4, 678, 902 88
Sundry civil bill	11, 717, 368 35
Total amount of reductions	39, 487, 865 51

In this connection permit me to present two additional tables, one showing the increase *per capita* of taxation, and the other showing the increase of civil offices; both of which demonstrate the fact that extravagance in expenditures and expansion of offices have gone hand in hand under republican rule:

Taxes in the United States.

	1850.	1860.	1870.
	Gold.	*Gold.*	*Currency.*
Federal taxes	$40, 000, 000	$60, 010, 112	$450, 000, 000
State, county, city, and town taxes	43, 000, 000	94, 186, 746	280, 591, 521
Total	83, 000, 000	154, 196, 858	730, 591, 521
Population	23, 191, 876	31, 443, 321	38, 558, 371
Taxes, per head:			
Federal	1. 72	1. 91	11. 67
Local	1. 85	2. 99	7. 24
Total	3. 57	4. 90	18. 91

The following statement of the number of employés borne upon the civil list of the United States from 1859 to 1875, inclusive, is compiled from the Biennial Registers:

1859	44, 527
1861	46, 049
1863	47, 375
1865	54, 167
1867	56, 113
1869	54, 207
1871	57, 605
1873	86, 660
1875	94, 119

Thus, Mr. Speaker, with the united opposition of our republican friends this House has reduced the appropriations for the fiscal year ending June 30, 1877, below the actual appropriations made by the last Congress for the fiscal year ending June 30, 1876, over $39,000,000; and much larger reductions could have been made without injury to the public service had we but men at the head of our governmental affairs who are in sympathy with the people and impressed with the necessity of economy and reform. And yet, sir, after all that this Congress has done in the reduction of expenditures and in lifting burdens from the shoulders of the people which have so grievously oppressed them for many years, we are still told by our republican friends in this House that economy, retrenchment, and reform is the mere party cry of political demagogues. Sir, the gentleman from Nebraska [Mr. CROUNSE] struck the key-note of his party on that side of the House when but a few days ago on this floor he used the following words:

> Now, I am not one of those gentlemen who advertise themselves in advance as being in favor of retrenchment and reform. If there are any words of which I am sick, and if there are words which have been used to cover up hypocrisy, those are the words.

Sir, let me say to the gentleman and his political associates upon this floor that they will grow much sicker when they go back to their constituents and attempt to explain these words and their actions here in fighting to the death every effort at retrenchment and reform by this side of the House. Our action is potent and endowed with an energy adequate to a wholesome result, and so gentlemen will find it at the polls.

I wish now, Mr. Speaker, to call attention to another authentic statement showing the annual appropriations made by Congress for defraying the expenses of the folding-room for folding documents and speeches of members of Congress from 1861 to the present time. I give this as another example of republican financial policy. Though comparatively small in its results, it is one of the patent indications of their extravagance and reckless disregard of the public Treasury:

Appropriations for House folding-room.

1861	$30, 000 00
1862	30, 000 00
1863	30, 000 00
1864	30, 000 00
1865	30, 000 00
1866	30, 000 00
1867	30, 000 00
1868	42, 000 00
1869	122, 000 00
1870	37, 000 00
1871	80, 000 00
1872	100, 000 00
1873	100, 000 00
1874	100, 000 00
1875	41, 200 00
1876	25, 000 00
1877	15, 000 00

Here, sir, we have presented the remarkable fact that from 1861 to 1867, during the whole period of the civil war, when labor was high and our currency was depreciated to about forty cents on the dollar, the actual expenses of the folding-room were only $30,000 per annum, while the appropriations for the same purpose from 1868 to 1875, when labor was cheap and when, too, our currency had appreciated in value to within a few cents of par, averaged the enormous sum of $77,750; and for the year 1869 the appropriation amounted to $122,000, and for the years 1872, 1873 and 1874 the appropriations reached the sum of $100,000 per annum. During the last session of the Forty-third Congress, when the republican majority saw that the control of this House was about to pass into the hands of the democratic party, they were seized with a violent spasm of economy, and in their appropriations for the fiscal year ending June 30, 1876, they allowed but $25,000 for the folding-room. They thus admitted that the democratic party could run this department of the Government much more cheaply than they could. But, sir, this reduction of expenditures in this branch of the service by our republican friends during the last session of the Forty-third Congress for the fiscal year ending June 30, 1876, was not sufficient to satisfy the wishes of the majority of this House, and they have reduced the appropriations for this purpose to $15,000 per annum.

The object of these excessive appropriations for the folding-room while the House was under republican control was to enable them to use the public treasure to defray the expenses of their political campaigns by the distribution of documents and otherwise. The object of reduction to $25,000 by the republican House last session was to prevent the democratic party from using this weapon for the advancement of their cause. The democratic party, however, represented as they are in this House by a majority, and confident of its continuance by the people, have further reduced the expenses of the folding-room $10,000, thus showing by acts that they commend themselves to the people by true economy.

While, sir, it has been universally admitted that this House has the constitutional right to determine the rules of its own proceedings, and to designate the number of its employés and the appropriations necessary to defray its annual expenses, it has been left for the present Senate to reverse this long-established custom, and have constituted themselves the guardians of this House. In the legislative, executive, and judicial appropriation bill, which originated in and passed this House April 28, 1876, the number of employés and their salaries were fixed by this House, and the necessary sums of money appropriated to meet the current expenses of this branch of the public service for the fiscal year ending June 30, 1877. But, sir, what is the condition of this bill when it has passed the Senate? We see, sir, that the number and compensation of the employés of the House of Representatives have been increased by the Senate amendments, and the appropriations made by this House to defray its own expenses for the fiscal year ending June 30, 1877, have also been increased by the Senate amendments over $224,000. This is $224,000 more than this House deems requisite or necessary to defray its expenses for the present fiscal year; and yet the Senate insist that we must appropriate and expend this large sum uselessly and extravagantly. In this we have another specimen of republican economy and reform—a policy which looks only to an extravagant expenditure of the people's money, and a needless increase of the burdens of taxation. A policy that cowered before the purifying influences of a Bristow, the greatest reformer of his party, and finally forced him from the Treasury Department, and caused the dismissal of almost every employé who had aided his efforts or who dared to speak of him in terms of praise or admiration.

Mr. Speaker, this is not the kind of reform demanded by the people of this country. They oppose, in the most emphatic manner, the removal from office by the Administration of such men as Bristow and Dyer—men who have proven themselves the best and truest reformers of their party, and who were ready and willing to strike down every violator of law wherever found, regardless of partisan influences or political considerations. No greater truth was ever uttered than that which fell from the lips of a prominent and influential republican of Massachusetts a few days ago, "that reform within the republican party is out of the question at present, and that the only hope of the country is in the democrats. * * * The

imperative, the solemn need of the country is a change of the national administration."

Why, Mr. Speaker, we are told in the most solemn and impressive manner by grave Senators in the other end of this Capitol that our efforts to reduce the expenditures in and to reform the abuses of the Government mean "repudiation and revolution." Sir, this is a very serious charge, and deserves to be inquired into to ascertain its truthfulness. Is it true, sir, that in our efforts to revive the business of the country which is now paralyzed, and to remove as far as possible the burdens of taxation from the people, that we are guilty of "repudiation and revolution?" Is it "repudiation and revolution" for us to reduce the appropriations over $39,000,000 below last year without impairing the efficiency of any one of the Departments of the Government? Is it "repudiation and revolution" to insist upon cutting off all useless extravagances and demanding a reform in the civil service of the Government? Is it "repudiation and revolution" to stand here in this Hall and plead for the oppressed and overburdened people of this country whose business is paralyzed, whose workshops are idle, whose farms are rendered almost worthless, whose homes are being snatched from them by the remorseless money-changers, and whose families are suffering for the necessaries and comforts of life?

Sir, the people of this country cannot be driven from the consideration of the actions of the republican Senate in refusing to cooperate with the majority in this House in cutting down the expenditures of the Government by such absurd and puerile charges as these. The people are with us in our repudiation of the extravagances which the Senate are attempting to perpetnate by resisting and refusing to adopt the appropriation bills which have passed this House. Wise and patriotic legislation, in the estimation of the party in power, consists in excessive appropriations and expenditure of the people's money, while all efforts to reduce appropriations, to retrench expenditures, and to reform abuses in the public service are "repudiation and revolution." The retrenchment and reform inaugurated by the majority in this House are in response to the urgent demands of the people, and he who attempts to resist their demands by crying "repudiation and revolution" will receive their hearty condemnation.

Mr. Speaker, there are other great and growing evils under this administration, a partial remedy for which has been presented by a bill from the Committee of Ways and Means of this House. While it may be true, sir, with the existing debt, that it is impossible to raise the revenue necessary to pay the interest and defray current expenses, without a limited protection policy, still it is the highest duty of the Representative to so direct that policy that the greatest amount will be derived as revenue. The history of the financial policy of the Administration has been to inaugurate a universal policy of protection in the application of which to the majority of the articles protected substantial prohibition of imports was accomplished; thus defeating the result professed to be desired by its authors and securing enormous and exorbitant profit to a class engaged in home production without producing one dollar for the Federal Treasury.

The nearest approximation to free trade possible is the first duty of the American people. Its tendency is to equalize the burdens and distribute labor and development in conformity to the laws of trade. The policy of the republican party has built up classes representing a few, to the detriment of the millions who represent the wealth, the safety, and the greatness of the state. The democratic party are for free trade as a principle, with no departure from it except when public exigencies imperatively demand it. The republican party are by their history the supporters of protection and the consequent establishment of class elevation and the social distinctions and money emolument that follow it.

We are told, sir, by gentlemen on this floor that the great prostration in business, the wreck and ruin which are visible in all financial quarters in this country, are attributable to the existence of a low tariff. Sir, the financial distress and business prostration which is now destroying the hopes and crushing the spirits of our people is caused by a different agency. I allude, sir, to the miserable farce known as the specie resumption act of 1875, an act declaring for a resumption of specie payments in 1879, without providing the means by which such an end could be attained. It has from the date of its passage proved a great evil to the business interests of this country. It has contracted the currency, unsettled values, prostrated business, paralyzed industries, impoverished the laboring-men, crushed the hopes and aspirations of the farmer and mechanic, and is filling the country with poverty and misery.

Sir, the tribute-receivers and the bonded aristocracy of the East speak of this resumption act as a sacred and binding law; an act that must be faithfully carried out regardless of consequences to save the honor and credit of the Government, when they know full well that it was a caucus measure designed for party purposes. It was an effort to resist a dissolution of the republican party, which at that time was without a principle of cohesion, and to fasten if possible for a few years longer a set of corrupt and greedy politicians upon the people. Why, sir, the gentleman from Maine, [Mr. BLAINE,] who while a member of this House was the recognized leader of his party, admitted in a speech made in this Hall during the early part of this session that the present resumption act was a failure, and that its provisions were not sufficiently comprehensive and broad to attain the objects and aims desired. With such admissions coming from one of the chosen disciples of immediate resumption, and the Speaker, too, of this House at the time of the passage of this act, is it not strange that this law still finds friends and apologists upon this floor?

The great democratic party of this nation in convention assembled on the 27th day of last month denounced in their platform the resumption act of 1875 as a direct and positive hinderance of a return to specie payments and demanded its repeal. And, sir, I am one of those who are ready and willing to obey the commands of that august body and will cheerfully vote and work for its repeal. While, sir, I am in favor of a return to specie payments as soon as the same can be done without material injury to the business interests and prosperity of the whole country, I am opposed to hastening the time by ruthlessly marching over the ruined fortunes, crushed hopes, wrecked homes, and impoverished labor of a prostrated and overtaxed people.

Mr. Speaker, the resumption of specie payments in this country requires more than a congressional enactment declaratory of that end. It will require the practice of the most rigid economy and reform in all the departments of the Government; a revival of the industries of the people, and a restoration of their business prosperity; the adoption of such legislation as will permit the importer to pay a part, if not all, of his import duties in Government currency, and thus appreciate the paper money in the hands of the people to a specie standard. Let these things be done, and specie resumption, in my judgment, will follow in a few years as naturally as cause follows effect, and it will find the people prosperous and happy, and rejoicing in the glorious event.

Laudation of money and money-holders presents itself in every conceivable form and upon almost every subject that comes directly or indirectly before this House. The gentleman from Massachusetts, [Mr. BANKS,] in the course of a speech made a few days since on the floor of this House, delivered himself of the following extraordinary statements:

> Look at the railroads which are carrying travelers, the products of industry, and the elements of trade to and from every part of the country, from the ocean coasts east and west to the valley of the Mississippi. How much have the people of the West paid for those railroads? As a matter of general fact, not one dollar. What the Government has not done capitalists have done, and by that aid they have got now in their hands those means of communication which will give them now or hereafter, if wise and just, the absolute control of the Government without the cost of a dollar to the people of the particular localities where the roads are established.

Although I have not made western railroad development a study, I state without fear of successful contradiction that there is no foundation either for his assumptions or his conclusions. The first great railroad enterprise in the State of Illinois was the Illinois Central, for the construction of which the people of that State donated to these benefactors, these money-holders to whom he refers with so much pride, six sections per mile of the finest land in the world, the receipts for the sale of which have, I doubt not, more than re-imbursed those who constructed it for its whole original cost. It may be said by gentlemen that Illinois received the donation from the Government. That, however, does not affect the recompense of those whom he represents as the bone and sinew and benefactors of the American family. He states that not one dollar was ever appropriated by the western people. The first condition imposed by these lords of the money-bags in the East was that the people, by their counties, cities, and towns, and their private purse, should donate enough to build the substructure of nearly every road in Illinois upon which the rail was laid. Frequently stock was issued in lieu of it, but these gentle ministers to the people's welfare always made such conditions before they would lay the rail or run the road that the power would rest with them to administer its affairs, and never failed, by their manipulations through bonds, stock, and otherwise, to "gobble" all the local subscriptions by counties, cities, and towns, and leave the real authors of the enterprise without one dollar to re-imburse them either for their genius or their labor.

In leaving this subject I assert that the railroad construction in the West by eastern money and eastern manipulation has been an exhibition of the boldest robbery known to modern civilization.

Mr. Speaker, I would not deem it necessary to refer to this matter, but the arrogance of the money-holders and their representatives would lead one uninitiated to believe that every blessing emanated from and had its vitality in the ring of a dollar. In past times and under past theories it has been believed that the laborer and producer were the real benefactors; that governments were instituted among men to promote the welfare and advancement of the honest and industrious of their race; that the blood, bone, muscle, and brain that go to make up the human family were the proper subjects for the thought, labor, and action of the statesman and philanthropist. But in these times the glitter of the golden calf seems to absorb all the faculties and all the affections of a certain class of leaders.

As a democrat, following as nearly as I can its inspirations and the teaching of its great defenders, I hold it to be my highest duty to subordinate capital and elevate labor. Let us see what one of the States of the Northwest, my own State of Illinois, has to boast of. About a half century since she was admitted into the family of States with but irregular settlements and almost a wilderness. She commenced her race with her older and more boastful sisters of the Northeast; her inherent resources encouraged emigration of the enterprising, energetic, and more daring population from the older States, who have built her by almost miraculous mental force and general energy

from a pigmy to a giant. While the Northeast were accumulating bonds exempted from taxation, were active in reaping a harvest of gold, the State of Illinois has gathered to herself the power to maintain and protect near three millions of human beings, all of whom are engaged in the useful pursuits, engaged in adding to the general wealth of the country, and are with the other producing portions of the country the corner-stone upon which our wealth, prosperity, and greatness depend. Illinois now stands the fourth State in the Union in population and wealth, and pays over four times as much to defray the expenses of the General Government as all the New England States together; pays over four times as much revenue to maintain public credit—the special devotion to which seems to be in the ownership of certain localities—as all the New England States; owns but few bonds exempted from taxation, but pays over four times the amount of interest on them that all the New England States pay. In short, I suppose bears the relation to them that the young and vigorous bear to the old and decrepit, takes care of them in their old age. These New England States have twelve United States Senators and but twenty-eight Representatives. Illinois has two Senators and nineteen Representatives. Thus showing that one Illinoisan pays over seven times as much to support the Government on the proportions of population as one New Englander, and makes him equal in usefulness in this branch of Government to seven and a small fraction of New Englanders. This is not said in the spirit of unkindness nor to create any unkindness between the sections, but to remind my friend that the old sometimes grow garrulous and exacting.

For the information of the gentleman from Massachusetts I hereto attach a copy of the report of the Commissioner of Internal Revenue for the year 1875, which demonstrates the truths of all the foregoing statements:

Statement showing net amounts of receipts from all sources of internal revenue during the year 1875 in the several States and Territories.

Alabama	$111,816 41
Arizona	10,263 06
Arkansas	71,823 39
California	2,983,595 19
Colorado	70,531 82
Connecticut	622,225 53
Dakota	10,040 18
Delaware	360,331 03
District of Columbia	111,027 97
Florida	184,547 31
Georgia	367,154 12
Idaho	13,136 00
Illinois	17,027,668 55
Indiana	4,650,883 13
Iowa	1,040,064 15
Kansas	133,535 94
Kentucky	9,022,636 66
Louisiana	583,151 85
Maine	107,261 [illegible]
Maryland	2,755,845 40
Massachusetts	2,670,491 15
Michigan	1,930,506 05
Minnesota	228,362 45
Mississippi	96,085 38
Missouri	4,591,856 77
Montana	23,066 10
Nebraska	292,472 30
Nevada	53,147 30
New Hampshire	298,812 60
New Jersey	2,362,478 29
New Mexico	21,965 52
New York	15,209,888 34
North Carolina	1,622,994 37
Ohio	14,658,235 30
Oregon	47,939 64
Pennsylvania	6,149,954 40
Rhode Island	231,767 50
South Carolina	120,818 00
Tennessee	858,910 50
Texas	257,448 37
Utah	31,545 51
Vermont	58,251 85
Virginia	7,659,639 97
Washington	21,146 60
West Virginia	508,684 38
Wisconsin	2,720,868 14
Wyoming	11,942 11

In conclusion, Mr. Speaker, allow me to say that one of the most dangerous features of the times is this constant laudation of money and constant forgetfulness of the people. Our legislation is colored by it and public interests suffer. The man who has the boldness to talk of the people and devote himself to their interests is met by the scoff of the bondholder and the sneer of his followers. While it is right that public credit should be protected, that all our money obligations should be paid, let me submit that it is not wrong to defend the interests of the people and protect them from the grasp of the corruptionists and the avarice of the Shylocks who infest society. Let us not forget that labor is the creator of wealth, and that capital should be its servant, not its master.

Mr. HARRIS, of Virginia. Mr. Speaker, when the Cincinnati convention threw aside those great sectional agitators, Senator MORTON and the late Speaker of this House, it was hoped and believed that the pending political contest was to be fought upon a higher plane than sectional hate and bitterness; that reason was to supersede passion, that the judgment of the American people was to be addressed, that a grand old-fashioned political contest was to be fought with well-defined ideas and principles as the watchwords to the conflict; that peace and good-will between the sections at least would prevail throughout the country, and that, let the contest end as it might, the sting of sectional hate would be extracted and this great family live together in peace, fraternity, and national harmony. But, alas! the debate on this floor within the last few days and the course of others at the other end of the Capitol show that this hope is a delusion; that we are to have, if agitators can accomplish it, all the passions, all the sectional jealousies, hates, and bitterness of the last eleven years reopened and kept alive until after the presidential election. If strangers unacquainted with our country had been spectators of the scenes on this floor for the last few days they would have thought society in the South was disorganized, that life and liberty were disregarded, that one class had no rights which the other respected, and that we were in a condition that would rival pandemonium.

Mr. Speaker, those who know me know how distasteful to me these sectional controversies are, how I deplore them and how I condemn them; yet I cannot let this session expire without giving my views briefly on this subject with a view of correcting the errors of our assailants and with the hope that what I say may perchance reach the eye of some constituent of those gentlemen who indulge in this sectional vituperation.

Though circumstances give us birth and homes far, far apart, yet the East, the West, the North, and the South constitute but one grand family—our country. My idea of the duty of a member of Congress is that we should come together as friends, as brothers, and talk over the interest of this great family; to commune and compare opinions, not as partisans, but as men who love country far above party. I am of those who believe the great body of the people of both sections and both political parties are honest and want to serve their country. They may differ as to the best mode of doing it, like Christians seeking a common destiny by different modes of thought and action, yet all have the same grand object. And it is wicked, Mr. Speaker, wicked beyond measure, in those sent here as the guardians of the public interest, to seek by misrepresentation to misinform their people and excite their bad passions against over one-third of this country. God grant the time will come when the people of the North will see the motives of you gentlemen who seek thus to injure them as well as our people by this wholesale misrepresentation of the true condition of things in our country.

It is to your interest to build up the South and all parts of the country so as to lessen the taxes which you must pay. While those States are kept poor by slanders and misrepresentations, they are of course less able to pay taxes and bear their just proportions of the burdens of Government. Can any man be well and able to perform all the duties of a citizen with an arm or leg off, and that not healed, but a constant running sore? What would you think of the surgeon when he found the wound about healing to tear it open afresh and thus keep the patient in a state of constant suffering? Neither can a government be well and prosperous when any one of the states composing it is disturbed and suffering. Yet you find these political doctors constantly tearing open the wounds afresh in order to give themselves some political capital and a new lease of power. The democratic party and the mass of the republican party want to see peace, happiness, and prosperity restored to all parts of the country, while some of the leaders of the republican party are in favor of constant turmoil and strife in order that the public mind may be diverted from their political records and they kept in the places they have so much abused. I quote from the speech of Senator MORTON, delivered some time since, which is but a fair sample of those delivered within the last few days on this floor. In speaking of the condition of things in the South he says:

> Just now there are no inducements to cut throats, burn, whip, and drive out. There are no important elections on hand in those States. They are standing on their good behavior and are anxious to impress the people of the North with their peaceable and virtuous intentions. But the same men are there yet, animated with the same spirit and purpose, and ready to resort to the same means whenever it becomes necessary to achieve success.

What does this mean? It undertakes to say that a portion of the people of the South are cut-throats and ready and intend to do murder, burn houses, and drive their opponents out of the country whenever an election comes off. Is there a gentleman within the sound of my voice who believes this? The people have only to consult *reason* a moment to see the utter fallacy of this stale charge. Men who commit murder and arson, either for the love of it or for profit, are no respectors of persons. If they have enemies they may first devour them, but when that task is completed they will turn upon any one they can find. Therefore no community or State can tolerate such men. Suppose a portion of the republican party of any northern State should organize to cut the throats and burn the property of democrats, and then drive them out of the State, is there a single republican within their reach who would feel safe? No; they would rise up and at once arrest and punish all such lawless offenders, for independent of the revolting crime they would argue the murderers must be put down, for who knows when they may turn on us. Then are not the people of the South influenced by the same common feelings of humanity and self-protection that govern you? If they are, can they afford to harbor and tolerate murderers and house-burners in their midst? Whose life, whose property, whose wife and children would be safe? Who could rest on his pillow at night in the midst

of such people? The people of the South, no more than you, could live under such a state of things. Moreover, the Senator seeks to keep alive the passions engendered by the war by his reference to "loyalty and treason," freedom and slavery, civilization and barbarism.

True, Mr. Speaker, we had a great war. I am not here to discuss its merits, to criminate or to defend. It has passed into history. Let it pronounce the judgment, and by that we are willing to abide. Suffice it to say that the war was the result of the weakness of poor humanity; and until it shall be the pleasure of God to make man better, it will ever be thus. Look around us, and what government has ever been established upon a firm basis without internecine wars? Greece had her Messinian wars, her Peloponnesian wars, her sacred and social wars; Rome her Marius and Sylla, Pompey and Cæsar, Augustus and Antony. France, within the recollection of men now living, has had as many revolutions as there are fingers on your hand; Spain worse still. Our neighbors, the poor Mexicans, have been at war among themselves from their earliest history, and have no stable government yet; while England had her war of the Roses, Charles, and Cromwell, and others; and so with all Europe. Then are we, the descendants of these very people, to claim an exemption from the infirmities and frailties of our ancestors? This is the centennial year of our Declaration that we would fight our own people and our own government and be free from our mother country, whose language we spoke and under whose laws we lived, and all the world are called on to join us in that celebration. Wars do come and will come, as I said before, while man continues in his present wicked state, and they are more the result of the inexorable logic of events than of reason, law, or justice. Then it is not strange that we should have had a war among ourselves, with or without cause. All history shows they do occur, and in our case history was but repeating itself. Therefore we have but to think in order to forgive and forget. "To err is human; to forgive, divine."

I am not here on behalf of my State or my section on bended knee with uplifted hands to cry "*Peccavi, peccavi.*" A brave and magnanimous victor will not demand it; a proud and chivalrous people would not do it if demanded. But I am here to brand as false and without the shadow of foundation the charge against our people of disloyalty to the Government of the United States, and the further charges of murder, arson, and banishment for opinion's sake. Sir, I say it, because the facts justify it, that for good order, quiet, and dignified acquiescence in the results of the war the world's history presents no parallel to the conduct of the South. When her great commander ordered the sword to the scabbard, each of his brave men who had followed him through the four years of the trials and vicissitudes of war with heavy heart but manly tread wended his way to his home and at once resumed the ordinary avocations of a good citizen. No gun was fired, no straggling Union soldier was molested, but the sick who had been left behind were nursed by our people and we gave freely to them of the scanty substance left. For months after that memorable event we had no government, not even a conservator of the peace, yet quiet and good order prevailed and the rights of persons and of property were as much respected as they are here to-day. Then came the army of occupation and in its wake that disturber of the public peace, the carpet-bagger.

Senator MORTON in his speech seeks to create the impression—in fact he says so—that northern men are not treated with respect in the South and that all are called carpet-baggers. This assertion is on a par with the others and is equally unjust. Here again you have but to *think* a moment to see the fallacy of this. You must give the people of the South credit at least for knowing their own interest. Property is always jealous and watchful. Therefore you will see that our people would from necessity invite immigration. In fact, most of our States have established boards of immigration and invite people from all parts of the country. We have more lands than we can cultivate. Our hills and mountains are inexhaustible beds of iron, copper, lead, coal, &c., which sleep undisturbed for the want of labor and capital. Those who are willing to aid us in developing these resources we invite to our States, and when they come they are received with warm hearts and open arms and take the social position to which their intelligence and character entitle them, irrespective of party politics, without regard to their position during the war. All who have labor or capital to invest we have invited, and to all such here to-day, in the name of our State, I extend a cordial and hearty invitation with the positive assurance that they will be received with that warm-hearted old Virginia hospitality for which I flatter myself she is so distinguished.

Gentlemen of this character who come among us are elected or appointed to office by the conservatives according to their merit, just as if they had been born and reared in our midst. To illustrate, in my own county a gentleman fresh from Pennsylvania was selected as superintendent of public schools. The system was new to our people. This gentleman had come among us to live as a good citizen and was appointed because of his supposed familiarity with the system. So in the adjoining county the city of Staunton selected for the same position a gentleman from Massachusetts—yes, Massachusetts! Thus it is all over the State and the South.

I shall be pardoned for further reference to this subject. In 1869 the conservatives in the district in which I live elected to Congress a gentleman who had just come among them from Pennsylvania, who came as a good citizen, bought property, and went to work. During the war he was an ardent war republican. Notwithstanding, he was kindly received and honored by our people. The same party withdrew their own candidates for the offices of governor, &c., in 1869 and selected a gentleman who had been a war man on your side and elected him and the whole ticket to those high offices. The retired governor has again been honored by election from the metropolitan district of Virginia to the seat which he now occupies on this floor. This is the manner in which Virginians treat northern people who come among us as good citizens.

But the carpet-bagger—who is he and what shall I say of him? He is a man not respected at home—could not have been elected to the humblest township office in his State—without character and without friends. When your Army went down South after the war he stealthily followed on and fell in with our colored people, just then made free. He imposed on them; appealed to their passions; made them believe he was their friend and had been sent as their protector. He organized them against the white people; made them believe their old masters wanted to re-enslave them, and thus he soon drew a line broad and deep between the white and colored races. The result was he was elected to office where he could oppress the whites and fill his pockets with the money of the people he was thus outraging. A distinguished Virginian once said his political party knew each other by the instincts of gentlemen. These carpet-baggers knew each other by the reverse. They formed rings and combined together to steal, rob, and cheat the people. By the means I have stated, they procured themselves to be elected to the Legislatures of the several States and to the offices of governor, and in fact filled every office of some of the States, from constable to governor. Thus in power, what was next to be done? They issued the bonds of the States in due form of law and put them on the market. They were sold without regard to price and the money put into the pockets of the ring. With their pockets thus filled many of them have left the country or fled, fearing that a prosecution sooner or later might follow.

Another great cause of grievance was practiced by this set on our people. Your internal-revenue laws were passed during the war and our people by possibility could have no definite knowledge about them. These creatures could be seen sneaking and mousing about every house where ardent spirits or tobacco was kept. The citizens were arrested by hundreds, dragged from their weeping families at night and carried off many miles from home and thrust in prison. Others, their confederates, were then called in. The fears of the unfortunate prisoners were wrought on, and at the proper time he was informed he could be released by paying such or such a sum and the costs. This sum was generally all the money he had or could procure through the intervention of friends. Thus robbed, he felt himself fortunate in getting off so well.

Mr. Speaker, these men were sent there without apology, for there were intelligent native republicans enough in every State of the South who could have discharged the duties of these offices, who would have respected the rights and have appreciated the feelings of our people, and thus have preserved good order and good feeling between the races.

But, Mr. Speaker there have been some disturbances in the South, and I am free to confess it. Let us see where they were and who were the prime movers and cause of those troubles. They were in Louisiana, Mississippi, and Arkansas. What produced the disturbance in Louisiana? It was a quarrel between two carpet-bag factions, Warmoth and Kellogg, both from the State of Illinois. They quarreled about the offices and the spoils of office until they got the whole State in turmoil. It culminated when McEnery, democrat, was elected governor by about twelve thousand majority over Kellogg, with a democratic Legislature. This Illinoisan could not afford to see the scepter depart from his hands, and by the aid of an illegal board and sustained by the military he was installed governor over the heads of an unwilling people. The Legislature met; it was democratic. A file of United States soldiers marched into the hall and ousted five democrats and gave the majority to the other side. The whole country became alarmed, and a committee was raised by Congress to look into and report on Louisiana affairs. That committee appointed a subcommittee of three, of which Hon. CHARLES FOSTER, of Ohio, a republican, was chairman. It was composed of two republicans and one democrat. They went to New Orleans, visited the hall, took testimony, and unanimously reported that the democrats were legally elected and that they were turned out by force. And to-day Kellogg illegally holds the office of governor of Louisiana; and the people, in the interest of peace and society, quietly submit to this iniquitous outrage. Would the people of the North submit so quietly under like circumstances? Yet the people of Louisiana submit in silent grief, and in addition are called cut-throats, murderers, &c., by the men who deprive them of their most sacred rights.

From the days of Cromwell to the present, history presents no case so clear in which the civil was usurped by the military arm of government. Great as are the wrongs heaped upon these people, greater still is the blow at our institutions. This is a Government republican in form, one in which the will of the people through constitutional channels is supreme. In the case of Louisiana the will of the people was disregarded, the rightful officers of State driven out of office at the point of the bayonet, and men with no more right to their seats

than you had, Mr. Speaker, placed at the head of affairs. This is not democratic dictum, but is the substance of the report by Hon. CHARLES FOSTER, to which I have referred and to which I beg to refer every doubting friend. Those who know Mr. FOSTER's integrity, as I know it from service with him on an important committee, will not hesitate to believe every word he says. Too firm to be flattered, too honest to be bought, the report of CHARLES FOSTER will go down to history as a truthful statement of the terrible events to which it refers.

Here permit me to digress to express the regret with which I listened to the inflammatory words of that gentleman on the Hamburgh riot. Without knowing the facts, without waiting for the verdict of the sworn jury then investigating that deplorable affair, he burst into an inflamed and excited tirade against the white people of the South, as if he feared that some others, much less lights than he, would get ahead of him in this new field for excitement. Let me commend to him the fate of a distinguished leader of his party, a former member of this House, who last year, by leaning to the cause of civil liberty, thought he had fallen into disrepute with his own party, and early in the winter on the floor of the House made one of the most exciting and sectional speeches this country has ever witnessed, as was thought, for the purpose of re-instating himself with his party. My friend can make the application.

I have not the time or the House the patience to go through with the detailed account of affairs in Arkansas. Again let me refer you to the report of a republican committee of which Hon. Luke P. Poland, republican, was chairman. It is almost a duplicate in facts of the state of affairs in Louisiana. It proves that the carpet-bagger held undisputed control of that State and that the disturbances there, like those in Louisiana, had their origin among these gentry over the loaves and fishes of the State, while the honest people whose money was squandered before their eyes sat in silence and looked upon their ruin.

In Mississippi every office-holder, from the lowest to the highest, until last year was republican and has been since the war. The colored people have a large majority. They, with the carpet-baggers and a few white natives, have ruled that State with a rod of iron. One party pays the taxes, the other squanders them. That they did not preserve order is *prima facie* evidence they did not desire order. They had all the machinery of government, and could easily have done it if they had wished. But I doubt not they desire and instigate a row occasionally to give their blood-and-thunder friends in the North a little more electioneering capital, as was shown by the late Governor Ames when he said the killing of some twenty-five negroes would have a good effect on the northern elections. Pardon me if I dwell too long on this subject. You do not know, you never can know, the sufferings of our people at the hands of this class of men. Not content with robbing us of our hard earnings, they have sought to take from us our good name by slanders as black and foul as ever came from mortal man. I have heard them stand on the floor of Congress and say that a northern man was not safe in the South. This said in the face of the fact that he himself had traversed *unmolested* every nook and corner of his district and would again go right back among those same people and again go all over the State which he had thus slandered and no one disturbed him. Still he will say a northern man is not safe in the South—himself a living contradiction of his charge.

The republican leaders seem to have devoted most of their time since the war to the passage of bills to oppress, harass, and excite the people of the South to revolt and resistance. The last was the civil-rights bill. The people submitted quietly and in a dignfied manner to each and every law as it was passed, even the last named. Not a ripple was created on the surface, not a cross-road or town meeting to protest against their injustice and execution. In fact, we are so peaceable and quiet down South that Senator MORTON was forcedto say that we were on *our good behavior*. I wish I could say the same of the Senator.

At the expense of being tedious, I beg for a moment to call your attention to and ask you to ponder well upon the wrong, perfidy, and robbery to which the people of the South have been subjected since the war by this same class of men and their allies. The combined debts of the States of Alabama, Arkansas, Florida, Georgia, Louisiana, North Carolina, South Carolina, and Texas in 1865, as shown by the report of a republican committee of the House of Representatives, was in round numbers $55,000,000. The debts of the same States in 1872, $294,000,000, making the sum of $239,000,000 heaped on those people in seven years, with nothing to show for it as an equivalent.

Take Florida as an illustration. In 1865 her debt was only $221,000. In 1872, under radical rule, $15,763,447. The assessed value of the whole property of the State in the year 1870 was in round numbers $32,000,000. Now institute a comparison between the debt and the assessed value of the property of the whole State, and you will find the debt is about one-half the value of the State, or fifty cents on every dollar. So every man's property in Florida is mortgaged for half its value. These figures are taken from the report of the republican committee just spoken of and the census of 1870 taken by republicans under oath. This statement seems so unaccountable it may be doubted; if so, I beg to refer to the above republican records for proof.

I speak to reason with the people from the North, and I want them to examine these questions and weigh them well. Bring it home to yourselves. For instance, there are four counties in Ohio, from which State you hail, Mr. Speaker, whose assessed value is each greater than the whole State of Florida, to wit: Cuyahoga, $53,000,000; Franklin, $35,000,000; Hamilton, $165,000,000; Montgomery, $36,000,000.

Suppose one of these counties, owed a debt of $15,700,000, and that your Legislature would, if it had the power, increase your debt until it reached half the value of all property in your State, and thus mortgage it to that extent, would your people quietly submit? Would they not raise their voice, if not their arm, against the men who had thus wronged, outraged, and robbed them, their wives, their widows, and little children? I will answer for you; with the scorpion's lash you would drive the offenders from your State. Yet we submit, and the authors of our wrongs remain in our midst to enjoy the fruits of their ill-gotten gain. Still Senator MORTON and the gentlemen on this floor would have you believe we are not reconstructed, do not accept the situation!

Georgia, at the close of the war, owed not a dollar of public debt. The radicals soon got it up to $50,000,000. They fell out among themselves, and their governor, Bullock, knowing when thieves fall out there is danger ahead, fled the State, carrying with him everything except the chair he had disgraced.

Just here let me remind you that you may have overlooked the fact that when this class of men got into Congress they voted on your interests as well as ours. They stood in the front rank of the Credit Mobilier. They voted to cheat the people out of the $50,000,000 in the Pacific Railroad scheme. They voted every subsidy. They voted for every monopoly. They voted on any and all occasions in the interest of rings and monopolies, and against the best interest of the people, and the honest yeomanry of the whole country are to-day suffering the consequences of their votes.

In my own State there has not been a ripple to disturb the good order of society. Malice, slander, sectional bitterness, party interest, can find no pretext for exciting the people of the North against us. The Federal judiciary and most of the important Federal offices have been in the hands of native republicans, while the State offices have generally been held by conservatives. There is no conflict between these elements. The former do nothing to excite the feeling of race against race, while the latter accord to all their rights under the Federal and State constitutions and laws. Hence peace, good will, and fraternal feeling prevail throughout our State.

Mr. Speaker, a word in regard to the riot at Hamburgh, South Carolina. I await the investigation now going on by a jury of inquest. It is to be hoped the truth will be arrived at. When it is, let the guilty be punished, whether white or colored, whether democrat or republican. If malicious murder has been committed, then hang, hang the guilty. If offenses less than murder, then punish according to the grade of the offense, without stint and without regard to party or race. The people of Virginia, the people of the whole South, who show now, as ever, a firm disposition to support the Constitution and the enforcement of the laws, will say amen and amen. Thus all the requirements of justice and all the demands for equal rights having been acceded to and the animus of the good people of the South exhibited in a way to satisfy the most exacting, may we not trust that we shall be met in the same spirit of justice and equal rights, and that this shall be the commencement of a new era of fraternal love which shall cement this Union into a union of hearts and a union of hands; a union, now and forever, one and indivisible? [Applause.]

Mr. RANDALL. I yield now to the gentleman from Michigan, [Mr. W. B. WILLIAMS;] and after he gets through I give notice I shall demand the previous question.

Mr. W. B. WILLIAMS. Mr. Speaker, I thank the gentleman from Pennsylvania for his courtesy in yielding to me the floor. I wish to say, as an humble member of the republican party, I most sincerely join in the prayer of the gentleman from Virginia [Mr. HARRIS] who has just taken his seat, that there should be throughout this entire land, North and South, East and West, quiet and peace. It has been peace that the republican party for years has been endeavoring to bring about, and if the democratic party as represented by the gentleman will give us peace in the South, that peace which will permit every man throughout this broad land to have the same rights and same protection in the South as in the North, so that the carpet-baggers from the North may go to the South—for the South needs them—and live there in peace and quiet and harmony, in full accord with the white men of the South, and have the privilege of going to the ballot-box and voting freely their own will, without dictation from any person or any power, then we will indeed have peace. We extend that privilege to you, gentlemen of the South. We permit your carpt-ebaggers to come up North. We permit them to come here and represent us upon this floor. Kentucky is represented upon this floor in Representatives from northern constituencies. They are recognized as *honorable citizens* with us. Many Southern States are represented in the same way.

There should be no such idea as carpet-baggers in the sense used by the gentleman among American citizens in regard to those who emigrate from one State to another. All should be in the enjoyment of the same rights of American citizens. Representing the views of my constituents, I say that on this question we only ask for ourselves the same rights in the South which we give to those coming from the South in the North, and ask and demand that all American citizens, white or black, should be granted equal rights before the law and

under the Constitution in every State in this Union. Grant that and you have peace; refuse it, and you will have, as you have had, internal strife and commotion. It is for you gentlemen of the South to heal these dissensions, for you to make peace, and the way is simple. Keep the *peace;* give every citizen among you, without regard to color or place of nativity, the same political rights that you ask for yourselves, and *protect* him in those rights, and peace will settle within your borders.

But I did not rise to dwell on any question of that kind, but rather to reply to an argument made the other day on the floor of the House by the gentleman from Illinois [Mr. SPRINGER] on the consideration of the report of the committee of conference on the consular and diplomatic appropriation bill. The fallacies ennunciated by that gentleman upon this floor, or which appear in the RECORD, should not be permitted to go unanswered. I believe they are not, and cannot be, sustained by any argument or by any authority.

The gentleman is reported as follows, in reply to the following inquiry from his colleague:

Mr. HURLBUT. Does the gentleman recognize the fact that an appropriation bill is not a revenue bill?

Mr. SPRINGER. I recognize the fact that an appropriation bill is that very kind of measure which was intended to be embraced by the terms of the Constitution, and especially in the clause which provides that all bills for raising revenue shall originate in the House of Representatives. At least such is the interpretation given to the clause by the framers of the Constitution, by the most authoritative writers on that instrument, and by the most enlightened statesmen of our country.

Here is the broad proposition distinctly stated, "that an appropriation is that *very kind* of measure which was intended to be embraced by the terms of the Constitution" "in the clause which provides that all bills for raising revenue shall originate in the House of Representatives, and that"—

Such is the interpretation given to the clause by the framers of the Constitution, by the most authoritative writers on that instrument, and by the most enlightened statesmen of our country.

The only true mode of determining what interpretation was given to the clause finally adopted by the Constitution by its framers is—

First. The language used to express it;

Second. If the language is of doubtful import or liable to more than one construction, to endeavor to ascertain the construction intended, by the manner in which it was introduced and the reasoning, if we can arrive at it, that caused it to be adopted; and

Third. If the language is of doubtful import, or liable to more than one construction, and we can find no guide in the proceedings to aid us in arriving at the true intent and meaning of the language used, then we should be compelled to fall back upon the construction which has been given to it in legislation, and thus build up a legislative construction of the Constitution.

This mode, however, is never adopted when either of the others will furnish a true criterion, and if the gentleman could unblushingly charge on this floor, and believe what he said—

That during the past ten or fifteen years, since the party of which my colleague—

Referring to Mr. BURCHARD—

is a member has been in power, it has been the practice to violate the Constitution on nearly every occasion when it was in their power to do so, and that we are not responsible for the repeated violation of that instrument by the gentleman's party—

he could place but little confidence in that kind of construction. And still, strange as it must appear even to him, in order to obtain any foundation for his main argument he has been obliged to rest it upon quotations from some of the leaders of that party he so bitterly denounces as a Constitution violator.

If there is such a thing as a legislative construction, that if permitted to stand will take the place of the Constitution and thus usurp it, and in the end overthrow it, it becomes extremely important that we should not let in this case the gentleman's construction grow to such monstrous proportions as to overthrow the plain words of the Constitution and thus create another legislative usurpation.

As one of the active leaders of the democratic party in this House his position is entitled to great weight and may be assumed hereafter to have settled conclusively the constitutional construction of the power of this House to originate appropriation bills.

I concede, as claimed by the gentleman, that the restriction of the power to originate revenue bills was one of the compromises of the Constitution, a concession on the part of the smaller States to the larger, in consideration of the equality of representation in the Senate. As a compromise it should be held sacred. It is as much a violation of it to *extend* it by construction as it is to *diminish* it. The language is plain, distinct, and intelligible. There is no difficulty in determining what a bill "for raising revenue" means. The language is not "money bills;" it does not say *raising* and *expending* revenue; it is *raising* simply. But the gentleman's argument assumes it to mean both. In other words, that the words "*raising* revenue" means raising revenue *into* the Treasury and "*raising* it *out* of the Treasury—an Irish hoist.

But the framers of the Constitution did not use words in that way. They had words that they used to designate the kind of bills that would take the revenue *out* of the Treasury, and they called such bills then, as we do to-day, bills for "appropriating" money, or appropriation bills. Had the convention *adopted* instead of *rejecting* certain propositions in lieu of the one under consideration, the gentleman would have no difficulty in settling the first proposition in his favor, namely, the true intent and meaning of the words used; but as they did not, it becomes necessary for him to show that the words used are of a doubtful import or susceptible of more than one construction.

And this brings me to the consideration of the action of the convention that resulted in the adoption of the clause under consideration.

Mr. BURCHARD, of Illinois. I should like to have the gentleman from Michigan state precisely what was the action of the constitutional convention in reference to the powers of the two Houses.

Mr. W. B WILLIAMS. The constitutional convention had presented to it the broad proposition that the House of Representatives should alone originate all revenue and appropriation bills, and that was voted down. In my remarks I propose to give a full history of the entire transaction. I will now state that every time the proposition was submitted to the constitutional convention granting power to the House of Representatives to originate appropriation bills as well as revenue bills it was uniformly voted down, except in one instance it received five votes and there being but four against it, it was deemed adopted. The only proposition which was voted in favor of, with that exception, is as it now stands in the Constitution, and that is granting the House of Representatives sole power to originate bills *for raising revenue.* I will also cite the authority of Chief Justice Story, to whom the gentleman has referred, upon the construction of the clause, in which he takes ground directly contrary to that held by the gentleman from Illinois.

Mr. BURCHARD. I fully concur with the gentleman from Michigan in reference to the action of the convention.

Mr. W. B. WILLIAMS. I propose, in order that there may be no misunderstanding of the action of the convention upon this clause, to take it up in its chronological order and follow it through the proceedings of the convention until it was finally adopted in the form now under consideration, using the Madison Papers as my guide, an authority which I presume will not be questioned.

The first proposition for a form of federal government was submitted on the 29th day of May, 1787, by Mr. Randolph. It consisted of fifteen resolutions, declaratory of the principles upon which the government should be established. The sixth resolution provided "that each branch ought to possess the right of originating acts." Thus providing that both branches of the National Legislature should stand on a full equality.

Mr. Charles Pinckney laid before the House a draught of a federal government, but there seems to be some doubt expressed by Mr. Madison in his appendix, No. 2, as to when this plan was submitted, the original draught having been lost, although in the text it is placed on the same day with Mr. Randolph's. Mr. Pinckney's plan was appropriately divided into articles, and article 3 contained the following clause:

All money bills of every kind shall originate in the House, and shall not be altered in the Senate.

No action seems to have been taken upon this plan further than to refer it to the committee of the whole with Mr. Randolph's.

On the 31st day of May the sixth resolution in Mr. Randolph's plan was acted upon by the committee of the whole. "On the question whether each branch should originate laws, there was a unanimous affirmative without debate."—*Madison Papers*, volume 2, page 759.

On the 13th of June "Mr. Gerry moved to restrain the senatorial branch from originating money bills." In the discussion upon this question, Mr. Gerry claimed "that the other branch was more immediately the representatives of the people, and it was a maxim that the people ought to hold the purse-strings."

Mr. Butler "saw no reason for such discrimination. We were always following the British constitution when the reason for it did not apply. There was no analogy between the House of Lords and the body proposed to be established." That it would be degrading to the Senate; that it would lead the other branch "into the practice of *tacking other clauses* to money bills."

Mr. Madison claimed that there was no reason for such a restriction.

Mr. Pinckney thought it premature, and said that "this distinction prevails in South Carolina and has been a source of pernicious dispute between the two branches."

The vote by States was 3 yeas and 7 nayes. (Page 858.)

So the proposition was rejected.

The committee then arose and reported Mr. Randolph's plan, as amended, to the convention. The fifth resolution then read as follows:

Resolved, That each branch ought to possess the right of originating acts.

On the 15th of June Mr. Patterson submitted a plan of government which was in substance an enlargement of the powers vested in Congress by the Confederation. It was committed to the committee of the whole, and Mr. Randolph's plan was recommitted, and after a full discussion, on the 19th of June Mr. Randolph's plan was again adopted, voting by States—ayes 7, noes 3. Maryland divided. (Page 904.)

On the 26th of June the fifth resolution was agreed to *nem. con.*

The difficulty in regard to an equitable adjustment of the representation of the larger and smaller States in the Senate as well as to the ratio of representation in the lower House and the question of property representation having become formidable and threatening to overthrow the plans of government proposed, General Pinck-

ney, on the 2d of July, moved that the whole matter mentioned in the controversy should be committed to a committee consisting of a member from each State to devise and report some compromise. This proposition was adopted, and a committee of eleven, one from each State, was elected by ballot. The committee was comprised of the following persons: Mr. Gerry, Mr. Ellsworth, Mr. Yates, Mr Patterson, Dr. Franklin, Mr. Bedford, Mr. Martin, Mr. Mason, Mr. Davy, Mr. Rutledge, and Mr. Baldwin.

On the 5th of July Mr. Gerry reported from the committee two propositions, and in the first was the following:

That all bills for raising or appropriating money and for fixing the salaries of the officers of Government of the United States shall originate in the first branch of the Legislature, and shall not be altered or amended by the second branch, and that no money shall be drawn from the public Treasury but in pursuance of appropriations to be originated in the first branch. (Page 1024.)

Had this proposition been adopted, all that is claimed by the gentleman and by the majority of this House in regard to its power would be true. It covers the entire claim of the House. But, although it received 5 votes as against 4 votes and was temporarily adopted by the convention, it was, as will be seen, on deliberation rejected. Mr. Madison opposed it, claiming it would be of little consequence to the larger States, and said:

If the Senate should yield to the obstinancy of the first branch, the use of that body as a check would be lost. If the first branch should yield to that of the Senate, the privilege would be nugatory. Experience had also shown, both in Great Britain and the States having a similar regulation, that it was a source of frequent and *obstinate* altercations.

Mr. Butler thought it unjust.

Gouverneur Morris said:

It will be a dangerous source of disputes between the two Houses. We should either take the British constitution altogether or make one for ourselves. The Executive, there, has dissolved two Houses as the only cure for such disputes. Will our Executive be able to apply such a remedy? Every law, directly or indirectly, takes money out of the pockets of the people.

Mr. Pinckney thought the privilege of originating money bills of no account to the larger States. The report, amended in other particulars, but with the resolution as to money bills, as reported by Mr. Gerry, substantially unchanged, was adopted on the 16th of July by a vote by States of 5 ayes and 4 noes. Massachusetts divided.

July 26 the plan of Mr. Randolph, as amended and enlarged by the convention, and consisting of twenty-three resolutions, was referred to the committee of detail.

The fifth resolution was:

Resolved, That each branch ought to possess the right of originating acts.

The tenth, the same as reported by the committee of eleven through Mr. Gerry on the 5th of July, quoted in full above, gave the House of Representatives full power to originate all "money bills" and restricted the Senate from altering or amending.

August 6 the committee reported a plan in detail, and section 5 of article 4 contained the tenth resolution.

August 8 "Mr. Pinckney moved to strike our section 5 of article 4, as giving no peculiar advantage to the House of Representatives and as clogging the Government." (Page 1266.)

Mr. Mason opposed the motion and said:

To strike out the section was to unhinge the compromise of which it made a part.

This language, it will be borne in mind, was not used in regard to the clause as it now stands in the Constitution, as would be inferred from the reference to it by the gentleman, but to the clause as reported in the tenth resolution, and covered all money bills, whether for *raising* money or *appropriating* it, and *also fixing salaries*. But it was *stricken out* by a vote of States of—ayes 7, noes 4, (page 1267,) and thus the second time rejected by the convention. August 9, Mr. Randolph expressed his dissatisfaction, and gave notice that he should move to reconsider; and on the 12th, on his motion, a reconsideration was carried—ayes 9, no 1. On the 13th he offered an amendment, so that the clause should read as follows:

Bills for raising money for the *purpose of revenue* or for appropriating the same shall originate in the House of Representatives; and shall not be so amended or altered by the Senate as to increase or diminish the sum to be raised or change the mode of levying it or the object of its appropriation.

Colonel Mason thought "the amendment removed all objections urged against the section as it stood at first."

By specifying *purposes of revenue*, it obviated the objection that the section extended to all bills under which money might incidentally arise. By authorizing amendments in the Senate, it got rid of the objections that the Senate could not correct errors of any sort, and that it would introduce into the House of Representatives the practice of tacking foreign matter to money bills. * * * He admitted that, notwithstanding the superiority of a republican form over every other, it had its evils; the chief ones were the danger of the majority oppressing the minority and the mischievous influence of demagogues.

The General Government of itself will cure them. As the States will not concur at the same time in these unjust and oppressive plans, the General Government will be able to check and defeat them, whether they result from the wickedness of the majority or the misguidance of demagogues.

The gentleman has shown us how much mistaken Colonel Mason was when he thought the Senate could correct errors. Here are his *conclusions* and recapitulations:

In conclusion, and by way of recapitulation, permit me to say further that the Constitution of the United States, if not by its strict letter, at least by its evident intent and spirit, having lodged in the House the sole right to originate all money bills, and the Senate having only the right to propose amendments, it becomes important to consider the relative positions of the two bodies on the pending appropriation bills. The House has originated and passed these bills as provided by the Constitution and in pursuance of the unbroken practice of this House from the adoption of the Federal Constitution to the present time. The Senate has proposed numerous amendments to these bills. What is the meaning of the word "propose?" Webster defines it thus:

"To offer for consideration, discussion, acceptance, or adoption; as, to propose a bill or resolve to a legislative body; to propose terms of peace; to propose a question for discussion; * * * to propose alterations or amendments in a law."

The power of the Senate, then, so far as appropriation bills are concerned, is limited to that of proposing amendments for the consideration, acceptance, or adoption by the House. If the House concur, very well; if not, the Senate must recede. It has no right to adhere to amendments; only the right to propose.

I know of no parliamentary meaning which the word has different from that which is here given from Webster.

The gentleman insists that the Senate cannot correct anything; it can only "*propose*," as a bashful lover to a coy maiden; and if the House, like a blushing damsel, asks to be excused, the Senate must needs excuse it. If it should go further, and insist on its proposals, it is revolutionary, says the gentleman. But Colonel Mason, under a proposition that would give the House far more power than the one under consideration, thought that the Senate could correct "errors of any sort."

This proposition submitted by Mr. Randolph, had it been adopted, would have without question confined the power to originate *appropriation bills* to the House as well as *revenue* bills; but it was not adopted, and I submit most respectfully that the fact that the convention, when it had the question before it, *did reject bills* "for *appropriating* the same," is *prima facie* evidence at least that it intended to do it.

The question was fully considered and discussed. The convention acted understandingly upon it, and not in hot haste and without deliberation. Mr. Wilson, in opposing it, said:

He did not mean to enlarge on a subject that had been so much canvassed, but would remark, as an insuperable objection against the proposed restriction of money bills to the House of Representatives, that it would be a source of perpetual contentions where there was no mediator to decide them. The President could not, like the executive magistrate in England, interpose by prorogation or dissolution.

This restriction had been found pregnant with altercations in every State where the Constitution had established it. The *House of Representatives will insert other things in money bills, and by making them conditions of each other destroy the deliberate liberty of the Senate.*

How prophetic of this House and of the dead-lock of 1876.

On the 13th of August the vote was taken; first on the question of the exclusive originating of money bills in the House of Representatives, and it was decided in the negative, four States in favor of it and seven States against it.

On the question of originating by the House of Representatives and *amending* by the Senate the vote was the same. On the question of the last clause of article 4, section 5, namely, "No money shall be drawn from the public Treasury but in pursuance of *appropriations* that shall originate in the House of Representatives," one State voted *for it* and ten *against* it.

This disposed of the question for the third time in the negative, and finally, so far as a direct vote upon the question of appropriation bills is concerned, on the 15th of August section 12 of article 6 being under consideration, and being the clause in the plan first proposed by Mr. Randolph, namely, "each House shall possess the right of originating bills," with the words added, "except in the cases before mentioned," being the cases referred to in section 5 of article 4, as reported and stricken out, Mr. Strong moved to amend the article so as to read:

Each House shall possess the right of originating all bills except bills for raising money for the purposes of revenue or for appropriating the same, and for fixing the salaries of the officers of the Government, which shall originate in the House of Representatives; but the Senate may propose or concur with amendments as in other cases—

which was postponed until after the powers of the Senate had been considered. And on the 31st of August all parts of the Constitution that had been postponed and such parts of reports as had not been acted upon were referred to a committee of eleven, consisting of one member from each State, appointed by ballot, being Mr. Gilman, Mr. King, Mr. Sherman, Mr. Brearley, Mr. Gouverneur Morris, Mr. Dickinson, Mr. Carroll, Mr. Madison, Mr. Williamson, Mr. Butler, and Mr. Baldwin.

It will be observed that this committee to whom the proposition of Mr. Strong to amend section 12, article 6, was committed was composed of some of the strong opponents in the convention of that clause as it had been considered in section 5 of article 4, namely, Mr. King, Mr. Sherman, Mr. Morris, Mr. Madison, and Mr. Carroll.

This committee on the 5th of September, through Mr. Brearley, reported, and instead of section 12, article 6, submitted the following:

All bills for raising revenue shall originate in the House of Representatives, and shall be subject to alterations and amendments by the Senate. No money shall be drawn from the Treasury but in consequence of appropriations made by law.

Gouverneur Morris moved to postpone this clause, saying:

It had been agreed to in the committee on the ground of compromise, and he should feel himself at liberty to dissent from it if on the whole he should not be satisfied with certain other parts to be settled.

It was postponed, and on the 8th of September the words "and shall be subject to alterations and amendments by the Senate" were stricken out without division, and the words used in the constitution of Massachusetts on the same subject, namely, "but the Senate may propose or concur with amendments as in other bills," inserted, and in that form it passed, nine States voting for it and two against it.

A committee was then appointed "to revise the style of and arrange the articles which had been agreed to by the House." The committee, through Justice Johnson, reported on the 12th a digest of the plan, and we find in that report, in section 7, article 1, the clause as adopted on the 8th, and as it now stands in the Constitution.

I have thus in detail given the history of the clause under consideration in the convention in order that we may fully understand what the convention intended in adopting it, and we find that it repeatedly refused to adopt a clause requiring appropriation bills to originate in the House of Representatives, and until that feature was eliminated from the proposition it failed in the convention. We find further that in the submission of Mr. Strong's proposition to the committee that finally adjusted and compromised the questions in dispute, that the restriction in regard to originating appropriation bills was by the committee stricken out; and in order that the compromise in the committee may be distinctly seen, I place them here again in juxtaposition:

Mr. Strong's proposition.	*Committee's proposition as reported.*
Each House shall possess the right of originating all bills except bills for raising money for the purposes of revenue *or for appropriating the same and fixing the salaries of the officers of the Government*, which shall originate in the House of Representatives; but the Senate may propose or concur with amendments as in other cases.	All bills for raising revenue shall originate in the House of Representatives, and shall be subject to alterations and amendments by the Senate. No money shall be drawn from the Treasury but in consequence of appropriations made by Congress. Amended in convention by striking out and inserting as before stated.

Here, then, we have the action of the convention and the action of the committee plainly showing that the convention intentionally omitted from the clause under consideration the restriction in reference to appropriation bills and in reference to salaries, and that it was one of the compromises of the committee that adjusted the matters in controversy and of the convention that these clauses *should be omitted* and the restriction clause be confined to bills for "raising revenue" only.

It would seem that no argument can be needed to aid in arriving at that conclusion, that nothing can be said to add force to this history of the action of the convention.

We then have the language of the Constitution, plain and simple, to guide us, and we have the action of the convention and its committees to inform us of the true intent and meaning of the clause under consideration; and it does appear to me that it does not leave room for a doubt as to intention, and that we cannot be forced to any question of subsequent legislative construction to determine it.

It was one of the compromises of the Constitution, and it can be neither extended nor diminished by legislative construction. It is as much a violation of the compact to add to it as to take from it; and this House has no constitutional right to arrogate to itself the sole power to originate appropriation bills.

Chief Justice Story has been referred to as sanctioning the construction claimed. He speaks, in his Commentaries on the Constitution, of the power of the House of Commons to originate money bills, and to that I desire to refer hereafter; but in section 880 of Story on the Constitution, in referring to bills for raising revenue, he says:

> What bills are properly "bills for raising revenue" in the sense of the Constitution has been a matter of some discussion. A learned commentator supposes that every bill which indirectly or consequentially may raise revenue is, within the sense of the Constitution, a revenue bill. He therefore thinks that the bills for establishing the Post-Office and the Mint and regulating the value of foreign coin belong to this class and ought not to have originated (as in fact they did) in the Senate. But the practical construction of the Constitution has been against his opinion; and indeed the history of the origin of the power already suggested abundantly proves that it has been *confined to bills to levy taxes in the strict sense* of the words, and has not been understood to extend to bills for other purposes which may incidentally create revenue.

A bill *appropriating the revenue* is certainly not in any "strict sense of the word" a "bill to levy taxes."

I think in practice it is well that that branch of the Government that is designated by the Constitution as the one having the sole power to originate bills for revenue should originate bills appropriating it, as it would be the only body presumed to know what the revenues of the Government would be for the fiscal year, and therefore the better qualified to make the proper distribution of it; and accordingly the practice has become settled that the House should originate the general appropriation bills, not as a matter of constitutional right in that regard, but as a matter of convenience. If it had been recognized as a constitutional right it would necessarily cover all appropriations out of the public Treasury, and all bills appropriating money outside of the general appropriation bills would also have to originate in the House of Representative. But such has not been the practice, so that in fact there has been no legislative construction extending the restriction in the Constitution beyond its obvious purport and meaning and beyond the intention of its framers.

My objection is not to the practice I think it a good-one, but it is to the assumption that the powers thus exercised has arisen from a constitutional grant. It is to a usurpation *that demands as a right that which has been permitted* as matter of comity and convenience, and for the purpose of presenting the subject in its true light I have thus traced the conventional history of the power claimed.

LEGISLATION ON MONEY BILLS.

But, Mr. Speaker, granting the clause in the Constitution, as a matter of argument, to reach to the extent claimed by the gentleman, have we not seen during this session of Congress, and are we not now laboring under precisely those difficulties that were so graphically pointed out by the framers of the Constitution as the result of the granting of the exclusive power to originate money bills to the House of Representatives; that is, the evil effects of tacking other bills to money bills, or legislation upon appropriation bills. And to the warnings of Mr. Madison, Mr. Wilson, Gouverneur Morris, and others before quoted, uttered in the convention, I desire to add here the language of Chief Justice Story, who, in speaking of the power of the House of Commons to originate money bills, says:

> It is obvious that this power might be capable of great abuse if other bills were tacked to such money bills; and accordingly it was found that money bills were sometimes tacked to favorite measures of the Commons, with a view to insure their passage by the Lords. This extraordinary use, or rather perversion, of the power would, if suffered to grow into a common practice, have completely destroyed the equilibrium of the British constitution and subjected both Lords and the King to the power of the Commons. Resistance was made from time to time to this unconstitutional encroachment, and at length the Lords, with a view to give permanent effect to their own rights, have made it a standing order to reject upon sight all bills that are tacked to money bills. Thus the privilege is maintained on the one side and guarded against undue abuse on the other.

Has not this House deliberately brought the history of this country to precisely that position?

Deliberately, I say, because it became necessary for them at an early part of the session, in order to consummate it, to amend the standing rules of this House and thereby get the power to load appropriation bills with general legislation.

AMENDMENT OF THE RULES.

In this connection I wish to call the attention of the House to the action of this and the last Congress in regard to amendments to the rules and the result of such amendments.

During the last session of the Forty-third Congress, after a protracted struggle of nearly forty-eight hours—a struggle between a large majority of over two-thirds of this House and a factious minority actuated by bitter partisan purposes of less than one-third, it was found necessary, in order to make a step in advance in legislation, to amend the rules. Under a suspension of the rules, obtained by a two-thirds vote, an amendment was offered and adopted which provided in substance that when a question was pending before the House the Speaker should not entertain any motion of a dilatory character, except one motion to adjourn and one motion to fix the day to which the House should adjourn. Any bill appropriating the money, the credit or other property of the United States, was excepted from its provisions; and the previous question on the engrossing of any bill or joint resolution could not be ordered during the first day of its consideration unless three-fourths of the members present seconded the demand.

This proposition met with a formidable opposition and loud outcries, it being claimed that it was a revolutionary measure adopted by the majority of the House to override the minority, a minority that had shown by the contest to which I have just referred that they had absolute ability to stop all legislation under the rule as it existed before; and that without regard to the opposition that might exist against them or the numbers of the minority, provided there was enough to call the yeas and nays upon a question; that no step could be taken forward in legislation; but that we would be compelled to revolve in an endless circle at their will; a contest that had shown that the idea of congressional legislation by a majority in the Congress of the United States under the rules, or rather under a construction that had been given to the rules, was a fiction; and that a few resolute men could prevent it at any time they saw fit. This side of the House was told that the poisoned chalice would be returned to our own lips. The old rule was claimed to be a part of the checks and balances of our system, dating away back and not only having the sanction of the slave power, but the sanction of the anti-slave power for twelve or fifteen years.

But the amendment to the rule deprived the minority of no legislative right, except the right to filibuster interminably, if that can be said to be a right; except the right to stop legislation effectually and completely by a factious opposition without regard to numbers, if that was a right.

The majority of this House, in the early part of the present session, repealed the amendment and restored the rule as it originally existed, claiming to do it in the interest and for the protection of the minority. But they did not stop there. They then proposed to change the rule themselves. Rule No. 120 of the House, as it had existed since 1837, read as follows:

> No appropriation shall be reported in such general appropriation bills or be in order as an amendment thereto for any expenditure not previously authorized by law.

To which was added in 1838 the following:

> Unless in continuation of appropriations for such public works and objects as are already in progress, and for contingencies for carrying on the several departments of the Government.

On the 18th day of January last they proposed an amendment to the rules. Mr. COX, from the Committee on Rules, reported the following amendment:

> That Rule No. 120 be so amended that all after the word "progress" be stricken out and there be added the following: "Nor shall any provision in any such bill or amendment thereto changing existing law be in order, except such as, being germane to the subject-matter of the bill, shall retrench expenditure."

This amendment was adopted on the day it was introduced by a vote of 156 ayes to 102 nays; nearly a party vote. It was introduced

under the plea of being an amendment to the rule in favor of "retrenchment and reform;" but it was claimed then that its effect would be to scoop all legislation into the Committee on Appropriations and to override the duties of other committees of the House; and the actual working of the amendment has proved the truth of the assertion. Under it the Committee on Appropriations have succeeded in bringing in with their bills very important amendments to our general laws.

In the post-office appropriation bill they have changed nearly all the laws regulating compensation for mail service and salaries of postmasters and route-agents.

In the Army appropriation bill they have changed the laws regulating the pay and allowances of the officers of the Army, changed the tenure of office of chaplain, reduced the Army from ten regiments of cavalry to eight, from five regiments of artillery and twenty-five of infantry to twenty of both, and repealed the law providing for two colored regiments of cavalry and two of infantry, and prohibited new enlistments until the Army shall be reduced to twenty-two thousand men. The first eight sections of the bill assuming to be a bill providing for appropriations for the Army is entirely new legislation, and provides for an entire re-organization of the Army.

The naval bill changes the laws so as to reduce the number of the force from eighty-five hundred to seventy-five hundred men.

The Indian bill changes the law that has existed for many years in reference to the Indian Department, and transfers it from the Department of the Interior to the War Department.

The bill providing appropriations for the legislative, executive, and judicial departments changes all laws fixing salaries and all laws regulating the number of clerks employed in the different Departments of the Government at Washington.

The sundry civil bill repealed the law providing for a Government Printer and the mode prescribed for printing debates and proceedings of Congress; repealed all the provisions of title 26 of the Revised Statutes in relation to the registration of voters and appointment of supervisors of elections and special deputy marshals, and touching the supervision of elections.

The diplomatic bill changes the laws in reference to our diplomatic and consular service and reduces the salaries.

These are some of the many amendments proposed to be made to general laws of the Government on appropriation bills under the amendment of the rule to which I have referred.

The effect of this amendment to the rule has been to place in the hands of the majority far greater power over the minority of the House than the amendment made during the last session of Congress; it has, in fact, given the majority of the House the absolute control of the House itself, and placed in the hands of the Committee on Appropriations the practical, general power of legislation, if the system inaugurated could be carried out, by compelling the Senate to adopt their legislation.

Let us compare the two rules and see their practical working. The amendment to the rule of the House of last Congress was intended to prevent and could only prevent that unlimited filibustering which would defeat legislation. It did not, however, prevent filibustering to any reasonable extent. It reached that which was more a construction of the rule than the rule itself, which allowed a motion to adjourn to be followed by a motion to fix the day to which the House should adjourn in endless succession; whereas, strictly, the motion to adjourn, having been the last question voted upon, was not again in order, but a construction had made it in order. And it was to overcome that; and that was the full force, purport, and object of the rule as amended. But the amendment of this session gives the House the power by an amendment to a general law attached to an appropriation bill by the vote of the majority only to cut off all debate at any time and force its immediate passage; so that it practically overrides the power of the minority in the House completely and absolutely. It not only does that, but it goes to the Senate and demands that the Senate shall concede to the House the view of the majority of the House in reference to any subject-matter of legislation which may be included in their appropriation bills, and tends as directly to destroy the equilibrium of the Constitution as similar action in the British House of Commons tended "to destroy the equilibrium of the British constitution."

But it is claimed that these amendments are only in cases where they reduced expenditures. But nearly every law that is made to protect a right will cost money to enforce it. In the language of Gouverneur Morris before cited, "Every law directly or indirectly takes money out of the pockets of the people," and therefore it could be claimed to reduce expenditures to repeal it. We can see the effect of it by the different amendments that they have made to the general laws. For instance, the transfer of the Indian Bureau from the Interior Department, where it has been since 1832, to the War Department; a transfer that is repugnant to the minds of a very large minority in the House and to a majority of the Senate, as expressed by its vote upon that subject. But they say to the Senate and say to the House that unless you pass this bill with the transfer of the Indians to the War Department your supplies will be cut off for the Indians, and your Government treaties cannot be performed or its obligations maintained.

Again, the amendment in reference to the election laws, the repeal of title 26 of the Revised Statutes, in relation to the registration of voters and appointment of supervisors of elections, &c., which happily has been waived by the committee in their report, was purely a partisan measure, intended to open the door to the old systems of frauds that prevailed in elections throughout the nation, and particularly in the State of New York, where in 1868 the grossest frauds prevailed in the elections and believed to be sanctioned and indorsed by the prominent democrats of that State, one of whom is now the candidate for President of the United States of the democratic party, and who was at that time chairman of the democratic State committee, and as such issued the following circular addressed to his partisan friends throughout the State:

[Private and strictly confidential.]

ROOMS OF DEMOCRATIC STATE COMMITTEE,
October 27, 1868.

MY DEAR SIR: Please at once to communicate with some reliable person, in three or four principal towns and in each city of your county, and request him (expenses duly arranged for at this end) to telegraph to William M. Tweed, Tammany Hall, at the minute of closing the polls, not waiting for the count, such person's estimate of the vote. Let the telegraph be as follows:

"This town will show a democratic gain (or loss) over last year of (number); or this one, if sufficiently certain: This town will give a republican (or democratic) majority of ——."

There is, of course, an important object to be attained by a simultaneous transmission at the hour of closing the polls, but not longer waiting. Opportunity can be taken of the usual half-hour lull in the telegraphic communication over lines before actual results begin to be declared, and before the Associated Press absorb the telegraph with returns and interfere with individual messages, and give orders to watch carefully the count.

Very truly, yours,

SAMUEL J. TILDEN, *Chairman.*

Horace Greeley, candidate of the same party for President of the United States at the last presidential election, in 1869, when the full extent of the scoundrelism of the election of 1868 became known, addressed an open letter to the present candidate for President of the same party, in which he accused him of wholesale ballot-box stuffing, and went on to say:

On the principle that the receiver is as bad as the thief you are as deeply implicated in this matter to-day as though your name were Tweed, O'Brien, or Oakey Hall.

Speaking of the votes of some of the lower wards of the city of New York, he says:

And though our city has largely increased its population, the lower wards were quite as populous then (1840) as they are to-day, several of them more so. * * * Now, look at the vote of four of these wards in 1840 and 1868, respectively:

Wards.	President, 1840.		Governor, 1868.	
	Harrison.	Van Buren.	Republican.	Democrat.
Four wards.....	4,793	5,521	2,840	20,283

Van Buren's majority, 796; Hoffman's majority, 17,443.

Mr. Tilden, you know what this contrast attests. Right well do you comprehend the means whereby the vote of 1868 was thus swelled out of all proportions. There are not 12,000 legal voters living in those wards to-day, though they gave Hoffman 17,443 majority.

And this same democratic chairman of 1868 for the State of New York is to-day the *reform* candidate of the democratic party for the Presidency of the United States. Is this the *honest* man for whose election the gentleman from New York so earnestly appealed the other day, when he said:

Our hope is in their ballots to be given in November next for the election of an honest man, now governor of the State of New York—Samuel J. Tilden?

And was it thought necessary to repeal this law that the ballots may be counted for this *honest* man?

This "honest Samuel J. Tilden!" This reformer Tilden! The head and front of that "noble army of martyrs" or reformers—and reformers are always supposed to be martyrs—that during the present session of Congress have so bitterly denounced the use of money at elections, could in 1868 have "expenses duly arranged at this end." Where was the money to come from? Were there officials of every kind to be made to come down with the stamps? Did the worthy chairman thrust his hands into his own treasury and cut off a coupon here and there from his railroad and other bonds to meet the expenses "at this end?" It appears from his own testimony taken in the case of The People *vs.* Tweed that he had been slightly acquainted with one William M. Tweed since 1864, and that Tweed had grown wondrous strong in the democratic party by 1868. Commencing his public career in 1864 as deputy street commissioner, he had slightly made the acquaintance of the "reformer" Tilden, and in 1868 or 1869 he had become a great political power, with a large number of adherents and a very large circle of supporters, having the control of Tammany Hall for a number of years prior to 1871. He was the right-hand man of this democratic chairman in 1868; yes, as early as 1866 the slight acquaintance had ripened; and whether Tweed was an adherent and supporter of Tilden, or Tilden an adherent and supporter of Tweed, the evidence does not inform us.

But it is claimed, as a relief to Tilden for his intimacy with Tweed, that Washington had been intimate with Benedict Arnold. That is true, and Arnold had been a true, brave, and faithful soldier; but he fell. Washington did not associate with him after his fall. Unfortunately for the parallel in Tilden's case, Tweed was a poor un-

known man, a deputy street commissioner, when Tilden first made his acquaintance, and from that acquaintance, made in 1864, Tweed began to grow, and such rapid growth never was known since Jonah's gourd. He grew rich, immensely rich, as no honest man could grow. He grew powerful, wonderfully powerful. Politically, he became the great mogul of Tammany. In two years he had become a man of great influence. In four years he became the Boss of the democratic party in the city and State of New York. Tilden knew him all this while. He saw this growth. Did he not wonder at it? Did he not inquire of himself, if not of others, "On what meat doth this our Cæsar feed?"

Was it intended to force the repeal of the supervisory election law through the Senate in order that unlimited frauds may prevail at the coming election and this democratic *reform* candidate for President be counted in, as Hoffman, the democratic candidate for governor of New York in 1868, was counted in?

It is not my purpose, however, to discuss the proposed legislation in these various appropriation bills, but the rather to look at the principles involved in the rule itself.

The worst feature of this proposition exists in the fact that it seeks to enforce upon the Senate the peculiar theories of the House in reference to general legislation. The language of Mr. Wilson in the constitutional convention on this subject I will again repeat:

> The House of Representatives will insert other things in money bills, and by making them conditions of each other destroy the deliberate liberty of the Senate.

It would seem to be prophetic of the situation to-day. What is in fact the proposition that we have had before us except that if the Senate does not conform to the wishes of the House, not in reference to the amount to be appropriated for any given purpose, but in reference to the laws which regulate such appropriations and in reference to the laws in regard to which such appropriations are to be made—laws that had required the several action of each House of Congress and the Executive—that the money will not be supplied to carry on the Government?

The necessity for the independent action of the two Houses of Congress is essential to the preservation of our system. If the Senate can be *forced* to act with the House both Houses then become but one deliberative body, and we practically have but one legislative body, instead of two, to protect the rights of the people.

Over one hundred years ago, in 1775, John Adams, in expressing his thoughts on the kind of government that this country should have, laid down this proposition:

> That, if the legislative power is wholly in one assembly and the executive in another or in a single person, these two powers will oppose and encroach upon each other until the contest shall end in war and the whole power, legislative and executive, be usurped by the strongest. The judicial power in such case could not mediate or hold the balance between the two contending powers, because the legislative would undermine it.

In 1778, in his conclusions in regard to government, after having shown by analogy and comparison with all the republican forms of government, both ancient and modern, that had up to that time existed, of which history gave any knowledge, the absolute necessity for checks and balances, or in fact a tripartite form of government where the power should rest in two legislative bodies and the executive, says:

> In the present state of society and manners in America, with a people living chiefly by agriculture, in small numbers, sprinkled over large tracts of land, they are not subject to those panics and transports, those contagions of madness and folly which are seen in countries where large numbers live in small places in daily fear of perishing for want. We know, therefore, that the people can live and increase under almost any kind of government or without any government at all; but it is of great importance to begin well. Misarrangements now made will have great, extensive, and distant consequences, and we are now employed, how little soever we may think of it, in making establishments which will affect the happiness of a hundred millions of inhabitants at a time in a period not very distant. All nations under all governments must have parties. The great secret is to control them. There are but two ways, either by a monarchy and standing army or by a balance in the constitution. Where the people have a voice and there is no balance there will be everlasting fluctuations, revolutions, and horrors, until a standing army, with a general at its head, commands the peace, or the necessity of an equilibrium is made appear to all and is adopted by all. (Works of John Adams, pages 587–8.)

The necessity for checks in our Government and for the full preservation of the right and power of each department of it, I apprehend no one at all conversant with our form of Government will deny. Every act that tends in any degree to overthrow them should be rejected. The fact that legislation is attached to an appropriation bill is in and of itself a practical threat to not only the other branch of the Legislature, but to the Executive. If the Senate should be in full accord with the House upon the question under consideration and with reference to the legislation which the House proposes, to place such legislation upon an appropriation bill is practically saying to the Executive that if you exercise your power, your negative here, we will take away from you the supplies which are essential to carry on the Government. So that is not only a threat upon the Senate, but also a compulsory power upon the President himself, and as a mode of legislating it is revolutionary in its nature and antagonistic to the principles of our Government. But it is not only true that as a mode of legislating it is subject to these objections, but in its practical workings it has proved itself always to be the most objectionable mode of enactment of law.

We cannot forget that with an appropriation bill was carried through the odious legislation of the Forty-second Congress. The back-salary bill was, in fact, the appropriation bill. And in the last Congress, in the last hours of the session, an amendment was made upon an appropriation bill without objection which affected the general laws, and was damaging to the interests of the country.

The Committee on Appropriations themselves, in self-protection, should repel all efforts at legislation upon their bills, for it leads at once into difficulty. The appropriation bills are usually settled, particularly during the short session of Congress, in committees of conference. It is the legislation of half a dozen men of both Houses. Their action is never fully understood by either House, and law virtually becomes the will of the half dozen men, the conferees of the two Houses, instead of the deliberate action of both Houses. No general law should be subject to such control.

In conclusion, I repeat that the House of Representatives has no greater right under the Constitution to originate appropriation bills than the Senate; that to acknowledge the exclusive right would endanger the equilibrium of our Constitution by destroying the deliberative power of the Senate, and in the end subvert the Government.

The dead lock of to-day should be an admonition for the future to avoid seeking to enforce legislation by supplies.

Mr. RANDALL. I demand the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof the conference report was adopted.

Mr. RANDALL moved to reconsider the vote by which the conference report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

JOINT COMMITTEE ON CHINESE IMMIGRATION.

Mr. RANDALL, from the Committee on Appropriations, reported a bill (H. R. No. 3927) making appropriations to defray the expenses of the Joint Select Committee to Investigate Chinese Immigration; which was read a first and second time.

The bill appropriates the sum of $7,000, or so much thereof as may be necessary, out of any money in the Treasury not otherwise appropriated, to defray the expenses of the investigation into Chinese immigration by the joint select committee appointed for that purpose, one-half of said sum to be paid into the contingent fund of the Senate and one-half into the contingent fund of the House of Representatives.

Mr. RANDALL. I call for the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. RANDALL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

TEMPORARY PROVISION FOR EXPENDITURES OF THE GOVERNMENT.

Mr. RANDALL, from the Committee on Appropriations, reported a bill (H. R. No. 3928) to continue the provisions of an act entitled "An act to provide temporarily for the expenditures of the Government;" which was read a first and second time.

The bill extends and continues in full force and effect until and including the 31st day of July, 1876, the provisions of an act entitled "An act to continue the provisions of an act entitled 'An act to provide temporarily for the expenditures of the Government, approved June 30, 1876,' approved July 10, 1876."

Mr. RANDALL. In connection with this bill I desire to express the belief individually that this will be all that will be necessary in the way of extending this temporary act pending the action of Congress on the appropriation bills. I believe that perhaps a conclusion on the appropriation bills could be reached prior to the day here named but for the fact that the Senate is now engaged in the impeachment trial, and will require some days after that trial is concluded to take up and consider the reports on the appropriation bills now in committees of conference; and there is also the river and harbor bill, which is still under discussion in the Senate.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. RANDALL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, informed the House that the Senate had passed a bill (S. No. 999) to continue the provisions of an act entitled "An act to provide temporarily for the expenditures of the Government, &c.;" in which the concurrence of the House was requested.

RESERVATION OF THE OTOE AND MISSOURIA INDIANS.

Mr. PHILLIPS, of Kansas. I present the report of a committee of conference.

The Clerk read as follows:

> The committee of conference on the disagreeing votes of the two Houses upon the bill (S. No. 779) to provide for the sale of the reservation of the confederated Otoe and Missouria Indians in the States of Kansas and Nebraska, after a full and free conference have agreed to recommend, and do recommend, to their respective Houses as follows:
>
> That the House recede from its first amendment.
>
> That the Senate concur in the second amendment of the House.

That the House recede from its amendment striking out all after the words per annum," in line 3, section 4; and that the Senate agree to the amendment of the House adding the words after said section, "which income shall be expended for the benefit of said tribes, under direction of the Secretary of the Interior," with the following amendment: Add after the word "Interior" the following words: "*Provided*, That said Indians shall not be located in the Indian Territory east of the ninety-sixth degree of longitude."

That the Senate concur in the amendment of the House adding section 7 to the bill.

That the Senate concur in the amendment to the title suggested by the House, with an amendment, as follows: Strike out the words "a portion of," before "the" in line 1, and insert the same words before the words "the confederated," in the second line of the title.

W. A. PHILLIPS,
W. W. WILSHIRE,
Managers on the part of the House.
JOHN J. INGALLS,
A. S. PADDOCK,
M. W. RANSOM,
Managers on the part of the Senate.

Mr. PHILLIPS, of Kansas. I yield to the gentleman from Missouri, [Mr. MORGAN.]

Mr. MORGAN. As one of the conferees on the part of the House I desire to state briefly my reasons for declining to sign the report. The bill provides for the sale of an Indian reservation lying in Kansas and Nebraska and for the removal of the Indians to the Indian Territory. The amendment made by the House struck from the bill the provision for the removal of the Indians to the Indian Territory and provided for the sale of a part only of the reservation. Upon this we had our conference.

Now, I am utterly opposed to the further removal of Indians to the Indian Territory, especially where, as in this case, they are settled upon a reservation and living there peaceably and quietly. I think it a great injustice to the Indians; and I believe that the provision requiring the consent of the Indians to the removal has but little significance. We all understand how easily the consent of these Indians is obtained and by what means. I also consider it a great injustice to the people of the adjoining States, who are opposed to the settling up of that country with an idle, worthless population. For these reasons I declined to sign the report.

Mr. PHILLIPS, of Kansas. I wish to ask the gentleman from Missouri [Mr. MORGAN] if he has any objection to the report of the committee of conference except on the single ground that he is opposed to the removal of the Indians.

Mr. MORGAN. I will say in reply to the gentleman's question that the bill is carefully drawn and that the provisions in regard to the sale of lands and the protection of the rights of the Indians meet with my approval. I have no objection to the bill except as regards the removal of the Indians to the Indian Territory; and I have stated my reasons for that objection.

Mr. BLAND rose.

Mr. PHILLIPS, of Kansas. Have I the floor?

The SPEAKER *pro tempore*. The gentleman from Kansas [Mr. PHILLIPS] has the floor.

Mr. PHILLIPS, of Kansas. I will simply yield to the gentleman from Missouri [Mr. BLAND] for a question.

Mr. BLAND. I desire to say a few words.

Mr. PHILLIPS, of Kansas. I will yield to the gentleman three minutes.

Mr. BLAND. I would like to have five.

Mr. PHILLIPS, of Kansas. Then I will yield to the gentleman five minutes.

Mr. BLAND. If I understand this bill, it proposes to transfer these bands of Indians from the reservation in Kansas to the Indian Territory.

When a bill involving a similar question was before the House I had occasion to enter my protest against the policy of transferring these Indians to the Indian Territory. That is a country susceptible of settlement and cultivation unsurpassed by any Territory within the Union. It is a blow that is aimed at the metropolis of the State of Missouri, and it seems to be the intention to remove the Indians from the northern Territories and locate them southwest of Saint Louis in the interest of Chicago and other northwestern cities in opposition to the prosperity of the city of Saint Louis. I say that the whole thing is fraught with injustice and it is only carrying out a systematic policy of the legislation of this Congress and of the country affecting the interests of the people South and West. I want it distinctly understood here and now that the State of Missouri is not only opposed to this bill but to this entire policy, and is opposed to every man and to every party which proposes to perpetuate this injustice, and we propose to fight it out on that line if it takes all this hot summer and a hundred succeeding summers.

Mr. PHILLIPS, of Kansas. I will not consume the time of the House. I merely desire to state that in the law there is now a provision to remove these Indians. The Pawnees, a portion of the same tribe, have already been removed to the Territory, and the Otoes, a few hundred in number, desire to go there. The bill provides that they shall not be taken there but by their own consent. There can be no objection to the bill, and I have no objection to the gentlemen from Missouri making their record on this question; but I do not think the bill is open to criticism and cannot be criticised. I move the previous question.

The previous question was seconded and the main question ordered.

The question was put on agreeing to the report of the committee of conference; and on a division there were—ayes 63, noes 42; no quorum voting.

Tellers were ordered; and Mr. PHILLIPS, of Kansas, and Mr. BLAND were appointed.

The House again divided; and the tellers reported—ayes 66, noes 84.

So the report of the committee of conference was not agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, announced that the Senate had passed a bill (S. No. 1000) to continue the public printing, in which he was directed to ask the concurrence of the House.

VETO MESSAGE—NELSON TIFFANY.

Mr. BANNING. I rise to a question of privilege. I desire to submit from the Committee on Military Affairs a report upon the veto message of the President on the bill (H. R. No. 1337) for the relief of Nelson Tiffany.

The SPEAKER *pro tempore*. The Clerk will first read the bill.

The Clerk read the bill, as follows:

That the Secretary of War is hereby authorized and directed to remove the charge of desertion from Nelson Tiffany, late a private in Company H, Twenty-fifth Massachusetts Volunteers, and grant said Tiffany an honorable discharge.

The SPEAKER *pro tempore*. The veto message of the President will now be read.

The Clerk read as follows:

To the House of Representatives:

For the reasons set forth in the accompanying report of the Secretary of War, I have the honor to return herewith without my approval House bill No. 1337, entitled "An act for the relief of Nelson Tiffany."

U. S. GRANT.

EXECUTIVE MANSION, *July* 11, 1876.

WAR DEPARTMENT,
Washington City, June 7, 1876.

SIR: I have the honor to return House bill 1337, for the relief of Nelson Tiffany.

The Adjutant-General, to whom the bill was referred, reports as follows:

"Nelson Tiffany, private Company A, Twenty-fifth Massachusetts Volunteers, deserted October 10, 1864, and remained absent until April 25, 1865, when he surrendered under the President's proclamation, thereby acknowledging his desertion.

"If this bill becomes a law, it will not only falsify the records of this Department but will be an injustice to every man who served honorably during the war of the rebellion."

I inclose the report (No. 402) of the Senate Committee on Military Affairs in the case.

Very respectfully, your obedient servant,

J. D. CAMERON,
Secretary of War.

The PRESIDENT.

In the Senate of the United States May 1, 1876.—Read twice and referred to the Committee on Military Affairs.

An act for the relief of Nelson Tiffany.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War is hereby authorized and directed to remove the charge of desertion from Nelson Tiffany, late a private in Company H, Twenty-fifth Massachusetts Volunteers, and grant said Tiffany an honorable discharge.

Passed the House of Representatives April 29, 1876.

Attest:

GEORGE M. ADAMS, *Clerk.*

[Senate report No. 402. Forty-fourth Congress, first session.]

JUNE 29, 1876.—Ordered to be printed.

Mr. CLAYTON submitted the following report, to accompany bill H. R. No. 1337.

The Committee on Military Affairs, having had under consideration the bill (H. R. No. 1337) for the relief of Nelson Tiffany, submit the following report:

We find that Nelson Tiffany was enlisted in Company A, Twenty-fifth Massachusetts Volunteers, on the 16th September, 1861, and was honorably discharged on May 15, 1865. He was severely wounded on May 9, 1864, and was sent to hospital at Bermuda Hundreds, thence to Fortress Monroe, and finally to hospital at New Haven, Connecticut, from which place he received a furlough from June 17 for thirty days, which was extended to August 7, 1864, and at its expiration he reported to medical director at Boston, and by him sent to Readville, Massachusetts, on 10th October, being directed to report back to New Haven, Connecticut. He, being in a worn-out and broken-down condition from wounds and sickness, believed he would never recover. He returned to his home at Auburn, Massachusetts, and then reported to the provost-marshal at Worcester, Massachusetts, and was by him sent to Fort Independence, and there remained till his discharge, on May 15, 1865. The records show that Tiffany was a faithful soldier, and he is believed now to be upon his death-bed from wounds received in the war. The committee believe, from all the evidence in the case, that Nelson Tiffany never intended to desert, and they recommend the passage of the accompanying bill.

The SPEAKER *pro tempore*. The question is, Will the House, on reconsideration, pass the bill?

Mr. BANNING. I move the previous question.

The previous question was seconded and the main question ordered.

Mr. BANNING. I beg leave to say one word in reference to this case. Nelson Tiffany was a soldier who was very badly wounded, and when in hospital was allowed by the surgeons to return home, his case being considered hopeless. He was reported as a deserter. The gentleman from Massachusetts [Mr. HOAR] introduced the bill into the House and it went to the Senate and was passed. Upon the report of the Adjutant-General the President vetoed the bill, but Judge HOAR, who is now absent, told me and I think told also the gentleman from Illinois [Mr. HURLBUT] that he called upon the Adjutant-

General and that on explaining the case the Adjutant-General told him that if he had understood the circumstances he would himself have relieved this soldier from the charge of desertion. I think the bill ought to be passed over the veto. The circumstances are as I have stated, and I think no one can have any objection to the passage of the bill.

Mr. HURLBUT. The statement I am about to make is made at the request of Judge HOAR. This soldier came from his congressional district; he was a good soldier, but was severely wounded by being shot through the body. He was in hospital, and was believed to be so ill that by the permission, although not in writing, of the surgeon, he went to his home and remained there. He afterward found that he had been reported as a deserter, and then he surrendered himself. Judge HOAR went to the Adjutant-General and stated the circumstances, which were within his own knowledge, and the Adjutant-General then said that if he had known the facts of the case he would have himself relieved the man from the charge of desertion. The only remedy now is to pass this bill over the veto, without any sort of disrespect to the military authorities, who have acted upon their record only.

Mr. FORT. I desire to ask one question only. The gentleman states that the Adjutant-General if he had known the circumstances of the case, would have relieved this man from the charge of desertion. Why cannot the Adjutant-General do it now?

Mr. BANNING. As the gentleman from Illinois [Mr. HURLBUT] has stated, the bill in this shape means no disrespect to the President or to the military authorities; it merely relieves this soldier from a charge of desertion wrongfully made against him and which is on the record against him.

Mr. FORT. That is not the question. The question is, cannot the Adjutant-General relieve him?

Mr. HURLBUT. No, he cannot do it now since the war has closed.

Mr. GARFIELD. Is it understood that the Adjutant-General has said this since the bill was vetoed?

Mr. HURLBUT. Since the bill has been vetoed Judge HOAR has seen the Adjutant-General and the Adjutant-General made that statement to him.

Mr. GARFIELD. Has he said it over his own signature?

Mr. BANNING. He said it to Judge HOAR and Judge HOAR repeated it to me, and also to the gentleman from Illinois, [Mr. HURLBUT.]

Mr. GARFIELD. I think, with due respect to everybody concerned, that where we have on the one hand the record of the War Department and the record of the President's veto we ought to have the written statement of the Adjutant-General upon the other before we pass this bill over the veto of the President. I do not think that on a second-hand statement which comes to us from the gentleman from Illinois [Mr. HURLBUT] and to him from a gentleman who is not now here, and alleged to have come originally from the Adjutant-General, we should proceed to act upon this bill. It is very easy for us to get an official statement by another day, and I would suggest that this bill be permitted to lie over until to-morrow.

Mr. BANNING. I have no objection to the bill lying over.

Mr. BANKS. That ought to be done.

The SPEAKER *pro tempore*. It will be necessary to reconsider the vote by which the main question was ordered, if any other business is to be transacted at this time.

Mr. BANNING. I think if the report in this case was read every gentleman would be satisfied. I ask that the report be read.

The Clerk read the report, as follows:

We find that Nelson Tiffany was enlisted in Company A, Twenty-fifth Massachusetts Volunteers, on the 16th September, 1861, and was honorably discharged on May 15, 1865. He was severely wounded on May 9, 1864, and was sent to hospital at Bermuda Hundreds, from thence to Fortress Monroe, and finally to hospital at New Haven, Connecticut, from which place he received a furlough from June 17 for thirty days, which was extended to August 7, 1864, and at its expiration he reported to medical director at Boston, and by him sent to Readville, Massachusetts, on 10th October, being directed to report back to New Haven, Connecticut. He being in a worn-out and broken-down condition from wounds and sickness, believed he would never recover. He returned to his home at Auburn, Massachusetts, and then reported to the provost marshal at Worcester, Massachusetts, and was by him sent to Fort Independence, and there remained till his discharge, on May 15, 1865. The records show that Tiffany was a faithful soldier, and he is believed now to be upon his death-bed from wounds received in the war. The committee believe, from all the evidence in the case, that Nelson Tiffany never intended to desert, and they recommend the passage of the accompanying bill.

Mr. BANNING. I think I can satisfy the gentleman from Ohio, [Mr. GARFIELD]——

Mr. FORT. Let the bill go over.

Mr. GARFIELD. Let it go over until to-morrow.

Mr. BANNING. Wait a moment. The soldier has an honorable discharge——

Mr. TOWNSEND, of New York. Pass the bill now.

Mr. BANNING. Yes, pass it now. The soldier has an honorable discharge, and the report shows that he is now dying from wounds received in the service. I think the bill should be passed.

Mr. CONGER. There are many cases of like character where this Congress has refused to remove the charge of desertion. There are many bills of the same kind lying upon our tables.

Mr. FORT. Hundreds of them.

Mr. CONGER. Let the gentleman introduce a general bill removing the charge of desertion, and then these individual bills will not be vetoed.

Mr. BANNING. This is a case where the soldier has an honorable discharge.

Mr. CONGER. But the charge of desertion for some period during the war remains against him, as it does against others.

Mr. BANNING. But it was made in 1865, and is a mistake. I call for a vote.

Mr. BANKS. I would like to understand this question better than I do now, and in order to get an opportunity to do so I move that the House now adjourn.

COMMERCIAL INTERCOURSE WITH MEXICO AND CENTRAL AMERICA.

Pending the motion to adjourn,

The SPEAKER *pro tempore*, by unanimous consent, laid before the House the following message from the President of the United States:

To the House of Representatives:

I transmit a report from the Secretary of State in answer to the resolution of the House of Representatives of the 1st of April last on the subject of commercial intercourse with Mexico and Central America.

U. S. GRANT.

WASHINGTON, *July* 19, 1876.

Mr. REAGAN, I move that the President's message and accompanying document be referred to the Committee on Commerce, and printed.

The motion was agreed to.

VETO MESSAGE.

The SPEAKER *pro tempore* also laid before the House the following message from the President of the United States:

To the House of Representatives:

I have the honor to return herewith without my approval House bill No. 2684, entitled "An act to amend sections 3496, 3951, and 3954 of the Revised Statutes." It is the judgment of the Postmaster-General, whose report accompanies this message, that if this bill should become a law in its present form it would fail to give effect to its provisions. The remedial suggestions in his report are respectfully recommended to your attention.

U. S. GRANT.

EXECUTIVE MANSION, *July* 20, 1876.

Mr. CLARK, of Missouri. I move that the President's message and accompanying document be referred to the Committee on the Post-Office and Post-Roads, and printed.

The motion was agreed to.

PETER F. KENDALL.

The SPEAKER *pro tempore* also laid before the House a letter from the Secretary of War, transmitting reports and papers in the claim of Peter F. Kendall; which was referred to the Committee on War Claims.

WITHDRAWAL OF PAPERS.

Mr. RIDDLE asked and obtained unanimous consent for the withdrawal of the application and papers of A. M. Tinsley, of Trousdale County, Tennessee, for a pension.

LEAVE OF ABSENCE.

Leave of absence was granted, by unanimous consent, as follows:

To Mr. ROBBINS, of Pennsylvania, for two days on account of business;

To Mr. WHITEHOUSE for one week; and

To Mr. ODELL until Tuesday next on account of ill health.

ENROLLED BILL SIGNED.

Mr. PLAISTED, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill of the following title; when the Speaker *pro tempore* signed the same:

An act (H. R. No. 3717) making appropriations for the support of the Army for the fiscal year ending June 30, 1877, and for other purposes.

ORDER OF BUSINESS.

The SPEAKER *pro tempore*. The question is upon the motion of the gentleman from Massachusetts [Mr. BANKS] that the House now adjourn.

Mr. RANDALL. I ask the gentleman to withdraw that motion. The ten-day bill passed by the House to-day has not yet been returned from the Senate. It is necessary that the enrolled bill shall be signed by the Speaker *pro tempore* in the presence of the House in order that it may be sent to the President to-day for his signature.

Mr. BANKS. I will withdraw the motion to adjourn.

Mr. RANDALL. If the House does not desire to go on with other business at this time, I would suggest a recess of half an hour.

Mr. DUNNELL. I ask unanimous consent to submit a report at this time.

Mr. SAMPSON. I rise to make a privileged report. On the 10th of this month, on the motion of the gentleman from New York, [Mr. COX,] Senate bill No. 846 was referred to the Committee on Patents with leave to report at any time. I am instructed by the committee to report the bill back with amendments, and to recommend its passage.

Mr. GARFIELD. Is that the trade-mark bill?

Mr. SAMPSON. It is.

Mr. HANCOCK. I desire to call up at this time the motion to reconsider the vote by which the bill (H. R. No. 3925) relating to the production of fruit brandy and to punish frauds connected with the same was referred to the Committee of Ways and Means.

The SPEAKER *pro tempore*. The two questions are of equal privilege, in the opinion of the Chair.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, informed the House that the Senate had passed without amendment a bill of the following title:

A bill (H. R. No. 3928) to continue the provisions of an act to provide temporarily for the expenditures of the Government.

ADJOURNMENT FROM FRIDAY TILL MONDAY.

Mr. SPRINGER. I rise to a question of the highest privilege. I move that when the House shall adjourn to-morrow it stand adjourned until Monday next.

Mr. GARFIELD. That is right.

Several MEMBERS. O, no.

Mr. HOLMAN. I trust this motion will not be agreed to.

Mr. BURCHARD, of Illinois. Is the motion in order?

The question being taken, the motion was not agreed to; there being—ayes 50, noes 82.

ORDER OF BUSINESS.

The SPEAKER *pro tempore*. The gentleman from Iowa [Mr. SAMPSON] and the gentleman from Texas [Mr. HANCOCK] have each risen for the purpose of calling up a motion to reconsider.

Mr. SAMPSON. Mine is not a motion to reconsider.

The SPEAKER *pro tempore*. This necessarily raises the question of consideration as between the two matters of business. As that of the gentleman from Iowa is prior in time, the Chair will first put the question upon that. Will the House now reconsider the vote by which the bill was recommitted?

Mr. COX. I rise to a question of order. The gentleman from Iowa has not risen to call up a motion to reconsider. As a member of the Committee on Patents, he rose to make a report which the committee had been authorized to make at any time.

Mr. SAMPSON. A report on the bill relative to counterfeiting trade-marks.

The SPEAKER *pro tempore*. Then the gentleman from Iowa misstated his case to the Chair.

Mr. SAMPSON. I stated it correctly; but there was a misunderstanding.

The SPEAKER *pro tempore*. If the committee has been authorized to report upon this subject at any time, the gentleman from Iowa is clearly entitled to the floor.

ORDER OF BUSINESS.

Mr. BLAND. I move that when the House adjourns to-day it adjourn to meet on Saturday next.

The motion was not agreed to.

Mr. JONES, of Kentucky. I move that the House now adjourn.

Mr. COX. If the House should now adjourn, Mr. Speaker, will not the bill of the gentleman from Iowa come up first in the morning as unfinished business?

Mr. RANDALL. If the House adjourns now, the bill temporarily extending appropriations for the support of the Government will not become a law to-day. A few minutes will obviate that difficulty.

Mr. JONES, of Kentucky. Then I withdraw the motion to adjourn.

COUNTERFEITING TRADE-MARKS.

Mr. SAMPSON, from the Committee on Patents, reported back, with amendments, the bill (S. No. 846) to punish the counterfeiting of trade-mark goods and the sale or dealing in of counterfeit trade-mark goods.

The amendments reported by the committee were read, as follows:

In line 3, section 1, strike out the words "have in his possession or," and insert after the word "shall," in the same line, the words "with intent to defraud."

Strike out all after the word "be," in line 11, section 1, and insert "punished by fine not exceeding $1,000, or imprisonment not more than two years, or both such fine and imprisonment."

Strike out all of section 6.

In line 2, section 7, strike out "or to aid in defrauding or injuring."

Strike out all of section 8.

Strike out all after the word "be," in line 4, section 10, and insert the words "punished by fine not exceeding $500, or imprisonment not more than one year, or both such fine and imprisonment."

Strike out all of section 11.

Mr. SAMPSON. Mr. Speaker, it will only be necessary to detain the House for a moment or two in explanation of this bill.

It is generally conceded that there is not at present sufficient protection to trade-marks. The public generally, the honest manufacturers and honest dealers throughout the country are being constantly swindled by counterfeit trade-marks. The law of 1870, providing a general system for the registration of trade-marks and designed to afford better protection by giving right of action in United States courts to recover damages for counterfeiting and providing the remedy by enjoining counterfeiters, has not proved sufficient. Worthless parties engaged in such dishonest practices are not prevented by civil actions. A judgment for damages has no terrors for them. If enjoined, some relative soon owns the goods and the business goes on. The plaintiff in such action (the measure of damages being the profit) has to depend mainly on the testimony and books of the defendant; and it is found generally that he who will counterfeit will testify falsely to avoid the consequences. Thus the action for damage amounts to but little.

Nearly four hundred of the leading manufacturers, merchants, and dealers of New York, Boston, and Philadelphia have petitioned Congress very earnestly at this session to enact such a law as that contained in this Senate bill; and they state their reasons in this forcible language:

The use of trade-marks on every species of merchandise and manufactures, both foreign and domestic, has greatly increased with the expansion of modern trade and commerce, and has become a powerful interest throughout the United States of America.

The nefarious but lucrative business of pirating or counterfeiting genuine trade-mark goods has too long flourished unchecked to the incalculable injury of every consumer, of every honest merchant, manufacturer, and trader, and has extensively multiplied costly and tedious litigation.

No United States statute yet exists providing penal remedies to punish the counterfeiting of trade-mark goods or the sale or dealing in of the same. The evils and injuries to long-suffering commercial and manufacturing interests consequent upon this omission imperatively demand prompt relief and a speedy application of searching remedies.

We therefore respectfully petition for relief, and request that Senate bill No. 846, introduced into the Senate on the 18th of May, 1876, entitled "A bill to punish the counterfeiting of trade-mark goods and the sale or dealing in of counterfeit trade-mark goods," may be made law at this session of Congress.

A word in relation to the amendments proposed by the committee. They are seven in number, but are solely for the purpose of accomplishing the following objects:

First. To render it certain that no one shall be convicted of crime or punished under this proposed statute for having any connection with fraudulent trade-marks, unless such connection was willful and with intent to defraud, and to throw the burden of proof of this fact on the state.

Second. To so shape the law that all money paid by defendants by way of penalty should go into the Treasury as fines in other cases, and not go to the informer or the owner of the trade-mark. The owner is provided for now by the civil action for damages.

Third. To limit the punishment to fine and imprisonment, and not allow it to extend to forfeitures of goods also.

These are the only amendments made by the committee. I will yield to the gentleman from Michigan to offer one or two additional amendments in the same line to perfect the bill, and will then demand the previous question.

Mr. CONGER. I offer three amendments to different places in the bill, which I will ask the Clerk to read. They are in the same line as those reported from the Committee on Patents.

The Clerk read as follows:

1. Insert in line 7, section 9, after the word "person," the words "with intent to use the same for the purpose of deception and fraud."

2. In line 15, same section, after the word "person," insert the words "with intent to use the same for the purpose of deception and fraud."

3. In line 34, in the same section, after the word "use," insert the words "by the holder or owner."

Mr. SAMPSON. I am willing to agree to those amendments. I demand the previous question.

The previous question was seconded and the main question ordered.

Mr. CONGER'S amendments to the amendment were agreed to; and then the amendments of the committee, as amended, were concurred in.

The bill, as amended, was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. SAMPSON moved to reconsider the vote by which the bill, as amended, was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CONTINUANCE OF PUBLIC PRINTING.

Mr. RANDALL. I now call up Senate bill (S. No. 1000) to continue the public printing, and move that it be put upon its passage.

The bill was read a first and second time.

It authorizes the Congressional Printer to continue the work required by law in advance of appropriations to be hereafter made, and provides that this act shall continue in force ten days.

Mr. RANDALL. This is necessary, although the money is appropriated in the sundry civil appropriation bill, as there is a probability of that bill not reaching the President to-night. As a necessary precaution, I ask that the bill be put upon its passage.

The bill was ordered to a third reading, and was accordingly read the third time, and passed.

Mr. RANDALL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ENROLLED BILL.

Mr. HARRISON, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled an act (H. R. No. 3928) to continue the provision of an act entitled "An act to provide temporarily for the expenditures of the Government;" when the Speaker *pro tempore* signed the same.

OTOE AND MISSOURIA INDIANS.

Mr. PHILLIPS, of Kansas. I enter a motion to reconsider the vote by which the report of the conference committee on the disagreeing votes of the two Houses on the bill (H. R. No. 779) to provide for the sale of the reservation of the confederated Otoe and Missouria Indians in the States of Kansas and Nebraska was rejected.

Mr. BLAND. And I move to lay that motion upon the table.

Mr. PHILLIPS, of Kansas. I only desired to enter the motion to reconsider.

The SPEAKER *pro tempore*. The gentleman has a right to make a motion to lay upon the table.

Mr. PHILLIPS, of Kansas. I submit that it is a privilege to enter a motion to reconsider, but not to make a motion to lay upon the table.

The SPEAKER *pro tempore*. It is in order, no other business being before the House at this time.

Mr. BLAND. The Chair entertained the motion, and the House is now dividing upon it.

The SPEAKER *pro tempore*. There was no business before the House at the time of the motion to reconsider. If there had been, the Chair would have only allowed the motion to reconsider to be entered.

Mr. PHILLIPS, of Kansas. I only desired to enter the motion to reconsider, intending to call it up at some other time.

The House divided; and there were—ayes 78, noes 32.

Mr. TOWNSEND, of New York. No quorum.

Mr. CONGER. The gentleman from Kansas only entered the motion to reconsider, and the Chair has treated it as though the motion to reconsider was really made. I think that motion is not before the House so that it can be laid upon the table. It is merely a notice under the rule. If that be so, the motion to lay upon the table is irregular.

Mr. HOSKINS. I am clear, with all due deference to the Chair, that the motion to reconsider cannot be laid upon the table as it is only entered, and not now before the House. The motion to reconsider is not before the House, and it can only be laid upon the table when it is before the House. The gentleman from Kansas only desired to enter the motion to reconsider, reserving the right to call it up at another time.

Mr. RANDALL. There was nothing before the House when the gentleman from Kansas made his motion to reconsider, and it was perfectly in order for the gentleman from Missouri to move to lay upon the table, there being no other business before the House. The motion is entered when there is other business before the House.

Mr. BLAND. I moved to lay the motion to reconsider upon the table, the Chair entertained it, the House divided upon it, and it is now too late to make the point of order.

Mr. GARFIELD. If the gentleman had made the motion to reconsider it would have been in order to have moved to lay upon the table.

The SPEAKER *pro tempore*. And that is precisely what he did.

Mr. PHILLIPS, of Kansas. No; I said I rose to enter the motion to reconsider.

Mr. GARFIELD. He merely entered it. It was a notice that he would make the motion.

The SPEAKER *pro tempore*. The Chair at once recognizes that the mere notice to enter a motion to reconsider is not making the motion, but the Chair distinctly understood the gentleman to move to reconsider the vote. The Chair, however, will take the word of the gentleman from Kansas, that he merely entered the motion to reconsider.

Mr. PHILLIPS, of Kansas. I stated distinctly that I rose to enter the motion to reconsider.

Mr. RANDALL. I ask for the reading of the Journal, whether he stated that he merely entered the motion to reconsider.

Mr. TOWNSEND, of New York. This question of laying this motion on the table is open for consideration, because a quorum did not vote. I distinctly raised the question that a quorum did not vote, so the question is open and unembarrassed.

Mr. PHILLIPS, of Kansas. I desire to state, if gentlemen will allow me, that I entered the motion to reconsider because the report had not been debated. I merely entered it at the request of several members of the House. I did not desire to take up the time of the House with it at this time.

The SPEAKER *pro tempore*. If the gentleman from Kansas, as he states, merely entered the motion to reconsider, the Chair ruled wrongly in entertaining the motion to lay the motion to reconsider on the table. The gentleman from Kansas so states to the House, and the motion to reconsider will be now entered.

ENROLLED BILL SIGNED.

Mr. HAMILTON, of Indiana, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a bill of the following title; when the Speaker *pro tempore* signed the same:

An act (S. No. 1000) to continue the public printing.

ADJOURNMENT OVER SATURDAY.

Mr. HALE. I rise to make a privileged motion. I move that when the House adjourns to-morrow it adjourn to meet on Monday next. This will give the House an opportunity to-morrow to consider private bills, and will give us what we all need, a rest on Saturday.

The question being taken on Mr. HALE's motion, there were—ayes 72, noes 61; no quorum voting.

Mr. LUTTRELL. I call for tellers.

Mr. VANCE, of Ohio. I call for the yeas and nays.

The SPEAKER *pro tempore*. A quorum not having voted, the Chair will order tellers, and appoints the gentleman from Maine, Mr. HALE, and the gentleman from Ohio, Mr. RICE.

The House again divided; and the tellers reported—ayes 76, noes 47; no quorum voting.

Mr. HOLMAN. I call for the yeas and nays on this proposition.

The yeas and nays were ordered.

The question was taken; and there were—yeas 82, nays 65, not voting 137; as follows:

YEAS—Messrs. John H. Baker, Ballou, Banks, Blair, Horatio C. Burchard, Burleigh, Candler, Caulfield, John B. Clark, jr., of Missouri, Cook, Crapo, Davy, Dunnell, Eames, Eden, Egbert, Ely, Foster, Garfield, Goode, Gunter, Hale, Andrew H. Hamilton, Hardenbergh, Harrison, Hatcher, Henderson, Hereford, Abram S. Hewitt, Hill, Hoskins, Hurd, Thomas L. Jones, Kasson, Kehr, Kimball, Knott, Leavenworth, Levy, Mackey, Magoon, McDill, Milliken, Morrison, Mutchler, Norton, O'Neill, Packer, Pierce, Piper, Platt, Potter, Pratt, Purman, Rainey, Randall, John Robbins, Robinson, Miles Ross, Sampson, Scales, Sinnickson, Smalls, A. Herr Smith, Spencer, Springer, Tarbox, Teese, Terry, Thompson, Thornburgh, Martin I. Townsend, Washington Townsend, Van Vorhes, Waddell, Alexander S. Wallace, Warren, Wike, Willard, Alpheus S. Williams, Jeremiah N. Williams, and William B. Williams—82.

NAYS—Messrs. Ainsworth, Anderson, Atkins, Bagby, John H. Bagley, jr., Bell, Blackburn, Bland, Boone, Bradley, Bright, Cabell, William P. Caldwell, Campbell, Cannon, Cason, Cate, Cochrane, Collins, Conger, Cutler, De Bolt, Dibrell, Dobbins, Durand, Evans, Felton, Finley, Hancock, John T. Harris, Hartzell, Heukle, Holman, House, Hunter, Kelley, Franklin Landers, Lane, Le Moyne, Luttrell, Maish, McFarland, Mills, Morgan, New, Payne, William A. Phillips, Reagan, John Reilly, James B. Reilly, Riddle, William M. Robbins, Savage, Southard, Sparks, Stevenson, Thomas, Tucker, Turney, John L. Vance, Robert B. Vance, White, Whitthorne, Wigginton, and James D. Williams—65.

NOT VOTING—Messrs. Adams, Ashe, George A. Bagley, William H. Baker, Banning, Bass, Beebe, Bliss, Blount, Bradford, John Young Brown, William R. Brown, Buckner, Samuel D. Burchard, John H. Caldwell, Caswell, Chapin, Chittenden, John B. Clarke of Kentucky, Clymer, Cowan, Cox, Crounse, Culberson, Danford, Darrall, Davis, Denison, Douglas, Durham, Ellis, Faulkner, Forney, Fort, Franklin, Freeman, Frye, Fuller, Gause, Gibson, Glover, Goodin, Robert Hamilton, Haralson, Benjamin W. Harris, Henry R. Harris, Hartridge, Hathorn, Haymond, Hays, Hendee, Goldsmith W. Hewitt, Hoar, Hoge, Hooker, Hopkins, Hubbell, Hunton, Hurlbut, Hyman, Jenks, Frank Jones, Joyce, King, Lamar, George M. Landers, Lapham, Lawrence, Lewis, Lord, Lynch, Lynde, MacDougall, McCrary, McMahon, Meade, Metcalfe, Miller, Money, Monroe, Nash, Neal, O'Brien, Odell, Oliver, Page, Phelps, John F. Philips, Plaisted, Poppleton, Powell, Rea, Rice, Roberts, Sobieski Ross, Rusk, Sayler, Schleicher, Schumaker, Seelye, Sheakley, Singleton, Slemons, William E. Smith, Strait, Stenger, Stone, Stowell, Swann, Throckmorton, Tufts, Wait, Waldron, Charles C. B. Walker, Gilbert C. Walker, John W. Wallace, Walling, Walsh, Ward, Erastus Wells, G. Wiley Wells, Wheeler, Whitehouse, Whiting, Andrew Williams, Charles G. Williams, James Williams, Willis, Wilshire, Benjamin Wilson, James Wilson, Alan Wood, jr., Fernando Wood, Woodburn, Woodworth, Yeates, and Young—137.

So the motion was agreed to.

Mr. HALE moved to reconsider the vote by which the motion was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. COCHRANE. I ask unanimous consent that to-morrow shall be considered as objection day, if the Private Calendar shall be taken up.

Mr. HOLMAN. I move that the House adjourn.

Mr. COCHRANE. I hope the gentleman will yield, that the arrangement may be made which I have indicated.

Mr. HOLMAN. I insist on my motion.

The SPEAKER *pro tempore*. The motion of the gentleman from Indiana is equivalent to an objection to the request made by the gentleman from Pennsylvania.

Mr. HOLMAN's motion was agreed to; and accordingly (at five o'clock p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions, memorials, and other papers were presented at the Clerk's desk under the rule, and referred as stated:

By Mr. BURCHARD, of Illinois: The petition of Captain D. C. Stone, to be relieved from the sentence of a court-martial cutting off his pay as captain of the First Kentucky Battery, to the Committee on Military Affairs.

By Mr. HOUSE: The petition of James Moffitt, of Nashville, Tennessee, for a rehearing of his claim, rejected by the southern claims commission, to the Committee on War Claims.

By Mr. LUTTRELL: The petition of Elisha C. Bray, for indemnification for spoliations by Rogue River and Cow Creek tribes of Indians, to the Committee on Indian Affairs.

Also, the petition of citizens of Monticello, California, for the establishment of a post-route between Winters, in Yolo County, to Monticello, in Napa County, California, to the Committee on the Post-Office and Post-Roads.

Also, the petition of citizens of Lake County, California, for the re-establishment of the post-route between Uncle Sam and Lower Lake post-offices, to the same committee.

Also, the petition of residents upon the public lands in Mendocino County, California, against the passage of House bill No. 321, to the Committee on Public Lands.

By Mr. MAGOON: The petition of Thomas Simons and 78 other citizens of La Fayette County, Wisconsin, that the present tariff on linseed-oil be maintained, to the Committee of Ways and Means.

By Mr. PIERCE: The petition of the mayor of Boston, Massachusetts, for the gift to said city of twenty-five bronze cannon for the purpose of casting therefrom statues of Thomas Jefferson and John Adams, to the Committee on Military Affairs.

IN SENATE.

FRIDAY, *July* 21, 1876.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Journal of yesterday's proceedings was read and approved.

HOUSE BILLS REFERRED.

The bill (H. R. No. 3927) making an appropriation to defray the expenses of the Joint Select Committee to investigate Chinese Immigration was read twice by its title and referred to the Committee on Appropriations.

The joint resolution (H. R. No. 96) to provide for the protection of the Texas frontier on the Lower Rio Grande was read twice by its title and referred to the Committee on Military Affairs.

PETITIONS AND MEMORIALS.

Mr. MERRIMON. I present the petition of Robert S. Gorlet, of Washington County, North Carolina, in which he represents that he was the postmaster at Plymouth in that State in the year 1873; that the post-office safe was forced and robbed, whereby a considerable sum of money was lost which belonged to the Government, and for which the petitioner accounted to the Government. He prays that the sum of money which he made good to the Government may be refunded to him. I move the reference of the petition to the Committee on Post-Offices and Post-Roads.

The motion was agreed to.

Mr. SPENCER presented the memorial of John Hogan and others, citizens of Washington, District of Columbia, remonstrating against the passage of a law authorizing the Baltimore and Ohio Railroad Company to locate its depot on Delaware avenue, in the nineteenth district of the city; which was referred to the Committee on the District of Columbia.

Mr. DENNIS presented the petition of Joseph H. Maddox, a citizen of Maryland, praying compensation for property taken and appropriated by United States troops during the late war; which was referred to the Committee on Claims.

REPORTS OF COMMITTEES.

Mr. INGALLS, from the Committee on Pensions, to whom was referred the bill (S. No. 980) granting a pension to Irena Garrett, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (H. R. No. 1588) granting an additional pension to Jefferson Bowers, of Mason County, Illinois, reported it with amendments.

He also, from the same committee, to whom was referred the bill (H. R. No. 2231) granting a pension to Emily E. Weiss, reported it without amendment.

Mr. HAMILTON, from the Committee on Pensions, to whom was referred the bill (H. R. No. 3041) granting a pension to James Ruffin Wood, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (H. R. No. 2707) granting a pension to Mary F. Hall, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

Mr. CAMERON, of Wisconsin, from the Committee on Commerce, to whom was referred the bill (S. No. 905) in relation to vacancies in the office of appraisers of customs at any port of the United States, reported it with amendments.

Mr. BOOTH, from the Committee on Pensions, to whom was referred the bill (H. R. No. 2837) granting a pension to Edward F. Eddy, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

Mr. COCKRELL, from the Committee on Military Affairs, to whom was referred the bill (H. R. No. 1183) for the relief of David W. Stockstill, of Sidney, Ohio, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

Mr. COCKRELL. The Committee on Military Affairs, to whom was referred a petition of citizens of Oregon asking that the lands and buildings known as the Fort Dalles military reservation be donated to that State for the purpose of an insane asylum, have directed me to report adversely as to the donation of the military reservation to the State, but to report a bill authorizing the transfer of the reservation from the War Department to the Secretary of the Interior, and the sale of it, and to submit a report thereon.

The bill (S. No. 1001) to provide for the disposition of Fort Dalles military reservation was read and passed to the second reading, and the report was ordered to be printed.

Mr. LOGAN, from the Committee on Military Affairs, to whom was referred the bill (H. R. No. 559) for the relief of Almeron E. Calkins, late a second lieutenant in the Eighth Michigan Cavalry, reported it without amendment, the committee adopting the report of the House committee.

He also, from the same committee, to whom was referred the bill (H. R. No. 3114) for the relief of William Gemmill, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (H. R. No. 262) for the relief of the legal representatives of John W. Gall, deceased, late of Company A, One hundred and thirtieth Regiment Illinois Volunteers, reported it with an amendment.

He also, from the same committee, to whom was referred the bill (H. R. No. 3484) for the relief of John Rentz, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (H. R. No. 3371) to place Lawrence A. Williams, late major Sixth Cavalry, United States Army, upon the retired list of the Army, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (H. R. No. 1237) for the relief of Benjamin F. Reynolds, reported it with amendments.

He also, from the same committee, to whom was referred the bill (H. R. No. 2813) relieving the State of Kansas from charges on account of ordnance stores furnished to Kansas Territory, reported it without amendment.

He also, from the same committee, to whom was referred the bill (H. R. No. 1075) directing the Second Auditor to settle the pay and bounty account of John Ammahaie or Ammahe, reported it without amendment, the committee adopting the report of the House committee.

He also, from the same committee, to whom was referred the bill (S. No. 976) for the relief of George W. Graffan, late first lieutenant United States Army, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (H. R. No. 2257) for the relief of J. T. McGinniss, captain of Thirteenth Infantry, United States Army, reported it without amendment.

He also, from the same committee, to whom were referred certain papers relating to the joint resolution (H. R. No. 85) to authorize the Secretary of War to issue certain arms to the Washington Light Infantry of Charleston, South Carolina, and the Clinch Rifles of Augusta, Georgia, asked to be discharged from their further consideration, the joint resolution having passed both Houses; which was agreed to.

He also, from the same committee, to whom was referred the bill (H. R. No. 683) to authorize the sale of cadet-rifles, reported adversely thereon; and the bill was indefinitely postponed.

He also, from the same committee, to whom was referred the bill (S. No. 996) for the relief of George W. Smith, reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. No. 828) for the relief of Peter Phillips, reported it with an amendment, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (H. R. No. 3331) authorizing the Secretary of War to permit the Protestant Episcopal church of Gratiot, Michigan, to erect and maintain a wooden church building on the Fort Gratiot military reservation, Michigan, reported it with an amendment.

Mr. LOGAN. I am also directed to report back certain papers with reference to the bill (S. No. 938) for the relief of George T. Olmsted, jr., to ask to be discharged from their further consideration. The bill has passed both Houses, as I understand, and become a law. I did not know that the papers were in the committee at the time the bill was acted upon, and now report the papers back in order that they may be placed on file.

The committee was discharged from the further consideration of the case.

Mr. ALLISON, from the Committee on Pensions, to whom was referred the bill (H. R. No. 2848) granting a pension to F. M. Bruner, reported it without amendment.

He also, from the same committee, to whom was referred the bill (H. R. No. 2844) granting a pension to Levi D. Hayward, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

Mr. CRAGIN. I am directed by the Committee on Naval Affairs, to whom was referred the bill (S. No. 433) directing the transfer of certain amounts from the naval pension fund, to report it back adversely with a written report. This is a bill that seeks to take considerable money out of the Treasury, and I ask that the report be printed.

The report was ordered to be printed, and the bill was postponed indefinitely.

ORDER OF BUSINESS.

Mr. KERNAN. I wish to take up a bill, if morning business is through.

The PRESIDENT *pro tempore*. The Senator from Kansas [Mr. INGALLS] has the floor by understanding.

Mr. INGALLS. I asked yesterday and obtained unanimous consent that at the conclusion of the morning business to-day the Senate would resume the consideration of House bill No. 3625.

The PRESIDENT *pro tempore*. Upon the single condition of taking care of the Senator from West Virginia, [Mr. DAVIS.] If there is no further morning business the bill (H. R. No. 3625) providing for the sale of the Osage ceded lands in Kansas to actual settlers is before the Senate.

Mr. INGALLS. It was the understanding that the Senator from West Virginia should have the opportunity to call up a bill for the removal of political disabilities, and I yield to him for that purpose.

GEORGE JACKSON.

Mr. DAVIS. I move that the Senate proceed to the consideration of the bill (H. R. No. 329) to remove the political disabilities of George Jackson, a citizen of West Virginia. It is a House bill which has been reported by the Judiciary Committee of the Senate favorably.

The PRESIDENT *pro tempore*. The question is, Will the Senate proceed to the consideration of this bill?

Mr. EDMUNDS. I ask a division on taking it up, not because I have the least objection to the bill—I am in favor of it—but I am suspicious we have not a quorum, and if we have not I do not think we ought to do any business.

The question being put, there were on a division—ayes 25, noes 1; no quorum voting.

Mr. INGALLS. I move that the Sergeant-at-Arms be directed to request the attendance of absent members.

The PRESIDENT *pro tempore*. The roll will be called first. The Secretary will call the roll.

The Secretary called the roll and thirty-eight Senators answered to their names.

The PRESIDENT *pro tempore*. A quorum is present. The question is on the motion of the Senator from West Virginia to take up the bill which he has named.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed; two-thirds of the Senate voting in favor thereof.

ENROLLED BILL SIGNED.

A message from the House of Representatives, by Mr. G. M. ADAMS, its Clerk, announced that the Speaker of the House had signed the enrolled bill (S. No. 1000) to continue the public printing; and it was thereupon signed by the President *pro tempore*.

OSAGE LANDS IN KANSAS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 3625) providing for the sale of the Osage ceded lands in Kansas to actual settlers, the pending question being on the amendment of the Senator from Vermont [Mr. EDMUNDS] to strike out section 8 of the bill, as follows:

SEC. 8. That it shall be the duty of the Attorney-General of the United States, for the time being, to ascertain and determine the amount of costs and necessary expenses incurred in prosecuting the two suits commenced in the name of the United States against the Leavenworth, Lawrence and Galveston Railroad Company and the Missouri, Kansas and Texas Railroad Company in the circuit court of the United States for the district of Kansas, for the purpose of testing the validity of the title to said lands claimed by said railroad companies, and the costs and expenses of prosecuting said cases in the Supreme Court of the United States; said expenses to include the fees justly due to the attorneys retained at the instance of the settlers on said lands, with the approval of the Attorney-General of the United States; that, after determining the amount of costs and expenses as aforesaid, the Attorney-General shall certify the said amount, and to whom due, to the Secretary of the Interior; and the Secretary of the Interior shall pay to the parties entitled thereto the sum so allowed and certified to, as aforesaid, out of the proceeds arising from fifteen cents per acre on the sale of said lands.

Mr. ANTHONY. May I appeal to my friend from Kansas? There was a bill reported the other day for the relief of a very old, infirm, and distinguished officer of the Navy, but objection was made to its consideration at that time. I am sure there will be no objection to it if it be taken up now; and if there is any objection made or any debate, I will withdraw it at once.

Mr. INGALLS. The Senator may appeal to me, but I shall be compelled to resist the appeal on account of the very great necessity of action on this bill. I do so with reluctance as the Senator from Rhode Island well knows. I shall be very glad to assist him in passing his bill after this is disposed of.

The PRESIDENT *pro tempore* put the question upon the amendment of Mr. EDMUNDS, and declared that the ayes appeared to prevail.

Mr. INGALLS. I hope not. Let us divide.

Mr. EDMUNDS. Let us have the yeas and nays.

The yeas and nays were ordered.

Mr. INGALLS. The Senate will perceive by reference to the twelfth, thirteenth, and fourteenth lines of this section that the expenses to be paid "include the fees justly due to the attorneys retained at the expense of the settlers on said land with the approval of the Attorney-General of the United States." The section further provides:

That after determining the amount of costs and expenses as aforesaid, the Attorney-General shall certify the said amount, and to whom due, to the Secretary of the Interior.

If the United States then did not retain any attorneys, if there was no service rendered by these attorneys to the Government and no regular employment by the Government, then nothing can be certified by the Attorney-General, and therefore no portion of this fund can be employed for that purpose.

In this connection I may say that by the result of the suits that were tried before the circuit court and taken on appeal to the Supreme Court, the United States Government was saved the repayment of a very large amount of money. Had the cases been determined otherwise than as they were, the Government would have been compelled to refund all the money that was received under the joint resolution of April 10, 1869. As the provision is guarded by the requirement that the Attorney-General must approve the amounts and that it is to be paid under the direction of the Secretary of the Interior, I can see no reason why the section should be stricken out.

Mr. EDMUNDS. I shall have to restate the objection that I made to this section, for I suppose everybody has forgotten it. I say, in the first place, that I have the best reason in the world for believing that the Attorney-General, or the United States, never retained any one of the gentlemen who are named.

Mr. INGALLS. Will the Senator allow me to interrupt him just a moment in order to say that if that is the case, under the twelfth, thirteenth, and fourteenth lines of the section, no money can be paid.

Mr. EDMUNDS. Even if that were so, I am opposed to vicious legislation even if no money can be paid out under it; but the Senator, I think, is a little mistaken. The Senator will observe and the Senate will observe that this section is very skillfully drawn. It does not say to pay counsel retained by the United States. It says this: "Said expenses" of this suit "to include the fees justly due to the attorneys retained at the instance of the settlers on said lands, with the approval of the Attorney-General of the United States."

What the fact is, as I am informed from the very best authority, is that these settlers having, under the treaty of the United States with the Indians and the act of 1869 and the land grant to the railroads, got into a controversy with the railroad companies through the legislation of Congress, they employed, as people generally do, or a part of them employed, those who were fighting the affair, employed counsel, and they persuaded the Attorney-General to bring a suit in equity to set aside the patents that had been issued to the railroad companies, which was a perfectly proper proceeding. It ought to have been done undoubtedly. It was his duty to do it if there was any question under these various rights, and it ought to have been tested. They employed their counsel to defend their interests. They did defend their interests; and when it came to the Supreme Court of the United States, the Government being the party on the record and the sole party on the record, it was necessary, in order that these counsel might have permission to appear, that the Attorney-General should assent to it or that the United States should, which is the same thing. The Attorney-General did assent to it, just as in other cases, as I stated yesterday, he always assents when respectable parties with respectable counsel have interests growing out of or standing under a suit to which the United States is a party. The Attorney-General in such cases always, as a matter of course and of right, allows the counsel for private parties to come in and assist to argue the case, if they wish. That was this case, and as I say I have the best reason for believing it, because one of the gentlemen referred to by the Senator from Kansas yesterday as being concerned as counsel in this affair so stated in my hearing yesterday, when the subject was under consideration, that the Attorney-General never retained them at all in the sense of producing the relation of attorney and client. They were the counsel of private parties who had a particular interest to have this suit of the United States go in a particular way.

Now, it is proposed that these trust funds belonging to the Indians shall be saddled with this expense, and that these counsel shall get their pay by a tax of fifteen cents an acre on this land, to be collected by the United States for their benefit. I insist, Mr. President—I may be entirely wrong—that legislation of this character is absolutely vicious, wrong in principle, and wrong in practice; and it is the first time I will say in my recollection that I ever heard of an enterprise of this kind being undertaken by act of legislation.

Mr. MITCHELL. I will inquire what reason is there that the Indians should pay the amounts even if it were proper to pay it at all?

Mr. EDMUNDS. So say I. Why should it be taken out of these Indians?

Mr. SHERMAN. I know nothing about this matter except what I have heard from interested parties within a day or so; but if the statements made by them are correct, it seems to me this provision is not only right, but it is eminently fair and equitable. The statement as I understand it is this: When it became apparent that there was to be a legal controversy between the railroads and the settlers upon these lands, at a public meeting held by the settlers, certain gentlemen were employed as attorneys and engagements were made on their behalf in the name of the United States, with the assent of the Attorney-General, to commence certain legal proceedings to test the legal title to this land, whether it belonged to the railroad companies or whether these settlers had under our pre-emption and homestead laws any rights whatever, and whether they could maintain their possessory rights as against the railroad companies.

These attorneys were employed then by the settlers by an arrangement among themselves, and this litigation was the result of that arrangement. The decision of the court I have never read, but I understand it was adverse to the railroad companies and in favor of the Government. Under these circumstances this eighth section, as I understand, is an expedient adopted for the purpose of paying out of a general fund the expenses of this litigation, including the attorneys' fees. To enable them to do so without impairing the legal or equitable right of the Indians to this fund it was agreed among themselves without dissent that the price these settlers were to pay for their land, instead of $1.25 an acre, was to be $1.40 an acre, with a view to raise enough by this voluntary assessment over and above the price fixed by the general policy of our laws, $1.25 an acre, to cover these expenses.

Mr. HOWE. Will the Senator allow me to ask him where the settlers obtained the right to buy these lands at $1.25 an acre?

Mr. SHERMAN. I do not really know; I cannot say.

Mr. INGALLS. If the Senator will allow me, that is what this bill proposes to give them.

Mr. EDMUNDS. The treaty says they shall be sold for cash on the best terms.

Mr. HOWE. I want to know if the Senator from Ohio assumes that the reason for paying $1.40 instead of $1.25 is to make a fund out of which to satisfy these fees? I suppose myself that the reason for paying $1.25 or $1.40, or any other sum, is that the lands are worth that sum.

Mr. SHERMAN. I give the Senator just the understanding that I have from parties in interest in this matter. I do not know anything about it myself. As to the reason for fixing the amount at $1.40, that was the reason given, that, in pursuit of a common interest on behalf of these settlers in a litigation instituted by them for their benefit, this proceeding was had, by which it was held that the United States was the owner of this land, and not the railroad companies.

Mr. HOWE. Was the Senator informed what interest the settlers had to be protected in that suit between the Government and the railroad companies?

Mr. SHERMAN. They claimed, under the homestead or pre-emption laws, possessory rights.

Mr. HOWE. I heard it said yesterday that these settlers claimed under purchase from the railroad companies. This bill seems to carry such an intimation.

Mr. SHERMAN. I do not know about that. As I understand, their interests were adverse to the railroad companies. They did not buy of the railroad companies.

Mr. EDMUNDS. Some of them did and some of them did not, as was stated yesterday.

Mr. SHERMAN. I know nothing about that except what is given to me. This mode is a mode of paying the expenses of this litigation by a voluntary assessment among themselves by the settlers upon these lands by increasing the price from a dollar and a quarter, the price at which lands have always been sold to actual settlers except under railroad grants in certain cases, and this is an expedient for the purpose of paying these costs and charges. If that is so, I can only say it seems to me to be equitable, not only on the part of the United States but on the part of the settlers. This was a litigation for the real benefit of the United States. The United States was the party-plaintiff, I suppose, and these settlers claimed their possessory rights under the laws of the United States. If the United States now deny them any possessory rights, perhaps the United States could do it and take advantage of any defect in their title; but, as I understand, the United States do not propose to do that, but to allow these settlers to have the same possessory rights they would have on the public lands, pre-emption rights, and take the lands at one dollar and a quarter an acre. As I understand, the pre-emption laws would give these settlers, if this were public land, a right to enter upon it at a dollar and a quarter an acre, and the United States in this bill proposes to recognize that right, to recognize these as public lands, and to allow these people to pay a dollar and a quarter an acre for these lands, and they have by their voluntary arrangement agreed to pay $1.40 instead of $1.25.

Mr. HOWE. But will the Senator allow me to remind him that, as I understand, the United States has stipulated, has contracted that these shall not be public lands and that they shall be exempt from pre-emption rights and from homestead settlement, and that they shall be sold at a fair price in fair market, and the proceeds shall go to the Indians who formerly owned the lands.

Mr. INGALLS. That is not the fact.

Mr. HOWE. What is it?

Mr. EDMUNDS. It is the fact, except that the proceeds go to the civilization fund.

Mr. INGALLS. That is not the fact either. The proceeds of this land are to be divided by the appropriation of $300,000 for the benefit of the Osage Indians, who formerly owned the lands, and the remainder, after that sum has been taken out, to be appropriated for the benefit of the civilization fund of the Indians at large.

Mr. HOWE. Well, now, Mr. President, I am surprised that the Senator should volunteer that——

Mr. INGALLS. That is not volunteering.

Mr. HOWE. Should volunteer that as a correction of what I said.

Mr. INGALLS. You said it was for the benefit of the Indians who formerly owned the land.

Mr. HOWE. Yes, sir.

Mr. INGALLS. The land was formerly owned by the Osage Indians.

Mr. HOWE. Yes, sir; and the $300,000 is to be taken out of it by the United States simply because the United States advanced $300,000 to the Osage Indians under the treaty. Is not that the fact?

Mr. INGALLS. Suppose it is the fact.

Mr. HOWE. Then I take it my statement was literally correct that this sale is to be made under the treaty for the benefit of the Indians, that in point of fact we never purchased and paid for the lands at all. We acquired a right to sell the land and we advanced $300,000 for that, and we stipulated to sell the land for the benefit of the Indians and to sell it at a fair price; and the treaty does declare—does it not?—that the lands shall not be subject to pre-emption nor subject to homestead entry. So, if I am right in this, there is no pretense that the settlers have a right to take the land at $1.25 an acre. They have not a right to take it at all. They have a right to purchase it in open market with all the rest of the world. Then if it should happen that by paying $1.40 an acre they are merely contributing fifteen cents above the market price, if it should turn out that they were getting the land for five or six dollars an acre less than its real value, it would seem to me this appropriation of fifteen cents an acre would be quite improper, not as a violation of the treaty merely, but as a violation of right. And then what is the sum to be realized by this payment of fifteen cents an acre for counsel fees? What does it amount to?

Mr. INGALLS. I do not know the exact amount.

Mr. HOWE. It is over $100,000, is it not?

Mr. HITCHCOCK. About $70,000.

Mr. HOWE. The tract is thirty by fifty miles square?

Mr. INGALLS. The tract is thirty by fifty miles.

Mr. HOWE. It is over $100,000.

Mr. EDMUNDS. Nine hundred and sixty thousand acres there are. At fifteen cents an acre the amount is $144,000.

Mr. INGALLS. The Senator's arithmetic is strangely at fault. The railroads have claim to but one-half that land, which is 480,000 acres.

Mr. HOWE. But this bill has reference to the whole tract.

Mr. EDMUNDS. That is what it says.

Mr. COCKRELL. I am in favor of the main features of the bill, but I do not see how I can sustain this particular section. I call the attention of the Senator from Ohio to the provisions of the treaty, by the terms of which this particular tract of land thirty miles from east to west and fifty miles from north to south was granted to the United States:

> And in consideration of the grant and sale to them [the United States] of the above-described lands the United States agree to pay the sum of $300,000, which sum shall be placed to the credit of said tribe of Indians in the Treasury of the United States, and interest thereon at the rate of 5 per cent. per annum shall be paid to said tribes semi-annually in money, clothing, provisions, or such article of utility as the Secretary of the Interior may from time to time direct. Said lands shall be surveyed and sold, under the direction of the Secretary of the Interior, on the most advantageous terms, for cash, as public lands are surveyed and sold under existing laws, but no pre-emption claim or homestead settlement shall be recognized; and after re-imbursing the United States the cost of said survey and sale and the said sum of $300,000 placed to the credit of said Indians, the remaining proceeds of sales shall be placed in the Treasury of the United States to the credit of the "civilization fund," to be used, under the direction of the Secretary of the Interior, for the education and civilization of Indian tribes residing within the limits of the United States.

This bill provides for selling these lands to the actual settlers there at $1.40 an acre, and that out of the fifteen cents per acre above $1.25 a certain amount of fees and expenses shall be paid. The settlers pay this fifteen cents per acre more than the dollar and a quarter for what? To pay the expenses, in part at least, of these lawsuits. If they have already paid these expenses, then this money goes back to their own pockets. Would it not be infinitely better for the United States to let them have the whole at a dollar and a quarter an acre? Because if they let them have them at $1.40 an acre the whole is a trust fund, and the very moment the United States lends them credit for this fifteen cents an acre that moment the United States becomes liable and will be compelled to place that amount to the credit of this trust fund; in other words, the United States will be paying this fifteen cents an acre, so far as these expenses are concerned, out of the Treasury. You cannot avoid that conclusion.

Mr. SHERMAN. I look upon the reasonable expenses of that lawsuit on behalf of the United States, by whomever conducted, as just as much a reasonable and proper allowance as the expenses of surveying this land.

Mr. COCKRELL. It is not so specified in the treaty.

Mr. SHERMAN. That makes no difference. The United States only got possession of this large property by these lawsuits; and for the United States to avail itself of the benefit of these services without re-imbursement, it seems to me, would be inequitable and unjust. It would be mean, I should think, for a party to avail himself of the services of others in prosecuting a suit for his benefit without paying that expense. I do not think the United States ought to be put in that position. I have no interest in it and do not care anything about it.

Mr. COCKRELL. I do not care anything in the world about it. I would rather the United States would make a direct appropriation than to do it in this way.

Mr. SHERMAN. I think the amount stated here, $140,000, is entirely unreasonable. While I would vote for any reasonable expense in conducting the lawsuits, I would not for any such amount.

Mr. INGALLS. The Senator from Ohio will observe that only such expenses are to be paid out of this fund as are found to be actually due and approved by the Attorney-General.

Mr. EDMUNDS. Suppose it should turn out, Mr. President, as it often does in cases of this character, that the persons who engaged in these lawsuits for these private parties made a contract in advance that if they won they should have fifteen cents an acre and if they did not win they should not have anything, then it would fall exactly within the words of this section:

> Said expenses to include the fees justly due to the attorneys retained at the instance of the settlers.

As a private bargain between the settlers and the attorneys, it is perfectly lawful to agree, or at least it is a very common practice—I will not say it is absolutely lawful—to have what is called a contingent fee, to agree upon the terms and amount of it; and therefore if there

should happen to have been a contract by which the settlers, not settling under the railroad title, but settling on their own hook as preemptors or homestead-men, agreed to pay these gentlemen fifteen cents an acre, it is within the meaning of the act, if such contracts are lawful at all, and the money will be justly due, and they will have the $144,000, and ought to, if they agreed for it. They went to sea in an adventure and brought home a good cargo, and they are entitled to whatever they agreed to have, reasonable or unreasonable, as far as the United States is concerned; and the question is whether the sum, be it great or small, is to be taken out of the trust funds which we have agreed with the Indians shall be applied to their civilization. That is one question.

Where do we get the right to do that? The Senator says this was a suit for the benefit of the United States and we ought to pay the expense of it. Ah! Mr. President, the United States is supplied with district attorneys in abundance, with attorneys-general, and with solicitors-general, and with law clerks, and all the machinery of defending the interests of the United States; and had it been necessary for the interests of the United States to have other than the official counsel, then the law points out specifically the way and the means by which that assistant counsel shall be obtained. It was not this way and it was not by this means, as is confessed.

So then you come right back to the point that these gentlemen were employed by a certain part of the settlers, those who were resisting the right of the railway companies under the land grant and under the patents issued by the Interior Department.

Mr. HOWE. What is the evidence that the Attorney-General agreed to the employment of these counsel by the settlers?

Mr. EDMUNDS. I have no evidence at all, except that I should suppose that that part of the settlers who bought under the patents that the United States had issued to the railroad company would not be very anxious to retain counsel to defeat their own title.

Mr. INGALLS. The United States issued no patent to the railroads.

Mr. EDMUNDS. To whom did they issue them?

Mr. INGALLS. To the State of Kansas.

Mr. EDMUNDS. That is literally the case, but it comes to the same thing. We are sticking in the bark.

Mr. HOWE. The Senator concludes, as I should conclude, that those settlers who had purchased from the railroad companies would have no interest in fighting the United States; but what interest had those who did not purchase from the railroad companies, but who settled in violation of all the laws of the United States, in fighting for the United States?

Mr. EDMUNDS. I can tell the Senator.

Mr. HOWE. I should like to know.

Mr. EDMUNDS. If the grants to the railway turned out to be valid then the railway took within the proper limits every alternate section, and the purchaser under the railway at $2.50 or $4 or $5 or $10 an acre, according to value, would get his title, and the squatters would not, who, in spite of the grant to the railway, if there was one, as was claimed, in spite of the issue of the patents to the State of Kansas, in spite of the State of Kansas passing over these patents to the railway company, in spite of the title thus derived from it, seek to oust these people under the railway? If they can do that or enter into the vacant lands not yet sold by the railway, then what? If you overturn the title granted to the State of Kansas, then all the squatters need, after that, is exactly the measure proposed by the Senator from Kansas. At this present moment, so far as I understand it, they have not any rights; but in spite of the treaty, which expressly declares that these lands shall not be open to pre-emption and homestead, but shall be sold in trust in the discretion of the Secretary of the Interior for the best price and that money turned over to a certain fund——

Mr. HARVEY. Will the Senator from Vermont allow me to call his attention to the fact that, while he lays a great deal of stress upon the treaty requiring the lands to be disposed of by the Secretary of the Interior to the best advantage, the Secretary of the Interior, so far as he could, did dispose of them by certifying them to the State for the benefit of a railroad company, a disposition of them which would yield nothing for the benefit of the Indians, nothing for the benefit of the settlers, nothing in the way of carrying out the general land policy of the United States, but simply transferring it for the benefit of a railroad company?

Mr. EDMUNDS. That is perfectly true, Mr. President; but the action of the Secretary of the Interior, as has been decided by the Supreme Court, was absolutely illegal and void. Now we have got another Secretary of the Interior; we have got a guide by the decision of the highest tribunal in the land that the State of Kansas acquired no interest in these lands; that the treaty, and nothing else, protected them. It being found that the treaty protected them for the benefit of their original owners, it is proposed by this bill to say that, instead of their being sold as the treaty provides, they shall be sold at a sum named in an act of Congress, arbitrary and fixed, to the occupants of these lands, *bona fide* claimants claiming possession, &c., and of what money is produced fifteen cents an acre shall be applied to the payment of counsel of the settlers, and the residue shall go to the fund. If that is not in the face and eyes of the treaty, then I do not understand it.

It is true here is the act of 1869, which itself would have been in the face and eyes of the treaty if it had not had the little saving clause at the end, a joint resolution of four or five lines, which went through Congress, as such resolutions sometimes do, without any particular attention being attracted. That resolution very simply and pleasantly said the pre-emption and homestead people shall be entitled to settle, and so on.

Mr. HARVEY. The phrase was "actual settlers shall be entitled to purchase."

Mr. EDMUNDS. That is the same thing, I suppose; actual settlers shall be entitled to purchase subject to outstanding rights. That is not the language of the act, but the idea. The act is now before me, and I will read it:

That any *bona fide* settler residing upon any portion of the lands sold to the United States, by virtue of the first and second articles of the treaty concluded between the United States and the Great and Little Osage tribe of Indians, September 29, 1865, and proclaimed January 21, 1867, who is a citizen of the United States or shall have declared his intention to become a citizen of the United States, shall be, and hereby is, entitled to purchase the same in quantity not exceeding one hundred and sixty acres, at the price of $1.25 per acre, within two years from the passage of this act, under such rules and regulations as may be prescribed by the Secretary of the Interior: *Provided, however*, That both the odd and even numbered sections of said lands shall be subject to settlement and sale as above provided: *And provided further*, That the sixteenth and thirty-sixth sections in each township of said lands shall be reserved for State school purposes in accordance with the provisions of the act of admission of the State of Kansas—

That is the matter referred to by the Senator from Ohio yesterday Then—

Provided, however, That nothing in this act shall be construed in any manner affecting any legal rights heretofore vested in any other party or parties.

What was the object of that saving clause? It was claimed by the railway companies under the State of Kansas that they were entitled to the alternate sections. It was claimed by the Indians' friends, if they had any, that these lands were bound to be sold in the discretion of the Secretary of the Interior, on a sacred trust, for the largest price that could honestly be got. Congress in passing this act put in a saving clause, which created no legal right in anybody, but actually defeated all legal rights, as it has turned out, unless the Senate are now prepared to say that this treaty means nothing at all or means something entirely different from what it says. That is the state of the case, Mr. President.

Mr. HARVEY. If the Senator from Vermont will permit me, I will call his attention to the fact that that proviso of which he speaks was alluded to in the opinion; I do not remember whether of the court or the dissenting opinion on this Osage-ceded-land case. The fact was stated that that proviso to that joint resolution was offered by one who was then a Senator from Kansas, and it was held by the counsel for the railroad company that it was a recognition of a right existing before, a recognition of what they claimed to be the grant to the railroad company. It was never claimed to have been anything else. So that asserted right being set aside by the decision of the highest court of the land, it cannot affect anything further as regards the rights of Indians, settlers, or any one else.

Mr. EDMUNDS. That is most extraordinary logic. Undoubtedly the railroad companies claimed that no rights existed on the part of the settlers, for whom a very earnest appeal was made in the cause, because whoever had gone on there had gone on with his eyes wide open, with a *caveat* in the resolution; and that therefore it was a recognition that whatever legal rights the railways had should be protected, if they had any; but it does not follow from that, because it turns out they had not any, that language of that kind preserving all legal rights would not preserve the legal rights of an Indian as well as a white man.

Mr. HARVEY. It was claimed a recognition of the right claimed by attorneys of the railroads.

Mr. EDMUNDS. Exactly; but the court say it is not a recognition of anybody's right, only a saving of everybody's rights wherever everybody turned out to have rights. The railroad has turned out not to have any, but it remains to be seen whether the Government has not some.

I do not wonder, in the way these things go, that we have Indian wars and troubles. When it comes to be an axiom, founded upon incontrovertible facts of history, with the Indians, as it was stated I believe in the story of The Last of the Mohicans, that the pale-face carries a forked tongue, I do not wonder that the Indians sometimes kick out of the traces and behave, according to the little light they have, in a very rough way. Here if there is anybody in the world that we ought to keep faith with—it appears to me we ought to do it with everybody—it is with people who are not able to protect themselves, but who are not intelligent enough to understand that there may be sometimes violations of rights without intending it. We have promised these Indians that homestead and pre-emption rights should not be allowed in these lands; we have said to them "we will take them and sell them for your benefit, for cash, under the direction of the Secretary of the Interior, on the most advantageous terms." That is the solemn contract we made with them. Have they not a right to rely upon our good faith to carry it out?

Mr. INGALLS. Mr. President, I ask unanimous consent that the debate on this bill may be continued until we can reach some conclusion about it. It is exceedingly important that some action should be taken by the Senate in order that, if we do not agree to the bill as it came from the House, the amendments or disagreements may be submitted to a committee of conference for the purpose of further

consultation. I ask unanimous consent that this debate may go on until we reach some conclusion on the bill.

The PRESIDENT *pro tempore*. The Senator from Kansas asks unanimous consent that this debate go on until the bill is concluded. Is there objection?

Mr. DAVIS. Subject to a call for the regular order at twelve o'clock.

The PRESIDENT *pro tempore*. It is to pass beyond that.

Mr. DAVIS. I certainly do object to anything throwing over the trial.

The PRESIDENT *pro tempore*. There is only one minute left of the morning hour.

Mr. INGALLS. It cannot throw over the trial.

Mr. DAVIS. If it will interfere with it in any manner I shall object. I think promptly at twelve o'clock we should go on with the trial.

The PRESIDENT *pro tempore*. The Senator from Kansas asks unanimous consent that this debate be continued beyond twelve o'clock.

Mr. KERNAN. How long?

The PRESIDENT *pro tempore*. The Chair is not advised.

Mr. INGALLS. Until we can reach some conclusion.

Mr. KERNAN. I object. We ought to finish the trial if we are ever going to do it. It may take all afternoon to reach a conclusion on this bill.

Mr. HARVEY. I hope Senators will not object to the proposition of my colleague to continue the debate on this bill. It is a matter of the utmost importance to the people of our State, and there seems to be a strange misapprehension of the facts and the law which we have no time within the morning hour to correct. I think if the debate be continued a little while the bill will be so understood that there will be no difficulty in passing it.

Mr. ALLISON. The river and harbor bill is not yet disposed of. I should be glad to take that up.

Mr. EDMUNDS. I believe the court is not disposed of either. Where is the court now?

The PRESIDENT *pro tempore*. The court is not yet in session. The Senator from Kansas moves that the Indian land bill be continued until a call for the regular order. Is there objection?

Mr. KERNAN. I object.

The PRESIDENT *pro tempore*. Objection is raised.

Mr. DAVIS. I feel it my duty to call for the regular order, that the trial shall proceed, and I now give notice that I shall object to any business, unless it is the river and harbor bill, which certainly ought to have precedence as an appropriation bill over any other.

Mr. EDMUNDS. It is a bigger appropriation, too. [Laughter.]

Mr. DAVIS. I call for the regular order.

Mr. PADDOCK. I have a little bill which for six weeks or more has been giving way to every measure, a bill in which everybody is interested. It is a bill in reference to a partial restoration of the franking privilege. I should like the indulgence of the Senate at an early hour for its consideration. It is a bill that will commend itself to the Senate. It needs no advocacy, and I think will give rise to but very little discussion.

The PRESIDENT *pro tempore*. Does the Senator ask for its present consideration?

Mr. PADDOCK. Yes, sir.

The PRESIDENT *pro tempore*. The Senator from West Virginia has called for the regular order.

Mr. EDMUNDS. Then why do we not have the court proceedings?

IMPEACHMENT OF W. W. BELKNAP.

The PRESIDENT *pro tempore*. The gavel is dropping now on the objection. Legislative and executive business will be suspended, and the Senate will proceed to the consideration of the articles of impeachment exhibited against William W. Belknap, late Secretary of War, by the House of Representatives.

The Senate then proceeded to the trial of the impeachment of William W. Belknap. late Secretary of War.

The Senate sitting for the trial of the impeachment of William W. Belknap having adjourned then resumed its

LEGISLATIVE SESSION.

The PRESIDENT *pro tempore*. The Senate resumes its legislative session.

ORDER OF BUSINESS.

The PRESIDENT *pro tempore*. The unfinished business is the bill (H. R. No. 3022) making appropriations for the construction, repair, preservation, and completion of certain public works on rivers and harbors, and for other purposes.

Mr. INGALLS. I rise to a question of order, that more than one day having expired since the consideration of the river and harbor bill it is not now the unfinished business before the Senate, but must be taken up by a vote to that effect.

Mr. CONKLING. More than one day when there was time for it after the morning hour?

Mr. EDMUNDS. We have had up other bills and have passed them.

Mr. INGALLS. Legislative business has been transacted upon at least three separate days since the river and harbor bill was last under consideration.

Mr. ALLISON. By unanimous consent, however, and merely for a moment laying aside the impeachment trial. The order of the river and harbor bill has not been disturbed, as I understand.

The PRESIDENT *pro tempore*. The Chair sustains the point of order raised by the Senator from Kansas.

Mr. INGALLS. I then move that the Senate continue the consideration of House bill No. 3625, providing for the sale of the Osage ceded lands in Kansas to actual settlers.

The PRESIDENT *pro tempore*. It is not before the Senate.

Mr. ALLISON. I move to lay aside all prior orders and take up the river and harbor bill for consideration.

Mr. INGALLS. What was the ruling of the Chair on my motion?

The PRESIDENT *pro tempore*. That the Senator from Kansas moved the continuance of a bill not before the Senate.

Mr. INGALLS. To continue the consideration of House bill No. 3625, providing for the sale of the Osage ceded lands in Kansas to actual settlers.

The PRESIDENT *pro tempore*. The proper motion would be to take it up.

Mr. INGALLS. I suppose it is if the Chair proposes to be technical on the point and rule on a mere question of verbal criticism. I was not aware that the Chair was indulging in that species of criticism.

The PRESIDENT *pro tempore*. If the Senator says he intended to move to take up the bill, the Chair will put the question on that motion. The Chair will not be technical, but the Chair followed the language of the Senator, as he is usually very accurate.

Mr. ALLISON. Is it in order for me to substitute——

The PRESIDENT *pro tempore*. As soon as this motion is acted on the other motion will be in order. The Senator from Kansas moves to take up House bill No. 3625, which was before the Senate this morning.

The motion was not agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. G. M. ADAMS, its Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 3749) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1877, and for other purposes.

The message also announced that the House had passed the bill (S. No. 846) to punish the counterfeiting of trade-mark goods and the sale or dealing in of counterfeit trade-mark goods, with amendments; in which the concurrence of the Senate was requested.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore*:

A bill (S. No. 333) for the relief of Major Foster A. Hixon, late a paymaster in the Army;

A bill (S. No. 952) to remove the political disabilities of G. T. Beauregard, of New Orleans, Louisiana;

A bill (S. No. 983) to extend the duration of the court of commissioners of Alabama claims; and

A bill (H. R. No. 3749) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1877, and for other purposes.

BILLS BECOME LAWS.

A message from the President of the United States, by Mr. U. S. GRANT, jr., his Secretary, announced that the President had on the 21st instant approved and signed the act (S. No. 894) to provide for the sale of the Fort Kearney military reservation, in the State of Nebraska.

The message also announced that the bill (S. No. 728) for the relief of Martha J. Coston, having been presented to the President of the United States on the 8th instant, and not having been returned by him to the Senate wherein it originated within the ten days (Sundays excepted) as prescribed by the Constitution, had become a law without his approval.

TRADE-MARK GOODS.

The PRESIDENT *pro tempore* laid before the Senate the amendments of the House of Representatives to the bill (S. No. 846) to punish the counterfeiting of trade-mark goods and the sale or dealing in of counterfeit trade-mark goods; which, on motion of Mr. CONKLING, were referred to the Committee on the Judiciary, and ordered to be printed.

RIVER AND HARBOR BILL.

Mr. ALLISON. Now I renew my motion to take up the river and harbor bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 3022) making appropriations for the construction, repair, preservation, and completion of certain public works on rivers and harbors, and for other purposes, the pending question being on the motion of Mr. THURMAN to recommit the bill to the Committee on Appropriations with instructions to reduce the aggregate amount of the appropriations contained in the bill to a sum not exceeding $4,000,000.

The PRESIDENT *pro tempore*. The Senator from Connecticut [Mr. EATON] is entitled to the floor.

Mr. EATON. Mr. President, I rejoice that I did not proceed with

my remarks when I obtained the floor the other day. After a little time for reflection I became satisfied for one that this floor is not quite the place to make a political speech upon the river and harbor bill; and therefore I say that I rejoice that an adjournment took place. I shall make no speech upon this occasion, but I have a word or two to say to the honorable Senator from Ohio, [Mr. SHERMAN,] and I should have to the honorable Senator from Indiana [Mr. MORTON] were he in his seat.

Sir, the honorable Senator from Ohio ventured to say in his place here, and I presume on his senatorial honor, that for forty years, since the organization of the whig party, there had been no public act of the democratic party which was defensible before the country. The honorable Senator from Indiana, coming to his assistance, said that that party had never performed a defensible or proper act. And all this was said in the face of the fact that for sixty years the history of the United States is the history of the democratic party. From four millions of people, under democratic rule, this country increased to forty millions of people, holding dominion on the land and on the sea. Our commerce was brought to equal that of the mistress of the seas, Old England herself; Louisiana and Florida and the Golden Ophir were acquired, all by democratic men and democratic measures. No act performed by the democratic party in forty years worthy of the regard of the people! Sir, I say, Out upon all such trash as this! It is childish and absurd, and ought not to be heard upon the floor of the Senate of the United States. I propose hereafter, in more than one part of this broad land, if I live, to talk about this matter, and I should be glad even in Ohio itself to discuss this question, based upon this very utterance of her Senator.

Another word, sir, and I shall be done. The Senator from Ohio, in great good temper and in great good taste, read us a lecture here with regard to the use of language which was improper touching the republican party and republican men. I find no fault with that, sir; but he ventured to couple the honorable name of Samuel J. Tilden with that of William M. Tweed, even after using the language to which I have alluded. Sir, there is no defense, there can be no defense here or elsewhere for such a connection. Benedict Arnold was once the trusted officer and associate of George Washington, the Father of his Country; and if my reading serves me one Judas Iscariot was called an apostle at one time; and it will not do, or, as the Senator's colleague is in the habit of saying, "it won't do" for any man on this floor or anywhere else to couple the name of Samuel J. Tilden with that of William M. Tweed or any other malefactor, as my friend from Georgia [Mr. GORDON] suggests, except as his prosecutor.

Now, sir, I am going into no defense of the democratic party; I am going into no defense of our trusted and honored leader; I make no charge against the republican party or any republican. Hereafter, if I feel it to be my duty, and elsewhere I will perform that duty to the best of my ability; but I did think it proper right here, where the facts of history have been falsified, to say that for sixty years the history of the democratic party was the history of the United States, and that no law was placed on our statute-book by any party that stood the test of five years' experience except by the democratic party, and Senators ought not to rise upon this floor and say that no act has been performed for forty years by that party that is worthy of the consideration of honest and honorable men.

Mr. SHERMAN. Mr. President, the Senator from Connecticut, by straining a little the language that I uttered in the heat of debate, has made an entirely new issue. I did not say that the democratic party had not done anything in the last forty years that was defensible. What I did say I will read; and, although it was said on the spur of debate, I have looked over it as printed, and I think every word of it can be sustained by sober and serious argument; and whenever my honorable friend, on the stump or here, engages in an argument as to the merits of the republican and the democratic parties I am prepared, however feebly, to meet him. When I read now what I said the other day, he will see how different the language he quotes is from the language I actually uttered. I will say that these affirmations made by me I believe are strictly true, and I here have to say that the precise words I uttered are the words reported, because I did not take the liberty, nor do I usually take the liberty in debates of this kind, to correct the notes of the reporter. I certainly did not on this occasion. I will read what I did say, and I will stand by that as a just version of the political history of this country. The Senator from North Carolina was speaking and I interrupted him:

Mr. SHERMAN. I should like to ask my honorable friend what principle the democratic party now stands upon?

That was a troublesome question to my friend to answer.

Mr. MERRIMON. The great leading principle they are now standing upon and fighting for—embodying as they do a class of men that belonged to all parties in the past—is to reform maladministration and retrench the expenses of the Government.

Mr. SHERMAN. What single act of reform has the democratic party accomplished since 1840? In the history of our country I can show fifty for the republican party. Let us come down to the facts now. This is the commencement of a political campaign. Name me a single reform in doctrine, law, or practice that the democratic party has inaugurated and carried out.

I should like to hear my honorable friend from Connecticut go over the list.

Mr. MERRIMON. Why, sir, everybody in this country and throughout the whole civilized world knows that up to 1860 no country on the face of the globe prospered as did this country and that this Government had been administered by the democratic party substantially for forty years before that time.

That is the first time the "forty years" appear; forty years before 1860. I had not said anything about forty years before 1860, because the democratic party in the olden time was a party of progress, and then it called itself the republican party of Jefferson, Madison, and Monroe. Then I repeated:

Mr. SHERMAN. I say since 1840, since the organization of the new whig and democratic parties, name me a single reform or great measure which is enduring and now on the statute-book started, organized, and carried out by the democratic party.

Mr. MERRIMON. Why, sir, after 1840——

Then the Senator from Indiana put in a question which I will not read. Mr. President, upon those questions I should be very willing to discuss with my friend, or anybody else, the record of the democratic party. The next remark to which reference is made was later in the debate, where I said:

It is a remarkable fact, Mr. President, and I may as well put it in here as this is a political discussion, that there is not a single position taken by the democratic party for the last thirty years on which they now dare to make a stand and defend it.

That goes back to 1846. From 1846 to this time, since the time the slavery question commenced entering into American politics, the democratic party cannot stand upon any position it has taken. That is what I said then, and I believe it honestly now, and upon that point I am willing to debate with the Senator at any time.

The only other remark that the Senator from Connecticut objects to that I made—and I think he did me injustice, because I certainly did not want to say that Mr. Tilden is a man of the character of Mr. Tweed, and I did not say so——

Mr. EATON. I did not say you did. I say you coupled his name with that of Tweed.

Mr. SHERMAN. I did, and I had a right to do so.

Mr. EATON. What inference was to be drawn from it?

Mr. SHERMAN. I will repeat the language I uttered to show you that I did not go one single hair's-breadth beyond what was due to the facts:

Sir, the people will know who are these prophets of reform before they trust them. You must show something else than the history of the last few years in the Southern States; you must show something else in the nature of reform before they will trust the old associates of Tweed in New York.

That Mr. Tilden, although a different kind of man from Mr. Tweed, was the political associate and to a certain extent the personal associate of Mr. Tweed is shown by the history of the country, and I could read telegrams and letters to prove that fact. I have here quite a number of letters and telegrams handed me by my friend from Rhode Island [Mr. ANTHONY] to show their intimate relations; but I do not wish to charge Mr. Tilden at all with the crimes committed by Tweed. I feel bound to say in justice to a political opponent that Mr. Tilden when he did participate, after long delay however, in the prosecution of Tweed, was a most effective and able instrument in bringing that man to punishment. But, sir, it is equally true that he came into the contest long after public opinion had gathered great force. If I am correctly informed he refused to become a member of the committee of seventy that was instituted to attempt to combine public opinion against Mr. Tweed; but when he did come in he came in with great power, and I will not deny that to the assistance of Mr. Tilden, to his participation in the legal trial, his array of the testimony, his power of analysis and arranging the facts, much is due. No doubt the aid he gave was effective, but still he was before that time the political associate of Mr. Tweed.

And, sir, here is another political fact that I want to discuss with my friend when he brings about this debate: in all the political reforms that distinguished Mr. Tilden and for which he has gained great credit in this country he was aided throughout by the republican party organization in the State of New York and was opposed by strong elements of the democratic organization. It was only because he aided the republican organization in bringing about certain reforms in the State of New York that he got the title which is now foisted upon him, partly deserved, of being the great reformer. Sir, he must bring something better into the contest that we are about to wage than the honors that he won in aiding the republican party in bringing about the recent reforms in the State of New York. I do not wish to engage in a political debate now, because I think we ought to go on with business.

Mr. KERNAN. Mr. President——

Mr. EATON. I hope my friend will give way to me a moment. It seems that I was entirely right that the Senator from Ohio did use precisely the language that I attributed to him.

Mr. SHERMAN. Not exactly.

Mr. EATON. He said that since the organization of the whig party——

Mr. SHERMAN. In 1840.

Mr. EATON. Not in 1840; 1840 was used in another connection; I beg pardon. The whig party did not organize in 1840 but many years before.

Mr. SHERMAN. I will read again what I said:

I say since 1840, since the organization of the new whig and democratic parties.

The issues that grew up in 1840 was the real commencement of the troubles between the democratic party and the whig party. I said since 1840, and it was to since that time that I wish to confine myself. I was careful to do so because I did not wish to go back and arraign the old proceeding of the republican or democratic party of

the olden time, which I confess to be a party of great purposes and great principles and great achievements; but the party of modern times since 1840 is a very different thing, and I said 1840.

Mr. EATON. There are three things that the honorable Senator from Ohio said which he has read. Once he used the term "1840." The RECORD shows what it is.

Mr. SHERMAN. Certainly.

Mr. EATON. Once he spoke of the organization of the whig party. I do not think the RECORD gives exactly what my honorable friend said.

Mr. SHERMAN. I will read it; I have it here:

> I say since 1840, since the organization of the new whig and democratic parties, name me a single reform.

That is the only place in which I mentioned that subject.

Mr. EATON. The democratic party was not organized in 1840, whether my friend says so or not; the whig party was not organized in 1840, whether my friend says so or not. I hold him responsible for exactly what he has said and what the RECORD shows that he has said, and I am not to be drawn here to-day into any remarks against the republican party or republican men. But when the honorable Senator from Ohio tells this Senate again that Mr. Tilden was the associate of Tweed, I might as well say the President of the United States was the associate of McDonald. Sir, because a man has been associated heretofore with an individual who in after days has turned out not to be a man of high respectability, is he to be associated with his crime? Not so. I make no charge; I make no assault; I make no attack upon the republican party or republicans. Enough for me is it to say to my honorable friend that that matter shall be discussed hereafter. He stood here triumphantly with the Senator from Indiana and defied my honorable friend from Delaware and my honorable friend from North Carolina to name a single fraudulent republican, any one man who had been guilty of fraud. He was told "many." Then, said he, "do not let us be general, but give the names." I do not propose to name anybody out of a thousand. I will let that matter rest until hereafter, and let the honorable Senator from Ohio, if he chooses, go upon the stump in his own State or any other State and talk about the purity of his party and of many of its members.

Mr. KERNAN. Mr. President, I am not going to enter into this debate about party matters, for I am quite clear that at this stage of the session, with appropriation bills unmatured, we had better devote ourselves to the legitimate work before us. Nevertheless, as Mr. Tilden is a citizen of New York and has been referred to, I wish to say a word in reply to the Senator from Ohio. I think I speak what I know, and I appeal to intelligent republicans and to the republican press of New York as well as to my own recollection, when I say that so soon as the frauds in the city of New York were discovered—and I remember very well when I first knew of them in the early part of August, 1871—Mr. Tilden then consulted with gentlemen in the State in reference to them. I can say this of my own knowledge. He and Governor Seymour and other gentlemen at that time were decided that as those guilty of these frauds were of the party with which they and I acted, we should immediately take the stand that they must be turned out of that party. I remember very well at the democratic State convention that fall, Mr. Seymour and Mr. Tilden were there as delegates, and they insisted, and the result was to exclude from that convention the regular representation of what was known as the Tweed organization in New York City.

Mr. DAWES. Mr. President——

The PRESIDENT *pro tempore*. Does the Senator from New York yield to the Senator from Massachusetts?

Mr. KERNAN. Let me get through.

Mr. DAWES. I want to get a little information; I am in search of light.

Mr. KERNAN. Very well.

Mr. DAWES. I understand the Senator to say that Mr. Tilden, Governor Seymour, and other leaders of the party consulted, and determined that Mr. Tweed must be turned out. Can the Senator give me the precise date of the last time Mr. Tweed was elected to the Senate of New York by the democracy of New York?

Mr. KERNAN. He was elected to the Senate of New York in his district in the fall of 1871.

Mr. DAWES. The November after this convention?

Mr. KERNAN. The November after, and after at the State convention the delegates representing his organization were excluded, and expressly on the ground of the fraudulent and corrupt conduct of Tweed and his associates.

Mr. Tilden acted from that time onward against Tweed. For reasons that I will not stop to state, Mr. Tweed was able, as many another man has been who plunders the public and uses money and uses temporary influence to get elected, to secure his election, but he never took his seat. During that canvass, however, if you will look at the New York press, you will find that Mr. Tilden openly denounced him and all his corrupt associates. Mr. Tilden himself ran for the assembly with a view of bringing these corrupt men and the corrupt judges to justice, and he was elected and did what he could to that end.

I say this not because Mr. Tilden is a nominee for the Presidency, but because he is a citizen of the State whence I come. I think I could appeal to the New York Times and other papers in that city in confirmation of what I state. They contained articles stating in substance—I speak from memory—that Tilden and Seymour and men of their character had come to the front and were opposing Tweed's domination. I was not in Tweed's district, but the influence of Tilden and his friends was against him; and the papers to which I refer appealed to republicans to elect Tilden to the assembly for the sake of the reforms he was seeking to carry out.

I am not going to debate these matters here; let that debate go to the proper place; but I thought this much was due to Mr. Tilden, because so soon as these frauds were discovered, and from that time on—I appeal to the recollection of all fair men in the city of New York—he acted against and was hated by Tweed and his corrupt associates. His influence and efforts were against the election of Tweed in 1871, and in favor of bringing him to justice.

Mr. HOWE. Mr. President, this question is one of immense interest as a mere historical question, and it is one somewhat difficult to settle as to the precise point of time at which the democratic party ceased to be a party of progress and ceased to exert itself on behalf of the public good. Very strong arguments might be made in favor of several different dates. The Senator from Ohio may be somewhat mistaken; it is possible the Senator from Connecticut is not entirely right; but I think upon one point both the Senator from Connecticut and the Senator from New York as well as the Senator from Ohio ought to agree, and that is that the river and harbor bill ought not to be recommitted to the committee; and I hope it will not be done.

Mr. WITHERS. If it be in order, I should like to say a word upon the proposition properly before the Senate, the motion to recommit the river and harbor bill.

The PRESIDENT *pro tempore*. The Senator is in order, specially in order.

Mr. WITHERS. Fortified by that ruling of the Chair I shall proceed to address a few remarks to the Senate upon the subjects which properly come before it for consideration upon the motion to recommit the river and harbor bill with instructions. Why this particular bill, which has sins enough of its own to answer for, evidently, should have been selected as the hook upon which to hang campaign speeches I am at a loss to discover, for certainly few bills have been discussed in the Senate which in themselves are more entirely free from a political complexion. If you will look back to the votes which have been given on this bill in its various stages, you will find the most singular conjunction of political sentiments represented on the one side and on the other; and certainly if the adage be true that misery makes us acquainted with strange bed-fellows, the river and harbor bill has precisely the same effect so far as regards the political affiliations which it produces.

I am opposed to the motion for a recommittal. I believe that it would be productive of delay and that it would protract still more indefinitely the time at which we shall arrive at a solution of this question. What would be the effect of a recommittal? The committee would have to go to work and re-adjust the whole bill from beginning to end; and when they had labored as assiduously as may be in their power and presented their bill, it would be subjected to precisely the same criticism and be obnoxious to the same amendments which have been ingrafted upon the bill which they did present, and we should be no nearer an end than we are at this very moment; not so near in fact. We have already ingrafted upon the bill, I hope, all the amendments which are likely to be proposed to it; and if any others are to be suggested, now is the time and here is the place to present them. The Senate have the bill now entirely before them, and they can shape it to suit their ideas of propriety and expediency and justice.

I have a single word or two to say in reply to some of the Senators in this Chamber who have undertaken to lecture and reprove Senators here for sustaining appropriations for their own particular sections. I always hold myself amenable to reproof, and submit to it patiently and quietly where the party who assumes the power to reprove is himself stainless in respect to the offenses for which he undertakes to enact the part of Mentor. I have, and would have, much more faith and a stronger belief in the sincerity of Senators when they announce the existence of conscientious scruples as to the constitutional power of the Senate to pass these appropriations for the improvement of rivers and harbors, if I could find in one single instance that the Senators who play the part of Mentor and of reprover have voted against a proposition or an amendment appropriating moneys for rivers and harbors in their own States. If they will get up and show me one single instance where they have voted against propositions for the improvement of their own rivers and their own harbors, I will sit and quietly receive their reproof; but, until that is done, I respectfully refuse to be lectured by them. We have it narrated in Holy Writ that when the woman was brought forward in order that she might receive the condemnation of our Saviour, He, knowing whereof He spoke, said, "Let him that is without sin amongst you cast the first stone." I occupy that position here now. I say to my colleagues in the Senate of either political party, "Let him that is without sin in this respect cast the first stone;" but let no man who is conscious of having voted for appropriations for his own section presume to lecture me for having done the same thing for my section. The most notable example was by the Senator from Maryland, [Mr. WHYTE,] who I regret to see is not now in his seat. He made one particular amendment, in which my own State was interested and in which I felt myself a deep interest, the subject rather of ridicule and satire when he brought

forward the improvement of the New River as an illustration of the extreme and very objectionable length to which amendments on this bill had been agreed to; yet at that time the voice of my honorable friend from Maryland had scarcely ceased to ring around the walls of this Chamber advocating an amendment which he himself offered of $150,000 for the improvement of the Upper Potomac above the forks of the stream. I undertake to say in the face of the Senate that if the whole waters of the Upper Potomac were turned into New River they would not raise that stream two inches.

This river and harbor bill, I presume, contains in it many features which are objectionable; many amendments have probably been ingrafted upon it which ought not to have been passed; but from the best information I can procure it is no worse in that respect than the river and harbor bills which have been enacted here year after year. On the score of economy, although the bill has been increased by nearly $900,000 beyond the figures at which it came to us from the House or as it was presented to the Senate by our committee, yet still, with this increase upon the bill, my word for it, no appropriation bill has passed or will pass the Senate which is less objectionable on the score of economy than this bill. I believe no amount of money can possibly be expended which is appropriated in any bill which will result in more lasting benefit to the community than this river and harbor bill. It is, in fact, the only bill the appropriations under which are of lasting and permanent benefit to the country. Its general benefits are not evanescent. They do not pass away with the year in which they are appropriated. When a harbor is improved, when a river is improved and opened up to navigation so as to afford an outlet to the country which it enters, for the first time that becomes a permanent source of blessing to the whole country adjacent thereto, developing production, increasing trade, and adding to the resources and wealth of the country.

Senators object to local improvements as contradistinguished from national. Many of them urge that works of national importance ought to be improved, but that the particular amendment pending at the time is of mere local importance. I ask any Senator on this floor to define to me exactly the point at which an improvement ceases to be national and becomes local. Senators have undertaken to define it. My friend from Maryland especially undertook to restrict it to such localities as were covered by the judiciary act which defined the limits of the navigable waters that were properly to be designated as of national importance; but when a river which flows entirely through one State and into part of two others is excluded from recognition as a work of national importance by this principle, it seems to me that his definition is entirely at variance with fact.

I shall not undertake to push this part of the argument further, because I know the Senate is anxious to get a vote on the bill, and I know that I am; but I will say, using a homely illustration, that the point at which an improvement ceases to be national and becomes local is as difficult of definition and as utterly indefinable as that at which a pig ceases to be a pig and becomes a hog.

Mr. President, I think that the best disposition which can be now made of the bill is for its friends to stand by it in its present form. I hope that it will not be loaded down by any additional amendments. I hope that it will not be recommitted with instructions to frame a new bill appropriating only $4,000,000. I hope that $4,000,000 will not be placed in the hands of the Secretary of War to be expended at his sole discretion and judgment. I am also compelled to oppose the substitute offered by my friend from Iowa, [Mr. ALLISON,] because I believe the bill in its present form is preferable to it. I am willing, for one, to take the bill as it is, assuming all the responsibilities which it devolves should it pass this body; and if the House dissent from it, let a committee of conference arrange the points of difference as they do on other bills in which is developed a contrariant sentiment between the two bodies.

Mr. DAWES. Mr. President, the origin and progress of this bill thus far in the two branches really, I think, suggests to the mind of a legislator a serious question as to what is the best form of making appropriations for such objects as are contemplated in the bill. I think no one can have watched the progress of appropriation bills of different kinds through the two Houses for the last ten years without the question seriously coming up whether after all the system adopted, and perhaps necessary under our institutions, is safe and wise. We have illustrated here two methods, one adopted in the other branch and the other adopted here. In the other branch, a bill is prepared by two or three gentlemen in a committee-room, closed from the deliberations of the body, opened only to such as the few in the committee-room may choose. In that method, with these two or three men called a subcommittee with no previous preparation or special knowledge of the subject itself, some $6,000,000 of the public money is distributed for public works, not according to the estimates of the Engineer Department or of any other body of men responsible for the work when the appropriation is made, or of any body of men having any responsibility for the system or for the effect upon the country at large, but so distributed and placed as men are placed in order of battle where the greatest strength, according to the judgment of these men in the committee-room, may be brought to the measure which they themselves may judge to be beneficial for the purposes which are uppermost in their minds. That bill so framed and so arranged is put through under rules that permit its enactment, so far as one body is concerned, without deliberation, without discussion, without the possibility of amendment, but taken as it is prepared by these two or three men in this way.

The bill comes to this branch and another method is adopted here. The bill thus framed is referred to a committee, and the committee examine it, consider it, and undertake to adapt it to what they understand to be the views of that department of the Government which is responsible for its distribution. They bring it before this body, where there is nothing to hinder deliberation and amendment, and it goes through the opposite process here. It comes out, everybody confesses, worse than when it went in. So the method of one branch and the method of the other branch seem equally to have failed. We are told here that, instead of following the recommendation of those who not only make this subject their study but are educated for the purpose and are organized into a permanent bureau for the administration of this branch of the public service and the expenditure of this money, who look upon the whole as a system, and its application not only to localities, but to localities in reference to the whole, we vote for appropriations that may be asked by any member in reference to his own particular locality, and expect in return a like support.

There are certain kinds of appropriation bills that, in the increase of numbers and the multiplication of diverse and conflicting interests in this country, cannot run this gauntlet. The question is whether they can stand either the method under which this bill came to this branch or the method which reviewed the action of our committee and brought this bill out in its present shape. I have before me a circular issued by an association of leading statesmen in England whose attention has been called to the subject and who have made the method of appropriations for the service of this Government a study. They prepared certain inquiries for information, and it is really a curiosity to read these inquiries. Among them they inquire whether there is any Department of the Government of the United States that makes estimates beforehand for the necessary appropriations for the carrying on of the Government of the United States. Then they inquire what weight those estimates have in the consideration of an appropriation bill, and whether the conclusions of the committee who have in charge the appropriation bills have any more weight in the body than those of any other person. I think nothing would be more instructive to the Cobden club than to furnish them with the record of the debates of this body upon the river and harbor bill.

The Senator from Vermont proposes to place $4,000,000, instead of the amount appropriated by this bill, in charge of those who are responsible to the country for its expenditure. Against that measure it is cried out that that is putting too much power in the hands of a single man or a single Department. This cry comes from those who ask us to support the House bill as it now is. Who made the House bill? Who distribute under the House bill $6,000,000 precisely according to their own views? A subcommittee of a committee, a subcommittee whose very names are not known to the country, who in their absence are perfectly irresponsible and shed off upon the whole body and upon the Senate the entire responsibility of the defects and faults acknowledged in the bill. Against that proposition, too, is urged the objection which I have suggested by those who stand up here in the Senate and say that they believe the Representative from each district knows more about the propriety of an expenditure for a river and harbor improvement in that district than possibly can be known by the Engineer Department, although that Department has from the beginning of the Government studied this whole work as a system and has expended for forty years the appropriations made year after year in the improvement of rivers and harbors, and are responsible for the efficient and economic expenditure of every dollar appropriated by the Government. It is said that the Representative of the district knows better whether it will take $10,000 or $20,000 to complete a public work of improvement than those who are appointed for that purpose, and under whose supervision the money must be expended, and knows better whether the effect of the expenditure will be beneficial in its results upon the commerce of the country, for which purposes all this money is to be expended. I would not desire myself to put $4,000,000 under the Secretary of War or the Chief of the Bureau of Engineers for expenditure if there were other more practical and useful ways for the expenditure of it; but the experience which I have had with these appropriation bills, in the making of them and in the expending of the money, satisfies me that when occasionally we have resorted to that method, as we did in 1869 and as we have done on one or two other occasions, every dollar thus put at the disposal of those who were to be held to the strictest responsibility has been expended in a way to bring the most permanent improvement to the rivers and harbors of the country. As compared with the actual and real disposition which is to be made of between $6,000,000 and $7,000,000, if the call upon "the friends of this bill" is heeded to take the House bill as it came to us, it is only the difference between that Department and the subcommittee appointed at the other end of this building. As between the two, I have no hesitancy in saying that I believe the money itself will be better expended by the Department, more usefully to the country, and more enlarge the general and beneficial effects of the commerce in the improvement of the rivers and harbors of this country capable of improvement within the constitutional power of the Government, than perhaps by any other method.

I believe that the time will come when all this expenditure of

money must go through some such agency as that, or else in repeating year after year such an experience as this river and harbor bill presents since it was first reported in the other branch, we shall wreck the Treasury itself. Therefore I shall support any measure that will bring home the responsibility of the expenditure of whatever money is appropriated to some man or some Bureau or some organization that shall answer when it is done for the manner in which it is done, and a measure which shall reduce the amount thus appropriated to the smallest possible sum consistent with that care and improvement of the rivers and harbors of this country which the growing commerce of the country demands.

Without drawing this debate away from the subject-matter of the bill, in one moment before I sit down I wish to correct a few figures submitted to the Senate several days ago by the Senator from North Carolina, [Mr. MERRIMON.] I do not do this with a desire of renewing political debate, but solely for the purpose of setting the Senator from North Carolina, who I know does not mean to mislead, right upon matters on which I think some one has led him astray. I have called his attention to some of those figures, and now with the leave of the Senate I will do so again, so that the correction may go upon the record again as it has heretofore. Of course it had escaped the notice of the Senator from North Carolina. Those figures, taken by him with an indorsement which justified it, went over the wires the afternoon that he delivered his speech as an authentic statement of the matters which he had submitted to the Senate. I know no one more readily than the Senator from North Carolina would, if he were in an error, desire to be corrected. The Senator read to the Senate two tables. One of them I recognize as an old acquaintance. I think it is for the fourth time in the CONGRESSIONAL RECORD. As long ago as March, 1874, a distinguished member of the Forty-third Congress in the other branch read to the then House of Representatives what he said was a "statement of the number of employés borne upon the civil list of the United States from 1859 to 1874, inclusive, compiled from the Biennial Registers," to show what an enormous increase had arisen in the civil service of the country under the present administration. In a few days after that the chairman of the Civil Service Committee of the House of Representatives, Mr. Kellogg, of Connecticut, reproduced this table and analyzed it, and whatever I may be able to communicate by way of correction is no labor of my own, but his. This was put upon the record with the identical table itself within four or five days of the time it was produced in the House. Notwithstanding all that absolute demonstration of its infidelity and incorrectness and absurdity upon its face, it was produced last week, I think by the same member, precisely as he originally produced it. The Senator from North Carolina has been led astray by adopting it, and it was produced here the other day. A single glance at it will show how utterly absurd is the statement. Take the Navy Department, for instance, and see what this table shows the increase in the civil list of the Navy Department to be, year after year from 1859 to 1873, when this table was made out. It begins with a total of 92 in 1859, 98 in 1861, 138 in 1863, 141 in 1865, 163 in 1867, 173 in 1869, 201 in 1871, a gradual increase as everything had increased. Then in 1873, 8,241, leaping from 1871 to 1873 from 301 to 8,241.

Mr. EDMUNDS. That is the statement of the table?

Mr. DAWES. That is the statement in this table which the Senator from North Carolina had read to us the other day.

Mr. RANDOLPH. May I interrupt the Senator to inquire from whom does that statement originate?

Mr. EDMUNDS. From everybody's clerk.

Mr. DAWES. I will go through it, and come to that in a moment. Everybody knows that if 201 was the full statement of the table of the civil list of the Navy in 1871, 8,241 could not have been the civil list in 1873, because no such great increase as that was possible without having been spread by a law upon the record here. You cannot create by *fiat* at the other end of the Avenue these officers. They are the creation of law. The whole Navy, if I remember aright, all told, is 8,500, and 8,241 is put down as the civil list of the Navy. I will not detain the Senate by going through all the Departments. The War Department was 336 in 1859, 823 in 1861, 1,419 in 1863, jumping up from 823. Take the Post-Office Department, which has a very large civil list. Here, as I read these figures, it gradually increased as the country increased from year to year, until it came to this fatal spot, and then leaped up. The Post-Office Department had a total in 1859 of thirty-eight odd thousand; in 1861, thirty-nine odd thousand; in 1863, thirty-eight thousand and a fraction; in 1865, nearly forty-one thousand; in 1867, 42,000; in 1869, 41,000; in 1871, 43,000; in 1873, 60,225.

Mr. CRAGIN. If the Senator will allow me, if his table is like the one I have before me, he will find that the Post-Office Department leaped up to 86,000 in 1873.

Mr. DAWES. The Senator from New Hampshire is reading a different column from me. I think I am right. How came the gentleman who first invented this table to fall into this error? The Senator says it is taken from the Biennial Registers, and so it is, but how is a Biennial Register made up? Up to the time indicated when this great change was made, this alarming increase in the civil list, the Biennial Register contained only the names of those whom everybody would fix upon as belonging to the list, officers holding commissions and in the service of the United States, about which there was no question. After that some ambitious and enterprising editor of the Biennial Register thought, for purposes wise and convenient to those who used the register it may be, that it was better to have in the register every man's name who was employed at all by the Government, and so he put into that register five hundred new pages of names. They were employés of the Government it is true. Some of them had been employed by the Government to the amount of $2, some $4, some $6. When the same man was employed in this Department or this Bureau to-day and a week or two hence in another, his name went into both.

Mr. CRAGIN. If the Senator will allow me, I will tell him that under special mail service eighty-three cents was paid to persons whose names were put into the Register.

Mr. DAWES. Yes, fifty cents, eighty-three cents. Anybody who ran upon an errand, who took a letter and had to pay the expense of sending it off on a coach was in one sense an employé of the Government, and was immortalized in the Blue Book. All the newspapers that advertised for the Government were put down in it as employés of the Government. This great National Republican down here, that sheds its light upon us all every morning, appears a dozen times in the Blue Book on the civil list, because it advertises for a dozen different Bureaus. To still further account for this great increase I will state that they counted ninety-three of the centennial commissioners, who are paid not by the Government but by the centennial people, who have nothing to do with the Government in the proper sense of the word, but are simply, under the statute creating the centennial corporation, appointed by the President of the United States. Then all the employés in the District of Columbia are included, as if that was any part of the United States Government, the employés of the Insane Asylum here, for instance. Not only the head of that asylum is included, who is properly perhaps a person in the civil service of the United States, but every employé down to the chambermaid and the cook and the door-tender. They are all recorded here and go to swell up this list. Every post-boy, every post-carrier, and every mail contractor is put down. A mail contractor who has a dozen contracts is repeated a dozen times. That, in short, is the way this Blue Book was made up for the year 1873. From that book at that time and from that time back was drawn off this table. I do not complain of the Senator from North Carolina, for the Senator from North Carolina had perhaps a reason to suppose that a table thus produced from this official record might be relied upon by him; but I have some cause to express surprise that the member who repeated the use of it after all this had been demonstrated before his eyes upon the floor of the House and who had nothing to say in reply should have reproduced it as an authentic document, fairly and properly stating to the country the civil service of the United States now as contrasted with that service in 1859.

One other table was used by the Senator from North Carolina, and to that I desire to call his attention. The heading of the table is:

Summary and comparative statement of expenditures or appropriations in the several branches of the public service named in the fiscal years from 1868 to 1875, respectively.

I call the attention of the Senator from North Carolina and of the Senate to this statement of "expenditures or appropriations." Which does he mean? There is a good deal of difference between them. I desire first to call his attention to the wide difference between this statement and the appropriations for those years. I have an official statement of all the appropriations for each of those years which I will, with the permission of the Senate, have printed in the RECORD, the footing of which I will ask the attention of the Senate to as compared with the footing in the table offered by the Senator from North Carolina.

NOTE.—The statement referred to is:

1868.—*Second session Thirty-ninth Congress.*

RECAPITULATION.

Deficiencies for the year ending June 30, 1867	$1,135,953 62
Post-Office Department for the year ending June 30, 1868	19,133,000 00
Pensions for the year ending June 30, 1868	33,280,000 00
Consular and diplomatic for the year ending June 30, 1868	1,425,454 00
Military Academy for the year ending June 30, 1868	368,913 00
Repair, completion of certain public works	4,702,781 70
Legislative, executive, and judicial, for the year ending June 30, 1868	23,400,191 89
Sundry civil expenses for the year ending June 30, 1868	5,307,191 38
Deficiencies for the year ending June 30, 1867	10,493,439 05
Army for the year ending June 30, 1868	23,874,454 00
Repair of public works year ending June 30, 1868	1,290,000 00
Naval service for year ending June 30, 1868	16,288,244 01
Indian Department for year ending June 30, 1868	3,042,003 86
Miscellaneous	1,421,163 46
	145,162,789 97

1868.—*First session Fortieth Congress.*

Object of appropriations.	Amount.	Total.
Amount brought forward	$150,000 00	$475,751 92
To enable the Secretary of the Interior to subsist such friendly Indians as may have separated or may hereafter separate themselves from the hostile bands or tribes and seek the protection of the United States	300,000 00	450,000 00
By the act to carry into effect the convention with the republic of Venezuela for the adjustment of claims of citizens of the United States on the government of that republic.		
For carrying out the provisions of this act		Indefinite.

1868.—*First Session, Fortieth Congress*—Continued.

Object of appropriation.	Amount.	Total.
By the joint resolution to carry into effect the several acts providing for the more efficient government of the rebel States.		
For the purpose of carrying into effect the above-named acts		$1,000,000 00
Total		1,925,751 92

1868.—*Second session Fortieth Congress.*

RECAPITULATION.

Deficiencies for the execution of the reconstruction laws and for Quartermaster's Department for year ending June 30, 1868	$12,839,196 21
Military Academy for year ending June 30, 1869	276,512 00
Post-Office Department for year ending June 30, 1869	21,069,000 00
Consular and diplomatic expenses for year ending June 30, 1869	1,212,434 00
Army for year ending June 30, 1869	33,082,093 00
Naval service for year ending June 30, 1869	17,356,350 00
Legislative, executive, and judicial for year ending June 30, 1869	17,906,317 09
Sundry civil expenses for year ending June 30, 1869	8,174,979 66
Pensions for year ending June 30, 1869	30,350,000 00
Deficiencies for the year ending June 30, 1868	4,163,026 64
Indian Department for the year ending June 30, 1869	3,847,528 45
Miscellaneous	10,274,448 80
Total	160,551,885 85

1870.—*Third session Fortieth Congress.*

RECAPITULATION.

Military Academy for the year ending June 30, 1870	$274,488 88
Pensions for the year ending June 30, 1870	19,250,000 00
Naval service for the year ending June 30, 1870	15,832,246 00
Legislative, executive, and judicial for the year ending June 30, 1870	20,354,774 76
Sundry civil expenses for the year ending June 30, 1870	9,976,228 81
Deficiencies for the year ending June 30, 1869	20,763,270 98
Army for the year ending June 30, 1870	33,350,893 20
Consular and diplomatic for the year ending June 30, 1870	1,110,734 00
Post-Office Department for the year ending June 30, 1870	30,279,153 00
Miscellaneous	527,988 31
Total	151,719,777 94

1870.—*First session Forty-first Congress.*

RECAPITULATION.

Deficiencies for the year ending June 30, 1869, and additional appropriations for the year ending June 30, 1870	$2,913,738 62	
Indian Department for the year ending June 30, 1870	6,121,004 81	
Rivers and harbors for the year ending June 30, 1869, and June 30, 1870	2,000,000 00	
Miscellaneous	31,200 00	
		$11,065,943 43
		162,865,721 37

1871.—*Second session Forty-first Congress.*

RECAPITULATION.

Appropriation for Military Academy for fiscal year ending June 30, 1871	$314,869 20
For deficiencies for the year ending June 30, 1870	4,334,552 03
For consular and diplomatic expenses for year ending June 30, 1871	1,041,347 00
For pensions for year ending June 30, 1871	30,000,000 00
For repairs of fortifications for year ending June 30, 1871	1,311,500 00
For repair, preservation, and completion of public works on rivers and harbors for year ending June 30, 1871	3,945,900 00
For Post-Office Department for year ending June 30, 1871	26,298,993 00
For legislative, executive, and judicial expenses for year ending June 30, 1871	18,949,258 40
For sundry civil expenses for year ending June 30, 1871	13,447,721 70
For deficiencies for years ending June 30, 1870 and 1871	2,087,214 43
For the Army for year ending June 30, 1871	29,321,367 22
For the Navy for year ending June 30, 1871	19,250,290 29
For the Indian Department for year ending June 30, 1871	6,324,164 16
Miscellaneous	4,916,645 72
Total	161,533,823 15

1872.—*Third session Forty-first Congress.*

RECAPITULATION.

For the payment of invalid and other pensions for the year ending June 30, 1872	$29,050,000 00	
For the Military Academy for the year ending June 30, 1872	316,269 50	
For consular and diplomatic expenses for the year ending June 30, 1872	1,406,134 00	
For the legislative, executive, and judicial expenses for the year ending June 30, 1872	19,518,229 24	
For sundry civil expenses for the year ending June 30, 1872	$23,421,773 86	
Unexpended balances re-appropriated	500,000 00	
Transfer on books of the Treasury	200,000 00	
Heretofore appropriated	20,000 00	
		24,161,773 86
For deficiencies for the years ending June 30, 1870 and 1871, and for former years, and for other purposes	$11,263,131 04	
Half-yearly appropriations for expenses of collecting the revenue from customs	2,750,000 00	
		14,023,131 04
For the Army for year ending June 30, 1872		27,719,580 00
For the Navy for year ending June 30, 1872		19,832,317 25
For public works for year ending June 30, 1872		4,407,500 00
For Indian Department for year ending June 30, 1872		5,448,540 96
For Post-Office Department for year ending June 30, 1872		26,032,898 00
For fortifications for year ending June 30, 1872		1,627,500 00
Miscellaneous		1,261,2 8 80
Total		174,865,082 65

1873.—*First session Forty-second Congress.*

RECAPITULATION.

By the act making appropriations for deficiencies, &c		$1,239,293 11
In which are included appropriations of the following character, namely: Unexpended balance of appropriation for Senate Select Committee on Alleged Outrages in Southern States	Indefinite.	
Unexpended balance of March 3, 1869, for the purchase of building known as the Club House at Charleston; covered into the Treasury and re-appropriated	$9,735 22	
Appropriation in coin	12,000 00	
For custom-house at Saint Paul, being the balance of an appropriation for that building standing to its credit on the books of the Treasury	35,163 65	
Appropriation by act of March 3, 1869, for public buildings in Omaha, re-appropriated	25,000 00	
Miscellaneous appropriations		14,807 64
Total		1,254,100 75

1873.—*Second session Forty-second Congress.*

RECAPITULATION.

For the payment of invalid and other pensions for the year ending June 30, 1873	$30,480,000 00
For the legislative, executive, and judicial expenses for the year ending June 30, 1873	18,671,785 74
For deficiencies for the year ending June 30, 1872, and for former years, and for other purposes	6,045,259 96
For the naval service for the year ending June 30, 1873	18,296,733 95
For consular and diplomatic expenses for the year ending June 30, 1873	1,219,659 00
For the Military Academy for the year ending June 30, 1873	326,101 32
For the Indian Department for the year ending June 30, 1873	6,349,462 04
For fortifications	2,037,000 00
For the Post-Office Department for the year ending June 30, 1873	28,519,341 84
For the Army for the year ending June 30, 1873	28,683,615 32
For rivers and harbors	5,588,000 00
For sundry civil expenses for the year ending June 30, 1873, and for other purposes	20,148,413 90
Miscellaneous	7,129,642 48
Total	173,495,015 55

1874.—*Third session Forty-second Congress.*

RECAPITULATION.

By the act making appropriations for the payments of invalid and other pensions of the United States for the year ending June 30, 1874	$30,480,000 00
By the act making appropriations to supply deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1873, and other purposes	1,699,833 82
By the act making appropriations for the expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1874, and for other purposes	5,541,418 90
By the act making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1874, and for other purposes	17,120,496 60
By the act making appropriations for sundry civil expenses of the Government for the year ending June 30, 1874	32,186,129 09
By the act making appropriations to supply deficiencies in the appropriations for the service of the Government for the year ending June 30, 1874, and for other purposes	11,278,584 78
By the act making appropriations for the naval service for the year ending June 30, 1874, and for other purposes	22,276,257 65
By the act making appropriations for the completion of certain public works in rivers and harbors, and for other purposes	6,102,900 00
By the act making appropriations for the support of the Army for the year ending June 30, 1874	31,796,008 81
By the act making appropriations for the service of the Post-Office Department for the year ending June 30, 1874	32,529,167 00
By the act making appropriations for the consular and diplomatic service of the Government for the year ending June 30, 1874, and for other purposes	1,311,359 00
By the act making appropriations for the support of the Military Academy for the year ending June 30, 1874	344,317 56
By the act making appropriations for certain fortifications and other works of defense for the year ending June 30, 1874	1,899,000 00
By the act making appropriations for the payment of claims reported allowed by the commissioners of claims under act of Congress of March 3, 1871	789,083 86
Miscellaneous	2,565,740 31
Total	197,920,297 38

1875.—*First session Forty-third Congress.*

RECAPITULATION.

By the act making appropriations for the payment of pensions for the year ending June 30, 1875	$29,980,000 00
By the act making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1875, and for other purposes	20,783,900 80
By the act making appropriations for the expenses of the Indian Department for the year ending June 30, 1875, and for other purposes	5,680,651 96
By the act making appropriations for the consular and diplomatic service of the Government for the year ending June 30, 1875	3,494,804 00
By the act making appropriations for the support of the Military Academy for the year ending June 30, 1875	$339,835 00
By the act making appropriations for the repair, preservation, and completion of certain public works on rivers and harbors, and for other purposes	5,218,000 00
By the act making appropriations for the service of the Post-Office Department for the year ending June 30, 1875	35,756,091 00
By the act making appropriations for the support of the Army for the year ending June 30, 1875	27,788,500 00
By the act making appropriations for the construction, preservation, and repair of certain fortifications and other works of defense for the year ending June 30, 1875	904,000 00
By the act making appropriations for the naval service for the year ending June 30, 1875	16,813,946 20
By the act making appropriations to supply deficiencies in the appropriations for the service of the Government for the fiscal years ending June 30, 1873 and 1874, and for other purposes	4,083,914 26
By the act making appropriations for sundry civil expenses of the Government for the year ending June 30, 1875	27,009,744 81

By the act making appropriations for the payment of claims reported allowed by the commissioners of claims under the act of Congress of March 3, 1871	$663,768 82
By the act making appropriations for the extraordinary expenses of the naval service	4,000,000 00
Miscellaneous	1,257,845 31
Total	183,685,002 16

1876.—*Second session Forty-third Congress.*

RECAPITULATION.

For pensions	$30,000,000 00
For legislative, executive, and judicial expenses	18,902,236 99
For Indian service	5,360,554 55
For sundry civil expenses	96,644,350 09
For deficiencies	4,703,699 18
For rivers and harbors	6,643,517 50
For Army	27,933,830 00
For Navy	17,001,006 40
For consular and diplomatic service	1,374,985 00
For Post-Office	37,524,361 00
For Military Academy	364,740 00
For fortifications	850,000 00
For awards of commissioners of claims	729,653 62
Miscellaneous	1,133,275 57
Total for the year ending June 30, 1876	179,166,209 90

It will be observed that the Senator's table is not footed up. I have taken the liberty to foot it up, and his table of "expenditures or appropriations" for each year I will compare with this official statement.

For 1868 the Senator has it $221,171,256.30. The official statement of the appropriations for that year, including the deficiency for the year before, is $145,102,788.97; $145,000,000 against $221,000,000. I have also the objects for which the appropriations were made. For 1869 the Senator's table gives a total of $186,593,085.91. The official statement is $160,551,885.85. For 1870 the Senator has $160,931,340.64; and the official statement is $162,885,721.37. For the year 1871 the Senator's table is $152,414,678.09; the official statement is $161,533,823.15 For 1872 he has $156,058,947; the official statement is $174,865,082.65. For 1873 he has $181,699,444.75; the official statement is $173,495,015.55. For 1874 the Senator has $195,334,207.26, while the official statement is $197,920,297.38. For 1875 the Senator has $191,936,526.08; the official statement is $183,685,002.16. Eighteen hundred and seventy-six the Senator has not in his table, and I give him the appropriations for that year at $179,166,209.90.

I speak of this to show the utter want of reliability in the table which some gentleman has furnished the Senator from North Carolina, for I know the Senator's desire for accuracy would have led him, if he had done the work himself, to be more accurate. He has done just precisely what I do myself. I employ others to gather up these figures. I have here the expenditures for those years, and I desire to put them upon the record. The net ordinary expenditures, not including those for the interest on the public debt and those which are permanent expenditures, are as follows:

Report of the Secretary of the Treasury, 1875, Forty-fourth Congress, first session, Executive Document No. 2. (Table II, page 17.)

NET ORDINARY EXPENDITURES.

1868	$229,915,088 11
1869	190,496,354 95
1870	164,421,507 15
1871	157,583,827 58
1872	153,201,856 19
1873	189,488,636 90
1874	194,118,985 60
1875	171,529,848 27

I have done all that I desired to do in rising in correcting the figures of the Senator from North Carolina, but I may be permitted before I sit down to call attention to one single fact in this connection, that all along from the year 1869 to the year 1876, every year except one exceptional year, there has been a constant decrease in the appropriations and also in the actual expenditures of this Government, the appropriations starting out in a reduction of something like ten or twelve millions the first year, and averaging from five to ten millions each year all along with the exception of one year, where there was a failure to make any reduction in the expenditures; and I have to say in connection with that, as well as with this table of actual expenditures, that the measures of reform, as they are called, to which we are invited at this time come upon the heel of eight years consecutive faithful application of the principle of reform and cutting down of expenditures in every department and in every branch of the public service consistent with its efficiency and its faithfulness. Any attempt now at any radical and serious reduction in the appropriations for the necessary civil service of this Government will find this difficulty in its way: it will be applied to a service which has been under the supervision of committees for eight years whose sincere desire and whose earnest effort has been from the beginning, wherever there was a dollar of public money that could be saved, to cut off that dollar from the appropriations, and the effort has been successful. And, sir, I have little confidence in that proclamation of a reduction of expenditures by $50,000,000 which heralded in the work of this session of Congress from the mouths of those who had had no experience in this work, and who, although themselves members of the House and of the Senate, during all this effort had failed in the years that were past to point out one single spot in which a dollar could be saved without being accompanied with crippling or curtailing the public service beyond that which wise and broad and prudent statesmanship would justify. I had in view, therefore, a double purpose in putting these tables upon the record at this time, to show not only the unreliability of the figures which the Senator from North Carolina had used, but also that other purpose of showing whether the Congresses for the last eight years had been faithful in this effort of theirs to answer the call of the people for economy in the public service. Now, when after the work of this Congress shall have been completed, that is, when deficiencies shall have been supplied after the end of the fiscal year, I have confidence that is not shaken at all by professions that the work of the years and Congresses that have passed will not suffer in comparison with that of the present Congress.

Mr. MERRIMON. I ask leave to trouble my honorable friend with a question. I wish to ask him whether about the time the table was produced to which he has referred and which I incorporated in my remarks the other day he did not himself in a certain place deliver a very able speech in which he exposed the irregularities and the extravagances practiced by the existing Administration, and whether his speech did not at that time create a very considerable sensation in republican quarters as well as throughout the country, and his speech was strongly animadverted upon by persons who were not exactly pleased with it?

Mr. DAWES. I do not know to what the Senator alludes. If I may be allowed to allude to what I have tried to do myself since I have been in Congress, I would state that I set out a great many years ago with a rule from which I have never departed, that I would hunt out any waste of money or any fraudulent transaction of any official, whether friend or foe, without distinction, and wherever I saw the head of a rogue I would hit it and wherever I saw that it was possible to save a dollar of the public money I would do it; and I remember on different occasions—I do not know to what particular occasion the Senator from North Carolina alludes—but I remember on several occasions, after a very great deal of study and examination, I did think that there were points upon which an improvement in the public service could be made, and I held up those points for the consideration of the body of which I was a member, and I had the gratification to know that that body in the main co-operated with any feeble effort on my part in the line to which the Senator has directed my attention.

Mr. CRAGIN. Mr. President, my attention was attracted to one of the tables referred to by my honorable friend from Massachusetts, the one in relation to "the number of employés borne upon the civil list of the United States from 1859 to 1875, inclusive, compiled from the Biennial Registers," and a moment's examination of the Biennial Register itself, without any reference to what was said in any other part of this Capitol, convinces me of the total unreliability of this statement. The Senator from Massachusetts has referred to it only down to 1873. In this table presented by the Senator from North Carolina he has a column under the year 1875, and in that column he places the number of civil employés in the Navy of the United States at 10,105, as derived from the Biennial Register. I took up the Biennial Register—I hold it in my hand now—and in this Biennial Register for 1875 there are only 145 civil officers of the Navy instead of 10,105, so that this statement is in error only about ten thousand!

Then I looked at the War Department. Under this head of 1875 we are told that there are 4,720 civil officers in the War Department as compiled from the Biennial Register. I have taken the trouble to count up the number of civil officers under the War Department as embraced in this same Register of 1875, and I make 2,869 as against 4,720, as in the table presented by the Senator from North Carolina.

I am wholly and totally at a loss to know how the Senator from North Carolina obtained his information that there are 10,105 civil employés in the Navy of the United States, and especially as the table gives us to understand that this information is taken from the Biennial Register. I went directly to that source and found readily that he was greatly in error. I have no doubt the Senator from North Carolina intended to state accurately the facts as presented in this table, but he certainly is very much mistaken so far as the War Department is concerned and so far as the Navy Department is concerned.

It will be observed in this table that in 1869—and I do not propose to travel over the ground occupied by the Senator from Massachusetts to any considerable extent, as he has made my speech almost exclusively on this particular table—in 1869 the total of the civil employés of the Post-Office Department was 41,346. In 1875, six years later, the table of the Senator from North Carolina makes the total 65,726, or an increase of more than 24,000 civil officers in the Post-Office Department alone in six years. We all know on a moment's reflection that that is an utter impossibility; and to account for that in part I have examined the Biennial Register of 1869 and that of 1875, and I find in the Biennial Register of 1875 that the names of a very large class of employés are enumerated that are not referred to at all in the Register of 1869. For instance, I find in the Register of 1875 over seven thousand mail contractors given by States, and they are not in the Register of 1869 at all. Their names do not appear there at all; but they do appear in 1875, and of course swell the list to that extent.

I find also in the Register of 1875 "special mail service," which embraces over two thousand persons. That is the same class of persons referred to by the Senator from Massachusetts who received all the way from fifty cents and up during the year to $10. Then in this Register of 1875 is a head called "special mail agents." That is a class of men who carry the mail from depots to the post-offices where the distance is over a certain number of rods; and there are about

four thousand of those, whose names are spread out in this Register, and they do not appear at all in the Register of 1869. That goes to show how this increase is accounted for in the Post-Office Department. I make up 15,000 of these three classes—mail contractors, special mail service, and special mail agents.

It is so in the Treasury Department. The number has increased from 1869, 8,082, according to the Senator's table, to 11,316 in 1875, while we all know there has been a gradual reduction in the officers under the Treasury Department. We all know that the assessors of internal revenue and the assistant assessors have been abolished; that the collectors have been reduced very largely, and that in the Department here and in the custom-houses throughout the country there has been a very large reduction since 1869. But in this Register of 1875 there are put in the employés of all the institutions under the Treasury Department, the laborers, the mechanics, &c., which are not included in the Register of 1869. That accounts for it. Though the number of officers has been actually largely decreased since 1869, yet in making up this Register and bringing in the names of laborers and mechanics and so on in all the marine hospitals and other places throughout the country under the charge of the Treasury Department the absolute number may have increased.

But I rose specially to call the attention of the Senator from North Carolina to the statement referring to the Navy and Army and to tell him that instead of there being 10,000 civil employés in the Navy, as taken from the Biennial Register of 1875, there are only 145 persons—145 instead of 10,000. I count them from the Register itself, and I tender it to the Senator that he may do the same thing.

Mr. MERRIMON. Mr. President, I regret exceedingly that I feel called upon to detain the Senate even for a minute from the further consideration of the bill before us; but it is due to myself and to the Senate and the country that I should make a brief reply to what has just fallen from the Senator from Massachusetts [Mr. DAWES] and the Senator from New Hampshire, [Mr. CRAGIN.]

It is very true that I was not very familiar with the history of the table to which the Senator from Massachusetts first took exception. I found it in a very elaborate and carefully prepared speech, delivered in the House by a gentleman of great ability, large experience and information, and who I think has a high reputation for accuracy in whatever he says. I did not verify the figures contained in the table by examining the official source from which he compiled it. I took it for granted that he well knew the importance of the statement he made, and in view of the circumstances under which it was made, and the fact that it was not correct the error could be very easily detected and corrected. I did not suppose for one moment that there was any error, much less intentionally false statement. I believed it to be substantially correct in all respects, and I did not hesitate therefore to use the table as I did. And after all that has fallen from that honorable Senator, without stating that I have made any very accurate search to verify the figures used—for I have not had the opportunity to do so—I must say that I am not satisfied that the gentleman who prepared this table, and apparently with great care, was very materially in error. I have the Blue Book for 1875, from which the table purports to be compiled, before me. It contains twelve hundred and eleven pages. The gentleman from whose speech the honorable Senator quoted a while ago estimated, and I take it he made his estimate as strongly in his own favor as he could, that there were seventy names on each page of this book. If you take that basis for the estimate, there are named in this book of officers, official employés, and agents in the service of the Government 84,000; take it that the pages average seventy officers, high and low, the number in the employ of the Government last year was 84,000. That so nearly approximates the figures put into the table by the gentleman from whose speech I took it that it seems to me he cannot be very far in error, certainly in the aggregate number. I cannot verify or vouch for the various detailed statements contained in the table; it must go, like the statements made by Senators here to-day, for what it is worth. I will not say that it is absolutely correct. I say that the circumstance which I have just mentioned in connection with the Register would seem to indicate that it is in the neighborhood of what is fair and true. He was as little likely to err as the Senators are here to, and, besides, we cannot tell all the data he had before him.

Then, there is another fact that I may mention here. This book does not contain the name of every person in the employ of the Government; it does not contain the names of the employés in the various navy-yards in the country and many other places, and I venture to say that the Senator from New Hampshire would not undertake to say, if all the employés in every navy-yard in the country and all the employés of the Government elsewhere were put into this book, the number would greatly exceed the numbers in the table which I produced and incorporated in the remarks which I delivered the other day.

Mr. DAWES. Did the Senator hear the statement that he had got in his table three or four times as many for the War Department as there are in this Blue Book for the War Department?

Mr. MERRIMON. I did not.

Mr. DAWES. I suggest to the Senator to see if that is not so. Not only is the book swollen in the manner stated, but I also stated, and the Senator from New Hampshire more fully than I did, that the book itself is falsified by the table; that the table represents the Army and the Navy and the Post-Office very largely more than the very book from which it purports to be taken; and that in the Army alone it is three or four times as much as the book itself will permit——

Mr. MERRIMON. I repeat what I said a moment ago, that I have not examined the Blue Book, as it is called, in detail.

Mr. EDMUNDS. Would it not be a good thing to do it before you make the statement?

Mr. MERRIMON. I made the statement in the way I mentioned a moment ago, and I have cited facts not denied tending to show that it was substantially correct. I am not able to state all the sources from which the gentleman made up his table; but I cited this general fact, which the Senator from Massachusetts does not deny, nor do I believe that the Senator from New Hampshire will deny, that, if you take into the calculation everybody in the employment of the Government, the number would be much greater than that stated in the table which I produced and used. I mean by that to embrace everybody employed in the navy-yards and by the Government in all its Departments. I produced that table for two purposes: one was to show the rapid and unnatural increase of the number of persons employed in the service of the Government, and from this I inferred that it was illegitimate; and thus I sought to show what immense power, what a vast army of retainers and dependents the party in power could employ with a view to carry an election in a sinister way. My purpose was to show that by this means the offices and places of the country were prostituted or might be to disappoint and defeat the popular will.

Mr. EDMUNDS. May I ask the Senator a question?

Mr. MERRIMON. In a moment. Wait until I state the other view. The other purpose I had was to show how rapidly this multiplication of employés and officers tended to increase the enormous expenses of the Government. Now I will hear the Senator.

Mr. EDMUNDS. The Senator said he wanted to point out how rapidly and illegitimately, if I understood the words, the number of persons in the public service had increased. Now, I want to ask if during the years from 1865 down to 1874 there has not been a considerable increase of postmasters and mail contractors and other people of that character in the States that did not have any United States postmasters before, and would not that be, in the opinion of the Senator, a fair and legitimate increase?

Mr. MERRIMON. O, yes; I do not deny that. I know that there has been such an increase, and all due allowance should be made for that; but when the increase is abnormal, manifestly so, when it is greater than the proportion of the improvement and the expansion of the country in every respect, then it is certainly a matter of legitimate inquiry as to why such increase took place.

Mr. EDMUNDS. Another question. When the Senator says the increase is abnormal and excessive and manifestly so, will he not be good enough to tell us where the "manifestly" comes in? When he is referred to his arithmetic on which he based himself the other day he finds that his items are all wrong, and he guesses that the total is about right.

Mr. MERRIMON. No, sir; I do not concede that at all; I have made no such concession. I say that when I referred to the Blue Book, taking it in the aggregate, taking the general fact made manifest by the Blue Book, that the table was in the main and substantially correct. I say further that I am not familiar with all the various detailed sources from which the table was made up. If I had the opportunity to consult the gentleman who had the table prepared I might be able to state; but I see the general striking fact I mentioned, and this goes far to sustain the substantial accuracy of the table; and then I state another fact in connection with it which puts it, it seems to me, beyond controversy, to wit, if all the employés in the various navy-yards and all the other places in the country were taken into the estimate, the aggregate number would be much larger than the table represents it to be.

Now, touching the other table to which the Senator from Massachusetts took exception, I beg to say that I got that table from the same source, and I take it there cannot be much controversy about that, because the records show exactly how much money was expended during the periods mentioned.

Mr. EDMUNDS. Yes; but the table does not.

Mr. MERRIMON. I am not sure about that. I have no doubt the figures as made up by the Senator from Massachusetts from his sources of information is correct. I am ready, and shall be at all times, to say that I know he would not make the figures otherwise than correctly as he understands them, but I am not prepared to say how many items of one account and another he has omitted from his estimate that were properly put into the table I used. He may be mistaken, and is as likely to be as the gentleman from whom I take my table.

Mr. DAWES. I will tell the Senator where I got my figures; from the report of the Secretary of the Treasury, on the seventeenth page, and I did not give those who are responsible for the expenditures of the Government the advantage of the difference between actual expenditures and disbursements. There are one or two items there which are disbursements of money that do not properly belong to the ordinary expenditures of the Government, and I took it as a whole as it was, to show how utterly unreliable the Senator's table was. I would inquire of the Senator if he found that other table in the same speech where he found this about the Biennial Register?

Mr. MERRIMON. I take it that the discrepancy between the Senator's estimate and that of the table which I used grows out of the fact that certain sources of expenditure have been taken into this account which he did not take into his account; but the principal table

that I produced the other day, and the one for which I vouched, I have before me now. That is from official and unquestionable sources. It is made up from the record.

Mr. EDMUNDS. Which one is that?

Mr. MERRIMON. By inadvertence it was not incorporated in my remarks of that day. That is, the table which I am now going to read. This table was prepared at the Statistical Bureau.

Mr. EDMUNDS. By whom?

Mr. MERRIMON. Compiled by Mr. Young, Chief of the Bureau of Statistics, or under his direction. I take it, therefore, that no one will question its accuracy. It was taken with a great deal of care.

Mr. EDMUNDS. Is that an official document that the Senator holds in his hand?

Mr. MERRIMON. I am reading from a speech delivered by a friend of mine in the other branch of Congress, and I vouch that this table is correct.

Mr. EDMUNDS. Can anybody get a copy of that speech and of the table?

Mr. MERRIMON. Yes.

Mr. EDMUNDS. What is the number and name of it?

Mr. MERRIMON. I do not care to be troubled in that sort of way; and this, it seems to me, is not a respectful way to deal. I produce this table, and I am going to incorporate it in my remarks. If it is not accurate, the Senator from Vermont can show wherein it is inaccurate.

Mr. EDMUNDS. Whereabouts in the RECORD does this speech appear, so that we can find it? The Senator does not mean to suppress his evidence, I suppose.

Mr. MERRIMON. I cannot point to the page. I cannot see the materiality of that. I produced the table, and if the table is not correct, the Senator can very easily detect the error or any false statement.

Mr. EDMUNDS. Will the Senator let me see the table?

Mr. MERRIMON. I ask the Clerk to read the table which I send to the desk.

Mr. LOGAN. If you give us the date the speech was delivered we may find it that way.

Mr. MERRIMON. I ask the Clerk to read the table which I send to the desk. I am astonished to see Senators so sensitive about a matter that is so easy of verification.

Mr. EDMUNDS. There is no sensitiveness on my part, I assure the Senator.

Mr. MERRIMON. The Senator seems very captious.

Mr. EDMUNDS. I am rather suspicious of tables that have turned out to be so false as those which the Senator has already presented.

Mr. MERRIMON. It does not appear yet that they are so false. When it does appear that they are so false by the record, it will be time to make such remarks as these.

The PRESIDING OFFICER, (Mr. MITCHELL in the chair.) The Clerk will read the table.

The Chief Clerk read as follows:

Civil list and net ordinary expenditures of the United States Government, by periods of four years, from the organization of the Government——

Mr. EDMUNDS. Is that the heading?

Mr. MERRIMON. Yes, sir; that is the heading.

Mr. EDMUNDS. That does not purport to be very official, as far as I see.

The Chief Clerk read as follows:

Civil list and net ordinary expenditures of the United States Government, by periods of four years, from the organization of the Government. (Condensed from the report of the Register of the Treasury for 1875.)

Dates.	Civil list.	Net ordinary expenditures.
From March 4, 1789 to December 31, 1792	$1,138,052 03	$3,797,493 20
For four years ending December 31, 1796	1,607,960,07	12,093,205 35
For four years ending December 31, 1800	2,329,433,08	21,348,351 19
For four years ending December 31, 1804	2,297,648 17	17,174,432 96
For four years ending December 31, 1808	2,616,772 77	25,926,355 72
For four years ending December 31, 1812	2,887,197 08	36,117,857 94
For four years ending December 31, 1816	3,768,342 61	108,537,086 88
For four years ending December 31, 1820	4,494,606 42	57,698,087 71
For four years ending December 31, 1824	4,665,602 11	45,065,421 88
For four years ending December 31, 1828	5,271,124 34	50,501,913 31
For four years ending December 31, 1832	6,081,307 73	56,270,480 62
For four years ending December 31, 1836	7,659,086 86	89,522,286 68
For four years ending December 31, 1840	9,899,496 58	121,729,801 16
From January 1, 1841 to June 30, 1845	11,508,546 86	104,360,163 10
For four years ending June 30, 1849	10,615,571 14	165,381,026 34
For four years ending June 30, 1853	14,214,458 96	165,684,050 48
For four years ending June 30, 1857, (Pierce)	25,036,171 74	242,920,632 35
For four years ending June 30, 1861, (Buchanan)	25,180,671 39	261,165,809 62
For four years ending June 30, 1865, (Lincoln)	30,765,508 71	3,176,017,346 94
For four years ending June 30, 1869, (Johnson)	*66,412,391 61	1,012,420,202 14
For four years ending June 30, 1873, (Grant)	†69,989,774 16	656,066,892 39
For one year ending June 30, 1874, (Grant)	17,646,253 38	194,217,210 27
For one year ending June 30, 1875, (Grant)	17,346,929 53	171,529,848 27

*This includes $7,200,000 paid for Alaska; also $5,505,451.79 paid for mail service, Post-Office Department.

†Total in six years of Grant's two terms, $1,021,813,950.91.

Mr. MERRIMON. Now, Mr. President, all I wish to do is to cite the data from which that was made up. It is the statement of expenditures from the beginning of the Government to June 30, 1875, contained in the report of the Register of the Treasury for the fiscal year ending June 30, 1875.

Mr. EDMUNDS. What is the number of the document?

Mr. MERRIMON. It is not numbered. It is one of the annual reports.

Mr. EDMUNDS. The separate report. Was it printed by Congress?

Mr. MERRIMON. Yes, it is one of the printed annual reports, dated "Register's Office, November 4, 1875."

Mr. EDMUNDS. [Examining the document.] That is printed at the Department, not by Congress.

Mr. MERRIMON. Printed at the Government Printing Office. I will send the document to the Senator so that he can verify the document and the figures at his leisure. [Sending the document to Mr. EDMUNDS.]

I regret, Mr. President, that in reference to the other tables I am not more familiar with the various sources and items of information from which they were made up. I repeat what I said at the outset, they have been used, and, as it turns out, repeatedly, by a gentleman of large experience and information and one who has the reputation of being very correct in what he says. Then I think the general facts to which I have called attention show that he cannot be very much out of the way. Indeed, his estimate is too small if we count all employés of the Government.

Mr. LOGAN. I desire to ask the Senator a question in reference to the table he produced the other day giving the number of employés of the Government, the increase from the beginning of the Government up to the present time. I understood him to say then that that table had been prepared at the Statistical Bureau of the Treasury.

Mr. MERRIMON. I did not. The table just read is the one prepared there, and if the Senator will turn to my remarks he will see that I so said.

Mr. LOGAN. I understood the Senator the other day to say it was prepared there, and I was satisfied it could not have been, and therefore I asked distinctly so as to correct the misapprehension that I might have.

Mr. MERRIMON. I did not say so, nor did I intend to be so understood.

Mr. LOGAN. I found it in the speech, and I was satisfied it could not be prepared there.

Mr. MERRIMON. I did not say so; I made special reference to the table just read.

Mr. LOGAN. Of course I misunderstood the Senator. I am glad he makes that statement.

Mr. MERRIMON. I did not say so, and am glad to correct the inadvertently erroneous impression on his mind.

Mr. LOGAN. Of course I misunderstood the Senator. I am glad he makes that statement.

Mr. CRAGIN. Mr. President, some Senators have suggested to me that the table for 1875 relating to the Navy, 10,105, may have been made up by including the employés in all the navy-yards. It is possible that is the way it was made up; but no account is taken of those employés in the Biennial Register. Therefore the statement which I made in relation to the number of civil employés in the Navy recorded in this Register is absolutely correct.

Mr. MERRIMON. I beg the Senator to understand that I did not question his statement at all.

Mr. CRAGIN. I was making this statement in reference to what some other Senator had suggested to me in private. Suppose it was so that these figures were made up from that source, why should they not have been made up from the same source in the years before? In 1869, only six years ago, the total of the number of civil officers in the Navy, according to this table, was one hundred and seventy-three. There were 10,000 men perhaps employed in the navy-yards during that year sometimes, and if the object of presenting this table is to show the increase of the employés of the Government, it should show the same character of employés during all these other years, in order that we could see whether there had been any increase.

Mr. SAULSBURY. Do I understand the Senator to say that the official Register does not contain the list of employés in the various navy-yards?

Mr. CRAGIN. Not at all. I ask the attention of the Senator to the Register itself.

Mr. SAULSBURY. Then there are employés at the various navy-yards—for instance, at Philadelphia, New York, Norfolk, and Boston—not included in the official Register.

Mr. CRAGIN. Certainly; and never were included.

Mr. MERRIMON. Suppose that these are taken into the estimate, I ask then whether the figures contained in that table are much out of the way?

Mr. CRAGIN. It is possible they are not, though I do not think that at any time during 1875 there were more than five thousand men employed in all the navy-yards together; not near as many as in 1869; not half as many as in 1869. I had occasion the other day, when another bill was up, to refer to a report of a committee of the House where it was shown that in 1858 there were about eleven thousand

men employed in the navy-yards on the first Monday of November that year. There would be no objection if this table for 1875 was made up in that way if it had been made up for the other years in the same way; but to make it up for 1875 by adding the employés of the navy-yards and not do it for any previous year would not be a fair thing as showing any increase.

Mr. MERRIMON. That I concede.

Mr. ALLISON. I should like to ask the Senator from New Hampshire a question. I should like to know what he means by employés; mechanics, and machinists, and all the men who are repairing ships?

Mr. CRAGIN. I mean mechanics and laborers and so on. They are not regarded as civil officers. They are not commissioned. They are employed by the day, the same as fifteen hundred or more men and women are employed by the day in the Bureau of Engraving and Printing. I think they are not included in this Register; they ought not to be.

Mr. MERRIMON. That is material in the view I used it to show the army of retainers that the party in power would have to aid in carrying an election.

Mr. ALLISON. Men employed by the day to do necessary Government work?

Mr. MERRIMON. Certainly; especially when they are sometimes put in just before the election.

Mr. CRAGIN. The supposition is that the Register is made biennially and is supposed to include the officers that are permanent, that hold their offices at least for four years. The employés in the navy-yards and many other places, the mail contractors and mail messengers that carry mails from the depots to the offices are employed for a short time. In the navy-yards sometimes there will be one thousand men employed and at other times in the year eight thousand perhaps. There is no reason why they should be in this Register at all.

Mr. DAWES. The gist of the whole debate is a comparison, and the purpose for which the table was used was a comparison, a comparison between 1859 and 1875, and there is not an element of fair comparison in it from beginning to end. The rule upon which the list was made out in 1859, whether that table is made correctly from this book or not, was a different rule from that of 1875, and it did not include men who are included in 1875; and to compare that list of 1859 and 1861 and 1863 with 1871 and 1873 and 1875, is to compare one thing with another different thing, and not the same thing, in two years. You might as well undertake to compare the Army with the Navy, or those employed in the Department of Justice with those employed in the Bureau of Printing and Engraving, and then undertake to say from the difference between the two that there has been or has not been an increase. It is comparing a cord of wood with a dozen of chickens. [Laughter.]

The PRESIDING OFFICER, (Mr. MITCHELL in the chair.) The question is on the motion of the Senator from Ohio to recommit the bill to the Committee on Appropriations, with instructions to report a bill limiting the total sum to $4,000,000, upon which the yeas and nays have been ordered.

Mr. COCKRELL. Mr. President, we have heard the Senator from Massachusetts and several others decrying the bill as it came from the House of Representatives and stating that it was prepared there by two or three members of a committee, and was not such a bill as ought to pass this body. I will state this fact, and if there be a Senator from either one of the States named who disputes the fact, I will thank him to correct me: The bill came from the House; the Senate committee proposed amendments to it striking out certain appropriations in certain States; I state now that the Senate committee proposed to strike out items in the bill as it came from the House making appropriations in the States of New York, Michigan, Wisconsin, Ohio, Connecticut, Massachusetts, Maine, Pennsylvania, Vermont, New Jersey, Maryland, Virginia, North Carolina, Tennessee, Texas, Alabama, California, Mississippi, Kentucky, Georgia, West Virginia, Florida, Rhode Island, and Missouri; and I state further that when the vote came on agreeing to the amendments of the committee striking out the appropriations in those twenty-four States, the Senators from those States voted against the amendments proposed by the Senate committee and voted to retain the appropriations as provided for in the House bill.

Mr. CONKLING. As the Senator invites a denial and begins by naming my State, I beg to remind him that when the report of the committee was proceeded with in the Committee of the Whole of the Senate, both the Senators from the State of New York voted to strike out every appropriation from the State of New York as recommended by the Senate Committee on Appropriations. My colleague was in the Chamber, and I am quite sure I am not mistaken about him; I know I speak a verity about myself. When the bill had proceeded until the State of Michigan was reached, a Senator from that State took issue with the committee. Then, upon a division of the Senate, the committee was voted down. That process went on, I voting steadily with the committee, until, as I remarked once before, Monterey was reached. When the Senate voted down the committee on Monterey, I for one, like a patriot, surrendered. I believe the committee had come then, including its own members, to possess seven votes in the Senate. When it had come down to seven, I thought for one it was not worth while to rise any more; and, therefore, I consulted my ease and sat still.

Mr. COCKRELL. On "sober second thought," then, you asked that the amendments should not be concurred in striking out the appropriations for your own State?

Mr. CONKLING. On the contrary, Mr. President, after the committee had been voted down in respect of every other State in regard to brooks, creeks, spring-branches as some of the Senators called them, I voted to restore the appropriations in my State, not for such improvements, not for such streams, but for harbors on the great lake which is the frontier of the State of New York, Lake Ontario; and if the Senator who now has the floor will point out an appropriation proposed by the House or proposed in the Senate for any creek, any inland stream, any minor run of water in the State of New York, I should like to see it. The committee had reported to strike out the appropriation for the harbor of Dunkirk, for the harbor of Olcott, for the harbor of Sodus Bay, and I believe for one other harbor, I do not stop to recall it—all harbors on Lake Erie or Lake Ontario; and, when every thing else, with I believe two exceptions which were deemed unwarrantable by the Senators coming from the States in which they were situated, was voted in, when every other amendment of the committee, numbering seventy-odd, had been voted down, then I moved, in substance, that New York was entitled to be considered a State in the Union, and that she should be put upon the par with the other States, especially as her works in the bill which had been stricken out were for harbors on a great lake and so of the other amendments which have been voted down and appropriations restored were for brooks in which the engineers had told us twenty inches of water might be produced if the improvements were made.

Mr. HOWE rose.

The PRESIDING OFFICER, (Mr. MITCHELL.) Does the Senator from Missouri yield to the Senator from Wisconsin?

Mr. COCKRELL. Yes, sir.

Mr. HOWE. As the Senator means to be entirely correct, it affords me the opportunity of saying that very early in the consideration of this bill by the Senate the Senate was called to act upon two amendments reported by the committee. One was striking out an appropriation for the improvement of the harbor at Menomonee on the boundary line between Wisconsin and Michigan, and the other was to reduce an appropriation from $15,000 to $5,000 for Two Rivers, in the State of Wisconsin, the last being within forty miles of the town in which I live and the former within sixty miles of that town. I sat here in my seat while both amendments were acquiesced in, and afterwards, after the Senate had voted down the amendments reported by the committee, I had to crave their indulgence to go back and mete out that justice or injustice to this locality which had been accorded to other States.

Mr. COCKRELL. Then the Senator did vote to non-concur in the amendments of the Senate committee?

Mr. HOWE. After every other amendment had been non-concurred in.

Mr. COCKRELL. I desire now to ask the Senator if he voted to non-concur in those amendments simply because other amendments had been non-concurred in or because he believed the appropriations were just and proper?

Mr. HOWE. I have no sort of doubt that the appropriations for those two localities made by the House of Representatives are entirely just. They are warranted by the recommendation of the Engineer Corps. I only consented to allow them to be stricken out upon the theory that the Senate would not vote beyond a certain amount of money to be expended this year.

Mr. COCKRELL. That is correct. The appropriations, then, proposed by the House were legitimate and proper. The Senator from New York has taken his seat, but I know he will be courteous enough to answer this question: In his judgment were the appropriations of the House for the rivers and harbors in New York, which were stricken out by the Senate committee and restored by the action of the Senate, just and proper appropriations?

Mr. CONKLING. Yes, Mr. President, whenever the country and the Treasury shall not be sighing and gasping and struggling for life, as we are told by our friends on the other side is the case now. When the country is able to go on and improve generally harbors needing improvement, I believe that every one of these appropriations would be fit and proper within the practice of river and harbor bills.

Mr. EDMUNDS. You mean the appropriations in New York?

Mr. CONKLING. I mean the appropriations the Senator from Missouri asked me about, which he specified, being appropriations on Lake Ontario. The question which addressed itself to me as a member of the Committee on Commerce and as a member of the Senate was of a different kind. It was whether in the present pinch, as it is so graphically described to us, this was the time, this should be the accepted opportunity, to appropriate millions for works which could be deferred; and when, with appropriations for many minor works, the utility of which I must say I should doubt at any time with an overflowing Treasury, the effort of the committee was to rid the bill of amendments for such works, and the judgment of the committee had extended so far as to say that the more important works in New York could also be deferred for a season, I bowed to the committee and voted for the report; but when I found that all the brooks, all the sedgy streams, all the rills of mountain and meadow, which by looking through the report of the engineer I find described, and appropriations made for them in this bill, were to be restored, it seemed

to me that it would hardly do for the Senators from New York to sit here and see invidious distinction made, quite contrary to the theory of the bill as it had come to be, against works of confessedly large and general importance, as harbors on Lake Ontario surely are. When I saw that the bill contained in none of its phases or stages one single appropriation to be expended in the State of New York upon such a stream as the Supreme Court has said is not a navigable river of the United States, is not a boundary river between States, is not a stream which the State may not dam, or bridge, or divert, or obliterate if it chooses to,—when I found that there was no appropriation in the bill for such streams as that in the State of New York, I felt all the more free and all the more fully justified in moving to put back the appropriations stricken out which related to works so large, so general, so national in their character, as the works situate in New York which can be found named in the bill.

Mr. COCKRELL. The point that I was making was that the Senator from New York stated, as he now admits, that the appropriations for New York which had been made by the House and which had been stricken out by the Senate committee were just and proper.

Mr. CONKLING. At a proper time, yes.

Mr. ALLISON. Will the Senator allow me right here to make a brief explanation?

Mr. COCKRELL. Certainly.

Mr. ALLISON. I think it will show the distinction made by the Senator from New York. The Engineer Bureau estimated for all these improvements above fourteen million and a half of dollars. The House committee agreed to appropriate four million and a half, or one-third of the estimate. Thereupon they sent to the Bureau of Engineers to ascertain what particular improvements ought to be made on the basis of one-third of their estimate, to wit, upon a total basis of four millions and a half. Then the House sent us a bill not based upon the estimates of the engineers at all. Those estimates omitted certain works which might be postponed and required distinct appropriations for certain great works which could not be postponed. But the House, instead of sending a bill of four millions and a half, sent us a bill of $5,872,000, without any reference whatever to the estimates of the engineers or to their revised estimates with regard to these improvements. They stuck in items here and there all over the country that were not estimated for at all by the Bureau of Engineers, and which they said could be omitted without detriment to the public service, and thus increased the appropriations suggested by the engineers a million and a half nearly and at the same time paid no attention whatever to their estimates.

Mr. HAMLIN. Will the Senator let me ask a question?

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Maine?

Mr. COCKRELL. Yes, sir; this is a regular old-fashioned Methodist love-feast, and I should like to hear all Senators give their experience.

Mr. HAMLIN. I wish in this connection to know whether I am right in my recollection, and I ask the Senator from Iowa if he did not read from the report of the engineer in regard to one appropriation where he said it ought not to be made, that it was a work that could not be made?

Mr. ALLISON. There are three or four instances of that kind. Will the Senator from Missouri allow me one moment more?

Mr. COCKRELL. Certainly.

Mr. ALLISON. The Committee on Appropriations undertook to revise this bill with reference first to economy, and secondly to the necessity of the improvements that are going on under the control of the Bureau of Engineering. Hence we struck out a great many rivers and a great many creeks and some harbors, such as have been stated by the Senator from Wisconsin and the Senator from New York, because the engineers thought if we were only to appropriate four millions and a half those works could be postponed until next year; but they said that there were other important works that could not be postponed under any circumstances. Therefore we did strike out and we did insert, but the Senate, as the Senator from Missouri very well knows, paid no attention whatever to the recommendation of the Committee on Appropriations, but inserted every item that was rejected by that committee.

Mr. COCKRELL. We are not dealing with the reports of engineers. I am dealing with the distinguished Senators on this floor who have taken the privilege of reprimanding and lecturing those who have voted to sustain certain appropriations made by the House. The distinguished Senator from New York has indorsed every appropriation in the bill as it came from the House applicable to his State. In addition to that, that distinguished Senator has indorsed the amendments proposed by the Senate committee and those amendments only increased the appropriations of the House $245,000. Yet the distinguished Senator says that if the condition of the country was such as to justify these appropriations he would be in favor of the House bill, and he is in favor of the amendments of the Senate committee increasing the appropriations for his own State $245,000.

Mr. CONKLING. Will the Senator allow me to interrupt him right there?

Mr. COCKRELL. Certainly.

Mr. CONKLING. The Senator now, if I understand him, says that the Senate committee increased the total of the House bill two hundred and odd thousand dollars.

Mr. COCKRELL. For the State of New York alone. I am not talking about the general bill; I am coming down to individual items.

Mr. CONKLING. The truth is that the committee increased the aggregate of the bill $36,000, which was done by eliminating from the bill the works which the committee thought were unimportant, certainly unimportant now, and putting in the omitted works the importance of which the committee deemed transcendent or at least urgent.

Mr. ALLISON. And on the recommendation of the engineers.

Mr. CONKLING. And always on the recommendation of the engineers. Will the Senator from Missouri allow me one word further? He has been very good-natured in permitting me to interrupt him, and I do not wish to do it again.

Mr. COCKRELL. I am always good-natured. I yield with pleasure.

Mr. CONKLING. I think he always is. The Senator speaks of the State of New York. I beg to say in regard to the increase to which the Senator refers, that the appropriations as proposed by the committee were very inadequate as judged by the statements of the engineers. For example, to carry on the work at Hell Gate, being the removal of sunken rocks in an arm of the sea, the board of engineers reported that the allowance made by the House was inadequate; that more should be added to it for economy, for utility, for efficiency in the work. Thereupon the Committee on Appropriations, feeling that this was a very leading work, a work concerning all the States, especially all the Atlantic States, if it were worth doing at all, was worth doing economically and properly. They measured their appropriation accordingly, putting it down to the very lowest sum which would correspond with that definition. So they did in respect of the harbor of Buffalo. So they did in respect of the harbor of Oswego, which the Senator I suppose knows is the leading American harbor on Lake Ontario.

Mr. COCKRELL. I am not dealing with the general bill now; I am dealing with the particular States and the distinguished Senators who represent those States. There were for the State of New York appropriations in the House bill to the amount of $39,000 which were stricken out by the Senate committee. Those appropriations have been declared to be necessary and proper, and by the aid of the Senators from that State they have been restored. The Senate committee also increased the appropriations over and above those recommended by the House to the amount of $245,000. Take the bill as it came from the House and the bill as it came from the Senate committee and the increase of the appropriations for the State of New York was $206,000. The point that I make, and I shall make it plain to the Senate, is that from these twenty-four States their Senators have indorsed every appropriation made by the House; that they have stood here on the floor and demanded that they should be put back after the Senate committee had recommended that they should be stricken out. Even my distinguished friend from Vermont [Mr. EDMUNDS] rose in his place and asked that the amendment of the Senate committee, striking out an appropriation for Vermont as it came from the House, should be non-concurred in. I am just making that point directly. I assert that the Senators from these twenty-four different States, either directly or indirectly, indorsed and ratified the House bill and said that the appropriations made in that bill were just and proper. I want to propound another question to all Senators. Is there an appropriation in this bill as it came from the House for any harbor, any river, any creek, any cove in any of your States that is not just and proper? I wait for an answer.

Mr. EDMUNDS. Keep on waiting, and you will get it by and by.

Mr. COCKRELL. I wait for an answer to know if there is a solitary river, or creek, or harbor for which an appropriation was made in the House bill that is not just, and appropriate, and proper? I ask the Senators from the States in which those appropriations are made to state whether that is so? I understand that they have indorsed every one of them and have asked that they should be restored here. In other words, they have asked that the Senate should non-concur in the amendments of the Senate committee striking out those appropriations.

Mr. WINDOM. I should like to ask whether the Senators from Missouri indorse the Osage improvement?

Mr. COCKRELL. I do most emphatically indorse the Osage River improvement.

Mr. WINDOM. Then I think everything else can be indorsed without any difficulty.

Mr. EATON. May I interrupt the Senator from Missouri?

Mr. COCKRELL. I should like to hear from the Senator from Connecticut.

Mr. EATON. My honorable friend has suggested that every Senator was anxious that all the provisions in the bill proposed to be stricken out by the committee should be replaced. He does not quite mean that. I think upon reflection he will not say that. At all events, as a Senator from the State of Connecticut, I said here upon the floor that in my judgment, under existing circumstances, I was perfectly satisfied to take the action of the Senate committee, except in one particular. The honorable Senator from Iowa, who has the bill in charge, will do me the justice to say that I said to him that as soon as I could get the floor upon a proper occasion I should move to reduce the appropriation which was made for one harbor in my State.

Mr. ALLISON. I must bear witness to the truth of the statement

made by the Senator from Connecticut. He did say to me that he would be glad to see the appropriation for Saybrook Bar reduced, and that he would make a motion to that end.

Mr. EATON. I shall take occasion at some time before we get through with this matter to see to it that the appropriation recommended by the committee of the Senate be reduced, because I do not believe it to be necessary for that harbor in my State. Therefore my friend from Missouri will do me the justice to say that I am not here after a grab for my own State. We take care of our own trout streams and our own ponds, and build canals around the falls in our own rivers, and do not come here to ask the United States to do that sort of work for us. The only appropriations for my State are for harbors upon the Sound, where the vessels of Maine and Massachusetts and New Hampshire and foreign vessels pass through. They are harbors of refuge.

I desire to say one word here that my friend from New York omitted to say with regard to the appropriations for Hell Gate. Once take the rocks out of Hell Gate, and you reduce the distance between New York and all foreign ports three hundred miles. Three hundred miles will be saved to the commerce of the whole country. The wheat of Missouri and the wheat of Indiana and Illinois is as much interested in the New York improvement at Hell Gate as any other part of the country. New York herself is not interested one dollar in that matter. The commerce of the world is interested in it. You reduce insurance and you reduce freight on everything between this country and Europe whenever that great work at Hell Gate is completed. Gentlemen from different sections of the country should see the difference between a work like that and a mountain creek two thousand feet above the level of the sea.

Mr. COCKRELL. I was perfectly aware of what the distinguished Senator from Connecticut stated at the time that amendment came up, but I recollect equally as distinct that the distinguished Senator from Connecticut, who occupies the opposite side of the Chamber from me, [Mr. BARNUM,] asked that the item should be restored, and therefore half of Connecticut indorsed the appropriation.

Mr. EATON. I gave notice that I would move to have the appropriation restored.

Mr. COCKRELL. So much the better. The whole of the great State of Connecticut has indorsed the correctness of the appropriation of which the distinguished Senator has been speaking. They have indrosed it; they have said it was proper and correct and just, because they have asked Senators on this floor to vote to non-concur in the amendment striking it out.

Mr. EATON. The State of Connecticut is not very large, I beg to say to my friend.

Mr. COCKRELL. I have nothing at all to do with the merits of Hell Gate. It must be a very deserving improvement. Appropriations have been made to it for so many years that it is certainly worthy of consideration. I am not discussing that point.

In reply to the Senator from Minnesota, who put a question to me about the Osage River, I will say that that is, under the act admitting the State of Missouri, a public highway, one of the God-given highways of this country belonging to the General Government. It rises in the State of Kansas, traversing a hundred miles of that country, and runs through the State of Missouri, emptying into the great Missouri River. It is not a creek; it is not a mountain stream, such as the distinguished Senator from Connecticut speaks of, two thousand feet above the level of the sea, but it runs through a rich country. It is not a trout stream. We do not have that kind of fish in it. It is a navigable stream. It has been navigated for years and years, and prior to the war furnished all Southwest Missouri, the Indian country, and Northwestern Arkansas, with all their heavy freights, sugar, corn, iron, &c.

Mr. EDMUNDS. What sort of vessels navigate it?

Mr. COCKRELL. Steamboats.

Mr. EDMUNDS. Of what draft of water?

Mr. COCKRELL. In the average season, not at the highest or at the lowest water, they draw from three to six feet.

Mr. EDMUNDS. How much at the lowest?

Mr. COCKRELL. At the lowest stage of water there is generally eighteen inches over the shoals.

Mr. EDMUNDS. That must be a very good steamboat that will run six feet at high water and eighteen inches at low water. It is a good boat. [Laughter.]

Mr. COCKRELL. The distinguished Senator from Vermont has not been out in the western country. I am sorry he does not know that great Mississippi Valley, the heart and body of this great country, which is destined to assert its power and rule the country for its own good and the good of all other sections.

Mr. EDMUNDS. It is doing it at this moment.

Mr. COCKRELL. As I stated—and the distinguished Senator understood me distinctly—when the water is at its medium, between low and high water, vessels drawing from four to six feet can navigate the stream, and at the lowest water there are generally eighteen inches on the shoals. Then there is no effort to navigate it with steamboats except very small vessels for the local trade between the shoals.

I asked if there was a Senator here who did not indorse the bill as it passed the House. The Senator from Connecticut has answered, and he has indorsed what I said. Is there another Senator on this floor who will state to the Senate that he has asked the Senate to non-concur in an amendment proposed by the Senate committee to the House bill when that improvement, where he wanted the appropriation non-concurred in, was not just and propor when it was in his own State? Gentlemen can criticise appropriations in other States, they can tell about the fish streams and the coves and creeks in their neighbors' States, but when it comes to their own State there is not a Senator on this floor who will now rise in his seat and say that he asked an appropriation for any river or creek or harbor in his State that was unjust or improper and ought not to have been given. If there is, I should like to hear him now or hereafter forever let him hold his peace.

I desire to speak in reference to Delaware. The distinguished Senator from Delaware, [Mr. SAULSBURY,] who is not now in the Senate Chamber, was spiritedly in favor of reform, and yet whenever his State was touched, whenever an amendment was proposed by the Senate committee striking out anything from Delaware, he was on his feet to protest against the amendment striking anything for Delaware. When it came to those five or six surveys of little creeks—I do not suppose they rise to the dignity of trout streams; they are minnow streams, for little minnows—the distinguished Senator made a controversy upon that. I helped defeat him, I believe, until the third vote, and when he called for the yeas and nays I then had to yield and permit these little streams, these minnow creeks, to be surveyed at the public expense. Then there are Senators from twenty-four of the great States of this country who have indorsed the House bill.

I desire to say a few words more in regard to this bill. The bill as it came from the House appropriated $5,872,850. As it came from the Senate committee their amendments increased the appropriation of the House bill $36,000. As far as the action of the Senate has gone, non-concurring in the amendments of the Senate committee striking out appropriations and concurring in the amendments of the Senate committee giving additional amounts, the bill stands $6,759,014. I believe the Senator in charge of the bill will bear me out that these figures are correct substantially.

Mr. ALLISON. That is near enough for general purposes.

Mr. COCKRELL. That is about correct. We are told of the extravagance of this bill. We are told that it is enough to bring the blush of shame to the cheeks of Senators. The distinguished Senator from Ohio, the democratic Senator from Ohio, [Mr. THURMAN,] has seen proper to deliver a reprimand and a lecture (I am sorry he is not in his seat now) to his brother democratic Senators, warning them that this bill would be brought up against them. How did the distinguished Senator vote? When those little amendments proposed by the Senate committee striking out appropriations for the State of Ohio were up, he appealed to the Senate to non-concur in them. The Senate non-concurred, and then he took his hat and has not appealed against anything else until he made this motion to recommit. The distinguished Senator, my good friend from Pennsylvania, [Mr. WALLACE,] has been voting to sustain the Senate committee all the way through, but when it came to an amendment striking out an appropriation in the House bill for the State of Pennsylvania he could not concur in it. He was willing to concur in the amendment striking out the appropriations for all the other States save the single State of Pennsylvania.

Mr. WALLACE. Will the Senator yield to me?

Mr. COCKRELL. Certainly.

Mr. WALLACE. Mr. President, it is well known that my attitude upon this bill was one of support of the Senate committee. I sustained it throughout until there were but seven of us left voting in favor of the amendments of the Senate committee. When that had come to be the condition of things, I asked, at the request of a member of the House, to restore the sum of $6,000 toward the ice harbor at Chester on the Delaware River, a national highway, and I did it because it seemed that everything which had been stricken out by the Senate committee that was in the House bill was about to be restored. The State of Pennsylvania had in the bill as it came from the House $64,000. The Senate committee put into the bill $20,000 more, and the Senate added to that $6,000, making a total of $84,000 given by this bill to the State of Pennsylvania. If that be voting extravagantly, if that be voting improperly, I have voted extravagantly and improperly. These appropriations were, first, for the harbor at Erie on the lake, the only natural harbor on Lake Erie; second, for the improvement of the navigation of the Schuylkill, to take from the port of Philadelphia the grain and oil that accumulates there because of the increase of the terminal facilities at that point; third, the improvement of an ice harbor in that great thoroughfare, the Delaware River.

We have asked for no improvements in any of our internal rivers, for none for the heads of the Delaware, for none upon the Susquehanna, for none upon the Alleghany or the Monongahela. I have not asked for them because I believe the States yet have rights, and that the General Government ought not to go there with its agents and interfere with rights vested under the power of the States. Under this power the State by its constituted authorities has given authority to create booms for lumber, dams for slack water and canals, and water-powers for mills; but, sir, when the General Government goes to the State with its agents under such a bill as this it goes there with exclusive power and can take and destroy without let or hinderance

the property there existing, and can control all the streams that have before been under the jurisdiction of the State, and under the power of which hundreds of thousands and millions of dollars of property have been created in that State.

I believe that a river that is under the control of the General Government is one that is navigable in fact and that does not require to be made so by the appropriation of money by the General Government.

The river and harbor bill was $3,000,000 in 1867. It is swollen now to $6,000,000, and before 1886 it will swell to $60,000,000 if this doctrine of distribution is to prevail. As one of the representatives of one of the great States of the Union, I assert the principle that the General Government has no right and ought to have no control over the rivers of that State that are not navigable in fact. That is the position I have taken on this bill, and by it I propose to stand. If this bill in its present proportions, giving but $80,000 to the State of Pennsylvania, be maintained at its present figures, I am willing to vote "nay" on the bill and say, "Let no money be expended this year upon rivers and harbors."

Mr. COCKRELL. I desire to ask the Senator if the appropriations recommended by the House bill were just and proper?

Mr. WALLACE. That is entirely evading the real question. The Senate cannot disguise the fact that a combination of Senators on this floor overruled the Senate committee. It is as patent as anything can be that the Senate committee, acting upon principle, has been overruled by a combination of Senators; that the Senate has found itself powerless to resist; and that those who were not in the combination when this result was demonstrated attempted to protect themselves by asking that their States, too, should have that which was just and proper in the House bill.

Mr. COCKRELL. The distinguished Senator from Pennsylvania cannot evade a direct issue upon the question which I propounded to him. I ask if he has risen in his place on this floor and asked the Senate to non-concur in an amendment making an appropriation for the State of Pennsylvania, when that amendment was improper and unjust, when according to his own ideas he has done gross violence to our feelings and our judgment? The question that I put to him is, was there a solitary appropriation in the House bill for the State of Pennsylvania which was not just and proper? He has evaded that question. I am confining it now to individual States. He has refused to answer it. Silence gives consent. He indorses it. He shields himself under the general declaration of the rights of the States. I suppose I am probably as stringent a State-rights man as the distinguished Senator from Pennsylvania. I believe that the Government is somewhat limited and restricted, and yet I believe that it possesses certain powers, and they are very important and necessary.

As to the charge which the distinguished Senator from Pennsylvania makes that there is a combination here, that Senators have said, "If you will vote for my measure I will vote for yours," I ask how did the distinguished Senator from Pennsylvania get the Senate to non-concur in the amendment as to his State if he was not in that combination? If there is any combination in the Senate, the Senator from Pennsylvania is in it, because he succeeded in getting the Senate to non-concur in an amendment of the committee striking out an appropriation for Pennsylvania. He said that a ring, a combination of Senators, had overridden the Senate committee, but that he tried to stand by the committee. Yes, Mr. President, he stood by it until it affected the great State of Pennsylvania, and then he asked that the amendment of the committee should not be concurred in, and he joined the ring, soul and body, and belongs to it today as far as any other member of the Senate belongs to it. I have asked Senators to answer these questions fairly and candidly. I have heard these insinuations and these charges made that there was a combination and a ring. I have put Senators upon the witness-stand. We have resolved the Senate into an old-fashioned Methodist love-feast, and they have all taken the liberty to answer questions and tell how they felt about all the appropriations for their own States. Every one of them has indorsed everything that the House has done for his State.

That is the way the bill stands. Every Senator here has indorsed the House bill in regard to the appropriations for his own State; and yet we hear talk about rings and combinations! The distinguished Senator from New York and some others have been talking about the extravagance of this bill. I simply desire to recall their attention to a little fact, one solitary isolated fact, and that is that the river and harbor bill of 1875–'76, making appropriations for improvements for that year was $6,791,517.50. I appeal to distinguished reform Senators here if they would not have thought from the declamations which have been proclaimed here in the Senate Chamber that this was the largest appropriation that ever had been made? The river and harbor bill for 1875–'76 was $6,791,517.50. If that is not correct, I will thank the Senator from Iowa [Mr. ALLISON] or the Senator from Minnesota [Mr. WINDOM] to correct me.

Mr. ALLISON. That is near enough.

Mr. COCKRELL. I want it exactly. I have got the bill, and I assert now, while it is not in the appropriation bill in one place, the true amount there is $6,791,517.50. I appeal to the Senators present who occupied this floor and who had control of this body when that bill was passed to know if that is not correct. Was not the distinguished Senator from New York occupying a seat on the floor at that time? Was not the distinguished Senator from Vermont occupying a seat on this floor? Were not all the other distinguished Senators who have spoken against this bill occupying seats on this floor when the river and harbor bill of 1875–'76 was passed? Yet now they reprimand us for this bill.

Mr. EDMUNDS. Did we provide for the Osage at that time?

Mr. COCKRELL. No, sir; the year before you did.

Mr. EDMUNDS. But in 1875 we did not provide for the Osage; it had got too dry.

Mr. COCKRELL. The year before you gave $25,000 for it.

Mr. ALLISON. The engineers last year sold the implements and tools and abandoned the river; at least it is so reported.

Mr. COCKRELL. I am speaking of the reprimands which come from that side of the Chamber against the House of Representatives and against this side of the Chamber for extravagance and profligacy with the people's money, when only in the year 1875 the other side and their friends, who had possession of the other end of the Capitol, passed an appropriation bill for rivers and harbors appropriating $6,791,517.50, $918,677.50 more than the House bill of the present year; nearly a million more than the bill as it came from the House this year. Yet we are told of the extravagance and profligacy and want of regard of our friends for the tax-payers of this country!

I am exceedingly sorry that these distinguished Senators did not have that feeling when the other appropriation bills came from the House making far greater appropriations than this bill. I am almost sorry to say that some of my distinguished democratic friends did not also regard that when they were voting to concur in amendments increasing the appropriations made by the House of Representatives, while I was voting to retain them at the figures set by the House, honestly and conscientiously believing that those amounts were just and proper, and that the Government could be best administered, most economically and honestly and justly and efficiently administered on the appropriations as they came from the House. We are told now of the great extravagance of the bill as it has been agreed to thus far by the Senate. The bill as it now stands for recommittal to the Committee on Appropriations is $32,503.50 less than the appropriation in the bill of 1875–'76. What does this indicate? Every Senator seems dissatisfied with the bill and with every provision here except so far as it affects his own State. Every Senator thinks the appropriations for his own State are just and necessary. They have all so stated upon the floor of the Senate Chamber to-day. The appropriations made by the House for each State are just and proper, according to the understanding and views and judgment of the Senators from each of those States respectively.

What shall we do? The Senator from New York says that the appropriations for his State are just and proper. The distinguished Senator from North Carolina says that the appropriations for his State are just and proper. The distinguished Senator from Iowa who has charge of the bill, and his colleague, the chairman of the committee, [Mr. WINDOM,] both have said that an additional appropriation is necessary for the State of Iowa, and the Senate concurred in it. I want some Senator for whose State an appropriation has been made which is not just and proper to rise in his place and move to strike it out. If we shall come down to that point and strike out the appropriations which are not just and proper for our own States, we may then be able to arrive at a just conclusion. But how are we to do this? Every Senator says that the appropriations for his State are just and proper. They all agree upon that; but every other Senator thinks that the appropriation for his brother Senator's State is not necessary. I am in favor of reducing this bill to the lowest possible extent; but I am not in favor of recommitting it to the Committee on Appropriations to be revised and corrected and to be reported back to us at any given amount. Nor am I in favor of the motion of the Senator from Vermont to reduce the bill to $4,000,000 and to give it into the hands of the Engineer Department to expend this money when and where, and in what way, they choose. I am for arriving at a just and satisfactory estimate and amount in each State, as it is justly entitled to, and as the work demands, and then passing the bill. I should be exceedingly gratified to see the aggregate amount of the bill brought down to $4,000,000, but I cannot agree to the substitute offered by the Senator from Iowa. I do not think that is just or proper, and I cannot concur in it. I hope that a bill will be agreed upon which will appropriate $4,000,000 and no more for those rivers and harbors which really need improvement and where the money can do the most good. I assure the distinguished Senator from Minnesota that the Osage is certainly entitled to its $25,000.

The Senator from Pennsylvania spoke about the proportion of States. What proportion has the great State of Missouri got? Twenty-five thousand dollars for the Osage River and $10,000 appropriated to improve the Missouri River opposite Saint Joseph on the Kansas shore. We do not want to take any great portion of the State of Kansas, our young sister, away from her, and the river is about to cut through on the Kansas side. We are living in most amicable relations with our sister State, and we want the river stopped. We want Kansas to hold her own soil and territory. This is what is given to the great State of Missouri, the fifth State of this Union, and destined ere long, Mr. President, to be the brightest star in the galaxy of the Union.

Mr. EDMUNDS. What State is that?

Mr. COCKRELL. The great State of Missouri.

Mr. EDMUNDS. She is the brightest star now.

Mr. COCKRELL. She is destined to be the greatest State of this Union in wealth, population, resources, and everything that tends to make a State great. I ask that the Senate do not agree to the motion to recommit the bill to the Committee on Appropriations.

Mr. OGLESBY and others. Let us vote.

The PRESIDING OFFICER. Is the Senate ready for the question?

Mr. EDMUNDS. Not quite. The first break that was made on the Committee on Appropriations, who apparently with a fair fidelity endeavored, without regard to States or State lines, to omit appropriations for useless or unnecessary works, and those that could be dispensed with for this present time, was made for the improvement of the harbor of Frankfort, Michigan. If there is any Senator from Michigan here present, I wish he would tell me where the harbor of Frankfort is.

Mr. CHRISTIANCY. It is north of the Grand River.

Mr. EDMUNDS. North of the Grand River. [Examining a map.] Let me see. Here on Lake Michigan?

The PRESIDENT *pro tempore* entered the Chamber.

Mr. EDMUNDS. Mr. President, I ask where is Frankfort Harbor and pause for a reply. That, I believe, is the stereotyped phrase.

Mr. FERRY. If the Senator desires to know where Frankfort is—I was out of the chair—it is on Lake Michigan.

Mr. EDMUNDS. Where on Lake Michigan?

Mr. FERRY. I cannot tell the Senator if he is so poorly posted in geography as that. I cannot attempt to instruct him in that case.

Mr. EDMUNDS. I am very poorly posted, but I should like to know whereabouts on Lake Michigan is Frankfort Harbor?

Mr. FERRY. It is over one hundred miles from the straits. It is on the west coast of the State of Michigan, and south of Manitou Islands.

Mr. EDMUNDS. Can the Senator, while he is about it, tell us the population of Frankfort?

Mr. FERRY. I can tell you where it is.

Mr. EDMUNDS. [Pointing on the map.] O, there it is. The first break that was made on the Committee on Appropriations was on Frankfort Harbor, which is in the State of Michigan, just as the Confederate Cross Roads was said to be in the State of Kentucky. We had gone down through the bill to that amendment. As the Senator from New York has stated, the first amendment of the committee was to strike out the improvement of the harbor at Dunkirk, New York, $18,000. That was struck out without a division. The next striking out of the House bill was the harbor at Olcott, New York, $5,000. That was struck out with the acquiescence of both the Senators from New York and of the Senators from, let us see—the brightest star in the Union. The next item was for another harbor at Pultneyville, New York, $5,000. That was stricken out without any division and by unanimous consent, upon the idea not that these harbors might not properly be improved in respect of commerce in and of themselves, but upon the idea that in the present state of the public service and the public necessity it was thought proper that large reductions on the total appropriation should be made; and no Senators, so far as I know, were more willing to have it done than those from the State of New York themselves. Then there were others. At last we came to the first thing to be stricken out from the State of Michigan, "for the improvement of the harbor at Frankfort, Michigan, $5,000." On that we had a division. The Senator from Michigan who is so often in the chair, [Mr. FERRY,] with all the ingenuity and wit and persistence for which he is so famous, resisted that amendment. On the yeas and nays the vote in favor of the committee was 14, and the vote against the committee and against striking out the clause was 27; and among the twenty-seven I find the name of the distinguished Senator from the greatest star in the galaxy of States, if that was the expression.

Now, the harbor at Frankfort, Michigan, is at the mouth or somewhere about the mouth of a river called the River Aux Becseis. According to the map this distinguished harbor is in a part of the State that has a plentiful lack of population and a plentiful supply of timber. It is a timber harbor. The amount of water there is not very extensive, but the amount of pine trees and oak and all that sort of thing, as I suppose, is extensive.

Mr. FERRY, (standing at the Secretary's desk.) If the Senator desires to know especially in that respect, I can give him——

Mr. EDMUNDS. The Senator cannot address the Senate on the desk. If he will only come down to a common level with the rest of us, where we all have fair play, very well.

Mr. FERRY. The Senator criticized my coming down from the chair on a former occasion to take a place on the floor. Now, since I have come midway according to his idea of propriety, he complains because I step but half way down.

Mr. EDMUNDS. For I never was in favor of Mohammed's coffin, which was half way between earth and heaven.

Mr. FERRY. Then I will come down; and I can tell the Senator something about this if he desires to know. He spoke of pine timber. I can advise him that there is no pine timber there. It is not settled there for that purpose. It is a farming agricultural soil in the rear of this harbor, and there is a large iron-furnace there, and the timber is hard-wood, not pine.

Mr. EDMUNDS. Then this is an iron-furnace harbor, as I understand.

Mr. FERRY. Not the harbor, but the business.

Mr. EDMUNDS. The business is an iron-furnace.

Mr. FERRY. Iron business instead of a lumbering business.

Mr. EDMUNDS. But there is a furnace there, and this is for the improvement of the harbor for the benefit of the furnace, as I understand it.

Mr. FERRY. So the Senator says.

Mr. EDMUNDS. And so I take it is the case. Now the Senator from Missouri and all the other friends of this bill, as the Senator from Michigan styles the caucus that was held over on the other side of the Chamber the other day—all the friends of this bill are to stick and make a break against this committee acting upon its careful investigation and responsibility, for Frankfort Harbor, and if anything is to be done this year to save the people of the United States from the immeasurable distress and starvation that we are told from over the way is impending over them, it is to save Frankfort Harbor. Now with what grace does the Senator from Missouri get up and deliver an oration at the Senator from New York, and the Senater from Vermont, and the Senator from Wisconsin, and the Senator from everywhere, upon an idea, if he were correct in that, as he is not, that they had voted for appropriations in their own States, and so therefore the bill must be correct.

Mr. COCKRELL. So far as applicable to their own States.

Mr. EDMUNDS. The Senator himself was one of that band of united brothers, "the friends of the bill," that undertook to and succeeded in breaking down the careful and intelligent investigation of this committee for the harbor of Frankfort, as it is called, in the State of Michigan; a little spot where the commerce of the world and where the commerce of the United States has never yet penetrated, but where it would undoubtedly be very convenient to have this iron furnace have an advantageous dock, &c., fixed, in order that it might for its profit and advantage carry on its operations, if that is the mission——

Mr. FERRY. Will the Senator allow me?

Mr. EDMUNDS. Not at the present moment; I will yield in a minute. If that is the mission of the two Houses of Congress in appropriating the money of the people upon the theory that in order to regulate commerce among the several States we may improve the great national highways that nature has adjusted for the convenience of mankind, then I am glad to know it. Now I yield to my friend.

Mr. FERRY. I wish to say that I discover that the Senator from Vermont is making the harbor of Frankfort the pivot upon which he proposes to swing the opposition to the amendments that have been made in committee. Necessarily I rose to Frankfort, because it was the first case I think, or nearly the first case, in the State of Michigan that was reached in the consideration of the bill.

Mr. EDMUNDS. The very first case where the committee struck out anything.

Mr. FERRY. The very first case, the Senator reminds me, where the committee proposed to strike out. I did not at that time make use of what I might have done, but I stated the general principles of the case and my knowledge of the business and the necessities for the improvement of that harbor; but I will now go further, since the Senator has alluded to the careful scrutinizing labor of the committee, which I accord. I have felt the difficulty which the committee have contended with. I have appreciated it, and I think the chairman will bear me out that in the best spirit I have met it. I think the Senate will bear me out that in the best of spirit I have contended here for the interests of the commerce of the lakes. Now I desire, since the Senator has called attention to the fact that this committee have given so much care and attention to this bill and reported the striking out of Frankfort, to state that I hold in my hand the recommendation of the engineer of that district, upon the request that he should cut down the estimates to one-third, in which he recommends for Frankfort $10,000. It was stricken out by the committee. I say to the Senator from Vermont that the authority quoted here, an authority that should be respected, that upon a request that the estimates should be cut down two-thirds upon a basis of one-third, reported in favor of $10,000 for the harbor at Frankfort. I have the engineer's report in my hand.

Mr. EDMUNDS. Now let me see your report. [Mr. FERRY handed a paper to Mr. EDMUNDS.] Is that the document?

Mr. FERRY. It is a copy.

Mr. EDMUNDS. Have you the thing itself?

Mr. FERRY. It is in the Department.

Mr. ALLISON. We have the original report.

Mr. FERRY. I state that it is a copy. Of course the Senator would not be technical about the original.

Mr. EDMUNDS. Of course not.

Mr. ALLISON. It is true that the local engineer did recommend $10,000 for this harbor; it is true that he reduced his original estimate just one-third; and in most instances, I believe, that engineer reduced his estimates upon a scale of arithmetic, dividing each estimate by three. But when we came to examine this harbor at Frankfort we found that the object of this appropriation was to extend this pier on the one side sixty-four feet and on the other one hundred and

sixty-four, and we supposed that this iron-furnace or whatever may be there could rest one year longer, and especially when the engineer recommended that the appropriation for this extension should be all made in one year and that it would cost $30,000. We supposed that $5,000 would go a very small way toward extending the pier.

Mr. EDMUNDS. Exactly. Mr. President, that states the case precisely. The local engineer on the 25th of February, 1876, says to Major John G. Park, Washington:

If my estimates are reduced two-thirds, I would give Frankfort $10,000; Manistee $2,000; Ludington $15,000.

And so on. Now we find from the statement of the Senator in charge of the bill and from the statement of the Senator from Michigan that all there is there, so far as we have got it yet, is a farming country behind and an iron-furnace in front, and that the iron-furnace in sending out its iron—because I wish to state it fairly and fully—would like to have a pier there to enable them more carefully and safely to load the schooners and the flat-boats that take on the iron and carry it to Detroit or Chicago or wherever the place may be.

Mr. FERRY. The Senator does not wish to misrepresent of course, and will allow another interruption.

Mr. EDMUNDS. With pleasure. I am very happy to be interrupted. What I am after is the truth. I am not sure that I shall get it.

Mr. FERRY. If the Senator will listen to what I have to say in regard to it, he will have the truth.

Mr. EDMUNDS. It will be as far as my friend understands it, undoubtedly.

Mr. FERRY. The Senator implied in his remarks that it was doubtless a pine region. I know the habit of many Senators here, knowing that I represent a pine State largely, to suppose that anything that I may advocate in the way of harbor improvements pertains to the pine interest. For that reason I desire to correct the Senator, and to tell him it was not pine timber but hard-wood timber, and that at the mouth of that river was a large iron furnace. I said that there was arable land immediately in the rear of this used for agricultural purposes. I did not go to the extent of telling him how thoroughly it was occupied, but I will now state that it is in the county of Benzie, and south of the Manitou Islands, as he will see by consulting the map. That county has been settled by citizens from Ohio, and they have erected a college there which is in a flourishing condition. That whole township is occupied by people from the Buckeye State, and that is another interest connected with that harbor; that is their outlet.

Mr. EDMUNDS. I am very glad to know that. Certainly every college ought to have a harbor. [Laughter.] There cannot be any doubt about that, and I wish to explain another thing lest I should be misunderstood. I did not say that the Senator represented a pine State. If I had been disposed to say anything I should have said quite the reverse, as I should say for myself and all other Senators here, that instead of representing a pine State we pine to represent a State. [Laughter.]

Mr. President, when you come back to the actual fact of this case, what have you got at Frankfort on which the Senator from Missouri, the bright and particular star in the firmament of this nation, on the yeas and nays, determined to overthrow the recommendation of the committee? You have got an iron furnace and a college; and that is all, from the very best and most willing witnesses we can have.

Mr. CHRISTIANCY. If the Senator will permit me I will say——

Mr. EDMUNDS. With the greatest pleasure.

Mr. CHRISTIANCY. There is a large agricultural country, rapidly improving, and equal to a very large portion of the great State of Vermont.

Mr. EDMUNDS. Yes; that it is, undoubtedly, and more than equal to a very large portion of the great State of Vermont. Undoubtedly there is a very large agricultural region there. Now my friend from Michigan on the reserve, not he on the skirmish line, says there is a large agricultural region. Well, what do they raise, and what do they do with it when it is raised? Has anybody undertaken to show that the commerce with the great lakes comes into the harbor at Frankfort? Not that we have heard of. The agriculturist—

Sings his song, and shoots his crow,
And raises his corn, if corn will grow—

in that benighted land. I do not know how that is. But what is the use of a pier? Will the pier keep off the west winds from the cornfields? Is that the object of it? Mr. President, as the Senator from Ohio [Mr. THURMAN] says, who always has the best phrases for everything, "this thing won't do;" and I do not speak of it in any sense as criticising the State of Michigan or its Senators in a State sense at all. What I am desirous to do is to call the attention of the Senator from Missouri, the bright particular star in our horizon, to the circumstance that he himself has been the chief leader, as he must be as he comes from Missouri, in breaking down the careful reductions of this committee on the first occasion he could get and for a harbor where I think he will agree there is no overpowering public necessity, either for iron or for colleges or for farms, that in this asserted time of distress demands that $5,000 of the money of the people of Missouri and of the rest of the Union should be applied. That is the point I am speaking about, and I hope my good friends from Michigan will not misunderstand me because I happen to take this as the first instance of the yeas and nays when the Senate divided.

Mr. FERRY. As the Senator is exceedingly facetious to-day, and singling out the harbor of Frankfort and confining his criticisms to whatever may be drawn out from the Senators from Michigan, I think perhaps the Senate will indulge me in interrupting the Senator to give him the information which he seems not to possess in regard to the resources of that harbor.

Mr. EDMUNDS. It is I who indulge you, not the Senate. I want all the credit I am entitled to.

Mr. FERRY. I give the Senator full credit. It is at his hands and by his mercy that I hold the floor for the purpose of interrupting him a moment. I should like to call his attention to the fact that however local the development of the harbor may be regarded in one respect, yet as the line of commerce from Lake Michigan, and especially from the great harbors of Chicago and Milwaukee, passes directly between Beaver Island and Frankfort, the vessels are necessarily exposed to that shore, and every harbor that is made accessible becomes a place of refuge. So that whenever from the violence of the wind and the heaviness of the sea vessels are unable to proceed, they can put into those ports and save their property. Now, if the Senator will be fair enough when discussing the principle of the locality of the place to give it its merits in its general aspect, at least the State of Michigan will be thankful to him for it.

Mr. EDMUNDS. Ah, Mr. President, yes, it is a place of refuge! I am astonished that my friend has not gone to it before now. [Laughter.] A refuge! I have not seen anything of that kind in the report of the engineers. I have not heard anything or seen anything in the reports of commerce of the United States about the harbor of Frankfort, as it is called, being a harbor of refuge. One would almost suppose that my friend from Michigan were a reluctant witness, as I think we have seen one not long since in some other place than this, I will say in order to be within the proprieties, from whom we are to drag whatever is to be got in favor of this harbor, and that he is very reluctant to tell us its great capabilities in one statement. First he says that there is an iron-furnace there; and when he finds that the iron-furnace is not quite sufficient to warrant a large appropriation of public money for improving its means of getting rid of its iron, then we discover that it has a college, and that is another reason, and we stop there. Then, when it is found that the college will not quite do, we understand that it is an agricultural region, that there are chickens there and eggs, and so on; and when it does not appear that that is a very satisfactory reason under the Constitution of the United States for doing something about it, we at last discover that it is a harbor of refuge; whether for vessels, or politicians, or refugees, or freedmen, or what, we do not exactly know. Why, Mr. President, if we are to build harbors of refuge every ten miles along the shore of Michigan, we shall have occupation enough, and shall not be obliged to go to the Osage River and provide another means of refuge for distressed navigators who are liable to be blown ashore, where a river is only four or five feet wide, every gust that comes.

But I wish to repeat, so that my friend from Michigan will not misunderstand me, that I am not criticising the State of Michigan or its Senators in calling to the attention of my friend from Missouri the causes that have led to the present attitude of this bill. On the very first amendment where the committee undertook to reduce an appropriation that obviously, I repeat now, could be dispensed with this present year, we find the Senator from Missouri and the Senator from Michigan, I will not say caucusing and combining, although the Senator from Michigan himself states that he rallies to the protection of all the friends of this bill, which I take it to mean the friends of every item in it just as it came from the House; I will not say that that is the object, but I will say that it is a sufficient reply to what the Senator from Missouri has said in respect to what the Senator from New York has done or the Senator from Vermont or the Senator from Connecticut, or whatever, that he need not shake his gory locks at us and say that we did it. It was he himself and those who acted with him either by combination or without it who, without—I think I am justified in saying—a shadow of good ground, overrode the committee, either because this appropriation was for the State of Michigan or was for the great lakes or was within the understanding, or whatever it might be, that should put the House bill through. That is what it is. Therefore I think the Senator from Missouri is not justified in undertaking to support this House bill or the bill as it now stands upon the ground either that the Senator from New York or the Senator from Vermont has voted in favor of some appropriations that the committee struck out, for he knows just as well as we all know that both the Senators from New York and both the Senators from Vermont and I think both the Senators from Connecticut voted steadily to sustain the intelligent and careful inquiry of the committee until, on account of combinations or understandings or coincidences or something, the sustainers of the committee were reduced to the small number of seven votes in seventy-two, the whole number of the Senate.

When it came to that and it was evident that this bill was like the bill of 1835 or 1836 in Jackson's time to distribute public money among the States because we had a surplus to throw away, it was neither strange nor discreditable that the Senators from New York and the Senators from Vermont and other Senators should say, "If this is really going to be a distribution among States, then let us have fair play and equality among States as a matter of distribution." That was the state of the case, and I am amazed that a Senator so intelligent as the

honorable Senator from Missouri and so fair as he intends to be should press upon the Senate the circumstances to which he has alluded. The Senator from New York has disposed of that part of it which related to New York. Now let me come to Vermont. Otter Creek was the subject to which my friend referred.

Otter Creek either ought to be provided for or it ought not; and it does not depend, I submit, nor does any other appropriation depend upon the circumstance that it is within the boundary of a particular State. My friend from Michigan will agree to that. We do not appropriate for the State of Michigan or for any benefit to that State as a State. We appropriate, if we appropriate at all, for the general interests of commerce. Now what are the facts about Otter Creek? because the Senator has said that the Senators from Vermont thought that Otter Creek was a correct case. So we did, and we think so still; correct in the intrinsic sense of being a proper and necessary appropriation, if at this time the public interests will allow of the expenditure of money for such purposes and to such an extent. The Senate had already decided, and decided by the votes of the Senators from Michigan and Missouri, that there was nothing in the state of public affairs which need cause us to hesitate for a moment to appropriate for every object that was right in itself. Was Otter Creek right in itself? If the Senator from Missouri—and he need not take my word for it—will inform himself, as he readily can, as to what Otter Creek is and what it has been and what it will be, I think he will agree—I do not wish him to vote upon my judgment or my wishes—that it is a fit and proper appropriation.

Otter Creek, as it is called, runs for six or seven miles from Lake Champlain up to the falls; and above that I might, like the Senator from North Carolina, point to an inland navigation where steamboats have run already above the falls for a great many miles through a rich farming country, and where there is a college, too, right toward the town of Middlebury, and an iron furnace, I will add, besides, all condensed right on Otter Creek; but we did not dare to ask for that.

Mr. FERRY. The Senator will allow me to ask him how much commerce there is connected with that creek?

Mr. EDMUNDS. Yes, sir. Without giving the exact figures, because it is too much trouble to hunt them up, I think I may safely say that there is five times the commerce on Otter Creek that there is at Frankfort, in Michigan, or at Pent Water, in Michigan. Otter Creek is not so very insignificant a place historically or navigably. In the old French wars, when the armies of the French came down Lake Champlain, Otter Creek was a naval station of the British provinces where vessels were fitted out and built to resist the approach of the French as they were coming up Lake Champlain, just as at Ticonderoga, Crown Point, and at Plattsburgh great national events have taken place upon waters that were navigable in themselves, and within the strictest construction of the decisions of the Supreme Court, when Missouri was admitted, and within the constitutional sense subjects of admiralty and maritime jurisdiction. In the war of 1812 Otter Creek was a great naval station of the United States, and the navy was fitted out that beat the British on the 11th of September, 1812, in the harbor of Plattsburgh.

Mr. FERRY. What was the extent of that navy?

Mr. EDMUNDS. Large enough to beat the British Crown, let me tell the Senator, and much larger than any navy that every sailed from Frankfort or any other port of Michigan. [Laughter.]

Mr. FERRY. That does not answer my question.

Mr. EDMUNDS. No, it does not answer the question in the arithmetical sense. Well, I will give a guess, as we say in the East, that it comprised from twenty to thirty sail of vessels of war that sailed out of Ottter Creek under the command of Commodore McDonough, and sailed down the lake northward to Plattsburgh, and in a somewhat celebrated engagement that possibly the Senator has heard of destroyed a part and captured the rest of the British fleet, and did that thing which resulted in the prevention of the invasion of the United States farther than the waters of the Saranac at Plattsburgh in 1813 and 1814.

Mr. FERRY. I should like to ask if it is for that reason that the Senator asked for an appropriation now, or asked us to non-concur in the amendment striking out the appropriation?

Mr. EDMUNDS. No, Mr. President, that is not. I did not ask it on the ground of 1812, or on the ground of an iron-furnace, or on the ground of a college, or on any such ground. I did not ask it at all until it became a question of the distribution of funds among the States. But, if it were to be asked for at all, it would be upon the ground that at this present time, it being by nature a navigable river and navigated by steamboats and canal-boats, and sail-boats of all kinds, it carries on a large commerce with the Canadian provinces, with the city of New York, and with that great chain of towns and cities on the other side of the lake in the great State of New York. That is the reason.

But, Mr. President, I am spending too much time about Otter Creek, because it only comes into play here in the fancy of my friend from Missouri in undertaking to put my friend from New York and myself and other Senators in a false position on the theory that we voted for appropriations for these places, and therefore, as his logic is, it must be true that all the other appropriations voted for by other Senators in their particular States must be correct. What is the logic of that? The Senator from Missouri says the Senator from Vermont has voted for Otter Creek and overruled the committee; the Senator from New York has voted for Little Sodus Bay; the Senator from Missouri has voted for the Osage; the Senator from North Carolina has voted for the French Broad or for that steam-pump between the Neuse and Cape Fear rivers; and the Senator from Michigan has voted for Frankfort; therefore, inasmuch as the Senators from twenty-four States have each one separately voted for an appropriation in his own State, all of them must be right! That is the logic! Mr. President, I am probably very dull, but I do not understand that kind of logic. It would be the logic of the theologians if all the sects in this world were to get together and the Romanist were to vote that the Roman creed were the true one, and the Episcopalian were to vote that his creed was the true one, and the Baptist his creed, and the Methodist his creed, and the Indian his creed, and so on and so on among the hundred creeds or so that there are in this world; and so it is agreed that all the creeds should be put into one single bill and they are all right, no discrepancy, and every one must be in and of itself correct. What an absurdity, Mr. President!

The key to this whole thing is that there should not be, and there is not in the true sense, an appropriation for any State. We have no constitutional right to appropriate for any State. We have, if we have any right at all, the constitutional right only to improve the navigable waters of great public natural highways of the Union, in order to regulate and assist commerce among the several States. Now, what is navigable water? My friend from Missouri says the Osage is, and he says that when the State of Missouri was admitted there was an irrevocable contract, if I correctly understood him, that the Osage should be forever thereafter a free public highway. That is begging the question. The act that authorizes the people of the Territory of Missouri to form a State government, if I rightly recollect it, provided that the navigable waters of the United States within that Territory should be forever free. It did not say that the Osage or any other river was navigable water, and if I am incorrect I beg the honorable Senator from Missouri to correct me now, for he is undoubtedly more familiar with the law that provided for the admission of that Territory into the Union than I am. I take it I am right.

Mr. COCKRELL. I will get the statute in a moment and look at its language.

Mr. EDMUNDS. I feel very sure that when the Senator refers to the language he will find that instead of the act saying that the Osage should be forever thereafter a free highway, &c., it was only that the navigable rivers in that Territory should be free to all the citizens of the United States, and I might add by way of commentary, as he is a strict constructionist, as I am, that the Supreme Court of the United States has rather interfered even with that doctrine since that time, and has held that the jurisdiction of a State, one of the original States or one of the new ones admitted on an equal footing, cannot be interfered with at all by any such provision in an act of Congress, and that the sovereignty of the State over waters that in the maritime sense were not navigable, in spite of the act of Congress, was sovereign and complete; and then I may add, as we all know, that the state of the law at the time Missouri was admitted into the Union was that the jurisdiction of the United States over navigable rivers in the maritime sense was only over those rivers in which and up to the point in which the tide ebbed and flowed; but since that time the Supreme Court has enlarged its construction of the Constitution, I know, to this extent: that the great lakes, inland seas as they are styled and properly styled, fall also within the constitutional theory of being the public waters of the whole nation, and not the public waters of any particular State. But when you go beyond that and say that every little river in every State, great or small, where by nature and the commercial and maritime sense of the term it is not navigable, is to be taken possession of by the authority of the United States, and the money of the nation is to be expended to make it more convenient for floating logs or carrying bateaux or furnishing the means for fishing-canoes to go up and down, is wholly without the authority of the Constitution, and wholly beyond the limits and region of common sense. If the theory of the Senator from Missouri and of the Senator from North Carolina is correct, there is no limit to the authority of this Government to take possession of (because improvement implies that) any spot within any State where the water runs.

Mr. MERRIMON. I did not take any such position.

Mr. EDMUNDS. No, the Senator did not take any such position, I know, but the logical and inevitable consequence of his doctrine is that. If you are to say that the French Broad is within the constitutional jurisdiction of the United States, to improve and regulate in respect of its navigation, that only having eighteen inches of water at high tide and only two inches at low tide, then why can you not say that the French Narrow, instead of Broad, if there be such a river, having only water in the time of showers and only trout or other fish at any time, should be dug out and water pumped into it and it made navigable in order to facilitate the convenience of the inhabitants along its borders in carrying their agricultural products, as at Frankfort, to a market or in enabling the students of the college, as at Frankfort—if that was where the college was—to have a convenient place for rowing a race.

Mr. MERRIMON. I take it the test would be as to whether it be a navigable river.

Mr. EDMUNDS. But what is a navigable river in the idea of the Senator?

Mr. MERRIMON. I believe the law is settled that where a river is navigable in the usual sense of the term——

Mr. EDMUNDS. But what is a navigable river in the constitutional sense?

Mr. MERRIMON. One that will float a steam-vessel up and down it. The river you are trying to deride in my State is one that at low-water mark has a depth of from four to six feet, according to the report of the engineers.

Mr. EDMUNDS. That is a navigable river?

Mr. MERRIMON. In the Fox and Wisconsin Rivers, the appropriation for which I believe the Senator from Vermont favors so that he regards those as streams of which the United States have jurisdiction, I believe that an effort now is being made to get two and a half feet of water in those rivers and they are all in the State of Wisconsin.

Mr. EDMUNDS. The Senator does me too much credit in saying that I am in favor of the appropriations for the Fox and Wisconsin Rivers. I do not know whether I am or not. I have never said anything of the kind, to the best of my knowledge, and I have never done anything of the kind.

Mr. MERRIMON. I thought the Senator voted for the appropriation at the last session, a very large one, for those rivers.

Mr. EDMUNDS. If I did, I do not know it.

Mr. MERRIMON. If I am in error, I stand corrected.

Mr. EDMUNDS. I do not wish to be misunderatood about the Fox and Wisconsin. For aught I know, that is within the principle of navigable rivers. I do not know about it.

Mr. CONKLING. Manifestly it is, if the honorable Senator will indulge me for a moment. The object of the Fox and Wisconsin improvement is not to improve either or both of those streams *per se*, but it is to connect together two bodies of water. What are they? First that great boundary river, the Mississippi, and second the great lakes; to make a northern mouth of the Mississippi River, so that vessels can pass from that river into the great inland seas as we hear them called These two streams which make a natural valley, a natural carrying-place, a natural dug-out if I may so say, between the lakes and the Mississippi River, happen to be the spot selected for this channel; but the improvement I repeat is an improvement to connect together these two waters, themselves confessedly the subject of appropriations of this sort, and not because the purpose is to improve the Fox River *per se* or the Wisconsin River *per se*.

Mr. CHRISTIANCY. If the Senator from Vermont will yield I should like to make one remark. Then it does not depend on the navigability of the river whether the appropriation comes within the Constitution or not, but upon the demands of commerce and connecting distant or near portions of water to contribute to the general commerce of the country.

Mr. CONKLING. If the Senator from Vermont will indulge me a moment, I should like a little light from the honorable Senator from Michigan. Shall I understand that honorable Senator to maintain that a stream wholly within a State, in which the tide does not ebb and flow, is a navigable stream within the meaning of the Constitution? And then I want to ask him another question if he will allow.

Mr. CHRISTIANCY. I will answer that question. I do not understand that it is a navigable stream. I do not understand that the Fox and Wisconsin Rivers are in that sense navigable streams, at least near their heads.

Mr. CONKLING. But that is foreign to the purpose, because as we have seen if there was not any stream at all, if the object was to cut a canal across an isthmus to connect two seas, it would fall within the confessed constitutional power.

Mr. CHRISTIANCY. I believe so.

Mr. CONKLING. Now I want the Senator to answer this question: Is a river wholly within his State, which under the decision of the Supreme Court the State has a right to boom, to dam, to divert to dry up if there is power to do it and it chooses to, within the constitutional meaning, in the judgment of the Senator, the appropriate subject of river-and-harbor-improvement appropriations?

Mr. CHRISTIANCY. As a general rule, I should certainly say they were not, and yet in the very case of the Fox and Wisconsin Rivers the State jurisdiction is just as complete as it is where the river is confined to a single State and no such improvement is proposed.

Mr. CONKLING. If I may be indulged once more I am amazed that a lawyer of so much eminence as the honorable Senator from Michigan will insist again upon that illustration. Now I ask him this question: Is there any doubt of the constitutional power of Congress to connect the Mississippi River and the great lakes by digging a canal through dry land where there is not a spoonful of water, across an isthmus?

Mr. CHRISTIANCY. I have no doubt at all of the constitutional power.

Mr. CONKLING. Then why does the Senator repeat and insist upon the fact that the Fox and Wisconsin Rivers, they being the channel which the Government is digging out, are diminutive streams, so that *per se* they would not fall within the constitutional power?

Mr. CHRISTIANCY. If the Senator from New York and the Senator from Vermont will permit me, I will explain.

Mr. EDMUNDS. I will for one.

Mr. CHRISTIANCY. The distinction is undertaken to be laid down here by more than one Senator, and the Senator from Vermont is one of those and the Senator from Pennsylvania another, that it is constitutional to make appropriations for the improvement of streams already navigable, but not constitutional to make any appropriation to improve a stream which is not already navigable. This is a very economical constitutional view, I confess, because it admits the power to make improvement where no improvement is needed and denies it where it is.

Mr. EDMUNDS. Well, Mr. President, that is rather a singular statement of the Senator from Michigan. He admits the law to be as stated by the Senator from New York, that we have the constitutional power to connect two great public lakes or two great public oceans, free to the commerce of everybody, by digging a canal, and he also admits that every little stream in every State is not within the constitutional power of Congress. Now, then, you come right back to the question whether every little stream in the State of Michigan or Vermont or Missouri or wherever does fall within the appropriate scope of congressional legislation in respect of the national treasure being expended for its improvement, which implies a national control over it, and on that my friend with a good deal of facility seems rather to evade the question. Where is the dividing line, if the Senator will be good enough to tell us?

Mr. CHRISTIANCY. I understand the dividing line to be this: Where the improvement is confined entirely to one State, to a stream for instance heading in the State, ending in the State, to improve that river to its head, without reference to extending it to some other body of water forming a general line of commerce, would not come within my comprehension of the constitutional power of making appropriations to improve rivers. But if it does form a part of a line of navigation, whether the stream is large or small makes no difference whatever, whether it is navigable or not navigable, if it forms a part of a chain of water communication, when improved, which will be of general commercial utility, then I think it does come within the constitutional power; and it does not depend at all upon the fact whether the stream in its natural condition is navigable or not navigable.

Mr. EDMUNDS. Then on the theory of the Senator of "general commercial utility," if that is the test, wherever at one end of a stream there is something that it will be of general commercial utility to get out, then it is lawful for Congress to assume control of the stream and to improve it for that purpose.

Mr. CHRISTIANCY. I do not know that the Senator from Vermont understood distinctly what I meant to say. "General commercial utility," I understand to mean in the sense in which I have been using the term as to the improvement of rivers, a line of water communication which is beneficial to more than one State. If it is confined wholly to one State and is not a navigable river, I might agree with the Senator entirely.

Mr. EDMUNDS. Well, now, let us see how that is. If it is beneficial to the people of more than one State, is that the test? Now, every highway, every pent-road in the remotest section of the forests of Michigan or the mountains of Vermont is of utility to everybody who has occasion to use it. It is not the citizens of the State who have any more right to use it than the citizens of any other State.

Mr. CHRISTIANCY. If the Senator will permit me, that was not my definition. I admit fully that the improvement of a highway is generally beneficial; but if it opens a communication between distant portions of the country or distant bodies of water, and forms a general line of water communication which is beneficial to the commerce of the country or to the commerce of more than one State and the general welfare, it comes within the doctrine.

Mr. EDMUNDS. But every water line, be it long or short, must have an end; it must have a terminus *a quo* and a terminus *ad quem*, if that is the phrase my friend used to use in the supreme court of Michigan. That is perfectly true of the Huntington River in the State of Vermont, which rises not quite as high as the French Broad, two thousand feet above the sea, but begins by a little streamlet that you can step across and where you can scarcely dip up enough water to wet your whisky in, and it descends by a natural and graduat and regular course to the Winooski River; the Winooski River descends to Lake Champlain; and Lake Champlain descends to the Saint Lawrence, and the Saint Lawrence descends to the sea. Now therefore, on the logic of my friend, it would be perfectly constitutional for the supreme power of the United States to take possession of Huntington River in the mountains of Vermont and extend to that the discretion of Congress, bounded by nothing but the wants of commerce beneficial to the people of more than one State, to take up that river and dig it out and float a steamboat up to the top——

Mr. MERRIMON. May I ask a question?

Mr. EDMUNDS. Not quite now. I have not quite half finished my answer to the question of the Senator from Michigan. I am perfectly willing to be cross-examined, but let it be by one counsel at a time.

I submit that that cannot be the Constitution; it cannot be good sense, because, as my friend has admitted, every highway made by the State, even the pent-roads of New England or of Michigan, if they have any in Michigan, where at every farm you must get down from your carriage or dismount from your saddle to open the gate, are beneficial to all the people of the United States just in proportion as they have occasion to use them, and are free to all. You cannot have a test of that kind. It will not do to say that the constitutional power of Congress may be exercised in the improvement of a stream within the borders of a State rising in the State and flowing as it

must always out of the State somewhere, except possibly over in the sink of the Humboldt, where the river does not flow anywhere but stops—leaving that out of the question, generally it flows somewhere and comes out at last to the sea—and to say that every such stream falls within the scope of appropriate legislation if the public convenience of the citizens of the United States seems to make it in our discretion a wise thing to do, will not do. That cannot be the law, Mr. President.

Mr. GORDON. If the Senator will allow me I should like to read what the Supreme Court has to say about what is a navigable stream and what is a navigable water of the United States. It is very short. I read from 10 Wallace, the case of The Daniel Ball:

Those rivers must be regarded as public navigable rivers in law which are navigable in fact. And they are navigable in fact when they are used, or are susceptible of being used, in their ordinary condition, as highways for commerce, over which trade and travel are or may be conducted in the customary modes of trade and travel on water. And they constitute navigable waters of the United States within the meaning of the acts of Congress, in contradistinction from the navigable waters of the States, when they form in their ordinary condition by themselves, or by uniting with other waters, a continued highway over which commerce is or may be carried on with other States or foreign countries in the customary modes in which such commerce is conducted by water.

Just a moment more. That decision is sustained and enlarged, I think, to some little degree in the case of The Montello, 20 Wallace, pages 442, 443:

But there were difficulties in the way of rapid navigation even with Durham boats, and these difficulties are recognized in the ordinance of 1787, for not only were the "navigable waters" declared free, but also the "carrying-places" between them; that is, places where boats must be partially or wholly unloaded and their cargoes carried on land to a greater or less distance. Apart from this, however, the rule laid down by the district judge as a test of navigability cannot be adopted, for it would exclude many of the great rivers of the country which were so interrupted by rapids as to require artificial means to enable them to be navigated without break. Indeed, there are but few of our fresh-water rivers which did not originally present serious obstructions to an uninterrupted navigation. In some cases, like the Fox River, they may be so great while they last as to prevent the use of the best instrumentalities for carrying on commerce, but the vital and essential point is whether the natural navigation of the river is such that it affords a channel for useful commerce.

The whole decision, I think, turning on the word "channel."

If this be so, the river is navigable in fact, although its navigation may be encompassed with difficulties by reason of natural barriers, such as rapids and sandbars.

Mr. EDMUNDS. Mr. President, that law is just as plain as the nose on all our faces is. There is no doubt about it. And when you apply it to the Susan Betsy, if that is the name of the river running up from Frankfort, and to the Osage, and to the French Broad, and so on, they would be ruled out at once.

Mr. MERRIMON. Now will the Senator let me put a question?

Mr. EDMUNDS. I have not quite finished with my friend from Georgia yet. What is the essential principle which the Supreme Court has laid down, and laid down correctly? It is that a river must be in its natural condition a highway of commerce. What kind of commerce? The commerce between one county of a State and another county? Not by any means. The Constitution of the United States confines Federal concern to the regulation of commerce among the several States. Now when you give me a river that communicates between two States and that in its natural condition is susceptible of being a highway of commerce although not perfect, then I grant that the national Treasury may be called upon, if the necessity justifies it, for money to make that navigation more perfect and complete.

Mr. GORDON. But the Senator will admit that if in connection with another stream it bears commerce between one or more States it still is within the power of Congress to appropriate money for it under the Constitution.

Mr. EDMUNDS. No, Mr. President, not without qualification, by a good deal.

Mr. GORDON. So say the Supreme Court.

Mr. EDMUNDS. I beg the Senator's pardon; so do not say the Supreme Court. What the Supreme Court say is that if one navigable river in connection with another, connecting with another, furnishes a channel of commerce among the several States, you may improve it clear through. There is no doubt of that. I will not take North Carolina or Georgia or other rivers, because the illustration might be supposed to have some State application; but I will take the Winooski River in the State of Vermont, being by nature navigable for a great many miles from its mouth, or perhaps I had better go back to Otter Creek, which is better because we are getting partly familiar with that. It has been for a century a highway of commerce up to a certain city that stands upon it, and on its shores navies have been fitted out and arsenals established. Following it up for a hundred miles you come to its source, at last near that famous battle-ground of Bennington that undoubtedly our southern friends have heard of, for their forefathers and mine participated in that heroic engagement. Now, if you cross over a ridge of hills for about fifteen or twenty miles more, you will strike the headwaters of the Hoosac River, and the Hoosac River descends as a tributary and affluent to the Hudson, and the Hudson opens its arms to the all-embracing sea. Now therefore, says my friend, if his question has that point to it, it is within the constitutional competence of Congress to clear out the Otter Creek from its falls, where navigation has already stopped, up to its headwaters, dig a canal across the hills, connect with the Hoosac and get down to the Hudson, and there you have a national highway between two States.

Mr. GORDON. Not at all, Mr. President. The point I make is simply this, that if a stream is navigable within itself above falls or above obstruction, and if in connection with another stream it would afford by cleaning out that obstruction commerce between one or more States or with any foreign country, it is perfectly competent for Congress under the Constitution to clean out that obstruction, although that river may lie wholly within the borders of one State.

Mr. EDMUNDS. Yes, but the question is what the Senator means by "being navigable above certain falls." There are some streams like the Ohio at Louisville where, above certain falls which interrupt commerce for a few miles, there is a great national highway deep and navigable and fine, touching the borders of many States. There is a clear case of national regulation of commerce; but you may take the very instance to which I alluded of Otter Creek. When you get above the falls, which are now the head of navigation from the lake, there is navigable water that has been and is navigated by steamboats for many, many miles; and so above the lake on every other river which when you reach its source grows smaller and smaller until at last you come to the springs, and then you have a divide where, in some way or other if you are to carry ships or vessels over, you must supply the water or carry them on tram-ways, and when you reach the descent on the other side of the divide you will certainly find a stream, and when you follow that stream down you actually find navigable water and at last the sea. The Senator's doctrine would make it perfectly constitutional for us to carry on the improvement of every stream that falls into the Atlantic over to the headwaters of every corresponding stream that rises on the other side of the divide into the valley of the Mississippi; and so going beyond that you would improve the Yellowstone and all the affluents of the Missouri and carry canals for ships and vessels of war over to the headwaters of the Columbia, and so on.

Mr. GORDON. Does the Senator say that in the case of the creek he refers to it is navigable above and below the falls or the obstruction, but it is incompetent for Congress to remove those obstructions or cut a canal around them in the case of Vermont?

Mr. EDMUNDS. Yes, Mr. President, I do say so.

Mr. GORDON. The Supreme Court have supposed that exact case and have decided it.

Mr. EDMUNDS. I do not so understand the Supreme Court to have decided, and if they have decided any such thing, then having the right to say it here, I say they are altogether wrong.

Mr. GORDON. Well, that is a question between the Senator and the Supreme Court.

Mr. EDMUNDS. A question between the Senate and the Supreme Court, where each within its jurisdiction has an equal right to its opinion, I take it.

Mr. GORDON. I propose to abide by the opinion of the Supreme Court as my rule.

Mr. EDMUNDS. I propose to abide by the Senate, as I belong to that, and not to the Supreme Court.

Mr. GORDON. Then if the Senator repudiates the Supreme Court I will not read its decisions any further.

Mr. EDMUNDS. Mr. President, I feel bound to repudiate the Supreme Court when I am acting in my duty as a legislator wherever I think it is wrong, just as the Supreme Court repudiates me in passing laws when within its jurisdiction a question arises wherein it believes that Congress has been wrong in exceeding its powers.

But, Mr. President, it is quite unnecessary to go into a controversy as to what the Supreme Court may or may not do, because I do not understand the decisions to which the Senator has referred as going to any such extent, far from it, as the Senator claims because he cannot fail to see, and he does not attempt to deny, that carrying out the principle that he asserts there is no limit to any appropriation that Congress may choose to make to improve the head brooks of any stream in any State in this Union, because every one of them as you follow it down at last becomes navigable and at last terminates in the open ocean, the great highway of commerce.

But, Mr. President, I was upon the question that the Senator from Missouri has taken so much pains to elucidate as to how we got into the condition that this bill now is, and I had undertaken to show that inasmuch as after the committee had been broken down by his and his associates' votes against the votes of the Senators from the States to which he alluded the whole thing went by the board as a distribution of surplus money, and then every State came in as a State, and therefore as the Senator from Michigan stated the other day it was our duty to take the House bill. Fall back upon that, said the Senator from Michigan, because that was the true thing; and the true thing, as the Senator from Michigan said, for what reason? Let me give his words:

Now that it appears obvious that the object of those who have supported later amendments is to load down the bill for the purpose of its defeat—

A most unjust and, if I may be allowed to say so, a most ungenerous suggestion, because it is not borne out by the fact of the course that this bill took. He proceeds to say—

I ask of the friends of the bill that we—

That is "we the friends of the bill"—

we waive all individual interest in special appropriations—

I did not know before that any Senator had an individual interest in any special appropriation. If he had, I should have supposed he would have excused himself from voting for it—

and that we plant ourselves upon the judgment of the committee of the Senate in amount—

"In amount," observe, not upon the judgment of the committee of the Senate as to what ought to be done now or what ought not, but "we plant ourselves upon the judgment of the committee of the Senate in amount," not in substance—

and rest on the House bill.

What is the effect of that? The Senate committee had struck out from the House bill I believe $41,000 for harbors in the State of Michigan, and they had added for harbors in the State of Michigan, or rivers, or whatever they are, certain other numbers of thousands of dollars. Now if, as the Senator from Michigan wishes the Senate to do, you reject the judgment of the committee as to the places and the objects of appropriation and rest upon its judgment as to amounts increasing the House bill, then the harbors of Michigan, instead of being reduced $41,000 would be increased above the Senate committee's amendments some twenty or twenty-five thousand dollars. Of course that is generous. I am very glad to observe that the Senator from Michigan can so far forget local interests as to be willing to go for a House bill amended in the Senate by increasing its amount and rejecting everything else, whereby the harbors of Michigan would get some $20,000 or $30,000 more than even the House gave them.

Mr. FERRY. Will the Senator allow an interruption to correct a statement of fact?

Mr. EDMUNDS. Certainly, or for any other reason.

Mr. FERRY. The Senator states that the object of my taking the House bill in preference to the Senate bill——

Mr. EDMUNDS. I beg pardon; I have not said that the Senator had any object at all.

Mr. FERRY. Then will the Senator repeat what he stated, as he seems to be so technical about the exact phrascology?

Mr. EDMUNDS. I am not technical at all, except that I am a little technical when a Senator says I have said something that I have not. That is all.

Mr. FERRY. But, as I understood the Senator from Vermont, he said that the House bill gave the State of Michigan some $25,000 more than the Senate bill. Am I correct?

Mr. EDMUNDS. No; I did not say that.

Mr. FERRY. What did the Senator say, then?

Mr. EDMUNDS. I was going on to state if the Senator had not interrupted me.

Mr. FERRY. I listened patiently, and must have misunderstood him.

Mr. EDMUNDS. I said that, as I understood it, the House bill gave to harbors and ports in the State of Michigan—which I wish to state to the Senator over again has nothing to do with the subject whether it is in Michigan or in any other place, so that he will bear that in mind; I only speak of that because he has done so—the House bill gave to the State of Michigan $41,000 (and I believe I have his own words for that) more than the report of the Senate committee gave it if you adopt the recommendation of the Senate committee, and if you do not adopt their recommendations and hold on to all that the House proposed and then add other items that the Senate committee proposed for other places in Michigan or increasing some of those in the bill, it would make it larger still. That was my statement.

Mr. FERRY. The Senator is substantially correct, but yet not quite correct. The Senator is now attempting to give the motive for which I urged "the friends of the bill," as he terms them——

Mr. EDMUNDS. No, as you termed them.

Mr. FERRY. As I termed them and as he reiterates by quoting my language, naming the friends of the bill; that my motive was that it increased the amount for the State of Michigan. And when I appealed to the members of the Senate and asked them to waive their individual interest in special localities, the Senator was also pleased to carry the impression that it was because of personal interest to myself. I think the Senator is not courteous in such a reflection.

Mr. EDMUNDS. Well, Mr. President, "the wicked flee when no man pursueth." There is a proverb of that kind.

Mr. FERRY. I am stating what I think is fairly deducible from what the Senator said. Now I will state about what I said. It was this: that the Senate committee had reported some $44,000 less than the House bill; that the Senate committee bill as amended by the Senate made up that $44,000 and increased it so that as between that and the House bill it gave the State of Michigan $3,000 more. I further stated that I would support the Senate bill as amended by the Senate. My vote has been given for it; I would vote for it then; I will vote for it now; but if it was the determination to break down the bill and have none at all, then I advised the friends of any river and harbor bill to fall back upon the House bill. That was my proposition.

Mr. EDMUNDS. Well, Mr. President, I have got it right here in the RECORD before me. The Senator says that he advised the friends of the bill to take the bill as the Senate had fixed it, not as the Senate committee had fixed it by striking out certain items in Michigan and increasing others and inserting others, if they did insert others, which made a general reduction for the State of Michigan of $40,000, or so; but with carefully selected language he says that he is perfectly willing to take the bill as the Senate has amended it, which gives to the State of Michigan more than the House gave and more than the Senate committee gave. That, I say, is generous; it is very generous; I have scarcely known an instance of such magnanimity as that. Now he goes on to say as the reasons for doing this act of generosity, although generally for acts of generosity reasons do not need to be given, but this was a logical generosity, a studied generosity apparently; and he proceeds to say:

As the two do not in the aggregate materially differ, we cannot by taking the House bill be much astray, since we have the confirming judgment of the Senate committee.

What does that amount to? The logic of it is this: The House passed a bill appropriating $5,000,000 or $6,000,000 for one or two hundred distinct objects of public expenditure; a committee of the Senate, on investigation, impartial, just, liberal, economical, found that many of these objects of expenditure are not, under the circumstances, justified by the public emergency; they find that others are too low, and that some new ones ought to be added; now, therefore, says the Senator, let us reject all this action of the committee and take the House bill, because it must be right, inasmuch as the sum reported by the committee is about the same as that proposed by the House. That is the proposition. So that, to illustrate, if the House of Representatives should send over a bill here for the support of the Army for the next year for $20,000,000, and the Committee on Military Affairs or Committee on Appropriations that should have that appropriation bill in charge should report it reducing the Army by one-half, demonstrating that it was totally unnecessary and that the appropriations by the House were altogether in excess of existing law, but should provide for other objects under the head of the Army that the existing law and the public service did require, the Senator says it is perfectly clear that the House bill must be right, because, although for entirely different objects and on entirely different grounds and of entirely different items, the Senate committee has appropriated just about the same sum. If that is logic, I do not understand it.

Mr. FERRY. Will the Senator yield to me a moment?

Mr. EDMUNDS. With pleasure.

Mr. FERRY. The Senator does not wish to misrepresent me.

Mr. EDMUNDS. I only read what the Senator said.

Mr. FERRY. The Senator will find by reading what I said that I stated "in amount," that the Senate committee's report did not differ essentially from the House bill, and I think I stated the amount, some $36,000 more. The report of the Senate committee was $36,000 more than the bill of the House as sent here. I stated, I think, that in form it was different, but in amount it was substantially the same, and that we could not go far astray if we had the affirming judgment in amount of the Senate committee in amount to the House bill.

Mr. EDMUNDS. That is the precise thing I am commenting upon. The Senate committee found seventy-eight different items that ought to be struck out of the House bill entirely. As for the improvement of Hell Gate Harbor, New York, the appropriation for it was altogether niggardly and too low, and there they put on $100,000 or $200,000 additional. Now, the Senator says inasmuch as the Senate committee has stricken out the false items in the House bill and has inserted true ones of great public importance, let us take the sum-total that the Senate committee has recommended and apply it to the false items! That is the logic.

Mr. FERRY. Will the Senator allow me once more, and I shall endeavor not to interrupt him again?

Mr. EDMUNDS. It does not disturb me in the least. I only want to get at the exact facts. I have the Senator's remarks before me that I have studied with careful attention.

Mr. FERRY. My purpose is the same. The Senator states that the committee struck out appropriations for several harbors, among which several were stricken out in the State of Michigan.

Mr. EDMUNDS. I have not said that in this connection at all.

Mr. FERRY. The Senator has said that in the judgment of the committee those that were stricken out were not at the present time worthy objects of appropriation. In that connection I desire to call the attention of the Senator and the Senate to the fact that in every instance but one we have the recommendation of the engineer upon the basis of one-third of the aggregate appropriation for this year. In other words, when called upon to reduce his estimates to but one-third of the whole amount that he had recommended in his annual statement, his revised estimates include every point that was restored by the Senate in the State of Michigan, except one. Now, what I say is that when I asked the Senate to non-concur in the several amendments which applied to the State of Michigan, I was fortified by the report of the engineer upon the proposition of reducing the appropriation two-thirds and down necessarily to one-third.

Mr. EDMUNDS. Yes, Mr. President, I had the impression, however, that the Senate of the United States was rather independent of the engineers in respect of not being obliged to appropriate money that the engineers recommend may be usefully expended in respect to a particular improvement. The Senator from Michigan is undoubtedly aware that the Corps of Engineers does not make its estimates at all with any reference to the state of public affairs. It makes its estimates solely in reference to the particular object, not judging even of the necessity of that that Congress by some previous order

about a survey has decided may be the subject of an appropriation. That is what the Corps of Engineers does. The Corps of Engineers does not pretend to arrogate to itself any right whatever to say that any money at all ought to be appropriated unless in the judgment of Congress the state of the public Treasury and of public taxation and of public distress or public prosperity may warrant in the judgment of Congress the appropriation at a particular time. It is, therefore, no argument at all to say that the Senator is supported in the way he says he is by the report of the Corps of Engineers respecting the harbor at Frankfort—and I only take that as an illustration—any more than the Senate would be justified about Otter Creek, in the State of Vermont, where, as the Senator from Iowa showed us the other day, the report of the Corps of Engineers stated that, I believe, forty-odd thousand dollars were necessary to complete that improvement. I never should have thought of asking the Senate of the United States, but it is because I am dull, that we should go the whole figure, or any part of the figure, because the board of engineers said that $40,000 could be properly expended to do a particular thing at that river. A hundred thousand dollars could be appropriated to do a particular thing to that river, and do it well. It would make it deeper and wider forever, and so on.

That is not the point. All that these reports of the engineers show is that particular works, that as they understand Congress has authorized, require, in order to do what mechanically is necessary to complete them, certain sums of money, and that this year a certain sum can be expended profitably, and beyond that it is unnecessary to appropriate in order to do that particular thing in the due course. So it will not do to press this bill upon the Senate on the theory that in any respect, in any particular locality, either Otter Creek, or Pentwater, or Frankfort, or the Osage, or Hell Gate, the Corps of Engineers has said that a certain sum of money may be spent with useful results in respect of that particular improvement, because it is undoubtedly all true; but it does not touch the question. The question is—and that is one, I repeat, that the Corps of Engineers never undertakes to decide or to meddle with—the first and the great question is whether a particular harbor or river, considering its connection with the commerce of the country, is one that falls within the proper and appropriate jurisdiction of Congress in appropriating money to provide for it. That is a political question, not in the party sense, but in the high and just sense. Then, secondly, a question that the board of engineers never undertakes to decide is whether the state of the country and of the Treasury in a particular year will justify a great or a small appropriation. They say as to a particular work that is begun, in order to preserve what we have so much money will be necessary; in order to do anything useful, if we are to do anything at all, so much money is necessary; and that is all they have to do about it. The Senator is unjust to the engineers, as well as, it seems to me, mistaken in his political economies, when he brings forward here reports of the engineers as his justification or mine for voting any particular appropriation in respect of any particular harbor. They only have to do with the topography and mechanics of the affair, and not with the political or economical aspect of it

Mr. FERRY. Will the Senator allow me a moment?

Mr. EDMUNDS. With pleasure.

Mr. FERRY. If I am not mistaken the basis upon which the committee of the Senate adjusted their bill was the report from the Engineer Department. That has been the custom. If I am mistaken the chairman will of course correct me.

Mr. ALLISON. I would say that we did take the revised estimates of the board of engineers so far as it applied to works now going on, but in no case did we take their estimates without examining, as we did in the case of Frankfort, the exact nature of the improvement that was going on and deciding for ourselves whether or not it was necessary to build fifty feet of breakwater this year, or twelve and a half feet, as the bill proposes at Frankfort, on one side and fifty feet on the other. We took the revised estimates of the board of engineers and all other evidence that we could find, and then formed our best judgment thereon.

Mr. FERRY. The Senator will remember that Frankfort is not a new place for an appropriation this year.

Mr. ALLISON. Undoubtedly; but it is a place where this appropriation, if made, will be used wholly for the extension of a pier beyond where that pier now is, and the extension requires an expenditure of $30,000, and the engineer said this whole sum should be used in a single season. Therefore we refused to appropriate $5,000.

Mr. FERRY. What I wanted to reply to the Senator from Vermont was that I thought, and I believe now, that I placed myself upon a sound basis when I rested on the report of the Engineer Department. I called the attention of the chairman of the committee to the fact that the regular annual report showed a large amount for the harbor of Frankfort; but the reply was that a subsequent supplemental report on a basis of one-third cut down the amount so that the committee were justified upon that report in cutting out this place as well as others. Now I cite the fact that that supplemental report covers the harbor of Frankfort and proposes to give it $10,000 instead of $5,000, the amount of the House bill. So then I say upon the supplemental report of the engineer authoritatively coming to the Senate in every case I have advocated before the Senate, that report has recommended appropriations larger than the amounts I have sought to restore.

Mr. EDMUNDS. Mr. President——

Mr. ANTHONY. As everybody else has interrupted the Senator from Vermont, will he allow me to interrupt him for a moment?

Mr. EDMUNDS. Certainly, I yield to everybody.

Mr. ANTHONY. If it will not discommode any of the seven or eight Senators who have the floor, as it is manifest that we cannot get through with this bill to-night, I will move that the Senate adjourn.

The PRESIDING OFFICER. Does the Senator from Vermont yield for that purpose?

Mr. EDMUNDS. I have no objection.

Mr. INGALLS. It is desirable to have a short executive session for a few moments.

Mr. ANTHONY. I will make that motion; but first, with the assent of the Chair, I will move that when the Senate adjourn it be to meet to-morrow at twelve o'clock.

Mr. ALLISON. May I say one word with reference to that question? This bill if it is passed at all——

Mr. EDMUNDS. We have conference committees meeting between eleven and twelve.

Mr. ALLISON. If the bill is passed at all it ought to be passed in the first instance to-morrow, in order that it may go to a conference and be fairly considered, because it is a bill of detail and must be considered carefully by a conference committee unless we are to go into committee and bargain about these different places. I suggest to Senators that this bill ought to be completed to-morrow. We shall have the impeachment trial on Monday and Tuesday, and we certainly ought to be prepared to get all the appropriation bills out of the way by the last of next week, and unless this bill is finished to-morrow in the Senate we cannot get it out of the Senate before Thursday or Friday of next week.

Mr. EDMUNDS. I should have been done long ago but for the fact that the time I have had the floor has been occupied, certainly two-thirds of it, by speeches of other Senators.

Mr. ANTHONY. I quite agree with what the Senator from Iowa says who has the bill in charge. We ought to complete it to-morrow, and I think we ought to come here determined to stay until the bill is finished to-morrow.

Mr. ALLISON. To-morrow is Saturday, and I appeal to the Senate to meet at eleven o'clock to-morrow and we can finish the bill during the day at a reasonable hour.

Mr. ANTHONY. We have so many committees of conference out that I think we really should facilitate business by meeting at twelve.

Mr. ALLISON. I know of no committee of conference which will meet in the morning.

The PRESIDING OFFICER. The question is on the motion of the Senator from Rhode Island that when the Senate adjourns it be until twelve o'clock to-morrow.

Mr. ALLISON. I hope we shall meet at eleven.

Mr. FRELINGHUYSEN. I hope we shall meet at twelve.

The PRESIDING OFFICER. The question is on the motion of the Senator from Rhode Island.

The motion was not agreed to; there being on a division—ayes 20, noes 24.

EXECUTIVE SESSION.

Mr. ANTHONY. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After ten minutes spent in executive session the doors were re-opened, and (at five o'clock and fifteen minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, *July* 21, 1876.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. I. L. TOWNSEND.

The Journal of yesterday was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, informed the House that the Senate was ready to proceed upon the impeachment of William W. Belknap and to receive the managers on the part of the House, and that the Senate Chamber was prepared with accommodations for the reception of the House of Representatives.

PORT OF SAINT PAUL, MINNESOTA.

Mr. DUNNELL. I ask unanimous consent to report back from the Committee on Commerce the bill (S. No. 413) establishing the port of Saint Paul, Minnesota, as a port of appraisement.

The bill was read for information.

Mr. HOLMAN. I must object to that bill, because I object to this mode of fixing salaries. I hope the gentleman from Minnesota will say distinctly in the bill what the salary is to be. This mode of fixing salaries leaves us always in the dark. I understand this to be the unanimous report of the committee.

Mr. DUNNELL. I think the salary is $2,000.

Mr. HOLMAN. I do not think the salary would be as high as $2,000. But I hope the gentleman will withhold the bill until he has fixed the amount of salary.

The SPEAKER *pro tempore*. This question is not subject to lengthy discussion. Does the gentleman from Indiana object to the consideration of the bill?

Mr. DUNNELL. I understand the gentleman to object.

BUILDING FOR QUARTERMASTER-GENERAL'S DEPARTMENT.

Mr. TERRY, by unanimous consent, from the Committee on Military Affairs, submitted a report in writing in relation to the renting of the building at the corner of Fifteenth street and Pennsylvania avenue for the use of the Quartermaster-General's Department; which was ordered to be printed, and printed in the RECORD, and the committee were discharged from the further consideration of the subject.

The report is as follows:

The Committee on Military Affairs, to whom was referred the following resolution, to wit:

"Whereas the Forty-third Congress at its first session passed the following enactment: 'And hereafter no contract shall be made for the rent of any building, or part of any building, in Washington not now in use by the Government, to be used for the purposes of the Government, until an appropriation therefor shall have been made in terms by Congress,' approved June 22, 1874; and whereas it is represented that the building on the corner of G and Fifteenth streets, used for ten years for offices for the Quartermaster-General of the Army, was vacated on or about the 17th of last November and another building on the corner of Pennsylvania avenue and Fifteenth street leased for the same purpose:

"*Resolved*, That the Secretary of War be, and he is hereby, requested to inform this House under whose direction and by what authority the Acting Quartermaster-General, Rufus Ingalls, leased the aforesaid building on the corner of Pennsylvania avenue and Fifteenth street, what time it is leased for, and the amount of rent to be paid yearly; also that the Secretary of War be, and he is hereby, requested to transmit to this House true copies of all bills for material and labor paid by the post-quartermaster, Major Myers, acting quartermaster, including those approved and ordered to be paid by Acting Quartermaster-General Rufus Ingalls, on account of the building on the corner of Pennsylvania avenue and Fifteenth street, together with a copy of the lease, and also copies of the bills for moneys paid to restore the building on the corner of Fifteenth and G streets to the condition stipulated between the owner and the Government; and that the Secretary of War also inform this House out of what fund appropriated for the Quartermaster-General's Office these amounts were paid"—

having had the same under consideration, together with the letter of the Secretary of War and the report of General Ingalls, Acting Quartermaster-General, transmitting copies of the papers called for in said resolution, beg leave to report that they have taken the depositions of Quartermaster-General Meigs, Major Myers, post-quartermaster, and H. T. Crosby, chief clerk in the War Department, and from the letter, report, and papers aforesaid, and said depositions, the committee glean the following facts: It seems that in 1861 the Treasury Department leased the Riggs building, at the corner of Fifteenth and G streets, which lease was assumed by the War Department in 1863 or 1864. On the 16th of August, 1875, General Ingalls, as Acting Quartermaster, applied to the Secretary of War for authority to rent, for the use of the Quartermaster's Department, the Randall building, at the southeast corner of Fifteenth street and Pennsylvania avenue, which authority was granted on the 17th of August, 1875; and on the 18th of August the Acting Quartermaster-General informed Major Myers that he was authorized by the Secretary of War to remove the public offices from the building at corner of Fifteenth and G streets to the building at corner of Fifteenth street and Pennsylvania avenue, and directed him to give to Mr. Riggs at once the three months' notice to terminate the lease, and to make arrangements for the occupation of the new building on September 15, 1875, which was done. The Riggs building was rented at $17,000 per annum with a provision requiring the Government when it should surrender the building to restore it to its condition when first occupied. The Randall building was rented at $12,000 per annum, payable monthly or quarterly, the owner paying taxes, water rents, &c., and to pay one-half of the costs of altering such portions of the building as might be designated by General Ingalls, not to exceed $1,800, and to provide additional means for heating the rooms if necessary.

About the middle of October the Quartermaster's Department was transferred to the new building. The lease of the Riggs building expired November 15, 1875, and the lease of the Randall building commenced on September 1, 1875, so that the Government was paying rent on both buildings from September 1 to November 15. By the transfer of the Quartermaster's Department from the old to the new building there was incurred the costs of restoring the old building and fitting up the new one. Major Myers states the costs of restoring the old building at $4,736.23, and fitting up the new one at $18,346. The rent of the old building for two and a half months, during which the Government was paying rent for the new building, being at the rate of $17,000 per annum, was $3,541.66. So that during the first year of the change the relative expense account upon the two buildings would stand as follows:

Rent of new building for one year	$12,000 00
Repairs of old building	4,736 23
Fitting up new building	18,346 00
Rent of old building two and a half months	3,541 66
Total expense for one year	38,623 89
Rent of old building for one year	17,000 00
Difference	21,623 89

But since some additional officers were accommodated in the new building who had previously occupied two other buildings, one at a rental of $1,800 and the other at $1,200, it is proper that $3,000 should be deducted from the above difference, leaving $18,623.89. It thus appears that the Secretary of War, upon the recommendation of the Acting Quartermaster-General, authorized him to make an exchange of buildings for the accommodation of the Quartermaster's Department, which necessitated an extra expenditure of $18,623.89 in the absence of any law authorizing the exercise of such authority, and the explicit language of the statute, approved June 22, 1874, and in force when this renting took place, clearly shows that it was the intent of Congress that officers should exercise no such discretion, nor could even the Secretary of War confer it. It is no justification to say that the new building was better adapted than the old to the convenience and accommodation of the Department, nor does it avail to say that the difference between the rent of the new and the old building and the rent of the buildings vacated will in a few years compensate for the expense attending the change. It is enough to say in the first place that the renting is only for a year, as the law does not authorize a renting otherwise; and in the second place, it is a plain violation of law.

But, as both the Secretary of War and the Acting Quartermaster-General plead that they so construed the law as conferring authority for their action, the committee is willing to give them the benefit of an honest intention, and ask to be relieved from a further consideration of the subject; nor do they recommend any change in the statute, as they regard it sufficiently explicit, even though it has been erroneously interpreted, but they would recommend to officers incapable of construing statutes to apply to the proper law officers for advice.

VETO MESSAGE—NELSON TIFFANY.

Mr. HURLBUT. I rise to a point of order. I believe that the business first in order this morning is the unfinished business of yesterday, being the consideration of the veto message of the President on the bill (H. R. No. 1337) for the relief of Nelson Tiffany, which is the unfinished business.

The SPEAKER *pro tempore*. That is unquestionably true.

Mr. HURLBUT. I desire to ask unanimous consent of the House that that matter shall go over, on account of the absence of the gentleman from Ohio, [Mr. BANNING,] until Wednesday of next week, after the reading of the Journal.

There was no objection, and it was so ordered.

SUITS FOR VIOLATION OF REVENUE LAWS.

Mr. HOPKINS. I ask unanimous consent to offer the following resolution:

Whereas a former United States attorney for the western district of Pennsylvania collected large sums of money for violation or alleged violation of the internal-revenue laws, which moneys it is claimed were not paid into the Federal Treasury; and whereas it is stated that the Attorney-General of the United States has decided that the moneys so paid to the United States district attorney did not release or satisfy the judgments upon which they were paid; and whereas it is alleged that the present United States district attorney, under instructions from the Attorney-General, is proceeding to collect again the amount of the judgments aforesaid, thereby working great hardship to the defendants in those judgments and their sureties: Now, therefore,

Be it resolved, That the Judiciary Committee be instructed to inquire into the truth of the statements aforesaid, and to report to this House during the present session such measures of relief as they may deem just to the parties in interest; and that, in the mean time, the Attorney-General be requested to stay proceedings in said cases.

Mr. KASSON. I suggest to the gentleman that he add after the words "just to the parties in interest" the words "and to the Government."

Mr. RANDALL. I suggest that the committee have leave to report at any time.

Mr. BELL. I object to the resolution. [Cries of "Regular order!"]

ORDER OF BUSINESS.

The SPEAKER *pro tempore*. The regular order of business is the call of committees for reports of a private nature.

ANNIE GIBSON YATES.

Mr. WELLS, of Missouri. I ask unanimous consent to introduce a bill for the relief of Mrs. Annie Gibson Yates, widow of George W. Yates, who was killed at the battle of the Little Big Horn.

Mr. KASSON. I have no objection if the bill is to be referred to the Committee of the Whole on the Private Calendar.

Mr. WELLS, of Missouri. The case has been examined by the Committee on Invalid Pensions. The bill is merely to provide a pension for the widow of Captain Yates, who was killed in the late massacre of General Custer's party.

The bill was read.

Mr. HURLBUT. I object.

Mr. CONGER. I insist that we should wait until we can have a bill which will provide for all these cases.

ORDER OF BUSINESS.

Mr. HOPKINS. I understand that the gentleman from New Hampshire is willing to withdraw his objection to the resolution I proposed to offer.

Mr. DUNNELL. The regular order of business has been called for.

The SPEAKER *pro tempore*. The regular order is the call of committees for reports of a private nature, and the call rests with the Committee on Naval Affairs.

MILTON B. CUSHING.

Mr. WILLIAMS, of Delaware, from the Committee on Naval Affairs, reported back, with a favorable recommendation, the bill (H. R. No. 2008) for the relief of Milton B. Cushing, paymaster United States Navy.

The bill was read, as follows:

That the accounting officers in the Treasury Department of the United States are hereby authorized and directed to cancel a charge of $10,000 now upon the books of said Department against Milton B. Cushing, paymaster in the United States Navy, which is based upon a certain requisition purporting to be drawn by him on Paymaster Henry H. Pangborn, and bearing date May 2, 1866; said requisition being a fraud and forgery against the said Cushing.

Mr. EDEN. I raise the point of order that this bill makes an appropriation and must receive its first consideration in the Committee of the Whole.

The SPEAKER *pro tempore*. The point of order is sustained by the Chair, and the bill will accordingly be referred to the Committee of the Whole on the Private Calendar.

WILLIAM TALBERT.

Mr. WHITTHORNE. I now yield to the gentleman from Pennsylvania [Mr. JENKS] to make a report from the Committee on Naval Affairs for his colleague, Mr. ROBBINS, who is now absent.

The SPEAKER *pro tempore*. The gentleman from Pennsylvania,

[Mr. JENKS,] not being a member of the Committee on Naval Affairs, cannot submit a report from that committee.

Mr. JENKS. It is signed by a member of that committee.

The SPEAKER *pro tempore*. That may be so, but it must be presented to the House by a member of the committee from which it comes.

Mr. WHITTHORNE. Then I will present the report.

The SPEAKER *pro tempore*. That is sufficient.

Mr. WHITTHORNE, from the Committee on Naval Affairs, reported a bill (H. R. No. 3929) for the relief of William Talbert, of Washington City; which was read a first and second time.

The question was upon ordering the bill to be engrossed and read a third time.

The bill provides that the claim of William Talbert, of Washington, District of Columbia, for the use by the Government of his patented improvement for a marine railway shall be referred to the Court of Claims with authority to take jurisdiction thereof and to award judgment thereon, on principles of equity and justice, according to its value to the Government during the existence of said patent.

Mr. EDEN. I raise the point of order that that bill must receive its first consideration in Committee of the Whole.

The SPEAKER *pro tempore*. The point of order is well taken.

The bill was accordingly referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

ASA MORRIS.

Mr. SINNICKSON, from the Committee on Invalid Pensions, reported back, with a favorable recommendation, the bill (H. R. No. 2940) granting a pension to Asa Morris, of Stanton, Michigan, late a private in Company B, One hundred and seventy-first Regiment Pennsylvania Volunteer Infantry; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

A. M. ATWOOD.

Mr. SINNICKSON also, from the same committee, reported back, with a favorable recommendation, the bill (H. R. No. 3251) granting a pension to A. M. Atwood; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

ADVERSE REPORTS.

Mr. SINNICKSON also, from the same committee, reported adversely upon the following; which were laid on the table, and the accompanying reports ordered to be printed:

The petition of Anna M. May, for a pension; and

The petition of Anson B. Sams, for a pension.

JOHN H. BRITTAIN.

Mr. RICE, from the same committee, reported a bill (H. R. No. 3930) granting an increase of pension to John H. Brittain, late of Company A, Ninety-first Regiment Pennsylvania Volunteers; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

ANNA KOENINGER.

Mr. RICE also, from the same committee, reported a bill (H. R. No. 3931) granting a pension to Anna Koeninger, widow of Louis Koeninger, late private Second Indiana Battery; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

JUDSON W. CALDWELL.

Mr. RICE also, from the same committee, reported back, with a favorable recommendation, the bill (H. R. No. 1454) to restore the names of the widow and minor children of Judson W. Caldwell, late first lieutenant Company I, Seventy-fifth Regiment Ohio Volunteer Infantry, to the pension-rolls; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

ADVERSE REPORTS.

Mr. RICE also, from the same committee, reported adversely upon the following; which was laid on the table, and the accompanying report ordered to be printed:

The petition of Elias Anderson, for a pension.

NICHOLAS W. JOHNSON.

Mr. RICE. On behalf of my colleague on the Committee on Invalid Pensions, Mr. HEWITT, of Alabama, who is absent at home by leave of the House, I desire to report back, with a favorable recommendation, House bill No. 1892, granting a pension to Nicholas W. Johnson, of Butler County, Kentucky.

The bill was referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADA L. HARRISON.

Mr. RICE also, from the same committee, (for Mr. HEWITT, of Alabama,) reported back, with a favorable recommendation, the bill H. R. No. 2139) granting a pension to Ada L. Harrison, a minor child of Samuel Harrison, deceased, late a private in Company I, Eighty-ninth Regiment Indiana Volunteers; which was referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

AMOS A. YEAKEL.

Mr. RICE also, from the same committee, (for Mr. HEWITT, of Alabama,) reported back adversely the following bill; which was laid on the table, and the accompanying report ordered to be printed:

A bill (H. R. No. 2728) granting a pension to Amos A. Yeakel, of Mercer County, Pennsylvania.

THEODORE GARDNER.

Mr. RICE also, from the same committee, reported back, with a favorable recommendation, the following bill; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed:

A bill (S. No. 767) granting a pension to Theodore Gardner.

SOLDIERS IN CIVIL SERVICE.

Mr. JENKS. I am directed by the Committee on Invalid Pensions to report back, with a favorable recommendation, the bill (H. R. No. 1791) relating to soldiers while in the civil service of the United States.

The bill was read, as follows:

Be it enacted, &c., That all persons who, under and by virtue of the first section of the act entitled "An act supplementary to the several acts relating to pensions," approved March 3, 1865, were deprived of their pensions during any portion of the time from the 3d of March, 1865, to the 6th of June, 1866, by reason of their being in the civil service of the United States, shall be paid their said pensions, withheld by virtue of said section of the act aforesaid, for and during the said period of time from the 3d of March, 1865, to the 6th of June 1866.

Mr. HURLBUT. I raise the point of order that this is a public bill, and not in order under the call of committees for private bills on a Friday.

The SPEAKER *pro tempore*. The Chair sustains the point of order, and the bill is not before the House.

JOHN R. HARRINGTON.

Mr. VANCE, of North Carolina, from the Committee on Patents, reported back, with a recommendation that it pass, the bill (H. R. No. 3392) for the relief of John R. Harrington.

The bill was read. It provides that John R. Harrington, of Brooklyn, in the State of New York, have leave to make application to the Commissioner of Patents for an extension of letters-patent granted to him April 1, 1856, as re-issued December 11, 1866, for improvements in carpet lining, for the term of seven years; and upon such application so filed the Commissioner of Patents is authorized to consider and determine the same in the same manner and upon giving the same notice as if the application had been duly filed within the time prescribed by law. But such application is to be made within ninety days after the passage of the act; and no person shall be held liable for the infringement of the patent, if extended, for making use of the invention since the expiration of the original term of the patent and prior to the date of extension.

Mr. HARTZELL. I call for the reading of the report.

The report was read, as follows:

The Committee on Patents, to whom was referred the petition of John R. Harrington, for the extension of letters-patent granted to him 1st of April, 1856, as re-issued the 11th of December, 1866, for improvements in carpet lining, report as follows:

Letters-patent were granted to John R. Harrington the 1st of April, 1856, for improvements in carpet lining, under which patent said Harrington diligently proceeded to introduce the improvements, but the article of carpet lining being more an article of luxury than actual necessity its introduction into use was slow; that in the year 1857 said Harrington transferred one-half his patent to a manufacturer to aid in introducing the article; that he diligently continued to endeavor to obtain remuneration up to the year 1865, when he became totally blind; that in the following year, 1866, by reason of his poverty and blindness, he was obliged to sell his remaining half-interest in his patent to another manufacturer for a small amount, $350; that at this time the introduction of carpet lining into use was quite limited; that only during the last few years of the patent was the lining introduced to any extent; that the patent was re-issued in the year 1866; that it appears the inventor by reason of his infirmity of blindness unintentionally transferred to the assignee the right to the extension; that when the case went before the Commissioner of Patents for extension, it was refused upon the ground that the facts showing why the petitioner should have an extension were not before him, and before the said facts could be brought before him the said Commissioner lost jurisdiction of the case under the statute, by reason of the expiration of the patent, and that the petitioner ought to have leave to go before the Commissioner of Patents to be reheard as to whether it is in his judgment, on the additional proofs to be presented by him, a proper case for an extension of seven years under the statute.

In conclusion, your committee state that this is only a patent which has run fourteen years, the petitioner having enjoyed but nine years thereof because of his blindness. That it reasonably appears that he would have had the statutory extension of seven years had he furnished the Commisioner of Patents the proper facts in his possession, which were omitted to be furnished by reason of his poverty and blindness; that he has realized but $7,703.76 from his patent; that the saving of the invention is about one-half the price of the carpets to which it is applied; that the public will not be unfavorably affected by the extension, as it does not appear to be an article of necessity and the cost to the public will not be raised by an extension.

That the manufacturers and dealers are not opposed to an extension of the patent for the benefit of this blind and worthy old man, now upward of sixty years of age, and that the whole interest is invested in him to the extended term, and he is willing to license manufacturers upon terms which they have expressed themselves satisfied with. Your committee, in view of the equities of the case and the helpless condition of the petitioner, recommend that this act be passed in order to enable the petitioner to be again heard before the Patent Office.

Mr. VANCE, of North Carolina. I call the previous question.

The previous question was seconded and the main question ordered;

and under the operation thereof the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. VANCE, of North Carolina, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LUTHER HALL.

Mr. VANCE, of North Carolina. The Committee on Patents have unanimously instructed me to report back, with a favorable recommendation, the bill (S. No. 398) for the relief of Luther Hall.

The bill was read. It authorizes the Commissioner of Patents, upon due application made to him therefor and upon the same evidence and rules of law as in ordinary extension cases, to extend the patent granted to Luther Hall and S. S. Hemenway September 27, 1859, and numbered 25605, for a machine for shaping heels of boots and shoes, for the term of seven years from and after the passage of the act; and the patent so extended shall have the same effect in law as if originally granted to Hall for the term extending to the end of the term for which it shall be so extended; but no person shall be liable for infringing such extended patent by reason of any manufacture, use, or sale subsequent to the 27th day of September, 1873, and prior to the passage of the act.

Mr. HURLBUT. I would like to ask the gentleman from North Carolina whether this bill does not by its own force extend this patent?

Mr. VANCE, of North Carolina. No, sir; it only allows the inventor to go before the Commissioner, and if he makes out a good case he may then obtain an extension. There is a report accompanying the bill.

Mr. HURLBUT. I would like to have the report read.

The Clerk read the following report of the Committee on Patents of the Senate:

The Committee on Patents, to whom was referred the petition of Luther Hall, of Boston, praying that an act be passed authorizing the extension of the letters-patent hereinafter mentioned, respectfully report:

That said Hall is the first and original inventor of certain valuable improvements in machines for trimming the heels of boots and shoes, for which letters-patent of the United States were granted to him and S. S. Hemenway September 27, 1859, numbered 25605, which expired the 27th of September, 1873. The said Hall bestowed time, labor, and skill in inventing and perfecting the improvement patented, and the letters-patent were issued to him and said Hemenway, as his assignee, in consideration of pecuniary aid to a small amount, which was furnished him by Mr. Hemenway while he was engaged in inventing and perfecting the improvement. Without fault on the part of Mr. Hall, he has failed to secure or receive any adequate or considerable compensation for or on account of his said improvement. Prior to ninety days before the expiration of the patent, and on the 18th of June, 1873, Hall, the petitioner, entered into a written contract with the McKoy Heeling-machine Association of Boston, whereby he sold and conveyed to said association all his right to the invention during the term of the letters-patent, and the extension thereof when granted, and agreed to execute all necessary papers to procure the extension or re-issue of the letters-patent; and the association, in consideration thereof, agreed to make all reasonable efforts to procure the extension of the letters-patent, and to pay all the expenses thereof. In and by the contract, the association agreed to pay to the petitioner a royalty of $5 for each machine manufactured or sold by it during the term of the letters-patent or their extension, containing any of the improvements secured by the patent. This, with other agreements contained in the contract on the part of the association, was the consideration for the sale and transfer by the petitioner of his title to the improvement. The petitioner was induced to enter into this contract by the representations of the agent of said heeling association, that it was then manufacturing machines embracing his said improvement, and that, if patent was extended, the royalty of $5 for each of the machines the association would make and sell during the extended term would amount to a large sum of money. Immediately after the making of such written contract, and more than ninety days before the patent expired, the petitioner, by the direction of the agent of the association, went to the attorney of the association and executed what he was informed were the necessary papers to apply for the extension of the letters-patent; and he fully believed that the application for the extension of the patent was properly made by the association, and would be granted. Subsequently, and about the time the letters-patent expired, the petitioner learned for the first time, from the agent of the heeling association, that the application for the extension of the letters-patent had not been made to the Commissioner of Patents, said agent alleging in excuse that the omission was by the negligence of the attorney of the association. The petitioner relied upon the association to file in time and prosecute the application for the extension of the letters-patent, and but for this reliance he would have procured an application for the extension to have been made before it was too late to do so. It appears that the said McKoy Heeling-machine Association has been and is manufacturing and selling machines which embrace the improvement invented by the petitioner, and which was secured by the aforesaid letters-patent.

The petitioner has been and is without any considerable means, except his daily wages as a mechanic, and he has made a contract with a responsible party whereby, in the event that said letters-patent are extended for his benefit, it is believed he will realize a fair and just compensation for his invention and improvement.

The committee are of the opinion that the petitioner is entitled to relief, and recommend the passage of the bill herewith reported. All of which is respectfully submitted.

Mr. HURLBUT. I desire to say in the first place that I am opposed on principle to all these extensions of patents which are sought to be obtained through Congress; and I do not find in this report any reason satisfactory to my mind why Congress should intervene in this case. The report, as I understand, discloses the fact that ninety days or thereabouts before this patent expired the patentee made an arrangement with some corporation, the name of which I did not exactly catch, by which they agreed to see that the extension was made. They became for that purpose his agent; and in order to induce them to obtain the extension he made an assignment of all his interest in the then patent and in the extension which might be procured, it being stipulated that he should receive a certain royalty from them. His claim is that this company by neglect of themselves or their attorneys failed to present the case before the Commissioner; yet it appears very clearly that this same company has been going on manufacturing machines embracing this improvement; and the conclusion is strongly suggested that they deliberately permitted the patent to expire so as to avoid carrying out their contract for the payment of royalty to the inventor.

This man, as I understand the law, has a clear, substantial, undeniable right of action against the parties who made that arrangement with him. He has the right to bring them into the courts and to recover from them in damages to the whole extent of what their laches cost him. But I do not think it is a case in which Congress should interfere, because the party has an abundant remedy at law against this corporation.

Mr. VANCE, of North Carolina. Mr. Speaker, this is a case in which the inventor was entitled to an extension under the law, and he depended upon his agent to secure the extension for him. The agent failed to do so; for what reason I am not able to say. It may be that the agent allowed the time to elapse so that Mr. Hall could not get his extension, because it would inure to the benefit of the company.

Mr. HURLBUT. I wish to call the gentleman's attention (for I do not mean to argue the question further) to the fact apparent in the report that this man had conveyed away to this company his entire interest, present and contingent.

Mr. VANCE, of North Carolina. That is, he conditionally conveyed his interest; but inasmuch as the agent failed to secure the extension the transfer was not effectual, and the extension, if granted by the Commissioner, will be entirely for the benefit of Mr. Hall.

Now, let it be borne in mind that this inventor is a day laborer, a very poor man, working for wages; and he has received only about $500 from his patent. He had every reason to believe that the extension for seven years, to which he was entitled according to law, would be granted.

The committee have reported unanimously in favor of this bill; and it also comes to us with the approval of the Senate committee as well as the Senate. I hope the House will pass the bill.

Mr. BELL. Has not this invention been public property for almost three years?

Mr. VANCE, of North Carolina. Yes, sir.

Mr. BELL. Does not this bill propose, then, to patent an invention which is now public property? I think that is wrong.

Mr. VANCE, of North Carolina. The invention has been in use for some time; but the bill provides that no person shall suffer on account of its use up to the time when the patent shall be extended, if it be extended by the Commissioner.

Mr. CRAPO. Mr. Speaker, I am aware of the very general prejudice which exists in the House against the extension of patents, but this is a case where, if this poor mechanic is refused the privilege of applying to the Commissioner of Patents for an extension of his patent, I think gross injustice will be done. The facts simply are these: This man Hall invented a mode of great merit in the manufacture of shoes. He was a poor man, and during the term of fourteen years he was unable to derive any special benefit from it; only some $500 as I understand it. As the mode attracted the attention of one of those corporations in New England which make large sums of money in the manufacture of shoe machinery, they made an arrangement with Mr. Hall by which they agreed to undertake the formal business in the extension of his patent for seven years, to which by law he was entitled simply on making application, and to pay him a royalty of $5 on every machine made by them. He was poor, ignorant of the rules of the Patent Office and of law generally, and relied upon them. It is true, as stated by the committee, that he did sign the necessary papers and did expect that business would be attended to, but after the ninety days had elapsed he found that the attorney of that corporation had neglected, either inadvertently or purposely, to file the proper papers to secure an extension of his patent for the seven years to which he was entitled by law. The facts show this same corporation which made the arrangement with him has been manufacturing and selling these machines.

The gentleman from Illinois [Mr. HURLBUT] holds that this poor mechanic, without money, should go into a lawsuit with this rich corporation which is now using these machines and charging the people royalty in connection with other devices which they have.

Mr. BLAND. Will the gentleman from Massachusetts answer me one question?

Mr. CRAPO. Certainly.

Mr. BLAND. Will this company get the benefit of this extension?

Mr. CRAPO. This company will not get the benefit of this extension except by paying this mechanic.

Mr. BLAND. I understand they had an agreement by which they were to have the benefit on payment of a royalty for procuring the extension.

Mr. CRAPO. Yes, sir.

Mr. BLAND. Will that contract be continued or repealed by this bill?

Mr. CRAPO. It will not be continued.

Mr. VANCE, of North Carolina. That agreement becomes null and void.

Mr. HURLBUT. You cannot repeal a contract between private parties.

Mr. CRAPO. They have not complied with their part of the agreement, and the contract therefore is null and void.

Mr. BLAND. I think the bill should be amended to make that sure.

Mr. BELL. Let me ask the gentleman whether this mechanic is not now, and has not been during these three years past, in the employment of the same company?

Mr. CRAPO. Not at all; not one day.

Mr. BELL. Answer me another question, and that is, whether it was not the fault of this mechanic himself that his business was not attended to?

Mr. CRAPO. His fault was that he trusted to the attorneys of the corporation with whom he had made this arrangement, and they deceived him.

Mr. BELL. It was ignorance, then, of the corporation to which he had sold his extension?

Mr. CRAPO. But that corporation gets no benefit by this extension. It goes directly and entirely to this mechanic.

Mr. TOWNSEND, of New York. Mr. Speaker, I feel as though this ought not to pass. This man has lain three years upon his rights.

Mr. CRAPO. The gentleman from New York will pardon me a word. In further explanation of the history of this, I wish to say that at the very next session of Congress this party, Mr. Hall, applied for this same permission. A bill granting the extension passed the Senate, came to the House, and only failed here for want of time. It had the unanimous report of the House Committee on Patents after having passed the Senate. He therefore is guilty of no neglect.

Mr. TOWNSEND, of New York. Whether he be guilty of laches or not, this fact is apparent, that there have been three years when any man, or any firm, or corporation, could have engaged in the manufacture of articles under what would be this patent if extended. Men have in all human probability invested their money in this machinery, as they may have done during the past three years, to enable them to carry on this business. This machinery, if this bill becomes a law, will then be thrown upon their hands.

The bill only provides, as I understand, that there shall be no recovery for any royalty or damages for having carried on this work during the three years that have intervened since the expiration of the patent.

Now, I believe there is no way to embarrass and annoy men engaged in manufacturing pursuits more than the renewal of patents after patents have expired. The principle is entirely wrong. And therefore I hope that neither this bill nor any such bill will pass the House.

Mr. CONGER. This is a case where under the Constitution and laws of the United States this mechanic had the right to the exclusive control of his machine for seven years longer than he did enjoy it. There are now four years of that time which under the Constitution and laws would have belonged to this man except for the wrong-doing, the failure, the neglect of persons whom he intrusted to go through the form of a formal application for an extension. The gentleman from New York [Mr. TOWNSEND] says that the public have acquired a right to this machine, and that this is taking that right away from them. Here is a very valuable machine invented by a common day-laborer, of immense value to the shoe trade, for which he has received comparatively no benefit whatever. If he had been a rich man, a speculator, a man knowing his rights and able to protect them, he would not have been compelled to procure the aid of any company to get his patent; he could have sold his rights and received his royalty. But he was an ignorant man and a poor man. He trusted those who he thought were interested with himself in this machine and they failed him. Under all views of the case he is entitled to the seven years' extension. The public had no right to the improvement really until those remaining seven years had expired; and yet he is not protected on account of the laches of those he trusted.

I am free to say, that, being careful and guarded, anxiously so, as I believe the Committee on Patents are and have been, not to report to this House for its favorable action any bill which would take away any public right, or any bill which was not dealing out exact justice and equity to the parties applying, I do believe this House may safely trust a report of the Committee on Patents when it is in favor of giving a party the right to claim what he may not by law have claimed. I think in the Committee on Patents there are the strongest objectors to withholding or withdrawing from the public any rights which they have acquired. There have been to my certain knowledge for the last three years, since I have been a member of that committee—there have been on that committee continually men who would object to, and oppose, and refuse to make a report unanimous in favor of any extension unless their reason and their judgment were convinced that the application was a just one, and that they could safely go before the House and before the country and claim that what they recommended ought in justice to be passed.

This is especially one of those cases. I think there was no member of the committee but believed it the duty, not only the privilege but the duty, of the committee to recommend Congress to pass this bill. Therefore, having had such an examination, having passed the Senate once, having had the unanimous report of the Committee on Patents in the last Congress and the unanimous report of the committee of this Congress, I trust there will be no objection to the passage of the bill.

Mr. VANCE, of North Carolina. I call for the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof the bill was ordered to a third reading, and it was accordingly read the third time.

The question was on the passage of the bill.

The question being taken, there were—ayes 41, noes 50; no quorum voting.

The SPEAKER *pro tempore*, under the rule, ordered tellers; and appointed Mr. VANCE, of North Carolina, and Mr. TOWNSEND, of New York.

The House again divided; and the tellers reported—ayes 59, noes 41.

Mr. SAVAGE. I call for the yeas and nays.

The yeas and nays were ordered.

The question being taken, there were—yeas 62, nays 110, not voting 112; as follows:

YEAS—Messrs. John H. Bagley, jr., Ballou, Banks, Blair, Bradley, Cabell, Candler, Cason, Conger, Cook, Crapo, Davis, Dobbins, Douglas, Dunnell, Eames, Egbert, Gause, Hancock, Hartridge, Hatcher, Hendee, Henkle, Abram S. Hewitt, Hoge, Hubbell, Thomas L. Jones, Kehr, Kelley, Lane, Leavenworth, MacDougall, McDill, McFarland, Norton, Page, Pierce, Piper, Plaisted, Platt, Potter, Pratt, Rainey, Reagan, William M. Robbins, Sampson, Scales, Sinnickson, Smalls, A. Herr Smith, William E. Smith, Spencer, Thornburgh, Throckmorton, Tucker, Robert B. Vance, Wait, Gilbert C. Walker, Alexander S. Wallace, Wigginton, Willis, and Woodburn—62.

NAYS—Messrs. Adams, Anderson, Ashe, Atkins, Bagby, George A. Bagley, John H. Baker, Beebe, Bell, Blackburn, Bland, Boone, Bradford, Bright, Horatio C. Burchard, Burleigh, William P. Caldwell, Cannon, Cate, Caulfield, John B. Clarke, of Kentucky, John B. Clark, jr., of Missouri, Clymer, Cochrane, Cutler, Darrall, De Bolt, Dibrell, Durand, Eden, Ely, Evans, Felton, Finley, Forney, Foster, Goodin, Gunter, Andrew H. Hamilton, Hardenbergh, John T. Harris, Hartzell, Haymond, Henderson, Hereford, Holman, Hopkins, Hoskins, House, Hunter, Hurd, Hurlbut, Jenks, Frank Jones, Kimball, Knott, Lamar, Franklin Landers, Lawrence, Le Moyne, Levy, Lewis, Luttrell, Lynde, Maish, Meade, Metcalfe, Milliken, Morgan, Morrison, New, Oliver, Payne, Phelps, Randall, John Reilly, James B. Reilly, Rice, Riddle, Robinson, Miles Ross, Savage, Southard, Sparks, Springer, Stevenson, Stowell, Tarbox, Terry, Thomas, Thompson, Martin I. Townsend, Washington Townsend, Tufts, Turney, Van Vorhes, John L. Vance, Waddell, Charles C. B. Walker, Walsh, Warren, Erastus Wells, Whitthorne, Wike, Willard, Alphens S. Williams, Charles G. Williams, James Williams, James D. Williams, and William B. Williams—110.

NOT VOTING—Messrs. Ainsworth, William H. Baker, Banning, Bass, Bliss, Blount, John Young Brown, William R. Brown, Buckner, Samuel D. Burchard, John H. Caldwell, Campbell, Caswell, Chapin, Chittenden, Collins, Cowan, Cox, Crounse, Culberson, Danford, Davy, Denison, Durham, Ellis, Faulkner, Fort, Franklin, Freeman, Frye, Fuller, Garfield, Gibson, Glover, Goode, Hale, Robert Hamilton, Haralson, Benjamin W. Harris, Henry R. Harris, Harrison, Hathorn, Hays, Goldsmith W. Hewitt, Hill, Hoar, Hooker, Hunton, Hyman, Joyce, Kasson, King, George M. Landers, Lapham, Lord, Lynch, Mackey, Magoon, McCrary, McMahon, Miller, Mills, Money, Monroe, Mutchler, Nash, Neal, O'Brien, Odell, O'Neill, Packer, John F. Philips, William A. Phillips, Poppleton, Powell, Purman, Rea, John Robbins, Roberts, Sobieski Ross, Rusk, Sayler, Schleicher, Schumaker, Seelye, Sheakley, Singleton, Siemons, Strait, Stenger, Stone, Swann, Teese, Waldron, John W. Wallace, Walling, Ward, G. Wiley Wells, Wheeler, White, Whitehouse, Whiting, Andrew Williams, Jeremiah N. Williams, Wilshire, Benjamin Wilson, James Wilson, Alan Wood, jr., Fernando Wood, Woodworth, Yeates, and Young—112.

So the bill was rejected.

During the roll-call the following announcements were made:

Mr. VANCE, of Ohio. I desire to state that my colleague, Mr. POPPLETON, is absent by leave of the House.

Mr. HANCOCK. My colleague, Mr. SCHLEICHER, is absent on account of sickness.

Mr. COCHRANE. My colleagues Mr. STENGER and Mr. ROSS are absent by leave of the House.

Mr. HENDEE. My colleagues Mr. JOYCE and Mr. DENISON are both absent on account of sickness.

The result of the vote was then announced as above recorded.

Mr. CONGER. I desire to enter a motion to reconsider the vote by which the bill was rejected.

Mr. BRIGHT. I would ask if the morning hour has not expired?

The SPEAKER *pro tempore*. It has expired.

Mr. RANDALL. Has not the House the opportunity to finish this bill now?

The SPEAKER *pro tempore*. The Chair understood the gentleman from Michigan to enter a motion to reconsider the vote by which the bill was rejected.

Mr. LUTTRELL. The gentleman from Michigan did not vote with the majority, and therefore he has no right to enter a motion to reconsider.

The SPEAKER *pro tempore*. The gentleman from Michigan will state to the Chair whether he voted with the majority upon this question.

Mr. CONGER. No, sir; I did not vote with the majority.

Mr. RANDALL. Then I move to reconsider the vote by which the bill was rejected and to lay the motion to reconsider on the table.

Mr. CONGER. I hope the gentleman will not insist on that motion. Why should the whole force of the House be pressed upon this poor mechanic?

Mr. RANDALL. If a motion to reconsider be entered, the bill will only come up to occupy another hour of the time of the House; and the House has already decided the question by a vote that renders it improbable that there would be any change of opinion in regard to it.

Mr. CONGER. If the gentleman will allow me to enter a motion to reconsider I will not call it up this session.

Mr. RANDALL. You can introduce a new bill next session.

The question was taken on Mr. RANDALL'S motion, and it was agreed to.

So the motion to reconsider the vote by which the bill was rejected was laid upon the table.

NEW YORK POST-OFFICE.

On motion of Mr. PRATT, by unanimous consent, the report of the Committee on Expenditures on Public Buildings and Grounds in regard to the construction of the post-office building in New York was taken from the Speaker's table and referred to the Committee on Appropriations.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, announced that the Senate had passed without amendment the bill (H. R. No. 329) to remove the political disabilities of George Jackson, a citizen of West Virginia.

ENROLLED BILLS SIGNED.

Mr. BAKER, of New York, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker *pro tempore* signed the same:

An act (S. No. 333) for the relief of Foster A. Hixon, late a paymaster in the Army;

An act (S. No. 952) to remove the political disabilities of G. T. Beauregard, of New Orleans, Louisiana;

An act (S. No. 983) to extend the duration of the court of commissioners of Alabama claims; and

An act (H. R. No. 3749) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1877, and for other purposes.

ORDER OF BUSINESS.

Mr. BRIGHT. I move that the House now resolve itself into Committee of the Whole for the consideration of business on the Private Calendar. Pending that motion, I ask unanimous consent that to-day be considered as "objection day."

The SPEAKER *pro tempore*. The motion of the gentleman from Tennessee is in order, and he asks unanimous consent prior to putting the motion that the House resolve itself into Committee of the Whole on the Private Calendar that this day shall be considered as objection day. Is there objection to that understanding?

Mr. HOLMAN. I think this ought not to be made objection day.

Mr. WHITE. I object.

Mr. RICE. I desire to move to go into Committee of the Whole on the state of the Union for the purpose of considering the bill (H. R. No. 2803) to provide for arrears of pensions on account of death or wounds received or disease contracted in the service of the United States since the 4th day of March, 1861, and for the payment of the same.

The SPEAKER *pro tempore*. Is that a special order?

Mr. RICE. It is.

The SPEAKER *pro tempore*. The motion of the gentleman from Ohio will be in order if the motion of the gentleman from Tennessee be voted down.

Mr. RICE. I hope the House will refuse to go into Committee of the Whole on the Private Calendar, as this is not objection day.

Mr. BLAND. Have I not the right to raise the question of consideration between going into Committee of the Whole on the Private Calendar and the bill reported from the Committee on Mines and Mining?

The SPEAKER *pro tempore*. The bill reported from the Committee on Mines and Mining cannot come up except in the morning hour. [Cries of "Regular order."] The regular order is the motion of the gentleman from Tennessee that the House resolve itself into Committee of the Whole on the Private Calendar.

The question was taken; and on a division there were—ayes 91, noes 41; no quorum voting.

Tellers were ordered; and Mr. BRIGHT and Mr. RICE were appointed.

Mr. RICE. I would inquire if this is objection day?

The SPEAKER *pro tempore*. It is not.

Mr. EDEN. I object to debate.

The SPEAKER *pro tempore*. No debate is in order.

Mr. SAVAGE. I move that the House do now adjourn.

The question was taken, and the House refused to adjourn.

The House divided on Mr. BRIGHT's motion; and the tellers reported—ayes 110, noes 37.

So the motion of Mr. BRIGHT was agreed to; and the House accordingly resolved itself into Committee of the Whole on the Private Calendar, Mr. SPRINGER in the chair.

LAND CLAIMS IN MISSOURI.

The CHAIRMAN. When the committee was last in session it had under consideration the bill (H. R. No. 819) to confirm certain land claims in the State of Missouri.

Mr. HOLMAN. I ask that the bill be again read.

The Clerk read the bill.

The first section of the bill provides that the decisions made in favor of land claimants by the recorder of land titles at Saint Louis, Missouri, acting as commissioner, under the act of Congress approved June 22, 1860, entitled "An act for the final adjustment of private land claims in the States of Florida, Louisiana, and Missouri, and for other purposes," extended by an act of Congress approved June 10, 1872, as entered in the transcript of decisions transmitted by said recorder to the Commissioner of the General Land Office, and by him laid before the Forty-third Congress, be, and the same are hereby, confirmed; saving and reserving, however, to all adverse claimants the right to assert the validity of their claims in a court or courts of justice, to wit: 8,000 arpents to the legal representatives of J. Clamorgan; 2,944 arpents to the legal representatives of Peter Provenchère; 7,056 arpents to the legal representatives of François J. B. Vallé; 7,056 arpents to the legal representatives of François Vallé, sr.

The second section of the bill provides that, if it shall be found that any tract or tracts confirmed as aforesaid, or any part thereof, had been previously located by any other person or persons under any law of the United States, or had been surveyed and sold by the United States, this act shall confer no title to such lands in opposition to the rights acquired by such location or purchase; but the individual or individuals whose claim or claims are hereby confirmed shall be permitted to locate so much thereof as interferes with such location or purchase on any unappropriated land of the United States that may be subject to entry at private sale; provided that such location shall conform to the legal divisions and subdivisions, and shall not interfere with the rights of other persons.

The CHAIRMAN. The gentleman from Minnesota [Mr. DUNNELL] offered the following amendment to the second section of the bill:

Provided further, That no location shall be made on any land north of the State of Missouri.

Mr. HOLMAN. I desire to move to strike out all in the second section after the word "purchase."

Mr. BUCKNER. Will the gentleman from Indiana state what will be the effect of his amendment? I do not exactly understand it.

Mr. HOLMAN. The only effect of the amendment is that in cases where the lands embraced in the original claim cannot be obtained, land scrip shall not be issued in behalf of those parties.

Mr. BUCKNER. Then the object of the gentleman is to violate the law of 1860.

The CHAIRMAN. The Chair desires to state to the gentleman from Indiana that his amendment is not now in order, as there is an amendment pending.

Mr. HOLMAN. Mine is an amendment to perfect the text of the bill and I suppose it was first in order.

The CHAIRMAN. The amendment of the gentleman from Minnesota is also to perfect the text of the bill and is first in order.

The question was put on Mr. DUNNELL's amendment; and on a division there were—ayes 41, noes 15.

Mr. BUCKNER. I raise the point of order that no quorum has voted.

Tellers were ordered; and Mr. BUCKNER and Mr. DUNNELL were appointed.

The committee divided; and tellers reported—ayes 41, noes 33.

No further count being demanded, the amendment was declared adopted.

Mr. HOLMAN. I now offer my amendment. I understand, although I have not been able to look into the history of these claims, that two of them have been reported on adversely by the Commissioner of the General Land Office. Will the gentleman from Missouri inform the committee what is the fact in regard to that?

Mr. BUCKNER. Two of them have been reported upon adversely by the Commissioner of the General Land Office; that is true.

Mr. HOLMAN. I find this statement in the report:

The claims thus provided for are described in the first section of the act as being for lands claimed by virtue of "grant, concession, order of survey, permission to settle, or other written evidence of title," emanating from any foreign government, bearing date prior to the cession of the territory out of which said States were formed, &c. The recorder of land titles at Saint Louis, after hearing the evidence in each of these cases, decided in favor of their confirmation, respectively, that is to say: to the legal representatives of Jacques Clamorgan, 8,000 arpents; of Peter Provenchère, 2,944 arpents; of François Vallé, jr., 7,056 arpents; and of J. Baptiste Vallé and François Vallé, sr., 7,056 arpents.

The Commissioner of the General Land Office approved of the decision of the recorder as to the two claims first above mentioned, and under the law his judgment is final and conclusive against the Government as to them. As to the two claims, each a league square, (7,056 arpents,) of François Vallé, jr., and J. Baptiste Vallé and François Vallé, sr., that officer disapproved of the judgment and decision of the recorder, on the ground that the papers "filed in these cases do not show either a grant, concession, order of survey, permission to settle, or other written evidence of title."

Now, there are two facts to which I wish to call the attention of the committee. The Committee on Private Land Claims assumed that the judgment of the recorder of land titles for the State of Missouri was final, and especially final if confirmed by the decision of the Commissioner of the General Land Office. Now, the gentleman from Missouri in making the report is certainly in a mistake as to that. The act of 1860 does not make the adjudication of the recorder of land titles final or that of the Commissioner of the General Land Office, but simply requires them to report to Congress. This officer, the recorder of land titles in Missouri, was simply required to examine into the facts and report them to the Commissioner of the General Land Office, and he was to report them to Congress for its action. I am confident that if we pass claims like these, which were rejected as far back as seventy years ago, when the facts were fresh and known, and two of which have been actually rejected by the Commissioner of the General Land Office on re-examination, we shall certainly be running the risk of doing injustice to the people of the county, and I think we should do no injustice in rejecting them after this long lapse of time.

I think this bill ought not to pass, and certainly it ought not to pass in such a shape as to give to these unknown persons, persons whose

names are not furnished, the descendants of ancestors who must have died sixty-five or seventy years ago, land-scrip to be located in Missouri or in any other part of the country. I think we can safely stand upon the statute of repose, the statute of limitations in its moral force as recognized by all the States. After this lapse of time, after these claims have been rejected when the facts were fresh and new, it is perfectly safe to apply to them a reasonable statute of limitation.

Mr. DUNNELL. I have an amendment which I will offer. It is to strike out all of line 19 after the first word in the line, and all of lines 20, 21, and 22.

Mr. GUNTER. Is there not already pending an amendment to strike out that portion of the section?

Mr. HOLMAN. The gentleman from Minnesota [Mr. DUNNELL] must keep this fact in mind: that all these claims were rejected when they were perfectly fresh.

Mr. BUCKNER. I undertake to say that the gentleman is misstating the facts in regard to the law; they never were rejected.

Mr. HOLMAN. Did not my friend state that they were rejected?

Mr. BUCKNER. They were never rejected under the law of 1860, because that law did not cover this case.

Mr. HOLMAN. Certainly; but they were rejected under the law of 1805.

Mr. BUCKNER. Yes, and under the law of 1836.

Mr. HOLMAN. They were rejected under the law of 1805 and under the law of 1836, the first law having been enacted shortly after the treaty was made by which this territory was acquired and the other law having been enacted within such a period of time that the facts in regard to the case were comparatively fresh. In the disturbed period of 1860 a measure was urged through Congress, it would seem, simply with a view to give these claims the advantage of a favorable report by this subordinate officer, the recorder of land titles in Missouri, and the confirmation of the Commissioner of the General Land Office, after which they were to be brought before Congress for action.

These claims had been rejected at times when the facts certainly were better known than now. Now, after the rejection of these claims in 1805 and in 1836, I object that it is not common fairness that a law should be passed through Congress for the purpose of overruling those decisions and then making that law obligatory upon a subsequent Congress in order to confirm the improper advantage thus obtained. I am so impressed with the belief that the claims of this class against the Government are not entitled to favorable consideration by reason of repeated rejections when the facts were all known that I desire to submit a motion to strike out the enacting clause of this bill. I do not wish to see the public lands exhausted in behalf of these questionable and unknown claimants, when they should be held in sacred trust by this Government in order to secure homes for actual settlers.

Mr. CONGER. I ask the gentleman not to make his motion until I can be heard for a moment.

Mr. HOLMAN. I will withdraw the motion for the present.

Mr. CONGER. So far as I have heard, no information has been communicated to this House that there is now in existence any human being entitled to this land, nothing to show who may be the claimants to this 100,000 arpents of land.

Mr. BUCKNER. Only some 20,000.

Mr. CONGER. There is one claim for 82,000, I believe.

Mr. HOLMAN. It is about 24,000 arpents.

Mr. BUCKNER. About 20,000 acres.

Mr. CONGER. I thought there was a larger amount in one of the claims, making the claims in all something like 100,000 arpents. That, however, is immaterial. Who are the men coming here seeking this action of Congress? What old land company has got up this claim? The gentleman has not told us.

Mr. BUCKNER. I will state to the gentleman——

Mr. CONGER. I would rather you would state when I get through.

Mr. BUCKNER. Very well, I will do so.

Mr. CONGER. How long has this scheme been concocting, to secure an old claim a hundred years old, or seventy years old, whatever it may be—how long has there been concocting a scheme to go into other States like Iowa, Indiana, Michigan, to go into the western territory, and take in lieu of some old dead, slumbering claim the public lands, that ought to be reserved for actual settlers in parcels of one hundred and sixty acres each? Why should these unknown representatives of these claimants, these unknown men, be allowed to go and select the choice parcels of land in other States, this Committee of the Whole having voted down an amendment to confine the location of any remaining part of their claim to the State of Missouri?

Mr. BUCKNER. The gentleman is mistaken about that; that amendment was adopted, and therefore Michigan is not interested in this bill.

Mr. CONGER. There was not a very large vote for the amendment.

Mr. HOLMAN. The amendment of the gentleman from Minnesota [Mr. DUNNELL] was adopted.

Mr. CONGER. It may not be adopted by the House, and I thought it was lost in the committee. But why should we allow these persons to go into Missouri, where there may be public lands, and take 20,000 or 24,000 acres of the public land for, it may be, the representatives of a land company, a speculating company, take them from the settlers in Missouri? How will the Representatives from Missouri answer to their constituents when the corporation prosecuting these claims shall take 20,000 acres of land in Missouri, that ought to be divided up into small parcels for settlers, in order to satisfy this old, effete claim? Even in that case the argument applies just as well.

Now, sir, if this were a claim of the direct heirs of an owner who had presented his claim properly, and, without any fault of himself or his ancestors, had still a subsisting, valid, genuine, equitable claim against this Government under the treaty, the case would be presented in a very different light. But this committee has not been informed who the representatives of these dead claimants may be. We know nothing of the parties now interested in these claims. I certainly am opposed to granting any such application as this. Why, sir, all along the line from Mackinaw down the lakes, wherever the old French settlers had their homes while that territory belonged to France or while it was a portion of the territory of Great Britain, the direct descendants of claimants were compelled to take one-fourth, one-half, and three-fourths of their lands when they had conclusive title to those lands. Because the Government had disposed of a portion of those lands, they were compelled to take what was left; and this, too, when there had been only a few years' neglect to prosecute their claims. Here there is neglect to prosecute the claims either under one or the other of these governments for a hundred years, as I understand.

Mr. BUCKNER. No, sir; not that long.

Mr. CONGER. It is asserted here that these claims have been outstanding for seventy-five years, during which, as the gentleman from Indiana says, the authorities of the United States at long intervals apart have twice rejected these claims on account of their lack of validity. What new fact does the gentleman from Missouri offer as a reason why these claims should now be confirmed by Congress?

I cannot see that these claims conform even to the law of 1860, under which they are sought to be supported. I have heard nothing in this report or in the discussion to show that these claims come at all within the purview of that law. For myself I am entirely opposed to this bill.

I now return the floor to the gentleman from Indiana, [Mr. HOLMAN,] who yielded it to me.

Mr. BUCKNER rose.

Mr. HOLMAN. The gentleman from Missouri [Mr. BUCKNER] wishes of course to be heard; and until he has spoken I will withdraw my motion to strike out the enacting clause.

Mr. BUCKNER. Mr. Chairman, it is a little singular that after millions and millions of acres of land in this country have been given to the corporations of the Northwest——

Mr. HOLMAN. And Missouri.

Mr. BUCKNER. No, sir; Missouri got very little. It is very strange after all these grants that objection should now be urged to this bill; and these objections come with a peculiarly ill grace from my friend from the Northwest, [Mr. CONGER,] when we are asking simply that a law which was designed to execute the treaty under which this territory was ceded to the United States shall be complied with. Gentlemen say that this is a stale claim.

Mr. HURLBUT. Will the gentleman state whether in the treaty there was not a limitation of time within which all these claims should be presented?

Mr. BUCKNER. Yes, sir; and these parties complied literally with that provision.

Mr. HURLBUT. And their claims were rejected.

Mr. BUCKNER. No, sir; they were never considered, because they did not come within the terms of the law under which the commissioners were acting. This appears from the reports which have been presented, and which will be found in the executive document before me.

A large number of claims that have been confirmed in the State of Missouri were confirmed under the act of July 4, 1836; and even as to claims which were rejected under that report, Congress has since authorized them to be allowed and confirmed.

But in the act of 1860, with which I had nothing to do, and I do not suppose that any gentleman on this floor had anything to do with it, Congress thought proper, in order to carry out the terms of its pledge of faith in the treaty with France, to amend the previous law. I will send to the Clerk's desk the law of 1860 in order that gentlemen may know the provisions under which they are acting, and if these claims are to be repudiated the circumstances under which it is done. This act of 1860 was continued by the act of 1872. While these claims were regularly presented, while regular notice was given of the existence of the claims, which notice was filed in the proper office, there was no law until 1860 by which they could be allowed or confirmed.

The Clerk read as follows:

An act for the final adjustment of private land claims in the States of Florida, Louisiana, and Missouri, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any person or persons, and the legal representatives of any person or persons, who claim any lands lying within the States of Florida, Louisiana, or Missouri by virtue of grant, concession, order of survey, permission to settle, or other written evidence of title emanating from any foreign government, bearing date prior to the cession to the United States of the territory out of which said States were formed, or during the period when any such government claimed sovereignty or had the actual possession of the district or terri-

tory in which the lands so claimed are situated, shall be, and they are hereby, authorized to make application for the confirmation of their title to the lands so claimed in the manner following, to wit: They shall file notices in writing, together with the evidence in support of their claims, before the commissioners hereinafter designated within whose district the lands claimed may be situated, together with a brief abstract of the title of the claimant and copies of the plats of survey thereof, whenever such surveys have been made and are within the possession of the claimant, and accompanied with a sworn statement by the claimant of the lands supposed to be covered by his claim according to the legal divisions and subdivisions of the surveys made by the United States, if the land claimed is included in any surveys so made; and the said notices, evidence, and the decisions of the commissioners thereon shall be recorded in a book kept for that purpose, a transcript of which shall from time to time be transmitted to the Commissioner of the General Land Office.

SEC. 2. *And be it further enacted*, That the registers and receivers of the several land offices in the States of Florida and Louisiana within their respective land districts, and the recorder of land titles for the city of Saint Louis for the State of Missouri, and their successors in office, shall be, and they are hereby, appointed commissioners to hear and decide, under such instructions as may be prescribed by the Commissioner of the General Land Office, in conformity with this act and according to the justice and equity of the principles hereafter established, in a summary manner all matters respecting such claims within the district aforesaid as come within the provisions of this act; they shall have power to administer oaths, compel the attendance of and examine witnesses, demand and obtain from the proper officers all public records in which grants of land, warrants, orders of survey, or other evidence of claims to land derived from any foreign government may have been recorded, and shall make a report to the Commissioner of the General Land Office on the claims so presented to them for decision, dividing said claims into separate classes in the manner hereinafter provided, and giving their opinion whether such claims ought to be confirmed or rejected.

SEC. 3. *And be it further enacted*, That the claims so presented and passed upon by the commissioners as aforesaid shall be by them divided in their report into three distinct classes, as follows, namely: No. 1 shall contain all claims which, in their opinion, ought to be confirmed where the lands claimed have been in possession and cultivation by the private claimants or those under whom they derive title for a period of at least twenty years preceding the date of filing the claim by virtue of some grant, concession, or order of survey, permission to settle, or other written evidence of title emanating from some foreign government which held or claimed sovereignty or jurisdiction over the territory in which the lands are situated, and when the title emanating from such foreign government bears date anterior to the cession of said territory to the United States. No. 2 shall contain all claims which in their opinion ought to be confirmed where the lands are claimed under written evidence of title, as above provided in class No. 1, but where there has been no actual possession and cultivation of the land claimed for a period of at least twenty years prior to the filing of the claim. No. 3 shall contain all claims which in their opinion ought to be rejected, whether from defect of proof, suspicion of fraud based on probable ground, uncertainty of location, vagueness of description, or any other cause sufficient, in their opinion, to justify such rejection: *Provided*, That in no case shall such commissioners embrace in said classes No. 1 and No. 2 any claim which has been heretofore presented for confirmation before any board of commissioners or other public officers acting under authority of Congress and rejected as being fraudulent, or procured or maintained by fraudulent or improper means; nor shall any such claim be received or considered by the commissioners which has been already twice rejected on the merits by previous boards.

SEC. 4. *And be it further enacted*, That whenever the said Commissioner shall approve the report of the commissioners in cases embraced in class No. 1 or No. 2, he shall report the same to Congress for its action; and whenever the said Commissioner shall approve the report in cases embraced in class No. 2, the rejection of the claim so acted on shall be final and conclusive, and the land embraced within the claim shall be considered and treated as other public lands belonging to the United States.

SEC. 5. *And be it further enacted*, That all claims comprehended within any of the three classes aforesaid, on which there shall be disapproval by the Commissioner of the report made by the boards of commissioners aforesaid, shall be reported to Congress for its action and final decision thereon.

SEC. 6. *And be it further enacted*, That whenever it shall appear that lands claimed, and the title to which may be confirmed under the provisions of this act, have been sold in whole or in part by the United States prior to such confirmation, or where the surveyor-general of the district shall ascertain that the same cannot be surveyed and located, the party in whose favor the title is confirmed shall have the right to enter upon any of the public lands of the United States a quantity of land equal in extent to that sold by the Government: *Provided*, That said entry be made only on lands subject to private entry at $1.25 per acre, and as far as may be possible in legal divisions and subdivisions, according to the surveys made by the United States.

Mr. BUCKNER. Mr. Chairman, it will be seen from that act that the rights of these claimants were extended as they never had been before. All these parties had presented their claims to the various boards authorized by Congress to determine them, but they never took jurisdiction of these particular claims for the reason that the law never authorized them to do so. Hence Congress for some purpose, I suppose to do justice to these claimants, authorized wherever there was written evidence of title emanating from the Government, from whom is acquired title, and the lands had been sold, that titles should then be confirmed, and this proceeding is precisely under that act.

Now, sir, it is for this House to say whether they will give these parties lands which have already been decided to be theirs according to the treaty between France and this country; or whether they shall, after having sold the lands which belonged to them, refuse to give them any compensation whatever. For that is the whole of it.

As to the objection raised here in regard to who these claimants are, let me say to the gentlemen who make that objection that the case is precisely the same in regard to these claimants as in regard to the parties to every other claim which has been confirmed in the State of Missouri. The land is to be given to these parties or their legal representatives, whoever they are. If they are corporations or if they are any other parties than the heirs of the original claimants, I know nothing of it; and it would make no particle of difference to me whether corporations owned the claim or not. The law is that the legal representatives of these parties—they or their legal representatives—should be entitled to this land. I know as to some of them, because I have received letters from the heirs of the Vallés inquiring about these claims, that the heirs of those old Frenchmen are still asking for those lands. There is no propriety, therefore, in attempting to excite the House with the idea that this is an old, stale claim, and put forth for the benefit of corporations. If there is evidence of that, the gentleman from Michigan should introduce it.

Mr. CONGER. The gentleman cannot tell who are the representatives.

Mr. BUCKNER. I cannot tell; but I say that this confirmation is in the words of all the other confirmations in the State of Missouri covering a large portion of the State. The law gives the lands to these parties and their legal representatives; it may be heirs; it may be purchasers; it may be corporations; it may be anybody who can show he has a title from these parties originally entitled to the lands. That is a matter for the courts or for the laws of the State.

Mr. SMITH, of Pennsylvania. Will the gentleman from Missouri allow me to ask him a question?

Mr. BUCKNER. Yes, sir.

Mr. SMITH, of Pennsylvania. The gentleman from Indiana [Mr. HOLMAN] said this case had been twice investigated; once in 1805, and again in 1832.

Mr. BUCKNER. The gentleman is mistaken.

Mr. SMITH, of Pennsylvania. By whom was it first investigated? By what tribunal?

Mr. BUCKNER. I will state, as I have stated heretofore, that all the French claimants were directed to file their claims at a certain office; and a board of commissioners, one of whom was recorder of land titles, was to pass on these claims and report to Congress. These parties filed their claims. But they decided they had no jurisdiction; not that the claims were improper, not that the claimants had no right under the French treaty, but that they had no jurisdiction under the law as it existed at that time. The law has been changed time and again. The first law we had on that subject in the State of Missouri confined these claims to parties who were in actual possession and had been in possession for ten years, and they could get but two thousand arpents each.

Mr. SMITH, of Pennsylvania. Have there been reports from those commissioners?

Mr. BUCKNER. Yes, sir.

Mr. SMITH, of Pennsylvania. I would like, if it would not take the gentleman out of his line of argument, to ask that these reports be read.

Mr. BUCKNER. I have not them before me now. They are very voluminous. The reports as to these claims occupy fully one hundred pages. But I state it as a historical fact, well understood, that Congress from year to year by a number of acts of legislation enabled various parties that were excluded by prior legislation to come in and get the benefits of the treaty. And these belong to that class of cases.

Up to the act of 1860, extended by the act of 1872, these parties had no right to this land, and it was sold under the act of 1836. All this land was sold; and yet Congress says in the act of 1860 that any parties who have any written evidence of title from the Spanish government or the French government might put in their claims. And really that is the only question, whether these parties had any written evidence of title. As I construe this, and as the Committee on Private Land Claims construe it, it means that if a person gave a written evidence of title which put the party in possession of land under the Spanish government or the French government, that was sufficient evidence of title.

Mr. FORT. Why did they not keep possession?

Mr. BUCKNER. Because the General Government sold the land away from them.

Mr. FORT. Is there any evidence of that?

Mr. BUCKNER. Yes, sir.

Mr. CONGER. Is there any single acre of this land remaining under any of these titles located anywhere as a nucleus for a starting-point of the claim?

Mr. BUCKNER. I do not quite understand the drift of the gentleman's question.

Mr. CONGER. Is there any portion of any claim or pretended claim that has not been sold by the Government?

Mr. BUCKNER. It has been all sold by the Government.

Mr. CONGER. Is there any boundary, any land-mark by which claims could possibly be located?

Mr. BUCKNER. Unquestionably. I have the report here of the recorder of land titles, showing the exact boundaries of the claims.

Mr. CONGER. Then, there being no land left, the whole object is to satisfy these claims by taking other Government lands?

Mr. BUCKNER. Yes, sir. Under the law of 1860 that has been done invariably. Congress has done it time and again. Congress did it in the settlement of the McDonough estate. You have been called on again and again to do this under the act of Congress. McDonough died, having a large amount of land in this condition; and the land was equally divided between the cities of Baltimore and New Orleans for the establishment of free schools. And that land has been already under this act of 1860 divided out between the cities of Baltimore and New Orleans.

Mr. CONGER. This is then virtually a proposition to give 20,000 acres of land in Missouri for 20,000 acres of land embraced in these claims which were sold seventy-five years ago?

Mr. BUCKNER. It is a proposition to re-imburse these parties for lands to which they were entitled under grants from the French or

Spanish governments, which the Government of the United States has sold, and put the money received from that sale into the Treasury.

Mr. FORT. It occurs to me that if the parties were in possession of these lands seventy-five years ago and the Government sold the lands over their heads that was the proper time to try the question of title. Why did they go voluntarily off of these lands?

Mr. BUCKNER. Does the gentleman know, or does he not know, that under the decision of the courts of the United States a claimant under a Spanish title has no status in any court in the United States? The courts of the United States have decided that time and again, and hence these parties had nothing to defend themselves upon.

Mr. FORT. It is not very likely that the United States would send its surveyors upon the lands of people in possession under Spanish titles and deliberately survey and sell those lands, and the parties removed from the land without indemnity.

Mr. BUCKNER. Why, the same thing has been done in a thousand instances. After the passage of the act of 1836 any quantity of lands, which have been entered with claims of this sort afterward confirmed by Congress, were abandoned, and Congress authorized the parties to float their claims, which was the only way of re-imbursing them so as to give them lands elsewhere. That was the act of 1836.

I do not know that I have anything further to say on this subject. The bill is unanimously reported by the Committee on Private Land Claims after a full examination of the facts.

If this Congress thinks proper to violate the provisions of the law of 1860, of course that is a matter for themselves. These cases come clearly within that act, and there is no pretense that they do not. It is for the House to say whether they will carry out the act of 1860 or not.

Mr. DUNNELL. I would ask the gentleman if the Commissioner of the General Land Office has not formally decided against the three last claimants whose cases are embraced in this bill?

Mr. BUCKNER. No; only two.

Mr. DUNNELL. Two in number, but three parcels of land.

Mr. BLAND. I do not profess to understand this matter, but if I do I am not certain whether I favor this bill or not, although of course I would like to favor my colleague. If the effect of this bill is to issue land scrip to be located on lands in Missouri, thereby taking from the people the right of pre-emption and homestead, I am opposed to it.

I do not know if that is the effect of the bill, and I would like to have it explained. If the bill provides for the entry of lands by land scrip by private parties, lands that are subject to homestead and pre-emption entry, I am opposed to it. If that is the effect of the bill I shall have to vote against it.

Mr. HOLMAN. I find a great deal of legislation upon this subject extending back as far as 1805, and very ample provision was made for the protection of these titles.

Gentlemen will find that the old statutes are full of notes referring to the decisions of the court made touching these land titles. I call the attention of the gentleman from Missouri to the act of 1824, enabling the claimants of lands within the State of Missouri and Territory of Arkansas to institute proceedings to try the valitity of their claims. By that act these claimants under Spanish titles were authorized to go into the Federal courts for the adjustment of their claims.

Mr. BUCKNER. I undertake to say that there has never been until the act of 1860 any provision made under which parties who have mere written evidence of title from the French or Spanish governments had a right to go into the courts or before any other tribunal.

Mr. HOLMAN. Well, we will see what the statute is.

I quote the first section of the act of 1824:

Be it enacted by the Senate and House of Representatives of the United States in Congress assembled, That it shall and may be lawful for any persons or their legal representatives claiming lands, tenements, or hereditaments in that part of the late province of Louisiana which is now included within the State of Missouri by virtue of any French or Spanish grant, concession, warrant, or order of survey, legally made, granted, or issued before the 10th day of March, 1804, by the proper authorities to any person or persons resident in the province of Louisiana at the date thereof, or on or before the 10th day of March, 1804, and which was protected or secured by the treaty between the United States of America and the French Republic of the 30th day of April, 1803, and which might have been perfected into a complete title under and in conformity to the laws, usages, and customs of the government under which the same originated, had not the sovereignty of the country been transferred to the United States, in each and every case, it shall and may be lawful for such person or persons or their legal representatives to present a petition to the district court of the State of Missouri, setting forth fully, plainly, and substantially the nature of his, her, or their claim to the lands, tenements, or hereditaments, and particularly stating the date of the grant, concession, warrant, or order of survey under which they claim, the name or names of any person or persons claiming the same or any part thereof by a different title from that of the petitioner, or holding possession of any part thereof otherwise than by the lease or permission of the petitioner, and, also, if the United States be interested on account of the lands within the limits of such claims not claimed by any other person than the petitioner; also the quantity claimed and the boundaries thereof when the same may have been designated by boundaries, by whom issued, and whether the said claim has been submitted to the examination of either of the tribunals which have been constituted by law for the adjustment of land titles in the present limits of the State of Missouri, and by them reported on unfavorably or recommended for confirmation; praying in said petition that the validity of such title or claim may be inquired into and decided by said court; and the said court is hereby authorized and required to hold and exercise jurisdiction of every petition presented in conformity with the provisions of this act, and to hear and determine the cause on the petition, in case no answer or answers be filed after due notice, or on the petition in case no answer or answers of any person or persons interested in preventing any claim from being established; and the answer of the district attorney of the United States, where he may have filed an answer according to the evidence which shall be adduced by the petitioner by any person interested in preventing the decree of the court in favor of the title of the petitioner or petitioners, and by the United States, and in conformity with the principles of justice and according to the laws and ordinances of the government under which the claim originated, and the copy of such petition, with a citation of any adverse possessor or claimant, shall be served on such possessor or claimant in the ordinary legal manner of serving such process in the State of Missouri, at least fifteen days before the term of the district court of the United States to which the same is made returnable, and, in like manner, on the district attorney of the United States, where the Government is interested in the defense; and it shall be the duty of the United States attorney for the district in which the suit shall be instituted, in all cases where the United States are interested on account of the public domain, to take notice of each petition filed under the provisions of said act, in the said district, and to make defense on all just and proper occasions, in behalf of the public interest.

Mr. BUCKNER. That has no more application to this bill than to anything else.

Mr. HOLMAN. It applies to any French or Spanish grant, concession, warrant, or order of survey.

Mr. BUCKNER. And this bill relates to neither.

Mr. HOLMAN. The gentleman says that these claims are neither grants, nor concessions, nor warrants, nor orders of survey; and yet he must bear in mind that this act was passed within twenty-two years after the treaty with the republic of France, and for the express purpose of a final adjudication of the claims under that treaty.

Mr. BUCKNER. There are several acts.

Mr. HOLMAN. Now, in order to give effect to this very questionable measure of 1860—a measure of which I never heard in my life till it was brought up in this debate, although I was in the House at the time it was passed; it is a measure which manifestly arrested no attention—in order to give effect to that measure against all the legislative provisions interpreting the treaty of 1803, the gentleman now asserts that it is not probable that that legislation fully covered the whole ground. Why, sir, in looking over these acts I find that so tender was this Government of that French treaty of 1803 that in the act of 1812 it was provided—

That every claim to a donation of lands—

These claims I presume are for donations of lands. The gentleman certainly does not pretend that these lands were purchased either from Spain or from France. They were donations on condition of settlement.

Mr. BUCKNER. They were all gifts; those governments never sold their lands.

Mr. HOLMAN. They were all conditional grants. Any person who has looked into these grants has found how fruitful they always have been of frauds, even shortly after our Government came into possession of this territory, and as shown in the events that occurred in connection with claims founded upon the acquisition of territory from Mexico. Now this act of 1812 provides—

That every claim to a donation of lands in the said Territory—

The Territory of Missouri—

in virtue of settlement and cultivation, which is embraced in the report of the commissioners transmitted to the Secretary of the Treasury—

Referring to this very investigation of 1806 to which the gentleman from Missouri [Mr. BUCKNER] has referred—

and which, by the said report, shall appear not to have been confirmed, merely because permission by the proper Spanish officer to settle has not been duly proven, or because the tract claimed, although inhabited, was not cultivated on the 20th of December, 1803, or not to have been confirmed on account of both said causes; the same shall be confirmed, in case it shall appear that the tract so claimed was inhabited by the claimant or some one for his use prior to the 20th day of December, 1803, as aforesaid, and cultivated in eight months thereafter, subject, however, to every other limitation or restriction prescribed by former laws in respect to such claims; and in all cases where it shall appear by the said report or other records of the board that claims to land have not been confirmed merely on the ground that the claim was for a greater quantity than eight hundred French arpents, every such claim, to the extent of eight hundred arpents, shall be confirmed.

This was the act 1812, confirming these donations of land, if the claimants had simply the advantage of proof of settlement and cultivation, so tender did our Government seem to have been of its duty to carry out in the most absolute good faith the provisions of the treaty by which this territory was acquired from France. Here, then, in 1812, eight years after the first act was passed, Congress passed an act of the most liberal character toward these claimants. Then came the act of 1824, which was still more liberal, allowing these people to go into the Federal courts and obtain a settlement of their claims.

Now here is a claim that was rejected in 1805, and rejected again in 1836. It now comes up again, and the gentleman demands that the old policy of the mediæval period of the Middle Ages shall prevail of large bodies of land held by a single person with a great body of subordinate tenants. The gentleman demands that that policy shall prevail as against the more humane and intelligent policy of the present period, which holds that the public lands are not subject to donation except to actual settlers, within such reasonable limits as will constitute homes for them. I think it is perfectly safe, after this lapse of time, to regard this claim as not one that should be recognized by Congress.

Mr. RIDDLE. Does not the gentleman conceive it to be the duty of Congress to confirm the title to claims in all cases that have been favorably reported upon by the Commissioner of the General Land Office?

Mr. HOLMAN. If the gentleman from Tennessee [Mr. RIDDLE] will look over this whole legislation from 1804 to the present time,

he will find that those claims stand upon just the same terms as the others. The committee is right; the distinction which the Commissioner of the General Land Office seeks to make between the last claims and the two first is purely imaginary. The title to the one is just as good as to the other.

Mr. RIDDLE. Are we under no obligations in regard to those claims?

Mr. HOLMAN. Under no obligations? All the acts of Congress under the treaty up to 1860 were for the purpose of furnishing facts to Congress. I move to strike out the enacting clause of this bill.

Mr. FORT. I would like to say just one word.

Mr. HOLMAN. If the gentleman will renew my motion to strike out the enacting clause, I will withdraw it for the present.

Mr. FORT. I will do so. I see that in the eleventh section of the act of 1824 there is a provision which meets this exact case; a provision that where any lands belonging to these claimants under any grant, concession, or survey have been sold by the United States the claimant shall have the right to enter upon any other lands then subject to entry. This act of 1824 makes it lawful for the claimant to file his petition before the proper court, and to set up and maintain his right to the land; and if the land has been sold by the United States (as the gentleman from Missouri claims was done in this case) it is provided that the claimant shall have other lands in lieu of those sold.

In view of the provisions of this act of 1824, which cover the exact state of facts alleged to exist in this case, I can see no reason whatever for the passage of this bill.

Mr. BUCKNER. The act referred to by the gentleman from Illinois, [Mr. FORT,] as read by himself, provides that where a party makes claim under a grant, concession, order of survey, or permission to settle, then he shall be authorized to go into court and prosecute his claim. But the act of 1860, as I have said time and again, enlarged the rights of these parties by providing that any party who had any written evidence of title from the French government prior to the cession should have his claim confirmed.

Mr. HOLMAN. Does not my friend concede that the act of 1860 in its enlargement of the rights of these parties went far beyond the rights which they had possessed under the treaty with France?

Mr. BUCKNER. No, sir.

Mr. HOLMAN. Certainly it did. The act of 1812 comes up fully to the requirements of that treaty.

Mr. BUCKNER. How does the gentleman know that?

Mr. HOLMAN. Because the act uses the very terms which are employed in the treaty, as the gentleman will find by making the comparison.

Mr. BUCKNER. Does the gentleman want to repeal the act of 1860?

Mr. BLAND rose.

Mr. HOLMAN. As the gentleman [Mr. BLAND] is a Representative from Missouri, I will of course withdraw my motion if he will renew it.

Mr. BLAND. Mr. Chairman, I have but a few words to say. As this bill was first reported I do not know that I should have opposed it. It seems that the Government, according to the claim set up here, has sold lands belonging to private parties, has derived the benefit of this sale, and the money has gone into the Treasury of the United States. But by an amendment to this bill it has been provided that the land scrip to be issued in lieu of the lands which have been sold by the Government shall be located nowhere but in the State of Missouri. I hope my colleague [Mr. BUCKNER] will not submit to such an injustice as that amendment would entail upon our State. As this money went into the Treasury of the United States, all the lands of the Government should be responsible for making this re-imbursement, not the lands of the State of Missouri alone. The United States having obtained the benefit of this sale and the money having gone into the Treasury, these claims should be settled from the common fund. Hence, I say that I hope my colleague will not insist upon the passage of this bill in its present form, which would perpetrate a great injustice upon the State of Missouri and her lands.

Gentlemen say that these lands are worth nothing. I say that they are. In my district there are large quantities of land still subject to pre-emption and homestead entry; and the people of my State would not look with favor upon a measure which would concentrate those lands in the hands of private parties or monopolies. As a Representative of the people interested in those lands, I protest against this bill in its present form as an injustice toward them and toward the State of Missouri.

With the amendment struck out I would not oppose the bill, for in that form it may be just; but there is great injustice in compelling the State of Missouri to refund to the Federal Government moneys which should come from all the States of the Union and not from one State alone. I hope the bill will not pass as now amended, for it would be a gross injustice to a large portion of the people of Missouri, an injustice which they would resent and ought to resent upon this floor.

Mr. HOLMAN. I now renew my motion to strike out the enacting clause.

The question being taken on agreeing to the motion, there were—ayes 71, noes 21; no quorum voting.

Tellers were ordered; and Mr. BUCKNER and Mr. HOLMAN were appointed.

The House divided; and the tellers reported ayes 78, noes not counted.

So the motion was agreed to.

Mr. SAVAGE. I move the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker *pro tempore* having resumed the chair, Mr. SPRINGER reported that the Committee of the Whole on the Private Calendar had had under consideration a bill (H. R. No. 819) to confirm certain land claims in the State of Missouri, and had directed him to report the same back to the House with an amendment striking out the enacting words.

Mr. HOLMAN. I demand the previous question.

The previous question was seconded and the main question ordered.

Mr. BUCKNER. I demand the yeas and nays.

The yeas and nays were not ordered.

The SPEAKER *pro tempore*. The question is, Shall the enacting words be stricken out?

The motion was agreed to.

Mr. HOLMAN moved to reconsider the vote by which the enacting words were stricken out; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

FUNERAL EXPENSES OF AN EMPLOYÉ.

Mr. McMAHON, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the Clerk of the House of Representatives be directed to pay out of the contingent fund the funeral expenses of Lawrence J. Riley, late an employé of this House.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted in the following cases:

To Mr. STEVENS indefinitely after the 23d instant;

To Mr. WALLACE, of South Carolina, for ten days on account of important business; and

To Mr. HATCHER indefinitely.

Then, on motion of Mr. SAVAGE, (at three o'clock and twelve minutes p. m.,) the House adjourned until Monday next.

PETITIONS, ETC.

The following petitions and other papers were presented at the Clerk's desk under the rule, and referred as stated:

By Mr. J. H. BAGLEY: Protest of the people of Coo-wee-skoo-wee and Delaware districts, Cherokee Nation of Indians, against the establishment of a United States territorial government over the Indian country, to the Committee on Indian Affairs.

By Mr. CRAPO: The petition of Abiel Cadding, a soldier of the war of 1812, for a pension, to the Committee on Revolutionary Pensions.

By Mr. HANCOCK: Papers relating to the claim of the heirs of David G. Burnet, deceased, for timber taken from his lands in Texas by United States troops stationed at Fort Lincoln in the year 1849, for building purposes, to the Committee of Claims.

By Mr. HARRIS, of Virginia: The petition of M. G. Harman, of Augusta County, Virginia, for payment of rent due by contract for the use of stables in Fredricksburgh, Virginia, by the United States troops in 1865-'66, to the Committee on War Claims.

Also, the petition of Adam Lushbaugh, of Augusta, Virginia, for compensation for property taken by United States troops, to the same committee.

By Mr. McDILL: The petition of citizens of Los Angeles County, California, against the passage of House bill No. 3364, to the Committee on Public Lands.

IN SENATE.

SATURDAY, *July* 22, 1876.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

THE JOURNAL.

The PRESIDENT *pro tempore*. The Senate will come to order, and the Secretary will read the Journal of yesterday.

Mr. EDMUNDS. Before the Journal is read I should like to hear the first rule read.

The PRESIDENT *pro tempore*. The Secretary will read the first rule.

The Secretary read as follows:

1. The presiding officer having taken the chair, and a quorum being present, the Journal of the preceding day shall be read, to the end that any mistake may be corrected that shall be made in the entries.

The PRESIDENT *pro tempore*. The Secretary will call the roll of the Senate.

The Secretary called the roll, and thirty Senators having answered to their names,

Mr. HOWE, (at eleven o'clock and twenty minutes a. m.) Has the Sergeant-at-Arms been directed to request the attendance of absent Senators?

The PRESIDENT *pro tempore*. The Chair has requested the Sergeant-at-Arms to invite all Senators who are in the building to be present, but there has been no order.

Mr. HOWE. I move that that direction be given.

The PRESIDENT *pro tempore*. The Senator from Wisconsin moves that the Sergeant-at-Arms be directed to request the attendance of absentees.

The motion was agreed to.

The PRESIDENT *pro tempore*. The Sergeant-at-Arms will execute the order.

Seven more Senators having entered the Chamber,

The PRESIDENT *pro tempore*, (at eleven o'clock and twenty-five minutes a. m.) There is a quorum present. Shall further proceedings under the call be dispensed with? The Chair hears no objection. The Journal of yesterday will be read.

The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

Mr. DENNIS presented the petition of Mrs. Elizabeth Barrett, of Washington, District of Columbia, praying for a pension as the widow of a soldier of the war of 1812; which was referred to the Committee on Pensions.

Mr. COCKRELL. I present the petition of Manning M. Kimmel, of Hopkins County, Kentucky, praying for the removal of his political disabilities. A bill for the removal of Mr. Kimmel's political disabilities has already passed the House of Representatives, and I present this petition in pursuance of the custom of the Judiciary Committee of this body, requiring regular petitions. I move the reference of this petition to the Committee on the Judiciary.

The motion was agreed to.

Mr. CRAGIN. I present additional papers in the case of Albert Grant, of Washington, District of Columbia, in relation to his claim, which was reported upon adversely by the Committee on Claims. In connection with this additional evidence, I move that the motion postponing indefinitely the bill (H. R. No. 3182) for the relief of Albert Grant be reconsidered, and that it be recommitted with these papers to the Committee on Claims. As I understand, the chairman of the committee is willing that the bill shall be recommitted.

Mr. WRIGHT. This case has been called to my attention, and there seem to be some additional facts and some references to judicial records that were not before the committee at the time the bill was considered. In view of all the circumstances, I shall not object to a recommittal. I am not prepared to say that there is anything in the case as now presented that by any possibility will change the action of the committee, but I think it fair under all the circumstances that the case should be recommitted.

The PRESIDENT *pro tempore*. The Senator from New Hampshire moves that the vote by which the bill was indefinitely postponed be reconsidered.

The motion to reconsider was agreed to.

The PRESIDENT *pro tempore*. The bill with the papers now presented will be referred to the Committee on Claims, if there be no objection.

REPORTS OF COMMITTEES.

Mr. CRAGIN, from the Committee on Naval Affairs, to whom was referred the bill (H. R. No. 7) to provide for the sale or exchange of a certain piece of land in the Wallabout Bay, in the State of New York, to the city of Brooklyn, reported it with an amendment.

Mr. BRUCE, from the Committee on Pensions, to whom was referred the bill (H. R. No. 1236) granting a pension to Harris B. Lovell, late a private in Company C, One hundred and twenty-second Illinois Infantry Volunteers, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (S. No. 370) to amend an act approved March 3, 1873, entitled "An act to amend an act entitled 'An act granting a pension to Captain Henry M. Scott,' approved April 9, 1872," submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (H. R. No. 1499) granting a pension to Mrs. Lydia Johnson, of De Witt County, Illinois, submitted a report thereon; which was ordered to be printed, and the committee was discharged from the further consideration of the bill.

FLOYD C. BABCOCK.

Mr. HOWE. I move that the Senate proceed to the consideration of House bill No. 516.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 516) for the relief of Floyd C. Babcock. It authorizes the Secretary of the Treasury to pay to Floyd C. Babcock, of Oconomowoc, Wisconsin, $556.55, to compensate him for services rendered by him while acting as deputy United States marshal, in the Indian country, in arresting and transporting four murderers to Fort Smith, Arkansas.

The bill was reported from the Committee on Claims, with an amendment in lines 5 and 6, to strike out "$556.55" and insert "$332.65."

Mr. EDMUNDS. Let us hear the report read.

The PRESIDENT *pro tempore*. There is no report, the Chair is informed.

Mr. WRIGHT. There is a report in the case, a House report, which has been adopted by the Senate committee.

Mr. EDMUNDS. Perhaps the Senator from Iowa can explain the case without a reading of the report.

Mr. WRIGHT. It appears by the House report that the bill passed the House for the sum of $556.55. The report of the committee of the House was for the sum that is named in the amendment, but by some strange oversight the House passed the bill for the larger amount and paid no attention to the report of the committee. I suppose it was an oversight. We adopted the report of the House committee, and inserted the amount recommended by them. It seems this person was a deputy marshal. He was in the Indian country and was advised there had been a murder of a white family. There was no commissioner there who could issue process, but at the request of persons who knew of the murder, and he himself knowing something of it, he started after the murderers and succeeded in arresting them. They were indicted and two of them were convicted and executed. About the same time a murder was committed by another person. He was unable to get process, but succeeded in arresting the murderer, and he was tried, as I now remember. The Department of Justice, inasmuch as he acted without process, declined to make any allowance or pay to him. The testimony is full, showing that the amount now given by this bill is a reasonable sum and is justly due.

Mr. EDMUNDS. Did the Department of Justice recommend that he be paid?

Mr. WRIGHT. They recommend that he be paid, and state that they would have paid him, but for the lack of process.

The PRESIDENT *pro tempore*. If there be no objection, the reading of the report will be dispensed with. The question is on the amendment of the committee.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

RANDALL BROWN.

Mr. WRIGHT. There is a little bill reported from the Committee on Claims in favor of one of the employés of the Senate. It has passed both Houses, as I remember, and there have been two reports in favor of it. I move that the Senate proceed to the consideration of House bill No. 890.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 890) for the relief of Randall Brown, of Nashville, Tennessee. It authorizes the Secretary of the Treasury to pay to Randall Brown $1,500 for property taken by the rebel forces while the same was being used by the Government of the United States, to be shown upon proofs and vouchers.

Mr. EDMUNDS. I should like to hear the report read in that case.

The PRESIDENT *pro tempore*. The report will be read.

The Secretary read the following report, submitted by Mr. MITCHELL, from the Committee on Claims, June 29:

Mr. JAMES WILSON, from the Committee on War Claims, submitted the following report:

The Committee on War Claims, to whom was referred the bill (H. R. No. 890) for the relief of Randall Brown, of Nashville, Tennessee, having had the same under consideration, report:

That the said Randall Brown is a colored man, resident of Nashville, Tennessee; that, during the late rebellion, in the year 1863, he was the owner of three teams, wagons, &c., and was employed with said teams, wagons, &c., on the forts then being constructed for the defense of Nashville by the Quartermaster's Department of the United States Army, with a promise or guarantee of protection against capture by the enemy; that, during the month of July, 1863, while engaged with his teams in hauling wood to Overton's Station, on the Tennessee and Alabama Railroad, on the 3d of July, the rebel forces made a raid upon the hands engaged in hauling wood to said station, taking them prisoners and capturing several teams, among others the teams, wagons, &c., of the said Randall Brown.

The committee are of opinion that the claimant was entitled to the protection pledged him, and that the capture of said horses, wagons, &c., was without fault or negligence on the part of the said Brown; that the said horses, ten in number, were worth the sum of $125 each, the price paid for horses for the military service of the United States at that time; that the wagons and harness were worth the sum of $250, and these facts are clearly established by satisfactory evidence.

Your committee, therefore, report back the foregoing bill with the recommendation that the same be amended by inserting in line 5 the word "five" in place of "six," and that as thus amended the bill do pass."

The Senate committee adopts the foregoing report, with the additional statement that at the time claimant's property was taken he was still in the employ of the Government under the contract that guaranteed him protection.

Mr. EDMUNDS. The latter statement is the important point, that he was still in the employment of the Government, and I was going to ask the Senator from Iowa about that.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CORRECTION.

Mr. DAWES. Mr. President, I do not want to tire the Senate with the repetition of matters about figures; but if there is anything to

be made by making statements full of errors, I think it is worth while that these statements should be followed by an explicit denial of them. I find in the RECORD of this morning in what purports to be a speech delivered elsewhere by Hon. WILLIAM HARTZELL—delivered in the House of Representatives this RECORD says on Thursday, July 20, 1876—the same table which was shown here yesterday to be without the slightest foundation. This makes the fifth time that this table has been spread upon the RECORD, although the first time it appeared it was followed by the demonstration that there was no truth in it. I wish to read from this RECORD and then to make a statement.

In this connection—

I read from the third page of this morning's RECORD—

In this connection permit me to present two additional tables, one showing the increase *per capita* of taxation and the other showing the increase of civil offices.

After this first table, with which I have nothing to do at the present time, follows this statement:

The following statement of the number of employés borne upon the civil list of the United States from 1859 to 1875, inclusive, is compiled from the Biennial Register.

It is called first "a list of civil officers" and then it is called "a list of employés" in which it is stated, taking a portion of the table that was commented upon here yesterday, that the civil officers of the Government have increased since 1859 from 44,527 to 94,119 in 1875, that they increased from 57,605 in 1871 to 86,660 in 1873, more than 30,000 in two years, and from 1873 to 1875 they increased to 94,119, making more than 8,000 increase during the last period of two years.

I have to say, sir, that this is neither a correct statement of what the Biennial Register shows, nor a correct statement of either the increase of the civil officers of this Government or of the civil employés of the Government. Whichever term it goes by it is equally false and without foundation; and if the Senate will pardon me for troubling it every time this re-appears in the RECORD, it will be only from a feeling that, if any thing is to be made by piling up tables of figures that have no foundation upon which to rest, it is quite worth while, when they can be demonstrated as this can be to have no foundation in fact, that that demonstration should follow the table as often as it appears.

WASHINGTON MONUMENT.

Mr. SHERMAN. Mr. President, I move to take up the bill making appropriation in regard to the Washington Monument reported by the Committee on Appropriations.

The motion was agreed to; and the bill (S. No. 982) providing for the construction of the Washington Monument was considered as in Committee of the Whole. It appropriates $100,000 to continue the construction of the Washington Monument in the city of Washington. Before any portion of this sum shall be expended, the proper officers of the Washington National Monument Society, incorporated by the act approved February 26, 1859, entitled "An act to incorporate the Washington National Monument Society," are to transfer and convey to the United States in due form all the property, easements, rights, and privileges, whether in possession, or in action, or in expectancy, belonging to the corporation, for the uses and purposes set forth in the act of incorporation; and the charter is so amended as to authorize the executive officers of the corporation to make the transfer and conveyance in consideration that the United States agree to complete the monument. The construction of the monument is to be under the direction and supervision of the President of the United States, the Supervising Architect of the Treasury Department, and the Architect of the Capitol, and in accordance with the laws regulating contracts and the construction of public buildings by the Treasury Department; and detailed reports of the expenditures are to be annually submitted to Congress.

Mr. MORRILL. Mr. President, I do not rise for the purpose of attempting to defeat the passage of this bill; but the subject having been referred for the last two or three years to the Committee on Public Buildings and Grounds, I should deem myself derelict in duty if I were not to present the action of that committee. They have attempted on several occasions to come to some agreement with the officers and trustees of the corporation which now claims the control of this monument, but without success so far as to induce them to abandon the control of the monument or the character of the structure.

I may say that there is some doubt in relation to the foundation of this monument. The original excavation for this vast structure was, as I understand, but eight feet below the surface; that is to say, they have dug down for a solid foundation no deeper than they would for an ordinary dwelling-house in this vicinity, when they originally proposed to put up a monument about six hundred feet high. It would seem obvious that that is not a sufficient depth to secure a firm and enduring foundation. Why, some of our public buildings erected for the use of the United States Government have had their foundations in various cities go down to the extent of thirty feet in order to secure a firm base.

Then I have ascertained from a report of the engineer upon this subject that the base is now six-tenths of an inch out of level, which, of course, will carry the top of the monument considerably away from a perpendicular line, and as I have been informed by the former Supervising Architect of the Treasury there is a difference now, at the present height, of four inches from being plumb. Whether this has increased in the last few years or not, I am not able to say, but my point is this, that before anything of additional weight and height shall be put upon this structure it shall be thoroughly examined by competent engineers, so that the great risk of putting the additional amount of weight on the top shall be done under proper authority.

Mr. SHERMAN. I will ask my friend if his attention has been called to the report of the board of engineers on this subject?

Mr. MORRILL. I have it here.

Mr. SHERMAN. Very well.

Mr. MORRILL. Mr. President, the Committee on Public Buildings and Grounds have been unanimous for several years in relation to a change in this structure by which a thing of beauty could be put up, and at much less expenditure, and for this purpose I have sought the assistance of various architects, and I have here, if any gentlemen have curiosity to see them, the various plans that have been presented by architects showing that we might put up a triumphal arch that would be a proper monument for our greatest and earliest military hero, George Washington, and it would be something that would be entirely unique in this country, and probably if it be not put up in this place it never will be anywhere. I have some plans with different degrees of ornamentation, and of course costing somewhat in proportion to the size and character of the structure. One of them was sent to me from Florence, Italy, by an artist upon seeing some account of the proposition in the newspapers that there was to be a triumphal arch or that the question was mooted. These are generally designed for the purpose of having an equestrian or other statue of Washington upon the top.

Mr. President, let me say a word in relation to this monument, and I am not disposed to ridicule it. If it is put up at all, the only distinguishing characteristic about it will be its immense height, and that will be all that there is to recommend it. It is to be in the form of an Egyptian obelisk. Now, what is the true character of an Egyptian obelisk? I will not ridicule this proposed monument as the late Horace Greeley did, and call it a "pumpkin with a stick stuck into it;" but a real obelisk should be made from one stone large enough for the whole structure. What is this? It is a series of blocks with a hole in the center, making nothing but a huge chimney, and after all it is no more an object of admiration than a chimney for a huge factory or a shot tower.

Mr. President, there is another defect in this bill I fear. There have been not less than three, and I do not know but more, plans on the part of this corporation. It is true they surrendered their powers in 1858 or 1859, but nothing was done by Congress, and they then got an act of incorporation, I think in 1859, and resumed their powers. The first plan of the structure involved an expense of something considerably over a million of dollars, and the design then was as it is stated in the report:

The design embraces the idea of a grand circular colonaded building two hundred and fifty feet in diameter and one hundred feet high from which springs an obelisk shaft seventy feet at the base and five hundred feet high. This will be constructed first.

The vast rotunda, forming the grand base of the monument, is surrounded by thirty columns of massive proportions, being twelve feet in diameter and forty-five feet high, elevated upon a lofty base or stylobate of twenty feet elevation and three hundred feet square, surmounted by an entablature twenty feet high, and crowned by a massive balustrade fifteen feet in height.

The terrace outside of the colonade is twenty-five feet wide, and the *pronaos* or walk within the colonade, including the column space, twenty-five feet. The walks inclosing the *cella*, or gallery within, are fretted with thirty massive *antæ* (pilasters) ten feet wide, forty-five feet high, and seven and a half feet projection, answering to the columns in front, surmounted by their appropriate architrave. The deep recesses formed by the projection of the *antæ* provide suitable niches for the reception of statues.

And so it goes on in the most elaborate fashion for a whole page. At some time subsequently it was proposed to narrow the base to fifty-five feet square and to run up the obelisk to six hundred feet high. Now there is a different plan that is brought here for our consideration, I suppose, which proposes that the structure shall go up to four hundred and eighty-five feet high and to omit the colonnade at the foot. It is now one hundred and sixty feet high, and, with the base, about one hundred and seventy-four feet high. Here are three or four plans presented by this company, and here is a bill proposing to complete the structure without saying anything about under which plan or what it shall cost. It seems to me that that is going it blind, and instead that it ought to be particularly described under what plan the work is to proceed, or at least that the whole expense should be limited. I would much prefer that the commission authorized here should be allowed to put up any other structure that they might think more worthy of the Father of his Country and more worthy as an object of art.

The PRESIDENT *pro tempore*. The morning hour has expired.

Mr. MORRILL. I suppose the Senate will allow this bill to be completed.

Mr. SHERMAN. I think we had better do that. This bill is reported by the Committee on Appropriations, and might as well be disposed of now.

Mr. ALLISON. I do not object, provided it is completed within a reasonable time. Therefore I will make it subject to a call for the regular order.

The PRESIDENT *pro tempore*. The consideration of the bill will be continued subject to a call for the regular order.

Mr. MORRILL. It was the judgment, as I have heretofore intimated, of the Committee on Public Buildings and Grounds and of every architect or artist with whom I have ever conversed that it would be far more creditable to our country to put up a triumphal arch than to continue this heathen mythological monument. Let me say here that over the front door of the monument, as a matter of decoration, what do we now find? We find the sun and a couple of wings, representing in Egyptian hieroglyphics Osiris and Isis, or the sun and moon, as much as to say that the Father of his Country was a believer in the sun and moon. I suppose the artist who put on this supposed it to be a decoration instead of being a heathen mythological sign.

Mr. President, if the corporation that hold this monument now in their custody consent to abandon it, it seems to me that the Government of the United States ought to be left free to select their own style and character of a monument, and select one that we know in the outset will not cost more than a given and fixed sum. I have ascertained that we can complete an arch anywhere from $300,000 to $500,000, just in proportion to its amount of ornamentation; that there is enough in the huge pile of marble to construct it with the exception of such pieces of marble as would have to be decorated for the moldings or for any other purpose in the way of pilasters or columns. But if this bill is to pass, I propose to offer the amendment which I send to the Chair; and I leave it for the good sense of the Senate to do whatever they think best. If they think it best to finish this, and I would rather do this than do nothing, but I think it would be preferable to do the other thing and that it would be far less expensive to the United States, and when done it would be unquestionably a thing of which the country might be proud and entirely worthy of Washington, as this monument that is proposed I think will utterly fail to be.

The PRESIDING OFFICER, (Mr. MITCHELL in the chair.) The amendment of the Senator from Vermont [Mr. MORRILL] will be read.

The CHIEF CLERK. The amendment is to add to the bill:

SEC. 2. That before any work shall be commenced upon said monument a plan for its full completion shall be made and approved by the President of the United States, the Supervising Architect of the Treasury, and the Architect of the Capitol, and that the ultimate cost of the same shall not exceed the sum of $600,000.

SEC. 3. That prior to commencing any work on said monument an examination shall be made as to the foundation of the proposed monument in order to thoroughly ascertain whether it is sufficient to sustain the weight of the completed structure; and if the same shall be found insufficient or defective, or if the base shall be found out of level, the persons authorized to continue the construction of the monument under the first section of this act may make any change in the form and style of the structure which they shall agree upon, not to exceed the limit as to cost, mentioned in section 2 of this act, and which they shall judge will be equally appropriate as a national monument to Washington.

Mr. SHERMAN. I will detain the Senate but a moment. I supposed that this question of the construction of the Washington Monument was settled by the unanimous action of both Houses of Congress on the 5th day of July. I supposed that we had made up our minds to complete the Washington Monument as it is now proposed, and that that was settled by the unanimous vote of Congress on a resolution which I believe was sanctioned by almost everybody who spoke on the subject. The only doubt expressed by the people was that in some way or other our promise would be like the other promises which have been made before in regard to the Washington Monument. I am sorry to see any opposition made to this bill. Now let me answer in a minute or two all that was said by the Senator from Vermont.

In regard to the examination of the foundation, I hold in my hand an official report signed by Captain Marshall, of the Engineer Corps, and approved by General Humphreys, giving in detail the statement of the engineer that the foundation is ample. They have suggested certain modifications, and these modifications have been adopted. I have here also the plan of the present corporation, which is without means to execute it. Here is the authentic plan signed by John B. Blake, secretary, showing a shaft exactly similar to Bunker Hill monument. The Senator from Vermont ridicules the plan of this monument. It is an exact copy of the Bunker Hill monument, magnified many times. There cannot be anything so strangely absurd in it when the Bunker Hill monument is regarded, I believe, as the best monument in the United States to commemorate revolutionary events. Here is the monument, [exhibiting plan,] and it is completed now to the height of one hundred and seventy-four feet. The proposed height is four hundred and eighty-five feet. The foundation is eighty feet square, eight feet below the surface, and seventeen feet above the surface. There is an artificial structure seventeen feet above, making altogether twenty-five feet for foundation. The monument was commenced July 4, 1848; the cost so far has been about $230,000; and there is required to complete the structure, including the terrace, about $350,000, of which there is a detailed estimate in the document before me, being the report of the Select Committee on the Washington Monument of the House of Representatives, where these details are all given.

Unfortunately this work is now in the hands of a corporation created by Congress and subject to be repealed by Congress, and that corporation has not any means whatever to complete it. There have been complaints made that money heretofore given by private subscription to aid in the Washington Monument has been diverted or wasted in expenses, and the United States now have by solemn vote undertaken to complete this monument which will cost, it is said, $350,000, or about one-fifteenth part of the amount we propose to expend in a single year on the improvement of rivers and harbors.

Whatever may be said about the arch or the plan of an arch, let us complete one monument first before we complete another. This monument has been promised by several votes of Congress. First, in 1783 Congress resolved that the people of the United States would erect a monument to Washington. In 1799 Congress again resolved that the people would erect a marble monument in Washington to commemorate George Washington, and from that time to this abortive efforts have been made to carry this promise into effect.

I hope that now by a unanimous vote this attempt to fulfill the promise we made on the 5th of July will be made. If the Senate think it advisable to adopt the proposition of the Senator from Vermont, I do not know that I shall have any objection to it, except that it authorizes three men to change entirely the plan of this improvement. I do not think that power ought to be invested in any one. We ought to finish it according to the plan proposed, agreed upon, adopted years ago, and now finally after some modifications agreed upon by those who are intrusted with this work. But if the Senate think it proper to make the amendment I shall make no objection. I am willing to take the vote upon it. As to the examination of the foundation by a board of engineers, I have no objection at all, though that has already been done. Without detaining the Senate, I ask a vote on the proposed amendment and hope we may carry the proposition, whatever it is, that we agree upon by a unanimous vote.

Mr. MORRILL. A single word, Mr. President, in relation to the unanimous approval of the proposition on the 5th of July. There was not a word of discussion, and I must say that I did not comprehend what was before the Senate, coming in at the door just as it passed, until after it had passed. I merely, however, desire to call the attention of the Senate to what I have stated in regard to the uncertainty of the foundation, and I will read from the engineer's report:

The weight of that portion of the shaft already completed approximates 58,705,000 pounds, and of the foundation itself 21,565,800. The bed of the foundation has therefore borne for eighteen years, without signs of weakness or failure, the weight of 80,270,800 pounds, and while there is no apparent reason to believe that it will not bear the additional weight of 67,095,000 pounds yet to be placed upon it, there is only negative proof of its security; and it would therefore be culpable to attempt to complete the obelisk on the present plan until a thorough examination of the nature of the subsoil and its capacity to resist compression makes it certain, as far as human mind can foresee, that the monument will be as enduring as is the material of which it is composed.

Mr. SHERMAN. What does the Senator read from?

Mr. MORRILL. From the report of William L. Marshall, first lieutenant of engineers.

Mr. EDMUNDS. What date?

Mr. MORRILL. Under date of February 19, 1873.

The weight of the entire shaft, if reared to the full height of 600 feet, allowing 170 pounds to the cubic foot of masonry, will be 125,800,000, bearing upon a base of 2,400 square feet. The pressure is, therefore, about 26 tons per superficial foot, or less than one-eleventh the crushing weight, supposing that the strength of the material does not exceed that of ordinary sandstone for building purposes.

Mr. SHERMAN. Ought not the Senator to state that the very suggestions contained in this report have been adopted by General Humphreys, and are incorporated in the plan on which they are working now? The modifications have been made.

Mr. MORRILL. This report goes on:

Owing, however, to the faulty manner of cutting and laying the blocks of the marble facing of the obelisk an undue pressure is thrown near the exterior edges of the joints. The chippings and splintering of the blocks from this cause may become aggravated as the weight of the obelisk increases, thus marring the appearance of the monument.

I only desire to call attention to this to show that the intimation I gave was not without sufficient authority, and I am not aware that any thorough examination has ever been made since 1873, the date of this report.

Mr. SHERMAN. I desire to call attention to the fact that this same officer in a letter to General Humphreys, dated Washington, District of Columbia, April 20, 1874, page 11 of this official document—this new board having adopted nearly all the suggestions contained in the previous report—makes an official statement that the foundation is ample and secure.

Mr. EDMUNDS. Let us hear a part of it, if you please.

Mr. SHERMAN. I will read it:

These modifications will reduce the additional pressure from 57,000,000 pounds to 22,000,000 pounds, or about one-third the entire weight of the obelisk as originally proposed. The additional pressure upon the foundation will be 1.8 tons per superficial foot instead of 4½ tons.

The stability of the shaft at this joint will not be reduced, and the structure will be of more elegant proportions when its height is seven times instead of eleven times its base.

The dimensions of the shaft, if so modified, will be 55 feet square at base, 38.33 feet square at top, and 437.8 feet from apex to base of foundation.

Herewith is inclosed a rough sketch, drawn to a scale of one inch to twenty feet, showing the relations between the shaft as originally designed, the portion now built, and the shaft as proposed above, with a plan for a terrace at its base 200 feet square at top, 17 feet high, terminated by slopes of two-thirds; with grass plots and paved walks, and ascend on the east and west sides by plain stone steps 24 feet wide.

The approximate cost of completing the shaft to four hundred feet and the terrace at its base is—

38,749.9 cubic feet marble facing at $3.25	$125,937 17
5,013 cubic yards brick-work, at $16	80,208 00
30,004 cubic yards embankment, at 40 cents	12,001 60

4,136 square yards flagging, at $7.29	$29,779 20
3,896 linear feet curbing, at $3.25	12,672 00
2,847 square yards sodding and solling, at 85 cents	2,419 95
250.4 cubic yards backing for steps, at $11	2,754 40
1,478.4 cubic feet cut-stone steps and coping, at $4	5,913 60
Iron roof and stairway	39,000 00
Total	310,685 92
For obelisk	$245,145 17
For terrace	65,540 75
	310,685 92

So that the very recommendations of the engineer have been adopted in this plan that I have, and this is the plan. [Exhibiting.]

Mr. EDMUNDS. Mr. President, I am a little afraid that the amendment of my colleague, if adopted, would defeat the object we have in view. The persons who now control this monument are a corporation, and they have the rights that belong to a corporation to whom grants have been made. Even if we have the power, as I have no doubt we have—I think it is contained in the act—to alter, amend, or repeal the incorporating act, and if we were to repeal it, all the property that is there would still be theirs if they did not owe any debts. Now, as we have understood, the larger part of these gentlemen, and the people who have contributed the money so far as it has been contributed for the structure, are wedded to the idea of not taking down anything that has been started for the honor of Washington, so that I suspect that you would find this corporation would decline to transfer its property to the United States on the terms of the amendment.

My colleague states, and truly undoubtedly, that the base is now out of level by six-tenths of an inch as a fact. Supposing that to be the fact, as I have no doubt it is, then this amendment provides that if the persons charged with the completion of the monument find that to be a fact, then instead of going on with this monument they are authorized to go on with anything that they like with that material; that is the short of it. I do not think we shall get ahead at all with that provision. I should be quite willing to vote for a provision which said that these gentlemen having charge of the work, if they found that the base was so out of level as to furnish reasonable ground of fear that the greater weight upon it would still more displace it, and make the structure insecure, should report to Congress for further directions. That would be one thing; but to say that upon the existing facts—for that is what it amounts to—because the base is out of level by half an inch, this corporation is to turn over this structure to a commission to do what it likes with it, to make a triumphal arch, which certainly would be a very fine thing, it never will do it, because I have very good reason to believe (for I have interested myself in my humble way about this business for some years and early in this session introduced a proposition which went to my colleague's committee to complete this monument) that instead of the monument going on under that amendment nothing will be done about it. These gentlemen will not convey, they cannot be got to do it, as I now understand; and they merely represent that feeling which the people who contributed the money have, and are not standing upon any obstinate notions of their own that this obelisk to the memory of one of the chief founders of this Republic should not be taken down, but should go on. With the bill in the shape my colleague proposes, we shall find ourselves next year just as we are now.

I do think, therefore, that the true thing to do is to take the bill as the Senator from Ohio has introduced it, and if it should turn out at the next session of Congress on an inspection (which, of course, the President of the United States and the other people in charge would feel bound to make as a mere matter of ordinary discretion) that the foundation is so insecure that the monument cannot be carried any higher, they would take no desperate steps to run it up in order to see it fall, but they would endeavor to see carefully what the situation is, and then we can decide what may be done.

Mr. MORRILL. Mr. President, I withdraw the proposition which I first presented and offer this instead as additional sections——

The PRESIDING OFFICER. If there be no objection, leave will be granted.

Mr. SHERMAN. A verbal amendment has been suggested to me in the variation of legal phraseology which I should like to have adopted first. I move to make lines 14 and 15 read:

Belonging to the said corporation to the uses and for the purposes set forth in said act of incorporation.

Mr. EDMUNDS. It is a mere technical change.

The PRESIDING OFFICER. This amendment will be made, if there be no objection. The Senator from Vermont [Mr. MORRILL] offers an amendment, which will be read.

The Chief Clerk read the amendment proposed by Mr. MORRILL, as follows:

SEC. 2. That before any work shall be commenced upon said monument a plan for its full completion shall be made and approved by the President of the United States, the Supervising Architect of the Treasury, and the Architect of the Capitol, and that the ultimate cost of the same shall not exceed the sum of $600,000.

SEC. 3. That prior to commencing any work on said monument an examination shall be made as to the foundation of the proposed monument, in order to thoroughly ascertain whether it is sufficient to sustain the weight of the completed structure; and if the same shall be found insufficient or defective, or if the base should be found to be out of level, then the further continuance of the work shall not be authorized by anything herein contained until the further action of Congress.

Mr. LOGAN. I did not hear the bill read. In whose charge is this work to be?

Mr. SHERMAN. The bill provides that it shall be in charge of the Supervising Architect of the Treasury, the Architect of the Capitol, and the President of the United States, and it must be done under the laws regulating the construction of public buildings of the Treasury Department under contract. I will say that if it is true that the foundation is six-tenths of an inch out of level I do not think that would impair very much the strength of the foundation. But the Senator alleges a fact which would at once put a stop to the work; and on the statements of the Senator himself it could not go forward at all. Besides he speaks of its costing $600,000. Is that the cost from the beginning or only the cost from this time forth?

Mr. MORRILL. I only propose these sections, not for the purpose of embarrassing the bill, but of perfecting it. If the bill is to pass it certainly ought to be limited as to the amount that the United States shall become responsible to pay. I propose that the United States shall not be responsible for more than $600,000.

Mr. SHERMAN. I think that is more than enough.

Mr. MORRILL. I doubt whether it can be completed for that sum, certainly not for less, whatever the engineers and architects may say.

Mr. SHERMAN. That is only an invitation for them to spend $600,000. We have the report of the engineers that it will cost but $310,000.

Mr. MORRILL. If the Senate is willing to limit it to less, I shall go for a less sum; but I do not believe it can be completed for any such sum. It will take from thirty to fifty thousand dollars to finish up around the base.

Then, in relation to the base being six-tenths of an inch out of level, I do not know; but it seems to me that if this thing is to be run up to four hundred and eighty-five feet in height, and is four inches now out of plumb, it will be when finished like the leaning tower of Pisa. I should doubt much the prudence of completing it if it shall be found to be so much out of plumb.

I do not desire to embarrass the Senator from Ohio at all, if it is the sense of the Senate that this is such a bill as ought to pass; but I would infinitely prefer something that would cost not more than two-thirds of the money, and be, as I think, much better; but at the same time I do think that we ought to limit the amount, because otherwise the architects may go on and construct this under the first plan, the second, third, or fourth. There is no limit whatever to the ultimate expense, and certainly I think there ought to be an examination as to the foundation; for the late Architect of the Treasury, Mr. Mullett, told me he would not risk an ordinary building, such as he was putting up every day for the Government, on this foundation. The foundation ought to be examined there at least to the depth of thirty feet, to see what the nature of the ground is, or until they find hardpan.

Mr. EDMUNDS. I move to amend the amendment proposed by my colleague by striking out of the last section the words:

Or defective, or if the base should be found to be out of level.

My object is to strike out these words which would seem to put a a stopper, an absolute stopper, upon any proceeding at all until some further action of Congress; but I still leave the effective sense that my colleague is after. That is the test of the sufficiency of the foundation. The foundation may be defective in a critical sense and still be absolutely sufficient for the purposes for which it is designed. Of course I need not illustrate that. It may be out of level and be absolutely sufficient for the purposes.

Mr. LOGAN. If it is not out of level it is the first foundation ever put up in Washington that was not out of level.

Mr. BAYARD. In common with all my fellow-countrymen, I feel the deepest interest in the completion at the earliest moment of this memorial to *the* great American. At the same time, it seems to me that we have seen enough in the past to warn us of the danger of persistence in errors, errors in taste, errors in theory as to what this grand monument should be. The gentlemen who have brought in this bill and those who have framed amendments to it, do probably understand their views of this matter; but it seems to me it would be right and just that the rest of the Senate should have a little more time to comprehend the plans proposed for our approval or our disapproval. The amendments to this bill are numerous, and they have not yet been printed. I suggest that some opportunity for consideration of the amendments be given to the Senate. I do not know that I fully comprehend the object of the amendments or the object of the bill brought in by the Senator from Ohio; but if the object of his bill is to continue the present structure upon anything of a theory which we can imagine from what we see of it, I should be very sorry to see such a plan further proceed. Why, sir, I have heard no man speak of the present unfinished monument except in terms of the most positive regret, if not of absolute disrepect. It seems to have nothing in it that can either impress you with awe for its grandeur or inspire you with admiration for its beauty. I do not believe that this present structure can be continued and produce any of those emotions upon us and the generations who are to succeed us in this land and those from other lands who come here to pay their tribute of respect to the great moral excellences of the man whose virtues this monument was designed to commemorate. I do not believe that the impressions we desire to produce upon them will in any degree be assisted by the continuance of such a blot upon architecture, as I must consider this obelisk which

stands here half shorn in its height. There is in it to me nothing that is impressive, nothing that is beautiful, nothing that is tasteful, nothing that is remarkable, excepting perhaps the pious motives which induced it.

Therefore, if in this bill which I may not fully understand, or if in these amendments, which I do not fully understand, there is a proposition under any circumstances to continue expenditure upon this unfinished structure, I desire to record my vote against them. If on the contrary there shall be a scheme which shall submit the matter to those who have made art their study, to those whose professions have enabled them to obtain that which we so much lack in the hurry of the active business life which we lead in this country, and for them to present hereafter to Congress plans of an appropriate monument for this great and patriotic purpose, then I shall be very glad to assist in it, nor shall I stop upon the question of simple pecuniary amount as to this.

This is of all years the one in which this monument should be recommenced, in which some new signification should be given by the people of America of their appreciation of the virtues which called this monument into existence. But "art is long and time is fleeting;" and it is not for us in this time and hastily to be settling a matter which is to last as we trust for generations, perhaps centuries to come.

Therefore I hope that what has been presented to the Senate to-day may be put in print, may be brought up here at the earliest moment of the coming week, and that we may have the opportunity by seeing these amendments in print to understand precisely the design. As I understand it now—it may show my want of comprehension of the amendments—two architects are to agree upon plans which they are to put in some degree in execution without submission to the Senate at all. That I do not desire shall take place, for, as I have my share of responsibility, I propose to exercise my share of power in choosing the character of this monument.

Mr. SHERMAN. If my friend will allow me, I think it is the misfortune now of this Washington Monument that it has been talked of in Congress for one hundred years. We have made promise after promise, and the very moment we come to anything like the execution of the promise we are met by these delays. Now, let me give my friend from Delaware, who is a very reasonable man and I know a patriotic man, the facts. No plan is proposed. This Congress, in both Houses, by a unanimous vote declared its purpose to complete the Washington Monument; and now we propose to spend $100,000 in doing it. There is no controversy at all about the plan. The plan is a matter fixed by the board of engineers. The corporation that has this matter in charge has adopted the plan of the board of engineers and here it is. [Exhibiting.]

Mr. BAYARD. Am I mistaken in supposing from these diagrams that we have here one proposition which is a triumphal arch and one which is a mere obelisk upon a different plan?

Mr. SHERMAN. The plan of the triumphal arch is a plan which my friend from Vermont [Mr. MORRILL] takes a great interest in. That involves tearing up the monument as it is and building a new triumphal arch. Would the Senate in the second century of our history commence by tearing down the only monument that has ever been attempted to be erected for Washington, in order to construct it upon some other plan? Before that triumphal arch could be finished or half way up, a new set of men occupying our places here might say that it did not conform to the laws of taste, and they would tear it down and build up perhaps a pyramidal arch.

I hope without any further delay, as the bill creates no new plan but simply carries into execution an existing plan adopted after full consideration, that we shall have a vote.

Mr. FRELINGHUYSEN. I understand the amendment offered by the Senator from Vermont [Mr. MORRILL] requires that a new plan shall be submitted. If the plan has been adopted and is a fixed thing, I do not know why we should want to adopt that amendment.

Mr. SHERMAN. We do not want the amendment. So far as the plan of the Washington Monument is concerned, it has already been fixed.

Mr. FRELINGHUYSEN. If there is nothing open, if the plan is fixed, the amendment ought to be voted down.

Mr. SHERMAN. I think it ought to be voted down.

Mr. EDMUNDS. I wish to say just a word in reply to my friend from Delaware, [Mr. BAYARD.] He feels the same interest in this matter that we all do; he wants the right thing; but unless we begin afresh to build a monument of our own from the bottom to the top, as a fresh work, calling it a triumphal arch or whatever might be agreed upon by the architects and the President, then I submit from the knowledge I have about it, and that we all have, if we are not to do that we must take this property and this endeavor as far as it has gone from the people who have furnished the money, and build it according to their ideas. If their ideas are so bad, so outrageous in respect of taste and art as to make the thing when completed a discredit to the United States rather than a credit to all concerned, then we ought not to do anything about completing that monument; and if we do not do anything about completing the monument, what right have we got, either moral or otherwise, to confiscate their blocks of marble there and turn them into something else? They will never assent to it. The people who have contributed the money have a deep feeling about it.

What is this monument? My friend criticises it, and well he may. A barn may be criticised in the same manner that was half way up, or the most ornamental house which was ever built. Aside from certain flummeries about it of taste, which I have not anything particular to say about, and which have long since been discarded, this monument belongs to one of the fixed classes or species of architecture. It is an obelisk.

Mr. MORRILL. A class, if my friend will permit me to say, that was in vogue fifteen hundred years before the Christian era, in the time of the Pharaohs.

Mr. EDMUNDS. Certainly; I am much obliged to my colleague, though I believe I knew that before, and I was just going to remark upon it. Like the Ten Commandments and other good things, obelisks were in vogue fifteen hundred years before the Christian era, and something like obelisks were in vogue long before the historic period. Everybody knows that. It is a question of form and grace that meets the taste and the eye and the judgment according as the eye may be naturally skillful or may be educated upon certain principles of acquired taste.

I do not join with my colleague in condemning obelisks absolutely. There are a great many obelisks in this world that are of noble proportions and are well worthy. They are perhaps the most worthy of any of the objects that have descended to us from that long time in the Orient, both of time and geography. Therefore I shall not feel very unhappy, and I do not believe the educated people of the United States (among whom I do not count myself, but speaking my belief of them) will feel very unhappy if at the end of a hundred years of endeavor they see an obelisk, although it is a species of architecture that has existed for many thousands of years, rearing its head to the skies in commemoration of this man. I do not think obelisks in the best sense have gone out of fashion, or out of taste, or out of propriety. In certain aspects and certain situations, in the heart of great cities, triumphal arches and pyramids also please the eye; but when you take the geography of this valley of the Potomac and wish to bring to the eyes of the largest number of people at the same time that commemorative object to this man which will affect the greatest number at the same time, some lofty structure must be resorted to. I take it you are not going to have a tower; they are almost barbaric. All that you have to do then is to have what in the technical sense is an obelisk. Whether it is handsome or whether it is ugly depends upon the proportion of its breadth to its height and the degree of its tapering. While this thing, as it now stands, is ugly, when you carry it up two or three hundred feet more, whatever the distance may be, with the suitable diminution of its breadth, it will be entirely a different thing from what it is now; and from all the hills for twenty miles, for more than twenty miles, diameter around this valley, it will be the most prominent object next to this Capitol that appears to the eye of the beholder. I should be sorry to lose it.

The PRESIDING OFFICER. The pending question is on the amendment of the Senator from Vermont to the right of the Chair [Mr. EDMUNDS] to the amendment offered by his colleague, [Mr. MORRILL.] The amendment will be reported.

The CHIEF CLERK. The amendment to the amendment is to strike out from the second section of the amendment the words:

> Or defective, or if the base should be found out of level.

So as to read:

> And if the same shall be found insufficient, then the further continuance of the work, &c.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question is now on the amendment offered by the Senator from Vermont [Mr. MORRILL] to add certain sections to the bill.

Mr. BOUTWELL. Is the proposition divisible?

Mr. EDMUNDS. Certainly; there are two sections.

The PRESIDING OFFICER. There are two separate propositions, which are divisible.

Mr. BOUTWELL. I call for a division.

Mr. MAXEY. The first proposition is a distinct proposition as to the plan; a second branch of the amendment provides for looking into the old structure before we go on with it.

Mr. ALLISON. I desire to give notice that if this bill occupies any more time I shall ask for the regular order.

Mr. EDMUNDS. You cannot get it. We will finish this bill to-day.

Mr. WHYTE. Mr. President, the amendment, as I understand it, is directly in the teeth of the bill. The bill proposes that Congress shall take out of the hands of the Washington National Monument Association, which is a private corporation, a chartered association, the monument, as it now stands, and construct it in accordance with the views of that association and the plans which it has adopted for its final completion. The proposition in the bill is that the United States shall take possession of the monument and assume its completion. The bill appropriates for the commencement of the work, when the United States has taken hold of it, the sum of $100,000, but provides that before any of that money shall be used this corporation shall transfer to the United States the property and the work as far as it has gone. We know that to complete that column, according to the lowest estimate, will take between $300,000 and $400,000.

The Senator from Vermont, [Mr. MORRILL,] the chairman of the Committee on Public Buildings and Grounds, has given this subject

great consideration. He has called it to the attention of the Senate Committee on Public Buildings and Grounds. We have examined it with great care, and I for one do not hesitate to express my great regret that Congress should appropriate a large sum of money to complete this monument on the plan as adopted by this association. To my taste it will commend itself solely for its height. It is to be as high as the top of the cathedral at Strasbourg, without the breadth below that spire to sustain its great height. This will be a straight shaft, with a base eighty feet wide and a height of four hundred and sixty-three feet; nearly three times as high as that beautiful monument which my own State has erected to the memory of George Washington. How much out of proportion will it be in architectural finish to the breadth of love and affection which the Father of his Country has in the hearts of the American people! It will be a single square spire, almost like the mathematical definition of a straight line, "length without breadth." It will not add to the architectural reputation of the people of the United States. It will look merely like a plain memorial shaft, exaggerated in character, such as we see in the cemeteries around the various cities of this Union. But the Senator from Vermont, [Mr. MORRILL,] anxious to build a monument which will do honor to our name as a people, who have advanced in art, has proposed a triumphal arch, which will be attractive to the eye, which will make the heart of every American when he looks upon it beat with joy and inspire in us a laudable pride that here in this new century we have erected a memorial to Washington, honorable to his great name, creditable to us, and which will go down to posterity as "a thing of beauty and a joy forever."

I would be willing to vote a million dollars for such a triumphal arch as that proposed by the Senator from Vermont. When, in passing along the Champs Elysées in Paris, looking toward the sky, I have seen that magnificent triumphal arch which the French erected in honor of the grand army under the decree of the first Napoleon, while I have felt proud of my own country and proud of the memory of Washington, I hoped to see the day when we, too, would construct some splendid monumental testimonial which would, in the time to come, tell the people, and the children of the people now born and hereafter to be born, that Washington had such a hold upon our hearts that the most refined art of man had been called into requisition to devise and the ingenious hands of the famed artisans of America to execute a splendid work of art, which would be beautiful to the eye—as costly as you choose—but such a work as would do honor to the man who is first in the hearts of the American people.

I prefer the amendment because it gives us the opportunity to erect a triumphal arch. I prefer it, because you are only, in my judgment, voting five or six hundred thousand dollars in the bill to complete a structure, of which I will not say we shall be ashamed, but of which I do not think the American people will be proud.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Vermont [Mr. MORRILL] to add additional sections to the bill. A division has been called for, and the question will be taken on the first section proposed to be inserted.

Mr. MORRILL. I ask for the yeas and nays on the first amendment.

The yeas and nays were ordered.

Mr. COCKRELL and Mr. NORWOOD. Let the amendment upon which we are now to vote be reported.

The PRESIDING OFFICER. The first branch of the amendment will be reported.

The Chief Clerk read as follows:

SEC. 2. That before any work shall be commenced on said monument a plan for its full completion shall be made and approved by the President of the United States, the Supervising Architect of the Treasury, and the Architect of the Capitol, and that the ultimate cost of the same shall not exceed the sum of $600,000.

Mr. COCKRELL. I desire to ask the Senator from Ohio what amounts have been estimated to complete the monument? This amendment requires it to be constructed under a different plan.

Mr. SHERMAN. The engineer estimates it at $310,000. The association estimates it at $350,000.

Mr. COCKRELL. That is to finish it according to its present plan?

Mr. SHERMAN. To finish it according to its present plan.

Mr. DAVIS. Does the Senator from Ohio object to this amendment?

Mr. SHERMAN. This first amendment authorizes these three men to tear up the Washington Monument and to build a triumphal arch. It defeats the whole object.

The question being taken by yeas and nays, resulted—yeas 14, nays 33; as follows:

YEAS—Messrs. Anthony, Bayard, Bogy, Bruce, Cooper, Dennis, Gordon, Morrill, Norwood, Paddock, Ransom, Robertson, Saulsbury, and Whyte—14.

NAYS—Messrs. Allison, Barnum, Booth, Boutwell, Cameron of Wisconsin, Christiancy, Cockrell, Cragin, Davis, Dawes, Edmunds, Ferry, Frelinghuysen, Hamlin, Harvey, Hitchcock, Howe, Ingalls, Kelly, Kernan, Key, Logan, McMillan, Maxey, Mitchell, Oglesby, Sherman, Spencer, Wadleigh, West, Windom, Withers, and Wright—33.

ABSENT—Messrs. Alcorn, Burnside, Cameron of Pennsylvania, Caperton, Clayton, Conkling, Conover, Dorsey, Eaton, Goldthwaite, Hamilton, Johnston, Jones of Florida, Jones of Nevada, McCreery, McDonald, Merrimon, Morton, Patterson, Randolph, Sargent, Sharon, Stevenson, Thurman, and Wallace—25.

So the first division of the amendment was rejected.

The PRESIDING OFFICER. The question recurs on the second division of the amendment.

Mr. EDMUNDS. Let the second amendment be reported.

The PRESIDING OFFICER. The amendment will be reported.

The Chief Clerk read as follows:

SEC. 3. That prior to commencing any work on said monument an examination shall be made as to the foundation of the proposed monument in order to thoroughly ascertain whether it is sufficient to sustain the weight of the completed structure; and if the same shall be found insufficient, then the further continuance of the work shall not be authorized by anything herein contained until the further action of Congress.

Mr. EDMUNDS. The word "proposed" ought to be stricken out. It seems to imply a new monument.

Mr. MORRILL. I have no objection to that amendment.

The PRESIDING OFFICER. If there be no objection that modification will be made.

Mr. SAULSBURY. I observe that the amendment provides for examining the foundation. That is all proper and right, but it does not specify by whom the examination shall be made.

Mr. SHERMAN. I will say to the Senator that that is provided for. The bill itself provides that this work shall be done under the direction of the President of the United States, the Supervising Architect of the Treasury of the United States, and the Architect of the Capitol.

Mr. SAULSBURY. I was not aware of the terms of the bill.

The PRESIDING OFFICER. The question is on the amendment inserting this additional section.

The amendment was agreed to.

The bill was reported to the Senate as amended.

The PRESIDING OFFICER. The question is on concurring in the amendment made as in Committee of the Whole.

Mr. COCKRELL. Is there anything in the bill limiting the amount to be expended?

Mr. EDMUNDS. Let us first concur in the amendment.

The amendment was concurred in.

Mr. EDMUNDS. I should like to hear the first section of the bill itself read, constituting the commission.

The Chief Clerk read as follows:

That there be, and is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $100,000 to continue the construction of the Washington Monument in the city of Washington: *Provided*, That before any portion of said sum shall be expended, the proper officers of the Washington National Monument Society, incorporated by the act approved February 26, 1859, entitled "An act to incorporate the Washington National Monument Society," shall transfer and convey to the United States in due form all the property, easements, rights, and privileges, whether in possession or in action, or in expectancy, belonging to the said corporation, to the uses and for the purposes set forth in said act of incorporation; and the said charter is so amended as to authorize the executive officers of said corporation to make said transfer and conveyance in consideration that the United States hereby agree to complete said monument. And the construction of said monument shall be under the direction and supervision of the President of the United States, the Supervising Architect of the Treasury Department, and the Architect of the Capitol, and in accordance with the laws regulating contracts and the construction of public buildings by the Treasury Department; and detailed reports of such expenditures shall be annually submitted to Congress.

Mr. MORRILL. I move to insert after the words "the United States hereby agree to complete such monument" the words "at a cost not exceeding $350,000." Certainly there ought to be a limit.

Mr. FRELINGHUYSEN. Here is a monument, the plans of which are all made, the cost of which can be ascertained. It will cost $300,000 for the specific thing we are about to do. As I understood my friend from Vermont, he proposed in his amendment $600,000, and I think I heard him say he did not think it could be completed for that sum. The amount which we limit regulates the plan, and to insert that plan is to say that we will construct the monument according to the plan adopted.

Mr. SHERMAN. Here is the difficulty. How can we tell how much this plan will cost? We have the estimate of the engineers who put it at $310,000. How can they tell how much it will cost until completed? Suppose the cost of stone should rise next year, or the cost of labor?

Mr. FRELINGHUYSEN. I merely call the attention of the Senator from Ohio to the fact that under some plans it may cost a great deal more than a million. The Senator seems to think it can be completed according to the estimate of the engineer which he holds in his hands. If so, I think it ought to be limited to that.

Mr. SHERMAN. I do not care whether it is limited or not. It is said here it will cost $350,000. That is the highest estimate proposed.

Mr. LOGAN. It will be seen by the Senate that if the proposition is adopted as the bill now reads and should not be a sufficient amount, the deed made by these trustees amounts to nothing. The proposition in the bill is that we will complete the monument, not for any particular price but according to this particular plan. Hence the conveyance will amount to nothing unless we carry out the plan.

Mr. MORRILL. There is no plan specified.

Mr. LOGAN. It is the same thing.

Mr. SHERMAN. I do not care anything about it.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Vermont [Mr. MORRILL] to insert the words "at a cost not exceeding $350,000."

The amendment was rejected.

Mr. EDMUNDS. I think there ought to be added to the words in constituting this commission words which would show that these three officers are to act as a joint commission, and that it does not depend upon the individual will of every one of them if they do not agree about going on. Therefore, after the word "Capitol," to save all possible question, I move to amend by inserting:

Which officers are hereby constituted a joint commission for that purpose.

Mr. SHERMAN. I have no objection to the amendment.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill providing for the completion of the Washington Monument."

ARTIFICIAL LIMBS TO DISABLED SOLDIERS.

Mr. LOGAN. I ask to take up House bill No. 1516.

The PRESIDING OFFICER. It is the duty of the Chair to state that the morning hour having expired he will lay before the Senate the unfinished business, which is the bill known as the river and harbor bill, on which the Senator from Vermont [Mr. EDMUNDS] is entitled to the floor.

Mr. LOGAN. This will take but a moment.

Mr. ALLISON. I must insist on the regular order. It has now gone over one hour beyond the time.

Mr. EDMUNDS. I will yield to my friend from Illinois so far as I am concerned.

Mr. LOGAN. If this bill leads to any debate, I shall withdraw it. It is an act to regulate the issue of artificial limbs to disabled soldiers, seamen, and others. It is an amendment to the old act.

Mr. ALLISON. Very well.

Mr. LOGAN. I have been pressed a great deal about it and it has been here a great while. It will take but a moment to act upon it. If there is any objection I shall withdraw it.

The PRESIDING OFFICER. The question is on the motion of the Senator from Illinois to proceed to the consideration of the bill he has named.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 1516) to regulate the issue of artificial limbs to disabled soldiers, seamen, and others.

The Committee on Military Affairs proposed to amend the bill in section 1, line 7, by inserting after the word "appliance" the words "or commutation therefor."

Mr. EDMUNDS. Let us hear that explained.

Mr. LOGAN. The explanation is this: Almost in the words of the bill a law of this kind has existed, passed in 1870 or 1871, and the construction of it is that it only extended for five years and that therefore they cannot issue after the first issue. When the apparatus has been worn five years so that it cannot be used the next five years, there can be no re-issue. This is almost a literal copy of the bill, extending it every five years.

Mr. EDMUNDS. How does it differ from the law?

Mr. LOGAN. It does not differ at all except to change from the Secretary of War to the Quartermaster the furnishing of transportation. It is the same bill precisely except these changes and extending to every five years, which was the intention of the law.

Mr. ANTHONY. Is this commutation for the limb itself? I thought we had voted that down once.

Mr. LOGAN. No, sir; that is in the original law.

Mr. ANTHONY. Then a soldier who has lost a limb has a right to have an artificial limb or a certain sum of money in lieu thereof?

Mr. LOGAN. Yes; here is the statute:

> Every person in the military or naval service who lost a limb during the war of the rebellion, but from the nature of his injury is not able to use an artificial limb, shall be entitled to the benefits of section 4788, and shall receive money commutation as therein provided.

That is, where the limb is so destroyed that they cannot use it, then we give them in lieu of that a certain amount of money. That is the law that exists now and this does not change it.

Mr. ANTHONY. I recollect we had a very long and fierce debate here on the propriety of giving a commutation for the limb, and it was very properly voted down.

Mr. LOGAN. But it was put in the law as it stands now, and the only thing that this bill does is, as I stated, to change the transportation from the Secretary of War to the Quartermaster-General's Department and to extend the time; that is to say, it gives a different construction from what the War Department gives; it allows a limb to be given every five years. That was the intention of the original law, but the construction of the Department is that it does not allow a renewal every five years.

Mr. EDMUNDS. I should like to hear the bill read again.

The bill was read.

Mr. LOGAN. I move to amend the first section, so as to conform to the old law in that particular, to read:

> Every officer, soldier, seaman, or marine.

So as to include only those who were regularly in the service.

Mr. ANTHONY. I think this bill gives commutation for the limb—"limb or appliance or commutation therefor."

Mr. ALLISON. While the Senator from Illinois is preparing his bill and getting it into such shape that he himself will be satisfied with, I suggest that we go on with the regular order. He can call it up again.

Mr. ANTHONY. I suggest "commutation therefor in cases where commutation is now allowed by law."

The PRESIDING OFFICER. The Senator from Iowa calls for the regular order.

Mr. LOGAN. If the Senator will allow me a moment, I will say that this bill was carefully examined by the Surgeon-General and is proposed just as it was examined and reported by the Military Committee on their construction of the law. I do not know who draughted the bill, but I examined it and I noticed that the change was that it used the word "person" instead of "soldier, seaman, or marine." I am now willing to make that change and make it conform to the original law. That is all there is of the bill. The Surgeon-General gives a construction that he cannot re-issue these artificial limbs. The commutation is the same and everything is the same, except the change I have stated.

The PRESIDING OFFICER. The question is on the amendment reported by the committee in line 7, after the words "or appliance," to insert "or commutation therefor."

Mr. EDMUNDS. I move to amend the amendment after the word "therefor," by inserting "as provided by existing law;" so that the commutation will be exactly as the law now is.

Mr. LOGAN. I have no objection to that.

The amendment to the amendment was agreed to.

Mr. INGALLS. I wish to call the attention of the Senator from Illinois who reported this bill to the law of 1874, approved June 18, which declares—

> That all persons who are now entitled to pensions under existing laws and who have lost either an arm at or above the elbow, or a leg at or above the knee, shall be rated in the second class, and shall receive $24 per month: *Provided*, That no artificial limbs, or commutation therefor, shall be furnished to such persons as shall be entitled to pensions under this act.

There appears to be a conflict between this and the bill which the Senator from Illinois proposes now to pass, and I would suggest to him whether the effect of that bill will not be to repeal this provision in regard to the pension laws and thereby increase the pensions of a certain class of soldiers who are now disabled, to the exclusion of others.

Mr. LOGAN. I said I would withdraw this bill if it created discussion, but I want to say that the law has existed in this way although the pensions were given. No person is entitled to an artificial limb unless he was a soldier, unless he had done his duty properly and was properly discharged. You may call it by what name you please, if he cannot use the limb he gets commutation for it; that is to say, the price of the limb in lieu of it. The men may either take the limb or the price the limb costs in lieu of it. That is the construction of the law as it stands now. I hope the bill will pass.

The PRESIDING OFFICER. The question is on the amendment of the committee as amended.

The amendment, as amended, was agreed to.

Mr. INGALLS. I suggest to the Senator from Illinois to amend his bill, by an additional section or proviso, to the effect that this act shall not be held to be in conflict with the act of June 18, 1874.

Mr. LOGAN. I will say to the Senator that, if the bill conflicts with it, that may be the object. I think the Pension Committee did very wrong in passing the law they did, depriving these poor men of their commutation where they cannot use the limb. They certainly get a very small pension, and I think they ought to have this limb besides. It has always been given since the law passed, and I am in favor of giving it again.

Mr. ALLISON. Let me suggest to the Senator that if I understand the law quoted by the Senator from Kansas that was an act to increase pensions in certain cases and it did increase the pensions of this class of soldiers, but it provided that if they availed themselves of this act they should not have artificial limbs in addition. Now it seems to me, if we pass the bill proposed by the Senator from Illinois, it will have the effect to decrease the pensions provided by this act if they accept the provisions of that act.

Mr. LOGAN. It will not, because the bill already provides, if you will read the amendment adopted, that according to existing laws they shall receive this.

Mr. ALLISON. The existing law is that if they have increased pensions they shall not receive it.

Mr. LOGAN. If that is the existing law, that is the end of it.

Mr. INGALLS. It is my impression, from an examination of this law and from hearing the bill reported by the Senator from Illinois read, that it is the intent by indirection to increase the pensions of this class of disabilities; that the object is to get around the law of June 18, 1874, so as to enable this class of pensioners to receive not only the increased pension but also the commutation for the limbs. While this may be right, and I have no objection to it on principle, still it is obtaining a certain result by indirection and at the same time works a manifest injustice to that class of pensioners who do not get an increase by this or by any other law.

Mr. LOGAN. The ones who get the increase are not the ones affected by it, and the Senator is certainly wrong. According to the law in reference to granting pensions, those who get the increased pensions it provides shall not have this extra limb.

Mr. INGALLS. The Senator's bill provides that they shall have the limb or commutation, irrespective of the pension.

Mr. LOGAN. But as it has been amended—I called attention to the fact a moment ago—by the amendment proposed by the Senator from Vermont it is "as provided by existing law;" hence the existing law already depriving them as a matter of course will do it as to that class. That amendment has been adopted.

Mr. EDMUNDS. It might be better, to save all possible doubt about the words "as provided," to add "and limited;" so as to read:

> As provided and limited by existing law.

Then there cannot be a possible question, because if that is a limitation it is a limitation on this. I move that amendment.

Mr. LOGAN. I do not accept that amendment. It is not necessary at all.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Vermont.

Mr. LOGAN. The word "limited" there is exactly what we are trying to cure It is limited now by the construction given to it by the officers of the law, that these men are entitled at all.

Mr. EDMUNDS. It is only as to the commutation, I will say to my friend; it does not apply to the rest of it, but is only a limitation on the commutation. If the man does not take his limb, it is to apply.

Mr. LOGAN. I do not know but that the lawyers who control by their construction the statutes of Congress would give it that construction. The Surgeon-General has given it the construction I have stated. I do not know who else has, but probably the Secretary of War has. Anyhow it is construed so that no one is entitled under existing law to the provisions in the bill.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Vermont.

Mr. EDMUNDS. My amendment does not apply to the general object of the bill as a limitation upon that; but to the amendment reported by the committee about commutation, which, as it now stands modified, is "commutation therefor as provided by existing law." I propose to add after the word "provided" the words "and limited;" so that it will be:

Or commutation therefor as provided and limited by existing law.

So that the limitation only applies to the money part or commutation and that relieves the difficulty that the Senator from Kansas suggests.

Mr. INGALLS. I want to ask the Senator from Illinois a single question. The act of June 18, 1874, provides for an increased pension instead of commutation. Now I ask him whether the intention of this bill is to give the pensioner increased pension and commutation for a limb that he cannot use?

Mr. LOGAN. There is no such object at all. The law was passed without reference to the pensions. The object is just what is expressed on the face of the bill, to give the man an artificial limb who lost a leg or arm in the service.

Mr. INGALLS. He has a right to that now.

Mr. LOGAN. He had the right to it except that the Surgeon-General construed the law not to extend further than the first five years. Hence it cuts him off; and this is only to extend it every five years as the original intention of the law was. That is what the bill means, and that is all it was intended it should mean.

Mr. HARVEY. My understanding of this question is that the object of the bill proposed by the Senator from Illinois is to enable pensioners of this class to procure from the Government artificial legs at the rate that the Government arranges with certain companies to furnish them, enabling the soldier to procure the artificial limb upon much more favorable terms than he could possibly get it from the companies or the dealers, dealing with them individually. I have had some soldiers speak to me about this bill, and as I understand, having to purchase these limbs each on his individual account, they cost something like 30 per cent. higher than the rates at which the same quality of limb is provided under the arrangement of the Government with the companies. The object of this bill is to do away with the ruling that the Senator from Illinois has referred to, that after the first five years the soldier, without such legislation as is proposed, cannot secure a limb under that arrangement and must make an individual arrangement on the best terms he can.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Vermont.

The amendment was agreed to.

Mr. INGALLS. I move to add as a proviso the words:

Provided, That this act shall be subject to the provisions of an act entitled "An act to increase pensions in certain cases," approved June 18, 1874.

Mr. LOGAN. The Senator is a very good lawyer, and after having the amendment made to this bill providing that it shall be subject to all limitations of the law, I presume no one knows better than he that that does bring it within the very proposition he now makes. But for some reason or other it is impossible to make a bill so plain that some one must not have an amendment put to it, not for the purpose of showing his ability or his facility in getting up laws or anything of that kind, but for the purpose of having it amended to make it so plain that he cannot even understand it himself. That is about what results from these amendments. I ask the Secretary to read the bill with the amendment proposed by the Senator from Vermont. It does exactly what the Senator from Kansas proposes to do now.

The Chief Clerk read as follows:

That every person who, in the line of duty in the military or naval service of the United States, shall have lost a limb, or sustained bodily injuries depriving him of the use of any of his limbs, shall receive once every five years an artificial limb or appliance, or commutation therefor, as provided and limited by existing laws, under such regulations as the Surgeon-General of the Army may prescribe; and the period of five years shall be held to commence with the filing of the first application after the 17th day of June, in the year 1870.

SEC. 2. That necessary transportation to have artificial limbs fitted shall be furnished by the Quartermaster-General of the Army, the cost of which shall be refunded out of any money appropriated for the purchase of artificial limbs.

Mr. LOGAN. "As provided and limited by existing law." That covers exactly the proposition the Senator from Kansas desires. If his proposition goes in I shall ask that the other be stricken out. They are both the same, and they mean the same.

Mr. INGALLS. Since reading section 4787 of the compiled laws I am more than ever convinced that while the Senator from Illinois may be entirely sincere, as I have no doubt he is, in his advocacy of this bill, it has a purpose which is not disclosed on the surface. Let me read the language of section 4787:

Every officer, soldier, seaman, and marine who was disabled during the war for the suppression of the rebellion in the military or naval service and in the line of duty, or in consequence of wounds received or disease contracted therein, and who was furnished by the War Department, since the 17th day of June, 1870, with an artificial limb or apparatus for resection, or who was entitled to receive such limb or apparatus since said date, shall be entitled to receive a new limb or apparatus at the expiration of every five years thereafter, under such regulations as have been or may be prescribed by the Surgeon-General of the Army.

Now, Mr. President, can anything be more direct or explicit than that language? What is there in that which requires the passage of this bill? The direction is explicit that within a period of every five years after the very date named in the bill, the soldier, seaman, or marine shall be entitled to the artificial limb and apparatus for resection or commutation therefor. Now, in view of the statute of June 18, 1874, there is no doubt in my mind whatever that the purpose of this bill by re-enactment is to give a certain class of pensioners an advantage over others who are not on the list. While I do not object to the increase of pensions, while I do not pretend to say that these men receive or will receive too much, what I do ask is that all classes shall be treated alike; but if you are going to increase pensions in one case, increase them in all.

Mr. LOGAN. I am very much surprised at the Senator's imputation. Why the construction has been given to this law that has been given to it, I cannot state. As I said a while ago, these lawyers or men having the power to construe statutes give a construction that might not be the construction the persons would give who passed the laws. But that is not for me to determine. They have so construed it, and that is what this bill proposes to remedy—the construction given. In reference to commutation you will find the same provision here in sections 4790 and 4791.

SEC. 4790. Every person in the military or naval service who lost a limb during the war of the rebellion, but from the nature of his injury is not able to use an artificial limb, shall be entitled to the benefits of section 4788, and shall receive money commutation as therein provided.

SEC. 4791. The Secretary of War is authorized and directed to furnish to the persons embraced by the provisions of section 4787 transportation to and from their homes and the place where they may be required to go to obtain artificial limbs provided for them under authority of law.

The bill now is almost the same language as the existing law; and it is merely to avoid that construction of the statute which has been given to it by those who have the right to furnish these limbs or apparatus. Why the construction has been given I do not know; but it has been given that these men are not entitled to artificial limbs after the first five years. The only object of the bill is to remedy that.

So far as the amendment is concerned I care nothing about it; but if it is put in, the other amendment ought to be stricken out, because they both mean the same thing precisely. The Senate having voted in the amendment proposed by the Senator from Vermont, certainly it obviates the necessity of the amendment proposed by the Senator from Kansas, unless it is a mere desire, as I said, to have the bill so amended that nobody can understand it.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Kansas.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

Mr. LOGAN. I ask that the amendment that I suggested be made, to strike out "person" in line 3 of section 1 and insert "officer, soldier, seaman, and marine;" so as to read:

That every officer, soldier, seaman, and marine of the United States Army who in the line of duty in the military or naval service, &c.

The amendment was agreed to.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. U. S. GRANT, jr., his Secretary, announced that the President had this day approved and signed the following acts:

An act (S. No. 391) to authorize the Secretary of War to purchase a parcel of land on the island of Key West, Florida;

An act (S. No. 843) establishing the rank of the Paymaster-General; and

An act (S. No. 983) to extend the duration of the court of commissioners of Alabama claims.

CHANGE OF NAME OF VESSEL.

The PRESIDING OFFICER. The unfinished business, being the river and harbor bill, is now before the Senate.

Mr. HAMLIN. I ask the Senate to allow me unanimous consent to take up a bill to change the name of a vessel, which will not take a minute. It is material to the man who wants it changed.

Mr. ALLISON. He can wait one day more.

Mr. HAMLIN. It will not take one minute to pass the bill. I hope the Senator will not interpose any objection.

Mr. ALLISON. If it will not give rise to any debate, I will yield.

Mr. HAMLIN. If there be one word of debate, I will move to lay it on the table.

There being no objection, the bill (S. No. 992) to authorize the Secretary of the Treasury to issue a register and change the name of the schooner Captain Charles Robbins to Minnie was considered as in Committee of the Whole.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

RIVER AND HARBOR BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 3022) making appropriations for the construction, repair, preservation, and completion of certain public works on rivers and harbors, and for other purposes, the pending question being on the motion of Mr. THURMAN to recommit the bill to the Committee on Appropriations with instructions to reduce the aggregate amount of the appropriations contained in the bill to a sum not exceeding $4,000,000.

The PRESIDING OFFICER. The Senator from Vermont [Mr. EDMUNDS] is entitled to the floor.

Mr. ALLISON. Before the Senator from Vermont proceeds, I desire to say that I shall ask the Senate to remain to-day until this bill is completed.

Mr. EDMUNDS. Would not the Senator say to-morrow? [Laughter.]

Mr. OGLESBY. I wonder if the Senator from Vermont will get through with his speech to-day.

Mr. EDMUNDS. I shall not, if I am interrupted by orations from other Senators as I was yesterday. What I had to say would have been said within thirty minutes, but I think an hour and a half was occupied by my little speech being filled up with padding by the speeches of other Senators; and my only consolation is that what they said was so much better than what I could have said that the country will believe—which I am always looking to of course—that it was all my speech. [Laughter.]

Mr. President, seriously speaking I am rather sorry that when a bill of this importance—for it is very important—is before the Senate, we should find ourselves at this moment with a scant quorum. I take it for granted that we have one; otherwise I could not go on at all.

When I left off last evening I was still on the subject of the river and harbor bill itself. By and by, in the course of my remarks, if I do not get too tired, I shall refer to some other topics that have been very properly drawn into this discussion, as to the general state of the country, the taxation, expenditures, &c.; but for the present time, I am on the topic introduced by the Senator from Michigan [Mr. FERRY] of taking the House bill, or, if we cannot get that with its $40,000 more for Michigan, as the songs used to go in the war times:

> We are coming, Father Abraham,
> With forty thousand more,

which I believe is the exact sum of dollars that my friend from Michigan wishes to have the Senate understand his State gets, or, if we cannot get that, then we are to take the bill as the Senate have perfected it—save the mark—not as the committee, but as the Senate has perfected it, by increasing $40,000 more for Michigan to $50,000 or so. But the particular point to which I wish to draw the attention of the Senate now in the remarks of my honorable friend the President of the Senate as the ground for pressing this bill through, hit or miss, without regard to the perniciousness of any of its items, but as a whole, is that in his remarks of the 15th of July, as the prime or cardinal reason for our swallowing the bill whole, he said:

> We will have a bill that appropriates $5,800,000, which the House of Representatives has passed, and this, remember, is the body of the people.

Whether the Senator meant by that that the House of Representatives is the body of the people as the *posse comitatus* in the counties is the body of the county that the sheriff may call upon in case of sudden distress and everybody rallies to the flag, or whether he meant, as I suppose he did, that the body called the House of Representatives is a body that comes from the people, I do not particularly know, but I suppose that is what he meant, and I take it in that sense. I infer from that remark that the Senator imagines and believes that this body does not come from the people, but comes from some extraneous foreign source or territory, and that it does not represent the just, conservative, steadfast, uniform judgment of the people of the various States; and, therefore, no matter what our individual opinions may be about this item or that item or the other, we are bound to take it because the House of Representatives, being "the body of the people," or, as in old times, six, or eight, or ten years ago, used to be called the tribunes of the people, have thought it was wise or expedient, and that the only discretion left to us was that very narrow one that belongs to the servants to register the edict of the other House, because it is "the body of the people."

Mr. President, with the greatest possible deference to my friend from Michigan, I must be excused if I differ with him. According to my understanding of the frame-work of this Government, the Senate is just as much the House of Representatives, and in just as large a degree the body of the people as the House is. Who are Senators? Are they not of the people? Are they not citizens of the United States and of their respective States just as the members of the House of Representatives are? Are they not presumably equally respectable and equally intelligent? Is it not to be presumed that within the sphere of their habitations, among the people, and of the people, they may understand, man for man, just as much of the interests, of the wishes, of the prejudices, of the emotions of the people as the members of the lower House? I think that question must be answered in the affirmative; and if my honorable friend from Michigan will only recall to his recollection the history of the formation of this Government, he will find that such was the concurrent sentiment of the people of the United States, without regard to State lines. That great body of patriotic and intelligent men who composed the nation at that time, ordained and established this body just as much, in just as large a degree, the representatives of the people as it did the House of Representatives; with this difference, that the House of Representatives, being elected three times as often as Senators, reflect more perfectly the temporary passion of the hour, if I may so call it, or emotion of the hour, or sentiment of the hour, than the Senate. The reason why they gave Senators a long term of office as distinguished from the short term of the members of the House of Representatives, was that they intended to provide against the possibility of any sudden popular clamor or emotion, or prejudice, or interest which it was supposed, according to the infirmities of human nature, might affect a member of the lower House who was watching for a re-election presently, when it might not affect a member of this House who would have the courage to believe that if he stood against the tide of clamor and emotion there would be time for passion to cool and for reflection to come in, and that he, before his time expired, would be justified by the unanimous sentiment and judgment of his countrymen.

I know of no theory of the Constitution—and I cannot help believing that my friend will agree with me, because these words of his, of course, were spoken in the heat and hurry of an interlocutory debate—which removes this body any more from being "the body of the people" than it does the members of the other branch of the legislative department of this Government. The one is the sudden and responsive element in the Government that fills every breath and breeze of popular emotion, be it hasty and ill-judged, or be it patriotic and wise; while this body does not represent such emotions, because the duration of its term is too long, as human affairs go, to have any prejudice or interest, or fear, or favor applying to its members largely influence, their judgments. And, I think I may say, Mr. President, as to both these branches, that the theory of the frame-work of the Government was, as it must be of every just government where it is not the government of a mob, that is for this thing to-day and for that thing to-morrow, that it is the responsible Government of selected representatives of the people who, when selected, are subjected in both Houses to the test of a solemn obligation in the presence of Almighty God that, not according to popular passion, or prejudice, or interest, or wish, but according to the solemn judgment of each man, he will vote according to what he believes, and nobody else may believe, to be the public interest. So I must ask to be excused from going for this bill on the ground that the House of Representatives is "the body of the people;" and I feel quite sure that my honorable friend from Michigan on reflection will agree with the general principles that I have stated.

Mr. FERRY. Will the Senator allow me?

Mr. EDMUNDS. With pleasure.

Mr. FERRY. Mr. President, I do not know from what the Senator has said that I am disposed to take back what I stated, but I think I will reiterate it. The view in which I stated that the House of Representatives represented the body of the people was that the members of the House of Representatives are elected by the people by districts casting their votes directly for the members representing those districts and composing the body of the House of Representatives. It was in that light that I spoke of that body as more immediately representing the people. In the theory of our Government I understand that the Senate more directly represents the States inasmuch as the Senators are elected by the Legislatures of the States, which bodies are elected by the people of the respective States.

I do not differ with the Senator from Vermont when he states that the Senate of the United States also represents the body of the people; but according to the theory of our Government this body is farther removed from the people, and, as he said, the members of the House of Representatives represent the fluctuating sentiment of the people, because their election was more frequent and they are more often called to answer to the judgment of the people. So in that sense I wish my words to stand that the House of Representatives rather than the Senate represents the body of the people *en masse*, while the Senate represents them in their aggregated capacity in the form of States.

Mr. EDMUNDS. Mr. President, my friend says that he wishes his words to stand in the sense that he now puts upon them, which is exactly the opposite from the natural sense that reading his words as he stated them would bear to any intelligent reader, for he was urging us, almost commanding us, to put this bill through, right or wrong as it might appear to our judgment, because the House of Representatives had passed it and it was the body of the people. The Senator

now says that he understands the true meaning of this language of his to be that all there is about it is that the House is the body of the people because it is elected oftener than we are, and the people elect them directly instead of selectively by other agents of theirs chosen to make a more careful examination. That is the theory. Whether they do make it, of course my friend and I would be a good deal inclined to doubt.

Mr. FERRY. I have no doubt in my case. I do not know how it is with the Senator from Vermont.

Mr. EDMUNDS. My honorable friend goes on to say:

I am willing to face the country on this approval rather than let the knife be plunged into the life of this bill.

I take it the Senator meant by that, either that the knife was the motion of the Senator from Ohio to recommit the bill with instructions to reduce the total, by eliminating works that could now be dispensed with, to $4,000,000, or that he alluded to the amendment I had the honor to offer to reduce the sum-total to $4,000,000, and leave, as we did in 1869, the application of it in the discretion of the Secretary of War and the Corps of Engineers to the most necessary works. If those be the knives that are inserted into the life of this bill, then the life of the bill is the largest possible total, for that is the only life that these two propositions assail unless the proposition of the Senator from Ohio may be considered as implying the postponement of Frankfort, and of Pent Water, and of McCargoe's Cove, and Otter Creek, and Swanton, and so on. If the life of this bill depends upon the people of Frankfort or the people of Vergennes—and I take them both in order that my friend may not suppose that I am addressing personal observations at all; I am on the substance of the thing—if the life of this bill that my friend is so eager to save depends upon the fact that the public Treasury shall be drawn upon this year to provide for Frankfort, and McCargoe's Cove, and Otter Creek, then my friend is probably right, because the chances are altogether that if this bill be recommitted to the committee with instructions to limit the appropriation to $4,000,000 by items, McCargoe will disappear from the scene, and Frankfort will go with its college and with its iron-furnace and with its agriculture without the aid of an appropriation; and Otter Creek will dream over its former glories as a naval establishment and wait for "the good time coming."

What then does the Senator mean by appealing to the friends of this bill to stand by it and to stick to it as the House passed it, or better still, stick to it as the Senate fixed it in spite of its committee so that Otter Creek and McCargoe and Frankfort, &c., shall be sure to come into the enjoyment of the luxury of the expenditure of public money in their localities?

Mr. FERRY. Will the Senator allow me a moment?

Mr. EDMUNDS. With pleasure. It is always a greater pleasure to me to hear my friend than to speak myself.

Mr. FERRY. If that were the case, the Senator would have yielded to me to occupy the floor more than he usually does, for I think he first criticised me for leaving the chair and then criticised me for occupying the chair so much; but I would like the Senator now to classify his position; whether he is the friend of the Senate bill or not. I have stated that I was a friend to the bill, and I appealed to the friends of the bill, including all who are friendly to it. I ask the Senator where he stands on it; whether he is a friend or an enemy of the Senate bill?

Mr. EDMUNDS. I am not wise enough to know that there is any Senate bill. I thought it was a House bill.

Mr. FERRY. I ask that the Senator may understand me; he does not wish to avoid my question, I suppose, because we are trying to get at the facts, as he stated a while ago. I mean the bill reported from the Senate committee as modified by the Senate in Committee of the Whole.

Mr. EDMUNDS. No, Mr. President—I am willing to be catechized upon that subject—I am not in favor of the bill as modified by the Committee of the Whole, although it contains Otter Creek and Swanton, and although it should contain every trout brook and every spring in the State of Vermont and every valley. I am not in favor of it then, because I believe it transcends the true principles of the Constitution and is an utter waste of the public money; and if I cannot have any popularity at home (for we are enough of the people, notwithstanding my friend's opinion, to be rather fond of being popular) except at the expense of taking out of the Treasury of the United States money to improve the internal streams of the State of Vermont, then I do not wish to be popular. But candor compels me to say that the people of the State of Vermont, as I believe, have not got educated up to the high pitch of supposing that it is any part of my mission to tax the people of New York, or Maryland, or Louisiana, or Missouri to assume the control of the streams over which the State of Vermont has absolute and sovereign jurisdiction, to improve them and regulate their use for the benefit of the people of the other States or for the benefit of the people of our own State. I have not got to any such pitch of perfection as that yet. So I am quite able to say that I am not in favor of the Senate bill, as the Senator calls it; as it has been perfected, as he calls it. I think I should have voted for the bill of the House as it was proposed to be amended by the committee of the Senate, who, by a careful analysis and examination, endeavored to strike off what could be dispensed with and to preserve and increase, where necessary, what the public interests of the whole nation demanded, although I should have done it with great reluctance, because I believe that in the present state of the Treasury we ought not to expend from it so large a sum as the committee of the Senate reported finally as the total; and as to the House bill, the Senator himself, in respect of some of the items in that section of the country where he resides, has been forced to admit—no, I will not say forced, because that would imply that there was some want of candor—has candidly admitted that there is no present public necessity for the expenditure of any such money.

Mr. FERRY. In what respect?

Mr. EDMUNDS. Well, for McCargoe, for instance.

Mr. FERRY. The Senator in a measure is correct so far as my course in that respect is concerned, and I think it justifies the position I have taken upon this bill. I appealed to the Senator from Iowa, who has charge of the bill, to know what had been reported in this case, as I had no personal knowledge of it. Adopting the plan that I had pursued, that upon the statement of any Senator, he verifying the necessity for any appropriation, I was disposed to vote for such appropriation, I appealed to the Senator from Iowa if he had any such information. He did not give it; and therefore as upon my own information I could not press it. I did not do so; but the appropriation was inserted in the House. I knew nothing about its merits personally, and because of that I was consistent in not pressing it upon the attention of the Senate.

Mr. EDMUNDS. Mr. President, my friend is abdicating already, although he is not of "the body of the people." "The body of the people" has said that McCargoe was a matter of indispensable necessity, of course, because the House would not have passed a bill that contained anything that was not; but my friend abandons it all at once. That is not at all consistent with that respect, that obedience which from the Senator's remarks is due to the House of Representatives. But now let us see.

Mr. FERRY. Allow me a word just there.

Mr. EDMUNDS. O, certainly.

Mr. FERRY. On the same principle, following "the body of the people," when I did ask that the House bill should be taken in case the Senate bill could not be adopted, on the same principle precisely I stuck to Otter Creek, because the body of the people, the people whom the Senator so eminently represents, had insisted on it; but upon my own knowledge, such as I have of that, I should not have voted for it unless the Senator stated, as he has I believe stated, the necessity of it. Upon my own knowledge I should not have voted for that; but as the bill comes from the House as a whole necessarily perhaps it includes exceptional cases. While I might not vote for the exceptions singly, yet taking the House bill as a whole I was disposed to support it, and I am still.

Mr. EDMUNDS. What is the use of having a Senate if, when the House sends us a bill which has items in it that are both exceptional and exceptionable to our knowledge and belief, we are not authorized to say so and reject it? What is the object of this body? Is it to have an elegant parliamentarian, a first-rate presiding officer, and to meet at twelve and adjourn at four, and go home to dinner and come back again the next day? Or is it to do some serious work for the protection of the interests of the people against the improper expenditure of their money? If the latter is the object then I submit that when the Senate finds a McCargoe's Cove or an Otter Creek that it does not see any ground for, it ought to have the courage to say so. But the Senator says he was somewhat ignorant about this matter in the State of Michigan, and that was because, I suppose, of the fact that he was not one "of the people;" but I find that he states that he appeared before the Committee on Appropriations and made propositions, as I suppose, between two high contracting parties. He says:

I first proposed to the Committee on Appropriations in behalf of the delegation of Michigan that we would consent—

How gracious, Mr. President!—

to a modification of the House appropriations for that State, to the reduction of $40,000, yes, $41,000, as I am reminded by my colleague.

"Appropriations for that State!" Mr. President, I believe I have said—if I have not I say it now—that I do not know, on the theory of this bill or on the theory of any other bill of national concern, that we make any appropriations for a State. McCargoe's Cove would be just as important if it were in the State of Wisconsin or Ohio or New York, I suppose. The commerce of the country, the great national interests would be equally at stake with the business of McCargoe's Cove if it were out of the great and noble State of Michigan. So it appears to me that my friend is occupying a rather uncertain attitude, in respect of its correctness but not in respect of its definition, because that is perfectly plain, as he always is when he talks about appropriations of this character for any State. They are appropriations of the nation's money for national objects; and when they cease to be that, they cease to be not only constitutional but to be either reasonable or just. That is my opinion; but I may be wrong. If this is a bill of distributions, as of a dead man's estate among his heirs, then the Senator is right; but if it be a bill for the execution under the Constitution of great national instrumentalities of commerce among the several States, then the locality of the particular harbor or of the particular port is of no sort of consequence, and the harbor of New York (if the State of New York, as was proposed once during the rebellion, should have been divided, and the Island of Manhattan should have been set up as an independent State) would

have been just as national, just as important to the whole interest of the country as it is now, forming the harbor of the Empire State of the Republic. It is not correct therefore, I submit with great deference to my honorable and learned friend, to speak of this bill or to look at it, so far as its merits are concerned, with any reference to how much or how little money is to be expended within the territorial limits of any particular State. When it descends to that, it descends to the region of the lobby, to the region of combinations and of log-rolling, as it is sometimes called, and ceases to be a national appropriation for national objects and comes to be a combined grab at the money of the people, to be spent among the people of particular localities. Any such bill, I am sure, my friend would not be any more in favor of than I am, if he understood it as I understand it, because we cannot disagree upon any such principle, I am quite sure.

Now, Mr. President, where do we find ourselves? We find ourselves, as the fact is, and as has been stated everywhere where an audience could be obtained, in a state of general stagnation of trade and of the active industries of the country, excepting those of agriculture and those other industries, if they can be called such, of the consumption of necessary articles of life; and therefore it has been said, as it ought to be said, that the greatest possible economy should be exercised at this present time, and that every expenditure that can be dispensed with ought to be dispensed with. Can there be any dispute about that? I have heard no dispute about it. No man, no party, no newspaper, no public meeting, no anybody has undertaken to controvert that proposition.

Where are we then? The State of Michigan—and I only speak of it now as a section of the country because on my view States have nothing to do with it except in the attitude I have named, that when we have left the Constitution and have left the public welfare, and have descended to scooping, as they say out West, money out of the Treasury—the State of Michigan, spoken of merely as a locality for the shortness of the name, has prospered and grown rich and grown wise in a degree that we all admire and most of us would emulate, without having yet had any appropriation for this year for Frankfort, or McCargoe's Cove, or Pent Water, or any other of the numerous bays and inlets and streams that flow from that beautiful peninsula into the great lakes; and if the people of Michigan were able to prosper within this last year with these harbors as they are, in a time of great public distress and hardness, can they not wait for another year and prosper just as well? Has the prosperity of Michigan for the last year depended in any essential degree upon the circumstance that a half million dollars of the money of the United States has been expended within her borders for improving harbors of refuge and rivers and navigable streams? I think not. My friend will not contend that. Of course, the expenditure of money is an advantage to the people who receive it, but it is no advantage to the tax-payer who owns the farm close by a particular pier or a breakwater or a river where obstructions are to be removed. He does not get any of it. It does not help the general body of the community particularly. Then am I not safe in saying that Michigan—and when I speak of Michigan, as I have just now said, I repeat I only speak of it as merely one term as representing one of the various localities in this broad land of ours—or I will take Vermont—am I not safe in saying that Vermont would not have been any less prosperous in any essential degree if in the last year the breakwater at Burlington, Vermont, had not been extended one hundred feet, although at that port there is poured into the Treasury year after year nearly a million dollars of actual collected customs dues? It would have made no difference to us. It is possible, it is true, that a vessel that got shelter there might have gone ashore, and the insurance companies would have had to foot the bill; and it is certainly true, as it is with most of the places in Michigan, that national interests require in the proper way and at the proper time, when we are able to do it, that some reasonable facilities for the transaction of commerce with foreign nations and among the several States should be granted and provided for. And yet I venture to say that in this last year of the stagnation of trade and of commerce the people of the State of Vermont and of the State of New York on the opposite side of the lake, for which the ports on both sides are common of course, would never have known that they were not just as well off if last year's appropriation of $25,000 for Burlington, $50,000 for Plattsburgh, and so many for Whitehall, whatever it may have been, had never been made at all. Is it not one of those cases where we should act as a prudent farmer would do with a mortgage on his farm—as the national debt is a mortgage on all our income and all our property, if we have any honor, as I take it we have—when he has one year and another year and another of bad crops and disasters and low markets, so that he has no margin? Then he gets on with the old barn instead of building a new one; or, if he has not any barn at all, he stands by the ancient stack. Although my friend from Texas over the way [Mr. MAXEY] contended that every man ought to have a new thrashing-machine and a new mowing-machine every year without any regard to what his resources were, and he could not stand by the flail and the scythe any more, I think that is a little overdrawn. We all know that every prudent man who has sense enough to be kept out of an idiot asylum, when hard times come, stops improvement in the sense that we are now speaking of it. He gets on with the old barn and the old house and the old wagon and the old horse and the old flail and the old shoes and the old coat and the old everything; and yet, when he puts in his crop, nature yields him the same increase it would have done had his barn been new, with a cupola and covered with a roof of gold, if you please. So I say, in respect to these internal improvements, as they are properly called; the time to pause in internal improvements is when there is a lack of money, a lack of prosperity, and no essential injury is done to the Republic if we wait, much less indeed than if we go on, because the money is much more needed for other purposes that cannot wait; for every dollar of money that gets into the Treasury and is appropriated for these purposes comes out of the pocket of somebody. The man who drank his cup of coffee, or not many years ago ate his ounce of salt, had to pay a tax upon it which went to swell the funds in the Treasury. So, now, this money in the Treasury, this six or seven millions that it is proposed to appropriate for these objects, in some way or other, in a large degree, comes out of the pockets of all our people, not absolutely in the case of customs, I admit, because the foreign producer bears a certain indefinite proportion of those expenses undoubtedly; but, in the general sense, every man, woman, and child in this country who has money enough, as he must have, to buy anything, be it even the product of the soil, contributes something to this sum of money that is to be expended in this way; and if the times be as they are stated to be, are we justified in doing things which if omitted we shall find ourselves substantially as well off next year as we are now when there is this universal stagnation, when there are these numerous failures of business enterprises, of manufacturing and of commerce particularly, rather than to wait until the forces of commercial nature, if I may use such a phrase, are again recuperated and the people go on in prosperity?

I am not making these remarks, sir, for the purpose of showing that we ought not to pass any bill at all. I am only endeavoring to press upon the minds of Senators the necessity of the highest degree of economy compatible with the protection of the works of internal improvement that have been commenced and of such completions and extensions as the great wants of national commerce in the broadest sense will lead us to believe we are justified in providing for at this time. That is my proposition, and in making it I appeal with some degree of confidence to my honorable friend from Michigan, I appeal with some degree of confidence to my honorable friends from Missouri and from Texas and to every Senator, however much their pride in developing the capacities of their particular localities without regard to State lines as I have said before may be, there is still, or there ought to be, that conservative economy that should compel us now to save every penny that is in the Treasury that the urgent and pressing demands of a broad national interest do not require us to expend. We found in 1869, when a bill of this character coming over from "the body of the people," as it is called, was so improved upon and amended in the Senate that it got into exactly the condition that this bill is now, that I believe almost by common consent, although the country was not then in the condition of depression that it is now, we dropped it as a thing unwise and extravagant and out of proportion, and provided the modest sum then I believe of two millions or two millions and a half of dollars. I propose $4,000,000 now, to be expended under the direction of the Secretary of War, and so of course through the careful examination of that Bureau in his Department called the Corps of Engineers, who look after these things for the most necessary and important purposes. We found when the year rolled around that the public weal had been promoted rather than injured; and it is not altogether certain that that two millions or two and a half millions, or three millions, whatever it was, had not done as much real good to the national interests of our whole people—not of States, not of localities, but of all as a nation—as the whole sum of five or six millions of dollars, mentioned in detail in the bill that we dropped and rejected would have done had it been expended. Can we not, then, in this time of our trouble and distress resort to a similar method with a similar well-grounded confidence that the public interests will be promoted and will not suffer?

I was talking just now about taxation, and I said what perhaps the Senator from New York [Mr. CONKLING] stated or referred to the other day, that this money which we are expending is the fruit of taxation; and so it is. Yet, on the other hand, the tax that the nation imposes, as we all know, although we seem very careful to keep it out of sight, is not a taxation that hampers anybody's industry. It is not a taxation that bears upon the manufacture of carriages or shoes or cloths. It is not a taxation like that provided in the Constitution upon the States according to their representation in the lower House of Congress. But it is in substance and effect, with a few minor exceptions, a taxation upon imports and a taxation upon whisky and patent medicines and tobacco. Whisky is considered to be in most communities a luxury that in hard times can be dispensed with, although the people of Michigan and of Vermont might feel that the harder the times the more whisky they would want to drown their sorrows. [Laughter.] I cannot say how that would be. I do not know that my friend and I would feel that way, or perhaps one of us.

Mr. FERRY. The Senator speaks for himself.

Mr. EDMUNDS. Yes, I will speak for myself. Perhaps I should need whisky, as the water of Vermont is not very good, as we are a mountainous country, and should drink that, while my friend from Michigan would drink of the waters of McCargoe's Cove and would be at once inspirited. Seriously speaking, and leaving off this badi-

nage which my friend and I are so fond of, the tax on whisky, which is the large share of our resource from internal revenue, is not a tax which embarrasses the productive industries of the country. The tax is not paid by the man who sells the corn that makes the whisky; it is neither paid nor borne by him. The tax is not borne by the man who makes the whisky and sells it to somebody else, in any large degree. Undoubtedly, theoretically, a share of it falls upon him and diminishes his profit, but the great bulk of the tax raised out of whisky is paid by the man who walks to the bar and pays his ten cents, or whatever the price is—what is the price? [laughter,]—and swallows his glass of whisky. That is where the tax is paid; so that it is useless to say that the people are now ground down by taxation imposed by the National Government. That is a delusion among honest men, and it is a fraud whenever it is represented by anybody else; because there is not a particle of truth in it. It is a tax upon luxury; it is a tax upon indulgence; it is a tax upon vice, that my friend will agree, to a certain extent.

Therefore it will not do to say that the present condition of this country, its paralyzed industries, its diminished income, and its general stagnation of business, so far as there is that stagnation as there is in manufacturing operations, arises at all out of any tax imposed by the National Government. If the States have heavy taxes it is an affair with which we have nothing to do. We are not to blame for it, so far as I know. Then we come to the other branch of taxation, that derived from customs. My friend from Pennsylvania [Mr. WALLACE] has very well illustrated that, although I am not quite sure that he meant to do it, when he said that taxation was grinding the people of Pennsylvania; that the forges were closed, that the furnaces were shut up, and that the rolling-mills were closed, and all the great iron industries of that magnificent State were in a condition of enforced repose. Taxes are too high. How are you to help that? Does he mean to reduce the duties upon iron? Is that what the people of Pennsylvania are after? Would that revive the furnaces of Pennsylvania? When iron is now so low in the markets that they cannot afford to produce it, do you mean to take the tax off the importers of iron in order that the furnaces of Pennsylvania shall start with a still larger influx of the foreign commodity to compete with them? Is that the kind of democracy that my friend from Pennsylvania, who I am sorry is not here, is preaching? That is the effect of what he says, that the people of Pennsylvania are ground down by taxation. I suppose he meant, if he was talking to the purpose at all, taxation imposed by the National Government. I have disposed of the tax on tobacco and on whisky and on patent medicines, taxation by customs, taxation upon articles that so far as they affect the industries of the State of Pennsylvania, every per cent of it, cent by cent, is a protection and encouragement to those industries.

If the Senator wishes to tell the people of Pennsylvania that their true redress is to diminish imposts upon the articles that they produce, chiefly iron, then I think it will take him a good while to convince the people of Pennsylvania that that is the right way to do it. It is quite the reverse. Speaking from a Pennsylvania point of view, I think it might be safely said that the furnaces of Pennsylvania, and its rolling-mills, and its forges would begin work again when the tariff upon iron should be so increased that the foreign producer could not compete in the American market with the home producer, and not otherwise. Why can he compete now? He can compete now because the men in foreign countries who do the work do not get the pay that the men who work in Pennsylvania do. Not getting the pay, they do not live in the comfort that the laboring-men of Pennsylvania live in. Where the Pennsylvanian gets fresh beef twice a week, at least, perhaps six times a week, the worker in the mines and in the iron-mills of Great Britain or of Belgium, or wherever it may be, does not see it once in six months. Where the Pennsylvanian lives in a cottage of two stories with glass windows and with a carpet in its best room, possibly with a melodeon or some instrument of music for the amusement and education of his family, and where his children go clean and well-dressed to school, his colaborer on the other side of the Atlantic never heard of such a thing. He lives in a hovel with a clay floor; he sees neither beef, nor butter, nor white bread; his children never go clean or otherwise to school; and he is in misery. That man, be he democrat or republican, or other, who feels it to be a part of his duty to provide first for the poor and starving and unfortunate of some other country than his own, is not the democrat or the republican for me.

Some of our friends over the way have said that one part of our misfortunes has been in the terrible extravagance of the republican administrations, that, as they say, have cursed the country from 1861 down to this day; that appropriations and Government expenses have constantly increased, while the prosperity and the welfare of the people have constantly diminished. That is a very serious charge; and if it were true in the just sense the republican party ought to be turned out of power, and some better party, if there could be one, ought to go in. It is true that the republican party after 1860 increased the expenditures of the Government from forty, or fifty, or sixty, or seventy millions a year under Buchanan, and they ran up in a year or two to billions. There is no doubt about the fact; but what made them run up? Was it the fault of the republican party that it had the temerity, without the consent of the body of the people, as my friend from Michigan would say, or the body of the democratic party, to vote for their candidate for President instead of the other one? Is that the cause of it? Not quite. Opposing civilizations, to quote an ancient phrase, had at last come to a critical climax, and under whatever name or under whatever pretext, it was essential in the due order of things that at last one of those opposing civilizations should yield to the other.

So there was the rebellion, if by the use of that phrase I offend no Senator here, and I am sure I do not. There was the rebellion; and in order to conquer the rebellion it was necessary to raise vast armies of men, to withdraw them from the peaceful pursuits of industry at home and to turn them into the terrible conflicts of the battle, and the terrible privations of the camp and of the prison. In order to do that, it was necessary that taxation should be vastly increased; that public expenditures should swell a hundred or a thousand fold; and they did. Yet our distinguished friends on the other side of this Chamber have imputed that to the republican party as one of its crimes, and as one of the crimes for which the republican party is to be dismissed from the confidence of the people and from the administration of the Government, and that the men who forced the republican party to that dire necessity shall be put in power. Who are the men who forced the republican party to that dire extremity? Of course the representatives of the Southern States who went into the rebellion, so far as their power and their skill could go, confessedly did it; but that was not all the democratic party. I say as far as the democratic party of the North was concerned as a body, organized, with its captains of Tweeds and other men, it was just as responsible in the moral sense for this enormous increase of taxation, this enormous expenditure of treasure, this frightful destruction of human life and frightful increase of misery in this land, as the men who took up arms for the rebellion. In my opinion this rebellion would never have reared itself into the proportions it did, had not its leaders and the body of its supporters sincerely believed, as they had good ground to do, that the democratic party of the North would not permit a State to be coerced and kept in the Union in spite of its will. They believed that, and they had a very good right to believe it. In those northern States during the war where the power of what is now called the republican party was most potent, like the one which I have the honor to represent in part, all the patriotic members of the democratic party for the time being disbanded and joined the Union republican party, ran no candidates for office, and put their brave shoulders to the wheel to preserve the unity of the republican government of the Republic. Wherever, as in other States, the members of that party either from want of power or want of courage did not do that, by just so much in those States was the cause of the Union imperiled and retarded. There was the great State of New York. In the midst of rebellion, with a democratic executive and a democratic party behind him, thousands upon thousands of the soldiers of the Army of the United States, including one brigade from my State, had to leave the theater of war and encamp in the squares of the city of New York in order to preserve that State from aiding the rebellion by overturning everything that was used to support the Republic. That is a part of the expense that this republican party is responsible for.

So, Mr. President, I think it is not precisely just for Senators on the other side of the Chamber to appeal to the people of the United States at this day and hour against the republican party upon the ground that after 1861, when it came into power, the expenses of the Government were enormously increased, and therefore the Government ought to be turned over to the people whose crimes or whose misfortunes or whose misunderstanding of their rights compelled such great expenditures of life and of money.

Let us see how this was. My honorable friend from North Carolina, [Mr MERRIMON,] who found it to be his special mission to assail the republican party for its terrible extravagance, submitted as documentary and conclusive proof of his assertions some tables that he said at first, as I understood him, were official, or at least prepared from official sources. The first one is a—

Summary or comparative statement of expenditures or appropriations—

"Or appropriations." Mark the word; as if one word were taken when that would answer best and the other when that would answer best, for there is no such head in any Treasury accounts, I beg to assure my friend—

in the several branches of the public service named, in the fiscal years from 1868 to 1875, respectively.

The first one is the Post-Office, in 1868, $22,000,000; I leave off the hundreds of thousands and so on, in order to condense what I have to say as much as possible; in 1875, $33,000,000; these he gives as the net ordinary expenses. I pass by what has been said so well by the Senator from Massachusetts [Mr. DAWES] about the utter falsehood of these tables, taking them separately, as compared with the official documents before every Senator, in many instances showing that they are not compiled honestly from any official source. I pass all that by for the time being and take the thing as it stands in the table. My friend has complained, if there is any point in his speech at all—as of course there is, for he always speaks to the point—of the extravagance of republican administration about the Post-Office. That is the first item. What is that extravagance? He complains that its expenditures have run up from 1868 to 1875 by the sum of $12,000,000. What made it run up? If it was the extravagance of the republican party, it ought to be condemned. If it was not, it ought not to be condemned. What was the state of the post-offices in this

country at the beginning of the fiscal year 1867? These are fiscal years, the statement ending on the 30th of June in each one of these years, beginning with 1868. What was the state of the Post-Office in this country in the year from 1867 to 1868? We did have a postal system that extended all over the United States. We had post-offices, and postmasters, and mail-carriers, and mail-contractors, and all the machinery that distributed to all the people of the several States intelligence according to the Constitution. What became of those post-offices in eleven or twelve States of the Union some years before? A body of men who undertook to separate from the United States destroyed all the system that the United States had. They seized the post-offices that the money of the people had built. They confiscated the postage-stamps and the postal moneys that the people of the United States had provided for, and the mail-bags, as my friend [Mr. HAMLIN] says, and the locks—everything; I believe, even the horses and the carriages of any mail-contractor who still had any faith in what was called the old flag.

Then when the year 1867–'68 came, and there was peace in the land again—if it can be called peace—peace enough to re-instate the postal system, we were obliged, and it was not only a duty but a pleasure, to resupply all this service in all these various States. In order to do that and be honest we were obliged to re-employ postmasters and post-boys, and mail-carriers, and mail-bags, and advertisements for routes; everything that makes up the multifarious expenditures of the postal system for the benefit of the people. It took millions of dollars to do it. Yet the Senator stands up in his place and assails that as one of the items in the aggregate wherefrom he brings a grand footing of crime, of extravagance, of wickedness on the part of the republican party! In addition to that, and apart from the topic I have now spoken of, the postal system is being, as it ought to be, prudently and economically, constantly extended into new States and new Territories, in order that the chief life of the Republic, the dissemination of intelligence, the coherence of parts, the unity of the people, may be constantly promoted; and that requires the expenditure of money. That is assailed as the extravagance or the crime of a republican administration. I should like to have the Senator go to some Western State or Territory whose hardy pioneers have built up their cabins, and are producing their crops, and educating their children, and accuse a republican administration of giving them the means of communicating by letter with their friends elsewhere, and of receiving every Saturday night their weekly newspaper, be it religious or otherwise. I do not think he would convict us upon an indictment of that kind. I think he would be dismissed out of court for want of jurisdiction quicker than any cause has been dismissed before us for want of jurisdiction a good deal.

Then the next item is the "Indians;" in 1867–'68, $3,900,000; in 1875, $8,384,000. That is a crime, it is said. Has the Senator pointed out or attempted to point out any one respect in regard to which this increase has been wrong or wicked? Not at all; but because there is an increase, therefore there is an extravagance, or therefore there is a crime! To many minds there might be a slight want of logic and sequence in a proposition of that kind. If the Senator will only go to the items that make up this increase, (and for this purpose I say I take his table to be true, just for the fun of it, not because it is true,) upon his own case he will find that a system of justice, of care, of economy, as diminishing military expenditures, has been inaugurated by the President of the United States, a system that, whatever may so far be its defects and however short it may so far have come of accomplishing the full beneficence of its purpose, was one that commended itself to the conscientious judgment of the religious denominations in the whole United States—denominations composed in equal degree of men of all parties, all creeds, all conditions of life; because what otherwise would have necessarily been expenditure under other heads, for Indian wars and for a thousand things, is now consolidated into this item of "Indians." Therefore, says the Senator, a republican administration has been guilty of wasteful extravagance or of criminal neglect.

Next is the war expenditure; in 1868, $123,000,000; in 1875, $51,000,000. There is a diminution there, but not so great a diminution as there ought to have been in one sense of the term. I add to the Senator's observation, for, as will be seen, a large proportion of the expenditures of the War establishment is directly due as an inevitable consequence of the rebellion, and as we indulged in the luxury of compelling the Southern States to be a part of the Union we must bear the necessary consequences of that in those increased expenses of the Army that still come down to us from that great source.

The next is the Navy, $16,000,000, if I correctly read the figures, in 1868; $20,000,000 in 1875. There is an increase. How is it accounted for? My honorable friend says by extravagance, by fraud, by peculation, by corruption; and yet if he will only take the trouble (for he is quite competent to do it) to go to the Treasury accounts, item by item, of Navy expenditures, I feel safe in prophesying that he will not find in all that increase even $15,000, even $10,000, that he will say is in and of itself either extravagant or wrong. The end of the war found us with a vast amount of crazy and broken-down material in the Navy, old hulks and ships of every description that were worn out and good for nothing, built in haste of green timber and put together not with great skill, for the time would not allow of perfection; and so from year to year those in charge of the Navy Department, and within the appropriations made by Congress, have endeavored, and I am happy to say with some degree of success, to rectify this state of things, to bring a consolidated order, if I may so express it, out of the chaos of material and of organization that existed at the close of the rebellion. Instead, therefore, of there having been extravagance or wickedness or crime, you will find, if you will only look at the items, which Senators do not seem to be particularly anxious to do, that instead of extravagance there has been economy, and that to-day, instead of having no Navy or a crazy and illy-regulated one, you have a Navy that makes he just influence of the people of the United States respected on every sea and on every shore. But that, the Senator says, is a crime. Perhaps he would agree to have the Navy what it was on the 1st of April, 1861, so that—I will not say "so that," for the Senator does not wish it so—but in such a condition that if some new insurrection should arise or some new tumult, some new war, to which all nations are exposed and will be until the millennium comes, the United States would find itself where it was when the rebellion broke out, absolutely paralyzed in respect of its naval power and of its naval capacity. The people of the United States are appealed to, with an air of confidence, to condemn a republican Administration for preserving and economizing this force upon the sea in order that the interests of the people may be protected.

There is the Coast Survey which has gone up from four hundred and odd thousand dollars to seven hundred and odd thousand dollars. What has run up the Coast Survey? Where are the light-houses and the beacons and the buoys that before 1861 the money of all the people of the United States had provided over more than a thousand miles of the southern coasts of the United States? What became of them? They "went away," as was said about the Americans at the battle of Bladensburgh. They disappeared; and in their places were obstructions and decoys, instead of buoys marking the channels of commerce, and torpedoes and false lights to decoy vessels ashore. The wicked beneficence of the United States has restored them. My friend complains of it. At the mouth of Cape Fear River, in the noble State of North Carolina, the great light-house destroyed by the rebels once more spreads its beams over the sea. That, I suppose, is a crime. That is the reason why the Coast Survey expenses have run up from the end of the war until this time. Restoration, oblivion, good-will, fraternity has taken from the pockets of the people of the United States money to rebuild the light-houses of the southern coast, to restore the buoys in the channels of commerce, and to have peace and intercommunication once more; and that is charged to us as a crime.

Then there are the judiciary expenses, running from seven hundred and odd thousand dollars in 1868 to three million and odd thousand dollars in 1875. Where is the justification for that crime? There were eleven or twelve States of the Union from which all the judicial organization of the United States had been swept. War had taken the place of law. The courts of the United States, and the court-houses, the records, all the machinery of justice had been buried in the bottomless sea of rebellion. When at last order was restored, by the exercise of power, there was the natural consequence of irritation, of discontent, of prejudice, of violence, of mobs, of assassinations, of organizations to persecute men for political purposes, to drive "the cursed republicans" from the land, and to reduce the negro practically to his old condition. There were the Ku Klux and the White Lines, and whatever other organizations may have been. They could not consist with the reign of law. They could not consist with that reign of peaceful order out of which unity and prosperity only can grow. In order to establish courts and through the courts in order to enforce peaceful justice against turbulence and crime, the people of the United States have poured out of their Treasury large sums of money. That is another crime and extravagance of the republican party. Why not leave the Ku-Klux alone to work out their own salvation? Why not let the White Line carry its red banner wherever it pleases? Why not send home to every northern State, as there came home to my own more than once, the dead body of some white republican whose only crime had been that he asserted the independent right of a citizen of the United States to have an opinion? Wherefore spend money for the objects of the administration of justice, for the peaceful supremacy of law? That is our crime.

Then, we have the subtreasury. "The trail of the serpent," as the poet says," "is over them all." Every one of these items flows out of that vast fountain of blood and trouble. Even the subtreasury, as far removed as that may be supposed to be from these causes and these consequences, comes in for a share. The subtreasury expenses have run up from $260,000 to $430,000. What has increased the expenses of the subtreasury? Exactly the same cause: the collection of the customs entirely overthrown and disordered, the disbursements of the public moneys accumulated an hundred fold, all flowing out of this same fountain of wickedness and blood; and yet we are told that to restore administration and to regulate public accounts and to make these enormous disbursements—and this rebellion has caused it—that it is a crime in a republican administration to have spent any money to accomplish it.

Then, next and last, for I am sorry to weary the patience of the Senate, comes the miscellaneous items of expenditures, increasing from $53,000,000 in 1868 to $71,000,000 in 1875. Let us see how that happens. I have in my hand the report of the Secretary of the Treas-

ary, Forty-fourth Congress, first session, Executive Document No. 2, not a speech by somebody "elsewhere," as the saying is, but the official document wherein on the fourth page of tables attached to the report is shown what makes up this total of the miscellaneous expenses of the United States, and where the plain mind of the wayfaring man can see how and why it is that they have increased. First in respect of a certain part of the Light-House Department, to which I have already referred, and the Coast Survey, which also is a part of the same general system, and the building and repairs of light-houses. This is only the last year, and not for all this period of seven years from 1868 to 1875. One single item is "return of proceeds of captured and abandoned property," $880,000. That is one of our extravagances that has run this thing up. Another item is "repayment for lands erroneously sold," that is, lands sold for the direct taxes in the Southern States, which, I believe, had something to do with the rebellion, $35,000. Another is "payments under relief acts," ninety one-hundredths of which, if not a larger proportion, are relief cases growing directly out of the rebellion, $157,000, without giving the odd numbers. The next one in this long list of items that the mind of my friend from North Carolina is too great to descend to, as he only looks at totals, is "refunding proceeds of cotton seized," $36,000. The next is "southern claims commission," $51,000, the table making millions in respect of items that grow directly, and by name, out of the consequences of the deplorable state of things that existed from 1861 to 1865. When you take every one of the other items, marine hospitals, refunding duties, and all the ten thousand items that go into the miscellaneous expenses of the Government, there are more than half of them that have increased necessarily in a stream that flows directly, and without any river and harbor improvement to get rid of obstructions, from this same great cause.

The Senator has labored under what I think is the misapprehension of supposing that when the rebels laid down their arms in the spring of 1865 there was not only oblivion as to the crime of the rebellion, but there was oblivion as to all public obligations and all claims and duties arising out of the then condition of things, that everything was to be stricken out and that we had no right to know and no right to bear any of the enormous expenditures which follow, as the night follows the day, or the morning the evening, from such a state of things as existed.

When you come to the employés you will find exactly the same thing wherever in the rare instances the employés have increased from 1868. Of course they have been enormously increased since 1859, because you cannot keep a million of men in the field and have billions upon billions of public money collected and expended and allowances made without an enormous increase of all the civil establishment of the Government to carry it on. Since that time, since 1868, wherever in the very rare instances there has been any increase at all, it has been directly attributable to the necessity of settling claims and adjusting accounts growing out of the rebellion. But when you come to take it on the whole, as the Senator can inform himself without borrowing from any member in another place or anybody else, but going himself to the sources of information, instead of there having been an increase in the persons employed by the United States since 1868 there has been decrease. The Senator foots up his totals in the Blue Book upon the idea that that represents the actual increase of the civil establishment, when in point of truth, as he can satisfy himself, if he will, (and I know he wishes to do it if he has the time,) what he calls the increase of the Blue Book is only the circumstance that by a new method of reporting in the Blue Book the names of persons employed who had not been inserted before, but who have always been employed of the same kind and the same degree year by year as the public service required it are inserted. It is just as if the census-taker were to come to my friend and to me and say, "What does your family consist of?" and I say, "Well, my family consists of four: my wife and my two children;" and my friend says, "My family consists of six: my wife and my four children;" and the next year the census taker comes around and puts the same question and we give the same answer; but then he asks, "Have you not somebody employed; have you not hired somebody this year?" "O, yes." "Well, whom have you hired?" "Tom, Dick, Harry, Joe, Smith, Jones," &c., and so down they go. Now, some enemy of ours desirous to write a book puts this down, and it is published; and then it is said, "The Senator from Vermont and the Senator from North Carolina must be very corrupt men; they must be getting rich at Washington; their establishments have increased four-fold since the last census. At the last census their establishments only consisted of four for one and six for the other, and now there are ten for one and twenty for the other. There must be something 'rotten in the state of Denmark.'" Yet the simple truth is that my friend and I have told the census-taker that we had employed this servant the last month and the other servant the month before, and we had this mechanic to mend our horse-shoes and that other one to mend our own shoes, and so on; and it all goes down into the book.

Mr. President, I cannot doubt that my honorable friend from North Carolina has had a sincere desire to correct what he supposed to be an evil; but I beg to suggest to him if he mounts his horse and takes his lance in hand to correct evils, it would be perhaps just as well as wise to first inquire with some care and not on anybody's say-so, but from the records themselves, whether the truth warrants the undertaking.

Mr. KERNAN. Mr. President, I wish to inquire of the Senator from Vermont to what trouble he referred when he said the United States were required to camp its troops in New York during the rebellion?

Mr. EDMUNDS. I referred to an occasion in the year 1863, I think it was.

Mr. KERNAN. The Senator means the occasion of the riot in New York.

Mr. EDMUNDS. I will send for the book and get it for the Senator, as he does not seem to be familiar with the visit of the Vermont troops to New York on that occasion.

Mr. KERNAN. I will get at the matter without any controversy with the Senator.

Mr. EDMUNDS. He certainly cannot get into any controversy with me; I yield in advance.

Mr. KERNAN. There was a riot in New York. It was a riot that arose out of a state of things that existed there in reference to the draft. Excitement grew up; there was a breach of the law; there were grievous wrongs done from excitement and prejudice among a class; but it did not require any of the United States troops to restore order, I believe. My word might not go very far; but on an occasion in the constitutional convention of 1866-'67, of which Mr. Opdyke, a republican, who was mayor of New York when that riot occurred, was a member. There was some such allusion made to the riot and the then governor of New York as has been made here, and I can state in substance what he said. He said that he felt called upon, as he was the mayor of New York when that outbreak occurred, to state that he was there when the democratic governor came to the city, and he desired to bear his testimony in justice to that gentleman that he in every way discharged his duty as a good, patriotic, and an efficient governor, in aiding him at once in restoring order there.

That the Senator from Vermont may see that I do not state it erroneously, though I state from memory what Mr. Opdyke said, it will be found in the debates of that convention of 1866-'67. This was a sudden outbreak. There was no previous warning. The governor immediately went to the city. He used such means as were in his power to suppress the outbreak. He confronted and addressed the excited crowd, urging them to abide by the law, conferring with the republican mayor of the city, and acting with him in restoring order.

Mr. President, speaking only from memory, I want to say a word in reference to the State of New York and its people without regard to the political parties into which they were divided; and I say, and I am sure the record will confirm it, that when the call was made for volunteers in 1861 the governor of the State, who was not a democrat, appointed committees in the counties to raise troops without reference to party; and I know who acted on the committees in my own county, and I know they raised and sent out from that county during 1861 and 1862, without any coercion by the draft, without any inducement by large bounties, five full thousand-men regiments. They volunteered. They went out, democrat and republican, side by side, and they were officered by democrats and republicans, sometimes a democratic colonel and sometimes a republican. They served out their time, they fought side by side, and there was mourning in our State as often in democratic families as in republican families. So long as the volunteer system was adhered to New York furnished her full quota of soldiers. The governor of New York subsequently, and in 1863 or 1864, remonstrated that we had furnished more than our quota, and a commission on that subject was appointed and met at Washington. The matter was looked into, and it was ascertained that the State had furnished more than its quota. It was not an idle complaint.

Therefore, in justice to the people of New York, I say that they as a mass acted without reference to party unitedly in raising troops to sustain the Constitution and the Union. The regiment that marched out of Utica immediately after the Massachusetts regiment had been fired upon in the streets of Baltimore was a regiment made up of democrats and republicans, equally intent upon doing their duty to their country, in upholding the Constitution, and suppressing all armed resistance to it and the laws made in pursuance of it. It is not just, therefore, to the mass of the democratic party to say that they encouraged the rebellion, that they failed to do their duty in aiding to uphold the Constitution and laws by suppressing the rebellion, or that they as a party, or any large number of them, in any way gave it encouragement.

I say for the mass of the democratic party in the State of New York, and I say it that it may go home to the people who know in every neighborhood whether I speak truly or not, that while they differed from their political opponents with reference to the policy of the Administration, while they believed many of the measures adopted unwise, yet on every occasion they sent out volunteers to their full share to uphold the Constitution and maintain the Union. In 1863, when there was a sudden incursion of the confederate troops into Pennsylvania, the democratic governor of New York received the public thanks of the President and the Secretary of War for the promptness with which at their call he ordered out and sent our militia regiments into Pennsylvania to aid in repelling that incursion.

I do not want to claim anything beyond what is just; but I do wish to say in presence of all the people of the State of New York, that the man who attempts at this day, or at any other time, to get up a pretense that there was any body of men in that State or that the

democratic party as a body sympathized with the rebellion and were not disposed to do their full duty in suppressing it, does them a very great wrong.

The Senator from Vermont talks about the democratic party having control of the State of New York. It had a governor during 1863 and 1864, but during neither of those years had it the Legislature. The governor acted in entire accord with those who were aiding the Federal Government to troops and doing their duty to that Government in reference to suppressing the rebellion.

One or two other suggestions. I have been in favor of reducing the amount appropriated by the bill under consideration in the interest of economy. I am also opposed to some of the items in the bill because they are outside of what I believe to be the sphere of the action of the Federal Government. I understood the Senator from Vermont to be of the same opinion; and yet he has made an argument here that there is no need of economy, if I understood him correctly. He says in substance that there has been, if I understand him, all the economy exercised which could be exercised in the administration of the Government during the last five or six years.

Mr. EDMUNDS. That does not prove that there is not need to continue it, does it?

Mr. KERNAN. No; I was simply going to say that I do not think there has been all the economy in the administration of the Federal Government during the last five or six years which could be exercised or which ought to be exercised by those administering it. I am not one who has thought that any good came here from saying by way of taunt "you have done this" or "you have done that;" but when the Senator from Vermont, replying to gentlemen who on this floor respectfully urge and argue that there must be more economy now and in the future than there has been, argues to the contrary, I think he is at issue with the great mass of the press and of the intelligent people of this country.

Mr. EDMUNDS. But I have not argued to the contrary. I have argued that there should be the utmost possible economy all the time.

Mr. KERNAN. Well, my friend has said that this needed expenditure came from the rebellion. Does he think that when he gets up on this floor and attempts to stir up feeling by saying, "Why all this expenditure was caused by the war," he is making a fair argument in favor of economy?

Mr. EDMUNDS. I do.

Mr. KERNAN. The gentleman knows that men of his own party, leading men of high character, as long ago as 1872, before the election, by addresses to the people, by speeches in this Chamber and the other, by addresses on the platform, told the people of this country that there was maladministration, that there was need of great reform in the civil service; and some of them, leading men and long prominent members of the republican party of high distinction, said that they left that party because they believed they could not work out the reforms in the civil service which were necessary within that party. This is not my testimony. I appeal to Sumner, and Schurz, and Trumbull, and a number of others who put forth those views.

Mr. EDMUNDS. What do they say now?

Mr. KERNAN. Mr. Sumner has gone where he does not speak. I have not heard of any one of those living, whatever they may say now, who commends the civil service which they and Curtis said needed reform, and which they and Curtis have said down to this time has never been reformed.

Now take a portion of the press and a respectable and large portion of that supporting the nominees of the Cincinnati convention; they are full of articles stating that the party must unload, that the party must satisfy the people that there will be reform and greater economy and more retrenchment. While I am not here with book and table of amounts, and have not looked into the figures, yet when the gentleman supposes that those who speak as though there was need of retrenchment can be silenced by saying, "Why, this debt and expenditure were caused by the rebellion, and you men of the South were in it and the democracy of New York favored it," I tell him that I do not think he is saying anything that is beneficial to the country or beneficial to any party in whose behalf it may be said.

There is a feeling, wide-spread, among our intelligent people, that there is need of great retrenchment, of great reforms in the administration of public affairs. I assume that both parties come before the people promising that if they come into power they will make them; but, as I understood, the argument of the Senator was, "it has all been in the purest line of patriotism and expenditures have been only what were caused by the war;" and if that be so there can be no need of reform.

No, Mr. President, in my judgment the real friends of this country will welcome to their ranks the men who are in favor of scrutinizing appropriations of the public money, cutting them down where it can be done, admitting that there can be great reforms in the civil service, admitting as they fairly may that where a party is long in power evils will grow up and should be corrected when discovered. On a bill like this we should examine and see how much must be appropriated and how little properly may be. There will come no good to the country by the exhibition here of partisan feeling, none by taunting one another justly or unjustly in reference to the action of our respective political parties in the past. I think we should settle down to the business before us and endeavor to do our duty to this people now eleven years after the war by economizing all we can, reducing taxation as we shall be able to do if we do economize, and then we shall have done something to perpetuate the Union better than attempting to make anybody believe that a large portion of the people of the North really were traitors to their country, to their Constitution, and to their duty.

All I meant to say in opening was that the people of the State of New York, without reference to party, were, as a whole, all through the war loyal to the Constitution, ready and willing to sacrifice their men and their means to maintain the Union under it, and anxious that when the war should be over we should bear the burdens it brought upon us North and South, taking care while doing so to cut off needless or extravagant expenditures and to bring back simplicity and purity and economy to the administration of public affairs under whichever party that administration may be conducted.

Mr. EDMUNDS. I accept with due humility the rebuke of my honorable friend from New York for introducing these disagreeable subjects, evidently disagreeable to him, into this debate; but I only did it in self-defense, and I believe self-defense is recognized by the Senator from New York as one of the fundamental laws of human existence. It was not any republican member of the Senate that on this river and harbor bill launched out into the cognate question of where the money was to come from and what had increased the expenses of the Government and made it, as the Senator says and as the Senators over the way have said, extravagant and wrong. It was his own party, his own associates, who under cover of this bill—I do not say illogically, for every bill that appropriates money naturally raises all questions of taxation, of revenue, of cause, the consequence of public-debt extravagance, everything—but they brought it into this debate——

Mr. MERRIMON. Will the Senator allow me one word?

Mr. EDMUNDS. Yes, sir.

Mr. MERRIMON. With all due respect to the Senator, I deny that I brought this matter first into this debate. I deny that any Senator on this side did it, for I heard every speech that was made. The Senator from Indiana [Mr. MORTON] on Monday made a furious assault upon the democratic party. His speech is in the RECORD now, and it will appear that that gave rise to this discussion. He denounced it for corruption, denounced it for treason, and for everything else that could scandalize and demean a party and render it unfit to enjoy the confidence of any people.

Mr. EDMUNDS. So he did, Mr. President, and he did it because my friend and his associates, or my friend or his associates, I do not remember which, gave him a just and necessary and imperative occasion for it.

Mr. MERRIMON. In what respect?

Mr. EDMUNDS. If the Senator will only be good enough to look at the RECORD, as he seems to be opposed to looking at official figures, perhaps he will be willing to look at the RECORD, he will see. I am not going to waste the little strength I have in educating the Senator upon that topic.

Now, Mr. President, I will come back to my distinguished friend from the Empire State. I repeat that I have not said the little that I have said, by way of making any assault upon anybody; but when I see the administration that I have labored to the best of my ability to elect and support, in whatever respects I believe it to be worthy of support, (and those are in almost every, but not every, respect,) assailed as being profligate, corrupt, extravagant, wicked, I do not intend, so far as my small voice can go, whether it is on this bill or any other, to let falsehood and misrepresentation put on the garments of truth and go out to the world in that sort of guise. I have not introduced anything that has not been referred to before; I have only analyzed the causes and the particulars out of which the honorable Senator from North Carolina and the others draw their aggregate of infamy that they file upon the republican party; and if the honorable Senator from New York can point out a single instance in which I have misstated, or understated, or overstated any one of those facts I have referred to, I shall be very much obliged to him.

Mr. KERNAN. The gentleman, of course, does not mean to have it go forth that I put forth those facts?

Mr. EDMUNDS. By no means.

Mr. KERNAN. When my friend and the Senator from North Carolina get into a controversy about figures, is it entirely fair to bring New York in and display temper about it? Because he has done something in the Senator's view, is New York to be kicked?

Mr. EDMUNDS. We shall see. I am now bringing New York in because New York has assailed me. I am not bringing it in any hot temper, as the Senator suggests, but I am rather in earnest. I am bringing the Senator from New York in because he has accused me apparently, if there is any point in his remarks at all, and there always is, of fanning up old sorrows and old discontents and old troubles that ought to be buried in oblivion. That is the crime that I have committed according to the Senator from New York, if I rightly interpret the scope of his remarks. Now, have I? When his associates who are engaged in the same political enterprise that he is, undertake to assail me and my votes (because I have voted mostly to appropriate the money that these administrations have spent) for extravagance, and corruption, and blindness to public interest and insensibility to public demands, I imagine that I have the right to put the plain truth before this body, in order that it, or if not it the people, may know

who is responsible and who is not. If I am wrong in that, I beg my honorable friend's pardon. Of course I am not.

The Senator says that the people, the liberals who joined the democracy in 1872, were crying out for reform. So they were. Many of the leaders of them were crying out for office, and one of them got a nomination for it from a party whose wickedness he had done more to expose than any other man in the United States; and if I am wrong in that, as I am alluding to a distinguished citizen of the State of New York, I will yield to my friend to correct me. The great body of what are called the liberals ought not to be left with the remark I have just made. It does not apply to them. The great body of the men who had before acted with the republican party who voted for Mr. Greeley in 1872 were undoubtedly men of sincere convictions and honest purposes; but, like many other good men in times gone by, always excepting those in the State of New York who never make mistakes, they were laboring under a delusion that they have happily discovered. They have found from the bitter experience of careful observation and the bearing of heavy burdens how delusive are the promises of the democratic party, and how utterly hopeless (as much as the republican administrations may need further reforms and further economies) it is for honest and intelligent men to expect anything, so much as a crumb or a thimbleful, from the party of which my honorable friend is a distinguished member. They have seen the spectacle in the last seven months of one democratic organization, elected on the cry of reform, civil service reform, the discarding of political ideas in the selection of public servants, come into power, and with pitchfork and bludgeon pitch out the one-armed soldiers of the Union from little places of trust and small emolument and put in their own creatures. They have seen a body, elected on the cry of reform, pass bills as extravagant and reckless and wicked as the one that we now have under consideration, to say the least. They have seen claims that upon the principles of law and public policy ought never to find a place in a legislative body, go easily through. They have seen a great political convention manufactured into a preponderance for a particular candidate, as it is stated—I do not know it to be true, and I have not access to the accounts as my friend over the way has to the Treasury accounts—by paid for advertisements in newspapers before hand, puffing the particular fellow who was expected to run up. They have seen prize-fighters and gamblers leading the cohorts of the reform democracy to select a reform candidate for the benefit of the people of the United States. And so, Mr. President, speaking of those honest and intelligent men who having no lust for office and no taste for politics, feeling hurt and troubled at the slowness with which republican reform as they thought was going on voted for Mr. Greeley, they have come back again to the true church and to the true path, with whatever imperfections, as it has imperfections, it may still continue to bear, in the hope that the republican party in the future, as it has done in the past, with a unanimous fidelity to the great principles of constitutional liberty and the reign of law in this country, will continue, as it has begun to do year after year since the war closed, to diminish expenses, diminish taxation, diminish officials, and gradually and steadily build up and perfect the public service of the country.

So much for the liberal part of my friend's argument. Now, the worst thing that I have done, after all, if I have done it untruthfully, is what I have said about the democracy of the State of New York and other States during the war. My honorable friend misunderstood me if he understood me to say that the men who composed a part of the democratic party in that State and almost every other of the Northern States were as individuals opposed to maintaining the supremacy of the Union, and that the brave and patriotic democrat from the farms of Oneida County did not volunteer just as cheerfully as the brave and patriotic democrat on the hills of Vermont did. I did not say or intimate any such thing. The reverse is true; the patriotic sentiment ran through the people of all parties in the North, but there was the corporation still with its Tweeds and its Deans and its Pendletons at its head, and that corporation, in the State of New York particularly where politics are reduced to an organization with drill and obedience and discipline, I repeat in my belief, and history will approve it, threw its heavy weight all the time against the cause of the Union and for the cause of the rebellion; and I repeat that I believe had not our southern friends, misguided as they were in that belief, supposed that that corporate authority would control the masses of the North, they would never have undertaken the desperate deed they did, of breaking up the Union.

Ah, Mr. President, the idea that that organized clique of men who out of Tammany Hall and other similar places have ruled the democracy for the last thirty years were in favor of prosecuting with vigor and fervor the war against the rebellion is one that cannot be proved. The reverse can be proved, in my opinion. There was no act of Congress, there was no movement of troops, there was no call by the Executive either for money or for men, that that corporate organization did not put itself in some way, either by force or by casuistry or by doubt or by trouble about the Constitution or something, heavily against, and it culminated in an open public and official declaration at Chicago in the summer of 1864, when the scales of battle were trembling in the balance and when if our friends at the South, as we now call them and as I now feel them to be, felt that if they could only hold out a little longer the North would be discouraged, its money depreciating, its homes depopulated, its taxes burdensome, they would achieve the independence that they had sought for and fought for so bravely—what did the democratic party in its most solemn form do then? It met at Chicago and in the face of all the people and of all the country North and South, by its committee of which a distinguished member from the State of New York, now a candidate I believe for a high position, was a member, reported to the convention and the convention adopted and put forth to the people of the world the solemn declaration that this war for the Union was a failure. That is what my friend from New York calls helping it, I suppose, and at a time when but for the providence of God, who did not intend that a republic should exist on this continent whose corner-stone was slavery, it would have turned the scale; but it fell upon the people of the North, among democrats as well as republicans, as the blatant and wicked declaration of a treasonable clique; but it was the organized democratic party as far as that party could be said to have any life at all in the Northern States.

I do not want to be told, therefore, unless my friend has got some counter-evidence, that the organization—not every man of the rank and file, not half the men of the rank and file, perhaps not a quarter of the men of the rank and file, but the great leaders whose characteristics prominent and public I have already referred to—did not do this thing. And if they intended the natural consequences of their own acts, as every man must be wise to do, they did it in order that the rebellion might succeed, that the Union forces should be withdrawn, and that peace, honorable and victorious to the rebellion but dishonorable and infamous to the Union, should be concluded.

But I am supposed to have done injustice to the State of New York in respect of the incident, which is only a mere circumstance to which I referred as one item in this long catalogue of trouble, going to show that the democratic party as a party, and its chief and responsible and official leaders in the State, as such, did not exert themselves as they might to maintain the Union, and I said as a consequence of that the troops of the armies of the United States were withdrawn from the theater of war and its brigades, one of those from my own State among the number, had to sit down in martial array in the chief city of the Union in order to preserve the consistency and the existence of the Republic. The Senator has not denied that for some cause the armies of the United States to the extent of thousands upon thousands, and brigades upon brigades, were withdrawn from the front and were encamped within the streets and squares of the great city of New York. What was the need that these men, drilled veterans, in the very stress and crisis of the rebellion, should be carried a thousand miles from the theater of war and located in this peaceful and patriotic State? What led to it? Where was the chief executive of that State? Where were the loyal democrats of that State controlling its organization and commanding its militia? If they were swift to put down some little disturbance and riot in the city of New York, why did they not hasten to the scene? The telegraph was everywhere. President Lincoln and Secretary Stanton were undoubtedly in telegraphic communication with the chief authorities of the city of New York and of the State of New York, and I think it safe to say that if the militia of the State of New York could have been obtained to respond to the interests of peace and order in that city in the enforcement of the draft, the soldiers from the front would not have traced their weary way from the Potomac and the Rapidan to the banks of the Hudson.

There is evidently something about it that needs explanation. The explanation that the world received at the time was that the governor of the State of New York either would not or could not produce force enough, he being the commander-in-chief of its military forces, to put down this so-called riot, really a rebellion in the greatest city of the Union. Could he have done so and had he done so, this thing would not have been done. But my friend says that he did everything that he could and that he received the thanks of the President of the United States, not because he failed to put down the rebellion in the city of New York and failed to call on his militia to restore peace there, but because he graciously condescended to allow the militia of the State of New York to go down into the State of Pennsylvania to repel General Lee at Gettysburgh on the 4th of July. Perhaps the governor of the State of New York was entitled to thanks. I doubt if he did more than his duty. I do not, any more than I do about this bill regulating commerce, know any State lines when one State is assailed by a foreign or rebellious foe which would prevent the militia of one State from going into another State to help their brethren maintain order and restore peace, although to the shame of the State of Vermont be it spoken that we once had a governor who took that view of constitutional law in the war of 1812. When the militia of the State of Vermont, just before the battle of Plattsburgh, were gathered at Burlington in order to go across the lake and help to repel the British, the then governor of the State of Vermont thought the constitution did not allow him to permit our militia to leave the borders of the State. The consequence was, what might have been expected, that the militia left the borders of the State of Vermont in spite of its constitution, in spite of its governor, and fought at the battle of Plattsburgh and helped my friend's constituents to repel Sir George Prevost and all his host—I believe that is the way the song used to go—back again into Canada. That is the only instance known to me where the governor of any State has felt

any particular scruple or has been entitled to any particular thanks because the forces of one State marched into another to assist in repelling the common enemy.

But whatever Governor Seymour did about that let him be thanked for. I have not assailed him about that, and it was rather a military flank movement, I suppose, that transferred the scene of war in the mind of my friend from the city of New York to Gettysburgh. I was speaking of the city of New York; Mr. Seymour was the governor; and here is the record of what took place. The riots, as my friend has stated, arose out of the draft. That was the ostensible cause. The compiler of the work before me, once a famous democratic candidate for the Presidency, Horace Greeley, and therefore I suppose good authority, proceeds to state:

Governor Seymour, who addressed a large gathering in the New York Academy of Music, in language carefully weighed beforehand and tempered by the obvious requirements of his official position, was far more measured and cautious in his assaults and imputations than were the great majority of his compatriots.

Who as I infer spoke on the same occasion, and here are the speeches of his compatriots that refer in very pleasant terms to General Lee and other people rather prominent at that time, but I will not take the time to read them.

Yet he opened with this allusion to the nation's imminent perils and the disappointed hopes, the blighted expectations of those who, whether in council or on the field, were charged with the high responsibility of upholding its authority and enforcing its laws:

"When I accepted the invitation to speak, with others, at this meeting, we were promised the downfall of Vicksburgh."

This meeting was held on the very 4th day of July, at the very time, although Governor Seymour did not know it, that that wickedest of men and most corrupt of administration operators, General Grant, in the view of our friends over the way, was making rather a disturbance in that peaceful town of Vicksburgh.

"When I accepted the invitation to speak, with others, at this meeting, we were promised the downfall of Vicksburgh, the opening of the Mississippi, the probable capture of the confederate capital, and the exhaustion of the rebellion. By common consent all parties had fixed upon this day when the results of the campaign should be known to mark out that line of policy which they felt that our country should pursue. But in the moment of expected victory there came the midnight cry for help from Pennsylvania to save its despoiled fields from the invading foe; and almost within sight of this great commercial metropolis, the ships of your merchants were burned to the water's edge."

That was to encourage the draft, I suppose, to help the authorities of the United States to stimulate democratic patriotism to respond to the roll-call that used to be repeated in the North, I believe, in some very effective lines:

> Now, now, while your brethren are fighting and falling,
> Fill up the ranks that are open for you.

That was the way he would fill up the ranks. Mr. Greeley's history proceeds:

Having completed his portrayal of the national calamities and perils, he proceeded:

"A few years ago we stood before this community to warn them of the dangers of sectional strife—

That is patriotic—

but our fears were laughed at. At a later day, when the clouds of war overhung our country, we implored those in authority to compromise that difficulty."

O! compromise, how many crimes have been committed in thy name!

"We implored those in authority to compromise that difficulty, for we had been told by that great orator and statesman, Burke—

You will notice that a great orator always quotes Burke; it is an infallible test—

that there never yet was a revolution that might not have been prevented by a compromise opportunely and graciously made." [Great applause.]

And I suppose that compromise would have been to have said that Lincoln had better resign and allow the other fellow, whoever he was, to sit at the chief seat in the capital. That would have done it for the time being. The orator proceeds:

"Our prayers were unheeded. Again, when the contest was opened, we invoked those who had the conduct of affairs not to underrate the power of the adversary, not to underrate the courage and resources and endurance of our own sister States. This warning was treated as sympathy with treason."

And so it was.

"You have the results of these unheeded warnings and unheeded prayers. They have stained our soil with blood; they have carried mourning into thousands of homes; and to-day they have brought our country to the very verge of destruction. Once more I come before you to offer again an earnest prayer and beg you to listen to a warning."

What was that warning? To fill up the ranks or to test the constitutionality of the draft? We shall see:

"Our country is not only at this time torn by one of the bloodiest wars that has ever ravaged the face of the earth; but, if we turn our faces to our own loyal States how is it there? You find the community divided into political parties, strongly arrayed, and using with regard to each other terms of reproach and defiance.

What were those terms of reproach and defiance? The republican party I believe has generally been credited with a good deal of persistence and sincerity for prosecuting the war, and the only terms of reproach and defiance that the democratic party could have showered upon it were because it was prosecuting the war at all, raising taxes, borrowing money, issuing paper, opening slaughter-pens, making a draft upon the free and enlightened democracy of the State of New York. That was what it was reproached for. I suppose there were only two sides to the question, so I add to what I said a little while ago this august authority, the chief magistrate of the State of New York, for the fact that the democratic organization was reproaching and defying the republican party in respect of the matters that the republican party was trying to accomplish.

"It is said by those who support more particularly the Administration that we who differ honestly, patriotically, sincerely, from them with regard to the line of duty, are men of treasonable purposes and enemies to our country.

"Hear, hear!" was the cry. Then, I take it, we have the statement of this witness that he and those who acted with him officially and otherwise did differ with the administration in respect of its policy, to use the very words of the governor, and that policy I believe we all agree was the most vigorous prosecution of the war.

"On the other hand, the democratic organization—

I hit the very word, my friend will see, when I spoke of the organization as distinguished from the men in it—

"The democratic organization look upon this administration as hostile to their rights and liberties.

There is patriotism for you! The securities and liberties of the democratic organization that the administration had anything to do with or attempted to have anything to do with were that, in common with all the other people of the United States, its able-bodied men should fight for the cause and that its rich men should pay taxes for the cause.

"They look upon their opponents as men who would do them wrong in regard to their most sacred franchises. I need not call your attention to the tone of the press or to the tone of public feeling, to show you how at this moment parties are thus exasperated, and stand in defiant attitudes to each other. A few years ago we were told that sectional strife, waged in words like these, would do no harm to our country; but you have seen the sad and bloody results. Let us be admonished now in time, and take care that this irritation, this feeling which is growing up in our midst, shall not also ripen into civil troubles that shall carry the evils of war into our own homes.

"Upon one point, all are agreed, and that is this: Until we have a united North, we can have no successful war.

I take it, therefore, he thought on the 4th of July, 1863, that the North was not united on the subject of the war. I put his testimony against that of my distinguished friend. They are both of them reputable witnesses. This witness spoke at the time with the fact before him. My honorable friend speaks now after a distance of thirteen years, over which, according to the mission of his party, a good deal of oblivion has spread its wings.

"Until we have a united, harmonious North we can have no beneficent peace. How shall we gain harmony? How shall the unity of all be obtained? Is it to be coerced?

There comes the draft, you see; coercion.

"I appeal to you, my republican friends, when you say to us that the nation's life and existence hang upon harmony and concord here, if you yourselves in your serious moments, believe that this is to be produced by seizing our persons—

That is, conscripting citizens of the State of New York—

by infringing upon our rights, by insulting our homes, and by depriving us of those cherished principles for which our fathers fought, and to which we have always sworn allegiance. [Great applause.]"

Was that encouragement to the administration of the Government of the United States? Was language like that calculated to cheer able-bodied men who heard those words from the greatest statesman of the State of New York and from the chief executive, through whose power alone, as the able-bodied man supposed, he could be compelled to serve the country in the time of its peril? Or was it calculated—mark the word; I do not say designed—was it calculated to stimulate, as it did stimulate, as the consequence showed, to the utmost resistance, breaking out in riot and rebellion, calling for portions of the regular and volunteer Army to turn their faces northward again in order that the ranks of the Army at the front might not be filled up by the able-bodied democrats of the city of New York. I will not read any more of this speech. There is a good deal of it which is equally suggestive reading; it is all in the same strain. There is no inconsistency in the remarks of the executive. The writer proceeds:

These orations are mild and cautious compared with the great mass of democratic harangues on this occasion. The allusions to Mr. Vallandigham's arrest as a lawless outrage and to the States as guardians of the rights of their citizens (with direct reference to the impending draft, which Governor Seymour with the great mass of his party was known to regard as unconstitutional) and all kindred indications of a purpose to resist the Federal Executive even unto blood, in case his "usurpations" and "outrages" should be repeated and persisted in, were everywhere received with frenzied shouts of concurrence and approbation, and a proposition to organize at once to march on Washington and hurl from power the tyrant enthroned in the White House would have elicited even more frantic manifestations of delight and approval.

So says the last democratic candidate of the democratic party for the office of President of the United States. I commend it to all his followers and supporters. He proceeds:

The first draft in the city of New York for conscripts under the enrollment act was advertised to commence at the several enrollment offices soon afterward; and, as a preparation therefor, the several democratic journals of that city seemed to vie with each other—especially in their issues of the eventful morning—in efforts to inflame the passions of those who at best detested the idea of braving peril, privation, suffering, and death in the prosecution of an "abolition war." That the enrollment here was excessive and the quota required of the city was too high were vehemently asserted, that there would be unfairness in the drawing of names from the wheel was broadly insinuated, but that the draft itself—*any* draft—

And the emphasis is that of Mr. Greeley, not my own—

any draft—was unconstitutional, needless, and an outrage on individual liberty and State rights, was more emphatically insisted on.

And then he quotes from the Journal of Commerce, and from the New York World, and from the Daily News, and speaks of handbills. Then he speaks of the state of the mob and of the condition of the organized militia:

The organized militia of the city were generally absent in the interior of Pennsylvania; the Government had no military force within call but a handful on Governor's Island and in the forts commanding the seaward approaches; while the police, though well organized and efficient, was not competent to deal with a virtual insurrection which had the great body of the foreign-born laborers of our city at its back, with nearly every one of the ten thousand grog-shops for its block-houses and recruiting stations.

It must have been a charming democracy there, Mr. President.

The outbreak had manifestly been premeditated and pre-arranged; and the tidings of its initial success, being instantly diffused throughout the city, incited an outpouring into the streets of all who dreaded the draft, hated the war, or detested abolitionists and negroes as the culpable causes of both.

Then he goes on to speak how the riot accumulated as unrepressed riots generally do, and the things they did. They began on Monday. They were kept up through the three following days. He then proceeds to say:

But a riot stoutly confronted and checked has reached its culminating point; and this one—which would almost certainly have broken out on the fourth, but for the news of Lee's defeat at Gettysburgh—was now prosecuted under the heavy discouragement of the full tidings of Grant's triumph at Vicksburgh; while the first news of Banks's capture of Port Hudson, of Holmes's bloody repulse at Helena, and of Gillmore's initial success at Morris Island, now pouring in from day to day, proved a quick succession of wet blankets for the spirits of the rioters.

Now I come to Governor Seymour:

Governor Seymour had been in the city on the Saturday previous, but left that afternoon for New Jersey, and did not return till Tuesday forenoon, when he was at once escorted to the City Hall, and thence addressed the crowd who flocked thither—many, if not most of them, from the mob just before menacing the Tribune office—as follows:

My friends, I have come down here from the quiet of the country to see what was the difficulty; to learn what all this trouble was concerning the draft. Let me assure you that I am your friend. [Uproarious cheering.] You have been my friends [Cries of "Yes," "Yes," "That's so." "We are and will be again."] and now I assure you, my fellow-citizens, that I am here to show you a test of my friendship. [Cheers.] I wish to inform you that I have sent my adjutant-general to Washington to confer with the authorities there.

What for? To show them that volunteers from all parts of the State are flocking in and that there is no use to resort to this invidious operation of drafting? Not exactly. I am afraid I am wrong in making that free recitation; let me give his exact words again:

I wish to inform you that I have sent my adjutant-general to Washington to confer with the authorities there, and to have this draft suspended and stopped.

That is my friendship for you; that is my loyalty to my country and my Government; that is what will dispense with turning thousands of the Army back again toward their northern homes to keep us in order. All will be peace in the State of New York, for she is not called upon to help fight the battles of the country!

[Vociferous cheers.]

He probably struck the key-note then.

I now ask you, as good citizens, to wait for his return; and I assure you that I will do all that I can to see that there is no inequality and no wrong done any one. I wish you to take care of all property as good citizens and see that every person is safe. The safe-keeping of property and persons rests with you; and I charge you to disturb neither. It is your duty to maintain the good order of the city; and I know you will do it. I wish you now to separate as good citizens, and you can assemble again whenever you wish to do so. I ask you to leave all to me now, and I will see to your rights. Wait until my adjutant returns from Washington, and you shall be satisfied. Listen to me, and see that no harm is done to either persons or property, but retire peaceably.

So he promises them that, if they will only wait, the object they have in view by these riots shall be accomplished without any further destruction of the property of their fellow-citizens and the lives of their fellow-citizens in the city of New York.

Mr. President, I think I have gone far enough with this particular incidental topic, which was only one drop in this great bucket of proof, to show that I did not do any injustice to the distinguished governor of the State of New York when I said that the organization of the democratic party and the action of the executive of that party at that time in the State of New York were adverse to the cause of the Union, and that all that doubt and difficulty and riot and hanging back could do to give aid to the rebellion and to break down the cause of the Union was done. I do not mean by that to say that Governor Seymour intended and desired that the rebellion should succeed; but he was stuffed so full of the dignity of the State of New York and was so crazy on the subject that any draft under national authority must be unconstitutional that he resorted to the same method of eloquence that demagogues—not that he was one—do to a mob to keep the peace and get what they desire without violence if they can; if they cannot, what then? Where was the militia of the State of New York, with its four million people? They were not all at Gettysburgh; they were not all at the front. New York, like Vermont and every other northern State, although they all poured out their quotas for the war, still had men enough, able-bodied men enough in reserve to have fought a great many battles and enforced order in a great many cities larger than the city of New York. But that governor who alone had the constitutional power in and as the head of that State to bring the force of the State to bear against this insurrection, as Mr. Greeley calls it, did not do it, and the forces of the nation were recalled from posts of infinite importance and at a most critical period in the history of the war to enforce that peace in the loyal State of New York which we were trying to enforce by arms over the seceded States.

Now, Mr. President, I am done, I believe, with that topic, and I only want to say one word more. I have not come into this debate—and it is not half exhausted; I am quite ready to begin again whenever I am obliged to do so, much as the people of New York submitted to the draft apparently—I have not come into this debate with any desire to stir up unhappy remembrances; but when what my honorable friends on the other side of this Chamber say in respect of the conduct of republican administrations necessarily leads to the root of this tree then I shall dig to the root, be satisfied or dissatisfied who may.

Mr. KERNAN. Now, Mr. President, I submit that the charge of the Senator from Vermont so elaborately made not to reduce this appropriation bill, but for other purposes, is an unjust charge. The riot in New York of which he has spoken was not fomented and there was no wish to excite hostilities or disturbance in New York with a view to aid the rebellion. What were the facts? I hope every American citizen will always remember the history of raising troops to put down the rebellion, if we ever have war again. The calls made for troops by the President were filled, and more were sent than were wanted up to the ordering of the three-hundred-dollar draft, as it was called. That draft never got the Government men. Prior to this draft there was never a call for troops when they were not raised by volunteering; and you will remember that prior to the order of this draft—I may not get the date accurately—there was an order issued from the War Department that they would not take any more men. There was no call on the States or the people for men and a refusal to furnish them prior to the ordering of this draft. I allude to it only to state what I think was the cause of the great dissatisfaction with the draft and of the riot in New York. There came an order for a draft, and every man drafted who could pay $300 could stay at home by doing so. It did create excitement and feeling among poor men in every neighborhood. Before that in my own county, and I take it as a fair sample, we had raised without difficulty the needed troops from the men who were willing to volunteer; but when the order came that there should be a draft and that the drafted men who would pay $300 each need not serve, the men without means who must go, although it was difficult for them to leave their families, became dissatisfied. Whether this was right or wrong I shall not discuss here. There was a feeling that this was an effort to make the poor men go as soldiers while others could get rid of going by paying $300. That is what made the dissatisfaction, and that is what made it necessary for men in every neighborhood to appeal to that class to keep them from becoming very much excited in reference to what they thought an unfair discrimination. The result of it was that it did not give us men. Democrats and republicans alike throughout our State where there were cases of hardship raised the money and paid the Government the $300, for it only asked the one or the other. This made excitement. Women with children, whose husbands could not raise the money, were alarmed and excited. A few months before we could call meetings and raise men by the regiment as volunteers from the class who had not wife or children depending on their daily labor to keep them in bread; but when this order for the draft came there arose dissatisfaction and excitement, not from bad men exciting disquiet, but because the class of laborers who had families and no means believed this mode of getting soldiers was unfair and unjust toward them. There was a very large body of this class of men in the city of New York; and let me say to the Senator from Vermont that those who were republicans and acted with the republican party of this class were excited just as much as democrats. They all thought it was an effort to make those go to the field without the credit of volunteering who could not raise $300. That was what made the excitement which led to the riot in New York.

Did Governor Seymour incite it? Does the Senator from Vermont pretend to say that when he spoke in his address on the 4th of July, 1863, about differences between parties he meant they were stirring up hostile dissension and violence between parties? There were differences then; there were irritations arising out of arbitrary acts of the Federal Government; there were things in reference to the draft that created excitement; and when he appealed to the Government at Washington to let the State of New York raise her quota and not enforce this draft upon men who could not raise the $300 and let all those who could stay at home, he did, in my judgment, what was wise and patriotic toward the Federal Government, and did not do it from any desire to prevent the Army from being filled with efficient soldiers. Everybody knows that sort of a draft was an utter failure. It did not furnish men; it degraded the whole thing down to selling a man for $300.

But the riot broke out; and it probably grew to greater proportions than it otherwise would owing to the absence of our militia regiments from New York and its vicinity in Pennsylvania, to which I referred before. Our governor did not try to stop them going out of the State, as did the patriotic governor of Vermont in the war of 1812, as mentioned by the Senator. They went to Pennsylvania on the order of our governor, as commander-in-chief of the militia of the

State. Everybody remembers how promptly it was done. They were sent from the eastern part of the State because thence they could be transferred promptly to the relief of the Federal Government in Pennsylvania.

But the troops of the United States did not have to go to stop the riot. The riot was all stopped before the troops came. There were men ordered from the interior, but they did not get to New York until the riot had ended. But these excited and deluded men, who thought there was to be a system, not of volunteering, but of making those who were poor go to the war, were stopped by the efforts of Governor Seymour and the local authorities, and the speech made by Governor Seymour and referred to by the Senator, which has been so much abused, aided to stay violence and restore order. Governor Seymour is denounced because he addressed them as "my friends."

Remember, as I said before, it was that particular thing that called out Mayor Opdyke. He was with him. He thought he acted most firmly and wisely and prudently. It was a similar reference to that made by the Senator from Vermont here that was made in the convention that led Mr. Opdyke to make the speech to which I have alluded. The city was under a republican mayor at the time of this riot. Governor Seymour had spent Sunday out of the State, at a place where he had relatives, in New Jersey, and he hastened back to the city on the first intimation of the riot. The mayor and he together went to the scene of threatened violence, and he addressed the excited multitude as men. It was his duty to stay and disperse them without bloodshed if possible. They were men excited, not with a purpose of marching down South to help the rebellion, but they were men who had been excited by the idea that they, laborers, with families and without property, were to be dragged to the Army, while everybody who could pay $300 would escape. He appealed to them as friends. A man who is a coward or who sympathizes with a mob will run away from it; but when a brave man or officer finds that his neighbor's life or property or the public peace is threatened by an excited mob, he does just what Governor Seymour did in this case. He, brave, patriotic, and honest, steps out before the mob and talks to them in the language of kindness, while it is also the language of firmness. He did address them in that way. The riot went down. He said that he had sent his adjutant-general to Washington. It was to make an arrangement that the State of New York might, in accordance with what had been the previous and wiser mode, be allowed to promptly furnish her quota of soldiers by volunteers and be relieved from this draft, which was peculiarly odious, because it permitted all who could pay $300 to remain at home and required the laborer, who had not means, to leave his family in want and go to the war for years.

I submit to the distinguished Senator from Vermont, speaking as he does here in the absence of one whose life has been before the people of this country, speaking of one as to whom I would appeal to his political opponents in my own State for his purity, for his patriotism, for his sincere desire to do his full duty as a public and private citizen, whether he really can stand on the ground he has assumed here to-day in reference to Governor Seymour. I think he has done injustice to that distinguished citizen in carrying the idea that, first, he was a traitor to the Constitution of his country when he was governor; second, that he sought to incite men to resist the Government, and, thirdly, that when he addressed that mob he was not doing what was his duty, endeavoring to quell it, but telling them that he would endeavor to arrange so that the quota of New York might be raised in the future as it had ever been in the past, full and up and over of able, active young men who were willing to go to the Army as volunteers, but who did not wish to go as conscripts.

I leave it, as the Senator says, to history. I am not here to question the accuracy of Mr. Greeley's History of the War. He has gone to his grave. If I should read some of the things that he said in excited moments of large masses of republicans they would have to say that he did them injustice, and I should admit it. Does the gentleman say that a history written under the excitement of the war by a man of his character is to be taken always as true as to what he suggests as to motives of men from whom he differed politically? We nominated Mr. Greeley, as the Senator states, and he was not elected.

I have nothing to say so far as the Senator has read from that history what Governor Seymour said. All I ask is a fair interpretation of it. On the 4th of July, 1863, he was speaking on the great important point of the people of the North being united. United how? United on a policy as to the war which would suppress it speedily, which would uphold the Constitution, and which, the moment the men who resisted the Constitution laid down their arms, would insure them protection and republican government. That was the policy of many men in the State of New York throughout this entire war. They spoke against the wisdom and justice of arbitrary arrests in our own and other States where there was no war, and which excited bad feeling; they spoke in favor of our people standing together, in favor of putting down the rebellion by armed force, in favor of sending our share of men, in favor of raising our share of money, and making it a war solely for the Union, and with no other or ulterior or sinister motive of any kind. And now to read in this debate the remarks made by Governor Seymour on the 4th of July, 1863, which the Senator from Vermont has read, and to insinuate or charge that by those remarks Governor Seymour meant or intended to encourage or favor those in rebellion against the Constitution of the United States which he had sworn on the 1st of January, 1863, to uphold, is doing him great injustice. I submit that the Senator from Vermont is entirely unjust.

I am willing to leave the history of the State of New York, of its democratic governor, of the party that acted with him in that State, to the judgment of fair men; and I would leave it to Governor Morgan, who was governor in 1861 and 1862 himself. He knows whom he put on as committeemen and chairmen of committees in the counties where men were to be raised in 1861 and 1862; he knows how the response was from the day of the first fire to the end of his administration; and I think that any one looking at it will find that the Federal Government was as fully sustained through the administration of his successor, Governor Seymour, as it was by the governor of any of our sister-States, and I believe as a rule they acted patriotically and they acted well.

Mr. MERRIMON. Mr. President, much as I regret to protract this debate I cannot allow the Senator from Vermont [Mr. EDMUNDS] to assign me by inadvertence or on purpose a false position, or, if I can help it, to evade the force of the points I endeavored to make against the republican party the other day. He says in substance that I provoked this debate so far as it is partisan in its character. That I absolutely deny, as I have done repeatedly before. The Senate will bear me witness and the RECORD will bear me witness that the Senator from Indiana [Mr. MORTON] made a furious and what I regarded as an unjust assault upon the democratic party. He arraigned its leading men and denounced its principles and its policy and its practice. I thought that I had a right to say what I might deem proper in vindication of the policy of the democratic party at this time, and that I had a right in reply in some measure to arraign the republican party; and ventured on Tuesday last to do it. Out of what I submitted on that occasion has sprung, as the Senator from Vermont alleges, this warm debate. He would have the Senate and the country understand also that I dragged the war into the debate, and that all the declamation that has been indulged in in reference to the war was provoked by some argument or some statement made by myself. That imputation is equally as groundless. I expressly excluded the war from what I submitted to the Senate. I did not base any estimate that I made or any argument I made upon any expenditures or alleged maladministration during the late war. On the contrary, I said that the war was the occasion of increased expense; that during the time it prevailed the civil service was necessarily increased. There were many considerations that tended to increase the expenses of the Government during that time, and I avoided entering into a discussion of the war, or its causes or its consequences. Nor did I advert to the increase of the public debt or any of the practices that were carried on for which the republican party were responsible during that time. I put that on purpose entirely out of the case. Nor did I take into consideration the public debt for the purpose of seeing whether it was created on account of the war or on account of other causes. I put that entirely out of the calculation. I said in substance that, conceding for argument's sake, which I denied as a fact, that I was responsible for the war, that the southern people were responsible for the war, that the democratic party was responsible for the war, that all the crimes and outrages which were perpetrated during that time were chargeable to the democratic party, and that the republican party was virtuous and patriotic and did in all things what it ought to have done, could all that concession make any apology for the ruinous extravagance, the unheard-of frauds and fraudulent practices tolerated by, and in many instances connived at, by the republican party of the nation? That is the ground I based my remarks upon, and the Senator cannot by his ingenuity now draw me into a controversy about the war. It is in no just or proper sense a legitimate subject of discussion before the Senate at this time.

I shall not undertake to vindicate the course of the South or the course of the democratic party of the North, or anything that was done by any person who sympathized with the South during that tragic period; now is not the time or the place to do so; but I do undertake to say, and I have a right to say it, that, whatever the republican party may have done that was virtuous and good during the war or since the war, this can be no excuse or apology for any crimes and maladministration and frauds and corruptions which it may have tolerated since that time. If since that time it has proved faithless and unfit to be charged longer with power, the country ought to know the fact. And another material fact to be taken into this account is that, whatever might have been the position of the South during the war and however responsible it may have been for the war—I will not discuss that question now—since that time the people of that section of the Union have had to contribute their part of the public revenue, and they have paid it and are paying it to-day. They are responsible for their part of the public debt. They are responsible for and have paid and must continue to pay their share of the current expenses of the Government, and being so they surely have a right to be heard here in reference to the way and manner in which they are taxed, the revenues are collected, and public expenditures are made, and for what causes, and whether the authorities of the United States have administered the Government purely and honestly and for the best interests of the people.

It was in that view, and in that view alone, that I ventured on Tuesday last to engage in the debate, and exercise my right on this floor as a Senator representing in part one of the States of the Union. Is there anything wrong in that? Am I to be complained at for that?

Why make this *ad hominem* argument, that I am responsible for the war? What does it prove? Suppose that my hands to-day were red with traitorous blood, is that any argument in favor of the ruinous policy and practices of the republican party? Suppose that the whole South have committed savage crimes, as the Senator would intimate, and which I deny, is that any apology for the misrule and general distress brought on the country since the war by the republican party? I think not; and I apprehend that an intelligent people will not allow such an argument, however ingeniously put, and which goes off on immaterial points, to have the weight of a feather, when they come to pass upon the merits of the republican party and its conduct since the war.

The points I endeavored to make in what I said the other day were, first, that the republican party had utterly failed to administer the internal-revenue laws of the country in the matter of collecting taxes upon distilled spirits faithfully. I went on to show, and by data which no one denied, and which I undertake to say no one can deny, that in the neighborhood of a billion and a half of dollars ought to have been collected and should have gone into the Treasury of the Union from that single source of revenue, when less than one-half, not more than one-third of that amount was collected and accounted for. I went on further to show that, while a large part of the revenue due from this source was not collected, large sums were collected and not accounted for, and the republican party, having complete control of the Government, was responsible to the people for not having it collected and accounted for.

Mr. SHERMAN. I understand the Senator to say that is not denied. I denied it. I deny it now. I say there is no ground whatever for an assertion of that kind. I am surprised to hear the Senator from North Carolina say that two-thirds of the revenue that ought to have been derived from spirituous liquors has been lost by the republican party.

Mr. MERRIMON. That is not what I said.

Mr. SHERMAN. Or that we have failed to collect the tax, and only collected one-third of what we ought to have collected.

Mr. MERRIMON. What I said the other day and what any one can see by turning to the RECORD was this——

Mr. SHERMAN. I am turning to it now.

Mr. MERRIMON. A civil-service commission was raised under a statute by the republican party at a time when the better class of that party—and good men in it have been protesting against manifest frauds all the time—were crying out against the frauds and corruption of those men who had got the control of it, and that civil-service commission put down in their report, from which I read, that one-fourth of the revenues were not collected; and that was not denied nor can it be denied. They not only asserted it but they said that estimates had been made by persons who were well qualified to speak on that subject and who had passed upon it.

Mr. SHERMAN. I desire——

Mr. MERRIMON. I beg the Senator's pardon. I did not interrupt the gentlemen on the other side and I do not want to be interrupted now. I want to consume as little time as possible in setting myself in a fair, just light. The Senator will have sufficient time after I am through to say what he thinks proper.

Then I said, furthermore, that the Secretary of the Treasury, Mr. Fessenden, in 1864, set down in his report that the annual product of distilled spirits in this country at that time was 100,000,000 of gallons, I believe he said.

Mr. ALLISON. Will the Senator yield to me right there?

Mr. MERRIMON. Yes, sir.

Mr. ALLISON. I desire to say that Mr. Fessenden did say in 1864 that the consumption of whisky in 1860 was about 100,000,000 gallons; but afterward a most careful commission was created by the two Houses of Congress, of which David A. Wells was the chairman, consisting of three men, and they went into the whole question of whisky production, not only in the year 1860 but for a long series of years, and they concluded that less than 40,000,000 gallons was the average annual production of whisky.

Mr. MERRIMON. The statistics of the country show that the number of gallons of distilled spirits is more than that; that it is more than double that amount.

Mr. SHERMAN. Upon that point the Senator ought to allow me to make a statement.

Mr. MERRIMON. I think Senators ought not to be interrupting me in this way. They may correct me after I get through if I am in error. I cannot hear or yield to half a dozen at once.

Mr. LOGAN. We want to state the facts.

The PRESIDING OFFICER. Does the Senator from North Carolina decline to yield?

Mr. MERRIMON. Yes, sir.

Mr. SHERMAN. Very well.

Mr. MERRIMON. I do not want to be interrupted further. Upon that statement made by a republican Secretary of the Treasury, and which I never heard contradicted until the other day by the honorable Senator from Ohio, [Mr. SHERMAN,] I made a calculation—an estimate—the accuracy of which cannot be denied, whereby it will appear that during Andrew Johnson's administration more than $650,000,000 were lost. I said a great part of that was not collected at all, and because it was not collected the republican party was responsible. It was stolen by faithless officers and misapplied by others whom the republican party kept in office when they ought to have punished them for it. That is what I said, and I repeat it, that it was right and proper that the American people should hold the republican party responsible for it. That is one point I made. In all the arguments made here I have not heard that satisfactorily answered, and I do not believe it can be. The estimate may be extravagant, but I know and the country knows that it has been a standing ground of complaint by the better class of men in the republican party and by the country generally that the Internal Revenue Department has lost millions since the close of the war through faithless officers and frauds of the most appalling character.

Another point that I made was that the republican party was not an economical party; that growing out of the way of administering the Government during the war, growing out of its extravagant notions of policy and principles, or some cause, it did not administer the Government economically; and I cited figures to show that fact. I undertook to show that the material figures that I cited are substantially correct, and no Senator has shown them materially incorrect. One or two of the tables which I have cited have been assailed to some extent, but they have not been assailed successfully in a material point of view. I showed that although in the first table showing the increase of the civil service there might have been some irregularity and inaccuracies about the details of the compilation and in the several items from which the table was made up, yet in the aggregate, taking the basis of estimate adopted by a distinguished republican, it was not far out of the way. The Blue Book, containing the names of officers, employés, and agents, contained over twelve hundred pages; and estimating seventy names to a page, as was done by the gentleman referred to, the number would be something over 84,000 officers and agents and employés in the service of the Government. Then it was not denied that the names of employés at the navy-yards and at many other places where persons were employed at one service or another were not contained in the Blue Book nor taken into the calculation at all; and if they had been the number in the table which I cited was not sufficiently great. As to the other table, about the current expenses, I could not see that there was any very great difference between the Senator from Massachusetts [Mr. DAWES] and myself. I had not verified the table to which he adverted last, as I told him and the Senate; but to-day, on looking at the report of the Secretary of the Treasury and comparing some items there with corresponding items in this table, I find that they harmonize exactly.

There is another fact in connection with that table to which the Senator from Massachusetts did not advert. If he had looked at the margin on the right-hand side of the table he would have found certain items put down as items of expenditure and other items as items of appropriation. He did not make that distinction which was material in determining its accuracy. So learning that there were errors in that table, I cited another table of which there could be no question, which I vouched for when produced, and it was the only one for which I did vouch. That table shows, as I insisted yesterday and on Tuesday, not only an extraordinary, but an unnatural, increase of the expenditures of the Government. I insisted that the republican party were responsible for that unnatural increase, and I so insist to-day. Senators in undertaking to answer these points may go off and declaim about the war and denounce the democratic party for sympathy with the rebellion and all that, but I take it sensible men will not allow that argument to weigh much with them when they come to consider the two points I have thus made. The people are interested in knowing whether these charges are true in whole or in part. There are the figures and the data; let every one calculate for himself. Those are the matters we are at issue about—not about the war and its crimes and calamities.

I have not time now to enter into an elaborate reply to the long, labored, and studied speech of the Senator from Vermont; but I am going to cite some striking statistics from the record, which I happen to have before me, in order that any man who has the capacity to calculate figures and reason at all may see in a general view the force and truth of the points which I made and have just restated. If Senators can show that this general view is not true, I respectfully challenge them to do it.

In the year 1850 the population of this country was 21,191,876. The net annual expenditures for administering the Government that year were $37,165,990.09. Mark the proportion now of the increase as I pass along. In 1860 the population of this country was 31,443,321 In that year the net ordinary expenses of the Government were $60,056,754.71. In 1870 the population of the country was 38,558,371 See now how the expenses go up, out of all reasonable proportion In 1875 the net ordinary expenses of administering this Government were $171,529,848.27, nearly three times what it was in 1860.

Mr. EATON. Exclusive of the pension-list.

Mr. MERRIMON. I think neither the appropriation for pensioners nor the interest on the public debt is included in that statement of the Government expenses. I know the interest on the public debt is not included. This is only the ordinary expenses of administering the Government for the last year. The increase for administering the Government is nearly three to one. The increase in population is not more, I believe, than ten millions in that time. Now, I put it to any one who can reason at all whether, taking the growth and development and the circumstances of the country, it is necessary in the year 1875 in carrying on the ordinary operations of the Govern-

ment, to increase it to three times what it was in 1860? If it is not necessary, then I ask my republican friends where has from forty to fifty million dollars in one year gone to? Answer that. Forty or fifty millions of dollars is an immense sum according to my notion of expenditures.

Then I call attention to another fact tending to show the extravagance I allege. The House of Representatives is fresh from the people, elected on the ground of reform and retrenchment. They came here to look after the people's interest, and they have done it as far as they could with lights before them and the circumstances surrounding them. They say that they have made appropriations sufficient to carry on the Government and to carry it on efficiently. And they have cut down the appropriations from last year $38,000,000 in round numbers. Now I ask, if this is true, if the public expenditures the current year may be reduced $38,000,000, why might not that sum have been saved last year and for several years past? Let him who can answer. Yet if the republican party, who have administered the Government since the war, have collected the revenues, have allowed no frauds, have administered the Government fairly and honestly in all respects, how is it possible that the democratic House have ascertained that the Government can be sufficiently supported during the year 1876–77 and reduce the amount of revenue to be applied to that purpose $38,000,000? That is something I cannot understand, and that is what I leave my republican friends to explain. My friend says it is not the fact, but has he risen here to say these figures can be denied? I cite the record here as to the fact. I cite the report of the Secretary of the Treasury as to the amount expended for administering the Government in the several periods I have mentioned. Can they deny that? Can they point out why the expenses in administering this Government in 1875 shall be three times as much as it was in 1860, leaving out the War Department and the war expenses? I leave them to answer that question. I put these striking facts and figures to the people, and I call upon them to call upon this party to explain how this is; and if they cannot explain it to their satisfaction, to condemn them at the ballot-box.

The Senator from Vermont, instead of meeting these figures, facts, and arguments, and showing they are false or substantially so, goes off in declamation, and the main part of his speech is devoted to the war, its crimes and horrors. He seems to want to divert attention from this subject by a stirring reference to the war. I do not go into that subject at all. I can see no good to come of doing so, and it is not material to do so. Then, too, he abuses the democratic party for what they did during the war. It is not my province to defend the democratic party or anything they did during the war. There are others who can do that more properly and who know more about it; but what transpired since the war I have a right to talk about, and I have talked about it.

The other day the Senator from Ohio [Mr. SHERMAN] almost alarmed me about the character of the speech I had made. He said I had denounced the republican party in a most wholesale manner; that I had said they were common thieves, robbers, dogs, scoundrels, and all that sort of thing. I wonder that he could so express himself. I never indulge in such language as that here or elsewhere. I was glad the next morning in looking over the RECORD to find that anybody looking at what I said could not truly say there was a coarse word of anybody in it. Nor did I deny that there were honest men in the republican party. On the contrary, I expressly said, I believe in reply to a question put by the Senator from Illinois, [Mr. LOGAN,] that there were good men and thousands of them in the republican party just as there are in all parties; but I did insist that bad, selfish, and corrupt men had gotten into that party in such numbers, they had got such control upon its vitality, that the party was not able to purge itself; and if the American people expected to rid themselves of this incubus they would be obliged to change the administration of the Government. That is what I said. I did not use any disrespectful word to any respectable republican on this floor or anywhere else. I did not charge the party as the Senator said I did, and I cannot see any reasonable motive for insisting that I charged the party in that way. That is the position that I occupied and now occupy, and so I wish to be understood.

This, Mr. President, is about all I care to say now. I do not want to protract this debate. I am anxious that we should come to a vote on this bill as soon as possible, but this much was due to myself.

Mr. LOGAN. Will the Senator allow me to make a suggestion to him?

Mr. MERRIMON. Yes, sir.

Mr. LOGAN. The Senator was speaking about the extraordinary expenditures of the Government and comparing them with the expenses of 1860. I should like to suggest one or two little items which will probably refresh his recollection. We estimate the Army to cost about $1,000,000 to a regiment yearly. When the war broke out we had ten regiments. If the Senator will look into the condition of the Army now he will see a difference of about $20,000,000 in that respect. If the Senator will examine the amount of claims that have been allowed every year since the war by the Quartermaster's Department and by the Commissary Department for horses lost in the service, for provision, for fuel, for destruction of property, and things of that kind growing out of the war, he will find another addition perhaps.

Mr. MERRIMON. I would remind my friend that expenses of that character are not embraced in the net ordinary expenses of the Government. In 1875 the gross expenditures in administering the Government were $682,000,885.32.

Mr. LOGAN. That is paying interest—and everything else—every claim possible.

Mr. MERRIMON. Certainly; and paying these very expenditures which we are talking about.

Mr. LOGAN. For what year is that?

Mr. MERRIMON. Eighteen hundred and seventy-five; and here is the record if the Senator wishes to see it.

Mr. WINDOM. In 1875?

Mr. LOGAN. What does the Senator mean?

Mr. MERRIMON. The gross expenditures in 1875.

Mr. WEST. Will the Senator allow me to interrupt him one moment? The Senator gives correctly the gross expenditures, but there is a very great difference between the amount of money expended and what it costs to carry on the Government.

Mr. SHERMAN. Mr. President——

Mr. WEST. One moment.

Mr. MERRIMON. I do not think I have ever seen a time——

The PRESIDING OFFICER. Does the Senator from North Carolina yield?

Mr. MERRIMON. If I can find out which gentleman to yield to. I do not want to be in any way discourteous to any one; but to which Senator shall I yield?

Mr. SHERMAN. The Senator now makes a statement that the expenses of the Government during the last year were $682,000,000, and with an air of triumph he says he has got it here in a report right before him. Surely a Senator of the United States ought to be very careful about making a statement which every boy in the whole land will wonder at at once. Everybody knows that is not so. The very next figure to it, within half an inch of the statement of that large expenditure of $682,000,000, which was the gross expenditure, shows there was paid in refunding the public debt $407,377,492.

Mr. EDMUNDS. It is a mere change of the accounts.

Mr. SHERMAN. That is the very next figure [pointing on the report] only so far from that statement. That amount was expended in refunding the public debt, changing one bond to another.

Mr. MERRIMON. That included the sinking fund and other things, did it not?

Mr. LOGAN. And that sum of $400,000,000 applies to the statement the Senator referred to as gross expenditures, and is to be deducted therefrom.

Mr. MERRIMON. Certainly, the gross expenditures. There are the figures, and Senators are denying the fact right in their faces.

Mr. LOGAN. The amount of money paid on the public debt is a part of the expenses of the Government, the Senator says, and when it was paid on a debt incurred by himself and others, a debt that the war produced.

Mr. MERRIMON. Here I will advert to one matter mentioned by the Senator from Vermont. He talked a great deal about the amounts that had been paid out to claims against the Treasury for cotton, &c. The Senator ought to have been candid enough to say that in paying out that money it was paid out because it had been covered into the Treasury when the cotton that produced it was seized and sold, and it was paid out to those who were entitled to it under the decisions of the courts of the country.

Mr. EDMUNDS. Undoubtedly; but the Senator's point was that the total expenditures of the Government had gone on increasing and increasing so as to show by the mere total that they were very extravagant. One item I say is paying that money down South for their confederate cotton. Is that extravagant? That was my question.

Mr. MERRIMON. No, sir; I did not pretend to say that it was extravagant.

Mr. EDMUNDS. Then what did the Senator say this was the total of extravagance for?

Mr. MERRIMON. That money was not gotten from the people by taxation, nor was that taken into the account which I have read, which shows the net ordinary expenses of administering the Government every year from 1865. If any Senator can answer the point I made, let him answer it. The figures and facts cited cannot be answered by going off on the war.

Mr. WEST. Some of your figures have been answered.

Mr. MERRIMON. I do not know when it was done.

Mr. WEST. The Senator from Ohio [Mr. SHERMAN] answered your figures.

Mr. MERRIMON. No, sir; I read exactly what was in the report of the Secretary of the Treasury.

Mr. EDMUNDS. Certainly.

Mr. MERRIMON. It included other matters, and I intended to state what the gross expenditures were.

Mr. EDMUNDS. The Senator read it just as the man read the Bible: "If Satan entice thee to sin, consent thou;" and there he stopped, leaving off the "not."

Mr. MERRIMON. That is a very poor way to meet a fact and an argument.

Mr. EDMUNDS. I submit to the Senator that it is.

Mr. MERRIMON. Making laughable suggestions here, there, and elsewhere does not meet the point. Can any Senator, will any disinterested man in this country, contend that the internal-revenue

system has been properly, judiciously, wisely, and faithfully administered since the close of the war; and that the amount of money has gone into the Treasury that ought to have gone there? The amount of money was not collected that ought to have been collected, the officers have not accounted for all the money that they ought to have accounted for, and they having failed to do it the republican party, having absolute control of the Government, are responsible for it.

Mr. EDMUNDS. May I ask the Senator——

Mr. MERRIMON. Then here these figures——

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from Vermont?

Mr. MERRIMON. No, sir. Here are these figures which show this unnatural, this abnormally extravagant increase of the expenses from year to year since the war. Has any Senator accounted for that to the satisfaction of any disinterested mind?

Mr. WEST. Which figures do you speak of?

Mr. MERRIMON. I trust the Senator will not interrupt me again. If I allow one to do it half a dozen will do it, and I must be courteous alike to all.

Mr. WINDOM. The Senator was asking somebody to account for it. We thought perhaps he would like to have it done.

Mr. MERRIMON. In the proper way and at the proper time.

Mr. EDMUNDS. "In some other way," as Agrippa said unto Paul.

Mr. MERRIMON. Instead of coming down to these points and showing how money ought to have been collected and how much was collected and accounted for, the Senator has gone off into the war to rekindle the fires of hate and discord. I shall not join in that work.

I adverted to the fact that extravagance was made manifest in that the democratic party in the House of Representatives have reduced taxation $38,000,000.

Mr. WINDOM. By what bill?

Mr. MERRIMON. I mean appropriations. I explained that the other day. That is another subterfuge. That is the way you undertake to answer a point.

Mr. EDMUNDS. Mr. President——

The PRESIDING OFFICER. Does the Senator yield to the Senator from Vermont?

Mr. MERRIMON. I will not yield; I do not want to be discourteous, but if I yield to one, I will have to yield to half a dozen others, so that I cannot go on with the remarks I intended to make before taking my seat. The Senator from Indiana [Mr. MORTON] the other day, with an air of triumph asked the Senator from Ohio [Mr. THURMAN] or some other Senator, has the House sent in a bill here that proposes to reduce taxation one dollar? He thought that argument was a complete answer to the argument being made by the Senator on this side of the Chamber. It is appropriate to allude to it now in answer to the suggestion the Senator from Minnesota [Mr. WINDOM] makes.

The answer to it is twofold and very plain. The republican party have administered this Government since 1860. Passing by the war, they have had absolute control of the Government since 1865, and what is the condition of the country to-day? Prostration of industries and business everywhere, and we witness distress on every hand. We hear of failures every day amounting in the aggregate to millions of dollars. Thousands of laborers are in want of bread and cannot find employment. Who is responsible for this disordered state of the country if the republican party are not? Is it not plainly attributable to their extravagance and misrule? The maladministration in the collection of the revenues is sufficient to produce widespread disaster. This alone, in my judgment, has contributed much to the present public distress and discontent.

How is it that all this evil has come upon the country while this party are and have been in power, while they are ruling? The Bible says, "When the wicked rule the people mourn," and the people mourn to-day. We hear of commercial failures; we hear of industrial failures; we hear of failures in every respect in every walk of life. On which side soever we turn our eyes we see distress and hear loud complaints. Who is responsible for it? All this is brought about by misrule. It has not come without a cause; and in such a country as this, with such a people, with such resources, want and distress cannot come if they are properly and faithfully governed. The revenues of the country are drawn from the same source they were drawn from last year, and they will fall short many millions of dollars; and we get that fact from the Treasury Department of the Government. The public distresses have impaired alarmingly the sources of revenue. Hence the taxes may not be reduced, unless in the contingency I will now mention. The House has reduced the appropriations $38,000,000. If this republican Senate will concur in that reduction then we may expect a bill before we adjourn reducing the taxes of the people of the country $20,000,000. Concur in the appropriation bills as the House passes them, and let us see if we do not get a reduction of taxation to that amount. The House, of course, cannot send a bill here reducing the taxes until they see what a republican Senate will do with the appropriation bills.

Mr. WINDOM. Would the Senator like to have me give a specimen of those reductions?

Mr. OGLESBY. I want to see a statement of those reductions.

The PRESIDING OFFICER. Does the Senator from North Carolina yield?

Mr. MERRIMON. Two gentlemen want to put questions. I do not know to which Senator I am to yield.

The PRESIDING OFFICER. Will the Senator yield to the Senator from Minnesota, [Mr. WINDOM?]

Mr. MERRIMON. I am obliged to yield.

Mr. EDMUNDS. That is not fair. I asked the Senator to yield to me first.

Mr. MERRIMON. If anybody is going to misconstrue my motives, I will not consent to yield to anybody.

Mr. EDMUNDS. Go on; there will be time enough by and by.

Mr. MERRIMON. My purpose in rising was not to go into a general discussion. I am not prepared to do it now.

Mr. EDMUNDS. That is evident.

Mr. MERRIMON. If I should take time and belabor the subject and study it as the Senator from Vermont has done, I would make many points that he would fail to meet, as he has failed to do to-day, the points I made the other day; he would make another speech based on the war! I have simply endeavored in the course of a hasty running debate to correct some misrepresentations and to restate two points, which seem to have given Senators on the other side so much trouble ever since. I believe every day since I spoke first in this debate Senators have been endeavoring in one way or another to get rid of two rather troublesome points made against their party. If I have the opportunity I can make the argument tenfold stronger, and the time will come before the November election when I will do it.

Mr. FRELINGHUYSEN. I want to ask the Senator for a piece of information.

Mr. MERRIMON. I do not think I can yield to my friend from New Jersey.

Mr. FRELINGHUYSEN. All I want to know is this: My friend told the country and told me that the expenditures of the Government for 1875 were $682,000,000. Is that correct?

Mr. MERRIMON. No, sir; I did not say that at all.

Mr. FRELINGHUYSEN. You certainly said so.

Mr. MERRIMON. No, sir; I did not say so, nor anything like it.

Mr. FRELINGHUYSEN. And that the report of the Secretary of the Treasury proved it.

Mr. MERRIMON. I said that the net expenditures of the Government were $171,529,848.27; and I said that that was nearly three times as much as the administration of the Government cost in 1860, when the population has increased less than ten million; and I called upon the Senator from New Jersey and the Senator from Louisiana and all the republican Senators to explain to the American people how that happened. Let them do so, if they can, here or elsewhere.

Mr. WEST. As the Senator has alluded to the Senator from Louisiana, will he allow me to say a word to him, being what I wished to say to him a few moments ago?

Mr. MERRIMON. When I get through I will yield. There seems to be a persistent purpose on the part of a number of Senators, if possible, to divert me from the line of discussion I am pursuing and interject speeches of all sorts and character into my remarks. I am sure I did not interrupt any Senator in that way.

I was going to say that I did not expect or care to engage further in this debate and I rose this evening, after what the Senator from Vermont had said to-day, simply to restate the points I had made and to cite some figures from the record which happened to be convenient, which add weight to what I said on the former occasion. Whatever they may say about these two tables excepted to, no Senator upon that side has yet shown that they are substantially wrong. I repeat, no Senator has shown that either of those two tables is substantially wrong. Outside of and apart from those tables I desire to cite these figures from the record in order to show that the data upon which I rely for the points I made the other day are true as taken from the records, and I beg Senators, when they come to comment upon the positions I took the other day, to come up to the point and to meet the facts. When they shall do so successfully the country will be better satisfied than they will be with fiery declamation about the war and its horrors. The war is over; the people now want peace and faithful, honest, wholesome, government.

Mr. WEST. I want here to interpose and call the attention of the Senator and the Senate to some of the facts in connection with these tables. Whether the Senator from North Carolina said so or not, certainly the Senator from New Jersey so understood him, and certainly I so understood him, that the gross expenditures of this Government in the year 1875 were $682,000,000.

Mr. EDMUNDS. The Senator said so.

Mr. WEST. That point was immediately answered by the Senator from Ohio, [Mr. SHERMAN,] who called the attention of the Senator from North Carolina to the fact that in the very next column of figures $407,000,000 of that amount was accounted for in the changes in the public debt. I want to call the Senator's attention also to this column of net ordinary expenditures, as they are called and rendered in the Treasury book-keeping. They are no criterion whatever of the expenses of the Government. They are the disbursements out of the Treasury of the United States for any and all purposes and are obliged by law to be stated as expenditures. If the Senator will recur to the foot-note under that table, he will see one very prominent and marked instance, and that is the case where the money invested by the United States for the benefit of the Alabama claims claimants to the extent of $15,500,000 is charged as an expenditure of the Government. This

sum of $682,000,000 is the disbursement out of the Treasury of the United States. It has nothing to do with the expenditures whatever or the cost of the Government.

Mr. SHERMAN. The Senator from North Carolina made a statement so extravagant and so wild upon this floor that when he made it it excited my surprise and perhaps rather an undue heat in reply to it; but here the figures are before me in black and white. I wish to point out to the sober sense of candid men in regard to this whisky tax, for that is all I shall refer to, the ample and full explanation given by official documents of the discrepancy between what it is alleged we ought to have collected and what was really collected. The Senator commenced by assuming an entirely erroneous estimate of facts; I do not care how it is called.

Mr. MERRIMON. I gave the estimate made by Mr. Fessenden.

Mr. SHERMAN. It was made casually by Mr. Fessenden. If you will show me the language of Mr. Fessenden I can explain it. I cannot find it. Here is his annual report as Secretary of the Treasury, and it is not in it. I will read from the speech of the Senator from North Carolina:

> According to a statement which I have before me giving the amount of internal revenue raised from distilled spirits from the year 1863 to the year 1875, the aggregate number of gallons upon which the Government received revenue was 616,890,390. The number of gallons that ought to have been accounted for in that time is 13,000,000,000, according to the estimate made by the late Mr. Fessenden (then Secretary of the Treasury) in 1864.

Mr. Secretary Fessenden never made such an estimate. He died long before the expiration of the time that this estimate covers.

Mr. EDMUNDS. That is probably their reason for supposing he made the estimate!

Mr. SHERMAN. The Senator from North Carolina commenced by saying that Mr. Fessenden stated we should have collected taxes on this large amount:

> The number of gallons that ought to have been accounted for in that time is 13,000,000,000, according to the estimate made by the late Mr. Fessenden (then Secretary of the Treasury) in 1864.

That is, that Mr. Fessenden made an estimate that there was manufactured in this country from 1863 to 1875 13,000,000,000 gallons. Mr. Fessenden, unfortunately for the country, died in 1870.

Mr. MERRIMON. What I meant——

Mr. SHERMAN. I know what the Senator meant. I take what he stated as his data. In the first place, the whole basis for this computation alleged to have been made by Mr. Fessenden was a remark made by him either in debate here on the floor or in his report as Secretary of the Treasury. It was not made in his report as Secretary of the Treasury, because I have looked over that report. He would not have made it there, but in some speech he said that in 1860 we manufactured in this country 100,000,000 gallons, as shown by the census. This was a casual statement, such as we often make; just as my friend said the gross expenses of the Government for 1875 were $682,000,000. But Mr. Fessenden was mistaken, because when you look at the census returns it is different. I have here the census returns of 1850, and they show that the entire amount, the highest amount that was ever estimated to be made in this country—not what was actually manufactured, but what was estimated to be made in this country—was 90,412,581 gallons, which it is said was made in 1860. Here is a falling off of 10,000,000 gallons to commence with; but that was not all. When this number of gallons was made, whisky was worth in Missouri and Illinois about fifteen or sixteen cents a gallon. It was largely consumed. Nearly one-third of the whole whisky was consumed for what was called burning-fluid, and the rest was made into alcohol at a very cheap rate and exported. This is shown by the official document that I have before me, and which is no less a document than Mr. Wells's report made to Congress, a gentleman who is an acknowledged authority upon this question.

Mr. LOGAN. A recent democratic candidate for Congress.

Mr. SHERMAN. I do not know that he was a democratic candidate for Congress in Connecticut a short time ago. At all events he is a gentleman of character. Mr. Wells gives a statement of the former production of whisky and shows how rapidly it has fallen off, and then he says:

> Since 1860, when the foregoing returns of the Census Office were made, a very large reduction in the distillation and consumption of distilled spirits in the United States has taken place. The first, and undoubtedly the largest, element in such reduction has been the disuse of alcohol for the preparation of *burning-fluid*, which is commercially prepared by mixing one gallon of rectified spirits of turpentine (*camphene*) with from four to five gallons of alcohol. Each gallon of alcohol thus used requires 1.88 gallons of *proof spirits*, by which is to be understood a mixture of about 50 per cent. alcohol and 50 per cent. water.
>
> For some time previous to the year 1861 the use of burning-fluid in the United States as an illuminating agent, in places where coal gas was not available, was almost universal. Its price from 1856 to 1861 ranged from forty-five to sixty-five cents per gallon.
>
> It would appear, by the investigations made into this subject by the commission, that the amount of alcohol converted into burning-fluid by mixing with rectified spirits of turpentine, (camphene,) and consumed during the year 1860, could not have been less than 12,000,000 gallons, which must have necessitated the use of upward of 19,000,000 gallons of proof spirits. At the South and West, however, large quantities of burning-fluid were prepared by mixing the alcohol directly with the crude or commercial spirits of turpentine, without subjecting the latter constituent to rectification; which amount being allowed for would probably increase the figures above given by one-third, and make the total consumption of alcohol, for the preparation of burning fluid in the country, during 1860, 16,000,000 gallons, requiring over 25,000,000 gallons of proof spirits.

Here are 25,000,000 gallons gone, because in 1861 petroleum became the substitute for burning-fluid. Thus 25,000,000 gallons disappeared at once from the consumption of the country and the amount was reduced from 90,000,000 to 65,000,000 gallons, instead of 100,000,000 gallons, as the Senator assumes.

Mr. MERRIMON. Allow me to ask the Senator one question.

Mr. SHERMAN. No; I want to get through with this explanation because I am now reading from documents.

> Since 1862 the production and consumption of burning fluid in the United States have almost entirely ceased, and its price on the 1st of September, 1865, was reported to the commission as about $4 per gallon. This result may be attributed mainly to the discovery of petroleum, and the use of its cheaper and less dangerous derivatives for illuminating purposes, and partially to the high price of spirits of turpentine in consequence of the rebellion, this article having advanced from forty-seven cents per gallon in 1860 to $2.15 per gallon at the close of 1864. With a return of spirits of turpentine to its former price and a reduction of the tax on distilled spirits, it is the opinion of dealers most conversant with the trade that a partial revival of business of manufacturing burning fluid may be expected.

But the truth is that by reason of the great cheapness of petroleum, all this burning fluid, even from turpentine, is now superseded by the petroleum. This reduces the enormous estimate of the Senator down to 65,000,000 gallons. But I have here also the statement made by the same distinguished source, together with his associates of the revenue commission, showing that in 1866 by this and other causes stated in the report the production of whisky in this country had been reduced to 40,000,000 gallons on account of the tax being put upon it, and for this reason among other causes these commissioners recommend the reduction of the tax on whisky.

Let us go back again for a moment to the statement of the Senator from North Carolina and see if such an exaggeration would not excite surprise in a person who wished to get at the facts. I will read again what the Senator said:

> In that year he said in his report, in making his estimates on the subject of the internal revenues, that the number of gallons distilled was equal to about one hundred millions per annum—

I should like him to furnish me the authority. I cannot find it in Mr. Fessenden's report certainly. I have the report, and I have given it to the Senator, and I should like him to find the authority—

> and if that amount of spirits was distilled in 1864 it is reasonable to estimate that after peace returned, and when the industries of the country had been in some measure renewed, the number of gallons produced annually would increase; but for the sake of certainty and fairness I take it that the annual production of spirits in this country since 1864, and anterior to that time as far back as 1863, was equal to 100,000,000 gallons per annum,

In the first place, I show that the whole basis has dropped out of this estimate; first, that in 1860 only 90,000,000 gallons were produced; next, that in 1861 the amount fell off to 65,000,000 gallons by the authentic report of your commission, and that the following year by the same statement and report the amount fell down to 40,000,000 gallons.

Mr. MERRIMON. Will the Senator say that there is a less quantity of spirits distilled in this country now than in 1860?

Mr. SHERMAN. I am not saying a word about that now; I am coming to that. The Senator confuses dates. I say that in 1864 the official report of these commissioners certifies and shows that the amount produced in this country was not over forty millions of gallons, and they thought that was an overestimate, and that in 1863 and 1862 it could not have exceeded sixty-five millions, and the reasons were given for this estimate. Now take up the Senator's figures made up on this false assumption, first upon a statement that I do not find in Mr. Secretary Fessenden's report:

Mr. MERRIMON. But you admit he did say it.

Mr. SHERMAN. I admit he said in some speech that the amount produced in 1860 was one hundred millions, but that was not correct. But the Senator, instead of taking official data and looking at the census report himself, takes an *ad captandum* remark made by a Senator as the authentic basis for a remark that would sink the whole republican party into infamy if it were true. Upon this false basis he goes on and makes this arraignment of the republican party which I say would cover them with infamy if it were true:

> If that is correct, I repeat the number of gallons that ought to have been made from 1863 to 1874 was 13,000,000,000 of gallons. In the years 1865, 1866, 1867, and 1868 the tax on spirits was $2 a gallon. This ought to have yielded $8,000,000,000 in those years. Now hear the fact, and a material one, that only $104,000,000 were realized; so the loss to the Government pending that time was $896,000,000! I ask the Senator from Indiana and I ask the Senator from Ohio, who propounded their questions with such an air of triumph a while ago, where did that money go to; into whose pockets did that go? It went into the pockets of those who collected the revenue and those who controlled the revenue; it went into ten thousand avenues to corrupt and demoralize and impoverish the country and prostrate the industries of the country, and to bring about the present state of general public distress and suffering.

Thus the Senator upon the basis of a single error of his own, upon, first, a false quotation, and next a false estimate, and next a false computation, makes a charge against a political party that it had squandered, put in its pockets and scattered among its leaders as an agency of corruption $695,000,000. The Senator may think that that is a good stump argument; it is not a senatorial argument, for nobody believes that this money was ever collected; it has never gone into the hands of anybody or ever corrupted anybody, except so far as distillers and others engaged in the manufacture of whisky may have been able to steal and rob, and perhaps a few store-keepers and other officers may have been able to evade the law in collusion with them.

But let us go further. Take the Senator's own figures now. He quotes from a table which I suppose is correct; I have not stopped to verify it. He shows that in 1863 the number of gallons of whisky on which the tax was paid was 16,149,954. That was when the tax was twenty cents a gallon, and I have no doubt that probably represents all that was made during that year, because Senators must remember, those who were here at the time will remember very well, that when it was first proposed to put a tax upon whisky every distiller in this land went to work to make as much as he could continuously; the distilleries were run to the very utmost extent of their capacity in order to bring into the market unpaid whisky as they had a right to do. It was a part of their business. The result was that at the time our tax law took effect there was supposed to be on hand one or two years' supply. Whether that be so or not, it is difficult to tell; but at any rate for nearly a year after the tax of twenty cents took effect there was very little whisky manufactured in this country. The amount on hand filled the channels of consumption. I, among others, endeavored to put a tax upon the spirits on hand, but we found ourselves opposed by a large majority of both Houses of Congress and could not do it, on the ground that it was difficult to trace this whisky. The fact was that before the tax took effect probably 100,000,000 gallons had been manufactured and put on the market. Afterward, and most unwisely, there was an effort in the country—and it was voted for by a majority of both Houses of Congress against my earnest remonstrance—to raise the tax from twenty cents to $2 a gallon. I believed then that it was a most suicidal attempt, but the very moment that proposition was made in either House of Congress, the distillers again went to work with full fury, every distillery was run to its utmost capacity, and in a single year they ran up the manufacture of whisky in this country at a tax of twenty cents a gallon to 85,295,393 gallons in 1864. They pushed it to the utmost extremity, and they had nearly a year at their utmost capacity to run up this whisky, and it was said the distilleries were running day and night; distilleries were built merely for the purpose of availing themselves of the opportunity. My friend from Missouri [Mr. BOGY] I have no doubt is familiar with the history of the western country. Ohio, Indiana, and Illinois started in this business with great fervor and fury in order to evade the two-dollar tax. They ran into market in less than a single year 85,000,000 gallons and paid the tax of twenty cents a gallon on it, and what was the result? The channels were filled. The uses of whisky had been somewhat varied; the consumption had fallen off largely. The tax was so high at $2 a gallon that it made the price $2.50 a gallon. Its uses fell off and from and after the taking effect of that tax of $2 a gallon there was very little whisky, comparatively, manufactured in this country. These commissioners estimate the amount at thirty to forty million gallons manufactured after that time; but unhappily this was accomplished in 1865 when the $2 a gallon tax took effect just about contemporaneous with the coming in of Andrew Johnson, and the controversies which arose between the then President and the Senate, the republican party and the democratic party, as to who was responsible for Mr. Johnson.

The tax itself was unwise, and attempting to levy a two-dollar tax the republicans ought to take their full share of the responsibility, but I believe that every democrat in either House voted for it. It was not a party matter. It was an effort on the part of the temperance people of both political parties to gain the highest possible revenue out of whisky; but it was a piece of bad political economy. We defeated ourselves. I am glad to say that I voted against it, and I always have opposed these sudden and outrageous changes of our revenue laws. The result was to force the product of whisky before the two-dollar tax took effect to so great an extent that the channels of consumption were full, and for two or three years after that we raised scarcely anything. We did the same thing last year with partially the same effects, though I tried to defeat it. In 1865 the number of gallons of distilled spirits under the dollar tax had fallen to 16,958,845; in 1866 to 14,847,943; in 1867 to 14,588,739; in 1868, the last year of Johnson's administration, to 7,224,808 gallons. Thus, first by the operation of a bad law, and next by the operation of the political controversies that led to bad men being employed for the collection of the revenue, the whisky tax fell down until there was one year only $14,000,000 received from it.

Mr. President, the idea that any one should come in now and insist or claim as a political argument to be used on the stump, not here, that during those four years when Andrew Johnson could only collect a tax on seven million gallons there were one hundred million gallons of whisky made each year and that the republican party collected the tax on one hundred million gallons and used all except the $14,000,000 collected as a corruption fund, is so strange, so extravagant, so wrong, that in a deliberative body like this it seems to me such a suggestion ought not to be made. Sir, it does seem to me that when one knows the facts as they are, to use such an argument before the people so as to mislead them into a gross and erroneous idea of a state of corruption that does not exist except in the imagination, is wrong.

Mr. SAULSBURY. Will the Senator allow me one question?

Mr. SHERMAN. Yes, sir.

Mr. SAULSBURY. I understand the Senator from Ohio to say that during the administration of Mr. Johnson in one year there were only about seven million gallons produced. I think the Senator means to say that is the amount on which revenue was paid.

Mr. SHERMAN. Yes.

Mr. SAULSBURY. I want to know whether in that year and subsequent years there was not a vast amount of illicit whisky distilled upon which there was no revenue collected?

Mr. SHERMAN. Undoubtedly; and here is this report of the Revenue Commissioner made in 1867 calling attention to it, and it became so gross and glaring that it led Congress to repeal that act and to retrace its steps. There were wholesale frauds committed in Mr. Johnson's administration.

Mr. SAULSBURY. I want to ask the Senator this question, to be honestly answered, whether if the revenue officers during that period had performed their duty and those charged with the administration of the Government had discharged their duty, could that illicit whisky have been manufactured and put upon the market?

Mr. SHERMAN. I do not believe in a broad country like ours, with every opportunity to evade the laws, with mountains and streams and sparsely populated all over, it is in the power of man to collect a tax of $2 a gallon on whisky. The cost of manufacturing whisky is only sixteen cents. I appeal to my friend from Delaware now to answer me in honesty when I ask him whether, if there is any responsibility for the failure to collect the revenue in those memorable years, it is not shared by both political parties, because Johnson sent us only men who belonged to his political faith, and we only confirmed the best that we could get from him?

Mr. SAULSBURY. I will answer honestly the inquiry. In the first place, I disclaim what has been attempted to be made here in argument the impression on the country, that the administration of Andrew Johnson was a democratic administration; but even if it had been a democratic administration the history of the country shows that the republican Congress changed the law and would not permit Mr. Johnson to turn out at his pleasure the revenue officers and other officers that he had the appointment of, and that he could only make appointments by the consent of the republican Senate. If there was any failure to have proper revenue officers it was not the fault of Mr. Johnson, but the fault of those who controlled his action by their legislation.

Mr. SHERMAN. I can divide with my friend even on his own argument. The tenure-of-office act, which he thinks transferred the responsibility from Andrew Johnson to the republicans, was not passed till nearly two years after Johnson was President.

Mr. STEVENSON. Johnson was a republican those two years, any how.

Mr. SHERMAN. Is it not ridiculous in the Senate of the United States to have this matter discussed as a question of responsibility for the loss of this whisky revenue when no human power could collect? It was a wrong law, sustained by both political parties, endeavored to be enforced at a time when from the nature of things and the political controversies that existed it was impossible to collect it. Therefore I know, without asking the answer of my honorable friend, that he would not make this broad, sweeping charge against the republican party for the corrupt use of $696,000,000.

Let us go further, Mr. President. The result was that in 1868–'69 at the last session of Congress during Mr. Johnson's administration Congress undertook to correct this evil and reduce the tax to fifty cents, and from that time until the last two or three years the tax on whisky has been collected as closely as any tax levied by the Government of the United States. That is the judgment of the officers.

Mr. MERRIMON. Why, look at the prosecutions all over the country!

Mr. SHERMAN. I say that until the last three years the tax has been collected regularly, and the tax has been collected on more gallons of whisky, with a gradual increase of the number of gallons, than was estimated by the revenue commission which sat in 1869. The very table produced by the Senator from North Carolina will show that since the time General Grant became President of the United States, from 7,000,000 gallons which paid the tax the preceding year under Johnson's administration, it sprang up in 1869, the first year after we put in effect the new fifty-cent law, to 62,926,416 gallons; the next year after that to 78,490,198 gallons, and that year was the year that we changed and tampered with to some extent the fifty-cent law, by putting on the complicated barrel-tax and some other taxes. Under this new complication, or change, or enlargement of the tax, the number of gallons which paid tax was reduced. The next year it fell to 62,214,000; the next year after that, 1872, to 66,285,000; the next year after that to 65,603,000; the next year after that, 1874, there was a falling off to 62,000,000. From the commencement of Grant's administration until 1873 the whisky tax, I repeat, and I can fortify it by official testimony of the highest character, was collected as closely and regularly as any tax imposed by the Government of the United States; and the only evasion of that tax was in those sparsely populated Southern and Northern States where whisky could be made in the mountains and on the streams beyond the reach of the ordinary revenue officers, and where it was necessary to carry the military in order to enforce the collection of the revenue.

Then unwisely, as I again repeat, we tampered with this whisky tax, and raised it, and the result was that we threw into the pockets

of men who held whisky large sums of money and we lost revenue. And the result of this increase of the tax, and of every increase of the tax beyond a reasonable limit, or beyond that limit which experience shows to be the one best adapted for revenue, is wrong, and reduces the revenue instead of increasing it. Therefore, since 1873 the amount has not been so large, and this is probably due also to a falling off in consumption caused somewhat by hard times, because although that circumstance affects whisky less probably than anything else, for people will have their grog anyway, yet it does affect it to some extent by taking away from them the ability to buy their grog; but last year the tax-paid whisky had risen again somewhat, to 64,425,912 gallons. What it is this year I do not know.

Mr. STEVENSON. Will the Senator let me ask him a question?

Mr. SHERMAN. Yes, sir.

Mr. STEVENSON. I should like to know how much the Government lost by these late robberies by these rings in various cities, Saint Louis, Milwaukee, and so on?

Mr. SHERMAN. I cannot tell.

Mr. STEVENSON. What is the estimate of the Treasury Department as to the loss of the Government arising from these robberies?

Mr. SHERMAN. I do not know. I do not know that there is any basis for an estimate; and I here desire to say that, so far as they are concerned, all these whisky thieves, the men who endeavor to evade taxes, I am very glad to see them punished and glad to see them pushed to the extreme.

Mr. STEVENSON. Does not my friend know that some of those appointments were protested against as unworthy and incompetent to the President himself when they were made?

Mr. SHERMAN. The Senator from Kentucky, with more discretion than the Senator from North Carolina, wants to change the issue as to whether sometimes bad appointments were not made; but the Senator from North Carolina charged us with $696,000,000 wasted and squandered, and put in the pockets of politicians in four years and scattered around as a corruption fund.

Mr. MERRIMON. No, Mr. President, I do not think that is fair.

Mr. SHERMAN. That is the statement.

Mr. MERRIMON. I laid down certain premises and deduced an argument from them.

Mr. DAWES. The Senator from Ohio is commenting on the falling off of the whisky tax for 1874 and 1875, but he does not take into consideration one element that had considerable to do with it. The question of the change of the whisky tax was pending here some six months, and every distillery was run night and day for six months in anticipation of that change of the tax. The necessary consequence was that the statistics that year would be greatly swollen and the next year greatly fall off.

Mr. SHERMAN. That is true, and that operated just as it did at the time when the tax was raised to $2. It appears that one year, in 1864, the number of gallons run up to 85,000,000 on the twenty-cent tax in anticipation of the two-dollar tax.

But I desire to say in conclusion that the statements made by the Senator from North Carolina, exaggerated as they are shown to be, entirely untenable, blown up, calculated to mislead and deceive the people and convince them of a state of corruption that does not exist, are answered by the simple facts I have presented taken from his own speech in great degree. There is no desire, I am sure, on the part of the republican party, there can be no motive on the part of the republican party to see a falling off of the revenue or to see corruption and abuses in the collection of the whisky tax. Why, sir, the only men who have been punished have been punished by republican administration. General Grant himself has never deviated one hair's breadth from the declaration he made "let no guilty man escape." But whether he did or not, I do not want to be drawn into a mere political issue as to whether bad appointments are sometimes made and good appointments are always made. That is one question; but as for the charge made by the Senator from North Carolina, it seems to me when explained it will only excite derision, and every fair man will see that, while there may have been here and there a loss of the whisky tax, here and there frauds and corruption in the collection of this as of other taxes, the charge as made is a gross exaggeration, tends to mislead and deceive the people, and does not do justice to them or give them an opportunity to judge fairly of the facts that are submitted to them.

Mr. MERRIMON. Now, Mr. President, I wish simply to point out how unfair, in my judgment, the Senator from Ohio is. I made arguments. I took certain data; I pointed out to the Senate where I got those data, explained it fully, and then made certain deductions from them. Every man who reads my speech will see that I got at the data just in that way; and notwithstanding what the Senator says this evening, and we have for the most part his simple opinion about it, I think that he is very greatly mistaken about the amount of spirits distilled in this country.

Mr. SHERMAN. I have read the report.

Mr. MERRIMON. Here are the returns of the Internal-Revenue Office one year eighty-five million gallons.

Mr. SHERMAN. I explained that.

Mr. MERRIMON. Yes, you explained that in one part of your speech, and you go on covering it up in another.

Mr. SHERMAN. I say that during that year, tempted by the near approach of the two-dollar tax they ran their distilleries night and day.

Mr. MERRIMON. I believe that there are all of a hundred million gallons of spirit distilled in this country annually, and even more than that. Of course what I stated was a mere estimate, but I gave the data on which that estimate was made so that nobody could be misled by it. The figures are enormous; they are startling; they are alarming, and taking half of it to be so, it is still appalling.

Mr. SAULSBURY. (At five o'clock and fifty minutes p. m.) I move that the Senate adjourn.

Mr. ALLISON. I hope that will not be done. Let us finish the bill.

Mr. CRAGIN. I appeal to the Senator to withdraw his motion to allow me to introduce a resolution. [No! no!]

Mr. SAULSBURY. It is near six o'clock.

Mr. ALLISON. I ask for the yeas and nays on the motion to adjourn. I want to see——

Mr. EDMUNDS. That is debate.

Mr. ALLISON. I merely want to say that an adjournment on this bill now——

The PRESIDING OFFICER. The question is not debatable. The yeas and nays have been ordered on the motion to adjourn.

The yeas and nays being taken; resulted—yeas 8, nays 32, as follows:

YEAS—Messrs. Bayard, Bogy, Booth, Hitchcock, Oglesby, Saulsbury, Sherman, and Stevenson—8.

NAYS—Messrs. Allison, Anthony, Barnum, Boutwell, Cameron of Wisconsin, Christiancy, Cockrell, Cragin, Davis, Dawes, Dennis, Frelinghuysen, Harvey, Howe, Ingalls, Kelly, Kernan, Key, Logan, McMillan, Maxey, Merrimon, Mitchell, Morrill, Norwood, Paddock, Ransom, Spencer, Wadleigh, Withers, and Wright—32.

ABSENT—Messrs. Alcorn, Bruce, Burnside, Cameron of Pennsylvania, Caperton, Clayton, Conkling, Conover, Cooper, Dorsey, Eaton, Edmunds, Ferry, Goldthwaite, Gordon, Hamilton, Hamlin, Johnston, Jones of Florida, Jones of Nevada, McCreery, McDonald, Morton, Patterson, Robertson, Sargent, Sharon, Thurman, Wallace, West, Whyte, and Windom—32.

So the Senate refused to adjourn.

Mr. EDMUNDS. I am not going to make a speech; but I am going to ask my honorable friend from North Carolina, who stated that my statements respecting what made up what he calls the net ordinary expenses of the Government did not include the items to which I referred directly referable to the rebellion, to turn to pages 16 and 17 of the report of the Secretary of the Treasury for this present session. There he will find the items for the War Department for the years 1865, 1866, 1867, 1868, 1869, 1870, 1871, 1872, 1873, 1874, and 1875, and for the Navy Department for the same years, for the Indians for the same years, for pensions, to which I did not allude, amounting to $30,000,000 each year in round numbers.

Mr. MERRIMON. The Senator misunderstood me; I did not say that.

Mr. EDMUNDS. If the Senator will be good enough now, as he told me, to wait until I can make some consecutive statement of figures that possibly if he will look at he will understand, he will oblige me. And then there are the miscellaneous expenditures. These five heads are there given, and then comes a table of the ordinary net expenditures, not his table, but a table which the Senator will find on page 16 and page 17 of Executive Document No. 2 of the Forty-fourth Congress, first session, now here. Instead of my being mistaken in respect of what items went to swell these aggregates, if the Senator will only be good enough to look at it himself and not take any member of any other body in any other place for his authority, he will see that I was perfectly correct in every particular. The only want of correctness that my observations had in respect of these expenditures was that I only stated the leading items, for I would not weary the patience of the Senate by going through them. This shows, if there is any value at all in statements of expenditures made officially to Congress, and not in speeches, the book being here, that wherever there has been an increase of expense, it has been directly referable to the unhappy causes to which I alluded, and the charge of the Senator was that that was extravagance in the republican party.

Mr. MERRIMON. I do not care to continue the controversy this evening. There may be an opportunity on another occasion. I am anxious for a vote.

Mr. EDMUNDS. I hope there will be another occasion, for I have a good deal more to say.

Mr. NORWOOD. I move to lay on the table the motion to recommit the bill.

Mr. MORRILL. Would not that carry the bill?

The PRESIDING OFFICER. That motion would carry the bill.

Mr. STEVENSON. I hope the Senator will withdraw the motion.

Mr. NORWOOD. Does the Chair rule that the effect of my motion would carry the bill to the table if it should prevail?

The PRESIDING OFFICER. The Chair thinks that would be the effect.

Mr. MERRIMON. A motion to lay on the table in case of an appropriation bill does not take the bill.

Mr. ALLISON. Why not vote directly on the question?

Mr. NORWOOD. I withdraw the motion.

Mr. STEVENSON. I shall vote for the recommittal of this bill as proposed by the Senator from Ohio, [Mr. THURMAN.]

I shall do so for two reasons: First, because the bill contains large appropriations to objects purely local, exclusively within the cognizance of the States, and forbidden in my judgment by the Constitution of the United States; second, in this hour of monetary depres-

sion, when the Treasury is depleted, and the people are threatened with increased taxation, I deem it impolitic to appropriate one dollar more to works of internal improvement already commenced than is absolutely demanded; and, as to works not commenced, I think their construction should be postponed to a more convenient season. I understood the Senator who has this bill in charge, [Mr. ALLISON] unequivocally to say, that the House bill contains many large appropriations to works already commenced, which the engineers having them in charge report can be reduced without detriment to the public service. If this be true, expediency and economy alike demand that such reductions should be at once made. I do not intend to be drawn into any discussion of the political issues of the presidential campaign upon which we have just entered. Such a debate belongs more appropriately to the hustings than to the Senate Chamber. But I must be pardoned for saying, that the country will demand, and has a right to expect, retrenchment and reform from all parties, and especially an economical reduction of the annual expenditures of the Government. That is the surest way to reduce taxation. Economize by lessening appropriations, and what remains of the annual revenue received each year from taxation will go to a reduction of the public debt. With its diminution come lower taxes.

I will not say, after the reprimand the other day of the Senator from Indiana, [Mr. MORTON,] that "the wolf is at the door, and that the Government is threatened with bankruptcy," words charged by him to have been improperly used in some late impromptu speech by the democratic candidate for President, Mr. Tilden, and which seemed somewhat to stir up the ire of that Senator. But really, as it seems to me, there was no occasion for it. The words, if used at all, were used figuratively, to denote the disordered and depressed condition of our public affairs and the oppression of the people under onerous Federal taxation. It was a very pardonable and usual license of clear, strong illustration; one which Mr. Clay in former times often indulged in, when arraigning his political opponents for mistakes and maladministration of our public affairs. He would often declare: "We are in the midst of a revolution, bloodless as yet." The people are groaning under political misrule greater than "war, pestilence, or famine." Mr. Tilden, doubtless, never supposed that in resorting to similar figurative illustration, he would subject himself to so sharp and personal a criticism as that indulged in by the Senator from Indiana upon him for an innocent play upon words.

No one can deny, Mr. President, that, whatever republican speakers may say about the material wealth of our country, and the inexhaustible character of its resources, it is self-evident that the present monetary and industrial condition of the whole country is deplorable. Its business energies paralyzed; its currency disordered; the national credit abroad depressed; the future uncertain; and the people groaning under the burdens of an oppressive, frightful, and ruinous taxation. This is what Mr. Tilden intended to portray; nor is the picture overdrawn. I am informed that the business failures of 1875 amounted to seventy-seven hundred and forty, and during the first three months of this year exceeded twenty-eight hundred, with aggregate liabilities in that period exceeding $264,674,000. Public confidence is shaken, business is disturbed, and bankruptcies overwhelm the land.

No matter, then, to what source these evils are to be traced, whether to the maladminstration and mistakes of the party in power; or to any other cause, no one doubts the fact of their existence. Consequently, all legislation having for its object reduced expenditures and lower taxation, became an imperative obligation upon all political parties. Government is a trust, and all intrusted with its administration are trustees for the benefit of the people within the limitations and the exactions of the Constitution. If the pending bill, therefore, contains a solitary appropriation not clearly authorized by the Constitution, let it be stricken out. So, too, if appropriations to objects clearly constitutional are greater in amount than competent engineers in charge of them say, present necessities demand, let them all be reduced.

Like my friend from Maryland, [Mr. WHYTE,] I have been reared, Mr. President, in a political school of strict constructionists whose founders and followers *have never* believed that the Federal Government possessed the constitutional authority to enter upon a general system of internal improvements. I know it is a school which some democrats deride and would now discredit; still there are some of us who are not ashamed of its faith and still cherish its doctrines. We still think, that, as in the past so in the future, it may turn out that a rigid adherence to the Constitution, strictly construed, with a simple Government, honestly and economically administered, may prove the best mode of preserving free institutions.

Our fathers believed that a recurrence to fundamental principles would often prove a safeguard against dangerous political evils. My belief is, that it is because certain great principles of the Constitution have been departed from, that the Government has of late been so often in peril. We have proved our ability to preserve the unity of Government from all armed and direct assaults from without or from within. But the problem of our capacity to resist internal perils is yet to be solved. The dead empires of the past have found their graves in extravagance, luxury, idleness, and corruption. Our safety and our success, as a free constitutional Republic in the past, has been based upon the ready adherence and obedience of the people to the restraints and limitations of the Constitution imposed by them on their own power. Their willing observance of the law, and their unwillingness to overleap its barriers, under any temptation and in any emergency, has been hitherto our shining excellence.

When river and harbor bills, or other similar enactments containing immense appropriations from the Treasury of the United States to objects in every section of the country, in which the people of every State where the proposed improvement is located, are so deeply interested, are under consideration, I know how difficult it is for the representative so to read the Constitution, uninfluenced by local self-interest, as to find among its provisions a negation of power to make an appropriation to objects in his own State. This difficulty has been signally illustrated in the great conflict of opinion which has existed in the past, among the most eminent and distinguished statesmen upon the extent of constitutional power in the Federal Government to make these improvements. All agreed, in the main, that the constitutional power extended to objects national, as contradistinguished from local; to improvements of a general character, in which the whole country were interested, rather to such as were wholly within a State, local in their character and within the exclusive cognizance of State jurisdiction. But the great difficulty was, what was national and what was local? That was the precise point of conflict which has existed, and still exists.

While vetoes of river and harbor bills have often marked democratic administrations, yet it would not be difficult to find in many of the bills that have received the sanction of democratic Presidents some objects of questionable constitutional power. I know, too, and I trust I deeply appreciate, the present condition of the South, and the imperious call for necessary appropriations to improvement of their rivers and harbors, most of which are clearly within the sphere of the Constitution. Nor do I undervalue the deep interest of Southern Representatives for the passage of this bill. It makes large appropriations for improvements in the South. Here comes the test. The conflict of self-interest, with the barriers imposed by the Constitution against such a forbidden appropriation. I shall not be guilty of the ungracious task of criticising, or attempting to point out the various items of appropriations in this bill which are wholly and purely local.

No such bill as this was ever presented to a democratic President, and none such, if presented, could have received his assent. No Senator can deny, that the bill does contain appropriations to objects clearly local, and not sanctioned by the Constitution. The test of the truth of this statement which I propose is this: Let each separate object for which this bill makes an appropriation be put into a separate bill, and how many of them would pass muster either in the House or in the Senate? I put it to Senators upon this side of the Chamber to tell me, is it not a dangerous precedent for us, in an hour when we have been decrying against the usurpations and unlicensed assaults of centralized power on the constitutional rights of the States, to allow a combination of local interests in the States to blind our eyes to any open violation of the Constitution for any purpose? Why, Mr. President, there can be no cavil about the fact, that a large number of the appropriations in the House or in the Senate bill, are made to objects for which Congress has no power to appropriate the public money. And how unequal and unjust is this unauthorized distribution? The House bill contained appropriations to an amount exceeding $5,000,000, and yet I am informed that two States—neither of them very large in extent or in population—neither of them bordering on the seaboard—one an inland State—have received one-fifth of the whole sum appropriated by that bill. This is certainly a significant fact, and does not indicate the safest plane for enlightened or wise legislation. The Senate Committee on Appropriations struck out eight or nine hundred thousand dollars, I believe, of the appropriations contained in the House bill; but yet that committee substituted other objects to which they appropriated amounts greater than those contained in the House bill, increasing the sum appropriated by the House some $30,000. If I err in this statement I hope some Senator will correct me.

My honored friend the Senator from Virginia [Mr. WITHERS] is amazed that Senators who claim that the House bill was objectionable, because it contained many appropriations clearly local, and therefore unconstitutional, should have voted to non-concur with the Senate committee in striking out these objectionable items. My friend tells us, that if he should ever require a political Mentor, he would take care never to seek him from among his brother-Senators who have been guilty of such political inconsistency. Mr. President, I happen, like the Senator from Ohio, [Mr. THURMAN,] to be one of the Senators who find themselves in this unfortunate category of the Senator's exclusion. Now I have no ambition whatever to be the political Mentor of any Senator, or of anybody else. I have neither the acquirement nor experience to fit me for so exalted a position; but, if I did aspire to such a distinction, I utterly deny that the fact stated by my friend from Virginia, would be any argument or proof of my disqualification to teach even him, political orthodoxy and consistency as a democrat of the old school.

There would have been great force in the suggestion of the Senator, of an alleged inconsistency on the part of these Senators who voted to non-concur in the amendments of the Senate committee—if that committee had stricken out all the appropriations to local and unconstitutional objects in the House bill, and retained only those clearly within the sphere of constitutional power. But unfortunately for my friend's logic, the Senate committee did no such thing. They

struck out local appropriations from the House bill, it is true; but they put in their stead other objects even more local and more objectionable. The Senate committee increased the entire appropriation over that made by the House some $30,000. The House bill, although it contained many objects clearly unconstitutional, was preferable to the bill brought in by the Senate committee. The latter contained as many local objects, but in addition, increased the gross amount of money appriated. I voted therefore to non-concur in all the amendments of the Senate. I did so to kill both bills if possible, and if I failed in that, I preferred the House bill as containing the smaller appropriation and consequently the lesser of two evils. The Senate committee struck out a small appropriation to Rock Castle River of $2,000, and to Cumberland River, above Nashville, which had been put into the House bill. But while these appropriations were stricken out, the Senate committee put into the bill, as amended by them, a large appropriation to Elk River, in West Virginia, and another to the Little Kanawha, in the same State. If the first were local, the last were. If there was to be a general distribution of money to local objects in the States, instead of appropriating to rivers and harbors authorized by the Constitution, I desired justice should be done to Kentucky, which is among the largest tax-paying States. If local objects were stricken out in Kentucky, I desired them stricken out elsewhere, so as to have an equal and exact justice in the distribution among the States. But neither the restoration or exclusion would have secured my vote to either bill.

Mr. WITHERS. A general distribution, then, would control your ideas as to constitutional obligation?

Mr. STEVENSON. By no manner of means. I have just said that I would vote against both Senate and House bills, and the fact that they contained appropriations to local objects in Kentucky four times greater than the insignificant sums contained in the House bill would never change that vote. The fact that an appropriation is to a local object in Kentucky will never, I trust, affect the standard of my judgment upon the question of constitutional power. No appropriation to an object deemed by me outside of the Constitution, whether large or small, in Kentucky or out of Kentucky, will ever receive my sanction.

Mr. WITHERS. Then you ought not to vote for the House bill.

Mr. STEVENSON. I will never vote for it. I said I never could be induced to vote for either bill in their present shape. I am only surprised that a Senator coming from Virginia, trained in and familiar with the construction of the Constitution which made that noble old Commonwealth illustrious, from the foundation of the Government to 1860, doctrines illustrated by Jefferson, Madison, and Monroe, could have so far forgotten his early political teachings as to be willing to vote for such a bill as this, because it contains appropriations to local creeks within the confines of Virginia. I was also raised in that same Virginia school, and I may say, I cling to its doctrines of close construction and rigid adherence to all the limitations of the Constitution upon congressional or executive power with greater tenacity now than ever, as the palladium of political safety. If local combinations in bills like this shall override the constitutional barrier and inhibitions upon Congress to appropriate money except to national objects, the end will soon come.

Mr. WITHERS. I will say, with the permission of my friend, as he has expressed surprise at my position, that I received my ideas on the subject of the powers of the Government in this line from a distinguished Kentuckian, who, although he was born in Virginia, made his reputation as a statesman of Kentucky. At his feet I was brought up in my political faith. He had no such scruples of conscience about appropriations for improvements.

Mr. STEVENSON. No one respects more than I do the fame of that distinguished Virginian who has rendered illustrious the Commonwealth which I in part represent in this Chamber. I never agreed with him in political opinion.

Mr. WITHERS. I did.

Mr. STEVENSON. I looked, as I said, to Jefferson, to Madison, and Jackson as my mentors, and believed with them in a closer construction of the Constitution than Henry Clay did; but my friend, the Senator from Virginia, can never find shelter under Mr. Clay for the support of any such bill as this. Never, sir; never! I went over his record upon that subject this morning, and I defy the Senator to show that Mr. Clay ever advocated a bill with appropriations like those which we are called upon on this occasion to sanction by our votes.

The distinguished statesman to whom my friend has referred was a liberal constructionist. He believed in appropriations to our harbors, on salt water or fresh, on the lakes or on the oceans. He favored liberal aid to the Mississippi and all its tributaries, the Ohio, the Arkansas, the Missouri, the Red, and the White, indeed to all objects of a general and national character. I have no doubt he would have supported the Pacific railways, as he did the Cumberland road, but nowhere can his vote be found for objects such as are contained in this bill. At least such is my opinion, and I think I would vouch the record in support of my statement.

I hope this bill will be recommitted and that the committee will reduce the appropriations to objects that are clearly national. While I am a Kentucky Senator, charged with the protection of her interest and honor, I do not forget that I am also a Senator of the United States. I shall vote liberal sums to our harbors North and South, to our lakes and to our great highways and national thoroughfares. I include those made for our rivers like Cape Fear, which empties into the ocean and which is a harbor of incalculable value. So of many others of like character. As was said by the Senator from Connecticut [Mr. EATON] the other day about the removal of obstructions at Hell Gate, near New York, which when accomplished would shorten the voyage from New York to Liverpool three hundred miles, what State in the confederacy is not interested in and would not be benefited by that improvement?

But in all these appropriations I must look to the limitations of the Constitution. I have no other guide. In the faithful observance of its sanction is our safety. Let not appropriations in the several States beguile representatives into the support of appropriations not warranted by the organic law. Madison, Monroe, Jackson, Polk, and Pierce all vetoed measures like this, but containing no such objectionable objects as the pending bill. All these vetoes rested upon the invasion of the sovereignty of the States, which appropriations by the Federal Government to objects clearly local, and wholly within the domain and cognizance of the State, would invariably inaugurate. If this measure pass, it is the opening-wedge to unlimited appropriations under this head as our country expands and the applications for appropriations to local objects increase. Such legislation, if continued, must ultimately beggar the people. It is six millions to-day, it may be twelve next year, and twenty a few years hereafter. There is no limit. If States are to be seduced into the support of bills like this because objects within their territorial limits receive large appropriations, then States may combine and disregard all limitations of the Constitution.

If objects contained in this bill be constitutional, I am unable to perceive any limit to which the power of appropriations may not be carried. Increased taxation, higher protective tariffs, and corrupt legislation must be the legitimate fruits of such a policy. The States will become mere stipendiaries of the Federal Government, mere playthings of its unlimited appropriations. It was but a few years since, that Congress was asked to charter an Ohio company to construct a railroad across the domain of Kentucky, against the consent of the State, from Cincinnati to Chattanooga, in Tennessee, with no guards, or only such as Congress might be pleased to put into the act of incorporation. The proposed legislation was resisted and failed to become a law. Kentucky, through her Legislature, has since granted a charter, under proper guards and restrictions, and the road is being rapidly constructed.

So, too, a similar effort was made to obtain from Congress a charter to build a railroad from Washington to New York without the consent of the States to be traversed; but Maryland, Delaware, and, I believe, New Jersey opposed it, and it failed. Let us leave local improvements to the States. What is to become of their sovereignty if the Federal Government possesses the power to appropriate money to any and to all local objects wholly within State cognizance? The Federal Government acquires exclusive jurisdiction whenever it constructs improvements and appropriates the public money! Where will the Federal power end? What State will be exempt from its influence, if improvements are to be carried on without stint on the scale contemplated by this bill? I have been surprised to hear during this debate certain powers claimed, and certain doctrines announced by Senators on the other side of the Chamber. The power to make these appropriations is asserted to exist under the common-defense-and-general-welfare clause of the Constitution; and we have heard the statement, that, if the Government were to-day to appropriate twenty millions to these improvements, it would have a good influence in stimulating industry and production, and in giving employment to labor. This is not and never can be the doctrine of reformers!

It would be retrenchment, economy, and reform with a vengeance! If Senators on this side of the Chamber mean to aid in the correction of existing abuses; if they intend to reduce extravagant expenditures of the public money; if they are in earnest in one common effort to take away incentives to public profligacy, I entreat them to recommit this bill.

The country is in no condition now, to enter into such a general scheme of improvements of rivers and harbors as is here proposed. Whatever Senators may say, and whatever peans they may sing, as to the inexhaustible resources of this country, the masses of the people, irrespective of party, crushed beneath the load of oppressive taxation, have felt personally the pressure, and are determined upon a simpler, more honest, and more economical administration of public affairs.

Mr. MORRILL. Mr. President, I rather enjoy this wrangle between the representatives of the democracy of Kentucky and Virginia; but I do not rise to participate particularly in the points discussed by the Senator from Kentucky, except some portions of the foremost part of his address this evening. He has referred to the extreme distress that pervades all parts of the Union in relation to all branches of industry, and also to the numerous bankruptcies that have occurred the past year. I want to repel the idea that this country has been brought to the extreme of bankruptcy or is in any position where we cannot make such appropriations as are just and proper for the support of the Government.

As I understand it from the latest estimates of the Treasury Department we shall have revenue sufficient to defray all the ordinary expenses of the Government, all the interest of the public debt, and yet have a sinking fund sufficient to pay 1 per cent. upon the public

debt, which amounts to something over $30,000,000 a year; and by the bills, as presented here by the Senate Appropriation Committee, the appropriations will be upward of $20,000,000 less than the estimates; showing conclusively that we shall have at least $50,000,000 to devote to the payment of the public debt the present year unless the House has already sent or shall send here extraordinary appropriation bills that we shall be forced to agree with, which shall increase the expenditures of the Government.

Now, let me say a word in relation to the general prosperity of the country. Take the agricultural interest. I assert, without fear of contradiction, that never for a quarter of a century has the agricultural interest, taking the whole country together, been in as prosperous a condition as at the present moment. Not in a single State will you find any staple crop that is cut off, but in almost all there is an average or an excess.

Mr. SAULSBURY. Will the Senator allow me to ask a question?

Mr. MORRILL. I only propose to speak for a few moments, and do not desire to be interrupted.

There is no grasshopper plague; there is no drought or anything that has brought general distress on the agricultural community in any portion of our country. The only distress that exists is in the mercantile, manufacturing, and the mining interests; and what is the cause of that? Simply overproduction. It is not greater here to-day than it is in Great Britain; and why? We see there that the amount of cotton and wool and flax that have been manufactured has very largely increased within the last ten years, but the increase has been greater on the continent; so has it been here; and, in addition to our usual competition, the South has awakened to the idea of establishing manufactures in the South, and this year we find that, instead of the entire amount of cotton manufactures being confined to the North, perhaps the only really prosperous manufactures of cotton are located in the South, where they make regular and fat dividends, while in the North they are unable to do that in consequence of being so far away from the raw material and in consequence of not being able to employ as cheap labor. In Great Britain the same result has taken place from the fact of a 5 per cent. protective tariff upon cotton goods in India, and they have, therefore, there very largely increased their manufacture in India. So that it is competition that has caused distress among the manufacturers, both here and abroad; and I may say the same thing has taken place in relation to the iron manufacture. The surest and cheapest way of securing cheap fabrics, cheap products, is to encourage their production broadcast all over the country. To-day we find printing cotton sold for three and three-fourths cents a yard, and calicoes already printed, in some cases, for five cents a yard. Never was the time before when these fabrics were sold at so low a rate.

Now I want to deny, for one, that the country is suffering in the extremes of bankruptcy at this present moment. To be sure, with the manufacturing interests, with the mercantile interests, in the fall of prices, the great diminution in the prices of goods, a large amount of business is stopped and must stop until people begin to purchase again; but, while these facts exist, men will wear their old hats for three or four months longer and women will buy fewer silk dresses than they otherwise would.

But, Mr. President, in relation to bankruptcies, let me ask why did not the Senator from Kentucky state the whole facts in that connection? In the first quarter of this year it is very true there was a large amount of bankruptcies, but they have been steadily decreasing all the time since; so that the last three months present no discouraging feature; and I may say in relation to this that the bankruptcies across our borders in Canada are much larger than they are here. If they were to be only equal to our bankruptcies they should have been one-fifteenth part, while in point of fact they are one-sixth part of all the bankruptcies that have taken place in this country.

Then let me call attention to another and most healthful aspect in our commercial affairs. I find that the imports for the eleven months ending May 31, 1876, were $490,535,488, while for the eleven months ending May 31, 1875, they were but $426,495,382, making sixty-four millions in our favor for this year of exports. Then look at the exports for 1876. The exports for eleven months ending May 31, 1876, were $544,724,585, and in 1875 $517,417,767, leaving about $27,000,000 in excess of last year. So that whether we look at our exports we find them increasing, whether we look at our imports we find them diminishing—ninety-one millions in our favor—and when we diminish imports we not only save the amount of duties that would be paid to the Government, but we save the amount of the entire cost of the goods abroad which amounts to from sixty to seventy millions this year. Therefore, I say that the Treasury of the United States and the country is in a healthy condition and it is not to be impeached by these general tirades as to our poverty, as to our bankruptcy, or anything of the sort. I agree to economy and perhaps, so far as I am concerned, as I generally do, shall vote for the smallest sum that may be proposed. I shall, therefore, vote for any amendment that may be proposed on this appropriation bill which will reduce the amount.

Mr. BOUTWELL. Mr. President, I agree with much that has been said by the Senator from Vermont [Mr. MORRILL] in regard to the condition of the country, and I disagree entirely to the theory that if the condition of affairs for the moment were as unfavorable as represented by gentlemen on the other side, therefore necessary expenditures on public works should be omitted. Whatever may be the condition of affairs to-day, nothing can be more certain than that the country has in the future a career of prosperity. We have credit; we have resources; and above all we have great capacity for labor. Now, so far as public works have been undertaken, the undertaking of which was wise, it is more wise to prosecute them and prosecute them with vigor under the circumstances that exist, and if the circumstances were more unfavorable so with stronger reason ought we to prosecute these works.

The reasons are two: first, they can be now prosecuted to completion at less cost than they can be when the affairs of the country are in a more favorable condition, and, second, although I would not undertake public works, and especially those not necessary, for the purpose of giving employment to the people, yet, when public works are undertaken and when those works are necessary, there can be no higher duty resting upon a Government which has both resources in property and resources in credit than to prosecute those works to successful completion.

A government should be above the reach of panics, which necessarily affect individuals, and under unfavorable circumstances we should exhibit courage, not only because the exhibition of courage is favorable in a pecuniary point of view to the Government itself, but we set an example to people who otherwise would be lacking in courage, and they will take advantage of opportunities which in a less degree are equally favorable to their own fortunes. Now, if our friends on the other side will excuse me for the statement of a fact which occurred during the war, I will venture to make it. In the darkest days, when our enemies were pressing us at every point along the line and when from the steps of this Capitol you could hear the reverberation of the cannon across the Potomac, we voted an appropriation for the completion of this Capitol. It was notice, whether taken or not, it was notice, and it was so given to our then enemies, that we did not intend to abandon this Capitol.

Now, there are in this bill appropriations that I think are unnecessary, and to me they are very disagreeable, and I am at this moment quite in doubt whether I shall vote for the bill or vote against it; but the time is coming, if it has not now arrived, when the representatives of the people, without distinction of party, will resist appropriations for works which, whether constitutional or not, have no such national importance that they ought to be undertaken and executed at the public expense; and unquestionably there are in this bill such appropriations and similar appropriations have been made in years past. But we are all concerned in putting an end to such drains upon the Treasury which profit nothing in a large sense probably. By the States and by the people where these works are the attempt would never be made for their execution. We ought to unite and abandon this system of making appropriations in one State because men in another State want other appropriations and stand as representatives of States upon the fact. If the representatives of a State can satisfy their associates here that the works for which they ask appropriations are national works and the country is in a condition to undertake those works, let the work be undertaken. But in this bill there are appropriations for improvements which are not national, which if anything are local, and which ought never to find countenance in the Congress of the United States. What I shall do about this bill in the end I cannot say, but I am at present in favor of recommitting it in the hope that the committee will strike out all these appropriations that are not national, whether the works have been undertaken or whether they are new ones, and let us for once, if we can, pass a bill which, whether it appropriates $3,000,000 or $6,000,000, we can stand upon and say to our constituents and to the country, "These appropriations are made for important public national works that will yield a return in the facilities that will be afforded to the commerce and business of the country."

Now, Mr. President, I depart from the particular subject before the Senate for the purpose of introducing a document which I have had in my desk for many months waiting for just this occasion, a statement prepared at the Treasury with great care, showing the net expenses of the Government in the years 1800, 1810, 1820, 1830, 1840, 1850, 1860, 1870, and 1875. There is a minute and analytical comparison of the expenses of the Government in 1860 and 1875, excluding in the latter year all those expenditures which arose from the war, and there are tables containing items of the expenditures which are thus excluded, so that, if the whole shall be printed, any person who chooses to examine will have an opportunity to see whether those items classed as belonging to the war are properly so classed. This table was prepared under the direction of and by Mr. Charles F. Conant, who is now Assistant Secretary of the Treasury. His letter to me is dated at the Treasury Department, Washington, September 16, 1875. He says:

I inclose herewith tables showing the comparative expenses of the Government for the years 1875 and 1860, excluding war charges.

Mr. Conant is the responsible person for this document and upon my request made it. The total expenditures for the fiscal year 1875 were $274,623,392 84; the total expenditures for the year 1860 were $63,025,788.98. After deducting the expenditures for the year 1875 on account of the war—and there are appended to this, which I will have printed, analytical tables showing what these deductions are—the net result is that the expenditures for the year 1875 were $84,773,762.49 in currency, but the expenditures in 1860 were in gold.

Mr. Conant has deducted 12$\frac{615}{1000}$ per cent. as the premium on gold for the year 1875, leaving a net expenditure in gold for that year of $74,028,688.09. Then there are deductions made both from the expenditures of the year 1860 and of the year 1875 growing out of the method of keeping the books of the Department. Upon that point there is an analytical statement of the deductions and also a note showing the reason for them. He says:

The following items which are included in the aggregate as expenditures both for the year 1860 and 1875 are deducted from each for the reason that they are not expenditure in the true meaning of the word, as they involve no outlay of money by the Treasury and are no burden upon the tax-payers, they being merely entries on both the debit and credit side of the books (made necessary by the system of book-keeping in the Department) of moneys received from persons and subsequently returned to them or expended in their behalf, namely.

And then he gives the items in each year. After deducting the amounts thus placed to the debit and credit side of the books for the years 1860 and 1875, respectively, the result is that the expenditures for the year 1875, excluding the war expenditures, deducting the premium on gold, excluding the amounts placed to the debit and credit side of the books in the Department, were $69,856,117.77. The expenditures upon the same basis for the year 1860 were $61,402,408.64.

Mr. BOGY. By whom is the table furnished?

Mr. BOUTWELL. By Mr. Conant, the present Assistant Secretary of the Treasury.

Mr. BOGY. It is not official, is it? because it states facts that cannot be official. They are absurd. The premium on gold certainly can play no part in the expenses. In 1860 gold was the only coin used, and it cannot properly be added or deducted. It plays no part. This is an individual table.

Mr. BOUTWELL. Senators will deal with the processes as they think justice requires; but Mr. Conant—and in that I concur—had deducted from the currency expenses of the year 1875 the premium on gold, so that the expenses are represented ultimately in this table as gold expenses in 1860 and gold expenses in 1875.

Mr. BOGY. The premium on gold can correctly play no part in a table of that kind. It is not correct at all. It can be neither added nor deducted; it cannot be treated as an item at all.

Mr. BOUTWELL. I desire now to call the attention of the Senate to the tables showing the expenses *per capita* in each of the years which I will mention.

The expenses *per capita*, including slaves who paid no part of the expenses of the Government directly, were in—

1800	$2.038
1810	1.171
1820	1.897
1830	1.176
1840	1.424
1850	1.766
1860	1.952
1870	1.781

In 1875, estimating the population at 40,000,000, which was the estimate of the Treasury Department, the expenses *per capita* were $1.746.

But, estimating the population in 1875 at 43,000,000, which is my own opinion upon the best information I can obtain, the expenses were $1.60 for each inhabitant, including those who had formerly been slaves. This table I will hand to the reporter with a request that the whole of it may be printed.

Mr. SAULSBURY. Does it contain any items which the Senator has not read?

Mr. BOUTWELL. Yes, sir.

Mr. SAULSBURY. I believe the rule was applied to this side of the Chamber that it must be read, or otherwise it ought not to go into the RECORD.

Mr. EDMUNDS. Very well, let it be read. We cannot dispense with it.

Mr. HAMLIN. It is done every day.

Mr. BOUTWELL. I hope the Senator from Delaware will not object to these tables being printed. The tables show the items of deductions made on account of the war expenses, and are very necessary to a proper understanding of the tables themselves and also furnish the evidence by which the correctness of the estimates here made will be ascertained, either established or refuted. I should not like to withdraw them.

The PRESIDING OFFICER. Is there objection to allowing the tables to be printed in the RECORD?

Mr. BOUTWELL. It will take a couple of hours to read them, I dare say.

Mr. BOGY. The table is the work of a gentleman who may be holding office, but it is not an official paper at all, and does not pretend to be an official paper. But taking the figures stated by the Senator from Massachusetts they would show that the expenses of the Government are now, or were in 1875, about $150,000 000. The total amount of expenses mentioned in that document, unofficial as it is, is $274,000,000, from which should be deducted fairly about $100,000,000 for the interest on the public debt; it is a little less than $100,000,000, but call it $100,000,000 in round numbers; and $30,000,000 for the pension list.

Mr. EDMUNDS. How about southern claims?

Mr. BOGY. Taking these two main items from $274,000,000, there will remain about $144,000,000, or say $150,000,000 in round numbers as the expenses of the Government other than expenses created for the Army or the Navy, or what the gentleman from Vermont has so often stated have grown out of the late unfortunate war. Nevertheless the fact remains that the expenses are about $144,000,000 or $150,000,000 besides the amount paid for interest and the amount paid for the pension-list. I have no objection to the statement being published; I have no objection to the facts going before the country, no matter where they come from; but this is not an official document; it is the mere production of a gentleman who may be holding office, but it has no evidence of official character even, and some of his items are, in my estimation, very absurd and should not be in a statement of this character.

Mr. SAULSBURY. I move that the Senate adjourn. I think there is not a quorum present.

Mr. STEVENSON. Mr. President——

Mr. BOUTWELL. I believe I have the floor, and I wish this paper to be read as part of my speech if there is objection to its going in the RECORD without being read.

Mr. HOWE. Is there objection?

Mr. EDMUNDS. I should like much to hear it, as its accuracy is assailed.

Mr. HAMLIN. I rise, Mr. President, to a question of order, that no objection prevents a Senator from incorporating such a paper in his remarks. It is done almost every day.

Mr. EDMUNDS. He can have it read by a majority vote.

The PRESIDING OFFICER. The Chair will state that there is no rule of the Senate on the subject. A majority of the Senate can determine the matter in the judgment of the Chair. The Chair will submit the question, if it is the desire of the Senator, whether this statement shall be incorporated in the RECORD without being read. Senators, those in favor of this permission will say ay; of a contrary opinion will say no.

Mr. STEVENSON. I ask for the yeas and nays on that question of order. It is an important question of order.

The yeas and nays were ordered.

Mr. SAULSBURY. On account of the appeals made to me by my friends on this side of the House, I will withdraw, if it is not too late, the objection, while my own judgment is that it has been the rule of the Senate not to permit statements to be incorporated in the RECORD which are not read.

The PRESIDING OFFICER. Objection being withdrawn, the point of order falls, and the statement will be incorporated in the RECORD.

The tables produced by Mr. BOUTWELL are as follows:

Table showing expenditures per capita.

Year.	Population.	Expenditures.	Per capita.
1800	5,305,925	$10,813,971 01	2.038
1810	7,239,814	8,474,753 37	1.171
1820	9,638,131	18,285,534 89	1.897
1830	12,866,020	15,142,108 26	1.176
1840	17,069,453	24,314,518 19	1.424
1850	23,191,876	40,948,383 12	1.766
1860	31,443,321	61,402,408 64	1.952
1870	38,555,983	68,684,613 92	1.781
1875, (estimated)	40,000,000	69,856,117 77	1.746

Note.—For explanations of deductions see accompanying statements marked A to K, inclusive.

STATEMENT A.—*Congress.*

Reporting debates in Congress	$45,625 00
Printing for Congress, including debates	259,527 38
Printing for Treasury Department	136,000 00
Printing for War Department	43,284 00
Printing for Interior Department	102,000 00
Printing for Department of Justice	5,100 00
	591,536 38

STATEMENT B.—*Executive.*

	Expenses in 1860.	Expenses in 1875.	Increase.
Salaries in Treasury Department:			
Office of Secretary	$47,931 00	$476,698 97	$65,600 00
First Auditor	35,470 00	72,908 81	37,438 81
Second Auditor	35,470 00	266,583 22	231,113 22
Third Auditor	132,905 70	246,801 97	113,896 27
Fourth Auditor	27,737 80	77,697 46	49,959 66
Fifth Auditor	17,621 43	51,304 83	33,683 40
First Comptroller	28,340 00	72,454 75	44,114 75
Second Comptroller	26,840 00	110,926 97	84,086 97
Treasurer	26,751 15	414,361 44	387,610 29
Register	51,707 11	243,337 50	191,630 39
Comptroller of the Treasury		134,764 01	134,764 01
War Department and its Bureaus	145,564 02	972,535 17	826,951 15
Navy Department and its Bureaus	107,300 00	121,735 20	14,435 20
Interior Department, Pension Office	126,206 46	464,821 21	338,614 75
Internal Revenue Office			335,166 80
			2,889,065 67

STATEMENT C.—*Judiciary.*

The expenses of courts incurred on account of internal revenue suits are estimated by the First Comptroller at one-third of the total expenditures, or	$1,395,876 07

STATEMENT D.—*Foreign Intercourse.*

Salaries and expenses of United States and British claims commission	$2,093 25	
Awards to British claimants	1,929,819 00	
Salaries and expenses, court of commissioners of Alabama claims	84,374 70	
		2,016,286 95

STATEMENT E.—*Miscellaneous.*

Payment of judgments, Court of Claims		$516,531 35
Salaries and expenses southern claims commission		51,800 00
Examination of national banks and bank-note plates		705 75
Expenses of engraving and printing		1,581,669 44
Expenses of national currency		330,978 27
Expenses of national loan		2,444 47
Refunding national debt		150,255 51
Refunding proceeds of cotton seized		51,229 47
Payment for lands sold for direct taxes		23,920 00
Return of proceeds and expenses of collection of captured property		881,249 84
Refunding taxes illegally collected		893 00
Re-issuing national currency		64,244 76
Support of free schools in South Carolina		3,900 00
Refunding excess of duty to national banks		258 40
Defending suits and claims for seizure of captured property		26,124 00
Compensation of persons employed in insurrectionary States		4,068 65
Expenses of assessing and collecting internal revenue		5,188,513 31
Support of Freedmen's Hospital and Asylum		50,000 00
National Association for Relief of Colored Women and Children		10,000 00
Compensation in lieu of moieties		67,134 18
Postage in lieu of franking privilege		1,022,165 13
Extraordinary expenses incurred for the District of Columbia:		
Payment of indebtedness	$1,300,000 00	
Payment of interest on 3.65 loan	154,554 64	
		1,454,554 64
Public buildings and improving rivers and harbors in 1875	15,365,012 30	
Expended for same purposes in 1860	2,913,371 48	
		12,451,640 82
Expenses of collecting revenue from customs, including revenue-cutter service, in 1875	8,006,678 10	
Cost for same service in 1860	3,324,430 53	
		4,682,247 57
		28,616,528 53

STATEMENT F.—*Pensions.*

The entire amount on account of pensions is deducted, as it is not reasonable to suppose that many persons who would be entitled to the benefits of the old pension laws are now living	$29,456,216 22

STATEMENT G.—*Military establishment.*

Bounty under act of July 28, 1866	$227,111 44
Traveling expenses of California volunteers and Michigan cavalry	12,185 15
Bureau of Refugees and Freedmen	34,716 20
Horses and other property lost in military service	$83,720 68
Re-imbursing States' expenses in suppressing rebellion	186,667 93
Claims of loyal citizens for supplies furnished during the rebellion	1,265,170 40
Publication of official records of the war of rebellion	20,000 00
Commutation of rations to prisoners of war	4,000 00
Stoppages or fines due National Home for Disabled Volunteers	911,505 12
Expenses under reconstruction acts	240 04
Bounty and prize money to colored soldiers and sailors	80,000 00
Keeping, transporting, and supplying prisoners of war	2,195 35
National cemeteries	168,869 59
Head-stones for graves in national cemeteries	134,989 17
Medical and Surgical History of the War	40,000 00
Total of claims actually paid	3,171,371 07

Increased expenditures of the Army in consequence of the war:

	1860.	1875.	
Pay of the Army	$3,828,924 55	$10,870,760 39	
Commissary Department	2,745,162 67	2,851,334 74	
Quartermaster's Department	6,470,472 58	12,950,263 22	
	13,044,559 80	26,672,358 35	13,627,798 55
			16,799,169 62

STATEMENT H.—*Naval establishment.*

Prize-money to captors	$842,582 22
Bounty for destruction of enemy's vessels	50,419 32
Payment to officers and crew of United States steamer Kearsarge	2,040 87
Navy pensions	96,363 93
Extraordinary expenditures on account of construction of four new vessels	4,000,000 00
	4,991,406,34

STATEMENT I.—*Public debt.*

Interest on the public debt	$103,093,544 57

STATEMENT K.

The following items, which are included in the aggregate as expenditures both for the years 1860 and 1875, are deducted from each, for the reason that they are not expenditures in the true meaning of the word, as they involve no outlay of money by the Treasury and are no burden upon the tax-payers, they being merely entries on both the debit and credit side of the books (made necessary by the system of book-keeping in practice) of moneys received from persons and subsequently returned to them or expended in their behalf, namely:

Items.	1860.	1875.
Refunding excess of amounts deposited by importers for unascertained duties	$814,826 87	$1,863,657 85
Debentures and drawbacks	585,158 39	1,696,562 17
Refunding duties erroneously or illegally collected	3,821 55	9,810 93
Patent fund	219,573 53	672,539 37
Total	1,623,380 34	4,172,570 32

Comparison of the expenditures of 1875 *with those of* 1860.

Objects of expenditure.	Expenditures for fiscal year 1875.	Deductions of expenditures arising in consequence of the rebellion, 1875.	Expenditures on peace basis, 1875.	Expenditures in 1860.
A. Congress	$5,137,012 47	$591,536 38		$2,619,529 43
B. Executive	10,152,860 68	2,889,065 67		2,347,458 05
C. Judiciary	4,187,628 21	1,395,876 07		1,181,667 93
Territorial governments	290,416 77			
Total civil list	19,767,918 13	4,876,478 12	$14,891,440 01	6,148,655 41
D. Foreign intercourse	3,231,067 13	2,016,286 95	1,214,800 18	1,163,207 15
E. Miscellaneous	48,071,697 72	28,616,528 53	19,455,169 19	20,658,007 92
Indians	8,384,656 82		2,384,656 82	3,935,686 59
F. Pensions	29,456,216 22	29,456,216 22		
G. Military establishment	41,120,645 98	16,799,169 62	24,321,476 36	16,409,767 10
H. Naval establishment	21,497,626 27	4,991,406 34	16,506,219 93	11,513,150 19
I. Interest on public debt	103,093,544 57	103,093,544 57		3,177,314 62
Total	274,623,392 84	189,849,630 35	84,773,762 49	63,025,788 96
Deduct 12.675 per cent., the average premium on gold during the year, the expenditures here given being in currency while those of 1860 were in gold			10,745,074 40	
			74,028,688 09	
K. Deduct items which are not in reality expenditures, but which appear so by reason of the system of book-keeping in practice in the Department			4,172,570 32	1,623,380 34
			69,856,117 77	61,402,408 64
Excess of expenditures of 1875 over 1860			8,453,709 13	

Mr. SAULSBURY. I move that the Senate adjourn.

The PRESIDING OFFICER. Does the Senator from Massachusetts give way to the Senator from Delaware for that motion?

Mr. BOUTWELL. I understand that the tables are to be printed.

The PRESIDING OFFICER. Yes, sir.

Mr. EDMUNDS. By unanimous consent.

Mr. BOUTWELL. Then I will yield the floor.

Mr. STEVENSON. Will the Senator from Delaware withdraw his motion for a moment?

Mr. SAULSBURY. Yes, sir.

Mr. STEVENSON. The Senator from Vermont [Mr. MORRILL] takes issue with the statement made by me. He says that this country is not depressed, and that its financial and agricultural and commercial interests are in a good condition.

Mr. MORRILL. The Senator states it too broadly. I stated that it was not in that extreme condition of poverty and bankruptcy which had been alleged.

Mr. STEVENSON. I did not say anything about bankruptcy.

Mr. MORRILL. You mentioned the amount of bankruptcies that had taken place.

Mr. STEVENSON. I stand now by my statement, and I take issue with the Senator from Vermont. I say that the statistics in New York will show that over eight thousand and some hundred bankruptcies occurred in the year 1875, and in the first three months of this year more than two thousand occurred. I say further from information from republicans and democrats alike in the city of New York that rents are fearfully depressed, that business is in a very unsatisfactory state, and from every section of the country I hear clamors of great pecuniary distress and of increased taxation.

Mr. MORRILL. I merely stated that this extreme exaggeration about the condition of the country was entirely unfounded. I admitted that the manufacturing interests and the mercantile interests and the mining interests were depressed; but I claimed that the agricultural interest was never more prosperous, and that is the greatest interest of this country. Why, Mr. President, the amount of cotton that will be produced this year will be an average crop. The hay, which is the largest agricultural crop perhaps in the country, is good all over the country. There is not a single article of agriculture in any portion of the country that I am aware of the crop of which this year does not promise well.

Mr. STEVENSON. Let me ask the Senator what the price of cotton is now, and whether it is not at one-half the price it used to command?

Mr. MORRILL. It is one-half what it was during the war, but it is about two cents a pound more than it was prior to the war.

Mr. STEVENSON. Is it not one-half now what it was the year before the last—seven years since the war? Still I only wanted to correct the Senator's statement as to my position. All I said was that there was great popular distress in this country and that all species of its business were unsettled and depressed.

Mr. EDMUNDS. What are the causes of that condition of things?

Mr. STEVENSON. That is more than I can tell.

Mr. EDMUNDS. That is the thing we ought to know, in order to correct them.

Mr. STEVENSON. I know that in the old times when the democratic party in the days of Mr. Van Buren were charged with the responsibility, the bad management of its rulers was then said to be the cause.

Mr. EDMUNDS. What does the Senator say now?

Mr. STEVENSON. I do not intend to go into any political discussion. What I say to the Senator from Vermont is that the people are competent to judge. They will render their verdict as to what the cause is in November, and by that verdict I am willing to stand.

Mr. MORRILL. Will the Senator answer me this?

Mr. STEVENSON. I will answer any question.

Mr. MORRILL. Is not the cotton crop not only prosperous in the South, but are they not producing vastly more of the cereal crops and more stock than prior to the war?

Mr. STEVENSON. I do not understand it to be so.

Mr. MORRILL. I do.

Mr. STEVENSON. The gentlemen who raise cotton tell me it is not so, and certainly the price of cotton, if we were in good times, would be a great deal more than three and a half to four cents.

Mr. OGLESBY. Mr. President, what has become of the motion to adjourn?

The PRESIDING OFFICER. The motion to adjourn was withdrawn.

Mr. OGLESBY, (at six o'clock and fifty-five minutes.) I renew the motion.

The PRESIDING OFFICER. It is moved that the Senate do now adjourn.

Mr. HAMLIN. Will the Chair allow me an opportunity of making a request of the Senator? There is a very earnest necessity for an executive session, and I hope the Senator will allow me to submit that motion.

Mr. SAULSBURY. I will yield to that.

Mr. ALLISON. Will the Senator yield to me? We have remained late. We have all lost our dinner, or are likely to, whether we adjourn now or an hour hence; and I do submit that the Senator from Kentucky and the Senator from Vermont can settle the question of the causes of the trouble, if we have any now in this country, on Monday just as well on some other bill as on this.

Mr. STEVENSON. I have no unsettled question. I have finished all I have to say.

Mr. ALLISON. Then, if it is all settled, I hope we shall go on and vote on the bill. We can get through with it and adjourn in fifteen minutes.

The PRESIDING OFFICER. Does the Senator from Delaware insist on his motion.

Mr. SAULSBURY. If the Senator from Maine wishes an executive session I will yield for that purpose. Otherwise I insist on my motion.

Mr. ALLISON. I hope not.

Mr. HAMLIN. I will not make the motion. I want an executive session, but I want to close this bill more than I want that.

The PRESIDING OFFICER. If there is no motion before the Senate, the yeas and nays will be taken on the motion to recommit.

Mr. SAULSBURY. I move that the Senate adjourn.

The question being put, a division was called for; and the ayes were 4, and the noes 32.

The PRESIDING OFFICER. The Senate refuses to adjourn, but there is not a quorum voting.

Mr. HOWE. I call for the yeas and nays.

Mr. SPENCER and others. Another division will do.

Mr. EDMUNDS. I move that absent Senators be sent for.

Mr. MORRILL. The yeas and nays will ascertain the fact.

Mr. FERRY. I ask for the yeas and nays on the motion. That will test whether we have a quorum.

The PRESIDING OFFICER. The yeas and nays are called for. The Clerk will call the roll on the motion to adjourn.

Mr. CRAGIN. I suggest that there is a quorum evidently present. Another division will show it, without wasting time in calling the yeas and nays.

The PRESIDING OFFICER. Debate is out of order. The question is on the motion to adjourn. The yeas and nays will be called.

The question being taken by yeas and nays, resulted—yeas 5, nays 35; as follows:

YEAS—Messrs. Booth, Edmunds, Hamilton, Oglesby, and Saulsbury—5.
NAYS—Messrs. Allison, Anthony, Barnum, Bogy, Boutwell, Cameron of Wisconsin, Christiancy, Cockrell, Conover, Cooper, Cragin, Davis, Dawes, Dennis, Ferry, Frelinghuysen, Hamlin, Howe, Ingalls, Kelly, Kernan, Key, Logan, McMillan, Maxey, Merrimon, Mitchell, Morrill, Norwood, Paddock, Ransom, Spencer, Windom, Withers, and Wright—35.
ABSENT—Messrs. Alcorn, Bayard, Bruce, Burnside, Cameron of Pennsylvania, Caperton, Clayton, Conkling, Dorsey, Eaton, Goldthwaite, Gordon, Harvey, Hitchcock, Johnston, Jones of Florida, Jones of Nevada, McCreery, McDonald, Morton, Patterson, Randolph, Robertson, Sargent, Sharon, Sherman, Stevenson, Thurman, Wadleigh, Wallace, West, and Whyte—32.

So the Senate refused to adjourn.

Mr. SAULSBURY. Mr. President, I do not rise at this late hour to discuss this question. I submitted some views upon it a few days ago, and do not propose to detain the Senate with any extended remarks in reference to this bill. But I find in the RECORD of to-day remarks of the Senator from Missouri [Mr. COCKRELL] yesterday in which he alluded to my course of action on this bill, to which I desire to make some reference. The Senator said:

> I desire to speak in reference to Delaware. The distinguished Senator from Delaware, [Mr. SAULSBURY,] who is not now in the Senate Chamber, was spiritedly in favor of reform, and yet whenever his State was touched, whenever an amendment was proposed by the Senate committee striking out anything from Delaware, he was on his feet to protest against the amendment striking anything for Delaware.

Now, I wish to correct the statement made in that paragraph by the Senator from Missouri. In the first place, there was no amendment of the Senate committee striking out any appropriation whatever that had been made in the State of Delaware. Consequently, I had no occasion to protest against striking out appropriations for the State which I have the honor in part to represent. There was in reality but one appropriation for that State. There was an appropriation made for the pier at the town of Lewes, which is a national work, which is not designed for the interests or benefit of the people of the State, and upon which no citizen of the State puts his foot without the permission of the Federal authorities in charge of the work. That certainly is not an appropriation to the State of Delaware. So again of the ice harbor at New Castle. New Castle is situated just above the head of the Delaware Bay. The river at that point being not less than two miles wide, it frequently becomes necessary for vessels going up the bay to Philadelphia to take refuge in that harbor. It was not put there for the purpose of benefiting the people of Delaware in any respect. But there is an appropriation to Wilmington Harbor, which lies within the State, and in which the citizens of our State are particularly interested. Wilmington is a port of entry, a place where there is very great commerce, and where a large number of iron ships and other vessels are built, and where the Government vessels to-day are laying for the purpose of being repaired.

The Senator referred also in his remarks yesterday to streams which were incorporated in the section of the bill providing for surveys, and represented them as mere minnow streams. Why, sir, there is not one of those streams but what has very considerable commerce upon it and tide-water navigation. There is scarcely one of them upon which vessels are not built. Upon one of these streams, Mispillion Creek or River, within the last three years a vessel of nine hundred tons burden has been built; and so upon Jones River and Duck Creek; and every stream incorporated for a survey is a stream where there is tide-water and upon which there is a considerable commerce, and upon which vessels constantly ply.

I rose simply to correct that mistake, because I have not had incorporated into this bill any survey except a survey of a navigable stream, and where there is already a very considerable commerce. I have felt it due to myself to make this correction of a statement made perhaps inadvertently by my friend from Missouri.

Mr. FRELINGHUYSEN. Mr. President, I have just listened with pleasure to the constitutional doctrine applicable to this bill stated by the Senator from Kentucky, [Mr. STEVENSON,] and yet I shall probably not vote with him. I cannot vote for the amendment of the Senator from Vermont, [Mr. EDMUNDS,] which is to appropriate $4,000,000 and leave it the administration of the Secretary of War. I do not think $4,000,000 is a sufficient appropriation. I shall not vote to recommit the bill because the chairman of the committee or the Senator having the bill in charge has submitted to the Senate a substitute for the bill, which probably incorporates all the advantages we would derive from a recommittal, and I propose, when the opportunity comes, to vote for that substitute.

I confess that I feel more kindly toward this measure than some of those with whom I am in the habit of coinciding. If I believed that this country or nation was poor, I would move and vote to lay the bill on the table. I know that the country is not poor. The people are somewhat poor, and I am very sorry for it; and there need be no question as to what makes them so. If in a circle a hundred miles in diameter on our prairies you gather all the cereals produced in the land for five or six years and then drive in all the sheep and horses and oxen, and pile on all the fabrics and all the productions of a highly stimulated industry and then gather around it the best youth of the country, with their energy and muscle and capacity to produce, and let them put the torch to that vast funeral pile and then leap into it themselves, no one would wonder that as the smoke from that destruction went up to propitiate the Moloch of war that there should be poverty in the land. Or if you stimulate every energy of a country so that it is fevered and excited and every nerve so strained that it is ready to break, it is certain that there will be a reaction, an exhaustion, a prostration; and that is just what this country is now suffering.

The people are poor, but the country has vast hidden resources, and it seems to me that the way to make the people rich is by developing those resources; and I do not think that I am stating an extravagant proposition when I say that the only means of making the people rich is by developing those resources, for I do not know any other source from which we derive wealth and luxury but this rugged earth from whence we come and whither we go.

If I believed that this bill was to burden the people with taxes I would move and vote to lay it on the table, but I know it is not. The question whether we appropriate four million or five million is the question whether we shall next year pay one million more or less on the public debt, and that is all of it. I believe that by appropriating with reasonable liberality and developing the resources of the country we enable ourselves to pay five million five years hence much easier than we can pay one million next year.

Mr. President, it seems to me that we should learn something from the past. Look at the developments and at the increase of the wealth of the country in the last fifty years. I can remember when the good and patriotic men of the country feared that the nation was going to be ruined by its very increase and development; by the remoteness of its parts they feared that it would fall to pieces. Then it was that hidden in the earth was found the wealth of iron, which was followed by the introduction of railroads, binding the land together, and then by the invention of the telegraph, which has made the people of this vast continent one community, so that San Francisco is to-day for all practical purposes nearer, much nearer to the Atlantic seaboard than Cincinnati was then. Then I remember that reflecting men said we were to be ruined for the want of fuel, and then we found the illimitable fields of coal, supplying not only domestic purposes but the vastly greater demands of manufacturing and transportation. Then, as the New London whaler came in without any cargo, thoughtful men said we were to have an oil famine and that we would be straitened what to do in the numerous purposes to which it is applied; then some man in Pennsylvania drove a pipe down into the earth and developed a supply of oil, enough for the world. A great man has said of the world what is true of this country; he said that the world is God's hot-bed that He has planted deep and multifariously, and there are many things which have not yet come up. The Senator from Wisconsin, [Mr. HOWE,] in a speech of a few minutes the other day, hit the very point when he said that it was the duty of the Government to water our country's crops and make the seed sprout.

But, Mr. President, besides all that, this is the proper time to make the appropriation. We have hitherto decided that these improvements are fit to be made and valuable, and we now can make one dollar of expenditure produce two dollars in the results of work, and the people want the occupation and the money. The Senator from Ohio [Mr. THURMAN] says that is making this Government parental. Well, if developing the wealth of the country even if the people do thereby incidentally gain employment, if increasing the revenues of the nation is making the Government parental, let it be parental. There is much of wise political economy in the saying of Solomon: "There is that scattereth, and yet increaseth; and there is that withholdeth more than is meet, but it tendeth to poverty."

Neither do I think that these appropriations should be confined to salt water or to deep water. I do not differ from the Senator from Kentucky as to the constitutional rule relative to internal improvements. The question which determines the propriety of an appropriation for an internal improvement is whether it will be for the general welfare. In the language of the Constitution, do "we lay the taxes, duties, imposts, and excises in order to pay the debts and provide for the common defense and general welfare of the United States?" If we do, we are acting in harmony with the Constitution. It is the eighth section of article 1 that gives us the constitutional power to make these appropriations, and the question suggested is the test as to whether any particular improvement comes within the purview of that section of the Constitution.

It may be that a stream three feet wide may float lumber and grain and coal so as to promote the general welfare of the United States, and if it does its improvement is within the legitimate powers of the Constitution. If it be waters entirely within one State confined in its benefits to a mere locality, it is a perversion of the Constitution to claim that the General Government is to spend money in its improvement. The provision of the Constitution relative to the regulation of commerce which has been so much discoursed upon has nothing to do with this question. Under that provision the Government can take control of all navigable waters, but under the general-welfare clause it can improve land or water without taking control of either.

Mr. President, one word more. Every dollar that we expend for these improvements probably stimulates twenty dollars from private capital and thus increases the wealth and the revenues of the nation. Besides, there are many other reasons why individual States cannot so well make these improvements as the General Government. It is a little extraordinary, I know, that one State deriving no direct advantage should be taxed for an improvement in another State; thus, for instance, the State of New Jersey has little or no beneficial interest in this bill; she does not receive a fourth as much as she will contribute to the amount expended; but then, sir, we are one people, one nation; we all have a common interest, and I rejoice in any legislation which brings practically and vividly to the people of different sections the beneficent influences of this one great nation. Mr. President, we are rich enough, our history is sufficiently glorious, the prospects of the future are bright enough; there is but one thing we want, and that is for every section and every party to determine that the great provision of the Constitution enacting that all persons born or naturalized in the United States and subject to the jurisdiction thereof shall be citizens thereof and of the State in which they reside, shall everywhere be enforced so that every citizen, white and black, at the North and South, shall fully and freely enjoy full American citizenship, with the inalienable right to life, liberty, and the pursuit of happiness. If only that could be vouchsafed, this nation would this year enter upon a career most grand and glorious.

The PRESIDING OFFICER. The pending question is on the motion made by the Senator from Ohio [Mr. THURMAN] to recommit the bill to the Committee on Appropriations with instructions to report a bill not exceeding in amount the total of $4,000,000.

The Secretary proceeded to call the roll.

Mr. KEY, (when his name was called.) On this question I am paired with the Senator from Nebraska who sits farthest from me, [Mr. HITCHCOCK.] If he were here he would vote "yea," and I should vote "nay."

Mr. STEVENSON, (when his name was called.) I am paired with the Senator from Georgia, [Mr. GORDON.] If he were here he would vote "nay," and I should vote "yea," on this motion.

Mr. RANSOM, (when Mr. THURMAN's name was called.) The Senator from Ohio [Mr. THURMAN] is paired on this question with the Senator from West Virginia, [Mr. CAPERTON.] The Senator from Ohio would vote "yea," and the Senator from West Virginia would vote "nay."

Mr. DAVIS. They are both unwell.

Mr. RANSOM. They are very sick.

The roll-call was concluded.

Mr. STEVENSON. I desire to state that my colleague [Mr. MCCREERY] is still detained at home by the dangerous illness of a member of his family.

The result was announced—yeas 9, nays 28; as follows:

YEAS—Messrs. Booth, Boutwell, Dawes, Hamlin, Ingalls, Kernan, Logan, Oglesby, and Saulsbury—9.

NAYS—Messrs. Allison, Anthony, Barnum, Bogy, Cameron of Wisconsin, Christiancy, Cockrell, Conover, Cooper, Davis, Dennis, Ferry, Frelinghuysen, Hamilton, Howe, Kelly, McMillan, Maxey, Merrimon, Mitchell, Morrill, Norwood, Paddock, Ransom, Spencer, Windom, Withers, and Wright—28.

ABSENT—Messrs. Alcorn, Bayard, Bruce, Burnside, Cameron of Pennsylvania, Caperton, Clayton, Conkling, Cragin, Dorsey, Eaton, Edmunds, Goldthwaite, Gordon, Harvey, Hitchcock, Johnston, Jones of Florida, Jones of Nevada, Key, McCreery, McDonald, Morton, Patterson, Randolph, Robertson, Sargent, Sharon, Sherman, Stevenson, Thurman, Wadleigh, Wallace, West, and Whyte—35.

So the motion was not agreed to.

The PRESIDING OFFICER. The question recurs on the substitute offered by the Senator from Vermont, [Mr. EDMUNDS.]

Mr. EDMUNDS. I should like to hear it read.

The PRESIDING OFFICER. It will be reported.

The CHIEF CLERK. It is proposed to strike out all after the enacting clause of the bill and insert:

That the sum of $4,000,000 is hereby appropriated for the fiscal year ending June 30, 1877, to be expended for the repair, extension, preservation, and completion of works for the improvement of rivers and harbors under the direction of the Secretary of War: *Provided*, That the Secretary of War is hereby authorized to cause such expenditures to be made so as best to subserve the interests of commerce; and he is required to report to Congress, at the opening of its December session, all expenditures made under the provisions of this act up to that time in detail.

Mr. EDMUNDS. Mr. President, now after much wandering, as the children of Israel had, we have got back to this bill.

The PRESIDING OFFICER. The Chair will remind the Senator that the five-minute rule is in operation.

Mr. EDMUNDS. I do not know that there is any special need for the Chair taking a minute out of my time to tell me so in advance. I have got time, I think I have, and like the rest of the American freemen that the poets have talked about, I know my rights, and "knowing, dare maintain."

If we have got back to this bill in serious interest out of the discursive region where we have been wandering, I have this to say: In the year 1869, when the revenues of the Government in a comparative sense were overflowing, both Houses of Congress agreed that the

true and wise plan, having before them a bill that was filled up with items many of which could not stand constitutional or practical tests, was to put a gross sum in charge of the War Department, which means the Corps of Engineers, subject to the provision and veto of the Secretary of War, to be applied to the most necessary objects of public improvement already in the course of existence and progress. That bill only provided, if I remember, two millions or two millions and a half. I propose now, in this state of public exigency, of diminished revennes, and therefore of an increased necessity for small appropriations, to double the sum of 1869 and to require the Secretary of War to take $4,000,000 only of public money and appropriate it to the most necessary objects of national improvement already provided for by law. That is the proposition, and I appeal to Senators on all sides and from all States and all localities whether this is not in the present condition of the country the wise and the right thing to do.

I have not risen, Mr. President, to take up time, to make speeches, but only to state the precise point on which my amendment rests.

Mr. HOWE. I move to amend the substitute by striking out "four" and inserting "six," so that the appropriation shall be $6,000,000 instead of $4,000,000. So far as the works in the State of Wisconsin are concerned I do not object for one moment for allowing the disbursements to be made under the direction of the Engineer Corps. I do not want a dollar expended in that State that is not recommended upon the judgment and the responsibility of those officers; but I insist upon it that $4,000,000 is not a fair and business-like appropriation to make for these purposes. On that subject I only wish to refer the Senate to the very excellent speeches made this afternoon by the Senator from Massachusetts [Mr. BOUTWELL] and the Senator from New Jersey [Mr. FRELINGHUYSEN] who took his seat a few minutes ago.

The PRESIDING OFFICER. The question is on the amendment offered to the substitute by the Senator from Wisconsin to strike out "four" and insert "six;" so as to make the total $6,000,000.

The amendment to the amendment was rejected.

Mr. HOWE. I move to insert "five" in place of "four;" so as to make it $5,000,000.

Mr. COOPER. I move to lay on the table both the amendment of the Senator from Wisconsin and the substitute of the Senator from Vermont.

The PRESIDING OFFICER. That motion carries the bill with it.

Mr. COOPER. No, it does not, I understand.

Mr. EDMUNDS. It does. This is not a general appropriation bill.

The PRESIDING OFFICER. This is not a general appropriation within the meaning of the rule. The question is on the amendment offered by the Senator from Wisconsin to the substitute.

The amendment to the amendment was rejected.

The PRESIDING OFFICER. The question recurs on the substitute offered by the Senator from Vermont.

Mr. EDMUNDS. On that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. ALLISON. I desire to offer an amendment to the substitute, if it is in order. I am not quite certain that it is.

Mr. EDMUNDS. It is in order. There is no doubt about its being in order, I think.

The PRESIDING OFFICER. An amendment to the substitute is in order.

Mr. ALLISON. I propose what I send to the Clerk's desk as an amendment to the substitute, striking out all after the first word "that."

Several SENATORS. Let it be read.

The PRESIDING OFFICER. The amendment to the amendment will be reported.

Mr. SPENCER. It has been printed and laid on our tables. Its reading can be dispensed with.

Mr. ALLISON. I desire to say one word.

Mr. EDMUNDS. Let us have it read before it is debated, in order to see what it is. I do not understand it myself.

Mr. SPENCER. It is long, and has been printed.

Mr. LOGAN. Before it is read I should like to make an inquiry of the Senator from Iowa. Suppose his amendment should be adopted as an amendment to the substitute, then what effect would that have? The substitute provides for $4,000,000. Would his amendment be a distribution of that sum?

Mr. ALLISON. My proposition strikes out everything after the first word of the substitute, and inserts what I send to the Clerk's desk instead of the substitute.

Mr. LOGAN. What is its effect upon the original bill?

Mr. ALLISON. It is an amendment to the substitute proposed by the Senator from Vermont. It strikes out all that the Senator from Vermont proposes to insert, and also all that is in the original bill.

The PRESIDING OFFICER. The Secretary will read the amendment to the amendment.

The CHIEF CLERK. It is proposed to strike out all after the word "that" in the first line of the amendment and insert——

Mr. RANSOM. I hope the Senator from Iowa will withdraw his amendment, and let us vote upon the substitute of the Senator from Vermont. That seems to be the shortest way to get through this matter.

Mr. SPENCER. And then afterward the Senator from Iowa can offer his amendment to the bill.

Mr. HAMLIN, (to Mr. ALLISON.) Stick to your amendment.

Mr. ALLISON. I should be very glad of course to save time; but if the amendment of the Senator from Vermont be voted down, as I am certain it will be, then I shall offer my substitute and have a vote upon it; and if it is to be read, it may as well be read now, and we may as well act upon it now as after the amendment of the Senator from Vermont is voted down. It is only a question of the order of proceeding.

Mr. OGLESBY. May I ask the Senator from Iowa a question?

Mr. ALLISON. Yes, sir.

Mr. OGLESBY. The bill as reported from the Senate Committee on Appropriations is a distinct proposition in and of itself. The amendment proposed by the Senator from Vermont is a distinct and different proposition. We ought to vote directly upon the amendment proposed by the Senator from Vermont in order to test the sense of this body on that independent proposition, for it is based on new reasons, a new theory, and new facts. If that amendment should be voted down, as the Senator from Iowa thinks it will be, then his amendment could be read and voted upon. That course would enable us to act upon the amendment of the Senator from Vermont as an independent proposition. If the amendment of the Senator from Iowa is offered now we shall have to vote both upon the bill of the House and the amendment of the Senator from Vermont in voting upon the substitute proposed by the Senator from Iowa. A better, and simpler, and plainer way would be to vote upon the amendment of the Senator from Vermont first, and then if the substitute of the Senator from Iowa is offered it can be read and voted upon and the question considered fairly and independently. There may be Senators here disposed to vote for the amendment of the Senator from Vermont who would also vote for the substitute proposed by the Senator from Iowa if the amendment of the Senator from Vermont should fail; but those Senators might not vote for the substitute of the Senator from Iowa if that substitute is to slaughter both the original bill and the amendment of the Senator from Vermont.

Mr. HOWE. I want to suggest to the Senator from Illinois that I think he is mistaken. If the amendment moved by the Senator from Iowa be adopted, the question will then be on substituting his proposition for the bill now before the Senate, will it not?

The PRESIDING OFFICER. That is correct.

Mr. OGLESBY. I misunderstood the Senator from Iowa in his reply to the Senator from Illinois, then. I understood the Senator to say that his amendment was offered as a substitute both for the bill and the pending amendment of the Senator from Vermont.

The PRESIDING OFFICER. The Senator from Iowa offers his amendment as a substitute for the substitute offered by the Senator from Vermont. Does the Senator from Iowa insist on his amendment at this time?

Mr. EDMUNDS. It is being read.

Mr. MERRIMON. I ask as a question of order whether the first vote is not upon the substitute of the Senator from Vermont? We perfect the principal measure first.

The PRESIDING OFFICER. The amendment of the Senator from Iowa is in order. The substitute of the Senator from Vermont is open to amendment.

Mr. FERRY. Let me understand to which proposition does the Senator from Iowa propose his substitute as an amendment?

The PRESIDING OFFICER. As an amendment to the amendment proposed by the Senator from Vermont, as the Chair understands.

Mr. EDMUNDS. That is it. He proposes to strike out all after the word "that" in my amendment and insert what the Clerk is about to read. He has a right to do that, and you cannot prevent it.

The PRESIDING OFFICER. If the Senator from Iowa insists on the amendment, the Clerk will proceed to read it.

The Chief Clerk proceeded to read the amendment, and having read to line 50 was interrupted by

Mr. SPENCER. I rise to a question of order. I should like to know whether this substitute is in order? It varies very little from the bill originally reported from the Committee on Appropriations. There is very little difference between the two.

The PRESIDING OFFICER. The Chair overrules the point of order.

Mr. SPENCER. The Senate has voted "nay" on this same proposition repeatedly. I think there is a very large majority of the Senate opposed to this amendment.

Mr. EDMUNDS. Does that make it out of order? It is pretty strong evidence that it is in order.

The PRESIDING OFFICER. The Chair feels compelled to call Senators to order. The reading of the amendment will proceed.

Mr. SPENCER. I should like to appeal to the Senator from Vermont to withdraw his call for the reading of the amendment.

The PRESIDING OFFICER. Does the Senator from Vermont insist on the reading?

Mr. EDMUNDS. I will hear the appeal. I want to hear the reasons for dispensing with the reading.

Mr. SPENCER. The amendment is familiar to the Senate. Every Senator has read this amendment and understands it. We have voted on it repeatedly.

Mr. EDMUNDS. The Senator is mistaken.

Mr. HOWE. What is the question?

The PRESIDING OFFICER. The Senator from Alabama rose to

a point of order that the substitute of the Senator from Iowa was not in order. The Chair overrules the point of order.

Mr. SPENCER. The Chair was in too great a hurry to overrule the point of order.

The PRESIDING OFFICER. The Clerk will resume the reading.

The Chief Clerk resumed the reading of the amendment at line 51; and having read to line 143, he was interrupted by

Mr. FRELINGHYUSEN. May I interrupt the reading of the amendment for the purpose of suggesting to the Senator having the bill in charge whether an arrangement may not be made to commence voting on the bill and amendments on Monday morning at a quarter after eleven o'clock, and whether it would not be agreeable, as debate has stopped, that we take the vote then?

Mr. ALLISON. It would certainly be very agreeable to me, if we could go on either to-night or on Monday morning without debate.

Mr. FRELINGHUYSEN. If unanimous consent is given to such an arrangement, we might adjourn now.

Mr. ALLISON. I have no objection to that course, for my part.

Mr. FERRY and others. Let us go on.

Mr. FRELINGHUYSEN. If there is no objection to it, I make that proposition.

Mr. ALLISON. I have no objection to it, but Senators about me all say "go on."

The PRESIDING OFFICER. The reading will proceed.

The Chief Clerk resumed the reading at line 144, and having read to the end of the first section, at line 361, he was interrupted by

Mr. ALLISON. I suggest to the Senator from Vermont that we waive the reading of section 2, as it is precisely the bill as reported from the Committee on Appropriations with some additions, which may be read. The additions can be read, but the reading of the original print can very well be dispensed with.

Mr. EDMUNDS. I think, and the Senate will bear me out in that, that I have never consented to pass upon any question in the Senate until it should be read. Therefore, for the honor of what I consider to be a most necessary rule of legislation, I want to hear the amendment read through.

The PRESIDING OFFICER. The Senator from Vermont objects, and the reading will continue.

The Chief Clerk resumed and concluded the reading of the amendment to the amendment, as follows:

The following sums of money be, and are hereby, appropriated, to be paid out of any money in the Treasury not otherwise appropriated, to be expended, under the direction of the Secretary of War, for the repair, preservation, construction, and completion of the following public works hereinafter named:

For the improvement of the harbor at Buffalo, New York, $85,000.

For the improvement of the harbor at Wilson, New York, $10,000.

For the improvement of the harbor at Oak Orchard, New York, $2,000.

For removing obstructions in the East River and Hell Gate, New York, $300,000.

For the improvement of the natural entrance to Superior Bay, Wisconsin, $3,000.

For the improvement of the harbor at Du Luth, Minnesota, $15,000. Said appropriation is made upon the express condition that it shall be without prejudice to either party in the suit now pending between the State of Wisconsin, plaintiff, and the city of Du Luth and the Northern Pacific Railroad, defendants.

For the improvement of the harbor at Ontonagon, Michigan, $15,000.

For the improvement of Eagle Harbor, Michigan, $15,000.

For the improvement of the harbor at Marquette, Michigan, $2,000.

For the improvement of the harbor at Manistee, Michigan, $14,000.

For the improvement of the harbor at Ludington, Michigan, $10,000.

For the improvement of the harbor at Muskegon, Michigan, $15,000.

For the improvement of the harbor at Grand Haven, Michigan, $15,000,

For the improvement of the harbor at Green Bay, Wisconsin, $8,000.

For the improvement of the harbor at Ahnepee, Wisconsin, $10,000.

For the improvement of the harbor at Two Rivers, Wisconsin, $5,000.

For the improvement of the Falls of Saint Anthony, Minnesota, $125,000.

For the improvement of Minnesota River, Minnesota, $10,000.

For the improvement of the harbor at Toledo, Ohio, $75,000.

For the improvement of the harbor at Sandusky City, Ohio, $25,000.

For the improvement of the harbor at Vermilion, Ohio, $5,000.

For a breakwater at Cleveland Harbor, Ohio, $50,000.

For repair of east pier at Cleveland, Ohio, $8,000.

For the improvement of Connecticut River below Hartford, Connecticut, $20,000.

For the improvement of the harbor at Fall River, Massachusetts, $10,000

For the improvement of the harbor at New Bedford, Massachusetts, $10,000.

For the improvement of Penobscot River, Maine, $10,000; $4,000 of which shall be expended at or near the "Narrows" in said river at Bucksport.

For the improvement of Cocheco River, New Hampshire, $14,000.

For the improvement of the harbor at Burlington, Vermont, $20,000.

For the improvement of the harbor at Swanton, Vermont, $2,000.

For removing obstructions from, and the improvement of, the harbor at Wilmington, Delaware, $16,000.

For the construction of piers in Delaware Bay, near Lewes, Delaware, $30,000.

For the improvement of the harbor at Chicago, Illinois, $5,000

For the improvement of the Des Moines Rapids, Mississippi River, $250,000.

For the improvement of the harbor at Baltimore, Maryland, $75,000.

For the improvement of the Rappahannock River, Virginia, $10,000.

For the improvement of James River, Virginia, $60,000.

For the improvement of Cape Fear River, North Carolina, $125,000.

For the improvement of the French Broad River between Brevard and the Buncombe County line, North Carolina, $10,000.

For the improvement of Cumberland River below the city of Nashville, Tennessee, $35,000.

For the improvement of the Great Kanawha River, West Virginia, including the purchase of sites for dams and locks, not exceeding $15,000, $250,000.

For removal of Beaver and Nailor Bend rocks, and for cleaning out snags and fallen trees in the Little Kanawha, West Virginia, $7,300.

For the improvement of the harbor at Savannah, Georgia, $62,000.

For the improvement of the harbor at Brunswick, Georgia, $10,000.

For the improvement of the Chattahoochee and Flint Rivers, Georgia, $20,000.

For the improvement at Sabine Pass, and for improvement of Blue Buck Bar and Sabine Bay, and for deepening the channel over the bar at the mouth of the Sabine River, and for deepening of the channel over the bar at the mouth of Neches River, where these rivers enter Sabine Bay, $40,000.

For the improvement of Pass Cavallo inlet to Matagorda Bay, Texas, $25,000.

For the improvement of the Coosa River, from Rome, Georgia, to the bridge of the Selma, Rome and Dalton Railroad Company in Alabama, $10,000.

For the improvement of the Ouachita River, Arkansas and Louisiana, $12,000.

For the improvement of the harbor at Cedar Keys, Florida, $10,000.

For the improvement of the Lower Willamette and Columbia Rivers from Portland, Oregon, to the sea, $25,000.

For the improvement of the Upper Willamette River, Oregon, $20,000.

For the improvement of the Upper Columbia, including Snake River, $15,000.

For the improvement of Sacramento and Feather Rivers, California, $15,000.

For the improvement of Oakland Harbor, California, to be applied to finishing training-walls and dredging between them, $75,000.

For the improvement of San Joaquin River, California, $15,000.

For the improvement of the Delaware River below Petty's Island, $50,000.

For removing raft in Red River and closing Tone's Bayou, Louisiana, $30,000.

For the improvement of the Schuylkill River, Pennsylvania, $25,000.

For the improvement of the harbor at Southport, Connecticut $5,000.

For the improvement of the harbor at Black Lake, Michigan, $15,000.

For the improvement of the harbor at Saint Joseph's, Michigan, $12,000.

For the improvement of the harbor at Manitowoc, Wisconsin, $10,000.

For the improvement of the harbor at Sheboygan, Wisconsin, $8,000.

For the improvement of the harbor at Port Washington, Wisconsin, $10,000.

For the improvement of the harbor at Oswego, New York, $10,000.

For the improvement of the Harlem River, New York, $15,000; to be expended between Ward's Island and Hudson River.

For the improvement of Hudson River, $66,000.

For the improvement of Elk River, West Virginia, $15,000.

For the improvement of the Appomattox River, Virginia, $25,000.

For the improvement of the South Branch of Elizabeth River, Virginia, $5,000.

For the improvement of Nansemond River, Virginia, $5,000.

For the improvement of the Yazoo River, Mississippi, $15,000.

For the improvement of White River at Buffalo Shoals, Arkansas, $15,000.

For the improvement of the harbor at Charleston, South Carolina, $10,000.

For the improvement of the Ocmulgee River, Georgia, between Macon and the seaboard, $15,000.

For the improvement of New River from the lead mines in Wythe County, Virginia, to the mouth of Greenbrier River, West Virginia, $15,000.

For the improvement of the harbor at Norfolk, Virginia, $39,600.

For the improvement of the Warrior and Tombigbee Rivers, Alabama, above Demopolis, $15,000.

For continuing the improvement on the outer bar at Galveston, Texas, $150,000.

For the improvement of the Missouri River above the mouth of the Yellowstone, $30,000.

For the improvement of Chester River at Kent Island Narrows, Maryland, $5,000.

For removing bowlders and snags in Big Sandy River, Kentucky and West Virginia, including Louisa Fork, Virginia, $15,000.

For the improvement of the harbor at Michigan City, Indiana, $40,000.

For the improvement of the channel of the Mississippi River opposite the city of Saint Louis, Missouri, by the construction of a low dam across the channel east of Arsenal Island, known as Cahokia Chute, and in the revetment of said island, $30,900.

For the improvement of the Rush Chute and the harbor of Burlington, Iowa, $10,000.

For the improvement of the harbor at Fort Madison, Iowa, $10,000.

For the improvement of the harbor at South Haven, Michigan, $10,000.

For the improvement of Saint Mary's River and Saint Mary's Falls Canal, Michigan, $150,000.

For the improvement of the harbor at Cheboygan, Michigan, $10,000.

For the improvement of the Saginaw River, Michigan, $11,000.

For the improvement of the harbor at Milwaukee, Wisconsin, $26,000.

For the improvement of the harbor at Kenosha, Wisconsin, $9,000.

For the improvement of the Mississippi River above the Falls of Saint Anthony, $20,000; no part of which shall be expended upon the Falls of Saint Anthony.

For the improvement of the harbor at Charlevoix, Michigan, $10,000.

For the improvement of the harbor at Thunder Bay, Michigan, $4,764.

For the improvement of the harbor at Port Clinton, Ohio, $5,000.

For repair of piers at mouth of Black River, Ohio, $6,000.

For the improvement of the Fox and Wisconsin Rivers, $300,000.

For the improvement of the harbor at Erie, Pennsylvania, $50,000.

For the improvement of the breakwater at Block Island, Rhode Island, $40,000.

For the improvement of the Boston Harbor, Massachusetts, $50,000.

For the improvement of the harbor at Plymouth, Massachusetts, $5,000.

For the improvement of Little Narraganset Bay, Rhode Island and Connecticut, $10,000.

For the improvement of the Kennebunk River, Maine, $5,000.

For the improvement of Belfast Harbor, Maine, $8,000.

For the improvement of the harbor at Rondout, New York, $50,000.

For the improvement of the harbor at Port Jefferson, Long Island, New York, $6,000.

For the improvement of the channel between Staten Island and New Jersey, $10,000.

For the improvement of the harbor at Provincetown, Massachusetts, $4,000.

For the construction of piers of Ice Harbor and removing obstructions at New Castle, Delaware, $12,000.

For the improvement of the harbor of refuge, Lake Huron, Michigan, including removal of the wreck of "The City of Buffalo," $75,000.

For the improvement of the Chippewa River, Wisconsin, $15,000.

For the improvement of the Wabash River, Indiana, $70,000.

For the improvement of the harbor at Calumet, Illinois, $25,000.

For the improvement of the Illinois River, Illinois, $40,000.

For the improvement of the Red River of the North, Minnesota, $10,000.

For the improvement of the Upper Mississippi River, $30,000; and $7,000 thereof may be applied in constructing the necessary machinery used in Captain Edward Bell's process for building wing-dams and applying said process in the improvement of said river.

For the improvement of Rock Island Rapids, Mississippi River, $30,000.

For the improvement of the Mississippi, Missouri, and Arkansas Rivers, $100,000: *Provided*, That $40,000 of the above sum shall be expended on the Missouri River.

For the improvement of the Mississippi River between the mouths of the Illinois and Ohio Rivers, ($15,000 of which are to be expended between the mouths of the Illinois and Missouri Rivers, and $30,000 of which are to be expended to prevent erosion and destruction of its banks between the foot of Dickey Island and the mouth of the Ohio River, and $5,000 of which are to be expended to prevent erosion of its banks between islands No. 14 and No. 15, near the town of Kaskaskia, Illinois,) $300,000.

For removal of a bar in the Mississippi River opposite Dubuque, Iowa, $15,000.

For the improvement of the Ohio River, $230,000.

For the annual expense of gauging the waters of the Lower Mississippi and its tributaries, and for continuing observations of the rise and fall of the same, as required by joint resolution of February 21, 1871, $5,000.

For the improvement of the Tennessee River, $300,000; $15,000 of which are to be expended above Chattanooga, and the remaining $285,000 are to be expended upon Muscle Shoals.

To ascertain in current and next fiscal years, as required by act of March 3, 1875,

the depth of water and width of channel secured and maintained, from time to time, by James B. Eads, at South Pass of Mississippi River, and to enable the Secretary of War to report during the construction of the work the payments made from time to time and the probable times of other payments, and to report during the construction of the work all important facts relating to the progress of the same, materials used, and the character and permanency with which the said jettee and auxiliary works are being constructed, $15,000.

For the construction of a canal around the cascades of the Columbia River in the State of Oregon, $100,000; of which amount the Secretary of War is authorized to expend so much as in his judgment may be necessary and proper to secure title and right of way for canal and locks, not exceeding the sum of $10,000; and whenever, in the prosecution of the said work, it shall have become necessary to obtain the right of way over any lands for the said canal and locks, the Secretary of War shall take possession of and use the said lands, after having purchased the same, or, in case the said lands cannot be purchased for a reasonable price, then after having paid for the same, or secured the value thereof, which value may be ascertained in the mode provided by the laws of Oregon for the condemnation of lands for public uses in that State. The Department of Justice shall represent the interests of the United States in any legal proceedings under this act to obtain the right of way for said canal.

For the improvement of the harbor at Racine, Wisconsin, $0,000.

For the continuing of the work on the ship-channel in Galveston Bay, $75,000.

For the improvement of the mouth of the Mississippi River, $100,000: *Provided*, That this appropriation shall cease to be available when its necessity is superseded by any other work of improvement authorized by law.

It shall be the duty of the Secretary of War to apply the moneys herein appropriated as far as may be by contract, except when specific estimates cannot be made for the particular work, or where, in the judgment of said Secretary, the work cannot be contracted at prices advantageous to the Government, and except appropriations made for examinations and surveys; and such contracts shall be made after sufficient public advertisement for proposals, in such form and manner as the Secretary of War shall prescribe; and such contract shall be made with the lowest responsible bidders therefor, accompanied by such securities as the Secretary of War shall require.

SEC. 2. That the Secretary of War is hereby directed to cause examinations or surveys, or both, to be made at the following points, namely:

Kentucky River, from the Three Forks of said river to Savannah, Georgia, via Cumberland Gap.

Cumberland River above Cumberland Falls, Kentucky.

Dan River, from Clarksville, Virginia, via Danville, Virginia, to Danbury, North Carolina; and Stanton River, from Roanoke, Virginia, to Brookneal, Virginia.

New River, from the lead mines in Wythe County, Virginia, to the mouth of Wilson in Grayson County, Virginia.

Tug Fork of Big Sandy River, Kentucky, and West Virginia.

Onancock Creek, Virginia.

Hunting Creek, Virginia.

Etowah River in Georgia, from Cooper's Iron-Works to Canton; and the south branch of said river, known as Little River, from its junction with the Etowah above Cooper's Iron-Works to the mouth of Cooper's Sandy Creek.

Tonawanda Harbor, New York, on the east branch of Niagara River, at the mouth of Tonawanda Creek, and extending north and south therefrom.

Sackett's Harbor, New York.

Harbor at Whitehall, at the south end of Lake Champlain, to procure twelve feet of water.

Bayou Bartholomew, Arkansas.

Saline River, Arkansas.

Upper Arkansas River, commencing at Kansas City, in the State of Kansas, to Fort Smith, in the State of Arkansas.

Holston River, Tennessee, commencing above the mouth of French Broad River, to Union, Tennessee.

Nolachucky River, Tennessee, from its mouth to Warrensburgh.

Sunflower River, Mississippi.

Paul River, Mississippi.

Big Black River, Mississippi.

Towne Creek, Monroe County, Mississippi.

Chattahoochee River, from Columbus, Georgia, to Thompson's Bridge.

Examination and survey of the harbor at Annapolis, Maryland, and an estimate of the cost of the removal of the bars at the entrance thereto.

Western branch of the Patapsco River, from Light Street Bridge to Elk Ridge Landing.

Pocomoke River, Maryland.

Great Choptank River, between Denton and Greensborough, Maryland.

Tread Haven Creek, at or near Easton Point, Talbot County, Maryland.

Slaughter Creek, near the mouth of Little Choptank River, Maryland.

Brown's Creek and Southeast Creek, Maryland.

Corsica Creek, Maryland.

Harbor at Leonardstown, Maryland.

Duck Creek, from its mouth to Smyrna Landing, Delaware.

Dover River, or Saint Jones's Creek, Delaware.

Murderkill Creek, Delaware.

Mispillion Creek, Delaware.

Brandywine River, Delaware.

Broad Creek, emptying in Nanticoke River, from its mouth to the town of Laurel in the State of Delaware.

Laurel Creek, Kentucky.

Harbor at San Luis Obispo.

Coos Bay, Oregon.

Coquille River, Oregon.

McKenzie River, Oregon, with a view of ascertaining the most practicable steamboat channel from the mouth of said river to the mouth of Mohawk River at Yarnels.

The channel in Black River between the Kennebec at Bath, Maine, and the Sheepscott River.

Songo River, and the channel leading from Long Lake to Sebago Lake, Maine.

Manistee River, from its mouth to Sherman, Wexford County, Michigan.

Survey and examination of the rocks in the channel of the Potomac River, between Georgetown, District of Columbia, and the new outlet-locks of the Chesapeake and Ohio Canal, and ascertaining cost of removing the same: *Provided*, The cost of such survey shall be paid by the Chesapeake and Ohio Canal Company.

From the Dalles of the Saint Croix River to Lake Superior in Minnesota, with a view to a water-route.

Port of Memphis, Tennessee, so as to ascertain what measures, if any, are necessary to protect the landings and wharf from further injury from the current of the Mississippi River, and the cost of the same.

Mouth of Bell River, Saint Clair County, Michigan.

Cohasset Harbor, Massachusetts.

Gloucester Harbor, Massachusetts.

Man-of-War Shoal at Boston, Massachusetts.

Breakwater at Fairweather Island, Connecticut.

Bayou Courtableau, from its mouth in the Atchafalaya River, to Washington, Louisiana, with estimates of the cost of removing obstructions in said bayou so as to give a sufficient depth of water to accommodate the steamboats traveling on the bayou.

A survey of that portion of the Monongahela and Alleghany Rivers lying within and along the boundaries of the city of Pittsburgh, which portion of said rivers is hereby placed under the direction of the engineer in charge of the Ohio River.

For continuing survey of Youghiogheny River, to continue the slack-water navigation up said river to the headwaters at the foot of the Alleghany Mountains, thence by canal to Cumberland, intersecting there the Chesapeake and Ohio Canal.

A survey to ascertain the practicability and cost of the construction of a seawall or breakwater for the protection of the city and harbor of Galveston, Texas, against storm floods from the Gulf of Mexico, to be paid for out of the appropriation for the survey of rivers and harbors.

A survey to ascertain the practicability and cost of the construction of a water-route for transportation from the mouth of Saint Mary's River on the borders of the States of Georgia and Florida through the Okefenokee Swamp, and through the State of Florida, to the most available and convenient point on the Gulf of Mexico; and that the sum of $7,500 be, and the same is hereby, appropriated for that purpose out of any money in the Treasury not otherwise appropriated.

A survey to ascertain the practicability and cost of a water-route from head of tide-water on the Patapsco River, Maryland, to head of tide-water on the eastern branch of the Potomac River, near the town of Bladensburgh, Maryland.

To ascertain the practicability and cost of cutting a deep channel from the lower anchorage of the bay of Mobile to the city of Mobile, Alabama.

A survey to ascertain the cost and practicability of removing the obstructions in the Withlacoochee River, Florida.

An examination and survey to ascertain the cost and practicability of removing the obstructions at the entrance of the harbor of Pensacola, Florida, and of deepening the channel of Blackwater River between Pensacola and Milton, in said State.

A survey for a ship-channel through Galveston Bay, beginning at twelve feet water in the mouth of the San Jacinto River and running out of the mouth of said river east of Morgan's Point to the present channel, through Red Fish Bar; thence through the same, extending through Galveston Harbor, passing west of Half-Moon Shoals and Pelican Island, and to twelve feet water in Galveston Channel; and to cause an estimate of the cost of the same to be made, and of the comparative merits of the same, with the route to the head of Bolivar Channel; and of the effects of the completion of each of said channels on the Galveston Harbor as to shoaling or deepening the same, and report the same to Congress by the 1st day of December, 1876.

A resurvey and estimate of the cost of deepening the channel across the bar at the mouth of the Brazos River, Texas; and an estimate of the capacity of the harbor at the mouth of the Brazos, and its fitness for a harbor of refuge and naval station.

Harbors of Ashland and Bayfield in Wisconsin.

Chaumont Bay in Lake Ontario, New York.

The Missouri River, from the town of Saint Charles to the mouth of said Missouri River, with the view to protect the owners of land on the banks of said river, in Saint Charles County, Missouri, against the deflection and abrasion of the current of said river by reason of the erection of the Saint Charles bridge.

A survey and estimate of the damages, if any, done, or to be done, to riparian owners of lands, and improvements thereon, at or in front of the town of Venice, Illinois, near Saint Louis, Missouri, by reason of Government improvements made, or to be made, at or near said town of Venice.

Delaware River, near Cherry Island Flats.

Delaware River, near and between Petty's and Smith's Islands.

A survey, estimate, and report of the cost of a dike from the upper (north) end of the island known as Bloody Island, in the Mississippi River opposite the city of Saint Louis, Missouri, to the wing-dam opposite Brooklin, Illinois, and of the practicability and usefulness of such dike for improving said river and its harbors and for protecting the lands on the east bank of said river against overflow and the deflection and abrasion of the current of said river.

Survey of Red River above the raft to western boundary of the State of Arkansas.

Little River from its mouth to western boundary of Arkansas.

Survey of the Potomac River from Georgetown, District of Columbia, to the new outlet locks constructed on the Chesapeake and Ohio Canal.

Roanoke River, from Weldon, North Carolina, to Clarksville, Virginia.

Examination and survey of the Missouri River immediately above and at Nebraska City, Nebraska, with a view of determining what measures, if any, are necessary to be adopted to preserve the landing for steamboats and other vessels at said port.

And the sum of $50,000 is hereby appropriated for such examinations and surveys and for incidental repairs of harbors for which there is no special appropriation provided by law: *Provided*, That the Secretary of War shall make an estimate of the total cost of the examinations and surveys herein provided for; and in case the sum herein appropriated should prove insufficient to complete said examinations and surveys, only such rivers and harbors shall be examined and surveyed as, in his judgment, are most important.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Iowa [Mr. ALLISON] to the substitute offered by the Senator from Vermont, [Mr. EDMUNDS.]

Mr. EDMUNDS. I should be glad to have the Senator from Iowa explain to us the general scope of this amendment, the amount of money that is appropriated by it, and how far it differs from the bill as amended by the Senate in Committee of the Whole; and, having done that, I should like to ask him some questions about some of the particular items that are contained in it.

Mr. ALLISON. I will endeavor briefly to comply with the request of the Senator from Vermont. The bill as it now stands in Committee of the Whole, striking out the amendments proposed by the Committee on Appropriations where those amendments reduced the amounts of the appropriation and inserting the recommendations of the committee where the amounts were increased, appropriates $6,759,014.

Mr. HOWE. Does the Senator mean the bill or the substitute?

Mr. ALLISON. I mean the bill as it stands now, without the adoption of the substitute, the Senate in Committee of the Whole having rejected all the amendments of the Committee on Appropriations in one respect and accepted their recommendations in another respect. The substitute which I propose will appropriate $5,271,664, or a reduction of the bill as it now stands of $1,487,350.

Mr. MERRIMON. How does it compare with the House bill?

Mr. ALLISON. It is a reduction of the House bill of over $600,000.

Mr. EDMUNDS. I should like to ask the Senator, if I do not disturb him, as to one or two items in this substitute, because I have had no means of comparison with the time I have had. Taking the item on page 3, line 51, for the improvement of the harbor at San-

dusky City, Ohio, which I remember was a disputed item in the Senate, how does that stand as compared with the amendment made by the Senate as in Committee of the Whole?

Mr. ALLISON. For the harbor at Sandusky City the Senate increased the amount recommended by the committee $5,000, making it $30,000. In my substitute I reduce the amount $5,000.

Mr. EDMUNDS. Just as the committee reported it?

Mr. ALLISON. Just as the committee reported it. The same is true with respect to Cleveland, Ohio; I reduce the amount there $25,000; that is, from $75,000 to $50,000. I do this on the faith of the engineer in charge, who says these sums will enable him to get on very well with these two harbors for the present yeer.

Mr. EDMUNDS. I made the inquiry for the sole purpose of information.

Mr. ALLISON. Certainly; I understand it.

Mr. EDMUNDS. I should like my honorable friend in charge of the bill to turn to page 5, line 97, &c.:

For the improvement of the Great Kanawha River, West Virginia, including the purchase of sites for dams and locks, not exceeding $15,000, $250,000.

How does that compare?

Mr. ALLISON. That is a reduction of $50,000 from the amount appropriated by the House.

Mr. EDMUNDS. Then in the next paragraph:

For removal of Beaver and Nailor Bend rocks, and for cleaning out snags and fallen trees.

I think the word "fallen" ought to be stricken out so as to take the standing trees as well; but that I cannot move just now.

In the Little Kanawha, West Virginia, $7,300.

How does that compare?

Mr. ALLISON. The Committee on Appropriations recommended that amendment.

Mr. EDMUNDS. Just that sum?

Mr. ALLISON. Just that sum; and the Senate adopted it. That is just the sum that the engineer reports is necessary to clean out the Little Kanawha River for a distance of forty-six miles and enable them to get coal, &c., down that river into the Big Kanawha. For further particulars I refer the Senator from Vermont to the Senator from West Virginia, [Mr. DAVIS.]

Mr. EDMUNDS. Just as they say at the shows, "for further particulars inquire within."

Mr. CHRISTIANCY. "See small bills."

Mr. EDMUNDS. "See small bills;" that is it. It would not be necessary to look at this bill in order to see one of that character. On page 8, line 182, there is this item:

For the improvement of New River from the lead mines in Wythe County, Virginia, to the mouth of the Greenbrier River, West Virginia, $15,000.

How does that item now stand in the bill as agreed upon in Committee of the Whole?

Mr. ALLISON. I reduce it $10,000. It stands in Committee of the Whole $25,000.

Mr. EDMUNDS. May I ask the Senator, if I do not trespass too much upon his knowledge of geography, to tell me if this improvement of New River goes up from the lead mines to the mouth of the Greenbrier or down from the lead mines to the mouth of the Greenbrier?

Mr. ALLISON. I infer that it must run with the course of the river, down.

Mr. EDMUNDS. You think that the appropriation runs with the stream?

Mr. ALLISON. I think it must run from the lead mines down to the mouth of the Greenbrier, as I think New River flows into the Greenbrier; but I refer to my honorable friend from Virginia.

Mr. WITHERS. I will state that these lead mines are about two hundred and fifty or three hundred miles south of where the Greenbrier runs into New River.

Mr. EDMUNDS. May I ask the Senator from Virginia, while we are on that point, what is the present size of New River at the lead mines, in Wythe County?

Mr. WITHERS. About the size of the Potomac River at Georgetown.

Mr. EDMUNDS. It is a very good river, then. I suppose that no Senator will suppose I am wasting time; but I think as this involves some millions we all have a right to know what little we can about it. On page 9, lines 195 to 197 inclusive, I see this item:

For removing bowlders and snags in Big Sandy River, Kentucky and West Virginia, including Louisa Fork, Virginia, $15,000.

Will the Senator give us what information he has on that subject as compared with the bill as it now stands in Committee of the Whole?

Mr. ALLISON. That is not changed. We had such a practical expression of opinion about the Big Sandy, particularly Louisa Fork, that I did not change it, for fear I might lose a vote for the amendment. The engineers report that that improvement will be very valuable in the Big Sandy River. It is really not a waste of money.

Mr. EDMUNDS. But how about Louisa Fork?

Mr. ALLISON. Louisa Fork is a small portion of the river. The appropriation will chiefly, of course, be expended on the Big Sandy.

Mr. EDMUNDS. Why so?

Mr. ALLISON. Because the engineers so desire, and so recommend, and I have no doubt will so do.

Mr. EDMUNDS. What is Louisa Fork? Will the Senator be good enough to tell us? Is it a part of the river or an affluent of it?

Mr. WITHERS. It is one of the forks of the Big Sandy River. Any information the Senator desires in regard to it I think I can furnish.

Mr. EDMUNDS. I wish the Sanator would tell us.

Mr. WITHERS. The Tug Fork is one of the forks of the Big Sandy and the Louisa Fork is the other fork. I will also state to the Senator as a little curious piece of history that the Louisa Fork was originally *Le Visé* Fork, or the "survey" fork, of the Big Sandy River, and the name has been corrupted first into Eliza Fork and now into Louisa Fork.

Mr. EDMUNDS. That of course would justify the appropriation.

Mr. WITHERS. Just as much as the fitting up of a flotilla on Lake Champlain would justify an appropriation for Otter Creek.

Mr. ALLISON. I think I misled the Senator from Vermont. I think I reduced the Big Sandy $10,000 from what it appears in the bill as it now stands.

Mr. EDMUNDS. If the Senator has reduced the appropriation and has not reduced the fork, I think the bill may be considered as safe; for the fork evidently would not bear much reduction. On page 9, lines 205 and 206, there is this item:

For the improvement of Rush Chute and the harbor of Burlington, Iowa, $10,000.

How does that stand compared with the bill?

Mr. ALLISON. It stands just as it does in the bill.

Mr. EDMUNDS. Will the Senator kindly tell us what Rush Chute is?

Mr. ALLISON. With the greatest pleasure. Rush Chute is a narrow channel of the river on the west side of the Mississippi River, a mile or two above Burlington.

Mr. EDMUNDS. It is a part of the Mississippi River?

Mr. ALLISON. It is a part of the Mississippi River. The water flows in there and makes a bar by crossing over to the east shore at Burlington Harbor. The object is to close that chute and thus throw the water into a different direction.

Mr. EDMUNDS. Then on pages 11 and 12:

For the improvement of the harbor of refuge, Lake Huron, Michigan, including removal of the wreck of The City of Buffalo, $75,000.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. EDMUNDS. I move to indefinitely postpone this bill. Will the Chair be good enough to state the question?

The PRESIDING OFFICER. The question is on the motion made by the Senator from Vermont to indefinitely postpone the bill.

Mr. COOPER. I ask if that motion is in order?

Mr. EDMUNDS. I will take my seat when a question of order is made, until it is decided.

The PRESIDING OFFICER. The Chair overrules the point of order. The Senator from Vermont will proceed.

Mr. EDMUNDS. I beg Senators to believe, and I think they will justify me in saying so, that as far as I have gone the inquiries I have made are fair and proper by way of explanation. If under the five-minute rule on a substitute of this kind, which covers the whole question, we are to be cut off with five minutes, then I for one feel perfectly justified in a lawful way in taking measures that will enable me to understand the proposition submitted. So much to my honorable friend from Tennessee.

The PRESIDING OFFICER. The Chair was compelled to call the Senator's attention to the expiration of his time.

Mr. EDMUNDS. The Chair was perfectly correct. I beg the Chair not to suppose I was reflecting on him in the slightest degree. I was only addressing myself to my uneasy friend from Tennessee, who does not seem desirous that this substitute shall be inquired into.

Mr. COOPER. If the motion is in order, I have no remarks to make.

Mr. EDMUNDS. Exactly; but the Senator ought to have known; and he has found out.

Mr. COOPER. I have, and therefore I have yielded.

Mr. EDMUNDS. That is right. Therefore we will begin again if we are all in order. On pages 11 and 12 I was inquiring of the Senator from Iowa to explain about this wreck of the City of Buffalo, for a question of this kind was once up on the subject of a wreck in the harbor of New York which has led my attention to this item.

Mr. ALLISON. In the first place, at this point I reduce the amount $25,000. The amount as it stands now in the bill is $100,000. This provision in relation to the wreck of The City of Buffalo is now in the bill, and it is there by the recommendation of the Bureau of Engineers, for the reason that, as they understand the law, a mere appropriation for the improvement of a harbor does not authorize them to remove the wreck of a vessel. This vessel was wrecked at this precise point and is very much in the way, and must be removed.

Mr. EDMUNDS. Yes; but what I wish to get at (and what drew my attention to the subject is an old case of this sort) is whether this wreck being removed and raised it is for the benefit of the owners of the vessel, or whether it is merely to be blotted out and destroyed as a thing that has been abandoned by the owners; whether like a snag or any other thing that obstructs commerce it is to be dis-

posed of, or whether some private party or corporation is to have the benefit of this appropriation. That is what I want to get at.

Mr. ALLISON. I will say to the Senator from Vermont that inasmuch as this came to us from the Engineer Bureau it never occurred to me that there was a private job in it. It may be possible there is, but if so I know nothing about it.

Mr. EDMUNDS. Of course I should know that.

Mr. ALLISON. I made no inquiry beyond the point that the Engineer Bureau stated that it was necessary to insert these words in order to enable them to use this money for this purpose, as otherwise perhaps the law would not authorize them to do it. I do not know what will be done with this wreck when it is raised. It may be in the interest of some private parties. If so, I trust that some Senator who knows it will state the fact.

Mr. FERRY. I should like, if the Senator from Vermont will allow me, to ask the Senator from Iowa if the sum of $100,000 was not appropriated last year for this harbor of refuge aside from any wreck?

Mr. ALLISON. Yes, sir.

Mr. FERRY. And does not the bill as it passed the House appropriate $100,000 for this place of refuge?

Mr. ALLISON. Yes, sir.

Mr. EDMUNDS. That does not touch the point of my inquiry in respect of which the committee has no information. Here is a vessel that appears to be sunk at that harbor, or at its entrance, or somewhere, that is in the way and has to be removed.

Mr. CHRISTIANCY. The appropriation is both for raising it and removing it.

Mr. EDMUNDS. They are to remove it, and you cannot conveniently remove it until you raise it, ordinarily. Therefore, my inquiry was devoted to ascertaining (if it is not invidious to anybody to know the just grounds upon which it rests) if this wreck be still, as many wrecks are, not abandoned by the owners but by the underwriters as mere derelict and gone, like any other obstruction that belongs to nobody, or whether this sum of money, $75,000, or so much as may be necessary, for there is no discretion as to the two items, may be appropriated under this wicked and corrupt Administration that so much has been said about, to raising a sunken vessel, a steamer I should infer from the name of it, for the benefit of the proprietors and furnish at public expense a great private advantage to them. I have no information about it, and therefore I merely ask for information.

Mr. ALLISON. I prefer to strike the clause out rather than to have any question about it. I only know what the engineer said. It did not occur to me for a single moment that there was any private interest in it. I prefer to modify my substitute by striking it out.

Mr. FERRY. I do not know anything about it, but it seems to me, if there is a wreck, it is very just and necessary to remove it in order to make that harbor available; that it is as necessary to remove it as any other obstacle. It is a wreck lying there valueless, so far as I know. I have no information particularly except that which comes in the way mentioned by the Senator from Iowa, from the engineers.

Mr. EDMUNDS. That is one of the misfortunes that my friend bears in company with the rest of us, because he is not of "the body of the people." If he were, he would of course know all about this work. I, not being of "the body of the people," according to his constitutional theories, do not know anything about it myself, and it was in order to get information that I put the inquiry. It may be a perfectly proper work. I have no reason to doubt it or to believe it. All I want is information.

Mr. ALLISON. I have the information now, if the Senator will hear it.

Mr. EDMUNDS. Let us have it.

Mr. ALLISON. I will either strike out the clause or leave it in, as the Senator prefers. I ask the Clerk to read the letters which I send to the desk.

The Chief Clerk read as follows:

OFFICE OF THE CHIEF OF ENGINEERS,
Washington, D. C., May 3, 1876.

SIR: On the 17th of November, 1875, Major Weitzel, Corps of Engineers, reported to this office that a vessel had been wrecked during a severe storm on September 10, 1875, in the harbor of refuge at Sand Beach, on Lake Huron.

The wreck lying in such a position as to seriously obstruct navigation, the question as to whether its removal could be required of the owners was submitted to the honorable the Attorney-General of the United States, who gave the opinion that the case was not of a character to warrant the institution of proceedings against the owners.

From the inclosed copy of a communication, dated 26th of April last, from Major Weitzel, it will be seen that he desires to be informed whether, in the event of an appropriation being made at the present session of Congress for continuing the work at the harbor of refuge, any portion of it could be applied to the removal of the wreck in question, which not only seriously obstructs the navigation of the harbor, but materially interferes with the economical prosecution of the work of improving it. In order to settle the question as to the propriety of applying any portion of the appropriation to the removal of the wreck, it is respectfully suggested that the matter be brought to the attention of the Committee on Commerce of the Senate of the United States, with a view to securing such an amendment to the item in the river and harbor act containing the appropriation for the harbor of refuge on Lake Huron as will authorize an expenditure of a sufficient amount for that purpose. A sketch of the harbor, showing the position of the wreck, is inclosed.

Very respectfully, your obedient servant,

A. A. HUMPHREYS,
Brigadier-General and Chief of Engineers.

Hon. ALPHONSO TAFT,
Secretary of War.

Mr. EDMUNDS. Now let us hear the report of the Attorney-General on the state of the case.

The CHIEF CLERK. There is nothing here from the Attorney-General; there is a letter from the Secretary of War:

WAR DEPARTMENT,
Washington City, July 8, 1876.

SIR: I have the honor to invite the attention of your committee to the inclosed letter of the Chief of Engineers, dated May 3, 1876, in regard to the harbor of refuge at Sand Beach, on Lake Huron, and have respectfully to suggest that the item in the river and harbor act containing an appropriation for the harbor of refuge on Lake Huron be so amended as to authorize an expenditure of a sufficient amount for the purpose of removing the wreck of the City of Buffalo in that harbor, which the Chief of Engineers reports not only seriously obstructs the navigation of the harbor, but materially interferes with the economical prosecution of the work of improving it.

It was the intention to forward the inclosed letter on the day it was written. The delay is the result of an oversight, and has just been discovered.

Very respectfully, your obedient servant,

J. D. CAMERON,
Secretary of War.

Hon. ROSCOE CONKLING,
Chairman Committee on Commerce, United States Senate.

Mr. EDMUNDS. I greatly regret that we have not the opinion of the Attorney-General stating the facts about this thing to show whether this is still a valuable stranded vessel which when removed and lifted out of the sand is going to be taken possession of by its private owners or not, and the grounds upon which it proceeds. There is certainly nothing in the paper which leads to the inference that anything improper about it exists. At the same time there are so many cases of this character occurring over the United States that I thought it due to the Senate to call the attention of the chairman of the committee to it. It may be perfectly correct. If it were perfectly correct there would be some difficulty in proving that the improvement of the harbor did not cover the removal of this wreck, which had been abandoned by its owners and which has become like a snag, or a bowlder, or a sand-bar, a mere abandoned obstruction to commerce. The mere fact of putting this clause in would seem to imply that it was doubtful whether it was to be removed for the benefit of the private owners or whether it ought to be removed at their expense, on the other hand, as something that still had a material value when taken out of that place. I have no knowledge on the subject, and calling the attention of my friend to it I of course have no observations to submit upon it.

Mr. ALLISON. I ask the Senator from Vermont whether it ought to be stricken out or remain in?

Mr. EDMUNDS. I do say, speaking as a Senator, that I do not think we ought to provide specifically for removing a thing that if it be an abandoned thing, and a mere general obstruction, would fall within the general bill, unless we know particularly the grounds upon which the Attorney-General proceeds.

Mr. ALLISON. Then I move that the clause be stricken out.

Mr. EDMUNDS. In justice to all the parties, I want to repeat that I know of no circumstance which gives any ground for probable belief that there is any job about it. It is just to everybody to say that. I only want to call attention to it.

Mr. CHRISTIANCY. If the Senator will allow me, he has all the information that any other Senator has in regard to it.

Mr. EDMUNDS. I have not the least doubt about it. I hope neither of my honorable friends supposes for a moment that I thought they were withholding any information; far from it.

The PRESIDING OFFICER. The Senator from Iowa modifies the amendment to the amendment by striking out in lines 263 and 264 the words "including removal of the wreck of The City of Buffalo.

Mr. EDMUNDS. Now I ask the attention of the Senator from Iowa to page 14, line 322 to the end of the paragraph, about the locks, &c., at the cascades of the Columbia River in the State of Oregon, which so far as I know are a proper subject of public improvement. Of course I do not know that this particular sum can be wisely expended this year, but in that great river I have no reason to doubt that the improvement of those cascades is a proper object. What I wish to call the attention of the Senator in charge to is whether the phraseology that he has adopted in respect of condemning private property is one that will work in practice and stand the test of the courts of law?

Mr. ALLISON. I did not examine the subject with very great care. It is precisely the provision inserted by the Senator from Oregon [Mr. MITCHELL] in open session. I noticed the Senator from Vermont paid particular attention to the provision and made no special objection to it. I concluded, therefore, that it was a proper provision, and I copied it and inserted it here.

Mr. EDMUNDS. I have made no special objection to anything. I did not notice that it would do any particular good.

Mr. KELLY. Will the Senator from Vermont allow me to explain that provision?

Mr. EDMUNDS. Certainly.

Mr. KELLY. I can by turning to the last volume of the Statutes at Large produce a clause in relation to the condemnation of property for the Fox River improvement which is nearly identical, not altogether the same, but this is merely changed so as to suit the circumstances of the case where they differ from that.

Mr. EDMUNDS. I only call attention to it not because I propose any amendment or make any criticisms upon it, but as being one of

the people responsible with the vast mass of us here, when this bill comes to pass—and I suppose it will some day—for this sort of legislation. I should be sorry to have anybody suppose that I believed this particular provision as it stands would be in point of law adequate to the end that is in view. That is all.

All the rest of this bill is about surveys, and I do not wish to waste the time of the Senate in going through with them. Many of them, as was pointed out before, are for objects, on the most latitudinal construction of the Constitution and the powers of Congress, obviously outside of its constitutional authority; and if it were in order, so as to bring my friend's proposition down to its real merits upon these appropriations for improvements and continuing work, I would move to strike out the second section, so as to leave us to pass upon the first section upon the real merit or want of it that the first section and the principal part of the bill may provide.

Mr. ANTHONY. Can you not divide the amendment?

Mr. EDMUNDS. I do not know, as my friend from Rhode Island suggests, but that we may be authorized—I rather think we may be—to divide this question, as the amendment is in two distinct sections, although I am not particularly sure about that, it being an amendment to strike out and insert.

Mr. ALLISON. The Senator will take note of the last clause of the second section in line 361. I think a few moments would so modify that last clause as to cover the point made by the Senator, because there the Secretary of War is required to make an estimate of all these rivers and harbors. I think myself it would be much better to have a fund placed in the hands of the Secretary of War to make such surveys of rivers and harbors as, in his judgment, ought to be surveyed.

Mr. EDMUNDS. That is quite a different proposition from what is here contained.

Mr. ALLISON. I know it is.

Mr. EDMUNDS. Would not the Senator for the time being, to avoid the doubtful question of order about dividing one whole amendment, just withdraw the second section of his amendment; and when the first section is disposed of he can offer it again and we can get a vote on it in that way separately?

Mr. ALLISON. Yes, sir; I will do that.

The PRESIDING OFFICER. The amendment of the Senator from Iowa is so modified.

Mr. EDMUNDS. I understand the Senator from Iowa withdraws the second section for the time being.

The PRESIDING OFFICER. That is the understanding of the Chair. The question is on the amendment of the Senator from Iowa to the amendment of the Senator from Vermont.

Mr. EDMUNDS called for the yeas and nays, and they were ordered.

Mr. FERRY. Let us understand the question.

The PRESIDING OFFICER. The Senator from Iowa in the first place offered the printed amendment as a whole, as a substitute for the amendment offered by the Senator from Vermont. He has now modified it by withdrawing the section relating to surveys. He offers the residue of the amendment as an amendment to the substitute offered by the Senator from Vermont, and that is the pending question.

Mr. FERRY. The question is on that amendment as modified?

The PRESIDING OFFICER. That is the question.

Mr. BOGY. On the first section. There are two sections.

Mr. FERRY. As I understand, Mr. President, the Senator from Iowa has modified his substitute by withdrawing that part of it which pertains to surveys.

Mr. ALLISON. Temporarily only, for the moment, in order to take the question separately.

Mr. FERRY. Is it the intention of the Senator from Iowa to propose the second section as part of the bill?

Mr. ALLISON. Undoubtedly.

Mr. FERRY. Then why not try the whole now?

Mr. ALLISON. I wanted to accommodate my friend from Vermont, and I did not know but that I could in a few moments modify the second section so as to make it more acceptable.

Mr. FERRY. I desire to ask upon what basis or theory the Senator from Iowa has so modified his proposition as to take from Michigan some $97,000? As I see by the bill, the reduction of his proposition is $600,000, which would be 10 per cent. from the bill as reported by the committee. The amount taken from the State of Michigan is over 20 per cent., and from national works, so considered during the debate. I ask that question for information.

Mr. ALLISON. I would say in reply to the Senator that in making the deductions which I made in this substitute I looked upon a reduction of the appropriations for the Sault Ste. Marie Canal and the harbor of refuge as no detriment to the State of Michigan, the Senator from Michigan himself having stated on the floor that these were national improvements in their character and not local, and therefore should not be charged to Michigan. I regard them as national improvements in their character. The season is far spent; we are nearly up to the 1st of August. This harbor of refuge is situated in the northern portion of Michigan, and I think that $75,000 perhaps is as much as they can properly expend, comparing that with the season of last year when they had the entire summer. I can assure the Senator from Michigan that there was not the slightest idea of disturbing the harmonies of this bill with reference to the several States. I look upon these items as great national works in which the Senator from Michigan had as much interest as other Senators and no more.

Mr. FERRY. That is true, and I have so regarded them; but in the course of this debate there has been a persistent effort to attach to Michigan and place on Michigan all these amounts so as to swell the aggregate of the appropriations to that State. That has been the effect and the tendency of those who have advocated a reduction of this bill, and for that reason I felt it my duty, as it is my privilege, to ask the Senator, inasmuch as he has framed this substitute, on what basis it proceeds. As I understand the principle on which the committee's action was based it was cutting down local appropriations rather than national ones. Now I see that the only two national improvements in the broadest sense connected with the State of Michigan are cut down, one $50,000, and the other $75,000. It was for the purpose of gaining that information that I interrogated the Senator.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Iowa to the amendment of the Senator from Vermont, on which the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. COOPER, (when Mr. STEVENSON'S name was called.) The Senator from Kentucky [Mr. STEVENSON] desired me to announce that he is paired with the Senator from Georgia, [Mr. GORDON.] The Senator from Kentucky would vote "yea" on this question, and the Senator from Georgia "nay."

Mr. DAVIS, (when Mr. CAPERTON'S name was called.) My colleague [Mr. CAPERTON] is paired with the Senator from Ohio, [Mr. THURMAN.] If present my colleague would vote "nay," and I think the Senator from Ohio would vote "yea." They are both sick.

The roll-call having been concluded, the result was announced—yeas 17, nays 22; as follows:

YEAS—Messrs. Allison, Anthony, Booth, Boutwell, Cameron of Wisconsin, Cragin, Dawes, Frelinghuysen, Hamlin, Howe, Logan, McMillan, Morrill, Oglesby, Paddock, Windom, and Wright—17

NAYS—Messrs. Barnum, Bogy, Christiancy, Cockrell, Conover, Cooper, Davis, Dennis, Ferry, Hamilton, Ingalls, Jones of Florida, Kelly, Kernan, Key, Maxey, Merrimon, Mitchell, Norwood, Ransom, Spencer, and Withers—22.

ABSENT—Messrs. Alcorn, Bayard, Bruce, Burnside, Cameron of Pennsylvania, Caperton, Clayton, Conkling, Dorsey, Eaton, Edmunds, Goldthwaite, Gordon, Harvey, Hitchcock, Johnston, Jones of Nevada, McCreery, McDonald, Morton, Patterson, Randolph, Robertson, Sargent, Saulsbury, Sharon, Sherman, Stevenson, Thurman, Wadleigh, Wallace, West, and Whyte—33.

So the amendment to the amendment was rejected.

The PRESIDING OFFICER. The Chair believes the Senator from Vermont withdrew the motion to indefinitely postpone.

Mr. EDMUNDS. Yes, sir.

The PRESIDING OFFICER. The question recurs on the substitute offered by the Senator from Vermont, upon which the yeas and nays have been ordered.

Mr. LOGAN. I was in hopes this bill could be so arranged that I could vote for it because there are some appropriations in it for my own State, and I believe that is the reason that most people vote for bills of this character; I do not know any other. But, without committing myself, I want to call the attention of the Senate to the proposition that the Senate has just refused to strike out. There are six pages, and supposing there to be ten items to a page there are sixty new surveys provided for in this bill of different harbors, sluices, creeks, spring branches, and duck puddles I could name—I dislike to do it, however—some of these rivers and creeks that I have crossed over myself; some of them I have jumped across, and if I did not I made my horse do it. The idea of providing for sixty or seventy surveys for the purpose of laying out a large margin for the next Congress to appropriate probably two or three million dollars, or a million at least, to be expended on these streams that will be surveyed during the year merely to get them started for the purpose of large expenditure of money, I do not think is proper legislation.

Mr. SPENCER. Will the Senator from Illinois allow me to interrupt him a moment? If he will read the latter part of the section he will notice that only $50,000 is appropriated for surveys.

Mr. LOGAN. It would make no difference if it was only five cents, if that was sufficient to commence the surveys, the meaning of it would be to complete the work, which would cost millions of dollars; and there is hardly an item mentioned in these new surveys that is worth the attention of this country at all. The idea of surveying some of the little streams mentioned here in different parts of the country, that almost every one who knows anything about the country is conversant with—the idea of surveying them for navigable streams to float the commerce of this country upon, is absurd and ridiculous. It is only the entering-wedge to large appropriations. It is an outrage, and if it was not that nearly every Senator has got an appropriation in this bill for some creek or river in his own State, it could not get five votes.

Mr. ANTHONY. Mr. President, I recognize the Senator from Iowa as the captain of this ship to-night, and I sail under his orders. I would suggest, as we are just upon the edge of a quorum and the bill is a very important one, whether we had not better adjourn until Monday. I make the suggestion to him and shall follow his wishes.

Mr. ALLISON. If we could vote on Monday without debate, as I think we all understand this bill pretty well, I should be very glad to do it.

Several SENATORS. Finish the bill now.

Mr. ANTHONY. You cannot pass it to-night.

Mr. ALLISON. Perhaps we can go on a little while longer.

Mr. WINDOM. What is the amount named in the amendment of the Senator from Vermont?

The PRESIDING OFFICER. Four million dollars.

Mr. WINDOM. I move to amend by making it $5,000,000.

The PRESIDING OFFICER. That amendment has already been offered and rejected by the Senate.

Mr. WINDOM. I move, then, to make it $5,200,000.

The PRESIDING OFFICER. That is in order. The question is on the amendment of the Senator from Minnesota to the amendment of the Senator from Vermont to make the amount $5,200,000.

Mr. COCKRELL. What has become of the second section of this bill? Is that out of the way?

The PRESIDING OFFICER. That is out of the way.

Mr. EDMUNDS. It is not out of the way; it is in the bill.

Mr. ALLISON. It will be in the way again after a while.

Mr. COCKRELL. The Senator from Illinois made objection to it. I suppose we had better vote on that.

The PRESIDING OFFICER. The pending question is on the amendment of the Senator from Minnesota [Mr. WINDOM] to the amendment of the Senator from Vermont to strike out "$4,000,000" and insert "$5,200,000."

The amendment to the amendment was rejected.

The PRESIDING OFFICER. The question recurs on the substitute offered by the Senator from Vermont, upon which the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. KEY, (when his name was called.) On this question I am paired with the Senator from Nebraska, [Mr. HITCHCOCK.] If he were here he would vote "yea," and I should vote "nay."

Mr. NORWOOD, (when Mr. GORDON's name was called.) On this question my colleague [Mr. GORDON] is paired with the Senator from Kentucky, [Mr. STEVENSON.] If present my colleague would vote "nay," and the Senator from Kentucky "yea."

The roll-call having been concluded, the result was announced—yeas 12, nays 26; as follows:

YEAS—Messrs. Allison, Anthony, Booth, Cragin, Dawes, Edmunds, Hamlin, Logan, Morrill, Paddock, Wadleigh, and Wright—12.

NAYS—Messrs. Barnum, Bogy, Boutwell, Cameron of Wisconsin, Christiancy, Cockrell, Conover, Cooper, Davis, Dennis, Ferry, Hamilton, Howe, Ingalls, Jones of Florida, Kelly, Kernan, McMillan, Maxey, Merrimon, Mitchell, Norwood, Ransom, Spencer, Windom, and Withers—26.

ABSENT—Messrs. Alcorn, Bayard, Bruce, Burnside, Cameron of Pennsylvania, Caperton, Clayton, Conkling, Dorsey, Eaton, Frelinghuysen, Goldthwaite, Gordon, Harvey, Hitchcock, Johnston, Jones of Nevada, Key, McCreery, McDonald, Morton, Oglesby, Patterson, Randolph, Robertson, Sargent, Saulsbury, Sharon, Sherman, Stevenson, Thurman, Wallace, West, and Whyte—34.

So the amendment was rejected.

Mr. EDMUNDS. I offer the following amendment:

Strike out all after the enacting clause of the bill and insert:

That the sum of $5,500,000 is hereby appropriated for the fiscal year ending June 30, 1877, to be expended for the repair, extension, preservation, and completion of works for the improvement of rivers and harbors under the direction of the Secretary of War: *Provided*, That the Secretary of War is hereby authorized to cause such expenditures to be made so as to best subserve the interests of commerce; and he is required to report to Congress, at the opening of its December session, all expenditures made under the provisions of this act up to that time in detail.

Mr. President, I have only to say that this amendment is the same as the Senate has just disagreed to, except that it increases the sum, in order to reach the evident wishes of those Senators who are strongest for reform and the diminution of expenses, by the amount of a million and a half of dollars, while it is still three or four hundred thousand dollars below the reformatory measure, as it may be called, that came from the House of Representatives. I hope that everybody will vote for it who has the real interest of economy and the best interest of the public service at heart, because I wish again, in all seriousness, to call the attention of Senators to the well-known fact that in the time of a republican administration—and I do not refer to it to provoke political discussion, but only to say that when both Houses were republican and things were going, as our friends on the other side would say, with a flowing hand, and there was no House of Representatives to criticise in the hostile sense, as there is now, an appropriation of two or three million dollars was made in precisely these terms when a difficulty like that now existing had arisen; and the event proved as everybody agrees—I never heard it questioned at all—that this responsible expenditure in the responsible discretion of the proper department for these public works much better subserved the public interest and in the end everybody in all the States was better satisfied than they were by this little arrangement by States, "You give me and I will give you," and all that sort of thing that these bills are made up on. Therefore I appeal to gentlemen of all parties to do this wise and proper thing, if we can go up to that sum, and it seems the Senate is determined that we shall.

Mr. WITHERS. Will the Senator please say why, if that system operated so beneficially, it was abandoned the very next year and the old system substituted for it?

Mr. EDMUNDS. I will state why, with my due share of mortification and humiliation and confession and shame, it is that according to human observation and human experience it was not quite so handy for people running for members of Congress not to have in their own control in a bill a certain sum of money to be spent in their districts, and that refers as well to republicans as democrats, for human nature is just the same. Whenever, therefore, a bill that has a show of decency on its face is made up by items of congressional districts, it goes through; and when it gets so bad that nobody can stand it, then we do the other thing, and we get better public service and better satisfaction to everybody except the candidate for some office.

Mr. KERNAN. I cannot vote for this amendment of five and a half millions or four millions, because I do not think it wise or proper legislation to appropriate that amount of money to be expended according to the discretion of one man.

Mr. EDMUNDS. I have a word to say upon that, if the Senate will pardon me. The discretion of one man in respect of appropriations, if you call it one man, as it is not, has been practiced from the foundation of the Government; and for many years after the Government was founded the leading appropriations were made in bulk to be expended by the Secretaries and heads of the various Departments for foreign intercourse and for the administration of the Treasury, just as now for the administration of the Treasury there is a permanent appropriation for the collections of the customs revenues that runs up I do not know how high. My friend from Massachusetts can say, probably, but one or two or three millions every year, that Congress does not have anything to do with it at all; and it is no republican idea; it has been so always; and yet, in the main, everybody agrees it is the best way of providing, instead of saying that each custom-house for each district and port shall have so many men in it, and the money shall be expended in a certain way. So my friend from New York, I think, is not just in suggesting that this is an innovation on the custom, because practice has shown the reverse to be true.

Mr. HOWE. I wish to add one word to what the Senator from Vermont has remarked. We call every year on the very Department which is to have charge of these expenditures for estimates of the amount of money they want and the localities where that money is to be expended, and they tell us year after year. They call for more money than the representatives of the people think they can afford to expend in any year. Undoubtedly the capacity of the Engineer Corps is equal to expending more money than we can afford to appropriate in any one year. So this proposition is to limit the amount which we will apply to this work this year; and I want to say, for one, that I am perfectly willing to refer to the professional and the political responsibility of the officers at the head of the Engineer Corps for the expenditure of every dollar that is to be expended in the State of Wisconsin. I am willing to abide by their judgment. Therefore I shall vote for this amendment.

Mr. LOGAN. I have not taken up much of the time of the Senate on this bill, but I desire now to call the attention of the Senate again to this proposition. I see that it is a foregone conclusion, perhaps, what disposition is to be made of this bill. Where you find one side of the Chamber voting solid, with nearly each one perhaps having some particular favorite measure that induces him to do so, irrespective perhaps of that which would be generally beneficial to the country, and the other side dividing, it is perfectly natural to suppose that the bill will pass; but, before it does, I wish to give my reasons for voting for the proposition of the Senator from Vermont, which I shall do when my name is called.

I have counted in the brief time that I have been sitting here since I was last on the floor the new surveys that are proposed by the bill. I have figured along very rapidly and perhaps have not counted accurately; but about seventy will be found to be the number of the new surveys that are to be put in operation during the present year under this bill. Precisely one-fourth of the space of the bill is occupied with provisions for new surveys. An appropriation of $50,000, which is a very small amount it is true, is in this bill for that purpose. It may be said, or is said by some, that that is a small amount; but that amount is to be expended for the purpose of ascertaining if these creeks, spring branches, and ponds can be made navigable by any expenditure of money. That is the meaning of it. I have voted for appropriation bills, but I have always deemed it proper to vote for appropriations for the repair of harbors or the improvement of rivers that were navigable, that were of such a character as would be naturally advantageous to the commerce of the country; but when we undertake to make rivers, to dig out small streams in order to make rivers, we are going beyond that which was ever contemplated by the Constitution, and certainly beyond that which is proper and good legislation.

In the State of Illinois we have not been very fortunate in having appropriations. There is an appropriation in this bill for the Mississippi River, that bounds one side of the State which I in part represent, and there is an appropriation in it for the Illinois River. Until very recently the Illinois River has been improved by appropriations of our own people, and is now being improved by appropriations by the Legislature of our State. I venture the assertion that the Illinois River bears more commerce upon its bosom than every item that is mentioned in these seventy surveys all put together; but still we never asked an appropriation from the General Government for it. There is a small amount here for the purpose of carrying out the estimates in reference to that river; because at the time the Senator from Vermont mentions, when the Secretary of War distributed the

gross appropriation, a small amount was given to the Illinois River because it was for the continuation of work that had been commenced. Work had commenced on the Illinois River a number of years ago under Joseph Johnston, well known in confederate circles, or at least on a report made by him, and on that ground a small amount of money was used for that purpose. The engineers have been doing some work on it, and a small appropriation is in this bill for that river now.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. LOGAN. I move to postpone the bill indefinitely.

The PRESIDING OFFICER. The Senator from Illinois moves to postpone the bill indefinitely.

Mr. LOGAN. I ask the privilege of the Senate to detain them a moment longer. If I had the time, if time was given, I would go over these several items, and call the attention of Senators to them, and I would ask Senators to state as Senators on this floor what the character of these streams is that are to be surveyed. Some of them I know myself and some of them I could name, but I do not wish to do so, that I do not believe you could float a flat-boat down, drawing only eighteen inches of water, in the highest water ever produced in them; some of them only have water in a heavy rain-storm, as I said the other day, to any great extent. Some of the streams in the South mentioned here I know something about. I have crossed them myself, and they are considerable streams; but the idea that they should be surveyed now for the purpose of getting appropriations at the next session for their improvement at the hands of the very men who are talking about economy and the reduction of taxation, is very strange to me. We ought not to appropriate one dollar in this bill except for such works as have already been surveyed.

The Engineer Department recommended to this Congress that we appropriate $14,000,000—for what? Fourteen million dollars for the purpose of continuing the work on rivers and harbors already surveyed, not for new surveys. Now, we propose to give them, instead of $14,000,000, $4,000,000 or $5,000,000, merely to continue the work, and then to add some seventy-odd surveys more in order that their estimate may be a great deal larger next year. If that is economy, I do not understand it. If that is proper legislation, I do not understand it. I will vote to give into the hands of the Secretary of War this amount of money, and rely upon his judgment and the judgment of the Engineer Corps, upon whose recommendations this bill is based, that this money shall be distributed in the places where it is needed; and that where it is not needed not one dollar shall be spent. These are my reasons. I withdraw the motion to postpone indefinitely.

Mr. WINDOM. I do not know but that there is a misapprehension as to this provision for surveys. Certainly there is not so much in it as the Senator from Illinois seems to indicate.

Mr. LOGAN. There will be a good deal in it before you get through with it.

Mr. WINDOM. I have the floor. The appropriation is for $50,000 for such examinations and surveys as the Secretary of War shall deem most important. With that proviso, it did not seem very material to the committee how many surveys were named, for only those that are most important in the estimation of the Secretary of War will be surveyed. I will read the whole provision:

> And the sum of $50,000 is hereby appropriated for such examinations and surveys, and for incidental repairs of harbors for which there is no special appropriation provided for by law.

So that the whole $50,000 is not for surveys, but a portion for harbors:

> *Provided*, That the Secretary of War shall make an estimate of the total cost of the examinations and surveys herein provided for; and in case the sum herein appropriated shall prove insufficient to complete said examinations and surveys, only such rivers and harbors shall be examined and surveyed as, in his judgment, are most important.

Now the honorable Senator from Illinois has great confidence in the Secretary of War. If he is willing to place the whole amount of five and a half millions in his discretion, certainly he ought to be willing to trust his discretion upon $50,000 for surveys.

Mr. LOGAN. I make the same motion again for the purpose of making one remark. It is not an objection to the $50,000 that I make; that is a small amount of money; but it is to the enumeration of certain rivers and creeks and streams that are to be surveyed. Although I have great confidence in the Secretary of War, does the Senator not well know that as to every one of the streams mentioned in this new survey section the members of Congress concerned and the Senator of the State will go to the Secretary of War and ask for the distribution of that $50,000 so that each one shall have a survey? What does a survey mean? It is a mere examination of the stream. If they merely go along it and make a report on it that is the meaning of a survey under this bill. After these surveys are all made, if there was only $10,000 appropriated instead of $50,000 appropriated, it would mean $50,000,000 in the next ten years. That is the objection I have to it, not that the $50,000 is a large amount, but it is to the surveying of these streams for future appropriations.

Mr. WINDOM. I think the Senator is unnecessarily frightened. The Secretary of War is not likely to send a peregrinating company of engineers to the country to walk along the banks of these streams and make report on them. If he is, then I am certainly not in favor of placing five millions and upward in his hands to be used in his discretion. The bill provides that he shall take only those that are most important, and the Senator from Illinois knows, I think, as well as I do, that not one in ten of the streams named here can be surveyed under the appropriation made.

Mr. LOGAN. What is the use of naming them here if not one in ten can be surveyed? For the purpose of keeping them on the list of streams to be appropriated for.

Mr. WINDOM. Because the Secretary of War, informed by the Engineer Department, knows better than we do which of these streams is the more important.

Mr. LOGAN. I withdraw the motion to postpone.

The PRESIDING OFFICER. The question recurs on the substitute offered by the Senator from Vermont, [Mr. EDMUNDS.]

Mr. MORRILL. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. OGLESBY. I do not propose to detain the Senate but a very few moments, perhaps not the five minutes to which I am entitled.

I am about making up my mind to vote for this amendment. I am doing it with some reluctance. It is a great power to confer upon one Department of this Government, or upon one person executing the duties of that Department, to place a large amount of money at the disposal of the Corps of Engineers, under the direction of the Secretary of War. If river and harbor improvements are constitutional and right, it does seem to me that Congress should take the responsibility of naming the harbors and the rivers upon the information furnished to Congress by the Engineer Department. Congress should take the responsibility of naming which river and which harbor will best subserve the commerce of the country. It seems to me the responsibility is upon us for proper legislation, and therefore I shall vote for the amendment proposed by the Senator from Vermont with some reluctance, doubting very considerably the propriety of the step. It is a departure from established custom; it is a departure from fixed law; it is a departure from the custom of the country, and I think, to some extent, it is a perilous adventure; but as we ventured to trust that Department once, I believe I will take the responsibility to-night (as I see the Senate is very anxious to vote on this bill and dispose of it) of voting for the amendment and making the trial.

But, Mr. President, are we to suppose that by transferring the expenditure of five millions and a half, if the amendment shall carry, the Secretary of War is to be liberated from the influences that control Congress in appropriating money for these purposes? Is the country to understand that the Secretary of War is not to be besieged; that the Engineer Department will not be besieged in detail for the expenditure of this fund to every object mentioned in this bill? I suppose appeals will be made there directly and forcibly and continuously for scattering this money over the country just as the Congress has been in the habit of scattering it, and the Engineer Corps in the War Department may very well say, "We can dribble this sum out in every direction, because we have heretofore surveyed these works; we have heretofore made recommendations upon them, and in the interest of commerce we can distribute this amount *pro rata*, according to the principle fixed in the bill in Congress which failed." I suppose that the Secretary of War will be besieged precisely as the committees of this body have been, and I doubt if we shall make any great progress in getting rid of that difficulty.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. OGLESBY. Mr. President, as I do not wish to delay one moment of time, I will not ask the liberty of making the usual motion for an indefinite postponement. I hope the Senate will come to a vote as speedily as possible.

The question being taken by yeas and nays, resulted—yeas 16, nays 23; as follows:

YEAS—Messrs. Allison, Anthony, Booth, Cameron of Wisconsin, Cragin, Dawes, Edmunds, Frelinghuysen, Hamlin, Howe, Logan, Morrill, Oglesby, Paddock, Wadleigh, and Windom—16.

NAYS—Messrs. Barnum, Bogy, Bruce, Christiancy, Cockrell, Conover, Cooper, Davis, Dennis, Ferry, Hamilton, Ingalls, Jones of Florida, Kelly, Kernan, Key, Maxey, Merrimon, Mitchell, Norwood, Ransom, Spencer, and Withers—23.

ABSENT—Messrs. Alcorn, Bayard, Boutwell, Burnside, Cameron of Pennsylvania, Caperton, Clayton, Conkling, Dorsey, Eaton, Goldthwaite, Gordon, Harvey, Hitchcock, Johnston, Jones of Nevada, McCreery, McDonald, McMillan, Morton, Patterson, Randolph, Robertson, Sargent, Saulsbury, Sharon, Sherman, Stevenson, Thurman, Wallace, West, Whyte, and Wright—33.

So the amendment was rejected.

Mr. MORRILL, (at nine o'clock and twenty minutes p. m.) I believe we had better think on this question until Monday. I move that the Senate do now adjourn.

The motion was not agreed to.

Mr. EDMUNDS. I offer the following motion:

> That the bill be recommitted to the Committee on Appropriations, with instructions to report the bill so amended as to provide for not exceeding $5,500,000 in the whole, to be expended at points of the greatest importance to public interests in the preservation, repair, and completion of the public works to be named in the bill.

Upon this motion I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. COOPER. I move to strike out "the committee" and insert "Senate." This is the Committee of the Whole. Let it be referred to the Senate.

The PRESIDING OFFICER. This bill will go to the Senate if this motion shall be voted down.

Mr. COOPER. I do not insist on the amendment.

The question being taken by yeas and nays, resulted—yeas 14, nays 25; as follows:

YEAS—Messrs. Allison, Anthony, Booth, Cragin, Dawes, Edmunds, Frelinghuysen, Hamlin, Howe, Logan, Morrill, Oglesby, Wadleigh, and Windom—14.

NAYS—Messrs. Barnum, Bogy, Bruce, Cameron of Wisconsin, Christiancy, Cockrell, Conover, Cooper, Davis, Dennis, Ferry, Hamilton, Ingalls, Jones of Florida, Kelly, Kernan, Key, Maxey, Merrimon, Mitchell, Norwood, Paddock, Ransom, Spencer, and Withers—25.

ABSENT—Messrs. Alcorn, Bayard, Boutwell, Burnside, Cameron of Pennsylvania, Caperton, Clayton, Conkling, Dorsey, Eaton, Goldthwaite, Gordon, Harvey, Hitchcock, Johnston, Jones of Nevada, McCreery, McDonald, McMillan, Morton, Patterson, Randolph, Robertson, Sargent, Saulsbury, Sharon, Sherman, Stevenson, Thurman, Wallace, West, Whyte, and Wright—33.

So the motion was not agreed to.

The bill was reported to the Senate as amended.

The PRESIDING OFFICER. Shall the amendments made as in Committee of the Whole be concurred in in gross?

Mr. EDMUNDS. Separately, one by one.

The PRESIDING OFFICER. The Secretary will report the first amendment.

The CHIEF CLERK. The first amendment made as in Committee of the Whole is in line 12 of section 1, to strike out "seventy-five" and insert "one hundred;" so as to make the clause read:

For the improvement of the harbor at Buffalo, New York, $100,000.

Mr. EDMUNDS. On that I ask for the yeas and nays.

Mr. ALLISON. I want to know what has become of the amendment in lines 9 and 10.

Mr. EDMUNDS. All the strikings out are gone.

The PRESIDING OFFICER. The text of the bill was not changed there. The Senator from Vermont asks for the yeas and nays on concurring in this amendment.

The yeas and nays were ordered; and being taken, resulted—yeas 17, nays 18; as follows:

YEAS—Messrs. Allison, Booth, Bruce, Cameron of Wisconsin, Davis, Dawes, Hamilton, Howe, Jones of Florida, Kernan, Key, Mitchell, Ransom, Spencer, Wadleigh, Windom, and Withers—17.

NAYS—Messrs. Barnum, Bogy, Christiancy, Cockrell, Conover, Cooper, Cragin, Dennis, Ferry, Harvey, Ingalls, Kelly, Logan, Maxey, Merrimon, Norwood, Oglesby, and Paddock—18.

ABSENT—Messrs. Alcorn, Anthony, Bayard, Boutwell, Burnside, Cameron of Pennsylvania, Caperton, Clayton, Conkling, Dorsey, Eaton, Edmunds, Frelinghuysen, Goldthwaite, Gordon, Hamlin, Hitchcock, Johnston, Jones of Nevada, McCreery, McDonald, McMillan, Morrill, Morton, Patterson, Randolph, Robertson, Sargent, Saulsbury, Sharon, Sherman, Stevenson, Thurman, Wallace, West, Whyte, and Wright—37.

The PRESIDING OFFICER. There is not a quorum voting.

Mr. HAMILTON, (at nine o'clock and thirty-five minutes p. m.) I move that the Senate do now adjourn.

The motion was not agreed to; there being on a division—ayes 18, nays 21.

Mr. MERRIMON. I move to direct the Sergeant-at-Arms to request the presence of absent Senators.

The PRESIDING OFFICER. There is a quorum present on the last vote by the count.

Mr. MERRIMON. I withdraw the motion.

The PRESIDING OFFICER. The pending question is on concurring in the amendment made as in Committee of the Whole, upon which the yeas and nays have been ordered.

Mr. EDMUNDS. What is the amendment?

The PRESIDING OFFICER. The first amendment which will be read.

Mr. ALLISON. The yeas and nays were taken.

The PRESIDING OFFICER. But no quorum voted. That is the question now. The Clerk will call the roll again.

Mr. HOWE. Let the amendment be read.

The CHIEF CLERK. In line 12, strike out "seventy-five" and insert "one hundred;" so as to read:

For the improvement of the harbor at Buffalo, New York, $100,000.

The question being taken by yeas and nays, resulted—yeas 23, nays 11; as follows:

YEAS—Messrs. Allison, Anthony, Booth, Bruce, Cameron of Wisconsin, Cragin, Davis, Dennis, Ferry, Frelinghuysen, Hamlin, Jones of Florida, Kelly, Kernan, Key, McMillan, Mitchell, Morrill, Paddock, Ransom, Spencer, Windom, and Withers—23.

NAYS—Messrs. Barnum, Bogy, Christiancy, Cockrell, Conover, Cooper, Harvey, Ingalls, Maxey, Merrimon, and Oglesby—11.

ABSENT—Messrs. Alcorn, Bayard, Boutwell, Burnside, Cameron of Pennsylvania, Caperton, Clayton, Conkling, Dawes, Dorsey, Eaton, Edmunds, Goldthwaite, Gordon, Hamilton, Hitchcock, Howe, Johnston, Jones of Nevada, Logan, McCreery, McDonald, Morton, Norwood, Patterson, Randolph, Robertson, Sargent, Saulsbury, Sharon, Sherman, Stevenson, Thurman, Wadleigh, Wallace, West, Whyte, and Wright—38.

The PRESIDING OFFICER. There is not a quorum voting.

Mr. FERRY. I ask for a call of the Senate.

The PRESIDING OFFICER. The Senator from Michigan moves a call of the Senate. The Secretary will call the roll.

The Secretary called the roll, and thirty-seven Senators answered to their names.

The PRESIDING OFFICER. There is a quorum present. The question is on concurring in the amendment made as in Committee of the Whole, upon which the yeas and nays have been ordered. The Clerk will call the roll.

The Secretary proceeded to call the roll.

Mr. BOOTH, (when his name was called.) On this question I am paired with the Senator from Texas, [Mr. HAMILTON.] If he were here he would vote "nay," and I should vote "yea."

The result was announced—yeas 25, nays 10; as follows:

YEAS—Messrs. Allison, Anthony, Boutwell, Bruce, Cameron of Wisconsin, Conover, Cragin, Davis, Dennis, Ferry, Frelinghuysen, Hamlin, Howe, Jones of Florida, Kernan, Key, McMillan, Mitchell, Morrill, Norwood, Paddock, Ransom, Spencer, Windom, and Withers—25.

NAYS—Messrs. Bogy, Cockrell, Cooper, Harvey, Ingalls, Kelly, Maxey, Merrimon, Oglesby, and Wadleigh—10.

ABSENT.—Messrs. Alcorn, Barnum, Bayard, Booth, Burnside, Cameron of Pennsylvania, Caperton, Christiancy, Clayton, Conkling, Dawes, Dorsey, Eaton, Edmunds, Goldthwaite, Gordon, Hamilton, Hitchcock, Johnston, Jones of Nevada, Logan, McCreery, McDonald, Morton, Patterson, Randolph, Robertson, Sargent, Saulsbury, Sharon, Sherman, Stevenson, Thurman, Wallace, West, Whyte, and Wright—37.

The PRESIDING OFFICER. There is not a quorum voting.

Mr. FRELINGHUYSEN, (at nine o'clock and fifty minutes p. m.) Well, Mr. President, we have been here nearly eleven hours attending to this business, and I move that the Senate adjourn.

The motion was not agreed to; there being on a division—ayes 14, noes 20.

Mr. SPENCER. I move that the absent Senators be called.

Mr. ALLISON. Mr. President, I have been endeavoring to stand by this bill through all its adversities and misfortunes, and I trust the friends of the bill, as they are denominated, now will allow me to move an adjournment. We have no quorum here; I do not believe we shall have a quorum to-night unless we send for people.

Mr. WINDOM. The Senator from Iowa will allow me to make a suggestion, and I believe that we can pass a bill if he will follow it. Take an adjournment now and let the Senator from Iowa prepare an amendment to his substitute which shall make the whole sum not to exceed five and one-half millions, and I believe we can pass it.

The PRESIDING OFFICER. The Senator from Iowa moves that the Senate do now adjourn.

The motion was agreed to; and (at nine o'clock and fifty-two minutes p. m.) the Senate adjourned.

IN SENATE.

MONDAY, *July* 24, 1876.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

THE JOURNAL.

The Journal of the proceedings of Saturday last was read.

Mr. MORRILL. Is there a quorum present?

The PRESIDENT *pro tempore*. The Secretary will ascertain by count. [A pause.] There is not a quorum present by actual count. The roll will be called, if the Senator from Vermont insists upon it.

Mr. MORRILL. I think we had better have a quorum.

The Secretary called the roll of the Senate, and, after some delay, thirty-seven Senators having answered to their names,

The PRESIDENT *pro tempore*, (at eleven o'clock and twenty minutes a. m.) There is a quorum present. The Journal will be approved.

CORRECTIONS OF RECORD.

Mr. MORRILL. I desire to make a correction in my remarks on Saturday evening. I think that I made a mistake in reading from the statistical tables and said "exports" when I should have said "imports" and "imports" when I should have said "exports." In one instance I reversed the figures "1875" to "1876," and at another time said "1876" when I should have said "1875." I presume that I made the mistake myself; I know I am entirely responsible for it, because I had an opportunity of correcting the manuscript of the reporter and did not do it.

Mr. HAMLIN. I wish to state that there is a matter which ought to be considered to-day by the Senate in executive session. We are to have the impeachment trial at twelve o'clock. If we do not have an executive session this morning, I fear we shall not have it to-day at all. There is a very decided necessity for it, and I must therefore ask the Senate to go into executive session.

Mr. EDMUNDS. I wish the Senator would let me say one word first.

Mr. HAMLIN. Very well.

Mr. EDMUNDS. Mr. President, I want to call the attention of the Chair, by which, of course, I mean officially the Senate, and my honorable friend from North Carolina, [Mr. MERRIMON,] to what may be called a personal explanation. That is the only head that it can come in under that I know of. I see in the RECORD of Monday, July 24, a statement of the debate on the river and harbor bill.

Mr. DAWES. On what page?

Mr. EDMUNDS. Page 27, in the left-hand column. This running conversational debate occurs:

Mr. MERRIMON. That money was not gotten from the people by taxation, nor was that taken into the account which I have read, which shows the net ordinary expenses of administering the Government every year from 1865. If any Senator can answer the point I made, let him answer it. The figures and facts cited cannot be answered by going off on the war.

Mr. WEST. Some of your figures have been answered.

Mr. MERRIMON. I do not know when it was done.

Mr. WEST. The Senator from Ohio [Mr. SHERMAN] answered your figures.
Mr. MERRIMON. No, sir; I read exactly what was in the report of the Secretary of the Treasury, no more and no less; and will you deny the record?
Mr. EDMUNDS. Certainly.

So you will perceive, Mr. President, that I am made by this report to assert, in the presence of the Senate and, as we are fond of saying, "of the country," that I will deny the recorded report of the Secretary of the Treasury. What the honora ble Senator from North Carolina did say in that connection was in re ply to the honorable Senator from Louisiana, [Mr. WEST,] who said:

The Senator from Ohio [Mr. SHERMAN] answered your figures.
Mr. MERRIMON. No, sir; I read exactly what was in the report of the Secretary of the Treasury.
Mr. EDMUNDS. Certainly.

The report as it is printed, through somebody's intervention, has made me say that I deny the record, when what I did say was in response to the Senator from North Carolina when he said:

I read exactly what was in the report of the Secretary of the Treasury.

And I simply said "Certainly;" that is to say, "You have."

Mr. MERRIMON. I thought the Senator said "certainly" in derision.

Mr. EDMUNDS. I should be glad to know, Mr. President, how this thing comes in this way. If the report of a conversational debate cannot be left so that the RECORD shows fairly what Senators do say and does not misrepresent them, then I think we ought to have some process or some rule by which the truth can be reported just as it takes place. I of course put myself in an unfortunate attitude too often to feel particularly sensitive on most subjects; but when by the correction of somebody's remarks by somebody and in some way I am made, instead of agreeing to what a Senator says, that he has been reading out of the report of the Secretary of the Treasury, to appear to say that I will deny that report, I think it is carrying the joke a little too far.

Mr. MERRIMON. There were so many Senators who replied to me about the time the Senator from Vermont interposed that I cannot recollect exactly what was said; but I do remember when he made that remark that I thought he was speaking in derision, as he had been repeatedly in a portion of the remarks I had made during the day. I saw the manuscript of my remarks, and I overlooked it hastily. Whether I noticed this point or not, I would not now undertake to say without seeing the manuscript. But, be that as it may, I really thought the Senator said "certainly" at the time in derision, and I think the Senate so understood him.

Mr. EDMUNDS. I am a little astonished at that, because the Senator had read from the report of the Secretary of the Treasury, and he had read truly as far as he went, and I undertook to point out in respect of that very report that he had not read the whole thing, and referred to that text of Scripture which is so often referred to as making one thing mean entirely different from what it really does, by not reading the whole of it.

Mr. MERRIMON. Do I understand the Senator to say or imply that I in any way whatever changed what he said?

Mr. EDMUNDS. No, sir; but I do mean to imply, because I am informed by the reporter, who is always absolutely accurate, that what was said and what appears in his notes is this:

Mr. MERRIMON. No, sir; I read exactly what was in the report of the Secretary of the Treasury.
Mr. EDMUNDS. Certainly.

Now, then, as the Senator says, if I correctly understand him, that he has corrected his remarks, the Senator has so corrected them as to make me say this:

Mr. MERRIMON. No, sir; I read exactly what was in the report of the Secretary of the Treasury, no more and no less; and will you deny the record?
Mr. EDMUNDS. Certainly.

He makes me, therefore, by the change in his own remarks, deny the report of the Secretary of the Treasury, when taking his remarks as he stated them and as I replied to them, I simply said that he was truly reading, as far as he went, from what appeared in the report.

Mr. MERRIMON. I repeat that I thought the Senator made the remark in derision, and I still think so.

Mr. EDMUNDS. Mr. President, I have done all I can about it. If there is not any way now known to law and to public propriety of having the current debates of the Senate reported as they are spoken, and not corrected so as to put Senators in exactly an opposite attitude from that which they really occupy, and make them responsible for remarks that were never made at all, then I think we ought to have some rule which will do it. That is all I have to say.

Mr. MERRIMON. I am very sure that I am as far from wanting to place the Senator from Vermont in a false position as any one. Everybody who knows that Senator knows that a trifle of that sort cannot place him in that position. I have said to him that I regarded the word "certainly" as used in derision; I so regard it now; and he has not said otherwise. It seems to me a very small matter.

Mr. EDMUNDS. I did not say it in derision; but that would not make any difference. What I said I said, and what the Senator said he said; and I submit he had no right to add to what he said in such a way as to make my remark appear exactly the reverse from what it would have appeared had the report been printed truly as the thing occurred.

Now, I move that the Official Reporter be directed to furnish the Congressional Printer for the full edition, or whatever it is called, with an exact report of that debate as it took place.

Mr. MERRIMON. I trust that will not be done until I see the manuscript.

Mr. EDMUNDS. That is my motion, Mr. President, as a privileged motion. There are two or three other things that are just as bad, but one is a type, and it is enough for this purpose.

The PRESIDENT *pro tempore*. The Senator from Vermont moves that the Reporter furnish the Printer with the report exactly as it was made in the Senate.

Mr. MERRIMON. I think that the whole Senate is somewhat interested in this subject. I do not know how the manuscript in this particular respect reads. I shall examine it and see. We all know that almost every Senator, after he has delivered remarks in the Senate, and especially in the course of a running debate, desires to see the reporter's notes and to make such corrections as will place him exactly right upon the record. If I am to be denied that privilege, if it may be termed privilege, or courtesy, if it may be termed courtesy, I think the rule ought to apply alike to everybody. The substance of what I said on Saturday is here, and nearly every word that I said on Saturday. I might want to correct the grammar in one place; I might want to substitute one word for another in another place; and it is possible—I will not undertake to say how it is—that here I may have made the change the Senator suggests. I will not say that I did not, because I do not remember; but be that as it may, I maintain that no injustice is done the Senator by putting the construction on the word "certainly" that I put on it, and which I believe is the proper one. I know, and the Senator knows, and the Senate knows that repeatedly in the debate on Saturday the Senator was throwing out remarks, by way of reply, in derision, as in the next remark made by the Senator:

Mr. EDMUNDS. The Senator read it just as the man read the Bible: "If Satan entice thee to sin, consent thou," and there he stopped, leaving off the "not."

He made various remarks of that sort, apparently playful; sometimes more in earnest than play, however; and, if I misapprehended the meaning of the word "certainly," of course I shall regret very much that I did him injustice. I would not do anybody injustice.

Mr. EDMUNDS. Well, Mr. President, my friend's ideas of injustice may be somewhat different from mine; but I confess, with my small means of judging what is just and unjust, I should not have thought it just to change my own remarks so as to make the Senator say a thing exactly the opposite from what he did say.

Mr. MERRIMON. That depends on how he used the word. The Senator had been questioning all day the authenticity of the tables I had produced, and intimating to the Senate, sometimes in terms, sometimes by suggestion, that the quotations I had made were not correct.

And now let me make this further remark: If the Senator thinks that injustice is done him, I have disavowed any such purpose. I would not do him any injustice; I have no reason to do him any injustice, or anybody else; and I can see very little in the whole matter.

Mr. EDMUNDS. If the Senator thinks that to add to his remark, that he read what was in the report of the Secretary of the Treasury to which I said, "Certainly," the words, "no more and no less, and will you deny the record?" and make me say "certainly" to that inquiry that I will deny the record—if he thinks that is not doing injustice to a brother Senator, then I am sure I do not perceive exactly the standard by which he measures justice.

Mr. MERRIMON. I say it would unless you used that word in derision, as I believed you did.

Mr. EDMUNDS. I did not use it in derision; and if I did it would mean exactly the same thing. I have not got so exactly lost in deriding foolishness even as to make myself far more foolish still, and to say that I deny a record which is produced unless it is a false one, as I knew that report of the Secretary of the Treasury was not

There is another case just below that where the honorable Senator has increased the stature of his remarks by multiplying them by about three, which put what I said following in an entirely different attitude; and there are some other instances; but I do not care to waste the time of the Senate about them. My object was to call attention to what appears to me to be a gross abuse of the privilege, if it be a privilege, of correcting the grammar, for that is the idea of it, the style of a gentleman's remarks; and my motion is now not directed to the Senator from North Carolina any more than it is to myself and everybody else who participated in this debate, and that simply is that the debate on that day shall be furnished for the full edition of the RECORD just as it took place. As to me undoubtedly it has so appeared because I have not seen the manuscript, or inquired for it, or heard of it, at all. That is my motion.

Mr. MERRIMON. I am perfectly willing to say to the Senator that if he feels that he is in any sense injured, the reporter shall look to exactly what was said and put it down just as it was said. I repeat what I said a while ago, that whether I changed the manuscript of my remarks in that respect or not, I do not know and will not undertake to say. I corrected it hurriedly, but if it is in any way interfered with, I am perfectly content that the reporter shall put down the words just as they were uttered by me. It will be remembered that that was a very hurried running debate.

Mr. SHERMAN. I think that ought to be done in every case. I

did not feel myself at liberty to even look over the notes of what I said on Saturday, because when other persons participate in a debate with me I cannot tell but that even a grammatical change may make absurd what is said immediately after by the gentleman who is conversing or talking with me. I think, therefore, in these current debates no liberties ought to be taken with them, and no changes ought to be made in grammar or anything else. But I claim the right, and I suppose the Senator from North Carolina and all of us claim the right, when we make a set speech as it is called, a formal speech, pursuing a deliberate line of argument, to correct mistakes of grammar or even to add or subtract somewhat from the body of the speech as delivered. But this kind of debate such as we had here on Saturday in my judgment ought not to be changed, but it ought to appear just as the reporters have it, "with all its imperfections on its head." I did not feel at liberty to change what I said though I see in the report of the debate some grammatical mistakes and some errors that I should like very much to correct, but I spoke in the midst of a running debate where other Senators were interposing, and therefore I would not take the liberty of changing anything that might affect the meaning of what others said.

Mr. MERRIMON. I concur in the rule as stated by the Senator from Ohio; but I know and every Senator here knows who engages in debate at all that the practice is, whenever a Senator desires, to allow him to see the report of his remarks, to correct crude expressions, to substitute one word for another, to correct grammatical errors, and to make the sense fuller occasionally by adding a word or two. I believe the practice is wise, and I think I am as much entitled to be indulged in that respect as anybody else; and I can but express my astonishment that the Senator from Vermont should make such an ado about a matter of trifling moment in any way. It manifests a spirit of unfriendly captiousness that I really did not expect from him.

Mr. EDMUNDS. It is the difference between truth and falsehood; that is all.

The PRESIDENT *pro tempore*. The Senator from Vermont has moved that the reporter furnish to the printer the words as they were uttered in the debate on Saturday last on the river and harbor bill.

Mr. MERRIMON. I have no objection to that.

Mr. SAULSBURY. Before the vote is taken on that question I desire to say that whatever may have been the custom, when a gentleman is making a speech and a member on the other side jumps up and interrupts him in the middle of a sentence so that he is not enabled to complete the sentence he was uttering when interrupted by another Senator proposing an interrogatory to him, there is nothing whatever unfair in the Senator in justice to himself completing the sentence he was about uttering when he was interrupted. I think that that is a privilege which every gentleman on this floor ought to have; otherwise he would frequently appear absurd in the RECORD, not by reason of his inability to express himself clearly and distinctly, but because of the interruption which has been propounded. I do not think it is required by any rule of propriety that not the slightest alteration should be made even in a cursory debate between gentlemen, because sometimes there will occur instances of the kind which I have mentioned.

Mr. COCKRELL. I have no interest in this matter save that the RECORD shall be right. I think the RECORD ought to show everything just as it occurs in the Senate.

Mr. EDMUNDS. That is it.

Mr. COCKRELL. Precisely; and if a Senator is stopped in the middle of a sentence the RECORD ought to show that, because that is the way the transaction took place in the Senate. It think it is nothing but right that the reports should be made just as the debates occur; and if we make grammatical mistakes here, they are not the first ones that have ever been made; and I do not suppose that it would mar the reputation of any of the distinguished Senators in this body very much if such a thing should be discovered in any of their speeches. I do hope that hereafter the RECORD will be made just as the occurrence took place in the Senate and everything taken down just as it is said, and if a sentence is broken off in the middle by an interruption, let it show that fact.

Mr. ANTHONY. Mr. President, I am very glad to hear this debate, for I have been trying for more than a month to get before the Senate a resolution reported from the Committee on Printing requiring that the debates shall be taken down precisely as they are said, and printed precisely as they are taken down, and I hope that this circumstance will lead to the early consideration and the passage of that resolution.

Mr. MERRIMON. I only want to say that I hope the rule will apply to all alike.

Mr. EDMUNDS. So do I.

Mr. MERRIMON. And I add, as I said a while ago, that I have no objection in the world to the reporter taking his notes and making that matter, or any other matter indeed, just exactly as it was said here, although the Senator will remember that at the time this colloquy took place half a dozen Senators were endeavoring to interrogate me at the same time.

The PRESIDENT *pro tempore*. The Senator from Vermont moves that the Reporter of the Senate furnish to the Congressional Printer the report of the debate on Saturday last on the river and harbor bill just as it was uttered.

Mr. EDMUNDS. For insertion in the full edition.

The PRESIDENT *pro tempore*. For insertion in the full edition as it was uttered.

The motion was agreed to.

EXECUTIVE SESSION.

Mr. HAMLIN. I now renew my motion to proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After twelve minutes spent in executive session the doors were re-opened.

NUMBER OF CIVIL OFFICERS.

Mr. CRAGIN submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the head of each Executive Department of the Government be requested to furnish the Senate with the aggregate number of civil officers in or connected with their respective Departments (not including laborers or mechanics employed by the day, or contractors) for each of the following years, namely: 1859, 1861, 1863, 1865, 1867, 1869, 1871, 1873, and 1875.

EQUALIZATION OF BOUNTIES.

Mr. LOGAN. I ask the consent of the Senate to take up the bill, House bill No. 58, not for the purpose of discussing it or passing it to-day, but for the purpose of agreeing to certain amendments that will take but a moment, so that the bill may be then printed with the amendments as agreed to by the Senate and remain where it is on the Calendar.

Mr. EDMUNDS. What is the bill?

Mr. LOGAN. The bounty bill.

Mr. EDMUNDS. What are the amendments?

Mr. LOGAN. I will mention them. I want to insert the word "enlisted" preceding the word "wagoner," so as to read "enlisted wagoner," instead of including all teamsters.

Mr. GORDON. I have some morning business.

Mr. EDMUNDS. I suggest to the Senator from Illinois that the simplest and the easiest way to fix these amendments would be just to have the bill recommitted and have it reported back with the amendments.

Mr. LOGAN. It has been reported with amendments; but the action on the amendments to the bill will show the disposition of the Senate toward the bill; and it will take but a few minutes to agree or disagree to them.

Mr. EDMUNDS. It will take a good while if it shows the disposition of the Senate, because, if the amendments involve any of the questions embraced in the bill, then of course it must lead to examination and debate.

Mr. LOGAN. The amendments do not involve any of the great questions in the bill. They involve only the perfecting of the bill.

Mr. EDMUNDS. There are some that are very important that I have noticed.

Mr. LOGAN. Well, I move that this bill be taken up for that purpose.

The PRESIDENT *pro tempore*. The Senator from Illinois moves that the Senate proceed to the consideration of the bill which he has named, understood to be the bounty bill.

Mr. SAULSBURY. Will an objection carry it over?

The PRESIDENT *pro tempore*. It will not. It depends on the majority of the Senate.

Mr. LOGAN. I do not propose to take up the bill with a view to have a vote on it, but merely with a view of having the Senate agree or disagree to the amendments. If the Senate disagree to the amendments, then I should have the sense of the Senate on the amendments. That is the only object I have.

Mr. SAULSBURY. If the bill is taken up will it not become the regular order of business?

Mr. LOGAN. Not at all. It will not take three minutes to agree or disagree to the amendments. I will not ask the yeas and nays on any amendment. I ask for a vote on my motion.

The PRESIDENT *pro tempore*. The Senator from Illinois moves the present consideration of the bill.

Mr. LOGAN. I call for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 22, nays 20; as follows:

YEAS—Messrs. Allison, Anthony, Boutwell, Cameron of Wisconsin, Christiancy, Dawes, Ferry, Frelinghuysen, Hamlin, Harvey, Hitchcock, Howe, Ingalls, Key, Logan, McMillan, Mitchell, Paddock, Wadleigh, West, Windom, and Wright—22.

NAYS—Messrs. Bogy, Booth, Cooper, Davis, Dennis, Eaton, Gordon, Hamilton, Kelly, Kernan, McCreery, Maxey, Merrimon, Norwood, Ransom, Robertson, Sargent, Saulsbury, Stevenson, and Withers—20.

ABSENT—Messrs. Alcorn, Barnum, Bayard, Bruce, Burnside, Cameron of Pennsylvania, Caperton, Clayton, Cockrell, Conkling, Conover, Cragin, Dorsey, Edmunds, Goldthwaite, Johnston, Jones of Florida, Jones of Nevada, McDonald, Morrill, Morton, Oglesby, Patterson, Randolph, Sharon, Sherman, Spencer, Thurman, Wallace, and Whyte—30.

So the motion was agreed to; and the bill (H. R. No. 58) to equalize the bounties of soldiers who served in the late war for the Union was considered as in Committee of the Whole.

The Chief Clerk proceeded to read the bill. Having read the first section——

The PRESIDENT *pro tempore*. The hour of twelve o'clock has arrived.

Mr. LOGAN. The managers and counsel are not here. I hope the Senate will allow a few minutes until this bill can be read.

Mr. EDMUNDS. I think we ought to finish this impeachment trial. The managers ought to be here, if they are not.

Mr. LOGAN. I will only say to the Senator from Vermont that the other day when it was asked for another purpose that the trial go over and the managers and counsel were all here the time was extended to accommodate him.

Mr. EDMUNDS. To accommodate me?

Mr. LOGAN. Yes, on a land bill the other day.

Mr. EDMUNDS. Not to accommodate me, certainly.

Mr. LOGAN. You were making a speech; I know that.

Mr. HARVEY. That business was not allowed to proceed, notwithstanding the appeal of my colleague and myself.

Mr. LOGAN. I thought it was; but if it was not, I stand corrected. I know the trial was delayed the other morning for some purpose.

Mr. HARVEY. I hope the Senator from Vermont will withdraw his objection.

Mr. LOGAN. Whenever the managers and counsel are ready to proceed, I will then of my own motion withdraw any further proceedings.

Mr. EDMUNDS. They ought to be ready to proceed now, Mr. President.

Mr. LOGAN. They are not.

Mr. EDMUNDS. I do not know that.

Mr. LOGAN. As soon as the indication is given on either side that they are ready to proceed, I will at once ask the Senate to stop proceedings on this bill.

Mr. EDMUNDS. We ought to ascertain first if they are not ready to proceed, why not, and know whether this trial is going to last forever, and, if it is, what is the reason; and then if it is dropped my friend will be just as well off as he is now. I insist on the regular order.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. U. S. GRANT, jr., his Secretary, announced that the President had this day approved and signed the act (S. No. 1000) to continue the public printing; and the act (S. No. 952) to remove the political disabilities of G. T. Beauregard, of New Orleans, Louisiana.

IMPEACHMENT OF W. W. BELKNAP.

The PRESIDENT *pro tempore*. Legislative and executive business will now be suspended and the Senate will proceed to the consideration of the articles of impeachment exhibited by the House of Representatives against William W. Belknap, late Secretary of War.

The Senate then proceeded to the trial of the impeachment of William W. Belknap, late Secretary of War.

During the trial, on motion of Mr. EDMUNDS for a recess of fifteen minutes, the proceedings were suspended and the Senate resumed its

LEGISLATIVE SESSION.

Mr. ANTHONY. Is it in order to make a motion with regard to the hour of meeting of the legislative session?

The PRESIDENT *pro tempore*. It is not in order.

Mr. ANTHONY. Can such a motion be entertained by general consent?

The PRESIDENT *pro tempore*. It may be received by general consent.

Mr. ANTHONY. I move that when the Senate adjourns to-day it be to meet to-morrow at twelve o'clock.

Mr. DAVIS. I hope not. Let us have an hour for legislative session before the court meets.

Mr. ANTHONY. I think it would be more convenient to meet at twelve to-morrow.

The PRESIDENT *pro tempore*. Is there objection to suspending the trial and resuming legislative session in order to consider the motion of the Senator from Rhode Island?

Mr. WITHERS. I object.

The PRESIDENT *pro tempore*. The Senator from Virginia objects.

WITHDRAWAL OF PAPERS.

Mr. MITCHELL. I ask unanimous consent for a short legislative session to enable me to have an order made.

The PRESIDENT *pro tempore*. The Senator from Virginia has objected to a legislative session.

Mr. MITCHELL. I wish simply to have an order made to withdraw some papers. I hope there will be no objection to it. It will take but a moment.

Mr. DAVIS. We had better go on with the trial.

The PRESIDENT *pro tempore*. Is there objection to the request of the Senator from Oregon?

Mr. DAVIS. For that purpose only I will not object.

Mr. MITCHELL. That is all I want. I offer the following order:

Ordered, That Battelle & Evans have leave to withdraw their petition and papers from the files of the Senate.

Mr. EDMUNDS. Has there been an adverse report?

Mr. MITCHELL. There has been an adverse report in this case.

Mr. EDMUNDS. Then copies must be left.

The PRESIDENT *pro tempore*. Copies will be left, according to the rule.

IMPEACHMENT OF W. W. BELKNAP.

The Senate resumed its session for the trial of the impeachment of William W. Belknap.

The Senate sitting for the trial of the impeachment of William W. Belknap having adjourned then resumed its

LEGISLATIVE SESSION.

The PRESIDENT *pro tempore*. The Senate resumes its legislative business.

Mr. SHERMAN. I move that the Senate proceed to the consideration of executive business.

Mr. ANTHONY. I move that when the Senate adjourn to-day it be to meet at twelve o'clock to-morrow.

Mr. SHERMAN. I know that will excite opposition. I would rather we should go into executive session. Perhaps we can consider it there.

The PRESIDENT *pro tempore*. The Senator from Ohio declines to withdraw his motion. The question is on that motion.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After eight minutes spent in executive session the doors were re-opened.

Mr. ANTHONY. I move that when the Senate adjourn to-day it be to meet to-morrow at twelve o'clock.

The motion was agreed to.

Mr. ROBERTSON. I move that the Senate adjourn.

The motion was agreed to; and (at four o'clock and forty-five minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, *July* 24, 1876.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. I. L. TOWNSEND.

The Journal of Friday was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, informed the House that the Senate was ready to proceed upon the impeachment of William W. Belknap and to receive the managers on the part of the House, and that the Senate Chamber was prepared with accommodations for the reception of the House of Representatives.

It further announced that the Senate had passed bills of the following titles, with amendments; in which concurrence was requested:

An act (H. R. No. 890) for the relief of Randall Brown, of Nashville, Tennessee;

An act (H. R. No. 516) for the relief of Floyd C. Babcock; and

An act (H. R. No. 1516) to regulate the issue of artificial limbs to disabled soldiers, seamen, and others.

And it further announced the passage of the following bills; in which the concurrence of the House was requested:

An act (S. No. 982) providing for the completion of the Washington Monument; and

An act (S. No. 992) to authorize the Secretary of the Treasury to issue a register and change the name of the schooner Captain Charles Robbins to Minnie.

AMMUNITION CONTRABAND TO HOSTILE INDIANS.

Mr. HURLBUT. I ask unanimous consent of the House to introduce a joint resolution on public business which I think will not be objected to by any member.

The SPEAKER *pro tempore*. The resolution will be first read for information.

The Clerk read as follows:

Whereas it is ascertained that the hostile Indians of the Northwest are largely equipped with arms which require special metallic cartridges, and that such special ammunition is in large part supplied to such hostile Indians directly or indirectly through traders and others in the Indian country:

Be it therefore resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States is hereby authorized and requested to take such measures as in his judgment may be necessary to prevent such special metallic ammunition being conveyed to such hostile Indians, and is further authorized to declare the same contraband of war in such district of country as he may designate during the continuance of hostilities.

There was no objection; and the joint resolution (H. R. No. 154) prohibiting sale of special metallic cartridges to hostile Indians was read a first and second time, and ordered to be printed.

Mr. HURLBUT. I move the joint resolution be referred to the Committee on Military Affairs with leave to report at any time.

The motion was agreed to.

MORNING HOUR.

Mr. HALE. I now demand the regular order of business. I have never known any one recognized before the morning hour on Monday during seven years before this session of Congress.

The SPEAKER *pro tempore*. The regular order of business being demanded, the morning hour now begins at twelve o'clock and fifteen minutes; and this being Monday, the first business in order is the call of the States and Territories, beginning with the State of Maine,

for the introduction of bills and joint resolutions for reference to their appropriate committees, not to be brought back on motions to reconsider. Under this call memorials and resolutions of State and territorial Legislatures may be presented for reference and printing.

TERRITORIAL ELECTIONS.

Mr. HALE (by request) introduced a bill (H. R. No. 3932) to regulate elections in the Territories of the United States; which was read a first and second time.

Mr. HALE. I ask for the reading of the bill.

The bill was read in full.

Mr. HALE. I move the bill be referred to the Committee on the Territories, without printing.

The motion was agreed to.

AGNES FAIRLY.

Mr. HENDEE introduced a bill (H. R. No. 3933) granting a pension to Agnes Fairly, widow of David Fairly; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WASHINGTON CITY AND POINT LOOKOUT RAILROAD.

Mr. HENDEE also introduced a bill (H. R. No. 3934) supplementary to an act entitled "An act authorizing the Washington City and Point Lookout Railroad to extend a railroad into and within the District of Columbia," approved January 27, 1873; which was read a first and second time.

Mr. HOSKINS. I ask that the bill be read.

The bill was read in full, referred to the Committee for the District of Columbia, and ordered to be printed.

CONDEMNED CANNON TO BOSTON, MASSACHUSETTS.

Mr. PIERCE introduced a bill (H. R. No. 3935) authorizing the Secretary of War to deliver condemned ordnance to the municipal authorities of Boston, Massachusetts; which was read a first and second time.

Mr. HURLBUT. I ask the bill be read.

The bill was read in full, referred to the Committee on Military Affairs, and ordered to be printed.

REDUCTION OF INTERNAL-REVENUE TAX.

Mr. HOSKINS introduced a bill (H. R. No. 3936) to reduce the internal-revenue tax, and for other purposes; which was read a first and second time.

Mr. HOSKINS. I ask the bill be read.

The bill was read in full, referred to the Committee of Ways and Means, and ordered to be printed.

CIRCULATION OF PUBLIC DOCUMENTS.

Mr. HOSKINS also introduced a bill (H. R. No. 3937) to facilitate the circulation of public documents; which was read a first and second time.

Mr. HOSKINS. I ask the bill be read.

The bill was read in full, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

SOLDIERS' MONUMENT, WESTCHESTER COUNTY, NEW YORK.

Mr. COX (by request of his colleague) [Mr. ODELL] introduced a bill (H. R. No. 3938) donating condemned cannon for the soldiers' monument to be erected at Yonkers and Sing Sing, and by the Battle of White Plains Monument Association, in Westchester County, State of New York; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

CUSTER'S COMMAND.

Mr. MACDOUGALL introduced a bill (H. R. No. 3939) granting a special pension to the widows and orphans of the officers and men who fell in the battle with Indians on the Little Big Horn River; which was read a first and second time.

Mr. TOWNSEND, of New York. I ask that the bill be read.

The bill was read in full, referred to the Committee on Invalid Pensions, and ordered to be printed.

W. A. TAYLOR, M. D.

Mr. TOWNSEND, of New York, (by request,) introduced a bill (H. R. No. 3940) for the relief of William A. Taylor, M. D., of Bastrop County, Texas; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

WILLIAM P. BAGGETT.

Mr. TOWNSEND, of New York, also (by request) introduced a bill (H. R. No. 3941) for the relief of William P. Baggett, of Lincoln County, Mississippi; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

NELSON POTTER.

Mr. TOWNSEND, of New York, also (by request) introduced a bill (H. R. No. 3942) for the relief of Nelson Potter, of Hinds County, in the State of Mississippi; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOHN CLEARY.

Mr. TOWNSEND, of New York, also (by request) introduced a bill (H. R. No. 3943) for the relief of John Cleary, a resident of Hinds County, in the State of Mississippi; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

SAMUEL W. LANCASTER.

Mr. TOWNSEND, of New York, also (by request) introduced a bill (H. R. No. 3944) for the relief of Samuel W. Lancaster, of Madison County, Mississippi; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

FRANK A. PAGE.

Mr. MUTCHLER introduced a bill (H. R. No. 3945) for the relief of Frank A. Page; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

GEORGE PARSONS.

Mr. JOHN REILLY introduced a bill (H. R. No. 3946) granting a pension to George Parsons; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

L. L. REAMEY.

Mr. JOHN REILLY also introduced a bill (H. R. No. 3947) for the relief of L. L. Reamey, United States Navy; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

EZRA M. THOMAS.

Mr. WALSH introduced a bill (H. R. No. 3948) for the relief of Ezra M. Thomas, of Frederick County, Maryland; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

GEORGE THOMAS.

Mr. WALSH also introduced a bill (H. R. No. 3949) for the relief of George Thomas, of Frederick County, Maryland; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MICHAEL CULLER.

Mr. WALSH also introduced a bill (H. R. No. 3950) for the relief of Michael Culler, of Frederick County, Maryland; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

RICHARD T. WEST.

Mr. WALSH also introduced a bill (H. R. No. 3951) for the relief of Richard T. West, of Montgomery County, Maryland; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

GEORGE E. STONEBRAKER.

Mr. WALSH also introduced a bill (H. R. No. 3952) for the relief of George E. Stonebraker, administrator of Christian Stonebraker, deceased; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

He also introduced a bill (H. R. No. 3953) for the relief of George E. Stonebraker, of Washington County, Maryland; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JASPER M. JACKSON.

Mr. WALSH also introduced a bill (H. R. No. 3954) for the relief of Jasper M. Jackson, of Montgomery County, Maryland; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JAMES F. PEERCE.

Mr. WALSH also introduced a bill (H. R. No. 3955) for the relief of James F. Peerce, of Montgomery County, Maryland; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOHN Q. LARMAN AND OTHERS.

Mr. STOWELL introduced a bill (H. R. No. 3956) for the relief of John Q. Larman, Joseph L. Harley, and Thomas P. Sparks; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

CHANGE OF NAME OF SCHOONER.

Mr. WADDELL introduced a bill (H. R. No. 3957) to change the name of the schooner Charlotte Ann Pigott to The Evelyn; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

LIZZIE ROGERS.

Mr. DARRALL introduced a bill (H. R. No. 3958) for the relief of Lizzie Rogers, of Saint Mary Parish, Louisiana; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

CHARLES CLINTON.

Mr. DARRALL also introduced a bill (H. R. No. 3959) for the relief of Charles Clinton, late assistant treasurer of the United States at New Orleans, Louisiana; which was read a first and second time.

Mr. GARFIELD. I ask that that bill may be read in full.

The bill was read in full; and was referred to the Committee of Claims, and ordered to be printed.

PACIFIC RAILROADS.

Mr. FOSTER introduced a bill (H. R. No. 3960) to alter and amend the act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 1, 1862, and also to alter and amend the act of Congress approved July 2, 1864, in amendment of said first-named act; which was read a first and second time.

Mr. HURLBUT. I call for the reading of the bill.

The Clerk proceeded to read the bill.

Mr. HURLBUT. I withdraw the request for the further reading.

The bill was referred to the Committee on the Judiciary.

Mr. SAVAGE. Has the morning hour expired?

The SPEAKER *pro tempore*. The Chair would state that the call of the States and Territories has not been completed, but by unanimous consent the Chair hopes it will be allowed to be done. Quite a number of gentlemen have requested the Chair for leave to introduce bills for reference only.

Mr. SAVAGE. I object; if gentlemen will filibuster in the morning hour they will have to take the consequences.

The SPEAKER *pro tempore*. The morning hour has expired.

PARDON OF DESERTERS.

Mr. LUTTRELL, by unanimous consent, introduced a bill (H. R. No. 3961) for the pardon of certain deserters from the United States Army in 1848; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

LANDS SOLD FOR DIRECT TAXES.

Mr. YOUNG. I move that the rules be suspended and the joint resolution which I send to the Clerk's desk be passed.

The joint resolution was read, as follows:

Be it resolved by the Senate and House of Representatives, &c., That the Attorney-General, Secretary of the Treasury, and Commissioner of Internal Revenue be, and they are hereby, directed to suspend all further action in reference to lands sold for direct taxes under the act of August 5, 1861, and the various acts amendatory thereof, until the 1st day of February, 1877.

Mr. HALE. That is a simple suspension of the law.

Mr. YOUNG. It is the resolution I showed the gentleman.

Mr. HOLMAN. I think there ought to be some explanation of the measure.

Mr. YOUNG. I ask unanimous consent to explain the effect of the resolution.

Mr. BAKER, of Indiana. I object to it.

Mr. YOUNG. If the House will allow me a moment, I think there will be no objection to the joint resolution; it does not change the existing law, but simply suspends it.

The question was on suspending the rules; and on a division there were—ayes 96, noes 48.

The SPEAKER *pro tempore*. Two-thirds have voted for the motion to suspend the rules.

Mr. TOWNSEND, of New York. I call for the yeas and nays.

Mr. KIMBALL. Two-thirds of a quorum have not voted in favor of the motion.

The SPEAKER *pro tempore*. The gentleman from Wisconsin is correct.

Mr. TOWNSEND, of New York. I withdraw the call for the yeas and nays.

Mr. YOUNG. I call for the yeas and nays. I want to see how many members here will vote against this resolution.

The question was on ordering the yeas and nays; and on a division there were ayes 34, noes not counted.

So the yeas and nays were ordered.

Mr. DUNNELL. I ask unanimous consent that the gentleman from Tennessee be allowed to explain the bill.

Mr. BAKER, of Indiana. I object.

Mr. YOUNG. The object of the resolution——

[Cries of "Order!"]

Mr. DUNNELL. I trust the gentleman from Indiana will withdraw his objection to a brief explanation. If the joint resolution is a proper one, we ought to pass it.

Mr. BAKER, of Indiana. I beg to say that I will not do it.

The question was taken on Mr. YOUNG's motion; and there were—yeas 141, nays 45, not voting 98; as follows:

YEAS—Messrs. Anderson, Atkins, Bagby, George A. Bagley, Bland, Boone, Bradford, Bradley, Bright, John Young Brown, Buckner, Cabell, John H. Caldwell, William P. Caldwell, Campbell, Candler, Cate, Caulfield, Chittenden, John B. Clarke of Kentucky, John B. Clark, jr., of Missouri, Clymer, Cochrane, Collins, Cook, Davis, Davy, De Bolt, Dibrell, Dobbins, Dunnell, Durham, Eames, Eden, Ely, Evans, Felton, Finley, Forney, Fort, Foster, Franklin, Frye, Gause, Gibson, Goode, Gunter, Andrew H. Hamilton, Hardenbergh, Harrison, Hartridge, Hartzell, Haymond, Henderson, Hereford, Hill, Hooker, Hopkins, House, Hubbell, Thomas L. Jones, Kelley, Kimball, Knott, Lamar, Franklin Landers, Lane, Le Moyne, Levy, Lewis, Luttrell, Mackey, MacDougall, McDill, McFarland, Milliken, Mills, Monroe, Morrison, Mutchler, Neal, New, O'Brien, Page, Payne, Phelps, John F. Philips, Pierce, Piper, Potter, Rainey, Rea, Reagan, John Reilly, James B. Reilly, Rice, Riddle, John Robbins, William M. Robbins, Roberts, Scales, Schleicher, Sheakley, Singleton, Siemons, Smalls, William E. Smith, Springer, Stevenson, Stone, Tarbox, Teese, Terry, Thomas, Thompson, Thornburgh, Tucker, Tufts, Turney, John L. Vance, Robert B. Vance, Waddell, Charles C. B. Walker, Gilbert C. Walker, Walsh, Ward, Warren, Erastus Wells, White, Whitthorne, Wigginton, Wike, Willard, Alpheus S. Williams, James Williams, James D. Williams, Jeremiah N. Williams, William B. Williams, Willis, Woodburn, and Young—141.

NAYS—Messrs. Adams, Ainsworth, John H. Baker, William H. Baker, Ballou, Banks, Bell, Blair, William R. Brown, Horatio C. Burchard, Samuel D. Burchard, Cannon, Caswell, Conger, Crapo, Cutler, Danford, Darrall, Goodin, Hendee, Hoskins, Hunter, Hurlbut, Lawrence, Leavenworth, Magoon, Nash, Norton, O'Neill, Packer, William A. Phillips, Robinson, Sampson, Savage, Seelye, Sinnickson, Stowell, Martin I. Townsend, Washington Townsend, Van Vorhes, Wait, Whiting, Charles G. Williams, and James Wilson—45.

NOT VOTING—Messrs. Ashe, John H. Bagley, jr., Banning, Bass, Beebe, Blackburn, Bliss, Blount, Burleigh, Cason, Chapin, Cowan, Cox, Crounse, Culberson, Denison, Douglas, Durand, Egbert, Ellis, Faulkner, Freeman, Fuller, Garfield, Glover, Hale, Robert Hamilton, Hancock, Haralson, Benjamin W. Harris, Henry R. Harris, John T. Harris, Hatcher, Hathorn, Hays, Henkle, Abram S. Hewitt, Goldsmith W. Hewitt, Hoar, Hoge, Holman, Hunton, Hurd, Hyman, Jenks, Frank Jones, Joyce, Kasson, Kehr, King, George M. Landers, Lapham, Lord, Lynch, Lynde, Maish, McCrary, McMahon, Meade, Metcalfe, Miller, Money, Morgan, Odell, Oliver, Plaisted, Platt, Poppleton, Powell, Pratt, Purman, Randall, Miles Ross, Sobieski Ross, Rusk, Sayler, Schumaker, A. Herr Smith, Southard, Sparks, Spencer, Strait, Stenger, Swann, Throckmorton, Waldron, Alexander S. Wallace, John W. Wallace, Walling, G. Wiley Wells, Wheeler, Whitehouse, Andrew Williams, Wilshire, Benjamin Wilson, Alan Wood, jr., Fernando Wood, Woodworth, and Yeates—98.

So (two-thirds voting in favor thereof) the rules were suspended, and the joint resolution (H. R. No. 155) was passed.

During the roll-call the following announcements were made:

Mr. VANCE, of Ohio. I desire to state that my colleague, Mr. POPPLETON, is absent by leave of the House.

Mr. VANCE, of North Carolina. I desire to state that my colleague, Mr. ASHE, is absent on account of illness.

Mr. McDILL. My colleague, Mr. OLIVER, is necessarily absent from the House.

COINAGE OF SILVER DOLLARS.

Mr. KELLEY. I move that the rules be suspended and the bill passed which I send to the Clerk's desk.

The bill was read, as follows:

A bill to provide for the coining of the standard silver dollar of the United States, and for restoring its legal-tender character.

Whereas by the omission to name the legal-tender silver dollar in the enumeration of the silver coins of the United States in the act of February 12, 1873, the authority to coin said dollar was withheld: Therefore,

Be it enacted, &c., That there shall be, from time to time, struck and coined, at the several mints of the United States, silver dollars of the weight of 412½ grains, as provided for in the act of January 18, 1837, upon which shall be the devices and legends provided by said act; and that the said dollar shall be a legal tender of payment for any sums whatever.

Mr. SAVAGE and others called for the yeas and nays.

The yeas and nays were ordered.

Mr. SEELYE. May I ask the gentleman from Pennsylvania [Mr. KELLEY] to state——

The SPEAKER *pro tempore*. That is not in order.

Mr. SEELYE. Then may I ask the Chair to state the actual value of the silver dollar at this time?

The SPEAKER *pro tempore*. That is not in order, as the gentleman very well knows.

Mr. KELLEY. This is a bill to restore the old silver dollar of 1837.

The SPEAKER *pro tempore*. Discussion is not in order. There is nothing now in order except the call of the yeas and nays upon the motion to suspend the rules and pass the bill which has been read by the Clerk.

The question was taken; and there were—yeas 119, nays 68, not voting 97; as follows:

YEAS—Messrs. Ainsworth, Anderson, Atkins, John H. Baker, Bland, Boone, Bradford, Bradley, Bright, John Young Brown, William R. Brown, Buckner, Horatio C. Burchard, Samuel D. Burchard, Cabell, John H. Caldwell, William P. Caldwell, Campbell, Candler, Cannon, Cason, Cate, Caulfield, John B. Clarke of Kentucky, John B. Clark, jr., of Missouri, Clymer, Cochrane, Conger, Cook, Davis, De Bolt, Dibrell, Dobbins, Douglas, Dunnell, Durham, Eden, Egbert, Evans, Felton, Finley, Forney, Fort, Franklin, Goode, Goodin, Gunter, Andrew H. Hamilton, Hartzell, Hays, Hereford, Hill, Holman, Hopkins, House, Hunter, Hurlbut, Thomas L. Jones, Kelley, Knott, Franklin Landers, Lane, Levy, Luttrell, Lynde, Mackey, McDill, McFarland, McMahon, Milliken, Mills, Neal, New, Page, Phelps, William A. Phillips, Piper, Purman, Randall, Rea, Reagan, John Reilly, James B. Reilly, Rice, Riddle, William M. Robbins, Robinson, Rusk, Sampson, Savage, Scales, Sheakley, Singleton, Siemons, William E. Smith, Springer, Stevenson, Stone, Terry, Thornburgh, Tufts, Turney, Van Vorhes, John L. Vance, Robert B. Vance, Waddell, Erastus Wells, White, Whiting, Whitthorne, Wigginton, Willard, Charles G. Williams, James D. Williams, Jeremiah N. Williams, William B. Williams, James Wilson, Woodburn, and Woodworth—119.

NAYS—Messrs. Adams, George A. Bagley, William H. Baker, Ballou, Bell, Burleigh, Caswell, Chittenden, Crapo, Cutler, Danford, Darrall, Davy, Durand, Eames, Ely, Frye, Garfield, Gibson, Hale, Hancock, Hardenbergh, Benjamin W. Harris, Hendee, Frank Jones, Kehr, Kimball, Lamar, Leavenworth, Lynch, Magoon, MacDougall, Meade, Metcalfe, Miller, Monroe, Mutchler, Norton, O'Neill, Packer, Payne, Pierce, Plaisted, Potter, Rainey, John Robbins, Schleicher, Seelye, Sinnickson, Smalls, Stowell, Tarbox, Teese, Thompson, Martin I. Townsend, Washington Townsend, Tucker, Wait, Charles C. B. Walker, Ward, Warren, G. Wiley Wells, Wike, Alpheus S. Williams, James Williams, and Willis—68.

NOT VOTING—Messrs. Ashe, Bagby, John H. Bagley, jr., Banks, Banning, Bass, Beebe, Blackburn, Blair, Bliss, Blount, Chapin, Collins, Cowan, Cox, Crounse, Culberson, Denison, Ellis, Faulkner, Foster, Freeman, Fuller, Gause, Glover, Robert Hamilton, Haralson, Henry R. Harris, John T. Harris, Harrison, Hartridge, Hatcher, Hathorn, Haymond, Henderson, Henkle, Abram S. Hewitt, Goldsmith W. Hewitt, Hoar, Hoge, Hooker, Hoskins, Hubbell, Hunton, Hurd, Hyman, Jenks, Joyce, Kasson, King, George M. Landers, Lapham, Lawrence, Le Moyne, Lewis, Lord, Maish, McCrary, Money, Morgan, Morrison, Nash, O'Brien, Odell, Oliver, John F. Philips, Platt, Poppleton, Powell, Pratt, Roberts, Miles Ross, Sobieski Ross, Sayler, Schumaker, A. Herr Smith, Southard, Sparks, Spencer, Strait, Stenger, Swann, Thomas, Throckmorton, Waldron, Gilbert C. Walker, Alexander S. Wallace, John W. Wallace, Walling, Walsh, Wheeler, Whitehouse, Andrew Williams, Wilshire, Benjamin Wilson, Alan Wood, jr., Fernando Wood, Yeates, and Young—97.

So (two-thirds not voting in favor thereof) the rules were not suspended and the bill was not passed.

During the call of the roll, the following announcements were made:

Mr. SPRINGER. I have been requested to state that Mr. SPENCER, of Louisiana, is detained from the House by reason of sickness.

Mr. HOLMAN. My colleague, Mr. FULLER, is absent by leave of the House; if present he would vote "ay."

Mr. HARTZELL. My colleague, Mr. SPARKS, is absent by reason of sickness in his family.

Mr. VANCE, of Ohio. My colleague, Mr. POPPLETON, is absent by leave of the House; if present he would vote "ay."

Mr. FOSTER. I am paired with my colleague, Mr. WALLING; if present he would vote "ay," and I would vote "no."

Mr. HENDEE. My colleagues, Mr. JOYCE and Mr. DENISON, are both absent by reason of sickness.

Mr. DUNNELL. My colleague, Mr. STRAIT, is unavoidably absent from the House.

Mr. ELY. My colleague, Mr. HEWITT, of New York, is absent; if present he would vote "no."

Mr. BLAND. My colleague, Mr. MORGAN, is absent on account of sickness.

Mr. COCHRANE. I was not in my seat when the last name on the roll was called. I ask unanimous consent to record my vote.

No objection was made, and Mr. COCHRANE voted in the affirmative.

REDEMPTION OF LANDS HELD FOR DIRECT TAXES.

Mr. HILL. I am instructed by the Committee of Ways and Means to report back to the House, and ask for its consideration at this time, Senate bill No. 84, extending the time for the redemption of lands held by the United States under the several acts levying direct taxes, and for other purposes.

The bill was read. It extends to February 1, 1877, the time within which lands held by the United States under the several acts levying direct taxes may be redeemed, and repeals all acts or parts of acts inconsistent therewith.

In its second section it provides that the expenses already incurred in preparing for the sale of lands held by the United States under the several acts levying direct taxes may be paid out of any money in the Treasury not otherwise appropriated by law.

The SPEAKER *pro tempore*. Is there objection to the consideration of this bill at this time?

Mr. HOLMAN. I hope the second section will be reported again.

The second section was again read.

Mr. HOLMAN. I trust some explanation of this bill will be allowed.

The SPEAKER *pro tempore*. If without objection the House considers the bill any explanation may be allowed. The Chair will recognize the gentleman from Georgia [Mr. HILL] for that purpose.

Mr. HILL. This is simply a bill extending the time for the redemption of lands sold under tax laws of the United States. In 1872 a bill was passed allowing two years within which the lands sold for taxes might be redeemed. In 1874 that time was extended one year. That expired a short time since; and this bill simply provides for the extension of the time. In other words, it simply continues in force the act of 1872 one year longer, to the 1st day of February, 1877.

Mr. HALE. Does it extend the time under the same restrictions and regulations as are in the original act?

Mr. HILL. Precisely so. This is a bill which has passed the Senate. There was a provision in the original bill, as introduced in the Senate, that changed the provisions of the original law. That was stricken out, and the bill as it passed the Senate simply continues the old law with the same provisions and restrictions.

Mr. HOLMAN. I hope the gentleman will explain the object of the second section of the bill.

Mr. HILL. In the act of 1872 provision is made for the sale of lands and for the redemption of lands; and the same provision is made in the act of 1874. Some proceedings have been had or may have been had, after the expiration of the time allowed by those acts for the redemption of the lands, in which some expenses may have been incurred in the shape of advertisements, &c.; and this provides for the payment of such expenses.

Mr. BAKER, of Indiana. I desire to ask the gentleman a question. Am I correct in understanding that the time for redemption under existing law has already expired?

Mr. HILL. Yes, sir.

Mr. BAKER, of Indiana. For how long a period?

Mr. HILL. I think since June.

Mr. BAKER, of Indiana. What right have we then to pass an act divesting private titles, by authorizing redemption, after the expiration of the period at which by law the lands sold could be redeemed?

Mr. HILL. My opinion is that we could not pass an act which could divest titles already vested by a legal sale after the time for redemption had expired; and my opinion is that this bill does not do that.

Mr. BAKER, of Indiana. Will the gentleman permit me another question?

Mr. HILL. Yes, sir.

Mr. BAKER, of Indiana. If the sale is illegal, is it at all necessary that there should be a law authorizing the redemption of the lands so sold?

Mr. HILL. This bill only extends the time for their redemption to those lands of which the title is in the United States. Of course, if the United States has already parted with the title and it has passed to others, this bill does not relate to such a case at all.

Mr. FORT. It applies only where the lands have been bid off by the United States.

Mr. BAKER, of Indiana. Then the bill has reference only to lands where the title is in the United States?

Mr. HILL. That is all.

Mr. CONGER. I desire to ask the gentleman from Georgia how much the appropriations out of the Treasury will probably amount to?

Mr. HILL. We do not know. But it will be a very small amount. It is only for the expenses incurred in advertisements and preparing for sale. The amount will be known to the Department, but must necessarily, from the nature of the case, be very small. It may really amount to nothing; for I do not know what steps of that nature have been taken.

Mr. BAKER, of Indiana. I desire to ask the gentleman another question: Whether this bill protects the rights of the United States in lands that were occupied by them for cemeteries or for other purposes?

Mr. HILL. As I understand, they are protected, amply protected, by the act of 1872; and this does not change the provisions of that act.

Mr. HALE. They are excepted, are they not, by the provisions of previous acts?

Mr. HILL. Yes, sir.

Mr. HALE. And you cover nothing by this bill that is not covered by previous acts?

Mr. HILL. Nothing. This bill simply extends the time for redemption provided by former acts of Congress.

Mr. BURCHARD, of Illinois. Will the gentleman allow me to say that this is similar to two extensions that have already been made, one, I think, in 1872?

Mr. HILL. This is the second extension. The original act was in 1872.

Mr. BURCHARD, of Illinois. There are parties who desire the opportunity to redeem; and it seemed to the Committee of Ways and Means, who have considered the subject, that there should be no objection to giving the additional time asked for, as the land now belongs to the United States, has been paid for by the United States, and the title is in the United States; and, as far as I can see, this bill will give the relief that was desired by the parties who pressed the joint resolution that has just been voted upon and the bill that was reported by another committee. I therefore hope the bill will pass.

Mr. CONGER. I wish to ask the gentleman from Georgia a single question. I do not understand that this bill makes any exception in regard to that portion of lands bid off by the United States which have been appropriated to public use, such as cemeteries, forts, &c. Now if the limitation having ran upon those lands would complete the title in the United States, it may open up questions or may open questions which ought never to be opened again; especially that class of cases where the lands have been appropriated by the United States for particular purposes, such as for national cemeteries.

I have in my mind the property right across the river on which the Government depends for its title on the limitation of the time of the redemption of taxes. There are many of this class of cases scattered through the country, and if the object of this bill is to open that question again I am certainly opposed to it now and always.

Mr. HILL. This bill has no such object.

Mr. CONGER. Will it have such result?

Mr. HILL. It could not have such a result possibly. If it could have had such a result or object possibly, I am sure it would never have passed the Senate. The cemeteries and other public property to which the gentleman has referred are provided for and protected in a former act of Congress, the act of 1872, and this is simply an extension of that act.

Mr. CONGER. But without the limitations contained in that act.

Mr. HILL. No, it extends the whole act. It extends the time for exemption.

Mr. CONGER. Does it extend it with the limitations contained in that act?

Mr. HILL. Why, certainly; the act of 1872 was a permanent act except the right to redeem. The right to redeem according to the act of 1872 was a limited proposition. The property used by the United States under the act of 1872 is of course permanently in the hands of the Government. The Government could not waive it. It simply extends the time to redeem what parties were entitled to redeem under the act of 1872. It gives no new or enlarged right of redemption. It protects all the property of the United States because it simply extends the right to redeem given by the act of 1872, and the act of 1872 gives no right to redeem cemeteries or other property in the use of the United States.

Mr. BURCHARD, of Illinois. It expressly prohibits the right to redeem such lands.

Mr. CONGER. There have been several bills introduced for the express purpose of restoring this kind of property to its original owners and they are in such form as to be calculated to mislead as to their real purpose. I wish to know if this bill covers any of that class of cases?

Mr. HILL. The gentleman may be assured that his apprehension is wholly unfounded.

The question that arises on this bill, as has been stated, is only as to the extension of the right to redeem, as all the property of the United States is protected under the law of 1872.

Mr. BURCHARD, of Illinois. I have the law before me of 1875, and I will, in order that it may be understood, call attention to the language of that act. This bill I think is very similar, if not in the exact language except as to dates. I read section 26 of the act of 1875:

That the time limited for the redemption of direct-tax lands by the act entitled "An act to provide for the redemption and sale of lands held by the United States under the several acts levying direct taxes, and for other purposes," approved June 8, 1872, be, and the same is hereby, extended for the period of one year from June 8, 1874, at the expiration of which time the Commissioner of Internal Revenue shall proceed to sell the lands as provided by section 4 of said act.

Now the intention of this bill is to give a similar extension for another year, I believe.

Mr. HILL. That is all.

Mr. BANKS. What class of sales did it apply to?

Mr. BURCHARD, of Illinois. Only the sales of land that have been bid off by the United States. It does not apply at all to lands which have been sold or purchased by other parties than the United States.

Mr. CONGER. But this bill seems to extend every right under the original law. Now, under the original law there were none of these Government cemeteries or things of that sort. The right of the Government to them has been acquired since that time, and therefore every right to this use of these lands vested in the Government by the act to which the gentleman referred is extended in this act. I therefore still think it safer to put in a provision that this bill shall not extend to any land appropriated by the United States for cemeteries or any other public purpose. With that limitation I have no objection to the bill.

Mr. HILL. I would certainly have no objection to the amendment but I assure the gentleman from Michigan that it is wholly unnecessary. He is entirely mistaken in his apprehension about this matter.

Now, as the bill has passed the Senate and has received the unanimous concurrence of the Committee of Ways and Means, and as we know that there is no purpose to do the wrong to the United States which the gentleman seems to apprehend, I trust the bill will pass, and I move the previous question upon it.

Mr. SMALLS. I would like to ask the gentleman from Georgia a question, and it is whether this is the bill which was passed by the Senate in December last?

Mr. HILL. It is the same bill that passed the Senate, but I do not now remember the date of its passage. I do not think it passed in December.

The SPEAKER *pro tempore*. The Chair is informed that it passed the Senate on the 29th of February, 1876.

Mr. SMALLS. Then it is the same bill that I had reference to, and I would ask the gentleman from Georgia to allow me a few words, as the bill was introduced into the Senate by a Senator from my State in regard to lands in South Carolina.

He states that the object is to extend the time of redemption on those lands sold there for direct taxes. The time for redemption allowed to soldiers, sailors, and marines was six months and to former owners two years. The time expired June before last, and in last December while this bill was pending before the House the Commissioner of Internal Revenue issued orders and all of those lands were sold, and there are now no lands to be redeemed in South Carolina to-day except a few school farms, and for that I introduced a bill, which is now before the committee. If this is that bill it can do no harm, for the very object it seeks to accomplish has already passed away, the lands having been sold.

Mr. HILL. If I understand the gentleman then, he makes no objection to the bill?

Mr. SMALLS. None whatever.

Mr. HILL. It simply applies to the titles that remain in the United States. I insist on the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof the bill was ordered to a third reading; and it was accordingly read the third, and passed.

Mr. HILL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

COMPULSORY PILOTAGE.

Mr. COX. I yield one moment to the gentleman from Massachusetts [Mr. PIERCE] to postpone a bill; it is the pilot bill, and the pilots are waiting here to go home.

Mr. PIERCE. I ask unanimous consent to report back from the Committee on Commerce the bill (H. R. No. 3131) to relieve certain ships and vessels from compulsory pilot fees, and I ask for its consideration at the present time.

Mr. RANDALL. I object.

Mr. HALE. I appeal to the gentlemen opposite not to object.

Mr. PIERCE. Then I ask that the bill be made the special order for the first Wednesday after the first Monday in December after the morning hour, and from day to day thereafter until disposed of.

Mr. COX. There is no objection to its postponement.

Mr. HALE. I appeal to gentlemen on the other side to withdraw their objection to the present consideration of this bill.

Mr. COX. We insist on the objections. The gentleman from Massachusetts names a day certain for the consideration of the bill next session, and that is agreeable all around.

Mr. HALE. The bill ought to be passed this session.

The SPEAKER *pro tempore*. Is there objection to the proposition of the gentleman from Massachusetts to make this bill a special order for the first Wednesday after the first Monday in December next, after the morning hour, and from day to day until disposed of?

No objection was made, and it was so ordered.

Mr. PIERCE moved to reconsider the vote by which the order was made; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

REPORTS OF INVESTIGATING COMMITTEES.

Mr. COX. I ask unanimous consent to offer the resolution which I send to the Clerk's desk; and if it should be objected to, I shall move to suspend the rules.

The Clerk read the resolution, as follows:

Resolved, That the several committees of this House may report at any time during the remainder of this session in reference to all matters under investigation by such committees.

Mr. HALE. I object.

Mr. COX. Then I move that the rules be suspended and the resolution adopted.

Mr. HALE. Let us have the resolution read again; my attention was diverted at the moment, and I do not know that I quite understand it.

The resolution was again read.

Mr. HALE. Does that give the committees the right to report at any time except under call?

Mr. COX. Yes; that is to get the reports in.

Mr. HALE. To that I object, certainly.

Mr. BANKS. I desire to know if upon the presentation of these reports they are to supersede all other business?

Mr. HALE. Certainly, if they come in.

Mr. BANKS. I desire to have an answer from the gentleman from New York.

Mr. COX. They will be reported and of course printed.

Mr. BANKS. Are they to be reported for action at the time?

Mr. SPRINGER. They may be postponed by a majority vote.

Mr. BANKS. I wish to hear from the gentleman from New York on that question.

Mr. COX. I propose to wind up the business of the House in regard to these investigations by Monday next.

Mr. HALE. In other words, after these committees have waited eight months this is to give them leave to report at any time.

Mr. COX. If gentlemen choose to vote against it, very well, let them do so.

Mr. BANKS. This would supersede all the other business of the House in order to act on these reports.

Mr. SPRINGER. We must act on them before we adjourn.

Mr. BANKS. Very well, let us have the yeas and nays on the proposition.

Mr. HALE. Let them be taken up in their order.

Mr. COX. Let the gentleman vote against it, then. I move to suspend the rules and pass the resolution.

Mr. HALE. I demand the yeas and nays.

The yeas and nays were ordered.

Mr. CANNON, of Illinois. I have not been in the House for some time, and I wish to make an inquiry in reference to the status of this resolution. It is, whether it is in order to offer an amendment that the report should be first submitted to the minority of the committee?

The SPEAKER *pro tempore*. The amendment is not in order.

Mr. RANDALL. That should be allowed, that the minority should submit a report as well as the majority.

Mr. COX. There is no doubt or difficulty about that.

Mr. RANDALL. There will be no objection to the minority submitting a report with the report of the majority.

The question was taken; and it was decided in the negative—yeas 121, nays 77, not voting 86; as follows:

YEAS—Messrs. Ainsworth, Anderson, Atkins, Bagby, John H. Bagley, jr, Bland, Boone, Bradford, Bright, John Young Brown, Buckner, Samuel D. Burchard, Cabell, John H. Caldwell, William P. Caldwell, Candler, Cate, Caulfield, John B. Clarke, of Kentucky, John B. Clark, jr., of Missouri, Clymer, Cochrane, Collins, Cook, Cox, Davis, De Bolt, Dibrell, Douglas, Durand, Durham, Eden, Egbert, Felton, Finley, Forney, Franklin, Gause, Gibson, Glover, Goode, Goodin, Gunter, Andrew H. Hamilton, Hancock, Hardenbergh, Harrison, Hartridge, Hartzell, Hereford, Hill, Holman, Hooker, Hopkins, House, Jenks, Frank Jones, Thomas L. Jones, Kehr, Knott, Lamar, Franklin Landers, Lane, Le Moyne, Levy, Lewis, Luttrell, Lynde, Mackey, McMahon, Meade, Metcalfe, Milliken, Mills, Morrison, Mutchler, Neal, New, O'Brien, Payne, Phelps, John F. Philips, Piper, Randall, Rea, Reagan, John Reilly, James B. Reilly, Rice, Riddle, John Robbins, Miles Ross, Savage, Scales, Schleicher, Sheakley, Singleton, William E. Smith, Springer, Stevenson, Stone, Tecse, Terry, Thomas, Thompson, Tucker, Turney, John L. Vance, Robert B. Vance, Gilbert C. Walker, Walsh, Ward, Erastus Wells, Whitthorne, Wike, Alpheus S. Williams, James Williams, James D. Williams, Jeremiah N. Williams, Willis, and Young—121.

NAYS—Messrs. Adams, George A. Bagley, John H. Baker, William H. Baker, Ballou, Banks, Bell, Blair, Bradley, William R. Brown, Horatio C. Burchard, Cannon, Caswell, Chittenden, Conger, Crapo, Danford, Darrall, Davy, Dobbins, Dunnell, Eames, Evans, Fort, Frye, Garfield, Hale, Benjamin W. Harris, Hendee, Henderson, Hoskins, Hubbell, Hunter, Hurlbut, Kelley, Kimball, Lawrence, Leavenworth, Lynch, Magoon, MacDougall, McDill, Miller, Monroe, Norton, O'Neill, Packer, Page, William A. Phillips, Pierce, Plaisted, Potter, Pratt, Rainey, Robinson, Rusk, Sampson, Seelye, Sinnickson, Smalls, A. Herr Smith, Stowell, Thornburgh, Martin I. Townsend, Washington Townsend, Tufts, Van Vorhes, Wait, G. Wiley Wells, White, Whiting, Willard, Charles G. Williams, William B. Williams, James Wilson, Woodburn, and Woodworth—77.

NOT VOTING—Messrs. Ashe, Banning, Bass, Beebe, Blackburn, Bliss, Blount, Burleigh, Campbell, Cason, Chapin, Cowan, Crounse, Culberson, Cutler, Denison, Ellis, Ely, Faulkner, Foster, Freeman, Fuller, Robert Hamilton, Haralson, Henry R. Harris, John T. Harris, Hatcher, Hathorn, Haymond, Hays, Henkle, Abram S. Hewitt, Goldsmith W. Hewitt, Hoar, Hoge, Hunton, Hurd, Hyman, Joyce, Kasson, King, George M. Landers, Lapham, Lord, Maish, McCrary, McFarland, Money, Morgan, Nash, Odell, Oliver, Platt, Poppleton, Powell, Purman, William M. Robbins, Roberts, Sobieski Ross, Sayler, Schumaker, Siemons, Southard, Sparks, Spencer, Strait, Stenger, Swann, Tarbox, Throckmorton, Waddell, Waldron, Charles C. B. Walker, Alexander S. Wallace, John W. Wallace, Walling, Warren, Wheeler, Whitehouse, Wigginton, Andrew Williams, Wilshire, Benjamin Wilson, Alan Wood, jr., Fernando Wood, and Yeates—86.

So (two-thirds not voting in favor thereof) the rules were not suspended and the resolution was not passed.

During the vote,

Mr. WIGGINTON said: On this and all similar questions I am paired with Mr. WALLACE, of South Carolina. If he were present he would vote in the negative, while I would vote in the affirmative.

Mr. FOSTER. On political questions I am paired with my colleague, Mr. WALLING. This assumes that phase, and I therefore announce the pair. He would vote in the affirmative, and I would vote in the negative.

The vote was then announced as above recorded.

VENEZUELAN MIXED COMMISSION.

Mr. SPRINGER. I ask unanimous consent to offer the following resolution.

The Clerk read as follows:

Resolved, That a subcommittee of the Committee on Foreign Affairs be authorized to proceed to the city of New York and take the evidence of witnesses in that city in reference to the Venezuelan mixed commission, and that such committee shall have power to send for persons and papers, to administer oaths, and to employ a stenographer.

Mr. PAGE. I object.

Mr. SPRINGER. I will state in a moment the purpose I have in view.

Mr. PAGE. Debate is not in order.

Mr. SPRINGER. There is no objection by my colleague on the Committee on Foreign Affairs from Ohio, [Mr. MONROE.] I hope there will be no objection in the House to suspending the rules and passing the resolution. It will be less expensive to the Government for the committee to go there and take evidence than to have witnesses brought here.

Mr. PAGE. I object to debate.

The SPEAKER *pro tempore*. It appears from the sound the rules are not suspended.

Mr. SPRINGER. Then, if there is no objection, I will move to suspend the rules to consider the resolution. I can then have an opportunity to explain; and when the House understands what it is, I am sure there will be no objection.

Mr. TOWNSEND, of New York. I object.

The House divided; and there were—ayes 81, noes 55.

So (two-thirds not voting in favor thereof) the rules were not suspended and the resolution was not passed.

MEMBERS OF SPECIAL COMMITTEES.

Mr. GIBSON. I ask unanimous consent to submit the following resolution.

The Clerk read as follows:

Whereas there are no statutes nor uniform precedents fixing compensation of members of special committees and officers attending the same sitting outside the District of Columbia: Therefore,

Resolved, That a committee of five members of this House be appointed by the Speaker to consider and report how or upon what basis such compensation shall be established and determined.

Mr. GARFIELD. Let it go to the Committee of Accounts. The gentleman can authorize the Committee of Accounts to make such inquiry. That is the proper committee.

Mr. HURLBUT. That will answer the purpose.

Mr. GIBSON. Let it be referred then to that committee.

There being no objection, the resolution was referred to the Committee of Accounts.

DISTRICT OF COLUMBIA LOAN.

Mr. HENDEE. I move to suspend the rules and pass the bill (H. R. No. 3962) to provide means to defray the expenses of the District of Columbia until December 1, 1876.

The bill, which was read, provides that to enable the commissioners of the District of Columbia to defray the expenses of said District to December 1, 1876, they are authorized to anticipate, by loans or otherwise, the taxes for the fiscal year ending June 20, 1877, for a sum not to exceed $418,957.96; the interest on which shall not exceed 6 per cent. per annum.

The rules were suspended (two-thirds voting in favor thereof) and the bill was passed.

FRUIT BRANDY.

Mr. HANCOCK. I again call up for consideration the motion made some time since to reconsider the vote by which the bill (H. R. No. 3925) relating to the production of fruit brandy, and to punish frauds connected with the same, was recommitted to the Committee of Ways and Means.

The SPEAKER *pro tempore*. If the gentleman simply calls up his motion to reconsider, any gentleman who desires to suspend the rules can take him from the floor.

Mr. HANCOCK. Then I move to suspend the rules in order to discharge the Committee of Ways and Means and pass the bill.

The bill, which was read, in the first section provides that every distiller of brandy from grapes, upon rendering his monthly return of materials used and spirits produced by him, shall immediately pay the tax on such spirits, or shall give his bond, in duplicate, with two or more sureties satisfactory to the internal-revenue collector of the district, conditioned that the principal named in said bond shall, within three years from the date of said bond, pay, or cause to be paid, the tax on the spirits as specified in said return and in the return of the gauger who gauged the same, and before removal of said spirits from the place of production; or shall produce to said collector, within three years, a certificate of the collector of the district in which a bonded warehouse hereinafter provided for is established, showing that said brandy has been duly delivered to him and placed in such bonded warehouse according to law, upon the execution of a proper warehousing bond; and the penal sum of such bond shall not be less than double the amount of tax on such spirits. One of said bonds shall be retained in the office of the collector of the district, and one sent to the Commissioner of Internal Revenue, to be filed in his office. And the tax shall be a first lien on the spirits distilled, the distillery used for distilling the same, the stills, vessels, fixtures, and tools therein, the wine-house, the vineyard, and on the lot or tract of land whereon the said distillery is situated, together with any building thereon, from the time said spirits are distilled until said tax shall be paid.

The second section provides that the Commissioner of Internal Revenue, upon the execution of such bonds as he may prescribe, may designate and establish, at any port of entry in the United States, bonded warehouses for the storage of brandy distilled from grapes, to secure the payment of the internal-revenue tax thereon, or the exportation thereof, selecting suitable buildings for such purpose, to be recommended by the collector in charge of exports at such port, to be known as special bonded warehouses, and used exclusively for the storage of grape brandy in bond. Every such warehouse shall be under the control of the collector of internal revenue in charge of exports at the port where such warehouse is located, and shall be in charge of an internal-revenue store-keeper assigned thereto by the Commissioner of Internal Revenue. No brandy shall be withdrawn or removed from any bonded warehouse except on permit of the collector in charge of exports at such port, which shall be issued only for the immediate transfer to a vessel by which such brandy is to be exported to a foreign country, as hereinafter provided, or after the tax has been paid thereon; and such warehouse shall be under such further regulations as the Commissioner of Internal Revenue may prescribe. Brandy distilled from grapes may be removed in bond from the distillery without payment of the tax, to be transported directly to a special bonded warehouse for the storage of such brandy, established at a port of entry as hereinbefore provided; and the deposit in, and withdrawal from, any bonded warehouse, the transportation and exportation of brandy distilled from grapes, shall be made under such rules and regulations, and after making such entries, and executing such bonds, and giving such other additional security as may be prescribed by the Commissioner of Internal Revenue. All brandy intended for storage in special bonded warehouses before being removed from the distillery shall have affixed to each package an engraved stamp, indicative of such intention, to be provided and furnished to the several collectors as in the case of other stamps, and to be charged to them and accounted for in the same manner, and for the expense attending the providing and affixing such stamps ten cents for each package shall be paid to the collector on making the entry for such transportation; but the provisions of this section shall not extend the time for grape brandy to remain in bond beyond three years from the date of the bond provided for in section 1 of this act. And the provisions of existing law relative to allowance for loss by casualty in distillery bonded warehouses are hereby made applicable to brandy stored in bond at the place of production in special bonded warehouses according to the provisions of this section. Export bonds given under the provisions of this section shall be canceled upon the production of such certificates of landing as the Commissioner of Internal Revenue may prescribe, or upon proof of loss at sea satisfactory to the Commissioner of Internal Revenue.

The third section provides that the provisions of existing law in regard to the exportation of distilled spirits are hereby extended so as to permit the exportation of grape brandy free of tax in any original cask containing not less than twenty gallons, and for the exportation of grape brandy upon which all taxes have been paid with the privilege of drawback in quantities of not less than one hundred gallons and in the distiller's original casks containing not less than twenty wine-gallons each.

The fourth section provides that the tax-paid stamps placed upon

the head of each cask of fruit brandy shall indicate the fruit from which the brandy is made, whether grape brandy, peach brandy, or apple brandy, as the case may be.

The fifth section provides that the penalty for violating any provision of this act shall not exceed three times the amount claimed to be due the United States.

The sixth section provides that any person who shall remove grape brandy from any distillery or warehouse otherwise than as provided by law, or shall knowingly aid or assist in such removal, or who shall purchase the brandy so removed knowing it to have been removed otherwise than according to law, shall be deemed guilty of a felony, and on conviction shall be fined not exceeding three times the amount of the tax on the spirits so removed, and imprisoned not more than five years; and the spirits so removed shall be forfeited to the United States.

The seventh section provides that all persons other than internal-revenue officers are prohibited from marking any package of brandy; and any person who shall practice a fraud by which a purchaser of brandy shall be deceived shall be deemed guilty of a felony, and on conviction shall be fined not more than $5,000 and imprisoned not more than five years.

The eighth section provides that all acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

The House divided; and there were—ayes 106, noes 20; no quorum voting.

Mr. CONGER demanded tellers.

Tellers were ordered; and Mr. CONGER and Mr. HANCOCK were appointed.

The House again divided; and the tellers reported—ayes 112, noes 15.

The SPEAKER *pro tempore*. No quorum has voted. Is a further count demanded?

Mr. CONGER. I see where brandy is concerned there is no use making a contest. [Laughter.]

The SPEAKER *pro tempore*. Is a further count demanded? The Chair hears none.

No further count being demanded, the rules were suspended, (two-thirds voting in favor thereof,) and the bill was passed.

GOLD.

Mr. RICE. I move to suspend the rules and pass the following resolution:

Resolved, That the Secretary of the Treasury be, and he hereby is, respectfully requested to report to this House within one week from the passage of this resolution the amount of gold coin and gold bullion, respectively, in the Treasury and actually owned by the Government, with a full detailed statement of the amount of gold certificates outstanding, gold interest due and unpaid, called bonds, and all other obligations payable in gold on demand on this date.

The House divided; and there were ayes 62, noes 16; no quorum voting.

Mr. CONGER. I demand a further count.

The SPEAKER *pro tempore*. No quorum voting, the Chair will appoint Mr. RICE and Mr. FRYE as tellers.

The House again divided; and the tellers reported—ayes 98, noes 39.

No further count being demanded, the rules were suspended (two-thirds voting in favor thereof) and the resolution was passed.

BOUNTY LAND.

Mr. WHITE. I move to suspend the rules and pass a joint resolution to pay the soldiers and sailors who are yet entitled to bounty lands $1 per acre for those lands.

The Clerk read the resolution, as follows:

Whereas many soldiers and sailors who are entitled to "bounty lands" cannot settle thereon nor receive any benefit from the intended reward for valuable services rendered during the late war: Therefore,

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That all soldiers and sailors of the late war yet entitled to bounty lands shall receive at their option, $1 per acre in lieu of the "bounty lands" "for the same;" and that the Secretary of the Treasury be, and he is hereby, authorized and directed to pay all such claims out of any moneys in the Treasury not otherwise appropriated.

The House divided; and there were ayes 7, noes not counted.

So (two-thirds not voting in favor thereof) the rules were not suspended and the resolution was not passed.

CONDITION AND MANAGEMENT OF INDIANS.

Mr. SCALES. I ask unanimous consent to report from the Committee on Indian Affairs for consideration and passage at this time House joint resolution No. 142, appointing a commission to visit the Indian Territory and look into and report the condition and management of the Indians, &c.

The joint resolution was read, as follows:

Resolved, &c., That a committee of five, consisting of three members of the House and two of the Senate, shall be appointed for the purpose of visiting the Indian Territory, inquiring into the condition of the Indians, the necessity, if any, for a change in their form of government, the effect upon the civilization of the Indians if the Territory were set apart solely for occupation by Indians and all other tribes removed into it; also, to inquire what change can be made in the system for the management of Indian affairs and the disbursement of their funds. Said committee are authorized to sit during the recess, to appoint a clerk, to send for persons and papers, and examine the same, and to report by bill or otherwise at the next session of Congress.

Mr. HOLMAN. I trust the gentleman from North Carolina [Mr. SCALES] will not press that joint resolution now. We are certainly appointing an unusual number of committees to sit during the recess.

Mr. SCALES. If the gentleman objects——

Mr. HOLMAN. I certainly do object.

Mr. SCALES. Then I move to suspend the rules so that I may be able to report this joint resolution from the Committee on Indian Affairs and the House to pass it at this time.

The motion to suspend the rules and pass the joint resolution was not agreed to; there being on a division—ayes 33, noes 47.

NORTHERN PACIFIC RAILROAD.

Mr. LAMAR. I move to suspend the rules so that I may report from the Committee on the Pacific Railroad for consideration at this time Senate bill No. 14, to extend the time for the construction and completion of the Northern Pacific Railroad. The passage of this bill is unanimously recommended by the Committee on the Pacific Railroad.

The bill was read, as follows:

Be it enacted, &c., That eight years' additional time is hereby granted to the Northern Pacific Railroad Company to construct and complete its main line of road, via the valley of the Columbia River, to its terminus on Puget Sound, under its charter and the acts and resolutions of Congress relating thereto.

SEC. 2. That this extension is granted upon the express condition and understanding that where pre-emption and homestead claims were initiated or private entries and locations were allowed upon lands embraced in the grant to said company prior to the receipt of the orders of withdrawal at the respective district land offices, and lands embraced in such entry shall not be held as within the grant to said company, and shall be patented to the parties lawfully entering the same, and under the provisions of this act, and in case of abandonment by them, shall be open to pre-emption and homestead entry only by actual settlers; but the company shall be entitled to indemnity therefor, as now provided by law.

SEC. 3. That entries remaining unadjusted and suspended in the General Land Office on account of an increase in price of the even sections within the limits of the grant, where the same were made or based upon settlement made prior to the receipt of the orders of withdrawal aforesaid at the respective district land offices, shall be relieved from such suspension and carried into patent; but nothing in this act shall be construed to effect existing adjustments, nor to authorize the refunding of any moneys received for such lands under existing laws.

SEC. 4. That the extension of time granted by section 1 of this act shall not apply to the branch line of said road from Lake Pend d'Oreille, across the Cascade Mountains, to Puget Sound in Washington Territory; and at the expiration of the time allowed by existing laws for the construction of said branch, the lands heretofore granted therefor and not then earned by said company by constructing said branch line of road shall be restored to the public domain, to be dealt with as other public lands under the direction of the Secretary of the Interior.

SEC. 5. That this act shall not be construed to affect existing private rights otherwise than is hereinbefore expressly provided; and shall, as well as said charter and other acts and resolutions hereinbefore mentioned, be subject to alteration, amendment, or repeal at the pleasure of Congress.

SEC. 6. That the said Northern Pacific Railroad Company shall file with the Secretary of the Interior, within six months from the date hereof, its assent to and acceptance of the provisions of this act, or be forever debarred from taking or receiving any benefit from or under the same.

Mr. LAMAR. I would like two minutes to explain this bill.

The SPEAKER *pro tempore*. That can be done only by unanimous consent pending the motion to suspend the rules.

Mr. BAKER, of Indiana. I object.

Mr. LAWRENCE. This bill revives a land grant of 40,000,000 acres.

Mr. LAMAR. The gentleman is mistaken; the bill revives no land grant. If the House will allow me two minutes I will explain the bill.

Mr. BAKER, of Indiana, and Mr. PIPER objected.

Mr. HOLMAN. I ask the yeas and nays on the motion to suspend the rules and pass this bill.

Mr. LAMAR. That is not my motion. I move to suspend the rules in order that I may report the bill to the House for consideration at this time.

Mr. HOLMAN. That is the same thing; if the bill is brought before the House for consideration a majority will be able to pass it. I call for the yeas and nays.

The question was taken upon ordering the yeas and nays, and there were 35 in the affirmative.

So (the affirmative being more than one-fifth of the last vote) the yeas and nays were ordered.

The question was taken; and there were—yeas 42, nays 149, not voting 93; as follows:

YEAS—Messrs. Blair, Bradley, Samuel D. Burchard, Burleigh, Cate, Conger, Crapo, Culberson, Dobbins, Douglas, Dunnell, Egbert, Hancock, Haymond, Hendee, Hooker, Hubbell, Frank Jones, Thomas L. Jones, Kelley, Kimball, Lamar, Lane, Leavenworth, Le Moyne, Lynde, Magoon, MacDougall, O'Neill, Plaisted, John Reilly, Riddle, Sheakley, Slemons, Stowell, Thomas, Thompson, Washington Townsend, G. Wiley Wells, Wigginton, Alphens S. Williams, and Woodburn—42.

NAYS—Messrs. Adams, Ainsworth, Anderson, Atkins, Bagby, George A. Bagley, John H. Bagley, jr., John H. Baker, William H. Baker, Ballou, Banks, Bell, Bland, Boone, Bradford, Bright, John Young Brown, William R. Brown, Horatio C. Burchard, Cabell, John H. Caldwell, William P. Caldwell, Candler, Cannon, Cason, Caulfield, Chittenden, John B. Clarke of Kentucky, John B. Clark, jr., of Missouri, Clymer, Cochrane, Collins, Cook, Cox, Cutler, Danford, Darrall, Davis, Davy, De Bolt, Dibrell, Durham, Eames, Eden, Ely, Evans, Felton, Finley, Forney, Fort, Foster, Franklin, Gause, Glover, Goode, Goodin, Gunter, Hale, Andrew H. Hamilton, Hardenbergh, Benjamin W. Harris, Harrison, Hartridge, Hartzell, Hays, Henderson, Hereford, Holman, Hopkins, Hoskins, House, Hunter, Hurlbut, Jenks, Kehr, Franklin Landers, Lawrence, Levy, Lewis, Luttrell, McDill, McFarland, Metcalfe, Milliken, Mills, Monroe, Morrison, Mutchler, Nash, Neal, New, O'Brien, Packer, Page, William A. Phillips, Pierce, Piper, Potter, Purman, Rainey, Randall, Rea, Reagan, James B. Reilly, Rice, William M. Robbins, Roberts, Robinson, Miles Ross, Sampson, Savage, Scales, Schleicher, Seelye, Singleton, Smalls, A. Herr Smith, William E. Smith, Springer, Stevenson, Stone, Tarbox, Terry, Martin I. Townsend, Tucker, Tufts, Turney, Van Vorhes, John L. Vance, Robert B. Vance, Waddell, Wait, Charles C. B. Walker, Walsh, Ward, Warren, Erastus Wells, White, Whiting, Whitthorne, Wike, James Williams, James D. Williams, Jeremiah N. Williams, William B. Williams, Willis, Wilshire, James Wilson, and Young—149.

NOT VOTING—Messrs. Ashe, Banning, Bass, Beebe, Blackburn, Bliss, Blount, Buckner, Campbell, Caswell, Chapin, Cowan, Crounse, Denison, Durand, Ellis, Faulkner, Freeman, Frye, Fuller, Garfield, Gibson, Robert Hamilton, Haralson, Henry R. Harris, John T. Harris, Hatcher, Hathorn, Henkle, Abram S. Hewitt, Goldsmith W. Hewitt, Hill, Hoar, Hoge, Hunton, Hurd, Hyman, Joyce, Kasson, King, Knott, George M. Landers, Lapham, Lord, Lynch, Mackey, Maish, McCrary, McMahon, Meade, Miller, Money, Morgan, Norton, Odell, Oliver, Payne, Phelps, John F. Philips, Platt, Poppleton, Powell, Pratt, John Robbins, Sobieski Ross, Rusk, Sayler, Schumaker, Sinnickson, Southard, Sparks, Spencer, Strait, Stenger, Swann, Teese, Thornburgh, Throckmorton, Waldron, Gilbert C. Walker, Alexander S. Wallace, John W. Wallace, Walling, Wheeler, Whitehouse, Willard, Andrew Williams, Charles G. Williams, Benjamin Wilson, Alan Wood, jr., Fernando Wood, Woodworth, and Yeates—93.

So (two-thirds not voting in the affirmative) the rules were not suspended.

During the roll-call the following announcements were made:

Mr. FRYE. I have the misfortune to be a stockholder in this road, and therefore, under the rules, decline to vote.

Mr. BLAND. My colleague from Missouri, Mr. MORGAN, is absent on account of sickness.

Mr. COCHRANE. My colleagues from Pennsylvania Mr. Ross and Mr. STENGER are absent by leave of the House.

The result of the vote was then announced as above recorded.

DUTIES OF HEADS OF DEPARTMENTS.

Mr. CALDWELL, of Tennessee. I move that the rules be suspended and that the resolution which I send to the desk be adopted.

The Clerk read as follows:

Whereas the head of each Executive Department of the General Government is an officer of the people, receiving liberal compensation from the public Treasury for the performance of official labors which are presumed to require his entire time and undivided attention: Therefore,

Resolved, That it is the sense of the House of Representatives that the performance by such officer of the duties of chairman of a partisan committee having in charge the management and prosecution of a political campaign is inconsistent with the relations that exist between him and the whole people whose salaried servant he is, is incompatible with the faithful, impartial, and efficient discharge of the arduous duties and responsibilities that attach to the exalted position of head of an Executive Department and member of the Cabinet, is at war with every rational idea of civil-service reform, and as such challenges in the strongest terms public criticism and condemnation.

Mr. BAKER, of Indiana. I rise to make a parliamentary inquiry. I desire to know whether it would not be in order to amend the resolution by adding "Representatives in Congress."

The SPEAKER *pro tempore*. There is no amendment in order under a motion to suspend the rules, as the gentleman from Indiana knows very well. The only question is whether the House will suspend the rules and adopt the resolution.

Mr. CONGER. I ask unanimous consent to include the Sergeant-at-Arms of the House. I suppose there would be no objection to that.

Several members called for the regular order.

Mr. FOSTER. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. CANNON, of Illinois. I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. It is not in order.

Mr. CANNON, of Illinois. Is not a parliamentary inquiry in order?

The SPEAKER *pro tempore*. Not when the roll-call has been ordered.

Mr. CONGER. I believe it is in order to ask unanimous consent.

The SPEAKER *pro tempore*. It is not in order to ask anything during the call of the roll. The Clerk will call the roll.

The question was taken; and there were—yeas 60, nays 86, not voting 138; as follows:

YEAS—Messrs. Ainsworth, Atkins, Boone, Bradford, Buckner, John H. Caldwell, William P. Caldwell, John B. Clarke of Kentucky, John B. Clark, jr., of Missouri, Cochrane, Cook, Cox, Culberson, Davis, De Bolt, Dibrell, Durham, Eden, Egbert, Finley, Forney, Glover, Goode, Andrew H. Hamilton, Hartridge, Hartzell, Hereford, Hill, Holman, House, Jenks, Frank Jones, Thomas L. Jones, Lamar, Franklin Landers, Lewis, Lynde, Mackey, Metcalfe, Morrison, Randall, Rice, Riddle, William M. Robbins, Scales, Springer, Stevenson, Thompson, Turney, John L. Vance, Robert B. Vance, Waddell, Gilbert C. Walker, Warren, Whitthorne, Wike, James D. Williams, Jeremiah N. Williams, Wilshire, and Young—60.

NAYS—Messrs. Adams, Anderson, John H. Bagley, jr., John H. Baker, William H. Baker, Ballou, Bell, Bradley, John Young Brown, William R. Brown, Horatio C. Burchard, Samuel D. Burchard, Burleigh, Cannon, Cason, Cate, Conger, Danford, Darrall, Davy, Dobbins, Dunnell, Durand, Eames, Ely, Evans, Fort, Foster, Franklin, Frye, Garfield, Goodin, Hale, Hardenbergh, Harrison, Hendee, Henderson, Hoskins, Hubbell, Hunter, Hurlbut, Kelley, Kimball, Lawrence, Leavenworth, Levy, Lynch, Magoon, McDill, Milliken, Mills, Monroe, Nash, Neal, Norton, O'Neill, Packer, Page, William A. Phillips, Piper, Rainey, John Robbins, Robinson, Sampson, Savage, Seelye, Sinnickson, Smalls, A. Herr Smith, Stowell, Thomas, Thornburgh, Martin I. Townsend, Washington Townsend, Tufts, Van Vorhes, Wait, Charles C. B. Walker, Erastus Wells, G. Wiley Wells, Whiting, Alpheus S. Williams, James Williams, William B. Williams, James Wilson, and Woodburn—86.

NOT VOTING—Messrs. Ashe, Bagby, George A. Bagley, Banks, Banning, Bass, Beebe, Blackburn, Blair, Bland, Bliss, Blount, Bright, Cabell, Campbell, Candler, Caswell, Caulfield, Chapin, Chittenden, Clymer, Collins, Cowan, Crapo, Crounse, Cutler, Denison, Douglass, Ellis, Faulkner, Felton, Freeman, Fuller, Gause, Gibson, Gunter, Robert Hamilton, Hancock, Haralson, Benjamin W. Harris, Henry R. Harris, John T. Harris, Hatcher, Hathorn, Haymond, Hays, Henkle, Abram S. Hewitt, Goldsmith W. Hewitt, Hoar, Hoge, Hooker, Hopkins, Hunton, Hurd, Hyman, Joyce, Kasson, Kehr, King, Knott, George M. Landers, Lane, Lapham, Le Moyne, Lord, Luttrell, Maish, MacDougall, McCrary, McFarland, McMahon, Meade, Miller, Money, Morgan, Mutchler, New, O'Brien, Odell, Oliver, Payne, Phelps, John F. Philips, Pierce, Plaisted, Platt, Poppleton, Potter, Powell, Pratt, Purman, Rea, Reagan, John Reilly, James B. Reilly, Roberts, Miles Ross, Sobieski Ross, Rusk, Sayler, Schleicher, Schumaker, Sheakley, Singleton, Slemons, William E. Smith, Southard, Sparks, Spencer, Strait, Stenger, Stone, Swann, Tarbox, Teese, Terry, Throckmorton, Tucker, Waldron, Alexander S. Wallace, John W. Wallace, Walling, Walsh, Ward, Wheeler, White, Whitehouse, Wigginton, Willard, Andrew Williams, Charles G. Williams, Willis, Benjamin Wilson, Alan Wood, jr., Fernando Wood, Woodworth, and Yeates—138.

So (two-thirds not voting in the affirmative) the rules were not suspended.

ORDER OF BUSINESS.

Mr. COX. I move that the House do now adjourn.

Mr. CLARK, of Missouri. I ask the gentleman to yield to me for a moment.

Mr. COX. I yield to the gentleman from Missouri.

Several members called for the regular order.

Mr. CLARK, of Missouri. I desire to report from the Committee on the Post-Office and Post-Roads a bill which it is important should be passed.

The SPEAKER *pro tempore*. The Chair will be glad to recognize the gentleman from Missouri if the House will allow him.

Several members again called for the regular order.

The SPEAKER *pro tempore*. A number of gentlemen to-day were prevented from introducing bills for reference in the morning hour. If there be no objection, the Chair will now receive propositions to refer bills.

Mr. CONGER. While the motion to adjourn is pending, I object.

Mr. COX. I withdraw the motion to adjourn, that the gentleman from Missouri [Mr. CLARK] may be recognized.

POSTAL LAWS.

Mr. CLARK, of Missouri. I am directed by the Committee on the Post-Office and Post-Roads to ask that the bill which I send to the desk be put upon its passage. I move that the rules be supended and that the bill be passed.

Mr. PAGE. I call for the regular order.

The SPEAKER *pro tempore*. There is no other regular order than the motion of the gentleman from Missouri, the motion to adjourn having been withdrawn. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill to amend subsections 246 and 251 of section 12 of an act entitled "An act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1875, and for other purposes," approved June 23, 1874, and for other purposes, and also to amend section 3954 of the Revised Statutes.

The SPEAKER *pro tempore*. The Clerk will now report the bill.

Mr. CLARK, of Missouri. If the House will allow me to make a statement in regard to the bill there will be no necessity of its being read. The House has voted for it before on two different occasions, and if they will give me a moment I will explain what it is. A bill similar to this was passed by the House and came from the Senate with amendments. It was sent to the President and he vetoed it or rather he withheld his approval from it on account of a wrong reference to the Revised Statutes proposed to be amended both in the title and in the body of the bill. The bill now presented is simply an amendment of that bill so as to meet the recommendation of the Postmaster-General, Mr. Tyner.

Mr. CONGER. Is it proposed to pass the bill above the veto?

Mr. CLARK, of Missouri. The bill now reported meets the recommendations of the President.

The question was taken; and (two-thirds voting in favor thereof) the rules were suspended and the bill (H. R. No. 3963) was passed.

ORDER OF BUSINESS.

Mr. COX. I renew the motion to adjourn, but will yield for a moment to the gentleman from Tennessee, [Mr. WHITTHORNE.] [Cries of "Regular order!"] I withdraw the motion.

Mr. BURCHARD, of Illinois. I move that the House do now adjourn.

The SPEAKER *pro tempore*. The Chair understands that the gentleman from Tennessee only desires to have a report printed.

Mr. WILSON, of Iowa. I rise to a point of order.

Mr. WHITTHORNE. I submit a report from the Committee on Naval Affairs, and I ask that it be read to the House, and I move that the rules be suspended and the order proposed by the committee adopted. I think when the Clerk reads it it will meet the approbation of both sides of the House.

Mr. HALE. I rise to a point of order. There is a motion to adjourn pending.

The SPEAKER *pro tempore*. The Chair is informed that a motion to adjourn was made by the gentleman from Illinois [Mr. BURCHARD] prior to the motion of the gentleman from Tennessee to suspend the rules.

Mr. COX. Will not the motion of the gentleman from Tennessee come up as the first business in order in the morning? [Cries of "O, no!"]

Mr. RANDALL. We can vote down the motion to adjourn.

The SPEAKER *pro tempore*. That is not a question for the Chair to decide, but for the House. The Chair is bound first to put the motion to adjourn.

Mr. WILSON, of Iowa. I call the attention of the Chair to the fact that it is an extraordinary proceeding to pass a bill without hearing it read. Now certainly I know nothing about the bill which was passed on motion of the gentleman from Missouri, [Mr. CLARK,] and I suppose there are not a dozen men in the House who know anything about it.

The SPEAKER *pro tempore*. Did the gentleman from Iowa demand the reading of the bill?

Mr. WILSON, of Iowa. No; I took the representation of the gentleman who presented it.

The SPEAKER *pro tempore*. Then the gentleman from Iowa has no reason to complain, and the question is on the motion to adjourn.

The question was put on the motion of Mr. BURCHARD, of Illinois; and on a division there were—ayes 92, noes 94.

Mr. BURCHARD, of Illinois, called for tellers.

LETTER FROM THE VOLKRAAD OF THE REPUBLIC OF TRANSVAAL.

The SPEAKER *pro tempore*, by unanimous consent, pending the motion to adjourn, laid before the House the following communication:

PRETORIA, *May* 19, 1876.

HONORED SIR: The Volkraad of our young republic has honored me with the trust of conveying to you our congratulations with the first centenary of your national independence. It was a momentous hour in history when in 1776 the treaty of peace was signed at Paris, with the warm approval of the noble French nation, between England and her late colonies.

For the second time in history the right of the people to self-government, after a glorious struggle, was nobly acknowledged by the great powers of Europe.

In 1648 the republic of the seven provinces of the Netherlands had entered the ranks of nations; at Paris, your great and prosperous Republic since then. William the Silent and Washington are the heralds of a new day of liberty for the people. With admiration we follow you on the difficult but glorious path which your Republic is following toward true material happiness.

It is a model to all young nations and an example to our state, which to some extent claims the same origin with you, and which, if it be on a smaller scale, strives with you after the same ideal.

Indeed the blessing of Providence has consecrated your banner. Accept of our humble prayer to Heaven, as a sign of our deep-felt sympathy, that God may add to the first century of your independence yet many more and grant your Republic more and more to be a noble type of a happy and powerful nation.

May Providence endow the legislation and people of America with His choicest blessings. With the assurance of my esteem, believe me to remain,

Your sincere friend and obedient servant,

C. T. BODENSHEIM,
Chairman of the honorable the Volkraad.

The CHAIRMAN
of the House of Representatives of the United States of America.

The communication, together with the original, was referred to the Committee on Foreign Affairs.

CLAIM OF GEORGE CONWAY.

The SPEAKER *pro tempore* also, by unanimous consent, laid before the House a letter from the Secretary of War, transmitting copies of the papers in the claim of George Conway; which was referred to the Committee of Claims.

ENROLLED BILLS SIGNED.

Mr. PLAISTED, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker *pro tempore* signed the same:

An act (H. R. No. 329) to remove the political disabilities of George Jackson, a citizen of West Virginia;

An act (H. R. No. 890) for the relief of Randall Brown, of Nashville, Tennessee; and

An act (H. R. No. 1692) to amend an act approved May 8, 1874, in regard to leave of absence of Army officers.

LEAVE OF ABSENCE.

Mr. SPARKS was granted leave of absence for one week on account of the illness of his wife.

Mr. VANCE, of North Carolina, was granted leave of absence for fourteen days.

Mr. HARALSON was granted leave of absence for ten days.

Mr. TARBOX was granted leave of absence for ten days.

Mr. HOSKINS was granted leave of absence indefinitely.

WASHINGTON MONUMENT.

Mr. FOSTER. I ask unanimous consent to have taken from the Speaker's table and referred to the Committee on Appropriations Senate bill No. 982 providing for the completion of the Washington Monument.

No objection was made; and the bill was taken from the Speaker's table, read a first and second time, and referred to the Committee on Appropriations.

ORDER OF BUSINESS.

Mr. JONES, of Kentucky. I ask unanimous consent to introduce a bill for reference.

Mr. BAKER, of Indiana. I object. I have been trying myself for a week to introduce a bill.

Many MEMBERS. "Regular order."

The SPEAKER *pro tempore*. The regular order is the motion to adjourn, upon which tellers have been called for.

Tellers were ordered; and Mr. BURCHARD of Illinois, and Mr. WHITTHORNE were appointed.

The House again divided; and the tellers reported that there were—ayes 63, noes 88.

Before the result of this vote was announced,

Mr. CONGER called for the yeas and nays.

The yeas and nays were ordered.

Mr. COX. Is this intended to prevent the report from the Naval Committee coming in? [Cries of "Regular order."]

The question was taken; and there were—yeas 71, nays 108, not voting 105; as follows:

YEAS—Messrs. Adams, Ainsworth, George A. Bagley, John H. Bagley, jr., John H. Baker, William H. Baker, Ballou, Banks, Bradley, William R. Brown, Horatio C. Burchard, Cannon, Cason, Chittenden, Conger, Crapo, Darrall, Davy, Dunnell, Eames, Fort, Frye, Garfield, Hale, Hardenbergh, Benjamin W. Harris, Haymond, Hendee, Henderson, Hubbell, Hunter, Hurlbut, Kehr, Kelley, Kimball, Lawrence, Leavenworth, Lynch, Lynde, Magoon, McDill, Monroe, Nash, Neal, Norton, O'Neill, Packer, Page, Payne, Pierce, Plaisted, Potter, Pratt, Rainey, Robinson, Sampson, Sinnickson, Smalls, A. Herr Smith, Stowell, Thornburgh, Martin I. Townsend, Washington Townsend, Tufts, Van Vorhes, Wait, Whiting, Willard, Charles G. Williams, William B. Williams, and James Wilson—71.

NAYS—Messrs. Anderson, Atkins, Bagby, Bland, Boone, Bradford, Bright, John Young Brown, Samuel D. Burchard, Burleigh, Cabell, William P. Caldwell, Candler, Cate, Caulfield, John B. Clarke of Kentucky, John B. Clark, jr., of Missouri, Clymer, Cochrane, Collins, Cook, Cox, Cutler, Davis, De Bolt, Dibrell, Douglas, Durham, Eden, Evans, Felton, Finley, Forney, Franklin, Gause, Glover, Goodin, Gunter, Andrew H. Hamilton, Hancock, Harrison, Hartridge, Hartzell, Hereford, Holman, Hooker, Hopkins, House, Frank Jones, Thomas L. Jones, Knott, Franklin Landers, Lane, Le Moyne, Levy, Lewis, Luttrell, Mackey, McFarland, McMahon, Metcalfe, Milliken, Mills, Morrison, Mutchler, New, John F. Philips, Powell, Randall, Rea, Reagan, John Reilly, James B. Reilly, Rice, Riddle, John Robbins, William M. Robbins, Roberts, Miles Ross, Savage, Scales, Sculye, Sheakley, Singleton, Slemons, William E. Smith, Springer, Stevenson, Teese, Terry, Thomas, Thompson, Turney, John L. Vance, Robert B. Vance, Waddell, Charles C. B. Walker, Walsh, Warren, White, Whitthorne, Wigginton, Wike, Alpheus S. Williams, James Williams, James D. Williams, Willis, and Wilshire—108.

NOT VOTING—Messrs. Ashe, Banning, Bass, Beebe, Bell, Blackburn, Blair, Bliss, Blount, Buckner, John H. Caldwell, Campbell, Caswell, Chapin, Cowan, Crounse, Culberson, Danford, Denison, Dobbins, Durand, Egbert, Ellis, Ely, Faulkner, Foster, Freeman, Fuller, Gibson, Goode, Robert Hamilton, Haralson, Henry R. Harris, John T. Harris, Hatcher, Hathorn, Hays, Henkle, Abram S. Hewitt, Goldsmith W. Hewitt, Hill, Hoar, Hoge, Hoskins, Hunton, Hurd, Hyman, Jenks, Joyce, Kasson, King, Lamar, George M. Landers, Lapham, Lord, Maish, MacDougall, McCrary, Meade, Miller, Money, Morgan, O'Brien, Odell, Oliver, Phelps, William A. Phillips, Piper, Platt, Poppleton, Purman, Sobieski Ross, Rusk, Sayler, Schleicher, Schumaker, Southard, Sparks, Spencer, Strait, Stenger, Stone, Swann, Tarbox, Throckmorton, Tucker, Waldron, Gilbert C. Walker, Alexander S. Wallace, John W. Wallace, Walling, Ward, Erastus Wells, G. Wiley Wells, Wheeler, Whitehouse, Andrew Williams, Jeremiah N. Williams, Benjamin Wilson, Alan Wood, jr., Fernando Wood, Woodburn, Woodworth, Yeates, and Young—105.

So the motion to adjourn was not agreed to.

SECRETARY OF THE NAVY.

Mr. WHITTHORNE. I move that the rules be suspended, so that the House may now adopt the order which I send to the Clerk's desk.

The Clerk read as follows:

Ordered, That the report of the Committee on Naval Affairs, together with that of the minority, made upon alleged abuses, errors, and frauds in the naval service, be printed, and that the consideration of said reports be made the special order for Friday next after the morning hour.

Mr. CONGER. Pending that motion I move that the House adjourn.

Mr. GARFIELD. I suggest to the gentleman from Tennessee [Mr. WHITTHORNE] that the report of the majority of the committee is very long, and the minority of the committee have not yet had time to present their views to the House, and the two reports ought in fairness to be presented at the same time. I hope the gentleman will postpone the presenting of his report to the House until such time as the minority will be able to present their views.

Mr. WHITTHORNE. So far as I am concerned, the Public Printer may withhold the one until the other is ready to be delivered in the House.

Mr. BAKER, of Indiana. I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The Chair will hear the gentleman.

Mr. BAKER, of Indiana. Is it not my right to have the report read on which this proposed order is predicated?

The SPEAKER *pro tempore*. The gentleman has no such right. This is a motion to suspend the rules and pass the order.

Mr. WILSON, of Iowa. I rise to a point of order.

The SPEAKER *pro tempore*. The Chair will hear the gentleman.

Mr. WILSON, of Iowa. My point is this: It is not right to call upon members to vote upon anything before it is read.

The SPEAKER *pro tempore*. The Chair will say to the gentleman from Iowa [Mr. WILSON] that the motion of the gentleman from Tennessee, [Mr. WHITTHORNE,] made prior to the motion to adjourn and just voted down, was to suspend the rules and pass the order which he sent to the Clerk's desk. The Chair cannot hold that another motion to adjourn can now be made until some business has intervened.

Mr. WILSON, of Iowa. That is not my point of order. The point I raised is this, that I cannot be compelled to vote, even under a suspension of the rules, upon a proposition to print a report which I have never heard read; and I demand the reading of the report.

The SPEAKER *pro tempore*. The Chair is compelled to decide, under the rules of the House, that a motion to suspend the rules suspends all the rules, including the one giving the right to a member to have any matter read.

Mr. BAKER, of Indiana. Will the Speaker hear me one moment on that? By reference to page 193 of the Digest——

The SPEAKER *pro tempore*. The Chair has that page open before him now.

Mr. BAKER, of Indiana. It will be seen by that that a motion to suspend the rule is not construed to apply to the single reading of a paper or a proposition upon which the House may be called upon to give a vote.

Mr. WILSON, of Iowa. I withdraw the point of order.

Mr. BAKER, of Indiana. I renew the point of order.

The SPEAKER *pro tempore*. The Chair has already overruled the point of order.

Mr. HARRIS, of Massachusetts. I desire, on behalf of the minority of the Committee on Naval Affairs, to make a single statement.

The SPEAKER *pro tempore*. That can be done by unanimous consent.

There was no objection.

Mr. HARRIS, of Massachusetts. Mr. Speaker, it is known to the House that the amount of testimony taken by the Naval Committee, upon which the report of the majority depends, covers nearly four thousand pages. The last pages were printed but a few days ago. The report of the majority of the committee was first presented to the minority on Tuesday last and took (I think I am correct in saying) seven hours to read it. The minority could not properly have the manuscript of that report, and by an agreement between the honorable chairman and the minority the report has been printed, and we have had the benefit of the slips as they came from the press. By an arrangement, made on Thursday last I think, we were to have until twenty-four hours after the last slips came into our hands and no effort was to be made to put the majority report in this House. That agreement has been complied with. On Thursday at twelve o'clock we received the first sheets of a report covering one hundred and sixty pages.

Mr. GARFIELD. Of print?

Mr. HARRIS, of Massachusetts. Yes, sir; a report embracing one hundred and sixty pages of print covering transactions of the Navy Department from 1869 to this time. It is impossible, as every gentleman will see, for the minority to make an intelligent report alluding to the important matters contained in the report of the majority in the time which has been given to us.

We have been industrious, and until this day I have not been in the House at all since last Wednesday. Our report so far as it is prepared is in the hands of scriveners to copy. Some of it this morning was in the hands of the short-hand writers and not copied.

Now, while I do not propose directly to antagonize the resolution of the gentleman from Tennessee, I wish to say to this House that when it calls upon us to finish, print, and present to this body a minority report which shall be in time for this House to read it and be ready to dispose of the important resolution reported by the majority, I think every one will see it cannot be done intelligently on Thursday or Friday next. But, sir, we promise—the minority of the committee promise—with all industry to bring their report before the House. We only ask an opportunity to do what the importance of the case seems to demand.

Mr. GARFIELD. I desire to ask the gentleman from Tennessee to allow me to add that it is hardly just to a prominent officer of the Government to have one report go to the public unless the other that takes the other view of the case can accompany it. It is fair the public press should have both these reports delivered into their hands at the same time, and therefore we ask this action be not taken to-day, and not until reasonable time has been given to the minority to present their views at the same time with the majority. We hope that will be ground enough for asking that no action be taken to-night.

Mr. HALE. Let me make a suggestion before the gentleman from Tennessee goes on.

Mr. CONGER. Both reports should be printed together.

Mr. WHITTHORNE. Now, Mr. Speaker, the evidence taken by the Committee on Naval Affairs was not the exclusive property of any one or more of the members thereof, and the views of the minority upon the evi lence were taken, and were to be formed, and most likely were formed during the progress of the investigation. Hence there ought not to be any delay. In addition to that, as the gentleman from Massachusetts has stated, for his convenience and his colleagues upon the committee who joined with him in the minority report, the printed matter of the majority report was placed in their hands as rapidly as it came from the printer; and by agreement, as he has stated, twenty-four hours was allowed to that minority before any steps should be taker by the majority to bring their report before this House. We adhered to that agreement faithfully, and I appeal to gentlemen here now in this House——

Mr. CONGER. Was not Saturday night the time when the last printed part of that report came into the hands of the minority, and in the twenty-four hours, therefore, you include Sunday?

Mr. WHITTHORNE. Saturday evening at five o'clock.

Mr. Speaker, while I believe my colleagues upon the committee who are in the minority are pious gentlemen and possibly ought not to have worked on Sunday, I am hardly charitable enough to believe they did not do it.

Mr. LEWIS. They had forty-eight hours.

Mr. WHITTHORNE. I appeal practically to the House that this is the only day upon which I can make the motion I do, and probably on no other day of the session will I have the power which I have to-day. It is with no view of prejudicing the minority of the committee, therefore, that I insist on my motion. I now say to them that whenever the report of the majority is printed by the Public Printer I shall say to him, and shall join the minority in saying to him, "Do not deliver one copy of the majority report until you are ready to deliver a copy of the minority report." I aim to be fair in all of this investigation.

Mr. HALE. Let me ask the gentleman a question. Does the gentleman from Tennessee——

Several members called for the regular order.

The SPEAKER *pro tempore*. The regular order being called, the question is, Will the House suspend the rules and pass the order asked by the gentleman from Tennessee, [Mr. WHITTHORNE?]

The question being taken, there were—ayes 115, noes 72.

Mr. WHITTHORNE. I call for the yeas and nays.

The yeas and nays were ordered.

The question being taken, there were—yeas 111, nays 71, not voting 102; as follows:

YEAS—Messrs. Ainsworth, Anderson, Atkins, Bagby, John H. Bagley jr., Bland, Boone, Bradford, John Young Brown, Samuel D. Burchard, Burleigh, Cabell, John H. Caldwell, William P. Caldwell, Candler, Caulfield, John B. Clarke of Kentucky, Clymer, Cochrane, Collins, Cook, Cox, Cutler, Davis, De Bolt, Dibrell, Douglas, Durham, Eden, Finley, Franklin, Gause, Glover, Goode, Goodin, Gunter, Andrew H. Hamilton, Hancock, Hardenbergh, Harrison, Hartridge, Hartzell, Haymond, Hereford, Holman, Hooker, Hopkins, House, Frank Jones, Thomas L. Jones, Kehr, Knott, Lamar, Franklin Landers, Lane, Le Moyne, Levy, Lewis, Luttrell, Lynde, Mackey, McFarland, McMahon, Metcalfe, Milliken, Mills, Morrison, Mutchler, Neal, New, John F. Philips, Piper, Powell, Randall, Rea, Reagan, John Reilly, James B. Reilly, Rice, Riddle, John Robbins, William M. Robbins, Roberts, Miles Ross, Savage, Scales, Sheakley, Singleton, Slemons, William E. Smith, Springer, Stevenson, Tesse, Terry, Thomas, Thompson, Tucker, Turney, John L. Vance, Robert B. Vance, Waddell, Gilbert C. Walker, Walsh, Warren, Whitthorne, Wigginton, Wike, Alpheus S. Williams, James Williams, James D. Williams, and Willis—111.

NAYS—Messrs. Adams, George A. Bagley, John H. Baker, William H. Baker, Ballou, Banks, Blair, William R. Brown, Horatio C. Burchard, Cannon, Cason, Caswell, Conger, Crapo, Danford, Darrall, Davy, Dobbins, Dunnell, Eames, Evans, Fort, Foster, Frye, Garfield, Hale, Benjamin W. Harris, Hendee, Henderson, Hubbell, Hunter, Hurlbut, Kelley, Kimball, Lawrence, Leavenworth, Lynch, Magoon, MacDougall, McDill, Monroe, Nash, Norton, O'Neill, Packer, Page, Pierce, Potter, Pratt, Rainey, Robinson, Sampson, Seelye, Sinnickson, Smalls, A. Herr Smith, Stowell, Thornburgh, Martin I. Townsend, Washington Townsend, Tufts, Van Vorhes, Walt, G. Wiley Wells, White, Whiting, Willard, Andrew Williams, Charles G. Williams, William B. Williams, and James Wilson—71.

NOT VOTING—Messrs. Ashe, Banning, Bass, Beebe, Bell, Blackburn, Bliss, Blount, Bradley, Bright, Buckner, Campbell, Cate, Chapin, Chittenden, John B. Clark, jr., of Missouri, Cowan, Crounse, Culberson, Denison, Durand, Egbert, Ellis, Ely, Faulkner, Felton, Forney, Freeman, Fuller, Gibson, Robert Hamilton, Haralson, Henry R. Harris, John T. Harris, Hatcher, Hathorn, Hays, Henkle, Abram S. Hewitt, Goldsmith W. Hewitt, Hill, Hoar, Hoge, Hoskins, Hunton, Hurd, Hyman, Jenks, Joyce, Kasson, King, George M. Landers, Lapham, Lord, Maish, McCrary, Meade, Miller, Money, Morgan, O'Brien, Odell, Oliver, Payne, Phelps, William A. Phillips, Plaisted, Platt, Poppleton, Purman, Sobieski Ross, Rusk, Sayler, Schleicher, Schumaker, Southard, Sparks, Spencer, Strait, Stenger, Stone, Swann, Tarbox, Throckmorton, Waldron, Charles C. B. Walker, Alexander S. Wallace, John W. Wallace, Walling, Ward, Erastus Wells, Wheeler, Whitehouse, Jeremiah N. Williams, Wilshire, Benjamin Wilson, Alan Wood, jr., Fernando Wood, Woodburn, Woodworth, Yeates, and Young—102.

So (two-thirds not voting in the affirmative) the rules were not suspended.

During the roll-call,

Mr. EGBERT said: I am paired with my colleague from Pennsylvania, [Mr. WALLACE.] If he were here he would vote "no," and I would vote "ay."

The result of the vote was then announced as above recorded.

And then, on motion of Mr. LANE, (at five o'clock and forty-five minutes p. m.,) the House adjourned.

PETITIONS, ETC.

The following petitions and other papers were presented at the Clerk's desk under the rule, and referred as stated:

By Mr. DUNNELL: The petition of Mrs. Elizabeth Withers, for compensation for cotton seized by United States authorities, to the Committee on War Claims.

By Mr. GAUSE: The petition of Thomas A. Moore, of Osceola, Arkansas, for compensation for cotton seized by United States authorities, to the same committee.

By Mr. GUNTER: The petition of the Muscogee or Creek Nation of Indians, against the establishment of a territorial government of the United States over the Indian country, to the Committee on Indian Affairs.

By Mr. HOUSE: The petition of T. H. Roberts, administrator of W. B. King, deceased, for compensation for supplies furnished the United States Army in Tennessee, to the Committee on War Claims.

By Mr. KIDDER: A paper relating to the establishment of post-routes between Bismarck and Crook City to Childstown, by way of Lost Lake and Ottertown, and between Allentown and Rochester, Dakota Territory, to the Committee on the Post-Office and Post-Roads.

By Mr. LUTTRELL: The petition of citizens of California, for the establishment of a post-route between Santa Rosa and Tomales, California, via Sebastopol and Bloomfield, to the same committee.

Also, the petition of Isaac Minor and other citizens of California, for the appointment of a commission to adjust the claims of citizens of Humboldt and Klamath Counties for losses sustained by them by the depredations of hostile Indians during the Indian war in said counties, to the Committee on Indian Affairs.

Also, papers relating to the claim of W. H. Dunn, for compensation for property destroyed by hostile Piute Indians, to the same committee.

Also, papers relating to the claim of Thomas J. Sherwood, postmaster of Marysville, California, for compensation for amount of clerk hire paid by him out of his private funds, to the Committee of Claims.

Also, papers relating to the claim of A. L. Downer, for compensation for services rendered as clerk of the United States court of Idaho Territory, to the same committee.

Also, concurrent resolutions of the California Legislature, against the further expansion of United States paper currency, to the Committee on Banking and Currency.

Also, the petition of W. H. Culver, E. W. Burr, and others, bankers of California, relative to relieving savings-banks in California of alleged inequitable taxation, to the same committee.

Also, the petition of Hons. J. C. Ball, J. D. Fay, and H. F. Crane, State land commissioners of California, that Congress defer further action upon Senate bill No. 805 until such time as they shall have made a full and complete investigation in the matter of the alleged frauds in California indemnity school selections, to the Committee on Public Lands.

By Mr. NORTON: Remonstrance of 130 citizens of Dunkirk, New York, against the suspension or stoppage of the fast mails, to the Committee on the Post-Office and Post-Roads.

By Mr. SAVAGE: The petition of distillers, rectifiers, and wholesale dealers in distilled spirits, of Saint Paul, Minnesota; Milwaukee, Wisconsin; Baltimore, Maryland; New York City; Shelbyville, Indiana; Peoria, Illinois; Columbus, Ohio; Cincinnati, Ohio; Portsmouth, Ohio; Saint Louis, Missouri; and in numerous towns of Kentucky, for the prevention of the use of charcoal or other material for leaching or refining distilled spirits, either upon the premises of any distillery or within six hundred feet thereof, provided that continuous distillation through closed pipes and without the use of charcoal or other material for leaching or refining shall be lawful; and also against permitting distillers to color or compound spirits upon the distillery premises, to the Committee of Ways and Means.

By Mr. WARREN: The petition of Rufus M. Hodgkins, postmaster at Cambridgeport, Massachusetts, for the re-imbursement of money paid by him to the Government, being an amount stolen from the safe of the post-office at said town, to the Committee on the Post-Office and Post-Roads.

By Mr. WHITTHORNE: The petition of W. B. Chaffin, of Lawrence County, Tennessee, to be relieved from a judgment in favor of the United States, taken against him as surety on the bond of a distiller, to the Committe of Claims.

By Mr. WOODBURN: The petition of William McGarrahan, that the Attorney-General of the United States be directed to bring suit against the New Idria Mining Company for the possession and rents of the New Idria quicksilver mines in California, and that petitioner may be permitted to interplead in case said suits are brought, to the Committee on the Judiciary.

By Mr. YOUNG: The petition of James G. Williams, of Memphis, Tennessee, for a pension, to the Committee on Invalid Pensions.

Also, the petition of Charles D. McLean, of Memphis, Tennessee, for a rehearing of his claim rejected by the southern claims commission, to the Committee on War Claims.

IN SENATE.

TUESDAY, *July* 25, 1876.

The Senate met at twelve o'clock m.

Prayer by Rev. DAVID WILLS, D. D., of Washington, District of Columbia.

The Journal of yesterday's proceedings was read and approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. G. M. ADAMS, its Clerk, announced that the House had passed the following bills and joint resolution; in which the concurrence of the Senate was requested:

A bill (H. R. No. 3392) for the relief of John R. Harrington;

A bill (H. R. No. 3925) relating to the production of fruit brandy, and to punish frauds connected with the same;

A bill (H. R. No. 3962) to provide means to defray the expenses of the District of Columbia until December 1, 1876;

A bill (H. R. No. 3963) to amend subsections 246 and 251 of section 12 of an act entitled "An act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1875, and for other purposes," approved June 23, 1874, and for other purposes, and also to amend section 3954 of the Revised Statutes; and

A joint resolution (H. R. No. 155) directing the suspension of further proceedings under the act of 5th of August, 1861.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker *pro tempore* of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (H. R. No. 329) to remove the political disabilities of George Jackson, a citizen of West Virginia;

A bill (H. R. No. 890) for the relief of Randall Brown, of Nashville, Tennessee; and

A bill (H. R. No. 1692) to amend an act approved May 8, 1874, in regard to leave of absence of Army officers.

REPORTS OF COMMITTEES.

Mr. WRIGHT, from the Committee on the Judiciary, to whom was referred the bill (H. R. No. 3168) relating to partition of real estate in the District of Columbia, reported it with an amendment.

He also, from the same committee, to whom was referred the bill (H. R. No. 2043) to improve the law in relation to dower in the District of Columbia, reported it with an amendment.

BILLS INTRODUCED.

Mr. GORDON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1002) to establish a competent and non-partisan revenue corps; which was read twice by its title, referred to the Committee on Civil Service and Retrenchment, and ordered to be printed.

Mr. SHERMAN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1003) to restore Benjamin P. Runkle to the retired list of the Army; which was read twice by its title, referred to the Committee on Military Affairs, and ordered to be printed.

HOUSE BILL REFERRED.

Mr. WINDOM. I ask that the bill just received from the House providing means to defray the expenses of the District of Columbia be laid before the Senate for reference.

The bill (H. R. No. 3962) to provide means to defray the expenses of the District of Columbia until December 1, 1876, was read twice by its title.

Mr. WINDOM. I am not particular whether it goes to the Committee on Appropriations or the Committee on the District of Columbia. I suggest the Committee on Appropriations, however, because we have had that subject before us.

The PRESIDENT *pro tempore.* The bill will be referred to the Committee on Appropriations, if there be no objection.

BIDS FOR CARRYING THE MAILS.

Mr. HAMLIN. I ask the Senate to take up the bill just received from the House in relation to "straw" bids in the post-office service.

The bill (H. R. No. 3963) to amend subsections 246 and 251 of section 12 of an act entitled "An act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1875, and for other purposes," approved June 23, 1874, and for other purposes, and also to amend section 3954 of the Revised Statutes, was read twice by its title.

Mr. HAMLIN. Mr. President, the bill, the title of which has just been read, substantially received the unanimous approval of the Committee on Post-Offices and Post-Roads and passed the Senate. It also passed the House and went to the President. On examination it was ascertained that the references to the statutes were wrong in the first section, and the President vetoed the bill. The only difference in the world between this bill and the one that passed is a change in the references in the first section of the bill. I therefore hope it will be allowed to pass.

The PRESIDENT *pro tempore.* Is there objection to the present consideration of the bill?

Mr. EDMUNDS. Subject to the regular order.

The Chief Clerk read the bill.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

IMPEACHMENT OF W. W. BELKNAP.

Mr. EDMUNDS. I call for the regular order, Mr. President.

The PRESIDENT *pro tempore.* The regular order is called for. Legislative and executive business will be suspended, and the Senate will proceed to the consideration of the articles of impeachment exhibited by the House of Representatives against William W. Belknap, late Secretary of War.

The Senate then proceeded to the trial of the impeachment of William W. Belknap, late Secretary of War.

The Senate sitting for the trial of the impeachment of William W. Belknap having adjourned then resumed its

LEGISLATIVE SESSION.

The PRESIDENT *pro tempore.* The Senate resumes its legislative session.

Mr. WRIGHT. Mr. President, I move——

Mr. ALLISON. I insist on the regular order, whatever it is.

The PRESIDENT *pro tempore.* There is no unfinished business. One day has transpired since the river and harbor bill was under consideration, so that it has lost its position as unfinished business.

Mr. WRIGHT. It is only a little after four o'clock. I have in my hand a bill reported from the Committee on Claims that I have been endeavoring for some time to get to the attention of the Senate. I believe we can dispose of it this afternoon, and I know of no more opportune moment to do it in than now.

Mr. CONKLING. What is the bill?

Mr. WRIGHT. It is a bill making appropriations for allowances made by the southern claims commission.

Mr. EDMUNDS. Have we not passed one such bill this session?

Mr. WRIGHT. We have passed nothing of this kind this session.

Mr. EDMUNDS. What was the bill we passed?

Mr. WRIGHT. The bill referred to by the Senator from Vermont was a bill making appropriations for allowances under the Quartermaster's and Commissary-General's Departments. This is the bill reported from our committee for this session to pay the allowances made by the southern claims commission. This report was made at the commencement of the present session, and if these persons are entitled to their money it is important that we act upon this bill. I therefore move that the Senate proceed to the consideration of House

bill No. 3259, known as the bill making appropriations for payment of the judgments of the southern claims commission.

Mr. ALLISON. I appeal to my colleague to waive this until we have disposed of the river and harbor bill, which I think we can finish before we adjourn to-night if we take it up now.

Mr. WRIGHT. It is exceedingly unpleasant to me to antagonize my colleague, and especially having in charge that bill; but this bill has been in my hands from the Committee on Claims for some time. I have endeavored on several occasions to get it before the Senate; and, if I can have an understanding that I at least shall have an opportunity to get the bill before the Senate next after the river and harbor bill, I shall not insist on it now. I trust there will be no objection to this understanding. I ask this as a matter of self-protection for myself against gentlemen who are pressing this bill on me and on the committee. I should like to get it out of the way. I will now yield, because I have no disposition to antagonize an appropriation bill at any time.

Mr. ALLISON. I move to take up the river and harbor bill.

Mr. LOGAN. I ask if the vote taking up House bill No. 58 yesterday does not make it now the regular order?

The PRESIDENT *pro tempore*. It expired at the time, being taken up in the morning hour. There is no unfinished business of the morning hour.

FUNERAL EXPENSES OF JOHN T. KING.

Mr. JONES, of Nevada. I ask leave to make a report. The Committee to Audit and Control the Contingent Expenses of the Senate, to whom were referred a resolution to pay certain funeral expenses, have instructed me to report favorably and ask its present consideration.

The Senate proceeded to consider the following resolution:

Resolved, That the Secretary of the Senate be, and he is hereby, authorized to pay out of the contingent fund of the Senate the medical and funeral expenses of John T. King, deceased, who died from injuries received by the recent explosion of gas in the Capitol: *Provided*, That the bills rendered shall be approved by the Committee to Audit and Control the Contingent Fund of the Senate before they are paid.

The PRESIDENT *pro tempore*. The question is on the resolution.

Mr. EDMUNDS. I suggest that the rules require that resolutions for the payment of money must be considered as in Committee of the Whole just like a bill, and read three times.

The PRESIDENT *pro tempore*. The Senator from Vermont makes the point that the rule requires the resolution voting money shall be considered as a bill. The Senator is correct. The resolution has already been read twice, and is now before the Senate as in Committee of the Whole.

The resolution was reported to the Senate, ordered to a third reading, read the third time, and passed.

BILL INTRODUCED.

Mr. BOUTWELL. I ask leave to introduce a bill, upon request, for reference.

By unanimous consent, leave was granted to introduce the bill (S. No. 1004) to amend section 731 and section 5440 of the Revised Statutes; which was read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed.

BILL RECOMMITTED.

On motion of Mr. BRUCE, it was

Ordered, That the bill (H. R. No. 1499) granting a pension to Mrs. Lydia Johnson, of De Witt County, Illinois, be recommitted to the Committee on Pensions.

ORDER OF BUSINESS.

Mr. EDMUNDS. I wish to say in answer to the Senator from Iowa on my right, [Mr. WRIGHT,] who asked that the bill about claims should come in after the river and harbor bill, that notice has already been given some time since that the bill of the House about the relations of the United States with the Pacific railroads would be endeavored to be pressed to the attention of the Senate as soon as the river and harbor bill should be disposed of. On the part of the Judiciary Committee I wish to have it fairly understood that so far as any efforts of ours can go the Senate will be urged to consider that question when the river and harbor bill is over.

Mr. WRIGHT. I gave notice in regard to the claims bill very early, and I shall insist on it having precedence next after the river and harbor bill.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Iowa [Mr. ALLISON] to take up for consideration the river and harbor bill.

The question being put, there were on a division—ayes 25, noes 7; no quorum voting.

Mr. EDMUNDS. I move that the Senate adjourn.

Mr. ANTHONY. Will the Senator give way till I move that when we adjourn it be to meet to-morrow at twelve o'clock?

Mr. EDMUNDS. I yield for that purpose.

The PRESIDENT *pro tempore*. The Senator from Rhode Island moves that when the Senate adjourn to-day it be to meet at twelve o'clock to-morrow.

Mr. WITHERS called for the yeas and nays, and they were ordered; and being taken, resulted—yeas 32, nays 17; as follows:

YEAS—Messrs. Allison, Anthony, Bayard, Bruce, Cameron of Wisconsin, Christiancy, Conkling, Conover, Cooper, Cragin, Edmunds, Ferry, Frelinghuysen, Hitchcock, Howe, Ingalls, Jones of Florida, Jones of Nevada, Logan, McCreery, McMillan, Morrill, Oglesby, Paddock, Patterson, Randolph, Robertson, Saulsbury, Stevenson, West, Windom, and Wright—32.

NAYS—Messrs. Bogy, Boutwell, Cockrell, Davis, Dennis, Eaton, Gordon, Harvey, Kelly, Kernan, Merrimon, Mitchell, Ransom, Sherman, Thurman, Wallace, and Withers—17.

ABSENT—Messrs. Alcorn, Barnum, Booth, Burnside, Cameron of Pennsylvania, Caperton, Clayton, Dawes, Dorsey, Goldthwaite, Hamilton, Hamlin, Johnston, Key, McDonald, Maxey, Morton, Norwood, Sargent, Sharon, Spencer, Wadleigh, and Whyte—23.

So the motion was agreed to.

Mr. EDMUNDS. I move that the Senate adjourn.

The question being put, there were on a division ayes 24, noes not counted.

Mr. WINDOM called for the yeas and nays, and they were ordered; and being taken, resulted—yeas 26, nays 23; as follows:

YEAS—Messrs. Bayard, Bruce, Christiancy, Conkling, Conover, Cooper, Cragin, Edmunds, Frelinghuysen, Hitchcock, Jones of Florida, Jones of Nevada, McCreery, McDonald, McMillan, Morrill, Patterson, Randolph, Robertson, Saulsbury, Stevenson, Thurman, Wallace, West, Withers, and Wright—26.

NAYS—Messrs. Allison, Anthony, Bogy, Cameron of Wisconsin, Cockrell, Davis, Dennis, Eaton, Ferry, Gordon, Harvey, Howe, Ingalls, Kelly, Kernan, Merrimon, Mitchell, Norwood, Oglesby, Paddock, Ransom, Sherman, and Windom—23.

ABSENT—Messrs. Alcorn, Barnum, Booth, Boutwell, Burnside, Cameron of Pennsylvania, Caperton, Clayton, Dawes, Dorsey, Goldthwaite, Hamilton, Hamlin, Johnston, Key, Logan, Maxey, Morton, Sargent, Sharon, Spencer, Wadleigh, and Whyte—23.

So the motion was agreed to; and (at four o'clock and forty minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, *July* 25, 1876.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. I. L. TOWNSEND.

The Journal of yesterday was read and approved.

AMENDMENT OF RULES.

Mr. COX. I give notice of an amendment to the rules which I desire to have referred to the Committee on Rules. I send it to the desk to be read.

The Clerk read as follows:

Rule —. That standing and special committees of the House charged with the investigation into the official conduct of any person, while such person may have been in the discharge of public duties, may report at any time, and the House may permit the views of a minority of any such committee to be printed with such report.

Mr. WILSON, of Iowa. I object.

Mr. COX. The gentleman cannot object to notice being given.

Mr. WILSON, of Iowa. The proper time to do that is in the morning hour on Monday.

Mr. COX. I give notice now that the rule may be amended, and I take the responsibility.

Mr. WILSON, of Iowa. It is not worth a cent.

PERSONAL EXPLANATION.

Mr. CLARK, of Missouri. I desire to state that when the vote was taken yesterday on the bill introduced by the gentleman from Pennsylvania [Mr. KELLEY] to provide for the coining of the standard silver dollar of the United States, and for restoring its legal-tender character, I neglected to announce the pair of Mr. SOUTHARD, of Ohio, and Mr. HAMILTON, of New Jersey.

AMMUNITION CONTRABAND TO HOSTILE INDIANS.

Mr. HURLBUT. I rise to make a privileged report. The Committee on Military Affairs, to whom was referred on yesterday the joint resolution (H. R. No. 154) prohibiting the sale of special metallic cartridges to hostile Indians, and who were authorized to report at any time, have unanimously directed me to report back the joint resolution and recommend its passage.

The joint resolution was read, as follows:

Whereas it is ascertained that the hostile Indians of the Northwest are largely equipped with arms which require special metallic cartridges, and that such special ammunition is in large part supplied to such hostile Indians directly or indirectly through traders and others in the Indian country:

Be it therefore resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States is hereby authorized and requested to take such measures as in his judgment may be necessary to prevent such special metallic ammunition being conveyed to such hostile Indians, and is further authorized to declare the same contrabrand of war in such district of country as he may designate during the continuance of hostilities.

Mr. BLAND. How does this come before the House? I call for the regular order.

The SPEAKER *pro tempore*. This joint resolution is a privileged report from the Committee on Military Affairs, which had leave to report at any time.

The joint resolution was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. HURLBUT moved to reconsider the vote by which the joint resolution was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, informed the House that the Senate was ready to proceed upon the impeachment of William W. Belknap and to receive the managers on the part of the House, and that the Senate Chamber was prepared with accommodations for the reception of the House of Representatives.

ORDER OF BUSINESS.

Mr. BROWN, of Kansas. I rise to a privileged question. I call up the report of the Committee of Elections, in the contested-election case of Platt *vs.* Goode, second congressional district of Virginia.

Mr. BLAND. I desire to raise the question of consideration upon that.

The SPEAKER *pro tempore*. That may be done.

Mr. BLAND. I desire that we shall have the morning hour, that the House may consider the bill pending in the morning hour reported from the Committee on Mines and Mining.

The SPEAKER *pro tempore*. Unless some matter of higher privilege intervenes, the regular order of course will be the morning hour, and the bill of the gentleman from Missouri [Mr. BLAND] is the pending business. The gentleman from Missouri raises the question of consideration on the report of the Committee of Elections called up by the gentleman from Kansas.

The question being taken, there were—ayes 59, noes 87.

So the House refused to consider the report of the Committee of Elections.

Mr. BROWN, of Kansas. I give notice that I shall call up the report immediately after the morning hour.

PRODUCT OF GOLD AND SILVER MINES.

The SPEAKER *pro tempore*. The regular order being demanded, the morning hour begins at twelve o'clock and twenty-five minutes p. m., and the regular order of business is the call of committees for reports. The call rests with the Committee on Mines and Mining and the pending question is upon the bill (H. R. No. 3635) to utilize the product of gold and silver mines, and for other purposes, reported from the committee with amendments.

Mr. KASSON. There is a point of order pending on that bill that it should have its first consideration in Committee of the Whole on the state of the Union, and upon that point of order I desire to be heard for a moment.

Mr. BLAND. As I understand it, the point of order was made when the bill was reported.

The SPEAKER *pro tempore*. The Chair will hear the gentleman from Missouri first upon the point of order.

Mr. BLAND. I have no remarks to make upon the point of order as the bill does not require an appropriation of money, and on the point that it does involve an appropriation I desire the Clerk to read the ruling of Speaker KERR on a bill of a similar nature and character when the point of order was raised by one of my colleagues from Missouri, [Mr. PHILIPS.]

The Clerk read as follows:

Mr. PHILIPS, of Missouri. In the first place, Mr. Speaker, I rise to a question of order, that as this bill in its operation and execution will necessarily involve the expenditure of public money, it should be referred to the Committee of the Whole for consideration.

Now, sir, it is true that while the bill provides that the marshal and clerk of the present district and circuit courts of that district shall furnish deputies to reside at Kansas City to perform the duties of their principals, yet there are other expenditures which are the necessary concomitants of courts which must be furnished by the General Government. It is in fact a separate court, in that these deputies are to do the business of their principals, and of course are to be provided with records separate from the records kept at Jefferson City, and necessarily under this bill there will be separate grand and petit juries at each of these terms of court.

Under his bill there will be, as the law now stands, two terms of the district and two of the circuit court in each year held at Kansas City. The judiciary bill passed by this House has not yet become the law, so that the conduct of these courts will be attended with two separate grand and two separate petit juries in each year, and records will have to be furnished both for the circuit and district courts, as also for the bankrupt court. While it is true in the latter portion of the bill the duty is imposed upon the State government of Missouri or the municipal corporation of Kansas City to furnish a house in which this court is to be held, it will be optional with them whether they furnish it or not. The first portion of the bill unqualifiedly establishes this court there, and if the State government and municipal corporation of Kansas City should decline or refuse to furnish this building, the next call will be upon the General Government to furnish a building, and it is impossible without the expenditure of public money to conduct the court.

The SPEAKER. The Chair overrules the point of order. He thinks it goes beyond the limits of propriety on questions of this kind. It would be really difficult to imagine any legislation enacted by Congress that does not involve some expenditure. This may, but the expenditure is so clearly an incident that the Chair does not think it brings the bill within the rule. The point of order is overruled.

Mr. KASSON. Mr. Speaker, I present my views upon the point of order with the more satisfaction from my entire confidence in the desire of the Speaker to do as he always has done heretofore; demand a strict observance of the rules of the House, which are but the common protection of all the members of the House.

The point of order which I make on the bill is that it must have its first consideration in the Committee of the Whole, and the rule upon which I base that point of order is Rule 112, which is as follows:

All proceedings touching appropriations of money and all bills making appropriations of money or property, or requiring such appropriations to be made, or authorizing payments out of appropriations already made, shall be first discussed in a Committee of the Whole House.—*January* 13, 1874.

There is no room, it seems to me, for doubt upon either point of the clauses of this bill.

Now, in the first place it makes a direct appropriation, if there is any force in the English language, as expressed in the bill. It provides for the purchase of an almost unlimited amount of gold and silver bullion and for payment for it. The language is:

That coin-notes of the denomination of $50, and multiples thereof up to $10,000, may, in the mode hereinafter provided, be paid by the several mints and assay offices at San Francisco, Carson City, Philadelphia, and New York for the net value of gold and silver bullion deposited thereat.

Now if this bullion is purchased by authority of this law, it cannot be paid without money, and no money can be taken or property of any kind without authority of law; so that in the very first few lines of the bill you find that there is an express appropriation either of money or property. The question rises to a serious magnitude in view of the use of language like this. We cannot get gold and silver bullion from private parties without payment therefor of either money or property; and whether it be money or property that is appropriated, it requires to be first considered in Committee of the Whole. I think, sir, there can be no mistake about this language, which involves an appropriation either of money or property for the purchase of gold and silver bullion, one or the other.

Mr. BUCKNER. Read a little further on.

Mr. KASSON. I have called the attention of the Chair to the first five lines of the bill. You are to pay for gold and silver bullion in coin-notes. Gold and silver bullion are private property to be brought to the mints to become the property of the United States by payment which this first section provides for, and I submit that you cannot acquire title to either gold or silver bullion except you pay for it either in money or property.

Mr. HEREFORD. Will the gentleman allow me one question?

Mr. KASSON. Certainly.

Mr. HEREFORD. I would like to ask the gentleman from Iowa to point out the section or line in the bill by which any money or property is appropriated.

Mr. KASSON. I repeat that I have just called the attention of the Speaker to the language that requires coin-notes of a certain denomination of $50 or multiples thereof to be paid by the several mints and assay offices for the net value of the gold and silver bullion deposited thereat.

Mr. HEREFORD. I ask if there is one single word in this bill which says that certain property or a certain amount of money is hereby appropriated?

Mr. KASSON. There is the error. These notes are something or they are not. They are money or property or they are worthless.

Mr. HEREFORD. They are simply receipts.

Mr. KASSON. If the coin-notes are neither money nor property, then you are attempting to cheat the men of whom you buy the gold and silver.

Mr. HEREFORD. No, sir; it is simply a receipt.

Mr. KASSON. I suggest that there can be no doubt in the proper construction of a rule so plain as this is. If the coin-notes are not money and are not property, then you have got to appropriate money for the payment of this gold and silver bullion. The question is so perfectly plain under that rule that it either is an appropriation or requires an appropriation, that I despair of finding any protection in this rule against the evils which it was designed to prevent unless it be found in applying it to language like this.

I might go on and speak of the minor provisions of the bill; that it requires the preparation of these notes; that it requires the purchase of paper to print the notes; that it requires the transfer of the gold coin from the mints to the assistant treasurers' offices; all of which costs money, as we are well aware by the large amounts we have appropriated for engraving and printing and the transfer of gold and silver coin.

But I desired in the first place to get the attention of the Speaker and of the House to the first point in the bill, that either money or property is to be paid as an equivalent for the gold and silver bullion deposited at the several mints or assay offices.

When these coin-notes are paid out this property in bullion becomes ours; when these notes are issued they become the property of individuals. The money rights of the United States are involved in this bill either by an express appropriation of these coin-notes, or by the necessity of making an appropriation hereafter in order to redeem the coin-notes. These notes are not the representative of the identical bullion purchased; on the contrary, by section 4 of this bill these coin-notes are to be received as money for all dues to the United States. Under that statement of the case I think it is impossible for the Chair to decide that there is neither an appropriation nor the requirement of an appropriation in this bill.

Mr. HOLMAN. I desire to make an inquiry of the Chair. The time consumed in this debate upon the point of order of course does not come out of the morning hour; otherwise gentlemen can consume the entire morning hour and entirely defeat this bill.

The SPEAKER *pro tempore*. The Chair cannot rule otherwise than that a point of order may consume the morning hour as well as anything else.

Mr. HOLMAN. Then I hope by unanimous consent it will in common fairness be agreed that the time consumed by the discussion of this point of order shall not come out of the morning hour.

The SPEAKER *pro tempore*. That requires unanimous consent.

Mr. ELY. I object.

Mr. KASSON. I must object to that.

Mr. HOLMAN. The gentleman will then consume the morning hour by discussing this point of order by the courtesy of the Chair.

The SPEAKER *pro tempore*. The gentleman from Indiana [Mr. HOLMAN] need not be apprehensive that the Chair will allow the time to be unnecessarily consumed by this point of order. The Chair now recognizes the gentleman from Massachusetts, [Mr. BANKS.]

Mr. KASSON. I desire to yield to the gentleman from Pennsylvania [Mr. TOWNSEND] for a moment.

Mr. TOWNSEND, of Pennsylvania. I will be very brief. Rule 112 is as follows:

All proceedings touching appropriations of money and all bills making appropriations of money or property, or requiring such appropriations to be made, or authorizing payments out of appropriations already made, shall be first discussed in a Committee of the Whole House.

Now, in section 6 of this bill there is imposed a duty upon the Secretary of the Treasury that will require an appropriation to be made.

Mr. BANKS. I would like to inquire for what purpose the gentleman from Pennsylvania [Mr. TOWNSEND] has the floor?

Mr. TOWNSEND, of Pennsylvania. I am speaking on the point of order and discussing this bill.

Mr. BANKS. Yes; but the gentleman from Iowa [Mr. KASSON] cannot yield the floor to another for an argument.

Mr. KASSON. I thought that the gentleman from Pennsylvania [Mr. TOWNSEND] wanted to make a statement.

Mr. BANKS. But he is not doing that. It would appear that the gentleman from Iowa [Mr. KASSON] desires to occupy the morning hour for the purpose of defeating this bill.

Mr. TOWNSEND, of Pennsylvania. Am I entitled to the floor?

Mr. BANKS. I object that the gentleman is not entitled to the floor.

Mr. TOWNSEND, of Pennsylvania. I am speaking to the point of order.

Mr. BANKS. Let the gentleman from Iowa [Mr. KASSON] finish his remarks.

Mr. KASSON. I desire to keep within the rules.

The SPEAKER *pro tempore*. The gentleman from Iowa [Mr. KASSON] cannot under the circumstances parcel out the floor to other gentlemen. The Chair supposed the gentleman from Iowa had yielded the floor, and therefore recognized the gentleman from Massachusetts, [Mr. BANKS.]

Mr. KASSON. I will conclude in a moment. No such purpose as that intimated by the gentleman from Massachusetts [Mr. BANKS] entered into my mind at all.

The first section of this bill requires coin-notes to be paid out, and consequently it involves the absolute necessity of redeeming those coin-notes; or else they are already money by force of this bill, and paying them out would be an appropriation from the funds of the Treasury. You cannot buy gold and silver bullion in this way and transfer it from mints to assistant treasurers without requiring money to be appropriated for the purpose, and thereby involving the identical question that this rule designed to give the House the right to consider in Committee of the Whole.

I appeal to the Speaker to guard well the force and construction to be put on this bill. It involves indebtedness of the United States; it involves considerations which are important to the people of this country. No bill was ever presented to this House upon which this point has been made, to which it can in principle more directly attach, than to the bill now before the House. The operations of this bill will run indefinitely through years. Creating an indefinite liability on the part of the United States, creating a new species of liability called coin-notes, it certainly ought to be considered with the freedom and facility for amendment that can be found in Committee of the Whole and nowhere else.

Mr. BANKS. The answer to the objection of the gentleman from Iowa [Mr. KASSON] is perfectly simple and perfectly conclusive. The statement that he makes is that the coin-notes referred to in the first section of this bill are under certain circumstances to be paid; and that he says is an appropriation or requires an appropriation.

The fact is that these coin-notes do not exist, have no existence. Therefore they cannot be paid, and therefore this bill does not require them to be paid. If the Secretary of the Treasury, or even the President of the United States, shall draw one dollar or one dime or one cent from the Treasury of the United States for the purpose of preparing these coin-notes, which do not now exist, that officer could be and should be impeached for a high crime against the United States. The late Secretary of War, who is now under impeachment by the order of this House, has never committed any such crime, nor is there as against him any proof of any such crime as there would be against the President of the United States or the Secretary of the Treasury if either of them, without an appropriation of money by this House, should order or permit the preparation of these coin-notes.

Sir, this bill is just like a thousand other bills that are passed by the House of Representatives. They declare a fact. They declare a purpose. And if afterward that declaration requires an appropriation of money, that appropriation must be made in terms and in figures. There must be such a specification of an appropriation, of the application of money, as will justify some officer of the Government in taking that money out of the Treasury. And no man can point here to any such use of words or collocation of words as this.

Mr. Speaker, there was a precedent upon this subject which bears directly upon it, and which, notwithstanding the appeal that has been made to the impartiality of the Speaker by the gentleman from Iowa, [Mr. KASSON,] in which I fully concur, will, I think, satisfy the Speaker as to the proper status of this bill before the House at the present time. A hundred years ago the Congress of the United States declared that the relations between the American colonies and Great Britain should be dissolved. And I have no doubt that some person said, "Well, if they are dissolved, it will require armies and navies to defend us against Great Britain, and the Congress of the United States cannot consider this question; it must go to a committee that shall provide the appropriation." I have no doubt, sir, that the President of the Congress at that time said that this Declaration of Independence is the declaration of a purpose; it is the declaration of a fact; and if one dollar or one dime is to be required hereafter to defend that dissolution which was provided by the Declaration, the Congress will have the authority and it will be its duty at the proper time to make the appropriation. But it cannot be possible that the Declaration of Independence was ruled out of order by the Congress of the American colonies upon the theory that it might require an appropriation of money.

Mr. KASSON. May I remind the gentleman that this rule on which we are making the point of order was adopted on the 13th of January, 1874, only ninety-eight years after the Declaration of Independence?

Mr. BANKS. I am perfectly aware of it. And I am aware of another fact, that the principle of this rule has been in existence and in operation from the very foundation of parliamentary assemblies. There never was a time and there never will be a time when a Congress or a deliberative assembly will be deprived of the right to declare an opinion, or a purpose, or pass an act, upon the ground that the purpose, or opinion, or act may require an appropriation of money hereafter.

Now, sir, I recur to the fact that the coin-notes, which the gentleman from Iowa says shall be paid, do not exist.

Mr. KASSON. That is the language of the bill.

Mr. BANKS. And they cannot, therefore, be required to be paid.

Mr. KASSON. But the bill says they shall be.

Mr. BANKS. They do not exist. I do not speak to satisfy or convince the gentleman from Iowa, [Mr. KASSON;] I speak to you, Mr. Speaker. These coin-notes that the gentleman says must be paid do not exist, and therefore they cannot be paid. And therefore the bill does not require them to be paid. And moreover, here is the Constitution, which says that:

No money shall be drawn from the Treasury but in consequence of appropriations made by law.

And you know, Mr. Speaker, that there is no human being who can take one dollar out of the Treasury of the United States for any purpose specified in this bill until authority is given him by a specific act.

Mr. HOLMAN. I ask to be heard just for a moment on this question. We are passing a class of bills every session of Congress which very well illustrate the character of this bill and the extent to which it ought to be regarded as an appropriation bill. I refer, sir, to the bills authorizing the Secretary of the Treasury to erect public buildings in the various cities of the country. The language of those bills is that the Secretary of the Treasury shall erect a building for a custom-house or post-office in a given city, and a limit is put on the cost of the building. Now, there is a much more direct appropriation of money than this bill possibly admits of being interpreted to be. It is provided that the Secretary shall build in a given city a post-office, a custom-house, or other public edifice, and the cost is limited to so much.

Now, the reason why that is not an appropriation bill within this rule is that there is no appropriation of money. Here the direction is to issue the coin certificates, but there is no appropriation of money for the purpose. And yet I will venture to say that neither the gentleman from Iowa [Mr. KASSON] nor any other member on the floor ever dreamed that the bills of the class to which I refer were appropriation bills.

Mr. KASSON. Will the gentleman from Indiana before he sits down allow me in connection with that point to direct his attention to section 6 of this bill?

That the coin-notes authorized by this act to be issued shall be prepared under the direction of the Secretary of the Treasury, and shall be transferred to the mints and assay offices named in this act as a part of the bullion fund, and from which fund deposits shall be paid for in coin or coin-notes, at the option of the depositor.

Now, there is the express appropriation of money from the bullion fund in the mints. There seems no possible escape from it.

Mr. HOLMAN. Ah, the gentleman is clearly mistaken there.

That the coin-notes authorized by this act to be issued shall be prepared under the direction of the Secretary of the Treasury, and shall be transferred to the mints and assay offices named in this act as a part of the bullion fund.

Here is the direction and authority to prepare these notes, but there is no appropriation for that purpose.

Mr. KASSON. But appropriation will be required under the language.

Mr. HOLMAN. It proceeds:

And from which fund deposits shall be paid for in coin or coin-notes, at the option of the depositor.

That is to say, the coin-notes shall be paid.

Mr. KASSON. You make an appropriation from the bullion fund.

Mr. BANKS. That is the bullion fund created by this bill. It does not exist at all. Let the gentleman go to the Secretary of the Treasury with this bill, and the Secretary will say, "When Congress shall have made an appropriation to execute the law I will execute it."

Mr. HOLMAN. This is in fact not an appropriation of money, but an exchange of commodities, without any provision in the act appropriating money for the issue of coin-notes. These coin-notes are not money, but mediums of exchange.

Mr. Speaker, I had the honor to submit to the House the rule adopted in 1874, and I can state what the object was. It was to meet that class of cases which involved appropriations of money, which create offices for which no appropriation is made, but for the salaries of which the holders of the office may go into the Federal courts and obtain judgments, and these judgments must be paid; and for the same reason it applies for instance to references to the Court of Claims, which have always been held to be subject to the point of order, because you must meet the judgments of that court and the judgments must be paid out of money not already appropriated for that purpose.

Mr. KASSON. Does the gentleman remember the rule so often applied by the last Speaker of this House, that where a bill made no appropriation, but was susceptible of an amendment requiring an appropriation, it came under this rule?

Mr. HOLMAN. I remember that decision very well, but it was clear, and I presume that if the gentleman who was then Speaker were present he would now say so, that that was not a well-considered opinion in parliamentary law, for you can scarcely bring a bill into the House that is not subject to germane amendments that would involve the appropriation and expenditure of money.

I wish to say further that it is exceedingly desirable that the rules of the House should be well understood and that the interpretations upon them shall be uniform. There is great force in the precedent which has been read in the hearing of the Chair touching the expenditure of money necessarily involved in the establishment of a Federal court in the State of Missouri, which precedent was exactly in point, involving the very question raised in this point of order, and I submit that in the absence of very strong motives that precedent should still govern us as the best and most authentic interpretation which the House has yet given—for that opinion was concurred in by the House—of the rule now under consideration.

Mr. GARFIELD. I desire to state a new point of order.

Mr. BLAND. As I understand it, this discussion comes out of the morning hour, and half of the morning hour has already expired.

The SPEAKER *pro tempore*. The Chair desires to hear the gentleman from Ohio before deciding the question.

Mr. GARFIELD. I shall take but a moment of time.

Mr. HOLMAN. After the gentleman from Ohio shall have been heard I shall insist that the question be decided.

Mr. GARFIELD. I desire to read in the hearing of the House a rule which I believe has not been read in this discussion, and that is Rule 110, which is as follows:

110. No motion or proposition for a tax or charge upon the people shall be discussed the day on which it is made or offered, and every such proposition shall receive its first discussion in a Committee of the Whole House.

Now, Mr. Speaker, what is a charge or taxes upon the people? First, a tariff or internal-revenue duty; second, a loan in the form of a bond or note payable by the United States, whether it be a coin-note or a common greenback. These have always been regarded just as much a charge upon the Treasury as a direct internal revenue or customs tax.

Now, the gentleman from Massachusetts [Mr. BANKS] says that these coin-notes do not exist, but I call the attention of the House to the fact that the first section provides "that coin-notes of the denomination of $50, and multiples thereof up to $10,000, may, in the mode *hereinafter provided*, be paid by the several mints," &c.

Now, what is the mode "hereinafter provided?" Why, in the first place a bullion fund is provided in this section, namely, the gold and silver bullion deposited in the several mints and branches of the United States is declared to be a bullion fund, and these notes hereinafter provided for are to be paid out of the fund herein denominated and created. Now turn to section 4; it begins in these words: "The coin-notes issued under the provisions of this act," &c. It appears, then, that this act is to authorize the issue of coin-notes.

Read again the first line of section 5: "That gold-coin notes issued under this act shall be redeemed," &c. Then there are to be coin-notes issued under the provisions of this act.

But go on to section 6; there you have direct authority for the issue. How? "That the coin-notes authorized by this act to be issued shall be prepared under the direction of the Secretary of the Treasury."

First, they have been authorized, and now it is declared that they shall be prepared under the direction of the Secretary of the Treasury, "and shall be transferred to the mints and assay offices named in this act as a part of the bullion fund," the fund created by the first section.

Now we have the circle complete. In the first place, we create a bullion fund consisting of all the gold and silver bars now in the Mint. Then we authorize the issue of notes, which are United States promises to pay, and every one of those notes when issued becomes a part of the national debt which we hereby create. Then this bill provides that 75 per cent. of the bullion now lying in the Mint as a part of this bullion fund shall be reserved for the redemption of the notes herein authorized to be issued; we lock up in the Treasury 75 per cent. of our bullion for this purpose.

This bill does two things; first it creates a public debt, it lays a charge upon the people just as really as though it were in direct words a tax, because a note, a United States promise to pay, when issued is a tax. Then the Secretary of the Treasury is required to prepare these notes for issue under this act. Now, under Rule 110, which provides that any proposition for a tax or charge upon the people shall receive its first discussion in the Committee of the Whole, this bill involving a charge upon the people must have its first consideration in the Committee of the Whole.

One word more in further enforcement of this position. Gentlemen say there is no appropriation in this bill. I would call their attention to Rule 112, which requires that all proceedings touching appropriations of money and making appropriations of money or property, "or requiring such appropriation to be made," shall be first considered in the Committee of the Whole. That rule does not require that there be an actual appropriation in order to be liable to the point of order, for the rule says expressly "requiring such appropriations to be made." If the authority to issue coin-notes, the creation of a bullion fund, and the requirement that 75 per cent. of that fund shall be locked up in the Treasury to redeem the gold-notes herein authorized to be issued—if all that does not require an appropriation, then I cannot understand the meaning of language.

But more, it makes an appropriation. Gentlemen may say that it makes no appropriation of money. I answer that it makes an appropriation of property, of the gold and silver bars in the mints which are the property of the United States. Rule 112 says that "all bills making appropriations of money or property." This bill appropriates property; it appropriates 75 per cent. of the whole mass of gold and silver bars which are by this act created a bullion fund.

It creates a debt in the form of notes or bonds; it creates a bullion fund; it sets apart 75 per cent. of that fund for the redemption of the bonds or notes thus issued, and it requires the Secretary of the Treasury to prepare those notes for issue. Therefore, under both rules, as requiring an appropriation of money and as making an appropriation of property, and also as creating a charge upon the people, this bill is liable to the point of order. If there ever has been a bill before the House that could be sent to the Committee of the Whole on a point of order, this is eminently such a bill.

Mr. HOLMAN. Is not this more in the nature of a mere exchange of commodities, making the Government the agency of that exchange, rather than an appropriation in the meaning of the term "appropriation of money;" for an appropriation of money must be made directly from the Treasury for a given object? The coin-notes here provided for are simply representatives of the bullion, the one being issued in exchange for the other.

Mr. GARFIELD. If I should accept the hypothesis of the gentleman from Indiana [Mr. HOLMAN] I could give a perfect answer to it by stating that 25 per cent. of this bullion fund is an actual appropriation. Who dare say if this be an exchange of commodities it is also not an appropriation of commodities? And an appropriation of commodities or property brings the bill within the rule.

Mr. HOLMAN. Can the gentleman say that the bullion or coin taken from assay offices to pay for these certificates is an appropriation?

Mr. GARFIELD. Certainly. The words of the last section of this bill are these: "The Secretary of the Treasury shall prescribe the necessary regulations for carrying into effect the provisions of this act." That is a mandatory order upon the Secretary of the Treasury.

The SPEAKER *pro tempore*. The Chair must insist upon this discussion coming to an end.

Mr. WILSON, of Iowa. I desire a moment.

The SPEAKER *pro tempore*. The Chair will hear the gentleman from Iowa.

Mr. WILSON, of Iowa. I do not want to go over the ground that has been gone over so well by others. I want to raise a new point that has not yet been touched upon, and I would like the attention of my friend from Indiana, [Mr. HOLMAN.] The latest amendment to this Rule 112 was reported from our Committee on War Claims, of which we were both members for the purpose of having every proposition involving or requiring an appropriation of money or property considered first in the Committee of the Whole.

The real question now before the House is this: Is it wise to have a proposition of this kind, one that involves a comprehensive change in the character of our public debt, considered in the House under the operation of the previous question; or should it be first considered in the Committee of the Whole, where elaborate discussion can be had and amendments can be proposed, where the interests of the people who pay taxes can be considered both as regards paying money and the form of the charge upon them?

Now, Mr. Speaker, whether this point lies against the bill or not, we will have to consider that in coining the silver dollar there is involved and contemplated an appropriation of money to buy the silver out of which to make the legal-tender dollar that was a legal tender when we contracted much of our war debt. Is it wise then that so comprehensive a change of our public debt as this involves should be considered in the morning hour in the House under the operation of the previous question, instead of its being, as the rule undoubtedly contemplates, in Committee of the Whole where the widest latitude of discussion and amendment is allowed, and no bill can be reported to the House till every amendment is voted on and all have spoken who may desire to speak?

Mr. BURCHARD, of Illinois. I desire to suggest another reason why this bill should be considered in Committee of the Whole, and is liable to the point of order made by the gentleman from Ohio [Mr. GARFIELD] under Rule 110, and also Rule 111 taken in connection with Rule 110.

My recollection is that a similar point was decided by a former Speaker: that a change of law in respect to the mode in which taxes should be paid required under Rule 110 a reference of the bill to the Committee of the Whole House. This bill provides in section 4—

That the coin-notes issued under the provisions of this act shall be receivable without limit for all dues to the United States.

Now, everything that relates to taxation, the manner in which taxes shall be paid, the time when and the kind and material of money in which they shall be paid, is a matter relating to "a tax or charge upon the people."

And when an amendment was offered to a bill that the law should be changed so that legal-tender notes should be receivable in payment of customs dues, my recollection is, and I presume other gentlemen will bear me out in it, that the Speaker ruled that it was not admissible without being first considered in Committee of the Whole. Hence, I call attention to that part of this section which permits this kind of money, or of paper rather, to be receivable in the payment of taxes or dues to the United States.

The SPEAKER *pro tempore*. The Chair is prepared to decide the question. The point of order having been raised on Thursday last prior to the expiration of the morning hour, he has had opportunity to examine the rule and the decisions under it. In the light of these decisions and the discussions connected with them, there is not very much difficulty in understanding the meaning of the rule; and there seems to be but little difference in the discussion this morning on the part of different gentlemen as to what the rule itself means. The difficulty is as to its application to particular cases.

The Chair is convinced that there is a growing evil in the fact that we do not consider bills of importance in Committee of the Whole on the state of the Union to the extent that was formerly done. But that is a matter for the House, and not for the Chair. The Chair has carefully examined this bill. He is unable to regard it as a bill in any sense making appropriations of money or property, or in any sense requiring such appropriations to be made. He certainly cannot see in what possible sense it can be regarded as a proposition for "a tax or charge upon the people," or how it can possibly come under the one hundred and eleventh rule, which simply provides that no increase of the sum or quantum of tax or duty voted by a Committee of the Whole House shall be made in the House without being first discussed and voted on in Committee of the Whole House. The mere fact that this bill may involve expense does not bring it within the rule. Gentlemen will notice that the word used in the rule is "requiring," not "involving." And the mere fact that the bill may in some incidental or remote way involve expense, or that in some form or other to carry out its provisions expense may be incurred and even necessarily incurred by additional legislation, cannot bring it within the rule. The Chair therefore overrules the point of order.

Mr. KASSON. Then I most respectfully ask the opinion of the House.

The SPEAKER *pro tempore*. The Chair will be very glad to have that done.

Mr. SAVAGE. I move to lay the appeal of the gentleman from Iowa on the table.

Mr. KASSON. And I ask for tellers on that motion.

Mr. HOLMAN. I trust the gentleman from Ohio [Mr. SAVAGE] will consent to have the vote taken directly on the appeal of the gentleman from Iowa, instead of on the motion to lay that appeal on the table.

Mr. SAVAGE. I withdraw the motion to lay on the table.

The SPEAKER *pro tempore*. The Chair is obliged to the gentleman from Ohio for withdrawing the motion to lay on the table. He prefers to have the vote taken directly on the appeal from his decision. The Chair appoints as tellers the gentleman from Iowa, Mr. KASSON, and the gentleman from Indiana, Mr. HOLMAN.

Mr. TOWNSEND, of New York. Will the Chair have the kindness to state what is the precise question on which the House is to vote?

The SPEAKER *pro tempore*. The question is, Shall the decision of the Chair stand as the judgment of the House? Those voting in the affirmative vote to sustain the decision of the Chair, and the negative vote is against sustaining the decision of the Chair.

The House divided; and the tellers reported—ayes 120, noes 29.

Mr. KASSON. I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken, and there were—yeas 158, nays 24, not voting 102; as follows:

YEAS—Messrs. Ainsworth, Anderson, Ashe, Atkins, Bagby, John H. Bagley, jr., John H. Baker, William H. Baker, Banks, Banning, Beebe, Bell, Blackburn, Bland, Boone, Bradford, Bradley, Bright, William R. Brown, Buckner, Samuel D. Burchard, Cabell, John H. Caldwell, William P. Caldwell, Campbell, Candler, Cannon, Cason, Cate, Caulfield, John B. Clarke of Kentucky, John B. Clark, jr., of Missouri, Clymer, Cochrane, Collins, Conger, Cook, Crapo, Cutler, Davis, Davy, De Bolt, Dibrell, Douglas, Dunnell, Durand, Durham, Eden, Egbert, Ely, Evans, Felton, Finley, Forney, Fort, Frye, Gause, Goode, Goodin, Gunter, Andrew H. Hamilton, Hardenbergh, John T. Harris, Harrison, Hartridge, Hartzell, Hathorn, Haymond, Henderson, Hereford, Hill, Holman, Hopkins, House, Hunter, Hurd, Jenks, Frank Jones, Thomas L. Jones, Kimball, Franklin Landers, Lane, Lawrence, Levy, Lewis, Luttrell, Lynch, Lynde, Mackey, Maish, McFarland, Metcalfe, Milliken, Mills, Morgan, Mutchler, Neal, New, Odell, O'Neill, Packer, Page, Payne, Phelps, John F. Philips, Piper, Poppleton, Potter, Rainey, Randall, Rea, Reagan, John Reilly, James B. Reilly, Rice, Riddle, John Robbins, William M. Robbins, Roberts, Robinson, Miles Ross, Sampson, Savage, Scales, Schleicher, Seelye, Sheakley, Singleton, Sinnickson, Siemons, Smalls, Southard, Spencer, Springer, Stevenson, Stone, Swann, Thompson, Thornburgh, Throckmorton, Tufts, Turney, Van Vorhes, John L. Vance, Waddell, Charles C. B. Walker, Walsh, Warren, Erastus Wells, Whiting, Whitthorne, Wigginton, Wike, Alpheus S. Williams, James D. Williams, William B. Williams, Woodburn, and Woodworth—158.

NAYS—Messrs. Ballou, Blair, Horatio C. Burchard, Burleigh, Darrall, Eames, Foster, Garfield, Abram S. Hewitt, Hurlbut, Joyce, Kasson, Magoon, Monroe, Nash, Norton, Pierce, Plaisted, Powell, Stowell, Martin I. Townsend, Washington Townsend, Wait, and Willis—24.

NOT VOTING—Messrs. Adams, George A. Bagley, Bass, Bliss, Blount, John Young Brown, Caswell, Chapin, Chittenden, Cowan, Cox, Crounse, Culberson, Danford, Denison, Dobbins, Ellis, Faulkner, Franklin, Freeman, Fuller, Gibson, Glover, Hale, Robert Hamilton, Hancock, Haralson, Benjamin W. Harris, Henry R. Harris, Hatcher, Hays, Hendee, Henkle, Goldsmith W. Hewitt, Hoar, Hoge, Hooker, Hoskins, Hubbell, Hunton, Hyman, Kehr, Kelley, King, Knott, Lamar, George M. Landers, Lapham, Leavenworth, Le Moyne, Lord, MacDougall, McCrary, McDill, McMahon, Meade, Miller, Money, Morrison, O'Brien, Oliver, William A. Phillips, Platt, Pratt, Purman, Sobieski Ross, Rusk, Sayler, Schumaker, A. Herr Smith, William E. Smith, Sparks, Strait, Stenger, Tarbox, Teese, Terry, Thomas, Tucker, Robert B. Vance, Waldron, Gilbert C. Walker, Alexander S. Wallace, John W. Wallace, Walling, Ward, G. Wiley Wells, Wheeler, White, Whitehouse, Willard, Andrew Williams, Charles G. Williams, James Williams, Jeremiah N. Williams, Wilshire, Benjamin Wilson, James Wilson, Alan Wood, jr., Fernando Wood, Yeates, and Young—102.

So the decision of the Chair was sustained as the judgment of the House.

ORDER OF BUSINESS.

Mr. BLAND. I renew the demand for the previous question.

Mr. KASSON. Has not the morning hour expired?

The SPEAKER *pro tempore*. The morning hour has expired.

Mr. BLAND. I raise the question of consideration between this bill and other business.

The SPEAKER *pro tempore*. That cannot be done. The Chair will state to the gentleman that the bill is in the morning hour and will come up to-morrow morning necessarily and hold its position indefinitely until disposed of, but it cannot interfere with the orders of the day, because it is not taken out of the morning hour which is a protection to the bill.

Mr. HOLMAN. Cannot the House by refusing to proceed with other business go on with this bill?

Mr. BLAND. I suppose the House can control the business it will take up.

The SPEAKER *pro tempore*. The Chair is constrained to recognize the gentleman from Kansas, [Mr. BROWN,] who rises to a question of the highest privilege.

Mr. CONGER. In reference to the order of business I desire to inquire if the Committee on Mines and Mining will have the next morning hour, having had already two morning hours?

The SPEAKER *pro tempore*. They will not have the next morning hour for the introduction of business; but if the gentleman from Michigan will examine the rule he will find that the pending business must first be disposed of before any other committee can be called, if it takes a month to dispose of it.

Mr. BUCKNER. I desire to ask whether a report of a committee having privilege to report at any time is not of higher privilege than the report of the gentleman from Kansas?

The SPEAKER *pro tempore*. The Chair must hold that the question of the right of a member to his seat is of the highest privilege, but the question of consideration may be raised on the report of the gentleman from Kansas if the House desires to do so; otherwise the Chair will recognize the gentleman from Kansas as having the floor.

Mr. BROWN, of Kansas. Before proceeding with the election case I yield for a moment to the gentleman from Missouri, [Mr. WELLS.]

Mr. GARFIELD. I suggest that by unanimous consent, and not to be taken out of the time of the gentleman from Kansas, [Mr. BROWN,] gentlemen may now have an opportunity to introduce bills for reference only. There are many who did not get an opportunity to do so.

Mr. BROWN, of Kansas. I will first yield to the gentleman from Missouri [Mr. WELLS] who desires to introduce a bill for action at this time.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, informed the House that the Senate had passed without amendment a bill of the following title:

A bill (H. R. No. 3963) to amend subsections 246 and 251 of section 12 of an act entitled "An act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1875, and for other purposes," approved June 23, 1874, and for other purposes, and also to amend section 3954 of the Revised Statutes.

ANNIE GIBSON YEATES.

Mr. WELLS, of Missouri. I hold in my hand a bill granting a pension to Mrs. Annie Gibson Yeates, widow of George W. Yeates, late a captain in the United States Army, killed at the battle of the Little Big Horn.

The bill was read. It authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mrs. Annie Gibson Yeates, widow of George W. Yeates, late a captain in the United States Army, killed at the battle of the Little Big Horn, June 25, 1876, and to pay her a pension at the rate of $30 a month from and after the passage of the act.

Mr. SAMPSON. I think the families of all the soldiers who fell in that battle should be placed on the same footing, and I must object to the bill. It is not right to provide for one and not for the whole.

Mr. WELLS, of Missouri. I would state that a bill was introduced yesterday and referred to the Committee on Invalid Pensions providing for the families of all those who fell in the battle of the Little Big Horn. But I understand the Committee on Invalid Pensions have refused to consider that bill, because they believe that individual bills should be introduced in cases of this character. This lady, I believe, has three children, the eldest of whom is only five or six years old, and is in destitute circumstances.

Mr. SAMPSON. I have no doubt there are many others in equally destitute circumstances.

Mr. EDEN. Is this a report from a committee?

Mr. WELLS, of Missouri. It is not.

The SPEAKER *pro tempore*. Is there objection to the consideration of the bill?

Mr. SAMPSON and Mr. MAGOON objected.

Mr. WELLS, of Missouri. I hope the gentleman will withdraw his objection.

Mr. SAMPSON. I am satisfied that all should be placed on an equal footing.

Mr. WELLS, of Missouri. The Committee on Invalid Pensions will not report a general bill.

Mr. CONGER. I objected to this bill when it was presented on a former occasion. Upon inquiry I find that the Committee on Invalid Pensions have not all the necessary information in regard to the widows and children of other soldiers who fell in this fight. Therefore I will not object to this bill.

The SPEAKER *pro tempore*. The Chair will again ask if there is objection to the consideration of this bill at this time?

Mr. EDEN. I object to it, because it is not reported from any committee.

Mr. WELLS, of Missouri. Then I ask that the bill may be referred to the Committee on Invalid Pensions, with leave to report at any time.

There was no objection; and accordingly the bill (H. R. No. 3964) was received, read a first and second time, ordered to be printed, and referred to the Committee on Invalid Pensions, with leave to report at any time.

ORDER OF BUSINESS.

The SPEAKER *pro tempore*. The request was made a few moments ago by the gentleman from Ohio [Mr. GARFIELD] and seemed to be generally assented to, that gentlemen shall now have an opportunity to present bills for reference only, as during the morning hour of Monday. If there be no objection, the Chair will recognize gentlemen for that purpose at this time.

There was no objection.

B. K. REYNOLDS & CO.

Mr. JONES, of Kentucky, introduced a bill (H. R. No. 3965) to relieve B. K. Reynolds & Co., of registered distillery No. 7, Covington Kentucky, from the payment of $765.85 improperly assessed against them for the 31st day of July, 1875;" which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

JOHN HAINES.

Mr. BAKER, of Indiana, introduced a bill (H. R. No. 3966) to direct the Secretary of War to remove the charge of desertion now standing against John Haines, late a private in Company C, One hundred and seventy-second Regiment Pennsylvania Drafted Militia, and to grant him an honorable discharge; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

TELEGRAPH BETWEEN AMERICA AND ASIA.

Mr. PAGE. I ask unanimous consent to have taken from the Speaker's table at this time and referred to the Committee on Commerce Senate bill No. 892, to encourage and promote telegraphic communication between America and Asia.

Mr. RANDALL. I object; that does not come within the order unanimously adopted by the House for the introduction of bills.

DINAH BROWN.

Mr. SAMPSON introduced a bill (H. R. No. 3967) granting a pension to Mrs. Dinah Brown; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHARLES DAVIDSON.

Mr. EVANS introduced a bill (H. R. No. 3968) for the relief of Charles Davidson, late a private of Company I, Forty-sixth Indiana Volunteers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ALTA B. SHERWOOD.

Mr. DUNNELL introduced a bill (H. R. No. 3969) granting a pension to Alta B. Sherwood, widow of Lyman A. Sherwood, first lieutenant Company C, Ninth Minnesota Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

J. R. [OR D.] HUTCHINSON.

Mr. RIDDLE introduced a bill (H. R. No. 3970) for the relief of J. R. [or D.] Hutchinson, of Sumner County, Tennessee; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

SILVER COINS AND LEGAL TENDER.

Mr. RIDDLE also introduced a bill (H. R. No. 3971) to establish the legal-tender quality of the silver coins of the United States as it existed previous to the enactment of section 3586 of the Revised Statutes of the United States, and for the repeal of said section; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

CATHARINE BRENNAN.

Mr. WILLIAMS, of Wisconsin, introduced a bill (H. R. No. 3972) granting a pension to Catharine Brennan; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

RUTH FORNSHELL.

Mr. WILLIAMS, of Wisconsin, also introduced a bill (H. R. No. 3973) for the relief of Ruth Fornshell; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOHN CUTLER.

Mr. WIGGINTON introduced a bill (H. R. No. 3974) releasing and conveying the title of the United States in and to a certain parcel of land to the assignees of John Cutler; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

JURISDICTION OF KENTUCKY COURTS.

Mr. DURHAM introduced a bill (H. R. No. 3975) giving the courts of Kentucky concurrent jurisdiction with the United States courts in the trial of offenses committed on the Government grounds near Harrodsburgh, Kentucky; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

WILEY SALIERS.

Mr. WHITE introduced a bill (H. R. No. 3976) to remove the charge of desertion against Wiley Saliers, and to grant him an honorable discharge; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

HENRY FREEMAN.

Mr. WHITE also introduced a bill (H. R. No. 3977) for the relief of Henry Freeman, late a veteran soldier; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

SILVER TWENTY-CENT PIECE.

Mr. LE MOYNE introduced a bill (H. R. No. 3978) to repeal an act authorizing the coinage of a twenty-cent piece of silver; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

GOVERNMENT OF THE DISTRICT OF COLUMBIA.

Mr. BUCKNER introduced a bill (H. R. No. 3979) to repeal part of an act of Congress approved on the 12th day of July, 1876, entitled "An act for the support of the government of the District of Columbia for the fiscal year ending June 30, 1877, and for other purposes;" which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

CATHARINE A. TALBURT.

Mr. BUCKNER also introduced a bill (H. R. No. 3980) for the relief of Catharine A. Talburt, administratrix of George W. Talburt, deceased; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

REBECCA SEARS.

Mr. BUCKNER also introduced a bill (H. R. No. 3981) for the relief of Rebecca Sears, administratrix of James W. Sears, deceased; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOHN HOFFMAN SMITH.

Mr. BUCKNER also introduced a bill (H. R. No. 3982) for the relief of John Hoffman Smith; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

G. R. WILFRED MARSHALL.

Mr. BUCKNER also introduced a bill (H. R. No. 3983) for the relief of G. R. Wilfred Marshall; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOSEPH TRIMBLE.

Mr. BUCKNER also introduced a bill (H. R. No. 3984) for the relief of Joseph Trimble; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

LUCINDA TRIMBLE.

Mr. BUCKNER also introduced a bill (H. R. No. 3985) for the relief of Lucinda Trimble, administratrix of William Trimble, deceased; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JAMES A. DAWSON.

Mr. MILLIKEN introduced a bill (H. R. No. 3986) for the relief of James A. Dawson; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

STATUE OF GENERAL GEORGE A. CUSTER.

Mr. A. S. WILLIAMS introduced a bill (H. R. No. 3987) to donate bronze cannon for an equestrian statue of Brevet Major-General George A. Custer; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

HEIRS OF ALECK VANCE.

Mr. BOONE introduced a bill (H. R. No. 3988) for the relief of the heirs of Aleck Vance, deceased; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

RECONSIDERATION.

Mr. CONGER. I move to reconsider all these references, and also move to lay the motion to reconsider on the table.

The SPEAKER *pro tempore*. That was the understanding when the order was made; that the same rule should apply as in the morning hour on Monday; that the bills should not be brought back on a motion to reconsider.

LIEUTENANT CHARLES B. SMITH.

On motion of Mr. EDEN, by unanimous consent, the Committee on War Claims was discharged from the further consideration of the bill (H. R. No. 3819) to settle the accounts of Lieutenant Charles B. Smith, late of the Fifth Regiment Iowa Volunteer Cavalry; and the same was referred to the Committee on Military Affairs.

MILITARY ACADEMY BILL.

The SPEAKER *pro tempore*. The Chair appoints the gentleman from Missouri, Mr. WELLS, in place of the gentleman from New Jersey, Mr. HAMILTON, who is absent from the city, as one of the managers on the part of the House of the conference on the disagreeing votes between the two Houses on the Military Academy bill.

COMMITTEE ON TERRITORIES.

The SPEAKER *pro tempore*. At the request of the Speaker of the House, the present occupant of the chair appoints the gentleman from Illinois, Mr. STEVENSON, as a member of the Committee on Territories, in place of the gentleman from South Carolina, Mr. Mackey, who has ceased to be a member of the House.

ORDER OF BUSINESS.

Mr. BROWN, of Kansas. I now call up the report of the Committee of Elections in the case of Platt *vs.* Goode, from the second congressional district of Virginia. But I yield for a moment to the gentleman from Missouri, [Mr. STONE.]

PRINTING OF TESTIMONY.

Mr. STONE. I ask unanimous consent to offer the following resolution for present consideration:

Resolved, That the Committee on Expenditures in the Post-Office Department be authorized to have printed the testimony taken before the committee.

Mr. WILSON, of Iowa. Is there any hearsay evidence in this?

Mr. STONE. There is no hearsay evidence.

There being no objection, the resolution was adopted.

Mr. STONE moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

INVESTIGATION BY COMMITTEE ON NAVAL AFFAIRS.

Mr. WHITTHORNE. I ask the House to make the order which I send to the desk. And I desire to state, in asking the consent of the House to it, that the gentleman from Maine [Mr. HALE] and myself, so to speak representing both sides of the House, have agreed upon the terms of the order. I trust it will meet with no objection.

The Clerk read as follows:

Ordered, That the reports of the majority and minority from the House Naval Committee giving the result of their investigation shall be presented to-morrow, and both shall be printed; and Friday, after the reading of the Journal, is hereby assigned for the consideration of the same, to the exclusion of all other business; six hours shall be given to debate, to be equally divided.

The SPEAKER *pro tempore*. That can only be done by unanimous consent.

Mr. CONGER. I object.

Mr. RANDALL. I suggest that a minority report is unknown to the rules.

The SPEAKER *pro tempore*. It can only be made by courtesy; but it always has been so made..

Mr. HALE. I think there will be no objection upon this side of the House to the proposition of the gentleman from Tennessee, if I am allowed to say a word. This order is presented by an arrangement and understanding with the members of the Naval Committee and the minority who are now at work on their report. They instructed me to say that they will be able to present their report to-morrow. They do not desire and nobody interested in the investigation desires delay. The time fixed is the same as that which was assigned yesterday in the resolution of the gentleman from Tennessee which was voted down, and the members of the committee will be ready at that time to participate in the debate.

The SPEAKER *pro tempore*. Is there objection to the majority of the committee reporting at this time, and of the minority presenting their views, and that the report be made a special order for Friday?

Mr. CONGER. I object to one report being printed before the other.

Mr. RANDALL. I suggest that the resolution be modified by inserting "the views of the minority" in place of "minority report."

The SPEAKER *pro tempore*. That is correct; the majority make the report and the minority present their views.

Mr. WHITTHORNE. I have no objection to that modification.

Mr. BRIGHT. I desire to give notice that the question of consideration may be raised on Friday on this matter. I do not say it will be, but it may be.

The SPEAKER *pro tempore*. The Chair will hold that the question of consideration may be raised if the gentleman desires to move to go into Committee of the Whole on the Private Calendar; that is the standing rule of the House.

Mr. RUSK. Let the order be read again.

The order, as modified, was again read; and no objection being made, the order was agreed to.

Mr. HALE moved to reconsider the vote by which the order was made; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PERSONAL EXPLANATION.

Mr. FOSTER. I rise to a question of personal privilege. I desire to state that some two or three weeks ago when the gentleman from Missouri, Mr. FRANKLIN, was about leaving for home, I agreed to pair with him on political questions. Through inadvertence or forgetfulness when these questions were being considered and voted on in the House I forgot the pair and neglected to announce it at the time.

Mr. BROWN of Kansas. I now yield to the gentleman from Massachusetts, [Mr. SEELYE.]

CATHERINE AND SOPHIE GERMAIN.

Mr. SEELYE, by unanimous consent, from the Committee on Indian Affairs, reported a bill (H. R. No. 3989) for the relief of Catherine and Sophie Germain.

Mr. SEELYE. I will state that this is a bill which ought to have been incorporated in the Indian appropriation bill, and which through inadvertence was omitted. It has the approval of the Committee on Indian Affairs and of the Committee on Appropriations, and will I know receive the unanimous approval of the House and ought to be passed at once.

The bill was read. It directs the Secretary of the Interior to reserve from that portion of the annuities due or that are to become due to the Cheyenne Indians the sum of $2,500 for Catherine Germain, aged eighteen years, and $2,500 for Sophie Germain, aged thirteen years, two white children who were captured in Kansas by said Cheyenne Indians while *en route* from Georgia to Colorado; these sums to be placed to the credit of said Catherine and Sophie Germain on the books of the Secretary of the Treasury of the United States to bear interest at the rate of 5 per cent. per annum; and the Secretary of the Interior is authorized from time to time to use the interest on the same in such manner as he may deem expedient for their maintenance, education, and support until they attain the age of twenty-one years, when the principal and all the unexpended interest shall be paid to them.

It also provides that if either Catherine Germain or Sophie Germain shall die without issue the sum due the decedent shall revert to the survivor, and if both should die without issue the whole sum shall revert to the United States; but if either Catherine Germain or Sophie Germain or both have lawful issue, then at the death of either parent the amount due to her in her own right or which she may have inherited shall become the inheritance of her own issue.

Mr. SEELYE. Mr. Speaker, in May, 1874, the parents of these children, with three other members of the family, were massacred by the Cheyenne Indians, and four of the children, these two girls and two others, were taken into captivity. Two of them were recovered two years ago and a provision similar to this was incorporated in the Indian appropriation bill last year for the benefit of those two. During the present year the other two children who had been captured were recovered from the Cheyennes, and this bill is in the exact terms of the provision in the Indian appropriation bill of one year ago in relation to the other two children.

Mr. THROCKMORTON. I did not hear the reading of the bill, but I would ask the gentleman from Massachusetts if this money is to come out of the appropriation made for the Cheyennes?

Mr. SEELYE. It is to be taken out of that fund.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. SEELYE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. BROWN, of Kansas. I now yield to the gentleman from Ohio, [Mr. LAWRENCE.]

PACIFIC RAILROAD LANDS.

Mr. LAWRENCE. I ask the House to adopt the resolution which I send to the Clerk's desk.

The Clerk read the resolution, as follows:

Resolved, That the Committee on the Judiciary be, and are hereby, instructed to ascertain and report what legislation, if any, is necessary to secure to actual settlers the right to purchase, as under the pre-emption laws, at the price of $1.25 per acre and according to the terms of the proviso to section 3 of the act of Congress of July 1, 1862, lands granted in aid of the construction of the so-called Pacific Railroad, and that said committee report, by bill or otherwise, at as early a day as practicable.

Mr. GOODIN. It seems to me that that resolution would more properly go to the Committee on Public Lands.

Mr. LAWRENCE. I will make no objection to that, and will modify the resolution by striking out the word "Judiciary," and inserting in lieu thereof "Public Lands."

The SPEAKER *pro tempore*. If there be no objection, the resolution will be referred to the Committee on Public Lands.

Mr. LAWRENCE. I want the resolution adopted.

No objection being made, the resolution, as modified, was agreed to.

PERSONAL EXPLANATION.

Mr. REAGAN. I rise to a question of personal privilege. A few days ago I agreed with Mr. KASSON, of Iowa, to pair with him on the silver bill. That bill came up yesterday, and I forgot the fact that I had paired, and voted. I desire to make this statement in justice to the gentleman from Iowa.

ORDER OF BUSINESS.

Mr. BROWN, of Kansas. I will now yield to the gentleman from Pennsylvania, [Mr. COCHRANE,] who desires to report some bills for reference to the Committee of the Whole on the Private Calendar.

THOMAS A. NICHOLSON.

Mr. COCHRANE, by unanimous consent, from the Committee on Claims, reported back, with a favorable recommendation, the bill (H. R. No. 437) for the relief of Thomas A. Nicholson, of North Carolina; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

VIRGINIA E. WHITE.

Mr. COCHRANE also, by unanimous consent, from the same committee, reported back, with a favorable recommendation, the bill (H. R. No. 1016) for the relief of Virginia E. White, of Ohio County, West Virginia; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

ORDER OF BUSINESS.

Mr. BROWN, of Kansas. I now yield to the gentleman——

The SPEAKER *pro tempore*. The Chair must insist upon this method of conducting business being stopped. If the gentleman from Kansas yields the floor, it is the duty of the Chair to assign it to others. The Chair recognizes the gentleman from Missouri, [Mr. MORGAN.]

Mr. MORGAN. I desire to report from the Committee on Indian Affairs a bill for reference to the Committee of the Whole on the Private Calendar.

Mr. DOUGLAS. I object, and insist upon the regular order.

ELECTION CONTEST—PLATT VS. GOODE.

The SPEAKER *pro tempore*. The regular order is the report of the Committee of Elections in the contested-election case of James H. Platt, jr., *vs.* John Goode, jr., from the second congressional district of Virginia. The Clerk will report the resolutions of the majority of the committee.

The Clerk read the resolutions, as follows:

Resolved, That John Goode, jr., was not elected, and is not entitled, to a seat in the House of Representatives in the Forty-fourth Congress from the second congressional district of Virginia.

Resolved, That James H. Platt, jr., was elected, and is entitled, to a seat in the Forty-fourth Congress as Representative from the second district of Virginia.

The SPEAKER *pro tempore*. The gentleman from Kansas [Mr. BROWN] is entitled to the floor.

Mr. LAMAR. Will the gentleman from Kansas [Mr. BROWN] yield to me to make a motion to postpone this case until——

Mr. BROWN, of Kansas. I must decline to yield any further, for any purpose whatever.

Mr. BROWN, of Kansas. Mr. Speaker, I regret that the Committee of Elections, in this last case which it will probably report at this session, has again failed to agree, and comes before the House with a divided report. I had hoped that one case could be decided without any reference to politics and that we could come together in our conclusions. But we have failed, and without bitterness or unkindness I must say that we have failed in a case where the law and the facts are so plain that the failure itself is a complete refutation of all charges of partisanship made against the republican minority of the committee and stands as patent proof against those members of the democratic majority who have signed the minority report in this case. I have studied the case carefully in all its bearings and have been forced to the conclusion that there has been an organized effort, commencing with the politicians of the second district of Virginia and extending up through the county officials to the State board of canvassers, to seat upon this floor a man who was not elected and who has no more right here than any other defeated candidate.

By a series of frauds so astounding that even the minority of the committee virtually confess that a great wrong was committed, Mr. Goode received a certificate of election, and has during this entire session sat here elected not by the voters, but by the refusal of the county board of Nansemond County to count 206 legal votes for Mr. Platt, by the neglect of the county clerk of Prince George County to attest the returns of that county, and by the partisanship and disobedience to law of the highest officials of the State of Virginia. I expect to speak plainly, and if called upon to characterize this case I should call it a conspiracy against the elective franchise, and as being another evidence of the existence in the South of a determination on the part of the dominant race to override the colored voters and deprive them of the boon granted by the Constitution of the United States, the right to exercise the elective franchise and choose, if they are in the majority, their own officers, including Representatives in Congress.

The history of the case fully justifies these statements, and I shall endeavor to give that history plainly and concisely. In July, 1874, a mass-meeting of negroes in Yorktown nominated a colored man named Norton for Congress. The regular convention of republicans afterward nominated Mr. Platt, and the conservatives Mr. Goode, making a triangular contest, two republicans and one democrat. The colored man, Norton, soon became tired of the, to him, hopeless contest, and would have withdrawn, had not the conservatives furnished him with money and whisky to keep him on the track, and so, if possible, effect the defeat of Mr. Platt. On this point William F. Allen, city superintendent of the conservative party in Norfolk, testifies:

Question 16. Was there not in the city of Norfolk, during the congressional campaign, a political organization known by general reputation as the "Norton campaign club?"

Answer. Yes, sir, there was.

Q. 17. Did you, then, have any correspondence or verbal communications with the "Norton campaign club," its officers or members?

A. Yes, sir.

Q. 18. State the substance and effect, the purpose and political objects sought to be attained and accomplished by your intercourse with the "Norton campaign club."

A. My object was to defeat Mr. Platt and elect Mr. Goode.

Q. 19. To the best of your information, knowledge, and belief, did you or your political associates, or Norton and his political associates, or any sane man in this congressional district believe, for one moment, after Mr. Goode's nomination, that Robert Norton stood any chance whatever of being elected Representative in Congress from the second congressional district of Virginia?

A. I do not think so, to the best of my knowledge, information, and belief.

Q. 20. Do you not know and verily believe that said Norton campaign club was kept up and maintained for the sole purpose of promoting Mr. Goode's election?

A. Yes, sir.

Q. 26. State to the best of your knowledge, information, and belief how much money was furnished to the Norton campaign club of Norfolk and to the officers and members thereof during the campaign by the conservative party in Norfolk City, including the official organizations and members of the party.

A. Between four and five hundred dollars.

Q. 29. Was there not in the county of York a political organization, ostensibly in the interest of Robert Norton and known by general reputation as the Lone Star Society?

A. There was such an organization, but I did not know it by that name.

Q. 30. By what name did you know it?

A. I knew it as the Norton party.

Q. 31. State to the best of your knowledge, information, and belief how much money was sent from Norfolk City by the conservative party and its members to the county of York or for the use of Robert Norton or the Norton party aforesaid, or the members thereof.

A. Nine hundred and fifty dollars. I know the amount, because I sent it myself; all sent by my direction.

Q. 32. Does the $950 include the one-hundred-dollar check referred to in Mr. Platt's notice of contest as having been sent by you—I mean your check?—A. It does.

Q. 33. Does it also include Mr. William M. Chaplain's check for $100 referred to in the notice of contest?—A. It does, to the best of my knowledge.

Q. 34. To whom or through whom did you send the moneys above referred to?—A. Dr. William H. Shields, of York County.

Q. 35. How much whisky or other liquors was sent from Norfolk City to York County by the like parties and to the like parties and for the like purposes as were the $950 aforesaid?—A. One barrel of whisky was sent by me.

Q. 41. Did you, during the campaign, see and converse with Robert Norton on political subjects?

A. Yes, sir.

Q. 42. More than once. How often?

A. Twice.

Q. 43. Please state said conversations as well as you can remember them. State their substance, tenor, and effect.

A. The conversation was, he stated to me that he had already expended $800 or $1,000—all the money he had—and without some assistance he could not conduct the campaign—without some assistance. I then asked him how much money it would require. He stated $2,500. I told him there was no money in the treasury of the conservative party of Norfolk, but that I would furnish him with $1,000 during the campaign, should he require that amount. This was the substance of the first conversation. In the second conversation I wanted to know how he was getting along, and if he still thought that he could carry 1,500 votes for him on the peninsula. His answer was, "Yes, and as many more."

The sitting member admits these facts in his brief, and makes the statement that it was done "for the *legitimate* purpose of enabling Norton to carry on his campaign and thus dividing the republican vote," and in his answer to the notice of contest Mr. Goode says:

If any of my friends contributed pecuniary aid to Norton in the progress of the campaign it was done without any knowledge or suggestion on my part, upon their individual responsibility as citizens, for the legitimate purpose of creating division in the ranks of your party, and accomplishing your defeat by all fair and honorable means.

Legitimate, fair, and honorable means. Here are strange definitions. Bribery, false pretenses, legitimate. Deception, fraud, fair and honorable. Under what code of morals was the gentleman raised? Is this the political honesty taught in the old Commonwealth which proudly claims to be the mother of Presidents?

Election day came and the election seemed to be very close. In spite of all the navy-yard frauds, of which the minority of the committee in their report endeavor to make so much, Portsmouth for the first time since reconstruction had gone conservative and the democrats were in high hopes that they had been successful.

A little leverage and they would be sure. So twelve votes which had got into the wrong ballot-box at Norfolk were destroyed. Conservative judges of election, two days after the election, go to the clerk's office in Nansemond County, and in utter violation of law get possession of the returns which they had duly made and sealed two days before, and mutiliate, forge, and alter them by writing on them statements of fact, and thereby caused the rejection by the county board of 206 legal votes duly cast and duly returned for Mr. Platt. The sole pretext for this rejection was that either printed on the same ticket or folded within it were votes against the constitutional amendments.

The whole committee agree that these votes were legal, and hence we shall not further allude to them except as showing the total disregard to justice and right manifested by the petty officials and as one of the facts proving the conspiracy against the elective franchise existing in Virginia.

These votes excluded, it was hoped that Mr. Goode was elected, but soon by mail and telegraph came the news that they were mistaken, and Mr. Platt was still ahead. Something must be done. A messenger was dispatched to Richmond to approach and interview the State board of canvassers to see whether amended returns from the several counties would not be counted instead of those duly made as required by law, and from the attorney-general, the law officer of the Commonwealth, a favorable answer was received, "that in all probability the State board of canvassers would feel it to be their duty to receive amended or supplemental returns."

A meeting of Mr. Goode's friends was held at Norfolk, and as he himself testifies:

We determined to send messengers to Southampton, Sussex, Prince George, James City, and York, for the purpose of convening the judges and commissioners of election, in order that the irregularities and informalities might be corrected and amended returns forwarded to the city of Richmond.

The commissioners of these counties had acted; they were *functus officio*; their duty was done. Their returns had been forwarded; but Mr. Goode and his friends were not satisfied, the summing up did not suit. They had a theory, and that theory appears throughout Mr. Goode's brief, and that was that any informality or one illegal vote tainted a poll, and was sufficient to justify its rejection; and with such a theory how easy it was to find grounds on which to reject townships which had given republican majorities. And so from these counties amended returns were sent in. The State board of canvassers met, and after a long discussion, in spite of the statement of the attorney-general, the amended returns were rightfully rejected.

Then was committed by that board the greatest outrage shown in this record. Prince George County had given Mr. Platt 425 majority, and with it counted he was elected by 294 majority, without it, after throwing out the 206 votes in Nansemond, which the committee all agree should be counted for him, Mr. Goode had 131 majority. The returns were substantially in form, and merely lacked the words, "Attest, Robert Gilliam, clerk." They were duly signed by the commissioners and duly certified by Robert Gilliam, clerk; but because he did not virtually repeat the same thing twice, because he did not both attest and certify, the returns were informal, and were rejected by the State board.

We have no words fully to express our opinion of this outrage, committed not by ignorant men but by the highest officers in the State. Did not these men know that a mere attestation is matter of form and not of substance? Did they not know the rule "that the errors of a returning officer shall not prejudice the rights of innocent parties;" that those provisions of statute "touching the recording and return of legal votes received and the mode and manner of conducting the mere details of the election are directory?" Did not the attorney-general, a member of the board of canvassers, know that these returns were in substantial compliance with the statute and that the mere failure of the clerk to attest them did not make them invalid? The mere rejection of them is bad enough, but there are other circumstances which make it much worse. The statute of Virginia provides that in cases where proper returns are not received by the secretary of the Commonwealth from any county within twelve days after any election, he shall dispatch a messenger to obtain such returns. This he failed to do, pleading the pitiable excuse that it was for the board and not for him to determine whether returns were in form. Mr. Platt presented before the board at the same time a return duly certified and attested by Robert Gilliam, clerk, and though there was no doubt of its genuineness, this, too, was rejected. Though the county seat of Prince George County is within three hours' ride of Richmond, the board could not allow time to get proper returns although the evidence was conclusive that it was a mere clerical omission, and the returns were rejected.

By such means Mr. Goode obtained his certificate and became *prima facie* entitled to represent the second district of Virginia in this House. He sits here not because the people wanted him, but because the party machinery was in the hands of his partisans and they were determined to give him the seat regardless of any of those principles of justice and honor which are usually supposed to control sworn officials, and especially such as have by the suffrages of the people been called upon to occupy the highest positions in a great Commonwealth.

It was the duty of the State board of canvassers to have allowed Mr. Platt Prince George County, as the vote was shown to them by the two abstracts, the one not attested on file with the secretary of the Commonwealth, and the one duly attested presented to them by Mr. Platt. By their wrong in refusing to do this Mr. Goode obtained the certificate, and by that wrong he to-day, instead of being contestant, occupies the enviable position of contestee.

The two reports of the committee agree in this, to allow Mr. Platt 206 votes in Nansemond County and 17 majority in Prince George, and while we differ in reference to 12 votes in Norfolk and the disposition of a few votes claimed to be illegal in different precincts, the aggregate is so small that whether we count the ninety as illegal, as claimed, or any less number, you cannot by any fair division so far bring the case to a close point as to make it turn on them, and we shall therefore wholly pass them in our discussion and give our attention to more vital questions, which are Rives and Bland townships in Prince George County and the navy-yard vote in Norfolk.

The minority report claims the rejection of 441 majority in three precincts where the navy-yard employés voted, and refuses to count the 408 majority received by Mr. Platt in Bland and Rives Townships, Prince George County. This makes it plain that the case turns on these two townships, for Mr. Goode's majority is but 131, while we propose to count 223 votes for Mr. Platt, which would leave him 92 votes ahead. Now counting the two townships for him, 408 would give him 500 majority, from which subtract the navy-yard vote, 441, still leaves Mr. Platt 59 votes ahead, a majority which cannot be overcome by any fair division of the illegal vote at whatever figure you put it. We hope the House will bear this in mind, that the case turns on these two townships; reject their vote and you elect Mr. Goode, count it and you seat Mr. Platt. The evidence shows in these two townships that the whole of the election board in one and two of the three in the other were conservatives; that the election was fair and honest, and Mr. Goode in his brief makes no claim to the contrary, as he states his case thus:

We maintain that the entire vote cast at the precincts in Rives and Bland Townships, in the county of Prince George, should be rejected as illegal because the poll-books and ballots at said precincts were not sealed and returned to the clerk's office according to law and also because the votes of *several* colored persons from other counties were illegally received upon transfers on the day of election.

If the only charge to prove the election was unfair was that *several* illegal votes were cast, and the evidence showed but 2 out of a total of 600, as in this case, it seems to us the charge refutes itself, and the most Mr. Goode claims is that *several* colored men voted illegally. This might be occasion for the purging but not for the exclusion of the polls, and we have in our report purged them of every illegal vote, charging them all to Mr. Platt.

Every witness swears it was a fair election honestly conducted. Robert B. Batte, a democratic judge of election in Bland Township, testifies to this, although shown to be such an extreme partisan of Mr. Goode that he testifies "that he would rejoice if the omission of the judges in Bland and Rives Township to put under cover and seal one of the poll-books and ballots of each of those townships should cause James H. Platt to lose a majority of three or four hundred votes in Prince George County, and thereby cause John Goode, jr., to be entitled to a seat in the Fourty-fourth Congress." C. T. Robinson, a democratic judge in Rives Township, testifies that the election there was "fairly, faithfully, and honestly conducted." We have attached to our report the whole of the testimony in reference to these townships, and it completely refutes every claim that the election was unfair, and merely establishes one fact in reference to them which this House must squarely meet, and that is that the poll-books and ballots from each township were returned to the county clerk unsealed. Is this fatal? Mr. McCrary discusses the question at length, and from him we quote:

The language of the statute to be construed must be consulted and followed. If the statute expressly declares any particular act to be essential to the validity of the election, or that its omission shall render the election void, all courts whose duty it is to enforce such statute must so hold, whether the particular act in question goes to the merits or affects the result of the election or not. Such a statute is imperative, and all considerations touching its policy or impolicy must be addressed to the Legislature. But if, as in most cases, the statute simply provides that certain acts or things shall be done within a particular time or in a particular manner, and does not declare that their performance is essential to the validity of the election, then they will be regarded as mandatory if they do, and directory if they do not, affect the actual merits of the election. Those provisions which affect the

time and place of an election and the legal qualifications of the electors are generally of the substance of the election, while those touching the *recording* and *return* of the legal votes received and the mode and manner of conducting the mere details of the election are directory. The principle is that irregularities which do not tend to affect results are not to defeat the will of the majority; the will of the majority is to be respected even when irregularly expressed. The officers of election may be liable to punishment for violation of the directory provisions of a statute, yet the people are not to suffer on account of the default of their agents.

And at section 166, page 120, the same author says:

In accordance with the rule that the errors of a returning officer shall not prejudice the rights of innocent parties, it has been held that where it was the duty of the presiding officer to return the votes *sealed up* a return of them unsealed, in the absence of any proof or suspicion of fraud, is good.

(See also Merrill *vs.* Mallary, Clark and Hall Election Cases, page 329.) The syllabus is as follows:

Where the presiding officer at an election whose duty it was by law to return the votes *sealed* up made his return of them unsealed, they were in the absence of any proof or suspicion of fraud allowed to be received.

In the body of their report the committee say:

But the presiding officer of the election in Fairhaven did not, as the law directs, seal up the certificate of votes after it had been recorded in the clerk's office, but sent it unsealed to the canvassing committee. For this cause it was by them rejected. No fraud is alleged, nor has the mistake done any injury to the sitting member. The town clerk's record is doubtless designed to guard against fraud. And it has not been the practice of the House of Representatives to allow votes legally given to be defeated by the mistake or negligence of a returning officer, especially in mere matter of form. The committee are of opinion that the votes of this town ought to be allowed the petitioner.

The soundness of the law above quoted can admit of no question. Exact technical correctness cannot be expected of judges of election and men who are not versed in the law. Substantial compliance is all we can demand, and when we can by any means ascertain the expression of the will of the voters we must respect that will and not seek technical grounds upon which to thwart it. Now in this case, it being admitted there was a fair and free election, what does the law of Virginia require?

After canvassing the votes in the manner aforesaid, the judges, before they adjourn, shall put under cover one of the poll-books, seal the same, and direct it to the county or corporation court clerk of the county or corporation in which the election is held, and the poll-book thus sealed and directed (together with the ballots strung as aforesaid inclosed and sealed) shall be conveyed by one of the judges, to be determined by lot, (if they cannot otherwise agree,) to the clerk to whom they are directed on the day following the election.

Mr. Goode in his brief calls this law mandatory, but it will be seen that it is wholly of form and not of substance. It is essential that returns be made, but it is not essential how they be made, provided they are reliable and free from any taint. The authority we have quoted says: "Provisions touching the recording and return of the legal votes received are directory," and that in the absence of any proof or suspicion of fraud a "return of votes *unsealed*," where the statute requires them to be sealed, is good.

If this statute is mandatory, there can be no positive requirement of the statute which is not mandatory. All statutes prescribing the mode of conducting elections, the manner of procedure, the time of opening and closing the polls, become mandatory, and every departure is fatal. The committees of this House have again and again reported, even at this session, that the time of opening and closing polls, the election of officers of election, &c., are not matters of substance, unless in some way it tends to defeat the will of the electors to have them disregarded. This is both law and common sense.

In discussing the case of Le Moyne *vs.* Farwell, the gentleman from Kentucky who wrote the report of the minority in this case made an earnest and labored effort to convince this House that because the judges of the election in the first precinct of the twentieth ward were partisans of Mr. Farwell, all illegal votes cast at that precinct must be presumed to have been cast for him; and the gentleman from Virginia, chairman of the committee, used the following language in the same case:

Now the law lays it down that fraud must be always construed against the party who perpetrates it. The doctrine is laid down that no man can take advantage of his own wrong. I send up to the Clerk authorities on this question and ask that they be read.

The Clerk read as follows:

"An irregularity in an election may be overlooked 'if it cast no uncertainty on the result and has not been occasioned by the party seeking to derive a benefit from it.'" (Platt *vs.* People, 29 Illinois, page 72.)

"It is undoubtedly the rule that if the canvassing court can separate the legal from the illegal votes and reject the illegal ones, *they are bound to do so;* and * * * fraud on the part of the officers will not vitiate, unless it be of so gross a character as to *destroy all means* of ascertaining the true result." (Cass County, Illinois, Brightly's Election Cases, pages 495, 496.)

That is good law in a case where a republican is to be ousted and a democrat seated. "No man can take advantage of his own wrong," says the honorable gentleman, and because the judges of the election were in favor of Mr. Farwell, it is a fair presumption that all illegal votes were in his interest. Here the question is in a different shape. A democrat is in danger of losing his seat, and a republican may receive it. An honest, fair election was held, at which the republicans had nothing to do except deposit their ballots, which on leaving their hands went under democratic control. Any wrong committed, any fraud perpetrated, must be charged to the democrats; they were in power. Out of the six judges at the two precincts five voted for Mr. Goode and but one for Mr. Platt. Democrats carried in the returns to a democratic county clerk. Any wrong done was committed by democrats. The failure to seal the returns was the failure of democratic judges, and yet the gentlemen who in the Farwell case so eloquently told us that "no man can take advantage of his own wrong," and brought authorities to prove it, now, when it is their ox that is gored, change front, and because democrats failed to do their duty, propose to seat a democrat upon this floor and deprive Mr. Platt of a legal majority of 408. No one suspects that these men were in Mr. Platt's interest. Men who boast they were conservatives, and admit that they would rejoice if by their wrong Mr. Goode can retain his seat, are not the men to do anything for Mr. Platt. I believe the men were honest and did not change the ballots and returns, but if they did, they certainly did not do it in favor of their opponent.

The sole, the only object of having ballots and poll-books sealed is to prevent tampering with them, and in some cases where ballots and poll-books were not sealed, where they were in the hands of friends of the party benefited by them, suspicion might arise that there had been tampering and evidence required to clear the taint. But this cannot be in a case where the returns are in the hands of the friends of the man who is injured by them. If democrats hold returns from republican precincts and the republican candidates are not complaining, can the democrats, with any reason, claim their rejection? Would such a decision be anything but a premium for fraud? Take this very State of Virginia; the county judge appoints election boards and the Legislature elects the county judges; the State being democratic, the election boards, even in the strongest republican precincts, are democrats. Now, let this House decide that every informality in these boards vitiates an election, how long will it be before the republican party is wiped out in the State? With the machinery all against it, it exists only in sections to-day; and let this House now make this monstrous precedent, and no matter if a district has ten thousand majority, it will be in the power of the democrats by failing to sign or seal returns or by committing other informalities to disfranchise the majority and give power to the minority.

Under the code which this record shows to exist among conservatives in that State various "legitimate and fair and honorable means" will be found to defeat republicans and elect democrats. Examples are not lacking. In these very two townships we are considering, Bland and Rives, in Prince George County, the conservatives, emboldened by their success in this case, at the very next election stole the poll-books and ballots and returned democrats, where republicans were elected; and when the contest came before the Legislature of Virginia, the man elected by the theft was kept in his seat. In Portsmouth, at the next election after the one over which this contest is waged, we have another instance.

The law of Virginia provides that in cases where more ballots are found in the ballot-box than there are names on the poll-books it shall be the duty of the judges of election to draw out the excess. The conservatives of Portsmouth, taking advantage of this law, had printed tickets of the smallest possible size, on the thinnest paper, and by folding several in a large ticket and presenting it as their vote they succeeded in filling the ballot-boxes with over a thousand of these small tickets—sugar-kiss tickets as they are called. The democratic judges in drawing out *of course* drew out the larger tickets, and the result was nine hundred of these tickets were counted for Mr. Gale, democratic candidate for State senator, and he thereby elected by a majority of less than one hundred and fifty over Mr. Brady, his competitor. A contest of course was had over the seat. The committee of elections of the senate, though having upon it but one republican, decided by a vote of 6 to 2 that Mr. Brady was elected. But the senate overruled the report and held that the polls had been purged of the fraud according to law, and by a decisive majority retained Mr. Gale in his seat. The same was also done in Petersburgh, and I hold in my hand one of the sugar-kiss tickets used in this election in Petersburgh, just one inch long and three-quarters wide. Such are the means resorted to to insure the success of the democratic party in Virginia.

To return to the manner in which the judges of election are appointed. The law requires that they be divided between the two parties; but the judges claim the right to determine who are republicans and who are democrats.

We append a correspondence between the judge of the hustings court of Petersburgh and a republican committee of only four months ago, taken from the Virginia Citizen:

PETERSBURGH, VIRGINIA, *March* 15, 1876.

DEAR SIR: In view of the importance of the elections for the ensuing year, municipal and Federal, and in view of the fact that you are required to make your appointments of judges of election at the April term of the court, the republican party, through its organization, as represented by the republican city central committee, of which I have the honor to be chairman, most respectfully ask of your honor the privilege of presenting to your consideration the names of two republicans from each voting-precinct, in whom the party have entire confidence as exponents of its principles, and beg that it will be your pleasure to select and appoint at least one of these gentlemen as judge of election at each voting-precinct in the city.

I hope you will not deem it amiss for me to say that the republicans feel that they have not a *single* recognized representative on the present board of election judges in any precinct in the city, and they do now most respectfully ask that under and by authority conferred on you by section 8, chapter 8 of the code of 1873, you take under advisement the "practicability" of making such appointments in accordance with the above request. Should it be your pleasure to entertain this, our petition, we shall feel a pride in recommending to you the names of gentlemen whom we believe to be above reproach and in whom men of both parties will have entire confidence. Hoping it may be your pleasure to send me a favorable response at your earliest convenience, I am, yours, very respectfully,

J. H. VAN AUKEN,
Chairman City Central Committee.

Hon. E. M. MANN,
Judge of the Hustings Court of the City of Petersburgh.

The following curt answer was received in return:

PETERSBURGH, *March* 20, 1876.

SIR: In reply to your communication of the 15th instant, I have to state that in the appointment of judges of election I shall, as I do in all matters connected with my office, exercise my own discretion.

Respectfully,

EDWIN M. MANN.

J. H. VAN AUKEN, Esq., *Chairman, &c.,*
Petersburgh, Virginia.

It was then determined that it was a duty we owed to ourselves and to the organization we represented to take all further legitimate means to secure the appointment of a republican judge at each precinct, as is provided by law. The ward clubs therefore each recommended two or more names of republicans, which were approved by the republican city central committee, who designated five of their number to present the following petition and names:

Hon. E. M. MANN,
Judge of the Hustings Court of the City of Petersburgh:

Your petitioners, the specially selected representatives of the republican voters of this city to draught and present this petition to your honor, humbly ask that, in pursuance of the requirements of section 8, chapter 8, page 155, Code of Virginia, edition of 1873, at least one from each ward of this city of the following-named republicans be appointed to act as judges of election in each of said voting-places for the ensuing year:

First Ward—B. S. Burch, Dr. William G. Pearse, Michael Rahily.
Second Ward—C. P. Ramsdell, John H. Bell, C. M. Hamlin, J. H. Van Auken.
Third Ward—John W. Booth, James H. Bailey, George S. Richards, Farrel Gallagher, M. W. Corey, David Smith.
Fourth Ward—John W. Farrell, Elisha Armstrong.
Fifth Ward—Erastus C. Hyde, D. Blandford, jr.
Sixth Ward—Andrew Burgess, Peter T. Young.

Very respectfully, &c.,

ROBT. BOLLING,
JOS. JORGENSEN,
R. A. YOUNG,
T. J. MCCALEB,
DANIEL DYSON.

He at first refused the petition, but finally, on being reminded that it was the privilege of the humblest citizen to petition the highest official in the land, he reluctantly received it, but evidently has failed to pay to it the least attention or notice. These plain facts are presented to the public for their serious thought and reflection.

Now, what was the result? The city election came on in May. The republicans, having no hope from the boards of election appointed by this judge, inaugurated the plan of placing two or three of the members of their party at each of the polling-places with tickets arranged somewhat in the form of bank-check books. When a voter obtained a ticket from one of these men and voted it, his name and residence were put down on the stub; so that it would be an easy matter, as will be seen, to prove by a multitude of witnesses, in the event of an effort to deprive them of their rights, just how many republican ballots were cast and who deposited them; and this was called the tally system. But the democrats did not allow it to work. I append an account from a letter from Petersburgh, dated May 26, and which appeared in the National Republican of May 29, showing how these tally-keepers were served.

Threats are being freely uttered against the author of the tally system. You will see that even by the varnished account of the Index-Appeal, in which they tacitly approve the violence of the roughs, what an unexampled outrage has been perpetrated on the republicans. It is enough to sicken a graven image. In the fifth ward the roughs had been organized into a regular company, and, after marching about the republican headquarters for a while, made a regular charge on the building, shouting and firing pistols, two men being shot at the first fire. They then demanded the tally-books, which were refused; but after a determined resistance the few colored men having charge of them were overpowered and the books seized, and I suppose have ere this been destroyed. Afterward the mayor made his appearance with some police, and the person accused of shooting one of the victims was arrested and soon after released on $300 bail. (He was afterward discharged.—ED.) The same company above referred to were formed into line in the very court-room and marched down the street amid the quiet, though, I believe, general approval of the people; for I heard one of the first and apparently most amiable of their party say that "any means were pardonable that would protect them from negro or radical rule." Isn't it ku-kluxism with a vengeance? Poor Marble, one of the most inoffensive, amiable, and quietly-disposed men in the community, was arrested for "inciting riot." He was confined in jail until twelve o'clock, when he was released *on bail, no one appearing against him.* What a travesty on justice!

In the first ward there was a company organized the same as in the fifth. They first demanded the tally-books, and, when refused, advanced, broke down the doors of the house where the books had been concealed, beat a poor paralytic colored man nearly to death, and marched off with a part of the book. As you will see by the democratic paper I send you, there is no disapproval of these unexampled outrages, that are of the same character as the lawlessness of the Ku-Klux; but, on the other hand, they receive at least a tacit approval from what is regarded as the better class of the democrats in the community. These roughs feel that they are protected in whatever they do. If they get into difficulty, the best counsel in the community is provided for them, and they are sure to be cleared. In my opinion, no republican's life is safe who takes an active interest in the politics of his party. We have taken the names of 1,856 men who voted the straight republican ticket, besides many others who voted without giving their names, certainly 2,000 in all. We are, however, reported as casting only 1,434 votes, so, to say the least, we have been swindled out of 500 votes, which would have given us the election. Besides, in the first ward, the roughs, in the latter part of the afternoon, aided by some of the police, drove off colored voters, while in the fifth ward many republicans feared to go to the polls after the *émeute* and in face of the threatening looks of the roughs congregated there. Is it not possible to have some sort of protection from the General Government?

I do not desire to multiply words. But if facts prove anything, am I not justified in saying that there is a conspiracy in that State to deprive the republicans of the elective franchise. When State officials prostitute their high positions to partisan purposes; when judges whose high calling ought to make them sensitive to their honor trail their ermine in the dust to subserve party ends; when State Legislatures are so dishonest as to seat in their bodies men elected as was Mann Page in 1875 by the theft of ballot-boxes in Prince George County and coolly turn from their doors the man elected by the legal electors; when a State senate justifies ballot-box stuffing and seats a man elected by sugar-kiss tickets never polled by the voters but stuffed in by dishonest men; when election boards rejoice if by their crimes of omission or commission republicans can be defeated and democrats elected; when county clerks forget to attest returns; when judges of elections tamper with returns after being sent in to the county clerks; when tally-keepers are murdered and bands of roughs, as in Portsmouth, march from poll to poll beating and driving away republican challengers, does it not show dishonor deep and damnable, and prove that southern chivalry is but a pretense and southern honor a mere fiction?

I do not believe this House will tolerate such conduct. Partisanship is strong, but I hope not strong enough to lead honorable members to become accessaries after the fact to such glaring crimes. The gentleman from Kentucky in the Le Moyne-Farwell case talked about decisions in election cases and said:

I leave it to any gentleman upon that side of the House who is bold enough to tell the country the dwarfed and shriveled percentage of the cases in which you have dared to decide against your partisans.

We have no doubt during the hot days of reconstruction many cases were decided on grounds that to-day might be untenable, that unrepentant rebels were excluded who to-day would be admitted; but we have examined the cases decided during the past two Congresses, in which the republicans were in the ascendency, and find that during these four years the "dwarfed and shriveled percentage the republicans dared to decide against their own friends" amounted to over 50 per cent.; and in the Forty-second Congress, out of seventeen cases, eleven were decided in favor of democrats, five in favor of republicans, and in one case the seat was declared vacant. Against this record we willingly place that of the democrats at this session, and leave the record of at least two democrats seated by them to one republican for them to explain; and the question whether in cases where the republicans and democrats have disagreed as to which was right, I willingly leave to the lawyers who may sit in future Congresses.

But to return to the case under discussion. It wholly turns on the question we have stated, whether the failure of democratic judges to seal returns in republican precincts is fatal. We place the question on that point, and if you propose to take advantage of your own wrong, and because democrats failed to do their duty deprive republican voters of their rights and a republican of the right to sit in this House, upon you will rest the responsibility, and for it you must account. No favors are asked, none are expected; but you are sworn to do your duty, and we have the right to demand that you do justice. And we do not expect you will so outrage all principles of fairness as to refuse to count the votes of republicans in precincts where democrats controlled the polls and republicans were in no position to do wrong even if they had such a desire.

The minority of the committee in their report answer our argument as follows:

The statute of Virginia requires that one of the poll-books of election shall be put under cover and seal and sent to the county or corporation court clerk, together with the ballots, inclosed and sealed. There can be no question as to the mandatory character of this statute. Its object is to prevent fraud in tampering with the ballots or alteration of returns. In these two precincts the law in this regard was wholly ignored and violated. The rule laid down and supported by a number of adjudicated cases and applied in several instances by this House does not require that positive proof shall be adduced showing that the ballots have been tampered with. It is sufficient to show that opportunity for such tampering has been afforded. The burden of proving that this has not been done devolves upon the party insisting upon the count. We cannot but conclude, in the light of the test-mony, under the application of the law, as stated, that the vote of Bland and Rives Townships, in the county of Prince George, should be rejected.

Such argument amazes us. The law is properly laid down "that positive proof is not required to show that ballots have been tampered with. It is sufficient to show that opportunity for such tampering has been afforded. The burden of proof that this has not been done devolves on the party insisting upon the count." We do not deny the law and have insisted on it in all cases, but how far does the rule go? How much do gentlemen want? Is it not enough to prove that it was a fair election; that the officers failed to do their duty because they had not the means; that they did their best, in one case inclosing the ballots in a tin box and in the other in a paper bag, and returning the poll-books tied up? Is it not enough to prove that a duplicate of the poll-book and returns was returned to the township clerk; that the judges were democrats, while the republicans had the majority in both precincts; that these democratic judges against their interest swear that the returns were not tampered with? The evidence is strong as Holy Writ, and to talk about burden of proof and our duty, when the evidence establishes beyond a reasonable doubt by unfriendly witnesses that there had been no tampering, is certainly cool and refreshing during these sultry summer days.

I scarcely care to enter into the navy-yard question, as I cannot believe it can be necessary; but there are a few matters I desire to speak of before my hour closes. The evidence shows an assessment of the employés in the navy-yard, but it shows that a large proportion did not pay. It shows that it was not compulsory, that many paid and many did not, and that no one was discharged because he did not pay.

In reference to this matter I desire to say that there is no evidence that Mr. Platt had any interest in the matter or instigated the assessment.

Forced assessments are wrong, and we have no word to say in their

favor; voluntary contributions are customary and not wrong. The former should be discountenanced, and those who make them should be punished; but unless the money is corruptly used we know of no legal ground upon which an election can be set aside, even if we believe such assessments to be wrong, as we certainly do. There is no evidence to show how the funds raised were used, whether for legitimate or illegitimate purposes, and without such evidence we can consider all the testimony in reference to assessments as mere make-weight thrown in to injure the contestant. But we cannot puncture this bubble easier than by quoting from a democratic witness in this case, William F. Allen, who paid the money to Norton to keep him on the track for the "legitimate" purpose of dividing the republican vote, who says that collections were made to raise money to elect Mr. Goode; that no assessments were made on officers; that they were requested to contribute the same as anybody else; and that his "understanding was that a man was not worthy to hold office under the conservative party who was not willing to contribute money to help the conservative cause."

Mr. Goode's friends collected money, and did not believe a man worthy to hold office under the conservative party who was not willing to contribute money to help the conservative cause. They collected money, used it for legitimate purposes, as for example in the bribery of Robert Norton, and then come here with lugubrious complaints that the republicans collected money from their supporters. Let him who would receive equity do equity. Let them come before us with clean hands. But the employés voted the republican ticket! Some did. Some did not; a great many did not. But suppose they did, what does it prove? Who was the author of the famous political principle, "to the victors belong the spoils?" Who were the advocates of "rotation in office?" Was it republicans or was it democrats? The evidence shows that the republicans had labor to give. The officials were republicans. A new sloop was being built. There was a demand for men. Do politicians assist their friends or their enemies? And is it bribery to give preference to friends rather than to adversaries. Democrats certainly cannot claim that it is. Where is there a democratic city in the whole country where labor to be done is not in the hands of democrats? Are republicans placed on the police force? Are they employed on the public works while democrats are walking about doing nothing? We make no claims that republicans are more generous in such matters than are their opponents. The party having work to give has an advantage and it tends to swell their vote. Electors are not immaculate; they work from motives, sometimes very low ones, and unless there is positive evidence of undue influence being used, I know of no reason or common sense in saying that a party has a right to the advantages which come to it by being in power and having work to supply.

Now, the evidence in this case shows that the republican executive committee recommended men to work, and if fit persons they were employed, preference in employment being given to republicans. Several witnesses testify that employment was given only on promises, express or implied, that the persons employed should vote the republican ticket; but it is very noticeable that no witness employed says he made such a promise, and several of them voted for Mr. Goode. The chairman of the republican committee testifies that no such promise was required; that the only time politics were spoken of was when men volunteered the information that they were republicans.

James H. Clements, chairman of the republican executive committee for Portsmouth for two years prior to March 29, 1875, testified as follows:

Question. 4. State to the best of your knowledge and belief whether moral force was employed during the late congressional canvass, by or through the republican organizations of the locality, to control the votes of men taken in the employment of the Government just prior to the election of November 3, 1874.

Answer. I know of no moral force. The matter was left to me, to a great extent, by the committee, and my course was as follows: I never called on any individual to ascertain his views or intentions. Persons would frequently call on me and ask for recommendations for work, and they would almost invariably state that it was their intention to vote the republican ticket at the coming election. I always told them that it was nothing to me how they voted, and I did not desire to know from them their intentions; but as I was chairman of the executive committee of the republican party, it was my duty to help the members of that party all I could. I would take their names, and when there was a chance for employment I would recommend those who had the best moral character according to my information, the largest families, and who were best qualified to perform the duties required of them.

The same witness, in reference to the charge of filling the yard with employés, testifies as follows:

Q. 5. Mr. Goode has charged that immediately after his nomination for Congress, September 1, 1874, thirteen or fourteen hundred voters were taken into the navy-yard, but that they could not obtain the said employment without a promise, expressed or implied, that they would vote for Mr. Platt; that a night or two previous to the election they were regularly drilled and instructed as to the manner in which they should exercise the elective franchise; that men were placed at the ballot-boxes to watch the voters and check off their names, so that large numbers of employés in the yard were thus intimidated and prevented from voting for Mr. Goode; and he charges that all this was done directly through the agency of Mr. Platt and that of his recognized committee-men. Please state, to the best of your knowledge, information, and belief, what authority there was in fact for such allegation by Mr. Goode.

A. According to my knowledge, Mr. Goode had no authority for making that allegation. There were men taken into the yard after the 1st of September, and I am sure no such number as he mentions; the force was being increased at that time, regardless of politics. Mr. Hanscom, the chief of the Bureau, informed me, I think in the month of August, that he intended to largely increase the force in the yard, as he intended to launch the new sloop in November. As far as men being drilled, I know the republican party had meetings and took all usual steps to get their friends out to vote; and I, as chairman of the executive committee, desired to know how parties voted before the polls closed. I desired to be posted at all stages of the election as to how it was going, as to what were the prospects. * * * I took no more steps to be informed as to how individuals voted than I would have done had there been no navy-yard in this section of the country.

The evidence also shows that less men were employed during the fall months of 1874 than of 1873, that there was work to be done, and finally, strange to say, that, in spite of the fact there were about 900 registered colored voters in Portsmouth, the republican vote amounted to but 1,042, and for the first time for years the city gave 53 democratic majority. The evidence shows that in Norfolk County the division was not on the color line generally, though the colored men voted for Mr. Platt, the whites being divided. Now, suppose there were 15 per cent. of the colored men failed to vote, or 135, Mr. Platt must have received 765 colored votes in Portsmouth. Adding 25 as the number of white votes outside the navy-yard, and he had without question 790 legal votes, leaving but 252 navy-yard employés voting for him. I mean white employés, and certainly the colored employés were not bribed. At Hall's Corner different witnesses estimate that from two hundred to four hundred navy-yard hands voted, of whom at least three-fourths were colored. That in the third ward of Portsmouth some three hundred voted, of whom three-fourths were black. Now what is proposed to be done, to deprive Mr. Platt of 198 majority at Hall's Corner, where at the outside not more than seventy-five white employés of the navy-yard voted as well as the two wards in Portsmouth?

But why discuss absurdities? We have no right to surmise or guess; we must act on evidence; and acting on evidence how can we reject any votes? Shall we say the black employés were bribed? Shall we say the white ones who had steady employment were, and of whom several hundred are still in the yard? Shall we say the men whom the Government needed to build the new sloop and were discharged after it was launched were bribed? We certainly shall not. Did the record prove that a single democrat got employment under the promise to change his politics; that employment was given to influence an election when the Government did not need the help, and the men were virtually hired to vote, we should say purge the polls of all such votes. But without a scintilla of evidence of this kind; without proof that brings matters within any means we may have of measuring the fraud on indefinite and uncertain evidence, without proof even showing who were put on in September and October, and whether black or white republicans or democrats, we would dismiss the navy-yard as indeed a *pons asinorum*.

Perhaps in closing this branch of the case I cannot do better than to read the argument of Ex-Governor Wise on this point, which is certainly unique and shows the absurdity of our consideration of this whole matter.

This charge and the testimony under it is so comprehensive and voluminous, so indefinite and confused as to the amount and degree of influence, as to whose influence it was, and by whom exerted, that it is hard to handle it in argument.

Government influence? How far may legitimate patronage of an Administration go?

Organized party influence? Who can forbid private political associations to proselyte and woo and win votes, and to preserve their power? Both parties resort to all arts to get "kissing for favors!" Both, in this case, were alike vigilant and active in raising funds by contributions; not assessments in any sense. Conservatives as well as republicans were employed, and republicans as well as conservatives were discharged, at and about the same time, in and from the navy-yard.

Certain it is that Mr. Goode was indulged in full latitude of inquiry. If not inquisitorial, it was intrusive, and went to the extreme limits of fair and just proof; and in some cases beyond legitimate investigation. Did a contested election before ever question the right of Government as to the time of employing or discharging hands? Into the skill of its mechanics? As to whether too many were employed or any were discharged? As to the cost of a vessel on the stocks at Norfolk compared with vessels built at Pensacola, Florida? As to who employed the workmen? As to who recommended them? If any from expediency or policy contributed money against their principles and party, under the constraint of losing or retaining their employment, it was at most but the assent of men to do a truckling and base part instead of sternly abiding by their faith and honor. There is no instance proved where any man who refused to contribute was discharged. On the contrary, many who refused were retained. But the test of the case is, whether any who contributed lost the vote of his preference thereby; and the test of that is, that Mr. Goode's success in Portsmouth was so decisive that he and his "C. P. C.'s," in spite of navy-yard and Lookins combined, changed a previous majority for the republicans into a majority for John Goode, jr.—350 republicans to 53 conservatives, page 143. A clear gain of 403 votes for Goode.

But we have to meet not only assessments and discharges, but pop-guns and three billies, and the loan of one tug, and a pocketful of punchings, at Government cost.

The truth is that the navy-yard at Gosport has been a "bridge of sighs" and *pons asinorum* of elections ever since the first of my political life, for forty-three years, from the days of Newton and Loyall down to the days of Goode and Platt. All I can say of it is that it is a *noli me tangere*; a curse to the country and its ship-building interest on the whole Chesapeake Bay. Mr. Goode headed off its patronage, used by every Administration in what has been called the "legitimate" way, more successfully and triumphantly than any opposition candidate I have ever known. His C. P. C.'s must have been more efficient "plug-uglies" than I have ever known before.

And now, in closing, I again would state that, even if you reject all that Mr. Goode asks in the navy-yard, Mr. Platt's majority of 442, you still cannot defeat Mr. Platt unless you reject Bland and Rives Townships. On them the case turns, and should the great party which at Saint Louis emblazoned on its banners, as its talismanic word, "reform," determine here to take advantage of such technicalities and seat Mr. Goode because his own friends failed to do their duty, I fear the world will say that the talisman is a mere catch-word, and that democratic "reform" means only that "reform" which would reform out republicans and reform in democrats by all "legitimate, fair, and honorable means," as these terms are understood in the State of Virginia.

GOLD AND SILVER COIN.

Mr. BLAND. I ask unanimous consent to have printed in the RECORD the bill (H. R. No. 3635) to utilize the product of gold and silver mines, and for other purposes, with the amendments thereto reported from the Committee on Mines and Mining. A great many members have not a copy of that bill and cannot get it.

There was no objection.

The bill, with the proposed amendments, is as follows:

A bill (H. R. No. 3635) to utilize the product of gold and silver mines, and for other purposes.

[Part inserted in italics, part stricken out in brackets.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That coin-notes of the denomination of $50, and multiples thereof up to $10,000, may, in the mode hereinafter provided, be paid by the several mints and assay offices at San Francisco, Carson City, Philadelphia, and New York, for the net value of gold and silver bullion deposited thereat; and of the bullion thus received not less than 75 per cent. in coin or fine bars shall at all times be kept on hand for redemption of the coin-notes, gold for gold, and silver for silver. The gold deposited shall be computed at its coining value, and silver at the rate of 412.8 grains standard silver to the dollar, less the lawful mint charges, and such charge for transportation from the several assay offices to the mints for coinage, and from the latter to the assistant treasuries respectively at which the coin-notes shall be payable; *and there shall be coined at the mints of the United States the silver dollar hereinbefore mentioned.*

SEC. 2. That for bullion deposited at the mints of San Francisco and Carson, the coin-notes issued shall be redeemable on demand at the assistant treasury at San Francisco; and for bullion deposited at the Philadelphia mint and assay office at New York, the notes shall be redeemed at the assistant treasury at New York.

SEC. 3. That the Secretary of the Treasury shall, from time to time, cause coin and fine mint-bars (stamped) to be transferred from the mint to the assistant treasuries at San Francisco and New York in such amounts as may be necessary for the redemption of the coin-notes.

SEC. 4. That the coin-notes issued under the provisions of this act shall be receivable without limit for all dues to the United States; and the coin mentioned in this act shall be a legal tender for all debts, [of the United States,] public and private, not specified to be paid in gold coin.

SEC. 5. That the gold-coin notes issued under this act shall be redeemed, on presentation, in gold coin or fine bars, and silver in silver dollars or fine bars.

SEC. 6. That the coin-notes authorized by this act to be issued shall be prepared under the direction of the Secretary of the Treasury, and shall be transferred to the mints and assay offices named in this act as a part of the bullion fund, and from which fund deposits shall be paid for in coin or coin-notes at the option of the depositor.

SEC. 7. That the fine gold and silver bars by this act authorized to be issued shall bear the mint stamp of fineness, weight, and value, and the value of the gold bars shall be computed according to their coining rate, and the silver bars at their coining value in dollars.

SEC. 8. That the Secretary of the Treasury shall prescribe the necessary regulations for carrying into effect the provisions of this act.

Mr. HOLMAN. I desire to have printed an amendment which I propose to offer to the bill.

Mr. KASSON. Let the amendment be read.

The Clerk read the proposed amendment, as follows:

That so much of the act entitled "An act to provide for the resumption of specie payments," approved January 14, 1875, as authorizes or requires the Secretary of the Treasury to redeem in coin on and after the 1st day of January, 1879, the United States notes then outstanding, and to issue and sell United States bonds for that purpose, is hereby repealed.

Mr. KASSON. I must object to the printing of that; it has already been printed very often.

Mr. HOLMAN. It will go into the RECORD, having been read.

Mr. KASSON. I have no objection to its being printed in the RECORD.

FAST-MAIL TRAINS.

Mr. CAULFIELD. I ask unanimous consent to present and have read at this time some resolutions adopted by the Board of Trade of Chicago.

The Clerk read as follows:

Preamble and resolutions adopted by the Board of Trade of Chicago and ordered transmitted to the House of Representatives of the United States.

Whereas it is reported from Washington that by reason of inadequate appropriations by Congress the Post-Office Department is contemplating the early discontinuance of the recently established fast-mail trains between the eastern and western cities; and whereas the commercial interests of the chief cities of the country as well as all points that receive their mails by distribution from those cities would be greatly inconvenienced by the discontinuance of this service, which has come to be regarded as almost indispensable to the necessities of the country, both commercial and social: Therefore,

Be it resolved by the Board of Trade of Chicago, That Congress be urgently requested by the necessary supplemental legislation to at once provide for the continuance of this branch of postal service at least on all lines where it is at present in operation.

Resolved, That these resolutions be forwarded to the House of Representatives of the United States through our Representative, and that a copy be communicated to the Postmaster-General.

A copy from the records of the board.

Attest: CHAS. RANDOLPH, *Secretary*.

CHICAGO, *July* 19, 1876.

Mr. HOLMAN. In view of the introduction of this paper I desire to submit a single remark. The gentlemen who framed and adopted that resolution misapprehended the subject of the discontinuance of the fast-mail trains. That discontinuance did not result and does not result from the inadequacy of the appropriation for that branch of the postal service. On the contrary, the appropriations are ample for the transportations of mails by railroads, and there is no possible ground to deny that statement.

Mr. KASSON. The gentleman will remember that when the post-office bill was up I told him that this would come.

Mr. HOLMAN. These fast-mail trains were never provided for by law. They were simply brought about last fall, I believe, in the month of September, on certain routes, by concentrating a large amount of business on a particular line; mainly on the line of routes extending by way of the New York Central from New York to Chicago, and to a less extent from New York by way of Philadelphia and Saint Louis. Those were the particular lines, coupled also with the extension from New York directly to Boston. Thus was inaugurated a system of concentrating a large amount of business on those particular roads, increasing the number of postal cars, for which they were entitled to compensation, and greatly increasing the amount of the weight of the mails, and thereby running up the compensation from say $700 per mile per annum to rising a thousand dollars per mile per annum and diminishing the amount of business on the other railroad lines.

Mr. KASSON. Was there anything unfair in that?

Mr. HOLMAN. I am not making any point against it. I am merely stating how the system was inaugurated. It was not inaugurated under any law providing an increased compensation, but by making it a motive on the part of certain railroads to increase their speed in consideration of receiving a larger amount of business, and of course of compensation, as the compensation depended on the amount of postal cars they furnished and the amount of weight of their mails.

Now I have but a single word more to say. The act making appropriations for the postal service this year makes no change whatever in the law in that respect; not in the slightest degree.

Mr. KASSON. The gentleman should recollect——

Mr. HOLMAN. My friend will excuse me. I cannot yield to him just at this moment. When we put on a limit of $500 per mile per annum, I will concede that that would have been a direct interference with the fast-mail train. But that was omitted by the conference committee. So that all the provision there is in the postal law affecting the subject of fast mails is simply the general reduction of the cost of transportation by railroads of 10 per cent. of the rates fixed in March, 1873. And that was done upon this ground: All persons admit that the compensation allowed by the act of 3d of March, 1873, both as to the weight of mails and as to the payment—on the basis of the weight of mails as well as on the basis of the postal cars furnished—was ample. And I never heard any person question it.

It was assumed by the committee of conference that the general shrinkage of values in every field of industry in this country had decreased the cost of carrying the mails 10 per cent. or more; that it cost more than 10 per cent. less for the railroad companies of this country to carry on their business in 1873 than it did in September last. The amount they paid their employés had been reduced more than 10 per cent. The amount they were paying for iron and all other materials had shrunk more than 10 per cent. Therefore it was thought proper by the committee of conference to reduce the allowance made to them on the basis of weight of mails 10 per cent.; and that is the only change made in the postal law by the post-office appropriation act which passed during the present session of Congress. It is simply that reduction of 10 per cent. from the rates fixed on the 3d of March, 1873.

Now, if those rates were fair and reasonable at the time—and they were certainly more than fair and reasonable, for the compensation of railroads was raised from a maximum of $375 to a maximum of $705, almost doubled—if that was high enough, certainly a reduction of 10 per cent. was very reasonable; and this attempt to withdraw the fast mails under these circumstances is simply an attempt to levy black-mail off this Government by the railroads; an attempt to compel the Government to give to the railroads exorbitant and extortionate rates for the transportation of the mails.

Mr. KASSON. I desire to say a single word on this matter.

The SPEAKER *pro tempore*, (Mr. COCHRANE in the chair.) The Chair must state that this discussion is proceeding only by unanimous consent.

Mr. HOLMAN. Allow me just one word more. Of course this is by general consent.

Since the 3d of March, 1873, when the rates were fixed for the transportation of the mails by railroad, the contracts made by the Government with the star routes and the steamboat routes have been reduced I think at least 30 per cent. The contracts are at least 30 per cent. more favorable this present year than they were in 1873 for the transportation of the mails by the star routes and by the steamboat routes, which are so much more numerous than the railroad routes, and I do think that under these circumstances a reduction of barely 10 per cent. from the compensation allowed to railroad companies in 1873 furnishes no possible excuse for any one of these railroad companies attempting to embarrass the Post-Office Department by taking off their fast trains.

Mr. KASSON. A single word. When the post-office appropriation bill was up I interrupted the gentleman with his leave, I believe, to remark to him that the ngures he had given were likely to deprive the country and about fifteen or eighteen millions of people of the West of their mails by these fast-mail trains. The gentleman said no, it would do no such thing, and I was obliged to submit, and of course submitted to that declaration. But, Mr. Speaker, the fact now comes, admitted by the business interests of the country, notified to the Post-Office Department, that the railroads cannot accommodate the public with this mail in the manner provided for in the bill, which the gentleman said would produce no such effect. I allude to this as one instance in which in his eagerness to carry out a theory he has

struck directly at one of the great postal interests of the country and practically destroyed it.

Mr. HOLMAN. The gentleman does me great injustice, and he also does himself injustice.

Mr. KASSON. I believe you declined to be interrupted when you were speaking.

Mr. HOLMAN. I want to show the gentleman how unjust he is toward himself as well as toward me.

Mr. KASSON. O, that is a serious question. I will hear what the gentleman has to say on that point.

Mr. HOLMAN. The whole theory of the bill to which the gentleman refers, as well as the rates of compensation and the amount appropriated, was entirely abandoned by common consent by the committee of conference of the two Houses. The Senate struck it out and the House acquiesced.

Mr. KASSON. It had to.

Mr. HOLMAN. Then we increased the amount for railroad mail service from $8,800,000 up to $9,100,000, and we simply provided for a reduction of 10 per cent. of the rates fixed March 3, 1873. I trust, therefore, that the gentleman will see that the measure which was pending in the House had nothing at all to do with the discontinuance of this service. The rates fixed on the 3d of March, 1873, are merely reduced by this bill 10 per cent. That is the only change made in the law in reference to transportation of mails by railroads.

Mr. KASSON. I do not see that the gentleman has done more than restate what he stated before.

Mr. CANNON, of Illinois. Will the gentleman from Iowa allow me to interrupt him with a single remark?

Mr. KASSON. Yes, sir.

Mr. CANNON, of Illinois. The difficulty about this fast-mail service I will state is this, that up to the first five thousand pounds under the law as it was before the amendment taking off 10 per cent. from the compensation of all railroads the companies could get $200 a mile, besides extra pay for cars. The gentleman is right when he says that the bill takes off 10 per cent. from all railroad companies, but still he is wrong in claiming that there is any great saving. On the contrary, I think it very likely there will be a positive loss for the reason that under the fast-mail service on the New York Central Railroad you aggregate nearly all the mails on the line or a great portion of the through mails that went west. Now they get $200 a mile for the first five thousand pounds, and for every ton of mail matter after the first five thousand pounds they get only $25 a mile, which you will see was a great reduction.

As it is now with the fast-mail service discontinued, the mails are divided between the New York Central, the Erie, the Pennsylvania Central, the Baltimore and Ohio, and the Atlantic and Great Western; and instead of paying $25 a ton, it is distributed among those roads at $20 a ton a mile, with the fast mail cut off, and thereby the extra cost, owing to the greater compensation for weight transported over these lines, will more than exceed the saving of 10 per cent. under the recent reduction.

Mr. KASSON. And to that in a single word I have only to add that the reduction attempted in a service like this, by a committee not specially informed of or charged with the subject, is embarrassing the entire postal service of the western country. All the representatives of the growing States of the West are finding perpetual embarrassment in their attempts to get new service put on.

Mr. HOLMAN. My friend need not come here to defend the railroad companies; they are quite capable of taking care of themselves.

Mr. KASSON. The gentleman will excuse me; he did not allow me to interrupt him and I hope he will not interrupt me. I desire to say that this policy was adopted and carried out, and it resulted in serious injury to the western people. Our people are clamoring for improved mail service, and we are continually met by the limit which the committee put on the postal system of the country. In the West it strikes down the policy adopted for our benefit.

I hope this proposition will be referred to some committee. I think the Committee on the Post-Office and Post-Roads is the proper one, and that some proper bill may be presented to restore the rates, so that the western people may get their mail matter promptly and efficiently.

Mr. HOLMAN. Does the gentleman think that the cost of transporting the mails might not have been reasonably reduced 10 per cent. from the rates of March 3, 1873?

Mr. KASSON. That depends on the contract prices, which change from year to year. You cannot cut down by any arbitrary standard. Carry out the great principle, and the most just principle ever adopted, which is that railroad companies shall be paid according to the amount of mail matter carried. But this plan of the committee makes no allowance for increased mail matter nor increased speed.

Mr. HOLMAN. The gentleman does himself injustice again.

Mr. KASSON. O! Do not allow me to do that.

Mr. HOLMAN. Does not the gentleman know that speed has never been taken into account by law as to the transportation of mails?

Mr. KASSON. I know that the increased speed of service has been practically allowed to the great convenience of 15,000,000 of people, and hence this complaint comes from the Board of Trade of Chicago.

Mr. HOLMAN. We have not cut it off; that is a misapprehension of the subject. The fast mails, as I attempted to explain, were not provided for by law. Speed was never taken into account.

Mr. KASSON. It was provided for according to law.

Mr. HOLMAN. Never by law. I simply wish to say that neither the gentleman from Iowa nor any other gentleman upon this floor can sustain the proposition that with the present rates of wages throughout the country it is not fair and reasonable to reduce the allowances for railroad companies from the amount fixed on the 3d of March, 1873, 10 per cent., and that is all that was done by the committee.

Mr. KASSON. I answer, for that was stated by the gentleman before, that I tried years ago to get legislation through Congress to give the Government a certain control over the railroads of the country as to carrying the mails, but that has never been done, and it is attempting here to legislate in the interest of one contractor—the Government being one—over the interest of the other, because the railroads have the right to refuse to perform this service until adequate and proper compensation is given them, and they have refused to do it.

Mr. HOLMAN. The country has got to meet this question sooner or later, for the great monopoly that has been created in this country and which necessarily controls all our transportation of the mails shall come here and say what they will transport the mails for, no matter how exorbitant, and if the Government refuses to give them that pay, they will not carry the mails. Sir, it places the Government at the mercy of the railroad companies.

Mr. KASSON. Change the law, then, before you authorize either one side or the other to change the contract made on both sides.

Mr. HOLMAN. I insist that the Government has a right to fix the rates, and they are fixed amply high.

Mr. KASSON. If the rates are fixed so as to compensate the roads will they draw off? I say it is because the rates now allowed do not pay expenses that they draw off.

Mr. HOLMAN. They draw off because they know that the great cities and towns will come to Congress and demand increased compensation.

Mr. EDEN. I call for the regular order.

Mr. CAULFIELD. I offered this resolution coming from the Board of Trade of Chicago as worthy of consideration by the House. I did not expect, however, that it would lead to the discussion that has followed it. I hope that this communication will be referred to the Committee on the Post-Office and Post-Roads.

Mr. WILSON, of Iowa. Will the gentleman allow me a word?

The SPEAKER *pro tempore*. Discussion is out of order except by unanimous consent.

Mr. WILSON, of Iowa. We have unanimous consent.

The SPEAKER *pro tempore*. Does the Chair hear objection?

[Loud cries of "Object!"]

Mr. HOLMAN. I hope the gentleman from Iowa will be allowed to make a statement.

The SPEAKER *pro tempore*. The gentleman can only proceed by unanimous consent, and objection is made.

Mr. WILSON, of Iowa. I will get an opportunity of saying it at some other time.

The communication was referred to the Committee on Post-Offices and Post-Roads.

Mr. WILSON, of Iowa. I move to reconsider the vote by which the communication was referred; and I do it for the purpose of saying that the root of this evil is this: If this House, instead of investigating every little officer of the Government, had set about to find how much we could possibly pay as a fair and reasonable rate to the railroads, not only for carrying the mails but for carrying the merchandise of this country, then the gentleman from Indiana [Mr. HOLMAN] and the gentleman from Iowa [Mr. KASSON] might talk intelligently. But when the railroads refuse to carry this fast mail, that brought the West one day nearer the East, that change deprives 20,000,000 people in the Mississippi Valley from having the benefit of the improvements of the age in this regard, the result of the intelligent administration of progressive men. The loss of this quick communication we owe to a refusal to inquire into the policy of railroads, although nothing has been asked for by the people as earnestly as an inquiry into the reasonableness of the charges for transportation. There is nothing in the statutes of the American Government regulating in any way the transportation of anything upon 75,000 miles of railroad; nor is the congressional literature treating on the subject; and this reform Congress, that the people expected, as members are pleased to assert, would come here and inquire into these great grievances that hindered prosperity, has inaugurated a system of petty inquiries that in some instances may detect irregularities but will result in no benefit to the country, after wasting valuable time that should have been devoted to the inquiry into their industrial interests, straining at the gnats and swallowing the camels, tithing the mint and cumin and neglecting the weightier matters, making party capital and forgetting the legislation of the country.

I withdraw the motion to reconsider.

Mr. HOLMAN here made a remark that was inaudible to the reporters. [Loud cries of "Regular order!"]

Mr. SPRINGER. I object to the withdrawal and move to lay the motion to reconsider on the table.

Mr. WILSON, of Iowa. I have got the floor for one hour and I am going to say what I have to say. [Cries of "Regular order."] My friend from Ind——

Mr. CLYMER. I rise to a question of order.

Mr. HOLMAN. The gentleman from Iowa [Mr. WILSON] is certainly entitled to the floor.

Mr. WILSON, of Iowa. I have made a motion to reconsider, and upon that motion I am entitled to the floor if objection is made to withdrawal; but while objection cannot be made if the Chair has not recognized my withdrawal, I still hold the floor.

Mr. CLYMER. The gentleman said that he withdrew the motion to reconsider, and the gentleman from Illinois [Mr. SPRINGER] objected to the withdrawal and moved to lay the motion to reconsider on the table. My point of order is that the gentleman from Iowa is not entitled to the floor.

Mr. WILSON, of Iowa. The gentleman from Pennsylvania should know that I can withdraw without objection; but if I cannot withdraw, then I have the floor.

The SPEAKER *pro tempore*. The Chair sustains the point of order.

Mr. WILSON, of Iowa. I was not recognized for the purpose of withdrawing my motion.

Mr. CLYMER. The gentleman said clearly that he withdrew it.

Mr. WILSON, of Iowa. I said I would withdraw it, but I was not recognized to do it, and merely desired to say a word in reply to the gentleman from Indiana.

Mr. CAULFIELD. I hope the gentleman from Iowa will withdraw his motion.

Mr. CLYMER. The regular order is the motion to lay the motion to reconsider on the table.

Mr. WILSON, of Iowa. I do not think if I withdrew there is any motion to table. If I did not succeed in that, then I have the floor.

Mr. CAULFIELD. I appeal to the gentleman from Iowa to withdraw his motion.

Mr. WILSON, of Iowa. I will as soon as I have made one observation.

Mr. CAULFIELD. I occupy the floor simply by the courtesy of the gentleman from Kentucky, [Mr. BLACKBURN.]

The SPEAKER *pro tempore*. The gentleman from Illinois [Mr. SPRINGER] moves to lay the motion to reconsider on the table.

Mr. WILSON, of Iowa. He had not the floor to make that motion. I proposed to withdraw my motion, but Mr. HOLMAN got the floor to continue debate on the substance of my remarks, to which I desired to reply, on the theory that the Chair had not announced the motion to withdraw; for if he had, then the gentleman from Indiana could not have addressed the House on the subject, as nothing of that nature would be before the House. I have said, however, what I insisted on saying and will not contend further.

The question was taken on Mr. SPRINGER's motion, and it was agreed to.

So the motion to reconsider was laid on the table.

ORDER OF BUSINESS.

The SPEAKER *pro tempore*. The House will now resume the consideration of the contested election-case of Platt *vs.* Goode, upon which the gentleman from Kentucky [Mr. BLACKBURN] is entitled to the floor.

Mr. LAMAR. Will the gentleman yield to me for a few minutes to make a personal explanation?

Mr. BLACKBURN. I will do so if it does not come out of my time.

PERSONAL EXPLANATION.

Mr. LAMAR. I do not consider any man of sufficient importance to consume a moment's time of this House in regard to his own personal matters. But when a blow is struck at the people he represents through his own character, it may become necessary to do so.

In a paper published in this city yesterday morning there is an article written by a correspondent signing himself "A Mississippian" which charges me distinctly with having lent my influence in favor of organized violence in the State of Mississippi, and of an attempt to array upon the basis of a race issue the white people of that State against the black race for the political supremacy of the former through intimidation and fraud. He gives two instances where he says he was himself present, when I made inflammatory speeches entirely different from the speeches which I make here and from the speech made by me at Jackson. The two places specified are Aberdeen and Scooba.

It is very difficult to prove a negative; but it happens that there is a gentleman present in this House who heard my speech at Scooba. I desire him to state what the impression on his mind was as to the character of that speech, and if it swerved in any particular from the position which I took at Jackson where I opposed the formation of parties on any color line or any race issue, and pronounced it a scheme which if successful would be fatal to both races. I refer to my colleague, Mr. SINGLETON, as to my speech at Scooba.

Mr. SINGLETON. With the permission of the House, I will respond to my friend and colleague, [Mr. LAMAR.] It was my pleasure and good fortune to hear Colonel LAMAR make a speech at the city of Jackson last summer, on the day the democratic State convention assembled. His speech was a lengthy one, about three hours long. I remember that I stood upon my feet during the whole of that speech and listened to it intently; I do not think I lost a word.

I will state that so far from Colonel LAMAR undertaking to advocate or to countenance in any sense the color line, as it was termed, the whole of his argument was directed against any such proposition. There were some few men in that convention and some others assembled there who were not members of the convention who were what was termed "white-liners;" in other words, they took the position that as the colored people under the lead of a few white men were arrayed all on one side and antagonized the whites, the only course left was to organize the white people on the other side. We all looked forward to the speech of Colonel LAMAR with great interest, for we believed it would have a tendency to settle the question in that contest. On that occasion he deprecated in terms which I cannot now undertake to repeat anything like arraying parties upon race distinction. So convincing and unanswerable were his arguments, so logical and conclusive his speech, that it seemed to give satisfaction to all; everybody went home satisfied that the positions he assumed were incontrovertible.

I heard his speech at Scooba, one of the speeches alluded to in the communication to which my friend has referred. The barbecue at which he spoke was in my congressional district. Thousands of people were assembled, and Colonel LAMAR was invited to speak and was the chief speaker on that occasion. He spoke for two and a half or three hours. There were present a great many white people and many colored. His speech was entirely upon the same line of his speech at Jackson. There may have been a little change in the phraseology, because a man seldom makes the same speech twice, unless it is written and memorized, so as to employ precisely the same language. But the argument he made there was in form and substance the same argument that he made at Jackson.

There was nothing in that speech that any man could for a single moment suppose would tend to favor the white-liners or to encourage or promote anything like hatred of race between the white and colored people. I remember distinctly that he took the ground that any party which succeeded temporarily upon that line of action and obtained supremacy would find in the end that it must prove fatal to both the happiness and prosperity of the country.

There was mention made as to the words the white republicans used in drilling the colored voters. Some man had published a speech or had given out something that was semi-official in its character, to the effect that the colored people ought to wade through blood and through hell to vote the republican ticket. Colonel LAMAR denounced the sentiment in unmeasured terms, and argued with the colored people that their true policy was to be friendly with the whites; that we were compelled to live together, and our interests could not be separated the one from the other; and he made use of the expression attributed to him simply for the purpose of denouncing that sort of training for the colored people, tending as it did to bloodshed and crime.

I state that the article, in my opinion, does gross injustice to Colonel LAMAR. I heard him deliver three or four speeches after the canvass was over. One was to a large collection of people in Yazoo County, white and colored. And he congratulated them that the vote electing members to Congress and other officers was a vote of colored and white people alike. And never in all the speeches which I heard him make—and I listened to him with great interest as we all do—never have I heard him utter a single word or expression that contradicted the tone of the speech made at Jackson.

Mr. LAMAR. I am much obliged to my colleague.

With reference to the speech at Aberdeen, when that report first got out at Washington, the leading men of that city, republicans, some of them colored, as well as democrats, sent me a communication in which they made a denial of the report, positive and unqualified, and said that my speech was an elaborate argument against any attempt on the part of either race to establish its political supremacy over the other in the State, and that my policy was the co-ordination of the two races as against the supremacy or subordination of either.

I showed that communication to my distinguished friend General BANKS at the time it came; but I have not it now in my hand. I send however to the desk to be read a telegram which was sent to me by one of the representatives of that county who was present and heard my speech.

The Clerk read as follows:

[Telegram.]

JACKSON, MISS., *January* 20, 1876—2.26 P. M.

To Hon. L. Q. C. LAMAR:

Was present and heard your speech at Aberdeen last fall. Paid strict attention. You did not advocate White-Line policy, but very plainly opposed it; remember on that point you quoted Aristotle, saying that it was dangerous for any class to gain entire ascendency. Prominent colored politicians present also and expressed themselves delighted with the speech.

W. W. TROOP,
Representative from Monroe.

Mr. LAMAR. I also send to the desk a letter from Hon. Reuben Davis, a gentleman who represented the State of Mississippi in the House of Representatives before the war, and who is well known to some gentlemen here and to many gentlemen in the United States Senate. No one knows him who does not respect his talents and have entire confidence in his character.

The Clerk read as follows:

ABERDEEN, *February* 19, 1876.

MY DEAR SIR: I am just informed that at Washington City it is being charged that you were a white-liner in our late election. This astonished me. I arrived in Pontotoc the evening of the day on which you addressed the people at that place, and in a few minutes after you had left the public square, and was told by every one with whom I conversed that at the end of your speech you read and had adopted a resolution denouncing the white-line policy. Again I was at Boons-

ville a few days after you had made an address, and was informed by many who heard you that you had read at the conclusion of your address your resolution condemnatory of the White Line, and had it adopted without a dissenting voice. While I was at Boonsville you addressed the people at Corinth, having your resolution adopted again.

It was universally admitted and understood throughout the State that you were uncompromisingly opposed to any race issue.

Very truly, your friend,

REUBEN DAVIS.

Hon. L. Q. C. LAMAR.

Mr. LAMAR. There is one other charge insinuated in the article; and that is that the night after my election to the United States Senate I apologized for the eulogy that I delivered upon Mr. Sumner. That speech was an extemporaneous speech, delivered without notes. I have never been able to reproduce it, as the act of writing is painful to me. But it so happens that the republican editor, the organ of the republican administration in Mississippi, was present, and, in the Jackson Pilot, gives an account of the impression that speech made upon his mind; and it was republished in the National Republican of this city a short time afterward. Of course, it does not pretend to give my language. Nor does it begin to say exactly what I did say upon that occasion. I will therefore have to here asseverate that never in the slightest instance nor in the slightest particular did I swerve from the sentiments which I have uttered here. I reiterated them with emphasis. And I would have been glad, sir, if the whole people of the North could have witnessed a southern audience applauding the sentiments of Charles Sumner which I read to them on that occasion. I will send to the desk an account given by that republican editor in the organ of the Ames administration, as republished in the Republican of this city, showing what he thought I said upon that occasion.

The Clerk read as follows:

The Senator explained his eulogy on the death of Hon. Charles Sumner. He said that when he first took his seat in Congress he saw that his situation as a southern representative was a delicate and difficult one. The people of the North suspected the motives of the South, and no southern man could reach the northern ear. Just at this time a brilliant northern man, one dear to the northern people, departed this life, and it occurred to him that while the northern heart was shaded and softened with sorrow he might deliver a message of sympathy from the South and at the same time establish her in the affection of the North. *He meant every word he spoke on that occasion.* Charles Sumner imagined he was acting in the cause of humanity and freedom when he advocated universal suffrage. He knew his Sumner speech might be misconstrued, but he took his reputation in his own hands for the good of his country; *meant every word he said, and believed every word perfectly true.*

Mr. LAMAR. That is enough. What follows is editorial comment.

I made quite an extended canvass during that last campaign in Mississippi. I spoke in the districts of other gentlemen, republican and democratic. I spoke in the district of my republican colleague, Mr. WELLS. I am under the impression that he heard me on one or two occasions, and I am perfectly willing for him to testify to this House if he ever heard a syllable fall from my lips that tended to array the white race against the black race or to interfere with the black race in any position it chose to assume in the elections. I refer to my colleague, Mr. WELLS.

Mr. WELLS, of Mississippi. I am every ready to do justice to political opponents. I did hear Colonel LAMAR at Holly Springs. It was the only time I heard him during the canvass. I went to the meeting for the purpose of taking notes, in order to reply to him. There were some of the democrats in the State who were urging the organization of a White-Line party, and I was anxious to hear Colonel LAMAR, and to hear him on that subject. I did take notes upon that occasion; and I have in my mind now very nearly the language that he used. And it gives me pleasure to do him the justice to state that he then and there invoked the white people to throw aside all prejudices of race and to jointly grasp the government of the State and administer it in the interest of good government, for the benefit of both races, without regard to previous condition of race or of politics. He denounced the organization of White-Line leagues, and stated that it could only act disastrously to the country, to the State, and to the people.

Mr. LAMAR. I would call upon my colleague from the sixth district, [Mr. LYNCH,] but I was not in his district, and I am aware of the fact that he heard no speech of mine. But for that, I would invoke his testimony, for I have respect for him and confidence in him.

I owe an apology to the House, and assure my associates here that I would never have brought this matter to their attention on my own account. It was simply with reference to the interests which were struck at through me.

Mr. HALE. Will the gentleman allow me a question before he sits down?

Mr. LAMAR. Well, sir; yes.

Mr. HALE. In common with many other gentlemen, I have listened to sentiments from the gentleman that have awakened wide assent and applause in the North. If the gentleman will allow me, I will say that I think there has been in the minds of some gentlemen a suspicion, in which I am free to say that I have somewhat shared, that those sentiments uttered by the gentleman were safer to be uttered here than elsewhere without in any way impeaching his sincerity.

Now I hold in my hand a report in the Vicksburgh Herald of a speech made by the gentleman at Aberdeen.

Mr. LAMAR. I was replying to that report in what I said to-day.

Mr. HALE. Yes, I understand that. I am informed that the editor of that paper making the report spoke with Colonel LAMAR at Aberdeen upon the same day, and that apart from that speech and that listening he made this report.

The Vicksburgh Herald (democratic) reports a speech of L. Q. C. LAMAR at Aberdeen, Mississippi, thus:

"In his speech at Aberdeen, last Saturday, Colonel LAMAR made an eloquent speech. A better democratic speech we do not care to listen to, and in manly and ringing tones he declared that the contest involved 'the supremacy of the unconquered and unconquerable Saxon race.' We were glad to hear this bold and manly avowal, and it was greeted with deafening plaudits.

"We have never seen men more terribly in earnest, and the democratic White-Line speech made to them by Colonel LAMAR aroused them to white heat."

Now, Mr. Speaker, the gentleman has denied in terms making any such speech, and I for one am not disposed to countervail that statement. But I would be very glad if the gentleman from Mississippi would state if the editor of this paper was there participating in that meeting; and, if so, what must be the condition, what must be the demand of the public, when the editor of that paper, fresh from that speech, dared to put in his column the characterization of it and description of it for his readers that I have just read?

Mr. LAMAR. Mr. Speaker, I have only this to say, that the words "supremacy of the unconquered and unconquerable Anglo-Saxon race" were used in that speech in this connection: 'I was arguing to the colored race and showing that supremacy upon their part, or upon the part of either, would be fatal, and that if, simply by their numerical power, they should get supremacy, they could never maintain their "supremacy of the unconquered and unconquerable Anglo-Saxon race of the South." Those words fell upon Colonel McArdle's ear, and he no doubt thought at the time that I took that position as to the White-Line supremacy. But, sir, in that he wholly misunderstood my position, as is testified to by others present.

As to the other questions which the gentleman has presented, the House will fully appreciate them and the motive which prompted them. I will say there is nothing in his person, nothing in his character, and nothing in my character or his relations to me to justify his interposition in this affair. [Applause.]

CONTESTED-ELECTION CASE OF PLATT VS. GOODE.

The House resumed the consideration of the report of the Committee of Elections on the election contest from the second congressional district of Virginia—Platt *vs.* Goode.

Mr. BLACKBURN. Mr. Speaker, I am very safe in assuring the House that I have no purpose of inflicting a speech upon them, for it would be superfluous in this contested-election case. It is probably meet that as a member of the Committee of Elections and chairman of the subcommittee to whom was intrusted the decision of this question, I should say something. And I shall content myself in presenting to the consideration of the House the facts as developed in the record. I will not seek to apply the law to those facts in detail. I will not even endeavor to indulge in an argument looking to the inducing of conclusions on the part of any member of this House. I shall feel my obligation to have been met and that my duty has been discharged if I shall furnish to the House in the most concise and tersest manner the facts as developed in the proof upon which this committee stand divided.

If I ever indulged the hope of seeing a contested-election case discussed, considered, and disposed of by this House without the introduction of partisan feeling, I certainly have long since abandoned it. I do not know, nor will I claim, that I am able to divest myself of every prejudice that party affiliation is apt to impose when I come to the consideration of such a question. I am sure that to-day's performances demonstrate to a certainty that the gentleman from Kansas [Mr. BROWN] who has preceded me is equally subject to those influences. I was utterly amazed that he, representing the majority report of a committee, should have felt it necessary in order to bolster up a case which he must feel to be weak to have leveled his attacks not only at the Committee of Elections of the House, but at the organization of one of the proudest and oldest Commonwealths of the country, and sought to involve the State officers of Virginia, and the county officers of the several counties composing the second district of that State, and the honored incumbent, the contestee in this case, in a conspiracy to cheat and defraud. I am disposed to believe that the gentleman from Kansas does not know the use of language as he employed it.

When he undertakes to say that the present occupant of this contested seat was backed and supported by the county officials of the several counties of his district, their efforts all supplemented by the machinations of the State board of canvassers in Virginia, and piled on top of this, like Pelion upon Ossa, an insincere and dishonest and defrauding Committee of Elections, he gives utterance to that which, as the record stands and as the proof will certainly show, is not warranted in fact and is destitute of truth.

Who is it on this board of canvassers in Virginia that the recently known gentleman from Kansas, [Mr. BROWN,] whose advent into political life scarcely produced a ripple upon the surface of American politics, would seek to denounce? He tells us that such men as Kemper, as R. M. T. Hunter, who for many years was one of the leading spirits in the other wing of your national Capitol, and Daniels, the gifted and universally respected attorney-general of that State,

and McDonald, and all of those men have gone to work in a conspiracy to defraud not only the contestant of his seat, but the sovereigns of Virginia of their right of representation.

Had I not had an opportunity of watching for seven long months the course of the gentleman from Kansas in this House and in the room of the Committee of Elections, I would have been utterly amazed at the temerity that possessed him when he undertook to charge us with the practice of partisan dealings. I cannot remember or now recall but a single instance from the organization of this Committee of Elections until now—and, if my memory is at fault, I will be obliged to any gentleman who will supplement it—I can recall but a single instance in, I believe, nineteen cases of contest that have been before us in which one single, solitary republican member of that committee has ever given a vote save for the republican party to the contest. In that one instance the honor is due to the gentleman from Mississippi, [Mr. WELLS,] and not to the gentleman from Kansas.

Mr. TOWNSEND, of New York. Will the gentleman from Kentucky [Mr. BLACKBURN] allow me to ask if the republican members of the Committee of Elections did not join unanimously in the report in favor of Mr. FENN, the democratic contestant from Idaho?

Mr. BLACKBURN. I will answer the gentleman. Drowning men catch at straws, and I am not surprised he should seek to hinge his salvation on that issue.

Mr. TOWNSEND, of New York. My salvation is hinged on a different source, in which there is no Mr. BLACKBURN.

Mr. BLACKBURN. I did not quite understand the gentleman from New York.

Mr. TOWNSEND, of New York. I said that I hinge my salvation on a different source, and that I would not have to depend upon Mr. BLACKBURN for salvation. [Laughter.]

Mr. BLACKBURN. It is well for the gentleman from New York that he has a well-grounded hope of salvation either in this life or in the other, for if he was to be judged by his conduct as a member of the Committee of Elections in the Forty-fourth Congress, when he reaches that final bar, unless it was republican in its constitution, I am willing to be sworn that he never would gain an entrance. [Laughter.]

I will answer the gentleman's question, and I thank him for the suggestion. There was a unanimous report made in the case of Fenn vs. Bennett from Idaho. Now if he claims Bennett as the republican contestee and assigns us Mr. FENN as the democratic contestant, then I cite the gentleman to the utterance of his own representative, Mr. Bennett, before that committee, when he stated in his argument that there was not a scintilla of politics in the contest; that he was neither democrat nor republican in that contest nor was Mr. FENN; that the one was Mormon and the other was Gentile, and that was the only issue involved. The gentleman from New York himself, I believe, drew the report of the subcommittee, upon which there was only one other member. It was in proof, according to the statement of Mr. Bennett, that he, Bennett, was the Gentile and FENN was the Mormon. And the gentleman from New York voted for the Mormon without regard to politics at all. Those are the facts.

Now I re-assert, and I defy contradiction, that there never yet has been a contest before the Committee of Elections in which any republican member of that committee ever failed to vote for the republican party to the contest, unless it was in the case of the honorable gentleman from Mississippi, [Mr. WELLS,] who did vote with the democratic side in one contested-election case.

Mr. TOWNSEND, of New York. I would call the attention of the gentleman from Kentucky [Mr. BLACKBURN] to the statement made by Mr. Bennett in his own account of his election, in which he declares that he was "elected to the Forty-fourth Congress as the independent candidate by a majority of 139 votes over S. S. FENN, democrat." I have always heard Mr. FENN called a democrat.

Mr. BLACKBURN. I believe the sitting member is always credited with the writing of these biographies. Against this one I plead the statement of Mr. Bennett when arguing his case before the Committee of Elections, in which statement I believe every member of that committee, I am sure the gentleman from New York himself included, will bear me out.

But, sir, this is not my purpose. I do not intend to indulge in any invective. I do not intend to give way to any partisan feeling. I intend to content myself with the closest, plainest, fairest, most unvarnished collocation of the facts that I can make, leaving them with the House so far as I am concerned, without the application of the law in detail and without any argument, satisfied and convinced that they will do justice and equity between these parties.

It is claimed by the contestant, Mr. Platt, that he has been elected here though the certificate was given to Mr. Goode, because, he says, the vote of Prince George County was improperly excluded; because, he says, 206 votes received by him in the county of Nansemond should have been counted although they were cast in violation of the provisions of the statute of Virginia; because, he says, there were 33 votes in the county of Norfolk, 12 of which ballots were not received because they were found in a box provided for votes upon the constitutional amendments instead of in the congressional ballot-box, and the remainder of which 33 he contends were rejected or refused to be received or counted.

Now, Mr. Speaker, I desire this House to know the facts. In the preparation of the report which I had the honor to submit to the House, which stands signed by five of the members of the committee—while the report offered by the gentleman from Kansas is signed by six—in the preparation of this report technicalities are not insisted upon. The 206 votes in Nansemond County were not cast in accordance with the provisions of law; nobody will so contend. The statute law of Virginia, as well as the law of the country at large, provides that Congressmen shall be voted for by ballot, that each ballot shall be single and separate, that there shall be nothing printed or written upon the ballot except the name of the office and the name of the candidate for whom the vote is cast. It is an admitted fact that 193 of these 206 ballots, as they were found in the ballot-box, had printed upon them the additional words "Against the constitutional amendments." It is not denied and it is proved in the record that 13 of the remaining ballots had other ballots folded inside of them. Here were 13 ballots with the name of James H. Platt for Congress, and folded inside of each of them was another ballot with the words printed or written, "Against the amendments to the constitution." The law of Virginia expressly declares that neither of these ballots should be counted. But does the minority report seek to rest upon such technical exclusions of suffrage? We took those 206 votes and counted them for Mr. Platt. We held that the board of county canvassers did right in rejecting them, because in the exercise of their ministerial functions they had no discretion. But we hold that this House in the exercise of its discretion is competent to go behind the action of the board of State canvassers, to go behind the action of the board of county canvassers, to go behind the returns themselves and count the ballots upon the poll-book as they had been given. In the exercise of that discretion, seeking to arrive at an equitable adjustment of the case, we gave to Mr. Platt every vote that he claims within the county of Nansemond. We did more than that; we took the county of Prince George, whose vote was rejected by the board of State canvassers because it was fatally defective in law, and we counted its vote for him. It gave him a majority. The minority report includes the county of Prince George in its count, except the townships of Rives and Bland.

Let it be borne in mind that in the State of Virginia there is no such law as prevails in the State of Illinois, from which the case of Farwell and Le Moyne came, to which the gentleman from Kansas alluded. There is no law in the State of Virginia requiring each man's ballot to be numbered. There is a registration law; and there is a statute requiring that the officers conducting an election shall keep two poll-books, one of which shall be put under cover and seal and sent in connection with the ballots themselves, which shall be strung and sealed, either to the county clerk or the corporation court clerk for the county or corporation in which such election is held. This law was utterly disregarded in the townships of Rives and Bland. Neither poll-book was put under cover or seal; no ballot was ever strung or sealed. The law was ignored. It is a mandatory statute. If any man on this floor doubts its mandatory character, let him take the record and read for himself the utterances of the counsel of the contestant when taking the testimony of these officers. It will there be found that Mr. Platt's counsel submitted the question to these officers: "When you failed to put that poll-book under cover and seal; when you failed to string and seal those ballots after making the return, did you not know that you were thereby invalidating the election in those two precincts and necessitating their rejection?"

Mr. PLATT, (the contestant.) Will the gentleman permit me to interrupt him?

Mr. BLACKBURN. I believe the gentleman has the right to follow me; and, if so, I am disposed to insist upon my right now to go on.

But, sir, it is not necessary that the report of the minority of this committee upon the question of the Rives and Bland Townships should be supported. There are three several propositions, distinct and separate, upon which you may rest this case, all three equally defensible and maintainable at law, and either of them inevitably brings you to the conclusion that the gentleman who now holds this seat holds it by a right indefeasible and firm.

I will not stop to discuss the demand of the contestant for the rejection of the vote of York County. The majority of the republican members of the committee do not themselves insist upon that, although the gentleman from Kansas did allude to it and term it "bribery." In that regard the contestant in this case demands that the whole vote of the county of York shall be rejected—for what reason? Because a colored individual by the name of Norton dared to come out and assert before the people of his own race his right to appeal to them for their suffrages. Norton was nominated for Congress by a republican assemblage in that district upon the 4th day of July. The contestant, I believe, was nominated upon the 13th day of July. The sitting member was nominated by a democratic-conservative convention upon the 1st day of September. And because this colored man Norton had the effrontery to present himself as a proper object for the reception of his people's votes; because he was not willing to admit that the contestant, Mr. Platt, since his recent advent into the State of Virginia had become sole owner and proprietor of every colored individual within the limits of the district and the State; because this colored man dared to assert his right to present himself as a competitor for the people's suffrage, we find that in argument and brief it is seriously demanded that the vote of the county of York should be rejected. Norton may not have had a right to run; it may

have been improper for him to present himself as a candidate; but if all that be true, it hardly lies in the mouth of the contestant to proclaim it. It is not demonstrated by this testimony that Norton was not as well entitled to the suffrage of his people as was this stranger who had recently found a home among them.

But leave that question out of view, (for it does not admit of serious consideration,) refuse to allow the unusual demand of counting for the contestant votes in the county of Norfolk which were never polled for him and could not be because the voters did not get there until it was too late to vote according to their own testimony in the record; then we have Mr. Platt standing before us demanding that the vote of Prince George County shall be counted, that the 206 rejected votes in Nansemond County shall be given to him. Grant him all that; grant him everything he demands; grant him everything for which the gentleman from Kansas has ventured to contend upon this floor; grant him everything that his distinguished and able counsel whom I see before me ever dared to contend for before the bar of this committee; and you have him standing here with a majority of 500.

Now it is in proof in this record (and no man will deny it) that the registration law requires that every man before he shall become a legal voter shall be registered, and that the registration shall be performed ten days before the election, unless it be in one excepted case, where the voter is moving from one precinct of a county into another precinct of the same county, in which excepted case he may be registered and become qualified to vote at any time up to the day of the election. Under that registration law it cannot be denied in the face of this record and the proof that in five precincts of that district illegal votes were polled, because voters had been illegally registered. They had registered within the ten days precluded by the provisions of the registration law. They had in many instances registered upon the very day of the election. In five of these precincts these illegal votes had been counted. If you will reject the votes of those five precints—which you cannot affirm to be legal votes, and which you cannot eliminate, because there is no way to tell for whom the votes were cast—the assumed majority of Mr. Platt is overcome, even counting all the navy-yard employés among his supporters.

At Court-house precinct and at Stony Creek precinct, in the county of Sussex; at Bruton Township, York County; at Jamestown precinct, in James City County; and at Guilford Township precinct, in the county of Surry—in each and all of these illegal votes under fraudulent registration are incontestably demonstrated; and there is no way in which you can purge those precincts of fraud.

Then if that law of universal application is to prevail and you are to reject the vote of a whole precinct where fraud is proven and cannot be eliminated, then I say you can give Mr. Platt his fourteen hundred true and loyal navy-yard employés, and still he is not entitled to a seat upon this floor, granting him everything that he claims in this contest.

But, sir, if that proposition does not accord with the ideas of any member of this House, I will offer another. You may take Rives and Bland precincts of Prince George County, where the law had been openly defied, where the counsel for Mr. Platt said to the officers of election, in conducting the examinations of witnesses, that they must have known it vitiated the election—you may take those two precincts and reject them and then reject the three precincts at which the navy-yard employés voted, and Mr. Platt is beaten in his contest.

Bear in mind that two of the gentlemen who signed that majority report assert in their foot-note that they do not concur with the conclusions formed by the four republican members of the committee in the matter of these three navy-yard precincts. Six out of eleven of this committee stand in favor of rejecting the vote from the third and fourth wards of the city of Portsmouth, and Hall's Corner precinct in Norfolk, because of the vote polled at those three precincts by the employés of the navy-yard.

Now then, that being conceded, that these three precincts should be rejected, if you will supplement that by the rejection of the two precincts that disregarded the law, as stated, in Prince George County, Mr. Goode is seated. If that does not comport with your ideas of equity, then take the other proposition, upon which there scarcely seems room for dispute. Reject the precincts that were reeking with fraud perpetrated by these navy-yard employés; then take Rives and Bland Townships and count them for Mr. Platt, and take the 91 illegal votes proven to have been recorded in that district, admitted and not denied by anybody, and reject them, and Mr. Goode remains in his seat, and Mr. Platt's case is lost.

I want the House to distinctly remember that you may grant to Mr. Platt everything that he claims; give him his 206 votes in Nansemond County as we do; give him the whole of Prince George County, law or no law, Rives and Bland Townships included; give him all that he claims in both; and then reject the three precincts at which the navy-yard employés voted, and charge him, as you are bound to do under the law, with these 91 illegal votes, and his claim disappears, and the title of the contestant stands out as indisputable as that by which the honorable present occupant of the chair or any member upon this floor holds the seat that he occupies.

Now, as to this navy-yard vote, the gentleman from Kansas [Mr. BROWN] tells us the proof in this case is not as strong as it was in the Abbott *vs.* Frost case; the Boston navy-yard case. Well, I think the gentleman from Kansas voted to admit those frauds. Neither this case, nor that case, nor any other case that ever has had an existence in fact or can dwell within the broad scope of human imagination shall be fraudulent enough in the management of Government workshops, it seems, to warrant the gentleman from Kansas in withholding his support.

But look at the record. As a matter of fact, in the Abbott *vs.* Frost case it was asserted on this floor, and asserted with truth, that there was no positive proof of contract between the navy-yard employé and anybody that they should vote for this or that ticket. The House acted upon the Abbott *vs.* Frost case upon an inference. It was a warrantable inference, an inevitable inference upon which this House acted and acted properly when it held the republican sitting member in that case responsible for the votes of those employés in the navy-yard. But in this case you come down to a positive certainty; in this case you come out of the realms of conjecture; in this case you come down to absolute proof; proof as irrefutable as Holy Writ; proof that comes from the mouths of the supporters of Mr. Platt; proof that comes from the mouths of those men who themselves swore that they took the employment in the navy-yard and took it upon the condition that they would vote for Mr. Platt at the polls. Where do you want any more irrefragable proof than that? We do not rest on the testimony in this regard of a single man that voted for Mr. Goode; we do not rest upon the testimony even of a man who voted for Mr. Platt, unless he were an employé in that navy-yard. They swear that they did special service in that yard; that they accepted it upon the general understanding that they were to vote the republican ticket, upon which Mr. Platt's name appeared; and they did it.

Mr. BROWN, of Kansas. Will the gentleman state where is the proof of what he is now asserting?

Mr. BLACKBURN. I will read it or have it read to the gentleman. He shall be answered before I sit down.

Nor is that all; nor is it the half. Probably the short memory of the gentleman from Kansas has failed him in another regard: that one of these very employés of the navy-yard who voted for the republican contestant in this case swears that in the city of Portsmouth alone, leaving out Hall's Corner precinct, in Norfolk County—in the third and fourth wards of Portsmouth alone—Mr. Platt received 567 votes from the white employés of this navy-yard. Give Mr. Platt everything he claims; all Prince George county, including Bland and Rives Townships; all the votes he claims in Nansemond County; everything that his modest attorneys and modest self have been able to demand, and you only make up a majority of 500 at the best. Here comes Mr. Crismond, one of his supporters, one of his navy-yard supporters, and he swears that in the city of Portsmouth alone Mr. Platt got 567 votes from the white employés in the navy-yard. That leaves out of count altogether the 91 illegal votes cast in other precincts of the district. I do not believe, Mr. Speaker, that there is a member of this House who will undertake dispassionately and fairly to read the testimony in this regard who will find himself possessed of a single doubt, not only as to his right, but as to his bounden obligated duty to refuse to count the votes from those three precincts.

They are absolutely indefensible. The force in that navy-yard was increased from nine hundred to fourteen hundred immediately preceding the election. The testimony shows that the employés got their employment either on the solicitation of Mr. Platt or at the instance of the executive committee of the republican party. As soon as that election was over discharges began, and they never ceased until the force was reduced to its normal standard. Doubtless it will be suggested by the contestant himself or by some of his friends that in the year preceding the force in the navy-yard was larger than it was at this election. If so, let some member of the House ask the reason why. At this election the force was raised from nine hundred to fourteen hundred. But the year before a more important election was going on, of more consequence than even Mr. Platt's election; there was a gubernatorial election, a general State election was going on, and there was more villainy, fraud, and corruption, there was more false voting and false registration in this and in every other district in the State than there was in the fall of 1874, if that be possible.

Now, sir, if Mr. Platt's own witnesses can be believed, let this House grant him everything that he claims; let us surrender every proposition asserted in reference to Rives and Bland Counties; let us give him all he wants in Prince George County and in Nansemond County; and then if his own witnesses can be believed, if the testimony of his own supporters can be trusted, in two of the three precincts in which the navy-yard employés voted he received 67 more fraudulent votes than he claims as his whole majority in the district. And yet we have got 90 illegal and fraudulent votes cast at the several precincts throughout the district, proved indisputably, admitted by Mr. Platt; we have got these 90 illegal votes still to act upon. What are you going to do with them? Will you undertake to say that these 90 votes shall be divided equally or proportionately between the candidate in accordance with the aggregate vote received by each in the several precincts in which they were cast? We say that such a course would not be fair, and we say it while standing on the law. The gentleman from Iowa, [Mr. MCCRARY,] now a member of the House, in his admirable treatise upon the law governing contested cases has

declared that where fraudulent and illegal votes have been proved, and one party has it in his power to show for whom these votes were cast, and fails or refuses to do it, that party is justly liable with the charge of all these fraudulent votes, and that they should be taken from his count. I now assert, and there will be no controvertion of that, I apprehend, that it was impossible for Mr. Goode to have proved for whom the illegal votes were cast. They were not known to be illegal and on the poll-books until his testimony was taken. Mr. Platt had employed his forty days in taking testimony, and Mr. Goode followed for his forty days, in which 90 fraudulent votes were proved to be on the polls. He had no opportunity, no earthly chance to show for whom they were given.

But under the law Mr. Platt had ten days in which to close the case by way of rebuttal testimony. It was competent for him within those ten days to have proven how many of these fraudulent votes were cast for him and how many for his opponent. It was competent for him to have brought these fraudulent voters before the proper officer, and under oath taken the testimony of each one. He did not do it. He never made the effort. He stands before the House to-day without having lifted a finger to enlighten the House or the Committee of Elections upon the question as to who received the support of these 90 illegal voters.

Now, Mr. Speaker, there is the case. If you reject the five precincts at which false registration and illegal votes are proven and admitted to have been cast, it leaves Mr. Goode in possession of his seat without touching the navy-yard or the 90 illegal votes. It leaves him elected by a large majority. If you refuse to do that, then the rejection of the three precincts of the navy-yard and the votes of the townships of Rives and Bland leaves Mr. Goode entitled to the seat without regard to the 90 illegal votes. If you refuse to do one or the other, then let Mr. Platt have all he claims, taking everything in Prince George and Nansemond, and reject the three precincts in which the navy-yard employés voted and charge him, as he must be charged, with the 90 votes, and you leave Mr. Goode entitled to the seat.

There is one other fact in relation to these illegal votes which I did not suggest in the report, because I did not consider it proper that the question should be taken into consideration. When you come to examine into the complexion of these 90 illegal voters you find that seventy-odd of them were of a color among which the contestee in this case cannot find probably a single supporter; you find that probably 13 illegal voters were white while the remainder were of the colored class that in Virginia, as in the whole of the South generally, vote *en masse* for the candidates of contestant's party. I did not suggest that a color line should be adopted on which to parcel out the votes in the committee-room, and I will not do it on the floor any more than I did it there. But I say that if you undertake to divide the illegal votes equally between both the parties you are deducting from Mr. Goode illegal colored votes received by Mr. Platt, for every colored vote can be traced. There is no difficulty about proof, because the registration-books show every man colored and every man white.

If you will reject the navy-yard vote, after giving Mr. Platt all he claims in the whole district, and then deduct from Mr. Platt's vote the number of colored voters thus proven fraudulent and from Mr. Goode's poll every white vote proven fraudulent, Mr. Goode holds the seat.

Now, these are the facts, and I am sure no one will controvert them. I am willing to leave them to the House, invoking no party prejudice, for I address myself to republicans as well as democrats.

I do not desire to close, however, without noticing the fact that the gentleman from Kansas referred to a speech made by me some time ago in which I left it to some member upon the republican side of the House to tell the percentage of cases in which they had decided against themselves and in favor of their opponents since their advent to power. The gentleman from Kansas sought to interject a piece of special pleading when he undertook to tell us what percentage of cases they had decided against their party friends within the last two years. Now, I do not want the answer by sections; I want it as a whole.

I now re-affirm the statement that I formerly made. From the organization of this Government down to 1861 there never had been but sixty-five contested-election cases before the American Congress. From that time until now we have had within a fraction of two hundred contested-election cases; and I again throw out the challenge, and I defy any man who sits upon the other side of the House to meet it and tell this House and the country in how many of those cases, or rather in how few of them, they ever dared to award the seat to a man who was opposed to them politically.

Would the gentleman from Kansas say that they had done so in 50 per cent. of the cases? He dare not say so, for the record will not warrant it. He dare not say it has been done in one case in five. He dare not say it has been done in one case in nine. In not more than one case in ten can I find that his party awarded the seat to a party opposed in politics to them.

I am perfectly willing to rest this case upon this presentation of facts. I simply ask gentlemen to remember that they cannot unseat Mr. Goode unless they refuse to throw out precincts where fraudulent votes are proved and admitted, and cannot be eliminated from the poll, unless they go further, and refuse to throw out two precincts where the law is admitted to have been violated, and a law mandatory in its character at that. And further, they cannot unseat Mr. Goode unless they count for Mr. Platt the fraudulent votes that were cast for him, and upon which he has refused to throw any light.

It is not for me to appeal to this House because of the record which the sitting member has made or to enter upon a vindication of him from the charges and aspersions which have been cast upon him by the gentleman from Kansas, who asked in what school of morals this man had been reared. Let the record he has made for himself here answer for him. Let the record that has been made by the distinguished and prominent statesmen of the old Commonwealth of Virginia answer for them. These records will stand as fairer, bolder, more potent refutations of slander and aspersion than any feeble words of mine.

To history I commit the attacks the gentleman has made. Either he must substantiate them; he must prove that the representative officers, State and county, of the old Commonwealth of Virginia, are unworthy of public trust; he must prove that the sitting member here is worse than any of his co-conspirators, or else he must himself stand convicted before the House and the country as one who, to say the least of it, deals in reckless charges without stopping to determine whether they are in accordance with the testimony or supported by the facts.

If, in the face of the law and the facts, Mr. Goode is entitled to the seat, award it to him. If it be not so, take it from him. No doubt of his right lingers in my mind, nor do I believe that a majority of this House will doubt.

Mr. GOODE. The gentleman from Kansas [Mr. BROWN] has demanded the proof of the charge made by the gentleman from Kentucky [Mr. BLACKBURN] that the employés of the navy-yard at Norfolk accepted employment in that Government workshop upon the condition expressed or implied that they were to cast their suffrages for my competitor. I do not desire now to enter upon a discussion of this case. I pledge myself to meet the gentleman from Kansas before this discussion shall have terminated.

I wish, however, now to meet his demand for the proof, to meet it here upon the threshold. I desire to call his attention to one or two extracts from this record which in his partisan zeal and bigotry he seems to have strangely overlooked. He demands to know the proof of the allegations made by my friend from Kentucky. He shall have it. I invite his attention and the attention of every gentleman upon this floor to this proof, for I desire that all the members of this House shall understand this case.

If I know myself, as Heaven is my judge, I would scorn to stoop to the meanness of occupying a seat upon this floor if I did not feel in my heart of hearts that I was entitled to it and that I had been fairly and legally elected by a majority of the legal votes cast in that district. That is my position. I will address myself to the remarks of the gentleman, and tell him at the proper time in what school of morals I have been reared.

I rise now to meet simply his demand for proof of the allegation as made by my friend. I invite the gentleman's attention (if he has not read the record before this, he ought to have done so) to page 233 of this record, the testimony of W. W. Bain:

Question 44. Was it not generally understood among the men employed in the navy-yard that they were expected to vote for Mr. Platt, and that if they failed to do so they would incur the opposition of leading republicans who controlled the patronage of the navy-yard?

Answer. They were all supposed to vote for Mr. Platt, and were expected to do so, all that were employed in the yard; if they did not vote for him they would be the first struck off the rolls, the first discharged.

Q. 45. Do you know any men who, according to general rumor in the navy-yard and in this community, have been discharged from the navy-yard on account of their votes in the last congressional election?

A. I know one particular one. His name is Stokes. I don't know what his other name is. I think his name is —— Stokes. He told me that his foreman told him that he would have to discharge him because he voted for Mr. Goode. I heard several others say that was the reason they were discharged.

Q. 46. Explain the process usually adopted during the campaign by persons desiring employment in the navy-yard. Did they first make application to the officials in the yard, or to the republican executive committee or some member thereof for indorsement?

A. As a general thing, they went to the executive committee for recommendation for work in the yard.

Q. 47. Were those recommendations generally respected?

A. They were, as a general thing.

That man is a republican; an employé in the navy-yard, and was a member of the republican executive committee at the election which occurred November 3, 1874.

I also invite the gentleman's attention to the testimony of Jesse Mahoney, to be found on page 254 of this record. I cannot read it all:

Question. 10. State whether or not you voted with the republican party in the spring election of 1873, and if so, what induced you to do it.

Answer. I did vote with them—for my bread and meat, and not from principle.

Q. 11. Could you have procured employment in the navy-yard in 1873 or 1874 without a promise, either expressed or implied, that you would support the candidates of the republican party?

A. I could not.

Q. 12. How were the men generally employed in the navy-yard—upon whose recommendation?

A. By the republican committee, so far as I know.

Q. 13. Did the officials in the navy-yard, as a general thing, employ any workmen without the indorsement of the republican executive committee?

A. They had to be indorsed by the republican executive committee.

Again I ask the gentleman's attention to the testimony of George W. Glover, on page 256:

Question 18. Did you attend the republican meeting in the fourth ward shortly before the election, at which instructions were given to the ticket-holder?

Answer. I attended a meeting at Temperance Hall, on County street, where the ticket-holders were instructed as to their duties.

Q. 19. Please state fully and in detail what instructions were given to the ticket-holders.

A. They were instructed to watch every man and see that he did not place his hand in his pockets before he gave to the judge of election the ballot received from the ticket-holder.

Q. 20. Were the ticket-holders instructed to see that the men voted the tickets which were given to them, or anything of that sort?

A. They were instructed to see, as far as possible, that they voted what they received from the ticket-holder.

Q. 21. Where did you vote on the day of election?

A. In the fourth ward.

Q. 22. Were you watched by anybody on that occasion to see how you voted?

A. I believe that I was, sir.

Q. 23. How far from the ballot-box did the ticket-holders stand, and in what position?

A. About nine or ten feet, facing the ballot-box.

Q. 24. Who were the republican ticket-holders in the fourth ward?

A. Barney Rutter and John Moody on the part of the whites. I don't know the colored man's name.

Q. 25. What position did Barney Rutter and John Moody hold in the navy-yard at that time?

A. Barney Rutter was a shipwright; Moody a blacksmith.

Q. 26. After giving the tickets to the navy-yard men as they came up, did they or not watch them until the tickets were placed in the hands of the judges?

A. I believe they endeavored to do so as far as they possibly could.

I refer also to the testimony of Joseph Broughton, on page 283:

Question 3. Did you witness any intimidation of voters at that precinct, or did you see or hear anything from navy-yard officials calculated to influence the voters improperly in that election?

Answer. On the day of election, between six and seven a. m., I went over to the fourth ward. When I arrived there at the polls I saw the men strung out in a string, with Barney Rutter on one side of the door and a colored man, whose name I do not know, standing on the other side. All the men had to pass between the two before getting to the ballot-box. All of the republicans had to take their tickets from Barney Rutter; saw Doctor Kenny standing inside the polls, three or four feet from the box, with a newspaper in his hands tallying off the men as they voted, and all supposed republicans who refused to get a ticket from Rutter, he put their names down on the inside margin of the paper. I remarked to M. J. Pyles, one of the republican vigilance committee, "This is a great job you fellows have got up." His reply was, "There are a great many talk about voting for Goode, and we intend to find them out and make them suffer for it."

I refer also to the testimony of Francis Russ, on page 309. I beg every gentleman to pay attention to the testimony of this old man, aged seventy-one, as respectable a citizen as lives in the Commonwealth of Virginia:

Question 1. State your age, residence, and occupation.

Answer. Age, seventy-one years old; residence, second ward, Portsmouth; occupation, mast-maker.

Q. 2. Were you employed in the navy-yard during the last congressional campaign and on the day of election which occurred November 3, 1874?

A. I was.

Q. 3. Was any pecuniary assessment made upon you as an employé in the navy-yard during the congressional campaign for Mr. Platt's election purposes? If so, state by whom the assessment was made how much money you paid, and to whom you paid it.

A. There was an assessment made; it was presented to me by Mr. George Thompson, and I paid to him $3.26, with the understanding that if I refused to pay the $3.26 I should place opposite my name the cause for refusing.

Q. 4. Did you pay that money to Mr. Thompson willingly or not?

A. I did not pay it willingly.

Q. 5. What, then, induced you to pay it?

A. Believing that it would be to my advantage to do so.

Q. 6. Please explain fully why you believed it would be to your advantage to pay that money. You are an aged man; how could the payment of an election-tax benefit you?

A. I believed it would be the means of my keeping in employ.

Q. 7. Was it, or not, generally understood among the men employed in the navy-yard during the congressional campaign that if they failed to pay that election-tax they would suffer for it?

A. It was with those with whom I conversed.

Q. 8. Was that assessment generally made upon the men employed in the yard, so far as you know?

A. As far as I know, it was in the department where I worked.

* * * * * * *

Q. 11. Have you ever been challenged or questioned by navy-yard officials or by the authorities of the republican party, or any of them, on account of your vote? If so, please state all about it.

A. I have, sir. Previous to the last congressional election some parties in Portsmouth preferred charges against Mr. William H. Lyons. In those charges it was said he had in his employ two ex-rebels that had never voted for Mr. Platt. Mr. Lyons came to me and asked me if I had any objection to give him a letter to contradict that statement which had been made about him. I told him I would. I wrote a few lines to Mr. Platt, stating that I plead guilty to the first charge. After writing this letter, Mr. Thompson, foreman of the shop, who is a magistrate, he swore me that these statements were true which I had wrote. The letter was sent to Mr. Platt, I presume, and I heard no more of it since.

Q. 12. You say you stated in the few lines you wrote to Mr. Platt, you plead guilty to the first charge. Explain what you mean by that answer.

A. First charge was that I was an ex-rebel; therefore I plead guilty, if there was any guilt in it.

Q. 13. What was the second charge brought against you?

A. That I had never voted for Mr. Platt.

Q. 14. What did you say in your letter to Mr. Platt about that charge?

A. I told Mr. Platt, in this letter, that I had voted for him twice, and had given my money as liberal as my means would admit, and if that didn't constitute a good republican, that I didn't know what would.

Q. 15. And is that the statement you were required to swear to before an official in the navy-yard?

A. It was, sir.

Now, I let the House rest upon that proof (which the gentleman has demanded) until I shall have opportunity, as I pledge myself before the House and the country to do, to follow his extraordinary speech step by step. When I can get the ear of this House I will demonstrate that the gentleman has not only aspersed the character of five eminent citizens of my State, but has distorted and perverted the testimony. Animated by partisan zeal, he has gone beyond the record in assuming a prerogative which did not belong to him, and demands to know in what school of morals I have been reared. I tell the gentleman that from my earliest infancy, at my mother's knee, I was reared in that school which taught me to obey the ninth commandment, which is, "Thou shall not bear false witness against thy neighbor." [Applause.]

Mr. TOWNSEND, of New York obtained the floor.

Mr. POPPLETON. Will the gentleman from New York yield for a motion to adjourn?

Mr. TOWNSEND, of New York. Yes, sir.

Mr. POPPLETON. I move that the House adjourn.

INVESTMENT OF INDIAN TRUST FUNDS.

The SPEAKER *pro tempore*, by unanimous consent, laid before the House a letter from the Secretary of the Interior, transmitting a statement of the investment of certain Indian trust funds; which was referred to the Committee on Indian Affairs.

SURVEY ON PACIFIC RAILROAD.

The SPEAKER *pro tempore* also laid before the House a letter from the Secretary of War, transmitting a report of the Chief of Engineers, in regard to a survey in the line of the Pacific Railroad; which was referred to the Committee on the Pacific Railroads.

GIFT OF GROUND AT FORT ELLIOTT, TEXAS.

The SPEAKER *pro tempore* also laid before the House a letter from the Secretary of War, relating to a gift of ground at Fort Elliott, Texas, to the United States Government; which was referred to the Committee on Public Buildings and Grounds.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. OLIVER for ten days on account of important business.

PREVENTION OF DESERTIONS.

Mr. WELLS, of Mississippi, by unanimous consent, introduced a bill (H. R. No. 3990) to prevent desertions from the Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

H. B. WHITFIELD AND DELBITT STEARNS.

Mr. WELLS, of Mississippi, also, by unanimous consent, introduced a bill (H. R. No. 3991) for the relief of Henry B. Whitfield and Delbitt Stearns for services rendered as acting district attorneys for the United States district court for the northern district of Mississippi; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

TALLAHASSEE LAND OFFICE.

Mr. PURMAN, by unanimous consent, introduced a bill (H. R. No. 3992) to authorize the President of the United States to re-establish the Tallahassee land office and district, in the State of Florida; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

DRY-DOCK AT KEY WEST.

Mr. PURMAN also, by unanimous consent, introduced a bill (H. R. No. 3993) appropriating $250,000 for the construction of a dry-dock at Key West, in Florida; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

PUBLIC BUILDING AT KEY WEST.

Mr. PURMAN also, by unanimous consent, introduced a bill (H. R. No. 3994) for the construction of a public building for the use of the post-office, custom-house, United States court, and internal-revenue office at Key West, in Florida; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

MONTANA VOLUNTEERS FOR INDIAN WARFARE.

Mr. MAGINNIS, by unanimous consent, introduced a bill (H. R. No. 3995) to authorize the President of the United States to accept the services of Montana volunteers for the suppression of Indian hostilities; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

The motion of Mr. POPPLETON was then agreed to; and accordingly (at five o'clock and ten minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and other papers were presented at the Clerk's desk under the rule, and referred as stated:

By Mr. DUNNELL: A paper relating to the land claim of A. S. Nesmith, to the Committee on Private Land Claims.

By Mr. LUTTRELL: Resolutions of Bodego Grange, of Sonoma County, California, that the duty on grain-sacks should be reduced, to the Committee of Ways and Means.

By Mr. RAINEY: The petition of Martha Riordan, of Washington, District of Columbia, for compensation for damages done to lot 12, square 222, by the occupant of an adjacent lot after the attention of the Superintendent of Public Buildings was called to the action of said occupant, to the Committee for the District of Columbia.

By Mr. WHITE: The petition of Henry Freeman, that he be paid the bounty paid to veteran soldiers of the late war, to the Committee on Military Affairs.

IN SENATE.

WEDNESDAY, *July* 26, 1876.

The Senate met at twelve o'clock m.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

THE JOURNAL.

The Journal of yesterday's proceedings was read.

Mr. WRIGHT. I wish to call attention to the Journal. By the reading of the Journal it appears that I made two reports yesterday from the Committee on Post-Offices and Post-Roads. That must be a mistake. I made the reports from the Committee on the Judiciary.

The PRESIDENT *pro tempore*. That correction will be made.

The Journal was approved.

HOUSE BILLS REFERRED.

The following bills and joint resolution from the House of Representatives were severally read twice by their titles and referred as indicated below:

The bill (H. R. No. 3392) for the relief of John R. Harrington—to the Committee on Patents.

The bill (H. R. No. 3925) relating to the production of fruit brandy and to punish frauds connected with the same—to the Committee on Finance.

The joint resolution (H. R. No. 155) directing the suspension of further proceedings under the act of 5th of August, 1861—to the Committee on the Judiciary.

IMPEACHMENT OF W. W. BELKNAP.

The PRESIDENT *pro tempore*. Is there objection to receiving morning legislative business?

Mr. EDMUNDS. I call for the regular order.

The PRESIDENT *pro tempore*. Legislative and executive business will be suspended and the Senate will proceed to the consideration of the articles of impeachment exhibited by the House of Representatives against William W. Belknap, late Secretary of War.

The Senate then proceeded to the trial of the impeachment of William W. Belknap, late Secretary of War.

The Senate sitting for the trial of the impeachment of William W. Belknap having adjourned then resumed its

LEGISLATIVE SESSION.

The PRESIDENT *pro tempore*. The Senate resumes its legislative session.

REPORT OF COMMISSIONER OF EDUCATION.

Mr. ANTHONY. I ask permission to make a report. I am instructed by the Committee on Printing to report the following resolution:

Resolved, That 1,200 additional copies of the report of the Commissioner of Education, or so many as can be printed at a cost of $500, be printed for the use of the Senate.

There being no objection, the Senate proceeded to consider the resolution.

Mr. SAULSBURY. I desire to ask the Senator from Rhode Island if that is to be in addition to the number ordered by joint resolution to be printed, or whether it is to be deducted from that number?

Mr. ANTHONY. There were 10,000 copies ordered to be printed for the use of the Commissioner by an act of Congress. The Senator from West Virginia [Mr. DAVIS] introduced a resolution that two thousand copies of the report should be taken from the Commissioner of Education and given to the Senate; but the order having been made by act of Congress it is not competent for the Senate to take them by resolution; and there seems to be a desire on the part of many Senators that a few copies of the report should be distributed among Senators, we have made this report. The Senator from Delaware will recollect that I consulted him on the subject.

Mr. SAULSBURY. Yes, sir.

Mr. ANTHONY. The reason why the limitation is put in is that the copy has not yet been given to the Government Printer, and it is impossible to tell the exact cost of it, and we are only authorized to print to the extent of $500.

The resolution was agreed to.

MISSISSIPPI INVESTIGATION.

Mr. ANTHONY. I am also instructed by the Committee on Printing to report the following resolution:

Resolved, That 1,200 additional copies of the report of the committee to inquire into the election of Mississippi, or so much thereof as may be printed at the cost of $500, be printed for the use of the Senate.

Mr. STEVENSON. I should like to ask my friend from Rhode Island whether this report has been made yet?

Mr. ANTHONY. It has not been made, but we have an estimate of the probable number of pages; we cannot tell precisely the number, and therefore we put in the limitation of $500. The Senator from Delaware [Mr. BAYARD] is familiar with the matter and desires to have it printed as well as the Senator from Massachusetts, [Mr. BOUTWELL.]

Mr. McDONALD. I desire to know if the resolution embraces the testimony and the views of the minority?

Mr. ANTHONY. Certainly. We never printed reports otherwise. The Senator can have those words put in if he desires; but they are not necessary.

Mr. EDMUNDS. I merely wish to suggest that as the resolution reads, if the report has not been made, it will be open to considerable question in my mind as a matter of law on the statute whether the resolution could be made to apply to a report not now in existence. If there is no such report on the files of the Senate, the resolution would be perfectly inofficious, or whatever you may say, and it would not furnish an authority to print a report hereafter to be made.

Mr. ANTHONY. The testimony is in the hands of the Printer, but the report itself has not yet been made.

Mr. EDMUNDS. It would be better to say "when made."

Mr. ANTHONY. Very well; let that amendment be made.

Mr. SAULSBURY. Is that an additional number to the 4,000 already ordered by a joint resolution passed by the Senate?

Mr. ANTHONY. The Senate have passed a concurrent resolution to print 4,000 copies, but it has not been concurred in by the House.

Mr. SAULSBURY. It seems to me we ought to wait. I have no objection to this report being published by the Senate, provided the joint resolution is not concurred in by the House; but it strikes me we ought not to anticipate that it will not be passed by the House and go to work and provide an additional number. Four thousand I thought at the time was a very liberal number.

Mr. ANTHONY. When the resolution comes from the House it can be amended and this amount deducted.

Mr. BAYARD. I presume that this resolution looks to the printing not only of the report, but of the testimony and the views of the minority.

Mr. ANTHONY. It does.

The PRESIDENT *pro tempore*. The question is on the resolution.

Mr. WHYTE. Is the resolution before the Senate?

The PRESIDENT *pro tempore*. There being no objection, the Senator from Rhode Island reported the resolution. The Chair heard no objection, and the question is on present consideration. Does the Senator object?

Mr. WHYTE. I do object.

Mr. ANTHONY. I am sure the Senator will not object to printing a report of a committee of this body, a report which is desired by his friends on that side as much as by ours.

Mr. SHERMAN. I will state to the Senater from Maryland that the regular number is printed as a matter of course, and while the type is standing it would be much more economical to print any extra numbers that may be desired.

Mr. WHYTE. I object because there is no such report yet made to the Senate. That is the reason of my objection.

Mr. SHERMAN. It is done every day. Very often resolutions of this kind are presented before the reports are actually made.

Mr. ANTHONY. I have offered the resolution just as we pass such resolutions every session. The Smithsonian Institute report is ordered to be printed before it is completed. I give notice that I will call it up to-morrow.

Mr. BAYARD. I hope the Senator from Maryland will withdraw his objection.

Mr. WHYTE. At the request of the Senator from Delaware I withdraw the objection.

The PRESIDENT *pro tempore*. The resolution is before the Senate.

The resolution was agreed to.

Mr. ALLISON. I call for the regular order.

The PRESIDENT *pro tempore*. There is no regular order.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. U. S. GRANT, jr., his Secretary, announced that the President had yesterday approved and signed the act (S. No. 333) for the relief of Major Foster A. Hixon, late a paymaster in the Army, and the act (S. No. 928) for the relief of Albert W. Preston.

PETITIONS AND MEMORIALS.

Mr. LOGAN presented resolutions adopted at a meeting of a number of soldiers at Jacksonville, Pennsylvania, signed by William B. Keller, president, and Marshall Shields, secretary, praying the passage of a law for the equalization of bounties; which was ordered to lie on the table.

He also presented a petition of citizens of Pittsburgh, Pennsylvania, and a petition of citizens of Marlborough, Pennsylvania, praying for the passage of a law for the equalization of bounties; which were ordered to lie on the table.

Mr. HOWE presented a memorial of the mayor and common council of Racine, Wisconsin, praying an appropriation for the improvement of the harbor at that city; which was ordered to lie on the table and be printed.

Mr. ROBERTSON presented a memorial of citizens of Charleston, South Carolina, remonstrating against the passage of the bill (H. R. No. 3189) to amend the Revised Statutes in relation to merchant seamen; which was referred to the Committee on Commerce.

Mr. MERRIMON. I present the petition of John H. Brooks and many other citizens of the District of Columbia, praying the Senate to consider and act upon House bill No. 3435, by which it is intended to provide a commission to pass upon many claims against the District of Columbia. That bill, I beg to say, was before the Committee on the District of Columbia; it was reported back to the Senate and then referred to the Committee on the Judiciary. It is a bill in which a large number of citizens of the District and elsewhere have a warm

interest, and they are very anxious that Congress should take action before the session closes.

Mr. EDMUNDS. I wish to say in that connection that the Committee on the Judiciary have not yet been able to consider the subject, but are, among other things, waiting for information from the government of the District as to the nature and character of these transactions, so that we may know exactly what we are about. In the next place, I am not prepared to say nor authorized to say whether the Committee on the Judiciary will believe that it falls within their proper jurisdiction; but at present we are waiting for information.

Mr. MERRIMON. The Committee on the District of Columbia thought it was especially within the jurisdiction of the Judiciary Committee because it provides a court and defines the jurisdiction of that court.

The petition was referred to the Committee on the Judiciary.

REPORTS OF COMMITTEES.

Mr. OGLESBY, from the Committee on Indian Affairs, to whom was referred the bill (H. R. No. 1984) to provide for the sale of certain lands in Kansas, reported it without amendment.

Mr. OGLESBY. The Committee on Public Lands, to whom was referred the bill (H. R. No. 629) for the relief of Jonathan White, have had the same under consideration, and have instructed me to report it back without amendment. It will only take one minute to pass the bill. If it goes on the docket now, it will be a great injustice to the man. It appropriates $59.40 out of the Treasury, money accidentally and unintentionally paid into the Treasury by Mr. White more than he owed. The officers of the Government have passed on it and recommended that it be passed. They cannot pay him the money without this bill. It is his money in the Treasury. The bill is only eight or ten lines long and there is a report with it. I should like to have it considered now.

Mr. ALLISON. I must insist on the regular order.

The PRESIDENT *pro tempore*. There is no order except the Calendar.

Mr. EDMUNDS. Let us hear the bill and report.

The bill was read.

Mr. ALLISON. I object to the present consideration of the bill.

Mr. OGLESBY. It will only take a moment.

Mr. ALLISON. The Senator from Vermont asks that the report be read. I desire to call up the river and harbor bill and dispose of it in some way or attempt to do so.

Mr. OGLESBY. Will not the Senator from Iowa allow me to appeal to him. This man cannot afford to come here a second time for this sum of money. The report can be read in two minutes. It was simply a mistake; and the register and receiver and the Commissioner of the Land Office all recommended that the payment be made.

The PRESIDENT *pro tempore*. The Senator from Iowa objects. The bill will be placed on the Calendar.

Mr. KERNAN, from the Committee on Finance, to whom was referred the bill (H. R. No. 2894) for the relief of J. E. Pankey, of Fulton County, Kentucky, reported it without amendment.

Mr. MITCHELL, from the Committee on Claims, to whom was referred the bill (H. R. No. 1503) for the relief of Sarah F. Albertson, of Boonville, Missouri, reported it without amendment.

Mr. WRIGHT, from the Committee on Claims, to whom was referred the petition of B. D. Carpenter, asking that his claims against the United States for property taken and appropriated by United States troops be referred to the Court of Claims for adjudication, submitted an adverse report thereon; which was agreed to and ordered to be printed.

Mr. WRIGHT. The same committee, to whom was recommitted the bill (H. R. No. 3182) for the relief of Albert Grant, have had this bill and the papers again under consideration, and after duly considering the claim again, recommend that the bill be postponed indefinitely.

The bill was postponed indefinitely.

Mr. BRUCE, from the Committee on Pensions, to whom was referred the bill (H. R. No. 2311) granting a pension to Daniel Willhoit, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

Mr. CHRISTIANCY, from the Committee on Claims, to whom was referred the petition of Rev. H. V. Brown, pastor and trustee of the St. Peter and St. Paul's Church, at Chattanooga, Tennessee, submitted a report thereon, accompanied by a bill (S. No. 1005) for the relief of the Roman Catholic church of St. Peter and St. Paul, at Chattanooga, Tennessee.

The bill was read and passed to the second reading, and the report was ordered to be printed.

Mr. WRIGHT. I desire to say in that connection that while there is no minority report, I want it understood that the report is not the unanimous report of the committee.

Mr. CHRISTIANCY. Perhaps I ought to have mentioned that.

BILL RECOMMITTED.

Mr. INGALLS. I ask unanimous consent that the vote of the Senate by which the bill (H. R. No. 183) granting an increase of pension to John E. Wunderlin, late a private in the Thirty-third Regiment of New York Volunteer Infantry, was indefinitely postponed, may be reconsidered and the bill be recommitted to the Committee on Pensions.

The PRESIDENT *pro tempore*. If there be no objection, that order will be made. The Chair hears no objection.

RIVER AND HARBOR BILL.

Mr. ALLISON. I move that the Senate proceed to the consideration of the river and harbor bill.

The motion was agreed to; and the Senate resumed the consideration of the bill (H. R. No. 3022) making appropriations for the construction, repair, preservation, and completion of certain public works on rivers and harbors, and for other purposes.

Mr. ROBERTSON, (at four o'clock and eight minutes p. m.) I move that the Senate adjourn.

The question being put, there were on a division—ayes 26, noes 17.

The PRESIDENT *pro tempore*. The motion is agreed to; and the Senate stands adjourned until to-morrow at——

Several SENATORS. Eleven o'clock.

Other SENATORS. Twelve o'clock.

The PRESIDENT *pro tempore*. The Secretary will report the order and the Chair will be able to determine. The sessions for this day and yesterday have been at twelve o'clock.

Mr. WITHERS and others. By a special vote.

Mr. HAMLIN. The standing order is eleven o'clock.

Mr. CONKLING. I rise to a question of order. Did not the Senate on a division vote to adjourn, and did not the Chair so declare?

The PRESIDENT *pro tempore*. Certainly.

Mr. CONKLING. I object to any business. The Chair did announce so many in the affirmative and so many in the negative, and that the Senate was adjourned.

The PRESIDENT *pro tempore*. The Chair did not declare to what hour; and the Chair is determining that by a reference to the order.

Mr. CONKLING. That may be; but I object to any business.

The PRESIDENT *pro tempore*. The Chair would like to hear the general order as to the hour of meeting.

Mr. HAMLIN. I made the motion myself, and I remember the precise words in which I made it a permanent order. Twice since then we have specifically adjourned to another hour, but the special order now stands eleven o'clock.

Mr. CONKLING. That is true.

Mr. WITHERS. That is the standing order.

The PRESIDENT *pro tempore*. The Secretary will read the last order.

The CHIEF CLERK. The order of July 25, yesterday, was—

On motion of Mr. ANTHONY that when the Senate adjourn it be to twelve o'clock to-morrow.

The PRESIDENT *pro tempore*. On the statement of the Senator from Maine, the Chair rules that the Senate stands adjourned until to-morrow at eleven o'clock.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *July* 26, 1876.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. I. L. TOWNSEND.

The Journal of yesterday was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, informed the House that the Senate was ready to proceed upon the impeachment of William W. Belknap and to receive the managers on the part of the House, and that the Senate Chamber was prepared with accommodations for the reception of the House of Representatives.

SOLDIERS' HOMES.

Mr. TERRY, by unanimous consent, submitted a report of the Committee on Military Affairs in relation to soldiers' homes; which was ordered to be printed and recommitted.

INDIAN TRUST FUNDS.

Mr. MORRISON. I am directed by the Committee of Ways and Means to report back and recommend the House to pass, with an amendment, the bill (S. No. 614) to authorize the Secretary of the Interior to deposit certain funds in the United States Treasury in lieu of investment.

The bill was read. It authorizes the Secretary of the Interior to deposit in the Treasury of the United States any and all sums now held by him, or which may hereafter be received by him, as Secretary of the Interior and trustee of various Indian tribes on account of the redemption of United States bonds or other stocks and securities belonging to the Indian trust fund, whenever he is of the opinion that the best interests of the Indians will be promoted by such deposits, in lieu of investments, and the United States shall pay interest semi-annually, at the rate of 5 per cent. per annum from the date of deposit of any and all such sums in the United States Treasury.

The amendment reported by the committee to strike out the word "five" and insert "four and a half," so as to make the rate of interest payable by the United States 4½ per cent., was read.

Mr. MORRISON. As there was no treaty or other obligation requiring the United States to pay 5 per cent. interest, the committee were of opinion that the Government ought not to pay more than 4½. Hence the amendment.

The amendment was agreed to.

The bill, as amended, was ordered to a third reading, read the third time, and passed.

Mr. MORRISON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PAYMENT OF DISCHARGED HOUSE EMPLOYÉS.

Mr. SCALES. I introduced yesterday a resolution for the payment of certain discharged employés of this House, which was referred to the Committee of Accounts. It does not appear in the RECORD, which I ask may be corrected by its insertion.

There being no objection, it was ordered accordingly.

The statement omitted in yesterday's RECORD is as follows:

Mr. SCALES, by unanimous consent, submitted the following resolution; which was referred to the Committee of Accounts:

Resolved, That all employés of this House discharged on June 30, and not paid off on account of the non-passage of the sundry civil appropriation bill, be, and are hereby, allowed payment until date of settlement.

LEAVE TO PRINT.

Mr. EAMES, by unanimous consent, obtained leave to have printed in the RECORD remarks upon the bill (H. R. No. 3910) in addition to an act entitled "An act to provide for the resumption of specie payments," approved January 14, 1875.

Mr. EDEN, by unanimous consent, obtained leave to have printed in the RECORD remarks on the bill (H. R. No. 3635) to utilize the product of gold and silver mines, and for other purposes.

SAINT PAUL, MINNESOTA, AS A PORT OF APPRAISAL.

Mr. DUNNELL. I ask unanimous consent to report from the Committee on Commerce for passage at the present time the bill (S. No. 413) establishing the port of Saint Paul, Minnesota, as a port of appraisal.

Mr. RANDALL. That bill was presented once before, and was objected to by the gentleman from Indiana, [Mr. HOLMAN,] who is not now in his seat.

Mr. DUNNELL. That gentleman has withdrawn his objection.

The bill was read. It provides that the provisions contained in and the privileges accorded by sections 2990, 2991, 2992, 2993, 2994, 2995, 2996, and 2997 of the Revised Statutes be extended to and held to include the port of Saint Paul, in the collection district of Minnesota.

The second section provides that the appraiser at the port of Saint Paul shall receive the same amount of salary that the deputy collector of that port now receives.

Mr. RANDALL. Does this bill increase any pay?

Mr. DUNNELL. The compensation of the deputy collector under the statute is $2,000.

Mr. RANDALL. I shall have to object to this bill. This is an increase of pay.

ORDER OF BUSINESS.

Mr. BLAND. I ask that to-night be set apart for debate only on the bill (H. R. No. 3635) to utilize the product of gold and silver mines, and for other purposes, no other business to be transacted. A great many members desire to speak upon that bill, and may have no other opportunity.

Mr. RANDALL. I suggest to the gentleman that we proceed on that bill in the morning hour.

Mr. BLAND. If we are to have a morning hour upon that bill I will withdraw my request.

The SPEAKER *pro tempore*. The unfinished business of yesterday, the contested-election case, on which the gentleman from New York [Mr. TOWNSEND] is entitled to the floor, takes precedence of the morning hour.

Mr. RANDALL. As the previous question is not operating upon that matter, does it not come up after the morning hour?

The SPEAKER *pro tempore*. It is a question of privilege, and was the unfinished business at the adjournment yesterday.

Mr. RANDALL. But it does not of necessity cut off the morning hour if the House by a majority vote declares its wish to have the morning hour.

The SPEAKER *pro tempore*. The Chair, after consulting largely with gentlemen who have long been intimate with the practice and rules of the House, must hold that the regular order this morning is the continuation of the unfinished business, and that the morning hour cannot be called until that business is disposed of.

Mr. HOAR. Mr. Speaker, there is a matter which is specially assigned for this morning, a bill (H. R. No. 1337) for the relief of Nelson Tiffany, vetoed by the President. It will take but a few minutes to dispose of it.

The SPEAKER *pro tempore*. If the gentleman from New York yields for that purpose, as he is in a parliamentary sense now upon the floor, the Chair will gladly recognize the gentleman from Massachusetts.

Mr. HOAR. I understand this is the special order for this time. It will take but a minute or two.

The SPEAKER *pro tempore*. That will not take the gentleman from New York [Mr. TOWNSEND] off his feet.

Mr. HENDEE. I demand the regular order of business.

Mr. BLAND. I move that there be a session this evening for debate only—no business whatever to be transacted—on the bill (H. R. No. 3635) to utilize the product of gold and silver mines, and for other purposes. There are several gentlemen who desire to be heard, and I hope there will be no objection, as my proposition will not interfere with the business of the House.

Mr. KASSON. What bill is it that the gentleman wishes to have a night session on?

Mr. BLAND. It is the bill which you killed yesterday morning.

The SPEAKER *pro tempore*. The proposition of the gentleman from Missouri is that there shall be a session this evening for debate only, no business whatever to be transacted, on the bill to utilize the product of gold and silver mines.

Mr. KASSON. I object.

Mr. BLAND. I hope my bullionist friend will not object, but will let this debate go on. Does he object because he cannot stand debate on it?

Mr. TOWNSEND, of New York. I wish to ask unanimous consent to introduce a pension bill for reference merely.

Mr. HOLMAN. Cannot the question of the consideration of the unfinished business pending at the adjournment last evening be raised at this time?

The SPEAKER *pro tempore*. Not while the gentleman from New York occupies the floor. It may be raised when the floor is not occupied. If the gentleman from Indiana will look at the RECORD containing the proceedings of yesterday, he will notice that the gentleman from New York [Mr. TOWNSEND] took the floor and yielded simply to a motion to adjourn. The Chair cannot take him off the floor by allowing the question of consideration to be raised at this time.

Mr. HENDEE. I demand the regular order of business.

The SPEAKER *pro tempore*. When the gentleman from New York has concluded the question of consideration may then be raised.

Mr. BUCKNER. I demand the regular order of business.

The SPEAKER *pro tempore*. The regular order of business having been demanded, the question before the House for consideration is the report of the Committee of Elections on the contested case from the second congressional district of Virginia—Platt *vs.* Goode—on which the gentleman from New York [Mr. TOWNSEND] is entitled to the floor.

Mr. HOAR. I understand the gentleman from New York is willing to yield to me for the purpose of calling up the veto message of the President on the bill for the relief of Nelson Tiffany.

The SPEAKER *pro tempore*. The Chairman would be glad to recognize the gentleman, but the regular order of business is called for on all hands.

Mr. RANDALL. Has not the House control over its proceedings?

The SPEAKER *pro tempore*. It has; but the gentleman from New York has the floor on the unfinished business.

Mr. RANDALL. But the gentleman from New York I learn is willing to yield to the gentleman from Massachusetts.

Mr. HOAR. I rise to a question of order. The bill which was vetoed by the President comes up under the Constitution requiring it should be submitted again to the House. The pending question is, Will the House on reconsideration pass the bill? It was set down for consideration this morning, and takes precedence of everything under the vote of the House. It is as much entitled to its place as the reading of the Journal was entitled to its place, and matters coming over from yesterday come over after it. In addition to that claim of right the gentleman from New York consents, if he does not lose his place after this is disposed of, that it may be taken up, as it will only take a few minutes. I hope the Chair will not interpose any objection if no one else does.

Mr. BLAND. As I understand it, the bill to which the gentleman from Massachusetts refers was made the special order after the morning hour, and it does not come up until we have had a morning hour.

Mr. HOAR. No; it was made the special order after the reading of the Journal.

The SPEAKER *pro tempore*. It was made the special order after the reading of the Journal, and the Chair recognizes it as a privileged question; but the unfinished business of yesterday, on which the gentleman from New York holds the floor, takes precedence. The only ruling the Chair has made in conflict with the special order to which the gentleman from Massachusetts has referred is that the gentleman from New York [Mr. TOWNSEND] holds the floor. If, however, the gentleman from New York yields the floor, it is of course in order for the gentleman to call up his bill.

Mr. TOWNSEND, of New York. I yield the floor for that purpose only.

The SPEAKER *pro tempore*. If the gentleman from New York yields the floor, he yields it.

Mr. TOWNSEND, of New York. Then I do not yield it.

The SPEAKER *pro tempore*. The gentleman from Massachusetts can be recognized when the gentleman from New York is off the floor.

Mr. HOAR. I rise to a parliamentary question on the order of business.

The SPEAKER *pro tempore*. The Chair will hear the gentleman.

Mr. HOAR. My proposition is that the gentleman from New York [Mr. TOWNSEND] does not take the floor by right until this matter is disposed of, because it was ordered by the House it should be dealt with at this time.

Mr. BANKS. Mr. Speaker, the question before the House which comes up as the unfinished business relates to the right of a member to his seat and is of the very highest privilege, overridlng any special order. The question is whether the gentleman from Virginia shall hold his seat to vote on this veto of the President.

Mr. HOAR. My colleague does not fail to see that the special order set down for a particular time necessarily overrides all other questions at that particular time.

Mr. BANKS. It overrides everything except a question of the right of a member to hold his seat upon this floor.

The SPEAKER *pro tempore*. The Chair will have the rule read in regard to unfinished business, and as the gentleman from Massachusetts has stated, this contested-election case is unfinished business of the highest privilege.

The Clerk read as follows:

The consideration of the unfinished business in which the House may be engaged at an adjournment shall be resumed as soon as the Journal of the next day is read, and at the same time each day thereafter until disposed of.

Mr. HOGE. I ask unanimous consent to introduce a bill for reference to the Committee on Invalid Pensions.

Mr. BLAND. I object. I want the morning hour to-day if it can be had.

CONTESTED-ELECTION CASE OF PLATT VS. GOODE.

The SPEAKER *pro tempore*. The House resumes the consideration of the report of the Committee of Elections on the contested-election case from the second congressional district of Virginia, Platt vs. Goode, on which the gentleman from New York [Mr. TOWNSEND] is entitled to the floor.

Mr. TOWNSEND, of New York. Mr. Speaker, I desire, if I may have it, the attention of all the members of this House upon the question now under discussion. Whatever other gentlemen may think desirable to do or to say in this case, I do not propose myself to say a word that ought to pain or offend any gentleman. When the gentleman from Kentucky [Mr. BLACKBURN] took the floor yesterday I soon found him making a statement in regard to what occurred in the committee-room of such a character that I felt it my duty to myself to recall the attention of that gentleman to the real occurrences there. I think the House will bear me out in the statement that I made the inquiry in the kindest spirit and without offense in my manner. Whatever may have occurred sometimes in the history of the world, my manner to the gentleman from Kentucky was that of perfect kindness and conciliation.

Now I want to say this morning that it is not my purpose to bandy words with the gentleman from Kentucky or to say any unkind thing. I do not need any personal vindication for what has happened in this House, but I shall vindicate myself in regard to what has happened in the committee-room.

The charge of the gentleman from Kentucky in regard to the republican members of the committee was calculated to prejudice democratic members of the House against me, to the extent perhaps of rendering the ear of the democratic members difficult of access, and in so far it becomes necessary for me to speak of the course of events in the Committee of Elections since I have had the honor to be a member of it. I asked the gentleman from Kentucky yesterday whether Mr. FENN, the democratic Delegate from Idaho, was not seated by unanimous consent of the House, and of course by unanimous consent of the republican members of the committee, over Mr. Bennett, who was an out-and-out republican. I asked whether such was not the fact. I understood the gentleman to be of the opinion that such was not the fact—that Mr. FENN was not a democrat. I read yesterday in the hearing of the House the statement of Mr. Bennett in the Congressional Directory that Mr. FENN was a democrat. I always supposed that he was a democrat. The newspapers of the day, when the election occurred, announced that Mr. FENN was a democrat. I have asked Mr. FENN, now upon this floor, or at least he was a moment since and I presume he is now, whether he did not run in Idaho as a democratic candidate, and Mr. FENN assured me that he did.

Mr. FENN. Will the gentleman from New York yield to me for one moment?

Mr. TOWNSEND, of New York. With pleasure.

Mr. FENN. Mr. Speaker, I observe in the RECORD what has been referred to by the gentleman from New York. On yesterday I was absent at the time the argument took place upon this floor in the Virginia contested-election case. I will state now that I received the unanimous democratic nomination by the democratic convention of the Territory for Delegate, and afterward I canvassed a large portion of the Territory—as much as I could in the intervening time before the election—as the democratic candidate for Delegate. Mr. T. W. Bennett, who had been appointed governor of that Territory by President Grant, and who had served in that office between two and three years, who is looked upon as an able and rather unscrupulous republican politician, after the meeting of the republican territorial convention announced himself as an independent candidate for Delegate to Congress, and within forty-eight hours thereafter the republican convention indorsed him and placed him before the people as their candidate.

The county of Oneida in our Territory has quite a large Mormon population, but I was never in that county until several months after the election. I will state further, that I sent no man to that county to work in my interest; that Governor Bennett did send men to work in his interest, and tried to secure the Mormon vote in that county. I am proud to say that I received four-fifths of the legal vote cast in that county at that election, and I will say that Mr. Hailey, my democratic predecessor as Delegate upon this floor from Idaho, received five-sixths of the entire vote in Oneida County at the preceding election.

Mr. TOWNSEND, of New York. Now the House has had an ocular demonstration that Mr. FENN is a democrat, [laughter;] so that I am vindicated in that respect.

Mr. FENN. I desire just one moment more. I will say further that the county of Oneida was not represented in the democratic convention from which I received the nomination as candidate for Delegate from Idaho Territory. There were no delegates present in that convention from that county.

Mr. BLACKBURN. Will the gentleman from New York allow me a moment?

Mr. TOWNSEND, of New York. Yes, sir.

Mr. BLACKBURN. I simply desire to say that on yesterday, as the gentleman from New York will remember and the House will remember, I did not undertake to express any opinion as to the politics of the parties to that contest. I simply stated that Mr. Bennett in his argument before the committee said—and in that, I am sure, the gentleman from New York will concur with me—that there were no politics involved in the race between himself and his competitor; that it was not a race between a democrat and a republican; but that it was a contest between gentlemen representing the Gentile and the Mormon elements of that district. That is all. And in addition I will ask the gentleman from New York in treating this case to state to the House that neither Mr. FENN nor Mr. Bennett when admitted to a seat would ever be entitled to give a vote, whatever their politics might be, as they came from a Territory.

Mr. TOWNSEND, of New York. That was not what I was talking about. I do not propose to be withdrawn from the thread of my argument. My argument was to show this House that I had favored the seating of a person here who was a democrat in opposition to one who was a confessed republican. And the gentleman from Kentucky will bear me out in this: he will remember that he told me that if I undertook to hang my hope of salvation upon having sustained a democrat in the Idaho case I should fail, because of the fact that FENN was a Mormon; because Bennett said he was a Mormon. Now what Mr. Bennett said was this: he said, in the absence of Mr. FENN, that FENN was a kind of a Jack Mormon; that he always did what the Mormons wanted him to do, and that he really in point of fact was neither a republican nor a democrat, but a Jack Mormon. But he said it in the absence of FENN, and when FENN had no opportunity to answer. And I knew that Mr. FENN was a democrat as well then as now.

I want to state further that I was on the subcommittee that investigated that case. The subcommittee consisted of Mr. HOUSE of Tennessee, Mr. THOMPSON of Massachusetts, and Mr. TOWNSEND of New York. In our discussions we never had any difficulty at all, but all of us held the returns gave Mr. FENN his seat; and I should have despised myself if I could have sat in that committee, with the oaths of God upon me, and refused to do justice even to a full Mormon, little as I like Mormonism, or to a democrat, as much as I am politically opposed to democracy.

But that is not all. Sir, I hate to talk about myself, but when attacked I have to do so. We had a case before us involving the rights of Mr. Mackey, the gentleman from Charleston, South Carolina, to a seat. The sitting member was a republican. Every vote he had cast in the House was a republican vote. The contestant was a republican. The subcommittee in that case were Mr. THOMPSON, of Massachusetts, and myself—one and one. The chairman of the committee had seen enough of me and seen enough of Mr. THOMPSON to put us fairly pitted one against one in the subcommittee. And Mr. THOMPSON said in the House when this question was before the House that I was the man that first said that Mr. Mackey was not entitled to the seat, thus disposing of one republican, and held further that the contestant, Mr. Buttz, was not entitled to his seat because there were so many votes that had to be thrown out, because of the proof of fraud and irregularity in Charleston, that it would be a farce to undertake to award even a republican his seat on this floor. Now, gentlemen, I believe you will not think, whatever else you may think of me, that I am the most prejudiced man that ever rose in his place to discuss a question before the Congress of the United States.

There is another thing I ought to say. We have had a great many controverted matters before our committee; but in most of the matters we have agreed. In a very large proportion of cases there could be no question about them. But Mr. Platt is the only man of republican politics who has had the hardihood to come to this House and ask for a democratic sitting member's seat. I say "hardihood." I do not mean by that to say that it is a thing impossible; because I tell you, gentlemen, there are a great many as honest men sitting

over there as I would claim to be before God myself. And I do not believe that any harangues that I could make to gentlemen upon that side of the House could induce those valuable and conscientious men to swerve from the convictions of their own consciences. And in every election case that has been carried here where the republican has been unseated there has been a man here and a man there, and five men here and five men there, among the majority who have thought that their duty called upon them to vote as I did.

Mr. POPPLETON. Will the gentleman allow me to ask him one question?

Mr. TOWNSEND, of New York. Yes, sir.

Mr. POPPLETON. Has there been an instance in which a solitary republican member voted for a report seating a democrat?

Mr. TOWNSEND, of New York. O, yes. In the case of Walls, the very first case we brought in, Mr. WELLS, of Mississippi, voted with the democrats and signed their report. O, we are not nearly as bad as my friend would have the House believe we are.

Mr. POPPLETON. Allow me to correct the gentleman. Mr. WELLS did not vote at all.

Mr. TOWNSEND, of New York. He joined the report, did he not? I do not know whether he was here when the vote was taken.

Now, Mr. Speaker, having tried to show that we republican members of the committee are not entirely outside barbarians without consciences, so that we cannot be listened to, I pass to the consideration of some of the questions that are presented in this case; and let me say, Mr. Speaker and gentlemen, that there never has been a case before the House that was so close shaved down as this case. The number of controverted facts are very few. The number of places where you have got to consider what ought to be done are very few, and the questions of law and fact are exceedingly few, and if we can ever get at them without excitement I do not believe that there can be any great deal of doubt what the result ought to be.

Now, in the first place, there is a navy-yard in the case. Mr. Platt will be found to be entitled to his seat if you throw out every vote which was cast in the election district where the navy-yard was situated, and so Messrs. HOUSE and THOMPSON, belonging to the majority of this House, have reported. They have thrown out the navy-yard vote, and yet they find themselves under their sense of duty compelled to award the seat to the contestant.

Now, gentlemen, I know that a party not in power is always suspicious of the influences that surround any post and where employment is given, and I find not only this report, but I find the report in the Frost case, and I find the speeches made in the Frost case all indicate that the suspicions which hang around these navy-yards are such that the democrats think may on their consciences and think they ought in the discharge of their duty utterly disregard the returns in those precincts and throw the votes all out.

Now, I do not ask the majority of this House to believe as I do on these matters, but I ought for a moment to vindicate my own course before a majority of the House. If I understand the minority of this committee, they lay down this proposition: that if a man on Saturday night in a voting district accepts employment at the navy-yard, and he himself (although nothing is said about it at the time of his employment) understands that if he accepts that employment he is expected to vote the republican ticket on Tuesday, this House has a right to infer that he voted on Tuesday and infer also that he voted for the republican candidate.

Now, a great majority of this House on both sides, republicans and democrats, are lawyers, and I address myself to the lawyers on the democratic side of the House, and I say to you, gentlemen, do you condemn me in your inner souls very much if I do not think that I have the right or you have the right to draw such an inference—to draw the inference not only that a man voted without there being any proof that he voted, but that he voted in a particular manner? I do not believe that it is right to draw that inference; but I do not quarrel with you if you do. I am simply vindicating myself, and I shall not argue the question further here.

I do not ask in my argument in this case that any gentleman forming a conclusion as to who has a right to the seat in this case shall agree with me that the votes from the navy-yard precincts should be counted. Throw them out, if you please, and then there will be but two questions in the case. Mr. Platt is elected unless you throw out Rives and Bland Townships, in Prince George County, and unless you deduct from Platt's vote the entire number of sporadic, illegal votes cast in the district without knowing for whom these votes were cast. But Bland and Rives Townships are what Frenchmen call at dinner the *piece de resistance*. They are the important question. What ought to be done with the votes of Bland and Rives Townships? Are the votes to be counted or are the votes to be thrown out? The first question that arises in regard to Rives and Bland Townships is, Was there any actual fraud perpetrated there? Because fraud will eat everything out. It will sap every foundation; it will destroy every return; it will render proof unworthy of consideration. There can hardly be any pretext of fraud there. There were in each of these townships four officers sworn to discharge that duty under the law, with the oaths of God upon them, and every one of the four in each township was a democrat, a friend of Mr. Goode, and every man of them, excepting one, voted for Mr. Goode and wished his election, and wish it now.

Then aside from the proof that appears in the case you would not suspect an intention to perpetrate fraud. But more than that, these democratic officers are called and sworn and they testify that they did their duty as they understood it, faithfully, honestly, loyally; true to the constitution and to the laws of the State of Virginia. It was said yesterday that an attack was made on Virginia. God save me from making an attack on Virginia. I have professed my faith in this House before. I learned my politics from Virginia and my whole hope for Virginia is that her politics will be as pure and her politicians as honest now and for the time to come as they were in the olden times.

Now we have a democratic board, a Goode board, and by that I mean a board in favor of Mr. Goode, who handled these votes, received the votes, and when the voting was done made the returns. There are here in this report the certificates, signed by every one of these men, four in each instance, that the election was so held and the vote was so and so. What is to be done with them? These officers certified what is otherwise proved to be true. If there be a doubt whether the return has been tampered with after it was made, if it be erased, if it be interlined, if there be any touch or appearance of fraudulent treatment of the return, then it may be disregarded. But there is not a word of that in the proof in this case.

These returns are not only signed by the officers of the law, all of whom were sworn men and democrats and the friends of the sitting member, but in each case two of these men, still under oath, carried these certificates to the county clerk and put them in the hands of another friend of Mr. Goode, and another democrat. Now all these things will not be disputed. The returns are to-day in the county clerk's office of Prince George County. The proof of them is in the case and before this House. We look as directly at these certificates of these returns as if we stood face to face with them in the county clerk's office of Prince George County, in the State of Virginia. Are we to reject them? Not only are the returns there, but they are proved in this case to be true.

But it is said the statute of Virginia requires that these returns shall be carried to the county clerk's office "*in a sealed envelope*." We agree as to what the law is. Instead of carrying these returns to the county clerk's office in a sealed envelope, these returns, being all the while in the hands of the officers who signed them, were put, one of them in a bag and sewed up, and the other in a tin box and the box locked, and in that manner they were taken to the county clerk and handed to him by the inspectors who had made and signed them, in each case by two of the sworn officers of election. Now it is contended that because on the sewed-up bag a seal was not placed and because in the other case the return was carried in a tin box, instead of being put in a sealed envelope of paper, they are thereby not only rendered unfit for evidence, but when afterward you have proved that the contents of the returns are true, the election for these precincts may be declared to be void. I think I am not mistaken in the law of this case; I think I have not mistaken the claim made.

Now, in heaven's name, can that be so; can that be the law? Here is a fair election held by honest officers who make and sign a perfect return. That return is carried to the county clerk's office, in the one case in a sewed-up bag by the officers who made the return, and in the other case in a tin box locked and carried by the officer who made and signed the return, and by them handed to the county clerk. Yet it is claimed that the election itself is vitiated, that the return is vitiated, that the certificate is vitiated, because of the failure to apply wax or turpentine, or tar, or something on which you can make an impression and call it a seal.

Let me suppose a case and submit it to the majority of this House and to the minority also. Suppose that in the providence of God these certificates had been made out, signed, perfected, and laid upon a table, and at that moment a stroke of lightning from the heavens had annihilated the life of every one of these inspectors. The certificates thus made out are left. Is there any doubt about the record of that election? Is there any doubt about the fact that those certificates would be evidence, notwithstanding they had not yet been sent to the county clerk's office?

The history of this House this year and in former years will show that whenever and however and under whatever circumstances we or our predecessors have been able to find a certificate signed by honest men of the result of an election, that certificate unless impeached has been regarded as conclusive.

Take the very case of Mr. FENN, of Idaho, now sitting in this House. In that case the certificate of election was given by the territorial officers to Mr. Bennett. Why? In the first instance the return of votes was carried to the county clerk's office. The law of Idaho requires that the votes shall be canvassed in the county clerk's office by certain officers, and that the return of that canvass shall be made to the central office of the Territory. Now the officers who canvassed these votes in the county were unauthorized persons. There had been a change in the law, and the men who canvassed the votes under that changed law had no right to canvass them. They sent up a certificate that was nugatory, and the territorial officers gave the certificate of election to Mr. Bennett.

When that case came before our committee we said that we did not care what informalities there had been, that we would go down to the bottom and find the certificates made by the men who presided over the election in that Territory, and that by those certificates that

case should be decided. We did so, and came into this House and asked this House to indorse our conclusion. This House as one man did indorse it. Every member of our committee, every member of this House without respect to politics, decided that the original certificate of the men who conducted that election being proved in the case, that was conclusive unless the certificate was impeached; and it was not impeached.

Now I say to you without hesitation that the offices of civilized life cannot be carried on unless faith be given to certificates made under such circumstances. Everybody has given faith to them from the beginning down to this day. I have never yet heard nor seen any public body or officer that has had any hesitation in regard to giving full force and effect to such certificates until the minority of this committee made their report in this case; [after a pause,] I am wrong, the canvassing officers of the State of Virginia rejected these certificates because of the lack of turpentine, or tar, or wax, or something on which an impression could be made so as to call it a seal. Therefore that was the first instance in which such a doctrine was held.

Now, I have no hesitation in saying that I cannot believe the officers at the seat of government in the State of Virginia knew they were perpetrating a great wrong; I make no such charge; but I am satisfied that they committed a very great mistake. I have no hesitation in saying this here, and if I met those gentlemen face to face I should not hesitate to say it to them. I believe they made a grave, a palpable mistake; that is all. Other men have made mistakes. A man who never made a mistake should be removed to some other sphere; he is unfitted for the operations in this world.

But again, there were nearly 900 more votes given against Mr. Goode in the congressional district than were given for him. If the vote in Norfolk be counted, (and there is no doubt that the vote in Norfolk was cast, all agree that it was cast, and that the returns were not meddled with, were not fraudulent,) there was a majority of 441 votes for Mr. Platt over Mr. Goode. Then there was a man named Norton running who received some 410 votes. So that, although Mr. Goode may be as valuable a man as his friends believe, (and I am not going to say one word against him,) he was not the choice of that election district any more than Colonel Luttrell, the opponent of John Wilkes, was the choice of the electors of Middlesex. We sit here to give effect to the wishes of the congressional district. I grant you that the votes cast for Norton count nothing for Mr. Platt; but if you reject in Norfolk the votes cast in the custom-house precincts you still leave Mr. Platt with a majority of more than 100, unless you throw out the townships of Rives and Bland in Prince George County.

I have said all about Rives and Bland Townships that I propose to say; for I do not intend to weary the House; I do not intend to solicit the House. I propose simply to do my duty as a Representative upon this floor (having been placed upon the Committee of Elections) in presenting the case for consideration.

But there is another difficulty. If Mr. Goode be found to be something more than one hundred votes behind in the district, those who think he ought to be seated are compelled to make a minute search over the district to find the means of seating him. I do not say that any gentleman does this with a wrong intention. I say that gentlemen who have adopted the conviction that Mr. Goode ought to be seated are compelled to look about the district for some other mode of continuing Mr. Goode in his seat and preventing the contestant from reaching the same place. In one district there were, I think, 13 voters who were registered before the election by a transfer from one district to another. Now I have great anxiety to be understood by the majority of this House upon the question of registration. There are two modes of registration under the laws of Virginia, and I concede, as is contended on the other side, that if a man be not registered he has no right to vote. If a vote be received without the voter being registered, the vote should be counted out. But there are two modes of registration. One is where a man has lived in a neighborhood for more than a year. He goes to the officers of registration, who consider his case and he is put upon the registry. The other is where a man has been a citizen of the State for more than a year, has been registered in one precinct but removes into another precinct more than three months before the election. Such a man up to the day before the election (and I do not know but on the day of the election) may obtain from the precinct where he has been registered a certificate to that effect from the registering officers, and if the officers in the precinct to which he has removed are satisfied that he has resided there for three months, it is their duty to register him.

In this case there were, I think, 13 votes cast by persons registered or certificates of registration brought from the places of their former residence. A witness is put upon the stand who proves this fact. This witness was an officer of registration himself, and he swears that the officers were satisfied that these men had lived in the neighborhood for a period of three months, and accordingly put the men upon the registry.

Now, the minority of this committee concede that when men are registered in the ordinary way—that is, registered upon a year's residence—the presumption is that they are rightfully registered; but they contend that if they are registered on certificates there is no such presumption. I believe I state the ground rightly. I know that this position was contended for in committee; and I understand that it is argued here. I believe that this argument is not contained in the report; but it was urged yesterday by the gentleman from Kentucky, [Mr. BLACKBURN.] Can that position be true? Is the presumption wanting in the one case while it arises in the other? In the view of the law, does a case where a man is registered and a whole year's residence passed upon by the registering officer differ from the case where a certificate is brought that the man has been registered before and the register knows that he has resided in the district three months? It is utterly impossible. These presumptions affect every judicial and every ministerial act of our lives. Why, I have in my own congressional district some fifty voting precincts. In thirteen of them registration is required. In Heaven's name, gentlemen, do not I come with the presumption that the registration was right? When a sworn officer is charged with doing an act and does it, does not the presumption attach he did it rightly, that it was lawful for him to do it, that he did it honestly? There is no question about it. Gentlemen cannot be mistaken about it. The presumption is that these men were rightfully registered.

True, Mr. Goode was at liberty if he could have done so to show that these men were after all not voters; that the certificate was a fraud; that they had not resided in the precinct three months; but he did not do any such thing; he never proved a word on the subject. He simply proved that they had been registered elsewhere and they then were registered here. Mr. Platt examined his witnesses for that purpose. This case was tried—there have been plenty of cases before the committee which were not tried. But this case was tried, and on cross-examination the witness swore these men who were registered had resided there three months, and therefore they put them on the register. So, sir, this question of registration is not in the case. My friends must consider I am treating them respectfully when I say to them—not offensively—that as a legal question there is nothing of it, nothing whatever.

But, sir, there is one question more and only one. Mr. Goode charges in his answer to the notice of contest that illegal votes—and I am particularly desirous now to reach the ears of gentlemen on this subject—Mr. Goode charges in his answer to notice of contest that there were sporadic, illegal votes cast in that district, that those illegal votes were cast for Platt and should be deducted from him. Remember the charge with the view to see how near the proof comes to the charge. When he comes to his proof he proves what? Goode proves that there were 90 illegal votes cast in the district; that is, there were 90 persons voted in the district that did not properly reside where their votes were cast. So far Mr. Goode gives proof. But where is the rest of the proof? You charge these men voted for Platt and you have not proved one word of it. You have not a hint, you have not a declaration that one of these 90 men voted for him, not one. And yet it is asked that these votes be all deducted from Platt.

Why, the gentleman from Kentucky [Mr. BLACKBURN] gravely told this House that Mr. Goode could not tell who they voted for, but that Mr. Platt could. I see my friend from Ohio [Mr. POPPLETON] over here, a gentleman for whom I have the very highest regard, and I want him to tell this House, if he can, how it happens that Mr. Goode, who proved a vote was cast illegally, could not as well prove who it was cast for as Mr. Platt?

Mr. POPPLETON. Does the gentleman want me to answer in his time?

Mr. TOWNSEND, of New York. No, I want it afterward. I know what the gentleman from Kentucky said. He said that Mr. Goode was using up all of his forty days, and it was the duty of Mr Platt to supplement anything that he did not prove against him by proving it himself. My friend from Ohio will bear me out that I have stated that proposition exactly as the gentleman from Kentucky did, that because Mr. Goode in his forty days could not prove it, it became the duty of Mr. Platt to prove it. [Laughter.]

Mr. BLACKBURN. Will the gentleman allow me one moment?

Mr. TOWNSEND, of New York. Certainly.

Mr. BLACKBURN. I did not put it in that way.

Mr. TOWNSEND, of New York. That is the way in which I understood it.

Mr. BLACKBURN. I stated that these fraudulent votes did not appear and were not known either to the contestant or the contestee until they were developed in the taking of the proof of the contestee after Mr. Platt's forty days had expired and toward the conclusion of Mr. Goode's forty days. It was during the contestee's proof that either party to the contest became aware of the fact that they were on the poll-books. That was it.

Mr. TOWNSEND, of New York. I must make confession, and confession is good for the soul. I acknowledge that my intellect is of so low a grade that I cannot see the difference of the statements between the gentlemen from Kentucky and my own. Mr. Goode had not the opportunity to prove it. Mr. Goode could not prove it, and therefore Mr. Platt must prove it or take the consequence! That presumption must be taken instead of proof, to wit, Mr. Goode charged that illegal votes were cast and they were cast for Platt. He proves illegal votes were cast, but does not prove they were cast for Mr. Platt, and, therefore, Platt ought to prove how it is. Where are the lawyers in this House? I will not say lawyers, where are the common-sense men, the men out of swaddling-clothes, in this House? He charges that illegal votes were cast for Platt. The proof is that illegal votes were cast. The party that makes an assertion, the party that depends upon an allegation, must prove it or fail.

But I shall not discuss that any more. It is a proposition that to

be scouted needs but to be stated. There cannot be any such thing; and whatever votes gentlemen may cast, many gentlemen, a hundred gentlemen or more, may vote against my views on this case, but they will not so vote on that proposition. Of that I am entirely satisfied.

But, further, the majority of the committee adopted the rule of deducting out of the 90 voters from each candidate the proportion of the 90 which 90 bore to the relative votes of the candidates. So did the republicans; so did the democrats that constituted the majority.

And I am now further under the necessity of referring to the action of the committee. I refer in this instance to the action of our committee in a case that came before the House, and it is printed in the report. It was our first case, Mr. Speaker, the case of Finley *vs.* Walls. The committee unanimously after consultation agreed that, where there were illegal votes and we had no proof for whom the illegal votes were cast, they should be deducted from the votes of the respective parties in the precinct in proportion to the number of votes which each man had. And, sir, that is the law. We acted according to law. So that we stand here in regard to the question as to what shall be done with the illegal votes backed up with the action of this House and with the precedents of the country; and there is no precedent to the contrary in any honest House that was ever organized, democratic or republican, here or elsewhere. I ask the Clerk to read the two hundred and ninety-eighth section of McCrary's Law of Elections.

The Clerk read as follows:

SEC. 298. If an illegal voter, when called as a witness, swears that he does not know for whom he voted, and it is impossible to determine from any evidence in the case for whom he voted, his vote is not to be taken from the majority. But it does not follow that such illegal votes must necessarily be counted in making up the true result, because it cannot be ascertained for whom they were cast. In purging the polls of illegal votes, the general rule is, that unless it be shown for which candidate they were cast, they are to be deducted from the whole vote of the election division, and not from the candidate having the largest number. (Shepherd vs. Gibbons, 2 Brewster, 128; McDaniel's Case, 3 Penn., L. F., 310; Cushing's Election Cases, 583.) Of course, in the application of this rule such illegal votes would be deducted proportionately from both candidates, according to the entire vote returned for each. Thus we will suppose that John Doe and Richard Roe are competing candidates for an office and that the official canvass shows:

	Votes.
For John Doe	625
For Richard Roe	575
Total vote	1,200
Majority for Doe	50

But there is proof that 120 illegal votes were cast and no proof as to the person for whom they were cast. The illegal vote is 10 per cent. of the returned vote, and hence each candidate loses 10 per cent. of the vote certified to him. By this rule John Doe will lose 62½ votes and Richard Roe 57½ votes; and the result as thus reached is as follows:

Doe's certified vote	625
Deduct illegal votes	62½
Total vote	562½
Roe's certified vote	575
Deduct illegal votes	57½
Total vote	517½
Majority for Doe	45

Mr. TOWNSEND, of New York. Therefore we have, as I said, the action of our committee, we have the action of this House in the Walls case, and we have the law of the land. And there is but one thing more that could be in our favor—and I have no doubt we will have that—and that is the judgment of heaven, because the action of this House, I have no doubt, will accord with it.

Now there is but a single question more. It is not proposed exactly to divide this vote on the color line, because the illegal voters out of the 90 were about 13 whites and the rest were colored. It is not quite proposed, as I understand it, to adopt the color line in regard to these votes. The gentleman from Kentucky advances toward it in his argument, but does not exactly propose it. Now I have got to look the facts in the face and to argue this case according to my conscience. Can we divide the vote upon the color line?

Why, sir, the gentleman from Kentucky tells us that there was a colored man running there by the name of Norton; and he tells us—I am giving his words—that "it is a great deal more probable that these colored men voted for the man of their own color than that they voted for the stranger who had been there for but a short time." And yet he asks this House, after making that statement, to infer that the colored vote was not for Norton, but was for Platt, and to take the whole illegal vote from Platt upon that inference. Now this House is not going to do that. We discarded the color line yesterday. The gentleman from Mississippi [Mr. LAMAR] kicked the color line out of this House; and I hope it is not going to be brought back to-day. For although it may be very easy to say we utterly discard the color line and yet act on it, still I am satisfied we shall not act on it here. The majority of this House will not act on it. The majority of the House cannot afford to do so. The majority of the House have to keep faith with their own consciences; and as respectable gentlemen, as honorable gentlemen, they have to keep faith with their constituents. And I conceive they are as anxious, the great body of them, to do what is right as the gentlemen on this side are. These gentlemen of the minority of the committee were not willing to blacken their own souls by adopting the color line in their report, and they will not seriously ask this House to do it. The minority of this committee consists of a good many very honorable and honest men; men as tender and delicate in their sensibilities as to what is right as anybody in the world. Therefore they will not urge a proposition so preposterous and so monstrous.

Now, I am thankful to the House for having given me so much attention. I believe I have done my duty. I may have done it well; I may have done it ill. But I have said all I suppose I ought to say in justice to my position. I never saw Mr. Platt until I came here. I never saw Mr. Goode until I came here.

I know nothing in favor of the one more than the other except that the one happens to agree with me in politics and the other does not, and most of the House will think that Mr. Goode has the best of it in that respect. It will do the republicans no good to seat Mr. Platt; it will do the democrats no good to seat Mr. Goode. They have a majority large enough for all reasonable purposes and our minority is small enough. There is no question concerned except that we shall do our duty in view of the facts of the case.

[Here the hammer fell.]

Mr. GOODE obtained the floor.

Mr. TOWNSEND, of New York. I have nothing more that I particularly wish to say, but I should like to yield for a moment to the gentleman from Kansas, [Mr. BROWN.]

The SPEAKER *pro tempore*. That could only be done by unanimous consent.

PAY OF A SHORT-HAND REPORTER.

Mr. GOODE. I yield for a moment to the gentleman from Missouri, [Mr. GLOVER.]

Mr. GLOVER. I hold in my hand the account of the short-hand reporter who took down the case of Hallet Kilbourn before the supreme court of the District of Columbia, and I am requested by the Committee on the Real Estate Pool to lay it before the House and ask its reference to the Committee of Accounts. It is the report of the proceedings in the matter of the application of Hallet Kilbourn for *habeas corpus* before Chief Justice David K. Cartter, of the District supreme court, for the settlement of an account.

Mr. REAGAN. What have we to do with the report of a trial in one of the courts of this District?

The SPEAKER *pro tempore*. The Chair understands that the report is to be referred in connection with an account of the short-hand reporter employed by the committee, and that they propose a settlement of that account.

There being no objection, the report, with the accompanying account, was referred to the Committee of Accounts.

Mr. GOODE resumed the floor.

WASHINGTON MONUMENT.

Mr. FOSTER. I would ask the gentleman to give way to allow me to report from the Committee on Appropriations the Senate bill for the completion of the Washington Monument.

Mr. BLAND. I object; I want the morning hour.

Mr. FOSTER. This is a bill for the completion of the Washington Monument, and it is important that it should be passed.

The SPEAKER *pro tempore*. Is it for reference only?

Mr. FOSTER. No, sir; for action.

Mr. BLAND. I object, and I give notice that I shall object to everything until we shall get the morning hour.

CONTESTED-ELECTION CASE OF PLATT VS. GOODE.

The House resumed the consideration of the report of the Committee of Elections on the election contest from the second congressional district of Virginia.—Platt *vs.* Goode.

Mr. GOODE. Mr. Speaker, I do not feel that any apology is necessary for my appearance in this debate. I do not stand here as a champion of my individual pretensions to a seat upon this floor, but claiming as I do to be the legally elected representative of the people in the second congressional district of Virginia, I feel that it is not only my right but my representative duty to be heard briefly in their name and on their behalf.

It is a well-settled principle in the trial of all contested-election cases that the burden of proof is thrown upon the contestant. As the sitting member in this case I hold the certificate of election under the broad seal of the Commonwealth of Virginia, and it is incumbent upon my competitor to prove to the satisfaction of this House that I am not entitled to hold it.

Now, Mr. Speaker, I claim to hold that certificate properly. It has been awarded to me in strict accordance with the laws of Virginia and by the unanimous decision of the board of State canvassers, consisting of James L. Kemper, her governor: Robert M. T. Hunter, her treasurer; Raleigh T. Daniels, her attorney-general; James McDonald, her secretary of state; William F. Taylor, her auditor of public accounts. Four gentlemen who have signed the report of the Committee of Elections have thought proper to characterize that action as an outrage by these high officials, committed in total disregard of the rights of the electors. I desire, sir, to argue this case calmly and dispassionately; but I take leave to say, I feel bound to say under a full sense of the responsibility which rests upon me as a man and as a citizen, that the report signed by the four gentlemen in this particular is an unwarranted attack upon four eminent citizens of my State,

distinguished alike for their public service and for their private virtues.

Now, sir, there are many points presented in the notice of contest, in the answer, in the proof, which I do not deem it necessary to refer to in this discussion. They have been eliminated by the committee. I shall confine my discussion to the matters in dispute between the members of this committee. If I can get the attention of the House I pledge myself to demonstrate to every fair-minded man who will hear me that the report signed by five members of the committee should be adopted. There are two reports here, one signed by six and the other signed by five members of the committee. Four of the gentlemen who signed the majority report claim that Mr. Platt was elected by 487 majority; two of them claim that he was elected by a majority of 24. The five gentlemen who signed what is called the minority report find that the sitting member was elected by a majority of 349.

Now, sir, the entire vote of the district as ascertained by the State board of canvassers was for the sitting member 13,521 and for the contestant 13,390, making for the sitting member a majority of 131 votes. It is claimed by the majority report of the committee, and in that the minority concur and I concur and everybody concurs, that to the votes so declared by the State board of canvassers the vote of Prince George County, including the townships of Rives and Bland, should be added, giving 987 votes for Mr. Platt and 562 votes for me. They claim that 206 votes should be added in the county of Nansemond and 12 additional votes in the city of Norfolk. Now let us concede for the purpose of this argument that the vote of Prince George County, 987 for the gentleman and 562 for myself, making a majority for him of 425, shall be counted. I say concede that notwithstanding the law of my State provides that the commissioners of election shall certify the result to be true, and notwithstanding it requires that they shall determine the result in writing and certify their determination to be correct, and that this determination shall be attested by the clerk under his official seal; notwithstanding the law provides distinctly that on the fourth Monday after the election the board of State canvassers shall meet at the capitol and open the *certified* returns and proceed to examine the votes and ascertain the result, we find that this certificate lacked these requirements. It was not certified by the commissioners; it was not attested by the clerk; it lacked the official seal of the clerk; it was not authenticated as the law requires; it was entitled to no more consideration and possessed no more validity as a legal paper than any private memorandum which might have been sent up by any respectable private gentleman from the county; but I say count the votes, concede the count of Prince George County and so as to Nansemond.

The law says the voting shall be by ballot; that every voter shall vote upon a single ballot. There was another law submitting certain constitutional amendments to the vote of the people, which required that the vote should be by ballot. The testimony shows that 193 of the votes cast in this county for Mr. Platt had upon them a vote against the amendments to the constitution and that 13 of them were inclosed in other ballots. Now, we have a peremptory and mandatory provision of our statute laws which says that whenever ballots are found, upon the canvass made by the judges, within other ballots inclosed in them they shall be rejected and destroyed; but I say count the 206 additional votes in Nansemond and count the 12 additional votes in the city of Norfolk, notwithstanding they were not found in the boxes provided by law, notwithstanding they were found in another box, and are no more entitled to be counted than if they were found upon a table or lying upon the floor or lying anywhere loose around—count all these, and then you have 425 additional votes in Prince George County, 206 additional votes in Nansemond County, and 12 additional votes in the city of Norfolk, making a majority to the contestant, conceding all that he claims and all that the committee claim for him, of 512. How then stands the case? I beg members to look at this record. I want every gentleman on this floor without regard to politics to understand this case.

Sir, the testimony in this record proves that in the congressional canvass of 1874 the navy-yard at Norfolk was practically surrendered to my competitor for his election purposes in the campaign; it proves that a large number of employés were taken on just before the election: it proves that many more were employed than was necessary to do the work required; it proves that many worthless and incompetent men were employed; it proves that the Government was subjected to an unnecessary expenditure, which is corroborated by the report of Secretary Robeson in answer to an inquiry which I submitted here in the first week of the session in regard to the cost of a steamer built there. The testimony shows that these men so employed were subjected to heavy pecuniary assessments; that they paid them unwillingly; that they paid them, as they say, to save the bread and meat for themselves, their wives, and their children. Every foreman was assessed $20; every assistant foreman $10; every first-class machinist $3.26; every second-class machinist $1.26; and every poor little water-boy, whose mother perhaps was dependent upon him, was required to pay $1.02; they would not even relieve him of the two cents.

The testimony shows that these men were regularly drilled and instructed the night before the election as to the manner in which they should vote the next day; how they should receive their ballots; how they should advance to the ballot-box; how they should hold the ballots, and how they should deposit them. It shows that they could not get a ticket until they were put in line. It shows that they were told beforehand from whom to get their tickets. They were put into line and marched up to the polls and made to vote under duress, intimidation, and constraint. It shows that they were required to hold up their hands; that they got their tickets from a man within six feet of the ballot-box; that right at the ballot-box was another official of the navy-yard under whom they worked, and that from the time the ballot was put in the hand of the voter until he deposited it in the ballot-box he was under the eye of a navy-yard official. He got his ticket under the eye of a navy-yard official and he deposited it in the ballot-box under the eye of another navy-yard official, who had a pencil and book in his hand to record each voter. And in addition to that, while they advanced toward the ballot-box they were told that they must keep their hands from their pockets, and when they asked why they were required to do so, they were told that, "We have reason to fear that some of you intend to vote for Mr. Goode."

Mr. LUTTRELL. The same thing occurred in my district at the Mare Island navy-yard.

Mr. GOODE. The gentleman from California says it is the same in his district. And, by the by, the committee tell us that this is all very true; this is very wrong; it was a high crime and misdemeanor that the Government patronage was thus abused. But they tell us, and the report has gone down to posterity signed by four members of the Committee of Elections, that the patronage at this navy-yard was used just as much and no more than the patronage of all such institutions generally is:

> Altogether, the evidence shows that the navy-yard was run just as much in the interest of the party in power and no more than all such institutions usually are.

"Such institutions;" your institutions: the navy-yard at Mare Island, California, the Boston navy-yard, the Kittery navy-yard, the Brooklyn navy-yard, the Philadelphia navy-yard; "no more than all such institutions usually are." Why, sir, they have got the idea that this property there belongs to the party, just as they suppose the custom-house at Norfolk belongs to the party. I have here a photograph, which was put in my hand this morning by a friend, showing that to-day the custom-house at Norfolk has nailed upon its gable end a banner upon which are inscribed the names of the republican nominees for the Presidency and Vice-presidency, Hayes and Wheeler. The banner is nailed to the gable end of that custom-house, the property of the people, built for and paid by taxes drawn from the people of this country. They had no more right to nail it there than they had to nail it on the Treasury or on the Dome of this Capitol. But it only illustrates what I have said, that the impression prevails at Norfolk that the navy-yard belongs to the party.

Mr. HARRIS, of Virginia. And all the employés there who are voters.

Mr. GOODE. Yes, and all the employés who are voters. The testimony in the case proves that the impression there universally prevails that Mr. Platt was the grand mogul that controlled this whole thing, that he was the ring-master of that navy-yard. Everybody understood it; he knows it. I want the House now to hear for one moment the testimony of an old man fifty-eight years of age on that subject. It is the testimony of Winfield Scott Tymes. I wish I had time to read more of it, but I have not time now.

> Question. Please state whether at any time previous to the last congressional election in this district, or since that time, you have made application to any official in the navy-yard for employment there; if so, when and to whom was the application made, and state all that occurred.
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> Answer. About last August I went and asked the commodore, Stevens, for the watchman's situation in the navy-yard; his reply was to go to some of the politicians. I told him I came to headquarters; he observed to me that he couldn't, and he would not interfere with the committee.
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> Q. Did you ever have any conversation with the Hon. James H. Platt, jr., about procuring employment in the navy-yard? If so, state when and where it was, and where it occurred, and all that occurred.—A. A few days after the election I went over to Norfolk and saw Mr. Platt at the custom-house; I asked him for the watchman's situation in the custom-house; he asked me who I voted for; I told him John Goode; he told me that was what they were trying to do; my remark was, what? he said to find out those that voted against me; I asked him what would be the result; his reply to me, that those who voted against me (Platt) should not work in that yard, and that was all.

That was the universal impression among the men employed in that yard, that they owed their employment to Mr. Platt and his committee-men; and on the day of election they marched up to the polls and voted accordingly. Now I say, give Mr. Platt Nansemond County; give him Prince George County; give him Norfolk City, and deduct from him this navy-yard vote carried by intimidation and by wrong. The testimony of his own witness, George E. Crismond, testifies that Mr. Platt could not have received less than 567 votes of white men employed in the navy-yard in the city of Portsmouth alone. That is the testimony of George E Crismond, a member of the republican executive committee, and called upon to testify by Mr. Platt himself. Taking the testimony as correct, then you have 567 navy-yard votes to put against his majority of 512.

Two members who signed the majority report and the five members who signed the minority report, seven in all, throw out the entire vote of the third and fourth wards in Portsmouth, and Hall's Corner precinct in Norfolk County, thereby depriving me of my vote as well as Mr. Platt of his, when it is not pretended that any man voted for me by intimidation. But throw out that entire vote, and it will leave the majority for Mr. Platt in the district but 59. I beg gentlemen to

pay attention to this, because here is the only point of difference between the two members of the majority and the five members of the minority. I repeat, throw out the third and fourth wards in Portsmouth, throw out the Hall's Corner precinct in Norfolk County, although you thereby deprive me of every honest vote I got in those places, and charge me with wrong as much as the man who has had the benefit of it, and who has wielded the power of this great Government shop for his own purpose. But discard these votes as tainted with intimidation and wrong; and what is the evidence?

Thomas S. Morgan (page 428) proves that at Sussex Court House Township there were 13 illegally-registered votes; 7 white and 6 colored.

V. N. Baugh proves that at Stony Creek precinct, in Sussex County, there were 17 illegal votes; 15 colored and 2 white. (Page 432.)

Parke Jones (page 425) proves that at Jamestown Township, in James City County, there were 16 illegal votes; 15 colored and 1 white.

R. W. W. Taylor (page 387) proves that at Nelson Township, in York County, there were 15 illegal votes; 13 colored and 2 white.

J. W. Johnston (page 372) proves that at Benton Township, in York County, there were several illegal votes. L. U. Evans proves 2 or more; color not given.

James H. Elensworth (page 412) proves that at Guilford Township, Surry County, there were 20 illegal votes, principally colored; 18 colored, 2 white.

F. W. Simmons (page 396) proves that at Rives Township, Prince George County, there were several illegal votes. Specifies one particularly, colored.

William Taylor (page 397) proves 1 illegal vote, colored, at Bland Township, Prince George County. Ro. G. Batte proves 2 colored at same place in addition.

James R. Young (page 401) proves 2 illegal votes, colored, at Templeton and Rives Townships, in Prince George County.

W. E. Belscher (page 402) proves 1 illegal vote, colored, at Blackwater Township, in Prince George County.

W. D. Temple (page 402) proves 1 illegal vote, colored, at Sherman's Cross Roads, Prince George County.

Mann Page (page 409) proves 1 illegal vote, colored, at Brandon Township, Prince George County.

A. W. Eley and E. B. Beitt prove 1 illegal vote, colored, at Suffolk, Nansemond County. W. I. Kilby proves another colored vote at same precinct.

At all the places named there were 78 colored votes and 14 white votes which were illegal.

I have given chapter and verse from the whole record, showing that there was an illegal vote of 92, 78 of which were given by colored men and 14 by white men. I ask the House in all fairness what ought to be done with them? The burden of proof is upon my competitor; he has the affirmative proposition. These illegal votes are shown by the record, and it is incumbent upon him to prove that they were not given for him or that they were given for me.

I want now to call the attention of the House to an authority that was read by the gentleman from New York, [Mr. TOWNSEND.] He has read but a portion of that authority. What else does Mr. McCrary say? He says, with regard to the rule contended for by the gentleman from New York:

> But it is manifest that it may sometimes work a great hardship, inasmuch as the truth might be, if it could be shown, that all the illegal votes were on one side, while it is scarcely to be presumed that they would ever be divided between the candidates in exact proportion to their whole vote. But the rule which in the absence of proof as to how illegal votes were cast would deduct them all from the majority candidate is much more unreasonable and dangerous. Of the two evils the least should be chosen. We see here, however, how important it is that it should, if possible, be made to appear either by direct or circumstantial evidence for whom each illegal vote was cast.

I read further from section 300:

> It would seem, therefore, that in a case where the number of bad votes proven is sufficient to affect the result, and in the absence of any evidence to enable the court to determine for whom they were cast, the court must decide upon one of the three following alternatives, namely:
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> 1. Declare the election void.
> 2. Divide the illegal votes between the candidates in proportion to the whole vote of each.
> 3. Deduct the illegal vote from the candidate having the highest vote.
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> If in any given case it be shown that the proof was within the reach of the party whose duty it was to produce it, and that he neglected to produce it, then he may well be held answerable for his own neglect; and because it was his duty to show for whom the illegal votes were cast, and because he might by the use of reasonable diligence have made this showing, it may properly be said that he should himself suffer the loss occasioned by deducting them from his own vote.

This is the principle involved in the case of Duffey, (4 Brewster, 531,) where the court laid down the following rules:

> It is the right of petitioners contesting an election, and also the right of the respondent, to examine the election papers on file in the proper office, and if it be apparent from them that persons have voted in any district whose names were not on the "registry-list" without being vouched according to law, then *prima facie* all such votes are illegal.
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> When a contest has been inaugurated and complaint been made and notice given that such votes have been received, the burden of proof falls upon the candidate advantaged by the general count in such district to show either that the persons so voting possessed severally every qualification, or, if this be not so, that they voted for his opponent; he must lift the curse which the law imposes upon such ballots; otherwise it will be presumed that they were polled and counted for him; and thereupon the poll will be purged by striking the whole number of such votes from his count.

Now, two gentlemen of the committee have undertaken to divide those votes between my competitor and myself, to guess that Mr. Platt got so many and that I got so many. Now I demand to know by what authority this House can seat a person as a member on this floor by the process of guessing. You are here under the Constitution to judge of the "elections, returns, and qualifications of members." You have no right to guess; you have no right to say, where 100 illegal votes are proved, "We guess that Mr. Platt got so many and that the sitting member got so many." There is no warrant in the Constitution for such a proceeding; there is no such power lodged in any member of this House. You must adopt some rule. And, by the by, the gentleman is mistaken in saying that the committee in the rule they have adopted are following the case of Finley *vs.* Walls. In that case the committee were divided; the gentleman from Kentucky, [Mr. BLACKBURN,] the gentleman from New York, [Mr. BEEBE,] the gentleman from Ohio, [Mr. POPPLETON,] and the gentleman from Missouri [Mr. DE BOLT] joined in appending to the report of the committee in that case a foot-note in which they protest against any such exercise of power by this House as undertaking, where a given number of illegal votes has been proved, to say, "We guess that Mr. Finley got so many and Mr. Walls so many."

But in that case there was no evidence to show what the color of the voters was. The gentleman says it will not do to draw the color line. It is not fair to sacrifice me upon a technicality; it is not fair to sacrifice me upon a sentiment; and I propose to prove from this record that Mr. Platt, and not myself, got every solitary vote of those 78 colored votes. This very author says that you must prove, if you can, either by direct or by circumstantial testimony, for whom the votes were cast. I will prove it by this record. I will prove to the satisfaction of any fair-minded jury that out of the 92 illegal votes cast my competitor received the 78 colored votes and I received the 14 white votes. But if you do not charge them all to him and divide them upon the color line, I am still elected after discarding every solitary vote that I received in the navy-yard at the same time that you discard my competitor's votes there.

Now, did not Mr. Platt get those colored votes? It is a historical fact that the colored people in that locality voted for the republican nominee. I should be willing to put the gentleman on his *voir dire*, and let him stand before this House and the country with his hand upon his heart and say whether he does not believe that of those 78 illegal colored votes he received all and I did not receive any. Why, sir, Mr. George E. Crismond says, on page 143, that as a general thing the colored people voted for my competitor. The deposition of Thomas Cloyd shows that every appliance was brought to bear upon the colored people to make them vote for my competitor. They were told that if I should be elected they would be remanded to slavery; that their children would be bound out until twenty-one years of age. They were influenced by intimidation. The testimony of A. W. Eley and E. B. Britt, of Nansemond County, proves that a man named Moses Reed was seized bodily, taken *ri et armis* by four colored men, and that with one in front, one behind, and one on either side he was marched up and made to deposit his ballot for Mr. Platt; and he was heard to say then and there that he desired to vote for me but dare not do it because he knew that if he did so his life would be imperiled, that the leading republican committeemen and politicians in the county of Nansemond had threatened his life if he did not vote for my competitor.

Again, I refer to the testimony of Mr. Mann Page, of Prince George County, who shows what appliances were brought to bear to influence these colored voters. On page 410 he says:

> About a week or two weeks, I don't recollect which, before the election, John Smith, the colored preacher, living, I believe, in Hampton or thereabouts, paid a special visit, not being his regular Sunday appointment which he has at the Brandon chapel, and held his special services. I understand from colored attendants, the truth of which I do not know personally, he preached from the text, "Sinners, look upon your minister and obey his commandments!" And in that sermon he told them it was their duty to vote for Mr. Platt or leave the church.

"Vote for Mr. Platt or leave the church!" Does any man doubt after such a message as that, coming from such an oracle to such a congregation, how they voted? I cannot follow the testimony through. Here is the evidence of Cloyd, Eley, Britt, Page, and numberless others showing that the colored vote in that district was carried by the appliances and influences to which I have adverted, and that as a general thing it was cast for my competitor and not for myself.

I want the House to make this calculation: Charge me with the loss of every vote at the third and fourth wards in Portsmouth and at Hall's Corner precinct, Norfolk County, and you elect Mr. Platt by 59 majority.

Here are 92 illegal votes. Deduct 59 from 92, and I am elected by a majority of 33. I say that ought to be the rule, because the burden of proof is upon him. He holds the affirmative. He had the opportunity within the ten days left him after my proof had been taken to establish how these men had voted. He failed to do it. He did not exercise the reasonable diligence which the law required of him. I say the burden of proof is thrown upon him to sustain that view, because of this moral, equitable consideration which must come home to the minds, hearts, and consciences of every man who hears me that in the face of this record no man can doubt these 78 illegal colored votes were cast for him and not for myself.

Talk about guessing how men voted in the face of a record such as that, when his own testimony shows this colored vote was carried for

him. Why, the committee recognized that. Look at their report. They have denounced the candidacy of Robert Norton as a conspiracy—against whom? Against Mr. Platt. A conspiracy, why? Because they say it was intended to divide the negro vote. To divide the negro vote! And yet the gentleman from New York, [Mr. TOWNSEND,] after signing that report, comes here and lifts his hands in holy horror at the bare idea of making a division by the color line when he himself has recognized the fact in this very report that his candidate relied upon the colored vote, and the colored vote throughout the district was cast for him.

Now, my own view is that we ought not to guess at all. I believe it can be demonstrated before any judge in this land that wherever a poll is tainted with illegality, instead of guess-work you ought to reject the entire poll. That is so upon reason it is so upon principle, it is so upon authority; and such has been the action of this House.

I can refer the House to numberless cases on that subject. McCrary is the pet author here, it seems, on elections. The gentleman from Iowa [Mr. MCCRARY] is recognized as the pet authority. What does he say?

He says:

It necessarily follows that the election held in violation of the registration laws of the State would be null and void unless it can be shown for whom the persons illegally registered voted.

For what?

So that the poll may be purged.

Unless it can be shown for whom they voted so that the poll may be purged. That is to be found in the American Law of Elections, page 12.

The fourth section of chapter 7 of the code of 1873 provides—

That each registrar shall register all male citizens of his election district who shall apply to be registered, and who shall be of the age of twenty-one years at the first election to be held after the registration, and who are citizens of the United States, and shall have resided in the State twelve months, and in the county, city, or town in which they propose to register three months next preceding any election at which they may offer to vote.

The ninth section provides that—

Ten days previous to the November elections the registrar shall sit one day for the purpose of amending and correcting the list, at which time any qualified voter applying and not previously registered may be added.

The first section of chapter 7 of the code of 1873 provides that—

Every male citizen of the United States twenty-one years old, who shall have been a resident of this State for twelve months and of the county, city, or town in which he shall offer to vote three months next preceding any election, and *who is a registered voter* in and a resident of the election district in which he offers to vote, shall be entitled to vote.

The fourth section of the third article of the constitution provides that—

The General Assembly shall at its first session under this constitution enact a general registration law.

The law of Virginia requiring persons to register in order to entitle them to vote is mandatory. The power of the State to require registration as a prerequisite to voting will not, we presume, be questioned. Among the absolute, unqualified rights of the States is that of regulating the elective franchise. In Capen *vs.* Foster, Brightly's Leading Cases, 51, the supreme court of Massachusetts held that—

A statute requiring that previous to an election the qualifications of voters shall be proved, and their names placed in a register, is not to be regarded as prescribing a qualification in addition to those which by the constitution entitle a citizen to vote, but only as a reasonable regulation of the mode of exercising the right of suffrage, which it is competent for the Legislature to make.

It necessarily follows that an election held in violation of the registration laws of the State will be null and void unless it can be shown for whom the persons illegally registered voted so that the poll may be purged. (American Law of Elections, page 12; Ensworth *vs.* Albin *et al.*, 44 Missouri, page 347.)

Matters of substance in the holding of an election, it would seem, may be resolved into such as affect the time and place of election, the due qualification of the officers by whom it is holden, and *those affecting the legal qualifications of the electors.* (Brightly's Leading Cases, page 448.)

In Howard *vs.* Cooper, Contested Election Cases, page 275, it was held that—

Gross irregularities and palpable violations of law in conducting an election in a ward should cause the exclusion of the entire poll.

In Myers *vs.* Moffitt, Contested Election Cases, page 564, the House of Representatives decided that—

Where the poll was so tainted with frauds and irregularities that the result could not be clearly ascertained, the poll was thrown out. Where the State law required the inspectors to ascertain certain facts of voters and they neglected their duty, thus allowing a large number of unqualified persons to vote, the poll shall be excluded.

In Reid *vs.* Julian, Contested Election Cases, page 822, it was held that an entire poll may be rejected for such frauds and *irregularities* as render the result uncertain. All the mandatory provisions of the law must be observed, or the election cannot and should not be sustained. In that case the committee, in making their report, say:

We are aware of the fact that it is often argued in defense of irregularities, bad faith, and even fraud in conducting elections, that it is hard to disfranchise the honest voter by reason of the mistakes or misconduct of election officers. This view has been so completely answered by the judges in the opinions already cited that little more need be said on this point. It might be well, however, to add that no legal voter is disfranchised by throwing out a fraudulent poll. The only effect of such action by the proper tribunal is to destroy the *prima facie* character of the return and to deny the official acts of such officers the legal presumption of correctness usually accorded to the conduct of faithful agents. The way is always open to every candidate upon the trial of any contested-election case to come forward and prove the vote which he received at any and every assailed precinct.

In Borleau's case, 2 Parsons, page 503, the court say that—

In a case in which it is shown that in making the preparatory arrangements for holding an election a reckless disregard of, or a criminal carelessness as to, the directions of the law has been manifested, we should hold such an election undue and illegal.

And again, in the same case, the court say:

This court would not hesitate in setting aside an election where they are convinced that in conducting it the laws of the Commonwealth have been infracted.

In view of the foregoing principles and authorities, we insist that the entire vote cast at the Court House and Stony Creek precincts in Sussex County, at Bruton Township precinct in York County, at Jamestown Township precinct in James City County, and at Guilford Township precinct in Surry County should be rejected as illegal and not counted, for the reason that a large number of persons were allowed to vote at said precincts who had been illegally and improperly registered on the day of election and within ten days immediately preceding the election.

It being impossible to ascertain from the returns for whom the said persons voted, the whole poll at the said precincts is tainted with illegality, the true state of the same cannot be known, and uncertainty is thus cast upon the result. In adopting this view, no injustice will be done the contestant. The intention of the contestee to assail the precincts in question was clearly made known and notice thereof given to his adversary. He has been represented throughout by able and skillful counsel. They knew the importance and necessity of sustaining the polls thus assailed, and that it was entirely competent for them to prove by other testimony the actual vote received by the contestant at said precincts.

I lay down this proposition, and I challenge contradiction, that wherever a poll bears upon its face the taint of illegality, where you prove it has a certain number of illegal votes and there is nothing to show for whom they voted and uncertainty is thus cast upon the result, the only alternative, properly and legally, is to reject the entire poll or to prove *aliunde* or from other sources how the men voted. That is legal and it is sensible, and if you depart from it you set out upon a broad sea of conjecture.

McCrary says if you can determine by any testimony, direct or circumstantial, how the vote was cast, it must be taken. The circumstantial testimony in this record proves these illegal votes were cast for my competitor and not for myself. If that be true, then deducting those 92 illegal votes, on that principle my majority is 33. If the entire poll is excluded at those precincts, after giving him Prince George, Nansemond, and Norfolk City, and everything he claims, then my majority is 112.

I have been amused at the course of the discussion here both on yesterday and to-day. The gentleman from Kansas [Mr. BROWN] and the gentleman from New York [Mr. TOWNSEND] are trying to make it appear to this House that all our hope is upon Rives and Bland. Sir, I discard Rives and Bland. I have from the beginning of the discussion until now conceded to the gentleman every solitary vote he got in Prince George, counting Rives and Bland with the rest.

I do not rest my case upon the rejection of Rives and Bland. I wish the gentleman from New York to hear me and I wish the gentleman from Kansas to understand I do not intend my ground of fight in this matter shall be selected by them. I choose to select my own ground, and I do not intend they shall select their position as well as my own. I do not rely upon the exclusion of Rives and Bland. I repeat, I want every man in this House to understand I want to give him Prince George, I want to give him Nansemond, I want to give him the 12 votes claimed in Norfolk City, making his majority 512. Then, I say, if you deduct these votes in the Norfolk navy-yard in his favor, carried by intimidation and fraud according to the decision of seven members of this committee, the vote will stand so as to give me a majority of 55. If you do not choose to do that, and you charge me with my portion of those illegal navy-yard votes, and instead of deducting the 567 which the proof shows were cast for him in Portsmouth, you reject the entire poll at the third and fourth wards in Portsmouth and at Hall's Corner, in Norfolk County, what will be the result? His majority in the district will be 59, without taking into consideration the 92 illegal votes which have been shown at the other precincts. Deduct these 92 illegal votes from his poll for the reasons which have been urged, and my majority in the district will be 33. Divide them upon the color line by charging him with the colored vote and me with the white vote, and my majority in the district will be reduced to 5. No man who examines this record, it seems to me, can entertain a rational doubt that Mr. Platt is properly chargeable with those 78 illegal colored votes.

What did he do in Yorktown? Did he not organize an expedition at Yorktown and attempt to drive Robert Norton as a candidate from the field? Norton was a colored man, a respectable colored man. He had the temerity to be a candidate for the votes of his own race. He was nominated by a mass-meeting on the historic plains of Yorktown on the 4th of July, 1874. Mr. Platt was nominated on the 13th of July, and I was nominated on the 1st day of September. This

record proves that on the 30th of October, my competitor, Mr. Platt, organized an expedition to Yorktown for the avowed purpose of driving Robert Norton as a candidate from the field; that he went in a Government vessel, armed and manned by a Government crew; that he carried with him a cannon manufactured in the navy-yard by Government employés; that he went with cannon and ammunition; that he went with pistols and bowie-knives and bludgeons; that between four hundred and five hundred employés of the navy-yard attended him on that expedition; that when they got to Yorktown and landed, Mr. Platt marched at the head of the column through the streets; that when the line of march passed by a crowd of people who had assembled to listen to Robert Norton, they jeered and shouted and undertook to break up that meeting by all sorts of menacing gestures. And again, that his followers left him, and came down to the stand where I was attempting to speak, and undertook to interrupt me, and afterward at the conclusion of my address, when Robert Norton took the stand, this was the signal for the most disgraceful riot which ever occurred in the Commonwealth of Virginia, a riot which lasted for one hour, in which pistols, bludgeons, and bowie-knives were used, and in which twenty-five or thirty colored people were so dangerously wounded that on account of their wounds and bruises some of them could not go to the polls on the following Tuesday. The proof shows that he organized that expedition and headed the column. It shows that he controlled these navy-yard employés and that they went with the avowed purpose of intimidating and overawing the followers of Robert Norton and driving him as a candidate from the field.

What becomes of Hamburgh? Where sleeps the eloquent denunciation of the gentlemen from Ohio [Mr. GARFIELD] and the gentleman from Maine, [Mr. HALE?] If they can pour out the vials of their wrath and indignation on those people at Hamburgh who were involved in that unfortunate disturbance, I ask you how can they bestow their smiles on the instigator and fomenter of this Yorktown riot? Pour out your vials of wrath upon South Carolina, take to your embrace my competitor, to your fond embrace, and gather around him and join in the chorus on that side of the House—

> Come rest on this bosom, my own stricken deer;
> Tho' the herd hath fled from thee, thy home is still here.

[Laughter and applause.]

So much for the Yorktown riot and so much for the negro vote and the appliances which were brought to bear in that district. But my time is passing away.

I would like to occupy a day upon this question. I wish every man on this floor could understand the case as I do. If this record could be read at the Clerk's desk, every line and every syllable in this testimony, I would be willing to submit the case to the House, democrats and republicans, without argument, so confident am I in the justice of the case which I am here to represent.

Now, I repeat, give Mr. Platt Prince George, give him Nansemond, give him the 12 additional votes in the city of Norfolk, give him everything, and then take from him the votes which according to seven members of the committee were carried in the Norfolk navy-yard by intimidation and wrong; deduct those 567 votes; that will give me a majority of 55. Or, if you do not do that, deduct my vote in the navy-yard as well, giving him a majority of 59; and then there are 92 illegal votes to offset that, 78 of which were colored, with the moral certainty that not one man of those colored people voted for me.

I want to rest this case upon its substantial merits. I want to feel and know that I am the accredited representative of the honest freemen of my district. I would scorn, I say, to occupy this seat upon a technicality. I would not imitate the example of the contestant, who has been here before. I have tracked him. I have studied his record. I have searched it. And I find, notwithstanding that he will follow me presently and talk about technicalities—I find this record, to which I beg the attention of the House: The gentleman was a member of the Forty-first Congress. At the third session of the Forty-first Congress Hon. R. T. W. Duke, coming here from the district which contains the ashes of Thomas Jefferson, presented himself on this floor and sent to the Clerk's desk a certificate from the Commonwealth of Virginia which recited that he, Hon. R. T. W. Duke, had received the majority of the votes, and that he was elected. Now would you believe that my competitor got up here and objected to his being sworn in? That he rose in his place and objected to his being sworn in; and upon what ground? Would you believe it? Upon the ground that the certificate did not say he was "duly" elected. The certificate, signed by the law officers of the Commonwealth of Virginia, signed by the secretary under the broad seal of the Commonwealth, recited that Mr. Duke had received a majority of the legal votes cast in the district, and had been elected. And yet Mr. Platt stood up here, claiming to represent the Commonwealth of Virginia, and demanded that his colleague should be sent back because by inadvertence the technical word "duly" had been omitted.

Now, the gentleman comes here to-day and demands that this House shall shut their eyes to everything like technicalities; and to talk about Rives and Bland, when there is a positive, peremptory law upon our statute-book which says that the poll-books shall be inclosed and sealed, and that the ballots shall be sealed and carried to the clerk's office. This law was violated. But I claim nothing on that score. Give him Bland; give him Rives; give him Prince George; give him Nansemond; give him the 12 additional votes in the city of Norfolk. Give him, in Heaven's name, everything he has claimed or the committee has claimed, and then I ask this House if they agree with the majority of seven members as against four that the navy-yard vote was carried by intimidation and wrong. I ask the House to deduct from his poll 567 votes which his own witness, George E. Chrismond, a member of the republican vigilance committee of Portsmouth, says he got at the very lowest calculation. Or, if you will not do that, if you deduct my vote as well, then I say in the name of common fairness, in the name of my people, in the name of common justice do not sacrifice me. I will not say that, for I am nothing in this matter; but I say do not sacrifice them on a mere guess, by which you divide 92 illegal votes, 78 colored and 14 white, and charge them to me, when the moral certainty and absolute truth of the case is, as I believe, that not one solitary colored vote in that district of the 78 illegal votes was cast for me. And I would be willing to put the gentleman himself on his word of honor to stand up here and say whether he believes I got one of those votes or not.

Well now, Mr. Speaker, if I have been betrayed into any excitement, I must express my regret. Notwithstanding the flings made at me by the gentleman from Kansas, [Mr. BROWN,] I wish to say that I came here to-day with the deliberate purpose to argue this case calmly and dispassionately. The House will bear me witness that I have not sought to discuss the case from a partisan stand-point. I am now ready to submit it.

I submit it to the decision of this House. So far as my competitor and myself are concerned it is a matter of little moment, but it rises to a question of the highest dignity and gravest magnitude when you come to consider the important principles involved. The House of Representatives are now called upon to determine whether the navy-yards of the country shall hereafter be converted into workshops for the manufacture of political votes, whether the patronage of the Government shall be prostituted for corrupt party purposes, whether the purity and freedom of the elective franchise shall be vindicated and preserved, or whether free-born American citizens shall hereafter be required to march like sheep to the ballot-box and made to deposit their votes as these men did under intimidation, under duress, under constraint. Sir, I say under the full sense of the responsibility which rests upon me in making the utterance, I declare to you that to count or receive votes given under such circumstances is not only a gross wrong, not only a solemn mockery, but a flagrant violation of all the laws, both State and Federal, which regulate the conduct of elections. The House of Representatives, these representatives of free-born American people, are called upon to decide whether they will give their countenance and their support to a system of party tactics by which the attempt has been made in my district to array against the white man all the most violent and vindictive passions of the black man, by which discord and strife have been engendered at a time when the earnest aspirations of good men everywhere are and ought to be for the establishment of a lasting peace, not only between sections but between races.

My time has expired. I thank the House for the patience with which they have heard me, and so far as I am concerned I submit the matter for their decision.

Mr. PLATT (the contestant) obtained the floor.

The SPEAKER *pro tempore*. The Chair would inquire of the chairman of the Committee of Elections what is the understanding as to the continuation of the debate.

Mr. HARRIS, of Virginia. There may be a misapprehension with regard to the time. My understanding is that the agreement between the chairman of the subcommittee who reported this case, and into whose hands it has partly passed as far as the majority is concerned, and the gentleman representing the minority, was that the debate should be limited to six hours, three hours on each side. I understand now that two hours on each side have been consumed, and one hour remains on each side. If that is the case, why the gentleman who now occupies the floor may either occupy his time now or after the previous question is seconded. He cannot have his hour now and then another hour.

Mr. POPPLETON. Perhaps I can enlighten the House a little as to the arrangement. The arrangement was that there were to be three hours on each side and two hours of the time have now been occupied on each side. Two hours of time now remain, and of the hour remaining before the calling of the previous question the majority are to have a quarter of an hour, to be assigned to whoever may be designated, and the minority three quarters of an hour, which will be occupied by the gentleman from Virginia, [Mr. TUCKER.] The previous question is then to be moved, and in the hour after the previous question is seconded the majority are to have three quarters of an hour and the minority a quarter of an hour.

Mr. PLATT, (the contestant.) If I am permitted by the courtesy of the House to say a word on this subject, I desire to state that I feel a deep anxiety to be allowed to respond to the remarks of the gentleman whose seat I contest on this floor. I had understood that the arrangement made between the gentlemen who presented the report of the majority of the committee and the gentlemen presenting the minority report was that each side was to have three hours for debate. An effort was made that it should be confined to two hours before, but it was insisted on the part of the minority that it should be three hours, and that the three hours' debate

on each side was to come before the motion for the previous question, and that after the previous question was called, in accordance to the universal custom of the House, the gentleman moving the previous question had at his disposal one hour for further debate, and that he had agreed to yield fifteen minutes of that hour to gentlemen representing the other side of the question. I find now that the understanding seems to have been that each side was to have but three hours, including the hour after the call for the previous question. If that is the understanding, it leaves but fifteen minutes, unless I crowd out the gentleman from Massachusetts, [Mr. THOMPSON,] one of the gentlemen who signed the majority report; and that being the case, unless the courtesy of the House shall be extended to me so that I may have an hour without crowding out that gentleman, I must decline to say anything on this subject and leave it to other gentlemen to present the case to the House. I ask, however, that the usual course be pursued. I do not wish to deprive gentlemen on the other side of one minute of any time they may desire, but I do ask that I may have an hour, and that gentlemen who wish to speak in behalf of the majority report may not be deprived of an opportunity of doing so on my account.

The SPEAKER *pro tempore*. The Chair can take no cognizance of private arrangements. The gentleman who made the report under the rules of the House is entitled of course to the hour in which to close the discussion. The House, however, may by unanimous consent or by a majority allow that time may be given to the gentleman from Virginia (the contestant) if the House sees fit to do so.

Mr. BLACKBURN. I simply desire to say that I am sure that the gentleman who first addressed the House [Mr. BROWN, of Kansas] and submitted the majority report and myself agree as to the understanding, which was that each side should be allowed three hours for discussion; two hours and a quarter to those supporting the majority report and two hours and three quarters to those supporting the minority report, the previous question then to be asked; and in the hour subsequent to its order the gentlemen of the majority were to have three quarters of an hour and those of the minority a quarter of an hour. That was the understanding. For myself and those with me I say that that is satisfactory to us now.

But if it is desired by the contestant in this case, or by gentlemen who wish to be heard in his behalf, I certainly have no objection to the arrangement between the gentleman making the majority report and myself being set aside, and leaving the House at its pleasure to fix the limit of debate. Should that arrangement be adhered to, there will be three quarters of an hour left to those advocating the minority report and one quarter of an hour to those advocating the majority report before the previous question will be called.

The SPEAKER *pro tempore*.. Without objection the arrangement agreed upon by the Committee of Elections will be regarded as the order of the House.

Mr. BROWN, of Kansas. If the gentleman from Kentucky [Mr. BLACKBURN] has no objection, I would suggest that the contestant in this case can take an hour, of which one-fourth of an hour would be due to the majority of the committee in this case, and three-fourths of an hour can be added to the time originally proposed for the minority in this case.

Mr. BLACKBURN. Very well.

The SPEAKER *pro tempore*. Then the contestant will be recognized as entitled to the floor for an hour.

Mr. PLATT, of Virginia, (contestant.) Mr. Speaker, I thank the House for the privilege of occupying for a short time the position upon this floor which is mine by the right of having been elected by a majority of the legal voters in the second congressional district of Virginia to represent them here. I thank the House for this courtesy, and will endeavor to use it in as becoming a manner as possible.

I am here to appeal to each member upon this floor to act in this matter as my judge, as he is. I have the right to ask, as I do ask, of every member that if he is convinced on the testimony and the evidence that I was legally elected to the seat on this floor which I now claim, he will discard all partisan considerations and all personal solicitations and will vote the same way that he would vote were I his political friend and on the same side of the House with himself.

There are questions involved in this contest to which I do not intend to allude, except in so far as it is necessary to explain my personal connection with them.

In regard to the navy-yard at Norfolk and the Yorktown matter, I shall confine my remarks to an attempt to prove and to convince the House that whatever occurred in those places I at least am not responsible. The gentleman who holds the seat which I am contesting and the gentleman who represents the minority report in this case in their remarks yesterday charged that there was proof conclusive that the men employed in the Norfolk navy-yard were drilled and schooled the day before the election; that they were never employed in that yard except upon the condition-precedent and agreed to by them that if they were so employed they should vote for me in the coming election. Now I challenge either of those gentlemen to take this printed record of five hundred and twelve pages and name one witness who testifies that he was employed in that navy-yard on the promise, express or implied, that he would vote the republican ticket. I ask them to name one witness among them all who certifies or charges that the men employed in that navy-yard were drilled on the day before election or at any other time as to how they should act and vote on the day of election.

The gentleman whose seat I am contesting, when asked by the gentleman from Kansas [Mr. BROWN] to show any such testimony, read in reply the testimony of a man by the name of Bain. Now I wish to show the House how much reliance is to be placed upon the testimony of such a man as he is. That man Bain, who had an alias at the place where he lived, was a professed republican, a man who professed devotion to the republican party, and claimed that he voted the republican ticket, in his testimony swears that he never voted any but the conservative ticket. The testimony shows conclusively that he professed openly to be a member of the republican party, endeavored to be placed on the republican vigilance committee, and found so much fault when it was organized without him that he was placed there in response to his request.

The reliability of the testimony of Bain may be shown by himself and others. On page 235 Bain testifies as follows:

Question 23. Was any pecuniary assessment made upon you as an employé in the navy-yard, or did you pay without assessment any money for Mr. Platt's election purposes during the last campaign?

Answer. I did, sir—one day's work—$3.26.

Q. 24. Did you pay that money willingly or under constraint?

A. I paid it because I knew I would be discharged if I didn't; it was against my will.

Q. 25. To whom did you pay it?

A. Mr. John Callahan, master workman in iron-platers' department.

On page 482 John Callahan testifies as follows:

Question 10. Do you know William Bain, of Portsmouth?

Answer. Yes, sir.

Q. 11. Was he engaged in your department during the fall of 1874?

A. He was.

Q. 12. He has stated in his testimony that he paid you $3.26 for Mr. Platt's election purposes during the last congressional campaign. Did he pay you that sum or any other amount for the purpose named?

A. He never paid me a solitary cent.

I also want to call attention to the testimony of Mr. J. Rose, on page 486, in regard to Mr. Bain. Mr. Bain, having professed to be a member of the republican party, after I had given notice of my contest, being out of work, not by reason of being discharged from the navy-yard, but by his own act in voluntarily absenting himself, went first to the gentleman who now occupies the seat I claim, and from him to my friends, trying to sell his testimony to the highest bidder. Mr. Rose testifies:

Question 4. State the substance of any conversation had with Mr. Bain in regard to his, Mr. Bain's, visit to Mr. Goode.

Answer. The statement given in my first testimony is the truth, and is as correct as information can be given of conversation between individuals.

Q. 4. Mr. Bain says he did not tell you that Mr. Goode sent for him; is that true?

A. Mr. Bain told me that he was sent for by Mr. Goode.

Q. 5. Was it a voluntary statement, or did you ask him?

A. It was a voluntary statement.

Q. 6. Did he tell you that Mr. Goode asked him if he knew anything that would be useful as testimony in this case?

A. He did.

Q. 7. Did he tell you his reply was that he did not know anything that would do Mr. Goode any good?

A. He did; that was the substance of the statement. I don't know that it was the exact language.

James H. Clements, on pages 501 and 502, testifies as follows:

Question 10. State the substance of any conversation you ever had with William W. Bain in relation to his visit to Mr. Goode, some time after the election last fall, and whether you sent for him or not.

Answer. Mr. Rose came to me one day, and said that I ought to see Mr. Bain; I being chairman of the republican committee, that Mr. Bain could give me some information, he thought, which I ought to possess, in relation to this contest, or words to that effect. I sent for Mr. Bain and had some conversation with him. He stated that he would like to see Mr. Platt, or that if he could see Mr. Platt, I am not certain about the language, he could give him some information which he thought he ought to have, in relation to the contest. I told him that Mr. Platt was in Washington, and that it would cost something to go there, and that I did not feel disposed or did not have the money to pay his way, but I would try and arrange for him to go to Washington. I told him that the United States court would meet in Alexandria shortly, and that there would be jurors summoned from all parts of the State. I would suggest his being summoned as a juror, which would enable him to visit Washington without expense, when he could see Mr. Platt, and, also, other friends; and that he might, by calling on the chief of the Bureau, be put to work in the yard. I did write and make the suggestion to the United States marshal, and also to Mr. Platt, stating to Mr. Platt that Mr. Bain desired to see him. Mr. Bain, however, was not summoned on the jury. At that interview I said to Mr. Bain that I would not ask him what his information was, for if he gave it to me he might give it to others, and I thought if it was of any importance he ought to retain it until he saw Mr. Platt. He said those were his views; and we parted. I afterward saw Mr. Platt in Washington, and told him of my interview with Mr. Bain, and spoke of my effort to have Mr. Bain summoned on the jury. Mr. Platt informed me that he was sorry that he had not seen him, adding, "Of course you know I could not undertake to influence Ramsdell in the selection of his jury."

Of course I declined to accede to the request that I should ask that he be summoned upon the jury so as to get here without expense to see me.

Such is the witness upon whom the gentleman relied to prove the allegation so earnestly made by the gentleman from Kentucky and by himself. And let me say that while I cannot, and no other gentleman can, in the limited time allowed here, meet the statements made in regard to the testimony of these witnesses, yet any gentleman who will take the time and trouble to examine this voluminous record of 512 pages will find that in almost every case when a witness called by the sitting member gives testimony which would appear to damage my case, it is overwhelmingly met and refuted by witnesses summoned in rebuttal by my counsel.

In regard to the charge of intimidation in the Norfolk navy-yard, (and I ask the House to remember that I am not asking now to have the navy-yard vote counted,) the majority of the committee have

given Mr. Goode everything he asked; they have thrown out every vote that Mr. Goode asked to have thrown out. After this is done, unless they also refuse to count the votes given for me in the townships of Rives and Bland, Prince George County, where I had a majority of 408, I am still elected. Now, I say, let the illegal vote be divided in any way in which you may choose to divide it; let any fair division be made of the illegal votes cast by men registered after the time prescribed by law; and bear in mind that every one of the officers of election who registered these men was a democrat, a friend of my competitor. Divide the illegal vote as it was divided in the case of Finley *vs.* Walls, in which case, I believe, the entire committee united except as to one or two townships which the gentlemen referred to as dissenting from the report were in favor of rejecting entirely; divide those illegal votes upon the color line, and unless you take from me votes cast for Robert Norton in the county of York, himself a colored man, I am still elected by a majority of 7 or 8. Gentlemen cannot figure it out differently. Taking those illegal votes, black and white, as reported in the testimony, no different result can be reached.

But, sir, it is charged that men in the navy-yard were intimidated and assessed. I dwell on this subject to show that the testimony has been much perverted; that the facts in the case do not warrant the conclusions which have been drawn from them by the minority of the committee. In regard to the assessment in the navy-yard the testimony can be condensed into a very short space. Although I have not been charged with any connection with that assessment I wish to state, in order that my position on the subject may be known and the course pursued by me understood by the House, that the first intimation I ever received that such assessment had been attempted or made was when, while engaged in the campaign with my competitor, I reached the city of Richmond September 29, 1874. I there received a Norfolk paper containing the statement that the committee having charge of the campaign in my district had issued a circular to the navy-yard employés. Immediately upon seeing that announcement I wrote to H. B. Nichols, chairman of the republican executive committee, the letter which I hold in my hand. I informed my counsel of the existence of this letter while they were taking testimony; but as they were obliged to crowd so much into a few days, and as they considered the matter of so little importance that the House would give little attention to it, they failed to have it appear in the evidence. But there is no question about the fact of the genuineness of the letter or my having sent it, or of its reception and the result. It was read before the Committee of Elections by the consent of the sitting member. I ask to have it read from the Clerk's desk in connection with the newspaper article which it brought out. I ask the attention of the House to the reading, in order that members may understand my position in regard to this question and the course I took in this matter of assessments.

The Clerk read as follows:

RICHMOND, *September* 29, 1874.

MY DEAR NICHOLS: I see by a Norfolk paper, which somebody gave me today, that you are charged with issuing a circular making an assessment upon the men employed in the navy-yard, containing language which would induce them to consider the matter compulsory. I have not seen the circular, and if you have issued one am sorry for it. If you have done so, however, it must be understood plainly that it is only a request for contributions on the part of the committee, and that it is entirely a voluntary act on the part of any one choosing to give, and that the navy-yard employés are on precisely the same footing as all other men.

I will be no party to anything that has the appearance even of forced or compulsory assessments, and if there is anything in your circular capable of such a construction it must be at once withdrawn and explained.

We had a fine meeting at Providence Forge on Saturday and at Prince George yesterday. I go from here to Sussex to meet Goode in joint discussion, and shall be in Norfolk Friday evening if I can get there.

Hastily, but sincerely, your friend,

JAMES H. PLATT, JR.

NORFOLK, VIRGINIA, *May* 3, 1876.

I certify that the above letter from Hon. James H. Platt, jr., was received by me at Norfolk, Virginia, on the 30th day of September, 1874, and that I immediately prepared and had published in the daily Day Book the following card:

TO THE PUBLIC.

ROOMS REPUBLICAN EXECUTIVE COMMITTEE,
SECOND CONGRESSIONAL DISTRICT, VIRGINIA,
Norfolk, Virginia, October 1, 1874.

The statement that any one working in the navy-yard or in any other position under the Government in this district has been threatened with discharge unless they contributed to the campaign fund of this committee is utterly false. The subscription is entirely voluntary, and no compulsion of any sort has been used or attempted.

The congressional committee simply request all republicans who are able and willing to give anything to meet the necessary campaign expenses to subscribe such sums as they can afford. This is a plain statement of facts. Colonel Platt is a candidate, and is in no way consulted in the matter, pays his own expenses and also contributes liberally to the expenses of the campaign.

The congressional committee are alone responsible for collections given to carry on the campaign and control the canvass as they deem meet for the interests of the party.

H. B. NICHOLS, *Chairman.*

And that the copies of the papers containing it were extensively circulated among the navy-yard employés and in other parts of the district.

H. B. NICHOLS,
Chairman Republican Executive Committee.

Mr. PLATT, of Virginia, (the contestant.) I now desire to call attention to the testimony upon these sweeping charges that have been made that men in the navy-yard were compelled to pay money for carrying on the campaign in my behalf, or were discharged from the navy-yard for not supporting me. I refer to the testimony of witnesses brought forward by my competitor for the purpose of proving this point.

R. H. Anderson (page 306) refused to pay anything.

James Meads (page 316) paid $3.26 willingly; the men did not respond generally to the assessment made.

William R. Webb (page 349) paid a day's pay unwillingly.

Richard H. McClean paid $20; not more than one-third of the men in his department paid anything.

V. O. Cherry (page 367) refused to pay.

Let me now refer to the testimony of witnesses summoned by myself upon this point. First is the evidence of William Smith. He testifies on page 99 that he paid $2 of his own will; never saw circular and no assessment was made on him.

William Teemer, (pages 106 and 107:) No assessment put on him; paid from a sense of duty; never saw circular; heard of it and then heard it contradicted.

Now I wish to call the attention of gentlemen on the other side to the testimony of William F. Allen, who was a conservative superintendent, managing the campaign for the sitting member. I refer to this testimony on pages 114 and 115.

Money was collected from conservative corporation and State officers. His understanding was that a man was not worthy to hold office under the conservative party unless he was willing to contribute money to help the conservative cause.

Mr. Speaker, I charge here in this campaign, while it is charged that republicans collected money from republicans as far as they could, that there was not a single officer holding an office under the party of which my competitor was the candidate who was not compelled to pay an assessment on his salary and the emoluments of his office to this gentleman who managed that party in the district during that campaign. Allen himself, the conservative superintendent, states in this testimony that his understanding was that a man was not worthy to hold office under the conservative party unless he was willing to contribute money to help the conservative cause.

George E. Crismond, a witness of whom I shall have more to say hereafter, and who was quoted so often by my competitor, certifies on page 141, question 24, on cross-examination, that he did not pay anything, because he was short of funds.

John Callahan, pages 177 and 178, says:

Paid $20 voluntarily, and when he received the circular showed it to workmen and said whatever they felt like paying on that list to pay it. Some paid and some did not, and that was the end of it.

I undertake to say, Mr. Speaker, that assessment was not compulsory in any sense, way, or manner; that it was simply understood by the men if they chose to pay it would be cheerfully accepted by the committee, but no man was in any shape or manner intimidated or threatened that if he did not pay he would be discharged from the yard.

I come now to the testimony in regard to intimidation of men employed in the navy-yard at Norfolk, in reference to whom it has been charged that they were compelled to promise to vote for me, and that if they did not vote for me they would not be able to obtain employment in the navy-yard or would not be retained there if they were already employed. I call attention, first, to the testimony, and I will go through it as briefly as I can, of some witnesses summoned by the sitting member.

William J. Richardson, the foreman of the joiners in the ship-yard department, page 299, conversation with William F. Smith. He (Smith) *did not say* but I *supposed* he meant, you must come recommended from the republican executive committee; and, question 2, cross-examination: Was employed by William F. Smith, foreman of shipwrights. Questions 5 and 7: Never conversed with any one about his politics, and never asked committee for recommendation. Does not say he ever obtained recommendation of any committee, or ever promised or was asked to promise to vote the republican ticket.

Dale B. Luke, a witness summoned by the sitting member, under cross-examination, certifies, page 271, question 4:

Applied to William F. Smith in May, 1874, for work. Afterward met Edward Lookins, who told him the committee had very little influence in the yard, and he had better go to Mr. Platt, in Norfolk, and ask him for employment. He replied, "I told him that if I never get any work in the yard until I go to seek it from Mr. Platt, I would never get in the yard; and, furthermore, I told him that I would not promise or bind myself to vote for any man in that way;" was employed about three weeks after this conversation.

I call attention to the fact that notwithstanding this statement that he was a conservative, made by the witness, he was employed after this conversation with Mr. Smith in the navy-yard.

Another witness summoned by the sitting member was B. F. Rosson.

B. F. Rosson, page 347, question 7, cross-examination: He went to see Mr. P. C. Asserson, through the advice of Laban Smith, a leading republican. "Was speaking to him about a job of work, and asked him if he thought I could get into the navy-yard, *as he knew I was a conservative.* He told me to go over and see Mr. Asserson, and probably I could get a job. I went over to see him, and after that heard that my name was to be called," that is, that he was employed. Does not say he made or was asked to make any promise; on the contrary, does say he told Smith he was a conservative.

I refer to other witnesses.

William R. Webb, page 350, question 6: Nobody asked him whether he was a republican or not; and, question 9, that to his knowledge no such question was asked others.

William F. Smith, page 358, question 6: Would not employ men recommended by committees unless they were good mechanics; if they were not good men would not take them. Have heard complaints of the large number of conservatives employed in the yard when good republicans were walking about doing nothing.

Richard H. McClean, foreman of boat-builders, page 360, question 13: The men in his department during the campaign were not generally employed at the request and recommendation of the republican executive committee; and, question 2, cross-examination, men were not taken on or discharged on account of their politics.

Henry L. Perkins, foreman of ship-joiners, page 361, question 3, cross-examination: No men were discharged from his department, or warned that they would be discharged, either on account of their politics or failure to contribute money for campaign purposes.

V. O. Cherry, page 366: Was out of the yard and reported as being a conservative and abusing the Administration. Mr. Clements, chairman of the republican executive committee in Portsmouth, went with him to the foreman, Smith, and he was employed. Does not say that he denied the above charge or made any promise; but in cross-examination, page 368, question 16, says he never heard any foreman or other person having authority in the navy-yard make any threats of discharging employés on account of their political sympathies.

The witnesses to whom I have called attention were all summoned by the sitting member, and the testimony of witnesses summoned by my counsel is overwhelming in the same direction.

Therefore I claim, Mr. Speaker, that there has been no proof whatever connecting me with any attempt at intimidation at the Norfolk navy-yard for political purposes, and that the charge that men were made to promise how they would vote as a condition precedent to obtaining employment is conclusively disproved.

I have said as much as I have on this subject that I might personally be placed in a proper position in this connection, and not that I desire to make any argument against throwing out any votes Mr. Goode has asked to be thrown out, as it is not material to my election that they should be counted. Therefore, monstrous as is this robbery of suffrage and of my rights, and protesting against the great wrong of throwing out these votes, I pass to the consideration of other points involved.

Mr. Goode says it is my business as a contestant coming here to contest his seat to prove all the allegations I make in defense of my claim. I accept that conclusion, and I ask the House to consider the proof I have presented in support of the claim I make. Mr. Goode admits, and he must admit, the only way by which he became a sitting member in this case, the only reason given, and the only reason that exists—that he received the certificate instead of myself—was because of an informality in the certificate from Prince George when presented before the State board.

I am not attacking the members of the State board for their action. I simply ask the House to say whether in its judgment their conduct was correct. The circumstances were these: After having thrown out 206 votes from the county of Nansemond which the committee are unanimous in awarding to me, I was still upon the returns presented to the secretary of the Commonwealth 294 votes ahead in the count. The certificates filed in the office of the secretary of state after the rejection of the votes thrown out in Nansemond County showed a majority for me of 294 votes. If that majority of 294 votes had not been overcome in some way, that State board certainly would have been compelled to issue to me the certificate of election instead of to my competitor. Why did they not do it? What was the only reason assigned? I ask the attention of every gentleman in the House to this point; because it is not an improbable supposition that any man in the House may himself be placed in the position I occupied on that occasion.

My competitor claims that the entire vote of the county of Prince George, which gave me 425 majority, should be rejected because of an informality in the return from that county made by the clerk of the county court, a friend of the sitting member. What was that informality? The return was under the seal of the court, but it lacked the words across its face: "Attest: Robert Gilliam, sr., clerk." The words which appear on this certificate which I here exhibit were lacking on the certificate presented to the board of canvassers. For that reason and that reason alone, solely and entirely, that board rejected the vote of that county, thus depriving me of 425 majority and making for my competitor a majority of 131, and giving him the certificate made me the contestant and placed him in the seat he has since occupied.

Now, sir, at that meeting of the board of canvassers, when the discovery was made that these four words were lacking in the certificate, I took from my pocket this certificate which I here exhibit, which I had procured from the clerk the day after the official count by the county commissioners for another purpose, and presented it there and then to the board before they had made their decision. This certificate is attested by the clerk, and the seal of the county, which makes it legal evidence in any court of Virginia, is affixed. I presented that to those gentlemen, and whatever else it was not, it was certainly conclusive and overwhelming testimony that the clerk's failure to attest the certificate he had previously sent to the secretary of state was a mere clerical error, and that he did not certify to the truth when he said it was an exact copy of the certificate made to the commissioners, because it was proved to the satisfaction of every honest and honorable man that he had merely failed through inadvertence to attach his signature in that place to the certificate.

Now, what was the duty of the State board under these circumstances? The county seat of Prince George County was only three hours from the city of Richmond. It would only have taken three hours for a messenger to go and return. And the law of Virginia requires that if from any county, within twelve days after the day of election, no such certificate as is required by law is forwarded to the secretary of the Commonwealth, it shall be the duty of that officer to send a special messenger to the clerk's office of said county to procure such a return as is required by law. Now, that imperfect certificate had been in the office of the secretary of the Commonwealth for more than two weeks. The fact that it was an imperfect certificate was known to my competitor. He testifies that that fact was brought to his notice on the 18th or 19th of that month. Why was it so carefully concealed from me and from my counsel? We were notified to go before that board on the question of the amended returns. We did not receive the slightest intimation, not a syllable of intimation, that there was any other question involved. It was not until the sitting member at the close of his argument made on that occasion—an argument so carefully prepared that he read it from printed slips—it was not until he had finished his argument before the board on the reception of the amended returns, when, pausing for a while, he said:

If the board could not receive those amended returns, he still claimed that he was entitled to the certificate because of an informality in the return from Prince George County.

And those words from him were the first intimation I or my counsel had received that such a question would be raised before that board. Now, I ask every fair-minded gentleman on this floor to give his attention to the fact that except for the act of the board of State canvassers in rejecting that certificate I would have been seated. That board consisted entirely of democrats. There is no republican representation on it. They may be high-minded officers and honorable men. I am not attacking them. I am stating what is undisputed, what no man here can deny, that those gentlemen assembled together to perform this duty prescribed by law did reject the whole vote of Prince George County—which gave me a majority of 425—because the words "Attest: Robert S. Gilliam, sr., clerk," were not on the certificate; and that instead of giving me the certificate of election, which they would have been compelled to do but for that fact, they gave it to the sitting member; and that solely for this reason—and I defy contradiction to the statement—and no other, he is to-day enjoying the great advantage of being the sitting member in this contest.

Now, under these circumstances what was the position in which I found myself? I ask every honest, honorable gentleman on this floor acting in the capacity of a judge to let his mind dwell for a moment on this state of facts? I found myself deprived of the certificate which I believed belonged to me, deprived of 206 votes cast for me by legal voters in the county of Nansemond and of a majority of 425 of the legal votes cast in the county of Prince George; I believed that there were 631 legal votes of which I was deprived by the action of the officers of the election. I want you to bear the fact in mind that the entire machinery of this election district and of the State was in the hands of the friends of my competitor from the highest officer to be lowest, the entire control of the election, the entire control of the law, the entire control of the appointment of all the election officers and by the action of these friends of the sitting member, by their clerical errors and omissions I had been deprived of the certificate of election when I did receive a majority of over 600 legal votes.

I ask any gentleman what he would have done if he had been in my place in similar circumstances? Sir, he would have done precisely what I did. I sent a notice of contest to the gentleman who had received the certificate of election, and the allegations that I made in that notice of contest have been proved beyond a possibility of doubt or denial. I have proven that I was deprived of 206 votes in the county of Nansemond and of a majority of 425 votes in the county of Prince George, which would have given me a majority of 500 votes after subtracting the votes by which my competitor was returned by the State board. I have proved that fact beyond all possibility of doubt.

After I had presented my notice of contest, then the sitting member, to meet the case thus made, presents all these side and collateral issues which he now asks the House to consider. Now for the first time we hear of intimidation at the navy-yard; now for the first time we hear of illegal votes. I call the attention of the House to the fact that in every single instance where irregularities occur which would damage me they have occurred in precincts where I always received a majority at preceding elections, and the officers of the election were every one of them friends of my competitor, and in no instance did election officers, his friends, permit clerical errors to occur or omissions to be made in a precinct where it would damage him to have irregularities of any kind.

Now, then, we come to the action of the committee. What have they decided? They have taken this voluminous testimony, all these facts, and brought them down into a comparatively small compass. They have made the case rest entirely and solely on the question whether the votes of the townships of Rives and Bland in Prince George County should be counted for me or not. I assert here, and

I defy successful contradiction, that the whole question must be decided on that point; whether the 408 majority given me in these townships shall be counted for me or not. Now, what are the facts surrounding that vote in those two precincts? There were six judges in those two precincts, and five of them were democrats and supporters and friends of my competitor. They swear that this election was honestly, fairly, and legally conducted; that there was no fraud; that at the close of the polls at sunset they, in accordance with law, proceeded to count the votes thus legally and lawfully cast during the day; that they strung the ballots on a string; that they entered the result on the poll-books, so far complying with the terms of the law. What did they do then? They looked around for something to seal up the returns with, and they testified—and their statements are unquestionable—that the only reason why they did not put them under seal was that they could find nothing to seal them with; they had no sealing-wax. It was three miles to the nearest store and six hundred yards or more to the nearest house. The testimony shows that they tried to find something with which to seal up the returns; they applied to the occupant of the nearest house, but were unable to find anything suitable. In one precinct they put the returns in a tin box and locked it and in the other precinct in a paper bag and sewed it up. The returns were taken charge of by the democratic judges, were delivered into the custody of the democratic clerk of the county, and counted without question by the democratic commissioners of the county.

Now my competitor asks that the House shall refuse to count the votes so cast and returned simply because these judges failed to put sealing-wax on the outside.

I desire, now, Mr. Speaker, to call the attention of the House to a few cases in Virginia where questions like this arising under the laws of Virginia have been settled. I will first call the attention of the House—and I beg them to give their attention to it because it is a case where a question of this kind was adjudicated within the last few months by the senate of Virginia—and let them see what the democratic senate of Virginia considers to be a mandatory and directory law, and if an omission of this kind may be allowed to vitiate an election.

I hold in my hand a report of the majority of the committee of elections in the Virginia senate, which was adopted by the senate in the case of Knight *vs.* Johnson. By reference to page 17 of that report there will be found the following:

> Let it be conceded that the officers of elections did commit a fraud, and we come then to the second principle propounded, that still, if there remains any means of ascertaining the result, it should be respected and upheld.

They go further than the majority of the Committee of Elections of this House; they go further than Mr. MCCRARY in the American Law of Elections. They hold that not only where there is an omission to do some act prescribed by law, but even in case of actual fraud by the judges of elections, if there remains any means of ascertaining the correct vote cast, that vote shall not be rejected, but the result when found shall be accepted. And they cite several authorities to prove the correctness of their decision, in part as follows:

> In the case of The People *vs.* Bates, reported in 11 Michigan Reports, page 364, the supreme court of that State said:
> "The elector is not to be deprived of his vote, either by the mistake or fraud of the inspector in depositing it in the wrong box, if the intention of the voter can be ascertained with reasonable certainty."

That is a principle well understood and always heretofore acted upon by this House of Representatives. I venture to say here, and I challenge any gentleman in this House to show any authority against the assertion, that not one single precedent can be found in the history of the American Congress, from the first Congress that ever assembled down to the present time, where the House ever consented to reject votes under these circumstances. On the contrary, there is running through the history of contested elections before Congress one unbroken line of precedents against any such deprivation of the people of an election district of the right to vote. The committee of the Virginia senate cite the following case:

> In the contested-election case of 1868, before the supreme court of Pennsylvania, (see 65 Pennsylvania State Reports, page, 44,) Chief Justice Thompson delivered a minority opinion, in which he used language which was afterward, in Chadwick *vs.* Melvin, 68 Pennsylvania Reports, adopted unanimously by that tribunal as a correct principle of law. He said:
> "There is nothing which will justify the striking out of an entire division but an inability to decipher the returns or a showing that not a single legal vote was polled or that no election was legally held."
> These are principles fixing clear and wholesome rules of law for judicial guidance, and we know of no case which repudiates them as unsound. The contestant laid great stress upon the case of Littlefield *vs.* Green, Brightly's cases, 493. It will be seen that the facts there uttered obscured every conjecture, even as to the result; but that the court, so far from disputing, expressly approved the principle which the committee has adopted.
> There the judges of election certified that at Virginia precinct, Cass County, 2,829 votes were cast in favor of removing the county seat from Beardstown to that place. The whole population of that precinct, of all sexes, ages, and conditions, did not exceed 1,800, and among them were but about 450 legal voters. There were thus about six votes in the box for each legal voter, and two, at least, for every inhabitant. Every vote was for the Virginia precinct as the county seat. Of course this stupendous fraud—too obvious to question—caused rejection of the return; and the case is cited as an authority for rejecting the return before us now. The principle upon which the court acted, so far from leading us to the conclusion invoked, expressly denies that in all cases of fraud the return must be thrown out; for it was said:
> "It is undoubtedly the rule that, if the canvassing court can separate the legal from the illegal votes and reject the illegal ones, they are bound to do so, and that mere irregularities in the manner of conducting an election or a fraud on the part of the officers will not vitiate, unless it be of so gross a character as to destroy all means of ascertaining the true result."
> And we may add here, as an indication that public policy enjoins the enforcement of these doctrines, that in some of the States the injustice of setting aside elections by the people because their official agents have been guilty of misconduct has led their Legislatures to declare (as in California and Indiana, for instance) that even where malconduct of the election officers is shown affirmatively, still the election shall be upheld, unless it be also shown that their malconduct affected the result.

That is the principle that the committee on elections of the Virginia senate advanced and which was adopted by the Virginia senate in construing Virginia laws. Yet we are asked by a citizen of Virginia to reject the vote and disfranchise the people of a county in our State because the judges of election failed, through their inability to do otherwise, to put sealing-wax on the outside of the returns when they were sent from the precinct to the court-house; that is the whole reason for asking for their rejection.

I wish now to call the attention of every member of this House who ever expects again to be a candidate before the people to the effect of such a decision as this if made here. No gentleman can say that he may not himself be placed in some future Congress in the position I am now occupying. If you had gone into the last Congress of the United States and tried to select among its members the man who had the least chance of appearing before this Congress as a contestant, I should have stood as good a chance to be so selected as any man in that Congress.

Any one of you may be found hereafter in the position I now occupy, and it becomes you all to judge this case as you would yourself be judged if placed where I am now. Suppose that Congress should make now the rule that the mere act of omission on the part of an officer or judge of election should vitiate the entire vote of the county or precinct; where is there one of you who in your district has not hostile election officers, more or less of them? Make a law and precedent that this thing asked to be done here now shall be done by Congress, and you make it a question not of how many votes you may receive in your district, but as to which party has the most election officers who will commit acts that they cannot be punished for, acts of omission or commission, which party can commit the most of these; and in that way you may destroy the entire majority in any congressional district in the United States and make the holding of an election a mere farce.

That is the reason why no precedent for any such decision can be found, because no Congress has ever assembled in the history of our country which was willing to stultify itself and endanger the entire liberties of the people by placing upon the statute-book a precedent of that kind.

I desire to quote one other Virginia case, and ask the attention of the House to it. I hold in my hand an opinion delivered by the gentleman who now represents the sixth congressional district of Virginia on this floor, and who I understand is to speak in this case. I hold in my hand an opinion given by Mr. TUCKER, of Virginia, when he was attorney-general of that State, in relation to the election case of Fulkerson *vs.* Stras.

The circumstances of that case were these: The two persons named were candidates for the office of judge in a judicial district composed of several counties. The law of Virginia requires that the sheriffs of the counties, after the votes have been cast, shall assemble together, count the returns, and declare who has been elected. The sheriffs in that judicial district occupy the same position that the State board of Virginia occupied in this case toward the congressional district.

Mr. TUCKER. Do I understand the gentleman to say that the sheriff occupied the same relations as the State board?

Mr. PLATT, of Virginia, (the contestant.) I say that the sheriffs are the returning officers in that case and the returns are submitted to the sheriffs sitting as a board of elections. Am I not correct in that statement?

Mr. TUCKER. I will answer the gentleman in due time; I only wanted to hear what his point was.

Mr. PLATT, of Virginia, (the contestant.) I would simply say that the returns from one precinct in this judicial district failed to be signed I think by one of the officers. Upon this point the opinion states:

> The objection to the poll at one of the precincts is that it is not certified by the conductor, though it is by the commissioners; and to those at the others, that they are neither certified by conductors or commissioners. Upon inspecting the poll-books for these precincts I find that there were conductors and commissioners sworn for each precinct, according to law; that the polls are taken in the usual form, under a suitable caption; and that the clerk has sworn (as appears of record) that the polls were fairly and properly taken according to the lists made out.
> It is true that the law requires the conductors and commissioners to certify the correctness of the poll. This must be, as it has ever been, construed as directory, but not essential to the validity of the poll. It was never designed to defeat the popular will by a deficiency in formalities, which the law only prescribed to secure its full and free expression; and however important these may be, it would be monstrous to set aside the voice of the people because a public officer failed to do his duty. This would be to put the form before the substance, to prefer the shadow to the reality.

In concluding the opinion the following language is used:

> I believe the views I have expressed will be found best to preserve inviolate the provisions of the Constitution, the substantial requirements of which should never be made to yield to forms devised by the law as means to the attainment of constitutional ends. To surrender in this case any of these requirements to the forms prescribed by law would defeat the popular will, to which the Constitution gives the supremacy.

I also call attention to the indorsement given to this opinion by the then governor of Virginia, Henry A. Wise, who says:

No mere failure of ministerial and executive officers to do their duty can either vitiate or nullify the votes of the people to elect a judge or other officer if they, being legal voters, did in fact, at the time and places and in the manner prescribed by law, declare their votes. To have their votes returned and counted is as much a right and as sacred as the right to vote according to law. Of neither right can any power in Virginia depriye them by acts of either commission or omission; and neither depends on the acts of ministerial or executive officers. That the legal voters at the precincts of Lee County, the polls of which have been rejected by four of the sheriffs, did so declare their voices, I am satisfied from the returns and certificates which have been made. The votes were legally taken of legal voters, but the polls merely were not properly certified. The officers, conductors, and commissioners at some of the precincts have incurred penalties, but the legal voters are not thereby to lose their votes actually polled.

Mr. TUCKER. That opinion was in the case of Stras.

Mr. PLATT, of Virginia, (the contestant.) Does the gentleman now repudiate that opinion?

Mr. TUCKER. No, sir; I do not. This House will sanction the proposition that I do not go back on my opinions when gentlemen cite them, and no gentleman gains much advantage by undertaking to cite them against me.

Mr. PLATT, of Virginia, (the contestant.) I am very glad that the gentleman does not go back on his opinions. I do not want him to go back on this opinion, and rejoice that he holds the sentiments he then expressed to be good law now.

Now, Mr. Speaker, one word in regard to the illegal votes cast. It is alleged by the minority of the committee and by Mr. Goode that 90 illegal votes were cast in that district. What were those illegal votes? I desire to have the House clearly understand what they were and how they came to be illegal. They were not the votes of men who are not legal voters; they were not cast by men who did not possess all the attributes of a legal voter in respect to residence in the townships where they were required to vote. These votes were cast by men who, by reason of the fault of the registration officers—every one of whom was a friend of my competitor—had been permitted to register after the time prescribed by law. The law of Virginia requires that the registration shall close ten days before the election. These illegal votes are, I believe, in nearly every instance—there may be one or two exceptions—the votes of men whose names were put upon the registration-list by the registration officers within the ten days next preceding the election.

My competitor charges these illegal votes against me; and according to the common law, (and I suppose no gentleman in this House will dispute it,) it was his business, as he has charged these illegal votes, to prove them and to prove for whom the votes were cast. Now, it is said in the minority report, and the gentleman from Kentucky repeated it in his speech yesterday, that my competitor had no time and no opportunity to prove these illegal votes, because they were not discovered until the eighty days had elapsed in which he could take testimony.

Now I hold in my hand the record of the time of taking testimony in this case, and it answers beyond the possibility of doubt the statement made by the gentleman in that respect. Mr. Goode commenced taking testimony as early as March 4. On the 4th of March he took testimony in York County; on the 30th, in Prince George County; on the 23d, in Surrey County; on April 8, in Sussex. His time for taking testimony did not expire until April 15. After taking testimony he had six full days, and in many of the cases more than twenty days, in which to prove how these illegal votes were cast and for whom. I had but ten days to rebut all the testimony he had taken in forty days; and as I charged no illegal votes my lawyers, men of eminence in their profession, (and I am sure their decisions will be concurred in by every lawyer in the House,) decided that they had no right to go into that question; that the question of illegal votes must be handled by my opponent, and it was his duty, having charged them upon me, to prove that they were cast and for whom they were cast. Consequently I did nothing about it.

[Here the hammer fell.]

Mr. PLATT, of Virginia, (the contestant.) I ask for five minutes for a statement in regard to a personal matter.

The SPEAKER *pro tempore*, (Mr. BANNING in the chair.) The gentleman's time will be extended for five minutes, if there be no objection.

There was no objection.

Mr. PLATT, of Virginia, (the contestant.) I desire to make a statement of the Yorktown affair, in regard to which my competitor charged me with having gone there personally and taken a large number of men to create a riot. I wish to make a truthful statement of that occurrence, and all I shall say is fully proven by the testimony. In that county there was a colored man named Norton, who, on the 4th of July announced himself as an independent candidate, and at a small meeting of a society called the Lone Star introduced a resolution giving him the indorsement of that meeting as a candidate for Congress; the Norton family, of which he is a member, having made a profession of running as independent candidates ever since reconstruction, and the brother of this man, Robert Norton, having three times run as an independent candidate before the last campaign.

Now, sir, that man only remained in the field, and felt himself compelled to so remain, from the fact that money was furnished to keep him in the field. Who furnished that money? I do not charge my competitor with having any personal knowledge of it, or with having done it himself; but he will not deny the fact that William F. Allen, superintendent of elections in Norfolk, paid $950 in cash and a barrel of whisky, which was received at a cash value of $50; that Mr. Chaplin, the partner of my competitor, sent this same man a check for $100; and that a committee of five Norton men, so called, in the city of Norfolk were paid four or five hundred dollars by the authority of this conservative organization for the purpose of keeping Norton in the field as the assistant conservative candidate.

When I went to Yorktown, on the 17th of September, I think it was, to speak, going peaceably with my friends to a stand prepared for me, and while I was speaking Norton marched up in front of the stand with more than one hundred followers and endeavored to prevent me going on with my speech. They had on that occasion a disturbance which the sheriff was unable to quell. We were not strong enough to meet it, and we had to divide the time in discussion in order to prevent being attacked and driven away. Subsequently, three or four days after, at Lackey's store, in the same county, this man, after receiving the money which was paid by my competitor's superintendent and partner, met us there and did succeed in driving us away from that place. At Warwick Court House, three weeks afterward, they were present in force with pistols, shaking them in our faces and telling us publicly if we should go to Yorktown to the meeting advertised four days before the election we would be driven out of town, over the bluffs, and into the river. And anonymous communications were sent to me before I went, saying that if I attempted to present myself in that county to speak I should only leave it as a corpse.

Under those circumstances, sir, about seventy-five of my friends accompanied me there from the city of Norfolk. We did go on the navy-yard tug. We paid for the time of the men on the tug and for the coal burned, or rather some of my friends did it. I had nothing to do with it. It was a tug frequently used for the purpose of excursions, and frequently loaned to the conservative party. It was loaned to a party of which my competitor formed one on a social occasion. It was used by both parties when occasion demanded on the same terms on which we obtained it on that occasion. It was a tug upon which two hundred men could not be crowded unless they were put on the top of the smoke-stack. We were met at Yorktown by three or four hundred of my friends and a procession was formed, and accompanied by a band we marched to a stand prepared for us. It was perhaps some six hundred yards from the stand where Mr. Goode was speaking. We could not go to our stand without passing by the place where Goode and Norton were speaking. The first attack made that day, as is proven beyond all possibility of doubt and beyond all controversy, was upon William E. Crockett, one of my friends, who was beaten so severely that he very nearly died from the effects of the wounds he then received. I assert that all we did on that occasion was to defend ourselves and maintain our right to speak there or anywhere else, and all the fighting which was done that day was done in the defense of the right of free speech and to preserve that right inviolate on that occasion.

I thank the House for its courtesy, and regret that the limited time at my disposal has required me to leave unnoticed so many points which I would otherwise have discussed, and I leave now the question as to who is entitled to the disputed seat from the second Virginia district to be decided by the House. If the decision shall be based upon law, fact, and evidence, I shall be awarded the seat of which I have so long been unjustly deprived, and justice, though tardy, will at last have been done.

NELSON TIFFANY.

Mr. HOAR. Mr. Speaker, I ask by unanimous consent that the bill (H. R. No. 1337) for the relief of Nelson Tiffany, vetoed by the President, which was made the special order for this morning after the reading of the Journal, but which had to give place to this contested-election case, may be set down for to-morrow morning after the reading of the Journal or at the close of this case.

Mr. BLAND. I object to everything which interferes with the morning hour.

Mr. HOAR. This will not take three minutes.

Mr. BLAND. I do not care if it takes but a minute. I call for the regular order of business. I want to have the morning hour.

Mr. HOAR. This will not interfere with the morning hour.

Mr. BLAND. Then let the gentleman set it after the morning hour.

Mr. HOAR. There may not be any morning hour, as was the case this morning.

Mr. BLAND. I cannot help it, I object to its interfering with the morning hour.

Mr. HOAR. I do not understand that it interferes with the morning hour. The gentleman will have the same right to have the morning hour as now.

The SPEAKER *pro tempore*, (Mr. BANNING in the chair.) The gentleman from Missouri objects.

Mr. BLAND. And I give notice that I will continue to object to everything out of order until I do get the morning hour.

Mr. HOAR. This bill relates to a charge upon the honor of a poor dying soldier who did good service to the country, and will not take five minutes.

Mr. BLAND. Let it be taken up after the morning hour. All I ask is that the morning hour shall not be interfered with. I object to this, and to everything else that interferes with the business of the morning hour.

Mr. HOAR. But supposing there does not happen to be a morning hour?

Mr. BLAND. I know the object has been to stave off the business of the morning hour.

The SPEAKER *pro tempore*. This discussion is all out of order.

Mr. HOAR. Then I ask that the matter may be set down for three o'clock to-morrow afternoon.

The SPEAKER *pro tempore*. Is there any objection to making it the special order for three o'clock to morrow afternoon?

Mr. BLAND. I object to fixing it at any hour until we have had the morning hour.

NAVAL INVESTIGATION.

Mr. WHITTHORNE. Yesterday the House made an order that the majority and minority reports of the Committee on Naval Affairs should be presented to-day for printing. I now ask by unanimous consent that we may present the reports of the majority and minority in order to comply with that order of the House.

The SPEAKER *pro tempore*. Is there objection?

Mr. HOAR. I object.

Mr. WHITTHORNE. The order to print was made yesterday, and the House also ordered that the report should be presented on this day. I only ask that the committee may comply with that order by presenting the two reports.

There was no objection, and the reports were received, laid on the table, and ordered to be printed.

NELSON TIFFANY.

Mr. HOAR. I now move by unanimous consent that the veto message in the case of Nelson Tiffany be set down for consideration to-morrow after the morning hour. I understand the gentleman from Missouri will not object to that.

Mr. RICE. I object.

Mr. HOAR. I hope not. This is a poor, dying soldier, who merely wants the record in his case corrected. It was reported, Mr. Speaker, originally from the committee of which you are chairman, the Committee on Military Affairs, and I hope the gentleman will not insist on his objection.

Mr. RICE. How long will it take?

Mr. HOAR. About five minutes.

Mr. RICE. I withdraw my objection.

The SPEAKER *pro tempore*. Is there objection to making the veto message in the case of Nelson Tiffany the special order for to-morrow, after the morning hour?

There was no objection, and it was ordered accordingly.

CONTESTED-ELECTION CASE OF PLATT VS. GOODE.

The House resumed the consideration of the report of the Committee of Elections on the election contest from the second congressional district of Virginia—Platt *vs.* Goode.

Mr. TUCKER. Mr. Speaker, I should do injustice to my own feelings if I did not take part in this discussion, although I have a deep personal interest in the result of this contest, a personal interest for a cherished friend, and a strong public interest for the freedom of elections in my native Commonwealth.

I shall address myself though, sir, to the discussion of this question with all the impartiality which I can bring to it, and I think if the House will give me its attention I will establish beyond all controversy that to exclude the sitting member from the seat which he now so honorably occupies and to admit the contestant to that seat would be to violate the privileges of this House and defeat the liberty of election in the country.

Mr. Speaker, freedom of choice expressed through legal forms constitutes a vote. I say, freedom of choice, free from any interest which seduces and free from any apprehension which deters from the elective duty. The legal forms are given to prevent illegal votes, and to secure to those legal votes which have been cast their full legal effect. It is therefore better to exclude a whole poll—and I beg attention here to this proposition—it is better to exclude a whole poll where the extent of the fraud cannot be measured than to admit a false one under any circumstances; better to reject all which is doubtful than to remove doubt, as the committee have done in this case, by guessing who is elected.

Now, this House has no voice in this election. A committee of this House, and the House itself, cannot cast one vote for Mr. Goode that was not cast for him at the polls, and cannot cast one vote for Mr. Platt which was not cast for him at the polls. Guessing is excluded.

A good deal has been said, and I shall dismiss it with a word, about the action of the returning board in this case. An assault was made by the gentleman from Kansas [Mr. BROWN] upon the members of the returning board. I quote in substance the words of a former statesman of my own State when I say that I leave the character of the members of that board at the head of whom stands the historical name of R. M. T. Hunter, *clarum et venerabile nomen*—I leave it to stand like the Rock of Gibraltar, unaffected in its grandeur, and almost untouched by the pocket-pistol of the gentleman from Kansas.

We have nothing to do with the action of the returning board; our functions are different. We can look further down into the facts than the returning board had any right to do, who were guided only by the *prima facie* case upon the abstracts of returns. We can get down—using the cant phrase of the day, which I could hope the reporter will not put into his notes—to the bottom facts of the case; and finding who is elected upon such examination, we can so declare contrary to the *prima facie* case, as it appears upon the mere abstracts to the returning board.

Now, Mr. Speaker, if the House will give me its attention for a moment I will state exactly how this controversy stands. Upon the official vote as returned Mr. Goode has 131 majority. Then the committee was unanimous (and we concede) that the Nansemond vote must be added, which makes 206 additional votes for Mr. Platt. Upon the proposition of giving him 12 votes in Norfolk, 7 of the committee say nay and 4 of the committee say yea; and I say nay with the 7. The result would be that Mr. Platt's majority upon that statement would be 75. He then claims and has allowed to him by 6 yeas to 5 nays on the committee the vote of the Bland and Rives Townships. This adds 425 to his vote, which makes his whole majority 500. Taking that as our starting-point, a majority of the committee, consisting of all the democrats on it, then find that this must be reduced by throwing out the navy-yard vote, which gave Mr. Platt 441 majority. Seven democrats to 4 republicans vote to throw out the navy-yard vote because it was obtained by fraud and intimidation; because the men who voted at those precincts voted as the serfs of the Government; because they were not the free electors of Virginia, but were the slaves of power. And seven democrats, to their honor be it said, against four republicans—I do not mean to their dishonor be it said—rejected the whole poll at the navy-yard as having been illegal, because fraudulent and obtained by intimidation. Now throw that out and you have a majority of 59 for Mr. Platt still.

Then by a vote of 7 yeas to 4 nays—the five of the settled minority joined with the two gentlemen, my friend from Massachusetts [Mr. THOMPSON] and my friend from Tennessee [Mr. HOUSE]—vote that 35 more of a lot of illegal votes (from 92 to 100 in all) should be taken from Mr. Platt than are taken from Mr. Goode. And that would leave Mr. Platt with a majority of 24. Now the only questions that remain open are, with this result of a majority for Mr. Platt of 24, in the first place, whether the Rives and Bland townships were properly given to him. And that for the argument's sake I concede. Very well, then, there are two questions remaining. And I ask the House to give me their attention, for there will be a good deal of confusion as to the exact status of the case, unless this is clearly understood. One of the questions then is, what action is proper as to the illegal votes; 92, as stated by my friend, Mr. Goode, and 100, as stated by my friends the minority of the majority?

Has a proper disposition been made of these illegal votes? And lastly—and I beg the House to pay attention to this—has enough been allowed to Mr. Goode on account of frauds at Portsmouth in the navy-yard? There was no vote on that question in the committee.

If any one of these three questions were answered in the negative Mr. Goode has a majority. That is to say, if Rives and Bland townships were thrown out Mr. Goode would have a majority. If the proportion of illegal votes which Mr. Goode contends for is allowed by this House, Mr. Goode would be elected. And if what I claim in regard to the navy-yard vote be adopted he would be elected by a large majority, or at least by a considerable majority.

Now, I dismiss the question as to Bland and Rives Townships, because I do not think it necessary to make any statement of a legal proposition in reference to that, when we are willing to yield all claim as to them. But in reference to the 92 illegal votes, without going into a discussion at all of the Virginia statute upon that subject, I may say, upon such authority as my opinion would have in this House, that, having examined the election laws of Virginia, I am clearly of the opinion that the majority of the committee, that is to say, my friend from Massachusetts [Mr. THOMPSON] and my friend from Tennessee, [Mr. HOUSE,] uniting with the five democrats constituting the minority, are right in saying that no registration is lawful on the day of election, where the party comes from another county; and that the rejection of those votes on the ground of illegal registration was right. There is a difference between the republican members of the committee and the democratic members of the committee on that point. But I agree with the democratic majority of the committee as to the effect of our law upon that subject. Then, if you take the 100 votes as illegal which Mr. THOMPSON and Mr. HOUSE claim, or take the 92 as my friend Mr. Goode claims, the question is, how those illegal votes which are found in the ballot-box, without its being known for which candidate they were cast, are to be disposed of. And I would say that at these several precincts the evidence shows, in the aggregate, that Mr. Platt gets a majority of some four hundred to six hundred. I beg the House to note that Mr. Platt, at these precincts where illegal votes were cast, gets a majority of four or five or six hundred. What, then, is to be done with these illegal votes when you do not know for whom they were cast? Are they to be taken off the poll of Mr. Platt exclusively or off the poll of Mr. Goode? Or, if they are to be taken off the poll of both, how are they to be taken off? Upon what rule and in what proportion?

Mr. McCRARY, in his valuable work on the American Law of Elections, page 225, says, in respect to such cases:

Let it be understood that we are here referring to a case where it is found to be impossible, by the use of due diligence, to show for whom the illegal votes were cast. If in any given case it be shown that the proof was within the reach of the party whose duty it was to produce it and that he neglected to produce it, then he may well be held answerable for his neglect; and, because it was his duty to show for whom the illegal votes were cast and because he might, by the use of reasonable diligence, have made this showing, it may very properly be said that he should himself suffer the loss occasioned by deducting them from his own vote.

Let me apply this rule in this case. Under the law the contestant has forty days to take his testimony; then the contestee has forty days to take his testimony; and after that the contestant has ten days in which to take rebutting testimony. When, therefore, the contestee developed, in taking his testimony, the fact that 92 illegal votes had been cast at polls where Mr. Platt got 500 majority, it was incumbent on Mr. Platt to show that his majority was not made up of these illegal votes. He comes forward and says, "Count my 500 majority." This House asks, "Why count you 500 majority? Did you get them?" He replies, "Well, I do not know whether I did get exactly that majority or not." Then we say, "Why shall we count them for you?" And he replies, "It is true there were 92 illegal votes cast, but I do not know whether they were on my poll or on Mr. Goode's." We answer, "You want your 500 majority counted You cannot count it unless you prove that your 500 majority was *not* made up of any of the 92 illegal votes cast at the polls where you claim 500 majority." Now, you had ten days to prove that these 92 votes were not part of the majority you claim and you have not done it The presumption of law is that the reason you did not do what you had a full right and opportunity to do was because you could not do it if you tried. Whenever the law puts an *onus* on a man and he declines to meet it, it is the presumption of law that he does not meet it because he cannot; and the presumption becomes conclusive in this case, as the contestant has not proven that the 92 votes did *not* go to constitute a part of his 500 majority; that they did form a part of that majority, and ought to be deducted from his vote, and so decrease his majority to that extent. Now strike the 92 votes off of his poll, except 35 votes which have already been stricken off in the calculation already made, and you will find that Mr. Goode has been elected by 33 majority; so that, if the rule which Mr. McCrary says is the proper rule is acted on and applied, Mr. Goode was elected. And I therefore call upon democrats and I call upon republicans who are honest-minded, I call upon honest men on both sides, to retain the sitting member in his seat and to tell Mr. Platt that he takes nothing by his motion for contest.

Now, Mr. Speaker, there is another way in which this matter has been attempted to be settled by the committee; and I beg my honorable friend from Massachusetts [Mr. THOMPSON] and my honorable friend from Tennessee [Mr. HOUSE] to believe me when I say with all sincerity that no man has a higher respect than I have for the honesty and integrity with which they have come to their judgment. I criticise their conclusion, but I do not censure their action or question their motives. The way in which my friends, two members of the committee, fixed the matter is this: they propose to take those 100 votes and divide them between the two candidates in the proportion of legal votes that each received at the precincts where the illegal votes were cast. Now, Mr. Speaker, I say—and herein is the pertinency of my opening remarks—I say that this is merely guessing at the vote. It is an arbitrary rule; it is a rule that has no foundation in reason; it is a rule that may be in opposition to the fact; it is a rule that may make the committee and this House elect a man that the people never elected, and the Constitution of our country declares that the House of Representatives shall be composed of members chosen every two years by the *people* of the States. I claim that the voice of the people of Virginia shall be heard here, and not the voice of this committee. What right has this House to assign to Mr. Goode 29 of these illegal votes which will give him 16 colored voters and while only 64 colored voters are assigned to Mr. Platt? That is to say that Mr. Platt only got three to one of the colored vote! If that had been the way all through the district, Mr. Platt would not have been here to contest; he would have been nowhere in the race, and he knows it better than I do.

Now, if you look at the examination of the witnesses in this case you will find that the counsel of Mr. Platt themselves asked questions again and again upon the postulate, and the witnesses again and again answered, to the effect that the whole mass of the colored vote in that district was cast for Mr. Platt. That was the ground on which Mr. Platt said that Norton must get off the track in order not to divide the negro vote. There is the color line! When Mr. Goode met Mr. Platt at Yorktown the proposition was made for a joint discussion, such as generally takes place in old Virginia between candidates. Mr. Goode said, "I will divide the time with Mr. Platt and Mr. Norton." Mr. Platt said, "I will not speak with Norton." The native-born Virginian did not object to speak with a competitor who was a colored man, but the carpet-bagger from Vermont was too proud to do it. [Laughter and applause.]

Now, Mr. Speaker, this mode of dividing these illegal votes is not only not founded in reason, but it is contrary to the facts of the case upon all the evidence. The only rational mode upon which this problem can be solved, (except taking the whole from the majority for the contestant, as I have already argued,) is upon the color line. If you wish to get at the probable mode in which these votes were cast, you can do so by giving the colored part of these illegal votes to Mr. Platt and the white part of these votes to Mr. Goode. On this plan you cannot be very far out of the way. Taking, then, from Mr. Platt 78 or 79 of these votes and from Mr. Goode 13 or 14 votes, according to the color line, and giving up everything else in the case except the Norfolk precincts, and Mr. Goode was elected by 6 or 7 votes; and we claim confidently that he shall hold the seat to which he was thus elected.

Now, these are matters which will probably be discussed by other gentlemen. I come now to a point to which I desire to call especial attention—the navy-yard vote. Upon this point I have the report of seven members of the Committee of Elections against four, that the evidence in this case establishes the fact that the vote at the navy-yard as a totality was so infected with the virus of fraud and intimidation by governmental officials, directed through the person of Mr. Platt, the republican candidate for election to Congress, that the entire navy-yard vote should be and must be rejected.

But if there were no report or even a unanimous adverse report from the committee, I would call upon this House to reject this navy-yard vote cast for Mr. Platt, and thus effectually condemn the mode in which it was obtained.

The fact is, these navy-yards in the different States seem to be fruitful sources of corruption, and have become the means of alarming interference in the freedom of elections to this House as well as to other offices, State and Federal. The late election case of Abbott *vs.* Frost was decided upon the fraudulent character of the vote at one of these yards.

I quote a letter showing this, which I find in the report of the Committee on Naval Affairs:

[Private.]

BOSTON, MASSACHUSETTS, *October* 23, 1874.

MY DEAR COMMODORE: I wish you would approve requisitions for men to be employed, as they may be made until the 1st of November.

Some fifty additional has allowed from the Chelsea district, and I suppose some more will be required from Gooch's district.

The Administration desire the success of Gooch and Frost.

Yours, respectfully,

J. HANSCOM.

Commodore E. T. NICHOLS, *Commandant.*

Here is an evident direction by the Administration officials of the affairs at the Massachusetts navy-yard in the interests of Administration candidates for seats in this House; thus unconstitutionally using executive patronage and the money of the Government to determine or influence the independence of the people in their choice of representatives to seats upon this floor.

It is true we have no such letter as to the desire of the Administration in reference to Mr. Platt; but I will show to the House the influence used and the efforts made on the part of the Administration for his election. I will go a little further back than the acts done at the navy-yard, for the purpose of showing the mode in which this matter has been operated. Four days before the election, what I believe the contestant calls "a pleasure excursion," in a Government boat, was taken by himself and others to Yorktown. Now I say to this House that the evidence in this case shows that the Miles Standish, a Government vessel, James H. Platt, jr., captain commanding, left the navy-yard at the ports of Norfolk and Portsmouth on the 30th of October, 1874, having on board a cannon cast in the navy-yard, (I suppose at Government expense,) for a pleasure excursion, having on board his white guards and his black guards, (and a great many of them were blackguards, I have no doubt,) variously estimated from two hundred and fifty to three hundred or four hundred—I say this party, under Mr. Platt, embarked from the port of Norfolk and went to Yorktown on that day, which was four days before the election.

The air was filled with the cheering and the hootings and the cries of those who were on the boat. The cannon boomed as the boat neared Yorktown, heralding the approach of the gallant commander with the Government squadron. Now what was the purpose of the expedition? "A pleasurable picnic," says the contestant. What was the purpose of that expedition? To stifle negro suffrage; to prevent a negro candidate running for Congress; in the language of one of these white guards, "To kill every damned nigger who would not vote for Platt;" to drag Norton and other speakers on Norton's side from the stand where they were addressing the free people of the country; to shoot fleeing negroes and unarmed men, twenty-five or thirty of whom on that day were shot; or to beat them with billets that were manufactured in the navy-yard for the purpose. All this by a Government vessel manned by boys dressed in navy-blue, (that is the testimony,) to make war upon "the wards of the nation."

Mr. GARFIELD. To whom does the gentleman allude as "the wards of the nation?"

Mr. TUCKER. You all have always said that the colored people were the "wards of the nation."

Mr. GARFIELD. O, no; they are citizens, not wards.

Mr. TUCKER. Very well; then to make war upon the citizens of the United States. [Laughter.] "I thank thee, Jew, for teaching me that word." [Continued laughter.] The gentleman cannot *ward* off the blow by showing that he and his associates are no longer fit guardians of the colored race. [Applause and laughter.]

The sword of the Government was drawn to put down a negro candidate for Congress and to force negroes to vote for the white man

Platt rather than for the negro Norton, and by terror to drive the negro candidate from the field and to frighten ignorant negroes from the polls. That was the purpose of the expedition. It was intended to demonstrate—I beg gentlemen to listen to this—it was intended to demonstrate, by the exhibition of governmental power at the navy-yard, that the autocrat of the quarter-deck of the Miles Standish was cock of the walk in the Gosport navy-yard; and that whatever he said was not only the law but would be backed by the naval power of the Government.

Now, if you will read the evidence of what occurred at Yorktown on that occasion it will make your blood boil. I commend it to the eloquent gentleman whose indignation was so extraordinarily excited by the affair at Hamburgh the other day. And allow me to remark that I have no hesitation in saying that I not only deplore that affair, but I unite with every right-minded man North and South in condemning every guilty man, whether white or black, who was engaged in it.

I notice that whenever there is a difficulty between white men who may be democrats and the negro people at the South, gentlemen on the other side of this Hall generally take the side of the negro. But I find that in this case where Mr. Platt, the contestant, was making war upon the negro race, the republican members of the committee address themselves to it in the following form of words; and if you never heard the cooing of a sucking dove, now hearken:

> We do not believe the evidence will warrant the rejection of the whole returns from this county. A disgraceful riot between the friends of Mr. Platt and those of Mr. Norton—

Let me say that the evidence in this case excludes the idea that either my friend, Mr. Goode, or any friend of his took any part in that transaction except to quell the riot and defend the negroes from the arms of their white assailants—

> A disgraceful riot between the friends of Mr. Platt and Mr. Norton, an independent candidate, the paying of money to Norton by friends of Mr. Goode for the purpose of keeping Mr. Norton in the field as a candidate, and so dividing the negro vote—

Ah! then you worked with the expectation and purpose that all the negro vote should go for Mr. Platt, did you?—

> while they show a bad state of affairs and the depth of the conspiracy to defeat Mr. Platt, no matter by what means, yet they fail to show such intimidation or bribery as would warrant the rejection of the vote of the county.

This reminds me of an old story which, if the House will permit, I will repeat. An old Commonwealth's attorney who had been fifty years in harness had his indictment on one occasion called in question by a young man who had just come to the bar. The old gentleman became very vehement in his indignation and broke out into some profane and objurgatory expressions upon the young man, upon which the young man asked for the protection of the court. The court went into consultation, and after some time an old German who was the presiding magistrate thus pronounced the judgment of the court to the young attorney: "Mr. Smith, the court is of opinion and does decide that if you make Mr. Brown mad again and swear, they will send *you* to jail." [Laughter.]

Now, Mr. Speaker, can there be any solution of the mode in which the majority of the committee treat this matter except that no party is competent to reform its own abuses. "Can the Ethiopian change his skin or the leopard his spots?" The screen of partisan favoritism will be thrown over the abuses and corruptions of party to hide them from the view of an offended and indignant people.

The other day when the Hamburgh massacre was under discussion and when a proviso was offered to the effect that no troops should be taken from South Carolina, where negroes were being attacked by white men, it would have been well to have proposed an additional proviso, that all Government troops and vessels should be taken away from Norfolk and Gosport in order that the negro voter may be protected in the free and uncontrolled exercise of his electoral franchise.

I have shown how these people were frightened by the sword of the Government. I will now show how they were bribed by the purse of the Government at that navy-yard.

Read the deposition of that old man, Mr. Tymes:

> Question 2. Please state whether at any time previous to the last congressional election in this district, or since that time, you have made application to any official in the navy-yard for employment there; if so, when and to whom was the application made, and state all that occurred.—A. About last August I went and asked the commodore, Stevens, for the watchman's situation in the navy-yard; his reply was to go to some of the politicians. I told him I came to headquarters; he observed to me that he couldn't and he would not interfere with the committee.
>
> (Objected by contestant's counsel as hearsay.)
>
> Q. 3. Did you have any conversation with Mr. John Mylan, a foreman in the navy-yard, about employment there? If so, state when and what it was.
>
> (Objection repeated.)
>
> A. About a fortnight before the election, I went to Mr. Mylan and asked him could I get work in his department; he asked me who was I going to vote for; I told him my friend, Mr. Goode; his reply was, he had no use for me; I told him that I had "no more use for him than hell had for a stove."
>
> Q. 4. Did you succeed in getting employment in the yard?—A. I did not, sir.
>
> Q. 5. Did you ever have any conversation with Hon. James H. Platt, jr., about procuring employment in the navy-yard? If so, state when it was, and where it occurred, and all that occurred.
>
> A. A few days after the election I went over to Norfolk and saw Mr. Platt at the custom-house; I asked him for the watchman's situation in the custom-house; he asked me who I voted for; I told him John Goode; he told me that was what they were trying to do; my remark was, what? he said to find out those that voted against me; I asked him what would be the result; his reply to me, that those who voted against me (Platt) should not work in that yard, and that was all.

I read from the deposition of George W. Glover:

> Q. 6. Have you heard during the congressional campaign or at any time the bossmen or other officials in the navy-yard say anything about cleaning out all the employés in the yard who did not vote the republican ticket or anything of that sort?
>
> A. It was the common talk among the bosses that such should be the case if they could be pointed out.
>
> * * * * * * *
>
> Q. 16. How were the men generally employed in the navy-yard; were they employed by the officials there upon their knowledge of the qualifications and mechanical skill of the men, or upon the recommendation of the republican executive committee or some members thereof?
>
> A. As a general thing they were employed by the committee as a whole or the chairman thereof.
>
> Q. 17. Was it or not generally understood, so far as you know, among the men employed in the yard that if they failed to vote for Mr. Platt they would incur the disfavor of those who controlled the employment of men in the navy-yard?
>
> A. That was the impression made upon their minds.

I now read from the deposition of William J. Richardson:

> Question 2. Were you employed in the navy-yard during the last congressional campaign, and on the day of election, November 3, 1874?
>
> Answer. I was.
>
> Q. 3. Was any assessment pecuniarily made upon you during the congressional campaign as an employé in the navy-yard for election purposes? If so, please state by whom it was made, how much money you paid for that purpose, and to whom you paid it.
>
> A. Previous to the election I was called upon by Mr. Richard Meades, quartermaan of shipwrights, who handed me a paper. I opened the paper and found that it was an assessment made upon the employés working in the navy-yard, requiring foremen to pay $10; each first-class shipwright, $3.26; second-class, $3; water-boy, $1.02. I folded the paper and handed it back to Mr. Meades; went to the pay office, drew my money, and said no more about it to him. One week afterward he approached me, and asked me if I intended to pay the assessment required of me. I told him that I disapproved very much of doing it. He said, "I would like to give you some advice." He advised me to pay the assessment, as he thought that I would be benefited by it. I told him that if it would benefit me any I would pay the amount. He said he had the authority to say that any one who refused to pay the assessment there would be a cross-mark put opposite his name and returned to the executive committee. I called on Mr. Meades the same day after this conversation and paid to him $3.25.
>
> Q. 4. Did you pay that money willingly or not?
>
> A. I did not.
>
> Q. 5. What, then, induced you to pay it?
>
> A. The fear of being discharged.
>
> Q. 6. Are you employed in the navy-yard now?
>
> A. I am not.
>
> Q. 7. Please state when you were discharged.
>
> A. I think about the last of November, 1874.
>
> Q. 8. Have you made any application since that time for employment in the navy-yard; if so, please state to whom the application was made, and all that occurred at that time?
>
> A. About the middle of December there were thirty shipwrights required to be taken in construction. I found that my name was not on the list. Next day I made an application to Mr. William F. Smith, foreman of shipwrights, for employment; he told me that the men who had been taken in the day before were not his choice, and that if he did not obey his instructions after they came to him with a recommendation that "off would come his head." He said that he would do all he could for me.
>
> Q. 9. What recommendation did you understand him as referring to?
>
> A. He did not say; but I supposed that he meant you must come recommended from the republican executive committee.
>
> Q. 10. Why did you suppose he meant the republican executive committee; was it customary to procure that before a person could get employment in the navy-yard?
>
> A. As a general thing, I think it was.
>
> Cross-examined by JOHN LYON:
>
> Q. 1. How long had you been employed in the navy-yard before the day of election?
>
> A. About five months.
>
> Q. 2. Who employed you then?
>
> A. Mr. William F. Smith, foreman of shipwrights, I suppose.
>
> Q. 3. To what political party did you and do you belong; republican or conservative?
>
> A. I don't propose to answer that question. I'll answer it now. My principles have always been conservative.
>
> Q. 4. How has your action been conservative and republican?
>
> A. My actions have been such it would be hard for any one to tell.
>
> Q. 5. Was it not your general reputation in Portsmouth and the navy-yard, among your friends and acquaintances, that you belonged to the republican party and cooperated politically with that party?
>
> A. I don't know that it was; I never conversed with any one on the subject whatever.
>
> Q. 6. Not with Mr. William F. Smith?
>
> A. No, sir.
>
> Q. 7. Did you ever make any application to the republican executive committee, or to any member of it, for recommendation for employment in the navy-yard?
>
> A. I did not.
>
> Q. 8. Then you were employed in the navy-yard without reference to your politics, were you not?
>
> A. I don't know whether I was or not.
>
> Q. 9. How many men were discharged from the navy-yard at or about the same time you were?
>
> A. To the best of my knowledge, about four hundred.

Here is a refusal to employ except through the politicians, a refusal to employ because of political opinion, and the indignation of Mr. Platt against a voter for Mr. Goode, and a refusal to employ him on that account after the election. I refer you now to page 266, which shows that before the election (no matter whether there was a contract express or implied, the ground on which Mr. Platt puts it) there was an out-giving which no man could misinterpret or misunderstand, which assured every man that the way to Government favor was to vote for Mr. Platt and the way to Government disfavor was to vote for Mr. Goode.

That is to say, the way to get employment at the navy-yard was through the chairman of a partisan committee and the way to get out of employment was to vote for Mr. Goode; and that hundreds were employed during the canvass in order to have votes controllable

by Government patronage for party uses, to be discharged from work for the Government as soon as their uses for the party triumph had ceased.

Then take the case of that old man, Mr. Russ, seventy-one years old, who was made to swear himself clear of the imputation that he had voted anything but the republican ticket. This old man of threescore years and ten, whose very age was an eloquent appeal to the clemency or the justice of the Government, was called up by an official in the navy-yard to swear himself clear of an imputation that he had dared to vote the democratic ticket.

To show the mode in which this governmental influence was exerted upon the navy-yard voters on election-day, I now read the following evidence:

In Glover's testimony this appears:

Question 18. Did you attend the republican meeting in the fourth ward shortly before the election, at which instructions were given to the ticket-holder?

Answer. I attended a meeting at Temperance Hall, on County street, where the ticket-holders were instructed as to their duties.

Q. 19. Please state fully and in detail what instructions were given to the ticket-holders.

A. They were instructed to watch every man and see that he did not place his hand in his pocket before he gave to the judge of election the ballot received from the ticket-holder.

Q. 20. Were the ticket-holders instructed to see that the men voted the tickets which were given to them, or anything of that sort?

A. They were instructed to see, as far as possible, that they voted what they received from the ticket-holder.

Q. 21. Where did you vote on the day of election?

A. In the fourth ward.

Q. 22. Were you watched by anybody on that occasion to see how you voted?

A. I believe that I was, sir.

Q. 23. How far from the ballot-box did the ticket-holders stand, and in what position?

A. About nine or ten feet, facing the ballot-box.

Q. 24. Who were the republican ticket-holders in the fourth ward?

A. Barney Rutter and John Moody on the part of the whites. I don't know the colored man's name.

Q. 25. What position did Barney Rutter and John Moody hold in the navy-yard at that time?

A. Barney Rutter was a shipwright; Moody a blacksmith.

Q. 26. After giving the tickets to the navy-yard men as they came up, did they or not watch them until the tickets were placed in the hands of the judges?

A. I believe they endeavored to do so as far as they possibly could.

I now quote Broughton's testimony:

Question 2. Were you present at the fourth ward, in this city, on day of the election, November 3, 1874?

Answer. I was.

Q. 3. Did you witness any intimidation of voters at that precinct or did you see or hear anything from navy-yard officials calculated to influence the voters improperly in that election?

A. On the day of election, between six and seven a. m., I went over to the fourth ward. When I arrived there at the polls I saw the men strung out in a string, with Barney Rutter on one side of the door and a colored man, whose name I do not know, standing on the other side. All the men had to pass between the two before getting to the ballot-box. All of the republicans had to take their tickets from Barney Rutter; saw Dr. Kenny standing inside the polls, three or four feet from the box, with a newspaper in his hands tallying off the men as they voted, and all supposed republicans who refused to get a ticket from Rutter he put their names down on the inside margin of the paper. I remarked to M. J. Pyles, one of the republican vigilance committee, "This is a great job you fellows have got up." His reply was, "There are a great many talk about voting for Goode, and we intend to find them out and make them suffer for it." Then I left the polls in company with Mr. A. J. Hopkins. On the corner of Third and Lincoln streets we met several young men coming from Portsmouth. Mr. Hopkins invited all hands down to Gosport. Before going to Gosport went back to fourth-ward polls. One of the members of the crowd seeing Mr. Kenny with his paper in his hand tallying off the voters, snatched it out of his hand and tore it up; then we left there and went down to Gosport with Mr. Hopkins. On the way down Mr. Hopkins remarked, "I am sorry you tore that paper up; that if Mr. Goode was elected we intend to contest the election, and want that paper to swear to." I believe that is all I know.

Q. 4. How far was it from where Mr. Rutter stood to where Dr. Kenny stood?

A. About three feet.

Q. 5. Could Mr. Rutter observe the voter after getting the ticket until he got to the ballot-box?

A. He could; he was stationed about seven feet from the ballot-box and nothing between him and the ballot-box.

Q. 6. How far did Dr. Kenny stand from the ballot-box?

A. Dr. Kenny was about four and one-half feet from the ballot-box.

Q. 7. Was he watching, too, how the voters deposited their ballots?

A. He appeared to be paying all his attention to all the voters taking their tickets from Rutter.

Q. 8. Did all the voters whom you have described as strung out in a line get their tickets from Rutter and the colored man?

A. All that I see get them while I was there.

Q. 9. What position did Rutter and Kenny hold in the yard at that time?

A. Kenny held a clerk's place; Rutter a kind of leading man among the shipcarpenters.

I quote now from Cherry's deposition:

Question 5. Where did you vote on the day of election last fall?

Answer. Fourth ward, city of Portsmouth.

Q. 6. Did you witness any intimidation of voters there that day or see or hear anything from navy-yard officials calculated to influence the voting of the employés in the yard improperly? If so, please state all you know about it.

A. I live near the polls of the fourth ward and was at the polls. I was at the polls, I guess, about twenty minutes after the polls opened and staid until about twenty minutes of eight o'clock, time enough to get to the yard. I saw Mr. Barney Rutter—he is considered one of the leading men in the navy-yard—standing at the polls within six or eight feet of the ballot-box. He was the only one of the republican party at that time that had republican tickets. He would issue no tickets to any one unless they were in line going up to vote, and I heard him on several occasions tell the men not to put their hands in their pocket. I asked him why he done so. He told me he wanted to see how the men voted. I heard him refuse to give out tickets unless the men were in line.

Q. 7. Was he standing in a position so that he could see the voter from the time he received his ticket until it was deposited in the ballot-box?

A. He was.

Q. 8. Do you know whether any pecuniary assessment was made upon the men employed in the navy-yard for Mr. Platt's purposes in the campaign and whether it was generally paid or not?

A. I do, sir. Mr. Burroughs, a quarterman in whose gang I was working at the time, brought a circular down to us between twelve and one p. m., and made use of the remark, "I have got something here for you men to look at and see what you are going to do." He showed it to us. He was assessed $10. First-class mechanics were assessed $3.26; second-class, $3; or, according to whatever a man got, he had to pay a day's pay.

Q. 9. Did the men, as a general thing, pay this money willingly or not?

A. They did not.

Q. 10. What, then, induced them to pay it?

A. I judge from fear of being discharged.

Q. 11. Was it generally understood among them that if they did not pay it they would be discharged?

A. Yes, sir; that was the general impression. I judge by hearing men say that they would not give it; it was a damn shame; and afterward those same men paid it. I seen their names on the circular marked paid.

Q. 12. Did you pay the amount assessed upon you?

A. I did not. I told Mr. Burroughs the best place for that circular was to nail it up to the post; that I had to support my family.

Q. 13. Have you reason to believe that your failure to pay that assessment or to vote for Mr. Platt had anything to do with your discharge from the navy-yard?

A. That I wouldn't like to say. It was the general impression if they didn't pay the money and vote for Mr. Platt they would be discharged; but I couldn't say whether that was the cause of my discharge or not.

Q. 14. Have you ever heard men employed in the navy-yard say that they had to pay this money or vote the republican ticket to make bread for themselves and family, or anything of that sort?

A. I have; I have heard them speak it openly.

This is a part only of a volume of testimony of like character, with which the record is filled.

And yet the contestant, in the face of all this cloud of witnesses, has the audacity (I mean no disrespect to him) to ask here where is the evidence of corruption, intimidation, or fraud in respect to this navy-yard vote? Why, Mr. Speaker, the evidence shows that before the election, after the election, and during the election the virus of fraud and governmental intimidation so infected the whole election and the crowd of voters about the poll that every man of just perception, it seems to me, would say that no one of those navy-yard voters so seduced by the purse or deterred by the sword of the Government from expressing his will shall or ought to be counted for Mr. Platt.

Mr. Speaker, something has been said about this assessment. I do not mean to say that a *mere voluntary* payment by officials or employés in a navy-yard is to be treated as evidence of fraud and corruption; but I do mean to say that such payments under assessments by the Government officials are to be watched with great scrutiny, and that the voter is to be protected against even the appearance of intimidation or of fraudulent seduction from his duty; and that wherever it is found that any such influence has been used on a large scale, there is but one way in which a remedy can be applied, and that is to cut up the evil by the roots and to reject the vote of every man who voted for the Government candidate under such influences, no matter whether he would otherwise have voted for the Government candidate or not. Where the votes have been cast under these influences, the burden of proof is thrown upon the party who gets the vote to show that the man would have voted for the Government candidate irrespective of such influences before that vote can or should be counted; because when a man is acting under fraudulent impulses the law will impute the act to the fraudulent impulse rather than to any pure motive on the part of the voter. I say that is the law the world over. *Omnia præsumuntur contra spoliatorem.* And on like principles, every presumption is to be made against a man who seeks to be and has been elected by the destruction of the freedom of election and under the intimidation or by the purse power of the Government. The exclusion of all such votes is essential to preserve the purity of the election and its independence of the unlawful influence of power; and the candidate in whose poll such votes appear must clearly rebut the presumption by proving in each case that the vote was unaffected by the unlawful action of the Executive.

Now, Mr. Speaker, these assessments were put upon this ground: "You are one of us; you eat your bread from the Government table every day. If you expect it to continue you will have to turn in and help." The question is thus put to a man implicitly, by that kind of talk: "Are you with us or against us?" If the man says, "I will not contribute," then, as one of the witnesses said, "the bosses were required to ask the reason why." If the man said it was due to his political principles, he might be operated upon by removal. Is there any man so blind or any who will so shut his eyes to the truth that he will not see that this very operation is intended to test and does test the men of the navy-yard as to whether they are for or against the Government candidate? And when they develop they are against the Government, then they are removed. It was holding, as it were, the sword of Damocles over the head of the quivering pauper or employé, compelling him to say "I will vote for the man you indicate." Is there any man who can look at this evidence but will see the English of it? I care not for the gentleman's statement that there was no case of express contract to vote for Mr. Platt upon the consideration of being employed. I say no man can read this testimony without believing that the livelihood of the employé, of his wife and crying little ones, depended upon obeying the autocrat of the navy-yard by voting for his election.

The SPEAKER *pro tempore*. The gentleman's time has expired.

Mr. BRIGHT. I move the time of the gentleman from Virginia be extended.

Mr. TUCKER. I will be glad if the House will extend my time fifteen minutes so I may finish what I have to say on this question.

The SPEAKER *pro tempore*. Is there objection to extending the time of the gentleman from Virginia fifteen minutes.

Mr. BROWN, of Kansas. We do not object, if it is the understanding that the time on this side shall be extended fifteen minutes.

The SPEAKER *pro tempore*. Is there objection?

There was no objection, and it was ordered accordingly.

Mr. TUCKER. Mr. Speaker, I say, looking to the power of the sword as manifested at Yorktown and looking at the power of the purse as manifested before, during, and after the election, that the sword and the purse of the Government have so intimidated, overawed, and seduced the voters at that election that there was no free voice for Mr. Platt.

I see in the report of the republican members of the committee, in which no democrat concurs, a most remarkable comment on these extraordinary facts:

> We believe that the assessment of employés in the service of the Government is demoralizing and wrong, and ought to be made a criminal offense and severely punished. But it cannot in any way affect the result of the election, unless it is proved the money was used to corrupt voters and not in legitimate ways. Not a word of evidence appears in the record that the money so raised was corruptly used, and we can conceive of no ground on which to impeach the election that this money was collected.
>
> There were in the navy-yard a large number of hands, white and black. They were there under appointment from republican officials. The evidence shows a large force was employed during the fall months of 1874; but not so large as during the corresponding months of 1873. Work was plenty, and this naturally worked to the benefit of the party that had the work to give; but further than this the evidence is very barren that improper inducements or promises were held out. Preference was given by republican officials to republicans, but the evidence shows that some known conservatives were employed, and many voted for Mr. Goode and kept their places. Altogether the evidence shows that the navy-yard *was run just as much in the interest of* the party in power and no more than *all such institutions usually are*. There is no proof that a large number of men were put on to control the election, that conservatives were employed under promises to vote the republican ticket. There is no evidence that a single democrat voted for Mr. Platt on account of the employment he obtained in the navy-yard. The evidence in reference to *drilling, &c.*, shows *mere organization* on the part of the republicans; and the *intimidation* and *violence* used were by friends of Mr. Goode, who were endeavoring to break down the republican organization, drive *away its challengers*, and *a few conservatives* whole control.
>
> The case is not nearly as strong as that of Abbott *vs.* Frost, in that there was work to be done. The men employed were not put on within a few days of election, but the force gradually increased for months. Mr. Platt did not recommend the employment of men; the increase was not greater than in prior years. The evidence is paltry and barren in showing undue efforts on the part of Mr. Platt's friends.
>
> The evidence is vague and indefinite. No effort was made by the sitting member to particularize. He acted in reference to this matter as in reference to others, that where illegal votes are proved, be they few or many, the effect was to vitiate the whole election, and he endeavors, both in his proof and argument, to make us determine that some illegal votes were cast, so that we may exclude the returns of entire precincts. We believe that bribery can be committed in the employment of voters in a navy-yard, but the mere fact of employment alone does not prove bribery. If employment is given to make men vote *contrary to what they would do, it would be bribery*, but there must be proof, first, that men were employed in order to cause them to change their politics and, second, that they voted and voted in favor of the party giving the employment. The *presumption* is in *public service* that *republicans* employ *republicans*, that *democrats* employ *democrats*. The presumption is almost conclusive that men obtaining employment in places controlled by democrats are democrats and in places controlled by republicans are republicans, and the *employment* does *not change* their politics. If any presumption arises *when a man* obtains employment in a navy-yard, it is that he is a republican, and if that be so, the employment does not affect either his vote or the result. Here the employment is the whole evidence of bribery, and is extremely weak—only a link in the chain to prove the charge. Our duty is to act on evidence, not on surmises; to seek fixed data, not make wild guesses; *and hence we decline to throw out any portion of the navy-yard vote.*

Let me comment on some phrases in this curious apology and defense of the transactions in respect to this navy-yard vote.

The committee say:

> Altogether, the evidence shows that the navy-yard was run just as much in the interests of the party in power and no more than all such institutions usually are.

Now, I ask what right has the administration of this Government of a free people, the Government of the whole people irrespective of parties, to run the Government machinery and use the Government money to keep itself in power? The gentleman from Kansas [Mr. BROWN] has asked something of the code of morals by which my friend [Mr. Goode] is controlled. I ask, whence do they who sign their names to this report get their code of ethics when they excuse the republican party for running the machinery of Government, intrusted to them by the whole people for the common good in and for personal interests of the men and the party in power?

The committee speak with bated breath of the procedure before and at the election, thus:

> The evidence in reference to drilling, &c., shows mere organization on the part of the republicans.

As my Lord Coke would say, the "&c." in that passage is full of *implied* meaning, which the members of the committee will not express, yet cannot all conceal. It involves the understanding that all were to vote for Mr. Platt who were employés; that they were to go to the polls with tickets provided by their official masters; that they were to vote under the *surveillance* of watchmen; that none should put his hands into his pockets, but keep them unraised; that none should break his allegiance to his party without being marked and "spotted;" that free voters should be driven, like sheep to the shambles, as Government serfs to the polls, to vote not their own but the will of the Executive, and for his candidate.

Mr. Speaker, this is but another illustration of what I have said: that no party can cleanse itself from the corruption of a sixteen-year hold of power.

They say there was nothing to keep a man from going out, if he chose, of the republican party. Ah, sir, when a man contributed to its cause, when a man went into the navy-yard, there was written over the gate-way *vestigia nulla retrorsum*. It was the lion's den, and there was no step backward for his decoyed and overawed victims. Now, sir, I say those voters from the navy-yard, unawed by the sword and unseduced by the purse, who still voted for Mr. Goode, cannot, ought not to be stricken from his polls.

The man who would not take the bribe, the man who dared the sword and voted his sentiments, cannot have his vote stricken off because you strike off the man who was seduced by the purse or awed by the sword of the Government. And that is just what this committee has done. It is an oversight. Why, sir, look at the evidence of Crismond:

> Question 11. Did the voters employed at the navy-yard turn out and vote at that election as a general thing?
>
> Answer. I think they did.
>
> Q. 12. The returns show that James H. Platt, jr., received in the city of Portsmouth 1,042 votes. Allowing that the negro vote fell off 50 per cent. of their number according to your estimate, and that Mr. Platt received only 450 colored votes, and that he received only 25 white votes outside of the men employed in the navy-yard, making together 475 votes, the subtraction of this number from the whole number (1,042) cast for him, leaves 567 votes as a remainder of votes to be accounted for as cast by men employed in the navy-yard. Please state, according to the best of your knowledge, information, and belief, whether Mr. Platt received from men employed in the navy-yard more than 567 votes of white people?
>
> A. I don't think he did. I should judge that he received about that number in Portsmouth.
>
> Q. 13. The returns show that no candidates for Congress were voted for in Portsmouth except Mr. Platt and Mr. Goode. Allowing that 567 votes of white voters employed in the navy-yard were cast for Mr. Platt, at what number would you estimate the votes of white men employed in the navy-yard that were cast in Portsmouth for Mr. Goode?
>
> A. I think that Colonel Goode received *between* 150 *or* 200 *white votes of men* employed in the navy-yard in Portsmouth at the last election.

Here is a witness for Mr. Platt, who, in reply to a suggestive question from his counsel, declares there were 567 white votes cast for Mr. Platt in Portsmouth alone, not including the other precinct in Norfolk. The counsel and witness bring the number down as low as they can. These votes were cast under the malign influences I have referred to.

But some navy-yard votes, it is said, were cast for Mr. Goode. These votes are good. Undismayed by power and unseduced by money, they voted their free will, and must be sustained as legal, as voting freely, in spite of temptation.

But the 567 navy-yard votes in Portsmouth cast for Mr. Platt are bad, because cast under the illegal and oppressive influences I have spoken of. They are admitted to be bad by seven of the committee (all democrats) against four members, (all republicans,) for they reject the 441 majority for Mr. Platt, as a majority constituted of these navy-yard voters.

Now I ask any man—and this is the gist of the whole argument—if the 441 constituting that majority were illegal voters because of intimidation and fraud by Government officials, does not the same reason apply to the whole 567 who voted for Mr. Platt, or 126 votes more than the 441 declared illegal? If you strike off *only* the 441 majority that Mr. Platt got, then you do that by striking off 126 good votes cast for Mr. Goode to keep company with the 126 bad votes given to Mr. Platt. Shall the true voters for Goode be balanced by the false voters for Platt? I say, therefore, that the only way of settling it is this: Take Mr. Platt's poll and take from it every voter from the navy-yard who had in him the *virus* of governmental fraud and intimidation; reject that from his poll and leave Mr. Goode's poll unchallenged, unassailed, and undoubted as it is, to stand. The result in that case would be that Mr. Goode has a majority of 126 at that poll, instead of Mr. Platt having 441 majority. In other words, strike from the majority the republican members of the committee find for Mr. Platt, 512, or from that found by Messrs. THOMPSON and HOUSE, 500, the 567 bad votes from the navy-yard cast in Portsmouth alone, and Mr. Goode is elected by over 50 majority.

Now, Mr. Speaker, I ask gentlemen to look at it. If you will make that change upon the estimate of my friend Mr. THOMPSON, who strikes off only 441 votes for the navy-yard, and strike off 567, it will destroy the 50 majority that would elect Mr. Platt without the fraudulent 92 voters being brought into account; and if you give the fraudulent 92 voters to Mr. Goode and Mr. Platt in any proportion proposed by any of the committee it will elect Mr. Goode in spite of it all. And I say this, that you may decide every question in this case in favor of Mr. Platt, yet if you decide this one question in my favor Mr. Goode is elected.

But this is not all. It is safe to say Mr. Platt got 1,000 navy-yard votes in Norfolk and Portsmouth. He got 567 in Portsmouth alone. If, now, you strike off every navy-yard vote that was given to Mr. Platt at Portsmouth and Norfolk, I say that Mr. Goode is not only elected, but by a large majority; and I thank God he is elected, sir, not by technicalities, but elected, lifted out of the region of technicalities into the high and serene realm of justice and right, instead of intimidation and fraud by a tyrannical administration of the Government.

Now, Mr. Speaker, if Mr. Platt is permitted to take his seat, it will

be as the representative of a rotten borough. The royal rotten boroughs of Parliament have been abolished for forty-odd years under the celebrated reform act. I trust under the great reform act of the American people to be enacted and ordained this year and at this fall's election, that these rotten boroughs will no longer be known in the American Congress, and as institutions run by the Administration will be stricken forever from American history.

But, Mr. Speaker, if this institution of the navy-yard is to be run in the interest of the Administration, is that the way you run a custom-house? Do you make it subserve the interests of party and promote the schemes of the Administration? Is this the way you run a custom-house? With a flag [holding up a photograph] floating over it or nailed to its gable front, as in the city of Norfolk, with this inscription: "National Republican Ticket: For President, Rutherford B. Hayes, of Ohio; for Vice-President, William A. Wheeler, of New York."

I suppose we will see a similar flag over some of the Departments of the Government shortly.

Mr. FOSTER. After March next.

Mr. SPRINGER. It will be a long march you will make before you elect your candidates.

Mr. TUCKER. You will see probably before long over the Department of the Interior, "Zachariah Chandler, Secretary of the Interior, chairman of the national democratic committee."

Mr. FOSTER. Get it right. [Laughter.]

Mr. TUCKER. I will put it right in the RECORD. Did I say "democratic?"

Mr. FOSTER. Yes. [Laughter.]

Mr. TUCKER. You will see over the Department of the Interior, "Zachariah Chandler, Secretary of the Interior, chairman of the national republican committee. No admittance except on business, and no admittance except for republicans."

Now, Mr. Speaker, I merely ask this question in conclusion: How is this Government hereafter to be run? Does Mr. Hayes accept the indorsement of the Administration found written over the custom-house at Norfolk or does he repudiate it?

Under which king, Bezonian? Speak or die.

Mr. Hayes, you are between two horns of a dilemma; you must take the one or the other. Repudiate the Administration and the Administration will repudiate you. Refuse to repudiate it, and the people will repudiate you. You may take either horn. To quote an old Latin maxim, a saying of Horace, and changing it somewhat from the original—

Fœnum habet in cornu;

and pluralizing the word, in order to suit the name of this singular candidate of the republican party, we may say to him:

Fœna habemus in cornu.

We will have you, Mr. Hayes, on one horn or the other of the dilemma.

Mr. FOSTER. I am glad you are going to have him anyhow.

Mr. TUCKER. Let not this House seat a man elected by the conjoined influence of the sword and purse of the Government, a member from a rotten borough, a representative of the executive, not of the people, in breach of their elective rights and in violation of the cherished privileges of this House. But let the House leave my friend in the seat he has so highly honored and to which he was chosen by the voices of the free, unawed, and unbribed electors of Virginia!

Mr. HARRIS, of Virginia, obtained the floor.

Mr. SPRINGER. Unless the gentleman desires to speak to-night I will move that the House adjourn, as it is nearly five o'clock.

Mr. HARRIS, of Virginia. I yield for that purpose.

Mr. BLAND. Let the case go on.

Mr. SPRINGER. We cannot settle the case to-night. But if the House desires to vote upon the question now, without further discussion, I will withdraw the motion to adjourn.

Mr. HARRIS, of Virginia. I think after I have said a word there will be no objection to an adjournment. It is utterly impossible to finish the case to-night, because there are to be two hours of further discussion and I claim the floor and have yielded for a motion to adjourn.

Mr. CONGER. I hope we shall adjourn. I feel that the House ought to have an opportunity to digest the last speech thoroughly.

The SPEAKER *pro tempore*. Did the gentleman from Virginia have the floor before the gentleman from Illinois made the motion to adjourn?

Mr. HARRIS, of Virginia. I did, and yielded to him to make the motion.

Mr. TUCKER. In the course of my remarks just now, speaking in the heat and excitement of discussion, as I never speak from manuscript, I used an adjective which came upon the end of my tongue without being intended. I used the word "tyrannical." I ask unanimous consent of the House that I may withdraw that word.

Mr. CONGER. I object; I think the speech ought to go in the RECORD with all its beauty and all its adjectives.

Mr. TUCKER. Who objects?

Mr. CONGER. I object.

Mr. TUCKER. Then I desire that my remark and my request be reported and the objection of the gentleman on the other side be also reported.

Mr. CONGER. I withdraw my objection.

The SPEAKER *pro tempore*. The Chair would state that the gentleman from Virginia has the entire right to withdraw the word.

ENROLLED BILL SIGNED.

Mr. BAKER, of New York, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a bill of the following title; when the Speaker *pro tempore* signed the same:

An act (H. R. No. 3963) to amend subsections 246 and 251 of section 12 of an act entitled "An act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1875, and for other purposes," approved June 23, 1874, and for other purposes, and section 3954 of the Revised Statutes.

LEAVE OF ABSENCE.

Mr. YEATES was granted an extension of the leave of absence heretofore granted him until the 1st of August.

Mr. WILLIS was granted three days' leave of absence to attend to a professional engagement.

The question was then taken on Mr. SPRINGER's motion, and it was agreed to; and accordingly (at four o'clock and fifty minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions, memorials, and other papers were presented at the Clerk's desk under the rule, and referred as stated:

By Mr. LUTTRELL: Resolutions of the Wholesale Liquor Dealers' Association of San Francisco, California, favoring the passage of the Meade bill, to the Committee of Ways and Means.

Also, the petition of Daniel Hunsacker, for a pension for services rendered in the Black Hawk war, to the Committee on Invalid Pensions.

Also, a paper relating to the bill to quiet titles to the Albion land grant, signed by E. J. Burr, to the Committee on Public Lands.

By Mr. MAGOON: The petition of Edward Maloy, T. J. Law, and 52 other citizens of Shallsburgh, Wisconsin, against reducing the tariff on lead and zinc, to the Committee of Ways and Means.

Also, the petition of Hon. W. M. Fogo and 41 other citizens of Richland County, Wisconsin, for the repeal of the stamp tax on safety-matches, to the same committee.

By Mr. McFARLAND: The petition of George W. Norwood, of Winston, North Carolina, for pay for ninety-four half boxes of tobacco erroneously seized, condemned, and sold by the United States authorities, to the Committee of Claims.

By Mr. RIDDLE: Papers relating to the claim of J. R. Hutchinson, of Sumner County, Tennessee, for whisky furnished the United States Army, to the same committee.

By Mr. SPRINGER: Memorial of J. C. G. Kennedy, late Chief of the Bureau of Statistics, for a correction of the report of the international statistical congress at St. Petersburg, to the Committee on Foreign Affairs.

By Mr. WELLS, of Missouri: The petition of George Haeffner, of Herman, Missouri, for compensation for property destroyed in said town in 1864 by order of General Marmaduke of the confederate army, to the Committee on War Claims.

By Mr. YOUNG: Papers relating to the claim of Mrs. A. G. Bankhead, for compensation for the use and occupation of houses leased by her to the United States Quartermaster's Department, at Memphis, Tennessee, to the same committee.

IN SENATE.

THURSDAY, *July* 27, 1876.

The Senate met at eleven o'clock a. m.

DEATH OF MR. CAPERTON.

The Chaplain, Rev. BYRON SUNDERLAND, D. D., offered the following prayer:

Almighty and Everlasting God, Father of our spirits and Former of our bodies, Who dwellest in the clouds and makest darkness Thy pavilion, Who holdest life and death in Thy hands and dispenseth them according to Thy pleasure, we come this morning to acknowledge the dispensation of Thy providence by which Thou hast removed another member of the American Senate and caused him to cease forever from his accustomed place. We beseech Thee, O Lord, to comfort all those who mourn on this account, and by this event to impress the lessons of wisdom and of good conduct upon all our hearts. Through Jesus Christ. Amen.

The Journal of yesterday's proceedings was read and approved.

Mr. BAYARD. The Senate, I am sure, and the country will be deeply affected by the announcement of the melancholy event of yesterday, the death of our late friend and brother, ALLEN T. CAPERTON, a Senator from West Virginia. I move, as a mark of respect so justly due to the memory of this excellent and honorable man, that the Senate stand adjourned until to-morrow at 11 o'clock.

Mr. STEVENSON, I hope the Senator from Delaware will withdraw the motion for a moment.

Mr. BAYARD. Certainly.

Mr. STEVENSON. Mr. President, I concur in all that is said by the Senator from Delaware as to the sad event which clouds the Senate once more with the shadow of sorrow. ALLEN T. CAPERTON died suddenly at his residence in this city last evening at a quarter before six o'clock. I offer the following resolutions:

Resolved, That the Senate has received with profound sorrow the announcement of the death of Hon. ALLEN T. CAPERTON, late a Senator of the United States from the State of West Virginia.

Resolved, That as a mark of respect for the memory of Mr. CAPERTON the Senate will wear the usual badge of mourning for thirty days.

Resolved, That a committee of four Senators be appointed by the Chair to accompany the remains to his late residence at Union, West Virginia.

Resolved, That the Secretary communicate these proceedings to the House of Representatives.

The resolutions were agreed to unanimously.

The PRESIDENT *pro tempore* appointed Mr. DAVIS, Mr. COOPER, Mr. BOOTH, and Mr. HITCHCOCK as the committee.

Mr. BAYARD. I renew my motion that the Senate adjourn.

The motion was agreed to; and (at eleven o'clock and ten minutes a. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, *July* 27, 1876.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. I. L. TOWNSEND.

The Journal of yesterday was read and approved.

SAMUEL JONES.

Mr. LYNDE, by unanimous consent, from the Committee on the Judiciary, reported back the bill (S. No. 774) to remove the political disabilities of Samuel Jones, of Virginia.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, communicated to the House the proceedings of the Senate on the announcement of the death of Hon. ALLEN T. CAPERTON, late a Senator from West Virginia.

WASHINGTON MONUMENT.

Mr. FOSTER. I ask unanimous consent to report from the Committee on Appropriations the bill (S. No. 982) providing for the completion of the Washington Monument, with amendments.

Mr. BLAND. I will not object providing it leads to no debate.

The bill was read.

The amendments reported by the Committee on Appropriations were read, as follows:

On page 1, line 5, strike out "one" and insert in lieu thereof "two," so as to make the amount appropriated $200,000; and after the word "dollars," in line 6, insert "payable in four equal annual installments;" and strike out all after the word "consideration," in line 25, down to and including the word "monument," in line 26, and insert "of the sum herein appropriated: *Provided*, That nothing herein shall be so construed as to prohibit the said society from continuing its organization for the purpose of soliciting and collecting money and materials from the people in aid of the completion of the monument, and acting in an advisory and co-operative capacity with the commission hereinafter named until the completion and dedication of the same."

In line 2, page 2, strike out the word "and," and after the word "capital," in the same line, insert "the Chief of Engineers of the United States Army and the vice-president of the Washington National Monument Society."

Mr. HOLMAN. I would suggest that perhaps the word "people" as used there would not embrace the States as such. It is well known that many of the States propose to make contributions for the completion of this monument, and I therefore suggest that the words "State, associations, and" be inserted before the word "people."

Mr. FOSTER. I have no objection to that.

By unanimous consent, the amendment was agreed to.

The amendments reported by the Committee on Appropriations were then agreed to.

Mr. FOSTER. Mr. Speaker, before explaining the amendments to the Senate bill for completing the Washington Monument I propose briefly to refer to its history, the past and present plans, and the resources of the Washington National Monument Society.

Its history is so carefully stated by Mr. Chipman, Delegate from the District of Columbia, in a report made to the Forty-third Congress (report No. 485) as to induce me to copy it entire

HISTORICAL REVIEW.

On the 7th of August, 1783, the Continental Congress resolved—

"That an equestrian statue of General Washington be erected at the place where the residence of Congress shall be established." It also directed that "the statue should be supported by a marble pedestal on which should be represented four principal events of the war in which he commanded in person."

On the pedestal were to have been engraved the following words:

"The United States, in Congress assembled, ordered this statue to be erected in the year of our Lord 1783, in honor of George Washington, the illustrious Commander-in-Chief of the Armies of the United States of America during the war which vindicated and secured their liberty, sovereignty, and independence."

Washington had at this time endeared himself to the American people as the great revolutionary leader in their struggle for liberty. As a civil ruler he was yet unknown. The extraordinary powers conferred upon him as the leader of the armies proved to be equally safe in his hands in the management of civil government, and it was as the President of the United States that he earned his proudest title to the gratitude of his country. At his death a joint committee of both Houses of Congress was appointed to consider a suitable manner of paying honor to his memory. It was resolved, among other things, by Congress, December 24, 1799—

"That a marble monument be erected by the United States at the city of Washington, and that the family of General Washington be requested to permit his body to be deposited under it; and that the monument be so designed as to commemorate the great events of his military and political life."

A copy of the resolutions was sent to his widow by the President of the United States. In her reply acceding to the request, she said:

"Taught by the great example which I have so long had before me never to oppose my private wishes to the public will, I need not, I cannot say what a sacrifice of individual feeling I make to a sense of public duty."

Great as must have been the struggle, deep and painful the sacrifice, the resolution of Congress which caused it remains unexecuted.

In the proceedings of the House of Representatives, as reported in the Annals of Congress, May 8, 1800, a select committee, of which Mr. Lee was chairman, submitted a series of resolutions directing that the resolution of Congress passed in 1783, respecting the equestrian statue of Washington, be carried into immediate execution; and that a marble monument be erected by the United States, at the capital, in honor of General Washington, to commemorate his services and to express the feeling of the American people for their irreparable loss.

The third resolution directs the President to carry these objects into execution, and appropriates, for the present, the sum of $100,000.

Upon consideration of this resolution, the first one relating to an equestrian statue was amended by requiring a mausoleum to be erected instead of the statue proposed.

No appropriation was made at that time, but later, on the 1st of January, 1801, a bill passed the House appropriating $200,000 in furtherance of this object, but for some reason the Senate did not concur.

The resolutions of Congress which have been referred to having remained unexecuted, in 1833 some citizens of Washington formed a voluntary association for erecting "a great national monument to the memory of Washington at the seat of the Federal Government." This was the original idea of Congress, and as there seemed no probability of its being carried out according to the original design, this voluntary association formed itself and invoked the aid of the whole people of the country to redeem the plighted faith of their Representatives. Chief Justice Marshall was the first president of this association. At his death, in 1835, he was succeeded by Ex-President Madison. In accepting his appointment, Mr. Madison, then in the eighty-fifth year of his age, said:

"I am very sensible of the distinction conferred by the relations in which the society has placed me, and feeling, like my illustrious predecessor, a deep interest in the object of the association, I cannot withhold, as an evidence of it, the acceptance of the appointment, though aware that in my actual condition it cannot be more than honorary, and that under no circumstances could it supply the loss which the society has sustained. A monument worthy the memory of Washington, reared by the means proposed, will commemorate at the same time a virtue, a patriotism, and a gratitude truly national, with which the friends of liberty everywhere will sympathize, and of which our country may always be proud."

The progress of the society was slow. It began upon the theory that, to allow all an opportunity to contribute, the amount to be received from any one person should be limited to $1.

In 1836 the subscriptions had reached the sum of $28,000, but the financial troubles which overspread the country in 1837 caused the suspension of collections for some time.

In 1845 the restriction upon the subscriptions was removed, and in 1847 the collection had reached the sum of $87,000, sufficient to warrant the commencement of the monument.

On the 31st of January, 1848, Congress passed a resolution authorizing the Washington Monument Society to erect "a monument to the memory of George Washington upon such portion of the public grounds or reservations within the city of Washington not otherwise occupied as shall be selected by the President of the United States and the board of managers of said society as a suitable site on which to erect the said monument and for the necessary protection thereof."

The site selected under the authority of this resolution was public reservation 3, containing upward of thirty acres, being the site where the unfinished monument now stands.

February 26, 1859, Congress incorporated the Washington National Monumental Society, and confirmed the grant of this reservation, as will be seen by the charter hereto appended.

The considerations which led to the selection of this site were stated by the association in its address to the people of the United States, made in 1855, as follows:

"The site selected presents a beautiful view of the Potomac; is so elevated that the monument will be seen from all parts of the surrounding country, and, being a public reservation, it is safe from any future obstruction of the view. It is so near the river that materials for constructing the monument can be conveyed to it from the river at but little expense.

* * * * * * *

"In addition to this, and kindred reasons, the adoption of the site was further and impressively recommended by the consideration that the monument to be erected on it would be in full view of Mount Vernon, where rest the ashes of the chief; and by the evidence that Washington himself, who with unerring judgment had selected this site to be the capital of the nation, had also selected this very spot for a "monument to the American Revolution," which, in the year 1795, it was proposed should "be erected or placed at the permanent seat of Government of the United States." This monument was to have been executed by Cerocihi, a Roman sculptor, and paid for by contributions of individuals. The same site is marked on Major L'Enfant's map of Washington City as the site for the equestrian statue of General Washington ordered by Congress in 1783; which map was examined, approved, and transmitted to Congress by him when President of the United States."

On the 4th of July, 1848, the corner-stone of this monument was laid in the presence of the President, Vice-President, and of Senators, Representatives, heads of Departments, the judiciary, the corporate authorities of Washington, and Georgetown and Alexandria, and delegations from all quarters of the Union. Robert C. Winthrop, then Speaker of the House of Representatives, delivered an oration. The work was commenced, and in about six years the obelisk had reached the height of one hundred and seventy feet, exhausting the funds of the society, amounting to $230,000.

In 1854, the funds being exhausted and all efforts to obtain further sums having proved abortive, the society presented a memorial to Congress representing that they were unable to devise any plan likely to succeed, and under the circumstances asked that Congress might take such action as it deemed proper.

The memorial was referred in the House of Representatives to a select committee of thirteen members, of which committee Hon. Henry May, of Maryland, was chairman.

On the 22d of February, 1855, Mr. May made to the House an eloquent and able report, in which, after a careful examination of the whole subject, the proceedings of the society were reviewed and approved, and an appropriation of $300,000 by Con-

gress recommended "on behalf of the people of the United States to aid the funds of this society."

The report of Mr. May was brought before the House under most auspicious circumstances, but an unfortunate occurrence at the time caused a change of the management, and the temporary control of the society by rival aspiranta resulted in a defeat of the measure.

All progress toward the completion of the monument ceased during this contest for the control of the society. This change in the management demonstrated the difficulty of governing the society by a voluntary association consisting of members in all parts of the Union.

An application was accordingly made to Congress for a charter, which was granted on the 23d day of February, 1859, and was approved by the President on the 26th of the month, incorporating the Washington National Monument Society.

Since the year 1854 only four feet have been added to the obelisk; so that its present height is one hundred and seventy-four feet.

At the last Congress two reports were made, one by a standing committee of the House and the other by a select committee raised for the purpose of considering this subject, both of which strongly urged upon Congress its duty to complete the only monument attempted to be erected to the memory of Washington by the United States. One of these is Report No. 48, second session Forty-second Congress; the other, Report No. 79, third session Forty-second Congress.

And I also copy his report of the history of the plan as originally adopted, as well as the plan recommended by the committee of which Mr. Chipman was chairman:

PLAN OF THE MONUMENT.

That members may see precisely what the design of this monument was, the committee have appended to this report its description as originally prepared by the society.

The plan will be seen to embrace the idea of a grand circular colonnaded building, two hundred and fifty feet in diameter and one hundred feet high, from which springs an obelisk shaft seventy feet square at the base and five hundred feet high. This vast rotunda forming the base was to have been surrounded by thirty columns of massive proportions, surmounted by an entablature twenty feet high and crowned by a massive balustrade fifteen feet in height, the obelisk shaft rising from the pantheon diminishing in size to forty feet square at its apex.

The committee, however, find that the pantheon or base surrounding the obelisk is not necessary to the completion of the obelisk itself. The completion of the shaft may be accomplished at a proper height without reference to this elaborate and expensive pantheon, which is the feature of the plan most criticised.

It is recommended that the obelisk be completed substantially in accordance with the plan suggested by Lieutenant Marshall, of the Engineer Corps of the Army. This plan dispenses with the pantheon and substitutes a terrace at the base of the shaft, 200 feet square at the top, 17 feet high, terminating with slopes of two-thirds, with grass-plots and paved walks, and ascended by appropriate steps. The dimensions of the shaft would be 55 feet square at base, 38.33 feet square at the top, and 437.8 feet from apex to base of foundation. (See report of Lieutenant Marshall, hereto appended.)

This rich and massive shaft, which will when completed be the highest of its kind in the world, though simple and plain, would be a noble monument, worthy the sublime character which it is designed to testify. Within the obelisk and at appropriate places on the inner surface past which the circular stairway leading to the top is constructed are niches, in which are to be placed blocks of marble, stone, and other material which have been contributed by the States and Territories of the Union, by foreign governments, by societies in this country and elsewhere. These embrace some beautiful tributes to the memory of Washington, and have been sent to the society from almost every civilized country in the world. Switzerland, Rome, Bremen, Turkey, Greece, China, Japan, and other countries have united to do honor to our Washington; masonic societies, the order of Odd Fellows, fire companies, and children of the public schools of this country; some of the Indian nations have made contributions that ought to be placed in their appropriate niches as perpetual testimonials of the grateful affection in which the memory of the Father of his Country is cherished. A list of these contributions is hereto appended.

The plan finally adopted by the Washington National Monument Society increases the height to four hundred and eighty-five feet, and is in all other respects the same as adopted by the Chipman committee.

The statement made in the Senate that the total cost to complete the monument is three hundred and ten to three hundred and fifty thousand dollars was based upon the mistake of using the estimates for the plans adopted by the Chipman committee, whereas the present plan, and one now adopted, contemplates an increase of height from four hundred and thirty-seven and eight-tenths feet to four hundred and eighty-five feet. The cost of completing the monument on the present plan (four hundred and eighty-five feet) is estimated at $450,000.

When completed it will be five feet higher than Cheops, the highest point yet reached of any monument, obelisk, dome, or spire. The highest of such structures are the following:

	Feet.
Cheops's pyramid, in Egypt	480
Landshut, (spire,) Germany	465
Strasburg, (spire,) Germany	468
St. Peter's, (dome,) Rome	457
St. Paul's, (spire,) London	365
Capitol, (dome,) Washington	306
Bunker Hill Monument, Boston	221
Washington Monument, Baltimore	191
Washington National Monument, Washington	485

When it is completed the American people will have the satisfaction of looking upon the highest structure in the world.

RESOURCES.

Two hundred and thirty thousand dollars have already been expended. It is believed by the society that with the aid of the $200,000 appropriated in the bill we are considering they can raise the balance ($250,000) by voluntary subscription from the States, associations of all kinds, and the people. They have on hand at this time about $13,000 in money and convertible assets; they have in addition some $70,000 of subscription conditioned to be paid when there appears a reasonable prospect for the completion of the monument.

This society is now actively engaged in soliciting additional subscriptions, and it is not too much to hope that the impetus given by the joint action of Congress in this centennial year of our existence to the efforts made by the society will be responded to to the full extent of their anticipations.

The society is entitled to great credit for its patriotic and self-sacrificing endeavors through all the years of the past to keep alive the interest of the people in the noble work they had in hand. Not a dollar has been paid to any officer or member of the society, nor will there be in the future.

EXPLANATION OF AMENDMENTS TO SENATE BILL.

The first amendment increases the appropriation from $100,000 to $200,000, to be paid in four equal annual installments. We increased the appropriation and limited it to $50,000 annually because we hope by continuing the Washington National Monument Society in existence they can raise from the people the balance of the sum needed, and as it will take at least four years to complete the monument we limit the appropriation to $50,000 a year.

The second amendment, "that the United States hereby agree to complete said monument," we substituted in lieu thereof, as the consideration of the transfer of all the assets of the society to the United States, the words "of the sum herein appropriated." This puts the appropriation of $200,000 in the form of a donation, while at the same time it secures to the United States all the property and rights of every name and nature of the society.

The third amendment is a proviso which continues the organization of the society until the monument is dedicated, as advisory and co-operative with the commission provided for in the bill. We felt that the plan of the society, that all of the people should in their private capacity be permitted to contribute, ought to be continued. The society itself having so far accomplished all that has been done, their high character, their unselfish, untiring, and patriotic devotion to the cause were additional inducements to us for their further recognition.

The third amendment, striking out the word "and," is merely verbal.

The fourth amendment adds to the commission the Chief of Engineers of the United States Army and the first vice-president of the society, thus increasing the board from three members to five.

The present purpose is to complete the monument within five years, and that the dedication shall take place on the 19th of October, 1881, being the centennial of the surrender of Cornwallis at Yorktown to General Washington; also being the last act of his military career, as well as the last act in the great drama of the Revolution.

No act of this Congress has met with such universal satisfaction by all the people as the one pledging Congress to the completion of this monument.

I express the hope that when in 1881 this monument is completed and dedicated that all the rancors engendered by the war of the rebellion will have ceased and be forgotten. And that then, throughout all and every part of the Republic, every citizen, be he black or white, high or low, may be in the full and unrestrained possession of every right to which he is entitled under the Constitution and the laws.

The bill, as amended, is as follows:

Be it enacted, &c., That there be, and is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $2 0,000, payable in four equal annual installments, to continue the construction of the Washington Monument in the city of Washington: *Provided*, That before any portion of said sum shall be expended the proper officers of the Washington National Monument Society, incorporated by the act approved February 26, 1859, entitled "An act to incorporate the Washington National Monument Society," shall transfer and convey to the United States in due form all the property, easements, rights, and privileges, whether in possession, or in action, or in expectancy, belonging to the said corporation, for the uses and purposes set forth in said act of incorporation; and the said charter is so amended as to authorize the executive officers of said corporation to make said transfer and conveyance in consideration of the sum herein appropriated: *Provided*, That nothing herein contained shall be so construed as to prohibit said society from continuing its organization for the purpose of soliciting and collecting money and materials from States, associations, and the people in aid of the completion of the monument, and acting in an advisory and co-operative capacity with the commission hereinafter named until the completion and dedication of the same. And the construction of said monument shall be under the direction and supervision of the President of the United States, the Supervising Architect of the Treasury Department, the Architect of the Capitol, the Chief of Engineers of the United States Army, and the vice-president of the Washington National Monument Association, and in accordance with the laws regulating contracts and the construction of public buildings by the Treasury Department; and detailed reports of such expenditures shall be annually submitted to Congress.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. FOSTER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. HOLMAN. I call for the regular order of business.

The SPEAKER *pro tempore*. The regular order of business is the consideration of the contested-election case from the second congressional district of Virginia.

BENJAMIN P. RUNKEL.

Mr. HOGE, by unanimous consent, introduced a bill (H. R. No. 3996) to restore Benjamin P. Runkel to the retired list of the Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MARY CALLAM.

Mr. TOWNSEND, of New York, by unanimous consent, introduced a bill (H. R. No. 3997) for the relief of Mary Callam; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HANS S. PETERSEN.

Mr. MORGAN, by unanimous consent, from the Committee on Indian Affairs, reported back, with favorable recommendation, the bill (S. No. 709) for the relief of Hans S. Petersen; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

A. B. GREENWOOD.

Mr. MORGAN also, by unanimous consent, from the same committee, reported back, with a favorable recommendation, the bill (H. R. No. 3653) for the relief of A. B. Greenwood, of Barry County, Missouri; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

EUNICE B. PHILLIPS.

Mr. BEEBE, by unanimous consent, introduced a bill (H. R. No. 3998) granting a pension to Eunice B. Phillips, of Newburgh, Orange County, New York; which was read a first and second time, referred to the Committee on Revolutionary Pensions, and ordered to be printed.

ORDER OF BUSINESS.

Mr. ASHE. I ask unanimous consent to report a private bill from the Committee on the Judiciary for action at this time.

Mr. HURLBUT. I object.

Mr. BLAND. I call for the regular order of business.

Mr. HARRIS, of Virginia. I rise to a privileged question.

Mr. HILL. I wish the gentleman would allow me a moment.

Mr. HARRIS, of Virginia. Under the circumstances I must decline to yield to the request of the gentleman from Georgia, and I now yield to the gentleman from West Virginia, [Mr. WILSON.]

Mr. WILSON, of West Virginia. I ask that the message from the Senate communicating the proceedings of that body on the death of Hon. A. T. CAPERTON, late a Senator from the State of West Virginia, be now taken up.

The message from the Senate was read, as follows:

Resolved, That the Senate has received with profound sorrow the announcement of the death of Hon. ALLEN T. CAPERTON, late a Senator of the United States from the State of West Virginia.

Resolved, As a mark of respect for the memory of Mr. CAPERTON, the Senate will wear the usual badge of mourning for thirty days.

Resolved, That a committee of four Senators be appointed by the Chair to accompany the remains to his late residence at Union, West Virginia.

The PRESIDENT *pro tempore* appointed Mr. DAVIS, Mr. COOPER, Mr. BOOTH, and Mr. HITCHCOCK the committee.

Resolved, That the Secretary communicate the proceedings to the House of Representatives.

Mr. WILSON, of West Virginia. In further respect to the memory of the distinguished Senator I offer the resolutions which I send to the Clerk's desk.

The Clerk read the resolutions, as follows:

Resolved, That as an additional mark of respect to ALLEN T. CAPERTON, late a Senator from the State of West Virginia, and in accord with the action of the Senate, a committee of seven members of this House be appointed, who, with the committee appointed by the Senate, shall accompany the body of the deceased Senator to its place of burial in the State of West Virginia.

Resolved, That this House do now adjourn.

The question was taken on the resolutions, and they were agreed to.

The SPEAKER appointed the following as the committee on the part of the House: Mr. WILSON, of West Virginia, Mr. BANKS, Mr. LUTTRELL, Mr. DOUGLAS, Mr. HARDENBERGH, Mr. FAULKNER, and Mr. KASSON.

Mr. WILSON, of West Virginia. Mr. Speaker, my colleague, Mr. HEREFORD, having arranged to accompany the remains of his relative, the late Senator from West Virginia, and important interests of the State requiring my presence here, I ask to be excused from service on this committee, and suggest that Mr. HEREFORD be appointed in my place.

The SPEAKER *pro tempore* accordingly appointed Mr. HEREFORD in place of Mr. WILSON, of West Virginia.

Mr. KASSON. My presence being required here on an important conference committee, I shall be unable to accompany my colleagues on this committee. I therefore ask to be excused.

The SPEAKER *pro tempore* appointed Mr. FORT in place of Mr. KASSON, excused.

The House then (at twelve o'clock and thirty minutes p. m.) adjourned.

IN SENATE.

FRIDAY, *July* 28, 1876.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a letter of the Secretary of War, communicating the offer of the State of Texas and the International and Great Northern Railway Company to donate to the United States the land upon which Fort Elliott is built; which was referred to the Committee on Military Affairs, and ordered to be printed.

He also laid before the Senate a letter of the Attorney-General, transmitting, in answer to a resolution of the 24th instant, a statement of the number of civil officers employed by the Department of Justice from 1859 to 1875, inclusive; which was ordered to lie on the table and be printed.

He also laid before the Senate a letter of the Postmaster-General, transmitting, in answer to a resolution of the 24th instant, a statement of the number of civil officers employed by the Post-Office Department from 1859 to 1875, inclusive; which was ordered to lie on the table and be printed.

IMPEACHMENT PROCEEDINGS—ADJOURNMENT TO MONDAY.

Mr. EDMUNDS. I offer the following order at this time, because it relates to the lapse in the impeachment business:

Ordered, Pursuant to Rule 25 for impeachments, that the Senate will resume the consideration of the articles of impeachment against William W. Belknap at twelve o'clock noon, this day.

Mr. INGALLS. As there are quite a number of Senators absent on unavoidable business, I would suggest to the Senator from Vermont that it might be advisable to modify the order so that it will read "at twelve o'clock on Monday next," at which time I understand those Senators will return.

Mr. EDMUNDS. I am quite willing to submit to the pleasure of the Senate.

Mr. INGALLS. I have no preference myself.

Mr. EDMUNDS. My object, of course, is to revive the proceeding; that is all.

Mr. ANTHONY. We might agree to take no vote to-day.

Mr. SHERMAN. I hope there will be no postponement.

Mr. EDMUNDS. If we are to adjourn over to-morrow, as the respect we have shown to such occasions has usually led us to do, on account of the funeral of our late associate, [Mr. CAPERTON,] then I am not sure but that it would be better to say that we will take up the impeachment matter on Monday. May I ask any of the Senators if any of them are acquainted with the fact that his funeral at home is to be to-morrow?

Mr. RANDOLPH. That was the statement made yesterday by some of his friends.

The PRESIDENT *pro tempore*. The Chair was so informed yesterday.

Mr. EDMUNDS. I withdraw the order I offered for a moment, and move that when the Senate adjourn to-day it be to meet on Monday next, for the reason I have stated, that the usual respect that we pay to such occasions is eminently due to this one.

The PRESIDENT *pro tempore*. The Senator from Vermont withdraws the proposed order and moves that when the Senate adjourns to-day it be to meet on Monday next.

The motion was agreed to.

Mr. EDMUNDS. I offer the order again changed to Monday next, the 31st instant, if that be the date.

The PRESIDENT *pro tempore*. The question is on concurring in the order that the Senate will resume the consideration of the articles of impeachment against William W. Belknap at twelve o'clock, noon, Monday, the 31st instant.

The order was agreed to.

Mr. EDMUNDS. I suggest that the House of Representatives and the counsel be notified of this order.

The PRESIDENT *pro tempore*. Due notice will be given.

PETITIONS AND MEMORIALS.

Mr. WEST presented a petition of citizens of Louisiana, soldiers in the late war, praying for the passage of a law for the equalization of bounties of all soldiers who served during the late war upon the basis of actual term of service; which was ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. INGALLS, from the Committee on Pensions, to whom was referred the bill (H. R. No. 3894) granting a pension to Mrs. Elizabeth Custer, widow of the late George A. Custer, reported it with amendments.

He also, from the same committee, to whom was referred the bill (H. R. No. 3896) granting a pension to Marie Custer and Emanuel H. Custer, reported it with amendments.

Mr. BOUTWELL, from the Committee on Commerce, to whom was recommitted the bill (H. R. No. 2799) to amend certain sections of titles 48 and 52 of the Revised Statutes of the United States concerning commerce and navigation and the regulation of steam-vessels, reported it with amendments.

Mr. ALLISON, from the Committee on Pensions, to whom was referred the bill (H. R. No. 3277) granting a pension to Kate Louise Roy, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (H. R. No. 2706) granting a pension to George W. Leamy, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. No. 128) granting a pension to Frederick Vogel, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (H. R. No. 2159) granting a pension to Aaron H. Miller, late private of Company G, Twenty-ninth Regiment Indiana Volunteers, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

Mr. WITHERS, from the Committee on Pensions, to whom was referred the bill (H. R. No. 2840) granting a pension to William Thomas, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (H. R. No. 2704) granting a pension to Joshua W. Black, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (H. R. No. 2078) granting a pension to George M. D. Thornton, late of Company C, One hundred and nineteenth Illinois Volunteers, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (H. R. No. 3180) granting a pension to Oscar C. Collins, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (H. R. No. 2846) granting a pension to Lovina Adeline Bowker, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

Mr. WADLEIGH, from the Committee on Patents, to whom was referred the bill (S. No. 917) to enable Erastus T. Bussell, of Indianapolis, Indiana, to make application to the Commissioner of Patents for extension of letters-patent for a combined rubber and spiral steel spring, reported it with an amendment, and submitted a report thereon; which was ordered to be printed.

Mr. WRIGHT, from the Committee on Claims, to whom was referred the bill (H. R. No. 3504) for the relief of Thomas Day, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (H. R. No. 515) for the relief of Sarah E. Garland and Frank M. Hoppin, reported it without amendment.

Mr. HARVEY, from the Committee on Public Lands, to whom was referred the bill (H. R. No. 2260) providing for the sale of saline lands, reported it with an amendment.

Mr. CAMERON, of Wisconsin, from the Committee on Claims, to whom was referred the bill (H. R. No. 940) for the relief of Edwin Ebert, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

BILLS INTRODUCED.

Mr. WALLACE asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1006) authorizing the Secretary of the Treasury to use the surplus of certain moneys heretofore appropriated; which was read twice by its title, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

Mr. LOGAN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1007) concerning the employment of Indian scouts; which was read twice by its title, referred to the Committee on Military Affairs, and ordered to be printed.

WITHDRAWAL OF PAPERS.

Mr. WEST. I offer the following order:

Ordered, That leave be granted to withdraw the papers of Nolan S. Williams from the files of the Senate, copies of the same being left with the Secretary.

There has been an adverse report in this case, but I understand there is additional testimony.

The PRESIDENT *pro tempore*. Copies will be left. The order will be made if there be no objection.

R. H. BUCKNER.

Mr. COCKRELL. If there be no further morning business I move that the Senate proceed to the consideration of House bill No. 2161, for the relief of R. H. Buckner.

The Chief Clerk read the bill.

The PRESIDENT *pro tempore* put the question on proceeding to the consideration of the bill, and declared that the ayes appeared to prevail.

Mr. EDMUNDS. I ask for a division.

The question being again put, there were on a division—ayes 19, noes 4; no quorum voting.

The PRESIDENT *pro tempore*. The Secretary will call the roll of the Senate.

Mr. SARGENT. I ask for the yeas and nays on taking up the bill, which will be equivalent to calling the roll.

Mr. EDMUNDS. I ask for a call of the Senate. It is the shortest way. My asking a division was not to oppose the taking up of the bill, but I thought there was not a quorum here and we ought not to do business unless we have a quorum.

Mr. SARGENT. Whether there is a quorum here can be ascertained by calling the yeas and nays on taking up the bill.

Mr. EDMUNDS. I know; but it can be ascertained much more easily the other way.

Mr. SHERMAN. I should like to hear the bill read.

The Chief Clerk again read the bill.

Mr. COCKRELL. I will state for the information of the Senate that this bill was reported from the Committee on Claims by the Senator from Wisconsin [Mr. CAMERON] unanimously. There is no controversy about it. The bill has already passed the Senate.

Mr. EDMUNDS. The point we are at is to find whether there is a quorum at this time.

The PRESIDENT *pro tempore*. There is no quorum present, and the roll-call will proceed.

The Secretary called the roll, and thirty-six Senators answered to their names.

The PRESIDENT *pro tempore*. Thirty-six Senators are present, which makes a quorum.

Mr. EDMUNDS. Thirty-six? Are there not seventy-two Senators?

The PRESIDENT *pro tempore*. The Senator from Maine [Mr. BLAINE] has not been sworn. The rule says "chosen and sworn." Thirty-six therefore now constitute a quorum.

Mr. COCKRELL. Is there a quorum present?

The PRESIDENT *pro tempore*. There is a quorum present. The question is, Will the Senate proceed to the consideration of this bill, upon which a division is called?

Mr. EDMUNDS. I do not insist on a division. My only object was to ascertain if a quorum was present.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 2161) for the relief of R. H. Buckner. It authorizes the Secretary of the Treasury to pay to Richard H. Buckner, a citizen of Virginia, $3,470.83, this amount being the proceeds of certain real estate of Buckner, sold for taxes by the Government of the United States in February, 1864, less the amount of tax, penalty, interest, and costs; but before payment is made, Buckner or his legal representatives are to make and execute a valid quitclaim and deed of conveyance of all his right, title, claim, or interest to the property to and in favor of the purchaser of the property at the tax sale, her heirs and assigns, without interest.

Mr. SARGENT. I should like to hear the report read.

The Secretary read the following report submitted by Mr. CAMERON, of Wisconsin, from the Committee on Claims, May 22:

The Committee on Claims, to whom was referred the bill (H. R. No. 2161) for the relief of Richard H. Buckner, have considered the same, and submit the following report:

On the 18th of February last, Mr. ELLIS, from the Committee on War Claims in the House of Representatives, made the following report on this bill, namely:

"In February, 1864, certain real estate, the property of R. H Buckner, a citizen of Virginia, was sold by the United States authorities for non-payment of the United States internal-revenue tax due upon it.

"The property was situated in Alexandria, Virginia. The amount of the tax, costs, penalties, and interest was $29.17. The property was adjudicated to Mrs. Lydia Kelly, at the price of $3,500. This sum, less the tax, costs, &c., amounting to $3,470 83, was covered into the United States Treasury, and is still there.

"Your committee is not aware of any statute under which the proper relief can be given to the claimant. He is clearly entitled to relief at the hands of Congress. Your committee suggest that, inasmuch as the purchaser at the sale by the Government might be evicted hereafter by suit at law for some defect or informality in said sale by the claimant, (Buckner,) provision should be made to secure the ratification by him of the sale.

"Your committee therefore report the accompanying substitute for bill H. R. No. 753, and recommend its passage."

Upon examining the evidence which accompanied the bill from the House, we did not find satisfactory proof that the claimant was the owner of the premises in question at the time the same was sold for the non-payment of said taxes. This defect has been supplied, and it now satisfactorily appears to your committee that the claimant became the owner of said premises in 1853 and was the owner thereof at the time of said sale. There is no general law under which this money can be paid to claimant, and hence the necessity for the passage of this bill.

Your committee therefore recommend that the passage of said bill be concurred in by the Senate.

Mr. HOWE. I wish the Senator in charge of the bill would explain what is meant by the property being adjudicated to somebody for a certain sum of money?

Mr. COCKRELL. I will explain that point. In 1862 a law was passed authorizing these lands to be sold for taxes, called the direct-tax sales. This adjudication was a judgment of sale that the property be sold, and under this adjudication the land was sold, the tax paid, and the balance of the money placed in the Treasury, where it remains to-day.

Mr. HOWE. Does the Senator mean to say that the purchaser at the tax sale paid that amount of money to the Government for the land?

Mr. COCKRELL. The purchaser paid that amount of money to the Government. It was a lot; it had all to be sold in one parcel, and that was the price which was paid.

Mr. HOWE. Let me ask one other question. Has the committee examined the records to see whether there has been a transfer of this title or of this claimant's title since the sale? The bill provides that he shall quitclaim his title. Has he made any disposition of his title heretofore?

Mr. COCKRELL. He has made no disposition of it since.

Mr. EDMUNDS. I see the Senator from Missouri is speaking of this as a direct-tax sale under the tax laws of the United States of all lands, if I correctly understand him.

Mr. COCKRELL. Yes, sir.

Mr. EDMUNDS. The report of the House committee says it was a sale for internal-revenue taxes; so that the state of the law about

direct taxes does not apply at all. It was a sale for internal-revenue taxes, the House report says. That is all I know about it. The bill does not say either way.

Mr. BOUTWELL. It must have been a sale for a distillery.

Mr. COCKRELL. Oh, no; it was for direct taxes in an insurrectionary district. There may have been an internal-revenue tax too.

Mr. EDMUNDS. It could not have been both.

Mr. COCKRELL. If the Senator will turn to volume 12, page 422, of the Statutes he will see the law.

Mr. EDMUNDS. That is an act for the collection of direct taxes in insurrectionary districts within the United States, and for other purposes. The act refers solely to the direct tax and provides for its collection in insurrectionary States. The report of the committee, taking up the House report, says:

In February, 1864, certain real estate, the property of R. H. Buckner, a citizen of Virginia, was sold by the United States authorities for non-payment of the United States internal-revenue tax due upon it.

Mr. CAMERON, of Wisconsin. I think that is an error. I think it was not an internal-revenue tax, but the direct tax upon land. The word "adjudicated" used in the House report I think is not the correct word. It was sold to Mrs. Kelly.

Mr. EDMUNDS. Is there a letter from the Secretary of the Treasury about it?

Mr. CAMERON, of Wisconsin. There is.

Mr. EDMUNDS. Let us hear it read.

Mr. WRIGHT. If no one has the floor I wish to ascertain if I understand this case.

Mr. EDMUNDS. I have the floor but I am looking for the statute, and I yield it with pleasure.

Mr. WRIGHT. I do not wish to take the floor in that case.

The PRESIDENT *pro tempore*. The Secretary has found the letter of the Secretary of the Treasury.

Mr. WRIGHT. I understand this is the case of the sale of land for the payment of a direct tax under the laws of Congress; that the land was sold, instead of adjudicated to the person here named; and that she paid for the land $3,500, if that is the amount, and this sum was covered into the Treasury, less the tax. There was due to the Government some $29, and the proposition of this bill is to repay the person the balance of the $3,500, less the tax. The officers of the Internal-Revenue Department having no power under the law to repay it, it becomes necessary to provide a law of Congress authorizing the payment.

Mr. EDMUNDS. Why do you say "internal revenue?"

Mr. WRIGHT. Because those matters are under the supervision of the Internal-Revenue Office.

Mr. SAULSBURY. I should like to ask the Senator from Missouri whether any inquiry has been made as to whether there were any liens on that property in the shape of mortgages or judgments, the holder of which might have an equitable claim against this money in the Treasury?

Mr. COCKRELL. There was nothing of the kind.

Mr. EDMUNDS. I should like to inquire of my friend from Wisconsin whether this claimant, Buckner, was loyal to the United States during the rebellion.

Mr. CAMERON, of Wisconsin. The evidence was entirely satisfactory to the committee that he was loyal to the United States during the whole period of the rebellion.

Mr. EDMUNDS. Did the committee make any inquiry whether anything had been done under the twelfth section of the act of 1862 as to the disposition of the proceeds?

Mr. CAMERON, of Wisconsin. I do not know as to that.

Mr. EDMUNDS. The twelfth section, to which I call my friend's attention, provides:

That the proceeds of said leases and sales shall be paid into the Treasury of the United States, one-fourth of which shall be paid over to the governor of said State wherein said lands are situated, or his authorized agent, when such insurrection shall be put down, and the people shall elect a Legislature and State officers who shall take an oath to support the Constitution of the United States, and such fact shall be proclaimed by the President for the purpose of re-imbursing the loyal citizens of said State, or such other purposes as said State may direct; and one fourth shall also be paid over to said State as a fund to aid in the colonization or emigration from said State of any free persons of African descent who may desire to remove therefrom to Hayti, Liberia, or any other tropical state or colony.

Mr. CAMERON, of Wisconsin. Nothing has been done under that provision.

Mr. EDMUNDS. I rather think, from what I am told, that that section was repealed in 1863, so that there is no trouble about it.

Mr. CAMERON, of Wisconsin. I ask that the letter of the Secretary of the Treasury be read.

The PRESIDENT *pro tempore*. The Secretary will read the letter.

The Chief Clerk read as follows:

TREASURY DEPARTMENT, *April* 3, 1876.

SIR: Your letter of the 30th ultimo is received, in which you state that certain property in Alexandria, Virginia, assessed in the name of R. H. Buckner, was sold under the direct-tax law for $3,500, the tax, penalty, &c., due being $29.17, and that a bill for the return to Mr. Buckner of the amount received over and above the amount of the tax, penalty, &c., has passed the House of Representatives and is now under consideration by the Senate Committee on Claims, and in which you inquire whether the money can be paid under the provision of section 36 of the act of Congress approved August 5, 1861, and whether there is any general law under which such payment can be made.

The Department has uniformly regarded the section to which you refer as inapplicable to sale made under the act of July 1, 1862, and the laws amendatory thereof; and there is no general statute bearing on the subject.

Very respectfully,

B. H. BRISTOW, *Secretary*.

Hon. ANGUS CAMERON,
United States Senate, Washington, D. C.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHINESE IMMIGRATION INVESTIGATION.

Mr. SARGENT. I am instructed by the Committee on Appropriations, to whom was referred the bill (H. R. No. 3927) making an appropriation to defray the expenses of the joint select committee to investigate Chinese immigration, to report the same back without amendment and ask for its present consideration.

There being no objection, the Senate as in Committee of the Whole proceeded to consider the bill which appropriates $7,000, or so much thereof as may be necessary, to defray the expenses of the investigation into Chinese immigration by the joint select committee appointed for that purpose, one-half to be paid into the contingent fund of the Senate and one-half into the contingent fund of the House of Representatives.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

JULIA A. SCHUTT.

Mr. ALLISON. I ask leave to reconsider the vote by which the bill (H. R. No. 197) granting a pension to Julia A. Schutt, widow of Martin Schutt, a deceased soldier, was indefinitely postponed, and that it be recommitted to the Committee on Pensions.

There being no objection, it was so ordered.

INDIAN APPROPRIATION BILL.

Mr. WINDOM. I move that the vacancy in the committee of conference on the bill (H. R. No. 3478) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1877, and for other purposes, caused by the death of the Senator from West Virginia, [Mr. CAPERTON,] be filled.

The motion was agreed to; and Mr. KERNAN was appointed to fill the vacancy.

SWAMP LANDS IN ALABAMA.

Mr. WINDOM. If in order, I move that the Senate take up House bill No. 236, and I am sure if the bill is read every Senator will approve it, because it presents a case never before presented in this country, in which a State asks the Congress of the United States to permit a certain application of funds arising from the sale of swamp lands. Usually the States have diverted them to some other purpose than that for which they were granted; but in this case the State of Alabama has the funds in her treasury, and asks that Congress permit those funds to be devoted to the construction of an asylum. I think it is a very proper request, and ought to be granted.

Mr. EDMUNDS. What does the law require?

Mr. WINDOM. The law appropriates the swamp lands for the construction of levees and the draining of overflowed lands; but the States have thus far appropriated them to anything they chose, railroads and everything else; but the State of Alabama asks the consent of Congress that she may make this appropriation. I move to take up the bill.

The motion was agreed to; and the bill (H. R. No. 236) to give consent of the United States to the appropriation of certain proceeds arising from the sale of the swamp and overflowed lands in Alabama for the purpose of furnishing other and additional accommodations for the indigent, insane, and idiotic persons resident in said State, was considered in Committee of the Whole.

Mr. EDMUNDS. Does not the bill provide universally for all sales hereafter as well as existing ones?

Mr. WINDOM. I think not. Let that clause be read again.

Mr. EDMUNDS. It seems to me that it is a general consent to anything.

The bill was read.

Mr. WINDOM. I move to amend by inserting the words "now in the treasury of said State" after the word "lands."

Mr. EDMUNDS. How much are the proceeds?

Mr. WINDOM. I understand the amount is about twenty-five thousand or twenty-six thousand dollars.

The amendment was agreed to.

Mr. SHERMAN. I ask for what purpose this money is to be used?

Mr. WITHERS. For the insane and idiotic.

Mr. WINDOM. It is to be used in the construction of an asylum for the colored people, as I understand.

Mr. SHERMAN. That is a violation of the trust undertaken by the people of the State, a violation of a trust in which the settlers have an interest, an express violation of the only ground on which these grants to the States were defended or are defensible. These lands were given to enable the State to clear away the swamps and improve the rest of the land and enable Congress to sell the residue of the land at an increased price. By the express terms of the law the proceeds of these lands must be devoted to reclaim other lands and improve other lands so as to enable the Government to get back the benefit of this liberal grant in the sale of the remaining public lands.

This may be a small matter, but it is practically a revolution and a surrender of the whole system on which the grants to the States of the swamp lands have been made. I have no doubt this surrender to the States of swamp lands has been more productive of frauds, shameless wrongs, petty stealing, than almost any other law, because lands have been entered under the name of swamp lands that are high, rolling, and beautiful lands. Now to complete the farce it is proposed to appropriate the proceeds of these swamp lands to the ordinary distribution of charity in a State instead of being devoted as the law requires them to be to the improvement of other lands in the neighborhood and thus enable the Government of the United States to sell the residue of its lands at a reasonable price.

Mr. WINDOM. The reason given by the Senator from Ohio would undoubtedly be a good one if the law had ever been complied with in any State, but I think it is a fact that, with the exception of this single application on the part of the State of Alabama, every State to which swamp lands have been granted has appropriated the funds derived therefrom to anything it chose, and seldom, if ever, to the draining of the swamp lands. It seems to me that, this being the first application to make a legal disposition of this thing, to comply with the law, or at least to ask Congress to change it without doing it contrary to the law, it is a case where we ought to receive the application with a good deal of favor.

Mr. SHERMAN. All I can say is that I must express my surprise. I know that in Indiana and Ohio attempts have been made at least to carry on works of draining, and the money has been invested, sometimes foolishly, sometimes wastefully, in the attempt to improve other lands; but I am surprised to hear the broad statement made that this law has been violated in every instance. If so, our first duty is to repeal the law which grants to the States these swamp lands.

Mr. WINDOM. I am glad to hear the testimony from the Senator from Ohio that an attempt has been made in some quarters to appropriate the swamp lands in the way prescribed by law. I should be very glad indeed to have the specific improvements ever made by the swamp-land grants pointed out. I have heard the statement frequently made as broad as I have made it; and, if I am wrong, I am glad to be corrected. I think the instances in which the law has been complied with are very rare. But upon the statement of the Senator from Ohio of course I am now satisfied that there are some exceptions to the broad statement I have made.

Mr. WEST. If the Senator will allow me to interrupt him, I wish to say in regard to the State of Louisiana that she has spent millions and millions of dollars upon her levee system, protecting the lands of that State granted by the Government, and protecting the remaining lands of the United States Government; and were a balance struck to-day as between the treasury of that State and the Treasury of the United States, we have expended millions upon that account.

Mr. WINDOM. I know that in many of the Western States the proceeds of the swamp lands have been devoted to railroad companies and in every other way rather than to the draining of swamp and overflowed lands, as the law prescribes.

Mr. SARGENT. If any State has given the proceeds of its swamp lands, or the swamp lands themselves, to any railroad company, it was in violation of the agreement with Congress for the reclamation of these lands. I know that in California the proceeds of these lands have been devoted by State statute expressly to the reclamation of the lands. I have never believed, however, in these swamp-land gifts to the States, not because if merely swamp lands were given to the States to be reclaimed it would not have been beneficial, but because by false constructions of the law, by false testimony as to the character of the lands, large amounts of land not swamp in the contemplation of Congress in the original acts or in the subsequent ones have been taken away from the Government of the United States, and, what is worse, from the settlers who had settled upon them and improved them, and who found that any right which they had by pre-emption or homestead was cut out by a pretended grant under the swamp-land law antedating the rights which they had acquired. The whole system of swamp-land grants has been a great curse to the United States; but I never knew that, in addition to other mischiefs brought about by that system, the money had been squandered by giving it to railroads or disposed of illegally and not applied to the reclamation of the lands. I doubt whether it is well for the Government by this bill to sanction a system of this kind. In fact if States have thus squandered the money arising from these lands and have not devoted it to the reclaiming of them, it seems to me it might be well for Congress to require that some proceedings be taken in the courts to compel the execution of the trust which was put in these States for the reclamation of the lands or the payment of the money into the United States Treasury in order that we may so apply it.

Mr. MITCHELL. Has not the Supreme Court of the United States decided that that provision of the law is only directory?

Mr. SARGENT. The provision of law was directory, but it was an express provision of the grant. I am not here to attack or defend the opinions of the Supreme Court of the United States. I know the Supreme Court of the United States once said that after Congress had by most careful laws hedged around the rights of pre-emptors, had stated the manner in which they should proceed under its laws to acquire an inchoate title which should ripen by payment of the purchase-money, yet no right accrued under any of these laws or by compliance with them. I might go on and refer to other decisions of the Supreme Court which in my judgment, not enlighted by them, I should consider to be extremely hard on the settlers, and were it not for these opinions of the Supreme Court I should say extremely unjust. I do not desire, however, to use language of that kind toward that tribunal; but when they come in and say that when Congress gives a grant of land on the express condition that the accepting party shall improve that land the consideration moving from the United States being that by the improvment of this land its own land adjacent is improved, this is not a contract with the accepting party which binds it, I should rank this with the other decision of the Supreme Court which denied pre-emptors any right after Congress by a dozen statutes had endeavored to confer rights on them. If, however, the right does not exist on the part of the United States to require compliance with the conditions of the grants, then it is about time we had legislation on the statute-book so plain and clear that even the Supreme Court of the United States might understand its provisions and hold that the United States had some right to enforce the conditions of grants which it makes to parties who accept them and take the benefit of them.

I trust this bill will not pass, because it is a sanction of a loose theory; it is a sanction of the idea that a party receiving on conditions benefits from the Government of the United States may disregard those conditions, and at any rate may appropriate the money to another purpose and afterward come in and ask Congress to sanction such malappropriation of money. Congress is too much played with in these things. The rights of the people which it endeavors to protect are too much disregarded by those who receive these benefits. Lobbyists come here on behalf of some corporation and ask certain privileges at the hands of Congress. They profess their desire to do a certain great public good; they are as disinterested and patriotic as it is possible for their own language to describe them; but after they have got their hands and their pockets full of benefits from the Congress of the United States, they forget all about their promises, all about the obligations which are put in the law. All the barriers which we raise to protect the Treasury of the United States or the rights of the people these corporations break through as through a net of cobwebs and all the precautions we have taken go for nothing. I am opposed to sanctioning at any rate this course of proceeding on the part of corporations and States that have received these benefits from the Government of the United States. I would hold them to the law. If they see fit to violate it and we have no remedy, then let it go; but I do not desire so far as I am concerned to be *particeps criminis* in the illegal diversion of the money arising from these lands.

Mr. MITCHELL. Mr. President, I agree with a great deal of what the Senator from California says; but the Senator from California argues as though there had been an illegal diversion of this fund by the States. I do not understand it so.

Mr. SARGENT. I spoke of this diversion in Alabama. I said in California they had not been so diverted.

Mr. MITCHELL. I understand that the act making these grants incorporated in it a direction as to the disposition of the fund, and I understand that the Supreme Court of the United States has decided that that was merely directory and not binding upon the different States and that they could make any use of this fund they saw proper. I know that as a matter of fact, as stated by the honorable Senator from Minnesota, a great many of the States have made dispositions of the fund different from that pointed out in the statute. In relation to the case in Alabama, the State of Alabama comes to Congress and says to Congress, "Here we would like to make a certain disposition of these funds, we would like to devote these funds for the benefit of the insane and idiotic." They do not propose, although the decision of the Supreme Court is as I have already said, to make any diversion of funds unless with the consent of Congress. It seems to me as they come here and ask this in view of the disposition of the funds by different States, they ought to be allowed to make this disposition of these particular funds in Alabama. It is certainly for a very meritorious purpose.

Mr. SHERMAN. I wish to call the attention of the Senate to the express condition on which all these grants were made. I turn to the act of September 28, 1850:

> The proceeds of said lands, whether from sale or by direct appropriation in kind, shall be applied exclusively, as far as necessary, to the reclaiming said lands by means of levees and drains.

That is the sole purpose for which the grants are made.

Mr. HOWE. Where do you find that section?

Mr. SHERMAN. On page 456 of the Revised Statutes, section 2480.

Mr. McDONALD. I should like to ask the Senator from Ohio if there should be a surplus of the funds after the necessary improvements have been made, whether that, in his opinion, would revert to the United States?

Mr. SHERMAN. I think not.

Mr. McDONALD. Might not the State in that case very properly ask the consent of Congress to invest it in some benevolent institution?

Mr. SHERMAN. I think the case could not arise, because from the very nature of the grant, these being swamp lands, they want draining, and the draining conducted in almost any way the Senator knows would exhaust the fund.

Mr. McDONALD. But it does not necessarily exhaust the fund; the land may still yield twice the amount that the ditching will cost. I do not understand that the bill under consideration proposes to disregard the terms upon which these grants were made, but that it asks simply the consent of Congress to apply the surplus of the fund now in the treasury of Alabama arising from the sale of swamp lands to the construction of an insane asylum.

Mr. SHERMAN. In other words, it authorizes a repeal or modification of the law by taking the money which is directed to be applied to draining these lands, for some other purpose. These lands are sold to private persons, and this condition runs along with the grant to provide persons, and these private persons have at least an equitable right to demand that the money they have paid for these lands shall be expended in reclaiming these very lands. The proceeds are to be applied for draining as far as necessary. So no question could arise except in the event of the fund being larger than the sum necessary to drain the lands.

Mr. DAWES. I do not know that I quite understand the Senator from Ohio. Am I to understand him to say that the owners of this land have an equitable right to any of the money which lies over?

Mr. SHERMAN. I never said such a thing as that. I said that the owners of the lands, the persons to whom the State sold these lands, have the equitable right to demand that the State should expend the money received for them for the very purpose pointed out by the act of Congress, because that obligation on the part of the State to expend the proceeds is an obligation which attaches throughout.

Mr. DAWES. The condition that the Senator from Indiana [Mr. McDONALD] suggested would be a condition where there would be a surplus after the lands were drained.

Mr. SHERMAN. There is no pretense of a surplus in any case, and this bill does not go on the idea that there is a surplus.

Mr. HOWE. Allow me to ask the Senator who is to be judge under this act of what portion of the proceeds it is necessary to expend?

Mr. SHERMAN. In the first instance the State, and the State is bound in the exercise of this trust and the disbursement of this money, which is not hers but the proceeds of the property of the United States, to do what is just and reasonable. We cannot sue the State; we cannot send the State to the penitentiary, nor can we enforce this equitable claim in a court of equity; but we can demand of the State as a condition of continuing this grant of swamp lands that it shall do what is right according to law between it and the United States and its grantees.

Mr. HOWE. The question of repudiating or rescinding or revoking this grant is not before us. When that comes up, there will be several things to be suggested in reference to the passage of such a bill.

The PRESIDENT *pro tempore*. The morning hour has expired.

Mr. ALLISON. I move that the Senate proceed to the consideration of the river and harbor bill.

The PRESIDENT *pro tempore*. The Senator from Iowa moves that the Senate proceed to the consideration of the river and harbor bill.

The motion was agreed to; there being on a division—ayes 32, noes 8.

WILLIAM C. NICHOLS.

Mr. WRIGHT. A little bill introduced by our presiding officer was referred to the Committee on Claims involving $183 about which there is no controversy. Our presiding officer having introduced the bill and seldom occupying the floor, I ask my colleague to yield that I may call up the bill.

Mr. ALLISON. I have no objection provided it takes no time.

Mr. WRIGHT. The claim ought to be paid. There is no doubt about it. It is Senate bill No. 904.

By unanimous consent, the bill (S. No. 904) for the relief of William C. Nichols, late assistant treasurer of the United States at Chicago, Illinois, was considered as in Committee of the Whole. It appropriates $183.43 to pay William C. Nichols, late assistant treasurer of the United States at Chicago, Illinois, the difference between the pay of cashier in that office and the full pay of assistant treasurer for a period of twenty-seven days which elapsed between the date of the commission to Nichols appointing him assistant treasurer of the United States and the filing of his official bond thereafter, and for which period he performed the duties of assistant treasurer and received the pay of cashier.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. G. M. ADAMS, its Clerk, announced that the House had passed the following bill and joint resolution; in which the concurrence of the Senate was requested:

A bill (H. R. No. 3989) for the relief of Catharine and Sophia Germain; and

A joint resolution (H. R. No. 154) prohibiting supply of special metallic cartridges to hostile Indians.

The message also announced that the House had passed the following bills, with amendments; in which it requested the concurrence of the Senate:

A bill (S. No. 614) to authorize the Secretary of the Interior to deposit certain funds in the United States Treasury in lieu of investment; and

A bill (S. No. 982) providing for the completion of the Washington Monument.

The message further announced that the House had passed the bill (S. No. 774) to remove the political disabilities of Samuel Jones, of Virginia.

ENROLLED BILL SIGNED.

The message also announced that the Speaker *pro tempore* of the House had signed the enrolled bill (H. R. No. 3963) to amend subsections 246 and 251 of section 12 of an act entitled "An act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1875, and for other purposes," approved June 23, 1874, and for other purposes, and also to amend section 3954 of the Revised Statutes; and it was thereupon signed by the President *pro tempore*.

CAPTAIN EDWARD S. MEYER.

Mr. LOGAN. I am directed by the Committee on Military Affairs, to whom was referrred the bill (H. R. No. 36) to restore the name of Captain Edward S. Meyer to the active list of the Army, to report it with an amendment.

Mr. SHERMAN. I hope the Senate will pass that bill at once. It is a small matter for a gallant officer.

By unanimous consent, the bill (H. R. No. 36) to restore the name of Captain Edward S. Meyer to the active list of the Army was considered as in Committee of the Whole.

The amendment of the Committee on Military Affairs was to insert at the end of the bill the following proviso:

Provided, That the time that he has been on the retired list shall not be counted in his service in giving promotion.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. U. S. GRANT, jr., his Secretary, announced that the President had on the 26th instant approved and signed the act (S. No. 332) to amend the act entitled "An act to amend and supplement an act entitled 'An act to establish a uniform system of bankruptcy throughout the United States,' approved March 2, 1867, and for other purposes," approved June 22, 1874.

JONATHAN WHITE.

Mr. ALLISON. I agreed to yield to the junior Senator from Illinois to pass a little bill that was cut off the other day, which I do today.

Mr. OGLESBY. I hope the Clerk will turn to a bill for the amount or $55.40 for the benefit of a citizen of Minnesota, a bill reported from the Committee on Public Lands, to which there is no exception. The money was paid into the Treasury through mistake. The register and receiver of the land office and the Commissioner of the General Land Office state the fact, and the bill is simply to pay the man back that $55.40. I reported it the other morning.

CONSULAR AND DIPLOMATIC APPROPRIATION BILL.

Mr. FRELINGHUYSEN. Meantime may I make a conference report? The committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 1594) making appropriations for the consular and diplomatic service of the Government for the year ending June 30, 1877, and for other purposes, report that, after full and free conference, they have been unable to agree. I move that the Senate further insist and ask another conference on the disagreeing votes of the two Houses.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from New Jersey that the Senate further insist on its amendments to House bill No. 1594 and ask a further conference.

Mr. HAMLIN. Mr. President, looking at this matter carefully and considerately, it seems to me that we have about arrived at that point where it becomes the duty of the Senate to itself and to the country to adhere to our former votes amending this bill. I inquire of the Senator or of the Chair, to how many committees of conference has this bill already been committed?

Mr. FRELINGHUYSEN. My impression is to two.

The PRESIDENT *pro tempore*. The Chair's impression is three.

Mr. FRELINGHUYSEN. I am not certain.

Mr. HAMLIN. I should like to have the papers looked at carefully. I had the impression that the bill had been referred to as many as four committees of conference.

The PRESIDENT *pro tempore*. The impression of the Chair is three.

Mr. HAMLIN. Then this will make the fourth.

The PRESIDENT *pro tempore*. The Chair is informed by examining the record this is the third conference committee.

Mr. HAMLIN. The Senate carefully considered this bill, and as it came to us in my judgment it was one of great injury, not to say almost destruction, to a portion of the commerce of the country. The consular portion of it seems to have been treated by men who knew nothing about what they were dealing with. They were like the angels of destruction scattering fire-brands, arrows, and death, and

folding their arms careless of results, saying "We are but in sport." The consular system is self-sustaining; it draws no money from your Treasury. It is more than self-sustaining; it contributes of its funds to the support of your Government by the moneys which are gathered into the Treasury, and this bill in instance after instance where consulates are requisite for the purpose of certifying manifests and discharging a variety of duties devolving upon them by law, abolishes them. It is a recklessness in the treatment of the commercial affairs of this country that challenges and demands the attention of this body. When you pass from that and go to the diplomatic portion of it, it proposes to send your agents to foreign governments upon terms and conditions that shall be a reproach to this country. Time after time this bill is to go to a conference committee headed as are other committees by men who may justly be denominated in politics the Titus Oates and the William Bedloe of the day. Is it not time for this body to say what we will do? We want, we demand, our duties require that a bill providing for your consulates and for the diplomatic service should be passed. Why not adhere to our vote and let this enormity die? I suppose all Senators like myself will be glad to get away from this heated place; I suppose we shall get away if we live long enough. Now, in the line of duty and in the line of economy I hold that it is about time to adhere to our vote upon this bill and let it die the death of the unrighteous, and then let the House understand what is the position that we mean to occupy if we do mean to occupy it; at least let us know what we shall do one with the other, and then let a bill appropriate, a bill that shall be commensurate with the dignity and character of this great Republic in foreign lands and one which the just demands of commerce require at our hands be originated and sent to us. I think, sir, I will not submit the motion now, but if the thing ever comes back I will make a motion to adhere and vote for that motion if no other Senator shall vote with me.

Mr. EDMUNDS. I did not know that this report was to be made at the present time or I should have been present and had something to say. I a good deal agree with what the Senator from Maine has said. We have had three conferences already upon this bill, and certainly the last one has failed on the distinct issue of whether the Senate of the United States shall be compelled, whether it believes it to be right or not, to change the laws of the United States as the price of having the House of Representatives agree that any money shall be spent for the public service at all. Every possible method of proposing to the House of Representatives—which, I presume, the Senator from New Jersey has explained—the means of fair inquiry into the state of the service and the giving to each House its own independent rights and of providing, where the Houses cannot agree, that that House should recede which proposed something new, has been exhausted. I do not think that the ingenuity of man can contrive any new way of proposing to the House through its conferees a method of adjusting this subject that has not been proposed short of taking the broad step across the line, as was urged upon us by the House conferees, and saying that the provisions of law regulating salaries or any other branch of the public service that directly involved the expenditure of money belonged of right, some said constitutionally of right, and others said of real and philosophic right, to the House of Representatives, and that the Senate would be violating its duty to resist any change in the law that the House of Representatives demanded that affected the expenditure of public money. We have come down by inevitable steps and processes to a disagreement, I believe every time, certainly this time, upon that identical proposition.

The Senate conferees proposed to the House conferees first, through our honorable chairman, if the House thought the total of the money they had appropriated for this purpose was sufficient for the public service, to say "we will grant this sum as a total, leaving it to be expended in the discretion of the President of the United States for the best interests of the public good, limited by existing provisions of law, the law of a year ago in appropriations to the objects, no new ones, for the purposes, no new ones, and in the amounts, no new ones, provided by the pre-existing appropriations." The only discretion under that proposition left to the President would be to discontinue various branches of the diplomatic and consular service in order that out of the money he had he might carry on those that are most important. That was rejected.

Then it was proposed that the Senate would take the sum appropriated specifically by the House of Representatives for the specific object, although it did not cover what the law required, and would agree, and would not only agree but were desirous, as all the Senate is, that every branch of the public service shall be inquired into and economized where justice allows; that there should be a joint committee to inquire into all this consular and diplomatic service, to report at the next session, and if on reporting at the next session the two Houses should be of opinion that reductions could be made, offices dispensed with, such reductions and abolishments of offices should have relation to this present year, so that in that case no possible detriment could happen to the public service. That was rejected.

Then the Senate conferees proposed that they would recommend that the Senate should recede from every one of its amendments increasing appropriations upon the ground that the House had a right to take the responsibility if it thought it just, or if it did not it had the right to take the responsibility of appropriating only one-half, or one-fourth, or one-tenth, or anything at all for branches of the public service existing by law, and that the House should recede from its proposition to change the law into something else. That was rejected.

It ought to be said, however, that in respect to this proposition that applied to all these various ways of getting at it, for a commission to inquire, the House conferees said they were willing to have a commission to inquire, but as a condition to that there must be in this bill the provision that the law should stand as changed, changing the salaries, abolishing the offices that the House did not think were right, until the two Houses hereafter should agree to make it otherwise. In other words, the proposition on the part of the House is, "We will change the law now blindly," because they had no facts to offer us respecting any one of these points, for we took them up on some of the items as leading and test ones; they had no facts to offer except the general talk, which we all agree to, that everybody ought to be economical. They say "You are now to take this change of the law and make the law say that the present sums appropriated shall be the law of salaries and be the law of places of public service in foreign countries until afterward we find out that we are wrong." In other words, "We will change the law now without any definite reason, and if by and by we can find a good reason for believing that it ought to be changed back again, we will change it." That appeared to the Senate conferees not to be a proposition which was just, philosophic, or logical. I cannot properly use any more expressive phrase with the high respect we hold and are bound to hold for the House of Representatives.

What is to be gained by further conference? We are told that this is the fixed attitude of the House of Representatives. We have not declined to go into an inquiry in respect of any of these items; quite the reverse. When it is proposed that the mission to Great Britain, for instance, shall be reduced in point of compensation from one sum to another, which is the proposition of the House, we call for the facts and statistics upon which it is founded and we do not get any, but we are asked to reduce it now, to change the law now and inquire afterward whether we have done a wise or a foolish thing. Our idea was that the true business of legislation was to inquire before you change the law whether the change will be wise or foolish. Of course it is perfectly obvious to everybody that it is totally impossible in any just legislative sense for the conferees on a bill between the two Houses or anybody on an appropriation bill properly and fairly to have the time and the means to look into the various items and see where the public expenditures can be properly reduced; and upon that ground it was that we proposed this inquiry, leaving the law to stand as it is until we can find good reasons to change it, and if we should find good reasons to change it, then have the change take effect. In that way nothing could be lost. That was rejected.

What are we to gain by any new conference? Where are we to stand? As I say, the essential dispute, when you strip it of its flounces and furbelows and look at it *in puris naturalibus*, is simply this, that the House of Representatives claim that the Senate has no constitutional business to disagree to changes in existing laws that the House of Representatives chooses to demand respecting the expenditure of public money. Therefore, if it were left to me alone, I should quite agree with my honorable friend from Maine, that the present duty of the Senate, not so much to itself as to the country and to futurity, would be to recede from every one of its amendments that has increased sums, for the House conferees said over and over again that they would not put them up, and to adhere in the strictest sense—because it comes to a question of right and nothing else—to those amendments of ours which struck out the House propositions to change the existing law. That leaves the responsibility on the other body that has assumed it to determine what it will do. But I do not feel authorized to make a motion of that kind now, because that requires a little detail.

Mr. SARGENT. Will the Senator excuse an interruption? I do not know that I understand my friend exactly. He says that he would advise that we should recede from all the amendments by which we increased the amounts appropriated in the items of the bill and insist upon retaining the laws as they are. I do not see the application exactly. For instance, take the case of the mission to England. The House bill reduced it from one amount to another by reducing the appropriation. Now if the Senate recedes, we leave it at the less amount and it stands as the salary, which is a change of the law.

Mr. EDMUNDS. Not at all. There may be a sum of money due to a man as a salary and the two Houses may not appropriate half what the law requires; they may not appropriate anything at all. The House of Representatives might refuse to insert an item, and so pass a bill, for any salary at all to the President of the United States and when it came over here if we put in an item of that kind for the salary of the President of the United States and the House say they will not agree to it what can we do about it? Nothing at all. They are responsible not to us but to the Constitution and to the people, and they take the consequences as they have a right to do of that sort of action.

Mr. SARGENT. The Senator thinks the matter would be reached by that and by adhering to our amendments refusing to change the law in the latter part of the bill providing that these sums shall be in full. Is that the idea?

Mr. EDMUNDS. This bill contains two phases. One, the first part of it, is the ordinary phase of appropriating money to carry out ex-

isting laws. The House confessedly has not appropriated money enough to carry out the existing laws. Where the existing laws call for $17,500, the House of Representatives has said—and has stuck to it in the committees of conference—"We will only give $14,000." Then, at the end of the bill, or as an addition to it—it does not make any difference where it comes in the bill—they make one general and sweeping declaration that "the sums herein appropriated shall be in full;" in other words, that the salaries and provisions and everything else as provided for in this bill shall be the law.

Now, my proposition is not one that I am quite sure I ought to make at this time, although, acting on my own judgment, upon my own sense of my duty to the Constitution, to the country, to economy, to honesty, to self-respect, to everything that appeals to a just man intrusted with responsible duties, I should say that our duty is now, after all that has happened, to declare to the House of Representatives, "We cannot compel you and we do not claim the right to compel you to appropriate a dollar more money than you like, whether the law calls for it or not; we therefore, after all that has taken place, take the money you propose and recede from every proposition of ours to increase the sums up to the law." Then, when it comes to the other provision of making a new law as to what various persons are entitled to and whether establishments shall be kept up or not, then, I say, we have reached the point where the Senate owes it to itself—which is the least thing personally—owes it to the Constitution, owes it to the people, to the Republic, owes it to economy and retrenchment, to say, "We adhere to our amendment rejecting from your bill propositions to make a new law that you have given us no reason for making, whether on an appropriation bill or any other." If it were a bill by itself to change the establishment at Great Britain, everybody would agree, even the House of Representatives possibly would agree, if they sent us a bill by itself saying that hereafter the salary of the establishment at Great Britain should only be $14,000 or $10,000, or any other sum, and that the hire of an office should only be $500 or any other sum, if we did not agree to it that would be the end of it. But it seems to be imagined that because it is put into an appropriation bill—the very place it ought not to be, because it is impossible in an appropriation bill covering various branches of the service to have fair inquiry—the Senate must take it, hit or miss, right or wrong; that that is the true constitutional authority; and it is upon that ground that we disagreed.

How does that leave us? It leaves us in this attitude: The House of Representatives cannot be compelled—it is not obliged, so far as we are concerned—we have no right to demand and we do not demand that it shall vote a single dollar of the public money for any purpose that it does not choose to vote. If it refuses to vote anything for the foreign service, anything for the salary of the President or of the judges of the Supreme Court or any other officers, we cannot help it. It is no business of ours. We may attempt by a conference to persuade it, to appeal to its reason, and to induce it by reason to fulfill its constitutional duty; but, if it does not see it in that light, our mission is ended and it takes its own responsibility to that just public sentiment which over a large number of years is always correct and to that due preservation of the independence and purity of the Government by the independence of its several branches and refuses to appropriate if it sees fit. We cannot do anything about it. As I say, we have exhausted argument; we have exhausted experiment. There is nothing left to us, in my judgment, under the Constitution and under our sense of duty, but to say: "You will give no more money than this; very well, we accept it; but when you ask that we shall make a new law and declare that this money shall cover every branch of this service and shall pay every demand upon it, and that no person hereafter shall have any right to have any more, and that this mission and that consulate and the other shall be abolished, we have no right to accede to that for the sake of getting anything, unless we are satisfied that such accession is right." Why, Mr. President, taking the question as it is presented by the House of Representatives through its conferees and admitting, for the sake of trying their case, what is otherwise absurd, in violation of the language of the Constitution, in violation of the history of its formation, in violation of common sense and public security, to be true, still we should find ourselves, on their own ground, taking this to be a money bill, as they call it, in the strictest common-law and parliamentary sense; and if we followed out our theory as it is followed out in Great Britain, we should do exactly what the House of Lords would do on a similar occasion: we should have rejected on sight—that is the very phrase—rejected on sight every one of these amendments which change the law. In the time of Charles II the House of Commons undertook to imagine that on money bills in the English sense—call them revenue bills, if you please, about which there is no dispute they had a right to originate, and, more than our Constitution provides, had a right to say should not be altered—they had the right to put legislation and tack their bills, as the English phrase is, upon them in order to ride them through the House of Lords because the government could not go on without providing the supply bills and money bills, the taxes, &c., which usually in the same bills were provided as to their expenditure. What happened from that? After a little the House of Lords adopted a standing order, which exists to this day if I am not misinformed, to reject every provision in a money bill, without inquiry into its merits at all, that was of a legislative character, as we express it. They would not stop to ask, as we have stopped to ask the House conferees, whether the change in the salary of the mission to Great Britain was wise or unwise, was fair or unfair, was honest or dishonest, but it is their standing practice to refuse even to consider for a single moment any proposition of that kind. We have not insisted upon doing that, although, if the theory of the House were carried out as to their relations to what these gentlemen call money bills, very unadvisedly as I think, we should do the same thing, and then the result would be exactly the same as that which I have supposed; only in this instance we have asked the gentlemen on the part of the House to point out to us by fact and statistics and inquire why it is that these changes in the law that they propose ought to be made, and we are answered by the statement that there is a general time of public distress and a general time of necessity for economy. Well, sir, there is a general time of public distress in a certain sense, and there always ought to be a general time of economy. There is no time that is so prosperous that a government that expects to stand forever and be pure can afford to be otherwise than economical. It is not the business of any government that I know of, any government of ours, either state or national, to be otherwise than economical at any time. If the people have any money to spend, outside of the trust they repose in it, in luxury and enjoyment, it is their affair, and they can spend it in their private capacities; but when the time comes that the Republic is to engage in the business of spending money otherwise than economically, it will be a bad day for the Republic in my opinion, for it will lead to corruption in the greatest degree and to all the consequences that follow corruption. So, then, the real question is not whether we ought to be economical now or at any other time. We all ought to be; we all strive to be. It has not been reserved to this session of Congress to try to be economical. If members in the other branch will look into the history of legislation in the last ten years, they will find that both democrats and republicans in both Houses have earnestly devoted themselves in appropriation bills and in other bills affecting the public service to reduce expenditures to the lowest proper limit, and they have done it from time to time, and they are no doubt equally desirous to do it again.

But, Mr. President, economy has its limits. There is no ground for saying that economy shall be turned into robbery; there is no ground for saying if you are to employ a man to perform a certain duty in the public service that you will give him only half the money that is necessary to sustain him in performing that service and leave him to beg or steal for the residue. I hope there is no part of the people of the United States who are in favor of that sort of economy, as it is sometimes called. So the real question was taking these first missions whether there was any ground to believe at all that the just demand of the public duty to be done would be properly performed, prudently, economically, modestly, in the most rigid sense, for less than the sums named by existing law; and our honorable gentlemen representing the other House had no facts to offer. It was only a general impression that it was a good time to slice in the knife everywhere and trust to future inquiry to ascertain whether we had been committing a wrong or doing a right.

But, as I said, Mr. President, the thing is whittled down—to use a northwestern expression—it is really brought down to the disagreement of the two Houses, radical, earnest, decisive, on this simple question, whether it is the duty of the Senate, under the Constitution justly considered, to yield its judgment and to follow legislation proposed by the House of Representatives, without any reason, in changing existing laws, in reducing salaries, and abolishing places. The same principle of course would apply if it were reversed and the House of Representatives had demanded that we should increase salaries and provide new offices and new places, and then we should be told in the same way and in the same spirit "the Senate has no business to a conscience or a judgment or an intelligence of its own; the House of Representatives represent the people; they are the persons whose judgment alone is entitled to any weight." That is the point; and that being the point, I am myself in favor of considering before we agree to any new conference what course the Senate ought to take; and I appeal to my honorable friend from New Jersey to allow this matter to lie on the table until we can reflect upon it.

Mr. SAULSBURY. Before the Senator from New Jersey yields to that I think some reply ought to be made to remarks that are indulged in from time to time on conference reports reflecting on the action of the House of Representatives. I think it is very unfortunate that there should be disagreements between the two Houses in reference to the appropriation bills, but they sometimes occur; they have occurred in the previous history of the country and they will occur again, I presume, in the future history of the country; but I do not think the occurrence of a disagreement should be made the occasion for a criticism on the part of one House in reference to the action of the other.

Now, in regard to this particular bill, I am not sure that I agree at all with the House of Representatives in reference to the payments to be made to our principal missions abroad; but I have no hesitation in expressing my opinion that there are many consulates and minor positions that could be abolished without any serious detriment to the country. But what I rose principally to say was that the House of Representatives is a co-ordinate branch of the legislative department, and as such is entitled to its judgment in reference to what shall be the measure of compensation paid foreign ministers and con-

suls as the Senate of the United States, and that because the House differs with the Senate that fact furnishes no ground for the severe criticisms that are frequently indulged whenever an occasion is presented by the report of a disagreement between the two Houses in reference to any of the appropriation bills.

The House of Representatives are not captiously striking for economy, as is represented.

Mr. EDMUNDS. I hope the Senator does not allude to me. I have not represented that they were captious about anything; far from it. I undertook to say, and I thought I did say so that nobody could misunderstand me, that the House of Representatives was perfectly entitled, according to its own judgment and absolutely independent of ours, to say that it will not appropriate anything if it wanted to; and I merely said, on the other hand, that the Senate was equally entitled to say on its conscience and judgment that it would not change the law till it could see a reason for doing so.

Mr. SAULSBURY. I am not charging the Senator from Vermont or any other Senator with using the word "captious;" but it cannot have escaped the attention of the Senate that the whole tenor of the debate has been a severe criticism on the action of the House of Representatives. That, I think, no one will deny. They have been held up as striking blindly and wildly for economy when there was no necessity. The Senator from Vermont will not deny that point. I think there is great necessity for economy, and I think that the House of Representatives has shown a commendable spirit in this regard. The people of the country are paying taxes to this Government, heavy and oppressive taxes, while the business interests of the country, it is admitted, are paralyzed to a very considerable extent.

It was said on the other side of the House the other day that the agricultural interests of the country were never more flourishing than at the present time. It happens to be my fortune to have some interest in some poor land. I know, therefore, from my own experience what is the condition of the agricultural interest. Your cereals to-day are not worth more than half what they were worth a few years ago; and while the crops may be as abundant as formerly, yet they are unremunerative because of the condition of the country, and because of the want of remuneration in the prices paid for agricultural products. I think there never was a time when there was greater oppression of the agricultural interest of the country than at the present time; and that is true of every other interest. It is true of the manufacturing interest; it is true of the commercial interest; and in this condition of affairs in this land it becomes the representatives of the people to look carefully to economy. The House of Representatives have only obeyed the high behests of the people they represent in seeking to economize as they have upon all the bills. They may have gone too far. I do not say they have not. I do not say that they have not made mistakes. "To err is human." But the conference committees ought to reconcile and adjust these differences without animadversion on the part of one House toward the other. In reference to the legislative provisions incorporated in this bill, I believe that that kind of legislation is vicious. I have always believed so, and since I have been in the Senate I have opposed measures of that kind; but the House of Representatives had before them the illustrious example that had been set for several years. The most obnoxious measures have been incorporated upon appropriation bills, and they have passed the Senate and passed the House of Representatives and become the law of the land without the severe criticism upon them which is now indulged in because the House of Representatives see proper on appropriation bills to determine the question of the amount to be paid to our consuls and ministers abroad.

Mr. President, I cannot and do not willingly sit still and hear these criticisms against the co-ordinate branch of the legislative department of the Government when we believe they are actuated by a proper spirit of economy and a desire to relieve the people from the oppressions and burdens under which they have been laboring for some years.

Mr. FRELINGHUYSEN. Mr. President, I agree with what was said by the Senator from Maine [Mr. HAMLIN] as to the importance of our consular system to our commerce and the importance of our diplomatic system to the honor of the nation; and it is because I so fully appreciate the truth of all that he said that I as one member of the conference committee was reluctant to omit any expedient to prevent this bill from failing. I agree with what my friend from Vermont [Mr. EDMUNDS] has said, that no future conferees on the part of the Senate can make any more acceptable proposition than has been made, I do not care from which side of this Chamber you take them. We have exhausted our ingenuity in trying to accommodate this matter; for I take it for granted that no Senator can agree that the two legislative branches of this Government are not co-ordinate and equal. That is the point.

As to what my friend from Delaware [Mr. SAULSBURY] says about economy, we have offered to adopt just the House appropriations, to recede from every amendment increasing those appropriations, they receding from their amendments changing the laws; and that is rejected. Why, then, do I move that the Senate insist and ask another conference instead of adhering and terminating this dispute? For this reason: I believe that there is a better sentiment in the House of Representatives than has been represented on the conference committee, and I would give them this opportunity of having that better and truer sentiment of the House represented in another conference.

Mr. HOWE. Mr. President, I heard of a Scotchman once who finding himself upon his death-bed was told that he must forgive his enemies, and he said if he must he would, but he left his curse to his son if he would forgive them. [Laughter.] Standing in the presence of a rule of courtesy which has heretofore and which I hope will hereafter animate and to a certain extent guide the intercourse of these two Houses, I am willing for one to refrain a little longer from putting on your record a vote adhering to the position the Senate has already taken upon this bill; but in order to be perfectly explicit and intelligible I want to say to the next committee of conference that the Senate shall appoint that if they do not in fact adhere to that very position I shall be disposed to leave anathemas to them hereafter or to pile them up at once.

Mr. SARGENT. We cannot hear the Senator.

Mr. HOWE. I say that although I am willing to forego a little longer the vote to adhere, I shall expect the next committee of conference in fact to adhere to the position which the Senate has already maintained, and that for two reasons, one of which I do not lay much stress upon. That one is that you are required to make reductions in salaries now appointed by law, which salaries I do not myself think are too high; and for that reason I do not wish the Senate to acquiesce in the demand made upon it. But then I know very well that you might reduce these salaries to the extent demanded, and yet you might maintain a sort of service; the country would not be ruined if you acquiesced in this demand, and so I do not care so much about this particular point. There is another reason more imperative than this, I think, why the Senate should not acquiesce in this demand, and that is the moment you do it you have destroyed the Senate. You have no Senate when you have acquiesced in this demand, no such Senate as the Constitution provides for, a co-ordinate body in the legislature. That Senate will not survive such a vote. We are told, in almost as many words as these, that unless you re-adjust certain salaries at a certain figure the appropriations now demanded by law shall not be made. It is always proper for either House of Congress to propose a re-adjustment of salaries, an increase or a decrease of salaries, and when any such proposition is made by one House or the other, it is always proper for the other House to consider the propriety of the new measure and acquiesce in it or reject it, as its judgment, and not as its fears, may direct; and that House or that Senator or that Representative who refuses to acquiesce in any such proposition always does so upon a certain responsibility; and that responsibility is that he may meet and will be likely to meet the rebuke of his constituents if his judgment does not coincide with theirs. Now, the House has proposed a re-adjustment of certain salaries in this bill. The Senate has already sufficiently indicated by its vote that its judgment does not coincide with this measure, does not approve of it. We have indicated that over and over again. We have made a record complete and perfect against ourselves. If our judgments mislead us, the evidence is complete; we can be arraigned at the bar of the people, and judgment can be demanded any day. I am ready to listen to that judgment myself. Having thus exposed our judgments, our defective judgments, laid those bare before the people, it seems to me the House is now practicing on our nervous system, seeing how far it can operate on our fears. Now we are told that unless our wills give way, no matter about your judgments, unless our wills give way and we assent to those salaries, we can have no appropriations. Well, sir, I hope the Senate will exhibit on this trying occasion, whatever may be said of its judgment, a sound nervous system. If we are afraid, I hope we shall not advertise that fear. If there is any cowardice here, let us keep it to ourselves, and not spread it on the record.

Mr. President, I think that if we were induced to acquiesce in a measure which our judgment did not approve by the threat that appropriations should not be made, the Senate would no longer exist as a co-ordinate body of the Legislature.

Mr. EATON. Has there been any such threat, or do you assume that there has been? Which?

Mr. HOWE. I perhaps assume it; I have not heard it in so many words.

Mr. SARGENT. I suppose it would be improper to read from the debates and proceedings of the House of Representatives, and therefore my friend from Wisconsin cannot answer the question. But if he were allowed to answer the question, he could furnish materials to answer it and show that such a threat has been made.

Mr. HOWE. I understand the attitude of the House to be, no matter what its words may be, a threat. The law to-day tells the House of Representatives to appropriate so much money to each of these salaries. That is the law to-day; and they do not do it. They have a reason or they have not. What reason under Heaven can they assign but that they expect, by holding out and refusing to meet this duty, to compel the Senate to change these salaries, so that less money will be required? Their attitude is a threat, no matter what their language is. They might just as well hold a club up over the heads of the conference committee or over the heads of the Senate; it would be no more nor less a threat than is this action.

Now, sir, you and I know that when our Constitution was formed there was a great deal of difficulty in the convention about adjusting the precise measure of authority that each State should have in the new Government. They all saw at once that the absolute sovereignty of each of the States had got to be given up, that a new gov-

ernment was to be framed which upon certain subjects should be an authority supreme over that of any State. It was a very important question whether each State should have precisely the same authority in the new Government, or whether the authority of each State in the new Government should be in precise proportion to the number of its people; and to reconcile those provisions was a work of no little difficulty. You know how it was finally adjusted by a most ingenious compromise, the compromise being this: that in one House of Congress, in one branch of the legislative department, the measure of authority possessed by the States should be in precise proportion to the number of their people, and that in the other branch of the legislative department the measure of authority of the different States should be precisely equal. This happens to be that branch of the legislative department. Here the States have been accustomed to feel that they had the best security for their rights as States. I never was myself what is called a State-rights man, or politician, or statesman, or lawyer. I never saw anything in the right of a State any more sacred as such than the right of a man. I think myself that human rights are quite as sacred as political rights; but I never saw the hour when I would not stand by and defend every right which this Constitution creates, whether it is on behalf of a man or on behalf of a State. The men who made the Constitution did agree, if they agreed to anything, that in one branch of Congress each State should have the same number of representatives, and that no statute should be put upon your book unless that branch of Congress wherein the States were evenly and equally represented should agree to it. We are told now, at this late day, by the popular branch of Congress that appropriations must stop or that this branch of Congress must surrender its independent judgment; and strange to say, if I may be allowed to say so, that demand comes to us from that school of politics (I am glad to know, not representing all of them by any manner of means) which has heretofore made the loudest boast of being the champions of State rights. To-day, I think the man is the staunchest champion of the rights of States who stands up for the independence of that branch of the Legislature in which the States have an equal voice.

Therefore I shall be very sorry, Mr. President, if any committee of conference appointed by the Senate shall be found to shrink one inch from the attitude which I understand has been maintained in this great debate up to this hour.

Mr. BAYARD. Mr. President——

Mr. FRELINGHUYSEN. At the request of the Senator from Vermont I am perfectly willing to let the matter lie on the table. I do not want to interrupt the Senator from Delaware, however.

Mr. EDMUNDS. I should like it to lie on the table a short time, but not to interfere with my friend from Delaware if he wishes to speak.

Mr. BAYARD. I desire to express in as few words as possible how sincerely I deprecate the tone of this debate upon the part of those who seem to object to the further proceeding of conference between the two Houses in relation to the differences upon this bill. It does seem to me that to meet a proposition for an amicable conference for the purpose of adjusting conscientious differences between the two co-ordinate branches of the legislative department of this Government, by an arraignment of motive, by a denunciation of intent, by a reference to political schools, is to say the least exceedingly unfavorable to that end for which conferences were designed and which I trust the present one may reach. I have been for the last two weeks a member of a conference committee on the part of the Senate, sincerely, ingenuously endeavoring to harmonize the views of the two branches upon an important bill. Had I entered that conference with any such suggestions on my mind as seem to exist in the mind of the honorable Senator from Wisconsin and others upon this broad subject of difference, I should have believed the task hopeless almost before we entered upon it. But I believe, as in all cases of human difference, the very best preparation that a man can make in his mind for success is to divest it of suspicion that wrong is intended either upon one side or the other, but that there shall be as a condition-precedent to any arrangement of this kind a very positive exhibition of mutual respect and good-will. Not only is a question of personal feeling, of mere party feeling, unjust and detrimental, but I submit it is both undignified and unworthy.

We are not here for a party end. We are not here for personal ends. We are here to legislate for a great country and for masses of people, much divided perhaps in local interest and certainly in individual sentiment. Here upon a broad bill, a money bill, supplying expenses for this common Government of our country, is it not possible that we shall treat it with the dignity and with the absence of all personal and party feeling which such a question calls for? I will say that if I cannot go upon a committee of conference except as a partisan, I will not go at all; I will ask to be excused; and I will plead my infirmity as the excuse; but believing that I can go upon committees to hear and judge fairly upon the merits of proposed differences, therefore I am willing to give my services, feeble though they be, to such an end.

Let me here say that we cannot in an instant suddenly and abruptly reverse and ignore the practice of these two Houses of Congress in regard to legislation of a general character upon appropriation bills for the last fifteen years at least. It will not do to say because the party sentiment of the two Houses was in accord, therefore that could be allowed under those circumstances as a method of legislation or as a principle of legislation which is not right when the two Houses differ in political sentiment. What is the result of such an argument? It is that the right or wrong, the expediency or the contrary, the justice or the contrary of legislation shall depend upon the accidental party sentiment of the relative branches of Congress. That will never do. We cannot say so. It is a matter of fact plainly and practically before us that for the first time in sixteen years the two parties relatively of the two Houses of Congress differ as to the majority of sentiment in each House. It could not be expected that the smooth flow of power which has passed on unchecked between members of the same party in the two Houses should not meet with some cheeck when for the first time in this long period a difference of party complexion arises between the two Houses. It cannot be that this difference of party complexion can be made the basis of a sound argument in favor of that being wrong today which you have admitted in the past to be right and proper. When I say admitted to be right and proper, I mean not without individual exception, I myself and perhaps others, perhaps the honorable Senator from Vermont——

Mr. EDMUNDS. Always.

Mr. BAYARD. I have been one of those who have constantly deprecated the ingrafting of general legislation upon a mere money bill. I have said so often that I have tired of my constant defeat on almost every measure which I have tried to support here; but I have not ceased to object to this practice. I have asked again and again that an appropriation bill should be in substance what it was in name—the appropriation of money to carry into effect existing laws; and yet what have we seen, or I may almost ask what have we not seen? What principle, what subject of general legislation has not been amended and touched under the form of appropriation laws? I have seen the question of evidence to be brought into courts of justice, invading principles well known to the common-law history of our country, entirely changed by an amendment to an appropriation bill. I have seen rights of liberty most dear under the Constitution and sacred in all history suspended by an amendment in an appropriation bill. In fact it would be difficult to find any subject of general legislation that to a greater or less degree has not been ingrafted upon appropriation bills by the two Houses during the last fifteen years. It is an unwise and vicious frame of legislation, but surely you are not to put an end to it without some degree of modification or notice. It was not to be presumed because a majority of the other House were suddenly discovered to be gentlemen of an opposite political party that therefore the whole custom which had hardened into law by acquiescence was suddenly to be put an end to. It certainly should be done with notification. As I have expressed in former times, I am exceedingly desirous that we should by clear and positive authority, by a joint rule or by an unwritten law of practice to be created, have the understanding that appropriation bills shall be money bills, that they shall be in fact what they are in name. We have in our own rules prohibitions upon amendments to appropriation bills, signifying a proper current of decision on this subject. We except amendments of different kinds unless they have the approval of some head of a Department or the recommendation of a standing committee. All those things are meant as restrictions upon the general flood of amendments that might rush in upon an appropriation bill and completely change its tone and character. I am very willing to see, and hope I may see a successful regulation adopted mutually by the two Houses for that purpose; but I submit with all respect, looking at the history of the legislation of these two bodies for the last fifteen years, that you should not announce now as a simple principle that which your constant practice has been to violate. Do not suddenly and abruptly make this change, and do not place it upon the ground beforehand that there is any intent to invade your privileges or your just duties and your obligations. I have not spoken nor do I propose to speak as to the expediency or otherwise of amendments that are proposed for legislation that may come from the other branch of Congress. They have their duties which they may exercise in the light of their consciences. I have mine, and propose to follow them with an equal dignity and I trust with an equal sense of right. Before a committee of conference had ever been asked upon the first appropriation bill that came at the present session from the House, expressions were made from the Senator from California [Mr. SARGENT] in which it seemed to me he stepped in advance, and hastened swiftly to meet some possible difference between the two Houses which had then not actually occurred. Before the bill was considered, before they had their errors, if errors they be, pointed out to them by the action of the Senate, they were arraigned for attempting to cripple the Government, or some such phrase of railing accusation was used. I then objected to that discussion. I thought it neither conducive to good results nor healthful to good legislation in any way.

In the present case we have differences, and those differences must be adjusted, I trust reasonably and with mutual respect. I do not think that the suggestion of threat or of overpowering the will of the Senate, or of overpowering the judgment of the Senate can properly be made. I have nothing to say nor do I care to look at what has been said by individuals in another branch of the Government upon the subject of this bill. I only feel that we have methods which I trust we shall pursue with dignity, and not only that but with some-

thing I think better for a good result, and that is the intent to settle these great Government measures upon a basis of sound economy to the Government, and of a mutually good understanding between the co-ordinate branches of the Government.

Mr. EDMUNDS. Mr. President, I entirely agree to what the Senator has last said, that we should have true economy, and that there should be a due respect, a real respect, between the two branches of Congress. I feel quite sure that nothing I have said has been in opposition to that view. It is not a want of courtesy to the House of Representatives after three conferences, and where the question in dispute is reduced to one of constitutional principle and power for either House to say, "It is useless to confer any more; we have found out the precise point upon which one or the other of us must recede or we shall have no law." There is no want of respect in that course. The time must come some day when that point will be reached. If on this bill it had been a question of items, whether there should be so much for this branch of public expenditure and so much for another, and the difference between the conferees had been one of space, so to speak, the Senate saying one sum and the House another, where it was equally open to the discretion of both to have its own way, we might keep on conferring, although even then there must be an end to it some time.

Speaking not as to what has occurred in the other branch, for I have no right to do so and no disposition to do so, but speaking of what I have a right and it is my duty to speak of, as one of the members of the committee on the part of the Senate, what took place in the conference, which we are bound to report to the Senate, and the other conferees are bound to report to the House, I find that the question is what I have stated it to be, not as to whether there should be legislation on an appropriation bill. We have made no such point as that in the conference of which I have been a member. Of course we all deprecate it, as my friend does and as he knows I always have done, for I have uniformly resisted it; but in the present attitude of the question the Senate conferees have stated distinctly to the gentleman of the House, "We waive the question whether this legislation ought to be in an appropriation bill entirely; admit that it ought to be there just as much as if it were an independent bill;" and that certainly is the utmost extent to which anybody can admit it; put it on its true grounds of real merit or want of merit. Then the House conferees say, "We want to change the law in this particular on this bill." We say, "Very well; we will waive the objection to its being on this bill; what are your grounds for changing the law?" "Well, so and so, and so and so." The Senate conferees, looking over the reasons, feel compelled on their consciences to say that the proposition is entirely inadmissible. Their absolute duty is to say that they cannot agree to that proposition to change the law, because they do not see that there is either justice or true economy in it, all in perfectly good temper and good feeling, it being a mere intellectual comparison of facts and of reasons.

My friend, therefore, can have no ground to say that we are resisting any changes in the law because they are in an appropriation bill. Although we entertain the same sentiments that my friend does, we have taken care, in view of the circumstances he has alluded to, not to make any point about that, but to treat every one of these provisions providing for a new law just as we would treat it in a conference upon a bill for that object alone. I am sure my friend would not ask anything more.

Where are we then, Mr. President? We have come right down to the simple point, taking as a type the first change proposed in the House bill about the four great missions, as they are called. The House conferees and their predecessors have said, "This ought to be reduced from $17,500 to $14,000; our reasons for it are that there is a general necessity for economy." We admit that there is a general necessity for economy, but we say "There is a difference between economy and injustice, and it is not economy not to pay a public servant whom you employ what is absolutely necessary to the due discharge of his duties. If you can show us any reasonable ground to suspect even that the sum which the law now fixes is greater than is absolutely necessary for the due economical, prudent, modest discharge of his duties, then although it is in an appropriation bill, we will gladly accede and will make a change." When you come down to facts just as might be supposed in the way these things are carried on between the two Houses, (I am not criticising either House for it, it has always been done more or less,) we are not in a condition to get at any facts. We do not know what the cost of the rent of a modest place for an American minister in London is. We do not know how much it costs him in the most modest way to hire one or two or three servants to sweep out his kitchen and cook his oatmeal gruel, if he is to live upon that. We have no means of making the inquiry, and we propose to the other side, "We have no facts before us which enable us to do anything but guess, or jump in the dark; let us inquire; let us have a joint committee, and if on inquiry we do ascertain that any one of these sums is too large, we will save the money from this day." The House conferees say, "No, we will not do that." "What will you do?" we ask them. They say, "We will take the House bill just as we have passed it; we will give no more money or we will change the law." Then we say, "If that is your attitude, we will recommend that the Senate recede from every one of its proposals to carry the sums up to what the law now gives because it is your right, and we respect it, and your responsibility, and we respect it, to say whether you will appropriate anything or not, and you must judge for yourselves and we have no right otherwise than by persuasion to interfere with your judgment at all; we therefore will back out of our proposition to make the sums what the law requires and ask you to leave the law as it is until we can find out that it ought to be changed." They say, "No, you must change the law or we will not appropriate anything;" (that is the effect of it; that is not the language;) "you must take the bill as it is." What can we do then? What is the use of conferring any further? It has come down, as I believe, to a mere question of principle whether the Senate shall be compelled—I am not now speaking of coercion—by a sense of its duty to assent to changing laws that it finds no fact to justify it in doing in order that any appropriation shall be made to carry on the particular branch of Government mentioned in the bill. That is all there is to it; and we have had three conferences upon that question. The Senate conferees have not evinced any disposition to refuse to make any change for which even a fair probability of good ground could be offered, because it is on an appropriation bill; but when the change proposed seems to us to be utterly destitute of justice, or foundation, or economy, and we are then told by the House conferees "You must not only take the change as to money, but you must make a new law that shall make that the money that the law is to give for all time to come, until we find out that we are wrong in this case of ours," and added to that the statement of the House conferees that on their construction of the Constitution it is our duty to yield to their judgment, it appears to me that there is an end of any advantage in a conference and an end without any disrespect to the House of Representatives because every body will see on looking into the parliamentary law that it is no disrespect to either House for the other at any time in its judgment to say, "We have considered this subject so perfectly that we must adhere on such cardinal points as this to our opinion, for everything is involved."

That is the state of the case, and I think my friend, therefore, is not justified in intimating, as I infer he did in his observations, that there had been anything of party, anything of want of courtesy, anything of disrespect or of obstinacy on the part of the Senate conferees in respect to this matter. I am glad to see (and I should not have referred to it at all but for what my friend has said) that although the Senate conference committee was made up of different parties, there was the most perfect unanimity between us in respect of our ultimate views and in respect of the reasons that we gave for them, and that this conference, which has now been spoken of, instead of being disrespectful to either House, was carried on under all the forms and in the substance of the utmost courtesy. It is a question of radical difference of opinion as to the rights of the two Houses in regard to changing laws or carrying out laws that involve expenditures for this purpose.

Mr. HOWE. Mr. President, when I was on the floor just now I assigned such reasons as occurred to me why I thought the committees, all of them which may hereafter represent the Senate in conferences with the other branch of the Legislature, should adhere to the position which the Senate has already assumed. I spoke without reflection, and may or may not have assigned proper reasons. Such reasons as I did assign of course are open to criticism. The Senator from Delaware, speaking immediately after, felt called upon to animadvert upon the spirit in which I spoke, without adverting at all to the argument I used or attempted to use. I was not paying any particular attention just at the time to the spirit in which I spoke. It might have been well or ill conceived. I think if my friend from Delaware will, however, consult the Constitution, he will see that his jurisdiction is rather limited to replying to facts, correcting facts, correcting reasoning, which may be used here in the Senate, and whenever he will perform that office for me he will not only oblige me but he will oblige my constituency in the State of Wisconsin. I think he will agree himself that when it comes to the spirit or the temper in which I speak, he had better leave that to the State of Wisconsin to correct. They may or may not have different views from his. I did not understand him to reply to a single one of the suggestions I made use of; I do not know but that he did; I did not say a word about the practice of putting general legislation on appropriation bills. I do not think it the best place in the world for general legislation, but I know nothing in your Constitution, nothing in your rules, which prohibits it. Therefore I did not make one single word of objection against such legislation being proposed on any of these bills; and I did not dwell a minute by the watch on the other point that the legislation the House proposed was not satisfactory to me and had not yet been satisfactory to the Senate. The Senator, however, did not take occasion to say that I was not correct in assuming that there was an attempt to dragoon the Senate into legislation which it did not approve. I did assume that. I said we ought not to acquiesce in it. If I was wrong in that, if the assumption is groundless, I should be glad to have it pointed out; or if I was wrong in contending that we ought not to acquiesce in that attempt, let that be pointed out; but I did not for a moment say that we should resist this legislation simply because it was proposed on an appropriation bill. I was struck with the use which the Senator made of that particular feature of the case. With his usual candor he admitted that all such legislation is wrong and has been wrong just so far and just so long as republicans have indulged in it; and with his

usual candor he did not admit that it was wrong while it was practiced by a party not the republican party. I think myself it is rather injudicious and irregular. It is only to be justified, if at all, by exceptional circumstances when it is proposed either by one party or the other; but I take no sort of exception to its being attempted on this bill, although it is not attempted by the party that I voted with last fall and is attempted by a party which I have not determined to vote with next fall.

Mr. MORTON. The point involved, I understand to be, and I think it ought to be very clearly expressed, that the salaries of ministers, consuls, and other officers are fixed by general laws, laws that will remain for all time unless amended, laws that do not expire at the end of the year. The office of an appropriation bill, as I understand it, is to make appropriations to meet the requirements of existing laws, and an appropriation bill runs but one year. If either House should insist in an appropriation bill on changing the general law, either to increase or diminish a salary, and say to the other House, "Unless you agree to this change of the general law we will make no appropriation at all, we will stop the wheels of the Government," I understand that to be coercion. That is what in law is called duress. It is an argument not of persuasion, but of danger to the Government, a threat to stop the wheels of government. If both Houses agree to make a change of the general law in an appropriation bill, it may be improper legislation, bad practice, I agree, but still there is no coercion about it; while if one House changes the general law and says to the other House, "If you do not agree to the change of the general law there shall be no appropriation at all, the foreign ministers shall not be paid at all, the consuls shall not be paid at all, unless you agree to this change," that is coercion. That is unconstitutional, and no free government can be carried on upon that principle.

Mr. EATON. Will my friend allow me to ask him a question?

Mr. MORTON. Yes, sir.

Mr. EATON. Is such a change of the law unconstitutional when the two Houses agree politically and undertake to coerce another branch of the Government, the President of the United States?

Mr. MORTON. We cannot coerce the President. The President may refuse to sign the bill. We can never tell in advance whether he will sign a bill or not. Both Houses always have to take the risk in regard to a bill, whether the President will sign it or not. But I do not wish any escape from the precise point. If both Houses agree to the change of the general law, there is no coercion about it; but if one House refuses and the other House says, "If you do not agree to it, we will have no appropriations; we will call home our foreign ministers; we will break up the diplomatic and consular service," that, I take it, is coercion; it is unconstitutional; and a Government like this cannot be carried on upon that principle. I am not saying that the House of Representatives has put itself in that position, but I say, if it does put itself in that position, it violates the fundamental principle of a government consisting of two Houses.

Mr. WHYTE. Mr. President, the statements which have been made by the Senator from Vermont induce to me to ask the Senator from New Jersey to let us have a vote at this time upon his motion, and not to withdraw it or to let the report be laid upon the table without action. It is very clear to my mind that it is our duty to resort to another conference committee on this bill, and if necessary still another freer and fuller conference with the other House, in order that we may by a change of the component parts of those conference committees finally reach some report which will be acceptable to both Houses. We have had three conferences, I believe, on this bill. That is nothing remarkable between parliamentary bodies. After three conferences parliamentary bodies have ordered free and full conferences, enlarging the powers of the conference committee with a view of reconciling the disagreements of the two bodies.

I believe that the Senate is actuated by a spirit of patriotism when it desires to hold in its hands its own constitutional power of reasoning, of deciding, of determining what it shall do in regard to any matter of legislation which requires the concurrent action of the two bodies. I believe the House of Representatives is actuated by the same patriotic impulses. They have a perfect right to press with ardor, to press with firmness, any views which they may entertain as to the legislation which will conduce most to the public good. They have the right to resort to all those parliamentary expedients which are recognized as proper and in due form to bring about a result which will be agreeable to their notions of right and wrong. We have the same right to maintain, by all parliamentary expedients, our views. But looking to the fact that this is an appropriation bill, a bill providing the means for maintaining in foreign lands our representation in honor and with credit to ourselves, we ought to go as far as it is possible to reconcile the differences between the two Houses and come to some conclusion which will be fruitful of a result honorable to both branches of the Legislature.

I do not like to hear Senators speak of this mode of legislation—that is, of ingrafting upon appropriation bills certain measures of legislation and sending them from one House to the other—as being improper and unwise, and when one House insists upon it that it is a threat that the appropriation bill shall not pass if the other House does not accede to the wishes of the House putting such legislation upon the appropriation bill. It has been a common expedient upon the part of legislative bodies time out of mind, whether the Houses were reconciled in political sentiment or not, whenever one House had a measure which might be called a pet measure of the majority of that body, for that House to ingraft it upon a bill appropriating public money for the regular uses of the Government for the very purpose of insuring its adoption by the other House. That has been the very object of it, and where it has not succeeded, where the two Houses have not been agreed upon it, the legislation has often failed. The Senate will well remember a case in which the incipient republican party left for us an example in regard to this sort of legislation. Do we not all know that in 1856 the House of Representatives ingrafted upon the Army appropriation bill a provision that the Army should not be used in the Territory of Kansas; and do we not know that the House stood upon that, in spite of the refusal of the Senate to accept that provision in the law? What was the result? Both Houses adjourned without passing a bill for keeping the Army in active motion and sustaining it in its efficiency.

Mr. HARVEY. I think the Senator from Maryland is mistaken in that statement. I think that the House ultimately receded from its position on that bill.

Mr. WHYTE. No; I have read the message of the President of the United States recalling Congress after it had adjourned without passing any Army appropriation bill at all. The House of Representatives then, with the republican party in its incipiency, before it had thrown off its swaddling-clothes and become the great power that we have since seen it in this country, planted in a bill for the pay of the officers and soldiers of the Army of the United States a piece of legislation preventing the President from using that Army in the Territory of Kansas, and both Houses adjourned without passing the bill. The President convened Congress again, and on the 31st of August the bill passed both Houses without the proviso that had been put upon it by the House of Representatives.

I will cite another memorable example. In 1865 Hon. Henry Winter Davis, then one of the leaders of the great party in power in this country, having a majority in both branches of the Legislature, put upon the bill for the sundry civil expenses of the Government, an appropriation bill, a proviso that no more citizens of the United States should be tried by court-martial in States where the courts of the United States were in full operation. What was the result of that? Why was it put on? It was put on, on the principle I have stated, to insure its passage through the Senate of the United States. That is not all. When the conference committee came together—and I have in my eye one of the Senators who was a conferee at that time—they agreed, if I remember correctly, on every disagreement except the one in regard to the trial by court-martial. The report was made to both Houses that the conferees had agreed upon every question that had led to the conference except upon the provision requiring trials before the courts where citizens were arrested. Let us see what Mr. Davis said about it:

> Under these circumstances, it remained for a majority of the House committee to determine between the great result of losing an important appropriation bill, or, after having raised a question of this magnitude touching so nearly the right of every citizen to his personal liberty and the very endurance of republican institutions, and to insure its consideration fastened it on an appropriation bill, to allow it to be stricken out as a matter of secondary importance. The committee thought that their duty to their constituents, to the House, and to themselves would not allow them to provide for any pecuniary appropriationsat the expense of so grave a reflection on the fundamental principles of the Government.—*Speeches and Addresses of H. Winter Davis, of Maryland*, page 552.

There was Mr. Davis's view of that case. He put it upon the bill to insure its passage through the Senate. The Senate then was composed of the same party in its majority as the House. It refused to pass the bill. The House refused to recede, and Congress adjourned in 1865 without passing the sundry civil appropriation bill at all. Who got up here then and talked about a threat from the House of Representatives? Who got up here and said it was an outrage that the House should demand that the Senate should adopt legislation or give the Senate the alternative of no appropriation at all? It is not a threat upon the part of the House when the friends of the majority here assert that they consider a matter of such importance that they would rather adjourn without passing the appropriation bill than to pass the bill without the legislation which they had ingrafted upon it being adopted by the Senate. The statement of any conferee without the action of the House of Representatives ought not to be taken as any indication of what the House will do after proper discussion and reasoning upon the part of a new conference committee. If the House of Representatives had insisted and re-appointed the same conferees as on the last committee of conference, you might presume that they meant to stand upon what they had previously said; but we have yet taken no action. The papers are here with us now. I rose for the purpose, and solely for the purpose of inducing, as far as I may be able to induce, the Senate to support the motion of the Senator from New Jersey to appoint a new conference committee and give the House through another committee, changed in its component elements, if you please, an opportunity of reconciling the differences which exist between the two Houses. It is our duty to leave no stone unturned to pass the bill. I appeal to Senators let no feeling of dignity in regard to our rights, let no feeling that we have done much prevent us from doing more to bring together the two Houses upon this all-important bill; let not foreign nations look upon us, the two Houses of the Congress of the United States, in this centennial year disagreeing upon a question of sala-

ries in regard to our foreign ministers, and put ourselves in the position of adjourning, leaving it to the Executive to recall our foreign ministers from their stations abroad to their homes in this country. I, for one, shall leave nothing undone on my part to reconcile my friends to some bill which can receive the sanction of both the Houses of Congress.

Mr. FRELINGHUYSEN. Mr. President, at the request of the Senator from Maryland [Mr. WHYTE] and with the acquiescence of the Senator from Vermont, [Mr. EDMUNDS,] I hope that the vote will now be taken, and I am free to say that I hope the Senate will insist and ask another conference. I think it is wisest; I think it is most courteous; and I for one am not unwilling to intrust the constitutional rights and powers of the Senate to any conferees that may be selected from either party.

The PRESIDENT *pro tempore*. The Senator from New Jersey moves that the Senate further insist on its amendments and ask for another committee of conference. The question is on that motion.

The motion was agreed to; and, by unanimous consent, the President *pro tempore* was authorized to appoint the committee.

JONATHAN WHITE.

The PRESIDENT *pro tempore*. A bill was called up by the Senator from Illinois [Mr. OGLESBY] which was not at the desk at the time but is now found. The Senator from Iowa [Mr. ALLISON] yielded to that bill.

There being no objection, the bill (H. R. No. 629) for the relief of Jonathan White was considered as in Committee of the Whole. It directs the Secretary of the Treasury to pay to Jonathan White, of Minnesota, $55.40, illegally paid to the United States land officers at Redwood Falls, Minnesota, under a wrong construction of the tree-culture act.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

WASHINGTON MONUMENT.

Mr. SHERMAN. I ask the Chair to lay before the Senate the amendments of the House of Representatives to the Washington Monument bill. I have examined the amendments and I move that we agree to them.

The PRESIDENT *pro tempore* laid before the Senate the amendments of the House of Representatives to the bill (S. No. 982) providing for the completion of the Washington Monument.

The amendments of the House are:

On page 1, line 5, strike out "one" and insert in lieu thereof "two," so as to make the amount appropriated $200,000; and after the word "dollars," in line 6, insert "payable in four equal annual installments;" and strike out all after the word "consideration," in line 25, down to and including the word "monument," in line 26, and insert "of the sum herein appropriated: *Provided*, That nothing herein shall be so construed as to prohibit the said society from continuing in organization for the purpose of soliciting and collecting money and materials from States, associations, and the people in aid of the completion of the monument, and acting in an advisory and co-operative capacity with the commission hereinafter named until the completion and dedication of the same."

In line 2, page 2, strike out the word "and," and after the word "Capitol," in the same line, insert "the Chief Engineer of the United States Army and the first vice-president of the Washington National Monument Society."

Mr. SHERMAN. I move that the amendments be concurred in. I have examined them; they are apparent on their face; and I do not see any great objection to them.

Mr. MORRILL. May I ask the Senator from Ohio the purport of this? I hardly understand it. I believe this appropriates $100,000 more than the old bill. Am I right in that?

Mr. SHERMAN. It appropriates $200,000 in four yearly payments, $50,000 a year. I think it is rather slow, but probably we had better agree to it. Then it leaves in existence the old organization or corporation merely for the purpose of gathering subscriptions. The members of the House think they may get money in that way.

Mr. MORRILL. Does the Senator from Ohio think we shall find that a very fruitful source of revenue?

Mr. SHERMAN. I do not think we ought to do it; it is a small business; but they believe the people of the United States are willing to give a little more. I do not believe much in the amendments, but I think we had better agree to them.

The amendments were concurred in.

RIVER AND HARBOR BILL.

The Senate resumed the consideration of the bill (H. R. No. 3022) making appropriations for the construction, repair, preservation, and completion of certain public works on rivers and harbors, and for other purposes.

The PRESIDENT *pro tempore*. The question is on concurring in the first amendment made as in Committee of the Whole. The yeas and nays were ordered on concurring in the amendment and no quorum voted. The Secretary will read the amendment.

The CHIEF CLERK. The first amendment is to strike out in line 12 the word "seventy-five" and insert "one hundred;" so as to make the clause read:

For the improvement of the harbor at Buffalo, New York, $100,000.

Mr. STEVENSON. I am paired on this vote with the Senator from West Virginia, [Mr. DAVIS.] If he were present I do not know how he would vote on this amendment; but I shall abstain from voting, as he is not present.

The question being taken by yeas and nays, resulted—yeas 28, nays 9; as follows:

YEAS—Messrs. Allison, Cameron of Wisconsin, Christiancy, Conkling, Dorsey, Ferry, Frelinghuysen, Gordon, Hamilton, Hamlin, Howe, Jones of Florida, Kernan, Key, McMillan, Mitchell, Morton, Norwood, Paddock, Randolph, Ransom, Sargent, Sherman, Wadleigh, West, Windom, Withers, and Wright—28.

NAYS—Messrs. Barnum, Bayard, Boutwell, McDonald, Merrimon, Morrill, Robertson, Saulsbury, and Wallace—9.

ABSENT—Messrs. Alcorn, Anthony, Bogy, Booth, Bruce, Burnside, Cameron of Pennsylvania, Clayton, Cockrell, Conover, Cooper, Cragin, Davis, Dawes, Dennis, Eaton, Edmunds, Goldthwaite, Harvey, Hitchcock, Ingalls, Johnston, Jones of Nevada, Kelly, Logan, McCreery, Maxey, Oglesby, Patterson, Sharon, Spencer, Stevenson, Thurman, and Whyte—34.

So the amendment was concurred in.

The PRESIDENT *pro tempore*. The next amendment will be read.

The CHIEF CLERK. The next amendment made as in Committee of the Whole is in line 18, to strike out "two" and insert "six;" so as to make the clause read:

For the improvement of the harbor at Oak Orchard, New York, $6,000.

The amendment was concurred in.

The next amendment made as in Committee of the Whole was in line 24, to strike out "two hundred" and insert "three hundred and fifty;" so as to make the clause read:

For removing obstructions in the East River and Hell Gate, New York, $350,000.

The amendment was concurred in.

The next amendment was in line 39, to strike out "five" and insert "two;" so as to make the clause read:

For the improvement of the harbor at Marquette, Michigan, $2,000.

Mr. EDMUNDS. I should like to ask the committee—the thing has been hanging so long now that I do not remember about it—the grounds of this amendment. We are now coming along to what was involved in the old discussions. All the amendments that the Committee on Appropriations reported to strike out will have to be moved afresh, of course, as the Committee of the Whole refused to strike them out. I should like all the information that can be got from the reports of the engineers and the inquiries of the committee on this subject.

Mr. ALLISON. As to this particular harbor the engineer recommended a considerably larger sum. I do not remember the exact sum, though I could get it in a few moments from the reports. The House bill appropriated $5,000. That is not enough to enter upon any particular improvement of this harbor at Marquette, and it is more than necessary to keep it in repair. Therefore the committee simply recommended $2,000, a sum sufficient to keep this harbor in repair until such time as a sufficient appropriation can be made to go on with the improvement.

I think I may as well call attention now as at any other time to the fact that the Senate is still progressing according to the modes adopted when this bill was last under consideration, namely, agreeing with the Committee on Appropriations in instances where the appropriations are increased and disagreeing where the appropriations are diminished. I must submit to Senators that if this process is to continue a great while those who desire to have their harbors or their rivers improved will find that instead of securing the object they desire that object will be postponed for another year.

I am perfectly willing, however, having charge of this bill, to go on and test the sense of the Senate upon each particular amendment, and I desire to give notice that I intend to test the sense of the Senate on every amendment proposed by the Committee on Appropriations before this bill shall have been concluded.

Mr. EDMUNDS. Why not move to recommit it, and have the committee reconsider the subject and bring it down somewhat?

Mr. ALLISON. I would make the motion to recommit if I thought any considerable portion of the Senate would favor a recommittal or would favor the report when the committee shall have acted on this bill again.

Mr. EDMUNDS. Try it.

Mr. CHRISTIANCY. If the Senator from Iowa will permit, I will make the motion that this bill be recommitted to the committee, and I wish to state a few of the reasons why I make that motion.

My hope is that the amount may be limited to $5,000,000, but I have no doubt the committee would do that without instructions. I have been satisfied for some time that the bill has finally got into a shape in which it ought not to pass. There are appropriations in it which ought not to be made; there are appropriations which are too large for the particular locality in which they are granted considering the condition of the country; and the bill itself as a whole appropriates too much money to receive, in my opinion, the public approbation. I am perfectly well satisfied that this committee has labored with fidelity and most conscientiously to produce a bill that would meet the concurrence of the Senate. I believe there is a general disposition among the Senators from all the States to conciliate and consent to a reduction that will bring the amount of the bill within a reasonable compass. I believe, if the time can be taken from this until Monday morning, vastly more progress will be made in the passage of this bill than can be made by sitting here for a week with the present bill as it stands. I am satisfied that, if the bill be referred back to the committee, by next Monday or Tuesday at the farthest the committee will be able to produce a bill that will meet with general concurrence, which will scarcely lead to discussion, and one which will be satis-

factory to the country. For that reason I submit the motion to recommit.

The PRESIDENT *pro tempore*. The Senator from Michigan moves to recommit the bill to the Committee on Appropriations.

Mr. ANTHONY. I am in favor of judicious appropriations for the improvement of the rivers and harbors of the country. I am perfectly satisfied that this bill cannot become a law, and therefore I shall favor the recommittal to the Committee on Appropriations, and I believe that is the only way to get any bill.

Mr. SARGENT. I do not see my way clear as a member of the Committee on Appropriations to report the bill back in much better shape than it was originally reported from the committee. The committee went over this bill carefully, and I think conscientiously, and they struck out from the House bill items which they thought were improperly in it. Some of those items seemed to be glaringly improper, some of them perhaps doubtful. I do not mean to assume that the judgment of the committee should be necessarily the judgment of the Senate; but the Senate passed upon amendment after amendment in Committee of the Whole proposed by the Committee on Appropriations, and disagreed with us. Unfortunately I was absent from the Senate by sickness, and was not able to add my vote to sustain the action of the committee at that time, and I would like to make the suggestion that if this bill goes back to the committee again, unless there is something that has enlightened us in the debates of the Senate—and I only speak for myself—we can do very little more than report the bill back as we did before, and as it is really ow before the Senate, if we act on these amendments in detail, as we are compelled to do on any amendments reported from the committee.

I shall not vote against the recommital, provided that seems to be the deliberate judgment of the Senate, because it may perhaps be a way of facilitating business; but I should like to make a suggestion, that after having passed upon the amendments made in Committee of the Whole, either adopting or rejecting them, then we take up upon the motion of the Senator having charge of the bill the different amendments which were originally recommended by the Committee on Appropriations and see if the judgment of the Senate has changed since the other day when all those amendments were rejected. I think we can find a great many things which can be struck out of the House bill, and my impression is that the Senate is now satisfied that in the shape which the bill has assumed it amounts to a monstrosity, and that the only way to get it back to a shape which will be just to the Treasury and just to the public interests would be to strike off many things which we refused to strike off the other day on the recommendation of the committee. Why would it not be economy of time, before recommitting the bill, to pursue this course; act first on any amendments made in Committee of the Whole and then move again the amendments *seriatim* that were recommended by the Committee on Appropriations and see if the judgment of the Senate has changed on that matter? That is certainly a direct and a practical way to deal with the subject, and I suggest it would be better than to send the bill back to the committee to be detained for a number of days and then brought back in a new shape, where we shall be compelled to do this thing finally.

Mr. EDMUNDS. I move to amend the motion to recommit by adding thereto the words "with instructions to report the bill amended so that the gross sum appropriated shall not exceed $5,000,000.

Mr. CHRISTIANCY. I accept the amendment.

The PRESIDENT *pro tempore*. The Senator from Michigan accepts the amendment. The question is on the motion to recommit with the instructions proposed.

The motion was agreed to.

OSAGE LANDS IN KANSAS.

Mr. INGALLS. I move that the Senate proceed to the consideration of the House bill, No. 3625, for the sale of the Osage ceded lands, which has been before under consideration by the Senate; and I think it will take but a few moments to conclude it. It is a matter of great importance to a considerable number of my constituents.

The PRESIDENT *pro tempore*. The Senator from Kansas moves to take up House bill No. 3625.

Mr. LOGAN. I move to substitute for that House bill No. 58.

Mr. EDMUNDS. That is not in order.

The PRESIDENT *pro tempore*. The amendment of the Senator from Illinois is not in order. The motion is to take up House bill No. 3625.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 3625) providing for the sale of the Osage ceded lands in Kansas to actual settlers, the pending question being on the amendment of Mr. EDMUNDS to strike out section 8 of the bill.

Mr. LOGAN. I move to postpone this bill and take up House bill No. 58, to equalize bounties.

Mr. EDMUNDS. I ask that the motion be divided.

Mr. INGALLS. The Senator from Illinois is aware that I am friendly to the measure that he desires to bring before the Senate; but I appeal to him to allow this other bill to be first acted upon which has received the consideration of the Senate in two morning hours. It is very nearly concluded. The Senator from Vermont has moved an amendment upon which I am willing to take the sense of the Senate; and upon the conclusion of that bill I shall with great pleasure assist the Senator from Illinois in taking up his bill.

Mr. LOGAN. I am very unfortunate as to getting the floor, because other people are quicker than I am. I should like to have a vote on the bounty bill for this reason: I believe there is a majority of the Senate in favor of it, but for some reason or other I have never been able to get it before the Senate, and if the same kind of tactics be followed I shall never be able to get it up. Hence, whenever I have an opportunity, I propose to ask the Senate to take it up. I ask now that the Senate take the vote whether or not the bounty bill shall be taken up and all prior orders laid aside.

Mr. MORTON. I am favorable to the disposition of the bill of the Senator from Kansas; but, from what I know of it, it will take all this afternoon if it goes on. It is a question of local interest, however. The bill referred to by the Senator from Illinois is one of general interest, I may say national interest; it is one of political interest. The consideration of it has been baffled for a long time, and it seems to me it ought not now at this late hour of the session to be required to give way to any local measure, whatever may be the merits of that measure. I hope therefore that the motion made by the Senator from Illinois will be carried. If this measure is put off to-day, the impeachment comes on on Monday and will last we know not how long, perhaps last to the day of adjournment, and we may give up the bill to which the Senator from Illinois refers. I think we cannot very well consent not to have that bill considered this session.

The PRESIDENT *pro tempore*. The Senator from Illinois moves to postpone the present and all prior orders for the purpose of taking up the bill (H. R. No. 58) to equalize the bounties of soldiers who served in the late war for the Union. The Senator from Vermont asks a division of the question. The first question will be on postponing the bill called up at the instance of the Senator from Kansas.

Mr. LOGAN called for the yeas and nays.

Mr. WRIGHT. I wish to say one word before the vote is taken. I have voted every time the proposition has been made to take up the bill which the Senator from Illinois has in charge in favor of taking it up. The Senate has determined by its vote to take up the bill called up by the Senator from Kansas. While that is a local bill it has nevertheless been discussed several times here, and I think is generally understood, and though local it is one of very great importance to the settlers upon the lands named. I think it would be very gross injustice to vote to postpone that bill over the present session.

Now, I suggest to my friend from Illinois, as I want to vote for taking up his bill, that I think it but fair that the bill which has been called up and taken up by a vote of the Senate should be disposed of, as I believe it can be; and I think it would be better, everything considered, that it be not antagonized. I think we can get that bill out of the way, and not call on the friends of the bill of the Senator from Illinois to vote against taking it up because of their wish to dispose of the other measure. I am friendly to the Senator's proposition, as I have voted uniformly with him; but I think he will expedite the bill in that way. I shall be compelled to vote for continuing the consideration of the bill of the Senator from Kansas.

Mr. LOGAN. In reply to the Senator from Iowa I have only to say that I know he feels favorable to the bounty bill, but the special bill in reference to Osage lands was crowded in at the very time I was trying to get up the bounty bill; and I have tried several different times. One time I was beaten because it required a two-thirds vote; next time I was defeated when I asked the Senate merely to let the bill be read and have the amendments of the committee agreed or disagreed to. That was defeated by the morning hour expiring and the regular order being called up. So it has been defeated every time. I know but one way to get the bill before the Senate with the hostility there is to it, and that is to persist in trying to get it before the Senate. I deem it my duty to ask every time I have an opportunity for a vote, whenever I can get a vote that will take it up. If the Senate refuse to take it up, that is their business and I have nothing to say. They have a right to take up any proposition they please. The reasons given by the Senator from Iowa are good to him, but the same reasons do not apply to me. I have this bounty bill in charge, am responsible for it, and it is my duty to try to get it before the Senate, and therefore I shall decline to withdraw my motion and I ask that the yeas and nays be taken.

The question being taken by yeas and nays, resulted—yeas 20, nays 27; as follows:

YEAS—Messrs. Allison, Boutwell, Bruce, Cameron of Wisconsin, Clayton, Conkling, Dawes, Dorsey, Ferry, Hamlin, Howe, Key, Logan, McDonald, McMillan, Mitchell, Morton, Oglesby, Spencer, and West—20.

NAYS—Messrs. Barnum, Bayard, Christiancy, Cockrell, Eaton, Edmunds, Gordon, Hamilton, Harvey, Ingalls, Jones of Florida, Kelly, Kernan, McCreery, Merrimon, Morrill, Norwood, Randolph, Ransom, Robertson, Sargent, Saulsbury, Stevenson, Wallace, Whyte, Withers, and Wright—27.

ABSENT—Messrs. Alcorn, Anthony, Bogy, Booth, Burnside, Cameron of Pennsylvania, Conover, Cooper, Cragin, Davis, Dennis, Frelinghuysen, Goldthwaite, Hitchcock, Johnston, Jones of Nevada, Maxey, Paddock, Patterson, Sharon, Sherman, Thurman, Wadleigh, and Windom—24.

So the motion of Mr. LOGAN was not agreed to.

The PRESIDENT *pro tempore*. The bill (H. R. No. 3625) providing for the sale of the Osage ceded lands in Kansas to actual settlers is before the Senate as in Committee of the Whole, the pending ques-

tion being on the amendment of the Senator from Vermont [Mr. EDMUNDS] to strike out section 8, upon which the yeas and nays have been ordered. The section will be read.

The Chief Clerk read as follows:

SEC. 8. That it shall be the duty of the Attorney-General of the United States, for the time being, to ascertain and determine the amount of costs and necessary expenses incurred in prosecuting the two suits commenced in the name of the United States against the Leavenworth, Lawrence and Galveston Railroad Company and the Missouri, Kansas and Texas Railroad Company in the circuit court of the United States for the district of Kansas, for the purpose of testing the validity of the title to said lands claimed by said railroad companies, and the costs and expenses of prosecuting said cases in the Supreme Court of the United States; said expenses to include the fees justly due to the attorneys retained at the instance of the settlers on said lands, with the approval of the Attorney-General of the United States; that, after determining the amount of costs and expenses as aforesaid, the Attorney-General shall certify the said amount, and to whom due, to the Secretary of the Interior; and the Secretary of the Interior shall pay to the parties entitled thereto the sum so allowed and certified to, as aforesaid, out of the proceeds arising from fifteen cents per acre on the sale of said lands.

Mr. WRIGHT. Would it be in order to move an amendment to the section?

The PRESIDENT *pro tempore*. It would.

Mr. WRIGHT. I offer the following as a substitute for the section:

That it shall be the duty of the Attorney-General of the United States, for the time being, to ascertain and determine the amount of the reasonable fees justly due to the attorneys retained at the instance of the settlers on said lands with the approval of the Attorney-General of the United States in the prosecution of the suits against the railroad companies herein named in the circuit courtof the United States for the district of Kansas and the Supreme Court of the United States, for the purpose of testing the validity of the title to said lands claimed by the railroad companies, and that after determining the amount of said fees the Attorney-General shall certify the sum, and to whom due, to the Secretary of the Interior; and the said Secretary of the Interior shall pay to the parties entitled thereto the sums so allowed and certified as aforesaid out of the proceeds arising from fifteen cents per acre on the sale of their lands.

Mr. EDMUNDS. I should like to hear that explained.

Mr. WRIGHT. I understand the object of this section is to provide for the payment of the fees of the attorneys who were retained by the settlers upon the recommendation of the Attorney-General of the United States.

Mr. EDMUNDS. The Attorney-General never made any such recommendation.

Mr. WRIGHT. If he did not, that would raise a different question. I am assuming from the language of this section that there was such authority given and that they were properly retained.

Mr. EDMUNDS. Will the Senator allow me to correct him about that? There is no dispute about what the fact is.

Mr. WRIGHT. It does not make any difference to my point whether there is any dispute about the fact or not. The section as it stands, as I think, contemplates the payment, or the settlement, or the auditing of something else than the fees of these attorneys, or at least the language of the section is such that something else may be included. Now I propose, as I learn from the Senator having the bill in charge, that he does not understand it to include anything else than the fees of the attorneys and does not design that it shall include anything else, to make the language such that it shall be put beyond all question. The section as it stands provides—

That it shall be the duty of the Attorney-General of the United States for the time being to ascertain and determine the amount of costs and necessary expenses incurred in prosecuting the two suits commenced in the name of the United States against—

these railroad companies not only in the circuit court of the United States but in the Supreme Court of the United States as well. That mentions "costs and necessary expenses incurred in prosecuting these two suits" in both courts:

Said expenses to include the fees justly due to the attorneys.

If it is intended to apply alone to the fees of the attorneys, then it is better to say so in words, because as the section stands it would include more than the fees of the attorneys. If it is not intended to pay anything, that is a different question; but if it is intended to pay the fees of attorneys alone, it ought to say so specifically.

Mr. BOUTWELL. Mr. President, what we need, I think, is an exact statement of the facts relating to the employment of these attorneys. If they were employed by any officer of the United States authorized to make the employment, then the Government of the United States should meet the expense; but if these persons were employed by the settlers, and the officers of the United States Government merely tolerated them in some form in the conduct of this suit, I do not see how the Congress of the United States should be called upon to interfere for the protection of the attorneys. I understand also that the price of the lands by the first section is advanced fifteen cents per acre to meet this expense; that without this obligation which is recognized in the eighth section the principle on which the price is fixed would dictate that it should be $1.25 an acre instead of $1.40. That is to say, by the power we have we are to exact from all these settlers who own or make claim to something like nine hundred thousand acres of land the sum of fifteen cents per acre to defray the expenses of this lawsuit. I confess I for one am unwilling to force such an arrangement upon the settlers. If the attorneys entered into an agreement with these settlers to prosecute these claims, let us do our duty. If we are bound by legislation to allow these settlers to have the lands for $1.25 an acre, let that price be fixed in the law, and let the settlers do what they have agreed to, pay the attorneys a reasonable compensation for the service they have performed, whatever it is. If the fact is that the Government of the United States is in no way responsible to these attorneys, but that the relation of client and attorney is between these attorneys and the settlers, let the pay be exacted of the employer, not make the Government of the United States an intermediate party with power to enforce a payment of this, as it would seem to me pretty large fee.

As the matter presents itself to my mind now, I think we should strike out the eighth section, and change the price from $1.40 to $1.25 an acre. Of course if we exact $1.40 per acre and take fifteen cents from these settlers, both attorneys and settlers will naturally look to the Government of the United States to meet the claim the attorneys make, and there would then be the equity resting on the Government to meet that claim. I would avoid that trouble, and put the land at just what it should be put under the statute, unless there is a legal obligation resting on us to do something else.

Mr. INGALLS. As there may be some Senators present who were not in the Chamber when this bill was last under discussion, I will make a brief narration of the condition in which this land now is found, and in doing so will answer the suggestion made by the Senator from Massachusetts.

By a treaty made in 1825 the Great and Little Osage Indians were assigned a very large tract of land, a portion of which lay within what are now the boundaries of the State of Kansas. In 1865 another treaty was made between the Great and Little Osage Indians and the United States Government, which was proclaimed in 1867, under which the Osage Indians ceded to the United States Government a tract of land fifty miles long by thirty wide within the limits of their original reservation, which is known as the Osage ceded land. The Government of the United States assumed the sale of those lands, and agreed that out of the moneys arising from their disposition $300,000 should be placed to the credit of the Osage Indians and the remainder of the fund arising from the sale of the lands should be placed to the credit of the general civilization fund for the benefit of all the Indians upon the continent, including the Osages. After this land thus became the property of the United States Government on the 10th of April, 1869, the following joint resolution became a law:

A resolution enabling bona fide settlers to purchase certain lands acquired from the Great and Little Osage tribe of Indians.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That any *bona fide* settler residing upon any portion of the lands sold to the United States, by virtue of the first and second articles of the treaty concluded between the United States and the Great and Little Osage tribe of Indians, September 29, 1865, and proclaimed January 21, 1867, who is a citizen of the United States or shall have declared his intention to become a citizen of the United States, shall be, and hereby is, entitled to purchase the same in quantity not exceeding one hundred and sixty acres, at the price of $1.25 per acre, within two years from the passage of this act, under such rules and regulations as may be prescribed by the Secretary of the Interior: *Provided, however*, That both the odd and even numbered sections of said lands shall be subject to settlement and sale as above provided: *And provided further*, That the sixteenth and thirty-sixth sections in each township of said lands shall be reserved for State school purposes in accordance with the provisions of the act of admission of the State of Kansas: *Provided, however*, That nothing in this act shall be construed in any manner affecting any legal rights heretofore vested in any other party or parties.

In order to understand the relations of the railroad companies to this tract of land and the subsequent suits that were prosecuted to determine their title, it is necessary for me to state that on the 3d of March, 1863, the Congress of the United States granted to the State of Kansas certain lands in aid of the construction of certain railroads running from the Kansas River south through the State of Kansas. Their projected route and their ultimate construction ran through this Osage ceded tract of land diagonally, the two lines intersecting about the center of the tract. The question arose whether or not this grant of land to the State of Kansas in 1863 became operative within this tract of Indian lands after the title became extinguished by the treaty of 1867. The Secretary of the Interior held that the grant to the State of Kansas and in favor of these railroad corporations became operative and attached within what was known as the tract of Osage ceded lands; and it was to test that question, whether the decision of the Secretary of the Interior was correct or not, that the suit was originally brought in the circuit court of the United States for the State of Kansas, and there decided in favor of the United States Government, to the effect that the grant did not become operative, which was subsequently taken on appeal to the United States Supreme Court, there argued at the October term, 1875, and affirmed by a decision announced in April of the present year. By that decision the Supreme Court declared that the grant to the railroad companies did not become operative in this tract, that the decision of the Secretary of the Interior was wrong, that the land was the property of the United States Government, and that therefore it was subject to the provisions of the joint resolution of April 10, 1869, which will be found in volume 16 of the Statutes at Large, under the terms of which any *bona fide* settler residing upon these lands which were secured by virtue of the treaty of 1865 was authorized to purchase any portion of the lands, not exceeding one hundred and sixty acres, within two years from the passage of the resolution, at $1.25 per acre. The present bill simply provides that they shall go on and complete their purchase, the time having expired and the decision of the Supreme Court being that the rights of the railroad companies did not attach to the tract about which this joint resolution was passed.

Mr. THURMAN. Does it only affect the time?

Mr. INGALLS. It authorizes persons who were *bona fide* settlers

to purchase portions of the land, not exceeding one hundred and sixty acres in quantity, at $1.25 an acre within two years from the passage of the joint resolution; that is, up to and including April 10, 1871.

Mr. THURMAN. That applied to the then existing settlers?

Mr. INGALLS. Yes, sir. This bill authorizes any persons who are upon that land or who have gone upon it in pursuance of the joint resolution of April 10, 1869, to become the owners by paying the price fixed. In pursuance of that joint resolution there were thirty-three hundred and sixty-five entries of land made by actual *bona fide* settlers, and of that number twenty-two hundred and ninety-five paid to the Government a sum of money a little less than $300,000; but when the question of title arose between the railroad corporations under the decision of the Secretary of the Interior and the settlers or their grantor, the United States Government, these purchases were suspended, and during the period of litigation it continued until the decision of the Supreme Court in April, 1876, there has been nothing done by way of purchasing either from the Government or from the railroad corporations.

Mr. THURMAN. Now the point I want to know is if the present bill includes all who are now upon the lands.

Mr. INGALLS. The present bill provides in its first section:

That any *bona fide* settler, residing at the time of completing his or her entry, as hereinafter provided, upon any portion of the lands sold to the United States, by virtue of the first article of the treaty concluded between the United States and the Great and Little Osage tribe of Indians, September 29, 1865, and proclaimed January 21, 1867, who is a citizen of the United States, or shall have declared his intention to become a citizen of the United States, shall be, and hereby is, entitled to purchase the same, in quantity not to exceed one hundred and sixty acres, at the price of $1.40 per acre, within one year from the passage of this act, under such rules and regulations as may be prescribed by the Secretary of the Interior, and on the terms hereinafter provided.

Mr. THURMAN. That would include all persons who are now upon the land.

Mr. INGALLS. Yes, sir.

Mr. EDMUNDS. Entirely beyond the act of 1869.

Mr. THURMAN. One question more. Are these lands subject to pre-emption?

Mr. INGALLS. They are not subject either to homestead or pre-emption entries. Under the provisions of the treaty they were to be sold upon the most advantageous terms for cash under such regulations as the Secretary of the Interior might prescribe, in accordance with the general land laws of the United States Government.

Mr. THURMAN. About how many settlers are there on the land?

Mr. INGALLS. As I have said to the Senate, under the terms of the joint resolution of 1869 there were 3,365 entries made, of whom 2,295, if I remember the number correctly, paid to the Government a sum a little less than $300,000; but that does not represent anything like the entire amount of inhabitants or population upon the land. It is fifteen hundred square miles in extent, considerably larger than the State of Rhode Island; has upon it a considerable number of thriving towns and villages, and contains, I presume, a population of not less than 30,000 people.

Now a word in regard to the suggestion made by the Senator from Massachusetts, [Mr. BOUTWELL.] At the time when this controversy arose as to the right of the railroad corporations or of the settlers in these lands, associations were formed for the purpose of trying that question. The settlers employed eminent counsel for that purpose. They believed, and the decision of two of the highest tribunals in the land has shown that their belief was right, that the title of the railroad corporations did not attach to these lands. In the court below they retained, as I said, very able and eminent counsel who were also authorized by the Attorney-General to appear before the Supreme Court upon the hearing of that case on appeal.

Mr. EDMUNDS. Not at the expense of the United States.

Mr. INGALLS. No, sir, nor does this bill provide that it shall be at the expense of the United States. The Senator will observe that under the joint resolution of April 10, 1869, the price of these lands is fixed at $1.25 per acre. Senators may say that this was too much or not enough, but the fact remains that the Government of the United States by its legislative authority made a contract with these parties by which they agreed to sell them this land at $1.25 per acre, and it was in pursuance of that provision that these men entered upon the land, made their purchases, and perfected their improvements. It was thought best by the Attorney-General that, inasmuch as these questions were novel, inasmuch as the interests involved were very extensive, inasmuch as the questions were important and had not been previously adjudicated, those counsel who had tried the case in the court below and were therefore familiar with all the facts and with all the law, with the treaty and with the laws made in pursuance of it, should be retained and employed to represent the Government upon the final hearing of the cause before the Supreme Court; and the reason of that is very plain and the necessity for it, because had it been held that the title of the railroad corporations did attach, then the United States Government would have been held responsible for all the moneys that had been received by it under the provisions of the act of April 10, 1869. Therefore in a very important sense the Government was a party, and it became essential that those interests should be protected by counsel who were familiar with the law and with the facts by their argument in the court below. The settlers, after the case had been decided in the circuit court of the United States for the district of Kansas, agreed among themselves that the most equitable, the most uniform, and the simplest method of distributing all this burden upon the great body of these people who were most intimately affected by these questions and by their determination, and in order to relieve the Government of the United States itself of all responsibility of a pecuniary character for the fees of these gentlemen who had appeared in the circuit court and in the Supreme Court——

Mr. EDMUNDS. Is there any such responsibility?

Mr. INGALLS. That I do not affirm.

Mr. EDMUNDS. Is any such thing claimed by anybody?

Mr. INGALLS. That I do not claim. I am stating, in response to the Senator from Massachusetts, the reason why it was that these settlers themselves agreed upon this method of ascertaining and fixing and determining the amount that each one should pay in order to liquidate these fees that had been agreed upon between the counsel and the settlers and also to save the Government harmless and indemnified by reason of any additional expense incurred in that behalf. They therefore, knowing that under the joint resolution of April 10, 1869, their contract with the Government was that they should receive title at $1.25 per acre, agreed among themselves that they would voluntarily submit to the imposition of fifteen cents upon each and every acre of that tract which any man among them should purchase, and that out of the fund thus derived, being in excess of the amount which the joint resolution of April, 1869, fixed as the price of the land, the Attorney-General and the Secretary of the Interior should determine and ascertain the amount to be paid to the various parties who had been retained as counsel in the determination of these very important and interesting suits.

That is a history of this entire controversy, briefly, in as few words as I am able to give it.

Mr. WRIGHT. I should like to inquire of the Senator from Kansas whether he has any objection to the amendment I have offered as a substitute for the section?

Mr. INGALLS. Personally I have no objection whatever to any amendment that may be offered by any member of the Senate. Inasmuch, however, as it is my belief, expressed here publicly, and as the Senator from Iowa himself says that he understood that the only account to be liquidated out of this fund so derived from this fifteen cents per acre in excess of the $1.25 fixed by the joint resolution is the fees that were to be paid to the counsel, I can see no advantage to be gained by the substitute proposed by the Senator from Iowa. Personally I have no objection whatever to it; but there is this difficulty about it, that whatever amendments are attached to this bill in its present condition, and at the present stage of the session, are so many obstacles to final and favorable action by the House from which the bill itself emanated.

Mr. WRIGHT. If the construction of this section is correct as given by the Senator, what is the need of the language in the first part of the section and the subsequent language that it shall be held to include these fees? It seems to me the language of the first part of the section must contemplate something else than the fees of the attorneys, else there is no necessity for putting it there.

Mr. INGALLS. I am not responsible for the language, and the Senator will understand that I mean no offense when I make this response to him.

Mr. WRIGHT. Of course I understand that.

Mr. INGALLS. I did not draw the bill, and consequently I cannot say what would be the legal effect of the phraseology that has been employed. I can only say that my understanding derived from a familiar conversation with these people who represent in an official capacity the settlers upon these lands is that all they desire and all they propose is that the necessary attorney fees shall be paid out of this fund in order to save the Government harmless from any expense and to indemnify it against all costs.

Mr. WRIGHT. Let me ask my friend whether in his opinion, if the language be left as it is now, there is not danger that it will include something else than the fees of attorneys? Why not make it plain?

Mr. INGALLS. I do not know what else could be included except the fees of the attorneys. I am not aware that there are any other costs or expenses than those that have been incurred for that purpose. If there should be other than those, it is possible of course that they might under this language be held to be included.

Mr. LOGAN. I wish to ask a question of the Senator from Kansas. In reading the bill the increase from $1.25 to $1.40 an acre is due to the fact that under the treaty promulgated in 1867, the time having lapsed and settlements not being made, the Government now has authority to change the price.

Mr. INGALLS. No; the Senator does not understand me. The settlers, as I said, who went on this land under the joint resolution of 1869 were very nearly four thousand; they are there to-day, and there is a settler or occupant, or claimant at least, to every quarter section of land within this whole territory. They are there under and by virtue of the contract that was made by the United States Government in the joint resolution of 1869.

Mr. LOGAN. That required them to apply within two years. Those who did apply within two years are not affected by this bill, I understand.

Mr. INGALLS. Within two years from that time, within less than two years from that time, the Secretary of the Interior made a ruling

that the rights of the railroad corporations attached upon this land, by virtue of which they were entitled to every alternate section upon which there were settlers under the provisions of the joint resolution of 1869.

Mr. EDMUNDS. That is within twenty miles of the line of the road.

Mr. INGALLS. That would cover the whole contract, because it is but thirty miles wide.

Mr. LOGAN. But the point I was getting at is that by the decision of the court in favor of the Government those men who have complied with the law are not affected by this bill. By the decision of the court they are entitled to have a patent from the Government. This bill then only affects those who made their locations after the two years, who did not apply within the two years.

Mr. INGALLS. Those who have paid their $1.25 per acre of course will have nothing more to pay unless the terms of this bill should be adopted, by which, in accordance with the wishes of the settlers, this fifteen cents an acre is to be added for the purpose of creating a fund out of which to defray the expenses of the Government in the way of the lawsuits.

Mr. LOGAN. I have no difficulty about the Government increasing the price or as to the disposition of the fund. That is not the point that bothers me at all. As to the right of Congress to do it, I have no doubt; but the point that bothers me is whether the bill itself applies to those who have complied with the law under the resolution of 1869.

Mr. INGALLS. Undoubtedly it does.

Mr. LOGAN. By the decision of the Supreme Court, they having applied, although their application may be suspended, they would not be included in this bill. That is the point I want to know. If they are included in the bill, then my judgment is that it ought to be amended in that particular. If not, I think there is no difficulty about it.

Mr. DAWES. I should like to inquire of the Senator from Kansas whether he has any information about what would be the amount of this fund arising from the fifteen cents an acre.

Mr. INGALLS. The tract being fifty miles in length by thirty in width would contain fifteen hundred sections of land, or in all 960,000 acres, and the Senator is capable of making the computation as to the amount that will be derived from fifteen cents an acre on that amount, or one-half of it.

Mr. DAWES. I did not know but that the Senator had done that.

Mr. INGALLS. I have not.

Mr. DAWES. One hundred and forty-four thousand dollars, the Senator from Vermont [Mr. EDMUNDS] says to me. Does the Senator from Kansas think that would be enough to defray the counsel fees?

Mr. INGALLS. Not having been retained in the case and being entirely unfamiliar with the amount of professional labor which was transacted, I am unable to respond. My impression, however, would be that a liberal computation would probably come inside the amount named by the Senator from Massachusetts.

Mr. DAWES. Has the Senator any knowledge of the contract that the settlers' association entered into with these counsel, what the terms of it were?

Mr. INGALLS. I have no knowledge whatever except in a general way, as it has been communicated to me by rumor.

Mr. DAWES. By what, then, is the Attorney-General to be governed in determining how much he shall take out of this fund for counsel?

Mr. INGALLS. By sound discretion.

Mr. DAWES. Sound discretion without regard to contract?

Mr. INGALLS. Taken in connection with the contract.

Mr. DAWES. If there is a contract and we propose to raise a fund to liquidate that contract, would it not be worth while for us to know what the terms of the contract are?

Mr. INGALLS. Inasmuch as the Senator from Massachusetts as one member of the House of Representatives at that time agreed to sell this land to these people for $1.25 an acre, it appears to me that if they themselves agree to an additional imposition of fifteen cents per acre for the purpose of holding the Government harmless against these expenses, whatever they may be, certainly he has no reason to complain.

Mr. DAWES. Inasmuch as having been one of the House of Representatives that promised to sell to these settlers this land for $1.25 an acre, I have some little scruple about making them pay $1.40 an acre after having promised them that they should have it for $1.25 unless I can understand clearly all about this fifteen cents additional that is put on; and some of the elements that enter into this inquiry and trouble me at every step are these that I have put to the Senator. First, I should like to know whether it is necessary that it should be fifteen cents on an acre. I understand from him that would bring over $144,000. Then I inquire of him if that is enough, and he puts me off by saying that I know as much about it as he does. Then I inquire with perfect sincerity and a desire to know whether I am violating that contract I made when I was in the House of Representatives, to which he has been so kind as to allude, by promising them that they should have the land for $1.25 an acre, whether this does not mean after all that a few men enter into a contract with counsel to pay them their expenses and their fees, and this is a plan to make others who did not enter into that contract and who bought their land for $1.25 an acre on my promise in the House of Representatives and put their money in the Treasury take out of their pockets fifteen cents an acre more to pay the counsel whom other people promised to pay. If all these settlers are content with this fifteen cents an acre to pay counsel, it is just as long as it is short to close this bill without the fifteen cents an acre on it and tell them to take their fifteen cents out of their pockets to pay the counsel, as it is to take it out of their pockets and give it to the United States and let the United States pay the counsel. If they all agree to it, it is not necessary. If they are not all agreed to it, it is a violation of the promise I made in the House of Representatives when I agreed that they should have the land at $1.25 an acre. That is the trouble with me.

I am very anxious that these counsel shall have their pay; I am very anxious that they shall be paid well; I am very anxious that the men who employed them should pay them; and I am very anxious, too, that the men who bought this land upon my promise in the House of Representatives that they should have it for $1.25 an acre should have that promise kept, and if they have made any engagement to pay counsel I cannot for the life of me see why they cannot pay them just as well as to have assessed upon them $144,000 to be paid into the Treasury of the United States and then the Attorney-General of the United States clothed with authority, governed by a sound discretion coupled with an agreement that nobody knows what it is, and with these elements a sound discretion and an unknown agreement, to take out of this $144,000 just about what will result from that process of his mind, to wit, a sound discretion and the element of a contract, we do not know what it is, and pay it over to the counsel. Everybody has agreed that that shall be done, we are told. Then why on earth cannot they pay their counsel as other people do, and take their land at a dollar and a quarter an acre?

Mr. INGALLS. The Senator will understand, of course, that I do not in any sense whatever represent these attorneys, and to me personally it is a matter of absolute indifference whether they get their fees or not; but I can only say from a somewhat intimate acquaintance with a very large number of the people who now inhabit this tract of country that I believe this arrangement meets with their entire sanction and that they are practically unanimous in their desire that the bill shall pass with this provision in.

Mr. EDMUNDS. Even those that bought under the railroad and whose title was defeated by the decision?

Mr. INGALLS. I will say that this bill has been now pending since the middle of April; I introduced it the day after the opinion was announced in the Supreme Court affirming the title of the Government in these lands. A very large number of copies were immediately sent to that region of the country. It was published in every newspaper that is printed on the tract. I have received a very large and voluminous correspondence since on the subject of the bill, and I have yet to receive the first protest against these provisions. So far as that testimony is of any value, I give it to show what the sentiment of the people themselves is who are to be affected by this provision of the bill.

Mr. EDMUNDS. This is a House bill.

Mr. INGALLS. I introduced the same bill substantially in the Senate.

Mr. LOGAN. I should like to ask the Senator from Kansas a question in reference to section 3, which provides—

> That the parties desiring to make entries under the provisions of this act who will, within twelve months after the passage of the same, make payment, &c.

The other sections following have the one-dollar-and-forty-cent-per-acre provision. I ask whether that does not determine the class of persons who will have to pay by the construction of the word "entries?" What is the entry of land?

Mr. INGALLS. I suppose that would include all those who are now upon the land or shall be upon the land at the time when this bill shall become a law?

Mr. LOGAN. Who have not paid the Government?

Mr. EDMUNDS. It covers all those who have paid as well.

Mr. LOGAN. I think not. It applies only to those who enter after the passage of the bill.

Mr. EDMUNDS. But there is no legal entry in the technical sense yet, because the Secretary of the Interior refused to allow the entry.

Mr. LOGAN. Before they made their entry at the land office of the State? That I understand is the entry of land by application at the local land office. If that is not true, if it is a fact that they were not permitted to make their entry on the books of the land office in the State, then it would apply to all. There is no doubt about that. That was the point I wanted to ask.

Mr. EDMUNDS. On the alternate sections I think the Senator will find—though I am not at all familiar with the details of the case, although I argued it in the Supreme Court on a question of law—that the land officers were instructed not to allow entries.

Mr. LOGAN. That is the point I was inquiring about. If they were not permitted to make their entry, of course this bill applies to them, and that was exactly the point I was trying to get at, whether the persons who had complied with the resolution of 1869 were permitted to make their entries or whether the suspension was prior to the entry.

Mr. INGALLS. There were twenty-two hundred and ninety-five actual cash entries made under the joint resolution of April 10, 1869, from which the Government received something in excess of $290,000.

Mr. HARVEY. My knowledge and belief concerning this bill coincide with my colleague. I understand this fifteen cents an acre to be agreed to by the settlers as the most equitable and satisfactory way of adjusting the expenses they incurred by the employment of counsel to defend their rights in this matter. I think there is substantial unanimity among them on the subject.

The PRESIDING OFFICER, (Mr. SARGENT in the chair.] The question is on the amendment of the Senator from Iowa [Mr. WRIGHT] to section 8.

Mr. EDMUNDS. I move to amend the amendment by striking out the words "at the instance," after the word "retained," where the words are "at the instance of the settlers," and insert "by;" so as to read "retained by the settlers;" for I am informed on the very best authority that the United States never retained anybody at all. They authorized the private counsel of the settlers, as they do in all cases where there are private interests involved, when they desire, to appear and argue the cause. That implies that the United States retained somebody, and by inference therefore is responsible to pay somebody.

Mr. WRIGHT. I have no objection to that amendment.

The PRESIDING OFFICER. The amendment is accepted.

Mr. BOUTWELL. I move to amend still further by striking out "Interior" in the two places where it reads "the Secretary of the Interior" and insert "Treasury;" so as to read "Secretary of the Treasury," and after the word "Treasury," where it occurs in the second place, to insert:

After said accounts shall have been audited and allowed by the accounting officers, shall pay to the parties entitled thereto the sum so allowed.

And strike out all after the word "allowed."

Mr. WRIGHT. As I understand the amendment proposed by the Senator from Massachusetts, it is to confer the duties provided for in this section, and imposed on the Secretary of the Interior, upon the Secretary of the Treasury, and to provide further that there shall be an auditing of the accounts before they shall be paid. That I understand to be the proposition of the Senator. I have no objection to this amendment. My object in the amendment I have offered is to confine the amount that is to be paid to the legitimate purpose that is specified in the amendment, and that is the fees of the attorneys who were employed, and not apply it to anything else. Whatever may be done to assist in the way of perfecting that I have no objection to. If that amendment to my substitute shall be adopted it will still be for the Senate to determine whether they will have it in at all. My object is to have the section as perfect as possible before voting on the question of striking out.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Massachusetts [Mr. BOUTWELL] to the amendment of the Senator from Iowa, [Mr. WRIGHT.]

Mr. WRIGHT. I accept the amendment.

Mr. CONKLING. Mr. President, I should like to have some information to guide my vote on this part of the bill. My understanding is, and the Senator from Kansas who knows the facts can correct me, that originally on this tract of land, there being a dispute about the title and there being a division among the dwellers as to which side they took in that dispute, although I presume a great majority was on one side, a certain portion of these settlers procured a bill to be filed to remove a cloud on the title——

Mr. INGALLS. Will the Senator allow me to interrupt him there, as he desires to be correct about the facts?

Mr. CONKLING. I do.

Mr. INGALLS. There was a joint resolution introduced for that purpose; but subsequently, upon the application of myself and my colleague to the Attorney-General, he directed the suit to be brought of his own motion for the purpose of testing the question of title involved in the construction of the acts of 1863 and 1869.

Mr. CONKLING. What portion of my statement does the Senator think he has corrected?

Mr. INGALLS. I understood the Senator to say there was a bill passed for the purpose of removing a cloud on the title.

Mr. CONKLING. Had the Senator attended a little more narrowly, he would have heard me say that a bill was filed, not passed, but filed.

Mr. INGALLS. I beg pardon; I thought the Senator referred to legislative proceedings.

Mr. CONKLING. No, sir. I am out of legislation for the moment. There was a bill filed to remove a cloud on the title. That was the bill; I read it. The alleged cloud was a patent and proceedings under a patent which they sought to have set aside and thus remove the cloud on their title. That suit commenced and that bill was filed by the district attorney whose name, I think, was Shannon.

Mr. INGALLS. No.

Mr. CONKLING. He was the attorney of record. Does the Senator say no?

Mr. INGALLS. The attorney of the United States for that district was Mr. George R. Peck. Governor Shannon, of historic fame in the State of Kansas, was one of the counsel retained by the settlers who appeared in the court below.

Mr. CONKLING. Very well; then it may be that Mr. Peck was the attorney of record and Mr. Shannon's name appeared of counsel. Those two gentlemen filed a bill. The attorney of record, or more exactly speaking, the solicitor, was the district attorney of that district. I cannot be mistaken about that because, as I say, I once had occasion to look at the bill a long time ago. In filing that bill he represented an association of men which taken altogether was made up of a part of the settlers on this tract. They were in hostility to the railroad title. There were other settlers, and my recollection is a great many of them, who had taken their titles under the railroad and they insisted on that title. Fortunately for them they were not required to employ counsel to defend their title, because the railroad company, being the grantor, and having given covenants of warranty, was called upon, although it was defunct, through its receiver, to employ counsel and maintain title for itself and for the settlers to whom it had granted. Thus, as I understand it—and at all times, if I am wrong, I of course want to be set right—a litigation was waged for a part of these settlers against the grantor of other settlers. I see the Senator shakes his head. I wish he would shake it audibly.

Mr. INGALLS. In the name of the United States Government against the railroad companies.

Mr. CONKLING. My friend is very particular about terms. I am aware that this was a proceeding in the name of the United States, which might be implied from the statement I made, that the alleged cloud on the title was a patent, and proceedings under the patent; and, therefore, the form which the action took was an assertion that not to the railroad companies but to the United States still belonged the title to these lands. Is not that right?

Mr. INGALLS. That is correct.

Mr. CONKLING. Then I was correct before except that I did not stop for the moment to state the circumlocution which entered into the technicality of the proceedings. To resume my way of stating it, which aims at substance and not at form, here was, I repeat, a litigation in which a large number of the settlers contended with other settlers upon that tract about the title. The larger number insisted that they held from the United States, that the United States was their guarantor and that title was good. The others held that the title had passed to the railroad company, and the railroad company was their grantor, and thus they held title. That was the issue. The Supreme Court decided, as Mr. Justice Miller had in the first instance decided, in short, that that patent was void and that the title was good which was asserted in the name of the United States; and that was the holding of those who sympathized with the plaintiff in that suit; and those who sympathized with the railroad company and held under it were beaten.

I understand the bill proposes that by operation of law an assessment of fifteen cents an acre shall be made upon the possessions of these settlers, share and share alike, to pay, to make up a sum-total of $144,000, which is to be devoted to paying the counsel who carried on this litigation, and devoted to no other purpose that I have heard explained. Two things strike me. First, can it be possible that a bill filed by the district attorney or in his name to remove a cloud on title and adjudged at the first instance, and an appeal taken to the Supreme Court and the decree confirmed by the Supreme Court, has involved, unless there was an immense army of counsel, to any number of counsel that we can suppose were in good faith retained, a labor which it requires $144,000 to compensate?

Mr. OGLESBY. Was it not a question of law?

Mr. CONKLING. My honorable friend asks me was it not a question of law. He might have put a narrower question and I could have answered it in form. It involved a question of the construction of a statute which I do not think is longer in print, being a single section, than that envelope [holding up an envelope] is broad. The question was whether, under a particular section of a statute, the patents and the proceedings under those patents were authentic or not; in other words, whether under that statute this title did remain in the United States and did inure to the benefit of those who claimed under it, or whether the proceedings by which the railway company said it took were unauthentic under that section and the conveyances which they had made to the settlers were valid. That was the question?

Mr. EDMUNDS. Yes, sir.

Mr. CONKLING. And that is the whole question that I ever heard of in the case. Perhaps I ought to say, to be entirely frank about it, as the honorable Senator from Kansas remarked that he had never been retained in the case, that I was once retained in the case by a receiver, if I remember aright, of one of these railway companies, the purpose of my retainer being to argue in the Supreme Court a motion which I think resulted substantially in a motion to postpone one of these cases or all of them to the end that parties who had not had an opportunity to answer might come in and appear on the record, and all be heard who wished to be heard. It was through that motion that I came to know something of the facts which are now stated from a somewhat faded memory. I say, first, I can hardly understand how the litigation carried on to obtain a legal construction of one brief section of a statute, a cause in which the judgment was not reversed and sent back to a new trial but which was tried once and the decree affirmed by the Supreme Court, did involve such labor for one counsel or for two counsel; I believe there were but two.

Mr. INGALLS. Three.

Mr. CONKLING. Three includes the district attorney?

Mr. INGALLS. Three besides the district attorney.

Mr. CONKLING. I can hardly understand how three counsel earned at two hearings upon that section of the statute, one at *nisi prius* and one before the court *in banc*, $144,000.

Mr. INGALLS. The Senator does not certainly suppose that this bill proposes to pay them $144,000.

Mr. CONKLING. What is the object of levying this contribution of fifteen cents an acre?

Mr. INGALLS. The bill expressly says in the twelfth, thirteenth, and fourteenth lines of the eighth section that the amount of costs and expenses shall be ascertained and certified by the Attorney-General to the Secretary of the Interior.

Mr. CONKLING. What is to be done with the balance?

Mr. INGALLS. I suppose if it is collected it is to be devoted to the civilization fund. I conceive of nothing else to be done with it.

Mr. CONKLING. I am in favor of all funds, general and special, for civilization.

Mr. INGALLS. I should have stated the fund for the civilization of Indians.

Mr. CONKLING. My regret is that I cannot augment the object of such funds. Anything which tends to civilize anybody, red or white, I am in favor of, as a general proposition; but I do humbly submit that when the Senate is asked to impose upon all these lands fifteen cents an acre as a tribute or contribution to be taken out of them to pay counsel fees, we ought to know a little more about it. If the total is $144,000 and it turns out that only $10,000, or $20,000, is necessary, and the residue of it will go to the civilization fund, then we ought to have a section for that purpose and it ought not to go in the name of counsel fees. I consider that a bad baptism for legislation to civilize those from whom the money is to be taken. I say I do not understand why it is necessary, as a jump in the dark or a guess or an estimate, to give $144,000 for this purpose.

But there is another thing. I heard the honorable Senator from Kansas speak of rumors and fleeting conversations, if I got the word, but what those rumors or fleeting conversations are I do not know; but speaking from conjecture upon the face of the bill, I should say that if fifteen cents an acre be the sum, making a total which we know beforehand is $144,000, it would seem to imply that some measure of compensation had been agreed upon either positively or contingently which leads to so large a total. I do not mean to intimate that any counsel in this case indulged in what I suppose I may call a very questionable professional proceeding of making an agreement upon the practice of some veterinary surgeons or horse-doctors of whom I have heard, "No cure no pay;" that is making an agreement based upon the idea that a lawyer does an insurance business and not a law business, an agreement by which if he does his duty all the way and fails he is to receive nothing, and if he succeeds he is to receive a compensation which would be regarded as extraordinary, if it were merely to be governed by the rule of *quantum meruit*——

Mr. HOWE. Whether he does his duty or not.

Mr. CONKLING. And that, as my honorable friend very properly reminds me, whether he does his duty or not, whether the success comes from some mere veering of the winds of chance or from some faithful, laborious, and recondite service which he performs. I do not mean to intimate anything of that sort, and yet I must say that unless there has been some understanding or some suggestion by which in the event which has happened, namely, the confirmation of this decree, somebody is to receive at a rate which will mount up to $144,000, being fifteen cents an acre on this land, I cannot conjecture within the limited range of my understanding why a body composed largely of lawyers should on any state of the case before them find as a matter of fact, because I know legislation is mixed of law and of fact, and to vote for this provision we must find as a matter of fact, as far as we know, that $144,000 is a suitable compensation for three gentlemen who discussed at *nisi prius* and afterward before the court in banc the meaning of one single section of a statute not two inches long as it stands in print.

Mr. THURMAN. Will the Senator tell me, for I am very ignorant of this matter, what are the facts in the case?

Mr. CONKLING. As well as I can tell the Senator I will. The Senator from Kansas has corrected me until I believe I can. It was a bill filed in the name of the United States by the district attorney of the district in which the bill was filed. The object of the bill was, as I said, to remove a cloud on the title. Stating it with less artificiality, its purpose was to affirm that under this section of the statute certain patents which had gone to a railway company and hence, by conveyances made by them under those patents to settlers, were void, and that in truth under the law the land remained in the United States, and that other persons were entitled to come in under the laws of the United States, and paying the price fixed by those laws to take the lands themselves.

Mr. THURMAN. One question more. Who employed the outside counsel?

Mr. CONKLING. As I understand it, the outside counsel sprang up in this way: Here on this tract were a great many people. Some of them had bought under the railway title and they strenuously insisted on that. Some of them had taken lands under the idea that they could proceed under the laws of the United States directly with the United States and by paying the price there nominated become possessed of the title. The persons who represented the latter idea, or a part of them, formed an association, as I hear it called here, which association through its organs retained one, two, three counsel *seriatim;* and these three counsel proceeding in the name of the district attorney filed a bill in the name of the United States to assert the existence of the title of the United States and the invalidity of this contending title. Mr. Justice Miller, sitting at *nisi prius*, held that that section of the statute continued the title in the United States and that the railway title was void. From that an appeal was taken to the Supreme Court, and the Supreme Court, after hearing the argument, confirmed the decree, and that ended it.

Mr. THURMAN. Were these outside counsel, as I call them, not out of disrespect certainly, employed by the Government?

Mr. CONKLING. Never in any sense that I hear of. The Senator from Ohio evidently anticipates what I was coming to say, the other thing which I do not understand, and that is what the United States or Congress has to do with the matter. The district attorney appeared in a purely perfunctory way to allow his name to go on the record as solicitor, and therefore nobody owes him anything. If the counsel were employed by this association of settlers and have or have not made a special agreement, why on earth does not this association of settlers pay its counsel and settle with them just as any other men would do, whether they were acting in the association or acting by individual right?

The honorable Senator says he introduced the bill in April. It was published far and wide. The newspapers mentioned it; copies were sent; everybody knows it; nobody has protested. I infer from that and from other statements the Senator has made that this legislation proceeds upon the theory that these men are in all accord. Then, why do we want the instrumentality of an act of Congress to levy upon every acre of this ground fifteen cents, amass it in a fund, hand it over to the Attorney-General, and then to commit to his discretion the disposition of the fund? What is that disposition? It is either to execute an agreement, if there be a valid agreement, measuring this compensation, or else it is to have these gentlemen present their bills and scrutinize them as any other client would and if they differ refer it to somebody, and then pay whatever appears due. Does a man need an act of Congress to pay his doctor's bill or his lawyer's bill?

Mr. SARGENT. What is to be done with the surplus?

Mr. CONKLING. The honorable Senator from Kansas says, by way of conjecture, if I understand him—he disclaimed any knowledge about it—if anything is left over it is to go to the general fund for civilization.

Mr. INGALLS. Under the treaty of 1867.

Mr. CONKLING. It is to go into the general civilization fund, upon which I observed, if we are to levy a contribution of fifteen cents an acre to deposit some definite sum in the general civilization fund we had better say so; we had better do it and not appropriate the money under the name of counsel fees, contingent or otherwise, in order to have a sum we know not how much go in some contingency which may never arise into a civilization fund.

Mr. President, it would as ill become me in principle as in interest to stand in the way of a lawyer being paid for what he does. I should consider it very hard that I should not be paid; and I should consider it especially hard if the man who employed me and who reaped the fruits of my labor would not pay me. Therefore I am in favor of these gentlemen being paid whatever is due to them. No doubt they rendered services which should be paid for at a suitable rate; but if this act is to operate upon those who are in law and in equity chargeable with these expenses, to wit, the people who employed these counsel, or, speaking in the language of the bill, at whose instance and request the counsel performed this service, what is the sense of taking it out of their lands and putting it in the pocket of the United States and then having the United States turn around and hand it to the counsel, when the easy way is for them to arrange this private transaction between themselves and their counsel? If, on the other hand, we want something as large as an act of Congress to descend upon the lands of these men who never did agree to go into this litigation, who omitted or refused to become contributors to this litigation, nay, if the object is to have this levy made upon the lands of those who asserted the railway title, who stood in hostility to this proceeding, who were defeated in the suit, then I can see a great deal for the act to take hold of; but that great deal is just so much of objection as I understand it, to our undertaking here by force and might, by an act of legislation to levy forced contributions against those who never employed counsel but whose interests were wrapped up in the other side and who were cast and defeated in the litigation. I do not understand this at all. It may be much clearer to others than it is to me; but I say that if the design is to enforce payment from those who created the debt they do not need us to enforce it. If they sue and recover their debtors and clients cannot even "beat them on the execution." An execution if there is not personalty to answer it will descend upon and take these lands and devote them to the satisfaction of this debt. That is all provided for in existing law. If that is to be the whole purpose and effect of the bill I should say it was not only a work of supererogation but something more than that. On the other hand if the purpose is to subject the property, be it real or personal, of those who never employed counsel and who never agreed to pay them, who were adverse to the proceeding, who were defeated and whose patents went down with the proceeding, to a forced contribution to pay the counsel fees of the victors over them, any principle of equity which covers that must be more elastic than any principle of which I know. If this is not true, if I am mistaken in the position of this matter and the facts I would be very glad to hear it from any Senator who will enlighten

me for I will vote for anything which is right in my view to enable these gentlemen to get their pay, but it seems to me there is nothing to be done except to let their other clients settle.

Mr. MORRILL. May I ask the Senator from New York whether he thinks the United States would or would not be accountable to the Indian civilization fund for these fifteen cents additional received from this land?

Mr. CONKLING. I am not sure I apprehend the Senator. Does he mean that if we levy the fifteen cents an acre and it turns out on adjustment that half of it is due to counsel fees and the other half remains, whether we would then be liable to pay that over?

Mr. MORRILL. Whether we should not be liable for the whole sum. Have the Indians any lot or parcel in this suit?

Mr. CONKLING. That never occurred to me until this moment; but I must say I think it is a very pertinent question. I do not know. The Senator who puts the question sees probably more clearly than I do that it involves a reference to statutes and treaties.

Mr. MORRILL. I will say, as I understand it, under the treaty we are to pay $300,000 and the remainder of the proceeds are to go to the civilization fund. I do not see why we would not be liable for the whole amount.

Mr. CONKLING. By our act we take fifteen cents out of this land. We take it at our peril, and the Indians not being privy to that, the question is whether they have not a claim against us, as far as Indians have a claim against anybody and especially against the United States, to make that good. That is a very awkward question. It is a conundrum which I would rather my friend from Kansas would answer than myself to undertake to answer it.

Mr. INGALLS. This debate seems to have degenerated into a controversy whether certain attorneys should be paid their fees, and, if so, how much and in what manner. I cannot consent, so far as I am concerned myself, to be placed in the attitude to advocate the payment of fees, whether extortionate, reasonable, or otherwise, to these or to any other attorneys. I may say in passing that I am not and never have been an attorney upon either side of this case. I had the opportunity of appearing and was offered a retainer for the side that was successful in the circuit court and in the Supreme Court; but I thought as a question of delicacy, to say nothing more, that it was hardly consistent with my duties as a Senator to take a fee and appear in court upon a matter upon which I might subsequently be called upon to vote. Therefore I say that I have no inclination, no interest, no motive whatever to say whether these attorneys shall be paid or whether they shall not; neither am I here to advocate their claims or to protest against them. It is to me absolutely immaterial whether they are paid or not. I simply stand here representing a certain community, a portion of my own constituency in the State of Kansas, who have, so far as I know, unanimously expressed their desire that the expense that has been incurred shall be paid in the manner proposed in the bill. If the Senate think that that is inappropriate, that it is not a desirable method of legislation, I shall be entirely satisfied to have that expression recorded. All that I desire is that these thirty thousand people, who in consequence of this determination of the Supreme Court are without a title to their homes which they themselves have purchased at the invitation of the Government, shall have some means afforded by which they can secure a title and by which the consequent disorder and agitation and danger may be averted. It is for that purpose that I have urged this bill upon the attention of the Senate, and if a majority of the body desire to express their opinion that this method of adjudicating the claims between the settlers and their attorneys is not to be approved, all I have to say is that I shall be content. I ask that action may be taken upon the bill so far as the question of the title itself is concerned, and that we may pass from these incidental topics to those certainly which are material.

Mr. ALLISON. I move to add to the amendment proposed by my colleague the following:

> And all the remainder of the proceeds of such sales shall be paid into the Treasury of the United States and placed to the credit of the civilization fund provided for by treaty concluded between the United States and the Great and Little Osage tribes of Indians, September 29, 1865, and proclaimed January 21, 1867.

Mr. INGALLS. Is that in order now?

The PRESIDENT *pro tempore*. It is. The other amendment having been accepted, it has become a part of the original amendment. The question is upon the amendment to the amendment.

Mr. SHERMAN. There is one objection to the amendment to the amendment which, unless removed by technical words, will leave this as one of those unhappy funds in the Treasury which are always the prey of the spoiler; that is a trust fund. Senators have had their attention called lately to the nature of having trust funds in the Treasury. The cotton fund was a most notable case, and the fund arising from the proceeds of captured and abandoned property. I never will knowingly vote for a proposition that will retain in the Treasury these separate trusts in the nature of trust funds. I could name twenty of them that ought now to be covered in the Treasury; for instance, the naval pension fund, the Japanese fund, the Chinese fund, the Choctaw fund, and ever so many more. They ought to be covered to the Treasury subject to appropriations made by Congress, because if allowed to remain as trust funds they are subject to the disposition of officers other than those charged by the Constitution with the custody of public money.

There is another objection to the measure, it seems to me. I am perfectly willing to pay these gentlemen their fees. When this bill was up the other day I expressed that desire. I am willing to pay them liberal fees, because by the decision of the court, founded purely upon their labors, the Government of the United States and the settlers have secured the possession of title to lands; but when it is proposed to set aside a fund of $144,000 to pay two or three lawyers I must most respectfully dissent. Therefore I think the provisions of the bill ought to be more guarded. It ought to be so restricted as that somebody will be charged with the power to fix what ought equitably to be paid to these attorneys.

Another section in the bill while I am up I may as well mention. The policy of selling lands upon credit, and especially upon four years' credit, is a very bad one indeed. These lands ought to be sold for cash. The third section of the bill authorizes the Commissioner to sell these lands on four years' time. First it gives a year in which the settler may make his entry. Then it allows him to pay one-fourth down and the balance in three annual payments, with 5 per cent. interest. The result is, as 5 per cent. is much less than the rate of interest in Kansas, every settler will claim the benefit accorded by this rate of interest. When these men take the land they ought to pay for it in cash. Let them borrow the money if they choose, but they should get it. The Government of the United States has never been fortunate when it undertook, as this bill authorizes, to take a mortgage or to make a contract and enter upon that contract payments. The result is that debtors are very slow in paying the Government money. The time will not be long, not more than a year or two, when a bill will be introduced in Congress to relieve these people not only from the interest but probably from the principal. It seems to me, therefore, if these lands are to be sold to the settlers, and I think they ought to be, they ought to pay whatever price is fixed upon in money within one year and then take out their title.

Mr. ALLISON. In answer to the suggestions made by the Senator from Ohio I will state the reason for offering my amendment. The treaty with the Great and Little Osages covering this particular tract of land was made in 1865, and the Government of the United States advanced to these tribes $300,000. Then these lands were to be sold by the Government of the United States for the best attainable price and the cost of sale; the $300,000 was to be re-imbursed to the Treasury and the remainder of the fund, whatever it might be, was to be set aside under the control of the Secretary of the Interior as a civilization fund, not for the Great and Little Osages but for all the Indian tribes in the United States.

Mr. SHERMAN. Will my friend allow me to interrupt him there just for a moment? Suppose we place a fund to the credit of the civilization of the Indians, who is to determine whether Sitting Bull is to be killed as the only way you can civilize him? It is a charity which if put in a will or charitable bequest would be void for uncertainty.

Mr. ALLISON. That is the precise point I wish now to meet. The Secretary of the Interior has so construed the first article of the treaty that under it he has hitherto without limitation disposed of this civilization fund. We have sold 358,000 acres of these lands, and the Secretary of the Interior, without any control whatever, has disposed of this fund thus far.

Mr. HOWE. For how much were these lands sold?

Mr. ALLISON. They were sold at a dollar and a quarter an acre under the resolution of 1869, which I suppose has been quoted in this debate.

Mr. EDMUNDS. Subject to the legal rights of everybody, including the Indians?

Mr. ALLISON. Undoubtedly. They were sold at this price, and this fund has been used by the Secretary of the Interior in support of the common schools in these various tribes, in the discretion of the Secretary of the Interior. Some of it may have gone to the Sioux, some of it to tribes in Wisconsin or to tribes in Oregon. It has been disposed of solely in the discretion of the Secretary of the Interior.

Mr. RANDOLPH. Has the money been re-imbursed to the Treasury?

Mr. ALLISON. The $300,000 has been re-imbursed and the cost of sale. There has been a fund in addition of about $200,000 that has been thus disposed of. The very object of my amendment is to place this fund within the control of Congress. It proposes that this fund shall be placed in the Treasury of the United States to the credit of this fund, because the treaty says it shall be to the credit of this fund. I wish to ask the Senator from Ohio how this fund will ever be got out of the Treasury without an act of Congress?

Mr. SHERMAN. If my friend will allow me, what I object to is that he has not used the necessary technical words.

Mr. ALLISON. Very well; I will thank the Senator to insert them.

Mr. SHERMAN. I will read the Senator's amendment and show wherein it is defective.

Mr. ALLISON. I only wrote it at my desk hurriedly, and would be glad to have the Senator correct it.

Mr. SHERMAN. The amendment reads:

> And all the remainder of the proceeds of such sale shall be paid into the Treasury of the United States.

The word "covered" ought to be used. That is the technical word which includes a payment by a proper draft.

Mr. ALLISON. Very well; I will make that change.

Mr. SHERMAN. I suggest to the Senator to insert "and subject to the action of Congress."

Mr. EDMUNDS. That destroys it; that destroys what the Senator is saying.

Mr. ALLISON. The first section of the treaty states how it shall be disposed of. It shall be disposed of—

Under the direction of the Secretary of the Interior, for the education and civilization of Indian tribes residing within the limits of the United States.

I have no doubt that Congress can say how this fund shall be disposed of. By a decision of the Supreme Court of the United States we are suddenly placed in the possession of a fund which will reach nearly one million dollars, because when the remainder of these lands are sold at a dollar and forty cents per acre this fund certainly will reach at least $800,000.

Mr. INGALLS. The civilization fund?

Mr. ALLISON. Yes, sir.

Mr. INGALLS. The Senator is strangely at fault in his arithmetic.

Mr. ALLISON. Then I shall be glad to be corrected by the Senator from Kansas.

Mr. INGALLS. Three hundred thousand dollars are to be subtracted from the gross amount, and there are but 960,000 acres in all.

Mr. ALLISON. My friend is strangely at fault with his facts. These $300,000 have already been re-imbursed to the Treasury; and not only that, all the costs of the survey and sale of these lands have been placed in the Treasury of the United States; so that every dollar of the remainder of this fund is a sacred trust belonging to the Indian tribes of the United States, and not to the Little and Great Osages. It is a fund that shall be used by the Government for the purpose of the education and civilization of all the Indian tribes in the United States. Therefore this fund, as I understand, will swell to the amount of six or seven or perhaps eight hundred thousand dollars, as there are nearly six hundred thousand acres of these lands yet undisposed of, which, if sold at $1.40 an acre, will realize from six to eight hundred thousand dollars. This is a fund that must be used for a particular purpose under this treaty.

Mr. THURMAN. If the Senator will allow me, do I understand that all the proceeds of any sale that is to be made of these lands will be trust funds?

Mr. ALLISON. They will be trust funds, and trust funds for a particular and specified purpose, namely, the education and civilization of Indian tribes.

Mr. THURMAN. Then the United States does not hold the title for its own use and benefit, but simply as trustees for the benefit of the Indians?

Mr. ALLISON. It holds the title in trust, as I understand, for the benefit of these Indians; and not only for their benefit, but to be applied in a specified and particular way, as provided for in the first article of the treaty.

Mr. SHERMAN. I have drawn a modification of the amendment to the amendment, which the Senator from Iowa will see seeks to accomplish the same object:

And all the remainder of the proceeds of such lands—

That is, $300,000—

shall be covered into the Treasury of the United States, and expended by Congress for the civilization of Indians, as is provided for by treaty concluded, &c.

Mr. ALLISON. That is perfectly right.

Mr. EDMUNDS. Let us see about it.

Mr. ALLISON. I agree to that if it is not in violation of the first article of the treaty.

Mr. EDMUNDS. That is the idea.

Mr. RANDOLPH. What becomes of the authority of the Secretary of the Interior?

Mr. ALLISON. It is under the direction of the Secretary of the Interior. It does seem to me that Congress may by law provide for the method of the distribution of this fund.

Mr. SHERMAN. That is precisely what I seek to do by law. I do not want the Secretary of State to have power to disburse the Japanese fund. I do not want to give the Secretary of the Interior power to disburse this fund for the civilization of Indians. He might choose to civilize Sitting Bull. There are gross abuses that may arise. I do not speak of persons, but gross abuses have arisen and will arise.

Mr. EDMUNDS. I suppose the Senator means to stand by the solemn agreement of the treaty, whatever that fairly means?

Mr. SHERMAN. But I say this trust being in the Government of the United States may be invested in Congress as well as in the Secretary of the Interior. I do not know the phraseology of the treaty at all.

Mr. EDMUNDS. Do you think the treaty will bear that construction?

Mr. SHERMAN. I do not know. I have not heard the treaty read.

Mr. EDMUNDS. It would be a good thing to find out before you make the proposition.

Mr. SHERMAN. I will hear the treaty.

Mr. EDMUNDS. I will just read it:

Said lands shall be surveyed and sold—

Of course I pass over the granting part in order to get down to the point—

under the direction of the Secretary of the Interior, on the most advantageous terms, for cash, as public lands are surveyed and sold under existing laws; but no pre-emption claim or homestead settlement shall be recognized; and after re-imbursing the United States the cost of said survey and sale, and the said sum of $300,000 placed to the credit of said Indians—

That is provided for in advance; in advance the United States mean—

the remaining proceeds—

Which are these we now have to do with—

the remaining proceeds of sales shall be placed in the Treasury of the United States to the credit of the "civilization fund"—

Quoting the words "civilization fund" as a fixed thing—

to be used, under the direction of the Secretary of the Interior, for the education and civilization of Indian tribes residing within the limits of the United States.

That is the language of the treaty.

Mr. SHERMAN. I think that under that treaty we, the law-making power, may direct the Secretary of the Interior in the disposition of that trust fund. He is our officer and it seems to me that we should limit, restrain, and regulate his power over it. Let me put a case. The Secretary of the Interior can expend that fund in anything that may be covered by the term "civilization of the Indians." What does that mean? It is a term so broad that if a clause of that kind was in a will or any kind of a conveyance it would be void for uncertainty. It is not these particular Indians; not any particular Indians, but "Indians." We have East Indians, we have West Indians, we have our Indians, we have Choctaws and Cherokees, and all sorts of Indians. What is meant by the word "civilization?" Education is civilization. Marriage is an element of civilization. Sometimes killing is an element of civilization. Voting the republican ticket is the highest element of civilization, we think. How vague and indefinite this is? I say we ought not to place under the control of officers of the Government a fund upon terms so indefinite that the powers may be abused. It is impossible for us, although the money is placed in the Treasury, to know what demands may be made upon that money in the Treasury. The amount of these funds now in the Treasury nominally, although outside of the Treasury, as trust funds and upon which drafts may be made by various officers of the Government, is a considerable sum. Very large sums are already credited to various Indian tribes. It seems to me all these sums ought to be subject to disbursements by an appropriation made by Congress. The Constitution of the United States declares that "no money shall be drawn from the Treasury but in consequence of appropriations made by law." It is held that a law or treaty of that kind is an appropriation by Congress sufficient for them to hold it separate and apart as a trust fund, to be disbursed upon the order of the Secretary of the Interior. Is that wise? What is the object of the Constitution which guards all the money in the Treasury so that it can only be drawn in pursuance of an appropriation made by Congress? It must be made openly, both Houses assenting, the President assenting, made in clear and specific terms. It seems to me that it is clearly within our power, even under that treaty, to so regulate and guard this discretion of the Secretary of the Interior as to define the purposes for which this money shall be used, the degree of civilization and what means of civilization shall be provided for by the disbursement of this fund.

Therefore I favor the proposition submitted by the Senator from Iowa as now modified, which carries this money into the Treasury, covers it into the Treasury, so that it is subject to an appropriation by Congress alone, to be disbursed, if you please, by the Secretary of the Interior under the order of Congress, just as all other money in his Department is disbursed.

Mr. EDMUNDS. Then you substitute the discretion of Congress for the discretion of the Secretary of the Interior? That is the short of it.

Mr. SHERMAN. I do not think there is any doubt of our power to do it. We make these appropriations, and the money is all disbursed under the care of the Secretary of the Interior at the end. We annually make the appropriations. We would say we appropriate $30,000 or $50,000 this year for the civilization of the Indians and specify how it shall be done. The Secretary of the Interior disburses that money upon our appropriation. It is all subject to his order and command. I see no difficulty in the way. I think Congress has full power to do it. In our annual appropriations in the disbursement of this money we necessarily place it under the control and power of the Secretary of the Interior to some extent, its actual investment, its payment, when it is to be paid, how fast it is to be paid, for what particular purpose it is to be paid, and it certainly might be left to Congress in perfect accordance with this treaty.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Iowa [Mr. ALLISON] as modified by the amendment of his colleague, [Mr. WRIGHT.]

Mr. EDMUNDS. Let us hear it reported as it now stands.

The Chief Clerk read as follows:

And all the remainder of the proceeds of such sales shall be covered into the Treasury of the United States and expended by Congress for the civilization of the Indians as provided for by treaty concluded between the United States and the Great and Little Osage tribe of Indians, September 29, 1865, and proclaimed January 21, 1867.

Mr. THURMAN. Mr. President——

Mr. EDMUNDS. I shall feel obliged to vote against this amendment.

The PRESIDENT *pro tempore*. Does the Senator from Ohio yield to the Senator from Vermont?

Mr. EDMUNDS, I beg pardon; I was not aware the Senator from Ohio had arisen.

Mr. HOWE. I should like to have the amendment reported to which this is an amendment.

The PRESIDENT *pro tempore*. The amendment will be reported.

The Chief Clerk read as follows:

That it shall be the duty of the Attorney-General of the United States, for the time being, to ascertain and determine the amount of the reasonable fees justly due to the attorneys retained by the settlers on said lands, with the approval of the Attorney-General of the United States, in the prosecution of the suits against the railroad companies herein named, in the circuit court of the United States for the district of Kansas, and the Supreme Court of the United States, for the purpose of testing the validity of the title to said lands claimed by the railroad companies; and that after determining the amount of said fees the Attorney-General shall certify the same, and to whom due, to the Secretary of the Treasury, and the said Secretary of the Treasury, after the said account shall be audited and allowed by the accounting officer of the Treasury, shall pay to the parties entitled thereto the sums here allowed.

Mr. THURMAN. Then comes the amendment offered by the Senator from Iowa, as modified by my colleague.

Mr. EDMUNDS. Then follows the addition.

Mr. THURMAN. Mr. President, I am so much in favor of actual settlers on the public lands acquiring title to the lands upon which they settle, that I am strongly disposed to vote for so much of this bill as gives these settlers a right to perfect a title, or rather to procure a title to these lands. It is very true as I suppose from what I have heard, professing my ignorance on the subject, that they went upon these lands without any authority of law whatever; I do not know but in violation of law. It is very true that in all probability these lands are worth a great deal more than $1.40 an acre. It is very true that this bill does not provide that these lands shall be offered at public auction as other public lands are offered, but gives to these persons who have entered upon these lands without any authority of law a pre-emption right, not the pre-emption right provided for by the general statute but a special pre-emption right. Yet, in view of all the circumstances of the case, I confess that I have an inclination to let the settlers procure a title to these lands. After we have passed the homestead law, which I entirely approve; after we have passed a general pre-emption law, I do not know that it will do to stick in the bark and object to special pre-emption law, as this is, under the circumstances of the case; but after hearing the treaty read by the Senator from Vermont it does seem that this bill is in direct violation of that treaty. In the first place, the treaty provides that the lands shall be sold for cash as other public lands are sold. This bill provides that the lands shall be sold on credit, one fourth in hand and the rest in three equal annual installments. I ask the attention of the Senator from Vermont to what I am saying.

Mr. EDMUNDS. I am always paying attention to the Senator.

Mr. THURMAN. The treaty, I understand, requires that the land shall be sold for cash as other public lands are sold.

Mr. EDMUNDS. And for the best price that can be got, "on the most advantageous terms."

Mr. THURMAN. On the best terms, which would seem to imply that they shall be offered as other public lands are, at public sale in the first instance.

Mr. INGALLS. Did the Senator hear the act of April 10, 1869, read, which applies to these very lands?

Mr. THURMAN. I will hear it now.

Mr. INGALLS. The act provides—

That any *bona fide* settler residing upon any portion of the lands sold to the United States by virtue of the first and second articles of the treaty concluded between the United States and the Great and Little Osage tribe of Indians, September 29, 1865, and proclaimed January 21, 1867, who is a citizen of the United States or shall have declared his intention to become a citizen of the United States, shall be, and hereby is, entitled to purchase the same in quantity not exceeding one hundred and sixty acres, at the price of $1.25 per acre, within two years from the passage of this act, under such rules and regulations as may be prescribed by the Secretary of the Interior.

Mr. EDMUNDS. Now read the last proviso, please.

Mr. THURMAN. That would only seem to prove that the act of 1869 was in violation of the treaty.

Mr. EDMUNDS. Read the last proviso, and see.

Mr. INGALLS. The last proviso is in these words:

Provided, however, That nothing in this act shall be construed in any manner affecting any legal rights heretofore vested in any other party or parties.

And that was intended, I may say in passing, to preserve, as far as they could be preserved, the assumed or supposititious rights of railroad corporations.

Mr. EDMUNDS. I should think from the language it was intended to preserve everybody's rights.

Mr. THURMAN. I should suppose that the proviso was intended to kill the section to which it was attached, and therefore I am inclined to think that the act of 1869, if I understood the treaty aright, was a plain violation of the treaty.

Mr. EDMUNDS. But for the proviso it would be.

Mr. INGALLS. The settlers are not to blame for that violation.

Mr. THURMAN. Undoubtedly not. My sympathies are with the settlers, though I think they were a little hasty in getting on the land; but that is the nature of our people, and I do not blame them for it. But one thing I regret, that the committee who reported this bill did not see fit to make a written report, setting forth the whole law and facts of the case. I confess that for one I want more information than I have on this subject; and if there is not a very strong desire to pass the bill to-night, I will move that the Senate adjourn.

The PRESIDENT *pro tempore*. The Senator from Ohio moves that the Senate adjourn.

Mr. CRAGIN. I desire to enter a motion to reconsider.

Mr. THURMAN. At the request of the Senator from Iowa I withdraw my motion to adjourn.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. G. M. ADAMS, its Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 810) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1877.

The message also announced that the President of the United States having returned to the House of Representatives, in which it originated, the bill (H. R. No. 1337) for the relief of Nelson Tiffany, with his objections thereto, the House of Representatives had proceeded in pursuance of the Constitution to reconsider the same, and had passed it by a two-thirds vote notwithstanding the objections.

MILITARY ACADEMY APPROPRIATION BILL.

Mr. ALLISON submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 810) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1877, having met, after full and free conference have agreed to recommend, and do recommend, to their respective Houses, as follows:

That the Senate recede from its amendments numbered 10, 11, 18, and 22.

That the House recede from its disagreement to the amendments numbered 1, 2, 3, 4, 5, 6, 7, 14, 15, 16, 17, 19, 21, 23, and 24.

That the House recede from its disagreement to the amendment numbered 8, and agree to the same with an amendment as follows: Strike out on page 1 of the bill lines 15 and 16; and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 9, and agree to the same with an amendment as follows: Strike out of said amendment the word "fourteen," and insert in lieu thereof the word "eleven," and strike out "eight hundred and eighty," and at the end of the amendment add as follows: "Which shall be in full for the pay of the said band and for all company musicians for the fiscal year ending June 30, 1877, any law to the contrary notwithstanding;" and the Senate agree to the same.

That the House recede from its disagreement to the amendments numbered 12 and 13, and agree to the same with an amendment as follows: Strike out from each of said amendments the word "five" and insert in each in lieu thereof the word "two;" and the Senate agree to the same.

That the Senate recede from its amendment numbered 20, with an amendment striking out on page 5 lines 11 and 12 of the bill; and the House agree to the same.

W. B. ALLISON,
JOHN A. LOGAN,
WM. A. WALLACE,
Managers on the part of the Senate.

SAML. J. RANDALL,
ERASTUS WELLS,
EUGENE HALE,
Managers on the part of the House.

Mr. EDMUNDS. I ask that that bill be printed in such form that we can understand it as it will be amended by this report.

The PRESIDENT *pro tempore*. That order will be made if there be no objection.

ALBERT GRANT.

Mr. CRAGIN. The Committee on Claims, to whom was referred the bill (H. R. No. 3182) for the relief of Albert Grant, reported the same adversely, and it has been indefinitely postponed. I have been requested to make a motion to reconsider that vote indefinitely postponing the bill, and that the same may be placed upon the Calendar. I know nothing about the case, but a gentleman for whom I have great respect asks me to make this motion. The chairman of the committee makes no objection to it.

The PRESIDENT *pro tempore*. Is there objection to reconsidering the vote? The Senator from New Hampshire moves to reconsider the vote by which the bill was indefinitely postponed, and that the bill be placed on the Calendar. Is their objection? The Chair hears none, and it is so ordered.

OSAGE LANDS IN KANSAS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 3625) providing for the sale of the Osage ceded lands in Kansas to actual settlers.

Mr. INGALLS. Inasmuch as the court has adjourned to assemble at twelve o'clock on Monday, I ask unanimous consent that without further action or motion on my part this bill that we have now been considering may be considered as the unfinished business on the first legislative day.

Mr. ALLISON. I have no objection to that, subject to the river and harbor bill.

Mr. EDMUNDS. I have no objection to it, subject to the bill about the Pacific railroads and one or two others that are of great public importance.

Mr. INGALLS. Under the rules I suppose it would come up as unfinished business.

The PRESIDENT *pro tempore*. On the next legislative day.

Mr. LOGAN. I desire to inquire what the order is in reference to this bill.

The PRESIDENT *pro tempore*. It will be the unfinished business on the next legislative day.

Mr. LOGAN. What is the proposition; to adjourn?

Mr. INGALLS. The motion to adjourn has been withdrawn. It is now but half past four o'clock, and I believe this bill is pretty well understood, and it would be very agreeable to me if the Senate would kindly consent to finish it this evening. Of course I have no objection to adjournment if the Senate desires to adjourn.

Mr. LOGAN. I believe it was stated when I asked to lay this bill aside this morning for the purpose of taking up the bounty bill that it would only take half an hour to dispose of it. It has occupied almost the entire day, and the prospects are that it will occupy another day. If this bill is not finished this evening, I shall make the same motion to lay it aside for the purpose of taking up the bounty bill.

Mr. INGALLS. I should be very much gratified, I will say to the Senator from Illinois, personally if the debate should continue and the bill be concluded this evening.

Mr. EDMUNDS. I do not think there is a quorum here now.

Mr. LOGAN. O, yes; more than a quorum.

Mr. THURMAN. I ask unanimous consent to give notice that on the first opportunity I shall ask the Senate to take up the motion submitted by me to reconsider the vote on the bill reported by the Committee on Privileges and Elections in reference to counting the votes for President and Vice-President, and ask the Senate, without any debate on my part, to vote on the question pending.

Mr. LOGAN. I see there is no disposition to proceed with this bill.

Mr. INGALLS. The bill is under consideration, and the Senator from Ohio made a motion to adjourn, which he temporarily withdrew at the request of some other Senator.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Iowa, [Mr. ALLISON.]

Mr. EDMUNDS. I had risen to speak to that amendment, and, I thought, before the Senator from Ohio did; but I was mistaken about that. I now wish to say about that amendment that, in my opinion, it is as plain a violation of this treaty as any amendment could be drawn if it were designed for that purpose.

Mr. ALLISON. The amendment originally proposed by me?

Mr. EDMUNDS. No, sir; the amendment as it now stands and as it was last read, the one I am asked to vote upon.

Mr. ALLISON. I do not agree to the modification.

Mr. EDMUNDS. It was stated to be so modified.

Mr. SARGENT. I understand it is not so modified.

Mr. EDMUNDS. I should like to hear the amendment read as it now stands.

The PRESIDENT *pro tempore*. The Chair has not said that the Senator from Iowa accepted the modification. His colleague accepted the modification of the Senator from Massachusetts. The Secretary will read the amendment proposed by the Senator from Iowa at the right of the Chair, [Mr. ALLISON.]

The Chief Clerk read as follows:

And all the remainder of the proceeds of such sales shall be covered into the Treasury of the United States.

Mr. ALLISON. Read the original amendment as proposed by me.

The Chief Clerk read as follows:

And all the remainder of the proceeds of such sales shall be paid into the Treasury of the United States to the credit of the civilization fund provided for by the treaty concluded between the United States and the Great and Little Osage tribe of Indians, September 29, 1865, and proclaimed January 21, 1867.

Mr. EDMUNDS. To that amendment I have no objection.

Mr. SHERMAN. If in order I move my amendment.

The PRESIDENT *pro tempore*. It is not in order. There are already two amendments pending. The question is on the amendment proposed by the Senator from Iowa to the right of the Chair [Mr. ALLISON] to the amendment of his colleague, [Mr. WRIGHT.]

The amendment to the amendment was agreed to.

The PRESIDENT *pro tempore*. The question recurs on the amendment proposed by the Senator from Iowa to the left of the Chair, [Mr. WRIGHT.] Now a further amendment is in order.

Mr. SHERMAN. I cannot move it without striking out some part of what has been already adopted.

Mr. EDMUNDS. You can fix it in the Senate.

Mr. SHERMAN. I will reserve it till then.

The PRESIDENT *pro tempore*. The question is the amendment of the Senator from Iowa, [Mr. WRIGHT.]

The question was put, and the Chair declared that the noes appeared to prevail.

Mr. WRIGHT. I ask for a division. I do not think the object of the amendment can be understood or it would not be voted down. I do not understand that there is any difference between my amendment and the bill as it stands except that the section as it stands leaves it in the power of the Secretary of the Treasury to pay not only these fees but all other costs and expenses, including the costs and expenses of the suit itself. My object is to confine it to legitimate purposes. Whether this ought to be paid at all is another question. That is a question of course to be determined afterward. If the object is to have the section as objectionable as possible rather than have it perfected, I can understand the vote.

Mr. HOWE. I wish to inquire is the Senator's amendment an amendment to the section in the bill?

Mr. WRIGHT. It is a substitute for the section.

Mr. HOWE. I understand the Senator to say that his motion is to strike out the section in the bill and to insert his proposition. When we have agreed to his amendment we shall have put his measure into the bill.

Mr. WRIGHT. I do not understand it so.

Mr. HOWE. Am I right?

The PRESIDENT *pro tempore*. There is a motion pending by the Senator from Vermont to strike out the section. This is a motion to perfect the section.

Mr. HOWE. Then a motion to strike out will still be in order?

The PRESIDENT *pro tempore*. That motion is pending and the Senate is now perfecting the section. Before the motion to strike out is put the question is on the amendment of the Senator from Iowa to section 8.

The amendment was agreed to.

The PRESIDENT *pro tempore*. The question recurs on striking out the section.

Mr. EDMUNDS. On which the yeas and nays have been ordered.

The PRESIDENT *pro tempore*. The yeas and nays have been ordered.

Mr. EDMUNDS. Mr. President, the question now is on striking out this attorney-fees section.

Mr. INGALLS. Why not let us vote on that?

Mr. EDMUNDS. That is what I propose to do, but we have been off on so many other things that I propose to say a word on that topic.

Mr. INGALLS. I beg pardon.

Mr. EDMUNDS. My honorable friend from Kansas seemed to be somewhat industrious in saying that he had been tempted with an offer of a retainer in this celebrated cause and scorned the bribe.

Mr. INGALLS. "Industrious," did the Senator say?

Mr. EDMUNDS. I said I thought the Senator was somewhat industrious.

Mr. INGALLS. Did he hear me say that but once?

Mr. EDMUNDS. I said I thought the Senator was industrious, as he always is, which seemed to imply possibly that some other Senator like myself who did argue this cause in the Supreme Court of the United States had positively been guilty of what he styled an indelicacy on the subject. I do not propose to defend here my conduct in that particular respect, but only to admit most freely that the Senator's sense of delicacy and mine, if it stood on exactly the same point, differ a little.

Mr. INGALLS. Did the Senator understand me as impugning his motives?

Mr. EDMUNDS. I did, certainly; otherwise I should not have alluded to it. If I misunderstood the Senator, then most certainly I apologize for what I have already said. If I did not misunderstand him, that is another thing.

Mr. INGALLS. The old maxim about "a guilty conscience," I make no application of.

Mr. EDMUNDS. The Senator is unquestionably aware of all the old maxims about guilty consciences. We cannot contest the palm with him on that score. I admit that.

Mr. INGALLS. I made no application to the Senator at all; no allusion to him.

Mr. EDMUNDS. Very well; I agree to that then. Now, Mr. President, I come to the point, and that is to provide by this bill that what is confessed to be, stated to be, admitted to be a private arrangement between private parties and their counsel shall be made the subject of a statute of the United States which commands—and of course, like all statutes, speaks by its own force—commands a particular settlement to be made between these parties and their counsel. As has been stated over and over again by some of the gentlemen who are in interest in this thing, the United States is under no obligation whatever to them or to anybody else, except its own officers, about this business; but, as in all cases of importance where there are private interests involved, the United States officials authorize, allow private counsel to appear and argue the cause. Now, I venture to say that this is the first instance in the history of this country, or any other that has a civilization fund as this treaty talks about, of undertaking by a statute of the United States to arrange and settle a question of this kind. It is wrong, in my opinion, in principle. It would be wrong in this case in practice, because, as has already been stated, some settlers on these 960,000 acres of land bought their land of the party that was not promoting this suit and whose interests, therefore, were directly involved in resisting it, whose title the State of Kansas and the railway company were endeavoring to protect.

Now, this tax or whatever you call it applies to every section and every acre of all the lands, no matter under what title claimed or under what title held, and every man, whether he was a party to this agreement with counsel, be it what it may, either for a share in the spoils or for some compensation to be fixed by some other rule, is required to pay fifteen cents an acre to this new civilization fund for the counsel. Well, Mr. President, if that is just legislation, I do not understand what just legislation is. But I do not want to take up the time about it except to restate the point.

Mr. WRIGHT. I only wish to make one suggestion. I think the

propriety or impropriety of this section in some form depends upon a question that lies back of it, and that is whether the relations of the United States to these counsel can by possibility be such that ultimately the Government may be liable for their fees.

Mr. EDMUNDS. It has been stated over and over again by one of the gentlemen himself, as we all know the fact is, that the United States has no relation to them at all.

Mr. WRIGHT. That is the very question that I suppose to be in controversy, whether we all do know it as a fact.

Mr. CONKLING. May I inquire of the Senator from Iowa what fact he has in mind leading to any question on that subject, what starts that inquiry?

Mr. WRIGHT. This bill recites on its face as coming from the House that the retainer was at the instance of the United States, as the bill stands, and I therefore supposed that there was some warrant for it.

Mr. EDMUNDS. Not a particle.

Mr. WRIGHT. The difficulty I have in the case is that I think at the very earliest moment possible we ought to adopt legislation that shall secure these settlers in their titles, and we ought to settle it in such way as by no fair possibility the United States can be again troubled touching these titles or anything in connection with them. Now, if it be true that by any possibility the United States are to be made liable for the fees of these attorneys, and if the settlers themselves are agreed to pay this sum so that the United States shall be protected, then I think it would be fair that it should be done; but if it be true that there is no state of case where by possibility the Government can be made liable ever to these attorneys, then this section ought to be struck out at once, and there to me is the very turning point in the case.

Mr. CONKLING. May I ask the Senator what part of this bill recites that the counsel were employed at the instance of the United States. I see at line 12, on page 6, these words:

> Said expenses to include the fees justly due to the attorneys retained at the instance of the settlers on said land, with the approval of the Attorney-General of the United States.

Mr. WRIGHT. That was the language to which I referred.

Mr. CONKLING. I should like to inquire of the Senator, as he is an older and better lawyer than I am, whether if he or any other counsel appears in a case in which the United States is a party, suing by its regular district attorney, there must not be from the court, or from the Attorney-General, or at least from the district attorney himself, some approval. A man might go on as *amicus curiæ* to aid the court; but if he appears as counsel in a case in which the United States is complainant and in which the solicitor is the regular district attorney of the United States or the Attorney-General, I take it he must do it with the approval of his associate, or the official superiors of his associate. I did not therefore understand when I heard that language read before, if it be the language to which the Senator refers, that there was anything there which raised an *assumpsit* against the Attorney-General, or against the United States which he represented. The allegation is that the *assumpsit* was on the part of the settlers and that the appearance in the case of these counsel was with the approval of the Attorney-General.

Mr. WRIGHT. I have not suggested and I do not wish to be understood as having suggested that it did raise an *assumpsit* on the part of the United States. I was discussing the matter as a question of fact as to what the actual facts or circumstances were with reference to such a case.

Mr. CONKLING. But, if the Senator will pardon me, when I asked him what started that doubt in his mind, he said the bill as it came to us from the House recited the fact, and that is what surprised me, and I am trying to ascertain whether there is such recital.

Mr. WRIGHT. It would be strange to me that there should be a bill of this kind passed by the House with this language unless there was some claim of some person that there was an ultimate liability. I do not assume any such liability, but it is because of a possibility that there may be such an ultimate liability that I think we ought to so frame this legislation as to protect the Government in the end, if we can. If there is no liability, then this section had better go out at once; because I agree with what has been said here as to the very great impropriety of having legislation that is looking to taking care of and protecting a contract between counsel and private citizens. With that we have nothing to do.

Mr. HOWE. I wish to make a suggestion to the Senator. If there is a liability on the part of the Government of the United States to pay these counsel fees, is it not liable to be known either to counsel or to the Government or to both?

Mr. WRIGHT. I should think so.

Mr. HOWE. If it is known to both, cannot the Government pay these fees without any such legislation as this? If it is known to the counsel and not to the Government, cannot the counsel go into the Court of Claims and make that liability patent to the Government, and so get their pay and have the account settled? Then in what possible view can this section be required?

Mr. WRIGHT. Only in this view, that if there should be liability on the part of the Government these settlers are willing on their part to pay an additional sum so as to protect the Government. Then it would seem to me but right and fair to provide that they should pay it in this way, for this reason: I understand that these settlers can do it without any legislation; but as I understand the object of the section, it is that there shall be an assessment made on all of them and not leave it to those who may be willing to pay and let those who may be unwilling to pay avoid it.

Mr. HOWE. If this section be stricken from the bill, will there not be other provisions of the bill which will still require the $1.40 an acre to be paid?

Mr. WRIGHT. Yes, but there is no provision as to how it shall be disposed of.

Mr. HOWE. Is it material to the United States whether $20,000 or $50,000 which is to be paid to counsel shall be taken out of this identical fund or some other?

Mr. WRIGHT. Except this, if this fund was paid in without any direction as to how it should be expended, it would be all appropriated to the civilization fund and all be expended there, and we should have to pay the balance of the sum to the attorneys ultimately.

Mr. HOWE. But if we take the $50,000 out of the civilization fund to pay these fees, we shall have to take out of the ordinary revenues of the Government a great many times $50,000 for the civilization fund.

Mr. WRIGHT. That raises a question of very much doubt in connection with this matter, for I have great doubt whether any portion of this excess can by any fair reasoning be regarded as proceeds of the land within the meaning of the treaty; but I do not care to get into that discussion at present. My only inquiry was and the only doubt I have had is as to the question of fact. If there be no pretense and no fair ground for claiming that these attorneys can have any claim against the Government, I see no reason for this section.

Mr. EDMUNDS. If the Senator from Iowa will just look at the Revised Statutes he will see that at least we ought to have an affirmative report from a committee before we undertake to regulate by force of law the private rights between clients and counsel and make everybody pay whether he has retained counsel or not. Section 363 of the Revised Statutes states:

> The Attorney-General shall, whenever in his opinion the public interest requires it, employ and retain, in the name of the United States, such attorneys and counselors at law as he may think necessary to assist the district attorneys in the discharge of their duties, and shall stipulate with such assistant attorneys and counsel the amount of compensation, and shall have supervision of their conduct and proceedings.

Then section 366 provides:

> Every attorney or counselor who is specially retained, under the authority of the Department of Justice, to assist in the trial of any case in which the Government is interested, shall receive a commission from the head of such Department, as a special assistant to the Attorney-General, or to some one of the district attorneys, as the nature of the appointment may require; and shall take the oath required by law to be taken by the district attorneys, and shall be subject to all the liabilities imposed upon them by law.

Then there is another provision that no compensation shall be allowed to anybody in any case except in conformity with this requirement and on the certificate of the Attorney-General. Had there been any pretense that this law had been complied with and anything else than the simple fact stated the other day by the parties in interest that the Attorney-General had allowed the counsel of the persons who were litigating their claims to appear in a cause in which the United States was a party to the record, as is done every day where there are private interests, we should have heard of it most certainly. The statute requires a public and formal appointment by commission with a stipulated fee and an oath by the party and a certificate, and that upon it he has to get his pay. There is no pretense whatever that any such state of facts exists.

Mr. WRIGHT. I trust my friend from Vermont has not understood me at any time to say or intimate that I regarded that there was any such retainer here as made the Government liable as matter of law, as the case now stands; but he knows with myself that frequently it occurs that although there is no technical legal liability nevertheless claims are pressed and pressed from time to time by counsel and by other persons upon Congress. It was because I feared that by possibility there might be such a claim here, so reasonably well founded as that they could press the claim, that I desired if possible to protect the Government.

Mr. EDMUNDS. But I suggest to my friend that this section, instead of providing against such a difficulty, really raises the liability that we do not want to acknowledge, and we become responsible as a trustee to see that they get whatever these settlers have agreed.

Mr. WRIGHT. As it stands; but I think if it is to pass at all it ought to be in a different form. It ought to be changed. I do not say there is any real necessity for section 8.

The question being taken by yeas and nays, resulted—yeas 26, nays 11; as follows:

YEAS—Messrs. Allison, Anthony, Bayard, Boutwell, Bruce, Christiancy, Conkling, Cragin, Edmunds, Frelinghuysen, Howe, Kernan, Key, McDonald, McMillan, Mitchell, Morrill, Oglesby, Paddock, Randolph, Ransom, Robertson, Sargent, Saulsbury, Wadleigh, and Windom—26.

NAYS—Messrs. Clayton, Cockrell, Ferry, Harvey, Ingalls, Kelly, Logan, McCreery, Sherman, Wallace, and Wright—11.

ABSENT—Messrs. Alcorn, Barnum, Bogy, Booth, Burnside, Cameron of Pennsylvania, Cameron of Wisconsin, Conover, Cooper, Davis, Dawes, Dennis, Dorsey, Eaton, Goldthwaite, Gordon, Hamilton, Hamlin, Hitchcock, Johnston, Jones of Florida, Jones of Nevada, Maxey, Merrimon, Morton, Norwood, Patterson, Sharon Spencer, Stevenson, Thurman, West, Whyte, and Withers—34.

So the amendment of Mr. EDMUNDS was agreed to.

Mr. INGALLS. As the price was raised in the bill from 25 to $1. $1.40 per acre upon the theory of the assessment of fifteen cents to pay these fees, and as that section is now striken out, I move that the word "forty," where it occurs in the bill in sections 1, 3, and 4, be stricken out and "twenty-five" inserted, so that the price of the lands shall be $1.25 per acre. The word occurs in line 14 of section 1, line 4 of section 3, and in line 15 of section 4.

Mr. HOWE. I want to ask the Senator one question; I do not want to argue the matter. Why is it not just as fair for all the settlers to pay $1.40 for these lands, although the Government does not pay the counsel fees, as it would be for the settlers to pay $1.40 who did not concur in employing the counsel but who had an interest or claimed an interest in the land adverse to that which the counsel were employed to defend?

Mr. INGALLS. Simply because the joint resolution of April 10, 1869, provides that the lands shall be sold at the price of $1.25 per acre.

Mr. EDMUNDS. Within two years.

Mr. HOWE. What excuse is there in the act of 1869 for levying fifteen cents on those settlers who claim under the railroad title?

Mr. INGALLS. I have repeatedly stated that that was a voluntary act on the part of the settlers themselves to consent to that imposition for the purposes that have been repeatedly stated.

Mr. HOWE. What is the evidence of the assent of that portion of the settlers?

Mr. INGALLS. My statement, so far as it goes.

Mr. HOWE. The Senator states it as a matter of fact himself.

Mr. INGALLS. I have stated on this floor that I heard no objection to it from any source whatever.

Mr. HOWE. That may be satisfactory evidence. It is suggested by my friend from New York that there may be some portion of these settlers who claim under the railroad grant who really thought that they might rely upon the faith of the United States, and therefore it was not necessary for them to employ counsel.

Mr. INGALLS. Those persons who claimed under the railroad grant in many cases have paid the railroads for their lands. By this bill they are required to pay one dollar and a quarter more. Does the Senator think it is just to them to impose an additional fifteen cents on the price they are to pay?

Mr. HOWE. No; but the Senator proposes to impose fifteen cents additional.

Mr. INGALLS. But I have been overruled by the Senate.

Mr. HOWE. Not at all. The Senate have simply voted that it is not fair to take this trust fund to pay the counsel fees, but they have not yet voted that it is not fair to pay $1.40 for this land.

Mr. INGALLS. Very well, sir; I do not wish to discuss it.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Kansas, [Mr. INGALLS.]

The amendment was agreed to.

Mr. INGALLS. Section 5 provides—

That all entries heretofore made of any of said lands, and set aside or canceled by the Secretary of the Interior, on the ground that the said railroads had a prior grant of said lands, be restored by the said Secretary of the Interior upon the payment by each purchaser to the receiver of the proper land office the sum of fifteen cents per acre in addition to the sum heretofore paid, to cover in part the expense incurred in litigating the title to said land set up by said railroads.

The action of the Senate renders it necessary to strike out the remainder of the section after the word "Interior" in line 5. I move to strike that out and insert:

Subject to any valid adverse claim that may have accrued before or since such cancellation.

Mr. EDMUNDS. I do not want to interfere with my friend's bill any more than is absolutely necessary; but it strikes me that we have now less than a quorum, and in order to ascertain that I move that the Senate adjourn.

Mr. LOGAN. I hope the Senator will withdraw that motion. I should like, if it be agreeable to the Senate, to have a short executive session.

Mr. EDMUNDS. The difficulty is, we have not a quorum.

Mr. LOGAN. There will be no objection to referring some matters in executive session; I do not ask for any formal vote.

Mr. EDMUNDS. Very well; I will withdraw the motion for that purpose.

Mr. LOGAN. I move that the Senate proceed to the consideration of executive business.

Mr. INGALLS. I am aware that that motion is not debatable; but there are but one or two more amendments that will be required to perfect this bill.

Mr. EDMUNDS. I have one of considerable importance.

Mr. LOGAN. My only object is to have an executive session before adjournment. If the Senate will finish the bill I shall much prefer that.

Mr. EDMUNDS. Does the Senator withdraw his motion?

Mr. LOGAN. Yes, sir.

Mr. EDMUNDS. Then I move that the Senate adjourn.

The motion was agreed to, there being on a division—ayes 20, noes 17; and (at five o'clock and ten minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, *July* 28, 1876.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. I. L. TOWNSEND.

The Journal of yesterday was read and approved.

ORDER OF BUSINESS.

Mr. HOLMAN. I call for the regular order of business.

Mr. WHITTHORNE. Under the order made by the House a few days ago——

Mr. HARRIS, of Virginia. I rise for the purpose of resuming the floor upon a question of privilege.

The SPEAKER *pro tempore*. On yesterday, just before the adjournment, the gentleman from Virginia [Mr. HARRIS] held the floor upon the contested-election case of Platt *vs.* Goode, and yielded to the gentleman from West Virginia, who moved an adjournment. The regular order being called for, the privileged order for this morning is the contested-election case, upon which the gentleman from Virginia [Mr. HARRIS] is entitled to the floor.

Mr. WHITTHORNE. I ask the Chair to allow me for a moment to call his attention to the wording of the order of the House in reference to the report from the Committee on Naval Affairs.

The SPEAKER *pro tempore*. Certainly.

Mr. WHITTHORNE. If I remember aright, it was that that report should be the special order after reading of the Journal to-day "to the exclusion of all other business."

The SPEAKER *pro tempore*. That is the same order which is made whenever a special order is made by the House; and the Chair will say that these special orders are made too frequently. The regular order this morning is a question of the highest privilege, the right of a member to a seat in this House.

Mr. WHITTHORE. Then I would inquire if, in the event that the contested-election case is now taken up, upon which I understand the debate is limited to two hours, the order to which I refer will then be the regular order?

The SPEAKER *pro tempore*. The Chair will unquestionably give the gentleman the floor at that time for the purpose of bringing up his regular order, which, however, will be subject to the question of consideration. The Chair only promises to do that on condition that no question of higher privilege is raised. Gentlemen must understand that at the end of a session these privileged questions accumulate very largely on the Calendar.

Mr. WHITTHORNE. I am very anxious to have that report of the Committee on Naval Affairs considered as soon as possible.

The SPEAKER *pro tempore*. The Chair will recognize the gentleman for his special order, if there is nothing else in the way.

Mr. HALE. I wish to state that there is a desire on both sides represented in this case that the report of the Naval Committee shall come up as early as possible.

The SPEAKER *pro tempore*. The Chair supposes there will be ample time for its consideration.

Mr. HARRIS, of Virginia. I have consented to yield to some gentlemen to make formal reports, if I do not thereby lose my right to the floor.

The SPEAKER *pro tempore*. If no objection is made on the part of the House and no demand for the regular order, the Chair will recognize a few gentlemen for special purposes, leaving the gentleman from Virginia to hold the floor.

Mr. DE BOLT. I rise to make a privileged report.

Mr. HOLMAN. I think at this stage of the session we should have the regular order.

The SPEAKER *pro tempore*. The regular order being demanded, the gentleman from Virginia [Mr. HARRIS] will proceed.

Mr. HARRIS, of Virginia. I have agreed to yield twenty-five minutes of the time allotted to me to the gentleman from Georgia, [Mr. HARTRIDGE.]

Mr. HARTRIDGE not appearing in his seat,

Mr. HARRIS, of Virginia. I am willing to yield to the gentleman from Missouri [Mr. DE BOLT] to make his report.

Many MEMBERS. "The regular order!"

The SPEAKER *pro tempore*. The regular order being called for, the genleman from Virginia [Mr. HARRIS] must proceed or yield the floor entirely. The Chair would be glad to recognize the gentleman from Missouri, [Mr. DE BOLT,] but the regular order being called for the Chair cannot do it

ELECTION CONTEST—PLATT VS. GOODE.

The House resumed the consideration of the contested-election case of James H. Platt, jr., *vs.* John Goode, jr., from the second congressional district of Virginia.

Mr. HARRIS, of Virginia. In the absence of my friend from Georgia, [Mr. HARTRIDGE,] to whom I agreed to yield a portion of my time, I will now proceed to open the discussion this morning.

It may not be amiss for me to state that I congratulate the House that this is the last of the series of contested-election cases which have come before this House, except some in regard to which there is no difference of opinion in the Committee of Elections. It may not be inappropriate for me on this occasion, as the chairman of that

committee, to return my thanks to its members for the very kind, attentive, industrious, and intelligent investigation which they have made of the various cases referred to them.

It was my intention at the beginning of the session, aided by the other members of the Committee of Elections, to do what has not been done for many years so far as I recollect, to finish up all the contested-election cases at the first session of Congress, and thus avoid the postponement of cases until the last few days of the term, as has been too common, by which the incumbent of the seat, if finally turned out, drew his pay to the end of the Congress, and the incoming member drew his pay back from the beginning of the Congress; thus making a double drain on the Treasury when there is but one Representative in Congress.

I feel that I cannot express too profoundly my gratitude to the committee which has so ably and faithfully sustained me. At the same time, while the members of the committee must feel a consciousness of having done their duty, their labors on the committee have been such as to withdraw them in a great degree from active participation in the duties of the House. Those who have served on that committee know that the labors of the committee, like those of a chancellor in chambers, are performed where the world sees or hears them not. I have the satisfaction, moreover, of knowing that our reports have generally been so acceptable as to produce but little discussion and attract but little attention. This case, more than all others, has attracted the attention of the House and the country, and as I proceed to make the closing argument in favor of the minority report which seats my colleague, I shall do so with the consciousness of the responsibility, and shall discharge my duty fairly, candidly, and honestly.

When I undertook to discharge the duties of chairman of the Committee of Elections I was admonished from my practice as a lawyer and my experience on the bench that my duty was not that of a partisan or a mere politician; that the functions to be discharged by that committee are judicial rather than legislative; because we are called upon to decide upon the law and the evidence, and to determine under the Constitution and laws of our country who are entitled to seats upon this floor. Upon the exercise of this duty I entered with honesty of purpose and a determination to follow the dictates of justice without regard to the results that might follow. Sometimes our committee has been divided upon party lines. In previous Congresses there have been cases, I know, in which it must have struck many members that in view of the party lines dividing gentlemen in contested-election cases there must necessarily have been dishonesty on the one side or the other; that each party voted for its man because of his political standing. But, sir, experience has taught me that such a result may well be arrived at with no dishonesty of purpose. Sometimes cases are so equally balanced that the most honest judgments, though agreeing upon party questions, may sincerely differ. Sometimes we find cases before us in which upon the law and the evidence the scale is so equally balanced that personal preference or party predilection would necessarily turn the scale one way or the other. In this way men may honestly divide upon party lines on such questions as on any other.

I maintain that the freedom of election which has been alluded to here is the great palladium of liberty, our only shield and protection. It ought to be maintained inviolate, and he who would seek to impair or defeat the will of a free people legally expressed is an enemy to our institutions. Their perpetuity depends on the purity of the ballot. This purity consists in the free and unrestrained expression of the will of the people through the channels provided by law. While all should be protected in their undisturbed right of franchise, yet it is equally the duty to see that the law is observed and that no one not entitled to vote shall exercise that important privilege.

Mr. Speaker, the allusion which I shall make to the conduct of the contestant in this case will not be with the view of exciting any passion or feeling against him. I will refer to it only as a part of the case as developed before the committee and before the House.

It is shown by the evidence that on a memorable October day, when the people of Virginia, irrespective of party, were assembled to express their opinions upon political questions and to hear their friends speak thereon, the peace and harmony of that Virginia audience was disturbed by the military approach of the contestant. The testimony shows that on the 30th of October the people of the ancient city of Yorktown, which will live in history as long as time shall last, met in political assembly; but upon its becoming known that Hon. James H. Platt was coming up the river in an armed vessel, the colored people who did not agree with him, who had determined to vote for one of their own color, understood that they must get out of the way and go into a back lot. What was the result? Mr. Platt did come up that historic stream, York River, up which Cornwallis came; and doubtless Mr. Platt expected he would have a surrender little less renowned than that of the British commander; this was too in the same month of the year. But Mr. Platt came not to fight the enemies of his country, but to deter those who had hitherto been his political friends, who had belonged to the same political party with himself. I desire to have read, at the risk of being tedious, a portion of the evidence bearing upon this matter. I know that some gentlemen on this floor have some doubt as to how they ought to vote on this question; and although this extract is long, I desire to have it read for the purpose of showing that party lines were drawn upon color in that district. It tends to throw light upon the question how certain illegal colored votes were cast.

The Clerk read as follows:

The morning of the 30th of October we held a consultation together with our friends, soon after the arrival of the steamer from Norfolk with Dr. Bayne and and other gentlemen. This was about one hour and three-quarters before the arrival of the steamer of James H. Platt and friends. We commenced to hold a consultation in front of my store, but before we could conclude we heard the firing of a cannon, and, as I suppose, shot-guns and pistols, which announced the arrival of James H. Platt and friends. I said to Dr. Bayne and my brother, Robert Norton, we had best adjourn and go round in the lot in the rear of the store, where we might be out of the way of Platt and his men as they came up Main street; we did so, and all of our friends met together, and I said to them, it would be best for all of us to stay together during the day and be very careful not to insult any one or have any fuss with Platt's men during that day, and stay down town from his stand. They all agreed to do so. About this time Platt and his company passed up Main street with cannon, double-barreled guns, and new revolvers, all, nearly, having clubs in their hands about two feet long. We waited patiently until they had all passed and then came back in front of the store; as they passed they hallooed and jeered, using very profane language. I brought out a barrel and box for the speakers to stand upon. We then appointed a committee to wait upon Hon. John Goode, jr., and to confer with Platt's committee for a division of time in the discussion which was to take place that day. I was chairman of that committee, and waited upon Mr. Goode, who told the committee he would very cheerfully agree to discuss the questions involved in the canvass with both of the candidates, to which Thomas E. Milstead replied that James H. Platt would not consent to any division of time with Robert Norton; after which I thanked Mr. Goode on behalf of the committee and went back to our stand. Our friends then decided to hold a meeting to ourselves. We put up the flag and erected a temporary stand in front of my store-door. Dr. Bayne got up and commenced speaking. Very soon William E. Crockett and some other Platt men, whose names I do not know, came and pulled the box from under. I fixed up the stand again and attempted to speak myself, but found it impossible to do so, owing to the riot which ha i just commenced by William E. Crockett, a friend of James H. Platt and who came on the steamer with him. He tore the flag down and broke the staff in two pieces, and commenced striking the friends of Robert Norton. I went to him and begged him to be quiet, and told him it would only result in a disturbance, to which he replied, "He did not care a damn; we came here that day prepared to clean Yorktown out." I left him after that and went back to the stand. Very soon afterward I saw him strike a man in front of Dawson's hotel, and several others struck him afterward. He ran up toward Platt s stand, hallooing at the top of his voice, "Let us have the cannon and we will rake the streets!" About the time he got half way up the street he was met by at least fifty men, all armed with revolvers and bowie-knives, who followed Crockett back down the street; one of them a magistrate of Warwick County, by the name of Ferdinand Harrison, who fired a revolver promiscuously in the crowd and shot a man in the shoulder, whose wound I examined and dressed afterward. Another shot was fired, striking a man named Holmes in the leg, whose wound I examined and dressed also. By this time our friends all decided to leave the stand and go around where Hon John Goode was speaking, in order that we might protect ourselves from the mob. While we were crossing the street, a stout, portly looking white man, wearing a badge, hallooed out, "There goes Bob Norton now. By God, we want to carry his heart on a stick to-day." I told Robert Norton to keep close to Henry Diggs, who was in front of me, and I would protect him from the mob through the street. When we got around the corner Mr. Goode was speaking. About twenty-five or thirty of Platt's men came around the corner, where the stand of Mr. Goode was, making a furious noise, howling and using their revolvers freely in the crowd. I called upon the sheriff and asked him to arrest these men. He told me that he was perfectly powerless; that the mob was so great that he could not do anything. By this time Mr. Goode concluded his speech, and I asked the privilege of occupying the stand, which was granted. I had not been speaking more than ten minutes before some three or four white men and one colored man, all of whom came on the steamer with James H. Platt and friends, they came up to the stand and said to me, "We would like to have a little talk with you." I said to them, "I cannot leave the stand, but you can tell me here what business you have with me." I leaned over the end of the stand so that I might hear what they had to say. I had scarcely leaned my head over before I felt something against the left side of my chest. I looked around and saw one of the men with a revolver in his hand pointing it right against my breast. I asked him if that was the business he had with me. He replied, "By God, we will kill every damn one of you that don't vote for Platt." I commenced speaking again, and the riot commenced on the right of the stand, in front of Frank Cook's shoe-shop. I undertook to fix some way by which I could step out of the stand to get to Frank Cook's shop, in order that I might get him to let some females in his shop who were very much frightened and were right in the crowd where they were shooting. I found it impossible, for the crowd by this time was so great that I could not pass. I found all had left the stand except myself, when three or four Platt men said to me, "Damn you, we want you to leave this shebang; we are going to run it ourselves."

Mr. HARRIS, of Virginia. Now, Mr. Speaker, it will be seen that this is the evidence, not of a conservative or white man, but of a colored man—Dr. Morton, a brother of the then candidate for Congress in opposition to Mr. Platt. It will be seen that on that day Mr. Platt came up the river in a Government vessel armed with cannon; that the men of his party carried muskets, pistols, and clubs, and that the flotilla touched the shore. Commander Platt took his position on land; ordered his forces to disembark. Surrounded by the boys in blue, amid the roar of cannon and the clangor of small-arms, the shout of faithful followers, backed by "the best Government the world ever saw," like Roderick Dhu, then—

> One blast upon his bugle-horn
> Were worth a thousand men.

Yes, Mr. Speaker, there stood James H. Platt, desecrating the sacred soil of Yorktown, with armed men, with music, with banners flying, with all the pomp and circumstance of war.

> His back against a rock he bore,
> And firmly placed his foot before:
> "Come one, come all! this rock shall fly
> From its firm base as soon as I."

All this show, all this pomp, all this military display was intended to frighten the poor colored people, whose friend he pretended to be, and to create the impression in their minds that he was backed by all the power of the Government, and that if they voted for Norton ruin was their doom. He contended it was a mere gala-day entertainment.

If so, why did he land his cannon and march through the streets of Yorktown to the strains of martial music, with banners flying? No, sir, the effort was to terrify the colored people—to let them knbw that they would not be allowed to vote the democratic or conservative ticket, or the colored ticket headed by Norton. I commend to the attention of my friends of my own party who disagree with me on this question the fact that party lines were so strictly drawn, not only between the white and colored people, but between Mr. Platt, the nominee of the republican party, and Mr. Norton, the independent colored republican, that human life was not safe where a colored man promised or indicated that he would not vote for Mr. Platt.

There is another point in that testimony. Mr. Page stated: I saw at least twenty-five chasing one man, firing pistol-shots as they went." The testimony of Mr. Page I refer to from memory. He is a gentleman of high character and standing. He said, the day before the election a colored man who had voted for Kemper, the democratic candidate for governor the year before, came to him in great alarm and trepidation and said that his life was threatened, that he was endangered because they expected he would vote for Norton, or the democratic candidate. Mr. Page said: "If you have no more nerve than that, go to the polls early in the morning to-morrow and vote the republican ticket and let them see you vote it in order that you may go home in peace and make a valuable work-hand if nothing else. Let the republicans see you vote for the republican ticket so you may have peace and your life may be spared."

Mr. PLATT, (the contestant.) For whom did he vote?

Mr. HARRIS, of Virginia. I do not know how he voted, but the negro said he was happy; and thanked God that that course would save his life. The evidence does not contradict that statement anywhere and I presume he voted for you.

I desire to have read, sir, the charge of a colored minister of the gospel in that district to show what control they had over their flocks in regard to voting. It will prove conclusively to every gentleman present, who has any doubt, that no colored man in that congressional district could have voted for John Goode and remained safe in life and limb. I hope gentlemen will listen to it.

I think that improper appliances were used and resorted to to compel the colored voters to vote solidly the republican ticket. The night before the election one of the colored men employed by me upon the Brandon farm came into our dining-room and sought a private interview. He was one who had voted with me in the Kemper campaign for the Kemper ticket. I asked him what he wanted; he said, "Well, sir, to-morrow is the day of election." I remarked, "Are you going to vote with me for Mr. Goode this time?" He replied, "You know I have always voted with you, because I believe you know what is best, but I dare not do it this time." I answered, "Why?" He replied, "Well, Mr. Page, you don't know, but God knows, what I've been through since the time I went with you to the polls and voted with you." I asked him if anybody had troubled him for so voting at the Kemper election. He said, "Well, sir, nobody has put their hands on me, but I have had no peace from some of these people since." I asked him to speak plain; to tell me the whole truth, who had troubled him. He said, "You don't know, but when you were in Richmond they had me up last Saturday night, and didn't they tell John Roane that I was one, and Edmund, the cook in the kitchen, was another, and old man Henry, that's dead out yonder now, was the other who went with you in the carriage and to the polls and voted the conservative ticket. But that was the last time that they would ever dare to do that, and if they did vote this time the same way, well, nobody wouldn't want to vote after that." Such was his terror and trembling condition that I told him that if he was such a fool as to be scared by such threats, why to go out early in the morning and vote the Platt ticket, so they would know how he had voted, which would relieve him from his frightened condition and make him serviceable as a hand. He replied, "Thank God for that, for then I may be allowed to live." And he did go and so vote.

About a week or two weeks, I don't recollect which, before the election, John Smith, the colored preacher, living, I believe, in Hampton or thereabouts, paid a special visit, not being his regular Sunday appointment which he has at the Brandon chapel, and held his special services. I understand from colored attendants, the truth of which I do not know personally, he preached from the text, "Sinners, look upon your minister and obey his commandments!" And in that sermon he told them it was their duty to vote for Mr. Platt or leave the church. The Monday after that Sunday, while I was at the Brandon wharf waiting for the boat, he came down to take the boat to go down the river; I don't know where he was going. There were a good many voters at that time at and on the Brandon wharf, engaged in loading a schooner with wood. He was soon surrounded by them. In and among that number was a colored hand who had come across the river from the Charles City side. I personally heard with my own ears the conversation between Smith and this minister, so called, from the other side of the river. He said to Smith: "I was very sorry, brother, that I couldn't be with you last Sunday, so I come down this morning to find exactly how we must go and what we must do in the election that we are going to have for Congress, 'cause a good many across my side the river is of an opinion dat we's gwine to support our own color, Mr. Norton." Smith says: "No, brother, don't touch him, for I'm here now to give light to de children of God, that they may walk straight through the fiery bush;" and all said "Amen, the salvation of our people."

Now, Mr. Speaker, I wish to make some application of that testimony. There are 90 votes cast in this election which are illegal. Seventy-eight were colored, 12 white. The distribution of those votes by the minority of the democratic members—for I am compelled to use the term to distinguish gentlemen on the committee—does Mr. Goode great injustice. How do they divide the 78 colored votes? There were 78 votes cast by colored persons who had no right to vote. That is conceded by both parties. Indeed there are three reports in this case, the majority and minority, and minority of the majority.

They all say there were 78 colored and 12 white votes which were cast illegally at that election. These votes are conceded to be illegal, but we cannot tell how they voted. Therefore the majority say, we will subtract them *pro rata* from Goode and Platt, thus taking from Goode 29 votes and from Platt 64, in the very face of the fact that to all human certainty, as positively as if we had seen them vote, every one of these 78 illegal colored votes were cast for Platt. We cannot prove under our laws how a man voted, but we can prove that the vote was illegal. The question then recurs, how did they vote? What is the evidence to convince the judgment of a right-thinking man? The law does not require, the moral law does not require, absolute and positive proof.

Now, sir, I can make application on this floor in reference to any party question. Suppose we voted by ballot instead of *viva voce*, could you not to a moral certainty say how any colored Representative upon this floor voted upon a party question? There is no doubt of it. I say this in no disparagement, for the same thing could be said in reference to any white republican. The republican on a party question would vote with his party, as the democratic and conservative member would vote with his party.

Mr. PLATT, (contestant.) Will the gentleman permit me to ask him a question? Do I understand the gentleman as saying that by dividing the votes on the color line Mr. Goode is elected by 5 majority?

Mr. HARRIS, of Virginia. No; I know what the gentleman is coming to. He wants to know how I divide the vote between Norton and Platt. I will take the division between Norton and Platt given by the minority of the majority report, because I think that is right. In one or two precincts Norton got some votes. We give to Norton the ratio of the colored vote as between him and Platt. That is the way we divide it. On the other hand, the minority of this committee take the colored vote and divide it in this way: they count all the white vote for Goode and all the colored vote for Norton and Platt, in proportion to the vote received by them. And under that subdivision it gives Norton 7, Platt 72, and Goode 12. The ratio between them is in proportion to the vote they received; that is, Platt and Norton; and we take from Goode the whole white vote and charge him with it.

Well, sir, is that right? You have got to dispose of these votes. We have no right to make votes. We have no right to say how men voted unless we have some absolute moral certainty on the subject. But the law says, and I commend it to the attention of the House, that if it can be ascertained for whom the illegal vote was cast it must be taken from that party; and this may be shown by circumstantial evidence. McCrary, in his Law of Elections, page 224, says:

We see how important it is that it should, if possible, be made to appear either by direct or circumstantial evidence for whom each illegal vote was cast.

Again, the law says in the absence of proof as to how the illegal votes were cast then they may be disposed of as the majority report does.

Is there absence of proof here? Is there absence of proof how the colored men voted, when it is shown that Platt came with his men, with guns and pistols, and warned the men not to violate party discipline as he laid it down? Is there absence of proof when the colored ministers came to them telling them the road to heaven was through the Platt ballot-box, and that hell was their portion if they voted for Norton? No one ever pretended they would vote for Goode.

This is laid down as the cardinal principle. If it can be done, it shall if possible be made to appear, either by direct or circumstantial evidence, how these illegal votes were cast. Now, I ask any gentleman on this floor if the circumstance that Platt was the regular republican candidate, if the circumstance as the evidence shows on this record that the colored people as a body voted for Platt, if the circumstance that the colored preachers and ministers of the Gospel, and that Platt, with guns and cannon bearing upon the colored voters, are not sufficient to make a case of circumstantial evidence to convince any right-thinking man that the colored vote was cast for Platt? If you do not take this view, Mr. Speaker, you take from Mr. Goode votes to which he is entitled. He only got 12 white votes; the presumption is that the 12 were cast for him. Yet my friends of the majority take from him thirty-odd votes, thus making it worse for Goode than if no illegal votes had been cast at all. I say you are called upon to act just as you would if a party vote had been taken in this House by ballot; you are called upon to say on your oaths, according to your best judgment, how these men voted. And you know, as well as you can morally know any fact on earth, that these votes were given for James H. Platt, excepting a few that were cast for Mr. Norton. And that leaves, according to my calculation, Mr. Goode elected.

I come next, Mr. Speaker, to discuss 13 votes which have not been referred to by either party, because they are not necessary from their view of the case to affect the result, and I want the attention of the House to this point. In one county in the district there were 206 votes cast; 193 of them were on ballots printed, "For Congress, James H. Platt," and the words "against constitutional amendments."

The law of Virginia says—and I desire the lawyers of the House to listen to me—in such cases the ballots for Congress and on the constitution shall be in separate boxes; that there should be a box for the ballots on the constitutional amendments and a box for the ballots for Congress separate and apart. But in the congressional box were found 193 ballots containing the name of James H. Platt and the words "against constitutional amendments." Those votes by all parties have been counted for James H. Platt. How could they determine for what purpose these votes were intended to be cast, whether for Platt, or against the constitutional amendments? You cannot tell for your life with any moral certainty whether the voter meant to put his ticket in the constitutional box or whether he

thought he was putting it in the congressional box. Yet out of leniency and abundance of caution, out of respect for the suffrage, these votes were all counted for James H. Platt. Yet we are charged with trying upon technicalities to deprive a man of his vote, when, if we had sought to rely upon technicalities and not upon the law and evidence in the case, there was, goodness knows, provocation enough to justify us in throwing out these and many other votes.

Well, sir, but there were in the same precinct 13 ballots which had each a second ballot folded within them; one being for James H. Platt and the other against the constitutional amendments. Now what does our law say upon that subject? The law is either mandatory or directory. As regards the 193 votes I have referred to, the law says the ballots shall be deposited in a certain box. But it does not say that those not deposited in that box shall be destroyed. Therefore the committee construed it to be directory, and counted the votes for Platt. As to these other ballots which were folded the one within the other, and which have not been taken from him, I will read to you what the law says, and we will see if the law does not make it mandatory, commanding the commissioners of election to destroy the ballots. The local commissioners destroyed all these ballots, and that action went through the whole of these 206 votes. But the committee put them back. We will see if the committee did right in putting them back. The law directs how the ballot-box shall be opened and how the vote shall be counted, and then it says:

Then if upon a comparison of the said count with the number of names of electors on the poll-books it appears that two ballots folded together were cast by the same person, they shall *be destroyed*. (Code 1873, page 160.)

I call upon my friend from Massachusetts, [Mr. THOMPSON,] astute lawyer as he is, to say whether that is not mandatory. And I call upon him to say whether giving those votes to Platt is not in violation of the law which says that ballots being found folded one within the other shall be destroyed. The commissioners had no choice.

Now, sir, I pass for a moment to the consideration of the navy-yard. I say so far from any illiberality having been shown to the contestant he has been treated with the utmost liberality. Technicalities have been thrown out of the way; objection after objection has been overruled, as if the minority of the committee with the majority were seeking how to seat the contestant. For myself, in the consideration of these cases I know of no difference between political friends and political foes. But I refer you to the vote in the cities of Norfolk and Portsmouth and in the navy-yard precincts. Why not apply the same rule in this case as we did in the case of Le Moyne *vs.* Farwell? In the Illinois case the law of the State required that every voter should be registered and his number and name marked upon the ballot, and therefore when we came to examine the polls we struck out the illegal voters. But in our State we require registration to be made, but no marks to be put upon the ballots to show how any man voted. It is shown that 561 of these navy-yard employés cast their suffrages for James H. Platt. If we had been disposed to be illiberal we should have stricken off these votes instead of throwing out the whole poll, which would have left Goode a majority of 100 votes in the navy-yard precincts. But the testimony of witnesses as to the number of those who voted was too indefinite for us to attempt to purge the poll, and therefore we thought it better to follow the law and strike out the entire vote of those precincts, by which Goode lost 100 votes. I desire to read to the House a summary of this case, as follows:

Whole vote for Platt and Goode, as shown by Messrs. THOMPSON and HOUSE, less the navy-yard and the 90 illegal votes:

For Platt	14,583
For Goode	14,083
Majority for Platt	500
From which deduct Platt's majority at navy-yard	441
Platt's majority, as shown by above gentlemen, less the 90 illegal votes	59
To overcome this, take the votes polled together in Nansemond contrary to mandatory law	13
Platt's proportion of the 90 illegal votes	59
	72
Majority for Goode	13

In disposing of the 90 illegal votes I have adopted this plan: Take from Goode all the illegal white votes—12; from Platt and Norton all the illegal colored vote in proportion to the aggregate vote each received at the precincts where the illegal colored votes were cast. This takes from Platt 79, from Norton 7, from Goode 12; leaving 59 more bad votes for Platt than Goode.

Now, Mr. Speaker, I think it must be manifest to every member of the House who has examined this question impartially that Goode was fairly and honestly elected according to the laws of Virginia and the laws governing this House, and I hope that even my two friends on the committee who have come to the conclusion that their division of the 90 illegal votes was a hasty and ill-devised division, and that they ought to have been divided on the color line, because the testimony shows that party lines were drawn sharp and close in this election between Platt and Goode. The testimony shows inferentially that not a single colored man in the district voted for Goode. Are you going to give him thirty odd illegal votes out of the 90, when the testimony shows that not a single colored man voted for him? If you adopt the majority report, you make 52 colored men vote for Goode, when you know in your heart of hearts that not a single colored man voted for him. To sanction the seating of Platt you must give that vote to Goode under the solemnity of the oath you have taken, and I do not believe that there is a man here who believes that a single colored vote was cast for John Goode.

Mr. Speaker, I am done. I return my thanks to the House for the attention they have paid to my remarks.

Mr. WILSON, of West Virginia. Before the gentleman takes his seat I desire to ask him whether Mr. Platt has taken any evidence tending to show that any colored votes were cast for Mr. Goode in the district?

Mr. HARRIS, of Virginia. There is no evidence on the record tending to show that any colored man in the district voted for Goode, and I do not think that the contestant or any of his friends would dare to say that any colored vote was cast for John Goode; and yet they call upon the House to say that 32 colored men voted for him out of 90.

Mr. Speaker, I was about remarking I have done my duty. I have examined this case fairly and impartially. I have so with an eye solely to do right, as I understand it. If it shall be the judgment of the House to sustain me, I shall be more than gratified; but if not, then their will, not mine, be done.

Mr. BROWN, of Kansas. I move the previous question.

The previous question was seconded and the main question ordered.

Mr. BROWN, of Kansas. Mr. Speaker, I shall occupy but a moment, and that only as a personal explanation. I desire to read from the notice of contest of Mr. Platt in this case:

Your agents, friends, and partisans aforesaid, for and with money, whisky, and other valuable things, paid, delivered, and furnished, and promised to him, did hire and bribe one Robert Norton, a resident of said county, to promote and advance your election by falsely pretending and representing himself to be a candidate of the republican or radical party for Representative in Congress.

* * * * * * *

I shall prove that one barrel of whisky was sent to said Norton by William F. Allen, who was a conservative superintendent in the city of Norfolk; that $100 in money was sent and paid to said Norton by and upon the check of said Allen for that amount; that the additional sum of $100 was sent and paid to said Norton by and upon the check of William M. Chaplain, esq., who is your law-partner; and that other sums of money and other things were sent and paid and furnished to said Norton by the recognized committee-men, authorities, and exponents of the conservative party in Norfolk City. I shall also prove that large sums of money were at different times paid and furnished to said Norton, and to his colored followers and dupes, by and through Dr. —— Shields, the conservative superintendent of York County, and that a large amount of money was furnished and paid by the conservative State executive committee, its officers and agents, to be paid to said Norton, or to be expended under his advice and direction for the uses and purposes above set forth.

I now read from the answer of Mr. Goode:

I deny that money was paid and furnished to Robert Norton by the recognized committee-men, authorities, and exponents of the conservative party in Norfolk City, or by the conservative State executive committee, its officers or agents, to be expended under his advice and direction for the uses and purposes which you have set forth. If any of my friends contributed pecuniary aid to Norton in the progress of the campaign, it was done without any knowledge or suggestion on my part, upon their individual responsibility as citizens, for the legitimate purpose of creating division in the ranks of your party, and accomplishing your defeat by all fair and honorable means.

The following is the testimony of William F. Allen, city superintendent for the conservative party of Norfolk:

Question 19. To the best of your information, knowledge, and belief, did you or your political associates, or Norton and his political associates, or any sane man in this congressional district, believe for one moment, after Mr. Goode's nomination, that Robert Norton stood any chance whatever of being elected Representative in Congress from the second congressional district of Virginia?

Answer. I do not think so, to the best of my knowledge, information, and belief.

Q. 20. Do you not know and verily believe that said Norton campaign club was kept up and maintained for the sole purpose of promoting Mr. Goode's election?

A. Yes, sir.

* * * * * * * *

Q. 26. State to the best of your knowledge, information, and belief how much money was furnished to the Norton campaign club of Norfolk and to the officers and members thereof during the campaign by the conservative party in Norfolk City, including the official organizations and members of the party.

A. Between four and five hundred dollars.

* * * * * * * *

Q. 31. State to the best of your knowledge, information, and belief how much money was sent from Norfolk City by the conservative party and its members to the county of York or for the use of Robert Norton or the Norton party aforesaid, or the members thereof.

A. Nine hundred and fifty dollars. I know the amount, because I sent it myself; all sent by my direction.

Q. 32. Does the $950 include the one-hundred-dollar check referred to in Mr. Platt's notice of contest as having been sent by you; I mean your check?

A. It does.

Q. 33. Does it also include Mr. William M. Chaplain's check for $100 referred to in the notice of contest?

A. It does, to the best of my knowledge.

Q. 34. To whom or through whom did you send the moneys above referred to?

A. Dr. William H. Shields, of York County.

Q. 35. How much whisky or other liquors were sent from Norfolk City to York County by the like parties and to the like parties and for the like purposes as were the $950 aforesaid?

A. One barrel of whisky was sent by me.

* * * * * * * *

Q. 40. Were you in York County at any time during the campaign?

A. No, sir.

Q. 41. Did you, during the campaign, see and converse with Robert Norton on political subjects?

A. Yes, sir.

Q. 42. More than once? How often?

A. Twice.

Q. 43. Please state said conversations as well as you can remember them. State their substance, tenor, and effect.

A. The conversation was, he stated to me that he had already expended $800 or $1,000—all the money he had—and without some assistance he could not conduct

the campaign—without some assistance. I then asked him how much money it would require. He stated $2,500. I told him there was no money in the treasury of the conservative party of Norfolk, but that I would furnish him with $1,000 during the campaign, should he require that amount. This was the substance of the first conversation. In the second conversation I wanted to know how he was getting along, and if he still thought that he could carry 1,500 votes for him on the peninsula. His answer was, "Yes, and as many more."

Mr. Speaker, it was upon these pleadings, this evidence, and these statements in the gentleman's brief that I propounded the query I made on Tuesday in reference to the code of morals. If I was understood as charging the gentleman with bribery, or as even being cognizant with these questionable practices, I desire to say that such was not my intention, and the record completely exonerates him. But if such a defense as is made in the answer of the gentleman and in his brief, if such means as legitimate, fair, and honorable is in accordance with any proper code of morals, I am mistaken and can only say that such was not the code under which I was raised.

In reference to my alleged assault upon the State officers of Virginia, which seems so to have excited the Representatives from that State and drawn upon my head such a fusilade of wit from all along the line, I can only say that I based my statements upon the record; that the record shows that in violation of all principles of law and justice they, on a mere technicality, threw out the returns of Prince George County and gave to Mr. Goode the certificate of election. In that regard I have not one word to alter or change, and I still insist that if these State officers had done their duty Mr. Goode would have been the contestant and not Mr. Platt.

I now yield the remainder of my time to the gentleman from Massachusetts, [Mr. THOMPSON.]

Mr. THOMPSON. Mr. Speaker, the question that the House is called upon at this time to decide is whether in the second congressional district in the Commonwealth of Virginia James H. Platt, jr., received a plurality of the legal votes cast in that district November 3, 1874; or whether a plurality of the legal votes in that district were given for the sitting member, John Goode, jr. That is the simple question which is involved in this case, and we are to determine it not as the friends of the one party or the other, not as politicians, but we are to determine it as a judicial question. It is as much a judicial question as the one now being tried at the other end of the Capitol. And whoever attempts to bring into a decision of this question directly or indirectly anything in the nature of politics is attempting to do injustice to the one side or the other.

The object and purpose of us all should be to keep political considerations out of this question; to exclude them entirely. We are canvassing the votes of that district; we are acting upon our oaths as a court. We are not now upon the stump trying to persuade the people as we may sometimes do with poor facts and poorer logic, but we are trying here to ascertain the real facts in this case. I do not propose to be led in any manner to consider this as a party or a political question.

As for the sitting member, I certainly have regarded him and do regard him now as a man of decided ability, a man of real integrity of character, qualities which I feel in this matter must tell in favor of the man whether deservedly so or not. But I submit that no degree of elevation of character here ought to swerve us from our duty. As to Mr. Platt, I have not had the honor of his acquaintance except as he has appeared in this case. I take it for granted that he is an honorable and high-toned man. I know nothing to the contrary. Certainly that is the presumption here.

It is said when Mr. Choate was upon a certain occasion calling the attention of the supreme judicial court of Massachusetts, over which Chief Justice Shaw was presiding, one of the most impartial judges that ever presided in court, to the distinguished revolutionary services of his client, the chief justice rebukingly said, "Mr. Choate, what have the revolutionary services of your client to do with the merits of this case?" Said Mr. Choate, in that inimitable style of his, "I trust that a little will be pardoned to the ardor of counsel when he has so respectable a client." Chief Justice Shaw replied, "In this court all clients are respectable and all counsel ardent." Is not this the true position? Before an impartial court all parties stand equal.

And that is the way that these parties should stand here. Whatever may be our friendship for the one or the other, let it not influence our action. If any of us have a strong friendship for the one or the other of the parties in this case, let us be careful that it does not swerve us from the performance of our duty.

I hardly know, Mr. Speaker, what is the position of the minority of the committee in this case. They have said to the House "You may take everything if you will but give the sitting member the seat." That is the way they talk; they state this and that and the other, but you will see they always wind up with the proviso, "only let the sitting member have the seat."

Now, I wish to ask (as it may shorten the discussion) whether it is contended by the minority of the committee, or by the sitting member, that Bland and Rives Townships should be excluded. I pause for a reply.

Mr. GOODE. I do not see the chairman of the committee present. I would not now present myself before the House, but for the distinct interrogatory of my friend and the declaration that he "pauses for a reply." My reply is that according to our construction——

Mr. THOMPSON. I desire an answer to the question; yes or no.

Mr. GOODE. I say that according to the law we might insist upon the exclusion of Rives and Bland Townships; but for the purposes of this case we are willing to concede Rives and Bland.

Mr. THOMPSON. I thought so. I had respect enough for the gentleman's ability and judgment to feel that he would do so. That issue then is eliminated from the case. We have, then, Rives and Bland Townships counted in, as every member of this House looking at the case impartially would count them in. I thank the gentleman for saving me the trouble of arguing that point.

This, then, narrows down the question at issue in this case. The next question is with regard to the navy-yard districts, and I will say here that I was not a little surprised at the position taken by the sitting member in arguing this case with regard to the navy-yard districts. But I accounted for it from his seeing clearly his situation. I saw that he felt his position must be changed or he was lost. Changing it, I submit, does not save him, because now his position is too feeble to support him. What does he say? He says that at the navy-yard those three polls ought to be so purged as to reject from them 567 votes, while the committee have rejected the entire polls, which gained him 441 votes, a difference of 126 votes.

I wish to call attention briefly to the position taken by Mr. Goode, who was his own counsel upon this point at the hearing, and the position which is now taken. Will the Clerk do me the favor to read from the sitting member's answer to the notice of contest?

The Clerk read as follows:

Eleventh. I shall maintain and insist that the whole vote cast at the precincts in the third and fourth wards of the city of Portsmouth, and at Hall's Corner precinct, in the county of Norfolk, should be rejected as illegal and void and not counted, because the poll-books at the said precincts were not certified, signed, sealed, and returned as the law requires, and because the election at the said precincts was influenced by the most glaring fraud, bribery, corruption, and intimidation.

* * * * * * *

To receive and count votes taken under such circumstances of constraint and duress would be not only to affix a stigma upon the fair escutcheon of the State, but to inflict a serious blow upon the dearest rights of American citizens. It would be not only a mockery of the elective franchise, but a gross violation of all law, both State and Federal, which regulates the conduct of elections. I shall confidently claim that the entire vote cast at Hall's Corner precinct, in Norfolk County, and at the precincts in the third and fourth wards of the city of Portsmouth, at which precincts the said employés in the navy-yard generally voted, should be rejected by the House of Representatives as illegal, null, and void.

Mr. THOMPSON. I have had this read for the purpose of showing the ground assumed at the hearing, that those polls should be excluded. It was never intimated or thought of that it was possible to purge those polls. The committee would not for a moment have attempted to do anything of the kind. There were no facts from which they could do it because of the proof of improper interference at the navy-yard in the election, and because it was impossible to tell the extent and effect of that influence the polls could not be purged; they were excluded. I will now call attention to the brief of counsel and see whether upon the argument before the committee he took that ground.

Fourthly. We maintain that the whole vote cast at the precincts in the third and fourth wards of the city of Portsmouth and at Hall's Corner precinct in Norfolk County should be rejected as illegal and not counted, upon the grounds alleged in the eleventh specification of contestee's answer, which have been fully sustained by the testimony. It would be difficult to imagine a more glaring case of bribery, intimidation, and corruption. We are unwilling to believe that this committee or the House of Representatives will countenance or tolerate a system of influencing votes which destroys the freedom of the citizen and strikes at the very foundation of republican institutions. To receive and to count votes given under such circumstances would be not only a mockery, but a gross violation of all law, both State and Federal, which regulates the conduct of elections.

We have done just what he requested to have done. He asked to have those polls excluded, and we have excluded them. It was never claimed or intimated in any manner or form that these polls could be purged, and the sitting member is estopped from claiming it. The action of the committee may be subject to criticism for excluding the navy-yard precincts, but I believed it right when I signed the report and believe it right now. Certainly the sitting member did not claim that those polls could be purged; yet now he comes into the House and says that they can be purged, although there is no testimony upon which it can be done; it is impossible. He has no right to ask to have it done. Those polls must be rejected, and by that he gains in this canvass 441 votes. He is certainly entitled to nothing more.

I will not say that he undertook to "swap horses crossing the stream" in taking the position that he has taken here in this House, for there was but one horse and that with rider went down in the current; there was no other horse to take. He was simply a "drowning man catching at a straw;" but it was one of the smallest straws that any drowning man ever caught at.

Let us go just one step further. The chairman of our committee [Mr. HARRIS, of Virginia] has come in here this morning with a new discovery. He says that at least 13 votes must be excluded because two ballots were put in at the same time. I say this has not been put anywhere in the reports; it has not been heard of in this discussion till this morning; it is a new revelation. The committee unanimously said that those votes should be counted; there was no reason why they should not be. The gentleman from Kentucky, [Mr. BLACKBURN,] who is a clear-headed and sagacious man, who is not accustomed to yield too much, conceded this. He said let them be counted; and I submit that he could not do otherwise. Never was there a clearer proposition put; the whole committee were unanimous upon it; yet that is one of the straws which they are catching at. The argument

is, "Give us the seat and you may have all the votes." But the seat must go with the votes.

Mr. HARRIS, of Virginia. The gentleman says that the members of the committee were unanimous in regard to those 13 votes. I ask him whether his attention was ever called to them before, whether he discussed them in committee at all?

Mr. THOMPSON. Certainly; we discussed everything. This case has been carefully and laboriously considered; and after the fullest discussion and consideration the committee unanimously decided that those votes ought to be counted.

I think I have given a full and complete answer to that.

Now, sir, let us come down a step further and see where we are. We are getting now somewhere near "hard-pan" and where we can canvass and count. We have got down now to these illegal votes, be they more or be they less. Mr. Speaker, I concede that 100 illegal votes are claimed, and base my calculation in the report upon that number, but I have never conceded, never can concede on the facts, that 100 votes were proved to be illegal. But I put it upon that basis, giving every one that by any possibility can even be claimed to be illegal. Then I say upon any fair computation Mr. Platt was elected.

Let us see how it is. And I wish to say this: I have been grieved, I have been pained in this hearing to find this fact declared in the House, that in the Commonwealth of old Virginia the color line is the line which divides parties. I had been led before the opening of this case and the argument in this House to suppose a different state of things existed there. But, sir, it has been asserted here in this House by the distinguished sitting member, and by his friend [Mr. TUCKER] who so ably argued this case, at least so far as declamation and invective is concerned. It is also asserted in the position taken by the member from Kentucky [Mr. BLACKBURN] and by the chairman of our committee, that the color line divides parties in Virginia. I am sorry for it, but I take that as an established fact, as an admitted fact for the purpose of this hearing. Such is the state of things, however reluctantly I admit it. And I rest this case upon the fact that all the illegal white votes were cast for Goode, and the illegal colored votes were all cast for either Mr. Platt or Mr. Norton, the colored candidate. If my salvation rested upon the result I would risk it. Upon the color line I can show, taking those illegal votes, call them 100, call them 92, call them 90, call them whatever you think is right, from the highest to the lowest, and you cannot get any other fact from it than that Mr. Platt is elected. [Applause.]

Now, Mr. Speaker, it is quite important to see the spirit with which this matter has been presented. When I speak of the spirit in which it has been presented, I do not mean it has been presented with malice or with hatred, but I mean this: that much has been done here by personal friendship, and there has been a disposition to give everything that possibly could be given in favor of the sitting member. I am frank to admit upon this floor in that matter I have had somewhat of the same disposition myself; but certainly I could not depart for friendship from the plain path of duty. But I will say in canvassing these votes here it is not a pleasant duty for me to perform. I performed it as a matter of religious duty, for if I did not do it I could never hold up my head in any community. If I should, after giving this matter the most careful consideration and arriving at the conclusion I have, let the contestant in any manner suffer in this hearing through my willful neglect, I am satisfied it would so lessen my own self-respect that I would be worth nothing to myself or the community in which I live.

Let us consider this a moment, to see the spirit with which these votes have been canvassed. I say again, I use that expression in no invidious or offensive sense. I fear my time will not permit me to go through, but I will hasten rapidly. Let me commence. The first is Nelson, York County, where there were cast 15 illegal votes, 2 white and 13 black. What does the sitting member say in regard to those votes? He is a man you would trust anywhere where self-interest has not a controlling power. The Apostle Paul has said, "When I would do good, evil is present with me," and I feel it is oftentimes the fact that many a good Christian can truthfully say, "When I would do good, self-interest is present with me, so that it is no more I that do it, but self-interest, that dwelleth in me."

He says, take those 13 colored votes from Platt. Why, Mr. Speaker, in the name of everything that is fair and just, should that be done? They have shown great affection for Mr. Norton. I do not propose to comment upon that. I will not step out of the record for any good opportunity. I say in that precinct Mr. Norton received 188 votes, Mr. Platt 160 votes, John Goode, jr., 49 votes; and now they say, although Mr. Norton was a colored man, all those 13 votes should be deducted from Mr. Platt, and those supporting his claims do not concede for one moment that one of these colored men voted for his own colored brother. If you divide them on the color line there, you will find they stand thus——

Mr. HOAR. Will my colleague allow me to ask him a question?

Mr. THOMPSON. I am always pleased to hear the gentleman.

Mr. HOAR. I wish to inquire if the minority of the committee have not taken Mr. Norton's own vote away from himself and deducted it from Mr. Platt?

Mr. HARRIS, of Virginia. No, sir.

Mr. THOMPSON. Yes; they have done that; that is the effect of it and that is what I am talking about. And I say that putting those votes on the color line Mr. Platt would get only 6 of those votes and Mr. Norton 7.

"O," but they say, "these colored people thought so much of Platt that every one must be presumed to have voted for him." I ask is there any fairness in that? I think I need not appeal to the House on that proposition. I am amazed that any men of common fairness where their own interests are not at stake should have assumed such a proposition.

We thus get rid of 7 of those votes honestly and fairly, so far as Mr. Platt is concerned. Let me pass on to the next. I now call the attention of the House to the Stony Creek precinct. At that precinct twenty-six persons voted upon transfers registered upon the day of election. Now, I say this, that the law of Virginia is so complex and so uncertain that, bringing what little ability I have to the study of it, I have not been able to determine what it really does provide. I have consulted with the lawyers of that State and I find them not to have been more fortunate than myself. In my computation in the report I have put them all as claimed to be illegal, but I am satisfied that would not be fair to treat them all as illegal. I will take the ground taken by the sitting member and by the minority of the committee upon this point, and I will call them nineteen; two white and seventeen colored. That is all they ask. It is all they are entitled to. I cheerfully concede them those.

Then comes Jamestown; 1 white and 15 colored is what they claim. I concede them those.

But now we come to another precinct, and I ask the careful attention of the House to this. I refer to Guilford. If I am mistaken in the view I take of the evidence, I wish to be corrected. If I overstate the evidence in any manner, I wish to be corrected. I say the testimony with regard to Guilford is this. That on Saturday, the Saturday previous to the Tuesday on which the election was held, 20 voters were registered, and illegally registered; there is no question about that. The testimony is that they were mostly colored. The proof showed that on election day 8 of those men voted; 2 white and 6 colored. That is all the evidence there is upon that subject. There is no claim that there is any evidence that any more than these 8 voted. The minority of the committee and the sitting member and his distinguished and able friend from Virginia, [Mr. TUCKER,] say that you must assume because those other men were registered illegally on Saturday they therefore voted illegally on the following Tuesday. Did ever a lawyer submit any such proposition as that to a jury or a court? And that is the whole of it. I say there is not any presumption of that kind. Why, sir, the presumption is all the other way. I say that all that is proved is that there were 8 illegal votes; 2 white and 6 black. Let them be subtracted. Am I fair about that? I pause for a reply.

Mr. GOODE. I think not.

The SPEAKER *pro tempore*. Does the gentleman from Massachusetts yield to the gentleman from Virginia?

Mr. THOMPSON. I do for a moment for an answer. I desire to be fair.

Mr. GOODE. I think the gentleman is not fair in that statement, although I believe he intends to be fair. The testimony in regard to the county of Surry proves this: that on the Saturday preceding the election twenty persons were illegally registered, and that on the Monday following, the day before the election, a large number of persons presented themselves and demanded registration; that they were refused by the registrar upon the ground that, having examined the law between Saturday and Monday, he had come to the conclusion that he had no right to register within the ten days before the election. Now, sir, he says he registered twenty, but for the life of him he cannot remember but eight, and he could not remember the eight until the registration-book was brought before him, and then by means of that he recollected those eight names. Still, however, he is positive in the recollection that at least twenty were registered; and I say that it is not fair to assume that only the eight voted, because the testimony shows that all the eight that could be remembered were known to have voted.

Mr. THOMPSON. Now I want to know if I could be more completely vindicated in every word I said. I know perfectly well this House will not believe I have intentionally misstated the facts. The gentleman himself says he does not believe I would be unfair; and he has corroborated every word I have said. He says that because twenty persons registered illegally on the Saturday previous to the election, therefore the whole twenty voted illegally on the Tuesday following.

Mr. GOODE rose.

Mr. THOMPSON. The gentleman has made his statement, and I cannot yield to him further. I give him the benefit of his statement, and it corroborates mine. And I will not say that that shows a bad spirit, but I will say it shows the power of self-interest here in this matter. Why should you take off those 12 votes? I appeal to this House, is there any member here who will claim that those votes should not be counted? I do not pause for a reply, for I know the character of this House too well to believe that any member here will dispute the correctness of the position I have taken.

Now, sir, we come to another precinct. We come to Bruton. There 2 votes are proved to be illegal, but nothing is said about their color at all.

Mr. GOODE. They were not counted by me.

Mr. THOMPSON. The gentleman says they were not counted by him. I cannot see how they could be counted. But they were counted by the minority of the committee as both colored, when there was no proof whether they were colored or not.

That only shows how the contest was gotten up. The chairman of the committee tells you that the color line settles that. I hope I have made myself understood. I wish that it was so that the members of the House could take their pens and go over the list of those illegal votes with me, but if I make a mistake I know I shall be corrected. I will go over them very briefly and show you what the result really was, because outside of these illegal votes there is no question but that Mr. Platt would have 59 plurality and his opponent must overcome that 59 plurality. Here is a list of the white and colored votes cast. In Nelson, 2 white and 6 colored for Mr. Platt; in Sussex, 7 white and 6 colored; in Stony Creek, 2 white and 17 colored; in Jamestown, 1 white and 15 colored; in Guilford, 2 white and 6 colored; in Bruton, 1 white and 1 colored, and 7 scattering illegal votes in various precincts, all colored. That makes the illegal vote, independent of the 7 given for Norton, 73, and with Norton's vote 80, and here you see the difference between the computation of the minority of the committee and mine. They say there were 92 illegal votes; take off the 12 votes which they say were cast, which I do not admit were cast, it makes 80; so you see there is no discrepancy and no difference about the number; and as there were 15 white and 58 colored you will find that there were 43 more colored votes than there were whites, and then if you take the 43 from 59 that gives Platt 16 plurality on the color line. There is no man here who can make any figures that will shake that conclusion. Mr. Platt was elected by 16 votes if you take the color line. I accept it, and it does help in this case.

But there have been some questions of law raised in this case to which I beg briefly to call attention. The minority of the committee say that where you cannot eliminate the illegal votes you must throw out the whole precinct, but they have eliminated them here; they have done it by the color line. I am sorry that such a state of facts exists, but I am bound by the testimony. It eliminates the illegal votes and, after eliminating the illegal votes, makes it clear beyond all question that Mr. Platt had a plurality of 16 votes. There can be no mistake about that matter. There never was a question before any House plainer than this. I have gone over this case I think as much in detail as is necessary to a clear and full understanding of it. I feel that I ought in justification of the position I have taken here in regard to the counting of these votes to say that if a party claims 100 illegal votes cast against him he ought to prove the fact; that he is bound in law to prove not only that they were illegal votes, but, if possible, that they were not cast for him.

In this House in the Forty-second Congress, in the case of John Cessna *vs.* Benjamin F. Myers, from Pennsylvania, this question was very carefully considered, and the House will excuse me when I say that in that case it was a republican contestant against a democratic sitting member—a republican, too, of merit and having many friends—but this House then said that it could not waive or violate so important a principle as that, and a distinguished member from Massachusetts, the gentleman from the Worcester district, [Mr. HOAR,] made that report. It was a unanimous report, and took the ground that a party who alleges that illegal votes were cast must prove not only that they were cast, but, if possible, that they were not cast for him, and the democratic sitting member held his seat. That is the plainest and clearest proposition of law. I say that when a sitting member alleges affirmatively that illegal votes were cast he must prove that the illegal votes were cast for his opponent or that it is not possible to show for whom they were cast; and I say the sitting member in this case has not proven this by any testimony which appears before the committee. I have given the most liberal construction upon all the questions involved in this case in favor of Mr. Goode, and still it leaves a plurality of 16 for Mr. Platt.

Mr. Speaker, I feel earnestly upon this question. I have spoken with some degree of earnestness upon it and I do not wish the House to believe that I am not in earnest, for I feel that not only my character but the character of this House is at stake in the determination of this question. I shall feel sad indeed to have a mistake made in the decision of this case, to have a blot put upon this House in a matter in regard to which there has been so much of complaint—whether with or without cause, it is immaterial now to discuss. I trust that the cry of "carpet-bagger" is not going to prevent a party from having a fair and impartial hearing here. If it does, I ask may not some other cry on some future day be successfully raised to prevent a party from having a fair and impartial trial here? I commend this to the consideration of every member of this House on whichsoever side he may hold a seat. I say this deliberately, after the most mature reflection, that if the sitting member is allowed to hold his seat it will be one of the baldest outrages upon a contestant and upon the legal voters of a congressional district ever perpetrated in or out of this House, and I most earnestly urge this House to consider the importance of a fair and impartial verdict in this case. I ask that every vote shall be given upon the legal merits of the case, irrespective of party considerations or personal or political friendships.

The SPEAKER *pro tempore*. The Clerk will now read the resolutions reported by the majority of the committee.

The Clerk read as follows:

Resolved, That John Goode, jr., was not elected and is not entitled to a seat in the House of Representatives in the Forty-fourth Congress from the second congressional district of Virginia.

Resolved, That James H. Platt, jr., was elected and is entitled to a seat in the Forty-fourth Congress as Representative from the second district of Virginia.

The SPEAKER *pro tempore*. The minority of the Committee of Elections offer as a substitute for those resolutions the resolution which the Clerk will now read.

The Clerk read as follows:

Resolved, That John Goode, jr., was elected and is entitled to the seat which he now holds in the House of Representatives in the Forty-fourth Congress from the second congressional district of Virginia.

The question was upon agreeing to the substitute reported from the minority of the Committee of Elections.

Mr. TOWNSEND, of New York. Upon that question, I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken, and there were—yeas 105, nays 98, not voting 81; as follows:

YEAS—Messrs. Ashe, Atkins, Banning, Beebe, Bell, Blackburn, Bland, Boone, Bradford, Bright, John Young Brown, Buckner, Samuel D. Burchard, Cabell, John H. Caldwell, Caulfield, John B. Clarke of Kentucky, John B. Clark, jr., of Missouri, Clymer, Cochrane, Cook, Cox, Davis, De Bolt, Dibrell, Durham, Eden, Faulkner, Felton, Finley, Forney, Franklin, Gibson, Glover, Gunter, Andrew H. Hamilton, Hancock, Hardenbergh, John T. Harris, Hartridge, Hartzell, Henkle, Abram S. Hewitt, Hill, Hooker, Hurd, Frank Jones, Thomas L. Jones, Knott, Lamar, Lane, Le Moyne, Levy, Lewis, Luttrell, Maish, Meade, Metcalfe, Milliken, Mills, Morrison, Mutchler, Neal, O'Brien, Odell, Phelps, John F. Philips, Piper, Poppleton, Powell, Randall, Reagan, James B. Reilly, Rice, Riddle, John Robbins, William M. Robbins, Miles Ross, Scales, Schleicher, Sheakley, Singleton, Slemons, William E. Smith, Southard, Spencer, Springer, Terry, Thomas, Throckmorton, Tucker, Turney, John L. Vance, Waddell, Gilbert C. Walker, Walsh, Ward, Whitthorne, Wike, Alpheus S. Williams, James Williams, James D. Williams, Jeremiah N. Williams, Benjamin Wilson, and Young—105.

NAYS—Messrs. Adams, Ainsworth, George A. Bagley, John H. Bagley, jr., John H. Baker, William H. Baker, Ballou, Banks, Blair, Bradley, William R. Brown, Horatio C. Burchard, William P. Caldwell, Cannon, Cason, Caswell, Cate, Chittenden, Conger, Crapo, Crounse, Cutler, Danford, Davy, Dobbins, Dunnell, Durand, Eames, Ely, Evans, Foster, Freeman, Frye, Garfield, Goodin, Hale, Harrison, Hathorn, Hays, Hendee, Henderson, Hoar, Hoge, Holman, Hubbell, Hunter, Hurlbut, Joyce, Kasson, Kehr, Kelley, Kimball, Lapham, Lawrence, Lynch, Lynde, MacDougall, McDill, Miller, Monroe, Morgan, Nash, New, O'Neill, Packer, Page, William A. Phillips, Pierce, Plaisted, Potter, Pratt, Purman, Rainey, Rea, Rusk, Seelye, Sinnickson, Smalls, A. Herr Smith, Strait, Stone, Stowell, Thornburgh, Martin I. Townsend, Washington Townsend, Tufts, Van Vorhes, Wait, G. Wiley Wells, White, Whiting, Willard, Charles G. Williams, William B. Williams, Wilshire, James Wilson, Woodburn, and Woodworth—98.

NOT VOTING—Messrs. Anderson, Bagby, Bass, Bliss, Blount, Burleigh, Campbell, Candler, Chapin, Collins, Cowan, Culberson, Darrall, Denison, Douglas, Egbert, Ellis, Fort, Fuller, Gause, Goode, Robert Hamilton, Haralson, Benjamin W. Harris, Henry R. Harris, Hatcher, Haymond, Hereford, Goldsmith W. Hewitt, Hopkins, Hoskins, House, Hunton, Hyman, Jenks, King, Franklin Landers, George M. Landers, Leavenworth, Lord, Mackey, Magoon, McCrary, McFarland, McMahon, Money, Norton, Oliver, Payne, Platt, John Reilly, Roberts, Robinson, Sobieski Ross, Sampson, Savage, Sayler, Schumaker, Sparks, Stenger, Stevenson, Swann, Tarbox, Teese, Thompson, Robert B. Vance, Waldron, Charles C. B. Walker, Alexander S. Wallace, John W. Wallace, Walling, Warren, Erastus Wells, Wheeler, Whitehouse, Wigginton, Andrew Williams, Willis, Alan Wood, jr., Fernando Wood, and Yeates—81.

So the substitute was agreed to.

During the call of the roll the following announcements were made:

Mr. THOMPSON. I am paired with Mr. HUNTON, of Virginia. If present he would vote "ay," and I would vote "no."

Mr. HOUSE. On this question I am paired with Mr. YEATES, of North Carolina. If present he would vote "ay," and I would vote "no."

Mr. WALKER, of New York. I am paired with my colleague, Mr. PLATT. If present he would vote "no," and I would vote "ay."

Mr. DURAND. I am paired with Mr. HOSKINS, of New York. I do not know how he would vote if present, but I would vote "no."

Mr. KASSON. I can inform the gentleman that Mr. HOSKINS would vote "no."

Mr. EGBERT. I desire to say that I am paired with my colleague, Dr. WALLACE. Not knowing how he would vote if present, I decline to vote.

Mr. CASON. My colleague, Mr. FULLER, is absent; I do not know how he would vote if here. I am paired with him on all political questions, but as I do not regard this as a political question I have voted.

Mr. HARDENBERGH. My colleague, Mr. ROBERT HAMILTON, is detained from the House by sickness; and my colleague, Mr. TEESE, is absent on account of important business.

Mr. NORTON. I am paired with Mr. JENKS, of Pennsylvania; if present he would vote "ay," and I would vote "no."

Mr. LEAVENWORTH. On this question I am paired with my colleague, Mr. WILLIS; if present he would vote "ay," and I would vote "no."

Mr. BURLEIGH. On this question I am paired with Mr. CULBERSON, of Texas; if present he would vote "ay," and I would vote "no."

Mr. BANKS. When I was appointed yesterday as one of the committee to accompany the remains of Hon. A. T. Caperton, late Senator from West Virginia, I expected to be absent to-day, and Mr. KNOTT, of Kentucky, was kind enough to pair with me. I have not been able to notify Mr. KNOTT this morning that I am here, and therefore I decline to vote.

A short time subsequently

Mr. BANKS said: I observe that Mr. KNOTT, of Kentucky, with whom I was paired, is now present. As I have no doubt he would like to vote, I will myself vote.

Mr. SAMPSON. I am paired with Mr. DOUGLAS, of Virginia, who if present would vote "ay," and I would vote "no."

Mr. ROBINSON. I am paired with Mr. CANDLER, of Georgia, who if present would vote "ay," and I would vote "no."

Mr. WHITING. My colleague, Mr. FORT, is absent by order of the House.

Mr. HARRIS, of Massachusetts. I am paired with Mr. HEREFORD, of West Virginia; if present he would vote "ay," and I would vote "no."

Mr. WIGGINTON. I am paired on all political questions with Mr. WALLACE, of South Carolina. As his friends claim that this is a political question, I will not vote. If present he would vote "no," and I would vote "ay."

Mr. MACKEY. I am paired with my colleague, Mr. ALAN WOOD, jr.; if present he would vote "no," and I would vote "ay."

Mr. DARRALL. I am paired with my colleague, Mr. ELLIS; if present he would vote "ay," and I would vote "no."

Mr. JOHN REILLY. I am paired with Mr. FORT, of Illinois.

Mr. KEHR. My colleague, Mr. WELLS, of Missouri, is unavoidably absent from the House.

Mr. HALE. The gentleman from New York [Mr. HOSKINS] on leaving the city left his pair with me. I know that he would have voted "no" on this question; and I therefore release the gentleman from Michigan [Mr. DURAND] from the pair, as he votes the same way.

Several MEMBERS. O, no!

The SPEAKER *pro tempore*. That is a personal question with the gentleman from Michigan.

Mr. HALE. Certainly, that leaves the matter open for the gentleman to act as he may deem proper.

Mr. DURAND. If I am released from my pair with Mr. HOSKINS, I am ready and willing to vote.

A MEMBER. Who can release you?

The SPEAKER *pro tempore*. Order, gentlemen! This is simply a personal understanding between two gentlemen.

Mr. GARFIELD. A pair between two gentlemen on the same side is not a pair and never was.

The SPEAKER *pro tempore*. This debate is not in order. Does the gentleman from Michigan desire to vote?

Mr. DURAND. I do. I vote "no."

Mr. BURCHARD, of Wisconsin. I desire to state that the gentleman from New York [Mr. HOSKINS] engaged me to pair with him upon this question. Afterward I asked to be relieved from that arrangement upon condition that Mr. HOSKINS should pair with Mr. VANCE, of North Carolina, who is not here. I will state that I went personally with Mr. HOSKINS to Mr. VANCE when the arrangement of the pair was made, and that Mr. HOSKINS requested me to announce that he had paired upon this question with Mr. VANCE and desired so to be placed upon the record.

Mr. CONGER. That is all right.

Mr. HALE. I had that impression.

The result of the vote was announced as above stated.

Mr. HARRIS, of Virginia, moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The question then recurred upon agreeing to the report of the committee as amended by the adoption of the substitute.

Mr. CONGER. On that question I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 107, nays 95, not voting 82; as follows:

YEAS—Messrs. Ashe, Atkins, Bagby, Banning, Beebe, Bell, Blackburn, Bland, Boone, Bradford, Bright, John Young Brown, Buckner, Samuel D. Burchard, Cabell, John H. Caldwell, Caulfield, John B. Clarke of Kentucky, John B. Clark, jr., of Missouri, Clymer, Cochrane, Cook, Cox, Davis, De Bolt, Dibrell, Durham, Eden, Faulkner, Felton, Finley, Forney, Franklin, Gibson, Glover, Gunter, Andrew H. Hamilton, Hancock, Hardenbergh, John T. Harris, Hartridge, Hartzell, Henkle, Abram S. Hewitt, Hill, Hooker, Hurd, Frank Jones, Thomas L. Jones, Knott, Lamar, Lane, Le Moyne, Levy, Lewis, Luttrell, Maish, Meade, Metcalfe, Milliken, Mills, Morrison, Mutchler, Neal, O'Brien, Odell, Payne, Phelps, John F. Philips, Piper, Poppleton, Powell, Randall, Reagan, James B. Reilly, Rice, Riddle, John Robbins, William M. Robbins, Miles Ross, Scales, Schleicher, Sheakley, Singleton, Slemons, William E. Smith, Southard, Spencer, Springer, Terry, Thomas, Throckmorton, Tucker, Turney, John L. Vance, Waddell, Gilbert C. Walker, Walsh, Ward, Whitthorne, Wike, Alpheus S. Williams, James Williams, James D. Williams, Jeremiah N. Williams, Benjamin Wilson, and Young—107.

NAYS—Messrs. Adams, Ainsworth, George A. Bagley, John H. Bagley, jr., John H. Baker, William H. Baker, Ballou, Banks, Blair, Bradley, William R. Brown, Horatio C. Burchard, William P. Caldwell, Cannon, Cason, Caswell, Chittenden, Conger, Crapo, Crounse, Cutler, Danford, Davy, Dobbins, Dunnell, Durand, Eames, Ely, Evans, Foster, Freeman, Frye, Garfield, Goodin, Hale, Harrison, Hathorn, Hays, Hendee, Henderson, Hoar, Hoge, Holman, Hubbell, Hunter, Hurlbut, Joyce, Kasson, Kehr, Kelley, Kimball, Lapham, Lawrence, Lynch, MacDougall, McDill, Miller, Monroe, Morgan, Nash, New, O'Neill, Packer, Page, William A. Phillips, Pierce, Plaisted, Potter, Pratt, Rainey, Rea, Rusk, Seelye, Sinnickson, Smalls, A. Herr Smith, Strait, Stone, Stowell, Thornburgh, Martin I. Townsend, Washington Townsend, Tufts, Van Vorhes, Wait, G. Wiley Wells, White, Whiting, Willard, Charles G. Williams, William B. Williams, Wilshire, James Wilson, Woodburn, and Woodworth—95.

NOT VOTING—Messrs. Anderson, Bass, Bliss, Blount, Burleigh, Campbell, Candler, Cate, Chapin, Collins, Cowan, Culberson, Darrall, Denison, Douglas, Egbert, Ellis, Fort, Fuller, Gause, Goode, Robert Hamilton, Haralson, Benjamin W. Harris, Henry R. Harris, Hatcher, Haymond, Hereford, Goldsmith W. Hewitt, Hopkins, Hoskins, House, Hunton, Hyman, Jenks, King, Franklin Landers, George M. Landers, Leavenworth, Lord, Lynde, Mackey, Magoon, McCrary, McFarland, McMahon, Money, Norton, Oliver, Platt, Purman, John Reilly, Roberts, Robinson, Sobieski Ross, Sampson, Savage, Sayler, Schunaker, Sparks, Stenger, Stevenson, Swann, Tarbox, Teese, Thompson, Robert B. Vance, Waldron, Charles C. B. Walker, Alexander S. Wallace, John W. Wallace, Walling, Warren, Erastus Wells, Wheeler, Whitehouse, Wigginton, Andrew Williams, Willis, Alan Wood, jr., Fernando Wood, and Yeates—82.

So the report of the committee, as amended, was adopted.

During the roll-call the following announcements were made:

Mr. THOMPSON. I am paired with the gentleman from Virginia, Mr. HUNTON. If he were present he would vote "ay," and I should vote "no."

Mr. COCHRANE. I desire to announce that my colleagues, Mr. ROSS and Mr. STENGER, are absent by leave of the House.

Mr. WALKER, of New York. On this question I am paired with my colleague, Mr. PLATT. If present he would vote "no," and I should vote "ay."

Mr. JOHN REILLY. I am paired on this question with the gentleman from Illinois, Mr. FORT who if present would vote "no," while I should vote "ay."

Mr. CASON. I desire to make the same announcement as on the last vote.

Mr. DARRALL. On this question I am paired with my colleague, Mr. ELLIS. If present he would vote in the affirmative, and I should vote in the negative.

Mr. LEAVENWORTH. I am paired on this question with my colleague, Mr. WILLIS. If he were here he would vote "ay," and I should vote "no."

Mr. NORTON. I am paired on this question with the gentleman from Pennsylvania, Mr. JENKS. If present he would vote "ay," and I should vote "no."

Mr. SAMPSON. On this question I am paired with the gentleman from Virginia, Mr. DOUGLAS, who if present would vote in the affirmative, while I should vote in the negative.

Mr. HARRIS, of Massachusetts. I am paired on this question with the gentleman from West Virginia, Mr. HEREFORD. If he were here he would vote "ay," and I should vote "no."

Mr. ROBINSON. I desire to announce that I am paired with the gentleman from Georgia, Mr. CANDLER, who if here would vote "ay," while I should vote "no."

Mr. BURLEIGH. Upon this question I am paired with the gentleman from Texas, Mr. CULBERSON. If he were present he would vote "ay," and I should vote "no."

Mr. WIGGINTON. I am paired with the gentleman from South Carolina, Mr. WALLACE, who if present would vote "no," and I should vote "ay."

Mr. HOUSE. I desire to state that on this question I am paired with the gentleman from North Carolina, Mr. YEATES. If present he would vote in the affirmative, and I should vote in the negative.

Mr. FOSTER. Some two weeks ago when my colleague, Mr. WALLING, left the city, I agreed to pair with him on political and financial questions. Not considering this a political question, and of course not a financial one, I voted on the previous roll-call, and I now vote "no."

The result of the vote was announced as above stated.

Mr. BLACKBURN moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, announced that the Senate, pursuant to Rule 25 for impeachments, had taken order that the Senate will resume the consideration of the articles of impeachment against William W. Belknap at twelve o'clock noon on Monday next.

The message further announced that Mr. KERNAN, of New York, had been appointed in place of Mr. CAPERTON, of West Virginia, deceased, one of the managers on the part of the Senate in the conference on the disagreeing votes of the two Houses on the following bill:

A bill (H. R. No. 3478) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1877, and for other purposes.

The message also announced that the Senate had passed, without amendment, bills of the House of the following titles:

A bill (H. R. No. 2161) for the relief of R. H. Buckner; and

A bill (H. R. No. 3927) making an appropriation to defray the expenses of the Joint Select Committee to investigate Chinese Immigration.

The message also announced that the Senate had passed, with an amendment, in which the concurrence of the House was requested, a bill of the following title:

A bill (H. R. No. 36) to restore the name of Captain Edward S. Meyer to the active list of the Army.

The message further announced that the Senate had passed and requested the concurrence of the House in a bill of the following title:

A bill (S. No. 904) for the relief of William C. Nichols, late assistant treasurer of the United States at Chicago, Illinois.

A MEMBER SWORN IN.

Mr. POPPLETON. I rise to a question of privilege. I move that Hon. Josiah G. Abbott, who was declared elected from the fourth congressional district of Massachusetts in the contest of Abbott *vs.* Frost, be now sworn in.

Mr. ABBOTT presented himself at the Clerk's desk, and was duly qualified.

NELSON TIFFANY.

Mr. BANNING. I rise to a privileged question and call up for consideration at this time a message of the President of the United States assigning reasons for withholding his approval of the bill (H. R. No. 1337) for the relief of Nelson Tiffany.

Mr. WHITTHORNE. I do not wish to lose my privilege of the floor to-day on the report from the Committee on Naval Affairs.

The SPEAKER *pro tempore*. The gentleman will not lose his position. The matter referred to by the gentleman from Ohio [Mr. BANNING] is a question of privilege under the Constitution.

Mr. BANNING. I ask that the papers in the case be read.

The Clerk read as follows:

To the House of Representatives:

For the reasons set forth in the accompanying report of the Secretary of War, I have the honor to return herewith without my approval House bill No. 1337, entitled "An act for the relief of Nelson Tiffany."

U. S. GRANT.

EXECUTIVE MANSION, *July* 11, 1876.

WAR DEPARTMENT,
Washington City, June 7, 1876.

SIR: I have the honor to return House bill No. 1337, "for the relief of Nelson Tiffany."

The Adjutant-General, to whom the bill was referred, reports as follows:

"Nelson Tiffany, private Company A, Twenty-fifth Massachusetts Volunteers, deserted October 10, 1864, and remained absent until April 25, 1865, when he surrendered under the President's proclamation, thereby acknowledging his desertion.

"If this bill becomes a law it will not only falsify the records of this Department, but will be an injustice to every man who served honorably during the war of the rebellion."

I inclose the report (No. 402) of the Senate Committee on Military Affairs in the case.

Very respectfully, your obedient servant,

J. D. CAMERON,
Secretary of War.

To the PRESIDENT.

[H. R. No. 1337. Forty-fourth Congress, first session.]

In the Senate of the United States May 1, 1876.—Read twice, and referred to the Committee on Military Affairs.

An act for the relief of Nelson Tiffany.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War is hereby authorized and directed to remove the charge of desertion from Nelson Tiffany, late a private in Company H, Twenty-fifth Massachusetts Volunteers, and grant said Tiffany an honorable discharge.

Passed the House of Representatives April 29, 1876.

Attest:

GEORGE M. ADAMS, *Clerk.*

[Senate Report No. 402. Forty-fourth Congress, first session.]

JUNE 20, 1876.—Ordered to be printed.

Mr. CLAYTON submitted the following report to accompany bill H. R. 1337.

The Committee on Military Affairs, having under consideration the bill (H. R. No. 1337) for the relief of Nelson Tiffany, submit the following report:

We find that Nelson Tiffany was enlisted in Company A, Twenty-fifth Massachusetts Volunteers, on the 16th September, 1861, and was honorably discharged on May 15, 1865. He was severely wounded on May 9, 1864, and was sent to hospital at Bermuda Hundreds, from thence to Fortress Monroe, and finally to hospital at New Haven, Connecticut, from which place he received a furlough from June 17 for thirty days, which was extended to August 7, 1864, and at its expiration he reported to medical director at Boston, and by him sent to Readville, Massachusetts, on 10th October, being directed to report back to New Haven, Connecticut. He being in a worn-out and broken-down condition from wounds and sickness, believed he would never recover. He returned to his home at Auburn, Massachusetts, and then reported to the provost-marshal at Worcester, Massachusetts, and was by him sent to Fort Independence, and there remained until his discharge on May 15, 1865. The records show that Tiffany was a faithful soldier, and he is believed now to be upon his death-bed from wounds received in the war. The committee believe, from all the evidence in the case, that Nelson Tiffany never intended to desert, and they recommend the passage of the accompanying bill.

Mr. BANNING. Mr. Speaker, this bill gives to Nelson Tiffany, a soldier of the Twenty-fifth Massachusetts Volunteers, who was wounded May 9, 1864, and sent to hospital, where he remained until the close of the war, an honorable discharge.

The evidence in this case shows Nelson Tiffany was wounded and afterward honorably discharged from the hospital; that he has never recovered from his wound, and that he is now on his death bed by reason of said wound.

The records of the War Department show him to be a deserter. That this record is not true has been established to the satisfaction of the Military Committee of this House and of the Senate.

I ask that the bill be passed over the veto of the President.

The reasons for this are fully set out in the report read by the Clerk. The gentleman from Massachusetts, [Mr. HOAR,] who introduced the bill for Tiffany, has some evidences in addition to those presented to the committee. I yield to him to present them.

The SPEAKER *pro tempore*. The question now before the House is, Will the House, on reconsideration, agree to pass the bill?

Mr. KASSON. I hope the gentleman from Massachusetts will make a statement in this case.

Mr. HOAR. Mr. Speaker, this matter can be explained to the House in a few minutes, and as the Constitution requires this to be voted on by yeas and nays, perhaps the House will be willing to give me its attention for two or three minutes while I state the whole case.

This man Nelson Tiffany belongs to a highly respectable farmer's family in one of our most respectable towns. I am well acquainted with him and with his neighbors and friends. He enlisted in the war, served three years, and was one of the best soldiers in his regiment. He re-enlisted as a veteran. At Bermuda Hundreds he was shot through the abdomen, the ball striking the spine and making a fracture of the spinal column. The result of that wound is, the man has ever since been a perfect wreck, unfitted not only for military duty but labor of any kind. His life is a burden to him. When the wound is suppurating portions of bone come out, and while that is going on he is in a condition of great agony, thinking he is going to die. When the abscess breaks he gets relief from pain, but is an uncomfortable object to himself and friends while this loathsome discharge is coming from him.

In that condition, sir, he was sent to a hospital in Readville, Massachusetts, but got a furlough, and was directed to report to a hospital in Connecticut. He made his way home, a broken-hearted, broken-down wreck of a man, and did not go back at the time he was ordered to the New Haven hospital. It was a mere case of absence without leave. There was no military duty involved in it at all. As soon as he got better, he reported himself to the provost-marshal at Worcester, Massachusetts, three or four miles from his home, and he was then reported at Fort Independence, at Boston, under the President's proclamation.

And these facts, as I am informed by the Adjutant-General, were entirely unknown to him at the time he made the report to the President. He did not call for the documents in possession of the committee. If he had known them then, he said he would have removed the charge of desertion himself from the record of this soldier.

Mr. Speaker, I have seen this man myself. His comrades, who belong to one of the best companies of our own young yeomanry, one of the best regiments, the Twenty-fifth Massachusetts, which my honorable colleague [Mr. BANKS] knows by reputation; his comrades interest themselves very much in having the charge of desertion removed from this man.

I have here a letter from General Pickett, who was the lieutenant-colonel and colonel of that regiment and was afterward general; one of the best officers that went into the war. I ask the Clerk to read it.

The Clerk read as follows:

POST-OFFICE, WORCESTER, MASSACHUSETTS,
July 24, 1876.

MY DEAR SIR: I saw Dr. Rice Saturday in relation to Tiffany. He informs me this morning that he has made the required statement and sent it to you.

I shall be glad to do anything in my power to assist in restoring Tiffany to his rightful place on the rolls of the Army. The charge of desertion is clearly wrong. He was one of the best men in that whole regiment, and would never be guilty of a dishonorable act. I hope your efforts in his behalf may yet prove successful.

Very truly yours,

J. PICKETT.

Hon. GEO. F. HOAR.

Mr. HOAR. The House will perceive that General Pickett, colonel of the regiment, says in that letter this man was one of the best soldiers in his regiment and utterly incapable of being guilty of a dishonorable act. I now send to the desk to be read a letter from the surgeon of the regiment, who has also been in attendance on the man since the war, who is an eminent surgeon in my State, and for whose character I will personally vouch.

The Clerk read as follows:

It is hereby certified that Nelson Tiffany, of Auburn, Massachusetts, was formerly a private in Company A, Twenty-fifth Regiment Massachusetts Volunteers, in the service of the United States, and that while in said service and in the line of his duty as a soldier in an engagement near Bermuda Hundreds, Virginia, on the 9th day of May, 1864, he received a gun-shot wound of abdominal region of body, the ball fracturing the spinal column and passing nearly through the abdomen. He was sent to general hospital, and afterward, as I am informed, reported as a deserter; but from the severity of the wound it is my opinion that he was entirely incapacitated for duty as a soldier.

Since the close of the war I have attended him in a professional capacity from time to time, and I further certify that he has not recovered from the injury above described; that pieces of bone and pus are frequently discharged from the track of the wound; that he suffers much pain and distress, and that his constitution is seriously affected, so that he is unable to perform much manual labor in consequence of the injuries thus received.

Dated at Worcester, Massachusetts, July 22, 1876.

J. MARCUS RICE, M. D.,
Late Surgeon Twenty-fifth Massachusetts Volunteers, Medical Inspector, Army of the James, &c.

WORCESTER, MASSACHUSETTS, *July* 22, 1876.

Subscribed and sworn to by said J. Marcus Rice before me.

[SEAL.] T. S. JOHNSON,
Clerk of Central District Court of Worcester.

Mr. HOAR. Mr. Speaker, the House will perceive that this unanimous report of the Military Committee is based on facts and that it is a case where this man who has become a poor wreck, who has given everything that made life comfortable or valuable to him to his country, simply failed to report at the hospital. It is no case of desertion. Let me suggest one thing further. It seems to me that as this has gone upon the records of the House, common justice to the man requires that the bill shall be passed.

Mr. BANKS. Will my colleague yield to me for a moment?

Mr. HOAR. Yes, sir.

Mr. BANKS. There is no reason why this bill should not be passed. On the contrary, every consideration of justice requires that the message of the President and his veto should be overruled. But inasmuch as the House is called upon to overrule the message of the President, and will probably do so by a unanimous vote, it ought to be stated that the report of the Adjutant-General is founded upon the record as it exists now. The Adjutant-General is certainly an honorable man and an honorable soldier, and would not willingly do injustice to any person. And on the statement of the facts to him after this matter was before the House some days since, the Adjutant-General said, in the presence of the Secretary of War, and with his concurrence, that on the presentation of the fact which my colleague has now stated to the House they would be willing to withdraw the report on which the message of the President is based.

Mr. HOAR. I am obliged to my colleague for the statement he has just made. Something of that kind had been stated to me, but I did not know that it occurred in the presence of the Secretary of War.

Mr. BANKS. Both gentlemen assured me they would be perfectly willing on the presentation of the facts to withdraw the report.

The SPEAKER *pro tempore*. The question is, Will the House on reconsideration pass this bill, notwithstanding the veto of the President? And under the Constitution this question must be necessarily determined by yeas and nays.

Mr. CONGER. On the statement made here by both the gentlemen from Massachusetts, I suggest the propriety of withholding action upon this matter until the President's message may be withdrawn.

Mr. HOLMAN. We cannot do that.

Mr. CONGER. I feel a delicacy in voting upon this, whatever my opinion may be upon the merits. I feel a delicacy in voting upon it while the record stands as good.

Mr. HOAR. There is no constitutional power, in my judgment, to have that message withdrawn. The Constitution provides emphatically and explicitly that whenever the President has returned to the House where it originated a bill with his objections, that bill shall be submitted to the House again and voted upon by yeas and nays. And there is no such thing known to the practice of our Government as withdrawing such a message so far as I am aware. Even in that event it would still be on the Journals of the House.

Mr. CONGER. Suppose an official message is sent here stating that from information subsequently received the veto message is withdrawn. Then there is no conflict between the House and the Executive.

Mr. HOAR. It seems to me that over the sick-bed of this man, in these last three days of the session, my friend from Michigan on reflection will not desire to raise the technical question. It is very doubtful whether we can again get the attention of the House to this subject.

Mr. CONGER. But we are asked to go outside of the record before the House and to take testimony from other quarters.

The SPEAKER *pro tempore*. The gentleman from Michigan may move to postpone this if he desires.

Mr. HOAR. In reply to the observation just made by the gentleman from Michigan let me say that the Military Committee of the House and the Military Committee of the Senate found these facts which I have stated proved by legal evidence, and set them forth in detail in their report. The House is not passing this upon my statement.

Mr. BANNING. That report has been read and goes into the RECORD.

Mr. HOAR. And I procured this testimony from General Pickett, a distinguished soldier and colonel of the regiment, and from the surgeon, so that the House might see this was not the case of a deserter, but a case where the officers of the regiment themselves certify to the high character of the soldier. General Pickett says he was one of the best soldiers in the regiment.

Mr. CONGER. I would willingly join with the gentleman from Massachusetts or any other in removing any improper charge of desertion. It is not on that account that I suggest any delay, but because of the position in which the House and the Executive are placed in regard to testimony outside of the records cited in the President's message which are not denied to be correct.

Mr. HOAR. The House stands on the evidence before its Military Committee. The committees of the House are its eyes and ears, and the eyes and ears of the House are guided by legal evidence.

The Adjutant-General did not know that. All he knew was the imperfect history of the occurrence and the records of the Department. Now there is no disrespect to the Adjutant-General or his records in passing this bill over the veto of the President.

Mr. BANNING. The gentleman will allow me to suggest that all these cases that come here for the removal of charges of desertion have to come upon evidence outside of the record.

Mr. GARFIELD. Or else they would not have to come here at all.

Mr. BANNING. Yes, or else they would not have to come here at all. The evidence in this case is conclusive; it has been found sufficient by two committees.

Mr. HOAR. The gentleman will allow me to say it has been found sufficient by four committees. The Committee on Military Affairs of the last House unanimously reported these facts, and the Committee on Military Affairs of the Senate also unanimously reported them, but the case was put upon the Calendar in the Senate and was not reached before the close of the session. There has now been a re-examination by both committees and both committees favor the passage of this bill.

Mr. GARFIELD. Allow me to say one word. There is no reflection on the President in overruling his veto. Some gentlemen seem to think that there is some reflection on the President's honor or discretion in overruling his veto. Nothing of the kind. We have the statement of the gentleman from Massachusetts that the Department acted upon insufficient knowledge; but additional light has since been thrown upon the case, making it perfectly clear, and if they had had the information we now have at the time, they would not have entered the charge of desertion against this man. But, sir, there is only one constitutional way in which we can correct the error, and that is to pass this bill over the veto of the President.

Mr. BANNING. I am sure my friend will bear me out in saying that it was impossible that all the records should be correct.

Mr. GARFIELD. Doubtless the record was correct, but it came from the regiment in the field.

Mr. BANNING. In the discharge of a great army it was impossible that all the records should be correct.

The SPEAKER *pro tempore*. The question is, Will the House, on reconsideration, pass the bill; and under the Constitution that question must be taken by yeas and nays.

The question was taken; and there were—yeas 177, nay 1, not voting 107; as follows:

YEAS—Messrs. Adams, Ainsworth, Anderson, Ashe, Atkins, Bagby, George A. Bagley, John H. Bagley, jr., John H. Baker, Ballou, Banks, Banning, Bell, Blackburn, Blair, Bland, Boone, Bradford, Bradley, Bright, John Young Brown, Buckner, Horatio C. Burchard, Cabell, John H. Caldwell, William P. Caldwell, Cason, Caswell, Cate, Chittenden, Clymer, Conger, Cook, Crapo, Crounse, Cutler, Darrall, Davis, Davy, De Bolt, Dibrell, Durand, Durham, Eames, Eden, Faulkner, Felton, Finley, Forney, Franklin, Freeman, Frye, Garfield, Gause, Gibson, Glover, Goode, Goodin, Gunter, Hardenbergh, Benjamin W. Harris, John T. Harris, Harrison, Hartridge, Hartzell, Hathorn, Hendee, Henderson, Henkle, Abram S. Hewitt, Hill, Hoar, Hoge, Holman, House, Hubbell, Hunter, Hurd, Hurlbut, Frank Jones, Thomas L. Jones, Joyce, Kasson, Kehr, Kelley, Kimball, Knott, Lamar, Franklin Landers, Lane, Lapham, Lawrence, Leavenworth, Le Moyne, Levy, Lewis, Lord, Lynch, Lynde, Mackey, Maish, Meade, Miller, Milliken, Mills, Monroe, Morgan, Mutchler, Nash, Neal, New, Norton, Odell, O'Neill, Packer, Page, Payne, Phelps, John F. Philips, William A. Phillips, Pierce, Piper, Poppleton, Potter, Powell, Pratt, Rainey, Rea, Reagan, John Reilly, James B. Reilly, Rice, Riddle, John Robbins, William M. Robbins, Robinson, Miles Ross, Rusk, Sampson, Savage, Scales, Schleicher, Seelye, Singleton, Sinnickson, Slemons, A. Herr Smith, William E. Smith, Springer, Strait, Stone, Terry, Thomas, Thompson, Throckmorton, Martin I. Townsend, Washington Townsend, Tucker, Tufts, Turney, John L. Vance, Charles C. B. Walker, Walsh, Ward, Warren, Whitthorne, Willard, A. pheus S. Williams, James Williams, James D. Williams, Jeremiah N. Williams, William B. Williams, Benjamin Wilson, James Wilson, Woodburn, Woodworth, and Young—177.

NAY—Mr. Ely—1.

NOT VOTING—Messrs. Abbott, William H. Baker, Bass, Beebe, Bliss, Blount, William R. Brown, Samuel D. Burchard, Burleigh, Campbell, Candler, Cannon, Caulfield, Chapin, John B. Clarke of Kentucky, John B. Clark, jr., of Missouri, Cochrane, Collins, Cowan, Cox, Culberson, Danford, Denison, Dobbins, Douglas, Dunnell, Egbert, Ellis, Evans, Fort, Foster, Fuller, Hale, Andrew H. Hamilton, Robert Hamilton, Hancock, Haralson, Henry R. Harris, Hatcher, Haymond, Hays, Hereford, Goldsmith W. Hewitt, Hooker, Hopkins, Hoskins, Hunton, Hyman, Jenks, King, George M. Landers, Luttrell, Magoon, MacDougall, McCrary, McDill, McFarland, McMahon, Metcalfe, Money, Morrison, O'Brien, Oliver, Plaisted, Platt, Purman, Randall, Roberts, Sobieski Ross, Sayler, Schumaker, Sheakley, Smalls, Southard, Sparks, Spencer, Stenger, Stevenson, Stowell, Swann, Tarbox, Teese, Thornburgh, Van Vorhes, Robert B. Vance, Waddell, Wait, Waldron, Gilbert C. Walker, Alexander S. Wallace, John W. Wallace, Walling, Erastus Wells, G. Wiley Wells, Wheeler, White, Whitehouse, Whiting, Wigginton, Wike, Andrew Williams, Charles G. Williams, Willis, Wilshire, Alan Wood, jr., Fernando Wood, and Yeates—107.

So (two-thirds voting in favor thereof) the bill was passed.

CHARGES AGAINST HON. WILLIAM J. PURMAN.

Mr. DE BOLT. I rise to make a privileged report from the Committee on Civil Service in relation to the charge of a sale of a cadetship, &c., against Mr. PURMAN.

The SPEAKER *pro tempore*. Has the committee a right to report at any time?

Mr. DE BOLT. No, sir; but it is a privileged report, as it relates to a member of the House.

The SPEAKER *pro tempore*. The Chair recognizes that it is personal to a member of the House, but it does not affect his right to his seat. The Chair would willingly give the floor to the gentleman to call up the report at this time, which the Chair understands is a unanimous report.

Mr. CONGER. I reserve the right to object until the report is read.

The SPEAKER *pro tempore*. The gentleman has a right to do that. The Clerk read as follows:

FORTY-FOURTH CONGRESS, FIRST SESSION,
IN THE HOUSE OF REPRESENTATIVES,
March 8, 1876.

"On motion of Mr. HOAR, of Massachusetts,

"*Resolved*, That the charge contained in the following extract, to wit—

"'ANOTHER MONEY-MAKING CONGRESSMAN.

"'Under this head the New York Sun prints the following telegram from this city:

"'"WILLIAM J. PURMAN, a republican Congressman from Florida—so several witnesses have testified before the Naval Committee—has been increasing his worldly possessions by the sale of a naval cadetship and also some of the Federal offices in Florida; also that he has received bribes for appointments, and has made his con-

gressional position pay very well. Governor Stearns, of Florida, and Martin, the keeper of the State penitentiary, were the witnesses.'"—

"be referred to the Committee on the Civil Service Reform, with authority to investigate the same and to send for persons and papers.

"That the said committee further investigate the connection of said PURMAN with the appointment of timber agents in the State of Florida."

The committee having under consideration the foregoing resolution, find from the evidence that Mr. PURMAN made a proposition to Dr. Simpkins that if he (Simpkins) would contribute $300 to the "Witherspoon electioneering fund," he (PURMAN) would appoint Simpkins's boy to the Naval Academy. Simpkins refused to pay until his boy secured the appointment. PURMAN said, "He must have the money down," and thus the matter ended. There was no money paid, neither was the appointment made.

Your committee further find that no bribes were received by Mr. PURMAN for appointments, and that the evidence wholly fails to establish the sale of Federal offices.

The committee find that Mr. PURMAN did recommend persons for appointment as timber agents in the State of Florida; and that those agents never performed any service under their appointments, [except to draw their pay;] that in some instances Mr. PURMAN notified them beforehand that they would have nothing to do; that the persons so recommended and appointed were all colored, and resided from fifty to one hundred and fifty miles from the timber reservations; that they nor any of them, as far as the evidence shows, ever visited said reservations, nor even knew the location thereof; that the offices are mere sinecures, and that the appointments were made for political effect and purposes only.

All of which is respectfully submitted.

Mr. DE BOLT. As I do not see Mr. PURMAN in his seat, I will not ask the House to take action upon this report at the present time.

Mr. CONGER. I think the committee should make some recommendation to the House.

The SPEAKER *pro tempore*. The gentleman reserved the right to object until the report was read.

Mr. CONGER. I do not object to the report being received.

Mr. DE BOLT. I move that the report be printed and recommitted to the Committee on Civil Service Reform.

Mr. CONGER. Not to be brought back by a motion to reconsider.

The SPEAKER *pro tempore*. That will be the understanding.

The motion to print and recommit was agreed to.

ORDER OF BUSINESS.

Mr. SAMPSON. I now rise for the purpose of calling up the motion to reconsider the vote by which House bill No. 3370 to amend the statutes in relation to damages for infringement of patents, and for other purposes, was ordered to be engrossed.

Mr. WHITTHORNE. I raise the question of consideration on that motion. Under the order of the House, made day before yesterday, to-day was assigned for the consideration of the report from the Committee on Naval Affairs in relation to the management of the Navy Department.

Mr. BRIGHT. I raise the question of consideration for another purpose, to move to go into Committee of the Whole on the Private Calendar, this being objection day.

The SPEAKER *pro tempore*. There has been no morning hour to-day, and the motion of the gentleman from Tennessee [Mr. BRIGHT] cannot be interposed at this time against one of higher privilege. The first question is upon the motion of the gentleman from Iowa, [Mr. SAMPSON.]

Mr. RANDALL. I desire to raise the question of consideration for the purpose of submitting a report from a committee of conference.

The SPEAKER *pro tempore*. That is a question of high privilege.

Mr. BRIGHT. I would move to postpone the morning hour with a view to go into Committee of the Whole on the Private Calendar.

The SPEAKER *pro tempore*. The first question is upon the proposition of the gentleman from Iowa, [Mr. SAMPSON.]

Mr. SPRINGER. I rise to a point of order.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. SPRINGER. My point of order is that this being private bill day, it is not in order to call up a motion to reconsider a vote upon a bill for a general purpose.

The SPEAKER *pro tempore*. That point of order is well taken, but it was not the duty of the Chair to raise the point, although he was aware of it. This being Friday and private bill day, a motion to reconsider a vote on a public bill cannot be called up if objection is made, except after private business has been postponed by a majority vote.

Mr. SAMPSON. I raise the point whether the objection did not come too late.

The SPEAKER *pro tempore*. The Chair thinks not.

Mr. WHITTHORNE. Then I insist on the regular order: the consideration of the resolution reported by the majority of the Committee on Naval Affairs, which resolution (dispensing with the reading of the report) I desire to bring before the House.

Mr. HURLBUT. This being Friday, I call for the regular order—the morning hour of Friday.

The SPEAKER *pro tempore*. The gentleman can raise the question of consideration upon the report of the gentleman from Tennessee, [Mr. WHITTHORNE;] but the regular order is that report; it was made so under an order adopted by unanimous consent.

Mr. BRIGHT. Is not my motion in order to postpone the morning hour that the House may go into Committee of the Whole on the Private Calendar?

The SPEAKER *pro tempore*. Not until the special order is disposed of

Mr. WHITTHORNE. I insist upon the regular order.

Mr. CONGER. I raise the question of consideration on that in order that we may go into Committee of the Whole on the Private Calendar, this being "objection day."

The SPEAKER *pro tempore*. The question of consideration being raised, the question is, Will the House now consider the report of the Committee on Naval Affairs, which was made the special order for this day?

The question was decided in the affirmative.

Mr. WHITTHORNE. I yield to the gentleman from Alabama, [Mr. LEWIS,] my colleague on the committee.

Mr. HOLMAN. I suppose that the time agreed upon for discussion upon this report begins now.

The SPEAKER *pro tempore*. Yes, sir; the six hours will begin now; and whatever time may be yielded by the gentleman from Tennessee or any other gentleman will come out of the time fixed by the unanimous order of the House.

Mr. WILSON, of Iowa. One other point: This order having been made under a suspension of the rules, will it not deprive the chairman of the committee of the hour which he would otherwise have after the previous question is called?

The SPEAKER *pro tempore*. The Chair would so hold. If any gentleman connected with the reports desires to call the previous question and have an hour thereafter, the previous question must be called at the termination of the fifth hour.

Mr. HALE. That was the understanding.

The SPEAKER *pro tempore*. That was the understanding made by the unanimous order of the House; it cannot be modified except by unanimous action.

Mr. HALE. On the intimation of the Chair that the time which the gentleman from Tennessee may yield will be taken from the six hours——

The SPEAKER *pro tempore*. It certainly will be.

Mr. HALE. I hope that the time will be taken from gentlemen on his side, because we do not want our time circumscribed.

Mr. LEWIS. I yield for a moment to the gentleman from Missouri [Mr. PHILIPS] to make a report.

The SPEAKER *pro tempore*. The Chair will state that this interminable yielding cannot be tolerated. Under the rules it is the duty of the Speaker to determine who shall have the floor and who shall not; and the Chair cannot permit the floor to be assigned otherwise.

Mr. RANDALL. I submit that a conference report is a privileged question, and does not come out of anybody's time.

The SPEAKER *pro tempore*. That is unquestionably true. The Chair did not understand the gentleman as yielding for a conference report. The Chair is at all times ready to recognize gentlemen for the presentation of such reports.

MILITARY ACADEMY APPROPRIATION BILL.

Mr. RANDALL submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 810) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1877, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 10, 11, 18, and 22.

That the House recede from its disagreement to the amendments numbered 1, 2, 3, 4, 5, 6, 7, 14, 15, 16, 17, 19, 21, 23, and 24.

That the House recede from its disagreement to the amendment numbered 8, and agree to the same, with an amendment as follows:

Strike out on page 1 of the bill lines 15 and 16; and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 9, and agree to the same, with an amendment as follows:

Strike out of said amendment the word "fourteen" and insert in lieu thereof the word "eleven," and strike out "eight hundred and eighty," and at the end of the amendment add as follows: "which shall be in full for the pay of said band and for all company musicians for the fiscal year ending June 30, 1877, any law to the contrary notwithstanding;" and the Senate agree to the same.

That the House recede from its disagreement to the amendments numbered 12 and 13, and agree to the same, with an amendment as follows: Strike out from each of said amendments the word "five" and insert in each in lieu thereof the word "two;" and the Senate agree to the same.

That the Senate recede from its amendment numbered 20, with an amendment striking out on page 5 lines 11 and 12 of the bill; and the House agree to the same.

SAMUEL J. RANDALL,
ERASTUS WELLS,
EUGENE HALE,
Managers on the part of the House.

W. B. ALLISON,
JOHN A. LOGAN,
WILLIAM A. WALLACE,
Managers on the part of the Senate.

Mr. RANDALL. Mr. Speaker, the amount of the original estimates from the Department for the support of this West Point Military Academy was $437,470; the appropriation made last year, $364,740; and the recommendation of the Committee on Appropriations of this House for this year was $231,241. The bill as passed by the House appropriated $259,231, and as it passed the Senate $308,841. It now comes from the conference committee appropriating $290,065. The differences in the aggregate between the two Houses was $49,610. The House has receded as to $30,834 and the Senate as to $18,776.

The points of legislative difference between the two Houses related to the longevity pay of the professors who did not hold regular commissions in the Army of the United States, but commissions merely as professors, and to the additional pay to the regular Army officers assigned to that institution, and further as to the band at West Point. As to the two first points, the House conferees were confronted with the Army appropriation bill passed at this session, which in the fourth section provides that the whole subject-matter

of reform and re-organization of the Army of the United States shall be referred to the commission hereinafter provided for, who shall carefully and thoroughly examine into the matter with reference to the demands of the public service, as to the number and pay of men and officers and the proportion of the several arms, and also as to the rank, pay, and duties of the several staff corps, and whether any and what reductions can be made either in the line or staff, in numbers or in pay, by consolidation or otherwise, consistently with the public service, having in view a just and reasonable economy in the expenditure of public money, the actual necessities of the military service, and the capacity for rapid and effective increase in time of actual war.

That portion of the Army appropriation bill to the minds of the conferees clearly covered the West Point Military Academy, and made it necessary therefore that that part of the organization of the Army should be referred to the same commission, to be regulated by their recommendations in the future, if such report should be adopted by both Houses of Congress and approved by the President in the form of law.

I believe that is all I need say, unless some gentleman desires to make further inquiry in reference to the matter.

The report was adopted.

Mr. RANDALL moved to reconsider the vote by which the report of the conference committee was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MESSAGE FROM THE SENATE.

A message was received from the Senate, by Mr. SYMPSON, one of their clerks, announcing their concurrence in the amendments of the House to the bill (S. No. 982) providing for the completion of the Washington Monument.

It further announced the passage, without amendment, of the bill (H. R. No. 629) for the relief of Jonathan White.

NAVAL INVESTIGATION.

The SPEAKER *pro tempore*. The House now resumes the consideration of the report from the Committee on Naval Affairs, on which the gentleman from Alabama [Mr. LEWIS] is entitled to the floor.

Mr. LEWIS. Mr. Speaker, the conservative majority of the present Congress was in its election the result of the earnest attention which had been aroused on the part of the people to the misrule which had existed in the past and which had in so many ways blighted the hopes and prosperity of every section of our country. Such being our origin, the duty of reforming the administration of every branch of the Government became imperative, and we would be unworthy of the great trust which had been confided to us if we had shrunk from these investigations. It is true that many outside issues were attempted to be raised upon the other side of the House to "frighten us from our propriety" or to deter us from the performance of our duty; but the false, bitter, senseless cry that this was an "ex-confederate House" has had no terrors for us; and if it has affected the masses of the northern people I have much mistaken their temper, resolution, and patriotic devotion to the true principles of democratic government.

At an early date in this session various committees were charged with the duty of inquiring into the abuses, errors, or frauds that might exist in the different branches of the public service. Speaking for one of these I can say that, looking neither to the right nor to the left, regardless of consequences, they have gone forward with an examination, comprehensive, minute, and impartial, and have presented to Congress a report on the naval affairs of the Government that equals any ever submitted in time of peace to any Congress in labor, care, and research. The difficulties which surrounded them were so numerous and stupendous as not only to discourage but even to appall them. The present Secretary of the Navy, being fortified with seven years of experience in his office, with a patronage of $2,000,000 annually, with thousands of followers, many of whom were dependent on his will or caprice for their bread, determined to resist such an investigation as would lay bare the abuses, errors, violations of law and frauds which are given to the public in the majority report which is now pending before the House.

It is not practicable in a speech to present in detail the result of this investigation, and it is my purpose only to refer to those matters for which the Secretary himself is, in contemplation of law and of reason, justly responsible. The people of the United States, being masters of the western hemisphere and in close social and business intercourse with the civilized nations of the Old World, are greatly dependent on their commerce for their happiness and wealth, and have from their earliest history taken the greatest pride and interest in the Navy, which is the sole protector of this commerce as well as of their good name abroad. This Navy in its *personnel* and *materiel* was in war and in peace equal to their expectations, until within the last decade it has been brought by mismanagement to its present state of disorganization and inefficiency. There is nothing connected with Government and its powers to protect the people from foreign foes that is so important as keeping the Navy in a proper condition of training as to its men and of efficiency as to its *materiel*. Ships of war must in their force of momentum and power of resistance be equal to those of other nations or they become mere slaughter-pens for those who are compelled to man them. Sailors must be well kept and trained to handle the largest guns which can constitute a ship's armament.

It is a French maxim full of wisdom, "At sea nothing can be extemporized." The country through its highest interests demands the safeguard of a sufficient navy. It is a gross injustice to our brave officers and men, ready to risk their lives in her defense, that nothing is now in such a state of preparation or efficiency as to enable them if war should come to keep the sea or attack the enemy.

The testimony submitted to this House by the Committee on Naval Affairs demonstrates that the Bureau of Construction and Repair and the Secretary of the Navy are either ignorant of the speed, power, and tonnage of the best English, French, Spanish, and German men-of-war or they have attempted in their reports to mislead and impose upon Congress and the people of the United States. While our forts, rams, and monitors are perhaps sufficient for our coast defenses, guarding important cities, yet are our ships upon the seas so far behind the more modern improved vessels, that in the opinion of our best naval officers the largest squadrons that we can command could be annihilated by the enemy without his getting within the range of our guns. To charge that this condition of affairs is due to any defect in our system of Government is to deny our own history, ignore the gallant achievements of our seamen, and confess our experiment of free government a failure.

Nor can it be claimed that the present deplorable condition of the Navy is attributable to the lack of requisite power in that Department or the want of adequate appropriations for its maintenance. It is shown by the majority report that during the last seven years the expenditure for the Navy has exceeded the vast sum of $160,000,000, which is more than was appropriated during the fourteen years preceding the late war. Not only did the Forty-second Congress give the present Secretary power and means to build anew eight vessels of war, but in addition to this he has claimed and constantly exercised the extraordinary power of building ships entirely new by virtue of his permission under the law to repair old ones. With our immense resources and facilities, extensive basins, docks, yards, and vast factories, able officers and skilled workmen, all that has been needed during the last seven years was an able, faithful, honest head as Secretary of the Navy who could properly estimate his duties and responsibilities, respect the laws he is sworn to support, and draw to his assistance the wisest and best men in the service.

To every person familiar with the operations of our Government it is apparent that there is no position, save one, more important or exalted than the office of Secretary of the Navy. He is not merely a Cabinet officer, a member of the President's council, but he is the responsible head of the most important branch of the executive department.

The law makes him directly responsible for the proper expenditure of all appropriations, general, special, and contingent, for the naval service.

No officer of the Government has the immediate charge of so much public property, consisting of ships, monitors, docks, yards, stations, machinery, ordnance, clothing, provisions, &c. The well-being of sailors, the reputation of officers, the fidelity and honesty of contractors, the faithful disbursement of millions of money, the defense of our commerce and national honor, are to a great extent dependent upon him. Ours is a Government of law. Its majesty must be supreme. A profound reverence for it upon the part of those who should execute and those who should obey it is the only safeguard of our liberties and the only protection to our lives and property. Break down this sentiment, then will virtue and justice, fidelity and patriotism, be overwhelmed beneath the tide of license, misrule, corruption, and fraud; and treachery, lust, and vulgarity will usurp the high places of state.

The proof before this House shows that the present Secretary of the Navy has failed to appreciate the grave duties and responsibilities of his exalted position. He has used his office for personal and partisan objects, and in his zeal for these he has neglected its plainest requirements. He has openly and repeatedly violated the laws, and so far from attempting to punish offenders he has connived at their offenses and in many instances retained them in office. He has imposed upon Congress, he has betrayed his trust, he has demoralized the service, he has perverted his patronage, and has given to his country an administration of the Navy that is wasteful, extravagant, and full of abuses, with many millions of money unaccounted for and many millions more squandered in wanton and useless ways.

Descending now to such details as my limited time will allow me to discuss, I will first call the attention of the House to certain plain statutes which the head of the Navy has openly violated. I read sections 3676 and 3678 of the Revised Statutes:

SEC. 3676. All appropriations for specific, general, and contingent expenses of the Navy Department shall be under the control and expended by the direction of the Secretary of the Navy, and the appropriations for such Bureau shall be kept separate in the Treasury.

SEC. 3678. All sums appropriated for the various branches of expenditure in the public service shall be applied solely to the objects for which they are respectively made, and for no others.

In February, 1873, Congress appropriated $3,200,000 for the building of eight steam-vessels of war. It is admitted that a large part of this specific appropriation was diverted and used for other purposes, with the intention, however, it is said, of refunding out of the general appropriations. It is further claimed that this diversion was caused by the Virginius excitement in November, 1873, in preparing for war. Such occasions can afford no excuse for violation of law; but it so happens

that the proof shows that part of it had been diverted at the Norfolk navy-yard in rebuilding the Galena as early as April, 1873, part upon the Swatara and part in payment of old bills made prior to the passage of the law. The official letter of Hanscom, Chief of Bureau of Construction and Repairs, to the commandant of the Norfolk navy-yard, dated April 3, 1873, contains this order:

One hundred and fifty additional men may be employed and work upon the Galena which may be charged to the appropriation. Construction of eight steam-vessels of war, and the amount charged back again after July next.

Another remarkable instance of a confessed violation of these statutes is the admission of the Secretary that the "pay account" of the Navy owes "clothing" about $1,000,000. That is, the clothing fund, which has been created in past years by charging officers and men 10 per cent. above cost on their clothing, had been depleted $1,000,000 by using that amount for the pay of the Navy, notwithstanding regular annual appropriations have always been made to pay the salaries of officers and the wages of sailors.

In connection with these statutes, I ask the attention of the House to the transfer of funds by order of the Secretary to Jay Cooke, McCulloch & Co., in London. Captain T. S. Fillebrown, on page 117, Miscellaneous Testimony, testifies among other things as follows:

The Secretary of the Navy sent for me on one occasion when Commodore Reynolds was absent and asked what amount of money had been spent by the Bureau of Equipment and Recruiting abroad annually. I told him about $200,000 or $250,000 perhaps. He then asked me the state of the funds belonging to the Bureau; what quantity we had on hand. I told him about $750,000 or $800,000 possibly; and he directed me to transfer to his office, to the credit of the pay of the Navy, $200,000 from the appropriation for equipment.

Question. You say "to his office;" what do you mean by that?

Answer. That is the pay of the Navy. The pay of the Navy is all to the credit of the Navy Department. The money was in this case taken from the appropriation for the equipment of vessels and transferred to the pay of the Navy. A short time after this conversation with the Secretary of the Navy, I met the chief clerk of the Bureau of Construction, and he asked me if I had seen the Secretary of the Navy to-day, and I said I had. He said, "Did he get anything from you?" Said I, "Two hundred and odd thousand dollars." Said I, "Did he get anything from your Bureau?" He said, "Yes; $175,000." I asked, "Where did it go; what was it for?" He said he did not know, but it was transferred from his office to the pay of the Navy.

Q. Do you remember what time that was?

A. My impression is that it was early in 1872.

Witness must mean 1873.

I afterward heard that all this money had been sent to Jay Cooke, McCulloch & Co. "They were shaky," to use the expression I heard.

H. A. Goldsborough, chief clerk of the Bureau of Construction and Repair, testifies on page 141, Miscellaneous Testimony:

I think in 1872—

He must mean 1873—

we got an order to transfer $200,000 and pass it to the credit of Paymaster Cutler in New York. What it was for we did not know. The same thing, I understand, was done by the other Bureaus.

Question. Did any such thing ever occur before during your connection with the Bureau?

Answer. No, sir.

Q. Has it ever occurred since?

A. No, sir. * * *

Q. That amount of money which was withdrawn from the appropriations for your Bureau was never returned to the benefit of the Bureau, as you know of, in any way?

A. No, sir; I don't think it ever was; but the systems up there of transfers is very complicated, and one could not tell how it was done.

After the Secretary of the Navy succeeded in having these large amounts placed in the hands of Paymaster Cutler in New York, he perpetrated still further violations of the statutes which I have read in sending this money to Jay Cooke, McCulloch & Co., in London. I charge that he sent it in violation of law and for the personal benefit of the recipients. The Secretary denies this, and says that he sent it only in continuance of the foreign account and for the purpose of paying our foreign drafts. On the 18th of September, 1873, Jay Cooke & Co., the parent house in America, failed. On the 22d of the same month there was an unexpended balance in the hands of Jay Cooke, McCulloch & Co. belonging to the Government, as shown by the Treasury books, of £166,932 2*s*. Hugh McCulloch, of that firm, was then in America, and J. O. Bradford, Paymaster-General of the Navy, was then in London. They both assured the Secretary that if this balance was withdrawn the house in London would go under. It cannot be denied, under the proof, that with the priority of the United States' claim under the bankrupt laws upon the private estates of Hugh McCulloch and Jay Cooke and Henry Cooke in America, and with the securities then placed in the hands of the Secretary, that he could have saved every cent of that balance then due from Jay Cooke, McCulloch & Co. Instead of stopping the account and saving harmless the Government, he went forward, and through Cutler and J. O. Bradford he added to that indebtedness £219,199 11*s*. 11*d*., taking, as he alleges, additional collaterals sufficient to secure it. To quote his own language, see Appendix to Miscellaneous Testimony, pages 242 and 243:

The regular time for a new remittance to the said foreign account, in usual course, came about the 1st of October, 1873, and the Department was then applied to by the representatives of said firm to make such new remittance, but declined to do so at that time, though our Navy drafts were still paid in due course by said firm as our agents as aforesaid. About the middle of said month of October, 1873, however, it became necessary either to make new remittances to the said account or allow our agents to stop the payment of our drafts.

Now the proof directly contradicts this entire statement. His own requisitions upon the Treasury and the remittances by Cutler to said foreign account show that on the 24th of September, 1873, there was sent forward £100,000; September 26, 1873, £100,000; September 27, £10,000; October 4, 1873, £62,937 1*s*. 3*d*.; October 6, 1873, £37,863 6*s*. 10*d*. And the official telegrams which passed at this time between the Secretary of the Navy at Long Branch and New York to Commodore Reynolds at Washington show on the part of Mr. Robeson a most inconsiderate haste to get this money to London. Now if this £219,109 11*s*. 11*d*. was turned over to Jay Cooke, McCulloch & Co. for the purpose of paying our drafts, why, at the same time, was Paymaster-General Bradford being furnished with additional funds by the Secretary of the Navy for the same purpose?

Between the 24th of September, 1873, and the 6th of December, 1873, as shown by Cutler's vouchers, Bradford received the enormous sum of £435,345 17*s*. 1*d*. Of this amount he paid to Jay Cooke, McCulloch & Co. £219,199 11*s*. 11*d*.; and what did he do with the rest of it? He swears that he used it to pay off our foreign drafts, including those accepted by Jay Cooke, McCulloch & Co. I will give his own words on page 586 of miscellaneous testimony:

Well, sir, I have been there in London ever since—

That is, since the panic, September 18, 1873—

paying the drafts of the United States officers as they came. They were drawn, until recently, most of them on Jay Cooke, McCulloch & Co. * * *

Question. At what time in 1873 was it that the Secretary of the Navy commenced remitting money to you with which to meet drafts drawn upon Jay Cooke, McCulloch & Co.?

Answer. It was in September, 1873—September or October; perhaps not until the early part of October.

With these facts and figures in his possessionno reasonable man can escape the conclusion that the statement of the Secretary thatthe remittance of £219,199 11*s*. 11*d*. through Bradford to Jay Cooke, McCulloch & Co. was to meet our foreign drafts is untrue. The drafts were met by Bradford with other moneys sent him for that purpose, and the money that went to the portfolio of the said firm was a loan for their personal benefit on collaterals furnished for its security. It was a plain, palpable, dangerous violation of law.

There is another perversion of appropriations from their legitimate objects which has grown into a most dangerous practice by the present administration of the Navy, involving vast expenditures of public money without the knowledge of Congress. I allude to the building of new vessels, not out of the materials of the old ones, but simply out of their names, and putting it under the head of repairs. If this can be done, then Rear-Admiral Steedman well say that "the Navy has declared its independence of the Government." Under such a system there can be no restraints, no frugality, no accountability.

Even in the case of the ordinary repairing of vessels the law has been disregarded. Section 1538 of the Revised Statutes provides that no more than $3,000 shall be expended at any navy-yard in repairing the hull and spars of any vessel until the necessity and expediency of such repairs has been ascertained by a proper examining board. In all the cases of important repairs brought to the knowledge of the committee they have not found an instance where this highly salutary law in the line of retrenchment has been complied with.

Section 1541 *directs* the Secretary of the Navy to sell at *public sale* such vessels and materials of the Navy as in his judgment cannot be advantageously used, repaired, or fitted out, and shall make a full report to Congress at the opening of each session of such sales, the amounts realized, the names of purchasers, &c. This statute being plain and mandatory in its terms, it is curious to know how the Secretary could even frame a pretext for its evasion. But he was equal to the emergency. Whenever he finds a ship that cannot be "advantageously used, repaired, or fitted out," he puts a force on it, has it broken up, and sells or barters it privately as "old scrap."

How the Government and people are served in these kind of operations can best be illustrated by the following example: The Wassue and Shawnee being unfit for use were put up at public sale, and McKay, one of the favorite contractors with the Navy, was the successful bidder. He paid his check of $13,000, covering the percentage of the bid required to be deposited on day of sale. Iron soon after declined, McKay refused to comply with his bid, and never paid the check. These vessels are then ordered to be broken up, and the contract for their destruction is given to Powers & Co. at a price about equal to their value.

The true secret of all this is that, if old vessels are sold at public sale and the sales reported to Congress, the law requires the proceeds to be covered into the Treasury and the Secretary of the Navy loses all control of the money, but if they are broken up into old scrap he holds to the proceeds independent of the Treasury. Besides, he has control of the job for breaking them up.

In defiance of section 1544, which requires laborers in the navy-yards to be employed by the proper officers in charge and solely with reference to skill and efficiency, the Secretary has directly and repeatedly interfered to designate by name parties who should be employed as laborers in the yards, and in some instances, as the proof shows, "has had skillful workmen removed and unskillful ones put in their places;" and no one can doubt that when chiefs of Bureaus ordered large forces put on in the yards just previous to elections at Boston, Portsmouth, and Norfolk, because "the Administration desired the success" of certain republican candidates, that such orders emanated directly from Mr. Robeson. How else, except

through him, could they know "the desires of the Administration?" This shameful and illegal abuse of patronage has discouraged and demoralized the honest, industrious, and skilled mechanics, and has resulted in untold waste of money and material.

Section 3732 of the Revised Statutes, which prohibits contracts or sales on behalf of the United States unless the same are authorized by law and under an appropriation adequate to their fulfillment, (with certain specific exceptions,) has been openly violated, not only in the rebuilding of vessels under the name of repairs, but in the purchase by the Navy Department of the vessels Dispatch, Rio Bravo, and Sea-Weed. In years past, before this law was enacted, these powers in a few instances had been exercised by Secretaries of the Navy, and the present Secretary seizes upon their action as a precedent justifying his open violation of the statute. In all these dealings of the Secretary with old material, old scrap, and old ships, we have a new and unique illustration of the old couplet:

Ay me! what perils do environ
The man that meddles with cold iron.

The systematic infractions of law and the fraudulent abuses of patronage practiced in the purchase of the immense supplies of the Navy have been a great source of extravagance and waste.

Purchases under Bureau orders and by what is called "open purchase" have almost entirely superseded, under this administration, bids after due advertisement, as required by sections 3709 and 3718 of the Revised Statutes, or when such bids are resorted to they are perverted in most cases for the benefit of favorite contractors. To give one instance out of thousands: It is shown by the testimony of W. H. Wallace, at Brooklyn, that S. P. Brown obtains a Bureau order in October, 1873, after the panic had set in, to supply iron to certain navy-yards. He procures the said Wallace, who is an iron-dealer in New York, to furnish the iron, without the least trouble or expense to himself, at the market price; but in making out the bills against the Government an enormous profit is added, charging six and one-fourth cents per pound for bar-iron delivered at Brooklyn as late as May, 1874, and $73 per ton for Thomas pig, as late as November, 1873, delivered at Mare Island. After paying Wallace a commission of 5 per cent., he made under this one order a clear profit of $12,114.21.

The fraudulent perversion of bids for the profit of favorite contractors is usually accomplished in one of two ways. A small quantity of the article needed is advertised for; general dealers do not care to trouble themselves with bidding for a trifling matter, or, if they bid at all, it will be at retail prices. The contractor in the ring bids lower and then prevails on the Bureau to allow a larger quantity to be furnished. To illustrate: James Norcum, assistant inspector of timber at Washington navy-yard, testifies that this same S. P. Brown, under a contract to furnish 30,000 feet of lumber at $90 per thousand, gets in under that contract 635,000 feet at the same price.

The other way of perpetrating these frauds is for a number and variety of articles under different classes to be advertised, and the favored contractor in his bid will put a large profit on those which he knows will be most needed and put a price below cost on those which can be dispensed with; and when the average is taken his bid is found to be below that of the general dealer not in the ring who puts a reasonable profit on all articles; and the successful bidder is afterward excused from furnishing the articles upon which the lowest prices are put.

Now, is it possible that this long system of abuses and frauds under contracts for furnishing supplies to the Navy could go on without coming to the knowledge of the head of the Department? The proof shows that in several instances his attention was specially called to it, and he took no steps to remedy it; but on the other hand, in the case of S. P. Brown's contract to furnish granite at Mare Island, he interposed for the protection of Brown after he had several times made default, the result of such interference being that said Brown was finally allowed to furnish granite inferior to that contracted for, at an increased price.

I will not longer weary the House by reciting cases where the Secretary has openly trampled upon the laws and refused or failed to perform his plainest duties, although many more are at hand. But before leaving this subject, however, I will call attention to that portion of the minority report which alleges that the act of 1844, which required foreign fiscal agents to be appointed with the advice and consent of the Senate and is now incorporated in section 1550 of the Revised Statutes, was at the time of the appointment of Jay Cooke, McCulloch & Co., in 1871, "superseded by other laws." The minority do not condescend to state the laws that superseded it. It was never repealed. The act of 1854, recited by them for another purpose, did not supersede it. This law requiring a fiscal agent to give a bond certainly would not repeal by implication a law requiring, in case he was a foreign fiscal agent, his appointment to be made by and with the advice and consent of the Senate. The general subtreasury law of 1846 could not supersede it.

The rule of construction as laid down in Dwarris on Statutes, and which Mr. Robeson, in the Blair investigation, when using it for another purpose, swore was good law in his opinion, is as follows. I read from testimony of the Secretary, page 369, of Blair's investigation:

I have written out the principles here from Dwarris on Statutes, page 532:

"It is a general rule of legal construction that a general statute without negative words will not repeal the particular provisions of a former one unless the two acts are irreconcilably inconsistent. The reason and philosophy of this rule is that when the mind of the legislator has been turned to the details of a subject and he has acted upon it, a subsequent statute in general terms, or treating of the subject in a general manner, and not expressly contradicting the original act, shall not be considered as intending to affect the more particular and positive previous provisions, unless it is absolutely necessary to give the latter act such a construction in order that its words shall have any meaning at all."

No, it was not that this law was superseded that constituted in my opinion the real reason of ignoring its provisions and appointing the firm of Jay Cooke, McCulloch & Co. our foreign fiscal agents without the advice and consent of the Senate. The Secretary could not afford to fail in his project of having them as his fiscal agents; and he doubtless apprehended that if the name of Hugh McCulloch was sent to a republican Senate it might fail of confirmation. The records of the Senate show that Baring Brothers & Co. were confirmed in 1844 as our foreign fiscal agents, and Seligman & Brothers in May, 1876. Why not Jay Cooke, McCulloch & Co. in 1871?

There are other derelictions upon the part of the Secretary that are more serious than even the violations of express statutes.

The testimony of Paymaster Billings, and Burtis, clerk to chief engineer, shows the board which discovered the frauds of Buckley and Peterson to the amount of $5,000 reported to the Secretary that they were satisfied that if he would enlarge their precept that they could establish other frauds; but this he failed to do, and soon thereafter dissolved the board, and he continued the chief engineer in office notwithstanding the evidence established that these frauds could not have been perpetrated without gross negligence or guilty participation upon his part.

Commodore Nichols testifies that a Mr. Spooner, at the Boston yard, was detected in the grossest frauds and was reported to headquarters at Washington, but they failed to have him dismissed.

Admiral Steedman testifies that frauds in connection with what is called "hide cuttings" were traced to and clearly fixed upon certain parties whom he suspended, and they were reported to Washington; but an order came to put the principal offender back on duty, where he remained till his death. While one M. M. Kaighn was drawing pay as a clerk in the Land Office, William W. W. Wood, Chief of Bureau of Steam Engineering, sent the following order to the commandant of Washington Navy-Yard:

The Hon. Secretary of the Navy orders that Maurice M. Kaighn be placed on the rolls at the Washington Navy-yard, at $3.25 per diem.

Civil Engineers Asserson at Norfolk and Granger at Boston, though proven guilty of malfeasances, were likewise retained. The Secretary has allowed the clerk Henrique to remain in his most responsible position, after Veeder, a special agent of the Navy, had made his character of dishonesty fully known to the Secretary. His bad character is further shown before this committee by the witness Wolfe, who is so fiercely attacked in the minority report. Nobody was brought to impeach Wolfe's character as a witness, and the parties who contradict him are the Browns and this man Henrique, the guilty parties themselves in the frauds proven by him.

This minority report further says that Wolfe was in a state of delirium from too much drink when he testified. The fact is, he had been in the custody of the Sergeant-at-Arms overnight for his refusal to testify against Henriques the day before, and had had nothing to drink, but under the excitement and terror of being arraigned before the House as a recusant witness, and being subject to an affection of the heart, fainted in the presence of the House. Yet they charge that when he testified he was in a state of delirium. For my part I was fully impressed with the truthfulness of his statement.

The two most important offices connected with the Navy Department are the Bureau of Construction and Repair and the Bureau of Steam Engineering; yet the Secretary continues I. Hanscom in the one and William W. W. Wood in the other, when it is apparent to every unprejudiced mind acquainted with his administration that they are in a large measure directly connected with its abuses and frauds. He appointed Drayton a timber agent to protect live oak timber in Florida, when he knew that he was only going to Florida on a visit, and would not see the timber; and after Drayton's return to New Jersey he continued to draw his pay for months.

Vickers, another citizen of New Jersey, was paid out of the contingent fund as a detective, but was sent by the Secretary as coal agent to Samoa. The Secretary of the Navy ordered the name of one John Chamberlain, whom he says he never saw but once, to be placed on the Navy pay-rolls at Norfolk at $3.25 per day. The testimony shows that no such man was ever at Norfolk; but his pay was forwarded regularly each month to Hanscom at Washington from 1872 to December, 1875. Hanscom says he turned over his pay to one McFarland, who is now dead, but without authority from Chamberlain. This was going on for nearly four years. The Secretary says that Chamberlain was a detective; yet he saw him only *once*, Hanscom only *once;* they have never seen him *since*. He drew pay for four years through a man *now dead*. We think it to be high time that this detective was reporting at headquarters!

Paymaster Clark's testimony taken at Kittery shows that a clerk in his office, one R. D. Bogart, had embezzled or stolen about $30,000 from the Government; that he was court-martialed and sentenced to the State's prison for three years. The Secretary of the Navy set aside the sentence upon the point, as stated by Clark, that Clark having appointed another clerk within ten days after Bogart cleared

out, it was equivalent to an acceptance of a resignation and that he was only amenable to the civil authorities. The United States court refused to take jurisdiction and turned him back to the Navy. Bogart then made his escape and went to San Francisco. He was there re-arrested and tried again by a court-martial and sentenced to four years' imprisonment in the State penitentiary. He was never placed in prison but was put upon the receiving-ship at Mare Island, remained on board about a year, again made his escape, and came to Washington, where he is now at large as a reporter, the attention of the Secretary having been called to the fact.

The minority report attempts to speak very contemptuously of the furniture built for the Secretary at the Washington navy-yard. They quote no testimony, but assert the fact to be that the Secretary "was induced, at the suggesting of Childs, the foreman of the joiners, to have a sideboard made there for his house, and also a small baptismal fount for a chapel near his sea-side residence in New Jersey."

Now the testimony of Ferguson, Gordon, Meads, McCoy, Burton, O'Donnell, and others taken at the Washington navy-yard shows that there was made under Childs's direction for the Secretary of the Navy a fine mahogany extension-table, all new except one top piece taken from an old one sent there by the Secretary to be repaired; a fine hat-and-coat stand; a highly finished and handsome sideboard, estimated by the above witnesses to be worth from $350 to $400; a dumb-waiter, fancy boxes, and the baptismal font. McCoy, the clerk of Childs at the time, shows that most of the labor on these articles was paid for by the Government, besides other labor that went upon the house of the Secretary. The witness Bouttscher, relied upon to sustain Childs, is positively contradicted by all the witnesses examined who saw the furniture in process of construction. Childs is proven to be a man of bad character, and is not to be credited where he is interested. He alone swears that he replaced the lumber used for the Secretary, and produces bills to show it.

All this proceeding upon the part of Childs and the Secretary, to say the least of it, was highly irregular and illegal, and was kept concealed from the commandant of the yard.

Why did not the Secretary apply to the commandant of the yard if he thought it proper to have his funiture made by Government mechanics out of Government material? Why did he act through such a disreputable character as Childs is shown by the proof to be? Commodore Patterson testifies that the doing of these things within the yard by Childs in concealment from the commandant was dishonest.

This minority report is full of bold and bald assertions, but from beginning to end quotes evidence (excepting a few lines from Captain Shufeldt and Admiral Porter) from only two witnesses; and, pray, who are they? Contractor Bigler and Secretary Robeson!

I am sorry that my limited time will not allow me to discuss the connection of the Cattells with the Navy and their relations with the Secretary. We have direct proof of more than $300,000, received by them for the sale of their influence with the Navy Department to contractors. Everywhere in the naval service their polluting touch has been felt and during all the time the Secretary is most closely connected with them. They buy property together, they loan their credit to one aonther, and there is mutual borrowing and lending of money; but they all the while manage to keep the Secretary largely in their debt. Veeder long since informed the Secretary of their vile practices of selling influence to contractors; but he passes it by and continues his relations with them. It is true, that when some contractor once or twice mentioned their names to him he gave him promptly to understand that they had no influence with him. What else could he have said? This argues nothing. Whether guilty or innocent, he could have made no other reply without a confession of guilt. But the minority report, while admitting a close intimacy on the part of the Secretary with A. G. Cattell, denies that there was any intimacy with E. G. Cattell. He had most of his business transactions with E. G. Cattell. When he went to Philadelphia he shared his hospitality, and the dispatches which passed between them showed the greatest familiarity. What is to be thought of such dispatches as these? "To you and yours a merry Christmas;" "A happy New Year to you and yours;" "Will. Bettle and myself will breakfast with you to-morrow morning at eight o'clock;" "Telegram received; will leave first train; will come to your house." All of these from E. G. Cattell to George M. Robeson. They could be multiplied almost indefinitely. What becomes in the face of these of the denial of intimacy by the minority report?

But I am admonished that I must bring this hurried review to a close. Imperfect as it has been I hope it has not failed to impress this House with a sense of an imperious necessity for reform in the naval service.

Mr. Speaker, let us endeavor to purify this Government and bring it back to the principles of our fathers. The people demand it at our hands. Every day's report brings us news of failures, bankruptcies, and homes darkened with gloom and despair.

Virtue and patriotism cry out for us to stay the tide of vice, misgovernment, and misrule. Is their voice to be drowned by bitter partisan speeches, invoking the dark memories of war with the intent of lashing the northern mind again into fury? I trust not. My section is poor, unable to bear these heavy burdens. I know that the gentleman from New York [Mr. TOWNSEND] has several times upon this floor ridiculed the idea of the South being poor. This shows a great ignorance upon his part of our true condition. I admit that since the people of Alabama have again obtained in their own hands the reins of our State government matters have improved. We have thus been able to secure a fair administration of justice and protect our crops and stock in some measure from the rogues that prowl our plantations. But a poorer civilized people never lived in the world. At the present prices of upland cotton this year's crop cannot pay the expense of raising it.

We have in Alabama a rigid system for the assessment and collection of taxes. Yet what does the gentleman suppose to be the sum total of our taxable property of all kinds as shown by the State auditor's report of 1874? Only $159,000,000. Think of it; a million of people, covering an area of 50,000 square miles, rich in all natural resources and possessing only a hundred and fifty-nine millions of taxable property, with heavy State and county debts upon us; with hospitals for the insane, deaf, dumb, and blind to support; prisoners and paupers to feed; public schools to sustain; and the current expenses of government to pay. I could point the gentleman to two men in the city of New York whose joint wealth will exceed the entire taxable property of the whole people of Alabama. This is not owing to a want of industry upon the part of our people. I have seen the widows of dead confederate soldiers who had once lived in comfort holding the plow in their delicate hands to make bread for their hungry little ones. Moreover we have been surrounded by difficulties which you cannot appreciate, difficulties which sap the spirits, perplex the minds, and wring the hearts of men. One of the most serious calamities which can befall a civilized people is a radical destruction instead of a gradual modification of established orders.

There is not a people in the world so misunderstood, so misjudged, as those that I have the honor in part to represent. Whatever additional calamities may be in store for the South, this much I can say for her: no earthly power can ever deprive her of the courage and manhood of her sons and the delicacy and devotion of her daughters.

Mr. DANFORD obtained the floor.

Mr. WHITTHORNE. The gentleman from Ohio yields to me to move that the House adjourn.

Mr. HOLMAN. I hope the gentleman from Tennessee will yield to me to move that we have an evening session for debate only.

Mr. DANFORD. I yield to the gentleman from Tennessee to move that the House adjourn, and for no other purpose.

Mr. HOLMAN. I only wish to move by unanimous consent for an evening session for debate only, no business whatever to be transacted.

Mr. DANFORD. Not on this subject?

Mr. HOLMAN. No, of course not on this subject.

Mr. DANFORD. I do not know that I shall object if I am not taken off the floor.

The SPEAKER *pro tempore*. It will not interfere with the right of the gentleman from Ohio to-morrow morning after the reading of the Journal to go on with the discussion of the report of the Naval Committee.

Mr. HOLMAN. I move, then, by unanimous consent that the session this evening be set apart for debate only, no business whatever to be transacted.

Mr. HALE. I object.

Mr. HOLMAN. There are several gentlemen who wish to make speeches.

Mr. RANDALL. On both sides of the House.

Mr. HOLMAN. And this is the only opportunity they will have.

Mr. O'NEILL. I move that when the House adjourns to-day it adjourn to meet on Monday next.

The SPEAKER *pro tempore*. The Chair will entertain that motion after this unanimous consent is settled.

Mr. HALE. At the request of gentlemen on both sides of the House I withdraw my objection.

The SPEAKER *pro tempore*. Is there objection to the session this evening for debate only, no business whatever to be transacted?

Mr. WELLS, of Mississippi. Yes; I object.

Mr. WHITTHORNE. I renew the motion to adjourn.

Mr. WELLS, of Mississippi. I withdraw my objection.

Mr. HOLMAN. The gentleman from Mississippi withdraws his objection to the session for debate only this evening, and I hope there will be no further objection.

The SPEAKER *pro tempore*. The gentleman must see the Chair cannot hold this proposition open all the evening.

Mr. HOLMAN. I move that the House take a recess until eight o'clock this evening, and that the session then to be held shall be for debate only, no business whatever to be transacted.

Mr. WHITTHORNE. This does not interfere with the subject now before the House, nor with the right of the gentleman from Ohio to-morrow morning to go on with his speech?

The SPEAKER *pro tempore*. It will not.

Mr. HOLMAN. The session for to-night is for debate only, no business whatever to be transacted.

Mr. BANNING. On what subject?

Mr. HOLMAN. On any subject.

Mr. BURCHARD, of Illinois. There are five hours' additional debate to be allowed on the report from the Naval Committee.

Mr. HOLMAN. The session this evening has nothing to do with that.

The SPEAKER *pro tempore*. If the House takes a recess until eight o'clock this evening the session will be for debate only, no business whatever to be transacted. The right of the gentleman from Ohio to the floor to-morrow is reserved.

Mr. HOLMAN. Certainly.

Mr. MACDOUGALL. I object.

Mr. O'NEILL. I move that when the House adjourn it will be to meet on Monday next.

The motion was disagreed to.

And then, on motion of Mr. WHITTHORNE, (at five o'clock p. m.,) the House adjourned.

PETITIONS, ETC.

The following petitions and other papers were presented at the Clerk's desk under the rule, and referred as stated:

By Mr. TOWNSEND, of New York: The petition of Mary Callan, for a pension, to the Committee on Invalid Pensions.

By Mr. A. S. WILLIAMS: The petition of Jeptha Rubert, for a pension, to the same committee.

By Mr. WILLIAMS, of Indiana: The petition of the Board of Trade of the city of Indianapolis, for a continuation of the fast-mail service, to the Committee on the Post-Office and Post-Roads.

By Mr. BEEBE: The petition of citizens of Newburgh, New York, for the continuance of the fast-mail service, to the same committee.

By Mr. McDILL: The petition of the common council of Council Bluffs, Iowa, that the United States grant to said city the lake known as Spring Lake, situated within the limits of said city.

By Mr. SAMPSON: A paper relating to the bill providing for the granting of a pension to Mrs. Dinah Brown, of Drakeville, Iowa, to the Committee on Invalid Pensions.

HOUSE OF REPRESENTATIVES.

SATURDAY, *July* 29, 1876.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. I. L. TOWNSEND.

The Journal of yesterday was read and approved.

REDEMPTION OF LANDS HELD FOR DIRECT TAXES.

Mr. HILL. I ask unanimous consent of the House to take up the motion by which the House laid upon the table the motion to reconsider the vote by which the bill (S. No. 84) extending the time for redemption of lands held by the United States under the several acts levying direct taxes, and for other purposes, was passed. It is for the purpose of making a formal correction in order to prevent any possibility of doubt or mistake as to the meaning of that act.

The SPEAKER *pro tempore*. The bill will be read for information.

The bill was read. The first section provides that the time within which lands held by the United States under the several acts levying direct taxes may be redeemed be extended to the 1st day of February, 1877, and that all acts or parts of acts inconsistent therewith be repealed.

In its second section it provides that the expenses already incurred in preparing for the sale of lands held by the United States under the several acts levying direct taxes may be paid out of any money in the Treasury not otherwise appropriated by law.

Mr. HOAR. I desire to reserve objection. I should like to have the gentleman from Georgia state what is the parliamentary condition of the bill.

Mr. HILL. I have no objection to stating it. It is a Senate bill which was passed by this House extending the time authorizing the redemption of lands sold under the direct-tax acts of the United States. At the time the bill was on its passage——

Mr. HOAR. When?

Mr. HILL. A few days ago. It has not been sent to the Senate.

The SPEAKER *pro tempore*. This is a Senate bill which passed the House two or three days ago. The Chair is informed by the journal clerk that it was passed on Monday last. A motion was made to reconsider the vote by which the bill was passed, and that motion was laid upon the table. The gentleman from Georgia now asks to take up by unanimous consent the motion laying upon the table the motion to reconsider, so as to get the bill again before the House for correction.

Mr. HOAR. Has the passage of the bill been certified by the Speaker?

Mr. HILL. No; it has not been certified by the Speaker.

Mr. HOAR. This is a matter in reference to which we ought to be quite sure.

The SPEAKER *pro tempore*. It has been certified by the Clerk. It has not been delivered to the Senate. Why it has not been delivered to the Senate, the Chair is not advised.

Mr. TOWNSEND, of New York. The amendment is very desirable.

Mr. HILL. It is.

Mr. HOAR. Then there is so much more reason for caution. It is important in reference to just such matters we should be entirely correct. I do not, however, impose any objection to the gentleman from Georgia.

The SPEAKER *pro tempore*. The Chair hears no objection, and the motion to reconsider by unanimous consent is taken from the table.

Mr. HILL. The bill is now before the House on the motion to lay the motion to reconsider on the table.

The SPEAKER *pro tempore*. The Chair hears no objection, and the motion to lay upon the table the motion to reconsider will be considered as rejected. The question next recurs on the motion to reconsider the vote by which the bill was passed.

The motion was agreed to.

Mr. HILL. I now move to reconsider the vote by which the bill was ordered to a third reading.

The motion was agreed to.

The SPEAKER *pro tempore*. The bill is now before the House for amendment.

Mr. HILL. I move to amend the first section by striking out the words in the first, second, and third lines, "within which lands held by the United States under the several acts levying direct taxes may be redeemed," and inserting in lieu thereof, "limited for redemption of direct-tax lands by the act entitled 'An act to provide for the redemption and sale of lands held by the United States under the several acts levying direct taxes, and for other purposes,' approved June 8, 1872."

Now, Mr. Speaker, I will explain to the House that when this bill was on its passage the other day the question was asked whether it perfected the United States in the possession of the lands reserved for cemeteries and other public and national purposes. I stated to the House that the bill unquestionably did, and it was intended the bill should pass with those limitations. I do not doubt that that is the true construction of the bill as it passed. My mind is as clear on that subject now as it was then. But some gentlemen on the committee think doubts might possibly be raised; and upon a critical examination of the bill as it passed the Senate, we saw that the act of 1872, which contains these limitations, was not distinctly and by terms referred to. As that act was not distinctly and in terms referred to, a possibility might arise that there might be a doubt as to whether the limitations of that act were preserved in this act. This amendment seeks to correct that mistake, and to pass the bill precisely in the language of the act of 1872, containing the identical restrictions referred to. I think it was perhaps a little careless in the Senate not to use the identical language of the act of 1872.

Mr. BURCHARD, of Illinois. The act of 1875.

Mr. HILL. Yes; the act of 1875, continuing the act of 1872, with a limitation. This amendment removes all possible doubt on that subject. And as the House was kind enough to pass this bill under the assurance of the Ways and Means Committee that these limitations were still preserved, I think it better that there should be left no possible doubt on the question. This amendment has been prepared in the committee, and I am instructed to report it to remove all possible doubt.

Mr. HALE. I hope this will be done, as the House undoubtedly the other day understood that all the Government interests were fully protected by the bill.

Mr. HILL. I still think they are protected, but it is desirable that there should be no possible doubt about it.

Mr. GARFIELD. The gentleman from Georgia thinks there is no need of this; but some of us think there is; and in deference to our judgment he seeks to make this amendment.

Mr. HILL. Precisely so.

Mr. HOLMAN. I ask that the bill, as proposed to be amended, be read.

The bill, as proposed to be amended, was read.

The amendment was agreed to.

The bill, as amended, was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. HILL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. HURLBUT. I call for the regular order.

Mr. BLAND. I rise to a parliamentary inquiry.

Mr. HARRIS, of Virginia. I rise to a privileged question.

The SPEAKER *pro tempore*. The Chair will hear the gentleman from Missouri.

Mr. BLAND. I desire to know of the Speaker whether, if a gentleman holding the floor yields it for any purpose, he does not lose it altogether?

The SPEAKER *pro tempore*. That does not necessarily follow. This proceeding has been by unanimous consent; and the regular order being demanded, the gentleman from Ohio [Mr. DANFORD] is entitled to the floor on the question of the consideration of the report from the Naval Committee. But before the gentleman proceeds, the gentleman from Pennsylvania [Mr. POWELL] desires to make some reports from the Committee of Accounts.

PAY OF CLERK OF COMMITTEE.

Mr. POWELL. I ask unanimous consent to report from the Committee of Accounts the following resolution:

Resolved, That the pay of the clerk of the Committee on Expenditures in the Interior Department be, and is hereby, increased $1 per day; said increase to date from date of appointment.

Mr. HOLMAN. I object.

PAY OF A LABORER.

Mr. POWELL. I am also instructed by the Committee of Accounts to report the following resolution:

Resolved, That there be paid out of the contingent fund to Charles Christian, for his services as laborer in the office of the Sergeant-at-Arms, $50 per month for the time of actual service.

Mr. HOLMAN. I wish to inquire where that resolution comes from?

The SPEAKER *pro tempore*. It is reported by the gentleman from Pennsylvania from the Committee of Accounts.

Mr. RANDALL. Let the resolution be again read.

The resolution was again read.

The resolution was adopted.

Mr. POWELL moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PAYMENT FOR CLEANING OF HALL.

Mr. POWELL. I am also instructed by the Committee of Accounts to report the resolution which I send to the desk.

Mr. BLAND. I demand the regular order after this.

The Clerk read as follows:

Resolved, That the Clerk of the House be, and he is hereby, authorized and directed to pay out of the contingent fund to John H. Shaw, Richard H. Shaw, Wilson Grice, Robert Coates, Henry Hall, and William H. Hall the sum of $50 a month from the date when they were respectively sworn in for the services which they have rendered in cleaning and caring for the Hall and the rooms adjoining thereto; and, further, that there shall be deducted from the amount to be hereafter paid such sum or sums as they may have respectively been paid during this session.

The resolution was adopted.

Mr. POWELL moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. BANNING. I have a matter that I know this House ought to act upon.

Mr. BLAND. I will withdraw the demand for the regular order for the present, and will let the thing run loose, so far as I am concerned.

Mr. COX. I ask unanimous consent to take from the Speaker's table a small private bill, Senate bill No. 852.

The SPEAKER *pro tempore*. The Chair will recognize the gentleman from New York [Mr. COX] if there be no objection.

Mr. HURLBUT. I object, and call for the regular order.

Mr. HOLMAN. We shall certainly reach the business on the Speaker's table.

The SPEAKER *pro tempore*. Prior to enforcing the regular order, the Chair desires to lay before the House certain executive communications.

INCREASE OF CAVALRY REGIMENTS.

The SPEAKER *pro tempore*, by unanimous consent, laid before the House a letter from the Secretary of War, transmitting a communication from General Sheridan recommending an increase of the strength of certain cavalry regiments of the Army; which was referred to the Committee on Military Affairs.

CAPTAIN JOHN EDWARDS, JR.

The SPEAKER *pro tempore*, by unanimous consent, also laid before the House a letter from the Secretary of War, transmitting a copy of the report on the petition of Captain John Edwards, jr., late of the United States Army; which was referred to the Committee on Military Affairs.

WITHDRAWAL OF PAPERS.

On motion of Mr. PHILLIPS, of Kansas, leave was granted for the withdrawal of papers from the files of the House in the case of C. W. Kiefer, no adverse report having been made.

On motion of Mr. VANCE, of Ohio, leave was granted for the withdrawal of papers from the files of the House in the case of Isaac Andrews, no adverse report having been made.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted in the following cases:

To Mr. EGBERT for one week on account of important business;

To Mr. TEESE until August 1;

To Mr. ASHE indefinitely;

To Mr. GOODE indefinitely;

To Mr. MAGOON indefinitely;

To Mr. WILLIAM B. WILLIAMS indefinitely on account of sickness in his family; and

To Mr. LANDERS, of Connecticut, an extension of his leave of absence heretofore granted for ten days on account of continued sickness.

ENROLLED BILLS.

Mr. HAMILTON, of Indiana, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker *pro tempore* signed the same:

An act (H. R. No. 2161) for the relief of R. H. Buckner;

An act (H. R. No. 3927) making an appropriation to defray the expenses of the Joint Select Committee to Investigate Chinese Immigration;

An act (S. No. 774) to remove the political disabilities of Samuel Jones, of Virginia; and

An act (S. No. 982) providing for the completion of the Washington Monument.

CONFERENCE COMMITTEE.

The SPEAKER *pro tempore*. The Chair desires to announce that he has appointed Mr. SCALES as a member of the committee of conference on the Indian appropriation bill in place of Mr. SPARKS, who is absent.

[Cries of "Regular order!"]

The SPEAKER *pro tempore*. The regular order is the consideration of the report of the Committee on Naval Affairs, which was pending when the House adjourned yesterday, and the gentleman from Ohio [Mr. DANFORD] is entitled to the floor upon that question.

Mr. REAGAN. I call for the morning hour; it is the regular order of business, the previous question not having been called on the report of the Committee on Naval Affairs.

The SPEAKER *pro tempore*. The Chair holds that the business pending at the time of adjournment yesterday is the regular order of business and that the morning hour does not come up until that business is concluded.

NAVAL INVESTIGATION.

The House then resumed the consideration of the report from the Committee on Naval Affairs.

Mr. DANFORD. Mr. Speaker, in the little time allotted me for the discussion of the report now before the House it will be impossible to more than barely allude to a few of the questions involved in the investigation upon which this report is founded. I shall indulge in no preliminary remarks, but proceed at once to a discussion of the report, of the manner of the report and its matter; and I desire to call attention in this connection to a remark made by the gentleman from Alabama, [Mr. LEWIS,] my colleague upon this committee, early in his remarks on yesterday. Considering the course of this investigation, the manner in which it has been conducted, I may say that I was surprised that such a remark should fall from any member of the committee.

I quote from the speech of the gentleman from Alabama:

The present Secretary of the Navy, being fortified with seven years of experience in his office, with a patronage of $2,000,000 annually, with thousands of followers, many of whom were dependent on his will or caprice for their bread, determined to resist such an investigation as would lay bare the abuses, errors, violations of law and frauds which are given to the public in the majority report which is now pending before the House.

I repeat that I was astonished that such a declaration should fall from the lips of any member of this committee when I remember that out of more than four thousand printed pages of testimony taken by the committee fully one thousand of these pages were furnished by the Secretary of the Navy and officers of his Department in order that the committee might be aided in pursuit of *the object they had in view*. More than one thousand closely printed pages of this matter required four months of preparation in the office of the Secretary and in his various Bureaus, and have been furnished to the committee and are now published as a part of the testimony.

Mr. Speaker, when I remember that when this committee went armed with a commission from this body to every navy-yard upon the Atlantic coast, armed with a warrant to investigate, the committee were received, from Norfolk to Kittery, the navy-yard gates were thrown open and the committee were received with salutes that indicated the dignity and importance of the investigation; and when I remember that from the commandant of the yards to all the employés witnesses were subpœnaed and were freely offered and freely testified; when I recollect that every discharged employé around the navy-yards was free to come before the committee and tell his story whatever it might be; and when I remember that here in the rooms of the committee the doors were open to any one who might offer himself or herself as a witness to testify to any wrong or imagined abuse existing in the Department; and when I remember that during the four months of this investigation the doors were closed, absolutely closed in the face of the Secretary and his Bureau officers and every person intended to be affected injuriously by this investigation, I repeat that it does seem to me strange indeed that such a declaration should be made by the gentleman from Alabama. What witness refused to appear? What witness failed to respond to the subpœna of the committee? Out of all the hundreds of witnesses brought into the committee-room there was only one recusant witness, and he was brought before the bar of the House, but he had previously answered fully all the questions propounded to him.

I have been unable to discover in the conduct either of the Secre-

tary of the Navy or any of his Bureau officers any disposition whatever to shirk the fullest and fairest investigation of the conduct of the affairs of the Navy Department in the last seven years of its administration.

I need not say to the House that the members of the committee did not shirk the responsibility imposed upon them by the resolutions under which they were acting. They did not fail to respond to the request of any person, so far as I am informed, who desired to come as a witness before the committee. In reading the testimony taken by the committee we find that inquiry was made of various witnesses as to whether they knew of any fraud, any error, or any abuse existing in the Department or any of the Bureaus of the Department. If a negative response was elicited, then almost universally that question was followed up with the further question, "Do you know of any person who can give us any information in relation to any frauds, abuses, or errors existing in the administration of the Navy Department?" And so witnesses were followed up; and wherever there was the slightest hope of getting at a fact which would in any way bring to the knowledge of the committee any fraud, corruption, or actual abuse in the Department, the witness was hunted up, no matter where he was, whether in the Department, or a discharged employé, or wherever he might be.

The committee went so far in their investigation of the conduct of the Secretary of the Navy and of his subordinates, the heads of Bureaus, as to bring to this city from a distant place a woman whose reputation and character were known to some members of the committee at least to be that described in the Good Book: "Her feet go down to death; her steps take hold on hell;" and she was examined in the hope that there might be elicited from her some fact that would be damaging to the Secretary or to some of his Bureau officers.

Now, it will not do to come before the House at this day and say that the Secretary of the Navy stood in the way of this investigation. After he had been excluded from the committee-room, after his Bureau officers had been excluded from this investigation for a period of four months, while hundreds of witnesses were being examined and their testimony taken, testimony intended to affect directly the integrity and character of the Secretary of the Navy and his Bureau officers, during all that time the seal of secrecy was placed on the lips of the members of the committee, of the official reporter, and of every one admitted inside of the committee-room.

After a period of four months or more, when finally the doors of the committee-room were opened to the Secretary of the Navy, a mass of testimony amounting to almost three thousand printed pages was placed in the hands of the Secretary and he was told that he might reply to it. The witnesses had been discharged. There had been witnesses who had testified at the various navy-yards of the country and were then discharged. All this testimony was placed in the hands of the Secretary, and he was given the poor privilege, without the benefit of an intelligent cross-examination of the witnesses by himself or any member of the committee, of making up his answer.

I repeat that this investigation was conducted by the committee in secret for four months as though they were preparing a case against the Secretary of the Navy and the heads of the Bureaus; as though it were the determination of the committee to fasten upon them some wrong, some fraud, something in connection with the administration of the affairs of the Department that would bring reproach upon our system. And when the Secretary of the Navy was finally admitted to the committee-room, after he had given his testimony, after the better officers had testified, the committee came to make up their report. The minority in their views submitted to the House have complained of their treatment in relation to that report, and the manner in which it was made up.

I do not know why it was that the minority of the committee (I speak of the political minority) were not called in to discuss the various questions that had been under investigation. If it was known to the majority of the committee that the minority held views upon these questions that were not in accordance with the views of the majority, as they very possibly did, then the greater was the reason why they should have been consulted, then the greater reason existed why the minority should have been consulted in relation to this report and to its character.

I repeat that after the testimony had been taken, before the testimony of the last witness had been returned to the committee-room, the minority of the committee were notified to appear at a fixed time and hear the report. We heard that report, a report that we had no share in the making of, that we had never been called to consider. Then when we asked the poor privilege of taking up that report and discussing it subject by subject, in order that we might give our views upon the various conclusions given, even that poor privilege was denied to the minority of the committee and we were given two hours in the committee-room to discuss that report.

Mr. HARRIS, of Massachusetts. I think it was three hours.

Mr. DANFORD. I am informed that the time allowed was three hours, and possibly it was. Such was the character of the investigation, and such the manner in which the report was made up.

I propose to call attention to a few of the matters contained in the report, a few matters that are charged against the Secretary of the Navy as being violations of law. The first subject to which I shall call attention is the transfer of funds from one Bureau in the Department to another. Upon this subject I desire to remark that the testimony of the Secretary of the Navy, the testimony of a number of Bureau officers and other officers of the Treasury Department, has been taken; and from a careful reading of that testimony, as well as from a knowledge of the appropriations themselves, it will be seen that it is a matter of impossibility for the Secretary of the Navy to transfer upon his own motion one dollar from the Bureau of Construction and Repair to the Bureau of Steam Engineering or from any other Bureau of the Department to another. The further fact is established that such a transfer never did take place in a single proven instance, save one where there was a direct act of Congress making the transfer.

Why, Mr. Speaker, these appropriations are made from year to year for the several Bureaus of the Department, and are drawn out of the Treasury only upon proper warrants, and only for the particular Bureau for which work has been done. As an instance, the Bureau of Steam Engineering has an appropriation annually made for its benefit, and it is just as impossible for the Secretary of the Navy to draw from that appropriation $1,000, or any other sum and apply it to the Bureau of Construction and Repair as it would be for any member of this body to do the same act. It stands credited upon the books of the Treasury to the proper appropriation, and upon the settlement each Bureau is charged and credited with its proper appropriation. No such transfer can by any possibility take place without a collusion that amounts to an absolute and direct fraud between the officers of the Navy Department and those of the Treasury Department. Why, Mr. Speaker, there is an officer in the Treasury whose special duty it is to look to these several accounts as they come into the Fourth Auditor's Office and to determine whether they are properly charged to the particular appropriation from which the sum is sought to be drawn.

There have been, I repeat, no transfers. The Bureau of Steam-Engineering may do work that is properly chargeable to the Bureau of Construction and Repair or to some other Bureau of the Navy Department; and that work thus done and paid for by the Bureau of Steam-Engineering will finally be adjusted when it comes into the Fourth Auditor's Office and charged to the Bureau of Construction and Repair, or whatever Bureau may be the proper one to be thus charged. This is all there is in that matter of transfer.

Much has been said in the report of the majority of the committee and in the remarks of the gentleman from Alabama yesterday in relation to this matter of transfer, as though the Secretary had absolutely taken the entire appropriation of a Bureau, made for a special and specific purpose, and transferred it by his own will to a different Bureau; used it for a different purpose from that for which it was appropriated.

In this connection I want to speak for a few moments of the use of the money appropriated for the eight sloops of war. This appropriation of $3,200,000, made by the Forty-second Congress for the special and specific purpose of building eight steam-sloops of war, was used, as the testimony of the Secretary of the Navy shows—used prior to the meeting of the Forty-third Congress, together with every other appropriation made to the Department for that fiscal year—for the purpose of putting our Navy into a condition to meet an exigency that seemed to be upon the country growing out of the Virginius affair. The country will remember that affair, will remember that in 1873 the steamer Virginius was seized by a Spanish cruiser and American citizens found on board were ruthlessly butchered in cold blood. It aroused a feeling of indignation throughout the whole length and breadth of the land; and it seemed for a time that a war with Spain was imminent. Our Navy was in no condition to meet the navy of Spain or of any of the great European powers. The Secretary of the Navy, acting as he testifies in the belief that it was his duty as the administrative officer of that Department to prepare for war, did make use of and expend the whole of the appropriation for the eight sloops in preparing the Navy for that exigency. The President of the United States, his Cabinet, every patriotic American citizen, looked to him in his preparations with anxiety, hoping that he might be ready when we were compelled to strike the blow or when the blow should come upon us.

This is one of the "violations of law" to which the attention of the American Congress is called in this report; one of the "violations of law" by the Secretary of the Navy, and perhaps the very gravest upon which the majority of this committee propose, if the Judiciary Committee shall see fit, that he shall be impeached before Congress and the country. Why, Mr. Speaker, if he had not done just what he did in this exigency he would have been derelict in his duty.

More than this, when Congress met in December the condition of this appropriation was brought at once to the attention of Congress. The Secretary came to the Committee on Appropriations and said to them, "I have expended all the money you gave me for the purpose of building these eight sloops of war; I have expended all the appropriations made for my Department; I am without money." The committee and the House and the country, responding to his demand, gave him $4,000,000 in order to replace the appropriation for the eight sloops of war as well as continue the force of the different bureaus of the Navy up to the beginning of the next fiscal year. This is one of the matters, I repeat, to which the attention of the country is called in connection with the impeachment of the Secretary of the Navy.

Another matter dwelt upon in the report of the majority is the present condition of the Navy as compared with what it was some years ago. Upon this subject I do not propose to speak further than

to call the attention of the House to the rebuilding, as it is termed in the report of the majority, of old vessels under the name of repairs. The conduct on the part of the Secretary is criticised as a violation of law, and the House is to be called upon to impeach him for this conduct.

Now, I desire to state to the House just what this rebuilding of old vessels under the name of repairs spoken of by the majority of the committee consists in. Annually Congress appropriates to the Bureau of Construction and Repair a stipulated sum of money, and the present chief of the Bureau of Construction and Repair, with the knowledge and consent of the Secretary of the Navy, instead of going to the various navy-yards of the country and using his annual appropriation in the repair of a dozen or more old, rotten, unseaworthy hulks, built of white-oak timber which came down to us from the war, sloops and steamers which served their purpose, hastily constructed, some built in less than one hundred days, sent out as cruisers during the war, and which are now almost entirely worthless from defective material used in their construction—I say that instead of using his entire appropriation upon a dozen or a half dozen of those old vessels, the chief of the Bureau, with the advice and consent of the Secretary, has seen fit to go into the navy-yards and take out entirely not only its masts and spars but its keel from one of those old vessels, replacing them entirely with substantial material, especially of live oak, giving to the Navy each year in this way one good, substantial vessel which will last almost half a century. This is the manner in which the Secretary and the chief of the Bureau have been expending the appropriations for constructions and repairs from year to year. In the judgment of the minority of the committee it is the better economy and wisdom on their part to enter into this sort of rebuilding of a vessel rather than taking out a rotten plank here and there from a number of vessels which are to disappear entirely from the Naval Register in a short time on account of unseaworthiness.

Another matter complained of largely, and upon which two hundred pages of testimony have been taken, is the manner in which labor is put in the various navy-yards of the country. Just here let me remark there is, at least in the manner in which labor is employed in the different navy-yards of the country, an existing abuse. It is true now, as it has been for the last half century, that to some extent at least politicians control the labor employed in the various navy-yards. Local politicians, notably members of Congress, come to the various chiefs and commandants of the navy-yards and others having charge of the employment of labor, and in this way we have no doubt that occasionally an unskilled workman replaces a skilled mechanic. But we protest there is nothing in the testimony taken by the committee—and they have labored upon this subject in every navy-yard of the country—to show there is anything peculiar to this administration. This matter of political influence pertains to the very system of government under which we exist. And so long as we have political parties, and so long as we have affirmative principles, and especially affirmative men, this thing will exist to some exist.

The majority complain especially of the republican party and the republican Administration, for the reason that in 1862, or 1863 perhaps, certainly since the republican party came into power, Congress attempted by legislation to cure to some extent the abuses which have grown up in the employment of labor in the navy-yards of the country. The democratic party, in power in this country almost continuously since the days of Jefferson, never even made an honest attempt to cure the evil which grew up and which existed to a greater degree in 1859 and 1860 than it does to-day. The republican party did make an attempt to cure this evil so far as they had the power to cure it.

But, as I said a moment ago, this matter of laboring-men, this matter of politics in the navy-yards and every department of the Government, has existed for half a century. Take the very city of Norfolk, and there is greater complaint made of political influence in the navy-yard at Norfolk than any other place in the country. In that very city of Norfolk there is not a single uniformed or ununiformed police officer upon the streets who does not belong to the party known in Virginia as the conservative party.

Take the city of New York, take the democratic State governments throughout the length and breadth of the land, and I ask whether the employment of skilled and unskilled labor, the various watchmen about the public buildings of the country, are not employed and put in their places by reason of the fact that they belong to the party in power? This House of Representatives furnishes a notable example of political influence in the employment of subordinates. Why, Mr. Speaker, the Clerk's desk had been filled for twelve years before the democratic party came into power in this end of the Capitol by a gentleman whose honesty, integrity, and great knowledge of the business in which he was engaged made him so eminent (I am speaking now of the Clerk of the last House of Representatives) that his superior as a Clerk was never known in the history of our Government. And yet he was displaced on the very first day of the session. It may be said this is to some extent a political position, and I concede it. I do not complain that the majority put a party friend in that position. It was their right to do it, and no man of any political party of the country expected them to do anything else, and I am gratified to say the present incumbent is in all respects a perfect gentleman. They not only did this, but they went through that office and cleaned it out almost entirely. They began with the Doorkeeper's department, and they went through that in the same *effective, efficient, and thorough manner*. They did not stop even until they got down to the bath-rooms of the House of Representatives and removed from his place an old man who had been there for years and years in charge of the towels and the soap and the baths of the House, and replaced him by a young, vigorous gentleman from some State out West, who was in sympathy with the party in power. So with the post-office of the House, and so with every other place that the party in power in this end of the Capitol could touch. Political influence and political power were felt "all along the lines." And now it does not come with a very good grace from a committee of the House of Representatives in a majority report to complain that in the navy-yards and elsewhere throughout the country the republican party have yielded to the pressure of political influence, and that the politicians in some instances have directed the employment of labor in the various navy-yards.

But I must pass from this subject, and in fact from the entire subject in a few minutes more. I have only time to call attention to these matters in a brief and hurried way. There are many things complained of and magnified largely in the report of the majority; the testimony of witnesses, extreme witnesses, being quoted, and conclusions drawn from their testimony that a fair and full reading of the testimony will in nowise warrant. I have alluded to some of the chief matters of complaint against the Secretary of the Navy. He is charged with conniving at fraud, with being guilty of wrongs against the Government, with having betrayed the great trust reposed in him for the benefit of the whole country, and with having used it for the advancement of his personal friends. These charges are freely made throughout the length and breadth of the report. The matters that I have alluded to are specimens of the charges made, and I take it that upon a full reading of the testimony, if any gentlemen shall ever see fit to read it all, they will learn that the Secretary of the Navy has conducted the affairs of his Department in the interest of the whole country; that in the repairs put upon the Navy, that in the use of the different appropriations, and that in the general direction of the Department he has not departed from a line of honesty and faithfulness toward the country.

These charges made by the majority, this indictment made against the Secretary of the Navy may be demanded for partisan purposes. But this report affects the Secretary of the Navy in his honor. It affects him as a citizen of our common country. And it not only affects him but it affects the various Bureau officers, men who are in nowise identified with the republican party. Hanscom, Chief of the Bureau of Construction, Jeffers, Wood, Bradford. These men are in no way identified with the republican party in its management. They are men who have grown up to their places in the various Bureaus during a long life of service in the Department.

Take Bradford, the paymaster, if you please; and I want to remark here that if there is any officer of the Government that to my mind has been guilty of a single suspicious act, it was Bradford, the paymaster, in introducing and bringing together Cattell and Matthews at New York. Mr. Polk sent in his name to the Senate along with the names of his Cabinet. He was recommended by Andrew Jackson, and was for a long time a citizen of Tennessee, being a native of the State of Delaware, and never was identified with the republican party, so far as I know. And so with these various Bureau officers. They are not identified with the party in power in this Government, but are, as I believe, honorable men. Some of them have gone up from the work-bench to be heads of Bureaus. Some of them have seen service upon our ships of war in time of action; men who are gallant officers; men who have conducted themselves for twenty-five and thirty years with honesty and integrity. And yet you strike at them and strike them down upon the veriest suspicions and surmises.

You strike at the Secretary of the Navy likewise. He has spent seven years in the position of a Cabinet officer. He is still a young man, and he may well feel proud of the position he occupies and has occupied so honorably for so long a time. Perhaps in the declaration I am about to quote may be found the animus of this report. It is declared in the platform of the Saint Louis convention that the Secretary of the Navy has been enriching himself and his friends by selling his offices. I know that the democratic party of the country are hard-pressed; I know that for eight months almost they have been in session in this end of the Capitol with all the great economic questions of the day lying at their very doors; and they have failed in a session of eight months to bring to the country a single affirmative proposition of any character or kind whatever. There lies the question of our revenues just where you found it; there are the great questions of finance just where you found them; there are the questions of transportation just where you found them. Has it become necessary in order to go to the country for "Tilden and reform" that you strike down the Bureau officers of the Navy Department; that you wound the Secretary of the Navy; and that by this report you place a stigma upon their characters that is not justified by the testimony taken by this committee?

I know the disadvantage under which this House labors and must labor in forming an intelligent judgment between these reports. There are, as I have said, four thousand pages of testimony. There are but few members of this body that will ever read it. And in that

testimony lies the truth of these reports. In that testimony the truth will be found as to whether the conclusions of the majority or the views of the minority are the correct deductions from all this testimony.

Mr. Speaker, this is not a political question. It is a question going to nothing else than the *good name*, the honor, and the integrity of these men who are affected by these resolutions. I beg of you before you pass resolutions that will affect these men, their wives and their children, for all time to come that you pause and reflect that you are sitting in this matter as a judicial body and that your vote will affect seriously and affect for all time the men who are aimed at by these resolutions. I have already trespassed, and yield the remainder of my time to my colleague from Ohio, [Mr. GARFIELD.]

Mr. GARFIELD. Mr. Speaker, I rise to address myself only to one point in this report. I have read as much of it as I have had time to read; and I see that after seven months of incubation the committee have finally laid an egg out of which they are able to hatch only a doubt.

The result of all their work is that they are in doubt whether the Secretary of the Navy has violated any law or not. Being uncertain whether any living thing can be hatched from that egg, they turn it over to another committee to be set on during the summer, and, if possible, to be hatched next winter. Now the chief point in their report—the Samson of their case, as I understand it—is this: They have examined the testimony and have found what they think in one instance is a violation of the law of the United States. And it is this one allegation of a violation that I rise to speak upon. They quoted to us the statute of June 17, 1844, which is in these words:

That no person shall be employed or continued abroad to receive and pay money for the use of the naval service on foreign stations, whether under contract or otherwise, who has not been, or shall not be, appointed by and with the advice and consent of the Senate. (5 Statutes at Large, page 703.)

This is very broad and sweeping language, and the committee say that in obedience to this statute immediately after its passage the name of Baring Brothers was sent to the Senate and by them confirmed as the foreign fiscal agents of the Navy Department. Then the gentleman turns triumphantly and says, there was again a confirmation by the Senate in 1876 of the appointment of Seligman & Brothers. Why did not the President send to the Senate the name of Jay Cooke, McCulloch & Co., in 1873, to be confirmed in accordance with this law? The gentleman who spoke yesterday [Mr. LEWIS] said that doubtless the Secretary of the Navy refused to send in the name of McCulloch for fear the Senate would have rejected it; and, if so, the Secretary of the Navy would not have a chance to carry out his own purposes. Why was it that no names were sent in between 1844 and 1876? Why was no name sent in during that period of thirty-two years after the passage of the act of 1844? Why was no name sent in during the administrations of Polk, Taylor, Fillmore, Pierce, Buchanan, or Lincoln? Why was no name sent in during Johnson's administration? Your sword is too broad, my friend; it is double-edged and cuts both ways, backward and forward. I will answer why no name was sent in. Every man on this floor must know that all civil officers except judicial officers whose names go to the Senate for confirmation must go there upon a commission for four years unless sooner removed. I will tell you why. In 1846, two years before the first four years had expired, the independent-treasury act was passed. The sixth section of that act designates all the persons who shall receive, deposit, transfer, and pay the moneys of the United States, and if that section stood alone it would by implication repeal the section I have quoted from the act of 1844. I quote the section entire from the act approved August 6, 1846:

SEC. 6. *And be it further enacted*, That the Treasurer of the United States, the treasurer of the Mint of the United States, the treasurers, and those acting as such, of the various branch mints, all collectors of the customs, all surveyors of the customs acting also as collectors, all assistant treasurers, all receivers of public moneys at the several land offices, all postmasters, and *all public officers of whatsoever character*, be, and they are hereby, required to keep safely, without loaning, using, depositing in banks, or exchanging for other funds than as allowed by this act, all the public money collected by them or otherwise at any time placed in their possession and custody, till the same is ordered by the proper Department or officer of the Government to be transferred or paid out; and when such orders for transfer or payment are received, faithfully and promptly to make the same as directed, and *to do and perform all other duties as fiscal agents of the Government which may be imposed by this or any other acts of Congress*, or by any regulation of the Treasury Department made in conformity to law; *and also to do and perform all acts and duties required by law, or by direction of any of the Executive Departments of the Government as agents, for paying pensions or for making any other disbursements which either of the heads of those Departments may be required by law to make and which are of a character to be made by the depositaries hereby constituted, consistently with the other official duties imposed upon them.* (9 Statutes at Large, page 60.)

An examination of the section shows that the old machinery of depositaries and special agents was swept away altogether, and, by implication, this section repealed the section which the committee quoted from the act of 1844. But we are not left to implication. The last section of the act (section 24) actually repeals all acts and parts of acts inconsistent with the subtreasury act. And this repeal seems to have left it in the power of the heads of the several Departments to make their own special fiscal arrangements after they have drawn the money for their use, and therefore very naturally and very properly the President did not find it necessary in 1848 to send the name of Baring Brothers to the Senate, nor in 1852, nor in 1856, nor in 1858, nor at any subsequent day. It was understood by the practice of all the administrations that the subtreasury law substantially superseded all other laws on the subject.

Now, in 1854, Congress, finding that the Secretaries of the several Departments needed more special power in reference to the disbursement of money, a section was put into an appropriation bill in those democratic days, which gentlemen will find as the fourteenth section of the sundry civil bill of August 4, 1854.

And here is the section:

Whenever it becomes necessary for the head of any Department or Office to employ special agents other than officers of the Army and Navy, who may be charged with the disbursement of public moneys, such agents shall, before entering upon duty, give bond in such form and with such security as the head of the Department or office employing them may approve.

This section recognizes the power of the Secretary to employ agents, but requires him to take security from them. Now, that act of 1854, together with the section I have quoted from the subtreasury act, was accepted on all hands as dispensing with the necessity of sending in a name to the Senate for such foreign fiscal agent.

Now in 1871 a new appointment was made; the appointment of Jay Cooke, McCulloch & Co., after consultations which are usually had by all administrations; it is not necessary to discuss the reason of that. They were made the agents of the Government. But were their names sent into the Senate? Of course not; nobody raised the question of practice, because not one of Secretary Robeson's predecessors had sent any name in for nearly one-third of a century. And the power of the Secretary was further increased by the act of July 5, 1862, providing that "all appropriations for specific, general, and contingent expenses of the Navy Department shall be under the control and expended by the direction of the Secretary of the Navy."

What now happened? When we came to revise the statutes of the United States in 1874, by one of the blunders which the revisers made in so great a work, there was embraced in it the old obsolete law of 1844. And when that came to be discovered and there was a change in 1876 in the fiscal agency of the Navy Department, and Seligman Brothers of New York were appointed, for the first time in thirty-odd years it appeared that there was a requirement in the Revised Statutes that the name should be sent in to the Senate for confirmation. And accordingly, in obedience to that old obsolete section now included in the Revised Statutes, the name of Seligman Brothers was sent in to the Senate.

And I will say here, what is common report throughout the country, that the Committee on the Judiciary of the Senate that had charge of that nomination thought there was no necessity of their ratifying the nomination. It was the general impression that, even with that provision in the Revised Statutes, they did not need to ratify the nomination of Seligman Brothers. But finally, out of abundant caution, they did ratify it.

And now we are called upon to raise the question of impeachment of Secretary Robeson for having neglected a repealed statute, which for thirty years every one of his predecessors had treated as repealed. If party rage can go further than that; if malice can seek a crazier thing to lean upon, I do not know what it is.

The doctrine of the majority of the committee is one

That leans its idiot back
On folly's topmost twig.

That is all I have to say on that point.

Now a word or two on a single other point. It is charged that the Secretary of the Navy made remittances to the concern of Jay Cooke, McCulloch & Co. after it was in a failing condition. Now it is clearly shown in their own testimony that the remittance was made weeks before the credit of the firm had suffered any shock. The warrant passed out of the Secretary's hands and was no more under his control than under yours or mine. And because some of the drafts, which had been wandering around the world, were not presented for payment till a day or two after the crash, the committee say that therefore the Secretary made remittances after the credit of the firm was impaired. I have only time to say that the action of the Secretary was such as every sensible business man would approve.

I want to say one word in conclusion, and that is this: That good old sense of fair play that enters into the hearts and minds of all brave, manly men requires this House to do one of two things: If you believe that Secretary Robeson has done anything deserving impeachment, present your articles and vote on them. If you do not believe that, say so and drop the subject. But to hang up over his head a doubt and a threat, and to let them hang there as a menace during the heated political controversy of the pending election is unmanly and unjust. Why, sir, you might say the same thing of George Washington; you could pass this same resolution about any public servant that the nation ever had. We could say that, being in doubt whether all his acts were perfectly legal, we will turn the question over to a committee to inquire, with instructions to bring in articles if they find any act impeachable. Could you not say that about any man you ever knew who ever held any public office in this nation? Secretary Robeson is a manly man, and does not fear to meet the full responsibility of his official acts.

Now let this House do the manly thing; bring in your articles of impeachment and vote on them; recommit this report to your committee, and let them act upon it and bring in articles of impeachment if they can. We do not desire to screen anybody who has done wrong, but we do demand manly, fair play.

[Here the hammer fell.]

The SPEAKER *pro tempore*. The time of the gentleman from Ohio [Mr. GARFIELD] has expired, and the gentleman from Texas [Mr. MILLS] is entitled to the floor.

Mr. LEWIS. I ask the gentleman to yield to me for a moment.

Mr. MILLS. I will do so.

Mr. LEWIS. I desire to answer the question which the gentleman from Ohio [Mr. GARFIELD] asked, why no name of a fiscal agent was sent to the Senate from 1844 to 1871 for confirmation. In my opinion, the reason was because there was no vacancy to be filled. We had but one foreign fiscal agency, and that was at London; all foreign drafts were drawn upon that house in London. From 1844 down to the commencement of General Grant's administration the Government was content to let Baring Brothers & Co., bankers of great credit, who had done so much to maintain the credit of the United States, continue to act as our fiscal agents. They had been appointed and confirmed by the Senate in 1844; and before the law required them to be so appointed and confirmed they had filled that position from 1815, and continued to fill it down to the time they were removed by this Secretary of the Navy.

These laws that they say repealed the law of 1844 contained nothing inconsistent with the act of 1844, nothing that cannot be reconciled with it. Every lawyer in this House knows that if these laws are reconcilable with the law of 1844, if they contain no negative words, the former statute remains. Does the gentleman from Ohio [Mr. GARFIELD] as a lawyer assert that the law of 1854, which required those foreign special agents, as well as the agents at home, to give bonds, repealed the former law requiring them to be confirmed by the Senate? Is not the mere statement of the proposition sufficient to show the absurdity of the gentleman's position to any legal mind of this House? So with the subtreasury act, which he did not condescend to read to the House.

Mr. MILLS. I had not expected until yesterday evening to take any part in this debate. After I had left the House on account of indisposition, I received a note from the chairman of the Committee on Naval Affairs [Mr. WHITTHORNE] that I was expected to participate. I will now call the attention of the House to such facts as have occurred to me since that time.

In regard to the question that has just been presented by the gentleman from Ohio [Mr. GARFIELD] I wish to say that he has begged the question. His argument is the argument of an advocate defending a criminal. This is a question of right or wrong. It is not a question that involves the judicial interpretation of a repeal or non-repeal of a statute. The question is: Has the Secretary of the Navy done wrong in the acts complained of?

Now, sir, it is a principle of moral law that the intention is an essential element to constitute the moral quality of an action; and when we look to the intention of the Secretary of the Navy in transferring the deposits of the Government of the United States to the banking house of Jay Cooke, McCulloch & Co., I prefer to go to the words of the Secretary of the Navy himself rather than to the justification or palliation of his friends on this floor. In order that both sides of the question may go to the country—the reasons assigned by the Secretary of the Navy himself, and the defense as given by his friends on this floor—I will read his statement of his motive in transferring the funds of the Government of the United States to the possession and control of Jay Cooke, McCulloch & Co. It is in an epistle to Henry Clews, dated May 23, 1871:

MY DEAR CLEWS: I have your letter of the 19th instant in regard to the appointment of a fiscal agent of the Government abroad. I am sorry I was absent when you were here, for I could have explained to you personally much more fully and satisfactorily the situation of this matter. The truth is, that the Navy Department really has no fiscal agent abroad, but has hitherto kept its account with Baring Brothers & Co., of London. This account I transferred about the 1st of the present month to Jay Cooke's house abroad. This I did for the broadest political as well as financial reasons—

Not because the law was repealed at all; that does not cover the question what was the intention of the Secretary of the Navy in taking the Government funds from the possession of a house well established in the credit and confidence of the people of the world and placing them in the keeping of a house that was sinking into bankruptcy.—

This I did for the broadest political as well as financial reasons, looking to the good of the service abroad as well as strengthening the party and Administration at home. The house of Jay Cooke & Co. has, as you know, large and extended interests and influence throughout the country.

See what an able man he is, what a magnificent diplomat! He is fit to command armies; he covers the ground with such consummate ability. Listen to him:

Their connection and influence with the national banks; with the Pennsylvania Railroad, which controls the State of Pennsylvania, and which, absorbing the Camden and Amboy Railroad, now controls New Jersey, and stretches from its western terminus across many of the Western States far toward the Pacific; their interest in the Northern Pacific, and their general interest in the country make them very powerful friends where actively interested in the success of the Administration, and dangerous enemies, in vital localities, when indifferent or unfriendly.

How comprehensive the scheme he proposes in building up the Administration at home and strengthening its hold on power, rather than the interests of the Government in foreign lands!

These were some of the considerations which influenced me, and which would have still influenced me had I known of your application, which I did not at the time when I acted.

Now, Mr. Speaker, I will let this go with the defense which has been made of this conduct by the gentleman from Ohio. I will let the people of the United States read this testimony and form their own judgment whether or not the Secretary of the Navy has been actuated by any motive which casts any imputation upon the character of the action with which he stands charged before this House and the country. I will not permit him to impale us on a mere question of technicality, nor will I permit him to hide himself behind a miserable subterfuge. His motives and intentions are presented from his own pen and presented with great force, and the people of the United States can judge from the case he has made whether he is to be justified or condemned for using the moneys of the Government for the purposes set out by him in his letter.

The gentleman from Ohio [Mr. DANFORD] attempts to extricate his friend from the condition in which he has placed himself by a piece of special pleading that might well become a lawyer, but does not meet the demands of a statesman. He says that for months and months the party in power in this House has been exerting all its influences to drag down the Navy Department and the administration of which it is a part, and that we have held our sessions in secret. I know how strong the objection to secret tribunals and star-chamber courts is in the minds of the American people, a people whose whole history is filled with protests against *ex parte* trials, secret tribunals, and star-chamber commissions. They have always been the ready expedients of despotism, and nothing our people have inherited from their ancestors do they hold in greater reverence than public trials, where a fair and impartial hearing is accorded to every one accused of crime.

But the argument has no power in this case because the Secretary of the Navy had his friends, devoted and able partisan friends, in that committee all the time, as zealous in his defense during all this session as they are to-day. He had all his witnesses that he desired to have examined. We gave him every opportunity to present his case before the country through the committee and through this House, and he has availed himself of these opportunities to his entire satisfaction.

It has been the custom of our fathers for hundreds of years where investigations against criminals were instituted simply as preparatory steps for bringing them to trial, to conduct those investigations in secret, as is done by our grand juries every day, in order to prevent a combination of power on the part of criminals that would thwart all investigations and set the law at defiance; and I do not know of any more appropriate place to exercise such prudence than when we were seeking testimony, nine-tenths of which had to come from officers and subordinates who were under the control of the Secretary of the Navy, who was clothed with power as despotic as that of the Czar of Russia, a power that enabled him whenever an officer of the Navy incurred his displeasure to send him to the other side of the earth, and a power which he has not been slow to exercise when the proper occasion presented itself.

The gentleman defended the action of the Secretary in repairing the old vessels of the Navy. The law of Congress requires that when a vessel is unfit to keep its place in the Navy it shall be sold at public auction and the proceeds of the sale paid into the Treasury of the United States. But the Secretary of the Navy, in order that he might keep that fund in his own hands and expend it according to his own inclinations without having to call upon Congress to place it again at his disposal, has defied the law, and broken up vessels, and disposed of the materials of the Navy. He has placed his own discretion in the place of the law. By this system he renders no account to the Treasury of what he has done with the vessels that he has broken up, and he uses the proceeds of these materials as he pleases, without calling on Congress for their consent. By this system he has claimed and exercised the right to build vessels for the Navy in defiance of law and without authority of Congress; and while it may be a very good and wise plan according to his view of it, any other man may just as well say that whatever he does in defiance of the law is better than the law itself. By so doing he simply elevates himself above the law and substitutes his own will for the law of the land.

Now, Mr. Speaker, there is one point which has not been pressed before this House and which the gentlemen on the other side of the question seem to have forgotten entirely. It is one to which I desire now to ask the attention of the House. It is that charge which the chairman of the committee has characterized as "Cattellism." Mr. E. G. Cattell has amassed the sum of over $300,000 (and this will not be disputed by any gentleman of the committee) by extorting commissions from contractors in the Navy Department. He compelled them to divide their profits with him during the last four or five years, the sum of those profits amounting to over $300,000.

Mr. Cattell, as the gentleman from Ohio [Mr DANFORD] stated to you, was brought to Mr. Matthews, of New York, who was a contractor with the Navy, through the instrumentality of Mr. Paymaster Bradford. Whether Cattell took the initative in the transaction or whether Mr. Matthews took the initiative is not very clearly settled between them, but through the instrumentality of this intimate friend of the Secretary of the Navy they were brought together and they concocted a scheme by which Cattell negotiated for his influence over Secretary Robeson and his influence in the Navy Department in the procuring of contracts in that Department in his line to Mr. Matthews, and Mr. Matthews was to divide the profits between

them, those profits amounting to over $300,000 as I have told you. No one of the republican members of the committee will deny the truth of this statement so far as this money goes into the hands of Mr. E. G. Cattell, but they deny that any part of that fund has gone farther than Mr. Cattell's possession, or that there is any evidence which traces it into the possession of the Secretary of the Navy.

Mr. Speaker, all lawyers know and all intelligent people know that the proof of every fact is either by positive or circumstantial testimony. In all the relations of life these two kinds of testimony are used to produce conviction in the mind. Circumstantial testimony has the same strength that positive testimony has if there is enough of it. In fact there has been a long contest among law-writers as to whether circumstantial testimony is not stronger even than that of positive proof. Whether any of these commissions have found their way into the pockets of the Secretary of the Navy is a question of circumstantial evidence, and I invite your consideration to certain strong circumstances which I hope gentlemen on the other side will be able to repel and to answer to their own satisfaction as well as to the satisfaction of the country. It would be a great relief to me could I but know that this high officer of the Government has his garments without the smell of fire upon them in connection with these transactions.

Well, what is the first circumstance? The first suspicious circumstance is this: That out of the proceeds of $309,000, so amassed by commissions on contracts in the navy-yard, Mr. E. G. Cattell builds a cottage at Long Branch, expending over $13,000 for the interest of his friend, Mr. G. M. Robeson, Secretary of the Navy. He testifies that the very money he took from these contractors he expended for Secretary Robeson, and that that amount stands open upon his books. There is a portion of the proceeds of these commissions in his possession. How do his friends and defenders account for that? There is one circumstance at least that needs explanation.

The only explanation I have heard offered for it is that it is an open account which is yet to be paid by Robeson. It has been standing for years. Why has it not been paid? Secretary Robeson certainly will not plead inability. His friends will not plead inability, when he shows a bank account since he has been Secretary of the Navy of deposits in four different institutions in this country which amount to over $400,000. Why, then, with all this pecuniary ability to discharge that debt, was it permitted to stand a day after maturity? But it has stood for years and still stands open.

Another circumstance which it would be well for the Secretary of the Navy to explain is that when he was appointed Secretary of the Navy in 1869 he was a poor man. Here in this book is the highest evidence of his pecuniary condition at the time he entered the Navy Department. It is his official rendering under the income law of his income as a citizen of New Jersey. Every gentleman here knows, every citizen of the United States, that during the existence of the income law he had to render under the solemn sanction of an oath the amount of his income as a citizen to the Government. What does he make his income? He commenced in 1863 with the income law when he had $492. In 1864 he had $535. In 1865 he was not assessed. In 1866 he had no income. In 1867 he had no income. In 1868 he was not assessed. In 1869 he had $1,000 income. That is the year in which he was appointed Secretary of the Navy.

Now, commencing with 1869, from the date of that account, which is from the records of the Commissioner of the Internal-Revenue, the honorable Secretary is shown to have deposited in the bank of Drexel, Morgan & Co., the First National Bank, Camden Bank, and with Riggs & Co., of this city, large sums of money. Here they are and I will give the amounts: With Riggs & Co. he deposited in 1873, $19,193.65; in 1874, $65,825.87; in 1875, $123,293.43; in 1876, to April 4, $20,513.63. In four years his deposits with this institution were $228,826.58.

A MEMBER. His private account?

Mr. MILLS. Yes, sir; his private account. With the First National Bank, running from 1869 to 1870, he deposited $104,257.22. With Drexel, Morgan & Co., in 1873 and 1874, $35,573.34. With the Camden Bank for three years, $52,142.27. The total is $420,799.41.

Now, Mr. Speaker, I do not believe that all of that sum was clear profit, or that each one of those *deposits is independent or disconnected* from any other. But take the fact as it appears on its face, and it shows at least that he has been using during his time as Secretary of the Navy an immense sum of money—using it all the time; and yet he lets his Long Branch indebtedness of $13,000—a sum perfectly contemptible when you come to see the amount of money he handles—stand open for years; and it is yet to be settled and paid between him and his friend E. G. Cattell. How will he explain this? How do his friends explain it? What inference are we to draw from it? Is it a gift or a loan or an investment of so much of his profits in the business of his friend E. G. Cattell? I leave this circumstance to his friends who have him and his administration in their keeping, and hope they may find some way of honorable escape for their friend and political associate.

There is one other circumstance which looks a little suspicious, and that is that Secretary Robeson purchased property conjointly with Mr. E. G. Cattell on Sixteenth street, in this city, which cost $22,000, and Mr. A. G. Cattell, the brother of E. G. Cattell, advanced the money except $3,000 paid down by the Secretary, and he then gave his note for $8,000, which note was paid by E. G. Cattell. That note was paid by this same gentleman who has amassed this fortune from commissions levied upon contractors in the Navy Department.

What explanation have gentlemen to give for this? Do they still stand and lock their arms around him, indorse and vindicate his conduct, and sustain and uphold him, when such damaging testimony is brought against him and he has not answered it? What answer will they make to this? One other circumstance tending strongly to show that the Secretary is not entirely innocent of the agreement or understanding——

Mr. HARRIS, of Massachusetts. Will the gentleman from Texas yield to a me?

Mr. MILLS. I will for a moment.

Mr. HARRIS, of Massachusetts. I wish to ask my friend whether the Secretary of the Navy did not pay a tax in 1865 of $7,000?

Mr. MILLS. Whether he did not do what?

Mr. HARRIS, of Massachusetts. Whether the Secretary of the Navy did not pay an income tax of over $7,000?

Mr. MILLS. When?

Mr. HARRIS, of Massachusetts. In 1865.

Mr. MILLS. Well, then, he had lost all that money in 1869, for he only had a thousand dollars income in 1869. It makes no difference if he had $100,000 in 1865 if he lost it all before 1869.

Mr. FRYE. Will the gentleman let me ask him a question?

Mr. MILLS. Certainly.

Mr. FRYE. The gentleman says he must have lost it prior to 1867, 1868, 1869. Did he not testify before your committee that he invested every dollar he had in United States bonds, which were exempted from tax?

Mr. MILLS. But they were not exempted from the tax by law. He did testify to that, but the gentleman as a lawyer knows they were not exempted from the payment of income tax, and the Secretary was evidently mistaken in that. Bonds, and everything else, were embraced in the income tax. In fact the legislator who drew that income law tortured his imagination to find every source he could to extort a dollar or a penny from the people for the Government of the United States. The expenditures of the Government then were immense, and revenues were required from every possible source where taxation could reach.

Now, sir, another unfortunate circumstance is the one in connection with Mr. Swift's contracts for live oak with the Government. Mr. Swift claims to be a democrat. Like Mr. Paymaster Bradford, all these fellows take refuge in the fact that they are democrats. Whenever you get them doing any wrong——

Mr. FRYE. O, no; they all go into the democracy.

Mr. MILLS. They all claim some bright spot of refuge. They know it will add respectability to them if they even claim the fact of having once been honest. [Laughter.] Mr. Paymaster Bradford says he was appointed by Mr. Polk. Lucifer was appointed by the Almighty, and was once the highest archangel that commanded round His throne; but Lucifer fell, and fell never to hope again. So this man Swift claims to be a democrat, but says he was accused of disloyalty and could not get a contract from the Government on account of the brand of disloyalty put upon him as a citizen of Massachusetts. He is the first citizen of Massachusetts I ever heard of during those four years of bloody war who had the brand of disloyalty put upon him. Mr. Cattell, if I remember the testimony rightly, told him that he was under the ban, and he had better employ him, because he had the confidence and friendship of the Secretary of the Navy; that he was a strong man. He told Swift, "You had better employ me, and I will wash all that guilty stain from you, and I will get you a contract." Mr. Swift got a contract, when he could not get it in any other way except by the aid and influence of Mr. Cattell. He did get it, and he paid the commissions until April, 1873. But Mr. Swift being a very strong man himself—I should like to ask the Chair whether my time has expired?

The SPEAKER *pro tempore*. The gentleman's time has expired, if he is only to occupy half an hour.

Mr. WILLIS. I give the gentleman five minutes of my time.

Mr. MILLS. Mr. Swift being a very strong man, and a man of great capital and of great energy, refused to acknowledge this party that stood between him and the Secretary of the Navy; and he went to the Secretary of the Navy and told him, "This man Cattell tells me he is a friend of yours and that I cannot get a contract without paying him commissions, and I have been doing that." Now, in that Mr. Swift was very smart. He knew the Secretary of the Navy dared not say that it was true. He knew he was bound to say that it was not true. And when he got him to say that he intended to go back to the other and say, "You have been telling me a falsehood; I told the Secretary of the Navy what you said and he told me it was not true, and I won't pay you any more." And the Secretary became ostensibly offended at Cattell. Cattell says he became very sore. He cut his acquaintance and would have nothing to do with him so far as the world was concerned. Swift did not continue paying him any more of these commissions. But we will see, Mr. Speaker, from some loving dispatches here how strong was the bond of intimacy that still existed between the Secretary of the Navy and Mr. Cattell up to March, 1876.

He says, Christmas, 1873, six or eight months afterward:

Wishing you and yours a merry Christmas.

He sent him a dispatch at Christmas-time. He does not grow remiss about that. And when New Year's Day comes he wishes him a happy New Year. Here is his dispatch:

PHILADELPHIA, *January* 1, 1875.

To Hon. GEO. M. ROBESON,
Secretary of the Navy, Washington, D. C.:
Wish you and yours a very happy New Year.

E. G. CATTELL.

And I will read some others of these telegrams. Here is one of November 4, 1873:

To Hon. GEORGE ROBESON, *Secretary of the Navy:*
Will see you at your house about 9 o'clock to-morrow morning.

Here is another of November 14:

All right. When will you be in New York?

On November 8 he telegraphs to the Secretary as follows:

No reply to my telegram; if important to come to-night or Sunday night, prefer to-night. Will wait at telegraph office, Philadelphia, for reply.

Then on the 22d of November he telegraphs:

Do you expect to be in New York soon? If so, when? Reply.

Then on March 28, 1874:

Appointment of receiver of stores, yards, and docks remains vacant through your telegram to the commandant. We especially want the appointment of John Fox to this vacancy. The commandant approves, and will appoint if authorized by telegram from you.

A. G. CATTELL.
DELL NOBLITT, JR.

And this Mr. Noblitt was one of the gentlemen who paid the commission. He feels a very great interest in having his friend appointed to a position in the Navy at Philadelphia.

Again he says, April 8, 1874:

Received letter this morning. Will attend to request at once.

Then on May 18, 1874, he sent this dispatch:

Letter with inclosure received.

On May 18th:

Will letter mailed to-day reach you? Reply.

On June 1, 1874, there is this telegram:

To Hon. GEO. M. ROBESON,
Secretary of the Navy, Washington:
Will you be at home to-night? Reply.

E. G. CATTELL.

On March 4 there is this dispatch:

We leave in cutter General Grant, off battery, ten o'clock to-morrow to meet Senator and Minister Schenck. Would be glad to have you with us. Reply.

On July 1, 1874, A. G. Cattell sends this dispatch:

To Hon. GEO. M. ROBESON,
Fifth Avenue Hotel, New York:
If well enough, I think it highly important you come to Washington to-night. HALE has declined.

ALEX. G. CATTELL.

The gentleman from Maine [Mr. HALE] will understand that telegram. And he repeats the dispatch, sending it to Philadelphia:

To Hon. GEORGE M. ROBESON,
Continental Hotel, Philadelphia:
If well enough, I think it highly important you come to Washington to-night. Hale has declined.

ALEX. G. CATTELL.

On July 27 A. G. Cattell sends this dispatch to Mr. Robeson:

Will Bettle and myself will breakfast with you to-morrow morning at eight o'clock.

And there are a number more of these dispatches between E. G. Cattell and Secretary Robeson, from which it does not appear by any means that the social relations that had existed between these two gentlemen had been in the least disturbed. And the business relations between them will be found to have continued to exist all the time up to last March when Mr. Cattell was still demanding the commission from these contractors and they were still paying. But as my time is out I cannot go through this discussion.

Mr. WILLIS. I yield to the gentleman five minutes more.

Mr. MILLS. I will not discuss these facts further. I want to allude to one point made by the gentleman from Ohio [Mr. DANFORD] before I close, and I will then yield the floor to the gentleman from New York.

The gentleman from Ohio attempted to justify the unwarrantable expenditures of public moneys on account of the Virginius affair; a matter which we all remember. I remember when I came here three years ago in November, 1873, when the news had been flashed over the wires throughout this country that an American ship had been chased by a Spanish armed vessel; that shotted guns had been fired across her decks; that she had been compelled to haul to; that she had been boarded; that her flag had been torn down; that the vessel had been taken; that her crew had been subjected to trial by court-martial on the vessel itself before she reached Cuba; that they had been condemned and executed, a number of them, in violation of international law. I remember what a flame of indignation swept over this land. I remember that I had commissions from men who had carried arms against that flag authorizing me to go to the President of the United States and tender their services to vindicate the flag that now floated as a symbol of the power and the name of their country. I remember, sir, when the Secretary of State was diplomatizing and making the people believe that he intended to avenge the insult offered to our national honor. He knew the records at New York, from which port that vessel sailed, showed that her papers were all right; that they had the impress of the broad seal of the Government of the United States on their face, and that over its decks floated the flag of the Government as the symbol of its power and protection, and consecrating every plank on its decks as American soil. He knew those facts. But, Mr. Speaker, there was another fact that he knew and the country did not know, and that was that we would not and could not encounter the navy of the weak and decaying Spanish government upon the water. He knew that our fleet at Key West had made an experimental trial of speed, and that four miles an hour was the average that could be reached; and an English author spoke of the Spanish government in these terms:

To the nineteenth-century Englishman Spain is simply an incomprehensible country, which pays no interest on her bonds. But even now, low though she has sunk in the scale of nations, she is far from insignificant at sea. A nation which has practically defied the United States cannot be classed with the small powers, however weak may be her forces on land, however torn by civil war. We suppose there can be no dispute about the fact that the United States did "cave in" on the Virginius question on account of their utter inability to cope with the Spanish fleet. Seven iron-clads, including three of the first-class, constitute the armada which the United States refused to face.

I will leave this paragraph for the contemplation of the Secretary of the Navy and his friends and the friends and defenders of his administration. If they shall be able to extract comfort from its perusal, I shall feel amply rewarded for producing it here.

LEAVE TO PRINT.

Mr. ELY asked and obtained leave to print in the RECORD as a part of the proceedings of the House some remarks upon the expenditures in the Treasury Department. [See Appendix.]

EXPENSES IN THE TREASURY DEPARTMENT.

Mr. HOOKER, by unanimous consent, from the Committee on Expenditures in the Treasury Department, submitted a report in relation to captured and abandoned property and of expenses in the Treasury Department, and moved that the report, together with the evidence, be printed and recommitted to the committee.

Mr. HALE. Not to be brought back on a motion to reconsider.

Mr. HOOKER's motion was agreed to.

LEAVE TO PRINT.

Mr. LUTTRELL. I ask unanimous consent to print some remarks on the financial condition of the country.

No objection was made. [See Appendix.]

NAVAL INVESTIGATION.

The House resumed the consideration of the report of the Naval Committee.

Mr. WILLIS. Mr. Speaker, the duty of elaborately presenting such facts as justify the majority report now under consideration devolves upon my colleagues on the committee, Messrs. WHITTHORNE and LEWIS. They are quite competent for the performance of this task. It is my purpose not to discuss the merits or the issues which this controversy involves, but as a member of the Committee on Naval Affairs, charged with a weighty duty, I wish to justify my relations to this report and to refute such assaults as have been made upon the methods employed by this committee in the conduct of the investigation. We were charged by the House of Representatives to inquire into the existence of any error, frauds, or abuses that might exist under the administration of laws in the Navy Department, and to make such recommendation as to us under all the circumstances should seem fitting and proper. This has not been a trial of the Secretary of the Navy. No particular officer was charged with any specific act of guilt or malfeasance, or even of neglect. If Secretary Robeson has been under trial, so has every officer and every marine and every sailor in the Navy. Consequently what has been said with reference to the denial on the part of the committee of certain prerogatives or certain privileges to which an accused person under trial is entitled by virtue of the Constitution has no force or application as far as this committee is concerned. We did not, as has been alleged by the gentleman from Ohio, [Mr. DANFORD,] begin by summoning the soreheads and malcontents within our committee-room in order to frame an indictment against a high official of the Government. The records will show that the very officials who at the outset of this investigation were subjected to examination were Bureau officers under the absolute and immediate direction of the Secretary of the Navy and interested in the vindication of his administration. The gentleman from Ohio [Mr. DANFORD] says that we have occupied here an eight-months session and have nothing whatever to show for our labors. From the testimony of one of these Bureau officers examined within three days after this investigation was inaugurated, Acting Paymaster-General Watmough, it was ascertained that there was a list of defaulting paymasters in the Fourth Auditor's Office numbering no less than a hundred, not one of whom has ever been court-martialed, not one of whom has had action in the civil courts prosecuted against him to judgment. Some of these defalcations amount to several hundred thousand dollars, and in some instances the defaulter still remains in the service of the Government and is still intrusted with its funds. I submit the list of these defaulters:

List of paymasters in default.

Andrews, G. H., acting assistant paymaster	$74 12
Allen, J. S., acting assistant paymaster	7 57
Abell, J. H., acting assistant paymaster	1,659 25
Brink, C. H., acting assistant paymaster	146 35
Bates, J. A., jr., acting assistant paymaster	27 46
Balch, F. K., acting assistant paymaster	133 69
Baker, A. G., acting assistant paymaster	473 79
Blackwell, W. C., acting assistant paymaster	123,164 98
Brower, T. M. C., acting assistant paymaster	3,663 15
Bradley, L. D., acting assistant paymaster	12,038 94
Bernis, G. F., passed assistant paymaster	13,660 50
Cushing, M. B., passed assistant paymaster	10,000 00
Clapp, C. W., acting assistant paymaster	12,678 85
Camp, B. F., acting assistant paymaster	4,685 48
Collum, C. D., acting assistant paymaster	6,170 49
Carstans, T., acting assistant paymaster	1,122 81
Clark, E. St. C., acting assistant paymaster	4,571 64
Chenery, C. E., acting paymaster	5,581 58
Chapin, E., acting assistant paymaster	172 14
Cowley, C., acting assistant paymaster	187 60
Cushing, T. B., acting assistant paymaster	163 78
Drone, T. C., acting assistant paymaster	11 82
Dickerman, C. S., acting assistant paymaster	746 07
Dabney, T. S., acting assistant paymaster	2,916 01
Downes, C. A., acting assistant paymaster	83 54
Duane, M., acting assistant paymaster	105,905 96
Dillon, A. J., acting assistant paymaster	1,731 54
Dennison, C. H., acting paymaster	227 02
Doane, W. H., acting assistant paymaster	4 92
Emerson, T. A., acting assistant paymaster	10 92
Esemveirr, A., acting assistant paymaster	5,520 80
Ferree, G. A., acting assistant paymaster	2,574 21
Flood, J. M., acting assistant paymaster	56 76
Fuller, W., acting assistant paymaster	13,541 08
Farnham, B. M., acting assistant paymaster	10 00
Gould, C. H., acting assistant paymaster	74 77
Gibson, A. S., acting assistant paymaster	2,307 78
Griffin, G. W., acting assistant paymaster	10 10
Gardiner, C. A., acting assistant paymaster	20,608 57
Gallaher, B. F., paymaster	113,582 06
Healey, W. J., passed assistant paymaster	11,050 43
Hyde, H. M., acting assistant paymaster	8,309 05
Hills, F. C., acting assistant paymaster	1,197 81
Hanson, J. W., acting assistant paymaster	78 03
Hosford, W. S., acting assistant paymaster	330 53
Hill, J. W., acting assistant paymaster	1,563 35
Hale, D. W., acting assistant paymaster	97 15
Huddell, W. S., acting assistant paymaster	3,384 65
Hastings, F. J., acting assistant paymaster	937 58
Husbands, J. D., acting assistant paymaster	99
Irving, W., paymaster	418,124 62
Jenkins, H., acting assistant paymaster	51 90
Kissan, J. J. A., acting assistant paymaster	470 94
Kelly, J. P., acting assistant paymaster	1,373 28
Lowndes, C. G., acting assistant paymaster	42,062 80
Lee, J. T., acting assistant paymaster	4,093 14
Lockwood, C. H., acting assistant paymaster	6,563 68
Lockwood, C. H., assistant paymaster	23,435 10
Lee, R. G., acting paymaster	33,000 63
Littell, E., acting assistant paymaster	109 48
Lowry, M. P., acting assistant paymaster	451 34
Musgrave, E. G., acting assistant paymaster	689 35
McColly, H. M., acting assistant paymaster	48 15
Martin, G. E., acting assistant paymaster	1,978 27
Mann, W. A., acting assistant paymaster	1,915 89
Meade, H. M., paymaster	2,537 90
Merritt, T., acting paymaster	9,993 94
Marcy, W. G., paymaster	130,761 55
Noyes, C. H., acting assistant paymaster	317 88
Norton, L., acting assistant paymaster	185 05
Niblo, T., acting assistant paymaster	174 62
Nelson, A. H., passed assistant paymaster	226 82
Oakley, F. L., acting assistant paymaster	340 89
Page, B., acting assistant paymaster	67 83
Perrot, A., acting assistant paymaster	19 20
Pancoast, A. A., acting assistant paymaster	130 09
Pangborn, H. H., paymaster	5,198 85
Post, J. S., paymaster	283 62
Parker, Forbes, acting assistant paymaster	51 00
Parker, Forbes, acting paymaster	1,174 54
Parker, Forbes, paymaster	46,167 55
Power, D. F., acting assistant paymaster	9,201 30
Philbrick, J. J., acting assistant paymaster	1,351 17
Quintard, J. F., acting assistant paymaster	50 00
Russell, H., acting assistant paymaster	4,461 98
Ruth, D. L., acting assistant paymaster	3,381 75
Rogers, H. M., acting assistant paymaster	10 00
Skillman, J. M., acting assistant paymaster	160 42
Swords, T. A., acting assistant paymaster	349 15
Stellwagen, T. C., acting assistant paymaster	70 56
Savage, S. T., acting assistant paymaster	1,015 70
Simpson, G. N., acting assistant paymaster	1,641 78
Stone, G. W., acting assistant paymaster	2,714 49
Seeley, C. W., acting assistant paymaster	2,344 47
Tripp, L. C., acting assistant paymaster	5 48
Tanner, S. W., acting assistant paymaster	175 18
Thornton, A. B., acting assistant paymaster	3,439 70
Talcott, H., acting assistant paymaster	174 83
Thompson, F. H., acting assistant paymaster	857 41
Tuttle, H. P., paymaster	5,377 80
Upton, F. C., acting assistant paymaster	6,094 42
Webb, C. L., acting assistant paymaster	46 38
Webb, J. B., acting assistant paymaster	270 59
Ward, E., acting assistant paymaster	835 97
Winter, J., acting assistant paymaster	1,571 45
Wood, J. F., acting assistant paymaster	2,382 78
Wood, J. H., acting assistant paymaster	107 13
Whittemore, W. M., acting assistant paymaster	187 06
Wetherell, H. B., acting assistant paymaster	155 93
Winship, E. R., acting assistant paymaster	5,613 94
Wade, J. M., acting assistant paymaster	2,704 76
Yorke, L. S., acting assistant paymaster	780 03

Mr. Speaker, whenever it was found on the part of the committee that the testimony in any wise affected any officer of the Government, that officer was summoned, and the officer so summoned had an ample opportunity to examine and review the testimony affecting him; and if any officers of the Navy Department have failed to review the testimony and to answer any charges made against them, it is not the fault of the majority of the committee; it is due wholly to their own neglect, their own indisposition to attend to the matter, or to the want of ability on their part to meet the charges.

They have not only been informed that they were at liberty to present themselves and be sworn, but also that they might recall and at leisure cross-examine any witness who had been examined at any stage of this proceeding if they deemed such course necessary for their vindication. They cannot, therefore, with reason or propriety, condemn the methods of procedure.

It would have been an absolute impossibility for this committee to have discharged their duty to that body which commissioned them with this grave responsibility had they opened their doors to the curiosity-seekers and news-mongers of the whole country who would overcrowd the committee-room and seriously interfere with the dispatch of business. They could not have conducted this investigation to a successful issue had that course been pursued.

Besides, this investigation is no trial; any verdict we may find does not amount to a sentence; it in itself imposes no punishment. It is indeed strange that the honorable gentlemen who have written the minority report can state to this House and to the country in the presence of this vast mass of testimony, which irrefutably establishes so many acts of neglect, of omission and commission that amount to maladministration, that there is an utter absence of guilt in this Department, and that the Committee on Naval Affairs have thus far accomplished nothing.

We have shown where millions upon millions of dollars could have been saved to this Republic by proper vigilance and fidelity. We have shown that marines might have been employed instead of watchmen, thus cutting off the annual expenditure of half a million of dollars. We have shown that the absurd bureau system, which extends to the navy-yards of the country, making commandants the sport of their subordinates, could have been dispensed with, thereby saving another half million of dollars annually. We have shown that political corruption pervades every branch of that service; that the friends of candidates swarm in these navy-yards; that because of the demoralization that results to labor by means of the immense increase of the muster-roll the expenditure of more than a million of dollars annually is involved, and in consequence these poor laborers are brought to grief and suffering, while the people are outrageously taxed therefor.

The honorable gentleman from Ohio, [Mr. GARFIELD,] when speaking in behalf of the minority report, stated boastingly that he would confine himself to the only violation of law that was charged against the Secretary of the Navy, the only offense which in the judgment of the majority report called for action on the part of the Committee on the Judiciary. I refer him and those who sympathize with him in his attitude to the majority report, to pages 143 and those following, where it will be found that no less than one dozen sections of law are referred to as having been violated with impunity from one year to another.

When anything is said about the existence of these corrupt practices, when we point to the facts that all this prostitution of the service for political ends is tolerated in every navy-yard throughout the country, we are told that these things have been from time immemorial; that they existed in the days of Buchanan. We are told that these practices are sanctioned by usage and justified by precedent. It is most true that all these errors have existed in the navy-yards for the last score of years. It is even quite true that what is designated in the majority report a Cattellism was one of the evils existing under the administration of Mr. Buchanan. The same wrong-doers who now obtrude themselves upon the presence of the country were then to be found; notably Mr. Swift, the dealer in live-oak, then paid 10 per cent. commission to Mr. Plits, the chairman of the democratic committee in the State of Pennsylvania. I condemn that wrong just as zealously and just as earnestly as though it had been committed under this Administration.

But the gentleman from Ohio [Mr. DANFORD] declares that these evils are inseparable from our Government. That may be his opinion; that may be the opinion of the Administration party of this country. But honest men who are determined upon reform feel well assured that this or any other evil can find certain correction by purging and expelling from office the men who have disgraced the Republic and by holding offenders to rigid accountability.

Besides that, previous to the year 1867, so far as political abuses are concerned, there was no law prohibiting them in express terms. We can point in these matters now to violated statutes, and yet the gentleman from Ohio asks, what has been accomplished? Why, sir, villainy has been unmasked. The people who have been defeated in their choice have had their rightful Representatives re-instated in their seats upon this floor. In the language of a certain party platform, the public conscience has been quickened, and those whose wrongs, whose misdoings, whose violations of law have awakened this public conscience will have nothing to hope for next November but a condemnation by the people.

Mr. Speaker, I do not mean to be partisan in my observations. What I have said with reference to parties is simply in refutation of what has been urged on this floor by the gentleman from Ohio, [Mr. DANFORD.] I say that, so far as I am concerned, I have a conscience void of offense before God and men in so far as the conduct of this investigation is concerned. I believe that every facility has been afforded to the parties whose character, whose integrity, whose reputation are involved in this inquiry. I believe it will be confessed on the part of the minority members of this committee that they have been allowed the same right to call and examine witnesses that has been enjoyed by the majority members of the committee.

Mr. Speaker, I think I have pointed out the practical results which have been attained by this investigation. In so far as the *res gestæ* of this report is concerned, I am in accord with it. In so far as certain questions affecting science, questions of a theoretical character are concerned, for instance the relative superiority of simple and compound engines, I might join issue with the majority members of the committee. But this is unnecessary at this time. We have shown clearly and beyond peradventure that millions upon millions of dollars can be saved to this Government by the enforcement of the reforms indicated in the majority report; by drying up the fruitful sources of plunder and extravagance whence the country has been deluged. In view of this fact, in view of the fact that it is necessary for something to be done that the people may understand their Representatives are able to meet their responsibilities, I trust this majority report will be adopted. It reflects all that is purest, noblest, and most patriotic in the Navy.

Mr. HALE obtained the floor and said: I yield for a moment to my friend from Illinois, [Mr. MORRISON,] who wishes to submit a motion.

EVENING SESSION FOR DEBATE.

Mr. MORRISON. At the request of several gentlemen who want to make remarks on the bill to amend the laws relating to internal revenue, I ask unanimous consent that a recess be taken this afternoon, and that there be a session at eight o'clock this evening for debate only, no vote to be taken and no business to be done.

Mr. FOSTER. Let the session be for debate on any subject—general debate.

Mr. MORRISON. Certainly; I have no objection to that.

There being no objection, the proposition of Mr. MORRISON was agreed to.

NAVAL INVESTIGATION.

Mr. HALE. I rise, Mr. Speaker, to enter my earnest protest against this partisan attempt to break down an able and honest officer of the Government—to protest against this attempt to utilize the last days of a session preceding a presidential election by raising a new rallying cry for the canvass over alleged maladministration on the part of a man who seven years ago came to Washington bringing the highest reputation as a good lawyer and as an honest man, and who in all unprejudiced minds has maintained that reputation from that day to this; who found a shattered and decayed and almost useless Navy and who put in its place the best by far that the country has ever had; who has been at the head of a Department in which have been spent tens of millions of dollars and who has never directly or indirectly taken one dollar for himself, but who is to-day a poorer man than when seven years ago he resigned the attorney-generalship of New Jersey and came to Washington to be Secretary of the Navy.

Mr. Speaker, in discussing this subject I have but little time to give to it, not half that I could wish. Of the hour that is assigned me I shall yield large portions to different gentlemen who have from time to time taken an interest in this investigation and who have to some extent explored the wide waste of testimony that the committee has thrown open to us. Something of this I have done myself. I have not read all of the testimony, and I propose to confine myself to certain portions of the investigation, the testimony bearing upon which I have faithfully gone through. Human life is too short to read everything that the committee has raked and scraped from the corners of the earth; and there is no tyranny yet so well established that it can oblige any member here to wade through the record of the spites, the hates, the disappointed ambitions, and the false evidence which this committee have gathered. But from time to time this winter, as the committee has chosen to dole out to the newspapers such fragments of testimony as in their wisdom they deemed advisable, I have followed it carefully; and since the report and the testimony have been made public I have given to portions of it upon which I wish to speak some of the time when I ought to have been abed and asleep; not, I am free to say, with the hope as I read on that I should derive that benefit in style which Macaulay advises the ingenious youth of England that he may expect if he gives his days and nights to Addison.

But I have read enough to know this, Mr. Speaker, that if anywhere this committee has found any ambitious officer in the Navy who believes in the exaltation of his Department into a realm where $10 will be spent where one is now spent, and who blames the Secretary because he has not scattered money with more lavish hand, it has opened its doors to him. I have read enough to see that if there has been any discharged officer or employé of the Government that has come to Washington or the various places where the committee has sat, trumpeting his tale of personal wrongs, the committee have reached out their arms and gladly received him. I have read enough to know that if there has been any baffled contractor who has not succeeded in getting his scheme for illicit gain through the Navy Department, and is now disturbed by the memory of profits that he never should have had and has lost, the committee has found him and gladly heard him. I have learned that if there has been living any old officer of the Navy who held important place before the rebellion, like Ex-Constructor Porter, who had been at Norfolk, who refitted the Merrimac and made her such an engine of destruction to our Navy that in the little space of an hour she sunk millions of dollars and most precious lives—I have learned that if the committee found any such as he, they opened their doors to him, and gave him welcome, and made him sit in all the high places that their report erects. They listened to and set down all his complaints, imbittered as they were by the reflection on his part of the day when, under the democratic party, he was a power in the Navy Department. I have learned that if throughout the length of the Atlantic coast there has been any "dead-beat" who has been kicked from the doors of the Navy Department, the committee has invited him and has taken his testimony, and that wherever, as in the case of the man Wolef, he has been contradicted by witness upon witness piling up contradiction, Ossa upon Pelion, the report of the committee has been made upon the testimony of the "dead-beat," and that nowhere in the report is to be found the countervailing testimony of the honest witnesses. So much I have learned by reading this report so far as I have been able to give time to it.

Now, Mr. Speaker, I claim to know something of the American Navy and of its management and condition in the last seven years. In the Forty-first Congress I had the honor to serve upon the Naval Committee.

In the two succeeding Congresses I served upon the Committee on Appropriations. I had charge of all naval appropriations. Such experience ought to have given me some knowledge of the operations of the Department, some views as to the management of the Secretary of the Navy during these years.

And just here I wish to give about all my time to the consideration of the real condition of the American Navy as it now is in contrast with what it was when Mr. Robeson took charge of it, for the heaviest charge in the complaint of the majority of the committee is that the Secretary has wantonly and perhaps corruptly wasted the immense sums of money that have been put by Congress at his disposal, and that little or nothing can be shown for it; that there is presented in these seven years a wilderness of extravagance, corruption, and fraud. When the Secretary took the Department in 1869 he had everything to learn. He set himself to learn it. He inherited almost everything but a good Navy. He inherited a Department used to extravagant expenditures of money during all the years of the war. He has suffered with certain naval officers because his term of office has been at a time when Congress and the people demanded that there should be lessening of expenditure, a policy never acceptable with the officers of the Navy. He inherited a service the spirit of whose officers was high and who believed that the American Navy should be increased until it should compare with the navies of great European powers where a pound sterling is spent where we spend a dollar. Above all, Mr. Speaker, he inherited a Navy with ships which were ships only in name; their hulls were decayed, their engines were worthless. With many of them speed was a myth. With others to float even was as impossible as for a rich man to enter the kingdom of heaven.

There were at that time, Mr. Speaker, when the Secretary took charge of this Department, but eighteen ships in all that were suitable for sea-service. This fact the gentlemen who father this remarkable majority report either have not learned or have ignored entirely. But such is the fact. Out of all the expenditure of the war, the Navy having been run in that period like a race-horse to win a particular race at no matter what the future sacrifice should be, Mr. Robeson, when he came into office, had but eighteen ships fit for sea-service. We had never run so low since Mr. Jefferson's mania for little gunboats and a dismantled Navy. Now to-day there are eighty ships, including iron-clads in good condition and fit for service.

Here is a table showing the original cost of the iron-clads alone and the money expended upon each under the administration of the present Secretary:

IRON-CLADS.

Name.	Construction.	Present condition, January, 1870.	Cost to January 1, 1870.	Cost of repairs since January 1, 1870.
Roanoke	Wooden hull	Ready for harbor service.	$1,087,238 69	$32,167 89
Dictator	Iron hull	In commission	1,424,363 59	16,205 05
Miantonomoh	Wooden hull	Could be ready in six months.	1,360,451 52	291,763 88
Amphitrite	do	do	1,157,993 58	106,977 38
Terror	do	do	1,105,970 45	172,964 44
Monadnock	do	do	1,005,054 09	182,402 46
Canonicus	Iron hull	In commission	683,291 33	232,785 78
Mahopac	do	do	716,491 82	202,244 40
Manhattan	do	do	705,649 56	197,492 31
Sangus	do	do	645,735 28	173,145 88
Wyandotte	do	do	639,575 18	204,896 81

IRON-CLADS—Continued.

Name.	Construction.	Present condition, January, 1870.	Cost to January 1, 1870.	Cost of repairs since January 1, 1870.
Ajax	Iron hull	In commission	$632,310 31	$142,809 14
Passaic	do	do	454,186 04	193,740 00
Camanche	do	Ready	635,177 81	237,500 00
Jason	do	do	444,160 75	195,627 29
Lehigh	do	In commission	427,366 08	190,205 55
Montauk	do	do	424,461 57	196,065 69
Catskill	do	do	434,478 27	189,884 98
Nantucket	do	do	410,862 83	189,000 00
Nahant	do	do	418,606 59	194,441 82
Puritan	do	do	1,974,622 93	1,350,000 00
Total			16,788,048 17	5,082,320 00

Now, Mr. Speaker, of these eighty ships, forty-seven have been extensively repaired and rebuilt in the last five years. They have been built and repaired out of appropriations given by Congress to the Secretary. There is one thing which I have failed to see credit given for in this report to the Secretary of the Navy in which he stands alone, and that is, that in all these years, whatever the appropriations of Congress have been, he has confined himself rigidly to them. There have been no deficiency bills, Mr. Speaker, in the Secretary of the Navy's Department, and he has brought up this little dwindled Navy of eighteen vessels, out of the appropriations Congress has given him, to a navy of eighty good vessels, fit for sea and for defense.

And for this the gentlemen on the majority of the committee would impeach him for high crimes and misdemeanors.

What would they have done, I wonder, if the Secretary had supinely allowed the American Navy to go to destruction and had really nothing to show for his money?

One of the charges made is as to the rebuilding of vessels out of the appropriations for construction and repair. Yes, the Secretary has done it. He does not deny it. He is proud of it; and, as an advocate and friend of the American Navy, I am proud of it. He has built out of the appropriation for construction and repair ten vessels which are to-day as good as new.

But, while the committee have found that fact, they have not found the further fact that the Secretary has followed the example of every administration for thirty years. Do gentlemen know that there were built in this same way the United States in 1850, the Fulton in 1835, the Engineer in 1835, the Princeton in 1851, the Constitution in 1852, the Constellation in 1853, the Congress in 1840, the Macedonian in 1852, and the Franklin in 1854; built from keel inclusive upward, only retaining the old name, just as Secretary Robeson built the Marion, the Vandalia, the Swatara, the Galena, the Nipsic, and has almost finished the Miantonomoh, the Amphitrite, the Monadnock, the Terror, and the Puritan?

He followed in the beaten track of his predecessors. Nay, has this committee ever found out that there were built outright in 1843, without authority of Congress, from the general appropriations, the following new vessels, new in name as well as in keel and hull: the Portsmouth, the Germantown, the Albany, the Plymouth, the Saint Mary's, and the Jamestown? These were added to the lists of the Navy by the Administration in the year 1843. And because the Secretary has gone half as far as previous democratic administrations, the majority of this committee want to impeach him.

Let me call the attention of gentlemen to some of the results of this good conduct on the part of the Secretary in building up a good Navy, which I say to-day, and I say it on the responsibility of knowledge, is a better Navy than the Republic has ever had. The gentleman from Texas [Mr. MILLS] has referred to the Virginius excitement. Has he learned that because the Secretary of the Navy then summoned to the waters of the Gulf a fleet so efficient Spain did not dare herself to enter into the conflict, war was averted? Does he know that at that time Spain herself had an armament there that was larger than any which Howe or St. Vincent ever commanded; larger than the fleet with which Nelson won his coronet at the Nile or with which he broke the power of France and Spain at Trafalgar; and that, immense as that armament was, as frowning and portentous as was the appearance in the sky at that time, the Secretary of the Navy, whom you now want to impeach, sent into the very teeth of the guns of the Spanish vessels a force so efficient that we were protected and that hundreds of millions of dollars and thousands of valuable lives were saved? Why, sir, we owed more at that time to the course of the Secretary of the Navy that war was averted than to any and everybody else, as good as the diplomacy of the time was.

The gentlemen of the majority, I see, in their report contrast this Navy unfavorably with the Navy at the close of Mr. Buchanan's administration, and they contrast the expenditures. Why, sir, the administration of Mr. Buchanan in its four years had annual appropriations for the Navy of from eleven to fourteen millions of dollars, appropriations that would buy more of material and labor than the corresponding appropriations in any of the years that Secretary Robeson has been the head of the Department. And yet, sir, when the war broke out the Navy was not in a condition to fire a gun in defense of the flag.

Let me call the attention of those three gentlemen, from Tennessee and Texas and Alabama, who have been foremost in the matter in arraigning the Secretary, to the possible results had Mr. Robeson's navy under his management been on the seas in 1861. Had his fourteen iron-clads been ready for service then as they are now, we would have had one stationed at Memphis, and there would not have been the condition of affairs in Tennessee that you saw there at that time. We would have had one in Galveston, and Texas would not have been so rampant as you, sir, [looking at Mr. MILLS,] helped to make it that year. We would have had one at Mobile, and Alabama would not have been so eager to go into secession. We would have had one or two at Norfolk, and others at Charleston and at Savannah and at Wilmington and at Baltimore, and the rebellion would have been throttled and these gentlemen that now want to impeach a Cabinet officer because he has made a good navy for the Republic would perhaps have never gained the reputation in the field that has sent them onto this floor. Or, if I may be more charitable, in the peaceful times that would have ensued these gentlemen from Alabama and Texas and Tennessee would have decorated this Chamber with their presence earlier than they now have.

Other results would have followed if we had had a Secretary like the present one in the years preceding the war. We would not have had so heavy a debt as we have now. There would not have been so many pensions. There would not have been such a war debt, and such a debt incidentally from the war. And my democratic friends would not have had so large a margin to figure from in making their reductions.

No, sir. The fact is that upon this subject the record of the Secretary of the Navy is resplendent with his achievements in building up this branch of the service. And the gentlemen of the majority of the committee have gone out delving in the highways and the byways and have found a canteen man at Brooklyn that took interest from the Navy, and they have found that a board was put into the Secretary's dumb-waiter and that a baptismal-font and a side-board were made, all of which the Secretary paid for at high prices out of his own money and henceforth got his furniture at cheaper prices; they have hunted up old constructor John Porter, who has filled their pages with his bitter complaints and talk about the enormities of the present administration in the navy-yards, and they complain that men at the navy-yards vote the republican ticket on compulsion.

As an illustration of this subject I ask that the following letter be read by the Clerk.

The Clerk read as follows:

COMMANDANT'S OFFICE, NAVY-YARD, MARE ISLAND,
September 23, 1858.

SIR: Mr. Turner, civil engineer, objects to a requisition for a sawyer to superintend the saw-mill without its going through his office, and further states that the saw-mill is under the immediate charge of the master joiner.

I have heard also that the man selected by you is a black republican; if so, he cannot be admitted on the rolls of this yard *while I command it.*

Respectfully, your obedient servant,

R. B. CUNNINGHAM, *Commandant.*

I. HANSCOM, Esq., *Naval Constructor,*
Navy-Yard, Mare Island, California.

Mr. HALE. That is better, Mr. Speaker, than any argument of mine. It shows that while abuses do exist in this direction, they have come down from former years.

Now as to abuses. If this committee had found that during all these years of expenditure of tens of millions of money there were irregularities, there were things to be cured, there were censures to be visited, and had manfully made the censures, had reported the statutes that should be changed to better the condition of the Department, had recommended for court-martial the officers that they found neglectful and guilty of maladministration, or had visited their direct censure wherever they had seen fit to visit it, there then would have been less fault to find. But, Mr. Speaker, it is plain to be seen that, with these gentlemen, the significant and picturesque effect that they wanted to hold before the country in the coming canvass was the fact that a Cabinet officer in the present Administration had either been impeached for high crimes and misdemeanors or that impeachment was hanging over his head. And so what should have been an honest investigation has had its currents turned away for partisan purposes.

Mr. Speaker, the method of this investigation that has been so well characterized has been such as to thwart all its purposes. Had this committee had a stern purpose to seek the facts and nothing but the facts, and to report the truth and nothing but the truth, it should at its first meeting have notified the Secretary of the Navy. It should have thrown open its doors to let in Heaven's sunlight, and should never have put the padlock of secrecy upon its doings and turned all into a star-chamber inquiry. An organized committee of the popular branch of the American Congress is no place to conduct proceedings in darkness and not to communicate to the country what it is doing. But it has been made the place of refuge for black-mailers, informers, and dead-beats. The good sense of the American people, whatever truth there may be in the final report, will look upon even it with suspicion, and herein the gentlemen of the majority of the committee have overdone their work, so that as a consequence it will come back to plague them.

Mr. Speaker, in what I have said I have dealt mainly with the condition of the American Navy, because that is at the bottom of the

question. I say here, and I can maintain it, that the Secretary of the Navy has built out of the ordinary appropriations of the Republic the best Navy that the country has ever had, and for this the gentlemen of the majority of this report would forsooth impeach him!

Truly republics are ungrateful, and never more so when the question whether praise or blame shall be meted out rests with the majority of the present Committee on Naval Affairs.

I now yield fifteen minutes to my colleague, [Mr. FRYE.]

Mr. FRYE. I do not know that I need any excuse for addressing this House for fifteen minutes, and yet as I have no connection with the Naval Committee perhaps it is just for me to say that as a member of this House, as a lawyer, as a gentleman careful and sensitive as to the honor of the Secretary of the Navy, a gentleman whom I have known long, known well, and whom before this investigation commenced I believed to be a man of as strict integrity, of as noble purposes, of as generous impulses as any man within the circle of my acquaintance, I have studiously and critically examined this evidence, and I beg to say to the House from the examination I have made of the testimony, from the discussion which has taken place on the floor of this House, I state on my honor as a member that my opinion has not been changed as to the Secretary of the Navy one jot or one tittle. Sir, there are periods in the history of the world when darkness usurps the place of light, as the spots now and then appear upon the face of the moon; when justice is dethroned and tyranny is enthroned; when the possession of virtue, of purity, and integrity only lead to an attack and persecution upon the possessor; when suspicion secures conviction, while evidence fails; when father is against son and brother against brother; and the members of one's own household are spies upon him and his family; times when hell seems to reign and heaven to serve. History repeats itself, and if ever one of those dark periods of time was repeated in the history of the American Congress it has been during this present session. I dare say here that not one score of gentlemen can be found to-day on the floor of this House who if they knew that the history of this session was to be repeated would not declare that never again would they represent their constituency in the American Congress.

Why, sir, it has been bitter, it has been full of suspicion, it has been full of crimination and recrimination; all social intercourse has been imbittered by it, and why? Because a great party of the country, hungry and thirsty by an abstinence of a score of years, thought that it saw the flesh-pots of Egypt and was bound to taste thereof. Ah! gentlemen, you have gone too far; you may get a view of the promised land but you cut off your prospect of ever reaching it by too fond a desire for an indulgence in flesh-pots. Sir, why is it that scores of committees of this House for the last seven months, at a cost to the people of $3,000 a day, clothed with the power of sending for persons and papers, armed with subpœnas, sitting with closed doors, have sent these subpœnas into the slime and the alleys and the lanes of great cities; have brought in the drunkards, the insane men, the discharged employés, and disgraced officials, and everything that was debased and wicked, and, sitting with closed doors, have taken from their lips that filth they were willing and delighted to dispense, and from time to time have scattered it through a partisan press? Only because the necessities of the party seem to require it.

Why is it that the Naval Committee listen to the story of Porter, who as naval constructor at Norfolk fitted out the Merrimac, violated his oath, destroyed vessels sailing under the American flag, and finds false measurements of timber in that yard though a dozen loyal men flatly contradict him? The necessities of the party demand it.

Why is it that the testimony of the drunken Wolfe, the discharged employé, almost in delirium when he testified, is believed against the contradicting statements of five respectable and credible witnesses? The necessities of the party demand it.

Why is it that the Committee on the Real Estate Pool Ring was empowered by this House to investigate every man and everything under the wide heavens, and in pursuance of that purpose dared to violate the sanctity of private business letters and telegrams, to send to the vats of paper-makers and bring such telegrams here by the half ton and spend months sorting over this private correspondence of private gentlemen, disgracing themselves and outraging the American Congress? Ah! because the necessities of the party seemed to require it.

Why is it that a dignified committee like that on the judiciary is parceled out into squads of detectives, and, notwithstanding their dignity, compelled to prowl around among discharged employés of the Treasury Department, among disgraced officials, among whisky-ring convicts, seeking to prove that the great executive head of the United States too has been dabbling in whisky frauds? Why would that committee dare try to drag in the mire the great name of this great Republic before the eyes of the whole world? There is but one answer: The necessities of the party seemed to require it.

Why, when a member of this House was charged with selling a cadetship for $3,000, did the subcommittee of the judiciary spend months upon the case; and then when they found that there was not a scintilla of evidence against their colleague and their peer on the floor of this House, and were compelled to report his exculpation, why, I say, did they in six of the pages of that exculpation report seek to cover him with the infamy of gross and wicked suspicions; that report never signed or voted for by but four members of the committee, while the minority report which I now have in my desk, and which fully and completely exculpates the gentleman from Alabama, [Mr. HAYS,] is signed by five members of that committee?

Why did a man of dignity, of learning, of honesty, when a witness was before the Committee on the Judiciary, ask him, "What is the name of Mr. Hays?" "Charles." "Did you ever hear him called by any other name?" "No, sir." "Did you ever hear him named by some other name?" "No, sir." "Did you never hear Charles Hays called something else?" "No, sir;" seeking to call out the fact against a colleague on the floor of this House that partisan papers of the democratic party and the partisans themselves had labeled him "Ananias" Hays, because he had sent from the State of Alabama accounts of outrages committed there? Why would that gentleman descend to that when he never would dream of doing it in any court-house in this country? Ah! because the necessities of the party demanded it.

Why did the same committee demand the private correspondence of a distinguished member of this House, in no manner relating to the case in hand; and when it was refused, why did the partisan press fill the public mind with gross and wicked suspicion, until in self-defense that gentleman was compelled to read the letters to forty millions of people? The necessities of a great party demanded it.

And so I might go on by the hour, but I have only fifteen minutes. I now put the same question to the House and to the country as to this Committee on Naval Affairs. Why did you sit with closed doors for months, taking four thousand printed pages of testimony? Why did you close the mouths of the republican members of that committee, so that they could not make an inquiry to obtain information in relation to this examination? And when you had got through your taking of testimony, why did you make this report, for which there is no foundation in the evidence from its beginning down to its very end?

Why did the gentleman from Alabama [Mr. LEWIS] yesterday and why did the gentleman from Texas [Mr. MILLS] to-day assert what they did assert in regard to the Cattell performance, or the "Cattellism" as they termed it? Why did the gentleman from Texas assert that E. J. Cattell testified that he expended $13,000 for Secretary Robeson upon a palace at Long Branch, when the gentleman from Texas knew as well as I know, because I have read the testimony, that E. G. Cattell was acting as the agent of A. G. Cattell, an Ex-Senator of the United States, and then absent, by virtue of an agreement with him? And he knew further that the Secretary of the Navy had mortgaged or deeded property in the city of Washington of three times the value of the whole amount as security to A. G. Cattell & Co. for the advances which had been made. Why was the gentleman silent as to that? Ah! the necessities of the party demanded it.

[Here the hammer fell.]

The SPEAKER *pro tempore*. The time of the gentleman has expired.

Mr. FRYE. Why I have hardly commenced my speech.

The SPEAKER *pro tempore*. The gentleman from Maine [Mr. HALE] yielded ten minutes of his time.

Mr. HALE. I yield five minutes more.

Mr. FRYE. I thank my colleague. Why did the gentleman from Texas [Mr. MILLS] read the income returns of the Secretary of the Navy from 1866 to 1869, when he knew as well as I know it, but was silent about it, that the Secretary of the Navy in 1866 paid an income tax on $76,000, a tax of over $7,000, and which the gentleman from Texas knew would be allowed the next year to the payer of the tax, and deducted from the tax of that year? Why did he make these statements when the Secretary of the Navy himself testified uncontradicted that he had been compelled to sell $20,000 of United States bonds to keep up his position here in the city of Washington, and that all he was worth to-day more than he was worth the day he became Secretary of the Navy came from rise in property? Why did he not say, as is proven in the case, that the account-books of A. G. Cattell & Co. contained every item charged against Mr. Robeson?

Now what is it about the Cattells? A. G. Cattell, Ex-United States Senator, was for twenty years the friend of the Secretary of the Navy. The Secretary of the Navy was the attorney and counsel for A. G. Cattell & Co. for ten years before he became the Secretary of the Navy; hence all these business transactions between them. Now I submit to this House—for I have not time to examine the evidence, and I ask them to examine this testimony for themselves—that they cannot find one scintilla of evidence from the beginning to the end of it which connects the Secretary of the Navy in the remotest degree either with selling his influence to contractors or with receiving one dollar of benefit from them.

On the contrary, it will be found that the Secretary of the Navy himself testified before the committee that he never received one dollar from any contractor or for any contract; that when he heard by public rumor that E. G. Cattell was endeavoring to sell his influence with the Department, he, the Secretary of the Navy, immediately went to Philadelphia and informed the party in charge there that no such thing would be allowed for a moment. E. G. Cattell testified that the Secretary was kept in profound ignorance of the facts, as was his brother, A. G. Cattell, so far as it could be done.

Roache and other contractors, two in number, testified that the Secretary of the Navy told them that under no circumstances should they pay a dollar or a cent to E. G. Cattell or any other man in order to procure contracts; that if he knew of their doing it the contracts would not be granted. Where is the evidence that the Secretary

was knowing to this commission business? There is not one word in the whole four thousand pages of testimony.

Then, again, the Secretary himself testifies distinctly and squarely that he never extended favor to E. G. Cattell or to any other contractor or to any other purchaser of supplies whatsoever; and I have here a list of twenty-three leading officers of the Navy whom he called as witnesses, all of them having served from twenty-five to forty-five years and every one of them having been in positions as commissaries, quartermasters, &c., where they had the right legally to purchase supplies for periods covering the whole time that Mr. Robeson has been Secretary of the Navy, and every one of them to a man testifies that there never was any request for favor on the part of the Secretary of the Navy; that there never was any favor extended by them; that he never, directly or indirectly, asked them to extend favor to any living contractor or furnishing man. Why does the gentleman from Texas, [Mr. MILLS,] why do the majority of the Naval Committee disregard all this testimony and in their report never mention it at all, but go entirely upon suspicions of their own? The necessities of the party demand it.

"O," it is said, "the Secretary of the Navy must have got money improperly, because this Cattell sold his influence." Gentlemen, do you not know that your influence and your votes are sold every day that you sit on the floor of this House? Do you not know that brokers and lobbyists in Washington and New York are selling the votes of the very best of you every day that you live? Do you not know that they sold the vote of Hon. William Pitt Fessenden for a thousand dollars—a man who could not be corrupted by all the money in the world; whose ever-enduring monument is that he dared to stand up in the impeachment trial of Andrew Johnson and vote "not guilty" against his whole party? And yet, do you dare assume that he was corrupt? Do you assume that Congress is corrupt? Do you assume that the chairman of this committee, the gentleman from Tennessee, is corrupt because some miserable scoundrel sells influence with him that he never had, and his vote which he could never control? E. G. Cattell did this, and nothing more than this; yet the majority of the Naval Committee find that Mr. Robeson is corrupt because Cattell is a scoundrel!

[Here the hammer fell.]

Mr. HALE. I now yield ten minutes to the gentleman from Pennsylvania, [Mr. KELLEY.]

Mr. KELLEY. Mr. Speaker, I grieve as sincerely as any man in this House over the character of this report. It is a sad disappointment to me. There are abuses, traditional abuses, in many departments of the Government; and I hoped that we should get a calm, philosophic arraignment of these and proposed amendments in the law which would remedy and avert them. But this report is so superficial and bitterly partisan that it must be a disappointment to the whole country. It brings forward no amendments to the law; it proposes to remedy no evil; but in lieu of such practical suggestions it proposes to refer to another committee of the House a mass of four thousand pages of loose and incoherent testimony, much of it from disreputable sources, in order that that committee may discover whether George M. Robeson, Secretary of the Navy, has been guilty of any crime or misdemeanor. Stultifying itself, the Naval Committee in this proposition declares that in seven months it has not been able to discover such a fact, and asks that the Judiciary Committee may sit at least till after the November election upon the question and ascertain whether it can discover any in this mass of worse than hearsay evidence.

I have known Mr. Robeson, in the little city in which he grew to manhood and has practiced law, for more than a quarter of a century, and I aver that in an inquisition made in open daylight, where the safeguards of character established by tradition, law, or decency should be respected, the world may investigate him, and his integrity will come out without taint or tarnish. What, with strumpets and thieves and their consorts examined in the darkness, sworn not to reveal what they had testified to, with even the minority of the committee bound to the secrecy of the Spanish inquisition, what taint you may have put upon the name of an honorable man, I know not; but when the American people know your methods and look at your flimsy partisan results, they will discard your report as I do, as a mere electioneering document made at the expense of the character of our country and institutions.

Sir, there are, as I have said, traditional abuses to be remedied. And I affirm without fear of successful contradiction that the republican party has done more in fifteen years to prevent such abuses than the democratic party had in its whole protracted career. In former years appropriations were made in the lump and divided by the Departments. They are now not only made in detail to Departments but in similar detail to Bureaus, and they go into the Treasury for each specific Bureau, and may not be transferred from one to another. Sir, you have doubtless heard the well-founded tradition that in earlier times the Speaker's pay was always enlarged by an appropriation from the contingent fund of the House, which never was subject to revision by any committee or other authority. To whom went the surplus stationery when stationery was a perquisite of members? Why, if members left any, it went to the Speaker unaccounted for. Read the story of the Public Printer in the testimony taken by the Covode Committee in 1860 in broad daylight, when the accused was permitted to be present. Read the testimony of Cornelius Wendell, Public Printer, and you will find that there was a reason why it often took from three to six weeks to elect a Public Printer. It was because the profits of the office had to be apportioned before the democratic caucus would determine who was to be elected. Mr. Wendell's testimony exhibits a part of what he paid for his election and shows that some of it got over the threshold of the White House when James Buchanan was President.

I, too, have investigated a bureau of the Navy Department. The present Administration came in with the Navy Department as organized under Andrew Johnson; and I had a committee raised to investigate the purchase of machinery.

We held our sessions in daylight. Every man who was impugned was invited to be present while the witnesses were testifying against him and to examine them. They were all heard before representatives of the press and the people. Those were old-fashioned days when the accused was presumed to be innocent till his guilt was established, and when, being accused, every man had the right to meet his accusers face to face in person or by counsel. And the records of the Senate will show that the first nominations made by President Grant were of successors to the men whom that investigation inculpated, and every one of them was relieved from duty at the earliest possible day.

The SPEAKER *pro tempore*. The time of the gentleman from Pennsylvania has expired.

Mr. KELLEY. I should like to have said a few words more.

The SPEAKER *pro tempore*. The gentleman from Maine has still five minutes left.

Mr. KELLEY. The gentleman from Maine permits me to go on. In 1854 or 1855 a democratic Congress ordered two sloops of war to be built in the navy-yard at Philadelphia, and I do but cite the statement of a southern member when vindicating the rebellion and denouncing the faithlessness of the northern democracy when I say they were built in order to re-elect Colonel Thomas B. Florence, then a member from the first district, whom he denounced as a democratic vagabond, and to secure the State of Pennsylvania for the democracy. That was for the election of 1856. I do not remember the year the appropriation was made, but it was 1854 or 1855, I think.

I deprecate as much as any man can do the employment of men in navy-yards or other public departments for political purposes. There is nothing in which I will give more cordial support to the administration of President Hayes than his promised civil-service reform. I am no novitiate in that school. In a letter addressed to my constituents on the 8th of March, 1870, in reply to one inviting me again to be a candidate, I said:

> If, therefore, the acceptance of a renomination is to be understood as implying a willingness on my part to be regarded as an employment agent I must beg leave to decline the honor, grateful as I would be to receive it freed from this condition, tendered in so complimentary a manner.

They put into the platform a release from all that kind of work. I had hoped this committee would give us a report on that subject, or any other evil, which would lead to the adoption of a remedy. In this we have all been disappointed; for, as has been said, with partisan greed for power animating their every move, and hastening incompetent men, whom they themselves had to remove, into many of the places about this House, the committee satisfies itself with denouncing usages that have come down to us traditionally from the democratic party. Those sloops were built in order that men from many of the counties of Pennsylvania might be put on pay-rolls, in order that, although they did no work, they could get daily pay until after the November election. We have inherited that evil, and we are endeavoring to restrain it as we have others. From the pure censure might justly come to us, but not from those whose smirched and nasty garments have been cast upon our shoulders.

Mr. BANKS. A letter has been sent me by Mr. Watmough, Acting Paymaster of the Navy, which he desired I should present to the House. It will occupy but two or three minutes, and I ask unanimous consent to have it read.

The SPEAKER *pro tempore*. The gentleman from Maine has two or three minutes left.

Mr. HALE. I will yield to the gentleman from Massachusetts for the purpose he indicates.

Mr. BANKS. I ask the letter be read.

The Clerk read as follows:

NAVY DEPARTMENT, BUREAU OF PROVISIONS AND CLOTHING,
Washington, D. C., July 28, 1876.

DEAR SIR: I saw last evening with astonishment the statement of the majority committee regarding my Bureau. I had placed in the hands of Mr. WHITTHORNE and Mr. HARRIS a clear explanation of the whole of the transaction in relation to the deficiency of $1,000,000 clothing-fund, and of course expected to have justice done me. I here append statement in regard to funds named, marked A, B, C, and must beg that in the House to-day attention will be called to these facts by the friends of the Bureau and of the Department. If not done, I shall feel myself compelled at once to publish a card in all the papers, containing the whole statement of expenditures in my Bureau since I came there; such a course being necessary to the vindication of my own honor and integrity.

I am, very respectfully, your obedient servant,

JAS. H. WATMOUGH,
Acting Paymaster-General United States Navy.

Hon. N. P. BANKS,
House of Representatives, Washington, D. C.

Mr. WHITTHORNE. I desire only to say now that when I shall occupy the floor I will show that that report has been canvassed by the majority of the committee.

Mr. WILLIS. It forms part of the report.

Mr. WHITTHORNE. Certainly it does.

Mr. BANKS. I now ask that the other papers be read accompanying the letter.

The Clerk read as follows:

TREASURY DEPARTMENT, FOURTH AUDITOR'S OFFICE,
July 29, 1876.

SIR: In response to your letter of the 29th instant, addressed to the Treasurer of the United States, I have to state that on the 10th of March, 1870, there was transferred from the appropriation "clothing for the Navy" to the surplus fund $700,000, and on June 30, 1870, the sum of $300,000, from the same appropriation, to the surplus fund.

Very respectfully,

STEPHEN J. W. TABOR,
Auditor.

Acting Paymaster-General J. H. WATMOUGH, U. S. N.,
Navy Department, Washington, D. C.

A.

CLOTHING FUND.

Amount cash on hand January 1, 1871		$518,333 39
Amount cash on hand July 1, 1873		174,995 62
Deficiency July 1, 1873		343,337 77

CLOTHING.

Stock on hand January 1, 1871		1,158,648 05
Stock on hand July 1, 1873		1,147,980 19
Deficiency July 1, 1873		10,667 86

The above deficiencies occurred before the Acting Paymaster-General took charge of the Bureau.

B.

CLOTHING FUND.

Amount on hand July 1, 1873		$174,995 62
Amount on hand July 1, 1876	$13 88	
Amount due (not transferred) July 1, 1876	461,592 34	
		461,606 22
Amount of gain in cash		286,610 60

CLOTHING.

Stock on hand July 1, 1873		1,147,980 19
Stock on hand July 1, 1876		1,694,538 97
Gain in clothing		546,558 78

The above gains occurred since the Acting Paymaster-General took charge of the Bureau.

C.

CLOTHING FUND.

Amount cash on hand January 1, 1871		$518,333 39
Amount cash on hand July 1, 1876	$13 88	
Amount cash due (not transferred) July 1, 1876	461,592 34	
		461,606 22
Deficiency July 1, 1876		56,727 17

CLOTHING.

Clothing on hand January 1, 1871		1,158,648 05
Clothing on hand July 1, 1876		1,694,538 97
Gain in clothing		535,890 92

The above gains occurred since the Acting Paymaster-General took charge of the Bureau.

Mr. HARRIS, of Massachusetts. Mr. Speaker, in closing this debate on behalf of the minority of the Committee on Naval Affairs I shall endeavor to confine myself to those subjects which the majority bring to our attention as the result and conclusions of their investigation.

For seven months we have pursued as industriously, and with as much persistency and intensity as any committee of this House, I think, ever did, the investigation professedly into the general affairs of the Navy Department of this country, into its *personnel* and its material, under a resolution which required of us that we should report what measures were required to correct any abuses in the administration of naval affairs or errors in the law governing the subject of the Navy. At every stage of this investigation—from the first time the doors of the committee were opened to receive a witness until they were finally closed in the face of the minority of the committee before a report was made—we have been told this was not an investigation into conduct and character of any individual in particular, but an investigation for the purpose of bringing forward measures of reform, an investigation taking within its scope the result of systems rather than the action of the Secretary of the Navy alone, in order to bring him to the bar of the Senate under articles of impeachment.

I have always protested that the purpose and the apparent attempt of our committee was to hunt up if possible some ground upon which to make a charge against the Secretary of the Navy. I have felt so, Mr. Speaker. I have believed so. And now at last the result of all which comes before this House of Representatives, the result of all our investigations which this House is called to pass upon, is this: Is this House able to say as the result of this investigation that there are grounds for impeaching the Secretary of the Navy? Not exactly that, Mr. Speaker. The proposition is: Will this House send to another committee of this body this vast accumulation of trash called testimony and the conundrums which the committee seem to raise upon questions of law? Shall we send all this to another great committee of this House to find out whether possibly there may not be discovered from all this testimony a legal or technical ground upon which to charge the Secretary with high crimes and misdemeanors and to render it proper that articles of impeachment should be brought in here?

Mr. Speaker, whatever else there may be in this report, that is the question presented to this House to-day. It is the question for us now to pass upon. Now I will not stand here as a republican member of this House and a republican member of this committee and declare or permit any man to infer that I have not found in the course of this investigation grounds for charges, direct and specific, which I can point out, and which I could ask the House and the country or any legally constituted tribunal to pass upon. There are offenses; there are irregularities; there are peculations; there is fraud in the administration of a great Department like that of the Navy. There always were, and when we remember the infirmities of men, we may say there always will be. And yet it was our duty as a committee to point out to the House the men who committed these crimes and these frauds, to point them out by name, and designate the testimony upon which they might be convicted in any proper tribunal having charge of those matters.

I will not excuse the unjust and improper employment of a single man in any navy-yard in this country by any officer. Those things do happen. They have happened. The city of Boston, the city of Charlestown in my own State, have been disgraced in times past by both parties in the employment of men in the navy-yard; and it meets my utter condemnation.

But, sir, the committee content themselves now with saying generally that whenever the proof will establish the fact that officers of the Navy have committed crimes they should be punished by court-martial. There is no list of such officers. There are no names given to the country. We are left to infer. Such is the substance of the report of the committee upon the general question of frauds as applicable to other people, other than the Secretary of the Navy.

The question before us is: Shall the Secretary of the Navy be impeached for high crimes and misdemeanors upon the evidence which this committee has gathered together, and which it now produces and lays before the country.

Mr. Speaker, when the committee itself, organized as it has been, controlled as it has been, wielded as it has been in the direction of impeachment, makes the report it does, it is a humiliating confession, I think, for the majority to say that we, a committee organized for the purpose, composed of gentlemen of learning, of legal education, and of great experience—we, before the House and before the country, confess that we cannot determine the question and ask you to send it over to the Committee on the Judiciary. Learned as that committee is, Mr. Speaker, I do not consent that the committee to which I belong shall confess before the country that upon a question of this kind it is not as competent and as able as any other committee of this House to pass upon this subject.

Just here I want to pause to say one word in answer to the gentleman from Texas, [Mr. MILLS.] I do not admit; knowing myself, I think I will never admit that this investigation has been fair, impartial, and just. My own lips, Mr. Speaker, notwithstanding the remark that he lets drop from his—my lips were sealed for five months, so that in the presence of the Secretary of the Navy I considered that it would be dishonorable in me to mention any fact concerning our investigation. And when the gentleman says the Secretary had friends upon the committee who communicated with him, I think he does us great injustice. For myself I did not enter the Navy Department for weeks lest I should be thought to have had intercourse with the Secretary of the Navy. A seal was placed upon my lips by the majority. Although I resisted having it put there to the best of my ability, when there I obeyed. And I think the chairman of the committee will do me the justice to say, that so far as he has observed I kept the obligations imposed upon me.

But, sir, what is the use of talking about a fair investigation when the man and the men most affected can only know what transpired in the tribunal which was trying them after the press of the country had put it before them? Remember, Mr. Speaker, the investigation at Norfolk, the investigation at the Washington navy-yard, the investigations at the Philadelphia navy-yard, at New York, at Boston, and at Kittery were all completed and the summer had come upon us before the Secretary was allowed to put his foot in the committee-room. It was not, sir, until the 1st day of June that he came there. And then, as we have said in our report, he demanded that as a right which the committee had denied him for so long. When, sir, any man holding the relation which he holds to the Government is to be put on trial for high crimes and misdemeanors, it would seem to be a part of his right at least to meet face to face and to put the test of cross-examination to those witnesses who were brought to impeach his honor and his integrity.

And yet, sir, the report of this committee stands upon the testimony of a class of witnesses who were never cross-examined; their private history was unknown; their motives were unknown. While as is said there were friends of the Secretary of the Navy on the committee, friends rather of justice and fair play, we knew nothing of the private transactions of the Secretary of the Navy and we knew nothing of the secret transactions of the Department, and hence we were unable to make an intelligent cross-examination of these witnesses. I think the House will see that it is an imposition, a slander upon justice, to say that such an investigation can be fair. It is utterly im-

possible, however much the parties conducting it intended to make it so, that it should have been fair or impartial.

But my time is rapidly wasting, and I want to call the attention of the House to the question before it directly. That question is, Can the Secretary of the Navy be impeached; can the Committee on the Judiciary find cause to impeach him for violation of the law which the committee set forth in their indictments? They say that the Secretary has willingly and corruptly violated certain laws and that for the violation of those laws he ought to be impeached. Now, Mr. Speaker, a great officer like the Secretary of the Navy must necessarily be allowed to construe the law where it has not already been construed for him. He who undertakes to discharge the great trust confided to him must himself construe the law. If, on the other hand, there is a question as to what the law is, he may go to precedents and to history for a guide; but if he makes an honest attempt to execute the law as he understands it, he cannot be impeached, thank heaven, in this country at least, even if he errs in his conclusions. Were it otherwise, every judge upon the bench might be impeached for some wrong interpretation of the law; and the Secretary of the Navy has the right to ascertain from the statute what the law is and what are his duties under the law; and, if he honestly endeavors to execute the laws as he understands them, he cannot be impeached.

Here is the law which he is charged with violating:

> All claims and demands whatever by the United States or against them, and all accounts whatever in which the United States are concerned, either as debtors or as creditors, shall be settled and adjusted in the Department of the Treasury.

It is said that the Secretary of the Navy violated that law in that he paid a certain claim known as the Hungerford claim.

Mr. Speaker, the Hungerford claim was adjusted and settled in the Department of the Secretary of the Treasury. How could the money ever be paid out except that it was adjusted there. There is an absolute and complete compliance with the law, and if the Secretary of the Navy unlawfully passed the claim, it was passed by the Secretary of the Treasury; it was settled or it would not have been paid.

But what of the Hungerford claim? Mr. Hungerford owned a large establishment upon the Mississippi River during the war which was taken from him by the forces of the United States. The value of the property was said to amount to $230,000. A portion of the materials from that establishment was transferred by the Naval Department to Mound City for the establishment of a naval rendezvous.

Mr. Hungerford never received a dollar for that property then taken, and a portion of it was a claim against the Navy Department. Whatever else this committee may say, they will not undertake to say that that was not an honest debt against the Government of the United States. After examination by the Department the Secretary of the Navy determined that it was his right to pay for these things which the Navy Department had used, and he ordered the payment of $75,000.

Now I suppose that gentlemen will admit that when the Government takes from a loyal citizen his property it takes it leaving behind an implied promise to pay for it. When the Government took this property from Mr. Hungerford, he being a loyal citizen, they did it with an implied promise to pay for it. If in this particular case any violation of law has taken place, who will find fault about it and say that the Secretary of the Navy shall be impeached? It is said that a portion of this money went to a broker in Washington. That is true. A certain man did receive this money and handed $40,000 of it to the client and pocketed the rest. Undoubtedly that was a great act of injustice. Mr. Hungerford has been paid this $75,000, but there is some money yet due him. A certain lawyer in Washington came before the committee and complained that the Secretary of the Navy would not re-open the case and pay the balance due. The Secretary of the Navy brought forward a receipt in full for the whole claim. The Secretary of the Navy has been abused because he would not re-open that claim and pay the balance, and we had before our committee witnesses after witnesses charging the Secretary with wrong and injustice because he would not re-open that claim and pay more upon it. These witnesses were not brought in the committee-room by any members of the minority of the committee. If you turn to the law which established the Court of Claims, you will find that each Department has a right to send to the Court of Claims such claims as it may deem necessary; but even here in the law the word "may" is attached, indicating that the heads of the Departments may also settle and adjust the honest claims against the Department to the extent of the appropriation made for that Department.

I come now to the next item in the so-called indictment. By section 1538 of the Revised Statutes it is provided that "no more than $3,000 shall be expended in any navy-yard in repairing the hull and spars of any vessel until the necessity and expediency of such repairs and the probable cost thereof are ascertained and reported to the Navy Department by an examining board." One of the grave accusations made against the Secretary of the Navy is that he has rebuilt the Navy without reference to that law.

I also desire to call the attention of the House to the facts that while the Secretary of the Navy is denounced in this report for having brought into the Navy ships unlawfully and in violation of that law, he has also been guilty of suffering the American Navy to go to decay.

Will the American public hold him guilty of crime in rebuilding its decaying Navy and, as the committee does, denounce him for not having a larger Navy? I think not.

The Secretary of the Navy claims that in 1862, or thereabouts, I do not remember the exact time, for the purpose of preventing the improper and improvident building and repair of vessels in the navy-yards of the United States by the commandants and other officials in charge, Congress was appealed to to prevent such expenditures without express authority of the Navy Department. It is claimed by the Secretary of the Navy that under that action of Congress no officers of a navy-yard would have authority to spend more than $3,000. But he denies, and I appeal to the House to say whether that denial is not well founded, that Congress intended to limit the power of the President of the United States to make and maintain a navy for the country.

The President of the United States gives the authority to the Secretary of the Navy; the Secretary is but the hands of the President. The President is clothed with all the power over the Navy; he is the Commander-in-Chief of the armies and navies of the United States. By section 417 of the Revised Statutes it is provided that—

> The Secretary of the Navy shall execute such orders as he shall receive from the President relative to the procurement of naval stores and materials, and the construction, armament, equipment, and employment of vessels of war, as well as of other matters connected with the naval establishment.

Says the Secretary of the Navy, "Would you say to me that I, when well informed and knowing all the facts, must resort to the absurd farce of asking a few officers in a navy-yard to appraise a vessel which I have determined to rebuild? Are my powers as Secretary of the Navy thus limited and thus circumscribed? Is the power of the President of the United States thus limited and circumscribed? No!" And I submit, Mr. Speaker, that in support of that construction the Secretary of the Navy may appeal to the whole history of the American Navy.

I do not propose to make any partisan speech at this time or to participate in any partisan attack. But for the construction of that law and the powers of the Secretary of the Navy I appeal to the glories of the past, to the history of the country, and the construction given to it by men of the ablest minds and of the greatest purity of character.

Says the Secretary of the Navy, "Have I, from April, 1869, to 1876, been so circumscribed that when I deem it to the interest of the country I could not repair a ship without asking some subordinate officer what it will cost?" I claim, Mr. Speaker, that the Secretary of the Navy violated no law, whatever construction you may put upon that statute, when he did what the committee have charged upon him.

What has he done? Let me call attention for a moment to the first report made by him soon after he entered upon his official duties. On page 12 of that report he says:

> Yet we have not at this time on any foreign station a squadron whose combined force would avail for a day against the powerful sea-going iron-clads which both France and England have upon such stations. These are not agreeable facts for contemplation or to state; but after giving the subject much investigation and reflection I have felt it my duty to state the truth frankly to you.

He did so to the representatives of the people that they might determine how much and how prompt action the situation required. When entering upon the duties of his office he announced to the public—he humiliated the great American Republic in the eyes of the world, if you please, by the announcement that we had no vessels fit to meet the vessels of the powers of Europe, and he appealed to Congress for authority to put upon the seas vessels of a character which might preserve and maintain the American power and the American honor.

And mark it, from that hour until this, Congress has not passed a law, has not made an appropriation to build a ship of war of the class here referred to. The only appropriation which the honorable Secretary of the Navy has had at his command, given to him by Congress, was an appropriation of about $4,000,000 to build eight sloops of war of not more than nine hundred tons burden each and two torpedo-boats. And yet, in the face of this a great committee of the House of Representatives can come now and say to the people of the country, "Behold! the Secretary of the Navy has suffered our fleet to go to decay and our honor to be tarnished in that he has neglected to put upon the seas ships of war equal to those of the other great naval powers of the world."

Now what are the facts? It is attempted to be stated in this report that great waste has been made. The committee cite Admiral Porter's statement that $18,200,000 per annum has been in the hands of the Secretary of the Navy for yards and docks, reconstruction, ordnance, and steam-machinery. Why, sir, the whole appropriations for these purposes has been but a little over $8,000,000 a year. Out of those $8,000,000 a year the Secretary of the Navy has had to pay all the great expenses of yards and docks, to provide ordnance, construction, repairs, and steam-machinery. The Secretary has had at his command for all these purposes but a little over eight and a half millions a year, even taking the highest figures given in the majority report.

And what has he done? I will not refer to it in detail, for I have not time; but I will refer to the fact that he has rebuilt fifteen iron-clads, which, when he came into office, could not float or fire a gun; they have been brought into good fighting condition. What else has he done? There were our great double-turreted monitors, built of white oak, and therefore going rapidly to decay, and had to be abandoned or repaired.

What has he seen fit to do? He has seen fit to take from the annual appropriations for constructions and repairs—nobody will deny it; it has been taken directly from the appropriations for constructions and repairs—he has seen fit to take money from this source and save those vessels from going out of the Navy and out of the service, by putting into them new frames of live oak and rebuilding their decks of iron. They are not now complete; but Admiral Porter, who is always cited by the committee when he criticises the Department of the Navy, says that that was a wise measure; that otherwise those vessels would have been lost to the service. He has put in good condition all the vessels of the Navy, with the exception of fourteen; and he has done it out of the appropriations for construction and repairs, for yards and docks, for ordinance and for steam-engineering, amounting to the sum I have stated; and any other statement, by whomsoever made, is utterly without foundation, as I understand the testimony.

But the complaint is made that the Secretary of the Navy has rebuilt ships. Will any gentleman on this floor tell me how can you repair a ship of white-oak frame if your frame is rotten? How can you repair an iron-clad monitor with a white-oak frame unless you begin at the keel and build her up with live oak? That is what the Secretary of the Navy has done with reference to these great monitors and other valuable ships.

Why, sir, when we were at New York pursuing our investigations we went over to the navy-yard and spent a day or two there and among other things we visited the great iron-clad Colossus, built upon the docks, and standing in the navy-yard there—commenced at the close of the war and intended to be one of the largest and most formidable ships of the Navy. She was kept sheltered in a large ship-house; and she stands there to-day as the workmen left her. She was a white-oak ship; a few planks had been stripped from her sides a few weeks before we were there, and with my own fingers I picked out from her white-oak frame a large piece of timber which I have here and which any gentleman may examine. It will be found utterly rotten. That ship was rotten from stem to stern; yet upon her exterior she looked fair and sound. Now, if that ship had been at sea how would you have repaired her? Simply by putting in a live-oak frame and upon that frame rebuilding all her parts. This is what the Secretary of the Navy has done to many of the vessels which otherwise would have been as useless as the unfinished Colossus, which is now of so little value that it is doubtful whether her destruction and removal could be paid for from the iron and copper which entered into her construction. Yet it is said that in doing this he has violated the statute to which I have referred, and for doing it he should be impeached for high crimes and misdemeanors. Mr. Speaker, the American people will not so look at this subject. The American people will call upon Congress and ask, "Why have you not provided the means for first-class ships of war of great power of guns, of great speed, of great capacity, fit to meet the navies of other powers?" Before the Secretary of the Navy is charged with fault I think the people will call upon Congress for an explanation. Rear-Admiral Jenkins, whose testimony is very copiously cited by the majority on this subject, says:

> The subject, however, is at best a very difficult and delicate one for a Secretary of the Navy to consider and decide upon its merits when viewed from every point. Surveys are not always good authority upon which to found a judgment. The surveyors themselves are not able as a rule to arrive at nearer than a merely approximative estimate of cost of materials and labor. There are, too, in many cases, many circumstances which must necessarily exercise a great, if not a preponderating, influence in deciding such questions. The report of the surveying officers, the pressing needs of the service for vessels for immediate use, the name, history, and past naval associations of the particular vessel, &c., must all be taken into account. The names of certain historical vessels of war are dear to the Navy and to the whole country. Neither the Navy nor the country could well afford to lose from the Navy list such names as the Constitution, Constellation, United States, Cyane, Levant, Guerrière, Java, Wasp, Frolic, Hartford, Marion, Kearsarge, Adams, Enterprise, Essex, Dale, &c. Whether it would be wiser for Congress to require special estimates, upon which to base special appropriations for rebuilding certain vessels by name, or by any name or names, to be determined and embraced in the act making the appropriation for rebuilding a vessel or vessels, or to leave it to the discretion and judgment of the Secretary of the Navy for the time being to rebuild them from the annual appropriations for general repairs of vessels, is a question about which there would doubtless be a great diversity of very honest opinion. Large sums voted in gross for general purposes, like repairs to vessels, although under one head, are liable to be diverted or misapplied, either from design or from want of sound judgment and good administration. The head of a great Department of the Government like that of the Navy cannot, with a proper regard to the true interests of that branch of the public service confided to him, be with safety too much hampered and trammeled in the execution of the great trusts confided to him; but rather he should be given the necessary discretion in details, and hold him to a strict account for any departure from a line of safe precedents.

But, sir, the Secretary is charged with crime in having bartered and exchanged certain material; and it is claimed also that, having bartered and exchanged this material, he has not made returns according to law; that in this he has violated the law and is liable to impeachment. This is the construction put upon the matter by the committee. What are the facts? Everywhere throughout the report, everywhere throughout the testimony it will be observed that the subject of barter and exchange on the part of the Secretary of the Navy makes a prominent figure. What is the matter of barter and exchange? Why, sir, the Secretary of the Navy has undertaken to rebuild certain iron-clads, and in rebuilding them large quantities of iron became necessary. Under the law he is authorized to sell such vessels as are not valuable and such material as in his judgment cannot be used. Now, Mr. Speaker, old iron taken from ships of war had accumulated in the scrap heaps of the Navy Department. Every person in this House must recognize the fact that large quantities must thus have accumulated at the close of the war and since. The Secretary saw fit to make a contract with John Roach, one of the largest, and, for aught I know, one of the most respectable ship-builders in the country—standing I believe at the head of the great manufacturers of ships—the Secretary of the Navy made a contract with him and other similar manufacturers to take the old iron of the Government in all forms and shapes—old beams, old chains, old plates—everything which the Government had to dispose of, to take this old iron to their manufactories and reroll it into forms adapted to the new iron-clads, delivering to the Government new iron suitable for the wants of the naval constructors, at the rate of one pound of new iron for three pounds of old.

Now, Mr. Speaker, I am not sufficiently familiar with the subject to be able to say whether this was a good trade, a sharp bargain, or not; but its purpose was to utilize that material belonging to the Navy Department which could be easily utilized in the rebuilding of iron-clads.

But it is said this is a sale; that in point of fact it is a sale, and the Secretary of the Navy has violated the law which provides that he shall sell at public sale such material. It is barter of material, and therefore a sale, and the Secretary of the Navy has violated the law.

I might spend some time in discussing this question, but I submit to the House if the Secretary of the Navy has the right to rework a pound of old material he must do it at least at a sacrifice; and if he cannot do it in the Government navy-yard, he must find some one who can do it. And the Government of the United States, to its shame be it said, has neglected the recommendation of the Secretary of the Navy made to a former Congress, and it has no establishment in the country of sufficient power and with sufficient machinery to rework into larger sizes its old material. The Secretary of the Navy has therefore seen fit to re-appropriate it in this way. Shall he be held for crime and violation of law in doing this act?

But it is said he violated the law in not making returns of this old iron. The answer is he has sold none. It is further said that this old iron cost $20,000,000, and that therefore this is a great outrage. Yet the Secretary of the Navy and the heads of the Department have laid before the committee evidence uncontradicted that its whole value was less than $1,000,000 in market the day he put his hand to it to rework it and reroll it. Twenty millions of dollars it cost—confessedly more than that. During the war of the Revolution it cost many more millions than that, and he will be a better mathematician than I shall give the chairman of the committee credit for to show what it cost this country to originally get up this material now being reworked into iron-clads; it was a part of the cost of saving the country. Yet it is only old iron now worth one and a half cents per pound. It is said there has been misappropriation of funds. That charge I deny. I here inquire where in the whole scope of the testimony can be found the fact that one dollar of appropriation has been permanently taken from its proper Bureau and given to another? Except one—where?

Why, my friends on the other side do not give the Secretary of the Navy credit for any honesty. They treat him as a knave and a scoundrel. He does not seem to have any showing or standing. Nothing excuses him. No noble act, no heroic act, no act showing his love for the flag and the country protects him against the evidence of witnesses who have been before the committee. Nothing of the sort seems to protect him against the findings of this committee.

Now, Mr. Speaker, there was early in our investigation developed the fact that the pay of the Navy was sometimes indebted to the clothing of the Navy; and immediately there was a question on that. Why, here there is misappropriation of funds! Here is a great wrong! I thought so, Mr. Speaker; I did not know enough of naval affairs to see how that all happened. Let me explain. When a ship goes to sea on a foreign voyage, she takes with her sufficient clothing for her men. Every dollar of clothing given to American seamen is charged. When he receives his pay at the end of the month, or six months, all the clothing he has had is charged to him, and that is so much gain on the pay account. After months and months of service abroad they bring home the account. What must be done? What can the Secretary of the Navy do? He can simply have the accounts of pay and clothing sent to the Treasury. There, and not in the office of the Secretary of the Navy, the accounts are settled. The Treasury of the United States transfers from the pay to the clothing in the Navy the just balance which is due it.

There is nothing else of misappropriation except one. In the fall of 1873, $4,000,000 having been previously appropriated for eight sloops of war of light draught and small size, the Virginius excitement came upon the country, and the Secretary of the Navy spent all his appropriation to get the Navy into a condition of defense. He came before the succeeding Congress and declared the fact, declared it to the country, declared it to the world, and asked the Congress of the United States to approve his conduct in that respect, and it responded with an appropriation of $4,000,000. And I say, Mr. Speaker, in any Congress of the United States where justice and love of fair play prevailed, it would be said on that matter, the account is closed; that the American people had settled it; that it had met with the approval of all.

Again, during the last fall, when the cloud of a war with Spain looked threatening, at the command of the President he expended

much money in preparation, and thus made himself short of means, which would otherwise have been at his command to meet the ordinary current expenses of the year, and to pay on contracts for furnishing the iron-clads This, too, the country approved.

I am told by my colleague [Mr. HOAR] that it is a thing which the ministry of England would have done and have done a hundred times. Then should George M. Robeson, Secretary of the Navy, be indicted for high crimes and misdemeanors for doing that which the interests of the country demanded, which the honor of the flag demanded, which the Congress of the United States and the American people have approved? Is it not a little late for the Committee on Naval Affairs to undertake to drag into the highest court of the country Mr. Robeson for this act?

I have said, Mr. Speaker, there was no limit to this investigation. I do not know why gentlemen confined themselves to the administration of George M. Robeson.

The doors of the investigation were by this Congress thrown wide open, and these gentlemen had a right, if they pleased, to go back and investigate the conduct of the war, and investigate Mr. Gideon Welles, who went into retirement at the end of the last Administration, bearing the honor of having stood by his country in its hour of utmost peril. Why has he not been investigated? Why have not these gentlemen undertaken to investigate the conduct of the war for putting down the rebellion, and see whether there was not some corruption that could be brought to light. Thank God, Gideon Welles, who exercised a greater power than any Secretary of the Navy since the foundation of the Government, is allowed to pass on, honored and respected, without having his conduct re-opened and exposed to harsh and cruel criticism. But he would not himself stand in this presence and say he had not used power, more power than Secretary Robeson ever wielded, and more arbitrarily and with a more despotic hand than even this committee charge upon the present Secretary. Why not investigate him?

I desire here to call attention of the House to a fact in relation to the transactions of the Secretary with the London house of Jay Cooke, McCulloch & Co., which the gentleman from Ohio [Mr. GARFIELD] from want of time probably omitted to state. It is this: that so careful and faithful was he to the interests of his country that he took such ample security for all advances that not one dollar will be lost to the Treasury. He should, amid all this crimination and abuse, have ample and full credit for every good and wise act, and this should not be omitted.

Mr. Speaker, as I have promised a few minutes of my time to other gentlemen, I must omit some of the items of this indictment, and come to the end. And what is the end? Mr. Speaker, where is the measure to correct abuses? Why, Mr. Speaker, the majority of the committee point to two measures and suggest a few more. They point to the fact that they have passed through this House a measure abolishing the office of civil engineer in the Navy Department, as if that honor belonged to them. I dispute the honor with the gentlemen who made that report. That was a measure which met the hearty concurrence of every gentleman of the committee of both politics alike. Well, sir, there is next the matter requiring a specific statement of appropriations. That measure has passed, and met my approval. What else?

Why, sir, it is said that this committee are about to recommend a mixed commission to take the whole subject of the Navy into their hands and to pass upon it. Well, sir, I approve of that measure too. But there was another measure long ago adopted by our committee, and that was a measure recommending the appointment of a board of naval commissioners who should have power to advise the Secretary of the Navy and to assist him in his great work. I was directed by the chairman, in company with one or two other gentlemen, to draw the bill covering that proposition of the committee. I drew the bill, and it is numbered upon the files of the House as No. 3692. In that bill I sought, and I think I successfully accomplished my purpose—I sought to have made as part of it provisions which would create a complete control over the employment of men in the navy-yards. I think the bill should become a law. It gave to that board of commissioners power to enact a code of law governing that subject which, when accepted by the President and Secretary of the Navy, should be law unless repealed or modified by Congress itself. And yet, sir, that measure does not appear with our report. It has gone back to the committee-room, and there it sleeps the sleep of death. But when I had introduced that bill as a measure under the direction of the committee, I was announced in the newspaper press of the country as a republican who had undertaken to interfere with the Navy. My bill drawn for the protection of the Navy was thus thrown back in my face as a bill started by a republican for base purposes. That bill sleeps the sleep in the committee-room; the sleep which, I fear, knows no waking.

What other measure did they recommend? What else have they done? What else do they propose to try? What other measure have they for reform in the Navy? Nothing.

Now I am admonished that my time has expired. Almost every other gentleman who has spoken on the subject has spoken upon portions of the testimony and adverted to details which I had intended to have spoken upon. But I must leave the subject here and give my friend from Iowa [Mr. KASSON] five minutes of my time. But before concluding I desire to say that while the committee charged with the duty of finding high crimes and misdemeanors against Mr. George M. Robeson have spent seven months in trying to do it, they come at last to the melancholy confession that they are not able upon the law, or testimony either, to find that fact. They now say, perhaps another committee of the House may be able to find it.

Mr. Speaker, I want to say that if this House does not pass one way or another upon this question it will be accused of having seized upon the only remaining chance to hold Mr. Robeson up during the campaign which is upon the country to scorn and contumely and contempt unjustly and for party purposes. It will be said of it that while in the discharge of this great duty it was bound to pronounce ay or no at once. By the adoption of the resolution of the majority it has shown that while "willing to *wound* it was yet afraid to *strike*."

I yield five minutes of my time to the gentleman from Iowa, [Mr. KASSON.]

Mr. KASSON. I ask the Clerk to read from the last page of the report of the majority of the committee the clause I have marked.

The Clerk read as follows:

Your committee do not hesitate to recommend that all officers of the Navy who have been connected with any of the frauds and corruptions disclosed by this investigation shall be brought to speedy trial before a court-martial, with a view that if unjustly charged they may be vindicated, and that if guilty they may be speedily and vigorously punished and the service relieved; yet they do find in the case of the Secretary some embarrassment in recommending what shall be the measure and manner of his punishment, arising from the present condition of the law, as viewed by at least a portion of your committee.

Mr. KASSON. I call the attention of the House, Mr. Speaker, to that part of the report just read, which has been overlooked so far as I know by the gentlemen who have hitherto spoken. And I desire their attention to it in connection with the resolution with which the report closes, and upon which it is proposed this House shall vote. That resolution fails to ask the House to vote a censure; fails to ask the House to impeach; fails to find the officers guilty; fails to find the Secretary guilty; fails of everything with which it is customary to close a report upon investigation of a Department or upon the conduct of an official. It evades the entire responsibility which points to one man as the object of punishment, or to one law as the object of repeal.

I am going to appeal to the gentlemen on the floor of this House upon a point of national honor and of personal character. The instinct of every honorable member rebels against an insinuated dishonor upon the réputation of a gentleman of his acquaintance. You withdraw from it in disgust as from an act of cowardice. When you say, suggestively and whisperingly, *if* such a man did so and so he ought to be punished, he is a man dishonored in the presence of his neighbors and his country; while you dare not openly make the charge, you dishonor yourself. When you say of George M. Robeson we cannot say whether he has been guilty, or what he has been guilty of, or for what he shall be punished, but recommend that the suspicions be referred to another committee who are to go over four thousand printed pages of your report, the work of seven months, and instruct them to inquire whether they cannot find that he has been guilty of some offense for which he may be punished, I affirm that it is an evasion, and that you are guilty of conduct toward a gentleman, a public officer of your acquaintance, for he is such officially, which you would scorn and spurn from you if it were attempted to be perpetrated upon yourselves. Not only that, sir, but you leave by the language of your report which the Clerk has read the floating cloud of dishonor over the whole corps of gallant officers of our Navy, without specifying a name upon which the cloud can rest. Do you mean the gallant name of Admiral Porter? Do you mean that peerless gentleman, Admiral Rodgers? Do you mean the brilliant officers who gallantly sailed up the harbor of Mobile and there restored our flag? Do you mean the heroes who so gallantly broke the chain of fire before New Orleans? Whom do you mean to insult and wound by the indefinite, calumnious language which I have had read at the Clerk's desk? Who is it that has dishonored that country's service to which his honor was pledged? Who is it of whom you say that if he is not guilty he ought to be indicted, and if guilty he ought to be punished?

Sir, I stand here in defense of the honor of that Navy, I care not who assails it. When you start a cloud of calumny through the atmosphere of the United States and suspend it over all the officers of the Navy you are insulting the flag of your country and the honor of the men who have rendered it glorious at home and abroad on all the seas of the world. I appeal again to *gentlemen*, not to *politicians;* and I ask if this is honorable conduct toward those upon whom you confidently depend for defense against foreign aggressors and to maintain the honor of the flag and the country at the peril of their own honor and their lives?

No, sir; if you report a man guilty and we find him guilty, we will vote him guilty here and now. If you say that you do not know who is guilty, in Heaven's name do not by the adoption of this report impose this vile stain upon the hitherto stainless honor of a corps which has illuminated the pages of our history with the record of its brilliant deeds.

Mr. WHITTHORNE. In accordance with the agreement made by the House, I now call the previous question.

Mr. GARFIELD. I ask the gentleman to allow me to enter a motion to recommit the report of the Committee on Naval Affairs.

Mr. WHITTHORNE. No, sir; I must insist on my motion.

Mr. GARFIELD. I ask the gentleman to allow me to test the sense of the House on that question.

The SPEAKER *pro tempore*. The sense of the House can be just as well tested upon the motion for the previous question.

Mr. GARFIELD. I hope the gentleman will let me enter the motion.

Mr. WHITTHORNE. I cannot yield to the gentleman.

The question was put on seconding the demand for the previous question; and on a division there were—ayes 81, noes 70.

So the previous question was seconded.

The main question was then ordered to be put.

Mr. WHITTHORNE. I now yield to the gentleman from Illinois, [Mr. MORRISON.]

Mr. MORRISON. I move that the House now take a recess until eight o'clock this evening.

Mr. WHITTHORNE. The House having ordered the previous question, I understand that the pending question goes over until Monday, and that I will then have the floor.

The SPEAKER *pro tempore*. Unquestionably; the House has ordered the main question to be now put, and nothing can deprive the gentleman of his right to the floor.

Mr. RANDALL. Will that cut off the call of States for bills?

Mr. HALE. Will the right of the gentleman from Tennessee [Mr. WHITTHORNE] accrue before the morning hour or after it?

The SPEAKER *pro tempore*. Unquestionably before the morning hour. The House has ordered the main question to be now put, which means, in case the House now adjourns, when the House next meets for legislative purposes.

Mr. WHITTHORNE. I move to reconsider the vote by which the main question was ordered; and I move to lay that motion on the table.

The latter motion was agreed to.

LEAVE OF ABSENCE.

Mr. TOWNSEND, of New York, was granted a leave of absence for ten days from Tuesday next.

Mr. JONES, of Kentucky, was granted a leave of absence for ten days.

Mr. HATHORN was granted leave of absence for one week.

Mr. SPENCER was granted leave of absence for one week.

Mr. ELLIS was granted leave for fifteen days.

Mr. WOODWORTH was granted leave of absence indefinitely.

Mr. ODELL was granted leave of absence for three days.

Mr. FAULKNER was granted leave of absence for one week from the 31st instant.

Mr. HUNTER was granted leave of absence indefinitely from the 30th instant.

Mr. MCFARLAND was granted leave of absence for three days on account of sickness.

ENROLLED BILL SIGNED.

Mr. PLAISTED, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill of the following title; when the Speaker *pro tempore* signed the same:

An act (H. R. No. 629) for the relief of Jonathan White.

ORDER OF BUSINESS.

Mr. MORRISON. I move that the House now take a recess until eight o'clock this evening.

Mr. CONGER. Before the question is taken upon that motion I desire to submit a resolution calling upon the Secretary of the Treasury to furnish some information in relation to the soundings at the mouth of the Mississippi.

The SPEAKER *pro tempore*. That requires unanimous consent.

There was no objection.

SOUTH PASS OF THE MISSISSIPPI RIVER.

Mr. CONGER, by unanimous consent, submitted the following resolution; which was read, considered, and adopted:

Resolved, That the Secretary of the Treasury be, and he is hereby, directed to furnish to the House the following information:

First, a chart of soundings made by the Coast Survey last May in front of the jetties at the South Pass in the Gulf of Mexico;

Second, a comparative chart showing the result of the survey of 1875 made by the Coast Survey, and the result of the last survey above named, so far as both surveys embrace the same area in advance of the jetties; and,

Third, a statement of the average increase of depth in front of the jetties and within the area embraced by both surveys, as indicated by a comparison of the soundings shown by the two surveys.

Mr. CONGER moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. HOLMAN. I now call for the regular order.

The SPEAKER *pro tempore*. The regular order is the motion of the gentleman from Illinois [Mr. MORRISON] that the House now take a recess until eight o'clock. Before putting that motion, the Chair will state that by order of the House the session for this evening will be for debate only, no other business whatever to be transacted.

The motion was agreed to; and accordingly (at four o'clock and forty-five minutes p. m.) the House took a recess until eight o'clock p. m.

EVENING SESSION.

The recess having expired, the House re-assembled at eight o'clock p. m. and was called to order by the Speaker *pro tempore*.

ORDER OF BUSINESS.

The SPEAKER *pro tempore*. By order of the House, on motion of the gentleman from Illinois [Mr. MORRISON] the session of this evening will be for debate only upon the bill (H. R. No. 3926) to amend the laws relating to internal revenue, and upon other bills, no business whatever to be transacted. The gentleman from Illinois [Mr. MORRISON] is entitled to the floor.

INTERNAL REVENUE.

Mr. MORRISON. Mr. Speaker, the bill under consideration (H. R. No. 3926) to amend the laws relating to internal revenue proposes sundry changes in the laws relating to the collection of internal revenue. The amendments proposed are in the main such as experience has shown to be necessary to the more efficient working of the internal-revenue system and the more certain collection of internal taxes.

The bill and its several provisions were carefully considered by a subcommittee, with the aid of experts from the Revenue Office. My colleagues of the committee, Messrs. HANCOCK and BURCHARD, who were of this subcommittee, will give such explanations of the details of the bill as may be required. It relates wholly to the collection of taxes imposed by existing laws, but imposes none. None are increased, none diminished.

It has been discovered and declared at the other end of the Capitol, in relation to internal taxes, and especially in relation to the tax upon tobacco and spirits, "that it is useless to say that the people are now ground down by taxation imposed by the National Government. That is a delusion among honest men, and it is a fraud whenever it is represented by anybody else, because there is not a particle of truth in it. It is a tax upon luxury; it is a tax upon indulgence; it is a tax upon vice;" and that "taxation by customs" (tariff) "is a protection and encouragement" to industries. In other words, that taxes should not be reduced to diminish the burdens of the people; that our internal taxes ought rather to be maintained to repress luxury, indulgence, and vice, and our tariffs to foster and encourage industries. And so it would seem that in "taxation by the National Government" under the present system we have another national blessing; so it is in effect declared in the Senate. And thus may be explained the purpose of our friends over the way in giving us as the last and parting act of the last Congress a bill adding to the burdens of taxation.

Accustomed to regard taxes, in whatever form levied, as burdens rightfully borne and rightfully imposed to the extent of the needs of good government, and to this extent only I have believed with a great many good people of the country that "the people are ground down by taxes imposed by the National Government;" ground down by reason of improvident and extravagant expenditures to the extent, at least, of our reduction in the annual expenditures amounting to nearly $30,000,000 and much more by reason of the frauds in the collection of the revenue and in consequence of the defects and viciousness of the revenue system itself.

Senatorial wisdom has also discovered that burdens of taxation depend wholly upon tax bills and are not lessened by reductions of appropriations and expenditures. Whatever sums are appropriated and expended must be taken from the earnings of labor. Without the reductions that have been and are being made, the demands of the Government for ordinary expenditures and for the annual requirements of the public debt could not be met without imposing additional burdens upon the earnings of labor, in the form of new interest-bearing loans or increased taxation.

Let us see if this statement is not borne out by the official figures, by comparing the amount of appropriations made by us and those of a permanent character provided for by law with the amount of receipts which we may safely and prudently rely upon for this fiscal year. The appropriations made by us and to be made, supposing the remaining differences between the House and the Senate to be divided midway, will amount in round numbers to $119,000,000. The permanent appropriations heretofore provided by law amount to about $147,000,000. These are for interest on the public debt, $96,154,848; for the sinking fund, $34,063,377; and for miscellaneous expenditures, such as collection of customs, &c., $16,411,694. So that the total requirements of the Government for this year, for annual and permanent appropriations, will amount to about $266,000,000. And this is fifty millions below the Department estimates.

Now, what receipts may we safely and prudently rely upon for this year? Our receipts from customs for the year ending with last month were $147,057,978 as against $157,167,722 for the previous year—ten millions less. The difference would have been more than twenty millions based upon the difference or falling off in imports, which were in the year ending June 30, 1875, of dutiable, $379,795,113, and in the year ending June 30, 1876, only $320,000,000. The same rate of falling off in imports for this year as occurred last year would reduce our receipts from customs to $123,000,000. If we take the average falling off for the last three years as the basis for the falling off this year, it would reduce our receipts to $127,000,000. Viewed from the most hopeful stand-point, we cannot prudently rely upon a revenue from this source to greatly exceed $130,000,000.

The receipts for the year just closed from internal revenue were $116,000,000, as against $110,000,000 for the year 1875; nine millions more. It will be seen by an examination of the sources from which the receipts come that while the amount of internal taxes has increased, the production of the articles taxed has fallen off; and but for the increased rates laid on by the last Congress the revenue from this source on the quantities of the articles taxed would have fallen off several millions. The taxable gallons of spirits fell off from 62,687,692 in 1875, to 58,700,000 in 1876. The quantity of tobacco and snuff fell off from 119,435,875 pounds in 1875, to 110,246,020 in 1876; nearly ten million pounds. Allowing for a like falling off in the present year, as has been the average of decrease for the last three years in the quantities of articles taxed, and our internal-revenue receipts would amount to $107,000,000 only. Making the most liberal allowance for an improvement in the honesty and efficiency heretofore so lacking in the collection of whisky and other taxes, we may reasonably expect $115,000,000, possibly $120,000,000.

From miscellaneous sources the Department estimate is $19,000,000. When we remember that the premium on sales of gold is an important item in this estimate, and that this year we shall have little if any gold to sell, we well know how unsafe it is to rely upon more than $16,000,000 from miscellaneous sources. So estimated, we shall have $130,000,000 from customs, $120,000,000 from internal revenue, and $16,000,000 from miscellaneous sources; in all, $266,000,000 with which to meet the $266,000,000 of estimated annual and permanent appropriations.

So it will be seen, Mr. Speaker, that while it cannot be determined with certainty what will be the exact amount of revenue receipts for the current year, yet it is plain that the taxes as laid will yield us with all our reductions and expenditures no more than the annual requirements of the Government, and but for these reductions we would be compelled to resort to new loans or find new subjects of taxation, thus further oppressing an already overburdened people. By a revision of the tariff we might obtain increased revenue with less taxation. Under present conditions this is impracticable, for our friends over the way, whose political associates are in the majority in the Senate, have already declared in a resolution offered by the gentleman from New York, [Mr. ADAMS,] in which declaration they are no doubt in accord with their political friends in the Senate, that "legislation affecting the tariff is at this time inexpedient."

Possibly we might obtain increased receipts from internal taxes by a reduction of rates; yet we must remember that these receipts are principally from tobacco and whisky, and that at the other end of the Capitol taxes on tobacco and whisky are not regarded as burdens to be removed from the industries of the people, but as helps to the extermination of luxury, indulgence, and vice. Certainly these would not be reduced by the Senate "at this time."

I know it has been said that there is no sincerity in our efforts to relieve the people by a reduction of expenditures unless we make like reductions in taxes.

I have shown that with all our reductions we shall have no surplus, and why any reduction, if proposed here, must fail in the Senate. Those who falsely proclaim this insincerity would probably parade any proposition made here for a reduction or removal of taxes, with receipts falling off as they are, as evidence of an evil purpose on the part of the majority here to deprive the Government of its necessary means of support. I prefer rather that all who regard the truth shall be compelled to admit that we have been so mindful of the interests and the honor of the Government as not to disturb any of its sources of supply, while we have by a prudent economy lessened the demands upon it by many millions.

I trust therefore that only such amendments will be offered to the bill as relate to perfecting the internal-revenue system and the collection of taxes, and not the increase or decrease in the rates of taxation.

COLLECTION OF TAX ON DISTILLED SPIRITS.

Mr. MEADE. Mr. Speaker, there is no branch of the public service in which there have been such enormous and notorious abuses as in the Bureau charged with the collection of internal revenue. For nigh twelve years the scandals regarding this particular service have been ringing in the public ear, while the Treasury has been plundered and the list of ruined reputations has gone on increasing, and yet no well-defined or systematic legislative policy has been adopted to prevent their recurrence. The country had a right to expect upon the advent of this House, whose responsible majority came here pledged to reform, that it would enact some measure looking to the abolition of these abuses. Individual members have certainly not been backward in introducing bills which were believed to accomplish the desired result. Several bills have been introduced and appropriately referred, and these, as though to prove the correctness of the general theory, agree in a remarkable degree in essential particulars.

The evils of the present system are more distinctly exhibited in the collection of the tax on distilled spirits, and it is to a brief consideration of this branch of the subject that I ask the indulgence of the House. The flagrant abuses which here exist point directly to radical defects in existing laws, for in face of many evidences for a contrary opinion I am not of those who believe that the race of honest men has entirely run out in the republican party, or that honest and efficient officers cannot be found to execute just and efficient laws. Experience, moreover, shows that while in a great degree more capable men might have been selected in numerous instances, yet the laws themselves as they now stand rather encourage than prevent the frauds which have so long disgraced the service and the country.

REFORM IN THE OFFICIAL SYSTEM THE FIRST GREAT OBJECT.

Now, Mr. Speaker, it is, I know, quite the habit to regard any measure having in view a reform of the civil service as purely theoretical, an ebullition of the doctrinaire; but our experience in the internal branch of the Government should satisfy us that some great reform is needed in the public service, and that we must adopt something less yielding, something more exacting than party fellowship. Whoever has examined this subject will agree with me that the duties of this Bureau are of too grave a character to admit of party interference, and that the popular proverb concerning party patronage, "to the victors belong the spoils," should not only be modified in its application to this Bureau, but be jealously restricted, if not dispensed with altogether.

We may receive valuable light in this regard from the policy which has been adopted in England respecting this service. The applicant for position there must not only be examined by a board of capable and experienced men entirely removed from political influence, but he must thereafter pass a course of tutelage with frequent intermediate examinations before being installed into the responsible duties of such position. I would not only make such a rule applicable here, but I would in addition thereto provide frequent transfers from one district or department to another, so that no sufficient time should elapse in which to form combinations or rings. And it is in this way only that we can avoid the frauds and disgrace which have all along characterized our revenue service. Look at it as we may, scrutinize it, dissect it, analyze it, and we irresistibly arrive at the same conclusion, of the necessity for reform in the official system.

At an early day in this session I had the honor of introducing in this House a bill (H. R. No. 2331) having in view various reforms in the collection of taxes on distilled spirits. Its provisions embodied the experience of the most reliable and competent men engaged in the wine and spirit business in this country, and it had not only the generous support of substantially the entire trade engaged in legitimate business, but as well a large share of the newspaper press in those cities where the subject is one of greatest interest. I regret that the Committee of Ways and Means have not in all particulars adopted the provisions of that bill, but I am gratified to know that many of them have received the approbation of that committee, and that the remainder will have ample opportunity for consideration by this House when the bill now under consideration shall be in order for amendment. I have reason to believe that the more important of these provisions not already adopted will then be accepted by the committee and, as I trust, by a large majority of the members of this House. This bill provides in an especial manner for reform in the official service.

While the selection of incompetent officers for merely party reasons is provided against, a large number of those whose time is now employed in political rather than professional duties are dispensed with and by the application of this principle and abolishing a multitude of perfunctory duties, involving enormous expenditures not only in salaries but in stationery, and the great army of incidentals, a reduction of the official force is effected from thirty-seven hundred and thirty-four, exclusive of deputy collectors, to twelve hundred and twelve, including deputy collectors. The latter figure does not, however, include clerks in the Bureau at Washington, but the adoption of the bill referred to would enable fully three-quarters of those employés to be dispensed with and effect a direct saving in the Department expenses of $2,500,000. The more efficient the officers the less the number required, and a rational system and reasonable rates of taxation would soon bring about the opportunity for even a greater reduction of the force, which is now altogether too large even for the present system. For example, in the city of New York there are now four collection districts. In that city there are no distilleries, and the duties of selling stamps for lager-beer, which is largely manufactured in one part of the island, and collecting payment for special taxes or licenses, and the taxes for the manufacturing of tobacco, and preventing the running of illicit stills, could be thoroughly performed by one collector and one set of subordinate officers.

In the State of New York there are sixteen collection districts. Under a proper system, with efficient officers, these districts could be reduced at once, certainly to five: one with an office at Brooklyn, one at New York City, one at Albany, one in central New York, and one at Buffalo. I speak of my own State as an example, because I know it best, but the same thing can be accomplished to an equal degree in other States the moment that the revenue force is held strictly down to its legitimate functions of collecting internal taxes and preventing evasions of the law. In the system I am advocating, every officer is under bonds for the faithful performance of his duty. Every officer has definite and specified duties to perform and has that inducement to assiduity and honesty in his employment which can only be secured by the prospect of professional advancement and success. There is nothing unrepublican about it; on the contrary, it is the most republican of systems, for once in the profession the duties and powers of which are clearly defined and limited by law, the future of every man is dependent, not upon favoritism or other adventitious circumstances, but upon his own exertions and merit alone; and this is true

republicanism and true democracy. It is simply proposed to apply to the Government business those principles which every bank, commercial corporation, and business house applies to analogous employment.

I may be here allowed to digress for a moment to point out the enormity of the frauds in distilled spirits which have been perpetrated upon this branch of the service from 1864 to the present time, which I cannot better do than by quoting the language of the honorable Senator from Georgia, [Mr. GORDON,] who has given the matter apparently the most careful consideration. He says:

If we have manufactured but the 100,000,000 gallons per annum from 1864 to the present time we have had due to the Government the taxes upon 1,300,000,000 gallons in thirteen years in which this tax has been imposed, the tax varying from 20 cents to $2 per gallon. By a simple calculation, for which any school-boy is competent, it will be seen we should have received into the Treasury up to the termination of the last fiscal year, $1,260,000,000. How much has been received? Let Commissioner Pratt state: "Four hundred and eighty-nine millions;" say in round numbers four hundred and ninety millions less the cost of collection, or net about four hundred and fifty millions. Deduct this amount from the twelve hundred and sixty millions, and we have at once the colossal fraud of $800,000,000. But appalling as this sum is it becomes almost insignificant when we take into consideration the facts which we must, that since then, as I have before stated, not only has our population increased but the entire Southern States have been added to the producers and consumers, and the additional fact which all experience proves, that the consumption of spirits, like the aggregation of all other sins, multiplies with the increase of population. If we take, I say, these facts into consideration, we shall find that we have perpetrated a fraud of more than one thousand millions of money; and I defy the successful refutation of the statement. It has on an average $1,200,000,000 of money. Where is it, sir? Has it gone into the pocket of the consumers? Not at all; for the price which the consumer has paid has varied but little whether the tax was 20 cents or $2 per gallon. Where is it gone? This gigantic sum of money which was due to the Government has gone into the pockets of dishonest distillers or, what is infinitely worse, into the pockets of the dishonest Government officials, a sink in individual and official corruption, in political and national demoralization and disgrace.

And as if this were not enough to show the utter incompetency of the system, we have the further evidence that in 1867 there were three hundred taxable articles in the internal-revenue branch of service with an official list or roster of fifty-nine hundred and eighty-five, aside from the various clerks in assessors' offices numbering not less than five hundred. The number of taxable articles is now reduced to four, namely: spirits, tobacco, beer, and stamps upon checks, matches, and patent medicines. Yet the number upon the official list remains at 3,734, besides an indefinite supply of deputy collectors, and the expenses of collection, which in 1867 were seven and a half million dollars, amounted last year to over five and a half million dollars.

These evils or abuses it is intended to correct by the bill in question, which in its provisions reduces the number of officials to 1,212, with salaries something less than $2,000,000.

Besides all this it is desirable that the tenure of office should be made dependent upon the good behavior of the incumbent and that a regular system of promotion should be adopted as a reward for efficient service, so that the position of an official in the Internal Revenue Bureau should become in every way as honorable and as independent as that of an officer in either the Army or naval service of the Government. It is in this way only that we may expect an efficient and honest attention to business, and that we may make the duty of collecting the revenue upon which the Government is to subsist an honorable one and removed from the influences and intrigues of either mere local or general politics. As it is now the system amounts to one of mere compensation for party service, the appointing power being so completely under the influence of local politics that the appointee is from the first paralyzed in his efforts to honestly discharge his duties and becomes a ready, and easy, if not a willing instrument in the hands of those whom in his neighborhood he looks up to as influential to retain him in his position.

REDUCE THE RATE OF TAXATION.

Another provision in the course of practical reform in the collection of taxes on distilled spirits is a reduction of the rate of tax. The present first cost of one gallon of proof spirits is about fifteen cents, sometimes varying a few cents either way from that figure, according to the season and the price of grain. The tax as we know is now ninety cents on every such gallon, or 600 per cent. on the cost of manufacture, while other small charges on various pretenses are levied in a general way upon the rectifier and dealer.

A glance will suffice to satisfy the most uninformed on this subject that this disproportion between cost of production and the rate of tax is calculated to create an unwholesome desire to escape the latter, both because of the enormous capital in ready money required to carry on even a moderate business and also for the reason that a small fraudulent saving of tax gives greater profit than the legitimate gains of large manufacture. The Government, it is true, only looks for the largest revenue; but in so doing reference is to be had to various surrounding circumstances and the point where it ceases to be profitable to evade the law and cheat the State out of its dues is the most important and one which can only be ascertained by experience. Under this head the Commissioner of Internal Revenue, in his last annual report, has favored us with the following valuable information:

Excessive taxation may be the cause of general and systematic fraud leading to great loss of revenue, but production and consumption go on as before, whatever the taxes. This is well illustrated in the years while the tax was $2 on the gallon. Take for illustration the year 1868. The taxes derived from this source during the year were less than $19,000,000, while in 1869, when the rate was reduced to fifty cents they ran up to $45,000,000, and the year following to $55,000,000. Yet no one can doubt that the actual production in gallons did not essentially differ in the years named. Looking over the entire period since duty was first imposed by the act of July 1, 1862, when Congress moved with the same timidity and moderation in taxing this article which characterized its action in 1791, when the experiment was first made, we are struck with surprise at the great difference in the receipts from the sources named. Thus:

The collections were, during the fiscal year ending June 30—

1863	$5,176,530 50
1864	30,329,149 53
1865	18,731,422 45
1866	33,268,171 82
1867	33,542,951 72
1868	18,655,630 90
1869	45,071,230 86
1870	55,606,094 15
1871	46,281,848 10
1872	49,475,516 36
1873	52,099,371 78
1874	49,444,089 85
1875	52,081,991 12
Showing a sum-total of receipts from spirits of	489,763,999 14

Thus we perceive that during the four years from 1864 to 1868, while the tax for six months was $1.50 per gallon and for the balance of the period $2 per gallon, the annual revenue was nearly five and a half millions less than during the six succeeding years, (July, 1868, to January, 1875,) while the average tax was less than seventy cents per gallon, although during the first-mentioned period it is well known that the demand was much greater than during the last, and the year in which the Government was in receipt of the largest income was in 1870, when the tax was least of all, being only fifty cents a gallon, with some special charges added, realizing altogether $55,581,599.18. These are facts which are incontrovertible and show conclusively that the true interest of the Government lies in a reduced tax of fifty cents per gallon, as recommended by the best experience which we now possess.

Not only will such a reduction prove a preventive of fraud but it will further tend to increase the manufacture, for this branch of business equally with all others has suffered from great depression, with a consumption falling below production. If this were a question of temperance I am aware objections might be found to any increase in the production, but experience shows us there is very little difference, if any, between hard and flush times in the consumption of spirits by those who use it for potable or drinking purposes. The demand for the use of spirits for scientific and manufacturing purposes must be met. It is shown that while heretofore three-fifths of the whole product has been consumed for such latter purposes, it is now reduced by reason of high taxation to one-half of such production. It will thus be seen that reform in the official system and reduction of tax go hand in hand both to increase the revenue of the Government and protect and encourage the honest dealer and manufacturer.

I have refrained from going into an examination of the various modes suggested for imposing the tax. Either mode, each of which has its advocates, will be more nearly successful with the reform in the system which is proposed, and I would be willing to adopt either for the present, subject to such alterations or changes as the future shall indicate. But if we would effectually purify our system of the rottenness which now exists in it, then it is essential that we cut off the army of spies and informers which hang around the business, blackmailing manufacturer and dealer alike down to the smallest retailer. To accomplish this, the tax should be collected at the distillery, from which time the domestic product should have all the presumption of honesty that now attaches to foreign articles. The present spy system is not only enormously expensive and demoralizing in its tendency, but inflicts the greatest injury upon honest dealers everywhere, until now it has become a serious question with the trade whether it is best to continue a business which completely places capital and even commercial reputation at the caprice and will of oftentimes ignorant and dishonest officials, operating through a system which offers to them so many covers and inducements to fraud. With the tax once collected under proper precautions at the distillery, the necessity for such espionage and its attendants, ignorance and willful injustice, will disappear. It is contrary to the spirit of our institutions that a system should longer exist here which has been the most hateful feature of tyrannical European governments.

Another and imperative reason why this tax should be altered now is that by the act of March 5, 1875, during a period when fraud was at its maximum, as has since been made plain to all by the proceedings in western courts, the increase from seventy cents to ninety cents was made in the direct interest of the fraudulent rings and by their agency. The Revenue Bureau, whose confidence was abused, was led to certify to the complete collection of taxes and the belief that a higher rate of tax could be collected as well as seventy cents. At that very moment in some of the largest distilling points in the country only thirty cents per gallon were being paid. The advance of tax was then a fraud upon Congress, which it is incumbent upon Congress immediately to repeal. The only argument against reduction is that the country could not spare revenue now and the old story that now the revenue is being collected, an assertion made on no better foundation than last year, and in face of the fact that we are still short of the receipts of 1870, that the evidences of unlicensed production are plain in all quarters, and that it is again found necessary to change the head and important officers of the Bureau. Were the tax being collected, the total revenue this year

from spirits would not be less than $80,000,000; $72,000,000 from the gallon tax and $8,000,000 from the special taxes. Over $25,000,000 have certainly been lost this year through fraud. It is said, that consumption has largely decreased as compared with last year; but this assertion has no foundation. Times were hard last year as well as this, and the decreased manufacture arising from extra tax is compensated for by the natural increase of population and other causes which combine to produce the effect which David A. Wells so aptly terms "the elasticity of revenue."

The wise economy of this Congress in cutting down appropriations, and consequently expenditures, to extent of $25,000,000, affords an excellent opportunity of reducing rates of taxation without any possibility of deficiency of revenue. The collectable production of the country at a fifty-cent tax would most certainly exceed 80,000,000 of gallons, which, at fifty cents per gallon, would give a gallon tax of $40,000,000, and with $8,000,000 from special taxes, would make total revenue from spirits $48,000,000; while the decrease, expenses of collection—not merely through the Treasury Department, but through the Departments of Justice and War—would give a net revenue fully equal to that obtained in 1874 from seventy cents, or in 1875 from ninety cents.

EXPORTATION IN BOND.

It should require no argument to satisfy any one that the true policy of the Government is to encourage any business which will give us exportation for our staple products; for it is only by our export trade that we are able to make a set-off to the large, and we might say extravagant, importations which require the payment of enormous sums of money abroad. Since our tremendous war debt, which has been so largely taken by foreigners, the necessity for developing in every possible manner all our opportunities for exportation is greatly increased.

In the matter of distilled spirits the United States is so situated respecting the cheapness of her grains and especially corn, and also in facilities for bringing those grains to the seaboard for shipment, that we ought to monopolize substantially the entire trade of the world in distilled spirits; and yet for some inscrutable reason it would appear, from the laws regulating exportation of such spirits as well as from the regulations of the Department having the subject in charge, that it had become the settled policy of this Government to impede as far as practicable all business enterprise in that direction. How far this Chinese policy has been a success may be discovered by the following:

Statement showing the exports of distilled spirits from the United States for the twenty fiscal years from 1857 to 1876 inclusive.

Years.		*Years.*	
1857	$2,584,880	1867	$1,846,672
1858	1,993,845	1868	1,416,121
1859	1,223,211	1869	796,093
1860	1,461,438	1870	725,421
1861	2,311,685	1871	452,546
1862	2,622,437	1872	591,499
1863	3,405,572	1873	852,639
1864	1,435,349	1874	1,164,616
1865	1,536,674	1875	351,354
1866	1,127,700	1876*	502,400

*Exports for June are partly estimated.

It will be perceived from the foregoing exhibit that the export business was in a flourishing condition up to 1864, when the internal-revenue laws first affected it. From that time on there has been a steady average decline until this date, showing a difference between the receipts for the years 1863 and 1875 of over $3,000,000 loss to this country by reason of the pernicious system which has been adopted respecting the exports of distilled spirits, to say nothing of the large natural increase of trade which would undoubtedly but for this system have amounted ere this to a sum in the neighborhood of $20,000,000; all of which is lost not only to the country generally but to the farmer in particular, who by reason of such additional demand would have been able to obtain a much better price for his grain, where fifty-six pounds is concentrated into four pounds of high-proof alcohol. There is no other way in which the western farmer can send his grain abroad to such advantage to himself and American manufactures as in the shape of distilled spirits.

A simple illustration of the manner in which the exporter of spirits is embarrassed would be as follows: A single package of alcohol, containing say eighty-five gallons, is worth, say 25 cents per proof gallon or $21.25 for the entire package. Now, in order to make shipment abroad the exporter is required to make out two bonds: first, from the distillery to the place of exportation and to the time of actual shipment, and, second, a bond covering the period from time of actual shipment to its landing in foreign port. The exported article pays no duty here, yet nevertheless each of these bonds are required to be made out for double the amount of duty which would be required upon a package in case consumption were had here, or, say $153. The first bond of course is taken up at the time of the issue of the second, but the second bond cannot be canceled until all the circumlocutory proofs are furnished which are technically required by the Department, and it generally happens that from twelve to eighteen months must elapse before any such shipment bond can be taken up and canceled, so that it comes to be that in a very small business the amount of bonds alone required to carry it on is so great that no one of average or even large means can continue in it.

The figures I have given for the probable present natural exportation of spirits may seem large, but in 1863 we were beginning to export largely, not merely alcohol, but cologned spirits and other finer forms of spirits, and there were reliable indications of the development abroad of a demand for bourbon and rye whiskies of American manufacture; and furthermore our manufactures of drugs and chemicals and toilet articles were building up a large export trade, especially with South America, in compounds of which alcohol was an essential part. Cramped as it has been by law, the exportation of spirits has suffered still more from the varied and contradictory decisions and regulations of the Bureau, which, issued often without the semblance of authority of law, and sometimes almost in plain violation of it, destroyed all security or permanency in the business. For example, at one time by one of these regulations, no bonds were accepted without qualification upon entirely unencumbered real estate. A man might own a piece of property worth $1,000,000, but if there was a mortgage on it for $10,000 he was not available as security on an exportation bond.

This is but one of many illustrations of the obstacles which are constantly harassing and embarrassing the trade and shows the absolute necessity for a rigid and thorough reform in the entire system regulating the manufacture and trade in distilled spirits. The particular evil, as we have before observed, lies in the very grave defects in the official system and the enormous, disproportionate, and suicidal tax of ninety cents per gallon in the face of all experience in favor of a lower rate.

It seems to me that in this matter of so large a revenue to the Government and in our present straitened condition of finances it becomes a matter of the utmost importance that we should take deliberate, careful, and decisive action before the adjournment of this House.

Administrative reform is the admitted great necessity of the day. The place to apply the reform is where the evil is greatest. The time to apply it, now. Delay gives longer excuse to fraud, which inevitably gains with fearful rapidity while its opportunities remain. A vicious system will not reform itself. The responsibility rests upon Congress, whether official extravagance shall be permitted to continue and peculation to thrive or whether by courageous surgery, having well studied the case, we save the life of our revenue system.

APPROPRIATIONS.

Mr. FOSTER addressed the House upon the subject of the appropriations made by this Congress. [His speech will appear in the Appendix.]

Mr. GARFIELD addressed the House upon the same subject. [His speech will also appear in the Appendix.]

CONDITION OF THE COUNTRY, ETC.

Mr. HURLBUT. Mr. Speaker, we are now approaching the end of this most "weary, stale, flat, and unprofitable" session, and it may not be amiss to look back before we separate and review the course we have been pursuing.

I fear, sir, we shall find few fruits to gather, slight harvest in sound grain for the labor and time expended. But those we represent may take warning at least by the shortcomings of this Congress, and see to it that the public interests are not again committed into the hands of a party which has been so lavish of promises in advance and so barren of performance in the time of trial.

The facetious gentleman from New York [Mr. COX] laid aside some weeks ago his quips and jests and condescended to the sphere of simple fact when, with a sweeping gesture including all of his own side of the House, he solemnly declared that "this is the day of small things." The ludicrous truthfulness of the statement rendered his remark an example of the highest kind of unconscious humor, fit to be reproduced in the next issue of Why We Laugh. The evidences were all around him, and especially in the "masterly inactivity" of his own committee.

Now, Mr. Speaker, nearly two years since, a great popular election was held. Many causes combined to bring about changes in the public mind. Depression in business affairs, stagnation of currency, failures of mercantile enterprise, manufacturing overdone, building of great railways stopped; all these were charged as due to the policy and practice of the party in power. All elements of discontent and division naturally gravitated to the democratic party, the chronic grumbler of twenty years. Then there is always a considerable element which wearies of anything continuous and uniform and seeks change and variety by natural appetite, and this element is always large in this country, and it is to it that is due the apparent impossibility of any settled, continuous, and uniform policy.

These hosts were like those that gathered to David in the cave of Adullam.

The press of the country in many instances devoted itself to the consideration of ephemeral questions, and forgot the grave differences that rest and must always rest on eternal principles of right and wrong.

The republican party was arraigned everywhere before the great tribunal of the people; and in the exercise of that broad license, which the freedom of elections gives and requires, it was charged

with all the sins and shortcomings of individual members; it was alleged to have outlived its usefulness, to have had its day, to have performed its purpose, and that its paramount necessity now was to die out of the way of the newly re-organized democracy, whose mission it was to cure all evils; to restore all waste places; to make all citizens free, equal, and contented; to sweep out all vice, public and private, and to restore the dominion of the Constitution and the laws.

What promises, Mr. Speaker, from the party press, the party conventions, and at the hustings! Promises are the cheapest of all cheap currency; they cost nothing to make, nothing to scatter lavishly and broadcast, and as some one says, "Promises are the money of fools." "Let the democrats into power," said they, "and the good times will come; official corruption shall be stopped; business shall be revived; fields shall groan with golden harvests, foreign commerce be restored; internal transportation shall be simplified and cheapened; money shall be solid, abundant, and cheap; values shall be restored; taxes shall be reduced, retrenchment inaugurated, and the Government conducted on the soundest and most economical plans. The South shall groan no more; the great problem of labor and capital, the great struggle of life and liberty, still going on in that section, shall be harmoniously settled, and all feuds and quarrels of race, citizenship, or ownership of property shall disappear under the overshadowing and benignant wings of the new democracy." A real civil-service reform should be effected; Cæsarism, personal government, offices as rewards for personal service, all these and all other evil things should perish before the dawn of the new day.

These were among the inducements held out to the people to glorify the beginning of the second century by the ingress of a democratic majority into the House of Representatives, and these, with not a little of that judicious violence which the Anglo-Saxon deems himself privileged to use toward a weaker people and which was used so far as deemed necessary in more than one State of the South—these causes and these means brought the present majority into this House.

First and foremost among the partisan cries was that of universal corruption among republican office-holders. A charge easy to make; for general condemnations are the refuge of ignorant malice. Is it true? No man denies that always, at all times and in all parties, some bad men obtain places of honor and emolument, and disgrace by their misconduct and their venality themselves and their friends. It was so in the times of Washington and Jefferson, and every other President the nation ever had. High names might be recalled from the distance that gives oblivion that were polluted by jobbery and bribery.

But fortunately we have official documents that show in rare contrasts the fidelity and honesty of official men since 1834. On the 19th day of June, 1876, the Secretary of the Treasury reported to the Senate of the United States a full and detailed statement of receipts and disbursements from January 1, 1834, to June 30, 1875; and also the amount of defalcations in gross and the ratio of losses per $1,000 to the aggregate received and disbursed, in answer to a resolution of the Senate of February 9, 1876.

I have caused this official statement to be tabulated so as to show the exact state by presidential periods, and I commend it to my democratic friends as excellent reading for the vacation, and insert it here in my remarks.

Statement showing the receipts and disbursements of the Government from January 1, 1834, to June 30, 1875; exhibiting also the amount of defalcations and the ratio of losses per $1,000, to the aggregate received and disbursed, arranged in periods as nearly as practicable of four years each. The disbursements for the Post-Office Department are given separately.

JANUARY 1, 1834, TO DECEMBER 31, 1837.—ANDREW JACKSON, (DEMOCRAT,) PRESIDENT.

	Amount.	Loss on $1,000.
Gross receipts	$135,995,960 92	$10 17
Gross disbursements, exclusive of Post-Office	110,308,325 19	10 55
Post-Office disbursements	11,697,884 18	1 17

JANUARY 1, 1838, TO DECEMBER 31, 1841.—MARTIN VAN BUREN, (DEMOCRAT,) PRESIDENT.

Gross receipts	$129,948,548 91	$3 01
Gross disbursements, exclusive of Post-Office	137,094,438 34	21 15
Post-Office disbursements	18,284,961 77	2 83

JANUARY 1, 1842, TO JUNE 30, 1845.—JOHN TYLER, (WHIG,) PRESIDENT.

Gross receipts	$116,736,004 87	$3 68
Gross disbursements, exclusive of Post-Office	109,187,401 24	10 37
Post-Office disbursements	18,666,750 20	14

JULY 1, 1845, TO JUNE 30, 1849.—JAMES K. POLK, (DEMOCRAT,) PRESIDENT.

Gross receipts	$201,857,508 45	$0 08
Gross disbursements, exclusive of Post-Office	205,194,700 57	8 34
Post-Office disbursements	16,861,478 41	15

Statement showing the receipts and disbursements of the Government from January 1, 1834, to June 30, 1875, &c.—Continued.

JULY 1, 1849, TO JUNE 30, 1853.—TAYLOR AND FILLMORE, (WHIGS,) PRESIDENTS.

	Amount.	Loss on $1,000.
Gross receipts	$211,908,612 91	$1 30
Gross disbursements, exclusive of Post-Office	194,370,493 14	7 64
Post-Office disbursements	26,582,570 74	1 99

JULY 1, 1853, TO JUNE 30, 1857.—FRANKLIN PIERCE, (DEMOCRAT,) PRESIDENT.

Gross receipts	$282,179,929 56	$0 75
Gross disbursements, exclusive of Post-Office	285,638,875 65	5 86
Post-Office disbursements	40,439,110 70	6 92

JULY 1, 1857, TO JUNE 30, 1861.—JAMES BUCHANAN, (DEMOCRAT,) PRESIDENT.

Gross receipts	$312,359,679 56	$0 62
Gross disbursements, exclusive of Post-Office	328,183,268 39	6 98
Post-Office disbursements	56,957,922 74	3 02

JULY 1, 1861, TO JUNE 30, 1865.—ABRAHAM LINCOLN, (REPUBLICAN,) PRESIDENT.

Gross receipts	$4,670,460,137 61	$0 10
Gross disbursements, exclusive of Post-Office	4,667,457,921 22	1 41
Post-Office disbursements	48,779,085 45	1 91

JULY 1, 1865, TO JUNE 30, 1869.—ANDREW JOHNSON, (WAR DEMOCRAT,) PRESIDENT.

Gross receipts	$4,042,316,438 46	$0 63
Gross disbursements, exclusive of Post-Office	3,891,576,259 10	48
Post-Office disbursements	81,016,286 91	2 06

JULY 1, 1869, TO JUNE 30, 1873.—U. S. GRANT, (REPUBLICAN,) PRESIDENT.

Gross receipts	$2,576,645,585 22	$0 37
Gross disbursements exclusive of Post-Office	2,601,158,569 90	40
Post-Office disbursements	104,132,079 69	1 13

JULY 1, 1873, TO JUNE 30, 1875.—U. S. GRANT, (REPUBLICAN,) PRESIDENT.

Gross receipts	$1,420,222,898 62	$0 22
Gross disbursements exclusive of Post-Office	1,406,699,819 31	26
Post-Office disbursements	65,737,724 03	53

GROSS TOTAL RECEIPTS.

Period.	Receipts.	Losses.	Loss on $1,000.
January 1, 1834, to June 30, 1861	$1,390,986,145 18	$2,907,521 31	$2 09
July 1, 1861, to June 30, 1875	12,709,645,059 91	4,348,098 10	34

GROSS TOTAL DISBURSEMENTS.

Period.	Disbursements.	Losses.	Loss on $1,000.
On all accounts except Post-Office:			
January 1, 1834, to June 30, 1861	$1,369,977,502 52	$12,361,722 91	$9 02
July 1, 1861, to June 30, 1875	12,566,892,569 53	9,905,205 37	78
Post-Office disbursements:			
January 1, 1834, to June 30, 1861	189,490,678 74	576,109 78	3 04
July 1, 1861, to June 30, 1875	299,665,176 08	413,472 60	1 38

FROM JACKSON'S SECOND TERM TO THE END OF BUCHANAN'S TERM.

Gross total receipts and disbursements from January 1, 1834, to June 30, 1861 { $2,950,454,326.44 includes loans and Post-Office. / $2,950,356,731.04 excludes loans and Post-Office.

Gross total losses for the same period, (no loss on loans,) $15,845,354.

Gross total loss on $1,000, including loans and Post-Office, $5.36.

Gross total loss on $1,000, excluding loans and Post-Office, $7.04.

UNDER LINCOLN, JOHNSON, AND GRANT.

Gross total receipts and disbursements from July 1, 1861, to June 30, 1875 { $25,576,209,805.52 includes loans and Post-Office. / $9,701,614,481.43 excludes loans and Post-Office.

Gross total losses for the same period, (no loss on loans,) $14,666,776.07.

Gross total loss on $1,000, including loans and Post-Office, 57 cents!

Gross total loss on $1,000, excluding loans and Post-Office, $1.51!

It appears, then, from the official records of the Treasury Department, prepared in obedience to an order of the Senate, that—

The gross total of receipts and disbursements from the beginning of Jackson's second term to the end of Buchanan's, including loans and Post-Office, was $2,950,454,326 44

The gross total of receipts and disbursements for the same period, excluding loans and Post-Office, was	$2,250,356,731 04
Gross losses	15,845,354 00
Ratio of losses per $1,000 on total receipts and disbursements, including loans and Post-Office	5 36
Ratio on same, excluding loans and Post-Office	7 04

Under Lincoln, Johnson, and Grant both receipts and disbursements were infinitely larger, and yet the gross amount of losses was smaller and the percentage almost ridiculously disproportioned. Thus—

The gross total of receipts and disbursements, including loans and Post-Office, was	$25,576,202,805 32
On the same, including loans and Post-Office	9,701,614,481 43
Gross losses	14,666,776 07
Ratio of losses per $1,000 on total receipts and disbursements, including loans and Post-Office	57
Ratio on same, including loans and Post-Office	1 51

Thus under democracy in its purity before the war, and under republican administration including the war, the receipts and disbursements of the first, including loans and Post-Office, were about one-ninth of the second; the receipts and disbursements of the first, including loans and Post-Office, were about one-fourth of those of the second; while the losses and defalcations of the democratic period were nearly ten times as great when the loans and Post-Office are included, and four and a half times as great when those items are excluded.

But the table bears closer investigation, and you will find, Mr. Speaker, that the nearer you come to this actual time in which we live, to this present, existing, much-abused administration of President Grant, the standard of honor and fidelity, as measured by the official reports, becomes higher and firmer.

The very lowest rate of losses ever reached is in this present presidential term:

On receipts	.22
On disbursements	.26
In the Post-Office	.53

and this tabular statement stands in grand contrast with the record of any President of any party who has ever preceded President Grant.

So much for the charge of gross official dishonesty reaching through and corrupting the entire republican party. The official tables give the lie direct to this wholesale campaign accusation.

Yet in face of these known facts the democratic party in the House organized themselves into a scandal-making machine, took upon themselves the office of professional slanderers, and charged every one of the regular committees of the House, and many special ones, with this unsavory business.

Public business has been willfully neglected; public necessities ignored, and the whole weight and power of Congress devoted to the manufacture of political capital for the pending election.

Every broken official kicked out for thievery, every cashiered officer, every nameless vagabond was invited, solicited, urged to testify. Partly for revenge, partly for witness fees, partly for cheap notoriety, these birds of evil omen flocked to the Capitol, thronged the corridors, took possession of the committee-rooms and of the committees, prompted questions, invented answers, retailed old scandals picked up second-hand, the dead refuse of the streets, to be greedily swallowed by the mouths that stood agape for such carrion food

The common rights of individual citizens were grossly violated, the sanctity of private correspondence outraged, the telegraphic messages unlawfully forced from their proper keepers, citizens imprisoned by order of the House for no valid reason, and all the rights of private individuals secured by the Constitution trampled down by the decree of the House of Representatives. Secret sessions were held, parties charged with wrong-doing kept in ignorance, and the poor privilege granted to all criminals of an open investigation and of meeting witnesses face to face was denied.

In all this one single and most melancholy case of official misdoing has been undeniably made known, and that has been fairly presented to the proper tribunal by the active co-operation of the republicans in the House.

You are now trying, Mr. Speaker, by a most singular report from the Committee on Naval Affairs to smirch the reputation of another officer to whom neither the committee nor the House dare give the benefits of cross-examination of witnesses and of an open impeachment and a fair trial before the Senate and the nation.

Sir, the injustice, the gross partiality, the secret inquisitions of the committees of this House are justly a stench and an offense to the American people. Above all things they like fair play, and that is what the democracy have most carefully refused in the whole course of these examinations.

The next of the democratic war-cries was and is retrenchment. How have you fulfilled this pledge? The House of Representatives delegated its legislative power to the Committee on Appropriations. The rules positively demand that that committee shall report in thirty days from the commencement of the session or give their reasons in writing for the delay. In contempt of the rules, many months were spent before any report was made; not that it was difficult even for that committee to make appropriations according to law, but because they sought to make new law, to break up organizations, and to make radical and perilous changes

They finally reported crude and ill-considered bills; they lopped off salaries from teachers at West Point; they failed to provide means for the cadet hospital; they pinched the cadets themselves on their small allowance, and immortalized themselves by abolishing the only military band supported by the United States.

They struck the diplomatic and consular service in a manner so ignorant and ill-advised as to call forth a most severe and well-deserved rebuke from a party friend and leader, the gentleman from New York, [Mr. HEWITT.] But his correct knowledge and his clear explanations were in vain; the House sustained the committee.

They crippled the civil service by a pretended economy and invented the great labor-saving principle of a horizontal reduction of salaries and of number of clerks. It was so much easier to say strike off 20 per cent. in number and 10 per cent. in salary than to inquire carefully and laboriously what each branch of the service actually needed. Arithmetic is cheaper than statesmanship. With full knowledge that every head of every Department and of every Bureau protested that they had already gone to the last possible reduction of force in the schedules presented by them to the committee, they stuck to the "rule of three." Knowing that the Pension Office was more than a year behind on its work, that the Surgeon-General was behind ten thousand pension cases for want of clerical force, they reduced both Offices still lower, and postponed still further the hopes of the starving applicants. And the House of Representatives sustained the committee.

They struck the Army—it was natural they should; they ignored the Military Committee and cut down the force to 22,000 men. They undertook dangerous legislation in relation to rank, pay, organization, the proportion of the several arms, and other subjects, and the House sustained them.

But, sir, time would fail me to dissect the random, rash, and blundering legislation of this committee and of the House. No sane man on that committee or in the House believed that these radical and sweeping changes would become laws. They were never meant to be. They were intended by their authors to be overridden in the Senate and yielded by the House; they were as tubs thrown to the whale, or as the gentleman from New York [Mr. Cox] said at Saint Louis and afterward in the House, "We can do without an army until after election."

The whole thing is only obtaining credit under false pretenses, a robbery of ill-paid and hard-worked clerks, who really do the work, to bolster up a sham reputation for economy.

How has this House applied civil-service reform in its own appointments? Has it retained competent officers or appointed new ones for the sole consideration of fitness? Sir, the advent of this democratic House to power was signalized by a pilgrimage such as has not been seen before. Lean, gaunt, famished by long abstinence the multitude of applicants passed belief. From Maryland to Texas came the hordes of office-hunters on the trail of their unhappy patrons, whose life they made miserable by brazen importunity. They trooped to the plunder as the vultures seek the carcass. You selected a Doorkeeper on the sole ground of his experience in the same capacity in the confederate congress, and you summarily turned him out because he honestly wrote to a private friend what you all felt but dared not say: that office was a good thing to have. It was hard on Fitzhugh, for he was not the only man on the floor that felt "biger than old Grant."

You turned out clerk after clerk, gray and experienced in duty, and filled their places with partisans.

You removed disabled Union soldiers and filled their places with others of another stripe, and would have made a clean sweep but for the popular indignation.

You refused at first clerks to some of the committees, but have surreptitiously and in detail appointed more clerks than ever before known.

You have twice exhausted the contingent fund of the House by needless and extravagant sums expended for witnesses on trivial matters, and have run up bills to be met hereafter of frightful amounts for making and printing your investigations.

You have insulted the President by resolutions demanding his authority for the exercise of his official functions outside of the city of Washington, and have been ignominiously convicted of ignorance of law and of history by his crushing reply.

You have demanded elaborate reports on all manner of subjects from the Departments and hindered the public service by exacting these replies on matters which had already been officially reported and were in print.

So much for sins of commission. You have had a session of eight months; what single thing can you show of public benefit? What work has been accomplished, what real reform inaugurated?

Your attention was called both by the President and the Secretary of the Treasury to the practicability and advisability of funding the public debt at 4 per cent. To do this would be the greatest possible relief to the nation, for it is the interest on the debt that kills. Many bills looking to this end went to the Committee of Ways and Means, but we have no report and no action. Is this looking after the interests of the people?

The great question of cheap transportation, although reported on by the proper committee, has been utterly overslaughed, and the House has refused and neglected to consider it and still refuses and neglects to do so.

The great question of currency, embracing in its scope the very life-blood of national prosperity, has been dallied with and trifled

with until the country finds as little hope for relief in this double-faced committee as they find in the double-headed presidential ticket of the democratic party. All convictions, if any there were, on this question have been smothered and subordinated to success by false pretenses in the approaching campaign.

But the temper and purposes of this House are best shown by its debates. Professing large and true devotion to the Union, this democratic majority has listened to and applauded the most violent denunciations of the party and the men who saved the national existence, to defiant announcements of a "united South," and to justifications of rebellion and vindication of treason. It has heard and applauded the denial in practice of the rights secured by the constitutional amendments and the assertion of the civil and political supremacy of one race and the foredoomed inferiority and subordination of the other, and has tried by interpolation into the appropriation bills to repeal the law giving to the nation some supervisory power over elections in our great cities and in the Southern States, and thus crush out the chief barrier against fraud and violence against the citizen.

This House has overruled clear principles of law in unseating republican members and in retaining democratic ones, and have thus nullified the voice of the people clearly and fairly expressed.

In looking over the entire record of this session I find no measures of public utility, no question of general importance, perfected, and few if any considered by committees. Thus the people behind us and who are our judges will pass upon this first attempt to revive democratic power, and their verdict will be that it is a sad exhibition, a bad and desperate failure.

There are pending in this House a vast number of bills seeking relief, nearly all from the theater of the late war; bills for the remission of the cotton tax and its repayment; bills for damages done by marching armies, the amount of all which will figure to hundreds of millions; bills to relieve postmasters and mail contractors; bills to repeal restrictions upon commissioning confederate officers in our Army; bills seeking compensation in all manner of ways for those who suffered because they first rebelled.

These, sir, are to wait until "after election," with the implied if not the express promise of northern democrats that in the event of success in that election they shall be favorably considered.

The majority of this House has defied the clear sentiment of the nation, has insulted the enthusiasm of the North, has trifled with its unwavering devotion and its vast sacrifices to maintain the Union, and has shown again the sickening sight of that wretched yielding on great questions to the imperious demands of the South which first won and now continues the well-fitting title of doughface.

A committee of this House two years since visited Mississippi on the Vicksburgh massacre, took testimony, and made their report. They warned the country of the proposed line of conduct of the whites of that State; they exposed the organization of armed force to intimidate voters and carry elections; they prophesied precisely what has come to pass. But the cheap politicians of the northern democracy laughed at the proofs of murder, cold-blooded and designed; they raised the cry of the "bloody shirt;" they denied the sworn facts, and ridiculed the alleged combinations. Time has vindicated the truth; and Mississippi has been lost to freedom and nationality by the unsparing and murderous use of brute force.

And gentleman from the South rise here day after day and ask whether we do not know that it is their interest to treat labor kindly. Certainly it is their interest; but they are not the only people who are not wholly governed either by reason or by interest. Prejudice and passion are large factors in human life and human action. It is a man's interest and his highest duty to treat kindly his wife, the mother of his children; yet how many poor heart-broken women suffer daily agonies from all manner of brutality and abuse from their natural and legal protectors. Any day in our crowded cities you can see some human brute, whose very living depends on his horse, overload him, torture him, flog him, and in mad passion cripple and kill him. It was clearly his interest to treat him kindly, but he does not do it. And yet neither wife nor horse could provoke such evil passion as the enfranchised, perhaps defiant, slave can call up in the soured temper of the discrowned master.

It is not possible for the best of the race educated as slave-owners to bear with absolute patience the equality and perhaps the rivalry of the other. Nothing but law backed by power can muzzle these dangerous passions and force them to die off in ineffectual murmurs. And in the ordinary jurisprudence of the affected States there is no such live, effective law, and no power to sustain it.

What white man has been brought to justice for all these most miserable of all possible forms of murder? Public opinion sustains them, and they walk the streets to-day unwhiped of justice. And then, when force and violence has had its full work, when the freedom of elections has been trampled down by armed violence, when 30,000 voters have been bullied into silence in one single State, gentlemen who owe their seats in this House to these great wrongs say, behold the peace and quiet which reign in this democratic State! They remind us of the condensed sarcasm of Tacitus, "*Solitudinem faciunt, pacem appellant*"—they kill all opposition, and have the quiet of the grave.

Sir, the violent and forcible suppression of the popular will in any State is the highest of crimes against society and the nation. It was thus that, in Texas and Tennessee and other States in 1861, the killing without law or warrant of Union men made them harmonious in secession; and if they did not scruple to use these bloody measures on their own race and people, shall they stop now as against an intrusive people, whose presence in their midst is a badge of subjugation and a skeleton reminder of lost dominion? No, sir; the tactics so successful in Mississippi, so nearly successful in Louisiana, will assuredly be repeated this year in other States.

The horrible and cowardly butchery at Hamburgh the other day was not in itself political, but it is fatal evidence to show the temper of a large class of white people, and the slight consideration given to life when that life, God-given as it is, is incased in a black skin.

If without provocation white men troop in arms from one State into another, besiege, seize upon, and murder unoffending persons, what bounds can be set to this lust of blood when heated by the stormy appeals of partisans and fired by the passions of a great political election?

The Hamburgh murders are symptomatic and the disease they reveal is constitutional, deep-seated in the very marrow of society itself. Yet gentlemen from the North made mockery on this floor of the horrible recitals, until shamed by the bolder, braver, and more honorable denunciations of representative men from the South. I wait to see if even in South Carolina any measure of justice shall be meted out to the ruffianly crew, and not till that is done shall I believe to any great extent either in the apology or the denunciation. One honest, effective, wholesome hanging of a murderer convicted, sentenced, and executed under the law will be more convincing to me than all possible speeches on this floor or elsewhere.

One of the reasons why this republican party must live is to hold some sort of terror over the perpetrators of all this crime; for neither the past nor the present of the democracy give any hope of protection for the weak and oppressed from them. For, sir, it was democracy that denied the colored man any rights that a white man was bound to respect, and so far as it dare it does so still. It was democracy that insisted that the Constitution carried slavery into our Territories; if it dared it would say so still. It was democracy that permitted the growth and progress of the slaveholder's rebellion; that joined with them in the cry of a Union dissolvable at will; that declared the election of Lincoln cause for secession; that denied the right of coercion; that stripped the unwary nation bare of her weapons in the time of need; that proposed neutrality where it dared not fight; that denied the right of self-preservation.

It was democracy assembled in its highest sanhedrim in Chicago in 1864, after Gettysburgh and Vicksburgh, that by its special high priests, of whom Tilden was chief, declared the war a failure and insulted at once the good sense and the high courage of the people.

It was democracy which condemned the enlistment of colored troops, which denounced the proclamation of emancipation, which opposed bitterly, stubbornly, and ably the three great amendments to the Constitution, which fought them by all tactics in Congress, which fought them in State conventions and in State Legislatures, which denied and denies still that they did ever become part of the Constitution or are now the supreme law of the land.

It is this same democracy, unchanged in principles, unaltered in prejudices, full of the old passions and the old unholy traditions; less defiant than of old, because less secure, but more artful, more designing, with more of the fox and less of the lion; that is seeking again to worm its way into the confidence of the American people, and thus roll back the progress of the age, and plunge us into the bitter and dreary days that marked their last possession of national power.

A Senator the other day challenged the whole Senate to name one single creditable thing done by the democracy in twenty-five years, and the challenge remains unanswered. But you decline the past. You say it is not fair to look back or to inquire into past life. Parties, like individuals, win reputation by their lives and acts, and they cannot and should not escape from this unconscious record they have made. It is by what you have done and left undone, by your acts of commission and of omission, that judgment must pass.

As a party you died out of popular esteem and popular favor in 1860, and there was just cause. Since that time until now you have been nothing and done nothing except to hinder and complain. Your best use has been to be a drag-chain upon the triumphal wheels of the republican movement. Constructors you have never been, obstructers always. You have forgotten in this long absence from power and position all the art of government, for your whole ability has been given to detraction and finding fault. The country had a right to expect you to be awkward and clumsy in unaccustomed work, and it has not been disappointed.

You have forgotten that this country of to-day is not the country of 1830 or of 1812, and yet you try to force the mighty limbs of this centenarian giant of ours into the swaddling-bands of his infancy. You try to make this war-scarred and bearded man lisp the songs of his cradle, and dwarf the grandeur of his manly stride to the diminutive and feeble efforts of his first attempt to stand alone.

You either do not know or you choose to forget that this nation has "put away childish things;" that it has hardened into manhood; that its mighty limbs have grown strong by struggling; that its fearless eye has looked down the worst gathering of evil spirits the world has known; that its love of right has become its life; that it has

power to discern, firmness to endure, and courage to overcome all evil things at home and abroad.

You forget the tremendous advances, educational, physical, and moral, that it has made since democracy died of its own inherent worthlessness. You stand, all of you, like so many Mrs. Partingtons, in mob-caps and brooms in hand, sweeping valiantly but hopelessly back the vast tide of the Atlantic. You who have never ventured over knee-deep for many years now propose to put a hook in the jaws of Leviathan.

Fresh-water sailors whose experience has been in flat-bottomed bateaux upon some muddy and shallow inland pond, you ask to man and command the ship of state in the midst of storm and peril.

For captain you propose a sleek and snug attorney, who shall bring the tactics of Tammany and the ethics of railway practice upon the quarter-deck where Lincoln stood; a cold, calculating partisan who made the most of his scoundrelly associates while they were prosperous and sold them out at a handsome profit when they fell into disrepute.

You would give the flag, symbol of the national honor, to the care of one whose narrow soul never knew the enthusiasm of patriotism.

You would give the great questions of American industry into the hands of one whose whole active life has been a successful legal robbery of all the great means of intercommunication on which industry depends.

You would give the great question of American currency into the hands of one who represents, and is represented by, the gambling element of Wall street and the foreign jobbers who have possession of our bonds—the hard creditors of the nation and the harder creditors of our people as individuals.

For first lieutenant of this old ship your proposition is dark, misty, double-faced, and uncertain. Some of us out West thought we knew him, but the waters of Saratoga and the company of Tilden have had so singular an effect on him that he might safely be made chairman of our Committee on Banking and Currency, which said committee, as you know, Mr. Speaker, is the most utterly unsolvable problem yet enunciated.

Hendricks is John Bunyan's "Mr. Facing-both-ways," and therefore supremely fitted for the Saint Louis platform.

Thus candidates and platform are equally deceptive, equally intended to deceive, and the whole programme of the approaching campaign is a speculation upon the credulity and gullibility of the American people.

It is the right and the duty of every citizen to sound the note of alarm when danger is impending; and both as individual citizen and as one of the Representatives of the people I arraign before the bar of public opinion the party, the candidates, the platform, and the democratic majority of this House. I arraign them for their bad and bitter record in the past, for their sympathy with great wrongs and their hatred to great rights. I prove them by their own words and acts as unfaithful stewards and false guardians when in power. I prove them obstinately and persistently in the way of all the great developments of individual justice and of national purification from the sins and crimes of a century. I prove them justly condemned and despised in the past of the country they betrayed; and I see them now emerging from the sackcloth and ashes of sixteen years with the same unconquered prejudice, the same lust of arbitrary dominion, the same greediness for places, the same horror and contempt for equal rights reduced to practice, with the same hollow professions and the same emptiness of results which characterized their last appearance in public history.

The great acts of the republican party stand in wonderful relief in contrast with these; for, sir, from 1860 till 1876 they were the nation, and to them as a party is due the mighty fact that we endure as a nation to-day. History cannot be obliterated; for when you strike out the record of the republican party you blot out with it the greatest glory and the greatest triumph of the country.

Strong in the past, secure of full appreciation for things well done, that party stands to-day rooted in the affections of millions of people, and by reason of its high and honorable course in the times of anguish and trial has won a reputation which makes its promises of value and gives assurance of the full and honest redemption of all its engagements to the people.

TARIFF AND INTERNAL REVENUE.

Mr. HENKLE addressed the House upon the subject of the tariff and the internal-revenue system. [His speech will appear in the Appendix.]

TERRITORY OF PEMBINA.

Mr. KIDDER. Mr. Speaker, never in the history of this Government has the attention of the people been so profoundly awakened to the interests of its frontiers. The terrible news from the Black Hills country, the slaughter of a major-general, five colonels, twenty-two commissioned officers, and over three hundred gallant soldiers, has almost stopped pulsation in the American heart. Historians will pause in the writing of this epoch in our history and tremble as they attempt to record the horrible story. *Fiat justitia cœlum ruat.* It is at this eventful period of our national history that I now ask the earnest consideration of Congress to this bill. A bill for this purpose has been before Congress five years, and it has been reported favorably by the Senate Committee on Territories three times. The consideration of this bill at this moment presents an opportunity not to be neglected by one careful of the welfare of his country and mindful of the perpetuity of republican institutions.

Encroachments on the outposts are always vigilantly repulsed by the skillful commander, and are no less the study of a thoughtful statesman. Had wise warnings from distinguished Senators and Representatives from our West been heeded, the disasters of this day, bringing shame burning to the cheek of each member of this Republic, would not have occurred. Instead of prairies running to waste, great Territories would be in existence, and in place of scalping savages, a brotherhood of Americans.

It is said that some unknown hand many years ago carved on a rock at Plymouth near where the Pilgrims landed the lines:

> The eastern nations fade, their glory ends,
> And empire rises where the sun descends.

The sentiment was but a paraphrase of Bishop Berkeley's lines which have been quoted so often as to become hackneyed:

> Westward the course of empire takes its way.

The gift of prophecy is given to few among mortals, and it is doubtful if the good bishop or the unknown carver on the granite cliff realized the truth of the idea. We at this later day, standing in the centennial year of the great Republic, may feel its force, but not realize the power that this nation shall possess when the vast area west of the Mississippi shall be thronged by the multitudes which its fertile soil and mighty stores of the precious metals have "awaited through the centuries."

The founders of the Republic dreamed not of the brilliant future that awaited their descendants. When Boston was first laid out commissioners were appointed, so say the records, to make a road to the West. In due time they reported that they had marked out a road westward *six miles*, which was as far "as ever would be required."

Even in 1803, when the purchase of the great territory of Louisiana was under discussion, the territory which then stretched from the Mississippi to the Pacific Ocean, the statesmen of the infant Republic seem to have been in doubt whether the lands beyond the Mississippi would ever be of value to us. Those who read the debates in Congress on that point will find that it was asserted on this floor that our settlements would not be extended beyond the Mississippi River in perhaps *five hundred years*.

Our political history is most beautifully illustrated by the following facts:

ORGANIZATION OF TERRITORIES.

The territory of the United States, outside of the portion occupied by the original thirteen States, consisted in 1787 of "territory northwest of the river Ohio," which extended west to the Mississippi; in 1790, of the above and "territory south of the river Ohio;" in 1798 and to 1812, besides the above, the "Mississippi Territory;" in 1803, besides the above, the "Province of Louisiana;" (which extended from the Gulf of Mexico and the Mississippi River to the Pacific Ocean in the Northwest;) in 1819, besides the above, the "Spanish cession," (Florida;) in 1848, besides the above, the several "Mexican cessions," (extending west to the Pacific;) and in 1853, in addition, the "Gadsden purchase," south of the last before named. These, with Alaska, purchased of Russia in 1868, were never organized, with governments, but from time to time territorial or State forms were given to portions of them.

Indiana, formed as a Territory from the territory northwest of the Ohio, act of May 7, 1800.

By act of March 26, 1804, the "Province of Louisiana" was divided into the "Territory of Orleans" and the "District of Louisiana." The government of the latter was committed to the officers of the Territory of Indiana. By act of March 3, 1805, the District of Louisiana was organized as the Territory of Louisiana; and by act of June 4, 1812, the same was re-organized as the Territory of Missouri.

Michigan, by act of January 11, 1805, was formed as a Territory from the Territory of Indiana.

Illinois, by act of February 3, 1809, was formed a Territory from the Territory of Indiana.

Alabama, by act of March 3, 1817, was formed as a Territory from the Territory of Mississippi.

Arkansas, by act of March 2, 1819, formed as the Arkansas Territory from Territory of Missouri.

Florida, by act of March 30, 1822, formed as a Territory from the territory ceded by Spain.

The Indian country or territory is not an organized political division of the United States.

Wisconsin, by act of April 20, 1836, formed as a Territory out of lands acquired by treaty with Great Britain and the French cession.

Iowa, by act of June 12, 1838, formed as a Territory from the Territory of Wisconsin.

Oregon, by act of August 14, 1848, formed as a Territory out of the French cession.

Minnesota, by act of March 3, 1849, formed as a Territory out of land east of the Mississippi ceded by Great Britain.

Utah, by act of September 9, 1850, formed as a Territory.

New Mexico, by act of September 9, 1850, formed as a Territory.

Washington, by act of March 2, 1853, formed as a Territory from Territory of Oregon.

Kansas, by act of May 30, 1854, formed as a Territory.

Nebraska, by act of May 30, 1854, formed as a Territory from the then Territory of Minnesota.

Colorado, by act of February 28, 1861, formed as a Territory from the Territory of Kansas.

Nevada, by act of March 2, 1861, formed as a Territory from parts of California and Utah.

Dakota, by act of March 2, 1861, formed as a Territory from a part of the original Territory of Nebraska and all the Territory of Minnesota remaining after the erection of the State of Minnesota.

Arizona, by act of February 24, 1863, formed as a Territory from the western part of the Territory of New Mexico.

Idaho, by act of March 3, 1863, formed as a Territory. It has been contained in the Territories of Oregon, Washington, Nebraska, Dakota, Utah, and has had Montana taken from it.

Montana, by act of May 26, 1864, formed as a Territory from the northwestern part of Idaho.

Wyoming, by act of July 25, 1868, formed as a Territory from portions of Utah, Dakota, and Idaho.

Alaska, (not a political division,) ceded by Russia in 1868.

STATEMENT OF FACTS.

The Territory of Dakota contains 150,932 square miles. Pembina will contain 72,930 square miles. It will extend from the seventh standard parallel, which is about eleven miles south of the forty-sixth degree, to the British possessions and from the Red River of the North to the Yellowstone.

It has within its borders six hundred miles of navigable waters on the Red River, more than six hundred on the Missouri, and over three hundred on the Yellowstone, and in all over two thousand miles of navigable rivers.

Two lines of steamers ply regularly on the Red River and fleets of flatboats run in connection with the Manitoba traffic. Five lines of steamers are operating on the Missouri, with a tonnage of several millions pounds. A line of steamers also is intended to be put on to the Yellowstone this season, if Congress will permit the opening of the Yellowstone region.

Already two hundred miles of railroad are in operation in the proposed Territory and arrangements for extension across the Territory have been made. Other roads are also projected, particularly the Chicago and Northwestern, which is already completed to Lake Kampeska and will terminate probably at Bismarck.

The population of the proposed territory is not less than twelve thousand, and I am confident that it will now largely exceed that number.

The vote of that region in 1874 was over fifteen hundred, but there were many localities where no polls were opened, and the country being sparsely settled many had no opportunity for voting.

The population is largely made up of farmers and in all parts of the territory farming operations are being carried on successfully.

No country in the world is superior to the Red River region for agricultural purposes. Enormous crops of wheat, oats, and corn are there produced. The wheat crop of the Red River the present season will not be less than half a million bushels. One man there has 10,000 acres of wheat growing in one field at the present time; others have, respectively, a thousand and more; very many have the usual number, a hundred acres, and so on down.

The Red River is well timbered, and many streams also well timbered empty into it, while heavy bodies of timber are found on the Cheyenne and its tributaries. The James (Dakota) River, having less timber, is well adapted to agriculture, and is already settling rapidly. Thousands will find valuable locations along its waters, affording timber, water, and the best prairie land I have ever seen. Between the Dakota and Missouri Rivers *coteaux* will be found, and they consist largely of gravel knolls; and while even here much valuable land is found, there is a disposition to condemn the whole country because these are within its borders. They are but thirty miles in length and the breadth of the Territory is four hundred.

The country west of the Missouri in the main is better than that east of it, excepting perhaps the Red River Valley which cannot be excelled for beauty and richness anywhere. It is watered by the Heart, Little Heart, Sweet Water, Little Missouri, the Cannon Ball, Dancing Bear, Big Knife, and scores of tributaries to these streams, all more or less timbered, while heavy bodies of cottonwood, oak, ash, and elm are found on the Missouri.

The Bad Lands, of which much has been said, are exceedingly limited in extent, and are represented in beds of old streams, the bottoms of lakes, or at points where alkaline deposits have accumulated. In the proposed Territory at the point where crossed by the North Pacific Railroad they are but five miles in extent, instead of covering half of the Territory, as some have represented. East of the Missouri there is not a foot of these bad lands.

The entire Territory is well adapted to grazing; nutritious grasses grow luxuriantly, and good water is found in abundance.

Immense beds of gypsum and coal are found on the Missouri, and west of the Missouri gold and silver, the former within a few miles of Bismarck.

Though the Black Hills country is situated south of Pembina, the mineral region extends north and west, and already exceedingly rich diggings have been found on the line of the North Pacific.

This portion of Dakota is isolated from the southern portion of the Territory and has but little communication with it, and there is but little common sympathy between the two sections.

Northern Dakota seems to be identified in interest with Minnesota and Wisconsin, Du Luth and Milwaukee being its lake ports, while Southern Dakota is identified with Nebraska and Iowa, Chicago being its market.

Persons desiring to reach Yankton, the capital of the Territory, from Northern Dakota, except during a few months in summer, are forced to go via Saint Paul and Sioux City, Iowa, traveling a thousand miles or more, as there is no communication between the two except a military road leading up the Missouri. And in cases of deep snow, when the roads leading south from Minnesota are blockaded, the trip is frequently made via Chicago. The members of the Legislature from Northern Dakota in 1873 actually drew, and were entitled to it, mileage from Bismarck to Yankton via Chicago, a distance of about sixteen hundred miles.

In summer-time even via the river from the settlements in Pembina to the capital of Dakota the distance is from eight hundred and fifty to twelve hundred and fifty miles.

Justice has been defeated in many instances because the parties were not able to pursue the adversary to the capital of the Territory.

The expenses of United States officers and of witnesses traveling to and from the capital is immense, and in this item alone much can be saved to apply toward the extra expenses of the new Territory.

We have many precedents of the organization of Territories before us with a less population than this has. Mississippi was organized with a population of only 8,850; Indiana, 5,641; Michigan, 4,000; Wisconsin, 7,000; Minnesota, 6,077; Washington, 1,201; Dakota, 4,837; Nebraska, 6,857; Arizona, 5,000; and Wyoming two years after its organization (1870) had a population of only 9,318.

The average annual expenses of a territorial government in the United States is $27,463.83. Each has biennial sessions. Every other year, then, the expense is only about one-half of this sum.

Land offices are located at Fargo and Bismarck; United States courts are holden at Pembina, Fargo, and Bismarck; and four newspapers are published in the contemplated Territory.

RESULTS OF A TERRITORIAL ORGANIZATION.

The development and growth of this Territory, under an organization, will tend to add greatly to the wealth of the Government, and in a few years in emigration will be thereby so increased, and the expenses thereof will be so effectually eclipsed by gain, that this Government of ours, in a pecuniary point of view, will be the winner in the transaction.

The careful attention of the people of our land is now directed to that portion of the West where property and life are so insecure by reason of the conduct of the Sioux Indians and their affiliated bands. It behooves this Congress especially to meet promptly and firmly the demands coming in every direction west of the Mississippi. The days of appeal are passed, the moment for action has arrived, and I claim in behalf of the people I represent in the very heart of the troubles and dangers such action on this bill as will guarantee to the settlers future security. How can we ask emigrants to expose themselves to the manifold horrors and dangers unless we present to them some guarantees?

Treaty guarantees have been proven false and deceptive, and the only trusty anchor of hope is the establishment of territorial governments, and none is at present before you but this of Pembina. The Territory established, this fertile section would soon be developed, the land occupied by sturdy sons of toil, its many navigable waters would be covered by fast-sailing vessels and steamers, villages, towns, and cities would spring into existence, presenting obstacles to Indian forays more insuperable than cavalry or infantry; capital would be employed in finishing the railroads already established and commenced, linking the far West to the East "in links stronger than steel." Time forbids me more than to allude to the wonderful geographical barrier known as the *Couteau des Prairies*, which separates Pembina from Southern Dakota, a natural plateau starting at the Missouri River and extending to the extreme western boundary, presenting a southern face of from five hundred to fifteen hundred feet in height, and which can only be overcome by the intrepid *voyageur* or by long detours of travelers, costing for members of the Legislature, judges, witnesses, and others who from official duties are compelled to visit Yankton, the capital, nearly as much annually as the expenses of the proposed Territory. The fertility of the country is known to those who have visited it.

The proposed Territory is well wooded; and, under the security of a territorial government, the day is not distant when searchers for health and pleasure will seek the salubrious climate and health-giving springs of the Territory of Pembina instead of foreign climes and braving the dangers and miseries of a tempestuous ocean.

Congress has just added Colorado, a brilliant star, to the constellation of States. Again let her entwine the centennial wreath around the crest of a new Territory, and Pembina in a few short years will be added to that gorgeous cluster as one of the brightest jewels which now so magnificently adorns the American Union.

REPEAL OF NATIONAL BANKING LAW.

Mr. LAPHAM. Mr. Speaker, a paper currency of some description may justly be regarded as a necessity in a commercial country like ours. The great object to be attained is to make and maintain such paper, as

near as is practicable, on a par with gold and silver, and convertible at all times into coin, on demand, at the pleasure of the holder. Prior to 1861 the general demand for such paper was supplied by bills of the Bank of the United States and of the banks in the several States. A controversy or question arose as early as 1832 as to the legality of State banks of issue, it being claimed by the opponents of the system that they were in violation of the Constitution of the United States, which prohibits to the States the right to emit bills of credit. The question came before the Supreme Court of the United States in the case of Craig and others *vs.* The State of Missouri, 4 Peters, 410. The court in effect, as was claimed, gave such an interpretation to the Constitution as necessarily to render void all issues of circulating notes by banks organized under State laws. Chief Justice Marshall was then living and took part in the decision of the case. The Bank of the United States was then in existence and struggling for a re-charter against the most violent opposition on the part of the democratic party under the leadership of President Jackson. The efforts of Jackson and his followers were finally successful; the Bank of the United States was overthrown, its recharter defeated, and the country was left without any other paper circulation than that furnished by the State banks. In this condition of affairs the struggle to maintain the validity and constitutionality of State banks was renewed, and about the year 1836 or 1837 the case of Briscoe against the State Bank of Kentucky was brought before the Supreme Court of the United States. It was an action on a promissory note or bill of exchange, for which the State bank had given its own notes or bills on a discount, and the defense was that the bills of the State bank were unconstitutional and void and the note without consideration. Chief Justice Marshall had died in the mean time. But Judge Story, who also took part in the decision of Craig *vs.* The State of Missouri, was still a member of the court. By a divided court the doctrine of the case first cited was discarded and held not applicable to the case at bar. Judge Story, however, dissented from the views of the majority, and in one of his most masterly opinions, after paying a great tribute to the memory of the Chief Justice, he showed the fallacy of the reasoning of the majority and deeply deprecated the possibility of it being ever said of that court that it had changed the rule of a decision once deliberately made. To any one curious enough to investigate, the latter case is well worth his attention, and especially the opinion of Judge Story. (11 Peters, 257.)

The constitutionality of State banks being thus settled, those who are old enough will remember and the younger have heard or read, that a flood of bank paper was showered upon the country within the next two years, some having a partially sound basis and more having no solid basis on which to rest. The "wild-cat" system of the then young State of Michigan was a fair sample. Bank issues ran riot all over the country, and the result was what might have been expected, at first a stimulus of prices and business, succeeded by a collapse, the banks not being able to redeem their paper; and one of the commercial revulsions to which I shall hereafter refer was the inevitable consequence.

This kind of currency, with varying fortunes, continued to furnish the circulating medium of the country until after the opening of the war of the rebellion.

It was soon found it was wholly inadequate to the wants of the Government either in quality or quantity, the banks having all suspended specie payments and having curtailed their circulation as far as possible. In this emergency the first issue of greenbacks was resorted to as a necessary war measure; and in order to insure the success of the new currency it was found to be absolutely necessary to impart to it the legal-tender quality. With this the Government met the demands of the hour and was enabled to prosecute the war to its happy termination. One of the great problems of the present is, what shall be done with this outstanding issue of legal-tender notes? They are a source of national disgrace and humiliation at present. They are dishonored every hour which they exist. They are an obstacle and a clog in the way of the advancement of the bills of national banks to the specie standard. As the law now stands, the Government is to begin their redemption on the 1st of January, 1879. Surely this is none too soon. If in the mean time they can be funded and put in the form of a bonded debt at a low rate of interest, which may be the basis of banking under the national act, the problem will have been wisely solved. In some way they must be disposed of before we can hope for a sound and healthy state of the currency. I have said they are the outgrowth of the war. So was the United States Bank. It was chartered in 1816, just after the close of the second war with Great Britain. Speaking of that institution, Senator Benton, in one of his earnest philippics, said:

> The war made the bank. Peace shall unmake it. The baleful planet of fire and blood and every human woe did bring the pestilence upon us. The benignant star of peace shall chase it away.

So, sir, I say of the greenbacks. They have fulfilled their office, which was but temporary. They are not adapted to the present time of peace unless we are prepared to adopt such issue as the permanent paper system of the country and to abolish the national banking act, leaving nothing but issues of Government paper for the use of the American people. This proposal, now made in the name of men who profess to be the disciples of Jackson, is one which strikes even a casual observer with amazement. The great evil of which the democracy complained in the conduct by the United States Bank was its interference in the politics of the country. By an overissue it could make money plenty and business prosperous, and by a sudden curtailment of its circulation could produce distress and create a panic in order to alarm the people. It was shown that in six months it expanded its circulation six millions of dollars—more than a hundred millions would affect the business of the country now—and in six months more it contracted its issues and withdrew its circulation to an equal amount, thus exercising a controlling and deleterious influence upon the rights of the people. All depended upon the will of the directors. Borrowing the figure from ancient mythology, Senator Benton, in the discussion to which I have referred, said:

> All will depend upon the will of the supreme central directory, who, sitting upon their tripods and waving their tridents over the moneyed ocean, could raise and depress the golden waves at pleasure.

So it will be under an exclusively greenback system. The administration in power will have the control of the purse-strings of the nation. The discretion must necessarily be given to the Secretary of the Treasury or some other officer or officers of the Government to decide upon the amount of bills to be issued and kept outstanding at any given period. It is no answer to this position to say that Congress may prescribe the limit beyond which the issue shall not be expanded. Within that limit the control could be exercised and even an issue beyond such limit would be justified by some supposed or alleged necessity and would undoubtedly receive the sanction of Congress as a party measure. The history of the use already made of what are known as the legal-tender reserves is instructive upon this point. For one, Mr. Speaker, I will never consent to lodge this dangerous power in the hands of any administration, however pure.

The system provided for by the national-banking act in my judgment furnishes the true solution of the currency question. With all the advantages of the Bank of the United States; a currency of equal value all over the United States, it avoids all the evils and dangers which were imputed to that bank. In comparison with a system of State banks a most wonderful and favorable contrast is presented. Under the system of State banks, exchange between New Orleans or San Francisco and New York often reached as high as 6 per cent. The bills of the State banks were of no practical use beyond State lines. It was necessary for persons traveling from State to State to submit to a ruinous discount or to procure gold and silver in advance. To the laboring classes it was an especial burden. Every laboring-man was obliged to supply himself with the monthly issues of bank-note lists and counterfeit detectors with which the land was flooded, and as often as he was paid his wages to consult the same in order to discover whether he had not been imposed upon by a bill of a broken or discredited bank. How is it now? The millions who have this afternoon received their pay did not look to see or care whether the bills with which they were paid were issued by a bank in Maine or Texas. It was enough that they had on them the signet of the Government of the United States, and to have the assurance they could thereby receive them in safety. There has never been a period when so much of the paper money of the country was hoarded in private hands as at present. It is received with the same confidence as gold and silver were formerly.

And, sir, there is safety, absolute safety, to the bill-holder in taking and holding the paper issued by the national banks. I would make the system free to all. I would authorize any man or company who furnished the requisite Government securities to receive for circulation the national-bank notes. The law of supply and demand, the commercial necessities of the hour in any section or locality would then regulate the volume of the currency. This would not be open to the objection which existed against the free-banking systems of the States. Take the State of New York for example. A person or company desiring to organize a bank could deposit with the comptroller State securities or bonds and mortgages as the basis upon which bills were issued. So far as State securities were used there was no danger and no loss. But the securities by bond and mortgage proved in the end very delusive. Titles failed, lands were overvalued, and in various ways it was found that banks so organized were only stupendous frauds, so that in many cases the bill-holders suffered an almost total loss. No such danger is incident to the national banking system.

As I have said, the bills are received with the confidence they are safe. The bank-note list and counterfeit detector, once so common, have become obsolete literature. Those who choose to deposit their moneys in national banks will of course do so at their peril as to whether their confidence is well placed or misplaced. It will be so under any system. There will always be individuals or companies to receive deposits. It would be so if the Government issued all the money and there were no banks. Each depositor lends his money subject to call on demand or on a notice of thirty or sixty days, as may be agreed, but the loan is made on the confidence the depositor has in the responsibility and integrity of the person or company with whom he makes such deposits. It is in no way connected with, nor does it affect, the banking system so far as the security of the bill-holder is concerned. With the dishonored promises of the Government out of the way by funding them as I have suggested or by their redemption, I do not see why in six months the issue of national-bank notes would not approximate as near the gold standard as paper money will ever reach. A nominal difference of from 1 to 3 per cent. has always existed and will doubtless continue to exist. But with

the right of the holder at any time to demand coin for such bills and with suitable provisions as to their redemption, no paper issue has ever been found superior to that of the national banks.

Mr. Speaker, the commercial revulsions of 1837, 1857, and 1873 furnish an instructive lesson on this subject. Who that is old enough does not remember that in 1837 and in 1857 the first to feel the pulsation and to exhibit signs of distress was the paper money in the hands of the people. It was at once subjected to a ruinous discount or could not be used at all. The people were found with it unavailable on their hands, and distress and ruin were the consequences.

How was it in 1873? There was no depreciation of the currency. The national-bank notes were sought after as eagerly as ever, and, as I have said, more money is hoarded in private hands than ever before. Large houses failed by reason of their imprudence. A general distrust seemed to lay hold of the public mind; but there was and is no distrust of or lack of faith in the currency, and those who kept out of debt while prices were inflated by the events of the war have not been sufferers by what is termed the financial disaster of 1873.

I trust therefore, Mr. Speaker, that the policy adopted to commence the redemption of the legal-tenders on the 1st of January, 1879, unless sooner funded and disposed of, will be adhered to with the most unswerving fidelity. It is the only way to preserve the national honor and to promote the national credit. If I am not mistaken, France has fixed a period a year earlier than we have at which to resume specie payments, although her debt was contrated after ours.

Mr. Speaker, I regret that this subject as well as all others connected with general legislation seem to be looked upon at this time mainly in their political aspects. The majority in the House have been free in their imputations upon the minority that they do not want to legislate for the people, but for the bondholders; that they do not want economy, but rather favor extravagance and waste in the matter of appropriations. You are not in favor of economy and retrenchment. You profess to be, but when it comes to the test you vote against it, says the gentleman from Pennsylvania, [Mr. RANDALL.] I do not quote his words, but give the substance. "In the name of the whole people, in the name of honest men everywhere, I protest in one word against the whole body of that (the republican) side of the House as wanting in fair, square economy," exclaims the gentleman from New York, [Mr. COX;] and he added, with that inimitable humor and sarcasm which always grace his oratory when excited: "Put that in your pipe and smoke it for the next election." As this was said the last of January and the "next election" was that in New Hampshire, we smoked to some purpose.

But from whom do these wholesale charges come? From gentlemen who, as members of the minority in past years, as the records prove, almost uniformly favored the largest expenditures and the most lavish appropriations; one of whom by a provision attached to the tail end of the general appropriation bill helped himself to all the "law allowed" out of the Treasury, and the other represents the city of New York, where in the last ten years the democracy have rolled up a debt of uncounted millions, compared with which the debt of this city, about which we have heard so much during the session, is a mere bagatelle. Why, Mr. Speaker, if you want to draw a contrast between democratic and republican economy in *practice*—not in *profession*—you need only go to the city in part represented by the gentleman from New York, [Mr. COX.] At the north end of the park is the New York court-house, not yet completed, and which has already cost over $16,000,000! At the south end of the same park is the new post-office and court-house for the United States, a far more imposing and more costly structure of the two, as any observer can readily notice, and yet the latter has not yet cost quite $3,000,000. But I will not pursue this subject further.

Mr. Speaker, the evils we hear complained of on every hand cannot be cured by legislative enactments alone. The sooner the people learn this important lesson the sooner they will avail themselves of the remedy they need. Too many, far too many are anxiously looking to the Government as the only source from which relief can come. It will at last be found, or mainly found in other directions:

> Even now, in passing through the garden walk,
> Upon the ground I saw a fallen nest
> Ruined and full of rain; and over me
> Beheld the uncomplaining birds already
> Busy in building a new habitation.

Such, Mr. Speaker, is the example for our imitation. Let us go to the birds and the ants as well and be wise. Productive industry and not cunning legislation is the panacea for the evils from which we are suffering. The most that legislation can do is to guard and protect such industry and to aid in directing it in its proper channels. And the brightest laurel we can win is in so protecting and directing it as to keep untarnished the faith and honor and to preserve from blight the credit of the nation.

MISSISSIPPI LEVEES.

Mr. YOUNG addressed the House upon the subject of the Mississippi levees. [His speech will appear in the Appendix]

ELECTION OF TERRITORIAL OFFICERS.

Mr. STEELE. Mr. Speaker, the Committee on the Territories, of the Forty-fourth Congress, has taken a step in reference to the government of the Territories which will secure for it the gratitude and grateful remembrance of the people of the several Territories, whose interests, so far as national legislation is concerned, are committed to its keeping. That committee has recognized the right of the people of the Territories to a voice in the choice of their own officers and the duty of Congress to provide by new legislation for giving expression to that voice, and on the 18th day of the present month reported to this House, with a favorable recommendation that it pass, the bill (H. R. No. 3207) to provide for the election of territorial officers in the several Territories of the United States. The bill is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following officers for each of the several Territories (who shall hold their respective offices for two years and until their successors are elected and qualified) shall hereafter be elected by the qualified voters of each of said Territories: a governor, secretary, territorial treasurer, territorial auditor, and superintendent of schools. The term of office of each of the above-named officers shall commence upon the first Monday in January after their election; and the Tuesday next after the first Monday in November in the year 1876 is established as the day of holding the first election under this act; and the Tuesday next after the first Monday in November in every second year thereafter is established as the day for holding all subsequent elections. All votes for said officers must be by written or printed ballots, and shall be cast and counted and the result declared under such regulations as may be provided by law; but the first election herein provided for shall be held under the laws as they may exist in the several Territories governing the election of Delegates to Congress at the date of said election. But this section shall not apply to Territories hereafter to be formed until Congress by special act shall so decide.

SEC. 2. That the qualifications and duties of such territorial treasurers, auditors, and superintendents of schools shall be declared by the legislative assemblies of the several Territories; but nothing herein contained shall in any manner change or impair the duties, rights, powers, and obligations of the governors and secretaries of the several Territories as they are now, or may hereafter be, provided for by act of Congress, except so far as the manner of their selection and their term of office are hereby changed.

SEC. 3. That the President may at any time, for good cause, remove either the governor or secretary of any Territory, and, with the consent of the Senate, appoint a successor to hold his office during the unexpired term of the person removed; and the cause of any such removal shall be communicated by the President to the Senate at the next succeeding session thereof; and the President, by the consent of the Senate, may fill all vacancies in the office of governor or secretary occasioned by death or resignation, and in such event the appointee shall hold his office during the unexpired term of the officer who has died or resigned.

Representing as I do one of the Territories, it is hardly necessary for me to say that this bill meets my hearty and cordial approval. Especially am I interested in the question, having had the honor to introduce in both the present and the Forty-third Congress a bill giving to the people of the Territories the right to elect their own officers. And although the present bill does not go to the extent which is desirable, in my opinion, in allowing to the people the right to elect their judicial officers, it is a very great measure of relief to grant to the Territories the right of election of governor and secretary and of their own local officials; and on behalf of the people I have the honor to represent I desire to return to the Committee on the Territories grateful thanks for their recognition of our right to "home rule and local self-government" even to the extent done by the pending bill.

The bill allows the people of each of the Territories to elect biennially a governor and secretary, in place of their being appointed by the President, and also allows the election of an auditor, treasurer, and superintendent of schools, they being officials whose offices are created by act of the territorial Legislatures and whose salaries and compensation are paid by the people of the Territories, but whom under the "organic acts" of the Territories it has been decided cannot be elected by the people, but are to be appointed by the governor with the consent of the legislative council; so that the only change proposed in the existing law which interests the House and Congress is the proposition to allow the people to elect their governor and secretary, instead of their being as now appointed by the President and confirmed by the Senate, and to this extent allowing the people of the several Territories to choose their officers from their own citizens.

Mr. Speaker, in a government which rests upon such principles as does our own any measure proposing to increase the rights and liberties of the citizen or citizens in their aggregate capacity merits and should receive the profound and careful consideration of the Congress of the United States. More especially should this be the case when such increase of personal and political right can be granted and guaranteed without change of the fundamental law of the land and without invasion of any rights either of the Union or the States.

I have listened with great pleasure, and not, I hope, without profit, to the eloquence that has resounded through this Hall during the present session in reference to this "centennial year of the Republic." And I doubt not that we have all felt our hearts beat faster and our hope and pride in our common country rise higher as, burying all past differences and sectional animosities, members from all portions of our country, representing the honest and loyal sentiments of honest and loyal constituencies, have expressed their hope in and devotion to the Union of the States and its perpetuity, and that all men who can divest themselves of the extreme prejudice which blinds reason feel that, the exciting cause of the past differences being removed, we are nearer than ever to the realization of the hope for "one country, one flag, and one destiny."

It is well for us in this year to look back to the principles upon which this Government was founded and see what it was that caused the feeble colonies to throw off the government of the mother country and lay in suffering, privation, and blood the foundation of this great Republic; and it would be well for all to see that the principles lying at the foundation of our political fabric are not violated in this land in this centennial year.

Sir, what was it that led to the revolt of the colonies? Without going into familiar and tedious detail of the long struggle of the colonies to maintain their charters and liberties, the main-spring of all their action may be said to have been—

No taxation without representation and a demand for the right of local self-government.

The first congress of the colonies met October 7, 1765, in the city of New York, and on the 19th of that month published the "Declaration of rights," article 2 of which declared—

That His Majesty's liege subjects in these colonies are entitled to all the inherent rights and liberties of his natural-born subjects within the Kingdom of Great Britain.

Article 3 protested against the right of taxation without representation.

The immortal Declaration of Independence, in which the colonies made their appeal to the judgment of mankind, announces it to be a self-evident truth—

That all men are created equal; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty, and the pursuit of happiness. That to secure these rights governments are instituted among men, deriving their just powers from the consent of the governed.

It is now one hundred years since this great declaration of human rights was formulated; and it would be well to ask ourselves, Is there within the limits of the Republic any system of government established by the Congress which violates the principles upon which this Government was established? Have the United States any colonies; if so, are the people of the colonies denied the right of local self-government and subjected to taxation without representation; and do the governments of the colonies derive their just powers from the consent of the governed?

And if these questions should be answered so as to show that the territorial plan of government violates the fundamental principles of our system of goverment; that the Territories are essentially colonies and under a pro-consular system of government, in which the right of local self-government is denied; that there is taxation without representation; and that the territorial governments do not derive their just powers from the consent of the governed, it would seem to be the duty of Congress to devise some method of governing the Territories which should give to those colonies the largest liberty of self-government consistent with the safety of the Republic.

Sir, the United States have colonies, and those colonies are the organized Territories of the United States, which are to-day, with some slight changes of detail, governed substantially upon the same principles as the American colonies were prior to the Revolution.

The ordinance of 1787 "for the government of the territory of the United States northwest of the river Ohio" continues with but few changes the basis of the plan for the government of the Territories. This system may have answered the necessities of the people when Territories were soon admitted as States and the period of vassalage was short; but the basis of representation is rapidly increasing and the objection to admitting new States with small populations is growing stronger, and some new system of governing the Territories should be devised by which during the years that they are kept in their territorial condition they shall be allowed the fullest right of local self-government, with the right of election of their executive and judicial officers. When these rights shall be granted the people of the Territories the demand for admission as States until fully entitled and prepared for admission to the Union will cease, strife and dissension in the Territories will end, and they will enter upon careers of progress, prosperity, and development unexampled in our history and impossible under our present system.

But it will be said, "How are all these great results to be obtained by simply giving the people of the Territories the right of election of their own officers;" and the answer is that you will give the people a government of their own, elected by and responsible to them, identified with them in interest, which they will honor and respect.

The history (but recent) of the reconstruction measures in the Southern States demonstrates that there can be no accord between our American people and those sent to rule over them, or selected in any method except by the choice of the people themselves; that they will not affiliate with men who have no sympathies or other interests in common with the people they are appointed to rule over, and who possess neither the respect nor the confidence of their unfortunate subjects. The people of the South had been used to the selection of their own officials, and any system which deprived them of that right naturally excited the antipathy and resistance of those who thought themselves deprived of rights which they believed of right they ought to exercise. The consequence of the plan pursued was anarchy, disorder, plunder, and misgovernment, which is to be attributed to the character and conduct of the officials sent to the South more than to any other cause.

Nor is it different in the Territories. Our people are American citizens, used to the exercise of the rights so dear to all. They emigrate to the Territories not because they are the drones of the body-politic, but very largely because they are the most enterprising and ambitious of the people, and they see no good reason why their enterprise should be punished by deprivation of political rights, unless it be for the crime of aiding to develop the national domain and carrying American civilization into the wilderness. If I am competent as a citizen of one of the States to vote for governor and judges, does my removal to one of the Territories make me any less competent to wisely choose those officers?

Mr. Speaker, I venture to assert that there is not one Territory where to-day there is not dissatisfaction and open quarrel with the Federal officials; they are not of the people, not identified with them in interest, nor possessing their confidence and respect. They come as aliens and strangers to perform the duties of their offices and to remain only so long as they continue to hold their positions, often seeking to subserve their own selfish personal ends rather than the good of the people and the progress and development of the Territory. Thus feuds, jealousies, and personal quarrels arise, tending to make discord and disturbance, and seriously interfering with the peace, harmony, progress, and prosperity of people and Territory.

The present system of appointment of territorial officers is vicious, unrepublican, and un-American. It is one of the grandest features of our republican system of government, that all power comes from the people and that no officer is absolved from accountability and responsibility to the people. But this most wholesome provision has no applicability to the Territories. A governor and secretary are appointed, not because the people want them, but because they are to be repaid for some political service. Often lacking every essential qualification for the position, they become obnoxious to the people. But what matters that and to what purpose do the people protest and pray for a change? They owe no allegiance to the people, and the political influence which secured their appointment is but too often willing to keep them in place against the will of the people, irrespective of party.

The Federal patronage in the Territories, which it would be necessary to surrender in order to guarantee to them the rights given by the pending bill, would only be two appointees in each Territory, to wit, one governor and one secretary.

I assert and believe that the present system of government in the Territories is essentially bad and vicious; it is unrepublican. The governments do not derive their just powers from the consent of the governed, and the fundamental principles upon which our system of government is founded are violated by the system of government which has been established for the Territories.

Whenever new States have been admitted, with but one exception, as soon as released from territorial vassalage they have rapidly increased in population and prosperity, while they languished as Territories. So soon as endowed with sovereignty and the right of governing themselves they have made such progress as was impossible while in their territorial condition. With officers of their own choice, identified with them in interest, with the right of self-government, with the cessation of strife between people and imported office-holders, they have entered upon careers of progress and prosperity which have been the wonder and admiration of the world.

It is unnecessary to inquire under what section of the Constitution Congress obtains the right to govern the Territories. It is sufficient that the power exists and is unquestioned, but the form and method of government prescribed or to be prescribed rests in the judgment and wisdom of the Congress; and, without questioning the power, we simply ask that Congress, in the exercise of its high prerogative of providing government of a temporary character for the Territories, shall revise the present system in favor of home rule and local self-government and of increased personal and political right to the people of the Territories. There is no provision of the Constitution which prohibits or prevents Congress giving to the people the largest liberty of self-government and control, and the spirit of the Constitution and of our system of government demand the largest liberty to the citizen consistent with the safety of the Government itself.

But it is objected by some that the population of the Territories is small, and therefore that it makes but little difference whether the people are unjustly governed or not. Yet our declaration of rights holds that man possesses certain inalienable rights. If this be so, each citizen in his own right possesses certain privileges, the right to exercise which is inherent in him, and does not depend upon the number of citizens who may be aggregated together. The right of the people of a Territory to govern themselves should not depend upon the question of whether it contains a population of 50,000 or of 100,000; for under our system of government the citizen is entitled as of right to local self-government. Congress possesses the power to impose upon the Territories a colonial form of government and to disfranchise them, but I deny its moral right to deprive the humblest citizen of his inherent and guaranteed rights except on conviction for crime; and more especially do I deny the moral right of Congress to deprive entire communities of the dearest and most sacred rights of American citizenship. The exercise of these rights can in no just sense be made to depend upon the number of citizens who may be aggregated together within certain geographical limits. If it does so depend, where is the limit and what the number where servitude and vassalage end and freedom and citizenship commence?

When the colonies asserted their independence the best authorities estimate their population at about three millions; and yet at the end of a century we find in our own land one-sixth as many people, or in all the Territories about five hundred thousand people, with a property valuation of from $125,000,000 to $150,000,000 and with an annual mineral production alone valued at about $25,000,000, disfranchised and deprived of some of the most valuable rights of citizenship.

It is frequently said, If you do not desire to be deprived of those

rights of citizenship, why do you go to the Territories? This is as ungracious as illogical. Because a system of government is bad we should not be precluded from agitating for a change; and as the development, prosperity, and progress of the Territories add to the wealth and prosperity of a common country, our people should be encouraged in opening up and developing the great national domain, which is but in the infancy of the development of its almost boundless resources, and should not be discouraged from engaging in such a work by the thought that they will be punished for emigrating to and developing the great West by loss of the rights which every true American citizen believes to be his proudest heritage.

The nature of the public domain open to settlement has changed since the country from which the great States of the Northwest and Southwest was formed has been settled and occupied. The rich prairies settled so rapidly, that the territorial governments were in fact temporary, and but a means of organizing the first government, and of establishing the basis upon which they should be clothed with statehood.

But the country now formed into Territories is largely composed of mineral and pastoral lands, which will not attract or support so dense a population as the agricultural lands have done, so that the territorial governments will in many instances be permanent in their character for many years to come. In this condition of affairs it becomes the duty of wise statesmanship to devise a system of government which will render the people contented and happy, which will aid them in developing the resources of the country, and in adding to the wealth, power, and prosperity of a common country.

Mr. Chancellor Kent, in speaking of the form of government in the Territories and of the condition of a country which would be for a considerable period a Territory, says in the first volume of his Commentaries, § 386:

> * * * If, therefore, the Government of the United States should carry into execution the project of colonizing the great valley of the Columbia or Oregon River to the west of the Rocky Mountains, it would afford a subject of grave consideration what would be the future civil and political destiny of that country. It would be a long time before it would be populous enough to be created into one or more independent States; and in the mean time, upon the doctrine taught by the acts of Congress, and even by the judicial decisions of the Supreme Court, the colonists would be in a state of the most complete subordination and as dependent upon the will of Congress as the people of this country would have been upon the King and Parliament of Great Britain if they had sustained their claim to bind us in all cases whatsoever. Such a state of absolute sovereignty on the one hand and of absolute dependence on the other is not congenial with the free and independent spirit of our native institutions, and the establishment of distant territorial governments, ruled according to will and pleasure, would have a very natural tendency, as all pro-consular governments have had, to abuse and oppression.

The dangers and abuses of proconsular government, so clearly foreseen by Mr. Chancellor Kent, have long been familiar to the people resident in the Territories, and a change in the system which should give to those people the right to elect their officers would be hailed with joy and hope by the people, irrespective of party affiliations.

I do not intend to say that all who hold Federal offices in the Territories are unfit for their positions, but that a very large percentage of them are utterly unworthy is an undoubted fact. We sometimes have competent, good men appointed to office, but too often the Territories are looked upon as a political Botany Bay, to which men are sent as governor, secretary, or judges, who are unfit and incompetent for the positions, and who in their own homes could secure no office of honor or profit from the people who knew them, but who were recommended for territorial appointment in order to billet them upon some unfortunate and long-suffering people.

When the Territories are new and feeble they need wise, prudent, and energetic management of their affairs, in order to develop their resources and invite and attract attention to them. Then it is that they need the nurture and care of officers who are identified with them in interest, whose hopes and aspirations are bound up in the progress and prosperity of people and Territory, for when communities become great, powerful, and prosperous they run along even if badly ruled and managed with a certain degree of order and regularity.

Mr. Speaker, the great country west of the Missouri River is but beginning to be known and developed; it is and must ever remain the great mineral-producing section of the country. If we are to have a resumption of specie payments in this country it must come from our production of the precious metals exceeding our export to pay the interest upon our bonded indebtedness in foreign hands, or it must come from the contraction of the volume of currency. In any event the production of gold and silver should be encouraged by every means. I believe that the mineral production of the Rocky Mountain region will increase year by year; scarcely a week passes but some new and valuable mine is discovered. As a mere economic question emigration to those sections of country and development of their resources should be encouraged by every means in the power of the Government. Population and capital are kept out of the Territories by the present system of government. We believe that a change in the system of the government of the Territories would add very largely to their prosperity and that it is therefore a question which appeals not only to what is right and just under our form of government, but also to the self-interest of the Republic.

During the century we have amended the Constitution until all men are entitled to equal privileges by the fundamental law of the land. Slavery of the colored man has been abolished; and to-day, having passed the centennial day of the nation, it has within its borders no serf or slave, no person or community deprived of the inestimable right of liberty and local self-government, except it be the people of the Territories of the United States. How auspicious the time for giving to every citizen of the Union residing in the Territories the great privilege of liberty and local self-government, and making this Government in fact what it is in theory, a Government where the people as of right shall select their officers and rulers.

The people of the Territories are not strong enough or powerful enough to compel an acknowledgment of their right to self-government, but they ask it of the American Congress as a right, trusting to the justice of members to see that the great principle that "all governments derive their just powers from the consent of the governed" shall not be made a living lie in this Republic by the arbitrary and unrepublican government imposed upon the people of the Territories.

Mr. Speaker, there was a time when great political contests, now happily impossible, caused the Territories to be the field of the thought and study of the statesman; but now that they are deprived of political importance and power, they are being neglected, and their great resources and possibilities scarcely realized even if thought of. But here is a field worthy the thought and care of the statesman: the better government of large communities of American citizens, an increase of liberty and rights to half a million of people, with increase of happiness, progress, and prosperity.

The Territories are all capable of great development. Nothing, in my judgment, would do so much for their development and to induce labor and capital to emigrate to them as to give the people a government of their own, to open the avenues of political preferment to the citizens of the Territories, giving the people a government of their own choice, responsible directly to them for any dereliction of duty or abuse of power, and bringing the legislative, executive, and judicial branches into harmonious action for the advancement and prosperity of the Territories. Take for example the Territory of Wyoming, rich in all the elements and resources necessary to make a great and powerful commonwealth; with an area of coal-beds estimated to embrace 30,000 square miles, with coal-mines in operation at various points, one mine, near Evanston, in the western portion of the Territory, being in a vein of coal twenty-seven feet in thickness, with deposits of sulphur as rich as any in the world; with its copper and inexhaustible supplies of iron of all kinds; with its mines of gold and silver, and its great undeveloped mineral region of the Big Horn, Powder River, Tongue, Rosebud, &c., believed by all who have any knowledge of it to be by far the richest mineral region on the continent; with its great forests of pine; with its agricultural resources; with its great grazing plains, almost boundless in extent, where cattle fatten all the year round without shelter or feeding in winter; with its great Yellowstone National Park, containing the greatest natural wonders of the world; with the great line of railroad running through the entire length of the Territory from its eastern to its western border; with its healthy and salubrious climate, why should it not be what nature has intended it to be, the Pennsylvania of the trans-Missouri country? And is it not to the interest of the entire country to develop such resources and encourage the emigration necessary therefor? And would it not be the part of wisdom to aid by all proper means the people who are engaged in making its resources pay tribute to American enterprise and industry?

Give Wyoming a government of and by its own citizens, and its development and prosperity will be greater than can be hoped for under the present system, and in one-half the time it would take under the present mode of government it would be ready to take place in the ranks of the great mineral, manufacturing, and grazing States.

I have endeavored to call attention to the misgovernment of the Territories, but can only allude to it in a general way and not so much in detail as would be desirable. There is a demand and hope in all the Territories for a better method for the selection of officials than that now existing.

I hope and trust that the Forty-fourth, the "Centennial" Congress will signalize its history by guaranteeing to the people of the Territories the right of home-rule and local self-government. If it shall do so it will do more to advance the happiness, progress, and prosperity of our people than could be effected by any other legislation in their behalf and will commend itself to the gratitude and good-will of the people it has benefited and enfranchised. And the celebration of the "centennial" will be associated in their minds not alone as a festal year to commemorate the escape from the thralldom of a colonial form of government of the original thirteen States and the laying of the foundations of this the greatest and grandest Republic of the world, but it will also be to them a year glorious in that it has abolished the colonial system under which they live and restored to them all the rights of American citizens, making them indeed feel that this is a Government where all enjoy equal rights, and where, even in the Territories, the people shall hereafter possess the inestimable right to choose the officials who shall rule over them and administer their laws.

SPECIE PAYMENTS.

Mr. BURCHARD, of Illinois. Mr. Speaker, at an early day in the session I introduced a bill (H. R. No. 910) requiring national banks to prepare for specie resumption by the accumulation of a coin reserve, which was referred to the Committee on Banking and Currency. The resumption act of 1875 gives the Treasury ample powers to provide itself with coin for the redemption of United States notes presented

for that purpose, provided that the banks, in order to supply their own vaults, do not at and after the date fixed for resumption, send to the Treasury to exchange for coin simultaneously their United States notes, and thus exhaust the Government store. To guard against this, a sufficient stock of coin must be accumulated to supply the channels of circulation as well as a reserve for emergencies after resumption. The burden of this accumulation of coin for general circulation falling under existing law upon the Treasury alone should be shared by the banks, which after resumption will need a coin reserve as well as the Treasury.

That bill, and all others relating to resumption of specie payments through the banks, remains with the committee. By permission of the House I will proceed to discuss the present condition of the public credit, the necessity, time, and modes for the resumption of specie payments, and in what manner the provisions of the bill will aid in maintaining a safe and permanent resumption.

Failing to announce any safer, surer, and more feasible mode, or to present aught worthy of commendation in the financial record of its party, the democratic national platform of June last arraigns the republican party for its failure to make good the promise of the legal-tender notes, "the non-payment of which" it asserts to be "a disregard of the plighted faith of the nation." It denounces the party for alleged imbecility and immorality, because that "during eleven years of peace it has made no advance toward resumption and no preparation for resumption." It asserts that "reform is necessary to establish a sound currency, restore the public credit, and maintain the national honor." Professing to desire resumption, it "denounces the resumption clause as a hinderance to resumption and demands its repeal."

Is it true that during the last eleven years the republican party has accomplished nothing toward the restoration of the public credit and the extinguishment of the public debt? Eleven years ago, at the beginning of the year, gold was quoted at 216 and the United States paper dollar was worth 43.6 cents in coin. Three months later the confederate capital was occupied by Union troops, Lee's army had surrendered, and the rebellion was ended. Soon the vast army was marched northward and homeward, and mustered from the service. The public debt and public expenditures had reached their maximum. The accumulation of military and naval stores and munitions of war ceased. The millions of soldiers lately in arms resumed their wonted peaceful avocations. The work of reconstruction and restoration was commenced. The credit of the Government solemnly pledged to the payment of the whole national debt depended upon the confidence or distrust in the good faith of the nation and its ability to perform its obligations.

At that time, eleven years prior to the 28th of June last, how stood the public credit? The 6 per cent. coin bonds of the United States were selling in the markets of the world for sixty-nine cents on the dollar and the United States legal-tender dollar was worth but seventy cents.

On the $830,000,000 of 7-30 notes then being issued, convertible and within three years all converted into 6 per cent. 5-20 bonds, the Government pays interest at the rate of 8¼ per cent. on the coin value actually received, and could then borrow at no lower rate. The public debt of the United States stood upon the books at $2,757,689,540, and with the unadjusted accounts and claims afterward allowed exceeded $3,000,000,000, and the annual interest charge was $145,817,684. Three years thereafter the debt had been diminished to $2,497,517,733 and the annual interest charge to $129,318,151, but the gold premium for the month of June averaged exactly the same figure that it did for the same month three years before. The volume of paper currency had been reduced from $938,476,019 in December, 1865, to $767,971,825 January 1, 1868.

Why, in the midsummer of that year, was the gold premium at 40 per cent., and the legal-tender dollar worth but seventy cents in coin? Two mighty parties were marshaled in bloodless strife for the control of the Government and Treasury for the next four years. Two armies were contending in the field of argument. Two banners were borne aloft; on one was emblazoned "irredeemable paper," on the other inscribed "coin redemption." The public credit vibrated as the prospects of success seemed to incline toward the one or the other party. The premium on gold ran from 137 in May and June to 143 in September and October, and fell after the election to 139 in November and 135 in December.

Thus stood the public credit when the control of the finances passed from the hands of Andrew Johnson, who, although elected as a republican, had rendered his administration so acceptable to the democratic party as to elicit a special resolution of thanks and cause its incorporation in its national platform.

SINKING FUND ESTABLISHED.

Soon after the inauguration of President Grant, Secretary BOUTWELL established the sinking-fund account required by the act of February 2, 1862. The 6 per cent. bonds of the United States were selling at 18 per cent. discount, and though rising in value, averaged for the next two years and a half 8 per cent. discount.

The first purchases made on sinking-fund account in May, 1869, were at 82.7 gold, and the average price to September 30, 1871, was ninety-two cents. The credit of the Government when President Grant was inaugurated, measured by the value of 6 per cent. bonds absolutely payable in fifteen years, was so low that it could borrow money only at a rate of interest equal to 7½ per cent. gold. In two years it had improved to 6½ per cent. Eleven years ago the 5 per cent. coin bonds were worth less than seventy cents on the dollar in coin. A few days since $5,833,000 of 5 per cent. bonds were sold for 103.78$\frac{7}{8}$ gold, making the Government credit to be now so high as to be able to borrow money at less than 4½ per cent. interest on a ten-year bond.

The gain in reduction of interest at the present rate compared with the sale at which the Government borrowed in 1865, at the gold value of those bonds or of the legal-tender notes exchanged for the bonds, is 4 per cent. annually; a saving of $50,000,000 of annual interest on the present value of interest-bearing debt. The Government credit has never been as high as to-day. The official reports conclusively establish the assertion.

John C. Spencer, Secretary of the Treasury, in his annual report for 1843, states "that to meet outstanding Treasury notes, of which more than $8,000,000 soon fell due, a loan of $7,000,000 was advertised, and ten-year 5 per cent. bonds were put upon the market. Bids were accepted and the loan awarded for the whole at a premium of 1.01 per cent., except the amount of two small bids, the best being for $100,000 at 102.375, and for $56,000 at 101.55."

The total debt of the Government at that time was only $32,742,922 to a population of 19,000,000. Then, with a per capita debt of less than one and a half dollars, the Government credit on a 5 per cent. bond was 1 per cent. premium. To-day, with a debt of $50 for each inhabitant, the credit under eleven years of republican control has risen upon a similar bond from 30 per cent. discount to nearly 4 per cent. premium.

Let me recapitulate. During the last eleven years the Government has paid in interest on the public debt $1,335,344,728, reduced the principal from the amount then and subsequently ascertained and adjusted at least $1,000,000,000, reduced the interest rates on its interest-bearing debt from an annual interest charge of $145,877,684 to $95,101,769, making the annual saving $50,715,915. The rate of interest on the sum actually borrowed was then 8¼ per cent.; present rate on loans 4½ per cent.; saving in rate of interest 4 per cent. What country or party has ever presented a brighter record or accomplished so much within so short a period in the improvement of the public credit?

It is true that all has not been accomplished in restoring the Government credit that could be done. The United States notes are at a discount and unstable in value. Under many adverse circumstances, running through the cycle of a commercial crisis, with its period of speculation and collapse, rise and fall of prices, the nation has been slowly advancing to an ultimate resumption of specie payment and the redemption on demand of these obligations. It successfully resisted the pressure made by speculators and visionary theorists for a permanent irredeemable currency. It has proposed at a future date to attempt the redemption of its legal-tender notes in coin for those who prefer the latter to the promises of the Government.

To a further reduction of the annual-interest charge the republican party have at this session found an insurmountable obstacle.

The Secretary of the Treasury desired authority to refund the 6 per cent. bonds in bonds bearing interest at 4½ per cent., having a longer time for payment than those now authorized by existing law. The democratic majority of this House, where such bills must emanate, have refused and neglected to consider the question, and the bill that would have secured the conversion of $300,000,000 of 6 per cent. bonds into 4½ per cent. bonds, and saved annually $4,500,000 in interest, still sleeps in committee. The democratic platform arraigns the resumption act as a hinderance to resumption; but the democratic majority refuse to pass any measure that will better effect or secure the resumption it professes to desire.

But, Mr. Speaker, I desire to discuss this great question on a higher plane than its mere partisan relations.

For several years past, from session to session, the nature, quality, material, and function of money, and the duty of the Government in its regulation, have been discussed in this House. An inexcusable ignorance of the fundamental laws underlying economic questions has perhaps justified a frequent recurrence to elementary principles, and even a review of the facts and reasoning by which their correctness has been demonstrated. Assuming that the nature and function of money are well understood, I desire to discuss the practical questions of what shall our money consist, how shall it be provided, what legislation is needed to secure uniformity of value without disturbance to business interests.

Several leading monetary systems have been presented here and advocated before the country. Among them—

First, an exclusive paper currency issued by the Government made a legal tender in all payments and interconvertible and reconvertible with interest-bearing bonds.

Second, coined money and redeemable United States notes.

Third, coin and redeemable bank-notes.

Fourth, coin, United States notes redeemable in coin, and bank-notes redeemable in either of the former.

The first is advocated, with variations, by the believers in a system of finance that discards coin and holds that the Government stamp gives the value. The three latter are but modified forms of a monetary system that provides both coin and redeemable paper as current money.

The paper-money advocates ignorantly claim that leading statesmen such as Jefferson, Webster, Clay, and Calhoun indorsed their scheme; that it was tried in Venice for five hundred years and there successfully worked without panic or suspension. I have taken pains to read up the speeches of the distinguished legislators to whom they refer as well as Venetian history upon which they rely. They are mistaken in both. Expressions in debate, made by Clay, Calhoun, and Webster, isolated from their subject-matter and context, have been quoted for the purpose of giving the impression that these great statesmen sustained such a proposition. They are most ignorantly or dishonestly cited as authorities. These great men were contemporaneously for forty years identified with the legislation of the country, and their utterances are regarded as the ablest exposition and advocacy of the views they entertained upon the purpose, policy, and constitutionality of public measures adopted or discussed during their participation in legislation. Their opinions on constitutional questions are quoted almost as frequently as the decisions of the highest courts. I protest that to give weight and character to the frantic demand for irredeemable paper the record of eminent leaders and statesmen of the past shall not be falsified nor opinions be ascribed to them that they never entertained.

Were these statesmen believers in an irredeemable currency? Never! Cited as witnesses they prove only that, in the language of

MR. CALHOUN,

A paper issued by Government, with the simple promise to receive in all dues, leaving its creditors to take it, or gold and silver, at their option, would, to the extent to which it would circulate, form a perfect paper circulation, which could not be abused by the Government; that would be as steady and uniform in value as the metals themselves.

He affirms that it is within the constitutional power of Congress to use *such* a *paper* in the management of its finances.

The paper circulation he described was "a paper to be issued by the Government with the simple promise to receive in all dues, leaving its creditors to take it, or gold or silver, at their option," but Mr. Calhoun never claimed or admitted that the Government had the right or ought to compel the unwilling citizen to take it in payment of Government, much less private, debts. Who questions the power of the Government to say that its own promises shall be receivable in satisfaction of taxes or debts due the Government? Clay believed it, Webster affirmed it, the law repeatedly sanctioned it to some extent; but the Government debtor was left the option to take the paper or coin, as he chose.

JACKSON A HARD-MONEY MAN.

The life-long friend and defender of President Jackson took his pen twenty years after the close of Jackson's administration to deny that the latter had favored paper money, asserting that General Jackson labored—

To restore and preserve the hard-money currency which the founders of our Government had secured (as they believed) for us. * * * The issue of currency and its regulation was placed in the hands of Congress *and limited to the issue of gold and silver and the regulation of its value*; for our present Government was formed by hard-money men who had seen and felt the disastrous and demoralizing effect of paper money, and were anxious to save their posterity from such calamities as they had suffered. (Thomas H. Benton's letter to National Intelligencer, November 15, 1857.)

MR. CLAY.

Mr. Clay expressed his opinion of irredeemable paper in 1816 on a clause in the bill to charter the United States Bank, authorizing the bank to suspend specie payments, of which John Randolph, characterizing as monstrous and preposterous, said:

What less than monstrous and preposterous was it to insist that Government had a right to make paper a legal tender.

Mr. Clay (Speaker) agreed that the retention of the clause was unnecessary and said that he would no more make a provision for the suspension of specie payments in a bank than in forming a government he would provide for a revolution. (Annals of Congress, Fourteenth Congress, first session, page 1157.)

Subsequently Mr. Clay gave, as one of the reasons for voting for the charter of the United States Bank, that "it would be highly instrumental in the renewal of specie payments."

MR. WEBSTER'S OPINION.

I am astonished at the effrontery of citing Webster as an advocate of irredeemable or legal-tender paper money, who said:

I am certainly of opinion, then, that gold and silver at rates fixed by Congress constitute the legal standard of value in this country; and that neither Congress nor any State has authority to establish any other standard, or to displace this. (Speech of December 21, 1836, on Treasury circular.)

The Government has no power in fact to make anything else current but gold and silver. (February, 1816.)

Why have the facts of history been distorted, the language of statesmen misquoted, their views and life-long convictions misrepresented, statistics compared to sustain an argument rather than to ascertain the real truth? Because garbled quotations and figures presented in the trashy disquisitions of ignorant writers whose pamphlets and tracts burden the mails are believed and relied upon as sources of information rather than carefully perused state papers, speeches, and documents, based upon authentic facts.

BANK OF VENICE.

The history of the bank so far from sustaining the position that legal-tender paper or credits not payable in or convertible into coin are more valuable or as valuable as coin proves, as in every instance that can be adduced, directly the reverse. Colwell's Ways and Means of Payment has been referred to as authority, but hardly bears out the statement; and the two leading early authorities which Colwell quotes, and upon which subsequent writers rely, contradict the position. The Congressional Library contains the works, and I have them before me. The *Parfait Négociant* of Jacques Savary, first printed at Paris in 1669, and Daru's History of Venice, published in 1819, show that the assignee of a credit on the books of the Bank of Venice was paid by a transfer of credit on the bank-books or coin, at his option. At the outset a (*d'abord,*) cash-room, or desk was established for that purpose, and cash paid whenever desired.

During the war of the republic with the Turks, the funds of the bank having been loaned to the state and expended, the cash-room was closed; and then, says the writer, in the second edition of the *Parfait Négociant*, published in 1679, the credits of the bank ranged from 10 to 15 per cent. below coin; but subsequently, the republic having coined some money, the cash office was again opened, which restored confidence. Upon resuming payment in cash, the credits advanced to par with coin. It again suspended payment, according to Daru, tome 3, page 135, from 1717 to 1739; but during all the other periods of its history paid in coin or by giving credit, at the option of the payee. It is true its credit, or rather the *ducat du banco* which the bank established as its standard or unit of value, was worth 20 per cent. more than the *ducat courant*, the actual silver ducat in circulation; but Daru explains this. They established a cash office, the purpose of which was to pay at once all paper which was presented. Coins were received and valued by weight and purity and credited and paid out as ducats at a standard worth 20 per cent. more than current ducats, which were debased.

The prohibition against charging more than 20 per cent. premium for bank credits in *ducats du banco* was designed to prevent the merchants from discrediting the debased current ducats, but was as ineffectual as the attempt to prevent during the war the depreciation of paper by restrictions upon the sale of gold at a premium, or as a prohibition against charging a premium for gold certificates in exchange for subsidiary silver coins would be at the present time.

The premium on sterling exchange is another striking illustration, which, until lately, at New York stood at from 8 to 10 per cent., because the English banks and bankers reckoned in a unit of account worth 42½ cents more than the value fixed by our law for its representative coin. The current legal value of the English pound in the United States was but $4.44, but the same denomination at the Bank of England meant 486, so that the sterling bill at New York at par was worth $\frac{444}{486}$, or 109¼.

The gold coin of the United States (gold eagles) from 1792 to 1834 contained 247½ grains of pure gold, at which time their weight was reduced to 232 grains. The gold dollar of that coinage contained about 1½ grains more than the gold dollar of later coinage, and would be worth if to-day in existence six cents more than the latter. If accounts were kept in and coins estimated at the old standard, the dollar of account—the dollar *du banco*—would be worth 6 per cent. more than the dollar *courant;* and if bank credits were received in this dollar of account and current coins valued by it and received and paid out with the old dollar as the standard, bank credits would be worth 6 per cent. over current coined dollars in actual existence.

This is exactly what they did at Venice. They kept their ducat of account, the unit of value, up to the old standard. Daru shows, in volume 2, page 282, that there was a ducat of gold, a ducat of silver or *ducat effectif*, and a *ducat courant ou de compte*, each of which was of different value. The *ducat effectif* was worth eight Venetian livres, and the *ducat courant* six livres four sols.

In public transactions they reckoned by the *ducat effectif*, in trade by the *ducat courant*.

Daru further says, in volume 3:

There was in Venice many sorts of money. They chose the best for the bank. It was the rule to reckon and pay only in *ducats effectifs*, of which the standard was purer and the alteration less common than that of other coins. It resulted that the bearer of an order upon individuals had to run the risk of being paid in debased money, while the owner of a check upon the bank was certain to receive the higher values. This system secured for the money (literally silver—*argent*) of the bank a preference over current money and increased the credit of the establishment.

The *Parfait Négociant* states that the weight of different coins was fixed by statute, and gives the values of the gold coins, which were then worth considerably more than the legal rate. The silver ducat, which was the standard, in order to prevent its being exported as it had been previously, was debased.

Broggia, an Italian writer, in his treatise, *Delle Monete*, published in 1743, gives a similar explanation of the premium on bank drafts, or *agio di banco*, and attributes it to the maintenance of the money standard at an invariable intrinsic value, while current coins were depreciated, to the reputation of the banks for solvency, the avoidance of underweight and confusion common on 'change, the certainty of payment, and the security against loss in carrying coin to and from 'change.

This solves the whole mystery of the wonderful premium of bank-paper credits over coin, which has been the basis of so many currency theories.

Mr. Speaker, we have to-day a banking system in many respects similar to that of Venice, which is quoted as the ideal of successful

business management. The republic of Venice guaranteed the solvency of the bank to those who used its credits to discharge debts. The United States does the same to the bill-holders of the bank. While the bank gave the option to the creditor to receive payment by credit or in cash, the credit was worth its face in its coin standard. So are gold bank-notes worth their face in coin. When cash payment was interrupted the credits fell to a discount. Irredeemable paper is here at a discount.

The experiment of attempting to make an irredeemable paper circulate at par with coin has been tried in other countries and proved a failure in every case. Our Government tried it without success during the revolutionary war and afterward in time of peace. The plan of issuing United States notes receivable in payment of all public dues, even in so small an amount as $2,000,000, proved a failure when not redeemable in coin on demand.

John C. Spencer said of interest-bearing notes receivable in payment of dues in 1843:

> Notwithstanding all interest had ceased upon more than two millions of the outstanding Treasury notes in consequence of the notice given of a readiness to redeem the whole amount, yet it was perceived that they were not presented for redemption, but were retained by the people for the purpose of remittance in the transaction of their business. This fact indicated that the whole amount could probably be re-issued as the outstanding notes should be redeemed in others of a low denomination, without any or at a nominal interest; and that they would be received with avidity by the public creditors, if made convertible into coin on demand.
>
> The effort had been made by a former Secretary to substitute notes with nominal rates of interest and also notes with the low rate of 2 per cent., but it had not succeeded, in consequence of their not being convertible into coin on demand; for as the present value of a post-note is diminished in exact proportion to the time it has to run before maturity, a discount upon it can only be prevented by allowing interest equivalent to that time. The question of convertibility, therefore, was in truth a question whether interest should or should not be saved, as the permitting the notes to be at a discount was not to be tolerated.

Observe that when "notice was given of a readiness to redeem the whole amount" the notes were not presented for redemption, but were retained by the people; but when inconvertible Treasury notes were offered, although bearing interest, the people would not take them except at a discount.

Another Secretary of the Treasury shows in his report (see report Secretary of the Treasury, December 8, 1815) that bank bills, although specie payment was suspended, were preferred to Treasury notes made receivable in payment of all dues to the United States and fundable in 6 per cent. bonds.

Upon the option to subscribe to the 6 per cent. stock in Treasury notes or money in New York City, $658,371 was subscribed to be paid in Treasury notes, and only $601 in money; less than 1 per cent. The loan was placed upon the market at ninety-five cents, so that the Treasury notes of a limited amount made receivable in payment of public dues were esteemed less valuable than bank bills and were regarded as the poorer currency.

METALLIC STANDARD THE BASE OF VALUES.

We must, then, base our monetary system upon the metallic values in use throughout the world to secure stability and prevent depreciation.

An exclusive, irredeemable, paper circulation will constantly fluctuate in value. A commercial nation like ours, having $1,000,000,000 value of annual exchanges with foreign nations, cannot reject the use of specie, the common measure in adjusting international exchanges. These values bought or sold abroad by the coin standard will be bought or sold at home at a price in the paper-credit standard, increased or diminished by the varying difference between the value of the coin and paper. And thus coin, being the base and standard for measuring the values of exports and imports, will really be the base and ultimate standard for measuring the values of the ten thousand million dollars total annual production of the country. Coin is a necessity for commerce. Irredeemable paper is an unreliable standard of value.

To gold and silver, which only the Constitution permits the States to make a legal tender, usage and law have added a currency of national and bank notes. These with coin constitute the circulation, the money of the country.

The United States note is the promise, say the Supreme Court in 7 Wallace's Reports, to pay a coined dollar. While the national-bank notes may be paid in coin or with United States notes, the latter are payable in coin only. The monetary system authorized and contemplated by existing laws proposes to furnish the people a circulating medium consisting of gold and silver coin supplied from the Mint, $300,000,000 of United States notes, redeemable in coin on demand, and national-bank notes limited in amount only by the ability of the banks to furnish required security and make redemption in United States notes or coin.

It is the safest, surest, soundest system that has been devised, and is in use in other countries. Under it for the last twelve years national banks now numbering over two thousand have kept in circulation from $300,000,000 to $350,000,000 of their notes annually, without the loss of a dollar to the bill-holder, and have received and paid out annually thousands of millions of depositors' money with the loss to the latter as estimated of only $3,984,503.

A system so secure in the past has commended itself to the approval of the American people, and they look with disfavor upon experimental and visionary schemes for its change or attempted improvement. They ask for the money of the country stability and interchangeability, so that currency and coin may be equivalent in value and equally effective for facilitating exchanges or discharging indebtedness.

Shall the currency be supplied wholly by the Government, or, as in France, England, and the most of commercial nations, by banks, the Government restricting and regulating the amount according to the security for the circulation?

It is claimed that the Government should issue the circulation without the intervention of banks. The difficulty of adjusting the amount of circulation to be issued and the immense power it would place in the hands of executive officers to expand or contract the circulation and thus change values are admitted. This, it is affirmed, will be compensated by an annual saving in interest to the Government, placed usually at $20,000,000, effected by issuing additional United States notes and with them purchasing and canceling the bonds held as a basis for bank circulation. The conclusive answer to this is that no such saving would result to the people by the withdrawal of the bank circulation and substitution of the United States notes therefor.

NATIONAL-BANK PROFITS.

There are no such great additional profits to bankers from their issue of circulation as is charged.

But if, says one, the Government were to issue directly $318,000,000 of United States notes, and with them redeem bonds held as security for the bank circulation, requiring all the latter to be retired, would not the interest on at least $275,000,000 of bonds, which at present premium could be bought with the $318,000,000, be saved? That interest at 5 per cent. would amount to $13,750,000.

The Treasury would save the interest on the one hand, but the bankers would gain and the Treasury and people lose taxes which last year amounted to—

First, the tax on circulation	$3,283,405 89
Second, the national tax on bank capital	507,417 76
Third, the State and local taxation	10,076,332 00
Total	13,867,253 65

That their circulation is not the source of enormous profit to national banks, commonly supposed, is clearly shown by Comptroller Knox in his last annual report. He compares the income received by the national banks from bonds and circulation with the income that would be received from same capital loaned on bond and mortgage security.

Taking the statement for November 1, 1875, which showed that the United States Treasurer held as security for circulation, other than gold-notes issued to national banks, $361,498,112 of bonds worth in currency at that date $425,840,533, the circulation issued to the banks, being 10 per cent. less than the face of the bonds, would be only $325,348,260, of which 5 per cent. must be deposited with the Treasurer as a redemption fund, leaving the banks but $309,080,847 available for use. The income from the loan of this circulation at 8 per cent., average rate throughout the country, would be $24,726,467. The income from the bonds Mr. Knox shows to be $18,530,554 in gold and $768,870 in currency, worth at the gold premium of that date (16 per cent.) $22,264,312, from which subtracting the 1 per cent. tax on circulation, $3,253,482, leaves $19,010,830 as the net currency income from the bonds.

Says the Comptroller:

> This added to the net interest received on the bonds ($19,010,830) gives $43,737,297 as the whole income derived by the national banks from their circulation and from the bonds deposited to secure it. The capital used to purchase the bonds, ($425,840,533) if loaned at 8 per cent. annual interest, would produce an annual income of $34,067,042, and the difference, which is $9,670,055, or 2¼ per cent. on the capital, represents the profit that the banks receive over and above what could be obtained from the loan of the same amount of capital at the rate of interest named. This is concisely shown, as follows:
>
> | | |
> |---|---|
> | Interest on $309,080,847 of circulation, loaned at 8 per cent | $24,726,467 |
> | Interest on United States bonds ($768,870 currency, $18,530,554 gold) | 19,299,424 |
> | Premium, at 16 per cent., on $18,530,554 gold interest | 2,964,888 |
> | Total | 46,990,779 |
> | Less tax on circulation | 3,253,482 |
> | Total profit on capital employed | 43,737,297 |
> | The total capital, loaned directly at 8 per cent., would earn | 34,067,242 |
> | Difference, which represents profit on circulation | 9,670,055 |
>
> Two and one-fourth per cent. of the capital employed ($425,840,533) is $9,581,412, which, as shown above, is about the value of circulation to the national banks of the country. In localities where the rate of interest is 7 per cent., the value of circulation is somewhat less than 2¼ per cent.; and where the rate is 10 per cent. the profit is less than 1¾ per cent.

This gain to the bankers of $9,670,055 is, however, fully compensated to the community by the gain to the latter of the State and local taxation upon the national banks, which in 1874 amounted to $9,620,326, and was estimated by the Comptroller for 1875 to amount to $10,076,332, being an excess of over $1,000,000 above the profits on circulation. This taxation is an actual gain through the banking system and laws; for of the $439,438,171 of banking capital in 1875, the $423,840,533 invested in bonds would be wholly exempt from such taxation but for its use as a basis for banking and thus becomes liable to taxation as bank stock.

Should the national banks be forced into liquidation this source of

local revenue would be wholly lost. The tax on capital would be lost because the real capital of the banks consists chiefly of United States bonds which are non-taxable as such. But such capital paid in or representing bank stock becomes, as stock, taxable, and this taxation is added to the State and national sources of taxation.

Five persons each owning $20,000 of non-taxable bonds organize and associate themselves together as a national bank. They deliver the bonds to the bank and each receives $20,000 of stock. The $100,000 capital in bonds is taxable as $100,000 of stock and the taxation upon the latter is a clear gain to the community as though actual added wealth.

The action of the banks in regard to circulation corroborates this calculation of profits; for there are, as Mr. Spaulding lately stated in an address to the bankers' convention at Philadelphia, 2,375 private bankers, 907 State banks, having $164,366,669 capital, and 666 savings-banks, making a total of 3,948 banks and bankers, exclusive of national banks. Under the free banking law they could, if they desire, and, if profitable, would, purchase and deposit bonds and take out circulation. Evidently they do not consider the profit worth the trouble; but in addition to this evidence it appears that the national banks themselves are voluntarily relinquishing their circulation, and that $60,000,000 of legal-tender notes have been deposited to retire the same amount of circulation, reducing the amount outstanding from $352,000,000 in January, 1875, to $300,000,000 on the 15th of June, 1876, according to the bank reports of that date.

This paper circulation, secure and convenient as it is, lacks one essential for stability of value, redeemability, and is therefore depreciated and inconstant. That the nation will continue to tolerate the present disordered condition of the currency is incredible.

The evils of a fluctuating measure of values have been too often portrayed to need their recapitulation. Speculation is encouraged, honest industry is disheartened. Business enterprise becomes a gambling venture. The laborer's earnings shrink or expand with the schemes of Wall street. Sharpness and cunning are made the roads to wealth, instead of economy and industry.

Mr. Hopkinson, in debate upon the renewal of the United States Bank, in 1816, said of the effect of depreciated bank paper during the war of 1812:

> Speculation became an epidemic which corrupted and destroyed the morals and industry of the country. It followed the farmer into his field, and he sold it; the mechanic into his shop, and he pledged it. Even the daily laborer cast away his spade and his hoe in scorn and determined no longer to rely on the labor of his hands for his bread. Every man, from the highest to the lowest, was to become rich by the magic of those wonderful banks. (Annals Fourteenth Congress, first session, page 1102.)

We are urged to allow these evils to continue and make no effort to commence a return to a fixed monetary standard. Wait for prosperity to bring us to specie payments, say some.

PREPARATION FOR RESUMPTION SHOULD BE COMMENCED.

The country doubtless would not be able to resume to-day. It may not be able in 1879, will not be without preparation and the accumulation of coin, and the time fixed may have to be postponed. There will be three sessions of Congress before that date, and if found impracticable or no suitable preparation has been made, the time can be prolonged as was done in England. Is it an unfavorable time to commence preparing for resumption? It is true that there has been a shrinkage in estimated values and prices are depressed. The property valued is still here in no less quantity. If the national wealth is on the increase, the accumulations of the savings of the poor and the profits of the rich are not diminishing; if the consumption of the comforts of life is greater than a few years ago and the production of staple articles employing the greater portion of the labor of the country is on the increase, can it be possible that the country is not prosperous? In some industries there has been a diminished demand and consequently lessened production; but among the producers of the great staples there are few idlers. There are employed in great manufacturing establishments of cotton and woolen goods and in mining and in the production of iron and steel, according to the census of 1870, but 541,048 laborers, being but 4¼ per cent. of the whole. Half of the laborers of the country are engaged in agriculture.

While a total suspension of industry in these great and important manufacturing and mining interests would bring disaster not only to those directly engaged, but to many dependent industries in the localities where they are situated, the loss of production and number out of employment would be but a small percentage of the great army of workers.

But in these industries but a small proportion are idle from diminished production. The falling off from 1872 in many manufactures is not lessened, and the heaviest reduction from the excessive production of that year is less than 25 per cent. The consumption of the country of the great staples steadily progresses, and the production of 1875, though weighted and competing with the accumulated surplus overproduction of 1872 and 1873, is greater far than that of 1870 and previous years.

I have no statistics on textile fabrics, except silk manufacture, which has increased, but in some industries where there have been the loudest complaints because of the great fall of prices the production, as will be seen, was very great and increasing. The production of coal and metals in 1874 and 1875, though less than the apparent overproduction of 1872, was far greater than that of 1870.

The annual report of the secretary of the American Iron and Steel Association shows the following comparative production:

	1870.	1875.	Increase.
	Tons.	*Tons.*	*Tons.*
Pig-iron	1,865,000	2,256,581	401,581
Rolled iron, all forms	1,325,000	1,890,379	565,379
Bessemer steel	34,000	290,863	256,863
Other steel	35,000	61,058	26,058

AUGMENTED VALUE AND PRODUCTION OF FARM PRODUCTS.

The gain in live animals on farms from 1870 to 1875 is reported to be: of horses, 2,589,930; mules, 280,085; milch cows, 2,150,068; oxen and cattle, 1,900,024; sheep, 7,457,349. This increased number of live stock, at the prices estimated by the Commissioner of Agriculture for 1875, was worth $300,000,000, and a gain of 20 per cent. on the value in 1870, which exceeds the ratio of increase in population. The prosperity of the agricultural industry is further evidenced by the increased production of cereals and other farm products and the greater acreage of those crops in 1875 than in 1870, which show how busily farm labor must be employed at the plow and in the harvest field.

The statement I submit is compiled from the reports of the Commissioner of Agriculture and statistics kindly furnished by him.

Comparative statement showing the number of live animals and the cereal and other farm products for the years 1870 *and* 1875.

	1870.	1875.	Increase.
Number of horses	7,145,370	9,735,300	2,589,930
Number of mules	1,125,415	1,405,500	280,085
Number of milch cows	8,935,332	11,085,400	2,150,068
Number of oxen and cattle	14,885,276	16,785,300	1,900,024
Number of sheep	28,477,951	35,935,300	7,457,349
Number of swine	25,134,569	25,726,800	592,231
Bushels of wheat	235,884,700	292,136,000	56,251,300
Bushels of corn	1,094,255,000	1,321,069,000	226,814,000
Bushels of oats	247,277,400	345,317,500	98,040,100
Bushels of barley	26,295,400	36,908,600	10,613,200
Bushels of rye	15,473,600	17,722,100	2,248,500
Bales of cotton	4,400,000	4,450,000	50,000
Pounds of tobacco	250,628,000	379,347,000	128,719,000
Bushels of buckwheat	9,841,500	10,082,100	240,600
Tons of hay	24,525,000	27,873,600	3,348,600
*Acreage	90,771,608	112,450,232	21,678,624

*The above crops except cotton.

INCREASED TRANSPORTATION AND TRADE.

The same state of things appears in the transportation and exchange of the products of industry. There were more miles of railroads and more freight carried and more passengers traveling upon them in 1875 than in 1871.

In transportation, Poor's Railroad Manual shows the following increase from 1871 to 1875:

	1871.	1875.	Increase.
Miles operated	44,614	71,759	27,145
Gross earnings	$403,329,208	$503,065,505	$99,736,297
From freight	294,430,322	363,960,234	69,529,912
From passengers	108,898,886	139,105,271	30,206,385
Net earnings	141,746,404	185,506,438	43,760,034
Dividends paid	56,456,681	74,294,208	17,837,527

Our foreign trade as well as domestic production is greater than in 1870 or during any previous year.

The total imports and exports during the fiscal year 1870 were $882,877,862 and in 1876 were $1,073,023,789, being an increase of $190,145,927.

The merchandise trade with foreign nations in 1870 was $812,574,881 and in 1876 $1,000,618,704, a gain of $187,043,823.

The merchandise imports in 1870 were $435,958,408 and in 1876 $460,363,675, being an increase of $24,605,267.

The merchandise exports in 1870 were $376,958,408 and had increased in 1876 to $525,434,886; a gain of $148,476,478.

The imports exceeded the exports of merchandise in 1870. The merchandise balance in our favor in 1876 was $79,000,000; total balance gives about $120,000,000 excess of exports in 1876 to $116,000,000 excess of imports in 1872.

CONSUMPTION OF COMFORTS.

A comparison of the relative consumption of tea, coffee, and sugar at different periods is considered by writers upon social economy to be a fair criterion to judge of the prosperity of the country at any given period. Applying this test we find that while the average *per capita* consumption during the ten years ending in 1860 was, of tea, 1.02 pounds; coffee, 7.13; sugar, 30.87 pounds; the *per capita* consumption of the same articles for the fiscal year ending June, 1875, was, of tea, 1.47 pounds; coffee, 7.19, and sugar, 35.76. The consumption for the last ten years has been as follows, showing a greater con-

sumption at the present time than the average consumption ten years ago, or during the supposed flourishing days of abundant paper issues:

Consumption of coffee, tea, and sugar, per capita, for the years 1867 to 1875, both inclusive, estimated on amount withdrawn from warehouse or directly imported during the fiscal year.

Year.	Coffee.	Tea.	Sugar, brown and other.
	Pounds.	*Pounds.*	*Pounds.*
1867	4.78	0.94	25.87
1868	5.77	1.02	26.97
1869	6.11	1.04	26.69
1870	6.57	1.05	30.68
1871	7.45	1.19	29.48
1872	5.90	0.84	33.17
1873	9.64	2.55	33.05
1874	6.66	1.27	35.27
1875	7.19	1.47	35.76

The consumption of sugar has increased 40 per cent. in ten years, although the duty and gold price are higher than formerly.

TOTAL DEPOSITS IN BANKS INCREASED.

The total deposits in savings and State and private banks and in national banks at the period preceding the panic of 1873, and in June, 1875, were:

Banks.	June, 1873.	May, 1875.
National banks	$641,121,775	$695,347,678
Savings and private banks	1,229,094,594	1,346,014,813
Total	1,870,216,369	2,041,362,491
Increase		171,146,122

The deposits in national banks during the same period increased $54,000,000, their capital $9,000,000, and surplus and undivided profits $15,000,000.

DEPOSITS IN SAVINGS BANKS INCREASING.

The deposits in the savings banks of the country have increased in amount, notwithstanding the depression in prices. The savings of the poor as well as the rich are not being exhausted or diminished. In May, 1875, they aggregated $828,802,889; six months later they had increased to $884,166,239—a gain of over $50,000,000.

RESUMPTION AFTER SUSPENSIONS OF 1814 AND 1837.

The difference between the value of the coin and paper dollar is not greater now than at former periods of commencing resumption after suspension of specie payments. The greater part of the banks of the country suspended during the war of 1812. The premium at New York on specie from 1814 to 1816 is shown in a paper accompanying the report of William M. Crawford, Secretary of the Treasury, February 24, 1820, to have been as follows: In October, 1814, 10 to 11 per cent.; during 1815 averaged 12 per cent.; during 1816, in January 20 per cent., in April 12 per cent., in July 6 per cent., and in October 2½ to 3 per cent. As soon as the United States Bank commenced business, as it was required to pay depositors and redeem in coin when demanded, specie payment was resumed throughout the country.

In 1837 (May 10) the banks of the United States suspended specie payments and did not resume until May of the following year. The premium on American gold during that period, is reported in the Banker's Magazine for November, 1857, page 395, as follows:

July 1	10 to 12
July 29	8 to 9
August 26	8½ to 9
October 21	5½ to 6
December 9	4½ to 5
1838.	
February 3	4½ to 4¾
March 24	1½ to 3
May 12	¼ to ½

HOW SHALL RESUMPTION BE ATTAINED?

In the multiplicity of plans and the diversity of opinions it is hazardous to indicate any method. Rather than propose any definite exclusive plan, I will discuss the facts and principles that should control legislation in seeking resumption.

AMOUNT OF PAPER CIRCULATION.

The Comptroller of the Currency reports, July 1, 1876, outstanding bank circulation at $330,879,146, to retire $26,909,332 of which legal-tender notes to that amount had been deposited with the Treasurer, making the effective bank circulation $304,000,000. The Treasury statement for July 1, 1876, shows $404,719,261.89 then outstanding of United States notes, authorized issue held as currency, including $34,446,595.39 of fractional currency; leaving the total amount of currency outstanding, including national-bank notes, $735,628,407.89. Deducting the amount of legal-tenders deposited for retiring bank-note circulation, leaves but $708,000,000 actual circulation.

This reduction has in nowise diminished the amount of loanable capital or tended in the least to raise the rate of interest on loans, as appears from the market quotations, which show call loans offered at the very lowest rates and time loans to be had at less than the rates authorized by law.

The substitution of silver coins for the $34,000,000 of outstanding fractional currency, as authorized by the law enacted at this session, will reduce the paper currency to $674,000,000. At the rate legal-tenders have been reduced since the passage of the act of 1875, only $42,000,000 will have been retired by January, 1879, and the outstanding volume of legal-tenders will then be about $340,000,000, or but $16,000,000 less than they were ten years ago. Should the bank circulation be neither further retired nor increased, the volume of paper circulation will then be only $640,000,000. Provision only will be necessary for the redemption in coin of so much of the $640,000,000 as may be presented for that purpose. As the bank-notes will be payable in United States notes, all that will be required for resumption will be coin sufficient to pay upon demand such amount of the $340,000,000 United States notes as will be presented for that purpose. How much will be required? How and where shall it be accumulated?

AMOUNT OF SPECIE TO MAINTAIN RESUMPTION.

If the amount to be kept in the Government vaults for redemption purposes were the extent of the coin accumulation, the Treasury could soon put itself in condition for resumption.

The bankers rule that the coin reserve shall equal one-third of the total liabilities, circulation and deposits, is deemed prudent and sufficient. It has been long observed by the officers of the Bank of England, below which it is not considered safe.

Mr. Harley Palmer, governor of the Bank of England, testified in 1832:

The average proportion, as already observed, of coin and bullion which the bank deems it prudent to keep on hand is at the rate of one-third of all her liabilities, including deposits as well as issues.

The Treasury would not need a reserve as great proportioned to its outstanding notes, because they would be scattered and in use throughout the country. Being convertible on demand into coin, they would be as acceptable as the latter and not sent for redemption; and if any large amount should be forwarded for that purpose, the resumption act gives ample power to the Treasury to strengthen itself by the sale of bonds for coin.

PAST EXPERIENCE.

Prior to 1860 the banks of the country found from one-third to one-fourth coin reserve amply sufficient to redeem the bank-note circulation upon demand. Less than $100,000,000, probably $50,000,000 of coin in the Treasury would be amply sufficient to meet every demand for redemption purposes.

But a supply of coin must exist outside of the Treasury for commercial and financial transactions. Prior to 1848 the coin in actual circulation was about half the amount of bank-notes. In 1840 the people used $55,000,000 of coin in active circulation with $107,000,000 outstanding notes; in 1846, $56,000,000 of coin, $106,000,000 of notes.

After the discovery and increased production of gold in California the proportion of coin in active circulation increased. In 1850 the bank-note circulation stood at $131,000,000, the coin in active use at $81,000,000; in 1860, notes $207,000,000; coin in use, $197,000,000.

The Government reserve must be strengthened by the further accumulation of $150,000,000 of coin for private use, business transactions, and bank reserves, which will in part consist of coin. The Government under the late legislation will furnish $50,000,000 of this in subsidiary silver coin. What is necessary to be done to obtain or bring into active circulation the remaining $100,000,000 or more that the people will need and use upon the return to specie payment?

HOW SHALL SUFFICIENT COIN BE SECURED OR ACCUMULATED?

Here there is a wide difference between the opinions held as to the cause of currency depreciation and the remedy for its removal. Is it the excess or character of the paper currency that sinks it below coin in value, or is it because it lacks immediate convertibility into coin upon demand?

These questions underlie the whole subject of coin resumption and the proper plan for its attainment. The answers to them point to essentially divergent causes and remedies, each of which has its advocates and disciples. They are:

First. Reduction of the volume of paper circulation.

Second. Accumulate coin, and be prepared upon demand to give coin for paper when desired.

IS THE DEPRECIATION OF THE PAPER CURRENCY CAUSED BY ITS REDUNDANCY OR IRREDEEMABILITY?

Shall Congress seek to return to specie payments by contracting the volume of paper currency or by improving its credit and paying it as agreed?

I assert the currency of the country is not redundant. There are no signs, exclusive of its depreciation, of a plethora of currency; no speculation, no inflation of prices, no hoards of idle circulation. There is little idle circulation anywhere. The Treasury holds but little, if any, above the amount of its national debt, for which immediate call can be made upon the Treasury.

The national banks holding on the 15th of June last in actual cash, including funds with the Treasurer, $168,984,684, which exceeds the reserve required by law, have no more than safe business requires to meet $1,100,000,000 immediate liabilities being less than 16 per cent.

In 1866 and 1867 there were evident signs of a plethora of circulation. The people did not require as much as was then outstanding, and the surplus flowed into and remained in the banks as great reservoirs for retaining a needless excess of paper. But this excess has been reduced by the retirement within two years of that period of $200,000,000 of legal-tender paper by the growth of population, wealth, business, taxation, and production.

The reserve and idle cash in the banks and Treasury since 1865 have been diminishing.

Under a specie-redemption bank system requiring a sufficient legal reserve it is admitted there cannot be redundancy of actual circulation. If more bank-notes are issued than can be used in making business exchanges, they will be returned to the banks for deposit or redemption.

A striking illustration of this appears in the first experience of the United States Bank after it commenced business in 1817. Its capital was $35,000,000, and it could issue notes, bonds, and obligations to that amount. It was required to pay all its obligations, notes, deposits, &c., in specie.

Statement of notes issued and in actual circulation of the United States Bank and branches soon after commencing business.

Period.	Notes issued.	In circulation.	In bank and branches.
June, 1818	$19,242,968 08	$8,766,006 49	$10,476,961 59
June, 1819	14,190,138 49	5,083,613 40	9,106,525 09
December, 1819	14,552,745 74	3,777,024 33	10,775,721 41

Two-thirds of the bills were returned to the banks because not needed by the community, and were held in the vaults. The same law holds good to a large extent in case of irredeemable paper. It is illustrated in the accumulations of paper currency in bank and Treasury vaults in 1865. The paper issues, according to a statement furnished me by the Treasury, and published in full with my remarks on the 26th of May last, were $938,496,019.62, of which the banks and Treasury held $278,795,863.57. Ten years later, when the volume of paper circulation had been reduced $170,000,000, of the reduction one hundred millions came from the banks and Treasury and not from the circulation.

If excess of paper circulation causes its depreciation at the present time, then the value should vary with the quantity outstanding. The premium on gold should be less at the close of 1868, when the total paper issues were only seven hundred and fifty millions, than six years later at the close of 1874 when the volume had been increased $31,000,000, being $781,000,000; yet at the former period gold was quoted at 135.2, at the latter 111.7. At the close of 1869 the volume of currency was $744,000,000, the premium on gold 21.5 per cent. A year later the volume increased to $747,000,000, but the premium was down to 10.7; and four years later the currency, at the close of the year 1873, had increased $32,000,000, being then $776,000,000, while the gold premium had fallen to 10.

I submit a statement prepared from the official statements from the Treasury Department showing the amount of paper currency outstanding and in actual circulation and premium on gold at the close of each calendar year. An examination conclusively proves that the value of the currency, compared with gold, has not varied with the quantity outstanding.

The value of the currency has risen with the general rise of Government credit and value of its interest-bearing obligations and apparent increased or diminished disposition and ability of the nation to redeem its paper in coin.

Statement of currency outstanding and in actual circulation at the close of each calendar year since 1865—average premium on gold, from the report of the Comptroller of the Currency.

Date.	Total United States currency certificates of indebtedness, 3 per cent certificates, and national bank-notes outstanding.	Total amount of currency held by Treasury and national banks.	Amount outside of Treasury and national banks.	Premium on gold for month ending—	For year ending six months subsequent to—
Dec. 31, 1865	$938,476,019 62	$278,795,863 57	$659,680,156 05	46.2	40.4
Dec. 31, 1866	854,688,843 07	242,463,222 30	612,225,630 77	36.7	41.0
Dec. 31, 1867	767,971,825 85	208,496,976 15	559,474,849 70	34.8	39.9
Dec. 31, 1868	750,314,238 39	183,639,901 43	566,674,336 96	35.2	37.5
Dec. 31, 1869	743,804,297 18	176,344,008 60	567,460,288 58	21.5	23.3
Dec. 31, 1870	746,735,516 38	187,395,556 03	559,339,960 35	10.7	12.7
Dec. 31, 1871	748,973,266 77	158,245,325 59	590,727,941 18	9.3	11.8
Dec. 31, 1872	752,306,233 12	167,951,209 31	584,355,023 81	12.2	14.6
Dec. 31, 1873	776,436,942 90	185,325,705 74	591,111,237 16	10.0	12.0
Dec. 31, 1874	780,841,600 83	182,831,208 58	598,010,392 25	11.7	12.7
Dec. 31, 1875	760,903,165 97	165,701,965 79	595,201,200 18	.....	....
June 30, 1876	735,628,407 89	.....	.....	.....	....

TREASURY OF THE UNITED STATES, *Washington, July 24, 1876.*

On the 31st of December, 1874, according to the Treasury statement, the paper currency outstanding amounted to $780,841,600.83, of which $598,010,392 was in circulation outside of the Treasury and banks, and gold stood at 112, with $22,436,761.04 in the New York national banks. Eighteen months later, on the 1st of this month, the outstanding paper currency had been reduced $45,000,000, and yet gold is quoted at 112.

The specie in the New York national banks which during the spring and summer of 1869 had been under $20,000,000 commenced to increase in September of that year and by the 22d of January, 1870, amounted to $48,000,000 and averaged $32,000,000 for the entire year 1870.

Gold commanded a premium of 38 per cent. in June, 1869. In March, 1870, the premium had fallen to 12¼ per cent., and at the close of the year 1870 it stood at 11 per cent. Had advantage then been taken of the accumulation by requiring the national banks to retain as part of their legal reserve the gold interest paid upon their bonds the remaining 11 per cent. premium on gold would have gradually melted away and we should long since have resumed specie payments.

It was my opinion then that a gradually accumulating coin bank reserve was the safest, surest, and easiest road to specie resumption.

Accordingly in 1870 I moved an amendment to the act authorizing the issue of $54,000,000 additional bank circulation, providing—

That hereafter every national banking association shall retain and keep in coin, or Treasury coin certificates, as part of its issue, the interest falling due upon its bonds deposited as security for its circulation until the reserve required to be kept by such bank at its place of business shall consist wholly in coin and certificates.

I am pleased to be able to fortify my opinion by citing the concurrent judgment of able and experienced writers and financiers.

The Banker's Magazine is regarded as a financial authority, and its leading editorials are entitled to consideration as the careful opinions of a cautious, able, and experienced observer of financial principles and phenomena. As early as August, 1871, in view of the diminishing volume of specie in the banks and the rising premium on gold, the editor said:

We are perhaps no nearer to a resumption of specie payments than we were four years ago. A sound policy dictates that while in a state of suspension the banks should gradually enlarge their specie reserve; but the facts indicate that this will only be done by compulsion of law. The banks should retain at least one-half the specie they receive from the Treasury and thus enable themselves in the course of two, three, or four years to contribute to a general resumption. * * * During this period (from January, 1866, to October, 1870) the banks have realized perhaps $100,000,000 in gold as dividends, which as a reserve would now be highly important in the combined movement toward resumption. * * * The national banks of the United States (eighteen hundred in number) have, within the past eighteen months, reduced their specie from $48,000,000 to $19,000,000 in June, 1871, a policy utterly at variance with the true interests of the country.

This is the most important step in the preparation for resumption. It should be taken immediately. At present it seems a necessity. Resumption without specie in the country is impossible. It is meaningless. It is the play of Hamlet with Hamlet left out. We are in the same situation that we were in in 1871. The balance of trade is in our favor, the stock of gold has accumulated, but it will not remain here unless the banks are compelled by law to hold it.

It is astonishing to find how little coin is required for the financial and mercantile transactions of the great cities and money centers. To make the coin payments for customs duties during the last fiscal year amounting to $147,000,000 required less than half a million for average daily transactions. The highest monthly payment was less than sixteen millions. The coin made a short circuit. It went from the banks to the merchants and from them to the custom-house and subtreasury. The Government immediately paid it to public creditors or sold it in Wall street, from which it again went to the banks. This circuit was made many times during the year by the same coin or oftener by its representative, the coin certificate or draft. The Government collected a monthly average of $12,500,000, drawn from the banks and paid monthly on interest and sinking fund account $10,500,000, which again returned to the banks as well as the remaining $2,000,000 sold for legal-tenders.

The store of coin daily held by the banks will disclose how small an amount is actually required. The greatest amount of actual coin in the New York City national banks reported at any one time during the last seven years was, January 22, 1870, $6,196,036.29. The lowest October 1, 1875, $753,904.90. The average amount of the coin checks payable in coin and coin certificates held by the same banks during the same period was about $16,600,000, and the average amount of coin in all the national banks of the country since January 1, 1870, has been less than $20,000,000.

This country is annually producing upward of $70,000,000 of coin and bullion, scarcely a dollar of which remains in the country. It finds no demand for it here. No use to keep it at home, and like other surplus products it seeks a market abroad.

Outside of Texas and the mining States and Territories there is no use for coin, except by the Government to pay interest on its debt and the merchants to pay duties and foreign balances. We shame and put to flight the precious metals, the products of our own mines. We have no reservoirs for the overflow of the millions sweeping through our commercial cities to the European marts of trade. Our Government finds a surplus in its vaults above its own needs, and sells $30,000,000 annually to the merchants. The latter find the existing surplus ample for the payment of their customs dues, they

can use no more, so the $70,000,000 annually raised from the mines must go abroad; a drug in our own market, no home use to which it can be applied, it sinks in value and, instead of corn and wheat, tobacco, cotton, provisions, and manufactures, that otherwise would be sent, the coin is shipped and goods are more largely imported.

Make a use for more gold at home, and less will be exported. Require the banks to put annually in the reserve $18,530,554 coin, interest received of the Government, and much more must stay in the country than now remains. If the Government at the same time accumulates a like reserve, by ceasing to sell its surplus coin, in four years $175,000,000 will have been added to the store of specie now in the country, and specie payment can be both resumed and maintained. The enforced accumulation of coin by banks and the Government will necessarily detain it in the country. It will appreciate its price and value in commodities, and will increase their export and diminish their importation. It will tend to turn the balance of merchandise trade in our favor and will appreciate the value and price of the greenback dollar, as it demonstrates the power and determination of the Government and the people to redeem their paper promises.

It is proposed that the banks shall hold the coin as a part of the reserve, loosening from the reserve, where it is now practically tied up, an equal amount of legal-tender notes, of which the reserve now consists. Instead of a measure of contraction, it would so far be a measure of expansion, releasing from the reserve, for actual and active circulation, about $20,000,000 legal-tenders held as reserve. There is no hoarding of earnings or of funds, nor passing of dividends, to accumulate a coin reserve, any more than there would be to keep a legal-tender reserve. The bank would lose the premium on the gold which otherwise it could sell. This would diminish its net profits to that extent, amounting at present rates to a little over ½ per cent. upon its capital stock. But a bank is but an aggregation of capitalists, whose loans are repaid in a more valuable currency as the country progresses toward specie payments. The capital of the bank, though nominally the same number of dollars, would acquire a higher purchasing power.

As, however, this pressure will disappear when resumption is reached, the profit from the sale of the coin now realized will be but temporary, and would be less than the gain to the banks by the increased value given to their assets by resumption.

The most important legislation, therefore, needed to secure permanent, safe, and gradual resumption of specie payments is to require the banks to prepare therefor by the accumulation of a coin reserve and the Government to strengthen its own surplus.

When the banks accumulated in 1870 a large amount of coin the gold premium declined over 20 per cent., and there remained without disaster. It was believed that the further step to specie payment, half the distance already passed, could be taken within another year. The gold balance was, however, permitted to decline and the banks to average but twenty-two millions in their vaults for 1871, twenty and a half millions for 1872, and less than fifteen millions in 1875. The designation and approach of a fixed date had no effect to diminish the gold premium, which in March, 1870, with a store of $37,000,000 of gold in the national banks of New York, stood at 12¼ per cent., and in October, 1875, with $8,000,000 only in the same banks, ranged from 16⅛ to 17 per cent.

Resumption of specie payments after the war of 1812 was secured in this manner and mainly effected through the national United States Bank. It brought up the credit of the Government. The Government had issued what were called small Treasury notes to the amount of $4,142,850, which were receivable in payment of all duties and taxes laid by the United States and all public lands sold by their authority, all payments to the United States, and fundable in 7 per cent. stock, and there were outstanding of these and other Treasury notes thus receivable on the 1st of October, 1815, $16,205,101. Their market-price in 1815 varied from seventy-five to ninety cents on the dollar. Payments in bank paper were universally preferred during that period to payments in the paper of the Government. (See Treasury report, December 8, 1815.)

COMMERCIAL PANICS.

The opponents of a specie reserve for bank or Government currency cite the commercial panics that have occurred in this and other countries as disastrous evils resulting from basing paper money upon a promise to redeem it in coin. They overlook or conceal the well-attested fact that bank suspensions and commercial crises first manifest themselves in failure to pay out money of any kind, paper or coin. Merchants and their indorsers fail to pay their notes. Banks fail to pay depositors, not bill-holders.

The panic of 1873 was no different from prior panics; 1857 and 1873 were alike in cause, circumstance, course, and consummation. Jay Cooke & Co. in the one, the Ohio Life and Trust Company in the other, have made improvident and unavailable loans. Depositors' calls for funds cannot be met; accommodation from other banks cannot be obtained, for the securities are already hypothecated or inadequate; the bankers shut their doors in the face of depositors; the community is alarmed; depositors in other banks rush to the counters; checks, not bank-bills, are presented to the busy tellers for payment, and banks with least circulation and largest deposits are the first to succumb.

The weakest place in our banking system is the vast volume of deposit credits. They averaged for six months prior to May 31, 1875, in banks of all kinds other than national $1,331,989,366.39; in national banks, $695,347,677.70; total, $2,017,453,300.87. Every dollar of this was due on demand.

The outstanding circulation was less than one-sixth of this sum being only $324,136,459.

The law permits the $300,000,000 of United States notes required to be redeemed, if demanded, to be again re-issued as a bank note can be re-issued in place of a similar note redeemed. There is no danger, then, of an alarming contraction or that there will be insufficient currency.

The country has been kept in alarm by the opponents of specie resumption, who mistakenly charge that the panic of 1873 was the result of a contraction of the currency and assert that resumption will bring the same disaster. I have repeatedly shown the falsity. I procured the official figures, already submitted, to show the total amount of paper currency. The years 1870, 1871, and 1872 were regarded as the most prosperous of any after the close of the war, whether measured by the progress of production or the prices obtained. Yet in all those years, and for two years prior thereto, the amount of paper circulation was less than in December, 1873, or for any time since.

In December, 1868, the paper circulation was $750,000,000, fell to $744,000,000 in 1869, and by December, 1872, had risen to $752,000,000. In December, 1873, it was $24,000,000 higher, and in 1874, $29,000,000, and last December stood at $760,000,000.

But it may be said I have not included in this comparison the 7.30 notes. Those who charge the panic to contraction add to the legal paper circulation of 1865, which amounted to $938,476,019.62, the $830,000,000 7.30 interest-bearing notes, making the paper circulation, as they say, $1,768,000,000, from which subtracting the $752,000,000 outstanding January 1, 1873, they say that there was between 1865 and 1873 a contraction of $1,016,000,000. The answer to this is the whole reduction was made before December, 1868. The seven-thirties, being interest-bearing obligations, did not go into circulation, and being convertible into 5.20 bonds in three years, were at maturity retired and canceled.

There were, as shown by the Treasury books, outstanding—

July 1, 1868	$37,716,650
December 31, 1868	2,174,900

The answer is complete; the argument is irrefutable. The contraction of the paper circulation substantiallly ceased in 1868, and for five years thereafter remained at nearly the same figure during a period of seeming prosperity.

The amount of United States 7.30 Treasury notes (acts of June 30, 1864, and March 3, 1865) outstanding on the dates given below, is as follows:

December 31, 1864	$103,456,000
July 1, 1865	686,662,050
December 31, 1865	830,000,000
July 1, 1866	806,251,550
December 31, 1866	676,856,600
July 1, 1867	488,647,400
December 31, 1867	240,291,400
July 1, 1868	37,717,650
December 31, 1868	2,174,900
July 1, 1869	1,166,500

The panic and present depression in business arose from causes disconnected from the currency. The high prices, the unprofitable investments, the overproduction and diminished consumption of clothing, tools, implements, and manufactures in 1872 and previous years may have been aided but were not occasioned by previous currency inflation. The collapse of values was but the sudden and violent return to the normal standard of prices. It left speculators possessed of lands and goods and stocks on a falling market.

The facts and considerations I have presented prove that—

First. The saving to be effected by the substitution of United States notes for bank notes is a trifling amount, if not wholly imaginary.

Second. That no irredeemable paper currency has circulated in any country on a par with coin.

Third. That the depreciation of our paper currency is caused by its irredeemability and not by its redundancy.

Fourth. That coin should be accumulated for resumption by the banks as well as by the Government.

Fifth. That it is not unjust to the banks to require them to share with the Government the burden of accumulating the necessary coin reserve.

COINAGE OF GOLD AND SILVER.

Mr. PATTERSON. Mr. Speaker, a strong, athletic man in a stupor is a melancholy spectacle. Within him are all the elements of a healthful life and vigorous activity. He is great in person, strong in limb, and full of the crimson blood which should send the ruddy glow of health to the cheek. But instead of being thus, his eyes are glassy, his limbs are paralyzed, his body is supine, and the blood flows in sluggish streams to his extremities. He impresses us with the idea of death; death striking down a giant in the prime of his vigor and manhood. Our country presents as sad a spectacle. It is great in extent, wonderful in resources, and teeming with an energetic and intelligent population. Its line of seacoast is everywhere indented with magnificent harbors, its area is penetrated in every direction with navigable rivers, its surface is covered with a net-work of railroads, the tel-

egraph and canal are extended wherever commerce and convenience require them. With such a country prosperity and happiness should pervade its every hamlet and extend to its uttermost limits. Where but a few years ago all was bounding activity there is now a change. The sails of commerce are flapping idly in our harbors, vessels plying upon our rivers move without their accustomed cargoes, and trade and business fly crashing through the courts of bankruptcy. The spindles upon our streams are still, the fires in the furnaces are extinguished, the mines lie idle for want of profitable working, while a million of men who a few years ago were smiling in the sunshine of well-paid labor are now paupers with starving families or are outlawed tramps receiving the kicks and scoffs of their more fortunate fellows.

That this is no overdrawn picture every day's experience teaches us. The number of business failures to-day is greater than those of yesterday; to-day's sales of the products of the loom show a greater loss upon the cost of manufacture than those of the day before; each morning's paper heralds, "Another mill shut down and another thousand laborers thrown out of employment;" and we read of bread-riots and of the misery and starvation which impel honest men to become violators of the law.

Many causes are assigned for this deplorable condition in our affairs. Some assert it to be a necessary result, brought about by an inevitable re-action consequent upon the overproduction, overtrading, extravagant investment, and wild speculation begotten by the use of a superabundant and depreciated currency. Others declare it to be chargeable to the corruptions of public officials and their wasteful and extravagant expenditures of the public moneys; to vicious financial legislation, which has largely added to the public debt, lessened the capacity of the nation to meet its liabilities, and made capital timid and rendered it more safe and profitable to hoard money or to invest it in bonded securities than to strengthen industries and commerce by its use; to "reconstruction," which has reduced the South to extremest poverty, and in doing this has destroyed the market which had always been furnished by that section for the products of the capital and labor of the North. That all of these, each in a measure, have tended to produce these results, candid men of all parties will admit; but to my mind the destructive forces set in operation by the bad financial legislation of Congress since the close of the war have been more potential for the evil than all other causes combined.

During the present session the people have been rudely awakened to the fact that one of the precious metals, that of which our country is the largest producer in the world, has been stripped of its functions as money when coined, and reduced to a mere article of commerce, to be bought and sold in the market as so much wheat or pork. For centuries the civilized and semi-civilized nations of the earth have fashioned silver into money. In the land of sacred history we learn that the human weakness and human greed of Judas led him to receive the thirty pieces of silver as his price for the betrayal of his Master.

Nearly a century ago, after the bloody travail of seven years of war had ended and the statesmen of that period had assembled to construct a chart by which the new nation might be safely guided, they provided as money what the experience of the centuries had taught them would only serve the purpose. Coins of silver equally with those of gold were made the constitutional currency of the new Republic. From that period until 1873 silver as money has walked hand in hand with gold in all commercial transactions and upon the statute-books of the country. Through all our financial vicissitudes, through the wars with England and with Mexico, through the dark days of the rebellion, and when the bright days of victory came—in all those changeful and momentous times—silver money was by law the equal of gold; the one kind possessed no commercial power or function which was not equally the property of the other.

In the United States we have always had the double standard of gold and silver since 1792 and until 1873. When our money was established in 1792 Alexander Hamilton was Secretary of the Treasury, and he selected the Spanish silver dollar as the unit of that money. The relative value of the two metals, gold and silver, had substantially been settled for centuries, and the same relation, that of 1 to 15½, with but slight variation, has continued to exist between them until within a very short period of time. In 1792 the weight of pure silver in a dollar was fixed at 371 4/10 grains, and this weight of silver, so far as the dollar is concerned and except as to the quantity of alloy, has ever remained the same. The silver dollar was at this time also made a legal tender for all debts of whatsoever kind or character and whatever the amount. It was so made for transactions between citizens, between our own people and those of foreign countries, between the citizen and the Government, and between our Government and the other nations of the world. At that time every civilized nation upon the globe used the double standard of gold and silver, and it was impossible that any superior or additional power at the relative values established between the metals could have been legislated into one that was not given to the other.

In 1873 silver was suddenly demonetized. The measure was adopted by the House, apparently without knowledge of the fact, and certainly without investigation or debate. It is within legitimate deduction from established facts to assert that a committee of the House through its chairman, by means of a well-laid scheme, deceived the members of the House and perpetrated a stupendous swindle upon the people of the country. Sir, let us be ever so charitable in our judgment of the conduct of others, and yet the same conclusion would be reached. The scheme to effect this purpose was concealed in a bill to regulate the mints of the United States, reported from the Committee on Coinage, Weights, and Measures, through its chairman, Mr. Hooper. The record shows that this measure being before the House on motion of Mr. Hooper to suspend the rules and pass a substitute reported by him, the following took place:

Mr. HOLMAN. I suppose it is intended to have the bill read before it is put upon its passage.

The SPEAKER. The substitute will be read.

Mr. HOOPER. I hope not. It is a long bill, and *those who are interested in it are perfectly familiar with its provisions.*

Mr. KEER. The rules cannot be suspended so as to dispense with the reading of the bill.

The SPEAKER. They can be.

Mr. KEER. I want the House to understand that it is attempted to put through this bill without being read.

The SPEAKER. Does the gentleman from Massachusetts [Mr. Hooper] move that the reading of the bill be dispensed with?

Mr. HOOPER. I will so frame my motion to suspend the rules that it will dispense with the reading of the bill.

The SPEAKER. The gentleman from Massachusetts moves that the rules be suspended and that the bill pass, the reading thereof being dispensed with.

Mr. RANDALL. Cannot we have a division on that motion?

The SPEAKER. The motion to suspend the rules cannot be divided.

The motion of Mr. Hooper failed.

Mr. Hooper then moved that the rules be suspended and that the substitute for the bill be passed, and that the substitute be read.

The Clerk began to read the substitute.

Mr. BROOKS. Is that the original bill?

The SPEAKER. The motion of the gentleman from Massachusetts [Mr. Hooper] applies to the substitute, and that on which the House is called to act is being read.

Mr. BROOKS. As there is to be no debate, the only chance we have to know what we are doing is to have both the bill and the substitute read.

The SPEAKER. The motion of the gentleman from Massachusetts being to suspend the rules and pass the substitute, it gives no choice between the two bills. The House must either pass the substitute or none.

Mr. BROOKS. How can we choose between the original bill and the substitute unless we hear them both read?

The SPEAKER. The gentleman can vote "ay" or "no" on the question whether this substitute shall be passed.

Mr. BROOKS. I am very much in the habit of voting "no" when I do not know what is going on.

Mr. HOLMAN. Before the question is taken on suspending the rules and passing the bill, I hope the gentleman from Massachusetts will explain the leading changes made by this bill in the existing law, *especially in reference to the coinage.* It would seem that all the small coinage of the country is intended to be recoined.

Mr. HOOPER, of Massachusetts. This bill makes no change in the existing law in that regard. It does not require the recoinage of the small coins. On the contrary, I understand that the Secretary of the Treasury proposes to issue an order to stop the coinage of all the minor coins, as there is now a great abundance of them in the country. The salaries are not increased; they remain as they were.

Mr. HOLMAN. Is not the salary of the subtreasurer at New York increased?

Mr. HOOPER, of Massachusetts. No, sir; it is not increased.

Thus the House, lulled into security by the assurance of Mr. Hooper that the bill "made no change in the existing law, especially in reference to coinage," and after further questions, unimportant in themselves, were asked and answered, passed the measure under a suspension of the rules. It was impossible that debate should have taken place; even the explanations made were out of order, for the motion to suspend the rules acted as a gag upon all discussion. A more revolutionary measure, one more sinister in its design and more oppressive in its results, has not marked the history of legislation even in the revolutionary period of the past sixteen years.

Those most directly interested and benefited by the perpetration of this outrage are the holders of the bonded indebtedness of the United States. The men and the corporations whether in this country or elsewhere hoarding gold for speculation, and Great Britain, which through its colonies is the largest gold-producing nation on the earth, were also immensely interested and have received immeasurable benefits therefrom. The interests of these persons and countries were singularly interlaced. The one receives payment of his debt in money possessing a value which otherwise it would not have possessed, the others have received a price for the substance with which to coin the money they would not otherwise have received.

We will seek in vain for a substantial reason with which to support this iniquitous measure. Certainly it does not lie in the fact that the creditors of the nation had either a legal or an equitable right to demand that the bonds they held should be paid in the coin of one metal to the exclusion of the other. Although there are many men now upon the floor of this House who uphold the measure, or rather who denounce any attempt to restore the old order of things as "repudiation" and "dishonesty," no one has yet been so bold as to deny that the bonds as a contract call only for "coin;" and that when the contract was made the coin, as contemplated, was to be either of gold or silver at the option of the Government. Whether we refer to the acts of July 17 and August 5, 1861, or to those of February 25 and July 11, 1862, or to those of March, 1863, and June 30, 1864, or to any other of the acts or resolutions of Congress passed during the period when our obligations were incurred, it will be found that the only promise made by the Government or exacted by the creditor was that payment should be made in "dollars" or "coin" or "lawful money."

After the war, the people, beginning to feel the crushing burden of the debt, commenced to clamor through the press and at the hustings for the liquidation of that portion of the debt represented by the 5-20

bonds in the money with which *they* were paid for their labor, the legal-tender currency of the nation. The alarmed bondholders, having obtained the control of Congress in 1869, secured from that body what was termed a pledge of the good faith of the nation to its creditors. In that "pledge" they incorporated their own terms, dictated the language used to frame it, and in so doing they put in the most favorable light their own understanding of the obligations of the Government to them. That pledge, as found in sections 3693 and 3694, is as follows:

The faith of the United States is solemnly pledged to the payment in *coin* of all the obligations of the United States * * * and of all interest-bearing obligations of the United States. * * * The faith of the United States is also solemnly pledged to make provisions at the earliest practicable period for the redemption of the United States notes in *coin*. * * * The *coin* paid for duties on imported goods shall be set apart as a special fund, and shall be applied as follows:

First. To the payment in *coin* of the interest on the bonds and notes of the United States.

And then follows a few other provisions of an unimportant character.

While the standard silver dollar was worth as much—that is, would purchase as much—as the gold dollar, the bondholding creditors and the speculators in gold were satisfied with their contract. This was so at all times during the war, when the contract was entered into. It was so in 1869, when, fearing the money of the people, they exacted the "pledge" from Congress to make payment in coin. During these periods the cry was for "coin, coin," for nothing but "coin."

> And in his lap a mass of "coin" he told
> And turned upside down, to feed his eye
> And covetous desire with his huge treasury.

But suddenly this cry is changed, and the demand is made, and the pliant tools in Congress are found to so arrange the law as that silver is no longer money, and gold alone can be used to pay their bonds. It will be instructive in this connection to know the value of silver by the gold standard in the London market while these bonds were being sold and while their holders were being fortified by the "pledge" of Congress. We learn from reliable data that—

	Pence per ounce.
Between 1848 and 1856 the yearly average price was between	59¼ and 61½
Between 1862 and 1866 the yearly average price was between	62 and 61
Between 1867 and 1872 the yearly average price was between	61 and 60
In 1873 the yearly average was	59½
In 1874 the yearly average was	58 3-16
In 1875 the yearly average was	56¼

Thus we see that between 1862 and 1866, when the great bulk of the bonds were issued, silver was at its highest price. "Coin" was good enough then. Between 1867 and 1872 the average price had fallen but one pence per ounce; not enough to cause any alarm. Moreover, the bondholder was only anxious during this period to have the "pledge" enacted which rescued him from the legal-tender notes of the people. "Coin" was good enough then. In 1873, the price of silver having still declined, and the creditor class commencing to fear that they had avoided the Scylla of paper money to be ingulfed in the Charybdis of "coin," procured the passage of the demonetizing act, and in doing so exhibited in an intensified form the utter bad faith and relentless greed of this class of Government creditors.

> The lust of gold succeeds the lust of conquest;
> The lust of gold unfeeling and remorseless!
> The last corruption of degenerate man.

If gold had depreciated as has silver, these Shylocks would now be crying aloud for payment only in silver, and declaring it to be "so nominated in the bond." They would not have been without supporters. The same party that has ever legislated in their interests; that has given away to corporations an empire of the public lands containing more square miles than do the six New England States, together with the States of New York, New Jersey, Pennsylvania, Delaware, Maryland, Ohio, and Indiana; the party that is swiftly and certainly raising up in our country an aristocracy based upon money, to grind into the earth the men who labor; the party that is gradually blotting out all vestiges of the Federal Union and replacing it through fraud and the bayonet with a consolidated despotism, would be found seconding their demands and denouncing all opposition to them as repudiation and a violation of the nation's plighted faith.

Why should the power and the value of silver have been thus stricken down by an American Congress? Every reason was against it. The act has abridged the present and the future quantity of our circulating medium and put upon the country, with or without resumption, the burden of a scanty metallic circulation. It has postponed the resumption of specie payment indefinitely by eliminating from the amount of money which might be coined for that purpose annually $50,000,000. It has added at least $200,000,000 to the mountain of debt which is now crushing out the vitality of the people. It has reduced the value of the silver product of the country fully 20 per cent., and thus swept away over $10,000,000 annually from the wealth of the country. It was one of the most potential causes in inaugurating the present business stagnation, and assures its continuance with many increasing evils. It has produced a suspension of mining operations in many of our most productive silver districts, because the reduction of 20 per cent. in the value of silver represents the net profits made by the working of the great majority of the mines. It was done, too, at a time when we had commenced to produce silver more largely in the United States than in all other countries combined. With gold it was otherwise. Of the $118,000,000 annual product of that metal but $26,000,000 were produced in the United States. The first is properly an American product, the latter is European.

It was to the interest of foreign nations to foster gold; it was the duty of the United States to protect its silver. England and Germany, both the great creditor nations of the world, the former producing more gold than all the world besides, demonetized silver that the gold in their vaults might bring the better price and the debtor nations be compelled to pay them greater tribute. It is computed that when the act of 1873 was passed, England, France, and Germany combined did not possess over $200,000,000 in gold; since then they have hoarded, until to-day they have in their banks not less than $700,000,000, or one-fourth of the entire stock of gold coin available for use in the commercial world. Is it any wonder that gold is every day becoming more costly and difficult to obtain? In 1873 we were as now, enormously involved in national, State, and municipal indebtedness. Five billion five hundred million dollars is not too high an estimate of this mountain of debt. Its amount represents within a fraction the entire amount of gold and silver coin in the world.

What a commentary are these facts upon the mad folly of our legislators! At one blow half the money of the world is taken from circulation and made merchandise, and the Government must sell its silver in the very worst market ever offered for that metal that it may purchase gold in the very dearest market with which to pay its debts. At the command of the moneyed powers of the world America has been unamericanized and our commerce, productions, and labor have been placed under tribute to foreign nations

With the silver standard alone in Russia, Austria, China, and the Indies; with the double standard of gold and silver in France, Belgium, Italy, Switzerland, the Netherlands, Portugal, and Spain, there was neither necessity nor excuse for following in the wake of England and Germany in their repudiation of silver and the enthronement of gold alone as king.

The duty of Congress in its dealings with this question is plain. Self-preservation, good faith with the people, and good business principles alike demand that this false financial step should be retraced. Silver should be restored to its standard as money. The silver dollar, which from 1792 to 1873 was of the constitutional currency of the nation, should be sufficiently good to meet all of our indebtedness contracted before the latter period, except where it may be expressly stipulated otherwise. When this act of simple justice is proposed, the cry of "repudiation" goes up. Members upon this floor have characterized it as "monstrous in the extreme." British creditors and their organs prate of it as "the grossest breach of national faith that could be invented." England, in her paternal care of her own people, deals more wisely with her colonies than she would have the American Congress deal with its own people.

The decline in silver and the causes which led to it have produced discussion and investigation in the British House of Commons. Growing out of this discussion a committee on the depreciation of silver was recently appointed by that body; and in a report lately made by it, which is pronounced a most able document and as abounding in great information and research, the committee gives its views upon the question in most clear and concise language. The London Economist most heartily commends this report, and from an extract which I will here read it will clearly appear that England would not pursue the same course nor advise the same action on the part of her colonies, whose interests it is her interest to protect, as she does to the countries whose people she desires to pluck. In speaking of India and its relations to silver money in the present crisis, the committee say:

No competent person can propose a demonetization of silver in India, and a substitution of gold for it, just at a moment when the price of silver has been thrust down by so strong an apprehension caused by such peculiar circumstances. It would be to require the Indian government to buy the largest sum of money ever bought in the dearest market for gold and to dispose of the largest amount of silver in the cheapest market for silver which ever existed. The present financial position of the Indian government is no doubt impaired by this sudden depreciation of the metal in which it receives its revenue; but the remedy for a minor deficit would bring in, in lieu of it, a deficit of the first magnitude; it would be nothing else but financial ruin.

Again, no one would propose to arrest coining silver in the East as a remedy for such a state of things, for this would only disorder the silver market still further. It would add a new political difficulty to those previous political difficulties which have caused so much disturbance, and so make the existing confusion far worse than before. Nor can it be maintained that the Indian government should now require the ryot, whose rent has been formerly fixed in silver, to pay either in gold itself or in so much more silver as would purchase the same quantity of gold as that fixed rent would have purchased when the settlement was made. If silver in India had become depreciated as against commodities in general, it might have been possible to say to the ryot, "You are selling your commodities for more silver, and therefore it is not unfair to ask you to pay us, the Government, a proportionate amount more." Even then the ryot would have been probably discontented; he would have said, "If prices had gone down the Government would never have let me off, and it is not fair that they should take the benefit of good times when they leave me the misfortune of hard times."

I may add in passing that the "ryot" is the Hindostan farmer, the tiller of the soil, the prototype of the American farmer.

If the committee had been writing of the United States in 1873, and had advised us as truthfully then concerning the silver problem as it does its colony now, the legislation of that year would never have been enacted. Let me change in this extract but the name of the country and a few other unimportant words, and, as we read it again, its full application to our then condition and the clearness with which

it points out our duty will astonish the members of this House. It would read:

No competent person can propose a demonetization of silver in America and a substitution of gold for it just at a moment when the price of silver has been thrust down by so strong an apprehension caused by such peculiar circumstances. *It would be to require the American Government to buy the largest sum of money ever bought in the dearest market for gold, and to dispose of the largest amount of silver in the cheapest market for silver which ever existed.* * * * No one would propose to arrest coining silver in America as a remedy for such a state of things, for this would only disorder the silver market still further. It would add a new political difficulty to those previous political difficulties which have caused so much disturbance, and so make the existing confusion far worse than before. Nor can it be maintained that the American Congress should now require the Government, whose liability upon the bonds has been formerly fixed in silver equally with gold, to pay either in gold alone or in so much more silver as would purchase the same quantity of gold as the sum named in bonds when the contract was made.

If our own statesmen, wise upon the subject of finance, cannot direct legislation by their councils so that American interests will be protected in the financial maelstrom now sweeping over the commercial world, let us turn to England, whose statesmen are always sound when their own prosperity is in the balance, that we may profit by her maternal care and wisdom.

That the measure now under consideration will also solve the problem of a return to specie payments I cannot doubt. The best writers upon the subject of finance, giving expression to the experience of centuries, agree that with an amount of coin in the Treasury equal to one-third of the outstanding legal-tender notes, and with a like proportion of coin to national-bank notes in the possession of the banks, the redemption of all such notes may be commenced with safety. I can think of no good reason why the coin notes provided for in the first section of this bill should be subject to a different rule. For every dollar of such notes issued by the Government there would be deposited with the Government a dollar in gold or silver. These notes being redeemable promptly upon presentation and possessing the power of paying duties upon imports, all forms of excise tax, in short, as expressed in the bill, being "receivable without limit for all dues to the United States," would at once be subject to the same commercial law which controls the circulation and redemption of the legal-tender and national-bank notes of the country. If one-third in amount of coin will answer to successfully resume the payment of our present paper money, a like amount in fine bars or coin will assuredly answer to meet payment of the coin notes as they may be presented. By this method alone a large reserve of coin available for resumption would soon be accumulated, and much earlier than the most sanguine now anticipates would the equality in value of coin and paper be brought about, and the Government commence to pay over its counter the coin in exchange for its paper promises.

While this measure of justice, both to the people and the bondholders, will bring substantial benefits to the country at large, it will bear upon its wings healing and relief, particularly to the sections of our land producing the precious metals. Mines which are now idle because the profits of their operation have been legislated out of existence will once more yield to the business world their precious contents. Mines which for like reasons are now feebly worked would soon be moved by that vigorous life which produced the prosperity now departed. Low-grade ores would be taken from the dump, mines producing low-grade ores would be brought into the market, reduction, milling, and mining machinery would be brought into demand, and thousands of mining laborers now poorly paid or out of employment would be made happy by constant and remunerative work.

Although I cordially favor the general purposes of this bill in its dealings with the silver products of the country, in behalf of our great central mining region, not only of my own State but also of Montana, Arizona, New Mexico, Utah, and Wyoming, I earnestly protest against the injustice of restricting the places where bullion may be deposited and coin notes issued to the mints and assay offices of the Atlantic and Pacific coasts. I am aware that the bill as introduced did not disregard their claims and advantages, and that the committee uninfluenced would not have ignored this whole Rocky Mountain region by excluding the mint at Denver from the list of mints of deposit and issue. I also understand that the antagonism to our section has come from high quarters, the late head of the Treasury Department, and also from the Director of the Mint. The motives of these gentlemen it is not my province to question, but their judgment and sense of justice I most earnestly condemn. In the end, it is for Congress to say whether this wrong shall be carried into execution.

By the amendment which I offer it is proposed to place the mint at Denver, so far as the purposes of the bill are concerned, upon the same footing with the mints and assay offices at San Francisco, Carson City, Philadelphia, and New York. Why should it not be done? The interests of a larger area of bullion-producing territory than that tributary to either of the other points demand it. As great a mining population is to be benefited, and in amount of the precious metals produced the territory tributary to but one of the other points excels it. The topographical and geographical situation of Denver, its centrality to the mining sections of the Rocky Mountain region with reference to its railroad system, developed, completed, and under construction, establish the fact that the mint at Denver is an economical and essential element in the system proposed by the bill.

Arizona and New Mexico adjoining Colorado on the south, Wyoming and Montana to the north, and Utah on its west, by nature and the skill and energy of man, have become tributary to it in all their mining interests, and with the right of the mint at Denver to issue the coin-notes in exchange for bullion, the precious metals of these Territories would find their way to that mint as naturally as water in the rivers finds its way to the ocean.

The mistake under which many members seem to labor is that silver is alone produced from the Nevada mines and that gold can only be found in the mountains and gulches of California. Over $70,000,000 in gold and silver bullion have already been deposited in the United States Mint from Colorado and the five Territories I have named, and this is but a fraction of the amount actually produced. The amount of bullion produced in the same area last year is estimated at over $16,000,000, and the most competent judges estimate the yield of the mines in the same area for the present year at upward of $20,000,000.

Colorado alone produces bullion enough to entitle it to the privileges through the mint granted to Carson City and San Francisco. In 1875 the amount it produced did not fall short of $7,000,000, and the present year will bring it up to nine millions at least. These are the figures of sober truth. They represent the wealth actually extracted from the mountains and gulches of Colorado by the power of powder, the drill, the shovel, and the pan. If we might give credence to the stories of fabulous wealth which every letter and paper brings from the new mines in the San Juan, Uncompagre, Park, Lake, Summit, Clear Creek, Gilpin, Boulder, and Grand districts, the light of California and Nevada wealth would pale before its refulgent splendor. While these stories are received with caution as the outgrowth of the enthusiasm of prospectors and miners, who are hourly making new discoveries of the metallic wealth of the country which they are engaged in developing, yet I firmly believe they are but foretelling what will ultimately be found to be the truth, that in Colorado alone there are a greater number and richer mines of gold and silver than exist in any other like area of territory upon the continent.

Then why should Congress with one giant stride step over this vast empire of wealth in dispensing its benefits? Why should it and its people be ignored at the suggestions of a Secretary of the Treasury or a Director of the Mint? Why should the capabilities and advantages of such a vast area of auriferous and argentiferous territory be overlooked in the effort of Congress to utilize the products of the gold and silver mines of the country? Sir, it is to be hoped that not only the Atlantic and Pacific coasts will receive the benefits of this act, but that Colorado and her five territorial sisters will be thought worthy of like favors. It is their right; their right by position, by population, by mineral wealth, and by the grand results accomplished by the enterprise, energy, patience, and bravery of their people. Denver is the true *entrepôt* of all this section. Its seven lines of railway reaching out their arms fraternally in all directions and connecting with the great trunk lines of the continent; its banking facilities and extended commercial relations; its wealth and enterprise and geographical position at once establish it as the market for their bullion under the wise and beneficent provisions of the bill as I trust it may be amended.

PROCEEDS OF PUBLIC LANDS FOR EDUCATIONAL PURPOSES.

Mr. BLAIR addressed the House upon the bill (H. R. No. 748) to apply the proceeds of the sales of public lands to the education of the people. [His speech will appear in the Appendix.]

APPROPRIATIONS.

Mr. PAGE addressed the House upon the subject of appropriations. [His speech will appear in the Appendix.]

STATUTES OF LIMITATIONS IN RELATION TO PENSIONS.

Mr. MAISH. Mr. Speaker, an error repeatedly asserted during a long course of years without contradiction is apt to acquire the force and dignity of truth. Many legal and political fallacies have of late years gained currency by mere acquiescence. Our pension laws afford a striking illustration of this fact.

Attention has already been called to the extraordinary views entertained by gentlemen on the other side of the House upon the subject of pensions. So long had they prevailed in the councils of the country that great surprise was exhibited when first they were combated by my colleague, [Mr. JENKS.] Although the old doctrines were stoutly re-asserted, it was very apparent that uneasiness was felt when their soundness was questioned. They stood somewhat staggered at the presence of truth.

Pensions have been declared to be mere gratuities. A gratuity is a voluntary gift, the payment of which may be made or withheld at the pleasure of the donor. This, it is maintained, is the character of the pensions provided by the Government for the invalid soldiers and sailors and those who were dependent on the brave men who fell in the cause of their country. The gentleman from Illinois [Mr. HURLBUT] put his proposition in such pointed and unequivocal language that I will, in justice to him and the subject, quote a part of his remarks.

First, sir, I desire gentlemen to consider here that there is not and cannot be any such thing as a vested right, a commercial transaction between the country and those who are the recipients of its bounty. Every nation has the right inherently to command the services of its citizens just whenever it calls for them, to call for their lives, to demand their money; and the measure of the citizen's duty is only limited by the necessities of the country. There is no contract of dollars and cents in that. So whoever may render service in a military capacity to the nation simply

does his plain, unmistakable, undeniable duty, and whatever reward the nation may give him for having done that duty is in the line of free gift and grace, and not in the line of contract. And until this time I never heard any man talk of any such thing as a contract between the soldier and the nation giving him the right to a pension.

This is a fair exponent of the sentiments expressed by the gentleman alluded to, and as they were allowed to be uttered unchallenged on that side of the House it is fair to say they are also the sentiments of the republican party. It is manifest, too, that these views have prevailed in the party that shaped the legislation on this subject for the past twelve years, for the laws during that period are filled with injustice to the pensioners of the Government.

My colleague, the chairman of the Committee on Invalid Pensions, Mr. JENKS, has successfully shown the fallacy of these propositions in an able speech delivered by him in this House some time ago, and he has left very little to be said on the subject.

There are pensions that may properly be denominated gratuitous pensions, but they are such as are provided by laws enacted after the service was rendered and had not been promised prior to enlistment. Pensions of this kind, however, constitute a small part of those now in force, and they do not come within the range of my inquiry.

A pension promised at or before the time the soldier entered the service is a part of the consideration upon which the contract of service is based. It is an obligation which the Government cannot honestly disregard without the consent of the party coming within the provisions of the promise, and is in all respects as sacred and binding as the obligation to pay the bonds issued to those who loaned their money to carry on the war. To disregard the debt of the one would be repudiation as much as to disregard the debt of the other.

The Government declared to its volunteers of the late war that, "If you enter the Army and become disabled in the service you shall be provided with a pension; and in the event of your death in such service, your widow and minor children shall be pensioned; and should you leave neither widow nor minor children, then your dependent mother or minor sister shall receive a pension." The person who comes within the benefit of such enactments can demand his or her pension as a right, and need not to supplicate it as a favor.

As early as 1837 Attorney-General Butler held that a pension was a vested interest, accruing on the passage of the law; and in 1850 it was held by Secretary Stuart that when pensions were promised by prior enactments, to use his own language, "they partook of the nature of the consideration of a contract."

Such were the views held by our statesmen in former days. It was reserved for statesmen of the republican party to maintain different doctrines.

True to the principles enunciated by the gentleman from Iowa, [Mr. KASSON,] that "every pensioner is constantly at the discretion of his Government as to the amount of his compensation and as to the continuance of his pension," the laws enacted since July 14, 1862, have been a tissue of wrong and injustice. The party then predominant varied, limited, and abolished them at their discretion, forgetting or knowingly disregarding the rights of the pensioners.

A brief review of the laws enacted since the war will prove the truth of my statements.

The first law enacted on the subject of pensions during the late war was the act of July 22, 1861. Those who enlisted and were wounded or disabled in the service prior to that time, it might be urged, were not, as a matter of right, entitled to a pension. It was, however, very properly held by Attorney-General Bates that the volunteers called into service for three months, in pursuance of the President's proclamation of April 15, 1861, and disabled by "known wounds," were entitled to pension under the act of August 2, 1813. Volunteers who enlisted for three years, or during the war, under the President's proclamation of May 3, 1861, and under the act of July 22, 1861, and were wounded and disabled in the service, were entitled to pensions under the act of March 16, 1802. The act of August 2, 1813, under which the three months' troops wounded in service were entitled to pension, extended the provisions of the act of April 10, 1806, to "all officers and soldiers who were disabled by known wounds received in the actual service of the United States," and the fourth section of the act of April 10, 1806, among other things, provided "that the pension shall commence on the day when the claimant shall have completed his testimony."

The act of July 22, 1861, merely provides that any volunteer who may be received into the service of the United States under that act, and who may be wounded or otherwise disabled in the service, shall be entitled to the benefits which have been or may be conferred on persons disabled in the *regular service*.

As before stated, these invalids came within the benefits of the act of March 16, 1802. This act provides—

> That if any officer, non-commissioned officer, musician, or private in the corps comprising the peace establishment of the United States shall be disabled by wounds, or otherwise, while in the line of his duty in public service, he shall be placed on the list of invalids of the United States, at such rate of pay, and under such regulations, as may be directed by the President for the time being.

I have shown that up to this period our disabled and wounded volunteers during the late war had a clear right to pensions under laws existing at the time of their enlistment.

Next followed the important act of July 14, 1862. Its provisions were more liberal than any former acts relating to pensions. It granted pensions not only to the invalid soldiers of the war for the Union, but also to the widows and orphan children of those who died from wounds received or disease contracted in the service, and also, under certain circumstances, to the dependent mother and minor sister of deceased soldiers.

The first section contains a statement of the persons entitled under the law to pensions, in which are also included regulars, and specifies the amount to be paid. The second, third, and fourth sections contain the provisions in reference to the widow, children, mother, and sisters. They provide substantially as follows:

Any person named in the first section of the act dying after the 4th day of March, 1861, by reason of wounds received or disease contracted in the service of the United States, his widow, and if there shall be no widow, his child or children under sixteen years of age shall be entitled to receive a pension, commencing from his death and continuing for the widow during life or widowhood, and for the child until it arrives at the age of sixteen years; such person dying without leaving a widow or children, but a mother, or if no mother, a sister dependent upon him, she shall be entitled to receive a pension, commencing as before, and continuing, for the mother, during her life, or so long as she shall remain unmarried, and for the sister until she arrives at the age of sixteen years.

The fifth section provides that pensions granted to persons employed in the service "shall commence on the day of the discharge of such persons in all cases in which the application for such provisions is filed within one year after the date of said discharge; and in cases in which the application is not filed during said year, pensions granted to persons employed as aforesaid shall commence on the day of the filing of the application."

This is the only limitation respecting the time for making the application that occurs in the act, and it applies only to persons *employed in the service*. Consequently the act allows the widow, children, mother, and sisters to make their applications at any time, their pensions commencing and terminating as already stated.

Although Attorney-General Bates held that volunteers who enlisted under the act of July 22, 1861, were entitled to pensions under the act of March 16, 1802, it must be borne in mind that his opinion was given before the law of July 14, 1862, was enacted. Since the act of July 22, 1861, provided that volunteers enlisting under it "shall be entitled to the benefits which have been *or may be conferred* on persons disabled in the regular service," these invalids, I think, may claim the benefits of the act of July 14, 1862, embracing, as it does, persons disabled in the regular service.

We have, therefore, up to this period, and until the next law affecting the subject, the three months' men entitled to pensions for wounds received in actual service, commencing from the time the testimony is completed; those enlisting under the act of July 22, 1861, entitled to pensions under the act of July 14, 1862, which provides that pensions under it shall commence on the day of the soldier's discharge if application is made within a year thereafter, otherwise commencing from the date of the application; those enlisting under the act of July 14, 1862, of course come within the restrictions just mentioned, and the dependent relatives of the deceased soldier are subject to no limitations as to the time for making the application.

Thus stood the law until the act of July 4, 1864, was enacted, covering nearly the entire period of the rebellion. Nearly all of our great battles had been fought, and consequently nearly all the invalids and pensioners made. The provisions above stated are therefore the conditions under which nearly all our soldiers entered the service of their country, and they constitute the terms of the contract under which they rendered the service.

Now, in view of these solemn obligations on the part of the Government, I purpose calling attention to certain statutes of limitation that were afterward enacted.

The first attempt to circumscribe the operation of the former laws was made by the sixth section of the act of July 4, 1864, and it provides as follows:

> No pension claim now on file, unless prosecuted to successful issue within three years from the passage of this act, and no claim hereafter filed not thus prosecuted to successful issue within five years from the date of such filing, shall be admitted without satisfactory record evidence from the War Department to establish the same, and in every case in which a claim for pension shall have been filed for more than three years after the discharge or decease of the party on whose account the claim is made, the pension, if allowed, shall commence from the date of filing the last paper in said case by the party presenting the same.

This section was expressly saved in the act of June 6, 1866.

What was a mere fact one day became a precedent the next, and formed an excuse for still further encroachments upon the rights of those entitled to pensions.

On July 27, 1868, the following was enacted, it being the sixth section of the act of that date, namely:

> That all pensions which have been granted in consequence of death occurring, or disease contracted, or wounds received since the 4th day of March, 1861, or that may hereafter be granted, shall commence from the discharge or from the death of the person on whose account the pension has been or shall hereafter be granted: *Provided*, That the application for such pension has been or shall hereafter be filed with the Commissioner of Pensions within five years after the right thereto shall have accrued.

The section following this one charges the Commissioner of Pensions with the duty of giving immediate public notice of the contents of the above section, "particularly (to use the language of the section) at the offices of the several pension agencies." It will be ob-

served this section includes pensions that had been granted, and, therefore, it restores to all such persons as its retroactive provisions would reach, the arrears of pensions excluded by the act of 1864. It may be interesting to note that this partial restoration of the rights of pensioners was made upon the eve of a presidential election. The reason for this sudden and active generosity, after such a long period of apathy, therefore becomes manifest. It is natural for man to feel grateful even to those who only give what they wrongfully withhold, provided they make the restitution graciously and quickly after they have resolved to do it.

We finally come to the law now in force, contained in the Revised Statutes. The section to which attention is invited is the following:

SEC. 4709. All pensions which have been, or which may hereafter be, granted in consequence of death occurring from a cause which originated in the service since the 4th day of March, 1861, or in consequence of wounds or injuries received or disease contracted since that date, shall commence from the death or discharge of the person on whose account the claim has been or is hereafter granted, or from the termination of the right of party having prior title to such pension; provided the application for such pension has been or is hereafter filed with the Commissioner of Pensions within five years after the right thereto has accrued; otherwise the pension shall commence from the date of filing the last evidence necessary to establish the same. But the limitation herein prescribed shall not apply to claims by or in behalf of insane persons and children under sixteen years.

This section became a law in March, 1873, and is in effect the same as the one contained in the act of July, 1868. It restored a part of the pensions excluded by preceding limitations and enlarged the barriers a few years more.

Here we have a series of enactments based upon the erroneous notion that pensions are only gratuities, and they are, as a natural result, harassing to claimants, unjust, and in some respects, wholly destructive of vested rights. They impose hard conditions; in some instances they make the commencement of the pension depend upon the efficiency of the Pension Office, cut off arbitrarily a portion of the pensions, and increase the degree of proof necessary to establish the claim.

A meritorious claimant who postponed making application during his country's dire need is made by them to suffer for his patriotic conduct. He who declined to make his applicatian while his circumstances required no such aid, but applied when poverty had overtaken him, found that his country's laws are as cold as charity itself. Disease and wounds do not always reach a crisis in a day. They are often slow in developing. The soldier wounded or diseased in service may defer applying for his pension in the hope that he may be restored to health before the pension would be granted. Such a one when he finally must apply probably will be rewarded for his praiseworthy waiting by the loss of all the arrears of his pension.

There was no necessity for legislating against this class of persons. The provisions complained of do not promote honest nor prevent dishonest claims. It must be borne in mind that, though the evidence is *ex parte*, it nevertheless must satisfy the Government; in other words, the debtor. It is sometimes urged that these laws were enacted to hasten the presentation of claims, in order to enable the Government more easily to determine them. This, I maintain, is not a good reason, and entirely inadequate for the wrong and injustice they produced. The evidence in these cases must be legal evidence. By no other means can a pension claim be established. The applicant alone is inconvenienced by procrastination. Evidence depending upon the memory of men is rendered more and more uncertain by lapse of time. The witness may have forgotton the facts once known to him; it may be impossible to find him or he may have died; and therefore the longer the claimant neglects to make his application the more difficult it will be for him to establish his claim. It would have been better for the Government and more just to the pensioner to have allowed the interests and motives of the claimant to prevail without legislative interference.

The reasons given in the Federalist in support of the clause in the Constitution forbidding the enactment of laws impairing the obligation of contracts are strikingly applicable to the statutes in question:

The sober people of America are weary of the fluctuating policy which has directed the public councils. They have seen with regret and indignation that sudden changes and legislative interferences in cases affecting personal rights became jobs in the hands of enterprising and influential speculators and snares to the more industrious and less-informed part of the community. They have seen, too, that one legislative interference is but the first link in a long chain of repetitions, every subsequent interference being naturally provoked by the effects of the preceding.

At common law lapse of time in no case constituted a bar to the recovery of any right. Statutes of limitation, however, have generally obtained in this country, and they have been held to be constitutional, even as applied to cases where the cause of action had already accrued, provided the opportunity to sue and recover was not destroyed. The courts have taken the view that such statutes do not impair the obligations of contracts, but affect the remedy only. We do not question the wisdom of these decisions, but even such laws we think are rather unfriendly to be applied by friendly hands to the soldiers. What we object to particularly is that the statutes under consideration have transcended these established limits.

Judge Cooley, in his work on Constitutional Limitations, has so clearly set forth the line of demarkation that I cannot do better than quote his language. He says:

All statutes of limitation must proceed on the idea that the party has full opportunity afforded him to try his rights in the courts. A statute could not bar the existing right of claimants without affording this opportunity. If it should attempt to do so it would not be a statute of limitations, but an unlawful attempt to extinguish rights arbitrarily, whatever might be the purport of its provisions.

The provision requiring after a stated period "satisfactory record evidence from the War Department" is also derogatory of the contract, and is therefore obnoxious to the objections urged against the other provisions.

Justice Story, in his Commentary on the Constitution, observes on this point:

Whether the law affects the validity, the construction, the duration, the discharge, or *the evidence* of the contract, it impairs its obligation.

Now, if it can be shown that these statutes deprive the pensioner or claimant of any part of his pension beyond the power of recovery on his part, or so change the degree of evidence as to render him unable to recover, then I imagine it will not be denied that they are grossly unjust and arbitrary; a downright usurpation.

The sixth section of the act of July 4, 1864, required all pensions to be prosecuted to successful issue in three years in cases where they were already filed, and in five years in cases where the claim was subsequently filed, in order to be admitted without record evidence from the War Department. When no such record evidence existed, it was an effectual bar to the further prosecution of the claim. It in effect put the rights of the claimants in the power of the Pension Office, and made the success of the claim depend upon the dispatch of that office. The claimant's promptness helped nothing. The claim would, "like a wounded snake, drag its slow length along," until the three or five years had elapsed, and then, if through the ignorance or neglect of our inexperienced volunteer officers, or by accident, the record of the disability or death of the soldier was omitted, as was often the case during the early part of the war, the claim was completely barred

The legislators who framed the act of 1873 must have been conscious of the injustice of this feature of the section just commented on, for they incorporated a provision in that act which permits claimants whose claim would be barred to present evidence through the Pension Office to the Adjutant-General of the Army or the Surgeon-General of the Navy to remove the bar. It requires them to prove "that the disease or injury which resulted in the disability or death of the person on whose account the claim is made originated in the service and in the line of duty; and if such evidence is deemed satisfactory by the officer to whom it may be submitted, he shall cause a record of the fact so proved to be made and a copy of the same to be transmitted to the Commissioner of Pensions, and the bar to the prosecution of the claim shall thereby be removed."

This piece of tardy justice, however, did not atone for the wrong and injustice that was wrought by the act of July, 1864. It did not restore the rights of the thousands of just claimants who died between July, 1864, and March, 1873, who were excluded by the act. It did not alleviate the sufferings of those of that class that pinching poverty brought to your door.

The number of persons affected by this part of the section it would be difficult to determine. Those who had filed their claims several years before the enactment of the law had some chance of escaping the bar. Those, however, who had filed their claims recently before would not be in as good a position as those who had filed theirs within a short time afterward. The first would only have as much more than three years' grace as his claim was filed prior to the act, while the second would only have as much less than five years as his claim was filed subsequent to the act. The difference of a day in filing the application before or after the enactment of the law made a difference of two years in the prescribed limitation. This inequality adds only another proof of the injustice of this provision.

The same section declares further that claims filed for more than three years after the discharge of the claimant shall commence from the date of filing the last testimony. If the time consumed in considering the claim exceeded three years, which was nearly always the case, the pensioner was deprived of just so many years of pension as it took to adjudicate the claim; for, as has already been observed, in that event the time for the commencement of the pension was transferred from the filing of the application to the completion of the testimony.

This provision cut off absolutely three years' pension, and as much more as it took to consider the claim, from all invalids who were discharged between May 3 and July 4, 1861, and all who were discharged subsequently who had not heard of the act and had not reasonable time to make the application within the required three years. In these cases it was impossible for the parties to comply with the requirements of the act.

Those who were discharged in the early part of the war fared little better. Although they promptly filed their claims, they could not get them allowed in the short time remaining to complete the three years. Most of the invalid soldiers discharged during the Peninsular and Maryland campaigns I imagine lost three years of their pensions by the operation of this act.

Respecting the claims of the dependent relatives of the deceased soldier, this provision of the section operated still more unjustly. Claims in such case began on the decease of the soldier on whose account the claim was filed. Where a soldier died three years before the act of July 4, 1864, leaving dependent relatives entitled to pensions, they were absolutely deprived of the amount of pension aggregated between the death of the soldier and the allowance of the claim. This is also true of all such dependent relatives as had not reasonable time for making application. This, doubtless, embraced

many claimants, for battles had been fought in Western Virginia, and the relatives of those who fell at the first battle of Bull Run certainly could not avail themselves of the act, even supposing the Pension Office had used the utmost dispatch.

The act of 1868, as was before remarked, had the effect to restore arrears of pension to such as were fortunate enough to come within the reach of its provisions. Those whose rights to pensions accrued before 1863, and had not filed their applications, were left without means to recover the arrears to which they were entitled. It also enlarged the time in which application could be made, without subjecting the claimant to the loss caused by the limitation. As the rebellion closed in April, 1865, few, I imagine, could avail themselves of its benefits, for at the time the act was passed the five years had virtually elapsed.

The act of 1873 is similar in its terms, and, having been enacted nearly eight years after the war, it could hardly have been designed to apply to soldiers who served at that time, because it expressly provides that application shall be made within five years after the right to the pension shall have accrued, and the act defines that the right, except in certain cases, accrued either at the discharge of the invalid or the death of the soldier on whose account the claim is filed.

A remarkable fact in these laws is that the pensioner's right was made to depend upon the time consumed in the consideration of the claim. It is a novel principle in the jurisprudence of the country, and it was passing strange that the experiment was made upon our brave defenders. Was it intended to punish claimants for neglecting punctually to supply the evidence demanded by the Pension Office? This is hardly possible; for it will not be pretended that claimants, eager to get their pensions, would delay furnishing the evidence. Even if they did, there would be no harm to the Government; but when we remember that the delays were always caused in the Pension Office, this feature of the law assumes a serious aspect to those whose rights are affected.

Sloth has been the bane of the Pension Office for many years. Claims were allowed to slumber there from five to ten years, and even longer, before being allowed.

Incapacity and gross irregularities, not to say crimes, were suffered in its management and were the principal causes of the evils existing in the Office. Investigation would have developed the fact that as early as 1864, when the first of these limitation laws was enacted, the claims then already pending in the Pension Office numbered about thirty thousand, and they continued to accumulate until in June, 1874, they reached the enormous figure of 66,700. Under these circumstances few, if any, of the claims could be reached in their regular order, much less completed, within the five years prescribed for their successful prosecution.

In addition to this the office was prostituted to political purposes. Clerks were removed by the hundred to give place to partisan favorites. We have the authority of the Committee on Invalid Pensions for stating that between March, 1875, and February, 1876, one hundred and twenty-eight were removed in this manner to give place to ninety-six new appointees. This has been done to a considerable extent at the commencement of every new Congress; the new members requiring their favorites to be put in the positions of those of the old members whom they succeeded. And this Department seems to have been made the foster-home of these congressional *protégés*. Newspaper correspondents were carried on the roll of the Office for years, received their regular pay, and performed no service for the Government whatever. It was the custom of the Office, as the late Commissioner Atkinson testified before the Committee on Invalid Pensions, to detail employés of this Office to act as clerks to the republican congressional committee. They were paid out of the invalid pension fund and rendered no service, and only appeared at the Office to draw their monthly salary.

Such a diversion of the pension fund is a crime punished by the laws of the country with fine and imprisonment, and yet it has been connived at and confessed by the heads of this Office.

Commissioner Baker in March, 1874, in replying to charges against him, made the following statement to the Committee on Invalid Pensions of the House in reference to the cases of a certain Mrs. Barnard and R. J. Hinton. In speaking of Mrs. Barnard he says:

> She was appointed a copyist in the Pension Office July 1, 1871, as from the first district of Illinois. She never reported to the Pension Office for duty. The determination of several copyists, who were found to be fully able to appear at the Office for the discharge of duty, (Mrs. Barnard being of the number,) to do their work out of the Office, which was discovered simply to be a means of evading the performance of any duty whatever, necessitated the issuing of an order requiring all such persons to report at the desk for duty. This order was duly served on Mrs. Barnard. She never observed it. She was not, however, with my knowledge or consent, or that of the Secretary of the Interior, ever excepted from its operations; but persistently disregarding the order, she simply defied the Commissioner, and only came to the Office to draw her pay; while such work as was sent to her home was so ill done, misspelled, and generally incorrect that it had all to be recopied in the Office. For this reason I asked, in person, that she be dropped from the rolls. During this time she was the reporter for a New York paper, and had her seat daily in the reporters' gallery of the House, (a fact to which all the members of the Forty-second Congress can testify,) thus rendering service elsewhere when her time and services were justly due the Government. She was regularly paid, and had the conscience to take money for two years from the Government which she never earned, the Commissioner from time to time protesting against her course. Finally he carried the case to the Secretary, who, when the facts were fully made known to him, promptly dismissed her. She was upon the rolls just two years, and during that time she copied: July, 1871, two sheets; August, 1871, eight sheets; these averaging about eighty names each; and, as above stated, so incorrectly copied as to be worthless. (The reports of the head of the section, and the head of division, appended, marked "B," exhibit this fact.) This is all the work she ever performed in this Office. Her whole time was devoted to outside engagements and pursuits, leaving nothing to the Government except the regular visit on pay-day.

In reference to Hinton, he says:

> One R. J. Hinton was transferred to my Office from the Census Office June 1, 1872. Hinton had been in the Census Office one year, drawing full pay as a clerk and during the whole time had never rendered a day's service. He was appointed a clerk of class one in the Census Office, June 19, 1871, and paid from that date to May 30, 1872. I found his name upon the rolls of my Office; he never reported for duty, and never appeared except to draw his pay.
>
> From the beginning I determined to drive this class of persons from my rolls, I finally succeeded; and from that day to this, this newspaper correspondent has persistently assailed me in the columns of every journal into which he could gain admission. In addition to his one year in the Census Office he enjoyed ten months' salary in the Pension Office without rendering service.

These cases need no additional comment.

Mr. Atkinson, late Commissioner of Pensions, testified before the Committee on Invalid Pensions of the House that William Caffrey and John Stiles were assigned by direction of the Assistant Secretary of the Interior to act as clerks for the republican congressional committee. He said, to use his language, "that it was customary, as I understood by all parties, and hence was not considered improper."

One of these employés was in the service of this political organization for four months and the other for nearly six months; and the Commissioner testified that while they were so engaged away from the Pension Office they regularly drew their pay from the pension fund.

That it should not be considered improper to use the money of the Government to pay persons for party services is an amazing proposition; that the embezzlement should be perpetrated upon the fund of our pensioners is a gross outrage.

These things were being done while thousands of our weary, destitute, and maimed soldiers were awaiting the action of this Office.

This Office did not fall in arrears with its work, as might be supposed, on account of a want of liberal support from Congress. The fact is the appropriations and force were steadily increased from year to year, but under the corrupt management of the Office its working capacity as steadily decreased. It can be demonstrated that not one-half the work was accomplished in 1875 with more than twice the force and means than was accomplished in 1866.

The abuses I have just described I believe were merely the specks on the outer surface that indicated the rottenness within.

It was a mockery of justice to make the pensioner's rights depend upon the honesty and efficiency of an office managed as this one was known to have been managed. Its demoralization was accomplished through the connivance of the heads of the Departments in which the office is placed and through members of Congress, who made use of it to promote their selfish ends. This has been the work of those who claim to be pre-eminently the soldier's friends. We have heard loud protestations of friendship for the soldier in this House. I have shown what deeds this kind of friendship will produce. O, sir, a real friendship would have taken notice of these glaring abuses and never wearied until they had been corrected. Professions of friendship with these facts staring us in the face! They are what Burke used to call "the cant and gibberish of hypocrisy."

Mr. Chairman, I have shown beyond the possibility of successful contradiction that the pension which is due from the Government to the soldier is not a gratuity, not a gift, but a *debt*. The individual who owes a debt and declines to pay it is deemed dishonest by his fellow-man. In what estimation, then, shall a great Government like ours be held if it fails to meet its obligations? To whom do we owe this debt? To the soldier of the Union; to that class of noble heroes who, when their country called, when our institutions were threatened with destruction, thronged eagerly to the front of battle, willing to sacrifice home and all its comforts, to endure untold hardships; yea, even to sacrifice life itself. Let it be but suggested that the bonds of the Government shall be paid in greenbacks, not in gold, and throughout the length and breadth of our land how quickly would the cry go up of repudiation, how quickly would the voice of this people be raised in solemn protest. And yet when it was proposed, not merely to pay a debt due to the soldier in depreciated currency but not to pay that debt at all, we hear no such protest from republican members upon this floor; but instead we hear them talk about gratuity, gift, and charity.

Sir, it is an unworthy attempt to escape the payment of a just debt. Never, sir, while a member on this floor will I permit a great wrong to be done to the soldier of our country without entering my solemn, earnest protest. It was my lot to witness the gallantry of the Union Army. I have seen our soldiers, footsore and weary, upon the long march. I have seen them, half famished, cold, and wet, lie down among the swamps where brooded the deadly pestilence. I have seen them upon the field of battle maimed and bleeding and dead. I have seen them bear aloft the tattered flag which they loved; and I finally saw the remnant of them return home when the country was saved. As I speak to-day, I think of the army of cripples, of the destitute widows and orphan children of our fallen braves, and, remembering all this, I stand here and demand that justice be done them.

SOLDIERS' HOMES.

Mr. TERRY. Mr. Speaker, the Committee on Military Affairs have made a partial report in regard to the management and control of the

National Home for Disabled Volunteer Soldiers, in obedience to the following resolution:

Resolved, That the Committee on Military Affairs be, and they are hereby, directed to inquire into the management and control of the Soldiers' Home, and the National Home for Disabled Volunteer Soldiers, and report in writing thereon; also, what reform in such management should be made for the comfort and welfare of said soldiers.

The committee recommend the adoption of this resolution:

Resolved, That the Committee on Military Affairs be, and they are hereby, authorized to continue their investigations into the management and control of the National Home for Disabled Volunteer Soldiers during the vacation of Congress, and to ascertain what reforms in the same are necessary, and that said committee be authorized to make such investigations through subcommittees, who may visit said homes; and that such subcommittees be authorized to send for persons and papers, administer oaths, and do all such other acts as may be necessary for a full and complete inquiry into the management and control of said homes, and make due report of the same.

The purpose and spirit of the Government in the establishment of soldiers' homes is in keeping with that humane policy which has dictated the passage of all of our pension laws. It is to provide for the comfort and support of those who, in the service of their country, by wounds or loss of health incurred in the line of duty, have become incapacitated for self-support. Pension laws and soldiers' homes have become so firmly fixed in the minds of our people as proper and the duty of the Government, that it is too late now to discuss them as measures, but we must deal with them as a part of our public debt, which good faith and honor require us to pay. That gross frauds are practiced in the administration of the pension laws and gross abuses in the management of the soldiers' homes, will scarcely be denied, and to the correction of these we must address ourselves. Recognizing these laws and homes as just and proper, to enable the Government and to induce the people to fully perform this duty in providing for these classes of citizens, we should see that only those who are entitled shall enjoy the privileges secured by the law, and that honesty and economy are practiced in the administration of the funds provided for their support.

Four of these national branch homes have been established, and the rapid increase of the number of inmates in them suggests the propriety of an inquiry into the manner in which persons claiming these benefits are admitted. The following extract from the report of the secretary to the board of managers, contained in their report to the present Congress, (Miscellaneous Document No. 147, page 12,) will show the number now provided for and the yearly increase:

The total number of disabled soldiers and sailors cared for during the year ending November 30, 1875, at the four regular branches of the National Home for Disabled Volunteer Soldiers has been as follows:

At the central branch, near Dayton, Ohio	3,769
At the northwestern branch, near Milwaukee, Wisconsin	987
At the eastern branch, near Augusta, Maine	1,024
At the southern branch, near Hampton, Virginia	871
Total number cared for during the year	6,651

Increase over 1874, 592; increase over 1873, 1,626; increase over 1872, 2,019; increase over 1871, 2,341; increase over 1870, 3,133.

In my report of 1871 I ventured the opinion that "the number of disabled soldiers who require aid will not soon diminish, but will for some years to come steadily increase." This prediction has been more than verified; the increase in five years has been over 3,000, being an average increase of 600 per year, and making the total number cared for in 1875 nearly double the number supported in 1870. The increase has been principally at the central and southern branches; invalids seeming to prefer to go south rather than north, into a warmer rather than a colder climate. The southern increased the whole number cared for in one year from 324 in 1871 to 871 in 1875; and the central from 1,954 in 1870 to 3,769 in 1875. Indeed, last year the central cared for 887 more men than the three other branches together.

It seems from the testimony of one B. D. Whitney, which will be found on pages 20 and 21 of report No. 45 from the Committee on Military Affairs, third session Forty-first Congress, that each of the eleven members of the board of managers has authority and does give certificates of admission to the homes when found disabled by an examining surgeon; but this testimony of Whitney discloses the fact that he has been in the habit of giving certificates of admission.

He was asked his residence and occupation. He replied: "I reside in Washington; I am a clerk;" that he had resided four years in Washington "as a clerk" in the "office of General Butler and sometimes as clerk to corporations," and that in the absence of "General Butler and his clerk during the intervals of the sessions of Congress I represent the national asylum so far as giving transportation and examining soldiers." He further states: "I have to examine the thousand applicants that call at General Butler's office during the year to ascertain their fitness for admission." He further states: "I have books of record stating the examination of six or seven hundred soldiers that have been forwarded under my own examination," and that he had sent forward to the asylum within three years six hundred persons. Now it must be admitted that this is rather a loose mode of granting admission to these homes when an unknown and irresponsible clerk is permitted to perform this important duty. Protection to the public and protection to worthy objects of this national bounty demand that greater care should be taken in granting admissions, and that it should be exercised only by those whom the law clothes with the authority.

The act to establish the National Home for Disabled Volunteer Soldiers was passed March 3, 1865, and by the act of March 21, 1866, the means for carrying on the same were provided, which were: all stoppages or fines by sentence of a court-martial or military commissions; all forfeitures for desertion, and all moneys due deceased inmates of the home not claimed in three years, but subject to be paid to the heirs or legal representatives on demand; and the board of managers were authorized to receive all donations of money or property given for the benefit of the home. But by the act of March 3, 1875, this mode of supporting the home was abandoned. The money arising from these several sources is now covered into the Treasury, and the home is supported by direct appropriations by Congress, as all other expenses of the Government are provided for.

By reference to the United States Statutes at Large, section 4830, it will be seen that the board of managers are authorized to provide suitable sites for these homes, and only those are entitled to admission—

Not otherwise provided for, who have been or may be disqualified for procuring their own support by reason of wounds received or sickness contracted while in the line of duty during the rebellion.

Here we have prescribed the classes entitled to the benefits of the homes; and to secure a faithful execution of this beneficent design the law should be strictly adhered to.

The home has been incorporated under the name and style of "The National Home for Disabled Volunteer Soldiers," and is clothed with all the attributes essential to a corporation, such as perpetual succession, to take and hold real estate, establish a common seal, sue and be sued, and to make by-laws, rules, and regulation for their government.

The board of managers is composed of twelve members. The President, Secretary of War, and the Chief Justice are *ex officio* members of the board. The remaining nine are elected by Congress. Section 4827 of the Revised Statutes provides that the twelve managers shall elect a president of their own number, two vice-presidents, and a secretary, but no treasurer to the board is provided for; nor is there any necessity for such an officer to the board. But when you come to the establishment of the branch homes, section 4829 provides for "a governor, a deputy governor, a secretary, and a treasurer, and such other officers as the managers may deem necessary." Notwithstanding there is no provision for a treasurer to the board of managers, yet since the establishment of the home General B. F. Butler has been filling the positions of both president and treasurer, and handling all the moneys that have been provided for the support and maintenance of the homes. Treasurers for the branch homes are provided for, and for them alone is such an officer necessary. But General Butler's connection with the home will be referred to more in detail hereafter.

The money provided for the support of the homes is as follows: Total amount received by the soldiers' homes from June 2, 1866, to April 1, 1875, $6,944,503.92. It will be remembered that the above sum was derived from fines, forfeitures, stoppages, &c., and from interest on investments.

On March 3, 1865, Congress passed a law providing for the future maintenance of these homes by direct appropriations from the public Treasury, as other liabilities of the Government are provided for, and to meet the expenses of the homes from April 1, 1875, the time when the act of March 3, 1875, went into effect, to July 1, 1876, Congress appropriated the sum of $350,000, which added to the sum above makes a total of $7,294,503.92.

Let it be borne in mind also that Congress by act of March 22, 1867, provided that every inmate of the home, on his original admission, should receive one complete suit of clothes as a donation; that by the act of June 10, 1874, Congress donated 10,000 suits of clothing; and by the act of December 31, 1875, 10,602 suits; thus making a complete donation of 20,602 suits; and add to this the suit of clothes given to each of the 16,590 inmates since the establishment of the home, and you have a total of 37,192 suits, which, at the moderate sum of $25 per suit, amounts to $933,800. This, added to the money received prior to April 1, 1875, and the appropriation of $350,000, makes the total cost of the home $8,228,303.92. In making up this amount I have not included the pensions received or the profits realized from the workshops, gardens, and farms, which is much more than sufficient to meet any demands for "outdoor relief," which the home claims to have extended to worthy objects, in pursuance of law, who were not inmates.

General Butler, in his report of the board of managers of the "National Home for Disabled Volunteer Soldiers" for the year ending December 31, 1875, estimates the cost *per capita* for each inmate at $135.13. He says:

At first thought the sum of $898,733.44 is a large one, but it will be seen that, not regarding the amount expended for construction, and dividing it among the number of beneficiaries, 6,651, the cost per man is at the rate of $135.13.

The fallacy and error of this statement are apparent when it is remembered that 6,651 is the whole number of beneficiaries admitted during the year year 1875, when the average number present and absent during the year was 4,523, and the average number present during the year was only 3,683, only a little over half the number admitted during the year. Now it is evident that it is not correct to take the total number of inmates as the basis upon which to calculate the expense per head, for the average number present shows that many of the inmates were in the home only a short time, and hence entailed but little expense to the institution. If you take the average number present and absent, namely, 4,523, we will find the cost per head to be $198.70.

But even this is not fair. The correct basis of calculation is to take the average number of inmates present during the year, namely: 3,683, and we find the cost per head to be $244, which is $109 per head more than General Butler's estimate.

But in order that we may understand fully the management and cost of this institution another statement is necessary. Among the 6,651 inmates of the home 3,184 are persons who were drawing pensions from the Government, and hence were pensioners in a double sense. If you deduct the average number of pensioners present and absent, namely, 1,485 from 4,523, the total present and absent, you will find the rate per head per annum to be $262; and by deducting the average of pensioners present, namely, 1,193, from the total average present, namely, 3,683, the cost rate per annum will be found to be $361. This, it must be admitted, is rather expensive, and well justifies a most careful investigation into the management of these homes and the expenditures of the money provided for their support.

The estimates for the support of these homes for the fiscal year 1876–'77 are $898,733.44, but in these estimates no account is taken of the net profits of the workshop, which are $24,447.30, nor of $4,966.55, the net profits of the farms and gardens, which are kept up at these homes; nor of the further sum of $57,113.82 which is retained by the homes from the pensions paid to the inmates by the Government. To understand this I will state that when a soldier who is a pensioner enters a home he is required to assign his claim for pension to the home, which the home undertakes to administer in part for the benefit of the inmate. During the last year the home received on account of pensions the sum of $279,773, and disposed of it as follows: Sent by treasurer to dependent relatives of the inmates, $79,581.11; estimated amount sent by inmates, $34,220.68; amount appropriated by the home to its own purposes, $57,113.82; making a total of $170,915.61; leaving a balance of $108,857.39 This balance the home claims to hold in trust for the benefit of the inmates, but how or when it is to be paid does not fully appear from anything contained in the report.

In the testimony which was taken before the Committee on Military Affairs of the Forty-first Congress, it was proven by General B. F. Butler that while acting as the president and treasurer of the board of managers for the National Home he mingled the money that came to his hands as treasurer with his individual funds by depositing the same in bank to his individual credit, as the following extract from his testimony will show:

Question. Did you deposit this money?
Answer. Yes, sir; but not in the name of the National Asylum.
Q. Where and with whom did you deposit it?
A. I deposited it as money in my own hands, according to my residence at the time, sometimes in Washington as a portion of my bank account here, sometimes in New York, and sometimes in Lowell.
Q. It was a portion of your own individual bank account?
A. Certainly.
Q. With nothing to distinguish it from your own private property?
A. Certainly not.
Q. In what banks did you deposit it?
A. In Washington, with Jay Cooke sometimes, and in the national bank.
Q. In Lowell, with which bank?
A. In the national bank.
Q. Who are the officers of that bank?
A. I cannot tell you. I am there so little that I do not know who they are, except, perhaps, the cashier.
Q. Have you any interest in that bank?
A. Not a dollar. I wish I had.
Q. Is Mr Field connected with that bank?
A. Never, to my knowledge.
Q. Have you an agent in Lowell who draws or deposits in this bank for the National Asylum for you?
A. I have a part of the time.
Q. Who is he?
A. I decline to answer inquiries into my private affairs.
Q. I wish to know who is your agent, who deposits or draws money for you from the national bank?
A. I have no agent who does either.
Q. You have none, never had?
A. I have none.
Q. Have you any objection to exhibiting to the committee your bank account showing the deposit of those funds?
A. I cannot exhibit my bank account showing the deposit of this fund without exhibiting my private bank account.

Here we have the distinct admission that he mingled public funds with his individual funds, and positively refuses to make any exhibit upon the ground that he would thereby necessarily make an exhibit of his own private affairs. Was ever pretext more flimsy? He admits the wrongful act of mingling public and private funds and then seeks to screen himself from all discovery as to the use and manner of disbursing these funds because it would disclose his own private transactions. And a committee composed of a majority of republicans quietly submitted to this assumption of immunity from discovery, and General Butler has continued to this day president and treasurer, and defies discovery.

I desire to call attention to General Butler's connection with the purchase and sale of the property at Hampton, Virginia, now used as one of the national homes. General Butler's version of the matter is that he became involved in the purchase of this property in 1864 at the request of the Secretary of War, but that, the Government declining to take it, he was compelled to complete the purchase after the war for his own benefit, which he did by purchasing under a decree of the court, so that all liens were extinguished and the title united in himself; and that he afterward sold the property to the board of managers. This property had been the Chesapeake Female College, and was owned by a number of persons. Now, what the property cost General Butler is shown by a letter of Colonel Thomas Tabb, who was General Butler's attorney in the matter, and who in a letter to General Negley, chairman of the Committee on Military Affairs, dated February 6, 1871, says:

The date of the contract purchasing the property from Messrs. Hume, Morris, Armistead, and Wright was June 9, 1869; General Butler had previously, namely, January 14, 1865, purchased the interests of Messrs. Cox, Salisbury, and Dennis in the property. By the agreement made June 9, 1869, General Butler was to give $34,200, less $12,000 which he had paid Cox, Salisbury, and Dennis.

So it appears from General Butler's attorney that the price of the property was only $34,200. Colonel Tabb concludes his letter with this statement:

I stated in my examination that the property cost General Butler about $40,000. My meaning was that it stood him about that sum at the time he parted with it.

January 14, 1865, paid Cox, Salisbury, and Dennis	$12,000 00
Interest on $12,000 for five years and six months	3,960 00
Amount paid by me as per statement rendered	22,662 43
Interest on $22,662.43, say six months	379 87
My fee	750 00
Total	39,752 30

So that by counting interest on payments and including the attorney's fee, an individual matter, the cost to General Butler was only $39,752.30, which he sold at once by indirection for $50,000.

It will be admitted that more than $10,000 was a right pretty speculation for General Butler to make out of these soldiers' homes when he himself was president of the board of managers and treasurer. He did, however, when the board of managers went down to examine the property with a view to purchase, have the modesty not to go with them, but sent his clerk, Mr. Clancy, who was at that time receiving a salary of $1,500 per annum as clerk to General Butler in his capacity as president to the board of managers, an office unknown to the law, and paid out of the means which Congress had provided for the support and maintenance of disabled soldiers. He declined to go in person to Hampton, but seeing he might effect a sale and realize $10,000 profits besides getting back in clean cash all the money he had paid out, principal, interest, and attorney's fee of $750, (because as treasurer he had the money in his own hands,) he made a sham transfer of the property to a facile brother-in-law of his named F. A. Hildreth, who was under obligations to him for relieving him from the penalty of imprisonment under sentence of a military commission. General Butler claims to have entered into an agreement with Hildreth by which Hildreth was to advance him $38,000, and he made him a deed, not a mortgage or deed of trust, but a deed in fee-simple to the Hampton property. Hildreth in his examination before the investigating committee of this House admitted that he did not require any such security for the advance; that he was content to take General Butler's individual obligation for it, but that General Butler without consulting him executed the deed and had it recorded; and then after the sale to the board of managers had been effected, in which Mr. Hildreth seems to have played a silent and unimportant part, he executed the deed to the managers and delivered the deed not to the managers but to General Butler; and to show conclusively that this deed to Hildreth was a sham to cover up General Butler's tracks in the trade it turns out that Hildreth never at any time made an advance to General Butler of more than $12,000. But I will let Hildreth speak for himself in regard to the deed and the advance. Here is an extract from his testimony:

Question. Upon making the deed, did you make him the advance?
Answer. I think not. I do not remember the specific time. I trusted the matter entirely to him. I did not, so far as I was concerned myself, care anything about the deed at all.
Q. You were ready to make the advance upon his personal security?
A. I was; but it was rather his choice to make the deed.
Q. And you say that when he gave you the deed you did not make any advance of money?
A. I am not certain; I would not be positive whether I did or not.
Q. Did you tell him you would not take the deed?
A. I think he had already made it. I told him I cared nothing about it.

It would seem that Mr. Hildreth was in the dark as to the real character of the transaction.

Q. Did you send it down for record?
A. He had done that himself. He did all the business.
Q. Did you ever receive the deed in your possession and keep it in your possession?
A. I did not keep it; I think I received it.
Q. It was shown to you and you gave it back?
A. It was shown to me and I think it was already recorded. I would not be positive about that. I paid very little attention to it. It was a matter I cared very little about.
Q. He got it recorded, then showed it to you, but you did not keep it?
A. I did not keep it. I would not say positively that it had been recorded.
Q. You made no advance of money at that time?
A. I may have done. I do not think I did at that time.
Q. Did you make any advances from that time to the time you deeded the land over to the asylum?
Q. I made advances to him amounting to about $12,000, between the time of that letter (May 10, 1870) and the time I made the deed, (October 17, 1870.)
Q. That was after the time you got the deed?
A. Yes.
Q. Do you know what you made advances for?
A. I do not know what he wanted the money for.
Q. And you do not know in how many instalments you made it?
A. I think about three.
Q. How much at each time?
A. I would not undertake to give the sums.
Q. How did you make these advances; by your check?

A. I think by my check or in cash.
Q. Are you sure which?
A. I am not. If I had the money in my pocket, I would give it to him; if I had not, I would give him my check.
Q. Did any of the board of managers tell you they wanted to purchase this property before you deeded it over?
A. No, sir; I did not know that they did.
Q. Did you have any conversation with any of them except General Butler about it?
A. No, sir. I wrote a letter to Judge Bond, I think, offering the property for sale. This was at General Butler's suggestion.

From the above extract from the testimony of Hildreth it appears that he advanced only $12,000 of the $38,000 he agreed to advance. On this point he and General Butler differ. The latter, in reply to the question, "Have you received all of it yet?" namely, the advance, replied:

I think I did and considerably more with it, and I have been able by the sale of property to re-imburse him for that and other money which was due.

In the above extract from the testimony of Hildreth, when asked what the advances were made for, he said:

I do not know what he wanted the money for.

The reply of General Butler to the following question discloses another discrepancy:

Question. But did you receive at any time altogether since that transaction $38,000 which he was to let you have?
Answer. He was to pay out in matters in which we were engaged certain moneys, and I received it in his account in that way.

It would seem from this that there was some sort of a copartnership between them in which Hildreth furnished the said advance; if so, it is strange he should not remember it.

But there is another still more remarkable discrepancy between these gentlemen. General Butler says that Hildreth received the money for the Hampton property from the managers, and Hildreth says that General Butler received it. It is certainly strange that any man could forget the receipt of $50,000, whether he was a borrower or a lender, especially as the sale of the property and receipt of the money had taken place not six months before the examinations took place.

But in order that the statements of these gentlemen may be seen and properly weighed, I will quote from them in parallel columns.

General Butler was asked:	Mr. Hildreth was asked:
Question. When the $50,000 was paid for the asylum property it was paid to him, all of it?	Question. Did you receive the consideration of the deed, $50,000?
Answer. Yes, sir.	Answer. No, sir.
Q. And you did not receive a dollar of it?	Q. You have never received it?
A. No, sir; it passed into his hands.	A. No, sir; I never received $50,000.
	Q. Did you receive anything?
	A. Yes, sir.
	Q. How much did you receive for the deed?
	A. I advanced to General Butler.
	Q. How much did you receive?
	A. I received what I had advanced. I think I had advanced altogether about $12,000, which General Butler repaid me.

Is comment upon this testimony necessary? Can any one resist the conclusion that the sale of the Hampton property to Hildreth was a pretense and a sham, intended by General Butler to cover up and conceal a transaction which he felt, to say the least, was of questionable propriety? Here was a piece of property that Colonel Tabb says all other parties had lost money upon, yet General Butler by a sale of it to a board of managers, of which he was president and treasurer, in a short time realizes a profit of certainly over $10,000, and this at a time when he had in his hands as treasurer $95,947. And yet General Butler is still the president of the board of managers of National Home and is still the treasurer, an office unknown to the law, and he still as such draws the appropriations which Congress makes for the support of these homes, mingles them with his own funds, pays over to the homes as their necessities demand, and uses the surplus on hand as he thinks proper. Nor has he ever paid interest on any balance in his hands; and for this neglect of the interest of the home the whitewashing committee of the Forty-first Congress offered the excuse that General Butler had never charged the home any interest when he was in advance. According to the report of that committee there had been eighteen quarterly settlements of General Butler's accounts as treasurer of the board of managers, and balances were found against him fifteen times and in his favor three times. The balances are shown at the close of each quarter, as follows:

1866—November	$36,060 53
1867—February	217,139 14
May	110,107 92
August	41,837 21
November	74,984 16
1868—February	31,656 27
May	27,931 87
August	146,875 87
November	81,927 40
1869—February	61,626 49
May	97,256 92
August	56,173 94
November	8,671 30
1870—May	145,863 38
August	166,699 42

But balances were found in favor of the treasurer, as follows:

1870—February	$3,560 11
November	4,134 65
December 31	86,222 11

It is unnecessary to carry this branch of the inquiry further. The foregoing fully establishes the reprehensible management of the treasurer.

By reference to the foregoing statement it will be seen that at the quarterly settlement in February, 1867, there was a balance of $217,139.14. The settlement shows that during the next quarter, embracing the months of March, April, and May, there was expended $107,031.22, which left a balance in the hands of the treasurer of $110,107.92, which had thus lain unemployed for three months and perhaps considerably longer, notwithstanding the law required all surplus funds to be invested in United States bonds; and thus in this one single instance there was lost to the home interest on $110,107.92 for three months, which amounts to $1,651.61. But does any one believe that this money was in fact idle? General Butler could well afford to charge no interest on balances in his favor when he paid none on balances against him; and the wants of the home were not so uncertain as to constitute a good excuse for keeping such large unexpended balances unemployed.

In view of all these facts I insist it is high time that there should be a thorough overhauling of the management of these homes for the purpose of seeing how the public money appropriated for them has been expended, and notwithstanding more than five years have elapsed since the Negley report was made and since the evidence taken before the Committee on Military Affairs disclosed General Butler's connection with the sale of the Hampton property and the very handsome profit he realized out of it, at the expense of the very important trust committed to his good faith, he is still president of the board of managers and still as treasurer draws the money appropriated by Congress for the home and still mingles it with his own. How long is this disregard of law and duty to be tolerated? How long shall these provisions of the country's bounty be controlled and employed for individual profit?

A knowledge of these abuses and the improper management of the homes has induced this democratic House to direct the inquiry contained in the following resolution:

Resolved, That the Committee on Military Affairs be, and is hereby, directed to inquire into the management and control of the Soldiers' Home and the National Home for Disabled Volunteer Soldiers, and report in writing thereon. Also, what reform in such management should be made for the comfort and welfare of said soldiers.

The Committee on Military Affairs, owing to pressure of business upon their hands, have not been able as yet to make the desired investigations, nor do they believe that they can be made thoroughly and satisfactorily except through subcommittees sent to the several homes where the officials and the complainants can be confronted. Since this investigation has been ordered by the House a large number of letters have been received by members of the committee and others making the gravest charges against the official integrity of some of the officers, of incompetency and ignorance against others, and of hardships and cruelty in the discipline and management of the homes. Many of these charges are of so grave a character as to demand inquiry, and it is the purpose of the committee to make it. I shall content myself in this connection to make only a few extracts from letters to show that the action and purpose of the committee in pressing the inquiry are well justified.

INSTANCES OF CRUEL TREATMENT.

Extract from a letter from Dayton, Ohio, March 24, 1876:

In reply I would say that my personal ground of complaint is illegal treatment by the management, namely, discharging me dishonorably without a charge or hearing, cruel and unusual punishment, and compelling me while awaiting re-admission to work without pay, and besides charging me for my board, and confiscating $48 of my pension as a condition of re-admission.

* * * * * * *

In regard to the financial affairs of the home I know but little except by common report. My position has debarred me from any personal knowledge of frauds, but I could see in the eastern branch where money was squandered in shovels full; in large and unnecessary salaries to citizen employés; in foolish expenditures on worthless lands; in building a race-track for the governor's private stud, besides keeping said stud at the expense of the home; the erection of a mansion for the governor which, I have been told, cost more than the barracks in which six hundred and fifty soldiers were packed like sardines.

You would hardly believe the stories I could tell of the treatment of men in these homes, and I refrain from writing it here. I have seen acts of brutality committed on crippled men which, if done in the Army or even in the prison-pens of Andersonville or Elmira, would have resulted in the shooting of the offenders. Such conduct leads to promotion here.

Extract from a letter written from Dayton, Ohio, March 31, 1876:

I was honorably discharged on my own application from the National Soldiers' Home at Milwaukee, Wisconsin, on the 14th June, 1872. I was admitted to this home on the 8th of September, 1875. It was three years and three months from the time of my discharge from the western branch until I was admitted here. Notwithstanding the fact that I was out for over three years trying to make an honorable living, and that I have a large family to support, yet when I was admitted here I was fined $18, which amount is kept out of my pension. I left my left arm at the battle of the Wilderness, May 5, 1864.

A great many similar cases have been reported, but I will quote only one other:

In December, 1873, I received an honorable discharge from the Dayton home for the purpose of going to my home at Philadelphia and endeavoring to procure employment to aid me in contributing to the support of my mother; but failing to procure employment, and also by reason of sickness and death in my family, I was compelled to again seek admission to the home, when the board of managers fined me $27 as the condition of my re-admission. Under the circumstances, I had no other alternative than to accept. I would state that while an inmate of the home my character has been good, never having been punished for any breach of discipline.

THE POLITICAL USE OF THE HOMES.

Extract from a letter from Montgomery County, Ohio, April 28, 1876:

The whole beneficent design of this foundation for the soldiers is perverted to party. They have all got rich at our expense and L. B. Gnuckel, secretary of the board, receives $2,000 for doing nothing. Staffs, revelry, and display is the order of the day.

Such communications continue to be received, most urgently pressing the investigation.

Upon the foregoing statements of facts and extracts from letters the case of the national home is submitted for the action of this House. These grave charges demand investigation. If true a remedy should be given; if untrue, the officers of the home are entitled to a vindication at the hands of this House.

THE CONDITION OF THE COUNTRY.

Mr. WALSH. Mr. Speaker, a people should ever aim to live up to the spirit of the great heroic periods of their history.

It seems to me the great want of the times is the spirit of fraternal, national unity, embracing in equal regard all sections, all classes, and all pursuits of our vast country which one hundred years ago brought together the inhabitants of America, scattered over thirteen separate colonies, without national existence or national history, and molded them into one people, and carried them successfully through a long and heroic struggle for the overthrow of arbitrary government. The oppression of Massachusetts aroused the indignation of Maryland, Virginia, and the Carolinas, and the people of all the colonies made her cause their own. The spirit of universal brotherhood pervaded the masses of the people, and struck down despotism, arbitrary power, and corrupt government, and established republican freedom on American soil. When the war of Independence was over, a few years of peace disclosed the fact that America was a political chaos, without unity and without any great central authority binding the States together and wielding the powers appertaining to a nation. American patriotism again arose, and the people assembled through their delegates and formed a Constitution and system of government which united all the States together in harmonious relations among themselves and organized the whole American people into a great political unity among the nations of the world. No sooner was the Federal Government created by these independent States, breathing into it life and authority, than all the discordant elements arrayed themselves in harmony beneath it. The Constitution gathered all the people together as one political family under its ample protection and overthrew the local jealousies and sectional passions and interests which had previously warred against the spirit of national unity. Supreme law arose and touched with its golden scepter the jarring antagonisms of the different members of the new-born nation and bound them in mutual accord.

The Union was created by living, organized governments, each regulating and controlling all the rights and relations of property and person. Each of them prior to the adoption of the Constitution had established in its fundamental law home rule, the rights of property, free speech, free press, freedom of religion, and exemption from imprisonment, except for crime judicially ascertained, as beyond the jurisdiction of the law-making power; and in the Federal Constitution they excluded the same rights from its jurisdiction. This Constitution was not made to destroy any of these rights, but to guarantee and protect them. It has now stood at the head of the American people for nearly a century and trained them in the ways of freedom and led them through a career of unexampled glory and prosperity and developed them into a power of the first magnitude among the nations of the world. It was made by the people and derives all its power and authority from their free adoption. Those who administer its functions must not set themselves above the people, but must be guided by their will, because its very life and being are derived from the principle that the will of the people is the rightful source of all political power. This is the great vital principle of our social, political, and industrial progress. Distrust of the people, repressive arbitrary rule, predominance of military power, denial or abridgment of the right of home rule, are at war with the whole frame and foundation of our Government.

When the central Government was pure, simple, and honest, and the State governments free and uncontrolled in the management of their own local concerns, and their people enjoying all the old-fashioned American liberties which their fathers won at Bunker Hill, Eutaw, and Yorktown, was there so glorious and happy a people in all the world in any age of its history? Why are they not prosperous and happy now? Under the guidance of the democratic fathers, adhering to the spirit of the Constitution and giving full scope to the generous principles of American liberty, we increased in numbers, territory, wealth, and intelligence beyond any people which history makes mention of. Our population doubled every twenty-five years and our territory spread out from ocean to ocean, and within all that broad expanse every one was protected in the peaceable enjoyment of all his rights of person, property, liberty, and the pursuit of happiness. Order and security prevailed everywhere, and an ardent, patriotic love of America and her glorious institutions united all her people in one great brotherhood of prosperous, happy, and lightly burdened freemen. The democratic party acquired Florida and Louisiana. It abolished the alien and sedition laws and opened the country and all the priceless liberties of its institutions to the enterprising and liberty-loving immigrants from all the kingdoms of Europe. It made war upon Great Britain to establish the freedom of the seas and the equal rights of naturalized citizens. It developed and exalted the spirit of the nation and made its flag the terror of despots and the glory and the hope of the down-trodden masses aspiring to freedom throughout the world. It conquered Mexico and extended our territory away to the golden shores of California, with whose supplies of that precious metal it advanced the laboring masses of mankind further on the road to comfort and industrial independence in a few years than previous centuries had done.

If the acquisition of this territory, whose wealth renovated the world, was made the occasion for antagonisms to express themselves in reference to an institution which at the time of the Declaration of Independence was common to all the States, it was not the fault of the patriotic men who added that vast domain to the great inheritance of the American people. However correct in view of positive law the claim of the South might be to bring slavery into the newly acquired territory, its practical exercise was not allowed by the immense and rapidly increasing masses occupying the free States who desired to retain the territories for themselves and their descendants, unincumbered by that institution. Out of this contention, which convulsed the whole people in all sections of the country, grew up the civil war. Our civil conflict did not arise from the division of parties, but from the division of sections. All the people of the South, whigs, democrats, and men of every shade of political sentiment, and of every organization, social, political, and religious, united in the war for secession. And in the loyal States democrats, whigs, and republicans alike joined in the war for the maintenance of the Union.

It is therefore utterly dishonest and unjust to claim for any party exclusive credit for the mighty efforts and sacrifices made by all the loyal people, irrespective of party and above all parties, for the maintenance of the Union. I did not believe in the right of secession, because I could not imagine that Government, which is a wonderful incorporation of successive generations of human beings, embracing every complexity and diversity of rights, duties, relations, and interests, and requiring indefinite time for their growth, solution, and development, could be dissolved at the will of one or more of the parties to its original formation. In its nature, government must be continuous and permanent in order to accomplish the great objects for which it is instituted; and as the Constitution itself had not fixed any limits for the duration of American nationality, no limits could be implied from the vast and ever-widening and ever-enduring purposes for which the people had created it. But opposition to the spread of slavery placed the southern people in an aggressive position toward the Union; and, adopting the secession heresy of the Hartford convention, they attempted to secede and set up for themselves. When great masses of people, differing from each other on all other questions, are agitated by a common political conviction and manifest their sincerity by staking their peace and happiness, fortune and life upon the issue, human law has ever refused to treat them as criminals. Their views may be erroneous, but to them they must seem to be right. Political questions are complex and obscure in their causes, and conclusions in regard to them result from an infinite variety of details which the masses of mankind have seldom the opportunity to examine, verify, analyze, and reason out. In a government resting upon the will and intelligence of the people some allowance must be made for human freedom, even when it leads to erroneous conclusions. The remedy must be sought in greater intelligence on the one side and a more liberal and more beneficent exercise of governmental powers on the other. The law of force is not adapted to a permanent and constant place in a government based upon the fundamental principle of popular consent. It can only be justified by necessity, and should disappear when the necessity ceases. It cannot be made the normal rule of a republican government.

The war to maintain the Union should have ceased with submission to the Union. Although the war while going on was justified upon the principle that the Union was indivisible and that the States could not withdraw from it, but always remain amenable to its paramount laws, yet, when peace came, a new doctrine was started by men of narrow and bitter partisanship, who had been acquiring control in the Government, to the effect that the rebellious States were out of the Union, and that their people were mere unorganized masses of population, outside of the pale of the Constitution, who might be dealt with at the arbitrary will and pleasure of the dominant party, unrestrained by the principles and limitations of organic law. They held that the people in the rebellious States had not only forfeited all their rights under the Federal Constitution, but all the rights of freemen, older than the settlements in America, which were secured to them by their own State constitutions and governments. To this fatal error, now declared by the courts and admitted by all but the blindest bigots of party to be an error, are clearly traceable all the evils and misfortunes that now oppress and, to some extent, disgrace the American people. Here is the deadly fountain of unlicensed power which has filled the land with distress, peculation, corruption, and shame. Here is the cause of all our national woes.

The democratic party, and some of the ablest and wisest men of all parties, protested against this claim of arbitrary power, as a doctrine full of danger to the liberty and welfare of the people in every sec-

tion of the Union, to allow that the Federal Government could exercise any power in time of peace in any part of our country over any portion of our people, except under the limitations and restrictions of the Constitution. There is no absolute power anywhere in human affairs. Despotism has no rightful existence in any code of human laws, and least of all under the Constitution and laws of republican America. Government is in its own nature a limited trust, and must be exercised, even over a foreign people added by conquest, for the promotion of their peace, welfare, and prosperity. This principle is as old as Christianity.

But the exercise of unlimited power over the conquered States gratified the rancorous spirit of party, and promised its leaders illegitimate wealth and perpetual ascendency in the control of the nation. The Southern States were excluded from any share in the common Federal Government, and the whole power of the Federal Legislature left in the hands of a few controlling States, to the lasting injury of all. The Southern States were not only denied their rights of representation in the common Government of all, but the spirit of the dominant party went further and overthrew all local political power within those States. Local home rule, the very corner-stone of our political system, was uprooted, and the Federal Government set up agencies of its own creation in place of State, county, and city governments chosen by the people themselves. The right of local self-government was older than the settlement of America, and was brought over by the colonists and enjoyed by them as the first element in political freedom and industrial prosperity. Under the charter of Maryland, for example, the people had the right to make their own laws and manage their own affairs without any control of the British government, which was prohibited from negativing the legislation of the colony or levying any taxes, customs, duties, or burdens upon the inhabitants; and all the colonies had substantially the same rights. To defend these rights and establish them forever in America, independence was declared and maintained with unstinted sacrifices of blood and treasure. The Constitution of the United States was afterward adopted to further guarantee and perpetuate these rights, and it contains no power whatever to destroy, lessen, or impair them.

Toward the close of the nineteenth century, in an era of general benevolence and enlightenment, the dominant party adopted as the controlling maxim for the government of the Southern States the ruthless old barbarian cry of "*Væ victis*," which the Christian world had abandoned for centuries. It adopted the wicked policy of breaking down all local governmental machinery in the Southern States and disfranchising the men of property, culture, and knowledge of affairs; the men who had the deepest interest in the good government of those States, who supplied their treasuries, bore their burdens, and had enacted, administered, and expounded their laws; the men who were carrying on all the diversified trusts and operations of society, and sustaining all the agencies and instrumentalities of civilization in their place and generation. Property and knowledge were stripped of political power, and rendered impotent and dumb for the public weal. Infamous laws struck down the original primary rights of American citizens, and partisan malice was triumphant over all the barriers of the Constitution. Liberty, property, order, and everything which is dear to freemen, were not merely made insecure but absolutely annihilated. Whole armies of corrupt political adventurers swarmed in upon the subjugated States and disorganized communities, not for permanent industrial settlements, but to usurp all public functions and exercise them for purposes of plunder. The whole South was placed under bitter partisan malediction, and set apart as legitimate prey for the unbounded rapacity of the political buzzards that swooped down upon it from east, north, and west. The conservative people of the country, who loved American liberty more than the domination of party, called out for the restoration of the Union and the rehabilitation of the States with home-rule governments and all their Federal rights and relations.

But the patriotic cry went out in vain. The suffrage was conferred on the freedmen, not to exercise it intelligently and independently under the home interests and influences that guide other citizens in the use of it, but as passive instruments, organized in solid unreasoning masses for the elevation to power of the political fortune-hunters who benevolently went down there to manage the affairs of the disfranchised States and enrich themselves by robbing the people. The sham governments were set up, and the illustrious Scotts, Moseses, Blodgetts, Claytons, Bullocks, Ameses, Kelloggs, and other self-sacrificing patriots seized upon the chief offices to heal the bleeding wounds of society and rebuild the down-crushed fabrics of home-rule governments. They organized plunder, and forced the people to call it republican government. Property became a burden and a grievous cause of offense. The populations of great States, and the works and institutions which had been built up through generations of enlightened effort and generous expenditure, were subjected to the blighting and destroying sway of the dishonest and unscrupulous "carpet-baggers" who rose to power on the ruins of the people, and were maintained in their despotic usurpation by the armies of republican America. Absolute impoverishment necessarily attended their rule; for neither the fertility of nature nor the industry of man could long endure the unexampled licentiousness of public plunder in which they rioted under the active and all-powerful protection of the party controlling the Federal Government. The barriers of law and public opinion were overthrown, and public robbery, unparalleled in the history of the world, was practiced without censure and without shame. The war-worn States were plunged in an enormous bonded debt, created for division among the despoilers, which hangs as an eternal incubus upon the industries of the people of that portion of our country. In time adversity, the monitor of nations, came to teach once more the everlasting truth, that Providence has set bounds to the rapacity of rulers; that when they overthrow the peace and security of society they put an end to production, and crush the hopeful spirit and destroy the boundless energy which animate and move forward well-governed communities in a steady march of industrial progress.

The freedom and independence of the States are essential to the purity and integrity of the Federal Government. Corruption and extravagance may be perpetuated at the center, if any political party controlling the General Government is permitted to enter the States and set up governments of its own creation over them, and through these sham governments control the election of President, and Senators and Representatives to Congress. These ready-made governments set up in the Southern States by the Federal power were the unmixed embodiment of rancorous partisan rule, irresponsible to the people, and necessarily engendered political and social disorder, administrative corruption, and business distress. Whenever the people are deprived of the right of American home-rule governments, made and controlled by themselves, all the worst evils of licentious power are sure to follow. It was a sad spectacle for the lovers of freedom to see the people of the United States (which had their birth in bloody resistance to laws not made by themselves, and were cradled and matured in freedom and independence) delivering up to corrupt and profligate political fortune-hunters that which the world had been struggling for from the earliest dawn of history, and which no people had been so happy as to secure in its perfection but themselves—the sacred right of home rule—their right to manage their own local affairs in *each State by themselves*, without the interference or control of any other power whatever.

As these Federal agencies were imposed upon the people in place of their own self-chosen home-rule governments, it became necessary to use the military to sustain them and to make that power which should ever be the creature of law, and not the judge of it, the final arbiter of civil and political controversies, and to substitute the decision of the bayonet for the political and judicial processes, which are the birthright of our people, for the settlement of questions arising under the laws. In order to strike terror into the people and silence constitutional resistance on the hustings and at the ballot-box to these corrupt and despotic Federal agencies the great writ of *habeas corpus*, the ancient palladium of freemen, which only protects innocence and can never avail guilt, was suspended, and all the securities of personal liberty were trampled under foot and the courts excluded from the Constitution.

I hope the fatal day will never come when large masses of the people will be so insensible to the primary principles of American liberty as to remain long attached to any party organization whose policy and success require the abolition of home government in the States. The liberties of the people should be more sacred than the ascendency of party. Yet it is made a matter of hypocritical complaint against the white people of the South that they are in opposition to the party which has pursued this ruinous and despotic policy; that they condemn and denounce this overthrow of free governments in their States, and this substitution of corrupt, mercenary, irresponsible Federal-made governments in the place of them. The radical party by this oppressive and licentious policy left no room for men in the South who owned property and who had been reared in the enjoyment of inherited American home-rule freedom, to attach themselves to its revolutionary organization. All who wished to manage their own village, town, county, and State affairs among themselves and to enjoy the simplest rights and liberties of freemen were necessarily forced to join any party which set itself against these violent assaults upon the very pillars of the Constitution. If the democratic and conservative citizens of the loyal States had not placed themselves in solid and earnest opposition to this home-rule-destroying policy and pleaded before the people for peace and equal rights, home government in all the States, and the overthrow of these despotic governments established by Federal power, could we have ever hoped to restore the equilibrium of the Constitution and unite the whole American people in one great, free, and prosperous nationality? If hate shall perish from the hearts of our citizens and mutual good-will and equal rights be re-established, it will be due to those patriotic citizens, of whatever party, who have preferred right to power or popular favor, and steadily adhered to the cause of home government in the States. It is easy to destroy, but the arduous labors of wise and generous men are needed to bind together the shattered fragments of the Constitution and rebuild the glorious temple of peace, harmony, prosperity, and freedom.

The democratic party has never held the colored people responsible for the social, political, and industrial evils with which the corrupt and wicked carpet-bag governments filled the Southern States. The suffrage was cast upon them without previous preparation, and they were made to believe that the profligate adventurers who went among them to make money out of political positions were their only friends, and that the only security for their freedom was to keep them in power. They did keep them in power until they robbed everything the white and colored men had and brought bankruptcy and distress

upon both races alike. It was necessary to divide the two races in order to rob both, and the colored people were falsely persuaded that if the honest white people of their States obtained power they would reduce them to slavery and that the democratic party would approve of it. The falsehood continued to be asserted whenever an election came on, though the democratic party had pledged itself in its national and State platforms to maintain emancipation and enfranchisement, and to oppose any re-opening of the questions settled by the thirteenth, fourteenth, and fifteenth amendments to the Constitution.

The democratic party proclaims and upholds the equal political rights of all classes of citizens, without distinction of race, color, or creed. It has always espoused the cause of the weak and oppressed, and struggled by the overthrow of monopolies and governmental extravagance and corruption to lighten their burdens and bring comfort and independence to their humble homes. The democratic party never appeals to distinctions of race or religion, but addresses itself to the spirit of fair play and self-interest of all classes of society in enforcing equal rights and honest, economical administration of governmental affairs. Whenever a political party labors to excite the prejudices of one race or creed against another, it proves to the world that it is unfit to govern this free country, where such distinctions are excluded by the fundamental law from the field of politics as the deadliest enemy of the peace, fraternity, and happiness of the people. The republican party is again making a desperate struggle to blind the people to its gross abuses of power by setting the colored race against the white. It has been condemned by a large majority of the white voters of the country, and if the million of colored voters were to divide as white voters divide, it would be in a hopeless minority. Its only hope of success is to retain the unbroken support of the colored voters for all the frauds and corruptions of its administration. Hence every quarrel or act of violence occurring in any part of our southern country between colored and white men is welcomed as the stock in trade of corrupt partisans struggling to retain public offices which they have shamefully abused. The acts of violent and lawless men in New Jersey or Pennsylvania or any northern State excite no comment and raise no clamor for the interference of Federal power; but if such acts occur in the South, however local and personal to the wicked men engaged in them, they are seized upon by corrupt partisans, struggling to retain power after they have forfeited public confidence, as a pretext for choking American liberty and putting the ballot-box under control of the bayonet.

It is to be noted that it is only in the "carpet-bag" States of South Carolina and Louisiana, where home-rule government is abolished, that these outrages occur, and that in all the southern States where the democratic party rules the laws are enforced and the white and colored races live in peace and mutual good-will and are equally protected in all their rights. The democratic party abhors and denounces these outrages, which are utterly opposed to its spirit and policy; and wherever it has obtained control of the States it has put a stop to them. The democratic party cannot be held responsible for deeds of violence which occur in States that are ruled by carpet-bag governments and Federal bayonets. The colored people are intelligent enough to understand this and have ceased to be the dead, passive instruments of radical misrule and spoliation. They are as much interested in reforming the corrupt State and Federal governments as the white people. Neither can prosper until honesty and economy are established in public affairs. They will not any longer be used by interested, profligate politicians as a breakwater to resist the national demand for reform arising from millions of impoverished citizens, which will come and is coming, irresistible as the ocean tides; and whoever and whatever stands in its way must be swept out of its course. They begin to understand that they have been made the dupes of heartless adventurers, who have no regard for them but as stepping-stones to power, and that their interest and welfare are bound up with the prosperity of their white neighbors and employers; and we have seen them in recent elections uniting at the polls with the white citizens to elect honest men to office and restore order and good government as the only means of building up the waste places made by the common despoilers of both races and restoring industry, prosperity, influence, respect, and power to their desolated States. This was not possible while those States were ruled by the heartless "carpet-baggers," whose political elevation and opportunity for plunder depended upon strife and bitterness between the races, which they stimulated by the most shameless falsehoods, particularly on the eves of elections, when success required trouble to be made, and terror to be inspired, and the Federal Arm y to be set in motionand the *habeas corpus* to be torn out of the Constitution.

When the murder of free government in Louisiana aroused the indignation of the people and created a public sentiment sufficiently strong to prohibit the use of the Federal Army to control elections, and the carpet-bag governments were left to fall to pieces of their own rottenness, peace arose and blessed the land, ancient confidence between the white and colored races revived, the colored line broke, and intelligent colored men voted with their white neighbors and elected honest citizens to public stations who are now administering their State, county, and town affairs in the interest of law and order and of social and industrial regeneration. The monster evils of these dark, sad days of carpet-bagism are rapidly passing away, but the oppressive weight of their evil consequences must be felt for years. Both races in the South must still suffer from the enormous load of public debt piled upon them by their transient, greedy, and profligate rulers. It will require long years to pay off those debts and to repair the waste and destruction of the despoiler and to accumulate sufficient savings to set the springs of industry in motion in order to give abundant and well-compensated employment to the labor of the South.

The results of the disastrous policy referred to could not be confined to the South alone. Her impoverished people could not save enough to satisfy the plundering greed of her rulers, and her purchasing capacity was extinguished. Her hundreds of millions of annual earnings had always been expended in buying the products of northern labor and skill. She had been the bountiful customer which built up and kept in ceaseless activity the workshops of the North. Her wealth was annually poured in perennial streams into the laps of the northern mechanics, artisans, and manufacturers. During the war the vast demands of the Government supplied the loss of the southern market and kept all northern industries in profitable activity; but when the war was over and the Government ceased to purchase them, what course would patriotism, common sense, and enlightened self-interest have dictated? The manufacturers, mechanics, and laborers of the North have ever desired to supply the home market. They very naturally wished to supply all the manufactured products required for consumption in their own country. And in their efforts to improve their condition I sympathize with them, because in a republican government it is essential to the independence of the people and the virtue of the laws that wealth should not be accumulated in the overgrown fortunes of the few but diffused in comfortable competency among the masses, which can only be accomplished where the various branches of labor are liberally compensated.

By the policy pursued since the war, the millions destroyed in the South and robbed from her people were cut off from the workingmen of the North. Let these mechanics and laborers answer if their customers' means of paying are destroyed how they can secure a large and profitable trade. Tariff protection could not protect when by their votes they sustained robber governments in the South that destroyed the purchasing power of their great home customer. Tell me, workingmen, whose capital are your brains and skill and strength; was it better for you that the southern people should have had American home governments and managed their own local affairs and saved their countless millions yearly, and spent them among you in buying the products of your toil, or that they should be subjected to the rule of the corrupt and irresponsible agencies placed over them by Federal power, which destroyed industry and confiscated the income of property and labor by taxation that exceeded it? You are now able to answer whether it pays to indulge passion and follow the cruel behests of party to the impoverishment and ruin of any portion of our common country. Hate is costly; and now for want of a home market, for want of a wealthy customer able to buy and pay, the products of your skill and industry are cheapened below cost, reducing you to unwilling idleness. This is confiscation of your labor. You allowed confiscation of southern property and industry by upholding a rotten rule that robbed them of their earnings. Your property is labor and skill, and they are now confiscated in turn, have no value, can find no purchaser. From this we can learn that we are one people—one great, corporate national being—and that wrong and injury done to any limb or member will bring suffering and distress to the whole. We can see how the unbounded national charity of the Constitution, by which we give to all our fellow-citizens the same unstinted right of free, self-made, home governments which we enjoy ourselves, is at last the only means of securing our own happiness, independence, and security from want. That powerful spirit of national patriotism which declared and established independence in equal fullness for all parts of the country alike, and which framed and adopted our glorious Constitution, is still essential to the welfare and prosperity of the people.

One would expect, when the war closed and the Government ceased to be a customer for their products, that the manufacturers and mechanics of the North would direct their minds and energies to build up the restored South, their ancient and most bountiful customer. Here was their home market. Here was their wealthy old customer back again, that had enriched them before the war and that was now ready to purchase for the peaceful pursuits of life quantities of mechanical and manufactured products, equal in value to what the Government had consumed for purposes of war. Why did not the capitalists and mechanics of the North embrace the South and use their power at the ballot-box for peace, American home-rule governments, and honest administration of local affairs? Without these, society could not subsist, industry could not be revived, and wealth could not be accummulated. The man that sows must be made to feel some certainty that he or his will reap. He will not sow for the robber or the public despoiler. He will not save and accumulate where he cannot protect and enjoy.

In the South all the conditions of prosperity were destroyed. Those States were placed under the rule of the vicious, the ignorant, and the profligate. Men who had no interest in the communities but to plunder them were made governors, legislators, and judges. Society was subverted and the bottom elevated by armed power to the top. Intelligence was criminal and native virtue was unfit for the public service. Impoverishment followed as the sure result of the Almighty's

decree that has made law, order, security, and virtue, the indispensable conditions of social and industrial progress. The heroic age had passed away and the great men, animated by patriotism broad as the country, who had guided our councils during the mighty conflict, disappeared. Narrow-minded partisans, whose small voices were too feeble to be heard during the struggle, crawled out in the sunshine of peace and crept into power. The inspiration of their statesmanship was hate and its methods force. They had no faith in the cementing power of equal rights, mutual charity, and self-interest. They were ignorant of the Jeffersonian methods of government, which teach that all just government rests upon the consent of the governed and that all political arrangements are devised for social ends, and must be wrought out by social means of free discussion, mutual concession, and forbearance, which accomplish more than force in reconciling the various contending views and interests that struggle for mastery in the minds and affairs of men. They believed the people could not be let into the Constitution. No suffrage, no self-made laws, no self-elected governors or legislators, no trials at home, no *habeas corpus* could be given them. The way to save the country was to destroy the Constitution and shut out from its privileges every one opposed to them. This system of hatred and illiberality has had its day; short in years, but of long duration in the calamities it inflicted on the people.

The evils which distress the American people are the clear and direct result of this misgovernment. Labor is the basis of all progress, the producer of all wealth, the bearer of all the burdens of society; and it is the first duty of those who wield the powers of government to direct them to its encouragement and the removal of its burdens and the augmentation of its rewards. Capital itself is but the product of labor, and when labor is overtasked and sinks under the weights placed upon it society has gone fearfully wrong and capital and all other interests are in danger. That society rests upon the most solid basis where labor is liberally rewarded, because its masses are independent and it escapes the oppression of overwhelming money capital on the one hand and the debasement of helpless pauperism on the other. But what have the eleven years of peace under republican rule done for labor? In what condition are the toiling millions of the United States to-day? From the day-laborer to the skilled artisan we find them impoverished, unable to find employment even at greatly-reduced wages. They are strong and skillful and willing to labor, but no one is able to employ them.

While production has ceased, taxation goes on and must be met. Consumption goes on; accumulations of prosperous times melt away; property, ceasing to be productive, daily shrinks in value. The proprietors of industrial establishments, who carried on the vast mass of daily work throughout the country, who invested in mines, mills, factories, forges, and lands, are discovered with the property idle and valueless. No one prospers but the owner of realized wealth. He is happy because all values have shrunk but the value of money, and that can purchase now nearly double the quantity of property it could a few years ago. The industries of the nation lie prostrate at his feet, and he may now acquire for a small amount of money properties which cost intelligent, energetic, and prudent men years of toil and sacrifice to build up. Things are in that condition when the rich can readily become richer and the poor must continue to grow poorer. The dream of the usurer is realized. He is master of American labor and American industry. In a country whose government is made by the people and should be administered so as to make them prosperous and happy we see at least two millions of the brave, honest freemen of America crying out for bread and going about from town to country and from country to town in the vain search for work to earn it. The homes of the American laborer and mechanic are in distress. The virtuous wife and innocent children suffer from want. The despairing husband can find no means of relief. He would give his heart's blood in daily toil to bring happiness to that dear home again; but go where he will his appeal for work is denied.

The Government of the country was controlled by venal and corrupt politicians, who disregarded the laws of social progress, who heeded not the interests of the toiling millions, who bent all the force of national legislation to despoil the nation's industries, and to erect on their ruins a dominant moneyed aristocracy exempt from all the burdens of the State. Bitter, virulent party spirit was invoked to blind the mass of the people and prevent them from scrutinizing the policy that in its full development has robbed them of employment and food. The gospel of hatred was preached to the prejudiced and unreflecting, in order to turn their minds away from the living issues and crying wants of the present to the follies or the crimes of the past. The opening of men's eyes is the work of time; but they are opening at last. Adversity is the great moral teacher and reformer of nations. This great teacher has come among the American people with all its impressiveness and power, and their vision is purified and their hearts are open to receive the truth. They can now see how the resources of the nation were destroyed, and why all its industries have ceased, and idleness in gaunt and hungry form stalks through the land. They can trace it to reckless and wicked legislation, which destroyed all the conditions of industry in one-half of the Union, and directed all its force to the perpetual ascendency of corrupt party managers and the undue enhancement of money in the whole of it.

While our national resources were thus wasting away, the Government continued to gather from the people enormous revenues unheard of in time of peace, to be squandered in the unnecessary pomp and extravagance of useless and corrupt office-holders. With half the country bankrupted by the rotten governments set up over the people by Federal power, the remainder of it could not long bear these crushing annual burdens of taxation without sinking under the weight. The aggregate of Federal taxes actually paid into the Treasury since the war is about $4,682,000,000, an amount nearly double the national debt at the close of the war. The amount of taxes which the people paid and which was stolen by the loyal partisans who had charge of the collection, before it reached the Treasury, is estimated to be at least another billion by the civil-service commission, which states that one-fourth of the taxes collected are stolen. With honest public officers and reasonable economy, the national debt should be nearly paid off. Less than a hundred millions a year for interest and $30,000,000 for pensions are the only extraordinary items required since the war more than before it, when about $60,000,000 a year was sufficient to carry on the Government. Certainly double that sum, or $120,000,000 a year, ought to be sufficient to pay the ordinary expenses since the war. This, with the interest and pensions, would make about $230,000,000 a year for all the expenses, ordinary and extraordinary, since the war, and the interest would be diminished each year as the principal was paid off. This would have left about $200,000,000 a year to be applied to the national debt, which in the eleven years would have nearly paid it all off. But in fact there has been paid only about $500,000,000, leaving the debt to-day over $2,200,000,000; and we are still paying the war rates of interest, 6 per cent. in gold, on most of it, and 5 per cent. on the balance, when no other nation of our rank and credit pays over 3 per cent. We have not only failed to make any proper reduction of the debt, though money enough has been taken from the toiling masses to pay it off, but we have not called in our war loans and reduced the war rates of interest. We should to-day have little or no debt to pay if we had an honest and capable administration of the finances, and upon whatever debt remained we should not be paying over 4 per cent. interest. The reduction of interest to 4 per cent. on the present indebtedness would save about $30,000,000 a year to the people, and leave it in their pockets to feed their families instead of paying it to the home and foreign tax-consuming bondholders, who pay no taxes themselves. After eleven years of peace we have as the result of radical misgovernment our whole people impoverished, our national debt unpaid, and the rate of interest unreduced.

The history of the world does not furnish a parallel to the financial imbecility of our administration, nor of a people who bore so patiently the criminal blundering of those who had charge of public affairs. The wonder is, not that American industry is bankrupt and American labor starving, but that they could bear such crushing burdens for so many weary years. The moneyed interests that control the Government do not desire the national debt to be paid off, nor the rate of interest to be reduced. They hold a mortgage upon all the property and industry of the people of the United States at a high rate of gold interest, and they have no desire to be paid. The security is good and the interest high, and they want it to stand forever on the shoulders of the people. These high rates of Government interest in gold compel the industrial classes to pay 8 to 10 per cent. for loans required in their business, and we cannot have prosperity in business until the Government debt is paid off or its rate of interest reduced to 4 per cent.

The laboring people should remember that all the taxes wasted by corrupt, idle office-holders have to be paid out of their earnings before they can spend a dollar to buy bread for their families. Taxes are the first lien on every man's earnings, and must be paid no matter if starvation follows. And they should also remember that every effort made by the democratic House of Representatives to reduce the overgrown expenses of the Government and lighten their burdens, so that business might revive and corruption cease, are resisted by the republican party in the House and in the Senate, and by the whole army of Federal office-holders. According to them, every filthy excrescence cut off from the body-politic, every dollar saved to the people, would destroy the Government, which they seem to appreciate chiefly as a means of extracting money from the people and enriching the office-holders and the money-owners. They refuse to recognize the voice of the people, which condemned their extravagance and corruption and sent the present democratic majority to the Hall of Representatives to investigate and expose their frauds, abolish their corruptions, and enforce economy upon all branches of public service. They refuse to yield to the constitutionally expressed will of the people, demanding economy, retrenchment, and reform, at a time when the revenues are falling behind the estimates from the inability of the country to bear the present crushing burdens of taxation. The appropriation bills reported to the House at this session are $64,362,116 less than was demanded by the republican Administration to carry on the Government for the present fiscal year and $38,516,312 less than the actual appropriations made by the republican party for last year. Even if the appropriations should be increased by the Senate three or four millions, it would still leave a saving to the people of about $35,000,000 made by the democratic House over the appropriations of last year and a saving of $64,362,116 from what the republican party demanded to carry on the Government for this year.

The revenues of the year ending June 30, 1876, fell short of the estimates about $14,000,000. And it is expected that the revenues of the

present fiscal year will fall short of the estimates from thirty to forty millions. So that unless the reductions proposed by the House are agreed to by the party controlling the other branches of the Government, we must impose taxes on tea and coffee, or some other articles of necessity, so as to insure the collecting of these extra $30,000,000 or $40,000,000 from the people to keep the office-holders from feeling any part of the distress they have brought upon the country. We must either dismiss some of them and let them go and earn their living as the honest toiling masses do, and reduce the salaries of the rest, or impose upon the people they have bankrupted thirty or forty millions new taxes to continue them in luxury and idleness. The people cannot bear the present taxation; they are forced to economize and stint themselves in their homes; but the radical party and its pampered office-holders cry out against any reduction of expenses, and clamor for additional millions to be imposed on their suffering countrymen, that they may continue to wanton in their accustomed enjoyments. Their profligate abuse of public trust brought sore distress upon the confiding masses, but they are unwilling to suffer any part of the distress themselves. In any other government the office-holders would respect and obey the will of the people in regard to the expenses of their own government; but here the office-holders set themselves up above the people, and, while they hold on to the offices, fight to the last ditch against any reduction of their pay. The House of Representatives is the house of the people; it immediately represents them and comes right fresh from them. Its members are of the people, hold their positions but for a short term of two years, and have during that period to return among the people for their approval or condemnation.

The elections for the House are frequent and for a short term, in order that the people may always have control of the expenses of the Government through their own House, where they are immediately and directly represented. The Senate is elected for six years, and not by the voters in their several districts, but by the Legislatures of the States. They do not represent the changing condition and sentiments of the people, but frequently continue to represent interests and issues which secured their election long after the popular voice in their States has pronounced against them. Power easily slips away from the dispersed masses of voters, who have not the facilities for acting by combination and concert and whose prejudices and local interests often separate them; and the only way to preserve republican government is to uphold with a firm hand the constitutional powers of the people in their government. The martyrs of liberty in every age sacrificed their lives to establish the sacred and fundamental principle of every free government, that no money can be levied upon or taken from the people except what is given by them through their own immediate representatives of their own free will and accord.

In England the king and the House of Lords cannot take one penny for any purpose from the pockets of the people. They cannot add one cent to the appropriations given by the people in their own House of Commons. They have no right to amend a money bill and never dare to attempt it. The people of England are masters of the purse and the sword, and therefore they are free and control the policy and regulate the expenses of their government. This is the great foundation principle of popular liberty which was fought for through centuries and finally established as the very corner-stone of the temple. No people are free whose money and property can be taken from them without their own free and uncontrolled consent expressed through their representatives. Their own House of Commons, or House of Representatives, where the people themselves speak and act, is the only body in any free state that can touch one penny of the people's money or spend it for any purpose whatever. The Declaration of Independence was proclaimed and the war of the Revolution fought by the founders of our Government to establish this principle in America. Great Britain put a duty on tea coming into this country. The fathers of American liberty threw the tea into the ocean, and rose in arms against the claim of the British Government to tax them directly or indirectly. The British House of Commons was not their House of Commons because they sent no members to it and were not represented in it. To allow anybody but their own immediate representatives, elected by them, to levy taxes upon them and appropriate their money and property, they considered slavery. The immortal Patrick Henry expressed the deep and earnest sentiment of every American heart when he exclaimed, in reference to this tyrrany, "Give me liberty or give me death!" There can be no liberty where the earnings of the people and the bread of their children may be taken from them by kings or presidents, lords or senates, without their own free and unconstrained consent, expressed by their own direct representatives in their own House. Hence, when the Constitution was adopted this provision was placed in it:

> All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments, as on other bills.

All bills to raise revenue, that is, to tax the people or to take their money and put it to any public use whatever, must originate in their own House, the House of Representatives. The President has no taxing power; he is to execute the laws and see that such money as the people choose to pay to support their own Government is properly and honestly applied. The Senate has no taxing power; it represents the equality of the States, not the people. The little State of Delaware has as many Senators as the great State of New York with her enormous wealth and her 4,000,000 of population. If the Senate had the taxing power, the small States not containing one-fifth of the population of the United States could put what burdens they liked upon the great industrial masses of the country. But the people alone can tax themselves. They are the makers of the Constitution; they are supposed to have as much interest in their own Government, and to know as well what money they can spare and what it ought to be spent for as any Senate or President. It is a fatal blow at liberty for officials to set themselves above the people, and assume that they are wiser than the people and have a right to extort the money out of their pockets against their consent.

The Senate can propose amendments or suggest them to the people's Representatives, but cannot coerce the Representatives of the people to adopt them by refusing to concur in any appropriations and stopping the people's Government. It is the right of the people in their own House to determine what amount of money they will expend yearly for their Government, and the Senate has no right to say to them they shall have no government at all unless they give more. In money bills the Senate has no right to originate any tax or burden upon the people and insist on it. An amendment may originate a tax as well as an original bill, and while the Senate may propose amendments, they are only in the way of suggestions, and it would be an evasion of the great fundamental principle of free government and the sacredness of the people's property if the Senate were to take a House bill appropriating a certain amount necessary for some governmental purpose and amend it by increasing the amount and refuse to pass any bill for the purpose unless the House agreed to it. This would be for the Senate to tax the people and not the House. The King and the Lords in England never reject a money bill. They accept them as the Commons grant them. The American Commons have as large a share of liberty as the English Commons. Can a President or Senate in the United States compel the people to give them all the money they ask to run the Government, or refuse to agree to any money bill and stop the Government of the people altogether? Is that supporting the Constitution?

The people are the best judges of what their government ought to cost them. If they are unable to pay for a dear one, or do not want it, it is their right to have a cheap one. It is not for the Executive or the Senate to force their money from them to carry out extravagances which they disapprove of. Such a course would be contrary to the whole spirit of free government.

That policy of extravagance and corruption has been condemned by the people. The majority of this House was sent here to reform and lop off all the rotten and useless machinery so long kept in operation by the radical party. Do the leaders of that party expect this House to forget the mission it was sent here to perform and adopt the condemned and execrated policy of the despoilers of the people? That party has had absolute control of every branch of the Government since the war. If it was capable of giving the people wise and honest administration, that would make them prosperous and contented; it has had the fullest opportunity for doing so. The tree is known by its fruits. What is the record of the radical party? What has it done for the peace and welfare and honor of the people? Official life at home and abroad scandalously corrupt. National honor tarnished under the very eyes of the administration. Venal and unscrupulous leaders selling the high and sacred legislative powers of the people. The lands and the bonds of the nation voted away to huge corporations, and the venal creatures who voted them away discovered with their share of the plunder in their pockets. Offices sold by men who had, or assumed to have, power to influence appointments. The money given by the people to support the remnant of the fast-decaying Indian race intercepted on its way from the Treasury to the Indians and divided among office-brokers and Indian agents, and the Indians left to starve and turn upon our heroic little band of soldiers in their savage madness and massacre them. Even the feeble reasoning power of the untutored savage held the people of the United States responsible for the plunderings of the officials appointed by their Government. The pitiful pay of the soldier, extorted from him through the machinery of vendible, high-priced post-traderships, finding its way back into the bank account of that Cabinet minister at Washington who was especially charged by honor and duty with the soldier's welfare. Even the Department of Justice, that should be pure and sacred, sending out the money of the people to intimidate one class of voters and corrupt another. Officers of the revenue in high favor with the Administration combined all over the country with whisky distillers to divide the tax among themselves and their political friends, and defraud both the Treasury and the people. The Secretary of the Treasury and the officers and attorneys who aided him in detecting the criminals and bringing them to the bar of justice, all dismissed from the public service, as if it had no need for the vigorous reforming hand of Bristow and his honest, zealous, and able assistants.

The Post-Office Department robbed by a system of straw bids, and the Postmaster-General, who was honestly laboring to break it up, asked to retire from the Cabinet. The little earnings of the colored people, gathered into the Freedman's Bank and its branches established through the South, upon the wicked falsehood that their deposits were guaranteed to them by the United States, brought to Washington and divided among a corrupt political ring, by which the poor, deceived, and defrauded freedmen lose about two millions of their hard-earned savings. Federal agencies substituted for home-

rule governments in the States. American Legislatures overthrown by Federal bayonets. Industry broken down. Labor starving. Taxation oppressive. Intercst usurious. The public Departments swarming with needless Federal office-holders. They and the bondholders the only prosperous people in the land. Confidence destroyed by the general moral rottenness found in every branch and grade of official life. Universal distrust, doubt, and dread of the future. All business broken down and no basis of integrity for it to start upon. Social, business, and political chaos. These are the bitter fruits of the absolute rule of the radical party. Is it not time to stop and consider? Is not a change demanded by every sentiment of honor and every consideration of private and public welfare?

The party that brought on this distress is unable to relieve the people. It is unable to shake off the bad elements that have controlled it, and bring about the great reforms which the country demands. It has proposed no change. The last effort of its expiring power in this House was to pass the force bill, to perpetuate the terrible misrule it established in the South and again overthrow the civil, social, and industrial organizations that are beginning to take body and shape there under the healing and purifying influence of home-rule governments. That most wicked act, attempted to be forced upon the country by men who had been repudiated by the people, would have destroyed every germ of a restored Union and left the country in a worse condition after eleven years of peace than it was at the close of the war. If we have self-governing, peaceful, law-and-order-sustaining communities in the South to-day instead of organized anarchy and robbery supported by Federal bayonets, the country and the world are indebted for it to the patriotic endurance of the democratic minority of the last House. The radical party made a struggle that shook the country to pass that wicked and unconstitutional law and again overthrow the States and all the home-right-liberties of the people and reconstruct its own reconstruction and prevent all possibility of order, self-government, and industrial regeneration taking root in the South.

Let disorder and corruption be perpetual, so the radical party might retain power. Let the country perish in her multiplied distresses, so the carpet-bag government, the public despoiler, the spy, and informer flourished. Let civil governments disappear from the land and military satrapies under the gentle Sheridan and the honest Belknap rule over the people. Away with American home-rule-government. The Constitution could only be saved by destroying it, in the opinion of the venal and unscrupulous leaders of this party, grown corrupt and false to the welfare of society by long and unchecked abuse of power. Thus the nation would fall under the suicidal acts of its corrupt and incompetent rulers; they would destroy it to save it, and put it to death for fear of its dying.

Notwithstanding the enormous revenues collected from the people since the war, the party in power has left the country suffering under all the evils of a depreciated, irredeemable currency, and the only remedy it was able to devise was the resumption act, by which they bound and delivered the laboring and industrial interests of the country to the merciless power of realized wealth. With all the productive powers of the country broken down under the enormous weight of the annual burdens and the revenues rapidly decreasing from the impoverished condition of the people, they enact an impossible and hypocritical promise to pay gold in 1879, but make no attempt to fulfill it by economy, dismissing useless office-holders, reducing extravagant and needless expenditures, and saving money in the people's Treasury; but by selling four hundred millions of bonds, bearing a rate of interest to bring gold at par, and with this gold pay off the legal-tender circulation, thus adding at least twenty millions more gold interest a year to the present insupportable burdens of the people. Instead of lightening the weight that crushes industry, which is the fountain of all wealth, and thus liberating and putting in active operation all the industrial forces and energies of our people so as to create wealth and enable them to wipe out national, State, and individual debt, they propose to add new burdens, and thus banish the day of restored prosperity to a hopeless distance from the present generation. With about one hundred millions of gold to be sent abroad yearly to pay interest, even if we sold our bonds and bought gold and paid off the legal-tenders, every competently informed person knows the gold could not be retained here. Even the report of the bullion committee, which all the forced resumptionists make their text, states it as a settled maxim that gold cannot be retained in a country which is obliged to send large supplies of it abroad to carry on war, pay interest on a debt held in a foreign country, or the like. The stream of gold must flow out of the debtor country and the exchanges be constantly against it. This is an inevitable law. Hence if the legal-tenders were now paid off and the people thrown upon a gold circulation they would be left without any, and all business would come to a dead halt, trade and industry perish, and values melt away. Forced resumption is an impossible absurdity. The effort to force it may bring intense distress, destroy values of property, create bankruptcy, but cannot make gold appear. The puny enactments of legislative ignorance cannot destroy the operation of eternal and immutable law. The democratic party is in favor of hard money and of resuming cash payments at the earliest day the country is able to do it. But the policy of the party in power could never reach it except through general bankruptcy.

There is but one way out of debt for nations or individuals and to specie payments. That way is plain and simple: To cut down all unnecessary expenses, lighten the burdens of industry and stimulate it in every form, and thereby develop the wealth of the whole nation. Save much and spend little. Abolish corruption. Stop the stealing of the people's money. Dismiss the political bummers fed in idleness at the public table. Establish old-fashioned honesty and economy in public affairs, and the national industries will soon spring up to full life-giving activity, and make the greenback equal to gold. This is the direct road to speedy and permanent resumption of cash payments and business prosperity. Forced resumption by calling in the legal-tender is the destruction of the existing circulation without the possibility of maintaining a coin supply in its place. Contraction of the circulating medium below the wants of the people has been the most powerful agency of distress and ruin to nations and individuals. Plagues and famines have not produced such permanent and wide-spread injury to mankind. It was the main cause of the final overthrow of the vast fabric of the Roman empire, which in the time of Augustus, with a circulation of two billions of dollars, supported, without direct taxation or any serious burdens on the people, an army of 700,000 men; and in less than a century, with a circulation reduced to $400,000,000 could not maintain 150,000 men in the field. A few wealthy families had amassed all the money and turned it into plate and trinkets, and the mass of the people had none. Industry perished; lands were deserted; business transactions diminished; the masses were impoverished and lost all interest in the state, which fell an easy prey to its barbarian invaders. The feudal kingdoms in time arose, organized more for war than peace, and commerce and the industries of prosperous society were slow to revive. This system, with its innumerable burdens, lingered until the discovery of America opened to mankind a new world and regenerated the old. The mines of Mexico and Peru sent out their fertilizing wealth, feudalism melted away, commerce, manufactures, and industry revived, the people arose, independence grew up, and the rights of man were established.

An abundant circulation at low rates of interest is the great agency of social and industrial development. Says Bacon:

> Above all things good policy is to be used that the treasure and money in a state be not gathered into few hands. For otherwise a state may have a great stock and yet starve. And money is like muck, not good unless it be spread.

The vast production of commodities required by the wars of Napoleon created such a want of money that the world again outgrew its supply. The revolutions in South America reduced the product of the mines from fifty to twenty-five millions annually. Population and business increased, and money diminished; prices of produce and labor fell one-half. England about the same time undertook to resume specie payments by reducing her paper circulation, and her merchants were compelled to collect from their debtors in the United States. A period of the most frightful disasters to business and industry followed. In England the people were thrown out of employment, and the cravings of hunger overrode the rights of property and the fear of the bayonet. Half its wealth melted away and every seventh man was made a pauper, and 300,000 of her most industrious citizens sent annually from her shores to build up our own great Republic.

In the United States the fitful efforts to maintain specie payments, the alternate contractions and expansions, brought ruin to one-half the people and swept away over one-half of their capital. They did not starve, as in Great Britain, because we had a bountiful country and a sparse population. But our growing industries perished, and bankruptcy was the only mode of discharging debts. Prices were reduced over one-half and the value of all debts and liquidated money obligations was doubled.

The acquisition of California and the discovery of its gold-mines again relieved the world by raising the prices of labor and commodities 50 per cent. in a few years and filling the hearts of the people with energy and hope, and enabling them to wipe out national and individual indebtedness and start upon a new career of social and industrial progress. To these supplies of gold are due the unparalleled developments which we have witnessed throughout the civilized world in the last twenty-five years. Higher wages, better houses, better clothes, improved modes of travel and transportation, enlarged commerce, more churches, schools, and libraries, deeper knowledge and wider diffusion of it, wonderful mechanical inventions and scientific discoveries, saving labor and multiplying facilities for social and industrial advancement—all these are due to the fertilizing influence of the streams of gold that flowed from California.

Bloody and gigantic wars have been enkindled and fought out to arrest this magnificent march of the people to the promised land of industrial prosperity and independence, which would eventually crown them with political freedom and self-government: The Crimean, where Christian France and England impiously wasted blood and treasure to prolong the accursed rule of the barbarous Turk, which has blasted the fairest and most fertile portions of Europe and Asia; the war of France to expel the Austrian from Italy, not for the freedom of Italy, but to take a slice of Piedmont to herself; the war of Prussia and Austria, the Franco-Prussian war, and our own mighty civil war. The interests of the people are in peace, and whenever they learn to make their rulers keep the peace they will be prosperous and free. Five millions of armed soldiers are to-day arrayed on the continent of Europe for mutual slaughter, and the absolute government

of the sword is established. The toiling millions must sweat and groan to furnish equipments and support for these destroyers of their liberties. This system may be called greatness, glory, or what you will, but it is the hopeless slavery of the people, the assassination of liberty, the death-knell of all hope of elevating the masses to comfort, independence, and self-government. In our own country the same spirit of military domination has been too apparent. But thank God all fears from that quarter are rapidly passing away, and profound, heartfelt, and durable peace and brotherhood are fast uniting the great masses of the American people this centennial year of their independence into one great political family of freemen, animated with the same ardent love of liberty, the same firm and generous devotion to home rule and local self-government as aroused and united their ancestors in the heroic times which consecrated this land to liberty.

Whatever may be the fate of Europe, I have an unalterable conviction that the great art of all arts, the art of civil self-government, is not yet lost in the United States. I believe the people will compel armed power to remain subordinate to fundamental law, and insist upon civil government by methods of persuasion, discussion, conciliation, and peace; the methods of Washington, Jefferson, Madison, and Jackson. There is not to-day in all the world a government supported by military force over a civilized people that would not make mankind more happy by its immediate fall. Wherever the checks and restraints upon power are in the greatest vigor, the people are always found to be happiest; and they should never allow demagogues, seeking power and place for their own profit, to excite in them those storms of passion that would sweep away the limitations on power, which are the safeguards of their own liberty, property, and happiness.

We must erect new bulwarks for the public liberties and strengthen the foundations of public virtue. We must make vigorous and unsparing war on that gigantic system of oppression, extortion, and corruption which has brought burning shame and unparalleled distress to the American people. The most vile and sordid passion is that whose object is to turn the public service into a source of private emolument. We have seen men high in public station who have given unlicensed indulgence to that most base of all the passions, and the party in power has failed to wipe out the disgrace. The rings and combinations that control its organization are more powerful than the aspirations of its honest masses for purity, economy, and reform. Those of its leaders who lost influence in its councils, or were dismissed from public service, were the Sumners, the Trumbulls, the Adamses, the Bristows, the Jewells, Pratts and others, distinguished for integrity, who earnestly labored to elevate and purify it, while those who ruled and robbed in the South, and those who suddenly enriched themselves in office elsewhere, appear to remain in good standing as loyal and worthy members. And if to-day the reproach of States governed not by their own people but by reckless adventurers thrust into power by misguided ignorance and armed force has been partially wiped out; if to that gang of public despoilers which spread terror and distress through all the States of the South has succeeded a body of public functionaries distinguished for integrity, disinterestedness, and public spirit; if in the various Departments of the Federal service fraud has been detected, exposed, and arrested, and the public criminals brought to the bar of national justice, the praise belongs to the democratic party and those pure and independent men of the republican party who, when party lagged behind the interests of the country, broke its paltry chains and set their faces against all that was rancorous and malignant in the angry passions of absurd partisanship, and endeavored to convert violent and virulent recrimination into peace, harmony, and affection.

The mighty movement of events sweeps along and opens up new worlds of wants and duties on every side of us. It would be absurd and criminal folly to waste life and opportunity in virulent and profitless contentions over what has passed from our control and gone into history. We have no moral or political right to torment or wrong each other. As men and as citizens earnestly desiring the honor and advancement of our country, we must dismiss party virulence and absurd prejudice and bring fair and candid minds to the consideration of the solemn duties and urgent needs of the day and the hour. We have a great and glorious country, with institutions instinct with liberty and fraternity, and deserving the intensest love and devotion of all her children. Her claims upon us rise high above the paltry insignificance of party. That there are enormous evils to be redressed no man will deny. It is now in the power of the people to correct them. The great question is presented to them whether the interests and the honor of the country do not require a change of policy? The public service is not pure. It must be reformed. Corruptions were known to exist, but the party in power did not investigate, expose, or correct them. The people demanded an examination of the accounts and doings of their servants, and sent an opposition majority to this House to make it, and the work has been done and the result is before the country.

Every honest and disinterested American citizen feels in his heart that corruption has abounded, and that it must be abolished, and that the whole conduct and policy of the Administration must be changed and reformed. How is business to revive, how is confidence among men to be restored; how are the criminal extravagances of public expenditure to be reduced; how are the idle politicians on the payrolls of the people to be turned out to do honest work for honest livings; how are purity and economy to be re-established and the crushing burdens of the people to be lightened unless we have an immediate and thorough change of policy? We cannot have this change of policy, which every business interest and every just and honorable sentiment demands, without a change of party. We are told not to put new wine in old bottles. The reforming and purifying spirit of the people cannot sweep away the abuses and corruptions that have shamed and impoverished the land through the agency of the men who caused them or suffered them to grow up.

All the rings and jobbers, office-brokers and office-holders, indorse all that has been done by the present Administration; and the same influences that gave them predominance in this, will give them similar control of any administration put in power by their party. They have flourished under General Grant, and we are not informed that Governor Hayes is more honest, or possesses a stronger will than General Grant. The same combinations and influences that control this Administration nominated Governor Hayes and will be uppermost in his. We have tried all the strategies, devices, and remedies of the republican party for eleven years of peace, and it has proved itself incapable to give honest money or honest government to the people. We have at the bidding of that party stirred up all the base and virulent passions of the human heart to set one citizen against another and destroy all charity and fraternity between our fellow-countrymen, and this, too, has failed to make the honest masses of our people either prosperous or happy.

The supreme necessity of the hour is economy and reform in the public service, and the complete, full, and perfect restoration of harmony and affection among all the people of every section and every color. To accomplish this is the great national work that lies before the American people this centennial year—to restore, re-establish, and re-invigorate all the principles of union and harmony and all the privileges and franchises for which their ancestors struggled and died in 1776. Corruption, which taints and destroys the noblest works of God and man, must be rooted out of the body politic. It must be made odious and infamous. There must be no toleration for the man who defiles himself and disgraces the high and honorable service of the American people by receiving bribes or making merchandise of public offices or stealing public money. The crime is too base and filthy and too fruitful of evil consequences to be longer endured. Corruption is the greatest of all evils in public affairs, because it saps the foundation of public liberty and law; poisons the purity and integrity that are essential qualifications for any share in public affairs; encourages all manner of vices, dissipation, and dishonesty, and fills the country with broods of degenerate, false, and fraudulent officials and parasites who give a low, base tone to public life, which should ever be kept high and honorable in fact and in the estimation of the people.

We have a magnificent country endowed by the Creator with all the gifts and treasures that fit it to be the home of a prosperous and mighty people. We possess the same identical soil that was consecrated to equal liberty and universal fraternity by the heroic deeds of 1776. We have a constitution and form of government that excites at once the admiration and the envy of the world. The same sublime and generous sentiments which the spirit of liberty breathed into the founders of this wonderful system of government, this mightiest and most beneficent product of human wisdom, should fill our souls and inspire our conduct in administering it in our day and perpetuating it for those who shall hereafter, to the end of time, inherit the name, the fame, and the unexampled liberties and institutions of the American people. We must live up to the spirit of the founders, and take no step on the road to degeneracy. Our country needs to-day that fraternity, unity, and disinterested, all-embracing patriotism and public virtue which redeemed it from British subjugation in 1776. The people must drink in the purifying and ennobling spirit of those days and learn to love their country above everything but God who gave it to them. They must learn that party sinks into absolute insignificance in the presence of their country. We have had too much zeal for party and too little for the honor and welfare of the country.

The people have abated too much from that eternal vigilance which Jefferson teaches us is the price of liberty, and have surrendered their own honest judgments and impulses to the ties and trammels and behests of party. But the evidence of the last two years proves that now, when they see and feel that the unchecked power of party produces distress, corruption, and shame, and that those party managers have been restrained from their excesses by no scruples or fears, deterred by no sense of duty or feeling for the honor and welfare of the country, instructed by no experience or calamities brought about by their wicked policy, the people will rise up in the full majesty of American freemen and, defying the dictation of corrupt rings and factions, inaugurate those changes and reforms that will re-infuse into the administration of public affairs that spirit of generous patriotism, disinterestedness, virtue, and economy which will be worthy of the descendants of the heroes and patriots of 1776, and which will put an end to strife and recrimination by securing full and equal liberty to every member of the great American family, and bless the land once more with restored happiness, industry, and prosperity.

The American people have now to settle the destiny of their country and its institutions for four years, and it may be for more. I do not think the people will continue to bear the burdens and the wrongs of the

present corrupt monopoly and ring-ruled administration. They have a man before them for the head of their government distinguished for smashing up political rings, and exposing and overthrowing corruption, whether practiced by friends or enemies—a man of immovable resolution, who will boldly and fearlessly execute the decree of the American people to clean out the Augean stables of Federal administration. They all know who he is. The magnificent triumph of the spirit of peace, equal right, and fraternal love, is close at hand, and the labors and sacrifices of those generous statesmen, who separated from party when it ceased to represent the interests and the aspirations of the people, will be rewarded with the plaudits of their country, and celebrated in history with those illustrious men who led the American people in 1776 to victory over despotic government. They ever remind me of that small band of world-renowned men who in the British Parliament, during the struggle for American Independence, withstood the frowns of royalty, the insolence of power, and the passion of the mob, in defense of American liberty. The king arraigned in the Declaration of Independence the ministers who advised him, the parliamentary majorities who enacted all their despotic measures, and the ignorant populace who sustained them, are gone into oblivion, while Burke and Fox and Sheridan and the small but glorious band who followed their lead have taken their places as fixed stars, to shine forever with imperishable luster in the moral and intellectual world.

When I reflect on this and other examples in history I feel that the world has not yet come to an end; that virtue and liberty are not dead, and that however strong the rule of rings and monopolies may seem to be, they are sooner or later blown away by the breath of an aroused and indignant people. I feel that the spirit of liberty still survives and is the mightiest power that rules the hearts of free-born men, and that those who devote their talents to the invasions of popular rights and the cause of corruption are sure to be buried in oblivion, and that as passion subsides, the people turn away from the false leaders that have brought upon them distress and shame and recognize the necessity of having men distinguished for virtue, public spirit, disinterestedness, and integrity in the management of public affairs.

CIVIL LIBERTY AND GENERAL CONDITION OF THE COUNTRY.

Mr. JONES, of Kentucky, next addressed the House on the character of the Government and the general state of the country. [His speech will appear in the Appendix.]

TAXATION ON CIRCULATION OF STATE BANKS.

Mr. ROBERTS. Mr. Speaker, although I may not now reasonably hope to see any action taken at the present session upon the bill (H. R. No. 3727) which I introduced on the 13th of June last for the purpose of reducing the tax on the circulation of State banks to an amount equal to that paid by national banks, I shall yet be entirely content if I succeed in calling the attention of the House and of the country to the importance of a subject which, in my opinion, has not received the attention to which it is entitled, either as an abstract question of right or as a question out of which would result great good to the people of this country, if treated independently of partisan considerations and with a view to multiplying the means by which the country may hope to escape from its present distressed condition. I do not therefore propose at this time an extended argument upon this subject, but shall confine myself to a brief statement of my views upon the leading questions which it presents, and which are:

First. Is not the imposition of a tax of 10 per cent. on State bank circulation, while the national banks pay but 1 per cent., a most unjust discrimination, and practically a destruction of certain of the reserved rights of the several States of the Union, which can neither be safely commended nor successfully defended, especially in a time of peace; and

Secondly. Does not sound policy dictate the propriety of relieving the State banks of this burden and enabling them to stand in all respects upon an equal footing with the national banks?

Great credit is unquestionably due, and almost universally conceded, to the master-mind that conceived and carried into successful operation the present system of governmental finances, which was made to subserve the immediate wants and exigencies of the war, even though he was at times compelled to apply the doubtful principle that "the end justifies the means," and even though he clearly foresaw that the dawn of peace would lift the veil which but dimly concealed the impoverished condition and the financial distress of the whole country. As parts of that system came the present national banking associations, which were the national outgrowth of the embarrassments necessarily accompanying the recent conflict, and in this respect not unlike the Bank of Venice, the first establishment of the kind in Europe, which was founded in 1171; and like also the Bank of England, established in 1694, both of which owed their existence to the burdens of war and the necessity of the government's providing the necessary means to meet the same; and in each instance they became to their respective governments what the heart is to the animal organism, supplying the vitalizing power by which their preservation was secured.

To a proper comprehension of the character of the tax by which the State banks ceased to exist and the national banks grew into successful operation, it will be necessary to present a brief history of the legislation relating to the subject.

On the 25th of February, 1863, the act authorizing national banking associations was passed, by which a tax of 2 per cent. annually was imposed on the circulation of the associations authorized by it, and by the act of March 3, 1863, a tax of 1 per cent. annually was imposed on the circulation of State banks in certain proportions to their capital, and of 2 per cent. on the excess, and the tax on the national associations was reduced to the same rates. By the act of June 3, 1864, which was substituted for the act of February 25, 1863, the rate of tax on the circulation of the associations was continued and applied to the whole amount of it, and the shares of their stockholders were also subjected to taxation by the States. Then followed quickly the act of June 30, 1864, by which the tax on the circulation of the State banks was continued at the same annual rate of 1 per cent., to be paid in monthly installments of $\frac{1}{12}$ of 1 per cent., with monthly reports from each State bank of the extent of its circulation. The object which the Government had in view became now clearly manifest, which was to keep itself informed as to the extent and character of the paper money in circulation with a view to its ultimate regulation by act of Congress. Indeed, Congress had so early as July 17, 1862, passed an act prohibiting the issue and circulation of notes under $1 by any person or corporation.

The next step taken by the Government was a bold effort to obtain the absolute control of the whole currency of the country, and at the same time to compel the State banks to withdraw their circulation and organize under the national system, and thereby become the purchasers through necessity of Government bonds. This was accomplished by the act of March 3, 1865, which was amendatory of the previous internal-revenue acts, and contained the provision—

That every national banking association, State bank, or State banking association shall pay a tax of 10 per cent. on the amount of the notes of any State bank or State banking association paid out by them after the 1st day of July, 1866.

This provision was re-enacted on the 13th day of July, 1866, with a much more extended application of its terms, and became, as it was intended it should be, the death-blow to the entire State banking interests of the country, by which the Government found itself master of the currency, with a ready market for its bonds.

However defensible the action of the Government may be considered at a time when it was hedged in by difficulties not easily surmounted, and notwithstanding the fact that the Supreme Court has given its sanction to the constitutionality of the acts by which this tax was imposed, it will yet be questioned by all fair-minded citizens whether the Federal Government is clothed with the authority requisite to the imposition of a tax for the professed and avowed purpose of crushing out of existence a bank or any other corporation chartered under the laws of one of the several States of the Union. And yet Chief Justice Chase, in delivering the opinion of the court in the case of the Veazie Bank *vs.* Fenno, 8 Wallace, 549, says:

Congress may restrain by suitable enactments the circulation as money of any notes not issued under its own authority.

This, too, in the very face of the decision of the Supreme Court in the case of Briscoe *vs.* The Bank of the Commonwealth of Kentucky, (11 Peters, page 257,) where the court after the fullest consideration held that the States possessed the power to grant charters to State banks; that the power was incident to sovereignty; and that there was no limitation in the Federal Constitution on its exercise by the States. The court further observed that the Bank of North America and of Massachusetts and some others were in operation at the time of the adoption of the Constitution, and that it could not be supposed the notes of these banks were intended to be inhibited by that instrument or that they were considered as bills of credit within its meaning. The State banks, therefore, existed not only by virtue of their charters under State authority, but under the sanction of the highest judicial tribunal known to the Federal Government, at a time, too, when the atmosphere of politics was not permitted to penetrate within the sacred precincts of the Supreme Court Chamber, and when also the integrity of the Federal Government was supposed to be best maintained by scrupulously guarding the rights of the States from Federal encroachment.

The authority of Congress to tax the property of the banks and of all other corporate bodies the same as that of individuals has never been questioned. But can it be fairly maintained that there is any such deposit of authority in Congress which would justify it in fostering a monopoly of its own creation by taxing out of existence a corporate body chartered by a State? Admit the correctness of the principle by which it is sought to justify the imposition of this tax, and you will find but little difficulty in applying it to "any other description of corporations, such as railroads, turnpikes, manufacturing companies, and others."

The dissenting opinion (Nelson and Davis, judges, concurring) in the case of The Veazie Bank *vs.* Fenno, heretofore referred to, says:

The imposition upon the banks cannot be upheld as a tax upon property, neither could it have been so intended. It is simply a mode by which the powers or faculties of the States to incorporate banks are subjected to taxation, and which, if maintainable, may annihilate those powers.

And further:

This taxation of the powers and faculties of the State governments, which are essential to their sovereignty and to the efficient and independent management and administration of their internal affairs, is, for the first time, advanced as an attribute of Federal authority. It finds no support or countenance in the early history of the Government or in the opinions of the illustrious statesmen who founded it.

These statesmen scrupulously abstained from any encroachment upon the reserved rights of the States; and within these limits sustained and supported them as sovereign States. We say nothing as to the purpose of this heavy tax of some 16 per cent. upon the banks, ten of which we cannot but regard as imposed upon the power of the States to create them. Indeed, the purpose is scarcely concealed, in the opinion of the court, namely, to encourage the national banks. It is sufficient to add that the burden of the tax, while it has encouraged these banks, has proved fatal to those of the States; and if we are at liberty to judge of the purpose of an act from the consequences that have followed, it is not, perhaps, going too far to say that these consequences were intended.

Does not sound policy clearly indicate the repeal of this tax?

Perhaps no subject has of late occupied a larger space in the public mind than that of the currency; a subject upon which neither of the great political parties of the country has been able to entirely unite its followers and which has caused the production of more nostrums for the immediate and complete relief of the country; for restoring confidence and awakening the slumbering looms of prosperity than any other question which has claimed the attention of the American people since the war. Arrayed upon the one side are the friends of contraction; upon the other the advocates of inflation; while upon a middle ground are found those who believe in the maxim, "*In medio tutissimus ibis*" When contraction was supposed to be the policy of the Administration, despair took the place of confidence and bankruptcy seemed the impending fate of a large proportion of the most important business interests of the country, while on the other hand inflation produced absolute want of faith in the integrity of every "promise to pay" which the Government had issued and of every obligation which it had created, so that to avoid Scylla on the one hand and Charybdis on the other has been the effort of those who believe "that you will go safest in a middle course."

The natural cry of the starving is for bread; equally so is the demand of a community in financial distress for more money; but it is a mistaken theory to suppose that inflation will afford any such relief.

Flood the country with as large a volume of national currency as the warmest advocate of inflation may demand and behold the consequence. Those localities most sadly impoverished and most sorely in need, from the consequences of the war, will never have realized the difference, for the reason that the laws of trade, by which capital is regulated, are not subject to the whim and caprice of legislative enactment, but pursue their own selfish purposes to their legitimate end. Capital seeking employment does not tend to those districts wherein want and despair sit staring each other in the face, but as naturally gravitates to the business centers, where it will yield the best returns, as the water flows from the hill-side to join the rippling current as it glides onward to the great ocean. This is true in a larger sense of gold and silver coin than of the national currency; but it is sufficiently true of the paper money issued by or with the sanction of the Federal Government to cause an inquiry as to the remedy to be applied to localize and restrain within prescribed limits a currency which will at least supply the wants of the community for which it is intended. Will not a simple act of justice to the State banks, by reducing the tax imposed upon them to an amount equal to that paid by the national banks, have the effect of bringing into closer harmony the State and Federal Governments and of increasing the volume of a certain character of currency which will be essentially local in its circulation, for the reason that it is wanting in the important attributes necessary to give it an extended recognition: it will not be a legal tender and its circulation cannot be made coercive? Its usefulness will therefore be made to depend entirely upon the confidence which, with prudent organization and careful management, the State banks may be enabled to create for themselves in the communities in which they are located. But however great that confidence may be, it is not at all likely that such banks can be brought into hurtful competition with the national banks, and there is every reason to suppose that they would work harmoniously together in the effort to supply the needs of local and interstate trade.

The great objection urged against the old State-bank circulation, that it was not suitable for interstate commerce and oftentimes subjected the holder to a damaging discount, is not one that can be successfully maintained in the present condition of the currency. From the adoption of the Constitution to the imposition of the tax on the State banks, the paper money of the State banks, with the exception of the notes issued by the Bank of the United States, was the only currency or circulating medium, except gold and silver, left to the States. The legal-tenders issued in the name of the United States and the national-bank notes now in circulation greatly relieve the force of the objection to the State-bank circulation by supplying the necessary medium for interstate commerce and also in producing a direct tendency to restrain the State-bank circulation within the limits of the State from which it has obtained its chartered privileges. Such a result, I believe, could be reasonably expected to follow the re-establishment of the State banks upon equal terms with the national banks.

In this opinion I am fully sustained by Mr. Webster, who in a speech delivered at the merchant's meeting in Wall street, New York, on the 28th of September, 1840, said:

> My opinion is that a currency emanating partly from a national authority as broad in its origin as the whole country, and partly from local banks organized as our banks now are, and issuing paper for local circulation, is a better currency for the whole people than ever before existed in the world. Each of these classes of institutions, and each of these kinds of currency, has its own proper use and value.

If this be true, where are we to look for the remedy? The answer can be found in the opinion of Chief Justice Chase, in the case twice heretofore referred to, the Veazie Bank *vs.* Fenno, in which, almost in terms of apology, he finds himself constrained to say that—

> It is insisted, however, that the tax in the case before us is excessive, and so excessive as to indicate a purpose on the part of Congress to destroy the franchise of the bank, and is therefore beyond the constitutional power of Congress. The first answer to this is that the judicial cannot prescribe to the legislative department of the Government limitations upon the exercise of its acknowledged powers. The power to tax may be exercised oppressively upon persons, but the responsibility of the Legislature is not to the courts, but to the people by whom its members are elected. So if a particular tax bears heavily upon a corporation or a class of corporations, it cannot for that reason only be pronounced contrary to the Constitution.

If, therefore, Congress has been the instrument by which this wrong was consummated, and is to be held responsible for the results which have followed, it should be prompt to afford the only adequate relief attainable by reducing this tax to an amount equal to that paid by the national banks, which, if done, could work no possible harm to the national banks, while it might be very reasonably productive of enlarged and needful banking facilities to localities now unprovided for and supply the requisite circulating medium to meet the wants of trade in those localities.

I have thus briefly and imperfectly presented some of the phases of this important subject, and trust that I may succeed in exciting sufficient interest in it to cause the able and experienced men who have so largely contributed to the greatness of our common country to give to it patient and careful investigation, that properly considered action may follow. In treating this subject I have duly appreciated its delicate and sensitive character, because of the fact that to treat it with ordinary intelligence would compel me to claim for the States certain rights which are reserved to them under the Constitution. It has become the rule and fashion of late when any one seeks to claim for the States certain rights which were supposed to have been reserved to them to stamp the utterance as disloyal, and if it come from any one of southern birth or proclivities, as showing unmistakable evidence of the bad temper of the southern people toward the Federal Government, and especially toward the northern people. And yet you find Mr. Justice Miller, in delivering the opinion of the Supreme Court in the celebrated Louisiana Slaughter-house cases, which were decided so late as the December term, 1872, uses the following comforting words:

> Under the pressure of all the excited feeling growing out of the war, our statesmen have still believed that the existence of the States with powers for domestic and local government, including the regulation of civil rights—the rights of person and of property—was essential to the perfect working of our complex form of government, though they have thought proper to impose additional limitations on the States, and to confer additional power on that of the nation. But whatever fluctuations may be seen in the history of public opinion on this subject during the period of our national existence, we think it will be found that this court, so far as its functions required, has always held with a steady and an even hand the balance between State and Federal power, and we trust that such may continue to be the history of its relation to that subject so long as it shall have duties to perform which demand of it a construction of the Constitution or any of its parts.

Mr. Justice Miller will not be accused of any undue partiality for States' rights, and therefore any expression from him on this subject is entitled to the careful perusal of those partisans who in their ardor seek to clothe the Federal Government with every attribute of authority and centralize within it every source of power by stripping the States of the very last vestige of that sovereignty which the Constitution solemnly guarantees to them. I entertain no such vain belief that proper legislation concerning the State banks is the only want from which the country is suffering, nor by any means the remedy which will bring complete relief to the large manufacturing interests of the country and employment to the suffering laborers, whose cry of distress is daily heard throughout the land. It is too plainly manifest that the country in seeking to adjust itself to the grooves of prosperity in which it successfully moved before the war now finds the large and lucrative trade of the South an absolute requisite in the restoration of the former energy and vitality of the business interests of the whole country, and without which the country will be long in regaining its lost equilibrium.

Those, then, who seek to build a wall of prejudice and of bitter animosity between the sections; who strive for political asendency by postponing a complete reconciliation of the interests and sentiment of the country; who see in an impoverished and stricken South the highest evidence of our country's magnanimity and greatness, they may, if the country in an evil hour assent to these propositions, realize their wishes, but they will never live to see this country again prosperous and happy. If our republican form of government, the perpetuity of which is largely dependent upon the virtue of its citizens and the wisdom and integrity of its legislative, judicial, and executive officers, cannot be administered with a just regard for the rights of all the States which constitute in one harmonious whole this great and glorious Union, then all efforts to revive its drooping and diminishing trade, which by all natural laws is entitled to be prosperous, will prove futile and vain, and the line which Dr. Johnson added to Goldsmith's Deserted Village will tell the tale of our future:

> Trade's proud empire hastes to swift decay.

WASHINGTON, CINCINNATI AND SAINT LOUIS RAILROAD COMPANY.

Mr. DAVY. Mr. Speaker, the bill recently before the House reported by the Committee on Railways and Canals, of which I have

the honor to be a member, ought not in my judgment to receive the approval of the members of this House. For years past Congress has encouraged railroad enterprises by giving a portion of its domain and the granting of subsidies. I shall not at this time attempt to argue that the policy adopted by Congress was a wise or an unwise measure. I shall confine my remarks to the bill reported by the committee. This bill asks Congress for a charter to construct a double-track freight railroad from the Atlantic seaboard to the Mississippi River. Now, sir, the mere granting of a charter by Congress may not be very dangerous in and of itself, but it commits the Government to the policy of aiding in the construction of railroads, which I am decidedly opposed to. It opens the avenues to additional legislation and the granting of subsidies before the road is completed. It is my purpose to endeavor to show that its provisions are in direct violation of the plain letter and spirit of the Constitution of the United States.

The importance of this bill does not rest upon the fact which is assumed here by its advocates, that there does exist a public necessity for the construction of this railroad. If a public necessity exists, tell me where it exists. Is it necessary to promote the commerce of the country or to facilitate the transportation of freight from one section of the country to the other? Is there anything in the past history of this country to justify any assumption of this kind? I submit, sir, that the exercise of this power at the present time by the Congress of the United States is unnecessary and dangerous to our republican institutions. We have advanced under the present system of government from penury to power. Our commerce has increased. For more than forty years the railroads have borne a prominent part in the commercial history of this great country. During that time the progress of commercial prosperity has been unparalleled in the history of any country; during all this time Congress has never constructed railroads through the States or exercised the arbitrary power to regulate the transportation of freights and to control the great railroad interests of the country. The prosperity of the country and the experience of the past are against the Federal Government exercising any such power.

Now, sir, is the entire railroad history of this country to be ignored? Is this system of railroading under which the people of all sections of this great country have prospered, this system under which we have steadily advanced in opulence and power, to be set aside and a new and untried system to be adopted, unknown to the past and in direct conflict with the present railroad system of the country? The advocates of this bill contend that Congress has the power to grant charters to railroad corporations, and that it has likewise the power to grant subsidies and to regulate the prices for the transportation of freight and passengers. If Congress has this power, then it has likewise the power to take charge of all railways in this country which have been built by the efforts and capital of private individuals, private enterprise, and private wealth. I believe that Congress has no right under the Constitution to assume the control of the vast amount of capital vested in the various railroads of the country. It might as well assume to dictate the value of goods and how private parties shall make their contracts as to assume the right to exercise any such arbitrary power.

Let it not be supposed that this bill is to be the last of its kind. It is only one of a series which will break down the constitutional barriers and inaugurate a new and dangerous policy. Others of a similar character will speedily follow its passage. Instead of breaking up monopolies, as is claimed by the advocates and supporters of this bill, this policy will create one of the most stupendous monopolies that the world has yet seen. Let Congress assume such power and control over the railroad system, and I ask you how long will it be before the railroads will rule Congress and dictate laws? This new policy should deeply and vitally concern the people of this whole country, because it seeks to overthrow the constitutional rights of the individual States. I trust that every gentleman upon this floor before he favors the passage of this bill will examine the very remarkable provisions contained in it. We ought to consider it in all its legal and constitutional and national bearings, for at no period in the history of this country when commerce between the States was carried on only upon the water has Congress attempted by legislation to regulate the price of carrying passengers or produce from one section of the country to the other.

I have serious doubts whether Congress under the Constitution has the power to create corporations for the purpose of constructing railroads. Where does Congress obtain the power in times of peace to enter a State and construct railroads without obtaining the consent of the individual State? Sir, there is nothing in the Constitution to justify the exercise of such a great and dangerous power, in conflict it may be with the laws of the States and in defiance of their constitutional rights. The laws of Congress constitutionally enacted become the supreme law of the land. When Congress creates a corporation to be exercised and controlled by Federal authority such laws necessarily override all State laws which are in conflict with the Federal laws establishing such corporations. They are necessarily in direct conflict with the vested rights of the citizens and interests of the States whose domain is invaded thereby. I maintain, sir, that such corporations in the future as in the past should be left to the control of the States. If the General Government has the power to create railroad corporations, I say if the power to create them exists, the power to control them must necessarily follow.

Some may contend that some of the States of this Union may attempt to exercise the power to tax passengers or commerce which may pass from any other State over their territory; but, sir, whenever a State goes beyond her reserved powers in the Union and attempts to impose this kind of legislation or burdens we have a right to appeal to the United States courts against any State exercising such an unjustified and unconstitutional power. The Constitution declares that—

> No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another; nor shall vessels bound to or from one State be obliged to enter, clear, or pay duties in another.

Here is a clause in the fundamental law of the Government which favors free trade and equal commercial privileges between the States of the Union. If any one of these constitutional provisions is violated by any of the States we have a complete remedy under the Constitution and laws of our country. In every instance where a State has attempted to exercise such an unconstitutional power her acts have been annulled by the Supreme Court of the United States. Then tell me why you ask for this kind of legislation. Is it necessary to protect the commerce carried on between the several States? No, Mr. Speaker, no such necessity exists at the present time. Wherever the State has conferred certain privileges upon incorporated companies, and these companies, relying upon the protection of the State, have gone on and incurred liabilities and invested their money and constructed their railroads, in such cases as the contract is executed between the individual incorporators and the State it would be a great usurpation of power on the part of the General Government to repudiate the solemn obligations of the contract between the railroad corporations and the State, and to rob them of their franchises or to so embarrass them as to seriously impair their utility and thus destroy the avenues and arteries of commerce upon which we must, in the main, depend. Every railroad line for transportation has restrictions placed upon it to protect the interests of the people. In almost every State in this Union the railroad companies are obliged to carry whatever is brought to them.

The common law, which is enforced in almost every State in this Union, obliges the railroad company to carry whatever is brought to it, and is restricted to reasonable charges for whatever freight it receives to carry over its road. It is not only restricted to reasonable charges for freight, but for passengers also.

I trust that the Congress of the United States will study this question carefully before it attempts to create or to construct railroad corporations through the several States to be kept under the supervision of the General Government. I ask you is it necessary, under the pretense of regulating commerce, to favor such radical changes in the established usages of the Government, based, as they are, upon the fundamental law of the land? We have never exercised that power even upon the ocean or the rivers of our country. It was never attempted to divest the State of its general jurisdiction in such matters or to interfere with the rights of persons engaged in such commerce.

The Constitution does not give Congress the right to acquire jurisdiction over any portion of the soil of a State without the consent of the Legislature thereof. This principle has been adhered to by the Government ever since its organization. It has never attempted to do otherwise except in times of war, when it becomes a military necessity; but the advocates of this bill contend that Congress has the constitutional power to create corporations, to build railroads, and some contend that it has the right to manage and control those already constructed by individuals, and by one pretext or another to divest the States of their original control over the same, which eventually must break down a commercial activity and rivalry which is unparalleled in the history of the world, a system which has been in practice for years. Every one of the roads now in existence in any one of the States of this Union derives its legal existence from the representatives of the people in the State legislatures assembled. Now, is it not far better to leave this whole question just where it is and where it has been for so many years?

The policy of this bill once incorporated and placed in the hands of the Federal Government will sooner or later absorb the reserved rights of the States and will paralyze the commercial enterprise and industry of the individual. Sooner or later a new bureau must be established known as the railroad bureau, which is to regulate the system of fares and freights for all articles transported from one section of the country to the other. This kind of legislation will sooner or later rob the States of the right of local self-government.

In 1829 there were no steam railways in our country. Now the iron rail stretches across every section of this vast domain. We have even spanned the continent with the iron bands. The commerce and trade of the country have increased with wonderful rapidity by means of this extraordinary net-work of railroads. Our system of railroads has attained its present greatness by the enterprise and intelligence of the people. It has in the main received its protection from the States, and it has received no aid except from individual wealth, with occasional Government subsidies. Under its present system it is managed with greater skill, economy, and success than it possibly could be under the control and management of the Federal Government. If

the vast railroad interests of this country are to be committed to the control of the General Government, it could not fail to encourage corruption in connection with Federal legislation.

It is also claimed by the advocates of this bill that additional railroad facilities are demanded for the transportation of freight from the West to the East. This assertion is unsustained by any facts obtained from reliable official reports. If such a policy is to prevail, how long will it be before Congress will be asked to appoint a commission to fix the price of goods, wares, and merchandise sold in the United States? Such a violation of individual rights would only be tolerated under a despotic government, and if the policy foreshadowed in this bill should be established here the railways will absorb the whole time of Congress and railroad legislation will be carried on to the injury of the great class of farmers as well as all other producers and consumers. Self-government, general as well as local, is indispensable to our liberty, but interference and dictation are the essence of absolutism.

Let this bill once become a law, its jurisdictional power will at once be felt among the merchants and manufacturers, and all the arts and industries of the nation. One by one of the reserved rights of the States will be blotted out until the whole local commerce of the State will be controlled by the Federal Government. As to existing corporate privileges, which are executed in the nature of legislative contracts by the State, the power to fix or abolish them, in whole or in part, contrary to the will of the grantee, exists nowhere within the range of American institutions except for public use and upon just compensation. A railway is a highway public in its use, private in its ownership. It is the creature of legislative authority, and the Legislature, in granting its franchises which are vital to its existence, can endow it with any privileges or fetter it with any restrictions or conditions within its legislative discretion. But, having done that, the corporation cannot be harmed by its creator; it becomes possessed of certain vested rights which Congress has no constitutional power to disturb.

I have yet to learn that Congress can clothe a railroad corporation with power to go into any State of this Union, and construct its road without the consent of the State, and without obtaining the right of eminent domain, which has always been regarded under the Constitution as vesting wholly in the States, and not in the General Government. If the principles advocated in this bill are carried out, it will virtually take from the State jurisdiction over its own property, over its own corporations, over its own citizens. The Constitution nowhere gives Congress the power to take private property without compensation first made or tendered. The Constitution provides that the property of no citizen shall be taken for public use except compensation be first made or tendered therefor. Congress cannot exercise such legislation even over a place for the erection of a fort, arsenal, or custom-house, unless such place is first purchased by the consent of the Legislature of the State in which the same shall be.

Congress has not the right to take from citizens of a State such rights and guarantees as the State alone can give him, and to say that no citizen of a State shall hereafter be entitled to the protection of any of the laws of his State in the management of his own property. I, sir, am for holding the State and the National Government in their proper position and relation to each other. They should each have all the rights given them by the Constitution. And in the consideration of this bill we ought to remember what are the boundaries between the General Government and the State governments, for the preservation of the liberties of the people requires that these boundaries should be observed.

The chairman of the committee which reports this bill says that he is in favor of granting subsidies from the General Government to railroad enterprises and to all public improvements in the South upon the ground that the North has had vast sums of money for its improvement while the South has not had her share of appropriations for public improvements, and that he is in favor of equality in this regard between the States. Now, sir, as this bill proposes to charter a southern railroad, I take it for granted that the gentleman from Kentucky [Mr. JONES] would be in favor of granting a subsidy to this road at the next session of Congress, although he is opposed to it now.

Now, sir, I claim that the question of locality is in no way important to the consideration of this bill. I should oppose its passage if it proposed to pass through the extreme northern States. I believe in equal justice to the North and South, the East and West, and so far as Congress has the constitutional power to legislate upon questions of public improvement it should and I have no doubt will deal justly to all parts of this great Union. But the principle involved in this bill is alike dangerous and destructive to the South as well as the North.

The enforcement of this bill would be a violation of the fundamental principles on which our Government stands. It would completely undermine the principles upon which the Government should be administered; it takes from the individual States the right to legislate upon matters pertaining to all improvements of a public nature; it takes from the State the right to regulate the rates of fare in the transportation of freight and passengers; it takes from them those rights which they have enjoyed ever since our great railroad system sprung into existence. Congress should be careful how it infringes upon the rights of the States in such matters; for when railroad corporations are once placed under the control of the General Government they assume a magnitude which the people cannot any longer control.

The Federal Government has no right to acquire any territory or jurisdiction in a State except for purposes authorized in the Constitution, and nowhere in the Constitution does it give Congress the constitutional right to go into a State and exercise those great powers without the consent of the State.

The Supreme Court of the United States has said that—

> This power is exercised by a State subject to no power vested in the Federal Government. The proprietary right of the United States can in no respect restrict or modify this exercise of the sovereign power by a State. It is essential to the welfare of the citizens of the States that this power should be exercised. So far as easements by establishing public roads are concerned within a State by its Legislature, the jurisdiction is exclusive. (6 McLean's Reports, page 517.)

In the opinion of the court in the celebrated case of Ballard's Lessee *vs.* Hagon, the Alabama case, 3 Howard, 224, the court say:

> The United States have no constitutional capacity to exercise municipal jurisdiction, sovereignty, or eminent domain within the limits of a State or elsewhere except in cases in which it is expressly granted.

This power is exercised by a State subject to no power vested in the Federal Government. The United States can in no respect restrict or modify this exercise of the sovereign power by a State.

In the Rock Island bridge case Justice McLean, who wrote the opinion, says:

> Under the commercial power Congress may declare what shall constitute an obstruction or nuisance by a general regulation, and provide for its abatement by information through the Attorney-General; but neither under this power nor under the power to establish post-roads can Congress construct a bridge over navigable water; this belongs to the local State authority within which the work is to be done. But this authority must be so exercised as not materially to conflict with the paramount power to regulate commerce. If Congress can construct bridges over navigable water under the power to regulate commerce or to establish post-roads, on the same principle it may make turnpikes or railroads through the country. The latter power has generally been considered as exhausted in the designation of roads on which the mails are to be transported, and the former by the regulation of commerce upon the high seas and upon our rivers and lakes. If these limitations are to be departed from, there can be no others except at the discretion of Congress. (6 McLean, page 524.)

In the case of Gilman *vs.* Philadelphia the court says:

> The National Government possesses no powers but such as have been delegated to it. The States have all but such as they have surrendered. The power to authorize the building of bridges is not to be found in the Federal Constitution; it has not been taken from the States; it must reside somewhere. They had it before the Constitution was adopted and they have it still. (3 Wallace, page 725.)

In the case of Smith *vs.* Maryland, 18 Howard, 71, the court says:

> The right of eminent domain over the shores and the soil under the navigable waters, for all municipal purposes, belongs exclusively to the States within their respective territorial jurisdictions, and they, and they alone, have the constitutional power to exercise it.

Thus it will be seen that the Federal Government has no power to acquire any territory or jurisdiction in a State except for purposes authorized in the Constitution. The power given to Congress to regulate commerce among the States was intended to secure to the States equality in commercial rights. It has never been held that this power given to Congress authorized the taking of real estate belonging to the private citizen of a State for the purpose of constructing railroads thereon to aid in commercial intercourse between the States. This power to regulate commerce among the States was designed to secure complete equality in commercial rights to all the States. No State has the power to impose restrictions upon commercial business over her great public highways which she does not alike impose upon herself; she cannot discriminate against any State or any section, but her laws must affect all alike.

Congress has only given in any case the mere assent of the United States to the erection of bridges over navigable rivers, subject to its jurisdiction for the regulation of commerce. The right to build them within the limits of a State and the authority to use or appropriate the soil on which they stand is always obtained from the State. There are two legislative jurisdictions which may be exercised as to the right to pass over the waters above such soil: The Federal jurisdiction for the regulation of commerce with foreign nations and among the several States; the State jurisdiction for the exercise of its police and other municipal powers, its right of eminent domain, and the protection of its rights of property in the soil.

If Congress possess supreme authority and power to impair the obligation of contracts between the people; I say if Congress may impair or disregard the solemn obligation of contracts between a State and her citizens upon the plea of regulating commerce, then how is the power and jurisdiction of Congress over all local interests to be restrained?

It is claimed by many that railroad corporations should be deprived of the right to regulate the prices of freights because they may become monopolies. Tell me where Congress has ever attempted to regulate the rates of fares and freights in steamboat, river, and ocean transportation. Yet they are just as liable to become monopolies as railroads.

And it is also claimed by the friends of this bill that Congress obtains the power to create railroad corporations as an incident to the power to establish post-offices and post-roads and to regulate commerce among the several States. Now, sir, the Government has never opened up and constructed railroads and highways for the purpose of facilitating the transmission of mails. It has been the uniform practice of the Government to carry its mails over the highways of the States and to make them post-roads to the extent of their common use by its mail-carriers.

As civilization advances and population and intercourse increase, improvements in the manner of transportation increase. Post-roads never precede but always follow the opening of a country and its highways. So the General Government has never been compelled to go in advance of these improvements in the extension of its mail facilities or postal roads; it has always come after and not in advance of these improvements.

Sir, in all the arguments which gentlemen have made in favor of granting this company a charter they have failed to give one solitary reason addressed to the intelligence of this House why the charter asked for should be granted. It is not a question pertaining to the advancement of civilization, nor is it a question as to the development of the great resources of this country. Sir, I am not opposed to the great railroad enterprises of this country; I am only opposed to the Government being directly or indirectly connected with them.

Sir, I look upon the great railroad improvements of the age as a wonderful thing, the achievement of stretching iron bands across the continent from the Atlantic to the Pacific, as one of the great events of this progressive age. It has linked together the East and the West, and I would not raise my voice against the great march of improvement of civilization, and a general development of all the wealth and resources of this great country. If the far West is a desirable country, labor and capital will find its way there, and private enterprise and capital will rapidly develop the resources of the country. Capital will seek its own channels and outlets. Capital seeks investment where it can be profitable. Railroads will go where trade is, and where the lands are rich and productive, without aid from the Gen eral Government.

I cannot believe, sir, that it was intended by the framers of our Federal Constitution, who were among the pioneers in the organization of our State governments, that the General Government should exercise the legislative power to control the local affairs of the States. Such a policy was everywhere regarded by them as dangerous to the best interests of both governments. They have always insisted that the safety and the liberty of the people depended upon a well-defined division of powers between the general and the local governments. In opposition to all the authorities which I have cited and the reasons given why Congress should not pass this railroad bill, my colleague on the committee [Mr. JONES] still maintains that Congress has the right under the Constitution to grant charters and to build railroads and to exercise control over them, and he is even in favor of granting subsidies to aid in these great railroad enterprises.

While I am strongly in favor of a centralized government, yet, sir, I am not in favor of any measure of centralization which shall place the railroad trade or commerce of this great nation under the control of the Federal Government or at the control of any administration, however pure and upright it may be.

RETRENCHMENT AND REFORM.

Mr. ATKINS. Mr. Speaker, the great tidal wave which bore the majority to their seats upon this floor in 1874 was not an accident, but the result of well-defined political causes. The people staggering beneath the insupportable burdens of debt and taxation had reached the point where, with almost one acclaim, they demanded retrenchment and relief. Not the retrenchment which the cunning art of the demagogue would suggest, that of shifting temporarily the load from one shoulder to the other, hoping in the transition that some new method of momentary relief might be discovered, but a retrenchment which brings real relief by reaching down to the lower strata of the evils complained of, and working out a radical, thorough, and permanent reduction in the ordinary expenditures of the Government. Only two ways were open for the accomplishment of this purpose. First, by the actual reduction of salaries and other expenses of Government; and secondly, by the abolition of useless offices, the paid incumbents in thousands of instances being mere sinecures whose only labor was to sign the monthly pay-roll and pocket their salary.

The Committee on Appropriations under the rules of the House being specially charged with the guardianship of the Federal exchequer, has devoted itself with painstaking and unparalled diligence and labor to the consideration of the necessary expenditures of the Government with a view to the curtailment of all known superfluities and extravagancies. To that end they have presented the House of Representatives and the country the result of the session's labors.

No one pretends that the work is perfect. No one pretends that the committee itself could not improve its own work. It would be strange indeed if experience, that most unerring of all teachers, could not make important and valuable changes. The committee, too, had to encounter the sullen opposition of officials whose salaries it proposed to reduce and whose official irregularities were subjected to its exorcism. With these and many other disadvantages to contend with it has the gratification to submit its labors to the candid and unbiased judgment of the people. The results of these labors have become the more necessary since the receipts of the Treasury have fallen off so that the taxes will have to be increased or the expenditures reduced to suit the receipts. Even the sinking fund is being paid out of greenbacks which come into the Treasury under the operations of the resumption act instead of under the law providing for its payment.

The following table shows the estimates of the Departments for 1877 and the actual appropriations of 1876, and the appropriations of 1877 as proposed by the House of Representatives:

Estimates and appropriations for the Departments for 1876 and 1877.

Bill.	Estimates.	Appropriations for 1876–'77.	For 1877.
Military Academy	$437,470	$364,740	$231,241
Pension	29,535,000	30,000,000	29,535,000
Diplomatic	1,530,485	1,351,285	922,847
Fortification	3,406,000	850,000	315,000
Legislative, &c	20,836,307	18,734,225	13,009,807
River and harbor	14,301,100	6,643,517	5,872,850
Deficiency	2,722,471	4,703,699	671,486
Post-Office	37,939,805	37,524,361	33,739,100
Navy	20,871,666	17,011,306	12,432,855
Indian	5,787,995	5,360,354	3,979,602
Army	33,348,708	28,331,070	23,155,077
Sundry civil	32,560,475	26,644,350	14,626,981
Total	203,098,985	177,912,319	138,490,358

Reduction from current appropriations	$39,421,961
Reduction from estimates	64,608,627

It is proper to remark that Secretary Taft, during the few weeks he held the portfolio of the War Department after the sudden and crushing fall of Belknap, reduced the late Secretary's estimates for the Army for the next fiscal year in the round sum of $5,000,000. That act alone carries its own comment. Did a democratic committee suggest the idea?

But here stands the bold, defiant proposition that neither logic nor arithmetic can alter. *That a democratic House have reduced the ordinary expenses of the Government over $64,000,000 below the estimates of the Administration for 1877, and $39,421,961 below the appropriations of last year by the republican House of Representatives for the very same service.*

For one I must be allowed to say that I do not believe that the reductions proposed (and that they are large in the aggregate sum all readily see) will seriously interfere with the operations of Government in any particular. Of course the people may prepare themselves to hear a wail of distress go up from pampered Government office holders all over the land, particularly from the courtly circles of the national Capital and from some of the large cities. We shall hear the cry of ruin and even *treason* to the country because salaries have been cut down and useless offices abolished which had only been created to make places in which to store away certain partisan favorites that they might be supported at the expense of the public Treasury. But,

> False honor charms and lying slander scares
> Whom, but the false and faulty?

Our motives have already been impugned, our patriotism impeached, because we have dared to recommend reductions in the salaries of a very few of the higher grades of officers in the Army. Such for instance as reducing the General of the Army from $18,000 to $12,000 per annum, and a few other officers in corresponding proportion. Even complaint was made because the President's salary was reduced from $50,000 per annum back to the old amount of $25,000, and which the President took occasion to veto.

The Committee on Appropriations nor the democratic House which has so patriotically sustained them in their efforts at retrenchment cannot be justly complained of, since they promptly reduced the salaries of Senators and Representatives in Congress while they have left the Cabinet officers and the Vice-President at the same which the act of March 3, 1873, placed them.

I have said that the country would be saluted with a cry of distress from office-holders after the reductions are accomplished. Doubtless cunningly-devised efforts will be made to convince the people that a democratic House has madly and inconsiderately reduced appropriations so that the public service will be seriously crippled. Sir, when these partisan lamentations shall be heard, let the question be asked what necessary office has been abolished? Again, let the additional inquiry follow: Who of all this army of 94,000 patriots in office is willing to resign his place even upon a reduced salary? Who of the household of faith, who ministers either in large or small things, is willing to take the robe of office from his own shoulders and place it upon his successor? For where one man resigns for want of full pay fifty others will stand ready to be sacrificed upon the alter of public service by filling the vacancy.

The effect of large salaries tends to beget social habits of extravagance which nearly always end in making its votaries bow before the glittering throne of the goddess of fashion, where too often they fall victims beneath her blandishments, to hopeless demoralization and crime. History is full of such instances in the old as well as in our own country.

The truth has become apparent that hundreds and thousands of new offices have been created by the legislation of the last eleven years which are wholly useless and unnecessary; in fact, they are hinderances to the efficient administration of the public service. They are found in every Department and subdepartment and Bureau of the Government. I freely admit that the machinery of government becomes more complex as it expands in territory or increases in population. As a nation grows older a greater number of officers and agents are required to attend to its diversified interests and necessities.

But I am thoroughly impressed, without intending to point unfairly upon our republican friends and impeach their patriotism or

criticise harshly their want of economy, that a great many unnecessary places have been provided one way or another for the benefit of mere political parasites who to-day hang upon the public Treasury like barnacles upon the vessel's side when long at sea. In the two respects referred to, then, that of the absolute reduction of salaries and the still further reduction of expenditures by the total abolition of very many unnecessary offices, thereby saving to the Treasury the entire salary of such, a real and substantial retrenchment has been effected. It has been done in obedience to the fiat of the people spoken through the ballot-box at the last election of Representatives. Here we have a reduction of 20 per cent. in the ordinary expenditures of the Government. Is not that of itself tangible relief? Lift from the shoulders of the people an annual burden of $35,000,000 taxation, and it would be but a brief time before every branch of business would revive and the generous waves of a universal prosperity spread themselves over the broad surface of the whole country. Why, sir, the amount saved is greater than the sum of the net ordinary expenditures of the whole of George Washington's, John Adams's, and the first four years of Thomas Jefferson's administrations combined.

Strange that the reductions in public expenditures, which seem so opportune and fit at this particular juncture when our revenues are running low and both Government and people are so hard pressed, should be so obstinately resisted by a republican Senate in the appropriation bills that are agreed upon, forcing the House to large concessions or else defeat them and thus block the machinery of government.

The people who pay the taxes, however, have not been indifferent spectators of this severe struggle, now protracting the session beyond mid-summer into the sickly heat of the malarial days. Nor have they withheld their remonstrances, loud and deep, against the action of the Senate in its refusal to co-operate with the House in its efforts in behalf of economy, but have also from every quarter of the country, from county, State convention, and the democratic national convention at Saint Louis, commended the course of the House of Representatives and bid them with words of cheer stand firmly to their money bills, by which the appropriations of this current fiscal year would have been reduced over $39,000,000 below the appropriations of the last year for identically the same service. Notwithstanding the opposition of the Senate, the reductions will not fall below $30,000,000. This is the earnest which the democratic House gives the country of its ability and determination to bring about the much-needed reforms and retrenchments, the pledge of which before the people in 1874 brought it into power.

Before, however, the House could proceed to the work of retrenchment upon the appropriation bills it became necessary to change Rule 120, which forbade new legislation upon those bills except to increase salaries and other expenditures. The first struggle was to change that rule by simply reversing it and allowing new legislation which reduced expenditures and salaries, which we accomplished over the opposition of the republicans of the House, they contending for a rule which allows new legislation on appropriation bills in the interest of increasing expenditures, while the democrats resolved to reverse the rule, and did so. This dead lock between the two Houses of Congress brings up sharply before the people the relative powers of the Senate and the House.

Article 1, section 7, of the Constitution says:

> All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments as on other bills.

Here the express power to originate revenue bills, that is, to collect taxes from the people, shall be exclusively given to the House of Representatives. This idea was borrowed from the English constitution, where the power to tax was sedulously and jealously confined to the Commons, because they alone were elected by the people or supposed to be in sympathy with them. De Lolme, who is universally accepted as a standard authority upon the English constitution, in commenting upon the checks and balances of the two branches of Parliament, says:

> All bills for granting money must have their beginning in the House of Commons. The Lords cannot take this subject into consideration but in consequence of a bill presented to them by the latter; and the Commons have at all times been so anxiously tenacious of this privilege that they have never suffered the Lords even to make any change in the money bills which they have sent to them, and the Lords are expected simply and solely either to accept or reject them.

In England the Commons since 1678 have been so "tenacious of this privilege" that they have not allowed the House of Lords even to amend their money bills.

Our Constitution authorizes the Senate "to propose or concur with amendments as on other bills;" but when the House refuses to concur with the Senate amendments, then it seems to me that the Senate should accept the appropriation bills as they come from the House in deference to the plain intent of the Constitution. The Commons in England and the Representatives in the United States were invested by their governments with this power because they were more immediately chosen by the people and presumed better to know their wishes, wants, and ability to bear the burdens of taxation, because those "who feel can best judge," as Benjamin Franklin expressed it, who was the author of the clause of the Constitution in the convention of 1789 which I have just quoted.

This unwarrantable stretch after power upon the part of the Senate, in which it plainly trenches upon the prerogative of the House to control the origination of bills for the collection of revenue, and, by deduction, necessarily its disbursement, has been rebuked by some of the most distinguished of American statesmen of both of the old political parties; as, for instance, Mr. Dallas and Mr. Tazewell, and Mr. Webster and Mr. Frelinghuysen, and others.

For the first half century of the Government this prerogative was never practically denied by the Senate. The House had complete control over the public purse; otherwise the biennial elections of Representatives by the people would have afforded no protection against extravagance and profligate waste of the public money.

Much stress is laid upon the argument that both bodies are equal in rights and power. In the main that is true; and yet either body might be invested with a special prerogative peculiarly its own. For instance, the Senate in executive session has the right and power, distinct from any concurrent action of the House, to confirm nominations for office when made by the President, and also to ratify treaties. These are important powers, in which the House does not share. Is it, then, at all strange that the wise men who framed our Constitution should have counterbalanced these high prerogatives of the Senate by giving to the House exclusive control over the appropriation bills in the last resort of disagreement between the two Houses?

This systematic action on the part of the republican Senate, aided by a majority of the republican Representatives to defeat the great measures of economy, has attracted universal attention. The RECORD will show that almost the only opposition which the appropriation bills encountered in the House came from the republican members, and some of them members of the Committee on Appropriations. The inquiry arises, Why this hostility on the part of the republican party to these reductions of the national expenditures? Is it because there is a presidential election close at hand, and is more money needed to run the Government on that account?

I believe that it is not denied that an examination of the appropriation bills covering the years 1868–'69 and 1872–'73, the years in which presidential elections occurred, that the *contingent* appropriations were much larger than other years. That may account for the excessive appropriations for the folding-rooms which the gentleman from Illinois [Mr. HARTZELL] brought out a few days ago. The appropriations being for 1867–'68 $42,000, and for 1868–'69, presidential year, $122,000, in 1870–'71 falling off to only $37,000; while in 1872–'73, the next presidential year, the appropriations ran up to the enormous amount of $100,000. The same is true in regard to the Department of Justice, during presidential years the amounts expended being largely increased. It was especially so in New York, where Davenport, a United States marshal, admitted that he used thousands of the Government's money, under the direction of the President, to carry the election for the republican party. Also the same high-handed and lawless use of Government funds was made in North Carolina and Arkansas and other Southern States by United States marshals and other officials.

Having produced the table which shows what a democratic House thinks is sufficient to administer the Government, and which also shows what has been required and expended by a republican Administration, it would not be deemed out of place in this connection to compare the expenditures of the Government for different series of years.

Let us, for instance, take the four years of Mr. Buchanan's administration, which I have often heard denounced by republican members as extravagant.

The following table exhibits the net ordinary expenditures of Buchanan's administration and the last six years under General Grant:

UNDER MR. BUCHANAN.	
1857–'58	$72,291,119 70
1858–'59	66,327,405 72
1859–'60	60,010,062 58
1860–'61	62,537,221 62
Total	261,165,808 62

UNDER PRESIDENT GRANT.	
1869–'70	$164,658,273 84
1870–'71	158,141,301 08
1871–'72	153,037,346 15
1872–'73	180,229,971 32
1873–'74	194,217,210 27
1874–'75	171,529,848 27
Total	1,021,813,950 93

The net ordinary expenditures, exclusive of interest on the public debt and sinking fund, *per capita*, during Mr. Buchanan's administration was $2.81, and during General Grant's it was $4.41.

Take another view of expenditures. The net ordinary receipts (entire) from the 4th of March, 1789, to the 30th of June, 1875, amount to $6,333,055,338.56. Of this sum was collected from 1789 to 1861, only $1,841,935,353.62, and from the 30th of June, 1861, to the 30th of June, 1875, was collected $4,491,119,984.94; and the following table also shows the receipts and disbursements, including the payment of interest and sinking fund, during the six years of General Grant's administration, to wit:

NET ORDINARY RECEIPTS.	
1869–'70	$395,959,833 87
1870–'71	374,431,104 24
1871–'72	364,694 229 91
1872–'73	332,177,673 78
1873–'74	299,941,090 84
1874–'75	284,020,771 41
Total	2,041,224,704 75

His net ordinary expenditures during the same period as itemized in a foregoing table amounted to $1,021,813,950.93.

What a prodigal waste of the people's money! Who wonders that the cry of "hard times" salutes the ear throughout the limits of the Union, but more particularly in the West and South—sections where products bear the burden of taxation.

Add to this the amount of money which has been collected from the people on whisky and tobacco by excisemen and revenue collectors, but which was spirited away in dark and crooked ways, never reaching the vaults of the Treasury, and we begin to form some conception of the enormities and frauds that are perpetrated on the people under republican rule in the name of law and government. The amount thus lost is estimated at $1,000,000,000.

Now take the Indian Bureau. First, consider its transfer in the light of economy. The impious frauds that have been perpetrated in that Bureau are disgusting to Christian civilization. By the simple transfer of the Indian Bureau from the Interior to the War Department it is estimated that a million dollars annually will be saved to the Government, while the Indians will be better fed, better clothed, better cared for, and better governed, and in every way improved. During the administration of Mr. Buchanan the average annual expenditures for the Indians amounted to $3,581,350.85. But during the administration of Mr. Grant they have cost an average annual expenditure of $6,820,914.70, although there are fewer Indians now than there were in 1860. This Indian transfer bill passed by a democratic House still stands unacted upon by a republican Senate, although as a measure of wise and practicable economy there is scarcely room for doubt.

Now, contrast the expenditures in the Navy Department under Mr. Buchanan's administration with that under Mr. Grant. Under Mr. Buchanan there was expended in four years the sum of $52,645,998.89, or an average annual expenditure of $13,161,499.72. Under Mr. Grant there has been expended during the past six years the enormous sum of $138,412,537.55, or an average annual expenditure of $23,068,756.25. What have the people in the way of a navy in return for all this money?

For the maintenance of the Army under Mr. Buchanan's administration there was expended in all $88,307,575.55, or an annual average expenditure of $22,076,893.88, while under Mr. Grant the Army has cost during the past six years the sum of $258,585,525.93, or an average annual expenditure of $43,097,589.32. This year a democratic House reduces the amount to $26,000,000.

The republican party has had undisputed control of the Government, executive, legislative, and judicial, for the last sixteen years. Passing over the period of the war and admitting that it was followed necessarily by extraordinary expenditures of public money, the question still recurs, Have not the receipts, if properly applied, been more than ample to meet those expenditures and to have gone very far besides toward the final extinction of the public debt? This is the inquiry which the people pressed home upon the republican party two years ago, and which they are pressing to-day with more earnestness than ever. If the people feel that there is absolutely a necessity for reform in the civil service and the inauguration of a more economical policy, it can no longer remain a doubtful question as to what party can best promote and bring about these important results.

These abuses and extravagances have grown up under republican administration, doubtless against the protest and active opposition of many well-meaning members of the republican party. But the great and overwhelming majorities in both Houses of Congress seemed to have been guided by the doctrine that the good things of the Government should be lavished upon the zealous and faithful of their partisans, and there being more applicants than offices or agencies or contracts, other and additional places and emoluments have been created as a reward for these zealous applicants, until the country is swarming with office-holders and staggering beneath the frightful burden of debt, which demoralizes the people, undermines their confidence in their rulers, and utterly crushes the spirit and life of all healthy business enterprise. I repeat, that such has been the rush for office and contracts from the Government since the war, anything in fact to keep from honest labor, that leading republicans have admitted upon the floor of the House (Messrs. GARFIELD and HALE) that the democratic party could better wrestle with these abuses and extravagances than the Administration party could. Their party have tolerated these evils so long that these concessions are now expected and demanded by their adherents, and hence it requires a greater amount of moral power to resist the solicitations and demands of greedy applicants. No wonder that GARFIELD and HALE despair of the power and efficiency of the republican party to effect true reform and economy when it is notorious that the public sentiment of the party, with few exceptions, regards the patronage of the Government as legitimately belonging to the republicans alone, while the corrupt elements of the party regard the Government and its Treasury as legitimate booty to be plundered; in a word, that loyalty to the Government embraces the right to rob the Government. That such a sentiment is entertained and practiced upon we have too many distinguished instances, I regret to admit for the honor of the American name. These instances run up into the hundreds, if not thousands, of those who wear or have worn the insignia of office, the sworn protectors of the revenues and honor of the Government, extending all the way up from the deputy revenue-collector or deputy marshal or postmaster to the Cabinet minister or the foreign diplomat.

But at last is it to be wondered at that such demoralization should exist in the minds of these corrupt officials, whose lust for sordid pelf has induced them to pilfer the revenues of the Government or barter for gold the offices of the Republic, and thereby bring reproach and disgrace upon the honor of the nation, when we behold their leading offenders arraigned as in one case for bribery under articles of impeachment before the most august judicial tribunal of the continent, if not of the whole earth, where the chief counsel makes an appeal in behalf of his client to the political and sectional prejudices of a majority of the court in the matter of *jurisdiction*—a purely legal and constitutional question—in which he eloquently points to the military services of the distinguished accused during the late war in defense of the American flag and *pleads* his military services in extenuation?

And again, when our embassador and minister plenipotentiary to the most renowned court of the world—the court of St. James—so far descends from his lofty ministerial dignity and just appreciation of the honor and sovereignty he was accredited to uphold as to engage in private speculation in the uncertain stocks of bogus mining companies in which western adventurers so delight to gamble that a committee composed of democrats and republicans, to speak as mildly as possible, resolve that he is guilty of conduct "ill-advised, unfortunate, and incompatible with the duties of his official position," thus in effect driving him from public life to retirement, where the shadow of his folly will continue to color and deepen upon his future pathway as public sentiment shall become brighter and purer—I say in the face of these facts it becomes food for public reflection that an honorable member of this House, a member, too, of the Committee upon Foreign Affairs who agreed that the course of this minister was "incompatible with the duties of his official position," should nevertheless rise in his place and endeavor to arrest the descent and break the fall of this renowned personage upon the ground of his having been a general in the Union Army. Is patriotism thus to be smirched by official degeneracy? Who of all the poor private soldiers of the Federal Army who may have been accused and tried for crime in the courts of the country have been excused and their crimes palliated and apologized for as have the distinguished ex-Secretary of War and ex-minister to England?

Shall patriotism be made a shield for public crime among the great of the land? Who of the bright names that adorn their country's annals, the Hancocks and McClellans and others, are willing that patriotism and valor in war shall be prostituted to the protection and defense of public criminals because they have been magnates in the party? I would fain believe that honorable gentlemen, Representatives upon this floor, do not intend to be understood by the country as indorsing official corruption in high places, but in the intensity of their partisan zeal they have overstepped the barriers of justice and offer excuses for malfeasants by appealing to the sectional prejudices and angry passions which deluged the land during the late war, which good men North and South should now know of only as they read the cold and impartial page of history. The great and overwhelming necessity of this hour in our country's history is the purification of the public service; and the public man, however honest and upright he may be himself, who even seems to defend the follies and crimes of his party leaders, himself strikes a blow at public liberty all the more deadly and fatal because of the subtle and dangerous sentiment which, dressed in the pleasing garb of patriotism, infuses itself into the body-politic as a noxious pestilence fills the air and thus spreads the seeds of disease and death around.

As a government we have lived only one hundred years, and the time therefore seems peculiarly appropriate to survey the anchorage of the present and take its soundings and bearings ere we cast anchor and unfurl our flag for another century's cruise. We have learned much that is valuable and true, and likewise we have fallen into some errors; chief among them is the bane of party spirit, which sees no good in a political opponent and acknowledges no fault in a partisan friend. Let us root out this evil, and acknowledge and bow with heartfelt reverence before the saintly genius of virtue, no matter whether robed in purple or clothed in rags, whether decked in the smiles and blandishments of the splendid court circle or hidden within the obscurities which circumscribe the habitations of the lowly and poor, whether we find it in a republican or a democrat.

The masses of the people are not yet prepared to consent to the divorce of public virtue and patriotism, and they will suspect the genuineness of that pseudo patriotism which attempts to screen from just public indignation the derelict in virtue. It is impossible to separate the true and genuine patriotism which prompts one to the discharge of honorable representative trusts from the closest alliance with the behests of the most exalted and stainless public virtue.

The most careless observer of the times does not fail to mark as a prominent and absorbing evil, now deeply inlaid in the body-politic, the inordinate thirst for large wealth. Here is a vast mine for reflection at the portals of which I can only stand a moment and look in. I avoid entering its mazy labyrinths and dark and hidden recesses. I refuse to comment upon and account for the sudden and immense fortunes which class legislation, protective tariffs, banking monopolies, and railroad speculations have invested many penniless adventurers with during the last decade and given them power and influence which they have persistently and selfishly employed for their own good and the people's injury. I have no war to make upon wealth honorably obtained. I scorn a communist or an agrarian, who, too slothful to work, would rob under the pretense of equality

and equity his more industrious and well-to-do neighbor. I do most reverently bow to the sacred wisdom contained in the simple saying of the Creator, "In the sweat of thy face shalt thou eat bread."

But what I wish to say is this: After a good long experience and a rather extensive observation I am driven irresistibly by the uniform current of events, without exception, to believe that the public man in this country who entering the public service poor and in a few or many years finds himself rich has not been faithful to his public trusts, and has soiled the purity of his official character in some way or other. All are not equally criminal in degree. Some have developed into bold and brazen thieves; others have sold offices and agencies; some have voted themselves lands; some have protected by their votes corporations in which they were owners of stock; some one way and some another; but, no matter how, he who has allowed himself to profit by his vote to that extent has smirched his official purity. Such a man is unworthy of public confidence, and instead of standing up in defense of public justice and manfully struggling for the interests of the people, he is the interested advocate of the moneyed rings and of all measures which seek to despoil the many and concentrate the wealth of the land in the hands of the few. It is the same old story by which ancient and modern empires have been built up on the ruins of free government throughout the history of time.

Is it not time, sir, to hurl these faithless rulers from the Tarpeian Rock of public indignation and to return to the memories, habits, manners, and teachings of our fathers? Does not history point us to the sin of covetousness as the one grand cause of the fall of free government throughout the centuries of the world's annals? Is not the career of all tyrants signalized by the possession of unbounded wealth? In the degenerate days of the Roman Empire did not ambitious leaders scatter their golden ducats among the people as largesses to corrupt their patriotism, debauch their heroic virtue, and finally lead them willing captives to the footstool of absolute power? No age of the world better understood the influence of the passion of covetousness upon the mind of man than at this very period when Virgil wrote: O! sacred thirst for gold! What will it not compel mortal breasts to do?

Sir, we need to turn back the dial one hundred years and cultivate the simple but heroic virtues of our fathers. Money is not a demi-god that we should worship; for "the love of money is the root of all evil." Never was there a period in our remarkable history as a people when we could so profitably enter upon the duty of self-examination. While we have astonished the world with the magnificence and splendor of the material elements which have crowned our growth and attainments, and while our citizen soldiery on both sides in the late war have written the American name first upon the roll of military nations, and our poets, orators, historians, and scientists have plucked by consent from a jealous public, for their own coronation, the diadem which alone garlands the brow of genius, while in point of fact the evidences of national greatness and individual enterprise now on exhibition at Philadelphia it must be confessed eclipse the other nations of the earth, one mournful truth presses home upon every thoughtful and patriotic American—who would not have the facts of the last eleven years stricken from the record. Pass in review before you the events and facts which have thickly crowded the last eleven years of malfeasance and embezzlement, corruption, gift taking, and bribery, and the ten thousand nameless ways of indirection which the artful demagogue and dishonest official has employed to defraud the public and derive for himself illegitimate gain, and I repeat who would not drop the curtain and hide from the world's scorching gaze the dark record of the last eleven years? Would it were otherwise.

The remedy is with the people. No truer saying was ever uttered by the apostle of freedom than that public liberty rests upon the enduring pillars of public virtue and public intelligence. Better far that the succeeding generation now so soon to take our places should be well grounded in the simple virtues of our fathers, and their minds directed by simple education to a few great central thoughts of liberty, clinging closely to the Constitution as written, than to grow up in the belief that the honors of office consist in its emoluments and that the people are made for the benefit of the Government, and the Government itself made as the plaything and personal convenience of its rulers. One grand lesson presses itself upon the public attention in these dark days of official demoralization and the poverty and financial distress of the Government and the people. It was Jefferson who said "that the whole art of government consists in being honest." This sentiment should be imprinted indelibly upon the public mind as one of the necessary reforms of the hour. Public agents should be selected for their fitness for the particular position to be filled, arising out of their capacity and fidelity. The people should regard the offices they have to bestow as sacred trusts and not as "private perquisites" to be given as a reward for supposed claims. In this way alone can the civil service be purified and the public good promoted. In this way only can we bring about real retrenchment and reform.

EDUCATION—FREE SCHOOLS.

Mr. CUTLER. Mr. Speaker, the Committee on Education are unanimous in the recognition of the principle that it is right and proper that the proceeds of the sales of the public lands should be sacredly set apart and used for educational purposes, but differ simply as to the mode and manner of the distribution; and in advocating the substitute offered by the minority of the committee, I believe that the adoption of it "will result in the greatest good to the greatest number;" the trust of the United States will be sacredly observed and religiously enforced; an educational fund be created, which will increase year by year, until its income yearly distributed among States and Territories according to population will each year lessen taxation for school purposes in those States and Territories, until we shall arrive at that point to which every American looks forward with pride and hope, that our public schools shall be free, and to which every child may go as to a fountain, and partake "without money and without price;" the principles of exact justice and equity will be meted out to every inhabitant in accordance with the ownership of the public domain, and States and Territories thus aided will be incited to increased effort in developing a more perfect system of free-school education, that will eventually add to the prosperity of the State, and to the future power, strength, and perpetuity of the General Government.

In the commencement of this centennial year, looking back upon the past, we stand in awe and amazement at what has been accomplished in a century, and the most vivid imagination fails to realize its further power and prosperity. Destined by Providence for good or evil, its prosperity and future power for good or ill is in our own hands; and it is well, realizing that fact, while standing on the threshold of the present, to turn back our vision and gather some useful lessons from the past to guide our footsteps in the future.

The people in the adoption of the Constitution of the United States invested the Congress, among other powers, with the following:

> The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States.

The most strict constructionist would fail in presenting any valid constitutional argument against any disposition of the territory, if such disposition was made for the equal advantage and benefit of the whole people, without reference to class or condition, although valid objections might, would, and should be urged if such disposition was for the special benefit of railroads, corporations, sections, or classes.

The constitutionality of the disposition of the proceeds of the sales of the public lands for educational purposes has never been seriously questioned; and, neither could it be successfully, for these lands are the common property of the whole people, obtained by conquest, cession, and purchase, and paid for by the blood, labor, and money of all the inhabitants. The title of the United States to the public lands is derived from the following sources: First, treaties with foreign powers; second, cessions from individual States to the United States on the recommendation of Congress under the old Confederation; third, treaties with Indian tribes.

In order to secure the union of the States, upon the recommendation of Congress and at the request of those States which had no western territory, and upon the assurance and agreement that Congress would hold all territory "for the common benefit of the United States," New York, Virginia, Massachusetts, Connecticut, South Carolina, and Georgia ceded their territory to the United States.

These several States in different years made these cessions "for the use and benefit of such of the States as have become, or shall become, members of the confederate or federal alliances of the said States," because all the States were compelled to furnish both "men, material, and sinews of war" to retain the territory; and in its defense the whole people made common cause, and the territory thus became common property.

The subsequent purchases of Louisiana, Florida, and Alaska were paid for out of the common Treasury of the people; while California and New Mexico were acquired at a terrible cost, in which the whole people gave of their blood and treasure.

Thus have I hastily traced the history of the public domain, and shown conclusively that the whole people are the owners of the same, and that the Government holds it as trustee in trust for the whole people.

After the cession of the Northwest Territory Congress, in the act of the 20th of May, 1785, for ascertaining the mode of disposing of the western lands, adopted, among other things, this most remarkable provision for education on behalf of free schools:

> There shall be reserved the lot No. 16 of every township for the maintenance of public schools within the said township.

The good results and blessings that have already followed this provision who can estimate, or who foretell its still future good? And afterward Congress passed the ordinance of 1787, the most remarkable of all ordinances, the fitting follower of the decade succeeding the Declaration of Independence, so grand in its inception, so minute in its details, and so remarkable in its results, that I cannot refrain from repeating the following language of Chief Justice Chase:

> This ordinance has been well described as having been a pillar of cloud by day and of fire by night in the settlement and government of the Northwest Territory.

Another eminent jurist, speaking of this ordinance, says:

> The emigrant knew beforehand that this was a land of the highest political as well as national promise, and under the auspices of another Moses he journeyed with confidence toward his new Canaan.

But the story will be incomplete did I neglect to repeat the eulogium pronounced by Daniel Webster. He says:

> We are accustomed to praise the law-givers of antiquity. We help to perpetuate the fame of Solon and Lycurgus, but I doubt whether one single law of any law-giver, ancient or modern, has produced effects of more distinct, marked, and last-

ing character than the ordinance of 1787. We see its consequences at this moment, (1830,) and we shall never cease to see them, perhaps, while the Ohio shall flow.

That ordinance declared that—

Religion, morality, and knowledge being necessary to good government and the happiness of mankind, schools and the means of education shall be forever encouraged.

Following the adoption of this ordinance, and imbued with the same spirit that inspired it, he, "whom God had rendered childless that America might call him father," in September, 1796, in his memorable farewell address to the American people, used the following ever-to-be-remembered sentiment:

Of all the dispositions and habits that lead to political prosperity, religion and morality are indispensable supports. In vain would that man claim the tribute of patriotism who should labor to subvert these great pillars of human happiness; these firmest props of the duties of men and citizens. The mere politician, equally with the pious man, ought to respect and cherish them. * * * And let us with caution indulge the supposition that morality can be retained without religion. Whatever may be conceded to the influence of refined education on minds of peculiar structure, reason and experience both forbid us to expect that national morality can prevail in exclusion of religious principle.

It is substantially true that virtue or morality is a necessary spring of popular government. The rule indeed extends with more or less force to every species of free government. Who that is a sincere friend to it can look with indifference upon attempts to shake the foundation of the fabric?

Promote, then, as an object of primary importance, institutions for the general diffusion of knowledge. In proportion as the structure of government gives force to public opinion it should be enlightened.

Such was the ordinance, such the views, and such the legislation of the early fathers of the Republic; and thus early was religion, morality, and education conceded to be the foundation-stones of free government.

After the adoption of the present Constitution in 1789, the ordinance of 1787 was re-affirmed; and from that time all the States admitted into the Union have received the designated sixteenth section of land for purposes of education.

In 1848, when Oregon was admitted as a Territory, the necessity of a large appropriation of land for educational purposes was conceded, and the thirty-sixth section, as well as the sixteenth section, in each township was set apart for school purposes; and since then all the newly admitted States and Territories have received the two sections in each township.

By the act of 1841 sixteen States received 500,000 acres each, which by some were devoted to school purposes, and by the acts of 1849, 1850, and 1860 fourteen States received 62,422,412 acres of land, which was also by some devoted to the same purpose.

The aggregate of the land thus donated by the different acts amounts to 137,718,871.55 acres.

A magnificent donation; and its influence for good who can calculate had the several States funded the proceeds and utilized its income for the education of the people, making the fund a sacred fund and allowing its income only to be expended. But, like all other donations given without conditions, efforts were made and successfully to enter upon the immediate enjoyment of the gift, and in many instances the lands under the control of rings were sold at a ruinous sacrifice; and the benefit resulting is only apparent in the fact that the *purchasers* of the same, in some instances for the merest trifle, hold them "free from the imposition of all taxes," an immunity that no individual or security should ever enjoy in a free government and should never be tolerated by the people. "Freedom from tax" should never be authorized by the direct or indirect act of the Congress of the United States, or of the Legislature of any State; "freedom from tax" oppresses the many for the benefit of the few and works manifest wrong and injury upon the great mass of the people, and compels labor to pay the tax that protects the property of the wealthy.

The immunity from tax enjoyed by the owners of certain privileged securities has caused much heart-burning among the people, and in many instances people investing their money in these classes of securities and living upon the income thus derived have compelled the laborer, the mechanic, and the farmer in their immediate neighborhood to pay the whole expenses of the government, local as well as State, repair the roads, build the bridges, erect the school-houses, and absolutely educate their children, while they as owners of these privileged securities enjoy perfect immunity from tax and the burdens of government. To prevent the further increase of this evil, which is alienating the affections of the people from the Government because of its unfairness and injustice, at an early day in the session I introduced a bill providing—

That no bond or other evidence of indebtedness of the United States bearing interest and hereafter to be issued should be exempt from tax.

To this result the people are looking, and to that end the Government must come; and the Government will do a serious wrong if it does not at once put a stop to the further issue of this privileged class of securities for privileged classes, and privileged securities should have no foothold or encouragement in a republican government. The obligations of the Government already issued must be paid, and paid in accordance with the contract; and any effort made to change the contract in any particular would never be tolerated; but this law should apply to all securities hereafter to be issued.

The framers of the remarkable ordinance of 1787 were not content with providing for the common schools alone, but recognized the necessity of a higher education, a training school as it were, in which young men could be instructed for the higher spheres and duties of life and from which could be drawn the proper material to teach in the public schools. "And not more than two complete townships of land, to be given perpetually, for the purposes of a university," was set apart in each State; and each State organized since the passage of this ordinance has received the two townships of land. The land thus donated amounted to 1,119,440 acres.

No further grants were made for this purpose until 1862, when the agricultural-college lands were donated. Then Congress appropriated to the several States 30,000 acres of public lands for each Senator and Representative in Congress, the amount arising from the sale of such lands to be invested as a perpetual fund for the maintenance of at least one college, where the principal object should be—

Without excluding other scientific and classical studies, and including military tactics, to teach such branches of learning as are related to mechanics, agriculture, and the mechanic arts in such manner as the Legislatures of the States may respectively prescribe, in order to promote the liberal and practical education of the industrial classes in the several pursuits and professions of life.

By supplementary acts this act now applies to all the States that were in rebellion at the time of the passage of the original acts.

Under this act and the supplementary acts 9,600,000 acres are donated.

Prior to 1862 Congress attached no conditions to its grant of lands; but at that session, realizing the abuses that had existed in reference to the disposition of some of the former grants, determined that its grants should be used for the purposes indicated, and connected those with the conditions above stated.

And to what good uses the lands have been applied the following exhibit, kindly furnished me by the Commissioner of Education, shows what great results have been accomplished by the agricultural colleges:

Statistics of Agricultural Colleges in the United States.

Agricultural Colleges.	Location.	Number of instructors.	Number of students.	Number of graduates.	Value of grounds, buildings, and apparatus.
Agricultural and Mechanical College of Alabama	Auburn, Alabama	7	83	13	$100,000
Arkansas Industrial University	Fayetteville, Arkansas	10	*a* 69	.....	140,000
Agricultural, Mining, and Mechanical Arts College, (University of California)	Oakland, California	39	*b*	.....	*b*
Sheffield Scientific School of Yale College	New Haven, Connecticut	30	197	280	215,000
Agricultural department of Delaware College	Newark, Delaware	7	33	7	75,000
Florida Agricultural College, (not organized)	Florida	.....	.....	.....	.....
Georgia State College of Agriculture and Mechanic Arts, (University of Georgia)	Athens, Georgia	6	86	11	40,000
North Georgia Agricultural College, (University of Georgia)	Dahlonega, Georgia	4	402	.....	80,000
Illinois Industrial University	Urbana, Illinois	28	332	.....	359,411
Purdue University	La Fayette, Indiana	8	46	1	300,000
Iowa State Agricultural College	Ames, Iowa	21	335	61	400,000
Kansas State Agricultural College	Manhattan, Kansas	15	237	20	117,591
Agricultural and Mechanical College, (Kentucky University)	Lexington, Kentucky	18	180	.....	250,000
Agricultural and Mechanical College of Louisiana	New Orleans, Louisiana	5	60	.....	.....
Maine State College of Agriculture and the Mechanic Arts	Orono, Maine	7	115	37	100,000
Maryland Agricultural College	College Station, Maryland	6	64	12	100,000
Massachusetts Agricultural College	Amherst, Massachusetts	11	87	95	250 000
Massachusetts Institute of Technology	Boston, Massachusetts	34	288	104	.....
Michigan State Agricultural College	Lansing, Michigan	13	151	.....	231,407
College of Agriculture and Mechanic Arts, (University of Minnesota)	Minneapolis, Minnesota	14	7	5	*b*
College of Agriculture and Mechanic Arts, (University of Mississippi)	Oxford, Mississippi	*b*	*b*	.....	*b*
Alcorn University	Rodney, Mississippi	7	44	.....	28,905

a. Only 8 are in agricultural course. *b*. Not separate from the university.

Statistics of Agricultural Colleges in the United States—Continued.

Agricultural Colleges.	Location.	Number of instructors.	Number of students.	Number of graduates.	Value of grounds, buildings, and apparatus.
Missouri Agricultural and Mechanical College, (University of Missouri)	Columbia, Missouri	11	92	.....	$100,000
Missouri School of Mines and Metallurgy, (University of Missouri)	Rolla, Missouri	8	107	6	35,000
Agricultural College, (University of Nebraska)	Lincoln, Nebraska	3	18	1	*b*
College of Agriculture, (University of Nevada)	Elko, Nevada	.....	.....	.....	.....
New Hampshire College of Agriculture and Mechanic Arts, (Dartmouth College)	Hanover, New Hampshire	14	29	19	106,000
Scientific school of Rutger's College	New Brunswick, New Jersey	11	46	224	*c* 8,000
College of Agriculture, Mechanic Arts, &c., (Cornell University)	Ithaca, New York	34	187	253	*b*
Agricultural and Mechanical College, (University of North Carolina)	Chapel Hill, North Carolina	.....	.....	.....	.....
Ohio Agricultural and Mechanical College	Columbus, Ohio	11	100	.....	500,000
Corvallis State Agricultural College	Corvallis, Oregon	5	150	.....	5,000
Pennsylvania State College	State College, Pennsylvania	11	149	45	532,000
Agricultural and scientific department of Brown University	Providence, Rhode Island	*b*	*b*	.....	*b*
South Carolina Agricultural College and Mechanics' Institute, (Claflin University)	Orangeburgh, South Carolina	2	35	.....	*b*
Tennessee Agricultural College, (East Tennessee University)	Knoxville, Tennessee	17	129	.....	*b*
Agricultural and Mechanical College of Texas	Bryan, Texas	.....	.....	.....	.....
University of Vermont and State Agricultural College	Burlington, Vermont	7	20	77	*b*
Virginia Agricultural and Mechanical College	Blacksburgh, Virginia	7	222	12	49,947
Hampton Normal and Agricultural Institute	Hampton, Virginia	20	243	.....	183,848
Agricultural department of West Virginia University	Morgantown, West Virginia	*b*	47	.....	*b*
Agricultural department of University of Wisconsin	Madison, Wisconsin	6	15	155	*b*
Total		447	4,405	1,438	4,307,109

a. Only 8 are in agricultural course. *b*. Not separate from the university. *c*. College farm for experimental purposes.

And this brings me to the next step in congressional legislation.

The system of education in each of the States was so different and diverse, and the means of communication were so difficult, the statistics so meager and scattered, and the necessity of a bureau for the collection, presentation, and diffusion of knowledge in reference to the school systems of the United States was so apparent, that in 1866, at a session of the national education convention in the city of Washington, and representing different States, a memorial was presented to Congress asking for the creation of a bureau of education. This memorial was referred to a committee of seven—Messrs. GARFIELD of Ohio, Patterson of New Hampshire, BOUTWELL of Massachusetts, Donnelly of Minnesota, Moulton of Illinois, Goodyear of New York, and RANDALL of Pennsylvania.

The committee reported back a bill in accordance with the memorial, creating a department instead of a bureau of education as proposed, and in February, 1867, it passed the Senate, and on March 1, 1867, it was approved by the President.

Time will not permit me to speak of the great benefits already secured to the educational interests of the country. Avoiding any attempt to interfere with, direct, or control the legislation of any of the States, yet its advice has been sought, its opinions secured, and its suggestions acted upon by the educators of the land. Through it our system of education has become known to foreign governments. The value of its publications, and its ability to represent the statistics, methods of teaching, apparatus, and literature has been attested by the teachers of this as well as foreign countries; and on presenting our public-school system, institutions of learning, libraries, &c., at the exposition of Vienna it secured special recognition and forty-eight premiums, and of the four grand diplomas of honor in the educational group one was bestowed on this Bureau for distinguished services in the cause of education and for important contributions to the exposition; and in South America, at the exposition at Chili, within the last few weeks, another grand diploma of honor was given to this Bureau; and the distinguished French writer, Mr. F. Buisson, says in his report to the French government:

> The United States Bureau of Education commenced a few years ago the organization of educational statistics for the entire Union. Not one country in Europe has ever offered such complete and carefully prepared reports. America shows that all difficulties in preparing statistical works can be overcome by uniformity in the system.

But we need not go to foreign lands for evidences of the great value of this Bureau, or for testimonials of its usefulness. There is not an educator in the land, be he professor in the college or a teacher in the public schools, but is anxious to become the owner of the valuable reports of this department; and the supply has never yet equaled the demand. No public document—unless it be the report of the Commissioner of Agriculture—is as much sought after by the people as these reports of the Commissioner of Education. The value of these reports to the educational interests of the country is incalculable; and that party that attempts to abolish this Bureau, impair its usefulness, or destroy its influence will meet the rebuke of the people and will deserve, as they will secure, their condemnation.

It is a matter of deep regret that the 20,000 copies of the report of the Commissioner of Education for the year 1875, ordered to be printed by the present House for general distribution by the Senate and House, has not received the approval of the Senate but has been rejected by them.

Go to the sunny South and ask them of all classes and conditions, after their terrible internecine war, which left them so sorrowing, so dependent, so helpless, from whence they derived the suggestions and assistance by which they have secured their estimable system of common schools. Go to New England, the pioneer of common schools, and her educators and teachers are and have been the warm advocates of this Bureau and some of the States are remodeling their system upon suggestions received from this Bureau. Go to the Middle States, where they are building up a system of public schools, and they will tell you of the great aid and assistance they have derived from this Bureau. Go to the fertile West, whose system of public schools has been built up by the donations of the Government, and ask them, and their answer will be that they, too, are largely indebted for suggestions to this Bureau. Go to the young and infant Territories, and they have relied upon this Bureau for advice and suggestions in building up and establishing their school system; and what valuable aid and assistance has been rendered and given to the trustees of the munificent charity of George Peabody none but the trustees know. Go to Japan, where the influence of our school system is already felt, the Christian Sabbath but recently recognized, and our school system is being adopted and under the control and management of Americans led by the accomplished and talented Murray, and you will find that even there this state of things is due in a great degree to the influence of this Bureau. And wherever its literature has been circulated, its influence exerted, or its advice sought, all will answer that the Bureau has done and is doing a great work for the education of the people of our own land, and is carrying American ideas, systems, literature, and books into foreign countries, and impressing American views and habits upon the people of the world at large.

And some of these foreign governments now having on exhibition in the centennial exposition valuable educational material, recognizing the efficient work of the Bureau of Education, and in some instances in grateful acknowledgment of the advice and suggestion that they have received from this Bureau in the organization of their school systems, have signified their desire that the same shall remain in the United States under the control of the Bureau of Education as a nucleus of an educational library and museum; and in order to carry into effect so worthy and important an object I had the honor to introduce into this House the following bill and joint resolution authorizing the acceptance of the same and providing a proper place in the city of Washington for the preservation and public inspection of the same, and the establishment of an educational library and museum:

A bill authorizing the Bureau of Education to occupy the armory, and making an appropriation for the repair and refitting of the same.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Government building in the city of Washington, known as the armory, may be used and occupied by the Bureau of Education; and the sum of $20,000 be, and the same is hereby, appropriated, out of any moneys in the Treasury not otherwise appropriated, and to be expended, under the direction of the Secretary of the Interior, for the purpose of repairing, refitting, and suitably furnishing the said armory for the use and occupation of the Bureau of Education, and the establishing of an educational museum and library.

Joint resolution authorizing the Secretary of the Interior to receive the educational material now on exhibition in the centennial exposition.

Whereas certain valuable educational material has been contributed to the centennial exposition by foreign governments and by the several States of the United States, which it is understood that the contributors desire shall remain in the United States as the nucleus of an educational library and museum: Therefore,

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is hereby authorized to receive all such collections as may be offered by the contributors, which collection